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HOUSE OF REPRESENTATIVES—*Tuesday, April 23, 1991*

The House met at 12 noon.

The Chaplain, Reverend James David Ford, DD., offered the following prayer:

Teach us, gracious God, to know the pleasure and the joy of thanksgiving. We admit that our thoughts and minds are necessarily on the things at hand and the demands for action are from every side. Yet, we know too, O God, that we find our fulfillment and satisfaction when our lives are filled with thoughts and words of prayer, praise, and thanksgiving for all the wondrous blessings we have received. May we be mindful of all that has been given us so our lives express the spirit of gratitude that truly makes us human. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia [Mr. RAY] please come forward and lead the House in the Pledge of Allegiance.

Mr. RAY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

NO PEANUT IMPORTATION

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, I rise today to once again urge the President and his advisers to dismiss the recommendations of the International Trade Commission to import additional peanuts into this country.

It is true that the President is not required to take action on the ITC's ill-conceived recommendations.

However, the uncertainty which surrounds this issue has already had very serious effects on the peanut industry. Planting and contracting is at a virtual standstill. Farmers cannot make planting decisions for the coming year. This is a terrible situation.

Furthermore, the very fact that this decision has to be made is an affront to the American peanut producer. There is no shortage of peanuts this year. The U.S. Department of Agriculture agrees with this statement. In fact, they estimate the 1990 crop-year carryover in excess of 250,000 tons.

The Georgia-Florida-Alabama Peanut Association, located in Camilla, GA, handles peanuts for the USDA. They have for sale 19,000 tons of peanuts and no bidders. I understand that my good friend and chairman of the House Agriculture Subcommittee on Peanuts and Tobacco, CHARLIE HATCHER, has challenged any peanut butter manufacturer or candy manufacturer who claims to be having problems getting peanuts to call his office and he will get them in touch with sources of available peanuts. He is well aware, as is everyone in the agricultural business, that there are plenty of peanuts out there. We do not need any more.

Mr. Speaker, the President should "just say no" to peanut imports.

AMERICA 2000: AN EDUCATION STRATEGY

(Mr. EDWARDS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Oklahoma. Mr. Speaker, on March 6 of this year, the President said that we should be making this land all that it should be. America 2000 is a long-term strategy to accomplish what that statement implies. It is an effort to direct us onto the path toward achieving the six national goals established by the Governors and the President a little over a year ago.

The intent of America 2000 is to spur change and to get us to recognize that change does not take place overnight, but rather needs time before its results are achieved. We already have the ideas and the tools to make these necessary changes, we just have to have a structure to get us there. America 2000 is that structure.

This is a national strategy, not a Federal program. In other words it relies on local control, local initiative, and affirms the State role as a senior partner in paying for education. Further, it calls upon the private sector to be actively involved as a real partner in the change. Most importantly though, it recognizes that real change takes place only with community involvement, school by school, when people understand what they must do for themselves and their children to make a difference.

America 2000 has four parts that will be pursued simultaneously. All four must be consistently and determinedly pursued if our goal is to be reached. The four parts are:

For today's students, we must radically improve today's schools, all 110,000 of them—make them better and more accountable for results.

For tomorrow's students, we must invent new schools to meet the demands of a new century with the beginning of a "new generation of schools."

For those of us already out of school and in the work force, we must keep learning if we are to live in a nation ready to face the challenges of an even more competitive world.

For schools to succeed, we must look beyond their classrooms to the communities and families. Schools account for so little of a child's growth years, that if the community and its support services are not attuned to the needs of our youth, we miss a major opportunity to

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in `this typeface` indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

make a difference. Each of our communities must become a place where learning can take place.

The Federal Government's role is limited, but we must be ready to help by setting standards, highlighting successes and examples, and providing flexibility for accountability and improvement. The challenges are great, but America 2000 provides us an outline of what we need to do and where we need to go. Let's all work together so that the goal of a more educated and productive America can be achieved.

EXPANSION OF MEXICAN ECONOMY SHOULD NOT BE UNITED STATES OBJECTIVE

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, the fast track authorization for a Mexico free-trade agreement raises a number of very serious questions which must be answered before we rush into this without safeguards. Are we compromising ourselves, our environment, and our workers by giving away more than we will receive in return?

Mexico has no real environmental regulations;

Over 11 percent of all Mexican children between the ages of 9 and 15 work—the United States outlawed child labor over 50 years ago; and

Far too many Mexican citizens work for extremely low wages in unsafe working conditions.

What is very likely to happen is our imports from Mexico will increase much more than our exports to Mexico.

In addition we will not only be exploiting but worsening the plight of many indigent Mexican workers, including children.

For instance, in my home State of Florida, we grow citrus and tomatoes. They also grow them in Mexico; but Mexican farmers are allowed to use dangerous pesticides and pay their workers pathetic wages.

I will fully support a North American free trade zone if the agreement protects the environment, defends workers' rights, and does not undercut the American worker—I want an agreement that has the overall self-interest of the United States in mind.

Until these questions are answered, a fast track authorization will be an enormous gamble I certainly do not want to take. The American economy and American workers should not have to pay the price for expanding the Mexican economy.

AMERICA 2000 MAKES OUR NATION ALL THAT IT SHOULD BE

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, last Thursday the President of the United States, in conjunction with the Secretary of Education, Secretary Alexander, presented this Nation with an education strategy: America 2000. The strategy is built on four basic principles:

First, for today's students, we will provide better and more accountable schools; for tomorrow's students we will provide a new generation of American schools; for the rest of us, those of us who think we have already graduated from school, yesterday's students, today's work force, it will provide us the challenge of becoming a nation of students; and fourth, for outside the school, that environment in which all of us live, communities, we are learning that truly can and does happen.

This is not, Mr. Speaker, a Federal strategy. It is a national strategy. It is the beginning of showing how we can implement the goals of the Governors, and the President, and the education summit of a couple years ago.

Mr. Speaker, it is now incumbent upon this Congress to provide the leadership, to provide the support and to provide the legislation necessary over the next 9 years to make this happen so we truly do make this land all that it should be.

BARGAINING AWAY JOBS WITH GATT NEGOTIATIONS

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, the way the Sixth District of South Carolina sees it, nothing I can do is more important than protecting jobs.

That is, American jobs.

Not jobs for the Japanese or the EEC. But jobs for the people in my district and State.

Jobs in manufacturing and agriculture.

Jobs that promote growth and sustain communities. The kind of jobs that have made this country strong.

And that is just what we are about to bargain away with the GATT negotiations.

In textiles alone we are prepared to give away 1.4 million textile jobs by the year 2001 and nearly two-thirds of the industry's production.

Domestic mills would be forced to drastically cut their purchases of cotton, wool, and manmade fibers, and developing countries would escape without making any real commitment to open their textile and apparel markets to our products.

This will be devastating for the thousands of textile workers across South Carolina.

I appeal to my colleagues to take a hard look at where we're headed with GATT and fast track legislation.

I for one am not going to sit on the sidelines and see textiles traded away to achieve questionable and unspecified gains.

□ 1210

RAPE AND THE MEDIA

(Ms. MOLINARI asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, this time is usually reserved, as we have all just seen, for Members of Congress to comment on a societal issue—a trend one is seeking to halt or an idea one wishes to advance. We stand at this lecturn mindful of our physicalness in the will of democracy, indulging in this body's history, reflecting on some proud moments, perhaps looking at our less memorable speeches, but we come here always with an action in mind.

I was led here this afternoon after reflecting on a recent decision by some media leaders to reveal the name of an alleged rape victim of national interest. I was led here despite being mindful and frustrated by my lack of power to rewrite this shameful time and stand here frightened of what this means to every potential victim's future.

I have no course of action, no means of rectification, but I could not let this day pass without stating clearly that this issue now becomes larger than the alleged Palm Beach rape victim.

This decision will silence women who may have found the courage to challenge one man, but not an entire society, and while one in five women will be raped, the fortunate four will always feel a little more victimized, a little more vulnerable because of this moment in time.

To those members of the press who believe that by mentioning a name and in one shameful instance in New York a shallow glimpse into her past, that they can erase the stigma of rape, I say, how dare you? To those members of the press who will continue with the policy of not revealing a potential rape victim's name, I say, thank you. To those women who are rape victims and are feeling very alone right now, I say you are not. There is a nation of women and men who want to help you. We just do not know how yet.

STATUS OF AND SUPPORT FOR THE BRADY BILL

(Mr. MAZZOLI asked for permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I am pleased to announce to the House and to those observing today's proceedings that a few minutes ago the House Judiciary Committee favorably reported, by a vote of 23 to 11, the bill that we call the Brady bill, which is the bill that would provide a national uniform 7-day waiting period before the transfer of a handgun could be made permanent.

It is a sensible bill, Mr. Speaker. We have talked about it on the floor. I happen to be an original sponsor of the bill, proudly having voted for it as long ago as 1988, when it came to this Chamber.

Mr. Speaker, I commend you because you have suggested that this bill will reach the floor for a vote in short order. I would ask all my colleagues who have not yet made a firm judgment on their position to give this bill serious attention. Once again, it is a sensible, appropriate, measured response to crime in America's communities—not just the large cities but the small ones as well—and is supported by a broad range of Americans in all walks of life. I would urge my colleagues to take a serious look at the Brady bill because it could help cut down on some of the carnage in our hometowns across America.

URGING CONGRESS TO ACT ON PRESIDENT'S AGENDA

(Mr. PAXON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker and my colleagues, this Thursday will mark an important occasion in this House. Fifty days ago this Thursday, the President stood in this very Chamber and issued a challenge to the Congress, and the challenge was: Approve a crime and a transportation bill before 100 days have passed. Mr. Speaker, this Thursday, 50 days will have gone by, the halfway point, and yet this Congress has not acted on either advancing a crime or a transportation bill to the American people that they want and deserve.

This is more, though, than a Presidential challenge. Quite frankly, this is a challenge to the House itself to prove that this is not, as many of my constituents believe, a do-nothing Conress. It is time for Congress to stand up to the plate and swing at the important issues, whether it is crime or transportation, energy, affordable home ownership, or the many, many other issues and agendas the President has sent to this Congress, most recently an educational initiative which has drawn praise from around the country.

Mr. Speaker, the clock is ticking and America is watching. Is this Congress going to move ahead, or is Congress simply going to criticize? It is in the hands of the Members of this Chamber.

FREE TRADE NEGOTIATORS SHOULD PROTECT AMERICAN INTERESTS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, we have some experience with this title called free trade. We negotiated a free-trade agreement with Canada, the result of which, at least from my standpoint, is Canada now sends 10 million bushels of Durum wheat into this country. Before the free-trade agreement, they sent no Durum wheat; now, 10 million bushels.

Last year a woman in North Dakota was trying to go across the border into Canada with two grocery sacks full of wheat in the back seat. She is married to a Canadian, and she was going to bake whole wheat bread up in Canada. Canadian customs officials stopped her at the border and said, "We are sorry, you can't bring any wheat into Canada because you don't have an export certificate from the Canadian Wheat Board." They sent 10 million bushels into our market; you cannot get two grocery bags full into Canada. That is the free-trade agreement with Canada.

Why is it whenever our negotiators start negotiating free-trade agreements, American producers get the short end of the stick? Now we are talking about Mexico and GATT. Look, I am for expanded trade all around the world. I am for opening markets. That makes sense to me. But I am also someone who insists that when our negotiators put on an American uniform, they negotiate for American economic interests. So the question in the next month will not be, in my judgment, fast track, the question is right track. When will our negotiators decide there is something worth negotiating for in this country's long-term strategic economic interests? When they do, I will fully support them.

BUILDING NEW SCHOOLS FOR TODAY'S STUDENTS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, last week, the President of the United States proposed a bold plan for remaking our Nation's schools. In making his announcement, he was joined by a bipartisan group of Governors and prominent business leaders. This plan, America 2000—an education strategy, is not a timid attempt to nibble at the edges of our education system. Rather, it sets out a number of proposals which could leverage important improvements in schools from Maine to California.

One set of proposals focus on improving schools for those children currently in attendance. The focus here is on accountability. The President has proposed for the first time, we establish national education standards which will represent what young Americans need to know. Using these standards as their base, the strategy calls for a national examination system available to every student in the country. For the first time, students, parents, schools, and States will know exactly how they are doing compared to the national standards.

Not only does America 2000 envision accountability for our schools but it would also establish rewards for high achievement for individuals and schools. This is important, because we can not let this move toward greater accountability become a negative thing.

There are many other ideas that could be added to this list that would improve our chances of reaching the education goals. The Education and Labor Committee will have a chance to refine this bill and, in a bipartisan effort, produce something that will take our schools into the next century.

PROPOSED UNITED STATES-MEXICO FREE-TRADE AGREEMENT

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I would like to focus attention on one of the most heated topics of conversation in northwest Indiana: free trade with Mexico.

Tens of thousands of steelworkers in my district lost their jobs during the 1970's and 1980's. Most have been unable to find comparable jobs.

President Bush has requested a 2-year extension of the so-called fast-track authority to negotiate a United States-Mexico Free-Trade Agreement. I am opposed to fast-track authority for several reasons:

First, this authority allows Congress only an up-or-down vote on the proposal, without any opportunity to amend the legislation.

Because of Mexico's low wage rates, poor protection of workers' rights, and abysmal environmental standards, I am very concerned about the potential for further job loss in northwest Indiana and across this country. I also do not believe that President Bush has given adequate consideration to the full consequences any such treaty will have on Americans who still have good paying jobs.

We need to enhance American jobs—not export them. I am opposed to any agreement that entices American companies to relocate overseas in order to take advantage of cheap labor and lax environmental regulation that hurt the people I represent.

RESULTS OF NATIONAL TELEPHONE POLL ON LABOR LAW ISSUES

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the Employment Policy Foundation and the Council on Labor Law Equality just released a national telephone poll on several labor law issues related to the striker replacement legislation, H.R. 5.

I wanted to highlight some of the significant findings; 73 percent of all Americans say that unions have too much or just enough power.

By a better than 2 to 1 margin, 64 percent to 28 percent, Americans do not want Congress to do more to protect labor unions.

The poll shows that most people think that companies should have a right to operate if unions have the right to strike; 63 percent support the use of replacement workers during a strike compared to 25 percent who oppose the use of replacement workers.

The public opposes the firing of replacement workers at the end of a strike by 54 percent to 34 percent.

The law currently does not permit injunctions to stop a strike if public safety is at stake. The poll that 84 percent of the American public thinks that judges should be able to enjoin strikes if public safety is in jeopardy.

It seems to me that the public doesn't support this bill and I don't think Members should either.

□ 1220

FREE TRADE AGREEMENTS MUST BE WITH FREE SOCIETIES

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise today to speak about the administration's request for an extension of fast-track negotiating authority for a United States-Mexico Free Trade Agreement.

This proposed trade agreement with Mexico is like none other we have ever negotiated. It is precedent setting. Mexico's population is substantial—half our own—and it is poor—the average wage is one-tenth of ours. Before rushing into any free trade agreement with Mexico, we should exact certain conditions in the agreement. Mexico's political and economic system make it impossible to apply the traditional rules of free trade, to name just a few.

Mexico's archaic laws and economic institutions prove that it is not ready for a fast transition into a market-oriented economy. Even President Salinas said as recently as last week, "Mexico won't bargain its oil."

The monopoly laws of Mexico date back to a time when the Government was more interested in intervening in the economy and in controlling markets than in ensuring equal opportunity. The 1934 law currently in use encourages price fixing and Government intervention and discourages imports.

On environment, though Mexico passed new environmental legislation in 1988—there's one major shortcoming—it's not enforced. This issue goes far beyond a trade agreement. It goes to the heart of what the North American continent shall stand for in principle in the trading world of the 21st century.

Thus, it is not enough that America's products be allowed to compete freely in Mexico; it is the societies that we trade with that must also be free.

AIR FORCE OWES CHIEF OF STAFF APOLOGY

(Mr. MCEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCEWEN. Mr. Speaker, the cheap shot of the week is a story about the Chief of Staff of the White House using Air Force transportation. In observing that story, I see that one of the charges is for a $30,000 trip to Colorado.

Mr. Speaker, quite frankly, it is impossible to spend $30,000 flying to Colorado and back. I have no idea how the Air Force comes up with these numbers, that are twice as high as if you went out and chartered the plane on your own. Of course, those numbers are twice as high as if you owned the airplane.

These airplanes belong to the U.S. Government and fly all day, every day. My question very simply is this: If the person responsible for the most important office in the land does not have access to Government planes, exactly who are the Government planes for?

I do not understand how in the world you can bill these kinds of numbers to the Congress or to the White House when you know and I know that those planes are flown by those Air Force pilots all day, every day.

Every time I have been to Andrews Air Force Base, I have seen the President's 747 taking off and landing. The President is not on it. Those planes are flown, they are used for practice, they are used for transportation, and those planes are billeted there for the purpose of allowing the heads of our Government to be transferred responsibly and quickly.

I think that this is extremely unfair, and the Air Force owes an apology to the Chief of Staff.

MEMBERS SHOULD PARTICIPATE IN DEALINGS AND PROGRAMS OF HOUSE

(Mr. ROE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE. I thank the Speaker for giving me an opportunity to speak for a moment. I do want to lay down a challenge. I listened to a Member from New York who talked about our good President having suggested that we ought to set as priorities in the Congress for domestic purposes the attack upon drugs, and particularly transportation.

I would have to challenge the gentleman, and wonder where he has been? The Committee on Public Works and Transportation has been working for the last year and a half vigorously on this legislation. We have had dozens of hearings, and dozens and dozens of field hearings. We have had hundreds and hundreds of people testify from throughout the country. But do you know what? This gentleman has not come to the committee, either side, and projected his views on transportation. This distinguished friend and Member has not taken the time to bother to testify.

So I would like to give a report to the House of Representatives. The President did lay down a challenge. He said we should be doing something on drugs and we should be doing something on crime in America. He talked, most importantly, about the transportation legislation, which I call to the attention of Members will be a 5-year bill of approximately $130 billion to $150 billion.

So I would trust and hope that the gentleman from New York would get into the mainstream and find out what is going on in the Congress of the United States, and participate in the dealings and the programs of the House.

ACTIONS HAVE CONSEQUENCES

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, right under the words "In God we trust," we should have three other words: "Actions have consequences."

Actions and votes in Congress can help or harm people, and, yes, political philosophy has consequences.

Last October the liberal Democrats in Congress tied up this Congress weekend after weekend, determined to soak the rich, an insistance on a 10-percent tax, and they rammed it through Congress.

Last Tuesday, Carver Boat in Pulaski, WI, filed bankruptcy. Why? The paper says, "Carver Boat Goes Bankrupt." Why? What Carver officials called "an ill-conceived 10 percent Federal tax," my friends.

What are the consequences? The soak-the-rich demogoguery was an election year fodder, but hundreds and hundreds of people are out of jobs today because of that. People no longer have jobs, the Federal Government has less revenue, because people without jobs and businesses that close their doors don't pay taxes, and business and these jobs are forced overseas.

So, you see, actions do have consequences: jobs lost, businesses closed, and jobs forced overseas. The people on the other side of the aisle who come up here posturing for jobs, let us get these jobs back.

NATIONAL DESERT STORM RESERVISTS DAY

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, today I am introducing legislation which will commemorate the role our Reserves and National Guard played in Operations Desert Shield and Desert Storm. My legislation will designate Wednesday, May 22, 1991 as "National Desert Storm Reservists Day."

As a member of the Army Reserves, I had the honor of serving in the Middle East, recently, and witnessed firsthand the exemplary performance of our Reserve component forces during Operations Desert Shield and Desert Storm.

Mr. Speaker, when President Bush called up the U.S. Reserve component forces to help in our military effort in the Middle East, it was the first such activation of Reserves in over two decades.

The families of the men and women of those called to active duty had to sacrifice and overcome hardships associated with having to serve on short notice. Yet, problems were overcome, and by February 29, the day combat operations in Desert Storm ceased, more than 200,000 reservists had been called to active duty, with more than 100,000 having served in the Kuwait theater of operations. Therefore, it is only fitting that we honor our Reserves and National Guard for serving the United States in an admirable fashion when called to duty.

MEXICO-UNITED STATES TRADE AGREEMENT ENDANGERS AMERICAN WORKER

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, if, as was stated before, we are a do-nothing Congress, then it is because of the gentleman and his party who have continued to do nothing for the endangered American worker.

Furthermore, here they are trying to push this Mexico free trade bit. They are going to send all those cheap jobs up into the United States, the production. We are going to continue to lose more. We are going to lose our tax base. It is because we have no equitable trade policy in this country. We are losing our jobs to all of the countries in the world.

Mr. Speaker, overregulation by our Government is another cause, where other governments do not have to worry about regulation.

□ 1230

The loss of jobs in this country is hurting the quality of life of our American workers, and the loss of income is hurting the communities and their ability to be able to provide the services. We have 38 million people in this country who do not have any health insurance. What are we going to do about them? They cannot afford it and they are cutting back on the pensions.

I think Congress better get on the stick. Just give the endangered American worker an equal opportunity on his own home front. They are the best workers in the world.

THE PRESIDENT'S EDUCATION PACKAGE

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I have had many enjoyable visits to the White House in the many years that I have served in the Congress of the United States and before I came here, but none was as exciting and rewarding I think as last Thursday afternoon when the President unveiled America 2000.

My only fear about the program is that we will allow it to become a partisan battle and therefore accomplish nothing. Education is too important to allow that to happen.

The President has some outstanding directions he would like us to move in. We as the Congress should work with him to bring it about.

The President can become the education President only if we become the education Congress. We can only become the education Congress if the President is the education President.

I am sure this body will not act in a partisan manner. I trust that the other body will not either.

WERE POLITICS PLAYED WITH THE LIVES OF AMERICAN HOSTAGES HELD IN IRAN?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since 1980 there have been rumors, rumors big time that the campaign committee of Ronald Reagan met secretly with the Ayatollah Khomeini and struck a deal to keep the American hostages in bondage in Iran until the election was over to influence the election of Ronald Reagan.

I am not sure that happened. But the facts are clear. President Carter could not bring the hostages home. President Carter was defeated, and bingo, immediately after the Reagan victory, out of the goodness of his heart, the Ayatollah, said, "Free the hostages."

Mr. Speaker, there are many people who are asking: Were politics played with the lives of American hostages held in Iran? I do not know that but I am calling for an investigation, because if it is true, it is the most devious, diabolical act in the history of American politics.

Mr. Speaker, where there is smoke there is fire, and there is enough smoke here to hire Red Adair. I think Congress should find the truth. What happened in the election of 1980?

ANNOUCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise our friends in the gallery that we are pleased to have them here, but they should not join in any actions taken on the floor of the House.

CONGRATULATIONS TO UNIVERSITY OF TENNESSEE'S 1991 NCAA CHAMPION WOMEN'S BASKETBALL TEAM

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, yesterday President Bush was kind enough to have the Tennessee Lady Vols basketball team, the NCAA national champion women's basketball team to the White House to be honored along with Duke. Under the direction of their coach, Pat Head Summit, she is fast becoming the greatest legend to come out of Tennessee since Davy Crockett.

It is with great pride that I rise today in honor of the University of Tennessee's women's basketball team. As the 1991 NCAA champions, and as true scholars, the Lady Vols deserve the acclamation of this body.

These women are the pride of Tennessee and the crown of the Second District. Under the direction of Coach Pat Summit, the women's program has produced no fewer than 13 all Americans, 7 Olympians, and 23 international players. They have made 10 trips to the final four in the past 14 years, and have earned three national championships since 1987.

Mr. Speaker, these are remarkable women, not only because of their commitment to athletic excellence, but also because of their demonstrated dedication to their studies. The current champions are heirs to an academic tradition which boasts a 100-percent graduation rate, a tradition which is without a peer in collegiate athletes.

Also we have the women's athletic director, Joan Cronan, who is one of the finest in the Nation.

I am proud of these women athletes, Mr. Speaker.

CHRISTMAS IN APRIL BUILDS STRONGER COMMUNITIES

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I am here today to recognize an extraordinary project that has, since its inception in 1983, helped more than 24,000 low-income, elderly, and handicapped homeowners by restoring their homes.

The project is called Christmas in April. What makes Christmas in April so extraordinary is that the tools for home restoration are provided through community contributions and the work is done by volunteers. Since 1983, more than 98,000 Christmas in April volunteers have restored 6,250 homes.

One Saturday in April each year, an army of volunteers—students, concerned citizens, laborers, and business executives—equipped with hammers, nails, brushes, and paint come together to beautify their neighborhoods.

Where there is peeling paint, volunteers apply a shiny coat. Where there are broken steps, a new stair is put in. Where there is a leaky roof, a hole is patched. And where there is a broken window, a new one is installed by volunteers. By the end of the day, Christmas in April volunteers have transformed a run-down house into something in which the homeowner can once again take pride.

This year, 46,000 volunteers in 133 cities and towns across America donated time and skills. Those volunteers restored more than 1,800 homes throughout the country.

For me, participating in the Christmas in April program the past 2 years has been a personally rewarding experience, I know, too, that my work—along with the work of other volunteers—has contributed to a more beautiful South Bend, and a more beautiful America.

I strongly urge the Members of this body to start Christmas in April in their communities. The difference a group of people working together can make in just one day is truly extraordinary.

ADOPTING THE PRESIDENT'S EDUCATION PLAN FOR THE FUTURE OF OUR CHILDREN

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, there can be no doubt about it, the single most important thing any nation can do for itself and its future is to educate properly its young people. The President understands this, and he understands that it is in the education of our young people where the parents of this Nation invest their greatest dreams and hopes, and that it is for the benefit of the young children that our schools should exist.

The President has put forth an education program that vests power in the hands of the parents, choice in the hands of the parents, benefits in the lives of the children, and puts education first in America. There is no question where the President stands on this vital issue. The only question that remains is will the Democrat majority in this Congress work on behalf of the children's future and the parents' rights, or will they continue to work on behalf of the education establishment. I hope the best for the children, Mr. Speaker.

WHAT ABOUT MEXICO'S ENVIRONMENTAL RECORD?

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, what about Mexico's environmental record?

First of all, Mexico has taken enormous steps to improve both its environmental laws and enforcement of these laws. Mexico's get-tough attitude is being borne out with concrete action. They passed a highly controversial environmental protection law in 1988 that is tougher than our own EPA standards.

Legislation is not going to solve environmental problems if environmental enforcement is lacking. Here too Mexico has made great strides, beefing up its enforcement budget by 636 percent in the last year alone, adding 100 inspectors to monitor Mexican industry. These enforcement efforts are being felt across the country. Over 5,000 inspection visits were conducted in the last 2 years, resulting in 980 temporary or permanent plant shutdowns.

Mr. Speaker, without a free-trade agreement, Mexico's economy will grow stagnant, government revenues will fall, and environmental enforcement and regulation will deteriorate. A United States-Mexico free-trade agreement is in the best interest of both our countries. It will create jobs, it will create capital, it will bring less immigration into this country.

A good free-trade agreement is good for both countries, environmentally, jobwise and tradewise.

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IN PRAISE OF AMERICA 2000 INITIATIVE

(Mr. KLUG asked and was given permission to address the House for 1 minute.)

Mr. KLUG. Mr. Speaker, I rise today, like several of my colleagues on the House Committee on Education and Labor, to support President Bush in the excellent educational initiative called America 2000, and in particular to praise our new Education Secretary, Lamar Alexander, whose experience with the University of Tennessee has helped the President bring into focus some of his ideas for educational change and choice in the next decade.

One of the ideas I am particularly intrigued with is the President's suggestion of a national testing plan, a plan that will test every American child in the fourth grade and eighth grade and as a senior in high school. It will allow us finally to test and see how our States are doing against other States, how our school systems are doing against other systems and, finally, to see how our school is comparing to other schools across the country.

It is the fundamental idea of accountability. If your school system and your school flourishes, the President has incentives built in to reward the school. It if fails, we now can ask our principals and school administrators and our school superintendents why our children and our particular school is not doing as well as they should. It sets national testing standards for English, science, math, history, and geography, and if we want America's students to compete in the next century with Japan and Germany, they should know the history of those countries and, at the very least, be able to find them on the map.

NEO-NAZIS A MENACE TO ALL

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, an Associated Press item carried without fanfare in some of the nation's daily newspapers on Monday, April 22 is reason for the world to shudder. Neo-Nazis in Germany celebrating the 102d anniversary of Adolph Hitler's birth created disturbances in cities throughout a reunited Germany and in some instances attacked foreigners.

Police reported over 200 arrests.

Any people inside Germany or in any other country who conspire or contrive to remember with favor the birth, life, or acts of Adolph Hitler constitute, per se, a potential menace to free men and women both in Germany and in the world at large.

This is not just a German domestic problem. The world should be concerned and alarmed.

APPOINTMENT AS MEMBERS OF MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 U.S.C. 715a, as amended, the Chair appoints the following Members to the Migratory Bird Conservation Commission on the part of the House:

Mr. DINGELL of Michigan; and

Mr. SCHULZE of Pennsylvania.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER. Pursuant to section 103, Public Law 99-371, the Chair appoints as members of the Board of Trustees of Gallaudet University the following Members on the part of the House:

Mr. BONIOR of Michigan; and

Mr. GUNDERSON of Wisconsin.

APPOINTMENT AS MEMBERS OF THE UNITED STATES DELEGATION TO ATTEND MEETING OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276d, the Chair appoints as members of the U.S. delegation to attend the meeting of the Canada-United States Interparliamentary Group the following Members on the part of the House:

Mr. GEJDENSON of Connecticut, chairman;

Mr. FASCELL of Florida, vice chairman;

Mr. HAMILTON of Indiana;

Mr. DE LA GARZA of Texas;

Mr. GIBBONS of Florida;

Mr. OBERSTAR of Minnesota;

Ms. SLAUGHTER of New York

Mr. BROOMFIELD of Michigan;

Mr. HORTON of New York;

Mr. MILLER of Washington;

Mr. WALSH of New York; and

Mr. HENRY of Michigan.

APPOINTMENT AS MEMBERS OF THE UNITED STATES DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276h, the Chair appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the 1st session of the 102d Congress the following Members on the part of the House:

Mr. DE LA GARZA of Texas, chairman;

Mr. YATRON of Pennsylvania, vice chairman;

Mr. GEPHARDT of Missouri;

Mr. GEJDENSON of Connecticut;

Mr. COLEMAN of Texas;

Mr. STENHOLM of Texas;

Mr. TALLON of South Carolina;

Mr. LAGOMARSINO of California;

Mr. DREIER of California;

Mr. DELAY of Texas;

Mr. GOODLING of Pennsylvania; and

Mr. KOLBE of Arizona.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER laid before the House the following communication from the Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of Rule LI, 102d Congress, I hereby appoint the following employees of the House of Representatives to the review panel of the Office of Fair Employment Practices:

Mr. Alan F. Coffey, Jr. of the Committee on the Judiciary, and

Ms. Alberta Sue Forrest of the Committee on Veterans Affairs.

Sincerely yours,

BOB MICHEL,
Republican Leader.

HEALTH CRISIS CRIES OUT FOR ACTION TODAY

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, my colleagues, America's health crisis cries out for action today and, indeed, there are very specific actions that we could take this session, this year, that will address skyrocketing health care costs and declining access.

We can do something about costs and access by focusing current tax subsidies on plans that encourage smart buying of health care services, by enabling self-employed to afford insurance, by treating them the same as other employers in the Tax Code, by reforming the small insurance market, the market serving small business to provide affordable plans and guaranteed access, by committing ourselves as a body to a comprehensive system of community health facilities, urban and rural, able to serve all comers holistically, re-creating an infrastructure now degraded, serving people on a sliding-scale basis and finally, thereby, preventing cost-shifting.

Mr. Speaker, I urge my colleagues to act now by creating access to care with affordable insurance policies, fair tax policies, and expanded health centers by controlling costs with managed care and malpractice reform and by improving quality for all.

We can preserve the strengths of our health care system but eliminate its weaknesses. We must start today.

WRONG WAY DEFENSE POLICY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, our Japanese allies are at it again.

In confidential negotiations with the Department of Defense, Japan is putting the arm on a weapons sale of the multirocket launch system to coproduce a purchase of only 36 launchers.

The theory—seemingly always at work with the Japanese—is the first sale is the last sale. Not only do they want our defense products, they also want to be able to produce our defense products and have our industry and technicians teach them how to do it.

Pretty cheeky. But then, we have gone along with it for so many years—I guess that our continuing acceptance has become policy.

Take some comfort, though. Reports I have from inside Japan last week predict that the FSX joint venture airplane production over there is so boluxed-up that the wings probably will go on upside-down.

Move over "Wrong Way Corrigan" and make way for "Wrong Way Kamakaze."

DEVELOPMENTS SUBSEQUENT TO REPORT OF CONTINUED BLOCKING OF PANAMANIAN GOVERNMENT ASSETS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-68)

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, April 23, 1991.)

REPORT ON NATIONAL EMERGENCY UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, April 23, 1991.)

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES FOR FISCAL YEAR 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Tuesday, April 23, 1991.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on both motions to suspend the rules.

DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PERSONNEL ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 598) to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Health-Care Personnel Act of 1991".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. RENAMING OF VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION.

(a) RENAMING.—The establishment in the Department of Veterans Affairs known as the Veterans Health Services and Research Administration is hereby redesignated as the Veterans Health Administration.

(b) REFERENCES.—Any reference to the Veterans Health Services and Research Administration (or to the Department of Medicine and Surgery of the Veterans' Administration) in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs shall be deemed to refer to the Veterans Health Administration.

TITLE I—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991".

SEC. 102. REVISION AND REORGANIZATION OF SPECIAL PAY STATUTE.

Part V is amended by inserting after chapter 73 the following new chapter:

"CHAPTER 74—VETERANS HEALTH ADMINISTRATION—PERSONNEL

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"7431. Special pay: authority.
"7432. Special pay: written agreements.
"7433. Special pay: full-time physicians.
"7434. Special pay: part-time physicians.
"7435. Special pay: full-time dentists.
"7436. Special pay: part-time dentists.
"7437. Special pay: general provisions.
"7438. Special pay: coordination with other benefits laws.
"7439. Periodic review of pay of physicians and dentists; quadrennial report.
"7440. Annual report.

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"§7431. Special pay: authority

"(a) In order to recruit and retain highly qualified physicians and dentists in the Veterans Health Administration, the Secretary shall provide special pay under this subchapter. Such special pay shall be provided under regulations that the Secretary shall prescribe to carry out this subchapter. Before prescribing regulations under this subchapter, the Secretary shall receive the recommendations of the Chief Medical Director with respect to those regulations.

"(b) Special pay may be paid to a physician or dentist under this subchapter only upon the execution of, and for the duration of, a written agreement entered into by the physician or dentist in accordance with section 7432 of this title.

"(c) A physician or dentist serving a period of obligated service pursuant to chapter 76 of this title is not eligible for special pay under this subchapter during the first three years of such obligated service, except that, at the discretion of the Secretary and upon the recommendation of the Chief Medical Director, such a physician or dentist may be paid special pay for full-time status during those three years.

"(d)(1) The Secretary may determine categories of positions applicable to either physicians or dentists, or both, in the Veterans Health Administration as to which there is no significant recruitment and retention problem. While any such determination is in effect, the Secretary may not enter into an agreement under this subchapter with a physician or dentist serving in a position covered by the determination. Before making a determination under this paragraph, the Secretary shall receive the recommendations of the Chief Medical Director with respect to the determination.

"(2) Not later than one year after making any such determination with respect to a category of positions, and each year thereafter that such determination remains in effect, the Secretary shall make a redetermination.

"(3) Any determination under this subsection shall be in accordance with regulations prescribed to carry out this subchapter.

"(e) If the Chief Medical Director determines that payment of special pay to a physician or dentist who is employed on a less than half-time basis is the most cost-effective way available for providing needed medical or dental specialist services at a Department facility, the Chief Medical Director may authorize the payment of special pay for factors other than for full-time status to that physician or dentist at a rate computed on the basis of the proportion that the part-time employment of the physician or dentist bears to full-time employment.

"(f) Special pay may not be paid under this section to a physician or dentist who—

"(1) is employed on less than a quarter-time basis or on an intermittent basis;

"(2) occupies an internship or residency training position; or

"(3) is a reemployed annuitant.

"(g)(1) In the case of a physician or dentist who is employed in a position that is covered by a determination by the Secretary under subsection (d)(1) that the Administration does not have a significant recruitment or retention problem with respect to a particular category of positions and who on the day before the effective date of this subchapter was receiving special pay under an agreement entered into under section 4118 of this title (as in effect before such date), the Secretary may pay to that physician or dentist, in addition to basic pay, retention pay under this subsection.

"(2) The annual rate of such retention pay for any individual may not exceed the rate which, when added to the rate of basic pay payable to that individual, is equal to the sum of the annual rate of basic pay and the annual rate of special pay paid to that physician or dentist pursuant to the final agreement with that individual under such section 4118.

"(3) Such retention pay shall be treated for all purposes as special pay paid under subchapter III of chapter 74 of this title.

"(4) Retention pay under this subsection shall be paid under such regulations as the Secretary may prescribe.

"§7432. Special pay: written agreements

"(a) An agreement entered into by a physician or dentist under this subchapter shall cover a period of one year of service in the Veterans Health Administration unless the physician or dentist agrees to an agreement for a longer period of service, not to exceed four years, as specified in the agreement. A physician or dentist who has previously entered into such an agreement is eligible to enter into a subsequent agreement unless the physician or dentist has failed to refund to the United States any amount which the physician or dentist is obligated to refund under any such previous agreement.

"(b)(1) An agreement under this subchapter shall provide that, if the physician or dentist entering into the agreement voluntarily, or because of misconduct, fails to complete any of the years of service covered by the agreement (measured from the anniversary date of the agreement), the physician or dentist shall refund an amount of special pay received under the agreement for that year equal to—

"(A) in the case of a failure during the first year of service under the agreement, 100 percent of the amount received for that year;

"(B) in the case of a failure during the second year of service under the agreement, 75 percent of the amount received for that year;

"(C) in the case of a failure during the third year of service under the agreement, 50 percent of the amount received for that year; and

"(D) in the case of a failure during the fourth year of service under the agreement, 25 percent of the amount received for that year.

"(2) The Secretary may waive (in whole or in part) the requirement for a refund under paragraph (1) in any case if the Secretary determines

(in accordance with regulations prescribed under section 7431(a) of this title) that the failure to complete such period of service is the result of circumstances beyond the control of the physician or dentist.

"(3) Any such agreement shall specify the terms under which the Department and the physician or dentist may elect to terminate the agreement.

"(c)(1) If a proposed agreement under this subchapter will provide a total annual amount of special pay to be provided to a physician or dentist who has previously entered into an agreement under this subchapter (or under section 4118 of this title as in effect before the effective date of the Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991) that will exceed the previous annual amount of special pay provided for the physician or dentist by more than 50 percent (other than in the case of a physician or dentist employed in an executive position in the Central Office of the Department), or that will be less than the previous annual amount of special pay provided for the physician or dentist by more than 25 percent, the proposed agreement shall be promptly submitted to the Secretary. The proposed agreement shall not take effect if it is disapproved by the Secretary within 60 days after the date on which the physician or dentist entered into the proposed agreement.

"(2) For purposes of paragraph (1), the previous annual amount of special pay provided for a physician or dentist is the total annual amount of special pay provided, or to be provided, to the physician or dentist for the most recent year covered by an agreement entered into by the physician or dentist under this subchapter or under section 4118 of this title. In the case of an agreement entered into under section 4118 of this title, incentive pay shall be treated as special pay for purposes of this paragraph.

"(3) The Secretary shall adjust special pay as necessary for purposes of this subsection to reflect appropriately any change in the status of a physician or dentist (A) from full-time status to part-time status, (B) from part-time status to full-time status, or (C) from one proportion of time spent as a Department employee under part-time status employment to a different proportion.

"(d)(1) If a proposed agreement under this subchapter (other than an agreement in the case of the Chief Medical Director) will provide a total annual amount of special pay to be provided to a physician or dentist which, when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5, the proposed agreement shall be promptly submitted for approval to the Secretary through the Chief Medical Director. The agreement shall take effect at the end of the 60-day period beginning on the date on which the physician or dentist entered into the proposed agreement if it is neither approved nor disapproved within that 60-day period. If the agreement is approved within that period, the agreement shall take effect as of the date of the approval. A proposed agreement may be disapproved under this paragraph only if it is determined that the amounts of special pay proposed to be paid are not necessary to recruit or retain the physician or dentist.

"(2) A proposed agreement under this subchapter with the Chief Medical Director may provide for payment of special pay for which the Chief Medical Director is eligible under this subchapter (other than that specified in section 7433(b)(4)(B) of this title) only to the extent specifically approved by the Secretary.

"(3) The Secretary shall include in the annual report required by section 7440 of this title—

"(A) a statement of the number of agreements entered into during the period covered by the report under which the total amount of special pay to be provided, when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5;

"(B) a statement of the number of proposed agreements which during the period covered by the report were disapproved under this subsection; and

"(C) a detailed explanation of the basis for disapproval of each such proposed agreement which was disapproved under this subsection.

"(4) This subsection does not apply to any proposed agreement entered into after September 30, 1994.

"§7433. Special pay: full-time physicians

"(a) The Secretary shall provide special pay under this subchapter to eligible physicians employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time physicians are as follows:

"(1) For full-time status, $9,000.

"(2)(A) For length of service as a physician within the Veterans Health Administration—

"Length of Service	*Rate*	
	Minimum	*Maximum*
2 years but less than 4 years	*$4,000*	*$6,000*
4 years but less than 8 years	*6,000*	*12,000*
8 years but less than 12 years	*12,000*	*18,000*
12 years or more	*12,000*	*25,000*

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a medical specialty with respect to which there are extraordinary difficulties (on a nationwide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians, an annual rate of not more than $40,000.

"(B) For service by a physician who serves only a portion of a year in a medical specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

"(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

"Position	*Rate*	
	Minimum	*Maximum*
Service Chief (or in a comparable position as determined by the Secretary).	*$4,500*	*$15,000*
Chief of Staff or in an Executive Grade.	*14,500*	*25,000*
Director Grade	*0*	*25,000*

"(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

"Position	*Rate*
"Deputy Service Director	*$20,000*
"Service Director	*25,000*
"Deputy Assistant Chief Medical Director	*27,500*
"Assistant Chief Medical Director	*30,000*
"Associate Deputy Chief Medical Director	*35,000*
"Deputy Chief Medical Director	*40,000*
"Chief Medical Director	*45,000*

"(C) For service by a physician who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty certification or first board certification, $2,000, and for subspecialty certification or secondary board certification, an additional $500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, an annual rate of not more than $17,000.

"(7)(A) For service by a physician with exceptional qualifications within a specialty, an annual rate of not more than $15,000.

"(B) Special pay under this paragraph may be paid to a physician only if the payment of such pay to that physician is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that physician under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a physician with the same length of service, specialty, and position as the physician concerned.

"§7434. Special pay: part-time physicians

"(a) Subject to section 7431(e) of this title and subsection (b) of this section, special pay under this subchapter for physicians employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 7433 of this title.

"(b) The annual rate of special pay paid to a physician employed on a part-time basis shall bear the same ratio to the annual rate that the physician would be paid under section 7433 (other than for full-time status) if the physician were employed on a full-time basis as the amount of part-time employment by the physician bears to full-time employment, except that such ratio may not exceed 3/4.

"§7435. Special pay: full-time dentists

"(a) The Secretary shall provide special pay under this subchapter to eligible dentists employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time dentists are as follows:

"(1) For full-time status, $3,500.

"(2)(A) For length of service as a dentist within the Veterans Health Administration—

"Length of Service	*Rate*	
	Minimum	*Maximum*
2 years but less than 4 years	*$1,000*	*$2,000*
4 years but less than 8 years	*2,000*	*3,000*
8 years but less than 12 years	*3,000*	*3,500*
12 years or more	*3,000*	*4,000*

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a dental specialty with respect to which there are extraordinary dif-

ficulties (on a nationwide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified dentists, an annual rate of not more than $20,000.

"(B) For service by a dentist who serves only a portion of a year in a dental specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

"(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

"Position	Rate	
	Minimum	Maximum
Service Director	$1,000	$9,000
Deputy Service Director	1,000	8,000
Chief of Staff or in an Executive Grade.	1,000	8,000
Director Grade	0	8,000
Service Chief (or in a comparable position as determined by the Secretary).	1,000	5,000

"(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

"Position	Rate
Assistant Chief Medical Director (or in a comparable position as determined by the Secretary)	$10,000
Deputy Assistant Chief Medical Director	10,000

"(C) For service by a dentist who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty or first board certification, $2,000 and for subspecialty or secondary board certification, an additional $500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, an annual rate not more than $5,000.

"(7)(A) For service by a dentist with exceptional qualifications within a specialty, an annual rate of not more than $5,000.

"(B) Special pay under this paragraph may be paid to a dentist only if the payment of such pay to that dentist is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that dentist under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a dentist with the same length of service, specialty, and position as the dentist concerned.

"§7436. Special pay: part-time dentists

"(a) Subject to section 7431(e) of this title and subsection (b) of this section, special pay under this subchapter for dentists employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 7435 of this title.

"(b) The annual rate of special pay paid to a dentist employed on a part-time basis shall bear the same ratio to the annual rate that the dentist would be paid under section 7435 of this title (other than for full-time status) if the dentist were employed on a full-time basis as the amount of part-time employment by the dentist bears to full-time employment, except that such ratio may not exceed 3/4.

"§7437. Special pay: general provisions

"(a) A physician who is provided special pay for service in an executive position under paragraph (4)(B) of section 7433(b) of this title may not also be provided scarce specialty special pay under paragraph (3) of that section. A dentist who is provided special pay for service in an executive position under paragraph (4) of section 7435(b) of this title for service as a Service Director, Deputy Service Director, Deputy Assistant Chief Medical Director, or Assistant Chief Medical Director may not also be provided scarce specialty special pay under paragraph (3) of that section.

"(b) The following determinations under this subchapter shall be made under regulations prescribed under section 7431 of this title:

"(1) A determination that there are extraordinary difficulties (on a nationwide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty.

"(2) A determination of the rate of special pay to be paid to a physician or dentist for a factor of special pay for which the applicable rate is specified as a range of rates.

"(3) A determination of whether there are extraordinary difficulties in a specific geographic location in the recruitment or retention of qualified physicians in a specific category of physicians or in the recruitment or retention of qualified dentists in a specific category of dentists.

"(c) A determination for the purposes of this subchapter that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty, or in the recruitment or retention of qualified dentists in a dental specialty, on the basis of the needs of a specific medical facility may only be made upon the request of the director of that facility.

"(d) A physician or dentist may not be provided scarce specialty pay under section 7433(b), 7434(b), 7435(b), or 7436(b) of this title (whichever is applicable) on the basis of the needs of a specific medical facility unless the Secretary also determines that geographic location pay under that section is insufficient to meet the needs of that facility for qualified physicians or dentists, as the case may be.

"(e)(1) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

"(A) is employed on a full-time basis in the Veterans Health Administration;

"(B) was employed as a physician or dentist on a full-time basis in the Administration on the day before such effective date; and

"(C) on such effective date was being paid only for the special-pay factors of primary, full-time, and length of service.

"(2) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

"(A) is employed on a part-time basis in the Veterans Health Administration;

"(B) was employed as a physician or dentist on a part-time basis in the Administration on the day before such effective date; and

"(C) on such effective date was being paid only for the special-pay factors of primary and length of service.

"(f) Any amount of special pay payable under this subchapter shall be paid in equal installments in accordance with regularly established pay periods.

"(g) Except as otherwise expressly provided by law, special pay may not be provided to a physician or dentist in the Veterans Health Administration for any factor not specified in section 7433, 7434, 7435, or 7436, as applicable, of this title.

"(h) In no case may the total amount of compensation paid to a physician or dentist under this title in any year exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3.

"§7438. Special pay: coordination with other benefits laws

"(a) Special pay paid under this subchapter shall be in addition to any other pay and allowances to which a physician or dentist is entitled.

"(b)(1) A physician or dentist who has no section 4118 service and has completed not less than 15 years of service as a physician or dentist in the Veterans Health Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84 of title 5, as appropriate.

"(2) A physician or dentist who has section 4118 service and has completed a total of not less than 15 years of service as a physician or dentist in the Veterans Health Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 as follows:

"(A) In an amount equal to the amount that would have been so considered under section 4118 of this title on the day before the effective date of this section based on the rates of special pay the physician or dentist was entitled to receive under that section on the day before such effective date.

"(B) With respect to any amount of special pay received under this subchapter in excess of the amount such physician or dentist was entitled to receive under section 4118 of this title on the day before the effective date of this section, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after the effective date of this section.

"(3) All special pay paid under this subchapter shall be included in average pay (as defined in sections 8331(4) or 8401(3) of title 5, as appropriate) for purposes of computing benefits paid under section 8337, 8341(d) or (e), 8442(b), 8443, or 8451 of such title.

"(4) Special pay paid under section 4118 of this title, as in effect before the effective date of this section, to a physician or dentist who has section 4118 service shall be credited to the physician or dentist for the same purposes and in the same manner and to the same extent that such special pay was credited to the physician or dentist before such effective date.

"(5) For purposes of this subsection:

"(A) The term 'physician or dentist who has no section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Administration who has no previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

"(B) The term 'physician or dentist who has section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Administration who has previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

"(C) Service in any predecessor entity of the Veterans Health Administration shall be considered to be service in the Veterans Health Administration.

"(c) Compensation paid as special pay under this subchapter or under an agreement entered into under section 4118 of this title (as in effect on the day before the effective date of the De-

partment of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991) shall be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

"§7439. Periodic review of pay of physicians and dentists; quadrennial report

"(a) In order to make possible the recruitment and retention of a well-qualified work force of physicians and dentists capable of providing quality care for eligible veterans, it is the policy of Congress to ensure that the levels of total pay for physicians and dentists of the Veterans Health Administration are fixed at levels reasonably comparable—

"(1) with the levels of total pay of physicians and dentists employed by or serving in other departments and agencies of the Federal Government; and

"(2) with the income of non-Federal physicians and dentists for the performance of services as physicians and dentists.

"(b)(1) To assist the Congress and the President in carrying out the policy stated in subsection (a), the Secretary shall—

"(A) define the bases for pay distinctions, if any, among various categories of physicians and dentists, including distinctions between physicians and dentists employed by the Veterans Health Administration and physicians and dentists employed by other departments and agencies of the Federal Government and between all Federal sector and non-Federal sector physicians and dentists; and

"(B) obtain measures of income from the employment or practice of physicians and dentists outside the Administration, including both the Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for physicians and dentists of the Administration.

"(2) The Secretary shall submit to the President a report, on such date as the President may designate but not later than December 31, 1994, and once every four years thereafter, recommending appropriate rates of special pay to carry out the policy set forth in subsection (a) with respect to the pay of physicians and dentists in the Veterans Health Administration. The Secretary shall include in such report, when considered appropriate and necessary by the Secretary, recommendations for modifications of the special pay levels set forth in this subchapter whenever—

"(A) the Department is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists in the Administration because the incomes and other employee benefits, to the extent that those benefits are reasonably quantifiable, of physicians and dentists outside the Administration who perform comparable types of duties are significantly in excess of the levels of total pay (including basic pay and special pay) and other employee benefits, to the extent that those benefits are reasonably quantifiable, available to those physicians and dentists employed by the Administration; or

"(B) other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

"(c) The President shall include in the budget transmitted to the Congress under section 1105 of title 31 after the submission of each report of the Secretary under subsection (b)(2) recommendations with respect to the exact rates of special pay for physicians and dentists under this subchapter and the cost of those rates compared with the cost of the special pay rates in effect under this subchapter at the time the budget is transmitted.

"§7440. Annual report

"The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the use of the authorities provided in this subchapter. The report shall be submitted each year as part of the budget justification documents submitted by the Secretary in support of the budget of the President submitted pursuant to section 1105 of title 31 that year. Each such report shall include the following:

"(1) A review of the use of the authorities provided in this subchapter (including the Secretary's and Chief Medical Director's actions, findings, recommendations, and other activities under this subchapter) during the preceding fiscal year and the fiscal year during which the report is submitted.

"(2) The plans for the use of the authorities provided in this subchapter for the next fiscal year.

"(3) A description of the amounts of special pay paid during the preceding fiscal year, shown by category of pay.

"(4) A list of those geographic areas, and those scarce specialties, for which special pay was paid during the preceding fiscal year, those for which special pay is being paid during the current fiscal year, and those for which special pay is expected to be paid during the next fiscal year, together with a summary of any differences among those three lists.

"(5) The number of physicians and dentists (A) who left employment with the Veterans Health Administration during the preceding year, (B) who changed from full-time status to part-time status, (C) who changed from part-time status to full-time status, as well as (D) a summary of the reasons therefor.

"(6) By specialty, the number of positions created and the number of positions abolished during the preceding fiscal year and a summary of the reasons for such actions.

"(7) The number of unfilled physician and dentist positions in each specialty in the Veterans Health Administration, the average and maximum lengths of time that such positions have been unfilled, and a summary of the reasons that such positions remain unfilled and, in the case of any specialty not designated as a scarce specialty for purposes of special pay under this subchapter, an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated.".

SEC. 103. OTHER COMPENSATION BENEFITS.

(a) IN GENERAL.—Subchapter I of chapter 74 (as added by section 401(b)(2)) is amended by adding at the end the following sections:

"§7410. Additional pay authorities

"The Secretary may authorize the Chief Medical Director to pay advance payments, recruitment or relocation bonuses, and retention allowances to the personnel described in paragraph (1) of section 7401 of this title, or interview expenses to candidates for appointment as such personnel, in the same manner, and subject to the same limitations, as in the case of the authority provided under sections 5524a, 5706b, 5753, and 5754 of title 5.

"§7411. Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses

"The Secretary shall reimburse any full-time board-certified physician or dentist appointed under section 7401(1) of this title for expenses incurred, up to $1,000 per year, for continuing professional education.".

(2) The table of sections at the beginning of chapter 74 (as amended by section 401(b)(1)(A)) is amended by inserting after the item relating to section 7409 the following:

"7410. Additional pay authorities.
"7411. Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses.".

(b) EFFECTIVE DATE.—Section 7411 of title 38, United States Code, as added by subsection (a), shall apply with respect to expenses incurred for continuing professional education that is pursued after September 30, 1991.

SEC. 104. EFFECTIVE DATE AND TRANSITION.

(a) EFFECTIVE DATE.—Subchapter III of chapter 74 of title 38, United States Code, as added by section 102, shall take effect on the first day of the first pay period beginning after the earlier of—

(1) July 1, 1991; or

(2) the end of the 90-day period beginning on the date of the enactment of this Act.

(b) TRANSITIONS PROVISIONS.—(1) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires after the effective date specified in subsection (a), the Secretary of Veterans Affairs and the physician or dentist concerned may agree to terminate that agreement as of that effective date in order to permit a new agreement under subchapter III of chapter 74 of title 38, United States Code, as added by section 102, to take effect as of that effective date.

(2) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a), an extension or renewal of that agreement may not extend beyond that effective date.

(3) In the case of a physician or dentist who begins employment with the Department of Veterans Affairs during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a) who is eligible for an agreement under section 4118 of title 38, United States Code, any such agreement may not extend beyond that effective date.

(c) SAVINGS PROVISION.—Except as provided in subsection (b)(1), any agreement entered into under section 4118 of title 38, United States Code, before the effective date specified in subsection (a) shall remain in effect in accordance with its terms and shall be treated for all purposes in accordance with such section as in effect on the day before such effective date.

(d) PROHIBITION OF RETROACTIVE AGREEMENTS.—An agreement entered into under subchapter III of chapter 74 of title 38, United States Code, as added by section 102, may not provide special pay with respect to a period before the effective date specified in subsection (a).

TITLE II—LABOR-MANAGEMENT RELATIONS

SEC. 201. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Labor Relations Improvement Act of 1991".

SEC. 202. COLLECTIVE BARGAINING FOR TITLE 38 EMPLOYEES.

Chapter 74, as added by section 102, is amended by inserting before subchapter III the following:

"SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

"§7421. Personnel administration: in general

"(a) Notwithstanding any law, Executive order, or regulation, the Secretary shall prescribe by regulation the hours and conditions of employment and leaves of absence of employees appointed under any provision of this chapter in positions in the Veterans Health Administration listed in subsection (b).

"(b) Subsection (a) refers to the following positions:

"(1) Physicians.

"(2) Dentists.

"(3) Podiatrists.

"(4) Optometrists.

"(5) Registered nurses.

"(6) Physician assistants.

"(7) Expanded-duty dental auxiliaries.

"§7422. Collective bargaining

"(a) Except as otherwise specifically provided in this title, the authority of the Secretary to prescribe regulations under section 7421 of this title is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5 (relating to labor-management relations).

"(b) Such collective bargaining (and any grievance procedures provided under a collective bargaining agreement) in the case of employees described in section 7421(b) of this title may not cover, or have any applicability to, any matter or question concerning or arising out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title.

"(c) For purposes of this section, the term 'professional conduct or competence' means any of the following:

"(1) Direct patient care.

"(2) Clinical competence.

"(d) An issue of whether a matter or question concerns or arises out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title shall be decided by the Secretary and is not itself subject to collective bargaining and may not be reviewed by any other agency.

"(e) A petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving employees described in section 7421(b) of this title or arising out of the applicability of chapter 71 of title 5 to employees in those positions, shall be taken only in the United States Court of Appeals for the District of Columbia Circuit.

"§7423. Personnel administration: full-time employees

"(a) The hours of employment in carrying out responsibilities under this title of any employee who is appointed in the Administration under any provision of this chapter on a full-time basis in a position listed in section 7421(b) of this title (other than an intern or resident appointed pursuant to section 7406 of this title) and who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title shall consist of not less than 80 hours in a biweekly pay period (as that term is used in section 5504 of title 5).

"(b) A person covered by subsection (a) may not do any of the following:

"(1) Assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Department facility, except in those cases where the person, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed 180 calendar days, which may be extended by the Chief Medical Director for additional periods not to exceed 180 calendar days each.

"(2) Teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with such person's responsibilities under this title.

"(3) Accept payment under any insurance or assistance program established under title XVIII or XIX of the Social Security Act or under chapter 55 of title 10 for professional services rendered by such person while carrying out such person's responsibilities under this title.

"(4) Accept from any source, with respect to any travel performed by such person in the course of carrying out such person's responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5.

"(5) Request or permit any individual or organization to pay, on such person's behalf for insurance insuring such person against malpractice claims arising in the course of carrying out such person's responsibilities under this title or for such person's dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of such person's remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title.

"(6) Perform, in the course of carrying out such person's responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for such person's personal benefit, or both.

"(c) In the case of any fund or account described in subsection (b)(6) that was established before September 1, 1973—

"(1) the affiliated institution shall submit semiannually an accounting to the Secretary and to the Comptroller General of the United States with respect to such fund or account and shall maintain such fund or account subject to full public disclosure and audit by the Secretary and the Comptroller General for a period of three years or for such longer period as the Secretary shall prescribe, and

"(2) no person in a position specified in paragraph (1)(B) may receive any cash from amounts deposited in such fund or account derived from services performed before that date.

"(d) As used in this section:

"(1) The term 'affiliated institution' means a medical school or other institution of higher learning with which the Secretary has a contract or agreement as referred to in section 7313 of this title for the training or education of health personnel.

"(2) The term 'remuneration' means the receipt of any amount of monetary benefit from any non-Department source in payment for carrying out any professional responsibilities.".

SEC. 203. ADVERSE PERSONNEL ACTIONS.

(a) REFORM OF DISCIPLINARY PROCEDURES FOR SECTION 7401(1) EMPLOYEES.—Chapter 74, as added by section 102 and amended by section 202, is further amended by adding at the end the following:

"SUBCHAPTER V—DISCIPLINARY AND GRIEVANCE PROCEDURES

"§7461. Adverse actions: section 7401(1) employees

"(a) Whenever the Chief Medical Director (or an official designated by the Chief Medical Director) brings charges based on conduct or performance against a section 7401(1) employee and as a result of those charges an adverse personnel action is taken against the employee, the employee shall have the right to appeal the action.

"(b)(1) If the case involves or includes a question of professional conduct or competence in which a major adverse action was taken, such an appeal shall be made to a Disciplinary Appeals Board under section 7462 of this title.

"(2) In any other case, such an appeal shall be made—

"(A) through Department grievance procedures under section 7463 of this title, in any case that involves or includes a question of professional conduct or competence in which a major adverse action was not taken or in any case of an employee who is not covered by a collective bargaining agreement under chapter 71 of title 5; or

"(B) through grievance procedures provided through collective bargaining under chapter 71 of title 5 or through Department grievance procedures under section 7463 of this title, as the employee elects, in the case of an employee covered by a collective bargaining agreement under chapter 71 of title 5 that does not involve or include a question of professional conduct or competence.

"(c) For purposes of this subchapter—

"(1) Section 7401(1) employees are employees of the Department employed on a full-time basis under a permanent appointment in a position listed in section 7401(1) of this title (other than interns and residents appointed pursuant to section 7406 of this title).

"(2) A major adverse action is an adverse action which includes any of the following:

"(A) Suspension.

"(B) Transfer.

"(C) Reduction in grade.

"(D) Reduction in basic pay.

"(E) Discharge.

"(3) A question of professional conduct or competence is a question involving any of the following:

"(A) Direct patient care.

"(B) Clinical competence.

"(d) An issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency.

"(e) Whenever the Secretary proposes to prescribe regulations under this subchapter, the Secretary shall publish the proposed regulations in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

"§7462. Major adverse actions involving professional conduct or competence

"(a)(1) Disciplinary Appeals Boards appointed under section 7464 of this title shall have exclusive jurisdiction to review any case—

"(A) which arises out of (or which includes) a question of professional conduct or competence of a section 7401(1) employee; and

"(B) in which a major adverse action was taken.

"(2) The board shall include in its record of decision in any mixed case a statement of the board's exclusive jurisdiction under this subsection and the basis for such exclusive jurisdiction.

"(3) For purposes of paragraph (2), a mixed case is a case that includes both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence.

"(b)(1) In any case in which charges are brought against a section 7401(1) employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to the following:

"(A) At least 30 days advance written notice from the Chief Medical Director or other charging official specifically stating the basis for each charge, the adverse actions that could be taken if the charges are sustained, and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated with respect to each charge, except that the requirement for notification in advance may be waived if there is reasonable cause to believe that the employee has commit-

ted a crime for which the employee may be imprisoned.

“(B) A reasonable time, but not less than seven days, to present an answer orally and in writing to the Chief Medical Director or other deciding official, who shall be an official higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer.

“(2) In any case described in paragraph (1), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

“(3)(A) If a proposed adverse action covered by this section is not withdrawn, the deciding official shall render a decision in writing within 21 days of receipt by the deciding official of the employee's answer. The decision shall include a statement of the specific reasons for the decision with respect to each charge. If a major adverse action is imposed, the decision shall state whether any of the charges sustained arose out of a question of professional conduct or competence. If any of the charges are sustained, the notice of the decision to the employee shall include notice of the employee's rights of appeal.

“(B) Notwithstanding the 21-day period specified in subparagraph (A), a proposed adverse action may be held in abeyance if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973. Any such abeyance of a proposed action may not extend for more than one year.

“(4)(A) The Secretary may require that any answer and submission under paragraph (1)(B) be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

“(B) The Secretary shall require that any appeal to a Disciplinary Appeals Board from a decision to impose a major adverse action shall be received within 30 days after the date of service of the written decision on the employee.

“(c)(1) When a Disciplinary Appeals Board convenes to consider an appeal in a case under this section, the board, before proceeding to consider the merits of the appeal, shall determine whether the case is properly before it.

“(2) Upon hearing such an appeal, the board shall, with respect to each charge appealed to the board, sustain the charge, dismiss the charge, or sustain the charge in part and dismiss the charge in part. If the deciding official is sustained (in whole or in part) with respect to any such charge, the board shall—

“(A) approve the action as imposed;

“(B) approve the action with modification, reduction, or exception; or

“(C) reverse the action.

“(3) A board shall afford an employee appealing an adverse action under this section an opportunity for an oral hearing. If such a hearing is held, the board shall provide the employee with a transcript of the hearing.

“(4) The board shall render a decision in any case within 45 days of completion of the hearing, if there is a hearing, and in any event no later than 120 days after the appeal commenced.

“(d)(1) After resolving any question as to whether a matter involves professional conduct or competence, the Secretary shall cause to be executed the decision of the Disciplinary Appeals Board in a timely manner and in any event in not more than 90 days after the decision of the Board is received by the Secretary. Pursuant to the board's decision, the Secretary may order reinstatement, award back pay, and provide such other remedies as the board found appropriate relating directly to the proposed action, including expungement of records relating to the action.

“(2) If the Secretary finds a decision of the board to be clearly contrary to the evidence or unlawful, the Secretary may—

“(A) reverse the decision of the board, or

“(B) vacate the decision of the board and remand the matter to the Board for further consideration.

“(3) If the Secretary finds the decision of the board (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges, the Secretary may mitigate the adverse action imposed.

“(4) The Secretary's execution of a board's decision shall be the final administrative action in the case.

“(e) The Secretary may designate an employee of the Department to represent management in any case before a Disciplinary Appeals Board.

“(f)(1) A section 7401(1) employee adversely affected by a final order or decision of a Disciplinary Appeals Board (as reviewed by the Secretary) may obtain judicial review of the order or decision.

“(2) In any case in which judicial review is sought under this subsection, the court shall review the record and hold unlawful and set aside any agency action, finding, or conclusion found to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) obtained without procedures required by law, rule, or regulation having been followed; or

“(C) unsupported by substantial evidence.

“§7463. Other adverse actions

“(a) The Secretary shall prescribe by regulation procedures for the consideration of grievances of section 7401(1) employees arising from adverse personnel actions in which each action taken either—

“(1) is not a major adverse action; or

“(2) does not arise out of a question of professional conduct or competence.

Disciplinary Appeals Boards shall not have jurisdiction to review such matters, other than as part of a mixed case (as defined in section 7462(a)(3) of this title).

“(b) In the case of an employee who is a member of a collective bargaining unit under chapter 71 of title 5, the employee may seek review of an adverse action described in subsection (a) either under the grievance procedures provided through regulations prescribed under subsection (a) or through grievance procedures determined through collective bargaining, but not under both. The employee shall elect which grievance procedure to follow. Any such election may not be revoked.

“(c)(1) In any case in which charges are brought against a section 7401(1) employee which could result in a major adverse action and which do not involve professional conduct or competence, the employee is entitled to the same notice and opportunity to answer with respect to those charges as provided in subparagraphs (A) and (B) of section 7462(b)(1) of this title.

“(2) In any other case in which charges are brought against a section 7401(1) employee, the employee is entitled to—

“(A) an advance written notice stating the specific reason for the proposed action, and

“(B) a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

“(d) Grievance procedures prescribed under subsection (a) shall include the following:

“(1) A right to formal review by an impartial examiner within the Department of Veterans Affairs, who, in the case of an adverse action arising from a question of professional conduct or competence, shall be selected from the panel designated under section 7464 of this title.

“(2) A right to a prompt report of the findings and recommendations by the impartial examiner.

“(3) A right to a prompt review of the examiner's findings and recommendations by an official of a higher level than the official who decided upon the action. That official may accept, modify, or reject the examiner's recommendations.

“(e) In any review of an adverse action under the grievance procedures prescribed under subsection (a), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

“§7464. Disciplinary Appeals Boards

“(a) The Secretary shall from time to time appoint boards to hear appeals of major adverse actions described in section 7462 of this title. Such boards shall be known as Disciplinary Appeals Boards. Each board shall consist of three employees of the Department, each of whom shall be of the same grade as, or be senior in grade to, the employee who is appealing an adverse action. At least two of the members of each board shall be employed in the same category of position as the employee who is appealing the adverse action. Members of a board shall be appointed from individuals on the panel established under subsection (d).

“(b)(1) In appointing a board for any case, the Secretary shall designate one of the members to be chairman and one of the members to be secretary of the board, each of whom shall have authority to administer oaths.

“(2) Appointment of boards, and the proceedings of such boards, shall be carried out under regulations prescribed by the Secretary. A verbatim record shall be maintained of board hearings.

“(c)(1) Notwithstanding sections 5701 and 7332 of this title, the chairman of a board, upon request of an employee whose case is under consideration by the board (or a representative of that employee) may, in connection with the considerations of the board, review records or information covered by those sections and may authorize the disclosure of such records or information to that employee (or representative) to the extent the board considers appropriate for purposes of the proceedings of the board in that case.

“(2) In any such case the board chairman may direct that measures be taken to protect the personal privacy of individuals whose records are involved. Any person who uses or discloses a record or information covered by this subsection for any purpose other than in connection with the proceedings of the board shall be fined not more than $5,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

“(d)(1) The Secretary shall provide for the periodic designation of employees of the Department who are qualified to serve on Disciplinary Appeals Boards. Those employees shall constitute the panel from which board members in a case are appointed. The Secretary shall provide (without charge) a list of the names of employees on the panel to any person requesting such list.

“(2) The Secretary shall announce periodically, and not less often than annually, that the roster of employees on the panel is available as described in paragraph (1). Such announcement shall be made at Department medical facilities and through publication in the Federal Register. Notice of a name being on the list must be provided at least 30 days before the individual selected may serve on a Board or as a grievance examiner. Employees, employee organizations, and other interested parties may submit comments to the Secretary concerning the suitability for service on the panel of any employee whose name is on the list.

“(3) The Secretary shall provide training in the functions and duties of Disciplinary Appeals Boards and grievance procedures under section 7463 of this title for employees selected to be on the panel.”.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 74, as added by section 102, is amended—

(1) by inserting before the item relating to subchapter III the following:

"SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

"7421. Personnel administration: in general.
"7422. Collective bargaining.
"7423. Personnel administration: full-time employees."; and

(2) by adding at the end the following:

"SUBCHAPTER V—DISCIPLINARY AND GRIEVANCE PROCEDURES

"7461. Adverse actions: section 7401(1) employees.
"7462. Major adverse actions involving professional conduct or competence.
"7463. Other adverse actions.
"7464. Disciplinary Appeals Boards.".

SEC. 204. DEADLINE FOR REGULATIONS.

The Secretary of Veterans Affairs shall prescribe regulations under subchapter V of chapter 74 of title 38, United States Code (as added by section 203), not later than 180 days after the date of the enactment of this Act. Such regulations shall be published in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

SEC. 205. PRESERVATION OF EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS AND PENDING ACTIONS.

(a) EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS.—Any determination under chapter 71 of title 5, United States Code, of a collective bargaining unit within the Veterans Health Administration of the Department of Veterans Affairs, and any recognition under that chapter of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit of the Department of Veterans Affairs, that is in effect on the date of the enactment of this Act shall not be affected by the amendments made by this Act and shall continue in effect in accordance with the terms of such determination or regulation.

(b) PENDING CASES.—With respect to cases pending on the date of the enactment of this Act, or those cases which are brought before the establishment of either an administrative grievance procedure pursuant to section 7463 of title 38, United States Code (as added by the amendments made by this title), or a negotiated grievance procedure established under a collective bargaining agreement, such cases shall proceed in the same manner as they would have if this Act had not been enacted.

TITLE III—MISCELLANEOUS

SEC. 301. AMENDMENTS TO PROVISIONS ENACTED BY THE DEPARTMENT OF VETERANS AFFAIRS NURSE PAY ACT OF 1990.

(a) SAVINGS PROVISION.—Physician assistants and expanded-function dental auxiliaries shall continue to be paid after August 14, 1990, according to the Nurse Schedule in section 4107(b) of title 38, United States Code, as in effect on August 14, 1990, until the effective date of a determination by the Secretary to convert those occupations to "covered positions" and pay them pursuant to section 7451 of such title, as redesignated by section 401(c).

(b) CHIEF MEDICAL DIRECTOR AUTHORITY.—Section 4141(d) is amended—

(1) in paragraph (1)(B), by inserting "or the Chief Medical Director, with respect to covered Regional and Central Office employees in that grade," before "determines";

(2) in paragraph (3)—

(A) by redesignating subparagraph (C) as subparagraph (D) and by inserting "or Chief Medical Director" in that subparagraph after "facility"; and

(B) by inserting after subparagraph (B) the following:

"(C) The Chief Medical Director shall prescribe regulations providing for the adjustment of the rates of basic pay for Regional and Central Office employees in covered positions in order to assure that those rates are sufficient and competitive."; and

(3) in paragraph (4), by inserting ", or the Chief Medical Director with respect to Regional and Central Office employees," in the first sentence after "facility" the first place it appears.

(c) INCLUSION OF CERTAIN TITLE 5 EMPLOYEES.—Section 4141(a)(3) is amended by inserting "or chapter 53 of title 5" before the period at the end.

(d) TECHNICAL AMENDMENT.—Section 4142(a)(3) is amended by striking out "appointed" and inserting in lieu thereof "paid".

(e) EFFECTIVE DATE.—Section 104(a)(2) of Public Law 101–366 is amended by inserting "the first day of the first pay period beginning after" before "April 1, 1991".

SEC. 302. EXTENSION OF ANNUAL REPORT ON FURNISHING NONSERVICE-CONNECTED HEALTH CARE.

Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (38 U.S.C. 610 note) is amended by striking out "each of" and all that follows through "1989" and inserting in lieu thereof "each fiscal year through fiscal year 1991".

SEC. 303. ADMINISTRATIVE REORGANIZATION AUTHORITY.

Section 210(b)(2) is amended—

(1) in subparagraph (A), by striking out the second and third sentences and inserting in lieu thereof the following: "No action to carry out such reorganization may be taken after the submission of such report until the end of a 90-day period of continuous session of Congress following the date of the submission of the report. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 90-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.";

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) An administrative reorganization described in this subparagraph is an administrative reorganization of a covered field office or facility that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility—

"(i) by 15 percent or more; or

"(ii) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 25 percent or more.";

(3) in subparagraph (C)—

(A) by inserting "administrative" before "reorganization" the first place it appears;

(B) by striking out "the reorganization" after "applies to" and inserting in lieu thereof "an administrative reorganization";

(C) by striking out "more than 25 but less than 100 employees" and inserting in lieu thereof "30 or more employees"; and

(D) by striking out "in such unit—" and all that follows and inserting in lieu thereof "in such unit by 50 percent or more."; and

(4) in subparagraph (D)—

(A) by adding at the end of clause (i) the following new sentence: "Such term does not include a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Administration at a Department medical and regional office center, if after the consolidation or redistribution the same number of full-time equivalent employees continues to perform the affected functions at that field office, facility, or center.";

(B) by striking out clause (ii); and

(C) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

SEC. 304. TECHNICAL CORRECTION TO LIMITATION ON PAYMENT OF PENSION TO VETERANS IN NURSING HOMES.

(a) EXCLUSION OF STATE HOMES.—Section 3203(f)(1)(B) is amended by inserting before the period at the end the following: ", other than a facility that is a State home with respect to which the Secretary makes per diem payments for nursing home care pursuant to section 641(a) of this title".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in the amendment made by section 8003(a) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–874).

SEC. 305. TECHNICAL AMENDMENTS.

(a) SECTION 3202.—Section 3202(d) is amended by striking out "an inmate" and inserting in lieu thereof "a patient".

(b) SUBCHAPTER HEADING.—(1) The heading of subchapter II of chapter 85 is amended by striking out "INMATE" and inserting in lieu thereof "PATIENT".

(2) The item relating to such subchapter heading in the table of sections at the beginning of such chapter is amended by striking out "INMATE" and inserting in lieu thereof "PATIENT".

TITLE IV—REORGANIZATION AND REDESIGNATION OF PARTS IV, V, AND VI OF TITLE 38

SEC. 401. FURTHER REVISION AND REORGANIZATION OF CHAPTER 73.

(a) IN GENERAL.—Chapter 73 is amended as follows:

(1) The heading of such chapter is amended to read as follows:

"CHAPTER 73—VETERANS HEALTH ADMINISTRATION—ORGANIZATION AND FUNCTIONS"

(2) Such chapter is amended—

(A) by striking out subchapter V; and

(B) by redesignating subchapter VI as subchapter IV.

(3) Such chapter is further amended by striking out the table of sections and subchapters I and II and inserting in lieu thereof the following:

"SUBCHAPTER I—ORGANIZATION

"Sec.
"7301. Functions of Veterans Health Administration: in general.
"7302. Functions of Veterans Health Administration: health-care personnel education and training programs.
"7303. Functions of Veterans Health Administration: research programs.
"7304. Regulations.
"7305. Divisions of Veterans Health Administration.
"7306. Office of the Chief Medical Director.

"SUBCHAPTER II—GENERAL AUTHORITY AND ADMINISTRATION

"7311. Quality assurance.
"7312. Special medical advisory group.
"7313. Advisory committees: affiliated institutions.
"7314. Geriatric research, education, and clinical centers.
"7315. Geriatrics and Gerontology Advisory Committee.
"7316. Malpractice and negligence suits: defense by United States.
"7317. Hazardous research projects: indemnification of contractors.

"SUBCHAPTER III—PATIENT RIGHTS

"7331. Informed consent.
"7332. Confidentiality of certain medical records.
"7333. Nondiscrimination against alcohol and drug abusers and persons infected with human immunodeficiency virus.
"7334. Regulations.

"SUBCHAPTER IV—RESEARCH CORPORATIONS

"7361. Authority to establish; status.
"7362. Purpose of corporations.
"7363. Board of directors; executive director.
"7364. General powers.
"7365. Applicable State law.
"7366. Accountability and oversight.
"7367. Report to Congress.
"7368. Expiration of authority.

"SUBCHAPTER I—ORGANIZATION; GENERAL

"§7301. Functions of Veterans Health Administration: in general

"(a) There is in the Department of Veterans Affairs a Veterans Health Administration. The Chief Medical Director is the head of the Administration.

"(b) The primary function of the Administration is to provide a complete medical and hospital service for the medical care and treatment of veterans, as provided in this title and in regulations prescribed by the Secretary pursuant to this title.

"§7302. Functions of Veterans Health Administration: health-care personnel education and training programs

"(a) In order to carry out more effectively the primary function of the Veterans Health Administration and in order to assist in providing an adequate supply of health personnel to the Nation, the Secretary—

"(1) to the extent feasible without interfering with the medical care and treatment of veterans, shall develop and carry out a program of education and training of health personnel; and

"(2) shall carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as—

"(A) physician assistants,

"(B) expanded-function dental auxiliaries; and

"(C) other medical technicians.

"(b) In carrying out subsection (a)(1), the Secretary shall include in the program of education and training under that subsection the developing and evaluating of new health careers, interdisciplinary approaches, and career advancement opportunities.

"(c) In carrying out subsection (a)(2), the Secretary shall include in the program of recruitment, training, and employment under that subsection measures to advise all qualified veterans with military occupation specialties referred to in that subsection, and all members of the armed forces about to be discharged or released from active duty who have such military occupation specialties, of employment opportunities with the Administration.

"(d) The Secretary shall carry out subsection (a) in cooperation with the following institutions and organizations:

"(1) Schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions.

"(2) Other institutions of higher learning.

"(3) Medical centers.

"(4) Academic health centers.

"(5) Hospitals.

"(6) Such other public or nonprofit agencies, institutions, or organizations as the Secretary considers appropriate.

"§7303. Functions of Veterans Health Administration: research programs

"(a)(1) In order to carry out more effectively the primary function of the Administration and in order to contribute to the Nation's knowledge about disease and disability, the Secretary shall carry out a program of medical research in connection with the provision of medical care and treatment to veterans.

"(2) Such program of medical research shall include biomedical research, mental illness research, prosthetic and other rehabilitative research, and health-care-services research.

"(3) Such program shall stress—

"(A) research into spinal-cord injuries and other diseases that lead to paralysis of the lower extremities; and

"(B) research into injuries and illnesses particularly related to service.

"(4) In carrying out such research program, the Secretary shall act in cooperation with the entities described in section 7302(d) of this title.

"(b) Prosthetic research shall include research and testing in the field of prosthetic, orthotic, and orthopedic appliances and sensory devices. In order that the unique investigative material and research data in the possession of the Government may result in the improvement of such appliances and devices for all disabled persons, the Secretary (through the Chief Medical Director) shall make the results of such research available to any person, and shall consult and cooperate with the Secretary of Health and Human Services and the Secretary of Education, in connection with programs carried out under section 204(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(2)) (relating to the establishment and support of Rehabilitation Engineering Research Centers).

"(c) Funds appropriated to carry out this section shall remain available until expended.

"§7304. Regulations

"(a) Unless specifically otherwise provided, the Chief Medical Director shall prescribe all regulations necessary to the administration of the Veterans Health Administration, including regulations relating to—

"(1) travel, transportation of household goods and effects, and deductions from pay for quarters and subsistence; and

"(2) the custody, use, and preservation of the records, papers, and property of the Administration.

"(b) Regulations prescribed by the Chief Medical Director are subject to the approval of the Secretary.

"§7305. Divisions of Veterans Health Administration

"The Veterans Health Administration shall include the following:

"(1) The Office of the Chief Medical Director.

"(2) A Medical Service.

"(3) A Dental Service.

"(4) A Podiatric Service.

"(5) An Optometric Service.

"(6) A Nursing Service.

"(7) Such other professional and auxiliary services as the Secretary may find to be necessary to carry out the functions of the Administration.

"§7306. Office of the Chief Medical Director

"(a) The Office of the Chief Medical Director shall consist of the following:

"(1) The Deputy Chief Medical Director, who shall be the principal assistant of the Chief Medical Director and who shall be a qualified doctor of medicine.

"(2) The Associate Deputy Chief Medical Director, who shall be an assistant to the Chief Medical Director and the Deputy Chief Medical Director and who shall be a qualified doctor of medicine.

"(3) Not to exceed eight Assistant Chief Medical Directors.

"(4) Such Medical Directors as may be appointed to suit the needs of the Department, who shall be either a qualified doctor of medicine or a qualified doctor of dental surgery or dental medicine.

"(5) A Director of Nursing Service, who shall be a qualified registered nurse and who shall be responsible to the Chief Medical Director for the operation of the Nursing Service.

"(6) A Director of Pharmacy Service, a Director of Dietetic Service, a Director of Podiatric Service, and a Director of Optometric Service, who shall be responsible to the Chief Medical Director for the operation of their respective Services.

"(7) Such other personnel as may be authorized by this chapter.

"(b) Of the Assistant Chief Medical Directors appointed under subsection (a)(3)—

"(1) not more than two may be persons qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicines;

"(2) one shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service; and

"(3) one shall be a qualified physician trained in, or having suitable extensive experience in, geriatrics who shall be responsible to the Chief Medical Director for evaluating all research, educational, and clinical health-care programs carried out in the Administration in the field of geriatrics and who shall serve as the principal advisor to the Chief Medical Director with respect to such programs.

"(c) Appointments under subsection (a) shall be made by the Secretary. In the case of appointments under paragraphs (1), (2), (3), and (4) of that subsection, such appointments shall be made upon the recommendation of the Chief Medical Director.

"(d) Except as provided in subsection (e)—

"(1) any appointment under this section shall be for a period of four years, with reappointment permissible for successive like periods,

"(2) any such appointment or reappointment may be extended by the Secretary for a period not in excess of three years, and

"(3) any person so appointed or reappointed or whose appointment or reappointment is extended shall be subject to removal by the Secretary for cause.

"(e)(1) The Secretary may designate a member of the Chaplain Service of the Department as Director, Chaplain Service, for a period of two years, subject to removal by the Secretary for cause. Redesignation under this subsection may be made for successive like periods or for any period not exceeding two years.

"(2) A person designated as Director, Chaplain Service, shall at the end of such person's period of service as Director revert to the position, grade, and status which such person held immediately before being designated Director, Chaplain Service, and all service as Director, Chaplain Service, shall be creditable as service in the former position.

"SUBCHAPTER II—GENERAL AUTHORITY AND ADMINISTRATION

"§7311. Quality assurance

"(a) The Secretary shall—

"(1) establish and conduct a comprehensive program to monitor and evaluate the quality of health care furnished by the Veterans Health Administration (hereinafter in this section referred to as the 'quality-assurance program'); and

"(2) delineate the responsibilities of the Chief Medical Director with respect to the quality-assurance program, including the duties prescribed in this section.

"(b)(1) As part of the quality-assurance program, the Chief Medical Director shall periodically evaluate—

"(A) whether there are significant deviations in mortality and morbidity rates for surgical

procedures performed by the Administration from prevailing national mortality and morbidity standards for similar procedures; and

"(B) if there are such deviations, whether they indicate deficiencies in the quality of health care provided by the Administration.

"(2) The evaluation under paragraph (1)(A) shall be made using the information compiled under subsection (c)(1). The evaluation under paragraph (1)(B) shall be made taking into account the factors described in subsection (c)(2)(B).

"(3) If, based upon an evaluation under paragraph (1)(A), the Chief Medical Director determines that there is a deviation referred to in that paragraph, the Chief Medical Director shall explain the deviation in the report submitted under subsection (f).

"(c)(1) The Chief Medical Director shall—

"(A) determine the prevailing national mortality and morbidity standards for each type of surgical procedure performed by the Administration; and

"(B) collect data and other information on mortality and morbidity rates in the Administration for each type of surgical procedure performed by the Administration and (with respect to each such procedure) compile the data and other information so collected—

"(i) for each medical facility of the Department, in the case of cardiac surgery, heart transplant, and renal transplant programs; and

"(ii) in the aggregate, for each other type of surgical procedure.

"(2) The Chief Medical Director shall—

"(A) compare the mortality and morbidity rates compiled under paragraph (1)(B) with the national mortality and morbidity standards determined under paragraph (1)(A); and

"(B) analyze any deviation between such rates and such standards in terms of the following:

"(i) The characteristics of the respective patient populations.

"(ii) The level of risk for the procedure involved, based on—

"(I) patient age;

"(II) the type and severity of the disease;

"(III) the effect of any complicating diseases; and

"(IV) the degree of difficulty of the procedure.

"(iii) Any other factor that the Chief Medical Director considers appropriate.

"(d) Based on the information compiled and the comparisons, analyses, evaluations, and explanations made under subsections (b) and (c), the Chief Medical Director, in the report under subsection (f), shall make such recommendations with respect to quality assurance as the Chief Medical Director considers appropriate.

"(e)(1) The Secretary shall allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Administration to carry out its responsibilities under this section.

"(2) The Inspector General of the Department shall allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Inspector General to monitor the quality-assurance program.

"(f)(1) Not later than February 1, 1991, the Chief Medical Director shall submit to the Secretary a report on the experience through the end of the preceding fiscal year under the quality-assurance program carried out under this section.

"(2) Such report shall include—

"(A) the data and other information compiled and the comparisons, analyses, and evaluations made under subsections (b) and (c) with respect to the period covered by the report; and

"(B) recommendations under subsection (d).

"(g)(1) Not later than 60 days after receiving such report, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comment concerning the report that the Secretary considers appropriate.

"(2) A report submitted under paragraph (1) shall not be considered to be a record or document as described in section 5705(a) of this title.

"§7312. Special medical advisory group

"(a) The Secretary shall establish an advisory committee to be known as the special medical advisory group. The advisory group shall advise the Secretary, through the Chief Medical Director, and the Chief Medical Director directly, relative to the care and treatment of disabled veterans and other matters pertinent to the Administration.

"(b) Members of the special medical advisory group shall be appointed by the Secretary upon the recommendation of the Chief Medical Director. The special medical advisory group shall be composed of—

"(1) members of the medical, dental, podiatric, optometric, and allied scientific professions;

"(2) other individuals considered by the Chief Medical Director to have experience pertinent to the mission of the Administration; and

"(3) a disabled veteran.

"(c) The special medical advisory group shall meet on a regular basis as prescribed by the Secretary. The number, terms of service, pay, and allowances of members of the advisory group shall be prescribed in accordance with existing law and regulations.

"(d) Not later than February 1 of each year, the special medical advisory group shall submit to the Secretary and the Congress a report on the advisory groups activities during the preceding fiscal year.

"§7313. Advisory committees: affiliated institutions

"(a) In each case where the Secretary has a contract or agreement with any school, institution of higher learning, medical center, hospital, or other public or nonprofit agency, institution, or organization for the training or education of health personnel, the Secretary shall establish an advisory committee to advise the Secretary and the Chief Medical Director with respect to policy matters arising in connection with, and the operation of, the program with respect to which it was appointed. Such a committee may be a dean's committee, a medical advisory committee, or the like.

"(b) Any such advisory committee may be established on an institution-wide, multi-disciplinary basis or on a regional basis whenever establishment on such a basis is found to be feasible.

"(c) Members of each such advisory committee shall be appointed by the Secretary and shall include personnel of the Department (including appropriate representation from the full-time staff) and of the entity with which the Secretary has entered into the contract or agreement. The number of members, and terms of members, of each advisory committee shall be prescribed by the Secretary.

"(d) The Secretary shall require that the Chief of the Nursing Service (or the designee of the Chief) at each Department health-care facility be included in the membership of each policymaking committee at that facility. Such committees include: (1) committees relating to matters such as budget, education, position management, clinical executive issues, planning, and resource allocation, and (2) the dean's committee or other advisory committee established under subsection (a).

"§7314. Geriatric research, education, and clinical centers

"(a) The Secretary, upon the recommendation of the Chief Medical Director and pursuant to the provisions of this section, shall designate not more than 25 Department health-care facilities as the locations for centers of geriatric research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose) shall establish and operate such centers at such locations in accordance with this section.

"(b) In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Chief Medical Director, shall—

"(1) designate each Department health-care facility that as of August 26, 1980, was operating a geriatric research, education, and clinical center unless (on the recommendation of the Chief Medical Director) the Secretary determines that such facility does not meet the requirements of subsection (c) or has not demonstrated effectiveness in carrying out the established purposes of such center or the purposes of title III of the Veterans' Administration Health-Care Amendments of 1980 (Public Law 96–330; 94 Stat. 1048) or the potential to carry out such purposes effectively in the reasonably foreseeable future; and

"(2) assure appropriate geographic distribution of such facilities.

"(c) The Secretary may not designate a health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Chief Medical Director) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school which provides education and training in geriatrics and with which such facility is affiliated under which residents receive education and training in geriatrics through regular rotation through such center and through nursing home, extended care, or domiciliary units of such facility so as to provide such residents with training in the diagnosis and treatment of chronic diseases of older individuals, including cardiopulmonary conditions, senile dementia, and neurological disorders.

"(2) An arrangement under which nursing or allied health personnel receive training and education in geriatrics through regular rotation through nursing home, extended care, or domiciliary units of such facility.

"(3) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(4) A policymaking advisory committee composed of appropriate health-care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center.

"(5) The capability to conduct effectively evaluations of the activities of such center.

"(d) Before providing funds for the operation of any such center at a health-care facility other than a health-care facility designated under subsection (b)(1), the Secretary shall assure that the center at each facility designated under such subsection is receiving adequate funding to enable such center to function effectively in the areas of geriatric research, education, and clinical activities.

"(e) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Chief Medical Director shall allocate to such centers from other funds appropriated generally for the Department medical care account and medical and prosthetics research account, as appropriate, such amounts as the Chief Medical Director determines appropriate.

"(f) Activities of clinical and scientific investigation at each center established under sub-

section (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in geriatrics and gerontology.

"§7315. Geriatrics and Gerontology Advisory Committee

"(a) The Secretary shall establish in the Administration a Geriatrics and Gerontology Advisory Committee (hereinafter in this section referred to as the 'Committee'). The membership of the Committee shall be appointed by the Secretary, upon the recommendation of the Chief Medical Director, and shall include individuals who are not employees of the Federal Government and who have demonstrated interest and expertise in research, education, and clinical activities related to aging and at least one representative of a national veterans service organization. The Secretary, upon the recommendation of the Chief Medical Director, shall invite representatives of other appropriate departments and agencies of the United States to participate in the activities of the Committee and shall provide the Committee with such staff and other support as may be necessary for the Committee to carry out effectively its functions under this section.

"(b) The Committee shall—

"(1) advise the Chief Medical Director on all matters pertaining to geriatrics and gerontology;

"(2) assess, through an evaluation process (including a site visit conducted not later than three years after the date of the establishment of each new center and not later than two years after the date of the last evaluation of those centers in operation on August 26, 1980), the ability of each center established under section 7314 of this title to achieve its established purposes and the purposes of title III of the Veterans' Administration Health-Care Amendments of 1980 (Public Law 96–330; 94 Stat. 1048);

"(3) assess the capability of the Department to provide high quality geriatric services, extended services, and other health-care services to eligible older veterans, taking into consideration the likely demand for such services from such veterans;

"(4) assess the current and projected needs of eligible older veterans for geriatric services, extended-care services, and other health-care services from the Department and its activities and plans designed to meet such needs; and

"(5) perform such additional functions as the Secretary or Chief Medical Director may direct.

"(c)(1) The Committee shall submit to the Secretary, through the Chief Medical Director, such reports as the Committee considers appropriate with respect to its findings and conclusions under subsection (b). Such reports shall include the following:

"(A) Descriptions of the operations of the centers of geriatric research, education, and clinical activities established pursuant to section 7314 of this title.

"(B) Assessments of the quality of the operations of such centers.

"(C) An assessment of the extent to which the Department, through the operation of such centers and other health-care facilities and programs, is meeting the needs of eligible older veterans for geriatric services, extended-care services, and other health-care services.

"(D) Assessments of and recommendations for correcting any deficiencies in the operations of such centers.

"(E) Recommendations for such other geriatric services, extended-care services, and other health-care services as may be needed to meet the needs of older veterans.

"(2) Not later than 90 days after receipt of a report submitted under paragraph (1), the Secretary shall transmit the report, together with the Secretary's comments and recommendations thereon, to the appropriate committees of the Congress.

"§7316. Malpractice and negligence suits: defense by United States

"(a)(1) The remedy—

"(A) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(B) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a medical care employee of the Administration in furnishing medical care or treatment while in the exercise of that employee's duties in or for the Administration shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the medical care employee (or employee's estate) whose act or omission gave rise to such claim.

"(2) For purposes of paragraph (1), the term 'medical care employee of the Administration' means a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, pharmacist, or paramedical (such as medical and dental technicians, nursing assistants, and therapists), or other supporting personnel.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) (or such person's estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

"(c) Upon a certification by the Attorney General that the defendant was acting in the scope of such person's employment in or for the Administration at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of such person's office or employment, the case shall be remanded to the State court.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

"(e) The Secretary may, to the extent the Secretary considers appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as described in subsection (a)), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of such person's duties in or for the Administration, if such person is assigned to a foreign country, detailed to State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, for such damage or injury.

"(f) The exception provided in section 2680(h) of title 28 shall not apply to any claim arising out of a negligent or wrongful act or omission of any person described in subsection (a) in furnishing medical care or treatment (including medical care or treatment furnished in the course of a clinical study or investigation) while in the exercise of such person's duties in or for the Administration.

"§7317. Hazardous research projects: indemnification of contractors

"(a)(1) With the approval of the Secretary, any contract or research authorized by section 7303 of this title, the performance of which involves a risk of an unusually hazardous nature, may provide that the United States will indemnify the contractor as provided in paragraph (2), but only to the extent that the liability, loss, or damage concerned arises out of the direct performance of the contract and to the extent not covered by the financial protection required under subsection (e).

"(2) Indemnity under paragraph (1) is indemnity against either or both of the following:

"(A) Liability (including reasonable expenses of litigation or settlement) to third persons, except liability under State or Federal workers' injury compensation laws to employees of the contractor employed at the site of and in connection with the contract for which indemnification is granted, for death, bodily injury, or loss of or damage to property, from a risk that the contract defines as unusually hazardous.

"(B) Loss of or damage to property of the contractor from a risk that the contract defines as unusually hazardous.

"(b) A contract that provides for indemnification in accordance with subsection (a) must also provide for—

"(1) notice to the United States of any claim or suit against the contractor for death, bodily injury, or loss of or damage to property; and

"(2) control of or assistance in the defense by the United States, at its election, of any such suit or claim for which indemnification is provided hereunder.

"(c) A payment may not be made under subsection (a) unless the Secretary certifies that the amount is just and reasonable.

"(d) Upon approval by the Secretary, payments under subsection (a) may be made from—

"(1) funds obligated for the performance of the contract concerned;

"(2) funds available for research or development or both, and not otherwise obligated; or

"(3) funds appropriated for those payments.

"(e) Each contractor which is a party to an indemnification agreement under subsection (a) shall have and maintain financial protection of such type and in such amounts as the Secretary shall require to cover liability to third persons and loss of or damage to the contractor's property. The amount of financial protection required shall be the maximum amount of insurance available from private sources, except that the Secretary may establish a lesser amount, taking into consideration the cost and terms of private insurance. Such financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures.

"(f) In administering the provisions of this section, the Secretary may use the facilities and services of private insurance organizations and

may contract to pay a reasonable compensation therefor. Any contract made under the provisions of this section may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5), upon a showing by the Secretary that advertising is not reasonably practicable, and advance payments may be made under any such contract.

"(g) The authority to indemnify contractors under this section does not create any rights in third persons which would not otherwise exist by law.

"(h) Funds appropriated to carry out this section shall remain available until expended.

"(i) In this section, the term 'contractor' includes subcontractors of any tier under a contract containing an indemnification provision pursuant to subsection (a).".

(4) Such chapter is further amended—

(A) by redesignating sections 4131, 4132, 4133, and 4134 as sections 7331, 7332, 7333, and 7334, respectively; and

(B) by redesignating sections 4161, 4162, 4163, 4164, 4165, 4166, 4167, and 4168 as sections 7361, 7362, 7363, 7364, 7365, 7366, 7367, and 7368, respectively.

(b) ENACTMENT OF OTHER PROVISIONS OF OLD CHAPTER 73 IN NEW CHAPTER 74.—Chapter 74, as added by section 102 and amended by section 202, is amended as follows:

(1) The table of sections (as added by section 102 and amended by section 203(b)) is amended—

(A) by inserting at the beginning the following:

"SUBCHAPTER I—APPOINTMENTS

"Sec.
"7401. Appointments in Veterans Health Administration.
"7402. Qualifications of appointees.
"7403. Period of appointments; promotions.
"7404. Grades and pay scales.
"7405. Temporary full-time appointments, part-time appointments, and without-compensation appointments.
"7406. Residencies and internships.
"7407. Administrative provisions for section 7405 and 7406 appointments.
"7408. Appointment of additional employees.
"7409. Contracts for scarce medical specialist services.";

(B) by inserting after the item relating to section 7423 (as added by section 203(b)(1)) the following:

"7424. Travel expenses of certain employees.
"7425. Employees: laws not applicable.
"7426. Retirement rights.";

(C) by inserting after the item relating to section 7440 (as added by section 102) the following:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

"7451. Nurses and other health-care personnel: competitive pay.
"7452. Nurses and other health-care personnel: administration of pay.
"7453. Nurses: additional pay.
"7454. Physician assistants and other health care professionals: additional pay.
"7455. Increases in rates of basic pay.
"7456. Nurses: special rules for weekend duty.
"7457. On-call pay.
"7458. Recruitment and retention bonus pay."; and

(D) by adding at the end the following:

"SUBCHAPTER VI—REGIONAL MEDICAL EDUCATION CENTERS

"7471. Designation of Regional Medical Education Centers.
"7472. Supervision and staffing of Centers.
"7473. Personnel eligible for training.
"7474. Consultation.".

(2) Such chapter is further amended by inserting before subchapter II (as added by section 202) the following:

"SUBCHAPTER I—APPOINTMENTS

"§7401. Appointments in Veterans Health Administration

"There may be appointed by the Secretary such personnel as the Secretary may find necessary for the medical care of veterans (in addition to those in the Office of the Chief Medical Director appointed under section 7306 of this title), as follows:

"(1) Physicians, dentists, podiatrists, optometrists, registered nurses, physician assistants, and expanded-function dental auxiliaries.

"(2) Psychologists (other than those described in paragraph (3)), dietitians, and other scientific and professional personnel, such as microbiologists, chemists, biostatisticians, and medical and dental technologists.

"(3) Clinical or counseling psychologists who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary, certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

"§7402

"§7402. Qualifications of appointees

"(a) To be eligible for appointment to the positions in the Administration covered by subsection (b), a person must have the applicable qualifications set forth in that subsection.

"(b)(1) PHYSICIAN.—To be eligible to be appointed to a physician position, a person must—

"(A) hold the degree of doctor of medicine or of doctor of osteopathy from a college or university approved by the Secretary,

"(B) have completed an internship satisfactory to the Secretary, and

"(C) be licensed to practice medicine, surgery, or osteopathy in a State.

"(2) DENTIST.—To be eligible to be appointed to a dentist position, a person must—

"(A) hold the degree of doctor of dental surgery or dental medicine from a college or university approved by the Secretary, and

"(B) be licensed to practice dentistry in a State.

"(3) NURSE.—To be eligible to be appointed to a nurse position, a person must—

"(A) have successfully completed a full course of nursing in a recognized school of nursing, approved by the Secretary, and

"(B) be registered as a graduate nurse in a State.

"(4) DIRECTOR OF A HOSPITAL, DOMICILIARY, CENTER, OR OUTPATIENT CLINIC.—To be eligible to be appointed to a director position, a person must have such business and administrative experience and qualifications as the Secretary shall prescribe.

"(5) PODIATRIST.—To be eligible to be appointed to a podiatrist position, a person must—

"(A) hold the degree of doctor of podiatric medicine, or its equivalent, from a school of podiatric medicine approved by the Secretary, and

"(B) be licensed to practice podiatry in a State.

"(6) OPTOMETRIST.—To be eligible to be appointed to an optometrist position, a person must—

"(A) hold the degree of doctor of optometry, or its equivalent, from a school of optometry approved by the Secretary, and

"(B) be licensed to practice optometry in a State.

"(7) PHARMACIST.—To be eligible to be appointed to a pharmacist position, a person must—

"(A) hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy, approved by the Secretary, and

"(B) be registered as a pharmacist in a State.

"(8) PSYCHOLOGIST.—To be eligible to be appointed to a psychologist position, a person must—

"(A) hold a doctoral degree in psychology from a college or university approved by the Secretary,

"(B) have completed study for such degree in a specialty area of psychology and an internship which are satisfactory to the Secretary, and

"(C) be licensed or certified as a psychologist in a State, except that the Secretary may waive the requirement of licensure or certification for an individual psychologist for a period not to exceed two years on the condition that that psychologist provide patient care only under the direct supervision of a psychologist who is so licensed or certified.

"(9) OTHER HEALTH-CARE POSITIONS.—To be appointed as a physician assistant, expanded-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position, a person must have such medical, dental, scientific, or technical qualifications as the Secretary shall prescribe.

"(c) Except as provided in section 7407(a) of this title, a person may not be appointed in the Administration to a position listed in section 7401(1) of this title unless the person is a citizen of the United States.

"(d) A person may not be appointed under section 7401(1) of this title to serve in the Administration in any direct patient-care capacity unless the Chief Medical Director determines that the person possesses such basic proficiency in spoken and written English as will permit such degree of communication with patients and other health-care personnel as will enable the person to carry out the person's health-care responsibilities satisfactorily. Any determination by the Chief Medical Director under this subsection shall be in accordance with regulations which the Secretary shall prescribe.

"(e) A person may not serve as Chief of Staff of a Department health-care facility if the person is not serving on a full-time basis.

"§7403. Period of appointments; promotions

"(a)(1) Appointments under this chapter of health-care professionals to whom this section applies may be made only after qualifications have been satisfactorily established in accordance with regulations prescribed by the Secretary, without regard to civil-service requirements.

"(2) This section applies to the following persons appointed under this chapter:

"(A) Physicians.
"(B) Dentists.
"(C) Podiatrists.
"(D) Optometrists.
"(E) Nurses.
"(F) Physician assistants.
"(G) Expanded-function dental auxiliaries.

"(b)(1) Appointments described in subsection (a) shall be for a probationary period of two years.

"(2) The record of each person serving under such an appointment in the Medical, Dental, and Nursing Services shall be reviewed from time to time by a board, appointed in accordance with regulations of the Secretary. If such a board finds that such person is not fully qualified and satisfactory, such person shall be separated from the service.

"(c) Promotions of persons to whom this section applies shall be made only after examination given in accordance with regulations prescribed by the Secretary. Advancement within grade may be made in increments of the minimum rate of basic pay of the grade in accordance with regulations prescribed by the Secretary.

"(d) In determining eligibility for reinstatement in the Federal civil service of persons ap-

pointed to positions in the Administration under this chapter who at the time of appointment have a civil-service status, and whose employment in the Administration is terminated, the period of service performed in the Administration shall be included in computing the period of service under applicable civil-service rules and regulations.

"(e) In accordance with regulations prescribed by the Secretary, the grade and annual rate of basic pay of a person to whom this section applies whose level of assignment is changed from a level of assignment in which the grade level is based on both the nature of the assignment and personal qualifications may be adjusted to the grade and annual rate of basic pay otherwise appropriate.

"(f)(1) Upon the recommendation of the Chief Medical Director, the Secretary may—

"(A) use the authority in subsection (a) to establish the qualifications for and (subject to paragraph (2)) to appoint individuals to positions listed in section 7401(3) of this title; and

"(B) use the authority provided in subsection (c) for the promotion and advancement of Department employees serving in such positions.

"(2) In using such authority to appoint individuals to such positions, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.

"(3) Notwithstanding any other provision of this title or other law, all matters relating to adverse actions, disciplinary actions, and grievance procedures involving individuals appointed to such positions (including similar actions and procedures involving an employee in a probationary status) shall be resolved under the provisions of title 5 as though such individuals had been appointed under that title.

"(g)(1) The Secretary may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title) an individual who—

"(A) has a recognized degree or certificate from an accredited institution in a health-care profession or occupation; and

"(B) has successfully completed a clinical education program affiliated with the Department.

"(2) In using the authority provided by this subsection, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.

"§7404. Grades and pay scales

"(a) The annual rates or ranges of rates of basic pay for positions provided in section 7306 of this title shall be prescribed from time to time by Executive order as authorized by chapter 53 of title 5 or as otherwise authorized by law.

"(b)(1) The grades for positions provided for in paragraph (1) of section 7401 of this title shall be as follows. The annual ranges of rates of basic pay for those grades shall be prescribed from time to time by Executive order as authorized by chapter 53 of title 5 or as otherwise authorized by law:

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade.

"Executive grade.

"Chief grade.

"Senior grade.

"Intermediate grade.

"Full grade.

"Associate grade.

"NURSE SCHEDULE

"Director grade.

"Senior grade.

"Intermediate grade.

"Entry grade.

"CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

"Chief grade.

"Senior grade.

"Intermediate grade.

"Full grade.

"Associate grade.

"(2) A person may not hold the director grade in the Physician and Dentist Schedule unless the person is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). A person may not hold the executive grade in that Schedule unless the person holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

"(c) Notwithstanding the provisions of section 7425(a) of this title, a person appointed under section 7306 of this title who is not eligible for special pay under subchapter III shall be deemed to be a career appointee for the purposes of sections 4507 and 5384 of title 5.

"(d) Except as provided under subchapter III and in section 7457 of this title, pay may not be paid at a rate in excess of the rate of basic pay for an appropriate level authorized by section 5315 or 5316 of title 5 for positions in the Executive Schedule, as follows:

"(1) Level IV for the Deputy Chief Medical Director.

"(2) Level V for all other positions for which such basic pay is paid under this section.

"§7405. Temporary full-time appointments, part-time appointments, and without-compensation appointments

"(a) The Secretary, upon the recommendation of the Chief Medical Director, may employ, without regard to civil service or classification laws, rules, or regulations, personnel as follows:

"(1) On a temporary full-time basis, part-time basis, or without compensation basis, persons in the following positions:

"(A) Positions listed in section 7401(1) of this title.

"(B) Certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

"(C) Dietitians, social workers, and librarians.

"(D) Other professional, clerical, technical, and unskilled personnel (including interns, residents, trainees, and students in medical support programs).

"(2) On a fee basis, persons in the following positions:

"(A) Positions listed in section 7401(1) of this title.

"(B) Certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

"(C) Other professional and technical personnel.

"(b) Personnel employed under subsection (a)—

"(1) shall be in addition to personnel described in section 7306, paragraphs (1) and (3) of section 7401, and section 7408 of this title; and

"(2) shall be paid such rates of pay as the Secretary may prescribe.

"(c)(1) Temporary full-time appointments under this section of persons in positions listed in section 7401(1) of this title may be for a period in excess of 90 days only if the Chief Medical Director finds that circumstances render it impracticable to obtain the necessary services through appointments under that section.

"(2) Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing, approved by the Secretary, or who have successfully completed a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title in a recognized education or training institution approved by the Secretary, and who are pending registration or licensure in a State, or certification by a national board recognized by the Secretary, shall not exceed two years.

"(3) Temporary full-time appointments of other personnel may not be for a period in excess of one year except as authorized in subsection (f).

"(d) A part-time appointment may not be for a period of more than one year, except for appointments of persons specified in subsection (a)(1)(A) and interns, residents, and other trainees in medical support programs and except as authorized in subsection (f).

"(e) A student who has a temporary appointment under this section and who is pursuing a full course of nursing in a recognized school of nursing approved by the Secretary, or who is pursuing a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title in a recognized education or training institution approved by the Secretary, may be reappointed for a period not to exceed the duration of the student's academic program.

"(f) During any period during which the Secretary is exercising the authority provided in subsections (a) and (f)(1) of section 7403 of this title in connection with the appointment, under paragraph (3) of section 7401 of this title, of personnel in a category of personnel described in such paragraph—

"(1) the Secretary may make temporary full-time appointments of personnel in such category for periods exceeding 90 days if the Chief Medical Director finds that circumstances render it impractical to obtain the necessary services through appointments under paragraph (3) of section 7401 of this title; and

"(2) part-time appointments of personnel in such category may be for periods of more than one year.

"§7406. Residencies and internships

"(a)(1) The Secretary may establish residencies and internships. The Secretary may appoint qualified persons to such positions without regard to civil service or classification laws, rules, or regulations.

"(2) For the purposes of this section:

"(A) The term 'internship' includes the equivalency of an internship as determined in accordance with regulations which the Secretary shall prescribe.

"(B) The term 'intern' means a person serving an internship.

"(b) The Secretary may prescribe the conditions of employment of persons appointed under this section, including necessary training, and the customary amount and terms of pay for such positions during the period of such employment and training. The amount and terms of such pay may be established retroactively based on changes in such customary amount and terms.

"(c)(1) In order to carry out more efficiently the provisions of subsection (a)(1), the Secretary may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Department in the training of interns or residents to provide, by the designation of one such institution to serve as a central administrative agency, for the central administration—

"(A) of stipend payments;

"(B) provision of fringe benefits; and

"(C) maintenance of records for such interns and residents.

"(2) The Secretary may pay to such designated agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Department hospital of—

"(A) stipends fixed by the Secretary pursuant to paragraph (1);

"(B) hospitalization, medical care, and life insurance and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Department hospital;

"(C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1986, where applicable; and

"(D) an amount to cover a pro rata share of the cost of expense of such central administrative agency.

"(3)(A) Any amounts paid by the Secretary to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim such recipient might have to any payment of stipends or employee benefits to which such recipient may be entitled under this title or title 5.

"(B) Notwithstanding subparagraph (A), any period of service of any such intern or resident in a Department hospital shall be deemed creditable service for the purposes of section 8332 of title 5.

"(4) The agreement with such central administrative agency may further provide that the designated central administrative agency shall—

"(A) make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes;

"(B) maintain all records pertinent to such deductions and make proper deposits of such deductions; and

"(C) maintain all records pertinent to the leave accrued by such intern and resident for the period during which such recipient serves in a participating hospital, including a Department hospital.

"(5) Leave described in paragraph (4)(C) may be pooled, and the intern or resident may be afforded leave by the hospital in which such person is serving at the time the leave is to be used to the extent of such person's total accumulated leave, whether or not earned at the hospital in which such person is serving at the time the leave is to be afforded.

"§7407. Administrative provisions for section 7405 and 7406 appointments

"(a) When the Chief Medical Director determines that it is not possible to recruit qualified citizens for the necessary services, appointments under sections 7405 and 7406 of this title may be made without regard to the citizenship requirements of section 7402(c) of this title or of any other law prohibiting the employment of, or payment of compensation to, a person who is not a citizen of the United States.

"(b)(1) Subject to paragraph (2), the Chief Medical Director may waive for the purpose of the appointment of an individual under section 7405 or 7406 of this title the requirements set forth in section 7402(b) of this title—

"(A) that a physician, dentist, psychologist, optometrist, registered nurse, practical or vocational nurse, or physical therapist be licensed or certified, as appropriate;

"(B) that the licensure or certification of such an individual be in a State; and

"(C) that a psychologist have completed an internship.

"(2) The waivers authorized in paragraph (1) may be granted—

"(A) in the case of clauses (A) and (C) of such paragraph, if the individual (i) will be employed to conduct research or serve in an academic position, and (ii) will have no responsibility for furnishing direct patient care services; and

"(B) in the case of clause (B) of such paragraph, if the individual will be employed to serve in a country other than the United States and the individual's licensure or registration is in the country in which the individual is to serve.

"(c) The program of training prescribed by the Secretary in order to qualify a person for the position of full-time physician assistant or expanded-function dental auxiliary shall be considered a full-time institutional program for purposes of chapter 34 of this title. The Secretary may consider training for such a position to be on a less than full-time basis for purposes of such chapter when the combined classroom (and other formal instruction) portion of the program and the on-the-job training portion of the program total less than 30 hours per week.

"(d) A person may not be appointed under section 7405 or 7406 of this title to an occupational category described in section 7401(1) of this title or in section 7406 of this title unless the person meets the requirements established in section 7402(d) of this title and regulations prescribed under that section.

"(e) In accordance with the provisions of section 7425(b) of this title, the provisions of chapter 34 of title 5 pertaining to part-time career employment shall not apply to part-time appointments under sections 7405 and 7406 of this title.

"§7408. Appointment of additional employees

"(a) There shall be appointed by the Secretary under civil-service laws, rules, and regulations, such additional employees, other than those provided in section 7306 and paragraphs (1) and (3) of section 7401 of this title and those specified in sections 7405 and 7406 of this title, as may be necessary to carry out the provisions of this chapter.

"(b) The Secretary, after considering an individual's existing pay, higher or unique qualifications, or the special needs of the Department, may appoint the individual to a position in the Administration providing direct patient-care services or services incident to direct patient-services at a rate of pay above the minimum rate of the appropriate grade.

"§7409. Contracts for scarce medical specialist services

"(a) The Secretary may enter into contracts with institutions and persons described in subsection (b) to provide scarce medical specialist services at Department facilities. Such services may include the services of physicians, dentists, podiatrists, optometrists, nurses, physician assistants, expanded-function dental auxiliaries, technicians, and other medical support personnel.

"(b) Institutions and persons with whom the Secretary may enter into contracts under subsection (a) are the following:

"(1) Schools and colleges of medicine, osteopathy, dentistry, podiatry, optometry, and nursing.

"(2) Clinics.

"(3) Any other group or individual capable of furnishing such scarce medical specialist services.".

(3) Subchapter II of such chapter (as added by section 202) is amended—

(A) by adding at the end of section 7423 the following new subsection:

"(e)(1) The Secretary shall establish a leave transfer program for the benefit of health-care professionals in positions listed in section 7401(1) of this title. The Secretary may also establish a leave bank program for the benefit of such health-care professionals.

"(2) To the maximum extent feasible—

"(A) the leave transfer program shall provide the same or similar requirements and conditions as are provided for the program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5; and

"(B) any leave bank program established pursuant to paragraph (1) shall be consistent with the requirements and conditions provided for agency leave bank programs in subchapter IV of such chapter.

"(3) Participation by a health-care professional in the leave transfer program established pursuant to paragraph (1), and in any leave bank program established pursuant to such paragraph, shall be voluntary. The Secretary may not require any health-care professional to participate in such a program.

"(4)(A) The Secretary and the Director of the Office of Personnel Management may enter into an agreement that permits health-care professionals referred to in paragraph (1) to participate in the leave transfer program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5 or in any leave bank program established for other employees of the Department pursuant to subchapter IV of chapter 63 of title 5, or both.

"(B) Participation of such health-care professionals in a leave transfer program or a leave bank program pursuant to an agreement entered into under subparagraph (A) shall be subject to such requirements and conditions as may be prescribed in such agreement.

"(5) The Secretary is not required to establish a leave transfer program for any personnel permitted to participate in a leave transfer program pursuant to an agreement referred to in paragraph (4)."; and

(B) by adding at the end the following new sections:

"§7424. Travel expenses of certain employees

"(a) The Secretary may pay the expenses (other than membership fees) of persons described in sections 7306 and 7401(1) of this title (including persons in positions described in section 7401(1) of this title who are appointed on a temporary full-time basis or a part-time basis under section 7405 of this title) who are detailed by the Chief Medical Director to attend meetings of associations for the promotion of medical and related science.

"(b)(1) The Secretary may prescribe regulations establishing conditions under which officers and employees of the Administration who are nationally recognized principal investigators in medical research may be permitted to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel and such reasonable subsistence expenses as are approved by the Secretary pursuant to such regulations—

"(A) in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Department; or

"(B) in connection with acceptance of significant awards or with activity related thereto concerned with functions or activities of the Department.

"(2) Any such payment may be retained by such officers and employees to cover the cost of such expenses or shall be deposited to the credit of the appropriation from which the cost of such expenses is paid, as may be provided in such regulations.

"§7425. Employees: laws not applicable

"(a) Physicians, dentists, nurses, and other health-care professionals employed by the Administration and appointed under section 7306, 7401(1), 7405, or 7406 of this chapter are not subject to the following provisions of law:

"(1) Section 413 of the Civil Service Reform Act of 1978.

"(2) Subchapter II of chapter 31 of title 5.

"(3) Subchapter VIII of chapter 33 of title 5.

"(4) Subchapter V of chapter 35 of title 5.

"(5) Subchapter II of chapter 43 of title 5.

"(6) Section 4507 of title 5.

"(7) Subchapter VIII of chapter 53 of title 5.

"(8) Subchapter V of chapter 75 of title 5.

"(b) Notwithstanding any other provision of law, no provision of title 5 or any other law pertaining to the civil service system which is inconsistent with any provision of section 7306 of this title or this chapter shall be considered to supersede, override, or otherwise modify such provision of that section or this chapter except to the extent that such provision of title 5 or of such other law specifically provides, by specific reference to a provision of this chapter, or such provision to be superseded, overridden, or otherwise modified.

"§7426. Retirement rights

"(a) Except as provided in subsection (b), persons appointed to the Administration shall be subject to the provisions of and entitled to benefits under subchapter III of chapter 83 of title 5 or subchapter II of chapter 84 of title 5, whichever is applicable.

"(b)(1) In computing the annuity under subchapter III of chapter 83, or subchapter II of chapter 84, of title 5 of an individual who retires under such subchapter (other than under section 8337 or 8451 of such title) after December 31, 1981, and who served at any time on a less-than-full-time basis in a position in the Administration to which such individual was appointed under subchapter I—

"(A) for the purpose of determining such individual's average pay, as defined by section 8331(4) or 8401(3) of title 5, whichever is applicable, the annual rate of basic pay for full-time service shall be deemed to be such individual's rate of basic pay; and

"(B) the amount of such individual's annuity as computed under section 8339 or 8415 of title 5 (before application of any reduction required by subsection (i) of section 8339) shall be multiplied by the fraction equal to the ratio that that individual's total full-time equivalent service bears to that individual's creditable service as determined under section 8332 or 8411 of title 5, whichever is applicable.

"(2) For the purposes of paragraph (1)(B), an individual's full-time equivalent service is the individual's creditable service as determined under section 8332 or 8411 of title 5, whichever is applicable, except that any period of service of such individual served on a less-than-full-time basis shall be prorated based on the fraction such service bears to full-time service. For the purposes of the preceding sentence, full-time service shall be considered to be 80 hours of service per biweekly pay period.

"(3) A survivor annuity computed under section 8341, or subchapter IV of chapter 84, of title 5 based on the service of an individual described in paragraph (1) shall be computed based upon such individual's annuity as determined in accordance with such paragraph.

"(c) The Secretary may authorize an exception to the restrictions in subsections (a), (b), and (c) of section 5532 of title 5 if necessary to meet special or emergency employment needs which result from a severe shortage of well-qualified candidates in physician positions, and registered nurse positions, which otherwise cannot be readily met. The authority of the Secretary under the preceding sentence with respect to registered-nurse positions expires on September 30, 1992.".

(4) Chapter 74 is further amended by inserting after subchapter III (as added by section 102) the following:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

"§7453. Nurses: additional pay

"(a) In addition to the rate of basic pay provided for nurses, a nurse shall receive additional pay as provided by this section.

"(b) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional pay for each hour of service on such tour at a rate equal to 10 percent of the nurse's hourly rate of basic pay if at least four hours of such tour fall between 6 postmeridian and 6 antemeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of service performed between those hours.

"(c) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay for each hour of service on such tour at a rate equal to 25 percent of such nurse's hourly rate of basic pay.

"(d) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive for each hour of such service the nurse's hourly rate of basic pay, plus additional pay at a rate equal to such hourly rate of basic pay, for that holiday service, including overtime service. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

"(e)(1) A nurse performing officially ordered or approved hours of service in excess of 40 hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service. The overtime rates shall be one and one-half times such nurse's hourly rate of basic pay.

"(2) For the purposes of this subsection, overtime must be of at least 15 minutes duration in a day to be creditable for overtime pay.

"(3) Compensatory time off in lieu of pay for service performed under the provisions of this subsection shall not be permitted, except as voluntarily requested in writing by the nurse in question.

"(4) Any excess service performed under this subsection on a day when service was not scheduled for such nurse, or for which such nurse is required to return to the nurse's place of employment, shall be deemed to be a minimum of two hours in duration.

"(5) For the purposes of this subsection, the period of a nurse's officially ordered or approved travel away from such nurse's duty station may not be considered to be hours of service unless—

"(A) such travel occurs during such nurse's tour of duty; or

"(B) such travel—

"(i) involves the performance of services while traveling,

"(ii) is incident to travel that involves the performance of services while traveling,

"(iii) is carried out under arduous conditions as determined by the Secretary, or

"(iv) results from an event which could not be scheduled or controlled administratively.

"(f) For the purpose of computing the additional pay provided by subsections (b), (c), (d), or (e), a nurse's hourly rate of basic pay shall be derived by dividing such nurse's annual rate of basic pay by 2,080.

"(g) When a nurse is entitled to two or more forms of additional pay under subsections (b), (c), (d), or (e) for the same period of service, the amounts of such additional pay shall be computed separately on the basis of such nurse's hourly rate of basic pay, except that no overtime pay as provided in subsection (e) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under subsection (d) for such service.

"(h) A nurse who is officially scheduled to be on call outside such nurse's regular hours or on a holiday designated by Federal statute or Executive order shall be paid for each hour of such on-call duty, except for such time as such nurse may be called back to work, at a rate equal to 10 percent of the hourly rate for excess service as provided in subsection (e).

"(i) Any additional pay paid pursuant to this section shall not be considered as basic pay for the purposes of the following provisions of title 5 (and any other provision of law relating to benefits based on basic pay):

"(1) Subchapter VI of chapter 55.

"(2) Section 5595.

"(3) Chapters 81, 83, 84, and 87 of title 5.

"(j)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary may increase the rates of additional pay authorized under subsections (b) through (h) if the Secretary determines that it is necessary to do so in order to obtain or retain the services of nurses.

"(2) An increase under paragraph (1) in rates of additional pay—

"(A) may be made at any specific Department health-care facility in order to provide nurses, or any category of nurses, at such facility additional pay in an amount competitive with, but not exceeding, the amount of the same type of pay that is paid to the same category of nurses at non-Federal health-care facilities in the same geographic area as such Department health-care facility (based upon a reasonably representative sampling of such non-Federal facilities); and

"(B) may be made on a nationwide, local, or other geographic basis if the Secretary finds that such an increase is justified on the basis of a review of the need for such increase (based upon a reasonably representative sampling of non-Federal health-care facilities in the geographic area involved).

"§7454. Physician assistants and other health care professionals: additional pay

"(a) Physician assistants and expanded-function dental auxiliaries shall be entitled to additional pay on the same basis as provided for nurses in section 7453 of this title.

"(b) When the Secretary determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, or occupational therapists, the Secretary may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in section 7453 of this title.

"(c) The Secretary shall prescribe by regulation standards for compensation and payment under this section.

"§7455. Increases in rates of basic pay

"(a)(1) Subject to subsections (b), (c), and (d), when the Secretary determines it to be necessary in order to obtain or retain the services of persons described in paragraph (2), the Secretary may increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations. Any increase in such rates of basic pay—

"(A) may be made on a nationwide basis, local basis, or other geographic basis; and

"(B) may be made—

"(i) for one or more of the grades listed in the schedules in subsection (b)(1) of section 7404 of this title;

"(ii) for one or more of the health personnel fields within such grades; or

"(iii) for one or more of the grades of the General Schedule under section 5332 of title 5.

"(2) Paragraph (1) applies to the following:

"(A) Individuals employed in positions listed in paragraphs (1) and (3) of section 7401 of this title.

"(B) Health-care personnel who—

"(i) are employed in the Administration (other than administrative, clerical, and physical plant maintenance and protective services employees);

"(ii) are paid under the General Schedule pursuant to section 5332 of title 5;

"(iii) are determined by the Secretary to be providing either direct patient-care services or services incident to direct patient-care services; and

"(iv) would not otherwise be available to provide medical care and treatment for veterans.

"(C) Employees who are Department police officers providing services under section 218 of this title.

"(b) Increases in rates of basic pay may be made under subsection (a) only in order—

"(1) to provide pay in an amount competitive with, but not exceeding, the amount of the same type of pay paid to the same category of personnel at non-Federal facilities in the same labor market;

"(2) to achieve adequate staffing at particular facilities; or

"(3) to recruit personnel with specialized skills, especially those with skills which are especially difficult or demanding.

"(c) The amount of any increase under subsection (a) in the maximum rate for any grade may not (except in the case of nurse anesthetists and licensed physical therapists) exceed the amount by which the maximum for such grade (under applicable provisions of law other than this subsection) exceeds the minimum for such grade (under applicable provisions of law other than this subsection), and the maximum rate as so increased may not exceed the rate paid for individuals serving as Assistant Chief Medical Director.

"(d)(1) In the exercise of the authority provided in subsection (a) with respect to personnel described in subparagraph (B) or (C) of paragraph (2) of that subsection to increase the rates of basic pay for any category of personnel not appointed under subchapter I, the Secretary shall, not less than 45 days before the effective date of a proposed increase, notify the President of the Secretary's intention to provide such an increase.

"(2) Such a proposed increase shall not take effect if, before the effective date of the proposed increase, the President disapproves such increase and provides the appropriate committees of the Congress with a written statement of the President's reasons for such disapproval.

"(3) If, before that effective date, the President approves such increase, the Secretary may advance the effective date to any date not earlier than the date of the President's approval.

"§7456. Nurses: special rules for weekend duty

"(a) Subject to subsection (b), if the Secretary determines it to be necessary in order to obtain or retain the services of nurses at any Department health-care facility, the Secretary may provide, in the case of nurses appointed under this chapter and employed at such facility, that such nurses who work two regularly scheduled 12-hour tours of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings) to have worked a full 40-hour basic workweek.

"(b)(1) Basic and additional pay for a nurse who is considered under subsection (a) to have worked a full 40-hour basic workweek shall be subject to paragraphs (2) and (3).

"(2) The hourly rate of basic pay for such a nurse for service performed as part of a regularly scheduled 12-hour tour of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be derived by dividing the nurse's annual rate of basic pay by 1,248.

"(3)(A) Such a nurse who performs a period of service in excess of such nurse's regularly scheduled two 12-hour tours of duty is entitled to overtime pay under section 7453(e) of this title, or other applicable law, for officially ordered or approved service performed in excess of eight hours on a day other than a Saturday or Sunday or in excess of 24 hours within the period commencing at midnight Friday and ending at midnight the following Sunday.

"(B) Except as provided in subparagraph (C), a nurse to whom this subsection is applicable is not entitled to additional pay under section 7453 of this title, or other applicable law, for any period included in a regularly scheduled 12-hour tour of duty.

"(C) If the Secretary determines it to be further necessary in order to obtain or retain the services of nurses at a particular facility, a nurse to whom this paragraph is applicable who performs service in excess of such nurse's regularly scheduled two 12-hour tours of duty may be paid overtime pay under section 7453(e) of this title, or other applicable law, for all or part of the hours of officially ordered or approved service performed by such nurse in excess of 40 hours during an administrative workweek.

"(c) A nurse described in subsection (b)(1) who is absent on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty shall be charged for such leave at a rate of five hours of leave for three hours of absence.

"(d) The Secretary shall prescribe regulations for the implementation of this section.

"§7457. On-call pay

"(a) The Secretary may pay an employee to whom this section applies pay at the rate provided in section 7453(h) of this title except for such time as the employee may be called back to work.

"(b) This section applies to an employee who meets each of the following criteria:

"(1) The employee is employed in a position listed in paragraph (3) of section 7401 of this title or meets the criteria specified in clauses (i), (ii), and (iii) of section 7455(a)(2)(B) of this title.

"(2) The employee is employed in a work unit for which on-call premium pay is authorized.

"(3) The employee is officially scheduled to be on call outside such employee's regular hours or on a holiday designated by Federal statute or Executive order.

"(c) An employee who is eligible for on-call pay under subsection (a) and who was receiving standby premium pay pursuant to section 5545 of title 5 on May 20, 1988, shall, as long as such employee is employed in the same position and work unit and remains eligible for such standby pay, receive pay for any period of on-call duty at the rate equal to the greater of—

"(1) the rate of pay which such employee would receive if being paid the rate of standby pay pursuant to such section that such individual would be entitled to receive if such individual were not scheduled to be on call instead, or

"(2) the rate of pay which such employee is entitled to receive including on-call premium pay described in subsection (a).".

(5) Such chapter is further amended by adding after subchapter V (as added by section 203(a)) the following:

"SUBCHAPTER VI—REGIONAL MEDICAL EDUCATION CENTERS

"§7471. Designation of Regional Medical Education Centers

"(a) In carrying out the Secretary's functions under section 7302 of this title with regard to the training of health personnel, the Secretary shall implement a program under which the Secretary shall designate as Regional Medical Education Centers such Department hospitals as the Secretary determines appropriate to carry out the provisions of this subchapter.

"(b) Each Regional Medical Education Center (hereinafter in this subchapter referred to as 'Center') designated under subsection (a) shall provide continuing medical and related education programs for personnel eligible for training under this subchapter. Such programs shall include the following:

"(1) The teaching of newly developed medical skills and the use of newly developed medical technologies and equipment.

"(2) Advanced clinical instruction.

"(3) The opportunity for conducting clinical investigations.

"(4) Clinical demonstrations in the use of new types of health personnel and in the better use of the skills of existing health personnel.

"(5) Routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills.

"§7472. Supervision and staffing of Centers

"(a) Centers shall be operated under the supervision of the Chief Medical Director and shall be staffed with personnel qualified to provide the highest quality instruction and training in various medical and health care disciplines.

"(b) As a means of providing appropriate recognition to persons in the career service of the Administration who possess outstanding qualifications in a particular medical or health care discipline, the Chief Medical Director shall from time to time and for such period as the Chief Medical Director considers appropriate assign such persons to serve as visiting instructors at Centers.

"(c) Whenever the Chief Medical Director considers it necessary for the effective conduct of the program provided for under this subchapter, the Chief Medical Director may contract for the services of highly qualified medical and health personnel from outside the Department to serve as instructors at such Centers.

"§7473. Personnel eligible for training

"(a) The Chief Medical Director shall determine the manner in which personnel are to be selected for training in the Centers. Preference shall be given to career personnel of the Administration.

"(b) To the extent that facilities are available medical and health personnel from outside the Administration may, on a reimbursable basis, be provided training in the Centers. Such reimbursement may include reciprocal training of personnel of the Administration provided under sharing arrangements entered into by the Chief Medical Director and the heads of the entities providing such reciprocal training. Any amounts received by the United States as reimbursement under this subsection shall be credited to the applicable Department medical appropriation account.

"§7474. Consultation

"The Chief Medical Director shall carry out this subchapter after consultation with the special medical advisory group established pursuant to section 7312(a) of this title.".

(c) TRANSFERS OF CHAPTER 73 SECTIONS TO NEW CHAPTER 74.—(1)(A) Sections 4141 and 4142, as amended by section 301, are redesignated as sections 7451 and 7452, respectively, and are transferred to subchapter IV of chapter 74, as added by subsection (b), and inserted before section 7453.

(B) The heading for subchapter IV of chapter 73, as added by section 102(b) of Public Law 101–366, is repealed.

(2) Section 7451, as so redesignated and transferred, is amended—

(A) in subsection (a)—

(i) by striking out "clauses (1) and (3) of section 4104" in paragraph (2)(B) and inserting in lieu thereof "paragraphs (1) and (3) of section 7401";

(ii) by striking out "section 4107" in paragraph (3) and inserting in lieu thereof "section 7404";

(iii) by striking out "section 4142" in paragraph (4) and inserting in lieu thereof "section 7452";

(B) by striking out "section 4104(1)" and "section "4107(b)" in subsection (b) and inserting in lieu thereof "section 7401(1)" and "section 7404(b)", respectively; and

(C) by striking out "section 4142(b)(2)" in subsection (g)(8) and inserting in lieu thereof "section 7452(b)(2)".

(4) Section 7452, as so redesignated and transferred, is amended—

(A) in subsection (a)—

(i) by striking out "section 4141(a)" in paragraph (1) and inserting in lieu thereof "section 7451(a)"; and

(ii) by striking out "section 4141(c)(1)" in paragraph (2) and inserting in lieu thereof "section 7451(c)(1)";

(B) by striking out "section 4141(g)" in subsection (b)(2) and inserting in lieu thereof "section 7451(g)";

(C) by striking out "section 4104(1)" in subsections (c)(1) and (e) and inserting in lieu thereof "section 7401(1)"; and

(D) by striking out "section 4141" in subsection (f) and inserting in lieu thereof "section 7451".

(5) Section 4120 of such title, as in effect on the day before the date of the enactment of this Act, is redesignated as section 7458, transferred to the end of subchapter IV of chapter 74 of that title, as added by subsection (b), and amended by striking out "section 4118 of this title" in subsection (f) and inserting in lieu thereof "subchapter III".

SEC. 402. REDESIGNATION OF SECTIONS OF CHAPTERS 51 THROUGH 85.

(a) TRANSFER OF CHAPTER 75.—Chapter 75 is transferred to the end of part V and is redesignated as chapter 78.

(b) REDESIGNATION OF SECTIONS TO CONFORM TO CHAPTER NUMBERS.—(1) Each section contained in any of chapters 51, 53, 55, 57, 59, 61, 71, 72, 76, 78 (as redesignated by subsection (a)), 81, 83, and 85 is redesignated so that the first two digits of the section number of that section are the same as the chapter number of the chapter containing that section.

(2) Chapter 82 is amended—

(A) by redesignating section 5070 as section 8201;

(B) by redesignating sections 5071, 5072, 5073, and 5074 as sections 8211, 8212, 8213, and 8214, respectively;

(C) by redesignating sections 5081, 5082, and 5083 as sections 8221, 8222, and 8223, respectively;

(D) by redesignating sections 5091, 5092, and 5093 as sections 8231, 8232, and 8233, respectively; and

(E) by redesignating section 5096 as section 8241.

(c) TABLES OF SECTIONS AND CHAPTERS.—(1) The tables of sections at the beginning of the chapters referred to in subsection (b) are revised so as to conform the section references in those tables to the redesignations made by that subsection.

(2) The table of chapters before part I and the tables of chapters at the beginning of parts IV, V, and VI are revised so as to conform the section references in those tables to the redesignations made by subsection (b).

(d) CROSS-REFERENCES.—(1) Each provision of title 38, United States Code, that contains a reference to a section redesignated by section 401(a)(4) or by subsection (b) is amended so that the reference refers to the section as redesignated.

(2) Any reference in a provision of law other than title 38, United States Code, to a section redesignated by subsection (b) shall be deemed to refer to the section as so redesignated.

SEC. 403. CONFORMING AMENDMENTS.

(a) SUBCHAPTERS OF CHAPTER 73.—Subchapter III and subchapter IV (as redesignated by section 401(a)(2)) of chapter 73 are amended—

(1) by striking out "Administrator" and "Administrator's" each place they appear and inserting in lieu thereof "Secretary" and "Secretary's", respectively; and

(2) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department";

(3) by striking out "section 4101(c)(1)" in section 7362 and inserting in lieu thereof "section 7303(a)";

(4) by striking out "of this section" and "of this subsection" each place they appear (other than in subsections (d), (e), and (g) of section 7332 and in section 7333(b)); and

(5) by striking out "of this paragraph" in section 7332(f)(2)(B).

(b) REFERENCES TO CHAPTER 73 PROVISIONS.—

(1) Section 1904(a) is amended by striking out "section 4101" and inserting in lieu thereof "section 7303".

(2) Section 5705(a) (as redesignated by section 402(b)) is amended by striking out "section 4152(b)" and inserting in lieu thereof "section 7311(g)".

(3) Section 7604(1)(B) (as redesignated by section 402(b)) is amended by striking out "section 4105" and inserting in lieu thereof "section 7402".

(4) Section 7612(b) (as redesignated by section 402(b)) is amended—

(A) in paragraph (2)—

(i) by striking out "section 4104" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 7401"; and

(ii) by striking out "section 4104(3)" in subparagraph (B) and inserting in lieu thereof "section 7401(3)"; and

(B) in paragraph (3), by striking out "section 4107(g)(1)(B) of this title" and inserting in lieu thereof "subsection (a)(1) of section 7455 of this title for personnel described in subsection (a)(2)(B) of such section".

(5) Section 7616(b)(4) (as redesignated by section 402(b)) is amended by striking out "section 4108(c)(1)" and inserting in lieu thereof "section 7423(d)(1)".

(6) Section 8201(f) (as redesignated by section 402(b)) is amended by striking out "section 4101(b)" and inserting in lieu thereof "section 7302".

(7) Section 8241 (as redesignated by section 402(b)) is amended by striking out "section 4101(b)" and inserting in lieu thereof "section 7302".

(c) REFERENCES IN TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 5102(c) is amended—

(A) in paragraph (14), by striking out "section 4202 of title 38" and inserting in lieu thereof "section 7802 of title 38"; and

(B) in paragraph (16), by striking out "section 4114" and inserting in lieu thereof "sections 7405 and 7406".

(2) Section 6123 is amended—

(A) in subsection (a)(1), by striking out "section 4107(e)(5)" and inserting in lieu thereof "section 7453(e)"; and

(B) in subsection (c)(2)—

(i) by striking out "section 4107(e)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 7453(b)"; and

(ii) by striking out "subsection (e)(2) of such section 4107" in subparagraph (B) and inserting in lieu thereof "subsection (b) of such section 7453".

(3) Section 6128(a) is amended by striking out "section 4107(e)(5)" and inserting in lieu thereof "section 7453(e)".

(e) PART V HEADING.—

(1) The heading of part V is amended to read as follows:

"PART V—BOARDS, ADMINISTRATIONS, AND SERVICES".

(2) The item relating to part V in the table of parts before part I is amended to read as follows:

"V. Boards, Administrations, and Services .... 7101".

(f) TABLES OF CHAPTERS.—

(1) The table of chapters before part I is amended—

(A) by striking out the heading for part V and inserting in lieu thereof the following:

"PART V—BOARDS, ADMINISTRATIONS, AND SERVICES";

(B) by striking out the items relating to chapters 73 and 75 and inserting in lieu thereof the following:

"73. Veterans Health Administration—Organization and Functions 7301
"74. Veterans Health Administration—Personnel .... 7401";

and

(C) by inserting after the item relating to chapter 76 the following new item:

"78. Veterans' Canteen Service .... 7801".

(2) The table of chapters at the beginning of part V is amended—

(A) by striking out the items relating to chapters 73 and 75 and inserting in lieu thereof the following:

"73. Veterans Health Administration—Organization and Functions 7301
"74. Veterans Health Administration—Personnel .... 7401";

and

(B) by adding at the end the following new item:

"78. Veterans' Canteen Service .... 7801".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate amendment to H.R. 598, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

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Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 598, as amended, would improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists. It would also streamline the process by which grievance procedures are handled within the Department as well as authorize collective bargaining as to certain conditions of employment. The House has passed similar legislation twice, H.R. 4557 in the 101st Congress and H.R. 598 on January 30, 1991.

This bill, as amended, represents a compromise between the original House passed legislation H.R. 4557 and the original Senate bill, S. 2100. The compromise was reached after many months of negotiation between the two bodies and incorporates most of the major provisions of the respective bills.

Initially, Mr. Speaker, I had hoped that H.R. 598 would be the compromise between the House and Senate bills. However, there were some provisions in the House-passed bill which the Senate would not accept. The most important of these, in terms of its impact on the Department, was the exemption of title XXXVIII employees from the Ethics Reform Act of 1989. This House provision would have enabled title XXXVIII employees to receive payment for speeches, articles, and appearances as long as receipt of these payments did not create a conflict of interest or the appearance of a conflict of interest.

Mr. Speaker, the committee has received much testimony at hearings as well as correspondence from the Department concerning the adverse impact of the Ethics Reform Act on the ability of the VA to retain its physician work force. The law's ban will clearly discourage from VA employment the very specialists and teachers VA hopes to recruit and retain. I am disappointed that this House provision could not be a part of the final compromise agreement. At this point, I would like to insert a letter the committee received from the Chief Medical Director on August 20, 1990, regarding the impact of the ban on VA.

A second change represented in the amendment would authorize the Secretary to pay retention pay to those physicians and dentists who were in specialties in which the Secretary determined that the Department did not have significant recruitment and retention problems. Under current law, if the Secretary makes such a determination, physicians and dentists in those specialties would not be eligible for any special pay. The amendment would allow the Secretary, in those isolated instances, to maintain the current salaries of these medical professionals through the use of retention pay.

However, Mr. Speaker, it is the intent of the committee, which I believe is shared by members of the Senate committee, that the Secretary should fully exercise the special pay authority contained in the bill. The authority to pay retention pay should be exercised only in those isolated instances where the Secretary has clearly documented, for a category of physicians or dentists, that there are no significant recruitment or retention problems. The intention is not, however, for the Secretary to use "retention pay" or other authorities in such a way as to exclude large numbers of physicians and dentists from the new special pay benefit.

In response to concerns, provisions in the bill would establish safeguards to protect against VA paying physicians and dentists unnecessarily high salaries. The compromise agreement would require a facility director to submit to the Secretary, via the Chief Medical Director, any special pay agreement which would cause a physician or dentist's total pay—basic pay and special pay—to exceed the annual rate of basic pay for Executive Level I, $134,100 for calendar year 1991. The Secretary would have 60 days within which to approve or disapprove the agreement. The Secretary could disapprove such an agreement only after determining that the agreement provides a physician or dentist with a greater amount of special pay than is necessary for the recruitment or retention of that specific individual. Such a determination must be based on findings of fact regarding the specific position and the experience and qualifications of the individual physician or dentist. To assure adherence to the intent of this provision, the proposed new section calls for the Secretary to provide a detailed, annual report to the Congress regarding VA's experience under this new provision.

Mr. Speaker, let me state that there are other differences between H.R. 598 and the Senate amendment. Some of these differences reflect changes to address concerns that were raised by the Department subsequent to the passage of H.R. 598. For example, the Senate amendment would limit the mandatory amount of special pay that the Chief Medical Director [CMD] would receive.

Mr. Speaker, the underlying reason for this bill is the fact that VA salaries are nowhere near competitive with salaries in the private sector. In many instances the VA cannot compete, and I believe that efforts to restrict the amount of special pay that VA physicians and dentists can earn undermine the intent of the legislation.

During the conference on this bill, we were successful in defeating such effort to unnecessarily restrict physician and dentist salaries. I truly believe Mr. Speaker, that the provisions contained in the final compromise represent an agreement that both the Congress and the administration can support.

Mr. Speaker, as I stated earlier, in many markets the VA cannot compete because it cannot offer competitive salaries. This compromise would go a long way in helping to correct this problem. In short, Mr. Speaker, the VA needs this legislation in order to continue to provide high quality care to our Nation's veterans.

Finally, Mr. Speaker, the bill contains provisions included in H.R. 5093, a bill that was reported out of committee during the 101st Congress. These provisions would recodify sections of title 38 and would effect no substantive changes. The committee appreciates the diligent work of the legislative counsel, Bob Cover, who spent a considerable amount of time adjusting the many sections of title 38 affected by the recodification.

Mr. Speaker, I have simply highlighted key provisions of this important legislation. The joint explanatory statement follows my remarks.

I urge that my colleagues support H.R. 589, as amended.

DEPARTMENT OF VETERANS AFFAIRS,
VETERANS HEALTH SERVICES AND
RESEARCH ADMINISTRATION,
Washington DC, August 20, 1990.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: You asked for my personal assessment of the potential impact of the Ethics Reform Act's honoraria ban, which is effective January 1, 1991, on VA medical personnel in light of the proposed increase in physician special pay.

We appreciate your strong efforts to increase the amount of special pay for VA Physicians and Dentists. Enactment of the legislation will greatly assist in our recruitment and retention efforts, however, any pay increases from this legislation would not be viewed as substituting for lost income from honoraria.

It is my understanding that the honoraria ban was part and parcel of the legislated pay increase for members of the House of Representatives, Federal judges, and Executive Level officials. The honoraria that members of the House will sacrifice flow from their legislative roles. Therefore, there is a logical consistency between members of the House agreeing not to accept honoraria in exchange for a pay raise. Unfortunately, the sweep of this ban would require VA medical professionals to forego all honoraria without additional compensation for this loss.

The honoraria ban will primarily affect part-time physicians, however, many full-time physicians, dentists, nurses, and other health-care professionals will be impacted.

Although loss of income is a major concern regarding the honoraria ban there are damaging aspects of the ban unrelated to economics. A major objection to this prohibition is that there is no connection whatsoever between the honoriaria and part-time employees' Government duties. This ban is total, without regard to whether the activity for which an honorarium offered is, in any way, related to Federal Service. It particularly encompasses substantial amounts of compensation to part-time physicians for speeches, articles, or appearances emanating from their medical school activities. I believe these new restrictions are contrary to the current policy of the Government, as enunciated in the standards of conduct for all employees, that only outside activities that are incompatible with Government service are banned.

The part-time physicians who would make the largest sacrifice in the amount of lost honoraria are among those we consider our "best and brightest," i.e., those who have achieved distinction in their specialty and are in constant demand to deliver speeches and author articles on their work. Part-time physicians play a vital role in meeting VA's statutory missions of educating and training health-care professionals for the Nation and providing a wide spectrum of medical services to veterans. VA particularly depends on part-time physicians in medical categories that do not warrant a full-time specialist and in training the thousands of medical residents who go through our facilities.

There is a great deal of concern in academia about the imposition of government rules which would control a physician's non-VA activities. This is almost universally viewed as an unwarranted intrusion into medical school's and the private practitioner's realm. We are concerned that the vitality of our affiliations and the quality of our professional staff could be adversely affected.

If VA lost these part-time physicians, we would be forced to seek alternatives, such as contracting with private physicians or groups. Because many part-time physicians work for VA at rates far less than what they can command from the private sector, contracting for their services would result in significant increased costs.

In sum, although economic considerations are important, applying the honoraria ban to part-time physicians is not in harmony with what I understand was the basic purpose of the Ethics Reform Act. I believe that this prohibition could adversely affect the VA health-care and education missions, and possibly result in significant increased costs.

Sincerely yours,

JAMES W. HOLSINGER, Jr., M.D.,
Chief Medical Director.

EXPLANATORY STATEMENT ON H.R. 598

H.R. 598 as amended by the Senate reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills relating to Department of Veterans Affairs physician and dentist pay and labor relations considered in the Senate and the House of Representatives, but not enacted, during the 101st Congress. Those bills are H.R. 4557, which the House passed on May 1, 1990, and S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 598 as amended. Differences between the provisions contained in H.R. 598 as amended (hereinafter referred to as "Compromise agreement") and the related provisions in the House-passed version of H.R. 4557 (hereinafter referred to as the "House bill") and S. 2100 as reported in the Senate (hereinafter referred to as the "Senate bill") are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical and clarifying changes.

REVISION OF PHYSICIAN AND DENTIST SPECIAL PAY PROVISIONS

Current law: Section 4118 of title 38 United States Code, provides for a program of special pay for physicians and dentists employed in the Veterans Health Services and Research Administration (VHS&RA) of the Department of Veterans Affairs.

House bill: Section 101 would provide for a new program of special pay in a new subchapter III (consisting of proposed new sections 4131 through 4140) of chapter 73.

Senate bill: Section 262(a) would establish a new special-pay program in a new subchapter II (consisting of proposed new sections 4121–4130) of chapter 73.

Compromise agreement: Section 102 would provide for a new program of special pay in subchapter III (consisting of proposed new sections 7431 through 7440) of a new chapter 74.

REGULATIONS GOVERNING ADMINISTRATION OF SPECIAL PAY

Current law: Section 4118(a)(1) of title 38 requires that the Secretary, pursuant to the provisions of section 4118 and regulations prescribed by the Secretary, in order to recruit and retain highly qualified physicians and dentists, provide special pay to eligible physicians or dentists, in addition to any pay or allowance to which they are entitled, upon their execution of and for the duration of written agreements to complete specified periods of service in VHS&RA.

House bill: Proposed new section 4131(a) of title 38 would require the Secretary, pursuant to the provisions of proposed new subchapter III and regulations prescribed by the Secretary, to provide special pay to eligible physicians or dentists, in addition to any pay or allowance to which they are entitled, upon their execution of and for the duration of written agreements to complete specified periods of service in VHS&RA.

Senate bill: Proposed new section 4121(a) would authorize the Secretary, pursuant to the provisions of proposed new subchapter II and regulations prescribed by the Secretary after receiving the recommendations of the Chief Medical Director, to provide special pay to eligible physicians or dentists, in addition to any pay or allowance to which they are entitled, pursuant to a written agreement entered into by the physician or dentists with the Department.

Compromise agreement: Proposed new sections 7431(a) and 7431(b) would require the Secretary, pursuant to the provisions of proposed new subchapter III of proposed new chapter 74 and regulations prescribed by the Secretary after receiving the recommendations of the Chief Medical Director, to provide special pay to eligible physicians or dentists, only upon the execution of, and for the duration of, written agreements entered into by the physicians or dentists.

DESIGNATION OF CATEGORIES WITH NO RECRUITMENT AND RETENTION PROBLEMS

Current law: Section 4118(a)(3) of title 38 (a) permits the CMD, in accordance with regulations prescribed by the Secretary, to determine categories of physicians and dentists for which there are no significant recruitment and retention problems, (b) makes such physicians and dentists ineligible for special pay, and (c) requires the CMD to make a redetermination in accordance with those regulations not later than one year after making any such recruitment and retention determination and each year thereafter.

House bill: Proposed new section 4131(d) would follow current law, except that the determinations would be made by the Secretary rather than the CMD.

Senate bill: Proposed new section 4121(d) would follow current law, except that it would also expressly state the CMD's authority to withdraw the designation made with respect to any category of physician or dentist positions if the CMD determines, on the basis of an annual review, that a significant recruitment or retention problem exists for physicians or dentists in that category.

Compromise agreement: Proposed new section 7431(d) follows the House bill, except that it would permit the Secretary to make the determinations only after receiving the recommendations of the CMD. In addition, proposed new section 7431(g) would, in the case of a physician or dentist who has a current section 4118 special pay agreement on the day before the effective date of this Act and who is in a category of physicians or dentists for which the Secretary has determined there is no recruitment and retention problem, authorize the Secretary, in accordance with regulations the Secretary is to prescribe, to pay "retention pay" in an amount not to exceed the rate which, when added to the basic pay payable to that individual, is equal to the sum of the annual rate of basic pay and the annual rate of special pay paid to that physician or dentist pursuant to the final agreement with that individual under section 4118. If such a determination is made after a physician or dentist has entered into a contract under this title, this determination would take effect at the end of the current contract.

PHYSICIANS OR DENTISTS PROHIBITED FROM RECEIVING SPECIAL PAY

Current law: Section 4118(a)(2) of title 38 prohibits the payment of special pay to any physician or dentist who (a) is employed on less than a half-time or on an intermittent basis, (b) occupies an internship or residency training position, or (c) is a reemployed annuitant.

House bill: Proposed new section 4131(e) 38 would follow current law.

Senate bill: Proposed new section 4127(e) would follow current law except that the CMD would be authorized to pay special pay to a physician or dentist employed on a less than half-time basis on the basis of the same factors as apply to those working full-time (except for full-time status) in proportion to hours worked if the CMD determines that payment of special pay to such a physician or dentist is the most cost-effective way for VA to acquire needed services.

Compromise agreement: Proposed new sections 7431(e) and 7431(f) follow the Senate bill, except that a physician or dentist employed on a less than one-quarter time basis would be prohibited from receiving special pay.

DURATION OF SPECIAL PAY AGREEMENTS

Current law: Section 4118(e)(1) of title 38 requires that any agreement entered into by a physician or dentist under this section be for a period of one year of service unless the physician or dentist requests an agreement for a longer period of service not to exceed four years.

House bill: Proposed new section 4132(a) would provide for written agreements entered into by a physician or dentist for special pay to cover a period of one year of service unless the physician or dentist agrees to a period of two, three, or four years of service.

Senate bill: Proposed new section 4122(a) would require a physician or dentist who enters into a special pay agreement to agree to serve for a period of one to four years.

Compromise agreement: Proposed new section 7432(a) follows the Senate bill.

REFUND OF SPECIAL PAY FOR BREACH OF CONTRACT

Current law: Section 4118(e)(2) of title 38 requires that a physician or dentist who voluntarily, or because of misconduct, fails to complete at least one year of service pursuant to a special pay agreement refund the total amount received under section 4118, unless the CMD determines, in accordance with regulations prescribed by the Secretary, that the failure is necessitated by circumstances beyond the control of the physician or dentist.

House bill: Proposed new section 4132(b) would require a physician or dentist who fails to complete any one of the years of obligated service under the physician or dentist's contract to refund the amount of special pay received since the last anniversary date of the agreement in any year of the agreement, unless the Secretary waives the refund requirement in whole or in part on the basis of a determination, in accordance with regulations prescribed by the Secretary, that the failure is necessitated by circumstances beyond the control of the physician or dentist.

Senate bill: Proposed new section 4122(b) is identical to the House provision, except that (a) the refund requirement would apply to a failure to complete only the first year of the physician or dentist's agreement, and (b) the CMD would make determinations regarding waivers of the refund requirement.

Compromise agreement: Proposed new section 7432(b) would (a) require a physician or dentist who fails voluntarily, or because of misconduct, to complete any of the years of service covered by the agreement (measured from the anniversary date of the agreement) to refund an amount of special pay received under the agreement for that year equal to (1) 100 percent of the amount of special pay received for the first year, in the case of a failure during the first year of service under the agreement; (2) 75 percent of the amount of special pay received for the second year, in the case of a failure during the second year; (3) 50 percent of the amount received for the third year, in the case of a failure during the third year; and (4) 25 percent of the amount received for the fourth year, in the case of a failure during the fourth year of service; and (b) authorize the Secretary to waive the refund requirement where the failure is determined to be the result of circumstances beyond the control of the physician or dentist.

SUBMISSION OF CERTAIN SPECIAL PAY AGREEMENTS TO CENTRAL OFFICE FOR APPROVAL

Current law: Current law contains no requirement for VA Central Office approval of special-pay agreements based on the amount by which an individual's special pay is increased or decreased from one year to the next.

House bill: Proposed new section 4132(c) would (a) require a facility director to submit to the Secretary any proposed special pay agreement that would provide a physician or dentist an amount of special pay that would exceed the preceding year's amount of special pay by more than 50 percent or would be more than 25 percent less than the preceding year's amount, (b) provide that any such agreement would take effect if not disapproved by the Secretary within 45 days after its submission, and (c) require the Secretary, in evaluating a special-pay agreement under this provision, to adjust amounts of special pay as necessary to reflect any change in the status of the physician or dentist from full-time to part-time status, from part-time to full-time status, or from one proportion of part-time status to another.

Senate bill: No comparable provision.

Compromise agreement: Proposed new section 7432(c) follows the House bill except that it would provide that any such agreement, other than in the case of a physician or dentist employed in an executive position in VA's Central Office, would take effect if not disapproved by the Secretary within 60 days. In addition, proposed new section 7432(d) would require that any proposed special pay agreement, other than in the case of the Chief Medical Director, that would take effect before October 1, 1994, and would cause a physician or dentist's total pay to exceed the annual rate of basic pay for positions specified in section 5312 of title 5 (Executive Level I) be submitted to the Secretary through the Chief Medical Director for review. A proposed agreement may be either approved or disapproved, but if neither approved nor disapproved within 60 days after the date on which the physician or dentist entered into the proposed agreement, that agreement shall take effect at the end of that 60-day period. Neither the Secretary nor the Chief Medical Director may modify a proposed agreement or dictate changes to a proposed agreement. However, if a proposed special pay agreement is disapproved, the Committees anticipate that it would be returned to the medical center director along with recommendations as to the level the Secretary, or the Secretary's designee, considers appropriate in order to facilitate the approval of an agreement. The compromise agreement specified that a proposed agreement may be disapproved under new section 4242(d) only if it is determined that the proposed amount of special pay is not necessary to recruit or retain the individual.

RESTRICTIONS ON RECEIPT OF MULTIPLE CATEGORIES OF SPECIAL PAY

Current law: Section 4118(c)(5) of title 38 prohibits a physician or dentist who receives special pay for an executive position from also receiving special pay for full-time status, length of service, or scarce specialty categories, except that (a) a physician or dentist serving as a Service Chief (or in a comparable position as determined by the CMD) on a full-time basis may receive special pay for the position as well as for full-time status and, if eligible, for being in a scarce specialty; and (b) a physician or dentist serving as a Chief of Staff on a full-time basis may receive both special pay for that position as well as for full-time status.

House bill: Proposed new section 4137(a) would permit physicians and dentists to receive all categories of special pay for which they are eligible, except that physicians and dentists serving in executive positions in Central Office would be prohibited from receiving scarce-specialty special pay.

Senate bill: Proposed new section 4127(a) is identical to the House provision, except that it would (a) allow a physician or dentist serving in Central Office to receive scarce-specialty special pay if the CMD determines that the specialty skills of that physician or dentist are necessary for the physician or dentist to carry out effectively the responsibilities of the executive position in which the physician or dentist serves, and (b) allow a Chief of Staff to receive scarce specialty special pay only if (1) the CMD determines that such pay is necessary for the recruitment and retention of highly qualified Chiefs of Staff, and (2) the CMD personally approves payment of such pay on a case-by-case basis.

Compromise agreement: Proposed new section 7437(a) follows the House bill.

RATES OF SPECIAL PAY FOR FULL-TIME PHYSICIANS

Primary Special Pay

Current law: Section 4118(b)(2) of title 38 requires the Secretary to provide primary special pay to any eligible full-time physician at a rate of $7,000 per year.

House bill: No provision providing for primary special pay.

Senate bill: No provision providing for primary special pay.

Compromise agreement: No provision providing for primary special pay.

Full-time Status

Current law: Section 4118(c)(1)(A)(i) of title 38 provides for special pay for physicians for full-time status at an annual rate no greater than $6,000.

House bill: Proposed new section 4133(b)(1) would provide special pay for physicians for full-time status at an annual rate of $9,000.

Senate bill: Proposed new section 4123(1) is substantively identical to the House provision.

Compromise agreement: Proposed new section 7433(b)(1) contains this provision.

Length of Service

Current law: Section 4118(c)(1)(A)(ii) of title 38 provides special pay for tenure of service of full-time physicians at an annual rate no greater than (a) $1,000 for 2 years but less than 5 years of service, (b) $2,000 for 5 years but less than 8 years of service, and (c) $3,000 for 8 or more years of service.

House bill: Proposed new section 4133(b)(2) would provide special pay for tenure of service of full-time physicians at an annual rate within a range of (a) $3,000 to $6,000 for 2 years but less than 4 years of service, (b) $6,000 to $12,000 for 4 years but less than 8 years of service, (c) $12,000 to $18,000 for 8 years but less than 15 years of service, and (d) $15,000 to $25,000 for 15 or more years of service.

Senate bill: Proposed new section 4123(2) would (a) provide special pay for length of service of full-time physicians at a uniform national annual rate, specified by the CMD, within a range of (1) $4,000 to $6,000 for 2 years but less than 4 years of service, (2) $6,000 to $12,000 for 4 years but less than 8 years of service, and (3) $12,000 to $25,000 for 8 or more years of service; and (b) authorize the CMD, for length of service in excess of 8 years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Compromise agreement: Proposed new section 7433(b)(2) would (a) provide special pay for length of service of full-time physicians at a uniform national rate, specified by the CMD, of (1) $4,000 to $6,000 for 2 years but less than 4 years of service, (2) $6,000 to $12,000 for 4 years but less than 8 years of service, (3) $12,000 to $18,000 for 8 years but less than 12 years of service, and (4) $12,000 to $25,000 for 12 or more years of service; and (b) authorize the CMD, for length of service of 12 or more years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Scarce Specialty

Current law: Section 4118(c)(1)(A)(iii) of title 38 provides for special pay for service by full-time physicians in a medical specialty as to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, at an annual rate of not less than $4,000 and not more than $15,500.

House bill: Proposed new section 4133(b)(3) would follow current law, except that it would (a) require the Secretary, or the Secretary's designee, to make the determinations regarding recruitment and retention difficulties and provide for such determinations to be made on a nationwide basis or on the basis of the needs of a specific medical facility, and (b) provide for an annual rate of not more than $40,000.

Senate bill: Proposed new section 4123(3) would follow current law, except that it would (a) authorize the CMD to make determinations on a nation-wide basis, on the basis of the needs of a specific medical facility, or on any other geographic basis, (b) specify a $4,000 minimum, and (c) provide that, for service by a physician who serves only a portion of a year in a position for which special pay is paid under this category, the annual rate would be calculated on the basis of the proportion of time served in that position.

Compromise agreement: Proposed new section 7433(b)(3) would (a) provide for special pay for service by full-time physicians in a medical specialty with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians on a nationwide basis or on the basis of the needs of a specific medical facility, at an annual rate of not more than $40,000 and (b) incorporate the Senate provision for calculation of the annual rate of special pay for a physician who serves only a portion of a year in a designated scarce specialty position on the basis of the proportion of time served in the position.

Field Executive Positions

Current law: Section 4118(c)(1)(B) of title 38 provides special pay for full-time service by physicians at annual rates no higher than (a) $9,900 for service as a Service Chief or in a comparable position as determined by the CMD, (b) $12,600 for service as a Chief of Staff or in an Executive Grade position, and (c) $13,000 for service in a Director Grade position.

House bill: Proposed new section 4133(b)(4) would raise the maximum annual rate of special pay for such positions to (a) $15,000 for service as a Service Chief or in a comparable position as determined by the CMD, (b) $25,000 for service as a Chief of Staff or in an Executive Grade position, and (c) $25,000 for service in a Director Grade position.

Senate bill: Proposed new section 4123(4)(A) is substantively identical to the House bill, but would include minimum as well as maximum rates as follows: (a) $4,500 to $15,000 for service as a Service Chief or in a comparable position as determined by the CMD, and (b) $14,500 to $25,000 for service as a Chief of Staff or in an Executive or Director Grade position.

Compromise agreement: New section 7433(b)(4)(A) would provide annual rates of special pay for such positions as follows: (a) within a range of $4,500 to $15,000 for service as a Service Chief or in a comparable position as determined by the CMD, (b) within a range of $14,500 to $25,000 for service as a Chief of Staff or in an Executive Grade position, and (c) a maximum of $25,000 for service in a Director Grade position.

With respect to physicians serving in Director Grade positions, the Committees recommend that VA continue its current practice of providing varying rates of executive medicine special pay for physician facility directors based on the complexity of the facilities they direct.

Central Office Executive Positions

Current law: Section 4118(c)(1)(B) of title 38 provides physicians' special pay for full-time service by physicians at annual rates no higher than (a) $13,000 for service as a Deputy Service Director, (b) $13,500 for service as a Service Director, (c) $14,400 for service as a Deputy Assistant CMD, and (d) $15,300 for service as an Associate Deputy CMD or Assistant CMD.

House bill: Proposed new section 4133(b)(4)(B) would provide special pay for full-time service by physicians at annual rates of (a) $25,000 for service as a Service Director, (b) $30,000 for service as a Deputy Assistant CMD or Assistant CMD, (c) $35,000 for service as an Associate Deputy CMD, (d) $40,000 for service as a Deputy CMD, and (e) $45,000 for service as CMD.

Senate bill: Proposed new section 4123(4)(B) is substantively identical to the House provision except that it would (a) provide special pay at annual rates of $22,500 for service as a Deputy Service Director and $27,500 for service as a Deputy Assistant CMD, and (b) would provide that, for service by a physician who serves only a portion of a year in an executive position and also serves a portion of that same year in another position or grade for which special pay is provided, the annual rate of special pay would be calculated on the basis of proportion of time served in the position or positions for which special pay is provided.

Compromise agreement: Proposed new section 7433(b)(4)(B) follows the Senate bill, except that it would provide $20,000 for service as a Deputy Service Director.

Board Certification

Current law: Section 4118(c)(1)(C) of title 38 provides for special pay for full-time physicians for board certification at an annual rate of (a) $2,000 for specialty or first board certifications, and (b) an additional $500 for subspecialty or secondary board certification.

House bill: Proposed new section 4133(b)(5) would follow current law.

Senate bill: Proposed new section 4123(5) would follow current law.

Compromise agreement: Proposed new section 7433(b)(5) follows current law.

Geographic Location

Current law: Section 4118(c)(1) of title 38 provides special pay for full-time physicians, in an amount to be determined by the CMD pursuant to regulations, of no less than $2,000 nor more than $5,000 for service (a) in a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, or (b) in the VA Central Office.

House bill: Proposed new section 4133(b)(6) would follow current law except that (a) the Secretary, or the Secretary's designee, would be required to make the determination relating to recruitment and retention difficulties, (b) the annual rate of geographic special pay could not exceed $17,000, and (c) the provision includes no reference to Central Office.

Senate bill: Proposed new section 4123(6) is identical to the House provision except that (a) the CMD would be required to make the determination relating to recruitment and retention difficulties, and (b) there would be a range of geographic special pay of $2,000 to $15,000.

Compromise agreement: Proposed new section 7433(b)(6) follows the House bill.

The Committees anticipate that, as to the determination that there are extraordinary difficulties in the recruitment or retention of qualified physicians at a specific medical facility, the Secretary, or the Secretary's designees, would consider the input of the director of that facility.

Exceptional qualifications

Current law: There is no provision for paying special pay to full-time physicians based on exceptional qualifications.

House bill: No provision.

Senate bill: Proposed new section 4123(7) of title 38 would (a) provide for special pay for full-time physicians with exceptional qualifications within a specialty at an annual rate of not more than $15,000, and (b) provide that special pay may be paid under this category only if personally approved by the CMD on a case-by-case basis and only to the extent that the amount paid under this category, when added to the total of other special pay categories, does not exceed the total amount that may be paid to a physician with the same length of service, specialty, and position as the physician concerned.

Compromise agreement: Proposed new section 7433(b)(7) contains the Senate provision.

Rates of special pay for the Chief Medical Director and Deputy Chief Medical Director

Current law: Section 4118(b)(1) of title 38 requires the Secretary to exercise the authority contained in section 4118 to provide the maximum amount of special pay authorized by that section to the CMD and the Deputy CMD.

House bill: proposed new section 4133(c) would follow current law.

Senate bill: No provision.

Compromise agreement: New section 7432(d)(2) would (a) provide that the CMD shall receive, in addition to basic pay, special pay for that position at the rate specified in proposed new section 7433(b)(4)(B), and (b) provide that, for the CMD to receive special pay in the other categories for which the CMD is eligible, the Secretary must authorize such additional special pay. As noted above, the Deputy CMD's pay would be subject to the review and approval requirement of new sections 742(c) and (d), as described above under the heading "Submission of Certain Special Pay Agreements to Central Office for Approval".

SPECIAL PAY FOR PART-TIME PHYSICIANS; HALF-TIME OR GREATER

Current law: Section 4118 of title 38 provides for the payment of special pay to an eligible physician employed less than full-time but at least half-time, calculated on the basis of the proportion which the part-time employment bears to full-time employment, in an amount proportional to the following annual rates: (a) for primary special pay, $7,000; (b) for incentive special pay, a total of up to $15,500 consisting of (1) for length of service (A) $750 for more than two but less than five years of service, (B) $1,500 for five years but less than eight years of service, or (C) $2,250 for eight years or more of service; (2) for service in a medical specialty with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, an amount of not less than $3,000 but no more than $12,375, as determined by the CMD pursuant to regulations; (3) for service in an executive position (A) $7,220 for service as a Service Chief or in an comparable position as determined by the CMD, or (B) $9,190 for service as a Chief of Staff or in an Executive Grade position; (4) for board certification (A) $1,500 for specialty or first board certification, or (B) $1,875 for subspecialty or second board certification; and (5) for service in either (A) a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, or (B) the VA Central Office, an amount not less than $1,500 but not more than $4,000, as determined by the CMD pursuant to regulations.

House bill: Proposed new section 4134 would provide special pay for physicians employed less than full-time but at least half-time in an amount directly proportional to the amount the physician would receive if employed on a full-time basis, with the exception of full-time status special pay, subject to a 5/8ths cap on the proportion of full-time employment used to calculate special pay and except that the amount used for calculating board certification special pay would be fixed at $1,500 for specialty or first board certification and an additional $375 for subspecialty or secondary board certification.

Senate bill: Proposed new section 4124 would provide special pay for physicians employed less than full-time but at least half-time, based upon the factors and at the rates specified for full-time physicians, except for full-time status, in direct proportion to the amount that the physician would receive if employed on a full-time basis.

Compromise agreement: Proposed new section 7434 follows the Senate provision, except that it would set a cap of 3/4 on the proportion of full-time employment that would be used to calculate special pay.

SPECIAL PAY FOR PART-TIME PHYSICIANS: LESS THAN HALF-TIME

Current law: Section 4118(a)(2) of title 38 prohibits the payment of special pay to any physician who is employed on a less than half-time basis.

House bill: Proposed new section 4131(e) would follow current law.

Senate bill: Proposed new section 4124 would provide special pay for physicians employed on a less than half-time basis, based upon the factors and at the rates specified for full-time physicians, except for full-time status, in direct proportion to the amount the physician would receive if employed on a full-time basis, subject to proposed new section 4127(e), which would require the CMD to determine that payment of special pay to a physician employed on a less than half-time basis is the most cost-effective way to provide needed medical or dental services at a VA facility.

Compromise agreement: Proposed new sections 7431(e) and 7431(f) follow the Senate provision, except that payment of special pay to a physician employed on less than a one-quarter time basis would be prohibited.

RATES OF SPECIAL PAY FOR FULL-TIME DENTISTS

Primary special pay

Current law: Section 4118(b)(2) of title 38 requires the Secretary to provide primary special pay to any eligible full-time dentist at a rate of $2,500 per year.

House bill: No provision providing for primary special pay.

Senate bill: No provision providing for primary special pay.

Compromise agreement: No provision providing for primary special pay.

Full-time status

Current law: Section 4118(c)(2)(A)(i) of title 38 provides for special pay for dentists for full-time status at an annual rate no greater than $1,000.

House bill: Proposed new section 4135(b)(1) would provide special pay for dentists for full-time status at an annual rate of $3,500.

Senate bill: Proposed new section 4125(a)(1) is identical to the House provision.

Compromise agreement: Proposed new section 7435(b)(1) contains this provision.

Length of service

Current law: Section 4118(c)(2)(A)(ii) of title 38 provides special pay for tenure of service of full-time dentists in amounts not more than (a) $500 for two years but less than seven years of service, and (b) $1,000 for seven years or more of service.

House bill: Proposed new section 4135(b)(2) would provide special pay for tenure of service of full-time dentists in the amount of (a) $800 for two years but less than seven years of service, or (b) $1,600 for seven years or more of service.

Senate bill: New section 4125(2) would (a) provide special pay for length of service of full-time dentists at a uniform annual national rate, as specified by the CMD, within a range of (1) $1,300 to $2,000 for two years but less than four years of service, (2) $2,000 to $4,000 for four years but less than eight years of service, and (3) $4,000 to $8,300 for eight years or more of service; and (b) authorize the CMD, for length of service in excess of eight years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Compromise agreement: Proposed new section 7435(b)(2) would (a) provide special pay for length of service of full-time dentists at a uniform annual national rate, specified by the CMD, of (1) $1,000 to $2,000 for two years but less than four years of service, (2) $2,000 to $3,000 for four years but less than eight years of service, and (3) $3,000 to $3,500 for eight years but less then twelve years of service; and (4) $3,000 to $4,000 for twelve years or more of service; and (b) authorize the CMD, for length of service of twelve or more years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Scarce specialty

Current law: Section 4118(c)(2)(A)(iii) of title 38 provides special pay for service by full-time dentists in a dental specialty as to which the CD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment and retention of qualified dentists, at an annual rate determined by the CMD, pursuant to regulations, of not less than $2,000 and not more than $7,500.

House bill: Proposed new section 4135(b)(3) would follow current law except that it would (a) require the Secretary, or the Secretary's designee, to make the determinations regarding recruitment and retention difficulties and provide for such determinations to be made on a nationwide or individual facility basis; and (b) provide for an annual rate of not more than $20,000.

Senate bill: Proposed new section 4125(3) is identical to the House provision, except that it would (a) require the CMD to make the determinations regarding recruitment and retention difficulties, (b) authorize the CMD to make determinations on any "other geographic basis", (c) require that such special pay be paid at an annual rate not less than $2,000 but not more than $30,000, and (d) provide that, for service by a dentist who serves only a portion of a year in a position for which special pay is paid under this category, the annual rate would be calculated on the basis of the proportion of time served in that position.

Compromise agreement: Proposed new section 7435(b)(3) would (a) provide special pay for service by full-time dentists in a dental specialty with respect to which there are extraordinary difficulties in the recruitment and retention of qualified dentists on a nationwide basis or on the basis of the needs of a specific medical facility, at an annual rate of not more than $20,000, and (b) incorporate the Senate provision for calculation of the annual rate of special pay for a dentist who serves only a portion of a year in a designated scarce specialty position on the basis of the proportion of time served in the position.

Field executive positions

Current law: Section 4118(c)(2)(B) of title 38 provides special pay for full-time service by dentists at annual rates no higher than (a) $2,750 for service as a Service Chief or in a comparable position as determined by the CMD, (b) $3,500 for service as a Chief of Staff or in an Executive Grade position, and (c) $3,625 for service in a Director Grade position.

House bill: Proposed new section 4135(b)(4) would raise the maximum annual rates of special pay for dentists serving in such positions on a full-time basis to annual rates no higher than (a) $5,000 for service as a Service Chief or in a comparable position as determined by the Secretary and (b) $9,000 for service as a Chief of Staff or in an Executive or Director Grade position.

Senate bill: Proposed new section 4125(4)(A) would raise the maximum annual rate of special pay for dentists serving in such positions on a full-time basis to annual rates within a range of (a) $3,000 to $5,000 for service as a Service Chief or in a comparable position as determined by the CMD, and (b) $3,500 to $8,000 for service as a Chief of Staff or in an Executive or Director Grade position.

Compromise agreement: Proposed new section 7435(b)(4)(A) would raise the maximum annual rate of special pay for dentists serving in such positions on a full-time basis to annual rates (a) within a range of $1,000 to $5,000 for service as a Service Chief or in a comparable position as determined by the CMD, (b) within a range of $1,000 to $8,000 for service as a Chief of Staff or in an Executive Grade position, and (c) a maximum of $8,000 for service in a Director Grade position.

Central office executive positions

Current law: Section 4118(c)(2)(B) of title 38 provides special pay for full-time service by dentists at annual rates no higher than (a) $3,625 for service as a Deputy Service Director, (b) $3,750 for service as a Service Director, (c) $4,000 for service as a Deputy Assistant CMD, and (d) $4,250 for service as an Assistant CMD.

House bill: Proposed new section 4135(b)(4) would provide special pay for full-time service by dentists at annual rates no higher than (a) $9,000 for service as a Service Director, (b) $10,000 for service as a Deputy Assistant CMD, and (c) $10,000 for service as an Assistant CMD.

Senate bill: Proposed new section 4125(4)(B) would (a) provide special pay for full-time service by dentists at annual rates of (1) 8,000 for service as a Deputy Service Director, (2) $9,000 for service as a Service Director, (3) $10,000 for service as a Deputy Assistant CMD, and (4) $10,000 for service as an Assistant CMD; and (b) provide that, for service by a dentist who serves only a portion of a year in an executive position specified in this provision and also serves a portion of that same year in another position or grade for which special pay is provided, the annual rate of special pay would be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

Compromise agreement: Proposed new section 7435(b)(4) (a) would provide (1) ranges of $1,000 to $8,000 for service as a Deputy Service Director and $1,000 to $9,000 for service as a Service Director and, (2) an annual rate of $10,000 for service as a Deputy Assistant CMD or an Assistant CMD; and (b) contains the Senate provision for calculation of the annual rate of special pay for a dentist who serves only a portion of a year in a Central Office executive position.

Board certification

Current law: Section 4118 of title 38 does not provide special pay for full-time dentists for board certification.

House bill: Proposed new section 4135(b)(5) would provide special pay for full-time dentists for board certification at an annual rate of (a) $2,000 for specialty or first board certification, and (b) an additional $5,000 for subspecialty or secondary board certification.

Senate bill: Proposed new section 4125(5) is substantively identical to the House provision.

Compromise agreement: Proposed new section 7435(b)(5) contains this provisions.

Geographic location

Current law: Section 4118(c)(2)(C) of title 38 provides special pay for full-time dentists in an amount to be determined by the CMD pursuant to regulations, of not less than $1,750 nor more than $2,500 for service (a) in a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, or (b) in the VA Central Office.

House bill: Proposed new section 4135(b)(6) would follow current law, except that (a) the Secretary, or the Secretary's designee, would be required to make the determination relating to recruitment and retention difficulties, (b) the annual rate of geographic special pay could not exceed $5,000, and (c) the provision includes no reference to Central Office.

Senate bill: Proposed new section 4125(6) is identical to the House provision, except that (a) the CMD would be required to make the determination relating to recruitment and retention difficulties, and (b) there would be a range of geographic special pay of $1,750 to $5,000.

Compromise agreement: Proposed new section 7435(b)(6) follows the House bill.

The Committees anticipate that, as to the determination that there are extraordinary difficulties in the recruitment or retention of qualified physicians at a specific medical facility, the Secretary, or the Secretary's designees, would consider the input of the director of that facility.

Exceptional qualifications

Current law: There is no provision for paying special pay to fulltime dentists based on exceptional qualifications.

House bill: No povision.

Senate bill: Proposed new section 4125(7) (a) would provide for special pay for full-time dentists for exceptional qualifications within a specialty at an annual rate of not more than $5,000, and (b) would provide that special pay may be paid under this category only if personally approved by the CMD on a case-by-case basis and only to the extent that the amount paid under this category, when added to the total of other special pay categories, does not exceed the total amount that may be paid to a dentist with the same length of service, specialty, and position as the dentist concerned.

Compromise agreement: Proposed new section 7435(b)(7) contains the Senate provision.

SPECIAL PAY FOR PART-TIME DENTISTS: HALF-TIME OR GREATER

Current law: Section 4118 of title 38 provides for the payment of special pay to an eligible dentist employed less than full-time but at least half-time, calculated on the basis of the proportion which the part-time employment bears to full-time employment, in an amount proportional to the following annual rates: (a) for primary special pay, $2,500; (b) for incentive special pay, a total of up to $7,500, consisting of (1) for length of service, (A) $500 for more than two but less than seven years of service or (B) $1,000 for seven or more years of service; (2) for service in a dental specialty with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists, an amount not less than $1,500 but no more than $5,625, as determined by the CMD in accordance with regulations; (3) for service in an executive position (A) $2,750 for service as a Service Chief or in a comparable position as determined by the CMD, or (B) $3,500 for service as a Chief of Staff or in an Executive Grade position; and (4) for service in either (A) a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists, or (B) the VA Central Office, an amount not less than $1,310 but not more than $1,875, as determined by the CMD in accordance with regulations.

House bill: Proposed new section 4136 would provide special pay for dentists employed less than full-time but at least half-time in an amount directly proportional to the amount the dentist would receive if employed on a full-time basis, with the exception of full-time status special pay, subject to a 5/8ths cap on the proportion of full-time employment that may be used to calculate special pay, excpt that the amount used for calculating board certification special pay would be fixed at $1,500 for specialty or first board certification and an additional $375 for subspecialty or secondary board certification.

Senate bill: Proposed new section 4126 would provide special pay for part-time dentists employed on a half-time or greater basis, based upon the factors and at the rates specified for full-time dentists, except for full-time status, in direct proportion to the amount the dentist would receive if employed on a full-time basis.

Compromise agreement: Proposed new section 7436 follows the Senate provision, except that it would set a cap of ¾ on the proportion of full-time employment that would be used to calculate special pay.

SPECIAL PAY FOR PART-TIME DENTISTS: LESS THAN HALF-TIME

Current law: Section 4118(a)(2) of title 38 prohibits the payment of special pay to any dentist employed on a less than half-time basis.

House bill: Proposed new section 4131(e) would follow current law.

Senate bill: Proposed new section 4126 would provide special pay for dentists employed on a less than half-time basis, based upon the factors and at the rates specified for full-time dentists, except for full-time status, in direct proportion to the amount the dentist would receive if employed on a full-time basis, subject to proposed new section 4127(e), which would require the CMD to determine that payment of special pay to a dentist employed on a less than half-time basis is the most cost-effective way to provide needed dental services at a VA facility.

Compromise agreement: Proposed new sections 7431(e) and 7431(f) follows the Senate provision, except that the payment of special pay to a dentist employed on less than a one-quarter time basis would be prohibited.

REGULATIONS FOR CERTAIN DETERMINATIONS

Current law: Section 4118 requires that the Secretary issue regulations to carry out the special pay authorities, but contains no specific provisions specifying what determinations affecting special pay must be made under regulations.

House bill: Proposed new section 4137(b) would require that the following determinations be made under regulations prescribed by the Secretary: (a) a determination that there are extraordinary difficulties (on a nationwide or individual facility basis) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty, (b) a determination of the amount of special pay to be paid to a physician or dentist for a factor of special pay for which the applicable rate is specified as a range of amounts, and (c) a determination of whether there are extraordinary difficulties in a specific geographic location in the recruitment or retention of qualified physicians in a specific category of physicians or in the recruitment or retention of qualified dentists in a specific category of dentists.

Senate bill: Proposed new section 4127(b) is identical to the House provision, except that (a) it would require that regulations be prescribed by the Secretary after receiving the recommendations of the CMD, (b) determinations that there are extraordinary difficulties in recruitment or retention of qualified physicians or dentists in each specialties could also be made on any "other geographic basis", and the CMD would be required to establish uniform national rates of special pay to be paid to a physician or dentist for a factor of special pay which the bill specifies a range of rates.

Compromise agreement: Proposed new section 7437(b) follows House bill, except that the Secretary would prescribe special pay regulations only after receiving the recommendations of the CMD.

The Committees note that, under section 553 of title 5, regulations having to do with matters relating to agency management or persons not subject to the rulemaking requirements of the Administrative Procedures Act.

PROCEDURES FOR AUTHORIZATION OF SCARCE SPECIALTY PAY ON AN INDIVIDUAL FACILITY BASIS

Current law: Section 4118 of title 38 does not provide for the payment of special pay for service in a scarce specialty on an individual facility basis.

House bill: Proposed new section 4137(c) would provide that the purpose of paying special pay, a determination by the Secretary that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment of qualified dentists in a dental specialty, on the basis of the needs of a specific medical facility, may only be made upon the request of the director of that facility.

Senate bill: Proposed new section 4127(c) is identical to the House provision, except that (a) if a facility director determines that the facility is unable to recruit or retain physicians or dentists in a specific category through the use of scarce specialty and geographic special pay authorities, the facility director would be required to notify the CMD and recommend the payment of special pay or an increase in the payment of special pay, as appropriate for that category of physicians or dentists; (b) the special pay (or the increase in special pay) recommended by the director would become effective with respect to that facility 45 days after the date on which the CMD receives the notification, unless, before the expiration of that period, the CMD disapproves the director's recommendation; and (c) the CMD could delegate or redelegate the authority to approve or disapprove the facility director's recommendation to an officer or employee of VHS&RA who holds a position in the direct line of authority between the CMD and the facility director higher than the one held by the director making the recommendation, as determined by the CMD.

Compromise agreement: Proposed new section 7437(c) follows the House bill.

LIMITATION ON AUTHORIZATION OF SCARCE SPECIALTY SPECIAL PAY ON AN INDIVIDUAL FACILITY BASIS

Current law: As noted above, section 4118 of title 38 does not provided for the payment of special pay for service in a scarce specialty on an individual facility basis; thus, there is no basis in current law for any limitation on such authority.

House bill: Proposed new section 4137(d) would prohibit the Secretary from providing special pay for a scarce specialty on the basis of needs of a specific medical facility unless the Secretary also determines that special pay on the basis geographic location is insufficient to meet the needs of that facility for qualified physicians or dentists.

Senate bill: Proposed new section 4127(d) is identical to the House provision, except that it also would (a) specify that the CMD would make the determination of geographic-pay insufficiency upon the request of the facility director, (b) require that the determination relate expressly to the needs of the facility for qualified physicians or dentists in the specific category of physicians or dentists concerned, and (c) require that, if special pay is paid to a physician or dentist on any geographic or individual-facility basis, all physicians or dentists with the same specialty serving at the facility concerned be paid the same rate of such pay.

Compromise agreement: Proposed new section 7437(d) follows the House bill.

PROTECTION AGAINST REDUCTION IN SPECIAL PAY DUE TO ELIMINATION OF PRIMARY SPECIAL PAY CATEGORY

House bill: No provision.

Senate bill: Proposed new section 4127(f) of title 38 would require that a physician or dentists who was employed by VHS&RA, on an either full-time or part-time basis, on the day before the effective date of the new subchapter, and was receiving primary special pay and incentive special pay only for full-time-status, and tenure of service, be paid special pay under the new subchapter at a rate not less than the rate of special pay the physician or dentist received the day before the effective date of this bill.

Compromise agreement: Proposed new section 7437(e) follows the Senate bill. In addition, proposed new section 7431(g) would provide for retention pay, as described above under "Designation of Categories With No Recruitment or Retention Problems," for a physician or dentist who had been receiving special pay under a section 4118 agreement in a category for which the Secretary subsequently determines there is no significant recruitment and retention problem.

LIMITS ON THE MAXIMUM AMOUNT OF SPECIAL PAY

Current law: Section 4118(a)(1) of title 38 limits the total amount of special pay that may be paid to a physician or dentist to an amount no more than (a) $22,500 per year for a full-time physician, and (b) $10,000 per year for a full-time dentist, except that special pay received for service in a specific geographic location in which VA experiences severe recruitment and retention difficulties, which, under section 4118(d), is excluded from the maximum limit on total special pay.

House bill: Would place no limit on the maximum amount of special pay that a physician or dentist could receive.

Senate bill: Proposed new section 4127(h) of title 38 would set a cap on the total compensation (special pay plus basic pay) that a physician or dentist could receive at an amount no greater than the amount specified in section 102 of title 3, United States Code.

Compromise agreement: Proposed new section 7437(h) follows the Senate bill. In addition, as described above under "Submission of Certain Special Pay Agreements to Central Office for Approval," proposed new section 7432(d) would require that any agreement (other than an agreement relating to the CMD's pay) that would take effect before October 1, 1994, and would cause a physician or dentist's total pay to exceed the annual rate of basic pay for positions specified in section 5312 of title 5, be submitted for approval to the Secretary through the CMD.

BASIC PAY CALCULATIONS

Current law: Section 4118(f)(1) of title 38 provides that, except as provided in paragraph (2) of section 4118(f) (discussed below), any additional compensation provided as special pay under section 4118 not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 84 of title 5, or other benefits related to basic pay.

House bill: Proposed new section 4138(e) would provide that, except as provided in subsections (b) and (d) of section 4138 (discussed below), any special pay would not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 84 of title 5, or other benefits related to basic pay.

Senate bill: No provision.

Compromise agreement: Proposed new section 7438(b) follows the House bill.

CALCULATION OF RETIREMENT BENEFITS

Current law: Section 4118(f)(2) of title 38 provides that special pay paid to any full-time employee after September 30, 1980, be included in average pay, as defined in section 8331(4) or 8401(3) of title 5, only (a) for the purposes of computing disability or death benefits paid under section 8337, 8341(d) or (e), 8442(b), 8443, or 8451 of title 5; or (b) if the employee has completed not less than fifteen years of full-time service, for the purpose of computing an annuity, except that, regardless of the length of such employee's service, no special pay could be included in average pay in computing an annuity that commenced before October 1, 1985, and only one-half of any special pay in computing an annuity that commenced on or after October 1, 1985, but before October 1, 1990.

House bill: Proposed new section 4138(b) would follow current law with respect to disability or death benefits and, with respect to an annuity computation under chapter 83 or 84, provide for all special pay to be considered as basic pay for chapter 83 or 84 purposes with no phase-in.

Senate bill: Proposed new section 4128(b) would follow current law with respect to disability or death benefits and, with respect to annuity computations under chapter 83 or 84, would provide for special pay provided to a physician or dentist under the new authority to be considered basic pay (a) in the case of a physician or dentist who has no VA service prior to the effective date of this measure but has at least fifteen years of service, and (b) in the case of a physician or dentist who has effective date service and at least fifteen years of service, only in (1) an amount equal to the amount of special pay the physician or dentist was receiving immediately prior to the effective date, plus (2) an amount equal to 20 percent of the increased amount of special pay under the new law for each two years served after the effective date.

Compromise agreement: Proposed new section 7438(b) follows the Senate bill, except that the phase-in of the increase for those with pre-effective date service would be at the rate of 25 percent of the increased amount of special pay for each two years served after the effective date.

LIFE INSURANCE CALCULATIONS

Current law: Section 4118(f)(3) of title 38 requires that any special pay be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

House bill: Proposed new section 4138(c) would provide that special pay provided to a physician or dentist under the new authority or under an agreement entered into under section 4118 of title 38 and be considered as annual pay for the purposes of the provisions of chapter 87 of title 5, relating to life insurance for Federal employees.

Senate bill: No provision.

Compromise agreement: Proposed new section 7438(c) follows the House provision.

QUADRENNIAL REPORT ON SPECIAL PAY

Current law: Section 4118(g)(2) of title 38 requires the Secretary to (a) define the bases for pay distinctions, if any, among various categories of physician and dentists, including between physicians and dentists employed by VA and physicians and dentists employed by other Federal departments and agencies and between all Federal sector and non-Federal sector physicians and dentists; (b) obtain measures of income from the employment or practice of physicians and dentists in the non-VA sector, including Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for VA physicians and dentists; (c) submit a report to the President, on such date as the President may designate but not later than December 31, 1988, and once every four years thereafter, recommending appropriate amounts of special pay; (d) include in such recommendations, when the Secretary considers it appropriate and necessary to do so, modifications of the special pay levels set forth in section 4118 of title 38 (1) whenever VA is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists because the incomes of non-VA physicians and dentists performing comparable types of duties significantly exceed the levels of total pay of VA physicians and dentists, or (2) whenever other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

House bill: Proposed new section 4139 of title 38 follows current law, except that it would require the Secretary to submit the report on such date as the President may designate but not later than December 31, 1992, and once every four years thereafter.

Senate bill: Proposed new section 4129 is substantively identical to the House provision.

Compromise agreement: Proposed new section 7439 follows the House provision, except that it would require the Secretary to submit the report not later than December 31, 1994, and once every four years thereafter.

INCLUSION OF RECOMMENDATIONS IN THE PRESIDENT'S BUDGET SUBMISSION

Current law: Section 4118(g)(3) of title 38 requires the President to include recommendations with respect to the exact rates of special pay for physicians and dentists under section 4118 in the Budget next transmitted to the Congress under section 1105 of title 31 after the submission of each report by the Secretary pursuant to section 4118(g)(2), (known as the "Quadrennial Report", described below).

House bill: Proposed new section 4139(c) follows current law.

Senate bill: Proposed new section 4129(c) follows current law, with an additional requirement that the President specify the added costs of the recommended rates of special pay.

Compromise agreement: Proposed new section 7439(c) follows the Senate bill.

ANNUAL REPORT ON SPECIAL PAY

Current law: Section 4118(g)(4) of title 38 requires the Secretary to submit to the House and Senate Committees on Veterans' Affairs, not later than April 30 of each year, a report on the implementation of section 4118, which must include (a) a review of the Secretary's and CMD's actions, findings, recommendations, and other activities to date for the fiscal year during which the report is submitted and for such portion of the preceding fiscal year as was not included in the previous annual report, and (b) a plan in connection with the implementation of section 4118 for the remainder of the fiscal year during which the report is submitted and for the succeeding fiscal year.

House bill: Proposed new section 4140 of title 38 would follow current law, but also would require the Secretary to include in the annual report (a) a description of the amounts of special pay paid during the preceding fiscal year by category of pay; (b) a list of (1) the geographic areas, and scarce specialties for which special pay was paid during the preceding fiscal year, (2) the areas and specialties for which special pay is being paid during the current fiscal year, and (3) the areas and specialties for which special pay is expected to be paid during the next fiscal year, and (4) a summary of any differences among those three lists; (c) a list of (1) the number of physicians and dentists who left employment with the Department during the preceding year, (2) the number who changed from full-time status to part-time status, and (3) the reasons therefor; and (d) the number of unfilled physician and dentist positions in VHS&RA and the reasons that each such position is unfilled.

Senate bill: Proposed new section 4130 is similar to the new section proposed in the House bill except that, the provision would be modified to require the Secretary to include (1) the number of physicians and dentists who change from part-time to full-time status, and (2) a summary of the reasons why physicians and dentists left employment with VHS&RA or changed their employment status; and (b) the following items would be added to the report: (1) the numbers of positions, by specialty, created and abolished during the preceding fiscal year and a summary of the reasons for such actions; (2) with respect to the number of unfilled physician and dentist positions (A) the number of unfilled positions in each specialty in VHS&RA, (B) the average and maximum lengths of time that those positions have been unfilled, (C) a summary of the reasons why the positions remain unfilled and, (D) in the case of any specialty not designated as a scarce specialty for purposes of special pay, an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated; and (3) an assessment of the need for periodically adjusting the rates of special pay of physicians and dentists to reflect cost-of-living increases as a means of recruiting and retaining high-quality medical personnel.

Compromise agreement: Proposed new section 7440 contains this provision. However, it does not contain an assessment of the need for periodically adjusting rates of special pay of physicians and dentists. In addition, new section 7432(d)(3) would require the Secretary to include in the annual report (1) the number of agreements entered into during the period covered by the report which caused a physician's or dentist's total annual salary to exceed the amount specified in section 5312 of title 5 (Executive Level I); (2) the number of proposed agreements exceeding the amount specified in section 5312 which were disapproved by the Secretary; and (3) a detailed explanation of the Secretary's reasons for disapproving any agreements.

REIMBURSEMENT OF CONTINUING EDUCATION EXPENSES

Current law: Section 4113 of title 38 authorizes the Secretary to pay the expenses, except membership fees, of physicians and dentists to attend meetings of associations for the promotion of medical and related science.

House bill: Section 103 would require the Secretary to reimburse any full-time board-certified physician or dentist for up to $1,000 per year for expenses incurred for continuing professional education after September 30, 1990.

Senate bill: Section 264 would (a) require the CMD to reimburse any full-time board-certified physician or dentist—and authorize the CMD to reimburse other physicians and dentists—for up to $1,000 per year for continuing education expenses, and (b) authorize the CMD to reimburse continuing education expenses in excess of $1,000.

Compromise agreement: Proposed new section 7411 follows the House bill, except that the provision would apply only with respect to expenses incurred after September 30, 1991.

ELECTION OF CREDITING SPECIAL PAY FOR RETIREMENT ANNUITY AND INSURANCE

Current law: Under Section 103(b)(2) of Public Law 96-330, a physician or dentist who was employed by VHS&RA on October 1, 1980, in a full-time status was permitted to make an irrevocable election, no later than April 1, 1981, not to have special pay counted as basic pay for the purposes of computing an annuity under chapter 83 or 84 of title 5.

House bill: No comparable provision.

Senate bill: Section 266 would permit a physician or dentist who elected not to have special pay under section 4118 included as basic pay for the purposes of either chapter 83 or 84 of title 5 irrevocably to elect to have special pay received under the new special pay authority considered basic pay for such purposes and included in average pay for the purposes of sections 8331(4) and 8401(3) of title 5 in the same manner and to the same extent as provided in the new special pay authority. The physician or dentist would be required to make such an election in writing at the time the physician or dentist enters into an agreement under the new provisions.

Compromise agreement: No provision.

The Committees note that the goal of the Senate provision would be met by the repeal of section 4118 and by the enactment of section 104 of the compromise agreement, which would authorize all physicians and dentists to enter into new agreements under new chapter 74. All special pay received under these new agreements would be counted as basic pay for the purpose of computing an annuity.

RECRUITMENT, RELOCATION, AND RETENTION BONUSES

Current law: Section 5524a of title 5 permits the head of a Federal agency to provide advance payment of basic pay, covering not more than two pay periods, to any individual who is newly appointed to a position in the agency, at the initial rate of basic pay payable to the employee upon commencement of service in that position. Section 5706b of title 5 permits a Federal agency to pay an individual for expenses for travel to and from pre-employment interviews. Section 5753 of title 5 (a) permits the Director of the Office of Personnel Management (OPM), subject to regulations which OPM will prescribe, to authorize the head of an agency to pay a bonus to an employee who is newly appointed under the General Schedule, or an employee under any Federal pay authority who must relocate to accept a General Schedule position, if the Office determines that the agency would be likely to encounter difficulty in filling the position, in the absence of such a bonus; (b) requires the OPM to determine the amount of such a bonus up to a limit of 25 percent of the annual rate of basic pay for the position, exclusive of any locality comparability payment that may be applicable to the position; (c) requires that payment of such a bonus be contingent upon the employee entering into an agreement with the agency to complete a period of employment with the agency, pursuant to regulations prescribed by OPM, which the employee must repay on a pro rated basis, if the employee is separated from the agency or voluntarily fails to complete the agreed-upon period of service; and (d) requires that such a bonus be paid as a lump sum and not considered as part of the employee's basic pay. Section 5754 of title 5 (a) permits OPM, in accordance with regulations which OPM must prescribe, to authorize the head of an agency to pay an allowance to an employee under the General Schedule if the unusually high or unique qualifications of the employee make it essential for the agency to retain the employee and the agency determines that the employee would be likely to leave in the absence of a retention allowance; (b) provides that a retention allowance may not exceed 25 percent of the employee's annual rate of basic pay (exclusive of any locality comparability payment under section 5304 of title 5); and (c) requires that such an allowance be paid in at the same time and in the same manner as the employee's basic pay, but may not be considered part of the employee's basic pay.

House bill: Section 104 of H.R. 598 in the 102d Congress, as passed by the House of Representatives on January 30, 1991, would add new section 4120A to title 38 under which the Secretary would be authorized to permit the CMD to pay allowances or expenses to physicians, nurses, and other title 38 health-care employees, in the same manner, and subject to the same limitations as are provided in the authorities under sections 5524a, 5706b, 5753, and 5754 of title 5.

Senate bill: No provision.

Compromise agreement: Proposed new section 7410 follows the House bill.

EFFECTIVE DATES AND TRANSITION

House bill: Section 104 would (a) provide that the new special pay authority take effect on the later of (1) October 1, 1990, or (2) the date of enactment; (b) provide that the continuing education expenses provision apply to expenses incurred after September 30, 1990; (c) require that any agreement entered into under section 4118 of title 38 prior to the effective date remain in effect and be treated for all purposes in accordance with such section as in effect on the day before the effective date of the special pay authority, except that an agreement that covers a period in excess of one year and that would expire more than one year after such effective date may be terminated in order to allow a physician or dentist to enter into a new agreement; (d) require that any new agreement take effect only on the anniversary date of the terminated agreement; and (e) prohibit a special pay agreement from providing special pay with respect to a period before the date on which the agreement is entered into.

Senate bill: Section 265 would (a) provide that the new special pay authority would take effect with respect to pay periods beginning more than 180 days after the date of enactment; (b) require the Secretary to terminate a special pay agreement entered into under section 4118, if (1) the agreement covers a period in excess of one year, (2) the agreement expires more than one year after the effective date of the new special pay authority, (3) the physician or dentist concerned requests termination of the agreement, and (4) the agreement is terminated for the purpose of permitting the physician or dentist concerned to enter into a new special pay agreement; (c) require that any new agreement take effect only after completion of the first year of service under the terminated agreement; and (d) provide that the continuing education expenses provision apply to expenses incurred after September 30, 1990.

Compromise agreement: Section 104 would provide that the new special pay authority would take effect with respect to the first pay period beginning after the earlier of (a) July 1, 1991, or (b) the end of the 90-day period beginning on the date of enactment. A physician or dentist who entered into a special pay agreement under section 4118 of title 38 which would not expire until after the beginning of that pay period would be permitted to negotiate a new agreement that would begin with that pay period. A physician or dentist who entered into a section 4118 agreement that expires before the first pay period as to which the measures take effect would be permitted (1) to extend the 4118 agreement until the beginning of that pay period, and (2) to negotiate a new agreement that would begin with that pay period. A physician or dentist hired by VHS&RA after the date of enactment but before the effective date would be permitted to negotiate both (1) a 4118 agreement that would expire as of the beginning of that pay period, and (2) a new agreement that would begin with that pay period. Proposed new sction 7411 would apply to continuing education expenses incurred after September 30, 1991.

EXTENSION OF COLLECTIVE BARGAINING RIGHTS TO TITLE 38 EMPLOYEES

Current law: Under the Federal Service Labor-Management Relations Act (FSLRA), which was enacted as part of the Civil Service Reform Act of 1978 (Public Law 95-454) and codified in chapter 71 of title 5, United States Code, Federal employees are granted the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with the terms of that Act.

Section 4108 of title 38 provides that the Secretary of Veterans Affairs "shall prescribe by regulation the hours and conditions of employment and leaves of absence" of health-care professionals appointed under title 38.

In a July 1988 decision, the U.S. Court of Appeals for the District of Columbia Circuit held, in the case *Colorado Nurses Association and VA Medical Center, Ft. Lyon, Colorado* v. *Federal Labor Relations Authority*, 851 F.2d 1486 (D.C. Cir. 1988), that the VA Secretary has exclusive discretion to establish regulations concerning the working conditions of those employees appointed under the title 38 personnel system and is, therefore, not under any obligation to bargain with such employees under the FSLRA.

House bill: Section 301 of H.R. 4557 would amend section 4108 of title 38 so as to provide that the Secretary's authority to prescribe by regulation the hours and conditions of employment and leaves of absence of title 38 employees is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5, which relates to labor management relations.

Senate bill: Section 249 would provide that the provisions of chapter 71 of title 5 would generally apply to the personnel-administration authorities in section 4108 of title 38.

Compromise agreement: New section 7422(a) (as proposed to be added by section 202 of the compromise agreement) follows the House bill.

Scope of Collective Bargaining

House bill: Section 301 of H.R. 4557 would provide that collective bargaining and any grievance procedures provided under a collective bargaining agreement may not cover, or have any applicability to, any matter or question concerning, or arising out of, "professional conduct or competence" (defined as (a) direct patient care, (b) clinical competence, (c) professional judgment, and (d) peer review).

Senate bill: Section 249 would provide that the collective bargaining rights of employees as set forth in chapter 71 of title 5 would not apply with respect to (a) the prohibitions set out in section 4108(a) (1) through (6) (relating to work outside VA and conflict-of-interest situations) or (b) matters covered by section 4110 (certain disciplinary actions, which are proposed to be limited to certain major actions by section 250 (discussed below)).

Compromise agreement: New section 7422(b) (as proposed to be added by section 202 of the compromise agreement) follows the House bill with an amendment clarifying that collective bargaining and any grievance procedures established under collective bargaining may not cover, or have any applicability to, any matter or question concerning or arising out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title.

The Committees note that the reference to peer review in this section is intended to refer to, but is not limited to, the operation, determinations, and membership of the Professional Standards Boards of the Department.

The reference to "professional judgment" has been deleted from the definition of "professional conduct or competence" because it is the belief of the Committees that the meaning of that term is fully encompassed by the term "clinical competence".

Review of Secretary's Collective Bargaining Determinations

House bill: Section 301 of H.R. 4557 would grant the Secretary exclusive authority to determine, not subject to collective bargaining or review by any other agency or by any court, whether a matter concerns, or arises out of, professional conduct or competence.

Senate bill: No provision.

Compromise agreement: New section 7422(d) (as proposed to be added by section 202 of the compromise agreement) follows the House bill with an amendment deleting the prohibition against court review of the Secretary's determination whether a matter concerns, or arises out of, (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation.

Jurisdiction for Certain Cases

House bill: Section 301 of H.R. 4557 would provide that a petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving title 38 employees, or arising out of the applicability of title 5 to title 38 employees, may be pursued only in the United States Court of Appeals for the District of Columbia Circuit.

Senate bill: No provision.

Compromise agreement: New section 7422(e) (as proposed to be added by section 202 of the compromise agreement) follows the House bill.

PERSONNEL ADMINISTRATION: FULL-TIME EMPLOYEES

New Section 7423 (as proposed to be added by section 202 of the compromise agreement) is a recodification in the proposed new subchapter II of chapter 74 of the provisions contained in current section 4108(a)(1) through (6), which set forth prohibitions relating to work outside VA and conflict-of-interest situations applicable to full-time, title 38 employees.

ADVERSE PERSONNEL ACTIONS

Disciplinary Actions and Appeals Procedures

Current law: Section 4110 of title 38 requires the Chief Medical Director (CMD), under regulations prescribed by the Secretary, to appoint disciplinary boards comprised of not less than three nor more than five employees, senior in grade, of the Veterans Health Services and Research Administration, to determine charges of inaptitude, inefficiency, or misconduct, or any full-time, permanent health-care professional appointed under title 38.

House bill: Section 302 of H.R. 4557 would replace current section 4110 with four new sections: 4110, 4110A, 4110B, and 4110C. Revised section 4110 would provide that full-time, permanent title 38 employees have the right to appeal an adverse personnel action resulting from a charge brought by the CMD (or an official designated by the CMD) based on conduct or performance, as follows:

(a) In any case involving or including a question of professional conduct or competence in which a major adverse action was taken, the appeal would be required to be made to a Disciplinary Appeals Board (DAB) under new section 4110A (discussed below).

(b) In any case involving or including a question of professional conduct or competence in which a major adverse action was not taken, the appeal would be required to be made through Department grievance procedures under new section 4110B (discussed below).

(c) In any case not involving or including a question of professional conduct or competence in which either a major or minor adverse action was taken, the appeal would be through Department grievance procedures under new section 4110B, except that an employee covered by a collective bargaining agreement would be authorized to elect to appeal through either the 4110B procedures or the grievance procedures provided through collective bargaining.

For these purposes, a major adverse action is an adverse action that includes a suspension, transfer, reduction in grade, reduction in basic pay, or discharge, and a question of professional conduct or competence is a question involving direct patient care, clinical competence, professional judgment, or peer review.

Senate bill: Section 250 would:

(a) Retain current 4110 disciplinary boards but provide that a disciplinary board is not required in a case in which the proposed action is suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand, or admonishment.

(b) Establish a new adjudication and review procedure for cases in which the proposed action is suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand, or admonishment.

(c) Require that (1) the Secretary authorize review, under procedures established through collective bargaining, of (A) grievances by employees covered by a collective bargaining agreement, and (B) lesser disciplinary actions involving such employees, (2) in a case involving a question of clinical competence, as determined by either party, any person selected to serve as an arbitrator be qualified as an arbitrator and also be a physician, dentist, or nurse, or otherwise qualified in examining and adjudicating health-care issues, and (3) the Secretary authorize, through a Department review procedure, review of lesser disciplinary actions (suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand or admonishment) imposed on, and grievances of, supervisors and employees not covered by a collective bargaining agreement.

Compromise agreement: New section 7461 (as proposed to be added by section 203 of the compromise agreement) follows the House bill except the reference to "professional judgment" has been deleted (as in new section 7422, relating to collective bargaining) from the definition of "professional conduct or competence" because of the Committees' belief that the meaning of this term is fully encompassed by the term "clinical competence".

Judicial Review of Disciplinary Actions and Appeals

House bill: New section 4110(d) would provide that an issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency or by any court.

Senate bill: No provision.

Compromise agreement: New section 7461(d) (as proposed to be added by section 203 of the compromise agreement) follows the House bill except that the language that would prohibit court review of the Secretary's determination as to whether a matter or question concerns, or arises out of, professional conduct or competence is deleted.

As in section 202 of the compromise agreement (relating to collective bargaining) the Committees have deleted the reference to "professional judgment" from the definition of "professional conduct or competence" because of the Committees' belief that the meaning of that term is fully encompassed by the term "clinical competence".

Publication of Proposed Regulations

House bill: Revised section 4110(e) would require the Secretary to publish in the Federal Register for notice-and-comment, not less than 30 days before the date on which they are to take effect, regulations the Secretary proposes to prescribe under proposed new sections 4110, 4110A, 4110B, and 4110C.

Senate bill: No provision.

Compromise agreement: New section 7461(e) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Appeal Procedures for Major Disciplinary Actions Involving Professional Conduct or Competence

House bill: New section 4110A(a) would provide that disciplinary appeals boards (DABs) appointed under new section 4110C would have exclusive jurisdiction to review any case which arises out of (or which includes) a question of professional conduct or competence of a fulltime, permanent title 38 employee and in which a major adverse action was taken.

Senate bill: Section 250 would require that section 4110 disciplinary boards be maintained to determine the charges in any disciplinary action brought on the basis of performance or conduct.

Compromise agreement: New section 7462(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Mixed Cases

House bill: New section 4110A(a) would require a DAB to include in its record of decision in a "mixed case"—a case including both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence—a statement of the board's exclusive jurisdiction.

Senate bill: No provision.

Compromise agreement: New section 7462(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Notice and Opportunity to Respond—Major Adverse Actions

House bill: New section 4110A(a) would provide that in a case in which charges are brought against a title 38 employee involving a question of professional conduct or competence which could result in a major adverse action, the employee:

(a) is entitled to (1) advance written notice from the CMD or other charging official specifically stating the basis of the charge, the adverse actions that could be taken and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated, (2) the opportunity to present an answer orally and in writing to the CMD or other deciding official, who must be higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer; and

(b) is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill, with amendments to clarify the notice and opportunity to respond that would be required to be available to employees. Thus, new section 7462(b) provides that in any case in which charges are brought against an employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to at least 30 days advance written notice. An exception is made for situations in which there is reasonable cause to believe that the employee has committed a crime for which the employee may be imprisoned, in which case the 30-day written notice would not be required. New section 7462(b) also provides that an employee has at least seven days to present an answer orally and in writing in response to the notice that charges are being brought.

The Committees note that these requirements parallel the notice requirement applicable to civil service employees under section 7513 of title 5.

Decisions

House bill: New section 4110A(b) would provide that (a) if a proposed adverse action covered section 4110A is not withdrawn, the deciding official must render a decision in writing within 21 days after receipt by the official of the employee's answer; (b) the decision must include a statement of the specific reasons for the decision with respect to each charge and in the case of a major adverse action, state whether any of the charges sustained arose out of a question of professional conduct or competence; and (c) if any of the charges are sustained, the notice of the decision to the employee must include notice of the employee's rights of appeal.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Authority to Hold Proposed Adverse Actions in Abeyance

House bill: New section 4110A(b) would provide that a proposed adverse action may be held in abeyance for up to a year if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Opportunity to Respond to Charges

House bill: New section 4110A(b) would authorize the Secretary to require that any answer and submission from an employee be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill with an amendment to provide that the Secretary may not require an employee to submit an answer prior to the passage of seven days after the date of written notice of the charges.

Timeliness of Appeals to Disciplinary Appeals Boards

House bill: New section 4110A(b) would require that the Secretary require any appeal to a DAB from a decision to impose a major disciplinary action be received within 30 days after the date of service of the written decision on the employee.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Determination of Jurisdiction

House bill: New section 4110A(c) would require a DAB to determine whether a matter is properly before it prior to considering an appeal in a case under this section.

Senate bill: No provision.

Compromise agreement: New section 7462(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Authority of Disciplinary Appeals Boards

House bill: New section 4110A(c) would require a DAB to sustain, dismiss, or sustain in part and dismiss in part, each charge appealed to it and, if the deciding official is sustained (in whole or in part) with respect to any charge, to approve the action as imposed, approve the action with modification, reduction, or exception, or reverse the action.

Senate bill: No provision.

Compromise agreement: New section 7462(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Procedures

House bill: New section 4110A(c) would require that a DAB (a) afford an employee appealing an adverse action an opportunity for an oral hearing and, if such a hearing is held, provide the employee a transcript of it, and (b) render a decision within 45 days of completion of the hearing, if a hearing is held, and in any event no later than 120 days after the appeal commenced.

Senate bill: No provision.

Compromise agreement: Subsections (c) and (d) of new section 7462 (as proposed to be added by section 203 of the compromise agreement) follow the House bill.

Secretary's Action

House bill: New section 4110a(d) would provide that (a) except as discussed in items (b) and (c), below, after resolving any question as to whether a matter involves professional conduct or competence, the Secretary must cause the DAB decision to be executed in a timely manner and in any event not later than 90 days after it is received and, pursuant to the DAB's decision, may order reinstatement, award back pay, and provide such other remedies as the board found appropriate, including expungement of records relating to the action; (b) authorize the Secretary, upon a determination that a decision of a DAB is clearly contrary to the evidence or unlawful, to (1) reverse the decision of the DAB, or (2) reverse the decision of the DAB and remand the matter for further consideration; (c) the Secretary may mitigate the adverse action imposed if the Secretary finds the DAB decision (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges; and (d) the Secretary's execution of a DAB decision would be the final administrative action in a case.

Senate bill: No provision.

Compromise agreement: Subsections (d) and (e) of new section 7462 (as proposed to be added by section 203 of the compromise agreement) follow the House bill with an amendment to clarify that the Secretary, upon a determination that a decision of a DAB is clearly contrary to the evidence or unlawful, may vacate a decision of the DAB and remand the matter for further consideration.

Management Representation Before Disciplinary Appeals Boards

House bill: New section 4110A(e) would authorize the Secretary to designate a Department employee to represent management in any case before a DAB.

Senate bill: No provision.

Compromise agreement: New section 7462(e) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Judicial Review of a Final Decision by a Disciplinary Appeals Board

House bill: New section 4110A(f) would (a) authorize a title 38 employee adversely affected by a final decision of a DAB (after action by the Secretary) to obtain judicial review of the decision; and (b) require that a reviewing court review the record and hold unlawful and set aside any action, finding, or conclusion found to be (1) arbitrary capricious, an abuse of discretion, or otherwise not in accordance with law; (2) obtained without procedures required by law, rule, or regulation having been followed; or (3) unsupported by substantial evidence.

Senate bill: No provision.

Compromise agreement: New section 7462(f) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Disciplinary Actions and Appeal Procedures Applicable to Cases other than those Involving Major Adverse Actions Arising out of Professional Conduct or Competence

House bill: New section 4110B(a) would require the Secretary to prescribe by regulations procedures for the consideration of grievances of title 38 employees arising from an adverse personnel action in which the action taken either is not a major adverse action or does not arise out of a question of professional conduct or competence.

Senate bill: Section 250 would require that the Secretary prescribe regulations for the consideration of a proposed action in which the proposed action is suspension of 14 days or less, reassignment without reduction in basic pay, reduction in rank without reduction in basic pay, reprimand, or admonishment.

Compromise agreement: New section 7463(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Procedures

House bill: Subsections (a) and (b) of new section 4110B would provide in a case of an adverse personnel action in which the action taken either is not a major adverse action or does not arise out of a question of professional conduct or competence (a) DABs would have no jurisdiction; (b) an employee who is a member of a collective bargaining unit may seek review of the adverse action either under Department grievance procedures prescribed by the Secretary or through grievance procedures determined through collective bargaining, but not under both; and (c) the employee's election of which grievance procedures to follow is non-revocable.

Senate bill: No provisions.

Compromise agreement: Subsections (a) and (b) of new section 7463 (as proposed to be added by section 203 of the compromise agreement) follow the House bill.

Required Components of Appeal Procedures

House bill: New section 4110B(c) would require grievance procedures established under new section 4110B to include:

(a) A right to formal review by an impartial examiner within VA, who, in a case arising from a question of professional conduct or competence, would be required to be selected from the panel of employees designated by the Secretary as qualified to sit on a DAB.

(b) A right to a prompt report of the findings and recommendations by the impartial examiner.

(c) A right to a prompt review of the examiner's findings and recommendations by an official of a higher level than the official imposing the adverse action.

(d) A right to be represented by an attorney or other representative at all stages of the appeal procedure.

Senate bill: Section 250 would provide that an employee against whom a lesser disciplinary action is proposed would be entitled to:

(a) Advance written notice stating the specific reasons for the proposed action.

(b) A reasonable time to answer orally and in writing and to furnish affidavits and other supporting documentary evidence in support of the answer.

(c) Representation by an attorney or other spokesperson.

(d) A written decision and the specific reasons for the decision at the earliest practicable date.

Any agency review procedure would be required to include:

(a) An informal review by an official of a higher level than the official who made the decision.

(b) A prompt decision by such higher level official and a right to formal review by an impartial examiner within VA.

(c) A prompt report of the findings and recommendations by the impartial examiner.

(d) A prompt review of the examiner's findings and recommendations, together with any comments by the employee and the Department on such findings and recommendations, by an official of a higher level than the official who conducted the review.

Compromise agreement: Subsections (c), (d), and (e) of new section 7463 (as proposed to be added by section 203 of the compromise agreement) follow the House bill with an amendment providing that an employee against whom are brought charges not involving professional conduct or competence which could result in a major adverse action being imposed is entitled to the same notice and opportunity to answer those charges as provided in the case of an employee against whom are brought charges involving professional conduct or competence that could result in a major adverse action. In any other case in which charges are brought against an employee, the employee would be entitled to (a) an advance written notice stating the specific reason for the proposed action, and (b), a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

Appointment of Disciplinary Appeals Boards

House bill: New section 4110c(a) that would require that (a) the Secretary from time to time to appoint boards, to be known as DABs, to hear appeals of major adverse actions; (b) each DAB consist of three Department employees who are senior in grade or the same grade as the employee appealing an adverse action; and (c) the Secretary designate one member of each DAB to be chairman and another to be secretary and that both would have the authority to administer oaths.

Senate bill: Section 250 would provide that, as under current law, the 4110 disciplinary boards would have not less than 3 nor more than 5 members who are senior in grade to the charged employee and that the majority of the board members would be required to be employed in the same category of position as the charged employee.

Compromise agreement: New section 7464 (as proposed to be added by section 203 of the compromise agreement) follows the House bill except that a majority of the members of a DAB are required to be employed in the same category of position as the appealing employee.

Regulations Pertaining to Disciplinary Appeals Boards' Operations

House bill: New section 4110C(b) would require that the appointment of DABs and the DABs' proceedings be carried out under regulations prescribed by the Secretary.

Senate bill: No provision.

Compromise agreement: New section 7464(b)(2) (as proposed to be added by section 203 of the compromise agreement) follows the House provision.

Maintenance of Verbatim Records of Hearings

House bill: New section 4110C(b) would required that verbatim records be maintained of DAB hearings.

Senate bill: No provision.

Compromise agreement: New section 7464(b)(2) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Confidential Records

House bill: New section 4110C(c) would (a) authorize notwithstanding sections 3301 (regarding the confidential nature of claims) and 4132 (regarding the confidentiality of certain medical records), the chairman of a DAB, upon the request of the employee whose case is before the DAB (or the employee's representative), to review records or information covered by those sections; (b) authorize the chairman of a DAB to authorize the disclosure of such records or information to the employee (or representative) to the extent the DAB considers appropriate for purposes of proceedings of the DAB in the case; (c) authorize the chairman, in cases where the chairman has exercised the authority to review or release to the employee information that is covered by sections 3301 and 4132 (relating to confidentiality of medical records), to direct that measures be taken to protect the personal privacy of individuals whose records are involved; and (d) provide that any person who uses or discloses such a record or information for any purpose other than in connection with the DAB's proceedings shall be fined not more than $5,000 for a first offense and not more than $20,000 for a subsequent offense.

Senate bill: No provision.

Compromise agreement: New section 7464(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Designation of Employees to Serve on Disciplinary Appeals Boards

House bill: New section 4110C(d) would (a) require the Secretary to provide for the periodic designation of VA employees who are qualified to serve on DABs and provide that those designated shall constitute the panel from which DAB members are appointed; (b) require that the Secretary provide without charge a list of the names of those employees on the panel to any person who requests one; (c) require the Secretary to announce periodically (at least once a year) at VA medical facilities and in the Federal Register that the roster of employees on the panel is available; (d) require that the Secretary provide notice of a new name being on the list of panel members at least 30 days before the individual may serve on a DAB or as a grievance examiner; and (e) authorize employees, employee organizations, and other interested parties to submit to the Secretary comments concerning the suitability for service of anyone named on the list.

Senate bill: No provision.

Compromise agreement: New section 7464(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Training of Panel Members

House bill: New section 4110C(d) would require that the Secretary provide training in the functions and duties of DABs and in grievance procedures for employees selected to be on the panel.

Senate bill: No provision.

Compromise agreement: New section 7464(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Requirement to Prescribe Regulations

House bill: Section 303 of H.R. 4557 would require the Secretary to prescribe regulations under new sections 4110, 4110A, 4110B, and 4110C within 180 days after the date of enactment, and require that such regulations be published in the Federal Register for notice-and-comment not less than 30 days before they are to take effect.

Senate bill: No provision.

Compromise agreement: Section 204 follows the House bill.

Preservation of Existing Collective-Bargaining Arrangements

House bill: Section 304(a) of H.R. 4557 would provide that any determination under chapter 71 of title 5, of a collective bargaining unit within VHSA&RA, any recognition under chapter 71 of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit for VA employees, that is in effect on the date of enactment shall not be affected by the amendment made by the Act and shall continue in effect in accordance with the terms of such determination of regulation.

Senate bill: No provision.

Compromise agreement: Section 205 follows the House bill.

Pending Actions

House bill: Section 304(b) of H.R. 4557 would require that cases pending on the date of enactment or brought before either the establishment of Department grievance procedures pursuant to new section 4110B or a negotiated grievance procedure through collective bargaining proceed in the same manner they would have if the provisions of this legislation had not been enacted.

Senate bill: No provision.

Compromise agreement: Section 204 follows the House bill.

TECHNICAL AMENDMENTS TO THE NURSE PAY ACT OF 1990

RATES OF PAY FOR PHYSICIAN ASSISTANTS AND EXPANDED-FUNCTION DENTAL AUXILIARIES

Current law: The Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101–366) established a new section 4141 of title 38, pursuant to which rates of pay for registered nurses working in VA, and for certain other health-care positions as determined by the Secretary, generally, are to be established at locally competitive levels based on local wage surveys. The authority provided in section 4141 to establish ranges of basic pay for grades in covered positions replaced the authority in prior section 4107(b) to establish a schedule for nurses (and, by cross reference, for physician assistants and expanded-function dental auxiliaries).

House bill: Section 301(a) of H.R. 598 would require that, after August 14, 1990 (the day before the date of enactment of the Nurse Pay Act), physician assistants and expanded-function dental auxiliaries continue to be paid according to the salary schedule in section 4107(b) of title 38 as in effect on August 14, 1990, until the effective date of a determination by the Secretary that one or both of these occupations are to be covered by a new salary schedule and thus be paid based under the provisions of section 4141.

Senate bill: Section 301(a) of S. 675 is substantively identical to the House bill.

Compromise agreement: Section 301(a) contains this provision.

The Committees note their expectation that the requirement for continuation of payments to physician assistants and expanded-function dental auxiliaries "according" to the salary schedule in section 4107(b) as in effect on August 14, 1990, will mean that employees in these groups will receive any cost-of-living adjustment to the rates in that salary schedule since August 1990.

RATES OF PAY FOR CENTRAL AND REGIONAL OFFICE EMPLOYEES IN POSITIONS COVERED BY THE NURSE PAY ACT OF 1990

Current law: Section 4141 of title 38, enacted in the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101–366), contains provisions which (a) require the adjustment of the rate of basic pay for each grade in a position covered by a new schedule created according to section 4141 (1) whenever there is an adjustment under section 5305 of title 5 in the rates of pay under the General Schedule, and (2) at such additional times as the director of a VA health-care facility determines appropriate, with respect to covered positions at that facility (section 4141(d)(1)); (b) prohibit the director of a VA health-care facility from adjusting rates of basic pay for any pay grade so that the minimum rate of basic pay for that grade is greater than the beginning rates of compensation for corresponding positions at non-VA health-care facilities (section 4141(d)(3)); (c) provide that, if the director of a VA health-care facility determines—after conducting a survey under the new authority or at any other time that an adjustment in rates of pay is scheduled to take place under section 4141—that it is not necessary to adjust the rates of basic pay for employees in covered positions at that facility, the director is not required to make such an adjustment (section 4141(d)(4)).

House bill: Section 301(c) of H.R. 598 would (a) require the Chief Medical Director to prescribe regulations providing for the adjustment of the rates of basic pay for Regional Office and Central Office employees in positions covered by the new pay schedule, and (b) provide the Chief Medical Director with the same authority to adjust or not adjust rates of basic pay for Regional and Central Office employees in covered positions as is provided to facility directors in section 4141(d).

Senate bill: Section 301(b) of S. 675 is identical to the House bill.

Compromise agreement: Section 301(b) contains this provision.

EXTENSION OF ANNUAL REPORT ON FURNISHING HEALTH CARE

Current law: Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (Public Law 99-272) requires the Secretary to submit to the House and Senate Committees on Veterans' Affairs an annual report for each of fiscal years 1986, 1987, 1988, and 1989 on the impact of that law on the furnishing of medical care and services to veterans.

House bill: Section 302 of H.R. 598 would extend the requirement for that annual report through fiscal year 1991.

Senate bill: Section 302 of S. 675 is identical to the House provision.

Compromise agreement: Section 302 contains this provision.

MODIFICATION OF ADMINISTRATIVE REORGANIZATION REQUIREMENTS

Current law: Section 210(b)(2) of title 38 imposes certain requirements for advance notification to the Congress of planned VA administrative reorganizations which result in full-time equivalent employees (FTEE) reductions that exceed specified levels.

Definition of an Administrative Reorganization and a Covered Facility

Current law: For certain reorganizations, an advance report detailing the reorganization must be provided to the Congress not later than the date on which the President submits the budget for the fiscal year in which the reorganization is to be implemented. For purposes of this report-and-wait requirement, an administrative reorganization of a covered field office (a VA facility outside of the Central Office that is the permanent duty station for 25 or more employees) is defined as one which results in a reduction during any fiscal year in the number of FTEE with permanent duty station at the office by 10 percent or more, or by a percentage which, when added to the percentage of FTEE reduced during the preceding year, is 15 percent or more. An administrative reorganization of a covered Central Office unit (a Central Office unit that is the permanent duty station for 100 or more employees) is defined as one which results in a reduction in the number of FTEE with permanent duty station at the office by 25 percent or more during any fiscal year, or by a percentage which, when added to the percentage of FTEE reduced during the preceding year, is 30 percent or more.

House bill: Section 301 of H.R. 5740 would for purposes of this report-and-wait requirement (1) redefine the administrative reorganization of a covered field office as one which results in reduction during any fiscal year in the number of FTEE with permanent duty station at the office by 15 percent or more, or by a percentage which, when added to the percentage reduction of FTEE during the preceding year, is 25 percent or more; and (2) delete Central Office units from the coverage of this requirement.

Senate bill: No provision.

Compromise agreement: Section 303 follows the House bill.

Reporting Requirement

Current law: As noted above, reorganization proposal for a fiscal year must be submitted to the Congress no later than the day the President submits the budget in January for that fiscal year.

House bill: Section 301 of H.R. 5740 would revise this report-and-wait requirement so as to allow action to implement a reorganization of a covered field office to begin upon the expiration of 60 days of continuous Session of Congress following the date of submission of the report, regardless of when the report is submitted.

Senate bill: Section 703 would require that a VA reorganization proposal be submitted to Congress not later than April 1 of the year preceding the fiscal year in which the reorganization is to be implemented, thus shortening the current waiting period by approximately two-and-a-half months.

Compromise agreement: Section 303 follows the House bill except that it would require a waiting period of 90 days, rather than 60 days, of continuous Session of Congress.

Notification Requirements for Central Office Reorganizations

Current law: The Secretary of Veterans Affairs is required to provide the Congressional Committees on Veterans' Affairs notice of a reorganization of a Central Office unit if the unit is the duty station for more than 25 but less than 100 employees and the reorganization involves a reduction in any fiscal year in the number of FTEE with permanent duty station at the office by 10 percent or more, or by a percentage which, when added to the percentage reduction made in the preceding year, is 15 percent or more.

House bill: Section 301 of H.R. 5740 would modify the 30-day advance notice requirement to apply only to administrative reorganizations of VA Central Office units that are duty stations for 100 or more employees and then only if the reorganization results in the reduction of 25 percent or more of the office's FTEE in any fiscal year.

Senate bill: No provision.

Compromise agreement: Section 303 would require a 30-day advance notice to the Committees of an administrative reorganization of the Central Office unit if the unit is the duty station for more than 30 employees and the FTEE reduction would be 50 percent or more in any fiscal year.

Exemptions

Current law: For the purposes of the report-and-wait provisions in section 210(b)(2), an administrative reorganization means the consolidation, elimination, abolition, or redistribution of functions under the authority granted to the Secretary.

House bill: Section 301 of H.R. 5740 would exempt from the report-and-wait requirements a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Services and Research Administration at a VA medical and regional office center, if after the consolidation or redistribution the same number of FTEE continues to perform the affected functions at the facility.

Senate bill: Section 703 of S. 2100 contains a similar provision and would further limit the report-and-wait requirements to offices and facilities which have as their primary mission providing care and services to veterans.

Compromise agreement: Section 303 follows the House bill.

TECHNICAL CORRECTION TO LIMITATION ON PAYMENT OF PENSION TO VETERANS IN NURSING HOMES

Current law: The Omnibus Budget Reconciliation Act of 1990 (OBRA), Public Law 101-508, amended section 3203(f)(1)(B of title 38 so as to limit, from the date of enactment until September 30, 1992, monthly VA pension payments to $90 to veterans receiving a VA pension who are also eligible for Medicaid, have no dependents, and receive nursing home care in a nursing home participating in Medicaid.

House bill: No provision.

Senate bill: Section 304 of S. 675 would make a technical correction to section 3203(f)(1)(B) so as to provide, consistent with the express limit of the OBRA conferees (H. Rept. No. 101-964, pages 982-83), that veterans receiving care in State veterans homes would be excluded from the reduction in pension payments.

Compromise agreement: Section 304 follows the Senate bill.

RECEIPT OF HONORARIA BY VETERANS HEALTH ADMINISTRATION EMPLOYEES

Current law: Section 601(a) of the Ethics Reform Act of 1989 (Public Law 101-194) prohibits all federal officers and employees (except members and staff of the Senate) from receiving a payment of money (or any other thing of value), except for certain necessary travel expenses, for an appearance, speech, or article.

House bill: Section 303 of H.R. 598 would amend sections 4233 and 4114 of title 38 so as to permit an employee of the Veterans Health Administration to receive and retain fees (or any other thing of value) paid to that person for an appearance, speech, or article, so long as the appearance, speech, or article does not create a conflict of interest or an appearance of a conflict of interest.

Senate bill: No provision.

Compromise agreement: No provision.

REORGANIZATION AND REDESIGNATION OF PARTS IV, V, AND VI OF TITLE 38

Current law: Current chapter 73 of title 38, entitled "Department of Medicine and Surgery", contains provisions relating to the organization of VA's health-care system.

Senate bill: Title IV of S. 675 would divide existing chapter 73 into two new chapters—chapter 73, entitled "Veterans Health Administration—Organizations and Functions", which contains provisions dealing with the overall organization of VA's health-care system, and chapter 74, entitled "Veterans Health Administration—Personnel", which contains all of the personnel-related provisions relating to VA's health-care system. In addition, these provisions renumber provisions in current chapters 51, 53, 55, 57, 59, 61, 71, 72, 76, 78, 81, 83, and 85 so that the provisions would be renumbered to begin with the first two digits of the chapter. This same renumbering is carried out in new chapters 73 and 74.

Compromise agreement: Title VI follows the Senate bill.

The committees note that the changes made by title IV are purely technical in nature and are meant to have no substantive impact.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 598, as amended. As ranking member of the full committee and member of the Subcommittee on Hospitals and Health Care, I am acutely aware of the difficulties the Department of Veterans Affairs faces in its ability to recruit and retain physicians and dentists.

This legislation is the result of many months of hearings, research, and negotiations with our counterpart committee in the other body and the VA itself. In fact, this legislation had its genesis based on the VA's own report done in March 1989, entitled the Quadrennial Report to the President on the

Adequacy of Special Pay for Physicians and Dentists.

Mr. Speaker, I believe this legislation is a cooperative effort of all individuals and groups who have an interest in improving the VA's ability to attract and maintain a talented professional team of physicians and dentists.

I want to thank my good friend and distinguished chairman, SONNY MONTGOMERY, and the ranking member of the subcommittee, JOHN PAUL HAMMERSCHMIDT, for their leadership and steadfast efforts to resolve this issue.

This legislation contains provisions which have the bipartisan and unanimous approval of the Committees on Veterans' Affairs both House and Senate. I urge my colleagues to support H.R. 598, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the subcommittee.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today in strong support of H.R. 598, as amended, the Department of Veterans' Affairs [DVA] Physicians' and Dentists' Compensation and Labor-Relations Act of 1991.

This critical piece of legislation, which passed overwhelmingly in the House on January 30, 1991, establishes vital improvements in the pay structure of DVA physicians and dentists. It also provides for improved grievance procedures for title XXXVIII employees.

The current pay structure has perpetuated a staffing shortage in DVA hospitals of immense proportion. Congress has taken action to alleviate this stress by providing the DVA with a necessary tool to compete with the private sector in attracting qualified health care professionals to its medical facilities.—H.R. 598, as amended, will improve the ability of the DVA to compete for these professionals, thereby improving the quality of care given to our Nation's veterans, young and old.

H.R. 598, as amended, is the result of countless hours of hard work and compromise. I commend my colleagues in both bodies for the expedient passage of H.R. 598, as amended, and urge the President to sign this bill into law in similar fashion.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute to commend and thank the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his cooperation in this legislation that we brought before the House this year, and I also want to thank my close friend, the gentleman from Arkansas, [Mr. HAMMERSCHMIDT] for the work he has done in serving as a ranking member on the Subcommittee on Hospitals and Health Care.

I urge adoption of this bill.

Mr. SMITH of New Jersey. Mr. Speaker, I ask my colleagues to support H.R. 598, the Department of Veterans Affairs Physician and Dentists Compensation and Labor-Relations Act of 1991. As an original cosponsor of H.R. 598, I am pleased that we are considering legislation today to improve the delivery of health care services to our Nation's veterans.

Mr. Speaker, H.R. 598 will improve the ability of VA medical facilities to recruit and retain physicians and dentists by addressing the disparity in pay received by doctors working at VA medical facilities as compared to those working in the private sector. As you know, VA facilities have experienced difficulties in retaining health care professionals who have certain specialties or are located in certain geographic areas due to the noncompetitive salaries offered by VA.

Under the compromise worked out with the Senate, H.R. 598 will increase the maximum rates of special pay for individuals with scarce specialties, longevity of service or exceptional qualifications. H.R. 598 provides local VA medical directors the flexibility to set special pay rates, subject to review, in order to meet the specific needs of their facilities rather than setting uniform national rates. H.R. 598 responds to the unique circumstances at each VA facility and is likely to save VA money over the long run by reducing the need to contract out for medical services, which cost $42 million in 1988.

Mr. Speaker, we have an obligation as a nation to provide higher quality health care for the men and women who served in the defense of our Nation. It is imperative that VA have the ability to continue to recruit and retain doctors and dentists with top notch skills. Passage of H.R. 598 will provide additional incentives for these dedicated professionals to continue to serve at VA medical facilities.

Mr. Speaker, I urge all of my colleagues to support H.R. 598, the Department of Veterans Affairs Physicians and Dentists Compensation and Labor-Relations Act of 1991.

Mr. ROWLAND. Mr. Speaker, the bill which we are considering today is vital if we are to improve the care provided to this country's veterans. The VA typically has a high number of vacancies in its physician staff, and special pay for VA dentists and doctors has not been increased to help recruit and retain professionals in over a decade.

The Carl Vinson VA Health Center in Dublin, GA, in my district, has five vacancies out of a fulltime physician staff of 38. Three of the positions have been filled with contract physicians, as are many physicians' positions in VA hospitals. Contracting out is an expensive way to operate. It costs twice as much to retain physicians on a contract basis as it does to employ them on a fulltime basis. In these times of budgetary pressures, we need to reform the pay system so that we can attract qualified full-time physicians and dentists and operate more efficiently.

The special pay increases provided in this bill and the new procedures it establishes for addressing employee grievances are desperately needed. The committee has worked diligently for over a year to arrive at a compromnise with the Senate on this legislation. I urge that the bill be passed so that we can fulfill the promise of quality health care that we have given our veterans.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and concur in the Senate amendment to H.R. 598.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AGING AIRCRAFT SAFETY ACT OF 1991

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 172) to assure the continuing airworthiness of aging aircraft, and for other purposes, as amended.

The Clerk read as follows:

H.R. 172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aging Aircraft Safety Act of 1991".

SEC. 2. AGING AIRCRAFT RULEMAKING PROCEEDING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall initiate a rulemaking proceeding for the purpose of issuing a rule to assure the continuing airworthiness of aging aircraft.

(b) INSPECTIONS AND RECORD REVIEWS.—

(1) GENERAL REQUIREMENT.—The rule issued pursuant to this section shall, at a minimum, require the Administrator to make such inspections, and conduct such reviews of maintenance and other records, of each aircraft used by an air carrier to provide air transportation as may be necessary to enable the Administrator to determine that such aircraft is in safe condition and is properly maintained for operation in air transportation.

(2) PART OF HEAVY MAINTENANCE CHECKS.—The inspections and reviews required under paragraph (1) shall be carried out as part of each heavy maintenance check of the aircraft conducted on or after the first day of the 15th year in which the aircraft is in service.

(3) APPLICABILITY OF FEDERAL AVIATION ACT.—The inspections required under paragraph (1) shall be conducted as provided in section 601(a)(3)(C) of the Federal Aviation Act of 1958.

(c) DEMONSTRATION OF STRUCTURAL AND PARTS MAINTENANCE.—The rule issued pursuant to this section shall, at a minimum, require the air carrier to demonstrate to the Administrator, as part of the inspection required by the rule, that maintenance of the aircraft's structure, skin, and other age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety.

(d) PROCEDURES.—The rule issued pursuant to this section shall establish procedures to be followed in carrying out the inspections requird by the rule.

(e) AVAILABILITY OF AIRCRAFT.—The rule issued pursuant to this section shall require the air carrier to make available to the Administrator the aircraft and such inspection, maintenance, and other records pertaining to the aircraft as the Administrator may require for carrying out reviews required by the rule.

SEC. 3. AIRCRAFT MAINTENANCE SAFETY PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft in accordance with maintenance programs appoved by the Federal Aviation Administration;

(2) a program—

(A) to provide inspectors and engineers of the Federal Aviation Administration with training necessary for conducting auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of such inspectors and engineers in such inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to assure the airworthiness of aircraft operated by such carriers.

SEC. 4. FOREIGN AIR TRANSPORTATION.

(a) GENERAL RULE.—The Administrator shall take all possible steps to encourge foreign governments and relevant international organizations to develop standards and requirements for inspections and reviews which will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States and which will afford passengers of such foreign air carriers the same level of safety as will be afforded passengers of air carriers by implementation of this Act.

(b) REPORT.—Not later than the last day of the second fiscal year beginning after the date of the enactment of this Act, the Administrator shall report to Congress on implementation of this section.

SEC. 5. ADMINISTRATOR DEFINED.

As used in this Act, the term "Administrator" means the Administrator of the Federal Aviation Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this important legislation to promote aviation safety. This bill is necessary to assure the traveling public that as the Nation's airline fleet grows older, the highest standards of safety will continue to be maintained.

The bill now before us is virtually identical to a bill, H.R. 3774, passed by the House last July. Unfortunately, the other body did not consider the bill in the last Congress. The problems of aging aircraft are important enough for us to pass this bill again.

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Now, at the outset I want to pay high regard to our Aviation Subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR], as well as the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican, who deserve congratulations for their strong leadership and persistence in getting this bill to protect the safety of the traveling public enacted into law and on the issue they have been leaders on in the concern about aging aircraft in general.

I also want to commend them for their dedication to the safety of the traveling public, and as would be appropriate at this moment, I want to pay my high regard to the staff, both of the majority and the minority in the Public Works Committee, Dave Hiemsfield, Dave Trainman, Charley Ziegler, and Dave Schaeffer for their outstanding contributions to this very important bill.

By the end of the decade, it will be much more common for airlines to continue to use aircraft that are 25 and 30 years old. The public has every right to expect that these older planes will be as safe as the new aircraft rolling off the assembly line this afternoon.

Ever since the Aloha Airlines accident 2 years ago, the traveling public has been very concerned about flying on older aircraft. The average age of the airlines' fleet is approaching 13 years and will increase for the balance of the decade. To meet the growing demand for air transportation, the airlines will not be able to retire aircraft as soon as they expected when they purchased the aircraft.

If this is going to be the case, we need to have a special safety regulatory and legal framework that takes account of the aging of the airline fleet. This bill directs the Federal Aviation Administration to initiate rules to require a special inspection of older aircraft with that inspection focused on aging aircraft problems.

This inspection will come at a point around the 15th year in the life of an aircraft when the aircraft is undergoing what is known as a heavy maintenance check. The FAA and the air carrier will inspect the aircraft and review maintenance records to specifically assure themselves that the particular aircraft has undergone all the required maintenance and repairs aimed at problems associated with the aging process.

With a successful completion of this inspection, a traveling public apprehensive about climbing aboard a 20-, 25-, or even 30-year-old aircraft will know that these aircraft have received special attention and a seal of approval from the Federal Aviation Administration.

This bill also directs the FAA Administrator to take all possible steps to encourage foreign governments and relevant international organizations to develop standards for inspections of aging aircraft similar to those required by this bill. In an aviation world that is increasingly global in nature, it is important that the legal and regulatory steps we implement in the country be emulated elsewhere. One aspect of globalization is that increasing numbers of citizens of the United States are flying on foreign carriers, and they should be afforded the same level of safety that they have come to expect on U.S. carriers.

It is also important for competitive reasons that foreign carriers be subjected to similar regulatory requirements as we impose on U.S. carriers. It would put U.S. carriers at a competitive disadvantage to have this additional regulatory burden if their foreign competitors are not subject to similar requirements.

The bill directs the FAA Administrator to use his good offices aggressively to convince other governments of the importance of special inspections of aging aircraft.

The traveling public is looking for strong assurances from the Congress that their safety is being protected to the greatest extent possible. Since the summer of 1988, the FAA and the industry have been doing a great deal to rectify the problems of aging aircraft. This bill mandates an additional layer of protection for the traveling public. With this legislation, the public will have assurances that the Government has addressed their concerns regarding aging aircraft and has moved aggressively to cure any safety problems.

Again, I urge the House to pass this important aircraft safety legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the chairman of our Aviation Subcommittee, the gentleman from Minnesota [Mr. OBERSTAR], the ranking minority member, the gentleman from Pennsylvania [Mr. CLINGER] for their initiative on H.R. 172, and I also appreciate the help of the very able chairman, the gentleman from New Jersey [Mr. ROE] and his leadership in bringing this bill to the floor today.

For many years, aviation experts had assumed that an aircraft, properly inspected and maintained, could fly virtually forever. However, that assumption was dramatically called into question 3 years ago when the top blew off a 19-year-old Aloha Airlines Boeing 737 over Hawaii and a flight attendant was swept to her death.

The aircraft involved in that accident was one of the oldest 737's in the fleet. After the accident, the National Transportation Safety Board inspected the plane. It found that there was significant corrosion and cracking throughout the airplane's structure.

The Aloha Airlines accident and other incidents have heightened concern about aging aircraft and led to a complete reexamination of the way we approach the problem.

Some have suggested that older aircraft should automatically be retired when they reach a certain age. However, this sort of drastic action does not seem to be necessary.

Moreover, given the current backlog in aircraft orders, I doubt that our manufacturers could replace the old planes fast enough.

Therefore, the industry has taken a different approach. It has formed a task force that has made recommendations to the FAA. These recommendations require airlines to undertake extensive and costly structural modifications to older planes. In some cases, parts will have to be entirely replaced.

The FAA is implementing these recommendations. This represents a significant shift from its past policy of merely relying on inspections to uncover problem areas.

Now it will require changes to be made to the aircraft at certain intervals even before problems begin to appear.

The cost of all of this to the Government will be about $1 million over the next 3 years. However, the cost to the airlines will be much greater. For Boeing aircraft, it has been estimated that the cost of making the required changes will be $600,000 per aircraft and $800 million for the entire fleet. Repairs on the McDonnell Douglas aircraft are expected to cost $269,000 per aircraft and $563 million for the entire fleet.

While these costs are not insignificant, they are necessary in order to ensure the safety of an aging fleet.

So I am pleased that the aviation industry and the FAA have acknowledged the aging aircraft problem and have moved to address it, but it is also important for Congress to act in this area.

The laws must be changed to reflect the fact that repair of aging aircraft will play an increasingly important role in the maintenance programs of the FAA and the airlines.

In my view, the bill before us now is a good one. It will help to reassure the flying public about the safety of older airplanes. It should give them confidence that the commercial aircraft in which they fly are safe regardless of their age. Therefore, I support this bill and urge its passage by the House.

Mr. Speaker, let me say that if it was not for the initiative of our good friend and distinguished chairman, the gentleman from Minnesota [Mr. OBERSTAR] and the ranking member, the gentleman from Pennsylvania [Mr. CLINGER], this bill would not be on the floor; so again I compliment them and I thank my distinguished chairman, the gentleman from New Jersey [Mr. ROE] for bringing it to the House today.

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Speaker, as a member of the House Public Works and Transportation Committee and the Subcommittee on Aviation, I am glad to express my support for H.R. 172, the Aging Aircraft Safety Act. I commend our subcommittee and full committee chairman for expeditiously bringing this legislation to the floor.

In 1988, the number of aircraft 20 years or older comprised 28 percent of the world jet transport fleet. The FAA projects that this will increase to 35 percent in 1995 and 40 percent in the year 2000. These figures make maintenance on aging aircraft an increasingly important aspect of air carriers' maintenance programs.

I believe that requiring special inspections and implementing mandatory review procedures for aircraft which have been in service for extended periods of time is a move in the right direction to eliminate the possibilities of danger in older aircraft. The Aging Aircraft Safety Act directs the FAA to inspect and evaluate the consequences of aging individual aircraft after they are 15 years old. This added safety check would confirm that an older plane is airworthy along with ensuring passengers that all necessary steps have been taken to properly operate older aircraft. It is also important to note that the Public Works and Transportation Committee voted to encourage foreign carriers to inspect aging aircraft. Many U.S. citizens fly on foreign carriers as well as many foreigners fly on our aircraft and I would hope that all carriers, foreign and domestic, would want to provide the best service and safest planes for their passengers. Assuredly, I and the other members of the Public Works and Transportation Committee want to send a strong message to the traveling public that the planes they are riding in are inspected to ensure the utmost safety during their flight.

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Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member of our subcommittee, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I thank the gentleman from Arkansas for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 172.

Before beginning my formal remarks, I wish to commend the chairman of the committee, BOB ROE, ranking Republican JOHN PAUL HAMMERSCHMIDT, and especially the chairman of the Aviation Subcommittee, JIM OBERSTAR, for their leadership bringing this bill to the House floor.

Mr. Speaker, during the 101st Congress, the House considered similar legislation on the suspensions calendar and the bill, H.R. 3774, was unanimously approved by voice vote. However, the Senate failed to take it up.

The legislation before us today, H.R. 172, is identical to the previous bill with one minor, but important, exception. During committee consideration last week, Chairman BOB ROE offered an amendment that was unanimously adopted. I will explain his amendment in one moment.

The Aging Aircraft Safety Act is a product of extensive hearings held by the Aviation Subcommittee and the Investigations and Oversight Subcommittee during the 100th and 101st Congresses. Our committee had begun to explore the phenomenon of aging aircraft well before the Aloha Airlines accident that occurred in April 1988.

Testimony delivered during these hearings clearly demonstrated that operators flying identical types of aircraft often approached the task of maintenance, inspection, and replacement in significantly different fashions, raising the specter that approved maintenance practices are not uniform and may not be equally effective.

Compounding this uneven treatment of aircraft maintenance is the practice of buying, selling, and leasing aircraft. I have great concerns about individual aircraft being bought and sold repetitively during its lifetime without any one carrier doing more than minimally necesary to satisfy maintenance requirements. In addition, I suspect there are commercial operators who don't have the financial resources to pay for expensive maintenance and overhaul, and who only do the absolute minimum to keep their fleet airworthy.

The Aloha accident had the effect of galvanizing government and industry from simply discussing the problem to initiating an extensive and comprehensive array of programs directed toward inspection and repair of aircraft for aging related defects.

Much to their credit, the Federal Aviation Administration, the carriers and the manufacturers developed a series of mandated inspections and replacement programs for commercial aircraft, which is well underway today.

And I might add, enactment of last year's airport construction legislation will have the beneficial effect of accelerating the retirement of older and potentially less-safe aircraft because of the stringent stage 3 noise standards included in the bill.

H.R. 172 would impose an additional step beyond those taken by the government industry task force I mentioned a moment ago; it would require the operator to demonstrate that the aircraft has met all maintenance requirements; that critical life-limited components have been replaced; and that ongoing, thorough inspections demonstrate the continued airworthiness of the aircraft.

The Roe amendment requires the FAA Administrator to encourage foreign governments and international organizations to adopt similar aging aircraft programs for inspections and reviews, so as to afford passengers on foreign-flagged aircraft the same level of safety.

Mr. Chairman, while I believe the industry-government initiatives have, for the most part, achieved many of the goals of this legislation, I strongly support H.R. 172. Older aircraft should be subject to continuing inspections during heavy maintenance checks to insure airworthiness. Such an inspection would not only reassure the carrier, but it would serve to reinforce the flying public's confidence in our aviation system.

I encourage all Members to support this legislation.

Mr. ROE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I rise this afternoon to lend my solid support to H.R. 172. As a frequent passenger on the Nation's airlines, I have a keen sense of concern that the Federal Government, and the FAA specifically, utilize every resource available to ensure the safety of the traveling public. Indeed, the statistics presented by my friends Mr. ROE and Mr. OBERSTAR concerning the aging air fleet is alarming.

Given the substantial increase in the number of passengers flying today, airlines are forced to increase the size of their fleets. However, commercial aircraft orders are backlogged and deliveries are taking much longer—sometimes as long as 5 years. Hence, we see airlines retaining their existing fleets longer than originally anticipated. For example, in 1988, 28 percent of the world's commercial jets were 20 years old or older. By the year 2000, that number is expected to rise to 40 percent. This legislation specifically addresses the issue of the aging air fleet with a bold approach to enhance the FAA's ability to monitor this situation.

I am specifically impressed with the bill's mandate that the FAA develop a safety program to enhance the training of its inspectors and engineers to conduct corrosion and metal fatigue inspections. This is a particularly important response to the aging air-fleet issue. Today's FAA inspectors must have the very best training available to ensure that aging aircraft are maintained to the most rigid safety standards possible.

Finally, Mr. Speaker, I hope that Congress will soon address a similar matter which is of great concern to me. Since 1926, aircraft mechanics and repairmen have been issued one type of rating, commonly known as the airframe and powerplant, or A&P. While pilot ratings have expanded with the advent of new technology, aircraft mechanics to this day are still issued the same rating, the A&P. I know the FAA is exploring this issue and I hope that I can work with my colleagues Mr. ROE and Mr. OBERSTAR to ensure that this important matter is addressed in the near future.

I urge my colleagues to support this bill.

Mr. Speaker, I would like to engage, if I could, the chairman, the gentleman from New Jersey [Mr. ROE], in a colloquy.

Mr. Speaker, I have been concerned about the need for all FAA maintenance safety inspectors, particularly those who work with commercial transport category aircraft, to have the finest training available in the world. Today's FAA inspector is typically hired out of the general aviation industry with little or no practical experience on commercial transport aircraft. One significant reason for this is the salary level available to pay FAA inspectors. When compared with the commercial airline industry's salaries for mechanics and inspectors, the FAA's salary level is simply not competitive. Hence, we tend to see general aviation-trained inspectors and mechanics being rushed through an FAA commercial transport category training and orientation program in a matter of a few weeks. Upon completion, they are sent to the field and expected to ensure that commercial aircraft mechanics and inspectors, with years of experience, are properly doing their jobs. I am anxious to give the FAA the tools it needs to effectively train its commercial aircraft maintenance safety inspectors. We owe the general public no less. To accomplish this, I feel it is important that the FAA utilize outside resources to support the new requirements you establish in this legislation.

My question is this: Would it be consistent with this measure that the FAA could look to outside sources, such as public aviation maintenance training schools, as effective tools to enhance the training of its inspectors in order that they may receive the very best training available?

□ 1320

Mr. ROE. Mr. Speaker, if the gentleman will yield, yes; it certainly would be consistent with the bill's purpose that the FAA draw upon whatever resources, including those outside the agency, to carry out the training of its personnel. And I would encourage the agency to do so when it appeared to be the best way to get this important training accomplished. I thank the gentleman for bringing this point to the debate on this bill.

Mr. OBERSTAR. Mr. Speaker, would the gentleman yield further.

Mr. ENGLISH. I am happy to yield to the subcommittee chairman.

Mr. OBERSTAR. Mr. Speaker, subsection 2 of section 3 of the bill directs the Administrator of FAA to establish a program to provide inspectors and engineers of the Federal Aviation Administration with training necessary to conduct the "auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue," the exact words of the bill. The FAA could very well include in such rulemaking the opportunities outside the agency for such training and enhancement. Certainly there is plenty of opportunity for the FAA to engage and to bring into its orbit all the technical expertise available to this vitally important subject matter. So what the gentleman is suggesting is certainly in line with what we have in mind in the bill.

Human factors are critically important. Training the inspectors to the best technology available today is what we have in mind in this legislation.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman from Minnesota. I want to commend the committee.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS], the ranking minority member of the Technology and Competitiveness Subcommittee of the Committee on Science, Space, and Technology.

Mr. LEWIS of Florida. Mr. Speaker, I rise in strong support of H.R. 172, the Aging Aircraft Safety Act of 1991. This legislation is indeed an important step toward improving aviation safety.

The Public Works and Transportation Committee is to be congratulated for bringing this legislation to the floor in such a timely fashion.

I especially want to recognize the hard work of Chairman ROE, ranking Republican member HAMMERSCHMIDT, and the Aviation Subcommittee, led by Mr. OBERSTAR and Mr. CLINGER.

Few would have expected the impact of the 1988 Aloha Airlines flight which had the top torn off. At the time, it was thought to be a 1 in 10 billion occurrence.

However, closer examination showed it to be caused by structural cracks, which have become all too common. Although significant progress in both research toward uncovering structural problems—and in regulating the industry—have been made, I fully agree with the committee that a more aggressive schedule of rulemaking is needed to ensure the continuing airworthiness of aging aircraft.

This bill is a bold step but one whose time has come. I urge my colleagues to support this landmark legislation that will improve aviation safety for the flying public.

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Subcommittee on Economic Development, the gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. Mr. Speaker, I rise in strong support of H.R. 172, the Aging Aircraft Act of 1991.

H.R. 172 received unanimous, bipartisan support in the Public Works and Transportation Committee. Last year, the House of Representatives passed identical legislation by voice vote but the bill died awaiting action by the other body.

This legislation comes at a troubling time for the American airline industry. Each of the major carriers is suffering from some degree of financial stress as a result of the national recession, gulf war terrorism threats, and fuel price increases. Pressure is mounting on the airlines to cut back whenever and wherever possible. We must ensure that safety is not sacrificed through the use of older planes that have outlived their airworthiness. I believe this bill accomplishes that goal.

H.R. 172 will establish a thorough system of aircraft inspection which will aid in avoiding any future accidents similar to the Aloha Airlines' 737 accident of April 1988, that killed a flight attendant and seriously wounded eight others. The National Transportation Safety Board determined that metal fatigue was a major contributing factor in that accident. The Board also determined that there was a breakdown in the inspection and maintenance program. The legislation we are debating today will address these problems by requiring a comprehensive inspection of each aircraft as part of its heavy maintenance check after 15 years of service.

Mr. Speaker, this legislation will provide for safer aircraft, without placing burdensome requirements on the airlines. It is a bill that everyone can live with.

I urge my colleagues to support this bill, and I thank my colleague, Chairman JIM OBERSTAR, for his many hours of time and effort on behalf of aircraft safety.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I thank my colleagues, the chairman of the Committee on Public Works and Transportation, for yielding time to me.

Mr. Speaker, this is a very important bill. Millions of Americans fly every year. It is the primary means of mass transportation in America. Yet over the last 10 or 15 years, particularly as we have gone into this era of deregulation, there have been more and more questions about the safety of air transportation.

For the most part, air transportation is very safe, but there are some very significant facts which should be brought out. First, most airlines in this country are suffering financially. Most have suffered economic losses in the last couple of years. Their planes are getting older. Airplanes are older, and there are fewer newer planes in the system than there used to be. That means the older planes that are being flown, coupled with the airlines that have suffered some economic loss, is a recipe not for automatic safety loss but for the possibility that maintenance will not be done as well as it should be.

This bill acts as a good disincentive to that particular fact, and I compliment the chairman of the committee.

Second, deregulation of the airlines changed the way airplanes fly in this country. Before deregulation, airplanes were flying fewer hours every day, making fewer landings and fewer takeoffs. There were no hub airports. They did not have to keep an airplane in the sky 12, 14, or 16 hours in the day just to keep that airplane flying profitably. When they have as many landings and takeoffs as they do, there is much more stress on a particular airplane than there used to be in days gone by. That means the plane needs more inspection, more maintenance, not less.

Deregulation is OK in some cases, as long as the safety aspects are properly adhered to. This bill makes sure that these older airplanes, flying under very stressful, deregulated conditions, will have the appropriate kind of maintenance, and it may just prevent an accident of the type that Aloha Airlines was involved in.

Mr. Speaker, for the millions of Americans who fly all the time on the great airlines of this country, this bill should give them some confidence that aviation is safe.

□ 1330

Mr. ROE. Mr. Speaker, I yield 5 minutes to the distinguished chairman of our Subcommittee on Aviation, the gentleman from Minnesota [Mr. OBERSTAR], who has been a real true leader in this field of safety in aircraft.

Mr. OBERSTAR. Mr. Speaker, I appreciate the kind words of the gentleman from New Jersey [Mr. ROE].

Mr. Speaker, we meet on the eve of the third anniversary of an event that shook the aviation world to its roots and triggered the legislation pending before us today, H.R. 172, the Aging Aircraft Safety Act of 1991.

On April 28, 1988, during what otherwise would have been a routine inter-Hawaiian Islands flight, some 18 feet of the fuselage of an Aloha Airlines 737 ripped off the top of that aircraft, defying an accepted theory of aircraft metal fatigue, corrosion, and cracking, that the hull is so designed and built to fail safely. It did not.

That incident, in and of itself, changed the way we think about maintenance of aircraft, changed the way the industry, manufacturers, air carriers, and the FAA, conduct maintenance on what we call in the trade high-time aircraft.

What concerned me then was not that there was not a tracking system for aging aircraft. There was. It was not that the system was not used. It was.

What concerned me, was that all the right steps were taken, but for flight attendant Clara Bell Lansing and the injured and frightened passengers aboard Aloha flight 243, the system failed. For Ms. Lansing, the failure was fatal.

As the Nation's air traffic continues to skyrocket, aircraft that were expected to be retired at the end of their design lives will be kept in service to meet growing passenger demand. Last year some 2,400 aircraft were more than 20 years old. By the end of this decade, by the turn of the century, we expect that more than 5,700 aircraft will reach that age. The aging aircraft phenomenon is on our doorstep for keeps.

The industry, that is, manufacturers and air carriers, and the FAA, responded appropriately. I will still recall with very vivid feeling the first aging aircraft conference called by then FAA Administrator Allan McArtor.

There was an electricity in that room as over 400 experts from all over the world gathered in 1 room here in Washington to talk about this phenomenon that had so shaken their confidence in the theory of aircraft design and aircraft maintenance and inspection.

They were determined that something good would come of that tragedy, and that something useful and lasting would come of that conference. And it did.

The industry has taken appropriate steps, the FAA has taken appropriate steps. But those of us on the then Subcommittee on Investigations and Oversight, and now on the Subcommittee on Aviation, who have been following the maintenance issue for so many years and holding so many hearings on it, felt that more was needed, that there needed to be a legislative framework within which the administrative steps and actions taken by the industry, as well as the FAA, could be monitored and given a clearer legal definition.

Mr. Speaker, I want to take this opportunity to thank the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican on our subcommittee, for the hours and hours that he put in with me on this issue, both in the Subcommittee on Investigations and Oversight, and the Subcommittee on Aviation. We literally devoted dozens and dozens of hours, both in committee and in preparation for hearings and developing of this legislation, to bring this bill to the floor in the shape that it is today. Of course, I would also like to commend our dedicated staff, whom the chairman of the full committee has already recognized.

Mr. Speaker, I also want to pay appropriate recognition to our ranking member of the full committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who devoted a good many of the hours, at the I&O Subcommittee hearings, and the Subcommittee on Aviation hearings, to walking through this issue with us, and to our full committee chairman, the gentleman from New Jersey [Mr. ROE], who has demonstrated his real commitment and concern to aviation safety.

Mr. Speaker, this legislation brings to its fullness the series of regulatory actions taken by the FAA to put in place a framework within which more effective maintenance can be done on high-time aircraft.

Mr. Speaker, I would include in the RECORD a more detailed statement of the specifics that this legislation includes in the direction and the path on which it takes us for the future.

Before Aloha, a key assumption was that inspections for cracks and other damage could be discovered through routine, periodic inspections, and after discovered, the cracks could be repaired. The Achilles heel of this approach was the reliance and dependence on inspections to detect cracks. The Aloha accident revealed that placing so much reliance on inspections did not serve the highest degree of safety, because cracks could be missed even under optimum inspection conditions.

Given the difficulty of these sorts of inspections to detect all potentially dangerous cracks, that assumption has been scrapped and we now have a new and improved approach. The approach now is to establish life limits to various structures and parts so that replacement of parts comes at certain intervals even if no crack reveals itself through inspections.

H.R. 172 builds on this new approach by requiring the FAA to make a special aircraft-by-aircraft inspection and assessment focused specifically on aging aircraft issues.

While I generally expect the industry and the FAA to do what is expected on the aging aircraft problem, I believe we need to develop a special regulatory and safety assurance system to ensure that all of the aging aircraft maintenance work now being required is actually accomplished.

This is necessary for three reasons. First, relatively few aircraft in the fleet will be retired over the next several years which means the average age of the fleet will significantly increase. Maintenance on aging aircraft will become an increasingly important aspect of air carriers' maintenance programs. Also, aircraft are increasingly being operated longer than was anticipated at the time of their manufacture. Prudence dictates that our legal and regulatory philosophy and framework recognize this, so that we are not simply relying upon the ordinary airworthiness compliance process for addressing this critical problem of increasing significance.

Second, when it comes to ownership of aircraft, the airline industry today is a web of complex ownership and leasing relationships and financial transactions. The specter of maintenance work being deferred to the next owner or lessee in order to save money is very real. This bill will ensure that from an FAA perspective that necessary work is accomplished and not deferred from owner to owner.

Third, for all the industry and the FAA have done to address the aging aircraft problem and they are to be strongly commended—I have a sense most of it has been lost on the traveling public. The public should not be expected to sort out airworthiness directives, service bulletins, economic design life, and other arcane terms in determining their comfort level with flying. The public is very concerned about older aircraft. Let's develop a system of safety assurance that the public does not have to struggle and grapple with in order to feel assured. Under this bill, the questin asked is straightforward: "Is this old airplane safe?" And under this bill, the answer will be equally straightforward: "yes" or "no."

The bill also directs the addition of and emphasis on three aircraft safety maintenance programs: A program to verify air carrier compliance with approved maintenance procedures; a program of improved training of FAA's inspectors and engineers and enhanced participation for them in the aircraft inspection process; and a program to ensure air carriers' commitment and technical competence with regard to airworthiness. These programs were suggested by testimony in the hearings, and I believe they improve the bill and its purpose.

Again, I urge our colleagues to support and pass H.R. 172.

Mr. Speaker, suffice it to say, this legislation will keep us on a path toward maintenance, more effectively, more diligently, more intensively, toward maintaining aircraft as they reach the higher end of their economic design life. Never again should a tragedy of the kind that occurred to Ms. Lansing and the passengers aboard Aloha 243 occur because the system failed. With this legislation, we intend to fix the system, and to assure air travelers that when they get on board an aircraft, all has been done that reasonably and responsibly could and should be done to ensure this is a safe aircraft.

Mr. BORSKI. Mr. Speaker, I rise in strong support of H.R. 172.

I want to congratulate the chairman of the Aviation Subcommittee JIM OBERSTAR and ranking minority member BILL CLINGER for bringing to the floor legislation which mandates tough new protections to assure the continuing airworthiness of aging U.S. aircraft.

And I want to commend Public Works Committee Chairman BOB ROE for his great foresight in amending the bill at committee markup to ensure that aging foreign carriers meet the same level of safety as U.S. carriers.

GAO has documented that a considerable number of U.S. aircraft are being sold to foreign carriers whose maintenance and operations procedures are beyond the reach of the FAA.

This raises serious concerns about the safety of U.S. citizens traveling aboard these aircraft and the millions of Americans who live and work close to airports where these planes takeoff and land.

Of equal importance is the economic threat to U.S. carriers from foreign carriers who gain an unfair advantage by cutting corners on inspections and maintenance of aging aircraft.

Presently the investigations and oversight subcommittee, which I chair, is exploring the safey consequences posed by so-called loophole airlines.

These airlines are operated and controlled by American businessmen but fly under foreign flag to avoid U.S. regulations and surveillance.

The chairman's amendment to this bill is a step in the right direction in creating a more level playing field and I heartedly support his efforts.

Mr. POSHARD. Mr. Speaker, I rise in strong support of H.R. 172, the Aging Aircraft Safety Act of 1991. As a member of the Committee on Public Works and Transportation's Subcommittee on Aviation, I have followed the progress of this important bill since it was introduced and I am pleased it is being considered on the floor of the House today.

I believe that passage of this bill sends the signal to the administration and the aviation industry that safety must be the No. 1 issue on their agenda.

With the stiff competition all our Nation's airlines face, there will be increasing pressures to keep our current fleet in the air as long as possible. New planes are very expensive and using older planes longer is clearly an industrywide trend. In addition, many smaller carriers and charter companies simply do not have the resources to buy new planes.

Together, these and many other factors are working to keep planes in service longer. I believe that it is appropriate and responsible for us to be moving ahead with a bill which will protect the flying public and improve airline safety.

I strongly support H.R. 172, and I urge all of my colleagues to support its passage and enactment into law.

The SPEAKER pro tempore (Mr. MAZZOLI). All time on the part of the gentleman from New Jersey [Mr. ROE] has expired.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and pass the bill, H.R. 172, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 172, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MORRISTOWN NATIONAL HISTORICAL PARK EXPANSION ACT

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, I am introducing legislation today that will expand the Morristown National Historical Park in New Jersey.

Morristown National Historical Park is our country's first national historical park. The park was the site of the Continental Army's encampment during the long, hard winter of 1777 following its great victories at Trenton and Princeton and again in the winter of 1779.

Purchasing the property immediately adjacent to the existing park would add 13 acres to this historic site. The land is being sold to the Park Service in the interest of preserving it for future generations. The appropriation to make the purchase was made during the last Congress and this legislation will enable the Park Service to acquire the land.

The tract to be acquired is known as the Sterling North property after its former owner, the well-loved 20th century novelist Sterling North, author of the children's classic "Rascal, Thoreau of Walden Pond" and other books. Because the Sterling North property housed the 1st and 2d Connecticut Brigades during the difficult winters at Morristown, acquisition of the land would enable the Park Service to perform archeological studies that would provide a great deal of information about our forefathers' efforts to win independence.

The property is environmentally sensitive as well as historically significant. Inclusion of these 13 acres in the park will add a "protected natural corridor" to the Patriots Path National Recreation Trail. Primrose Brook, whose pristine waters once supplied George Washington's troops, flows through the property and feeds the sensitive wetlands of the Great Swamp, a national wildlife refuge. Acquisition of the land will add to the park an area of great natural beauty and ecological value.

Mr. Speaker, it is essential that this bill pass quickly. Passage will ensure that we preserve this tract of land for the enjoyment of the residents of my district and of New Jersey, and for all Americans who wish to preserve our Nation's heritage.

New Jersey's rural landscapes are being threatened by an open space crisis. Overdevelopment and suburban sprawl have severely burdened the State's infrastructure, including our State and National parks. At a time when New Jerseyans are struggling to save undeveloped tracts of land, this legislation will put us one step closer to preserving the natural and historic heritage of our State and our Nation.

It is fitting that on this 75th anniversary of our National Park Service we proceed with this important purchase to expand our country's first national historical park.

The text of the bill follows:

H.R. 2035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO PARK.

The Act entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", approved September 18, 1964 (16 U.S.C. 409g), is amended by striking "600" each place it appears and inserting "615".

TRIBUTE TO A&M UNIVERSITY GRADUATES WHO SERVED IN OPERATION DESERT STORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LAUGHLIN] is recognized for 5 minutes.

Mr. LAUGHLIN. Mr. Speaker, I rise today to pay tribute to a group of men and women who are very special to me. They are soldiers who served in Operation Desert Storm and are graduates of the Texas A&M University system. In particular, I would like to recognize Lt. Gen. Calvin A.H. Waller, deputy commander of the American forces in Operation Desert Storm, and a 1959 graduate of Prairie View A&M University located in the 14th Congressional District of Texas.

Mr. Speaker, former students of the Texas A&M University system have a proud history of supporting this Nation in time of war. During the 20th century, students and former students from these institutions have answered their country's call to arms and have distinguished themselves in combat.

Operation Desert Storm was no exception. Over 200 officers from Texas A&M University alone have had the privilege to serve recently in the Middle East. Several former students of the A&M system distinguished themselves by their leadership roles in the Operation Desert Storm. Col. George Walton, who was the lead pilot in the first attack against Iraq, and Brig. Gen. Terry Scott, assistant commander of the 24th Infantry Division, are two such individuals.

Today, Mr. Speaker, I would like to pay special tribute to Lt. Gen. Calvin Waller. General Waller is a 1959 graduate of Prairie View A&M University. After Prairie View, General Waller earned a master of science degree in public administration at Shippensburg State University. He also attended the Infantry School, the Chemical School, the U.S. Army Command and General Staff College and the U.S. Army War College.

During his distinguished career of more than 30 years in the Army, General Waller has served at many posts and has received numerous decorations for his service, including the Bronze Star with oak leaf cluster and the Distinguished Service Medal. To add to these honors, General Waller has served with distinction and honor in Operation Desert Storm.

For his faithful service to our country, as well as all former students of the Texas A&M University system who served in Operation Desert Storm, we owe a salute.

Mr. Speaker, I submit this resolution adopted by the Texas A&M University system board of regents to be inserted in the RECORD.

RESOLUTION

Whereas, students and former students of Prairie View A&M University and other institutions in The Texas A&M University System have a proud history of supporting this nation in time of war; and

Whereas, during the 20th Century, students and former students from these institutions have answered their country's call to arms and have distinguished themselves in combat; and

Whereas, the United States is currently engaged in Operation Desert Storm for the liberation of Kuwait; and

Whereas, Lieutenant General Calvin A. H. Waller is serving as Deputy Commander, American Forces, Operation Desert Storm; and

Whereas, General Waller earned a bachelor of science degree in agriculture from Prairie View A&M University and a master of science degree in public administration at Shippensburg State University; and

Whereas, he also attended the Infantry School, the Chemical School, the U.S. Army Command and General Staff College and the U.S.C. Army War College; and

Whereas, during his distinguished career of more than 30 years in the U.S. Army, he has served at many posts in both the United States and overseas, including service in the Vietnam War; and

Whereas, he has received numerous decorations for his service, including the Bronze Star with Oak Leaf Cluster and the Distinguished Service Medal; now, therefore, be it

Resolved, that we, the members of the Board of Regents of The Texas A&M University System, meeting on this 25th day of January 1991, hereby express our admiration and our support for General Waller in this important assignment; and be it further

Resolved, that we commend all former students of The Texas A&M University System institutions who are serving in Operation Desert Storm; and be it further

Resolved, that we extend our prayers for the safe return of General Waller and all the others who are in harm's way in the Persian Gulf area; and be it further

> Resolved, that this resolution be spread upon the minutes, and copies thereof, signed by the Chairman of the Board of Regents, be presented to General Waller, to the Archives of Prairie View A&M University and the Prairie View National Alumni Association as an expression of the heartfelt sentiments of Prairie View students and former students as well as those from other institutions in The Texas A&M University System.
>
> Adopted, this 25th day of January 1991.

END COURT SECRECY FOR PUBLIC HAZARD INFORMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Florida. Mr. Speaker, today I am introducing the Federal Sunshine in Litigation Act of 1991. This legislation, modeled after the 1990 Florida statute, would make it more difficult to hide from the public information that is learned prior to litigation on health and safety hazards. Specifically, the bill—

Prohibits protective orders respecting discovery that would conceal information on a public hazard;

Void settlement agreements that conceal information on a public hazard;

Grant broad standing to third parties—including the media—to obtain disclosure of information on a public hazard;

Require in camera examinations of disputed information; and

Defines public hazard as "any condition, circumstance, person, or thing whatsoever that has caused injury and is likely to do so again."

The bill also includes a provision prohibiting the copywriting of information to evade disclosure of a public hazard.

Under current civil procedure rules, courts may issue protective orders controlling information obtained during discovery and approve secrecy agreements that seal a case's files after settlement. Very often plaintiffs agree to secrecy to avoid lengthy and expensive litigation or to obtain compensation for their injuries.

However, while one victim may obtain redress, similarly situated individuals would be denied access to the very information that would remedy an injustice. In addition, thousands of unsuspecting consumers may purchase and use a defective product ignorant of the dangers involved.

Very often the courts are dealing with a David v. Goliath situation. People who have seen the movie "Class Action" were appalled by the mountains of information defendant's attorneys heaped on the plaintiff just to hide one piece of incriminating evidence. Victims just do not have the resources to review every piece of relevant information. Secrecy simply compounds a victim's plight.

In a recent article entitled "Protective and Secrecy Orders: Time for Change" in Trial, Eugene I. Pavalon and Thomas G. Alvary suggested changing the current rule:

> Uniform recognition by court rules of the important interest of the public's access to information regarding defective products and hazards generated through discovery procedures will limit court-imposed secrecy to its originally intended purpose.

Supporters of secrecy contend that virtually every corporate document would be open to anybody interested in spending the time to delve through voluminous court records. That is why my bill is limited to information on hazards. That is why my bill permits in camera determinations of the relevance of disclosure. It is information on the defective product that would be open to the public—not private information unrelated to a public hazard.

One major problem with the current situation is that our courts are determining matters of public policy. Congress should determine whether the greater societal good of information availability outweighs the potential adverse impact on one individual or corporation.

I firmly believe that protective orders and secrecy agreements should be the exception to open judicial proceedings. These orders subject the general public to potential danger, injury, and suffering that might be avoided if the information were available. That is why I introduced my bill.

I urge all my colleagues to review this legislation by itself and not in conjunction with any other proposal. If the current situation is unfair, then we should correct it this year. I offer my bill as an alternative to continued concealment of vital information that could affect each and every person in this country.

VA EMPLOYEES RECOGNIZED FOR DISTINCTION IN FINANCIAL MANAGEMENT IMPROVEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I am always pleased to see extraordinary talent, hard work and achievement in Federal service brought to public attention. Such was the case when, on April 4, the Treasury Department honored six Department of Veterans Affairs [VA] employees with its prestigious Award for Distinction in Financial Management Improvements. The presentation was made by Secretary of the Treasury Nicholas F. Brady in ceremonies in Washington.

These awards, made annually to individuals or groups in a department or agency within the executive branch and the private sector, are the highest awards granted by the Federal Government for specific achievements in the areas of collections, payments, and credit/debt management.

The employees so honored work in the VA Home Loan Guaranty Service. Loan Guaranty Service Director Keith Pedigo, and Leonard A. Levy and David A. Polikoff from the Loan Service Policy Staff at VA Central Office here in Washington shared the award with Houston VA Regional Office Loan Guaranty Officer Michael McReaken, Loan Service Chief Kathleen A. Frazier, and Assistant Chief Helen M. Galer.

The basis for the award was a pilot loan service project conducted in 1988–89 by the Houston VA regional office and the VA Loan Guaranty Service in Washington. The project demonstrated the cost effectiveness of increased and innovative supplemental servicing of delinquent VA-guaranteed loans in reducing foreclosures and claim payments to lenders.

With a modest budget of less than $325,000, this management team made more than 20,000 servicing contacts through the Houston office during the test period. More important, 559 veterans and their families retained their homes and VA avoided claim and acquisition payments of $11.2 million. The project was so successful that the methods tested in Houston were exported to regional offices nationwide. VA central office now estimates that since the program's inception in August 1988, this new approach to loan servicing on a national scale enabled over 6,000 veterans to retain their homes with savings to the Government of $114.9 million.

The Houston pilot project led to further useful management initiatives such as the creation of a foreclosure avoidance with VA involvement ratio [FAVIR]. This index relates specific supplemental servicing initiatives to the volume of reported loan defaults and is used to evaluate regional office servicing activities. The project also proved the cost effectiveness of use of alternatives to foreclosure such as: deeds in lieu of foreclosure; reduced claim payments by assisting veterans to sell their homes prior to foreclosure; and mortgage purchases from lenders who are no longer willing to work with veterans to reinstate their loans and who want to foreclose.

As a result of this team's accomplishments, the Department of Veterans Affairs demonstrated that increased supplemental servicing is an effective tool in reducing home loan foreclosures and claim payments to lenders.

This national recognition and cash award means much to the Houston Loan Guaranty Division. Michael McReaken and his staff have experienced the highs and the lows. They lived through the worst of times in the 1980s, when the Houston economy was so depressed. But they worked hard for several years and, through their extraordinary efforts, and with help from VA central office by way of additional staff and resources, they have set an example for others to follow.

Mr. Speaker, I know my colleagues will want to join with me in congratulating these individuals for this prestigious recognition from the Treasury Department and in commending them for their dedication and innovation in service to America.

OPERATION COASTAL SHIELD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

Mr. STUDDS. Mr. Speaker, I am today introducing legislation to help combat coastal pollution and reauthorize and strengthen the Federal Water Pollution Control Act—one of the major environmental goals for this Congress. Titled Operation Coastal Shield [OCS], the bill seeks to free our shorelines from the choke of increasing pollution and our towns and cities from the crush of skyrocketing sewer rates. We must through the reauthorization of the Clean Water Act reaffirm the national commitment to both clean water and reasonable rates.

For our coastal and Great Lakes, the task of controlling the pollution monster is particularly daunting. The demographic trends for our coastal areas promise only more houses, more septic tanks, more highways, more malls, more pavement, more construction, more waste, more runoff, more habitat losses and more problems.

The challenges we face in fashioning more effective water quality programs are clear. How can we steer our efforts to produce less pollution? How can we redouble our efforts when our coffers are empty? Are we faced with the awful choice of clean water or affordable rates, or can we have both? Can we allow States and cities and towns to target their more important problems first with the certainty that they'll do so, or ought we again resort to national minimum requirements that all must adhere to? In short, what works best?

The OCS bill I introduce today is designed to address our burgeoning problems and to establish once again a firm and unfailing Federal commitment to assist our towns and cities. The House Committee on Merchant Marine and Fisheries will begin hearings on the proposal this week, and I hope will move rapidly on it this session, working closely with our colleagues on the House Public Works and Transportation Committee.

The OCS bill is largely patterned after last Congress' H.R. 2647, the Coastal Defense Initiative, with three exceptions. First, title III—which contained amendments to the Coastal Zone Management Act [CZMA] that were enacted as a part of the CZMA bill late last fall—now contains a new title on contaminated sediments. Second, the enforcement provisions in title V have been strengthened in several respects. Third, the funding title has been expanded to include major changes to the basic funding section of the Clean Water Act to continue the Federal commitment to help states and localities finance water pollution control through the end of the century at $2.1 billion per year.

The following is a brief, title by title, discussion of the bill:

TITLE I

Title I contains definitions and a general statement of purposes for the act.

TITLE II

Title II seeks to strengthen the manner in which states are directed to protect water quality under the Clean Water Act.

It will require EPA and the States to develop a broad array of coastal water quality standards for the important pollutants. If the States don't get their standards into place, EPA's criteria will take effect on an interim basis until State standards are promulgated. Without a full set of water quality standards in place, any major reliance on a water quality approach to pollution control will fail.

It will revamp the entire process by which States develop and implement programs to control pollution in waters that are not achieving their water quality standards. Under current law, the process is generally weak, ineffective, and ignored. The bill will preserve the right of States to identify their own important local water pollution priorities and the right to develop their own water quality restoration plans—but also make the obligation to do what they promise to do enforceable and require the development of schedules by which to measure progress. The bill, in short, seeks to blend local flexibility with reliable commitments.

Third, it will address the vessel-source pollution problem—a significant problem for southern New England and many coastal areas—by allowing local communities to enforce the rules governing vessel discharges—right now it is only States and the Coast Guard under the Clean Water Act and they don't do much because it's not a priority for them—the funds a town collects in its enforcement it would keep. Further, the bill will require EPA and the Coast Guard to revamp their regulations to tighten down on the technical requirements to make it harder for a vessel to bypass the holding tanks and discharge untreated sewage directly.

Fourth, title III will contain significant amendments to the National Estuary Program to extend the life of the management conferences to 10 years—current law is 5—and to spell out a clear Federal role in implementing the cleanup plans developed by these management conferences—both grants and technical assistance—these amendments will have a significant impact on the success of efforts now underway in 12 major estuaries around the Nation, including Buzzards Bay and Massachusetts Bay and Cape Cod Bay. Right now, the law is silent on implementation and the administration says EPA should have no role. The bill will authorize a $20 billion grants program for implementing approved programs.

TITLE III

Title III authorizes a new national program for cleaning up contaminated sediments in coastal and Great Lakes waters. It proposes two sets of standards to governing remedial projects: first, standards to define what level of cleanup will be necessary to protect public health; and second, what level of short-term increases in pollution can be tolerated during cleanup operations without jeopardizing health or the environment. Under current law—both the Clean Water Act and CERCLA—there are no such standards and it is very tough to determine what is a proper type of cleanup and how much to cleanup. The bill will also require EPA to develop the technical criteria that States will then use to develop State sediment standards. These State standards, in turn, will be key to developing effective pollution reduction requirements on the source of pollutants causing the sediments problem.

Second, title III will require EPA to inventory the severity of contamination around the United States and then go ahead and clean up the worst places. These efforts will be outside of and in addition to the Superfund program.

TITLE IV

Title IV contains a national coastal waters monitoring program largely patterned after last year's bill. It will require EPA to develop much more detailed guidance on how to design and implement good monitoring programs—not a simple task. It will then require the Regional Marine Research and Monitoring Teams established by last year's Regional Research Act—now title IV of the Marine Protection, Research and Sanctuaries Act—to develop monitoring programs for high priority coastal waters and implement them with Federal assistance.

TITLE V

Title V contains numerous very technical but important provisions to strengthen the enforcement authorities of the Clean Water Act. It will impose prohibitions on Federal procurement contracting with repeated polluters; authorize EPA and the courts to order people to clean up their mess if they've been violating their discharge requirements beyond just ordering compliance and assessing penalties; and require environment audits of polluters who repeatedly violate Clean Water Act requirements.

TITLE VI

Title VI contains perhaps the most significant provisions in the bill. it does three things.

First, it establishes a national permit fee system on all industrial dischargers into coastal waters and industrial users of municipal sewer systems that themselves discharge into coastal waters. The fees would be designed to recoup the costs of running the permit programs, and the funds would be dedicated to help finance these programs. Those who issue permits would collect the money: hence, for delegated States the revenues would go to the State permit program.

Second, it reauthorizes all the basic programs in the Clean Water Act through 1999.

Third, it proposes major changes to title VI of the Clean Water Act—which is the funding title. The result of these changes would be more than double the amount of money available to States to make loans from their loan funds, and to make the terms of the assistance much easier for cities and communities in need.

The 1987 amendments to the Clean Water Act ended the construction grants program—direct Federal grants to cities to help pay for sewage treatment works—and replaced it with States revolving funds [SRF's], by which each State was to set up a revolving fund from which it would make low interest loans to municipalities to help finance their water pollution control obligations. These loans would be payed back over a 20 year period, and the SRFs would retain a permanent block of capital from which it could make loans in perpetuity. The 1987 amendments promised $18 billion in Federal capitalization grants to these SRF's, which are slated to phase down and out by 1994.

Two problems occur. First, the State funds don't have nearly enough capital to meet needs, particularly since some very expensive requirements are now coming into play, like fixing storm sewers and combined sewer overflows. Second, these SRF's aren't much help to the very small communities or financially strapped communities that simply can't raise the money to pay back the loans.

Title VI proposes four important changes. It would:

Extend Federal contributions to SRF's through the end of the century at $2.1 billion per year, which is what was appropriated in 1991 and therefore complies with last year's budget agreement. Currently, the authorizations in the act are $1.8 billion for 1992; $1.2 billion for 1993; $600 million for 1994 and nothing thereafter. The proposition that the Federal Government ought to end its assistance after 1994 is absurd.

Broaden eligibilities—the types of projects for which funding is available from the SRFs—to include projects to fix combined sewer overflows, which are not now eligible. Estimates of the price tag nationally for CSO work ranges from $16 billion to $100 billion.

Provide special help for financially restricted communities by authorizing each SRF to use up to 15 percent of its fund to issue grants and negative interest loans to needy cities and towns. A financialy restricted community is defined as all small towns under 3,500 in population and other municipalities where the ratio of the average sewer and water bill to the average annual household income exceeds a certain percentage.

Extend payback periods to 40 years for financially restricted communities. The current law requires payback by 20 twenty years, which is impossible for many towns and cities.

Mr. Speaker, I look forward to working with my colleagues on this legislation. I welcome and encourage their suggestions for it and their support of it.

CIRCLE OF POISON PREVENTION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today, I am pleased to join Senators LEAHY, MIKE SYNAR, and DAN GLICKMAN, in sponsoring the Circle of Poison Prevention Act of 1991.

Some of us on Capitol Hill have been working for years to improve the safety of our food supply. Domestically, we've pushed for changes in Federal laws to strengthen pesticide regulation, to increase FDA resources for monitoring chemical residues on food, and to promote alternatives to pesticides for food production. Yet, many chemicals banned in this country are still being shipped overseas or south of the border for use by agricultural producers in other lands. These same producers may in turn use these chemicals on produce that they export back to the United States. The result is a morally unacceptable double standard.

How can the United States prohibit the use of certain chemicals as unsafe and yet allow the same chemicals to be sold to other nations? There is no justification for such a policy.

If we are concerned about the health of Americans, shouldn't we be equally concerned about the safety of farm workers and consumers who may be exposed to these chemicals in other parts of the world?

Beyond that, what of the threat to our own consumers? Despite efforts by some governments and grower groups to police the use of these dangerous chemicals, the fact is that they continue to be used. And, as a result, they can find their way back into the United States as residues on the fruits and vegetables we import.

A 1990 GAO report which I requested showed that the five Central and South American governments on which it focused still permitted the use of 6 to 18 percent of 52 pesticides whose registration EPA had canceled or suspended.

Furthermore, only 1 to 2 percent of all produce in the United States is actually tested for pesticide residues. Violations of residue standards on imported produce are nearly double those for domestic fruits and vegetables—4.6 percent compared to 2.7 percent.

We all recognize that FDA is ill-prepared to deal with the problem of monitoring the mountain of imports we receive. And clearly we cannot count on other governments to do the job.

California has the toughest food safety standards in the country. And California farmers have met these requirements, while maintaining their place as America's leader in producing safe, nutritional, and affordable fruits and vegetables.

But when it comes to imported produce, these standards haven't applied. It's unfair to U.S. growers to effectively exempt producers in other countries—countries that already benefit from cheap labor and longer growing seasons—from the pesticide standards our own producers must met. Restricting the export of these chemicals will address this long-standing inequity.

Finally, I want to mention some of the cost considerations associated with this issue. U.S. agencies and U.N. organizations spend millions of dollars each year to educate growers in other countries to the restrictions on pesticide imports into the United States. It seems ludicrous to continue to permit the export of unregistered pesticides, at considerable profit to the chemical industry, and then send agency personnel overseas, at considerable cost to the taxpayer, to explain to foreign growers that they can't use these same chemicals on produce bound for the United States.

Another important factor is the potential establishment of a United States-Mexico Free Trade Agreement, which heightens the urgent need for this legislation since, according to the GAO, Mexico continues to permit the use of more U.S.-banned pesticides than the other five countries studied.

The Circle of Poison Prevention Act of 1991 is an important step toward achieving the goal of protecting American consumers and farmers by ensuring that all nations meet the same high food safety standards for pesticides as are required of our own farmers. It is my hope that, working together, we can get the job done this year.

TRIBUTE TO THE LATE HONORABLE JOHN HEINZ, SENATOR FROM THE STATE OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. MCDADE] is recognized for 60 minutes.

Mr. MCDADE. Mr. Speaker, the members of the Pennsylvania delegation have asked for this special order as a way to pay tribute to the life of our friend and colleague Senator JOHN HEINZ.

It has been nearly 3 weeks since the tragic death of our friend and colleague, but it is still difficult to contemplate the loss of this outstanding individual. He was a man who was taken from us while he was in the prime of his life. He gave so much, but he had so much more to give.

Our sympathies go to the family of Senator HEINZ—his wife, Teresa, and their three sons, John, Andre, and Christopher. They have lost a loving and devoted husband and father. They are and will be in our prayers.

The people of Pennsylvania and the Nation have unquestionably lost one of their finest public servants. JOHN HEINZ could have easily chosen to lead a life of luxury. Instead, he worked to make our country and world a better place. He was a man of great wealth who could relate to the concerns of the underprivileged and the working men and women of this country.

JOHN HEINZ used his position in the U.S. Congress to fight for the economic interests of the people of Pennsylvania, to protect the environment, to create more affordable housing opportunities and to improve the lives of senior citizens. His causes were noble and his commitment was genuine.

JOHN HEINZ excelled at everything he did. He was in the top 10 percent of his class at Harvard Business School. He was a master politician who never lost an election. He was elected to the U.S. Senate three times, each time with a higher margin. He was an outstanding athlete. He was an expert on 16th and 17th century European art. He left his legislative mark on countless public laws dealing with such diverse subjects as trade, health insurance, tax reform, the environment and age discrimination.

It is rare when a man of such dedication, energy, intelligence, talent, and compassion comes into our lives. We are fortunate to have worked in Congress with JOHN HEINZ, to have counted him as our friend, and to have benefited from his contributions as a public servant. We mourn his death, but are grateful that we were able to know such a remarkable man.

At his funeral, Senator JOHN DANFORTH of Missouri reminded us that the life of a Christian is represented by the act of giving, typified by the Father giving his son for our redemption. Senator HEINZ represented that Christian attitude through a life of giving through public service. Indeed, he made the ultimate sacrifice.

I know that my colleagues will want to share their thoughts at this time.

Mr. Speaker, I yield to my friend, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I thank my good friend for yielding and certainly join with him to extol our dear departed friend and colleague, Senator JOHN HEINZ.

Mr. Speaker, Pennsylvania was dealt a glancing blow when Senator JOHN HEINZ suddenly and tragically lost his life in a plane crash. Typically, he was working his way across the State to help those for whom he had so long been a champion—the poor, the disadvantaged, the elderly, the ill.

At times like this, one must reach deeply into his soul to try to understand why one so young, so vital and so needed would be taken from us. In wrestling with our grief, it is comforting to recollect the countless ways in which JOHN HEINZ enriched the lives of his family, his colleagues, and friends and those he so capably served.

For the past two decades, I have had the honor of working with JOHN in Congress. There was never a time when I couldn't count on him to help with a project in my district. Although the scion of a wealthy family, JOHN held a deep understanding of the hardships being faced by people in rural communities. In fact, the day before he lost his life, JOHN was in Altoona to receive an award for his efforts on behalf of the elderly residents of Blair Towers, a project he had supported. Although these people are deeply saddened by his loss, they are proud that they had one of the final opportunities to express their gratitude to their esteemed Senator.

Remembering JOHN's many contributions of the past 20 years is only a part of the tribute we pay to him today. Perhaps the most important testimony we can give to his life would be to praise him for the legacy he has left for the future. For generations to come, young Pennsylvanians will study this man. They will see that a rich life results not from material wealth, but from service to others. He was a rare, unique man who left his part of the world far better than he found it.

To his widow, Teresa, and his three sons, I extend my deepest sympathy.

Mr. McDADE. Mr. Speaker, I yield to my colleague from Pittsburgh, PA [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the untimely death of Senator JOHN HEINZ has deeply saddened all of us. He has had a particularly profound effect on my life, and I would like to share that with Members here today.

Not only do I represent the district JOHN HEINZ represented as a Congressman before he was elected to the U.S. Senate, JOHN HEINZ was frankly the principal reason I got involved in politics. I was a freshman in college in 1976 at Pennsylvania State University and I was captivated by a man who tirelessly crisscrossed the State of Pennsylvania, fighting the odds, the registration odds which were approximately a million more of the other party than of his. He fought an uphill battle against considerable odds and he fought it well. He represented to me, the way he charismatically went around and talked to folks, someone who was a true public servant, someone who really cared about people and their concerns. His message was straightforward and believable.

He motivated me to become the Heinz activist on the Penn State campus. In fact, I became chairman of his campaign on that campus, and it was one of the most fruitful experiences of my life, frankly.

As we all know, JOHN HEINZ won that campaign, and in 1982 and in 1988 he won reelection by overwhelming margins because the Commonwealth clearly could see that he had kept his promise to serve the people, to be a public servant.

During his 14 years and 3 months in the Senate, he more than anyone else was my mentor, my example of what a public servant should be. The remembrances of JOHN HEINZ have poured out during the last 2 weeks, an incredible testimony to this man's service as a public official. They reveal a Senator who treated every constituent's concern as a matter worthy of his own personal attention. They recall the national leader who perfected the unseen technicalities and fine points of the government system because he knew that was the way to get things accomplished and because he was more interested in meeting the people's needs than attaching his name to some high profile piece of legislation.

They memorialized a man of great financial wealth who devoted his stature and his influence to local causes and social services.

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JOHN HEINZ' greatness was not that he turned away from the opportunity his lineage granted him but that he used those opportunities so selflessly. He was committed to using his power and position for the benefit of those who had neither. This is why he won the respect and admiration of both parties to a degree very few of our national leaders and our State leaders can say.

In the days since the accident, many have referred to JOHN as a man who could have lived in comfort and who, instead, gave his life to public service. While that assessment is accurate, I would prefer to emphasize not on what JOHN HEINZ gave up but what JOHN HEINZ achieved. For this was a man in whom financial resources complemented personal traits in extraordinary fashion. JOHN HEINZ was a tireless advocate of the underprivileged, of seniors, of veterans. JOHN HEINZ was a tireless advocate of the environment and the future of this world. It was to this end, in pursuit of constituent service and advancement, that JOHN HEINZ worked during the Easter recess and throughout his career.

The day before the accident on April 3, JOHN HEINZ visited the port authority of Allegheny County, a group he had worked with closely over the years.

Mr. Speaker, on behalf of the port authority, I enclose their sentiments for inclusion in my statement.

All of us who knew JOHN HEINZ will remember something special about him. I remember how he interrupted an already incredibly busy schedule on a Saturday afternoon to make a special trip to Pittsburgh during the summer to be the main dignitary at a campaign event that I had. I remember how, with several hundreds of people gathered around him clamoring for his attention, he took the time to meet my new bride at the time, and we had been married 2 months, and take her aside and talk with her and get to know her. He took that time with her, and we shared that we were married just 3 months earlier at Heinz Chapel, a chapel named after his family, and that he, too, was married at Heinz Chapel. We talked about the architecture and the interesting points in the chapel and really developed a tremendously warm relationship during the time when it seemed like something like that could not occur.

But JOHN HEINZ had a way of focusing in on people. While all was going on about him, he had the opportunity, and he took the opportunity, to focus in and care about each individual that he was talking to. That was the greatness of JOHN HEINZ.

Most of all, though, I remember a man and the way that he served people without regard for recognition or personal gain. He elevated public service to its highest level.

As many have said, JOHN HEINZ will not be replaced, but he will be long remembered.

PAT MOURNS LOSS OF SENATOR HEINZ

PITTSBURGH, PA.—Port Authority Transit (PAT) Executive Director William W. Millar today expressed on behalf of the PAT Board of Directors and employees his deepest sympathies to the family of U.S. Senator John Heinz, calling his untimely death a "great loss to this country and to the advancement of social services."

"Senator Heinz was a champion in the truest sense of the word," Mr. Millar said. "He was a tireless worker who thought only of the welfare of his constituents. He was a man who delivered on his promises.

"We will miss his kindness, his compassion and his unending desire to serve this country."

A leading member of the Banking, Housing, and Urban Affairs Committee which oversees public transit legislation, Senator Heinz was instrumental in helping advance critical public transit bills and in maintaining federal transit funding. A co-sponsor of the Surface Transportation Assistance Acts of 1982 and 1987, he had recently pledged to introduce new legislation reauthorizing this key transportation bill through which all transportation funding (money for roads, bridges and public transit) will be determined for the next five years. The current Surface Transportation Assistance Act expires in October of this year.

During his political career, Senator Heinz was instrumental in securing federal funding for numerous PAT projects including the building of the Downtown Subway and South Hills light rail transit system. He also recently obtained essential federal funds enabling PAT to purchase 150 new buses and he committed himself to the construction of future transit projects including the Airport

Busway and Martin Luther King, Jr. East Busway extension.

Senator Heinz was in Pittsburgh on Wednesday, April 3 during which time he visited PAT's West Mifflin Division and reaffirmed his strong support of public transit, calling on Congress to double the proposed federal funding investment in mass transportation compared to what has been proposed by the Bush Administration.

"Regardless of party affiliation, Senator Heinz was willing to support causes in which he believed," Mr. Millar said. "Public transit was one of those causes."

In observance of Senator Heinz, Mr. Millar has ordered all U.S. flags on PAT property to be flown at half mast.

Mr. McDADE. Mr. Speaker, I thank our friend, the gentleman from western Pennsylvania, for sharing those remarks.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI], my friend and neighbor in northeastern Pennsylvania.

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, being a relatively younger Member of the Democratic side of the Pennsylvania congressional delegation, I had the opportunity to know JOHN both as a friend, as a colleague, and as an interesting American.

I recall that I first met JOHN back in the 1970's when he had just been elected to the U.S. Senate. I had the occasion to come to one of his special 3-day periods in Washington when he invited various leaders from the Commonwealth of Pennsylvania to come down and discuss the issues.

JOHN was the type of person who not only involved himself on a national scale but involved himself on the local community level of government interaction.

After we had spent a very successful 3-day period in Washington those many years ago, I remember that JOHN had a party at his house, and at that time he took the time, as my friend from Pittsburgh indicated, to talk to each individual personally and to gain something from them and to know something of them. As a result, he left part of himself with each individual, and all through life we each had that occasion to remember JOHN HEINZ by.

Then subsequently I recall, after my election to Congress, at the first White House party, JOHN was the type of fellow who sought out the new Members of Congress, and then they discovered that he was something more than just a wealthy man. He was something more than just a bright individual. He was probably one of the most advanced and studied politicians in the highest sense of the word that Pennsylvania has recently produced.

JOHN impressed me with knowing more probably about my district than any other political leader to my knowledge. He knew more of Pennsylvania. He knew more of its people, its needs, but more than that, he brought his personal warmth to those needs, and it was his whole life. That was his dedication. That probably was one of the most memorable occasions, that hour or two that I spent with JOHN at the White House way back in 1985, now that I think of it.

But then, every week, we as is our tradition in the congressional delegation, have the occasion to luncheon together to discuss issues among ourselves that are important to Pennsylvania and our constituents. JOHN was almost always there. Sometimes in spite of the very busy schedule he had the occasion to come by to speak, to meet, to talk.

The last recollection I have of JOHN HEINZ was at a function just 2 days before his death when we met here on Capitol Hill. He again took time to discuss projects in my district that he was interested in. As a matter of fact, the next week we were supposed to be working on those projects, and little did any of us imagine that fate would strike.

I suspect that none of us who are involved in public life will ever forget the precise moment in time that we discovered the untimely death of JOHN HEINZ. It is frozen in my mind, as I am sure the assassination of President Kennedy is frozen in our minds. We will always know where we were, what we were doing, and what we were thinking about.

As one of his colleagues mentioned to me in our flight out to Pittsburgh for JOHN's funeral, it causes any of us who are in public life to sit back and wonder what we are doing here and whether it is really having an effect. In that conversation with the Senator, a man from out West who has been in the Senate for many years, it became obvious that he and his colleagues had been contemplating that very idea as a result of JOHN's death.

I sat in that chapel, and I thought to myself, "Who was JOHN HEINZ? What would Pennsylvania, what would this country be like if he had not been a Senator, if he had not been involved in public life?" All I can is that in every instance of every group in Pennsylvania, whether it was the elderly, the disabled, the veteran, the worker, the community leader, the industrial leader, in any strata of life, JOHN was always a person whom one could talk to, have access to and, most of all, who showed a fundamental warm interest in whatever the problem was.

Can JOHN HEINZ be replaced? I guess we can say all men are replaceable. Can JOHN, as an individual, be replaced? I think he was one of a kind, and once he was made the mold was broken.

Pennsylvania definitely has suffered a great loss and tragedy as a result of the untimely death of JOHN HEINZ, but in addition I think that perhaps history and this Nation may have lost a great contributor, because all of us, regardless of what party we are in, we looked at JOHN as being one of the few people who would eventually be on a list of names as a future President or Vice President of this country. He was our hope in Pennsylvania to have a second President.

Well, tragedy has denied us that hope. But as I look back on JOHN HEINZ's life, with all the choices that he had, with all the doors open to him, he did without a doubt select the best course of action for him, for Pennsylvania and for this Nation in public service.

I think the Senate of the United States, this Nation, and certainly my State will be much poorer as a result of his loss.

To his great family, to the people of Pennsylvania who mourn his death, I can only express my sorrow and my wish that it had never happened, but there is something out of the whole occasion that I did see that day in the Heinz Chapel in Pittsburgh. He left three great sons.

□ 1400

Interestingly enough, I saw in each one of them a few of the characteristics of their father. If the future of the acorn can be foretold by the tree, I suggest we have not heard the last of the name of JOHN HEINZ in American politics, in Pennsylvania politics, and most of all, in public service.

Today, I join my colleagues of the Pennsylvania delegation, and I mourn not only the loss of a great U.S. Senator, a great American, or a great Pennsylvanian, but a personal friend.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I am honored to join with my colleagues today in this special order paying tribute to our late friend and colleague, JOHN HEINZ of Pennsylvania, whose life ended in the crash of a plane taking JOHN from one meeting in his State to another.

Many of us here today were privileged to serve with JOHN when he began his legislative career in the House in 1971, as a late arrival to the freshman class of the 92d Congress. As such, he and I were congressional classmates, arriving here the same year. We remained friends after his career took him to the Senate following 3 terms in the House representing the 18th Congressional District of Pennsylvania.

JOHN HEINZ was blessed with material advantages in life which few enjoy. However, his privileged upbringing never blinded him to the plight of the less fortunate, particularly our Nation's elderly. JOHN's work for the senior citizens of Pennsylvania and America was begun here in the House of Representatives and was carried forward aggressively throughout his tenure in the Senate as chairman or ranking Republican of the Select Committee on Aging.

JOHN's vigor and conscientious regard for his legislative duties quickly dismissed any notion one might have that he was a showhorse, merely killing time in pursuits without any clear purpose or goal.

It would have been understandable if JOHN HEINZ had chosen to pursue a career in the family business, but politics, government, and public service were more compelling personal interests.

It speaks highly of JOHN that he, who had boundless opportunities for more remunerative pursuits in the business world, offered himself in public service and sadly gave his very life in the course of serving his constituents in Pennsylvania.

Senator HEINZ was a formidable and influential leader in the debate on trade issues so critical to the industrial vitality of his home State and the country. Guided by conscience and conviction, he was not unwilling to speak out forcefully on issues that may not have been warmly embraced by the leadership of his own party.

JOHN HEINZ will be remembered as a good and decent man, an intelligent, generous, hard-working man, whose career was dedicated to the service of others and to making this Nation stronger and respectful of her obligations to those without a strong voice in their own behalf.

I know that I join with all my colleagues in expressing our sincere condolences to the Heinz family at their tragic loss which we in the Congress and all Americans share.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, first of all, I would like to commend the gentleman's colleagues from Pennsylvania, as well as Mr. MCDADE, for holding this special order to honor a great Pennsylvanian and a great American, JOHN HEINZ. He was an outstanding Senator, and I think we all recognize that.

He was an extraordinary American. Those Members who served with him from Pennsylvania I think also recognize that he was an enormously effective champion of and advocate for the Commonwealth of Pennsylvania. Since his tragic death a few weeks ago, it is really almost impossible to describe the almost universal sense of grief that has taken hold of the people of the State. He was loved and admired by people from all walks of life, all political persuasions, liberals and conservatives, young and old. It really ran the gamut.

I do not believe I have found any person who really felt hostile toward JOHN HEINZ, because I think he was recognized as being someone who fought for Pennsylvania all the time. He took leadership, as has been mentioned here, he took strong leadership roles in many areas of public policy. The area that I think is most often alluded to, certainly the senior citizens, the older Americans of this country, owe a great deal to JOHN HEINZ who was tireless in working for their best interests and working for their concerns, and focusing the attention of the American people on the concerns of the elderly and his role as chairman of the Committee on Aging in the Senate, and later as the ranking member. I think he had a continuity of interest in that issue, which is another thing that needs to be said about JOHN HEINZ.

He was not a person who grabbed an issue, milked it for publicity, and moved on. He stuck with the issues. When he took an interest in something, he stayed with it to the conclusion.

I think that the other thing I would stress again where he was a spokesman on, on many national issues and very effective spokesman, on the issues he was really a premier promoter of Pennsylvania who worked with great skill to advance the interests of Pennsylvania. I had an opportunity to learn about the persistence, that dedication, firsthand back in 1976, at which time I was serving as chief counsel for the Economic Development Administration, when a new piece of legislation called the Local Public Works Act was passed. I was asked to come down to the Senate Office Building to meet with Senator HEINZ at that time. It was on a Saturday morning, and JOHN wanted to find out what that bill was about, how Pennsylvania could get the maximum advantage, and we spent 5 hours going through the regulations, going through the law so that JOHN understood very, very clearly, exactly what he needed to do to be sure that Pennsylvania was going to be taken care of, going to be well served by that piece of legislation. In fact, he was so thorough in his examination of me, that the regulations which I had actually written, there were a couple of times he stumped me on what they actually meant. He used to kid me about that after that time.

He was a good friend to me, a good friend to practically all Members. He campaigned, as he did for me and as he did for other Members, as I suspect for most Republicans in the delegation, he campaigned for all Members. He certainly knew Pennsylvania and its people exceptionally well. He was very, very close to thousands of Pennsylvanians, and he listened to people. That was another important aspect of JOHN HEINZ. We politicians are often said to talk too much and not to listen. JOHN HEINZ was a listener. That was one of his great strengths. He did not listen to just people of his own social class. He did not listen just to Pittsburghers where he was from, or Philadelphians, the major cities, but he listened to people all across the Commonwealth. He listened to people from Bradford, Bellefonte, Emlenton, and Tidioute in my district, and small towns and hamlets across the State. He listened and absorbed. He took what he heard and translated it into legislation, oftentimes, but certainly into a program that benefited the Commonwealth of Pennsylvania and the Nation.

Many have pointed out here today that JOHN HEINZ came from a family of great wealth. That he could, indeed, have opted to pursue a life of privilege, a life of leisure. Instead, he opted for a life of public service, with all that entailed, which it does entail certainly, the rough and tumble of politics. We are not going to be all universally loved. We will be criticized. We will have to take tough decisions and defend them. JOHN HEINZ was willing to do that. He lived a life of public service, and I think because of that, Pennsylvania, because of his selection to live a life of public service, Pennsylvania and this Nation are fortunate indeed that he did.

I join with all Members here today in extending our deep condolences to the family. As my colleague, Mr. MCDADE said, I think all Members recognized in the sons of JOHN HEINZ who spoke at the very moving and very profound funeral service that was held in Pittsburgh, that all of the sons reflect a bit of JOHN HEINZ. We have not heard that last of the Heinz name in public service, and in contributions to this country and to the Commonwealth of Pennsylvania.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from southwestern Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague for yielding. I want to congratulate the gentleman up front for taking the time. He and Mr. MCDADE, and I understand we have another half hour or so if we need it. We will not have a shortage of time.

Let me make some offhand remarks before I go into my prepared statement. I knew the Senator when he first came to the House of Representatives. I was with him, with a whole delegation when we were going at one time, flying up to Pennsylvania to attend the funeral of our colleague, Congressman Saylor. I remember we had a two-plane delegation. Senator HEINZ was on the first plane. I happened to be, fortunately, at that time, on the second plane.

Up in Johnstown, people have to understand that it's on a plateau, and the winds are very fierce. Once the winds start blowing in Johnstown, PA, it is very difficult to handle a plane on takeoff or landing. We had, at that time, I think for Congressman Saylor's funeral delegation, something like 60 to 70 Members attending, and that was why we needed two planes. The first plane, the plane that the Senator was in, made two passes to try to land. They had a very experienced pilot, a pilot that takes the President and the Vice President and the dignitaries and Cabinet officials all around the world. He tried to make two landings there, and he couldn't make it. On the third landing it was so precarious, they were so close to the precipice at the end of the Johnstown Airport, if it had not gone over, they would have gone down to certain destruction. It was a snowy day. That plane ground to a halt, and the pilot had to make a fishtail to stop that plane from going over the precipice. In the meantime, they had called the second plane, which we were in, and they asked Members to take a vote as to whether or not we wanted to attempt to land also. I am very happy to say that the results of the vote on that plane was something like 99 to 1 to go back to Washington, so we never did land.

The reason why I bring this story up is that Senator HEINZ was on that plane. I remember afterwards, there was a call for an investigation just exactly as to what the circumstances were surrounding that almost catastrophe. To me, it just seemed like a quirk of fate that the Senator, tied up in that incident, and then meeting his untimely demise in this very recent incident.

□ 1410

It seems odd in a way and it kind of makes me think of a lot of things that occurred between myself and JOHN HEINZ.

In fact, when JOHN HEINZ was first elected, running for the unexpired term of one of our Congressmen who had passed away—it was not Fulton, but Fulton's predecessor, Mr. Corbett, Congressman Corbett, I had not a debate, but we had a discussion. He was on one side and I was on the other. I think we had another one of our colleagues on channel 11 or one of those channels back home. I remember the Senator was then running for his first term as a Member of this House. We got into a discussion involving foreign imports and a level playing field and all the ramifications of what could and would occur if we did not watch our international trade.

The reason I go back to that, it was a rather spirited discussion. That was the Senator's first exposure to that type of debate; but ironically, from that circumstance that we attended, both he and I, he evolved as one of the foremost supporters of fair trade, as distinguished from free trade. Every time he had an opportunity in his very influential capacity as a Senator, he always took that position. He never forgot the position that, at that time, he enunciated and debated in favor of.

So the Senator throughout his career had a long memory and one that was consistent.

As the dean of the delegation for 8 or 9 years, I remember JOHN HEINZ always making an appearance, always having sufficient time to sit down and talk to all Pennsylvanians, whether from Philadelphia, the middle part of the State, or Pittsburgh. I remember that he was the main attraction because of his personality, patience, and his attendance. All the men and women, and particularly the women that came from western Pennsylvania and also those from throughout Pennsylvania all wanted to get their picture taken with the good Senator.

He had good connections and good repartee with the Pennsylvania public.

I remember in our little small out-of-place designations, little small hick towns, for want of a better descriptive term, Senator HEINZ would come down here and he would hold a workshop. We had our problems down in the Steel Belt rust areas, where in my particular district we went from 35,000 steelworkers, I ended up with 5,000 today. That is what I have. JOHN HEINZ was always there. He was always there when we had any kind of a program that would help those poor unfortunates. JOHN HEINZ made it his business to fly down at the expense of his family connections and any commitments he had. He would be down there in those small out-of-the-way districts and he would be talking turkey with the unemployed steelworkers, talking about the different programs that were designed to help them. JOHN HEINZ was always in the forefront.

I remember on the committees we had, because JOHN was on the Labor Committee over in the Senate, I remember JOHN debating fiercely, protecting and fostering the different programs we had, programs such as ERISA, the Employee Retirement Income Security Act, which did not touch JOHN HEINZ or a lot of his associates because of great wealth, but which was very, very important to the common working man. JOHN HEINZ was there, and actively there.

We had our trade issues. He headed the steel caucus over on the Senate side and the gentleman from Pennsylvania [Mr. MURTHA] and I headed it on the House side, both as the president and as the chairman of the executive committee.

We always worked together most effectively. I as the chairman of the steel caucus at that time, or as his colleague as the dean of the delegation, never had any reservation, any reserve to not go and get him on the phone and say, "JOHN, we need this," or "The county has called. We need this road over in the Senate. We have taken care of it on the House side. Now we need you over in the Senate."

I do not think, I do not know if I will be here that long, but I know one thing, I do not think I will ever experience personally such a cooperative person on the other side of the Capitol as Senator HEINZ was.

I myself think that he not only had outstanding ability, but that he was made up of the quality that you must have, fundamentally you must have, and that is the ability to put you and your interest second to the interest of the public.

As JOHN HEINZ came back to my district in Allegheny County, in Pittsburgh and the suburbs, he did the same thing up in Erie and the central part of the State and down in Philadelphia, in Scranton, and Wilkes-Barre—he covered the State.

I myself, in analyzing what he has done over the years, I do not know if I would be capable of doing what he did, particularly in the circumstances that surrounded JOHN HEINZ.

Many a time when people would say, "Well, it's easy for you, Senator, because of your great wealth to do such and such." JOHN HEINZ would always correct them. I remember him saying this repeatedly, "Look, I feel fortunate that I was born to some financial assistance and some wealth, but I'm just a result of circumstances. That does not permeate my thinking or my philosophy or what I am going to do."

And he said, "Yes, I would be lying to you," and he said this repeatedly, "if I did not tell you that I am most appreciative of my background and I feel myself very fortunate, but that has nothing to do with where my interests lie or where my dedication is pointed."

I think all his actions throughout all his career as Senator all pointed toward that end and I think substantiated that end.

Mr. Speaker, in closing I have some additional remarks that I will put in the RECORD, but I want to say in closing with all the sincerity I can muster here on the floor of this House, I thought JOHN HEINZ was a distinct asset to the Pennsylvania delegation. I think he was an excellent, outstanding Senator. I think he and the wealth that he enjoyed, he always made available to western Pennsylvania in particular, all of Pennsylvania in general, and even spread it out throughout other States in this country. If anyone was going to be entrusted with wealth such as the Heinz family had, I do not think anyone could have made a better choice under the circumstances, because JOHN HEINZ was sensitive to all needs.

It was my pleasure to personally work with him on this floor. It was my distinct honor to call him my friend, and I close by saying that I know that the body across the hall is going to miss him. I know this body and this delegation miss JOHN HEINZ.

Mr. Speaker, I stand before you today with a very heavy heart. When this Congress lost Senator JOHN HEINZ the afternoon of April 4, we lost a truly remarkable man.

I knew JOHN ever since his election to the House of Representatives in 1971. Because both of us were from the great State of Pennsylvania, I had the privilege of developing a friendship with him and working very closely with him on a number of issues, most notably those affecting the steel industry and the workers who have dedicated their lives to this industry.

Without JOHN's input, the struggle to do what is right for the workers who have lost their jobs with the collapse of the steel industry would have been even harder. Today many of these workers are no longer unemployed but some are still looking and hoping.

Because of his dedication to the plight of these men and women, JOHN was very active in the steel caucus. He recognized the importance of trying to maintain a level playing field for our steel producers so they could compete with the foreign markets and continue to provide jobs here at home. His strong voice, unwaivering dedication, and years of expertise will be greatly missed during all future discussions of the GATT negotiations, and consolidation of the European markets.

But the steelworkers and producers of Pennsylvania are not the only people who benefited by JOHN's unrelenting support. For two decades—first as a Representative from 1971 to 1976 and later as a Senator from 1977 to 1991—JOHN continually and tenaciously strove to develop policies he thought would be fair for every single American. Both the young and the old had a true friend and fierce protector in JOHN HEINZ.

To name just a few of his priorities; he fought for better health care and pensions, for our veterans who suffer from the effects of agent orange, for our elderly to live their lives in comfort and with dignity, and for rebuilding our Nation's infrastructure and mass transportation systems.

JOHN also fought to protect our environment and to keep his own administration from classifying ketchup as a vegetable in children's school lunches.

When taking his administration to task over the ketchup issue, JOHN called it one of the most ridiculous regulations I ever heard of and, I suppose, I need not add that I know something about ketchup and relish.

As heir to the Heinz company, JOHN did know about ketchup and relish. But his knowledge did not end there. He had an insatiable thirst to learn anything he did not already know or was unsure of.

He also had a keen mind and a great interest in many diverse subjects. He could speak with intelligence on any number of topics that anyone wanted to approach him about.

Mr. Speaker, JOHN was a man who had everything—personal wealth, a wonderful family, a first-rate education, and athletic prowess. In addition, JOHN had human qualities that can never really be measured or fully appreciated. He was understanding, compassionate, strong, generous, and competent both in his personal affairs and in his official duties.

It was JOHN's human qualities that originally compelled him to run for office.

He could have chosen to live the life of the rich and famous, but he didn't. JOHN chose the long working hours, the intense and emotional floor battles, and the frequent trips in cramped airplanes—all because he genuinely wanted to make America a better place to live.

JOHN was a giver. He wanted to serve his country. He wanted to give his time and his talents to those people who desperately needed someone to understand their problems and work with them to develop a feasible solution.

He worked hard and, quite often, very late hours to fully understand all of the aspects of every single issue he had to vote on. This was the norm for JOHN.

He also fought hard for what he believed in. If your opinion wasn't the same as his, he was always open to discussion. He always wanted to find the common ground among all of the different opinions and proposals and build up from there.

Unfortunately, sometimes there just wasn't enough middle ground to build a solid foundation that would support additional weight. But even during some of the most intense debates, he was always the perfect gentleman. There wasn't a malicious bone in his body.

When the debate was over, whether he won or lost, you knew you still had his respect for your position and you knew you still had his friendship.

I was shocked and deeply saddened to hear of the plane crash that took JOHN's life. It was a terrible accident.

After the initial shock, one of my first reactions to the news was thinking how unfair it is for someone who has fought so hard for the elderly, to be taken from this world at the age of 52. I have no doubt there are many more positive contributions JOHN would have made if he only lived a little longer.

As much as we will all miss JOHN HEINZ as a true friend and great legislator, I really feel for the family members he left behind.

JOHN was very dedicated to his family. When his mind had to be here on the issues during all of the late sessions, it was. But his heart was with his family.

Senator HEINZ was a truly remarkable man. He set an extraordinary example in both his personal and professional lives. I am glad that I had the opportunity to know him as a friend and to have served with him during the past two decades.

I am confident that the memory and good works of JOHN HEINZ will echo throughout the Halls of Congress and in the hearts of all who had the pleasure of meeting him for a very long time to come.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I thank my friend for having this special order, and our dean, the gentleman from Pennsylvania [Mr. MCDADE] for having it as well.

Mr. Speaker, nearly 3 weeks have passed since that chilling afternoon of April 4, when the people of the Commonwealth of Pennsylvania and the Nation first learned of the sudden and tragic death of Senator JOHN HEINZ. Through the business of Washington has moved on and life is once again engulfed in a world of hearings, floor debates, and public speeches, I find that my thoughts often stray from the business of the day, and return to my fond memories of a good friend and outstanding public servant.

At the memorial services held 2 weeks ago, thousands, including many of my colleagues from this great House of Representatives and from the other body gathered in Pittsburgh and later in Washington to eulogize Senator JOHN HEINZ, extolling him as a national leader, a dedicated public servant of Pennsylvania, a devoted husband and father, and most important, a friend to whomever had the privilege to have known him, as well as those in our society who were not as fortunate.

Mr. Speaker, it was at these services, where thousands of people gathered to pay tribute to a man who many of them knew only as Senator, that I was once again reminded of just how many people JOHN HEINZ had touched in his short 52 years on this Earth.

As the sole heir of the H.J. Heinz food empire, JOHN HEINZ never had a material need or want in his life. But JOHN HEINZ wanted more out of life than that which money could buy. After graduating from Yale University and earning his M.B.A. from Harvard University, he first served our country in the U.S. Air Force before entering politics as a special assistant to U.S. Senator Hugh Scott. During the later half of the 1960's, JOHN HEINZ returned to the family business where he served as general product manager.

In 1971, JOHN HEINZ first entered public office as a U.S. Representative from suburban Pittsburgh. After only 6 years in this body, JOHN HEINZ sought and won his seat as U.S. Senator from Pennsylvania—a seat that he would easily and overwhelmingly be reelected to twice again.

At first, many of his critics claimed that JOHN HEINZ had bought his Senate seat and labeled him as spoiled and immature. But Senator JOHN HEINZ soon silenced his opposition by spending much of his time working on behalf of the steelworkers of Pennsylvania, the elderly, and the handicapped. In fact, JOHN HEINZ was enroute to Philadelphia at the time of the accident to hold a hearing to investigate inflated prices of medical equipment for Medicare beneficiaries.

One of JOHN HEINZ' greatest attributes was the energy level with which he attacked life. It showed in his work on the Senate Banking, Housing, and Urban Affairs Committee and on the Senate Special Committee on Aging which he chaired. It also showed in his spare time, as he was widely known as the best skier in the Congress.

Mr. Speaker, Senator JOHN HEINZ was indeed an outstanding person. He was a dedicated public servant, both for his home State of Pennsylvania and for our country, he was a devoted husband and father, and he was a friend.

On Easter Sunday night, my wife, Susan, and I were returning from a brief skiing vacation. As we came down the escalators at Dulles, we saw JOHN and Teresa Heinz, who had been on the same plane, waiting at the baggage checkout. We asked if they needed a ride home, and they accepted. We had the nicest possible visit enroute to Georgetown, talking of skiing and of our children and theirs. The following Thursday, he was gone.

Our hearts go out to his wonderful wife, Teresa, and to his three sons who so eloquently expressed their pride and love at his funeral services. Indeed, a horizon in only the limit of our vision.

Mr. Speaker, I'm not sure if you are aware or if my colleagues are aware of the saying which used to be inscribed on the license plate of Pennsylvania. "You Have a Friend in Pennsylvania." Somehow, I cannot help but think that this saying was directed to one man—Senator JOHN HEINZ. Truly, we have all lost a friend from Pennsylvania.

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Mr. SANTORUM. Mr. Speaker, I thank the gentleman for his comments, and I yield to the gentleman from southwestern Pennsylvania [Mr. KOLTER].

Mr. KOLTER. I thank the gentleman for yielding.

Mr. Speaker, at this point I intend to just talk briefly about my first experience with our good friend, the late Senator JOHN HEINZ. I came here in 1982 after a very tough, as we all did, after a very tough but successful campaign in 1981. I can recall at one of our earlier weekly lunches that this delegation holds rather freely, he came in late to this luncheon, and there happened to be one seat open. It was next to me.

That is the best thing that ever happened to JOE KOLTER because we had a chance for a little bit of a dialog, something I am never going to forget.

He indicated that the first thing that I ought to do is to throw myself body, heart, and soul into something that I really liked, some form of legislation. That was easy. My first love has always been high-speed magnetic levitation rail.

So about a month later, my staff and I finally concluded our legislation for high-speed rail. It was submitted for the record here. I had spent a few moments talking to the chairman of the subcommittee asking for hearings so that we could move on it quite fast. Being a freshman, you know how eager freshmen are.

Within a month or so, I think that the chairman called, indicating we would have a hearing on my piece of legislation.

It was not 2 days later that I received a phone call. I was working with my staff people in my inner office when one of my staff people indicated that Senator HEINZ was on the phone and wanted to talk with me. Of cource, I said something in jocular fashion, "Of course, what would JOHN HEINZ want to talk to a lowly freshman Democrat about?" Sure enough, it was JOHN HEINZ.

The message he gave me was that he was delighted that I had followed his instructions, that he too was going to testify on behalf of my legislation the following week in the Rayburn Building.

When at the conclusion of that hearing as we were starting to walk away, he grabbed my arm and said, "Look, you had better have a picture taken, and you have my permission to use our picture in your newsletter."

Now, you know, to a freshman Democrat coming from a highly thought of Republican Senator, that meant something to me.

Well, we had our picture taken. It was submitted to my newspaper back in my district, and quite frankly I did well by that picture.

Well, time and time again throughout my 8 years here, we had time to talk to each other on the phone or at various meetings on legislation or perhaps at some meeting that we would have, material of mutual concern.

My friends here, my colleagues, I find this man to be one who did not play partisan politics. He did not allow politics to interfere with good government.

In closing, my colleagues, I want to extend my deepest sympathies to Mrs. Heinz upon the loss of her beloved husband and to her three sons upon the loss of their very, very fine father.

His colleagues here, we in Congress here, are going to miss our dear friend and colleague.

Mr. Speaker, since the very tragic and significant loss of Senator JOHN HEINZ of Pennsylvania, we have all spoken and heard of the Senator's many, many unselfish and generous acts during his distinguished public service career.

But all of us here in Congress have something more to add; something to contribute to the story of this man, an excellent Senator and father, who was a public official who remained a strong and dedicated public advocate.

Much has been said about Senator JOHN HEINZ's work on behalf of the elderly and the environment, for example, but JOHN HEINZ was also a very good friend of working people.

Many folks from other States are often surprised by the fact that a man like JOHN HEINZ, a man born into wealth and privilege, was such a fighter for the common man and woman and all those who had none of the advantages that Senator HEINZ possessed.

On the Republican side, JOHN HEINZ was a driving force behind the congressional steel caucus. He made it his daily business to keep abreast of all steel industry matters and the unfortunate plight of American steelworkers during the 1980's.

JOHN HEINZ opposed the President on the administration's refusal to impose restraints on foreign steel imports, for instance. He knew and felt the hurt imposed on the industrial towns of the Northeast and Midwest: A hurt imposed by both cheap foreign imports and by the dumping of foreign steel on our shores.

Day after day, we worked together on behalf of all American industry and working people. This was the kind of man that JOHN HEINZ was. He was a man of integrity; a man of his word. We never had a quarrel. His interests were the people and the welfare of the American worker.

But JOHN HEINZ also had one eye on the future. Some of the ills suffered by the American steel and coal industry were the result of changing times; there can be no question about that.

Senator HEINZ and I worked most closely together on the future of rail transportation both in Pennsylvania and throughout the Nation. As a congressional freshman in 1983, I introduced legislation allowing several Midwestern States—including Pennsylvania—to work together on high-speed rail magnetic levitation passenger transport, JOHN HEINZ promised me he would carry the ball in the Senate, and carry the ball is an understatement. With passage of the bill in the House, and with JOHN HEINZ leading the debate in the Senate, victory was assured.

That is the kind of man JOHN HEINZ was. He, a Republican, was willing to work closely together with myself, a Democrat, because the success of the work was beneficial to people.

Magnetic Levitation rail moves ahead now. The creation of thousands of jobs is just around the corner. In Pennsylvania, major colleges and universities have moved beyond merely taking this new form of transportation seriously. These institutions are working to put the new technology in place.

My friends, this was not the case in 1983, when JOHN and I shook hands and pledged to work togehter. High-speed rail transport was a new idea then. Many were skeptical. Many were hostile. Now, so many are jumping on our bandwagon that those days—just 9 years ago—seem hard to believe.

Today, States throughout the Nation are working on various plans and proposals for short line maglev systems. Similar trains—already in existence and transporting passengers throughout Europe and Japan—move people easily and safely at speeds in excess of 200 miles per hour.

JOHN was thrilled at the quick advance of this new transportation idea, and frankly, the Senator brought a great deal of support for maglev from Republican strongholds.

This is how the Congress works. This is how bipartisanship solves national problems and works for people. If the American public ever needed an example of true, beneficial bipartisanship, it need look no further than the example set by JOHN HEINZ.

This session that we conduct here is unimpeachable testimony to this man. Addressing the House today, at this special order, are Democrats and Republicans of different stripes, or various political philosophies, and all of us are paying this very special tribute to a Member of the other body.

My colleagues, this is the least we could do for JOHN HEINZ. This is certainly little repayment for all that he has done to protect the everyday needs of Pennsylvania, America, and all working people. JOHN HEINZ labored 20 years in the House and in the other body, fighting for the elderly, pensioners, retirees, and blue-collar men and women.

He never lost an election. Why? Because he fought for people. Because he used his office as a tool for doing good things for the general public.

This tragedy—the death of JOHN HEINZ—has had a unique effect. Since that fateful day in the skies over Pennsylvania, freeflowing praise for the life and work of JOHN HEINZ has come in from all sources.

Imagine. Both businessmen and labor leaders have commended him. Public officials of the right and the left, Democrats and Republicans, liberals and conservatives—who knew him—all experienced the same strong feeligs of sadness, respect, and loss that overcame us when we received the tragid news.

We all have great respect for JOHN HEINZ. In memory of him, let us keep alive the bipartisan spirit he represented. Perhaps if we consider his actions and his life we will find new ways to solve America's problems. Surely a man who was so strongly praised by both business and labor, by the worker and the professional, has much to teach us.

Senator, we will always remember and fight on, armed with what we have learned from you. With your untiring example, we will strive to work harder. With the spirit of your work behind us, we will surely not fail to make America a better place for working men and women, for the elderly, and for all who need just a little help to help themselves.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for his comments and yield to the gentleman from central Pennsyvlania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, the remarks that have been made thus far this afternoon are extraordinarily on the point in describing the life and impact of Senator JOHN HEINZ. I am certain that those who will review the record someday in the near and far future will be able to glean a portion of the persona of JOHN HEINZ by the written words that will appear in the CONGRESSIONAL RECORD pursuant to these special orders.

The large issues in which JOHN HEINZ became involved affected the Nation and really the world, and they will live for a long, long time. We all have the legacy of supporting and making sure that those themes are carried forward as far as we are able to do so.

One of them that comes quickly to mind is Social Security reform. We will recall that the President of the United States called for a commission to be formed to see how the Social Security system, then in dire straits could be saved.

One of the first targets of appointment to be made to man that commission was Senator JOHN HEINZ. He participated not just in the meetings, not just in the development of the report of that commission, but in the testimony that was to follow and, more importantly, in the public relations that had to take place following to gain a successful favorable vote both in the House and in the Senate to pass that extremely important Social Security reform measure.

Before that and since then, he has been regarded, in my judgment, as one of the founders of the Select Committee on Aging, which committee the Senate continues to uphold and which continues to foster serious legislation for senior citizens.

Now, these are large issues. But what has been noteworthy in these special orders has been the references by Congressman KOLTER, for instance, just now, Congressman CLINGER, and others on the little, important segments of the 1-on-1 contact that JOHN HEINZ had with so many of us and with so many of other non-official Pennsylvanians in the streets and neighborhoods of every little hamlet in Pennsylvania.

Those are very important, and we cannot help but recall in times like these our own contacts with him, our first meeting, our last meeting.

The last meeting that I had before his death, he was not present, but his presence was present.

What happened was—and Mrs. BENTLEY, who is seated here ready to give some remarks about JOHN HEINZ, will be interested in this—this had to do with a firm in our district which had a serious problem with Customs, having to do with Customs not understanding the whole situation and preventing—get this—preventing exports from Pennsylvania to Japan, a complete reversal of some of the concerns that we have had about closed trade barriers that exist in Japan and so forth.

So we started to develop this. It had to do with thrown silk and other silk products.

We were developing this.

So I said, "I am going to look into this, look into that and try to get the Customs together." And I also said, "I am going to ask Senator HEINZ and my office to convene a meeting with the silk people and Customs in short order." When we decided to do that, one person who had been involved said, "You know, Senator HEINZ did talk to me about this before, and I think he has a file on it." Sure enough, we found he had a file on it, which made the next step very easy.

□ 1430

The point is, Mr. Speaker, that he knew a lot more than the general themes in which we always thought U.S. Senators became involved and then relied on Members of the House to do the detail.

Mr. Speaker, this man was on top of the details: river gauges in the Susquehanna, fire equipment in western Pennsylvania, Independence Hall and some of the historic relevances there; all of them were part of the JOHN HEINZ impact.

Mr. Speaker, I see the gentleman from Pennsylvania [Mr. SCHULZE] standing here. He knows from our days in the General Assembly in Pennsylvania what JOHN HEINZ meant to us. I yield to him to add comments here for just a moment.

Mr. SCHULZE. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GEKAS] for yielding, and I want to pay tribute to him and to the other Members of the Pennsylvania delegation.

Mr. Speaker, I would like to join in what the gentleman from Pennsylvania [Mr. GEKAS] said. His words were very meaningful and express the heartfelt dedication that all of us feel.

Mr. Speaker, the people of Pennsylvania have lost a distinguished representative, we in the Congress have lost a skilled legislator, and I have lost a great friend by the untimely death of JOHN HEINZ. I am honored, but saddened, to pay tribute to my friend today. I wish I could look him in the eye to tell him how much he added to my life, how much he added to the lives of all who knew him.

Most people are aware that JOHN HEINZ was born into a wealthy Pennsylvania family. But what is so impressive about JOHN was his ability to empathize with everyone, from all walks of life. This empathy showed up in his work as a legislator, because certainly no one showed more compassion for the American Steel worker than JOHN. He fought hard to provide a fair environment in which the American worker could compete in the world market. He wasn't looking to give the American steelworker an unfair advantage.

That would be patronizing, and JOHN would never patronize the American worker. He believed in the strength and quality of the American work force, and the products which it could produce. JOHN merely wanted to provide the world competitors with one set of rules by which everyone would abide. He and I share this view on the issue of fair trade. We had many occasions to work together on this issue. He was a diligent worker, and a fine companion with whom to discuss any matter.

Work and fun were not mutually exclusive with JOHN. One time, when he was traveling around Pennsylvania to meet with constituents, he landed his helicopter in my backyard in Malvern. He always added a bit of fun to all of his hard work. You could see that spirit of fun in that great, warm smile of his. It was a pleasure to work with JOHN.

There is so much more I could say about him—as a friend and as a legislator—but I won't. I do not have words eloquent enough to describe how much he meant to those of us who knew him well. In the last couple of years, there have been too many people close to me who have departed prematurely. I will do my best to see to it that the efforts he and I made toward establishing a fair and open world market continue, but the work will be more lonely without him.

Mr. GEKAS. Mr. Speaker, if I had my way, I would like to have reprinted now and 100 percent incorporated into my closing remarks for the CONGRESSIONAL RECORD the remarks made by JOHN HEINZ' special friend who was one of the eulogizers at the funeral. He took the whole lifetime of JOHN HEINZ and his own and relegated it back to when they were schoolboy chums, and he told about how they developed together, then went their separate ways at long last, but they were never out of touch, never once, never one forgetting the other's friendliness and friendship, going right down to the last moment of JOHN HEINZ' life with deep respect, and abiding love and confidence that JOHN HEINZ will be a Pennsylvanian long to be remembered.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Speaker, I rise today to honor the memory of Senator JOHN HEINZ.

I want to thank my colleague, the dean of the Pennsylvania delegation, for reserving this time.

JOHN HEINZ was a unique individual. As one of the wealthiest men in America, he could have done virtually anything he chose.

He chose public service.

Once in office Senator HEINZ could have relied on his wealth and his well-known name to ensure reelection for life.

He did not.

JOHN HEINZ worked ceaselessly for Pennsylvania.

JOHN HEINZ was a good man to have on your side.

I remember one extended fight over a project that would provide several thousand jobs in my district.

At one point in the struggle, on the last day of that Congress, a Member of this Chamber was blocking the legislation we needed to pursue the project.

JOHN HEINZ left a wedding in Georgetown and came to the floor of the House to try and persuade the Member blocking the bill to let it pass.

He failed that day, but he put in that extra effort for which he was so well known.

Later, in the next session of Congress, I visited the Senate Chambers to remind the Senator about the project.

He laughed, and let me know that he had not forgotten. Where jobs for Pennsylvania were at stake he never forgot.

He then succeeded in guiding the needed legislation through the Senate.

The project survived and flourished, with 2,000 current jobs and the potential for 4,000, thanks to the efforts of JOHN HEINZ.

Though his career was cut short by the tragic accident that took his life, JOHN HEINZ leaves behind a substantial legacy of compassion and strength for the elderly, the sick, the homeless, and working men and women of the Commonwealth of Pennsylvania and the United States.

He was perhaps best known as a champion of the elderly. JOHN HEINZ was a tireless advocate for seniors. In fact, when he was killed, he was traveling to Philadelphia for a hearing on Medicare telephone marketing scams.

As a member of the House Aging Committee, I witnessed JOHN HEINZ' commitment to the issues affecting Pennsylvania's senior citizens. He helped found the Senate Aging Committee, and chaired that committee for several years.

Senator HEINZ served on the National Commission on Social Security Reform, and was one of the architects of the Social Security amendments which rescued Social Security from bankruptcy in 1983.

He was a strong advocate of taking the Social Security trust fund off-budget. He consistently voted against proposals to cut Medicare and worked for nursing home and Medigap reforms. He was a hard-working member of the Pepper Commission on Health Care.

One of the many news accounts of JOHN's life told the story of a woman in Pennsylvania who invited several public officials to her 100th birthday party. It says a lot about JOHN HEINZ that he was the only one who went to that party, and he stayed for over 2 hours.

I also had the opportunity to work with JOHN HEINZ throughout the years on the Phildelphia Naval Shipyard. Though he was from western Pennsylvania, JOHN HEINZ recognized the importance of a resource like the shipyard to the entire State's economy.

He knew that Pennsylvania cannot afford to lose the number of jobs the shipyard provides. Though the battle continues without him, JOHN HEINZ' work on the shipyard was a good example of how he made the Pennsylvania congressional delegation work better together.

It was also an example of his compassion for working men and women. JOHN HEINZ knew the wants and needs of working families. He fought hard to protect their jobs and their way of life.

He recognized that domestic industries were the backbone of that way of life, and he struggled to defend those industries that were important to Pennsylvania and the country: steel, coal, and manufacturing.

He wanted to ensure that American jobs were not lost overseas because of the unfair trade practices of other countries.

JOHN HEINZ was many things: an athlete, a statesman, a leader, a father, a husband, and a colleague.

He will be sorely missed by his colleagues and friends in the Pennsylvania congressional delegation and the entire Congress.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. BORSKI] for his remarks.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, it is an honor to join our colleagues in paying tribute to a devoted and a beloved public servant, the gentleman from Pennsylvania, Senator JOHN HEINZ.

In the time since JOHN'S death, many of those in Congress have thoughtfully reflected upon the life of the man whom we gather here to honor. With great eloquence, many of JOHN'S colleagues have participated in today's special order to pay our respects to his outstanding accomplishments. This is a reflection not only upon the character of Senator HEINZ, but also upon the deep sadness that we all feel as Members of this great body.

With this in mind, I rise to speak not to reiterate words of praise, or to simply highlight the Senator's wonderful career. I rise today as a saddened friend so that I may pay personal tribute to JOHN, and to his family. Not only do I wish to express some of my personal sadness, but it is my sincere hope that our words may provide some solace to all of those who grieve with us, our way of saying goodbye to a man who was both a colleague, and a good friend.

In 1971, following his service in the Pennsylvania State Legislature, JOHN HEINZ won a special election to fill the House seat vacated by the death of Congressman Robert J. Corbett. In 1976, he was elected to the Senate following Senator Hugh Scott's retirement. At the time of his death, JOHN was Pennslyvania's third-term, senior Senator. The fact that JOHN never lost an election throughout his entire political career is a tribute to both his political skills and his overwhelming achievements as a legislator.

Senator HEINZ unquestionably left a bright mark not only upon the members of the Pennsylvania delegation, and upon all of the Members of this Congress, but also upon the millions throughout our great Nation who were touched by JOHN'S selfless representation.

JOHN HEINZ served in Congress for the past 20 years. From the outset of his service in the U.S. House of Representatives, JOHN distinguished himself as a man of great courage and integrity. Being privileged to have had an unsurpassable education and a consequent record of success in the private business world, JOHN fully and effectively utilized all of his background and experience in his work for his State and Nation.

JOHN was a member of a group of moderates within our Republican party who were often willing to sacrifice partisanship for what he believed was sound public policy. He maintained strong convictions that resulted in frequent conflict on a variety of issues, but I'm sure that I speak for the entire Congress when I say that JOHN HEINZ determination served as an inspiration to us all.

During his tenure in Congress, JOHN refined his abilities as a legislator, and eventually became known as one of the Senate's most determined floor tacticians. In spite of his extreme loyalty to his party, Senator HEINZ was 1 of only 11 Senate Republicans who voted to override President Bush's veto of the highly disputed Civil Rights Bill in 1990. His dedication and commitment to this legislation serve as an example of his conviction to the issues and the reforms in which he firmly believed. JOHN was both respected and admired throughout his career for his unselfish dedication to those who he represented.

JOHN dedicated his career to the people and to the issues which were truly in need of his outstanding qualified assistance. As an unwavering leader on the Senate Finance and Special Aging Committees, JOHN was successful in the fight for his proposed 1983 Social Security rescue bill which has helped to alleviate some of the Social Security financial problems and to maintain Federal benefits for the elderly. In 1986, JOHN was successful again, with a bill to bar mandatory retirement policies. His commitment to the elderly, to the underprivileged, to the environment, and to the general public will be sorely missed, but it will never be forgotten. Our memories will be a modest repayment for everything that JOHN shared with us.

Along with my colleagues, I join in expressing condolences to JOHN's widow, Teresa, to his sons John IV, Andre, and Christopher, and the entire Heinz family. JOHN was not only a good, decent family man but was an outstanding national leader. Needless to say, JOHN will be deeply missed in the Congress.

□ 1440

Mr. Speaker, I thank the gentleman for yielding.

TRIBUTE TO THE LATE HONORABLE SENATOR JOHN HEINZ

The SPEAKER pro tempore (Mr. COX of Illinois). The gentleman from Pennsylvania [Mr. SANTORUM] is recognized for 60 minutes

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, I thank the gentleman for yielding.

It is with great sadness that I stand before you today to pay tribute to the memory of a great man and leader, Senator JOHN HEINZ. While JOHN HEINZ was the senior Senator from Pennsylvania, he also served 4 years in this body.

JOHN HEINZ will be sorely missed—by his friends and colleagues in the Congress, by the men and women of Pennsylvania, and by millions of Americans whose lives were touched by his work in the U.S. Senate.

JOHN HEINZ was a man who could have lived the life of the gentry, not needing to work, waited on by servants. Instead, he chose the life of a servant—a public servant. He chose to devote his heart, his vigor, and his intellect to work on behalf of the people of Pennsylvania.

JOHN HEINZ had the courage to do what he thought was right even in the face of tremendous opposition. He was a tireless advocate on behalf of the elderly and working men and women. He fought to save our environment and Soviet Jews. He was truly a credit to the distinguished body of this House and the U.S. Senate.

JOHN HEINZ was a genuine renaissance man. He was an avid art collector, skier, and tennis player.

In the shadow of his death, I cannot help but remember the immense joy he derived from living. But I believe JOHN gained the most satisfaction in life from his constant and selfless work on behalf of the people of Pennsylvania.

On the day he died, he was working hard during the Easter holiday visiting constituents. He was on his way to convince the editors of the Philadelphia Inquirer that they should decry the ripoff of senior citizens by telemarketers who were trying to sell sham Medicare coverage.

I had the pleasure to work with Senator HEINZ on many projects affecting the people of Philadelphia. Whether it was fighting to keep the Philadelphia Naval Shipyard open or pushing for funds to help the aged, JOHN HEINZ was always a champion of the needy and a gentleman to work with. JOHN HEINZ would devote himself to projects because it was the right thing to do, not to grab headlines.

I know I will miss JOHN HEINZ.

Let his life—one dedicated to helping his fellow man—be an example to us all.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. Speaker, I yield next to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding, and I want to commend him for taking this time to pay tribute to a great, great man.

I am indeed privileged to join our colleagues in a tribute to the late JOHN HEINZ. Many here today are able to speak of long-term personal relationships with the Senator, but my knowledge of the man, is of the public servant. As a national spokesman for protection of our industrial might against the onslaught of unfair trade—as a dedicated legislator concerned for the plight of the elderly and the infirmed—as a leader in the Republican Party.

To me, the magnitude of his loss to these issues, to our party and to the Nation surpasses the power of any words I might say on this floor. For a former reporter, it is a strong admission. But frankly, facing the problems of the country every day as we do—the absence of his strength of character—his advocacy in the other body is devastating.

The JOHN HEINZ whom I admired, was not afraid of power, nor was he intimidated by the latest polls. If he believed in an issue, he fought for it without first counting the vote.

To call him an "advocate" is to recognize an innate quality of leadership in the man which drove him to convince all challengers, including his constituents, that his position had validity and worth. No finger to the wind, this man—no trimming of the sail.

More natural leader than politician—yet proving time and time again over his illustrious public career that the true leader is the most successful of all politicians. That the positions which all of us have sought on this Hill, demand that we not seek the popularity of the moment, the praise of the Saturday afternoon crowd.

Because of his record and the stature of the man, JOHN HEINZ leaves us all challenged to be stronger than we believe we are. To assume the awesome responsibilities of power not only with grace, but to use that power for the good of the American people and the future strength of this Nation.

What a burden his premature leave taking has placed on every one of us. We can only pray for his family and for the country that we are worthy of the task.

Mr. Speaker, again I want to commend and thank the gentleman from Pennsylvania [Mr. SANTORUM] for taking on this special order.

Mr. RIDGE. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. I yield to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, first of all, let me commend my colleague, the gentleman from Pittsburgh, PA, for his interest in taking out this special order in cooperation with our senior colleague, the gentleman from Pennsylvania [Mr. MCDADE].

All of us from the delegation, and obviously Members outside the Pennsylvania delegation, appreciate having this opportunity to share for the public record some personal vignettes that we may have shared with our late friend, JOHN HEINZ, and we appreciate the opportunity to build upon an incredible record of public service for which he and he alone was responsible, and to express sorrow for the enormous tragedy that has befallen the Heinz family and certainly the families of four professional pilots who thought they were doing the right thing, as well as the families of young, unsuspecting children on a playground. This is a tragedy that will never ever be forgotten by anybody in this Chamber, particularly by members of the Pennsylvania delegation, as well as JOHN's friends over in the Senate.

☐ 1450

The man cast an enormous shadow over the political landscape, not only within Pennsylvania, but without, and throughout this country, given his leadership on the variety of issues that many of our colleagues have highlighted and noted for the RECORD.

Those of us in Pennsylvania, I think Republicans and Democrats alike, had figured out that JOHN was probably Senator for life. He was just going to go through the formalities every 6 years.

I must say that I think there was probably broad-based agreement on both sides of the aisle that JOHN HEINZ would serve in the Senate of the United States as long as he chose to do so.

I guess that is one of the reasons that he enjoyed such enormous popularity within Pennsylvania, and why so many people, who did not know him, still felt that they could relate to him. Because he was born to much, that they all knew, but everyone also knew that in addition to being born to much, he gave back in terms of public service.

I think his life and death is a testament to the nobility of public service. I think that is how he led his life.

Let us not forget that there were probably some articles or commentators writing during that week that we were not in session, that the Congress of the United States was on break, on recess, or on vacation. What JOHN HEINZ was doing typifies what most of our colleagues do when we are not in Washington, and that is moving around among those communities and peoples we represent, trying to identify problems, and then hopefully as legislators, working together to resolve those problems.

I personally would like to share just a couple of personal stories about JOHN. Back in 1982, when unemployment in northwestern Pennsylvania was high, in the double digits, depending on the community you went to, it was 16 percent or 18 percent, and the national theme of the Republican Party was stay the course, there was not a great deal of enthusiasm for that particular approach in northwestern Pennsylvania.

So I had to chart a slightly different course politically. There was no doubt in our minds, however, that regardless of what the national theme was and regardless of the economic circumstances and conditions of northwestern Pennsylvania, there was one very prominent Republican leader whose name and interest and support would be very, very valuable. Clearly that was our senior Senator, JOHN HEINZ.

There was not an occasion when I asked him to appear on my behalf, or asked him to author a letter on my behalf, when he had said no. Whenever he had—he always had the time. I should not say whenever he had the time. He always had the time to do what I asked him to do during that very, very difficult period.

I won by 729 votes, out of 160,000 that were cast. There were probably some reasons I can specifically identify as getting me over, both a national campaign theme as well as tough economic conditions, as well as a registration disadvantage. But clearly, being associated publicly and in every way possible with Senator JOHN HEINZ, had to be worth at least 729 votes, and I expect worth considerably more.

Many of JOHN's personal characteristics and traits have been identified and publicized and eulogized, and I just want to continue along that vein as well.

JOHN, I think more than most legislators and most of those with whom we serve, was a quiet, unassuming, but forceful intervenor and advocate.

Not everything JOHN HEINZ did or tried to do was accompanied with what some of us might normally consider the appropriate political fanfare, the appropriate publicity, the press conferences, the kind of self-recognition that is endemic to the political process.

Senator HEINZ certainly was as good on his feet and before a camera and at a press conference as anybody, but in the 8-plus years that our paths crossed politically, it was my sense that JOHN preferred to be a quiet intervenor, and clearly he was a forceful one.

I think that his personal slogan was "Pennsylvania first." I know it got him into trouble downtown from time to time, and probably with his own Senate Republican leadership. But if it was a priority for Pennsylvania, it was a priority for JOHN HEINZ.

Clearly he was ahead of the curve, and ahead of most of our colleagues, with regard to the whole range of issues dealing with the aged, Medicare, Medicaid, Social Security, far ahead of the curve when it came to trying to reconcile the need to balance an almost infinite demand on the health care delivery system with finite resources in Government, clearly far ahead and even visionary when it came to trying to work out a public policy dealing with long-term health care.

I can remember going to the White House when he argued as forcefully as humanly and legislatively possible to protect the steel industry, an industry that had, in its halcyon days, made Pennsylvania a great industrial State, which had in large measure been lost to foreign competition and to other States, but still down there as an advocate for the industry per se, but, more importantly, for the men and women and families who were employed in the steel industry.

During the course of the services in both Pittsburgh and in Washington, there were some grand tributes that Senator HEINZ received, none finer than those given by his sons, and clearly his friends and colleagues honored him with their presence and their words as well.

But during this particular special order, I think it is important for me and for those of us who attended both services to honor and highlight and make special note of the splendid work and words of a friend of JOHN HEINZ, Senator JOHN DANFORTH, who presided as a minister over both services, and whose eulogy caught both the public and the private man and the Christian values that were so important to JOHN HEINZ.

We know JOHN was a man of enormous capacity, an enormous capacity to love, and the recipients of that love, certainly his wife, Teresa, and his sons, but there were many stories of extraordinary friendships.

We are also fortunate to have a couple of close friends in a lifetime, and, because of JOHN and his personality, he was blessed, as he blessed others, with his unique friendship.

We know he was energetic and he was dogged and he was persistent. We know he was a quick study. He had an enormous intellect. In very large measure he was very much a renaissance man. He was as interested in art, in music, and in culture, as he was with the mundane and very important mundane little elements dealing with political campaigns, as well as broader legislative issues. His interests were many, and his abilities were many as well.

He had a great capacity for humor, some of it very much self-deprecating, but an enormous capacity. If I might just share with you a couple of quick stories in that regard.

For the longest time, the good Senator, well, for the 8 years our paths crossed, accused me of raiding his staff and seeking the quality people that he first employed to work with me.

I would never admit publicly to the good Senator that that was ever a design of mine. It just so happened in the circumstances that a lot of good people, Mark Holman, my administrative assistant, Scott Baker, a young man that served as my legislative director, and others, got their start with JOHN HEINZ.

☐ 1500

He was a magnet, he attracted quality, dedicated young people to serve him, and even though I would try to convince him there were a lot of reasons that they would probably prefer working on this side of the Hill than the other, I was always certainly grateful that they had an opportunity to gain entry into the world of politics and legislation through his staff.

I can also recall introducing him once shortly after his 50th birthday as our senior citizen from Pennsylvania. I do not know whether that was some kind of a subconscious slip, but as an advocate for senior citizens and one of the most forceful ones in that Chamber, I do not think anyone minded too much. But clearly he was our senior Senator in every manner of the word and in keeping with all of the responsibilities that naturally come your way when you are the senior legislative man in any delegation.

Finally I would like to just talk about one quality that I think needs to be mentioned in any discussion of Senator HEINZ. There is a skill in Washington, DC, that is often best identified by floor activity, by speechmaking, and at press conferences, and it is a communications skill. Clearly we have many excellent speakers in both Chambers on both sides of the aisle, strong advocates, eloquent at times, but very able spokesmen for a variety of causes. JOHN was a good communicator. JOHN was good on his feet. But there is a quality in my judgment that makes for good communication and not all people have it. JOHN happened to be a very good listener as well, and whether he was before a group of senior citizens, before a delegation meeting with his colleagues from Pennsylvania, or before any group in any setting, JOHN took the time, the patience, was concerned enough about the other man's or woman's point of view that he had that huge capacity, a very important capacity to listen.

We mourn the man. We certainly will mourn and miss the qualities that he personified. We will all strive to reach the standard of excellence that he offered, not only the Senate and Pennsylvanians, but all legislators serving everywhere.

On behalf of the people of Pennsylvania that he represented in northwestern Pennsylvania, and also that I represent in northwestern Pennsylvania, we extend to Teresa and the three sons and his family our deepest sympathies and condolences. We know politics is in large measure about the future, and we know that there is much discussion in Pennsylvania these days about someone to succeed JOHN HEINZ. I think that is an appropriate way to concude my remarks. Clearly the political process will work its way through. Clearly in the next several months there will be a successor to JOHN HEINZ, but equally as clear, at least to this Member from Pennsylvania, and to this friend of JOHN HEINZ, while there may be a successor there will never be a replacement.

I thank the gentleman for taking the time.

Mr. SANTORUM. I thank the gentleman from Pennsylvania. I yield to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding. I would like to commend my colleagues from Pennsylvania, Mr. SANTORUM and Mr. MCDADE, for this very thoughtful presentation on behalf of our late colleague.

The death of Senator HEINZ and the tragedy which led to that death is a great defeat and a great tragedy for all of those touched by it. But his life was a life of victory.

I would like to pause for a few moments today and talk about how his victory touched my life as a legislator and the lives of the people I represent in the Philadelphia area in southern New Jersey. The victories that Senator HEINZ won in his career that are on the record are very clear, his record as a Senator, his record as a public servant. But I think one of the greatest victories that he won was that his life told a very different story about politics and public service than the story that we hear today.

It is a painful admission for those of us in this body to make, and all of us in public service to make, but people who are in public service in general, and in elective office in particular, are not held in great esteem in this society today. There is an undercurrent in our society that people who choose to become involved in politics do so because of personal gain and personal interest and personal aggrandizement.

The life that Senator HEINZ led, the record that he established as a public servant refutes those assertions. The efforts that he made says that it is possible to will to do good for the public as a public servant and to succeed in exercising that will.

I did not know Senator HEINZ very well. I arrived in this body in November of 1990, and the one opportunity I had to work with him since my arrival here was on a mutual effort along with many of our other colleagues to advocate the cause of the Philadelphia Naval Shipyard. What I learned from Senator HEINZ in that process that was all too brief was very important. The lessons that he taught me I thought were worth sharing with all who are listening today.

The first lesson was that one should care about other people even though it may not have an immediate connection to your own agenda. As some of our colleagues said earlier, the level of political popularity that Senator HEINZ achieved was legendary in his State. If he had taken a very perfunctory approach toward the issue of the shipyard, it would not have made much difference or have been of much political importance. He was from the other end of the State. I am not a Pennsylvanian, but as an observer of Pennsylvania politics on the other side of the river, there is a dichotomy between east and west and people from the west are not often expected to care about what happens in the eastern part of the Commonwealth. He cared and he cared very much. He showed his interest in this issue for a very simple reason that is a very powerful reason about why people get into public service. He cared about the issue because he cared about his country and its defense, and even more so he cared about the men and women who made their living there.

This is a person of great success, of great personal wealth who would have had no personal motivation whatsoever or political motivation whatsoever to spend the time that he spent on this issue, but he spent the time. He mastered the issue. He went to every meeting that was called, spoke every time he was asked to, and he educated a lot of the rest of us about the important facts of making the case. He did it because he related to the men and women who depended upon that yard to make their living, and who do such a good job there today, for the pure and simple and positive reason that he cared about them. That sends a very powerful and welcome message at this time.

The other more personal observation I would make is that this is a place, Washington, DC, where status means everything to some people. How high you rank on your committee, how long you have been here, where you stand in your party, how much you can do for them. This is the capital of Washington, DC, politics for many, many people. For Senator HEINZ it was not. The process that I engaged in as a freshman Representative from another State that he had never met or heard of, when I walked into that process he greeted me as an equal. He gave me an opportunity to work with him, and learn from him, and gave me the opportunity to express my own ideas in a way that would be constructive.

Senator HEINZ did not care what your rank was or what your status was. He cared about what you had to offer as a man or a woman.

It is reflected in his voting record. It is reflected in the compilation of the body of what he said and did as a public servant. And even more importantly, it is captured in the way he treated his fellow man and woman and his colleagues.

I did not know him well as a person, but I will remember well the lessons that he taught us as human beings and as public servants. We are poorer for his departure, but we are inspired by his life and by his victory, and I hope his inspiration will lead many others to pursue the same excellence in public service which he pursued.

Mr. SANTORUM. I thank the gentleman very much.

In closing, I also want to thank the dean of the Pennsylvania delegation, Mr. MCDADE, for joining with me and allowing for this time to memorialize Senator HEINZ and his contributions. I want to thank all of the Members who came down to the floor today to speak very personal thoughts about a truly great Senator from Pennsylvania.

If I may, in closing, first address the people of the United States and those of you who are not from Pennsylvania, for those of you who probably did not know Senator HEINZ very well as we in Pennsylvania did and we in Pittsburgh did.

□ 1510

For that I feel sorry for you, because you really have missed the opportunity of meeting what, in my mind, was one of the truly great men in politics, in public service, in this country. For those of you in Pennsylvania, you know what a wonderful man, a caring man, a completely dedicated man JOHN HEINZ was.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER], the gentleman from Lancaster, who has just arrived.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I thank him for taking this special order time that we might reflect upon the career of Senator HEINZ.

I apologize for coming in so late, but I have been tied up in meetings. But I do think that it is important to look at the career in the perspective of the people of Pennsylvania to whom the gentleman was just addressing himself.

Mr. Speaker, I have been stunned to some extent at the numbers of people who have come up to me in my district in the last several weeks, and not only said what a tragedy it was which, of course, we can all agree upon, but then would have some personal recollection of some time spent with Senator HEINZ. That struck me, along the way, because first of all it says something about a man like JOHN HEINZ who got around the State in a way that he could touch the lives of so many people in a very personal way.

But there is also, I think, the factor that most of us only remember those incidents in our personal lives where we have some reason to not want to forget it, and to that extent, I think it is often people whom we see something special in, and it is apparent to me from the people who have said something to me along the way that there are an awful lot of folks in Pennsylvania who regarded JOHN HEINZ as not only being a political figure and a public figure but someone who was special to them personally that they can relate that kind of personal instance where he touched them in some small way or in some cases in some major way, because in many cases a lot of these folks are relating to me instances where he helped them with a problem.

He was also directly involved in so many activities that affected large numbers of people in Pennsylvania. We have a substantial senior citizen population in Pennsylvania. All senior citizens had a strong feeling for the kind of stance that JOHN HEINZ took on their behalf.

I met with a senior citizens group the other day, and large numbers of them came to me and made comments about how much Senator HEINZ had meant in the work that he had done on their behalf. So there is something which is remembered.

As for the gentleman in the well, JOHN HEINZ was a friend, but more than simply being a friend, he was someone who I think changed the character of public politics and public policy in Pennsylvania. Because he made a self-sacrifice in order to be part of the political system, I think he lent a glow to politics in Pennsylvania that will live on for some time.

I do appreciate the gentleman taking this time so that all of us might reflect.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON], the gentleman from Delaware County.

Mr. WELDON. Mr. Speaker, let me extend my congratulations and appreciation to my friend from Pittsburgh, the gentleman from Pennsylvania [Mr. SANTORUM], for this special order today to allow us once again to reflect upon someone who has been a leader for all of us in our great Commonwealth and someone whom we are already missing terribly in terms of the battles here in Washington on behalf of our State and our constituents.

This is, I believe, the second or third occasion that we have had the opportunity on the floor of this body to memorialize JOHN HEINZ and pay tribute to the tremendous efforts that he put forth on behalf of our State and our constituents.

As I said earlier when I addressed this body, I was to have had a town meeting the evening that JOHN HEINZ was flying into Philadelphia. I was scheduled to appear with the Senator that evening in a meeting in the center of my district to conduct a town meeting with approximately 300 constituents.

It was a terrible loss to me personally, but it was a loss that I think was something that you just came to expect of JOHN HEINZ, him crisscrossing the State to attend another town meeting, another opportunity to reach out to our constituents, to answer questions, to take the shots, to provide as best as possible a summation of what was happening in our Nation's Capital in terms of the impact on our people's lives.

JOHN HEINZ was known for being accessible to all of our constituents. He was known as someone who would reach out to anyone in our State whether it be a very small meeting of four or five constituents or a very large gathering in our State capital or here in Washington, to answer the questions and to work with them on their priorities. He is just someone that we are going to have a very difficult time replacing in our State.

He was a family man, and all of our hearts have gone out to Teresa and the three sons and the entire Heinz family for the tragic loss that has occurred.

JOHN HEINZ, throughout all the pressures of serving in the Senate, was someone who always placed his family first and made sure that he took care of those responsibilities as a priority in his life.

Nationally his impact has been stated very eloquently by our colleagues in areas ranging from banking issues and banking reform to being a champion for issues involving aging and our senior citizens, to working on environmental concerns far away from Pennsylvania, but also those very close to us, issues involving jobs and the concerns of organized labor and the working person in this country. JOHN HEINZ was, in fact, a national leader.

In fact, I think in many ways in our party he was someone who constantly reminded us that we had to make sure that we were paying attention to the concerns raised by these various constituencies.

In Pennsylvania, I think the best indication of how well accepted JOHN HEINZ was during his tenure in public office is the fact that he won his races by the widest margins in the history of our State. His most recent senatorial victory was the largest plurality in the history of Pennsylvania, and here we are talking about a State with an overwhelming Democratic registration majority, yet JOHN HEINZ could win that Senate seat by the largest plurality in our history, and that was because JOHN HEINZ showed his concern, whether it was for the steelworker from the west, the farmer in the central part of our State, the coal miner up in the northeast, the laborer, the UAW worker down in the southeastern part of our State, whether it was for the senior citizen in Pittsburgh or Philadelphia, JOHN HEINZ was able to appeal to the broadest possible coalition of people in our State. Women and minorities were quick to support JOHN HEINZ, because he was able to reach out to them, to understand their concerns and the priorities, to help to sensitize the administration to the concerns these people have and to make sure we, as Republicans and as elected officials, were responsive to their needs here in Washington both administratively and legislatively.

I think of one of the special projects that JOHN HEINZ and I worked on together in the last session of Congress meant a lot to both him and myself. We pulled together a coalition to support the 3 million fire service leaders of this country, the emergency management people, the firefighters, both paid and volunteer, who protect our towns and cities. We had put together a piece of legislation, the Fire Service Bill of Rights, to guarantee basic rights for these 3 million people and to provide some one-shot benefits for them as well as to define the kind of respect and attention that they should be getting.

In the House, the bill received the support of 270 of my colleagues, and in the Senate JOHN HEINZ was able to garner over 60 Members of that body in support of his bill, which was identical to the bill we had in the House. JOHN HEINZ successfully passed that bill of rights in the 101st Congress. We were able to pass it through the Committee on Science, Space, and Technology in the House, but were not able to get the coinage provision of the bill passed, and we are back working on it again this year.

But JOHN HEINZ was committed to working to ensure that the thousands of volunteer and paid firefighters and emergency management people in our State and across America received the proper respect and attention that they deserved. That is just one more example of the kind of commitment that JOHN HEINZ made to this Nation and to our State. I think of his work in the area of education, supporting our university system in Pennsylvania, supporting the university in Pittsburgh and our State college network, working on behalf of environmental issues, our National Park System, Valley Forge, and Gettysburg, and Pinnacle National Wildlife Preserve. JOHN HEINZ was in the forefront of such a broad diversity of issues that he leaves a broad impact that will be a legacy that will last with us for generations to come.

One of his most recent battles was assisting us in fighting for preservation of the Philadelphia Naval Yard. Once again, we are missing JOHN HEINZ. He is not here to assist us in that battle, but once again, he certainly provided the foundation for all of us.

All I can say is that I think the best way to sum up the life of a person like a JOHN HEINZ is not to say that he was just a Senator nor was he just a politician. JOHN HEINZ was two things. He was a statesman, and he was a gentleman, and I think if any of us can strive to be called anything after we leave this life, it would be to be referred to as a statesman and a gentleman.

□ 1520

JOHN HEINZ certainly was both.

Once again, I thank the gentleman for yielding to me, and I appreciate his leadership in allowing Members to remember his good friend, and someone that I know was a mentor for JOHN HEINZ.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from Lehigh Valley, Mr. RITTER.

Mr. RITTER. Mr. Speaker, the loss of Senator JOHN HEINZ is a tragedy not only for his family, but for the Commonwealth of Pennsylvania and the United States.

It has been repeated several times—and indeed should be repeated—that JOHN HEINZ, more than most anyone, had plenty of other exciting options in life, other far more comfortable and easy lifestyles he could have chosen. But he chose public service, and many people in this country, and many people in my Pennsylvania district, are better off because of that decision. In this life there are givers and takers. JOHN HEINZ was a giver.

I have no doubt that JOHN HEINZ will be counted among the important legislators produced by the State of Pennsylvania. He is already acknowledged as one of the State's most popular ever.

His importance arose not only from his keen intellect and his boundless energy, but most importantly from his sincere interest in the people he represented and their problems.

This last quality was also what made him so popular among Pennsylvanians. Bob Groff of the Pocono Record put it this way:

> He was the kind of person who would stand sweating in his shirtsleeves in a high school auditorium on an August evening in a political backwater, and make those who were there feel good about sharing some time with him. There are not many in politics who can make that same claim.

As I have mentioned here before, I was once the beneficiary of this special talent. During my first campaign for Congress in 1978, when JOHN hardly even knew me, he took the trouble to travel to Bangor, PA, in the middle of a snow storm to be my special guest. I'll never forget the reception he got from the folks gathered at the Blue Valley Farm Show Hall, or the boost he gave to the campaign.

This is the JOHN HEINZ I will remember: a man who was embraced by the people of Pennsylvania because he shared the tough work ethic that is their hallmark. JOHN HEINZ, halfway to being a billionaire, was never out of place amid our gritty factories and farms.

The national audience will be most familiar with his efforts to ensure better health and retirement benefits for the elderly and his battles to make American policy over international trade more effective.

But people from Allentown, Bethlehem, Easton, and the Poconos will remember him as the Senator who listened to their concerns about keeping the Delaware and Lehigh Rivers clean, about protecting steelworkers from unfair dumping of foreign steel, about getting Federal funds for key projects in our area.

I had the honor of working with him on many projects over the last 13 years, and gained a tremendous respect for him. JOHN HEINZ did his homework: when he spoke out on an issue, you could bet you were hearing an opinion that was formed by study and reflection.

His keenness of mind was matched by his physical energy. He was a super athlete, a tireless man who never shied away from the long days and long nights required to do this job the way it should be done. He did it 7 days a week, 17 hours a day, and he did it with a smile.

If, as Winston Churchill said, "Politics is war without the bullets," then JOHN HEINZ was one happy warrior.

It is, as others have pointed out, ironic that this man of action was struck down as he crisscrossed the State doing what he did best, staying in touch with the people he represented.

As his family struggles with their grief, I hope they can take some solace in the knowledge that JOHN's legacy of public service and commitment will live on in the hearts and minds, not only of his friends and colleagues in the Congress and the people of Pennsylvania, but in the hearts and minds of all Americans.

Mr. SANTORUM. Mr. Speaker, I yield to the gentleman from central Pennsylvania, Mr. GOODLING.

Mr. GOODLING. Mr. Speaker, I too, want to thank the gentleman for taking this special order.

After the tragic death of Senator HEINZ, the phrase or the comment I heard over and over again, whether I was traveling in my district, throughout the State, or outside the State was, "He did not have to do it, but he did it for us." I think that characterizes JOHN HEINZ more than anything else I can think of. He did not have to do it, but he did it for everyone.

He was also one that was totally prepared, no matter what conference he went into. The second thing that I heard people say over and over again is that, "You better know what you are talking about when you go in to meet with JOHN HEINZ because he will ask you all the tough questions, and he will know all about the subject." He demanded excellence from himself, and he demanded excellence from all of those who served his constituents. I remember in one of the eulogies at the service in Pittsburgh, the gentleman said that no one ever tried to snow JOHN HEINZ because he always knew that they were doing just that, and he thought that if they were, they were in for trouble.

The last thing I would call to all Members' attention in relationship to JOHN HEINZ was that he did not do things for show. He really did not care who got credit. He just wanted to get the job done.

I would hope that many Members who serve the public will have an opportunity to receive the same kind of acclaim that JOHN HEINZ received, not only from his constituents but throughout the entire United States. He truly was our most popular politician, most popular elected official in the State of Pennsylvania. He will be greatly missed, but we thank him for the time that he gave everyone.

Mr. SANTORUM. Mr. Speaker, if I may say in conclusion, to the people of Pennsylvania, there is very little I can add to what was said here today by both Republicans and Democrats, from east, west, north, and south in Pennsylvania, all of whom feel especially touched by JOHN HEINZ. That in effect is a tribute to himself, that each one felt individually touched by Senator JOHN HEINZ.

What I can add is that the people of Pennsylvania lost their best fighter in Washington. There is no person better. Pennsylvania will be a lesser voice here in Washington as a result of the loss of Senator JOHN HEINZ.

I would like to address the people of Pittsburgh, my hometown. My colleagues from Pennsylvania, Mr. KOLTER and Mr. GAYDOS, spoke so eloquently of what he meant to the Pittsburgh area, what he meant to the people and the region of the country that has not had very many good times in the last decade. However, JOHN HEINZ was always there for Pittsburgh, whether it was being there in a Government capacity and serving and trying to get jobs and opportunities for the Pittsburgh area, or whether it is there through his philanthropic works, through his presence and inspiration to the people of Pittsburgh that he cared so much about; JOHN HEINZ was there for Pittsburgh. Pittsburgh has suffered a devastating blow.

I can tell people in walking the streets, and the people I have talked to from the Giant Eagle to the Foodland, they talk to me and they come up and say, "What do we do? We have lost the soul of Pittsburgh." Yes, we have.

Pittsburgh has picked up before, and in memory of JOHN HEINZ we need to pick up again.

I find myself working on projects that JOHN HEINZ was working on in the Pittsburgh area. Everything I seem to work on these days, someone tells me that JOHN HEINZ was working on this, or JOHN HEINZ was doing that. He has his fingers on everything in the Pittsburgh area. However, we will pick up, and we will go on in his memory.

To Teresa, to John IV, to Andre and Christopher, I think you have seen together the outpouring of affection from the Members of Congress here and what we felt for your father and for your husband.

□ 1530

I know that in the services you heard from many people and I am sure you have had outpourings of notes and cards from the people of Pennsylvania. Please note that not only will JOHN HEINZ be missed, not only will JOHN HEINZ be remembered, but JOHN HEINZ will always have a very special place in our hearts.

Mr. RINALDO. Mr. Speaker, I rise with great sadness to join my colleagues in honoring my good friend, the late Senator JOHN HEINZ. Although only 52 at his death, he leaves an admirable record of accomplishments.

While Senator HEINZ is probably best known for his work to ensure that American products receive fair treatment from our trading partners, he was also a strong advocate for retired and older Americans. As both the chairman and later the ranking member of the Special Committee on Aging, Senator HEINZ actively worked to reform the Social Security system, and to ensure that Medicare cost-cutting reforms do not hurt the quality of health care for the elderly.

In my role as ranking member of the House Select Committee on Aging, I had the honor of working closely with him to eliminate employment barriers for older Americans. JOHN HEINZ knew that this country needs the experience and skills that older Americans can offer. As a result, he led the fight to remove the financial penalties that were imposed on Social Security recipients who work after the age of 65.

Because of his political skill and leadership, Congress also ended mandatory retirement policies for most employers. Senator HEINZ recognized that valued employees do not become worthless simply because they reach a certain age, and that the United States cannot afford to waste their knowledge and ability. As the chief Senate advocate for this legislation, he put together a coalition that enabled people to remain on the job as long as they have the skill and desire to stay. This legislation also recognized that the increasing mobility of our work force required that pension contributions must be vested sooner. The result was a law requiring vesting after 5 years on the job, and allowing these contributions to be moved with the employee.

More recently, he worked to end the earnings test that still penalizes Social Security recipients. I hope that the Congress will further honor the memory of Senator JOHN HEINZ by passing this legislation during this session.

Senator HEINZ left his imprint on a wide array of legislation, but I would especially like to honor my friend and colleague on behalf of the millions of senior citizens whose lives will be better because of his efforts.

Mr. KENNEDY. Mr. Speaker, it is with heartfelt sadness that I pay tribute to Senator JOHN HEINZ today. Senator HEINZ was a man who transcends the ideological and party labels so quickly branded on modern day politicians. He was not as much a moderate Republican, as he was a true representative of the people—the people of Pennsylvania and of America. He may have come from wealth, but he never lost touch with the working class man, whether he be a steel mill worker from western Pennsylvania or a disabled senior citizen on Medicare.

Senator HEINZ has left America with a tremendous political and legislative record to remember him by. His active role on the Senate Banking Committee did not escape those of us on the House side of that committee. During his 20 years as a Congressman and Senator, he also left an indelible mark on environmental and trade issues. But most touching to me, was his work on behalf of the elderly—on Social Security reform, age discrimination, and health insurance.

The call to public service was deep in the Senator's heart. He was a public servant by its true definition: compassionate, hard-working, and extremely dedicated. The U.S. Congress has been heightened by his presence among us.

Mr. MURTHA. Mr. Speaker, we have mourned the death of many of our colleagues, past and present, here on the floor of the House of Representatives. In the midst of our grief, we are often able to celebrate the accomplishments of those we mourn. But it is particularly difficult to stand to acknowledge the loss of a colleague and recognize his many accomplishments when he still had so much to give to his country. The tragic death of Senator JOHN HEINZ shocked all of us, and the shock has not lessened as the reality of our loss has set in.

JOHN HEINZ was more than just a colleague of mine, he was a friend. He was a friend who I could work with on the issues we care so deeply about in our part of the country, the fate of the unemployed steel worker, the health problems of the elderly widow, the revitalization of our industrial base. A day or two before his death, one of the Pittsburgh newspapers published a photograph of Senator HEINZ and I discussing a legislative issue a few years ago. It may not have been until I saw that photo that I realized how much I personally will feel his loss.

It is difficult to think that the man who only a few weeks ago was traveling throughout Pennsylvania to learn about the problems of his constituents will be making no more of these trips. It is hard to think that the elderly, whose cause he championed throughout his service in Congress, will no longer have his eloquent voice to fight for them. It is troubling to realize that coal miners and steel workers will not be able to call on him to protect their vital industries. And for those of us in Congress, it is still a shock that we can't share a laugh with a friend.

Our condolences go to his wife, Teresa, and his three boys. Our thanks, and the thanks of the people of Pennsylvania also go out to them, for sharing him with us. JOHN HEINZ cared about the people of Pennsylvania. It seems to me, to Pennsylvanians, and to the people of the United States that he still had much to do for our country. Tragically, it is not to be, and it is our loss.

Mr. COYNE. Mr. Speaker, it is fitting that members of the House meet in a special order to pay tribute to the late Senator JOHN HEINZ. Many in this Chamber were long time friends of JOHN HEINZ and worked with him during his years of public service, both as a U.S. Congressman and a U.S. Senator.

Since his tragic death on April 4, 1991, we have all had some time to reflect on what the loss of JOHN HEINZ has meant to our country, the people of Pennsylvania, and to each of us individually. Without a question, his absence is still being felt today and will continue to be felt for some time in the future.

One thought that strikes many of us is that while he had the ability to pursue any number of callings, JOHN HEINZ chose to dedicate himself to a life of public service. It is a mark of the man that the accident which claimed his life should occur while he was about the business of serving the men and women who entrusted him with the duties of an elected official.

The loss of JOHN HEINZ is one felt on many levels. First of all, we think of his family. While we mourn the passing of a friend and colleague, we must remember also that JOHN HEINZ, husband and father, leaves behind loved ones by whom this tragedy is experienced on a most intense and personal level.

We also remember the people of Pennsylvania. JOHN HEINZ was never a distant or foreboding figure to the working men and women of Pennsylvania. Even though he was born into the ranks of the wealthy and privileged, JOHN HEINZ exhibited a life-long ability to identify with individuals who faced the day to day challenges of providing for themselves and their families.

When the people of the Commonwealth of Pennsylvania remember JOHN HEINZ, we remember a man who used his position to champion the cause of every citizen. JOHN HEINZ understood that events in the Nation's Capitol do have a real life impact on the citizens of our country. He knew that elected officials had a solemn obligation to serve as advocates for those whose voices are too seldom heard within the Washington beltway.

When the U.S. trade deficit soared and thousands of American workers saw their plants and steel mills close, JOHN HEINZ spoke out with the demand that the United States must have both fair trade and free trade. He fought to ensure that U.S. trade laws were aggressively enforced against those who seemed willing to sacrifice U.S. jobs to what they considered the more important demands of U.S. foreign relations. JOHN HEINZ might have been criticized by some for his tireless efforts to promote fair trade, but he never forgot working families for whom a weak U.S. trade policy meant lost jobs and shattered dreams.

While JOHN HEINZ knew the ways of the corporate boardroom, he also understood the needs of men and women on the production line. As a member of the Senate Finance Committee, he used his position on many occasions to promote the economic interests of working men and women. During action on the 1986 Tax Reform Act, JOHN HEINZ succeeded in efforts to have businesses provide workers with an improved opportunity to participate in retirement plans that too often had been reserved for those in the upper ranks.

JOHN HEINZ also was an effective and passionate advocate for our Nation's senior citizens. He recognized that age alone was no barrier to an individual's ability to contribute to society and fought successfully to end job discrimination against seniors. His efforts to eliminate mandatory retirement requirements has enriched immeasurably our country through the continuing contributions of older Americans.

As a U.S. Senator, JOHN HEINZ worked to improve Medicare and emerged as a knowledgeable and skilled participant in debate over U.S. health care policy. He was a man who saw beyond the abstractions of national health care policy debate to recognize the real needs of seniors and families. JOHN HEINZ never let political gamesmanship stand in the way of his resolve to provide Americans with increased access to quality health care.

Throughout his life, JOHN HEINZ displayed a remarkable depth of character and principle often highlighted by his ability to surprise those who might take him for granted. While he served on two occasions as campaign chairman for his Senate party colleagues, JOHN HEINZ always put the needs of his constituents before the demands of partisan ties. While he knew well men and women who occupy positions of power and privilege in our country, he also made it his personal duty to remember the individual working men and women who trusted him to fight for their rights. While JOHN HEINZ could have lived a life dedicated to personal pursuits, he gave instead his life to the service of his fellow men and women.

Mr. Speaker, the people of the Commonwealth of Pennsylvania have lost a loyal friend and a tireless advocate in the passing of JOHN HEINZ. Those who knew him and worked with him have also lost a trusted colleague and the Nation has lost a dedicated public servant.

Mr. PORTER. Mr. Speaker, it is a day like today which makes the purpose of JOHN HEINZ life very clear in my mind. A sunny day—one where the flags above our Chambers, our office buildings and our national monuments are not at half mast, but flying with pride at top of the pole.

JACK lived his life with this sort of bursting pride. And, in his own unique style he used pride and ability to do the work of the people, for the people. He did not sit and wait for the world to change, rather with every chance and new opportunity he worked to make this body, Pennsylvania, this country and finally the world, a better place to live.

As president of a new group, Global Legislators for a Balanced Environment [GLOBE] he once again revealed his capacity for hard work. His spirit and dedication was foremost in advancing the mission of this group, which ties together environmental legislative efforts in Japan, Great Britain and the United States. In this forum and so many others he will be missed.

Personally, I wish to extend my prayers and thanksgiving to the HEINZ family, his staff and friends. My prayers that their sorrow may be assuaged, and my thanksgiving is for JACK's incredible life and his many, many contributions to the people of America and of the world.

Mrs. MORELLA. Mr. Speaker, I had the privilege of knowing Senator JOHN HEINZ for several years, mainly through our work together on GLOBE, a forum of international legislators working to preserve the environment. As president of GLOBE, U.S., Senator HEINZ ably led the organization's congressional delegation.

During the course of my work with Senator HEINZ, I came to know a man deeply committed to the citizens of Pennsylvania, deeply committed to these United States, deeply committed to this planet and to its environment. In his involvement with GLOBE, Senator HEINZ was driven by more than just an eagerness to serve; he was driven by an intense commitment to a legacy for his children and their generation—a legacy of clean air, untouched rainforests, and pure oceans.

Senator HEINZ was an eloquent spokesman for the environment because his dedication was so clearly sincere. As was the case with all his public endeavors, the Senator's actions on GLOBE radiated with energy, enthusiasm, and urgency. He will be missed for many things, but I think he will be missed most for his example. As a legislator, as an environmentalist, as a parent, Senator HEINZ exemplified the very best our Congress has to offer. We will all miss him.

Mr. TORRES. Mr. Speaker, I rise to pay tribute to Senator JOHN HEINZ. Me amigo, JUAN, My friend, JOHN.

JOHN HEINZ was a statesman and a gentleman. He was a man who truly represented his constituents and worked hard for them. Although he was in the other body and on the other side of the aisle, I can think of few men I have been prouder to know.

JOHN HEINZ had a wonderful sense of humor. Many of you here know that Senator HEINZ and I, along with Senator WIRTH, have been working for the last few years on the use of market incentives to solve environmental problems.

When we began the development of the legislation, I only knew Senator HEINZ from some Banking conferences on which we jointly served.

I really met JOHN HEINZ at a hearing. He and I were testifying before an Energy and Commerce subcommittee. We were testifying about the legislation that we had jointly introduced. Not knowing me very well, Senator HEINZ referred to me by a name that was unfamiliar to the chairman of the committee. He had been incorrecty told to call me "Ed." The Senator kept referring to the legislation being offered by "Ed." The chairman of the subcommittee kept asking people "Who is Ed?" I was at the other end of the table and tried to indicate to the chairman that it was in reference to me. After much confusion and laughter, it was straightened out. But JOHN HEINZ, ever the gentleman, immediately came up to me and apologized. After that inauspicious beginning whenever we saw each other he would always call out to me in Spanish and address me as, "Me amigo, ESTEBAN". And he became: "Me amigo, JUAN".

Senator JOHN HEINZ was a wonderful man, a thoughtful politician, and a caring and dedicated public servant. And this institution won't be the same without him.

Many of you may remember him as the Yale-educated son of a world-famous family. To me, he will always be: Me amigo, JUAN.

Mr. YATRON. Mr. Speaker, JOHN HEINZ was a close, personal friend, and he will be sorely missed by those who were privileged to serve with him and by those he so proudly and ably represented, the citizens of Pennsylvania.

JOHN HEINZ was a caring and compassionate man, always ready and willing to help those less fortunate. He championed the causes of the poor and the elderly, and of those in need of adequate health care. John worked to ensure that those who were fortunate enough to make it to retirement age could live out their retirement years in good health with a decent standard of living. He also worked diligently on behalf of businesses and workers in Pennsylvania, guaranteeing that they shared in the economic growth and prosperity of the United States.

He was also a man with a vision—a vision of good government, of representative government, of responsible government. JOHN could have chosen an easy life, but he didn't. Instead, he chose a life consisting of demanding, unrelenting schedules, of endless travel and meetings, of repeated separation from his loved ones, and he chose this life willingly, enthusiastically, and eagerly. JOHN HEINZ considered it a privilege and honor to represent the citizens of Pennsylvania. He leaves behind a legacy of hard work, dedication, and compassion for the Nation—a legacy that we would all be hard pressed to match and follow. Nevertheless, it will be a legacy which will rekindle in us, his colleagues, the desire to confront and triumph over the problems confronting the Nation.

Although we were from different parties, JOHN and I were in agreement on most matters. We all learn from JOHN HEINZ, and his memory will continue to inspire us. The great, tumultuous chorus that is the U.S. Senate has lost an important, resonant voice. Words cannot express the grief felt in his passing—Pennsylvania and the U.S. Senate have suffered a tragic loss.

Mr. HORTON. Mr. Speaker, I rise to join my colleagues in paying tribute to a man who was dedicated to securing a better way of life for the little guy, the blue-collar worker, the retiree, and the aged and the infirmed, as well as all Pennsylvanians—a man who served this country with the utmost distinction for nearly 20 years. I speak, of course, of JOHN HEINZ, who was killed tragically while still very much in the prime of his exceedingly productive and full life.

I had the pleasure and the honor of serving in the House with JOHN HEINZ during the 5 years that he represented the people of Pennsylvania's 18th District. John always believed that what made a difference in life was people. So, despite coming to the Congress as one of its wealthiest Members as well as with a name that was well known on millions of kitchen tables across the country, he showed himself to be true to his convictions and quickly became a champion of the common man.

After just 5 years as a member of the House, JOHN won election to the U.S. Senate, where he continued his crusade to get a fair deal for the little guy. The senior citizens of Pennsylvania and the entire Nation had no better friend than Senator JOHN HEINZ. As the ranking Republican on the Special Committee on Aging, he tirelessly labored to ensure that senior citizens, who had given so much to our country, were treated with the dignity and fairness that they deserved. Ironically, it was this very dedication that led to JOHN's tragic and untimely death.

As anyone who has driven through the Keystone State knows, Pennsylvania license plates carry the saying "You've Got a Friend in Pennsylvania." Well, there was no greater friend of Pennsylvania than JOHN HEINZ. Whether the issue was military base closures or taxation of home heating oil or American export policy, JOHN HEINZ was there to see to it that Pennsylvania got a fair shake. For this steadfast devotion, he was rewarded by the people of Pennsylvania by their making him their first U.S. Senator to be elected by a margin of more than 1 million votes. In fact, his popularity was so great that he never lost an election. He was a perfect 6–0.

As the cofounder of the Northeast-Midwest Congressional Coalition, the death of JOHN HEINZ is a particularly tragic loss. I had the distinct honor of working with him as he established and developed the Northeast-Midwest Senate Coalition, the sister organization of the Northeast-Midwest Congressional Coalition, which my good friend, Mr. WOLPE, and I cochair. HOWARD and I, as well as the entire membership, will miss JOHN HEINZ' leadership and his commitment to the region. We relied on him to advance the agenda of the the Northeast-Midwest in the Senate. He never let us down.

Although Senator HEINZ is best remembered as a champion of the elderly, he was also a vigorous advocate in many other areas, perhaps most notably, trade. He was deeply committed to improving our Nation's economic competitiveness through trade. He helped lead the way to stronger laws against unfair foreign trade practices—practices which hit the working men and women in the steel and other industries of his home State and region particularly strongly. He was an internationally recognized expert of export policy, sponsoring the Export Trading Company Act and the Export Administration Act, among others. Today, these important laws stand as part of his legacy.

Regardless of how great an impact JOHN HEINZ made as a Member of Congress, he was always first and foremost a dedicated family man. A devoted husband and father, JOHN leaves behind a lovely wife, Teresa, and three sons, John IV, Andre, and Christopher. Whether enjoying the warm weather and refreshing sea air of a Nantucket summer weekend or the serene powder of Sun Valley, he cherished the time he had to spend alone with his family. To them, I would like to extend the deepest heartfelt sympathies of my wife, Nancy, and myself.

The U.S. Senate is forever diminished by the death of JOHN HEINZ. The people of the Commonwealth of Pennsylvania have lost a resolute advocate and defender, and the United States an outstanding statesman. As I mentioned at the outset, JOHN always stressed the importance of people. I am proud to say that Senator HEINZ was one person who made a world of difference. He will be deeply missed.

Mr. ROYBAL. Mr. Speaker, I rise to express my sorrow at the sudden death of my longtime friend and colleague from the other Chamber, Senator JOHN HEINZ, who passed away in a tragic accident on April 4.

I have known JOHN HEINZ since he was first elected to the House of Representatives in 1971. During the time he served in Congress, I came to admire him as a stalwart champion of the frail and elderly. He also firmly believed that all Americans should have access to affordable health care.

As chairman, and later ranking minority member of the Special Aging Committee, Senator HEINZ always tried to ensure a decent standard of living for older Americans. Whether he was protecting the Social Security fund from bankruptcy or fighting against mandatory retirement ages, JOHN HEINZ could be counted on to speak out for the elderly. When his life was so abruptly ended, he was on his way to a hearing in Philadelphia to publicize corrupt telemarketers who have been bilking elderly and poor Americans of their hard-earned savings.

Mr. Speaker, in his long tenure in Congress, JOHN HEINZ earned the esteem and respect of his colleagues in both Chambers. His memory will be cherished by all who served with him.

Mr. SENSENBRENNER. Mr. Speaker, throughout his career, JOHN HEINZ distinguished himself by focusing his efforts on issues affecting the elderly, the poor, and the sick. His devotion to these issues reveals the true character of a man who could have just as easily spent his life enjoying the good life. Instead, in the spirit of a true public servant, Senator HEINZ chose to improve the lives of others, particularly the steelworkers, the coal miners, the elderly, and the children of the State of Pennsylvania. Through JOHN HEINZ high principles, persistence, and intensity, our Nation is a better place for these people.

The legacy he left the people of Pennsylvania and the country will not be forgotten, nor will the tenacity and dedication to the issues he felt strongly about cease to inspire those of us in public office.

I extend my deepest sympathy and condolences to the Heinz family and those fortunate enough to have been close to JOHN HEINZ throughout his remarkable life.

Mr. HUGHES. Mr. Speaker, I join today with my colleagues to pay tribute to Senator JOHN HEINZ whose life so tragically ended in a plane crash a few weeks ago.

Throughout his 20 years of service in the House of Representatives and then the Senate, he dedicated himself to the people of Pennsylvania and to the people of this country. He was a tireless advocate for the elderly. As ranking member and chairman of the Special Committee on Aging and as a member of the National Commission on Social Security Reform, he worked to remove employment barriers for the elderly, to secure stability of retirement income, and to improve the quality of health care for the elderly. He recognized the important contributions that senior citizens can and do make to our society.

Senator HEINZ also recognized the importance of this Nation's industrial base and the real human costs of the decline in the steel industry. He worked to end unfair foreign trading practices, to enhance the competitiveness of our industries, and to protect American jobs.

Senator HEINZ served his constituents and this Nation with extraordinary energy and dedication. He will surely be missed by the Members of this House and of the other Chamber, the people of Pennsylvania, and the people of the United States.

I would like to take this opportunity to extend my condolences to his wife, Teresa, his sons John IV, Andre, and Christopher, and his entire family.

Mr. SIKORSKI. Mr. Speaker, I harbor no illusions that my words here today will fairly convey the profound sadness we all share in responding to the death of Senator JOHN HEINZ on the love and prayers we extend to his talented and wonderful wife, Teresa and their sons. Nor will words adequately capture the magnitude of his legacy, particularly his endowment of time and energy and leadership for the preservation of our fragile Earth.

JOHN was possessed of a rare gift, the ability to recognize the true value of things. Nowhere was his more obvious than in his fight to protect the environment. He understood that stewardship of our planet is not a Republican or Democratic issue, not a matter of exclusively American or Japanese or Brazilian, concern. But by his example he set out to teach his colleagues, his constituents, and his friends that each of us bears responsibility for the fate of the earth.

Perhaps JOHN's environmental commitment shone through most brightly when he was amongst the forests that he fought so hard to protect. In 1989, JOHN and I explored the Amazon region together. Like the other fellow travelers on that trip, I was constantly impressed by the breadth of JOHN's knowledge of international environmental issues and the depth of his sensitivity for the plight of the native peoples of the rainforest.

I was privileged to work with JOHN in addressing these issues through a bipartisan organization known as GLOBE [Global Legislators Organization for a Balanced Environment]. As president of GLOBE-U.S., JOHN earned the deep respect of his colleagues on Capitol Hill and abroad. We who will carry on GLOBE's work in his absence will long hold JOHN's work as the measure of leadership for the organization.

In reflecting on my association with JOHN, I am reminded of these words of Robert Kennedy: "The torch still burns, and because it does, there remains for all of us the chance to light up the tomorrows and brighten up the future." For those of us who had the privilege to work with and learn from Senator JOHN HEINZ, his example will always burn brightly.

Mr. MURPHY. Mr. Speaker, I am privileged to stand with my colleagues today to pay tribute to Senator JOHN HEINZ, and yet I am saddened by the circumstances that make this tribute necessary.

JOHN's loss under tragic circumstances leaves a void, not only for his wife Teresa, and his children, but for his colleagues and members of the Pennsylvania delegation as well.

I have worked with JOHN on issues of mutual concern over the last 15 years, and have always found him to be willing to exert whatever influence and expend whatever energies necessary to protect the interests of Pennsylvanians.

I will miss him personally and professionally. I will miss his independent stands on issues, even when it meant bucking his own party, because it was in the interest of his constituents.

A strong, determined voice for Pennsylvania has been silenced, but his legacy of independence and conviction remain as a challenge to all that follow after him.

Mr. PANETTA. Mr. Speaker, I want to join my colleagues in paying tribute to our late colleague, JOHN HEINZ.

There are few Members of Congress with the energy, the intelligence, and the commitment that JOHN HEINZ displayed during his years in both the House and the Senate. JOHN worked hard on behalf of the people of his State, and he worked hard on behalf of senior citizens and the other issues about which he felt very deeply.

We are all saddened by the tragic accident that took his life as well as several others. JOHN's family, his friends, the people of Pennsylvania, and the Nation have lost an excellent public servant, a strong advocate, a friend, a father, a husband. Our sympathy goes to JOHN's family as they attempt to cope with this tragedy.

Mr. REGULA. Mr. Speaker, Senator JOHN HEINZ was a caring person, a person whose legislative concerns reached out to people from all walks of life–truly a people person. He was a legislator who made it his mission to improve both the quality and equality of life for every individual.

His untimely death is a great loss to this Nation and to each of us as colleagues who respected JOHN, who enjoyed working with him and knowing him as a cherished friend.

Mary joins me in extending our deepest sympathy to Teresa, John, Christopher, and Andre.

GENERAL LEAVE

Mr. SANTORUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order for Senator JOHN HEINZ.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HONORING THE CRISIS CENTER OF EAST ALABAMA ON ITS 20TH YEAR OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BROWDER] is recognized for 5 minutes.

Mr. BROWDER. Mr. Speaker, the remarks heard here this afternoon represent powerful, personal, and inspirational tributes to public servants.

Mr. Speaker, I rise today to pay tribute to the unsung volunteers of the Crisis Center of East Alabama as they complete their 20th year of service to Lee, Russell, Chambers, and Tallapoosa counties. These dedicated men and women from all walks of life are trained to provide encouragement, counseling, and assistance to people across a broad spectrum of needs including depression, suicide, rape, and family violence, among others. In the center's 20 years of service, hundreds of caring listeners have responded to more than 100,000 calls.

These volunteers, under the supervision of a licensed psychologist, are at their posts every day of the year, including holidays. The information they impart can range from the date of the next meeting of Alcoholics Anonymous to how to contact a soldier stationed overseas. But more often than not, the call a volunteer answers is to sooth the emotional wounds of a victim of rape, family violence, or depression.

In today's age of two-parent working household and an increasing number of single-parent households, the Crisis Center also fills the void that many young children face when they come to an empty house. These faceless adults become friends to the youngsters who call to ask for help with their homework or to share a joke they heard that day in school. This telephone link becomes a lifeline to these children whose afternoons and evenings might otherwise be filled with despair or even danger. Because callers remain anonymous, the volunteers may never realize the positive results of their kind, caring words.

But we know and recognize their contribution and selfless devotion, Mr. Speaker, and that is why today, on the Crisis Center's 20th anniversary, we honor their years of love, care, and help to the people of east Alabama.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 303

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 303.

The SPEAKER pro tempore (Mr. COX of Illinois). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

THE UNITED STATES-MEXICO TRADE AGREEMENT, AND EDUCATION GRANTS TO INDIAN TRIBES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I wish to address the House today on two subjects; one a piece of legislation that I have introduced today, and second, a very important vote that we will be taking in the days ahead and that is the United States-Mexico Free Trade Agreement.

Mr. Speaker, more and more Indian students wish to continue their education and an increasing number of these students are qualifying for postsecondary education. Unfortunately, the needs of these students far outpace the resources currently available. As a result, only 14,832 Indian students nationwide are pursuing their education. This represents a small percentage of those that could attend a postsecondary institution if they had adequate financial assistance and guidance.

Most Indian families live below the povery line and, like many Americans, are unable to afford the rising costs associated with college. If this population is to rise above the poverty line, it is important for future generations to continue their education. The current Indian Higher Education Grants Program, as provided for in the Higher Education Act, does not possess adequate resources to respond to the financial needs of all Indian students. Additionally, the inherent limitations in the 638 contracting philosophy and mechanism, coupled with cumbersome administrative procedures developed by the Bureau of Indian Affairs have limited the efficiency and effectiveness of this program.

Currently, the funds appropriated for this program are issued to the Bureau of Indian Affairs [BIA]. While the BIA used to be responsible for the administration of this program, the contracting process under the Indian Self-Determination and Education Assistance Act has provided a mechanism for the majority of the tribes to assume control over this program from the BIA. The tribes then make the money available for financial assistance to students attending, or wishing to attend, a postsecondary institution.

Today, I am introducing legislation that would alleviate the cumbersome and expensive administrative process tribes must undergo to provide financial assistance to their Indian students. My legislation would give tribes the option of converting their current Higher Education Grants Program to a Higher Education Tribal Grant Program, thus allowing the tribes to submit grant proposals instead of contracts to the BIA for these higher education funds.

If a tribe opted for this Tribal Grant Program, it would be able to submit a one-time application to the BIA for these grant moneys. Once approved, the tribe would continue to receive these funds as long as they submit, annually, a financial statement, a program description, a biennial financial audit, and an evaluation of their financial assistance program. This would alleviate the expensive, time consuming, and often overwhelming task of preparing a 50-page contract each and every year.

The Higher Education Grants Program would continue to operate as before except that, now, there would be no annual contracting process. Thus, administrative costs would be lowered and the time spent preparing the contract could be spent on assisting Indian students who want to continue their education.

Another important and appealing aspect of this program, especially considering our current budget status, is that it allows tribes to invest these funds and use the interest earned to provide additional assistance to Indian students. Since it is extremely difficult to find the additional funds within the budget to adequately provide financial assistance for the many Indian students who want to go to college, the assistance provided by this program is vitally important to the continued education of Indian children.

Mr. Speaker, the legislation I am introducing today gives tribes the ability to provide more financial assistance to the many Indian students who wish to continue their education. I urge my colleagues to support this important legislation.

Mr. Speaker, the United States-Mexico Free-Trade Agreement will be a vote we will be taking in about 30 days. This is probably the most important vote we are taking in the Western Hemisphere issues in the past 10 years. Mexico is our biggest partner in the Western Hemisphere, in Latin America. It is our most important partner, yet because of opposition to the free-trade agreement we may be saying no to this partnership.

Why is the United States-Mexico Free-Trade Agreement important to the United States, to the hemisphere, and to Mexico? First of all, it is going to create jobs on both sides of the border. It is going to create investment on both sides of the border. It is going to create a more prosperous Mexico, which is going to be important for the United States.

Second, it is important because it is going to reduce immigration into the United States. A more prosperous and economically viable Mexico is going to mean jobs in Mexico, not necessarily a flight of undocumented workers into the United States that eventually might take jobs from Americans.

Mexico is a poor country. It is a developing country. It has a dynamic young President who has moved toward a very solid relationship with the United States. He has moved toward a more economically viable program for his country. He has reduced inflation. He has created jobs. He has attacked the environmental problems that Mexico has. He has dealt with worker rights' issues, which rightfully have been brought up by opponents of the free-trade agreement.

It is important that a more prosperous Mexico take place in this hemisphere and that will enable them to deal with these problems of worker rights of environmental problems, of many other issues that the opponents have raised.

Another reason the free trade agreement with Mexico is important is because we are moving into trading blocks, Europe in 1992, the Far East joining together to form trading blocks that are going to be competing with us. We need to do this in our own hemisphere.

It is very important that every Member in every office look at the facts on this free trade agreement, not necessarily reject it because a Republican President has proposed it, but here we have our closest neighbor, perhaps our closest friend, and we may be on the verge of sending a message to Mexico that we do not think they are important enough or developed enough to deal with them on a free trade basis, tariffs moving duty-free on both sides of the border.

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So I ask my colleagues, look at the facts on the United States-Mexico Free Trade Agreement. It is good for us. We are not going to have job losses flocking to Mexico. Those jobs are already going to the Far East. They are going to Singapore, to Taiwan.

What we are doing is building an infrastructure of economic development, jobs, new industries moving in on both sides of the border, and we are not going to be hurting economically as a country. This is a good agreement for us. We can deal with the environmental issues. Mexico is rightfully moving in that direction. They know they have problems in that area.

But the free trade agreement is not the arena in which to put amendments on environment, on worker rights, on many other issues. There will be other opportunities.

Mr. Speaker, this is an important piece of legislation, and I ask every Member of this body to look closely at the facts on why this agreement is important and is in the best interests of the United States.

PROVIDING FOR THE ELECTION OF FOUR AMERICAN INDIAN DELEGATES TO THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. COX of Illinois). Under a previous order of the House, the gentleman from America Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of a bill I introduced today to establish native American representation in Congress.

As you know, it is the practice of most Members of this body, when introducing legislation, to come to the floor with many wonderful reasons to support their beliefs. I come here today, in defense of this bill, with only one. It is time to correct a error that has been overlooked for over 200 years now—since the formation of this great Nation.

Mr. Speaker, I believe the reason that native Americans do not have direct representation here in Congress is because of error on the part of our predecessors and an error that is being perpetuated by us Mr. Speaker, it is time that we correct that error.

For centuries native Americans have made countless contributions to the establishment of this great Nation. The native Americans have given knowledge, culture, medicine, and most importantly their lives and their land, in order to build this Nation that has in over 200 years, become the greatest political, economic, and military power in the world.

I find it ironic that this land, which once belonged solely to the native Americans people, is now governed in such a manner that native Americans do not elect their own representatives who would add their voices to the governing of this Nation. I find it ironic, that the people who gave us the foundation for this Government, do not have an active direct role in it.

We come from a nation that is based on democracy and all the democratic freedoms that democracy includes. We spend more time, money and energy trying to promote democracy throughout the world than any other nation on this planet. Yet, we never acknowledge that this wonderful democracy in which we live was built at the expense of the people whose land we now occupy. The separation of powers was never an original idea of our Founding Fathers; it was a tried and true method of government that was practiced by many Indian nations when the white man first arrived. The very idea of separate states that are united into one nation with representatives from each individual state, is a replica of many forms of native Americans' government.

The native Americans have made countless other contributions to this country most Americans are not aware of. For example, children are taught in elementary school that the pilgrims shared their first Thanksgiving dinner with the Indians. However, they are not often taught that if the Indians had not been there to help our Founding Fathers, there would not have been any Thanksgiving in the first place. It was because of the kindness of those native Americans that the pilgrims survived their first winter in the New World.

Throughout history the native Americans have continued to share their knowledge and assistance with the white settlers. Native Americans were the ones who taught the first settlers how to plant and harvest, they taught them how to fertilize the soil and what kind of food to grow. It was the native Americans who introduced the first settlers to such basic foods as corn, beans, squash, syrup, and even the potato, which ended up saving thousands of people in the Irish famine.

The American Indians helped keep those settlers alive, and yet today they have no representative in the Nation that was once totally dependent on their kindness and generosity.

The native Americans are responsible for many of the medicines that we still use today. Some of the basic ingredients in aspirin were originally used by the native Americans. Some of today's basic medicine was first used by the native Americans whose knowledge of plants and cures was far superior to that of our Founding Fathers. This knowledge has helped save many American lives. Yet these people have no separate voice here in Congress.

Recently, Mr. Speaker, my distinguished colleague, Mr. BEN BLAZ from the American territory of Guam, made a statement that holds more truth for the native Americans and our insular territories than for any other group in our Nation. General BLAZ said, and I quote: "We are equal in war, but not in peace," Mr. Speaker, since the very beginning of this Nation the native Americans have fought and died for our country. From the revolutionary war to our most recent conflict in the Persian Gulf, native Americans have been right there alongside the other American servicemen, fighting and dying in the name of the United States. Yet these people who have given their very lives for the welfare of this Nation have no separate voice in the halls of this hallowed Chamber. These people whose blood has consecrated battlefields from Germany to Japan in the name of the United States do not have a direct representative to add their voice to the governing of this Nation. I submit, Mr. Speaker, that this could be one of the greatest errors ever committed in the history of our country.

Recently, this Nation again went to war. Saddam Hussein of Iraq invaded the small neighboring country of Kuwait. From the first moment an Iraqi soldier stepped over the Kuwaiti border, our mission and that of our allies was clear. We, as one of the greatest democracies on Earth, came to the defense of the tiny country of Kuwait. The United States, in good conscience, could not stand by and watch Iraq take over the Kuwait people and their country. The President went on national television and made it clear that the people of this great Nation would not tolerate such aggression. Over and over the United States has stood up for the rights of people all over the world. This country has repeatedly spoken out against other countries such as India, Cuba, and South Africa, because of their policies regarding human rights.

I find it ironic, Mr. Speaker, that our Nation that is so quick to defend the rights of other people in other countries can continue to deny the native Americans in this land, voice in our Government.

It is a fact Mr. Speaker, that almost every freedom, every inalienable right that is granted to each citizen of this great Nation, has at one time or another, been denied to this country's first inhabitants. The laws that have been established to protect the rights of every American person, have been broken when it came to the rights of the native Americans. Treaties that have granted native Americans representation in Congress have been broken and discarded. Rather than let the native Americans be their own people with their own voice, the United States decided to make the American Indian a "civilized" member of society.

For two centuries now the Government of our Nation has tried to assimilate the native American. We have tried it through education, religion, and force, all the while denying the native Americans the basic freedoms that we hold so dear, freedom of speech, freedom of religion, and the freedom to assemble peaceably.

From the beginning, Mr. Speaker, our Government has used education to try and strip the American Indian of his culture. Children were kidnaped from reservations and forced into boarding schools where they were punished for speaking their own language. Native American children were not only taught Western ways, but were forced into forgetting their own.

If children did not attend boarding school, there was always the church. It is a very popular belief that if faced with a new religion that is not familiar, the first assumption is that that religion is actually based on hedonistic beliefs and the people must at once conform to Christianity. This was no different in the case of the native Americans. American Indians were denied their own religious beliefs and relieved of their land all at the same time and all in the name of Christianity and the church.

Native Americans were even denied the right to assemble peacefully. History has proven that if Indians began to gather together for any reason, the perception is that it was an uprising. Thousands of native American Indians were killed because of our ignorance and fear harbored against anything new that we did not understand. This has been the case over and over again and this was the case in 1890 at Wounded Knee when members of the Sioux gathered to participate in the ghost dance, a peaceful practice that women participated in. Fearing that so many Indians must have been planning an uprising, we called in troops to search the Sioux camp for weapons. When one Sioux resisted, shots were fired and the soldiers surrounding the camp began indiscriminately killing men, women, and children. Wounded Knee was not the first of such massacres, but it was among the last. From then on the native Americans ceased to resist the control of Western civilization, and we the outsiders mistakenly took this as a sign that the Indians had given up and that the time has come for them to be assimilated into Western ways. The last century has proven that this is not so. Native Americans have a rich culture that survived on this continent for thousands of years before the arrival of Europeans, and a heritage this strong cannot be destroyed or assimilated in a few centuries.

The sad part of our relationship with the native Americans is that we as leaders realize what has happened. If we look into our hearts and use the wisdom that each of us has at our disposal, we know the truth. The truth that our Nation has never treated native Americans as equals. However, the truth has always been too hard to accept. Human nature will do almost anything to avoid accepting the responsibility for the poor treatment of the native Americans. All too frequently, people invent distant Indian grandmothers or untraceable Cherokee blood. For too long this Nation has taken the easy way out where native Americans were concerned. When the leaders finally realized that they could not assimilate the native Americans into mainstream society, they chose to forget them. This Government tries to pacify the American Indians by establishing bureaus and offices, task forces and special reports. As a Nation, we do our best to ignore the fact that native Americans are a strong and unique people who will never totally assimilate into mainstream America.

Recently, Representative GEORGE MILLER of California made a strong public statement on the neglect and mismanagement of native American issues in general. Mr. MILLER, vice chairman of the House Interior and Insular Affairs Committee in the absence of Chairman UDALL, stressed in his statement, printed in the April 17 Washington Post, the neglect of our Government toward native Americans by pointing out a 43-percent high school graduation rate among American Indians, a 45-percent poverty level, and an unemployment rate that in some cases reaches as high as 80 percent. Mr. MILLER went on to state that Congress should look at native American concerns from the native American's point of view, and I quote: "These people have some answers to their own problems." In the same article, Congressman BEN NIGHTHORSE CAMPBELL was quoted as saying:

> The problem in the past is that we would make legislation based on what we here think Indians ought to do or have. And often it doesn't fit. We need to involve them more before we legislate.

This, Mr. Speaker, is my exact point. By adding native American nonvoting delegates to Congress we will no longer be guessing what to do about native American issues, we will be hearing about them firsthand and the decisions can be made with the help of direct representatives of the native American people.

In the past, Mr. Speaker, the U.S. Congress has rarely been without a nonvoting delegate from a territory or possession. Since 1794 there have been many nonvoting delegates to Congress, their role was best described by Arthur St. Clair, former President of the Continental Congress and Governor of the Northwest Territory in 1799. His statement was reprinted in "The American Territorial System," part of the National Archives Conference, Volume 5, and I quote:

> This is, gentlemen, a right of no small consequence, for there are many matters of considerable importance to the people that must come before and be decided on by Congress, and can only advantageously be brought forward and managed by their delegate, who * * * although he will have no vote, will not be without influence, and, for the information that may be necessary to the Members unacquainted with our circumstances, will naturally be resorted to; and he will have an equal right with the members of the States that compose the Union to propose for their consideration any law that may appear to be useful to the Nation or to the territory.

For almost two centuries delegates have come to Congress to represent constituencies from all over the United States and on both sides of the equator. Ironically, while there have been no delegates to represent the native Americans during that time, the first provisions for delegates to Congress were established in treaties with the Delaware Nation in 1778, and with the Cherokee people in 1785. Both treaties allow for representatives to Congress. However, both treaties grant many other rights that were never seen or were revoked without hesitation before the ink had completely dried on the paper. I submit, Mr. Speaker, that by establishing native American representation in Congress we could perhaps be salvaging the only promise ever made to the native Americans that can still be kept.

I am sure, Mr. Speaker, that one of the questions that will frequently be asked with regard to this bill will be, "How do we establish delegate seats when there is no territory?" The answer is simple—we just do it. Mr. Speaker, each State and territory in this union is unique. From Alabama to Wyoming and Maine to Hawaii, each State is its own individual government. It is not only the land that separates these States one from the other, but also people, culture, government and history. I submit, Mr. Speaker, that the native Americans, too, are an individual state, if you will. They are a unique people with their own unique culture, government, and history. Five hundred years of European occupation cannot wipe that out. The native American people deserve representation in this Government and to be treated, for perhaps the first time in history, as equals.

The number of representatives from those States are based on the population, one representative for every 500,000 people. If we look at the number of native American Indians in the 1990 census, 1,954,234 to be exact, you will see that these people are deserving of at least 4 nonvoting delegates in Congress. The fact that they have none is very disturbing. I believe that a population of almost 2 million Americans deserves a voice in the Government of this Nation.

Mr. Speaker, human nature is such that one of the hardest things for a person to do is admit that they have done something wrong. It takes a big man to admit that he made a mistake, and an even bigger man to try and correct it. I ask you, Mr. Speaker, are we as a Congress not that big? Are we as a Nation, too small to correct this serious error that we now perpetuate? It is time to stop our ignorance and neglect of these great and honorable people. It is time to stop listening to the hundreds of people who speak out on behalf of native Americans everywhere and instead listen to the native Americans who deserve to stand in this Chamber and speak out on behalf of their own people and their own unique heritage. Only then, Mr. Speaker, will we truly be the great Nation that can claim in all honesty to be the greatest democracy on the face of this Earth. Only then will we truly deserve to call ourselves Americans.

And for this reason, Mr. Speaker, I have submitted today, a proposed bill to provide for four nonvoting delegates to represent our native American community in this great and historical Chamber. I believe it to be a modest gesture, but will go a long way to give our native American community due representation, and certainly an added feature of our democracy since the initial arrival of Europeans some 500 years ago.

Mr. Speaker, I submit a copy of the proposed bill to be made a part of the RECORD.

H.R. 1996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMERICAN INDIAN DELEGATES.

(a) IN GENERAL.—There shall be four American Indian Delegates to the House of Representatives elected, on a regional or other basis, as determined by the Secretary of the Interior, by individuals who are—

(1) qualified by reason of age, citizenship, and residence to vote in elections for the office of Representative from any State; and

(2) enrolled members of an Indian tribe recognized by the Federal government or a State.

(b) QUALIFICATIONS FOR OFFICE.—To be eligible for an office described in subsection (a) a candidate shall—

(1) be entitled to vote for such office under such subsection; and

(2) meet the eligibility requirements for the office of Representative.

SEC. 2. TERMS AND VACANCIES; ELECTION PROCEDURES.

(a) TERMS AND VACANCIES.—Terms, filling of vacancies, and similar matters with respect to the office of American Indian Delegate shall be the same as for the office of Representative.

(b) ELECTION PROCEDURES.—Except as otherwise specifically provided in this Act, elections for the office of American Indian Delegate shall be conducted in the manner prescribed by State law.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HAMMERSCHMIDT) to revise and extend their remarks and include extraneous material):

Mr. GINGRICH, for 60 minutes each day, on April 29 and 30 and on May 1, 2, 7, 8, and 9.

Mr. ARMEY, for 60 minutes each day, on April 30 and May 1.

Mr. WOLF, for 60 minutes, on April 25.

(The following Members (at the request of Mr. KOLTER) to revise and extend their remarks and include extraneous material):

Mr. LAUGHLIN, for 5 minutes, today.

Mr. PEASE, for 5 minutes, today and on April 24 and 25.

Mr. HOYER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SMITH of Florida, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. STUDDS, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 60 minutes, today.

Mr. WHEAT, for 60 minutes, on May 8.

(The following Member (at the request of Mr. BROWDER) to revise and extend his remarks and include extraneous material):

Mr. EVANS, for 5 minutes, on April 24 and 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HAMMERSCHMIDT) and to include extraneous matter:)

Mr. GEKAS in two instances.

Mr. BROOMFIELD.

Mr. MCEWEN in four instances.

Mr. FISH.

Mrs. BENTLEY.

Mr. PAXON in two instances.

Mr. GALLEGLY in two instances.

Mr. WOLF.

Mr. DANNEMEYER.

Mr. GALLEGLY in two instances.

(The following Members (at the request of Mr. KOLTER) and to include extraneous matter:)

Mr. FASCELL in two instances.

Mr. EDWARDS of California.

Mr. MONTGOMERY.

Mr. ORTON.

Mr. MATSUI.

Mr. BACCHUS.

Mr. CLEMENT.

Mrs. SLAUGHTER of New York.

Mr. PALLONE.

Mr. MILLER of California.

Mr. TRAFICANT.

Mr. MCHUGH.

Mr. TRAXLER.

Mr. BUSTAMANTE in two instances.

Mr. BONIOR.

Mr. WILLIAMS.

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p.m.), the House adjourned until tomorrow, Wednesday, April 24, 1991, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1127. A letter from the Pension Benefit Guaranty Corporation, transmitting, the Corporation's study on the necessity of adopting special rules in cases of union-mandated withdrawals from multiemployer pension plans; to the Committee on Education and Labor.

1128. A letter from the Assistant Secretary for Legislative Affairs, transmitting notification of the removal of an item from the U.S. munitions list, pursuant to 22 U.S.C. 2778(f); to the Committee on Foreign Affairs.

1129. A letter from the Department of State, transmitting a copy of Presidential Determination No. 91-31, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

1130. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending March 31, 1991, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

1131. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Mary Ann Casey, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, Ambassador Extraordinary and Plenipotentiary-designate, to the Democratic and Popular Republic of Algeria, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1132. A letter from the Department of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for international cooperation programs for fiscal years 1992 and 1993, and for other purposes; to the Committee on Foreign Affairs.

1133. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1134. A letter from the Deputy Associate Director for Collection and Disbursement Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1135. A letter from the Daughters of the American Revolution, transmitting the report of the audit of the society for the fiscal year ended February 28, 1991, pursuant to 36 U.S.C. 1101(20), 1103; to the Committee on the Judiciary.

1136. A letter from the Department of Energy, transmitting notification that the report on the use of alcohol in fuels will be delayed, and is expected to be completed by September 30, 1991; to the Committee on Ways and Means.

1137. A letter from the Office of Management and Budget, transmitting the first report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs; jointly, to the Committees on Armed Services and Foreign Affairs.

1138. A letter from the Department of State, transmitting memorandum of justification for Presidential Determination 91-31, regarding drawdown in the gulf region, pursuant to 22 U.S.C. 2601(c)(3); jointly, to the Committees on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MURPHY (for himself and Mr. FORD of Michigan).

H.R. 1987. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that act, and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN (for himself, Mr. HALL of Texas, Mr. LEWIS of Florida, Mr. SENSENBRENNER, and Mr. VALENTINE):

H.R. 1988. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. VALENTINE (for himself, Mr. LEWIS of Florida, Mr. BROWN, Mr. WALKER, Mr. MINETA, Mr. HENRY, Mr. TORRICELLI, Mrs. MORELLA, Mr. THORNTON, Mr. RITTER, Mr. BACCHUS, Mr. SHAYS, Mr. SWETT, Ms. HORN, Mrs. COLLINS of Michigan, Mr. ROEMER, and Mr. BOUCHER):

H.R. 1989. A bill to authorize appropriations for the National Institute of Standards and Technology and the Technology Administration of the Department of Commerce, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BALLENGER:

H.R. 1990. A bill to suspend until January 1, 1995, the duty on secondary butyl chloride; to the Committee on Ways and Means.

By Mr. BARNARD:

H.R. 1992. A bill to restore the grave marker allowance for veterans; to the Committee on Veterans' Affairs.

By Mr. DE LUGO (for himself and Mr. BLAZ):

H.R. 1993. A bill to amend title 32, United States Code, to authorize the Governors of the Virgin Islands and Guam (rather than the President) to appoint the adjutant general for their respective National Guards; to the Committee on Armed Services.

By Mr. DE LUGO (for himself, Mr. FALEOMAVAEGA, Mr. HORTON, Mr. ROE, Mr. RANGEL, Mr. JEFFERSON, and Mr. SCHEUER):

H.R. 1994. A bill to amend title 10, United States Code, to allow lawful resident aliens, as well as citizens and nationals of the United States, to be counted in determining whether there is sufficient participation at a secondary educational institution to maintain a Junior Reserve Officer Training Corps unit to the Committee on Armed Services.

By Mr. ECKART:

H.R. 1995. A bill regarding the payment of interest with respect to certain reliquidated entries; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 1996. A bill to provide for the election of four American Indian delegates to the House of Representatives; jointly, to the Committees on Interior and Insular Affairs and House Administration.

By Mr. HOCHBRUECKNER:

H.R. 1997. A bill to require the Secretary of Transportation to request the National Academy of Sciences to report to the Secretary and the Congress regarding the use of, and risks associated with, electronic and microprocessor systems in automobiles; to the Committee on Energy and Commerce.

By Mr. HUGHES (for himself, Mr. MOORHEAD, Mr. EDWARDS of California, Mr. FRANK of Massachusetts, Mr. KOPETSKI, and Mr. MINETA):

H.R. 1998. A bill to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities; to the Committee on the Judiciary.

By Mr. HUGHES (for himself and Mr. MOORHEAD) (both by request):

H.R. 1999. A bill to amend section 914 of title 17, United States Code, regarding interim protection orders; to the Committee on the Judicary.

By Mr. STOKES (for himself, Mr. HOYER, and Mr. TOWNS):

H.R. 2000. A bill to amend the Public Health Service Act with respect to providing educational assistance to certain minorities in consideration of the individuals serving as employees of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, or the Centers for Disease Control; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina:

H.R. 2001. A bill to amend title 32, United States Code, to authorize Federal support of State defense forces; to the Committee on Armed Services.

By Mr. LAUGHLIN (for himself, Mr. SARPALIUS, Mr. HERGER, Mr. EMERSON, Mr. HOLLOWAY, Mr. ESPY, Mr. THOMAS of Georgia, Mr. TANNER, Mr. JEFFERSON, Mrs. UNSOELD, Mr. POSHARD, Mr. EDWARDS of Texas, Mrs. BENTLEY, and Mr. VALENTINE):

H.R. 2002. A bill to respond to the Japanese import barrier to rice produced in the United States; to the Committee on Ways and Means.

By Mr. LEACH (for himself and Mr. MACHTLEY):

H.R. 2003. A bill to require the deposits of all State chartered banks, savings associations, and credit unions to be federally insured by the end of a 2-year transition period; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEVINE of California:

H.R. 2004. A bill to suspend temporarily the duty on unstuffed dolls: to the Committee on Ways and Means.

By Mr. McCRERY (for himself, Mr. HOLLOWAY, Mr. LIVINGSTON, Mr. BAKER, Mr. HAYES of Louisiana, Mr. TAUZIN, Mr. JEFFERSON, Mr. HUCKABY, Mr. WILSON, Mr. CHAPMAN, and Mr. BROOKS):

H.R. 2005. A bill to grant the consent of Congress to an amendment to a compact ratified by the States of Louisiana and Texas and relating to the waters of the Sabine River; to the Committee on Interior and Insular Affairs.

By Mr. NEAL of Massachusetts:

H.R. 2006. A bill to suspend temporarily the duty on Bis-(aminophen-oxyphenyl) propane; to the Committee on Ways and Means.

By Ms. OAKAR (for herself and Mr. DONNELLY):

H.R. 2007. A bill to amend title XVIII of the Social Security Act to waive the coinsurance requirement and prohibit balance billing for screening mammography services under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RAMSTAD:

H.R. 2008. A bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 2009. A bill to establish a mechanism for making grants to tribes to administer a postsecondary grant program for Indian students, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 2010. A bill to authorize appropriations for certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science, Space, and Technology.

H.R. 2011. A bill to authorize appropriations for fiscal year 1992 for programs of the National Oceanic and Atmospheric Administration, and for other purposes; jointly, to the Committee on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. SCHULZE (for himself, Mr. ARCHER, Mr. VANDER JAGT, Mr. CRANE, Mr. THOMAS of California, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, Mr. GRANDY, Mr. MATSUI, Mr. DORGAN of North Dakota, Mrs. KENNELLY, Mr. DONNELLY, Mr. CARDIN, Mr. ALEXANDER, Mr. ANDERSON, Mr. BAKER, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BOEHLERT, Mr. BONIOR, Mr. CAMPBELL of California, Mr. CHAPMAN, Mr. COBLE, Mrs. COLLINS of Illinois, Mr. COMBEST, Mr. CONDIT, Mr. DANNEMEYER, Mr. DELLUMS, Mr. DE LUGO, Mr. DORNAN of California, Mr. DREIER of California, Mr. DURBIN, Mr. DYMALLY, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. FAZIO, Mr. GALLO, Mr. GEJDENSON, Mr. GOSS, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HENRY, Mr. HERGER, Mr. HOLLOWAY, Mr. HUCKABY, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. LAGOMARSINO, Mr. LEHMAN of California, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. MARTIN, Mr. MARTINEZ, Mr. MAVROULES, Mr. MCCRERY, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. MFUME, Mr. MONTGOMERY, Mrs. MORELLA, Mr. NEAL of North Carolina, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. POSHARD, Mr. RAVENEL, Mr. RHODES, Mr. RINALDO, Mr. ROBERTS, Mr. SANGMEISTER, Mr. SAVAGE, Mr. SAXTON, Mr. SLATTERY, Mr. SLAUGHTER of Virignia, Mr. SOLOMON, Mr. STENHOLM, Mr. STUDDS, Mr. STUMP, Mr. TALLON, Mr. TAUZIN, Mr. TORRICELLI, Mr. WALSH, Mr. WHITTEN, Mr. WILSON, and Mr. YOUNG of Alaska):

H.R. 2012. A bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself and Mr. YATRON):

H.R. 2013. A bill to extend until January 1, 1995, the existing suspension of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 2014. A bill to designate the U.S. Post Office building located at 153 East 110th Street, New York, NY, as the "Oscar Garcia Rivera Post Office Building"; to the Committee on Post Office and Civil Service.

By Ms. SLAUGHTER of New York (for herself and Mr. DERRICK):

H.R. 2015. A bill to amend the America the Beautiful Act of 1990 to target tree planting funds for those areas devastated by disaster or where tree loss is causing environmental damage; to the Committee on Agriculture.

H.R. 2016. A bill to amend the Natural Resource Development Program of the Small Business Act to require that priority be given to planting trees under the program on State lands devastated by disaster or where tree loss is causing environmental damage; to the Committee on Small Business.

By Mr. SMITH of Flordia:

H.R. 2017. A bill to provide for the disclosure of certain information relating to public hazards; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 2018. A bill to amend the Older Americans Act of 1965 to require uniform telephone listing of area agencies on aging; to the Committee on Education and Labor.

H.R. 2019. A bill to amend the Older Americans Act of 1965 to assist older individuals to avoid falling and to prevent incorrect medication and adverse drug reactions; to the Committee on Education and Labor.

H.R. 2020. A bill to amend title III of the Older Americans Act of 1965 with respect to assistance to older individuals who reside in rural areas; to the Committee on Education and Labor.

H.R. 2021. A bill to amend the Older Americans Act of 1965 to require States to appoint a State advisory body to make recommendations regarding transportation services that affect older individuals; to provide for coordination of such services; and to require the Commissioner on Aging to submit a report regarding transportation services provided under such act; to the Committee on Education and Labor.

H.R. 2022. A bill to amend the Older Americans Act of 1965 to increase efforts to inform isolated older individuals, and older individuals who are victims of Alzheimer's disease and related disorders, of the availability of assistance under title III of such act; to the Committee on Education and Labor.

H.R. 2023. A bill to amend the Older Americans Act of 1965 to authorize services relating to the appointment and monitoring of guardians, and of representative payees, of older individuals; to the Committee on Education and Labor.

H.R. 2024. A bill to require the President to call a White House Conference on Aging in 1993; to the Committee on Education and Labor.

H.R. 2025. A bill to amend the Older Americans Act of 1965 to require States to expand State and community involvement in order to promote cooperative efforts to provide community-based long-term care services to older individuals, including related services for their caregivers; to the Committee on Education and Labor.

H.R. 2026. A bill to amend the Older Americans Act of 1965 to provide supportive services to strengthen informal caregivers who assist older individuals in need of long-term care, to remain in private residences; to the Committee on Education and Labor.

By Mr. STARK (for himself, Mr. Ackerman, Mr. Baker, Mr. Boucher, Mrs. Boxer, Mr. Chapman, Mr. Foglietta, Mr. Frost, Mr. Green of New York, Mr. Hefley, Mr. Horton, Mr. Lipinski, Mr. Martinez, Mr. Mfume, Mr. Owens of New York, Ms. Pelosi, Mr. Rahall, Mr. Roberts, Mr. Serrano, and Mr. Traxler):

H.R. 2027. A bill to amend the Public Health Service Act to establish a Substance Abuse Treatment Corps; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. Vander Jagt, Mr. Coyne, Mr. Moody, Mr. Glickman, Mr. Derrick, Mr. Torricelli, Mrs. Kennelly, Mr. Dellums, Mr. Hughes, Mr. DeFazio, and Mrs. Boxer):

H.R. 2028. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain amounts received in connection with certain combinations or acquisitions of partnerships where there are not certain dissenters' rights; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mrs. Lowey of New York, and Mr. Hertel):

H.R. 2029. A bill to protect coastal waters, and the waters of the Great Lakes, to extend the authorizations for the Federal Water Pollution Control Act, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. TRAFICANT:

H.R. 2030. A bill to amend the Public Health Service Act to provide for the development and dissemination of model programs for the treatment of drug abuse, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 2031. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption; to the Committee on Education and Labor.

By Mr. WILLIAMS (for himself, Mr. Stallings, Mr. LaRocco, Mr. Dicks, Mr. McDermott, Mr. AuCoin, and Mr. Faleomavaega):

H.R. 2032. A bill to amend the act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS (for himself, Mr. Dorgan of North Dakota, Mr. Johnson of South Dakota, and Mr. Bilbray):

H.R. 2033. A bill to authorize funds for improvement of highways to further the international competitiveness of the United States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. WOLF:

H.R. 2034. A bill to amend title 23, United States Code to authorize Federal-aid highway funds for construction of new toll bypass highways in urbanized areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ZIMMER (for himself and Mr. Gallo):

H.R. 2035. A bill to authorize the addition of 15 acres to Morristown National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. GILMAN:

H.J. Res. 230. Joint resolution designating October 16, 1991, and October 16, 1992, each as "World Food Day"; to the Committee on Post Office and Civil Service.

By Mr. LAUGHLIN (for himself, Mr. Mfume, Mr. Ravenel, Mr. Tauzin, Mr. Nichols, Mr. Zimmer, Mr. Kolbe, Mrs. Meyers of Kansas, Mr. McCrery, Mr. Bliley, Mr. Duncan, Mr. Barnard, Mr. Hayes of Louisiana, Mr. Lewis of Georgia, Mr. Pickle, Mr. Clement, Mr. Tallon, Mr. Chapman, Mr. Smith of Texas, Mr. Bryant, Mr. Sarpalius, Mr. Faleomavaega, Mr. Ray, Mr. Edwards of Texas, Mr. Horton, Mr. McDermott, Mr. Parker, Mr. Geren of Texas, Mr. Anthony, and Mr. Montgomery):

H.J. Res. 231. Joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day"; to the Committee on Post Office and Civil Service.

By Mr. DANNEMEYER:

H. Con. Res. 134. Concurrent resolution to promote traditional family values; to the Committee on Education and Labor.

By Mr. GRAY:

H. Con. Res. 135. Concurrent resolution recognizing the importance of the mission of financial services associations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RINALDO:

H. Con. Res. 136. Concurrent resolution expressing the sense of the Congress that Federal deposit insurance coverage should not be reduced of further restricted; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. LOWEY of New York (for herself, Mr. Roe, Mr. Brown, Mrs. Schroeder, Mr. Ravenel, Mr. Tallon, Mr. Oberstar, Mr. Weiss, Mr. McDermott, Mr. Vento, Mr. Kostmayer, Mr. Pease, Mr. Mavroules, Mr. Horton, Mr. Guarini, Mr. Payne of New Jersey, Mr. Wilson, and Mr. Kopetski):

H. Res. 130. Resolution expressing the sense of the House of Representatives regarding the U.S. policy on carbon dioxide emissions; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

By Mr. TRAFICANT:

H. Res. 131. Resolution calling for a congressional investigation of negotiations between Presidential candidate Ronald Reagan and the Government of Iran to keep the hostages until after the 1980 Presidential election; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

87. By the SPEAKER: Memorial of the General Assembly of the State of Indiana, relative to honoring the Hoosier troops returning from Operation Desert Storm; to the Committee on Armed Services.

88. Also, memorial of the General Assembly of the State of Nevada, relative to financial support for water systems; to the Committee on Public Works and Transportation.

89. Also, memorial of the Legislature of the State of Nebraska, relative to Veterans' Administration medical centers; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. McCOLLUM introduced a bill (H.R. 1991) a bill for the relief of Maj. Ralph Edwards; to the Committee on the Judiciary.

Mr. BROWDER introduced a bill (H.R. 2036) to provide for the reliquidation of certain entries of rock wool manufacturing machines and mechanical appliances and parts thereof; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Hertel and Mr. Dymally.

H.R. 20: Mr. Matsui, Mr. Upton, Mr. Bustamante, Ms. DeLauro, Mr. Swett, Mr. Visclosky, Mr. Dickinson, Mr. Saxton, and Mr. Boucher.

H.R. 74: Mr. Borski, Mrs. Kennelly, Mr. Upton, Mr. Lowery of California, Mr. Pease, Mr. Hayes of Illinois, Mr. DeFazio, Mr. Sabo, and Mr. Hoyer.

H.R. 82: Ms. Norton.

H.R. 138: Mr. Stump.

H.R. 141: Mr. Hancock, Mr. Camp, Mr. Lagomarsino, Mr. Jefferson, Mr. Engel, and Mr. Martinez.

H.R. 142: Mr. Kolbe.

H.R. 148: Mr. Cramer, Ms. Molinari, Mr. Owens of New York, Mr. Miller of California, Mr. Torres, Mr. Neal of North Carolina, Mr. Gejdenson, Mrs. Johnson of Connecticut, Mr. Fish, Mr. Jacobs, Mr. Towns, Mr. Hyde, Mrs. Byron, Mr. Mfume, Mr. Schiff, Mr. Darden, Mr. Markey, Mr. Weiss, Mr. Kolter, Mr. Engel, Mr. Jontz, Mr. Neal of Massachusetts, Mrs. Meyers of Kansas, Mr. Bereuter, and Mr. Bonior.

H.R. 177: Mr. Engel.

H.R. 178: Mr. Engel.

H.R. 179: Ms. DeLauro, Mr. Sundquist, and Mr. Carr.

H.R. 194: Mr. de Lugo, Ms. DeLauro, and Mr. Kleczka.

H.R. 318: Mr. Gallegly.

H.R. 319: Ms. Norton.

H.R. 323: Mr. Martinez and Mr. Wise.

H.R. 328: Mr. Jenkins.

H.R. 330: Mr. Valentine and Mr. Schumer.

H.R. 374: Mrs. Boxer.

H.R. 393: Mr. Dwyer of New Jersey and Mr. Hughes.

H.R. 431: Mrs. Bentley, Mr. Quillen, Mr. Gunderson, Mr. Crane, Mr. Roberts, Mr. Bustamante, Mr. DeLay, Mr. Sarpalius, Mr. Tauzin, Mr. Santorum, Mr. Bennett, Mr. Marlenee, Mr. Brown, Mr. Ridge, and Mr. Kolter.

H.R. 534: Mr. Rogers, Mr. Swett, Mr. Bilbray, Ms. Oakar, Mr. Jontz, Mr. Hancock, Mr. Abercrombie, Mr. Stallings, Mr. Moran, Mr. Hall of Texas, Mr. LaRocco, Mr.

Moorhead, Mr. Scheuer, Mr. Leach, and Mr. Dannemeyer.

H.R. 568: Ms. Norton.

H.R. 601: Mr. Kolter.

H.R. 709: Mr. Fuster, Mr. de Lugo, Mr. Murphy, and Mr. Ramstad.

H.R. 721: Ms. Norton.

H.R. 723: Ms. Norton.

H.R. 724: Mr. Lipinski.

H.R. 755: Mr. Jontz.

H.R. 786: Mr. Foglietta, Ms. Norton, and Mr. Hayes of Illinois.

H.R. 791: Mrs. Boxer and Mr. Lipinski.

H.R. 840: Mr. McNulty, Mr. Carper, Mr. Oberstar, and Mr. Schiff.

H.R. 849: Mr. Gonzalez, Mr. Towns, Mr. Beilenson, and Ms. Kaptur.

H.R. 854: Mr. Kildee and Mr. Kopetski.

H.R. 868: Mr. Dornan of California, Mr. Frost, Mr. McCandless, Mr. Ravenel, Mr. Santorum, Mr. Sensenbrenner, Mr. Saxton, Mr. Solomon, and Mr. Zimmer.

H.R. 875: Ms. DeLauro, Mr. Lipinski, Mr. Levine of California, Mr. Green of New York, Mr. Martinez, and Mr. Hughes.

H.R. 907: Mr. Kopetski.

H.R. 913: Mr. Smith of Texas.

H.R. 924: Mr. Combest, Mr. Henry, Mr. Skeen, Mr. Camp, Mr. Payne of Virginia, Mr. Leach, Mr. Holloway, and Mr. Hayes of Louisiana.

H.R. 951: Mr. Callahan, Mr. Tallon, Mr. Walker, and Mr. Rohrabacher.

H.R. 961: Mr. Brown.

H.R. 962: Ms. Norton.

H.R. 976: Mrs. Morella, Mr. Paxon, Mr. Smith of New Jersey, Mr. Kolter, Mr. Boehlert, Mr. Ackerman, and Mr. Dwyer of New Jersey.

H.R. 994: Mr. Payne of New Jersey, Mr. Kennedy, and Ms. Norton.

H.R. 1054: Mr. Kasich and Mr. Hastert.

H.R. 1064: Mr. Houghton and Mr. Gingrich.

H.R. 1074: Mr. Engel, Mr. Rahall, Ms. Kaptur, Mr. Johnson of South Dakota, and Mr. Atkins.

H.R. 1080: Mr. Smith of Texas, Mrs. Vucanovich, Mr. Baker, Mr. Thomas of Wyoming, Mr. Stearns, Mr. Riggs, Mr. Abercrombie, Mr. Wolf, Mr. Doolittle, Mr. Dannemeyer, and Mr. Lagomarsino.

H.R. 1111: Mr. Gonzalez, Mr. Kopetski, Mr. Stokes, Mr. Abercrombie, Ms. DeLauro, and Ms. Norton.

H.R. 1115: Mr. Penny, Mr. Bilbray, Mr. Scheuer, Mr. Edwards of California, Mr. Chapman, Mr. Kleczka, Mr. Dwyer of New Jersey, Mr. Schiff, Mr. DeFazio, Mr. Roe, Mr. Dixon, Mr. Valentine, Mr. Lagomarsino, Mr. Bereuter, Mr. Wyden, Mr. Sundquist, and Mr. Bryant.

H.R. 1161: Mr. Sanders, Mr. Kostmayer, Mr. Engel, Mr. Weiss, Mr. Andrews of New Jersey, and Mr. Coughlin.

H.R. 1165: Mr. Engel.

H.R. 1166: Mr. Schumer, Mr. Ackerman, Mr. Bustamante, and Mr. Kolter.

H.R. 1196: Mr. Miller of Washington and Mr. Walsh.

H.R. 1218: Mr. Stark, Mr. Hochbrueckner, Mr. Owens of Utah, Mr. Studds, Mrs. Johnson of Connecticut, Mr. Foglietta, Mrs. Schroeder, Mr. Roe, Mr. Frost, Mr. Wilson, Mr. Towns, Ms. Norton, Mr. Dixon, Mr. Dwyer of New Jersey, Mr. Ford of Tennessee, Mr. Sangmeister, Mr. Borski, Mr. Moody, Mr. Manton, Mr. Skaggs, Mr. Martin, Mr. Sawyer, Mr. Parker, Mr. Weiss, Mr. Lehman of California, Mr. Jefferson, Mr. Darden, Mr. Spratt, Mr. Hubbard, Mr. Kolter, and Mr. Gonzalez.

H.R. 1277: Mr. Armey, Mr. Annunzio, Mr. Bunning, Mr. de Lugo, Mr. Gilman, Mr. Grandy, Mr. Herger, Mr. Lehman of Florida, Mr. Lipinski, Mr. Mazzoli, Mr. McCrery, Mr. Miller of Washington, Mr. Pallone, Mr. Paxon, Mr. Pickett, Mr. Roth, Mr. Santorum, Mr. Schaefer, and Mr. Weber.

H.R. 1309: Mr. Thomas of Wyoming, Mr. McEwen, and Mr. Hansen.

H.R. 1317: Mr. DeLay, Mr. Lagomarsino, Mr. Santorum, and Mr. Bruce.

H.R. 1318: Mr. Sharp and Mr. DeFazio.

H.R. 1364: Mr. Weiss, Mr. Coyne, Mr. Guarini, Mrs. Unsoeld, Ms. Norton, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. Hochbrueckner, Mr. Fuster, Mr. Rahall, Mr. Serrano, Mr. Torres, Mr. Kleczka, Mr. Slattery, Mr. Neal of Massachusetts, Mr. Espy, Mr. Peterson of Florida, Mr. Oberstar, Mr. Rangel, Mr. Kanjorski, Mr. Mfume, Mr. de Lugo, Mr. Hertel, Mr. Olin, Mr. Sabo, Mr. Dixon, Mr. Wise, Mr. Lewis of Georgia, Ms. DeLauro, Mr. Wheat, Ms. Slaughter of New York, and Mr. Wyden.

H.R. 1365: Ms. Long, Mr. Berman, Ms. Norton, Mr. Fuster, Mr. Rahall, Mr. Weiss, Mr. Kolter, Mr. Jefferson, Mr. Rangel, Mrs. Unsoeld, Mr. Towns, Mr. Mfume, Mr. de Lugo, and Mr. Engel.

H.R. 1370: Mr. Kopetski, Mr. Gillmor, Mr. Dellums, Mr. Carper, Mr. Laughlin, Mr. Neal of Massachusetts, Mr. Studds, and Mr. Goss.

H.R. 1375: Mr. Cunningham, Mr. Young of Alaska, and Mr. Smith of New Jersey.

H.R. 1400: Mr. Packard, Mr. DeLay, Mrs. Vucanovich, Mr. Grandy, and Mr. Fawell.

H.R. 1408: Mr. Engel, Mr. Bonior, Mr. Walsh, Mr. Jontz, Mr. DeFazio, Mr. Mrazek, and Mr. Lancaster.

H.R. 1417: Mr. Glickman, Mr. Roe, and Mrs. Schroeder.

H.R. 1423: Mr. Owens of New York, Ms. Kaptur, Mr. Lipinski, Mrs. Mink, Mr. Bustamante, Mr. Wilson, and Mr. Bilbray.

H.R. 1433: Mr. Cramer.

H.R. 1439: Mr. Crane.

H.R. 1450: Mr. Visclosky, Mr. Whitten, Mr. Jenkins, Mr. Campbell of Colorado, Mr. Murtha, Mr. Swett, Mr. Poshard, Mr. Volkmer, Mr. Bevill, Mr. Clement, Mrs. Patterson, Mr. Jefferson, Mr. Cardin, Mr. Rowland, Mr. Gingrich, Mr. Kasich, Mr. Broomfield, Mr. McCrery, Mr. Gilchrest, Mr. McEwen, Mr. Ballenger, Mr. Camp, Mr. Pursell, Mr. Holloway, Mr. Hefley, and Mr. Boehner.

H.R. 1454: Mr. Lewis of Georgia, Mr. Applegate, Mr. Lehman of Florida, Mr. Hayes of Illinois, Mr. Hochbrueckner, Mr. AuCoin, Mr. Engel, Mr. McCloskey, Mr. Bruce, Mr. Horton, Mr. McDermott, Mr. Smith of Florida, Mr. Hertel, Mr. Slattery, and Mr. Kopetski.

H.R. 1458: Mr. Tauzin and Mr. Armey.

H.R. 1466: Mr. Rahall, Mr. Espy, Mr. Evans, Mr. Bennett, Mr. Lancaster, Mr. McCloskey, Mr. Fish, Mr. Clement, and Mr. Engel.

H.R. 1473: Mr. Walsh, Mr. Gunderson, Mrs. Byron, and Mr. Skeen.

H.R. 1495: Mr. Young of Alaska, Mr. Studds, Mr. Kolbe, Mr. Bilbray, Mr. Stallings, Mr. Boucher, Mr. Peterson of Minnesota, Mr. Orton, Mr. Dorgan, of North Dakota, Mr. Wilson, Mr. Evans, Mr. Emerson, Ms. Norton, Mr. Herger, Mr. Andrews of New Jersey, Mr. Hansen, and Mr. Dornan of California.

H.R. 1504: Mr. Swift.

H.R. 1544: Mrs. Collins of Illinois, Mr. Conyers, Ms. Norton, Mr. Moody, Mr. Engel, Mr. Lewis of Georgia, Mr. Lagomarsino, Mr. Valentine, and Mr. Donnelly.

H.R. 1588: Mr. McCloskey.

H.R. 1603: Mr. Doolittle, Mr. Dwyer of New Jersey, Mr. Frost, Mr. Horton, Mr. Kleczka, Mr. Lagomarsino, Mrs. Meyers of Kansas, Mr. Sikorski, Mr. Spence, and Mrs. Unsoeld.

H.R. 1649: Mr. Kleczka, Mr. Valentine, and Mr. Bryant.

H.R. 1655: Mr. Inhofe, Mr. Quillen, Mr. Weber, Mr. Valentine, Mr. Gunderson, Mr. Roberts, Mr. Bustamante, Mr. DeLay, Mr. Santorum, Mr. Brown, Mr. Ridge, and Mr. Kolter.

H.R. 1666: Mr. Rohrabacher and Mr. McEwen.

H.R. 1669: Mr. Fuster and Mrs. Kennelly.

H.R. 1715: Mr. Applegate, Mr. Ravenel, and Ms. Kaptur.

H.R. 1718: Mr. Barnard and Mr. Hammerschmidt.

H.R. 1751: Mr. Regula, Mr. Stark, Mr. de Lugo, Mr. Bilbray, Mr. Lewis of Florida, Mr. Fuster, and Mr. Lancaster.

H.R. 1794: Mr. Guarini, Mr. Kleczka, Mr. LaFalce, and Mr. Lancaster.

H.R. 1795: Mr. Wyden and Mr. Lancaster.

H.R. 1969: Mr. Beilenson and Mr. Bonior.

H.J. Res. 90: Mr. Chandler, Mr. Lehman of California, Mr. Doolittle, Mr. Paxon, and Mr. Taylor of Mississippi.

H.J. Res. 95: Mr. Mollohan, Mr. Lewis of California, Mr. Rhodes, Mr. Hertel, Mr. Grandy, and Mr. Bruce.

H.J. Res. 103: Mr. Burton of Indiana, Mr. Matsui, Mrs. Morella, Mr. Lagomarsino, Mr. Taylor of Mississippi, Mr. Wise, Mr. Lehman of Florida, Mr. Manton, Mrs. Meyers of Kansas, Mr. Moakley, Mr. Neal of Massachusetts, Mr. Inhofe, Mr. AuCoin, Mr. Sangmeister, Mr. Neal of North Carolina, Mr. McCollum, Mr. LaRocco, Mr. Rohrabacher, Mr. Tanner, Mr. Browder, Mr. Pickett, Mr. Rowland, Mr. Traficant, Mr. DeFazio, Mr. Swett, Mr. Wyden, Mr. Hatcher, Mr. Hunter, Mr. Owens of New York, Mr. Foglietta, Mr. Hayes of Illinois, Mr. Luken, Mr. Gillmor, Mr. Packard, Mr. Volkmer, Mr. Slattery, Mr. McHugh, Mr. Solomon, Mr. Rogers, Mr. Machtley, Mr. Huckaby, Mr. Alexander, Mr. Savage, Mr. Wolf, and Mr. Peterson of Florida.

H.J. Res. 107: Mr. Weber and Mr. Hughes.

H.J. Res. 109: Mr. Abercrombie, Mr. Bacchus, Mrs. Bentley, Mr. Brewster, Mr. Camp, Mr. Cramer, Mr. DeLay, Mr. Donnelly, Mr. Dooley, Mr. Doolittle, Mr. Dornan of California, Mr. Fawell, Mr. Feighan, Mr. Flake, Mr. Gonzalez, Mr. Green of New York, Mr. Hastert, Mr. Houghton, Mr. Hoyer, Mr. Kleczka, Mr. Klug, Mr. LaRocco, Mr. Lewis of Georgia, Mr. Lipinski, Mr. Luken, Mr. Mineta, Mr. Orton, Mr. Perkins, Mr. Riggs, Mr. Rinaldo, Mr. Sawyer, Mr. Slattery, Ms. Slaughter of New York, Mr. Smith of New Jersey, Mr. Solarz, Mr. Valentine, Mr. Vander Jagt, Mr. Waxman, Mr. Wolpe, Mr. Wyden, and Mr. Young of Alaska.

H.J. Res. 120: Mr. Pursell, Mr. Ireland, Mr. Gallegly, Mr. Hastert, Mr. Levine of California, Mr. Gonzalez, Mrs. Bentley, Mr. de la Garza, Mr. Fuster, Mrs. Morella, Mr. Stenholm, Mr. Carper, Mr. Bevill, Mr. Bateman, Mr. Fields, Mr. Doolittle, Mr. Hansen, Mr. Bliley, Mr. Lagomarsino, Mr. Leach, Mr. Feighan, Mr. Weber, Mr. Cramer, Mr. Camp, Mr. Moakley, Mr. LaFalce, Mr. Valentine, Mr. Tauzin, Mr. Taylor of Mississippi, Mr. Torricelli, Mr. Traficant, Ms. Oakar, Mr. Thomas of Georgia, Mr. Lowery of California, Mr. McCollum, Mr. Michel, Mr. Lewis of Florida, Mr. McCrery, Mr. McDade, Mr. Martin, Mrs. Meyers of Kansas, Mr. Paxon, Mr. Morrison, Mr. Ravenel, Mr. Mfume, Mr. Bilirakis, Mr. Callahan, Mr. Coughlin, Mr. Davis, Mr. Dickinson, Mr. Dornan of California, Mr. GREEN of New York, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. KASICH, Mr. RAMSTAD, Mr. QUILLEN, Mr. RIGGS, Mr. WOLPE, Mr. GILMAN, Mr. WELDON, Mr. MANTON, Mr. RAHALL, Mr. OXLEY, Mr. FAZIO, Mr. SMITH of Florida, Mr. GEKAS, Mr. JACOBS, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. FRANKS of Connecticut, Mr. MAVROULES, Mr. DYMALLY, Mr. LANTOS, Mr. OWENS of New York, Mr. SARPALIUS, Mr. PAYNE of New Jersey, Mr. NATCHER, Mr. ERDREICH, Mr. BALLENGER, Mr. WYLIE, Mr. BURTON of Indiana, Mr. DEFAZIO, Mr. ENGEL, Mr. AUCOIN, Mr. BROOMFIELD, Mr. ROHRABACHER, Mr. FASCELL, Mr. FISH, Mr. FALEOMAVAEGA, Mr. LUKEN, Mr. ANDREWS of Maine, Mr. BORSKI, Mr. DE LUGO, Mr. DELLUMS, Mr. DICKS, Mr. ESPY, Mr. CONYERS, and Mr. HEFNER.

H.J. Res. 141: Mr. GINGRICH, Mr. ANDREWS of Maine, Mr. HUCKABY, Mr. REGULA, Mr. FISH, Mr. DERRICK, Mr. BLILEY, Mr. AUCOIN, Mr. WYDEN, Mr. DE LA GARZA, Mr. MARTINEZ, Mr. BLAZ, Mr. TAUZIN, and Mr. RANGEL.

H.J. Res. 154: Mr. GILLMOR, and Mr. BURTON of Indiana.

H.J. Res. 156: Mr. CRAMER, Mr. SKAGGS, Mr. JONES of Georgia, Mr. GONZALEZ, Mr. MCCRERY, Mr. LANTOS, Mr. MOLLOHAN, and Mr. ZELIFF.

H.J. Res. 185: Mrs. LLOYD, Mr. NEAL of North Carolina, Mr. DE LA GARZA, Mr. MOODY, Mr. ROHRABACHER, Mr. BROWN, Mr. MATSUI, Mrs. PATTERSON, Mr. PAXON, Mr. LEWIS of California, Mr. HANSEN, Mr. EMERSON, Mr. JONES of Georgia, Mr. MCGRATH, Mr. BLAZ, Mr. SCHEUER, Mr. GUARINI, and Mr. MARTINEZ.

H.J. Res. 207: Mr. LIVINGSTON, Mr. MATSUI, Mr. GEKAS, Mr. GILMAN, Mr. HORTON, Mr. MCDERMOTT, Mr. MONTGOMERY, Mr. CLEMENT, Mr. BATEMAN, Mr. QUILLEN, Mr. SPENCE, Mr. ALEXANDER, Mr. LIPINSKI, Mr. MCNULTY, Mr. JONTZ, Mr. DOOLITTLE, Mr. ERDREICH, Mr. DE LA GARZA, Ms. KAPTUR, Mr. GEPHARDT, Mr. SMITH of Florida, Mr. SMITH of Texas, Mr. MCGRATH, Mr. BENNETT, Mr. INHOFE, Mr. ANNUNZIO, Mr. RANGEL, Mr. SKELTON, Mr. HANSEN, Mr. RAHALL, Mr. ROE, Mr. DICKINSON, Mr. TRAXLER, Mr. DWYER of New Jersey, Mr. REED, Mr. LAGOMARSINO, Ms. LONG, Mr. CAMP, Mr. HASTERT, Mr. OWENS of Utah, Mr. NEAL of Massachusetts, Mr. LANCASTER, and Mr. HUGHES.

H. Con. Res. 22: Ms. NORTON.

H. Con. Res. 79: Mr. VALENTINE.

H. Con. Res. 88: Mr. VALENTINE, Mr. KOPETSKI, Mr. GALLEGLY, Mr. GREEN of New York, Mr. RINALDO, Mr. CAMP, Mr. ROHRABACHER, Mr. RAVENEL, Mr. DANNEMEYER, Mr. SHAYS, Mr. HYDE, Mr. EMERSON, Mr. HANCOCK, Mr. HOUGHTON, Mrs. VUCANOVICH, Mr. HERTEL, and Mr. BILBRAY.

H. Con. Res. 93: Mr. DYMALLY and Mr. PAYNE of New Jersey.

H. Con. Res. 118: Mr. ANNUNZIO, Mr. ACKERMAN, Mr. KYL, Mr. SCHEUER, Mr. COYNE, Mr. BEILENSON, Mr. MRAZEK, Mr. LEHMAN of Florida, Mr. SERRANO, Mr. WELDON, Mr. LENT, Mr. REED, Mr. FRANK of Massachusetts, Mr. MCGRATH, Mr. KOPETSKI, Mr. GORDON, Mr. DEFAZIO, Mrs. LOWEY of New York, Mr. SOLARZ, Mr. SHAYS, Mr. FEIGHAN, Mr. HORTON, Mr. BURTON of Indiana, Mr. SCHUMER, Mr. ABERCROMBIE, Mr. FASCELL, Mr. WOLPE, and Mr. BRYANT.

H. Con. Res. 129: Mr. SANGMEISTER.

H. Con. Res. 131: Mr. ABERCROMBIE, Mr. DELLUMS, Mr. ACKERMAN, Mr. COSTELLO, Mr. RIGGS, Mr. GUARINI, Mr. FOGLIETTA, Mr. BERMAN, Mr. MARTINEZ, and Mr. PAYNE of New Jersey.

H. Res. 42: Mr. MARTINEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 303: Mr. RICHARDSON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

63. By the SPEAKER: Petition of the Council of State Governments, relative to support of the dual banking system and opposing Federal preemption of State banking regulatory authority; to the Committee on Banking, Finance and Urban Affairs.

64. Also, petition of the Council of State Governments, relative to endorsement of the National Governors' Association short-term policy on Medicaid; to the Committee on Energy and Commerce.

65. Also, petition of the Council of State Governments, relative to endorsement of the National Association of State Budget Officers' resolution regarding Medicaid eligibility income thresholds; to the Committee on Energy and Commerce.

66. Also, petition of the Council of State Governments, relative to endorsement of resolutions urging Congress to place a moratorium on mandated Medicaid expansions; to the Committee on Energy and Commerce.

67. Also, petition of the Council of State Governments, relative to support for the State block grant proposal; to the Committee on Government Operations.

68. Also, petition of the Council of State Governments, relative to endorsement of draft legislation of the Advisory Commission on Intergovernmental Relations on preemption of State authority; to the Committee on Government Operations.

SENATE—*Tuesday, April 23, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

I am the God of Abraham, and the God of Isaac, and the God of Jacob? God is not the God of the dead, but of the living.—Matthew 22:32.

Father we commend to Thee Senator PRYOR. We thank You for his increasingly good condition, and we pray for his rapid and complete recovery.

Gracious Father, we returned from recess under the cloud of the tragic loss of two respected Members of this body. The many tributes from the floor expressed the affection, the respect, the admiration which was felt by all the Members of the Senate for these two faithful public servants. We were acutely confronted with the transiency of life. We were faced with eternity and awakened to the reality of life beyond the grave.

God of life and light, grant that these shall not be passing thoughts which illuminated our way for a few days. Give us grace to live our lives in the light of eternity and truth and the life to come. Remembering the suddenness of these tragedies, help us never to presume upon existence as though we have a corner on life and we determine our ultimate future.

In the name of Him who is life eternal, we pray. Amen.

RESERVATION OF LEADERS' TIME

The PRESIDENT pro tempore. The Senate will be in order.

Under the standing order the two leaders are to be recognized.

Without objection, the time for the two leaders will be reserved until later in the day.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

In the Chair's capacity as a Senator from the State of West Virginia, the Chair notes the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESA, AZ, HONORS THE APACHE

Mr. DECONCINI. Mr. President, during Operation Desert Storm, the Apache helicopter performed brilliantly—as we had expected it would. The exceptional achievements of these helicopters—the world's finest attack helicopter and a true national asset—have silenced its former critics. Throughout the Persian Gulf war, the Apache played a vital role, proving its worth to the U.S. Army and to the Nation.

Mr. President, last week, the city of Mesa, AZ, passed a resolution honoring the Apache and commending the employees of McDonnell Douglas Helicopter Co. for the outstanding work they did in building this outstanding machine. They, too, are heroes of Operation Desert Shield and Desert Storm, and I want to add my congratulations to these talented and dedicated individuals. I ask unanimous consent that the resolution passed by the city council of Mesa, AZ, honoring the AH-64 Apache be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 6317

Whereas the AH-64 Apache multimission combat helicopter, designed, assembled and flight tested by outstanding McDonnell Douglas Helicopter Company employees in Mesa, Arizona, and a talented team of Apache companies around the United States and the world, has proven itself to be an invaluable member of the United States Army; and

Whereas the Apache earned the right to launch the initial attack against Iraqi forces in Kuwait and Iraq during Operation Desert Storm; and

Whereas the AH-64 Apache performed with outstanding precision and reliability in support of coalition forces throughout the 42-day war in Iraq and Kuwait, operating at mission capable rates far in excess of United States Army standards in one of the world's most hostile desert environments; and

Whereas the Apache established itself during Operation Desert Storm as the world's foremost leading multi-role attack helicopter, capable of performing its missions day or night and in adverse weather; and

Whereas McDonnell Douglas Helicopter Company employees and their Apache teammates invested great energy and fervor to assure that vital spare parts and technical assistance were available to Apache pilots and crews during Operation Desert Shield and Storm: Now, therefore, be it

Resolved by the City Council of the City of Mesa, Maricopa County, Arizona, as follows:

SECTION 1. That the City Council, on behalf of the grateful citizens of Mesa, acknowledge and thank the employees of McDonnell Douglas Helicopter Company for their excellence in performance and commitment to maintaining a free nation through strong defense.

SEC. 2. That the City Council reaffirms its pride and support for the Mesa-based headquarters of McDonnell Douglas Helicopter Company, a company with a distinguished past and an even brighter future.

Passed and adopted by the City Council of the City of Mesa, Maricopa County, Arizona, this eighth day of April, 1991.

GREGG SCHWARTZ

Mr. PRESSLER. Mr. President, I would like to share with our colleagues an excellent article about an extraordinary South Dakotan, Gregg Schwartz. Gregg recently received the Dwaine Taylor Award for Voluntary Service for contributing over 2,500 hours of volunteer work in 1990. That is a very admirable accomplishment when you consider a 40-hour work week adds up to only 2,080 hours a year. Even more impressive is the fact that Gregg Schwartz is paralyzed and contributes his volunteer service from a wheelchair.

Gregg's example is truly challenging for all of us. Volunteers have been honored as points of light in our society. Gregg's light is blinding. His efforts are all the more noteworthy because we are witnessing a decline in the number of persons who make themselves available to do volunteer work. Gregg's example eliminates all the excuses I have ever heard for not volunteering.

I salute Gregg Schwartz. Thank you Gregg, for representing the best of South Dakota values and spirit.

Mr. President, I ask unanimous consent that the article on Mr. Schwartz be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls Argus Leader, Feb. 25, 1991]

DISABLED VET NETS TOP VOLUNTEER AWARD

(By Lisa Gaumnitz)

Gregg Schwartz learned the importance of helping others during the two years he spent recovering from a car accident and spinal meningitis that paralyzed his right side.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

"I was in the hospital for 23 months. I know how lonely it can be on the weekends," said Schwartz, 35.

"Just because you're in a chair doesn't mean you can't do as much for other people."

Today the Sioux Falls veteran receives a national volunteer award in Washington, DC., from the Paralyzed Veterans of America.

The Dwaine Taylor Award for Voluntary Service recognizes the PVA member who puts in the most volunteer hours.

Last year, Schwartz spent more than 2,500 hours delivering medical records to departments at the Royal C. Johnson Veterans Memorial Hospital and visiting patients. He won the award twice before and left Saturday with his mother, Ruth, and attendant Susan Boe to collect the prize.

"The hours Gregg puts in—the devotion is certainly there," said Bob Reimers, who directs the VA's volunteers.

"When you stop and think an average working year is 2,080 hours, the hours Gregg is talking about, he's physically here. . . . You can imagine what this would be in staff time."

Schwartz's volunteer work allows staff members to attend to other patients, and his visits boost the patients' spirits, Reimers said.

Running records and visiting patients gives Schwartz a sense of satisfaction and helps him meet people.

"It's better than looking at four walls," he says. "I have to be moving."

Schwartz grew up on a farm east of Winner. A year after graduating from high school, he enrolled in the Navy and was stationed in California.

In December 1978, Schwartz was in a car accident that bruised his brain stem, paralyzing his left side. He was recovering when he contracted spinal meningitis, and his motor capabilities were further impaired.

He had two years in rehabilitation in the 1970s and today uses a motorized wheelchair to navigate the hospital's hallways.

He cuts in and out among people walking, calling many by name.

"I like working out here because most of the employees know me and they give me a lot of static—and I give it back," Schwartz said. "I wouldn't work here if they didn't. This is probably the only job I've ever loved besides farming."

He has volunteered at the hospital for about six years.

Lately, Schwartz has been trying to get himself in shape again after surgery on his right arm.

He hopes that soon he will be able to use that arm to drive a specially equipped van.

Schwartz also hopes his hip surgery will one day help him walk. He can move his legs but not as he should be able to.

"I have great expectations," he said.

A TRIBUTE TO MRS. C.E. SIMONS, JR.

Mr. THURMOND. Mr. President, I would like to take this opportunity to pay tribute to Mrs. Charles E. Simons, Jr. of Aiken, SC, who passed away recently. She was one of the loveliest people in my hometown of Aiken, and her delightful and caring presence will be greatly missed by her many friends and admirers.

Jean was a devoted wife and loving mother, and she and her husband reared four fine children. Her high ideals, lofty character, and warm personality endeared her to all. She made a great contribution not only to her family, but to the entire Aiken community.

My wife Nancy joins me in extending our deepest sympathy to the entire Simons family: her husband, Judge Charles E. Simons, Jr.; her three sons, Charles E. Simons III, Dr. Paul K. Simons, and Richard B. Simons; her daughter, Jean Simons Smith; her sister, Mrs. Eloise B. Fuller; her brother, Dr. Paul B. Knapp; and her five beautiful grandchildren.

Mr. President, I ask unanimous consent that certain articles regarding Mrs. Simons be printed in the RECORD at the close of these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MRS. C. E. SIMONS, JR., 72, FEDERAL JUDGE'S WIFE

AIKEN.—Mrs. Charles E. (Jean Knapp) Simons Jr., 72, of 910 Valley Greene Drive S.W., died Monday, March 4, 1991, at Aiken Regional Medical Centers after an extended illness.

The funeral will be at 3 p.m. Thursday at St. Johns United Methodist Church, with Rev. M. Eugene Mulliken and Dr. James M. King officiating. Burial will be in Aiken Memorial Park.

Mrs. Simons, a native of Fulton, N.Y., graduated from Simmons College, Boston, and did her graduate work at Syracuse University, Syracuse, N.Y. An Aiken resident since 1941, she was a member of St. Johns United Methodist Church, Green Gardeners Club of Aiken and the Aiken Chapel PEO Sorority.

Mrs. Simons was the wife of U.S. District Judge Charles E. Simons, Jr., for whom the Charles E. Simons Jr. Federal Courthouse is named. Judge Simons was nominated for the bench by President Lyndon B. Johnson at the recommendation of Sen. Strom Thurmond, R-S.C.

Mr. Thurmond expressed his grief at her death. "It is with deep regret that Mrs. Thurmond and I learned of the passing of Mrs. Charles E. Simons Jr.," Mr. Thurmond said. "Jean was a devoted wife and loving mother, and she and her husband reared four fine children. Her high ideals, lofty character and warm personality endeared her to her numerous friends. Jean lived an exemplary life that was well worth emulating by others. She made a great contribution not only to her family, but to the entire Aiken community, and will be greatly missed."

Survivors include her husband: three sons, Charles E. Simons III and Dr. Paul K. Simons, both of Aiken, and Richard B. Simons, Lexington and Aiken; a daughter, Jean Simons Smith, Lancaster, Pa.; a sister, Mrs. Eloise B. Fuller, Parish, N.Y., and Aiken; a brother, Dr. Paul B. Knapp, Syracuse, N.Y.; and five grandchildren.

Pallbearers will be Judge Bruce Littlejohn, Judge Julius B. Ness, Judge Sol Blatt Jr., William C. Lott, Rufus Gosnell, Robert A. Patterson, R. Phiniry Timmerman, Robert E. McNair and Mr. Thurmond.

Memorials may be made to the St. Johns United Methodist Church, 104 Newberry St., N.W., Aiken 29801.

Friends may call from 7 to 9 p.m. Wednesday at George Funeral Home, Park Avenue.

CONCURRENT RESOLUTION

Whereas, Mrs. Jean Knapp Simons of Aiken County died on March 4, 1991; and

Whereas, she was a native of Fulton, New York, graduated from Simmons College in Boston, did graduate work at Syracuse University, and moved to Aiken in 1941 to teach at Fermata School; and

Whereas, she was the wife of United States District Court Judge Charles Simons, Jr.; and

Whereas, she was a lovely person who was deeply admired in the community and will be missed tremendously; and

Whereas, we want Judge Simons and all the other members of Mrs. Simons' family and her many friends to know that we were deeply saddened to learn of Mrs. Simons' death and that they are uppermost in our thoughts and have our sympathy: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the members of the General Assembly of the State of South Carolina, by this resolution, express sorrow at the death of Mrs. Jean Knapp Simons of Aiken County and extend sympathy to her family and many friends: Be it further

Resolved, That a copy of this resolution be forwarded to the family of Mrs. Jean Knapp Simons, in care of her husband, the Honorable Charles Simons, Jr., at Aiken.

[From the Aiken Standard, Mar. 29, 1991]

MRS. CHARLES E. SIMONS, JR.

Jean Knapp Simons came to Aiken in 1941 to teach home economics at Fermata School, a fashionable boarding school for girls.

She was a native of Fulton, N.Y., where her father, Dr. Paul C. Knapp, was a prominent dentist. Jean Knapp earned a degree in home economics from Simmons College in Boston and did graduate work at Syracuse University.

Her teaching career at Fermata was short-lived. Near the end of her first year, she met—on a blind date—a young Aiken lawyer, Charles E. Simons Jr. They had dated for three weeks when the school year ended and she left for her home town.

She traveled with a friend who chose to drive up the Blue Ridge Parkway. Unfortunately, the car ran off the parkway and overturned, leaving her with a neck fracture.

She was moved to her parents' home in New York State, and there she was visited by Charlie Simons. She was lying in a cast when he arrived from Aiken, and told her, "I've come to take you out of cold storage."

His unusual proposal was accepted, and they were soon married.

Only a few months later, the Japanese attacked at Pearl Harbor, and her husband left his law practice to enter the Navy.

His young wife, meanwhile, returned to her parents' home with her infant son, Chuck, now an Aiken attorney himself. Twin sons—Dick (Richard B. Simons of Lexington) and Doc (Dr. Paul K. Simons of Aiken)—were born in 1944. A daughter, Jean Simons Smith, was born in 1950.

Mrs. Simons' remaining years were devoted largely to her family. Her husband was a member of a flourishing law firm. He served in the State House of Representatives for several terms and in 1964 was appointed a federal district judge.

After her father's retirement in 1958, her parents moved to Aiken and were active in community life until their death.

Mrs. Simons became ill several years ago and died March 4 at the Aiken Regional Medical Centers.

Her funeral was attended by many prominent South Carolinians, including U.S. Sen. Strom Thurmond—her husband's former law partner—and former Gov. Robert E. McNair. Speaking of Mrs. Simons, Sen. Thurmond said: "Jean lived an exemplary life that was well worth emulating . . . She made great contributions not only to her family, but to the entire Aiken community, and will be greatly missed."

A longtime family friend, William C. Lott, spoke of Mrs. Simons as "A lovely, talented lady. It was a privilege to know her and a pleasure to be around her. She will be greatly missed by a host of friends."

Mrs. Simons was widely known for her genuine warmth and love of mankind. We extend our deepest sympathy to the Simons family in their loss.

TRIBUTE TO SENATE PAGES FROM MINNESOTA

Mr. DURENBERGER. Mr. President, I rise today to recognize the contributions of two young people from Minnesota who are serving as Senate pages this spring. Quang Bang O of Spicer, MN, became a Senate page on Sunday, April 7, 1991. Quang will serve in the Senate page program until June 1.

A native of Vietnam, Quang is a junior at New London-Spicer High School. He ranks second in his class and is the president of the Student Council. As a sophomore, Quang was class president, and he was elected to the National Honor Society. Quang has participated in the Knowledge Bowl and Mock Trial, and he won regional competition of the State Citizen Bee. Quang also was awarded the bronze medal in the Congressional Awards Program. His cocurricular activities include participation in the band and varsity track team.

Quang, along with his parents and two brothers, emigrated to America from Vietnam in 1979 under the sponsorship of a Spicer family. He was 6 years old.

Another fine Minnesotan is Amy Hannah. Amy came to the Senate as a page from Fridley, MN, in January. She was doing such a fine job that her term was extended to June 1. Amy is here, now, under the aegis of Senator ROBERT DOLE.

A junior at Totino-Grace High School in Fridley, Amy ranks in the top third of her class. She is a peer counselor and a volunteer at a nursing home. Amy's cocurricular activities include basketball and softball. Last summer, Amy served as a counselor at Christian Life Camp on an Indian reservation in Mandarell, ND.

Amy's early exposures to Washington were in the fifth and seventh grades when she observed Senate pages at work. She decided then that she wanted to be here as a page, too. Amy plans to attend law school and pursue a political career.

Quang and Amy are fine representatives of Minnesota. I am proud of them, and thank them for all they do as U.S. Senate pages.

WEST WARWICK HIGH SCHOOL WINNERS OF BICENTENNIAL COMPETITION

Mr. PELL. Mr. President, I am delighted to announce that West Warwick High school is the Rhode Island State winner of the We the People * * * National Bicentennial Competition on the Constitution and Bill of Rights.

I would especially like to recognize Mr. Michael Trofi and his students Stacy Abjornson, Lisa Andruchow, Kerry Brown, Frederick Carter, Michelle Champagne, Gregory D'Andrea, Kelly Fields, David Garcia, Raymond Gervais, Teresa Giusti, Peter Gorman, Christa Gosselin, Lisa Heilman, Martin Kenny, Brian Kershaw, Kelly Lawing, Michele Monosh, Brooke Mulholland, Kim Parenteau, James Rita, Michael Simoncelli, Walter Stanton, and Nicole Tourangeau. These young scholars devoted a considerable amount of time in preparation, and should be congratulated for their fine effort in winning the competition.

This outstanding program, developed by the Center for Civic Education and cosponsored by the Commission on the Bicentennial of the United States Constitution, provides high school students with a course of instruction on the development of our Constitution and the basic principle of constitutional democracy. In both the instructional and competitive segments of the program, students work together cooperatively to deepen their understanding of the American constitutional system.

In addition, I would like to recognize Mr. Carlo Gamba, district coordinator and Mr. Henry Cote, State coordinator, for the excellent work they did in supervising and implementing this successful program in Rhode Island.

The class will now go on to compete at the national finals to be held here in Washington, DC.

Mr. President, the instructional materials developed by the Center for Civic Education are being utilized nationwide to the benefit of all who participate. All the students are winners because they gain valuable civil and intellectual skills enabling them to make informed and reasoned political decisions in today's society.

TRIBUTE TO REV. DR. VIRGIL A. WOOD

Mr. PELL. Mr. President, I come before the Senate today to pay tribute to a remarkable man, Rev. Dr. Virgil Alexander Wood. On April 26, 1991, the Men's Club of the Pond Street Baptist Church will hold a banquet honoring Dr. Wood for his 40 years in the ministry. I would like to take this opportunity to congratulate Dr. Wood on this milestone and wish him all the success and blessings he so richly deserves.

Dr. Wood was ordained as a Baptist minister in his late teens and during the next four decades he devoted his life to helping and serving others. He has been a strong and vocal activist for civil rights and affirmative action, and he has distinguished himself in his leadership in the church and his service to the community. As one who is deeply committed to education, I would also like to recognize Dr. Wood's role as an educator, as well as his personal educational achievements.

Dr. Wood is currently the pastor of the Pond Street Baptist Church in Providence RI. His past work experience includes service as the dean and director of the African-American Institute of Northeastern University in Boston; as pastoral and executive director of the Blue Hill Christian Center and Parish, a 10-year experimental inner city Parish and Community Center; and as the organizing founder and chairman emeritus of the Boston Opportunities Industrialization Center [OIC] where he assisted in founding and organizing 13 centers in 8 States to provide job training for disadvantaged and underskilled Americans of all races.

Dr. Wood's associations and affiliations show the depth of his dedication to positively affecting the quality of life and the opportunities for minorities and the underprivileged. His selfless involvement in a long list of noteworthy organizations includes service on the National Executive Board of the Southern Christian Leadership Conference, where he worked actively with Dr. Martin Luther King, Jr., in the civil rights movement; on the board of the National Conference of Black Churchmen; with the New England Association of Black Activists; as the founder and board member of S.O.A.R. [Society Organized Against Racism]; as a panelist and member of three White House Conferences under the Johnson (civil rights, 1965), Nixon (food and hunger, 1971), and Carter (American family, 1976) administrations; and as chairman of the Jubilee Inner City Development, Inc.

Rhode Island is lucky to have a man of Dr. Wood's caliber and I hope we will continue to benefit from his inspiration and guidance for many years to come.

THE POINTS OF LIGHT FOUNDATION—CELEBRATION OF SERVICE AND SERVICE AMBASSADOR AWARDS

Mr. KENNEDY. Mr. President, I commend the Points of Light Foundation for its efforts to encourage all Americans to participate in community service. The foundation is a private nonprofit organization whose board is composed of 24 Americans from business, industry, the academic world, and voluntary service groups. The foundation's mission is to help make community service a greater part of the lives of every American, and thereby contribute to the ongoing struggle against illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency, and the plight of the elderly.

On Monday, April 15, the foundation launched their 12-day celebration of service to honor Americans who have been trailblazers in community service, to enhance public awareness of the problems facing society and the need for personal involvement to alleviate them, and to identify worthwhile programs that can be used in all parts of the country to challenge others to become involved.

Each day during their celebration of service, the Points of Light Foundation will recognize one or two Americans as service ambassadors, people who have made a difference by participating in service programs. Today, I join with the Points of Light Foundation and Senators SIMON, RIEGLE, NUNN, and GRAHAM in commending the Sims family of Chicago, IL, Jan M. Dancer of Kalamazoo, MI, John and Susan Wieland of Atlanta, GA, and Tasha Joseph of Fort Lauderdale, FL. They are all exemplary Americans who have made significant contribuitons to their communities and their country.

It is a privilege to work with the foundation, and I ask unanimous consent that appropriate background information on its good works may be printed in the RECORD.

There being no objection, the background was ordered to be printed in the RECORD, as follows:

THE POINTS OF LIGHT FOUNDATION—BACKGROUND

The Points of Light Foundation is a private non-profit, non-partisan umbrella organization whose board is comprised of 24 Americans drawn from business, industry, academia and voluntary service groups. The Foundation's mission is to help make direct and consequential community service aimed at serious social problems central to the life of every American and to increase the opportunities people have for that kind of service thorugh their workplace, schools, churches and civic organizations. We also will serve as a catalyst in the creation of new voluntary service initiatives.

The Foundation and its board recognize the crucial role government programs must play in this struggle but believe these approaches cannot be the only ray of hope on the horizon. Illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency and the plight of the elderly are problems that continue to defy government's best efforts. This void can only be filled by a redoubled effort from the private sector, by the profound and personal commitment of individuals to helping others.

Beginning Apr. 15, the Foundation is launching a 12-day Points of Light Celebration that is designed to honor those people who have bene trailblazers in the community service effort; to sharpen public awareness of the problems facing society and the need for personal involvement to help alleviate them; and to identify worthwhile programs that can be replicated in other parts of the country and challenge others to get involved. Literally thousands of disparate groups and individuals have already been mobilized as part of this effort.

In conjunction with the Celebration, the Foundation will unveil a nationwide advertising campaign, created *pro bono* by Saatchi & Saatchi and the Advertising Council, that will bring the message of service into the home of every American. The slogan, "Do Something Good, Feel Something Real," stresses the sense of personal accomplishment that volunteers get from their work. The campaign will seek the help and cooperation of the media, businesses, schools, unions, religious groups and individuals. In addition, a toll-free 800 number will act as a national center for providing key information for community service efforts.

The Foundation is assisting or has helped to establish numerous successful service programs. These include:

One-to-One, a mentoring program for disadvantaged youth.

StarServe, a school-based community service effort.

Into the Streets, a college-based community service program operated by the Campus Outreach Opportunity League.

Naming of individual Points of Light Representatives, Leadership Companies and Partnerships.

The Foundation's mandate is long-term. After the Celebration of Service is over, we will pursue our mission on several fronts. First, we will evaluate our advertising campaign and toll-free telephone service in an effort to improve the response; and second, we will continue and improve our efforts to serve as a broker and coordinator for new programs. There are no easy answers. We are engaged in a day-to-day struggle that requires day-to-day commitment and energy.

JOHN AND SUSAN WIELAND, POINTS OF LIGHT AMBASSADORS

Mr. NUNN. Mr. President, I am pleased to join my colleague, Senator KENNEDY, in recognizing John and Susan Wieland.

John and Susan Wieland are in the business of building fine homes for middle to senior managers and professionals, but they feel strongly that everybody needs a decent place to live. In 1988, during the peak of a booming business season, they diverted crews and supplied materials to build six homes for Habitat for Humanity in Atlanta. The Wielands recently completed their 11th home for Habitat. They believe in the Habitat concept of volunteers working side by side with future homeowners.

Through her work as a volunteer and board member for Habitat, Literacy Action, the Atlanta Children's Shelter, and the United Way, Susan has attacked the problems of homelessness and hunger from many angles.

By their example and their influence, the Wielands have helped to bring many other builders and people with special skills and expertise into the ranks of Habitat volunteers working to create affordable housing.

The Points of Light Foundation has picked an outstanding couple as two of their Americans as service ambassadors, and I am pleased that we can recognize John and Susan Wieland's contributions to our community today in the Senate.

THE POINTS OF LIGHT FOUNDATION—SERVICE AND SERVICE AMBASSADOR AWARDS

Mr. SIMON. Mr. President, I would like to commend the Simms family of Chicago for being named volunteer ambassadors by the Points of Light Foundation.

Alvin, Gwendolyn, and Brittany Sims have been involved in volunteer service for many years. Alvin Sims, who works at a social service agency, serves as a mentor for black youth and serves on the board of a day care center. Gwendolyn Sims, who works for the United Way, serves as a literacy tutor, and on the board of her daughter's elementary school. Brittany Sims serves food to the homeless at a shelter.

The Sims have made a true difference in improving the lives of the less fortunate, and I would like to commend this special family for their dedicated service.

JAN DANCER, POINTS OF LIGHT AMBASSADOR

Mr. RIEGLE. Mr. President, each time we hear of those people recognized by the Points of Light Foundation, we cannot help but be touched by the selfless dedication and compassion they embody. We are moved by them, and inspired by them to become more than we are. I am proud to recognize Jan Dancer of Kalamazoo, MI, for her lifelong work with abused and neglected children. Working with the mentally handicapped at age 12, she went on the cofound the Kalamazoo County Child Abuse and Neglect Council. She also served on the Pretty Lake Vacation Camp board of directors, a program benefiting thousands of children. She has recently been appointed to a 7-year term on the Kalamazoo County Foster Care Review Board. In this capacity, I am certain she will continue to work tirelessly on behalf of her community and in so doing, enrich the lives of us all.

CELEBRATION OF SERVICE

Mr. GRAHAM. Mr. President, I am pleased to join with my distinguished colleague, the chairman of the Labor and Human Resources Committee, in recognizing the efforts of the Points of Light Foundation to promote community service.

In particular, I am pleased to report to the Senate that Tasha Joseph of

Fort Lauderdale has been chosen a service ambassador for the foundation's 12-day Celebration of Service. Tasha has performed hundreds of hours of service to her community before she started her own innovative program. This program, "Embrace a Child" is being held at Hollendale High School. It addresses the psychological needs of abused children by providing them companionship, educational presentations, and field trip opportunities. Embrace a Child is being recognized for its success in helping such children develop a more positive outlook. It promotes a greater self-esteem and stresses the importance of education in each child's life.

I congratulate Tasha Joseph for her outstanding commitment to community service. She serves as a role model not only for the citizens of her community, but for all communities nationwide.

RETIREMENT OF EDNA RAVNHOLT

Mr. EXON. Mr. President, I rise today to honor a great public servant and friend. Next month Edna Ravnholt, my administrative director, will retire from the Senate and Federal service.

Edna has been with me from the very beginning of my service in Washington in January 1979. Each of us in the U.S. Senate know how difficult it is to establish an efficient office here when we begin our work. Yes, we are still flush with our victory and eager to begin work. However, there is so much to do such as finding a home, moving personal belongings, learning the rules and customs, obtaining committee assignments, hiring staff and, in general, attempting to hit the ground running.

I doubt if any incoming Senator had an easier transition than I had 13 years ago. Edna had extensive experience in the Senate with Senators Hubert and Muriel Humphrey and had also served under then Vice President Humphrey. She had extensive political experience in the Democratic Party and knew the ins and outs of Washington like the back of her hand.

In short, she was my best link to the world of Washington for a relative newcomer like me, even though I came here directly from 8 years in the Nebraska Governor's mansion. During those early days, thanks in large measure to Edna Ravnholt, I was able to never miss a beat.

My good fortune in this regard has remained so during my entire Senate tenure. In addition to our responsibilities to decide policy issues and authorize and appropriate Federal funds, Senators also must administer their own allocations of funds to operate our offices and provide services to constituents. Edna has administered the millions of dollars we have utilized and has been my trusted steward of every dime which has been provided me. Never once has any expenditure of mine been called into question because of her unimpeachable integrity, knowledge, and competence.

Edna actually manages five offices and most of the people who work in them. She is a leader and a mother confessor all in one. She has truly been the glue which has helped hold the Exon team together.

Staff members inevitably come and go. But through all of those changes, Edna Ravnholt has been a guiding influence, a steady hand and one of those true professionals which every great organization needs.

There is a political side to being a U.S. Senator as well. Again, Edna has helped me immensely through two campaigns, she never complains. Instead, she just rolls up her sleeves and does the tough work.

Mr. President, we serve the people here. It is a solemn and important responsibility, one envisioned and created by our Founding Fathers. Edna Ravnholt, through all her years of public service, has been the ultimate embodiment of the exemplary public servant. She believes in people. She takes their troubles to heart and really helps them. It's not bureaucracy or paper-shuffling to her, it's an opportunity and countless Americans have benefited from her efforts.

Finally, Mr. President, Edna Ravnholt is my dear friend. Being in public life, I have a unique opportunity to become acquainted with a large number of fine people. I have also been blessed with an outstanding group of staff members who have served so well during my terms as Governor and U.S. Senator. I would like to say that no one has served with more distinction and dedication than Edna. She is unselfish and has always looked out for my best interests and those of Nebraska and our Nation.

So, on behalf of a grateful Nebraska, U.S. Senate and country I say thank you and God speed. I wish Edna and her husband, Eiler, the best of God's blessings in the many years to come. She is a very special person and we will all miss her.

TRIBUTE TO JOHN AMOS

Mr. D'AMATO. Mr. President, I rise today to pay tribute to a great man, Mr. John Beverly Amos of Columbus, GA.

John Amos was known to many in the Senate as a man of honor and integrity. His good humor and commitment to the service of others earned him widespread recognition and respect. When he passed away in August 1990, we lost a valuable citizen and friend.

John and his wife Elena built the American Family Life Assurance Co. of Columbus from a $40,000 venture into a multibillion-dollar business. Their success overseas, in Japan, has been astounding. But what made John so special was not his financial achievement, but his personal style. No matter what his professional commitments, he always managed to find time for various charitable and service activities. He headed a number of philanthropic organizations, and gave generously of his time and resources to improve the lives of countless people all over the world.

John Amos was always very proud of the accomplishments of his beautiful wife. Elena Diaz-Verson Amos stood by his side for 45 years of marriage, and played an integral part in each of his successes. They were truly a team. And now Elena will carry on their tradition of excellence. This will not be a hard task for someone who is so experienced in the management of a successful international company. I know that she will continue to perform all of her duties with the grace and ability that are so much a part of her character.

Mr. President, it is my honor to pay tribute to Mr. John Beverly Amos. We will all miss him.

DELL RAPIDS SCHOOL WINS NATIONAL AWARD

Mr. PRESSLER. Mr. President, today I congratulate the STRIVE High Program of Dell Rapids, SD, which last week received a Job Training Partnership Act [JTPA] Presidential Award in a competition sponsored by the U.S. Department of Labor. Developed by the Madison Career Learning Center, STRIVE High gives a second chance for a high school diploma to students who have trouble learning in the traditional classroom. They also enjoy a low teacher-to-student ratio, which offers improved counseling and prompt feedback. Finally, the program provides students with vocational training or work experience which vastly improves their employability following graduation.

Its unique program structure gives STRIVE High a high success rate. Ninety-two percent of its students either received their high school diploma or reenrolled in STRIVE last fall.

The future is bright for the STRIVE High Program. To attract native Americans, the program recently applied for a grant entitled "the Morning Star Project." This project hopes to identify and re-enroll student dropouts from Indian reservations by integrating them into community involvement and support activities.

The great work of STRIVE High has not gone unnoticed in South Dakota. Several other rural school districts in my State currently are trying its formula.

Mr. President, once again I congratulate the Dell Rapids STRIVE High program for the success it has achieved in alternative education. The Presidential Award is well-deserved recognition for the Dell Rapids community, educators and students who have pioneered a new and successful approach to secondary school education.

The PRESIDENT pro tempore. The Senator from Missouri is recognized for not to exceed 5 minutes.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND, pertaining to the introduction of S. 883, are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Oregon [Mr. PACKWOOD] is recognized for not to exceed 5 minutes.

Mr. PACKWOOD. I thank the Chair.

(The remarks of Mr. PACKWOOD, pertaining to the introduction of S. 884 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Arizona [Mr. DECONCINI] is recognized for not to exceed 5 minutes.

THE RETIREMENT OF MORRIS K. UDALL

Mr. DECONCINI. Mr. President, I rise today to pay tribute to Congressman MORRIS K. UDALL who announced this past Friday that he will be resigning from Congress on May 4, 1991, after dedicating 30 years of his life to serving both Arizona and this great Nation.

From California to Massachusetts, Alabama to Wisconsin, all of the messages were similar: Sadness, deep respect, liberal hero, politically influential environmentalist, and above all, a witty, humorous gentleman who was truly the consummate politician, rising above partisan politics by building coalitions with Members from both sides of the aisle. In fact, it was his ability to use this humor that led him to write, "Humor becomes one of the most formidable tools [one] can wield in pursuit of legislative goals. A savvy pol can use humor to disarm his enemies, to rally his allies, to inform, rebut, educate, console, and convince." Without question, these beliefs enabled Mo to disarm even the most hostile foes and allowed MO UDALL, time and time again, to shepherd through Congress even the most controversial pieces of legislation.

I have known MO UDALL just about all my life. MO'S father, Levi Udall, and my father served on the Arizona Supreme Court together. Mo eventually came to work with his brother, Stewart, in my father's law office, after graduating from the University of Arizona College of Law.

As a high school student in Tucson, I remember supporting one of MO's first campaigns for county attorney, an office which I was proud to serve a few years later. Even then he was an impressive man—a top-notch litigator. Although he certainly was someone who commanded respect, more importantly he was someone who really deserved it.

MO UDALL was first elected to represent Arizona's Second Congressional District in 1961 in a special election to fill the seat that his brother Stewart vacated in order to serve as Secretary of the Interior for President Kennedy. MO has since been reelected and sent back to Washington 16 times by this constituents. He came to Washington at a time when Arizona was represented in Congress by influential politicians such as Barry Goldwater, Carl Hayden, and John Rhodes. Following in this tradition, MO was able to use his position as chairman of the House Interior and Insular Affairs Committee to protect and promote the interests of Arizona. Conservation and environmental legislation were his specialties. His love, admiration, and respect for the environment were so great he once said, "a nation that does not love and respect its land does not respect itself." What a profound credo.

With this credo, MO worked tirelessly to pass landmark legislation such as the 1977 strip mining bill, the 1980 Alaska Lands Act, setting aside 100 million acres in Alaska as protected wilderness, and most recently, the Arizona Wilderness Act which now protects more than 2.4 million acres of Arizona desert wilderness. MO's influence on water rights also went consistently unchallenged. He was able to help pass legislation creating the central Arizona project, the lifeblood of the future of central Arizona and southern Arizona, which will bring much needed Colorado River water to both Phoenix and Tucson.

Not all of MO's many legislative accomplishments, however, were environmentally related. As a young Member of Congress, MO directly challenged the archaic practices of the seniority system in Congress by making a symbolic run for Speaker of the House against John McCormick. Although he was soundly defeated, it brought to the forefront the stifling nature of the seniority system and later led to major reforms in the committee system. MO was also one of the first Members of Congress to disclose his personal finances, long before it was required, an action which later laid the basis for his leadership in civil service reform and revolutionary campaign finance laws in the early seventies.

When I came to the Senate I learned from MO to put in every year a complete financial statement far greater than is required by law. That was just one of several things that MO UDALL taught me.

I will remember MO UDALL for many reasons, but most of all, I will remember his decency and his commitment to providing his best effort to everything he undertook. MO UDALL was a fighter. He never allowed any of his personal hardships or his battle with Parkinson's disease to slow him down. Even as Parkinson's began to take its toll, the old UDALL charm and wit, for which he will be forever loved, never faded. I think all of us here in Congress and many of us around the country can say without hesitation that we are better for having witnessed and experienced this man's diligent work. He has nobly served his constituents, the State of Arizona, the U.S. Congress, and the people of this land. The entire Nation has benefited and will forever remember his visionary thinking. I am saddened with his departure. I will miss his friendship, his counsel, his advice, and his leadership.

I will be introducing legislation soon which hopefully will help educate future generations of environmentalists. This legislation, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Act, is a tribute to the man who has made a permanent imprint on this Nation's heritage of natural resources and encouraged America's youth to become involved in its protection and enjoyment. This bill will establish a foundation comprised of representatives from the Department of Education, the Department of the Interior, and appointments by the President, Senate leaders, House leaders, and a representative from the University of Arizona. The foundation will award scholarships, fellowships, and grants from a $25 million endowment fund for study in fields related to the environment. In addition, the foundation will provide assistance to the Morris K. Udall Archives which will include funding to maintain the current site of the repository for his papers and assures their availability to the public.

Finally, this legislation will also establish a center for environmental conflict resolution as well as work to develop resources to properly train professionals in environmental and environmentally related fields.

In closing, I would like to cite a quotation that MO UDALL hung next to the desk in his office which I believe best repesents what this man was all about. The quote is from Will Rogers and reads, "We are here for just a spell and then pass on. So get a few laughs and do the best you can. Live your life so that whenever you lose, you are ahead." There is no doubt in my mind. MORRIS K. UDALL is way ahead.

I thank the Chair.

Mr. AKAKA addressed the Chair.

The PRESIDENT pro tempore. The Senator from Hawaii [Mr. AKAKA].

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 885 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

CONCURRENT RESOLUTION OF THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, AND 1996

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of Senate Concurrent Resolution 29, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) setting forth the congressional budget for the United States Government for fiscal years 1992, 1993, 1994, 1995, and 1996.

The Senate proceeded to consider the concurrent resolution.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. SASSER], the manager, is recognized.

Mr. SASSER. Mr. President, prior to addressing the resolution itself this morning, I ask unanimous consent that the staff of the Committee on the Budget and its members be allowed to remain on the floor during consideration of Senate Concurrent Resolution 29, and I will send to the desk a list of those staff.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SASSER. I ask unanimous consent the list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF OF THE COMMITTEE ON THE BUDGET

REGULAR FLOOR PRIVILEGES

Majority staff: Tim Ahern, Kip Banks, Agnes Bundy,* John Callahan,* Alan Cohen,* John Cestar, Bill Dauster,* Kathy Deignan, Randy Devalk, Matt Greenwald, Amy Kestnbaum, Charles Marr, Doug Olin,* James Pratt, Larry Stein,* Gordon Stoddard, Ingrid Taylor, John Wagster, Paul Weech, and David Williams.

Nondesignated: Allison Cormack, Lisa Guzzi, Anne Willis Hill, and Sue Nelson.

Minority staff: John Blazey, Jim Capretta, Lynne Daghlian, Charlie Flickner, William Hoagland,* Melissa Longoria, Carole McGuire, Anne Miller, Michelle Mrdeza, Adele Obermayer, Roy Phillips, Denise G. Ramonas, Cheri Reidy, Rel Ricardo, Austin Smythe,* and Peter Taylor.

*These individuals have privileges to be admitted without pass under a previous letter to the Sergeant at Arms.

FIFTEEN MINUTE FLOOR PRIVILEGES

Lisa Bartko, Diane Bath, Alice Benton, Kiki Caruson, Louise Echols, Andrea Gatta, Bert Gilliam, Jackie King, Cathy Mallison, Lisa-Marie McDonald, Angela Nicholas, Cris Ondrick, Betsy Paul, Beth Strader, and Cathy Mallison.

STAFF OF MEMBERS OF THE COMMITTEE ON THE BUDGET

REGULAR FLOOR PRIVILEGES

Staff member and Senator on whose behalf request is made

Barry Strumpf, Senator Hollings.
Laura Hudson, Senator Johnston.
Joan Huffer, Senator Riegle.
Chris McLean, Senator Exon.
Bruce King, Senator Lautenberg.
John Weinberger, Senator Simon.
Judy Love, Senator Sanford.
Brian Wheeler, Senator Wirth.
Janet Abrams, Senator Fowler.
Vi Boyer, Senator Conrad.
Joan Gillman, Senator Dodd.
J.D. Foster, Senator Symms.
Kris Kolesnik, Senator Grassley.
Marc Rose, Senator Kasten.
Hazen Marshall, Senator Nickles.
Mike Solon, Senator Gramm.
Julie Dammann, Senator Bond.
Laura Ann Mullins, Senator Lott.
Sharon Keane, Senator Brown.

Mr. SASSER. Mr. President, I also ask unanimous consent the presence and use of small electronic calculators be permitted on the floor of the Senate during the consideration of Senate Concurrent Resolution 29.

The PRESIDENT pro tempore. Hearing no objection, the request is granted.

Mr. SASSER. Mr. President, I yield myself, at this time, such time as I may consume.

The PRESIDING OFFICER [Mr. AKAKA]. The Senator from Tennessee [Mr. SASSER] is recognized for such time as he may require.

Mr. SASSER. Mr. President, the budget resolution for fiscal 1992 continues the principles and discipline that we agreed to in the bipartisan budget summit agreement completed just 5 months ago. Consequently, this resolution is an expression of fiscal responsibility. It conforms with the spending caps, discretionary spending, and the pay-as-you-go constraints, mandatory spending, agreed to in the summit. By any measure, it is a deficit reduction resolution. It carries forward our agreement to reduce the deficit by approximately $482 billion over the next 5 years.

During the debate on the resolution, we may hear a critique of what we did or did not achieve in last year's summit. I will admit that backward glances seem hard to resist. They are hard to resist for this Senator when it comes to fiscal decisionmaking. And, admittedly, no Senator got everything that he or she desired last year. But, what this budget summit agreement has that makes it preferable to over 100 private budget plans is that it passed this body. It passed the U.S. Senate. It passed the House of Representatives. It was signed by the President, and it has become law. That is the law which guided our hand on this particular resolution. It requires compliance with strict spending and revenue limits that are designed, first and foremost, to contain the Federal deficit.

I know there are going to be some who say the deficit is going up, not down this year. That is really the result of two unfortunate coincidences. One is the recession. Make no mistake about it, the recession is damaging to the Federal budget. It raises the deficit. It reduces Federal revenues just as it is wreaking havoc with State government and local government budgets all across the country.

Second, we are now at the high-water mark with regard to funding needs; specifically with the problems brought about by the collapses in the savings and loan industry. These two overlapping and unfortunate coincidences have elevated the deficit. But, having said that, the deficit is some $33 billion less this year, in fiscal year 1992, than what it would have been had we not passed the budget summit agreement.

So this resolution requires compliance with strict spending and revenue limits that are designed to contain the Federal deficit. There is no doubt that the deficit continues to cast a long shadow across this Nation's fiscal terrain. Yet I submit there is progress on the horizon if we continue to enforce and maintain last year's agreement. This budget resolution fulfills that requirement.

For the record, I think it is important to understand that we took serious action with respect to the deficit in this resolution, just as we took serious action last year in the summit agreement. Consider for a moment the most recent Congressional Budget Office projections on the on-budget deficit through 1995. The Congressional Budget Office indicates that the current deficit of $371 billion will follow a decisively downward trend line to $188 billion by 1995.

That is the deficit excluding the Social Security trust fund that has been used in past years to offset the deficit figures and incorporating the full measure of the savings and loan bailout spending. But even with those two items considered, taking the Social Security surplus out from under the calculation of the deficit so that it is not artificially lower by including the trust fund as an offsetting receipt, we still find that by 1995, the deficit has dropped to below 1 percent of gross national product.

That will be at the lowest level in 20 years.

Perhaps even more compelling are CBO's projections for the deficit had this budget agreement not been enacted. Using reasonably conservative economic assumptions, CBO demonstrates, that today's deficit would be $33 billion higher were it not for the agreement that was enacted last year.

Mr. President, had we done nothing last year, the deficit would jump by an additional $69 billion in fiscal year 1992; by $89 billion in fiscal year 1993; $131 billion in fiscal year 1994; and another $160 billion in fiscal year 1995.

Absent this budget agreement, we would still be running $350 billion deficits in 1995. With the agreement, the deficit will be half of what it would have been otherwise. No one is making the case, and certainly I would not seek to make the case that we have eradicated the deficit. But we have the controls in place to contain the deficit to a measurable extent.

It should be understood that nearly two-thirds of the $482 billion in savings that are contemplated in the summit agreement are now fixed into law. We achieved these entitlement savings as part of the reconciliation bill last year. Combine these savings with the discretionary cuts we made below baseline last year and we have nearly $300 billion in bona fide deficit reduction.

Again, the resolution before us today keeps the deficit locked on to that declining course.

I think it is fair to say that we are operating this year under perhaps the most demanding fiscal restrictions that this Congress has ever imposed upon itself. But that fact is not an excuse for stagnant budget priorities. We have taken this resolution, and we have worked with it. I would characterize this resolution as a very positive disposition of our available domestic discretionary resources.

Simply stated, this resolution affirms the central importance of family and economic security principles in our Federal budget. It responds as much as it can within the fiscal constraints in which we are operating. It responds to the concern of Americans about economic security for their families and about the education and health of their children.

Under the spending caps we agreed to last year there is not a lot of room for major policy initiatives or radically divergent budgetary priorities. I think anyone who attempts to amend the discretionary totals in this resolution will discover the problem when the time comes to find the cuts necessary to make any adds. It is very easy to advocate any number of very worthwhile additions to spending in existing programs or in new programs. But it becomes very difficult then to find offsetting cuts in existing programs to justify these adds.

But within these constraints, we have attempted, Mr. President, to send a clear message. The centerpiece of the resolution is a $3.1 billion funding increase in fiscal 1992 for the Department of Education. If we are to give our children the foundation they need to meet our Nation's challenges, we clearly have to begin by doing a better job of educating the children of this country.

The resolution provides another $3.1 billion in targeted family assistance for Federal programs that have a documented history of success. We do this to find the most cost-efficient and effective way of spending scarce Federal dollars in aiding the families of this country.

So, we have provided another $1.3 billion targeted to family assistance for programs that have a record of success and a record of cost-efficient expenditure of Federal dollars. This includes the Women, Infants and Children Nutrition Program. It includes the Head Start Program. It includes child care grants, as well as a job training initiative.

This budget represents a commitment to make America's children healthier and better prepared to learn. It represents a commitment to offer an extra measure of support to families during this time of recession.

This resolution, I think, states the view of the majority of all Senators in this body; that it is time to move children and families to the top of the Federal budget agenda. The children of this Nation are our future and they are also the poorest segment of our Nation's population. Fully, 1 in 5 children in this country live in poverty; 1 in every 12 children faces a serious hunger problem. That is hard for us to believe, but the statistics tell us that it is true: 1 in 12 of our children face a serious hunger problem. And one-sixth of the children in this country do not complete school.

What makes this so distressing is that the situation is getting worse, not better. If we do not correct this situation, more than 25 percent, or 1 in 4 of the children in this country will slip below the poverty level by the year 2000.

Too often our answer at the Federal level has been to spend resources in a reactive way. We try to remedy the problems facing our children and facing families only after the problems occur. But at the heart of this resolution is a pledge to alleviate hardships before they take their toll on our Nation's families and children. The specific provisions in the resolution address the source of the hazards facing children and the economic security problems facing families.

They include a $350 million increase in funding for the highly successful Women, Infants, and Children Nutrition Program. Increased birth rates and the recession, coupled together, have made the need for this program greater than ever.

The studies show that for every dollar spent through the Women, Infants, and Children Nutrition Program, we save $3 in the first year of a child's life by reducing other health care costs. And that is just in the first year of the child's life. It does not take into consideration what happens to the child later as it continues to grow in years 2, 3, 4, and 5 when it has adequate nutrition and can develop physiologically the way that a child should.

We also provide in this budget resolution for a $500 million increase for Head Start which would provide for a significant increase in the number of eligible children served by this Preschool Nutrition, Medical, and Education Program.

No question about it, Head Start has been an enormous and spectacular success in giving young children, particularly children from deprived families, at least a leg up as they move into the organized school system.

The resolution also calls for a $450 million increase in education services for disabled children. It calls for a $1 billion increase in student aid programs, including an increase in the maximum amount of Pell grants to allow the neediest students to go to college without eliminating students from moderate-income families from this program—an effort to encourage and to help students go to college, to get a college education, to become more productive citizens of this country.

It also includes a $140 million increase in infant mortality programs, including outreach services to pregnant women in both rural and urban areas.

We hear a lot of talk about poverty in urban areas. Of course that is easier to see, but I would submit, Mr. President, that based on the experience in my native State of Tennessee and some areas of Appalachia, there is ample rural poverty, and rural poverty can be even more cruel than urban poverty.

This resolution also provides a $300 million increase in vocational and adult education programs. I view this as an essential investment in our Nation's ability to compete—it is a proposal to help ensure basic schools and workplace training for literally hundreds of thousands of young people and adults also who want to improve their skills, to improve their marketability in the job market in this country.

In sum, this resolution reconfirms education and it reconfirms our children as top Federal priorities in the decade of the 1990's. It is forward looking. It is proactive. It is a response to the insecurity wrought by the difficult economic times we find ourselves living through, and it makes investments in our families—investments that we believe will pay dividends for generations to come.

All of these proposals are on the discretionary spending side of the ledger. On the mandatory side of this resolution, it is also an economic and family security budget. It addresses those problems in strictly deficit neutral terms.

The rules of the new pay-as-you-go system require that any entitlement expansion be absolutely deficit neutral, and this resolution complies fully with that requirement. In the pursuit of flexibility for committees that may wish to alter entitlement policy in later years, we have included reserve language in the resolution, language that permits us to be disciplined without becoming hidebound.

In the most basic terms, reserve language provides that mechanism to allow the new pay-as-you-go system to operate. When you strip it all away, in the final analysis, reserve language is simply enabling legislation that will permit the Senate to work its will on the substance of issues later if the Senate chooses to do so. Failure to include it in the budget resolution at this time will restrict the entire body in the very near future, if it wishes to address some problem that may appear in the future or if it wishes to institute some new initiatives.

I think it is worth noting, Mr. President, that the Finance Committee in a bipartisan, unanimous vote, approved a request for reserve funds for deficit-neutral legislation in three areas:

First, initiatives to improve health and nutrition of children, to provide for services to protect children, and to strengthen families.

Second, the Finance Committee asked for authority for economic recovery initiatives such as unemployment compensation, should the recession worsen or lengthen, or for other related programs to deal with the problems brought about by the uncertain economic times in which we find ourselves.

Third, the Finance Committee asked the Budget Committee to provide for continuing improvements in ongoing health care programs and phasing in health insurance coverage for literally tens of millions of Americans who find themselves with no health insurance coverage at all, plus needed efforts to contain health care costs. There is no question about it, health care costs are outrunning the means of the average American, as well as the Federal Government, to meet those health care costs.

The Federal Government is the largest purchaser of health care in this country, perhaps the largest in the world, with purchases of health care through Medicare, through the veterans medical care system, including the veterans hospitals, through the military medical system, and through assistance given top States through Medicaid. Clearly the Finance Committee needs the authority to move in the area of containing health care costs.

We have also incorporated reserve funds that would allow initiatives in two additional areas. One is expanding access to early childhood development services for low-income preschoolers, such as expanding the Head Start Program even further, or finding other means to finance it if the committee of appropriate jurisdiction wishes to do that, and if the full Senate wishes to endorse by a majority vote that committee's action; and finally providing for a Surface Transportation Act to address the deteriorating conditions of our Nation's highways and bridges. There is no mistake about it; we have a serious problem with a deteriorating infrastructure in this country. We not only read about it but we see it with our own eyes as we get in our automobiles and drive across the roads, highways, and bridges of our Nation. We see it in the form of potholes, deteriorating road surfaces, and bridges that may have become unsafe.

But I would submit, Mr. President, by including reserve fund language in the budget resolution we are simply preparing the way for the committees of appropriate jurisdiction of the Senate, and then for the entire Senate to move on these initiatives if they choose to do so once the substance has been worked out.

That is a point worth emphasizing. A reserve fund does not force specific action. All initiatives must be agreed upon in the normal process including finding a way to pay for them. Under the budget submit agreement put into place last year, a committee can no longer authorize a program, we can no longer approve a program on the floor of this Senate, and the President can no longer sign into law a program without finding a way to pay for it. Hereafter, if we want to create entitlement legislation expand entitlement legislation, we are going to have to find a way to pay for it first.

There will be no more of this business of spending and borrowing, or borrowing and spending. From this day forward we are saying with this pay-as-you-go initiative in this budget resolution—yes, you may expand an entitlement program; yes, you may create a new, mandatory program, but you have to find a way to pay for it first. If you do not pay for it, then it falls by virtue of a 60-vote point of order here on the floor of the U.S. Senate.

I want to dispel any confusion that may be had in this Chamber about how you pay for these expansions of mandatory programs or the creation of new mandatory programs. Some will claim that reserves are simply a license to tax. That is clearly not a sustainable allegation.

But I submit that even if that were true, that is infinitely more responsible than what we have seen over the past 11 or 12 years in this Chamber—creating programs with no thought in mind of how they will be paid for. You simply borrow the money and pass the cost of it on to future generations.

Raising the revenues to pay for a program is certainly more responsible and more courageous than the plan that was found in vogue in recent years of simply borrowing the money to pay for it. But when we talk about reserve funds we are not talking about a license to raise revenues to pay for it. For example, the Budget Committee passed an amendment offered by the junior Senator from Colorado that structures reserves in a way that allows us to address new initiatives within the context of spending cuts only, not taxes.

So the argument—that these reserves are simply new ways to tax the American people is untrue. Now if you want to expand a program, you are going to have to find a way to pay for it by cutting other mandatory spending.

So it is simply a distortion to try to characterize reserve fund language as a proposal to raise taxes. It is not. And to characterize it in that fashion is to I think break faith with the budget summit agreement that was solemnly entered into last year.

The question of pay-as-you-go was debated at great length during the deliberations on that budget summit agreement. It was agreed that what we were seeking to do was to put the stopper in the bottle of a borrow-and-spending psychology mentality that had prevailed in the past; that what we were seeking to do was to be responsible and say, if you are going to increase mandatory spending, then you are going to have to pay for it. That is all that we said. That was the responsible, old-fashioned way to govern.

There used to be a time in this country when, if you wanted to expend a program, or come up with a new initiative, you came up with a way to pay for it. That was absolutely elementary. But somehow in the decade of the 1980's that went out the window.

We spent a lot of time telling the American people we can give you everthing you want. We will pay for it. Do not worry about it. We will grow our way out of it. We will expand this economy and pay for it. That is the way we built up a debt today of over $3 trillion.

Mr. President, let me say that the primary proponents of this budget plan elicited strong bipartisan agreement in our Budget Committee. Nearly half of the minority Senators cast positive votes for Senator WIRTH'S homefront amendment. It was a $4.4 billion initiative that is the cornerstone of the discretionary portion of this resolution.

I am pleased to say that the Wirth amendment was adopted by an overwhelming bipartisan margin in our Budget Committee. Moreover, all members of the minority in the Budget Committee voted for the language included in the amendment offered by the distinguished junior Senator from Colorado [Mr. BROWN] to structure the reserve funds under the new pay-as-you-go system so that initiatives made possible by them are not offset with taxes.

So in every regard, Mr. President, this resolution upholds the priniciples of the budget summit agreement of last year, and it upholds the discipline that was the fundamental underlying reason for the budget summit agreement last year—the discipline to control spending. This budget resolution does that.

In conclusion, Mr. President, I submit that we have a worthy budget resolution that we are presenting here to our colleagues today. It is really the fruits of a bipartisan summit agreement that was entered into last year through negotiations initiated by the President joined in by the Congress. And that summit agreement is the underlying fundamental framework of this resolution that we bring to our colleagues today.

It has spending caps on both defense spending and domestic discretionary spending. Those caps have not been breached. We are adhering to the discipline that was fundamental to the budget summit agreement.

We have sought within the framework of these caps to move the funds around in the domestic discretionary spending framework in such a way as to emphasize education for our young people, to emphasize some of the family and security needs of our people but always being mindful of the underlying fiscal discipline that we must adhere to and that we agreed to last year.

On the mandatory or entitlement side, once again we adhere to the agreement and adhere to the discipline. We say that, if there is going to be an increase in entitlements or mandatories, it must be on a pay-as-you-go basis. If you want to do it, you have to pay for it.

So it is a fiscally disciplined budget resolution. Within rigorous limits of fiscal responsibility, it will focus what resources we have in this very trying fiscal time on family and economic security issues that matter so much to all of us, that matters so much to all Americans.

Mr. President, I ask unanimous consent at this point in my statement that a chart indicating the savings that will occur under the 5-year budget summit agreement be included in the RECORD together with a second chart indicating the Congressional Budget Office baseline totals with respect to deficits for 1991 through 1995 indicating the savings under our budget resolution we have today, and what the deficit would be without the budget resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGET AGREEMENT SAVINGS

[In billions of dollars]

	1991	1992	1993	1994	1995	5-yrs
Presummit baseline	404	435	392	402	348	NA
Policy savings	−33	−69	−89	−131	−160	−482
Current CBO baseline	371	366	303	271	188	NA

NA=not applicable.

CBO BASELINE TOTALS

[In billions of dollars]

	1991	1992	1993	1994	1995	1996
On-budget:						
Revenues	793	850	910	966	1,026	1,080
Outlays[1]	1,164	1,217	1,213	1,237	1,214	1,285
Deficits	371	366	303	271	188	205
Percent of GNP	6.4	5.9	4.6	3.9	2.6	2.6
Alternative deficits:						
On-budget excluding deposit insurance	268	269	256	246	235	248
Consolidated	309	294	221	169	69	66
Percent of GNP	5.5	4.9	3.5	2.5	.9	.9

[1] CBO's estimates have been revised to include Social Security administrative expenses.

Mr. SASSER. Mr. President, I see the distinguished ranking member, Senator DOMENICI, rising to speak at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I yield myself as much time as I need this morning.

Let me thank the chairman for his remarks and for his hard work in the days past in getting us where we are. Obviously, we are on a tight timeframe to go to conference with the House and get a conference report on the budget resolution. I am sure we will work together to see that we get that done.

Mr. President, let me also, for my colleagues, in particular, apologize for my voice. I have a bad cold, and I am sure some of my friends in the Senate will suggest that maybe I will talk less. I want to inform them that I am not so disposed, in spite of my voice, because I think we are in a very, very important period in the history of budgeting.

It is an interesting time. Without talking specifically about the budget for a moment, let me give you a version of why we are here and what happened on the way from the summit meetings to this day.

First, as the Senator from New Mexico sees it, last year the President of the United States, with the concurrence of the leadership of both Houses, said that we have a bad fiscal crisis. We all got together to see if we could agree on a budget for a number of years. We were trying to make a real step forward to fix this ever-increasing deficit and get our fiscal house either in order or under control.

Well, I am not going to recap all of the history of what happened when this group of U.S. Congress men and women went out of Andrews Air Force Base and met forever, and then came back here and narrowed the number of negotiators down even more and then finally produced an agreement between the congressional leaders and those in attendance, and the executive branch, the President of the United States.

A lot of things happened. But essentially, for the future, most of the media attention was focused on cigarette taxes, the 5-cent gasoline tax, other kinds of revenue items, and on some reductions in mandatory spending, which we used to call "entitlements," but now we use the word "mandatories." That included Medicare, part B, some changes in the copayment between the taxpayers of America and the seniors citizens. So those issues got all of the attention.

We struggled through that, and by the time it got through the House, we had some new issues on fairness, in terms of the tax structure, to tax the wealthy and not the middle class.

But while all of that was occurring—and we finally got our way through that one way or another—it seems to this Senator that one of the most significant agreements regarding the fiscal policy of the United States and the procedures and processes, both in the executive branch and the Congress, was entered into.

I am absolutely amazed, as I had the opportunity to speak before groups in my own State and elsewhere, to share a little bit of what we did while all of that notoriety was taking place—maybe one might even say "under the cover" of that notoriety. A 5-year binding agreement was reached between the President of the United States and the Congress, which this Senator thinks will dramatically change our tendencies here in the Congress and, yes, even the tendencies of the executive branch, to spend and spend and spend and believe you never have to pay for it. And it will dramatically change the implementation of the philosophy which may be still around, of spend and tax and tax and spend.

So that everybody will understand the parameters, it is obvious that it would be unconstitutional to enter into a 5-year agreement that bound the Congress literally in dollar numbers for 5 years. One year we have already done, and four we are going to do, starting with year No. 2 in the budget resolution before us today.

So let us start with an understanding of what we did do that everyone thinks is constitutional. Let us put it this way. You can do almost anything that you could do before this agreement—as stated by our distinguished former Republican leader, Senator Baker, who once said, "If you have 51 votes, you can do anything." Well, essentially, if you really want to change this agreement, other than, interestingly enough, to reduce the deficit more than was agreed upon in this executive-congressional agreement, so long as it does not include taxes—you can do that with 51 votes.

But if you are going to, in any way, raise the deficit or raise the spending in the three new categories that we have established in law—defense spending, domestic discretionary spending, and foreign assistance spending—you need a supermajority. And such is the agreement.

So there is nothing any more binding. If you want to break all this business, you have to really have something good, something powerful, because you need supermajorities to do it. So the overall framework is supermajorities and sending laws to the President to change all this, which he can veto and, obviously, in that stance, a minority supporting the veto will keep it in place.

Having said that, Mr. President, this Senator from New Mexico has come to the conclusion that the most important thing we can do up here is to take policy steps that enhance and increase the opportunity for the American economic system to grow and prosper in a sustained manner.

There is nothing that proves to the American people that sustained growth is good. We all know that. We all understand that—our economists have all told us—an increase in the size of the pie that is getting distributed through various activities in the American system is good. But nothing convinces the American people and Members of Congress that you ought to have sustained growth better than to have a recession.

When you have a recession, everybody understands that recession is the opposite of growth. Therefore, you sure would like to have growth, because you do not like the recession.

So, from my standpoint, what is wrong with this budget resolution has nothing whatsoever to do with the caps agreed upon by the budget summiteers, encapsulated in a reconciliation bill that went to the President, was signed, and is now either law or has changed our procedures, one or the other. There is nothing at all wrong with that. And this budget resolution, as I will explain, in this Senator's opinion, takes that summit agreement and says "carry it out," and does not do much more than that.

The budget resolution does not address the issue of reducing the Social Security taxes or the trust fund with that supermajority of 60, that I alluded to a while ago. And as a matter of fact, an amendment will be offered sometime today that takes advantage of the fact that that is the one major loophole in the budget summit agreement.

And I will not burden the Senate or anyone interested in what I am talking about here this morning with how it happened, other than before the budget summit, if you wanted to reduce FICA taxes substantially, or spend some of the Social Security trust fund for something other than what it was intended, you had to have a supermajority.

Let me repeat that. For those who were wondering why we did not take Social Security off budget, for about 2½ years there was a clamor to take it off budget, the notion being it would be protected if it is off budget.

Interestingly enough, the result of the budget summit and the inclusion of some words in that summit agreement regarding this trust fund and the firewall protecting it is to take it off budget. But with 50 votes, a simple majority, you can raid that trust fund—raid that trust fund.

The biggest objection of the Senator from New Mexico to this budget resolution is that it permits that. And as a matter of fact, the way it is drafted, it says implicitly you can cut the taxes to reduce the trust fund solvency with 50 votes, but for the remainder of the year, you cannot spend the trust fund on something else.

(Mr. ROBB assumed the chair.)

Mr. DOMENICI. Mr. President, I believe we should have put in this resolution that you need 60 votes to change the trust fund's solvency in either respect. Why do I say that? Because I started my comments by saying the most significant thing we can do with the budget resolution is to analyze it first to see what it does to economic prosperity. What does it do to our future economic growth? What does it do to our potential to remain competitive?

And, Mr. President, I am unequivocally convinced that to dramatically reduce the Social Security trust fund will indeed put the United States of America in a position where about 25 to 30 percent of the economic positives coming forth from that budget summit are wiped out. Which means America will be in the debt market for more money on the borrowing side, even while we have a 5-year relatively good fix on our fiscal policies and have put it in order.

I believe that is bad policy because I think it means interest rates will not come down as fast or for as long as they should. That means money will be more expensive to the Federal Government, and ultimately more expensive capital will be more expensive to American business, large and small, and to those who want to invest to cause America to grow.

So we have a rare opportunity sometime today, hopefully, to make this budget resolution what it ought to be, an encapsulation and mandate that we carry out the terms and covenants and conditions of the budget summit, and that we not dramatically change it by reducing the revenue take side of the ledger for the Social Security trust fund. As an article in the Washington Post indicated today, for those who want to cut the tax, they ought to be coming before the Senate saying what taxes they would raise to take the place of the lost revenue so we could have the budget summit's deficits lines running as they really should and as they were intended.

That is the thing that is most wrong with the budget resolution before us. And I want to say to my friend from Tennessee, if the Moynihan amendment—which I assume he will offer today, and which takes advantage of the 50-vote simple majority provisions of the reconciliation bill to reduce the size of the trust fund so that he can use up that extra amount in reduced taxes—if it fails, and I hope it does, then the Senator from New Mexico will support this resolution. We can go to conference. And I will urge my friends on the Republican side to support it. I think, especially considering the options we had, we could have tried to spend more than the budget summit indicated. The only thing that would have happened if we did that, we would require supermajorities here on the floor.

There is nothing to keep Senators from, if they want to, spending more money. So if they do not like the strictures of the budget summit on the spending side, they can offer an amendment here on the floor to increase it.

The interesting thing, as I said in my opening remarks, is that the President and the Congress made a historic agreement that says if you want to do that for the next 4 years, you have to get a supermajority to support you.

I am pleased the Budget Committee, at least, did not do that. If you want to cut defense more than the budget summit agreed to, you can come right here to the floor to cut it more. And I assume an amendment will be offered to do that. Such amendments were offered in the markup in the Budget Committee, I say to the Presiding Officer: 10

percent cut, 8 percent cut, 6 percent cut, down to 1 percent. All failed.

Everyone assumes the $177 billion we cut off defense in the reduction agreed to in the summit is a sufficient cut, all things considered. But we can try to cut it more.

The interesting thing about the budget summit is, however—and I think it is a very, very good way to handle fiscal policy for now and for the remainder of this agreed period encapsulated in legislation—if you reduce defense more and you do not spend it for something else, it reduces the deficit. That is the way the agreement reads. That is what we, in collaboration with the President, agreed would be the policy for the ensuing few years.

If you want to reduce defense, domestic discretionary programs, and foreign assistance, again, I repeat, nothing keeps anyone from doing that. For those who deplore the size of the deficit or do not like the budget summit agreement, they can come to the floor; they can alter that. And in that regard, they only need a simple majority.

But the interesting thing is that the savings go to the deficit and are not spent elsewhere. To spend them elsewhere requires a supermajority. That is more than 51, or a majority of the Senators present.

That is the nature of this interesting multiyear agreement that I started off telling the Senate about. While there was all of the commotion about the cigarette taxes and the gasoline gax, a most intriguing and interesting agreement was entered into, and it falls to the Budget Committee to seriously consider each year whether they want to continue to be bound by that agreement.

Clearly, for those who say there is no role for this resolution, there is nothing to do, I have just given a few off the top of my head. For those who want to spend more, you come down and offer it. It will be voted on. And clearly, if you get a sufficient vote, you have altered the summit agreement and permitted the appropriators to spend more.

Let me tell the Senate one more thing that is most interesting about the summit agreement that is encapsulated in the reserve provisions of this budget resolution. About 2 or 3 months before the budget summit reached its conclusion, a distinguished Member of the House, Chairman ROSTENKOWSKI, presented an editorial piece following a speech somewhere in his home State of Illinois where he called for some rather dramatic changes in the Federal budgeting practices.

In that, he included a statement that for mandatory or entitlement programs, new Medicaid add-ons, Medicare changes that increased spending, pension programs you might want to change, student loan programs that you might want to change, agricultural programs that are annual subsidies that are covered under a multiyear law—all of those are called mandatories—he included a statement that if you are going to increase any of those in the future you ought to pay for them, which became known as pay-as-you-go.

Again, while all of the excitement of the summit was focused on taxes and entitlements, this provision of pay-as-you-go was encapsulated in the agreement and is now covered in this budget resolution.

It says, essentially, for those who in the past have done things like the following: You want to increase the Medicaid Program, so what you do is change the law in a reconciliation bill to increase spending, not this coming year, but 2 years from now, by a huge amount, maybe $300 million or $400 million; and maybe 4 years from now, one-half billion dollars. I do not know, but for the year you are looking at it, little or no new money is spent. But it is dramatically spent in the outyears. The pay-as-you-go provisions, in my opinion, are dramatic changes in the direction of positive fiscal policy for it would say you must pay for that kind of program and you will estimate it over 5 years, not one, and you pay for it in either of two ways. You pay for it either by new revenues or by cutting programs. And if you do not pay for it, Congress has given the Office of Management and Budget the authority to cut across the board entitlement programs, except Social Security, to pay for the increased programs.

Frankly, the Senator from New Mexico worked on these issues for years and never believed we would have a budget resolution before us that carried that kind of enforcement power, but it does. So now it means that the numbers we have in this budget resolution, multiyear in nature, are enforceable against entitlement changes unless they are paid for. And if they slip something by and it is not paid for, the Office of Management and Budget makes you pay for it by cutting programs across the board.

Frankly, so no one will miss the strength of the agreement that is encapsulated in this budget resolution and being carried forward here on the discretionary programs, we have not only set a dollar number in law for the year that we have on the floor and for the following year, for discretionary appropriations, let me just give you the number: $210 billion in outlays is what can be spent and no more. One might say, how good is that? We have a tendency to overspend or, in the waning moments, to do supplementals that would increase the amount, and we would go over the target. What happens now?

A most interesting agreement was arrived at in the summit and is now in the laws of this land. The Office of Management and Budget is given the authority, when you have finished the appropriation process, to see if Congress broke the target and immediately has the authority to cut all the accounts by the amount necessary to pay for the overage. All of them are cut equally—no line-item veto, no taking entire programs out, but across the spectrum of those kinds of programs—the overage is spread by reductions to reach the target. Such is the case for the entire period of this agreement.

This budget resolution will be the enforcement mechanism for that on the floor. We have provided for increases in entitlement programs in the areas that the chairman has alluded to, but, interestingly enough, an amendment offered in the committee by the junior Senator from Colorado said that all you can do there is pay for new programs by reducing or cutting old programs. You cannot do it by new taxes. New taxes would be out of order. If you did it by cutting programs to pay for new ones, you only need a simple majority to pass those. Very interesting. We will see how it plays out. Obviously, much of this has never been tried, but it is, at least as I see it, a very, very exciting process for the future.

Mr. President, again I repeat, in the opinion of this Senator, the most important fiscal policy issue confronting the Congress this year is, do you want to reduce the Social Security tax and raid the trust fund by billions of dollars, put the fund in jeopardy, the payments in jeopardy, and cause interest rates to go up—as most economists say they will and the Congressional Budget Office says it will, thus costing the recovery dollars that need to be invested to get out of this recession and to cause us to grow? That capital will cost more, thus making our future sustained economic growth less apt to happen.

Aside from that, let me suggest that there are a couple of myths around. We never have been able to get rid of them. They are with us again. Let me see if I can, in a couple of minutes, try to give you my assessment of the myths.

First of all, it is assumed—and it does not really matter how many times we try to say to the contrary—but it is assumed by those who write about our budget process that the budget resolution—when it talks about how much we will spend for education, how much we will spend or not spend for the drug interdiction program and everything that goes with it, or how much we will spend for the EPA to enforce the environmental protection laws or, yes, how much we will spend for the Women Infants and Children Nutrition Program—it is assumed that the budget resolution actually is binding with reference to the dollar numbers that we expect to spend next year. Such has never been the case from the first day a budget resolution came to the floor of the Senate 14 or 15 years ago. Those numbers have never been binding. They are wishes. I call them the wish list, because it is absolutely, unequivocally true that the prioritizing of all the domestic programs and all of the weapons programs and systems and other things within defense and all of the programs within foreign assistance—they are all prioritized—that is, the amount that we are going to spend, whether there is going to be a reduction or an increase, is determined purely, plainly, simply by the appropriation process, not the budget resolution. Literally, that is the way the law was drafted. It was a compromise many, many years ago when it was drawn so that the appropriators would make the decision on where to spend the money.

I am not suggesting that one is better than the other or we ought to do something differently. But let me repeat, just using some dollar numbers. The budget summit agreement said, next year, Mr. President, for all of the domestic programs that are appropriated—I have just named some: education programs, title I, VA's hospital maintenance program, National Institutes of Health, all of those programs and many more, maybe 200 or 300 or so programs—the agreement says we can spend $210 billion for those programs.

Let me make sure that I do not overstate the case because it does not bother the Senator from New Mexico if we want to take some advisory votes. It just kind of disturbs me when the public is led to believe budget resolutions are more than that.

Let me try to put it this way. It does not matter, Mr. President, what any Senator comes to the floor and offers as an amendment to the distribution of that $210 billion: Let us take it out of drug prevention and put in education, and we are having a pro-education vote.

Now let me say for sure what the effect is. It does not matter how we vote on those advisory wish list items. I do not say this with anything other than great respect to the chairman, but his long litany and very, very eloquently stated remarks about what this budget resolution will spend more money on is precisely what I have just said, a wish list and nothing more. I guarantee the Senate that we will not know what is going to be spent on those programs until all of the subcommittees of appropriation have reported their bills and they are voted on, gone to conference, and the President signs the bill. You can then look and see if we increased education in the amount suggested in this budget resolution—and I do not want to predict we will not, although my true intuition is we will not—because, in order to do that, we have to dramatically cut other programs. For, you see, Mr. President, the real impact of the economic budget resolution, that summit agreement that brought us to a resolution for a number of years, is an experiment in determining the priorities of spending with caps that cannot be violated. The test is going to be: Do we want to keep funding every program we have? If we do, we cannot increase any very much.

The President, for instance, whether one agrees with him or not, to his credit increased many programs that this Congress agrees should be increased and that the American people want increased. To his credit, he reduced programs in his line-item budget. He reduced programs by terminating them, $4.4 billion worth. He said, to increase some I have to reduce or cut others. So he terminated 4.4 billion dollars worth of programs.

There is no way in a budget resolution you can terminate programs. So we have not. So, if we have increased in our wish list, advisory allocation of that $210 billion—if we have done that—we have cut something else and we cannot have it both ways.

It is all right with the Senator from New Mexico if we want to send an advisory budget that increases some, but everybody ought to know it decreases others. When we adopt this one, using the rhetoric of increases, which we all want, I feel we ought to accompany it with the rhetoric of what we did not do as the President did.

For instance, we have dramatically reduced law enforcement and drug interdiction and all of that, that goes with the war on drugs by about $2 billion. We really have not because I can predict with almost the same amount of certainty I did 5 minutes ago that we would not increase education as much as is in this budget resolution, we will not reduce that total war on drugs program by that much because we just could not do it. Two billion dollars would dramatically change the FBI and all of those entities that are in the war and probably the assistance to our cities and probably the other programs that go with it.

The veterans function was reduced in dollar numbers by a very large amount, about $700 million. I can almost assure my colleagues that is nothing more than a paper reduction in order to pay for an increase in education. It is not going to happen.

What is going to happen? What is going to happen is the appropriations are going to take the $210 billion, not the small numbers we have in here, and they are going to look at what their appropriations committees should get, and they are going to decide what goes up, what goes down, what gets dramatic increases and what does not.

While we are on that, the chairman, again, in fairness, did a very good job explaining what this advisory budget does for children's issues. But I do not think it would be fair to not give the President credit for dramatically increasing children's programs in his budget. He did. I will just give some Members in a while as to what he did. But, remember, the President literally, in the executive budget, must put the dollar number in, justify it, and live within that $210 billion cap. Thus he must say what he has cut, what he has eliminated. So he is subject to criticism no matter how it comes out because the increase will never be as much as people want. But, he had to decrease things to even get there.

In any event, the President increased programs such as WIC, other child nutrition programs, infant mortality, Medicaid that is directed more at young people, Head Start, math and science for young people, all of those. He increased those $7.5 billion over the previous year.

As a matter of fact, let me make my third prediction in this series. By the time we are finished with appropriations, these programs will not be increased as much as the President asked for, much less by the amount in the advisory budget that is before us, touted by some as "the budget," implying it is the final say. We ought to start talking about the appropriations instead of the budget because that is the way the individual items are responded to in the laws of the land.

It does not make the budget process any less or any weaker or any stronger. In the years when it was assumed to have had a lot of power without the help of the targets trying to enforce them, the same rule applied. As a matter of fact some in the budget process thought we ought to break the discretionary appropriations into three departments: Defense, domestic and foreign aid, and make those binding in the budget process because, believe me, Mr. President, for most of the history of the budget process even those large targets were not binding.

In other words, we could spend defense money on discretionary accounts in that appropriations process. As a matter of fact, I will give a rule, just one I remember. I believe we spent over $40 billion of domestic-budgeted moneys for domestic discretionary programs over a period of 7 or 8 years by just meeting the big target but moving the money around below it. That is the way it was. That is the way it is; accept it.

We have now for the next 4 years agreed that for the next 2 years there are three binding caps and we cannot move the money around between them. We left open the following two to be agreed upon with only one big cap over the top of it all.

I think that is very interesting. I think it is exciting. I think it is very important that the budget resolution be understood for what it is. It is a macro document that sets some advisory numbers and overall says how much we can spend in discretionary programs. And this year says—and I am very pleased this is the case—this is what we can spend in mandatories. If we are going to spend more with new programs or new add-ons, we have to pay for them.

If we break the targets we get a mini sequester by the OMB. That is a mini across-the-board cut. Frankly, let me state for the Senate, it came out the other day that we had exceeded the discretionary cap by a very, very tiny amount, $7 million. That $7 million is against a great big cap of $200 billion or more. It is almost negligible, .0 something or other percent. Some said why do we not just find a way to declare that to be, maybe in the lawyers' parlance, de minimis.

Guess what happened? The chairman of the Appropriations Committee, who was part of the agreement; the OMB director, part of the agreement; some who were very active in this whole negotiation, talked about it. Guess what the conclusion was? No, enforce it, even if it is only a tiny, tiny amount, a tiny, tiny percent across the board. Make sure everyone understands it is for real, it will happen and do it even for this tiny, tiny $7 million.

So there is going to be an across-the-board cut, negligible as it is and far less than 1 percent. I do not know what it is in numbers right now but .0 something or other across the board to take care of that $7 million. That is how significant the agreement that this budget resolution will enforce was when we put it in place and how important, in this Senator's opinion, it is that the budget process be used for the next 2 years to say we should do no less for the American people and for the American economy in the future than to enforce that agreement.

If we were to do more, then we should reduce the deficit more, and there is ample room to do it if we want to. If you want to cut more, offer to cut more. If you want to tax more, offer to tax more. I for one do not believe we are undertaxed. Maybe some will come to the floor today and tomorrow and say we are undertaxed. Or, they will imply it, because there is constantly a clamor that we could solve all America's problems if we could just spend more money.

Frankly, I think this budget process is going to force us to do some choosing. The choosing will not be done in a way that everybody likes, but eventually in the 4 years we are going to have to squeeze out the less important programs in favor of spending more money on those that are more effective, more efficient and more needed today.

If we want more on the entitlement side, we are clearly going to have to pay for it by reducing programs or stepping right up to the trough and say we are going to assess more taxes in one way or another on the American people.

Mr. President, having said that, let me make one further comment. This budget resolution, in the best way that it can, reflects all of the health care costs of this Nation, most of which are found in the entitlement or mandatory side and most of which are in Medicare and Medicaid. I know there are a lot of people who are talking about changing the health delivery system because it currently is leaving a lot of people without access.

One need not have much expertise on fiscal policy or budgeting to come to a couple of conclusions about health care costs. First, since health care costs are currently over 11 percent of the gross national product, and increasing in most cases and for most immediate past years with no relief in sight about 2.5 times inflation, such that by the turn of the century, not a long time from now if you leave them alone and let them increase by their own momentum, they will be 17 percent of the gross national product by the turn of the century.

No industrial country comes close, no industrial country that produces goods and services and builds its standard of living around economic growth and goods and services, no country intends or contemplates such an enormous portion of all of its productivity going to health care. Therefore, the first proposition, unless we get the costs under control, we cannot add, by way of new access, substantial number of Americans. It is a fiscal impossibility. Anybody who has a plan to do that either has a plan that will not work in a couple of years—it will fall apart—or they have indeed expected something of the system that it has not been heretofore.

So this budget says if you want to increase any of those health care programs, you have to pay for them by reducing other programs or putting some new taxes on. It is obvious to this Senator that we really need to do something about reducing the superinflated annual increases in costs of the health care programs, alongside of, simultaneous with, or before passing new programs that will add some more coverage of one sort or another. We ought to get more access to the system especially by the poor who do not have coverage and many of the working poor who do not have coverage, but we just cannot wish away the realities that I just described which are encapsulated in this budget resolution.

Since I spoke of Social Security and its trust fund, interestingly enough, I'll mention Medicare has a trust fund. It is now estimated that it will be bankrupt in about 13 years. In other words, the balances will be at zero and going in the red and, interestingly enough, Mr. President, by about 2003, 2004, just a few years after the turn of the century, the health care for senior citizens under the current programs will exceed the cost of the Social Security Program itself. So we will be paying more for health care, which obviously covers a smaller number of people annually, than for the pension program that covers them all. It is very interesting and somewhat significant in that it points out the dilemma in a very real way.

Obviously, this afternoon, we are hopeful, at least speaking for the Republican Senators, that Senator MOYNIHAN and those associated with him on the Social Security trust fund reduction will be here sometime early in the afternoon so we might be able to dispose of that issue sometime today.

I am hopeful, and I say this to Republican Senators, if you have amendments, I hope you will get them to us because even though we have a couple of days, maybe we can stretch it into 3, I am sure the Senate would appreciate it if we finish early rather than late. I am sure the chairman and I would join in wishing that we could dispose of this resolution rather quickly.

Everyone has already said that the budget process streamlines this activity on the floor. I have tried very hard to tell Senators what they could do if they think the budget resolution is not right. There is plenty of freedom. It is difficult to exercise that freedom because ideas that want to be incorporated in it are not so easy. Nevertheless, Senators can try them and we hope they try them as soon as possible so we can get on with getting this budget resolution completed.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. SASSER. Mr. President, I listened with great interest to the distinguished ranking member of the Budget Committee, Senator DOMENICI. He is a man who is very knowledgeable on the subject of the Federal budget and very knowledgeable on the subject of the budget process. Senator DOMENICI has had a great deal of experience in this field and is highly respected by his colleagues on both sides of the aisle.

I agree with the statement made by the distinguished Senator that this budget resolution with regard to domestic discretionary spending is advisory in nature. There is no question about that. But if my colleagues will examine the budget resolutions in prior years, these resolutions that are advisory in nature have a way of becoming policy when they emerge from the Appropriations Committee and emerge from the full Senate following the enactment of the various appropriations bills.

Why is this so? There are a number of reasons. One is that the Budget Committee expresses the will of the Senate. Presently, almost 21 percent of the membership of the Senate is on the Senate Budget Committee. That represents a cross-section of opinion in the Senate. And when there is substantial agreement that crosses partisan lines in the Budget Committee, we can be fairly well assured that the bipartisan agreement is going to find some expression in the final appropriations bills.

What we had in our Budget Committee this past week was an overwhelming adoption of the so-called Wirth amendment. As I recall, the vote was 15 to 6 and the Wirth amendment received strong bipartisan support. It was an amendment whose thrust put increased emphasis on education of young people, increased emphasis on initiatives to deal with the problems of children, and also increased emphasis on problems of the families.

So while the distinguished ranking member is correct in his assessment that these expressions in the budget resolution with regard to domestic discretionary spending are advisory in nature, they do have a way of being a precursor of what will finally emerge from the Senate as a whole. And they should, because most pollsters will tell you if they can get a sample of 2 or 3 percent, they are well satisfied with the results that will extrapolate from that very small sample.

In the Budget Committee we have a sample using pollsters' terms of gargantuan size. We have a sample that represents 21 percent of the whole population of the U.S. Senate. So when you get an overwhelming majority crossing party lines voting for certain initiatives in the budget resolution, it is a pretty safe bet to say that in the final analysis when all of the 100 cooks emerge from the kitchen the cake is going to be baked pretty much according to the recipe that emerged from the Budget Committee by an overwhelming margin.

I might say with respect to the President's budget, the distinguished ranking member is quite correct; the administration did, in certain areas, increase expenditures for Head Start, and for a few other worthwhile programs. But it was the sense I think of our Budget Committee that these increases simply were not enough to deal with problems that we are facing in a recessionary economy, with a population in which we have an ever increasing number of children, and children of tender years, who are living in poverty.

There were increases also in the President's budget in areas that have little to recommend them when you are assigning priorities between child and family security issues and the issues that the President emphasized, such as $460 million or $534 million for a superconducting super collider, a 120-percent increase over 1991, a substantial increase for the construction of Federal penitentiaries. Although these are expenditures that we might applaud in other times, given the very severe fiscal times in which we live at the present time, I feel—and I think perhaps the majority of our colleagues also feel—these areas do not represent quite the priority as do some of the areas that we sought to address in our budget resolution that we present today.

With regard to the issue of Social Security, which my friend from New Mexico addressed——

Mr. DOMENICI. I wonder if the chairman would yield for a question.

Mr. SASSER. I would be pleased to yield to the distinguished Senator.

Mr. DOMENICI. I have to leave the floor. I wonder if I might take less than a minute to thank some people, and I would yield to the Senator. Then I think Senator SARBANES will follow the Senator from Tennessee.

Mr. SASSER. Certainly. I ask that I yield to the Senator from New Mexico without losing my right to the floor.

Mr. DOMENICI. I ask that my statement not interrupt the statement of the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I want to thank some people who have been very helpful to the Social Security issue and have helped the Senator from New Mexico on the 60-vote firewall and also preparation for the vote today.

First, I want to thank the AARP, the association that represents more senior citizens than any organization in America, perhaps anywhere in the world. They have been very helpful, totally support the position that we should have a 60-vote firewall and that we should not raid the trust fund; the President of the United States has been strong in his support starting back with the joint session when he said do not mess with Social Security, to letters of support which I am sure we will have again today with reference to the specific issue; Senator BENTSEN, chairman of the committee of jurisdiction which would have to write the laws, for a splendid editorial today in opposition to the Moynihan amendment, and many others.

I say that because in speaking about it I did not want it to be as if I was doing this singularly, that there have been huge areas of support. I think the issue is now much better understood, and I thank those entities and people for that and others who will be helpful as we march down this trail.

I thank the Senator. I yield the floor.

Mr. SASSER. Mr. President, I note that the distinguished chairman of the Joint Economic Committee was on the floor just a moment ago, and I suspect that he wishes to begin his discussion of the economic state of the Nation. So I would suggest the absence of a quorum momentarily.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I note that the distinguished chairman of the Joint Economic Committee is present. Pursuant to the Budget Act, the distinguished chairman is called upon to deliver to his colleagues the view of the Joint Economic Committee as to the economic status of the Nation. I can think of no Member of this body better qualified, perhaps no individual anywhere better qualified to deliver an exposition as to where we find ourselves at the present time with regard to our budget, with regard to the economic status of the Nation. At this time I yield to the distinguished Senator from Maryland whatever time he might require.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES] is recognized for such time as he may consume.

Mr. SARBANES. Mr. President, I thank the chairman of the Budget Committee for this opportunity to speak.

Under the Humphrey-Hawkins legislation, when the budget resolution is before the body, the Joint Economic Committee is charged with speaking to the broader economic circumstances in which we find ourselves. I want to try to do that for just a few minutes this morning.

What I want to do, Mr. President, is use some charts in order to try to accomplish some of this economic review.

First of all, I will sketch out some fairly broad parameters of the condition of our economy and where we find ourselves. Second, I will address in a more focused fashion the current economic situation, specifically the recession in which we find ourselves. I want to raise the question of whether we should be proceeding on the premise that the recession will be short and shallow. Since I am going to conclude that there is substantial risk that it may in fact be long and deep rather than short and shallow, I am going to then close by some observations of things I think need to be done particularly with respect to the unemployment insurance system. I will also, in the closing, have some remarks directed to the budget resolution, but this presentation is primarily an effort to address the budget resolution in a broader economic context.

The first point, Mr. President, is simply to underscore that in many respects we have a national economy in considerable difficulty.

There are a number of trend lines which unfortunately have developed over the last decade or so that if looked at from a longer run perspective raise serious questions about the health of our economy. The first chart shows the total debt outstanding as a share of the GNP. This is presented as a percentage of GNP which is a relevant consideration because if your GNP is way up, even though you have a somewhat larger debt, you may be in a healthier state of affairs. if your debt as a percentage of your GNP is rising, it is hard to see that as anything other than a weakening.

It is a little bit like saying to someone, would you rather have $2,000 worth of debt and a $10,000 income or $3,000 worth of debt and a $50,000 income. Most people I think would pick the latter even though they have more debt, $3,000 instead of $2,000, but they have much more income, $50,000 instead of $10,000.

So if your income is going up at a faster rate than your debt, even though your debt is more than it was, you are strengthening your position, not weakening it.

Unfortunately, total debt, not just the Federal debt related to the budget, but total debt, private and public, in the economy has been rising sharply.

It is not just Government debt that has gone up. Individual and corporate debt in this country are at unprecedented levels. The net of all of that is shown in this line. This is 1952 here at the beginning of the chart and, as you can see, we have had this escalation in debt and particularly a very rapid escalation over roughly the last decade. So we find the total debt outstanding as a share of GNP is now up significantly.

The debt of the Federal Government as a share of GNP, which is a problem we all wrestle with here in the Congress, was the focus of the budget agreement. It is still the focus of this budget resolution, and has also risen as a share of GNP.

We came out of World War II with a very large debt in relationship to GNP. The chart does not go back to World War II but begins here in 1952.

As you can see, this ratio declined into the mid-1970's. It then started to rise a bit and then of course it rose, as we all know, markedly in the 1980's. Essentially what happened was a significant continuing increase in spending; even though domestic spending was being constrained, defense spending was not. The total spending therefore rose significantly.

We also had the tax changes that constrained the revenue base. The consequence of those two things was to have an increase in the debt of the Federal Government as a share of the GNP, which is reflected in this line here.

That is the deficit and debt problem here of the Federal Government.

Mr SASSER. Mr. President, will the Senator yield for a question?

Mr. SARBANES. Yes, I yield.

Mr. SASSER. Look at the distinguished Senator's chart here. It reveals some very startling information. If I am reading it correctly, working the debt of the Federal Government down as a share of gross national product, or more accurately stated, the Federal debt as a share of gross national product, what we are seeing here in this chart, if I am reading it correctly, is in 1952 Federal debt as a share of GNP stood at roughly 60 percent largely as a result of coming out of the debt of World War II. Is that an accurate statement?

Mr. SARBANES. That is correct. This figure prior to World War II was quite low and then it went up in World War II because we ran heavy debt in order to finance the war.

Mr. SASSER. Then again referring to the distinguished chairman's chart, we worked the debt; the debt was 60 percent of GNP roughly in 1952; by 1980 it appears to have declined somewhere in the neighborhood of about 35 percent of gross national product. Is that a fair assessment?

Mr. SARBANES. That is correct.

Mr. SASSER. Then the Federal debt as percent of gross national product appears to literally skyrocket from 35 percent of gross national product in 1980 up to 70 percent by 1990 gross national product.

Mr. SARBANES. That is correct.

Mr. SASSER. So we have raised the Federal debt from 1980 from roughly 35 percent of gross national product in 10 years, by 1990, up to the point that represents about 70 percent of gross national product.

Mr. SARBANES. As a percentage of GNP the Federal debt has about doubled over the last decade. That is correct.

Mr. SASSER. That appears to be unprecedented in the peacetime history of the United States. Is that an accurate analysis? I ask the chairman of the Joint Economic Committee.

Mr. SARBANES. I agree with that observation.

Mr. SASSER. I thank the chairman.

Mr. SARBANES. I want to be clear about one point. The fact that the debt as a percentage of GNP was declining in this period does not mean that the debt as an absolute figure was necessarily declining. But here is what happens. Your debt may rise a bit year to year, but if your GNP is going up much faster, then the burden of the debt is being lessened. In fact, in some instances you incurred the debt in order to expand the GNP. You may incur the debt to make certain investments in the infrastructure, in educational, and so forth, but then it pays back important returns.

So the debt figure as an absolute amount would not be less here than it was back there, but the debt in relationship to the growth of our GNP was much less. So we were in a stronger position. Unfortunately what has happened in the last decade is this rapid runup I indicated.

Mr. SASSER. Will the Senator yield for an analogy?

Mr. SARBANES. Certainly.

Mr. SASSER. I say to my friend from Maryland this is very analogous to a situation I had now almost 30 years ago when I was a senior in law school. One of our old professors told us at that time: "Young gentleman, when you get out into the practice of law, buy a house more expensive than you think you can possibly afford because within a few years your income is going to grow to the point you cannot only afford that house, but you will find perhaps later on you will even want to move into a larger house."

So when you contrast the young lawyer's income with the Federal Government's gross national product, as the young lawyer's income grew over a period of years, just as the Federal Government's gross national product grew over a period of years, the debt relatively speaking grew smaller.

I take it that is what the chairman is pointing out to us here today. As our gross national product grows, even though the debt may be larger in a strict numerical sense, relative to the gross national product and our ability in prior years to manage it because of greater wealth, we are now finding that has reversed itself and the gross national product is going up beyond our ability to manage it because the economy is not growing as fast as the GNP.

Mr. SARBANES. That is correct. In this runup during the 1980's there was both an increase in spending through the defense budget and the constraining of revenues. In all fairness, I also need to make the point we had a very deep recession in 1981–82. Actually the worst since the Great Depression.

That recession ran until the end of 1982. It was the worst since the 1930's; unemployment reached a monthly high of 10.8 percent.

The other point I want to reemphasize is not only has the debt of the Federal Government gone up, but total debt has gone up as a share of GNP. You will notice that total debt back in 1952 was quite low, even though the Federal debt was quite high. That is because individuals and corporations were carrying very little debt.

Individuals came out of the war with a lot of savings accumulated. So this runup shows you what happened not only in the public sector, but also in the private sector. It is important to keep that in mind, because the debt in the American economy now stands at a postwar record level as a share of GNP. These high debt levels weaken the balance sheets of households and corporations, and make them more vulnerable to economic setbacks.

Mr. President, there was one other development or deterioration in the economy that we need to underscore here to lay the broader stage. That is the deterioration in the U.S. trade position.

I regard this as an extraordinarily serious matter because, in some respects, a debt held internally is a different problem than a debt held externally. A debt held internally involves shifting resources from taxpayers to bondholders. But if they are all Americans, it at least is taking place within our own country. It is a distribution problem in terms of who gets benefits, but it does not have the same impact on America's standing internationally in terms of national power.

Here is what happened, and these are among the most distressing figures I think in our whole economic picture. This line here is the U.S. current account which measures how much we export minus how much we import in goods and services plus foreign aid and other international payments.

As we see, it had run roughly positive, or close to balance through 1980. In fact, this line, going back to World War I, had essentially run in balance if not in surplus. It began to deteriorate in the early 1980's.

As you can see, the current account has remained below balance throughout this decade. The consequence of running this deficit figure is that it impacts on our net asset position; in other words, whether we have more claims on others or others have more claims on us. Our net asset position had been positive ever since World War I.

The United States was what is called a creditor nation ever since World War I. In other words, others owed us more than we owed them. We had more claims on others than they had on us.

We started running these trade deficits for a number of reasons, which I have spoken about before on the floor of the Senate. That meant, in effect, that we actually ended up borrowing from abroad in order to sustain them. We became, as it were, "dependent on the kindness of strangers," as Blanche Dubois said in the Tennessee Williams play.

Our net asset position started deteriorating, and each year our trade balance was negative, this net asset line continued to go down because we were in effect losing, not gaining. This current account line has improved a bit. Our trade deficit is now at about $100 billion instead of $150 billion, with $40 billion of the $100 billion being with one Nation—Japan.

But as long as this trade deficit line stays below balance, this net asset line will go deeper. Suppose you were to cut our current account deficit from $100 billion to $50 billion, which would be an incredible performance, if you did it in a couple of years' time. It would be a major turnaround in our trade situation. You still would be adding that amount of trade deficit to this deteriorated net asset position.

So that we find ourselves now no longer a creditor nation; we find ourselves a debtor nation, and increasingly getting into deeper debt. That means that others have claims on our economy significantly in excess of the claims we have on their economy. It means that in the future we are going to have to produce more than we consume in order to have a margin to pay on these claims.

We have claims abroad, but what they will bring in is less than what we will have to pay out to service the claims others have upon us. So that is, in a sense, a picture of the economy in the total picture.

One other development which is of concern as it affects our working people is that the real compensation per hour has been declining in the last couple of years. As you can see, the chart begins in 1970. We had a runup in real compensation through the late 1970's although it temporarily came down during the recession of the mid-1970's. Real compensation is now back down to here, less than it was in the late 1970's.

This includes both wages and fringe benefits, and is really the most comprehensive measure of compensation. This is per hour. Some people have tried to offset that by working longer hours, and in some instances, families have gone from one wage earner to two wage earners in order to try to offset this development.

In other words, a family can increase its income—even though their real compensation per hour is decreasing—by either working longer hours or by having another family member go into the labor force and take a job. But this is, I think, a very important measure of, in effect, how working people are making out in the economy.

Of course, what we see is that we have this 4-year drop in real compensation per hour.

Mr. SASSER. Mr. President, will the chairman yield for a question?

Mr. SARBANES. Certainly.

Mr. SASSER. Mr. President, I was interested to observe in perhaps the New York Times, just a few days ago, that the average compensation for American industrial workers today is now below that of the average compensation for industrial workers in a number of countries—principally workers in West Germany, and in other areas.

Would the chairman agree with that analysis, and would this indicate that the American workers vis-a-vis workers in other highly industrialized countries around the world are actually losing ground with regard to their compensation, which, I assume, would translate into losing ground with regard to the quality of life, if they can provide for themselves and their families.

(Mr. KERRY assumed the chair.)

Mr. SARBANES. The old assumption that we were the best paid in the world no longer holds. In fact, there are other countries now that have exceeded us, not by great margins, but they have exceeded us. There are others that are close to us. We are now much more in an international competitive environment.

And what this in effect says is these other countries that are competing effectively—the Germans for instance—are running large trade surpluses; we are running large trade deficits, as I indicated earlier, and yet they in effect are competing, but they are not doing it on a low-wage base.

We face two problems. We face competition from low-wage countries, which we have traditionally faced and know about, but we also now face this competition from what are increasingly high-wage countries.

Mr. SASSER. If I could interrupt the chairman just there to get his view or observation on this question. Historically, American automobile manufacturers have indicated that one reason they have difficulty competing with automobiles manufactured abroad is that they are forced to pay what they have said in times past is an unrealistically high wage vis-a-vis automobiles manufactured in other countries.

I was interested in the remark that automobile workers in Germany now make a higher wage than automobile workers do here in the United States. Yet the chairman observes that the Germans enjoy a positive trade balance. The German economy appears to be doing very well even though their workers are higher paid than those in the United States and higher paid, particularly, than those in the United States automobile industry. Could the chairman share with us any observations he might have as to the reason that the Germans are doing better than we even though they pay their workers more?

Mr. SARBANES. There was a period—it has been somewhat corrected now but it still exists—where you had an overvalued U.S. dollar as a currency. That is very nice if you are a tourist because it means when you go abroad your dollar will buy a lot. It is very tough on you if you are a producer competing in the export market. One of the consequences of that was in effect it gave an advantage to countries whose currency was weaker in comparison with the dollar, but actually it gave them an advantage in competing in trade matters.

Second, I heard earlier the health care issue mentioned on the floor. One of the things is that other nations handle their health care costs in a way that they are part of the broader social costs rather than being directly related to the producer. We do not do that in this country. It has been estimated that the cost of health care, which is part of the job package, is—I do not have the latest figure; I think it is $800 on the cost of the car related to health care alone. The way they do it in Germany, those health care costs do not get fed into being part of the costs of the automobile. So there is an important difference there. That is simply because they do their system differently. We really have to start looking at what the other countries are going to do if we are going to engage in this competition with them.

Mr. SASSER. I might observe on the question of health care costs vis-a-vis automobiles, the chairman's figure may be somewhat large with regard to per automobile, but it is a very substantial figure, to the point now that American automobile manufacturers are assigning as a new reason they are having difficulty competing, the health care costs that they are obliged to furnish their workers as part of their labor contract, to the point now that we have seen in Senate Budget Committee hearings prominent representatives of the American automobile industry appearing before us and testifying that we need to move in the direction of some type of universal health care in this country and take the onus off the automobile manufacturers of paying for the health care of their employees because this makes it extraordinarily difficult, they say, for them to compete with imported automobiles.

Mr. SARBANES. It is not just true of the automobile manufacturers; it is true of all our producers. If they are in a system where our health care costs are directly attributable to the product from the producer and the people we are competing with internationally do their health care in a different way so that the cost is not directly included in the product, then they gain a competitive advantage out of it.

I might also note that most of the health care systems abroad are more comprehensive and extensive than our health care system. We have 37 million working people with no health care insurance. That is not the case in Germany, for example, where they are all covered by a health care program. So they are covering their people with a health care program and yet they have worked out a way of financing it so the cost is not directly reflected in the product, which then gives them a competitive advantage when we compete internationally.

Mr. SASSER. If I might follow on to what the chairman has just indicated, the automobile manufacturers are telling us that there are very high health care costs that are not just for their workers, but that they also must cover the cost of those who access the hospitals who cannot pay. The hospitals will pass the cost of those who cannot pay on to those who are insured, thereby raising insurance premiums that the automobile manufacturers have to pay. So the automobile manufacturers are telling us that they are having to put on the price of their automobile the health care costs not only of their employees but also the health care costs of others who come into the health care system who cannot pay, and hospitals and other health care providers spread that cost over those who are insured. So I think that point would further reinforce the chairman's view that perhaps a better way to deal with the health care cost would be not to put it on the price of the particular product itself but to spread it some way throughout the whole economy.

Mr. SARBANES. Under our system today the responsible employer who seeks to provide health care for his people ends up carrying part of the bill for the health care of the people who work for the irresponsible employer who does not provide them health care. In effect, an employer ends up being disadvantaged by doing the right thing, not only the right thing in human terms but the right thing in terms of developing a stable healthy and productive work force.

Before I turn to the current economic situation, I want to make reference to one other broad trend. Tax changes over the last 10 years have now resulted in a greater inequity in the distribution of income. That is reflected in this chart which shows changes in Federal taxes and in pretax income. As you can see, the top fifth, while they paid a lot more taxes, have had a tremendous increase in their income. Defenders of the economic policies of the last decade have frequently pointed to the fact that the share of Federal taxes borne by the rich has increased. That is true. Their share of Federal taxes has increased, but their share of income has increased even more. For illustration purposes, the logical outcome of all of this is that one person could pay all the taxes if one person had all of the income. So the fact that the very wealthy pay a larger share of taxes is only part of the story. The rest of the story is that they have a much larger share of the income and therefore their position has significantly been enhanced over the course of the last decade. There has been a shift in the distribution of income toward the people at the top, what Robert Reich calls the "Fortunate Fifth," the top 20 percent of families in America whose income has been rising steadily over the past two decades.

Mr. President, I now want to talk about the current recession in which we find ourselves and about the short-term economic projection. We are being told that the current recession is going to be short and shallow. But I think there is reason to question that, sufficient reason that we should be preparing to take policy steps. It is asserted that this is a different recession than past recessions, that it will not last as long. But if you start looking at the figures very carefully and analyzing them, I do not think that is sustained by the facts.

A review of the available data indicates that, in many important respects, this is developing into a more serious recession than generally perceived.

Dating the end of the last business cycle expansion as August of last year, we have 7 months of recession data to examine. In terms of lost jobs, lost ouput and lost income, this recession has tracked the average of the initial 7 months of other postwar recessions. Let me repeat that. If you track the 7 months that we have experienced of this recession and compare it with the first 7 months of other postwar recessions, the average of those, they essentially track one another.

Let me just try to demonstrate that with a few charts here.

Over the last 7 months, businesses have reported a decline of 1.2 percent in payroll employment. In other words, that is this line here, a 1.2-percent decline in payroll employment, private, nonfarm employment. This is the same decline that occurred during the first 7 months of the average postwar recession, which is this other line here. It did not track it exactly in its movement over the 7 months but we are in the same place right now.

In the last 7 months, we have lost 1.3 million payroll jobs, compared to 1.2 million jobs lost in the first 7 months of the 1981–82 recession, when he had that very deep recession.

The job loss over this 7-month period has actually exceeded slightly what occurred in the first 7 months of that recession. That does not necessarily mean it will go on, but I am just trying to take and analyze this short and shallow prognostication which is what characterizes the blue chip forecast, and I will come to that in a minute.

Second, this recession has also been every bit as serious as those of the past in terms of the number of workers laid off from their jobs. The fraction of the labor force who have lost their jobs and are still looking for work has risen from 2.8 percent in August to 3.8 percent today. That is a 1 point increase. And that is this line here. And this is also what it was for the average of the last four recessions.

So these are jobs losers as a percent of labor force.

One of the most widely watched indicators of the recession is, of course, the unemployment rate. People point to the unemployment rate and they say well, it went from 5.6 to 6.8 percent. And then they contrast it with higher unemployment rates that we have experienced in previous recessions, when the unemployment rate went up to 7 and 8 percent and in one recession even above 10 percent.

The rise in our unemployment rate of 1.2 percentage points from 5.6 to 6.8 percent since August compares with the average rise in unemployment in the first 7 months of a recession during the postwar period of 1.5 percentage points. In other words, it is not very far apart.

One of the things that has to be borne in mind is that the change in the unemployment rate is a misleading guide to the severity of the recession because it reflects growth in the labor force as well as job losses. The labor force has grown slowly in recent years. In large part, is because of a demographic change in our population. We do not have the same number of young people entering the labor market. As a result, the ranks of the unemployed are not being swelled as much by new entrants into the labor force as in previous recessions. If the labor force over this year had expanded as fast as it did in previous postwar recessions, the unemployment rate today would be 7.6 percent, not 6.8 percent.

So we have this lower unemployment rate figure, but we have to understand that one of the reasons for it is we have had less of an expansion with respect to the labor force taking place during this period.

In fact, these job losses as a percent of the labor force show, in terms of people losing their jobs, this recession has paralleled, in fact it has now exceeded, the average of the last four recessions. So if you are talking about people losing their jobs, we have every bit as serious a situation, if not more so.

The consensus, as I indicated, amongst the forecasters calls for the recession to end soon. But there is some reason to question this on the basis of past predictions. And I want to call Members' attention to this chart.

This chart shows the actual and projected unemployment rate during 1981–82 recession. The actual line is this red line. The unemployment began down here at 7.2 percent in the fall of 1981, and went as high as 10.7 percent in the past last quarter of 1982.

Now, the green lines are the predictions that the consensus forecasters kept making along the course of that recession. These predictions reflect a bias in favor of a short and shallow recession. They tend to forecast a smoother path for the economy than actually occurs, and that is demonstrated right here. At each juncture you see this is what they were predicting for the economy. Yet when you look at what actually happened to the economy you see unemployment worsened significantly beyond all forecasts. The forecasts kept talking about imminent improvement. The unemployment rate kept going upwards, contrary to the predictions at various points during the recession by the consensus of 50 economic forecasters.

So that makes one concerned, obviously, about our current recession, particularly when we start getting into some of these additional figures that are coming in.

Just this morning the new orders for durable goods figure was announced. And you can see it fell 6.2 percent in March. That is the third consecutive monthly decline. They are now at their lowest level since August 1987.

While orders for defense goods fell by more than the 6.2 percent, orders for nondefense items, nonetheless, dropped 5.4 percent. That is a figure just out this morning.

Available data on employment, industrial production, and housing suggest that a sizable decline will be registered when the preliminary report on first quarter GNP is issued on Friday. Non-farm employment fell at a 2.3-percent annual rate in the first quarter after a 1.6-percent rate of decline in the fourth quarter. Industrial production also fell faster in the last quarter, 9.3 percent versus 7 percent the quarter before. Housing starts dropped in the first quarter 12.3 percent below the fourth quarter level. That level was down 7.8 percent from the third quarter level.

All of this is to suggest that because of the economic situation in which we find ourselves, the recession may linger for some time yet.

The PRESIDING OFFICER. The Senator is reminded by the Chair that the hour of 12:30 has arrived. Under the previous order, the Senate was to recess until the hour of 2:15.

Mr. SARBANES. I say to the chairman, if I can have about 10 more minutes I can complete the presentation. Will that be agreeable to the chairman?

Mr. SASSER. It would be agreeable with me. Frankly, I would prefer if at all possible to have the distinguished Senator from Maryland come back after the conferences and complete his presentation today which has been very, very interesting and I think highly informative. But if that is going to work an undue hardship on the chairman of the Joint Economic Committee, we can proceed now.

Mr. SARBANES. I say to the chairman, unfortunately, I am supposed to Chair a hearing this afternoon. If it would be possible just to go for a few more minutes, I think I can complete it. I will speed it along.

Mr. SASSER. Certainly.

The PRESIDING OFFICER. Is there a unanimous-consent request?

Mr. SASSER. Mr. President, I ask unanimous consent that the distinguished Senator from Maryland, be allowed an additional 10 minutes to conclude his presentation.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Maryland is recognized for an additional 10 minutes.

Mr. SARBANES. I thank the chairman very much. Mr. President, I now want to turn from this discussion of where we find ourselves in terms of the recession, what dangers, in fact, may be ahead of us, to discuss the unemployment insurance system, which I think is our first bastion against the downturn, both in human terms and in terms of countercyclical policy.

Unfortunately, what has happened is that the unemployment insurance system no longer adequately addresses its responsibilities. I think the chairman of the Budget Committee has worked hard to craft a resolution which, first of all, in my judgment, does a substantially better job than the President's budget in dealing with the human costs of the current recession. It adds significant funding to programs which address the health and nutritional and educational needs of families subjected to distress because of the recession. It also makes room for funding for measures designed to help bring the recession to a close. Of course, the specifics of that is deferred to the relevant authorizing and appropriating committees.

Earlier this morning I testified before the Senate Finance Committee at a hearing with respect to the unemployment insurance compensation system. It is my view that is where the focus of our attention ought to be in combating the recession. That is a program particularly designed to counteract the effects of recession. Funds are spent without bureaucratic delay. The funds are automatically spent in the areas of greatest distress, by definition. If we think about it, if we really want to talk about targeting a program, the unemployment insurance system does it because it goes to the unemployed, so they are automatically spent in the locations of greatest distress.

The system is not performing its stabilization role as well during this recession as it has done during the past. It is replacing the lost income of workers who have become unemployed only about a half to two-thirds as well as in past recessions. That is shown by this chart. These are past recessions and this is the current one. As we can see, the regular program is replacing less of the lost income than in the past and the extended benefits program has hardly kicked in in this recession. So the replacement income ratio for workers is much lower than it has been in the past. Moreover, the replacement ratio will decline further because workers are exhausting their benefits.

One of the reasons for this is the unemployment trigger for the extended benefits has been made so difficult that many States, even with high unemployment levels, have not been able to trigger in extended benefits. That means, of course, that workers exhaust their 26 weeks of regular benefits and then are out of unemployment insurance. In fact, the unemployment insurance system has an extended benefits trust fund. According to the Office of Management and Budget, this fund began fiscal 1991 with $7.2 billion. In the course of the fiscal year, it will receive another $700 million in taxes, $600 million in accrued interest, and during this recession year, the fund will pay out only $140 million for benefits, one-fifth of the taxes taken in. The extended benefits trust fund, not the regular, but the extended benefits trust fund is actually building up surpluses in a recession year. In fact, it ought to be paying out money in order to soften the impact of the recession, both in terms of sustaining purchasing power and in terms of protecting the individual workers who have lost their jobs.

Part of the difficulty is that the trigger for the extended benefits has now been made so difficult. States like Texas and Oklahoma, at the time they had the oil downturn, which they are now moving out of, had high unemployment rates but they did not trigger extended benefits. Louisiana's rates went high enough that they triggered on the benefits but then triggered them off at an unemployment rate greater than 10 percent.

The system is obviously not working well in this recession. Less of the worker's income is being replaced. Fewer workers are eligible for unemployment insurance—and I am going to show my colleagues a chart in a moment which graphically demonstrates that. Then if they are eligible and if they do draw it, as this column indicates, compared with the other columns for earlier recessions, their benefits run out at an earlier time.

In previous recessions, we had regular benefits for 26 weeks, extended benefits for 13 weeks, and the Congress would add a supplemental benefit program for another 13 weeks. The fact is, that the workers are, in effect, not being covered, as reflected in this chart which shows job losers and unemployment insurance recipients. The dark line is the job losers; the red line is the unemployment recipients. As we can see, unemployment recipients roughly track the job losers until the recipients late seventies. Then through the eighties, we get a large gap with job losers significantly exceeding unemployment insurance recipients. So people losing their jobs, for one reason or the other, do not qualify to draw unemployment insurance. So the coverage is much less. As I testified this morning before the Finance Committee, I feel very strongly that this needs to be dealt with.

We dealt briefly with one problem associated with unemployment insurance when we dealt with the administrative funding for the program which came up when we were doing the supplemental appropriations bill.

Claims were going up but the money to process the claims was not being made available. Therefore you had long lines and a breakdown in that system.

So, Mr. President, I strongly recommend addressing this unemployment insurance problem as a way to deal with the recession situation in which we find ourselves. The administrative costs were in fact treated in the supplemental appropriation bill as an emergency, and I think there is a very good argument that we need to put into place on an emergency basis an expansion of the unemployment compensation system in order to address this recession. If the recession does not get worse, the strengthened system will not be used. If there are not more unemployed, we will not use the system, but we ought to have it in place if in fact the short and shallow predictions are not borne out so that the unemployment insurance system responds to the situation. Many businesses have been paying taxes into the trust fund for the very purpose of having them used at a time of higher unemployment, and they now find, with rising unemployment, that these taxes are simply being held in the trust fund and not allocated out for these very important purposes.

I must say that I think the No. 1 priority, as we face this recession, an area in which we could act, in which I hope the administration will join with us, recognizing the emergency nature of it, which would move it outside the parameters of the budget resolution, is to reform the unemployment insurance system to provide adequate income support and countercyclical stimulus in order to address the prospective recessionary situation we may face. If we strengthen the unemployment insurance system and the economy moves upward, we will not have to use the system. But if the economy moves downward, then the system will be in place for us to draw upon. I hope we will be able to address this issue in the coming weeks.

Mr. President, I commend the chairman of the Budget Committee for the very effective work he has done with the budget resolution, and I appreciate very much this allocation of time for this statement.

Mr. SASSER. Mr. President, I thank the distinguished chairman of the Joint Economic Committee for the very learned and informing presentation he has presented to the Senate this morning. It has been not only educational, I might say, but interesting, and for that we owe the distinguished Senator our gratitude.

Mr. President, the hour of 12:30 having arrived and the fact it is now almost a quarter of 1, I would suggest that we return to the previous order.

RECESS

The PRESIDING OFFICER. Under the previous order as amended by the unanimous-consent request, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:43 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I yield myself 15 minutes from the minority's time on the budget resolution.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SYMMS. Mr. President, what I am going to say here to my colleagues in my remarks that I shall shortly give is that the gloom and doomers can talk about how bad things were in the eighties. Things were not perfect. I am first to agree that the Congress and the administration during the 1980's never jointly got the handle on Government spending. But many things happened during the 1980's that were very good for this economy.

We had an expanded period of economic growth; we restored America's credibility; we just fought and won a very successful military intervention in the Middle East. We would not have been able to do in 1980 what we were able to do in 1991.

Americans are proud of themselves again. And I think when the history books are written they will show that those years of the Reagan-Bush Presidencies during the 1990's restored America's credibility, regained the opportunity for middle- and low-income Americans to make headway economically, and yes we did not quite control spending. I am first to say that my budget proposals were not accepted during the 1980's but we made great headway.

Mr. President, as I go on with my remarks, I want to first say it is always a pleasure to hear my friend, Senator SARBANES, particularly, if I know I am going to get to speak next. I enjoy being with him on the Joint Economic Committee. One of the reasons I enjoy that opportunity of working with him so much—I do have a great respect for him—is because it is very easy to draw the clearest possible distinction of how we believe the world turns. I do not believe it is unfair to say simply that my friends support extending Federal programs and increasing the size of government generally to address the Nation's ills both real and perceived.

In general, the members of the majority party, particularly on the Joint Economic Committee, have the classic vision that big government is a positive thing. I think the people are entitled to have that point of view. But I would say that my friends on that side of the aisle in general view big government as good, not big government for the sake of big government, of course, but big government is their idea of how to solve problems.

Whether you want to solve problems big or small, they always look to government as the way to do it. I do not think it is unfair and inaccurate to say that the majority party, Senator SARBANES and his colleagues, support higher taxes to pay for it; at least some of this additional spending. Higher taxes in general but particularly higher taxes on other middle and upper income taxpayers, because after all, as Willie Sutton said, when asked why he robbed banks, "I robbed the banks because that is where the money is." Mr. President, that is why the Democrats always want to raise taxes on the middle and higher income people, because that is where the money is.

It is the classic tradeoff in tax policy—tax equity versus economic efficiency and economic growth. When I say "versus," that is exactly what I mean, in opposition to. My friend chooses tax equity as he defines it. Fortunately, economic growth is more easily defined. Whenever anyone proposes ever-higher taxes, he is offering his prescription for redistributing income today in exchange for less prosperity tomorrow.

That is what we are talking about, redistribution of wealth and income, and it serves as a distincentive for working, saving, investing, and working for economic growth. As President Kennedy said, all boats rise with the tide. This country needs a good shot in the arm with policies that restore economic policies. That happened in the eighties, in part, and that is why we got so much economic growth then.

Listening to my friend give his vision of where we are and where we are going, and where we need to be reminded me of something I read recently by Dr. Ed Yardeni, an economist with Prudential Securities. He wrote:

> The high priests of the temple of doom are convinced there must be a price to pay for the excesses of the previous decade.

Of course, the excesses they refer to are the sustained Federal budget deficits and the growth in private debt.

He went on to write:

> The doom and gloom crowd based there dire predictions on faith. "Trust us," they say, "the problems are so big and so obvious that only a heathen could doubt that ruin is inevitable." So we should turn the matter over to them to devise new and better Federal programs to solve all of our problems.

Mr. President, I do not agree with that. I do not agree with the gloom and doomers that the answer and the solution to this problem today is to turn it all over to these folks that would have the Government solve every problem that comes down the road.

We have just completed a decade of extraordinary growth. Job creation is the only truly effective antipoverty program, and tens of millions of jobs were created. Median family income is up. The real income of the poorest fifth of our Nation's households is up.

Can we do better? That is the question we ask. Absolutely, we could do better.

One thing we could do is hold the lid on spending. Because what the Government spends is what makes the impact on our private economy. If we would hold the lid on spending, then we can see even more economic growth and a better opportunity for the poor in this country. If we slow spending, we take the pressure off our tax revenues, and our economy will pull out of recession and continue through the nineties with sustained, noninflationary growth.

I know many colleagues would argue for bigger government and higher taxes. One of my colleagues on the Budget Committee had the courage of his convictions during deliberations on the budget resolution. While I disagreed with his position, I have the greatest respect for him in suggesting that we cut defense more and increase taxes on the wealthy to pay for more deficit reduction.

Mr. President, nevertheless, I believe these positions are absolutely 100 percent wrong. The history of the past decade, both at home and abroad, proves without question that economic freedom is the sole provider of prosperity, opportunity for economic growth, and international competitiveness.

That statement is so important, I believe it is worth repeating. Ths history of the past decade, both at home and abroad, proves, Mr. President, without question that economic freedom is the sole provider of prosperity, opportunity, economic growth, and that is what makes us internationally competitive.

Economic freedom, Mr. President, means a worker will not have his or her wages decimated by payroll taxes and income taxes. The worker will not have the Federal Government telling him or her how much insurance they have to carry or how much parental leave his employer must offer. He will not have the Federal regulators and the U.S. Congress destroying the job opportunities by hammering his employer with new regulations, new requirements, and heavier paperwork burdens.

Economic freedom, Mr. President, means that someone applying for a job can have the confidence that he or she will not be denied the job on the basis of race, sex, creed, age, or any other character of his or her person not pertaining to the ability to perform. It means merit is encouraged because reward will follow merit.

That is what economic freedom is about. Economic freedom means that employers can choose the best employees for the job, without worrying about whether they will violate some explicit or implied job quota.

Economic freedom, Mr. President, means investors can provide businesses with capital, without having any return thereon whittled away through layer upon layer of more new taxes.

Economic freedom means businesses can escape the never ending cycle of having to pay ever higher taxes, so the Federal Government can hire more regulators, hire more rule writers, who can then harass the businesses, who then must hire lawyers to defend themselves against the Federal regulators. And then when they get to court, they find out they are not only paying the Federal lawyers, they are paying their own lawyers to defend themselves, because they paid too many taxes to pay too many regulators to harass them to interfere with production. It means entrepreneurs can start new businesses and can afford to raise the capital needed to succeed. It means they can enjoy the fruits of their labor, and that financial reward may follow from the risks they take without the Federal Government taking more than its share.

Economic freedom means our citizens have enough left in their pockets to save for a better life for themselves and their children, after the Federal Government, after the State government, after the local governments have each taken their cut. How could we ask our people to provide more for themselves when the Government is always taking more? That is a good question, Mr. President.

Economic freedom means that Government cannot take your private property through regulation or rule without just compensation.

I hope later this year, Mr. President, to have the Congress speak to that end, in specifics, to where we will protect the rights of private property in this country. It is interesting that in polls taken in the Soviet Union today, the one overwhelming driving factor that the Soviet people ask for, in every poll taken of the public citizens of that nation, is that they want the right to own private property—over 85 percent of them.

Mr. President, I say that this Congress needs to take a lesson from that. It is private property and incentives and economic freedom that have been the mainspring in human progress in this Nation and in the free world for these past many hundreds of years.

These are not the principles of big government. These are not the principles of higher taxes. These are the principles, Mr. President, of a free society, of less government, of less intrusive government, and of lower taxes. They are the principles that lead to prosperity for a nation, not only this Nation but any nation in the world. Not just for a chosen few, for those who have already made it. The principles of economic freedom will lead to prosperity for anyone willing to take the responsibility for him or herself.

These people of the Eastern bloc know this to be true. They know it instinctively. They know it because they have seen what a truly intrusive government, taken to its illogical conclusion, will do to an economy.

Look what happened behind the Bamboo and Iron Curtains; economic growth has been minimal, and it is abysmal. People live in very poor living standards.

In fact, Mr. President, the supporters of the Humphrey-Hawkins amendment to the 1946 Employment Act also knew this to be true. One of the three main goals of the Humphrey-Hawkins Act was that Federal spending should be cut to 20 percent of the GNP, or less. Mr. President, I still think that is a worthy goal, and that should be our target. At least it is a worthy starting place for us.

How are we doing today, Mr. President? In 1989, we hit 22.9 percent. And just to show what a success last year's budget deal was for controlling spending, we are projected to hit 24.2 percent in 1991.

The authors of the Humphrey-Hawkins legislation when I was in the other body were railed by the people who believed in free enterprise and the free economy, for the intrusiveness that their policies of their planned economy would have on the United States of America, and they said it should not exceed 20 percent.

We are way out of bounds here. Big government is running lose and rampant and we in Congress are not doing enough about it. I still think it is fair to say that if friends of big Government in Congress had their way—they had their way last year and the number soared—if they have their way again this year, the number will continue to soar.

As Government grows and begins to accommodate more intrusion in our lives, it will dominate a larger and larger share of our economic prosperity, of our lives, of our productivity, and those things will tend to collapse. Entrepreneurial initiative will cease; job growth outside of Government will reverse; our young will watch their opportunities fade away; and our elderly will watch their benefits shrink because the Nation could no longer afford to pay them.

Exactly what will happen if we reverse the trend of big Government? Why will this occur? As Government expands, Government increasingly dominates our economy, economic freedom that I earlier spoke about wanes. It is as simple as that. Economic freedom is essential for growth and prosperity and economic freedom is destroyed by big Government.

Are we in a recession today? Almost certainly. Why are we in a recession? There are many contributing causes—from the credit crunch to Saddam Hussein, to many other factors that have happened. But it is no coincidence, I think, that our economy finally is grinding to a halt just as the size of the Federal Government has increased dramatically. No matter how big and how powerful an engine, there is only so much deadweight it can carry. I am afraid we have reached the point where we are overtaxing and overregulating—I mean that in both sense of the word—for the economy's ability to expand.

With the regulations we face in this country, if all the fiscal policies were good and correct and all the monetary policies run good and correct, we could still have a recession because of regulatory reform. We will have a regulatory recession where we intervene in the lives of people so much we burden them down, we bury them in paperwork, we bury them in Government regulations, we bury them in the bureaucratic welfare state, and we seem to want to refuse to try to reform the bureaucratic welfare state. There is only one way to do it and that is reduce Government spending.

We can have a recovery if we do the right thing in Congress. I think recovery could be at hand. But it does mean that until we get spending down, we will not have as strong a recovery as this economy could otherwise generate, and it will stifle growth.

My colleagues on the other side of the aisle like to talk about fairness. This is supposedly their issue. To here be told by the majority party, you would think the Republicans are not and have never been in favor of fairness. Nothing could be further from the truth. Republicans have always been in favor of fairness. But there is nothing fair about a Tax Code that penalizes initiative and success. And there is nothing fair about a government grown so huge that it stifles new jobs, better paying jobs, and new opportunities.

Someone once said you cannot acquire virtue by becoming a better prostitute. That was a wise man that said that or a wise person. Well, you cannot create a more fair society by destroying its ability to grow. A handout is not fairness—and opportunity leads to fairness. Economic growth through economic freedom is the only sure path to fairness.

My friend on the Joint Economic Committee from the majority side—Senator SARBANES, and others—are masters at using the numbers. And another friend of mine, Senator DOMENICI, the ranking member of the Budget Committee, noted at the beginning of the budget hearings some weeks ago that if you torture the numbers long enough, you can get statistics to confess to just about anything. After hearing some of the numbers this morning, I would have to say someone must have taken lessons from the KGB on how to torture those numbers so they can get the statistics to come out to tell the story the way they want it.

But I do think there are a couple of numbers that we should take heed of:

Over the 90 months of the expansion, our economy created 21 million new jobs.

Over the course of the expansion, the median family income grew by 12 percent.

That is an effective antipoverty program.

For those who think we cannot compete, I say that is a lot of baloney.

Mr. President, the manufacturing share of our GNP increased over the decade of the eighties. Manufacturing productivity growth averaged 4.5 percent all during the expansion.

Our exports have grown strong and steady in the past few years and manufacturing's share of total exports has actually grown.

The disagreement between those who believe in economic freedom, on the one hand, and those who believe in big government, on the other, is an old argument. But the basic truths we point out to may be more refined now than they once were, but they are not new arguments. This same old argument we have repeated over and over again.

Sometimes we Republicans are accused of offering up the same tired old failed policies of the past. Frankly, the same thing can be said about the policies of my Democratic colleagues. Perhaps it is not the policies that are old and tired; maybe it is the politicians and the pundits.

But many of the policies on both sides are old. After all, this debate has been going on in one form or another for a long time.

It can be said that many of the policies on both sides have failed. But there is one very important difference: The policies of big government have been tried and been proven to be failures. The policies of those who believe in economic freedom only get half tried, Mr. President. We have rarely given the economic opportunity a chance. But when they are tried, even in part, we nearly always succeed. The only real failures have been here in the Congress when we failed to get a handle on spending.

So, Mr. President, what I have said here this afternoon is this: We did a lot of things right during the eighties. We did not get it all done. Unfortunately, the Congress failed to freeze the expenditures of the Federal Government in any kind of a growth pattern. We failed to hold back Government spending even to a percentage of the economic growth in our economy. So we have allowed a bigger and bigger government to grow, which is becoming more and more intrusive into the lives of our people, and it is a disincentive on production, disincentive on savings; it is a disincentive on work. If we would just restore to the basic, fundamental principles that made America the great country it is and freeze the budget—I plan to vote for Senator GRASSLEY's amendment this afternoon. We have already frozen the defense budget. In my opinion, we should freeze the rest of the budget.

I also invite all colleagues to take a half hour of their time to read the Domenici-Gramm report of what really happened to the poor and middle-income people during the decade of the eighties, that people like to bash so much. I think you will be pleasantly surprised to find out that economic growth is the only way to fight poverty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, perhaps, in conjunction with the distinguished ranking member here, we could bring some order to the debate. We have a number of colleagues who are seeking time. It is my understanding that the distinguished Senator from Montana wishes 5 minutes.

Mr. BAUCUS. That is correct.

Mr. SASSER. The distinguished Senator from Delaware wishes 10 minutes; the distinguished Senator from Florida wishes 10 minutes; and then the distinguished Senator from Iowa [Mr. GRASSLEY] who has been over here since about 11:45 this morning is seeking 10 minutes.

So, I would be agreeable to breaking that up in any way. I feel an obligation to the distinguished Senator from Iowa. It is my understanding he is seeking recognition for the purposes of debate and not for introducing an amendment. Is that correct, I ask my friend from Iowa?

Mr. GRASSLEY. Yes.

Mr. DOMENICI. Will the Senator yield?

Mr. SASSER. I yield to the distinguished ranking member of the Budget Committee.

Mr. DOMENICI. I understand on our side that Senator GRASSLEY, Senator ROTH, and the Senator from Florida all want to speak but do not seek the floor to offer a budget resolution amendment. I understand that we intend to permit the Moynihan amendment to the budget resolution to come up this afternoon and I am not trying to impede that. But these Senators have matters that are unrelated to that, as I understand it.

Mr. ROTH. That is correct.

Mr. DOMENICI. In fact, Senator ROTH will respond to Senator SARBANES who spoke at length this morning on the Joint Economic Committee assessment.

So if the Senator wants to get an agreement for the remainder of the non-Moynihan matters, I think you can do it with those four Senators, and then we can have the Moynihan amendment follow that.

Mr. SASSER. I thank the distinguished ranking member. It would be my suggestion we begin with 10 minutes for the distinguished Senator from Iowa, to be followed by 5 minutes for the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, if the Senator would yield, the matter I wish to speak on is totally unrelated to this budget debate here today. It has to do with an entirely different matter. I wonder if I could proceed for 5 minutes on the other matter, and that will not interrupt the flow of the debate.

Mr. SASSER. I would like to accommodate my friend from Montana, but I am advised that Senator MACK also wants to speak on an unrelated matter. I would ask my friend from Iowa, would the Senator wish to defer to these two Senators who wish to speak on unrelated matters, 5 minutes for Senator MACK and 5 minutes for the Senator from Montana?

Mr. GRASSLEY. I will defer to them.

Mr. SASSER. I defer to the distinguished Senator from Montana for 5 minutes, and 5 minutes to the distinguished Senator from Florida. Furthermore, I ask unanimous consent the Senators proceed as if in morning business without time being charged against the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I wonder, while we are here, if we could not incorporate the other two Senators in the agreement. Could we have Senator GRASSLEY and Senator ROTH, neither of whom who are talking on Senator MOYNIHAN'S matter, proceed?

Mr. SASSER. That is an excellent suggestion.

Following Senator MACK, Senator GRASSLEY will speak for 10 minutes, followed by Senator ROTH for 10 minutes, and their debate would be considered and charged against the bill.

I ask unanimous consent that following the distinguished Senator from Florida and the distinguished Senator from Montana, that Senator GRASSLEY be recognized for a time not to exceed 10 minutes, to be followed by the distinguished Senator from Delaware to be recognized for a time not to exceed 10 minutes, and that the time they consume be charged against the bill itself.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, it is understood in that consent that none of those Senators have amendments that would be offered.

The PRESIDING OFFICER. That is the understanding.

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I thank very much the chairman of the Budget Committee, the Senator from Tennessee, as well as the ranking member of the committee, the Senator from New Mexico, as well as the Senator from Iowa [Mr. GRASSLEY] and the Senator from Florida [Mr. MACK], for their generosity in helping to arrange this agenda.

ENVIRONMENTAL ISSUES IN THE NAFTA

Mr. BAUCUS. Mr. President, there has been considerable debate in the last few weeks on the proposed free trade agreement between the United States, Canada, and Mexico—to be known as the North American Free-Trade Agreement or NAFTA. The debate will come to a head in the next few weeks when the Congress votes on whether or not to extend to the administration fast-track negotiating authority to begin the negotiations.

A free-trade agreement with a developing country, like Mexico, raises serious concerns not faced in previous free trade negotiations. Many issues, including wage disparities, environmental concerns, and workers' rights, must be addressed before the NAFTA is concluded.

In order to promote a full discussion of these issues, I recently chaired a roundtable discussion of the NAFTA between the administration, unions, environmentalists, business, and former trade negotiators. I believe this discussion was productive and mapped some possible solutions to these issues.

Before the Senate votes on the President's request for fast-track negotiating authority, I plan to address each of these issues on the Senate floor. But today I wish to focus on one of the most critical: The impact of free trade on the environment.

THE NEXUS BETWEEN TRADE AND THE ENVIRONMENT

I chair both the International Trade Subcommittee of the Senate Finance Committee and the Environmental Protection Subcommittee of the Environment and Public Works Committee. From those posts, I have witnessed a growing convergence between trade and environmental issues.

We have long realized that environmental protection had important economic impacts, but we are only beginning to realize that those impacts don't stop at our borders. Unfortunately, the trade agencies of the U.S. Government have not fully appreciated this reality. The administration has been at best reluctant and at worst hostile to the idea of considering environmental issues in trade negotiations.

To me, including environmental issues in trade negotiations is only the latest stage in a natural progression. As the economies of the world grow more and more interdependent, the scope of trade negotiations must expand. Originally, trade negotiations focused only on tariffs. But gradually we came to realize that nontariff barriers—like quotas and import licenses—were just as important. Over time, the list of nontariff barriers grew longer. Later, we came to realize that other issues, such as subsidies and pricing, also needed to be addressed to ensure a level playing field. Now, we have begun to address still other issues in trade negotiations, such as antitrust policy and protection of intellectual property. Covering these new issues has helped to promote a more level international playing field.

Now, it is time to add environmental protection to that growing list of issues to be addressed in trade negotiations. If one nation chooses not to impose adequate environmental protection requirements on businesses operating within its borders, it artificially lowers the cost of doing business in that nation at the cost of the environment. In addition to threatening the environment, this also confers a competitive advantage to those businesses vis-a-vis their counterparts in nations that do protect the environment. This can translate into trade gains and attract additional investment to the countries that do not adequately protect the environment.

In light of these trade impacts, environmental issues can no longer be neatly separated from trade issues. Certainly, environmental and trade issues are still distinct in most cases. But they can no longer be kept in convenient, separate compartments.

THE ENVIRONMENT AND FREE TRADE WITH MEXICO

This concern is brought into sharp focus by the prospect of a free trade agreement with Mexico. As is the case with most developing countries, Mexico does not impose strict environmental protection requirements. Most of us have heard the horror stories of raw sewage deing dumped into the Rio Grande River and toxic waste flowing across the border in an open ditch.

Understandably, major United States environmental groups are concerned that a free trade agreement with Mexico could spur pollution as it spurs growth. They also fear that lax environmental standards could convince some United States businesses to move south to avoid United States environmental regulations.

To his great credit, President Salinas has moved to address these environmental concerns. Recently, the Salinas administration shut down a polluting refinery near Mexico City. President Salinas also made the following statement on his recent trip to the United States:

> We are committed to a clean environment. * * * That is why any new jobs, any new employment that will be created in Mexico, will have to abide by very stringent laws for the protection of the environment—not only firm and stringent laws, but firm and stringent enforcement of those laws."

These steps—particularly his statement—are very encouraging. However, I believe we must institutionalize President Salinas' commitment before we conclude the NAFTA.

ADDRESSING ENVIRONMENTAL CONCERNS

In the roundtable discussion I referred to, I believe that we were approaching consensus on four environmental principles that should be applied in the NAFTA negotiations:

First, each nation should have the unqualified right to enact environmental protection laws as stringent as it sees fit. We cannot allow environmental regulations to become disguised trade barriers—as has been the case in the European Community. But nations should be free to enact sound, scientifically based environmental protection laws without fear of trade protests from other nations.

Second, vigorous border inspections should be provided for in the agreement. The United States has long taken great care to ensure the safety of the United States food supply. Unfortunately, USDA made some commitments to Canada in the context of the United States-Canada free-trade negotiations which undermine the safety of our food supply. Such commitments should not have been made and cannot be repeated in the NAFTA. We must ensure that food products contaminated with pesticides banned in the United States are not imported into the United States. Similarly, we must provide for careful inspection of live animal imports to ensure that we are not importing dangerous livestock diseases.

Third, before a NAFTA is concluded, we must ensure that all new business in Mexico is subject to sound and strictly enforced environmental protection regulations. Mexico must formally commit to the standard that President Salinas has articulated. That commitment can take place in a treaty, a parallel bilateral agreement, or in some other appropriate forum. But the commitment must be made. The commitment need not actually be part of the trade agrement, but it must be in place before the trade agreement is approved. We must use the leverage of the trade agreement to improve environmental protection in Mexico.

Finally, if the environmental commitments are not fulfilled, the United States must have recourse under the trade agreement. In Mexico, the problem has not generally been getting environmental protection statutes enacted. Rather, it has been getting the statutes enforced. There are several approaches to enforcement. The United States could reserve the right to withdraw trade benefits under the NAFTA if Mexico does not enforce its environmental statutes. Environmental enforcement could also be policed by a bilateral or trilateral agency.

If the administration observes these principles, I believe Congress will be much more likely to endorse the NAFTA.

CONCLUSION

For reasons that I have outlined in earlier statements, I will support the President's request for fast-track negotiating authority.

Extending the fast track is nothing more than the minimum step that we must take to allow trade negotiations to go forward. And if the United States expects to be a major player in the world economy, we must be involved in international trade negotiations. We cannot afford to bury our heads in the sand.

But some of my colleagues don't see the issue the same way. They believe that the environmental issues warrant rejecting the fast track. In order to address their concerns, I urge the administration to employ the four principles I have just listed in drafting its action plan for the NAFTA negotiations. The debate on extending the fast track will be much easier to win if the administration expresses real sensitivity to these environmental concerns.

In the longer term, Congress will not approve a NAFTA if the agreement is seen as a threat to the environment.

I ask unanimous consent that a letter from the Sierra Club to Ambassador Hills on this topic be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SIERRA CLUB,
Washington, DC, April 19, 1991.

Ambassador CARLA HILLS,
U.S. Trade Negotiator, Washington, DC.

DEAR AMBASSADOR HILLS: I want to thank you for sending on the very helpful material on the text of parts of the U.S.-Canadian Trade Agreement. I also want to thank you for the time you have taken to listen to our concerns.

In light of what we have learned, I think it might be helpful if we re-stated and summarized what we would like to see happen with respect to environmental concerns in the context of negotiations with Mexico over a trade agreement. There are three fundamental points which we would want addressed.

One. Non-Impairment of U.S. Environmental Laws. We feel that it is essential that the Congress and the American people be assured that nothing will be contained in the agreement brought back for approval that will in any way impair or override the application of U.S. environmental laws within the U.S. through a so-called "harmonization process" or otherwise. And this must apply to U.S. laws existing now or in the future. The agreement should clearly provide that federal environmental laws continue in full force and effect and are not reachable for challenge through this agreement.

Two. An Environmental Protocol Linked to the Agreement. We would seek assurances that as part of the process of negotiating the agreement that a specialist group will be appointed to negotiate a satisfactory environmental protection protocol which will be included in the final agreement as an integral part of it. That protocol should address the means of preventing further deterioration in the environmental conditions in either country as a result of the development prompted by the agreement, particularly that deterioration which can cause trans-boundary affects (i.e., moving into the other country or into international commons). We are attaching an addendum setting forth our thoughts about what kind of protocol we would find to be satisfactory, though EPA may well have additional ideas toward this end.

Three. Implementation Hammer. A mechanism is needed to assure that the environmental protocol is actually implemented, and to provide incentives for remedial action if it is not. Toward that end, we suggest that monitors be installed along the border to measure physical conditions so as to determine whether pollution levels are improving or getting worse. If they in fact worsen over a fair period of measurement, then that determination should trigger action. The action might be imposition of a tariff on the exports of the offending country into the other country at the rate of 15 percent. The proceeds should be put in a fund to help the victim country counteract the pollution. If both countries contribute to the worsening conditions, then such tariffs should be imposed on both. When conditions no longer exceed the baseline of pollution, the tariffs should be removed.

We will be pleased to elaborate on these ideas and set forth further the reasons that support them. However, we thought it would help to give you the basic outline without further delay. We look forward to further discussion with you.

Sincerely,

MICHAEL MCCLOSKEY,
Chairman.

ADDENDUM

SPECIFICATION OF THE CONTENT OF A SATISFACTORY ENVIRONMENTAL PROTOCOL

I. FUNDING

The protocol should provide a source of funding for programs to prevent and remedy the additional environmental stress arising out of the agreement. The funds should be used for enforcement work and for a model community environmental improvement program (see #II below).

II. MODEL BORDER COMMUNITY ENVIRONMENTAL IMPROVEMENT PROGRAM

A. Within the border zone (100 kilometers on either side), the strictest environmental standards of either country should be applied (e.g., best available pollution control methods and pollution prevention techniques). There could be a phase-in period for older plants.

B. Heavy investments should be made in community environmental health improvement programs, such as sewage treatment systems, potable water supplies, hazardous materials response, combating toxic threats to health, etc.

C. Oversight of these efforts should be provided through bi-national teams, which would include non-governmental members.

III. DEMOCRATIC PROCEDURES

A. Disclosure: all proposed policies and efforts under the protocol should be disclosed in a timely way to the public; moreover, risks to community health from within plants should be disclosed.

B. Environmental Assessment: major, new plants which might be built in the border zone should be subject to environmental assessments (not yet a requirement in the U.S.).

C. Participation: the public should be afforded an opportunity for review, comment, and hearings on proposals, and also an opportunity to serve on advisory boards with respect to programs in II above.

D. Dispute Resolution: an explicit process should be provided for resolving disputes arising under the protocol (and this should cover not only disputes between governments but with non-governmental groups).

IV. RECIPROCAL STANDARDS

Whenever U.S. corporations locate in Mexico, or Mexican corporations locate in the U.S., they should be required to comply with the strictest environmental standards applying in either country. This provision should apply to large, new plants and not be limited to the border zone. Moreover, each country should allow nationals of the other to have access to their court systems to enforce compliance with these standards. Such access should also be provided to secure enforcement of the trigger mechanisms set forth in paragraph III of the main letter.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. First, let me express my appreciation to the chairman of the Budget Committee and ranking member for providing me with this time. I realize what I have to say is out of context with the balance of the debate that is going to take place today, but it is an issue I have been working on for some time.

(The remarks of Mr. MACK pertaining to the introduction of S. 891 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, AND 1996

The Senate continued with the consideration of the concurrent resolution.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank very much the chairman of the committee, Senator SASSER, for working to give this time to me. I want to debate this budget resolution.

As we begin debate today, and this is the first concurrent budget resolution for fiscal year 1992, there is a clear and present danger that I want to draw my colleagues' attention to, as well as the attention of our public. That danger presents itself in the form of a two-headed monster: One head is looking backwards; the other head is looking forward. One head is the rapid accumulation of debt in the past decade; the other is the future prospects for much more deficit growth over the 5 years of the October agreement.

The imminent danger is that not only is this new deficit growth locked in by the new agreement that was reached last October, but it is guaranteed to grow even larger because we have removed nearly all of the sequestration straitjacket from the monster, and we are now letting that monster roam free.

While it seems that we have been preoccupied since October with staying within the enforcement rules of the new Budget Act, the two-headed deficit debt monster has grown and grown, has escaped, and is now on the loose.

Normal reaction would be, when a monster is on the loose, to declare him Public Enemy No. 1, hunt him down, and get him under control. But for some reason, because we have been so preoccupied by the new rules and enforcement mechanisms in last year's October budget compromise, we failed to see a string of deficits bloating before our very eyes.

Mr. President, this afternoon or tomorrow, depending upon when the Moynihan amendment is disposed of, I will offer an amendment which will freeze budget authority for fiscal year 1991 at fiscal 1991 levels. This BA freeze will apply equally to defense, international affairs, and domestic discretionary spending. This freeze is for 1 year only.

There are two reasons why I will offer this amendment. It is because the deficit and the debt are totally out of control, and because instead of corralling it, we are ignoring it. I am not saying anybody intentionally ignores it, but it is being ignored.

The first head of the two-headed monster is the growth of the national debt. It is now over $3 trillion. Just 10 years ago, it was less than $1 trillion. The interest payments on that debt are now 25 percent of the budget, and rising rapidly. Next year, gross interest payments will be the largest spending item in the entire Federal budget. That is higher even that the defense numbers when it was at its all-time peak. In other words, the interest payments are higher than the defense numbers when the defense numbers were at their all time peak since World War II. While the defense budget is heading down after two decades of increases, interest payments on the debt are escalating upwards for as far as the eye can see.

The reason the debt will continue to spiral is because the October budget agreement has locked in that spiral. The pattern of deficits for the next 5 years has grown inordinately in the 6 months since the October summit agreement.

Just in that short period of time, the 5-year deficit, the second head of the two headed monster, has ballooned by some $300 billion. In 1991 alone, the deficit has already grown by $51 billion.

If I can refer the attention of my colleagues to this chart, I would like to show how we have had this growth in these deficits since October.

The top line is the new CBO baseline deficit pattern. This line below it is the CBO baseline in December after we passed the October agreement. And the area in between the two baselines is the deficit growth that has occurred in only 6 months.

In 1991 alone, we can see that the difference is $51 billion. Over the next 5 years, the total of the deficit growth is going to be $291 billion. In my view, Mr. President, this is the clearest imaginable reason why my freeze amendment, even though it would have minimum impact, is necessary. The October budget agreement allows for this deficit growth with no substantial corrective mechanism.

My colleague must know this, Mr. President, and so must the general public. The way the Budget Act was before the October agreement, much of the deficit growth would have been reduced either through sequester or through the shotgun-behind-the-door threat. But not now, because we threw the baby out with the bath water in the process of that agreement.

Many of my colleagues are disillusioned with the summit process which produced this budget agreement. I share their frustration. Yet I do not wish to make this amendment that I offer today or tomorrow a referendum on the summit process. It is merely a referendum on a willingness of this body to make some change when unpredictable circumstances demand that some changes be made. It is a yes or no on the deficit in light of a $300 billion growth in the 5-year deficit since the ink dried on that fall agreement.

In that respect, and because there was no way that the negotiators could foresee the $300 billion deficit growth, what we need is a small measure of deficit reduction as you go.

This freeze does not violate the October agreement. Nothing in that agreement precludes further spending reduction or further deficit reduction. And common sense dictates that we ought to be doing some further spending reductions, under this scenario.

On the contrary, the agreement allows for further restraint, such as this freeze amendment, in the event the kind of deficit growth, such as has occurred since October, cannot be predicted. This amendment I will offer will reduce the 1992 deficit by only $8 billion. Considering that the deficit baseline for 1992 has already grown by some $30 billion since October an $8 billion reduction is only a small downpayment. Even if my amendment would pass, the deficit will still grow by $51 billion in 1991, by $21 billion in 1992, and by about $200 billion in the outyears since the October agreement.

If anything, Mr. President, I should be criticized, if I am going to be criticized at all, for not going farther than my amendment allows. In ordinary times, perhaps I would do that, but considering the frailty of the economy, we want to be able to say we accomplished deficit reduction as you go, but not lowering anyone's budget and by spreading the restraint equally and fairly. And, in doing so, we did not turn our backs on the deficit and the spiraling debt.

If we do not do something now to correct this problem, what we in this institution all greatly fear more than anything, may actually and eventually come to pass. And that is people around this country will suddenly know beyond a shadow of a doubt that this body has no clothes.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Delaware is recognized under the previous order.

Mr. ROTH. Mr. President, as we begin consideration of the budget resolution, I rise to make some comments about our Nation's economy and respond to some of the comments made by the chairman of the Joint Economic Committee, the distinguished senior Senator from Maryland. As the ranking Senate Republican on the Joint Economic Committee, I feel it is important to present a balanced picture of the state of our Nation's economy and where we are headed.

I read with great interest the lead story in the New York Times this past Sunday, and I wish to share it with my colleagues. The headline story in Times read: "Boom in Manufactured Exports Provides Hope for the United States Economy." The headline read "boom," Mr. President, not "doom" or "gloom," as some would have you believe. Let there be no doubt our economy can be, and should be, doing better. But let us not ignore our strengths either.

The Times article reported that the United States has "become one of the world's low-cost manufacturers—lower in many industries than Canada, Europe, and Japan." The article went on to report that exports of electrical machinery have increased 133 percent since 1986, exports of aircrafts, 100 percent; computers and office machines, 70 percent; and small manufactured goods, 146 percent. The Times reporter wrote:

> American factories now ship steel to Seoul, transistors to Tokyo, cars to Cologne, and bicycle parts to Bologna. Exports ranging from beer and boards to carpets and computer chips have surged 76 percent since 1986. At home, domestically made machine tools, electronics gear and cars—some turned out in factories with foreign owners—are muscling aside imports.

The longest peacetime economic expansion in United States history ended last year due to a variety of factors including Iraq's invasion of Kuwait, which forced oil prices sharply higher. But this recession will probably be moderate in both length and severity, according to economic experts both in and out of government. The President's Council of Economic Advisers, the Congressional Budget Office, and the private sector blue chip forecast all indicate recovery this year. Consumer confidence, which dropped sharply at the start of the Iraqi invasion, rose sharply recently in response to the war's end.

The recession should be evaluated in the context of the economic progress made since the high inflation and high unemployment of the late 1970's. Fortunately, the momentum of the expansion from the 1980's has made the economy resilient in the face of the recent oil shock and war in the Persian Gulf.

The foundation of this expansion was laid in the new policy direction adopted in 1981 and implemented in 1982. An across-the-board income tax cut reduced income tax rates for all, while monetary restraint and stability crushed inflation and thereby reduced interest rates. With the adoption of these new policies, an economic rebound began in late 1982 and continued through 1990. Between 1982 and the third quarter of 1990, real GNP grew by 31 percent. Economic growth and low inflation replaced the stagflation characteristic of the late 1970's.

This economic expansion created 21 million new jobs generating new occupational and business opportunities. The number of new U.S. jobs created during the expansion exceeded that of all the other advanced industrial nations combined. Manufacturing productivity increased as inflation decreased.

According to a panel of the National Bureau of Economic Research, the current recession began last summer. Payroll employment has been declining for several months now. Real GNP declined 2 percent in the fourth quarter of 1990.

But the case for a rebound soon is a compelling one—strengthened by the absence of high inflation and interest rates at the end of the upswing and by the lack of excessive inventory accumulation. Oil prices retreated sharply from their recent highs despite the onset of war. And our quick military victory will almost certainly stabilize oil prices and prevent large disruptions in oil supplies.

According to economic statistics, business inventories are relatively low compared with sales, therefore reductions in orders are less likely than in previous recessions. Real exports are expected to remain strong as a result of the exchange rate's decline and a healthy growth in foreign demand, according to CBO. And the index of leading indicators was up recently for the first time in 6 months, providing encouragement that the recession is ending and economic growth is around the corner.

Despite these positive signs, one cannot ignore some indicators which could affect the timing of the recovery. Unemployment has been increasing, yet is far below the high levels of the previous recession. The credit crunch, whether due more to excessive regulation or an unwillingness to lend in recession, or some combination of the two, is a restraint on the economy. In addition, weakness in parts of the financial sector could delay the resumption of economic growth.

Mr. President, the existence of recession raises the issue of an appropriate policy response. Record levels of Federal deficit spending make fiscal stimulus through even higher deficits irresponsible. Probably the most constructive course for congressional action would be to avoid serious mistakes such as counterproductive tax increases. Taxes as a percent of GNP are already at historically high levels.

One of the most critical needs we face is increasing national savings. Accordingly, I have cosponsored with the distinguished chairman of the Finance Committee, Senator Bentsen, a bill to restore greater incentives to increase personal savings through individual retirement accounts, because I believe, as most all economists do, that saving is a key to higher productivity, economic growth, and enhanced living standards.

As pointed out in the Republican section of the Joint Economic Committee annual report, adequate private savings are necessary to fund investment in plant and equipment to enhance worker productivity. Productivity growth, in turn, increases real income for workers and families. As such, adequate savings is the prerequisite in a chain of events leading to renewed prosperity. The U.S. tax laws need to be revised with these critical relationships in mind.

The Federal Government can promote economic growth by ensuring that Federal tax policies promote additional savings to provide capital available for productive investment. Tax policy which discourages savings and investment shrinks the amount of investment funds available, and raises interest rates for the funds which are available. Increased domestic savings would reduce our dependence on foreign capital to finance Government debt and industrial innovation.

Mr. President, the state of our economy is looking better than several months ago. Oil prices are down from their high levels several months ago, consumer confidence is increasing, real exports are rising, and inflation is under control. Some risks remain, to be sure. But we are a resilient nation, with a resilient economy.

Instead of gloom and doom, Mr. President, let us focus on what will provide the best environment for job creation and a healthy economy. Increased savings and investment, stable prices, low-tax rates and interest rates, and reduced Government spending will all create an environment for a healthier economy. That should be the focus of our work, and I hope my colleagues join me in those efforts.

Mr. President, I ask unanimous consent that this article on the boom in manufactured exports be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times]

BOOM IN MANUFACTURED EXPORTS PROVIDES HOPE FOR U.S. ECONOMY

(By Sylvia Nasar)

In a quiet revolution, the United States, long derided as an industrial has-been, has become one of the world's low-cost manufacturers—lower in many industries than Canada, Europe and Japan.

American factories now ship steel to Seoul, transistors to Tokyo, cars to Cologne and bicycle parts to Bologna. Exports ranging from beer and boards to carpets and computer chips have surged by 76 percent since 1986. At home, domestically made machine tools, electronics gear and cars—some turned out in factories with foreign owners—are muscling aside imports.

As a result, foreign trade is likely to power the economy for years to come. "Export-led growth may be the only feasible strategy for the United States," said C. Fred Bergsten, director of the Institute for International Economics in Washington. Indeed, the shrinking trade deficit, now at a seven-year low, is offsetting some of spending lost in the recession.

GROWTH MAY CONTINUE

Though exports have lately leveled off as growth overseas has slowed, forecasters at DRI/McGraw-Hill expect exports to grow 50 percent faster than imports during the rest of the 1990's.

What is behind the resurgence of American cost-competitiveness? Partly, of course, it is the dollar, high-flying in the mid-80's, returned to earth. Despite the dollar's recent bounce, its value is still a third below its 1985 level.

More enduring are the sweeping and painful changes undertaken by American managers and workers, which have revived flagging factory productivity. These changes have ended some of the worse excesses of the 70's, including pay increases that helped to price many United States products out of overseas markets while encouraging lower-priced imports.

For decades, American companies acted as though higher costs could always be passed on. The new attitude is captured by companies like the Cross & Trecker Corporation, a maker of machine tools based in Bloomfield Hills, Mich., which intends to cut the cost of its products by 5 percent a year.

How durable are the American gains? Certainly, an unexpected return to an overvalued dollar would wipe them out. So would slipping back into the sloppy habits of the past.

And low costs by themselves cannot guarantee global competitiveness in a world of increasingly well-heeled, choosy customers who, more often than not, care as much about quality, style, service and technical razzle-dazzle as they do about price. Buyers—domestic and foreign—are not likely to abandon superbly engineered German machine tools or reliable Japanese cars for cheaper but shoddier alternatives.

BEYOND BURGERS AND JUNK BONDS

Those who still think of the United States as a good place to make burgers, "junk bonds" and Boeing aircraft, and little else, ignore a vast terrain friendly to the manufacture of old-fashioned goods like nails and light bulbs.

Illinois Tool Works Inc., based in Glenview, Ill., recently scrapped its plans to build another nail factory in Germany. And Osram Inc., a subsidiary of Seimens A.G., the German electronics giant, recently poured $3 million into a plant in Maybrook, N.Y., that produces light bulbs and auto headlamps.

These decisions partly reflect the favorable American manufacturing climate. In Illinois Tool's case, it costs the company about 20 percent more to make a nail in Germany than in the United States and twice as much to add capacity in Germany. Not only are bricks and mortar more expensive there, but companies are required to take on more commitments, in benefits and job guarantees, for their workers.

"We can produce nails here with less overhead and fewer social costs," said W. James Farrell, an executive vice president of Illinois Tool.

In Osram's case, most customers are in the United States, but the company expects to ship about a fifth of its products to European and Asian auto makers. "From an efficiency standpoint, we stack up very well to our German counterparts, sometimes to their surprise," said Paul Caramagna, Osram's vice president.

COSTS LOWER IN U.S.

Though none should be taken literally, broad statistical yardsticks tell the same story. Estimates by Peter Hooper and Karen Larin, economists at the Federal Reserve in Washington, suggest that unit costs in the United States are 60 percent of those in Germany and 80 percent of those in Japan. DRI/McGraw-Hill, using different data and methods, estimates that American factory costs are about 10 percent below those of Europe and Japan.

And the United States is almost certainly among the lowest-cost producers of basic commodities. Take the raw material for those ubiquitous plastic detergent bottles with hourglass shapes. It costs 25 percent less to produce high-density polyethylene pellets in the United States than in Europe, and 15 percent less than in Japan, according to Chem Systems, a consulting firm in Tarrytown, N.Y. Back in 1985, when the dollar peaked, costs in the United States were no lower than in Europe and Japan.

The United States can make steel more cheaply than Germany or Japan, although Britain can make it more cheaply yet. Indeed, USS-Posco Industries now makes money shipping 5 percent to 10 percent of the cold-rolled steel from its plant in Pittsburg, Calif., to the Pacific Rim. The average cost of producing a ton of steel in the United States is now about $535, as against $542 in Germany and $614 in Japan; according to the WEFA Group, an economics consulting firm in Bala-Cynwyd, Pa.

PANELING TAILORED TO JAPANESE

Another successful export to the Pacific—specifically to Japan—is boards, by the boatload. The Louisiana-Pacific Corporation, based in Portland, Ore., exports so much wood to Japan these days that it is making, in addition to its standard 4-by-8-foot paneling, a 3-by-6-foot version that the Japanese prefer. "Our costs are very competitive with Canada and Scandinavia," said Barry Lacter, the company's vice president for public relations.

The United States also seems to have regained ground in industries that many people had written off. American textile mills, it turns out, are very competitive in products for industry and the home. Judging by exports last year, Greeks like to sleep between American designer sheets and Saudis prefer to walk on American wall-to-wall shag carpets in their homes.

The new cost competitiveness varies from product to product, but what is striking is the huge across-the-board swing since the mid-80's. Indeed, the United States is even more competitive in manufacturing costs than it was in the late 70's, when its trade in factory goods was balanced and exports were booming.

LOW DOLLAR WORKED WONDERS

Consider how the dollar helped to create the shift. The dollar's value against other currencies is back where it was in the late 70's and early 80's. Even after a recent surge against the German mark and the Japanese yen, the dollar is worth about what it was last spring and about 30 percent less than in February 1985.

The lower dollar has done wonders for American industry, particularly machine tools. Exports last year jumped 23 percent while imports sank 5 percent. "The primary reason for that significant swing is manufacturing costs," said Norman J. Ryker, chief executive of Cross & Trecker. The company has recently expanded its sales force in Germany and Japan to sell its top export, the Sheffield machine, which is used to measure machined parts precisely.

At the same time, Cross & Trecker, which used to import some smaller tools from Japan, has not done so in six months. "It costs too much," Mr. Ryker said.

American factory productivity—which has remained the highest in the world—has been jack-rabbiting along in the 80's. Rising at an average rate of 3.6 percent a year, output per hour in American factories has been advanced faster than in the 60's and nearly three times as fast as in the 70's.

Efficiency gains in the American auto industry rose about 4 percent a year in the 1980's, thanks partly to the Japanese companies that build cars in United States plants known as transplants. "The transplants are close in efficiency to the best plants in Japan, and many Ford plants are as efficient as the transplants," said James P. Womack, an automotive expert at the Massachusetts Institute of Technology. These days, Detroit is sending American-made models around the world.

Not all of the productivity gains resulted from shutting inefficient plants or slashing payrolls. Some reflect efforts to do things right the first time, an effort that almost by definition bolsters output per worker.

Take Motorola Inc., the nation's largest maker of computer chips, which has raised its productivity in part by reducing costly defects. After an intense five-year campaign, Motorola now measures defects in its popular microcontrollers—chips that show up in everything from cameras to cars—not in percentage points, but in parts per million.

"Our goal for mistakes is 3.4 parts per million—not just in the products themselves, but in sales and service," said Kenneth C. Phillips, a company spokesman.

More than half of Motorola's sales in 1990 were overseas. That is one reason, no doubt, that the United States recorded a trade surplus in semiconductors last year, after years of deficits.

Finally, United States manufacturing workers are no longer the world's fat cats in terms of pay and benefits. At current exchange rates, according to the Bureau of Labor Statistics, Americans earn $14.31 an hour in pay and benefits. German workers, in comparison, earn $17.58. In Japan, where pay has more than doubled in dollar terms since 1979, workers now earn the equivalent of $12.63 an hour.

Thus, part of the price of greater American competitiveness has been paid by American factory workers. Their purchasing power has been squeezed as blue-collar pay rose at a slower pace in the United States than almost anywhere else.

Mr. ROTH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware yields the floor. Who seeks recognition?

Mr. SASSER. Mr. President, I would suggest the absence of a quorum and ask that the time be charged equally against both sides.

The PRESIDING OFFICER. The distinguished senior Senator from Tennessee suggests the absence of a quorum and suggests that the time be charged equally to both sides. Is there objection.

Mr. DOMENICI. The Senator from New Mexico agrees.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, at this time I ask unanimous consent that when the distinguished Senator from New York [Mr. MOYNIHAN] offers his amendment relating to the Social Security trust fund, that there be no time limit on the amendment during today's debate, and that no amendment to the amendment be in order; further, that when Senator DOMENICI offers his firewall amendment, if he offers it, there be no second-degree amendments in order; further, that if Senator BROWN offers an amendment on actuarial soundness, that there be no second-degree amendments in order thereto, and that the sequence of the first three amendments be as follows: First, Senator MOYNIHAN; second, Senator DOMENICI; third, Senator BROWN; that if Senator MOYNIHAN'S amendment is agreed to that it be considered original text.

The PRESIDING OFFICER. Senators have heard the unanimous-consent request of the distinguished senior Senator from Tennessee. Is there objection?

Mr. DOMENICI. Reserving the right to object, and I do not intend to object.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I want to make sure there are no misunderstandings. Any of these amendments, if offered, are subject to motion to table; is that correct? We have not eliminated the right of a Senator to move to table?

Mr. SASSER. It is my understanding we have not eliminated the right of a Senator to move to table on any of the three amendments.

Mr. DOMENICI. And with reference to seeking yea-and-nay votes on the amendments, we have not in any way altered senatorial rights in that regard?

Mr. SASSER. We have not. Senators are free to move to table, and should the tabling motion fail, they are free to seek the yeas and nays on the amendment at that time.

The PRESIDING OFFICER. Does the distinguished senior Senator from New Mexico have any further questions?

Mr. DOMENICI. I wanted to ask Senator MOYNIHAN, if he would not mind, a question. As I understand it, for a number of reasons not the least of which, as I understand it, might be the ease in preparation of the amendment because of the complexity of numbers, the Senator is offering his Social Security trust fund amendment, and in doing that he has prepared a full substitute of the rest of the budget resolution as reported by the Budget Committee, including his desired amendment? Is that correct?

Mr. MOYNIHAN. That is correct.

Mr. DOMENICI. Could I ask, is there anything else changed in the full substitute from that which was reported to the floor by the committee, other than the trust fund as amended by the Senator's amendment?

Mr. MOYNIHAN. I think the answer is no, there is not. There is a sense-of-the-Senate language change. I was thinking of numbers. To my knowledge, there is no change.

Mr. DOMENICI. I did not hear the Senator's previous comment.

Mr. MOYNIHAN. Sense-of-the-Senate language is changed and the numbers of course have changed.

Mr. DOMENICI. Then I might have another question. Which sense-of-the-Senate language is changed? This is a very large amendment and I apologize to the Senate for not knowing more about it but I first found out about the substitute a little while ago. I am not worried about it. I just want to make sure we understand.

Mr. MOYNIHAN. Senator BROWN'S language, having to do with actuarial balance.

Mr. DOMENICI. Is that totally eliminated? Left out, that part?

Mr. MOYNIHAN. I can read it to the Senator if he would like. Mr. President?

The PRESIDING OFFICER. The distinguished Senator from New York State.

Mr. MOYNIHAN. The language simply reads: "The levels in this resolution"—why do I not say:

> Section 8, Accounting Treatment of Social Security Revenues.
>
> (A) Sense of the Congress:
>
> It is the sense of the Congress that the levels of this resolution are consistent with the enactment by Congress of legislation to, (a), provide a fair tax cut to 132 million workers by returning the Social Security Trust Funds to a pay-as-you-go financing and restore the Social Security System to long-range actuarial balance.

That is the additional language.

Mr. DOMENICI. I take it then that the Senator had all of the language with reference to the effect of the amendment, but with reference to the Brown amendment, he made a conclusion that his amendment is actuarially sound, rather than the contention of the previous sense of the Senate that, if it was not, it would require 60 votes. Is that correct?

Mr. MOYNIHAN. That is correct.

Mr. DOMENICI. I had one further question.

The PRESIDING OFFICER. The Chair will inquire of the distinguished senior Senator of New Mexico, is this still part of the process of the Senator's contemplation of the unanimous-consent request of the distinguished senior Senator from Tennessee?

Mr. DOMENICI. Might I just say to the President, it is. Something has come up on our side and I do not want to have to claim later I did not understand something so I need to inquire on our side.

Mr. President, I suggest the absence of a quorum, but let me say I have no intention of not agreeing to this. Let me just clarify something and I will return.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, as I understand it, the pending business is the unanimous-consent request that I propounded a short time ago; is that correct?

The PRESIDING OFFICER. The Senator from Tennessee is correct.

Mr. SASSER. With regard to that unanimous-consent request, Mr. President, I wanted to specifically note that it carried a provision that there be no motion to table the Moynihan amendment today. In other words, no motion to table the Moynihan amendment would be in order today.

Mr. DOMENICI. Mr. President, reserving the right to object, and I will not object. I just want to make sure that everyone on our side understands. Not only do I concur with the last statement made by the chairman that there be no motion to table today, but I think it is fair to say that we intend, after a reasonable amount of time today, to be back on this resolution tomorrow, and we are going to try, after some additional debate on the Moynihan amendment, to arrive at a time certain for disposition, either by a motion to table or an up-or-down vote.

Our plan is to set a time when everybody will know this is going to be voted on. After this evening, we will use some additional time tomorrow, evenly divided or thereabouts, to debate this issue and then have a vote.

Could the Chair read the language with reference to the Brown reservation? What did we say about the rights of Senator BROWN from Colorado to offer an amendment?

The PRESIDING OFFICER. The language of the unanimous consent is that "if Senator BROWN offers an amendment on actuarial soundness, there be no second-degree amendments in order."

Mr. DOMENICI. An amendment, right?

The PRESIDING OFFICER. "And that the sequence of the first three amendments be as follows:"

Mr. DOMENICI. I thank the chair. The Senator from New Mexico has no objection.

The PRESIDING OFFICER. Is there further objection? Without objection, it is so ordered.

Mr. SASSER. Mr. President, the Senator from New York will seek recognition.

Mr. MOYNIHAN. Mr. President, the Senator does seek recognition. I ask that I might have time on the bill.

Mr. SASSER. Mr. President, I yield such time as Senator MOYNIHAN may consume on the bill.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, shortly now, I will offer an amendment to the budget resolution for myself, Mr. KASTEN, and Mr. HOLLINGS, that has as its purpose the return of the Social Security trust fund to a pay-as-you-go basis.

This is the basis on which the Social Security system was established in 1935, and on which it operated until the Social Security Amendments of 1977, when we shifted to a partially funded system. We anticipated that a long period of balanced budgets would enable us to use the trust fund surplus to buy down the privately held public debt and thereby increase national savings.

That was the predicate on which that decision was made in 1977. Now, some 14 years later, we see that it is no longer a valid assumption.

In the National Economic Commission Report on March 1, 1989, the minority—in this case the Democratic members—stated that if we could not use the surpluses to increase national savings it would be a matter of integrity, a matter of probity, a matter of fair and honest dealing with the trust fund, to return the system to a pay-as-you-go basis; the alternative being that we would enter an indefinite period, in which trust fund moneys would be used as if they were general revenues, which they are not.

These, sir, are trust funds. They are paid into a trust fund jointly by employees and employers for the purpose of paying benefits under the system, and for no other purpose.

That trust has been and is being systematically violated. It is our purpose to restore integrity to that system.

In the process, over a 6-year period, we will save workers now paying into the system up to $2,300.

As an incidental condition of this measure, we would stimulate the economy. We are in the midst of an economic recession that promises to be longer and deeper than we had expected. This matter was dealt with earlier today by the distinguished chairman of the Joint Economic Committee, the Senator from Maryland [Mr. SARBANES]. Estimates have been made that as a consequence of our Social Security tax cut we would see upward of another million jobs created.

In the process, we would see the payroll costs of American businesses decreased in the same amount as the payroll taxes of American workers. We would see a generally lowered tax on labor.

You recall the term for the Social Security contribution, Mr. President, is Federal Insurance Contribution Act. These are technically taxes but specifically levies raised for purposes of paying benefits out of a trust fund.

So the first point I would make to the Senate is that what is most important here is this issue of the integrity with which we deal with these trust funds. The surplus is large. It is already growing at more than $1 billion a week. In simply the 5-year span of this resolution, that surplus will grow to $2.5 billion a week.

Over the whole 5 years, we will see an enormous unprecedented sum diverted from the trust to general revenues in a way, sir, that could never have been contemplated by the generation and the individuals that gave us the Social Security Act of 1935.

It was my great honor in later years to know Frances Perkins, Secretary of Labor, under President Roosevelt's administration, who had the most vivid sense of the decisions made in 1935. Rather than decide to simply collect Social Security contributions and put them in an anonymous account, President Roosevelt decided that individuals were to be given their own Social Security numbers and were to have their contributions and their employer contributions posted regularly to their account. Individual's contributions were to be recorded as their money, their pension, and their insurance against disability, death, and the loss of the family earner.

The idea that we would ever do otherwise was unthinkable and indeed, Mr. President, we have a record of this. In the summer of 1941, a distinguished Columbia University professor, Luther Gulick was here in Washington working in Government affairs. He knew President Roosevelt. He had known him during the 1920's when the President was then Governor. And he called on President Roosevelt and said he thought the time had come to dispense with individual accounts and to handle Social Security contributions in a more general way. He thought it would be more efficient and economically sound to do that.

And Luther Gulick, as was his practice when speaker to a President, recorded Franklin Roosevelt's response. I would like to read it. He said "I guess you are right on the economics, Luther," he said. "But those taxes were never a problem of economics. We put those payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pension and unemployment benefits." And then, Mr. President and you could hear him say it—Franklin D. Roosevelt said: "With those taxes in there no damn politician can ever scrap my Social Security Program."

I have more than once quoted and cited on this floor in his company an exchange I once had with our late beloved colleague, Senator JOHN HEINZ of Pennsylvania. It was on the morning television program, the "Today Show," a year and a quarter ago, and I had cited an editorial in the Rochester Democrat Chronicle in which it was alleged—stated properly in my view—that what was going on in Washington was thievery. And Senator HEINZ was asked, "Senator, would you agree with that characterization that what is going on is thievery?" And in that wonderful way he had he rose up, and in a sort of mock umbrage, said "Certainly not certainly not. Not thievery; it is embezzlement."

You can take your choice of words. The ethical implication is the same.

The amounts of money are large, but in the context of our present deficits they are as nothing compared to the principle which is at issue. We do not propose to do this suddenly in one moment, 1 fiscal year. We take the system down over a 6-year period.

The subject has been raised as to whether this would in any way jeopardize the long-term actuarial balance of the fund. Mr. President, I have been chairman now for some years of the Subcommittee on Social Security and Family Policy of the Committee on Finance. I have served on that committee for 15 years. I stand here to say that it is the absolute clear and repeated judgment of the actuaries who have nurtured and looked after this fund for what is now some 56 years, that we not only protect the funds in what we are doing but, because we provide for rate increases in the middle third of the next century, we actually restore an actuarial balance that does not now exist.

It has been the judgment of the actuaries for some time now that as a measure of prudence there ought to be about a year's surplus, so that all claims may be met, even when a downturn of some kind might make for a shortfall between what flows in and what flows out.

The trust fund is not an actual physical fact. It is not a chest of gold coins that can be reached into at any given time. It is a Government obligation, but one which is well to have on the books so everyone knows it.

As I say, a few years ago, the actuary, when asked by an advisory committee to the Social Security Commission, estimated that a reserve somewhere between 55 and 110 percent of annual outgo would be more than sufficient to provide for a downturn. If I can turn to this exhibit, Mr. President. The Office of the Actuary, in a memorandum of June 13, 1990 to the Advisory Council Technical Panel on Social Security said—and this is the most recent judgment of the actuary in the current administration—"The analysis we performed indicates that assets of from 55 to 110 percent of annual expenditures would generally be sufficient to cover the effects of a period of adverse economic conditions for about 5 to 10 years." Sufficient to cover not a 1-year recession which has been our average in the postwar period, but to cover a 5- to 10-year recession, something comparable to the Depression of the 1930's. A reserve of 100 percent of annual expenditures "represents a reasonable target ratio for contingency purposes."

Mr. President, let me show you what this amendment will do. This amendment will take a reserve, which is already almost at a 100-percent level—about 96 percent at the end of this year—and take it up steadily to 150 percent; the highest ratio we have ever known in the period when the system has been mature.

So to be quite explicit, for the next 19 years, we will have lower rates than at the present, and in 24 years, we will return to the present rates. That will be fine for a period. But then there will have to be further increases.

These increases, Mr. President, will come whether we adopt this amendment or not. When, in the second, third, and fourth decade of the next century, revenues at present levels begin not to meet outlays, the money will have to be found. There will be a reserve but the reserve is simply an obligation for the Federal Government to pay that obligation. The Government will have to get the money. It will get it by raising the contribution rate or by borrowing, or a combination of both. That is something the next generation of Americans will have to deal with and will.

The ratio of persons retired to persons employed will narrow a bit—nothing like the narrowing that has taken place over the last 50 years. It began in 1940. There were 30 persons in the work force for every one person retired. And it is coming down, as a mature system will do, should do, and is doing.

But the trust funds are secure and it serves no purpose to suggest to anyone that changing the present arrangement will in any way jeopardize future benefits. It does not. To the contrary, our argument, our case really rises and falls on what I am about to say.

(Mr. ROCKEFELLER assumed the chair.)

Mr. MOYNIHAN. Our case says that the integrity of the trust funds depends upon a long, unbroken record of using pension fund contributions for pensions and not for other purposes. If you want to put these funds in jeopardy in the long run, establish today the idea that they can be used for other things besides benefits. Establish the principle that the funds can be diverted to nonpension purposes with impunity, and in vast sums. This very week we will spend more than $1 billion in trust fund moneys for the general purposes of government, everything from battleships to paper clips, as it has been put, but not for pensions.

Once you establish that principle, once you break that trust, once you record in statute that we will use trust funds for nontrust fund purposes, what is left of the integrity of the system? What is to prevent future reductions in benefits in order to use the moneys for other things? What is to prevent the elimination of whole programs in order to use the money for other things?

I marvel that we do not already have an outraged public; 132 million people pay into this system every year, and it is a fact that their payments are being diverted to purposes other than what it says on their paycheck: "Federal Insurance Contribution Act." If this were done by a private company or a union pension fund for any such arrangement, the penalties under civil and criminal law, would be swift and vengeful. Ask any attorney, what is the greatest and most solemn obligation you undertake as a member of the bar? They will say: as a trustee. We are the trustees of these funds.

The Members of this body, if it comes to that, may very well regret the day they vote to use trust funds for purposes other than that for which they were formed. The day will come when, on the political campaigns of this decade and the next, the incumbent will have to answer the question: Senator, did you vote to use trust funds for purposes other than that for which they were contributed and formed? Senator, yes or no? Senator, did you vote to take moneys from the trust fund and spend them on foreign aid? On housing? On agricultural subsidies? On pay increases? On the savings and loans? Senator, this S&L, by gross mismanagement, lost $1 billion. Somebody got the $1 billion. It did not disappear. The bank lost it. It went to other pockets. Senator, did you vote to take Social Security trust funds and pay off that billion dollars? Is that not the kind of behavior that we sent that President of the S&L to jail for? And you are asking us to send you back to the Senate so you can do it again? Did you vote to use trust funds to bail out those outrageous S&L failures? Senator, if you cannot be trusted with a trust fund, what can you be trusted with?

This is difficult for me to say. But I have been, as chairman of this subcommittee, for some years now saying this moment of truth would arrive. It almost arrived last October when a majority of this body, 54 Members, voted to return to pay as you go, so we would not be misusing, misappropriating the trust funds. We were in a situation where a special rule required a special majority, 60 votes. We had a majority but not 60. The very able and deeply responsible chairman of the Committee on the Budget arose immediately after the vote on that occasion and said that it was clear the Senate should be able to work its will in this matter by the normal majority vote and that he would see to that, and he has done. We are here today under the budget resolution, which, by a simple majority, can bring this about.

I know there are persons of the greatest personal integrity and sense of personal and social responsibility who are saying to themselves: If we just keep this surplus, then one day down the road, when there will be a different administration, we can use this surplus for a new program of social insurance.

That is a decent purpose. I knew Frances Perkins and how much she had hoped to see what became Medicare enacted. I know and loved Wilbur Cohen, who worked on the original committee, as did Bob Myers. These were men and women of great public service who were willing to happily involve themselves for half a century with one purpose. They formed a National Academy of Social Insurance, and I am happy to be a member.

I remember in the last year of his life, Wilbur was making the rounds of the Senate hallways with new ideas for health for children, the general gaps in our health care system, of which no one knows more than the distinguished Senator from West Virginia, who is the Presiding Officer at this moment. I think we will get to that. We will get to those issues. But not if we debauch the principle of social insurance by embezzling the moneys, to use the term Senator HEINZ used, for other purposes.

People will not trust us any more. You say you are taking this money and you are putting it in trust. But you did not. You broke the trust. You spent it on other purposes, not in the small amounts, but in massive amounts.

I will give you a sense, Mr. President, of the amount of cash-flow that is involved. The cash surplus now in place would buy the New York Stock Exchange. I do not mean the building, Mr. President. I mean every share of every company, traded, every bond traded on the New York Stock Exchange.

Mr. DOMENICI. Will the Senator from New York yield for a question?

Mr. MOYNIHAN. I am happy to yield to my friend from New Mexico for a question.

Mr. DOMENICI. On that last note of the Senator's, I suggest I do not have a substantive question but rather, about an hour ago we were entering into a unanimous-consent agreement, and the Senator from New Mexico was inquiring of the Senator from New York about an amendment in the nature of a substitute that we had been presented with that had not yet been sent to the desk. We took so long because one provision of it in section 8, as you given it to us, had to be cleared.

I wonder if there is any reason why we cannot have the amendment tendered to the desk, the amendment that we were discussing? We have an agreement regarding the amendment that we were discussing, and I do not know why the Senate cannot start considering that amendment. I do not know whether somebody is changing the amendment. I hope not. We went through some of these contentious things before.

Mr. MOYNIHAN. No. The Senator and I have dealt with each other as friends on this floor and in committees for 15 years. Neither of us have ever had the slightest occasion to question the good faith of the other. Do not question mine. I assure you there has been no change made nor would any be made without complete consultation with you. Our purpose was simply to get the discussion going and the time will come when the chairman of the committee wishes the amendment to be laid down. The amendment is available to everyone, as has been to you.

Mr. DOMENICI. I am unaware of this. Who are we waiting for? I talked to the chairman of the Budget Committee and he is waiting for you. Are you waiting for him?

Mr. MOYNIHAN. I am waiting to finish.

Mr. DOMENICI. We were talking about when we would have the amendment so we would all be referring to an amendment offered. The Senator from Tennessee, the chairman, did not seem to indicate to me that he was the operative force, since it is your amendment. I just repeat, are we going to get the amendment soon that we talked about an hour ago?

Mr. MOYNIHAN. Soon.

Mr. DOMENICI. Soon. I thank the Senator from New York. I yield.

Mr. MOYNIHAN. Mr. President, this gives me the opportunity to review the argument I have been making. I will not speak past a point where I see another Senator has risen and is seeking recognition to speak for or against the measure.

My purpose, once again, Mr. President, is to say that if you care about the integrity of the trust funds, you care about this vote. I cannot imagine there is any Member of this body, who can look forward with anticipation to the day when a question is put to him or to her saying, "Senator, did you vote to use trust funds for reasons different from their purpose? Did you vote to break a trust? Would I be wrong, Senator, in assuming that you voted to take moneys from the trust fund to bailout the S&L?" "Did you keep your faith to not break a trust?" If you broke a trust and the majority of the institution joins you, is that a trustworthy institution?

It is a fact that a majority of nonretired adults are not completely confident about their pension benefits. I happen to think one of the reasons, Mr. President, is that the Social Security system never gets in touch with anybody to tell them what their contributions have been and what their benefits will be.

We changed that in the last Congress. We will phase this change in gradually, as these things have to be done gradually. The Social Security Administration will start regularly sending to individuals an annual account, like a bank statement, that tells them what they put in last year, what their employer put in, or, if they are self-employed, what their contribution record, is. The annual account will also show individuals what their expected benefit will be. I think when these account statements become a regular annual feature of the system, levels of confidence and information will rise.

I can speak for my own self. I joined the Social Security system in 1943. Until a few months ago, when I asked the Social Security Administration for one of these statements I never heard from them. I did not know if they knew my address or if they got the contributions correctly entered. I had no idea what my benefits would be. I had a vague idea but nothing specific to me and my family.

It is an important event, and when it comes about, I think it will greatly increase awareness of, and confidence in the Social Security system. But not, Mr. President, if by that time—it will be about 10 years, a little longer before it is a regular event for all Members of the system—not if in the meantime we have established it as the practice of the Congress and the desire of the administration to take these moneys and use them for other things.

In very unhappy circumstances in the 1980's, the Treasury ran out of borrowing authority and actually used Social Security contributions to pay bills as if from general revenue. It happened not once but three times.

I can say, sir, that the Secretary of the Treasury involved was mortified. I want to be very clear that he was in a situation which suddenly arose that when the debt ceiling had been reached he had the awful choice of using trust fund moneys or defaulting, and he made the prudent choice but did not inform Congress and was very regretful he had not done it. We want to see that never happens again, excepting it is now out in the open happening every day. What mortified the Treasury when it happened in the early 1980's has become routine.

Well, you can grow accustomed to such practices, Mr. President, but do not be surprised that the American people do not grow accustomed along with you. Do not be surprised that they rise up one day and say you have broken a trust.

Trust is the glue that holds Government together, the trust we see on this Senate floor, the trust I spoke of a moment ago with my friend from New Mexico. In the 15 years we have worked together, never once has a question arisen between us of what one of us undertook to do and whether or not it was done. A word given, commitment, a promise.

We act here in the context of the oaths we take to uphold and defend the Constitution of the United States against all enemies foreign and domestic. I cannot think anything an enemy of our country and our Constitution would ever do more sinister, more insidious, than to have it established that the trust funds of the Social Security system could be used for purposes other than the legitimate payment of benefits.

I could speak longer, sir, but it would suggest perhaps that the case was more complex. In my view the case is elementally simple. These are trust funds. We hold them in trust. They should be used for benefits and no other thing.

Will there be revenue lost as a result? Yes, there will be. Of course, there will be. But is there no limit beyond our imagination to think that we might make it up? There would have been time when the difference between the surpluses and a balanced budget, the consequent deficit would have seemed enormous, but that is long past. Our deficits range in the $300 to $400 billion level as far as the eye can see. We have not been prudent in the handling of our fiscal affairs. We have not been prudent, sir. We tripled the national debt in the 1980's.

Well, do we want to compound a record of imprudence with a record of misfeasance? Anyone can be imprudent. It is a larger, more profoundly serious question: Will you break a trust? I do not think that we would want to do this.

I wish I could erase from the record my suggestion that we will, all of us, one day be faced with constituents saying, "Did you misspend trust funds?" I do not think that is necessary to move the minds of the Members of the Senate. I think it is enough to have each of us know the day will come when we will simply ask ourselves, did we break this trust? Need we have done it? Was it a matter of convenience, fear of some other difficulty that might arise? Just a convenience? You have the money. Spend it. It is a complicated subject. They will never understand it.

One of the facts about this debate is this, sir: It assumes that the American people do not understand this system, or will not take the trouble to learn.

I would never bet on the American people not taking the trouble to learn what they need to know about their Government. I would never bet on their inability to understand an issue. I would never assume that they can be frightened out of their wits so that they cannot think straight. I would not do that. There are those who have made that mistake in the past. Let us not make it here.

Let us vote our conscience. If we do no more than vote our conscience—not our political interests, our electoral interests, our prospects of remaining in public life or other capacities even, just let us vote our conscience—I think if we do, sir, we will see just as there was a majority for restoring and maintaining the integrity of the trust funds, there will be so again this April.

Mr. President, I see other Senators present, and I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I say to my good friend from New York, I want to reestablish our 15 years of working together and understanding and having a relationship of trust by assuring the Senator that when we talked about the Moynihan amendment about 1 hour and 15 minutes ago——

Mr. MOYNIHAN. Moynihan-Kasten-Hollings.

Mr. DOMENICI. Moynihan-Kasten-Hollings—that the Senator from New York was reading from an amendment—and I am sure the Senator knows that with an amendment like his, what you do is you change on the revenue side and the outlay side the estimates for each of the 5 years succeeding, that is, 1992 through 1996. And when I was reading from that amendment, which the good Senator from New York indicates is still going to be the case when the amendment is introduced, the amendment we have a unanimous-consent agreement about, we have revenues in:

1992 at $292,100,000,000;
1993 at $315,200,000,000;
1994 at $332,200,000,000;
1995 at $351,400,000,000; and
1996 at $362,400,000,000.

We have outlays in:

1992 at $251,500,000,000;
1993 at $266,100,000,000;
1994 at $279,500,000,000;
1995 at $292,600,000,000; and
1996 at $306,500,000,000.

Now, as I understand, that was what was handed to us when we were discussing the issue.

Mr. President, I only want to speak for a few moments tonight, but I really want to make sure that everybody understands that when my good friend, and our good friend, from New York speaks about embezzlement, thievery, and abuse of a trust fund, it disturbs the Senator from New Mexico greatly.

And it should disturb everyone in this body, and I might say it should disturb the Senator from New York even more than most because I am going to read to the Senate from the Senator from New York, under his own hand, not 10 years ago when the Social Security fund was bankrupt because we were on a pay-as-you-go program—we will talk about that in a minute—when this trust fund that we are talking about here today was set in place and began accumulating money. We were in deficit every year in the unified budget. The budget of the United States was spending more than it was taking in.

Let me say I believe that it is in the best interest of this body for someone to unequivocally say on July 6, 1988, that the accumulation of this trust fund in exactly the same manner that exists today—for someone to say that is the greatest fiscal policy we have ever seen. As a matter of fact, it would be terrible—I will use the exact words of the distinguished Senator from New York shortly—it would be terrible if we thought that we should not accumulate the trust funds as forced savings so that America would get out of the capital markets with her debt, and what a salvation for America for the decade of the nineties if we would continue to do that.

Let me suggest an old saying—if it is good for the goose, it is good for the gander. Let me suggest that if it is pilfering, if it is embezzlement, and if it is thievery, it was thievery and embezzlement on July 6, 1988, and it was espoused unequivocally and with great enthusiasm by none other than Senator MOYNIHAN from New York.

Let me read what he said about it, July 8, 1988. The American deficit was very large then and growing larger, as a matter of fact, Mr. President. We did not even have the 5-year agreement to reduce the budget by $500 billion that we have now. We did not even have that. It was worse. We were in worse fiscal shape as a nation. So if it is called embezzlement today, and if the question is, "Did you spend our money for battleships and paper clips?" then is it appropriate to ask, "Was that not the case on July 6, 1988?" I believe it is.

I only make this point because I believe that is a false issue. What really happened here is that certain people on the blue ribbon commission, and not very many of them, but in particular one from the State of New York, espouse changing what the blue ribbon commission concluded. I have great regard for him and he is entitled to do exactly what he wants but what he ought to say is that he changed his mind.

The Senator from New York has now changed his mind. He said on July 6, 1988—and I quote now verbatim: "The great object of fiscal policy in the next decade must be to increase savings by rolling back debt. The revenue stream of Social Security taxes that makes this possible is in place. The temptation will be to act as if we suddenly came into a lot of new money and had no more worries"—exactly what we are proposing today—too much money in the trust fund, too many taxes being collected, and something ought to be done about it.

Continuing with the quote, "This has to be resisted and to be resisted has to be understood. The half dozen of us who put the current arrangements in place in 12 days of negotiations in January 1983 knew we were creating a revenue stream that has now appeared. We knew we were moving from a pay-as-you-go Social Security insurance system to a partially funded system. We knew the money would be needed as a form of forced national savings. To miss this opportunity especially in the aftermath of the eighties * * *." The end of the quote says as follows: "We truly put the Nation at risk."

Frankly, I make that point, and if there are more Senators around tomorrow I will make it again, because I believe we have a situation where some who thought the blue ribbon commission's recommendations were right as stated on July 6, 1988, by the distinguished Senator from New York, a member of the commission, and they have changed their minds.

With regard to the argument that we should return to pay-as-you-go financing because it is so good for the senior citizens of the United States and the Social Security Trust Fund, let me suggest that nothing is better than history if one will only look at it and be reminded of its relevancy and its truisms. The truth is, Mr. President, in the seventies, and theretofore, we had pay-as-you-go. And I must suggest that pay-as-you-go at that time put Social Security in bankruptcy—the same charge that is being made today, the same absence of a literal trust fund. If somebody can invent a literal trust fund to invest Social Security funds, whether it be Wall Street's entire stock market or whatever, let them offer that and let it be debated.

But the truth of the matter is that Social Security trust funds have always been treated the same: The excesses and surpluses under pay-as-you-go were invested in Treasury bills. That has been the way it was from the beginning. In any event, the pay-as-you-go system caused bankruptcy in the Social Security system.

As a matter of fact, in the period of time this Senator has been here, we have borrowed from the Medicare trust fund to cover Social Security and both were in trust funds exactly as they are today, exactly the same. But Congress thought enough of the absence of a stream of money to pay for Social Security that they actually borrowed it from Medicare.

Having said that, I do no want anyone to think that the Senator from New Mexico is the only one that thinks pay-as-you-go did not work before for Social Security for the millions of seniors in our country, and that it will not work today, and that the amendment which we hope will be offered will not work today. I do not want anyone to think I am the only one. Let me suggest there are some very, very important institutions and people that do not think it will work today.

AARP, and I quote "opposes reducing Social Security payroll taxes and returning the system to pay-as-you-go financing."

Let me continue. According to a memorandum sent to Members of Congress by AARP, "The reserves in the OASDI trust funds are not now at a level sufficient to protect the system and its beneficiaries from short-term cyclical economic conditions."

Tomorrow we will talk more about the President's position, suffice it to say that he said it all some time ago when he said do not mess with Social Security. But we will read a letter that he wrote to both the majority and the minority leaders where he goes into much more detail about Social Security's current status and urges that we leave it alone, not reduce the take, that is, the FICA taxes.

So, Mr. President, pay-as-you-go did not work before. There are a number of people who do not think it will work now, whatever pretense one uses to offer it. The General Accounting Office, using their best actuarial capabilities, indicates that pay-as-you-go will not work and is dangerous, and indicates that the proposals that are now referred to as the Moynihan proposals will create a problem in the future for the beneficiaries.

I am sure the current occupant of the chair, having worked on the Pepper Commission, is aware of the Advisory Council of Social Security, a very prominent entity. They too, Mr. President, say now is not the time to reduce the taxes that produce the stream of revenues that is coming into the Social Security Trust Fund.

This advisory council says no to FICA taxes and yes to leaving things alone. So the seniors and the current payors, the current people in their forties and fifties who are paying into that fund, will have their pensions when their retirements come.

My last comment tonight is for those who are insistent that this is a tax cut bill. I know my wonderful friend from Idaho is here because he truly believes this is a tax cut bill. I submit to you that it is a tax cut bill waiting around for a tax increase bill.

I can almost guarantee you that if we adopt anything as significant as this $195 billion in tax reductions in 5 years, under the amendment which the Senator from New York handed to me some time ago, it is only a matter of time—and the time will be very short—until somehow, some way, the Congress of the United States will raise the taxes on the American people $195 billion or more.

As a matter of fact, I am reluctant to say that I even heard from a relatively good source that someone over in the U.S. House who has a lot to do with tax bills—maybe someone as high as the chairman of the Ways and Means Committee—he is suggesting if we do this, we will have to look around for $195 billion rather quickly, and the best place to look for it is to tax American business, American corporations, because who will have the political courage to tax the American people? So we will tax the American corporations and say they owe it. And then all of us who are running around saying, "We want more competition, we want our companies to be more competitive," will wonder how come they went backward instead of forward.

So this is a tax cut bill, but temporary in nature, waiting around for the tax increase that is behind the post somewhere.

I believe that while there are three lead Senators, the real proponent of this amendment, Senator MOYNIHAN, in our Spanish country would be referred to as "el jefe," the real leader of this effort. You know, even where we have community ditches, we have el jefe of the ditches. He kind of corrals everyone to do their work. So the real head of this, Senator MOYNIHAN, has in his own way acknowledged that this would have to be followed by a tax increase.

In fact, this morning the Washington Post suggests that this approach of cutting the tax receipts to the Federal Government for the Social Security trust fund is inappropriate, unless somebody is prepared to raise taxes somewhere else to offset it. And why does that not occur simultaneously? Obviously, that is too much to ask.

But it is not too much to predict, and it is not too much—to borrow from my friend from New York—for the American people to understand the tax cut of today has a chance of leaving the seniors without their pensions, and has an equally good chance of imposing a similar amount of tax on the people of this country, to no avail for the seniors of this country.

We have some time tomorrow to discuss the actuarial business before us, and some of the contentions made about Senators when they voted for budgets in the past.

I assume everybody that voted before July 6, 1988, for any kind of deficit spending, under a unified budget that included Social Security, is guilty of embezzlement. No, not at all. Anybody that did that before July 6, 1988, did it because it was good for the country. But anybody that did that after 1988, it is bad for the country.

In fact, it reaches the rhetorical permissiveness that it can be called thievery, but it was not before July 6, 1988.

Mr. President, I think my friend from New York is concerned because he got 54 votes one time on something like this, and he is wondering whether he can do that again. However, that time we were operating under a Budget Act which required 60 votes to reduce Social Security taxes.

I close by suggesting that the American people will understand this very well. When Social Security was on budget, you could not cut the FICA tax or spend some of the Social Security Trust Fund for something other than Social Security. Senators were saying let us not take that fund and abuse it, when it was on budget.

This amendment would require 60 votes, because the budget protected the solvency of the fund with a supermajority requirement.

Since then something has changed. Not the facts. Not what is going to happen. But somehow or another, only a simple majority is needed to set in motion this counterforce to take the Social Security fund back down to pay-as-you-go, and certain insolvency, in short order.

We are approaching the turn of the century, and it will not be long thereafter that Social Security will be bankrupt, if you go on a pay-as-you-go program. I am convinced of that, because I do not think we are going to have the kind of growth that people now think we will have in projecting Social Security balances.

I am very hopeful that Senators who voted last time for a reduction in Social Security taxes now understand it may be for real—not yet, but it may be—and we will not find even a simple majority favoring raiding the Social Security trust fund now.

I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that the senior Senator from New York be authorized to yield time off the resolution to be charged against me during consideration of his amendment today.

The distinguished Senator from New Mexico has indicated our friend from New York is the el jefe of this amendment, and by allowing him the authority and conferring upon him the responsibility of yielding time with regard to his amendment today, that I think further enhances his stature here as the el jefe of the Moynihan amendment.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I thank my dear friend.

Mr. President, in the interest of alternating positions, I believe the Senator from Idaho would be the next speaker, and then Senator GRAHAM. I yield such time as he requires.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Senator from New York for the time. I will be as brief as possible.

Mr. President, I think every issue that faces us in the Senate, in the Congress, and in life, for that matter, is always compared to what? I introduced a bill last year, and my distinguished colleague from New York is familiar with it, and we discussed it. If I could have my druthers, I would rather take this 2-percent surplus going into the Social Security trust fund and simply set up and define contributions to Social Security accounts that go with each worker.

By the time a young 25-year-old worker reaches retirement, he or she would have approximately $200,000 accompanying them, in addition to their defined benefits that they would have from Social Security, and that would be money invested in a private sector.

And I would say again to my distinguished friend from New York, if I had my druthers I would rather have any solution to this than his solution. I want to say again what I said earlier this morning, that the mainspring of human progress has been economic freedom, freedom for people to work, to save, to invest, to own, and to be entrepreneurial and to enjoy the work, the benefits of their own labor. That is what has driven progress throughout human history. I would say again, it is what the Federal Government spends that counts.

I have had the opportunity on many different occasions to meet with my friend, Milton Freidman. He always says, "Steve, it is what the Government spends that counts."

We are now up to 24.2 percent of the GNP that the Federal Government is spending. The authors of the Humphrey-Hawkins legislation were targeting that the Federal spending should never exceed 20 percent of the GNP, and the conservatives, of which I was one in the other body when this was being pushed, were vowing that this was too much spending.

Now, this great budget that we are now working under is up to 24.2 percent. That is what is more important than any other factor here in the budget. I would like to address this issue of the Moynihan amendment.

I want to say to my dear friend from New Mexico, Senator DOMENICI, that to follow him on the floor is always difficult because if I did not have a real strong opinion about what is happening with this trust fund—and I listened to the eloquent remarks; the logical, thought-out remarks of my friend from New Mexico—I think I would be persuaded to think he is right. And he may well be right.

But in my opinion, Mr. President, what Senator MOYNIHAN, the heavy, and Senator KASTEN are trying to do, and others—Senator HOLLINGS and others—they are simply trying to have a fair and simple up-and-down vote on the payroll tax cut; 50 votes. If they can get 50 votes for a payroll tax cut down the road, I think, the economy would be well served; well served, Mr. President, if we could get 50 votes just to reduce the payroll tax.

My colleagues, I am sure, are going to debate the pros and cons of the Moynihan amendment with great precision and great eloquence, as my friend from New Mexico has already done.

So rather than repeat all their words, I just want to address one issue that appears to this Senator to be misunderstood by both sides of the issue, and that is the argument about these trust funds.

Frankly, Mr. President, the trust fund issue, in my opinion—in my opinion—is a red herring. The truth of the matter is, there is nothing in the trust fund. It is IOUT's, that is what it is: IOUT's; I owe you taxes. That is all it is.

The Social Security Administration is not doing anything with that money but putting down excess paper balances in a big cigar box. And our dear friend, Barry Goldwater, who used to stand over here, used to say to his friend, Senator MOYNIHAN, "PAT, open up. Show me where the cigar box is, where all the money is." Remember that, during the debate? He said, "Where is the cigar box with all the money?"

Social Security history; do they buy stock in the American corporations? No. Do they buy gold? No. Do they buy silver? No. Did they buy real estate? No. They have IOUT's: I owe you taxes. That is all it is. They put it there. The Government spends the money for something else, some non-Social Security factor.

We had the same problem; the distinguished Senator from New York and I worked on the very same issue with respect to the highway bill. There is no difference. The Senator from New York has reminded this Senator on many occasions, when I slipped in the committee and said, "We need to start working down this balance." He said, "Remember, STEVE; there is nothing in that balance. There is an empty box there. The money has been spent."

But what it is, Mr. President, is they use the paper balances to buy Treasury notes for the trust funds, and Treasury notes have the power of the U.S. Government behind them to tax. And the promise to tax is what makes them valuable. The only reason people buy the Treasury notes is they know the Treasury can collect the money with taxes and be legislated by Congress to back them up. There is no asset, in any economic sense, in the trust funds.

Frankly, this might seem very disconcerting to many people. But if the Social Security Trust Fund could go out and buy up all the property in RTC, then at least they would have something which might not be worth what they paid for it, but they would have an asset.

Mr. MOYNIHAN. Have some buildings.

Mr. SYMMS. Have some buildings. There would be something there in the future. There is nothing in the trust fund but future promises to tax. What is relevant is not if or even when the trust fund is expected to go broke. They are expected to go broke sometime in the next century, under current law. I do not see anyone getting too worked up about that.

I will tell you why it is, Mr. President. Because, frankly, most of us who are here will not be here in the next century in the Congress. Maybe Senator THURMOND, but most of the rest of us probably will not be here.

What is relevant is the fact that at some point in the not too distant future, Social Security benefits will exceed revenues. This is true under the current law, and it is true under any of the payroll tax cuts as I understand them. It just changes when it might happen.

So what will we do when we try to cash in those bonds in the trust fund? Are we going to go out and cut benefits? We may have to. But that is one alternative. Or will we increase taxes? You can almost certainly bet that if the need comes, Congress will raise taxes to make the Social Security chain letter continue to work. They have really no other real alternative. Will we roll over some of those by selling more Treasury bonds? Probably. That will probably be part of the alternatives. Probably we will have to sell some more bonds, and then roll those over.

The point is, arguments over the trust fund, in my view, Mr. President, are vacuous. There is no more sense in having a 150-percent reserve than there is a 125-percent reserve, or a 100-percent reserve. There is nothing in the reserve but future promises to tax.

As long as there is enough of a reserve to allow the system to continue without short-term emergencies, so if we have a slowdown, an economic slowdown, there has to be enough capability to keep sending those checks out, and the good name of the U.S. Government and the power to tax behind it, the system will work.

So let us get on with the real issues here, Mr. President—the Moynihan amendment and the payroll tax cut—and stop scaring senior citizens with empty, senseless statements just in order to try to score a few points in the debate.

In my opinion—I will go back and repeat what I said at the outset—if I had my druthers, I would much prefer that we took this surplus and started these defined contribution accounts for all working Americans today. That would be money that would be invested in the private sector. Or if it were invested in Treasury bonds, real dollars would be put in and it would not be spent without having first received the cash from the working Americans. It would not be spent in the same fashion of IOUT's, I owe you taxes, paper that will be in the Social Security Trust Fund.

It would be invested in stock; it would be invested in bonds; it would be invested in real estate; it would be invested in many, many savings processes. And those young Americans then would have had the savings, and we would then find ourselves with the huge pool of capital to loan to entrepreneurs to finance the future of new technologies and better ways to do things.

But that is probably too dramatic and radical an idea to pose here today. The second best choice, I say, is cut the payroll tax; give the money back to the American workers and the small businesses that are paying it; and let them spend it to work, to save, to invest, to produce, to get the economy moving. And this country will be well served. And keep the Social Security Trust Fund afloat under a pay-as-you-go basis.

I say again in closing what I have said three times, I think, today on the floor here: It is what we spend that matters, and we are spending too much money. And I will give another talk on this budget, from my perspective, of how upside down I think priorities of this whole budget process are; how we are spending the money in many, many ways that will not provide the security for the country that we may need. And we are pouring money into regulators who go out and harass and regulate our people. And we are pouring money in for litigation and lawsuits against the producers of this country that interfere with America's capacity to compete and to grow and to thrive.

Mr. President, this is an opportunity for Senators to cast a vote to take away some of that money from Government, and give it back to the people who, after all, are the important part of this whole equation.

Mr. President, I thank my friend from New York.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank my friend and associate in so many matters in this body, the Senator from Idaho, for his able remarks and for his support of this measure. And the more we hear of Milton Freidman the better; nobody is the worse for having heard it. Anyone who sits at the feet of Milton Freidman can speak on this floor anytime.

AMENDMENT NO. 74

(Purpose: To allow for a Social Security tax cut)

Mr. MOYNIHAN. Mr. President, I was asked earlier would I send to the desk the amendment offered by myself for Senator KASTEN and Senator HOLLINGS. I do so now.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. KASTEN, and Mr. HOLLINGS, purposes an amendment numbered 74.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, the distinguished Senator from Florida has been seeking recognition for some time now. It was my understanding that, prior to leaving the floor, the distinguished ranking member, Senator DOMENICI, was agreeable to yielding time to the distinguished Senator from Florida.

Does the distinguished Senator from Colorado wish to yield time to the Senator from Florida?

Mr. BROWN. I thank the Senator. We yield 20 minutes to the Senator from Florida [Mr. GRAHAM].

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 906 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SASSER. Mr. President, I advise our colleagues who may be watching and waiting that there will be no rollcall votes tonight on the budget resolution.

Does any Senator desire to speak? Mr. President, I see the distinguished Senator from Colorado on his feet. I assume such time as he will consume will be charged against the minority's time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Colorado.

Mr. BROWN. Mr. President, we will be deliberating in the coming day a vital matter to the future of our senior citizens and that will be the soundness and the future of the Social Security trust funds, particularly the old age and survivor funds.

It seems to me as we look through the potential of adjusting the tax rates that pay into that fund, we ought to pay close attention to the major question all seniors in this Nation have on their minds. That question is, quite simply, will there be money there for me when my comes to receive benefits? It is a fair question.

We are dealing with people who paid into that fund all of their lives. We are dealing with people who have received scheduled benefits that they have earned. It is reasonable for them to ask if the funds will be there and available as promised. Will all those years of paying in on their part result in them receiving fair treatment, or will their hopes and their plans be dashed because this Senate and this Congress has failed to protect their interest?

In that question, I think it is important to take a look at a report, and I know reading actuary reports may not be the most exciting reading but believe you me, the American seniors are going to be concerned about what the actuaries say. The report that is out in 1990 is very specific. The chief actuary for the Social Security Administration has these comments to say. That chief actuary says that the fund is not in close actuary balance.

We know they go down to a 95-percent test. That is, if it has 95 percent of the funds it needs over the next 75 years, they say that is close enough; that we have met the test. But let me remind the men and women who are listening that we not only fail that test, but we were below that 95-percent level. The chief actuary says the fund is not sound right now; that there is not money there to guarantee that those who paid in all their lives will have their money in the long run.

We are talking about making adjustments to that fund. It seems to me that we need to keep in mind as we look at this question that any changes in that fund have to result in it being actuarially sound. We are going to offer an amendment, should the Moynihan proposal be agreed to, that would let the Senate make it clear that their intention is that any change has to be actuarially sound.

I believe the good Senator from New York has indicated in his remarks today that his intention is not to leave that fund unsound. His intention is to offer for our consideration an amendment later on in the process that while it may change the tax rates that apply, that ultimately it would be designed to meet that 75-year actuary soundness test.

I want to make sure in our deliberations on the budget that we state clearly it is our intent to meet that test. We will be offering some language that will perfect some of the words of the good Senator from New York, but every Member of this body, I hope, will want to go on record that they are going to respect the integrity of that fund, and they are willing to speak out and clearly indicate their determination to do so.

I see the good Senator from New York has risen. I will be happy to yield to the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I thank my friend from Colorado for his accurate statement. The current rate of 6.2 percent provides a large surplus up until about the year 2020, and then that revenue quickly will not be sufficient.

At that point, no matter what we do tomorrow when we vote, we will have to put in place higher rates after the year 2020. The amendment at the desk does just that. This has been understood. We will have to do so over a 30-year period, from the year 2020 to the year 2050. We will have to raise rates to 6.8, 7.5, 7.8, 7.9, 8.1 and that does meet the criterion for close actuary balance.

This reflects the demographic changes that we anticipate will begin in about 30 years from now and will take place over the next 30 years. These are always best estimates of birth rates and immigration rates, and any actuary will tell you it is a demanding task and necessarily an imprecise one, but we know a lot more about this than we did 55 years ago, and never in those years have benefits been a day late or dollar short. But the Senator is correct, in the third decade of the next century, there will have to be a gradual increase.

Mr. BROWN. I thank the distinguished Senator from New York.

Mr. President, I yield back the remainder of my time.

Mr. MOYNIHAN. Mr. President, I believe the distinguished chairman observes there are no further Senators seeking the floor at this point and I would like to simply thank him and thank my friend, mayordomo——

Mr. DOMENICI. Friend of the jefe.

Mr. MOYNIHAN. For their courtesy through this day. We have had a good debate. I think we have—I hope—expanded everyone's understanding, those who have been on the floor and those who have been able to listen.

I would like to thank the Senator from Florida [Mr. GRAHAM] for calling attention to the arrangements in Canada where there is a partially funded system that was begun in the 1960's whereby the partial surplus is used for, is lent to the provinces for bond issues for public works. It is certainly a matter which deserves attention, but pending that time, I think our best move is to get ourselves back to the point where we are using Social Security contributions to pay Social Security benefits, not to bail out the S&L's. That was perhaps too rhetorical an ending.

I do want to say I thank all for their courtesy, and I yield the floor.

Mr. DOMENICI. Mr. President, I want to tell my friend from New York that we are going to be sure that we spell these beautiful Spanish names right in the RECORD.

Mr. MOYNIHAN. El domo, El jefe.

Mr. DOMENICI. I want you to know I already told the chairman that we have saved the mayordomo for him and you alluded to me, so we are going to change that and the chairman is the mayordomo. That means the boss. He is the boss of the ditch maintenance crew, but it is much more sophisticated in Spanish New Mexico, but essentially that is sort of it. We will see that it is spelled correctly.

Let me just thank a couple of people. I understand the Senator is going to offer his amendment.

Mr. MOYNIHAN. I have offered it.

Mr. DOMENICI. He did it?

Mr. MOYNIHAN. Yes.

Mr. DOMENICI. What I saw of it, it is different than the previous amendment. I will review it over the evening with my staff, but from what I was able to ascertain, essentially the numbers have been changed in the section that alludes to the tax receipts for the trust fund and the expenditures and outlays. If I read it right, the Senator has decided that he is going to reduce the taxes even more than he had contemplated doing before. If that is the case, it is a two-pronged argument: He can argue one way, we will argue another as to what it does. If that is the case, then I am not going to concern myself with the fact that it is different from the one that we were referring to before.

I want to thank the Senator from Florida [Mr. GRAHAM] for his arguments in favor, as I understand it, or either tabling or denying the efficacy of the Moynihan amendment while at the same time suggesting something very constructive. I merely alluded to it. If you want to talk about literally investing the trust fund, we ought to think about that separate and apart from what we are talking about here.

Essentially, it would not be very much to invest in anything if we do what we are going to do because we would be on a more or less pay-as-you-go program.

Having said that, I also want to thank Senator BENTSEN for very hard work today even though he did not get to speak and I did not put his very excellent editorial in the Washington Post in the RECORD, but I will tomorrow. I thank him for that.

As I understand it, Mr. President, as we leave by agreement provided in the statute, we are going to take some more hours off the resolution?

Mr. SASSER. That is correct, Mr. President, by agreement between myself and the distinguished ranking member. When we adjourn this evening, we will take an additional 5 hours off of the time remaining on the resolution. And also, Mr. President, when we adjourn this evening, it is my understanding we will return at 9 o'clock tomorrow morning but will not take up the budget resolution until 9:35. Whereupon, by agreement, at 12:30, there will be a vote on the Moynihan-Kasten-Hollings amendment in some form, whether it be to table or a vote up or down on the amendment itself.

Mr. DOMENICI. Mr. President, I agree with everything the Senator said.

Could I just clarify, because we have permission under the law to take time off without unanimous consent, the option, because the majority leader has indicated such, would be for us to stay here for an additional 5 hours.

Mr. SASSER. That is correct.

Mr. DOMENICI. I told a couple of my Senators I wanted to do that. They were a bit reluctant because they do not like some things—ANWR and scoring is a big issue to my friend from Alaska. I told him I had the option until about 11:30 to use the 5 hours or agree to this. Is it not correct that the majority leader wants that?

Mr. SASSER. That is correct. The majority leader has indicated we either take the 5 hours off the bill by agreement or we stay here this evening until in excess of 11 p.m. The majority leader is quite anxious to try to resolve the budget resolution to Thursday afternoon is my understanding.

So it would simply be a question of either agreeing to take the 5 hours off or the distinguished ranking member and I staying here until after 11 to discuss the resolution.

The distinguished ranking member, I might say, Mr. President, has been working hard all day while at the same time seeking to recover from a cold. Frankly, I think it would be cruel and unusual punishment for the Senator from New Mexico to remain on the floor until 11 or 11:30, and then have to return to the floor early tomorrow. So for that and other good reasons, we have agreed to take 5 hours off the bill.

Mr. DOMENICI. The 12:30 time will, eventually, before we close up, be made a part of the consent tomorrow, that we will vote at 12:30?

Mr. SASSER. That is my understanding, and that will be handled by the floor staff and, I assume, by the majority leader or his designee.

If the distinguished ranking member would give me his attention for just one second, that having been said, Mr. President, I would yield back 2½ hours of the majority's time at this time, and I would ask the distinguished ranking member to do likewise.

Mr. DOMENICI. Mr. President, I am delighted to do that. I am just wondering if there is any significant difference between the two sides at this point in time remaining.

The PRESIDING OFFICER. At the moment there is a 10-minute differential.

Mr. DOMENICI. I have no disagreement. I yield 2½ hours off the minority side in the same manner described by the chairman.

Mr. SASSER. I thank the distinguished ranking member.

Mr. President, I ask unanimous consent that the vote on or in relation to the Moynihan amendment No. 74 occur at 12:30, Wednesday, April 24, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. That permits a tabling motion, does it not?

Mr. SASSER. Yes.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. SASSER. Mr. President, there being no further business to come before the Senate with relation to the budget resolution at this time, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SASSER. Mr. President, I further ask unanimous consent that there be a period for morning business at this time with Senators allowed to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,229th day that Terry Anderson has been held captive in Lebanon.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. MCCATHRAN, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON CONTINUED BLOCKING OF PANAMANIAN ASSETS—MESSAGE FROM THE PRESIDENT—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Development:

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report on October 27, 1990, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, I issued Executive Order No. 12710, terminated the national emergency declared on April 8, 1988, with respect to Panama. While this order terminating the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. Since my last report, the Office of Foreign Assets Control of the Department of the Treasury ("FAC") has released to the control of the Government of Panama approximately $180,000 of the $130.7 million that was blocked. The amount released represents blocked tangible property on which creditors' liens have been allowed to be executed.

Of the approximately $132.76 million remaining blocked at this time (which includes approximately $2.2 million in interest credited to the accounts since my last report), some $131.7 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama to fund a portion of Panama's arrearage to international financial institutions. Additionally, approximately $1.1 million is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 31 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

4. I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, *April 23, 1991.*

REPORT ON LAPSE OF THE EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. On September 30, 1990, in Executive Order No. 12730, I declared a national emergency under the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701, *et seq.*) to deal with the threat to the national security and foreign policy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. 2401, *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768, *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12131 of May 4, 1979, as amended by Executive Order No. 12551 of February 21, 1986.

2. I issued Executive Order No. 12730 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including IEEPA, the National Emergencies Act (50 U.S.C. 1601, *et seq.*), and section 301 of title 3 of the United States Code. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires followup reports, with respect to actions or changes, to be submitted every 6 months. This report is submitted in compliance with that requirement.

3. Since the issuance of Executive Order No. 12730, the Department of Commerce has continued to administer the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12730 to those required under the Export Administration Act, insofar as appropriate.

4. Since I issued Executive Order No. 12730, there have been several significant developments in the area of export controls:

The spread of weapons of mass destruction continues to constitute a threat to the national security and foreign policy interests of the United States. Accordingly, in Executive Order No. 12735 of November 16, 1990, and the Enhanced Proliferation Control Initiative of December 13, 1990, we announced major steps to strengthen export controls over goods, technology, and other forms of assistance that can contribute to the spread of chemical and biological weapons and missile systems. On March 7, 1991, the Department of Commerce issued two new regulations and a proposed rule to implement these steps. The new regulations control the export of 50 chemicals as well as dual-use equipment and technical data that can be used to make chemical and biological weapons. (56 F.R. 10756 and 10760, March 13, 1991.) The proposed rule would expand controls to cover exports when the exporter knows or is informed by the Department of Commerce that an export will be used for missile technology or chemical or biological weapons, or is destined for a project engaged in such activities. The rule also proposes to restrict U.S. citizen participation in such activities and the export of chemical plants and plant designs. (56 F.R. 10765, March 13, 1991.)

Concerned Government agencies continue negotiations with our Coordinating Committee (COCOM) partners on the development of a Core List of truly strategic items that will remain subject to multilateral national security controls.

Enforcement efforts have continued unabated. In a major enforcement action, on February 22, 1991, the Department of Commerce temporarily denied the export privileges of a Dutch company, Delft Instruments N.V., and certain related companies, in connection with an investigation of illegal reexport of U.S.-origin night vision equipment to Iraq.

On January 21, 1991, the Department of Commerce submitted a report to the Congress, extending for the period of January 21, 1991, through January 20, 1992, export controls maintained for foreign policy purposes under the Export Administration Regulations. Several changes were announced, including a change in controls toward the People's Democratic Republic (PDR) of Yemen. The PDR of Yemen has merged with the Yemen Arab Republic, and the new country was not included by the Secretary of State among designated terrorist-supporting states. Accordingly, controls maintained for reasons of antiterrorism have not been extended. In addition, foreign policy controls on exports to Namibia were removed on March 21, 1990, when it achieved independence from South Africa.

The unrestricted access of foreign parties to U.S. goods, technology, and technical data and the existence of certain boycott practices of foreign nations, in light of the expiration of the Export Administration Act of 1979, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I shall continue to exercise the powers at my disposal to retain the export control system, including the antiboycott provisions, and will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

GEORGE BUSH.

THE WHITE HOUSE, *April 23, 1991.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(b)), I am pleased to transmit herewith the 25th Annual Report of the National Endowment for the Humanities for fiscal year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *April 23, 1991.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 4:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 218. Joint resolution to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 23, 1991, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 64. Joint resolution to authorize the President to proclaim the last Friday of April 1991, as "National Arbor Day."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 292. A bill to expand the boundaries of Sanguaro National Monument (Rept. No. 102-44).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 363. A bill to authorize the addition of 15 acres to Morristown National Historical Park (Rept. No. 102-45).

S. 545. A bill to authorize the additional use of land in Merced County, California (Rept. No. 102-46).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Report to accompany (S. Exec. Res. 104) relating to the return to the President of certain treaty amendments (Exec. Rept. No. 102-3).

Ex. EE, 96-1. Convention on Standards of Training Certification and Watchkeeping for Seafarers (Exec. Rept. 102-4).

Treaty Doc. 101-7. Annex III to Marpol (Exec. Rept. 102-5).

Treaty Doc. 102-2. Protocols Relating to the Safety of Life at Sea and Load Line Conventions (Exec. Rept. 102-6).

TEXTS OF RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, with Annex, 1978 (The Convention), done at London, July 7, 1978.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Annex III (Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Forms or in Freight Containers, Portable Tanks or Road and Rail Tank Wagons), an optional annex to the 1973 International Convention for the Prevention of Pollution from Ships, as modified and incorporated by the 1978 protocol relating thereto (MARPOL 73/78).

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974, with Annex, and the Protocol of 1988 Relating to the International Convention on Load Lines, 1966, with Annexes; both Protocols done at London November 11, 1988, and signed by the United States April 6, 1989.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. PACKWOOD, Mr. BAUCUS, Mr. GRASSLEY, Mr. DURENBERGER, Mr. DANFORTH, Mr. BURNS, and Mr. HARKIN):

S. 879. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members; to the Committee on Finance.

By Mr. INOUYE:

S. 880. A bill to amend title XVIII of the Social Security Act to provide for improved reimbursement of clinical social workers services covered under medicare; to the Committee on Finance.

S. 881. A bill to amend title VII of the Public Health Service Act to provide educational support for individuals pursuing graduate degrees in social work, and for other purposes; to the Committee on Finance.

By Mr. SARBANES:

S. 882. A bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 to mandate a 4-year grant cycle and to require adequate notice of the success or failure of grant applications; to the Committee on Labor and Human Resources.

By Mr. BOND:

S. 883. A bill to authorize funds for the construction of highways and to authorize activities under chapters 1 and 2 of title 23, United States Code; to the Committee on Environment and Public Works.

BY Mr. PACKWOOD (for himself and Mr. BOND):

S. 884. A bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale driftnet fishing; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 885. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to prohibit the Secretary of Agriculture from prescribing or collecting fees to cover the cost of providing certain agricultural quarantine and inspection services at a site within the State of Hawaii or the Commonwealth of Puerto Rico, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 886. A bill to amend the Federal Non-nuclear Energy Research and Development Act of 1974 for the establishment of an electric energy storage and utilization research, development and demonstration program and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. SYMMS, Mr. DASCHLE, Mr. BUMPERS, Mr. CRAIG, and Mr. LEAHY):

S. 887. A bill to amend the Internal Revenue Code of 1986 to provide a special valuation of sensitive environmental areas for estate tax purposes, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. LUGAR, and Mr. GLENN):

S. 888. A bill to authorize funding for the carrying out of functions of the United States in connection with the Great Lakes Fishery Commission; to the Committee on Foreign Relations.

By Mr. PELL (by request):

S. 889. A bill to amend the African Development Fund Act to authorize consent to and authorize appropriations for the United States contribution to the sixth replenishment of the resources of the African Development Fund, and for other purposes; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. ADAMS, Mr. WELLSTONE, and Mr. DURENBERGER):

S. 890. A bill to reauthorize the Star Schools Program Assistance Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself, Mr. BREAUX, Mr. D'AMATO, Mr. STEVENS, Mr. BURNS, Mr. INOUYE, and Mr. KERRY):

S. 891. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests; to the Committee on Finance.

By Mr. METZENBAUM:

S. 892. A bill to amend title 15, United States Code, to authorize the Consumer Product Safety Commission to regulate the risk of injury associated with firearms.

By Mr. HATCH (for himself and Mr. DECONCINI):

S. 893. A bill to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. DECONCINI, Ms. MIKULSKI, Mr. BRADLEY, Mr. JEFFORDS and Mr. DASCHLE):

S. 894. A bill to amend the Lanham Trademark Act regarding gray market goods; to the Committee on the Judiciary.

By Mr. PRESSLER:

S. 895. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffer from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

By Mr. HEFLIN:

S. 896. A bill for the relief of Charlotte S. Neal; to the Committee on Armed Services.

By Mr. DASCHLE (for himself and Mr. INOUYE):

S. 897. A bill to amend the Indian Health Care Improvement Act, the Public Health Service Act, and the Social Security Act to provide for the establishment of nursing school clinics to provide primary health care services in medically underserved rural areas and to Native Americans, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. BURDICK, Mr. GORE, Mr. ADAMS, Mr. DURENBERGER, Mr. KENNEDY, Mr. AKAKA, Mr. BRYAN, Mr. CRANSTON, Mr. INOUYE, Mr. JEFFORDS, Mr. KOHL, Mr. LEVIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REID and Mr. SARBANES):

S. 898. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself, Mr. COCHRAN, and Mr. GRASSLEY):

S. 899. A bill to amend the Older Americans Act of 1965 to recognize, support, and promote the use of volunteers to assist older Americans, to encourage older Americans to volunteer in local communities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. BURDICK, Mr. DIXON, Mr. HARKIN, Mr. HEFLIN, Mr. KERREY, Mr. LEVIN, and Mr. SYMMS):

S. 900. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers who realize capital gain on the transfer of farm property to satisfy an indebtedness, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. PRYOR):

S. 901. A bill to amend title 39, United States Code, to establish a Stamp Selection Committee; to the Committee on Governmental Affairs.

By Mr. BRADLEY (for himself, Mr. DURENBERGER, and Mr. CHAFEE):

S. 902. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the medicaid program; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mr. CHAFEE):

S. 903. A bill to create a Children's Security Trust fund that may be deposited and utilized to expand certain Federal programs that provide assistance to children, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (for himself, Mr. DODD, and Mr. DURENBERGER):

S. 904. A bill to provide for the establishment of a Children's Vaccine Initiative, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (for himself, Mr. CHAFEE, and Mr. DURENBERGER):

S. 905. A bill to amend title XIX of the Social Security Act to improve the childhood immunization rate by providing for coverage of additional vaccines under the medicaid program and for enhanced Federal payment to States for vaccines administered to children under such program, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 906. A bill to amend title II of the Social Security Act to authorize the limited investment of the Federal Old-Age and Survivors Insurance Trust Fund in State and local government obligations, and for other purposes; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 907. A bill to amend section 7 of the Mineral Leasing Act governing Federal coal lease royalty rates; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 908. A bill to provide that the United States District Court for the Eastern District of Pennsylvania shall also sit in Lancaster, Pennsylvania; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. BROWN, Mr. DECONCINI, Mr. HATCH, Mr. SIMON, Mr. GRASSLEY, and Mr. SPECTER):

S. 909. A bill to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities; to the Committee on the Judiciary.

By Mrs. KASSEBAUM (for herself, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. HATCH, Mr. JEFFORDS, Mr. MACK, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, Mr. AKAKA, Mr. BINGAMAN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CRANSTON, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. ROCKEFELLER, Mr. SANFORD, Mr. SARBANES, and Mr. SIMON):

S.J. Res. 127. Joint resolution to designate the month of May 1991, as "National Huntington's Disease Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RIEGLE:

S. Res. 109. A resolution exercising the right of the Senate to change the rules of the Senate with respect to the "fast track" procedures for trade implementation bills; to the Committee on Finance.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 110. A resolution to establish a Senate World Climate Convention Observer Group; considered and agreed to.

By Mr. SASSER (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 111. A resolution to direct the Senate Legal Counsel to represent a former employee in the case of United States v. Byron T. Brown, et al. (D. Ariz.) and to authorize testimony and production of documents; considered and agreed to.

By Mr. RIEGLE:

S. Con. Res. 30. A concurrent resolution exercising the right of both Houses of Congress to change the rules of such Houses with respect to the "fast track" procedures for trade implementation bills; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. PACKWOOD, Mr. BAUCUS, Mr. GRASSLEY, Mr. DURENBERGER, Mr. DANFORTH, Mr. BURNS, and Mr. HARKIN):

S. 879. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members; to the Committee on Finance.

TAX TREATMENT OF TELEPHONE COOPERATIVES

Mr. DASCHLE. Mr. President, I rise to introduce legislation that reaffirms the intent of the U.S. Congress, originally expressed in 1916, to grant tax exempt status to telephone cooperatives. This exemption is now set forth in section 501(c)(12) of the Internal Revenue Code. Joining me today are a number of my colleagues on the Finance Committee, including Senators PACKWOOD, BAUCUS, GRASSLEY, DURENBERGER, and DANFORTH.

Congress has always understood that tax exemption is necessary to ensure that reliable, universal telephone service is available in rural America at a cost that is affordable to the rural consumer. Telephone cooperatives are nonprofit entities that provide this service where it might otherwise not exist due to the high cost of reaching remote, sparsely populated areas.

The facilities of a telephone cooperative are used to provide both local and long-distance communications services. Perhaps the most important of these for rural users is long distance. Without these services, both local and long distance, people in rural areas could not communicate with the world, much less with their own neighbors. While telephone cooperatives comprise only a small fraction of the U.S. telephone industry—about 1 percent—their services are vitally important to those who must rely upon them.

Under Internal Revenue Code, section 501(c)(12), a telephone cooperatives qualifies for tax exemption only if at least 85 percent of its gross income consists of amounts collected from members for the sole purpose of meeting losses and expenses. Thus, the bulk of the revenues must be related to providing services needed by members of the cooperative, that is, rural consumers. No more than 15 percent of the cooperative's gross income may come from nonmember sources, such as property rentals or interest earned on funds on deposit in a bank. For purposes of the 85-percent test, certain categories of income are deemed neither member nor nonmember income and are excluded from the calculation. The reason for the 85-percent test is to ensure that cooperatives do not abuse their tax-exempt status.

A technical advice memorandum or TAM recently released by the Internal Revenue Service has threatened to change the way telephone cooperatives characterize certain expenses for purposes of the 85-percent test. If the rationale set forth in the TAM is applied to all telephone cooperatives, the majority will lose their tax-exempt status.

Specifically, the IRS now appears to take the position that all fees received by telephone cooperatives from long-distance companies for use of the local lines must be excluded from the 85-percent test and that fees received for billing and collection services performed by cooperatives on behalf of long-distance companies constitute nonmember income to the cooperative.

The legislation we are introducing today would clarify that access revenues paid by long-distance companies to telephone cooperatives are to be counted as member revenues, so long as they are related to long-distance calls paid for by members of the cooperative. In addition, the legislation would indicate that billing and collection fees are to be excluded entirely from the 85-percent test calculation.

Mr. President, it is no secret that mere distance is the single most important obstacle to rural development. In the telecommunications industry today, we have the ability to bridge distances better than ever before. Technology in this area has advanced at an incredible pace. But, maintaining and upgrading the rural telecommunications infrastructure is an exceedingly expensive proposition, and we must do all we can to encourage this development.

Ensuring that telephone cooperatives may retain their legitimate tax-exempt status is one vital step we can take. I believe that providing access to customers for long-distance calls and billing and collecting for those calls on behalf of the cooperative's members and the long-distance companies are indisputably part of the exempt function of providing telephone service, especially to rural communities. The nature and function of telephone cooperatives have not materially changed since 1916 and neither should the formula upon which they rely to obtain tax-exempt status.

At this time, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY A COOPERATIVE TELEPHONE COMPANY INDIRECTLY FROM ITS MEMBERS.

(a) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end thereof the following new subparagraph:

"(E) In the case of a mutual or cooperative telephone company (hereafter in this subparagraph referred to as the 'cooperative'), income received or accrued directly or indirectly from a nonmember telephone company for the performance of communication services by the cooperative which are directly or indirectly paid for by members of the cooperative shall be treated for purposes of subparagraph (A) as collected from members of the cooperative for the sole purpose of meeting the losses and expresses of the cooperative."

(b) CERTAIN BILLING AND COLLECTION SERVICE FEES NOT TAKEN INTO ACCOUNT.—Subparagraph (B) of section 501(c)(12) of such Code is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ",or", and by adding at the end thereof the following new clause:

"(v) from billing and collection services performed for a nonmember telephone company."

(c) CONFORMING AMENDMENT.—Clause (i) of section 501(c)(12)(B) of such Code is amended by inserting before the comma ", other than income described in subparagraph (E)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

(e) NO INFERENCE AS TO UNRELATED BUSINESS INCOME TREATMENT OF BILLING AND COLLECTION SERVICE FEES.—Nothing in the amendments made by this section shall be construed to indicate the proper treatment of billing and collection service fees under part III of subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to taxation of business income of certain exempt organizations).

● Mr. PACKWOOD. Mr. President, I am pleased to join my distinguished colleague, Senator TOM DASCHLE, in cosponsoring his bill which clarifies that billing, collection, and access charge revenues are considered telephone cooperative member income. This bill reverses an Internal Revenue Service ruling that threatens the tax-exempt status and continued viability of telephone cooperatives. In my State of Oregon, telephone cooperatives are the sole means of telephone service for sparsely populated communities. Telephone service is the lifeline for residents of rural areas. Without the tax-exemption, telephone cooperatives could not survive. I urge my colleagues to support this legislation which will preserve the tax-exempt status of America's telephone cooperatives.●

By Mr. INOUYE:

S. 880. A bill to amend title XVIII of the Social Security Act to provide for improved reimbursement of clinical social worker services covered under medicare; to the Committee on Finance.

REIMBURSEMENT OF CLINICAL SOCIAL WORKER SERVICES

● Mr. INOUYE. Mr. President, I rise to introduce legislation to amend title XVIII of the Social Security Act to provide for improved reimbursement of clinical social worker services covered under Medicare.

The clinical social workers of our Nation are valued members of the health care provider team. They have a long established record of serving the mental health needs of our Nation, especially the less fortunate segments of our society who are in need. These services are provided in a very cost effective manner.

Modification of the current reimbursement methodology would clarify the current reimbursement process and allow reimbursement of clinical social workers based on a similar methodology used to reimburse other health care professionals. Current reimbursement methodology for clinical social workers creates a greater differential in charges than that which exists in the marketplace. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVED REIMBURSEMENT OF CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 13951(a)(1)(F)(ii)) is amended to read as follows: "(ii) the amount determined by a fee schedule established by the Secretary,".

(b) DEFINITION OF SOCIAL WORKER SERVICES EXPANDED.—Section 1861(hh)(2) of such Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "means services performed" and inserting "means services and such services and supplies furnished as an incident to his services performed".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall become effective with respect to payments made for clinical social worker services furnished on or after January 1, 1992.●

By Mr. INOUYE:

S. 881. A bill to amend title VII of the Public Health Service Act to provide educational support for individuals pursuing graduate degrees in social work, and for other purposes; to the Committee on Finance.

SOCIAL WORK SUPPORT ACT

● Mr. INOUYE. Mr. President, I am introducing legislation to amend title VII of the Public Health Service Act to provide clinical social workers with the opportunity to apply for scholarships under the Health Careers Opportunity Program.

Professional social workers play an integral role in the delivery of health care. They are employed in virtually every type of health and mental health care setting. Clinical social workers have established a long tradition of providing mental health care to the deprived segments of our society who are in need.

Despite the importance and history of this profession in the delivery of health care services, few opportunities through Federal programs exist for the training of social workers. This legislation recognizes the importance of clinical social workers to the health care team, and provides eligibility for the social work students for support under the Health Careers Opportunity Program in title VII. This legislation is essential to ensure the future pool of qualified social workers, as valued members of the health care team. I urge my colleagues to support this important piece of legislation.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Work Support Act of 1991".

SEC. 2. PROVISIONS WITH RESPECT TO PROGRAMS IN SOCIAL WORK.

(a) DEFINITIONS.—Section 701 of the Public Health Service Act (42 U.S.C. 292a) is amended—

(1) in paragraph (4), by adding at the end thereof the following new sentence: "The term 'graduate program in social work' means an accredited graduate program in a public or nonprofit private institution in a State that provides training leading to a graduate degree in social work or an equivalent degree."; and

(2) in paragraph (5), by striking out "or a graduate program in clinical psychology" and inserting in lieu thereof "a graduate program in clinical psychology, or a graduate program in social work".

(b) NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION.—Section 702(a) of such Act (42 U.S.C. 292b(a)) is amended—

(1) in the first sentence, by striking out "twenty-one" and inserting in lieu thereof "22"; and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking out "thirteen" and inserting in lieu thereof "fourteen"; and

(B) in subparagraph (A), by inserting before the semicolon the following: "and graduate programs in social work".

(c) DISCRIMINATION ON THE BASIS OF SEX.—Section 704 of such Act (42 U.S.C. 292d) is amended—

(1) in the first sentence, by striking out "or graduate program in clinical psychology," and inserting in lieu thereof "graduate program in clinical psychology, or a graduate program in social work,"; and

(2) in the second sentence, by striking out "graduate program" and inserting in lieu thereof "graduate programs".

(d) HEALTH PROFESSIONS DATA.—Section 708(a) of such Act (42 U.S.C. 292h(a)) is amended by inserting "social workers," after "clinical psychologists,".

(e) APPROVAL OF APPLICATIONS FOR TEACHING FACILITY GRANTS.—Section 721 of such Act (42 U.S.C. 293a) is amended—

(1) in subsection (c)(3), by striking out "or public health" each place that such occurs in subparagraphs (A) and (B) and inserting in lieu thereof "public health, or a school which offers a graduate degree in social work";

(2) in subsection (d)(1)(A), by striking out "or osteopathy" and inserting in lieu thereof "osteopathy, or social work";

(3) in subsection (f)—

(A) by striking out "or pharmacy" in the first sentence of paragraph (1) and inserting in lieu thereof "pharmacy, or school offering a graduate program in social work"; and

(B) by striking out "or pharmacy" in paragraph (3)(A) and inserting in lieu thereof "pharmacy, or school offering a graduate program in social work".

(f) FEDERAL LOAN ASSISTANCE.—Section 729(a) of such Act (42 U.S.C. 294b(a)) is amended by striking out "or clinical psychology" each place that such occurs and inserting in lieu thereof ", clinical psychology or social work".

(g) DEFINITIONS APPLICABLE TO FEDERAL LOAN ASSISTANCE PROGRAM.—Section 737(1) of such Act (42 U.S.C. 294j(1)) is amended by striking out "or clinical psychology" and inserting in lieu thereof ", clinical psychology or social work".

(h) STUDENT LOAN AGREEMENTS.—Section 740 of such Act (42 U.S.C. 294m) is amended—

(1) in subsection (a), by striking out "or veterinary medicine" and inserting in lieu thereof "veterinary medicine, or graduate program in social work";

(2) in subsection (b)(4), by striking out "or doctor of veterinary medicine or an equivalent degree" and inserting in lieu thereof "doctor of veterinary medicine or an equivalent degree, or a graduate degree in social work"; and

(3) in subsection (d)—

(A) by striking out "or veterinary medicine" in paragraph (1) and inserting in lieu thereof "veterinary medicine, or graduate program in social work"; and

(B) by striking out "or veterinary medicine" in paragraph (3) and inserting in lieu thereof "veterinary medicine, or graduate program in social work".

(i) STUDENT LOAN PROVISIONS.—Section 741 of such Act (42 U.S.C. 294n) is amended—

(1) in subsection (b)(1), by striking out "or doctor of veterinary medicine or an equivalent degree" and inserting in lieu thereof "doctor of veterinary medicine or an equivalent degree, or a graduate degree in social work";

(2) in subsection (c), by inserting "or graduate program in social work" after "veterinary medicine" in the matter preceding paragraph (1);

(3) in subsection (f)(1)—

(A) by striking out "or doctor of podiatric medicine or an equivalent degree" in subparagraph (A) and inserting in lieu thereof "doctor of podiatric medicine or an equivalent degree, or a graduate degree in social work"; and

(B) by striking out "or podiatry" in subparagraph (B) and inserting in lieu thereof "podiatry, or a graduate degree in social work";

(4) in subsection (l)—

(A) by striking out "or podiatry" in the matter preceding paragraph (1) and inserting in lieu thereof "podiatry, or a graduate degree in social work"; and

(B) by striking out "or podiatric medicine" in paragraph (4) and inserting in lieu thereof "podiatric medicine, or a graduate degree in social work".

(j) SCHOLARSHIPS FOR FIRST-YEAR STUDENTS OF EXCEPTIONAL FINANCIAL NEED.—Section 758(a) of such Act (42 U.S.C. 294z(a)) is amended by striking out "or veterinary medicine" and inserting in lieu thereof "veterinary medicine, or graduate program in social work".

(k) GRANTS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS.—Section 760(a)(2) of such Act is amended by inserting "or social work" before the period.

(l) LOAN REPAYMENT PROGRAM.—Section 761(c) of such Act is amended by inserting "or social work" before the period.

(m) OTHER EDUCATIONAL ASSISTANCE FOR INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—Section 787 of such Act (42 U.S.C. 295g-7) is amended—

(1) in subsection (a)(1), by striking out "clinical psychology" and inserting in lieu thereof "clinical psychology or social work";

(2) in subsection (a)(2)(A), by inserting ", including education and training of social work students" before the comma at the end; and

(3) in subsection (b)(1), by striking out "clinical psychology" and inserting in lieu thereof "clinical psychology or social work".

(n) RETENTION PROGRAMS.—Section 787A of such Act (42 U.S.C. 295g-7a) is amended by striking out "or public health" and inserting in lieu thereof "public health or graduate program in social work".

(o) SPECIAL PROJECTS.—Section 788 of such Act (42 U.S.C. 295g-8) is amended—

(1) in subsection (a)—

(A) by inserting "or a graduate degree in social work" after "osteopathy" in paragraph (1); and

(B) by inserting "or a graduate degree in social work" after "osteopathy" in paragraph (2); and

(2) in subsection (b), by striking out "and clinical psychology" and inserting in lieu thereof ", clinical psychology or social work";

(3) in subsection (c)—

(A) by striking out "and public health" in paragraph (1) and inserting in lieu thereof ", public health and schools offering graduate programs in social work"; and

(B) by striking out "and public health" in paragraph (2)(D) and inserting in lieu thereof ", public health and schools offering graduate programs in social work"; and

(4) in subsection (d), by inserting "and schools offering graduate programs in social work" after "osteopathic medicine".

(p) TRAINING WITH RESPECT TO AIDS.—Section 788B(a)(1) of such Act (42 U.S.C. 295g-8b(a)(1)) is amended by striking out "and public health" and inserting in lieu thereof ", public health and schools offering graduate programs in social work.•

By Mr. SARBANES:

S. 882. A bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 to mandate a 4-year grant cycle and to require adequate notice of the success or failure of grant applications; to the Committee on Labor and Human Resources.

LONGER GRANT CYCLE FOR SPECIAL PROGRAMS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS

• Mr. SARBANES. Mr. President, I rise today to introduce legislation to lengthen the grant cycle for special programs for students from disadvantaged backgrounds, more commonly known as the TRIO programs, and to ensure that those applying for discretionary grants under the TRIO programs receive adequate notification of the success or failure of their applications.

TRIO programs, which serve first generation college students where neither parent has completed a bachelor's degree and students from families whose income does not exceed 150 percent of the poverty level, have been at the forefront of efforts to ensure educational opportunity in our Nation. In fiscal year 1990, there were over 1,400 TRIO projects operating across the country serving more than half a million students. Approximately 41 percent of TRIO beneficiaries are black, 35 percent are white, and 24 percent are Hispanic or of other races or ethnicity.

The history of TRIO extends to the mid-1960's when the Upward Bound Program was funded by the Office of Economic Opportunity in 1964 and the Talent Search Program was authorized in 1965 with the enactment of the Higher Education Act. Since that time, new programs have been added to the original set of programs, eligibility criteria have been defined more strictly, authorized funding levels have grown, and authorized activities have been identified more precisely as well as extended over a wider range.

TRIO currently consists of six programs included in title IV of the Higher Education Act, educational opportunity centers, Upward Bound, Student Support Services, Talent Search, the Ronald McNair Postbaccalaureate Achievement Program, and a training program for TRIO staff. The purpose of the TRIO programs is to identify qualified disadvantaged students, prepare them for postsecondary education, provide special services for those individuals currently pursuing postsecondary education, and train persons who are providing services under these programs. Institutions eligible to receive TRIO grants include colleges and universities, public and private agencies and organizations, and secondary schools.

Studies done on the effectiveness of TRIO have shown that TRIO programs work, and work extremely well. A study of the Upward Bound Program by the Research Triangle Institute found that 91 percent of Upward Bound graduates went on to postsecondary education in contrast to 72 percent of nonparticipants, 74 percent of participants entered 4 year colleges compared to 43 percent of nonparticipants, and 20 percent of Upward Bound students graduated from 4-year institutions while only 5 percent of nonparticipants graduated.

Mr. President, every society of any consequence attaches enormous importance to educating the next generation. In my view, TRIO programs, which have been so effective in supporting the goal of equal educational opportunity for low-income and minority students with regard to postsecondary education, deserve our unqualified support. The legislation I am introducing today would address two problems confronting those who are working on the frontlines in TRIO programs, the length of the TRIO grant cycle and need for early notification procedures for grant applicants.

TRIO grants are awarded currently for no longer than 3 years at which time reapplication must be made in order to continue TRIO projects. This poses several problems. Three years may not provide sufficient time to attain program stability, and a perception of instability in turn may act as a disincentive to the employment and retention of quality staff. Further, under a 3-year grant cycle, TRIO projects are unable to follow even one contingent of students through a complete academic cycle in the course of a grant period. Another serious problem faced by TRIO staff is the current practice of notifying many institutions and agencies only a month in advance of whether their expiring grants will be continued or terminated and, in the case of new applications, notifying applicants of the acceptance or rejection of their applications only a month before the project supported by the grant is to begin.

To address these problems, I am introducing legislation to mandate that TRIO grants be awarded for a minimum of 4 years and that the Secretary of Education develop and institute appropriate procedures to ensure that grant applicants receive adequate notification of the success or failure of their applications. The extended grant cycle would promote greater program stability and allow TRIO projects to follow at least one cycle of students through the completion of a bachelor's degree. Institution of early notification procedures would allow grantees sufficient time to hire staff so that they may begin providing services as soon as the grant begin and would allow TRIO projects which are not extended adequate time to provide transitional services to students enrolled currently or, when appropriate, to prepare appeals.

Mr. President, I have had an opportunity to observe firsthand the benefits available through the TRIO programs to the nearly 10,000 students in Maryland who are currently served by TRIO. All three of my children have served as tutors in TRIO projects conducted by the Gilman School in Baltimore, and I think we ought not to lose sight of the fact that tutors, as well as program participants, gain added dimensions through association with TRIO programs.

I have also had the privilege of working closely with members of the Maryland Executive Council of Educational Opportunities who have done such a splendid job of advancing educational opportunities throughout the State. Largely through their efforts, there are 29 TRIO projects underway in Maryland at the following institutions: University of Maryland-Baltimore County, University of Maryland-Eastern Shore, University of Maryland-College Park, Morgan State University, Coppin State College, Frostburg State University, Sojourner-Douglas College, Bowie State College, Prince Georges Community College, Catonsville Community College, Community College of Baltimore, Chesapeake College, Howard Community College, Gilman School, and Delta Sigma Theta, Inc.

Mr. President, it is through education that we give people in our Nation an opportunity to move upward, to participate fully in American life, and to make their maximum contribution to our society. We are a nation that holds out to its citizens the chance to move from very limited circumstances as a youth all the way to the top if they possess the ability. But this can only happen through education and the TRIO programs afford disadvantaged youth the kinds of opportunities necessary to obtain this education. The legislation I have introduced is a modest attempt to improve the circumstances under which such opportunities are made available through TRIO programs. I salute those individuals who are working on the frontlines through their association with TRIO projects and urge all of my colleagues to join me in this attempt to make the delivery of TRIO services more efficient and effective.●

By Mr. BOND:

S. 883. A bill to authorize funds for the construction of highways and to authorize activities under chapters 1 and 2 of title 23, United States Code; to the Committee on Environment and Public Works.

FEDERAL-AID HIGHWAY ACT

Mr. BOND. Mr. President, I rise today to talk about highway robbery—that's the term I use to describe what has been going on with the highway trust fund. Each year for the past 5 years, the 50 States have sent the Federal Government almost $21 billion in Federal gas tax receipts and other highway user fees, In contrast, an annual average of only $12 billion has been released from the fund during the same time period. As a result, a surplus has accumulated and as we all know, it has been used to help mask the true size of the budget deficit.

The result of this spending shortfall has been a widespread deterioration in our extensive network of highways, primary and secondary roads and bridges. The Federal Highway Administration estimates that we will need $34 billion annually for the next 10 years to address both current and future highway needs. This decline has had far reaching and significant effects and lost opportunities for economic growth. An inferior highway system clearly hurts our ability to compete in an international economy.

Our highway program has met its original intent—the construction of an efficient and far-reaching interstate system—and now must be revamped to reflect modern-day priorities. To help meet those new priorities, I believe that States must be given both greater funding and flexibility to decide where and how to spend their highway funds.

The Department of Transportation recently sent a proposal to Congress which increases the amount that can be released from the trust fund and overhauls the current highway program to reflect our current and future highway needs. While I applaud the administration's effort, it does not go far enough. As a result, I am introducing legislation today which would establish higher obligation ceilings in order to better accommodate the enormous backlog of highway and bridge projects. I ask that a chart comparing the two sets of obligation ceilings be included in the RECORD.

Using the basic framework of the DOT proposal, my bill would make several major changes in the current highway program:

It gives States greater spending flexibility by allowing them to transfer up to 15 percent of their annual apportionment among the national highway program, the urban and rural program and the bridge program, according to their determination of priorities and needs.

It gives States greater flexibility to decide how to repair low-volume traffic bridges so that they do not have to be rebuilt to withstand rush hour conditions if they are only used by a few vehicles a day.

It establishes a more reasonable Federal/State match ratio for the urban and rural program of 70/30; the DOT bill sets a ration of 60/40 for the program.

My legislation would allocate highway funds based on use and need because these factors more accurately reflect our current highway and bridge priorities. For example, like the DOT bill, funds for the National Highway Program would be allocated to States based primarily on the amount of gasoline purchased in the State. And funding for the urban and rural program would be based on the percentage of the State's contribution to the trust fund.

My legislation is the product of close cooperation with highway organizations, State and local officials, and business and community leaders. It attempts to allocate funds more fairly to States and equally important, it gives States more authority to decide how to spend their money.

Mr. President, I ask unanimous consent that the text of the bill, a table showing the highway trust fund obligation ceilings in my bill as proposed to the Department of Transportation bill, and a summary of the bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal-Aid Highway Act of 1991".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Account of the Highway Trust Fund:

(1) NATIONAL HIGHWAY PROGRAM.—For the National Highway Program $10,312,500,000 for the fiscal year 1992, $11,000,000,000 for the fiscal year 1993, $12,250,000,000 for the fiscal year 1994, $14,187,500,000 for the fiscal year 1995, and $16,187,500,000 for the fiscal year 1996.

(2) URBAN AND RURAL PROGRAM.—For the Urban and Rural Program $4,125,000,000 for the fiscal year 1992, $4,400,000,000 for the fiscal year 1993, $4,900,000,000 for the fiscal year 1994, $5,675,000,000 for the fiscal year 1995, and $6,475,000,000 for the fiscal year 1996.

(3) BRIDGE PROGRAM.—For the Bridge Program, $2,062,500,000 for the fiscal year 1992, $2,200,000,000 for the fiscal year 1993, $2,450,000,000 for the fiscal year 1994, $2,837,500,000 for the fiscal year 1995, and $3,237,500,000 for the fiscal year 1996.

(4) RIGHT-OF-WAY REVOLVING FUND.—For the Right-of-Way Revolving Fund such sums as may be necessary for the fiscal years 1993, 1994, 1995 and 1996. These sums shall be available only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 3. UNOBLIGATED BALANCES.

Unobligated balances of funds apportioned or allocated to a State under title 23, United States Code, before October 1, 1991, shall be available for obligation in that State under the law, regulations, policies and procedures relating to the obligation and expenditure of those funds in effect on September 30, 1991, except that—

(1) unobligated balances of primary and Interstate 4R funds may be transferred to the National Highway Program;

(2) other unobligated balances may be transferred to the apportioned bridge program or to the Urban and Rural Program, except that unobligated balances which were earmarked for attributable urbanized areas must be spent in those urbanized areas;

(3) transferred funds are subject to the law, regulations, policies, and procedures relating to the category to which transferred;

(4) transfers will be allowed on a one-time-per-year basis; and

(5) this section does not apply to unobligated balances of Interstate construction or Interstate substitution funds.

SEC. 4. AMENDMENT TO TITLE 23.

(a) CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 23, United States Code, is amended to read as follows:

"CHAPTER 1—FEDERAL-AID HIGHWAYS

"Sec.

"101. Definitions and declaration of policy.
"102. National Highway Program.
"103. Interstate system.
"104. Urban and Rural Program.
"105. Toll roads, bridges, and tunnels.
"106. Bridge program.
"107. Scenic byways.

(b) AMENDMENT TO CHAPTER 1.—Sections 102 through 158 of title 23, United States Code, are amended to read as follows:

"§ 102. National highway program

"(a) NATIONAL HIGHWAY SYSTEM DEFINED.—The National Highway System shall be established to provide an interconnected system of principal arterial routes which will serve major population centers, ports, airports and international border crossings; meet national defense requirements; and serve interstate and interregional travel. The National Highway System shall consist of—

"(1) highways on the Interstate System described in section 103;

"(2) other urban and rural principal arterials designated under subsection (e), including the toll facilities of such arterials;

"(3) highways on the Strategic Highway Network designated under subsection (b); and

"(4) major Strategic Highway Network Connectors designated under subsection (c).

The National Highway System mileage shall not exceed 150,000 miles, except that the Secretary may make necessary adjustments in the mileage of the designated system not to exceed 10 percent.

"(b) STRATEGIC HIGHWAY NETWORK DEFINED.—The Strategic Highway Network is a network of highways that constitutes an important factor in United States strategic defense policy. It provides defense access, continuity, and emergency capabilities for the movement of personnel, materiels, and equipment in both peacetime and wartime. The network includes interstate and noninterstate highways as designated jointly by the Secretary and the Secretary of Defense in consultation with the States.

"(c) MAJOR STRATEGIC HIGHWAY NETWORK CONNECTORS DEFINED.—Major Strategic Highway Network Connectors are highways, designated jointly by the Secretary and the Secretary of Defense in consultation with the States, to provide access from major military installations to the Strategic Highway Network.

"(d) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities eligible for funding include—

"(1) construction;

"(2) operational improvements;

"(3) highway safety improvements;

"(4) modifications to existing facilities necessary to accommodate other modes, except that modifications may not adversely impact the highway use of the facility;

"(5) transportation planning; and

"(6) highway research and development;

"(e) DESIGNATION OF THE NATIONAL HIGHWAY SYSTEM.—Designation of the National Highway System, other than the Interstate System, the Strategic Highway Network and Strategic Highway Network Connectors, shall be by the State in cooperation with local officials, with the approval of the Secretary. In urbanized areas, local officials shall act through the designated metropolitan planning organizations. The National Highway System shall be based on a functional reclassification of roads and streets in each State which should be designated by September 30, 1992, and shall be designated not later than September 30, 1993, in accordance with guidelines issued by the Secretary which provide for an equitable allocation of mileage among the States. The Secretary shall have the authority to approve in whole or in part the National Highway System. The Secretary may add segments to the National Highway System as may be necessary to meet National Highway Program objectives, subject to subsection (a). For the fiscal year 1992 and, if necessary, fiscal year 1993, States may use National Highway Program funds on the preliminarily designated National Highway System. The preliminarily designated National Highway System shall consist of principal arterials designated by the State and approved by the Secretary as of September 30, 1991.

"(f) BELTWAYS AND BYPASSES.—National Highway System beltways and bypasses, involving either new construction or major reconstruction serving urbanized areas of over 200,000 population, must be designed, and sufficient right-of-way acquired at the time of initial construction or major reconstruction, to provide for their ultimate development as multilane divided highways with separate roadways for through traffic. Access to the separate, through roadways is limited to interchanges with National Highway System routes or any other limited access facility. For the purposes of this subsection—

"(1) the term 'beltway' means a multilane, access controlled, principal arterial highway that provides a continuous loop around a major urbanized area or portion thereof; and

"(2) the term 'bypass' means a multilane, access controlled, arterial highway that permits traffic to avoid an urbanized area by providing a continuous alternative route connected at each end to a National Highway System route.

"§ 103. Interstate system

"The Interstate System is a system located—

"(1) to connect by routes, as direct as practicable, principal metropolitan areas, cities, and industrial centers;

"(2) to serve the national defense; and

"(3) to the greatest extent possible, to connect at suitable border points with routes of continental importance in Canada and Mexico.

"§ 104. Urban and rural program

"(a) ESTABLISHMENT.—The Secretary shall establish an Urban and Rural Program to provide a category of funds that minimizes Federal requirements, and to provide flexibility in the use of available funds for either highway or transit projects.

"(b) ELIGIBLE HIGHWAYS.—Highway projects may be funded on public roads other than roads on the National Highway System, roads functionally classified as local, or roads functionally classified as rural minor collector, except that not to exceed 5 percent of a State's annual urban and rural program apportionment may be expended for highway safety improvements or eliminating rail-highway crossing hazards on public roads functionally classified as local or as rural minor collector.

"(c) ELIGIBLE PROJECTS.—Eligible projects include construction; operational improvements; highway safety improvements, highway research and development, transportation planning, capital transit projects like the construction, reconstruction, and improvement of fixed rail facilities, including purchase of rolling stock for fixed rail; the purchase of buses and support facilities, capital projects to improve access and coordination between intercity and rural bus service, startup costs for traffic management and control projects, bicycle and pedestrian projects, projects to develop and improve scenic byways, and projects to enhance rural and urban accessibility and mobility.

"(d) REQUIREMENTS.—

"(1) BRIDGE INSPECTION AND INVENTORY SYSTEM.—The States must have an ongoing bridge inspection and inventory system.

"(2) DISTRIBUTION OF FUNDS.—The States shall develop a method to distribute apportionments within the State under this section fairly and equitable to rural areas, urban areas, and urbanized areas of over 200,000 population.

"§ 105. Toll roads, bridges, and tunnels

"(a) FEDERAL FUNDS.—

"(1) FREEDOM FROM TOLLS.—Except as otherwise provided in this title, Federal funds to carry out this title may not be obligated on toll facilities or to convert free facilities to toll facilities.

"(2) FEDERAL SHARE PAYABLE.—Except as provided in subsections (b) and (e) the Federal share payable for any project under this section shall not exceed (A) 35 percent of the cost of the project, or (B) a Federal share payable of less than 35 percent if required by the Secretary.

"(b) BRIDGES, TUNNELS, AND APPROACHES.—The Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this title, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this subsection. The bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether the bridge or tunnel is to be or has been constructed, or acquired by the State or other public authority. The State transportation or highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

"(1) all tolls received from the operation of the bridge or tunnels, less the actual cost of operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of the bridge or tunnel, except that part which was contributed by the United States;

"(2) no tolls shall be charged for the use of the bridge or tunnel after the State or other public authority shall have been repaid; and

"(3) after the date of final repayment, the bridge or tunnel shall be maintained or operated as a free bridge or free tunnel, except in the case of a bridge which connects the United States with any foreign country, except that—

"(A) tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management; and

"(B) the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.

"(c) NATIONAL HIGHWAY PROGRAM AND BRIDGE PROGRAM FUNDS.—National Highway Program and Bridge Program funds may be obligated (1) for the reconstruction, resurfacing, restoring, and rehabilitating of National Highway System toll highways, toll bridges and toll tunnels and their approaches; (2) for the initial construction of new National Highway System toll highways, toll bridges, and toll tunnels and their approaches as if they were free facilities; (3) to reconstruct a free National Highway System highway other than Interstate that does not have full access control to convert the facility to a toll facility, and to add lanes to the converted facility and to change the converted facility's character to full access control; and (4) to reconstruct or replace a free National Highway System bridge or tunnel and their approaches to convert the facility to a toll facility, except that—

"(A) free National Highway System highways, bridges, and tunnels and their approaches, constructed with the aid of Federal funds may also be reconstructed or replaced and converted to toll facilities pursuant to paragraphs (3) and (4) with or without the aid of Federal funds; and

"(B) the National Highway System toll highways, toll bridges, toll tunnels and their approaches may be constructed parallel and adjacent to existing free federally funded non-Interstate highways, bridges, or tunnels pursuant to paragraph (2) with or without the aid of Federal funds, and upon their construction tolls may be imposed on the combined facility if that combined facility has full access control, except that tolls may not be imposed on existing free Interstate highways.

"(d) URBAN AND RURAL PROGRAM.—Urban and Rural Program funds may be obligated to construct new toll highways, bridges, and tunnels; improve existing toll highways, bridges and tunnels; improve and convert free bridges to toll facilities; and to improve and convert free non-Interstate highways and tunnels to toll facilities to add lanes to the converted facility and to change the converted facility's character to full access control. Toll highways, toll bridges, toll tunnels, and their approaches may be constructed parallel and adjacent to existing free federally funded non-Interstate highways, bridges, or tunnels with or without the aid of Federal funds, and upon their construction, tolls may be imposed on the combined facility if that combined facility has full access control, except that tolls may not be imposed on existing free Interstate highways.

"(e) PRELIMINARY STUDIES.—Preliminary studies by a State or public or private toll entity to determine the feasibility of a toll facility described in subsections (b), (c), and (d) shall be eligible for Federal participation. Notwithstanding subsection (a)(2), the Federal share payable under this subsection shall not exceed the amount authorized by section 203 for similar projects not operated as toll facilities.

"(f) OWNERSHIP.—A facility constructed under subsections (c) and (d), shall either be publicly owned and operated or the State or its instrumentality shall contract with a private firm to design, finance, construct, and operate that facility, except that—

"(1) the State shall be responsible for all requirements under this title; and

"(2) there may be private participation in the State matching share for a project.

"(g) AGREEMENT WITH THE STATE.—For facilities constructed or converted under subsections (c) and (d) or for free facilities proposed to be tolled that have been constructed or improved with Federal funds, the State transportation or highway department must be party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

"(1) All tolls received from the operation of the highway, bridge, or tunnel, less the actual cost of operation, maintenance, and economical management, shall be applied to the repayment, including debt service and reasonable return on investment, to the party financing the facility of the costs of the highway, bridge, or tunnel, except that part which was contributed by the United States.

"(2) No tolls shall be charged for the use of the highway, bridge, or tunnel after repayment.

"(3) After the date of final repayment, the highway, bridge, or tunnel shall be maintained or operated as a free highway, bridge, or tunnel, except in the case of a bridge which connects the United States with any foreign country, except that—

"(A) the tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management; and

"(B) the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.

"(h) OPTION OF CONTINUING TOLLS.—Notwithstanding subsection (g), tolls may be continued on facilities constructed or converted under subsections (c) and (d) after the recovery of costs if tolls received from the facility less the actual cost of operation and maintenance are used for a purpose eligible under this title.

"(i) INITIAL CONSTRUCTION DEFINED.—For purposes of this section, the term 'initial construction' shall mean the construction of a highway, bridge, or tunnel at any time before it is open to traffic and shall not include any improvement to a toll highway, bridge, or tunnel after it is open to traffic.

"§ 106. Bridge program

"(a) PURPOSE.—Congress finds and declares it to be in the vital interest of the Nation that a bridge replacement and rehabilitation program be established to enable the States and Federal agencies to replace and rehabilitate highway bridges over waterways, other topographical barriers, other highways, or railroads when the States or Federal agencies and the Secretary find (1) that a bridge is important; (2) that it is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; (3) that it poses a safety hazard to highway users; (4) that its replacement or rehabilitation would minimize disruptions, delays, and costs to users; or (5) that its replacement or rehabilitation would provide more efficient routes for emergency services.

"(b) Inventory; Classification; Priority; Cost.—The Secretary, in consultation with the States: (1) shall inventory all those highway bridges on any public road which are bridges over waterways, other topographical barriers, other highways, and railroads; (2) classify them according to serviceability, safety, and essentiality for public use, (3) based on the classification, assign each a priority for replacement or rehabilitation and (4) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.

"(c) Approval of Federal Participation.—Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a bridge which the criteria established under subsection (b) show to be eligible, the Secretary may approve Federal participation in replacing the bridge with a facility designed to meet current standards or in rehabilitating the bridge. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service those bridges most in danger of failure. For bridges on the National Highway System, the Secretary may approve Federal participation where the determination as to need, type of improvement and timing have been established through a bridge management system approved by the Secretary. On other public roads the Secretary may approve Federal participation if a bridge is eligible under the criteria in subsection (b) and the agency with jurisdiction over the bridge has a bridge inspection and inventory program that meets the requirements of the National Bridge Inspection Standards (NBIS).

"(d) Eligible Activities.—

"(1) Bridge management system.—Apportioned bridge program funds may be used to develop a bridge management system.

"(2) High priority deficiencies.—Bridge program funds may be used to correct normally ineligible safety related bridge deficiencies that have been identified as high priority by the Secretary. A State shall submit a strategy, work plan and timetable for approval by the Secretary before bridge funds can be used to correct deficiencies. Removal of deficiencies identified as high priority by the Secretary is mandatory for any bridge improved under the bridge replacement and rehabilitation program.

"(3) Replacement and rehabilitation.—Bridge program funds may be used for replacement and rehabilitation.

"(e) Major Bridge Discretionary Program.—

"(1) Allocation.—Amounts available for the Major Bridge Discretionary Program shall be allocated to States at the discretion of the Secretary:

"(A) For projects for bridges on the National Highway System with a replacement or rehabilitation cost of $10,000,000 or more.

"(B) For projects for bridges on public roads, except those functionally classified as local or as rural minor collector and those on the National Highway System, with a replacement or rehabilitation cost of $5,000,000 or more.

"(2) Toll bridge assessment.—Applications for funding under the Major Bridge Discretionary Program must include a comprehensive assessment of (A) the feasibility of constructing a toll bridge, and (B) the option of using combinations of funds other than Bridge Program funds.

"(f) Use of Apportioned Bridge Funds.—Not less than 10 percent nor more than 35 percent of the amount apportioned to a State in a fiscal year under section 202(b)(3) shall be expended for projects to replace or rehabilitate bridges on public roads functionally classified as local or as rural minor collector. The State may give special consideration to low volume traffic bridges qualifying for replacement or repair under this program.

"(g) Selection of Discretionary Projects.—In selecting projects for the Major Bridge Discretionary Program the Secretary shall consider (1) the bridge rating factor which includes, but is not limited to, serviceability, safety, essentiality for public use, traffic volume, and cost; (2) whether the bridge is closed to traffic or has severe load limits; (3) the need for equitable nationwide distribution of funds; (4) the need to continue or complete projects already begun with discretionary funds; and (5) other factors that the Secretary deems appropriate.

"(h) Obligation and Administration of Bridge Projects.—Bridge projects on the National Highway System shall be obligated and administered under National Highway Program procedures. Bridge projects on public roads not on the National Highway System shall be obligated and administered under Urban and Rural Program procedures.

"(i) Fair Allocation.—Sums apportioned to a State under this section shall be made available for obligation throughout the State on a fair and equitable basis.

"§ 107. Scenic byways

"(a) Purpose.—The purpose of this section is to encourage States to initiate or expand efforts for planning and program development for scenic byways.

"(b) Distribution of Funds.—In fiscal years 1992, 1993, and 1994, the Secretary may allocate up to $5,000,000 in each fiscal year from the set asides provided in section 202(b)(2)(B) to States requesting funds to carry out the purpose of this section. The Secretary shall establish criteria to be used in allocating the funds to States.".

SEC. 5. ADMINISTRATION OF FUNDS.

(a) Conforming Amendments.—(1) The table of sections for chapter 2 of title 23, United States Code, is amended to read as follows:

"CHAPTER 2—ADMINISTRATION OF FUNDS

"Sec.
"201. Availability of funds.
"202. Apportionment.
"203. Federal share payable.".

(2) The table of contents for title 23, United States Code, is amended by striking out

"2. Other Highways"

and inserting in lieu thereof the following:

"2. Administration of Funds".

(b) Amendment to Chapter 2.—Chapter 2 of title 23, United States Code, is amended to read as follows:

"CHAPTER 2—ADMINISTRATION OF FUNDS

"§ 201. Availability of funds

"(a) Date Available for Obligation.—Except as otherwise specifically provided, authorizations to carry out chapters 1, 2, and 3 of this title and the Federal-Aid Highway Act of 1991 from the Highway Account of the Highway Trust Fund shall be available for obligation on October 1 of the fiscal year for which they are authorized. The Secretary shall apportion, allocate, set aside, or obligate those authorizations.

"(b) Periods of Availability of Funds.—

"(1) National highway program, urbanized area planning, apportioned bridge and statewide transportation planning and research program funds.—

"(A) Period of availability.—Funds apportioned for the National Highway Program, the Bridge Program and the Urbanized Area Planning Program and funds earmarked for the Statewide Transportation Planning and Research Program in a State shall remain available for obligation in that State for a period of 3 years after the close of the fiscal year for which the funds are authorized.

"(B) Reapportionment.—Funds, not obligated within the period of availability of subparagraph (A) shall be reapportioned among those States which have obligated their funds on the basis of the original apportionment.

"(2) Bridge discretionary fund.—

"(A) Period of availability.—Funds allocated to a State from the Major Bridge Discretionary Program and from the High Cost Projects Fund shall be available in that State until the close of the fiscal year in which they are allocated.

"(B) Reallocation.—Funds not obligated within the period of availability of subparagraph (A) shall be released to the Secretary and shall be available for reallocation.

"§ 202. Apportionment

"(a) Administrative Deduction.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary shall deduct not to exceed 3¾ percent of the sums authorized to be appropriated for expenditure for the National Highway Program, the Interstate Construction Program, the Urban and Rural Program, the Interstate Substitution Program, and the Bridge Program for payment of the administrative expenses of the Federal Highway Administration, except that funds shall be available from the administrative deduction for Operation Lifesaver, a national public information program, to educate the public of the inherent hazards at railway-highway crossings. In making a determination, the Secretary shall take into account the unexpended balance of any sums deducted in prior years. The sum deducted shall be available for expenditure until expended.

"(b) Apportionment.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary after making the deductions authorized by subsection (a) shall apportion sums authorized to be appropriated for that fiscal year for the National Highway Program, the Urban and Rural Program, and the Bridge Program among the several States in the following manner:

"(1) National highway program.—The remaining sums authorized to be appropriated from the National Highway Program shall be apportioned as follows:

"(A) Highway use of motor fuel.—70 percent in the ratio which highway use of motor fuel in a State bears to highway use of motor fuel in all of the States.

"(B) Share of public road mileage.—15 percent in the ratio which public road mileage in a State bears to public road mileage in all of the States.

"(C) Land Area.—15 percent of the funds in the ratio in which the land area in a State bears to the land area in all of the States.

"(2) Urban and Rural Program.—

"(A) Scenic Byways Program Set Aside.—From authorizations for the Urban and Rural Program for the fiscal years 1992, 1993, and 1994 the Secretary shall set aside $5,000,000 each year for scenic byways described in section 107. Funds set aside that are not obligated for scenic byways by the end of the fiscal year of authorization shall be added to the next fiscal year's authorization and apportioned to the States under subparagraph (B).

"(B) Apportionment Formula.—The remaining funds authorized to be appropriated for the Urban and Rural Program shall be apportioned in the ratio in which a State contribution to the Highway Account of the Highway Trust Fund bears to the total contributions of all the States to the Highway Account of the Highway Trust Fund as determined by the Secretary.

"(3) Bridge Program.—

"(A) Major Bridge Discretionary Program Set Aside.—From authorizations for the Bridge Program the Secretary shall set aside $345,000,000 for the fiscal year 1992, $420,000,000 for the fiscal year 1993, $495,000,000 for the fiscal year 1994, $570,000,000 for the fiscal year 1995, and $660,000,000 for the fiscal year 1996 for the Major Bridge Discretionary Program described in section 106.

"(B) Apportionment Formula.—Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized in accordance with this subsection. Each deficient bridge shall be placed into one of the following categories: (1) National Highway System bridges eligible for replacement, (2) National Highway System bridges eligible for rehabilitation, (3) bridges off the National Highway System eligible for replacement, and (4) bridges off the National Highway System eligible for rehabilitation. The square footage of deficient bridges in each category shall be multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary; and the total cost in each State divided by the total cost of the deficient bridges in all States shall determine the apportionment factors. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the National Highway System under this title.

"(c) Notification to the States.—On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary shall certify to each of the States the sums apportioned and deducted in that fiscal year under this section. The Secretary shall, if possible, advise each State of the amount that will be apportioned each year under this section not later than 90 days before the beginning of the fiscal year of apportionment.

"(d) Transfer Among Programs.—A State may transfer up to 15 percent of its annual apportionments for the National Highway Program, the Urban and Rural Program and the Bridge Program among the three programs, as it determines necessary.

"§ 203. Federal share payable

"(a) National Highway Program Projects.—Except as provided in section 105(a)(2) the Federal share payable on account of National Highway Program projects financed with National Highway Program funds (other than certain resurfacing, restoring, and rehabilitating projects and certain operational improvement projects) shall not exceed 75 percent of the cost of the project.

"(b) Interstate System Resurfacing, Restoring and Rehabilitating, and Operational Improvement Projects.—Except as provided in section 105(a)(2) the Federal share payable on account of any resurfacing, restoring and rehabilitating, or operational improvements project on the Interstate System financed with National Highway Program funds shall not exceed 90 percent of the cost.

"(c) Off-System Operational Improvements Projects.—Except as provided in section 105(a)(2), the Federal share payable on account of any operational improvements project on a highway not classified as local or as rural minor collector financed with National Highway Program funds shall not exceed the share provided in subsection (a).

"(d) Bridge Program.—Except as provided in section 105(a)(2), the Federal share payable on account of projects financed with Bridge Program funds shall not exceed 75 percent.

"(e) Urban and Rural Program Projects.—Except as provided in section 105(a)(2), the Federal share payable on account of a project financed with Urban and Rural Program funds shall not exceed 70 percent of the cost of the project.

"(f) Increased Non-Federal Share.—A State may contribute an amount in excess of the share provided in this title for any title 23 project so as to decrease the Federal share payable on the project. The application of this subsection shall be subject to criteria established by the Secretary.".

SEC. 6. OBLIGATION CEILING.

(a) General Limitation.—Notwithstanding any other provision of law, the total of all obligations for Federal-aid highway programs shall not exceed—

(1) $16,500,000,000 for fiscal year 1992;

(2) $17,600,000,000 for fiscal year 1993;

(3) $19,600,000,000 for fiscal year 1994;

(4) $22,700,000,000 for fiscal year 1995; and

(5) $25,900,000,000 for fiscal year 1996.

(b) Exceptions.—The limitations under subsection (a) shall not apply to obligations—

(1) for unobligated balances of minimum allocation funds,

(2) for emergency relief, or

(3) for unobligated balances of earthquake disaster assistance.

(c) Distribution of Obligation Authority.—For each of fiscal years 1992, 1993, 1994, 1995, and 1996 the Secretary shall distribute the limitation imposed by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for each fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for each fiscal year, except that the Secretary shall not distribute amounts authorized for administrative expenses and the Federal lands highways programs shall not distribute amounts necessary to carry out projects under the Safety Bonus Program, and shall not distribute amounts necessary to carry out Metropolitan and Rural Innovative Bonus Projects.

(d) Limitation on Obligation Authority.—

(1) During the period October 1 through December 31 of each of fiscal years 1992, 1993, and 1994, no State shall obligate more than 35 percent of the amount distributed to that State under subsection (c) for that fiscal year, and the total of all State obligations during the period shall not exceed 25 percent of the total amount distributed to all States under subsection (c) for that fiscal year.

(2) During the period October 1 through December 31 of each of fiscal years 1995 and 1996, no State shall obligate more than 30 percent of the amount distributed to that State under subsection (c) for that fiscal year.

(e) Redistribution of Unused Obligation Authority.—Notwithstanding subsections (c) and (d) the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State;

(2) may, after August 1 of each of the fiscal years 1992, 1993, 1994, 1995, and 1996, revise a distribution of the funds made available under subsection (c) for that fiscal year if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under title 23, United States Code.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1991.

HIGHWAY TRUST FUND OBLIGATION CEILINGS—COMPARISON OF BOND BILL WITH DEPARTMENT OF TRANSPORTATION (DOT) PROPOSAL

[In billions of dollars]

	DOT bill	Bond bill	Percent increase of bond over DOT bill
Fiscal year:			
1992	$15.7	$16.5	$5.1
1993	16.0	17.6	10.0
1994	16.5	19.6	18.8
1995	18.0	22.7	26.1
1996	20.0	25.9	29.5

Summary of Missouri Highway Bill Sponsored by Senator Bond—Comparison With Current Law and DOT Proposal

(I) NATIONAL HIGHWAY PROGRAM—OVERVIEW

Both the Bond bill and the DOT proposal combine the Interstate programs and the Primary Program into one 150,000 mile system, called the National Highway Program (NHP). The current federal/state match ratio of 75/25 would remain the same. The Interstate construction and the Interstate Repair programs remain intact, with the match ratio set at 90/10.

Spending Flexibility

Under current law, highway funds cannot be transferred among categories. The DOT bill allows up to 15 percent of NHP funds to be transferred to the Urban/Rural Program (URP) if the state obtains approval from DOT. Under the Bond bill, the state may transfer up to 15 percent to and from any of the three programs—NHP, URP and Bridges—as it determines is necessary to meet its needs; DOT approval is not required.

Formula

Interstate formula criteria remain the same. However, the DOT proposal and the Bond bill dramatically change the formula for primary roads under the National Highway Program. Both allocate funds as follows: 70 percent weight given to gallons of gasoline purchased in a State, 15 percent weight given to state land area and 15 percent weight given to state public road miles. Funds are distributed based on the criteria of use and need. The DOT bill retains several of the minimum allocation provisions which guarantee large, sparsely populated states higher levels of funding than use and need alone would provide. For example, DOT's NHP formula includes a low population factor. The Bond bill eliminates these provisions, which generally favor Western states.

Summary of Differences: The Bond bill gives States more spending flexibility by allowing states to transfer up to 15 percent of their total trust fund allocation among the three major programs; adopts a need and use formula for NHP and eliminates special fixes for Western states.

(II) URBAN AND RURAL PROGRAM

The Bond bill and DOT proposal combine the current Secondary and Urban Programs into the Urban and Rural Program (URP). The DOT bill makes two significant changes in current law: it changes the current match ratio of 75/25 to 60/40 and it establishes a simplified formula where the state's share of URP funds is in exact proportion to what it contributes to the Highway Trust Fund. Missouri contributed 2.67 percent of the fund in 1989, therefore it will get back 2.67 percent for URP. The Bond bill uses the dollar in, dollar out formula but changes the match ratio to 70/30. In addition, both bills allow URP funds to be used for mass transit projects. Under current law, only Urban Program funds can be used for mass transit. Most States don't use this authority because the pool of funds is so small and there are several restrictions. Both bills expand funding (the Bond bill by a greater amount) and lift the restrictions.

(III) BRIDGE PROGRAM

Under current law, States submit an inventory of their structurally deficient bridges and the cost of either repairing or replacing them to the Federal Highway Administration (FHWA). FHWA allocates bridge funding to states based on its relative share of the total cost to repair or replace deficient bridges across the country. In addition, FHWA also determines whether the bridge projects fall into the Discretionary Program or the Apportioned Formula Program. The former program is for bridge projects over $10 million if located on the interstate and primary systems and $5 million for bridges on other public roads; States must apply to DOT and compete for the money. The apportioned bridge program is for bridge projects under these amounts; the match ratio is 75/25.

Both the Bond legislation and the DOT bill retain the two separate categories, discretionary and apportioned, and keep the match at 75/25. However, the DOT bill changes the criteria used to determine if a bridge qualifies for either type of funding from a straight inventory and cost to repair to inventory, cost to repair and level of service. The Bond bill retains the criteria in current law, inventory and cost, but gives states the flexibility to factor in level of service if they so desire.

Finally, both the Bond bill and the DOT proposal allow bridge repair funds to be used for "seismic retrofit", i.e. to install special devices to help prevent bridge collapse in the event of an earthquake. This is a new provision.

(IV) TOLL ROADS

With only a few exceptions, current law prohibits States from using Federal trust funds to construct toll roads, bridges or tunnels. Both bills would change this by allowing a federal match of 35 percent for such facilities; the States would have to put up 65 percent. Toll revenues could only be used (1) to pay off State bonds used to make the State match or (2) highway-related activities. They could not go into the State treasury.

By Mr. PACKWOOD (for himself and Mr. BOND):

S. 884. A bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale drift net fishing; to the Committee on Commerce, Science, and Transportation.

DRIFT NET MORATORIUM ENFORCEMENT ACT

Mr. PACKWOOD. Mr. President, I am today introducing legislation to end large-scale drift net fishing on the high seas by June 30, 1992. Drift nets are huge plastic nets used by the fishing fleets principally of Japan, Taiwan, and South Korea. The nets are as long as 30 to 40 miles in length and may range from 30 to 100 feet in width and depth and simply scoop up everything in their path as they are pulled behind ships. The nets indiscriminately catch everything—sea turtles, whales, dolphins, and of great importance to my State, they are catching U.S.-origin salmon and depleting the salmon runs that are returning to our rivers.

In essence, it is stripmining the ocean and it has to be stopped.

In December 1989, the United Nations passed a resolution calling for a worldwide ban on drift netting by June 30, 1992. But that resolution confirms a provision which would allow nations to continue drift net fishing if they can allege they maintain a conservation program.

Mr. President, there is no conservation program conceivable to justify the continued practice of drift netting; which is simply to catch everything you can catch in a net of immense size.

I have seen the Japanese, the South Koreans, and Taiwanese avoid and extend deadlines in the past, especially on whaling where they attempted to justify it on scientific or research purposes. The purpose of my bill is to put teeth into that June 30, 1992, moratorium date to make it the deadline.

My bill requires the President, on January 1, 1992, to certify any country which has not notified the United States of its intention to stop drift netting by June 30, 1992. If a country is certified, the President is authorized under the Pell amendment, to ban the import of fish or fish products from that country. On June 30, the President is required to ban the import of fish and fish products from any country that has not completely stopped drift netting.

My bill would also authorize the President to invoke a whole array of additional sanctions if: First, the violating country retaliates with its own sanctions: second, fish sanctions alone do not work or; third, the country is violating the moratorium.

We all agree, Republicans, Democrats, conservatives, and liberals that drift netting needs to stop. This bill will mandate that it will stop and it is a voice that Japan, South Korea, and Taiwan will hear clearly.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 885. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to prohibit the Secretary from prescribing or collecting fees to cover the cost of providing certain agricultural quarantine and inspection services at a site within the State of Hawaii or the Commonwealth of Puerto Rico; to the Committee on Agriculture, Nutrition, and Forestry.

COLLECTION OF FEES FOR AGRICULTURAL QUARANTINE AND INSPECTION SERVICES

Mr. AKAKA. Mr. President, I rise to introduce legislation, along with Senator INOUYE, to prohibit the U.S. Department of Agriculture from imposing a $2 user fee on air travelers going from Hawaii to the mainland.

Today, the USDA, over the objections of the State of Hawaii and the Hawaii congressional delegation, published its final rule instituting the user fee to begin in August.

To show how strongly I oppose this fee, I am introducing legislation today to prohibit the fee on the same day that the new regulations appeared in the Federal Register.

And I will work closely with the senior Senator from Hawaii to prohibit this fee before it goes into effect.

It would be blatantly unfair to impose this $2 user fee on every Hawaii traveler as well as on Hawaii's visitors.

USDA says this fee is intended to offset the cost of baggage inspection, which prevents the spread of agricultural pests from Hawaii.

But Mr. President, the spread of agricultural pests is not just a Hawaii problem, it is a national problem—and the cost of fighting the spread of pests should not fall disproportionately on Hawaii travelers.

If we examine regions of our country affected by introduced pests, the State of Hawaii has suffered more than any other region. Because of introduced pests, Hawaii has lost more native plants and animals than any other State. No State has suffered more than Hawaii from the introduction of foreign pests.

Currently, we remain on constant guard against the introduction of brown tree snakes from Guam and rabies from the continental United States.

These threats are very real to our State, yet we do not advocate imposing user fees on people traveling from areas that contain these threats. And so, Mr. President, I ask that the people of Hawaii not be penalized when they travel to other States.

To conclude, the Animal Plant Health Inspection Service maintains a valuable national agriculture program. Pest infestation is a national problem. To single out Hawaii to bear a greater share of the cost of this Federal program is unfair to the people to Hawaii.

If this user fee is imposed, we will be the only State in which travelers must pay a special fee to visit other States. Mr. President, this violates the basic American principle of free and unrestricted travel for all citizens.

APHIS is charged with protecting our entire Nation, including Hawaii, from agricultural pests, and it is improper for Hawaii to bear a disproportionate share of the cost of this essential program.

I ask unanimous consent that a copy of our bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLLECTION OF FEES FOR AGRICULTURAL QUARANTINE AND INSPECTION SERVICES IN HAWAII AND PUERTO RICO.

(a) In General.—Section 2509(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(a)) is amended by adding at the end the following new paragraph:

"(5) No collection of fees in Hawaii or Puerto Rico.—Notwithstanding paragraph (1), section 9701 of title 31, United States Code, or any other provision of law, the Secretary may not prescribe or collect fees to cover the costs of providing services referred to in paragraph (1) at a site within the State of Hawaii or the Commonwealth of Puerto Rico.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if enacted on November 28, 1990.

Mr. INOUYE. Mr. President, I rise to introduce a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to prohibit the Secretary of Agriculture from prescribing or collecting fees to cover the cost of providing certain agricultural quarantine and inspection services at a site within the State of Hawaii or the Commonwealth of Puerto Rico.

This matter arose when the U.S. Department of Agriculture, Animal and Plant Health Inspection Service [APHIS] proposed rules to implement user fees for agricultural quarantine and inspection services performed in Hawaii and Puerto Rico.

I introduce this bill to prohibit domestic user fees for three main reasons. First, I believe that the user fees applied in this situation are inequitable. Those who incur the cost of the user fees are not those who benefit directly. In my opinion, the major beneficiaries of the agricultural quarantine and inspection service are agricultural producers in the continental United States and ultimately the consumers of wholesome and safe foods produced by this sector of the economy. Thus, the proposed rule creates an unfair situation whereby a relatively small segment of the population traveling from Hawaii and Puerto Rico to locations within the continental United States are faced with paying the cost, but not directly reaping the benefits. This, I contend, does not satisfy the definition of a user fee.

Second, I believe that implementing domestic user fees ignores the real problem, and as such, misses the mark by a wide margin. The problem, as I perceive it, is the protection of U.S. agriculture from pests and diseases that renders food production difficult and increases the cost of such production. The user fee concept, as proposed, is at best a short term fix to a serious problem. It would seem to me more logical to view Hawaii and Puerto Rico as important buffer zones for agricultural pests and increase inspection services for arrivals into these areas rather than concentrating solely on departures from these areas. Moreover, should this occur, I would continue to argue that the benefits of such practices accrue widely to the entire American public and should not be approached through a user fee scheme applied to passengers in transit.

Third, and probably most important, I believe that APHIS is exceeding its legislative authority by imposing domestic user fees for agricultural quarantine and inspection services. The Congress has not provided APHIS the authority for domestic user fees. While the Food, Agriculture, Conservation, and Trade Act of 1990 as amended provided authority for user fees for international passengers, APHIS has relied on 31 U.S.C. 9710—the user fee statute—as authorization for imposing domestic user fees. While this statute does offer some provisions for user fees of the type being considered, there is ample evidence that domestic user fees used in this context would be overinclusive because it assesses passengers who derive no specific benefit from the inspection service. This point is well documented by the Congressional Research Service's reply to Delegate Fuster from Puerto Rico. I have attached, as a part of my statement, a copy of the memorandum from the Congressional Research Service to Delegate Fuster, and I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

I believe it pertinent to note that in the rules proposed by APHIS, the agency notes that it is their intention to implement user fees only in situations in which airlines and other ticketing agents or transport companies are already collecting or prepared to collect fees. The airlines have made it abundantly clear that they are not setup to collect user fees from domestic passengers. Thus, ASPHIS contradicts statements within its proposed rules.

In order to allow the Congress an opportunity to specifically consider the issue of domestic user fees, I introduced conference report language in the dire emergency supplemental appropriations bill (Report 102-29) requesting that APHIS not implement domestic user fees until the Congress has considered them. This language incorporated in the conference report stated, "the conferees are concerned with implementing domestic user fees without specific approval of the Congress. Accordingly, the conferees expect the Animal and Plant Health Inspection Service not to include domestic user fees until the Congress has considered them." In all candor, I was shocked and dismayed that APHIS chose to ignore Congress' mandate.

Domestic user fees for agricultural quarantine and inspection services, as proposed by APHIS, are ill-conceived. They are inequitable, do not address the real issues, and have not been authorized by Congress. I urge my colleagues to support this bill to prohibit their implementation.

There being no objection, the material was ordered to be printed in the Record, as follows:

Congressional Research Service,
The Library of Congress,
Washington, DC, March 26, 1991.

To: Honorable Jaime B. Fuster. (Attention Gary Martin)
From: American Law Division.
Subject: Department of Agriculture authority to impose a user fee on passengers flying into the United States from Puerto Rico for agriculture quarantine inspection services.

This is in response to your request for an analysis of whether the Department of Agriculture (USDA) possesses statutory authority to impose a user fee on commercial airline passengers traveling from Puerto Rico to other parts of the United States to cover the cost of agricultural quarantine inspection services provided by the agency. After analysis of the department's proposal, the statute under which the department asserts authority, and the relevant case law it appears that the department possesses such authority because the charge is properly characterized as a "fee" which is authorized by the Independent Offices Appropriations Act. However, the department's fee appears to be overinclusive in that it would be assessed against passengers who arguably derive no "special" benefit from the inspection services.

THE DEPARTMENT'S PROPOSALS

On February 27, 1991, the USDA issued a notice of proposed rulemaking in which it proposed the imposition of a "user fee" to be charged to all commercial airline passengers "departing from Hawaii and Puerto Rico enroute to any portion of the United States" to cover the costs of agricultural quarantine inspection services provided by the department.[1] Under the department's proposal, passengers would be charged a two dollar fee for each departure from Hawaii or Puerto Rico into the United States which would be col-

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Footnotes at end of article.

lected by persons issuing tickets or other documents of travel.[2] The fee would be collected upon the issuance of tickets or travel documents indicating travel from Hawaii or Puerto Rico to other states or territories within the United States.[3] Once collected the ticket issuer would be required to remit the user fees to the USDA on a quarterly basis "no later than 31 days after the close of the calendar quarter in which the fees were collected."

Exempted from payment of the fee would be crew members on duty on the aircraft; foreign diplomats; passengers on aircraft used exclusively in the service of the United States government or foreign governments; and persons subject to inspection under part 330 of the department's regulations.

DEPARTMENTAL AUTHORITY TO IMPOSE THE "USER FEE"

In proposing the user fee, the department asserts general authority under the Independent Offices Appropriations Act (IOAA) which authorizes Federal agencies to "prescribe regulations establishing the charge for a service or thing of value provided by the agency."[4] Although the statute is fairly ambiguous as to what types of "charges" are authorized, the Supreme Court has interpreted that act's authorization as limited to the assessment of "fees" by Federal agencies as opposed to the imposition of "taxes" to cover the cost of the service.[5] Consequently, USDA authority under the act to assess the charge is dependent upon whether the assessment is properly characterized as a "fee" or whether it is actually a "tax".

Some guidance was given by the Supreme Court in distinguishing between a "fee" and a "tax" in *National Cable Television Association* (NCTA)[6]. In *NCTA*, an association of cable television operators challenged a $.30 per subscriber fee assessed by the Federal Communications Commission (FCC), under authority of the IOAA, to cover the costs of regulating the industry. The association argued that the Commission's "fee" was actually a "tax" in that the assessment was not proportional to the amount of regulatory work performed specifically on behalf of the industry. In invalidating the charge, the court sought to distinguish between a "fee" and a "tax", the latter for which it concluded was unauthorized by the statute. A "tax", according to the Court, may be imposed with "disregard [to the] benefits bestowed on a [particular] taxpayer" and may be levied "solely on ability to pay, based on property or income." Conversely, a "fee" is assessed "incident to a voluntary act" of the individual required to pay it and is charged in exchange for a "benefit" bestowed on the individual "not shared by other members of society".[7] Thus, the Court has defined a fee as a charge payable only by an "identifiable beneficiary" in exchange for a "special benefit" bestowed upon the beneficiary, as opposed to a benefit which inures to the public at large.

In reaching its conclusion that the FCC's fee assessment was improper in *NCTA*, the Court acknowledged the fact that government regulation would inevitably serve some public benefit.[8] As a result, lower courts applying the Court's reasoning have attempted to determine when a benefit is sufficiently private (*i.e.*, bestowed on the individual payee) to sustain an agency's charge as a "fee", notwithstanding the existence of some benefit to the public. For example, in *Electronic Industries Association* v. *FCC*[9], petitioners challenged the validity under the IOAA, of the FCC's fee assessment for tariff filing and equipment type approval services, arguing that the agency was precluded from assessing any charge because of the benefit conferred on the general public from these services. The court rejected this argument, holding that the agency was "not prohibited from charging for the cost of services rendered... which also result in some incidental public benefits."[10] On the other hand, the court concluded that the FCC's fee assessment could not include amounts to cover expenses incurred to serve some "independent" public interest.[11]

To illustrate the difference between an "incidental" and "independent" benefit, the court noted that while the FCC could permissibly assess a fee for equipment testing and inspection services to assure that the equipment had no potential for creating harmful interference, it could not include in its fees charges to cover the costs of additional activities to ensure that the equipment met consumer safety standards. As the court explains, the FCC's equipment testing services were required to assist the manufacturer in complying with obligations imposed by the statute administered by the agency.[12] As such, a specific benefit was conferred on the manufacturer (*i.e.*, assistance with statutory compliance) with only an "incidental" benefit conferred upon the general public. On the other hand, since the agency is not similarly required to assist the manufacturer with consumer safety law compliance, such service, as rendered by the FCC, would confer an "independent" public benefit.

The distinction between an "incidental" versus an "independent" public benefit was further examined in *Central & Southern Motor Freight Tariff Association* v. *U.S.*[13], where the court upheld the imposition of fees by the Interstate Commerce Commission (ICC) for the processing and approval of rate association agreements, rate increase requests and tariffs. There, petitioner argued that a substantial portion of the costs of these services should be borne by the public because of the existence of an "independent" public benefit derived from the agency's services. In rejecting this argument, the court conculded that benefits which are conferred to the public are not independent if they are "the necessary consequence of the agency's provision of the relevant private benefits."[14]

Applying the principles set out above, it appears that the USDA's proposal is properly characterized as a "fee" and thus authorized by the Independent Offices Appropriations Act, as the statute has been interpreted by the courts. The USDA proposes to impose the fee on commercial airline passengers arriving from Puerto Rico into other States and territories of the United States to cover the costs of agricultural quarantine inspection services provided by the agency. Similar to the plaintiffs in *Electronic Industries Association* and *Century & Southern Motor Freight Tariff Association*, passengers traveling from Puerto Rico are subject to certain statutory obligations respecting the transportation of plants throughout the United States. Section 103 of the Federal Plant Pest Act prohibits persons from: knowingly mov[ing] any plant pest from a foreign country into or through the United States, or interstate . . . unless such movement is authorized by the Secretary [of Agriculture].[15]

In addition, section 8 of the Plant Quarantine Act prohibits any person from: . . . carry[ing] or transporting from any quarantined [s]tate or Territory . . . of the United States . . . into or through any other [s]tate or Territory any class of nursery stock, or any class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products . . . or other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation.[16]

To the extent that passengers traveling from Puerto Rico are governed by the prohibitions specified under these provisions, the USDA's quarantine inspection service could be said to "benefit" such passengers by providing them assistance in fulfilling their statutory obligations. Moreover, the benefit conferred to the public as a result of the service (i.e., the protection of the United States agriculture) would probably be characterized by the courts as "incidental" since such protection would be a "natural consequence" of an efficient quarantine inspection program.[17] Because the public benefit is apparently "incidental" rather than "independent", the USDA could properly pass on the entire costs of the service to the passengers and would not be required to allocate the costs between public and private beneficiaries.[18]

Moreover, given the fact that some passengers will be carrying items possibly proscribed by the statutes, such passengers are "identifiable beneficiaries" and could permissibly be assessed the fee.

However, the argument remains that the fee as proposed by the department is overinclusive in that it would assess a fee to all passengers traveling from Puerto Rico rather than charging only those "identifiable beneficiaries" of the quarantine inspection service (i.e., passengers carrying plants). Similar to the companies in Federal Power Commission that did not take advantage of the Commission's regulatory scheme during a given year, passengers who are not carrying items which are contemplated by the statutes receive no benefit from the inspection service because there is no possibility that they will not fulfill their statutory obligations. Such passengers therefore arguably should not be required to pay the charge.[19] However it should be noted that the charge would probably pass muster under the standards set out by the courts if it were limited to those passengers carrying plants, the exportation of which could be prohibited by the Plant Pest and Plant Quarantine Acts.

CONCLUSION

To summarize, the Independent Offices Appropriations Act—the statute under which the USDA asserts authority—has been interpreted by the Supreme Court to authorize Federal agencies to charge "fees" in exchange for services provided and not "taxes". An agency's charge has been characterized as a "fee" when it is assessed only against "identifiable beneficiaries" of a "special service" provided by the agency. The Court has limited the definition of an "identifiable beneficiary" to those entities who take advantage of the agencies services. Moreover, in recognition of the fact that all government services confer some benefit to the public, lower courts have characterized an agency's charge as a "fee" where the benefit to the public is "incidental" to the private benefit.

The USDA's proposal to assess a user fee against all commercial airline passengers arriving from Puerto Rico appears to be a "fee" as the term has been defined by the Supreme Court and lower Federal courts. Those passengers transporting plants from Puerto Rico are "identifiable beneficiaries" of the service and derive a "special benefit" from the inspections in that they assist these passengers in complying with Federal plant and pest quarantine laws. However, the proposal is arguably overinclusive in that it would apply to all passengers rather than to those exporting plants from Puerto Rico.

KEVIN B. GREELY,
Legislative Attorney,
American Law Division.

FOOTNOTES

[1] *See* 56 Fed. Reg. 8148 (February 27, 1991).

[2] "Persons issuing tickets" would include the commercial airlines as well as independent travel agents, tour wholesalers or any other entity which issues its own non-carrier related ticket or document for transportation. 56 Fed. Reg. at 8158.

[3] Where the ticket issuer fails to collect the fee at the time of issuance, the airline carrier would be required to collect the fee upon departure. *See* 56 Fed. Reg. at 8158.

[4] 31 U.S.C. §7901. Charges imposed under the act are to be based on the costs to the government incident to providing the service; the value of the service or thing to the recipient; public policy or other interest served; and other relevant factors. The department correctly notes that proposed fees on domestic airline passengers are not authorized by the Food, Agriculture, Conservation and Trade Act of 1990 or the Omnibus Budget Reconciliation Act of 1990 and that authority to impose the fees would lie exclusively in the IOAA.

[5] *See National Cable Television Association v. United States*, 415 U.S. 336 (1974).

[6] *Id.*

[7] *See NCTA, supra,* at 340–41. The Court reemphasized its conclusion that charges are to be assessed only against identifiable beneficiaries of the government service in *Federal Power Commission v. New England Power Co.*, 415 U.S. 345 (1974), where it indicated that a company within the jurisdiction of the Federal Power Commission could not be required to pay a charge where the company did not take advantage of the Commission's regulatory scheme during the period covered by the fee.

[8] *NCTA* at 343 ("Certainly some of the costs inured to the benefits of the public, unless the entire regulatory scheme is a failure").

[9] 554 F.2d 1109 (D.C. Cir. 1976).

[10] *Id.* at 1115.

[11] *Id. See also, Mississippi Power & Light Co. v. NRC*, 601 F.2d 223 (5th Cir. 1979); *Phillips Petroleum Co. v. F.E.R.C.*, 786 F.2d 370 (10th Cir. 1986).

[12] Section 302 of the Communications Act of 1934, as amended authorizes the FCC to prescribe regulations governing the potential of devices to cause "harmful interference" to radio communications and prohibits the manufacture or sale of devices which fails to comply with the FCC's regulations. *See* 47 U.S.C. §302.

[13] 777 F.2d 722 (D.C. Cir. 1985).

[14] *Id.* at 732.

[15] *See* 7 U.S.C. §150bb. The term "interstate" is defined under the statute as movement "from one State, Territory, or district (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District." 7 U.S.C. §150aa(f).

[16] *See* 7 U.S.C. §161. Puerto Rico has been designated as a quarantined territory regarding the transportation of the Imported Fire Ant; the Sugarcane diseases, gummosis diseases and leaf scald disease; and certain fruit flies and bean pod borers. *See* 7 C.F.R. §§301.81, 301.87 and 318.58 respectively.

[17] It is plausible that an argument can be made that the public benefit derived from the protection of United States agriculture is the "primary benefit" of the service and that this benefit so outweighs the benefits conferred on arriving airline passengers that those passengers should not be required to subsidize the service. Similarly, an argument can be made that the public benefit derived is "more than incidental" to the private benefit and that the costs should be appropriately allocated between public and private beneficiaries. While the latter argument has been raised in prior cases and rejected by the reviewing court, *see Century & Southern Motor Freight Tariff Association, supra,* at 731–32, some support for the former argument can be found in the legislative history of the IOAA. *See* S.Rep. No. 2120, 81st Cong., 2d Sess. 1 (1950) (Concluding that no charge should be imposed, under the act, for meat inspection and food and drug clearance services because of the predominant public nature of the benefits derived.)

[18] *See e.g., Century & Southern Motor Freight Tariff Association, supra, at 732.*

[19] Note that there is a counterargument to the conclusion that the charge is overinclusive. Assuming that plant pests are mobile and could possibly be transported in the clothing and other articles of a traveler, one could argue that the applicability of the charge to all passengers would be proper.

By Mr. JEFFORDS (for himself, Mr. SYMMS, Mr. DASCHLE, Mr. BUMPERS, Mr. CRAIG, and Mr. LEAHY):

S. 887. A bill to amend the Internal Revenue Code of 1986 to provide a special valuation of sensitive environmental areas for estate tax purposes, and for other purposes; to the Committee on Finance.

WETLANDS AND GREEN SPACE PRESERVATION ASSISTANCE ACT

• Mr. JEFFORDS. Mr. President, I would like to quote one of my constituents who said, "Either the developer is going to get you or the assessor is going to get you." This individual has lived on his farm for over 70 years. Wanting to retire from farming, however, he discovered what many Americans are discovering, that our current tax system makes it difficult for Americans to preserve green space.

Our current inheritance tax system encourages destruction of environmentally sensitive areas. When calculating inheritance taxes, property is typically assessed at its highest and best use. Often, this means that the land is assessed as developable land, not as land in its natural state. The beneficiaries may thus be forced to sell the land for development to pay the taxes.

The bill I am introducing today with my colleagues Senators SYMMS, DASCHLE, BUMPERS, CRAIG, and LEAHY is designed to remove some of the tax incentives which encourage destruction of environmentally sensitive areas. This bill is modeled after the family-farm exemption already codified in our Tax Code. This exemption is a special valuation which allows farm land to be assessed as agricultural land if the family continues farming the land for 10 years. If the family stops farming the land, then the estate taxes are recaptured.

In this bill, beneficiaries are granted a special valuation for environmentally sensitive lands, such as wetlands, if they agree to keep the lands in their natural state for at least 10 years. In this bill, green space is taxed as green space if the land remains as green space. The National Wildlife Federation has endorsed our efforts.

It is not our intent with this bill to discourage permanent preservation of land or donation of land to nonprofit conservation groups. What we hope to offer are two things. First, time. We hope to buy time. Beneficiaries often have not had time to think about the fate of any land they inherit. Faced with high tax bills, many may be forced to sell their land to developers just to get the estate settled. While the beneficiaries may not want to develop their land, they may also not want to choose permanent preservation without having time to think about possible options. Forever is a long time. I believe many people will choose the development option when forced to rapidly choose between development or permanent preservation.

My second goal is long-term preservation. I myself own woodlands in Vermont. When I originally bought this land, I thought of it as an investment. Having lived there for many years, however, I am now very attached to this land. I work hard to preserve it. Where once I might have sold this land, now I think more about preservation.

Often people inherit things that meant a great deal to the deceased, but little to them. I believe people feel the same way about land. When inherited, land is thought of as money. After all, that's how the IRS sees it. Once people spend time in their woods, or their fields, then an attachment grows. I believe some individuals will choose preservation rather than development once they have had time to enjoy the benefits of nature.

The key word in this legislation is choice. The bill would give people a choice. We, as representatives of our citizens, must make our policies consistent. Wetlands are important as are other environmentally sensitive areas. Our Tax Code must recognize this. I welcome the comments of my colleagues and others on this bill. I hope we can work together in this Congress to develop additional legislation which is both protective of the environment and economically sound.•

By Mr. MOYNIHAN (for himself, Mr. LUGAR, and Mr. GLENN):

S. 888. A bill to authorize funding for the carrying out of the functions of the United States in connection with the Great Lakes Fishery Commission; to the Committee on Foreign Relations.

VERNON C. APPLEGATE GREAT LAKES FISHERY COMMISSION ACT

• Mr. MOYNIHAN. Mr. President, I rise to introduce the Vernon C. Applegate Great Lakes Fishery Commission Act of 1991. When passed, this bill will provide increased funding for sea lamprey control in the Great Lakes and help protect a $4.5 billion fishery industry. The sea lamprey, a parasitic predator which attaches to trout and other fish, draining them of life, is reaching alarming proportions. The sea lamprey problem is an issue that I have followed for some time. I have worked almost yearly to increase or maintain adequate funding for this eradication program. The time has come again.

As many of my colleagues know, the Great Lakes Fishery Commission was established by convention between Canada and the United States in 1955 with the primary purpose of maintaining fishery resources in the Great Lakes. At the time the convention was signed, the Great Lakes fishery was suffering a serious challenge. The sea lamprey, a non-indigenous species to the Great Lakes which found its way through the Erie Canal in the latter part of the nineteenth century, had virtually destroyed the lake trout fishery of the Great Lakes.

At that time, Dr. Vernon C. Applegate, a biologist with the U.S. Fish and Wildlife Service was placed in charge of the sea lamprey research program in the Great Lakes. He established the Hammond Bay Biological Station in Michigan to undertake sea lamprey research. Dr. Applegate, a native New Yorker from Fordham, accomplished as elegant a thing as I have ever heard. By studying the life cycle of the lamprey and testing over 6,000 different chemicals, Dr. Applegate discovered a lampricide that, when applied to stream banks, killed the lamprey while still in the larval stage.

Dr. Applegate died on March 12, 1980. For his extensive work on the life history of the sea lamprey in the Great Lakes he gained worldwide recognition and acclaim as a research scientist. Because of Dr. Applegate's contributions, the sport and commercial fisheries have increased tremendously in economic value. At a time when American know-how and ingenuity seem to be at an all time low, we are all well served in recognizing and remembering Dr. Applegate and his commitment to science.

Mr. President, Dr. Applegate's research provided us with the opportunity to control this parasitic predator. We were doing fine; the first blow was half the battle. But we have let up, and we are beginning to lose the war.

The case to be made for increased funding for the Great Lakes Fishery Commission is quite simple. The Great Lakes sportfishing industry generates an estimated $4.4 billion annually in economic activity in the Great Lakes region. Great Lakes angler expenditures returned $75 million in Federal tax revenue and $160 million in State tax revenue in 1988. Each adult lamprey can destroy up to 40 pounds of fish during its life. Sea lampreys currently destroy about as many lake trout as are harvested in commercial and sport fisheries combined. Inadequate lamprey control has in the past, and could once more devastate the sport fishery of the Great Lakes.

The Great Lakes Fishery Commission has sole responsibility for lamprey control on the Great Lakes. If we do not increase their current efforts to control the lamprey, the population of this nonindigenous parasitic pedator will likely double by the year 2000. This resurgence would result in a 50 percent reduction in trout, and an annual economic loss of $1.4 billion in angler expenditures.

Mr. President, some environmentalists in this country and in Canada would like to do away with the chemical lampricide developed by Dr. Applegate. The Great Lakes Fishery Commission has indicated a willingness to research an alternative. I say fine. If some of these additional monies are properly spent on alternatives to the costly, yet effective lampricide, I encourage this research, but not at the expense of the Great Lakes fishery.

I dare say, that if Dr. Applegate was still alive, he would encourage alternative practices to the extermination of the sea lamprey. But until we have such an alternative the only sure way to control the lamprey is with lampricide, and I encourage its use.•

By Mr. PELL (by request):

S. 889. A bill to amend the African Development Fund Act to authorize consent to and authorize appropriations for the U.S. contribution to the sixth replenishment of the resources of the African Development Fund, and for other purposes; to the Committee on Foreign Relations.

AFRICAN DEVELOPMENT FUND AUTHORIZATION ACT

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to authorize consent to and authorize appropriations for the U.S. contribution to the sixth replenishment of the resources of the African Development Fund, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the general counsel of the Department of the Treasury to the President of the Senate, which was received on April 16, 1991.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the African Development Fund Act, 22 U.S.C. 290g *et seq.*, is amended by adding at the end thereof the following new section:

"SEC. 216. (a) CONTRIBUTION AUTHORIZED.—The United States Governor of the Fund is authorized to contribute $405,000,000 to the sixth replenishment of the resources of the Fund, except that such authority shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $405,000,000 for payment by the Secretary of the Treasury.".

DEPARTMENT OF THE TREASURY,
Washington, DC, March 10, 1991.

Hon. DAN QUAYLE,
President of the Senate,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, "To amend the African Development Fund Act to authorize consent to and authorize appropriations for the United States contribution to the Sixth Replenishment of the resources of the African Development Fund, and for other purposes." The draft bill would authorize the Secretary of the Treasury to take the necessary actions for the United States to participate in the recently negotiated Sixth Replenishment of the Resources of the African Development Fund (ADF).

The ADF was established in 1973 to complement the operations of the African Development Bank by providing concessional financing to the poorest African countries. Concessional lending of the ADF concentrates on those countries having a 1989 per capita GNP of $510 or less. Fund membership includes 26 non-regional donor countries. The United States joined the Fund in 1976.

By the end of December 1990, the ADF had committed all the resources made available to it in the Fifth Replenishment. The Sixth Replenishment is intended to fund credits that will be committed during the period January 1, 1991, to January 1, 1994. The Sixth Replenishment will total 2.65 billion Fund Units of Account, approximately $3.4 billion at current exchange rates. This represents a 3.5 percent real increase in the lending program. The United States agreed to maintain its 11.8 percent share of this replenishment, having achieved all of its major policy objectives during the negotiations.

Throughout the ADF Sixth Replenishment negotiations, which began in May 1990, the United States worked for measures to ensure that ADF resources are used in the most effective and efficient manner. In this regard, the United States achieved its three major policy objectives:

The bulk of Fund resources will be allocated to countries that are providing the economic environment conducive to development and growth. This will be determined by whether a country has formally established an internationally supported adjustment program. (A country will also be considered a performer if it clearly has a good policy framework and, due to its good performance, does not need an economic adjustment program.) Those countries not pursuing sound economic policies will be restricted to a core program of operations that can be implemented successfully even in the face of adverse economic circumstances and policies. In practice, these programs will involve no more than 5 percent of total Fund resources.

New Board procedures to improve loan quality were agreed upon. These procedures will allow executive directors to refer a loan to the Loan Committee for up to 3 months for further review and strengthening, on the basis of stated technical or economic concerns.

The Fund's environmental emphasis and staff will be strengthened significantly. Increased emphasis will be placed on the protection of forests and the promotion of energy efficiency and conservation. Donors urged the Fund to put in place as soon as possible an effectively functioning system for ensuring the completion of environmental impact assessments for all projects that will have a significant effect on the environment. It was agreed that the Fund would endeavor to meet this objective as soon as practicable, and if possible by December 1991, and that it would begin early consultations on this matter with other multinational development banks.

The draft bill authorizes the Secretary of the Treasury to agree on behalf of the United States to pay to the ADF $405 million for the Sixth Replenishment, and authorizes the appropriation of that amount, without fiscal year limitation, for payment by the Secretary of the Treasury.

It would be appreciated if you would lay the proposed bill before the Senate. An identical proposal has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

JEANNE S. ARCHIBALD,
General Counsel.●

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. ADAMS, Mr. WELLSTONE, and Mr. DURENBERGER):

S. 890. A bill to reauthorize the Star Schools Program Assistance Act, and for other purposes; to the Committee on Labor and Human Resources.

STAR SCHOOLS REAUTHORIZATION ACT

Mr. KENNEDY. Mr. President, today I am introducing legislation to reauthorize the Star Schools Program Assistance Act. This legislation was first authorized in 1987. Since that time the Education Department has awarded grants to 8 multistate networks which provide live interactive instruction to students in every State. These networks have provided math, science, foreign language, and other courses to thousands of schools and tens of thousands of high school students and their teachers. More and more elementary school students are receiving Star Schools courses too. By linking together remote classrooms and the best teachers, Star Schools has turned one-room school houses from Forest, MS, to Tok, AK, into windows on the best instruction in the Nation. We have truly taken satellite technology used to create star wars and used it to create Star Schools.

The reauthorization legislation I am introducing today will build on the most important elements of the Star Schools Program—our focus on underserved elementary and secondary school students. At the same time, it will extend the reach of the technology to other groups, such as children in hospitals and other institutions. And after the school day ends, learning can continue through teaching the illiterate to read and immigrants to speak English. The capacity of this technology is virtually limitless. But much of it goes unused for hours each day, when students of all ages could benefit from it. This legislation will encourage educational networks across the country to use the technology to the maximum extent possible.

American students rank below students in other nations in international tests of math and science achievement. Studies show that they they have less access to these courses than students abroad, which helps explain their poor performance. But with increased access through Star Schools, and greater focus on these subjects through the national education goals, we can close this education gap and restore excellence to our schools.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATEMENT OF PURPOSE.

Section 902 of the Star Schools Program Assistance Act (hereafter in this Act referred to as the "Act") (20 U.S.C. 4081) is amended by striking "vocational education" and inserting "literacy skills and vocational education and to serve underserved populations including the disadvantaged, illiterate, limited English proficient and disabled.

SEC. 2. PROGRAM AUTHORIZED.

Section 903 of the Act (20 U.S.C. 402) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by inserting at the end thereof the following new paragraphs:

"(2) The Secretary shall award grants pursuant to paragraph (1) for a period of 2 years.

"(3) Grants awarded pursuant to paragraph (1) may be renewed for additional 2-year periods in accordance with section 907.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "$100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992" and inserting "$50,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, 1997, and 1998";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1)(A)" and inserting "(1)"; and

(ii) by inserting "in any one fiscal year" after "$10,000,000"; and

(iii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by inserting "(A)" after "(2)";

(ii) by inserting "to the Secretary" after "available"; and

(iii) by inserting at the end thereof the following new subparagraph:

"(B) Not less than 25 percent of the funds available to the Secretary in any fiscal year under this Act shall be used for telecommunications facilities and equipment.";

(4) in paragraph (1) of subsection (d), by striking "be" and inserting "not exceed"; and

(5) by inserting at the end thereof the following new subsection:

"(e) COORDINATION.—The Department of Education and any other Federal agency operating a star schools program shall coordinate the activities assisted under such programs."

SEC. 3. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

Subparagraph (E) of section 904(a)(2) of the Act (20 U.S.C. 4083(a)(2)(E)) is amended—

(1) by amending clause (i) to read as follows:

"(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through cable, telephone, or computer; and";

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

SEC. 4. APPLICATIONS.

Section 905 of the Act (20 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by inserting at the end thereof the following new paragraphs:

"(2) The Secretary shall permit applicants for funds under this Act and applicants for funds under the Classrooms of the Future Act to submit a single application for assistance.";

(2) in subsection (b)—

(A) in subparagraph (G) of paragraph (1), by—

(i) striking "elementary and secondary school teachers (particularly teachers in schools receiving assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965) in" and inserting "instructors who will be"; and

(ii) inserting "in using such facilities and equipment, and in integrating programs into the class curriculum" after "sought";

(B) in paragraph (2)—

(i) by striking "describe,";

(ii) by inserting "describe" after "instructional programming,"; and

(iii) by inserting "and provide assurances that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level" after "training";

(C) in paragraph (3), by inserting "(in accordance with section 907)" after "languages,";

(D) in paragraph (4), by striking "teacher";

(E) in paragraph (6)—

(i) by striking "the facilities" and inserting "any facilities";

(ii) by striking "will be made available to" and inserting "for"; and

(iii) by inserting "will be made available to schools" after "schools";

(F) in paragraph (7)—

(i) by inserting "(including students who are disadvantaged, limited English proficient, disabled, or illiterate)" after "students"; and

(ii) in paragraph (7), by inserting "using existing telecommunications equipment, where available" before the semicolon;

(G) by striking "and" at the end of paragraph (8);

(H) by redesignating paragraph (9) as paragraph (11); and

(I) by inserting after paragraph (8) the following new paragraphs:

"(9) if the applicant is submitting an application pursuant to subsection (a)(2), describe how funds received pursuant to this Act will be coordinated with funds received under the Classrooms for the Future Act;";

(10) describe the activities or services for which assistance is sought, including activities and services such as—

"(A) making programs accessible to individuals with disabilities through mechanisms such as closed captioning, to the maximum extent feasible;

"(B) linking networks together, for example, around an issue of national importance such as elections;

"(C) sharing curriculum materials between networks;

"(D) providing teacher and student support services;

"(E) incorporating community resources such as libraries and museums into instructional programs; and

"(F) providing teacher training to early childhood development and Head Start teachers and staff.".

(3) in subsection (c)—

(A) in paragraph (1), by inserting "in the case of an applicant who has not previously received funds under this Act," after "(1)";

(B) in paragraph (3)—

(i) by striking "public and private" and inserting ", in the case of elementary and secondary schools, those";

(ii) striking "(particularly schools)"; and

(iii) striking "1965)" and inserting "1965";

(C) by striking "and" at the end of paragraph (6);

(D) by redesignating paragraph (7) as paragraph (8);

(E) by inserting after paragraph (6) the following new paragraph:

"(7) a telecommunications company (such as a cable, telephone, computer, or public or private television network) will participate in the partnership and will donate in-kind equipment for telecommunications linkages; and"; and

(F) in paragraph (8) (as redesignated in subparagraph (D), by inserting "in the case of an applicant who has not previously received funds under this Act," before "the eligible".

SEC. 5. CONTINUING ELIGIBILITY.

The Act (20 U.S.C. 4081 et seq.) is amended—

(1) by redesignating section 907 as section 908; and

(2) by inserting after section 906 the following new section 907:

"CONTINUING ELIGIBILITY

"SEC. 907. (a) IN GENERAL.—In order to be eligible to renew a grant under section 903(a)(3) in any fiscal year, an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 905 that such partnership will—

"(1) continue to provide services in the subject areas and geographic areas assisted with funds received under this Act in previous fiscal years; and

"(2) use all such grant funds to provide expanded services by—

"(A) increasing the number of students, schools or school districts served by the courses of instruction assisted under this Act in previous fiscal years;

"(B) providing new courses of instruction; or

"(C) serving new populations of underserved individuals, including children or adults who are disadvantaged, have limited English proficiency, are disabled, are illiterate, lack high school diplomas or their equivalent, individuals who are incarcerated or older individuals.

"(b) SPECIAL RULES.—

"(1) IN GENERAL.—Grant funds received pursuant to the application of subsection (a)—

"(A) shall be used to supplement and not supplant services provided by the recipient under this Act in previous fiscal years; and

"(B) may be used to provide programs for adults at times other than the school day in order to maximize the use of telecommunications facilities and equipment.

"(2) AMERICANS WITH DISABILITIES ACT.—Nothing in this Act shall be construed to reduce the rights and protections provided to individuals with disabilities under the Americans With Disabilities Act or the Individuals With Disabilities Education Act.".

Mr. SIMON. Mr. President, I am pleased to join the Senator from Massachusetts in sponsoring the Star Schools Program Assistance Act. Since 1987, this program has provided funds for distance learning, which opens doors that have been shut to students in many remote areas.

Technology usually makes our world smaller, but Star Schools makes the world bigger and brighter for students whose educational opportunity would otherwise be limited. Distance learning gives students access to important subjects—including foreign languages, math, and science—by using satellites to hook up remote schools to other schools and/or teachers. For example, Star Schools allows students in McComb, IL, to study Japanese and marine science.

Earlier this year, I had the opportunity to observe Star Schools technology firsthand by visiting with French classes in several Illinois towns simultaneously.

This legislation will allow us to increase the number of people who have access to Star Schools. It would become available to disabled and homebound children; illiterate adults; hospital-bound or institutionalized adults; limited English proficient individuals, including immigrants; the incarcerated; and the elderly.

Under this reauthorization proposal, Star Schools funds could also be used to make programs accessible to individuals with disabilities through closed-captioning, and to provide teacher training to Head Start and other early childhood development teachers.

Clearly, it is in the best interest of our students—and our Nation—to continue and to expand this innovative program.

• Mr. COCHRAN. Mr. President, I am pleased to join as an original cosponsor of legislation to extend the Star Schools Program. This program has brought state-of-the-art technology to many poor, rural school districts across the country. Through satellite and interactive communication technology, young people are afforded an opportunity to study subjects which were previously not available to them because of the lack of teachers to teach the subjects and the high cost of providing these classes to relatively small numbers of students. In Mississippi, Star Schools classes have given students in some of the Nation's poorest school districts an opportunity to study, and I might add, excel in such subjects as Japanese and very advanced mathematics.

The Star Schools Program is designed to improve instruction in underserved areas in math, science, foreign language, and other subjects such as vocational education, by working with a classroom teaching partner to provide top quality course instruction. Changes made by the Star Schools Assistance Act of 1991, do not change the focus of the program, but expand the program to reach more disadvantaged populations and to make better use of downtime when communications technologies are generally not in use by encouraging a broader range of instructional programming such as literacy skills and classes for homebound disabled students.

This reauthorization legislation maintains the current requirement that at least 50 percent of the funds must be used for programs in elementary and secondary schools serving children eligible for chapter 1 services. Each grantee must use at least 25 percent of the funds for programming and at least 25 percent for equipment and telecommunications facilities. Teacher training programs remain an integral component of the program.

An important change made by the Star School Assistance Act of 1991 will allow previously funded consortia to apply for additional years of funding provided that those grantees agree to expand services to more schools or a broader range of students. The Department of Education has completed two rounds of competitions, making a total of eight awards to consortia serving students in every region of the country. Rather than continue to make all new awards, it seems to make more sense to me to allow those that have already developed successful prototypes to expand their networks to offer more students an opportunity to enriching educational courses.

I am encouraged that the administration has requested funding for the Star Schools Program in fiscal year 1992 and am hopeful that funding levels will increase to match the tremendous need for math, science, foreign language, and other subjects in underserved areas.

The Star Schools Program has been a remarkable success in Mississippi, and I am pleased to join with Senator KENNEDY in introducing legislation which will not only extend the life of the program but strengthen it.•

By Mr. MACK (for himself, Mr. BREAUX, Mr. D'AMATO, Mr. STEVENS, Mr. BURNS, Mr. INOUYE, and Mr. KERRY):

S. 891. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests; to the Committee on Finance.

CANCER SCREENING INCENTIVE ACT

Mr. MACK. Mr. President, I rise today to introduce along with Senator BREAUX, the Cancer Screening Incentive Act of 1991. Before I discuss the details, let me give you a little background about what motivated me to introduce this legislation.

In 1979, my younger brother Michael died of cancer at the age of 35. My brothers, Michael and Dennis, and I all were in college together, we were in high school together, we were in grade school together, we were fraternity brothers; we were very, very close. Michael was quite a scholar. He graduated No. 1 in his class at the University of Florida Law School with high honors. He was only 35 when he died.

In my own experience, just 2 years ago, I was diagnosed with a malignant melanoma. But because we caught it as early as we did, I am one of those individuals who can say with a great deal of conviction that early detection and prompt treatment saves lives.

The end result of having this kind of experience is the realization that if we would do something in this country which we have talked about for a long time, we could save even more lives. We must move toward preventive medicine. That is exactly what the Cancer Screening Incentive Act of 1991 does.

Our bill provides a tax incentive for all Americans, and particularly low-income and uninsured Americans, to take advantage of early detection procedures available, thereby saving lives and reducing the long-term private and Federal health care costs associated with treating cancer. The key element of this legislation is to provide a refundable tax credit of up to $250—depending upon income level—for each taxpayer, their spouse, and dependents. For taxpayers in the higher tax bracket, the credit would be up to $200 per eligible individual.

Certain qualifying procedures such as mammograms, Pap tests, and colon screening examinations have been identified. The Secretary of Health and Human Services, in consultation with cancer research and prevention organizations, would develop the guidelines by which taxpayers may utilize the cancer screening tax credit. This will include other qualifying procedures, as well as any appropriate age and frequency restrictions.

As you know, Mr. President, cancer knows no socioeconomic boundary. Studies show that low-income Americans are at a greater risk for developing cancer and dying from cancer than middle- and upper-income Americans. These individuals are also least likely to have health insurance which covers early detection tests. Under our bill, individuals whose household income is no more than 150 percent of the Federal poverty threshold would receive early detection exams at no cost to the patient. Medical providers would be eligible for tax credits at a reimbursement rate to be determined by the Health Care Financing Administration.

The need for Americans to take advantage of the medical technology to detect cancer at an early stage is irrefutable. For example, in the time it takes me to complete this statement, at least one American will die from complications associated with cancer. Just last year, we were told that 1 in every 10 women will develop breast cancer at some time in her life. This year, that number has increased to one in nine.

This year, approximately 1.1 million people will be diagnosed with cancer. Of these, 73,000 will come from my home State of Florida. As a matter of fact, Florida has the third highest rate of new cancer cases in the United States. It is also a grim fact that Florida has the third highest rate of death from cancer of all States and U.S. territories.

Mr. President, we are making significant progress. At the beginning of this century, few cancer patients had any hope of survival. In the 1930's, less than one in five Americans were alive 5 years after treatment. Today, 440,000, or about 40 percent of all patients who get cancer this year will be alive 5 years after diagnosis. Even more significantly, the American Cancer Society estimates that 79,600 lives could be saved through early detection and prompt treatment.

Mr. President, this bill recognizes that early detection is the key to saving lives. In saving lives, it will also save the catastrophic costs to individuals and families associated with treatment of cancer. On an individual basis, the few dollars spent on prevention will save the thousands required to treat cancer in later stages. It is indeed tragic when any life is lost, but it is even more tragic when the death could have been prevented.

This bill is not a panacea. It is not the definitive answer to address the wide-sweeping issues of cancer prevention. Research, education, early detection, and prompt treatment are the keys to saving lives. But, I believe this legislation tells Americans that Congress believes in the importance of preventive health care and that we want to encourage them to take health care into their own hands.

In my travels around the State of Florida, where I have sought out oncology centers, research centers, public and private hospitals, teaching hospitals—all different facets of health care—I have learned some very interesting statistics.

But probably the most moving fact I learned was when I met with a group of volunteers from the Florida division of the American Cancer Society. They told me something which I thought was rather astounding. We could increase the cure rate for cancer in this country from 50 percent, where it is today, to 75 percent without one single additional technological breakthrough.

That is, we do not need a more powerful linear accelerator; we do not need to have some massive breakthrough in gene transplants or changes in DNA. All we really need to do is make the people of our Nation aware of the fact that there are early detection procedures that are available to them today, and get them to take advantage of them.

The American Cancer Society estimates that through early detection and prompt treatment, we could save almost 80,000 lives each year. Think about that: almost 80,000 lives per year without one single additional technological breakthrough.

So again, the purpose of this legislation, the bottom line, is to save lives. We believe the way to do this is to provide a tax credit that will encourage all Americans to take advantage of the early detection procedures that already exist out there.

Mr. President, early detection is the heart of this legislation. By providing a tax incentive for Americans to take advantage of early detection procedures, tens of thousands of lives can be saved each year. The American Cancer Society supports this legislation as "a new and promising approach to making cancer early detection tests more available to all Americans * * *"

I must say again, from my own experience, I know that we will save lives, and we will also save a great deal of pain and suffering on the part of our friends, families, and loved ones.

Congress has long advocated early detection and preventive medicine. It's time to quit talking and do something about it.

Mr. President, I send to the desk a copy of the bill and ask unanimous consent that the bill, along with a letter from Dr. Gerald M. Dodd, president of the American Cancer Society, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cancer Screening Incentive Act of 1991".

SEC. 2. FINDINGS.

The Congress finds:

(1) Studies have shown that early detection and screening for cancer can reduce cancer morbidity by as much as 50 percent for certain types of cancer.

(2) Of the 1.1 million Americans diagnosed with cancer in 1991, the American Cancer Society estimates that 79,600 deaths could be

avoided through early detection and prompt treatment. This includes 26,000 deaths from breast cancer, 51,000 deaths from colo-rectal cancer, and 2,600 deaths from cervical cancer.

(3) Physicians report that concern about the costs of early detection procedures is one of the main reasons for hesitating to order such procedures.

(4) Many low-income Americans lack comprehensive health insurance coverage and the majority of existing health insurance policies do not adequately cover the costs of cancer early detection and screening procedures.

(5) Socioeconomically disadvantaged Americans are disproportionately affected by cancer in terms of incidence and mortality.

(6) Demographic forecasts predict that the elderly population will double by the year 2020. Since cancer mortality and incidence rates rise dramatically with age, cancer prevention in the elderly population will become increasingly important.

SEC. 3. CANCER SCREENING CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. CANCER SCREENING TEST CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year expenditures paid or incurred during the taxable year for any qualified cancer screening test which is included in the list under subsection (c) and which is not compensated by insurance or otherwise, as follows:

"(1) ELIGIBLE INDIVIDUAL.—In the case of an eligible individual, the amount of the credit allowable under this subsection shall not exceed—

"(A) $250, or

"(B) $200 in the case of a taxpayer with taxable income for the taxable year in excess of the maximum rate of taxable income to which the 15-percent rate applies under the applicable table under section 1.

"(2) QUALIFIED CANCER SCREENING PROVIDER.—In the case of a qualified cancer screening provider, the amount of the credit allowable under this subsection shall be an amount equal to the product of—

"(A) the lower of—

"(i) the usual and customary charges for qualified cancer screening tests, or

"(ii) the rate of payment established by the Health Care Financing Administration for qualified cancer screening tests, multiplied by—

"(B) the number of qualified cancer screening tests provided without charge during the taxable year to qualifying low-income individuals.

"(b) DEFINITIONS.—For purposes of subsection (a)—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is—

"(A) the taxpayer,

"(B) the taxpayer's spouse, or

"(C) any individual for whom the taxpayer is allowed an exemption under section 151.

"(2) QUALIFIED CANCER SCREENING PROVIDER.—The term 'qualified cancer screening provider' means a medical practitioner, facility, hospital, laboratory, or similar institution licensed under State law to provide 1 or more qualified cancer screening tests.

"(3) QUALIFYING LOW-INCOME INDIVIDUAL.—The term 'qualifying low-income individual' means an individual—

"(A) whose income level does not exceed 150 percent of the official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, and

"(B) with respect to whom identifying information is maintained.

"(c) QUALIFIED CANCER SCREENING TESTS.—

"(1) IN GENERAL.—For purposes of this section, the Secretary, after consultation with the Secretary of Health and Human Services and cancer research and prevention organizations, shall publish, not later than December 31, 1991, and annually thereafter, a list of cancer screening tests which qualify for the credit allowable under this section.

"(2) CANCER SCREENING TESTS.—The list of cancer screening tests which qualify under this section shall include at least the following tests:

"(A) Physical breast examination and mammogram for female breast cancer.

"(B) Digital rectal examination, proctosigmoidoscopy, and blood stool test for colon and rectum cancer.

"(C) Rectal examination for prostate cancer.

"(D) Pap test for uterine cancer.

"(E) Pelvic examination for ovarian cancer.

"(d) IDENTIFYING INFORMATION.—No credit shall be allowed under this section unless the qualified cancer screening provider maintains, to the satisfaction of the Secretary, adequate records regarding the name and address, date of testing, and type of test provided with respect to each qualifying low-income individual with respect to whom a credit is claimed."

(b) COORDINATION WITH DEDUCTIONS FOR MEDICAL EXPENSES.—Section 213(f) of such Code (relating to coordination with health insurance credit under section 32) is amended—

(1) by inserting "and the amount (if any) of the cancer screening test credit allowable to the taxpayer for the taxable year under section 35(a)(1)" before the end period; and

(2) by inserting "AND CANCER SCREENING TEST CREDIT UNDER SECTION 35" in the heading after "SECTION 32".

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting:

"Sec. 35. Cancer screening test credit.
"Sec. 36. Overpayments of tax."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

AMERICAN CANCER SOCIETY,
Washington, DC, April 11, 1991.

Hon. CONNIE MACK,
Hon. JOHN BREAUX,
U.S. Senate, Washington, DC.

DEAR SENATORS MACK AND BREAUX: On behalf of the American Cancer Society, I want to commend you for your commitment, initiative and leadership in efforts to address the problem of access to known, effective cancer screening modalities by all Americans, including the socioeconomically disadvantaged. In the "Cancer Screening Incentive Act of 1991" you have created a new and promising approach to making cancer early detection tests more available to all Americans through tax incentives for those who are able to take advantage of them, as well as to health care providers to make available screening tests to those Americans who do not have the resources for the initial outlays required. For these reasons, the American Cancer Society supports your legislation.

Major advances in diagnosis and treatment of cancer have led to improved survival rates from most cancers over the past two decades. Yet, the American Cancer Society estimates that of the 1,100,000 people diagnosed with cancer in 1991, 79,600 deaths could be avoided through early detection and prompt treatment—51,000 from colonrectal cancer, 26,000 from breast cancer and 2,600 from cervical cancer. Your legislation would improve access to tests that would prevent many of these deaths in the future.

Importantly, socioeconomically disadvantaged Americans have higher incidence rates of cancer because of lifestyle and other factors. It is disturbing to note that nearly 39 million Americans now living below the poverty level have a relative cancer survival rate of 10 to 15 percent below the average American. In general, we expect 50 percent of cancer patients to survive their disease. But poor Americans—23 million whites, 9.6 million Blacks, 5.1 million Hispanics and 1.8 million people of other races—are much more vulnerable and more likely to die, in part because they cannot afford to access the health care system.

Establishing a tax credit for individuals and health care providers to help offset the costs of cancer screening examinations will provide a real opportunity to improve access to such tests for millions of Americans that could not otherwise afford them. As you are aware, the American Cancer Society is committed to providing cancer care access for all Americans, and we believe that the "Cancer Screening Incentive Act of 1991" provides an interesting new approach to this problem.

We commend your efforts, and look forward to working with you on this legislation. If you or your staff have any questions or require our assistance, please contact John H. Madigan, Jr. or Kerrie B. Wilson of our National Public Affairs office at (202) 546-4011.

Sincerely,
GERALD D. DODD, M.D.,
President.

• Mr. BREAUX. Mr President, I rise today to join my friend and colleague, Senator MACK in introducing the Cancer Screening Incentive Act of 1990.

This legislation has two essential provisions. The first would give a refundable tax credit of up to $250 to taxpayers and their dependents who undergo certain cancer screening and early detection procedures. We hope to encourage many Americans who are at risk of certain kinds of preventable and treatable cancers to go to their doctors and have tests done.

The second part of the bill would make a small credit available to health care providers for the costs they incur in providing screening services to low-income individuals. We have included this new provision so that very low income Americans can also benefit from what we are trying to do. The very poor are not likely to be able to afford the up front costs of screenings, so would not be likely to qualify for the credit. The services would be free to the individual and the amount of the credit for health care providers would be determined by the Department of

Health and Human Services, based on what Medicare pays for similar services.

The American Cancer Society estimates that of all the people who will be diagnosed with cancer in the United States in 1991, something like 100,000 more would survive if their cancers had been detected in a localized stage and treated promptly. Currently, due to the high expense of certain routine screeing procedures, and the lack of insurance that covers the costs of early detection procedures, many Americans do not follow the guidelines suggested by the American Cancer Society and the National Cancer Institute.

In addition to saving tens of thousands of lives, proper cancer screening and treatment procedures would generate long-term savings to the Federal Government's health care programs and to private payors of the costs of health care.

In Louisiana this year an estimated 9,000 people will die from cancer and 19,100 cases will be reported. Many of those who might otherwise die could be saved by undergoing some simple early detection tests as part of routine visits to their doctor's office. We hope to encourage people who do not have insurance coverage or otherwise could not afford to pay for screening to go in for testing.

I would like also to commend Senator MACK for his good work on this issue. I know it is a very personal and deeply felt concern of his.•

• Mr. D'AMATO. Mr. President, I rise today to join my colleagues, Senators MACK and BREAUX, in introducing the Cancer Screening Incentive Act of 1991. This lifegiving legislation will make early cancer detection tests available to every American.

Despite recent advances in our war against cancer, this horrible disease remains the second leading cause of death in the United States. During the 1980's, cancer claimed the lives of over 4.5 million Americans. Of the 248 million Americans now living, approximately 76 million—or one in three—will eventually have cancer.

These figures underscore the vital importance of early cancer detection and treatment. Procedures such as mammography, the Pap test, and fecal occult blood tests make it possible to identify and treat cancers before they spread. The American Cancer Society estimates that, through expanded early detection and treatment, 79,600 cancer deaths could be avoided in 1991 alone.

Unfortunately, far too few Americans receive appropriate early cancer detection tests. In 1987, only 25 percent of women over 50 reported having a mammogram within the preceding 2 years. The Public Health Service, in its Healthy People 2000 Report, urges increased use of mammogram screening so that at least 60 percent of women over 50 receive such tests every 2 years by the year 2000. In addition, the Public Health Service has targeted a 13-percent increase in the use of Pap tests, and an 85-percent increase in fecal occult blood testing by the year 2000.

The Cancer Screening Incentive Act of 1991 will help us reach these goals by offering a refundable tax credit of up to $250 against the costs of certain cancer screening procedures. For those who fall outside the 15 percent marginal tax rate, our bill provides a credit of up to $200. Our bill will also increase access to cancer screening among low-income Americans by ensuring that individuals whose family income is below 150 percent of the poverty level receive cancer screening procedures at no cost. Medical providers who offer tests to these individuals would be eligible for a modest tax credit at a rate to be determined by the Health Care Financing Administration.

No American should be denied access to early cancer screening procedures simply due to their cost, or because of the lack of adequate health insurance. The enactment of the Cancer Screening Incentive Act of 1991 will remove, for all Americans, the barriers to these lifesaving procedures.

I encourage my colleagues to join in support of this important legislation, and I urge its immediate passage.•

By Mr. METZENBAUM:

S. 892. A bill to amend title 15, United States Code, to authorize the Consumer Product Safety Commission to regulate the risk of injury associated with firearms; to the Committee on Commerce, Science, and Transportation.

GUN SAFETY ACT

Mr. METZENBAUM. Mr. President, I rise today to introduce legislation that will provide protection to persons who use firearms. We all know that a firearm is a deadly weapon, and as such is inherently dangerous. But like any consumer product, it is possible to make firearms in such a way so that the risk of injury to the person using the gun is diminished.

That is what we currently do with other consumer products. Why not guns? Do persons who purchase firearms for lawful purposes not deserve the same degree of protection as purchasers of other consumer products? If pharmaceutical companies, toy manufacturers, and other producers of household goods are able to protect consumers from accidental injury, why shouldn't gun manufacturers do the same?

I have long been concerned with the large number of people killed or injured in accidental shootings. Some time ago I asked the General Accounting Office to undertake a study of accidental firearms deaths and injuries. They have recently concluded that study.

The GAO found that in 1988 over 1,500 people were killed by accidental discharges of firearms; 277 of these were children. For every death from an accidental shooting, GAO found that there are 105 injuries. That means if 1,500 people are killed each year from accidental shootings, another 150,000 people are injured from accidental discharges from firearms.

I asked GAO to look at how these accidental shootings might be prevented by the addition of certain safety devices to firearms. GAO reports that 31 percent of the deaths from accidental shootings that they looked at could have been prevented by the addition of two safety devices. In 8 percent of the shootings, guns were fired by children under age 6. These tragic deaths could have been prevented if the guns had been equipped with a childproof safety device. For years we have done that with aspirin bottles. Why not guns?

In 23 percent of the shootings, GAO found that the gun was fired by a person who mistakenly believed it was unloaded. This could have been prevented if the gun was equipped with a loading indicator, that would clearly indicate if there are bullets in the gun.

GAO tells us that, of the over 1,500 deaths and over 150,000 injuries from accidental shootings each year, nearly one-third could be prevented by the addition of two safety devices. So why aren't gun manufacturers required to include these safety devices on their products? The simple answer is that the Federal agency with the responsibility for product safety, the Consumer Product Safety Commission, has no authority to regulate the safety of firearms. In fact, firearms are specifically excluded from the definition of consumer product, under the Consumer Product Safety Act. No other Federal agency is charged with monitoring firearm safety.

I believe that gunowners and their families are entitled to the same protection as consumers of any other product. The legislation I introduce today would simply do that. It would include firearms in the definition of consumer product, and give the Consumer Product Safety Commission the authority to regulate the risk of injury associated with firearms. This bill is not an attempt to ban firearms, something I have been accused of in the past. The bill makes clear that the Consumer Product Safety Commission would not have the authority to ban firearms. Instead it would allow the Consumer Product Safety Commission to treat guns like other consumer products, and ensure that they are manufactured as safely as possible.

The Consumer Product Safety Commission has authority to regulate virtually all consumer products, most of which are far less dangerous than firearms. Cigarette lighters, for example, are regulated by the Consumer Product

Safety Commission, and I'm sure that's a good thing. But certainly the risk of injury is clearly greater from accidentally firing a gun, than from lighting a cigarette lighter. Why regulate the risks associated with cigarette lighters, but not with guns?

As the GAO has found, the number of accidental deaths and injuries from guns is both alarming and unnecessary. This risk can be greatly reduced if we place the same emphasis on the safety of guns as we do on any other consumer product. I ask that the entire report by the GAO be placed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[U.S. General Accounting Office, Report to the Chairman, Subcommittee on Antitrust, Monopolies, and Business Rights, Committee on the Judiciary, U.S. Senate, March 1991]

ACCIDENTAL SHOOTINGS: MANY DEATHS AND INJURIES CAUSED BY FIREARMS COULD BE PREVENTED

GENERAL ACCOUNTING OFFICE,
Washington, DC, March 19, 1991.

Hon. HOWARD METZENBAUM,
Chairman, Subcommittee on Antitrust, Monopolies, and Business Rights, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: At your request, we examined the extent to which certain safety devices could prevent firearms-related deaths. Specifically, we examined the proportion of accidental deaths that might have been averted by two technological modifications to firearms: a child-proof safety device that automatically engages and a device that indicates whether a gun is loaded. We also looked at injuries caused by accidental firearm discharges, for which we developed new information.

This report presents the findings of our research, which shows that the two safety devices could potentially save many lives and would undoubtedly also prevent many injuries. We also present information on the likely number of individuals injured in accidental shootings and discuss a range of alternatives for dealing with this public health problem.

As we arranged with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from its date. At that time, copies of the report will be sent to the Chairman of the Consumer Product Safety Commission, and we will make copies available to others upon request.

If you have any questions or would like additional information, please call me at (202) 275-1854 or Robert York, Acting Director of Program Evaluation in Human Services Areas, at (202) 275-5885. Other major contributors to this report are listed in appendix IV.

Sincerely yours,

ELEANOR CHELIMSKI,
Assistant Comptroller General.

EXECUTIVE SUMMARY

Purpose

In 1988, some 1,501 people were killed in the United States by accidental discharges of firearms, and many more were injured. Among those killed were 277 children under age 15.

Concerned about these accidental shootings, the Chairman of the Subcommittee on Antitrust, Monopolies, and Business Rights of the Senate Committee on the Judiciary asked GAO to examine the extent to which certain safety devices could prevent such deaths or injuries. Specifically, GAO was asked to examine the proportion of accidental firearms fatalities that might have been prevented by two types of technological modifications to firearms: a child-proof safety device that automatically engages and a device that indicates whether a gun is loaded. GAO also examined nonfatal injuries, in an effort to establish the totality and costs of deaths and injuries from accidental firearm discharges as well as the relative size of fatal accidents vis-a-vis that totality.

Background

The debate over firearms policy receives nationwide attention on a continuing basis, but only rarely has that debate focused on firearms as consumer products. Nonetheless, one recommendation that has been made is the guns be treated like other consumer products. Some have proposed making guns safer so as to reduce the number of accidental firearms discharges resulting in injuries and deaths. This proposal is in line with efforts aimed at improving the safety of a variety of consumer products implicated in accidental injuries and deaths. However, the Consumer product Safety Commission, the primary federal agency with responsibility for product safety, is not allowed to take action that will restrict the manufacture or sale of firearms. No other agency is explicitly charged with monitoring firearms safety.

Firearms are the fourth leading cause of accidental deaths among children 5 to 14 years old and the third leading cause of accidental deaths among 15- to 24-year-olds. Across all age groups, accidental shootings are the sixth leading cause of potential years of life lost because of accidents.

Results in Brief

From a nationally projectable sample, GAO estimates that 31 percent of accidental deaths caused by firearms might be prevented by the addition of two safety devices. Of the 107 accidental firearms-related fatalities GAO examined for calendar years 1988 and 1989, 8 percent could have been prevented had the firearms been equipped with a child-proof safety device. (This 8 percent represents instances in which children under the age of 6 accidentally shot and killed themselves or other persons.) In an additional 23 percent of the cases, people accidentally shot and killed themselves or others with firearms they thought were unloaded. These deaths could have been prevented by a loading indicator.

Although it has long been assumed that far more injuries than deaths occur from accidental discharges of firearms, no information has been available on the actual number of injuries. GAO examined data on accidental shootings in 10 cities and found that in 1988 and 1989, these areas had a ratio of 105 injuries for each death (that is, more than 100 to 1). Although this estimate, based on a judgmental sample, cannot be generalized to the country as a whole, it is nevertheless reasonable to infer from it that the number of accidental injuries from firearms nationwide is substantial and far exceeds the number of fatalities.

GAO's Analysis

Prevention of Accidental Deaths and Injuries

About 1 of every 3 deaths from accidental firearm discharges could be prevented by a firearms safety device. From data in autopsy and police reports, GAO determined the numbers of accidental firearm deaths in 1988 and 1989 that (1) could have been prevented and (2) could not have been prevented by either of the two safety devices studied. GAO examined 107 total deaths from accidental firearm discharges. In that sample of fatalities, 34 could have been prevented by safety devices; 52 could not have been. Not enough data were available to determine whether the other 21 were preventable.

A child-proof safety device (that is, one that prevents the trigger from accidentally being engaged) could have prevented all the accidents in which children under the age of 6 killed themselves or others (8 percent of the total). However, according to experts in pediatric injuries, including experts with research experience in firearms, a child-proof safety device on a firearm (whether based on the child's strength, cognitive skills, or both) could reliably be expected to deter only children under the age of 6.

A safety device that indicates whether a firearm is loaded could have prevented another 23 percent of the deaths. Many accidental deaths caused by firearms, other than those affecting children, involve uncertainty about whether the weapon is loaded. For example, one might empty a firearm but not notice that a round remains in the chamber, one might typically leave a weapon unloaded and so assume that it is always unloaded, or one might pull the trigger several times without discharge (dry-firing) and so assume the chamber to be empty even though it is not.

Other accidental deaths GAO examined were not considered preventable by these devices. For example, death can be caused by a gun that discharges when it is accidentally dropped or falls from its storage location or by a hunter mistakenly believing he or she is shooting at game.

From our sample, we can project that about 458 (plus or minus 89) of the 1,501 deaths in 1988 could have been prevented by either a child-proof device or a loading indicator device. In addition to the lives that could be saved, there are medical expenses and other economic costs to society that would not occur were these deaths to be prevented. Averting 458 deaths would avoid costs estimated to exceed $170 million.

According to statistics maintained by the National Center for Health Statistics, the number of deaths annually caused by accidental firearm discharges has generally been decreasing, ranging from 1,955 deaths in 1980 to 1,501 deaths in 1988. This is a decline of 23 percent over 8 years. However, no national data have been maintained on the number of injuries caused by accidental firearm discharges. In fact, few police departments maintain records on injuries caused by firearms. GAO identified 10 cities whose police departments maintain such data. These cities had populations ranging from about 93,000 to over 1 million.

The police data GAO examined showed that there were 527 injuries and 5 deaths from accidental shootings in 1988 and 1989. Thus, across these 10 cities, the ratio of nonfatalities to fatalities was about 105 to 1.

An estimate of the overall costs associated with unintentional firearm injuries and deaths can be derived by combining the incidence data with information on the cost of injuries. If there were 1,500 deaths and some 12,000 hospitalizations (less than one tenth the number of injuries estimated from our sample) from accidental shootings every year, that would translate into an estimated lifetime cost, each year, of close to $1 billion.

Recommendation

The number of individuals being injured and killed each year in accidental shootings is substantial. GAO has determined that two technologies—child-proof safeties and loading indicators—show promise for reducing the number of deaths and injuries. However, obstacles remain to realizing this promise and, in addition, other approaches (for example, training gun owners or limiting access to firearms) may be equally or more effective.

The human, economic, and public health costs of these shootings to the victims, their families, and society are considerable. The magnitude of the problem requires that all possible efforts be made to reduce the number of accidental shootings.

The Consumer Product Safety Commission, the primary federal agency with responsibility for product safety, is currently not allowed to take any action that might restrict the availability of firearms to the consumer. GAO recommends that the Consumer Product Safety Act be amended to clearly establish that the Consumer Product Safety Commission can regulate the risk of injury associated with firearms.

Agency Comments

GAO did not request comments on a draft of this report.

CHAPTER 1—INTRODUCTION

A 4-year-old boy shoots his 2-year-old brother with the .22-caliber pistol he finds under the seat of his father's pickup truck. A 10-year-old finds a .38-caliber revolver in a dresser drawer. He does not think it is loaded and accidentally kills his 8-year-old sister while playing with the gun.

These and similar incidents highlight an issue of concern: accidental injuries and deaths from firearms. Currently in the United States, about 1,500 people die each year from accidental shootings, and an unknown number of people are injured. Firearms are the fourth leading cause of accidental deaths among children 5 to 14 years old and the third leading cause of accidental deaths among 15- to 24-year-olds. Across all age groups, accidental shootings are the sixth leading cause of potential years of life lost from accidents.[1] Some 277 children under age 15 were killed in accidental shootings in 1988.

The Chairman of the Subcommittee on Antitrust, Monopolies, and Business Rights of the Senate Committee on the Judiciary requested that we undertake a study to try to estimate the number of deaths and injuries that might be prevented by two possible technological modifications to firearms: child-proof safeties that would automatically engage and loading indicators that would show when a live round was in the chamber, ready to be fired.

In response to this request, we conducted a study to examine the magnitude of the problem of unintentional firearms injuries and to estimate the effect of the two proposed technological modifications in preventing such accidents.

Background

The debate over firearms policy receives nationwide attention on a continuing basis. Most of this debate has focused on issues of gun ownership, such as waiting periods for purchase, backgound checks, gun licensing, and banning certain types of weapons. These issues generally focus on problems with the illegal use of firearms versus rights of gun ownership for protection and recreation.

Absent from most of the gun control debate is a discussion of firearms as consumer products. One recommendation that some researchers in public health have made is that guns be treated like other consumer products. That is, they propose that steps be taken to make guns safer to at least reduce the number of injuries and deaths resulting from the accidental discharge of firearms. This proposal is in line with efforts aimed at improving the safety of a variety of consumer products implicated in accidental injuries and deaths, including automobiles, toys, and poisonous substances. The federal government has increasingly played a role in mandating changes to products to improve their safety. However, the Consumer Product Safety Commission, the primary federal agency with responsibility for product safety, is not allowed to take action that will restrict the availability of firearms to the consumer. No other agency has been charged with monitoring the public health risks firearms may entail.

This report looks at the probable efforts of two specific suggestions from the public health literature for improving the safety of firearms: child-proof safeties and loading indicators.

Accidental Shootings

As mentioned above, shootings are among the leading causes of accidental deaths, particularly among young people. It should be noted that accidental shooting deaths represent only a small proportion of the total number of people injured and killed by firearms each year. The majority of deaths from fireams (56 percent) are suicides, with homicides accounting for most of the remainder (39 percent). Only 5 percent of firearms-related deaths each year are caused by accidental shootings.

Nonetheless, the number accidentally injured or killed by firearms may represent a substantial number of cases. While data on the number of fatalities are available, there is little information on the number of injuries caused by accidental shootings. And, despite attention to the issue of firearm accidents by public health researchers, there is little in the way of empirical evidence on the circumstances of accidents involving firearms, so not much is known about the details of those shootings.

National data are available on the number of deaths caused by unintentional shootings. The National Center for Health Statistics annually collects national data for all causes of death. Numbers for the years 1980–88 are shown in table 1.1. No comparable information is available for nonfatal injuries.

TABLE 1.1.—UNINTENTIONAL FIREARM DEATHS AND INJURIES 1980–88

	1980	1981	1982	1983	1984	1985	1986	1987	1988
Deaths	1,955	1,871	1,756	1,695	1,688	1,649	1,452	1,440	1,501
Nonfatal injuries	NA	NA	NA	NA	NA	NA	NA	NA	NA

As can be seen, there was a generally downward trend in the number of deaths each year until 1987, with an increase in 1988, the most recent year for which information is available. We do not know why the number of deaths has declined, but there are several possible explanations. Education in gun safety and public awareness campaigns may be having some effect. There may be fewer deaths because gun owners are taking more precautions in storing and handling their weapons. There may also be a greater general awareness of the dangers associated with firearms, so individuals refrain from handling unfamiliar weapons. The many products entering the market for securing firearms may also be having an effect. Many devices are available for storing guns or protecting them from unauthorized users. Another possible explanation is that more shooting victims may be surviving their injuries because of better trauma care and better access to care. Any or all of these influences may be working to bring down the number of fatalities.

Objectives, Scope, and Methodology

The central objective of this project was to provide an estimate of the proportion of firearms accidents that might be prevented by the addition of a child-proof safety or a loading indicator. This issue divides into two questions:

What proportion of firearm accidents might have been prevented with a child-proof safety?

What proportion of accidents might have been prevented with a loading indicator?

A second objective of our research was to add to the base of knowledge on firearm accidents, particularly by contributing information on the number of injuries. No national estimates are available on accidental injuries from firearms. As a result, there is no clear understanding of (1) the universe of accidents, both fatal and nonfatal, annually caused by firearms; (2) the relative importance of fatal accidents in terms of that universe (that is, it is not known if the deaths in any given year represent 5 percent of the accidental shootings or 50 percent); and (3) the costs represented by this unknown universe of deaths and injuries.

The scope of our work was limited to unintentional injuries and deaths from firearms. This eliminates the vast majority of gunshot injuries, specifically those related to any types of criminal activity or suicide attempt. Similarly, we limited the scope of "preventable" shootings to those that could have been averted by means of a child-proof safety or a loading indicator. We collected data for 1988 and 1989, the most recent years for which complete data were available at the time of our research.

For our examination of preventability, we looked at cases in which there had been a death as a result of an accidental firearm discharge. We collected data from a nationally representative sample of jurisdictions. This allowed us to develop a statistically valid estimate of the proportion of deaths preventable with a child-proof safety or loading indicator.

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[1] The standard method of calculating potential years of life lost is to subtract the age at death of the accident victim from age 65.

We determined if there were any deaths from accidental shootings in 1988 or 1989 by contacting state vital records offices and the coroners or medical examiners in the selected jurisdictions. The determination of whether a particular shooting might have been prevented by a child-proof safety or a loading indicator required detailed information about the particular incident. Generally, this meant that we needed information on the shooter, the weapon, and the circumstances of the accident.

By limiting the cases to fatalities, we could contact coroners or medical examiners in the selected jurisdictions to obtain the needed information. Information from these files for deaths was sufficiently detailed in about 80 percent of the cases to allow a determination of preventability.

We limited this examination of preventability to fatal shootings primarily because less information is maintained on accidental injuries than on deaths. In our preliminary investigation, we learned that the information we needed to make a determination of preventability was very often not available in cases in which there was only an injury and no death. In fact, in many instances, it might not be possible to locate any information about a nonfatal accident.

We learned that many police departments do not maintain retrievable records on accidental shootings (since these are not crimes), and even when they do, they document more completely the incidents in which a shooting victim died. Even in deaths believed from the outset to be accidental, the homicide unit is often involved in the investigation. Additionally, details of the circumstances surrounding accidental deaths are usually available from coroners' and medical examiners' reports. In contrast, information from the case records of injuries we examined was rarely sufficient to allow us to determine preventability. Consequently, we restricted our preventability determinations to cases involving accidental deaths.

We did examine accidents involving nonfatal injuries in order to develop some information about the frequency of such accidents and to explore the relative proportion of injuries to deaths. Our examination of these accidents is based on data drawn from 10 cities. The lack of data in many police departments for such accidental shootings limited our study. We identified 10 urban police departments that maintained accessible records on accidental firearm injuries and were willing to provide the case file information. Police departments that were included in our study were for the following cities: Tucson, Arizona; San Jose, California; Denver, Colorado; Atlanta, Georgia; Louisville, Kentucky; St. Paul, Minnesota; Albuquerque, New Mexico; Columbia, South Carolina; Dallas, Texas; and Salt Lake City, Utah. Because this was a convenience sample of departments, the results from these 10 cities cannot be generalized to the country as a whole.

A more detailed discussion of the scope and methodology we used is provided in the chapters covering each part of the work. The sampling plan is discussed in detail in appendix I.

It should be noted that we did not investigate the specifics of design modifications to firearms to make them child-proof or to indicate whether they were loaded. We learned that various devices exist and are available on some firearms, but we did not examine the difficulty or cost associated with providing such devices on all firearms. We have examined the potential effectiveness of such devices in preventing accidental shooting deaths on the assumption that all firearms would be equipped with them. We comment further on this in chapter 4.

As requested by the subcommittee, we did not request comments on our report from any federal agency. Our work was performed in accordance with generally accepted government auditing standards.

Study Strengths and Limitations

There is very little specific information currently available about the details and circumstances surrounding accidental shootings. In particular, there is little known about nonfatal shootings. One strength of this study is that it adds to the knowledge on this topic.

A second strength is the method we used for our examination of preventability. Because we collected data from a nationally representative sample of jurisdictions, we have developed a valid estimate of the proportion of deaths preventable nationwide by means of a child-proof safety or a loading indicator. In carrying out this study, we went to great lengths to obtain information on the accidental shootings in our sample, contacting coroners and medical examiners and, when necessary, seeking additional information from police records.

We have attempted to make the most conservative choices in our assumptions. For example, in considering at what age a child-proof safety might be effective in consistently preventing a child from firing a weapon, we chose the youngest age proposed by any expert in the area. Undoubtedly, some older children would also be prevented from firing weapons equipped with such devices, but we have only counted children under 6 in our calculations of preventability.

The limitations to our investigation relate primarily to our examination of the proportion of firearm accidents resulting in injuries. Because we had to rely solely upon police department records for this information, there are potential gaps in the data. As is usual in the United States, each police department has its own recordkeeping system, with accidental shooting filed under different categories in different departments. In some instances, the department retrieved the records for us from computerized files, while in other instances we had to conduct a hand search of all records filed under some broader heading. These different recordkeeping systems may account for some variability in the number of cases identified in the different cities. But any bias must necessarily be in the conservative direction (that is, the numbers can only underreport the actual totals), because all the cases we report were of identifiable accidental shootings.

An additional limitation is that we could not evaluate all possible alternatives for reducing firearm accidents; we could evaluate only the potential effectiveness of child-proof safeties and loading indicators. We discuss other possible approaches in chapter 4.

It should be noted that most of these limitations are merely reflections of immaturity in this area of research. This is also true of other areas in which police data and uncounted or hidden populations are involved and for which no national monitoring agency responsibility exists.

Organization of the Report

In chapter 2, we address the question of firearm accidents that could be prevented by child-proof safeties and loading indicators. Our research on nonfatal injuries from firearm accidents is discussed in chapter 3, and we discuss the implications of our findings in chapter 4. The sampling plan and estimation methodology are provided in appendix I. Appendix II contains a discussion of the costs of firearm injuries. Suggested legislative language for implementing our recommendation is provided in appendix III. Major contributors to the report are listed in appendix IV.

CHAPTER 2—THE PREVENTABILITY OF ACCIDENTAL DEATHS FROM FIREARMS

In this chapter, we report on our estimate of the proportion of all accidental firearm deaths that could be prevented by either a child-proof safety device or a device that indicates whether a gun is loaded. We first describe the methodology we used to determine which deaths could have been prevented. Next, we provide our findings on the numbers of accident cases in our sample that were preventable by a child-proof safety or loading indicator and the accidents that were not thereby preventable. We include a description of some of the characteristics of the accidents in our sample and conclude with estimates of preventable deaths nationwide.

Methodology

To determine the percentage of accidental deaths from firearms that could have been prevented by either of the two types of devices, we examined data from medical examiners and coroners in a sample of jurisdictions from across the United States. We randomly selected 110 urban and rural jurisdictions (counties and independent cities) and determined if there had been any deaths in the jurisdictions from accidental shootings in 1988 or 1989, the most recent years for which data were available. To determine if there were any such deaths, we contacted state vital records offices and the coroners or medical examiners in the selected jurisdictions.

We requested complete case file information (investigation reports, autopsy results, and so on) from the medical examiner or coroner for every accidental death from firearms that we identified. In some cases, when medical examiners' or coroners' data were insufficient to allow a preventability determination, we sought supplemental information from police department records. In total, we reviewed 107 case files.

After our review of case files, we divided the accidental firearm deaths into four categories: (1) those that could have been prevented by a child-proof safety device, (2) those that could have been prevented by a loading indicator device, (3) those that could not have been prevented, and (4) those for which a preventability determination could not be made.

We constructed criteria for determining which cases fell into each category. For deciding which accidents could have been prevented by a child-proof safety device, we sought the advice of experts. Several types of child-proof devices are on the market. Through various means, such devices lock the trigger to prevent it from being pulled. According to pediatrics experts and experts on deaths and injuries from firearms, a child-proof device can be reasonably expected to prevent only children up to about age 6 from discharging a firearm. Children under that age are not considered strong enough physically or developed enough cognitively to be able to disengage a safety mechanism designed to be childproof. Therefore, our criterion for determining the number of deaths that could have been prevented by a child-proof device was the age of the child firing the weapon.

Loading indicators allow one to determine at a glance whether a firearm is unloaded and whether a round remains in the chamber. Our criterion for determining the number of deaths that could have been prevented by a loading indicator was that there was evidence that the shooter believed the weapon was unloaded. We required that there be evidence of one of three situations in the case file. First, the shooter believed the firearm to be unloaded because either the shooter had emptied the firearm but failed to note that a round remained in the chamber or the shooter's common practice was to leave the weapon unloaded and so assumed it to be. Second, the shooter pulled the trigger several times without the firearm discharging (dry-firing) and so assumed it to be unloaded. Or third, the firearm had been stored for over a month, so the shooter did not remember whether it was loaded but assumed it was not.

We judged an accidental firearm death to be nonpreventable in cases in which there was specific evidence that the conditions above for childproof safeties and loading indicators were not met (that is, shooter over age 6, shooter knew weapon was loaded). Examples of nonpreventable accidents (that is, not preventable by either of these two devices) included cases in which a weapon fell or was knocked to the ground and consequently discharged. Hunting accidents in which victims were mistakenly shot (for example, the 18-year-old man who was shot by a friend who mistook him for a deer) were also considered nonpreventable.

We classified as "undeterminable" any death for which the case file lacked sufficient detail to enable a determination of preventability. These included self-inflicted shootings in which there was no way of determining whether the victim had checked the gun before firing it.

For addressing the question of how many accidental shootings might have been prevented by the two safety devices, we examined accidental deaths from firearms, rather than injuries, primarily because more information is maintained on accidental deaths than on injuries. For example, police departments document more completely incidents in which a shooting victim died. Even in deaths believed from the outset to be accidental, the homicide unit is often involved in the investigation. Additionally, details of the circumstances surrounding accidental deaths are usually available from coroners' and medical examiners' reports. Information from such sources was often sufficiently detailed to allow a determination of preventability. In contrast, information from the case records of injuries we examined was rarely sufficient to allow us to determine preventability. Consequently, we restricted our preventability determinations to cases involving accidental deaths.

Findings

Child-Proof Safety Devices

Of the 107 deaths we reviewed, 9 (8 percent) resulted from shots fired by children under age 6. These deaths could have been prevented by a child-proof safety device. Although children under the age of 6 generally cannot disengage a child-proof device, they are quite capable of firing a handgun, as demonstrated by medical examiners' and coroners' reports. In one case, for example, a 1½-year-old boy and his 3½-year-old brother were playing with a .38 caliber handgun that they found under their father's pillow. The weapon discharged, striking the younger child and killing him.

Loading Indicator Devices

Of the 107 deaths, 25 (23 percent) could have been prevented had the firearm had a loading indicator. These deaths occurred when the shooter, typically a male between 13 and 24 years old, believed for one reason or another that the firearm was unloaded. In one case, a 15-year-old boy removed a .22 caliber handgun from his father's nightstand and pointed it playfully at his 11-year-old sister. He had already removed the clip, for he was familiar with the gun (having fired it at the range once before), and thus believed the gun was unloaded. However, he did not realize that a round remained in the firing chamber; upon discharge, it struck his sister in the head.

Other deaths occurred when the shooter dry-fired a weapon one or more times and so believed it to be unloaded. In one case, a 17-year-old boy took a large-caliber handgun he believed to be unloaded and, in the presence of two friends, put it in his mouth. He pulled the trigger and, when the weapon failed to discharge, he placed it to his head and again pulled the trigger. The weapon then discharged.

In still other cases, the shooter habitually unloaded a firearm before storing it and so assumed it to be unloaded. For example, one man was cleaning his .44 caliber handgun that he always kept unloaded, but he had forgotten that he had placed a loose round in the chamber 2 weeks earlier. When he cocked the hammer to clean it, he inadvertently touched the trigger. The bullet struck his wife in the chest.

Other Accidents

In 52 (49 percent) of the 107 cases we examined, the accident involved neither a child under the age of 6 nor a firearm believed to be empty. These deaths largely include those that occurred because a weapon discharged when it fell or was knocked to the ground. For example, in one case, a hunter was jumping into the back of a pickup truck when his rifle knocked against the truck bed and discharged. The bullet entered the cab of the truck, killing a passenger.

Although we classified such cases as "nonpreventable" by a loading indicator, we believe that some clearly would have been prevented had the shooter (1) been more careful in handling the weapon, (2) not been intoxicated, or (3) received training in firearm handling. We used gun safety materials published by the National Rifle Association to develop statements of basic safety practices. Among the 107 cases we examined, 90 involved clear violations of good gun-handling practices. For example, 7 cases involved intoxication or some use of alcohol and 10 cases involved Russian roulette.

In 21 (20 percent) of the 107 cases we examined, the case file information was insufficient to enable us to determine preventability. In one case, a 42-year-old male was admitted to a hospital with a gunshot wound to the abdomen. The case file indicated only that the wound was self-inflicted and occurred as the victim was reportedly putting the gun in a holster. It did not contain information on whether the victim throught the firearm was unloaded. Undoubtedly, some unknown proportion of these cases also could have been prevented by the presence of a loading indicator.

Figure[1] 2.1 shows, for the 107 accidental deaths we reviewed, those that could have been prevented, those that could not have been prevented by either a child safety or loading indicator device, and those for which a preventability determination could not be made.

Characteristics of Accidental Deaths From Firearms

In the course of our review, we observed several interesting characteristics about accidental deaths from firearms. As shown in figure 2.2, many more shooters were male than were female, and more shooters were between the ages of 13 and 24 than any other age groups.

Estimates of Preventable Deaths

Nationwide, in 1988, according to the National Center for Health Statistics, 1,501 deaths resulted from accidental firearm discharges. From our sample, we can project that about 458 (plus or minus 89) of these deaths could have been prevented by either a child-proof device or a loading indicator device.[2] Specifically, 113 (plus or minus 64) could have been prevented with a child-proof device, and 345 (plus or minus 99) with a loading indicator device. Of the remaining deaths, 767 (plus or minus 125) could not have been prevented with these devices. Although we can project that over 400 deaths could have been prevented with these devices, it is likely that many additional deaths could have been prevented had good gun-handling practices been exercised, such as locking up and storing firearms unloaded and refraining from horseplay and the use of alcohol when handling firearms.

In addition to the lives that could be saved, there are medical expenses and other economic costs to society that could be avoided were these deaths to be prevented. The costs associated with shootings are quite high. If 458 deaths were averted, this would avoid costs estimated to exceed $170 million. (See appendix II for further discussion of the costs of firearm injuries and deaths.)

CHAPTER 3—ACCIDENTAL INJURIES AND DEATHS FROM FIREARMS

As we stated in chapter 1, data on the number of fatalities are available, but there is little information on the number of injuries caused by accidental shootings. This chapter reports on our examination of the universe of injuries and deaths caused by accidental firearm discharges. We first describe the methodology we used to determine the ratio of injuries to deaths. Next, we provide our findings on the accidental shooting cases in our sample. We conclude with a discussion of the estimates of injuries from accidental firearm discharges nationwide.

Methodology

We examined firearm accidents involving injuries, but no deaths, in order to develop some information about the frequency of such accidental and the relative proportion of injuries to deaths. As we noted in chapter 1, our examination of these accidents is based on a sample of 10 urban police departments. The lack of data on accidental shootings in many police departments limited our study.

As we sought data on firearm accidents from city police departments, we found that the sophistication of police department recordkeeping systems varied widely, as did the extent of data maintained on cases involving accidental firearms discharges. Because police department record systems are essentially designed to track crimes and not accidents, many police departments do not maintain records on accidental shootings unless they result in death. And those that do maintain records on accidental shootings often include these records in a large "miscellaneous" category that makes their retrieval and review very labor intensive and time consuming. In contrast, some police departments maintain records by code, with a different code for each type of event they investigate, including firearm accidents. Other departments group their reports into sufficiently narrow categories (for example, "accidents" and "assaults") that the manual retrieval and review of the reports is feasible.

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[1] Charts are not reproducible in the RECORD.

[2] Because our sample was randomly selected, our results are projectable to the country as a whole. All samples, however, are subject to sampling errors, which define the upper and lower bounds of the estimate calculated. All sampling errors for the estimates in this chapter were calculated at the 95-percent confidence level. (See appendix I for the sampling plan and the error for each estimate.)

We identified 10 urban area police departments that maintained accessible records on accidental shootings and were willing to provide the case file information. To identify these police departments, we began with a list of jurisdictions suggested as having good data bases by several national law enforcement organizations. We contacted every police department suggested as well as others to which those departments referred us. The 10 cities included in our study were Tucson, Arizona; San Jose, California; Denver, Colorado; Atlanta, Georgia; Louisville, Kentucky; St. Paul, Minnesota; Albuquerque, New Mexico; Columbia, South Carolina; Dallas, Texas; and Salt Lake City, Utah. The 1986 area populations ranged from 93,000 to over 1 million.

We obtained information from the 10 police departments on all the reported accidental shootings in their jurisdictions in 1988 and 1989. In most states (including 8 of the 10 states where cities in our study are located), hospitals and physicians are required by law to report gunshot injuries to the police. Two of the states where our cities are located, New Mexico and Kentucky, have no such statewide legal requirement. However, according to police officials in the 2 cities studied in those two states, Albuquerque and Louisville, medical professionals report cases involving gunshot injuries as a common practice. As a result, we are confident that the majority of accidental injuries from firearms in our 10 sampled cities are captured in our study.

Such reporting requirements were not the sole reason we sought data from police departments rather than from hospitals, the most common source of injury information. We learned that hospital records typically do not include information about whether a firearm injury was accidentally or intentionally inflicted, and thus we could not separate accidents from suicide or homicide attempts.

At the 10 police departments we examined a total of 532 cases of accidental firearms discharges that resulted in either injury or death in 1988 and 1989.[3] Whereas we could project from our sample of medical examiners and coroners the nationwide number of accidental deaths from firearms that could have been prevented, we cannot do so for injuries. Because our sample of the 10 urban police departments is not representative, we cannot generalize our results either regionwide or nationwide. Nevertheless, as there has been a dearth of data on accidental injuries from firearms, we believe that our data will contribute to the national base of knowledge on accidental injuries from firearms. Knowledge about the number of injuries that occur each year is important for understanding the size of the public health problem, a key element in any consideration of the need to find solutions to the problem.

Findings

Of the 532 accidental firearm discharge cases we examined, 527 resulted in injuries, and 5 resulted in deaths. This is a ratio of 105 to 1 of injuries to deaths. Table 3.1 shows the numbers of injuries and deaths from accidental firearm discharges in the 10 cities.

TABLE 3.1—DEATHS AND INJURIES FROM ACCIDENTAL FIREARM DISCHARGES, 1988 AND 1989

City and State	Population[1]	Death	Injury	Total
Albuquerque, N. M	366,750	1	48	49
Atlanta, GA	421,910	1	80	81
Columbia, SC	93,020	0	12	12
Dallas, TX	1,003,520	1	248	249
Denver, CO	505,000	2	15	17
Louisville, KY	286,470	0	34	34
St. Paul, MN	263,680	0	2	2
Salt Lake City, UT	158,440	0	12	[2]12
San Jose, CA	712,080	0	19	19
Tucson, AZ	358,850	0	57	57
Total	4,169,720	5	527	532

[1] 1986 population.

[2] Does not include first three quarters of 1988.

The reasons for the wide variation in the cities' numbers of deaths and injuries, inconsistent with their population sizes, are unknown. To some extent, the variation may stem from differences in the police departments' recordkeeping systems. As we stated above, some departments had very sophisticated computerized systems that allowed for easier (and presumably more accurate) retrieval of cases. For example, Dallas, the city in our sample with the highest number of accidental shootings, had one of the most sophisticated recordkeeping systems.

Another reason for the wide variation may be differences in patterns of gun ownership. There are higher rates of gun ownership in the South and some parts of the West than in the North, for example. This may, in part, account for the low number of accidents in St. Paul and the higher numbers in Dallas, Atlanta, and Tucson. We have no ready explanation for why San Jose, the second largest city in our sample, had many fewer instances of accidental shootings than did Dallas, the largest city we studied.

At the least, however, the numbers of injuries are conservative. According to several police officials, some cases undoubtedly are not reported, although it is impossible to know how many. If some accidental shootings go unreported and uninvestigated, this is far more likely to happen in cases involving only injuries and no deaths. This means that the reported numbers of deaths should be very accurate while the numbers of injuries may be underreported.

The characteristics of the accidental injury cases we reviewed were similar to those of the preventable and other death cases discussed in chapter 2. That is, the vast majority (90 percent) of the shooters were male, and almost half of all shooters were between the ages of 13 and 24. Most of the injuries were self-inflected; most were caused by a handgun. In about two thirds of the cases, the accident occurred in or near a private residence.

The following case typifies the circumstances surrounding many of the accidental shootings in our sample. A 14-year-old youth was handling a .38 caliber handgun in his front yard. He assumed it to be unloaded and pulled the trigger, shooting himself in the foot.

Figure 3.1 shows, for the 532 cases we reviewed, that 99 percent of the accidental firearms discharges resulted in injuries rather than deaths. As already noted, we estimate that the ratio of injuries to fatalities is 105 to 1, based on the cases we reviewed in 10 cities.

Implications

As we stated in chapter 1, we know that the number of deaths nationwide resulting from accidental firearm discharges was 1,501 in 1988, the most recent year for which totals are available. Given the cases we reviewed in 10 cities, we derived an estimate of the ratio of injuries to deaths of 105 to 1. Were we to apply this estimate to the nation, using the known number of deaths, we would estimate that there were approximately 157,600 injuries from accidental firearm discharges each year. However, because the sample of cities on which the ratio is based was not randomly selected, we cannot generalize to the nation as a whole.

There are a number of potential sources of bias in the data. First, the data most likely underestimate the actual number of injuries because of the general lack of reporting of accidental shootings. This source of bias would mean that the true ratio of injuries to deaths would be even higher than what we found.

There are also potential biases that would indicate the true ratio nationwide could be lower than that in our sample (that is nationwide there could be fewer than 105 injuries for every death). Our sample of jurisdictions, driven by data availability, was entirely urban, and this could bias an estimate of the proportion of accidents that were survivable. There are at least three factors directly related to the survivabilty of a shooting that could vary between urban and rural settings: the caliber of the firearm (.22, .45, and so on), the type of firearm (handgun, long gun, or shotgun), and the quality of medical treatment received. The caliber of the firearm could bias the estimate, since caliber is positively associated with lethality. If lower-caliber firearms are more common in urban shootings (which we do not know), then urban victims could have a greater likelihood of surviving, thus inflating the ratio of injuries to deaths. The type of firearm could bias the estimate, since rifles, more common in rural hunting situations are more lethal, even when caliber is held constant, because the bullet is fired with greater velocity. Thus, if rural victims are more likely to be shot with rifles, a higher proportion of rural shootings would likely result in death. Finally, the quality of medical treatment could bias the estimate, since urban dwellers are generally closer to emergency care, resulting in urban gunshot victims being more likely to survive potentially fatal injuries.

One frequent source of bias from nonrandom samples, that the locations selected were somehow "unique" or different from average, we do not believe to be a problem for this study. There is no reason to expect that the most important factor in whether an accidental shooting proves fatal or not—where the bullet strikes the victim—should differ in any way from one locale to the next. Since these are accidental shootings, and not intentional, having a bullet strike a vital organ should largely be a random occurrence, regardless of whether the shooting is in an urban area or a rural one, a large city or a small one.

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[3] Not included in the 532 cases were shootings involving BB pistol or pellet guns and three cases with injuries where handguns loaded with blanks intentionally fired. We also excluded cases of accidental firearms discharges where no one was injured and cases where the victim refused to cooperate with the police in providing any information about how the shooting occurred or who was involved.

Even though we cannot validly project the proportion of injuries to deaths resulting nationally from accidental firearm discharges, there are some indications that the data from our sample are reasonable. As mentioned above, the characteristics of the cases in this sample are very similar to those from the representative sample of deaths we described in chapter 2. In addition, the figures seem in line with the injury-to-death ratios for other types of accidents. When the 105 to 1 ratio of injuries to deaths caused by accidental firearms discharges is compared with similar data for other types of accidents our data appear consistent. For example, according to the National Safety Council, similar proportions of injuries to deaths exist nationwide for all accidents (94 to 1), accidents occurring in the workplace (162 to 1), and accidents occurring in the home (151 to 1).[4]

CHAPTER 4—IMPLICATIONS

The Size of the Problem

As we stated in chapter 1, the number of deaths from accidental shootings has been generally declining over the last several years. This would seem to indicate that the problem is not large and has leveled off. However, what is missing from this picture is any sense of the number of injuries resulting from accidental shootings. Without this information, we cannot judge how big a public health problem firearm accidents really are.

From the declining number of deaths, we cannot determine if the total number of accidental shootings is declining (and declining at the same rate) or if the same number of people are accidentally shot each year but better trauma care is saving the lives of an increasing proportion of the victims.

Our report presents data on the number of injuries associated with every death. Although we cannot project to the country as a whole, were there actually to be the same ratio nationwide as in the 10 cities we studied, that would mean there are approximately 157,600 such injuries each year.

That number, because of methodological limitations discussed in chapter 3, must be viewed as a gross estimate. However, the number does give some sense of the size of the problem. It seems obvious that the total number of accidential shootings is many times the number of fatalities. This is in line with other causes of accidential death and injury. For example, as mentioned in chapter 3, the ratio of workplace injuries to deaths is 162 to 1, while accidents in the home have an injury to death ratio of 151 to 1. Thus, a ratio of tens of injuries for each death seems reasonable for accidental shootings.

Even if one excluded Dallas, the city in our sample with the largest number of injuries, there would remain 279 injuries and 4 deaths (that is, a ratio of 70 to 1), still a large relative proportion of injuries to deaths. If one were to reduce by half the ratio of injuries to deaths that we found, that would still result in a projection of approximately 78,800 injuries annually from accidental shootings in the United States. If one were to reduce it even further, to account for any possible bias, it seems likely, and reasonable, that the resulting projection would still be tens of thousands of such injuries each year. If the true ratio of injuries to deaths nationwide were only one tenth of the ratio in the cities we studied, it would mean there are over 15,000 injuries from accidential shootings each year.

In addition to the tragedy of these shootings, occurring as they primarily do among young people, there is the issue of costs. As mentioned in chapter 2, the costs associated with gunshot wounds are quite high. Thus, the economic effect of thousands of accidental shootings could be significant. Even if the true number of accidential shootings is smaller than the ratio from the 10 cities studied would indicate, the costs would still be substantial. If there were 1,500 deaths and some 12,000 hospitalizations (less than one tenth the number of injuries estimated from our samples of cities) every year, that would translate into an estimated life-time cost, each year, of close to $1 billion.[5] (See appendix II for further discussion of the costs of firearms injuries and deaths.)

It seems clear that thousands of individuals and families are affected by these accidents each year. We turn now to a discussion of approaches that are available for reducing the number of such shootings.

Approaches to Reducing Accidental Shootings

Many of the accidential shootings each year are preventable. Of the fatal shootings we examined, we estimate that 31 percent could have been prevented by two technological modifications to firearms. Undoubtedly, additional fatalities were preventable among cases in which there was insufficient information for us to make a determination. Many nonfatal shootings are obviously also preventable.

Different approaches could be taken to try to reduce the number of accidental shootings. These include mandating modifications to firearms, requiring training in gun safety, and enacting statutes to penalize gun owners who are negligent in their handling or storage of weapons.

Mandated Modifications to Firearms

Our research has demonstrated that lives could be saved and injuries prevented if all guns were equipped with either a child-proof safety or a loading indicator or both. There are clearly instances in which such devices would prevent tragedy. Our projections are that, at current accident rates, some 458 lives could be saved each year if all firearms had both these safety devices.

Gun manufacturers could choose to modify their firearms to include child-proof safeties or loading indicators, motivated by a desire to promote greater welfare or to avoid potential litigation or by pressure from consumers demanding firearms with such features. However, if a guarantee were needed that all firearms have these safety devices, this would have to be mandated by legislative action of the Congress. Current statutes place firearms outside the jurisdiction of the Consumer Product Safety Commission, and the Bureau of Alcohol, Tobacco, and Firearms is not empowered to control these design aspects of guns. Thus, regulatory action to require modifications could not be taken without specific new legislation.

A child-proof safety that automatically engaged and that came as a bult-in part of the firearm could protect young children from adults' carelessness in storing loaded weapons where children can have access to them. Just as passive seat belts that automatically engage have been required in automobiles to protect the occupants without requiring that specific actions be taken each time the vehicle is used, child-proof safety devices on firearms could provide protection in the absence of specific behavior to secure the firearms. Child-proof safeties on firearms could prevent over 100 instances annually in which children fatally shoot someone, often themselves or another child.

Likewise, loading indicators could potentially prevent over 300 deaths resulting from accidental shootings each year among adolescents and adults. Our research demonstrates that, even more than child-proof safeties, this modification could potentially prevent many injuries and deaths. Such a device might also take the "fun" out of such games as Russian roulette.

Our projections of the number of lives saved that could be attributable to these safety devices require that two conditions be met. First, all firearms would have to be equipped with these devices. And second, all other relevant conditions would remain unchanged. That is, there would be no increase in gun safety awareness or education in safe gun-handling practices, because such changes could also save lives.

There are potential problems in implementing any requirement for firearms to be equipped with these safety devices. First, there may be technological difficulties to overcome in designing child-proof safeties and loading indicators for the myriad firearms on the market. In addition, there are possible logistical difficulities:

Other Approaches

Loading indicator devices would require that users (including unintended users, such as adolescents) be educated to understand their use and to recognize the indication that the firearms were loaded;

There are possible objections to the desirability of having onlookers be able to readily judge if a firearm is loaded (for example, if a weapon is being used for protection); and

This type of child-proof safety would only prevent very young children from firing the gun and would likely not be effective against use by older children or adolescents.

Beyond the logistics of implementing the modifications, there is the question of effectiveness. Our projections for the number of lives that could be saved each year assumes that all firearms are equipped with these safety devices. But any changes of this type would presumably be mandated only for new firearms entering the market.

While over 4 million firearms are manufactured in the United States each year, there are an estimated 200 million firearms already in the market. Approximately 50 percent of U.S. households report owning one or more firearms. This represents an enormous pool of weapons that would not be affected by design modifications. Furthermore, firearms, unlike many consumer products, have a long period of use. It is not uncommon for firearms to be passed from the one generation to the next, so it cannot be expected that within a decade, for example, the majority of old-style firearms would be out of use. To affect this pool of weapons, owners would have to be required to modify all their firearms, to equip them with the two safety devices.

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[4] These numbers are for "disabling injuries."; A disabling injury is defined as an injury causing death, permanent disability, or any degree of temporary total disability beyond the day of the accident.

[5] The lifetime cost of an accident is defined as the present discounted value of costs occurring in all future years. Costs include actual dollar expenditures related to illness or injury, including amounts spent for hospital and nursing home care, physician and other medical professional services, drugs and appliances, and rehabilitation. Estimates also include life years lost and the indirect cost associated with loss of earnings because of short- and long-term disability and premature death from injury. The estimated costs are derived from data for all shootings, not just unintentional shootings.

Other options are available, including many devices currently on the market, designed to prevent a firearm from being used by any unauthorized person. These include locking storage cases, trigger guards, combination locks that can be built into the weapon, and a variety of other mechanisms for securing firearms of different types. In addition, there is the simple expedient of keeping firearms unloaded, with ammunition stored separately.

However, all these approaches require some positive action on the part of the user to ensure that the firearms are not accessible to children or other unauthorized users. Passive restraints in automobiles were required when data showed that many passengers were not using seat belts that required buckling. The current number of accidents with firearms is testament to the fact that gun users frequently do not take the available safety steps. It is not known if education in proper safety procedures would be sufficient to ensure that appropriate precautions would be taken. And requiring that all purchasers of firearms take gun safety training would necessitate some form of registration and monitoring of gun owners.

We know of no ready replacements on the market for a loading indicator. The necessary alternatives is proper education in the use and handling of firearms. All users need to be trained to immediately inspect a weapon to determine if it is loaded before handling it further. As we stated in chapter 2, a majority of the accidents we examined involved some violation of safe gun-handling standards. Unfortunately, as our research has shown, many fatal accidents involve users who are not the owners of the firearms. Thus, firearms training aimed at owners will not prevent many of these accidents if others are allowed access to a loaded weapon.

Some states have adopted an approach aimed at encouraging owners to take proper precautions in storing their firearms. Both Florida and Connecticut have recently enacted statutes to hold adults guilty of criminal negligence if they allow minors to gain access to loaded firearms that are subsequently involved in accidental shootings. Penalties include fines and possible imprisonment. Other states (including Wisconsin and Virginia) have considered, but not passed, similar statutes.

Conclusion and Recommendation

The number of individuals being injured and killed each year in accidental shootings is substantial. Whereas the problem may have been viewed as small when only the number of deaths was known, we now know that the overall problem is likely to be very large, with many thousands of individuals being injured each year.

We have demonstrated the potential effectiveness of two technologies—child-proof safeties and loading indicators—for preventing some of these accidents, thereby reducing the number of deaths and injuries. However, there remain obstacles to realizing this promise. How these mechanisms might be implemented is not immediately clear.

These mechanisms are not the only approaches available, however. There are other approaches (for example, training gun owners or limiting access to firearms) that may be equally or more effective.

The human, economic, and public health costs of these shootings to the victims, their families, and society are considerable. The magnitude of the problem requires that all possible efforts to made to reduce the number of accidental shootings.

The Consumer Product Safety Commission, the primary federal agency with responsibility for product safety, is currently not allowed to take any action that might restrict the availability of firearms to the consumer. We recommend that the Consumer Product Safety Act be amended to clearly establish that the Consumer Product Safety Commission can regulate the risk of injury associated with firearms. Suggested legislative language for implementing our recommendations is provided in appendix III.

APPENDIX I—SAMPLING AND ESTIMATION METHODOLOGY

The study design involved collection data from two separate samples. One sample was used to examine the preventability of accidental shootings by child-proof safeties and loading indicator mechanisms. A second sample was used to examine the prevalence of nonfatal injuries from accidental shootings. We discuss each sample in turn.

Sample for Examining Preventability

To determine the percentage of accidental deaths from firearms that could have been prevented by either of the two types of devices, we examined data from medical examiners and coroners in a random sample of jurisdictions from across the United States. In each jurisdiction, we contracted state vital records offices and the coroners or medical examiners and asked if there had been any deaths from accidental shootings in 1988 or 1989, the most recent years for which data were available at the time of our study.

We collected information only for shooting deaths classified as accidental. For jurisdictions using the ICD-9 coding system, we limited the data collection to fatalities coded under the E922 category ("accident caused by firearm missile").[6] Thus, we excluded deaths involving firearms that were classified as suicides or homicides or could not be classified.

The sampling frame was the 3,139 countries and independent cities listed by the Bureau of the Census.[7] We divided these jurisdictions into two strata on the basis of population: an urban stratum (population greater than or equal to 50,000) and a rural stratum (fewer than 50,000 residents). We then selected a random sample of jurisdictions within each stratum. We selected 60 urban jurisdictions and 50 rural jurisdictions, for a total of 110 counties and independent cities. Data were not obtained for either year in 3 jurisdictions. One year's data were unavailable in an additional 4 jurisdictions.

From the data we collected, we computed sampling errors for the major findings on preventability presented in chapter 2. We present our estimates in table I.1, along with the sampling error for each estimate. When added to and subtracted from the estimates, the sampling errors proved the 95-percent confidence interval for each finding.

TABLE I.1.—ESTIMATES AND SAMPLING ERRORS FOR FINDINGS ON PREVENTABILITY [1]

[In percent]

Variable	Estimate	Sampling error
Preventable by child-proof device	7.5	4.2
Preventable by a loading indicator device	23.07	6.6
Total preventable by either device	30.5	5.9
Nonpreventable by either device	51.1	8.3
Preventability could not be determined	16.7	7.3

[1] Figures represent percent of accidental deaths.

For a check on the accuracy of our sample, we used our data to generate an estimate of the expected number of accidental deaths in a year. Using these data, we estimate that 1,581 deaths from accidental shootings (plus or minus 696) would be expected in a year. This estimate compares favorably with the known number of 1,501 deaths in 1988.

We also computed estimates and sampling errors for the other variables presented in chapter 2 (sex and age of shooters, percentage of self-inflicted shootings, location of accident, type of weapon, and ownership of weapon). These estimates are available upon request.

Sample for Examining Injuries

We employed a snowball sampling technique to identify police jurisdictions where the needed information was retrievable. We began by asking experts on police departments (from the National Institute of Justice, the National Criminal Justice Reference Service, the Police Executive Research Forum, and the Police Management Association) to list any departments with records systems that might contain information on accidental shootings in an accessible form. We contacted every police department suggested in order to determine the feasibility of obtaining the needed case records. In addition, at each department, we asked for referrals to other departments where the needed information might be obtained. This process of contacting departments and asking for new referrals was continued until the list of new department names was exhausted.

We identified 10 urban area departments that maintained accessible records on accidental shootings and that were willing to provide the case file information. The 10 cities included in our study were Tucson, Arizona; San Jose, California; Denver, Colorado; Atlanta, Georgia; Louisville, Kentucky; St. Paul, Minnesota; Albuquerque, New Mexico; Columbia, South Carolina; Dallas Texas; and Salt Lake City, Utah. Because this was a convenience sample of departments, the results from 10 cities cannot be generalized to the country as a whole.

APPENDIX II—COSTS OF FIREARM INJURIES

The specific information needed to develop a precise estimate of the costs of unintentional firearm injuries and deaths is not available. However, the information that is available shows that the total costs associated with gunshot wounds are likely to be quite high.

One recent study estimates the average lifetime cost of different types of injuries, defined as the present discounted value of costs occurring in all future years.[8] Costs are enumerated as actual dollar expenditures related to illness or injury, including amounts spent for hospital and nursing home care, physician and other medical professional services, drugs and appliances, and rehabilitation. The cost estimates also include life years lost and the indirect cost associated with loss of earnings from short- and long-term disability and premature death from injury.

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[6] U.S. Department of Health and Human Services, "The International Classifications of Diseases, 9th Revision, Clinical Modification," 2nd ed. (Washington, D.C.: 1980).

[7] U.S. Department of Commerce, "County and City Data Book" (Washington, D.C.: 1988).

[8] Dorothy P. Rice et al., Cost of Injury in the United States: A Report to Congress (San Francisco, Calif.: Institute for Health and Aging, University of California, and Injury Prevention Center, The Johns Hopkins University, 1989).

Using this approach, the average lifetime cost of a firearm injury (including both fatal and nonfatal injuries) is estimated to be $53,831.[9] This can be broken down into estimated costs for firearm injuries of different levels of severity. For those that do not require hospitalization, the estimated per person cost is $458, while injuries requiring hospitalization are estimated to cost $33,159 per person. And the average life-time cost of a firearm fatality is $373,520, the highest of any cause of injury.

We know from national mortality data that about 1,500 people die each year in the United States from accidental shootings. Based on data from the National Hospital Discharge Survey, it is estimated that in excess of 65,000 persons are hospitalized every year with injuries resulting from firearms. However, it is not known how many of these firearm injuries are unintentional. One study of hospitalizations over the course of a year at one regional trauma center found that 18.8 percent of the firearm-related injuries were unintentional.[10] Applying this 18.8-percent figure to the 65,129 firearm-related hospitalizations nationwide yields an estimate of 12,244 annual hospitalizations from unintentional firearm injuries. There are no reliable estimates of the number of persons each year who suffer firearm-related injuries that do not require hospitalization.

The estimates from the study on costs can be combined with the incidence data to derive a rough estimate of the overall costs associated with the unintentional firearm injuries and deaths occurring in a single year. The average lifetime costs associated with 1,500 deaths would be over $500 million (that is, 1,500 times $373,520 equals $560,280,000). For 12,244 hospitalizations, the average lifetime cost would be over $400 million (that is, 12,244 times $33,159 equals $405,998,796). So, omitting any costs associated with injuries not requiring hospitalization, the estimated lifetime costs for accidental shootings is close to $1 billion ($966,278,796) every year.

The estimated cost associated with shootings can also be used to value the savings that would be associated with specific types of prevention. In chapter 2, we estimated that some 458 deaths might be prevented each year if all firearms were equipped with child-proof safeties and loading indicators. If 458 deaths were averted, this would avoid lifetime costs estimated to exceed $170 million.

The estimates above are based on one approach to estimating the costs of firearm injuries and deaths. Different federal agencies have used different dollar amounts for the value of life, ranging from several hundred thousand dollars to several million dollars. If higher figures are considered in the calculations, the estimated costs of accidental shootings can increase dramatically. For example, one frequently used value is $2 million.[11] Applying the $2 million figure to the 1,500 deaths that occur each year yields an estimated annual value of life lost through accidental shootings of $3 billion. Applying this value to our projection of 458 deaths that might be averted would yield estimated annual savings of over $900 million. Higher assigned values for each life would result in higher estimated savings.

APPENDIX III—SUGGESTED LEGISLATIVE LANGUAGE

This appendix suggests legislative language that would implement the revisions we recommend to clearly establish that the Consumer Product Safety Commission can regulate the risk of injury associated with firearms. The legislative language should read as follows:

Section 3(a) of the Consumer Product Safety Act (15 USC 2052) is amended by striking out subparagraph (a)(1)(E) and redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

Section 8 of the Consumer Product Safety Act (15 USC 2057) is amended by adding at the end thereof the following sentence: This section shall not apply in the Commission's regulation of the risk of injury associated with firearms.

Section 3 of the Consumer Product Safety Commission Improvements Act of 1976 (15 USC 2080 note) is amended by striking out subparagraph (d)(2) and subparagraph (e) and inserting in lieu thereof: (e) the Consumer Product Safety Commission has authority to regulate the risk of injury associated with firearms.

Section 3 of the Consumer Product Safety Commission Improvements Act of 1976 (15 USC 2080) is further amended by striking out "(1)" in subparagraph (d).

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[9] Rice's cost estimates are in 1985 dollars.

[10] Michael J. Martin et al., "The Cost of Hospitalization for Firearm Injuries," Journal of the American Medical Association, 260:20 (November 25, 1988), 3048-50. The 18.8-percent figure was computed omitting cases that could not be categorized as either intentional or unintentional.

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By Mr. HATCH (for himself and Mr. DECONCINI):

S. 893. A bill to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright; to the Committee on the Judiciary.

CRIMINAL SANCTIONS FOR VIOLATIONS OF SOFTWARE COPYRIGHT

Mr. HATCH. Mr. President, I rise today, with my good friend from Arizona, Senator DECONCINI, to introduce legislation that we believe will help to deter the growing problem of computer software piracy. In 1982, Congress provided strong criminal penalties for persons involved in the unauthorized production or distribution of multiple copies of phonorecords, sound recordings, and motion pictures. Likewise, this legislation would provide the same enhanced criminal sanctions for the violation of copyright in computer programs.

The willful infringement of copyright in computer software programs is a widespread practice that is threatening the U.S. software industry. The easy accessibility of computer programs distributed in magnetic media format, together with distribution of popular applications programs, has lead to persistent large-scale copying of these programs. Studies indicate that for every authorized copy of software programs in circulation, there is an illegal copy also in circulation. Losses to the personal computer software industry from all illegal copying were estimated to be $1.6 billion in 1989. If we do not address the piracy of these programs, we may soon see a decline in this vibrant and important sector of our economy.

Not only is the software industry seriously damaged, but the public is also victimized by these acts of piracy. The consumer is paying full price for a product which he believes is legitimate. However, not only may there be imperfections in the actual reproduction, but the quality of the product is often lower as a result of cheap equipment. Furthermore, the consumer is ineligible for the important support and backup services typically offered by the software publisher.

As was noted during the hearings on increasing the penalties for illegal copying of records, sound recordings, and motion pictures, stiffer penalties toward piracy do act as a deterrent to these types of crimes. Enhanced penalties for large-scale violation of software copyright would be more in line with the seriousness of the crime.

Currently there is no differentiation in penalties between small and large acts of piracy. Because acts of software piracy are only misdemeanors for the first offense, prosecutors are deterred from prosecuting, and there is little deterrence for these criminal acts. The penalties in these software cases are far too lenient as compared to other theft and forgery statutes for other schemes which are also very lucrative.

Under the language of this bill, a person involved in software piracy would be subject to a fine of up to $250,000 and imprisonment of up to 5 years if the offense involves the reproduction or distribution of at least 50 copies in one or more computer programs during any 180-day period. For offenses involving more than 10 but less than 50 copies, the penalties would include a fine of up to $250,000 or imprisonment of up to 2 years.

Mr. President, we believe that this legislation is overdue. We must act now to protect this important industry. I urge my colleagues to cosponsor and support this measure, and I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 893

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 2319(b)(1) of title 18, United States Code, is amended—

(1) in paragraph (B) by striking "or" after the semicolon;

(2) redesignating paragraph (C) as paragraph (D);

(3) by adding after paragraph (B) the following:

"(C) involves the reproduction or distribution, during any 180-day period, of at least 50 copies infringing the copyright in one or more computer programs (including any tape, disk, or other medium embodying such programs); or";

(4) in new paragraph (D) by striking "or" after "recording,"; and

(5) in new paragraph (D) by adding ", or a computer program", before the semicolon.

(b) Section 2319(b)(2) of title 18, United States Code, is amended—

(1) in paragraph (A) by striking "or" after the semicolon;

(2) in paragraph (B) by striking "and" at the end thereof and inserting "or"; and

(3) by adding after paragraph (B) the following:

"(C) involves the reproduction or distribution, during any 180-day period, of more than 10 but less than 49 copies infringing the copyright in one or more computer programs (including any tape, disk, or other medium embodying such programs); and".

(c) Section 2319(c) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period at the end thereof and inserting "; and"; and

(3) by adding at the end thereof the following:

"(3) the term 'computer program' has the same meaning as set forth in section 101 of title 17, United States Code.".

By Mr. HATCH (for himself, Mr. DECONCINI, Ms. MIKULSKI, Mr. BRADLEY, Mr. JEFFORDS, and Mr. DASCHLE):

S. 894. A bill to amend the Lanham Trademark Act regarding gray market goods; to the Committee on the Judiciary.

GRAY MARKET LEGISLATION

Mr. HATCH. Mr. President, last Congress I introduced S. 626, the Trademark Protection Act of 1989, to protect trademark owners against gray market goods. That bill was introduced in order to resolve serious problems facing U.S. trademark owners left unanswered by the U.S. Customs Service and the courts.

Hearings were held on S. 626 last spring. To my mind these hearings made a very convincing case for the importance of this bill, but unfortunately there was not sufficient time for enactment. Accordingly, several of my colleagues and I are now reintroducing the bill with the hope and belief that it will become law before the end of this present Congress.

Trademarks have long played an important role in our intellectual property system and are vital to free market enterprise. As we have heard in previous hearings, trademarks, one, foster competition by enabling particular business entities to identify their goods or services and to distinguish them from those sold by others; two, facilitate distribution by indicating that particular products or services are supplied by a reliable though often anonymous source; three, aid consumers in the selection process by denoting a level of quality relating to particular goods or services; four, symbolize the reputation and good will of the owner, thereby motivating consumers to purchase or avoid certain trademarked products or services; and five, protect the public from confusion or deception by enabling purchasers to identify and obtain desired goods or services.

For over 40 years, U.S. trademarks have been protected by the Lanham Trademark Act. The Lanham Act has been surprisingly resilient to changes in world business practices. The growth and interdependence of the world economy since World War II has resulted in part from the tremendous growth of international trade. While this growth has produced many benefits, it has also produced some unfavorable side effects. One such effect is growing infringement of the rights of U.S. trademark owners through the importation of gray market merchandise.

THE GRAY MARKET PROBLEM

The gray market problem arises when goods bearing a trademark, familiar to the American consumer, are brought into this country without the authorization of the U.S. trademark owner. Because gray market goods are not produced for sale in the United States, they often fail to meet the same high quality standards imposed upon products manufactured for sale here.

Quite often, gray market goods are mislabeled, or contain ingredients that are banned in the United States. Gray market goods often are not subject to the same care in shipment and do not carry the usual warranties entitling the consumer to service at an authorized service center. They make it impossible for manufacturers to track down products in the event of recall. And to make matters worse, gray market goods are often used to facilitate the manufacture and sale of counterfeit goods in the United States. In short, gray market goods pose a threat to American consumers.

American consumers are not the only segment of our society that is harmed by the gray market. At a time when we are concerned about a record trade deficit and a sufficiency of meaningful manufacturing jobs for American workers, the gray market substitutes imports for United States goods and thus exports jobs. As a consequence, the gray market phenomenon has been strongly opposed by the great preponderance, if not all, of organized labor.

This is not to say that all the legitimate goods that gray market sales displace are U.S. products. Gray market goods are not bad because they are imports, but because they are unfair competition in violation of the spirit, if not the letter, of our intellectual property laws.

Most importantly, gray market goods undermine our intellectual property system by attacking the two fundamental purposes of the trademark law—to prevent consumer deception and confusion, and to protect the U.S. trademark owner. First, gray market goods are inherently confusing. Most often, as noted above, gray market goods are different products from their legitimate counterparts. Even where gray market and authorized goods are essentially identical physically, gray market goods often lack the warranties that the consumer expects to receive with the trademarked item.

The gray market undercuts the second important pillar of our trademark laws by depriving the U.S. trademark owner of a fair return on his investment. That is, the gray marketeer is able to sell the gray market goods only because the trademark owner has made substantial investments to foster consumer acceptance of the brand. Thus, the gray marketeer rides on the coattails of the legitimate owner and profits, often handsomely, from the gray market sale, while robbing the U.S. trademark owner of the fruits of his labors. Moreover, whenever a consumer is dissatisfied with a gray market product, this naturally harms the reputation and good will associated with the U.S. trademark owner's mark and diminishes and infringes the trademark in question.

This free ride is not made any less unfair by the fact that the trademarked good was initially purchased from a foreign manufacturer that is related to the U.S. trademark owner. Our trademark laws are territorial in nature—they recognize that the good will created in a trademark in one country through the time, effort, and money spent in that country may be very different from the good will created in another country.

As a consequence, our laws, most importantly section 526 of the Tariff Act, do in fact contain provisions to protect U.S. trademark owners against the importation and sale in the United States of gray market goods. These laws provide for both a private right of action and Government enforcement. For years these laws were fully enforced by the U.S. Customs Service. Unfortunately, as a result of misplaced and outmoded views about the antitrust laws, the U.S. Customs Service has in recent years failed to enforce these laws as they are written.

The Supreme Court recently addressed this issue in *Kmart Corp.* v. *Cartier, Inc.*, 486 U.S. 281 (1988). The Court decided that the Customs Service must tighten enforcement against certain gray market imports, but Customs had the discretion to permit other such imports to continue. Unfortunately, the case was decided on narrow technical grounds. The Court did not address the intellectual property or consumer protection issues surrounding the gray market. In particular, the Court did not endorse the current Customs Service regulations. It merely held that those regulations were permissible in light of certain ambiguities in section 526. Id. at 1817–18. And since the Kmart case, some courts have found that the importation of gray market goods should be prohibited. See *Lever Bros. Co.* v. *United States*, 877 F.2d 101 (D.C. Cir. 1989); *Ferrero U.S.A., Inc.* v. *Ozak Trading, Inc.*, No. 88-3506 (D.N.J. Nov. 23, 1990); *Duracell, Inc.* v. *Global Imports, Inc.*, 12 U.S.P.Q.2d 1651 (S.D.N.Y. 1989).

The Customs Service could, and I believe should, revise the regulations to provide the type of protection envisioned by those who support our intellectual property laws. However, Customs refuses to act. Therefore, the problems created by the gray market persist with no sign of abatement or resolution. Accordingly, I am joining with a number of my colleagues in sponsoring the Trademark Protection Act of 1991.

THE TRADEMARK PROTECTION ACT

This legislation would provide that no person may import into or sell within the United States, without the consent of the U.S. trademark owner or exclusive U.S. licensee, any good that is manufactured outside the United States if that good bears a trademark that is identical to a trademark properly registered with the Patent and Trademark Office.

This prohibition would apply regardless of whether the foreign manufacturer of the goods or foreign trademark owner whose trademark appears on the goods is related in any way to the owner of the U.S. trademark. The prohibition would also apply regardless of whether the owner of the U.S. trademark owns or has registered the trademark abroad. And finally, the prohibition would apply regardless of whether the owner of the U.S. trademark has authorized the use of the trademark abroad.

The legislation would not and should not prevent any persons from importing goods that otherwise meet our health and safety standards just because the goods were manufactured abroad and may be quite similar, though not identical, to goods sold in the United States by a U.S. trademark owner, provided that these imports do not bear the U.S. trademark owner's trademark. This is already an accepted form of importing such products. Many companies, for example, Sears & Roebuck, sell goods made by a U.S. trademark owner or an affiliate of a U.S. trademark owner under their own brand name or as a generic.

For too long, gray market goods have been allowed to erode the confidence and value placed by the American public in U.S. trademarks. By enacting this legislation, we will reduce unjust inroads upon trademarks owners' rights, such as disincentives to investments resulting from free riding gray market goods; consumer concerns based on unserviceable and inferior products; and litigation expenses incurred by trademark owners to protect their trademarks against gray market goods. This simple modification to the Lanham Trademark Act is one important way we can help our beleaguered industries to once again perform on the cutting edge of competition.

Mr. President, I ask that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 894

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That this Act may be cited as the "Trademark Protection Act of 1991".

(b) The Congress finds that—

(1) the importation and/or sale of gray market goods (which are, for purposes of this Act, goods manufactured abroad to which a foreign trademark is lawfully applied but which are imported into the United States without the authorization of the United States owner of the identical or confusingly similar trademark), fundamentally violate United States trademark law;

(2) gray market goods cause confusion to consumers that trademark laws are designed to avoid because such goods, intended for sale abroad, frequently differ in their physical characteristics from goods intended for sale in the United States, for example—

(A) gray market cosmetics may contain ingredients that are either banned in the United States or are otherwise considered less desirable from the perspective of a United States consumer;

(B) gray market vehicles may not include safety devices common in vehicles manufactured for sale in the United States market; and

(C) gray market batteries may have shorter lives when sold to a United States consumer simply because of delays and lack of care in transshipment;

(3) gray market goods are frequently not subject to the same quality control, warranties provided in the United States and other features that consumers may expect from a particular trademarked good;

(4) whether or not consumers are confused by gray market goods, the importation or sale of such goods deprives United States trademark owners of their investment in their trademarks;

(5) trademarks foster vigorous competition and increased research and development and such interbrand competition ultimately benefits consumers with lower prices and increased quality and selection;

(6) the loss of goodwill occasioned by gray market goods is in violation of fundamental tenants of our trademark laws; and

(7) the importation and sale of gray market goods in the United States must be prevented to preserve the integrity of our trademark system.

(c) The Act of July 5, 1946, the Lanham Trademark Act (15 U.S.C. 1051 et seq.), is amended by adding at the end thereof the following new section:

"SEC. 52. (a) No person may import into or sell within the United States any good that is manufactured outside the United States if such good, or the label, sign, print, package, wrapper, or receptacle, bears a trademark that is identical or confusingly similar to a trademark that is—

"(1) owned by or exclusively licensed to a person that is a citizen of the United States or by a corporation or other entity created within the Untied States under the laws thereof or the laws of one of the States, the District of Columbia, one of the territories, or the Commonwealth of Puerto Rico, without regard to the citizenship of its incorporators, shareholders, officers, or directors, and

"(2) registered with the Patent and Trademark Office under the provisions of this Act, unless such United States trademark owner or exclusive licensee of the trademark consents to such importation or sale.

"(b) The prohibitions of subsection (a) apply regardless—

"(1) of whether the foreign manufacturer of the goods or foreign trademark owner whose trademark appears on the goods is related in any way, by corporate affiliation or otherwise, to the owner of the United States trademark;

"(2) of whether the owner of the United States trademark owns or has registered the trademark abroad; or

"(3) of whether the owner of the United States trademark has authorized the use of the trademark abroad.

"(c) The Secretary of the Treasury shall exclude from entry into the United States any good the importation of which is in violation of subsection (a), provided that the person who owns the trademark in question in the United States and who has registered that trademark with the Patent and Trademark Office or the exclusive licensee of such person files a copy of the certificate of registration for such trademark with the Secretary of the Treasury.

"(d) Any owner of a United States trademark or any exclusive licensee of such owner may bring an action against the importer or seller of goods bearing identical or confusingly similar trademarks in violation of section (a) in any Federal district court to enjoin such importation or sale and to obtain money damages and lost profits for the wrongful use of a trademark by reason of such importation or sale, under the provisions of this Act.

"(e) For purposes of this section, the term—

"(1) 'person' means any individual or entity including but not limited to any corporation or partnership;

"(2) 'United States' means the territory comprising the 50 States, the District of Columbia, and Puerto Rico; and

"(3) 'exclusive licensee' means any person to whom the owner of a United States trademark has granted the sole and exclusive right to market, sell, distribute, or provide goods of a certain kind in the United States under that trademark.

"(f) The exceptions to the prohibitions of section 526(a) of the Tariff Act of 1930, set forth in section 526(d) of that Act, apply to the prohibitions set forth herein.

"(g) The Secretary may promulgate regulations to implement subsection (b) but such regulations must enforce subsection (b) fully for any owner of a trademark in the United States regardless of whether—

"(1) such trademark owner or its subsidiary or other affiliate manufactures or sells goods bearing an identical or similar trademark abroad;

"(2) such trademark owner owns and/or has registered such trademark abroad; or

"(3) such trademark owner has authorized the use of such trademark abroad.".

By Mr. PRESSLER:

S. 895. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses on individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

TAX TREATMENT OF EXPENSES RELATED TO ALZHEIMER'S DISEASE

Mr. PRESSLER. Mr. President, today I am introducing legislation that would permit tax deductions for expenses, other than medical, which are related to home health care, adult day care, and respite care of an individual with Alzheimer's disease. My legislation is the companion measure to Representative OLYMPIA SNOWE's bill, H.R. 931, introduced on February 6. This legislation has gained strong bipartisan support in the House, and I hope comparable support can be obtained here in the Senate.

Specifically, this legislation would allow caregivers a deduction from gross income for services which assist them in providing care to a dependent who suffers from Alzheimer's disease or a related organic brain disorder.

This legislation is an important starting point in providing relief to caregivers who provide around-the-clock care to a family member 7 days a week for months or, in many cases, years. Alzheimer's disease places a particularly difficult burden on caregivers. It weakens both mind and body. Alzheimer's disease victims require constant, full-time care. They can suffer from the disease for anywhere from 3 to 20 years. This places an immense physical, emotional, and financial burden on caregivers. In most cases, neither public programs nor private insurance provide protection for these families. The legislation I am submitting would help to ease the burden on families who have a member with Alzheimer's disease or a related disorder.

I am a cosponsor of Senator GLENN's resolution to designate a week in November 1991 and 1992 as National Family Caregiver Week. As our Nation enjoys advances in medical technology, nutrition, and other areas crucial to good health, our elderly population continues to grow at an almost phenomenal rate. Thus, it is essential that we recognize the particular needs of this segment of our population. Today the Senate Aging Committee, of which I am a member, is holding a hearing on ways to improve respite care. This hearing should help to create a greater recognition of the need to support caregivers in our society and may identify some possible means of providing relief to these individuals.

I am particularly pleased to introduce my bill at this time. The Alzheimer's Association currently is holding its annual public policy forum. I would like to extend special congratulations to the Alzheimer's Association, my good friends Princess Yasmin Aga Khan Jeffries, and Randy Maas, executive director of the Alzheimer Association's Siouxland chapter in Sioux Falls, SD, for their extraordinary efforts to increase public awareness of Alzheimer's disease.

It is particularly important to strengthen national recognition of the extent to which Alzheimer's disease affects our society. It is shocking to learn that Alzheimer's disease will affect one in three families by the middle of the next century, unless we find a cure or preventive remedy. I am very pleased to note that 37 of my colleagues have joined in sponsoring the resolution I introduced on January 14 to designate November 1991 and 1992 as National Alzheimer's Disease Month.

I urge all of our other colleagues to join in sponsoring that resolution, as well as the legislation I am introducing today. Alzheimer's patients and their families need your support in combatting this horrible disease.

By Mr. DASCHLE (for himself and Mr. INOUYE):

S. 897. A bill to amend the Indian Health Care Improvement Act, the Public Health Service Act, and the Social Security Act to provide for the establishment of nursing school clinics to provide primary health care services in medically underserved rural areas, and for other purposes; to the Committee on Finance.

NURSING SCHOOL CLINICS ACT

• Mr. DASCHLE. Mr. President, I rise today to introduce the Nursing School Clinics Act of 1991, a bill that has two main purposes. First, it builds on our concerted efforts to provide access to quality health care for all Americans by furnishing grants and incentives for nursing schools to establish primary care clinics in areas where additional medical services are most needed. Second, it provides the opportunity for nursing schools to enhance the scope of their students' training and education by giving them firsthand clinical experience in primary care facilities.

Any good manager knows that when major problems are at hand and resources are tight, the most important act is the one that makes full use of all available resources. The American health care system is particularly deficient in this regard. We all know only too well that many individuals in the Nation have no or inadequate access to health care services, especially if they live in many of our rural towns and villages or inhabit our Indian communities. Many good people are trying to deliver the services that are so vitally needed, but we need to do more. We must make full use of all health care practitioners, especially those who have been long waiting to give the Nation the full measure of their professional abilities.

Nursing is one of the noblest professions, with an enduring history of offering effective and sensitive care to those in need. Yet it is only in the last few years that we have begun to recognize the role that nurses can play as independent providers of care. Just last year Medicare was changed to authorize direct reimbursements to nurse practitioners. Medicaid is gradually being reformed to incorporate their services more effectively. The Nursing School Clinics Act continues the progress toward fully incorporating nurses in the delivery of health care services. Under the act, nursing schools will be able to establish clinics, supervised and staffed by nurse practitioners and nurse practitioner students, that provide primary care targeted to medically underserved rural and native American populations.

In the process of giving direct ambulatory care to their patients, these clinics will also furnish the forums in which both public and private schools of nursing can design and implement clinical training programs for their students. Simultaneous school-based education and clinical training have been a traditional part of physician development, but nurses have enjoyed fewer opportunities to combine classroom instruction with the practical experience of treating patients. This bill reinforces the principle for nurses of joining schooling with the actual practice of medical care.

To accomplish these objectives, the bill has three main parts. First, it amends the Indian Health Improvement Act to authorize up to $5 million in grants to public and private nursing schools as seed money for the creation of primary care clinics to be run by the nursing schools. As part of developing the clinics, funds could be used on such concerns as clinical program development, faculty enhancement, and student fellowships. Nursing schools receiving these grants would be required to establish their clinics where Indians would have easy access to them. Second, another $5 million in grants are authorized in the Public Health Service Nursing Education Program for the same purposes and for schools that developed clinics in medically underserved areas. Third, titles XVIII and XIX of the Social Security Act are amended to designate that the services provided in these nursing school clinics are reimbursable under Medicare and Medicaid. The combination of grants and the provision of Medicare and Medicaid reimbursement furnishes the incentives and operational resources necessary to start the clinics and to keep them going.

To meet the increasing challenge of bringing cost-effective and quality health care to all Americans, we are going to have to think about and debate a variety of proposals, both large and small. Most important, however, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act of 1991 recognizes the central role they can perform as caregivers to the medically underserved.•

By Mr. LEAHY (for himself, Mr. BURDICK, Mr. GORE, Mr. ADAMS, Mr. DURENBERGER, Mr. KENNEDY, Mr. AKAKA, Mr. BRYAN, Mr. CRANSTON, Mr. INOUYE, Mr. JEFFORDS, Mr. KOHL, Mr. LEVIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REID, and Mr. SARBANES):

S. 898. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CIRCLE OF POISON PREVENTION ACT

• Mr. LEAHY. Mr. President, every day, millions of Americans are exposed to needless risk.

In neighborhood supermarkets, they unknowingly buy food grown overseas that has been sprayed with pesticides so dangerous that EPA refuses to let our farmers use them in the United States.

Worse yet, some of these pesticides are made by U.S. companies right here in America. And because FDA waives through virtually all imported food without inspection, these chemicals often end up on America's dinner table.

This is the "Circle of Poison." It must be broken.

America is one of the safest food suppliers in the world. We are constantly seeking ways to make the best better.

But at a time when we are toughening standards at home, it makes no sense to allow American companies to use a loophole in current law to dump unsafe pesticides abroad—only to have these chemicals show up in imported foods in America's supermarkets.

One-fourth of the produce we eat is imported. That's 135 pounds of fruits and vegetables for every man, woman, and child.

Although FDA is responsible for inspecting almost all imported food, it only samples a minuscule 1 to 2 percent of the food entering this country. The rest is simply waived through at the wharf. Overall, 5 percent of FDA-sampled imported food was found contaminated with illegal pesticides, where there is no domestic tolerance or which are illegal to use in the United States. The actual violation rate may be substantially higher because FDA routinely fails to screen for scores of pesticides.

Breaking the circle of poison means stopping U.S. chemical companies from dumping pesticides overseas that EPA considers unsafe. It means reducing the chance that these banned chemicals will find their way into our schoolchildren's lunch sacks.

If EPA says that a pesticide is too unsafe to be used on American-grown food, then it is too unsafe to be used on foreign-grown food.

Buying food should not be a guessing game. Consumers should not have to choose between off-season cantaloupes and cancer every time they buy imported fruit at the supermarket checkout line.

The circle of poison is also a problem for American farmers. It is not fair that foreign competitors can use chemicals that our farmers cannot.

This legislation will level the playing field for our producers.

Mr. President, to address this problem, we are today introducing the Circle of Poison Prevention Act of 1991. I ask that background materials on the legislation be inserted into the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OVERVIEW

Circle of Poison: A loophole in current law allows U.S. chemical companies to export pesticides EPA considers cancer causing and too dangerous for domestic farm use. Used on foreign-grown food that is shipped here and scarcely inspected at the U.S. border, these pesticides often end up on America's dinner tables, completing a cycle many call the "Circle of Poison."

A provision to break the Circle of Poison was dropped from last year's farm bill, after the Administration, using arguments supplied by the pesticide industry, directed an unrivaled attack on it.

This year's legislation, called the "Circle of Poison Prevention Act of 1991" (COPPA), bans the export of pesticides that cannot be used domestically (i.e., have no EPA "registration") or cannot be present on food consumed in the U.S. (i.e., have no EPA "food tolerance").

On the contamination of imported food: Overall, five percent of the imported food FDA samples is found contaminated with illegal pesticides—twice the rate for domestic foods. The actual violation rate may be substantially higher since FDA routinely does not screen for scores of unregistered pesticides that are used on imported food.

On imported food consumed: Pesticides exported abroad can come back to the U.S. on treated fruits and vegetables. Each year, Americans consume 134 billion pounds of fruits and vegetables, 25 percent of which is imported. That equals 135 pounds of imported fruits and vegetables for every man, woman and child. During the winter months, half of what we consume is imported.

FDA screens a minuscule amount of imported foods: Although FDA is responsible for inspecting almost all imported food, they sample a minuscule one to two percent of the food entering this country. The rest is simply waived through at the wharf. In the last three years, federal inspectors have found U.S.-banned pesticides in beef from Honduras, pineapples from Mexico, rice from Pakistan, mushrooms from France and beans and carrots from Latin America.

Level the playing field: If a U.S.-made chemical is banned here but used by competing producers in a foreign country, then we are effectively penalizing U.S. farmers and growers for using safe pesticides and obeying the law.

Key Provisions of the Circle of Poison Prevention Act of 1991

Export Ban: For the first time, bans the export pesticides that cannot be used domestically (i.e., have no EPA "registration") or cannot be present on food consumed in U.S. (i.e., have no EPA "food tolerance").

Safer Food: To make food safer, EPA must immediately revoke or suspend a pesticide food tolerance when it revokes or suspends its registration.

Level Playing Field for U.S. Farmers: Blocks foreign farmers from receiving pesticides from the U.S. that domestic farmers cannot use.

Cannot Hide Pesticides: To help find illegal chemicals used on imported foods, requires for the first time that pesticides be detectable by FDA's regular screening tests.

Prior Informed Consent: For the first time, allows other countries to refuse any "restricted-use" (hazardous) pesticide. Countries will receive specific information about the safety of pesticides before accepting them.

Worldwide Notification: For the first time, requires worldwide notification of significant pesticide regulatory decisions including new registrations, conditional registrations, cancellations and withdrawals, suspensions, "restricted use" classifications, and special reviews.

Eliminates Loophole: Requires that "me toos"—pesticides claimed, often falsely, to be significantly similar in composition—no longer be exempt from proper regulation.

Better Labeling and Packaging: Requires pesticide labels to be written in an official language of the country where the pesticide will be used. Also requires that packaging meet the legal requirements of the country of use.

Leadership Role for U.S.: Directs EPA to: (1) convene international meetings to develop multinational pesticide export control measures; and (2) assist foreign countries in developing better pesticide regulatory and sustainable agriculture programs.

Citizens Suits: In addition to EPA-initiated enforcement actions, allows direct citizen enforcement of bill's provisions.

Legislative History of Circle of Poison

1990 Farm Bill: During the Senate Agriculture Committee markup, Sen. Patrick Leahy (D–VT) put Circle of Poison reform legislation into the Senate farm bill. It banned the overseas export of U.S.-made pesticides that the EPA considers possible carcinogens and too dangerous for domestic farm use.

In the House, a bill similar to that put into the Senate farm bill was introduced by Rep. Mike Synar (D–OK), Leon Panetta (D–CA) and Dan Glickman (D–KS). The House bill was amended and later included in the House farm bill.

At conference, the House and Senate conferees could not agree on a Circle of Poison provision that adequately dealt with the export of hazardous pesticides. The issue was dropped from the farm bill.

The Administration's role: Using arguments supplied by the pesticide industry, the Administration directed an extraordinary attack on Circle of Poison, playing the key role in killing it.

Five Administration agencies (EPA, USDA, Commerce, Justice and the U.S. Trade Representatives) argued that the legislation would "disrupt trade which may be worth several hundred million dollars per year, and which undoubtedly supports a large number of American jobs" and "could cause serious damage to the American agricultural chemical industry."

The Administration was criticized when it admitted it did not know how many banned and unregistered chemicals are exported each year from the U.S. The agencies are still unable to document this contention.

The nonpartisan Congressional Research Service of the Library of Congress criticized the industry arguments and survey as: "The bases of the [industry] survey's worst-case estimates of economic impacts appear to be possible, although not necessarily probable, outcomes."

Analysis by the Senate Agriculture Committee also refuted the chemical company survey. It concluded that, under a worse case scenario, theoretically 700 to 1,000 U.S. jobs would be impacted by the legislation—less than one-tenth of one percent (0.04% to 0.06%) of the jobs in the U.S. chemical industry. It also concluded that this number will be substantially reduced as manufacturers shift to producing safer, registered chemicals and other products. To show how relatively small this number is, the Committee reported that approximately 41,000 U.S. chemical company workers call in sick at least one day a week.

Partial List of Banned and Unregistered Chemicals

These are a few of the made-in-the-U.S. pesticides that will no longer be exportable under the "Circle of Poison Prevention Act of 1991":

1. Chlordane and Heptachlor, made by Velsicol Chemical: Known carcinogens, Velsicol makes chlordane and heptachlor at its Memphis, Tennessee plant. Although both were banned from U.S. farm use in 1978, Velsicol still exports them overseas, sending nearly two million pounds to 14 countries since the beginning of 1990. FDA testing has found these chemicals on imported meat, fruits, and cheese.

2. Haloxyfop (Gallant), made by DowElanco: After classifying haloxyfop as a "probable human carcinogen," EPA refused to approve any of DowElanco's three applications for import tolerances for beef and other animal products or one for a registration. Gallant is used in Australia, Chile, Costa Rica, Indonesia, and France for use on chickpeas, apples, pears, palm trees (oil), and wine grapes.

3. Nuarimol (Triminal), made by DowElanco: EPA refused a food tolerance petition for nuarimol in 1983 due to concerns about the risk of cancer and birth defects. Nuarimol is used in Germany, United Kingdom, Italy, France, and Spain on barley and grapevines.

4. Prothiophos (Tokuthion), made by Mobay: EPA has refused Mobay's application for an import tolerance due to concerns about the risk of cancer and birth defects. Prothiophos is used in Indonesia, Japan, and Australia on palm trees (oil), pears, tea, and grapevines.

5. Butachlor (Machete), made by Monsanto: Due to concerns about cancer risk and ground water contamination, EPA has refused Monsanto's applications to register butachlor. Butachlor is used in Thailand, India and Japan on rice.

6. Carbosulfan (Marshal, Sheriff and Posse), made by FMC: Carbosulfan has neither a tolerance nor registration but is exported to Indonesia, Thailand, Ireland, Spain, United Kingdom and Yugoslavia for use on corn, rice, soybeans, beets, broccoli, potatoes and asparagus.

7. Acetochlor, made by Monsanto: EPA considers acetochlor a "probable human carcinogen." In 1983, Monsanto applied for both a registration and food tolerance for acetochlor, neither of which have been granted. It is used in Eastern Europe on corn, cauliflower, potatoes and apples.

Problems With Imported Food/Impact on Foreign Workers

Food and Drug Administration data shows that imported food has substantially higher levels of contamination from illegal pesticides than domestic food. For example, 10.3 percent of imported peas have been found with illegal pesticide residues (pesticides that have no domestic tolerance or which are illegal to use in the U.S.), while no violations were found for domestically-grown peas.

[In percent]

	Imported[1]	Domestic[1]
Peas	10.3	0
Eggplant	9.4	0
Cabbage	8.9	0
Pears	8.3	0
Peppers	7.4	0
Squash	4.5	1
Blackberries	8.9	(2)
Tangerines	7.1	(2)

[1] FDA data for compliance and surveillance samples. Imported: FY 1988 through April 1990. Domestic: 1988.

[2] No data.

New requirements for import tolerance: Under current law, it is often legal to import food treated with a banned pesticide years after the pesticide has been barred from domestic use. For example, while DDT was banned from domestic use in 1972, it was still legal to import DDT-treated food for another 14 years. Similarly, chlordane was banned from domestic farm use in 1978, yet chlordane food could be imported until 1989—11 years later.

This not only presents a health and safety problem for American consumers but is unfair to American farmers who must play under one set of pesticide rules while their foreign competitors use another. To sever the "circle," the legislation requires EPA to cancel or revoke a food tolerance (which allows the pesticide to be present on domestic or imported food) when its registration (allowing domestic farm use) is canceled or revoked.

Impact on foreign workers: U.S. made chemicals often have tragic consequences in other countries when they are used by workers unaware of the risks involved. The use of one pesticide, DBCP, may have sterilized as many as 2,000 banana workers in Costa Rica. Despite a 1958 industry study showing that DBCP could cause sterility in laboratory animals, it was widely used in the 1960s and 1970s to kill insects on fruits, vegetables and nuts. It was finally banned by California in 1977 and EPA in 1979. Although Shell, Dow Chemical, and Amvac stopped making DBCP soon thereafter, it is a graphic illustration of the devastation caused by U.S. chemicals dumped overseas.

IMPACT ON U.S. CHEMICAL COMPANY EMPLOYMENT—PREPARED BY SENATE AGRICULTURE COMMITTEE

Conclusion: Under a worst case scenario, the Committee concludes that at most 700 to 1,000 U.S. jobs could be impacted by the legislation—less than one-tenth of one percent (0.04% to 0.06%) of the jobs in the U.S. chemical industry. This number will be substantially reduced as manufacturers shift to producing safer, registered chemicals and other products.

To show how relatively small this number is, approximately 41,000 U.S. chemical company workers call in sick at least one day a week.[1]

Committee calculations are as follows:

	Number	Percent
U.S. chemical company employees (worldwide)	[1] 1,659,800	100.00
U.S. agricultural chemical employees (domestic)	[1] 67,700	3.00
U.S. pesticide employees (domestic)	[1] 22,000	1.00
U.S. pesticide employees in export of pesticides	[1] 6,000	.40
U.S. pesticide employees in export of unregistered pesticides	[2] 2,000	.10
U.S. pesticide employees in export of unregistered pesticides—excluding pesticides with a food tolerance and "me-too" pesticides	[3] 700–1,000	.04–06
Projected worst case job loss under 700–1,000 "Circle of Poison Prevention Act of 1991"		.04–.06

[1] Congressional Research Service.

[2] General Accounting Office, "Pesticides: Export of Unregistered Pesticides Is Not Adequately Monitored by EPA," (April 1989). In 1987, 31 percent of of the 400–600 million pounds of U.S. manufactured pesticides exported were unregistered. For 1985–1987 the percentage was 25 percent.

[3] Environmental Protection Agency. Pesticides with a food tolerance are exportable under the "Circle of Poison Prevention Act."

BASIC QUESTIONS AND ANSWERS ON THE CIRCLE OF POISON PREVENTION ACT OF 1991

What is the Circle of Poison? Some unregistered or banned pesticides that cannot be used for domestic farm use are still made in the U.S. and then exported for foreign agricultural use. When this treated foreign food is imported to the U.S., the pesticide has made a complete circle—the Circle of Poison.

Do we still import food containing dangerous pesticides? FDA samples roughly one to two percent of all food shipments entering the U.S. and generally finds that five percent have residues of pesticides for which there is no food tolerance and are already illegal to import.

Instead of stopping exports, isn't the answer to the Circle of Poison better monitoring at the border? Doubling FDA's testing budget would allow it to sample only two to four percent of imported food, giving little assurance of protection. Also, many chemicals cannot be picked up through FDA testing.

How will this bill affect domestic farmers and domestic agriculture? The bill will level the playing field for American farmers and growers. If a chemical is banned here but used by competing producers in a foreign country, then we are in effect penalizing U.S. farmers and growers for using safe pesticides and obeying the law.

What about pesticides that are not registered in the U.S. because they are used on food not grown in the U.S.? Under the "Circle of Poison Prevention Act," these pesticides can still be exported if there is a food tolerance (i.e., it is legal to have that pesticide's residue on food consumed in the U.S.).

U.S. chemical companies are responsible. If they cannot sell their products, foreign markets will be served by fly-by-night or pirate companies. Not all U.S. companies are responsible exporters. EPA recently fined eight for violating U.S. export laws: Exxon, Mobay, Shield Bright, Dow Chemical, Rohm and Haas, Sandoz, Monsanto and Chevron. The industry cannot police itself.

Poor, third-world countries need pesticides to avoid famine and to feed their people. Don't they need these chemicals? Because the U.S. has the most advanced agricultural technology in the world, we are developing safer alternatives to some of the older, more risky pesticides being taken off the market. These chemical alternatives, as well as integrated pest management practices, are being made available to third world countries. In cases where no alternatives exist to prevent the spread of communicable disease and famine, the legislation allows the export of unregistered pesticides.

This legislation will cost American jobs and research/development. We will just be exporting jobs and research and development overseas. If we don't do it, someone else will.

Research: This bill places no new restrictions on domestic research and development. It will not cause pesticide companies to abandon their billions of dollars invested in U.S. facilities and personnel.

Jobs: The U.S. chemical industry employs approximately 1 million people, 20,000 of which work on agricultural pesticides. An estimated 700 to 1,000 work on chemicals barred from export by this legislation. Thus, one-tenth of 1 percent of total chemical industry jobs would be affected by this legislation. Also, U.S. firms manufacture a range of pesticides at U.S. facilities. It is unlikely that they will build new plants just for the production of some relatively small product lines.

Won't this bill simply force American companies to produce the banned chemicals overseas, giving us less control over the problem? We have a moral responsibility on food safety. If the chemicals are not safe for American farmers and consumers, they are not safe for foreign farmers and consumers. Even if these pesticides are produced overseas, this legislation will prohibit importing into the U.S. any food that has been treated by unregistered pesticides. The importance of the U.S. market for foreign agricultural producers provides an important disincentive to the use of, and the demand for, these pesticides.

Will this be an infringement on free trade? Does the bill interfere with GATT? No. Countries may set safety standards, provided they require their own producers to meet the same standards. This bill requires necessary reporting on pesticide use to ensure they are meeting the same standards as American farmers.

Why should the U.S. take a unilateral role? The Drug Enforcement Administration has taken unilateral action to bar U.S. companies from exporting chemicals being diverted to process cocaine. The Administration argued that it was important for the U.S. to take a leadership position to stop the spread of drugs. The U.S. is also considering similar unilateral action against exports used to manufacture chemical weapons. With both bans, Administration officials say it is important for the U.S. to take a leadership role in restricting the export of those chemicals that are diverted to make cocaine or chemical weapons.

The Circle of Poison legislation proposes that the same leadership role for the U.S.

Is the Circle of Poison a problem for foreign workers? Untrained foreign workers use U.S. pesticides that may injure them. For example, DBCP may have sterilized as many as 2,000 banana workers in Costa Rica. Also, there are 25 million poisonings each year in developing countries and the U.S. is one of the top three chemical producers in the world.●

● Mr. GORE. Mr. President, I am pleased to join Senator LEAHY once again to introduce extremely important legislation to stop the export of pesticides determined to be too dangerous for use in the United States. The Circle of Poison Prevention Act turns good sense and compassion into law.

This bill sends a clear message: if the EPA has determined a pesticide is unsafe and, has banned that pesticide from use in the United States—even prohibiting its presence on food imports—then we cannot allow that pesticide to be made here and exported to other countries. It makes absolutely no sense to allow the export of dangerous pesticides to other countries, to export a risk we will not accept ourselves.

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[1] Congressional Research Service. Each week, 3.8% of chemical industry workers miss at least one day of work.

Data shows that pesticides which have been denied a food tolerance or U.S. registration due to possible cancer risk, groundwater contamination and other harmful effects are known to be used in treating fruit and vegetable crops in other countries. We must stop taking the chance that these harmful chemicals will find their way back to our dinner tables as residues on foods we import.

This bill breaks the circle of poison threatening our children, our children's children, and every generation to follow. Our food supply is the safest in the world because, from farmer to grocer, extra efforts are taken to protect us. But even if we ban a chemical here, if we allow it to be exported and used on crops growing in other countries, odds are high it will come right back and find its way to our supermarkets and dinnertables.

The FDA, charged with inspecting almost all imported food, acutally only samples 1 or 2 percent of food imports. Yet, even of that small sample, 5 percent is found contaminated with illegal pesticides—twice the rate for domestic foods.

We must make our laws work so they provide real protection for people. And, we must make sure our farmers are working on a level field, against competitors who face the same pesticide rules.

We are in the middle of an extraordinary movement toward global cooperation. The United States must be a leader in confronting global environmental challenges. It is essential, if we are to provide effective leadership, that we stop exporting banned pesticides. If we don't, each shipment will carry a message of ill-will threatening progress on many environmental fronts.

In 1947, Congress identified a need to protect Americans from dangerous, and sometimes deadly, agricultural chemicals. The Federal Insecticide, Fungicide, and Rodenticide Act bans certain chemicals from being used in the United States, but, because of a loophole, allows these same chemicals to be exported. It is time we closed that loophole. Chemicals that cannot be used in this country because they pose an unacceptable risk to health and the environment, should not be exported to other countries. We cannot export a risk that we would not accept ourselves.

This legislation will expand TIFRA to ensure that companies exporting pesticides produced in the United States cannot dump on other countries harmful substances unacceptable here. The bill will grant greater control to importing countries over what pesticides are entering their borders and impacting the lives of their people. It will also require better packaging and labeling of pesticides, including requiring pesticide labels to be written in an official language of the country where the pesticide will be used.

This bill directs the EPA to convene international meetings to develop multinational pesticide export control measures and to assist foreign countries in developing better pesticide regulatory and sustainable agriculture programs.

I am familiar with the arguments made by those concerned about the impact of this bill on industry. The Velsicol Chemical Corp., in Memphis, TN, is the world's only producer of chlordane and heptachlor, two of the most highly toxic and persistent insecticides ever made. There two chemicals have been banned from farm use in the United States for more than a decade because of the risks they present to public health and the environment. Even so, just 3 years ago, chlordane levels as high as eight times the allowable level were found in beef imported to the United States from Honduras. And just since 1990 Velsicol has exported more than 2 million pounds of heptachlor and chlordane to 14 countries.

While pesticides are useful to food producers in protecting their crops, we have wisely chosen to make certain these uses do not threaten our health or our environment. Companies can continue to pursue the development and manufacture of safe chemicals to replace those that are not safe. We have a responsibility to see to it that these standards are upheld within our borders and in a way that prevents this threat from being exported and then returning to our dinner tables. I look forward to the enactment of this long overdue change in our pesticide laws and urge my colleagues to support this measure.•

By Mr. LUGAR (for himself, Mr. COCHRAN, and Mr. GRASSLEY):

S. 899. A bill to amend the Older Americans Act of 1965 to recognize, support, and promote the use of volunteers to assist older Americans, to encourage older Americans to volunteer in local communities, and for other purposes; to the Committee on Labor and Human Resources.

OLDER AMERICANS ACT AMENDMENTS

• Mr. LUGAR. Mr. President, during the last decade the United States has experienced a slow transformation. According to Dr. Joyce T. Berry, the U.S. Commissioner on Aging, the number of persons aged 60 or older has increased by 23 percent to over 31 million people. Unfortunately, this rise in our senior population has pressed the availability of services to seniors beyond their limits.

Congress passed the Older Americans Act in 1965 to provide important services to the Nation's seniors. Among them is funding for senior centers and services such as home-delivered meals and congregate meals. In order to successfully provide these services the Older Americans Act heavily relies on over 450,000 volunteers. Remarkably, the Older Americans Act does not formally recognize these men and women who make the Older Americans Act work.

It is my belief that part of the solution to a potential crisis in service availability lies in an increased use of volunteer services to assist older Americans. Today I am introducing legislation which creates a volunteer services coordinator at the local area on aging level. The responsibilities of the volunteer services coordinator would be to encourage and enlist the services of volunteer groups to assist the area's elderly, to encourage and organize the area's elderly to volunteer in their communities, and to promote the recognition of the contribution made by volunteers to the Older Americans Act. I am pleased that Senator COCHRAN and Senator GRASSLEY have agreed to join me in this effort as cosponsors.

Here in the Senate the process of examining the Older Americans Act has begun in the Subcommittee on Aging. I am confident that many fine ideas will be discussed and debated before the entire Senate is asked to vote on reauthorization of the Older Americans Act. I look forward to participating in this important process.

Mr. President, I ask unanimous consent that the text of my bill be placed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "____________".

SEC. 2. FUNCTIONS OF COMMISSIONER.

Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(c)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2)(A) In executing the duties and functions of the Administration under this Act and carrying out the programs and activities provided for by this Act, the Commissioner shall act to encourage and assist the establishment and use of—

"(i) area volunteer service coordinators, as described in section 306(a)(4)(B), by area agencies on aging designated under section 305(a)(2)(A); and

"(ii) State volunteer service coordinators, as described in section 307(a)(9)(B), by State agencies designated under section 305(a)(1).

"(B) The Commissioner shall provide technical assistance to the State and area volunteer services coordinators.".

SEC. 3. USE OF FUNDS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following new subsection:

"(i) Grants made under any authority of this title may be used for paying for the costs of providing for an area volunteer services coordinator, as described in section 306(a)(4)(b), or a State volunteer services coordinator, as described in section 307(a)(9)(B).".

SEC. 4. AREA PLANS.

Section 306(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(4)) is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) in subparagraph (A) (as designated by paragraph (1) of this section), by adding "and" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(B) if appropriate, provide for an area volunteer services coordinator, who shall—

"(i) encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of the elderly within the planning and service area;

"(ii) encourage, organize, and promote the use of older Americans as volunteers to local communities within the area; and

"(iii) promote the recognition of the contribution made by volunteers to programs administered under the area plan;".

SEC. 5. STATE PLANS.

Section 307(a)(9) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(9)), is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end the following new subparagraph:

"(B)(i) If three or more area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(4)(B), the State plan shall provide for a State volunteer services coordinator, who shall—

"(I) encourage areas on aging to provide for area volunteer services coordinators;

"(II) coordinate the volunteer services offered between the various areas on aging;

"(III) encourage, organize and promote the use of older Americans as volunteers to the State;

"(IV) provide technical assistance, which may include training, to area volunteer services coordinators; and

"(V) promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

"(ii) If fewer than three area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in clause (i).".•

• Mr. COCHRAN. Mr. President, I am pleased to join as an original cosponsor of legislation that Senator LUGAR is introducing today to provide for the promotion and coordination of volunteer services under the Older Americans Act.

As the ranking member of the Subcommittee on Aging which is conducting hearings and reviewing the issues related to the reauthorization of the Older Americans Act this year, I am pleased to support this proposal to improve the Act so that it will better serve the needs of older Americans.

This legislation recognizes the tremendous resource in the form of volunteer services that exists in the older American population and among volunteer service organizations to provide services to that population. More importantly, Mr. President, the bill will tap those resources, not by adding an additional and costly layer of regulation and bureaucracy, but by providing flexibility within the existing framework to those already charged with the implementation of the Act and its programs.

This proposal will allow local area agencies on aging to use existing Older Americans Act funds to create a volunteer services coordinator position. This individual would encourage and enlist the services of existing volunteer organizations to serve the elderly and would encourage and coordinate those older Americans who volunteer their own time and energy in service to their communities.

Mr. President, as the population of older Americans continues its rapid rate of increase in the decades ahead, there will be an ever greater strain on our ability to provide nutrition and other services currently provided under the Older Americans Act.

While better utilization of resources now available in the form of volunteers and volunteer service organizations won't be sufficient to overcome all the increase in demand for services, it can certainly help.

Mr. President, I commend my colleague, Senator LUGAR, for this initiative. I look forward to working with him to ensure that the Older Americans Act will allow area agencies on aging to promote, coordinate, and utilize volunteer services that may be available to help meet the needs of older Americans.•

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. BURDICK, Mr. DIXON, Mr. HARKIN, Mr. HEFLIN, Mr. KERREY, Mr. LEVIN, and Mr. SYMMS):

S. 900. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers who realize capital gain on the transfer of farm property to satisfy an indebtedness, and for other purposes; to the Committee on Finance.

FARM DEBT TAX REFORM ACT

• Mr. CONRAD. Mr. President, tens of thousands of farmers across the country are attempting to restructure their debts and retain their homesteads. However, the fresh start Congress envisioned for these farmers when it passed the Agricultural Credit Act of 1987 will prove to be elusive for many of them. Depending on the circumstances, the tax consequences of debt restructuring can be very severe—and will push some farmers over the brink of insolvency just as they are attempting to recover.

Farmers engaged in debt restructuring can encounter either—or both—of the following tax problems. When property is deeded back to a lender in exchange for debt relief, the farmer will realize a capital gain if the fair market value of the property is above the basis. It is the same tax the farmer would owe if he sold the land, only in this case there is no cash from the sale. The farmer could also owe some tax on the debt relief he receives from the lender, unless he is insolvent or has unused tax attributes to apply as offsets.

Prior to the 1986 tax reform law, it was possible to mitigate these tax consequences by using income-averaging and excluding 60 percent of capital gains. But since the repeal of these provisions, farmers who restructure their debts increasingly find that the resulting tax obligations are beyond their ability to pay.

Thousands of farmers will fail if the current tax treatment of debt restructuring arrangements is left unchanged. And for others who have lost their farms, huge tax bills will hang over their heads for years to come, clouding what prospects they had for making a modest living.

Let me provide a numerical example. Suppose a farmer had a loan for $200,000 and conveyed back land worth $150,000 to eliminate this debt. Assume this land had a cost-basis of $75,000. Under current law, this farmer would have to pay tax on a capital gain of $75,000. Though such gains are illusory, they will be taxed as ordinary income.

The farmer in this example would also realize $50,000 of discharge of indebtedness income. To offset this income, he can draw on any tax attributes—such as unused investment tax credits and net operating loss carryovers—that he has, and he can reduce basis in other property. If, after taking these steps, the farmer still has discharge of indebtedness income, he will be taxed on the remainder unless he is insolvent.

My bill would address both of these tax problems for farmers who are technically solvent but clearly lack the ability to pay. It would provide a limited, once-in-a-lifetime exclusion for farmers with low to moderate income and few other assets, to relieve them of the tax owed on discharge of indebtedness income or capital gains that arise from debt restructuring.

The exclusion is clearly targeted: large farmers, wealthy investors and speculators, and others with significant assets will not be helped. To qualify for the exclusion, farmers would need to meet the following three tests: First, at least 50 percent of gross receipts in 6 of the last 10 years must be attributable to farming; second, modified adjusted gross income is less than 100 percent of the national median adjusted gross income; and third, equity in all other property is less than $25,000 or 150 percent of tax liability, whichever is greater. The exclusion is limited to $300,000 over the taxpayer's lifetime, the same limit on the size of the write-down that exists under the Agricultural Credit Act.

Mr. President, this bill is similar to measures I introduced in 1988 and again in 1989. Counterpart bills were introduced in the House in both of these years. In July of 1989, the Senate Finance Committee held a hearing on the legislation, which demonstrated the need for such tax changes and suggested a number of technical revisions that have now been incorporated. During action of the fiscal 1990 budget reconciliation bill, the committee adopted key provisions of my bill which extended relief from the taxes on discharge of indebtedness income. Subsequently, however, this legislation was deleted from the reconciliation bill on the Senate floor in a leadership move to scale back and expedite passage of the omnibus budget measure.

But these problems have not disappeared. And with the national economy in recession, we should expect that the number of farmers who need to restructure their debts will continue to grow. According to the Farmers Home Administration, 14,167 borrowers had their debts restructured in 1990. In addition, the agency has thousands of unresolved cases, many of which are on appeal and can still involve writedowns. Others will end in liquidation, voluntary conveyance, or bankruptcy—with consequences for the 1991 tax year.

Mr. President, I believe that my bill offers a fair and workable solution to these problems. It will benefit low and moderate-income farm families—without opening the door to manipulation by speculative investors or wealthy individuals. Nearly 4 years have passed since opportunities to make a fresh start were offered to farmers by the Agricultural Credit Act. But debt restructuring cannot work as intended if it results in tax liabilities that farmers have no hope of ever being able to pay. I urge my colleagues to carefully examine this measure, and I ask unanimous consent that a section-by-section analysis and text of the bill be printed in the RECORD.

I thank the Chair and yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Debt Tax Reform Act of 1991".

SEC. 2. CAPITAL GAIN REALIZED FROM TRANSFER OF FARM PROPERTY IN COMPLETE OR PARTIAL SATISFACTION OF QUALIFIED FARM INDEBTEDNESS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. CAPITAL GAIN REALIZED FROM TRANSFER OF FARM PROPERTY IN COMPLETE OR PARTIAL SATISFACTION OF QUALIFIED FARM INDEBTEDNESS.

"(a) IN GENERAL.—Gross income of any taxpayer described in subsection (d) does not include so much of the gain from the transfer of farm property in complete or partial satisfaction of qualified farm indebtedness as does not exceed $300,000.

"(b) PRIOR GAINS AND DISCHARGES OF INDEBTEDNESS TAKEN INTO ACCOUNT.—

"(1) IN GENERAL.—If for any prior year—

"(A) gain from the transfer of farm property in complete or partial satisfaction of qualified farm indebtedness, or

"(B) a discharge of such indebtedness, is excluded from the taxpayer's gross income under subsection (a) of this section or section 108(g), respectively, subsection (a) of this section shall be applied for the taxable year with respect to such gain by reducing the dollar amount contained in such subsection by the such excluded prior year gains and discharges.

"(2) CURRENT YEAR COORDINATION WITH SECTION 108.—Subsection (a) of this section shall be applied for the taxable year with respect to any gain by reducing the dollar amount contained in such subsection (after any reduction under paragraph (1)) by any amount excluded from gross income under section 108 for such year.

"(c) REDUCTION OF TAX ATTRIBUTES.—

"(1) IN GENERAL.—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes described under section 108(b)(2).

"(2) COORDINATION WITH SECTION 108.—For purposes of this subsection, the amount of tax attributes shall be determined after any reduction under section 108(b) by reason of amounts excluded from gross income under section 108(a)(1).

"(d) TAXPAYER DESCRIBED IN THIS SUBSECTION.—

"(1) IN GENERAL.—A taxpayer is described in this subsection if—

"(A) the average of such taxpayer's modified adjusted gross income for any 3 taxable years of the 5-taxable year period ending with the taxable year in which the transfer of farm property in complete or partial satisfaction of qualified farm indebtedness occurs is less than 100 percent of the average of the national median adjusted gross income for such 3 taxable years,

"(B) more than 50 percent of the gross receipts of the taxpayer for 6 of the 10 taxable years preceding such taxable year are attributable to—

"(i) the trade or business of farming (within the meaning of section 2032A(e)(5)), or

"(ii) the sale or lease of assets used in such trade or business, or

"(iii) both, and

"(C) equity in all property held by the taxpayer after such transfer is less than the greater of —

"(i) $25,000, or

"(ii) 150 percent of the excess (if any) of—

"(I) the tax imposed by this chapter determined as if this section and section 108 did not apply to the transfer, over

"(II) the tax imposed by this chapter determined with regard to this section and section 108 (if applicable).

"(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income—

"(A) determined with regard to this section and section 108, and

"(B) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

"(3) EQUITY.—For purposes of this subsection, the term 'equity' means, with respect to all property held by the taxpayer, an amount equal to—

"(A) the fair market value of such property, minus

"(B) any indebtedness relating to such property.

"(e) FARM PROPERTY.—For purposes of this section, the term 'farm property' means real and personal property used by the taxpayer in the trade or business of farming (within the meaning of section 2032A(e)(5)).

"(f) QUALIFIED FARM INDEBTEDNESS.—For purposes of this section, indebtedness of a taxpayer shall be treated as qualified farm indebtedness if such indebtedness was incurred directly in connection with the operation by the taxpayer of the trade or business of farming (within the meaning of section 2032A(e)(5)) and when such taxpayer materially participated in such trade or business (within the meaning of section 2032A(e)(6)).

"(g) APPLICATION WITH RECAPTURE PROVISIONS.—In the case of any gain from the transfer of farm property in complete or partial satisfaction of qualified farm indebtedness which is treated as ordinary income under section 1245, 1250, 1252, or 1255, subsection (a) shall be applied for the taxable year by first reducing the dollar amount contained in such subsection by such gain.".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 136 and inserting in lieu thereof the following new items:

"Sec. 136. Capital gain realized from transfer of farm property in complete or partial satisfaction of qualified farm indebtedness.

"Sec. 137. Cross references to other Acts.".

(c) EFFECTIVE DATE; REFUNDS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers occurring after December 31, 1986, in taxable years ending after such date.

(2) WAIVER OF STATUTE OF LIMITATIONS.—In the case of any taxable year ending before the date of the enactment of this Act—

(A) the period for claiming a credit or refund of any overpayment of tax resulting from the application of the amendments made by this section shall not expire before the date which is 1 year after the date of the enactment of this Act, and

(B) if, after the application of subparagraph (A), credit or refund of any overpayment of tax resulting from the application of the amendments made by this section is prevented at any time before the close of such 1-year period by the operation of any law or rule of law (including res judicata), credit or refund of such overpayment (to the extent attributable to the application of the amendments made by this section) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

SEC. 3. EXCLUSION OF DISCHARGE OF QUALIFIED FARM INDEBTEDNESS FROM GROSS INCOME INCREASED FOR CERTAIN SOLVENT FARMERS.

(a) IN GENERAL.—Section 108(g) of the Internal Revenue Code of 1986 (relating to special rules for discharge of qualified farm indebtedness) is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL LIMITATIONS FOR CERTAIN FARMERS.—

"(A) In general.—With respect to a taxpayer who is described in subparagraph (C) of this paragraph and who elects the application of this paragraph—

"(i) the amount excluded under subparagraph (C) of subsection (a)(1) shall not exceed $300,000, and

"(ii) paragraph (2) of this subsection shall be applied by amending such paragraph to read as follows: 'For purposes of this section, indebtedness of a taxpayer shall be treated as qualified farm indebtedness if such indebtedness was incurred directly in connection with the operation by the taxpayer of the trade or business of farming and when such taxpayer materially participated in such trade or business (within the meaning of section 2032A(e)(6)).'

"(B) Prior discharges of indebtedness and gains taken into account.—If for any prior year—

"(i) a discharge of qualified farm indebtedness, or

"(ii) gain from the transfer of farm property in complete or partial satisfaction of such indebtedness,

is excluded from the taxpayer's gross income under this subsection or section 136, respectively, subparagraph (A) shall be applied for the taxable year with respect to such discharge by reducing the dollar amount contained in such subparagraph by the such excluded prior year discharges and gains.

"(C) Taxpayer described in this subparagraph.—A taxpayer is described in this subparagraph if—

"(i) the average of such taxpayer's modified adjusted gross income for any 3 taxable years of the 5-taxable year period ending with the taxable year in which the discharge of qualified farm indebtedness occurs is less than 100 percent of the average of the national median adjusted gross income for such 3 taxable years,

"(ii) more than 50 percent of the gross receipts of the taxpayer for 6 of the 10 taxable years preceding such taxable year are attributable to—

"(I) the trade or business of farming (within the meaning of section 2032A(e)(5)), or

"(II) the sale or lease of assets used in such trade or business, or

"(III) both,

"(iii) the indebtedness of the taxpayer both before and after such discharge is equal to 70 percent or more of the fair market value in all property held by such taxpayer, and

"(iv) equity in all property held by the taxpayer after such discharge is less than the greater of—

"(I) $25,000, or

"(II) 150 percent of the excess (if any) of the tax imposed by this chapter determined as if this section and section 136 did not apply to the transfer, over the tax imposed by this chapter determined with regard to this section and section 136 (if applicable).

"(D) Definitions.—For purposes of this paragraph—

"(i) Farm property.—The term 'farm property' means real and personal property used by the taxpayer in the trade or business of farming (within the meaning of section 2032A(e)(5)).

"(ii) Modified adjusted gross income.—The term 'modified adjusted gross income' means adjusted gross income—

"(I) determined with regard to this section and section 136, and

"(II) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

"(iii) Equity.—The term 'equity' means, with respect to any property, an amount equal to—

"(I) the fair market value of such property, minus

"(II) any indebtedness relating to such property.".

(b) Conforming Amendment.—Subparagraph (A) of section 108(g)(3) of such Code is amended by striking out "The amount" and inserting in lieu thereof "Except as provided in paragraph (4), the amount".

(c) Effective Date; Refunds.—

(1) Effective date.—The amendments made by this section shall apply to discharges of indebtedness occurring after December 31, 1986, in taxable years ending after such date.

(2) Waiver of statute of limitations.—In the case of any taxable year ending before the date of the enactment of this Act—

(A) the period for claiming a credit or refund of any overpayment of tax resulting from the application of the amendments made by this section shall not expire before the date which is 1 year after the date of the enactment of this Act, and

(B) if, after the application of subparagraph (A), credit or refund of any overpayment of tax resulting from the application of the amendments made by this section is prevented at any time before the close of such 1-year period by the operation of any law or rule of law (including res judicata), credit or refund of such overpayment (to the extent attributable to the application of the amendments made by this section) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

Section-by-Section Analysis

Section 1: Short title, the Farm Debt Tax Reform Act of 1991.

Section 2: Provides an exclusion for capital gains that arise when farm property is transferred to a lender in exchange for debt relief if the following conditions apply:

The exclusion of gains under this section does not exceed $300,000 over the taxpayer's lifetime (counting any debt relief income that qualifies for an exclusion under section 2 of this bill):

The excluded amounts are used to reduce tax attributes to the extent possible;

The taxpayer's modified adjusted gross income is less than 100 percent of the national median adjusted gross income;

At least 50 percent of the taxpayer's gross receipts in at least 6 of the last 10 years is attributable to farming, and the taxpayer must have materially participated in the trade or business of farming;

The taxpayer's equity in all post-transfer property is less than $25,000 or 150 percent of tax liability, whichever is greater.

Definitions: Modified adjusted gross income means adjusted gross income plus any tax-exempt income minus capital gains and discharge of indebtedness income;

Equity means the fair market value of property minus any indebtedness on such property;

Tax liability for the purpose of the equity test is the difference between the tax that would be owed under current law and the tax that would be owed under the bill;

Farm property means real and personal property used in connection with the trade or business of farming;

Qualified farm indebtedness specifies the farming purposes (cultivation of soil, handling of animals, forestry, etc.) for which the debt was incurred.

Effective Date: Section 2 applies to all transfers occurring after December 31, 1986.

Waiver of Statute of Limitations: Such a waiver is included to enable taxpayers affected by this bill to amend their 1987 tax returns in the event that it becomes law.

Section 3: Provides for an exclusion of discharge of indebtedness income for farmers who meet the following conditions, as an alternative to the 50 percent farm income test which now provides a limited exclusion for solvent taxpayers under section 108(g):

The exclusion is limited to $300,000 over the taxpayer's lifetime (counting any excluded gains under section 1);

The taxpayer's modified adjusted gross income in the year of discharge is less than 100 percent of the national median adjusted gross income;

At least 50 percent of the taxpayer's gross receipts in at least 6 of the last 10 years is attributable to farming and the taxpayer must have materially participated in the trade or business of farming;

The taxpayer's debt to equity ratio both before and after the transfer is at least 70 percent;

The taxpayer's equity in all post-transfer property is less than $25,000 or 150 percent of tax liability, whichever is greater.

Definitions: Same as for section 2.

Effective Date: Section 3 applies to all transfers occurring after December 31, 1986.

Waiver of Statute of Limitations: Same as for section 2.•

By Mr. STEVENS (for himself and Mr. Pryor):

S. 901. A bill to amend title 39, United States Code, to establish a Stamp Selection Committee; to the Committee on Governmental Affairs.

PRESIDENTIAL STAMP SELECTION COMMITTEE ACT OF 1991

• Mr. STEVENS. Mr. President, today I am introducing legislation affecting one of the most visual aspects of the Federal Government outside the flag itself: The U.S. postage stamp.

Many of you may have read press accounts that the stamp honoring our former colleague, Dennis Chavez, is being printed in Ottawa, Canada. Having a U.S. postal stamp printed outside the United States is embarrassing enough, but there are other problems with the selection and issuance of stamps. Such practices as increased commercialization of stamp design and selection have caused increased concern among stamp collectors and the stamp buying public. Another concern has arisen over the effort of the Postal Service to convince the school systems of this Nation that stamp collecting is educational—that stamps can be an important tool in teaching young Americans. While I concur wholeheartedly with that assessment and effort, the problem is that the Postal Service then turns around and issues stamps that are historically inaccurate or misleading. For example, the Postal Service issued stamps depicting four Native American masks, but in fact two of the masks were Canadian. The most recent furor involved the dinosaur stamp series. One of the dinosaurs was mislabeled when the stamp went to press, a fact the Postal Service knew, but did not seem to care about. These are but two examples. How can the Postal Service expect teachers to use stamps as teaching tools when the information and depictions on them are incorrect?

A U.S. commemorative stamp should honor only truly great Americans whose contributions are of national significance, not someone or some event that may have short range commercial value. The places or events depicted on stamps should have national significance, be historically accurate, reflect the traditional ideals of the Nation, and be of the highest quality possible in design and art work.

In order to protect these concerns, I am introducing the Stamp Selection Committee Act of 1991, which requires the President of the United States to appoint 15 individuals to serve as members of the Citizen's Stamp Selection Committee. It is my hope that this new committee will provide significantly increased input by the stamp collecting community of this Nation whose views are too often overlooked. This new committee should not cost the taxpayers or the ratepayers any additional funds. All expenses will come from the U.S. Postal Service and they will cost no more than what is currently spent by the present Stamp Advisory Committee.

Committee members would be unsalaried but would be given $300 a day for meetings up to 15 days per year.

What would the committee do? It would remove the advisory panel for stamp designs from internal Postal Service operations and politics.

The President would appoint this committee which would make binding recommendations to the Postmaster General for stamp subjects and would approve final stamp design.

These recommendations would provide some choice of subjects from which the Postmaster General could select a stamp. In this way, the Postal Service could not choose a stamp subject which was not recommended by the committee, and the selection process would not be involved in politics. After selecting the subject, the Service would need approval from the Commission for any special design it authorizes. The committee would set general guidelines for postal cancellation subjects as well. The committee would base its approval on aesthetic and other statutory considerations, as well as historical accuracy. Creating the committee would add recognition to the importance of stamp design in celebrating the significant figures and events in American history. In addition, it would go a long way toward preventing this country from being embarrassed by having improper subject designs or incorrect depictions on U.S. postage stamps or on stamp cancellations.

In addition, the bill requires that all stamped paper, cards, envelopes, and all stamps be printed in the United States.

Mr. President, I ask unanimous consent to print the complete text of the bill at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title 39, United States Code, is amended by adding a new section 209, as follows:

“§ Stamp Selection Committee

“(a) There is established a Stamp Selection Committee to consist of 15 members appointed by the President. The President shall select Members with appropriate backgrounds in educational, artistic, historical, or other relevant professional and cultural endeavors, as well as an interest in philately. Members shall serve for a term of three years, and may be reappointed by the President without limitation on the number of terms.

“(b) The Stamp Selection Committee established under subsection (a) of this section shall select for recommendation to the Postmaster General an adequate number and variety of subjects for representation on postage stamps and other stamped paper, cards, and envelopes. It may recommend subjects on its own motion or from among those suggested by members of the public. In making recommendations the Stamp Selection Committee shall consider:

“(1) the value of postage stamps and other postal stationery in portraying the American experience to a world audience,

“(2) the general interest and educational value of possible subjects,

“(3) the artistic and aesthetic potential of possible subjects, and

“(4) the interests of postal customers in general as well as of philatelists.

Following the preparation of a design by or for the Postal Service, the Stamp Selection Committee shall review such design to establish its accuracy in representation of the subject portrayed and its success in fulfilling the criteria which had led the Stamp Selection Committee to recommend the subject, and shall promptly render a decision either approving the design or returning it to the Postal Service together with a specification of the changes to be made in it.

“(c) The Stamp Selection Committee shall meet to conduct its business six times per year, in Washington, D.C. Members shall receive no salary, but shall receive $300 per day for not more than 15 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in attending meetings. The Stamp Selection Committee may adopt by-laws for the conduct of its business any may provide for annual election by the Members of a Chairman. The Postal Service shall provide necessary administrative, clerical, and other support services for the Stamp Selection Committee.”

SEC. 2. Section 404 of title 39, United States Code, is amended by adding at the end thereof a new subjection (c), as follows:

“(c) In providing postage stamps and other stamped paper, cards, and envelopes pursuant to subsection (a)(4) and in providing philatelic services pursuant to subsection (a)(5) of this section, the Postal Service shall select all subjects for representation on such stamps, stamped paper, cards, and envelopes from among the recommendations made by the Stamp Selection Committee and shall submit all designs it adopts for such stamps, stamped paper, cards, and envelopes for review by the Stamp Selection Committee Panel under section 209(b) of this title. No stamps, stamped paper, cards, or envelopes the design of which has not been approved by the Panel shall be printed, manufactured, or made available to the public.”•

By Mr. BRADLEY (for himself, Mr. DURENBERGER, and Mr. CHAFEE):

S. 902. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Finance.

INFANT MORTALITY AND CHILDREN'S HEALTH ACT

• Mr. BRADLEY. Mr. President, I rise to introduce the Medicaid Infant Mortality and Children's Health Act of 1991. This legislation amends the Medicaid Program to require States to provide health care coverage for pregnant women and infants up to 185 percent of the Federal poverty level by 1994; to allow States to expand Medicaid coverage for children up to age 6 from families living between 133 percent and 185 percent of the Federal poverty level; allows States to purchase WIC food supplements through Medicaid; and encourages home visiting programs.

Mr. President, for the past few years we have taken several important steps to address a problem that can only be characterized as a national disgrace. This proposal takes us one step further in attacking our failure to protect the lives of infants and children in America.

As we watch the amazing changes that are overtaking the world today, I am more and more convinced that the test of our leadership in the world will be the example we set in providing for the human needs of our own people. Our record on how we treat our children in America is less than exemplary. It is unacceptable that in America today, infant mortality is higher than in all other industrialized nations. In the 2 years alone we have slipped from 19th to 21st on the list of industrialized nations. More children die in America before the age of 5 than in East Germany and Singapore, It is also intolerable that our country, which pioneered the development of vaccines, should have a childhood immunization rate among nonwhite Americans which ranks behind 48 other countries including Albania and Botswana. A country that can put men on the Moon and can dream of sending men to Mars can surely find ways to add ounces to the birthweight of newborns.

Mr. President, the tools to attack this problem successfully do not require years of additional study and research. The travesty of America's shameful record on infant mortality and child health is underscored by the fact that we now know what will work. We know that adequate prenatal care can substantially reduce the chance of a woman giving birth to an infant with low birthweight or one who will die in infancy. Further progress would be made by ensuring that pregnant women have access to adequate nutrition, such as through the WIC Program, and to adequate information and treatment programs with respect to both legal and illegal substance abuse.

Each year, 40,000 infants die before their first birthday in America. A quarter of a million infants are born with low birthweight giving them 40 times the risk of a normal weight infant for dying; for survivors there is a substantial risk for significant lifelong health problems and hampered intellectual development. Early, adequate, and coordinated prenatal care can impact on these risks.

If the tools exist to attack the problem, then why are our children faced with such grim prospects at the start of their young lives? Access to comprehensive prenatal care in this country is not guaranteed. There are numerous barriers that a pregnant woman faces to getting care at a time when barriers should be far from her mind. Last Congress, as we have done for the past years, we took significant steps to erase financial barriers when we required that States provide Medicaid coverage for women up to 133 percent of the proverty level. This provided insurance coverage to approximately 112,000 women who would not have received coverage before the law was passed. Broadening the coverage to 185 percent of the poverty level as proposed in this bill will cover the pregnancies of an additional 200,000 women. This will mean that we will have provided prenatal care coverage to 300,000 out of the 500,000 uninsured women giving birth. This is a good first step in trying to solve the problem.

Financial barriers are not the only barriers faced by women who need prenatal care. Insurance coverage without the provider network to give the needed care would be a paper victory for better care. Last year, we attempted to deal with this problem by trying to ensure adequate payment to providers for Medicaid beneficiaries in order to guarantee that women have someone to go to. In addition, we began the process of trying to address some of the deep-seated social and cultural barriers that the most vulnerable women have to getting care. We attempted to cut bureaucratic redtape by encouraging coordination between Medicaid and the WIC Program. We also endorsed an important home-visiting concept that has the potential of enabling providers to reach out to women who feel alienated from the health care system and as a result do not get the care needed to ensure healthy babies. This legislation would enable States to opt to cover, under Medicaid, home-visiting programs.

Finally, Mr. President, last year, we took an important step in trying to improve the health of our children. We provided Medicaid coverage to all children up to the age of 6 under 133 percent of the Federal poverty level. This year, with this bill, we will allow States the option of phasing in coverage for children from ages 2 to 6 from 133 percent to 185 percent of the poverty level. The 660,000 children up to the age of 6 whose parents earn between 133 and 185 percent of the Federal poverty level should get health coverage. Our children are our future, Mr. President. Our greatness as a nation is fully diminished by our reluctance to provide basic health care to our children. I believe it is time for us to redress this glaring omission.

I ask unanimous consent that the text of the bill and the summary of the legislation appear at this point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Infant Mortality and Childrens Health Act of 1991".

TITLE I—MEDICAID COVERAGE OF PREGNANT WOMEN AND INFANTS

SEC. 101. MEDICAID COVERAGE OF PREGNANT WOMEN AND INFANTS.

(a) PHASED-IN COVERAGE OF PREGNANT WOMEN AND INFANTS WITH INCOME BELOW 185 PERCENT OF THE POVERTY LEVEL.—Section 1902(l)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)) is amended—

(1) by striking "and" at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting a comma, and

(3) by adding at the end the following new subclauses:

"(III) July 1, 1993, 150 percent, or, if greater, the percentage provided under clause (iv), and

"(IV) July 1, 1994, 185 percent, or, if greater, the percentage provided under clause (iv).".

(b) EFFECTIVE DATES.—

(1) HIGHER INCOME STANDARDS.—(A) The amendments made by subsection (a) shall apply (except as provided in subparagraph (B)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after July 1, 1993, with respect to eligibility for medical assistance on or after such date, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 102. OUTREACH FOR PREGNANT WOMEN.

(a) REQUIRING OUTREACH FOR PREGNANT WOMEN AND INFANTS UNDER THE MATERNAL AND CHILD HEALTH PROGRAM.—Section 505(2)(E) of such Act (42 U.S.C. 705(2)(E)) is amended—

(1) by striking "participate" before clause (i),

(2) by inserting "participate" after "(i)", after "(ii)", and after "(iii)",

(3) by striking "and" at the end of clause (ii),

(4) by striking the period at the end of clause (iii) and inserting ", and", and

(5) by adding after clause (iii) the following new clause:

"(iv) provide, directly and through their grantees and institutional contractors, for outreach services for pregnant women and infants (described in section 1902(l)(5)).".

(b) OPTIONAL COVERAGE OF OUTREACH SERVICES FOR PREGNANT WOMEN AND INFANTS.—

(1) PERMITTING PAYMENT FOR OUTREACH SERVICES FOR PREGNANT WOMEN AND INFANTS AT FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Section 1903(a)(1) of the Social Security Act (42 U.S.C. 1396b(a)(1)) is amended by inserting "for outreach services for pregnant women and infants described in section 1902(l)(5) or" after "total amount expended during such quarter".

(2) OUTREACH SERVICES FOR PREGNANT WOMEN AND INFANTS DEFINED.—Section 1902(l) of such Act is amended by adding at the end the following new paragraph:

"(5) For purposes of section 1903(a), the term 'outreach services for pregnant women and infants' means, with respect to pregnant women and infants, to identify individuals described in subparagraph (A) or (B), respectively, of paragraph (1) and, once identified, to assist them in applying for medical assistance under this title.".

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall apply to payments for allotments for fiscal years beginning with fiscal year 1992.

(2) The amendments made by subsection (b) shall apply to outreach services provided on or after January 1, 1992.

TITLE II—OPTIONAL COVERAGE OF HOME VISITATION SERVICES FOR HIGH-RISK INFANTS

SEC. 201. INCREASED ACCESS TO HOME VISITING.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as amended by the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) by striking "and" at the end of paragraph (21);

(2) in paragraph (24), by striking the comma at the end and inserting "; and";

(3) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(4) by inserting after paragraph (23) the following new paragraph:

"(24) home visitation services with respect to high-risk infants under 1 year of age (as specified by the State), as prescribed by a physician; and".

(b) CONFORMING AMENDMENTS.—Section 1902 of such Act (42 U.S.C. 1396a), as amended by the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) in subsection (a)(10)(C)(iv), by striking "through (21)" and inserting "through (24)";

(2) in subdivision (V) at the end of subsection (a)(10), by inserting "and home visitation services for high-risk pregnant women" after "postpartum services";

(3) in subdivision (VII) at the end of subsection (a)(10), by inserting "and home visitation services for high-risk pregnant women" after "family planning services"; and

(4) in subsection (j), by striking "through (22)" and inserting "through (25)".

(c) CONSTRUCTION.—The fact that a State may elect to cover home visitation services under section 1905(a)(24) of the Social Security Act (as inserted by the amendment made by subsection (a)(4)) shall not affect the availability of medical assistance for early and periodic screening, diagnostic, and treatment services (as defined in section 1905(r) of such Act) provided under title XIX of such Act in a home or other off-site location.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1992, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

TITLE III—MEDICAID RELATIONSHIP WITH SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

SEC. 301. INCREASED ACCESS FOR MEDICAID RECIPIENTS TO WIC BENEFITS.

(a) OPTIONAL COVERAGE UNDER MEDICAID PROGRAM FOR SUPPLEMENTAL FOOD BENEFITS FURNISHED UNDER WIC PROGRAM.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) by striking "and" at the end of paragraph (21),

(2) in paragraph (24), by striking the period at the end and inserting "; and",

(3) by redesignating paragraphs (22), (23) and (24) as paragraphs (24), (22) and (23), respectively, and by transferring and inserting paragraph (24) after paragraph (23), as so redesignated.

(4) by redesignating paragraph (24) as redesignated by paragraph (3) as paragraph (25), and

(5) by inserting immediately after paragraph (23) as redesignated the following new paragraph:

"(24) supplemental foods furnished by the program under section 17 of the Child Nutrition Act of 1966 (to the extent the individual is certified under such section to participate in such program); and".

(b) REIMBURSEMENT RATE.—Section 1902(a)(13) of such Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) by striking "and" at the end of subparagraph (E),

(2) by adding "and" at the end of subparagraph (F), and

(3) by adding at the end the following new subparagraph:

"(G) for payment during a fiscal year of the supplemental foods described in section 1905(a)(21) and for the administrative costs and nutrition services associated with providing WIC benefits to the agency in the State recognized under section 17 of the Child Nutrition Act of 1966

(c) CONFORMING AMENDMENTS.—Section 1902 of such Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(C)(iv), by striking "(21)" and inserting "(24)";

(2) in subsection (a)(23), by striking "Guam" and inserting "Guam, and with respect to items and services described in section 1905(a)(24)";

(3) in subsection (a)(53), by inserting "(without regard to whether the State has exercised the option to cover benefits described in section 1905(a)(24))" after "(53) provide"; and

(4) in subsection (j), by striking "(22)" and inserting "(25)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical assistance furnished on or after October 1, 1991.

TITLE IV—OPTIONAL COVERAGE OF CHILDREN UP TO AGE 6 WITH INCOME BELOW 185 PERCENT OF THE POVERTY LINE.

SEC. 401. OPTIONAL COVERAGE FOR CHILDREN.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) in subclauses (VI) and (VII) of subsection (a)(10)(A)(i), by inserting "minimum" before "income level",

(2) in subsection (l)(2)(B), by striking "133 percent" and inserting "a percentage (established by the State, which is not less than 133 percent and not more than 185 percent)", and

(3) in subsection (l)(2)(C), by striking "100 percent" and inserting "a percentage (established by the State, which is not less than 100 percent and not more than 185 percent)".

(b) FLEXIBILITY ON AGE.—Section 1902(l) of such Act is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (C),

(B) by inserting "and" at the end of subparagraph (D), and

(C) by adding at the end the following:

"(E) at the option of the State, children up to 6 years of age or a lesser age as selected by the State,";

(2) in paragraph (2)(C), by striking "subparagraph (D)" and inserting "subparagraph (D) or (E)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1992, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

BILL SUMMARY OF THE INFANT MORTALITY AND CHILDREN'S HEALTH ACT OF 1991

OVERVIEW

Infant mortality continues to be a matter of widespread concern in this country, as well it should be. The infant mortality rate is a primary indicator of the overall health status because it tends to be closely associated with access to food, shelter, education, sanitation, and health care. The ranking of the United States, twenty-first internationally, reflects the continuing comparative decline in the health status of the most vulnerable segment of American society compared to other nations of the world. We, as a nation, have been willing to spend an unlimited amount of money to keep low birthweight babies alive once they are born, but we have been reluctant to spend far less on the front-end preventive care that would make heroic, glamorous and expensive efforts to save young lives unnecessary. Components of the problem have been well delineated and effective strategies have been repeatedly defined.

The Infant Mortality and Children's Health Act of 1991 builds on prior initiatives enacted by Congress.

COVERAGE OF PREGNANT WOMEN AND INFANTS

Current Law

States must cover all pregnant women and infants through age one with incomes at or below 133 percent of the poverty level as of January 1, 1991. States have the option of covering all pregnant women and infants with incomes at or below 185 percent of poverty. Uninsured women are less likely to have received adequate prenatal care prior to pregnancy and are less likely to receive early and adequate maternity care. In 1988 nearly one in three women—and one out of every two black women—did not receive adequate prenatal care.

Proposal

States would be required to cover pregnant women and infants with incomes below 150 percent of poverty as of July 1, 1993, and 185 percent of poverty as of July 1, 1994.

COVERAGE OF CHILDREN

Current Law

States are presently required to phase in coverage of all children in families with incomes at our below 100 percent of poverty up to age eighteen for all children born after September 30, 1983. States are presently required to provide coverage to children ages two through six in families with incomes at or below 133 percent of poverty.

Proposal

This provision allows states the option of covering children up to age 6 with incomes below 185 percent of the poverty level.

MATERNAL AND CHILD HEALTH HOME VISITING

Background

"Home Visiting" is the delivery of preventive health, education, and support services by a nurse or trained person to a pregnant woman, new mother, or family in their own home. It is a service commonly provided by other developed countries and is known to successfully protect families from a variety of medical and social risk factors.

Research and program experience show that home visiting efforts geared toward improving pregnancy outcomes are both successful and cost effective in both the short and long term. These efforts generally include increasing the proper use of preventive health care services (both prenatal and pediatrics) encouraging healthy behaviors (such as smoking cessation), reducing the incidence of child neglect and abuse, improving parenting skills, and promoting appropriate growth and development.

Home visiting is particularly effective for reaching high risk individuals or families because delivery of services in the home allows the patient to feel at ease, and therefore optimally benefit from the service. It also allows the provider (with first-hand information about the home environment) to offer attention and care that is most appropriate for the individual or family needs.

Proposal

This legislation allows states the option to cover prenatal and postnatal home vistitation programs as an extension of pregnancy related services for high-risk pregnant women and children. These programs will provide client or family centered care management services, maternity and health education services, and related social support services. The state will determine the necessary home visitor qualifications based on the needs of the target population. The range of visitors may vary from trained nurses to lay visitors who are trained in pertinent areas of health and development. This optional expansion would be effective January 1, 1992.

MEDICAID WIC PURCHASE

Current law

All Medicaid-eligible pregnant women and children are eligible for benefits under the Special Supplemental Food Program for Women, Infants, and Children (WIC), but not all persons eligible for WIC receive WIC services. This program provides food assistance and nutritional screening to low-income pregnant women and postpartum women and their infants as well as low-income children. The WIC Program is aimed at women and children who are considered "at risk" for nutritional related medical problems. Evidence proves that WIC's services aid in the prevention of low birthweight babies, fetal deaths, and other problems among pregnant women and infants. States are required to improve Medicaid-eligible pregnant women's accessibility to the WIC program by coordinating their Medicaid plans with the WIC program and to make information about WIC available to all pregnant, breast-feeding, and post-partum and women and children applying for Medicaid.

Proposal

This legislation would allow state Medicaid programs the option to purchase the WIC program package, including the nutritional and other associated educational programs, for Medicaid eligible pregnant women and children. This option would become effective October 1, 1991.•

By Mr. BRADLEY (for himself and Mr. CHAFEE):

S. 903. A bill to create a children's security trust fund into which funds may be deposited and utilized to expand certain Federal programs that provide assistance to children, and for other purposes; to the Committee on Labor and Human Resources.

CHILDREN'S SECURITY TRUST FUND ACT

• Mr. BRADLEY. Mr. President, the Federal Government has done a few things right over the past six decades. First, we virtually eliminated poverty and hunger among the elderly. And second, we devised three programs that really work to keep children alive and ensure that they reach school ready to learn and grow. Today we spend $300 billion a year on the retirement benefits that have saved the elderly from severe want. Only $5 billion goes to the three programs—the Women, Infants, and Children nutrition supplement; Maternal and Child Health block grants; and Head Start—that work best for kids.

There are many Americans who share my view that we need to do all we can to bring these three effective programs to all the children who need them. I know many seniors who believe that a nation that can end poverty in their generation can also deliver the promise of a better life to the generations that will make this country great in the future. Many of them answer the question of what they owe to the future by volunteering in WIC clinics or Head Start programs. While every retiree has earned every cent he or she receives, many find that between other income, private pensions, and investments, they are in position to give back some of the benefits they find themselves receiving. The legislation I am introducing today will give retirees a way to give some of their benefits back to the generation most deeply in need of the security.

The children's security trust fund is designed to enable the Federal Government to reach more children in need. The bill establishes a new fund to expand high priority Federal programs for needy young children. All receipts to the trust fund are made up of Federal retirement benefits that have been voluntarily contributed by retirees to the fund. All contributions to the fund are provided to the Secretary of HHS for the sole purpose of expanding Head Start, the Womens, Infants, and Children [WIC], and the Maternal Childs Health [MCH] programs.

This fund could conceivably greatly expand support for children's investment programs. If one-half of 1 percent of Federal retirement benefits were given back to the fund, WIC, Head Start, and MCH could be expanded by about 30 percent.

Mr. President, each year, about $300 billion a year is expanded at the Federal level for Federal retirement programs—Social Security, railroad retirement, civil service, and military retirement. Only $5 billion a year is expended on the three most important programs aimed at improving the health and well-being of very young children—Head Start, WIC, and MCH.

Federal retirement programs provide earned benefits to all persons regardless of income; Federal children's investment programs only provide services to a fraction of the poor children eligible for service. The Head Start program only provides early childhood services to about a half million of the 2½ million poor children eligible for the program. The WIC Program only provides nutritious food to less than 5 million of the 8 million people eligible for the program. And the Maternal and Child Health Program only reaches a fraction of poor mothers in need of prenatal care and children in need of primary care—about one-third of pregnant women do not receive adequate prenatal care.

Mr. President, I believe that these underfunded children programs are proven winners—they help kids. More resources devoted to these programs will mean that we will have more comprehensive programs to help more kids. But children need more than expanded professional support; they also need love and attention. I believe that our Nation's retirees can help these kids in nonfinancial ways—with their time. Therefore, my legislation authorizes the HHS Secretary to refer beneficiaries of Federal retirement programs who wish to serve as volunteers in programs receiving support from the children's security trust fund to appropriate local and community organizations. There are a few programs now underway to enable senior citizens to volunteer. The efforts already underway should be encouraged and expanded.

In Atlantic City, NJ, senior citizen volunteers provide important help in the classroom to children enrolled in the Head Start Program. Senior volunteers read to children and help with meal times and nap times. Sometimes a volunteer is matched with an individual child who needs special attention. Head Start programs in Cumberland, Salem, and Gloucester Counties established a special program where retired teachers read to the children. The senior volunteers serve as role models for parents of Head Start children. I understand that a retired night club performer visits the centers to play the piano with the children.

In Cranbury, NJ, the Central New Jersey Chapter of the March of Dimes has established a special project to recruit senior volunteers to help with office support and mailings, in addition, some senior volunteers make presentations about the need for good prenatal care to groups and also staff March of Dimes' tables at health fairs. Senior are trained to answer specific questions about prenatal care and birth defects.

The WIC Program in Spokane, WA, has developed a program where senior volunteers provide a variety of essential services in the office. In Spokane, senior volunteers are helping families fill out applications for benefits as well as helping to provide child care when their parents are being interviewed. Anyone who has spent time in a chaotic WIC office filled with 10 to 20 young kids knows that child care volunteers can provide a valuable service in WIC offices.

Mr. President, in trying to give American kids a better chance, we need to get back to the basics—and this bill embodies two very basic principles. First, stick with what works—Head Start, WIC, and MCH. Second, give people who want to help the means to do so. Pragmatism and voluntarism combined can help us give children the same sense of security that we have worked so hard to provide for our seniors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Security Trust Fund Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to establish a Children's Security Trust Fund into which certain funds may be deposited and utilized to expand certain Federal programs that provide assistance to children.

SEC. 3. ESTABLISHMENT AND DEPOSITS.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the Children's Security Trust Fund (hereafter in this Act referred to as the "Trust Fund"), consisting of such amounts as are transferred to the Trust Fund under subsection (b) and any interest earned on the investment of amounts in the Trust Fund under subsection (c)(2).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury is authorized to accept and shall transfer to the Trust Fund an amount equal to the sum of money gifts and bequests made unconditionally to the Secretary by individuals in the amounts described in paragraph (2).

(2) AMOUNT OF GIFT.—The amount of a gift or bequest made by an individual to the Secretary of the Treasury for deposit into the Trust Funds shall not be greater than the amount of—

(A) old age and survivors insurance benefits received by the individual under title II of the Social Security Act (42 U.S.C. 401 et seq.);

(B) Annuities paid to the individual under subchapter III of chapter 83 of title 5, United States Code, or under subchapter II of chapter 84 of such title;

(C) retired or retainer pay computed under section 1401a of title 10, United States Code that is received by the individual; or

(D) benefits received by the individual under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.).

(3) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Trust Fund under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, of the United States Code, are hereby extended to authorize the issuance at part of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(2) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at part plus accrued interest.

(3) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

SEC. 4. OBLIGATIONS FROM TRUST FUND.

The Secretary of Health and Human Services is authorized to obligate such sums as are available in the Trust Fund (including any amounts not obligated in previous fiscal years) for—

(1) programs and services under the Head Start Act (42 U.S.C. 9801 et seq.);

(2) programs and services under the supplemental food program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

(3) programs and services under the Maternal and Child Health Services Block Grant Act.

SEC. 5. VOLUNTEERS FOR CHILDREN.

The Secretary of Health and Human Services shall refer individuals receiving benefits of the type described in section 3(b)(2) who desire to volunteer to provide services under programs that receive assistance under section 4, to the appropriate State and local officials and community organizations responsible for such programs.

BILL SUMMARY—CHILDREN'S SECURITY TRUST FUND

BACKGROUND

Each year, about $300 billion a year is expended at the federal level for federal retirement programs—social security, railroad retirement and civil service and military retirement. Only $5 billion a year is expended on the three most important programs aimed at improving the health and well-being of very young children—Head Start, the Women, Infants, and Children (WIC) Feeding Program, and the Maternal and Child Health (MCH) Program.

Federal retirement programs provide earned benefits to all persons regardless of income; federal children's investment programs only provide services to a fraction of the poor children eligible for services. The Head Start program only provides early childhood services to about a half-million of the two-and-a-half million poor children eligible for the program. The WIC program only provides nutritious food supplements to less than 5 million of the 8 million people eligible for the program. And the Maternal and Child Health Program only reaches a fraction of poor mothers in need of prenatal care and children in need of primary care; in fact, about one third of pregnant women do not receive adequate prenatal care.

BRADLEY BILL

The Children's Security Trust Fund establishes a new fund to expand high priority federal programs for needy young children. All receipts to the Trust Fund are made up of federal retirement benefits that have been voluntarily contributed by retirees to the Fund. All contributions to the fund are provided to the Secretary of HHS for the sole purpose of expanding Head Start, WIC, and MCH.

This fund could potentially greatly expand support for children's investment programs. If one-half of one-percent of federal retirement benefits were given back to the Fund, WIC, Head Start, and MCH could be expanded by about 30 percent.

Lastly, the legislation authorizes the HHS Secretary to refer beneficiaries of federal retirement programs who wish to serve as volunteers in programs receiving support from the Children's Security Trust Fund to appropriate local and community organizations. WIC, Head Start, and MCH would all greatly benefit from senior volunteers.•

By Mr. BRADLEY (for himself, Mr. DODD, and Mr. DURENBERGER):

S. 904. A bill to provide for the establishment of a children's vaccine initiative, and for other purposes; to the Committee on Labor and Human Resources.

CHILDREN'S VACCINE INITIATIVE ACT

Mr. BRADLEY. Mr. President, I rise today to reintroduce legislation to authorize Federal support for the continuing development of a children's vaccine to help immunize children in America and overseas against a wide range of diseases. The legislation authorizes $30 million in Federal support for next year, rising to $60 million in 1995. This legislation builds on the $6 million that Congress allocated last October for this worthy endeavor.

Mr. President, there was once a time in America when it was left almost to chance whether a child would grow to reach adulthood. Many large families took it for granted that at least one of their children would be lost to polio, diphtheria, measles, or another contagious disease before adolescence. For most parents who sent their children back to school this fall with their innoculation records and booster shots, those days are history, thanks to the greatest lifesaving invention in all of medicine—vaccines.

But the diseases that our children complain about getting shots for because they have never heard of them are still a matter of daily life—and death—for millions of children around the world. Each year, 3 million kids die from the major diseases that can be prevented by vaccines. Only about 70 percent of the infants in the developing world were immunized in 1990. That's a tremendous improvement over the 5 percent that were immunized in 1974, and most of the improvement can be attributed to the U.N. immunization program, supported in part by the child survival fund. But it's still not enough to eradicate killer diseases in the way that we have eliminated polio in the U.S. and smallpox worldwide.

In most countries in the past decade, UNICEF, the World Health Organization, the U.S. Agency for International Development, and other groups have built an adequate system for delivering vaccines to children. In very poor areas, including America's inner cities, this system fails, and many children never see a doctor at all, or they receive only partial immunization. About 70 percent of the children in Jersey City, NJ, are not properly immunized. And in New Jersey—in 1990—two children died from measles. We must continue to work to make primary health care, including immunizations, a basic right of all children. But universal immunization will also require a bigger goal—better vaccines. A few forward-looking scientists and public health officials have a vision of a children's vaccine. Administered once in infancy, it could prevent about a dozen diseases for a lifetime.

Mr. President, immunizing every child in the world today is made more difficult by the characteristics of the vaccines we have available:

Children need too many different vaccines keyed to different diseases. American schoolchildren must get three separate vaccine mixtures, including two that prevent three diseases each, and regular booster shots. In countries where illnesses like yellow fever are prevalent, even more distinct vaccines are required. The children's vaccine would immunize a child against numerous diseases at once, including regional plagues like Japanese encephalitis and many for which good vaccines are not yet available.

To remain effective, current vaccines require too many regular booster shots. Recent severe outbreaks of measles in high schools and on college campuses in New Jersey recently have been attributed to neglect of booster shots. The children's vaccine would need to be administered only once in a lifetime, in infancy.

Most vaccines need constant refrigeration in order to remain potent. This makes it more difficult to bring the vaccines to isolated areas or store them in small, rural medical facilities. The children's vaccine would be stored and transported at room temperature.

Most vaccines are administered by injection, which not only requires more equipment but makes children reluctant to return for boosters. The children's vaccine would be administered orally, like the Sabin polio vaccine.

The children's vaccine is an idea, like JFK's vision of putting a man on the Moon. It may take anywhere from 10 to 30 years of research before that single, once-in-a-lifetime vaccine reaches the market. Each step along the way, though, will lead to more and better vaccines and help children live longer, healthier lives.

But the revolution in biotechnology makes the children's vaccine more than just a dream. Scientific research into vaccines peaked in the 1930's and declined with the introduction of antibiotics. New insights into the structure of the immune system and our ability to tinker with the very DNA of a virus make it likely that the 1990's will bring renewed progress in the development of human vaccines.

The only obstacle to this progress is an economic one. Vaccines are a public good; they are not particularly profitable for pharmaceutical companies, especially if they need be administered only once in a lifetime. If we are to realize the major advances that recent science makes possible, governments will have to play a stronger role. Currently the United States provides $140 million for worldwide vaccine research. Developing the children's vaccine is an Apollo project for the world's children, and this legislation will provide resources adequate to this lifesaving task.

The development of the children's vaccine has been endorsed by the World Health Organization's Scientific Group of Experts for the Programme on Vaccine Development. In addition, the National Vaccine Program convened a special meeting of experts at the National Institutes of Health last year about the technical feasibility of such an initiative. The results of that meeting also were overwhelmingly positive. Given the outpouring of support for the development of the children's vaccine, last year Congress provided $6 million to HHS and AID for early development work. It is my hope and expectation that more funds will be provided this year for this important initiative.

Last, Mr. President, the world leaders late last year came together at a historic Children's Summit in New York. Under the leadership of a rejuvenated United Nations, the world has at last shown a recognition that children must be protected from war, famine, slavery, and disease, and that it is children on whom the futures of all our nations rest. In his speech for the World Summit on Children, President Bush described his hopes for a children's vaccine:

> We also hope for the development of a single-dose "children's vaccine". But even if such a vaccine remains elusive, better vaccines for children are not. * * * We will do more. I have directed our Department of Health and Human Services and the Agency for International Development to focus even more of their research on children's vaccines. And we urge the private sector to join this lifesaving effort.

I am pleased that the nations at the summit joined forces to build a healthy future for all of our children. I believe that this legislation is one step in that process.

I ask unanimous consent that letters in support of my bill as well as a copy of the legislation be printed at the end of this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Vaccine Initiative Act of 1990".

SEC. 2. FINDINGS.

Congress finds that—

(1) immunization has been the most effective tool for child survival;

(2) public health programs in the United States and in developing countries have encountered serious obstacles to their efforts to achieve the optimal prevention of infectious diseases by immunization;

(3) many children receive inadequate protection because immunization programs require too many visits to the doctor or health center and because vaccines do not protect against all infectious diseases or protect the child early enough in life;

(4) the great scientific advances in biology and biotechnology in the last 15 years have created the capacity to solve technical problems related to vaccines and immunization;

(5) there can and should be new and improved vaccines and delivery systems;

(6) if sufficient resources were available for vaccine research, it would be possible over time to develop the "children's vaccine", which would be a vaccine administered only once in infancy that would introduce lifelong immunity against a wide range of key infectious diseases;

(7) there is a great capacity in the world to develop and produce new and improved vaccines with private industry and the Federal Government having distinguished records in the development and manufacture of vaccines, and with the United Nations Development Program having a longstanding commitment to vaccine research development and delivery; and

(8) while operational research is needed to determine how to better deliver vaccines to children, State and local health departments and private practitioners have the basic capacity to deliver a wide variety of new and improved vaccines to America's children, and the World Health Organization and UNICEF are already prepared to organize basic vaccine delivery to the children of the developing world.

SEC. 3. CHILDREN'S VACCINE INITIATIVE.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle 3—Miscellaneous Provisions

"SEC. 2141. CHILDREN'S VACCINE INITIATIVE.

"(a) AUTHORITY.—The Secretary shall undertake a Children's Vaccine Initiative in accordance with this section. The Secretary shall organize the Initiative in consultation with the World Health Organization, the United Nations Children's Fund and the U.S. Agency for International Development so that benefits of such Initiative will accrue to all of the children of the world.

BILL SUMMARY—CHILDREN'S VACCINE INITIATIVE

BACKGROUND

Public Health programs in the United States and in developing countries have encountered serious obstacles to their efforts to achieve the optimal prevention of infectious diseases by immunization. Many children receive inadequate protection because immunizations programs require too many visits to the doctor or health center and because vaccines do not protect against all infectious diseases or protect the child early enough in life.

The great scientific advances in biology and biotechnology in the last 15 years have created the capacity to solve many of the technical problems related to the development of better vaccines. If sufficient resoures were made available for vaccine research, it would be possible over time to develop a comprehensive "children's vaccine", which would be a vaccine administered only once in infancy that would produce life-long immunity against a wide range of key infectious diseases.

The development of the "children's vaccine" has been endorsed by the World Health Organization, UNICEF, and many public health officials. Last year's "Children's Summit" in New York City supported the development of a "children's vaccine".

BRADLEY BILL

The legislation authorizes $30 million in federal HHS support for next year, rising to $60 million by 1995, for research and development of the "children's vaccine". This legislation builds on efforts instituted last year, when Senator Bradley secured $6 million in funding for start-up funds for this endeavor.

STATEMENT OF THE CHILDREN'S DEFENSE FUND REGARDING THE CHILDREN'S VACCINE INITIATIVE

The Children's Defense Fund strongly supports "The Children's Vaccine Initiative" which would require the United States to invest in the development of a universal childhood vaccine. For far too long this nation has abdicated its role as a world leader on childhood immunizations. The nation ranks 15th worldwide in the proportion of one-year-olds adequately immunized against polio and 49th in the world when the rate for black American infants alone is considered. In many of the nation's largest cities, half of infants and toddlers are not fully immunized against diseases we know how to prevent.

Even with the technology available today, the United States could assure that all children are protected against preventable disease, disability and death. But it also is clear that within the world's grasp is the technology to vastly strengthen and simplify the childhood immunization process in all countries, making available truly universal vaccination against some of the world's worst scourges. The Children's Vaccine Initiative has the potential to:

Make immunization programs more efficient and more accessible to children by reducing the number of visits they and their parents need to make;

Reduce program costs by making vaccines easier to store and handle and, in turn, increasing coverage by reducing costs to parents and governments; and

Improve the safety and effectiveness of vaccines.

With the possibility of a single universal childhood vaccine within our reach, there is not time to delay further this additional investment.

DEAR SENATOR BRADLEY: Your interest in and support for a strengthened program (The Children's Vaccine Initiative) directed toward immunization is most welcome. Vaccination is, by far, the most cost-effective, the simplest and most innocuous of all medical procedures. Indeed, parents now take for granted that their children simply will not experience poliomyelitis or diphtheria or whooping cough, for example—all diseases which once were greatly feared and would today be epidemic problems except for the simple procedure of vaccination.

Despite the truly remarkable improvements in health which can be attributed to vaccination, research to improve present vaccines and develop additional ones has lagged seriously. Meanwhile, our understanding of immunology and of biomedicine has progressed at an incredible pace. Few of these developments have been translated into the field of vaccine research. Not surprisingly, in reviewing needs and opportunities, experts now foresee the potential for extraordinary progress to be made over the years ahead. The concept, ultimately, of being able to protect a child at or soon after birth against 20 or more serious diseases is a wholly realistic one. Such an achievement will require many years of work but, in the meantime, new and better vaccines against many different diseases would become available.

Because vaccines are available does not automatically mean that they will be fully and appropriately utilized. This, too, represents a problem which must be addressed. It is a soluble problem, however, demanding sound operational research.

All of these activities, both of national and international interest, will require both mobilization and orchestration. Fortunately, we now have such a mechanism in place in the form of the National Vaccine Program.

An added investment today in vaccine research and development will bring major returns over the coming years in healthier children—and adults, in diminished numbers of physicians' visits and hospitalizations and, indeed, in a better world.

Sincerely yours,

D.A. HENDERSON, M.D., M.P.H.,
President, Association of Schools of Public Health.

UNITED STATES COMMITTEE FOR UNICEF

Senator Bill Bradley announced that he will introduce legislation in the U.S. Senate that will accelerate the development of more effective vaccines against infectious childhood diseases. Responding to this announcement, Lawrence Bruce, President of the U.S. Committee for UNICEF stated that, "Senator Bradley's Children's Vaccine Initiative could have a tremendous impact on the efforts of UNICEF and its partners to save 50 million children by the year 2000."

In the developing world, immunization against the most serious of childhood diseases such as tetanus, diphtheria, tuberculosis, polio, measles, and whooping cough is one of the main engines of UNICEF's child survival and development program. Ten years ago, when the goal of Universal Child Immunization by 1990 (UCI 1990) was announced, less than 10 percent of the world's children were immunized and 5 million of them died each year as a result. Expanded programs of immunization by scores of developing countries have raised the worldwide rate of immunization to over 60 percent. One and a half million lives are now being saved each year. Vaccines that do not require multiple doses and are more heat stable could increase the number of lives saved by millions.

Senator Bradley's initiative is the first of many initiatives worldwide on a broad array of child health issues expected to result from the World Summit for Children on September 29–30. Child health issues such as vaccination, safe motherhood, and healthy development will be on the agenda as President Bush and 70 other world leaders gather at the United Nations to focus world attention on children.

DEAR SENATOR BRADLEY: This letter is sent with enthusiastic endorsement for the legislation "Children's Vaccine Initiative" that we have learned you will sponsor. The goals of this program are logical and promising of the best in health for our infants and children. Coordination of the initiative by the National Vaccine Program Office and involvement of the Agency for International Development should ensure both national and international impact.

In my personal role as Chairman of the National Academy of Science/Institute of Medicine committee that studied issues and priorities for new vaccine development for diseases of importance in the United States and for diseases of importance in developing countries, I am keenly aware of the needs for such augmented research and development. As Chairman of the Public Policy Committee of the Infectious Diseases Society of America, whose more than 3,500 certified members and fellows are the leading authorities in research, practice and public health relating to problems of infectious diseases, we applaud this initiative and will cooperate in every way to seek fulfillment of its goal over the coming years.

Yours sincerely,

SAMUEL L. KATZ, M.D.,
Wilburt C. Davison, Professor, Chairman, Public Policy Committee, Infectious Diseases Society of America.

By Mr. BRADLEY (for himself, Mr. CHAFEE, and Mr. DURENBERGER):

S. 905. A bill to amend title XIX of the Social Security Act to improve the childhood immunization rate by providing for coverage of additional vaccines under the medicaid program and for enhanced Federal payment to States for vaccines administered to children under such program, and for other purposes; to the Committee on Finance.

CHILDHOOD IMMUNIZATION IMPROVEMENT ACT

• Mr. BRADLEY. Mr. President, I rise today to introduce a bill that addresses a national health problem requiring our attention and action. We have been experiencing a rebirth of the spread of preventable and curable contagious diseases that have set the country back more than 20 years in its national health goals.

Mr. President, in 1983—just 8 years ago, we very nearly eradicated the incidence of measles from the United States, an accomplishment that would have stood as one of the finest nationally coordinated public health successes in this century. There were 773 documented cases of measles in 1983.

In 1989, the picture had changed drastically. There were 18,000 cases of measles. We did nothing. In 1990, we had more than 25,000 cases—almost 500 were in my home State of New Jersey. And the group being hit the hardest is our young, preschool children. Kids under 5 have accounted for more than 50 percent of the new measles cases. It is an epidemic.

Now, this epidemic would be frightening by itself, but when we consider the medical community's warning that the measles outbreak is also a harbinger of a more widespread outbreak of other contagious and more deadly diseases—pertussis, mumps, rubella, and even polio—we should really pay close attention. And reports have already begun to show the increases in cases of mumps and pertussis.

And we must accept responsibility for the outbreaks. These aren't aberrations. They are the direct result of a failed public policy in the 1980's, and an abandonment of basic public health responsibilities that had been previously adhered to by both Democratic and Republican administrations.

Studies the President's own National Vaccine Advisory Committee [NVAC] and by the Children's Defense Fund have identified the principal causes of the epidemic as breakdowns in the immunization delivery system. A set of barriers have been created that make it more difficult to get a child vaccinated—some fiscal, some bureaucratic, some educational. For children under 2 years of age, our immunization rate is only slightly higher than that in Bolivia and Haiti. And its worse than the nations of Cuba, Nicaragua, Suriname, and El Salvador.

This is shameful for a nation that can proclaim itself the world leader in health technology and medical research. We had a disease beaten, and we let it come back and beat us. But the problem confronting us is not beyond our means to respond—either scientifically or financially. We know that every dollar spent on immunizations saves $10 in medical costs. We know where the epidemics are and who is getting hurt the most. And we know how to change this.

Further, the facts also show that the outbreaks of disease are not uniformly distributed across the country. The pockets where the epidemic has hit the hardest are in our urban areas, among the poor, the minorities, and, as I said before, the young children—5 years old and under. In Jersey City, NJ, a study conducted by the CDC found that only 51 percent of 2-year-olds had received their vaccinations on time. Once they began school, however, the immunization rates jumped. It is deplorable that we have allowed those most susceptible to disease to go on for years without receiving their shots on time.

But knowing this, we can target our initiatives more efficiently and more directly. The legislation I propose looks to the health agencies and providers of care most engaged in serving the urban poor and children—the Medicaid Program, federally qualified community health centers, maternal and child health block grant providers, and disproportionate share hospitals. It is these people who will make the difference.

Another thing that we need to do is develop better vaccines so that it will be easier to immunize more children. I am introducing a separate piece of legislation today to expand research and development to create better vaccines. The intent of this legislation is to break down the barriers at the Federal level, so that we can support the efforts of those who are the most important—the local providers and health agencies who vaccinate our kids.

The provisions of this bill are designed to directly attack the root causes of our pitiful immunization rate in this country.

The first part of this bill changes the Federal payment methodology for immunizations under the Medicaid Program. I propose to replace the standard Federal matching formula with a straightforward 90 percent Federal, 10 percent State cost share. This is not a new idea. We do it now for those programs the Federal Government attaches particular importance to—family planning activities, training for medical personnel, peer review activities, and other initiatives. The failure to immunize our infants and children has resulted in an epidemic. That's not a throw-away phrase. We literally are confronting an epidemic, and we have not responded forcefully to put an end to it. This piece of the bill makes it clear that national public health measures are the Federal Government's concern, and a priority. At the same time, this piece also recognizes the hole we dug for the States in the arena of public health assistance. We set new standards, then we cut their funding. This piece of the bill says we consider childhood vaccination a priority, and we help pay for our priorities.

The second piece of the bill changes the method of how we pay providers and health centers for providing immunization. The Early and Periodic Screening, Diagnosis and Treatment [EPSDT] Program outlined an invaluable model for identifying the full range of services needed for proper childhood care. Immunizations, delivered at the appropriate time, were an integral part of this model, and were a required service in the EPSDT Program. Unfortunately, the reimbursement levels set for EPSDT, to include immunizing children, have not kept pace with the cost of providing the vaccine. In fact, some providers could lose money by immunizing their patients. This legislation breaks out the payment for immunization from the rest of the EPSDT service—with providers of care receiving appropriate payment for the cost of the vaccine and its administration. The straightforward intention is to increase the number of providers willing to immunize children on the spot without fear of losing money for each child treated.

I have added a third provision that recommends that state Medicaid programs reimburse for immunization according to the standards set by the Immunization Practices Advisory Committee. It is important that we remain up to date with the latest in medical expertise and research, and not allow budgetary constraints to limit our coverage of needed immunizations. With the passage of the first piece of this bill—increasing the Federal matching rate to 90 percent, I am hopeful that the states will move quickly to adopt the committee recommendations.

Finally, I want to reinforce the central role that the Centers for Disease Control [CDC] should play in this epidemic. Part of the problem has been the lack of available vaccine at the Federal contract bulk purchase price. When a shortage occurs, the local agencies must purchase on the private market—at substantially higher prices. Their funds are depleted more quickly, and their ability to maintain adequate levels of vaccine is diminished. I understand that the administration, through the CDC and other Federal agencies, has been developing a model for improving the current distribution system. I applaud these efforts, and we should all be interested in the outcome. Better coordination is needed, and leadership is required from the federal arm most responsible for getting the vaccine to our public agencies.

Some of these proposals would not be necessary in a health care system that treated people more fairly, that paid providers more equitably, that placed the importance of prevention as high as lifesaving, high tech acute care treatment. But that is not the case.

We have an obligation to act. Now. Not after another year of even higher numbers of measles cases. We know how to do this. Let us not wait.

Mr. President, I ask unanimous consent that the bill summary and the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Childhood Immunization Improvement Act of 1991".

SEC. 2. INCREASING AVAILABILITY AND IMPROVEMENT IN CHILDHOOD IMMUNIZATIONS PROVIDED UNDER MEDICAID.

(a) ENHANCED FEDERAL PAYMENT RATE FOR IMMUNIZATIONS.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) by striking "plus" at the end of the matter following paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) an amount equal to 90 percent of the sums expended during such quarter which are attributable to arranging and furnishing immunizations as provided under section 1905(r)(1); plus".

(b) MEDICAID COVERAGE OF ALL RECOMMENDED CHILD VACCINES.—Section 1905(r)(1)(B)(iii) of such Act (42 U.S.C. 1396d(r)(1)(B)(iii)) is amended by inserting before the comma at the end "(including all vaccinations recommended and contained in the vaccine informational materials developed under section 2126(c)(9)(A) of the Public Health Service Act and such supplemental vaccinations as necessary to keep an individual current on the vaccination schedule recommended in such materials)".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments for calendar quarters beginning on or after January 1, 1992, without regard to whether or not final regulations have been promulgated by such date.

SEC. 3. PARTICIPATION OF MEDICAID STATE AGENCIES IN BULK VACCINE PURCHASING PROGRAM.

Section 317(j)(1) of the Public Health Service Act (42 U.S.C. 247b(j)(1)) is amended by adding at the end thereof the following new subparagraph:

"(C) Notwithstanding any other provision of law, the Secretary shall ensure that State agencies designated under section 1902 of the Social Security Act to administer the State plan for medical assistance, and providers of medical assistance paid for under title XIX of such act, are eligible to participate in the bulk vaccine purchasing program administered by the Centers for Disease Control with amounts made available under this paragraph.". The Secretary shall ensure that this plan is implemented by October 1, 1992.

BILL SUMMARY—CHILDHOOD IMMUNIZATION IMPROVEMENT ACT OF 1991

There are four principal provisions to this legislation:

1. Change the federal matching rate for immunization activities under Medicaid from the traditional federal/state formula to a 90% federal participation. We currently do this for some specific program to include family planning. This provision establishes the improvement of childhood immunization as a priority for the federal government, and signals the states that kids should not be allowed to go unvaccinated because of funding shortages.

2. Reimburse providers under Medicaid for immunizing children at the cost of providing the vaccine—separated out from the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) visit fee. Currently, an EPSDT visit should include an immunization, if needed. But as the costs of vaccine have risen, the reimbursement under the global EPSDT have stayed relatively stagnant. It has resulted in a situation where physicians do not vaccinate, and instead send the child to the county health clinic for a free shot. Some never go there, and an opportunity is lost. This provides an incentive to providers to immunize "on-the-spot."

3. Ensure that state Medicaid programs reimburse for vaccination according to the recommendations of the Immunization Practices Advisory Committee. A study by the Children's Defense Fund has shown that some state Medicaid programs do not necessarily reimburse for all vaccinations that are recommended by the medical community. This provision seeks to ensure that our health programs for the poor keep pace with advances and the knowledge of the health experts. By providing expanded financing of immunization activities through the federal government as explained in the first provision, states should be able to afford the cost reimbursement for all needed vaccines, delivered at the appropriate schedule.

4. Recommended that the model delivery system being developed by the Centers for Disease Control (CDC) for ensuring that vaccines are easily accessible to state health agencies and the local agencies and providers is rapidly implemented. Shortages of vaccines have been reported by many local health agencies and providers, but this is not a production problem. It is largely a resources problem. When health agencies who are serving the poor are forced to buy vaccine through the private sector, they pay a great deal more, and deplete their funds more quickly. Action by the executive branch would preclude the need for legislation in this area.●

By Mr. GRAHAM:

S. 906. A bill to amend title II of the Social Security Act to authorize the limited investment of the Federal old-age and survivors insurance trust fund in State and local government obligations, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY STATE AND MUNICIPAL BOND FUND ACT OF 1991

Mr. GRAHAM. Mr. President, I believe there is one thing clear, and that is that no one is going to come to the defense of the current manner in which we are dealing with the Social Security Trust Fund.

What we have here is the question of diagnoses. If a patient goes to a cardiologist, you can anticipate getting a diagnosis that will focus on your heart. If you go to a dermatologist, you will get a diagnosis and get a prescription that will tend to focus on your skin. So to whom you come is in part determinative of what answers you are likely to receive.

I do not believe in the diagnosis that the problem is the fact that we some 8 or 9 years ago elected to adopt a surplus system as the means of financing our Social Security. In fact, Mr. President, virtually every industrialized nation in the world has a Social Security system, and almost every nation in the world finances it through a surplus method of finance; that is, building up a surplus during periods of relatively low demand of the social security system in order to be able to meet the demands at peak periods without putting undue stress on the economy.

What I believe is the problem is the pathology and the method in which the United States diverts from the path of most other nations is the way in which we use that surplus. We are essentially applying that surplus to pay an ever larger share of our annual deficit. This year we will pay approximately $70 billion of our deficit from the surplus which will be accumulated this year in the Social Security Trust Fund. As has been pointed out, most recently by the Senator from Idaho, when Americans at some point in the future ask where is all this money, where is the cigar box of Social Security funds, they are going to find that there are not only are no funds, there is no cigar box. All there is is a blip on a computer screen where accounts have been noted in the Federal Treasury and a nontransferable, nonmarketable script, an IOU written to the Social Security Trust Fund.

Mr. President today I am introducing a bill designed to protect our current and future Social Security beneficiaries and increase our investment in infrastructure.

The essential rationale of the change I suggest is to give greater security and confidence to the Social Security surplus by:

Providing a partial alternative for the use of that surplus so the Treasury cannot use all of it to mask and pay for the deficit;

Diversifying through market-rate lending to qualified State and local governments;

Assisting qualified State and local governments in assuming the increasing burden which they must carry in the financing of our Nation's infrastructure;

Contributing to the long-term economic strength of America—the foundation upon which any long term Social Security system must be built.

The concept of the legislation I introduced in 1990 and today's bill is the same. However, that bill would have also removed the Social Security trust funds from the Gramm-Rudman calculations, effective at the start of fiscal year 1992. However, in 1990 Congress approved taking the Social Security trust fund off-budget in the deficit reduction bill of 1990 which President Bush signed into law. I supported this effort because I believe by doing this we will ensure an honest accounting of our Federal budget, and not use the Social Security trust fund to disguise the true size of any annual budget deficit the United States incurs in the future.

With this step toward honesty in accounting for the Social Security trust fund taken, the American people and the Congress can now proceed to other important reforms needed to assure that the Social Security system will meet its obligations to current and future beneficiaries.

The Federal Government has a contract with and a commitment to the American people that, when they retire, the Social Security trust funds will be there for them. In fact, this generation of Americans will be the first to actually pay for any benefits they will receive under the Social Security trust funds. However, the current Social Security program is not acceptable in that there is little prospect that this generation will be able to receive their benefits in 2020. They will only find IOU's from the Treasury in the trust funds. Therefore, the status quo is not credible and is not acceptable.

According to a March 5, 1991, Congressional Research Service issue brief by David Koitz and Geoffrey Kollmann, the current Social Security taxes—

> are not deposited in the Social Security trust funds, but—like all other government revenues—in the U.S. Treasury.
>
> Each day, they flow into 15,000 depository accounts maintained by the Government with financial institutions across the country and, along with many other forms of tax revenues, become part of the Government's operating cash pool. The Social Security taxes are accounted for separately through the posting of nonmarketable securities to the Social Security and hospital insurance trust funds—basically a bookkeeping entry by the Treasury. The accounts—trust funds—do not receive money and the securities posted to them, as their label implies, have no commercial value because they cannot be sold in the marketplace. Similarly, benefits are not paid from the trust funds, but from the Treasury. As the checks are paid, a corresponding amount of securities are written off the trust funds—basically another bookkeeping entry.
>
> If more Social Security money is collected than spent in any given month, does the money remain in the Treasury? No. Once the taxes are received, they become indistinguishable from other moneys paid into the Treasury and are used to pay other Government obligations. That more Social Security taxes were received than spent is merely reflected in a higher balance of securities on the trust fund ledgers. In essence, the trust funds represent a form of IOU—a promise by the Government that, in order to pay Social Securities benefits, it will obtain resources in the future equal to the value of the securities.

Looking ahead 30 years, the demographics in America indicate there will be 64.2 million Americans who will be receiving Social Security benefits in the year 2020. There will be 151 million Americans who will be working in order to support the economy of the Nation. That is a ratio of 2.35 working Americans to every retired American.

That contrasts, with today, when we have 133 million working Americans and 30.3 million Social Security recipients, or a ratio of 3.4 to 1. This illustrates that in the next 30 years there will be a dramatic shift in the proportion of Americans who are working and the proportion of Americans who are in retirement.

Today, we know that the Social Security Trust Fund, as it is currently structured, is producing a substantial surplus. In fact, we estimate that in this fiscal year that surplus will be augmented by approximately $70 billion. The 1990 annual report of the board of trustees of the Social Security trust funds shows that in 1991 the assets held at the end of the year is predicted to be $296.7 billion. In the year 2020 the assets held will be $8,045.6 trillion.

But by the summer of the year 2020, the large number of retirees, persons born after World War II who have reached the age of Social Security eligibility, will have reached a point that that annual surplus will have gone into reverse. In 2020, it is estimated that $1,798.2 trillion will flow out of the Social Security fund. We will no longer be adding to the surplus. We will be in the process of drawing down that surplus.

It is critical to the understanding of the legislation to restate that we are not doing anything to adversely affect current beneficiaries. The current beneficiaries are protected under almost any set of circumstances or policy changes that could be initiated. Their protection is essentially a demographic one, relatively small numbers of beneficiaries in relationship to the working age population. The only threat to the current beneficiaries would be if the large working age population were to conclude en mass that its prospects of receiving benefits were so dismal that they would abandon their grandparents.

Our colleagues who stand here 30 years from now will face some very difficult choices to meet the obligations of the Social Security recipients:

They will be able to raise taxes from an already reduced tax base as a result of the dramatic demographic shifts.

They will be able to borrow more money and add to what then would be an astronomical, as distinct from the merely staggering, national debt that we have today.

They could dramatically reduce spending in order to be able to finance the scale of Social Security benefits.

Or they could do what I suggest they are probably going to be very enticed to do and that is reduce Social Security benefits in order to meet the staggering obligations that they will then face. They will probably do so by either extending the period of age for eligibility from 65-70 years, or by reducing the anticipated level of annual benefits, say by 25 percent.

Mr. President, those are the options that I suggest our colleagues 30 years from today will be facing if we continue for the next three decades the pattern of behavior that we have following thus far.

We must establish the fund as a true trust fund—a fund that holds real securities and makes real investments. We must diversify the investments in the trust funds to include safe secure investments other than U.S. Treasury obligations. By ensuring that the obligor on a portion of the investments owned by the trust funds is someone other than the Federal Government, it helps to reduce the incentive we may have to reduce benefits in future years.

My proposal would allow investment of the Social Security Trust Fund surplus in bonds issued by qualified State and local governments. Lending to qualified State and local governments is a secure financial investment for the trust fund. The proceeds of the bonds would be used to finance needed infrastructure improvements, such as schools, roads, and bridges, other mass transportation systems, and water treatment facilities—which are the underpinnings of a strong economic base being built for the future. The legislation therefore, stipulates that these investments be made in qualified tax-exempt bonds, as defined in section 103 of the Internal Revenue Code of 1986.

The bill does not modify the existing provision of the Internal Revenue Code relating to the tax exemption of State and local government obligations, nor does it attempt to establish an unworkable bureaucracy that could actually discourage the purchase of State and local government securities by the trust funds. This bill attempts to use the existing markets and the existing law relating to the tax exemption on State and local government obligations.

Borrowing from the Social Security Trust Fund will not result in State and local governments being subjected to greater strings or controls than are currently imposed. By this I mean, a State borrowing for highway purposes would not have any additional Federal standards relative to constructing a highway imposed on them because they were using Social Security Trust Funds as part of their financing than if they were under current applicable highway laws today.

The bill creates the State and municipal bond fund within the Social Security Trust Fund and transfers 25 percent of the assets held by the trust fund to the State and municipal bond fund over a 3-year period. The bill requires that the investments be made at the issue price—for new issues—or at the market price—for issues bought in the secondary market. The bill requires that the investments be made through brokers and dealers registered under the Securities Exchange Act of 1934. The bill places a ceiling on the volume of trust fund reserves which can be invested in State and municipal bonds equal to 33 percent of the previous year's State and municipal bond market.

Since the dominant motivation for the proposal is to protect current and future Social Security beneficiaries, several protections to assure this have been provided:

Only qualified State and local governments will be allowed to borrow.

There is a 3-year phase in of this new Social Security Investment Program.

There will be an adjustment for the differential between taxable and nontaxable borrowing so that the Social Security fund will receive at least the same amount of income from the trust funds as it is now securing through lending to the Treasury.

Full faith and credit of the Federal Government is provided to support State and local bonds held in the Social Security trust fund.

In addition, the trust fund would have a year's liquidity of the estimated annual Social Security benefits on reserve to meet the needs of the Social Security recipients. Therefore, we continue to live up to our responsibility to our current, and to future Social Security beneficiaries.

To expand on the above listed points—only qualified State and local government will be allowed to borrow.

The bill establishes the Social Security Investment Board, which shall formulate and maintain investment policies which results in prudent investment of fund assets and which result in accumulating funds for the payment of Social Security benefits. The Board may not direct that investment be made in any particular assets, or that the fund dispose of its interest in any particular assets. The bill also allows the Board to hire outside professional investors for carrying out investment practices.

There is 3-year phase in this new Social Security investment program.

In the first year, the limit would equal 10 percent of the municipal market's previous year's volume. For example, last year's municipal market has between $110–$120 billion for 1990. Ten percent would mean $11–$12 billion in the first year; in the second year, the limit would equal 20 percent or $22–$24 billion, and in all succeeding years, the 25-percent limit would apply which would be $28–$30 billion. Also, the bill says that the trust fund can only buy 33 percent of any original issue.

There will be an adjustment for the differential between taxable and nontaxable borrowing so that the Social Security fund will receive at least the same amount of income from the trust fund as it is now securing through lending to the Treasury.

Bonds issued by a State or local government generally have a lower yield than comparable debt issued by the Federal Government. Interest on municipal bonds is generally excluded from income for individuals who invest in municipal bonds, or municipal bond funds. Thus, many investors receive a tax benefit when they invest in municipal bonds which, when coupled with the lower yield, make such investments competitive with other, taxable investments, such as Treasury securities and other private sector debt.

Since the trust fund is not a taxpayer, this interest exclusion does not provide the trust funds with any tax advantage. Thus, the lower yield, without the tax exclusion, does result in lower interest income to the trust fund. This reduction in income is offset by a permanent annual appropriation to the trust fund to recoup any lost investment income. For example, today State and municipal bonds have a rate of 7 percent and Treasury bonds have an 8.5-percent rate. That is a difference of 1.5 percent. If the fund had $110 billion of qualified State and local bonds and there was a 1.5-percent differential between the earnings on those bonds and what could be earned through Treasury bonds that would require an appropriation of $1.65 billion.

Since the present tax-exempt market is limited in size, this appropriation will be offset by an increase in the tax revenues created by the displacement of investors from the tax-exempt bond market to taxable instruments.

Full faith and credit of the Federal Government is provided to support State and local bonds held in the Social Security trust fund.

The legislation also protects the trust fund by providing a Federal guarantee for any State and municipal bonds purchased by the trust fund. The full faith and credit of the Federal Government will be behind the obligations of State and local governments for all bonds purchased by the State and municipal bond fund. Since the Federal Government is now the sole guarantor of all Social Security trust fund investments, the Federal Treasury is at no greater exposure by assuming this secondary role, while Social Security beneficiaries are provided the same level of Federal insurance.

Because of the growing debt of the Federal Government we have moved more of the responsibility from the Federal Government to the State and local governments for infrastructure projects. For example, in the area of surface transportation, State and local governments provided $63 billion of the total $82 billion, almost 80 percent, expended on surface transportation improvements in 1990.

Under the President's proposed Surface Transportation Assistance Act of 1990, States would be responsible for an additional $52 billion in highway system investment requirements through fiscal 1996, while the Federal Government's increases would be only $16 billion.

The example is even more telling if you look at mass transit funding. Federal support for mass transit declined to $2.6 billion in 1988 after reaching a peak in the mid-1980's. In 1981, the Federal expenditure in mass transit was $4.1 billion; in 1982, it was $3.9 billion; in 1984, the expenditure was $3.5 billion. State and local governments finance most of the operating and maintenance costs, and State contributions outstripped Federal funds for the first time in 1988.

That proposal in transportation parallels similar proposals that have been made in areas of education, environmental protection, and health care.

By giving State and local governments another pool of money to draw from, we are providing them with the means by which they can meet these increased important public obligations we are asking them to accept.

At the same time we have hampered their ability to effectively pay for those increased costs and responsibilities.

In the 1986 Tax Act, Congress told banks and property and casualty insurance companies that the Federal Government would no longer encourage them to buy State and local government bonds. This negative message was delivered by requiring them to include in their taxable income a portion of the interest income earned from municipal bonds. Banks and property and casualty companies decreased their investment in municipal securities from $208.4 billion or 65.1 percent of total outstanding State and local tax free bonds in 1979 to $279.2 billion or 35.6 percent of the total outstanding bonds in 1989. Municipal bonds financing also increased. The long-term volume rose from $42,260,818 in 1979 to $123,036,548 in 1989 according to data from the Bond Buyer and Securities Data. At the same time the average interest rate for a 20-year bond increased from 6.51 percent in 1979 to 7 percent in 1991.

By taking large buyers from the market for State and municipal government obligations, we have decreased the demand for these issues and correspondingly increased the rate of interest that our taxpayers have to pay on State and local government bonds.

Essentially what I propose, is to maintain the market system that is currently operating for the sale of State and local bonds, to maintain the current tax treatment of those bonds but to add as a new purchaser for those bonds, the Social Security trust fund.

This proposal is not a new proposal. For several years, the Canadian Government has been using its social security surplus as a means of lending at market rates to the Provinces of Canada. Through that system the Provinces of Canada have found an important new source of capital to meet all of their obligations, very similar to the kinds of obligations that we in the United States ask our States and local governments to undertake.

I have been working with various groups on this proposal. Retirement groups, financial groups, State and local government groups and economists have reviewed this bill. Some of the groups have supported the concept of our proposal. The National Association of Counties, the National League of Cities, and the National Conference of State Legislatures have adopted resolutions in support of the concept of this bill.

In a speech before the National Press Club, June 14, 1990, Felix Rohatyn, senior partner at Lazard Freres & Co., and chairman of the Municipal Assistance Corp. for the city of New York, said the following:

> The Social Security system should become what most people think it is, but which it is not: A real trust fund, with real money, and a real savings pool for the American economy. It should not be used to mask the budg-

et deficit. It should be removed from the budget and a trust fund set up which, over the next decade, would probably build up a national savings pool amounting to over one trillion dollars. These funds should be invested in U.S. Treasury securities with a portion thereof—say 20-25 percent—eligible for investment in high-grade State and local government bonds, to be used to finance local infrastructure projects. Such a proposal is presently under study by Senator Bob Graham and deserves support.

Mr. President, this bill will protect the Social Security retirement fund and will ensure today's young adults—those who will become eligible for Social Security in 2017, the year in which Social Security will shift from being a surplus generator to a net payor of funds—of their expectations for drawing from the Social Security funds. This bill will also provide another source for infrastructure funds for State and local governments.

It has been suggested that the decision to place Social Security on a surplus basis was a mistake, should be repealed, and that America should return to a pay-as-you-go Social Security system. I believe this is the wrong diagnosis.

The consequence to prescribing on this erroneous analysis will be to transfer to the current generation of young adults and their children the enormous financial responsibility of an unfunded Social Security obligation—an obligation which in less than 30 years will exceed $1 trillion per year.

The accurate diagnosis discloses that it is the use of the surplus, not the surplus itself, which is the fiscal pathology. Utilizing the surplus to mask and fund our annual deficits is even more reprehensible than our failure to prepare for the future. The proposal which I am submitting ministers to this pathology by placing a portion of the Social Security fund to the work of financing a strengthened America. Let us not transfer another burden to the future. Rather, let us seize this opportunity to be faithful trustees for our children and grandchildren.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD along with a section-by-section analysis, a question and answer sheet, letters of support, and information on the Canadian social security system.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security State and Municipal Bond Fund Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the limited investment of the Federal Old-Age and Survivors Insurance Trust Fund in State and local government obligations would provide greater diversification of investment through market rate lending to such Fund and result in greater security for the increased protection of current and future beneficiaries of such Fund,

(2) such limited investment should be designed to balance the goal of maximizing the financial return to the Federal Old-Age and Survivors Insurance Trust Fund with a sound strategy for identifying high quality State and local government obligations for investment,

(3) there is a need—

(A) to give greater security to and confidence in the social security surplus by denying the use of that surplus to the United States Treasury to mask the true extent and scale of the Federal deficit,

(B) to increase America's investment in itself,

(C) to place the full faith and credit of the Federal Government as a guarantee behind those State and local obligations held by the Federal Old-Age and Survivors Insurance Trust Fund,

(D) to establish the Federal Old-Age and Survivors Insurance Trust Fund as a true trust fund, a fund that holds real securities, and makes real investments, and

(E) to strengthen the municipal market by securing a safe and stable source of capital,

(4) the current investment policies of the Federal Old-Age and Survivors Insurance Trust Fund during this time of large Federal operating deficits does not put money into the Trust Fund,

(5) it is not the intent of this Act and nothing in this Act should be construed to interfere with nor impose any restrictions on the operations of State and local governments, and

(6) the mission of the State and Municipal Bond Fund, established by this Act, is to provide quality professional trust services for the Federal Old-Age and Survivors Insurance Trust Fund through prudent investment management of assets entrusted to the Fund.

SEC. 3. ESTABLISHMENT OF THE STATE AND MUNICIPAL BOND FUND WITHIN THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.

(a) STATE AND MUNICIPAL BOND FUND.—Section 201(d) of the Social Security Act (42 U.S.C. 401(d)) is amended—

(1) in the second sentence, by striking "Such" and inserting "Subject to paragraph (2), such";

(2) in the third sentence, by striking "(1) on original" and "(2) by purchase" inserting "(A) on original" and "(B) by purchase", respectively;

(3) by inserting "(1)" after "(d)"; and

(4) by adding at the end the following new paragraph:

"(2)(A) There is hereby established within the Federal Old-Age and Survivors Insurance Trust Fund (hereafter in this paragraph referred to as the 'Trust Fund') a State and Municipal Bond Fund. Investment by the Managing Trustee of the portion of the Trust Fund consisting of amounts held in the State and Municipal Bond Fund may be made only in qualified State or local bonds. For such purpose, such obligations may be acquired only—

"(i)(I) on original issue at the issue price, or (II) by purchase of outstanding obligations at market price,

"(ii) from brokers, dealers, municipal securities brokers, and municipal securities dealers who are registered as such brokers or dealers under the Securities Exchange Act of 1934, and

"(iii) subject to insurance against the risk of default or such other credit enhancement measures as the Social Security Investment Board may deem appropriate pursuant to subsection (n).

"(B) For purposes of this section, the term 'qualified State or local bond' means a State or local bond, within the meaning of section 103(c)(1) of the Internal Revenue Code of 1986, to which section 103(a) of such Code applies.

"(C) The amounts of the Trust Fund held by the State and Municipal Bond Fund shall consist of amounts deposited in the State and Municipal Bond Fund under section 3(c) of the Social Security State and Municipal Bond Fund Act of 1991 and such amounts as may be appropriated to, or deposited in, the State and Municipal Bond Fund as hereafter provided in this section.

"(D) The purchase by the State and Municipal Bond Fund of qualified State or local bonds during any fiscal year shall be subject to the following limitations:

"(i) The total amount available in the State and Municipal Bond Fund for purchase of qualified State or local bonds during any fiscal year shall not exceed an amount equal to 25 percent of the issue price of qualified State or local bonds issued during the preceding fiscal year, unless the Social Security Investment Board authorizes that a greater amount may be made available after determining that such increased amount is in the best interests of the Trust Fund and the qualified State or local bond market.

"(ii) The purchase on original issue of any issue (or part of an issue) of qualified State or local bonds by the Managing Trustee of the Trust Fund from amounts in the State and Municipal Bond Fund shall only occur—

"(I) after such issue has been publicly offered,

"(II) under the same terms and conditions of the public offering, and

"(III) in an amount not to exceed 33 percent of such issue.

"(iii) Except as otherwise provided in this clause, investment by the Managing Trustee of the Trust Fund of amounts in the State and Municipal Bond Fund shall be subject to guidelines and procedures prescribed by the Social Security Investment Board pursuant to subsection (n). The Managing Trustee may carry out the functions with respect to investment of amounts in the State and Municipal Bond Fund in a manner which is not in accordance with such guidelines and procedures only if such functions are otherwise carried out in accordance with the requirements of this paragraph.

"(E) In purchasing qualified State or local bonds, neither the Managing Trustee of the Trust Fund nor the Social Security Investment Board shall establish approval mechanisms and policies which require that any State or local government desiring to sell bonds to the State and Municipal Bond Fund be subject to more stringent credit standards or additional covenants and agreements than those commonly applicable in the open market for bonds of similar credit quality.

"(F) Qualified State or local bonds purchased by the Managing Trustee shall be irrevocably guaranteed as to principal and interest by the United States for so long as such bonds are held by the State and Municipal Bond Fund. Notwithstanding the provisions of section 149(b) of the Internal Revenue Code of 1986, such Federal guarantee shall not adversely affect the exclusion of interest on such bonds from the gross income of subsequent holders thereof for purposes of Federal income taxation.

"(G)(i) Not later than 90 days after the end of each fiscal year, the Managing Trustee of the Trust Fund shall determine for such fiscal year the excess (if any) of—

"(I) the amount which would have been the return to the State and Municipal Bond Fund for such fiscal year on the investment of amounts in such Fund if purchases of obligations with amounts in such Fund had been subject solely to the requirements of paragraph (1), over

"(II) the amount which was the actual return to such Fund for such fiscal year on the investment of such Fund pursuant to this paragraph,

and shall publish the amount of such excess in the Federal Register.

"(ii) In addition to any amounts otherwise appropriated to the Trust Fund, there is hereby appropriated to the Trust Fund for each fiscal year for deposit in the State and Municipal Bond Fund, out of any moneys in the Treasury not otherwise appropriated, the amount of any excess amount determined under clause (i) for the preceding fiscal year with respect to the Trust Fund. Such appropriation shall be executed on the date of the publication of the excess amount in the Federal Register.".

(b) CREDITING OF INTEREST AND PROCEEDS FROM INVESTMENT IN STATE AND MUNICIPAL BONDS.—Section 201(f) of the Social Security Act (42 U.S.C. 401(f)) is amended by adding at the end the following new sentence: "Any such interest on, and proceeds from the sale or redemption of, qualified State or local bonds held by the State and Municipal Bond Fund in the Federal Old-Age and Survivors Insurance Trust Fund shall be credited to and form a part of the State and Municipal Bond Fund.".

(c) INITIAL DEPOSITS TO STATE AND MUNICIPAL BOND FUND.—

(1) FISCAL YEAR 1992.—There is hereby transferred on October 1, 1991, to the State and Municipal Bond Fund, from amounts otherwise available in the Federal Old-Age and Survivors Insurance Trust Fund, an amount equal to the applicable percentage of the issue price of qualified State or local bonds (as defined in section 201(d)(2)(B) of the Social Security Act) issued during the preceding fiscal year.

(2) FISCAL YEAR 1993.—There is hereby transferred on October 1, 1992, to the State and Municipal Bond Fund, from amounts otherwise available in the Federal Old-Age and Survivors Insurance Trust Fund, an amount equal to the applicable percentage of the issue price of qualified State or local bonds (as defined in section 201(d)(2)(B) of the Social Security Act) issued during the preceding fiscal year.

(3) DETERMINATIONS AND ADJUSTMENTS.—

(A) APPLICABLE PERCENTAGE.—The Social Security Investment Board shall determine the applicable percentage for each fiscal year under paragraphs (1) and (2), but such percentage shall not exceed 10 percent for fiscal year 1992 and 20 percent for fiscal year 1993.

(B) TRANSFERS.—Transfers under paragraphs (1) and (2) shall be made by the Secretary of the Treasury on the basis of estimates by the Secretary. Proper adjustments shall be made in amounts subsequently appropriated to the State and Municipal Bond Fund to the extent prior estimates were in excess of or were less than the actual amounts.

SEC. 4. ESTABLISHMENT AND DUTIES OF THE SOCIAL SECURITY INVESTMENT BOARD.

(a) IN GENERAL.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following new subsection:

"SOCIAL SECURITY INVESTMENT BOARD

"(n)(1) There is hereby established a Social Security Investment Board (hereafter in this subsection referred to as the 'Board').

"(2)(A) The Board shall be composed of—

"(i) 3 members appointed by the President, of whom 1 shall be designated by the President as Chairman, and

"(ii) 2 members appointed by the President, of whom—

"(I) 1 shall be appointed by the President after taking into consideration the recommendation made by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives, and

"(II) 1 shall be appointed by the President after taking into consideration the recommendation made by the majority leader of the Senate in consultation with the minority leader of the Senate.

"(B) Appointments under subparagraph (A) shall be made by and with the advice and consent of the Senate.

"(C) Members of the Board shall have substantial experience, training, and expertise in the management of financial investments and pension benefit plans.

"(D)(i) A member of the Board shall be appointed for a term of 4 years, except that of the members first appointed—

"(I) the Chairman shall be appointed for a term of 4 years,

"(II) the members appointed under subparagraph (A)(i) shall be appointed for terms of 3 years, and

"(III) the remaining members shall be appointed for terms of 2 years.

"(ii)(I) A vacancy on the Board shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(II) An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(iii) A member may serve beyond the expiration of such member's term until the date on which the member's successor takes office.

"(E) A person serving on the Board shall not be considered to be a fiduciary and shall not be personally liable for actions taken in such capacity with respect to the State and Municipal Bond Fund.

"(3) The Board shall—

"(A) determine the amount transferred into the State and Municipal Bond Fund under section 3(c)(3)(A) of the Social Security State and Municipal Bond Fund Act of 1991 and the amount available for investment under subsection (d)(2)(D)(i),

"(B) establish by regulation, guidelines and procedures for the investment and management of the State and Municipal Bond Fund in the Federal Old-Age and Survivors Insurance Trust Fund (hereafter in this subsection referred to as the 'Trust Fund'), which, subject to subsection (d)(2)(D)(iii), shall be binding upon the Managing Trustee of the Trust Fund, and which shall provide for—

"(i) prudent investments suitable for accumulating funds for payment of benefits under this title, and

"(ii) low administrative costs,

"(C) review the performance of investments made for the State and Municipal Bond Fund, and

"(D) review and approve the budget of the Board.

"(4)(A) The Board may—

"(i) adopt, alter, and use a seal, and

"(ii) take such actions as may be necessary to carry out the functions of the Board.

"(B) The members of the Board shall discharge their responsibilities solely in the interest of beneficiaries under this title.

"(C) The Board may not direct the Managing Trustee to invest or to cause to be invested any sums in the State and Municipal Bond Fund in a specific asset or to dispose of or cause to be disposed of any specific asset of such Fund.

"(5) The Board may—

"(A) appoint such personnel as may be necessary to carry out the provisions of this subsection relating to the State and Municipal Bond Fund,

"(B) procure the services of experts and consultants (including investment advisors) under section 3109 of title 5, United States Code,

"(C) secure directly from an agency or instrumentality of the United States any information necessary to carry out the provisions of this subsection relating to the State and Municipal Bond Fund and policies of the Board,

"(D) accept and use the services of individuals employed intermittently in the Government service and reimburse such individuals for travel expenses, as authorized by section 5703 of title 5, United States Code, including per diem as authorized by section 5702 of such title, and

"(E) except as otherwise expressly prohibited by law, delegate any of the Board's functions to such employees under the Board as the Board may designate and authorize such successive redelegations of such functions to such employees under the Board as the Board may consider to be necessary or appropriate.

"(6) The Managing Trustee of the Trust Fund shall, at the direction of the Board and to the extent provided in advance in appropriations Acts—

"(A) make such payments out of sums generally available in the Trust Fund as the Board determines are necessary to carry out the provisions of this subsection relating to the State and Municipal Bond Fund and the policies of the Board, and

"(B) pay the compensation, per diem, and travel expenses of individuals appointed under subparagraphs (A), (B), and (D) of paragraph (5) from sums generally available in the Trust Fund.

"(7)(A) The Board shall meet—

"(i) not less than once during each quarter of the fiscal year, and

"(ii) at additional times at the call of the Chairman.

"(B)(i) The Board shall perform the functions and exercise the powers of the Board on a majority vote of a quorum of the Board.

"(ii) A vacancy on the Board shall not impair the authority of a quorum of the Board to perform the functions and exercise the powers of the Board.

"(C) Three members of the Board shall constitute a quorum for the transaction of business.

"(D)(i) Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at the daily rate of basic pay for level IV of the Executive Schedule for each day during which such member is engaged in performing a function of the Board.

"(ii) A member of the Board shall be paid travel, per diem, and other necessary expenses under subchapter I of chapter 57 of title 5, United States Code, while traveling away from such member's home or regular place of business in the performance of the duties of the Board.

"(iii) Payments authorized under this subparagraph shall be paid from amounts generally available in the Trust Fund.

"(E) The accrued annual leave of any member of the Board who is otherwise a Federal employee shall not be charged for any time used in performing services for the Board.

"(8) The Board shall prepare and submit to the President, and, at the same time, to the appropriate committees of the Congress, an annual budget of the expenses and other items relating to the annual budget of the expenses and other items relating to the Board which shall be included as a separate item in the budget required to be transmitted to the Congress under section 1105 of title 31, United States Code.

"(9) The Board may submit to the President, and, at the same time, shall submit to each House of the Congress, any legislative recommendations of the Board relating to any of its functions under this subsection or any other provision of law.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1991, and shall apply with respect to fiscal years beginning on or after such date.

SECTION BY SECTION SUMMARY OF THE SOCIAL SECURITY/INFRASTRUCTURE BILL

SUMMARY

The bill allows the Social Security Trust Funds to invest in state and local municipal bond obligations along with federal Treasury offerings.

Allows the state and local governments to use these funds for capital projects or enhanced infrastructure projects like improving roads, bridges, building schools or upgrading airports.

Section 1

Short title: The Social Security State and Municipal Bond Fund Act of 1991

Section 2

Findings.

Section 3

Creates the State and Municipal Bond Fund within the Social Security Trust Fund.

Transfers a portion of the assets held by the Trust Fund to the State and Municipal Bond Fund.

Requires that the investments be made at the issue price (for new issues), or at the market price (for issues purchased in the secondary market).

Requires that the investments be made through brokers and dealers registered under the Securities Exchange Act of 1934.

Allows insurance or other credit enhancement measures for the municipal securities.

Section 3 (B)

Eligible State or local obligations means State or local bonds as defined in Section 103(c)(1) of the Internal Revenue Code of 1986, to which Section 103(a) applies.

The interest on the bonds is tax-exempt.

The credit ratings of the bonds are determined by the Social Security Investment Board.

Transfers a portion of the assets held by the Trust Fund to the State and Municipal Bond Fund.

Section 3 (D)(i)

The bill places a ceiling on the volume of Trust Fund reserves which can be invested in municipal bonds equal to 25 percent of the previous year's municipal bond market volume unless the Social Security Investment Board authorizes that a greater amount may be made available after determining that such increased amount is in the best interests of the Trust Fund and the qualified State or local bond market.

Section 3 (D)(ii)

If purchasing obligations when they are originally issued, the Trust Fund may only purchase such obligations after the issue has been publicly offered; under the same terms and conditions of the public offering; and in an amount not to exceed 33 percent of such issue.

Section 3 (E)

In purchasing qualified State or local bonds, the Investment Board shall not establish any policies which require that any State or local government desiring to sell bonds to the Bond Fund be subject to more stringent credit standards or additional covenants and agreements that those commonly applicable in the open market for bonds of similar credit quality.

Section 3 (F)

The eligible state or local obligations purchased by the Social Security Trust Funds are guaranteed by the U.S. Government as long as the bonds are held by the Trust Funds.

Section 3 (G)(i)

Ninety days after the end of each fiscal year, the Managing Trustee shall determine the difference in the amount which would have been returned to the Trust Funds if it had only invested in Treasury obligations versus what was actually returned to the Trust Funds under the provisions of this bill.

Any difference will be made up by a permanent annual appropriations.

Section (G)(i)(c)

The bill phases in the State and Local Bond Fund investment practice; in the first year, the limit would equal 10 percent of the municipal market's previous volume; in the second year, the limit would equal 20 percent, and in all succeeding years, the 25 percent limit would apply.

Section 4

Creates the Social Security Investment Board, which shall formulate and maintain investment policies which result in prudent investment of fund assets and which result in accumulating funds for the payment of benefits under the Social Security Act. The Board may not direct that investment be made in any particular asset, or that the Fund dispose of its interest in any particular asset.

The Board may appoint such staff or hire outside expertise as are needed to carry out the provisions of this section.

The Social Security Investment Board will be composed of five members who have substantial experience in managing financial investments and pension fund assets. Each of the five members shall be appointed by the President, with the advise and consent of the Senate. One of the five members shall be appointed after consideration of the recommendation of the Speaker of the House, and one of the five members shall be appointed after consideration of the recommendation of the Majority Leader of the Senate.

Section (5)

Effective date of October 1, 1991.

QUESTIONS AND ANSWERS ON THE SOCIAL SECURITY-INFRASTRUCTURE BILL

What is the purpose behind the introduction of this bill?

The goal is two-fold: First to protect the funds in the Social Security Trust Funds by making sure they are there when Americans retire and want to draw from them and by making sure Americans do not find IOUs from the federal government instead.

Second, to provide another source of funds for state and local governments to meet their infrastructure needs.

What does the Social Security trust funds invest in currently?

Under current law, funds held by the Social Security Trust Fund can only be invested in obligations issued by the Treasury Department. We are expanding their ability to also invest in high grade state and local bonds.

Who will make the investment decisions for the Social Security trust funds?

The bill creates a State and Municipal Bond fund within the Social Security Trust Fund. A portion of the surplus of the Social Security Trust Fund would be transferred into the State and Municipal Bond Fund. This fund would be maintained as a separate division of the Trust Fund, and managed by the Social Security Investment board and its staff.

The Board would have five members, each appointed by the President, with one on the recommendation of the Majority Leader of the Senate, and one on the recommendation of the Speaker of the House, with the advice and consent of the Senate. The Board would establish investment policies for the Bond Fund, review the performance of the Bond Fund, and review and approve the budget for the Bond Fund. The Board would appoint personnel as are necessary to carry out these provisions. The Board could also hire outside investment experts to help manage the Bond Fund. The Bond Fund is directed to invest in bonds which are issued by banks and other brokerage firms which trade and underwrite municipal securities.

How would State and local governments be able to use the bonds?

The proceeds of the bonds would be used to finance needed infrastructure improvements, such as schools, roads, and bridges, other mass transportation systems, and water treatment facilities—as currently defined in Section 103 (c)(1) of the Internal Revenue Code of 1986 to which Section 103(a) applies.

Why include State and local bonds?

First, we want to diversify the risk from just federal government offerings and include state and local government offerings.

Second, in 1989 state and local governments offered approximately $120 billion worth of bonds. We think this number will grow as their needs grow.

Third, state and local government bonds are a conservative investment and by allowing the proceeds to be used for local governmental needs we will be building a strong economic base for the future.

How will you make up the difference between tax-exempt and taxable bonds earnings?

Since the yield on these tax-exempt bonds will be at a lower rate than equivalent investments in federal securities, as currently authorized by the Social Security Act of 1983, we have included a provision which authorizes a permanent annual appropriations to recoup any lost investment income. These appropriations will be offset by the increase in tax revenues attributable to the displacement of investors from the tax exempt market to the taxable market.

How can you ensure Congress will give the annual appropriations and not make it political?

The bill makes a permanent annual appropriations.

What happens if a State or local government defaults?

The bill protects the Trust Funds by providing a federal guarantee for any municipal bonds purchased by the Trust Funds.

A recent survey performed by the Government Finance Officers Association found that the default rate on governmental (nonfederal) securities was 0.1 percent. The bill also directs the Social Security Investment Board of the Municipal Bond Fund to establish and maintain an investment policy which takes into consideration any credit enhancement measures associated with any bond which is considered for purchase.

How much of any one issue can the trust fund buy?

If purchasing obligations when they are originally issued, the Trust Fund may only purchase such obligations; a). after the issue has been publicly offered; b). under the same terms and conditions of the public offering; and c). in an amount not to exceed 33 percent of such issue.

The Fund may also buy in the secondary market at the market price.

How would the rate on the bonds be set?

The bill requires that the investments be made at the issue price (for new issues), or at the market price (for issues purchased in the secondary market).

How much of the market could the trust funds take up without dominating the market?

Felix Rohytan in a speech June 14th before the National Press Club said, "These (Social Security Trust) Funds should be invested in U.S. Treasury securities with a portion thereof (say 20–25 percent) eligible for investment in high-grade state and local government bonds, to be used to finance local infrastructure projects."

The bill limits the investment to 25 percent of the previous years' volume of bonds sold in the market. In addition, the bill phases in this investment over a three year period: 10 percent of the market during the first year, 20 percent during the second year, and 25 percent in following years.

Who can sell the bonds?

The bill requires the investment to be made through licensed securities brokers.

Who is supporting this legislation?

The National League of Cities, the National Association of Counties and the National Conference of State Legislators have adopted resolutions in support of the concept embodied in this bill.

TAXATION AND FINANCE STEERING COMMITTEE RESOLUTION ON INVESTMENT OF SURPLUS SOCIAL SECURITY TRUST FUNDS IN TAX-EXEMPT BONDS

(Endorsement from the National Association of Counties)

Whereas the nation's public infrastructure and public capital finance needs are critical and continue to grow at rapid rates; and

Whereas county governments are responsible for an increasingly large share of the burden for building and maintaining vital facilties and services such as roads, bridges, hospitals, schools, jails, environmental facilities and transportation systems; and

Whereas the United States has not been making the public investment necessary to keep the capital stock adequate to meet the social and economic needs of the nation; and

Whereas the demand by institutional investors in tax-exempt debt has declined due to recent tax code changes, forcing a precarious and increased reliance on individual investors in tax-exempt bonds; and

Whereas proposals to permit the investment of surplus Social Security Trust Funds in tax-exempt bonds issued by state and local governments will substantially increase demand for these securities and reduce the interest rate paid by state and local governments borrowers; and

Whereas there does not appear to be a threat for direct federal intervention in the issuance process under this program, as the Social Security Trust Fund would only purchase tax-exempt bonds in the secondary market; and

Whereas investments of Social Security monies in local bonds gives an increased priority to the rebuilding and expansion of public capital stock at a time when other domestic federal financial sources have been eliminated or are declining: Therefore, be it

Resolved, That the National Association of Counties supports the authorization of the Investment of Social Security Trust Fund surpluses in State and local A-rated tax-exempt bonds as long as there is no further federal restriction regarding the issuance of such debt.

NATIONAL LEAGUE OF CITIES,
Washington, DC, July 17, 1990.

Hon. BOB GRAHAM,
U.S. Senate, Dirksen Building,
Washington, DC.

DEAR SENATOR GRAHAM: We are writing to support your efforts to authorize the investment of Social Security Trust funds in state and municipal government obligations if the Trust funds are taken off-budget and in gratitude for your effort to work with the National League of Cities in structuring this legislation.

We believe the proposed legislation could go far in improving our economy through increased public capital investment in our crumbling public infrastructure. The proposal would help to replace the huge loss of investment capital in municipal bonds caused by the changes in the Tax Reform Act of 1986 as well as provide far greater stability to the municipal market.

Your efforts to seek our input and respond to the questions we have raised are appreciated by our membership.

Sincerely,

BOB BOLEN,
President.
GLENDA HOOD,
Second Vice President.

INVESTMENT OF SOCIAL SECURITY TRUST FUND MONIES IN STATE AND LOCAL GOVERNMENT BONDS

The National Conference of State Legislatures supports legislation that has been introduced that would provide for the investment of Social Security trust fund monies in bonds issued by state and local governments, provided said investments are made through traditional state and local government bond marketing procedures. Furthermore, such purchases shall be based upon prudent investment standards. The legislation is intended to protect the fund by providing for some diversification. (At present the funds may only be lent to the federal government through the purchase of non-negotiable instruments of the U.S. Treasury. A substantial surplus is being established to provide for the retirement of the "baby boom" generation in the next century.) It would also promote national savings and foster the investment in infrastructure, such as transportation, schools, and environmental facilities that is necessary to generate economic growth. Ultimately, growth is essential to provide for the retirement of Americans. Enactment of this legislation would also represent a significant recommitment by the federal government to the state-federal partnership.

NCSL supports legislation that would authorize the investment of a limited portion of Social Security trust fund monies in state and local obligations. Such legislation should include adequate protections for both the integrity of the fund and the independence of state and local government from federal interference.

PUBLIC PENSION SURPLUSES AND NATIONAL SAVING: FOREIGN EXPERIENCE

(By Alice H. Munnell and C. Nicole Ernsberger)

IV. CANADA

Canada, a federal state consisting of ten provinces and two territories, is a member of the British Commonwealth. The Queen and her representative in Canada, the Governor General, are the formal heads of state. The Governor General summons and dissolves Parliament, signs state documents, and gives assent to parliamentary bills, but, in almost all cases, must carry out these duties in accordance with the advice of the responsible ministers.

Parliament consists of two houses: the Senate, where representation, as in the United States, is determined on the basis of a fixed number of representatives from each region; and the House of Commons, where representation is based on population. Three political parties have significant representation in the Canadian Parliament: the Progressive Conservatives, the Liberals, and the New Democrats. The Progressive Conservatives are currently in power. Since 1930, Parliamentary control has alternated fairly regularly between the Liberals and the Conservatives; the New Democrats have never been the ruling party.

DEVELOPMENT OF A FUNDED PENSION PROGRAM

The Canada and Quebec Pension Plans (CPP and QPP) were developed in the 1960s by the Liberal government, in response to growing inadequacies of the existing federal universal pension system. Parliamentary debate began in 1963 over the establishment of an earnings-related old-age, survivors and disability public insurance system to supplement the flat benefit provided to all persons 65 and over by the Old Age Security program.

The federal government originally proposed a pay-as-you-go financing scheme, but the provincial governments objected. Feeling the effects of almost a decade of deficits and facing the prospect of massive investments in schools to meet the educational needs of Canada's baby boom generation, the provinces were determined that the system be substantially funded, with annual surpluses made available to them for investment (Bryden 1974). The current financing of the CPP represents a compromise between the federal and provincial government positions; the program has run annual surpluses since its inception, and had accumulated $35 billion (Canadian dollars) in assets, or 6 percent of GDP, by 1988.

Rather than participate in the CPP, Quebec elected to create its own public pension, the QPP. Because contributory rates and benefits have always been the same and the buildup of assets in relation to outgo is identical, the two plans are often referred to together. QPP assets amount to 2 percent of GDP. As noted below, however, the investment practices for the $13 billion (Canadian dollars) held by the QPP have been very different from those of the CPP.

The founders of the Canada Pension Plan felt that reserves equal to two times annual outlays would be sufficient for their purposes. In order to hasten the buildup of reserves, rates were originally set at 1.8 percent each for employers and employees and 3.6 percent for the self-employed, and the payment of full benefits was delayed until 1976. From the outset, however, the CPP's designers recognized that the initial rate schedule would not be sufficient indefinitely and recommended a future review of the reserve fund's status. In 1985 the federal and provincial Ministers of Finance conducted a series of meetings aimed at setting a rate schedule for the next 25 years. Despite the fact that the reserve fund then held assets in excess of six times annual outlays, the original intent of a reserve fund equal to two times outlays was reaffirmed at the meetings (Department of Insurance Canada 1985, p. 3). A new rate schedule, recommended by the Ministers of Finance, was passed by Parliament in 1986 and enacted in 1987. The revised schedule called for the 3.6 percent payroll tax to rise 0.2 percent annually from 1987 through 1991 and 0.15 percent annually from 1992 through 2011. As benefits are expected to increase sharply, this schedule should result in a decline in the ratio of reserves to outlays from 6.0 to 2.0, while the absolute size of the fund remains constant.

Additionally, the 1986 reform provided that the CPP system be subject to actuarial reviews at five-year intervals. Should it be found that alterations in contributions are necessary to meet the ultimate goal of a reserve fund equal to two times outlays, the actuaries will so advise the Ministry of Finance which, in turn, will submit a bill to Parliament.

THE CPP AND QPP AND NATIONAL SAVING

Table 7 presents the OECD budget data for Canada. The table shows that the CPP and QPP have consistently produced annual surpluses equal to roughly 1 percent of GDP. Since 1974, however, these surpluses have been swamped by large annual deficits in the central accounts, producing substantial overall deficits at the federal level. As discussed earlier, deficits in the non-social-security portion of the budget do not indicate, in and of themselves, that the effort to increase national saving and investment has failed. What must be evaluated is whether the existence of the pension fund surpluses caused general government expenditures to be higher, or taxes lower, than they would have been otherwise. To a large extent, this may depend on how social security is treated in the budget.

TABLE 7.—CANADIAN GOVERNMENT SAVINGS AND DEFICIT (−) OR SURPLUS AS A PERCENT OF GDP, 1960–86

	General		Central and Social Security		Central		Social Security[1]		Local[2]		Provincial		Municipal[2]	
	Saving	Deficit or surplus	Saving	Deficit or surplus	Saving	Deficit or surplus	Saving	Deficit or surplus	Saving	Deficit or surplus	Saving	Deficit or surplus	Saving	Deficit or surplus
1960	.60	−1.71	−.49	−.58	−.49	−.58	[3]	[3]	1.09	−1.13	.47	−.54	.62	−.58
1961	.47	−2.06	−.70	−1.01	−.70	−1.01	[3]	[3]	1.17	−1.05	.11	−.69	1.05	−.35
1962	1.12	−1.60	−.94	−1.15	−.94	−1.15	[3]	[3]	2.07	−.45	.74	−.13	1.32	−.32
1963	1.32	−1.32	−.42	−.60	−.42	−.60	[3]	[3]	1.74	−.71	.61	−.21	1.13	−.50
1964	2.51	.19	.80	.67	.80	.67	[3]	[3]	1.72	−.47	.77	−.16	.95	−.32
1965	3.06	.36	1.28	.95	1.28	.95	[3]	[3]	1.78	−.59	.90	0	.88	−.59
1966	3.52	.66	1.81	1.47	.70	.36	1.11	1.11	1.71	−.80	.65	−.27	1.06	−.53
1967	3.05	.22	1.55	1.17	.26	−.12	1.29	1.29	1.50	−.95	.47	−.49	1.03	−.47
1968	3.20	.67	1.69	1.33	.35	−.1	1.34	1.34	1.51	−.65	.65	−.7	.86	−.58
1969	4.53	2.32	2.90	2.59	1.55	1.24	1.35	1.35	1.63	−.27	1.06	.39	.57	−.65
1970	2.91	.80	1.93	1.63	.58	.28	1.35	1.35	.98	−.82	.30	−.29	.67	−.53
1971	2.46	.3	1.52	1.18	.20	−.14	1.32	1.32	.94	−1.15	.42	−.50	.52	−.64
1972	2.32	−.04	1.24	.78	−.3	−.49	1.27	1.27	1.08	−.83	.25	−.67	.83	−.16
1973	3.05	.89	2.01	1.51	.85	.34	1.16	1.16	1.04	−.62	.70	−.09	.34	−.53
1974	4.22	1.89	2.54	2.01	1.37	.84	1.17	1.17	1.68	−.12	1.32	.47	.36	−.60
1975	−.07	−2.52	−.52	−1.07	−1.70	−2.25	1.18	1.18	.44	−1.45	−.7	−1.00	.51	−.45
1976	.22	−1.81	−.7	−.59	−1.18	−1.70	1.11	1.11	.29	−1.22	−.8	−.74	.37	−.48
1977	−.58	−2.53	−1.86	−2.36	−2.89	−3.40	1.04	1.04	1.28	−.16	.37	−.27	.92	.10
1978	−1.40	−3.19	−3.03	−3.51	−4.06	−4.53	1.02	1.02	1.63	.32	1.05	.42	.58	−.10
1979	−.52	−2.02	−2.17	−2.44	−3.15	−3.42	.98	.98	1.64	.42	.61	0	1.03	.42
1980	−1.26	−2.80	−2.18	−2.49	−3.15	−3.47	.98	.98	.92	−.31	.40	−.18	.52	−.13
1981	−.3	−1.48	−.89	−1.15	−1.81	−2.07	.92	.92	.86	−.33	.27	−.30	.59	−.02
1982	−3.86	−5.96	−3.68	−4.44	−4.69	−5.45	1.02	1.02	−.18	−1.53	−.84	−1.53	.66	0
1983	−4.82	−6.97	−4.41	−5.42	−5.21	−6.21	.79	.79	−.41	−1.55	−.96	−1.56	.56	.1
1984	−4.73	−6.70	−5.07	−6.15	−5.81	−6.88	.73	.73	.34	−.55	−.12	−.56	.46	0
1985	−5.13	−7.06	−5.24	−6.05	−5.91	−6.72	.67	.67	.11	−1.01	−.47	−1.07	.58	.6
1986	−3.80	−5.51	−3.64	−4.29	−4.26	−4.91	.62	.62	−.16	−1.22	−.68	−1.27	.52	.5

[1] Canada and Quebec Pension Plans only.

[2] Includes hospitals.

[3] The Canada and Quebec Pension Plans were not instituted until 1966.

Source: 1974–86; OECD, Department of Economics and Statistics, 1988, National Accounts: 1974–1986, vol. 2, Detailed Tables Canadian tables 1, 6.1, 6.2, 6.3, 6.4; 1960–73; OECD, unpublished data.

THE CPP AND THE BUDGET

CPP financing is entirely off-budget and no discussion of the system's finances is included in the budget document. The CPP's annual report is an independent publication, prepared by the Chief Actuary of the Office of the Superintendent of Financial Institutions (The Office of the Superintendent of Financial Institutions is an arm's-length department of the Ministry of Finance.) While there is no legislated schedule for these annual reports, Health and Welfare Canada is required to submit its Main Estimates to Parliament each February, and part III of this report focuses on the CPP Parliamentary tradition dictates that the federal budget be presented in February as well.

Despite this coincidence in timing, it is unlikely that members of Parliament take any comfort from the buildup in the CPP. Not only are the reserves not included in budget totals or deficit targets, but also the fund is in no way a captive market for Treasury securities. The vast majority of CPP reserves are loaned to the provinces and only a small residual may be used by the central government. On the other hand, because the provinces have such easy access to the accumulated pension reserves, it is necessary in the case of Canada to worry about a behavioral response not only from the members of Parliament but also from the provincial governments.

INVESTMENTS OF THE CPP

The provinces are allowed to borrow from the CPP in proportion to their contributions, with any leftover funds used to purchase federal 20-year bonds. Table 8 shows how the $35 billion (Canadian dollars) held by the CPP were divided as of April 1988; less than 8 percent has been loaned to the central government.

The provinces might increase their expenditures in response to the CPP commitment to purchase their bonds, for several reasons. First, the average (and marginal) interest rates that the provinces have to pay on this debt are below market. This occurs because interest rates charged by the CPP are weighted averages of all federal 20-year bonds outstanding, which are typically below those of provincial debt. Hence, provinces can borrow from the CPP for lower rates than they would have to pay on the open market. They may also be able to lower their own open market rates by reducing the supply of provincial bonds sold to the general public. The Atlantic Provinces, which tend to be poorer, have the most to gain from the CPP lending provisions, since they face the largest gap between the rate that they are charged by the CPP and the rate that they must pay on the open market. If the provincial deficits are large, the implicit reduction in marginal costs may be substantial. Lower interest costs may thus induce more current consumption of government goods and services.

TABLE 8.—*Distribution of CPP Loans, April 1988*

Province	*Percentage of total loans*
Atlantic Provinces:	
Newfoundland	2.1
Prince Edward Island	.4
Nova Scotia	3.9
New Brunswick	2.9
Central Provinces:	
Quebec[1]	.4
Ontario	47.1
Manitoba	5.5
Western Provinces:	
Saskatchewan	4.5
Alberta	11.8
British Columbia	14.0
The Yukon Territory	(2)
The Northwest Territories	(2)

Federal	7.4

[1] Quebec is allowed to borrow from the CPP because some Quebec citizens work in Ontario and because the Royal Canadian Mounted Police who reside in Quebec still contribute to the CPP.

[2] Less than 0.1 percent.

Source: Ministry of Health and Welfare, 1988, Canada Pension Plan Account Monthly Report, April, Schedule F.

An even greater increase in government expenditure might occur if the province felt that they would never have to pay back the loans from the CPP fund.[22] A number of Canadian observers originally thought that this might be the case (Pesando and Rea 1977, p. 91), and early statements by the government of Ontario implied that CPP-owned debt was treated differently than publicly owned debt (Ontario 1974, pp. 26–27). In fact, the provinces have treated their borrowing very seriously; they have never missed an interest payment and, in some instances, have already repaid the loans.

Some commentators simply assume in their reviews that the availability of ready credit encouraged more spending by the provincial governments (Bird 1976); no one appears to have made strong arguments to the contrary. The only effort to actually document increased expenditures was a 1981 study prepared for the Economic Council of Canada. This study found that the borrowings from the CPP induced the Atlantic Provinces to reduce their own-source revenues and to increase expenditures, thereby increasing their total borrowings; the results for the other provinces were ambiguous (Patterson 1981). Although it is difficult to say with certainty, it appears that the CPP money loaned to the provinces induced greater provincial spending.

The issue remains, however, as to whether this increased spending produced additional consumption or greater investment. The data in table 7 tend to indicate that provincial spending on investment did not increase in response to the ability of the provinces to borrow from the CPP. Provincial saving was 0.6 percent of GDP from 1960 through 1965; it increased only very slightly from the inception of the CPP through 1974; thereafter it became negative. This pattern is also evidence in the figures for provincial expenditures on gross capital formation, which have declined steadily since the inception of the plan from a high of 14 percent of total provincial expenditures in 1964 to less than 4 percent in 1986 (Ministry of Finance 1987, table 52). Thus it appears that the provincial governments have allocated a large share of the CPP surpluses to current consumption.

INVESTMENTS OF THE QPP

The QPP, which as of June held $13 billion (Canadian dollars) in assets, does not lend to other provinces. Instead the assets, along with the assets of other Quebec public emloyee pensions, are supplied to the Caisse des Dépôts. The Caisse des Dépôts invests its assets in regional businesses and crown corporations, with an eye toward the highest possible return. The fund is even allowed to purchase private corporate equities, although it may not hold more than 40 percent of the voting stock in any one firm. Directors of the Caisse des Dépôts are often taken from the private sector, despite some concern over conflicts of interest. By placing its funds directly into regional businesses, the investment patterns of the QPP contrast sharply with those of the CPP. In short, the QPP appears to have increased national saving, and investment while the CPP probably has not.

OVERALL ASSESSMENT OF THE CANADIAN EXPERIENCE

Except in the case of Quebec, the Canadian government appears to have failed to prefund its public pension system in a meaningful way. On balance, the buildup in the trust funds seems to have stimulated additional consumption spending at the provincial level and to have reduced the incentive to raise provincial taxes. Would the same thing happen in the United States if the social security funds invested their reserves in state and local bonds? A partial answer may rest on the functions for which the two entities—provinces and states—can borrow.

It appears to be much easier for provinces in Canada to borrow for consumption expenditures than it is for states in the United States. Although New Brunswick, Newfoundland, and Nova Scotia maintain capital accounts, all borrowing is considered revenue, so debt may be used to meet deficits in their general accounts. Alberta has several off-budget special accounts for capital investments and crown corporations, and borrowing for the general budget is not encouraged. However, because Alberta is so dependent upon oil prices for its revenues, it is occasionally forced to borrow for current consumption. Ontario, British Columbia, Manitoba, and Saskatchewan do not even maintain capital accounts. Therefore, borrowing for current consumption is in no way differentiated from borrowing for capital investments. Only Prince Edward Island has legislative restrictions on current consumption borrowing; deficits in the general account may only be met by short-term debt issues. On balance, however, the lack of legal prohibitions and the negative saving in the OECD accounts indicate that the provinces are certainly able to borrow and probably have been borrowing for current consumption.

In the United States 49 of the states (Vermont being the exception) have balanced budget laws. This means that any borrowed general consumption funds must be repaid within a legislated time frame, typically under one year (Advisory Commission on Intergovernmental Relations 1987, tables 42 and 43). The OECD data for the United States in table 9 show consistent surpluses at the local level since 1972 (1975 is the only exception), which tends to confirm that the states and localities have not engaged in deficit financing for their general accounts. Hence, as long as the OASDI funds limited their state bond purchases to those with long-term maturities, the states could not use OASDI funds to cover general account deficits. This constraint would help assure that trust fund loans to state and local governments would result in productive investment.

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 907. A bill to amend section 7 of the Mineral Leasing Act governing Federal coal lease royalty rates; to the Committee on Energy and Natural Resources.

FEDERAL COAL LEASE ROYALTY RATES

Mr. CONRAD. Mr. President, I rise today to introduce legislation that would grant authority to the Secretary of the Interior to set Federal Coal royalty rates based upon the heating value of coal. Specifically, the legislation is designed to match the royalty on Federal coal to the unique properties of lignite. I am pleased that the senior senator from North Dakota, Senator BURDICK, has joined me as an original cosponsor of this legislation.

I introduced this legislation in the last Congress, but it was not approved. It is my hope that this bill will be enacted into law this year.

North Dakota has vast deposits of lignite coal, and the lignite industry is a very significant part of the North Dakota economy. At current production levels, we have 35 billion tons of recoverable reserves, enough to last more than 1,000 years. There are 3,550 direct jobs and 14,300 indirect jobs associated with the industry, and lignite-related expenditures generated $1.1 billion in business volume during 1989. It is important to North Dakota, therefore, that lignite be competitive in the marketplace for fossil fuels.

Lignite is the fuel source for North Dakota's large electrical generating industry, and coal is the major cost component of the power generated by lignite's major customers. Lignite faces strong competition from low-cost Canadian hydropower and Canadian fossil fuel-based generation that is not subject to the same stringent environmental standards we have in this country. If lignite loses the ability to compete in the power pool, sales of this important North Dakota resource are affected adversely.

There are several properties of lignite that make it a unique resource worthy of appropriate recognition by the laws that govern its production. First, it is a low grade—low Btu—fossil fuel that has only two-thirds the heating value of sub-bituminous coal.

Second, lignite has a very high moisture content. It is therefore not economical to transport the mineral long distances. To minimize transportation expenses, North Dakota operators have developed mine-mouth operations, meaning that electrical generating plants are located at or near a mine.

Third, the cost of mining lignite is greater than the higher quality sub-bituminous coals in the West because lignite occurs in relatively thin seams under deep overburden. In Montana and Wyoming, for example, sub-bituminous coal seams are 50 to 100 feet thick. In North Dakota lignite coal seams are 5 to 15 feet thick.

Because of the thicker coal seams in other States, North Dakota operators move 5 to 7 times more overburden on a per ton basis than Montana and Wyoming operators. Consequently, stripping and reclamation costs for lignite are high compared to the same costs for better quality sub-bituminous coal in the West. The selling price of lignite reflects the higher operating costs.

Presently, about 25 percent of North Dakota's lignite coal reserves consist of Federal ownership, and the remaining 75 percent of the reserves consist of private and State ownership. The coal reserves fall in a checkerboard pattern of private, State, and Federal ownership.

Because Federal ownership is the smaller interest and the Federal coal tracts are often 40 to 80 acres in size, operators attempt to avoid mining Federal coal because of the statutory minimum 12½-percent Federal royalty. This compares to a statutory minimum 6-percent State royalty, and lesser royalties in most cases for private coal owners. In short, the higher Federal royalty can and does discourage mining of Federal lignite coal.

Basically, coal is sold on the basis of its heating value, or Btu content. Because lignite is a low Btu coal, a ton of lignite coal has a lower heating value than a ton of sub-bituminous coal. The fixed percentage of Federal coal royalty therefore results in an effective royalty rate that is significantly higher for lignite than it is for other western coals. In others words, lignite is placed at a competitive disadvantage by a Federal percentage royalty that does not recognize the difference in coal qualities or mining costs.

Mr. President, the bill that Senator BURDICK and I are introducing today would attempt to rectify this inequity and put lignite on a level playing field with other coals. The legislation grants authority to the Secretary of the Interior to consider the heating value of coal in setting the Federal royalty rate. The bill is drafted narrowly to achieve a specific purpose, and the reduction contemplated in this legislation is not a mandatory reduction. Further, the measure is of limited applicability. Mining of federally owned lignite coal is limited to North Dakota except for one small mine operating in Montana, near the North Dakota border.

The justification for treating lignite coal differently from sub-bituminous and bituminous coals has previously been recognized by Congress in the Federal Surface Mining Act, 30 U.S.C. 1232(a). Based upon the unique properties of lignite, the act sets the Federal reclamation fee at only 10 cents per ton for lignite as compared to 35 cents per ton for other coals. A similar recognition is needed for lignite with respect to the royalty rate on Federal coal.

By Mr. SPECTER:

S. 908. A bill to provide that the U.S. District Court for the Eastern District of Pennsylvania shall also sit in Lancaster, PA; to the Committee on the Judiciary.

HOLDING FEDERAL COURT IN LANCASTER, PA

Mr. SPECTER. Mr. President, today I am once again introducing legislation to add Lancaster, PA, as a place of holding court within the Eastern District of Pennsylvania. This legislation was included last Congress in the Senate version of the Judicial Improvements Act of 1990, but in the waning hours of the 101st Congress we were unable to work out with the House conferees some differences over the provision and it was removed from the bill. The time is now right to establish a satellite Federal court in Lancaster, and I have every confidence that we will see this bill become law this year.

Last year Judge Ronald L. Buckwalter of Lancaster was appointed a U.S. district judge in the eastern district. Judge Buckwalter is ready to return to Lancaster to bring the great qualities of the Federal judicial system to the people of Lancaster and the surrounding area.

Lancaster County is one of the two fastest growing counties in Pennsylvania. The city of Lancaster is a thriving, growing community. The rapid growth of the area is reflected in the increase in Federal court filings from Lancaster County. Between 1987 and 1989, Lancaster County had the largest proportionate increase in Federal court filings of any of the 10 counties within the eastern district.

Authorizing the eastern district to hold court in Lancaster will make it much more convenient for the residents of the western portion of the eastern district to gain access to the Federal judicial system. Litigants from Lancaster and the surrounding area currently have to travel over 70 miles to Philadelphia to have their cases heard in Federal court. The addition of Lancaster as a place of holding court will greatly reduce travel time and concomitant litigation expenses and will result in greater convenience for litigants from fast-growing Lancaster County and other parts of the western portion of the eastern district.

The judiciary exists to serve the people, and we must make access to it as easy and convenient as possible. The Federal courts can best serve the people of the United States if they are located for the convenience of as many people as possible. To this end, Senator HEINZ and I have worked to establish satellite courts in other parts of Pennsylvania. Recently, we secured the establishment of a satellite Federal court in Johnstown, in the western district of Pennsylvania to serve the people of the region who previously had to travel long distances to secure access to the Federal judicial system in Pittsburgh.

In establishing a satellite court in Lancaster, we intend that the presiding judge is there for the convenience of litigants, so that the presiding judge in Lancaster should not hear cases in Lancaster when the parties would be more conveniently served in other established places of holding court. To the extent that the workload in any particular satellite court is not sufficient to provide the resident judge with a full docket, then it is our intention that the judge who customarily sits at that location should be assigned to another, existing court location convenient to the parties in litigation to assist in handling the docket in that location.

While the Court of Common Pleas of Lancaster County is an excellent court—indeed Judge Buckwalter was serving on this court when he was appointed to the Federal bench—it is still important for residents of the area to have equal access to the Federal court system. For this reason, I believe that the establishment of a satellite court in Lancaster to be served by a judge from Lancaster will best serve the people of the area.

I ask for unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COURT TO BE HELD AT LANCASTER.

Section 118 of title 28, United States Code, is amended in subsection (a) by inserting "Lancaster," immediately before "Reading".

By Mr. LEAHY (for himself, Mr. BROWN, Mr. DECONCINI, Mr. HATCH, Mr. SIMON, Mr. GRASSLEY, and Mr. SPECTER):

S. 909. A bill to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities; to the Committee on the Judiciary.

SEMICONDUCTOR INTERNATIONAL PROTECTION EXTENSION ACT OF 1991

Mr. LEAHY. Mr. President, I am pleased to introduce the Semiconductor International Protection Extension Act of 1991 with Senators BROWN, DECONCINI, HATCH, SIMON, GRASSLEY, and SPECTER.

Semiconductor chips lie at the heart of the worldwide computer revolution. These marvels of modern technology have propelled dozens of industries toward the 21st century. They are critical to the economic prosperity and national security of the United States.

Last year, the Subcommittee on Technology and the Law held a hearing on the semiconductor industry. Research and innovation are essential to the life and health of the American chip industry. According to Dr. Sam Harrell, President of SEMI/SEMATECH, "The United States has too much to lose if the semiconductor industry and its beleaguered infrastructure disappear. They need an environment conducive to fair competition."

When piracy threatened research and innovation in the design of semiconductor chips, we passed the Semiconductor Chip Protection Act [SCPA] of 1984. See Public Law No. 98-620, title III. That 1984 law protects the chip designs that American engineers and enterprises develop.

We wanted assurances that U.S. manufacturers would receive reciprocal protection abroad. Section 902 of the SCPA provides for protection of foreign chips through an international treaty or Presidential proclamation. The President is authorized to issue a proclamation under section 902 if he determines that a particular nation extends protection to chip designs owned by U.S. nationals or domiciliaries on the same basis as that provided by our law. The 1987 amendment to the SCPA codified the President's existing authority to revise, suspend, or revoke the protection granted by a section 902 proclamation.

Congress also decided to empower the Secretary of Commerce to extend interim protection to chip designs of nationals of foreign countries that are "making good faith efforts and reasonable progress * * *" toward reciprocal protection of chip designs owned by U.S. nationals (17 U.S.C. 914). This carrot and stick approach—we protect your country's work so long as you make speedy progress toward laws protecting ours—has been effective. The Commerce Department reports that interim protection has been extended to 19 nations, most of which have already enacted legislation substantially similar to the SCPA.

The original authority of the Secretary of Commerce to issue interim protection orders expired in 1987. Three years after enactment of the SCPA, the Senate passed by a vote of 96 to 0, a bill to extend the Secretary's authority to issue interim orders until July 1, 1991. See Public Law No. 100-159.

The provision establishing the Secretary's interim order authority under section 914 of the SCPA has been the mechanism for protecting the vast majority of foreign semiconductor chip designs. Thus, it is in the best interest of the United States for the Congress to extend the Secretary's authority to issue interim protection under section 914 of the SCPA.

Many successes of the SCPA may be vitiated if Congress allows the Secretary's authority to issue interim orders to expire in July. That is why I am introducing legislation that would grant deserving nations additional time to finalize and implement the mechanisms through which they protect semiconductor chip designs. This extension would enable the Secretary of Commerce to issue interim protection under section 914 through July 1, 1995.

The bill I am introducing includes a technical clarification of the Secretary's authority to issue interim protection orders under section 914, and I am seeking comment on this proposal. Specifically, section 914(a)(1)(B) of title 17, United States Code, is amended by inserting "or implementing" after "enacting."

Today, Congressman BILL HUGHES, chairman of the Judiciary Subcommittee on Intellectual Property and Judicial Administration, will introduce this legislation in the House. Congressman HUGHES has been joined by Congressman MOORHEAD, ranking minority member of the subcommittee. The House bill is also cosponsored by Mr. EDWARDS of California, Mr. MINETA, Mr. FRANK, and Mr. KOPETSKI. I want to thank Congressman HUGHES, and his counsel, Michael Remington, for consulting with us and working so cooperatively toward introduction of this bill.

I am pleased that the ranking minority member of the Technology Subcommittee, Senator BROWN, the chairman and ranking minority member of the Patents Subcommittee, Senators DECONCINI and HATCH, as well as our Judiciary Committee colleagues, Senators SIMON, GRASSLEY, and SPECTER, are joining me in introducing this bill.

Congressman Kastenmeier played a lead role in drafting the SCPA in 1984. That law created the first intellectual property right outside the traditional categories of patents, trademarks, and copyright principles in 100 years. We worked closely with Congressman Kastenmeier in 1984 and in 1987. He will be sorely missed, but we are happy to introduce a bill that will extend his legislative legacy.

Mr. President, this bill has broad, bipartisan support in both the House and Senate. I hope for quick passage of this imporant legislation. I look forward to working with the administration to ensure that the Semiconductor Chip Protection Act continues to be an important tool in promoting international comity in the protection of intellectual property. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Semiconductor International Protection Extension Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) section 914 of title 17, United States Code, which authorizes the Secretary of Commerce to issue orders extending interim protection under chapter 9 of title 17, United States Code, to mask works fixed in semiconductor chip products and originating in foreign countries that are making good faith efforts and reasonable progress toward providing protection, by treaty or legislation, to mask works of United States nationals, has resulted in substantial and positive legislative developments in foreign countries regarding protection of mask works;

(2) the Secretary of Commerce has determined that most of the industrialized countries of the world are eligible for orders affording interim protection under section 914 of title 17, United States Code;

(3) no multilateral treaty recognizing the protection of mask works has come into force, nor has the United States become bound by any multilateral agreement regarding such protection; and

(4) bilateral and multilateral relationships regarding the protection of mask works should be directed toward the international protection of mask works in an effective, consistent, and harmonious manner, and the existing bilateral authority of the Secretary of Commerce under chapter 9 of title 17, United States Code, should be extended to facilitate the continued development of protection for mask works.

(b) PURPOSES.—The purposes of this Act are—

(1) to extend the period within which the Secretary of Commerce may grant interim protection orders under section 914 of title 17, United States Code, to continue the incentive for the bilateral and multilateral protection of mask works; and

(2) to clarify the Secretary's authority to issue such interim protection orders.

SEC. 3. AUTHORITY TO ISSUE PROTECTION ORDERS.

Section 914 of title 17, United States Code, is amended—

(1) in subsection (a)(1)(B) by inserting "or implementing" after "enacting"; and

(2) in subsection (e) by striking "July 1, 1991" and inserting "July 1, 1995".

SEC. 4. REPORT TO CONGRESS.

Section 914(f)(2) of title 17, United States Code, is amended in the last sentence by striking "July 1, 1990" and inserting "July 1, 1994".

Mr. BROWN. Mr. President, as ranking member of the Subcommittee on Technology and the Law of the Senate Judiciary Committee, I am pleased to lend my support as original cosponsor of the Semiconductor International Protection Extension Act of 1991.

The sponsor of this bill, Senator LEAHY, is to be congratulated. This is a fine bill. The administration is unopposed to the bill. The American semiconductor industry is firmly behind it, as are intellectual property experts. Indeed, we understand it has met with no opposition. It deserves our unanimous support.

The Semiconductor International Protection Extension Act of 1991 would amend section 914(e) of title 17 of the United States Code, to extend for 4 years the authority of the Secretary of Commerce under the Semiconductor Chip Protection Act of 1984 to issue interim protection in the United States, under certain conditions, to nationals of foreign countries for semiconductor chip designs first commercially exploited outside the United States.

It also would amend section 914(f)(2) of title 17 of the United States Code, to require the Secretary of Commerce, in consultation with the Register of Copyrights, to transmit to Congress a report updating previous reports concerning actions taken under this section and on the current status of international recognition of semiconductor chip design protection.

The Secretary's authority to issue interim protection expires on July 1, 1991. In 1987, Congress previously extended for a 3-year term the Secretary's interim protection authority. Senator LEAHY's 1987 interim protection extension bill, S. 442, is nearly identical to the current measure under consideration, and passed the Senate by a vote of 96 to 0 and by voice vote in the House.

Extension of the Semiconductor Chip Protection Act of 1984 is as laudable an objective now as it was in 1987. Congress adopted the 3-year transitional period to encourage foreign nations either to enact laws that protect semiconductor chip designs owned by U.S. nationals or to enter into an international treaty that similarly protects U.S. chips.

Since enactment of the Semiconductor Chip Protection Act of 1984, foreign countries have made significant progress in enacting acceptable chip protection laws; 19 countries—including the 12 members of the European Economic Community and Japan—have earned interim protection for their chip designs through section 914. More importantly, most of these countries have enacted legislation substantially similar to the Semiconductor Chip Protection Act of 1984.

The United States has met with less success in its efforts to establish a fully satisfactory international agreement for chip protection. The World Intellectual Property Organization, known as WIPO, completed its Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits on May 26, 1989. However, the United States voted against the treaty because it provided a less than adequate and effective level of chip protection.

Negotiations during the Uruguay round of the General Agreement of Tariffs and Trade have also failed thus far to achieve a consensus on standards on chip protection. In addition, the recent suspension of the Uruguay round raises legitimate concerns as to whether a chip protection agreement will be reached in that forum in the near future.

Thus, given this mixed measure of success, extension of the Commerce Secretary's interim protection authority plays an even more important role in the administration of the Semiconductor Chip Protection Act of 1984 and the development of adequate and effective international standards for chip protection.

Passage of this legislation will serve to continue to promote the rapid growth of sound and balanced foreign laws on chip protection that will not create trade problems. Moreover, this bill will provide an important incentive for the development of a multinational system for the protection of semiconductor chips that is based on widely accepted national standards. Finally, the reporting requirement contained in this bill will afford Congress the reasonable oversight necessary to ensure continued progress toward bilateral and multilateral protection for semiconductor chip designs.

By Mrs. KASSEBAUM (for herself, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. HATCH, Mr. JEFFORDS, Mr. MACK, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, Mr. AKAKA, Mr. BINGAMAN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CRANSTON, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. ROCKEFELLER, Mr. SANFORD, Mr. SARBANES, and Mr. SIMON):

S.J. Res. 127. Joint resolution to designate the month of May 1991, as "National Huntington's Disease Awareness Month"; to the Committee on the Judiciary.

NATIONAL HUNTINGTON'S DISEASE AWARENESS MONTH

Mrs. KASSEBAUM. Mr. President, about 25,000 Americans suffer from Huntington's disease, and about 125,000 more are at risk of inheriting it. This degenerative brain disorder results in personality changes, involuntary muscular movements, impaired judgment, and slurred speech. It can attack people of all races, all ages, and both sexes. Eventually, it kills.

However, the story of Huntington's disease reaches far beyond these cold facts. It is a story of personal tragedy—of families shaken and lives destroyed. It is a story of individual people. One of those people is Thomas "Skip" Hayes of Mobile, AL. Mr. Hayes suffers from Huntington's disease and his moving story was recounted in a November 5, 1990, article in People magazine.

Mr. President, I ask unanimous consent that the text of that article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR A FAMILY FACING INCURABLE HUNTINGTON'S DISEASE, FINDING OUT IS BETTER THAN THE DREAD OF SUSPICION

(By Giovanna Breu)

Thomas "Skip" Hayes, a pastor in Mobile, Ala., and his wife, Denise, were seated in their car as they argued over the family's finances: she asking him to write a check, he insisting there was not enough money in their account to cover it. Suddenly, Skip, 42, ordinarily a calm, caring man, threw a punch at his wife. It missed—"I just, wham! smashed the whole windshield," he recalls. But the outburst, which occurred 3½ years ago, had a profound effect on him. It signaled the possible onset of Huntington's disease, a prospect that he and his five siblings had dreaded ever since they learned that their mother had been stricken with the ailment 15 years ago. In the intervening months with the help of a recently discovered genetic marker for Huntington's, the relationships between the members of the Hayes family have been forever altered.

Huntington's is an incurable neurological disease that destroys brain cells. It is transmitted genetically. The chances are 50-50 that the gene carrying the disease will be passed from a Huntington's carrier to his or her offspring. Symptoms of the disease include involuntary jerking of the limbs, a drunkenlike gait, loss of memory, slurred speech and erratic, irritable, sometimes aggressive behavior. Most victims of the disease die within 20 years of the time it first appears.

Because the symptoms usually do not show up until middle age, potential victims often lead lives of tormented uncertainty. But in 1986, a genetic test was developed enabling people to tell whether or not they have escaped the tainted gene. To date only about 200 of the 125,000 persons at risk have taken the test. One of the reasons may be that many people would rather remain in doubt than take the chance of learning they have so devastating a condition. Some may also fear that Huntington's would stigmatize them and make it impossible to obtain health insurance. Still others may be deterred by time, financial and family considerations. Testing centers require about three months of psychological counseling before the test itself is administered. Fees and expenses can easily reach $5,000, and family members must be available for examinations and blood samples.

Huntington's had run rampant in the Hayes family, who lived in southern California. Skip's grandfather, an aunt and an uncle all died from it. Other relatives with Huntington's are being cared for in state hospitals. His mother, Billie Catherine Hayes, 61, is confined to a nursing home. Skip, his sister and two of his brothers decided to end their doubts.

Catherine Hayes, 36, a disability consultant from Macon, Mo., learned from a radio report in 1983 that a test was being developed. "I started shaking and crying and got all upset," she recalls. "I had been living all my life as if I had it. If the gene was in my body, I wanted to know." In 1987, a year after the test became available in an experimental program at Baltimore's Johns Hopkins University, she and Skip took it. Later, Billy Hayes, 35, a sales representative, and Marty, 32, a machinist, also had themselves screened. (Two other brothers thus far have declined the genetic analysis.) Catherine and Billy found that they had been spared the disease; Skip and Marty had their worst fears confirmed: They have Huntington's.

The ordeal of discovery has brought the siblings—one of the largest families to take the test at Johns Hopkins—closer together. "We are still scattered all over the country," says Catherine. "But I've probably seen more of my family in the past couple of years because of this." Billy and Catherine, given a reprieve, have been able to get on with their lives, entertain thoughts of marriage and, for the first time, children. Catherine has become a vice president of the Huntington's Disease Society of America.

Skip's and Marty's reactions have naturally been more complex. "When they told me I had Huntington's, it slapped me in the face," says Marty. "It made me take a look at where I am at and what I have been doing." Handsome, intense, Marty is reticent about his troubled life, but it is clear that he once seemed bound for success. At 21 he was making $32,000 a year working on oil rigs in California, which enabled him to buy a town house and a four-wheel-drive vehicle. Then, seven years ago, shortly after graduation from a Bible school in California, his life spiraled out of control. He and his wife divorced, and in 1987 he spent 210 days in jail for drunken driving. Yet Marty insists that learning he has Huntington's has inspired him to retrieve his life from chaos. "Now," he says, "I want to get back to being responsible again, get to where I can see my two kids and live a normal life again."

Skip, too, has children—Jason, 15, and Jennifer, 13—and so his diagnosis carries a special anguish. "It has laid heavy on me to look at them and think that one of them, or even both of them, will wind up with it," he says. "That hurts more than anything." Jason cried when he was told about his father's condition, while Jennifer, who is very close to her father, "closed up like a clam. She never cried, never showed any emotion," says her mother, Denise. Huntington's centers—there are now some 20 in the U.S.—insist that people at risk decide for themselves about testing. The children must wait until they are at least 18 before they can learn whether they carry the gene.

Skip is glad he took the test. "It gives you the ability to play offensively instead of fielding what comes at you," he says. He considers himself a survivor, with good reason. The day after his 17th birthday he enlisted in the Marines; 10 months later he was sent to Vietnam. "I have been in ambushes, pinned to the ground with 50-cal. slugs going over my head and overrun by suicide squads," he says. His best friend was killed when a personnel carrier in which he was riding hit a land mine.

In 1967, when Skip returned to the U.S., he was greeted with cries of "Murderer" and "Child killer." He joined a counterculture community in San Francisco, only to get caught up in its drug culture. He became a heroin addict and then a drug dealer to support his habit. Moving to the South, he was imprisoned in Louisiana for selling LSD in 1970. There, however, he underwent a jailhouse conversion and, upon his release, enrolled in Liberty Christian College in Pensacola, Fla. He was working at a nearby drug-abuse center when he met Denise, who was visiting another employee there. "Denise really loved me, and love hadn't been much a part of my life," says Skip. They were married in 1974. After that he worked as a petroleum surveyor until March 1989, when he became the interim pastor of Mobile's Bay View Church. He is now pastor of the city's Jubilee Fellowship Church.

Skip has dealt with his plight in characteristic, head-on fashion. Overwhelmed and depressed, he decided to commit himself to a VA hospital for psychiatric patients in Gulfport, Miss. At first the hospital wanted to treat him as an outpatient, but he put up such a fuss he was finally admitted. During his five-week stay, he slept in a dorm crammed with 70 people, some of whom were deranged. "At night you don't rest," says Skip, "because you don't know whom you can trust." While his VA physician conferred by phone with doctors at Johns Hopkins to adjust Skip's medication, he was also treated for gall bladder problems that had gone unattended because he lacked insurance. "Now," says Skip, "I am back in working order."

Professionally, Skip has thrived since emerging from the hospital, basking in the warm support of his congregation. "There are a lot of elderly ladies who just love him," say Denise. "Skip has mamas everywhere." For his part, the pastor says he is determined not to let the disease "control my life." A gun enthusiast, he says that he is still a crack shot, although he admits that nowadays his hands shake. "My arms jump, and I keep my hands on the table when I talk to people," he says. "But I want people to know that Huntington's does not have to totally destroy your life. I have peace in my heart, and I really believe that with God everything is possible. I want to keep going as long as I can," he adds. "I hope it is forever."

Mrs. KASSEBAUM. Mr. President, I rise today on behalf of myself and 39 cosponsors to introduce legislation that would designate May 1991 as "National Huntington's Disease Awareness Month." Congress has designated the 1990's as the "Decade of the Brain," and I believe now is the time to redouble efforts to combat brain disorders such as Huntington's disease.

The National Institute for Neurological Disorders and Stroke is conducting significant research of the disease. In fiscal year 1991, more than $41 million was appropriated for research of Huntington's and related disorders. The President's 1992 budget recommends more than $44 million for that research, an increase of about 7 percent.

Other research is ongoing. In particular, the Human Genome project continues its 15-year effort to map the order of DNA in human genes. Projects like this eventually may lead to new treatments or cures for genetic disorders such as Huntington's disease.

Congress cannot—and should not—rush science. However, I believe that greater public awareness of this disease is necessary to strengthen private-sector support for research. In May, the Huntington's Disease Society of America plans a series of events to keep its support efforts in the public eye. I believe this resolution can contribute significantly to that effort, and I urge my colleagues to support it.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 81

At the request of Mr. LOTT, the name of the Senator from Alaska [Mr. STEVENS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 81, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 83

At the request of Mr. SYMMS, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 83, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures.

S. 100

At the request of Mr. SANFORD, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Hawaii [Mr. AKAKA], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 100, a bill to set forth United States policy toward Central America and to assist the economic recovery and development of that region.

S. 140

At the request of Mr. WIRTH, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 202

At the request of Mr. COCHRAN, the names of the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 202, a bill to amend the Fair Labor Standards Act of 1938 to exempt from such act certain individuals involved in model garment programs, and for other purposes.

S. 250

At the request of Mr. FORD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 261

At the request of Mr. DIXON, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 261, a bill to amend the Federal Deposit Insurance Act to provide for risk-based premiums for deposit insurance.

S. 272

At the request of Mr. GORE, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 272, a bill to provide for a coordinated Federal research program to ensure continued U.S. leadership in high-performance computing.

S. 327

At the request of Mr. BOREN, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Michigan [Mr. RIEGLE], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes.

S. 353

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 353, a bill to require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes.

S. 416

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 416, a bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities.

At the request of Mr. DANFORTH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 416, supra.

S. 433

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 433, a bill to provide for the disposition of certain minerals on Federal lands, and for other purposes.

S. 447

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Arizona [Mr. MCCAIN], the Senator from Michigan [Mr. RIEGLE], the Senator from New Mexico [Mr. BINGAMAN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. HELMS], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 447, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 456

At the request of Ms. MIKULSKI, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 456, a bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors, and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 471

At the request of Mr. MCCAIN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 471, a bill to protect consumers by regulating certain providers of 900 telephone services.

S. 481

At the request of Mr. SIMON, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 481, a bill to authorize research into the desalting of water and water reuse.

S. 489

At the request of Mr. HATCH, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 489, a bill to provide grants to States to encourage States to improve their systems for compensating individuals injured in the course of the provision of health care services, to establish uniform criteria for awarding damages in health care malpractice actions, and for other purposes.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 499

At the request of Mr. LUGAR, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 499, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes.

S. 523

At the request of Mr. SIMON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 523, a bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution.

S. 527

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 527, a bill to provide for the partial cancellation or repayment of Perkins and Stafford loans for student borrowers who perform a year or more of full-time, low-paid service as Peace Corps and VISTA volunteers, and comparable full-time, low-paid service with a tax-exempt community service organization in the private sector.

S. 542

At the request of Mr. GRASSLEY, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 555

At the request of Mr. BRADLEY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 555, a bill to amend the Drug Free Schools and Communities Act of 1986 to provide education on the problems associated with the use of tobacco.

S. 556

At the request of Mr. BRADLEY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 556, a bill relating to cigarette labeling.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition—under a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927—and related beneficiaries—and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 576

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 576, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide onsite day care facilities for dependents of their employees.

S. 581

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 583

At the request of Mr. ROTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 583, a bill to amend the Internal Revenue Code of 1986 to require the recapture of certain losses of savings and loan associations, to clarify the treatment of certain Federal financial assistance to savings and loan associations, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the names of the Senator from Vermont [Mr. LEAHY], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 596, a bill to provide that Federal facilities meet Federal and

State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 597

At the request of Mr. DODD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 597, a bill to amend the Public Health Service Act to establish and expand grant programs for evaluation and treatment of parents who are abusers and children of substance abusers, and for other purposes.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 615, a bill entitled the "Environmental Marketing Claims Act of 1991."

S. 635

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was withdrawn as a cosponsor of S. 635, a bill to restore an enforceable Federal death penalty, to curb the abuse of habeas corpus, to reform the exclusionary rule, to combat criminal violence involving firearms, to protect witnesses and other participants in the criminal justice system from violence and intimidation, to address the problem of gangs and serious juvenile offenders, to combat terrorism, to combat sexual violence and child abuse, to provide for drug testing of offenders in the criminal justice process, to secure the right of victims and defendants to equal justice without regard to race or color, to enhance the rights of crime victims, and for other purposes.

S. 649

At the request of Mr. BREAUX, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 684

At the request of Mr. FOWLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 684, a bill to amend the National Historic Preservation Act and the National Historic Preservation Act Amendments of 1980 to strengthen the preservation of our historic heritage and resources, and for other purposes.

S. 701

At the request of Mr. COATS, the names of the Senator from Utah [Mr. GARN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 703

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 703, a bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff rate inversion on certain iron and steel pipe and tube products.

S. 709

At the request of Mr. HATCH, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 709, a bill to amend the Internal Revenue Code to allow a deduction for qualified adoption expenses, and for other purposes.

S. 716

At the request of Mr. JEFFORDS, the names of the Senator from Utah [Mr. GARN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 716, a bill to establish a replacement fuels and alternative fuels programs, and for other purposes.

S. 747

At the request of Mr. PRYOR, the names of the Senator from Indiana [Mr. COATS], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 747, a bill to amend the Internal Revenue Code of 1986 to clarify portions of the Code relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 765

At the request of Mr. BREAUX, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 840

At the request of Mr. DURENBERGER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes.

S. 866

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 866, a bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities.

S. 868

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 868, a bill to amend title 10, United States Code, and title 38, United States Code, to improve educational assistance benefits for members of the Selected Reserve of the Armed Forces who served on active duty during the Persian Gulf war, and for other purposes.

S. 872

At the request of Mr. KASTEN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 872, a bill to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1992 and 1993 for the Inter-American Foundation.

S. 878

At the request of Mr. DODD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. JOHNSTON, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Washington [Mr. GORTON], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. ADAMS], the Senator from Hawaii [Mr. INOUYE], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 6, a joint resolution to designate the year 1992 as the "Year of the Wetlands."

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 16

At the request of Mr. THURMOND, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. STEVENS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. MCCAIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Arizona [Mr. DECONCINI], the Senator from Arkansas [Mr. BUMPERS], the Senator from Nevada [Mr. REID], the Senator from Idaho [Mr. SYMMS], the Senator from Delaware [Mr. ROTH], the Senator from Nebraska [Mr. EXON], the Senator from Florida [Mr. GRAHAM], the Senator from Washington [Mr. ADAMS], the Senator from Idaho [Mr. CRAIG], the Senator from Wyoming [Mr. SIMPSON], the Senator from Ohio [Mr. GLENN], the Senator from Nevada [Mr. BRYAN], the Senator from Illinois [Mr. SIMON], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. RIEGLE], the Senator from New York [Mr. D'AMATO], the Senator from Alaska [Mr. MURKOWSKI], the Senator from West Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Alabama [Mr. HEFLIN], the Senator from Missouri [Mr. DANFORTH], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the week of April 21–27, 1991, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alabama [Mr. HEFLIN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from California [Mr. SEYMOUR], the Senator from Maine [Mr. COHEN], the Senator from Rhode Island [Mr. PELL], the Senator from Hawaii [Mr. INOUYE], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. BOREN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May 1991, as "National Foster Care Month."

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1992, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 74

At the request of Mr. LIEBERMAN, the names of the Senator from Colorado [Mr. BROWN], and the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Idaho [Mr. SYMMS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 74, a joint resolution designating the week beginning July 21, 1991, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 102

At the request of Mr. ROCKEFELLER, the names of the Senator from Montana [Mr. BAUCUS], the Senator from North Carolina [Mr. SANFORD], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 102, a joint resolution designating the second week in May 1991 as "National Tourism Week."

SENATE JOINT RESOLUTION 109

At the request of Mr. DECONCINI, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of Senate Joint Resolution 109, a joint resolution designating August 12, 1991, through August 18, 1991, as "National Parents of Murdered Children Week."

SENATE JOINT RESOLUTION 111

At the request of Mr. BRADLEY, the names of the Senator from Delaware [Mr. BIDEN], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 111, a joint resolution marking the 75th anniversary of chartering by act of Congress of the Boy Scouts of America.

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE JOINT RESOLUTION 119

At the request of Mr. GORE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Joint Resolution 119, a joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Virginia [Mr. WARNER], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 121, a joint resolution designating September 12, 1991, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 124

At the request of Mr. BRADLEY, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Virginia [Mr. WARNER], the Senator from Ohio [Mr. GLENN], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate "National Visiting Nurse Associations Week" for 1992.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LAUTENBERG, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Mr. SARBANES], the Senator from New York [Mr. D'AMATO], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes.

SENATE RESOLUTION 99

At the request of Mr. GLENN, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Utah [Mr. HATCH], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Resolution 99, a resolution concerning the protection of refugees in Iraq.

SENATE RESOLUTION 106

At the request of Mr. DOLE, the name of the Senator from West Virginia [Mr. BYRD], was added as a cosponsor of Senate Resolution 106, a resolution to express Senate support for democracy and human rights in Yugoslavia and Senate opposition to the use of force against democratic republic governments in Yugoslavia.

SENATE CONCURRENT RESOLUTION 30—RELATIVE TO RULES CHANGES TO ALLOW FAST TRACK CONSIDERATION OF TRADE IMPLEMENTATION LEGISLATION

Mr. RIEGLE submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 30

Resolved by the Senate (the House of Representatives concurring), That (a) in accordance with the authority reserved by both Houses of Congress under section 1103(d) of the Omnibus Trade and Competitiveness Act of 1988 (hereafter in this resolution referred to as the "Act") to change the rules of both Houses with respect to the "fast track" procedures for the consideration of implementing bills submitted with respect to trade agreements, and notwithstanding the rules of the House of Representatives and the Senate under sections 1103 (b) and (c) of the Act, the rules of subsections (b), (c), and (d) of this section shall be the rules of the House of Representatives and the Senate with respect to such bills.

(b)(1) Except as provided in subsections (c) and (d)—

(A) the provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) (hereafter in this section referred to as "fast track procedures") apply to implementing bills submitted with respect to trade agreements entered into under section 1102 (b) and (c) of the Act before June 1, 1992; and

(B) such fast track procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under section 1102 (b) or (c) of the Act after May 31, 1992, and before June 1, 1993, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 1992.

(2) If the President is of the opinion that the fast track procedures should be extended to implementing bills described in paragraph (1)(B), the President must submit to the Congress, no later than March 1, 1992, a written

report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under section 1102 (b) or (c) of the Act and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) A description of the progress that has been made in multilateral and bilateral negotiations to achieve the purposes, policies, and objectives of title I of the Act, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of his decision to submit a report to Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but no later than March 1, 1992, a written report that contains—

(A) its views regarding the progress that has been made in multilateral and bilateral negotiations to achieve the purposes, policies, and objectives of title I of the Act; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) The reports submitted to the Congress under paragraphs (2) and (3), or any portion of the reports, may be classified to the extent the President determines appropriate.

(5)(A) For purposes of this subsection, the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the ——— disapproves the request of the President for the extension, under section 1103(b)(1)(B)(i) of the Omnibus Trade and Competitiveness Act of 1988, of the provisions of section 151 of the Trade Act of 1974 to any implementing bill submitted with respect to any trade agreement entered into under section 1102 (b) or (c) of such Act after May 31, 1992, because sufficient tangible progress has not been made in trade negotiations.", with the blank space being filled with the name of the resolving House of the Congress.

(B) Extension disapproval resolution—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be jointly referred, in the House of Representatives, to the Committee on Ways and Means and the Committee on Rules.

(C) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution that is reported to such House after May 15, 1992.

(c)(1) The fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 1102 (b) or (c) of the Act if both Houses of the Congress separately agree to procedural disapproval resolutions within any 60-day period.

(2) Procedural disapproval resolutions—

(A) in the House of Representatives—

(i) shall be introduced by the chairman or ranking minority member of the Committee on Ways and Means or the chairman or ranking minority member of the Committee on Rules;

(ii) shall be jointly referred to the Committee on Ways and Means and the Committee on Rules, and

(iii) may not be amended by either Committee; and

(B) in the Senate shall be original resolutions of the Committee on Finance.

(3) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to procedural disapproval resolutions.

(4) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and the Committee on Rules.

(5) For purposes of this subsection, the term "procedural disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to consult with Congress on trade negotiations and trade agreements in accordance with the provisions of the Omnibus Trade and Competitiveness Act of 1988, and, therefore, the provisions of section 151 of the Trade Act of 1974 shall not apply to any implementing bill submitted with respect to any trade agreement entered into under section 1102 (b) or (c) of such Act of 1988, if, during the 60-day period beginning on the date on which this resolution is agreed to by the   , the   agrees to a procedural disapproval resolution (within the meaning of section 1103(c)(1)(E) of such Act of 1988).", with the first blank space being filled with the name of the resolving House of the Congress and the second blank space being filled with the name of the other House of the Congress.

(6) The fast track procedures shall not apply to any implementing bill that contains a provision approving of any trade agreement which is entered into under section 1102(c) with any foreign country if either—

(A) the requirements of section 1102(c)(3) are not met with respect to the negotiation of such agreement; or

(B) the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives disapproves of the negotiation of such agreement before the close of the 60-day period which begins on the date notice is provided under section 1102(c)(3)(C)(i) with respect to the negotiation of such agreement.

(d) The fast track procedures of section 151(d) of the Trade Act of 1974 (providing for no amendments to an implementing bill) shall not apply to amendments to implementing bills submitted with respect to trade agreements entered into under Section 1102(c) which relate to the following matters:

(1) Monitoring and assurance of enforcement of environmental standards.

(2) Monitoring and assurance of enforcement of fair labor standards.

(3) Rule of origin.

(4) Dispute resolution.

(5) Adjustment assistance for United States workers, firms, and communities.

(e) The fast track procedures of section 151(f)(2) and section 151(g)(2) of the Trade Act of 1974 (providing for a limitation on debate during floor consideration of implementing bills) shall not apply to implementing bills submitted with respect to trade agreements entered into under section 1102(c).

SENATE RESOLUTION 109—RELATIVE TO CHANGES IN THE SENATE RULES TO ALLOW FAST TRACK PROCEDURES FOR TRADE IMPLEMENTATION LEGISLATION

Mr. RIEGLE submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 109

Resolved by the Senate, That (a) in accordance with the authority reserved by both Houses of Congress under section 1103(d) of the Omnibus Trade and Competitiveness Act of 1988 (hereafter in this resolution referred to as the "Act") to change the rules of such Houses with respect to the "fast track" procedures for the consideration of implementing bills submitted with respect to trade agreements, and notwithstanding the rules of the House of Representatives and the Senate under sections 1103 (b) and (c) of the Act, the rules of subsections (b), (c), and (d) of this section shall be the rules of the Senate with respect to such bills.

(b)(1) Except as provided in subsections (c) and (d)—

(A) the provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) (hereafter in this section referred to as "fast track procedures") apply to implementing bills submitted with respect to trade agreements entered into under section 1102 (b) or (c) of the Act before June 1, 1992; and

(B) such fast track procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under section 1102 (b) or (c) of the Act after May 31, 1992, and before June 1, 1993, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 1992.

(2) If the President is of the opinion that the fast track procedures should be extended to implementing bills described in paragraph (1)(B), the President must submit to the Congress, no later than March 1, 1992, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under section 1102 (b) or (c) of the Act and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the program that has been made in multilateral and bilateral negotiations to achieve the purposes, policies, and objectives of title I of the Act, and a statement that such program justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of his decision to submit a report to Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but no later than March 1, 1992, a written report that contains—

(A) its views regarding the progress that has been made in multilateral and bilateral negotiations to achieve the purposes, policies, and objectives of title I of the Act; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) The reports submitted to the Congress under paragraphs (2) and (3), or any portion of the reports, may be classified to the extent the President determines appropriate.

(5)(A) For purposes of this subsection, the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the approves the request of the President for the extension, under section 1103(b)(1)(B)(i) of the Omnibus Trade and Competitiveness Act of 1988, of the provisions of section 151 of the Trade Act of 1974 to any implementing bill submitted with respect to any trade agreement entered into under section 1102 (b) or (c) of such Act after May 31, 1992, because sufficient tangible progress has not been made in trade negotiations.", with the blank space being filled with the name of the resolving House of the Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be jointly referred, in the House of Representatives, to the Committee on Ways and Means and the Committee on Rules.

(C) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution that is reported to such House after May 15, 1992.

(c)(1) The fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 1102 (b) or (c) of the Act if both Houses of the Congress separately agree to procedural disapproval resolutions within any 60-day period.

(2) Procedural disapproval resolutions—

(A) in the House of Representatives—

(i) shall be introduced by the chairman or ranking minority member of the Committee on Ways and Means or the chairman or ranking minority member of the Committee on Rules;

(ii) shall be jointly referred, in the House of Representatives, to the Committee on Ways and Means and the Committee on Rules, and

(iii) may not be amended by either Committee; and

(B) in the Senate shall be original resolutions of the Committee on Finance.

(3) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to procedural disapproval resolutions.

(4) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and the Committee on Rules.

(5) For purposes of this subsection, the term "procedural disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to consult with Congress on trade negotiations and trade agreements in accordance with the provisions of the Omnibus Trade and Competitiveness Act of 1988, and, therefore, the provisions of section 151 of the Trade Act of 1974 shall not apply to any implementing bill submitted with respect to any trade agreement entered into under section 1102 (b) or (c) of such Act of 1988, if, during the 60-day period beginning on the date on which this resolution is agreed to by the ———, the ——— agrees to a procedural disapproval resolution (within the meaning of section 1103(c)(1)(E) of such Act of 1988).", with the first blank space being filled with the name of the resolving House of the Congress and the second blank space being filled with the name of the other House of the Congress.

(6) The fast track procedures shall not apply to any implementing bill that contains a provision approving of any trade agreement which is entered into under section 1102(c) with any foreign country if either—

(A) the requirements of section 1102(c)(3) are not met with respect to the negotiation of such agreement; or

(B) the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives disapproves of the negotiation of such agreement before the close of the 60-day period which begins on the date notice is provided under section 1102(c)(3)(C)(i) with respect to the negotiation of such agreement.

(d) The fast track procedures of section 151(d) of the Trade Act of 1974 (providing for no amendments to an implementing bill) shall not apply to amendments to implementing bills submitted with respect to trade agreements entered into under Section 1102(c) which relate to the following matters:

(1) Monitoring and assurance of enforcement of environmental standards.

(2) Monitoring and assurance of enforcement of fair labor standards.

(3) Rule of origin.

(4) Dispute resolution.

(5) Adjustment assistance for United States workers, firms, and communities.

(e) The fast track procedures of section 151(g)(2) of the Trade Act of 1974 (providing for a limitation on debate during floor consideration of implementing bills) shall not apply to implementing bills submitted with respect to trade agreements entered into under section 1102(c).

• Mr. RIEGLE. Mr. President, I rise today to address a subject of critical importance for my State and country: fast track negotiating authority for the proposed North American Free Trade Agreement between the United States, Mexico, and Canada.

When the Bush administration proposed a bilateral free trade agreement with Mexico last year, I was very skeptical. United States wages are 8 to 10 times higher than Mexican wages. Mexico's health, safety, and environmental standards are well below ours. Not only is its legal system considerably different from ours, Mexico's judicial system is not fully independent of its executive branch of Government. Indeed Mexico remains effectively a one party state, as illustrated by the last, disputed Presidential election.

Given the large difference in the levels of economic and political development of the two countries, I was skeptical that we are ready for the type of economic integration with Mexico proposed by the President. This is not an academic issue for either Michigan or America. U.S. industrial strength, jobs, and the standard of living of many middle-class Americans are at stake.

Several months later, I remain deeply skeptical and gravely concerned. Make no mistake. This is not simply a trade initiative. This is an investment in Mexico initiative. Until recently, Mexican President Salinas himself and his political party opposed free trade with the United States. I believe what changed his mind and prompted him to seek a free trade agreement [FTA] was the realization that Mexico's No. 1 economic problem—its foreign debt—cannot be resolved without significantly higher levels of foreign capital investment. Secretary Brady's debt plan provided some relief for Mexico, but not enough to get the country out from underneath the crushing load of foreign debt that has been depressing economic growth and living standards in that country and much of the rest of Latin America for nearly a decade.

I believe that President Salinas concluded that only a formal free trade agreement with the United States would inspire the confidence necessary for foreign, particularly United States, businesses to invest in Mexico at rates likely to permit the economy to grow without further debt relief and the ruling party to hold on to power. For this reason, we must not be under any illusion that an FTA with Mexico is purely an exercise in swapping trade benefits. The FTA is a vehicle to secure higher foreign investment in Mexico and strengthen the position of its ruling party. At root, it is a foreign policy initiative, not a commercial initiative designed to meet the strategic economic interests of America. In other words, politics, not economics, is what is behind the rush for a Mexico FTA.

Who will pay for this politically motivated economic initiative? Where will the higher investment provoked by the FTA come from? Low and middle wage American manufacturing. This is the same sector of the economy that paid the price for the last big politically motivated economic policy initiative: supply side Reaganomics. It is still paying the price for the overvalued dollar in the 1980's that was created by President Reagan's stubborn refusal to admit that his tax cuts would not pay for themselves as advertised in his Presidential campaign. It is proving extremely difficult for the U.S. industrial base to recover from the damage created by the dollar's massive misalignment in the early and mid-1980's. It will also be difficult to recapture the accompanying decline in the standard of living of our middle class, which depends heavily on the existence of good manufacturing jobs.

We must not once again cause severe damage to the country's industrial and middle class job base in order to achieve short-term political gains. Let me emphasize that further economic integration with Mexico need not have this effect, particularly if it is done in a gradual and orderly fashion. However, the administration has provided Senators with no real assurances on this score. It has given no concrete commitments as to how it will deal with certain key issues that will help shape the investment flows this agreement is intended to bring about. And, despite Senator BENTSEN and Representative ROSTENKOWSKI's request for an "action plan", I do not believe it is likely to provide such commitments.

Let me be specific. First, enforcement of fair labor standards is lax in Mexico. There is reportedly no significant independent union activity to speak of. The unions that exist in the macquiladora plants and elsewhere are unions controlled by the ruling political party. Not surprisingly, wages have been falling at the same time that productivity has been rising. Indeed, real wages in Mexico have declined about 50 percent since the onset of the debt crisis in 1982. Moreover, the Wall Street Journal has reported that between 5 and 10 million children are illegally employed in Mexico.

With the advent of an FTA, the effective absence of fair labor standards in Mexico is not only a moral issue for Americans, it is an economic issue—a trade issue. Without assurances that Mexican workers will be free to bargain for higher wages, we cannot be sure that higher foreign investment by United States businesses in Mexico will translate into higher incomes for these workers and higher demand for United States products. The extent to which an FTA increases United States exports—the extent to which it is in our national economic interest—is directly dependent upon the enforcement of fair labor standards south of the border. For this reason, any agreement must include a mechanism to monitor and ensure enforcement of labor laws in Mexico—something the administration appears unprepared to do for reasons of political ideology.

Second, enforcement of environmental standards is also lax. The foreign investment that has already occurred in the border region has often resulted in major environmental problems. While this primarily affects Mexicans, we should be concerned too for both moral and economic reasons. Lower environmental costs in Mexico are a subsidy in effect. They are an extra, distorting incentive for investment to flow south of the border. Any agreement must include a mechanism to monitor and ensure enforcement of environmental laws in Mexico.

Third, any agreement must have a strong rule of origin requirement to ensure that the FTA is not used by foreign firms as a back door into the United States market. An FTA should be designed to promote the employment of Americans, Mexicans, and Canadians, not Japanese or Europeans. Our experience with this issue in the United States-Canada FTA does not leave me confident that, without strict guidance by Congress, the administration will assign the matter a sufficiently high priority in the negotiations.

Fourth, Mexico's legal system is fundamentally different from ours and its judiciary is not wholly independent of its executive. If we cannot be confident that disputes over contracts, labor regulations, and environmental regulations will be adjudicated fairly and free from political influence, we cannot be confident that the agreement will benefit American firms and workers as advertised. For these reasons, the issue of dispute resolution is a particularly important and sensitive one in this negotiation. Here again, in its consultation with Congress, the administration has shown little sign of appreciating the importance of this issue.

Fifth, investment flows triggered by this agreement will inevitably trigger dislocation in the United States, particularly among low and middle wage manufacturing workers. This administration and its predecessor have traditionally blocked attempts to provide adequate assistance for dislocated workers. They have never viewed this as a priority. In fact, the Bush administration gives the impression that it does not believe an FTA would cause an adjustment problem in the United States. I believe that any agreement submitted to Congress must include fully adequate adjustment assistance measures for those who will pay the price for this foreign policy initiative. Again, I fear that the administration will not deal adequately with the issue of adjustment assistance on its own.

To date, the administration has provided no concrete assurances about any of these concerns in any forum, either public or private, that I am aware of. Under these circumstances, I cannot support fast track authority for the North American Free Trade Agreement negotiations. The depth of my concern about fast track authority for the Mexican agreement is such that I intend to vote for the resolution of disapproval introduced by Senator HOLLINGS even though I support the extension of fast track authority for the Uruguay round. With respect to the Uruguay round, I would prefer a 1, rather than 2, year extension. We should not give the Europeans license to stonewall us on agricultural reform for another 2 years.

Today I am introducing a resolution that I intend to push in the event the Hollings resolution is defeated. The resolution would modify fast track authority in the following ways:

First, it would make amendments to a North American FTA in order in five areas: Monitoring and enforcement of fair labor standards; monitoring and enforcement of environmental standards; rule of origin; dispute resolution; and adjustment assistance.

Second, it would eliminate the 20-hour limit on floor debate for a North American FTA. However, it would retain the requirement that there be a final vote on the floor no later than 15 days after the agreement is taken up on the floor.

Third, in place of the 2-year extension which the administration is seeking, it would provide a 1-year extension of fast track authority for the North American FTA and Uruguay round, with the option available to the administration to request a further 1-year extension subject to the same procedures it is now exercising.

It is important for Senators to understand what this resolution does and does not do. The resolution modifies fast track for the FTA; it does not eliminate it. To be candid, I would prefer to eliminate fast track authority for the Mexican agreement, which is why I intend to vote for the Hollings resolution. But at a minimum, fast track for the FTA must be modified.

The resolution would modify fast track for the Mexican agreement mainly by allowing amendments in five areas. None of these areas involves specific industries or sectors of the economy. In other words, the resolution would not allow Congress to turn the agreement into a Christmas tree of amendments providing special treatment for individual industries. The commercial part of the agreement—the tradeoff of tariff and quota cuts and market access commitments—would continue to be considered as a package.

However, by reserving for Senators the right to offer amendments in the key areas in which they have voiced generic concerns about the impact of an agreement, the resolution provides an insurance policy for their concerns. It creates a greater incentive for the administration to engage genuine, concrete consultation with Senators on their concerns as the negotiation unfolds. USTR would know that if it did not satisfactorily address these concerns, the agreement would be likely to face an amendment when it returned to Congress for approval. Indeed, this is the only way to guarantee that Senators' concerns in these five areas will find their way into USTR's negotiating strategy.

Finally, the resolution increases the time permitted for floor debate on the resolution from 20 hours to 2 weeks. Twenty hours is too brief a period for

amendments to be considered and an issue of such overarching national importance to be debated. At the same time, the resolution retains the requirement that a final vote on the agreement take place at a date certain. Accordingly, the essence of the agreement's privileged procedural status in the Senate is preserved: the commercial part of the deal will be considered as one package without amendment, and a final vote is guaranteed. It cannot be said that the resolution would stop the administration from negotiating with Mexico.

The Constitution vests in Congress the authority to set trade policy. Fast-track is a discretionary grant of much of that authority to the executive branch. Fast-track is not sacred; it is merely the terms of the partnership between the two branches of Government which the Congress itself determines. Congress retains the right to modify the terms of that partnership to suit the national economic interest. My resolution exercises that right. It allows the negotiations to proceed but under tighter rein from Congress in view of the large stakes involved and the administration's ideological predisposition not to deal with issues much of what Congress views as vital.

In effect, the resolution provides Senators the opportunity to vote at the same time for greater economic integration with Mexico and for protecting the middle class, the environment, and the U.S. industrial base from potential impact of an agreement.

I invite the support of my colleagues for the resolution.●

SENATE RESOLUTION 110—ESTABLISHING A SENATE WORLD CLIMATE CONVENTION OBSERVER GROUP

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 110

Resolved,

SHORT TITLE

SECTION 1. This resolution may be referred to as the "World Climate Convention Observer Group Resolution".

SEC. 2. (a) There is established a bipartisan group of Senators to be known as the Senate World Climate Convention Observer Group (hereinafter in this resolution referred to as the "Observer Group"), which shall consist of thirteen Senators as follows:

(1) The majority leader and minority leader of the Senate, each serving ex officio; and

(2) Eleven Senators appointed as follows:

(A) six Senators appointed by the majority leader from among the Members of the majority party.

(B) five Senators appointed by the minority leader from among the Members of the minority party.

(b)(1) The chairman of the Observer Group shall be designated by the majority leader from among the individuals recommended for appointment under subsection (a)(2)(A).

(2) The co-chairman of the Observer Group shall be designated by the minority leader from among the individuals recommended for appointment under subsection (a)(2)(B).

(c) Any vacancy occurring in the membership of the Observer Group shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 3. The duties of the Observer Group shall be to monitor the World Climate Convention process.

SEC. 4. (a)(1) All foreign travel of the Observer Group shall be authorized jointly by the majority and minority leaders, upon the recommendation of both the chairman and co-chairman of the Observer Group.

(2) In the event that either the majority leader or minority leader of the Senate does not travel on an official trip of the Observer Group, then that leader may designate one other Senator of his party who is not a member of the Observer Group to travel and participate in the activities of the Observer Group in his stead.

TERMINATION DATE

SEC. 5. The provisions of this resolution shall terminate upon the adjournment sine die of the First Session of the One Hundred Second Congress.

SENATE RESOLUTION 111—DIRECTING THE SENATE LEGAL COUNSEL TO REPRESENT A FORMER EMPLOYEE

Mr. SASSER (for Mr. MITCHELL and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 111

Whereas in the case United States v. Byron T. Brown, et al., Cr. No. 90-353, pending in the United States District Court for the District of Arizona, the United States Attorney and the defendant have requested testimony from Kenneth Ballen, former chief counsel of the Special Committee on Investigations of the Senate Select Committee on Indian Affairs;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent committees, Members, officers, and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That the former chief counsel of the Special Committee on Investigations of the Senate Select Committee on Indian Affairs, Kenneth Ballen, is authorized to provide testimony in the case of United States v. Byron T. Brown, et al., Cr. No. 90-353 (D. Ariz.), except concerning matters for which a privilege should be asserted.

SEC. 2. That the production of documents by the Special Committee on Investigations of the Senate Select Committee on Indian Affairs is authorized.

SEC. 3. That the Senate Legal Counsel is directed to represent Kenneth Ballen in the case of United States v. Byron T. Brown, et al., Cr. No. 90-353 (D. Ariz.).

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET

MOYNIHAN (AND OTHERS) AMENDMENT NO. 74

Mr. MOYNIHAN (for himself, Mr. KASTEN, and Mr. HOLLINGS) proposed an amendment to the concurrent resolution (S. Con. Res. 29) setting forth the congressional budget for the U.S. Government for fiscal years 1992, 1993, 1994, 1995, and 1996, as follows:

Beginning on page 1, line 3, strike all after the word "SECTION" and insert the following:

1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1992.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1992, including the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1992.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Display of Federal retirement trust fund balances.
Sec. 5. Social Security.
Sec. 6. Major functional categories.
Sec. 7. Sale of Government assets.
Sec. 8. Accounting treatment of Social Security revenues.
Sec. 9. Reserve fund for family and economic security initiatives.
Sec. 10. Sense of the Congress in support of children and the family.
Sec. 11. High priority domestic discretionary programs.
Sec. 12. Fairness in Federal program benefits.
Sec. 13. Veterans' programs.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1992, 1993, 1994, 1995, and 1996:

(1) FEDERAL REVENUES.—(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1992: $847,100,000,000.
Fiscal year 1993: $913,400,000,000.
Fiscal year 1994: $1,000,500,000,000.
Fiscal year 1995: $1,078,400,000,000.
Fiscal year 1996: $1,147,900,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1992: $0.
Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1992: $82,100,000,000.

Fiscal year 1993: $88,600,000,000.

Fiscal year 1994: $94,400,000,000.

Fiscal year 1995: $100,600,000,000.

Fiscal year 1996: $107,100,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of total new budget authority are as follows:

Fiscal year 1992: $1,268,000,000,000.

Fiscal year 1993: $1,269,300,000,000.

Fiscal year 1994: $1,295,700,000,000.

Fiscal year 1995: $1,334,900,000,000.

Fiscal year 1996: $1,399,000,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1992: $1,198,300,000,000.

Fiscal year 1993: $1,200,800,000,000.

Fiscal year 1994: $1,159,100,000,000.

Fiscal year 1995: $1,196,200,000,000.

Fiscal year 1996: $1,255,600,000,000.

(4) DEFICITS.—The amounts of the deficits are as follows:

Fiscal year 1992: $351,200,000,000.

Fiscal year 1993: $287,400,000,000.

Fiscal year 1994: $158,600,000,000.

Fiscal year 1995: $117,800,000,000.

Fiscal year 1996: $107,700,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1992: $3,989,200,000,000.

Fiscal year 1993: $4,353,100,000,000.

Fiscal year 1994: $4,593,100,000,000.

Fiscal year 1995: $4,793,700,000,000.

Fiscal year 1996: $4,981,300,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1992: $15,400,000,000.

Fiscal year 1993: $15,600,000,000.

Fiscal year 1994: $15,500,000,000.

Fiscal year 1995: $15,600,000,000.

Fiscal year 1996: $15,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1992: $113,700,000,000.

Fiscal year 1993: $117,500,000,000.

Fiscal year 1994: $120,900,000,000.

Fiscal year 1995: $125,100,000,000.

Fiscal year 1996: $129,300,000,000.

(8) SECONDARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new secondary loan guarantee commitments are as follows:

Fiscal year 1992: $83,800,000,000.

Fiscal year 1993: $87,200,000,000.

Fiscal year 1994: $90,700,000,000.

Fiscal year 1995: $94,400,000,000.

Fiscal year 1996: $98,100,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1992: $422,000,000,000.

Fiscal year 1993: $363,900,000,000.

Fiscal year 1994: $240,000,000,000.

Fiscal year 1995: $200,600,000,000.

Fiscal year 1996: $187,600,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1992: $849,500,000,000.

Fiscal year 1993: $956,400,000,000.

Fiscal year 1994: $1,065,200,000,000.

Fiscal year 1995: $1,179,200,000,000.

Fiscal year 1996: $1,284,100,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The appropriate levels of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $290,700,000,000.

Fiscal year 1993: $311,100,000,000.

Fiscal year 1994: $327,300,000,000.

Fiscal year 1995: $345,800,000,000.

Fiscal year 1996: $355,500,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The appropriate levels of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $251,600,000,000.

Fiscal year 1993: $266,400,000,000.

Fiscal year 1994: $280,100,000,000.

Fiscal year 1995: $293,700,000,000.

Fiscal year 1996: $308,000,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1992 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1992:

(A) New budget authority, $290,800,000,000.

(B) Outlays, $295,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $290,000,000,000.

(B) Outlays, $292,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $289,100,000,000.

(B) Outlays, $291,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $292,000,000,000.

(B) Outlays, $292,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $300,600,000,000.

(B) Outlays, $297,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1992:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1993:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $7,200,000,000.

(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1994:

(A) New budget authority, $21,400,000,000.

(B) Outlays, $19,200,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $7,500,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

Fiscal year 1995:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $19,800,000,000.

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $20,100,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $8,100,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1992:

(A) New budget authority, $16,500,000,000.

(B) Outlays, $16,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $16,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $16,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,800,000,000.

(B) Outlays, $17,700,000,000.

(C) New direct obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1992:

(A) New budget authority, $5,400,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $5,300,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1992:

(A) New budget authority, $19,500,000,000.

(B) Outlays, $19,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $20,700,000,000.

(B) Outlays, $20,100,000,000.

(C) New direct loan applications, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $20,500,000,000.

(B) Outlays, $19,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $20,700,000,000.

(B) Outlays, $20,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $21,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1992:

(A) New budget authority, $22,600,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $7,500,000,000.

(D) New primary loan guarantee commitments, $8,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $19,200,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $7,300,000,000.

(D) New primary loan guarantee commitments, $7,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $7,100,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $6,800,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $6,800,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1992:

(A) New budget authority, $105,900,000,000.

(B) Outlays, $105,100,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $66,600,000,000.

(E) New secondary loan guarantee commitments, $83,400,000,000.

Fiscal year 1993:

(A) New budget authority, $57,700,000,000.

(B) Outlays, $53,900,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $69,200,000,000.

(E) New secondary loan guarantee commitments, $86,800,000,000.

Fiscal year 1994:

(A) New budget authority, $38,700,000,000.

(B) Outlays, $30,200,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $71,800,000,000.

(E) New secondary loan guarantee commitments, $90,200,000,000.

Fiscal year 1995:

(A) New budget authority, $21,100,000,000.

(B) Outlays, −$42,000,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $74,500,000,000.

(E) New secondary loan guarantee commitments, −$93,900,000,000.

Fiscal year 1996:

(A) New budget authority, $17,900,000,000.

(B) Outlays, −$38,300,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $77,300,000,000.

(E) New secondary loan guarantee commitments, $97,600,000,000.

(8) Transportation (400):

Fiscal year 1992:

(A) New budget authority, $32,200,000,000.

(B) Outlays, $33,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $33,500,000,000.

(B) Outlays, $34,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $34,100,000,000.

(B) Outlays, $33,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $35,000,000,000.

(B) Outlays, $34,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $36,400,000,000.

(B) Outlays, $36,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1992:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $6,700,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,400,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,100,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,100,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,600,000,000.

(B) Outlays, $6,300,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1992:

(A) New budget authority, $54,200,000,000.

(B) Outlays, $48,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $12,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $53,700,000,000.

(B) Outlays, $51,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $12,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $52,900,000,000.

(B) Outlays, $51,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $53,200,000,000.

(B) Outlays, $51,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $54,800,000,000.

(B) Outlays, $49,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1992:

(A) New budget authority, $82,900,000,000.

(B) Outlays, $83,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $92,900,000,000.

(B) Outlays, $92,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $102,200,000,000.

(B) Outlays, $101,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $112,300,000,000.

(B) Outlays, $111,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $124,500,000,000.

(B) Outlays, $123,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1992:

(A) New budget authority, $120,000,000,000.

(B) Outlays, $116,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $131,300,000,000.

(B) Outlays, $128,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $145,300,000,000.

(B) Outlays, $141,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $161,700,000,000.

(B) Outlays, $157,200,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,800,000,000.

(B) Outlays, $176,200,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1992:

(A) New budget authority, $221,300,000,000.

(B) Outlays, $180,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $229,200,000,000.

(B) Outlays, $188,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $240,600,000,000.

(B) Outlays, $198,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $253,400,000,000.

(B) Outlays, $207,900,000,000.

(C) New direct loan obligations, $100,000,000

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $266,100,000,000.

(B) Outlays, $217,600,000,000.

(C) New direct loan obligations, $100,000,000

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1992:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $8,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,500,000,000.

(B) Outlays, $8,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $10,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $8,400,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1992:

(A) New budget authority, $33,400,000,000.

(B) Outlays, $33,500,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $18,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $34,900,000,000.

(B) Outlays, $34,600,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $19,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $35,000,000,000.

(B) Outlays, $36,300,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $19,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $35,700,000,000.

(B) Outlays, $35,400,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $20,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $36,300,000,000.

(B) Outlays, $35,100,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $21,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1992:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1992:

(A) New budget authority, $13,300,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1992:

(A) New budget authority, $235,400,000,000.

(B) Outlays, $235,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $253,000,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $268,800,000,000.

(B) Outlays, $268,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $280,400,000,000.

(B) Outlays, $280,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $292,500,000,000.

(B) Outlays, $292,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1992: $312,800,000,000.

Fiscal year 1993: $337,900,000,000.

Fiscal year 1994: $357,000,000,000.

Fiscal year 1995: $369,900,000,000.

Fiscal year 1996: $380,700,000,000.

(20) Allowances (920):

Fiscal year 1992:

(A) New budget authority, $0.

(B) Outlays, −$16,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $0.

(B) Outlays, −$12,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $0.

(B) Outlays, −$76,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $0.

(B) Outlays, −$14,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $0.

(B) Outlays, −$22,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1992:

(A) New budget authority, −$32,600,000,000.

(B) Outlays, −$32,600,00,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, −$33,300,000,000.

(B) Outlays, −$33,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, −$33,900,000,000.

(B) Outlays, −$33,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$34,500,000,000.

(B) Outlays, −$34,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$35,000,000,000.

(B) Outlays, −$35,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

SEC. 7. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets to nongovernment buyers; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of allocations and points of order under sections 302, 601, and 602 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be allocated to a committee and shall not be scored with respect to the level of budget authority, outlays, or revenues under a committee's allocation under section 302, 601, or 602 of that Act.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "asset sale" and "prepayment of a loan" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the terms "asset sale" and "prepayment of a loan" do not include asset sales

mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986.

SEC. 8. ACCOUNTING TREATMENT OF SOCIAL SECURITY REVENUES.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the levels in this resolution are consistent with the enactment by Congress of legislation to—

(A) provide a fair tax cut for 132,000,000 American workers by returning the Social Security Trust Funds to pay-as-you-go financing; and

(B) restore the Social Security System to long-range actuarial balance;

(2) the Congress should not enact—

(A) major spending changes to the Social Security system; or

(B) major revenue changes to the Social Security system,

without a fair and open debate of the budgetary consequences of those changes in the context of the concurrent resolution on the budget.

(3) the Congress should not enact major reductions in Social Security revenues unless the current actuarial estimates of the Social Security Trust Funds over the next 75 years indicate that the Trust Funds are actuarially sound unless the revenue changes in the bill restore the actuarial soundness of the Social Security Trust Funds over the next 75 years, as the Social Security Trust Funds are currently very slightly out of long-term actuarial balance.

(b) ACCOUNTING TREATMENT.—For purposes of allocations and points of order under sections 302 and 311 of the Congressional Budget and Impoundment Control Act of 1974 with respect to this concurrent resolution on the budget, the amounts by which estimated Social Security revenues (excluding Social Security revenues provided for in the bill, resolution, amendment, or conference report with respect to which this paragraph is applied) exceed the appropriate level of Social Security revenues specified in this concurrent resolution on the budget shall not be—

(1) deemed to reduce Social Security outlays;

(2) allocated to a committee as outlays; or

(3) scored as outlays with respect to the level of Social Security outlays,

under a committee's allocation under section 302 of that Act or the appropriate level of Social Security outlays specified in this concurrent resolution on the budget.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "Social Security revenues" and "Social Security outlays" shall have the same meaning as under title III of the Congressional Budget and Impoundment Control Act of 1974; and

(2) no provision of any bill or resolution, or any amendment thereto or conference report thereon, involving a change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of Social Security revenues unless such provision changes the income tax treatment of Social Security benefits.

SEC. 9. RESERVE FUND FOR FAMILY AND ECONOMIC SECURITY INITIATIVES.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO PROTECT CHILDREN AND STRENGTHEN FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to improve the health and nutrition of children and to provide for services to protect children and strengthen families.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(b) ECONOMIC RECOVERY INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery initiatives for unemployment compensation or other, related programs when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary for economic recovery initiatives for unemployment compensation or other, related programs.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS AND PHASING-IN OF HEALTH INSURANCE COVERAGE FOR ALL AMERICANS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) to carry out this subsection.

(d) EXPAND ACCESS TO EARLY CHILDHOOD DEVELOPMENT SERVICES FOR LOW-INCOME PRE-SCHOOLERS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to expand access to early childhood development services for low-income pre-schoolers when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to expand access to early childhood development services for low-income pre-schoolers.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(e) FUND SURFACE TRANSPORTATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for surface transportation when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary for legislation that increases funding for surface transportation.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates

contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

SEC. 10. SENSE OF THE CONGRESS IN SUPPORT OF CHILDREN AND THE FAMILY.

It is the sense of the Congress that if a surtax on the income of millionaires is enacted, then the revenue generated by such a surtax will be used to offset a commensurate increase in direct tax assistance to families, which will include increasing dependent exemptions and tax credits for children.

SEC. 11. HIGH PRIORITY DISCRETIONARY PROGRAMS.

(a) FINDING.—The Congress finds that, within the current inventory of Federal programs and projects (both domestic and defense), there are inefficient, parochial, and outdated programs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, within the discretionary allocations included in this concurrent resolution on the budget, the Committees on Appropriations should—

(1) consider proposals to terminate substandard and inefficient projects and programs in 1992;

(2) reduce the Federal investment in outdated projects and programs; and

(3) reallocate those resources to higher-priority discretionary programs and projects.

SEC. 12. FAIRNESS IN FEDERAL PROGRAM BENEFITS.

(a) FINDINGS.—The Congress finds that—

(1) Federal spending for all segments of the population has grown significantly over the last 2 decades, and that Federal benefits increasingly have been provided not necessarily to those with low pre-Federal transfer incomes, but to those who have pre-transfer incomes above their poverty thresholds;

(2) substantial amounts of Federal Government spending, nearly $26.5 billion in calendar year 1989, went to households with incomes that put them in the top 20 percent of all households; and

(3) Government assistance in the form of—

(A) school lunch subsidies which are provided to all participating students regardless of family income;

(B) direct income support payments to farmers with incomes over $125,000 per annum;

(C) low-cost loans to students from higher income families, and at times, awarded without regard to family income;

(D) nonstandardized benefit structures for payments to survivors of service persons whose death occurred while on active duty or as a result of service-connected illness; and

(E) large subsidies for the wealthiest medicare beneficiaries,

continues to grow unabated.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that legislation should be enacted to provide a wiser, more fair and more equitable distribution of Federal benefits. Subsidies that are provided to the wealthiest segments of our society should be either redirected to provide more assistance to the poor and the underprivileged, or applied to further deficit reduction.

SEC. 13. VETERANS' PROGRAMS.

It is the sense of the Congress that—

(1) veterans' programs are a top National priority and that there are critical needs, particularly in the area of veterans medical care which must be addressed; the Congress urges the Committees on Appropriations, while acting within the limits of the discretionary caps, to give maximum consideration to veterans' benefit programs; and

(2) the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1990 placing limits on the estate size of incompetent veterans without dependents may be inconsistent with the Americans with Disabilities Act (Public Law 101-336) and therefore discriminatory; the committees of jurisdiction should consider modifying these provisions on a deficit-neutral basis to provide alternate methods for achieving the budget savings assumed within that Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on the following three bills:

S. 586. (Bradley) the Reclamation Drought Act of 1991;

S. 711. (Seymour) the Reclamation Drought Relief Act of 1991; and

H.R. 355. The Reclamation States Emergency Drought Relief Act of 1991.

The hearing will take place on May 15, 1991, at 2 p.m. in room SD–366 of the Senate Dirksen Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony send five copies to the subcommittee, SD–364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224–2366, or Anne Svoboda at (202) 224–6836.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 106, a bill to amend the Federal Power Act.

The hearing will take place on Wednesday, June 5, 1991, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD–364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224–2366, or Anne Svoboda at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet in open-closed session on Tuesday, April 23, 1991, at 9:30 a.m. to receive testimony on space launch issues and programs in review of the fiscal years 1992–93 national defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SASSER. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. April 23, 1991, to consider S. 341, S. 210, S. 343.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, April 23, 1991, at 9:30 a.m., to hold a hearing on wasteful ordering practices in the Department of Defense supply system.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Tuesday, April 23, 1991 at 2 p.m., to receive testimony from the commanders of the U.S. Strategic Air Command and the U.S. Space Command on Strategic Issues and on the impact of the fiscal years 1992–93 national defense authorization request and fiscal years 1992–97 future year defense plan on the forces under their commands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SASSER. Mr. President, I ask unanimous consent that the Foreign Relations Committee be authorized to meet during the session of the Senate on Tuesday, April 23, at 3:30 p.m., to hold a nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS, AND ENVIRONMENT

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 23, at 2:30 p.m., to hold a hearing on multilateral development banks authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 23, at 2 p.m., to hold a hearing entitled America and Europe: Creating an Arms Suppliers' Cartel.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 23, 1991, at 10 a.m., to hold a hearing on "Crime Control—The Local Perspective."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LABOR

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, April 23, 1991, at 9:30 a.m., for a joint hearing with the Committee on Environment and Public Works on the United States-Mexico Free-Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SASSER. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on health care legislation, including parts A, B, and C of title 11 of S. 127 on Tuesday, April 23, 1991, at 9 a.m. in SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 23, 1991, at 10 a.m., to hold a hearing on America's Unemployment Compensation Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SASSER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 23, 1991, at 2 p.m., to hold a closed meeting on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGING

Mr. SASSER. Mr. President, I ask unanimous consent that the special Committee on Aging be authorized to meet during the session of the Senate on Tuesday, April 23, 1991, at 2:45 p.m., to hold a hearing on respite care.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, April 23, 1991, at 10 a.m. to conduct a hearing on reforming Federal deposit insurance and the regulation of depository institutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SASSER. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works and the Subcommittee on Labor, Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, April 23, beginning at 9:30 a.m., to conduct a joint hearing on the environmental and economic implications of a free trade agreement with Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, April 23, 1991, at 9:30 a.m., for a hearing on "the Administration's Education Plan."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ROSLYN O. MOORE-SILVER AND WENDY E. HARNAGEL RECEIVE DEPARTMENT OF JUSTICE AWARDS

• Mr. DECONCINI. Mr. President, I congratulate and salute two Arizona residents who have received the U.S. Department of Justice 1990 Director's Awards. Roslyn O. Moore-Silver and Wendy E. Harnagel each have distinguished themselves with this distinction.

Roslyn O. Moore-Silver received an award for superior performance as an assistant U.S. attorney. She is recognized for her outstanding effort in the prosecution of United States versus Joseph, in which she secured a conviction in a complex defense procurement fraud case while working against an expiring statute of limitations. The investigation began in 1983 and was concluded in September of 1989. The case received national attention and influenced necessary changes in the regulation of surety bonds and in particular affidavits of individual sureties. Moore-Silver is chief of the criminal section of the Phoenix U.S. attorney's office for the district of Arizona.

Wendy E. Harnagel received a Special Commendation Award. She provides paralegal support directly to the U.S. attorney and has performed in a singularly distinctive manner, greatly enhancing the public reputation of the district of Arizona. Her research in support of congressional testimony and local media presentations has earned her a strong reputation throughout the district.

The offices of the U.S. attorney are on the front lines of the law enforcement initatives of the administration. Their work covers a wide spectrum of drug-related cases, violent crime, financial institution fraud, civil enforcement, financial litigation, and law enforcement cooperation.

Moore-Silver, Harnagel, and other Director's Awards winners represent less than 2 percent of the dedicated men and women in the field and here in Washington who work for the U.S. attorney.

As a member of the Senate Judiciary Committee, I am very proud of these individuals. It's nice to know that the people of the State of Arizona are being served by dedicated, hard working men and women like Moore-Silver and Harnagel. Arizona citizens are once again paving the road to unsurpassed excellence.•

TRIBUTE TO THE ST. LOUIS AGRI-BUSINESS CLUB

• Mr. DIXON. Mr. President, today I would like to recognize the St. Louis Agri-Business Club for celebrating their 10-year anniversary. This important organization was founded in 1981 to bring together people in the St. Louis area involved in the food and fiber industry. The club has grown steadily over the past 10 years and now represents interests from both Illinois and Missouri. Membership is comprised of producers, bankers, agricultural organizations and those who actively participate in the fields of government, transportation, education, agribusiness, and industry.

The image of agriculture in both the St. Louis area and the world has been raised because of the St. Louis Agri-Business Club. They have hosted international trade teams as well as national and world agricultural leaders. The club provides scholarships to the University of Illinois and the University of Missouri. They support future leaders of agriculture through their commitment to the Illinois Agricultural Leadership of Tomorrow. Annually, the club sponsors a congressional tour for Senate and House staff to see firsthand the importance of agriculture in Illinois and Missouri. Each summer, with over 2,000 people in attendance, the club sponsors Ag Night at Busch Stadium to recognize the importance of agriculture and to enjoy a little baseball in the process.

In addition, the St. Louis Agri-Business Club annually honors an individual who has provided leadership through the promotion and development of agribusiness in the St. Louis area. Those individuals who have received the prestigious honor of Agri-Business of the Year are Kenneth L. Bader, John Campbell, Hal Dean, Jeffrey W. Gain, Glenn Heitz, James D. Keast, Charles E. Kruse, Peter Myers, John K. Pellet, Nicholas L. Reding, and Earl Stolte.

The St. Louis Agri-Business Club is also recognized nationally for their commitment, dedication, and leadership to agriculture. Their success is attributed to the active participation of their members and leaders. Those who have served as president are Lary C. Eckert, Jeffrey W. Gain, James D. Keast, Morris L. Larson, James A. Layton, Jerry L. Neff, P. Scott Shearer, Richard Stegman, Jay J. Vroom, and Hugh C. Whaley.

Mr. President, I would like to congratulate and extend my best wishes to the St. Louis Agri-Business Club on their 10th anniversary.•

INDIANA EIGHTH GRADE YOUNG ESSAY CONTEST

• Mr. LUGAR. Mr. President, I rise to congratulate a group of young Indiana students who have shown great educative achievement. I would like to introduce to my colleagues the winners of the sixth annual Eighth Grade Young Essay Contest which I sponsor in association with the Indiana Farm Bureau and Bank One of Indianapolis. These students have displayed their writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they are fine representatives of our Nation and show the capabilities of today's students.

This year, Hoosier students wrote on the theme "Groceries from the Ground." Students were encouraged to consider and creatively express what effect Indiana agriculture has on their daily lives. I would like to submit for the RECORD the winning essays of Jeremiah Anglin of Kosciusko County and Marie Wilson of Morgan County. As State winners of the Youth Essay Contest these two outstanding students are to be recognized, today, during a visit to our Nation's Capital.

The essays follow:

DISTRICT 2 WINNER—JEREMIAH ANGLIN

As the demand for food grows people are not sure what type of chemicals are in the product to help it grow. In this paper I will tell you that there is nothing hazardous in doing this.

The American people want to be assured that their food supply is safe and that the farmer does not contaminate the food supply by using environmentally unsound practices. As a student of agriculture, a farm youth, and a consumer I share these concerns to help understand this issue I interviewed farmers from the area.

I have learned that the farmers are using cultural practices such as conservation tillage, cover crops, integrated pest management, wind breaks, and terracing to help keep the land productive and reducing soil erosion by wind and water.

I also learned that the farmers are concerned about their own food and water supply for their families. The same farmers are conscious of the safe practices necessary to protect their food and water on their own farms. These farmers are also careful in the use of drugs and pesticides with regard to meat and grain production. Examples are using timely drug withdrawals for livestock, using safe handling and application methods of pesticides, and constantly monitoring both the soil and water for contamination.

As a result of these interviews it has become obvious to me, that the American farmer is genuinely concerned about the safety of the food supply as well as the ground from which it comes.

In conclusion the consumer can rest knowing that the American farmer has their best interest in mind. It is safe to eat anything you would like.

DISTRICT 5 WINNER—MARIE WILSON

Most of us get our groceries from a supermarket. Grocers get them from a warehouse, a processor, and a shipper. Foods come from these places, but it originates from the ground. Farmers account for about two percent of our country's population but they supply the food for all of us.

Much of our food begins as grain. Grain is grown on soil which has been tilled, treated with fertilizer, seeded, and cultivated. Some grain is processed into foods such as flour for bread. Grain is also the main element in feed for livestock which provides meat, eggs, and milk. Hay and grass for pasture and feed are often grown on erosive land to conserve soil.

Fruits and vegetables are also grown on farms. These crops require much labor and management in pest control, irrigation, and harvesting.

Farmers usually live in rural areas and therefore are very concerned with our environment. They must be very careful to conserve the land they depend on for their livelihood. Water quality is very important to rural people as almost all of their water is provided by wells. As farmers are businessmen, they have to control the cost of raising crops and livestock. Fertilizers, chemicals, and pesticides are expensive, and sometimes dangerous. Only the amounts necessary are used, and at the proper time.

A farmer's land represents a very large investment, so he does his best to preserve it. No-till planting, sod waterways, contour cropping, crop rotation, and cover crops are some of the methods used to conserve their soil.

Farmers are extremely careful to produce safe food. While producing for all of us, they are also feeding their own families.

How do I know groceries come from the ground? Because, I am a farmer's daughter.

1990-91 DISTRICT WINNERS

District 1: Heather Urbanski, Benji Robinson.
District 2: Liza Russell, Jeremiah Anglin.
District 3: Rachael Sherfey, Nicholas Honn.
District 4: Jackie Smith, Steve Forrester.
District 5: Marie Wilson, Andy Phillips.
District 6: Lisa Anne Morris, Ryan Berry.
District 7: Tara Varga, Dan Dorsett.
District 8: Heather Eppard, Mike Redelman.
District 9: Amy Kaiser, Matthew Lee.
District 10: Kristen Vande Water, Larry Joe Risk.

COUNTY WINNERS:

Allen: Neil Kock, Liza Russell.
Bartholomew: Kevin Gates, Heather Eppard.
Carroll: James Faris.
Clay: Jeff Farris.
Cass: Matt McKaig, Jennifer Ide.
Decatur: Mike Redelman, Mandy Motz.
Delaware: Ryan Berry, Raychelle Johnson.
Elkhart: Rachel Williams.
Fayette: Michael Gettinger, Jamie Smith.
Fulton: Michael King, Jamie Rudical.
Gibson: Christy Couch.
Grant: Matthew Tucker, Marlene Cook.
Greene: Andy Bellamy.
Hamilton: Andy Zeller, Lisa Anne Morris.
Harrison: Bucky Ray Galloway, Dawn Nicole Brown.
Henry: Jeff Milleken, Brooke Turner.
Jay: Rex Pinkerton, Jackie Smith.
Jennings: Larry Joe Risk, Marissa Henry.
Lake: Benji Robinson, Susan Ludwig.
LaPorte: Krissi Freese.
Lawrence: Dan Dorsett, Whitney Gerkin.
Madison: Eric West, Nicci Armstrong.
Marion: Jim Blackwell, Nicole Bedwell.
Marshall: Shaindel Beers.
Miami: Cory Schaffhausen, Shiana Stahl.
Monroe: Clint Turpen, Bonnie Zonkle.
Morgan: Andy Phillips, Marie Wilson.
Newton: Nicholas Honn, Rachael Sherfey.
Porter: Louis Scherschel, Nicole Kunshek.
Posey: Jason Plain.
Randolph: Amy Robinson.
St. Joseph: Rich Siri, Heather Urbanski.
Spencer: Nathan Schorr, Katrina Hess.
Starke: Gary Lee Lockridge, Jr., Robin Pixey.
Switzerland: Eric Ely, Billie Joe Osborne.
Vanderburgh: Andy Cuprisin, Elizabeth Roth.
Vigo: John Chang, Tara Varga.
Wabash: Steve Forrester, Tammy Baker.
Warrick: Matthew Lee, Amy Kaiser.
Warren: Gred Bende, Karla Walker.
Washington: Daniel Brown, Nicole Hassler.•

CORONA DEL SOL HIGH SCHOOL IS ARIZONA STATE WINNER

• Mr. DECONCINI. I am proud to announce that Corona Del Sol High School, located in Tempe, AZ, is the State winner of the "We the People * * * National Bicentennial Competition on the Constitution and the Bill of Rights."

The National Bicentennial Competition, which was developed by the Center for Civic Education, and cosponsored by the Commission on the Bicentennial of the U.S. Constitution, is an outstanding program that encourages students to learn the history and the principles of the Constitution and the Bill of Rights. The curriculum provides an innovative method of learning since the students work cooperatively while striving to understand the American constitutional system.

There are many people who made this competition possible. First, I would like to commend Lois Fitch. She is responsible for supervising and implementing the competition for the State of Arizona. Also deserving of recognition is the State Director, Don Nordlund.

I especially want to extend my congratulations to Corona Del Sol High School, to Mr. Adolph, the teacher who did a superb job preparing the class for the competition, and also to the students who through their hard work and dedication became constitutional scholars. The following are the names of the winning students from Corona Del Sol High School:

Charlotte Albertson, Kelley Clay, David Conti, Denise Cossey, Christopher Courtney, Shawn Douglas, Katherina Duich, Bella Forsythe, Cheryl Jannuzzi, Raja Jindal, Jennifer Kuehner, Nadine Lund, Quynn Luong, Rachel Meidt.

Danielle Mriss, Sarah Paciorek, Robert Paxton, Lori Railing, Chad Redwing, Clinton Sandvick, Serene Siler, Dorisa Smith, Brian Thompson, Beth Vasquez, Sara Vetter, Lance Welch, Joshua Yarrington.

The class from Corona Del Sol will now compete in the national finals to be held April 27–29, 1991, in Washington, DC. As I understand the contest, the competing teams of students will be applying the constitutional principles that they studied to both historically and contemporary issues.

I look forward to greeting the students from Corona Del Sol High School when they arrive in Washington for the final competition. But, before this competition occurs, I want each student to know that he or she is a winner. I say this since each student has gained valuable skills, skills that will enable them to make informed and reasoned political decisions both today and throughout their lifetime.●

ISSUES CONCERNING THE LIBRARY COMMUNITY

● Mr. SARBANES. Mr. President, I had the pleasure of meeting last week with representatives of the Maryland Library Association to discuss issues of concern to the library community. Among other things, we talked about the importance of Federal funding for library programs, the upcoming second White House Conference on Libraries and Information Services, troubling trends over the last decade which have made Government publications less easily available, the need for increased support for literacy programs, and the proposed National Research and Education Network [NREN].

Since that meeting, I note that the importance of libraries and the problems confronting the library community because of unwise administration proposals has been well-documented in an article written by Haynes Johnson which appeared in the Washington Post on Friday, April 19, 1991. I wanted to bring this article to the attention of all my colleagues and ask that it be printed in the RECORD.

I also wanted to take this opportunity to reiterate my longstanding, strong support of our Nation's libraries and to encourage the people involved in the library profession because I think they are doing essential work. The library is one of the ladders of opportunity in this society, and we ought never to forget that. It is the place where an intellectual spark is often struck for our children, or for the poor and disadvantaged, giving them an exposure to knowledge and ideas that they might otherwise not be able to find or afford.

As expressed so well in the article I have inserted below, our Nation's libraries are not in danger of dying, but they are being diminished and, as they decline, they take our Nation down with them.

The article follows:

PUTTING THE SQUEEZE ON LIBRARIES

In affluent, pleasantly suburban Potomac, a community blessed with good schools and public-spirited citizens, residents have learned through the Potomac Gazette that their admirable public library faces a problem. Soaring Montgomery County deficits are forcing cuts in staff and curtailment of popular programs. Further trims may be needed as county officials wrestle with proposals to reduce library hours and eliminate full and part-time staff positions to meet budgetary shortfalls.

"It's sad not to be able to do as much," says Larry Dickter, who heads Potomac Library's adult services. He adds that "we're experiencing a sense of loss" not only because of valued colleagues affected but also because of the prospect of further reduction of programs and services.

It is not an isolated problem. Even as he spoke this week, public library representatives from around the nation were cornering their representatives and senators on Capitol Hill. They had come to lobby for restoration of proposed Bush administration budget cuts that represent, as the American Library Association puts it, "yet another attempt to eliminate federal library programs."

The Bush proposals, requesting a cut of more than 75 percent in Education Department library programs—from the $143 million appropriated last year to $35 million—comes after the "zeroing-out" Reagan-era slashes in federal funds provided states and local governments. The now-familiar Reagan rationale was that the federally assisted library programs had been well established and that states and localities were more than able to maintain them.

That may have been true during the boom of the 1980s. But that bubble has burst. Like the federal government, state and local governments are battling increasing record deficits. Caught in the vise are such crucial institutions as public libraries that no longer can turn so confidently or easily to federal or local governments for help.

Across the nation, public library systems large and small are in the midst of hard times. As in Potomac, big-city libraries are being forced to slash staffs, freeze hiring levels, cancel purchases of new book orders and computers, delay opening new branch systems and cut programs and services affecting adults and children.

The reasons for this dismaying situation are not obscure or even that complicated. They are part of the legacy bequeathed Americans from the freebooters who had full reign over the nation's destinies in the last decade. Evidence of that reckless, spendthrift decade's disasters continues to accumulate, and not only in the obvious growing problems of debt and deficits. News this week of the federal seizure of First Executive Corp.'s California life-insurance unit—the nation's single largest insurance failure—comes after the collapse of the junk-bond market, the savings and loan decade, the real estate market Waterloo and increasing strains on the national banking system. All are consequences of the policies and attitudes of the '80s.

In the context of the present, with so much dramatic news of war and starvation and recession and unrest beating on people daily, the plight of America's public libraries is, not surprisingly, largely ignored. That doesn't mean that ordinary citizens are uncaring. On the contrary, they care greatly as was evidenced by demonstrators who hung black cloth across library doors in Brooklyn recently to protest new layoffs and service cuts.

To its credit, the Wall Street Journal devoted Page One "leader" space to a major article about the woes of public libraries during the decisive Persian Gulf ground-war assaults. The article began by focusing on the closing of a one-room library in Poca, W.Va., an event that reporter James S. Hirsch likened to a death in the family.

"On the library's last day," he wrote, "children brought stuffed bears and flowers for the librarian. Later, residents who hadn't heard the news pounded on the locked wooden door of the building."

He quoted the librarian, Betty Hamilton, as saying: "They couldn't believe we were really closing: To a child, the library was always there. Then something is missing from their life. It's like when someone dies, there's a little empty space there."

That, in essence, is what's happening with the nation's libraries. They are not in danger of dying, but they are being diminished. As they decline, they take America down with them.●

CENSUS UNDERCOUNT

● Mr. CRANSTON. Mr. President, I would like to take this opportunity to comment on information recently released by the Census Bureau which estimates the extent of the minority undercount in the 1990 census.

The importance of a fair and accurate census is well established. The results of the census serve as the basis for determining a State's representation in the House of Representatives and have also become important in allocating Government funds to local and State government programs.

Historically, the census has undercounted minorities, undocumented workers, people with limited English skills, homeless people, and those living in inner cities. In 1987, the Census Bureau considered but declined to provide for an adjustment of the 1990 census. In response, a suit was filed by Los Angeles, New York City, and others. This suit resulted in an agreement in which the Secretary of Commerce would reconsider the Bureau's adjustment decision and make this public by July 15, 1991.

As predicted, minorities were again undercounted in the 1990 census and at an even higher rate than in previous decennial censuses. On April 18, 1991, the Census Bureau released preliminary estimates based on two separate research programs, the postenumeration survey and demographic analysis, which found that an undercount indeed occurred. Nationally, the Census Bureau estimated that as many as 2.5 percent or 6 million residents were missed in the 1990 census. The undercount rate for blacks is estimated as high as 6.2 percent or 1,973,000; Hispanics even higher at 7.3 percent or 1,764,000. The Asian undercount is estimated as high as 4.4 percent or 334,000.

The undercount in California was one of the worst in the country. The Census Bureau estimated the undercounting was as high as 4.7 percent or 1.4 million Californians not counted.

Faced with these estimates, there is no doubt that in the interest of fairness and accuracy, the Secretary of Commerce should adjust the 1990 census. However, the Census Bureau's initial statements indicated that it was not willing to undertake the actions necessary to adjust the 1990 census. At a joint congressional hearing held in March of 1991, the Census Bureau stated that it may not have the information ready for the Secretary of Commerce to base the adjustment decision by the July 15, 1991, deadline. The release of the estimates on the undercount by the Census Bureau is an encouraging sign; however, it is still unclear whether the Secretary of Commerce will adjust the 1990 census.

Despite the commendable efforts by the Census Bureau to count minorities in the 1990 census, it is nearly impossible to count everyone. These undercounts are unavoidable but correctable. The Census Bureau has the statistical tools to adjust the census results to reflect accurately the current composition of our Nation.

Currently, the decision to adjust the census is in the hands of the Secretary of Commerce. This adjustment decision was imposed on the Secretary as a result of a lawsuit agreement. It is surprising that there is no law requiring the Secretary of Commerce to make necessary adjustments to the census to reflect accurately the Nation's population. There should be a law mandating that the Secretary of Commerce compensate for the recurring undercount. This important decision should not be left to the discretion of this and future Secretaries of Commerce.

Mr. President, at this time I would like to compliment my distinguished colleague from New York, Senator MOYNIHAN, who has introduced legislation, S. 28, which would direct the Secretary of Commerce to adjust this and future census results to correct the undercount. I commend the distinguished Senator from New York for his leadership in this area and encourage my colleagues to support this legislation which will ensure the fairness and accuracy of the census.•

IMPLEMENTATION OF THE CIVIL JUSTICE REFORM ACT

• Mr. BIDEN. Mr. President, I am pleased to be able to report that implementation of the Civil Justice Reform Act of 1990 is proceeding well. In particular, there have been a few developments in recent weeks about which I would like to inform my colleagues.

As we all know, Congress recently passed the Dire Emergency Supplemental Appropriations Act, which designates, among other things, approximately $7.8 million for the rest of this fiscal year to the Federal courts, the Administrative Office of the U.S. Courts, and the Federal Judicial Center, in order to implement the Civil Justice Reform Act. The President signed the bill into law on April 10, 1991.

I would like to thank my good friend and distinguished colleague from South Carolina, Senator HOLLINGS, who chairs the Subcommittee on Commerce, Justice, State, and Judiciary of the Appropriations Committee. His careful attention to and interest in this funding is very much appreciated.

The importance of having obtained funding for the Civil Justice Reform Act at this early date cannot be overstated. The funds appropriated will help address some of the most pressing needs of the district courts in implementing the act, such as the funding for analysis of court conditions and payment of advisory group reporters.

The Civil Justice Reform Act mandates that "within 90 days after the date of the enactment of this chapter, the advisory group required in each United States district court * * * shall be appointed." Since the President signed the bill on December 1, 1990, the date by which the advisory groups were to be appointed was March 1, 1991. The latest report from the Administrative Office indicates that virtually all district courts have made their appointments, in compliance with the statutory mandate.

The membership of the advisory groups that I have seen thus far has been exemplary. On January 30, I brought to the attention of my colleagues the actions of Chief Judge King in the Southern District of Florida and Chief Judge Platt in the Eastern District of New York. The quality of their advisory groups is excellent, and it looks as if many other districts have followed suit.

In the District of Massachusetts, Chief Judge Frank Freedman appointed a very distinguished group, including Prof. Arthur Miller of Harvard Law School as reporter to the committee. Other members of the group include: U.S. District Judge Joseph L. Tauro, chairman; U.S. District Judge David Nelson; U.S. District Judge William Young; U.S. Magistrate Judge Lawrence P. Cohen; John P. Driscoll, Jr., president, Boston Bar Association; David Berman; Donald R. Frederico, McDermott, Will & Emery; Daniel B. Winslow, Sherin and Lodgen; U.S. Magistrate Judge Michael Ponsor; Nicholas C. Theodorou, Foley, Hoag & Eliot; Cynthia O. Hamilton; Hale and Dorr; Margaret H. Marshall, Choate, Hall & Stewart; Gordon T. Walker, McDermott, Will & Emery; Susan Garsh, Bingham, Dana & Gould; Scott E. Charnas, Feinberg, Charnas & Schwartz PC; the Honorable L. Scott Harshbarger, attorney general; Nancy Gertner, Dwyer, Collora & Gertner; Michael B. Keating, Foley, Hoag & Eliot; Robert J. Smith, Jr., clerk, U.S. district court; the Honorable Wayne A. Budd, U.S. attorney; Judith S. Yogman, associate U.S. attorney; Michael E. Mone, Esdaile, Barrett & Esdaile; Leo Boyle, president, Massachusetts Bar Association; Louis M. Ciavarra, Bowditch & Dewey; Rudolph F. Pierce, Goulston & Storrs; Walter A. Costello, Jr., president, Massachusetts Academy of Trial Attorneys; Louis Elisa, president, Boston Branch of NAACP; Richard S. Milstein, Ely & King; Ronald E. Myrick, assistant general counsel, Digital Equipment Corp.; and Gael Mahony, Hill and Barlow.

Chief Judge Douglas W. Hillman of the Western District of Michigan also appointed an impressive collection of individuals to his advisory group. The members include: Frederick D. Dilley, Dilley & Dilley; Roger Gardner, vice president of claims, Citizens Mutual Insurance Co.; Stephen R. Drew, Williams, Klukowski, et al.; Valerie Simmons, Warner, Norcross & Judd; Patricia A. Streeter; John A. Smietanka, U.S. attorney; H. Rhett Pinsky, Pinsky, Smith et al.; Roger Martin, vice president, Human Resources and Community Relations, Steelecase, Inc.; Jon G. March, Miller, Johnson, Snell & Cumminsky; Steven C. Kohl, Landman, Latimer; John R. Weber; Matthew E. McLogan, vice president of university relations; Grand Valley State University; Thomas N. Edmonds, sheriff; David Edick; James H. Geary, chairman, Howard & Howard; and U.S. District Judge Richard A. Enslen. I should note that Judge Enslen testified at the Judiciary Committee hearings on the legislation, and played a key role in its enactment.

In the Central District of California, Chief Judge Manuel L. Real has chosen the following members to serve on his advisory group: Donald Smaltz, chairman, Morgan, Lewis & Bockius; Leonard Brosnan, clerk of court, U.S. district court; Lourdes Baird, U.S. attorney; Daniel Patrick Selmi as reporter, associate dean, Loyola Law School; Joseph A. Ball, Ball, Hunt, Hart, Brown & Baerwitz; George Babikan, Arco Products Corp.; Howard O. Boltz, Jr., Rogers & Wells; Richard H. Borow, Irell and Manella; William B. Campbell, Paul, Hastings, Janofsky & Walker; Daniel G. Clement, Pacific Enterprises; Richard M. Coleman, Coleman & Marcus; Douglas Dalton; Richard L. Fruin, Jr., Lawler, Felix & Hall; Bruce Hochman, Hochman, Salkin & DeRoy; Peter M. Horstman, Federal public defender; John M. McCormick, Lewis, D'Amato, Brisbois & Bisgaard; William M. Molfetta, Molfetta & Raymond; Brian O'Neill, O'Neill & Lysaght; Joan Shores Ortolano, Pacific Bell; Michelle A. Reinglass; James D. Riddet, Aronson & Riddet; Frank Rothman, Skadden, Arps, Slate, Meagher & Flom; Garvin F. Shallenberger, Rutan & Tucker; Wayne W. Smith, Gibson, Dunn & Crutcher; Robert Talcott, Talcott, Lightfoot, Vandevelde, et cetera; and William W. Vaugh, O'Melveny & Myers.

Chief Judge Brieant of the Southern District of New York appointed the following members to his advisory group: as chairman, U.S. District Judge Robert W. Sweet; Marcia Alazraki, Shea & Gould; Robert L. Conason, Gair, Gair, Conason, Stergman & Mackauf; Philip L. Graham, Jr., Sullivan & Cromwell; U.S. District Judge Thomas P. Griesa; Edna Wells Handy, vice president of legal affairs and general counsel, New York City Health & Hospitals Corp.; Henry L. King, chairman and managing partner, Davis Polk & Wardwell; Clifford P. Kirsch, district court executive; Joseph T. McLaughlin, Shearman & Sterling; Stacey J. Moritz, chief of the civil division, U.S. attorney's office; Benito Romano, Willkie, Farr and Gallagher; Shira A. Scheindlin, Herzfeld & Rubin; Lorie A. Slutsky, president, New York Community Trust; and Gerald Walpin, Rosenman & Colin.

The last U.S. district court that I would like to mention today is the District of Columbia. Chief Judge Aubrey E. Robinson, Jr. appointed the following people: as chairman, Paul L. Friedman, White & Case; John D. Aldock, Shea & Gardner; William J. Birney, principal assistant to the U.S. attorney; Gregory Davis, executive vice president, D.C. Chamber of Congress; J. Gordon Forester, Jr., Greenstein, Delorme & Luchs; Richard A. Green, Stohlman, Beuchert, Egan & Smith; D. Jeffrey Hirschberg, Ernst & Young; Jane Lang, Sprenger & Lang; Myles Lynk, Dewey, Ballentine, Bushby, Palmer & Wood; Arnold I. Melnick, office of counsel, Washington Metropolitan Area Transit Authority; Elliot C. Mincberg, director, legal department, People for the American Way; Alan B. Morrison, Public Citizen Litigation Group; Irving R.M. Panzer, professor of law, Catholic University; John Payton, acting corporation counsel; Dr. Vincent Reed, vice president of communications, the Washington Post; Deanne C. Siemer, Pillsbury, Madison & Sutro; Linda Singer, Lichtman, Trister, Singer & Ross; Fred Souk, Crowell & Moring; Nathaniel Speights, Speights & Micheel; U.S. District Court Judge Aubrey E. Robinson, Jr.; U.S. District Court Judge Charles R. Richey; U.S. District Court Judge Royce C. Lamberth; U.S. District Court Magistrate Judge Patrick J. Attridge; Nancy Mayer-Whittington, clerk of the court; and LeeAnn Flynn Hall, administrative assistant to the chief judge.

There are many other districts that have also appointed advisory groups with similarly excellent membership. I do not have the time to mention them all. At this juncture, it does appear that the quality of the advisory groups that I, at least, have seen is indicative of the importance that the courts are giving to implementation of the act. I am encouraged by their actions.●

VICTORY AT DEVILS LAKE

● Mr. CONRAD. Mr. President, today I rise to pay tribute to a company that has made tremendous strides in the State of North Dakota. That company, the Sioux Manufacturing Corp., is owned 100 percent by the Devils Lake Sioux Tribe.

Forbes magazine recently published an article entitled "Victory at Devils Lake," which describes the success of Sioux Manufacturing and the exemplary efforts of the company's president, Carl McKay. I commend this article to my colleagues and ask that it be printed in the RECORD immediately following my remarks.

Mr. President, many tribal contractors, including Sioux Manufacturing, made vital contributions to our country's efforts in Operation Desert Storm. Yet they exist in remote locations that are typically overwhelmed with poverty—reservations where, despite their contributions to the economy, unemployment often exceeds 50 percent. Tribal companies like Sioux Manufacturing provide critical job opportunities that help tribes build a more stable economy on their reservations. And they help Indian people better determine their own futures.

Mr. President, we in North Dakota are proud of Sioux Manufacturing. We are proud of the company's management, its employees, and its mission. Not only did Sioux Manufacturing contribute to our Nation's success in Operation Desert Storm, but it helps the Devils Lake Sioux every day in their fight to build a better future for themselves and their children.

The Forbes article refers to Sioux manufacturing as "an unusually successful 100 percent tribally owned company." Among my greatest hopes is that 10 years from now, Sioux Manufacturing will not be so unusual.

The article follows:

[From Forbes magazine, Mar. 4, 1991]

VICTORY AT DEVILS LAKE

(By Joel Millman)

On the average winter's day in the community of Devils Lake, N.D. the temperature drops to minus 20. Adult unemployment on this reservation, home to 3,500 Santee Sioux, runs 45 percent. Alcoholism is endemic.

But there is another side to Devils Lake. Sioux Manufacturing Corp., a defense contractor owned by a tribe of the Santee Sioux, and the reservation's largest employer, is thriving. Last year the firm sold the Army $25 million of camouflage nets, anti-shrapnel armor and helmets, destined for Operation Desert Storm. Sioux Manufacturing has booked $40 million in business for 1991 and expects to earn $4 million this year. The company pumps over $125,000 in weekly salaries into the reservation's economy—three times the value of government assistance programs.

A few years ago none of this prosperity seemed likely. In the mid-1970s Washington began weaning reservations off welfare, urging new companies on reservations to do contract work for the government. Under the plan, orders would be guaranteed during a transition period while Indian managers learned the business.

The Devils Lake Sioux entered into a joint venture with Skokie, Ill.-based Brunswick Corp., whose defense unit is a big producer of camouflage fabric for the Army. Total capitalization of the joint venture came to $100,000—$70,000 put up by Brunswick, and $30,000 by the tribe. Brunswick also lent the new company $500,000; in addition, $2 million for plant and equipment came from banks and federal agencies. The idea was that the joint venture would buy camouflage fabric from Brunswick and cut it into appropriate sizes and shapes for shrouding tanks and other weaponry.

In 1974 the new Devils Lake Sioux Manfacturing Corp. shipped its first camouflage kits to the Army. But soon the partners began to bicker. The Sioux wanted to shop around for their basic raw material—the camouflage fabric—but other suppliers refused to sell to them because Brunswick, a competitor, was the Sioux's partner. The Sioux considered making their own fabric, but Brunswick vetoed that as uneconomical.

The business prospered. In 1983 the partners added lightweight armor made with Du Pont's tough Kevlar yarn to its product line. This high-margin product is used to make helmets and interior panels for tanks and armored personnel carriers.

But trouble was brewing. The tribe's executives felt left out. By 1978 the tribe had increased its stake in the joint venture to 51 percent, but Brunswick seemed to be calling all the shots. Relations went steadily downhill.

The nadir was reached in 1986. The joint venture had booked a record $70 million in contracts. The Sioux wanted to stretch the work out over three years. This would lend stability to the reservation's economy. But Brunswick hired nearly 200 new employees—bringing the total to 500—and filled the orders in one year. When sales fell to a more normal level, there was no backlog and the company was forced to lay off hundreds.

The Brunswick proposed that the partners pay themselves a special $14 million dividend from retained earnings. This made tribal leaders suspicious that Brunswick was maneuvering to bail out before the company collapsed. Brunswick denies any such intent. But bad feelings were running so high that in 1987 the Sioux exercised their control and fired five key Brunswick employees, including the joint venture's general manager. Devils Lake Sioux Manufacturing lost money for the first time.

In the end, Brunswick got its dividend—and a surprise. The Sioux immediately imposed a tax on dividends. Lawsuits were launched from Skokie to Devils Lake, ending in 1989 when Brunswick agreed to sell its remaining stake in the venture as part of a $3 million leveraged buyout. Financed by Boston's State Street Bank, the deal was the first time an American Indian tribe had used financial leverage to buy out its corporate partner.

Once he was in absolute control, Carl McKay, 42, Sioux's president and chief executive officer and the tribe's former chairman, quickly mended fences between Brunswick and the renamed Sioux Manufacturing Corp. Brunswick, for example, is still one of the company's major suppliers of camouflage fabric.

As a tribally owned firm, Sioux Manufacturing pays no federal or state corporation income taxes. In addition, it benefits from mandates that government agencies buy from minority-owned firms when possible.

But the secret of its success, according to one Sioux Manufacturing customer, is that tribal ownership of the company has infused the workers with a determination to succeed. "There's no such thing as charity," says Glenn Staples, procurement director of BMY-Combat Systems, a divison of Harsco Corp. and maker of the M-109A6 self-propelled howitzer. The only keys to winning orders, he adds, are "quality and price."

To lessen Sioux Manufacturing's dependence on government work, McKay is trying to convince the auto and civilian aerospace industries to use his armor fabric. He is a hard man to turn down. "So many people were ready to include us in the category of failed Indian businesses," he says. "We just wouldn't let it happen." There's a powerful lesson in that for all struggling businesses.•

THE 36TH ANNUAL DETAILED FINANCIAL REPORT OF SENATOR PAUL SIMON

• Mr. SIMON. Mr. President, it has been my practice in each of the 36 years I have spent in public life to volunteer a detailed accounting of my finances.

I ask that my financial report for 1990 be printed in the Record.

The financial report and related announcement follow:

ANNOUNCEMENT

For the 36th consecutive year that he has held public office, U.S. Senator Paul Simon, D-Ill., has released a detailed description of his income, assets and liabilities.

Simon has been making the voluntary annual statements longer than any other national officeholder, according to his office. Simon set his policy when he entered public service as a state representative in 1955 from the world of business. He followed the practice during his eight years in the Illinois House of Representatives, six years in the Illinois Senate, four years as lieutenant governor, ten years in the U.S. House of Representatives, and now six years in the U.S. Senate. The listing predates disclosure requirements of state and federal law and continues to exceed those requirements. Senate rules today require only the listing of income in broad brackets. His practice also has set the standard for officeholders in Illinois. Simon also continues to exceed Senate requirements by listing detailed income for his wife, Jeanne.

The Illinois senator lists 1990 income for himself and Jeanne Simon totaling $161,263.72. The figure includes his Senate salary, honoraria and reimbursements for travel and other expenses and other items.

The Simons had assets of $391,327.14 and liabilities of $177,395.23 for a net worth of $213,931.91.

Income statement Paul and Jeanne Simon—1990

General income (Paul Simon):	
Salary, U.S. Senate	$97,658.32
State of Illinois, General Assembly System	19,220.28
University of Oklahoma, Book Royalties	250.00
U.S. Senate, Expense Reimbursement	19,271.24
Simon for Senate, Expense Reimbursement	2,485.09
Paul Simon Official Office Account, Expense Reimbursement	195.25
Blue Cross/Blue Shield, Reimbursement	225.47
U.S. West Communications (Phone), Reimbursement	5.80
State Farm Mutual Insurance, Reimbursement for chimney fire	950.00
Critic's Choice Video, Reimbursement	1.64
Sale of 1980 Chevrolet	1,100.00
Honoraria:	
Recording Industry Association of America, Talk	2,000.00
American Council on Education, Talk	1,000.00
CBS Records, Inc., Talk	2,000.00
Association of Independent Colleges & Schools, Talk	1,000.00
Carnegie Council on Ethics and International Affairs, Talk	2,000.00
National Agricultural Chemicals Assn., Talk	1,000.00
Grand Alliance for China Reunification, Talk	2,000.00
American Council on International Personnel, Talk	1,000.00
General income (Jeanne Simon):	
Washington Financial Group, Salary	900.00
Fund for Peace, Salary	250.00
Texas Library Association, Talk	200.00
Washington Financial Group, Expense Reimbursement	580.00
Fund for Peace, Expense Reimbursement	187.00
Northern Illinois University, Travel Reimbursement	114.12
Simon for Senate, Reimbursement	731.95
National Democratic Women, Postage Reimbursement	90.00
Interest income:	
U.S. Senate Employees' Credit Union	361.30
U.S. Savings Bonds	1,468.14
General American Life	210.68
Polish National Alliance of U.S.A.	23.49
Christian Church of Salem, IL.	147.63
Dividends:	
Adams Express	335.40
Bethlehem Steel	2.00
Paramount	1.40
Quaker Oats	57.60
Scott Paper	6.40
Pax World	259.83
Chock Full O'Nuts	2.51
Ralston Purina	23.67
Dreyfus Convertible Securities Fund	338.07
Franklin Money Fund	222.59
Dreyfus Bond Fund	1,373.46
American Express Daily Dividend	3.38
Lomas & Nettleton Mortgage Inv.	21.00
Wal-Mart Stores	6.36
Credit Union One	.15
Sale of assets:	
Loss on sale[1]	17.50
Net loss	−17.50
Total income	161,263.72
General assets:	
First Bank of Carbondale, Checking Account	10.93
Credit Union, Rantoul	12.27
U.S. Senate Federal Credit Union	1,149.01
Loan, Senator Paul Simon Official Office Account	2,000.00
American Express, Money Fund	160.00
U.S. Savings Bonds	1,838.00
Deposit, Harbour Square Apartments	50.00
General American Life Insurance, Cash Value and Deposit	7,380.72
Polish National Alliance Insurance, Cash Value and Deposit	2,161.65
Congressional Retirement System, Cash Value	61,590.80
Thrift Savings Plan	5,240.00
B & T Enterprises	322.00
11.8 Acres & Home, Makanda, IL. (Appraised in 1987)	204,000.00
Furniture and Presidential Autograph Collection	18,000.00
1991 Chevrolet	16,000.00
1983 Ford Mustang	2,000.00
Stock and bond holdings with number of shares:	
Adams Express, 212	3,127.00
Bethlehem Steel, 5	73.75
Chock Full O'Nuts, 10	58.88
Dreyfus, Bond Fund, 1,527.27	18,861.80
Dreyfus Convertible Securities Fund, 389	2,666.67
Franklin Fund, 371	370.99
Harcourt, Brace, Jovanovich, 200	188.00
Intergroup, Inc., 25	337.50
Jet-Lite, 120 (approximate)	300.00
Lomas & Nettleton Mortgage Inv., 100	275.00
Pax World Fund, 179.81	2,513.75
Quaker Oats, 40	2,115.20
Ralston Purina, 27	2,767.50
Rohr Industries, 6	98.28
Scott Paper, 8	303.04
United M&M, 8	1.00
Wal-Mart Stores, Inc., 48	1,452.00
IRA—Paul:	
American Express Funds	85.59
Adams Express Co.	6,563.75
Lands End, Inc.	235.88

Pacific Enterprises	2,177.00
Pacific Gas & Electric Co.	1,000.00
Pepsico, Inc.	260.00
Price Co.	942.00
Quaker Oats Co.	7,508.25
Ralston Purina Co.	1,025.00
Southwest Water Co.	1,376.00
Tootsie Roll Industries, Inc.	896.50
Total	22,069.97
IRA—Jeanne:	
American Express Funds	121.93
Adams Express Co.	7,212.75
Lands End, Inc.	305.25
Pacific Gas & Electric Co.	1,000.00
Pepsico, Inc.	520.00
Quaker Oats Co.	211.50
Ralston Purina Co.	2,460.00
Total	11,831.43
Total assets	391,327.14
Liabilities:	
Polish National Insurance, Loan	1,462.00
General American Insurance, Loan	3,021.00
Landmark Bank, Lebanon, IL, Mortgage	145,735.23
Bank of Illinois, Mt. Vernon, IL, Note	13,516.00
First Collinsville Bank, Note	13,661.00
Total liabilities	177,395.23
Total assets	391,327.14
Total liabilities	177,395.23
Net worth	213,931.91
Gifts, received of more than $25 value, outside immediate family:	
Historic newspapers from Stanford Glass, Chicago	(2)
Car emergency kit from Michelin Tire	(2)
Vase from Cultural Festival of India	(2)
Gift Certificate from Senate staff	100.00
Sand from Carbondale Ready Mix	(2)
Tablecloth from Ben Limjoco	(2)
Baltimore Oriole tickets from Tom Korologos	44.00
Flags from Korean War Veterans Memorial Board	(2)
Scarf from Myron and Pat Cherry	(2)
Quincy Jones record and book from Time Warner, Inc.	(2)
Grocery samples from R.J.R. Nabisco	(2)
Telephone/clock/radio from United Transportation Union	(2)
Metropolitan opera tickets (2) from Metropolitan Opera	202.00
Quilt from Dawn Mellott	(2)
Civil War tapes from Ken Burns (approximate)	180.00

[1] Sold two shares Paramount Communications. Purchased 6-11-75. Cost of shares $92.00. Sold, 11-1-90 for $74.50.

[2] Value unknown.●

THE DISPOSAL OF IRAQI CHEMICAL WEAPONS

● Mr. AKAKA. Mr. President, last September I introduced legislation prohibiting future shipments of chemical munitions to Johnston Island. Johnston is our Nation's first chemical munitions disposal site, and under my measure, it was limited to destroying only those weapons previously stored on the island, obsolete World War II weapons found in the Pacific, and weapons shipped from Germany under the European Retrograde Program.

The decision to ship United States chemical weapons from Germany to Johnston raised many deep concerns among those in Hawaii and with our neighbors in the Pacific. I shared their concerns and worked to ensure that the Pacific did not become the world's chemical dumping ground. My proposal, supported by the senior Senator from Hawaii, was included in the fiscal year 1991 Defense appropriations bill.

The enactment of this provision calmed the waters in the Pacific. However, once again, a specter has risen that threatens its tranquility. Under the cease-fire agreement proposed by the United Nations, Iraq is required to destroy all of its chemical and biological weapons. The U.N. Security Council established a special commission to address this destruction, but did not specify how this task was to be accomplished and what, if any, role the United States would play.

My legislation provided the President with the authority to suspend the prohibition in the event the United States engaged in a war. Some feared that the conflict in the Middle East would allow the President to ship Iraq's chemical weapons to Johnston. I want to assure the people of Hawaii and the Pacific that the President no longer has this authority.

I have asked the Congressional Research Service for their interpretation of the law and have received the following response:

> Given the conclusion of actual hostilities in the Gulf conflict, that construction would mean that the condition precedent to the existence of the President's authority to waive the restriction set in section 8017(a) no longer is met. As a consequence, the waiver authority would not currently be available.

Mr. President, the Pacific is doing its fair share in meeting its moral responsibility to destroy chemical munitions. We should not become the world's chemical dump because others will not share in this responsibility. I will continue to work with my esteemed colleague and senior Senator to safeguard the people and the environment of the Pacific.●

HONORING STEVENS POINT SMALL BUSINESS DEVELOPMENT CENTER AND THE WORTH CO.

● Mr. KASTEN. Mr. President, the small businesses of Wisconsin are the powerhouse of our State's economic growth. Over 62 percent of the new jobs created are directly attributable to these small businesses—ventures on the cutting edge of society, creating the products and services the American people desire.

I recently had the privilege of touring a number of successful small businesses in Wisconsin that have been assisted by Small Business Development Centers [SBDC's]. SBDC's are excellent incubators of small business growth.

On April 4, I visited the Worth Co. of Eau Claire, WI—a family-owned firm that produces fishing lure components, marine and boating products. the Worth Co. has created a lucrative niche for itself in a very competitive business.

The success of the Worth Co. is in large part due to the hard work of chairman of the board Bob Worth and president and CEO David Worth. Both Worth himself has been a great supporter of SBDC's. He helped found the SBDC Program in Wisconsin and fought to keep the Stevens Point Center open when its funding was threatened several years ago.

At a time when some are proposing drastic cuts in the Federal budget for SBDC's, it is important to note the support of successful entrepreneurs like the Worths for the program. I must also point out the hard work and dedication of Stevens Point SBDC Director Mark Stover.

Mr. President, let us keep this system of small business incubators alive—by supporting full funding for SBDC's.●

SMITHTOWN HIGH SCHOOL STATE WINNER OF NATIONAL BICENTENNIAL COMPETITION

● Mr. D'AMATO. Mr. President, it is my distinct pleasure to announce that Smithtown High School East is the New York State winner of the We the People * * * National Bicentennial Competition on the Constitution and Bill of Rights.

The National Bicentennial Competition is an outstanding education program developed by the Center for Civic Education, and cosponsored by the Commission on the Bicentennial of the U.S. Constitution. This program provides high school students with a course of instruction on the development of our Constitution and the basic principles of constitutional democracy. In both the instructional and competitive segments of the program, students work together cooperatively to deepen their understanding of the American constitutional system.

I would like to commend Mr. Robert Feeney, who is responsible for supervising and implementing the National Bicentennial Competition in my congressional district. Also deserving of recognition is the State coordinator, Mr. Michael Fischer, who is responsible for the administraton of the program at the State level.

I want to especially congratulate the teacher, Mr. Alan McKeeman, who did a superb job of preparing the class for the competition and devoted considerable time and effort to making these students constitutional scholars. The names of the winning class from Smithtown High School East are: Lorraine Adam, Heather Anderson, Andrea Bertone, Victor Chiu, Rocco Debonis, Leza DiBella, Kelly Diffily, Daniel Edelbaum, Jonathan Fields, Sean Flynn, Robert Gabriele, Paul Gadue, Kevin Gleason, Melinda Hough, Tamarra Matthews, Nicole McGraime, James Nyberg, Jeffrey Pettit, Jocelyn Pletz, David Podwall, Hiraku Shimoda, Kimberly Smith, and Stephen Smith.

This class will now go on to compete in the national finals to be held April 27–29, 1991, in Washington, DC. Competing teams will be judged on the basis of their understanding of the Constitution and their ability to apply constitutional principles to historical and contemporary issues.

Mr. President, the instructional materials developed by the Center for Civic Education which prepare students for the competition are being used in every congressional district in the Nation. While the competitive part of the program advances winning teams at various levels, the benefits of this excellent educational project are extended to all students who participate. In this respect, all the students are winners, because they gain valuable civic and intellectual skills enabling them to make informed and reasoned political decisions in today's society.

I am proud to congratulate these fine students on their victory. I wish them the best of luck in the final competition.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327 billion.

Note that while the President has signed legislation since the previous current level report, its effect was previously reflected in that current level report.

The report follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, April 23, 1991.

Hon. Jim Sasser,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through April 19, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101-508). This report is submitted under Section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 11, 1991, the President has signed H.R. 1281, Dire Emergency Supplemental Appropriations for 1991 (P.L. 102-27); H.R. 1282. Operation Desert Shield/Desert Storm Appropriations for 1991 (P.L. 102-28); S. 725, Persian Gulf Conflict Supplemental Authorization (P.L. 102-25); and H.R. 1285, Higher Education Technical Amendments (P.L. 102-26). These actions did not increase the current level estimates of budget authority, outlays or revenues.

Sincerely,
Robert D. Reischauer,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS. AS OF APR. 19, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues:			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−.4
Direct loan obligations	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,341.4	−803.6
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	....
1991–95	1,284.4	1,284.4	....
Social Security revenues:			
1991	303.1	303.1	....
1991–95	1,736.3	1,736.3	....

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS. SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS APR. 19, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues	....	....	834,910
Permanent appropriations and trust funds	725,105	633,016	....
Other legislation	664,057	676,371	....
Offsetting receipts	−210,616	−210,616	....
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS Deadline for Desert Storm Troops (H.R. 4, P.L. 102–2)	....	....	−1
Veterans' education, employment and training amendments (H.R. 180, P.L. 102–16)	2	2	....
Dire emergency supplemental appropriations for 1991 (H.R. 1281, P.L. 102–27)	3,823	1,401	....
Higher education technical amendments (H.R. 1285, P.L. 102–26)	3	3	....
Total enacted this session	3,828	1,406	−1
III. Continuing resolution authority	....	....	....
IV. Conference agreements ratified by both Houses	....	....	....
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	....
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,802	1,132,016	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution	....	....	....
Under budget resolution	413	380	1

Note.—Numbers may not add due to rounding.•

SENATOR MOYNIHAN'S PROPOSAL TO REDUCE THE PAYROLL TAX

Mr. SIMPSON. Mr. President, my remarks in morning business are directed at the proposal of Senator Moynihan. I do want to commend him. He is a remarkable Member of this body. He is the person that helped salvage the Social Security reform in 1982. Without him it would not have been done. He was the linchpin in that. That is why the irony here is somewhat surprising to me because I think that even though I have this great personal admiration for him—he has been a great counselor, and a friend of mine in my time in the U.S. Senate—I am speaking in opposition to this proposal to reduce the payroll tax.

This idea is so very attractive. What tax cut is not, especially one which can be touted, as this one has, as relieving the tax burden on millions and millions of working Americans? That is a very powerful phrase, powerfully presented by the most articulate Senator from New York. He does it magnificently.

But, attractive though it may be, I believe that almost every effect of that payroll tax cut is detrimental. In the first place, we have the history of the Social Security system itself. At one time it was pay-as-you-go. That is what it was. That resulted in a near bankruptcy of the system which had to be completely overhauled in 1982 as a result, and the senior Senator from New York was the major architect of that recovery.

There is a particular aspect of this whole situation which I think has to be mentioned. This is unavoidable. You cannot avoid this fact—that millions upon millions of retirees are going to be seeking to collect their benefits from the Social Security system in the early 21st century. Surely every one of us knows that. All of us know that. That means the benefits authorized those individuals are going to have to be paid regardless of any action which we take today or any other day.

I hope we all understand that. These benefits are not subject to an appropriation. We cannot decrease those benefits by some discretionary spending decision down the road. So calling this a tax cut is in every sense a misnomer, whether today or tomorrow, because we cannot avoid collecting the necessary payroll taxes to mete out those benefits, to pay our citizens who have always thought of this Social Security system as their pension. It is not a pension. It is not actuarially sound as a pension. It was an income supplement by Franklin Delano Roosevelt in a Democrat Congress. And it was very important to America at the time.

That is the rub, because this bill in its reduction of the payroll tax to 5.2 percent today will gradually increase the tax to 8.1 percent somewhere along the way after that.

Believe me, that is the very least it would do. I have received estimates that the long-range positive balance of the OASDI Program over the next 75 years—that is the old-age survivors disability insurance program—over the next 75 years would be 0.02 percent.

I am not an economist. I leave that arcane science to others. But I know that 0.02 percent is not much of a margin for error. Tax increases larger than what is called for here in this bill could therefore be highly likely.

The question here is not whether to leave this tax burden on the American taxpayer. That is unavoidable. Please hear that. Rather, it is which taxpayers to place it on. Either we do as we should under current law, and have the money paid in today by those who will be collecting it tomorrow, or we leave that burden to be borne by the taxpayers of tomorrow who, being fewer in number relative to the number of collectors, will each have to carry a far heavier burden than anyone carries today.

I cannot see how the American public can be duped in that way, and in a sense they are because the facts are unrefuted—that there were 16 people paying into this system in 1950 and 1 taking out and today there are 3.2 people paying into the system and 1 taking out. And in the year 2020, there will be 2 people paying in and 1 taking out.

I have seen the charts. I have been enamored at the debate. It shows what happens to its reserves. But nobody tells you what happens after the year 2030. After 2030 or in the year 2035, this whole system is headed for the bow out. It cannot miss because it cannot work. The reserves are going to go up.

I hope we will retain the reserve. That is why I am resisting my good friend's amendment. Those reserves could get to $2 trillion or $3 trillion. If they do get to that level it will give politicians what they need to do their work. It will give them cover. It will enable them to then go to work and do something with the system to make it work in the future. Right now we do not have the courage to do that; the political will, or the courage to do that. Who wants to touch that?

But when the great overhang of reserves is there in the year 2020, then let us do the work, because in the year 2030 or 2035, depending on which scenario you pick, the Social Security system will be in dramatic drawdown, and no one has ever said any different. No one. So there we are.

Are we going to put them on the taxpayers of tomorrow or are we going to put them on those today?

This is a relief on the taxpayers today, and it puts a heavier burden on those tomorrow. You pick your own tomorrow.

That does not strike me as fair or right or thoughtful.

According to the AARP—that is a group I have strongly disagreed with from time to time in the past—the average worker born in 1955 would receive a $6,000 tax cut over his or her life and the average worker born in 1995 would pay more than $19,000 higher taxes. This is in 1991 dollars.

Then under current law, we save some on the dollar today to charge $3 to their offspring tomorrow; really sock it to them, down the road. Not here, not now, because we are doing this one for the working guys now. The working guys in the year 2020 will have to pull up their socks and run for blocks to get out from under the deluge of what this is going to do for them.

We have done enough of that in America in Congress. That is effectively what we have done by creating a huge Federal deficit, a deficit which I remind my colleagues was created by the Congress, not by the President. He never got a vote on that; not so. He presented a budget. We did all the dirty work. Sometimes Republicans were in control, and sometimes the Democrats. That is the way that works. I know that is an appalling argument. Boulders will fall down from the gallery with regard to that, but you can show me where the President gets a vote, and then we will put it on him and stick it to him.

So by refusing to pay our way today, we have forced on our future heirs this issue, to be paid for with interest tomorrow. Again, according to the AARP, "Converting Social Security to a pay-as-you-go financing scheme would drain roughly $24 billion from the trust fund in 1992 and $170 billion by the end of 1996."

That is more debt, more borrowing by the Federal Government, meaning less credit, slower economic growth, and all of the other evils that ensue from debt. Thus, not only do we force our descendents to pay payroll taxes far in excess of anything which we would consider bearing today—and that is why we are doing this, apparently—this added debt would only add other conditions which would make meeting that debt payment ever more difficult, including a real slowdown in the growth of the economy. Any everyone tells us that a stable economy is necessary to enable us to extricate ourselves from these deficit woes. That is what we are always told on both sides of the aisle.

So I guess I conclude in saying that if we want to do a measure which says simply and colloquially, and in the vernacular of the people of America, keep your pinkies off the fund, and do not use it to fund your cockamamy ideas. I am ready to do that, if that is what they want to do.

But that is not what this is. This is not keep your hands off the Social Security and get out of the till, because you are using it and diverting it, and we are tired of it. We stopped ourselves from doing that several years ago. We made the big dipper move one night. It lasted about a day. The people went bananas, and we corrected it. That is not what this is about. I think it is very important to keep that in mind.

In sum, I see no palpable reason whatever why we can afford to take this step to reduce payroll taxes the way this amendment would require. It would do three swift things: Move the retirement obligations from the shoulders of those who will collect them onto others tomorrow who will be ever less able to meet them; it will increase the real deficits, the money the Government must borrow in order to function. It is not my idea that the Social Security reserve should be invested in Treasury securities, but that is the law. It will also slow the growth of our economy.

Well, I will conclude that no one argues—or I have not heard this argument—or has produced any figures which suggest that such a tax cut would increase savings, or spur growth, or produce any other desirable effect. I do not know what it is. It merely transfers a tax burden from one group of taxpayers to another group, after magnifying that burden more than three times, all in the name of some misguided and, I think, misnamed notion of fairness or political activity, or doing something for the working man, or the rich versus the poor, or whatever you wish to do with it. Under those circumstances, I hope that we will reject the amendment.

I yield the floor.

AUTHORITY FOR SENATE COMMITTEES TO FILE CALENDAR BUSINESS ON THURSDAY, MAY 2, FROM 11 A.M. TO 2 P.M.

Mr. SASSER. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate, that Senate committees may file reported Legislative and Executive Calendar business on Thursday, May 2, from 11 a.m. to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 45, Melissa Foelsch Wells, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zaire.

Calendar No. 79, Raymond G.H. Seitz, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland; and all nominations placed on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The nominations, considered and confirmed en bloc, are as follows:

DEPARTMENT OF STATE

Melissa Foelsch Wells, of Connecticut, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zaire.

Raymond George Hardenbergh Seitz, of Texas, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning William John Connolly, and ending Frederick A. Mecke, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 1991.

STATEMENT ON THE NOMINATION OF RAYMOND SEITZ

Mr. BIDEN. Mr. President, I am delighted that the Senate today confirmed Raymond G.H. Seitz as United States Ambassador to the United Kingdom of Great Britain and Northern Ireland.

I have had the pleasure over the past 18 months of working closely with Ambassador Seitz in his capacity as Assistant Secretary of State for European and Canadian Affairs. He held that post during one of the most exciting periods in postwar European history and, moreover, played a key role in many events that defined the period. Most notably, Ambassador Seitz was absolutely central to the planning and negotiating that led to the unification of Germany last October.

Ray Seitz is one of the finest State Department officials I have worked with, bringing to his job a quiet authority and sensitivity to delicate issues that have served and will continue to serve this Nation well.

President Bush recognized Ambassador Seitz's great abilities in selecting him for the prestigious post of Ambassador to the Court of St. James's. Perhaps the finest tribute to Ray Seitz, however, is that he will be the first career foreign service officer in modern history to assume that august post in London; his predecessors for decades were all political appointees.

Lastly, and critically, Delaware blood flows in this Ambassador's veins. Ray Seitz attended grade school in Delaware and still has many relatives there. They, along with this Senator, comprise a Ray Seitz fan club which is delighted to see one of our own succeed so well. Delaware is very proud today of its adopted son.

I wish the Ambassador all the best as he assumes his new duties in London.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPRECIATION OF THE BENEFIT BROUGHT TO THE NATION BY AMTRAK

Mr. SASSER. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of Senate Joint Resolution 98, a joint resolution to express appreciation for the benefit brought to the Nation by Amtrak, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 98) to express appreciation for benefit brought to the Nation by Amtrak during its 20 years of existence.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. EXON. Mr. President, I rise today to urge my colleagues to support Senate Joint Resolution 98, commemorating the 20th anniversary of the operation of Amtrak's first train. On October 30, 1970, Congress enacted the Rail Passenger Service Act in an attempt to salvage the Nation's rail passenger system. Now, nearly 20 years later, the wisdom and vision reflected in passage of the act is demonstrated daily as thousands of travelers board Amtrak trains across the country.

While many were skeptical 20 years ago that Amtrak could or would succeed, there were those in this body who believed that it had to succeed for the good of the Nation. Congress recognized that rail passenger service had an important role to play in the Nation's transportation system—both in urban areas and as a link to rural America. As an energy efficient and environmentally preferable alternative to highway and airport congestion, its role was a unique one.

The convictions of this Congress proved well founded. While the new rail passenger corporation struggled with antiquated equipment, a decentralized and fragmented rail network, and a skeptical industry, the public responded with their wallets at the ticket windows. The downtrend in rail passenger ridership reversed itself overnight and Amtrak set its sights on expansion and improvement.

It was not easy for Amtrak in the first decade as they fought breakdowns for lack of parts, and struggled to instill a sense of professionalism and optimism in a work force that had been demoralized by years of neglect of the passenger train business.

Amtrak's success in the face of those early challenges has exceeded the expectations of even their most ardent supporters. Its on time performance today rivals that of the airline industry. Rolling stock, though still in short supply, is well maintained and in many cases state of the art. Earlier this week, Amtrak signed a contract with Bombardier Corp. to purchase 140 new doubled-decked, long-distance Superliner cars—the first new long-distance cars to be delivered since 1982. The contract also includes an option to purchase 39 additional cars. Amtrak currently has 282 Superliners, however the demand for reservations on these popular long-distance trains, particularly in sleeping cars, constantly outstrips the available space and Amtrak must regularly turn passengers away.

In the area of track and track maintenance, Amtrak's capabilities are unparalleled, and its modern computer reservations and ticketing system is serving as the model for the development of new systems around the world.

No rail passenger system in the world covers a higher percentage of its costs from non-Federal sources than Amtrak, and it has announced that it intends to become the first passenger railroad in the modern age to operate without Federal operating support by the year 2000.

Indeed, an announcement that would have seemed absurdly unrealistic under another CEO suddenly strikes anyone who knows Amtrak's President and Chairman, W. Graham Claytor, Jr., as deadly serious. His organization has made it clear that he is not content merely keeping the status quo in today's transportation environment. Amtrak wants to be able to meet the call for new service and expanded service, where it makes good business sense.

Amtrak is an important part of our nationwide transportation system. Amtrak serves my home State of Nebraska with stops in Omaha, Lincoln, Hastings, Holdredge, and McCook. Amtrak has also become the Nation's largest rail commuter operator and is expanding its leadership role in that field.

I believe Amtrak has a very bright future, and I further believe that the Nation will be better for it. Mr. President, I urge my colleagues to support passage of this commemoration of 20 years of service.

The PRESIDING OFFICER. Without objection, the joint resolution is deemed read a third time and passed and the preamble is agreed to.

The joint resolution (S.J. Res. 98), with its preamble, is as follows:

S.J. RES. 98

Whereas May 1, 1991, will mark the twentieth anniversary of the commencement of intercity rail passenger service by the National Railroad Passenger Corporation, better known as Amtrak;

Whereas Amtrak has dramatically improved both the quality and the economics of rail passenger service in the past twenty years and provides a marketable and highly desired national transportation service, with over two hundred and twenty trains each day operating over twenty-four thousand track miles through forty-four States;

Whereas Amtrak carries passengers more miles and longer distances than carried by all the passenger railroads in 1970 prior to the establishment of Amtrak, provides transportation to nearly twenty-two million intercity and eighteen million commuter passengers each year, and serves as a vital national transportation link to rural America, which increasingly is losing other modes of public transportation;

Whereas Amtrak employs nearly twenty-four thousand railroad employees, who cumulatively earn over $1,000,000,000 in annual taxable income, and procures over $350,000,000 in goods and services from domestic companies across the country;

Whereas the country is witnessing a remarkable resurgence in support for a national rail passenger system, reflected by trains that frequently are sold out far in advance of departure and by increasing demands across the country for additional Amtrak service;

Whereas Amtrak is now covering over 80 percent of its operating costs without Federal support compared to just 50 percent in 1981, and is committed to covering 100 percent of its operating costs by the year 2000;

Whereas rail passenger service increasingly is recognized as a critical element of a balanced national transportation system and as an energy efficient, environmentally benign alternative to growing highway and airport congestion;

Whereas Congress has repeatedly been required to preserve funding for a national rail passenger system in the face of proposals to eliminate Federal assistance for Amtrak, and is proud of the success Amtrak has achieved in providing increasingly better service at less cost to the Federal taxpayer; and

Whereas Amtrak has a critical role to play in the future of the Nation's surface transportation system, as the operator of both conventional and high-speed rail systems, new systems based on magnetic levitation, and contract commuter rail systems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the creation of Amtrak has the important effect of preserving a national rail passenger system and of providing Americans with an energy efficient, environmentally preferable transportation alternative, and that the need for a balanced national transportation system in this country dictates that Federal and State transportation planners consider the many advantages of improved rail passenger service as they look to addressing national and regional transportation concerns.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE WORLD CLIMATE CONVENTION OBSERVER GROUP

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 110, which is now at the desk.

The PRESIDING OFFICER (Mr. BRYAN). The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 110) to establish a Senate World Climate Convention Observer Group.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The resolution (S. Res. 110) is as follows:

S. RES. 110

Resolved,

SHORT TITLE

SECTION 1. This resolution may be referred to as the "World Climate Convention Observer Group Resolution."

SEC. 2. (a) There is established a bipartisan group of Senators to be known as the Senate World Climate Convention Observer Group (hereinafter in this resolution referred to as the "Observer Group"), which shall consist of thirteen Senators as follows:

(1) The majority leader and minority leader of the Senate, each serving ex officio; and

(2) Eleven Senators appointed as follows:

(A) six Senators appointed by the majority leader from among the members of the majority party.

(B) five Senators appointed by the minority leader from among the Members of the minority party.

(b)(1) The chairman of the Observer Group shall be designated by the majority leader from among the individuals recommended for appointment under subsection (a)(2)(A).

(2) The cochairman of the Observer Group shall be designated by the minority leader from among the individuals recommended for appointment under subsection (a)(2)(B).

(c) Any vacancy occurring in the membership of the Observer Group shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 3. The duties of the Observer Group shall be to monitor the World Climate Convention process.

SEC. 4. (a)(1) All foreign travel of the Observer Group shall be authorized jointly by the majority and minority leaders, upon the recommendation of both the chairman and cochairman of the Observer Group.

(2) In the event that either the majority leader or minority leader of the Senate does not travel on an official trip of the Observer Group, then that leader may designate one other Senator of his party who is not a member of the Observer Group to travel and participate in the activities of the Observer Group in his stead.

TERMINATION DATE

SEC. 5. The provisions of this resolution shall terminate upon the adjournment sine die of the First Session of the One Hundred Second Congress.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. SASSER. Mr. President, on behalf of the majority leader and on behalf of the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on representation by the Senate legal counsel and authorization for testimony by a former employee and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 111) to direct the Senate legal counsel to represent a former employee in the case of United States v. Byron T. Brown, et al. and to authorize testimony and production of documents.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the U.S. attorney for the district of Arizona has filed an indictment charging that an individual named Byron T. Brown participated in a money-laundering conspiracy in violation of Federal law. The indictment relates to allegations of bribery in connection with the sale of land to the Navajo Nation, which were a subject of investigation by the Special Committee on Investigations of the Senate Select Committee on Indian Affairs during the 100th and 101st Congresses. Mr. Brown was a witness before the special committee and testified under a grant of use immunity.

Both the U.S. attorney and the counsel for the defendant in this case have requested the Senate to authorize Kenneth Ballen, formerly chief counsel of the special committee and now an employee of the House of Representatives, to testify at a pretrial hearing about his communications with the parties concerning the grant of use immunity to Mr. Brown. Mr. Ballen's communications with the parties also may relate to issues before the court concerning the Government's agreement not to prosecute Mr. Brown for alleged offenses about which he provided information to the committee and the Government.

When the interests of justice so require, the Senate acts to authorize its employees and former employees to provide information acquired in the course of their Senate duties in court. Such authorization is appropriate in cases like this, where the Senate's grant of use immunity may affect a criminal prosecution. Accordingly, this resolution would authorize the former chief counsel to testify in this case.

The resolution also authorizes the Senate legal counsel to represent Mr. Ballen in connection with his testimony in this case in order to protect the privileges of the Senate. Importantly, counsel would communicate to the court, if necessary, the limited nature of this authorization, which is intended to permit examination only in the specific area requested by the parties; namely, communications between the parties and the committee, rather than to authorize an inquiry into the committee's internal investigative activities and decisions.

Finally, the resolution authorizes the committee's production of documents to the U.S. attorney.

The PRESIDING OFFICER. Without objection, the resolution is agreed to and the preamble is agreed to.

The resolution (S. Res. 111), with its preamble, is as follows:

S. Res. 111

Whereas in the case United States v. Byron T. Brown, et al., Cr. No. 90-353, pending in the United States District Court for the District of Arizona, the United States Attorney and the defendant have requested testimony from Kenneth Ballen, former chief counsel of the Special Committee on Investigations of the Senate Select Committee on Indian Affairs;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent committees, Members, officers, and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That the former chief counsel of the Special Committee on Investigations of the Senate Select Committee on Indian Affairs, Kenneth Ballen, is authorized to provide testimony in the case of United States v. Byron T. Brown, et al., Cr. No. 90-353 (D. Ariz.), except concerning matters for which a privilege should be asserted.

Sec. 2. That the production of documents by the Special Committee on Investigations of the Senate Select Committee on Indian Affairs is authorized.

Sec. 3. That the Senate Legal Counsel is directed to represent Kenneth Ballen in the case of United States v. Byron T. Brown, et al., Cr. No. 90-353 (D. Ariz.).

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:20 a.m., Wednesday, April 24; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:35 a.m., with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:20 A.M.

Mr. SASSER. Mr. President, if there is no further business to come before the Senate today, and if the acting Republican leader has no further business, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 9:20 a.m. Wednesday, April 24.

Mr. SIMPSON. Mr. President, I have no objection to that. I do thank the senior Senator from Tennessee for allowing me to proceed in morning business not taking time from the resolution, and I appreciate his courtesy.

There being no objection, the Senate, at 7:09 p.m., recessed until Wednesday, April 24, 1991, at 9:20 a.m.

NOMINATIONS

Executive nominations received by the Senate, April 23, 1991:

DEPARTMENT OF STATE

WILLIAM HARRISON COURTNEY, OF WEST VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. COMMISSIONER FOR THE BILATERAL CONSULTATIVE COMMISSION AND THE JOINT CONSULTATIVE COMMISSION ESTABLISHED BY THE THRESHOLD TEST BAN TREATY [TTBT] AND THE PEACEFUL NUCLEAR EXPLOSIONS TREATY [PNET].

EXPORT-IMPORT BANK OF THE UNITED STATES

CONSTANCE BASTINE HARRIMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 1995, VICE RICHARD C. HOUSEWORTH, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

JOHN A. HAMMERSCHMIDT, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1995, VICE JAMES EUGENE BURNETT, JR., TERM EXPIRED.

NUCLEAR REGULATORY COMMISSION

IVAN SELIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 1996, VICE KENNETH M. CARR, TERM EXPIRING.

DEPARTMENT OF JUSTICE

DONALD R. BROOKSHIER, OF ILLINOIS, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS.

JOHN H. ROBINSON, OF NEVADA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF 4 YEARS, VICE DENNY L. SAMPSON, RETIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, HEADQUARTERS, U.S. MARINE CORPS, AND APPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5043:

TO BE COMMANDANT OF THE MARINE CORPS

To be general

LT. GEN. CARL E. MUNDY, JR. [redacted] USMC.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. THOMAS J. HICKEY [redacted] U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. PETER M. HEKMAN, JR., U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. RICHARD C. MACKE, U.S. NAVY [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

ROBERT DAVID ABEL
JAMES P. ADAMS
MARK K. ADRICK
DAVID J. ALAND
FREDERICK D. ALLARD, JR
BRADLEY K. ALLEN
DOUGLAS JAMES ALLEN
GREGORY J. ALLEN
ROBERT WILLIAM ANDERSEN
DONALD WILLIAM ANDERSON
ROBERT WILLIAM ANDERSON, II
WILHELM FREDRICH ANDERSON
R. A. ARELLANO
WILLIAM RAY ARGUELLO
THOMAS JOHN ARMINIO
DAVID MICHAEL ARMITAGE
PETER A. ARMSTRONG
DANIEL LLOYD ARNOLD
STEVEN P. ARTZER
JEFFREY SHEARS ASHBY
MARK M. ATKISSON
CRAIG KERMIT AUSTAD
ROBIN MARIE BABB
JOHN T. BADER
DENNIS ROBERT BAER
RANDAL LEE BAHR
DUANE MARTIN BAKER, JR
ERIC JOSEPH BALTRUSH
ROBERT DONEL BARBAREE, JR
EDWARD M. BARBER
JAMES ROBERT BARNETT
CLAUDE E. BARRON
GEORGE F. BARTON
DANIEL S. BEACH
DAVID CLYDE BEAM
MICHAEL C. BECK
GERARD LEE BECKER
THOMAS JOSEPH BEHRLE
JOHN S. BENNETT
THOMAS CHARLES BENNETT
JAMES CHRISTOPHER BISCHOFF
DAVID NAPIER BLAKE
JAMES A. BLASKO
DOUGLAS A. BLOCK
SUSAN J. BLUNT
BROOKS OWEN BOATWRIGHT, JR
EDWARD ALLEN BOHM
DONALD J. BOLAND
RALPH BARTLETT BOLGER
STEVEN RAY BOSTWICK
ERIKA ARLENE BOWLES
JAMES B. BOWLING, JR
STEPHEN A. BOYCE
ROBERT KEITH BOYD
FREDERICK P. BRACKETT, JR
STEPHEN CRAIG BRADLEY
LELAND HENRY BRADSHAW
JOHN JOSEPH BRANSON
MARTIN P. BRICKER
RONALD WAVERLY BRINKLEY
DAVID F. BRITT
FORREST E. BROOKS, III
GUY ARTHUR BRUBAKER
HENRY H. BRUS
JAMES THEODORE BRYSON
FRANK MARTIN BUERGER
BRUCE T. BURKETT
JOHANNA KATHARINE BURTON
JOHN C. BURTON
KIM VINCENT BUTLER
JAMES MICHAEL BUYSKE
JAMES C. BYER
GREGORY L. BYRD
CHRIS C. CAIN
NATHANIEL FRENCH CALDWELL
JOSEPH D. CAMACHO
MICHAEL CAPPONI
JAMES J. CARDOSI
WILLIAM HOWARD CAREY
SHARON L. CARRASCO
GARY E. CARTER
WILLIAM K. CARVER
WILLIAM HENRY CHEATHAM
EDWARD ALBER CHRISTOFFERSON
JAMES LONIAL CLARK
THOMAS WEIR CLARKE, JR
GUY B. COFIELD
WILLIAM WAYNE COLLIER
DAVID LIONEL COMIS
FREDERICK R. CONNIFF
STEPHEN L. CONNORS
DONALD PAUL COOK
THOMAS PHILLIP COOK
DAVID R. COOPER
DOUGLAS GORDON COOPER
GREGORY H. COOPER
GREGORY CORNISH
JOSE R. CORPUS
JAMES D. COULSON
DWIGHT LEE COUSINS
JEFFREY B. CRANE
LAWRENCE LAWSON CRAWFORD, JR
MARTHA LOUISE CRENSHAW
WILLIAM JOHN CULBERTSON
RICHARD CURRENT
PETER H. DALY
WILLIAM T. DAMICO
THOMAS RAYMOND DANIEL, JR
WILLIAM DWIGHT DANIELS
GEORGE D. DAVIS, III
LEGARE MCMAHAN DAVIS
DEBORAH ANN DEACON
JOHN JOSEPH DECAVAGE
PETER FRED DELLAVEDOVA
DAVID RAYMOND DEMMING
JOHN WILLIAM DENEALE
WILLIAM E. DEWES
EMMITT DAVIS DICKENS
GEORGE BYERS DOM
HENRY EWING DOSKER, JR
DERYL RAY DOWELL
TERRENCE M. DOYLE
FRANCIS KENNETH DROGOWSKI
ROBERT E. DROPPA
MARY ANN DUFF
CHRISTINE NMN EDWARDS
GLENN D. ELLIOTT
RONALD NORWOOD ELLIOTT
MARTIN R. ELSKEN
ELIZABETH ANN EMERSON
GLEN F. ERICSON
JUDD RYAN ESCHLIMAN
DANIEL NICHOLAS ESPOSITO
MICHELE LYNN FALKENAU
CHRISTOPHER E. FEENEY
MARK EDWARD FERGUSON, III
IAN PATRICK FETTERMAN
LINDA DAVIS FISHER
WILLIAM C. FITZGERALD
CHARLES ARTHUR FLEISCHMAN
DENNIS RAYMOND FLYNN
FRANCIS SEAN FOGARTY
DAVID J. FONTAINE
RANDALL JAMES FRANCIOSE
RICHARD F. FRANK
JACK EUGENE FRAZIER
DAVID LEE FREDERICK
THOMAS J. FREY
MICHAEL S. FRICK
STEVEN PETER FRISK
PETER J. FROTHINGHAM
DEBORAH BRANSON FRUMP
GEORGE FULLERTON
JOHN DALE FURNESS
GARY LEON GABRIEL
DIRK M. GALLAGHER
ALBERT J. GALLARDO, JR
WILLIAM PAUL GARLAND
LOUIS JAMES GEANULEAS
GEORGE FRANK GHIO, JR
JAMES RILEY GILBERT, II
JULIA FUTRELL GILBERT
MICHAEL LEE GILLIES
ROBERT J. GILMAN
EDWARD JAMES GILMORE
BRAD THOMAS GOETSCH
HENRY GONZALES, JR
CATHY LYNN GOOD
WILLIAM EVANS GORTNEY
DALE R. GOVAN
KENNETH A. GRABER
BRUCE ALAN GRAHAM
THOMAS RAYMOND GRANT
BRENDAN LAURENCE GRAY
FRANCIS JOHN GRECO
MICHAEL JESSE GREEN
CARTER MASON GREENWOOD
JAMES H. GREUNKE
GARY LYLE GRICE
GREG R. GULLETTE
MARK ROBERT GUTTENBERGER
EDWARD JOHN HAFNER
TERANCE E. HAID
DENNIS HAINES
JOSEPH BARRY HALL
JAMES DALE HANKINS, JR
TIMOTHY R. HANLEY
SEAN KEVIN HANRAHAN
MICHAEL PAUL HANSELL
DANIEL L. HANSEN
ROBERT CARL HANSEN, JR
CHRISTOPHER LEE HANSON
JAMES D. HARTIGAN
RICHARD W. HARTMAN, II
RICHARD NMN HASCUP
DAVID MICHAEL HASSETT
HAROLD G. HATCH, JR
THOMAS ARTHUR HAWKINS
RICHARD W. HEATHCOTE
MICHAEL GEORGE HEGLAND
THOMAS A. HEJL
GRETCHEN ANN HELWEG
RONALD HOLSTEI HENDERSON, JR
GORDON E. HENDRICH
LEON M. HENRY
ZACHARY A. HENRY
DONALD EDWARD HEPFER, II
LEENDERT R. HERING
KEITH G. HIGHFILL
ELIZABETH ANN HIGHT
JOYCE ANN HILL
MARK JOSEPH HIMLER
WILLIAM G. HIRKO
ALBERT HOCHEVAR
JOHN STEPHEN HOEFEL
THEODORE JAMES HOFFMAN
RICHARD T. HOLDCROFT
GARY MICHAEL HOLST
D. A. HOUSEHOLDER
DOUGLAS LYLE HOVLAND
MICHAEL R. HOWARD
STEPHEN RAYMOND HOWARD
MICHAEL L. HOYT
JOHN ALBERT HUCHOWSKI
PAUL JOSEPH C. HULLEY
JOHN DOBSON INGERSOLL
MARVEL TYRONE JACKSON
WILLIAM EDWARD JACKSON
CHARLES JAMISON
THOR K. JENSEN
DAVID FRANKLIN JOHNSON
DOUGLAS PAUL JOHNSON
MELLONISE JOHNSON
STEPHEN ELLIOT JOHNSON
GRIFFITH G. JONES
STEPHEN ROBERT JONES
STEVE VERNON JONES
STEVEN E. JONES
DAVID MICHAEL KASUN
MICHAEL A. KAUFMAN
THOMAS FRANCIS KEELEY
WILLIAM MICHAEL KEENEY
JERRY WAYNE KEESEE
STEPHEN W. KEITH
JAMES P. KELLY
BRIAN A. KELMAR
MARK W. KENNY
JOSEPH DEVEREUX KERNAN
DONALD FRANCIS KERRIGAN, JR
ANTHONY LEE KIGGINS
RICHARD V. KIKLA
JOSEPH F. KILKENNY
SPENCER HOWARD KING
STEPHEN STARR KING
GARY DAVID KLINK
THOMAS GERARD KOELZER
GARY STEFFEN KOLLMORGEN
MICHAEL J. KONKEL
KEITH F. KOON
JOSEPH KOVALCHIK
DONNA KAY LACKMAN
VINCENT EUGENE LAMBERT
LAWRENCE LEROY LANDIN
DAVID BRUCE LANE
KATHERINE SELBY LANES
CRAIG E. LANGMAN
EDWARD CHANG LAPATING
JOHN KAYLOR LARSH, II
CATHERINE ANNE LEAHEY
JILL ALISON LEARN
LEO ARTHUR LEDUC, JR
DIANE CATHLEEN LEE
PETER MATTHEW LEENHOUTS
MICHAEL ANTHONY LEMIEUX
THOMAS EDWARD LINDNER
DEBORAH ANN LOEWER
ALEXANDER LOPES
TIMOTHY LORENTZ
LINDA MARIE LYLE
ANDREW RUSSELL MACCONNELL
JOHN CAMERON MACKERCHER, JR
JAMES STANLEY MACKIN
STEPHEN M. MACONI
ROBERT C. MADSON
ROBERT H. MAGEE
JOHN PATRICK MAHONEY
TERENCE EDWARD MAHONEY
MICHAEL J. MAIR
GREGORY EUGENE MALINAK
MARTIN JAMES MALLEY
GEORGE MANASKIE
RONALD RICHARD MANLEY, JR
R. L. MARCANTONIO
JOSEPH BENJAMIN MARSHALL, JR
TANIA EUSTACIA MARSHALL
WILLIAM E. MARSHALL
DAVID WILLIAM MARTIN, JR
FRANK L. MARTIN, III
ROSENDO MARTINEZ, JR
GERALD ALAN MASON
RANDY JOE MATKOWSKI
FREDERICK THEODORE MATTHIES
MARY ELLEN MCADAMS
DAVID PATRICK MCALEER
ALAN LEE MCCOLLUM
KELLY EUGENE MCCOY
GREGORY CLYDE MCCRAY
TIMOTHY VICKERS MCCULLY
MICHAEL EDWARD MCDEVITT
BRADFORD NORBURY MCDONALD
JAMES ALLEN MCDONELL
THOMAS PATRIC MCGUINNESS, JR
JAMES F. MCISAAC
JAMES HORACE MCKINNEY, JR
ROBERT WILLIAM MCMEEKIN, JR
JOHN T. MCMURTRIE, JR
GREGORY THOMAS MCNEELY
WILLIAM C. MCWETHY
THOMAS JEFFREY MEEKER
JACK STEPHEN MENENDEZ
ROBERT RANDALL MERRITT
DAVID LOUIS METZIG
WILLIAM DELBERT MIANO
WILLIAM JOSEPH MICKLER, JR
KENNETH MILHOAN
CYNTHIA NMN MILLER
JAMES R. MILLER
JOHN W. MILLER
SAMUEL C. MILLER
ROBERT PATRICK MILLERICK
BARRY LYNN MILLS
WILLIAM HOWE MILLWARD
CHAUNCEY LAWRENCE MITCHELL
GEORGE ANTHO MONTGOMERY, III
VICTORINO MOTTA MONZON
DANIEL EUGENE MOORE, JR
JAMES LLOYD MOORE
DAVID MOREL
SHAWN MORRISSEY
ALAN CRAIG MOUDY
JOHN EDWARD MUNNIK
FRANK MICHAEL MUNOZ
LIESEL RAE MUTH
PATRICK D. MYERS
LINDA MARIE NAGEL
HOLLY HAZLETT NELSON
STUART A. NELSON
PATRICK OLIVER NEVITT
PETER TARA NOVICK
DEBORAH LYNN OAKES
PATRICK S. OBRIEN
MICHAEL S. OBRYAN
JOSEPH J. OCONOR
JOSEPH WILLIAM ODONNELL
MICHAEL JOHN OMOORE
ROBERT JOSEPH ONEILL
SUSAN MARIE ONGLEY
RICHARD JOHN ORCHARD
HARRY JUNIOUS OSBORNE, JR
R. W. OSULLIVAN
RONALD KEITH OSWALT
PETER H. OZIMEK
DONALD NORMAN PACETTI
MICHAEL DAVID PALATAS
FREDERICK A. PALKOVIC, II
JAMES HARRY PATRICK
NICHOLAS NEWLIN PAUL
STANLEY W. PEAKE
CHRISTOPHER ROBIN PERRY
GREGORY JAMES PITMAN
MICHAEL NICHOLAS POCALYKO
DEAN R. PODRACKY
EDGAR HILL POWELL, JR
ELLIOTT POWELL, JR
RICHARD WAYNE PRICE
ROBERT JOHN PRODOEHL
EARL ALLEN PROETZEL
CARLTON WINN PURYEAR, JR
DAVID C. PYLE
KEVIN M. QUINN
ROBERT J. QUINN
JOHN ALEXANDER READ
OLIVER M. READ
DAVID JOHN REIDY
JON ALAN REIVER
CAROL ANN RENGSTORFF
DANIEL M. RENWICK
PAMELA JOAN RHYNER
FRANK R. RICE, III
WILLIAM LEE RICHARDS
EARL A. RICHARDSON
DENNIS JOSEPH RINGLE
SUZANNE NMN ROBERTS
GARY EDWARD ROSE
JAMES L. ROWLEY
MARK STEVEN RUPPRECHT
RICHARD T. RUSHTON
JIM HOWARD RUSSEL
THOMAS A. RUSSELL
JOHN EDWARD RYAN
STEPHEN BERYL SALE
MARK JAMES SALONIA
CHARLES P. SALSMAN
KATHY CAMBRIDGE SAPP
STANLEY L. SAUNDERS
GREGORY R. SAWYER
THOMAS CRAIG SAXON
EDWARD WILLIAM SCHILLER
STEVEN SCHLIENTZ
CAROL JO SCHMIDT
DENNIS ARVIN SCHMIDT
CHRISTOPHER P. SCHNEDAR
ROBERT F. SCHNIEDWIND, JR
DAVID M. SCHUBERT
RICHARD NATHANIEL SCHWENK
WALTER GAMBIER SCULL, III
STEVE ALLEN SEAL
JONATHAN E. SEARS
WALTER DYWANE SEDLACEK
JOHN J. SELBERG
RICHARD E. SELF
JAMES RICHARD SHELBY
WILLIAM OLIVER SHEWCHUK
DANIEL R. SHINEGO
WOODY T. SHORTT
JOHN ALAN SILL
DENNIS L. SIMON
WALTER M. SKINNER
DAVID J. SKOCIK
KEMP LOUIS SKUDIN
C. D. SLACK
WAYNE DOUGLAS SLAUGHTER
DANIEL MARTIN SMITH
DAVID BRUCE SMITH
ROBERT BRUCE SMITH
WILLIAM M. SMITH
ROBERT M. SOUDERS
C. J. SPADA
KEITH NORMAN SPANGENBERG
FRANK W. SPENCE
GEORGE G. SPRUNG
MARK S. STAFIEJ
GARY GENE STARR
C. L. STATHOS
MARIANNE VALMER STEADLEY
JOHN GREGORY STEELE
THOMAS STENSTROM
DENNIS WILLIAM STEVENS
THOMAS STEVENSON
JOHN MARREN STEWART
WILLIAM M. STILES
DENNIS THOMAS STOKOWSKI
JAMES ROBERT STONE
JOHN W. STOTZ
MATTHEW STREETER
DAVID W. STRONG, JR
MICHAEL R. STURM
CLEVELAND GREGORY SULLIVAN
JOHN EDWIN SUTTON
DANE C. SWANSON
ANDREW BRIAN TAMAYO
ERNEST NORMAN TAYLOR, JR
MELVIN LEE TAYLOR, JR
XZANA METELLA TELLIS
RICHARD L. THAYER
JON ERIC THIELE
GEORGE JOSEP THIELEMANN, III
MARC JOSEPH THOMAS
ROBERT JOSEPH THOMAS
SCOTT MICHAEL THOMAS
DANIEL DIEMER THOMPSON
EDWARD KIMBALL THOMPSON
GRACIE LEE THOMPSON
ROBERT LEWIS THOMPSON
JOHN TOMKOVITCH
JAMES PATRICK TOSCANO
KENNETH R. TRASS
THOMAS W. TROTTER
GAIL BENDIG TRYON
LAWRENCE D. TUPPER
CRAIG WESTON TURLEY
WILLIAM TERRY TYLER
MICHAEL LEO TYMENSKY
JAMES PAUL USBECK
RICHARD DAVID UYAK
BILLY LEE VASQUEZ
WILLIAM H. VAUGHAN
STEPHEN R. VAUGHN, JR
WILLIAM R. VENOHR
CARLA ANN VILLARREAL
JOHN PAUL VINSON
LARRY DOMINIC VIRGALLITO
MICHAEL CRAIG VITALE
JOHN F. VUOLO
MARK GREGORY WAHLSTROM
MICHAEL ALBERT WAITE
JANE DALLAMURA WALSH
MICHAEL F. WANJON
JOHN RICHARD WARNECKE
ROBERT SAUNDERS WARNER
JAMES L. WARREN
TIMOTHY DAVID WARREN
MICHAEL K. WATERS
HENRY JOSEPH WATRAS
CHARLES ERNEST WATTAM, JR
STEPHEN GREGORY WEINGART
ROY EDWARD WEISERT
ROBERT SCOTT WELLS
MICHAEL HENRY WERNER
MICHAEL RAY WERTZ
GLENDA JO WETHERILL
BRUCE RICHARD WHITELY
ROBERT N. WHITKOP
ROBERT L. WILDE
CALVIN D. G. WILLARD
KENNETH A. WILLIAMS
STEVEN LEE WILSTRUP
JOHN WILLIAM WINKLER
JAMES ALEXANDE WINNEFELD, JR
JAMES P. WISECUP
JAMES D. WITHERS
ROBERT FRANCIS WOOD, JR
WAYNE T. WOOLWEBER
RICHARD ALLEN WRIGHT
TIMOTHY COURTNEY YANDLE
CYNTHIA DAWN YAROSH
WALTER YOURSTONE
BRYAN LEE YRI
DAVID ZIEMBA
LEONARD ALLEN ZINGARELLI

ENGINEERING DUTY OFFICERS

To be commander

DENNIS DAQUIL ANTONIO
PETER P. AYOTTE
JOSEPH M. BERNER
JOHN JOSEPH BRESLIN, JR
THOMAS MARTIN BUCKINGHAM
RICHARD F. BURNA
LARRY DEAN BURRILL
GARY W. CAILLE
FRANCIS JAMES CAMELIO
JEFFREY PAUL CAULFEILDJAMES
JOHN FRANKLIN COLE
PHILIP J. CORBETT
PATRICK FRANK CROMAR
DEBRA LEE DEACON
MICHAEL EDWARD DELANEY
KEVIN CLIFTON EBEL
RONALD LEE EDWARDS
WILLIAM D. ESCUE
JOHN ROBERT EXELL
DAVID B. FERGUSON
PETER C. FILKINS
EDWARD L. GARCIA
DANIEL ELLIOTT GEAR
ELTON RAY GIBSON, JR
WILLIAM ANTHONY GOODWIN
MICHAEL S. HAMNER
KEITH D. HANEY
PAUL MARTIN HERZIG, JR
MARK A. HUGEL

PHILIP N. JOHNSON
ERIC MERWIN JONES
DORSETT W. JORDAN
JOHN S. KAMEN
JONATHAN KIELL
KEVIN MICHAEL LEES
JOSEPH P. MARQUES
BENJAMIN NMN MARTINEZ, JR
BRENT WRIGHT MCDANIEL
PAUL DANIEL MUNZ
THOMAS JOSEPH MURPHY
KURT W. NELSON
LAWRENCE A. NEWTON
KURT D. OBERHOFER
ELIZABETH BRES OLBRYS
JAMES L. PERRY
JOHN J. POLCARI
STEPHEN R. PRICE
WILLIAM DRANE RODRIGUEZ
MICKEY V. ROSS
JIMMY DALE SAUNDERS
THOMAS E. SAUNDERS
JESSE B. SCHRUM
ROBERT LEONARD SEATON
THOMAS W. SEUBERT
MARC S. STEWART
DEBORAH REGINA STILTNER
RONALD DAVID THOMAS
JOHN M. TIERNEY
ROBERT LOUIS ULE
DAVID CHESTER WARNER
JOHN C. WATERS
RICHARD W. WHITE
JOHN R. WILSON

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be commander

THOMAS ANDREW CAHILL
RICHARD WILLIAM CUMMINGS
DOUGLAS JOHN DICKMAN
GEORGE D. DUCHAK
CARL ROBERT ENGELBERT
EDGAR R. ENOCHS
JOSEPH THOMAS GENGO
JAMES T. GLASS
DAVID ALLEN HARRINGTON
DONALD WAYNE HARTING
PATRICK G. HOGAN
JOHN NICHOLAS KOHUT
ALAN L. LOHMAN
ROBERT ANTHONY LOPEZ
KENNETH JAMES MILLS
JOEL STEVEN MORROW
RICHARD MONTGOMERY PREVATT
CHARLES RACOOSIN
DOUGLAS LEIGH ROBBINS
THOMAS F. SALACKA
MARTINUS MARIA SARIGULKLIJN
DAVE JEFFREY URICH
PAUL E. YOUNG

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be commander

CHARLES ROOSEVELT BLEND
JAMES DELBERT BOONE, JR
DAVID PHILLIP FAUST
STEVEN LOUIS HANSON
PETER JAMES LASZCZ
RONALD WAYNE MARTIN
STUART L. PAUL
KEVIN K. RITTER
MICHAEL NED ROMERO
CHRISTOPHER JOHN ROUM
MARLENE ANN SIMMONS
FRANK JACKSON SMITH
GEORGE DANIEL WALKER
JAMES GILBERT WOOLWAY

AVIATION DUTY OFFICERS

To be commander

CROMWELL BOWEN CAMPBELL, II
PAUL ROBERT COX
THOMAS R. LITTLE
RICHARD P. MASON
LAURENCE WILLIAM NEAL
JACK LEE ZAWISZA

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

EUGENE ROBERT ARBOGAST
DON BRUCE DECARIA
BRUCE LEE DRAKE
DOUGLAS NORMAN GANGLER
GERARD MICHAEL LAWTON
GUS KADERLY LOTT, JR
CURTIS EVERETT MITCHELL
DAVID VICTOR MORRIS
MARK NEWHAGEN
CHARLES J. NORWOOD
JOHN GORDON PESHINSKI
CHARLES LOWRY ROWE, JR
ANDREW MICHAEL SINGER
PAUL ADAM VOIGT, JR
DOROTHY EUGENIA WALIZER
BRUCE ROBERT WEISS
CHARLES A. WILLIAMS

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

MICHAEL D. ANDERSEN
MARK GIBSON ANGLIN
DIANE LEE ARMSTRONG
LEROY THOMAS BORTMES
BARBARA JO BOWYER
JANICE MARIE DUNDAS
GARRON LEE ELDERS
BERNARD ANTHONY HAMM, JR
JOHN WILLIAM HEDLUND
VAN ALLEN HENLEY
JAMES MEREDITH HOEY, III
SUSAN JEAN HYDE
GREGORY ANTHONY KOUMBIS
KEVIN JAMES LATHAM
JAMES HENRY MCKEE, III
LEE MEADOWS
CYRUS MARK MERRITT
DONALD ALAN MEYER
JEFFREY DAVID MILLER
ROBERT JOSEPH PERANICH
STEPHEN ROY SADLER
STEPHEN FRANCIS SANTEZ, JR
STANLEY GENE STEFANSKY
GERALD ADAM STOLL
VIVIAN LEONARD TURNBULL
MICHAEL STANLEY VILLARREAL
DEAN MARTIN WHETSTINE
COLUMBUS WILLIAMS, JR

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

WILLIAM DAVIS BARRON
CONINGSBY ESPIN BURDON, JR
GREGORY HARLEY HARTUNG
EDWARD H. LUNDQUIST
GARY EVERETT SHROUT
MICHAEL LAWRE THURWANGER
MICHAEL L. TODD

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

JEFFREY LEE BARKER
TOD D. BENEDICT
ROBERT P. GARRETT
NICHOLAS DOUGLAS GURAL
THOMAS DONALD LAGE
ROBERT A. LAWSON
DAVID GREGORY MARKHAM
DAVID LAWRENCE MARTIN
M. C. OLOUGHLIN
DARRELL HENRY SMITH
BILLY BARTON STAMEY, JR
TERRANCE ALLAN TIELKING

LIMITED DUTY OFFICERS (LINE)

To be commander

GENE RUSSELL ALLEN
HERMAN G. BANCROFT, III
KENNETH RANDOLPH BASSETT
THOMAS J. BOTULINSKI
LONNY D. BROWN
EDWARD J. BUNKER
MICHAEL CARL BURKETT
JUAN LEROY CHAVEZ
RONALD J. CHRISTOPHER
BRUCE GREGORY CLARK
THOMAS ST CZULEWICZ
GUSTAV A. DENECAMP, III
WILLARD EUGENE DIXON
EDWARD L. DOTSON
ALBERT D. FERRIS, III
GARY LYNN FORGACH
BRUCE E. FOUNTAIN
WILLIAM EMMETT FOX, JR
JOHN WILLI GOLDBERG
ELLIS NMN HAMILTON
DEDRICH C. HOHORST
STEPHEN C. JONES, JR
GEORGE EDWARD KELL, JR
GARY L. LAUN
FREDERICK F. LINEBURG
THOMAS TYRREL LOGUE, JR
RAYMOND FRANCIS LOPEZ, JR
JAMES N. MAJORITY
FRANK A. MCKINNEY, III
THOMAS EARL METCALF
NEAL S. MILES
THEODORE GARTH MILLER
ROBERT C. MOCK
ROBERT L. MORGAN
CHARLES LESLEY MOSELY
RONALD CEBE PITTMAN
RAY RAMIREZ
DAVID ALLEN RINGERING
ROBERT WALTER RUPLE, II
RODNEY J. SALTS
DAVID COLIN SCHMITZ
FRANK R. SEVERANCE
THOMAS E. STEVENS
JOHN A. STONE
GEORGE M. SWEAR
JOHN FRANCIS SZAKAS
HARRY N. TENARO
MICHAEL CONNELL TURPEN
RAYMOND ALLAN VIAU
CLYDE QUINTON WEBB
RALPH CHESTER WELLS
JOHN WILLIAM WHITE
GEORGE K. ZANE

NOMINATIONS

Executive nominations received by the Senate April 23, 1991:

THE JUDICIARY

J. MICHALEL LUTTIG, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE 4TH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF EDUCATION

DAVID T. KEARNS, OF CONNECTICUT, TO BE DEPUTY SECRETARY OF EDUCATION, VICE JOHN THEODORE SANDERS.

COMMODITY FUTURES TRADING COMMISSION

SHEILA C. BAIR, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1994, VICE ROBERT R. DAVIS, RESIGNED.

JOSPEH B. DIAL, OF TEXAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING JUNE 19, 1996, VICE KALO A. HINEMAN, TERM EXPIRING.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

EUGENE PETERS, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1992, VICE WILLIAM F. SULLIVAN, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, April 23, 1991:

DEPARTMENT OF STATE

MELISSA FOELSCH WELLS, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAIRE.

RAYMOND GEORGE HARDENBURGH SEITZ, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WILLIAM JOHN CONNOLLY, AND ENDING FREDERICK A. MECKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 11, 1991.

EXTENSIONS OF REMARKS

A TRIBUTE TO FRED SCHWENGEL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. BROOMFIELD. Mr. Speaker, many dream big dreams of a better tomorrow but very few actually capture the essence of those dreams and turn them into reality. My friend, former Congressman Fred Schwengel has the uncanny knack to do just that. And by turning his dreams into reality, he has paved the way for a brighter future for us all.

Back in the 1950's, I remember Fred Schwengel sharing his vision of building a historical society, and through his determination and hard work, the Capitol Historical Society soon emerged.

Today, thanks to Fred Schwengel we have holiday cards, historical calendars and numerous other mementos memorializing our Nation's Capitol. Thanks to Fred Schwengel we have history books and commemorative medals. And thanks to Fred Schwengel we can admire beautiful murals and other art in the Capitol. Without the realization of his dream of a historical society, much of America's rich history would be lost to future generations.

Fred Schwengel is a remarkable American. A man of extraordinary talents, he has contributed much to a better future. As legislator, historian, mason and friend, Fred Schwengel has touched the lives of thousands of individuals and brought the American spirit to the surface.

Mr. Speaker, I'd like to introduce into the RECORD a column from The Scottish Rite Journal, a notable tribute to Fred Schwengel who continues to work today for a better tomorrow.

ILLUSTRIOUS: FRED SCHWENGEL: CREATING A BETTER TOMORROW

(By Herb Wadsworth, 33°)

There is an indomitable spirit in some.

When Abraham Lincoln took his oath of office as a Member of the U.S. House of Representatives in 1847, he could not have imagined the heartbreak and tragedy that would befall his life. Neither could he have seen that his life and example would serve as a beacon of hope for millions upon millions for all time to come.

We can but imagine this tall, gaunt young man walking the halls of a largely unfinished U.S. Capitol—dreaming dreams of a better tomorrow.

The life of Abraham Lincoln was to become the model and inspiration of a young Iowa farm boy who, in his own way, has made a tremendous contribution to his fellow man. Particularly, the life and work of Fred Schwengel has enhanced the structure and the aura of the Capitol of the United States for generations.

Legislator, historian, humanitarian, husband, father—and Freemason—Illustrious: Schwengel is, like Lincoln, another tall, gaunt figure who walks the halls of the now completed Capitol building, realizing dreams of a better tomorrow.

Born in rural Franklin County, Iowa, in 1906, to a recently immigrated German couple, Fred had a father who extolled the freedom and opportunity of his new country, but education at that time did not hold a high priority. Tilling the land did.

Young Fred completed the eight grades offered by his local school and then rode a horse twelve miles to a secondary school. He was determined to get an education. Something in his makeup set him apart even in that day, and, like Lincoln, he was to know inspiration and encouragement from those who saw in this young man something special.

Always a good athlete, he excelled in baseball, and a couple living near his new school offered him room and board, plus one dollar a week, to perform farm chores on Saturdays. His athletic ability soon won him a scholarship to Northeast Missouri Teachers College. It is a legend among some folks back in Iowa as they talk about the time young Fred and his coach hitchhiked to the state track meet, Fred comprising the entire Missouri Teachers College team. He finished third in the overall meet.

Dan Faurot, later to become famous as head football coach at the University of Missouri, spotted Schwengel in a dummy scrimmage and the next day sent him into the starting lineup, telling him to wrestle down whoever caught the ball on the opposing team.

He did it well enough to be a four-year, first-team player for Faurot, and he was named a small-college all-American in his senior year.

After graduation, Schwengel married his college sweetheart, Ethel Cassidy, and settled in Shelbina, Missouri, to coach sports and teach history. Several years later, after their son and daughter were born, the young couple moved to Davenport, Iowa, and Fred began a highly successful career in the insurance profession.

Citing unmet needs, Fred became very active and outspoken in local affairs. As a result, he was elected president of the Young Republicans and state president of the Iowa Junior Chamber of Commerce. The county, which was heavily populated with German-speaking immigrants, was also heavily Democratic.

In 1944, Scott County Republicans persuaded Fred to run for the Iowa Legislature, many feeling he was just going to be a "sacrificial lamb." He won by 34 votes.

He served ten years, getting into a celebrated battle with Governor Robert Blue over the issue of state aid to education. When the dust cleared, Fred emerged victorious, but more importantly, Iowa students had won, and the bill he helped pass remains one of his most lasting legacies. Prior to his efforts, the state provided no financial assistance to local schools, and consequently education languished as a cause in the state legislature.

Elected to Congress in 1954, Fred wishing to learn more about the nation's Capitol, sought to join a Capitol historical society. He soon learned there wasn't one.

So he read all that he could find on the subject. This search revealed there was very little. Thus was born the U.S. Capitol Historical Society which was to become Fred Schwengel's lifework and, as the Society's President, the role which many of his friends feel he was prepared for by destiny.

In late 1956, Schwengel approached his friend, Speaker Sam Rayburn, and was met with the enthusiasm which typified the Texas legislative giant. "By damn, Schwengel," he declared, "let's get some of us together to organize a Capitol society."

There was an offer to fund such an organization with legislative funds, but Schwengel, a die-hard free enterpriser then and now, was determined to fund the fledgling group without government help—or interference.

He turned to the National Geographic Society through his friend Arthur Hanson who shared his vision and interest. The Society had already written and published a guide book on the White House at the request of the then First Lady, Jacqueline Kennedy.

The Board agreed, with one stipulation. It wanted to take separate pictures of the House and Senate in session. Until that time, it had never been done.

Rayburn gave approval, but Senator Richard Russell disapproved of the action. Fred arranged a meeting, telling the distinguished Georgian that "this is a story the people need to know." A ten-minute meeting stretched into an hour.

Russell looked out the window of his office and told Schwengel he was still opposed. But he added, "Tell Hubert Humphrey, the Senate Majority Leader, that if he will alert me when he's going to call this resolution up for unanimous approval, I'll arrange to be off the floor."

Schwengel still speaks in awe of Senator Russell who is a legend in the annals of the Senate; and on that thin thread was born the U.S. Capitol Historical Society, formally founded in 1962.

National Geographic writer Lonnelle Aikman was assigned to write the story of the Capitol. Published in 1963, We, The People was a blockbuster, selling some 300,000 copies in its first year. The revenue from this book launched the U.S. Capitol Society.

And, it's still working! The Society has funnelled $3 million into research and acquisitions and built an endowment of $1.5 million, all in large part to We, The People which has been updated fourteen times and is now printed in six languages. Some 5.5 million copies have been sold, making it the most successfully history book ever published.

Among the texts the Society currently has available are: Washington, Past and Present; Our Nation's Capitol Coloring Book; Statuary Hall; and a new entry, The Bibliography of Speakers.

In addition to the books, slides, postcards, prints, Christmas cards and stationery, other mementos of the Capitol are available. Particularly interesting are the bookends and paperweights made of the stone removed from the building during recent renovations. Commemorative medals have been struck and are big sellers, along with the Society's annual historical calendar which has grown in distribution by leaps and bounds.

Also, Helen Hayes narrates a recording "The Voice of the People," and a twenty-eight minute film, "City Out of Wilderness: Washington," mirrors the early days of the nation's Capital.

Schwengel is now raising $5 million to create a new series of films for rental and purchase. He believes they will prove a valuable tool in teaching American history and its traditional values to students and scholars, children and adults, across the land.

The funds collected by the Society, more tha $2.5 million over the years have been pumped back into the U.S. Capitol building itself through funding of new art, restoration of old art, and research. Schwengel says proudly that not a dime of taxpayer's money goes into this endeavor.

Perhaps the Capitol Society's most notable accomplishment has been the murals commmissioned to adorn the House side of the Capitol. They are stunning and are a complement to the paintings of the offices and halls on the Senate side of the building done at an earlier time.

Symposia form another focus for the Society. Held each March in the Capitol, they draw leading scholars from across the nation and abroad. Papers presented at each symposia are published and made available not only to libraries and universities, but to interested individuals and organizations as well.

Other efforts on Fred's part include authoring *The Republican Party—Its Heritage and History* as well as the creation of the Republican Heritage Foundation which seeks to tell the story of the Republican Party and its contribution to the life of this nation.

The 16 years Schwengel spent as a Member of the House of Representatives were marked by accomplishment, but none so significant and far-reaching as his efforts to develop the interstate highway system. Having had experience with bonding future generations, he led the fight to place the system on a "pay as you pave" basis. Our interstate highways now stretch over 43,000 miles and cost us $100 billion through the passage of the Highway Trust Fund. Estimates show that it has saved countless lives and close to $500 billion in savings to motorists.

One of his meetings with President Eisenhower is credited with convincing the President to support the gas tax which went into the Trust Fund, rather than taxing future generations with highway bonds.

A Thirty-third Degree Scottish Rite Mason, Fred has possibly given as many talks to Masonic groups around the nation as any person ever to wear the white lambskin apron.

One of his most memorable moments in Masonry came in 1934 when Fred was attending college in Missouri. As a newly inducted Mason, Fred made coffee for a Lodge meeting visited by a fellow member of the Fraternity and a candidate for the United States Senate, Harry S. Truman.

"Brother Truman, I'd like you to meet Brother Schwengel," a member said. Finding out Fred was a history teacher, Truman then told Schwengel that a knowledge of history is essential to being a sound citizen. Fred has never forgotten those words.

A Lincoln scholar, Schwengel paid ten cents for the first book he bought, in the early 1920's, on the life of one of our most beloved Presidents. After that he collected more than 3,000 books on Lincoln, which he donated, along with other Lincoln memorabilia collected over the years, to Northeast Missouri State University.

The great American poet and Lincoln scholar Carl Sandburg was a close friend of Brother Schwengel. They spent countless hours discussing President Lincoln and American history.

Sandburg told Schwengel, "Whenever a people or an institution forgets its early hard beginnings, it is beginning to decay."

Because of the life and work of this good and gentle man who continues to trod the halls of the United States Capitol, full of new ideas and great dreams, all Americans are richer.

THE REVEREND JOAN BROWN CAMPBELL: AT THE TOP OF HER PROFESSION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Ms. OAKAR. Mr. Speaker, I rise today to offer congratulations to my dear friend, Rev. Joan Brown Campbell, a successful wife, mother, and community volunteer, who, in the middle years of her life, has risen to the very top of her second profession: general secretary of the National Council of Churches.

This is a rare honor because Mrs. Campbell is the second woman and the first female minister to serve as general secretary in the 40-year history of the organization which encompasses 32 Christian denominations with 42 million members. The National Council of Churches is the largest ecumenical body in the United States.

Joan Brown Campbell has standing as a minister in both the Christian Church—Disciples of Christ—and the American Baptist Church [U.S.A.]. The Reverend Campbell has a bachelor's degree in English and speech and a master's in education from the University of Michigan. She studied urban ministry at Case Western Reserve University in Cleveland, OH before she was ordained in 1980.

Joan Brown Campbell is considered a role model both within her church and within her family and community. Her colleagues call her a "motivator * * * a reconciler * * * a seasoned ecumenist." Her daughter, Ohio Representative Jane Louise Campbell is quoted as saying her mother gave her and her two brothers a sense of social responsibility and a "sense of responsibility to the family and home."

As a measure of the love and respect held for Rev. Joan Brown Campbell, the congregation of her home church, the Heights Christian Church in Shaker Heights, OH is planning a celebratory service for the Reverend Campbell on April 25, 1991. The New York Times wrote an excellent profile of this truly extraordinary woman from which I have borrowed to capture some of the spirit of this loving and lovely lady, and I am pleased to offer it in its entirety for reprinting in the CONGRESSIONAL RECORD:

JOAN B. CAMPBELL

(By Ari L. Goldman)

PORTLAND, OR—Until she was 40 years old, the Rev. Joan Brown Campbell was a full-time mother, wife, housekeeper and community volunteer.

Just two days after her 59th birthday, Ms. Campbell was elected to the top ecumenical position in the nation, the general secretary of the National Council of Churches.

"Imagine what she would be doing if she had started at 22," her daughter, Jane Louise Campbell, said Wednesday night on the eve of her mother's election.

The elder Ms. Campbell was described by colleagues as a "seasoned ecumenist," a "motivator, enabler and reconciler" and a woman with a deep faith and open mind.

But to her daughter, the eldest of her three children (Ms. Campbell has two sons, Paul Jr. and James), the new general secretary was a towering role model.

"She gave us a sense of social responsibility and a sense of responsibility to the family and home," said the younger Ms. Campbell, the mother of two young children and a Representative in the Ohio Legislature.

MEMORIES OF THE 1960'S

The daughter remembered when, in the 1960's her family got bomb threats after they invited the Rev. Dr. Martin Luther King Jr. to preach in their church in the Cleveland suburb of Shaker Heights. "My mother's reaction was: 'Clean up under your beds. The police will be looking for bombs, and I don't want them to find any mess under there.' "

Ms. Campbell, currently the head of the American office of the World Council of Churches, will take the helm of the National Council in March. She will succeed James A. Hamilton, a United Methodist layman, who did not run for re-election.

Mrs. Campbell will be the second woman and the first female minister to serve in the post in the organization's 40-year history.

The National Council of Churches is the nation's largest ecumenical body, encompassing 32 Christian denominations with 42 million members. These include the so-called mainline churches, like the Methodists, Presbyterians and Episcopalians; the historic black churches, like the African Methodist Episcopal Church, and the Orthodox churches, including the Antiochian, Armenian, Coptic, Greek, Syrian and the Orthodox Church in America.

POLICY AND CHARITY

While the denominations act independently, the council links them in activities from interfaith dialogue to overseas relief. The council also issues public-policy statements, like the one approved this week condemning the American military buildup in the Persian Gulf.

The council suffered a loss of influence and a decline in membership in the 1980's when it was overshadowed on the national scene by the Roman Catholic bishops, who spoke out on nuclear arms and abortion, and the evangelical Protestant churches, who made their influence felt through organizations like the Moral Majority. It was also battered by internal divisions and strife that resulted from a huge reorganization.

In an interview, Ms. Campbell said she did not expect the council to return to the influence it exerted in 1958, when President Dwight D. Eisenhower laid the cornerstone for its headquarters at 475 Riverside Drive in Manhattan.

"I'm not nostalgic," she said. "I think we need to be as strong a voice as we can exercise in this period of history."

SEARCHING FOR THE SPIRITUAL

"Never during the 20 years I have worked within the ecumenical movement have I sensed a time when unity was more urgent," she added. "We are a nation on the brink of war, faced with increased racism and economic insecurity. We are a people searching for spiritual answers in the face of an uncertain future."

Ms. Campbell said she hopes to strengthen the council by emphasizing its variety of churches, and by reaching out and inspiring the young who she said are ready to be brought into the churches. "When people think of the council, they think of the mainline churches," she said. "We have to work hard in making our diversity known."

Joan Brown Campbell, who was born Nov. 13, 1931, in Youngstown, Ohio, has standing as a minister in both the Christian Church (Disciples of Christ) and the American Baptist Churches (U.S.A.). She received a bachelor's degree in English and speech and a master's in education from the University of Michigan and studied urban ministry at Case Western Reserve University in Cleveland before being ordained in 1980.

Ms. Campbell, who was divorced when her children were teen-agers, continues to have a cordial relationship with her former husband, Paul Campbell Sr., a lawyer. The two get together each year with their children and grandchildren for Thanksgiving dinners. She lives in Manhattan, said she enjoys Broadway plays and walking along Riverside Drive. She will use almost any business trip as an excuse to stop in Cleveland to visit her four grandchildren, ages 4, 3, 2 and 1.

MS. INSIDE, MS. OUTSIDE

Ms. Campbell said that she relished and never regretted the years she devoted to raising her family. "It taught me patience, perseverance and risk-taking," she said.

Margaret Sonnenday of St. Louis, who headed the search committee that chose the new general secretary, said Ms. Campbell had the advantage of being both an insider in the council (she worked there before going to the World Council in 1985) and being an outsider during its difficult years in the late 1980's.

If she had heard any criticism of the candidate, Ms. Sonnenday said, it was that "in her enthusiasm" Ms. Campbell would forge ahead with projects before building a consensus.

Ms. Campbell said she was aware of the criticism. In her new job, she said, she would "keep testing" and keep looking behind her to make sure "the people are with me."

RABBI BARRY KONOVITCH'S ARTICLE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, an interesting article appeared in the Miami Herald, El Nuevo Herald, and the Miami Jewish Tribune and I would like to bring it to the attention of my colleagues. It was written by Rabbi Barry Konovitch and he reminds us of the importance of the establishing peace in the Middle East. Rabbi Konovitch states that "it is the time to settle the Palestinian issue and remove it as a stumbling block to peace."

I am hereby reprinting it in the CONGRESSIONAL RECORD:

The battle of the Scud missiles may be over, but for Israel the war continues. The Arab states persist in their belligerent policy of "non-recognition and non-discussion", using the issue of the Palestinians as an excuse for their refusal to recognize the right of the Jewish people to their own state in their national homeland, an inalienable—right for all nations in the world.

It is time to settle the Palestinian issue and remove it as a stumbling block to peace.

The term Palestine was first used to describe the Jewish homeland by the Romans who attempted to destroy the national connection between Jews, and their state of Judea. Not only did they erase Judea from the map by substituting the name of the coastal "sea people", the Philistines (mortal enemies of the Israelites), but they even had the audacity to erase the name of Jerusalem, substituting Aelia Capitolina after the emperor Aelius Adrianus and the god of Rome.

When the British, under Lord Allenby, defeated the Ottoman Turks in World War One, they were mandated by the League of Nations to administer Palestine, which included the territory on both sides of the Jordan. (What is to-day Israel and Jordan).

Britain issued the Balfour Declaration looking with favor on the creation of the modern Jewish State within the Palestine mandate, while at the same time expecting to create a parallel Arab state. This would satisfy the national aspirations of the Palestinian Jews and Arabs who both lived in the area. In 1921, the British arbitrarily divided Palestine in half, giving the Trans-Jordan sector to the Arabs and establishing Abdulla, son of Sherif Hussein of the Hedjaz as King. His brother Feisal had already been installed as King of Syria only to be opposed by the French authorities of the Syrian mandate. The British then placed him on the throne of Iraq. Thus did the British pay their debts to the Hashemites, by reducing Palestine to the area west of the Jordan river. Here the British proposed to divide the remaining mandate territory once again between the Jewish Palestinians and the Arab Palestinians. The Jews had little choice but to accept any agreement that would promote the establishment of the State of Israel. However, the Arabs refused to accept any Jewish presence in the Middle East and went to a war in 1948.

The Palestinians became an issue only some twenty years later when Israel liberated the West Bank after being attacked by a combined force of Arab states that included King Hussein of Jordan. For 20 years the Arabs had refused to make peace and continued to attempt to destroy the Jewish State, while there was no "Palestinian problem"; Jordan ruled the West Bank. Obviously the reason for Arab intransigence had nothing to do with the Palestinians. From day one the Arabs refused to accept the existence of a Jewish State, and that remains the main obstacle to peace in the Middle East.

The conclusion of the Persian Gulf War presents an opportunity for peace. It has underscored the fact that Arab hatred for Jews is almost matched by Arab hatred for Arabs, witness the brutality of the Iraqi occupation of Kuwait and the continued brutalizing of the West Bank Palestinian Arabs by the PLO under the guise of the Intifada. This underlines a primary requirement for peace: a secure State of Israel, whose borders must be accepted by the Arab States but guaranteed by the world community because monarchic and dictatorial Arab regimes are subject to constant revolutions and counterrevolutions.

The State of Israel, where the Jewish Palestinians live, includes the area west of the Jordan. The State of Jordan where the Arab Palestinians live, comprising 70% of the population, includes the area east of the Jordan. There is no need to create a second Palestinian Arab state, as there is no need to create a second Palestinian Jewish state. Arabs living in Israel, either in the West Bank, or the Galillee have several choices: become citizens of Jordan, or citizens of Israel, or establish local civil autonomy with informal connections to Jordan and/or Israel. If Arabs feel a need to live in a formal Palestinian state, then they may move to Jordan, as Jews in Arab lands who felt a need to live in a Jewish State have moved to Israel. Whichever option is chosen there is only one proviso: live in peace.

I thank and commend Rabbi Konovitch for his efforts for reminding the south Florida community of the importance in supporting Israel. Rabbi Konovitch has done a remarkable job by defining that the war for Israel continues.

A TRIBUTE TO JO ANNE SADLER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. MILLER of California. Mr. Speaker, I would like to pay tribute to Jo Anne Sadler of Concord, CA, who is to receive the Amtrak President's Award.

The award, which is bestowed to only 21 of nearly 24,000 employees, recognizes Ms. Sadler's hard work, on her own time, to speed and systematize training of new secretaries. Ms. Sadler, a senior secretary in the Amtrak sales department, researched, developed, produced and distributed the field sales secretarial manual, a powerful and useful reference tool which is used to streamline the training of new secretaries and sales consultants in all 11 Amtrak field sales offices. The manual captures the experience and knowledge of sales department secretaries and enables a new employee to quickly become a productive and capable sales professional with a thorough knowledge of Amtrak and its procedures.

The manual has proved so valuable in addressing the problem of training employees for a complex secretarial position that it is also used to orient new sales consultants.

I know my colleagues in the House of Representatives join me in acknowledging the achievement of Jo Anne Sadler, and join me in recognizing her receipt of the Amtrak President's Award. I would like to congratulate Ms. Sadler for her significant contribution to improve Amtrak's performance.

SALUTE TO EARL J. ACQUAVIVA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to salute a leader in the war on drugs in southern California, who will be bringing his talents and his experience to Washington, DC.

Earl J. Acquaviva has served for the past 3 years as chief of the criminal investigation division at the Los Angeles office of the Internal Revenue Service. That division enforces various Federal statutes dealing with narcotics and tax violations, savings and loan fraud and defense industry procurements.

A resident of Valencia, CA, in my district, he is a native of Pittsburgh, PA. After earning his bachelor's degree at Point Park College in Pittsburgh, he began his career as an IRS special agent in Baltimore in 1971. He has served the Government in a variety of capacities, including branch chief in Miami, FL, and assistant chief of the Jacksonville, FL, district. He has now been assigned to the Washington office, where I am certain he will continue his outstanding service.

On May 2, Earl will be honored at a going-away luncheon. Mr. Speaker, I ask my colleagues to join me in recognizing his significant contributions to the war on drugs in southern California, and in wishing him well as he returns to our Nation's Capital.

RECOGNITION OF CHIZUK AMUNO BROTHERHOOD

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. CARDIN. Mr. Speaker, today I rise to pay tribute to the Chizuk Amuno Brotherhood. Chizuk Amuno was founded in 1871, and is today one of the leading congregations in the conservative movement. The congregation is home to its fifth generation of members. Members of the congregation have regularly assumed key leadership positions in the Baltimore and world Jewish communities.

To honor the achievement of this prestigious congregation, Abba Eban, formerly Israel's Ambassador to the United States and the United Nations, will deliver the keynote address on May 1, 1991, at the brotherhood's annual donor program. This years donor will honor the past 32 presidents and their 65 years of dedicated service to the synagogue and the community.

Chizuk Amuno is not only one of the oldest synagogues in the conservative movement, but it was among the 16 original congregations that founded the United Synagogue of America in 1913 by Rabbi Solomon Schechter. The congregation has approximately 1,200 families, and a Hebrew school, early childhood center, and a Solomon Schechter Day School with combined enrollments of 800 children. Among the Chizuk Amuno Brotherhood's primary missions is to provide support for the congregation's youth and education programs.

OSCAR GARCIA RIVERA POST OFFICE BUILDING

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. SERRANO. Mr. Speaker, I rise today to introduce a bill that would designate the U.S. Post Office Building located at 153 East 110th Street, New York, NY, as the "Oscar Garcia Rivera Post Office Building."

Mr. Oscar Garcia Rivera was the first Puerto Rican to be elected to public office in the continental United States. On March 7, 1937, he made history by becoming assemblyman of the 14th District in the State of New York. During his career in the New York State assembly, Mr. Garcia Rivera initiated legislation that offered valuable and lasting contributions to his community. He was also committed to protecting the rights of manual laborers and encouraged workers to organize themselves into active unions.

Oscar Garcia Rivera was a leader; he was committed to improving conditions in his community, and in the State of New York. Mr. Speaker, I believe this bill would serve as an inspiration to the future generations of Puerto Rican and Hispanic leaders in New York, and throughout the United States.

INTRODUCTION OF THE AFFORDABLE MEDICARE MAMMOGRAPHY SCREENING ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Ms. OAKAR. Mr. Speaker, today I join my friend and colleague from Massachusetts [Mr. DONNELLY] in introducing legislation to eliminate the coinsurance requirement on screening mammography under Medicare. Last year the Congress took a long overdue step forward toward preventive health care as a fixture in public health policy. This year alone, the Medicare screening mammography benefit may well save 4,000 lives—if women take advantage of it. Two factors often discourage women from obtaining a regular mammogram; fear of the unknown, and inability to pay. Instructive advice can often dispel the former, but for older and disabled Americans who live on a tight fixed income, the latter roadblock may be insurmountable.

When the benefit was enacted, Congress capped Medicare payment for screening mammography at $55 in an effort to hold down the cost, yet Medicare pays only 80 percent of this amount. The patient or their Medigap carrier is billed the difference. In many cases, providers will be permitted to bill additional costs to patients as much as $13 beyond the cap. Out of pocket costs for Medicare patients seeking mammography coverage can total $24. This may not seem like a great deal of money for a quality mammogram. But for many Medicare patients, especially for those who cannot afford or obtain Medigap coverage, these out of pocket costs may represent the cost of a prescription or dinner on the table.

In the past, Congress has waived the coinsurance requirement for some part B benefits such as immunization, required second opinions, and certain home health benefits. It makes sense to encourage Medicare beneficiaries to take advantage of this unique voluntary benefit. Prevention in health care means an active partnership between provider and patient—to dispel the notion that one must become ill to see a doctor, or to intervene before chronic illness takes hold. We urge all of our colleagues to join us in our effort to ensure access to this vital new Medicare benefit.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEALING COINSURANCE REQUIREMENT AND PROHIBITING BALANCE BILLING FOR SCREENING MAMMOGRAPHY SERVICES UNDER MEDICARE.

(a) REPEAL OF COINSURANCE REQUIREMENT.—Section 1834(c)(1)(C) of the Social Security Act (42 U.S.C. 1395m(c)(1)(C)), as added by section 4163(b)(2) of the Omnibus Budget Reconciliation Act of 1990, is amended by striking "80 percent of".

(b) PROHIBITING BALANCE BILLING.—Section 1834(c)(5) of such Act (42 U.S.C. 1395m(c)(5)), as added by section 4163(b)(2) of the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) in subparagraph (A), by striking "the limiting charge" and all that follows and inserting "the amount of the payment made for the screening mammography under this part (as determined under paragraph (1)(C)).''; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

THE BUILD AMERICA ACT OF 1991

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce, along with my colleagues BYRON DORGAN, TIM JOHNSON, and JIM BILBRAY, a highway reauthorization bill that represents a bold strategy for rebuilding America's critical transportation network. This proposal follows on the work that Western Governors and Senators have done and it also incorporates the significant funding commitment that the House Public Works and Transportation Committee recently announced. Both groups have done fine work and this legislation is a recognition of that effort and a call to getting on with the work at hand.

It certainly seemed ironic that, just as Congress was calling for a new commitment for rebuilding America's infrastructure, the administration was proposing a highway bill that accelerated the decline of our highways, trains and bridges, while still allowing large surpluses in gas tax receipts to go unexpended. This legislation is $48 billion higher than the administration's proposal and represents a $21 billion investment in 1992; a $48 million increase for Montana more than the recently introduced Senate bill. More than a $100 million increase over the administration's proposal; a proposal that represented a $30 million loss to the State.

This legislation also spends trust fund surpluses for the reasons they were collected and it turns back the Highways of National Significance Program, which would have abandoned half of Montana's highways while doubling Montana's matching share. This legislation rejects the administration's idea that the States should be forced to pay more toward building and maintaining Federal highway projects.

	Current/bill	Administration match
Interstate	90/10	75/22
Primary	75/25	75/25
Urban/rural	75/25	60/40

The funding formula is basically the current formula that treats all States fairly. It includes increases in highway funding to all States. This bill also allows increased flexibility in how States spend their transportation dollars, permitting a tailoring of State programs to meet local and regional needs.

At a time that we are committed to helping our friends abroad we cannot lose sight of the longstanding needs of cities, counties, and States. For example: One-third of all Federal aid highways are rated poor in standards and safety; 45 percent of this Nation's 577,710 bridges are either structurally deficient or functionally obsolete and $93 billion will be needed in the next 10 years to repair bridges and that is on top of the $58.5 billion that will be spent to keep up with general maintenance.

Two billion gallons of gasoline are wasted annually because of traffic congestion and poor roads; $10 to $30 billion per year are lost to poor roads; 2 billion man-hours per year are lost on traffic congestion; and by the year 2005 this figure will be 4 billion work hours.

In Montana, the administration's proposal would have meant a stretching out of construction schedules, a loss of roads due to bridge collapse, thousands of miles of needed repair put off and a continued deterioration of the primary system. Some of the work needed for Montanans;

Montana's 5,500 miles of primary highway system is seriously outdated. The median age of the system is 32 years. Half of the primary system was constructed prior to 1957, with 1,000 miles built during World War II.

The median age for Montana's urban street system is 40 years.

Montana's 4,400 miles of secondary system is 50 percent gravel and 50 percent paved. The pavement on three-quarters of the paved secondary is 20 to 40 years old with little maintenance.

The primary system in Montana still has more than 600 treated timber bridges, most of which were built prior to World War II.

Two-thirds of Montana's off system bridges are deficient with half of those needing serious repairs.

There is no one who doubts that the work should be done. This legislation gives us the national will and means to get it done. And let us get on with putting Americans to work doing it.

FRANKLIN J. SPINA: MAN OF THE YEAR

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. PAXON. Mr. Speaker, I would like to take this opportunity to salute Franklin J. Spina, as the "Boy's Town of Italy Man of the Year."

It is a personal pleasure to pay tribute to a man who has been so committed to community and family in Buffalo, NY.

Frank Spina has been an active leader in numerous local charities, including the Boy's Town of Italy, the Muscular Dystrophy Association, the Barnabite Founders, the United Way, Children's Hospital and the Boy Scouts of America.

Mr. Spina has worked for over 20 years for the Muscular Dystrophy Association and has proven his leadership and commitment to charity and community.

Mr. Spina has also impressively represented himself and the Buffalo community as a seasoned veteran of the food industry, since joining Sorrento Cheese in 1977.

Prior to his tenure as senior vice-president of Sorrento Cheese, Mr. Spina served a number of trade organizations in various capacities, including terms as president of the Food Industry Executive Council, director of the National Private Label Association, president of the Food Industry Sales Executive Council, and as a member of the grocery manufacturing representatives of western New York.

Frank has shown outstanding leadership qualities not only in business but also in organizations that serve the human interests of this community.

Boy's Town could not have picked a more deserving candidate to honor. Frank's outstanding community service has and will continue to serve as a valuable asset and example for the entire community.

Mr. Speaker, I extend my warmest congratulations to Mr. Franklin J. Spina—a man of intense commitment to charity, business, and community.

REPEAL THE EXCISE TAX ON BOATS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. SHAW. Mr. Speaker, I commend to your attention the following article regarding the luxury tax on boats which appeared in today's Wall Street Journal. Mr. James W. Taylor, the author of the article, makes a compelling case for the repeal of this onerous tax, which is hampering the recovery of our domestic boating industry. I completely agree with Mr. Taylor's remarks.

Furthermore, I urge my colleagues to support my bill, H.R. 951, which would repeal this ill-conceived tax. This legislation now has 50 cosponsors, and I look forward to its consideration:

LUXURY TAX SINKS U.S. BOATING INDUSTRY

(By James W. Taylor)

A simple ceremony during the Miami Boat Show this winter illustrates why the Bahamian government has a better grasp of simple economic theory than does our own. Prime Minister Sir Lynden Pindling used the backdrop of the world's largest boat show to announce that the Bahamas would be reducing boat taxes to less than 1% of a vessel's value and accelerating marina development. Sir Lynden's motive was straightforward: to lure American boaters, draw boat sales and service to the islands and, in turn, create jobs.

Sir Lynden's action came less than two months after imposition in the U.S. of a 10% excise tax on that part of a new pleasure boat's price tag that exceeds $100,000. While that will make it better in the Bahamas for those who wish to buy and slip their boats there—and for people looking for work there—it will further eliminate jobs in the U.S. boating industry.

In fact, the blood is already running here. Because of local labor sensitivities and fear that their names in the media will further jeopardize sales. Many boat builders won't go on record to explain how hurtful the tax is. But one major builder confides he has cut $100,000-plus production to custom orders only and given more than 450 workers layoff notices. A household name in sport-fishing yachts has closed its Southern plant, forcing 600 people out of work. The tax is cited regularly by those entering bankruptcy proceedings.

In Florida, the nation's top boat-building state, the Labor Department estimates that builders alone laid off 5,000 of 18,800 workers by the end of 1990. Marine retailers, original equipment manufacturers, and services allied to boating, such as lending, insurance and publishing, are feeling the ripple effects. Are all of these job losses directly the result of the excise tax? No. But the new tax deepens our industry's woes.

The boat tax and other so-called luxury taxes on jewelry, furs, private aircraft and high-ticket autos were originally included in the budget reconciliation game as a swap for the capital gains tax cut for the "rich" that never happened. Worse for all taxpayers, the Joint Committee on Taxation of the U.S. Congress has released an estimate of collections showing only $3 million attributable to boats in 1991.

In an interview, Peter K. Scott, a partner at Coopers & Lybrand and former general counsel to the IRS, stated: "The revenue gains from the luxury tax are illusory; businesses and the IRS will spend two or three times more to comply with and collect it than the small amount of revenue it raises. This is the ultimate in bad tax policy." Fred Goldberg Jr., commissioner of internal revenue, has been quoted saying he has no estimate of the cost of collecting the new taxes and questions whether the revenues collected are worth the burden to the IRS and the taxpayer.

Before you dismiss this issue as parochial, consider what consequences an arbitrary 10% price hike on shoreside condominiums, backyard pools, European travel, wide-screen televisions, season pro football tickets or a host of other "luxury" goods and services might have. The excise tax on boats sets a dangerous precedent.

Price points affect boat sales, just as they affect refrigerator and clothing sales. Pleasure boats are affected by a price elasticity of two, according to industry pricing and marketing studies and as illustrated by the experience of two European nations. Lawmakers in Britain and Italy found that boat sales decreased by double the percentage amount of the excise taxes they levied and tax revenues decreased. Subsequently, Britain withdrew the tax and Italy reduced it significantly. In the U.S., this means we could expect sales of affected boats to be depressed 20%.

The National Marine Manufacturers Association estimates that 10,000 to 15,000 boats will be affected by the tax and that 6,000 to 8,000 workers will lose their jobs this year. Those workers pay more than $30 million in federal income taxes annually.

America's boating industry is one of few U.S. manufacturing industries that maintains a net trade surplus—$239.4 million in 1959, the latest year available. U.S. built recreational boats are highly regarded in all world markets and in demand in countries, such as Japan and Germany, where insistence on quality is high. The new excise tax, while not collected on exported goods, lowers domestic demand and volume, thus reducing American boat-builder productivity. It will directly jeopardize our competitiveness with trading partners and could ultimately sacrifice the boating trade surplus, which is an economic benefit shared by all Americans.

The boating industry has found members in Congress who recognize the folly of the boat tax. Sens. John Breaux (D., La.), John Chafee (R., R.I.) and Claiborne Pell (D., R.I.) and Reps. Clay Shaw (R., Fla.) and David Bonior (D., Mich.) have cosponsored bills in their respective chambers to repeal the excise tax on boats.

For businessmen now unaffected by an excise tax burden, helping these bills succeed might be the best insurance to keep matters that way.

TRIBUTE TO DR. JENNIFER S. WATTS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to commend my constituent, Dr. Jennifer S. Watts of the Manhattan Chiropractic Center, for her efforts to increase the public's awareness of the health benefits of correct posture.

Posture not only affects the appearance of individuals, but also their comfort, productivity, and emotional outlook. It is crucial for the public to know that periodic spinal examinations, with close attention paid to posture, can reveal body defects or distortions.

As posture habits are formed at a young age, children especially must be educated on its importance so that they may be fit to grow in grace, knowledge, and stature.

Throughout the month of May, a nationwide effort to create a greater public awareness to the need for correct posture and spinal health care will take place. Chiropractors will conduct health lectures and posture evaluation clinics, and other informational programs will be available to the community at no charge.

I thank Dr. Watts and the Manhattan Chiropractic Center for their dedication to a public education program which stresses good posture habits and brings public attention to the values of spinal health care.

ISRAELI INDEPENDENCE DAY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mrs. BENTLEY. Mr. Speaker, fellow colleagues, I would like to take this time to celebrate the anniversary of Israel's independence. The commemoration of this day has special meaning in view of the recent hostilities in the Middle East. In light of these events, it is imperative that we declare strong support for Israel.

In August, the world watched in horror as Saddam Hussein's ruthless military invaded Kuwait. Having devastated the country Saddam declared his war with all countries who maintained membership with the United Nations. Due to the readiness of the United States military and the cooperation of those who demanded the withdrawal of Iraq, the allies bravely went forth and regained control of Kuwait.

Fortunately, the fighting was held to a minimum, yet the loss of any one life due to the aggression of a militant dictatorship is one too many. In the face of all this hostility stood Israel, a model of restraint. For decades they maintained their sole democracy in a region of conflict. Yet, they fell victim to the rage of Hussein and his weaponry.

On May 14, 1948, the official recognition of Yom Ha-atzma-ut began when the British mandate over Palestine ended and the United Nations established the State of Israel.

The vision of a homeland in Israel began long before. In the 1890's, Theodore Herzl dedicated his life to pursuing the Zionist movement. As Israel decided upon the colors for their new flag, there was only one choice. The blue and white, symbolic of Zionism and Herzl's commitment, would represent the new nation.

The flag was patterned after the Jewish prayer shawl, or the tallith. Incorporating all aspects of their religion into their new government, the Mogen David—Shield of David—was placed at the center of the flag.

This year, as we observe our own Independence Day on the Fourth of July, we will remember the cost and value of freedom. Across the United States, groups such as the Zionist Organization and the Jewish community centers have dedicated April 19 to continuing the tradition of democracy in their homeland.

Mr. Speaker, this April 19 will have commemorated the anniversary of Israel's independence and celebration of democracy. I, myself, saw the consequences of the brutality that befell Kuwait under the dominance of a treacherous aggressor and will never forget the value of freedom.

On April 19, those of the Jewish faith honored Yom Ha-atzma-ut. Mr. Speaker, we will all join with them and pray for a day when all countries will be independent and at peace.

FREE TRADE WITH MEXICO

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. McEWEN. Mr. Speaker, I rise today to share with my colleagues some comments made by a most distinguished and honored Member of the House of Representatives regarding the ongoing free trade negotiations with Mexico.

Congressman BILL RICHARDSON of New Mexico recently addressed a meeting of the Center for Strategic and International Studies to share his thoughts on the proposed United States-Mexico Free-Trade Agreement, and the need for Congress to support the President's Fast-Track authority.

As a Representative from the State of New Mexico, Congressman RICHARDSON provides unique insight into the benefits for the United States from a free-trade agreement with Mexico, and the concerns that many groups have with this prospect.

Mr. Speaker, I share BILL RICHARDSON's opposition to the Congress revoking the President's fast-track trade negotiation authority. The Omnibus Trade Act of 1988 extended this authority that the President has had since 1934. It allows negotiated trade agreements to be voted on by Congress without amendments. Regardless of support for the final agreements, without fast-track authority negotiation will not produce trade agreements for Congress to judge.

Congressman RICHARDSON recently authored a column regarding free trade with Mexico which appeared in the Washington Post. I would like to place it in the RECORD at this time, and I commend it to my colleagues in hopes that they find them of interest.

FREE TRADE WITH MEXICO, SÍ!

A powerful and energetic coalition opposes the U.S.-Mexico free trade agreement. It has been strengthened by the legislative situation in Congress, where the administration seeks fast-track procedures for both the U.S.-Mexico agreement and the stalled Uruguay round of negotiations on the General Agreement on Tariff and Trade (GATT). Under this procedure, only one vote would be necessary to grant authority for conducting both negotiations.

This has spawned a broad alliance of opposition groups ranging from labor, textile and environmental interests to those concerned abut Mexico's internal political situation. Thus, a U.S. border state congressman well disposed to free trade with Mexico could end up voting against fast track because of his unhappiness about the administration's agricultural policy in the GATT round.

If, as he has stated, the president attaches personal importance to regional and global trade and the U.S.-Mexico FTA in particular, he needs to use some of his substantial political capital to sway Congress. A bipartisan coalition is going to be indispensable to the successful negotiation and approval of a free trade agreement with Mexico. So far, supporters of the agreement, including American business, have been deafeningly silent.

In addition, a special independent high-level negotiation should be appointed with sufficient national stature to assuage congressional concerns, particularly those in the Democratic majority. Ambassador Carla Hills and her negotiating team at the U.S. Trade Representative's office are understandably focused on the Uruguay negotiations. A special negotiator, concentrating solely on the Mexican agreement, could strengthen the administration's ability to conduct effective trade talks while giving much-needed visibility to the Mexican agreement.

The administration needs to assure Congress that the United States and Mexico are seriously addressing issues raised by opponents, such as the dangers of wage disparities under a free trade agreement, working conditions in Mexico, illegal drug flow and the need for stricter environmental regulations in Mexico, particularly compliance with clean-air standards at the border. These deliberations should not be tied to the free trade agreement itself, but they need to be the subject of bilateral discussions, obviously involving a variety of agencies such as the Department of Labor and the EPA, and be coordinated with the FTA negotiations.

Mexico is now announcing new environmental regulations for the *maquila* (twin assembly plant) industry, which will begin the process of defining and enforcing specific environmental laws. If the United States is serious about wanting a cleaner home, hemispheric and global environment, it should work for stronger environmental controls on both sides of the border.

Similarly, some in the United States claim that a free trade agreement will exacerbate the flow of drugs into this country. The fact is that Mexico under President Carlos Salinas de Gortari greatly strengthened its cooperation with the United States on the drug front.

The Bush administration needs to develop a long-range strategy for free trade throughout the hemisphere. Caribbean countries are already concerned that a U.S.-Mexico FTA will jeopardize trade benefits obtained under the Caribbean Basin Initiative. Other Latin nations are viewing the proposed U.S.-Mexico trade connection jealously and suspiciously.

The positive consequences in concluding a free trade agreement with Mexico far exceed the negatives. There will be better access to a growing Mexican export market, a more reliable source of petroleum, increased American ownership of Mexican subsidiaries and other assets, and expanded access to parts and labor. Tangible political benefits include a potential reduction of Mexican immigration to the United States because of augmented economic activity as well as enhanced political stability in Mexico. Finally, with the evolution of trade blocs in Asia and Europe, the FTA assists the United States and the Western Hemisphere in effectively competing in an ineradicably altered commercial environment.

Should the fast-track authority be defeated in Congress, U.S.-Mexico relations in particular, and U.S. international economic policy in general, will be severely hampered. Unless the administration acts now, the war we have won on the Persian Gulf battlefields for a new world order will be eroded by a battle lost right here at home.

SUPPORT FOR H.R. 1853

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. BUSTAMANTE. Mr. Speaker, last week I introduced H.R. 1853, a bill to liquidate and reliquidate duties paid on entries of certain tissue paper products made after December 31, 1988 and before July 1, 1990 classified under the harmonized tariff schedule subheadings 4818.10.00, 4818.20.00, and 4818.30.00 as though such entry had been made on July 1, 1990. Prior to the conversion to the harmonized tariff schedule on January 1, 1989, certain tissue paper products from Mexico had been eligible for duty-free entry into the United States under the GSP Program. As a result of the methodology used to convert import data from the tariff schedule of the United States to the harmonized tariff schedule nomenclature, certain tissue paper products from Mexico were deemed not to be GSP eligible.

Tissue paper products from Mexico serve as an important source of supplemental supply to the United States tissue paper products industry, which has been operating at close to full capacity, and cannot always meet demand in the United States market with its production alone. The loss of GSP eligibility seriously affected the operations of Mexican tissue paper products producers exporting to the United States. H.R. 1853 seeks to provide relief with respect to certain entries of tissue paper products which have been adversely affected by the loss of GSP eligibility as a result of the conversion to the harmonized tariff schedule. I urge my colleagues to support this legislation.

A CONGRESSIONAL SALUTE TO MAYOR RANDY BOMGAARS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who has served his community with great distinction. I would like to take this opportunity to acknowledge the achievements of Mr. Randy Bomgaars, the mayor of Bellflower, CA.

Having dedicated his professional life to education and public service in southern California, it seems only fitting that Mayor Bomgaars was educated there himself. After receiving his bachelor of arts degree from California State University at Long Beach, Mr. Bomgaars began his teaching career with the Bellflower Unified School District. While continuing to teach, he went on to earn his master's degree from Pepperdine University.

As a dedicated member of the educational community, Mr. Bomgaars has long held positions on the Bellflower Education Association Board of Directors, including 5 years as president of the Bellflower Education Association. Currently, he is serving as elected representative to the State Council of the California Teachers Association, and as vice president of the Rancho Cerritos United Teachers Association. He is also an elected delegate to the Representative Assembly of the National Education Association, a position he's held since 1980.

Elected to the Bellflower City Council in 1988, Mayor Bomgaars served a 1-year term as mayor pro tem before his city council colleagues elected him as their mayor on April 17, 1990. Mayor Bomgaars is finishing his 1-year term, during which there has been a renewed commitment to neighborhood beautification and community revitalization. These projects, combined with a concentrated effort to combat drug abuse and gangs, highlight Mayor Bomgaars' commitment to bringing members of the community together for the realization of common goals.

Even after his term as mayor has ended, Randy Bomgaars will continue to represent the city of Bellflower through his numerous other leadership roles. The current treasurer and the secretary-elect of the California Contract Cities Association, and Bellflower's delegate to the League of California Cities, Mr. Bomgaar works tirelessly to promote his community and benefit his fellow citizens. As if all these responsibilities weren't enough, Mayor Bomgaars continues his 19-year commitment to educating the future leaders of his community by teaching fifth grade at Thomas Jefferson Elementary School.

Mayor Bomgaars will be honored in a special presentation during the regular Bellflower City Council meeting on April 22, 1991. I would like to lend my voice to the many others who will be there to acknowledge Mayor Bomgaars' many contributions to his community. I know Randy's wife, Jennie, and their three children, Chad, Travis, and Laci, join my wife, Lee, and myself in this tribute to an extraordinary leader, educator, husband, and father; Mr. Randy Bomgaars. Mr. Mayor, we wish you all the best in the years to come.

SHEPPARD PRATT FOUNDERS DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. CARDIN. Mr. Speaker, today I rise to pay tribute to one of Baltimore's distinguished private psychiatric hospitals—Sheppard Pratt—as it celebrates its founders day on May 7, 1991.

Founded by Baltimore Quaker Moses Sheppard and chartered by the State of Maryland in May 1853, the Sheppard Asylum accepted its first patient on December 6, 1891, heralding a quiet revolution in the humane care of Maryland's mentally ill.

Moses Sheppard knew first hand the tragic conditions which the mentally ill endured in the mid-1800's. As a warden of the poor and a member of the inspection commission of the Baltimore City Jail, he saw the insane caged in attics and cellars, warehoused in buildings and jails, stripped not only of every human comfort but also of their dignity—chained, neglected, and sometimes abused. In leaving his entire estate to build the Sheppard Asylum, he ordered that all that medical science could offer should be brought into service against the ravages of mental illness.

Today, the Sheppard and Enoch Pratt Health System continues to honor the mission of its founder. The 322-bed, not-for-profit psychiatric hospital is recognized as a national resource in psychiatric and chemical dependency treatment and residency training. The National Center for Human Development strives to eradicate the stigma of mental illness which too often still looms as a barrier to treatment. The Forbush School, accredited by the State of Maryland Department of Education, serves the needs of the emotionally disturbed children and adolescents of our community.

Psychiatric disorders strike 1 in 5 Americans, and their effects are felt by virtually every family. On the occasion of its celebration of the centennial, Sheppard Pratt continues to increase public awareness of the treatability of mental illness and reduce the stigma that sadly, even in these times, too often acts as a barrier to seeking treatment.

IN SALUTE OF RAYMOND "BEN" BENFATTI

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to pay tribute to the efforts and accomplishments of one of San Diego's indispensable citizens. Raymond Benfatti, or Ben, has served his country, his government and the people of San Diego tirelessly for the past 45 years.

Ben's military career spanned both the Korean and Vietnam eras. When he retired from the Marine Corps in 1971 he had held every rank from private to sergeant major to lieutenant to captain and had earned the Purple Heart, the Bronze Star, and the Silver Star. His record of valiance and dedication speaks for itself and is a model for current and future servicemen and women.

After he left the military, Ben continued his commitment to public service. Not surprisingly, he has compiled another record of excellence at the General Services Administration. His many awards and commendations reflect the standards of a man who has become an invaluable resource to Members of Congress, tenant agencies, and various private sector agencies in the Federal Building and the U.S. courthouse.

Beyond his other duties and responsibilities, Ben has taken charge of the paper recycling program in the Federal Building and the U.S. Courthouse in San Diego. His initiative and imaginative waste management ideas have saved innumerable tons of paper and helped to make the Federal Government a more environmentally responsible member of the San Diego business community.

Additionally, Ben has coordinated the annual Christmas food, toy, and clothing drive. Last year, through his thorough and ingenious publicity campaign at the Federal Building he helped collect and distribute 270 pounds of toys, 951 pounds of food, and half a ton of clothing for the needy.

And, as if he were not busy enough, Ben has become an integral part of the quarterly blood drive at the Federal Building, arranging the room where the drive takes place, coordinating the schedule with blood bank officials, organizing publicity and, of course, donating his own blood.

Ben's conscientious approach to this job and his devotion to his community make him a public servant in the true sense of the word. I have no doubt he will continue to help others in the years ahead. Mr. Speaker, I hope you and all of our colleagues will join me in thanking Ben as he prepares to retire from GSA. His energy and spirit will be sorely missed.

CONGRATULATIONS PAUL WESLEY SCHIEL III, ON ACHIEVING THE RANK OF EAGLE SCOUT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. CLEMENT. Mr. Speaker, presently, Boy Scout Troop 217 of the Middle Tennessee Council will convene an Eagle court of honor to award Paul Wesley Schiel III, Scouting's highest rank. I am proud to join Wesley's family and friends in congratulating him on this achievement.

Earning the Eagle Scout Award is no easy task. Only a small percentage of all Scouts are able to meet its rigorous requirement. Not only does a Scout have to earn the requisite number and type of merit badges but, more importantly, he has to demonstrate community service and leadership.

The court of honor will pay tribute to the fact that Wesley has excelled in meeting these requirements. Within the troop, he holds a position of great responsibility and respect. He is a genuine leader and, in the words of his Scoutmaster, Raymond Throckmorton, Wesley "is the type of young man on which, surely, the future of our community and Nation depends so much."

I congratulate Wesley on earning the Eagle Scout Award, as well as his family and friends who have encouraged him during his Scouting career.

SECRETARY OF DEFENSE DICK CHENEY ADDRESS TO THE U.S. NAVY LEAGUE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. McEWEN. Mr. Speaker, I rise today to share with my colleagues some comments made by the distinguished and honored Secretary of Defense, Dick Cheney.

Throughout his impressive career of national service in Washington, Dick Cheney has been recognized as one of the country's most knowledgeable and thoughtful national security experts. Additionally, he is recognized as a prudent and insightful political leader. As we begin to evaluate the tremendous success of Operation Desert Storm, there is no better source for wisdom and guidance than the Secretary of Defense whose impeccable leadership of the Pentagon played a large part in the success of this massive military operation.

During my tenure as a member of the House Select Committee on Intelligence, I had the distinct honor and pleasure to work on a daily basis with Dick Cheney. We shared a deep respect for these who dedicated their lives to protecting American freedom, interests and ideals, and we worked to provide them with the support they needed to do their jobs. The American people were fortunate when the voters of Wyoming sent Dick to Washington to serve the Nation, and when he was chosen by the President to lead the Department of Defense.

Mr. Speaker, Secretary Cheney notes that the success of Operation Desert Storm is due in large part to those who contributed to the reinvigoration of the U.S. Armed Forces in the past decade. Ronald Reagan's personal leadership in reforming our military, in making service to the Nation through the Armed Forces a noble and respected career again, directly contributed to rebuilding of U.S. armed services. Our service men and women, as fine a group of Americans as could be brought together, displayed dedication, professionalism, efficiency and humanity in overcoming Saddam Hussein.

Secretary Cheney's predecessors, Caspar Weinberger and Frank Carlucci, were often questioned by the liberal establishment for overseeing the rebuilding of our national defense forces portrayed as wasteful systems that would never work. The victory of our forces in the Persian Gulf confirms the success of their Pentagon leadership.

Mr. Speaker, in the following address, Secretary Cheney evaluates the policies that led to the success of Operation Desert Storm, and he looks ahead to the future, providing guidance regarding the evolution of our national security policies. I personally commend it to my colleagues, and to every American concerned with maintaining a sound national defense in a changing world.

REMARKS BY SECRETARY OF DEFENSE DICK CHENEY

It is a pleasure to be back this year. A great deal has happened since the last time we met. Of course Germany has been reunited within NATO. As of this weekend, the Warsaw Pact will no longer exist. Saddam Hussein no longer has the world's fourth largest army. (Applause)

All of these developments, obviously, have something in common. Most of all, that's our same commitment to a strong national defense. That commitment enabled us to lead a worldwide alliance that contained Soviet expansion for more than 40 years. In the Persian Gulf, American leadership held together an extraordinary coalition of more than 30 nations, as we made common cause against Saddam Hussein's aggression. Because of that leadership and commitment, Kuwait today is free.

This afternoon I'd like to talk briefly about the new challenges for America's defense in the years ahead, and focus on some of the lessons learned from Operation Desert Storm. Then, as Cal mentioned, I'd be happy to take any questions you have.

This expo, I think, is an appropriate place for us to talk about the future. It showcases some of the new technologies the U.S. can look forward to in the years ahead. As Operation Desert Storm unfolded, Americans watched a revolution in advanced technology change the very face of modern battle. Precision munitions like the Tomahawk cruise missile launched in combat for the first time, the F-117 stealth fighter, advanced systems for command and control, space-based communications, the Patriot—the world's first ever combat defense against ballistic missile attacks. These systems and others, some of which you were responsible for, gave us the edge on which our victory depended.

America's technologies gave our forces an unprecedented degree of accuracy, precision, and effectiveness on the ground and in the air. Our coalition was able to coordinate more than 100,000 air sorties from land and sea—involving the forces of 11 different nations. New techniques and capabilities like laser targeting, infrared night vision, let us respond to constantly changing battlefield conditions. It will be a long time before all the assessments are in, but this much is clear—in the years ahead, the history of war will have to be dated BDS and ADS, Before Desert Storm and After Desert Storm.

Technology alone is not the reason. Our victory in the Gulf reflects the skill and the professionalism of our true smart weapons—soldiers, sailors, airmen, and Marines—who put our technology to work. They are, without question, the finest armed forces in the world today. (Applause)

Today I also want to give credit to another group—the men and women of America's defense industry. They are the ones who followed through on the promise of modern technology to produce and deliver the weapons that our forces needed to do the job. Obviously, in the 1980's we bought more than just $600 toilet seats. (Laughter)

One of the concepts that you become very much aware of as Secretary of Defense when you go through an exercise such as the war in the Gulf, is how much you owe to your predecessors. It would not do today to let the opportunity pass to pay homage to those that have gone before, in terms of making the decisions to create the forces that General Powell and I inherited, that we were able to deploy at the President's instructions when we needed them last August. Later this afternoon I'll have the opportunity to meet with President Reagan—I've already called him once to thank him for what he did to make possible the effort that's been so successfully concluded in the last few weeks. But credit is due as well, to my predecessors—Republican and Democrat alike—Frank Carlucci, Cap Weinberger, Harold Brown, Don Rumsfeld, Jim Schlesinger, Mel Laird, and all the other Secretaries over the years who did, in fact, create the force we used in the Gulf, in the war just completed.

For years, we've listened as the defense critics told us that high tech systems wouldn't perform, or that they were too complicated for our servicemen and women to handle. Every one of these individuals predicted doom and gloom in the Gulf. I was going to go back and find some of the worst predictions for you, like the critic who said the Tomahawk would never work, that it was, quote, "just plain dumb."

I decided, instead, to give you a prediction by someone who had it right. I'm thinking of a young pilot who was asked how he felt about the prospect of combat. It was just a few days before the January 15th deadline for Iraq to withdraw from Kuwait, at a time when no one knew just what would happen. This young pilot said, "These guys don't scare me. I respect our technology and I respect our pilots. We are better than them." He was right on target.

Now, after years of hearing from our critics, Americans have seen the reality for themselves. They've seen the caliber of our men and women in uniform; they've seen new technologies work and work very well; and more importantly, they've seen that these systems save American lives. Every one of you who contributed to that triumph can be proud of a job very well done.

As we look ahead, it's clear that our technological edge will grow more important, not less important. Weapons technologies continue to move ahead. More sophisticated systems are appearing in arsenals throughout the globe. We estimate that by the year 2000 more than two dozen developing nations will possess ballistic missiles, and a third of that group will have, or be near to acquiring, nuclear capability as well. Some 30 countries will have chemical weapons; 10 will be able to deploy biological systems as well.

So the Gulf war foreshadowed the kinds of threats we may well face again—a major regional power, armed with some of the more modern and sophisticated systems in the world. That's one dimension of the challenge we face as our nation begins its third century.

The other major challenge, of course, is the global political shift brought about by the end of the Cold War. Saddam Hussein showed us that the end of the Cold War does not mean an end to aggression. Regional and ethnic tensions and other forms of violence will continue in many parts of the world. New uncertainties still challenge the transition to a more peaceful world—not the least of these being change inside the Soviet Union itself. Let me say just a few words about that.

The Soviets, clearly, have played an important, and oftentimes helpful role, in some of the most significant developments in the past few years. In finally allowing Eastern Europe to choose its own path; in reducing conventional armaments; and in joining the international condemnation of Iraq's aggression. That kind of new thinking and policy helped transform our relations with Moscow, and have ushered in a new era in world politics. Yet today, the movement towards democracy and away from militarization that we welcomed in the Soviet Union, now appear to be in doubt. Recent worrisome events threaten the prospects for needed reform. The economy in the Soviet Union today appears to be collapsing. By some estimates, it will contract by as much as another 20 percent this year. The shelves are empty of food, soap, and medicine. Yet in the face of the crisis, the Kremlin has killed any prospect for reversing the decline by rejecting the only realistic, market-oriented economic reform program. At the same time, political reform has also slowed, and in some cases, has been reversed.

In December, former Foreign Minister Shevardnadze left the government, warning of an impending dictatorship, shortly after Gorbachev sanctioned a government crackdown on the freely elected governments of the Baltic states. In short, rather than move aggressively toward greater political and economic alternates to resolve underlying Soviet problems, President Gorbachev appears ready to take the old road, relying on security services and the use of force. Taken together, the implications of all of these developments are significant.

First, it's clear that the threat of immediate, short notice, global war has dissipated. The Warsaw Pact is dead as a military organization. The Kremlin's ability to project conventional military power beyond Soviet borders will continue to decline.

At the same time, we must recognize that considerable uncertainty still exists about future developments inside the Soviet Union. Unrest and violence in the Soviet Union is expected to continue with international as well as domestic impact. Meanwhile, the Soviet Union retains the largest army in Europe, and continues to pursue a vigorous program to modernize its strategic capabilities, including strategic defenses. Soviet strategists continue to write about what they foresee as the coming military technological revolution, comparing it with the period before World War II when aircraft carriers, blitzkrieg tactics, and amphibious capabilities changed the shape of warfare. Whether we act or not, we know the Soviets are pursuing this new revolution diligently—particularly in light of the lessons they've learned by watching our operations in the Gulf.

What do these trends mean for our defense strategy? First, we will have a smaller force structure, but one that is flexible enough to respond to a wide range of threats. As we carefully reduce our forces, we will need to retain the national capacity to reconstitute them in the future, should that become necessary.

Second, current trends reinforce the importance of maintaining our edge—not only in military hardware, but in the kind of fresh ideas that successful strategy and doctrine require. Our technological edge remains essential, both to deter aggression and to defend against potential threats. We need strong strategic offensive and defensive forces. We must move forward with our effort to develop and deploy a system that can protect us, our allies, and our forces wherever they may be, from missile strikes even more sophisticated than those we suffered in the Gulf. As President Bush said, "I thank God that when the SCUDs came, the people of Israel and Saudi Arabia, and our forces, had more to protect their lives than some abstract theory of deterrence. Should we wish less for our cities and our people?"

The third implication of world trends is the continuing importance of our worldwide alliances. Friends and allies who share our basic values and aims are the surest guarantee of our long term security as a free and independent nation.

Fourth, and in keeping with those global commitments, we need to retain forward deployed forces, along with the ability to project force rapidly, like the maritime prepositioning and highly mobile forces that contributed so much to our response to the crisis last August.

Fifth, we need a robust Navy to control the world's oceans that are a primary link to friends and trading partners all over the globe. The size and mix of our fleet may change, but its fundamental importance to our security will endure.

Sixth, to support our forces we must maintain training, equipment, and other forms of support that are needed to do the job right. Desert Storm has erased the Vietnam syndrome, but not the lessons of that conflict. Today's brave soldiers and sailors, like those who served in Vietnam, deserve our country's praise, our gratitude, and our full support. We will not return to the hollow Navy and Army of the post-Vietnam period.

Finally, in the new strategy, we must continue the commitment to world leadership on which our security has rested for so long. America's safety, our ability to influence the direction and speed of global change depends, as never before, on our willingness and ability to take an active part in world affairs. As our defense structure grows smaller, it is essential to reassure others of our determination to protect our interests, and to respond to threats wherever they may arise. That depends, in turn, on our willingness to maintain the basic defenses that we require.

Operation Desert Shield relied on forces we developed and bought years and in some cases, decades ago. Tomorrow's capabilities depend very much on the investments we make today. In recent weeks there's been a nationwide outpouring of pride and confidence for the deserving men and women who have gone in harm's way to serve America's defense. As we take up the responsibilities of our future defense, we owe them and ourselves a thoughtful approach to the task ahead.

CONSUMER PROTECTION FROM ROLL-UPS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. STARK. Mr. Speaker, today I am introducing a bill to protect consumers from roll-ups, a financial restructuring that is depleting the investments of many of our constituents.

There has been a recent trend on the part of partnership promoters and managers, particularly in publicly held real estate partnerships, to combine several partnerships into one publicly traded partnership. Investors are lured into voting for this restructuring, commonly known as a roll-up, with assurances that the roll-up will provide liquidity of their investment, economies of scale and reduced administrative costs, diversification of their investment and better access to capital markets.

In fact, investors have seen their equity drastically erode in almost every roll-up to date. Liquidity means nothing when there is no market for the new entity. Diversification provides no safety for the investor in a healthy partnership which is rolled up with partnerships on the verge of liquidation. Economies of scale and reduced administrative costs cannot begin to offset the costs of the roll-ups with fees paid to investment bankers, appraisers, accountants, lawyers and brokers, and increased fees to general partners.

Who are these investors and why do they agree to allow their investments to be rolled-up? There are 8 to 9 million limited partnership investors with typical investments in the $5,000 to $10,000 range. Judging from my constituents, many are seniors who invested their retirement savings in limited partnerships on the advice of brokers. Because they tend to be unsophisticated investors, they tend to vote a approve a roll-up in reliance upon the "experts," the general partner, investment bankers and brokers. General partners send a prospectus of hundreds of pages describing the transactions. Since the average small investor will have great difficulty understanding the prospectus, they rely on their brokers' advice. Brokers urge consumers to vote yes on the roll-ups but don't explain that they earn a fee for yes votes only. Nor do they explain that the deal's fairness opinion is usually written by an investment house that gets a bigger fee for a deal that gets rolled-up than for one that does not, providing an incentive to call any deal fair.

There is a solution that the average investor can appreciate. I propose that dissenters rights be offered to all investors of proposed roll-ups. Let the consumer have the option of getting out of the investment, before it is diluted with the cost of the roll-up, for the value that the promoters place on the partnership interest in the SEC filings.

If dissenters rights are not offered, my bill would impose a 50 percent excise tax on any amounts of gain, payments, fees or other benefit earned by the general partners, manager, investment bankers. brokers, investment advisors, underwriters or appraisers who stand to gain by the roll-up.

It's time that Wall Street gave Main Street a break.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 54 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new section:

"SEC. 5882. TAX ON CERTAIN AMOUNTS RECEIVED IN CONNECTION WITH CERTAIN ACQUISITIONS OR COMBINATIONS OF SPECIFIED ENTITIES.

"(a) Imposition of Tax.—There is hereby imposed on any disqualified person who receives any disqualified rollup-related payment a tax equal to 50 percent of any gain or other income realized by such person by reason of such payment.

"(b) Disqualified Rollup-Related Payment.—For purposes of this section—

"(1) In general.—Except as provided in paragraph (2), the term 'disqualified rollup-related payment' means any payment, fee, or other consideration received (directly or indirectly) by a disqualified person—

"(A) on account of services rendered in connection with a prohibited rollup transaction,

"(B) in exchange for a direct or indirect interest in a specified entity which is a party to a prohibited rollup transaction, or for the relinquishment of any right arising under a contract or other agreement with any such entity, or

"(C) on account of—

"(i) services rendered to any entity resulting from a prohibited rollup transaction, or

"(ii) holding any interest in such entity (including any amount received on redemption or other disposition of such an interest).

"(2) Exception for certain payments.—The term 'disqualified rollup-related payment' shall not include any amount received by any disqualified person on account of any services to the extent such amount does not exceed the amount such disqualified person would have been entitled to receive for such services from a specified entity had it not entered into the prohibited rollup transaction.

"(c) Prohibited Rollup Transaction.—For purposes of this section—

"(1) In general.—The term 'prohibited rollup transaction means any transaction which would convert a specified security in a specified entity to an interest which is not a specified security if—

"(A) in connection with such transaction, there is an offering of securities which is required to be registered with the Securities and Exchange Commission or any comparable agency of a State or local government or a proxy or other vote is requested in connection with the transaction, and

"(B) the dissenters' rights requirements of paragraph (2) are not met by each specified entity which is a party to the transaction and which was in existence before the transaction.

"(2) Dissenters' rights requirements.—The dissenters' rights requirements of this paragraph are met by any specified entity if—

"(A) each person who holds a specified security in such entity has a reasonable opportunity to dissent to the transaction referred to in paragraph (1), and

"(B) each person who dissents to such transaction has the right to—

"(i) require the redemption of such person's specified security in the entity for an amount equal to such security's proportionate share of the net value of the assets of such entity immediately before the transaction and such amount to be paid in cash, marketable securities which have been traded on a national exchange for at least three years, or negotiable promissory notes issued by the entity resulting from the transaction, such promissory notes being subject to terms specified in regulations to be promulgated by the Secretary; or

"(ii) receive securities which have substantially the same value, rights, powers, and privileges as the specified security.

The amount determined under subparagraph (B) with respect to the value of any specified security shall in no event be less than the amount represented (in any document filed with the Securities and Exchange Commission or any other governmental authority) as the value of the underlying assets to be exchanged, sold or contributed (either directly or indirectly) by the specified entity which issued the specified security.

"(3) Specified entity.—The term 'specified entity' means any limited partnership which has issued a specified security which was not traded on a national securities exchange before April 23, 1991, or any such entity which has been converted after April 23, 1991 into an entity interests in which are freely transferrable.

"(4) Specified security.—The term 'specified security' means a limited partnership interest in which the holders of such interest are entitled to receive a proportionate share of all net proceeds from all sales or refinancings which occur on or after a specified date (which date may be the initial date of issuance of such security) of the assets of the entity issuing such security, and none of the net proceeds of such sales or refinancings may be retained by such entity, other than that which may be retained under the original agreement among the partners. For purposes of this paragraph, the term 'net proceeds' means the gross proceeds received from a sale or refinancing, reduced by any indebtedness or reasonable costs that must be paid as a result of such sale or refinancing, further reduced by any reserve for repairs or replacement, all of which must have been consistent with the agreement of the partners at the time the specified security was issued.

"(d) Disqualified Person.—For purposes of this section, the term 'disqualified person' means—

"(1) any person who, immediately before or after a prohibited rollup transaction, was or is a general partner, manager, or investment adviser with respect to any specified entity which is a party to such transaction,

"(2) any person performing services as a broker, dealer, underwriter, promoter, investment banker, or appraiser in connection with the prohibited rollup transaction, and

"(3) any person who is related (within the meaning of section 5881(c)(2)); to any person described in paragraph (1) or (2).

"(e) Tax Applies Whether or not Amount Recognized.—The tax imposed by this section shall apply whether or not the gain or other income referred to in subsection (a) is recognized.

"(f) Administrative Provisions.—For purposes of the deficiency procedures of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A."

(b)(1) The chapter heading and table of sections for chapter 54 of such Code is amended to read as follows:

"CHAPTER 54—GREENMAIL, ETC.

"Sec. 5881. Greenmail.

"Sec. 5882. Tax on certain amounts received in connection with certain acquisitions or combinations of specified entities.

(2) The table of sections for subtitle E of such Code is amended by striking the item relating to chapter 54 and inserting the following new item:

"Chapter 54. Greenmail, etc."

(c) The amendments made by this section shall apply to prohibited rollup transactions (as defined in section 5882 of the Internal Revenue Code of 1986 (as added by subsection (a)) occurring after April 23, 1991.

LEWISBURG UNITED METHODIST HOMES CELEBRATES 75 YEARS OF CHRISTIAN CARING

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Lewisburg United Methodist Homes which will be celebrating "75 Years of Christian Caring" on May 18, 1991.

In 1879, Father Adolph Weidmeyer of Baltimore County, MD, recognized the community's need for a home for old people as an agency of the church. Seeing this need, he placed $115 in a trust, to be cared for by his son P.C. Weidmeyer, until a home could be built.

This fund later came under the custody of the Central Pennsylvania Conference of the Evangelical Church. About the same time, Rev. Ammon Stapleton, A.M., D.D. of Williamsport, PA, recognized the need for an orphanage. The conference decided to join both of these causes in March 1916.

The first real step took place in March 1916 when the United Evangelical Home purchased the Ross mansion and farm near Lewisburg. Members of the church joined in the cause by donating whatever they could to make the home successful.

For 36 years, the orphanage provided a home to over 250 children. They set up a healthy living environment where the children could live a happy childhood and grow into caring citizens.

The members of the church provided land, money, and most importantly, time to take care of others in their community.

In 1988, the Lewisburg United Methodist Homes changed its corporate name to the United Methodist Continuing Care Services.

As you can see, I am very proud to have these caring and hard-working people in my constituency. They go beyond their call of duty to help their fellow man. They are lessons to the youth and great examples of ideal citizens.

I hope that they will continue to grow and have another successful 75 years. They are greatly appreciated by all of us. I ask you to join me in both thanking and congratulating them on their 75 years of dedication to the 17th Congressional District of Pennsylvania.

BLOCKBUSTER ENTERTAINMENT CORP. NAMED COMPANY OF THE YEAR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today Blockbuster Entertainment Corp. which was recently named by the Miami Herald as the Florida Company of the Year for 1990.

Blockbuster, and its chairman, H. Wayne Huizenga, has revolutionized the videocassette rental industry with a chain of franchised stores. The south Florida-based firm has grown rapidly to become the world's largest video chain with more than 1,600 stores serviced by 26,000 employees.

The Herald panel of judges, all deans of business schools at Florida universities, selected Blockbuster for its remarkable growth, its ability to fund expansion without incurring large debt, and its community service efforts. They also applauded the company's refusal to carry X-rated adult videos in its stores.

In 1990, Blockbuster's revenues passed the $1 billion mark for the first time in the company's history, totaling $1.13 billion, a 71-percent increase over 1989. This rapid growth shows that the American dream can still come true for those willing to take the risks to make their vision a reality.

Along with Blockbuster, the Miami Herald also nominated six other south Florida firms for the 1990 award: American Bankers Insurance of Miami, Peoples Telephone of Miami, Claire's Stores of Miami, Lennar Corp. of Miami, Wackenhut Corp. of Coral Gables, and Watsco of Miami. Blockbuster joins five other south Florida firms who were named Florida Company of the Year by the Miami Herald since the award began in 1982: Citizens Savings Financial Corp. of Miami, 1989; Carnival Cruise Lines of Miami, 1988; L. Luria & Sons of Miami Lakes, 1984; Ryder Systems of Miami, 1983; and Key Pharmaceutical of Miami, 1982.

These businesses have proven that the American values of free enterprise and entrepreneurial initiative are still alive and well in south Florida.

COMMENDING NATHAN ANDERSON

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. McEWEN. Mr. Speaker, I rise to recognize Nathan Anderson, an outstanding young man from Chillicothe, OH, who recently visited Washington as a part of the American Legion's annual Americanism and Government Test Program.

Nathan, a 17-year old eleventh grade student at Union-Scioto High School, was one of just eighteen winners from among the eighty-six thousand participants in this annual competition sponsored by the American Legion of Ohio. The winners of this prestigious event, a tradition that dates back to 1935, are brought to Washington, DC and other historical sites in the area as guests of the Legion.

The brave American service men and women of Operation Desert Storm follow a long line of American troops that have fought to protect American interests and ideals across the globe. Many of the veterans of earlier battles for freedom are today members of a noble association of veterans—the American Legion.

Mr. Speaker, when I came to serve the people of Ohio in the House of Representatives, I gratefully accepted an appointment to the House Veterans Affairs Committee. I have been equally grateful for the opportunities to meet and work with Veterans Associations such as the American Legion who share my respect for America, and the traditional values and institutions that made this the greatest country on Earth.

The Ohio American Legion's annual "Americanism and Government" Test Program promotes the study of our political system and history. Nathan Anderson, a Boy Scout and honor student with an excellent grade point average, is a worthy choice as one of this year's winners. Furthermore, Nathan plans to follow in the footsteps of the members of the American Legion and join the armed forces, pursuing a career as a navy pilot.

Mr. Speaker, I join my colleagues in congratulating Nathan Anderson for his selection, and the American Legion of Ohio for continuing this fine tradition of providing a program that brings outstanding young men and women to Washington for an opportunity to learn a little more about their country and its Government.

THE NEZ PERCE NATIONAL HISTORIC PARKS ACT OF 1991

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. WILLIAMS. Mr. Speaker, this past year all of America marveled at the presentation of the Civil War documentary on public television. This Nation has spent a great deal of time understanding the Civil War and preserving the sites of historic consequence and battles. We preserve this heritage not because it glorifies war or its outcome, but because it helps us understand who we are as a nation and a people.

It is for these reasons that I rise today to introduce the Nez Perce National Historic Parks Act of 1991. There are important pieces of our past being lost every day in the West, and it is high time we move to protect those sites as diligently as the battlefield sites in the East. This legislation does precisely that. Joining me in introducing this bill are Congressmen LaRocco and Stallings of Idaho, Congressmen Dicks and McDermott of the State of Washington, and Congressmen AuCoin of Oregon and Faleomavaega of American Somoa.

The Nez Perce, the American Indians whose heritage and fate this bill addresses, were traditionally at peace with the white men who settled the mountains and valleys of southeastern Washington, northeastern Oregon, and north central Idaho. In 1855, Isaac Stevens, then the Governor of the territory of Washington, signed a treaty setting aside 5,000 square miles of homeland for the tribe. The promise of peace and cooperation was in hand.

But short years later, when gold was discovered on the newly created reservation, prospectors entered without regard for the treaty. Another treaty was proposed in 1863 but Old Joseph, White Bird, Looking Glass, and other chiefs of the upper Nez Perce after witnessing the failure of the first treaty would not sign a second one. Finally in May of 1877 war broke out between the nontreaty Nez Perce, on their way to the reservation, and U.S. Army troops.

What followed was one of the most miraculous retreats and evasions that this country has ever witnessed. The Nez Perce in their attempt to reach Canada and peace began a journey that began in Oregon, traveled through Idaho and Montana, crossed the continental divide three times, and finally ended on the windswept northern plains of eastern Montana, just 40 miles of the Canadian border and the hope for a new home.

That incredible movement of men, women, and children with all their worldly belongings was achieved in rough and often treacherous terrain, through all types of weather and while fighting a running battle with U.S. troops. Their trail stretched across 1,170 miles, and we now know the battlefields bear by the names of the Big Hole, White Bird Canyon, Clearwater, and the Bear Paws. These were important battles that still tell us important facts about our development as a nation and our place as a people.

This legislation continues and builds on important work the U.S. Forest Service and local citizens have already done in identifying and managing the Nez Perce National Historic Trail. I am pleased to sponsor this effort, and I will be calling for an early hearing so we can get on with this important work.

As Chief Joseph stood on the open plains of Montana, he delivered one of the most compelling speeches on American soil. He said:

> Tell General Howard that I know his heart. I am tired of fighting. Our chiefs are killed. Looking Glass is dead. Toohoolzote is dead. The old men are all dead. It is young men who say yes or no. He who lead the young men is dead. It is cold and we have no blankets. The little children are freezing to death. My people, some of them, have run away to the hills, and have no blankets, no food; no one knows where they are—perhaps freezing to death. I want to have time to look for my children and see how many I can find. Maybe I shall find them among the dead. Hear me, my chiefs. I am tired; my heart is sick and sad. From where the Sun now stands, I will fight no more * * * forever.

Mr. Speaker, it would be wrong to forget these events. This legislation will help us to remember.

THE MINING LAW OF 1872: A NEW MEXICAN SPEAKS OUT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. MILLER of California. Mr. Speaker, the House Interior Committee is again looking to reform the antiquated mining law of 1872, a statute seriously out of step with the times.

Each time the committee has taken up this cause, we have been told there is no support for such action, especially in the Western States.

Mr. Speaker, I am submitting an op-ed piece today that was written by Mr. Jim Baca, the land commissioner for New Mexico, and published April 8, 1991, in the Albuquerque Journal. It is a clear example that solid, progressive leadership for reform of the mining law of 1872 does exist in the West.

I commend it to my colleagues.

[From the Albuquerque (NM) Journal, Apr. 8, 1991]

OVERHAUL 1872 MINE LAW

(By Jim Baca, Land Commissioner)

Two days after 40,000 Pecos River trout were killed by mining waste, the head of the U.S. Bureau of Mines claimed that people seeking reform of federal mining law were "a bunch of nuts." Three days later, the Bureau of Land Management unveiled a "marketing plan" designed to develop a "good standard public line" in support of the status quo.

Unfortunately, what's needed is a comprehensive overhaul of the antiquated 1872 Mining Law, not a public relations job designed to cover up its multitude of sins.

As commissioner of public lands, I have the responsibility to manage and conserve our state trust lands—to earn money for our schools and protect our environment. The 1872 Mining Law makes it more difficult to achieve both goals, and for that reason I have joined in the call for reform.

When a 119-year-old law permits mining companies to take public resources without paying for the minerals they extract, without being subjected to the scrutiny of multiple use planning, or adequately reclaim the mined land to a productive state, it is a law out of step with the times.

When that same law allows large corporations to simply "claim" large acreages of public land as their own and pay no more than $5 an acre, it is nothing short of scandalous.

As commissioner, I have a constitutional mandate to charge full market value for all state trust resources leased for development. If you were a mining company and had a choice of paying the state for the minerals or getting them for free from federal land, which would you choose?

Even though your state trust lands were given by the federal government for the purpose of benefiting New Mexico's schoolchildren, the 1872 Mining Law effectively takes that money away from our schools and teachers by undercutting the market.

While discouraging the use of state land, the 1872 law also deprives us of income from the federal estate. Every year, millions of dollars in royalties and rentals come to New Mexico from oil, gas and coal companies for their development on federal land in the state. The 1872 Mining Law exempts those companies mining gold or copper from paying their fair share.

Perhaps even worse than the financial ripoff and the shortchanging of our schools is the environmental impact of the 1872 Mining Law. Decades of neglect have left a legacy of poison and devastation. The Terrero mine, which caused the fish kill in the Pecos, has been abandoned for many decades. Nothing in the law requires cleanup of mines, and hundreds more in our state remain unreclaimed, environmental time bombs.

What reformers are asking for is a little common sense. We'd like to see hard rock minerals treated like other leasable commodities like oil, gas, coal or geothermal resources.

Ownership of the land should remain in public hands, not handed over for a pittance. Revenue should be directed back to the affected states. Land managers should be given the responsibility of determining whether mining is an appropriate activity for a given location. Reasonable, strong reclamation standards should be applied.

These are the standards that the vast majority of public land resource users must meet today. Without a change, we face the prospect of having a 19th century law administer mining in the 21st century.

Many of my fellow land managers at the Bureau of Land Management agree, despite official opposition to reform.

It's time for a change, and it's time our citizens and public officials stood up and said so.

IN SUPPORT OF H.R. 534, A BILL TO REPEAL THE USER FEE ON BOATS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. SHAW. Mr. Speaker, I would like to bring to my colleagues' attention a bill I believe worthy of their support. The legislation I am referring to is H.R. 534, a bill to repeal the user fee for boats. I am proud to be cosponsor of this legislation, which was introduced by the ranking Republican member of the Merchant Marine and Fisheries Committee, Congressman ROBERT DAVIS of Michigan.

H.R. 534 has over 150 cosponsors, and that list is deservedly growing. A majority of members who serve on the Merchant Marine and Fisheries Committee are also cosponsors. This legislation is necessary, vital and sensible. I have long been an opponent of a user fee for boaters for three simple reasons: First, the average boater is already overtaxed; second, this user few will be difficult for the Coast Guard to administer and implement; and third, the boater will not be receiving any new services from the Coast Guard for paying this user fee.

Allow me to expand on these three basic points. Last year's Budget Reconciliation Act, while necessary to restore some sanity and discipline to our budget process, was particularly hard on boaters, boat retailers, and boat manufacturers. In addition to the user fee, Congress also levied a new $35 FCC license fee for boat radios, raised fuel taxes for the boater, and imposed a 10 percent excise tax on boats over $100,000. These new taxes were passed quickly in the waning days of the 101st Congress with little debate and with little hard information on their impact. Now that the rush to get a budget package and to adjourn is over, we can more fully examine exactly what Congress has wrought, and correct the mistake Congress made in its hasty search for more revenues. Clearly, Congress levied too many taxes at once on the boating public. I submit that the user fee, and also the so-called luxury boat tax should be repealed in their entirety.

The luxury boat tax can be considered the user fee's poorer cousin. While not garnering the attention or support (yet) of the user fee, it is nonetheless severely hampering the boating industry from getting back on its feet, and is costing American workers their jobs. I fought particularly hard during the markup of the Budget Reconciliation Act of 1990 in the Ways and Means Committee against the luxury excise tax on boats. I am fully aware of the dire straits in which our domestic boating manufacturers now finds themselves. I have introduced legislation, H.R. 951, which would repeal this onerous tax. H.R. 951, entitled the "Boating Industry Jobs Preservation Act of 1991" has 49 cosponsors, and I invite members who are interested in boating issues to cosponsor my bill.

My second reason for opposition to the user fee is the inherent difficulty the Coast Guard, the government agency charged with implementing this tax, will encounter. The Coast Guard will have to license an estimated 4.5 million boaters—a daunting task considering the sheer paper work involved. Also, boaters will have to register their boats even in places where the Coast Guard does not have a permanent presence. That point alone makes one wonder why we continue the charade of calling this tax a user fee at all. Finally, I view the Coast Guard's main mission is to protect the integrity of our Nation's coasts, and of course, search and rescue operations. The Coast Guard is not a tax collection agency. Luckily, the Coast Guard, one of the more effective government agencies, has taken a reasonable view so far on how it will administer the user fee. For example, it will not set up "dragnet" type operations to check 17-foot dingys for their user fee sticker. I commend the Coast Guard for their level-headed approach to a task I am sure they do not relish.

Finally, my third and final reason is that the boater will gain nothing by paying this user fee. The estimated $127 million this user fee is estimated to bring in—a wildly optimistic figure in my opinion—this year will not be directed to the Coast Guard, or to any other government agency that would offer a service of which the boater might benefit. It is to be used to reduce our swollen, bloated, Federal budget deficit.

Mr. Speaker, my congressional district probably has more boaters than any other. I hear their concerns, and want to bring them some relief. Demographics show that the average American boater is just that—average. Middle class. Passage of H.R. 534 will help ensure boating as an avocation available to all Americans, not just the wealthy.

SUBSTANCE ABUSE TREATMENT CORPS ACT OF 1991

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. GREEN of New York. Mr. Speaker, I rise with my colleague, Mr. STARK, to introduce legislation which would address the staffing crisis in drug and substance abuse treatment. The primary objective of the Substance Abuse Treatment Corps Act of 1991 is to get more drug and substance abuse treatment personnel into our Nation's areas of need, both urban and rural. The legislation adopts the concepts of the National Health Service Corps—tuition assistance in exchange for a commitment to serve.

The lack of sufficient personnel is the leading contributor to the crisis in substance abuse treatment. The Substance Abuse Treatment Corps Act will remedy that shortage by increasing the availability of treatment servcies for drug and alcohol abuse in health worker shortage areas. If adopted, this legislation will work to attract certified and qualified individuals to serve in the Substance Abuse Treatment Corps. In return, the Federal Government will agree to repay, for each year of service, not more than $20,000 of the principal and interest of the individuals' enducational loans.

As many of my colleagues know, an abundance of statistical evidence reveals there is a crisis in substance abuse treatment. According to a 1990 study released by the National Association of State Alcohol and Drug Abuse Directors [NASADAD], only one in eight people who need treatment is receiving it. A national drug and alcoholism treatment unit survey from the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism indicated that only 1 in 11 people who needed treatment was being served.

The need for substance abuse services in New York City and throughout the Nation continues to be unmet and the current treatment system has been unable to expand. In 1990, the State of New York reported that 4,891 people were on the waiting list for drug abuse treatment, and an additional 2,166 were on the waiting list for alcohol abuse treatment. The average days estimated between request for treatment and admission to treatment is 65 days. We should not have to tell an addict who wants treatment to come back in 2 months or 6 months. We should have treatment facilities that can handle the demand for treatment.

The Substance Abuse Treatment Corps Act of 1991 is a response to the President's call for improving the existing drug and substance abuse treatment system with more adequately trained personnel. The legislation provides for a $26 million annual authorization, the amount requested in the President's fiscal year 1992 budget for in-service treatment training programs, fellowships, and grants.

In closing, I should like to encourage my colleagues to give this proposal serious consideration. The Substance Abuse Treatment Corps Act will help address the demand side of the substance abuse problem that continues to plague individuals and families in both urban and rural America.

MANDELL WEISS' 100TH BIRTHDAY

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to pay a special tribute to an individual who has become an integral part of the rich culture and history of the city of San Diego, CA. The man to whom I refer is none other than Mandell Weiss, and I am delighted to offer these words on the occasion of his 100th birthday.

Mandell Weiss is a name synonymous with vision, and excellence, both in the business and arts communities. He came to the United States from Romania in 1898 at the age of 7. He settled in Portland, OR, where he took a job as an usher and never missed an opportunity to see one of the traveling shows which came to town.

Mr. Weiss served his new country during World War I and came to San Diego after completing his tour. Within hours of arriving in the city that would become his permanent home, he took a job in the jewelry business. In the next 53 years, he would become an owner of two successful jewelry businesses, and manager of the jewelry division of a major retail chain.

Today, Mandell Weiss may be best known to San Diegans for his association with the La Jolla Playhouse at the University of California, San Diego. In 1981, Mr. Weiss embarked on a personal campaign to strengthen the presence of world-class theater in San Diego. He donated $1.14 million toward the completion of what would become the playhouse's Mandell Weiss Theater at UCSD. The playhouse has produced numerous landmark shows in recent years, many enjoying success on Broadway.

At the age of 100, Weiss still plays an active role in theater operation. As a trustee of the playhouse he regularly attends board meetings and helps guide the theater's development and evolution. Not surprisingly, he is one of the playhouse's most faithful fans, and was even given a cameo role in the 1987 production of Thornton Wilder's "The Matchmaker."

Mandell Weiss' commitment to his community continues to grow. He recently contributed $1.3 million for the construction of the new Mandell Weiss Forum. The gift takes the playhouse one step closer toward its dream of three distinct theaters.

Mr. Speaker, few Americans have given as much of their energy and their spirit to others as Mandell Weiss. He has blessed San Diego with his work, his generosity, and his love of drama. On this his 100th birthday, I hope you and our colleagues will join all of San Diego in saluting him.

WORLD FOOD DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. GILMAN. Mr. Speaker, today I am introducing House Joint Resolution 230 a resolution designating October 16, 1991 and October 16, 1992, each as "World Food". For a full decade now Congress has enthusiastically supported this commemorative day. The day has played a vital role in galvanizing national and international attention to the critical problem of world hunger.

I want to take this occasion to thank Pat Young, the national coordinator of World Food, for her tireless efforts in orchestrating the educational events worldwide. I ask that the full text of the executive summary of the 1990 World Food Day Teleconference Report along with House Joint Resolution 230 be printed in the RECORD at this point.

H.J. RES. 230

Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people in the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States has a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world;

Whereas there is growing concern in the United States and in other countries for environmental protection and the dangers posed to future food security from misuse and overuse of precious natural resources of land, air, and water and the subsequent degradation of the biosphere;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;

Whereas the United States plays a major role in the development and implementation of interregional food and agricultural trade standards and practices, and recognizes the positive role that food trade can play in enhancing human nutrition and in the alleviation of hunger;

Whereas the United States, as the largest producer and trader of food in the world, plays a key role in assisting countries and people to improve their ability to feed themselves;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, the homeless, and children, remain vulnerable to malnutrition and related diseases;

Whereas the Congress is acutely aware of the paradox of enormous surplus production capacity in the United States despite the desperate need for food by people throughout the world;

Whereas the United States and other countries should develop and continually evaluate national policies concerning food and nutrition to achieve the well-being and protection of all people and particularly those most vulnerable to malnutrition and related diseases;

Whereas the Congress is aware and fully supportive of the 1992 World Conference and Environment and Development and the forthcoming International Conference on Nutrition, and the influence the decisions of these conferences may have on sustainable agricultural development and human well-being;

Whereas private enterprise and the primacy of the independent family farmer have been basic to the development of an agricultural economy in the United States and have made the United States capable of meeting the food needs of most of the people of the United States;

Whereas conservation of natural resources is necessary for the United States to remain the largest producer of food in the world and to continue to aid hungry and malnourished people of the world;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 140 other nations;

Whereas nearly 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1991, and a growing number of these organizations and leaders are using such day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of hungry and malnourished people throughout the world by fasting and donating food and money for such people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1991, and October 16, 1992, are each designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe World Food Day with appropriate ceremonies and activities, including worship services, fasting, education endeavors, and the establishment of year-round food and health programs and policies.

EXECUTIVE SUMMARY OF THE 1990 WORLD FOOD DAY TELECONFERENCE REPORT

The seventh annual World Food Day Teleconference was broadcast from the studios of George Washington University in Washington, DC on October 16, 1990. It linked a distinguished panel of experts on world food issues to more than 500 receive sites across the United States and Canada and, for the first time in the teleconference series, to 26 sites in Mexico. The theme of the teleconference was Food for the Future: Science, Policy and Ethics.

After years of growth since the World Food Day Teleconference began in 1984, the program is believed to be the largest single development education broadcast ever organized in the U.S. The precedent-setting extension of the broadcast to Mexico was made possible through the cooperation of the Instituto Technologico de Monterrey, which relayed the broadcast to its campuses throughout Mexico and to Central America, with simultaneous interpretation into Spanish, over Mexico's Morelos satellite. The U.S. National Committee for World Food Day, which organizes the teleconference program, is now working with Mexico and the Latin American regional office of the UN Food and Agriculture Office to extend this outreach throughout Latin America and the Caribbean in future years.

World Food Day, held for the first time in 1981 and marking the founding of UN/FAO in 1945, has captured the imagination of people throughout the world. In the U.S. the day is observed in virtually every community throughout the country, with especially strong support in schools and worship centers. The U.S. National Committee for World Food Day has grown in membership to nearly 450 private voluntary organizations and works directly through more than 16,000 volunteer community organizers.

Serving on the teleconference expert panel in 1990 were Robert O. Blake, former ambassador to Mali and current chairman of the Committee on Agricultural Sustainability for Developing Countries; Hector Gurgulino de Souza, the Brazilian educator who serves as rector of the United Nations University in Tokyo; Joan Dye Gussow, Mary Swartz Rose Professor of Nutrition and Education at Teachers College, Columbia University; and John S. Niederhauser, world-renowned plant breeder and recipient of the 1990 World Food Prize, given each year for distinguished life service in the field of food and agricultural development. TV and film star Eddie Albert hosted the program, and the moderator was syndicated columnist Nancy Amidei, former executive director of the Food Research and Action Center (FRAC). FAO Director-General Edouard Saouma also appeared on the program through a special videotape message.

THE TELECONFERENCE CONCEPT

In the U.S., the World Food Day teleconference has become a model for development education on global issues, in part because of the enormous growth in interactive participation by official receive sites and the additional millions of viewers accessed through collaborating networks and in part because of the year-round and year-to-year study elements of the project. Its main components are: (1) a Study/Action Packet of print materials, prepared by the non-governmental U.S. National Committee for World Food Day and distributed to all participating schools and other study centers; (2) the three-hour satellite telecast on October 16 composed of three hour-long segments for expert panel presentations, special local site programs and a site-panel question and answer interchange; (3) a written section of responses to site questions which could not be taken up during the third hour of the broadcast; and (4) analysis by selected site organizers after each year's program to prepare recommendations for the year to come.

All of the teleconference components are designed as college-level curricular aids. More each year, schools are using videotapes of the telecast, the Study/Action Packet and the Teleconference Report as a combined and reusable resource on the teleconference theme or some aspect of it.

THE STUDY/ACTION PACKET

The Study/Action Packet is designed as an integral part of the teleconference program, but it also serves, and is widely used, as a separate study resource by groups not participating in the interactive, official telecast. More than 1,500 copies of the packet were distributed prior to the October broadcast. Funding for the packet was provided through a Biden-Pell Development Education Grant from USAID. General support for the telecast was provided by the U.S. National Committee for World Food Day, FAO, the Covenant Presbyterian Church of Scranton, PA, the World Food Prize Foundation, USDA and the Xerox Foundation.

Although not designed to be a comprehensive analysis of all issues raised by its theme of Food for the Future, the packet served as an overview for many issues of current public concern. Its main study section drew attention to such problems as the development of sustainable agricultural systems, the role of science, research and development in the development of agriculture and food products, national and international food policies, and the ethical dimensions of food security policies in the light of continuing hunger and malnutrition on a global scale. Apart from the main study document prepared by the U.S. National Committee for World Food Day, the study packet also included 10 "viewpoint" papers from individuals and institutions on specific aspects of the Food for the Future theme.

A special section of the Study/Action Packet in 1990 was on ways to integrate the teleconference material into college curricula in a number of different ways. This goal of curriculum integration will be featured again in the 1991 packet, which will include more than a dozen specific unit outlines integrating food/hunger concerns into a wide range of academic disciplines.

The entire packet, including the issue study papers, a bibliography and the special section on curriculum integration, was designed to facilitate local duplication, and thousands of copies were made of different parts of the packet by site organizers for local distribution.

TELECONFERENCE OUTREACH

WFD Teleconference outreach grew again in 1990—in the number of interactive sites, in participation of programs organized at the sites, in pick-up or rebroadcast by cooperating television stations and networks, and by the Spanish language program in Mexico. The exact number of sites cannot be known because of the participation of networks that do not report on individual member use. However, the 1989 figure of 500 plus in the U.S. and Canada was again expanded, while Mexican participation raised the number by 26 official sites with further pick-up throughout Central America.

In a separate aspect of this teleconference outreach, the program was used for the fifth year by professional organizations for continuing education credits. Credits were offered in 1990 by the American Dietetic Association and the American Home Economics Association, and, through the Catholic University of America, to clergy and social service professionals.

The number of homes throughout the U.S. and Canada which were accessed by cooperating networks and stations reached into the millions. Networks which offered all or part of the broadcast included the Catholic Telecommunications Network of America, the Learning Channel, Vision Interfaith Satellite Network, the Public Broadcasting Service's Adult Learning Satellite Service and individual PBS, educational TV and cable stations throughout the country.

Program outreach took on another added dimension in 1989 through overseas video relay by the WorldNet Service of the U.S. Information Agency. This was repeated in 1990, and the reception of the program through WorldNet is expected to grow significantly in 1991 and years to follow because of promotional activities by WFD committees throughout the world. These national WFD committees exist in more than 100 countries and are joined together in the Global Confederation for World Food Day located in Italy.

LOCAL SITE PROGRAMS

Over the seven-year experience of organizing the teleconference, the U.S. National Committee for World Food Day believes the single most important development in the program's evolution has been the rising attention given by site organizers to their own programs on dealing with hunger, whether local, national or global, in conjunction with the national telecasts. The original concept for this site activity was the "middle hour" discussion of the points made by the expert panel in the preceding hour along with preparation of questions to be submitted during the final hour of the telecast. While this is still a vital part of the teleconference program, more sites each year have gone further, developing full programs within the college setting or involving outreach to surrounding off-campus communities. These site programs sometimes follow the theme of the national broadcast, but also frequently take up local and national hunger and food security issues. Many programs now cover a full day, several days or, in a few cases, a week or more.

Another aspect of college participation is the growth of interdisciplinary study based on links to food/poverty issues. First contacts of the National Committee office with the colleges tended to be with schools of international agriculture or campus ministry. Today, at various colleges, more than 15 separate schools and departments participate in the teleconference, from anthropology to women's studies and journalism.

Off-campus outreach has been another growth area, with organizers and community leader involved in joint planning of local anti-hunger activities, elected officials and leaders invited to participate in panel programs on food/hunger issues, and food or fundraising activities benefitting local off-campus groups. In many cases these have led to year-around cooperation in alleviation of local hunger problems.

PROGRAM SUMMARY

The telecast from George Washington University was opened by Eddie Albert, followed by a taped welcome from FAO Director-General Edouard Saouma, who briefly described the extent of agricultural "resource degradation" around the world. Moderator Nancy Amidei then noted the links between domestic and global hunger issues and introduced the members of the expert panel, each of whom made introductory remarks.

Ambassador Blake began the discussion by suggesting that the issues centered around two poles—how the world's future food supply would be grown and then how it would be distributed. The main point in the first half of this equation, he said, was that land deterioration and land coversion to other use will continue, so that by about 2010 the farmers of the world would have to feed about 40% more people on 20% less land. He was certain that this would be technically possible, but that success depended on the capacity to train and motivate small farmers, especially in the developing world. He added that no single policy or plan could be adopted on a global scale, because problems were different according to conditions of land quality, climate, size of holdings, culture and many other factors.

Dr. De Souza said he agreed with the basic points made by Ambassador Blake but added that food availability would not be sufficient, that hunger elimination would also require attention to national and global systems of distribution and also to problems of health and nutrition. He said that all the factors going into the matrix were interrelated; other considerations of economics, ethics, political structures and scientific progress had to be factored in. He stressed the importance of continuing and expanding research into all of these factors and their inter-relationships, and said that this was a priority action area for the United Nations University.

Dr. Gussow said that from a U.S. view she worried about the orientation of the decisionmakers which led, for example, to food being looked at in rich countries as just another commodity to be grown for money and traded to the highest bidder. Food, she said, is more than a commodity in several ways: it is essential to life; its use for individuals is limited and that beyond that limit begins waste; and food supply depends on the integrity of the environment in which it is produced. She noted that the concept of food as a commodity like any other had led to land-abusive agricultural systems and that, in another aspect, agricultural resources in developing countries were used to pay international debt instead of feeding the people. Finally, she said, she worried about the consolidation of power into a few multinational corporate giants in the food industry.

After congratulating him on winning the 1990 World Food Prize, the moderator asked Dr. Niederhauser for the views of a crop scientist. Niederhauser said he agreed entirely with the views of the others on moving toward more sustainable agricultural methods, but that it was important to remember that the progress in agriculture over the past decades, when the goal was mainly to increase production, had enabled the world to keep food supply ahead of population growth, and that the amount of food available today was far higher than it was 40 years ago. While noting the dangers to soil and water resources from current agricultural methods and developmental trends, he said he felt we still had the productive capacity to feed another doubling of the world population—which is forecast by most demographers. Within that general framework, he said, the world should tackle problems of hunger more directly, through political actions on matters of distribution. As far as sustainable agriculture goes, he said, the problem was to make the systems more environmentally benign without losing production. Much of the answer to food problems, he said, had to come through "incentive agriculture," with the main market decisions made by the individual farmers.

The moderator then asked if the world's food needs could be met with systems of environmentally sound agriculture, for example without the high use of agricultural chemicals. Blake replied that again there was the split between large and small farmers. Small farmers on poor land in developing countries don't have access to the chemical fertilizers they need, but large farmers couldn't sustain production levels without these chemical methods. The challenge, he said, is not a reduction in nutrients but more benign forms of fertilizers. Also, he said, there is tremendous scope for more efficient use of agricultural fertilizers—ways to get the same production with less use of chemicals. Much depended, he said, on research and development to solve these problems.

Much of the ensuing discussion turned on the need for more research and the type of research required. De Souza noted that the UNU had trained only 1,600 fellows in agricultural sciences from developing countries in the past 15 years because of a lack of funds to do more. He said that much more financial support was needed for this kind of program at the UNU and also in the developing countries themselves. He stressed the value of research done inside the developing countries where all elements of land, weather, crop resistance, etc., could be seen together in research and development systems.

Niederhauser added that the perception of developed countries as the givers of technical knowledge had to be revised, that the flow of information already is much more two-way. He also said more resources were needed for the system of international agricultural research centers, and that we have to emphasize through our political system that this would be in our self-interest. Dr. Gussow said it bothered her that appeals always seemed to be based on self-interest. The U.S. is such a large consumer of earth resources, she said, that we need to show more self-restraint rather than to worry about "what's in it for us." She also added that research funds rarely addressed the problems of women farmers and women in rural areas, that they usually stressed bigness, of most use to large farms. She cited the view of Barbara Ward that Western cultures tend to like big breakthroughs and to slight little technologies more sensitive to small and poor farms.

Following on the point that help to small farmers should be the first priority, Blake noted that a new technology must not only work under the conditions of small farms, but that the farmer must accept the new concept or it will not be implemented. Niederhauser agreed with this point, but said that there were several examples in Asia and Latin America to show that delivery of new technology to small farms was succeeding. Blake replied that there were indeed examples, but that the major development institutions existing today were doing a poor job in terms of reaching poor, dryland farmers in developing countries. He said many projects delivered big money to governments which actually feared giving farmers power.

In a closing segment, the moderator asked each of the panelists to advise young people on how they could direct their lives toward solving some of these problems. An immediate consensus of the panel was that the students should think internationally and should focus on the needs of small farmers.

THIRD HOUR QUESTION AND ANSWER

As in previous years, the third hour of the teleconference was devoted to questions directed to the panel from the participating sites. All questions received were answered either on the air or in written answers by the panelists afterward. More than 80 questions were received, directed to all members of the panel.

Subjects in which there tended to be very broad interest among the participating sites included many relating to problems of introducing sustainable agricultural systems. The responses from all the panelists underscored the difficulty of solving the technical and social questions raised, and the need for continued and expanded research into all the factors involved. Many questions, as in the previous year, came back to the environmental issues of resource degradation, pollution and the proper sharing of costs for changing the systems used.

A second group of questions coming from many sites dealt with how students could participate in the search for solutions, either through study, direct action or career decisions. All the panelists stressed that there were opportunities in each of these areas and that, where possible, study and direct action should be combined.

Other questions eliciting responses from all panelists and coming from multiple sites dealt with population growth and its impact on hunger and environment, on the relationship between heavy debt repayment requirements and agricultural policies in the developing countries, and whether moral/ethical issues couldn't be given greater weight in governmental and corporate decisionmaking.

In conclusion, host Eddie Albert and the moderator noted that despite differences of views and sharp questioning from the sites there was clearly a consensus that agricultural systems (on-farm) and agricultural policies (subsidies, trade, etc.) needed to move beyond a straight economic rationale and toward environmental protection, support of family farms and alleviation of hunger. All panelists cautioned, however, that the trends in this direction would require a great deal more research and effort.

WELCOME HOME ERICH FREEMAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to welcome home one of the many heroes of Operation Desert Storm, Spc. Erich Feeman of Castaic, CA.

Erich serves in the Army's 17th Military Intelligence Company, specializing in visual aerial imagery. In August, he joined his colleagues in deploying to Saudi Arabia, and from then on helped provide the information that General Schwarzkopf and his staff needed to plan our overwhelming victory over Saddam Hussein.

Too many people have joked over the years that "military intelligence" is an oxymoron. I think the outstanding work that Erich and his colleagues did should put that old saying to rest once and for all. Mr. Speaker, without the data that Erich and the other intelligence specialists provided, the planning would not have been so detailed and the obstacles that our air and ground units faced would have been far more formidable. Truly, these specialists can be proud of a job well done.

Erich will be honored this weekend at a gathering at his home. Additionally, I am proud to say, he has been selected to march in the homecoming parade here in Washington later this year to honor all the brave members of our armed services. As Erich likes to say, his greatest enjoyment was doing a good job for God and General Schwarzkopf. It was that kind of can-do spirit that made our victory possible.

Mr. Speaker, I ask my colleagues to join me in welcoming home Erich Freeman, and in thanking him for his service to our Nation.

CONGRATULATIONS TO 1990 NATIONAL HISPANIC SCHOLARSHIP FUND SCHOLARS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. SERRANO. Mr. Speaker, I rise today to offer my warmest congratulations to several outstanding Hispanic students from my district who recently were awarded the 1990 National Hispanic Scholarship.

Mr. Speaker, because Hispanic Americans continue to be underrepresented in our Nation's colleges and universities, the National Hispanic Scholarship Fund [NHSF] was founded to help bridge the higher educational gap. By providing financial resources and assistance, NHSF enables selected outstanding Hispanic American students to complete a college or graduate level education. These students must be United States citizens or permanent residents of Mexican-American, Puerto Rican, Cuban, Caribbean, Central or South American heritage, and must be enrolled in a college or university in the United States or the Commonwealth of Puerto Rico.

NHSF was founded in 1975 and made its first awards in 1976. In a relatively short period of time, NHSF has awarded more than $8.8 million in scholarships to 11,865 National Hispanic Scholarship Fund scholars. Students are selected based on academic achievement, personal strengths, leadership qualities, recommendations, and financial need. These outstanding students have represented every region of the country, scores of higher education institutions, and every segment of the Hispanic community in the United States.

Mr. Speaker and my colleagues, I am proud to pay tribute to the outstanding students from my district who received the 1990 National Hispanic Scholarship. They are: Denise M. Alvarez, a senior at CUNY-City College; Adam Aponte, a medical student at Mount Sinai; Yvette Aponte, a junior at SUNY-Birmingham; Luis A. Benitez, a junior at Syracuse University; Lourdes Blanco, a senior at CUNY-Hunter College; Edgar Claudio, a freshman at Duquesne University; Dulce M. Cruz, a graduate student at Indiana University; Luis N. Espinosa, a graduate student at Columbia University; Lisa Flowers, a medical student at Case Western Reserve University; Walter Garcen, a senior at Manhattan College; Jenny Gonzalez, a senior at SUNY-Birmingham; Stanley Gonzalez, a freshman at Cornell University; Christine T. Hernandez, a junior at SUNY-Birmingham; Andre Lugo, a law student at the University of Connecticut; Mele Moreno, a law student at CUNY-Queens College; Alex A. Navarro, a junior at SUNY-Buffalo; Lucia E. Perpina, a junior at Fordham University; Kim M. Pineda, a senior at CUNY-Lehman College; Zandra N. Quiles, a sophomore at CUNY-Lehman College; Xiomara Ramirez-Ortega, a medical student at New York University; Melanie Ramos, a sophomore at

Manhattanville College; Yvette M. Roche, a graduate student at Hofstra University; Robert Rodriguez, a junior at SUNY-Birmingham; Juan R. Roure, a medical student at New York University; Raysa I. Santos, a graduate student at CUNY-City College; Belkis B. Suazo-Garcia, a graduate student at the University of Michigan; and, although not from my district, Jessica Lopez, a senior at CUNY-Lehman College who interned in my office last summer.

Mr. Speaker and my colleagues, please join me in offering congratulations and best wishes to these fine scholars, and in encouraging them to play an active role promoting higher education in their communities.

LADIES PHILOPTOCHOS SOCIETY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, it is with great pleasure that I celebrate the 20th anniversary of the Ladies Philoptochos Society of St. Demetrios Greek Orthodox Church. I am honored to be a member of this charitable organization and take special pride in the commemoration of their 20 years of benevolence.

The National Greek Orthodox Ladies Philoptochos Society, which was established in 1931 by the late Ecumenical Patriarch, Athenagoras I, will also recognize 1991 as marking 60 years in the business of generosity. His Eminence, Archbishop Iakovos, helped to spread the good will of the society until it became the largest organized Christian women's philanthropic body in the United States.

They have evolved over the decades to encompass the needs of an ever-changing and complex modern society. However, the goal of the society has remained constant—charity. The word, Philoptochos, itself, means "a friend of the poor."

The women of St. Demetrios are dedicated to promoting the ideals of preserving the faith, educating the young, and helping those less fortunate in their community. Since June 1970, the Baltimore chapter has developed into a group of talented and creative ladies, who continue to fulfill the tradition of unselfish devotion to charitable work.

The St. Demetrios chapter has been responsible for giving their time and help to a variety of causes. They face the challenging social issues such as homelessness, dysfunctional families, and other problems that plague our time.

Not only do their endeavors include their valuable time, but the women donate financial support to those less fortunate. They fund many national programs of the archdiocesan institutions. Several other groups include the St. Basil Academy, Holy Cross Seminary, various nursing homes, and relief funds.

With the celebration of the 20th anniversary of the Ladies Philoptochos Society, I would like to recognize the efforts of a small group of tireless women. Mr. Speaker, the citizens of the Baltimore community are indebted to these 68 beautiful ladies, whose faith have brought an endless pursuit of hope to Maryland.

DAVID CAMPBELL: BUFFALO/NIAGARA EXECUTIVE OF THE YEAR

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. PAXON. Mr. Speaker, today it is my pleasure to honor Mr. David N. Campbell of Buffalo, NY, who this year has been selected as the Buffalo/Niagara Sales and Marketing Executives' "Executive of the Year."

This is a well-deserved recognition for one of my community's outstanding leaders, David Campbell.

In addition to serving as chairman of the board of Computer Task Group, Inc., a $250 million international corporation, he has tirelessly dedicated his time and efforts to public service and charity.

As a member of the New York State Governor's Council on Fiscal and Economic Priorities and the State Science and Technology Foundation, Mr. Campbell has helped to promote economic growth and economic opportunity in our State.

David Campbell is also a board member of the Buffalo Fine Arts Academy and is actively involved in a host of other diverse cultural activities.

Most recently, as campaign chairman for the United Way of Buffalo for 1990, Dave was able to lead the campaign in raising $17 million.

Dave's three-point philosophy, "Do a good job for the client, make a fair profit, and have a good time while you do the first two," has helped Dave to reach remarkable goals in all his endeavors. These pointers also serve as great advice to everyone who desires a successful and fulfilling life.

Mr. Speaker, the residents of western New York and, indeed, our Nation, are fortunate to have such a dedicated and energetic individual as Dave Campbell working to improve the quality of life for us all.

On behalf of the Members of this House, and my constituents, I am pleased to congratulate David Campbell for being named the Buffalo/Niagara Sales and Marketing Executives' "Executive of the Year."

INTRODUCTION OF SUBSTANCE ABUSE TREATMENT CORPS LEGISLATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. STARK. Mr. Speaker, today, along with 19 of my congressional colleagues, I am introducing a bill to ensure that more alcohol and drug treatment personnel will work in both urban and rural areas of need in return for Federal financial help with their tuition fees.

This bill extends the National Health Service Corps to the urgent area of alcohol and drug abuse. At present six out of every seven Americans who seek drug and alcohol services are turned away simply because there aren't enough people or places to treat them. The lack of adequately trained personnel is particularly acute in remote rural areas and in our devastated inner cities.

This legislation proposes paying up to $20,000 per year of educational fees in return for a commitment by the student to serve in a designated area of need. The categories of health worker included in this Drug War Treatment Corps are: physician, psychiatrist, clinical psychologist, physicians' assistant, nurse, nurse practitioner, psychiatric nurse, marriage and family therapist, social worker, and graduates of schools of public health.

Over the past 15 years, research has provided overwhelming proof that treatment is one of the few reliable weapons in the war on drugs. Although casual drug use has declined over the past 5 years, the number of serious cocaine and crack users has increased dramatically. In addition to this, alcohol abuse poses a serious threat to American society. An estimated 18 million people currently suffer from problems related to alcoholism and alcohol abuse. In the past, treatment has been undervalued and underfunded. This is the opportunity to redress the balance.

This bill authorizes $26 million for the establishment of the Substance Abuse Treatment Corps. This is the same figure that the Bush administration requested for treatment-related tuition assistance. With the annual cost to society of alcohol and drug abuse at an estimated $200 billion, this is a very effective method of tackling this urgent problem.

Last year a similar proposal received the enthusiastic support of many drug-treatment-related organizations, including the American Psychological Association, the National Association of State Alcohol and Drug Abuse Directors, the American Society of Addiction Medicine, Inc., the American Association for Marriage and Family Therapy, and the National Association of Social Workers.

I hope the House will give this measure the consideration and support that it merits.

RADIOVISION: 11TH ANNUAL VOLUNTEER RECOGNITION DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. GILMAN. Mr. Speaker, on Saturday April 27, 1991, Radiovision, a closed circuit broadcasting service for our blind and sight impaired in the Hudson Valley region of New York will be celebrating its 11th annual volunteer recognition day.

Radiovision is one of the most impressive organizations in my 22d Congressional District of New York. It is a totally volunteer organization which reads local news, topical literature, shopping hints, and other vital information to the legally blind and to others who possess disabilities that make it difficult or impossible to hold or to read a newspaper, book, or magazine. Radiovision makes it possible for these individuals to have access to all the information they normally might not have.

Radiovision's director, Daniel Hulse, and the volunteer coordinator, Carol Cleveland, have done a terrific job throughout the past 11 years informing the blind and disabled individuals of everyday news, sales, events, and activities. Radiovision provides to its listeners the kind of information most people receive from their daily newspaper and magazine reading.

Many of us who have the gift of sight do not think about what it must be like to be sightless. Many things in our day-to-day lives that we take for granted are denied to those who cannot see.

For example, the dissemination of news and information—the graphics people with sight can see on television news, in our newspapers, and in our magazines, are irretrievably lost to the blind or sight impaired.

However, those who are blind or sight impaired can still share in the audio portions of the news on television and on our public and commercial radio.

But what about the vast amounts of news not covered by television and radio news? What about neighborhood news? What about new literature? What about sales in our local stores? What about other vital information?

Radiovision fills that void for our sightless by providing these items and many more that cannot be found on traditional news broadcasts. The listerners are able to hear the news that day, not weeks after. It is a "window on the world" for its subscribers, all who receive "radiovision" free of charge.

Hudson Valley's Radiovision has an estimated audience of about 650 listeners living in our region who rely on what the volunteers read from the local newspapers, news releases, and other informational sources. There are about 128 volunteers who contribute their time and energy reading to this special audience. Without Radiovision's existence those individuals would be without the vital information they are entitled to.

Accordingly, Mr. Speaker, I invite my colleagues to join in commending Radiovision on their 11th anniversary.

CAPITAL GAINS TREATMENT OF AGRICULTURE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. MCEWEN. Mr. Speaker, promoting economic growth by lowering the cost of capital formation must be a top priority of the 102d Congress. With this in mind, I commend to my colleagues the following article on the importance of reinstating capital gains treatment to American agriculture which appeared in the April 15, 1991 edition of the Farm Bureau News.

We must begin now to reverse the unfortunate and economically damaging trend in current tax policy that has contributed so strongly to raising the cost of capital and discouraging savings and investment. I hope all my colleagues will take a moment to read this article:

CAPITAL GAINS TREATMENT ABSOLUTELY ESSENTIAL FOR AG

The reinstatement of capital gains treatment was one of the administration's budget recommendations supported by the American Farm Bureau Federation in written testimony to the House Ways and Means Committee last week.

"Farm Bureau supports a reinstatement of capital gains treatment that would apply to all capital assets including land, livestock and timber," said John Datt, AFBF Washington office executive director. Many of the capital gains proposals that have been introduced in the past seemed to be geared to the equity markets and venture capitalists, he said.

"This limited treatment is insufficient to address the needs of farmers who have invested a lifetime of work and capital in productive operations, only to be faced with inflationary as well as real gains when they sell their property," Datt said. And it is a particularly difficult situation when farmers sell their property to finance their retirement, he said.

President Bush's 1992 budget includes a capital gains proposal virtually identical to last year's plan. It is a limited plan that provides for an exclusion based upon the length of time an asset is held. There is a 10 percent exclusion for assets held one year, 20 percent exclusion for assets held two years and 30 percent exclusion for those held for three years.

"While the Farm Bureau supports the direction of the holding periods and exclusions contained in the president's budget, we urge the committee to consider a treatment that would make capital gains comparable to pre-1986 tax law of a 60 percent exclusion," Datt said. AFBF also asked the committee to enact permanent capital gains treatment, rather than a temporary exclusion.

Under the Farm Bureau plan of a 60 percent exclusion, a farmer would have to pay taxes on 40 percent of his proceeds from a land sale instead of 100 percent as it currently stands. While many other workers receive favorable tax treatment every year for their retirement plan, "farmers tend to plow all of their money back into their farms," said Grace Ellen Rice, associate director of AFBF's Washington office.

According to Farm Bureau, tax policy "should be designed to encourage private initiative, growth, equity and simplicity." Datt said, "Capital gains treatment is absolutely essential to encourage productive investment in the economy, including agriculture."

Rice explained that even though capital gains treatment is supported by a majority of Congress, "it is hard to enact because during the 101st Congress it was transformed into a wealth issue."

As Datt pointed out, however, "capital gains treatment is beneficial to farmers and ranchers, most of whom are far from wealthy."

Another battle surrounding capital gains includes the differing estimates in revenue loss or gain from the Office of Management and Budget and the Congressional Budget Office, the two federal offices that prepare revenue estimates for legislation.

Included in Bush's budget provisions was a commission headed by Federal Reserve Board Chairman Alan Greenspan to study the capital gains issue.

Also in the president's budget proposal is an extension of the 25 percent health insurance tax deduction for self-employed taxpayers. Farm Bureau is advocating a permanent, 100 percent deduction. (See article on page 3.)

Farm Bureau's testimony also had recommendations on budget policy and budget process reform.

FIFTY YEARS OF SERVICE TO LITTLE LEAGUE BASEBALL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. GEKAS. Mr. Speaker, each year, the last week in August is set aside to honor the active youth of the entire world. At this event, known to all as the Little League World Series, held in Williamsport, PA, each county in the Nation competes to be No. 1 in the world, and to hold that special and well-deserved title of World Champs.

Each year several thousand participants volunteer their time and effort in making sure this event runs as scheduled. One man in particular, whom I would like to honor, is Franklin L. Rizzo, Sr., from Williamsport.

Frank has been an avid volunteer of Little League baseball for 50 years. He is also one of the original founders of the Newberry Little League, and has been an active volunteer there since 1946.

Frank umpired in every Little League World Series from 1947 through 1988, and was the home plate umpire for the championship game from 1960 through 1987. As you may know, Frank became the very first umpire cameraman where he wore ABC's microminiature camera in the 1985, 1986, and 1987 games. This enabled the home viewers to get an ump's-eye view of the game while it was in progress.

Since 1989, Frank has served as umpire supervisor for the World Series. In addition to providing services for this great event, Frank graciously offered his officiating talent at many other tournaments such as the Pennsylvania State and Eastern Regional Tournaments.

Frank was a member of the Little League headquarters staff from 1964 until 1988 where he served as umpire consultant, chartering division coordinator, eastern regional director, and assistant umpire consultant. Frank also conducted several umpire clinics and schools, which he continues to do since his retirement.

Mr. Speaker, in all my years as an avid baseball fan, I have never seen one person so truly dedicated to the sport, enough to consistently volunteer his time and effort for 50 years, than Frank Rizzo. It is quite obvious that Frank loves the sport, as well as the kids who play it. Such selfless giving is a true sign of his devotion to America's favorite pastime, and I wish to commend him, and to personally thank him, on his many years of service to the youth of the community, as well as the Nation.

THE RURAL TELEPHONE COOPERATIVE ASSOCIATIONS ERISA AMENDMENTS ACT OF 1991

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. WILLIAMS. Mr. Speaker, today I am introducing the Rural Telephone Cooperative Associations ERISA Amendments Act of 1991, a bill amending title I of the Employee Retirement Income Security Act of 1974 [ERISA] to assure equal treatment for rural telephone cooperative associations.

When ERISA was passed in 1974, Congress attempted to shield employee benefit plans from dual Federal and State regulation by broadly preempting State laws that relate to employee benefit plans. At the time, congressional focus was on protecting plans from inconsistent and costly additional requirements that might be imposed by the States.

It soon became apparent, however, that the sweep of preemption was too broad. It was interfering with the legitimate interest of State insurance regulators in protecting consumers from bogus health insurance plans that used ERISA preemption as a shield from State investigation and prosecution. So in 1982, Congress amended ERISA to clarify that multiple employer welfare arrangements [MEWA's] were subject to State insurance solvency laws and regulation.

In crafting the 1982 amendments, Congress continued to shield certain types of plans from even this limited State regulation by specifically exempting them from the definition of MEWA's. Although rural electric cooperative association plans were listed in the statute, due to an apparent oversight, rural telephone cooperative plans were not.

This bill treats health and welfare plans sponsored by rural telephone cooperative associations, such as the 11 associations in my own State of Montana, the same as rural electric cooperative associations for purposes of ERISA preemption. These plans provide vital access to affordable health care to millions of Americans and to thousands of Montana citizens who would otherwise have no health insurance.

The noncontroversial provisions in this bill have already been adopted by this House once—in H.R. 3299, the Omnibus Budget Reconciliation Act of 1989. Unfortunately, for reasons unrelated to substance, they were not enacted.

As chairman of the Subcommittee on Labor-Management Relations with jurisdiction over this issue, I hope that we can quickly enact this corrective legislation.

DRUG TREATMENT IMPROVEMENT ACT OF 1991

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. TRAFICANT. Mr. Speaker, today I introduced legislation entitled the Drug Treatment Improvement Act of 1991. The legislation does two things: It requires the Secretary of Health and Human Services [HHS] to collect, evaluate and disseminate information regarding drug treatment programs and to collect information from federally funded drug treatment facilities accounting for the way those facilities spend Federal dollars allocated to them.

My bill amends the Public Health Service Act to require the Secretary of HHS to collect information from public and private drug treatment facilities regarding the types of treatment programs those facilities utilize, conduct evaluations of those treatment programs, and then circulate information back to treatment facilities on those treatment programs that it determines to be among the most effective in the United States.

All federally funded facilities must participate in the program or risk loss of funding. Those facilities that do participate will benefit from this information sharing program. My bill addresses and offers a solution to the problems of lack of knowledge on the effectiveness of existing programs, lack of evaluation of existing programs and lack of new treatment for cocaine abuse.

The bill also requires that all federally-funded facilities provide the Secretary of HHS with an annual report summarizing the number of individuals who were provided treatment by their facility, the number of individuals who requested treatment and were denied and how Federal money were spent by those facilities. Failure to do so would result in a loss of funding. In this way, facilities would be held accountable for the way they apportion Federal money.

This provision of the legislation requires the Secretary of HHS to then submit one report to Congress, summarizing the information gathered from federally funded drug treatment facilities across the Nation. This information would be helpful to Congress in determining the need for drug treatment in America and more precise funding levels for all facilities.

I urge my colleagues to cosponsor this legislation. Knowledge about the effectiveness of present drug treatment programs and their costs is extremely limited. My legislation offers a solution to this problem through better communication between the Federal Government and public and private drug treatment facilities.

A CONGRESSIONAL SALUTE TO MR. HAROLD COWAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Harold Cowan, a good friend of southern California business and education. Mr. Cowan, a long-time resident of the harbor area, will retire after 38 years of service to the aerospace industry and as a quality assurance engineer. This occasion gives me the opportunity to express my deepest appreciation for his years of service to both the aerospace industry and the community.

Harold was born in North Little Rock, AR on December 30, 1926. After serving as high school valedictorian, he graduated with honors in biology and chemistry from State College, Pine Bluffs, AR, now the University of Arkansas. Following his graduation, Harold spent 3 years as a high school teacher and basketball coach.

On December 30, 1950, Harold married Jewel I. Smith. The couple moved to Los Angeles in 1953. After arriving in California, Harold spent several years of study in business, metallurgy, biochemistry, and education at Los Angeles State College, Long Beach State University, UCLA, USC, and the Douglas Aircraft Management Institute. He received a lifetime teaching credential and a M.S. degree from USC in 1980 in systems management.

Harold has, and continues, to work diligently in various community and civil rights organizations including the NAACP. He served as president of the San Pedro/Wilmington NAACP, treasurer and membership chair of the NAACP, and chair of the NAACP's Annual Freedom Fund and Awards Banquet. He has been working in the civil rights field for many years and was involved in marching and raising funds in many of the landmark Supreme Court decisions concerning institutionalized discrimination. He is also a member of the Harbor City Homeowner's Association, and the First United Methodist Church of Wilmington.

In addition to his contributions to the community, Harold has had numerous significant professional achievements. He was twice awarded the Douglas Aircraft/McDonnel Douglas Corp.'s highest award for "Outstanding Achievement for Quality Engineering/Technical Performance and Cost Savings." He has published seven articles, and presented numerous technical papers. He has also been an instructor of quality management and quality engineering as well as physiology, math, and general sciences at Long Beach City College and Los Angeles City College.

My wife, Lee, joins me in extending our thanks for Harold Cowan's contributions to the community. The aerospace industry is losing an extremely valuable member. He is a truly remarkable individual who has devoted his talents and energies to enriching the lives of so many others. We wish Harold, his wife Jewel, their children, Cynthia, and Sharon, and their grandchildren Melanie, and Richard, all the best in the years to come.

TARIFF LEGISLATION FOR OPAL BOROSILICATE GLASSWARE

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. BUSTAMANTE. Mr. Speaker, on April 18, I introduced legislation, H.R. 1931, which addresses an inequity which currently exists between the United States and Mexico. H.R. 1931 addresses the issue of a low cost consumer product—opal borosilicate glassware, including ovenware and dinnerware—which is no longer produced in this country in large quantities. The product, made in Mexico, is distributed nationwide by Crisa Corp. in Laredo, TX, which I have the privilege of representing. The Crisa Corp. has grown from a small distribution operation to one of the leading employers in Laredo.

I strongly urge the Committee on Ways and Means to approve this measure to provide for a separate tariff classification and a temporary duty suspension on opal borosilicate glassware imported in sets.

Opal borosilicate glassware is a special type of ovenware and kitchenware which, because of its particular manufacturing process, is able to withstand thermal shock greater than ordinary glass, or even tempered glass. However, the price of opal borosilicate glassware to U.S. consumers is artificially inflated by a 30-percent import duty. H.R. 1931 would permanently reduce the duty to 7.2 percent and temporarily suspend the duty entirely.

Other kinds of glass and glass-ceramic ovenware and kitchenware products are made in the United States. In fact, U.S. producers' share of high quality, increasingly sophisticated products of this type, with well-established household brand names, dominate the market for these products. In a market estimated to be hundreds of millions of dollars, annual imports of opal borosilicate glassware are less than $7 million.

Because of the unique heat resistant properties, opal borosilicate glassware comprises a distinct product category which is not made in the United States. Its unique heat resistant properties are attained through the manufacturing process itself, rather than after the manufacturing process. It is also distinct from U.S. manufacturers' products in terms of distribution channels. U.S. producers' glass and glass-ceramic products dominate the shelves of mass merchandisers, major retailers and even grocery chains. Opal borosilicate glassware is sold almost exclusively door to door, in order to better reach the low to moderate-income consumer who provides the demand for the product.

While U.S. producers manufactured opal borosilicate glassware in the past, they abandoned this product in favor of newer, higher technology, and higher priced, products. The result has been a void in the low end of the market. The bill I have introduced would allow this void to be filled, to the benefit of U.S. consumers, and without detriment to U.S. manufacturers who have stopped making this product in favor of higher priced, higher profit items.

Over the past 5 years, Mexico has taken significant steps to open up its markets to United States products. Mexico has liberalized its trade regime by joining the GATT, eliminating many nontariff barriers which had been in place for years, and significantly reducing import tariffs. In fact, Mr. Speaker, Mexico's highest prevailing tariff rate is 20 percent ad valorem. In contrast, the United States currently imposes a 30-percent ad valorem duty on opal borosilicate glassware. This extremely high rate of duty—even by U.S. standards—continues to be imposed even though this product is no longer produced in the United States. I urge my colleagues to support this legislation.

PROCLAMATION DESIGNATING JUNE 3–7, 1991, AS MANAGEMENT WEEK IN FLORIDA

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. BACCHUS. Mr. Speaker, I rise today in strong support of the State of Florida's Proclamation designating June 3–7, 1991, as Management Week in Florida. The National Management Association is a professional, nonprofit organization with more than 72,000 members. I am proud of the public service and civic involvement of the association as it promotes unity in management through education and fellowships. Mr. Speaker, I am inserting Florida's proclamation in the CONGRESSIONAL RECORD as recognition of management as a profession and hope that all concerned citizens observe June 3–7, 1991, as Management Week in Florida.

PROCLAMATION

Whereas, the National Management Association is a professional, non-profit association dedicated to improve the quality and promote unity in management by education and fellowship of more than 72,000 members; and

Whereas, the members of this Association in the State of Florida desire to perform a public service by officially recognizing mamagement as a profession; and

Whereas, during the week of June 3, 1991, these members will join management in our society and encourage the promotion of our American Enterprise System;

Now, therefore, I, Lawton Chiles, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim June 3–7, 1991, as "Management Week" in Florida and urge all concerned citizens, industries, businesses and professional bodies to actively and appropriately participate in its observance.

THE EMERGENCY ASSISTANCE FOR IRAQI REFUGEES ACT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. DIXON. Mr. Speaker, I rise today to bring to your attention legislation that I introduced last week to provide immediate humanitarian aid to the suffering Kurdish refugees and displaced persons in Iraq—the Emergency Assistance for Iraqi Refugees Act. This measure calls upon the United States and the international community to step up their humanitarian aid efforts to the suffering Kurdish refugees and displaced persons in Iraq, and condemns the ruthless slaughter of the Iraqi people by Saddam Hussein.

Thousands of Iraqi men, women, and children have died—and continue to die everyday—from exposure due to freezing temperatures, hunger, and diseases associated with malnutrition. As human beings, we cannot just stand by and watch it happen.

The Emergency Assistance for Iraqi Refugees Act affirms Congress' support for humanitarian, refugee assistance and emergency relief. It also supports the United Nations Security Council Resolution 688 which condemns the repression on Iraqi civilians and demands that such repression end. This resolution insists that the Iraqi government allow immediate access by international humanitarian organizations to those in need of assistance and cooperate with the Secretary General to address urgently the critical needs of the refugees.

The full text of the bill follows:

H. Con. Res. 131

Whereas Congress condemns the ruthless slaughter and heinous human rights abuses against the Iraqi people, particularly the Kurdish minorities in the north and Shiites in the south, by Iraqi President Saddam Hussein and his troops;

Whereas the United Nations Security Council on April 5, 1991, adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression of civilians threatens international peace and security in the region, demands that the Iraqi Government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance, and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the President of the United States has warned the Iraqi government against any attacks on refugees and refugee assistance operations;

Whereas hundreds of thousands of refugees are fleeing their homes in terror in the aftermath of the civil war in Iraq and are desperately seeking safe haven and sanctuary and an estimated 1.7 million people have been displaced in Iraq or have been forced to seek refuge in neighboring countries;

Whereas hundreds of men, women, and children have died from exposure due to freezing temperatures, hunger, and diseases associated with malnutrition;

Whereas countries neighboring Iraq, such as Turkey and Iran, have established temporary camps within their borders for the refugees that have fled northern and southern Iraq, and thousands more are amassed at the 206-mile frontier border between Iraq and Turkey, and others are in southern Iraq in the area previously occupied by coalition forces and now occupied by the United Nations peacekeeping force, the United Nations Iraq-Kuwaiti Observation Mission (UNIKOM);

Whereas the United States, European and other countries, the United Nations, and private voluntary organizations have witnessed the dire need for medical supplies, shelter, food, blankets, and potable water for the refugees and the necessity for a massive international relief effort;

Whereas the United States and United Nations have sent experts to the Gulf region to assess the crisis and determine the immediate needs of the Kurdish, Assyrian, Chaldean Christians, Shiite and other refugees and displaced persons;

Whereas the United Nations international appeal effort calls for over $500 million for humanitarian refugee assistance to address the needs of the estimated 1.7 million Iraqi displaced persons and refugees in Iran, Turkey, Syria, and Jordan;

Whereas the United States has pledged $10 million for immediate humanitarian assistance and other international donor countries are making similar pledges;

Whereas Congress is supportive of the humanitarian outreach efforts by Turkey and other countries, and supports United States Operation Provide Comfort that is providing desperately needed food and supplies to the refugees and the humanitarian relief efforts by France, Britain, Germany and other countries; but believes there should be a greater coordinated international effort and

Whereas Congress is deeply concerned and committed to providing additional humanitarian aid immediately for these suffering people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress

(1) supports humanitarian, refugee and emergency assistance for Iraqi refugees and displaced persons; and

(2) recommends that the United States provide additional assistance for a sustained international humanitarian relief effort.

STATEMENT ON HOUSE DELEGATION TO REFUGEE CAMPS ON THE BORDER OF NORTHERN IRAQ AND TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. SMITH of New Jersey. Mr. Speaker, last evening Mrs. ROUKEMA, Representative TONY HALL, Representative HOWARD BERMAN, and Representative MATT MCHUGH, the leader of our delegation, and I returned from a 5-day fact-finding mission to assess the Iraqi refugee crisis and efforts underway to help the Kurdish people. Upon our return, the delegation met with Deputy Secretary of State Lawrence Eagleburger to apprise him of the needs of the refugees and to share with him our recommendations for an appropriate U.S. response to this tragic situation.

This morning we met with House Speaker Tom Foley and testified before the House Foreign Affairs Committee which is currently drafting legislation to provide supplemental emergency relief to the people suffering in northern Iraq. In our meeting today we have shared the tragedy of what we witnessed in northern Iraq and we have urged our colleagues to move quickly on the request for additional humanitarian aid.

Ladies and gentlemen, the explosion of displaced persons and refugees in and adjacent to Iraq is unprecedented in modern history. Within the span of 2 or 3 days in early April, hundreds of thousands of Iraqis fled their homes in a desperate attempt to escape the brutality of Saddam Hussein. None of the experts in the international relief community anticipated the magnitude or rapidity of this exodus. All were caught off guard.

Two events were instrumental in beginning to alleviate the suffering of Iraqi refugees. The first event was Secretary of State Baker's trip to the area on April 7–8, which galvanized the administration—and the world—into according higher priority to the refugee situation. The second event was President Bush's decision to deploy U.S. military forces to Turkey to take charge of relief operations. These operations initially may have seemed like a bandaid, but they have proven to be the tourniquet essential to preventing a tragedy of even greater catastrophic proportion.

The crisis in the refugee camps cannot be overstated. At the refugee sites in the Turkish-Iraqi border area, disease is rampant—a circumstance especially chilling in light of the fact that over 50 percent of the refugee population is compromised of children under 12 years of age. Officials of the U.N. High Commissioner for Refugees report that there are 7–10 deaths each day for every 10,000 refugees. Many of the victims are children. Babies are especially vulnerable. As the weather turns warmer, illness and death will increase significantly.

To avert further disaster, U.S. military forces are engaged in an intensive and—yes, heroic—mission to stabilize the refugee population and, subsequently, move them to safer ground where relief personnel have better access to them. In essence, we have committed the finest military force in the world to a purely humanitarian mission, and the initial results are no less spectacular than those achieved in Operation Desert Storm.

The U.S. Air Force, assisted by air elements form the United Kingdom, France, Italy, and Canada, has been performing air relief operations on an intensive basis. According to U.S. military officials, the Air Force flies up to 50–60 missions each hour to over 25 drop zones. By the morning of April 21, the Air Force had flown more than 295 relief missions, dropping more than 3,000 tons of relief supplies. Rear base personnel at the joint United States-Turkish air base at Incirlik are working practically nonstop, packing approximately 500 parachute bundles each day for air drops.

The relief mission of the U.S. force consists of three discrete phases. Phase I consists of immediate efforts to stop the dying and suffering. This phase is now well underway.

Phase II consists of relocating the refugees from their inaccessible mountain campsites to lower terrain where they can be adequately cared for and shielded from the elements. This phase is also underway.

Phase III—undoubtedly the greatest challenge of all—involves returning refugees to their homes in Iraq, but only if there is a sustainable, secure environment for resuming their lives.

Meanwhile, the U.S. Embassy in Ankara has been converted into a command center, committing practically all of its resources and personnel to the relief effort. We are very fortunate that Ambassador Morton Abramovitz, who is experienced in dealing with refugee crises, is on the scene.

One thing is clear: The situation remains highly volatile. Only last Sunday, Iraqi refugees in the mountainous camp at Cukurca rioted over the lack of food, causing Turkish troops to open fire. At least one refugee was killed and several were wounded. We visited this camp only the day before this tragedy and observed the tense atmosphere between Turkish soldiers and refugees. To avoid further bloodshed, it is essential that the refugees be relocated as quickly as possible to new sites in low-lying areas where adequate sanitation, food distribution, and medical care can be provided.

Beyond this interim step lies the task of repatriating Iraqi refugees to their places of origin in Iraq. No task could be more formidable—or more fraught with moral obligation. The refugees look to the United States as their guarantors against renewed savagery by Saddam Hussein. For a preliminary period, we owe them that protection, and President Bush acted correctly in sending United States forces across the Turkish border into Iraq to establish temporary living sites for the refugees.

While the United States acts to establish new and more secure living sites for the refugees, it is essential that the United Nations, in coordination with international relief organizations, step up their participation in the relief effort. In the final analysis, the relief effort cannot succeed unless the professionals step in and do what they do best. Assistance from other nations will also be critical.

Persuading the Iraqi refugees to return to their homes in Iraq will be extremely difficult. Accordingly, we must utilize every diplomatic and economic lever at our disposal—from continued sanctions to fostering an extensive international relief presence to new and farther reaching action by the U.N. Security Council—to establish conditions in Iraq that give the refugees the necessary confidence to return home.

We have much to be proud of in the manner in which the United States has rallied on behalf of the refugees. Now it is time to act with aggressiveness, ingenuity and patience to bring this refugee crisis to a peaceful and desirable resolution.

IN PRAISE OF CONGRESSMAN HOYER'S EFFORTS SUPPORTING BALTIC FREEDOM

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. MCEWEN. Mr. Speaker, I rise today to share with my colleagues some comments made by one of the most distinguished and honored Members of the House of Representatives.

Congressman STENY HOYER of Maryland, the Chairman of the U.S. Commission on Security and Cooperation in Europe, recently addressed the democratically elected parliament of the Republic of Latvia. It is appropriate that Chairman HOYER, who has dedicated years of tireless service to the cause of democracy and independence in the Baltic States, had the opportunity to represent the oldest elected national legislature in the world before the fledgling Latvian Parliament.

The struggle of the Baltic peoples to regain their freedom and independence, which was lost to the Soviet Red Army in 1939, has been helped immensely by Rep. STENY HOYER'S leadership and direction in the Halls of Congress. I share Congressman HOYER'S support for the legitimate aspirations of the Baltic people, and I have been honored in the past to work with him to promote the protection of human rights, democracy, and freedom from oppression in Latvia, Lithuania and Estonia.

To the Latvian Parliament, Chairman HOYER stated:

"Our primary purpose in coming here is to gather information, to offer support for your magnificent and courageous strides toward democracy and freedom, and to demonstrate our solidarity with your goals."

Chairman HOYER'S leadership of the U.S. Commission on Security and Cooperation in Europe has earned similar praise. I share his comments with my colleagues in hopes that they find them of interest, and I look forward to working with Chairman HOYER in the coming year which is critical to the advance of democracy and freedom in the Baltics.

ADDRESS BY REPRESENTATIVE STENY H. HOYER

President Gorbunovs, ladies and gentlemen, fellow parliamentarians. On behalf of all the members of my delegation, which represents both major parties and speaks for a broad spectrum of America, let me say how pleased we are to be here today and how sad we are to grieve with you the loss of your fallen patriots. We thank you for your kind invitation to come to Riga and to meet with elected representatives of the people of Latvia.

All of you became members of Parliament in the first election in Latvia since 1940 whose process was not controlled by one political party and whose outcome was not decided in advance. We salute and congratulate you. You are the living embodiments of the democratic spirit, all the more praise-worthy for persevering in uncharted waters and remaining hopeful and optimistic throughout.

This is my first trip to the Baltic States. In fact, most of the members of Congress you see have not been here before. Nevertheless, this is by no means just a "get acquainted" meeting. The U.S. Congress has had a long-standing interest in the Baltic States. This is particularly true of the Helsinki Commission, which is a unique, bipartisan body in the United States. It combines legislative and executive branch representation and is mandated by law to monitor implementation of the Helsinki Final Act by all of its signatories, including the United States. The Helsinki Commission has a tradition of close ties with Baltic political activists, many of whom have met with Commission Members in Washington, New York and at CSCE conferences in Europe.

Our presence here signals our commitment to your cause. As Americans we are very concerned about the war in the Middle East and the danger faced by our people in the Gulf. But we are deeply concerned about the unmistakable shift in Moscow's policies which has led to tragic consequences in Latvia and Lithuania. This shift has deeply troubling ramifications for U.S.-Soviet relations and hopes of creating a much longed-for "new world order." If the old world order was symbolized by the grim barrier enclosing Berlin, the new world order is reflected in the democratic forces at work in this room. For in this new world order we are talking about the basic rights and responsibilities of peoples and nations toward each other.

Our primary purpose in coming here is to gather information, to offer support for your magnificent and courageous strides toward democracy and freedom, and to demonstrate our solidarity with your goals. In our talks with you and with your counterparts in Lithuania and Estonia in the next two days we will learn—and we know we will be inspired.

Your labors both reflect Helsinki ideals for nourish and nurture their spirit—a spirit that brought political prisoners into political office and into dialogue with their former jailers. It is our belief that the Helsinki process—which for years grouped around the table contending blocs in difficult and even bitter negotiation—can provide the framework in which neighbors may sit with neighbors to address the sometimes conflicting needs of minority and majority populations.

For those of us who have long been active in the Helsinki process, the values enshrined in the Final Act and subsequent CSCE documents supply the guiding principles for international relations and the relationship between states and their citizens. These values include a firm commitment to human rights and to the right of peoples to self-determination. The Helsinki Commission welcomes the stated willingness of Latvia, Lithuania and Estonia to adhere to CSCE principles and has urged that they be granted observer status in the CSCE.

As you know, after concluding our visit to the Baltic States, we will meet with Boris Yeltsin in Moscow to gain his perspective on the Baltic situation and on prospects for promoting democratization in Russia and the U.S.S.R. I am sure you would agree that without democracy in Russia, democracy and freedom elsewhere are threatened.

We have been following the course of negotiations between the Baltic States and the Russian Republic and we consider it a hopeful sign that the Russian Republic appears ready to recognize the sovereignty of Latvia, Lithuania and Estonia. We look forward to establishing contacts with Mr. Yeltsin and to hearing his views on the future of relations between Russia and the Baltic States.

Our delegation has also requested a meeting with President Gorbachev. We hope that a favorable response will soon be forthcoming because we believe it would be extremely important for President Gorbachev and other political forces in Moscow to see that the U.S. Congress supports his efforts at democratization. But we are deeply concerned by his recent turn from his stated objective of a society under the rule of law.

We would urge President Gorbachev not to abandon the principles and policies that have earned him a role in history. Let me quote from his extraordinary address to the United Nations on December 7, 1988 in New York.

"It is also quite clear to us that the principle of freedom of choice is mandatory. Its non-recognition is fraught with extremely grave consequences for world peace. Denying that right to peoples, under whatever pretext or rhetorical guise, jeopardizes even the fragile balance that has been attained. Freedom of choice is a universal principle that should allow no exceptions.

It was not simply out of good intentions that we came to the conclusion that that principle was absolute. We were driven to it by an unbiased analysis of the objective trends of today."

We hope that President Gorbachev's appointment of new negotiating teams to the Baltic States indicates a readiness to return to political means of resolving political problems. It would be a tragedy for everyone if he turned his back on his own legacy. Let us recognize anew that it is better to avert wrongs than to atone for them; it is wiser to keep friends than to lose them. And we hope to convey that message to President Gorbachev in person.

In conclusion, ladies and gentlemen, we come to the Baltic States with full hearts and open minds. We mourn the innocent victims of January and we pray that our efforts to foster democracy, human rights and the self-determination of peoples will honor their memory. And we appreciate the opportunity to honor you—their representatives, and our colleagues.

"Visu labāko Jums, un novēlu Jums Dieva svētibu." ("All the best to you, and may God bless you.")

TRIBUTE TO THE 1991 INDUCTEES OF THE OLD TIMERS' HALL OF FAME

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute the 1991 inductees of the Baseballtown, U.S.A., Greater Youngstown Old Timers' Baseball Hall of Fame, of my 17th Congressional District of Ohio. The Old Timers' Hall of Fame will hold its annual banquet and induction ceremony on May 5, 1991.

Since its creation in 1962, the Old Timer's Hall of Fame has inducted 350 legendary baseball greats who have made significant contributions to baseball and the surrounding community throughout their career. All recipients of this presitigious award have displayed outstanding talent and perserverance early in their career, distinguishing them from all other players. Yet, these men have made contributions far greater than their pitch-hitting cohorts. These men are not just players, but are the sponsors and coaches of numerous county and city teams and have united whole communities around America's favorite pastime. They are the role models of our youth, have laid the foundation for our future sports greats, and have instilled in countless young men and women the love and spirit of baseball. Finally, the Old Timers themselves are the foundation of our community, the unknown members of numerous fraternal orders, sports clubs, charities, and community service organizations.

Mr. Speaker, I would like to take this opportunity to recognize the following 1991 inductees of the Old Timers' Hall of Fame: Frank Regich, Dick Price, Edward F. Winsen, Peter "Figo" Carvella, Andy Belcik, Al Frederick, Frank Repasky, Ed Neff, Mike Micko, Andy Banyots, Ralph Davis, and John Schultz. I admire these men for their life-long dedication and contribution to baseball and would like to extend my congratulations upon their induction into the Hall of Fame.

INTRODUCTION OF H.R. 1987

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. HUGHES. Mr. Speaker, today I am introducing a bill to extend for another 4 years, an experimental, and successful law aimed at developing worldwide protection for semiconductor chip designs.

Six and one-half years ago, the Congress passed and the President signed the Semiconductor Chip Protection Act of 1984. See Public Law No. 98–620, title III. The Chip Act, as it has come to be known, was crafted over a preceding 6-year period by the subcommittee which I now chair, the Subcommittee on Intellectual Property and Judicial Administration, the full Committee on the Judiciary, and our counterpart committee in the Senate. The subcommittee had much help: former subcommittee Chairman Bob Kastenmeier authored the final version of the bill; Congressman DON EDWARDS and NORM MINETA were the chief sponsors. The ranking minority member of my subcommittee, CARLOS MOORHEAD, was very supportive. In the Senate, Senator LEAHY and Mathias played leading roles.

Tailored to the unique needs of both the semiconductor industry and the public, the 1984 act drew on the richness of both our copyright and patent laws. It conferred 10 years of protection on the mask works used to design semiconductor chips. In order to stimulate research and development, the act also legitimized reverse engineering: a scientific approach utilized by the semiconductor industry.

With its hundreds of thousands of intricately etched and integrated circuits, the chip represents a new and very important kind of intellectual property, a type of property of critical importance to the United States. Chips are used to operate everything from computers to microwave ovens, from automobiles to airplanes, from Patriot missiles to pollution control devices.

The Chip Act was the first statutory reform to create a new intellectual property in over 100 years. Outside observers agreed with the significance of the act; the Washington Post even editorialized on January 8, 1985 that "the United States will increasingly earn its living in the technical fields in which these unconventional kinds of property are crucial." The Post concluded: "By enacting the Semiconductor Chip Protection Act, Congress demonstrated the sort of contribution that it can usefully make to a rising and immensely promising industry."

During the 101st Congress, the subcommittee conducted oversight on the effectiveness of the 1984 act, finding agreement that the act was working well. According to F. Thomas Dunlap, Jr., vice president and general counsel of INTEL, the 1984 act "discouraged the development of technology necessary to effectively copy the chip masks." Ralph Oman, the Register of Copyrights, observed that technological innovations had not overtaken the Chip Act; to the contrary, the act uses "sufficiently broad definitions to accommodate various technological means of creating and producing semiconductor chip integrated circuits." Harry Manbeck, Assistant Secretary of the Department of Commerce and Commissioner of Patents and Trademarks, stated that "the semiconductor chip industry should continue to benefit from balanced and appropriate legal protection." The act provides that protection. As noted by a Federal district court, "The Mask Work Act protects against the literal copying of a mask work and against the misappropriation of a material portion of a mask work." *Brooktree Corp.* v. *Advanced Micro Devices,* 705 F. Supp. 491, 494 (S.D. Calif. 1988).

The authors of the 1984 act realized that the semiconductor industry was increasingly international. They further understood that the United States was cutting a new path, as the act did not fall under any treaty or agreement providing international protection. Neither the Universal Copyright Convention nor the Paris Convention for the Protection of Industrial Property were applicable. The Chip Act, therefore, provided transitional provisions—initially set to last for 3 years—intended to encourage the rapid development of a new worldwide regime for the protection of semiconductor chips. Simply stated, the interim provisions provided for a carrot and stick approach codified in section 914 of the act. In that section, the Secretary of Commerce is authorized to issue orders that make foreign nationals, domiciliaries and sovereign authorities eligible to obtain protection if certain statutory criteria are met. The three statutory conditions are: First, that the foreign nation in question is making progress—either by treaty negotiation or legislative enactment—toward a regime of mask work protection generally similar to that under the act; second, that its nationals and persons controlled by them are not engaging in, and have not in the recent past engaged in, chip piracy; and third, that entry of the Secretary's order would promote the purposes of the act and facilitate international comity in mask work protection.

In 1987, Congress acted on proposals put forth by this subcommittee and our counterpart subcommittee in the Senate. Responding to a report filed by the Secretary of Commerce that found section 914 to be effective and successful, Congress extended it for 3½ more years—until July 1, 1991. The 1987 amendments to the 1984 act extended the authority of the Secretary of Commerce to issue orders providing interim protection "to continue this incentive for the bilateral and multilateral protection of mask works." See Public Law No. 100–159. Moreover, Congress added explicit provisions to codify the President's existing authority under section 902 of the act to revoke, suspend or limit the protection extended to masks works of foreign entities in nations that extend mask work protection to U.S. nationals. Finally, the 1987 amendments amended the 1984 act to provide that the Secretary of Commerce, in consultation with the Register of Copyrights, again report to the Congress on the operation of section 914 by July 1, 1990.

In response, the Secretary delegated the responsibilities under the act to the Assistant Secretary and Commissioner of Patents and Trademarks, as was done from the outset. On July 1, 1990, the Commissioner discharged his report responsibility, concluding that the section 914 provisions should be extended indefinitely.

During its short 6½-year life, section 914 has been responsible for the development of bilateral relations between the United States and 19 foreign countries in regard to protection of mask works. Let me take the time to list the countries: Japan, Sweden, Australia, Canada, Switzerland, Finland, Austria, and the member states of the European Economic Community—France, the Federal Republic of Germany, Italy, Belgium, Spain, Portugal, Denmark, Greece, Ireland, Luxembourg, the Netherlands, and the United Kingdom. Virtually, the entire industrialized world is represented in this group.

Of these countries, at least seven—Japan, Sweden, Denmark, the Federal Republic of Germany, France, the Netherlands, and the United Kingdom—have enacted laws similar to our own. The passage of statutes in several other countries is in progress.

Significantly, two important international organizations have devoted time and energy to the development of minimal standards of protection.

First, the United Nations—through the World Intellectual Property Organization located in Geneva, Switzerland—has developed a multilateral treaty. A diplomatic conference was completed in May 1989 in Washington, DC, with participation from industrialized, developing and Socialist countries. The WIPO text, however, did not fulfill the expectations of the United States and Japan, the world's major producers and consumers of semiconductor chips, and they voted against the treaty.

Second, in the context of the Uruguay round of the General Agreement on Tariffs and Trade [GATT], treaty negotiators on intellectual property issues [TRIPS] have pressed for minimal standards higher than those achieved by WIPO. As noted by the Secretary of Commerce, "to correct the deficiencies of the WIPO Treaty, the United States and most other industrialized countries are seeking to set minimum standards for the protection of chips that comply with existing national laws * * *" It is still too early to make any predictions about the substantive outcome of the Uruguay round.

Bilateral relations are advantageous, standing alone. But, more importantly, they pave the way for multilateralism. And multilateralism is a much preferred and more advantageous form of protection—for not only the United States but also for the world community. The challenge of a multilateral treaty that includes among its members the Socialist world as well as developing countries remains as a worthwhile challenge.

Nonetheless, in the foreseeable future, the United States will have to continue to rely on bilateralism, based on section 914 of title 17, United States Code, which provides international transitional provisions that have been good public policy, and that should be extended for 4 more years. My bill accomplishes this goal, by continuing to rely on the Secretary of Commerce and the Commissioner of Patents and Trademarks. The bill requires the Secretary to file a report on the effectiveness of section 914, thereby ensuring and maintaining the close working relationship that exists between the legislative and executive branches on intellectual property and trade issues. I commend the Secretary for the good job that he has done in this regard. There is widespread support for such an extension of the Secretary's authority, and there is no known opposition at this time. I also thank the Semiconductor Association of America [SIA] for its support.

I would like to thank several respected Members for their cosponsorship, specifically Mr. EDWARDS of California, Mr. MINETA, Mr. FRANK, and Mr. KOPETSKI. The ranking minority member of the subcommittee, Mr. MOORHEAD, deserves special mention. I appreciate his cosponsorship in this bipartisan endeavor. Finally, virtually identical legislation is being introduced today in the Senate by Senator PATRICK LEAHY, chairman of the Judiciary Committee's Subcommittee on Technology and the Law, with support from several other key Senators.

Mr. Speaker, we have a strong team of Members together from both sides of the aisle, from both bodies and from all parts of the country. I urge support for this necessary piece of legislation and look forward to bringing it to the House floor in the near future, certainly before its July 1 sunset.

Further information may be obtained by contacting the Subcommittee on Intellectual Property and Judicial Administration, 207 Cannon House Office Building, Washington, DC, telephone No. ((202) 225-3926).

THE THIRD DEFICIT

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. TRAXLER. Mr. Speaker, I rise today to call the attention of my colleagues to a particularly insightful article by David Alan Aschauer, which was recently published in the GAO Journal.

Mr. Aschauer, who is also known as Prof. Elmer W. Campbell, formerly a senior economist at the Federal Reserve Bank of Chicago, helps to shed new light on the severity of our nation's infrastructure problems. His article is entitled "The Third Deficit," and it is my belief that Mr. Aschauer makes a compelling case for why our infrastructure problems are as much of a hindrance to economic competitiveness as is our Nation's trade and budget deficits.

I urge all Members to read this article and carefully consider the importance of addressing our infrastructure problems as the Congress moves forward on establishing our Nation's spending priorities for the next fiscal year.

THE THIRD DEFICIT

(By David Alan Aschauer)

America's ability to meet a number of its pressing problems—such as environmental deterioration, declining competitiveness in the international economic area, a persistent drug problem, and the burden of an aging work force approaching its retirement years—will depend on a strong and steady performance by the national economy. Yet, over the past 20 years, the U.S. economy has not been performing as well as it did in the "golden age" of the 1950s and 1960s. For instance, we have seen a continuing slump in the growth rate of economic productivity—that is, in the annual gains in the amount of output produced by an hour of work effort. This slower growth in productivity translates into slower growth in per capita output and in tax revenues, which makes dealing with critical national problems increasingly difficult.

So strong productivity growth is a necessary precondition for innovative public policies. And the key to productivity growth is investment—both in physical capital such as machines and factories and in the knowledge achieved by spending on research and development, education, and training.

Unfortunately, investment has not been particularly robust over the past few decades.[1] In particular, public investment in the nation's core infrastructure of highways, bridges, mass transit, water and sewer systems, and other public facilities has dropped—from about 4 percent of gross national output in the late 1960s to a little more than 2 percent in the late 1980s. Because the infrastructure forms a crucial foundation for the national economy, this falloff in infrastructure spending has detracted from this country's economic strength and, by extension, from its ability to address many of its current problems. Therefore, even though it might seem that because of the current budget deficit we can't afford to make substantial investments in infrastructure, the fact is that we can't afford not to invest in our public capital stock.

THE TRADITIONAL VIEW

According to conventional wisdom, spending on public facilities affects the economy by creating jobs and stimulating the production of goods and services. An increase in spending on highways not only boosts employment in the construction industry but also, as construction workers spend their wages on goods and services, in other industries as well. For example, in a study of New Jersey by The Road Information Project (TRIP), it was estimated that each $100 million of additional highway spending would generate a total of 2,500 extra jobs and $136 million worth of added goods and services.[2]

While the precision of these types of figures might be open to argument, the logic of this approach is correct—as far as it goes. But there is a fundamental limitation in this way of looking at things. By focusing on the way public expenditures on highways and other public facilities affect the total demand for output, the conventional approach turns a blind eye to the important ways in which infrastructure investment affects the total supply of private-sector output.

INFRASTRUCTURE AND SUPPLY

In my opinion, the stock of public infrastructure capital is a critical, though often overlooked, determinant of the economy's ability to supply goods and services to the market. Public capital accumulation is at least as important to the course of material prosperity as is private capital accumulation. As stated by Richard Bartel, editor of *Challenge* magazine,

> *Investment is the key, as economists know very well, to economic growth and material progress. History records how the creation of physical and human capital drives the wealth of nations. Yet even some economists tend to think of investment in narrow terms—private spending on business plant and equipment. We often forget about additions to the stock of public infrastructure—spending on roads, bridges, mass transportation, airports, waterways, water supply, waste disposal facilities, and other public utilities.*[3]

Specifically, one may argue that public capital is an intermediate input to the production process. By interacting in a complementary fashion with private labor and capital, it renders private-sector production more profitable and efficient.

There is a multitude of ways that infrastructure might influence productivity in this manner. First, an improved infrastructure will help to reduce or eliminate production bottlenecks. One clear case would be the efficiency gains arising from the provision of a better transportation infrastructure, which can enable a firm to reap the advantages inherent in "just-in-time" inventory management. For instance, over the past half-decade, the Campbell Soup Company has embarked on a just-in-time delivery program for its food production operations. Because rail transportation was regarded to be unreliable, the company has switched from rail-based to truck-based transportation of its product. At Campbell's Sumpter, North Carolina plant, this switch to trucking and to just-in-time inventory control has succeeded in reducing inventory holdings by 67 percent. The resulting cost savings have been considerable.

Just-in-time inventory control seems to be a growing practice in this country. According to one survey, while about 19 percent of nationwide shipments were accomplished in accordance with just-in-time principles in 1987, the survey respondents expected that this would rise to over 32 percent by 1995. So there is significant potential for further cost reductions and profit enhancement through just-in-time inventory control. But the potential will remain just that—potential—unless adequate transportation investments are made in the years ahead.

Second, a better transportation infrastructure can allow firms to diversify their product lines and reduce fluctuations in overall sales and profitability. Firms with the capability of switching from one product line to another will mitigate losses arising from shifts in product demand. Success in this attempt to minimize risk, however, depends on good access to a broader variety of material inputs—from a greater number of suppliers—as well as good access to different groups of consumers.

Third, an upgraded transportation infrastructure allows improved access to labor. For instance, a good surface transportation network—roads, light rail, and the like—effectively lets a firm reach farther out into the labor pool and results in better matches between jobs and workers' skills.

Finally, a better infrastructure may allow firms to capture various economies of scale—that is, efficiency gains arising from larger-scale production facilities. For example, because of the existing road network, Coca-Cola Midwest has been able to consolidate all its bottling activity at a larger, more efficient plant in Eagan, Minnesota. The elimination of a number of remote warehouses and the move to "rolling warehouses"—that is, storage trucks—have allowed Coca-Cola to reap substantial efficiency gains.

For all these reasons and more, an improved infrastructure can boost productivity in the private sector. Indeed, there appears to exist a dynamic interaction between the infrastructure and productivity. In this "virtuous cycle," a better stock of infrastructure capital lifts productivity and, by lowering costs and raising profits, also promotes private investment. This, in the space of a few years, raises productivity still more. As this higher level of productivity then expands the resource base available for private investment in factories and machines, the cycle begins anew.

Recent empirical research to be found in the economics literature[4] suggest that this "virtuous cycle" was broken during the latter half of the 1960s. Indeed, public expenditure on infrastructure facilities has fallen rather dramatically over the past two decades or so. After rising as a percentage of gross national output during the 1950s and early 1960s, public infrastructure spending peaked at nearly 4 percent of gross output in the late 1960s, then slid to a low of about 2 percent of output in the early 1980s. As of

1987, infrastructure investment had rebounded somewhat—to 2.2 percent of output—but was still well below the levels attained during the 1960s.

During this same period, the labor force continued to grow, placing additional pressure on the available public facilities. Indeed, the falloff in public investment, as a share of output, is reflected in a similar drop in the amount of public infrastructure capital available to each worker in the private economy. At the same time, however, the amount of private business capital per worker—that is, trucks, machinery, and factories—has continued to climb. So while in recent years the private sector has been adding to the capital stock at a faster pace than the labor force has been expanding, the same cannot be said of the public sector. It is in this sense that we may claim that there is a "third deficit" in the national accounts—a deficit at least as important to our economic future as the budget and trade deficits. This third deficit, resulting from a shift in government spending priorities away from infrastructure investment, has broken the virtuous cycle of investment and productivity growth and is therefore a critical factor behind some of our long-term economic ills—our depressed profit rate on private capital, our overall failure to invest adequately in our future, and our sluggish productivity growth.

The literature allows three broad conclusions about the importance of infrastructure investment to the supply side of the economy.[5]

First, a one-percent increase in the stock of infrastructure capital raises the rate of return to private capital by one-tenth of a percentage point. Loosely speaking, if the federal, state, and local governments in the United States had continued to invest in infrastructure during the 1970s and 1980s at the average pace maintained during the 1950s and 1960s, there would have been much less of a "falling rate of profit" to worry economists—let alone stockholders.

Second, such an increase in public investment over the past two decades would have had the net effect of raising the national investment rate (private plus public investment) back to levels comparable to those of the 1950s and 1960s. At first, the additional government expenditures on infrastructure would probably have caused real interest rates to be slightly higher and may also have increased the prices of capital goods; this may well have depressed private investment in plant and machinery for a period. But, over time, the positive effect of an upgraded public capital stock on corporate profits would have taken hold, private investment would have rebounded, and national investment would have been stimulated.

Third, because the national investment rate would have been higher, productivity growth—that is, annual gains in productive efficiency—would have benefited substantially. Indeed, according to current estimates,[6] some 15 to 60 percent of the total falloff in productivity growth in recent decades is to be attributed to the continued neglect of the U.S. infrastructure.

FINANCING INFRASTRUCTURE

Clearly, this analysis suggests that this country should significantly increase its infrastructure expenditures, focusing particularly on transportation facilities, both surface and air. Yet in this day of fiscal distress, it is necessary to couple advocacy for increased spending with some plan for generating the required funds.

One source of money could be the Highway and Airport Trust Funds, which have accumulated a surplus of more than $30 billion. Spending down the Trust Fund surplus over a 10-year period—or, alternatively, using the annual interest income on the Funds—would provide some $3 billion annually for infrastructure investment. Still, this sum seems paltry when compared with the estimated annual need of an additional $50 billion to $100 billion.[7] The Trust Funds offer no more than a start on financing national infrastructure requirements.

One could also look to the large—and growing—surpluses in the Social Security Trust Funds. According to Social Security Administration projections, by 1995 Social Security income will exceed outgo by more than $100 billion annually. This income will peak at nearly $500 billion around the year 2015, and the Social Security Trust Fund will maintain a surplus until the year 2030. These surpluses, of course, are intended to fund benefit payments to future retirees. And, in a strict *accounting* sense, the surpluses will accomplish this end. But in an *economic* sense, the Social Security surpluses will be capable of funding future benefits and allowing the current work force to maintain consumption only if, in some way, the surpluses add to national investment over the coming decades. Higher national investment will raise the national capital stock; the higher national capital stock will raise productivity; and the stronger economy will generate more consumption goods for both workers and retirees.

The current administration has advanced its own proposal to channel the Social Security surpluses into private investment. Under this scheme, the surpluses would be paid into a separate "Social Security Integrity and Debt Retirement Fund" for the purpose of reducing the amount of federal debt held by individuals in the form of U.S. bonds and notes. The idea is that this will reduce pressure on interest rates, lower the cost of capital, and stimulate private investment in plant and equipment.

No doubt, this mechanism would indeed help to raise national investment and boost productivity growth. To a certain degree, the Social Security system would be funded in an economic as well as in an accounting sense. But using the Social Security surpluses to fund public infrastructure projects would be a more direct route to raising national investment. The exact funding mechanism could take one of two forms: The federal government could use funds from the Social Security accounts to increase grants to states and municipalities; or the federal government could invest the surpluses in a special category of "infrastructure bonds" issued by state and local governments. Either mechanism would have the desirable effect of increasing public capital formation and, thereby, of economically funding the Social Security system in an efficient manner.

SPENDING TO MEET OUR NEEDS

In my opinion, we must take less time worrying about how the government finances its expenditures—whether by taxes or by debt—and more time thinking about how the government chooses to allocate its spending to meet the current and future needs of the economy. Last summer, President Bush referred to the budget deficit as a cancer sapping the economy of its strength. The deficit is certainly an important concern, but from a long-term perspective it may in fact be more a symptom than a cause of our economy's lethargy. If we are to think of the deficit as a cancer, we must surely think of inadequate spending on our nation's infrastructure as another.●

FOOTNOTES:

[1] For example, the annual growth rate of the net private capital stock has been about 3.1 percent in recent years, down from around 3.8 percent during the 1950s and 1960s.

[2] The Road Information Project, "An Analysis of the Economic Impact of Increased Highway Funding in New Jersey," prepared for the New Jersey Alliance for Action, December 1987.

[3] Richard J. Bartel, "Editor's Note," *Challenge*, November 1989.

[4] For example, see the following papers: David A. Aschauer, "Government Spending and the 'Falling Rate of Profit,'" *Economic Perspectives*, July 1988; David A. Aschauer, "Is Public Expenditure Productive?" *Journal of Monetary Economics*, March 1989; David A. Aschauer, "Does Public Capital Crowd Out Private Capital," *Journal of Monetary Economics*, October 1989; David A. Aschauer, "Public Investment and Productivity Growth in the 'Group of Seven,'" *Economic Perspectives*, October 1989; Alicia H. Munnell, "Why Has Productivity Growth Declined?" *New England Economic Review*, January 1990; Alicia H. Munnell, "How Does Public Infrastructure Investment Affect Regional Economic Performance?" *New England Economic Review*, November 1990.

[5] See David A. Aschauer, "Government Spending and the 'Falling Rate of Profit,'" "Is Public Expenditure Productive?" "Does Public Capital Crowd Out Private Capital," and "Public Investment and Productivity Growth in the Group of Seven."

[6] David A. Aschauer, "Is Public Expenditure Productive?" "Why Has Productivity Growth Declined?"; and Alicia H. Munnell, "How Does Public Infrastructure Investment Affect Regional Economic Performance?".

[7] National Council on Public Works Improvement, *Fragile Foundations* (Washington, D.C.: U.S. Government Printing Office, 1988).

COMMENDING DELTA TAU DELTA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. RICHARDSON. Mr. Speaker, college fraternities oftentimes get a bad rap. Movies like "Animal House" portray these organizations as houses filled with sex, drugs, and alcohol. For those of us who have been fortunate enough to have taken part in the fraternal experience and/or for those of us who now have children enrolled in a fraternity, we know reality is far from the unwarranted perception.

The fact of the matter is that fraternities, on the whole, are a major contributor to the overall educational, social, and economic wellbeing of many college students. These fraternities are responsible neighbors and critical components of the college experience.

One fraternity that is going above and beyond the call of duty is Delta Tau Delta. This outstanding fraternity has undertaken a major effort to spread the word against alcohol abuse, against date rape, against human rights violations including hazing, and for academic performance. In addition to setting up master plans to address these serious issues, over the last several years Delta Tau Delta has published a series of advertisements in the "Chronicle of Higher Education" explaining its position on numerous health, social, and educational issues.

It is with great pleasure and, as a Delta Tau Delta member, it is with great pride that I share with my colleagues one such advertisement.

IN OUR OPINION, A COLLEGE CAMPUS OUGHT TO BE THE LAST PLACE ON EARTH YOU'D EXPECT TO FIND HUMAN RIGHTS VIOLATIONS

Every day, the rights of countless students are violated, not by some military junta, but by someone they know. In fact, the number of reported date rapes on America's college campuses has risen sharply. How many go unreported is anybody's guess.

Yet, while date rape may be all too commonplace an occurrence, there's absolutely no place for it at Delta Tau Delta.

As a fraternity that values human rights and the dignity and worth of every human being, we're committed to developing and reinforcing moral character.

Every Delt is expected to adhere to the highest standards of brotherhood, to act with integrity and virtue, and to respect and honor the rights of others.

To us, a college campus is a place for students, not victims; a place that inspires dreams, not nightmares. It is a place for futures, not force; a place where the basic rights of each and every individual are held in the highest esteem. Anything that violates those rights is an anathema.

At Delta Tau Delta, we detest sexual harassment of any kind, we abhor all date rape, and we recognize and accept the important role we can and must play in stopping it.

INTRODUCTION OF A BILL TO AUTHORIZE THE GOVERNORS OF THE VIRGIN ISLANDS AND GUAM TO APPOINT THE ADJUTANT GENERAL FOR THEIR RESPECTIVE NATIONAL GUARDS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. DE LUGO. Mr. Speaker, today I am introducing legislation cosponsored by my good friend, the Delegate from Guam, to empower the Governors of the Virgin Islands and Guam to appoint the adjutant generals of their National Guards.

Much has happened since National Guard units were created in the territories. Twenty years ago when I pushed for national legislation to create the Guard in the Virgin Islands, we had only begun to elect our own Governor.

In those early days, there was strong opposition in the Virgin Islands to the establishment of the Guard from those who misunderstood its mission. Some even likened it to an elite unit under the control of the Governor to repress opposition to the administration.

Today, the National Guard has earned the respect and, indeed, the gratitude of the Virgin Islands community, which now realizes the Guard's importance in times of crisis and disaster.

The people of the Virgin Islands and Guam now have two decades of experience of increased self-government. In the Virgin Islands today, some 825 men and women proudly serve in the National Guard. They serve as the members of any State Guard to serve their communities. Moreover, in the Virgin Islands, located far from the U.S. mainland, and where the threats of hurricanes and earthquakes are very real, the Guard plays a particularly vital role.

As the people of the Virgin Islands and Guam continue their march toward increasing self-government, as they work to shed the lingering vestiges of colonialism, it is fitting and it is just that they be allowed to decide who will lead their local Guards.

Moreover, it is important that the Governors be able to select the persons with whom, and through whom, they can best respond to the community's needs. It is because we from the offshore areas are so mindful of the important role of the Guard, that we seek authority to appoint our adjutants general. Granting the Governors of the Virgin Islands and Guam the power to select the leadership of the Guard will further ensure that each unit will be accountable to the people they serve.

This legislation brings the Virgin Islands and Guam to a status equal to that of the 50 States and the Commonwealth of Puerto Rico. Further, it underscores the historic intent of Congress to enable the people of the United States' offshore areas to continue to progress toward greater self-determination and self-government. It is a fitting and logical next step.

Mr. Speaker, I am also introducing legislation today to allow resident alien and H-4 youngsters to fully participate in junior ROTC Programs. Under this bill, many fine, upstanding youths will be upgraded from auditors to full-fledged cadets in the ROTC Program, allowing them to receive uniforms and to count for enrollment. Given their allegiance and their enthusiasm, this is certainly fair.

I would like to thank the cosponsors of this legislation, Congressman ENI FALEOMAVAEGA, Chairman ROBERT ROE, Chairman CHARLES RANGEL, Congressman JAMES SCHEUER, Congressman FRANK HORTON, and Congressman WILLIAM JEFFERSON.

I urge my colleagues to support these pieces of legislation.

CHAIRMAN ROYBAL IS JOINED BY BIPARTISAN MEMBERSHIP OF THE HOUSE SELECT COMMITTEE ON AGING TO INTRODUCE THE COMPREHENSIVE PREVENTIVE HEALTH PROGRAM FOR MEDICARE BENEFICIARIES

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. ROYBAL. Mr. Speaker, I am joining Representative RALPH REGULA, my colleague on the House Select Committee on Aging, along with many of my distinguished colleagues, to support the Bipartisan Aging Committee bill, The Comprehensive Preventive Health Program for Medicare Beneficiaries (H.R. 1746). Introduced on April 11, 1991, this bill serves to improve the quality of life for our older Americans.

Today our Nation's elderly are suffering because we have neglected their need for long term care. It is time to focus our energy on health promotion and disease prevention, especially with our escalating elderly population. According to the Healthy People 2000 Report, published by the U.S. Department of Health and Human Services, Public Health Service, the population of those over the age of 85 will increase approximately 30 percent by the year 2000. Given the increased life expectancy, it is necessary to implement programs that will contribute to the functional independence of older Americans. Often old age is associated with health problems, however, many of these problems can be prevented or alleviated with successful prevention programs. Promoting good health will improve the quality of life for older Americans and increase their ability to perform essential daily activities such as eating, bathing, and dressing.

The programs proposed in this legislation are beneficial because they improve the quality of life for the elderly, decrease disability levels, increase life-expectancy, and reduce medical and long term care expenditures. Consider the leading causes of death among Americans during the 1980's: heart disease, stroke, and unintentional injuries. If prevention programs are effective, we can increase the health span of all Americans. Secretary Sullivan stated in his testimony before the House Committee on Ways and Means on March 6, 1991, "Health promotion and disease prevention work to preserve good health, personal dignity and empowerment." He reiterated this statement before the House Budget Committee on February 20, 1991, embellishing it with "Health promotion and disease prevention are critical to enhancing the health status of all Americans."

We must invest in our future now. Health promotion and disease prevention is the answer, not only because it will create a healthier and more active lifestyle for the elderly, but also because it makes sense fiscally. If we invest now, we save later. It is obvious as a nation we are becoming more aware of the critical role health promotion and disease prevention play in promoting and maintaining the quality of life. We must prioritize our resources to include elevating improvements in health care for all Americans. No longer should we ignore the need for access, health promotion and disease prevention and quality health care for all Americans, whether they be the elderly or the 33.4 million uninsured and underinsured (1991: CBO Testimony).

Congress must act now. We must authorize the Health Care Financing Administration to offer a package of preventive services for elderly Medicare beneficiaries. If enacted, the Comprehensive Preventive Health Program for Medicare Beneficiaries will establish a 4-year demonstration project providing a comprehensive package of preventive health screening services.

The preventive health care screening services we are proposing include: physical examination performed by a physician or nurse practitioner; urinalysis screening; blood pressure screening; physical examination of the breast; vision screening; auditory screening; serum cholesterol screening; anemia screening; thyroid function screening; colon cancer preventive screening; and, verbal and written mental health screening.

Each new service will be evaluated as a trial program in various States and communities for its effectiveness. If the services are determined to be cost effective or if measurable health improvements are demonstrated in the health of the Medicare beneficiaries, the Secretary of Health and Human Services is directed to incorporate the service(s) into Medicare law.

The successful implementation of this program would bring the advent of a new way of thinking in Medicare; the focus is health promotion and disease prevention. Our current system is reactionary: we only act after the serious illness occurs, and often it is too late.

My dear colleagues, I invite you to join us in supporting this legislation. This bill will not only contribute to the quality of life for the elderly, but all Americans, both young and old. You can be credited for your foresight in passing a bill that will lead us to a more productive and healthy society. Given the wealth of our Nation in health care knowledge and resources and considering the Federal funds dedicated to health care and health care research, we have a responsibility to address the following issues today—the need for health care access, the need for health promotion and disease prevention, the need for quality care for the millions of Americans in both urban and rural areas, and the need for long term care. We can make a step toward creating a more equitable and cost-effective health system by passing this legislation.

Mr. Speaker, I insert a summary of the bill, the Comprehensive Preventive Health Program for Medicare Beneficiaries (H.R. 1746), in the RECORD:

H.R. 1746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF COMPREHENSIVE PREVENTIVE HEALTH PROGRAM.

(a) COVERAGE OF COLON CANCER PREVENTIVE SCREENING AND ANNUAL PHYSICAL EXAMINATION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as revised by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in subsection (s)—

(A) in paragraph (2)(L), by striking "and" at the end; and

(B) by inserting after paragraph (2)(M) the following new paragraphs:

"(N) colon cancer preventive screening examinations which shall be limited to either, or a combination thereof, fecal occult blood test, digital rectal examination, and sigmoidoscopy examination to be completed on a frequency as determined appropriate by the Secretary, furnished to an individual to assist in the prevention and early diagnoses of colon cancer and other related disorders;

"(O) physical examination performed by a physician, or nurse practitioner (subject to State practice laws), on an annual basis, that—

"(i) is reasonable and customary to detect illness or dysfunction typical of the general population group represented by the patient (as determined by the age, sex, race, and health habits of the individual) for which payment is made under this part; and

"(ii) shall be limited to—

"(I) tests for blood pressure;

"(II) physical examination of the breast for early detection of breast cancer;

"(III) basic screening tests for vision loss;

"(IV) basic screening tests for hearing loss;

"(V) tests measuring serum cholesterol;

"(VI) tests of the blood for anemia;

"(VII) thyroid function evaluation;

"(VIII) urinalysis;

"(IX) nutritional assessment; and

"(X) general case assessment questionnaire which shall include the patient's case history, age, weight, height, and race;

and such other preventive health care screening examinations as deemed appropriate by the Secretary;

(b) CONTINGENT EFFECTIVE DATE; DEMONSTRATION PROJECT.—

(1) The amendments made by this section shall become effective (if at all) in accordance with paragraphs (2) through (7).

(2) ESTABLISHMENT OF DEMONSTRATION.—

(A) The Secretary of Health and Human Services (in this paragraph referred to as the "Secretary") shall establish a demonstration project to begin on October 1, 1992, to test the program effectiveness of furnishing colon cancer preventive screening examinations, physical examinations, and verbal and written mental health screening examinations (in this paragraph referred to as "preventive health care screening examinations") under the Medicare Program to the extent provided under the amendments made by this section to a sample group of Medicare beneficiaries.

(B)(i) The demonstration project under subparagraph (A) shall be conducted for an initial period of 24 months. Not later than October 1, 1994, the Secretary shall report to the Congress on the results of such project. If the Secretary finds, on the basis of existing data, that furnishing preventive health screening examinations under the Medicare Program to the extent provided under the amendments made by this section is program effective, the Secretary shall include such finding in such report, such project shall be discontinued, and the amendments made by this section shall become effective on November 1, 1994 (as modified by paragraph (8)).

(ii) If the Secretary determines that such finding cannot be made on the basis of existing data, such project shall be continued for an additional 24 months. Not later than April 1, 1997, the Secretary shall submit a final report to the Congress on the results of such project. The amendments made by this section shall become effective on the first day of the first month to begin after such report is submitted to the Congress unless the report contains a finding by the Secretary that furnishing preventive health care examinations under the amendments made by this section is not program effective (in which case the amendments made by this section shall not become effective).

(3) DETERMINING PROGRAM EFFECTIVENESS.—In determining the program effectiveness of a particular test or examination, the Secretary shall consider whether such service—

(A) was performed in a manner that is consistent with current professional medical knowledge;

(B) was delivered in a setting that offered satisfactory access to all beneficiaries eligible for the service; and

(C) is found to be either—

(i) cost effective as determined by the Secretary after considering the direct cost of providing such service, the utilization of such service which might otherwise not have occurred, the costs of illnesses and nursing home days avoided, and other relevant factors, except that extended life for beneficiaries shall not be considered to reduce the program effectiveness of such service; or

(ii) is found not to be program effective but has resulted in measurable improvements in the health of those receiving the services with only moderate costs to the project (as determined by the Secretary).

(4) EXPENDITURES AND REIMBURSEMENTS.—In conducting the demonstration project the Secretary is required—

(A) to conduct a demonstration of the provision of preventive health care screening examinations as a service for Medicare beneficiaries and to expend $50,000,000 each year of the demonstration project for this purpose in large scale demonstration projects, including statewide projects, in at least seven distinct geographic locations;

(B) to provide reimbursement of such tests and examinations at different rates of reimbursement, including the use of deductibles and copayments by the beneficiary; and

(C) in the provision of preventive health care screening examinations to utilize a variety of delivery settings so as to best determine the impact of such settings upon cost effectiveness and the level of care.

(5) DISCRETION OF THE SECRETARY.—The Secretary in exercising his discretion under the authority of this Act shall meet on an ongoing basis and take into consideration the advice and recommendations of the Director of the National Institutes of Health and the Director of the Centers for Disease Control. Such agencies shall also provide counsel and technical assistance in the development and implementation of the project.

(6) SEVERABILITY OF TESTS.—If after a period of 12 months from the commencement of the project the Secretary shall find a particular test or examination to have met the requirements of this Act (regarding the determination of program effectiveness) then such test or examination shall be severed from the ongoing project and become effective no later than 6 months from such determination.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1991

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. SCHEUER. Mr. Speaker, today I am introducing legislation authorizing the programs of the National Oceanic and Atmospheric Administration [NOAA] for fiscal year 1992.

These bills were approved by the Subcommittee on Environment of the Committee on Science, Space, and Technology on April 16, 1991. Clean bills were ordered, by unanimous voice vote of the subcommittee, to facilitate further consideration of the bill at the full Committee on Science, Space, and Technology.

Mr. Speaker, the administration has requested an 8-percent increase over fiscal year 1991 for NOAA's programs. This is a healthy increase given our current fiscal restraints. The legislation that I am introducing today endorses that budget submission.

Mr. Speaker, I am pleased that the President has requested significant increases for several NOAA's high-priority programs, including: Global climate change research, plus $31 million, a 66-percent increase; the polar orbiting weather satellite system, plus $102 million or a 200-percent increase; and the modernization of the Weather Service plus $55 million or an increase of 36 percent.

In spite of these healthy increases, however, the budget request for National Weather Service operations has been cut slightly. The Subcommittee on Environment restored the cuts in the National Weather Service operations account by transferring $9,171,000 from satellite operations. These funds will assure the continuation of agriculture weather services, fire weather services, the fruit frost warning programs, the Colorado River Flood Warning System, and the Susquehanna River Flood Warning Systems.

Mr. Speaker, I still have concerns about NOAA's apparent lack of interest in the Landsat Satellite Program. In spite of Landsat's recognized importance for global climate change research, the administration continues to pursue its policy of indecision and inaction. I intend to discuss this matter in detail with the chairman of the Committee on Science, Space, and Technology, Hon. GEORGE E. BROWN, Jr., to determine the best strategy to assure the continuity of this most important environmental research data through the construction and launch of Landsat 7.

TAX SIMPLIFICATION

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. ANDREWS of Texas. Mr. Speaker, the more we discuss tax simplification, the more we work at tax simplification, the more the code seems to stay as complicated as ever.

Some argue that we have made progress. During the floor debate on passage of the Tax Reform Act of 1986, Ways and Means Committee Chairman DAN ROSTENKOWSKI held up the two Tax Codes—old and new—to show the difference. The old code was about the size of the Dallas and Houston metropolitan phone books combined; the new code about the size of the Fort Worth phone book. The Tax Reform Act of 1986 did make significant strides in simplifying the code, and Chairman Rostenkowski deserves much of the credit. I suppose that size is one way to measure progress, but weight alone is not sufficient at least not to those of you who try to interpret what the code means. In tax writing, brevity does not necessarily mean simplicity.

The Tax Code is too complex; on this we can agree. But when it comes to the hard choices of tax policy, complexity is in the eye of the beholder. In the words of Huckleberry Finn upon reading Pilgrims Progress: "It was interestin' but steep." In my experience on the Ways and Means Committee, no one who has been the beneficiary of some new provision ever rejected it because of its complexity.

The chairman has pronounced this year to be the year of tax simplification. That is good news and I hope our committee can be successful in making tax policy more understandable for all Americans: policymakers, serious practitioners, business leaders, and average Americans.

Frankly, I believe real progress will be difficult in the short term. Success should be measured not by great strides, but rather by small and important victories in the margins of tax policy. This would be an insignificant victory. People constantly complain to me that Congress never does anything—that Government moves too slowly on vital issues. James Madison would smile at those remarks. I do believe that is exactly what the Founding Fathers intended. Our Government is designed to move for the most part by inches, not by great leaps. The obstacles to tax simplification are large. Let me tell you what I think the biggest hurdles are.

First, the tax writing committees are continually placed under pressure to meet targets set by the Budget Committee and budget summitteers. Because of time restraints and overly ambitious agreements, Ways and Means members deliberate in an atmosphere that is not conducive to good policy decisions. At times the first question asked is "How much does it cost?" or "How much can be raised by a particular provision?", rather than a consideration of the proposal's impact on tax policy or simplicity. Our debates at times become revenue driven, not policy driven. This problem, I believe, is the biggest contributor to complexity and lack of consistency in making policy decisions.

Second, because raising taxes has become such a political tail to be pinned on an opponent, especially in Presidential politics, tax writing committees tend to write tax bills that are a mismatch of cats and dogs or loophole closers. They tend to be generally small revenue raisers, esoteric to most voters. It can take several of these revenue enhancers to meet revenue demands. The result is more complexity, not less, with revenue raising bills becoming a grab bag of no new taxes. This is not always bad of course, but again I think it encourages more complexity, not less.

Third, transition rules have also become part of the complexity problem. Many transition rules are important to achieve fairness. For instance, a business has the rules changed during a negotiation or the retroactive effect of a new provision destroys a legitimate agreement based on the old rules. Transition rules can in the best sense achieve fairness. In the worst sense they can greatly complicate the code.

Fourth, we now play a new game on ways and means. The general public may be amazed that this should be new to the Congress: If a member proposes a provision that costs revenue, a way to pay for it must also be proposed. This is a good procedure not a bad one. This tax game has had its ups and downs, and it is sometimes viewed as a rule not strictly adhered to.

There are positive aspects of these various forces, especially budget pressures. We simply cannot afford open ended spending programs or tax incentives. New programs need a prudent financing mechanism. For example, the Ways and Means Committee led the fight in the last Congress to kill a long-term health care bill sponsored by the late Congressman Claude Pepper—no one knew the ultimate cost nor was there any proposal to pay for the benefits. And catastrophic health care, another issue of critical importance was killed—not because of the need for the program but because so many Americans refused to pay for some of the benefits. In spite of the failure of the catastrophic health care initiative, I believe that this debate represents legislative debates of the future. Proponents of new spending programs will have to also proffer ways to pay for them. This is of course a positive development.

Additionally, increased press scrutiny of tax legislation has impacted the process. Special tax breaks for single entities, so called rifle shots are in disfavor and this has for the most part been a healthy development.

Lastly, in the past decade, special interest groups have become much more sophisticated in their organization and effectiveness. This does cut both ways: It has made for good and bad tax policy. What this development has not done is encourage simplicity in the code.

The truth is, all of the factors that I have mentioned are with us whether we like them or not. The politics are not going to change dramatically, nor is the legislative process itself.

Now for the hard part: What to do about all this complexity?

First, let me discuss two proposals I do not favor: One, to raise revenue only by raising rates rather than changes in the base. This is a bad idea because much reform can be accomplished by simply changing the code itself without raising rates. A rates only approach could abrogate that debate. Numerous examples exist. The way real estate is treated under the passive loss rules comes to mind. I would like to make changes in those provisions—not freeze them in place.

And of course, raising rates is, as Ronald Reagan taught Walter Mondale, instant political death. Let me be perfectly clear. I oppose raising tax rates.

A second suggestion is to do nothing. It is argued that if the budget process is the real culprit, dealing with that issue first is necessary before ever attempting simplification. I think there is some merit here, but this approach should surely be the last resort. Before I completely surrender, let me mention some important things we can and should do now—or at least try to accomplish.

The most important step we could take is to seriously consider a 2-year budget cycle. First, it greatly reduces the pressure of working under the gun. Second, the tax writing committees could then concentrate in the off year on policy review and simplication matters. Third, this change would promote more constancy in the code. But that is a major change and, again, if what I have said thus far is true, major changes are not likely to occur in the near future. I am here to champion smaller, more achievable future. I am here to champion smaller, more achievable victories, not to plow new ground. Let me suggest a few:

First, Congress should instruct the Joint Committee on Taxation [JCT] to take the point position on simplification. Every proposal should be assessed not only on its revenue impact and tax policy considerations but how it impacts the complexity of the code. Congress must take the primary responsibility of simplifying the Tax Code.

Second, the chairman and subcommittee chairmen should insist on comments and debate on the issue of complexity from advocates of changes in the code. For instance, the new rule during markups should be not only how to pay, but how complex is the proffered amendment.

Third, the Treasury and the Internal Revenue Service should be requested at every opportunity to comment and make recommendations on simplications. This should occur especially during the drafting of legislation and the markup of bills before the tax writing committees.

Fourth, a simplification task force should be formed. This group should be chosen by the President and should include tax writing leaders in the Congress and the administration. It should also include private sector tax practitioners and leaders in academia. The group should have the maximum exposure and time to develop not only specific recommendations but also a reasonable timetable to achieve these goals.

Fifth, time constraints are the biggest enemy of tax simplification. Section 89 is an example of what late night sessions can do the code. Political leaders must be cognizant of this and avoid at all costs last minute, late night agreements. This may be wishful thinking again.

Tax simplification is worth the effort. The integrity of the code and tax compliance with the code, I believe, are directly affected by the code's understandability. One thing is for sure: We can do a better job and we really should try to do a better job of simplifying the Tax Code.

INVESTMENT CREDIT AND ACCELERATED DEPRECIATION FOR CARGO CONTAINERS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. MATSUI. Mr. Speaker, I join my colleague Mr. VANDER JAGT in reintroducing legislation that will confirm the longstanding interpretations of the investment tax credit and accelerated depreciation provisions of the Internal Revenue Code as applied to intermodal cargo containers of U.S. leasing companies. The legislation introduced today is identical in substance to the bill, H.R. 5017, that Mr. VANDER JAGT and I introduced last year. That bill was referred by the Ways and Means Committee to the Select Revenue Measures Subcommittee. Last August, in response to a request for public comments, the subcommittee received a number of statements supporting the legislation.

There is one procedural provision in the new bill that was not in H.R. 5017 last year. This provision allows taxpayers to revoke an election which the Internal Revenue Service required to be made last fall if the taxpayer wanted to avoid the time and expense of protracted audits and litigation to resolve the container controversy. Because such elections had to be made before this corrective legislation could be enacted, it is appropriate to allow any taxpayer who made that election to revoke it after enactment of the legislation. However, this revocation provision does not allow any taxpayer who has entered into a closing agreement with the Internal Revenue Service—in settlement of a container audit controversy—to benefit from this legislation.

Last year, I fully explained the purpose of this legislation. To recapitulate, the legislation generally will allow the credit and accelerated depreciation deductions for containers which were placed in service by U.S. lessors prior to January 1, 1991, and which were or are leased to container users such as shipping companies that have trade routes that touch the United States. Our proposal is intended to resolve a controversy which has affected the entire container leasing industry since the mid-1980's when the Internal Revenue Service began to change its interpretation of the provision applying the credit and depreciation to containers.

At the time of the original enactment of the investment credit in 1962, a special provision made the credit available for any U.S. company's container which is used in the transportation of property to or from the United States, even though such containers obviously would spend most of their time at sea and in foreign ports. For more than 20 years following the enactment of the credit and the container provision, domestic container lessors claimed the credit and deductions on substantially all of their containers. The lessors' practices were confirmed consistently when their tax returns were audited. Not until the mid-1980's did IRS audit agents begin to disallow the credit and deductions because the lessors could not prove specifically that containers entered or left U.S. ports each year. This approach was formalized in January of last year in Revenue Ruling 90-9. The revenue ruling requires the container owner to prove on a container by container basis that a substantial portion of a particular container's activity during the taxable year is in the transportation of property with the United States as the origin or the terminus of the trip for the container and the property.

The interpretation and application of Federal tax laws are functions which the Treasury and the IRS must perform without an excess of second guessing; otherwise, the system cannot be expected to function. Our courts have long recognized this and have given considerable weight to interpretations of law as presented in regulations and revenue rulings.

However, in this situation, I believe that congressional action to overrule the IRS position is not only appropriate, but essential for two reasons. First, I believe that the revenue ruling incorrectly interprets the law and the general congressional intent for the container provision. The IRS interpretation is inconsistent with the simple statutory language and overlooks the realities of container leasing, where lessors do not have immediate control over each container or its daily whereabouts. I believe that, within the context of the early 1960's, Congress fully intended that its container provision be liberally interpreted using a standard which could be met by container owners.

Second, even if the revenue ruling's interpretation were valid, it differs so significantly from more than 20 years of audit practice that is retroactive application to an entire industry is unjustifiable. Until the revenue ruling was published last year, no guidance on the container provision had been issued. Lessors and then IRS audit agents applied the container provisions with a commonsense reading of the statute. It was not simple luck in winning the audit lottery that container credits were generally accepted during audits.

As an alternative to the substantive and recordkeeping requirements of the revenue ruling, taxpayers may elect a "safe harbor" provided in Revenue Procedure 90-10, which also was published in January of last year. However, the safe harbor effectively allows only slightly more than half of the credits claimed by container lessors in prior years. This does not provide a basis for an industry-wide settlement of this controversy. Nevertheless, elections relating to certain containers were required to be made last fall, and some taxpayers made the election in order to avoid protracted audits and costly litigation.

This situation is so unusual that I believe that corrective legislation is essential. A whole industry faces the unpalatable options of entering protracted and expensive litigation or accepting the half-a-loaf offered in the revenue procedure. In this case, Congress should provide a clear and workable statutory standard which is a fair and reasonable elaboration of the container provision. This new standard should apply to containers notwithstanding any elections made pursuant to the revenue procedure.

The legislation introduced today provides a standard which will confirm the longstanding practices of the U.S. container leasing industry by overruling the revenue ruling and the revenue procedure for containers placed in service prior to January 1, 1991.

COMPUTERS IN AUTOMOBILES

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, the Automotive Information Council has predicted that the integration of vehicle electronic and microprocessor systems in a cost-effective manner will be the biggest automobile challenge of the 1990's. More and more, computer circuits are being integrated in automobiles. Computers currently play a role in controlling engine speed, braking, and status display. In the future, computer use in automobiles is expected to expand into near-obstacle detection and other areas.

Unlike the mechanical components of an automobile, however, computers can malfunction intermittently as the result of a wide variety of external factors such as radio frequency or electromagnetic interference and internal factors such as cold solder joints and faulty components. These malfunctions could produce sudden, unintended acceleration events resulting in accidents and deaths.

In spite of these shortcomings, I firmly believe that computers in automobiles have great potential—but we must be very careful. Based on my 25 years experience in aerospace engineering, I can report that there are safeguards which have minimized the risks posed by intermittent computer operation in the aircraft and space fields. However, the integration of computers is relatively new territory for car manufacturers and we must act now in order to avoid carnage on our roads later as greater numbers of cars become computerized.

That is why today I am reintroducing legislation I introduced in the last Congress, H.R. 5099, to require the Secretary of Transportation to request the National Academy of Sciences to study the use of, and risks associated with, electronic and microprocessor systems in automobiles.

Mr. Speaker, this legislation will provide a base of information on the problems and the most cost-effective methods to avoid the hazards caused by intermittent computer failure. I urge my colleagues to support this important piece of public safety legislation.

FEDERAL FUNDS FOR TOLL BYPASS ROADS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. WOLF. Mr. Speaker, as we undertake in this Congress the critical task of reauthorizing our Surface Transportation Act, we are confronted with an exasperating dilemma where urgent highway needs and available funding are inversely proportional. For that reason, I am introducing legislation that targets our national quandary of expanding demand but shrinking dollars in the area of transportation funding.

It is obvious that we will need to find creative ways to fund the transportation system needed to take us into the 21st century. It is in that spirit that my legislation allows the use of Federal funds in the construction of new toll highways, currently prohibited by law. My legislation specifies that new toll highways eligible under this program would be those designed to bypass, and therefore alleviate congestion in, urban communities.

Toll financing traditionally speeds up the construction of badly needed highway projects, and I believe it is appropriate to permit the use of Federal funds in this process. This allows the accumulation of Federal, State, and local funds plus bond financing at one time. Not only is this more efficient than the drawnout process of incremental funding stages, but it also saves money over the long haul by avoiding inflationary costs.

An example in the Washington area where federally augmented toll financing would be crucial is in the funding of the desperately needed eastern bypass. This bypass would divert as much as 33 percent of north and southbound I–95 trucks and other through traffic that now mixes with local commuters, creating near-gridlock conditions during rush hours.

This would be a win-win situation for all area travelers. The eastern seaboard through travelers would prefer to avoid the congestion of the metropolitan area completely, even if it meant paying a toll to do so. And for local commuters, this would be a dream come true, especially when you consider that an outer bypass would be the equivalent of adding another lane to I–95. If we do not build an outer bypass, it is estimated that by the year 2000, speeds of 15 to 25 miles per hour or less can be expected on one-half of the Capital Beltway in peak hours, with speeds of 30 to 40 miles per hour on another 20 miles of the beltway.

With the construction of an outer bypass, the bottom line would be that in the Washington area traffic congestion on the Capital Beltway, the Wilson Bridge, the American Legion Bridge, and other area highways would be dramatically decreased. Also safety on area roads would be enhanced as thousands of dangerous trucks would use the bypass, avoiding the work-bound mass of local commuters.

Despite the critical need for the eastern bypass and the relief it would offer, its hefty potential $2 billion price tag mandates a creative funding mechanism, such as toll financing, if it is to come off the drawing boards.

Most of us receive mail from constituents who are overwhelmed by the sheer task of getting to work on local congested highways. One letter complaining about the Washington area read: "I arrived here on the 21st, after the most laborious journey of a fortnight I ever went through; resting one day in Alexandria and another in Baltimore * * * the roads through the whole way were so bad that we could never get more than three miles per hour * * *."

That wasn't written by a commuter on the Capital Beltway. It was written 200 years ago by Thomas Jefferson. It just sounds like it was written today.

This problem is not unique to the Washington area. Lifting the current prohibition against using Federal funds for toll roads would allow many congested urban/suburban communities nationwide to quickly build new bypass arteries of relief.

My proposed legislation would permit toll financing for federally funded bypass highways nationwide which link with major arterials and which allow through traffic to circumvent urbanized communities of more than 50,000 population. According to the Federal Highway Administration, such bypasses are currently proposed or in the planning stages in the following urbanized areas:

Birmingham, AL.—The North Birmingham Outer Beltline, a 30–50 mile semicircle bypass around the north side will link with a southern bypass on the west side.

Atlanta, GA.— In the draft environmental impact state, right-of-way is being currently purchased on a portion of the U.S. 19 corridor over to U.S. 29—northeast Atlanta—for the 20–25 mile first leg of a completely circumferential Atlanta Outer Beltway which will total nearly 100 miles when completed.

Austin, TX.—In preliminary and draft environmental stages, the Austin Outer Parkway in an 80-mile circumferential loop around the city which will be built in four segments.

Raleigh, NC.—The Northern Wake Expressway, in the final EIS stage, will be a 27-mile arc around the north part of the city.

Lawrence, KS.—A proposed 12-mile bypass will direct through traffic around the south and west sides of the city.

There are many other communities nationwide which are contemplating bypass highways and for which toll financing could be the mechanism needed to jump start these projects.

I urge my colleagues to join me in this cost-effective mechanism for freeing working Americans from the traffic crunches that rob them of their productivity and of time for their families.

A copy of this legislation follows:

H.R. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 129 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(1) Construction of New Bypass Highways in Urbanized Areas.—

"(1) Authorization for Federal Participation.—Subject to the provisions of this subsection, the Secretary shall permit Federal participation in toll facilities on the same basis and in the same manner as in the construction of free highways under this chapter.

"(2) Limitation on types of facilities.—The Secretary may only permit Federal participation under this subsection in construction of new toll bypass highways located in urbanized areas.

"(3) Limitation on Federal Share.—Notwithstanding any other provision of law, the Federal share payable for the construction of a toll bypass highway under this subsection shall not exceed 75 percent.

"(4) Public ownership requirement.—Each toll bypass highway or approach thereto under this subsection must be publicly owned and operated; except that Federal funds may participate under this subsection in the approaches to a toll bypass highway whether the highway is to be or has been constructed by a State or other public authority.

"(5) Limitations on use of revenues.—Before the Secretary may permit Federal participation under this subsection in a State, the State highway department must enter into an agreement with the Secretary which provides that all toll revenues received from operation of the tolled facility constructed under this subsection will be used only on the tolled facility and only for construction costs, or for the costs necessary for the proper operation, maintenance, and debt service of the tolled facility, including resurfacing, reconstruction, rehabilitation, and restoration; except that any excess toll revenues may be used for construction of other transportation projects in the region.

"(6) Effect on apportionment.—Toll mileage constructed under this subsection shall not be used to increase a State's apportionment under any apportionment formula.

"(7) Definition.—For purposes of this subsection, the following definitions apply:

"(A) Bypass highway.—The term 'bypass highway' means—

"(i) a multilane, access controlled, arterial highway (including any bridge or tunnel which is part of such highway) which permits traffic to avoid an urbanized area by providing a continuous alternative route connected at each end to a route on the Interstate System or the Federal-aid primary system, and

"(ii) a multilane access controlled principal arterial highway (including any bridge or tunnel which is part of such highway) that provides a continuous loop around a major urbanized area or portion thereof.

"(B) New toll bypass highway.—The term 'new toll bypass highway' means construction of a bypass highway on a new location and includes any improvements to such a bypass highway after it is open to traffic.

"(C) URBANIZED AREA.—The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.".

ACCOMPANYING THE INTRODUCTION OF LEGISLATION TO REFORM THE DAVIS-BACON ACT

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. MURPHY. Mr. Speaker, I rise today to introduce legislation to reform the Davis-Bacon Act. for over 50 years this important law has protected both the U.S. Government and American workers from unscrupulous contracting practices. It assures that Federal taxpayers can expect competent craftsmen on Federally funded or assisted construction projects and at the same time guarantees a decent standard of living for workers in one of our last import-resistant blue collar industries. I am introducing this bill today because I believe it is time for us to reaffirm our commitment to the principle of providing a level playing field. Our constituents have a right to expect fair wages, competitive contracts, quality construction, and competent craftsmanship when their tax dollars are invested in construction projects.

The Davis-Bacon Act mandates that all federally funded or assisted construction projects pay locally prevailing wages corresponding to the various types of trades or skills involved. The purpose of this Act is to prevent Federal construction procurement from undermining living standards and local economies which are impacted by the presence of Federal and federally assisted construction. Davis-Bacon requires contractors to pay locally prevailing wages thereby eliminating incentive to bring in low paid unskilled workers from other areas. Consequently, local laborers and craftsmen have an even chance to compete for work on projects where Federal money or other assistance is involved.

The proposal I am introducing this morning is the result of more than 4 years of effort by the Labor Standards Subcommittee to promote meaningful and timely reforms of the Davis-Bacon Act. Those individuals or groups who seek repeal of this law will no doubt be disappointed. Those who in good conscience advocate reform will, I believe, find a well reasoned and balanced package of major concessions and adjustments as well as other improvements to the Davis-Bacon Act.

Let me summarize this bill:

MAJOR PROVISIONS

Raises the Act's threshold from the current $2000.00 trigger for any type of federal construction to (1) $100,000.00 for new construction projects (2) $15,000.00 for repair and alteration work.

Compels the Department of Labor to issue more timely wage surveys.

Restores the scope of prevailing wage surveys to include all similar construction work in the applicable area.

Eliminates 75% of the paper work necessary for employer payroll reporting under the Copeland Act (reports are reduced from weekly to once a month).

Codifies existing authority of the Secretary of Labor to issue regulations, administrative decisions and legal interpretations concerning application of the Act that are final and binding on other agencies.

Strengthens current law requiring prevailing wages on federal lease/construction projects.

Defines "apprentice," "trainee," and "helper" and limits their use to prevailing local practices.

Limits the amount of fringe benefits the employer may include as part of the prevailing wage payment to the employee to the level of fringe benefits determined to be prevailing in the local survey area.

Requires that "laborers and mechanics" who work as independent contractors, be paid locally prevailing wages for their skill or craft.

Codifies current application of the Davis-Bacon Act to federally funded or assisted construction.

Clarifies how state or local prevailing wage laws apply on Davis-Bacon projects.

I believe this amendment simplifies and updates the Davis-Bacon Act in a very meaningful way. Without question, the significant proposed changes in the threshold and reporting requirements update the Act for the 1990's. In taking this action we renew and strengthen our resolve to protect American workers against exploitation. This amendment is a sound and balanced solution to reform the Davis-Bacon Act and I invite my colleagues to join with me to cosponsor and work for passage of this amendment.

RECOGNITION OF KIMI SHIRAISHI OF LA PIETRA HAWAII SCHOOL FOR GIRLS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mrs. MINK. Mr. Speaker, it is a great honor for me to rise today and recognize a talented young woman from Hawaii, Kimi Shiraishi. Kimi is a student at La Pietra Hawaii School for Girls and she has written an award winning essay on author L.M. Montgomery. It is an inspirational essay written by an exceptional young woman. Mr. Speaker, I am pleased and proud to submit Kimi Shiraishi's essay for the RECORD.

"LUCY MAUD MONTGOMERY"

(By Kimi Shiraishi, Chosen Best Over-All in the 1991 Great Women Essay Contest)

L.M. Montgomery, or Lucy Maud Montgomery, is not as popular and well-known as Agatha Christie, Georgia O'Keefe, or Emily Dickinson, but she is the woman author I admire the most. I admire her because of her accomplishments, the way she addressed social issues, and her imagination. As an early nineteenth century Canadian author, I have learned from her books that anything can be accomplished by anyone, poor or rich, female or male, even in the days women were not considered equal to man.

Born on November 30, 1874 on Prince Edward Island, she grew up in a society that thought women should stay home and be homemakers of families. L.M. Montgomery, all her life tried to show everyone that she could accomplish anything even though she was a woman. Even as a child in grammar school, she thought that girls were as good as boys and tried to be the best in her class and succeeded. At the age of 15, she had one of her poems printed in the local newspaper and passed the examination into Prince of Wales College with high scores and also Dalhousie University, receiving a higher education than most women of that time. L.M. Montgomery showed people of that time that women could be more intelligent and that women could not be pushed around and controlled by men.

L.M. Montgomery addressed the social problems of the era when she created a female orphan heroine. In novels of the early nineteenth century, males were usually defined as the heroes of the stories, but L.M. Montgomery only has females as heroines of her novels. What is also admirable about her book, "Anne of Green Gables," is that the heroine is also an orphan, which was a minority of that time. L.M. Montgomery's character, "Anne Shirley", the heroine, receives a higher education, became the smartest in her classes, and like her creator, got her book published. These were the things people of this age would never think a women could do. People of the early nineteenth century might have not realized it, but L.M. Montgomery had exposed them to the great capabilities of women.

The Characteristic I admire the most about L.M. Montgomery is her imagination. In her novel "Anne of Green Gables," the main character "Anne Shirley" has so much imagination that she could carry on for hours and that just makes the reader love "Anne" so much. Even Mark Twain once said that "Anne Shirley" was "the sweetest creation of a child yet written". To create a character with a big imagination, L.M. Montgomery had to have a good imagination also. Her imagination has shown me that a person needs imagination so they can lead a happy and full life. It was L.M. Montgomery's lively imagination that will make her books be joyful to read from now until forever.

At a time when people thought women could not do many things as well as men, L.M. Montgomery showed people that this was wrong. In her lifetime, she has accomplished more things that no one thought she could do. L.M. Montgomery had an imagination filled with goals that she set out to do and with her desire and determination she got them. L.M. Montgomery filled people's lives with humor and joy and that's why I admire her the most.

RESOLUTION URGING THE ADMINISTRATION TO TAKE ACTION TO PREVENT GLOBAL WARMING

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to introduce a resolution calling on the administration to support the adoption of specific timetables and targets for the reduction of carbon dioxide [CO_2] emissions—both in the United States and around the world. CO_2 is widely considered to be the No. 1 cause of global warming.

Several years ago, the Congress decided to find out more about greenhouse warming by commissioning a study from the National Academy of Sciences [NAS] on the policy implications of global warming. The NAS recently released its report which makes the strongest case to date for acting now to mitigate the effects of accelerated global climate change.

What are the risks? If CO_2 and other greenhouse gases continue to accumulate, globally an average warming of 3- to 8-degrees Fahrenheit could occur over the next century with potentially devastating effects for the environment and human life. Global warming could shift temperature zones, rainfall patterns, and agricultural belts, and possibly cause sea-level rise and flooding of low-lying coastal areas. These changes could have dramatic consequences for human life in food production; energy use; water supply and control; biodiversity; and human health.

The NAS report builds on a number of earlier studies which assess the human contribution to natural global warming. The report says that despite great uncertainties, greenhouse warming is a potential threat sufficient to justify action now. Given the massive amount of greenhouse gases which have already accumulated in the atmosphere, waiting for scientific consensus is tantamount do doing nothing.

The NAS report is currently receiving a lot of attention in Washington. One important reason is the membership of the NAS panel, which reads like a who's who of the scientific establishment and includes representatives from corporate America and is chaired by former Senator Daniel Evans. By all accounts, this is not a group given to rash pronouncements on global environmental policy. And yet, their report recommends the adoption of an ambitious program to reduce or offset emissions of carbon dioxide, methane, chlorofluorocarbons, and other gases that could lead to overall greenhouse gas reductions of between 10 and 40 percent.

The United States is the world's leading emitter of greenhouse gases, including CO_2, and it should be the world's leader in action to reduce these emissions. Unfortunately, the administration's continuing refusal to pursue targets and timetables for reducing CO_2 remains a major obstacle to progress. While the United States last year joined 136 other nations in calling for the adoption of "response strategies" for addressing global warming, the United States thus far has resisted taking the necessary actions to effectively address this threat.

On both the national and international levels, the administration's current policies contemplate substantial increases in CO_2 emissions in the decades ahead. The President's national energy strategy, for example, anticipates a 15-percent increase in CO_2 emissions over the next 20 years. During negotiations in February on an international treaty to set specific goals for reducing greenhouse gases, the United States stood virtually alone in opposing the adoption of a draft convention that contains commitments to stabilize or reduce worldwide CO_2 emissions.

In addition, most of the world's industrial nations, including Germany and Japan, recognize the economic benefits of taking the lead in developing high-efficiency technologies and expanding the use of alternative energy sources. Germany, for example, is committed to reducing its CO_2 emissions by 25 percent by the year 2000. If the United States fails to move quickly in reducing our dependence on fossil fuels, America could well be handing over market dominance in vital advanced technologies to our European and Asian competitors. Prudence and the future of our competitiveness dictates another course.

While a final judgment on the extent of the threat posed by global warming is still some years away, there is general consensus that the problem is growing worse. We can take steps now to cut CO_2 emissions that will not only reduce the severity of anticipated increases in global temperatures, but also help achieve other environmental and energy goals that are vital to the national interest.

America must not relinquish its leadership in the field of environmental protection; it must instead promote—at home and abroad—reductions in greenhouse gas emissions.

We will not know the whole truth about global warming until long after the time for effective action passed. We commonly buy insurance to guard against unforeseen accidents or illnesses. The United States has the opportunity to invest in cost-effective insurance against global warming that will pay major dividends in enhanced efficiency and environmental protection, regardless of how severe the greenhouse effect turns out to be. It's an investment we must make for our children.

LEGISLATION TO AMEND THE OLDER AMERICANS ACT OF 1965

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing a package of nine bills to amend and strengthen the Older Americans Act of 1965. Through 57 States and territorial units and 670 local area agencies on aging, the Older Americans Act provides for the only national network that delivers a full range of services to the older population.

For over a year, the Select Aging Committee's Subcommittee on Human Services, of which I am the ranking minority member, has been holding a series of oversight hearings in preparation for the 1991 reauthorization of the Older Americans Act. From these hearings, and through discussions with constituents, leaders of aging organizations, research experts and agency officials, I have developed these bills covering a number of timely issues. I believe they will make an important contribution to fine tuning this significant legislation.

CAREGIVERS SUPPORTIVE SERVICES AMENDMENTS OF 1991

Informal caregivers, primarily female family members, provide 80 percent of the care and assistance needed by the frail elderly. This care is a key factor which allows older individuals to remain in their own homes as long as possible, thus preventing or delaying nursing home placement.

This bill would authorize supportive services to strengthen caregivers, such as training, access to support groups, respite care and information and referral for other services.

OLDER AMERICANS ACT ELDERCARE AMENDMENTS OF 1991

The rapidly escalating aging of the U.S. population will dramatically increase the need for services for older persons who are at risk of losing their self-sufficiency. By the year 2030, one of every four Americans will be 60 years of age or older and about 8 million will be over age 85.

This amendment encourages State and area agencies on aging to support activities and develop resources for home and community-based care for the frail elderly by involving a wide variety of individuals, agencies, organizations and businesses to mobilizing cooperative community efforts. This could include public awareness campaigns, voluntary service programs and public-private coalitions.

OLDER AMERICANS GUARDIANSHIP ASSISTANCE AMENDMENTS OF 1991

At least 500,000 individuals across the country, particularly the elderly, are affected by guardianship, the judicial process which transfers the decisionmaking responsibility from a person who has been declared incapable of handling his or her own affairs to another person. This legal system, which severely limits an individual's personal autonomy, has many problems and widespread abuses which are becoming an increasingly serious issue.

The guardianship amendments would: First, require the ombudsman program for long-term care facilities, which investigates and resolves complaints, to include protection of the welfare and rights of residents regarding the appointment and activities of guardians and representative payees; second allow legal assistance programs to represent wards, and low income older individuals who seek to become wards, in guardianship proceedings and, third, allow services to provide information and training for individuals to become guardians and representative payees of older individuals, including less restrictive alternatives to guardianship.

OUTREACH, INFORMATION, AND REFERRAL OLDER AMERICANS AMENDMENTS OF 1991

This amendment would require the outreach and information and referral programs of the Older Americans Act to emphasize linking services to older individuals who are isolated and older persons with Alzheimer's disease, and their caregivers. The recently released major study by the Office of Technology Assessment, "Confused Minds, Burdened Families," cited caregivers' lack of knowledge about services as one of the major reasons that people with dementia do not use needed, available services.

OLDER AMERICANS TRANSPORTATION AMENDMENTS OF 1991

This bill would require States to establish advisory bodies to make recommendations for transportation services that affect older individuals. There is common agreement that coordination is a prerequisite for effective and efficient management of transportation services for social service programs. Therefore, this bill would also require states and area agencies, to the extent practicable, to coordinate transportation services provided under the Older Americans Act with other public and special population transportation services.

The bill also requires a study of how Older Americans Act money is being spent on transportation, what it is buying, the level of needs of older individuals for transportation services and the extent to which resources are available to meet those needs.

RURAL EQUITY FOR OLDER AMERICANS AMENDMENTS OF 1991

Twenty-five to thirty percent of the Nation's older persons live in rural areas. Their poverty rate is considerably higher and they have less access to services than older individuals who live in cities.

This amendment would require that particular attention be given to older individuals living in rural areas. It also would require State formulas for distribution of Older Americans Act funds to include a factor that reflects the cost of providing geographical access to services to older individuals residing in rural areas. The bill would also delete from the Older Americans Act the outdated current requirement that State agencies spend in rural areas an amount not less than 105 percent of the amount spent in 1978.

WHITE HOUSE CONFERENCE ON AGING ACT OF 1991

This bill would require the President to call a White House Conference on Aging in 1993. The 1987 amendments to the Older Americans Act authorized a White House Conference in 1991 but did not require it. For almost 2 years, numerous Members of Congress, leaders of aging organizations and many individuals have pressed for the 1991 conference, but there has been no response from the White House. A national conference on aging is essential to identify current and future problems, needs and potential of older persons, and to develop recommendations for coordination of policy and executive and legislative action to maintain and improve the quality of life for older Americans.

PREVENTIVE HEALTH SERVICES FOR OLDER AMERICANS AMENDMENTS OF 1991

These amendments would strengthen preventive health services under the Older Americans Act by emphasizing: First, services to prevent older individuals from falling in their homes which often leads to fractures for persons with osteoporosis—half of all women and one in five of all men will have a fracture due to osteoporosis; second, nutrition counseling for osteoporosis and cardiovascular disease, and third, medication management screening and education to prevent incorrect medication and adverse drug reactions. Older Americans age 60 and over comprise about 17 percent of the population, but account for 30 percent of the hospitalizations and 51 percent of all deaths from drug reactions.

AREA AGENCY ON AGING UNIFORM LISTING ACT OF 1991

This bill requires all area agencies on aging to uniformly list themselves in the telephone book under area agency on aging for easier access by consumers. Area agencies across the country use different names and are located in different public and private sites. A uniform listing provision would assure that persons who wish to obtain services will be able to find an area agency on aging wherever they are. This is an essential step in establishing an easily accessible nationwide network of area agencies on aging.

OPPOSITION TO CONTINUED BUDGET DEFICITS

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. ORTON. Mr. Speaker, today, I am compelled to vote against passage of the President's budget proposal and the alternative budget proposal advanced by the House Budget Committee. I cannot vote in favor of any budget which burdens the American people with an additional $300 billion in debt. I told the voters of Utah's Third District when I ran for Congress that I wanted to return fiscal responsibility to the budget process. Neither the President's budget proposal nor the committee's alternative halt the spiral of American indebtedness.

I applaud the objectives of the Democratic budget alternative which seeks to provide additional support for education, the Women, Infants, and Children Nutrition Program, vaccination programs for children, and Head Start. However, I cannot support a budget which continues the cycle of deficit spending.

To illustrate the magnitude of the problem let me note two disturbing statistics: first, as of February 1991, the Federal deficit stood at an astounding $3.448 trillion; second, the monthly interest payment on the Federal debt was a staggering $17.826 billion. These expenses must be met before a single dollar can be spent on domestic programs or national defense.

Mr. Speaker, I believe a serious attack on the budget deficit must contain three essential elements: reduced Federal spending, tax reform, and changes in the budget process. We must realign our spending priorities and eliminate government waste to achieve real reductions in government spending. Tax reform initiatives should simplify the Tax Code, provide for fairness, and encourage investment and economic growth.

I have long advocated the adoption of a properly drafted balanced budget amendment which would force the administration and the Congress to take steps to reduce the deficit. Congress must move to amend the 1974 Budget Reform Act to restore the President's budget impoundment authority—a budget-cutting power which the President had for the first two centuries of our Government's history. In addition, I believe that the Federal budget process would be significantly improved if agencies and the administration would employ the traditional fiscal discipline of "zero based budgeting"—that is forcing each program and agency to justify every dollar of expenditures every year—rather than simply estimating budgetary needs based on last year's expenditures plus whatever additional funds are needed to adjust for inflation. Finally, I believe that action by the Congress to add so-called sunset provisions to legislation authorizing Federal agencies and programs—provisions which would terminate a given program or agency after a limited number of years unless the Congress affirmatively acts to reauthorize them—would make it far easier for Congress and the administration to eliminate ineffective or excessively expensive Federal programs.

Mr. Speaker, I believe these steps would go a long way toward returning an essential fiscal discipline to the Federal budget and putting this country on the road to a truly balanced budget.

TREE PLANTING LEGISLATION

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, today I am proud to be introducing legislation that will target Federal tree planting funds to those areas of the country that have been devastated by disaster. Almost all urban areas could benefit from more tree planting, but areas struck by earthquakes, hurricanes, ice storms, and other disasters desperately need to replant, for environmental as well as aesthetic reasons.

My hometown of Rochester, NY, is one of the areas that could benefit from this legislation. Seven weeks ago, on March 3, 1991, a crippling ice storm profoundly changed my community. More than 350,000 households lost power, some of them for as long as 2 weeks. Thousands of businesses and individuals suffered losses totaling in the hundreds of millions of dollars.

But as bad as these losses were, the great ice storm of 1991 was a natural as well as an economic disaster. In a single night the Rochester area witnessed the wholesale destruction of our historic landscape. Tens of thousands of healthy, bountiful trees, grown over many generations, were killed within a few short hours.

In Rochester's beautiful Highland Park alone, as many as 800 trees were destroyed or seriously damaged. These trees include 40 species so rare that park officials fear they may be too expensive to replace except as seedlings. Rochester's historic park system, which enjoys a reputation that goes far beyond the confines of upstate New York, will probably never look the same.

A little more than a century ago, Rochester hired Frederick Law Olmsted, America's pioneer landscape architect, to design the park system that includes Highland, Seneca, and Genesee Valley Parks. Historians tell us it was Olmsted, for example, who first envisioned Highland Park as a horticultural preserve with a world-class arboretum, a place where horticulturists could experiment with new plant varieties and where the public could enjoy the benefits of such experiments.

Olmsted left his mark on many cities across America, but Rochester's park system is one of only a handful in the country that demonstrates so fully the genius of this man. Indeed, since the turn of the century, Rochester's parks have enjoyed an international reputation. In 1899, for example, Peter Barr, a distinguished horticulturist from London, wrote after his tour of American parks: "I would rather have missed Yellowstone Park than * * * Highland Park * * *. It is more like a botanical garden than a park."

Clearly, the destruction to Rochester's parks has national as well as local significance. Indeed, the Federal Government already is playing an important role in the Rochester area's recovery. Since the upstate region was declared a national disaster area a month ago, the Federal Emergency Management Agency [FEMA] has done an excellent job working with local and State officials in evaluating the losses and agreeing to help pay recovery costs.

FEMA's officials have shown flexibility and understanding in their dealings with our towns and villages. Unfortunately, FEMA's disaster assistance can only do so much. FEMA will pay up to 75 percent of the ice storm cleanup including the removal, replacement and repair of the trees. The remaining cost of the ice storm for local and State agencies is going to be in the millions of dollars.

That's why I am introducing, with the cosponsorship of Hon. BUTLER DERRICK of South Carolina, two bills that would give Rochester and other areas hit by disaster, top priority for Federal funds from two separate tree planting programs, one run by the U.S. Department of Agriculture and the other by the Small Business Administration. I am pleased that Senator ERNEST HOLLINGS of South Carolina is introducing this legislation in the Senate.

Both of my colleagues have experienced the difficulties of recovering from Hurricane Hugo several years ago. Many Federal experts have described Rochester's ice storm as one step below Hurricane Hugo in the devastation it caused. The legislation I am introducing not only would help New Yorkers and South Carolinians replace trees destroyed in natural disasters but would assist communities around the country faced with similar problems.

The first bill will amend the Tree Planting Foundation authorized in last year's farm bill that provides matching grants to local communities and organizations that are planting trees. The bill would give priority to programs replacing trees lost in a natural disaster.

The second bill will target tree planting funds available from the Small Business Administration to areas like upstate New York that have experienced a natural disaster. Specifically, the bill would give priority for awarding tree planting funds to areas with devastating tree loss or where the lack of trees was causing environmental damage. Under the program, State officials will be able to purchase trees from small business nurseries to plant on public lands like Rochester's parks. Last year Congress provided $15 million for this tree planting program, which should be distributed as early as this fall.

The widespread destruction of trees, such as occurred in Rochester, is more than an aesthetic loss. Without the upper canopy, the shrub layer in the parks will change dramatically. Erosion on newly bare hills will alter the landscape. New pests and fauna will appear as a result of the rotting vegetation. We need to do all we can to make sure that this kind of deterioration never takes place.

Passage of these two new bills will help to ensure that communities such as Rochester that are struck by disaster will get priority in allocating Federal funds to help replant trees. I hope my colleagues will join me in supporting these two bills that will direct Federal funding to cost effective and necessary tree planting efforts.

TRIBUTE TO AMY BULL CRIST

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute to Amy Bull Crist, distinguished educator and community activist. Mrs. Crist is being honored at a dinner April 26, 1991, by the Orange County Task Force on Child Abuse and Neglect, Inc. with its Golden Bear Award for her continued commitment to the children and youth of Orange County.

I join her many friends and admirers and compliment Amy Bull Crist on being selected to receive this award. Throughout her life, she has set exemplary standards of excellence: For her students; for the faculty of the Orange and Ulster County school districts; for the citizens of Orange County and for generations of parents, spanning over half a century.

Amy began her career in education in 1924 at the Goosetown School. After teaching for over a decade, she decided to return to school and further her education. Amy enrolled at New York University, receiving a Bachelor of Science degree in 1939 and a Master of Science degree the following year. She retired in 1974 as District Superintendent of Schools for the Sole Supervisory District of Orange and Ulster Counties, having completed 50 years of service in education.

Throughout her career, Amy has always found time to devote to her community. She helped establish the Orange County Community College and the Orange County Board of Cooperative Services. She founded the Amy Bull Crist Reading Council and the Amy Bull Crist Youth in Government Program and is currently active with several other organizations to include: Goshen Historic Track; Orange County Citizens Foundation; Hill-Hold & Brick House Museums; Occupations, Inc. and the Bull Family Association.

Mr. Speaker, I am well aware of the outstanding contributions that the Bull Family has made for several centuries to the Hudson Valley of New York. Amy Bull Crist has nobly carried on that proud tradition with dignity and integrity. I am confident she will continue providing invaluable service to her community. For her legacy has already done much to improve the quality of life along the Hudson River and far beyond.

TRIBUTE TO THE ART EXHIBIT "CHORNOBYL—5 YEARS AFTER" AND THE UKRAINIAN PEOPLE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a powerful art exhibit and a courageous group of people. "Chornobyl—5 Years After" is an art exhibit memorializing the tragedy of the 1986 nuclear disaster in Ukraine. It is currently on display at the Scarab Club in Detroit, MI.

The Ukrainian people have experienced much adversity throughout the 20th century. As a people they faced mass exterminations in the 1920's, induced famine in the 1930's, Soviet and Nazi oppression in the 1940's, and the lingering afflictions of the 1986 nuclear holocaust. Time and time again, the rich cultural, religious, and social fabric of the Ukrainian people has been tested.

When the power station exploded on April 26, 1986 at 1:24 a.m., due to the Soviet design of the reactor and control rods, 9 tons of radioactive debris escaped from the No. 4 reactor—about 100 times the amount of radiation released by the atomic bombs dropped on Hiroshima and Nagasaki. The official casualties were listed as 31 dead and 203 hospitalized.

Because of the Soviet Union's intolerance of free speech, the world may never know the true costs of this design flaw. Yet, the growth of the democracy movement has helped to lift the shroud of secrecy that surrounds the world's worst nuclear disaster. There are estimates that 5,000 people in Ukraine have died from Chornobyl's direct fallout. As many as 500,000 Ukrainians are likely to develop cancer as a result of exposure to radiation. Truly these are numbers of tragic proportions. Chornobyl's eventual toll on our world may be irremediable.

As we all know, Mr. Speaker, pictures often speak louder than words. The organizers of "Chornobyl—5 Years After," the Association for Advancement of Ukrainian Culture [ADUK], indeed hope this to be the case. They are displaying 50 pieces of art from 25 artists, all of Ukrainian heritage, to foster public awareness of Chornobyl's lasting repercussions. The displays are disturbing, honest representations of Chornobyl's fallout. ADUK has a clearly stated goal in presenting this exhibit: "The sponsors of this exhibit hope its presentation will pierce through the tightly wrapped cloak of apathy to people's sensibilities"—strong words for strong works.

We must never forget the horror of Chornobyl and its effects on an entire group of people. "Chornobyl—5 Years After" provides us with lasting images of nuclear devastation. Above all, Mr. Speaker, we must never forget the day-to-day plight of the Ukrainian people. Let us be strengthened by our Ukrainian brothers and sisters whose thirst for freedom is so unrelenting. Organizations like ADUK provide clear examples of the Ukrainian people's resolve to preserve their rich cultural heritage. I would like to commend the Scarab

Club for hosting this important and significant exhibit.

SIGNAL TO JAPAN: UNITED STATES WILL NOT TOLERATE UNFAIR LABOR PRACTICES

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. LAUGHLIN. Mr. Speaker, I rise today to introduce legislation to send a strong signal to the Japanese Government that the United States will not tolerate unfair trading practices. My legislation specifically, prohibits the import of any Japanese video cassette recorders and players until Japanese markets are opened to American rice.

Many of you are aware of an incident, a couple of weeks ago at an international food show in Tokyo, where the Japanese Government demanded the removal of an educational exhibit of 10 pounds of American rice. The Japanese Government stated that this action was justified because their food control law prohibits rice imports for commercial purposes.

I personally find the Japanese Government's action offensive and unacceptable. This expression of pure protectionism is a setback not only to the American rice industry, but also to any individual who thought free trade with Japan was possible. This kind of behavior is simply not condusive for fairness in world markets. It exemplifies a greedy child mentality, where Japan expects to continue to enjoy full access to American markets while at the same time it closes its doors to certain American goods.

I have over 3,000 rice producers in my district who are becoming increasingly frustrated. They do not understand why they cannot sell rice to a country who has flooded their communities with Japanese automobiles, video cassette recorders, stereos, camcorders, video games, fax machines and televisions.

For these reasons, I have introduced this legislation to send a message to Japan that Americans will not tolerate the unfair trading practices of another nation. Japanese VCR's were selected because they represent approximately 1½ percent of total Japanese exports to the United States, which would match the 1½ percent projected gain in total United States exports to Japan if the Japanese market was opened to American rice.

Mr. Speaker, it has always been my hope that legislation such as this would not be necessary. But in light of current events, I believe Japan must realize that the United States Government is serious about eliminating current trade barriers. I urge my colleagues to join me in sending this strong signal to the Japanese Government that the United States will not tolerate unfair trading practices.

THE FEDERAL TRADE COMMISSION AND NINTENDO—A MARKETING PAT ON THE BACK, NOT EVEN A SLAP ON THE WRIST FOR PRICE FIXING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. LANTOS. Mr. Speaker, the Federal Trade Commission [FTC] recently settled an anti-trust case charging Nintendo of America, Inc., with price fixing. Nintendo is a video game system and game cartridge manufacturer. The charge of price fixing, as my colleagues know, is a very serious violation of our anti-trust laws and a violation of the principles that our society has determined should govern our economic system.

What did FTC do to settle this serious legal action against Nintendo? Under pressure from the FTC, Nintendo will distribute $5 coupons to Nintendo game owners which can be used for future purchases of Nintendo video games. This outrageous settlement looks more like an FTC-sanctioned promotion for Nintendo, rather than a punishment for price-fixing.

By forcing Nintendo to offer coupons as punishment for price-fixing, the FTC has placed Nintendo at a competitive advantage. The FTC, by this decision, has failed to accomplish its mandate of fostering competitive pricing. Nintendo games already have the distinction of being the best-selling toy in America, and now the FTC has required Nintendo to give a rebate at the same time that our country is in an economic downturn—a perfect way to boost Nintendo sales at the expense of its competition.

Mr. Speaker, the FTC has failed to accomplish its mandate of encouraging competition. If we are to uphold our Nation's anti-trust laws we must take serious action against firms who violate those laws. This settlement hurts American consumers in the long run—it encourages a further expansion of the business of the single largest manufacturer and gives Nintendo free advertising and promotion.

TRIBUTE TO GYORGY KRASSO, 1932–91

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. HOYER. Mr. Speaker, last month I learned of the death of Mr. Gyorgy Krasso, a Hungarian economist, activist, and intellectual. Mr. Krasso's work was well-known to the Helsinki Commission, of which I am chairman; indeed, he met with my esteemed former colleague Senator JOHN HEINZ in 1986. I would like to pay tribute to Mr. Krasso, whose experience during the 1956 revolution and the years it earned him in jail helped inspire his deep and unflagging devotion to the dissident movement in Hungary.

In 1979, Gyorgy Krasso was the first person to publicly describe the events of 1956 as a democratic national revolution. His determination to reveal the truth about the 1956 revolution in Hungary, about who its real heroes and victims had been, exposed him to increasing harassment and intimidation from the Communist authorities—including fines, house searches, and refusal of the right to travel, even to other Soviet bloc countries. But his perseverance and courage also won him the respect and trust of many Hungarian citizens.

Gyorgy Krasso was loyal to the Hungarian people throughout his career, embracing their causes as his own. As he wrote in 1981, "There is no more important nor more timely task than for us to sweep away the propaganda lies that have been told against the revolution for the last quarter of a century, and to give back to the people their own, forgotten history." He was among the most vocal and the bravest of dissidents, and for these reasons he was among those who suffered the most too.

The past 18 months have witnessed tremendous changes in Hungary's political system, and tremendous advances in the area of human rights. As we look hopefully toward the future, we must not forget the important contributions of individuals like Gyorgy Krasso, who stood resolute through far grimmer days. I am honored to pay tribute to him here.

TRIBUTE TO THE LEHIGH VALLEY BRAILLE GUILD ON ITS SILVER ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to the Lehigh Valley Braille Guild of Allentown, PA on their silver anniversary. In celebration of their 25 years of service, the guild, in conjunction with the Association for the Blind and Visually Impaired of Lehigh County, will be hosting the 21st Conference of the National Braille Association, Inc., in Allentown, PA, April 24–27, 1991. Volunteers from throughout the United States, Canada, and Australia will be participating in this celebration.

The Lehigh Valley Braille Guild is a nonprofit group of volunteers, certified by the Library of Congress, who transcribe print material into braille for the blind/visually impaired of our community, as well as others throughout the United States.

More than 300 of their completed book titles are registered at the American Printing House for the Blind in Lexington, KY, which acts as a clearinghouse for all braille textbooks—K–12—transcribed throughout the country. By this process, books transcribed locally can be duplicated by us for distribution to other braille reading students in need of them.

Working under the codes set by the Braille Authority of North America and under the guidelines of the National Braille Association, the guild has attained a national reputation for producing quality braille. Over the years, their books have been sent to 44 States and several foreign countries.

The guild is comprised of 22 transcribers, who volunteered 14,317 hours to transcribe

31,673 pages of braille. These pages were transformed in textbooks for blind Pennsylvanian students, cookbooks, work-related materials, Red Cross manuals, and many other valuable texts for visually impaired adults in our community. In addition to "regular" textbooks, they also transcribe math and science, music, all foreign languages, tactile graphics and computer notation. Additional staff is comprised of 25 thermoformers—duplicators—who volunteered 1,233 hours to reproduce 85,342 brailled pages. These pages were sent throughout the United States and Canada. All of the work is done out of the volunteers' homes.

Mr. Speaker, please join me in congratulating the volunteers of the Lehigh Valley Braille Guild and their supporters on the joyous occasion of their silver anniversary. Their spirit, dedication, and hard work sets an example for all of us, and they should be rightfully proud of their many accomplishments. I commend each and every one of you, and I thank you for your fine contributions to the blind and visually impaired in our community.

TRIBUTE TO LOUIS L. LEVINE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Louis L. Levine, a leading citizen of New York City. After years of invaluable and dedicated service to Empire Blue Cross and Blue Shield of New York, Louis Levine has recently assumed the presidency of the New York College of Podiatric Medicine [NYCPM]. Mr. Levine is an honorary alumnus of the college, having been awarded an honorary doctor of humane letters and has served on the faculty as an assistant professor in division of community medicine.

The NYCPM is indeed lucky to have a person of Louis Levine's stature guiding the future of its many academic and community endeavors. Lou will bring to the college his years of experience as an educator, a public servant and a corporate leader. Mr. Levine comes to the NYCPM after having served over 10 years as the vice president for public and governmental affairs for Empire Blue Cross and Blue Shield. At Blue Cross, Lou was responsible for the company's government relations and communications activities. Prior to going to Blue Cross, Lou served as a beacon in New York City's health community, and was a guiding force for the State's many workers as a high-level official in New York's Central Labor Council [AFL–CIO] and the New York State Department of Labor.

Lou has served the citizens of the Empire State in more ways than I can mention. Most recently, Lou was instrumental in enabling Blue Cross to sponsor and help to coordinate a forum on youth suicide prevention with the Gallup organization and my office. Therefore, it is with great pride that I congratulate him, his wife Marilyn, and his children and grandchildren for his ascending to the presidency of the New York College of Podiatric Medicine.

TRIBUTE TO JOHANNA ALLEN AND WAYNE WATTS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize two truly outstanding individuals in this country, Mrs. Johanna Allen of Hesperia, MI and Mr. Wayne Watts of Lowell, MI. Both have been teachers in the Morley Stanwood School System in Morley, MI for 19 and 28 years, respectively. Their contributions to education throughout many years have been invaluable.

Born in Czechoslovakia, Mrs. Allen was able to escape the region as a young girl just before the rise of the Nazi regime. Although she left European schools in the 10th grade, when she came to the United States she was accepted at Ferris State University where she earned a perfect 4 grade point average while at the same time raising a family of seven children. Mrs. Allen later attended Grand Valley State College, now Grand Valley State University, and then went on to complete her masters degree at Central Michigan University.

Since 1972, Mrs. Allen has taught both English and German to a generation of students. Her interests are not limited to these subjects, however. She is involved in a wide range of projects in both the school system and the community.

In 1990, Mrs. Allen returned to her homeland of Czechoslovakia after the fall of the Iron Curtain to witness first-hand her country's new found freedom.

Mr. Watts became interested in his career as an educator while attending Ferris State University. He later graduated from Alma College where he was also a baseball and basketball standout. Upon completion of his degree at Alma, Mr. Watts was hired as a basketball coach at Trufant High School, now part of the Lakeview School System. During his 4-year tenure at Trufant, Mr. Watts's teams won all but eight games.

In 1954, Mr. Watts was hired as both a teacher and a coach at Howard City High School in Howard City, MI. During his 9-year career at Howard City, not only did Mr. Watts prove himself to be a gifted teacher, but he also proved himself to be an exceptional sports coach.

He led the baseball team to three State finals and in 1 year at Howard City, Mr. Watts coached four different sports while simultaneously acting as the department's athletic director. It is clear that he did all of this for the benefit of his students.

In 1963, Mr. Watts began in the Morley Stanwood System teaching science and Spanish and coaching sports. Not only is he well respected by his students and colleagues, he is also recognized by the State of Michigan as a member of the Michigan High School Coaches Hall of Fame.

Mr. Speaker, both of these outstanding individuals will be retiring at the conclusion of this school year and will be further honored by their colleagues and the community at a special retirement celebration dinner on May 25, 1991, at the Country House Restaurant in Big Rapids, MI. I know you will join me in thanking and commending these two truly remarkable people for their accomplishments and commitment to education and the community. They have indeed left their marks on the Michigan Public School System.

GOOD SAMARITAN CLUB STUDENTS CHEERED ISRAELI KIDS DURING SCUD ATTACKS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. FASCELL. Mr. Speaker, I rise today to recognize and applaud the efforts of the Good Samaritan Club at the Sacred Heart Parish School in Homestead, FL. This group of students, grades three through eight, frequently extends a hand of friendship to those in need by collecting food for the hungry, clothes for the needy, and toys for the impoverished.

During the Persian Gulf war, as Scud missiles fell upon the city of Tel Aviv, these youngsters sent several care packages of stickers, eraser tops, and games to cheer up their disheartened and frightened counterparts in Israel. Under the leadership of coordinator Jack Leonard, the guidance of Father Thomas Honold, and the enthusiastic support of Principal John Jones, the Good Samaritan Club is an inspiration to us all, and serves as an example of deeply rooted Judeo-Christian ethics.

In a letter to Tel Aviv Mayor Shlomo Lahat, the students said they were particularly touched by the thought of Israeli youngsters sealing themselves in special rooms in fear of potential chemical attacks, not knowing if they would ever again see their classmates. They cited the importance of keener awareness of other peoples, with mutual understanding to bridge cultural gaps. And they expressed solidarity with Israel in their prayers for peace and happiness.

Mr. Speaker, it is very heartening to know that American children are reaching out to those in other countries this way. Let us hope that the sentiments of these children will come true, that a just and everlasting peace will finally come to this war-torn region.

HONORING RAY LENZ

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. MURTHA. Mr. Speaker, April 27 will be a special night in Gallitzin, PA as a remarkable individual is honored for his service to his community and to the American Legion.

Ray Lenz' efforts as Department Commander of the Pennsylvania American Legion have continued his longtime work with the American Legion and in the community. Ray, a member of Gallitzin Memorial Post 174, has served three terms as post commander, two terms as 20th district commander, and was Pennsylvania Western Vice Commander in 1985.

Ray's work as a special education instructor at Penn Cambria High School gives him special insight as a member of the American Legion's National Committee on Education. His extraordinary interest in young people is further demonstrated by his volunteer efforts as an organizer and coach for special olympics and as a troop committeeman for Boy Scout Troop 92 of Cresson.

I have known Ray and his wife Herlene for many years. They are truly exceptional individuals, and their love for their community may be exceeded only by their love for their three grandchildren. Ray's efforts for veterans in Pennsylvania have truly been outstanding. As veterans have faced reductions in staffing at veterans' hospitals which would adversely affect their care, or as they have struggled with budgets which would cut the benefits they so richly deserve, Ray has tirelessly pushed for the rights of veterans who fought for the freedom that we all enjoy. I want to thank Ray for his dedication and devotion to both the community and the American Legion, and wish him many more years of continued good health and good fortune.

MIDDLETOWN VFW POST HOST HOMECOMING CELEBRATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. PALLONE. Mr. Speaker, on Friday, April 26, 1991, the Middletown VFW Post Home in Port Monmouth, NJ, will host what promises to be an enjoyable and patriotic homecoming celebration for the men and women who recently served in the Persian Gulf.

Mr. Speaker, I am privileged to represent a district with a significant Defense Department presence: Fort Monmouth and the Naval Weapons Station Earle are both located in New Jersey's Third Congressional District. Both of these installations made significant contributions to our country's tremendous successes in Operation Desert Storm.

The U.S.S. *Detroit,* which is homeported at Earle, and the U.S.S. *Seattle* will be docking at Earle this week. Hundreds of sailors recently returning from heroic service in the gulf will be among those honored at Friday's event. These vessels—fast combat support ships—played a vital role in supplying our forces in the area with ammunition and other supplies. Those brave volunteers who served on these ships, in the face of constant danger, performed their task with a degree of courage and professionalism that has been and continues to be the heart of America's strength.

In addition to the bravery and fine training of our forces, the other key to America's success in the gulf war is our superior technology. One of the great centers of that technological development is Fort Monmouth. The list of communications and electronics materiel developed at this facility is long and impressive. It was this type of technological expertise that allowed the ground war to be completed so quickly, so decisively and with so few allied casualties. The guest speaker at Friday's event will be Sergeant Major Nelson of Fort Monmouth who has recently returned from the Persian Gulf. Fort Monmouth is also the home of the 389th U.S. Army Band. This fine ensemble will be performing patriotic selections at Friday's ceremony.

Mr. Speaker, we all know about the many difficult and challenging domestic issues that will face our country in the months and years ahead. But, as has been said many times before, the differences between Americans end at the water's edge. Our victory in the gulf and the emotional reception that our returning troops are receiving all over the country have proved that America remains a world leader and a nation unified on the home front by a shared sense of honor and purpose.

THE HONORABLE CHARLES SANTANA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. EDWARDS of California. Mr. Speaker, with deep regret I must announce to my colleagues in the Congress that my dear friend Alameda County Supervisor Charles Santana passed away on April 4 in San Leandro.

Losing Charlie Santana is a tragedy not only for his dear family and friends but also to Alameda County, our State of California and, indeed for the Nation. A member of the Alameda County Board of Supervisors since 1974, he gave devoted and selfless service to our community. He was admired and honored by everyone as a model public servant.

Charlie Santana's accomplishments as an important elected official were too numerous to describe in full. A dominant theme in his career was his consistent efforts to provide a fair and compassionate society. He was the leader in the county's adoption of its successful rent control programs. Under his guidance the board of supervisors established a countywide paramedic program, a neighborhood preservation law and new services for the elderly and homeless. He was indefatigable in his striving for a just society in our county.

Mr. Speaker, I am confident that you and my congressional colleagues join me in sending condolences and sympathy to Charlie's loving family, his wife Doris, his son Charles and his daughters Gloria and Celia.

McCLOSKEY SALUTES HOLLAND DAIRY FOR PRO-ENVIRONMENTAL MILK POUCH PACKAGING

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. McCLOSKEY. Mr. Speaker, fellow Members of the House, I would like to bring to your attention the efforts of a southwest Indiana dairy in meeting the challenges of environmental responsibility. The Holland Dairy Co. announced on April 11 that it will undertake the sale of its product via a new plastic pouch container that will result in a 95 percent reduction in waste volume in landfills, and a 75 percent reduction in package weight over current milk jugs and paper cartons. According to Holland Dairy, pouch packaging keeps the milk fresher for a longer period of time, and has the added benefit of the pouch itself being recyclable.

Last week, Holland Dairy introduced this new packaging to its customers in Indiana, Illinois, and Kentucky. While pouch packaging is the Standard in Canada, introducting this packaging to a convenience-oriented public is not without some risk and is highly commendable. Holland Dairy is convinced that the American public is ready to do its part for the environment, and believes that the United States will join Canada in making the pouch the principal means of packaging for the industry.

With the crisis in solid waste reduction and disposal growing day by day, examples of environmental responsibility in product packaging and source reduction need to be congratulated. It is my hope that Holland Dairy's efforts will help encourage other companies to offer similar environmentally responsible solutions to the American consumer.

IN HONOR OF DR. JOHN CHARLES WHITE

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. CRAMER. Mr. Speaker, I rise to recognize Dr. John Charles White, who is retiring as chairman of the Department of History at the University of Alabama in Huntsville.

Dr. White was born on April 14, 1939, here in our Nation's Capital. He graduated from private and public schools in Arlington, VA, and received his bachelor of arts degree, magna cum laude, honors with exceptional distinction in history, from Washington and Lee University in 1960. He received his M.A. in 1962 and his Ph.D. in 1964, both from Duke University.

Dr. White served as a captain in the USAR from 1964 to 1967. He was the U.S. Army Liaison and Information Officer at Orleans, France in 1965 and 1966. He was awarded the Dunkirk and Chalons Medals.

Dr. White began his professional experience with the University of Maryland's European Division in Orleans, France, in 1965. He joined the University of Alabama in Huntsville in 1967 as assistant professor. He was elected chairman of the department of history in 1970. Additionally, he has served as acting chairman of the department of foreign languages and literature since 1988.

Dr. White served as editor, coeditor, or a member of the editorial board for several scholarly publications. He is the author of numerous articles and convention papers. From 1967 to 1991, he has made more than 70 public addresses to civic organizations in Huntsville and the State of Alabama.

Dr. White's services to his profession, the university, and the community are myriad, as are his honors, awards, and recognitions. Dr.

White will be honored on April 26 at the Bevill Center in Huntsville, AL.

I know that Dr. White is looking forward to a happy and productive retirement and I want to wish him the very best.

DELEGATION REPORT ON REFUGEE CRISIS

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. MCHUGH. Mr. Speaker, it is my privilege, as chairman of the delegation appointed by the Speaker to assess the Iraqi refugee crisis, to submit the following report of our delegation for the information of our colleagues:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1991.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: The delegation you appointed to personally assess the Iraqi refugee crisis visited the area between April 17 and 22, 1991. I very much appreciate the opportunity you afforded me to serve as Chairman of the delegation, and I am attaching a report of our findings and conclusions. They have been unanimously agreed to.

As you indicated when appointing us, this situation represents a grave threat to many innocent civilians. As many as two million refugees and displaced persons may be at risk. Not only are the numbers large, but they came together in a matter of days, overwhelming the capacity of neighboring governments and relief agencies to effectively respond. For this reason, and given the unusually rugged and remote areas in which many of the refugees are located along the Iraqi-Turkish border, we support the President's decision to employ the U.S. military on an interim basis to help deliver emergency aid. If this were not done, many more refugees would die. Our military forces are doing an exceptional job, but their responsibilities in this respect should be assumed by traditional relief agencies as soon as practicable.

The costs associated with the relief and repatriation efforts are uncertain at this time, but they will be significant. To date, the United States has expended approximately $132 million in providing emergency relief along the Turkish border. In addition, international organizations have issued appeals for $722 million to deal with displaced persons within Iraq and refugees in all the border areas. These costs and projections are likely to increase.

It is clear to the delegation that the Administration must submit a supplemental appropriations request. It should do so expeditiously, after which it should be promptly considered by the Congress.

I sincerely thank you for your genuine concern, and the delegation stands ready to help you and the bipartisan House leadership in facilitating the response of our government to this crisis.

Sincerely,
MATTHEW F. MCHUGH,
Chairman of Delegation.

HOUSE LEADERSHIP CONGRESSIONAL DELEGATION TO ASSESS IRAQI REFUGEE CRISIS, APRIL 18-22, 1991

During the period of April 18-22, 1991 a House Congressional delegation led by Representative Matthew F. McHugh, traveled to Turkey to assess the Iraqi refugee crisis and the efforts being undertaken to meet that crisis. The delegation also included Representatives Tony P. Hall, Howard L. Berman, Marge Roukema and Christopher H. Smith.

The delegation visited the major border area refugee camp at Cukurca, flew over several other mainly inaccessible refugee areas, and reviewed each of the major United States emergency supply staging areas in Turkey. The delegation met with a number of key officials, including the President of Turkey, Lt. General John M. Shalikashuili and other U.S. military commanders, Turkish officials, the U.S. Ambassador to Turkey, and various United Nations officials, including Prince Sadruddin Aga Khan. The delegation talked to Iraqi refugees and also to military personnel involved in the emergency supply efforts.

FINDINGS

1. As a direct result of military conflict between Iraqi and Kurdish rebels, as many as two million Kurdish and other Iraqi civilians have fled from the Iraqi military to border areas and into neighboring countries. Although no accurate census has yet been possible, current estimates are that over 900,000 refugees are now in Iran, with hundreds of thousands more heading for the Iran-Iraqi border. In the Turkish-Iraqi border areas there are between 360,000 and 760,000 refugees (including displaced persons). There are smaller concentrations elsewhere.

2. This enormous build-up of refugees began on about March 31st and accelerated very quickly, overwhelming the capacity of neighboring governments and relief agencies to effectively respond. United Nations and other knowledgeable officials reported that at no time in their memory had such a large concentration of refugees massed so quickly. In the Turkish-Iraqi border areas, which the delegation visited and observed from the air, the delivery of humanitarian relief is seriously hampered by rugged mountainous terrain. Large numbers of refugees are massed on high mountain peaks which in many cases are inaccessible except by foot. The delegation was unable to visit the Iran-Iraq border areas and subsequent findings relate to the Turkish border areas.

3. Doctors who have gained access to some of the Turkish border areas have estimated that between 400 and 1,000 refugees are dying each day. UN offiicals said the mortality rate was "extensive" from exposure, malnutrition, intestinal and respiratory infections. There is a dire need for potable water, food, tents, blankets, medicine and medical care. The delegation cannot certify the number of deaths, but it did observe dead bodies during its visit to the Cukurca area where 70,000 to 90,000 refugees are gathered.

4. Under the foregoing circumstances, only the United States military, supported by the armed forces of other nations (including Great Britain, France, Italy and Canada), has the capacity to provide emergency humanitarian aid to refugees in the Turkish border areas. Air drops and helicopter deliveries are in many cases the only way of reaching the refugees, and even then the deliveries are often inadequate and dangerous to accomplish. U.S. forces, including special forces and medical teams, are now being inserted on the ground in some locations to improve the efficiency of humanitarian supplies and services and this effort will be expanded.

5. The Turkish government and people have provided significant emergency aid to the refugees in the border areas. However, for historic and other reasons Turkey is unable or unwilling to absorb many Iraqi refugees. While Turkey has established a camp at Silopi which may termporarily take up to 40,000 refugees (there are about 15,000 there now), the Turkish government believes the refugees must be repatriated to and in Iraq.

6. Experts agree that, for health and safety reasons, the refugees must shortly be moved off the mountains to temporary camps on lower ground. The hope is that they can ultimately return to their homes in Iraq. However, the refugees will not move off the mountains or return home without credible assurances that their security will be protected.

7. Under the circumstances, the United States and its coalition partners have established the following three-phase plan to care for the refugees: (1) The military will assume primary responsibility for providing emergency relief in the mountains to mitigate the suffering and death and to stabilize conditions in existing refugee areas; (2) The refugees will be temporarily relocated in camps to be established on lower ground in northern Iraq; and (3) The refugees will be repatriated to their homes in Iraq. The U.S. and its coalition partners will provide security to the refugees as they move from the mountains to the temporary camps and for an undetermined period at the camps. However, U.S. officials anticipate that UN and other relief agencies will increasingly assume responsibility for humanitarian assistance, with total responsibility in those agencies for such aid being accomplished within 30 to 45 days. It is also hoped that responsibility for such security as may be necessary can be assumed by the international community.

8. UN officials reported that they were willing to coordinate the humanitarian relief efforts by UN agencies and other non-governmental organizations. However, they indicated that significant additional financial support would be necessary and that Iraqi consent, at least informally, would be necessary to operate in the camps established in northern Iraq by the coalition. Moreover, Prince Aga Khan told the delegation that the UN could not provide security protection without further action and authorization by the UN Security Council.

9. Some government and relief agency representatives indicated that certain private organizations were having difficulty gaining clearance from the Turkish government to enter the country. The delegation received assurances from Turkish officials, including President Ozal, that Turkey would fully cooperate with all relief organizations. However, they did urge that relief efforts by the non-governmental organizations be better coordinated. The UNHCR has been designated as the coordinator of such efforts, and the Deputy Commissioner told the delegation that the UNHCR would be accelerating its coordination activities.

10. The costs associated with the relief and repatriation efforts are very uncertain at this time, but will be significant. The United States has drawn down approximately $133 million in emergency funds, supplies and equipment during the first 19 days of the relief effort.

International appeals to address the emergency total approximately $722 million. This includes $400 million in United Nations appeals to address refugee assistance in the border areas for the first three months of the relief effort. Additionally, the UNHCR has issued an appeal for $178 million for emergency health programs and assistance for people displaced in Iraq. The International Red Cross has issued an appeal for $73 million and the International Red Crescent has issued an appeal for $32 million.

CONCLUSIONS

1. The Iraqi refugee situation is a human crisis of major proportions requiring a prompt and significant response from the international community.

2. Although some have questioned the timing of the decision, the President was correct in authorizing the use of military forces to provide emergency relief. U.S. forces are engaged in an unprecedented and intensive life support mission. If they were not so engaged many more refugees would die. The military has done an extraordinary job under very difficult circumstances. In addition to continuing air drops and deliveries, the delegation encourages expended deployment of military forces on the ground in refugee areas to facilitate the delivery of emergency aid in an orderly and effective manner.

3. Responsibility for providing humanitarian relief should be assumed by traditional relief agencies as soon as possible. Among other things, this will require removal of the refugees from the remote mountainous locations, additional financial support from the international community for the relief agencies, a strong coordinating effort by the UNHCR, and the provision of credible security in Iraq for relief workers or a political arrangement with the Iraqi government that assures such security.

4. Many refugees will not come down from the mountains to temporary camps in lower lying areas in Iraq or return home without credible security guarantees. In the short term, such guarantees can be provided by the U.S. and coalition forces. However, this should not be a continuing responsibility, nor should the U.S. military constitute an occupying force in Iraq. The international community must endeavor to find a political resolution to this problem or assume responsibility on a multilateral basis for protecting the refugee population.

5. The costs of these activities are presently uncertain, but will be significant. They should be borne equitably by the international community. In providing emergency relief in the Turkish border area the United States has already expended $133 million, including expenditures from existing accounts and $100 million in Defense Department drawdown authority from inventory. At the very least, these funds and authority will have to be replenished and renewed. International organizations and relief agencies are also in need of support. For example, the UN and other international organizations have already issued appeals for about $722 million, including relief efforts within Iraq and other border areas. It is likely that costs will ultimately be higher.

6. In view of the foregoing, it is clear that the Administration will have to submit to Congress at least one supplemental appropriations request. This should be done expeditiously given the gravity of the crisis and the need to accelerate the effort by the UN and other relief organizations. Congress should promptly consider such a request.

7. In view of the need to expedite interagency cooperation and action within the Executive branch, the President should consider appointing a high level person to coordinate U.S. responses to the immediate crisis.

MEMBERS OF DELEGATION

Members of House of Representatives:

Matthew McHugh, Committee on Appropriations.

Tony P. Hall, Select Committee on Hunger.

Howard L. Berman, Committee on Foreign Affairs.

Marge Roukema, Select Committee on Hunger.

Christopher H. Smith, Committee on Foreign Affairs and Select Committee on Hunger.

Accompanying Staff:

Terry R. Peel, Committee on Appropriations.

Martin S. Rendon, Select Committee on Hunger.

Lise Hartman, Committee on Foreign Affairs.

David Laufman, Committee on Foreign Affairs.

Commander Paul Stanton, U.S. Navy.

Lt John Niehaus, U.S. Navy.

APPENDIX I

U.S. costs to date

AID disaster assistance	$10,000,000
Emergency refugee assistance	10,000,000
Public Law 480	13,000,000
DOD drawdown	75,000,000
Peacekeeping drawdown	25,000,000
Total	133,000,000

APPENDIX II

International appeals for the refugee crisis

Refugees in bordering countries (UN)	$400,000,000
Assistance within Iraq (UN)	178,000,000
Planning phase	38,000,000
International Committee on Red Cross	74,000,000
Red Crescent Societies	32,000,000
Total	722,000,000

APPENDIX III

ITINERARY

Friday, April 19

Ankara, Turkey:

Embassy Country Team Briefing: Ambassador Abramowitz; Mr. Michael Austrian, Political Officer; Mr. Donald Krumm, Refugee Task Force; Mr. Marc Grossman, Deputy Chief of Mission; Dr. Phil Meiberg, Center For Disease Control.

United Nations: Mr. Ed Cain, UN Development Program; Mr. Dan Conway, Representative of UN High Commissioner on Refugees; Dr. Claudio Sepulveda, UNICEF; Dr. U.B. Tommasi, World Health Organization; Mr. Kamil Raif, World Food Program.

Ministry of Foreign Affairs: Ambassador Riza Turmen.

Ambassador's Reception: Ambassador Eric Rouleau, French Embassy; Ambassador Timothy Daunt, British Embassy; Mr. Michael Lake, EC Representative; Mr. Unal Somuncu, Red Crescent.

Saturday, April 20

Diyarbakir: Brig. General Tony Zinn, Chief of Staff Combined Task Force; Maj. General Bill Farmen, Commander Joint U.S. Military Mission For AID to Turkey; Captain Goodin, British Air Force; Tour of staging area.

Silopi: Tour of staging area; Overflight of Silopi Refugee Camp.

Mountain Areas: Overflight of refugee settlements.

Cukurca: Turkish Deputy Governor Suleyman Deniz.

Cukurca Refugee Camp: Tour of camp.

Diyarbakir: Regional Governor Hayri Kozakciogulu.

Incirlik Air Force Base: Lt. General John Shalikashuili, Commander Combined Task Force; Major General James Jamerson.

Sunday, April 21

Incirlik Air Force Base: Tour of rigging and supply activities; Briefing by the Multi-National Airlift Coordination Staff.

Istanbul: President Turgut Ozal.

Monday, April 22

Geneva, Switzerland: Ambassador Morris Abram country team briefing; Mr. Douglas Stafford, Deputy United Nations High Commissioner for Refugees; Mr. Cornelio Sommaruga, President of International Committee of the Red Cross; Dr. Brenda Gael McSweeney, Executive Co-ordinator, United Nations Volunteers; Prince Sadruddin Aga Khan, Executive Delegate of the UN Secretary-General regarding humanitarian assistance related to Iraq.

INTRODUCTION OF THE FAMILY AS POLICY RESOLUTION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1991

Mr. DANNEMEYER. Mr. Speaker, I am told that the desire to promote and sustain the traditional family is old fashioned, completely out of touch with the social realities of this premillennial decade, that life as dictated by our economy is much too complex to sustain such a view, and that the term "family" means so many different things to so many different people that to attempt to define it is patently offensive, discriminatory, and, not the least of which, futile.

Perhaps my liberal critics are correct. Perhaps the family as I know it, as my generation has lived it, is passé. It is true that there are fewer marriages and more divorces today than 20 years ago. Trends favor single parent families by overwhelming margins. The percent of unmarried women giving birth has more than doubled since 1970. Employment among women has dramatically increased over the last two decades while employment among men has dropped in almost like fashion. And while married women employed outside of the home have increased even more than the general category, a larger increase is among married women who are employed with children under the age of 6.

Certainly my liberal colleagues can be proud of these numbers. They are a testament to liberalism and the subphilosophy of feminism. Open palmed, the shining jewels of liberalism have been extended to women: Equal pay for equal work, Careers first, Have it all—Careers and children, Equal rights, Children without marriage. Feminists have never before had as much freedom to pursue the lives they have so passionately demanded.

And, all in all, men have been supportive. The effectual struggle on behalf of the liberation of women has not been nearly as difficult as some feminists imagine, or cite in their fundraising letters, thanks to willing men—and I don't mean rich Hollywood liberals—but middle-income, blue-collar, hard-working men.

The wives of these guys are the bread and butter of any appearance of widespread approval of women's liberation. In other words, there would be no credible feminist movement without willing middle-class male accomplices.

Not that shallow, liberal men haven't eagerly helped. For these men, women's liberation in many ways means a liberation from virtue. Rampant sexual promiscuity, from all cultural indications, seems to be a social reward for assisting women in achieving equal license. Yes, some of these limousine liberals are sincere, actually ideological is a more accurate term, but not surprisingly they tend to be the ones from my generation—happily married and for many years—a dying breed among the upper class and in Hollywood.

However, it's the hardhat man, the nine-to-fiver plus a second job, who has allowed the women's movement any standing at all. After all, these men take their role as provider as seriously as it is difficult and the cost of living has grown at an unbearable pace for some. Not many of these men care to stare into the eyes of their children or spend long nights of conversation with their wives explaining why they can't afford the new coat or new pair of shoes. Sometimes, however, the new coat becomes the new boat or the second car or the VCR. As a result, wives and mothers are not only reluctantly compelled to work by circumstance but are genuinely encouraged to work by their pressured husbands and the feminist choir.

Children of two-income families are left behind as the law of the working, middle-class mother takes hold. This law states that among working mothers and their families material or professional expectations are never satisfied. A career mindset always seems to find mountains to climb far from home and materialism knows no bounds.

Mr. Speaker, please don't get me wrong. I can already hear the footsteps of working mothers paraded before House committees by the feminists to testify that working is a very real necessity for some women. I realize many women fit this category of working mothers, a category defined by necessity—the necessity to help meet the monthly payment on a modest home, the necessity to help put food on the table or to pay medical bills. Just as children of single parent families are able to understand the sacrifice of a working mother so too can the children of traditional homes. Children can sense necessary labor. They can appreciate sacrifices and hardships.

So please, Mr. Speaker, don't allow these words to be twisted. Society has not been devastated by working mothers who work of necessity. The devastation has come as a result of working mothers who put careers ahead of children and rationalize material benefits in the name of children.

"What devastation?" feminists decry. Divorce, they say, is not devastating. It is liberating. Abortion is not extermination, it is a right of self-determination. Drug abuse, suicide, and mental illness among our youth are the results of an uncaring society, not uncaring parents. Pure individualism is the key to a fulfilled life, especially for women and children. Liberate women and children from the shackles of the traditional family, they add, and social stability will be unleashed.

Mr. Speaker, I know of few lies more pronounced than the words uttered by feminists. As it happens, most working mothers do not have rich, white, liberal husbands letting them be all that they can be. Most working mothers are from middle- to lower-income families, families who still consider themselves traditional families despite their circumstances.

The social toll wrought by liberalism and feminists has manifested itself in many ways:

America's high number of divorces is a major cause of the rising rate of suicide among teenagers and young adults, John S. Wodarski and Pamela Harris, "Adolescent Suicide: A Review of Influences and the Means for Prevention," Social Work, 32, No. 6, November/December 1987.

Daughters from female-headed households are much more likely than daughters from two-parent families to themselves become single parents and to rely on welfare for support as adults, Sara S. McLanahan, "Family Structure and Dependency: Early Transitions to Female Household Headship," Demographics 25, February 1988.

Teenagers with weak attachments to their parents show up in juvenile court much more frequently than teens with strong bonds to their parents, Terence P. Thornberry, "Toward an Interactional Theory of Delinquency," Criminology 25, November 1987.

Children of working mothers achieve less in school than the children of at-home mothers, Frank P. Stafford, "Women's Work, Sibling Competition, and Children's School Performance," The American Economic Review 77, December 1987.

Girls raised in a female-headed household are much more likely to become unwed teen mothers than are girls raised in two-parent families, William Marsiglio, "Adolescent Fathers in the United States: Their Initial Living Arrangements, Marital Experience and Educational Outcomes," Family Planning Perspectives 19, November/December 1987.

Cohabiting couples physically abuse each other more often and more violently than do married couples, Jan E. Stets and Murray A. Straus, "The Marriage License as a Hitting License: A Comparison of Assaults in Dating, Cohabiting, and Married Couples," paper presented at the 1988 meeting of the American Sociological Association, July 8, 1988.

Children whose parents separate or divorce tend to withdraw into an emotional shell, Randy M. Page, "Adolescent Loneliness: A Priority for School Health Education," Health Education, June/July 1988.

Children placed in day-care centers are more likely to spend time in hospital sick wards than their home-reared peers, Larry J. Anderson, et al., "Day Care Center Attendance and Hospitalization for Lower Respiratory Tract Infection," Pediatrics 82, September 1988.

Living in a single parent household means living in poverty for millions of American children, Greg J. Duncan and Willard L. Rogers, "Longitudinal Aspects of Childhood Poverty," Journal of Marriage and the Family 50, 1988, 1007–1021.

Marriage often ends in divorce for women who bear no children or who delay their childbearing for five or six years after marriage, Howard Wineberg, "Duration Between Marriage and First Birth and Marital Instability," Social Biology 35, 1988, 91–101.

Among young people who have been physically or sexually abused, many turn to drugs, Richard Dembro, et. al., "The Relationship Between Physical and Sexual Abuse and Illicit Drug Use: A Replication Among a new Sample of Youths Entering a Juvenile Detention Center," The International Journal of the Addictions 23, 1988, 1101–1123.

Mental illness typically strikes those with few or no family ties, J. Jakubaschk and W. Kopp, "On characterizing new psychiatric long-stay patients," Social Psychiatry and Psychiatric Epidemiology 24, 1989, 88–95.

Adolescents suffering from mental distress typically come from broken homes, Helen S. Merskey and G.T. Swart, "Family Background and Physical Health of Adolescents Admitted to an Inpatient Psychiatric Unit, I: Principal Caregivers," Canadian Journal of Psychiatry 34, 1989, 79–83.

Modern young couples often regard children with indifference or outright hostility, Arthur G. Neal, H. Theodore Groat, Jerry W. Wicks, "Attitudes About Having Children: A Study of 600 Couples in the Early Years of Marriage," Journal of Marriage and the Family 51, May 1989.

Living together before marriage increases rather than decreases the likelihood of divorce, Larry L. Bumpass and James A. Sweet, "National Estimates of Cohabitation: Cohort Levels and Union Stability," NSFH Working Paper No. 2, June 1989, revised version of paper presented at the 1988 meeting of the Population Association of America, Center for Demography and Ecology, University of Wisconsin.

The unmarried suffer from depression more than the married, Catherine Ross and John Mirowsky, "Explaining the Social Patterns of Depression: Control and Problem Solving, or Social Behavior, "Journal of Health and Social Behavior 30, 1989, 206–219.

Homeless children rely on government, not fathers, for support, Margaret R. Lewis and Alan F. Meyers, "The Growth and Development Status of Homeless Children Entering Shelters in Boston," Public Health Reports 104, May/June 1989.

Children of unmarried mothers rebel against parental authority more than children of married mothers, even if the married mothers report an unsatisfactory marriage, Carolyn Webster-Stratton, "The Relationship of Marital Support, Conflict and Divorce to Parent Perceptions, Behaviors, and Childhood Conduct Problems," Journal of Marriage and the Family 51, 1989, 417–430.

When parents betray their spouses they also betray their children, Frank Pittman, Private Lies: Infidelity and the Betrayal of Intimacy [New York: W.W. Norton, 1989].

Married men perform better and earn more on the job than unmarried men, Sanders D. Korenman and David Neumark, "Does Marriage Really Make Men More Productive," No. 29 in the Finance and Economic Discussion Series, Division of Research and Statistics, Federal Reserve Board, Washington, D.C., May 1988.

Heavy use of alcohol, tobacco, and marijuana shows up much more regularly among teens who care for themselves after school than among teens with a parent at home after classes, Jean L. Richardson, et al., "Substance Use Among Eighth Grade Students Who Take Care of Themselves After School," Pediatrics 84, 1989, 556–565.

Child abuse typically occurs in impoverished single-parent households, Terrance Cooley, Inter-Office Communication, County of Milwaukee, "AFDC/Child Abuse Information," September 11, 1989.

Among young women reared in single parent households, sexual intercourse outside marriage occurs much more often than among young women reared in intact families, Brent C. Miller and C. Raymond Bingham, "Family Configuration in Relation to the Sexual Behavior of Female Adolescents," Journal of Marriage and the Family 51, 1989, 499-506.

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What is the primary difference between the traditional family and the family of feminists? The main difference, of course, is focus. The fundamental social unit among feminists and liberals is the individual—individual as in "selfish," not as in "rights."

Men and women perpetually thinking of themselves before they think of each other or their children is the feminist world. To these liberals, the traditional family is a patriarchal relic used by men to deny women personal fulfillment. Children are possessions to be tossed to and fro as a woman should dictate. And government, well, that exists not only to ensure that "all classes of women" are personally fulfilled, but also to support women who have been deceived into believing that the traditional family would provide sustenance. The "Me Decade" had nothing to do with the policies of Ronald Reagan, it had everything to do with the selfishness of the "feminine mistake."

This is the deal liberals have handed America. Now let me share with you the ideal.

In contrast, the traditional family looks to each of its members for personal fulfillment. The individual is a role player and each member is a star. The traditional family, or nuclear family, structure prompts us to think and act with futurity. "Service to others" is the motto of such a structure and service, in turn, opens the doors of love and selflessness that continue to sustain the family.

Completely unlike the lack of edification and support provided by the family of feminists, the nuclear family is a training ground in humanity for its members. It's a place where men learn to be husbands. They can acquire personal discipline in this role to control their appetites and natural desires. They are required to make commitments and sacrifices, and they are comfortably taught self-sustenance.

Husbands then mature into fathers and each character trait is magnified. Interpersonal skills are honed as in a refiner's fire. But fatherhood brings with it an added dimension not found in mere husbands—it brings the fundamental responsibility for human life. Men—these wild-eyed, individualistic, aggressive creatures—are given two marvelous gifts from the nuclear family. First, their spirits are tamed by loving spouses and then, in almost unbelievable fashion, their hearts are made to surrender to innocent, wholly-dependent offspring.

Women benefit equally, although differently. Feminists may shudder at the thought, but the nuclear family gives women something that they cannot get anywhere else—complete fulfillment, an unique opportunity to exercise their nature. Women can be made whole by the experience.

Feminism denies this nature and fails to give it blossom. The greatest paradox of the feminist movement is that its ideology is driven by an unnatural desire to be like men. Of course, this desire can be attained as we have witnessed time and again in our economy, but only at the high price of unhappiness. The nature of women is not completely fulfilled until they have successfully participated in a nuclear family.

Equally important as the nuclear family is to manhood and womanhood, it is to childhood. The phenomenon is tangible and quantifiable. Kids from broken or dysfunctional homes—homes shattered by rebellious parental behavior—tend to be our future problem-adults who continue the cycle.

The nuclear family is where children are taught the reality of living by the spoken word. Kids can be instructed in values and principles from anyone, but short of proper examples these values and principles will never be internalized. Mom and dad do this best, and they can do this best because kids are able to see that values can survive the day in and day out struggle of life. The most effective teacher for children are parents who live by their own advice.

Children also see how mom and dad—a man and a woman—interact and relate. Kids witness a microcosm of society in the nuclear family. They can witness mutual respect for all classes of people as parents serve each other, children and extended family. They can observe an economy at work. They can learn trust and how to be part of a team. These qualities will carry with them into adulthood and into society at large and, hopefully, they will be passed on to rising generations.

This is the ideal of the traditional family—of true manhood, womanhood, and childhood. It is a firm belief that mankind is meant to be happy. In fact, real happiness is not found outside of the nuclear family. Liberals and their feminists will make a contrary claim, but they should not confuse temporal pleasure and the ability to feed consuming appetites with true happiness.

Yes, Mr. Speaker, the Left is quick to point out the results of parental misdeeds. This song is well received among those in the populace, of all stripes, who seek to cover their own sins and foibles. To this my response is simply—do not confuse malicious hypocrisy with the feebleness of mortality. We are all born sinners and we all make mistakes, some mistakes are larger and more damaging than others. But to say these mistakes are generally signs of hypocrisy is foolish. The unconditional love of little children who receive the brunt of our parental mistakes usually softens the blows caused by our weaknesses.

We should not be taken in by the siren call to base public policy on mortal weaknesses. We must not hold up mistakes as standards to judge behavior. And as a Congress we have done just that. It makes good election fodder.

Mr. Speaker, I suggest a principled response in Congress for the family as policy. The resolution I am introducing affirms the ideal of the traditional family and rejects the deal offered by liberals and feminists.

FAMILY AS POLICY RESOLUTION

Whereas, the traditional family—a man and woman joined in lawful marriage including blood relatives, legal adoptions, and foster children—is the fundamental social unit of American society;

Whereas, the values represented by the traditional family and imparted to children through example and principle include, but are not limited to, personal accountability, responsibility, and stewardship for self and property; charity and compassion; respect for parents; self-control and discretion; belief in a Creator and reverence for all life; mercy and justice; sacrifice and selflessness; honesty; a strong work ethic; virtue and parental values of right and wrong; and the value of education;

Whereas, as these values relate to human sexuality, the traditional family imparts to children behaviors which include heterosexuality, pre-marital sexual abstinence, post-marital monogamy, pro-creative in lawful marriage, and pro-adoptive;

Whereas, the tragedy of dysfunctional families—broken homes, emotional and physical abuses to women and children caused by illicit drugs, alcoholism, infidelity, neglect, and indifference—is a national disgrace of epidemic proportions causing unnecessary economic and social burdens jeopardizing America's future: Therefore, be it

Resolved, We hold that our nation is best served by laws promoting the traditional family and traditional family values; that familial problems caused by dysfunction are best addressed in public policy by and through the assertion of the traditional family and associated values; that dysfunctions must not be institutionalized in public policy as acceptable behaviors, nor should tax dollars be used to indemnify dysfunctions; and, that public education, especially sex, drug, and health education, imparted to youth should reflect parental values and community standards.

HOUSE OF REPRESENTATIVES—*Wednesday, April 24, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In all our lives and in the decisions that come before us, O God, may we sense Your presence and power. When we are weak, give us strength; when we are ill, give us health; when the doubts of everyday life surround us, give us faith; when we despair and miss the heavenly vision, give us hope; and when we are alone may Your spirit accompany us and be our companion along life's way. This is our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. BOEHNER] please come forward and lead the House in the Pledge of Allegiance?

Mr. BOEHNER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

> S.J. Res. 98. Joint Resolution to express appreciation for the benefit brought to the Nation by Amtrak during its 20 years of existence.

THE PRESIDENT'S EDUCATION REFORM PLAN

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, last week the President offered a comprehensive reform program to improve education in our country.

Mr. Speaker, we are all familiar with the current problems of our educational system, which include declining parental involvement and sinking test scores, and the President's new strategy confronts these problems directly. Some say the plan is controversial. However, Mr. Speaker, I say, "Maybe controversy is exactly what we need to shake up the educational system."

The President's plan focused on making all of our communities places where learning will happen, and that means parents must play a greater role. And what about these sinking test scores? The President's plan introduces a much needed dimension to our schools: accountability.

Mr. Speaker, from establishing standards in five core subjects, to providing and promoting school choice, this strategy will make schools and teachers accountable.

There has been too much theoretical jabbering and not enough effective action in education. The President has given us a plan that can work. Let us work together to implement it.

ELECTION OF MEMBER TO COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. HOYER. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 132) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 132

Resolved, That the following named Member be, and is hereby elected to the following standing committee of the House of Representatives:

Committee on the District of Columbia: Sander M. Levin, Michigan.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COVETED ATF CONTRACT AWARDED TO LOCKHEED AERONAUTICAL SYSTEMS IN MARIETTA, GA

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, the multibillion dollar, 5-year battle is over. The YF-22, "Lightning 2" has won.

In a suspenseful announcement yesterday by the Secretary of the Air Force, the prime contractor of the YF-22—Lockheed Aeronautical Systems based in Marietta, GA—was awarded the largest aircraft development contract ever—the plan to build the advanced tactical fighter aircraft—the next generation fighter.

Lockheed has a long history of technological excellence in aeronautical engineering—the most recent example being the stealthy and sophisticated F-117 fighter, which performed so well in Operation Desert Storm. The production of the YF-22 is a logical extension of this success.

The combined technological skill of the Lockheed, Boeing, General Dynamics team have resulted in one of the most sophisticated and capable fighter planes ever designed. The agility, capability, and overall performance of the YF-22 is expected to surpass that of any fighter plane built to date.

Thousands of additional workers will be needed for the full-scale production of the ATF. Not only will the construction of the ATF ensure the U.S. Air Force of total air superiority well into the next century, but also it will bring impressive gains to the local economy.

Mr. Speaker, I must also point out that this year marks 40 years of aeronautical excellence on behalf of Lockheed. I can think of no better anniversary gift than this—the coveted ATF contract.

ANNOUNCEMENT OF MEMORIAL SERVICES FOR RICHARD BOLLING

Mr. WHEAT. Mr. Speaker, it is always a sad occasion when a Member of this body dies, and this last Sunday one of the most distinguished Members of this body passed away. Our former colleague, Richard Bolling, who served in this House of Representatives from 1948 until 1982, passed away this past Sunday.

Mr. Speaker, I want to notify my colleagues that there will be two memorial services on his behalf. The first will be held this afternoon at 4 o'clock p.m. in Statuary Hall in the Capitol of the United States. The second memorial service will be held in his home district this Friday afternoon, 1 o'clock, at the Unitarian Church in Kansas City. Members of Congress, friends, family, and, of course, the general public are all invited to attend.

A TRIBUTE TO PRESIDENT JAMES BUCHANAN, OUR 15TH PRESIDENT

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. SHUSTER. Mr. Speaker, today in the presence of students from his hometown, Mercersburg, PA, we celebrate the 200th anniversary of the birthday of James Buchanan, our 15th President and the only United States President from the State of Pennsylvania.

Mr. Speaker, James Buchanan was appointed ambassador to Russia and minister to Great Britain. He served in the Congress, the Senate and as Secretary of State under James Polk. He was elected President of the United States in 1856, and he served in the White House from 1857 until March 1861.

Mr. Speaker, Buchanan's tenure was marked by a political struggle over the Kansas Constitution, John Brown's raid on Harpers Ferry, debate over Fort Sumter and the secession of seven Southern States. He tried diligently to hold the Union together, however the Civil War started a few weeks after he left office.

Mr. Speaker, James Buchanan retired to Wheatland in Lancaster, PA, where he died in 1868 at the age of 77.

Today we pay tribute to Pennsylvania's outstanding native son, James Buchanan, and his lifetime of distinguished service, and I am also pleased, Mr. Speaker, to announce to the students that on Saturday we will be unveiling on Interstate 81 in Pennsylvania a sign indicating: James Buchanan's birthplace, Mercersburg, exit 3.

BUSH TORPEDOES CIVIL RIGHTS NEGOTIATIONS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, the "kinder, gentler" rhetoric of the Bush administration would have us believe that they are in favor of civil rights for all Americans in the workplace. But as the President vetoed the Civil Rights Act of 1990, which was designed to guarantee those rights, he raised the specter of quotas.

This was the beginning of a self-serving, deceitful, and contemptible effort to, once again, use racial differences and fears in our country for political ends.

Yet, the administration purported to plead for reasonableness and compromise in its alleged support for civil rights for workers. And so, civil rights groups and the leaders of business sat down around a table to forge a reasonable compromise, an idea allegedly supported by the President.

But last week, as this group neared success, the White House Chief of Staff—during one of his apparently short stays in Washington—bludgeoned business from the table.

Clearly, Mr. Speaker, when deciding between pursuit of a political issue, one intended to divide the country further on the basis of race, or legislation which would ensure fairness in the workplace, justice in the workplace, and equal opportunity for all Americans in the workplace, this administration chooses partisan political factors and the specter of race every time.

□ 1410

GAS PRICES

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, as my colleagues know, I am a free-market conservative, who has taken the floor on more than one occasion to defend the oil industry from what I felt was an unfair attack.

But today, I find myself keeping company with many of my constituents, who are beginning to wonder whether the oil industry is not taking unfair advantage of the public.

NBC Nightly News this week reported that oil refineries in this country are operating at only 83 percent of capacity—a drop of nearly 10 percent since the end of the Gulf war. And it appears that the only reason for the drop in refinery production, is the desire on the part of oil companies to inflate the price of gasoline at the pump.

The oil industry profited handsomely from the higher prices resulting from the gulf crisis. They boosted instantaneously and brought them down only gradually.

Now, when the crisis has passed, when supply is plentiful and demand is steady, we see the price of gas being pushed upward by the maneuvering of oil companies.

If they've got a sound reason for doing this, I suggest it is time they share it with the American people. Because to me, it smacks of profiteering.

CIVIL RIGHTS

(Mr. FAZIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, I want to congratulate the business leaders of the Nation who came to the table with the civil rights community, despite pressure from the White House. They had all but shaken on a deal when the President's men decided to break the grip of progress. The White House had decided that they do not want a civil rights bill. They, in fact, have sabotaged that effort. They want a divisive issue for the election of 1992.

The quota argument is a smokescreen, and George Bush and John Sununu know it. It is diversity that has made our country such a remarkable place, and it is time that the White House accepted all the colors, cultures, and genders that have made our Nation great. It is time to produce a civil rights bill that will give every American a chance to prove themselves.

Im my State of California, 46 percent of the people are people of color, people of racial and ethnic minority groups. Women today are the new majority of entrants in the workplace, more and more of their sex and gender.

America works when we work together, but this President will not work for unity and progress. He prefers to divide and conquer.

CHIEF OF STAFF TRAVEL REASONABLE

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, as we all well know, claims have been made by the media and some of my Democratic colleagues that the President's Chief of Staff has overstepped his right to use Pentagon C-20's for travel by doing so for personal reasons. This is a tempest in a teapot. This travel by military plane is perfectly reasonable and to do otherwise would be irresponsible.

The policy set forth first by President Reagan and continued by President Bush requires the Chief of Staff and the National Security Adviser to use military planes for all travel purposes, including personal travel. The reasons are simple. These men hold two of the most important positions in the administration and it only makes sense that they should be as immediately accessible to the President as possible with the appropriate technology to guarantee secure lines of communication and safeguard highly classified documents. They are on duty working 24 hours a day, every day, even when they are going about personal matters. Commercial airlines have neither secure communications nor security personnel or top secret safes.

Moreover, if the President's Chief of Staff flies commercial then security personnel would have to fly commercial airlines as well, because they have to be protected. Even then the degree of security would be nowhere near what it is on a military plane. Additionally, does the presence of top government officials on commercial airlines increase the vulnerability of civilian air travelers to terrorist attacks? Perhaps, perhaps not, but if it does it will be very unfortunate should a terrorist attack against the President's Chief of Staff occur when he is surrounded by civilians.

The use of military aircraft by all government officials should be prudent, but let's not be penny-wise and pound-foolish. We should recognize that this issue is being profiled not on the merits, but primarily because of the Democratic Presidential politics of 1992.

CIVIL RIGHTS NEGOTIATIONS

(Mr. SYNAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYNAR. Mr. Speaker, the reports that negotiations between business and civil rights groups were halted last week because of pressure from White House officials disturbed me and other Members greatly.

It is difficult to believe that a President who has publicly stated that he is against discrimination and supports civil rights would condone such actions of administration officials.

We all would like to believe no one really discriminates, but, as painful as it is to acknowledge, discrimination is present in our society. Even the administration is not immune as recent judgments against the FBI for discriminatory job practices indicate.

The Business Roundtable is to be commended for its efforts to negotiate with civil rights supporters to reach an acceptable compromise on necessary legislation. Fighting discrimination is the right fight. It is also good business to eliminate discrimination in the workplace.

Mr. President, be a leader, get these groups back together to work on a solution.

H.R. 5 AS AMENDED IS STILL DANGEROUS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, committees last week amended the striker replacement bill by adding the Boehlert-Williams amendment. Proponents say this solves the nonunion issue. Let me tell you, it does not, the main danger of H.R. 5 is still intact.

That is, an employer would be handcuffed while workers are on strike because he would have to hire temporary replacements who often are unskilled and who would be working under the prospects of being fired any day. Also, businesses in remote rural areas would have to find temporaries to stay open.

The Boehlert-Williams amendment is suppose to restrict hiring permanent replacements to union shop economic strikes only. Nonunion shops are allegedly exempt.

However, the language of the amendment leaves a wide interpretation for what kind of strikes could be covered. It states that in disputes where workers have exercised the right to join, to assist in organizing, or to bargain collectively through labor organizations they cannot be permanently replaced. In other words, striking nonunion employees can get around this exemption if they pledge their allegiance to a union.

The amendment clarifies the intent of the bill—to organize unions. Join me in voting against H.R. 5.

ANNOUNCEMENT OF SCHEDULING OF INTELLIGENCE AUTHORIZATION ACT

Mr. McCURDY. Mr. Speaker, I would like to notify all Members of the House that the classified schedule of authorizations and the classified annex to the report accompanying H.R. 1455, the Intelligence Authorization Act for fiscal year 1991, are now available for review by Members in the Offices of the Intelligence Committee, room H-405 in the Capitol. Access to these documents, which is restricted to Members only, will be provided from Monday through Friday between the hours of 8:30 a.m. and 5 p.m.

The committee hopes that the intelligence bill will come before the House next week. The schedule and annex contain the committee's recommendations on the fiscal year 1991 intelligence and intelligence-related budget, and issues pertaining thereto, which cannot be discussed publicly. Accordingly, I urge Members to avail themselves of the opportunity to thoroughly review these documents so that they may be fully informed about the committee's decisions.

WORKING FOR A CONSENSUS CIVIL RIGHTS BILL

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, it is my firm belief that Americans can and will find ways to make real progress in every aspect of national life. Honest debate and committed leadership are crucial in helping us attain equal opportunity for all citizens.

I have spoken with representatives of American business who have been involved with civil rights leaders in attempting to work out a consensus civil rights bill. I want American business to know that there are political leaders in this country who want progress, not polarization, and who applaud this conscientious effort at real compromise.

It is disheartening, then, that representatives of the President, by derailing the talks, have made it abundantly clear that they are more interested in having a divisive, poisonous, negative campaign issue than they are in encouraging efforts to find a solution to a complex legal problem.

Mr. Speaker, we have enough strife in our land; we need to be about the business of making things better, not worse. Those of us who grew up learning about our melting pot society know that that idea was perhaps as much romanticism as reality. But it has lodged in our hearts anyway, and the goal of a just society with room for the diversity that marks the best of human experience is before us still. And we will pursue it.

INTRODUCTION OF LEGISLATION TO BENEFIT HEARING-IMPAIRED CHILDREN

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I want to ask my colleagues for their support in a matter which will safeguard American children, which will bring great comfort to many families, and which will save taxpayers money.

I have introduced a bill, H.R. 1758, to mandate hearing testing for all newborn children. My bill would require all hospitals to follow uniform requirements established by the Secretary of Health and Human Services. The costs are to be paid by insurance plans or Medicaid if no private insurance is available. Early diagnosis can have a tremendously positive effect on learning and development—as well as save millions of dollars in special education costs and medical visits.

Despite our great technological advancements in medicine, hundreds of babies each year risk brain damage or developmental disability because their auditory brain stem has not been stimulated due to hearing loss. With a proper diagnosis, done early enough, a baby as young as 3 months can be fitted with a hearing aid.

I want to thank two constituents, Mr. Bruce Bryan, an attorney in Syracuse, and Susanna Giuliano, who works with hearing impaired children, for bringing this preventive procedure to my attention.

Please support mandatory hearing testing. It makes sense.

□ 1420

CIVIL RIGHTS AND WOMEN'S EQUITY IN EMPLOYMENT ACT OF 1991

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise to express my strong support for the Civil Rights and Women's in Employment Act of 1991.

This is not a radical measure. It simply embodies fundamental principles of fairness and equity.

And, in large part, it simply restores the law as it existed for 20 years in employment discrimination cases prior to an ill conceived 1989 Supreme Court decision. No one opposing this measure has offered any evidence that the law prior to 1989 disserved the business community or resulted in the arbitrary imposition of quotas in the workplace.

Any such claims are just smoke and mirrors. They are intended to stop a measure that moves America forward and recognizes the rich diversity of our workers.

The administration is guilty of this backward thinking. Its blatant actions to end talks between civil rights groups and the business community on a compromise civil rights measure are a slap in the face to millions of Americans.

"You just don't rate," says the administration to the millions of women in the work force. "You don't deserve fair treatment," women are told. Even if your employers intentionally discriminate against you. That is the administration's loud and clear message to hard working women.

The civil rights bill recognizes that the strength of our work force lies in its ever increasing diversity, and acknowledges that all workers deserve equal and just treatment. A vote against H.R. 1 is a vote to turn the clocks back.

IMMIGRANTS WITH AIDS SHOULD BE PROHIBITED

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today, along with 30 original cosponsors, I am introducing legislation to reinstate the prohibition against people with AIDS from freely immigrating into this Nation. They formerly were prohibited from doing so by rule of the Department of Health and Human Services. However, the Department recently changed this rule, despite the fact that of more than 40,000 public comments received, the comments ran more than 9 to 1 against this change.

Not only the public comments submitted, but public opinion polls show the American people are overwhelmingly against allowing HIV positive immigrants into this country.

I certainly feel sorry for those who have AIDS. I have no objection to them receiving medical treatment. However, the experts tell us our medical system is already near collapse. We have a big enough problem with AIDS now in this Nation already. We do not need to add to this problem or increase this great burden by taking AIDS patients from all over the world, and thus increasing the burden on American taxpayers.

Mr. Speaker, this could ultimately lead to other Americans being shortchanged and not receiving adequate treatment for other illnesses. I urge Members to join with me in supporting this legislation which the people want, and to prohibit people with AIDS from immigrating freely into this Nation.

THE PRESIDENT'S FOLLY: MESSING UP ON CIVIL RIGHTS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, in a few days, this body will debate the Civil Rights Act of 1991. I find it difficult to believe that White House officials undermined discussions between the business community and the civil rights community. In fact, White House officials, including America's most renowned frequent flyer, John Sununu, attacked the Business Roundtable for meeting with civil rights officials.

The White House has acted irresponsibly in this matter. It appears to me that White House officials are not interested in civil rights legislation. Instead of creating a climate of cooperation, the administration has created a climate of noncooperation.

President Bush owes the American people an explanation of the strange behavior of his administration. I'd like to know why President Bush can send more than 500,000 of this Nation's men and women to liberate Kuwait in the name of freedom and democracy. Yet, he won't help to ensure freedom and democracy at home by supporting the Civil Rights Act. He won't even allow others to meet and discuss—in a democratic fashion—ways to ensure freedom at home.

I'd also like to know why the President can send Secretary of State James Baker all over the world seeking peace in the Middle East, but he cannot seek a compromise on the Civil Rights Act of 1991.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). The guests in the gallery are reminded we are very happy to have them here, but they are not to respond positively or negatively to any statements made by Members on the floor.

SALUTE TO ASSOCIATION OF CERTIFIED PROFESSIONAL SECRETARIES

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, in honor of National Secretaries Week, I would like to salute a group of very special people: members of the Association of Certified Professional Secretaries [ACPS].

This international organization was formed, I am proud to say, in Scottsdale, AZ, which I represent, almost 5 years ago. To belong, one must be a certified professional secretary, a distinction which is earned after satisfying education and work-experience requirements and passing an arduous 2-day, six-part examination. Those who accept this worthy challenge justify the confidence placed in them to get the job done.

ACPS is dedicated to making the value of this earning rating known to management in all fields of endeavor.

Good work, ACPS.

CIVIL RIGHTS

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I am disappointed that once again, thanks to President Bush and John Sununu, the cause of civil rights is back to square one. The business community has walked away from the negotiations. Pressured by the President, they left the civil rights coalition. Instead of nurturing compromise, the White House sabotaged the process.

There is no question about it. Discrimination is wrong, whether it is drawn on racial lines or ethnic grounds. Whether to hire based on gender or to fire based on color, it is completely, absolutely wrong. Last year, Congress had the opportunity to make discrimination in the American workplace a thing of the past. And with his veto, the President said no.

Today we should be celebrating not strategizing how to overcome the President's opposition. I am convinced that the business community understands the need to overcome discrimination in the workplace. Clearly, many of the members of the Business Roundable were willing to continue working towards a solution. The President, through his spokesman John Sununu, has indicated that he cares little about a solution and is content to allow discrimination to persist.

This administration doesn't have an interest in working out a real civil rights bill. John Sununu knows that a continued controversy makes for good campaign fodder. So while the White House looks for sound bites and polling points, the Democrats, as always, are fighting discrimination and working for equal justice.

CONTINUED EXPLORATION OF ETHANOL AS AN ALTERNATIVE FUEL

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, annually, the U.S. transportation's demand for energy increases exponentially. Fuel demand by passenger vehicles will grow by 45 percent. Energy consumption by heavy trucks will rise by 80 percent by the year 2030. We now use 100 billion gallons of gasoline a year. This amounts to 43 percent of the world's supply. Yet, we can only supply a fraction of this amount. Before our resources become precariously thin and our foreign dependence grows, we must look to alternative fuels such as ethanol.

This corn derivative has been popular since the beginning of the gasoline powered transportation industry. Alexander Graham Bell considered alcohol a very clean and efficient fuel. Henry Ford, an alcohol fuel proponent, built the early model A's engine to accept ethanol. Today, Brazil has proven that a transportation system can run on ethanol.

Congress should take additional steps to exploit corn's resources, and begin making even bigger strides toward the implementation of ethanol into our system.

Ethanol will allow America to become less dependent upon foreign oil and help us become the leaders of a new energy standard.

CIVIL RIGHTS SHOULD NOT BE POLITICIZED

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, I was as pained as anyone to read over the weekend reports in the Washington Post and New York Times and other publications of the breakdown in negotiations over the Civil Rights Act between the Business Round Table representatives and proponents of the Civil Rights Act, H.R. 1, which I am cosponsoring.

□ 1430

Reports make it clear that the breakdown in negotiations is political and not substantive, due to pressure from John Sununu to break off the negotiation so that he and the President might use the issue to political advantage in the coming election. Reports also indicate that they were close to an agreement, the parties were actually close to an agreement before Mr. Sununu intervened strictly for political reasons.

This will do absolutely nothing to protect minorities and women discriminated against in the job market or corporations which desire clear and reasonable statutes and policies to deal with. Needless to say, all of us would encourage the participants to get back to work, get back together again and find a compromise that will address the most urgent needs of both sides of this controversy. I am confident it can be done.

Let us work together, not practice politics as usual. Let us legislate effectively.

RTC FUNDING BASED UPON PERFORMANCE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today I am introducing a resolution that calls for Congress to put the Resolution Trust Corporation on a performance based asset sale program.

Several weeks ago the House was embroiled in a debate regarding further funding for the RTC. Most members had a hard time voting for additional funding when there seems to be no end to the amount of money the RTC requires. Even the RTC its self said that it will have to come back this year with another request for more taxpayer dollars. There was very little enthusiasm that the bill we passed would finally enable the RTC to close out and sell off the assets of failed thrifts.

Therefore, I am introducing a resolution expressing the will of Congress that what the RTC needs is a performance based asset sale program linked to its further funding needs. Basically the program would require that the RTC depend on its sale of assets to guarantee any further funding by Congress. So as the RTC sold off its inventory, the Congress would step forward with additional funds based on the rate and quantity of sales made by the RTC. At the very least this would encourage the RTC to step up its efforts to liquidate its holdings, knowing that its funding was linked to the success of it sales.

I am not, in this resolution, attempting to set up the performance asset sale program. However, I am suggesting that such a thing is not only possible, but would link the agency's funding with the job its doing. I realize the entire RTC could not be funded in this manner, but at least a portion of its funds could be tied to the job it does.

Further funding of the RTC based on its sale of assets is an idea that might encourage the RTC to step up and keep the pace of its sales. Such a program would give Congress a guideline by which to measure the kind of job the RTC is doing. The end of the savings and loan debacle is not only to make sure this mess never happens again but also to close and sell the inventory the Government has quickly and this resolution points out a way to do that.

LOST OPPORTUNITY IN BREAKDOWN OF CIVIL RIGHTS TALKS

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, I rise today to offer my regrets for a loss—the loss of an opportunity.

This week we saw the breakdown of historic negotiations between business groups and the civil rights community over the Civil Rights Act of 1991.

Just a few weeks ago Robert Allen, the chairman of the Board of AT&T and an active member of the Business Roundtable, said "I firmly believe we need civil rights legislation. We need law, not lip service."

This week Mr. Allen told the Wall Street Journal "We don't see much value in taking our discussion further." Mr. Allen said he didn't need the grief he was being subjected to because of his participation in these talks.

These talks didn't break down because the business groups weren't willing to compromise. The talks didn't fall apart because civil rights groups doubted the intentions of business groups.

The talks stopped because the White House let Mr. Allen and other members of the Business Roundtable know that their participation wasn't helpful.

Looking toward 1992, Republican operatives must have decided that civil rights legislation on which business and civil rights groups agree—legislation introduced and supported by Democrats—would not further their election strategy.

The talks may not have been helpful for the White House reelection strategy, but they were helpful for the business groups and the civil rights groups involved.

And most important, those talks were more than helpful for the millions of people who need the protection this legislation would provide. For people across the country following the progress of these talks, they represented a new spirit in our country.

What a shame and what a lost opportunity.

I join many of my colleagues today in urging the Business Roundtable to resume these talks. You may lose friends at the top, but I guarantee you will make friends in other places.

DEMOCRAT CRITICISM OF MR. SUNUNU

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we have had some strong words from the other side directed at the Chief of Staff of the White House, Mr. Sununu, for his use of military airplanes. It reminded me of a debate we had back in 1989 when the Democrats were determined to give the Speaker an airplane for his use, and some of us raised questions as to whether or not that was a good idea. I want to quote the reasons for that given by the Democratic leadership on the floor that day.

> The Air Force has been very forthcoming, and has indicated an airplane could be designated. We certainly feel very strongly about it because of the Speaker's high responsibility and the fact that increased terrorist activity is present and so forth, we feel it is very important to insure security for the Speaker and everybody agrees to that.

The question is: If the Democrats are willing to give the Speaker an airplane, it seems to me that they speak out of both sides of their mouth when they criticize Mr. Sununu.

SHORTCHANGED TOO LONG

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, Missouri is a very benevolent State. But charity begins at home. After 20 years of sending our share of highway funds to other States, Missouri has been shortchanged too long.

When Horace Greeley said for young men to go west, he didn't tell them to take Missouri's highway funds with them. The Crossroads of the Nation and gateway to the West will become the gateway roadblock unless Missouri begins receiving its fair share of highway funds. Mr. Speaker, I am introducing legislation today that will allow Missouri and other midwest and sunbelt States to once again receive their fair share. No longer can these States put up with deteriorating roads, lost industry because of inadequate infrastructure and no longer will Missouri and many States put their drivers' safety in jeopardy.

My bill will give all States more flexibility on spending their highway funds. It restructures the formula used in determining the States' rightful amount. It lifts the restrictions on mass transit and gives the States more flexibility. It calls on the administration to use the highway trust funds for their intended purposes and it provides more flexibility for States to construct toll roads, bridges or tunnels. I urge my colleagues to join me in supporting this legislation which will preserve our national highway system as the greatest one in the world.

IT IS TIME FOR MR. SUNUNU TO COME DOWN TO EARTH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since we are talking about military jets, it has been widely reported that White House Chief of Staff, Mr. Sununu, never met a military jet that he did not fly in.

Mr. Speaker, in the last 2½ years he has taken over 70 flights. But wait until you hear this. He said, "That's unfair. What about my rights?" And he said, "Only four of those trips were personal."

Let me tell Members about one. One he said was so critical it cost the American taxpayers $14,000 to fly him to New Hampshire. Let me tell you why. Mr. Speaker, he had a toothache. That is right, a toothache.

Think about it. While certain big shots in the District of Columbia are flying around getting dental work, the American taxpayer just keeps getting kicked right in the teeth.

Mr. Sununu, I think it is time for you to come down to earth. All you are doing is ripping us off every time, the taxpayer in this country.

□ 1440

NO MORE FAST TRACK FREE-TRADE AGREEMENTS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the President wants to steamroll a Mexican free-trade agreement through this House under the cover of fast-track authority. Fast track: A process by which Congress cedes all authority and oversight except for one take-it-or-leave-it vote.

Think about it. An open borders trade agreement with a country of 80 million people with virtually no environmental laws; occupational, health, and safety laws; child-labor laws, with a prevailing industrial wage of 87 cents an hour, and we are being told, "Do not worry," and you will get a take-it-or-leave-it vote, no modifications, no amendment.

Look at the fast track Canada Free-Trade Agreement, recent history. They are still flooding our market with subsidized lumber and wood products while prohibiting the sale of our inferior plywood in Canada. The only thing inferior about our plywood is that it is made in the United States.

The fisheries, agriculture, and now even Blitz Weinhard beer from Oregon have fallen under the heavy hand of Canadian protectionism.

Free trade? Yes, free trade: But it is one-way free trade, our jobs for their products and an $8 billion trade deficit.

Let us learn from our mistakes. No more fast track free-trade agreements.

JEFFERSON COUNTY'S BARBARA DURRETT WINS NATIONAL TEACHING AWARD

(Mr. ERDREICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERDREICH. Mr. Speaker, President Bush recently focused the eyes of the Nation on education with a comprehensive plan to improve our schools. In Alabama, education reform is at the top of the agenda, as my State searches for ways to make sure our children get the best education possible.

We all share this goal, and realize that a key part of our success depends, of course, on the daily, dedicated efforts of our classroom teachers. I'm proud to have, in my county, an example of innovative excellence in education, Barbara Durrett, chosen as one of seven national recipients of the Business Week/Challenger Fellowship for Innovative Education Technology.

Mrs. Durrett's creativity and commitment captured the hearts and minds of her fourth grade class at Cahaba Heights Elementary School, where I visited last week, and caught the attention of education experts across the country. Mrs. Durrett taught her students to explore steps they could take to save the rain forest, combining computers, videodisc players, camcorders, sound, digitized images, and interactive video into a multidisciplinary unit.

We congratulate Mrs. Durrett and thank her for her contributing to the education of our Nation.

SWEET DEALS OF AMERICA'S HIGH AND MIGHTY

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, the cherry blossoms are out—and so are the sweet deals of America's high and mighty. First it was David Maxwell, who pocketed a cool $27 million for 10 years of work at a company backed by the U.S. Government. For 10 years of work, most Americans would be lucky to get a handshake and a beer on the boss.

Now we learn that the President's Chief of Staff, John Sununu, has taken more than 70 trips over the last couple of years, all funded mostly by the American taxpayer. He could not fly commercial flights and carry along his portable White House phone, like other Chiefs of Staff used to do. No, he had to fly a sleek Air Force jet, to the tune of about 4 grand an hour. A skiing trip here, a Republican campaign speech there, and the next thing you know, he is billing taxpayers hundreds of thousands of dollars for his official trips.

You would think he would know better. After all, millions of Americans are out of work these days. But then again, the State he governed for three terms taxes working families three times more heavily than the wealthy. So we should not be surprised that the Sununu brand of Republicanism is nothing more than socialism for the rich and free enterprise for everyone else.

Mr. Speaker, Let us enact legislation to buy Mr. Sununu round trip, first class commercial tickets for all his trips. That way he would save millions of taxpayers dollars and still be able to ride in style. Maybe we can call it the John Su-no-no Supersaver Act of 1991.

A MARSHALL PLAN FOR AMERICA

(Mr. THORNTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THORNTON. Mr. Speaker, many people, including many of my colleagues, have become interested in the concept I have been referring to as a Marshall plan for America.

There is a general agreement on our need for improvement of our educational base for revitalization of our competitive edge and for rebuilding our home front as a vital part of our national security. We should now provide the vision and leadership to develop a coordinated plan to address these needs and to reorder our priorities through an overall comprehensive and dynamic approach.

Later today I will be presenting an outline for a Marshall plan for America, and I will be asking for input and suggestions from my colleagues and for their leadership and vision as we seize the historic opportunity to harness our can-do spirit to accomplish our national goals.

INDIANA'S BUDDY SYSTEM: PRECURSOR TO NEW KIND OF EDUCATION

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, in his "America 2000" strategy, President Bush has expressed his commitment to technology education. In fact, he has stated that he wants to become proficient at the use of computers himself. Computer literacy is now poised to become a national priority, yet most young students around the country have access to a computer for only a few minutes each week. In Indiana, however, students who participate in the buddy system, as it is called, are afforded access to personal computers not only in the classroom but also in the home.

The buddy system, which operates in 12 schools in Indiana, is a partnership between State government and the private sector. Corporate sponsors supply hardware and technical assistance to offset some of the costs to the State.

The buddy system is an ideal example of the kind of education initiative that President Bush and the Congress should pursue. The buddy system is, I believe, a precursor to a new kind of education in America, where technology is recognized as a vital component of the American society and where the private sector is encouraged to invest more of its resources into education.

SUPPORT FUNDING FOR DISPLACED HOMEMAKERS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker. I rise today to voice my support for a program that should be brought to the forefront of this year's budget debate. The Displaced Homemakers Self-Sufficiency Program became law last November but was left without funding. This year, the Displaced Homemakers Program needs approximately $25 million in funding to assure it's continuation as an operable and successful program.

In my district, the Bay State Centers for Displaced Homemakers serves hundreds of women each year who are desperately seeking help with their lives. The Displaced Homemakers Program works with women in transition who have often suddenly lost the financial support of a spouse due to death, divorce, or disablement. Many of these women have dependent children. Many are older and struggle against ageism in society. Many are ethnic minorities and struggle against racism. Most feel as if they have been allowed to "slip through the cracks" of child support, pay equity, and other assistance programs.

The success of the Bay State Centers for Displaced Homemakers Program in Massachusetts can best be evaluated by examining the numbers of women who the program has placed into jobs, education, and training. During fiscal year 1990, almost 3,000 women in my state were enrolled in displaced homemakers. Almost half of these women were receiving public assistance upon entering the program. Of these 3,000 participants, 582 were placed into jobs that paid $8 an hour or more, and 1.045 were placed into training or education to prepare for jobs. The placement rate into jobs, education, or training in fiscal year 1990 was 84 percent.

I urge my colleagues to support the appropriation of a least $25 million to fund the Displaced Homemakers Self-Sufficiency Act, which I believe will help save money as women and their families leave and avoid public assistance.

TIME TO DEMOCRATIZE BANKING SYSTEM

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, it is no secret that the savings and loan fiasco is the largest single act of thievery in the history of our country—an act which will eventually cost our taxpayers some $500 billion. It is now well known that a great many of the S&L bank failures were not simply caused by bad management and poor judgment but by outright dishonesty and illegal behavior on the part of S&L management and boards of directors.

Mr. Speaker, yesterday, the House Banking Committee received a report from the General Accounting Office regarding the accounting and auditing practices of the 39 largest commercial banks that failed in 1988 through 1989, and the news is not good. Among other findings, the GAO stated:

> Breakdowns in corporate governance by bank management and boards of directors combined with flexible accounting rules have led to both bank failures and a seriously flawed early warning system to identify troubled banks.

Mr. Speaker, it is my view that the time is now to begin the process of rethinking the manner in which boards of directors of banks are selected. The time is now to suggest that perhaps the boards of directors of our banks should not simply be wealthy business people who are often motivated by greed and self-interest.

Mr. Speaker, it is time to democratize the banking system and open up the corporate board rooms of the banks so that community representatives, local government officials, and representatives from all sectors of the community, not just the wealthy, have an opportunity to serve.

I intend to offer legislation to this effect and look forward to the support of many of our Members.

□ 1450

CONDITION MOST-FAVORED-NATION STATUS WITH CHINA

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, the Congress will soon be considering the renewal of most-favored-nation [MFN] status to China. Accordingly, I will introduce legislation to condition that renewal on an improvement of human rights in China. There are several reasons why we should consider conditioning our trade status to the People's Republic of China.

One, since the debate last October, when this House overwhelmingly supported a strong bill for conditioning

MFN, the Chinese Government has continued to persecute those students and workers who spoke out for democracy. Students have been sentenced to long prison terms, and families of exiled students have been denied permission to leave the country.

Two, as far as our trade is concerned, the United States trade deficit with China is climbing rapidly, and is expected to reach $15 billion this year. American workers should not be forced to compete with slave labor or prison labor. The Chinese Government should not be allowed to benefit from trade barriers against United States imports.

In addition, China is undermining international peace and stability by assisting Algeria in building a nuclear plant.

Mr. Speaker, I urge my colleagues to join me in sending a clear message to the Government of China by cosponsoring my bill to condition most-favored-nation status to China.

KUWAIT SHOWS NO LOYALTY

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, where all else, all others feared to tread, the United States did not. The United States invaded Kuwait, and they threw out a ruthless tyrant and a killer.

Oh, yes, we brought the United Nations in with the United States, but mostly it was the U.S. casualties and U.S. lives, and billions of taxpayers' dollars that did it.

Kuwait now needs repairs. However, Kuwait, do they seem to have any obligations to the United States? No, no, no. Instead of loyalty, it shows up greed again. The first contracts for 12,000 tons of steel to Japan, and 15,000 metric tons of steel to Venezuela. Kuwait owes the United States.

I have introduced a sense of Congress resolution which expresses the awarding of all contracts for the rebuilding of Kuwait, that such contracts shall reflect the extent of military and economic support offered by the United States in the liberation of Kuwait. I ask every Member of this House to join me in this resolution. It is House Concurrent Resolution 130.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1344

Ms. PELOSI. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1344.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentlewoman from California?

There was no objection.

THE STATE DEPARTMENT SUPPORTS WRONG SIDE IN LEGAL BATTLE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, if there is any one nation in the Middle East—maybe the world—which owes the United States and our citizens and soldiers and taxpayers a heavy debt it is Saudi Arabia. The gulf war was fought to protect Saudi Arabia.

But, instead of doing the right thing towards our people, the kingdom is resisting a legal suit brought by an American citizen, Mr. Scott Nelson, of North Carolina, for damages he allegedly suffered from being tortured while in a Saudi prison in 1984.

I am sad to report that the State Department is aiding and abeting Saudi Arabia in this deplorable action.

In February a three-judge Federal panel in Atlanta agreed unanimously that Mr. Nelson had standing under the 1976 law to go forward with proof of his allegations of torture.

But, as reported in today's New York Times, at the urging of the Saudi Ambassador to the United States—Prince Bindar Bin Sultan—the State Department has filed a brief in the Federal court siding with the Saudis asking that Mr. Nelson be prevented from going forward with his case.

It is bad enough that Saudi Arabia is stonewalling Mr. Nelson.

It is even worse that Mr. Nelson's own government is ready to throw him to the wolves.

I hope the State Department reconsiders its unfortunate position respecting this law suit.

HONORING THE KANSAS STATE UNIVERSITY DEBATE TEAM

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I rise today to pay tribute to the Kansas State University debate team, winners of this year's national debate championship.

All Kansans can take pride in this achievement—all but one of the team members are Kansas residents who have attended Kansas high schools.

This championship is one in a long line of recent accomplishments for the students at Kansas State University.

Kansas State ranks in the top 1 percent of all U.S. universities, public or private, in the number of students to receive Rhodes scholarships.

It is the only public university to have two Rhodes scholars in 1990 and two Marshall scholars in 1991.

Kansas State is also first in the Big Eight in the number of Marshall scholars over the past 10 years and tied for first with the University of Michigan for the highest number of Truman scholars.

Kansas State students have been honored recently for their achievements in architecture, journalism, accounting, teaching, engineering, veterinary medicine, and the list goes on and on.

At a time when private educational costs are rising so dramatically, State universities like Kansas State are playing an increasingly important role in training our Nation's future leaders at a reasonable cost.

Kansas, and the Nation, will continue to benefit from the continued commitment to excellence at Kansas State University.

THE CIVIL RIGHTS ACT OF 1991

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker, last week the Business Roundtable pulled out of talks with the civil rights groups on the civil rights bill. This occurred after much criticism and intimidation from the White House. Only 2 weeks ago the Roundtable had unanimously rejected John Sununu's political pressure. I had hoped that the negotiations would end in a compromise that would provide this country with a strong civil rights bill.

Mr. Speaker, now it is time that we take a bold step and make this bill a reality. In the past weeks we have been welcoming our men and women home from the Persian Gulf with much fanfare and yet the President continues to neglect the minorities and women who served by not supporting the civil rights bill. The best way to welcome home the large numbers of women and minorities who served in the Persian Gulf, is to pass a strong civil rights bill. I hope that we can cut through the rhetoric and political games and get down to business.

Today, women and minorities are now being represented in greater numbers in the U.S. work force, and with a strong civil rights bill they will have the opportunity to tap into their full potential without hindrance of discrimination. Mr. Speaker, I hope that the White House and its cronies can get beyond the quota rhetoric and punitive damage talk and work with the business community, the civil rights community, and the Congress in reaching a compromise. Let's not abandon the millions of men and women who have helped to build this country.

OPPOSE UNITED ARAB EMIRATES ARMS PACKAGE REQUEST

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I rise today with distubing news. The starting gun for the latest round in the Middle East arms race has just been fired.

The United Arab Emirates has requested a multibillion dollar arms package from the Bush administration. The deal includes over 500 tanks and Bradley fighting vehicles, 18 Apache attack helicopters, and more than 800 multi-purpose tactical vehicles.

At a time when people throughout the world are praying for peace in the Middle East, this major escalation of arms sales to the region could not be more inappropriate.

No arsenal, regardless of size, will give the small gulf states real security, or protect them from the aggression of their more populous neighbors. The only real effect of this sale will be to send a signal to the region that the United States has given up on peace, that tension and war are inevitable.

I learned this morning that the administration has informed the United Arab Emirates that it supports the deal, and will soon come before Congress to seek approval for this large arms transfer.

I urge my colleagues to oppose this irresponsible sale. Peace in the region is possible, but only if we give up the failed strategies of the past and work to limit arms, not sell them.

□ 1500

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

DISCLAIMING FEDERAL LAND INTERESTS IN WASHINGTON STATE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 427) to disclaim any interests of the United States in certain lands on San Juan Island, WA, and for other purposes, as amended.

H.R. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

As used in this Act, the following terms shall have the following meanings:

(1) The term "1921 Act" means the Act of August 3, 1921 (42 Stat. 173), whereby the United States granted to the State of Washington, for the use of the University of Washington for purposes of a biological station and general university research purposes, certain lands compromising a military reservation at San Juan Island, in San Juan County, Washington.

(2) The term "encroached lands" means those portions of the lands granted to the State of Washington by the 1921 Act that are designated as "Encroached Lands" on a survey plat to be prepared by the Secretary of the Interior pursuant to section 2 of this Act.

(3) The term "university" means the University of Washington.

(4) The term "the Secretary" means the Secretary of the Interior.

(5) The term "occupants" means the parties, who on January 3, 1991, were listed on the tax records of San Juan County, Washington, as the owners of the encroached lands, and their heirs and assigns.

SEC. 2. SURVEY PLAT.

Within one year after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of the lands granted to the State by the 1921 Act, and shall prepare a map detailing those portions of the land granted to the State that have been encroached upon: *Provided,* That not more than 50 per centum of the cost of such survey shall be paid by the Federal Government.

SEC. 3. EXEMPTION, DISCLAIMER, AND CONDITIONS.

(a) Subject to the limitation in subsection (c), the provisions of the 1921 Act relating to the right of the United States to assume control of, hold, use, and occupy the lands granted to the State by the 1921 Act, the provisions of such Act providing for reversion of such lands to the United States, and section 2 of such Act as amended by this Act shall not apply to the encroached lands.

(b) Subject to the limitations of subsection (c), the United States hereby disclaims all right, title and interest in the encroached lands and, effective one year after the survey plat is prepared pursuant to section 2, all right, title, and interest of the United States in such lands shall vest in the University.

(c)(1) Subsections (a) and (b) of this section shall not take effect unless, within six months after the date of enactment of this Act the University and the State have entered into a binding agreement with the Secretary whereby the State and the University agree—

(A) to accept the map referred to in section 2 as accurate and conclusive and that the University and the State will not attempt to convey or otherwise transfer any portion of the encroached lands to any party or parties other than the occupants; and

(B) To reimburse the Secretary for the administrative costs of implementing this Act plus half the costs of the survey required by section 2, and also to pay the Secretary, on behalf of the United States, an amount equal to the total amounts that the State and the University receive as consideration for conveyance of some of all of the encroached lands to any of the occupants in excess of reasonable costs (including the survey and other costs required by this Act) incurred by the University and the State incident to such conveyance.

(2) All amounts received by the Secretary pursuant to this subsection shall be retained by the Secretary and, subject to appropriations, shall be used for the management of public lands managed by the Bureau of Land Management and shall remain available until expended.

SEC. 4. AVAILABILITY OF SURVEY OF PLAT.

The survey plat referred to in section 2 shall be available for public inspection in the offices of the Secretary and the State Director of the Bureau of Land Management for the State of Washington, and the Secretary shall transmit copies thereof to the University and to the appropriate officials of the State and of San Juan County, Washington.

SEC. 5. AMENDMENT.

The 1921 Act is hereby amended by the addition at the end thereof of the following new section:

"SEC. 2. (a) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the State of Washington is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

"(b) If lands granted or conveyed to the State by this Act shall be used for purposes that the Secretary of the Interior finds: (1) inconsistent with the purposes of this Act, and (2) which may result in the disposal, placement or release of any hazardous substance, the State shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of the land, including the value of any improvement, thereon, as of the date of conversion of the land to the nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject to appropriations, for the management of public lands and shall remain available until expended.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO.]

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 427, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 427. This is a bill to assist in clearing the titles of several residential properties on San Juan Island, in the State of Washington, that encroach on land granted to the State in 1921 for use by the University of Washington. This bill is similar to one approved by the Interior Committee and passed by the

House in the last Congress upon which action was not completed.

The problem addressed by the bill arose because when lands next to the lands covered by the 1921 grant were subdivided, the developers relied on a survey by a local surveyor that did not coincide with the official Government survey on which the grant to the State had been based.

As a result, about 14 residential properties actually overlapped onto the lands covered by the 1921 grant. In all, these overlaps, or encroachments, amount to about 13 acres.

The 1921 grant was a conditional one. Under it, the land must be used for the university's marine sciences research station, or title will revert to the United States.

Thus, the title cloud cannot be removed from the residential properties without legislation—because if the State or university attempted to convey the encroachments to the occupants, the reversionary clause would be triggered.

This bill would resolve this situation by providing for relinquishment by the national Government of its interests in the lands where the overlap occurred. The State and university would then be able to transfer these encroachment lands to their occupants.

To protect the national interest, the bill provides that the State and university can convey the overlap lands only to the occupants, and that any profits over and above the costs involved in making such conveyances must be turned over to the national Government.

The bill would also amend the 1921 act that made the original grant, to include protection against any Federal liability for possible contamination of the rest of the research station land resulting from disposal of hazardous or toxic materials.

These provisions are merely precautionary, Mr. Speaker, to protect the national interest. We have no reason to believe that the State or the university would try to make a profit from resolving these title problems or that any of the research station's lands have been or will be contaminated.

Finally, Mr. Speaker, I should note that H.R. 427, unlike the House-passed bill of the last Congress, would require that there be a new survey of the affected lands, on which further actions would be based, and that the State and university would be required to bear half the cost of this survey, plus all the administrative costs of the Bureau of Land Management, which will act on behalf of the United States. These changes respond to some points raised by the administration after the House action during the last Congress, and we believe that they are fair to all parties involved.

Mr. Speaker, this is a relatively minor matter, but one that is important to the individuals involved and to the State of Washington and its university system. I urge the passage of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT], the sponsor of the measure.

Mr. SWIFT. Mr. Speaker, I thank the chairman of the committee for yielding this time.

First of all, I want to thank the committee for taking up this bill, which is a bill of small import to Congress and of big import to a number of my constituents.

Mr. Speaker, H.R. 427 was introduced to correct faulty survey lines, resulting in the U.S. Government owning parts of my constituents' back yards—in all a total of 13 acres.

The surveys were taken in 1874 by the Department of the Army, in 1919 by the county, and in 1965 by the University of Washington. Each of these surveys resulted in different boundary lines.

In 1957, the county platted the lands using the 1919 survey. Houses were built and taxes were paid on these lands. When the university surveyed the line, the discrepancy was found.

Currently these properties have a clouded title and cannot be sold. There is one property that is ready to be sold and is awaiting passage of the legislation.

The university has been working with the county, the property owners, the Bureau of Land Management, and our offices to resolve this problem. The result is this legislation.

H.R. 427 requires a fourth survey to be conducted by the Bureau of Land Management. Further, the legislation requires the State of Washington and/or the university to pay for all administrative costs and half of the survey costs. The State and/or university can pass these costs on to the property owners who are affected by this legislation.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 427, introduced by the gentleman from Washington [Mr. SWIFT]. This legislation will correct a property encroachment affecting 13 acres in Washington State caused by a faulty property survey done 70 years ago.

H.R. 427 would vest title of these 13 acres with clouded title from the Federal Government to the State of Washington. The State would then have the complete responsibility to see that these lands are resurveyed and transferred to the current occupants. This legislation requires that any profits from the sale of this land be returned to the Federal Treasury. As a result, it prevents any windfall to the State of Washington at the expense of the Federal Government.

Mr. Speaker, I am most impressed that this legislation gives the State, and not the Federal Government, the opportunity to solve this problem. I hope we use this legislation as a model to allow States and local governments who are closest to the people to solve problems of this kind.

I urge my colleagues to support H.R. 427 which takes a commonsense approach to solve a complicated problem.

Mr. LAGOMARSINO. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 427, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BETHUNE COUNCIL HOUSE NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 690, to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes, as amended.

The Clerk read as follows:

H.R. 690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are to—

(1) preserve and interpret the life and work of Mary McLeod Bethune;

(2) preserve and interpret the history, lives, and contributions of African American women; and

(3) preserve and interpret the struggle for civil rights in the United States of America.

SEC. 2. ACQUISITION.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may acquire, with the consent of the owner thereof, by donation or by purchase with donated or appropriated funds, the property designated under the Act of October 15, 1982 (Public Law 97-329; 96 Stat. 1615), as the Mary McLeod Bethune Council House National Historic Site, located at 1318 Vermont Avenue, N.W., Washington, D.C., together with such structures and improvements thereon and such personal property associated with the site as he deems appropriate for interpretation of the site.

SEC. 3. ADMINISTRATION.

(a) IN GENERAL.—Upon acquisition of the property described in section 2, the cooperative agreement referred to in section 3 of the Act of October 15, 1982 (Public Law 97-329; 96 Stat. 1615) shall cease to have any force and effect, and upon acquisition of such property, the Secretary shall administer the Mary McLeod Bethune Council House National Historic Site (hereinafter in this Act referred to as the "historic site") in accordance with this Act and in accordance with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

(b) COOPERATIVE AGREEMENT.—(1) The Secretary is authorized and directed to enter into a cooperative agreement with nonprofit organizations dedicated to preserving and interpreting the life and work of Mary McLeod Bethune and the history and contributions of African American women—

(A) to provide to the public such programs, seminars, and lectures as are appropriate to interpret the life and work of Mary McLeod Bethune and the history and contributions of African American women, and

(B) to administer the archives currently located at the historic site, including providing reasonable access to the archives by scholars and other interested parties.

(2) The Secretary is authorized to provide space and administrative support for such nonprofit organization.

(2) MANAGEMENT AND DEVELOPMENT.—The historic site shall be operated and managed in accordance with a General Management Plan. The Advisory Commission appointed under section 4 shall fully participate in an advisory capacity with the Secretary in the development of the General Management Plan for the historic site. The Secretary and the Advisory Commission shall meet and consult on matters relating to the management and development of the historic site as often as necessary, but at least semiannually.

SEC. 4. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Mary McLeod Bethune Council House National Historic Site Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall carry out the functions specified in section 3(c) of this Act.

(b) MEMBERSHIP.—The Commission shall be composed of 15 members appointed by the Secretary for 4-year terms as follows:

(1) 3 members appointed from recommendations submitted by the National Council of Negro Women, Inc.

(2) 2 members appointed from recommendations submitted by other national organizations in which Mary McLeod Bethune played a leadership role.

(3) 2 members appointed from recommendations submitted by the Bethune Museum and Archives, Inc.

(4) 2 members who shall have professional expertise in the history of African American women.

(5) 2 members who shall have professional expertise in archival management.

(6) 3 members who shall represent the general public.

(7) 1 member who shall have professional expertise in historic preservation.

Any member of the Commission appointed for a definite term may serve after the expiration of his or her term until his or her successor is appointed. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(c) COMPENSATION.—Members of the Commission shall serve without compensation except that the Secretary is authorized to pay such expenses as are reasonably incurred by the members in carrying out their responsibilities under this Act.

(d) OFFICERS.—The Chair and other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(e) BYLAWS, RULES, AND REGULATIONS.—The Commission shall make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this Act. The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix) are hereby waived with respect to this Commission.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 690, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mary McLeod Bethune stands as one of this century's most distinguished African-Americans. She was an educator, political and civil rights activist and humanitarian. In 1935 she founded the National Council of Negro Women [NCNW] which united the major African-American women's organizations into one national organization. Bethune was the NCNW's president until 1949 and represented that organization at the founding of the United Nations. Her house, located at 1318 Vermont Avenue, Washington, DC, served as both her home and the NCNW's headquarters from 1943 until her death in 1955.

H.R. 690, introduced by my friend and colleague on the interior committee, Representative JOHN LEWIS, makes Mary McLeod Bethune's house a full-fledged unit of the National Park System. There is no question that this is an appropriate addition to the National Park System. It has long been an affiliated park site but deserves greater recognition, especially as it fully meets the National Park Service's criteria for significance and physical integrity. Legislation similar to H.R. 690 passed the House in the 101st Congress but was not considered by the Senate.

The Committee on Interior and Insular Affairs amended the bill to clarify the role of the advisory commission and to make several minor technical changes.

I want to note that the historic site's preservation and interpretation must include the struggle for civil rights in this country as a way of placing Mrs. Bethune in her larger historical context. It is not, however, our intention that the archives should be expanded to cover that entire history. Furthermore, the Committee, in recognition of the assistance the National Park Service has given the site over the years, strongly prefers that the archives be donated. Recognition should also be given for the previous Federal contribution to the site.

Mr. Speaker, I look forward to seeing the Mary McLeod Bethune council house National Historic Site a full-fledged unit of the National Park System. I endorse this legislation and urge its passage.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 690, a bill to provide for establishment of the Mary McCleod Bethune Council House National Historic Site. This bill would bring full designation of this nationally significant resource as a unit of the National Park System; and provide a logical conclusion to previous congressional recognition of this site some 9 years ago.

The measure before us today has the general support of the administration since most of the issues raised in their testimony have now been addressed. The difficult issues associated with the role of the nonprofit associations in the management of the area have also been largely resolved.

I am especially pleased that the report language recognizes the $1.5 million in Federal funding which has been provided to this site over the last 8 years will be considered in determining the appropriate acquisition cost. The report also recognizes that donation of the Bethune Archives to the Federal Government has the broad support of the subcommittee members.

I note for the RECORD that there is some concern on behalf of subcommittee members regarding the relatively high costs for development and operation of this site, expecially in consideration of the relatively low visitation projected. I believe this is an important issue which deserves the continuing scrutiny of the subcommittee.

As a cosponsor of the measure, I am pleased to commend this bill to my colleagues and I would like to recognize Mr. LEWIS for his flexibility in working with us on our concerns and the chairman Mr. VENTO for his long interest in this issue; starting with his ultimately successful efforts to secure from the National Park Service a thorough study upon which to base this legislation.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. LEWIS], a member of the committee and the author of the bill. The gentleman from Georgia has done an excellent job on this bill, and I commend him.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to thank Chairman VENTO, and Congressman LAGOMARSINO for their commitment in helping to bring the Bethune legislation, H.R. 690, before the full House. The prospect of bringing the Mary McLeod Bethune Council House National Historic Site into the National Park System fills me with trememdous pride.

Mary McLeod Bethune was a remarkable woman. Born in Maysville, SC, on July 10, 1875, she was one of 17 children born to former slaves.

In 1904, Mrs. Bethune founded what is now known as Bethune-Cookman College. She started the school with almost no money. She made and sold sweet potato pies and ice cream to raise money to build the school. The students used crates for desks, charcoal for pencils, and mashed elderberries for ink.

Mrs. Bethune served as an advisor to Presidents Coolidge, Hoover, and Roosevelt. In 1935, she was appointed to the National Youth Administration [NYA]. The next year, she became director of the Negro Division of the NYA.

Mrs. Bethune convened what was called the Black Cabinet. Members of the Black Cabinet advised President Roosevelt during the New Deal.

Mrs. Bethune also founded the National Council of Negro Women and served at the helm of that powerful, national, civil rights organization for 14 years.

Mrs. Bethune's work laid the foundation for the success of the civil rights movement of the 1950s and 1960s. She was pioneer and an activist. She was an early, important and key player in the effort to gain civil rights for blacks in America.

Unfortunately, the inventory of historic sites administered by the National Park Service does not yet provide a full picture of American history. The contributions of blacks are not adequately represented. Of the more than 350 national historic sites, which are units of the National Park System, only seven commemorate African-Americans.

This bill, H.R. 690, has given us the opportunity to do better. It gives the National Park Service an opportunity to tell a more complete story of America's history.

I hope the House lends its full support to H.R. 690.

□ 1510

Mr. LAGOMARSINO. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, I rise today in support of a worthy bill that honors and perpetuates the memory of one of America's truly great educators and leaders, Mary McLeod Bethune.

Given her inspirational role as a college founder and president, as a government official and civil rights advocate, and as a friend and confidante of five Presidents, it is only fitting that Dr. Bethune's accomplishments and legacy be more fully recognized.

Enactment of the bill, which authorizes the Department of the Interior to acquire and the National Park Service to operate Dr. Bethune's home and headquarters here in Washington, DC, would be a major step in that direction.

In particular, this measure will help make it possible for present and future generations to learn more about Dr. Bethune's Government service and her vast contributions to the civil rights movement. It tasks the National Park Service, and the nonprofit groups with which it will work, with responsibility for preserving and interpreting the life and work of Dr. Bethune, the history, lives and contributions of others like her, and the struggle for civil rights in general. And appropriately so, for Mary McLeod Bethune has left us a legacy from which all of us can learn and in which all of us can take pride.

I say that as one who has more than a passing familiarity with the work and accomplishments of Mary McLeod Bethune. The college she founded, Bethune Cookman College of Daytona Beach, FL, is in the congressional district I am privileged to represent. And her work as president of that college for a period of 36 years is remembered and honored in Florida and elsewhere to this day.

In 1986, in fact, Congress authorized $6.2 million for construction of a fine arts center at Bethune Cookman College, to be named after Mary McLeod Bethune in recognition of her tremendous contributions to the college and to America. I'm happy to report that the first phase of that construction is virtually complete.

I am hopeful that Congress will see fit to authorize and appropriate another $9.5 million so that the rest of the Mary McLeod Bethune Fine Arts Center can be finished as soon as possible. Such action would round out the recognition being accorded Dr. Bethune and would be a fine complement to the measure being considered here today. Mr. Speaker, I urge my colleagues to support H.R. 690.

Mr. DE LUGO. Mr. Speaker, I am very pleased and proud to rise in support of legislation introduction by my good friend, the gentleman from Georgia, to authorize the National Park Service to acquire the Mary McLeod Bethune Council House National Historic Site.

First of all, I want to commend Mr. LEWIS for sponsoring this legislation. It is so important that this Nation better recognize the achievements of African-Americans and their invaluable contributions to this country. Mr. LEWIS understands that great Americans like Mary McLeod Bethune deserve to be honored and remembered in ways that will also instruct and inspire us. The Mary McLeod Bethune Council House National Historic Site does just that. Far too few historic sites administered by the National Park Sevice commemorate the accomplishments of black Americans. Mr. LEWIS deserves great credit for helping to rectify this situation.

Mary McLeod Bethune was a remarkable person. She founded what is now known as Bethune-Cookman College. She served as adviser to three Presidents. She was director of the Negro division of the National Youth Administration. She founded the National Council of Negro Women. She was a leader in the elimination of segregation in government and the Armed Forces.

Her influence even extended to my home, the U.S. Virgin Islands, 20 years after her death. Operation Sisters United, a project sponsored and implemented by the National Council of Negro Women, worked with the people of St. Thomas for 7 years, from 1975 to 1981.

It provided an alternative to detention for girls aged 11 to 18 referred by Virgin Islands courts. More than 200 girls benefited from the one-on-one support this program provided. Girls were given academic assistance and learned about nutrition and homemaking. They were given workshops to further understand and appreciate their culture to enhance their sense of self-esteem and self-worth. Operation Sisters United developed family counseling, foster care placements, crisis intervention, and child care training.

More than 150 volunteers from the community assisted Sisters United in St. Thomas. During those years it was the only service of its kind for female youth on the island, and its success was well established. Many Sisters United graduates returned to school and completed high school. Some went to college. Most had no further conflicts with the law.

The spirit of Mary McLeod Bethune lives today, in the college she founded, in the organizations she developed, in the influence she provided for my home, the Virgin Islands, as well as an entire Nation. It is certainly fitting that the council house become a National Park Service site.

I am proud to be a cosponsor of this legislation, and again I salute the gentleman from Georgia for sponsoring this bill. I urge my colleagues to support this legislation to recognize the accomplishments of this great American woman, Mary McLeod Bethune.

Mrs. NORTON. Mr. Speaker, I am proud and honored to support H.R. 690, which authorizes the National Park Service to acquire the Mary McLeod Bethune Council House National Historic Site, located at 1318 Vermont Avenue, NW., in my district. I want to express my appreciation to the gentleman from Georgia, Mr. LEWIS, not only for this bill but for similar legislation he has sponsored for the District of Columbia before I came to Congress and at a time when there was no representative from the District on the appropriate committee. In doing so he has earned the gratitude first of the Nation and then of the residents of the District, especially the 70 percent who, as African-Americans, take pride in the recognition of great black leaders.

Mary McLeod Bethune was indeed a great American leader. Her exceptional energy and ability was clear from the earliest age. By the time she was 9 years old, in 1884, the child who was to become Mary McLeod Bethune could pick 250 pounds of cotton a day in the hot South Carolina sunshine. But young Mary and her 16 older siblings could not read or write, because it still wasn't possible at that time—almost two decades after the Civil War ended—for southern children of color to get an education.

When the first free school was started in Mary McLeod's neighborhood in that same year, 1884, by a northern Presbyterian missionary, young Mary walked 5 miles to and from school each day in order to take advantage of what she saw as a precious opportunity; she then came home at night and taught everything she had learned that day to her family. After 6 years, 15-year-old Mary had taken every course offered by the small school and hungered for more. But times were hard, and her parents' 5-acre farm barely supplied the day-to-day essentials for the large McLeod family. There was no money for education.

At about that time, in faraway Denver, CO, a white woman named Mary Crissman, a dressmaker, heard about the Mayesville, SC, school and offered to pay for the education of a worthy graduate. Mary McLeod was selected by her teacher, and soon was enrolled in the Scotia Seminary in Concord, NC. After graduation from Scotia and later from the Moody Bible Institute in Chicago, Miss McLeod's earlier ambition to become a missionary to Africa was superseded by a new and all-consuming desire to devote herself to the education of her own people in the United States. During her early teaching career, she married a fellow teacher, Albert L. Bethune.

Five years later, in 1904, Mary McLeod Bethune opened her first small school for young women in Daytona Beach, FL, with a total capital of $1.50. "We burned logs and used the charred splinters as pencils, and smashed elderberries for ink," she later wrote. "I begged strangers for a broom, a lamp, a bit of cretonne to put around the packing case which served as my desk. I haunted the city dump and the trash piles behind hotels, retrieving discarded linen and kitchenware, cracked dishes, broken chairs, pieces of old lumber. Everything was scoured and mended. This was a part of the training—to salvage, to reconstruct, to make bricks without straw."

Nineteen years later, when her school was consolidated with a men's college to form the Bethune-Cookman College, the result of the merger was a progressive coeducational institution with 600 students, a staff of 32, 14 modern buildings on a 32-acre campus, and a total college property worth $800,000, completely unencumbered by mortgages or other obligations.

Herbert Hoover was the first U.S. President to make use of the exceptional abilities of Mary McLeod Bethune when, in 1930, he invited her to a White House Conference on Child Health and Protection. Franklin D. Roosevelt later named her to serve on the Advisory Committee of the National Youth Administration [NYA]. A year later, her work for the NYA had so impressed President Roosevelt that he persuaded her to set up an Office of Minority Affairs, and to serve as its Administrator. This established a precedent, for it was the first post of its kind ever to be held by an American black women.

When Mrs. Bethune died in 1955 at the age of 80, this Nation lost a true leader who had worked her way up from the cotton fields of South Carolina to worldwide recognition and acclaim.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 690, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OCMULGEE NATIONAL MONUMENT LAND ADDITION

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 749) to authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia.

The Clerk read as follows:

H.R. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCEPTANCE AND ADMINISTRATION OF LAND.

(a) ACCEPTANCE OF LAND.—The Secretary of the Interior may accept the donation of all right, title, and interest in and to the land described in section 2 from the owners of that land.

(b) ADMINISTRATION OF LAND.—The land acquired by the United States under this section shall be added to, and administered as part of, the Ocmulgee National Monument.

SEC. 2. DESCRIPTION OF LAND.

The land referred to in section 1 is the approximately 18.6 acre parcel of land known as Drake Field and located adjacent to the Ocmulgee National Monument in the City of Macon, Georgia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 749, the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 749 would authorize the Secretary of the Interior to accept the donation of an 18-acre property for inclusion at Ocmulgee National Monument in Georgia. The bill was introduced by our colleague from Georgia, Representative ROY ROWLAND.

The legislation before us today would authorize the addition of a parcel known as Drake Field to the monument. Drake Field was once part of a village of early Mississippians, a farming people who lived at Ocmulgee between 900 and 1100 A.D. The parcel is located directly adjacent to the funeral mound, where evidence of over 100 burials has been found. Drake Field is one of the few remaining parcels of land in the monument's vicinity which has not been intensely developed. Incorporation of this property into the monument would prevent the loss of cultural artifacts and restore tranquility to the area adjacent to the funeral mound. The parcel is owned by the city of Macon, GA, which wants to donate it to the National Park Service.

Mr. Speaker, this bill is supported by the city of Macon, the State of Georgia, and the National Park Service. I commend the gentleman from Georgia, Representative ROWLAND for introducing this legislation and urge its immediate passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 749, a bill to authorize the expansion of Ocmulgee National Monument.

Mr. Speaker, this is a straight forward measure which permits the National Park Service to accept a donation of approximately 19 acres immediately adjacent to the existing Ocmulgee National Monument. The lands to be added were apparently considered for inclusion in the monument at the time of its original establishment.

Ultimately these lands were acquired partially with land and water conservation funds for local recreation purposes. About 7 years ago, the lands became surplus to the city of Macon and in recognition of their archeological values the city proposed their addition to the park. This proposal has the support of the local people and the administration. Further, it appears that the cost for the long-term management of these lands will be minimal. Given the constraints associated with conversion of LWCF properties, it appears that addition of these lands to the park is the best option.

Mr. Speaker, I would like to recognize the efforts of the gentleman from Georgia [Mr. ROWLAND] for bringing forward this measure which reflects a reasonable recommendation based on thorough evaluation of all the options.

I commend this bill to my colleagues and I urge their support of it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND], the sponsor of this measure.

Mr. ROWLAND. Mr. Speaker, on January 30, I introduced H.R. 749 to authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument. This donation of a parcel of land called Drake's Field will be made by the city of Macon, which is in my district. Because the boundaries of the monument are established by law, legislation must be passed in order to allow the acceptance of the city's generous offer.

For several years, officials of the Ocmulgee National Monument have been interested in adding Drake's Field to the park to enhance its historic setting and visual impact. There is undoubtedly archaeological significance to the field. Archaeologists say that there was continuous occupation on the field beginning about 10,000 B.C. and ending around A.D. 1715. Sporadic occupation by the Creek Indians continued at the site until 1819. If this land is added to the Ocmulgee National Monument, potentially valuable archaeological materials could be recovered for study.

This bill is supported by the local community as well as the National Park Service, and it will not affect pay-as-you-go scoring.

I want to thank the chairman of the National Parks and Public Lands Subcommittee, BRUCE VENTO, for his prompt consideration of this bill and for the hard work the committee has done to bring it to the floor today.

□ 1520

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 749.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL TOURISM WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 102) designating the second week in May 1991 as "National Tourism Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I take this time simply to yield to my friend and colleague, the gentleman from South Carolina [Mr. TALLON], the chief sponsor of this joint resolution.

Mr. TALLON. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I would simply like to say that as chairman of the congressional travel and tourism caucus, it is my pleasure to speak to you and my other colleagues about the eighth consecutive celebration of National Tourism Week.

This resolution is an important way to recognize the commendable efforts of an industry that is vitally important, not only to my own State of South Carolina's economic, social, and cultural well-being, but to that of the Nation.

This year, National Tourism Week takes on an even larger focus as this industry struggles to recover from the economic damage caused by the gulf war and the recession.

Recent weeks have seen an unprecedented cooperative campaign called GO*USA among more than 40 industry organizations that have banded together to encourage leisure visitors and business travelers to take to the roads and skies again.

To pay tribute to tourism for its educational, economic, and recreational benefits, I urge today, the passage of Senate Joint Resolution 102 commemorating National Tourism Week.

Mr. RIDGE. Mr. Speaker, I thank the gentleman from South Carolina [Mr. TALLON].

LEGISLATIVE PROGRAM

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to the distinguished majority leader, who I believe wants to relate to our colleagues the schedule for next week.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman.

Let me say that after today and for the rest of the day, our business is finished. There will be no more votes.

On Monday, April 29, the House will meet at noon. There will not be legislative business.

On Tuesday, April 30, the House will meet at noon. We will have two suspension bills; recorded votes on suspensions will be postponed until after debate on all suspensions. First there will be a bill to authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons who are displaced as a result of the Persian Gulf conflict.

The second bill will be S. 258, to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990; again votes will be held until after all bills have been debated.

On Wednesday, May 1, the House will meet at 2 p.m. to consider H.R. 1455, the Intelligence Authorization Act for fiscal year 1991.

And on Thursday, May 2, the House will meet at 11 a.m. to take up the National Aeronautics and Space Administration Multiyear Authorization Act of 1991, subject to a rule.

On Friday, May 3, the House will not be in session.

Mr. RIDGE. Mr. Speaker, I thank the majority leader.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, if we could just go to the next week, for the clarification for the Members, does the majority leader have any idea of what that schedule might be, perhaps with the Brady bill or the civil rights bill? Is there any schedule?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, the one bill that I feel sure will be up in that week is the Brady bill. I am less certain at this point of exactly when the civil rights bill will be scheduled. It is out of the committee, but we are not sure at this point of its scheduling, and there are obviously other matters that are coming out of committee.

The only thing I can say today with certainty that we will try to have on schedule for that week is the Brady bill.

Mr. SOLOMON. Mr. Speaker, I thank the majority leader.

Mr. RIDGE. Mr. Speaker, I thank the majority leader as well.

Mr. Speaker, continuing my reservation of objection and referring to House Joint Resolution 103, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 103, designating the second week in May 1991 as "National Tourism Week." And I would like to take this opportunity to commend the gentleman from South Carolina [Mr. TALLON] for introducing this important measure.

The tourism industry in the United States represents the second largest industry that we have. Furthermore, the industry has consistently brought foreign visitors and their capital into the United States to ease our trade deficit.

Now, with the end of the war in the Persian Gulf, and the easing of tensions worldwide, it is time to encourage both Americans and foreigners to travel again in the United States.

In my own 22d Congressional District of New York, we have a thriving tourism industry in the Catskill Mountain and Hudson Valley region. The beautiful Catskills and our mid-Hudson Valley are less than 2 to 3 hours from New York City and draw millions each year to the scenic views found along the Hudson River and in the mountains, good food in the hotels and restaurants, and challenging golf courses and recreational facilities.

Mr. Speaker, I am pleased to support this measure and I urge my colleagues to lend their support as well.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 102

Whereas travel and tourism is the third largest retail industry and the second largest private employer in the United States, generating nearly six million jobs and indirectly employing another two million six hundred and forty thousand Americans;

Whereas total travel expenditures in the United States amount to more than $350,000,000,000 annually, or about 6.5 percent of the gross national product;

Whereas tourism is an essential American export, as thirty-eight million seven hundred thousand foreign travelers spend approximately $44,000,000,000 annually in the United States;

Whereas development and promotion of tourism have brought new industries, jobs and economic revitalization to cities and regions across the United States;

Whereas tourism contributes substantially to personal growth, education, appreciation of intercultural differences, and the enhancement of international understanding and good will; and

Whereas the abundant natural and manmade attractions of the United States and the hospitality of the American people establish the United States as the preeminent destination for both foreign and domestic travelers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning the first Sunday in May 1991 is designated as "National Tourism Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. HALLEN, one of its clerks, announced that the Senate had passed a joint resolution of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 31. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Thursday, April 25, 1991, or Friday, April 26, 1991, until Monday, May 6, 1991, or Tuesday, May 7, 1991.

ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 173) to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, I certainly do not object, but I take the time to yield to the two sponsors of this resolution.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from New York.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I am honored to be the primary sponsor of House Joint Resolution 173 which calls upon the Congress and the President to set aside the month of May 1991 and May 1992 as Asian/Pacific American Heritage Month.

I want to thank the chairman of the Subcommittee on Census and Population, Representative TOM SAWYER and also the ranking member of the subcommittee, Representative TOM RIDGE, for their assistance in bringing this measure to the floor in an expedited fashion.

On June 30, 1977, I had the unique honor and pleasure of introducing House Joint Resolution 540 and later House Joint Resolution 1007 which for the first time in this Nation's history, asked the Congress and the people of the United States to set aside a period in May as Asian/Pacific American Heritage Week.

I am joined in this motion by my distinguished colleague from California, Mr. NORMAN MINETA, who was also the original sponsor with me in 1977. Joining with us in support of this measure are Mr. BROOMFIELD of Michigan, Mr. MATSUI, and Mr. HUNTER of California, Mr. FALEOMAVAEGA of American Samoa, Ms. MOLINARI of New York, Mrs. MINK of Hawaii, Mr. BLAZ of Guam, and Mr. DE LUGO of the Virgin Islands.

More than 13 years ago a woman came to my office and told my administrative assistant, Ruby Moy, and me a very compelling and persuasive story. Today, I share the origin of this landmark legislation.

The celebration of Asian/Pacific American Heritage Month has a very deep and personal place for Jeanie Jew and her family. Their story began sometime in the 1800's when a young man, M.Y. Lee left Tolshan, Canton, China to find a better life in America. Mr. Lee was one of the first Chinese pioneers to help build the Transcontinental Railroad. He later became a prominent California businessman. When the Chinese were having difficulties in Oregon, Mr. Lee traveled to Oregon and was killed during that period of unrest. It was a time of anti-Chinese and Anti-Asian sentiment. The revelations about Mr. Lee and the story of Asian Americans led this one woman to believe that not only should Asians understand their own heritage, but that all Americans must know about the contributions and histories of the Asian/Pacific American experience in the United States. Jeanie Jew, the creator of the idea for a heritage month is the granddaughter of M.Y. Lee, the early pioneer.

The original resolution designated the week beginning May 4 as Asian/Pacific American Heritage Week because that week included two significant occasions in the proud history of Asian Americans. May 10, 1809, or "Golden Spike Day" was the day on which the Transcontinental Railroad was completed, largely by Chinese American pioneers. May 7, 1843, marks the date of the first arrival of the Japanese in the United States. Both dates will fittingly be included in Asian/Pacific American Heritage Month.

I want to commend the two women who made this event possible. Mrs. Jew turned a personal tragedy in her family history into a positive force.

Asian/Pacific American Heritage Month will now be observed by all Americans. I also want to thank Ruby Moy, my administrative assistant, for her efforts to pass this legislation. She held the highest professional position to a Member of Congress, and is a second generation Asian-American.

In 1977, Mrs. Jew and Ms. Moy cofounded the Congressional Asian/Pacific Staff Caucus, an organization which collectively worked for the establishment of the first heritage proclamation and supports yearly efforts to perpetuate its recognition. The caucus, a group of professional staff members of Asian descent, periodically discusses and reviews legislation and issues of concern to Asian/Pacific Americans.

I hope my colleagues will join me in supporting this resolution and in recognizing the history and contributions of Asian/Pacific Americans, particularly during Asian/Pacific American Heritage Month.

□ 1530

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in strong support of House Joint Resolution 173, legislation which designates May 1991 and May 1992 as Asian Pacific American Heritage Month.

I wish to thank our fine colleagues, Mr. SAWYER of Ohio and Mr. RIDGE of Pennsylvania for their leadership in bringing this matter to the floor as expeditiously as they have.

Since 1979, when Asian/Pacific American Heritage Week was first established, there has been increased visibility of the accomplishments of Asian and Pacific Island communities in the United States.

In 1990, for the first time, the entire month of May was designated in recognition of the Asian/Pacific American experience, and the importance of that experience to the development of our Nation.

For that great effort, I would like to offer special tribute to the gentleman from New York [Mr. HORTON], who first authored Asian/Pacific American Heritage Week in the House a dozen years ago, and who had championed this cause ever since.

Mr. Speaker, throughout the last 150 years, since the first immigrants from China arrived in the United States, Americans of Asian and Pacific island ancestry have made many contributions to the diverse cultural tapestry of this Nation.

Asian/Pacific Americans have used their influence and great energies to fight for civil rights, improved education for our children, and increased business opportunities among others that are important to all Americans.

A dozen years ago, before the establishment of heritage week, all too many of the outstanding achievements of Asian/Pacific Americans were unknown even within these diverse communities.

Since then, Asian and Pacific Island Americans have gathered strength through sharing their unique insights and experiences. And now, with an expanded designation of heritage month, even more of this great legacy and pride may be shared with the entire Nation. For this the Asian Pacific island community across the Nation is greatful and thankful to the wonderful efforts by Mr. HORTON for his continued recognition of the history and contributions of Asian Pacific Americans to this great country.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 173, designating May 1991 and May 1992 as "Asian/Pacific American Heritage Month." And I would like to take this opportunity to commend the gentleman from New York [Mr. HORTON] and the gentleman from California [Mr. MINETA], for introducing this significant commemoration.

The contributions of Asian/Pacific Americans to our great Nation have been too numerous to count. Suffice it to say that Asian/Pacific Americans, many of whom are highly educated and skilled professionals, have contributed to the strength of America in our research laboratories, on our assembly lines, in battle, in our Congress, our universities, and in our Nation's Government.

Mr Speaker, I am pleased to support this measure and I urge my colleagues to lend their support.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I want to first thank the distinguished gentleman from New York [Mr. HORTON] for his sponsorship of this piece of legislation. As a matter of fact, the gentleman has been doing this for the past several years now, and I do commend him for his sincere interest and firm commitment to assist with the needs of our Asian-Pacific communities throughout this great Nation of ours. Thanks also to our colleagues Mr. RIDGE from Pennsylvania and Mr. SAWYER from Ohio for their support of House Joint Resolution 173.

Mr. Speaker, this legislation will make it an official declaration of the Congress, with the approval of our President, to officially declare the month of May as Asian-Pacific American Heritage Month, and that the President will call upon all our Federal and State executives, as well as communities throughout our country to conduct appropriate activities to commemorate the many contributions that Asian-Pacific Americans have made to the needs of our Nation.

Mr. Speaker, there are approximately 7 million Asian-Pacific Americans in the United States, and no doubt with the same social and economic needs, and aspirations like all other Americans.

Mr. Speaker, probably no other country in the world can actually lay claim to the fact that these—United States and territories—are representations of almost every nationality from throughout the world. The greatness of this Nation rests in the fact that no one person is above the law—that that historical and most solemn document, the Constitution is truly color blind; that despite its many shortcomings, our Nation's ideals and standards are still the most noble and highest tributes attributed to mankind. The late Reverend Dr. Martin Luther King, Jr., could not have said it better on the steps of the Lincoln Memorial—that America to him is a place where a man will be judged not in accordance with the color of his skin, but by the contents of his character. That's America, Mr. Speaker.

Mr. Speaker, time will not allow me to elaborate on the various occasions or areas whereby Asian-Pacific Americans contributed substantially to our country's needs. However, I want to draw the attention of my distinguished colleagues to one of the most significant contributions made by Americans of Japanese ancestry during World War II.

I realize, Mr. Speaker, that this year, on December 7, will mark the 50th anniversary of the surprise bombing of Pearl Harbor by Japanese military forces. It was a dark period of our history, and in this very Chamber, President Roosevelt with the support of the Congress officially declared war on Japan.

Along with this declaration of war was our announced policy of literally herding of thousands of Americans—and I repeat, Mr. Speaker, Americans born and raised in these United States—but who just happen to be of Japanese ancestry—were herded like cattle and supposedly placed in retention camps—but in my own mind behind barbed wire, they were concentration camps. Their homes and properties were confiscated—they were literally stripped of their dignity and self-esteem as citizens of our Nation.

Mr. Speaker, we must exercise discretion and appropriate demeaner on this so-called remembrance day of December 7, because our Nation must never again make judgments on the basis of ethnicity, but upon sound principles above race, creed, or religion.

To prove the patriotism of Japanese-Americans, many volunteered to join the armed services to fight in World War II. Hence, two combat units were organized composed entirely of Japanese-Americans, namely the 100th Battalion, and the 442d Regimental Combat Team.

Mr. Speaker, these two units were assigned to the European theater, and as a result—let me share with my colleagues the accomplishments of these units. They suffered 314 percent casualties; earned 18,143 individual decorations; participated in 6 campaigns; earned 7 distinguished unit citations—the units became the most decorated military units of their size in the history of the Army.

How ironic, Mr. Speaker, that two of the original members of the 100th Battalion 442d Infantry were members of this body—the late Senator Spark Matsunaga and Senator DANIEL K. INOUYE, who currently serves as chairman of the Senate Appropriations Subcommittee on the Department of Defense. How ironic that the distinguished gentlemen from California, Mr. MATSUI and Mr. MINETA, were both—in their youths—occupants of these relocation camps the Government built to house Japanese-Americans during World War II.

Mr. Speaker, it should be noted also that President Truman was so moved by the courage and sacrifices made by these Japanese-Americans that it contributed significantly to Truman's eventual decision to desegregate our Armed Forces.

Mr. Speaker, the United States currently conducts approximately a $300 billion annual trade relationship with the Asia-Pacific region of the world. Over two-thirds of the world's population is in Asia-Pacific. Let us not kid ourselves. It is in our vital interest that our Nation get more involved to understand and appreciate the Asia-Pacific region. And I believe the 7 million Americans of Asian-Pacific ancestry will only enrich this great Nation of ours, and again, I thank the gentleman from New York for bringing this legislation to the floor and to give it favorable consideration.

□ 1540

Mr. RIDGE. Mr. Speaker, I thank the gentleman for his comments.

Mrs. MINK. Mr. Speaker, it is with great pride and pleasure I join my colleagues in support of House Joint Resolution 173, which designates May as Asian-Pacific American Heritage Month. As an Asian-American I am proud of the rich and unique heritage that has served to enhance the strength of this Nation.

Asian-Pacific American Heritage Month will be a time to recognize the achievements of Asians and Pacific Islanders and to reflect upon the culture, traditions, and values that have been the foundation of our success. Americans of Asian and Pacific Island ancestry have gained national and international prominence in the fields of science, business, and the arts, leaving a distinctive mark in virtually every aspect of American life.

Let us recognize these successes of Asians and Pacific Islanders in the past and look forward to even greater achievements from these Americans as they contribute to the improvement of our world community.

Mr. Speaker, I call on my colleagues in the House to support House Joint Resolution 173, Asian-Pacific American Heritage Month, and honor the remarkable and inspiring efforts that have made the Asian-Pacific Island legacy a proud one.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 173

Whereas, on May 7, 1843, the 1st Japanese immigrants came to the United States and, on May 10, 1869, Golden Spike Day, the 1st transcontinental railroad in the United States was completed with significant contributions from Chinese pioneers;

Whereas, in 1979, the President proclaimed the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week, providing an opportunity for the people of the United States to recognize the history, concerns, contributions, and achievements of Asian and Pacific Americans;

Whereas more than 6.9 million people in the United States can trace their roots to Asia and the islands of the Pacific; and

Whereas Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, and education in the United States: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) May 1991 and May 1992 are each designated as "Asian/Pacific American Heritage Month";

(2) the President is authorized and requested to issue a proclamation for each such month calling on the people of the United States to observe such month with appropriate ceremonies and activities; and

(3) the chief executive officer of each State and locality is requested to issue a proclamation for each such month calling on the people of the State or locality to observe such month with appropriate programs, ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

NATIONAL FOSTER CARE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 154) designating the month of May 1991, as "National Foster Care Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to acknowledge the work of the gentleman from California [Mr. MATSUI], who is the chief sponsor of this joint resolution.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. SAWYER], the chairman of the subcommittee.

Mr. SAWYER. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, for yielding.

Mr. Speaker, I want to commend my colleague from California for introducing House Joint Resolution 154, which designates May 1991 as National Foster Care Month. The families who open their hearts and their homes to children in need of a safe haven certainly deserve our recognition and admiration.

How we as a nation take care of our most vulnerable children; the ones who, for various reasons, must be sent to live apart from their families, is vitally important to all of us. There is an emerging consensus across the political spectrum that we must find new initiatives to make sure that all American kids get the kind of emotional and physical nurturing that the best of families, whether natural or foster, give to help their children grow into contributing adults.

This leads us to one of those intersections of demographics and public policy that my colleague from Pennsylvania and I find to be among the most challenging and rewarding aspects of our committee jurisdiction.

I have introduced legislation which calls upon the Bureau of the Census to collect data about children who are sent to live away from home. That data will create a demographic profile of these children and will help all of us, from those of us making public policy and administrative decisions to the foster care families that are so important to kids who must live apart from their families, make the best choices for all of America's children.

Mr. RIDGE. Mr. Speaker, I thank the gentleman for his statement.

Mr. MATSUI. Mr. Speaker, I rise today to thank the 224 Members who have joined me in cosponsoring House Joint Resolution 154, designating May 1991 as National Foster Care Month. By passing this resolution my colleagues and I ask Americans across the Nation to recognize thousands of foster families who open their homes to the less fortunate children in our society.

In the past decade the deterioration of the traditional family structure has made the role of the foster family even more critical to thousands of children. Today there are over 250,000 licensed foster families who not only provide high quality home care, but also lend guidance and emotional support to many of the young among us. It is our duty to offer children who do not have the benefit of growing up with the support of parents and siblings the most nurturing environment possible so they can reach their highest potential. After all, we must remember that today's youth are the cornerstone of tomorrow's society. Because the foster family system offers a safe living environment to those who should not have to fend for themselves, it is critical that we stand behind those families who strive to enhance and preserve the well-being of our children.

In recent years there has been an explosion in the number of children entering the foster care system. As a result, the Nation's foster care system is under tremendous stress. There are not enough foster family homes to meet the demands imposed by the current system. In California alone, the number of foster families increased by 11 percent between 1986 and 1988, while the number of foster children increased by 28 percent. In this sense, the designation of May as National Foster Care Month will not only pay tribute to foster families, it will also provide an opportunity to bring extra attention to hundreds of thousands of children who need the guidance and love that only a family environment can provide. We must not allow the foster care system to be weakened by overloading it. By nationally recognizing foster families we can encourage others to donate their time and energy to support foster youth.

Mr. Speaker, I would like to thank Chairman SAWYER of the Subcommittee on Census and Population, the cosponsoring Members and the organizations that have supported House Joint Resolution 154. It is their unswerving dedication to children and to the services that the foster care system provides that has made the designating of May 1991 as National Foster Care Month possible.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The Speaker pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 154

Whereas today there are more than 250,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture to children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their homes and family lives to foster children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May 1991: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "National Foster Care Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXPRESSING APPRECIATION TO AMTRAK FOR BENEFITS BROUGHT TO NATION DURING ITS 20 YEARS OF EXISTENCE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 98) to express appreciation for the benefit brought to the Nation by Amtrak during its 20 years of existence, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. RITTER. Mr. Speaker, reserving the right to object, while I will not object, I take this reservation for the purpose of asking the gentleman from Washington, Mr. [SWIFT] to explain the contents of this Senate joint resolution.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, this year Amtrak celebrates 20 years of carrying passengers by rail throughout the United States. When you consider the peaks and valleys through which it has traveled since 1970, this is indeed a remarkable accomplishment.

Amtrak started 20 years ago as a ragtag booking service set up to preserve a dying tradition, passenger rail service. It was equipped with old, secondhand rolling stock, and it operated virtually by the seat of its pants.

I'm pleased to report that since then Amtrak has grown into a vibrant element of our Nation's transportation system. It carries over 40 million passengers a year over a record 6.1 billion passenger miles per year.

It is currently covering nearly 80 percent of its operating expenses, and is on track to eliminate its Federal operating support by the year 2000. This is an achievement no other carrier can claim; Amtrak is the most efficient passenger railroad in the world.

In these times of environmental sensitivity and uncertain energy supplies, Amtrak offers a safe, efficient, environmentally benign alternative. I have met with the president of Amtrak, Mr. Graham Claytor, and am pleased at the direction Amtrak is moving. In addition the Committee on Energy and Commerce will continue to encourage Amtrak to have an active role in our economy.

The nonbinding resolution before us commemorates these achievements. It affirms the role of Amtrak in our national transportation system, and encourages both State and Federal Governments to continue to factor passenger rail service into their transportation plans. It is my belief that rail passenger service is something whose time has come again.

I congratulate our colleagues in the Senate, including the 43 sponsors of this legislation, on their good work in expressing the thanks of a grateful nation for a job well done by Amtrak.

Mr. RITTER. Mr. Speaker, further reserving the right to object, I rise in support of Senate Joint Resolution 98, a resolution expressing appreciation to Amtrak for its 20 years of service.

Mr. Speaker, for most of us Amtrak has become such a regular feature of our transportation system that it is hard to visualize or even remember the rail crisis of the late 1960's and early 1970's when it looked as though the Nation would lose all of its intercity rail passenger trains.

Fortunately, that did not happen because with the passage of the Rail Passenger Service Act, the Federal Government helped to support the continuation of passenger service through the National Railroad Passenger Corporation, better known to most of us as Amtrak. The first Amtrak operated passenger trains rolled out of the station on May 1, 1971, and it is the 20th birthday of Amtrak's service that we mark today.

Over the intervening 20 years, Amtrak has had a sometimes tempestuous career. At times it looked as if Amtrak would be denied Federal support, but that did not happen. Congress and the American people decided that it was important to retain intercity rail passenger transportation.

□ 1550

So instead of demise, Amtrak was subjected to increasingly stringent financial discipline under the leadership of its president, Graham Claytor, who took over in 1982. Under his management. Amtrak has dramatically increased the proportion of its costs covered by its revenues from 46 percent in 1976 to 80 percent in 1990.

It is difficult to think of any other federally funded activity where the level of service has steadily increased while the level of Federal support has actually declined in real terms. Amtrak's role in our national transportation strategy is all the more vital in this age of heightened environmental and energy consciousness. Rail travel provides the highest level of energy efficiency and lowest level of emissions of virtually any modern means of transportation. For that reason alone, the Nation's need for speedy, reliable rail service is sure to grow in the decades ahead.

In addition, as our highways and airways become ever more congested, intercity rail service will perform an increasingly vital function. People in congested areas are fed up with the crammed parking-lot character of the interstate highways and the highways at rush hour. Trains can relieve pressure on highways, and they can relieve pressure on airport and air traffic control infrastructures.

Trains, planes, and automobiles all are essential to solving America's transportation problems. Farther down the line, once we decide on comprehensive transportation strategy, Amtrak should be one of the early users of the high-speed rail transportation already used in Europe and Japan, and potentially the magnetic-levitation technology is now coming into use in Germany and Japan.

It is quite amazing how far, how far behind America has fallen in passenger rail transportation service. With upgraded technology, there is great potential for fast, clean, and uncongested transportation.

Mr. Speaker, in closing, I want to commend Amtrak, its management, and employees, past and present, for a fine job of delivering a vital service to the American public at an increasingly low cost to the taxpayer.

We have got a ways to go, Amtrak, and so do we as a nation, but, Amtrak, you have come a long way.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. Pease].

Mr. PEASE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just like to associate myself with the remarks of the gentleman from Washington and the gentleman from Pennsylvania and add my congratulations also to Amtrak for its anniversary and for the fine job that it is doing.

My wife and I have used Amtrak several times in recent years for our own personal vacations, and we have found it to be a very satisfactory and enjoyable experience.

It seems to me that if we could only bring ourselves to have a transportation policy in this country, we would put increasing emphasis on mass transportation within cities and on Amtrak between cities.

I saw a newspaper story about a year ago which said that if traffic continues to increase in the corridor between Los Angeles and San Diego in the coming years, within two decades, they will need an additional highway 40 lanes wide to handle the traffic. That is ridiculous. We ought to move to train travel instead. We could get, as the gentleman suggested, any one of the high-speed rail technologies, move a lot of people a lot faster with a lot less pollution and at a better cost to the public and to the people in the private sector as well.

So I hope we will continue the emphasis, and I think all of us need to remember how important Amtrak is and how far along it has come and how well managed it is as we look at appropriations measures for Amtrak this year and in the years to come.

Mr. RITTER. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from Ohio for his comments and just add that we have all been through the love affair with the automobile and the love affair with the airplane. We realize that none of the above is the only solution to America's transportation problems. Congestion continues to increase on the highways and in the airways.

We need everything we can get to get us between our population centers, and so rail transportation, this gentleman believes, is in a new era, and there is a new dawn, and hopefully Amtrak can help America deal with that situation.

Mr. LENT. Mr. Speaker, on May 1 of this year, Amtrak—America's passenger railroad—will mark 20 years of continuous service to the American public. Many Americans may not know, or may have forgotten, how close we came to the total extinction of intercity rail passenger service in 1970. With virtually all the freight railroads unable to sustain passenger service, and many of them in or near bankruptcy on their freight operations as well, it appeared that passenger trains would die a quick death.

Fortunately, enough far-sighted Americans insisted on preserving rail service through the National Railroad Passenger Corporation, better known as Amtrak. When Congress approved the Rail Passenger Service Act in 1970, it established a basic charter for a continuing, constructive Federal role in supporting intercity rail service as part of a balanced national transportation network. The wisdom of that judgment has been demonstrated over the intervening years.

Coming from the New York area, I can appreciate how vital Amtrak's operations are to the high-density transportation needs of the east coast of the United States. Without Amtrak, our already overcrowded airports and airways simply couldn't handle the loan, and that means not only inconvenience, but loss of productivity for our economy. And as our population becomes increasingly urbanized, new transportation corridors in areas like the west coast, the Midwest, and the Southwest will undoubtedly require the high-capacity, reliable, all-weather service that only a rail passenger system can provide.

I also want to note that, during its existence, Amtrak has made great progress in becoming more efficient, and in earning revenues to offset more and more of its operating costs. In 1976, for example, Amtrak was covering only 42 percent of its operating costs with earned revenue. But under the outstanding leadership of a veteran railroader, Mr. Graham Claytor, who took the helm of Amtrak in 1982, the percentage of costs covered by earned revenues has marched higher and higher: 65 percent by 1987 and 80 percent by 1990, with a declared goal of self-sufficiency by the turn of the century.

This is a remarkable achievement, especially when you consider that Amtrak has been serving an ever-growing number of passengers. Last year, a record 22 million Americans road Amtrak's intercity trains, and almost an equal number used commuter-rail trains operated by Amtrak under contract with State and local authorities. In short, some 40 million Americans relied upon Amtrak last year for vital transportation service. This could not have been done so efficiently and at such a low cost to the taxpayer without the managerial talent displayed by Graham Claytor and his executives.

We all wish Amtrak the best as it enters its third decade of service to the American public, and we look forward to an exciting future for Amtrak in the years to come. I know that we can count on Amtrak to provide America with a safe, energy-efficient, and environmentally sound key element in our national transportation infrastructure.

Mr. RITTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. Montgomery). Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 98

Whereas May 1, 1991, will mark the twentieth anniversary of the commencement of intercity rail passenger service by the National Railroad Passenger Corporation, better known as Amtrak;

Whereas Amtrak has dramatically improved both the quality and the economics of rail passenger service in the past twenty years and provides a marketable and highly desired national transportation service, with over two hundred and twenty trains each day operating over twenty-four thousand track miles through forty-four States;

Whereas Amtrak carries passengers more miles and longer distances than carried by all the passenger railroads in 1970 prior to the establishment of Amtrak, provides transportation to nearly twenty-two million intercity and eighteen million commuter passengers each year, and serves as a vital national transportation link to rural America, which increasingly is losing other modes of public transportation;

Whereas Amtrak employs nearly twenty-four thousand railroad employees, who cumulatively earn over $1,000,000,000 in annual taxable income, and procures over $350,000,000 in goods and services from domestic companies across the country;

Whereas the country is witnessing a remarkable resurgence in support for a national rail passenger system, reflected by trains that frequently are sold out far in advance of departure and by increasing demands across the country for additional Amtrak service;

Whereas Amtrak is now covering over 80 percent of its operating costs without Federal support compared to just 50 percent in 1981, and is committed to covering 100 percent of its operating costs by the year 2000;

Whereas rail passenger service increasingly is recognized as a critical element of a balanced national transportation system and as an energy efficient, environmentally benign alternative to growing highway and airport congestion;

Whereas Congress has repeatedly been required to preserve funding for a national rail passenger system in the face of proposals to eliminate Federal assistance for Amtrak, and is proud of the success Amtrak has achieved in providing increasingly better service at less cost to the Federal taxpayer; and

Whereas Amtrak has a critical role to play in the future of the Nation's surface transportation system, as the operator of both conventional and high-speed rail systems, new systems based on magnetic levitation, and contract commuter rail systems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the creation of Amtrak had the important effect of preserving a national rail passenger system and of providing Americans with an energy efficient, environmentally preferable transportation alternative, and that the need for a balanced national transportation system in this country dictates that Federal and State transportation planners consider the many advantages of improved rail passenger service as they look to addressing national and regional transportation concerns.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 98, the Senate joint resolution just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING FOR ADJOURNMENT OF SENATE FROM APRIL 25, 1991, OR APRIL 26, 1991, TO MAY 6, 1991, OR MAY 7, 1991

The SPEAKER pro tempore laid before the House a privileged Senate concurrent resolution (S. Con. Res. 31) providing for recess or adjournment of the Senate from April 25, 1991, or April 26, 1991, until May 6, 1991, or May 7, 1991.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, April 25, 1991, or Friday, April 26, 1991, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 12 o'clock meridian, or until such time as may be specified by the Majority Leader or his designee in the motion to adjourn or recess, on Monday, May 6, 1991, or Tuesday, May 7, 1991, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Republican Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Tuesday, April 23, 1991:

H.J. Res. 218. Joint resolution to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week."

ADJOURNMENT FROM THURSDAY, APRIL 25, 1991, TO MONDAY, APRIL 29, 1991

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, April 25, 1991, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1600

FIRST BIENNIAL REPORT OF THE NATIONAL CRITICAL TECHNOLOGIES PANEL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

(For message, see proceedings of the Senate of today, Wednesday, April 24, 1991.)

INTRODUCTION OF AIRLINE COMPETITION AND PASSENGER PROTECTION ACT OF 1991

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, today, I am introducing the Airline Competition and Passenger Protection Act. This comprehensive bill is designed to address two major problems facing our air transportation system today. The first is poor customer service. And the second is a diminishing level of competition.

With respect to passenger service, the situation may have improved somewhat recently. Complaints to the Department of Transportation [DOT] are down. However, other evidence indicates that serious problems still remain. The 1990 Zagat airline survey, reflecting the opinions of frequent business travelers, found that in general they were pretty unhappy with airline service. More recently, Airport Interviewing and Research, Inc., concluded that there is "increasing customer dissatisfaction with air travel." Also, in February, the Wall Street Journal reported that flight cancellations are a rising problem for travelers. The existence of these problems is reinforced by the experiences that are related to us by individual air travelers.

In the past, we might have relied on competition to prod airlines into improving passenger service, but, unfortunately, the industry is becoming more concentrated. The mergers of the eighties reduced the number of carriers. And recent economic problems may reduce the number even further. Eastern is already out of business. Pan Am, Continental, and Midway are bankrupt. And TWA seems to be on the brink. Therefore, the level of competition may soon no longer be sufficient to ensure adequate passenger service. Some Government-mandated protections appear to be called for.

The bill I am introducing attempts to address these problems in two ways. First, it proposes measures that would help maintain and even enhance competition. Second, it would impose requirements that would help protect passengers and lead to improved passenger service. These requirements would be in addition to those already mandated by DOT's airline service quality rule at 14 CFR part 234. They are carefully designed to impose the minimum burden on airlines that is possible in light of the goals of improved service that we are trying to accomplish.

The bill would cover primarily the major airlines and, in some cases, their code-sharing commuter partners. It is intended to be consistent with the coverage of DOT's rule.

I am entering into the RECORD the specific provisions of the bill in more detail.

Hubs.—The bill would require an airline to report, and DOT to publish, the percentage of each airline's passengers that missed their connection at that airline's hub airports. For this purpose, a hub would be defined as an airport at which an airline has 75 or more departures (counting both its own operations and those of its code sharing partners). Only the airline[s] with the 75 or more departures would be subject to this requirement and only at the airport[s] where they have that level of operations. This is the same as section 1701(b)(6) of H.R. 3051 which passed the

House during the 100th Congress. It would complement current requirements in DOT rules that airlines report on-time performance. This additional reporting requirement would help us determine which hubs were working and which were not and may give airlines an incentive to increase their connecting times or hold flights for connecting passengers.

Within 18 months after it first receives the data required above, DOT would have to report to Congress and provide an assessment of the quality of service being provided to passengers at hubs and on whether and what kind of changes are needed to improve that service.

The bill would require that agreements between an airline and its hub airport be submitted to the Justice Department at least 30 days before that agreement is to take effect. Justice is authorized to act to void an agreement within the 30-day period if it finds that the agreement would be anti-competitive. This is designed to block majority in interest clauses and exclusive use provisions in airline-airport contracts that inhibit competition at hubs.

Delays.—For each flight that is delayed more than 15 minutes beyond its scheduled arrival time, the bill would require airlines to report the reasons for the delay. DOT would be required to issue a rule within 180 days establishing categories (such as weather or air traffic control holds) that airlines would use in reporting the reasons for delays to ensure some consistency in reporting. In order to fix the delay problem, we have to know the reasons for it. This would help to provide the needed data.

If an airline knows before the passengers board the plane that the departure will be delayed by more than one hour, it would be required to notify the passengers of the approximate length of the delay, the reasons for the delay, and give each passenger the opportunity to cancel with a full refund regardless of the type of ticket the passenger holds. This is based on section 1704(b) of H.R. 3051.

Notwithstanding any other law or any contract between an airport and an air carrier, the bill would permit, on a 3-year trial basis, airports to charge higher landing fees at peak hours in order to spread out traffic and reduce delays during congested time periods. Higher peak-hour fees, if adopted, would have to be non-discriminatory and could not single out any particular class of user.

Baggage.—The bill would direct DOT to revise its baggage reporting system within 180 days to require airlines to report to DOT the total number of bags that they handle, the number of bags that are lost permanently, the number of bags that are lost temporarily, the number of passengers who filed mishandled baggage reports with the airline, and the average elapsed time between the arrival of its aircraft (at an airport where it has more than 75 flights per day) and baggage delivery to passengers. Currently, airlines are required to report only the number of passengers who filed mishandled baggage reports.

Notwithstanding 14 CFR Part 254, the bill would prohibit an airline from limiting its liability for lost, damaged or delayed passenger baggage to less than $2,500. The current limit is $1,250.

The bill would also direct airlines to act on a passenger's claim for lost luggage within 60 days.

In a flight connection involving code-sharing partners, the bill would make the large airline responsible for reimbursing the passengers for lost, damaged, or delayed baggage. The large airline would be free to seek reimbursement from the smaller carrier on its own. Frequently, in these situations, it is not clear which airline caused the baggage problem. Small commuter airlines are currently not subject to DOT's baggage rules. Passengers who seek help from the major airline are often told that the commuter is a completely separate entity even though it has the same name, colors, and computer code as the major airline. This problem was dealt with generally in section 202 of the Airport and Airway Safety and Capacity Expansion Act of 1987 (P.L. 100-223, 101 Stat. 1516) which added a new section 419(i) to the Federal Aviation Act. However, it is apparent that a more specific provision is necessary.

The bill would make it a crime for any person to file a false report regarding lost, damaged, or delayed baggage with the intent of defrauding an airline. Airlines often argue that additional baggage rules are not needed because many baggage claims are fraudulent. To the extent that this is so, this provision would help discourage such fraudulent claims.

Cancellations.—Economic cancellations would be prohibited by the bill and an airline that cancels a flight for economic reasons would be subject to a $100,000 civil penalty. This provision applies to all airlines, including commuters, and is designed to prevent a carrier from canceling a flight at the last minute because there are not enough passengers. Flights that have no passengers could be cancelled without penalty as could those where the passenger has more than 72 hours notice.

Each passenger whose flight is cancelled for economic reasons could be considered a separate violation against the airline for the purpose of aggregating the civil penalty. Passengers would also be entitled to compensation for the cancellation. Safety related adjustments in schedules would not be affected by this prohibition.

The reasons for any cancellation would have to be reported by the airline as recommended by the General Accounting Office (GAO) in June 1990. Airlines would have to report both their own cancellations and the cancellations of their code-sharing partners. DOT would have to submit an annual report providing a breakdown of the reasons flights were cancelled during the previous year together with any recommendations for improving the situation.

Complaints.—Within 180 days, DOT would be required to issue rules to enable passengers to more easily file complaints with DOT. These rules would have to include either a requirement that DOT establish a toll-free number printed on airline tickets or a requirement that a postcard addressed to DOT's consumer office be included with each airline ticket sold.

DOT would be directed to establish offices at a minimum of four airports. DOT officials in these offices would be responsible for receiving complaints, monitoring airline performance, ensuring that airlines are properly reporting, and providing some assistance to passengers.

Comparative Airline Service.—Within 1 year, DOT must develop a system to rank airlines on the basis of the quality of service that each provides. This ranking would be derived by using data reported on on-time performance, cancelled flights, missed connections, mishandled luggage, denied boarding, and passenger complaints. DOT would have to periodically publish the ranking of airlines in accordance with this system. An airline service performance ranking system developed by the Prism Group, travel management consultants, was published last year. More recently, a similar system was developed by researchers at Wichita State University. DOT could use one of these systems or develop its own.

Bankruptcy.—The tickets of an airline that has declared bankruptcy would have to be honored by other airlines (who fly the same route) on a space available basis with no additional collection.

Advertising.—An airline's fare between two cities, which is not available on all flights of that airline between those two points, could not be advertised by that airline unless the ad stated that the fare was not available on all of its flights. An airline could not advertise a restrictive fare unless the ad included those restrictions. This is the same as section 1706 of H.R. 3051.

Frequent Flyer Programs.—The bill would direct DOT to initiate a rulemaking within 180 days to (1) consider ways to ensure that airlines make enough seats available for people redeeming frequent flyer awards to meet anticipated demand and (2) to consider mandating that frequent flyer mileage be transferable from one plan to another or from one passenger to another as a way to help reduce the anti-competitive effects of these programs. The second directive is a GAO suggestion from an August 1990 study on airline competition.

Non-Refundable Tickets.—The bill would require airlines to permit their non-refundable domestic tickets (and tickets with a cancellation penalty) to be transferred from one passenger to another.

Computer Reservation Systems.—The bill would direct DOT to undertake a rulemaking to address the major competitive problems that people have identified with computer reservation systems (CRS). These include liquidated damages, roll-over provisions, contract length, minimum use clauses, booking fees, and the allegation that some CRS vendors do not promptly turn over to participating carriers the payment from passengers made through the vendor's system.

Advisory Committee.—DOT would be directed to establish an advisory committee, whose membership would consist of representatives from airline passenger groups, commercial airlines (both major and regional), airports, travel agencies, and other airline related groups. This committee would meet periodically and advise the Secretary on issues related to airline practices, passenger rights, and complaints. This advice could include recommended rules or legislation involving reporting, reservations, ticketing, denied boarding, flight delays and cancellations, baggage handling, and frequent flyer programs. DOT would have to give substantial weight to the views of the advisory committee in the exercise of its duties regarding passenger protection issues.

Route Sales.—The bill would establish a public interest test for DOT to use in evaluating proposed international route sales. This would include an evaluation of the impact of the route sale on the viability of the carriers involved and on domestic competition generally. The bill would also direct DOT to consider competing applications for the routes. In choosing among competing applications for a route, some of the factors that DOT would be required to consider would be the quality of passenger service provided by each of the competing carriers, enhancing competition among carriers, and the financial viability of the buying and selling carrier. The bill would also require, in appropriate cases, the submission to DOT of a financial plan by the selling carrier to insure that the proceeds of a route transfer are used to maintain the carrier's financial viability. DOT may require the selling carrier to agree to implement the plan.

WHO BENEFITS FROM NEW SUPER IRA'S?

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, the Center on Budget and Policy Priorities has recently released a report on exactly who would benefit from the new Super IRA proposal. I will submit the entire report for the RECORD, but I would like to highlight a few of their findings.

Only one-fifth of all taxpayers have income which exceeds $50,000. Yet, 95 percent of all of the benefits of reinstituting a deductible IRA go to this group. That means only 5 percent of the benefits of this proposal would go to the remaining 80 percent of all families, those with incomes less than $50,000. This is just as bad as the distribution of the benefits from a capital gains tax cut.

Fully deductible IRA's are available to 86 million families with earned income in 1990. Another 8 million can take a partial deduction. This represents 87 percent of the éligible families? The Super IRA proposal is directed at providing a tax deduction for the remaining 13 percent. These are largely well-off families who need no encouragement to save.

THE NEW IRA PROPOSALS: WHO WOULD GAIN FROM THEM?

(By Robert Greenstein)

A proposal to expand Individual Retirement Accounts substantially is now before Congress. Senators Lloyd Bentsen and William Roth have introduced the Senate version along with 77 co-sponsors. On the House side, Reps. J.J. Pickle and William Thomas are the lead sponsors of an identical bill that had 94 cosponsors as of April 17.

Who would benefit from these large expansions? How much would the proposals cost? Who would pay these costs? How solid is the evidence they would promote savings and help the economy? These issues are explored below.

CURRENT LAW ON IRAS

Under current law, two types of taxpayers may deposit up to $2,000 a year into an Individual Retirement Account and deduct the contribution from their taxable income. First, taxpayers at all income levels who are not covered by an employer-sponsored pension plan may take advantage of this provision. Second, taxpayers who *are* covered by an employer-sponsored pension plan also may make tax-deductible deposits into an IRA if they have adjusted gross income below $35,000 for a single tax filer or $50,000 for a married couple. The current law on IRAs was established by the Tax Reform Act of 1986.

Funds deposited in IRA accounts then accumulate interest that is tax free until the funds are withdrawn after retirement. Withdrawals are taxed as ordinary income at that point.

Prior to the Tax Reform Act of 1986, taxpayers at higher income levels who were covered by an employer-sponsored pension plan also could get a $2,000-a-year deduction for deposits into IRA accounts. This was one of the tax advantages the Tax Reform Act ended for these people in return for sharply lowering their income tax rates.

The Tax Reform Act did not end all tax advantages from IRAs for those who are at higher income levels and are covered by employer-sponsored pensions. While such individuals may not deduct contributions to an IRA account, the interest on any deposits they make into such an account still accumulates tax-free until it is withdrawn after retirement.

THE NEW PROPOSAL

The new proposal has several aspects. First, and most important, it would undo the limitations on IRAs imposed by the Tax Reform Act of 1986. Taxpayers at higher income levels who participate in a tax-favored pension plan would regain eligibility for full IRA deductibility.

In addition, the proposal would create a second type of IRA. Under the new type of IRA, a taxpayer at any income level could deposit up to $2,000 a year. The taxpayer would not receive an up-front tax deduction, but all interest earned by the account would be permanently tax-free (i.e., both the interest and the principal could later be withdrawn free of any tax) so long as the funds were not withdrawn from the account for five years. A taxpayer could use either the conventional IRA, the new type of IRA, or both. If both types of IRAs were used, deposits would be limited to an overall total of $2,000 per year.

Finally, the legislation would allow people with IRA accounts to make early IRA withdrawals without the normal penalty if the funds were used for one of three designated purposes: a first-time home purchase for the depositor, his or her children, or his or her grandchildren; education expenses for the depositor, his or her children, or his or her grandchildren; or medical costs exceeding 7.5 percent of income. There would be no limit on the amount that could be withdrawn or on the value of the home to which the withdrawal could be applied.

WHO STANDS TO GAIN?

The Joint Committee on Taxation has examined the question of which taxpayers would gain if IRA deductibility were restored for taxpayers who lost this deductibility in the 1986 Tax Reform Act. The Congressional Budget Office has looked at which taxpayers would benefit most from a Bush Administration proposal that is similar to the new type of IRA contained in the recently introduced legislation. Both analyses reveal the benefits would accrue overwhelmingly to those in the upper part of the income scale.

The Joint Committee on Taxation studied several proposals introduced in the 101st Congress to restore IRA deductibility for individuals who have other pension plans and are above the income cut-off established by the Tax Reform Act. The Committee's findings indicate that:

Only one-fifth of all taxpayers have incomes exceeding $50,000, but they would receive 95 percent of the tax benefits (from restoring IRA deductibility for taxpayers who lost it in the Tax Reform Act). This is as high as the percentage of the tax benefits that would go to the top fifth under a capital gains tax cut.

The richest 4.5 percent of taxpayers—those with incomes of at least $100,000—would collect nearly one-third of the tax benefits. This one-third share is not as great as the share that taxpayers over $100,000 would receive from a capital gains tax cut, but it still represents a highly disproportionate share of the tax benefits.

The bottom four-fifths of all taxpayers would receive the remaining five percent of the tax benefits.

IRA supporters often attempt to cast a different light on the distribution of benefits by noting that 51 percent of the benefits from restoring full IRA deductibility would go to taxpayers with incomes below $75,000. This is simply a reflection, however, of the fact that taxpayers with incomes below $75,000 are so numerous. Some 92 percent of all taxpayers are in this category. Furthermore, nearly all the benefits for the under-$75,000 income group would go to those with incomes in the $50,000 to $75,000 range. Joint Tax Committee data show that about four-fifths of all taxpayers have incomes below $50,000, but they would receive only about five percent of the tax benefits. (See table on next page.)

Indeed, most taxpayers with incomes below $50,000 would not gain at all from the proposal. Only one-tenth of one percent of taxpayers with incomes below $30,000 would receive any tax benefit, according to the Joint Tax Committee estimate. Just four percent of those in the $30,000 to $50,000 bracket would receive a tax reduction.

By contrast, the 21 percent of all taxpayers with incomes over $50,000 would, as noted, receive 95 percent of the tax benefits. Nearly one of every three taxpayers at this income level would receive a new tax break.

Furthermore, a Congressional Budget Office analysis of a proposal quite similar to the new type of IRA shows that it, too, would direct most of its benefits to the upper parts of the income scale. CBO examined an Administration proposal to establish Family Savings Accounts, under which a taxpayer could deposit up to $2,500 a year in an account (up to $5,000 for married couples) and have all interest on the account be tax-free forever so long as no withdrawal was made for seven years. CBO concluded that taxpayers with incomes above $50,000 would be the principal beneficiaries of the proposal.

The Joint Tax Committee and CBO estimates are consistent with past experience with IRAs. IRA participation has been concentrated within upper income groups, not middle- or lower-income groups. IRS tax return data show that in 1986, the last year in which IRA tax deductions were available to all taxpayers, 66 percent of the tax units in the top four percent of the income scale made IRA contributions. But only 13 percent of taxpayers in the middle third of the income scale made such contributions. Only four percent of those with adjusted gross incomes below $15,000 participated. These data provide further evidence that IRAs are of much greater use to upper income taxpayers than to those in the middle or bottom of the income scale.

Moreover, the new proposal relaxes IRA restrictions that affect only higher income taxpayers. This is because the vast majority of those in the middle and lower parts of the income spectrum are already eligible for IRAs under current law. The Joint Committee on Taxation has estimated that 87 percent of all tax filers with earned income are eligible to make deductible IRA contributions under current law. Some 80 percent are eligible to deduct a full $2,000.

IRA proponents may contend some middle income households who are currently eligible for IRA deductibility might be more likely to use IRAs if the law were modified to allow penalty-free withdrawals from IRAs in certain circumstances. Yet such a provision need not depend upon restoration of IRA deductibility for those in higher income brackets—or upon creation of a new type of IRA in which interest earnings are permanently sheltered from taxation. If Congress so elected, it could allow penalty-free IRA withdrawals for certain designated purposes while otherwise retaining the current IRA structure. For example, the Administration has proposed allowing penalty-free IRA withdrawals for first-time home purchases without restoring IRA deductibility for those who lost it in the 1986 Tax Reform Act. Moreover, the Administration proposal would limit such withdrawals to $10,000 and would not permit their use for homes whose value was well above the average for the local community. By contrast, the legislation now before Congress places no limit on the amount that could be withdrawn penalty-free and would allow such withdrawals to be used for homes of any value.

DISTRIBUTIONAL EFFECTS OF RESTORING IRA DEDUCTIBILITY

[In percent]

Income group, 1990 income levels	Proportion of tax returns that fall in each income group	Percentage of tax benefits that would go to each income group
Under $20,000	25.7	(1)
$20,000 to $30,000	23.5	0.1
$30,000 to $40,000	18.8	1.7
$40,000 to $50,000	10.6	3.4
$50,000 to $75,000	13.3	45.7
$75,000 to $100,000	3.6	17.9
Over $100,000	4.5	31.2

[1] Less than .05 percent.

Source: Joint Committee on Taxation. Data based on Joint Committee estimates of number of tax returns in each income class (based on 1990 income levels and 1990 tax laws) and Joint Committee estimates of distributional impacts of a proposal to make IRAs 50 percent deductible for those taxpayers who lost deductibility under the Tax Reform Act of 1986. When the Joint Committee produces estimates for the new IRA proposal, based on 1991 income levels and tax laws, the figures shown in this table may change modestly, but the overall distributional pattern should be largely unaffected.

One other point about IRAs should be underscored. In 1986, upper income taxpayers lost tax deductibility for IRA contributions, along with certain other tax breaks, but received sharply lower income tax rates in return. Under the new IRA proposals, these taxpayers would regain IRA deductibility while keeping the lower tax rates.

HOW MUCH WOULD THE PROPOSAL COST?

Cost estimates of the new proposal have not yet been made available. Estimates from earlier proposals are available, however. They show the cost to be very substantial. Joint Tax Committee estimates indicate that earlier proposals to restore full IRA deductibility for those in higher income brackets would result in a loss of more than $30 billion in revenue over the next five years.

While the new proposal is expected to be less costly than this over the five-year period, that is due to a budget gimmick embedded in the proposal. Over the long-term, the new proposal is likely to be at least as costly as the earlier proposals.

To understand the budget gimmick in the new proposal, further discussion of the new types of IRA is needed. Under these new IRAs, deposits into IRA accounts would not be deductible, but interest on the deposits would be permanently tax-free. The initial revenue loss from the new type of IRA thus would be small because of the lack of an upfront deduction, but the loss would grow increasingly large with each passing year. As additional funds were moved into these IRA accounts each year, a steadily increasing amount of interest earnings would be sheltered from taxation.

This is clearly seen in both the Joint Tax Committee and the Bush Administration estimates of the revenue loss from the proposal to create Family Savings Accounts, a proposal similar to the new type of IRA. The Joint Tax Committee estimates the Family Savings Account proposal would lose $355 million in revenue in the first year, but $1.8 billion by the fifth year. The Administration has estimated the proposal would lose $300 million in the first year and $2.3 billion by the fifth year. CBO has noted these losses would continue to escalate after the fifth year and could ultimately reach a level as large as $8 billion a year. The losses from the new type of IRA can be expected to grow over time in a similar manner.

Thus, the long-term effect of combining restoration of full IRA deductibility with the proposal to establish the new type of IRA would be to generate at least as great a revenue loss as would result from restoring full deductibility alone. The short-term effect of combining the two proposals, however, is to make the price tag smaller. It is likely the price tag over the next five years will be somewhere in the $15 billion to $25 billion range.

(The short-term cost of the new proposal is smaller than the short-term cost of restoring full deductibility alone because some taxpayers who would use regular IRAs if full deductibility were restored would use the new type of IRA instead if both types of IRAs are allowed. Since the new type of IRA has no up-front tax deduction, the immediate revenue loss is smaller.)

According to some Congressional insiders, a principal reason the new type of IRA was added to the proposal to restore full IRA deductibility was precisely because such an action would reduce the revenue loss for the next five years.

Of course, under the budget legislation enacted last fall, any revenue loss from a change in the tax laws must be offset for the next five years, either through an increase in taxes or a reduction in an entitlement program. But there is no requirement the revenue loss be offset for years after the five-year period ends. Thus, if the pending IRA legislation is "paid for" by another revenue change that offsets the costs of the proposal for the next five years, the likely effect will be a substantial increase in the deficit after the five-year period is over. This would make it harder to reach whatever deficit targets may be set for such years. It would probably also necessitate further budget reductions or tax increases in other areas after 1996.

Because the new type of IRA postpones the large revenue losses until after the five-year budget "window" ends, some tax experts have urged great caution in considering this proposal. Henry Aaron, director of economic studies at the Brookings Institution, has described proposals such as the Family Savings Account and the new type of IRA as proposals whose "revenue-losing effects [are] concealed." Aaron has suggested that Congress decline to debate such proposals until the Joint Tax Committee or CBO supplies estimates of the long term revenue losses they would generate.

WHO WOULD PAY FOR THESE COSTS?

As noted, proposals that result in revenue losses must be paid for through offsetting tax increases or cuts in entitlement benefits. No such offsets are contained in the IRA proposal now before Congress. The offsets would have to be identified at a later date by the Senate Finance Committee and the House Ways and Means Committee.

Unless the offsets consisted primarily of upper income tax increases such as an increase in the top income tax rate—an approach that may prove unacceptable to the White House and would probably face difficulty in the Senate—the net result would likely be to redistribute income from low and middle income households to those higher on the income scale. Such an outcome is a distinct possibility.

Some of the principal sponsors of the new legislation have indicated they will look for upper income tax increases to offset the costs of the IRA proposals. Even if such offsets can be identified and passed, however, serious questions remain about the wisdom of this approach.

First, as noted earlier, the five-year offsets that ultimately are identified are unlikely to pay for the long-term costs of the IRA proposal. After the five-year budget window ends, the net effect is likely to be a substantial increase in the deficit, which in turn will likely generate pressures for additional deficit reduction in other areas. Such additional deficit reduction measures are unlikely to extract most of their savings from those in the top fifth of the income spectrum.

Second, even if new tax revenues can be raised from those in the upper parts of the income spectrum—both now and after the five year period ends—is restoration of IRA deductibility really the best use of these tax dollars? On the tax side of the ledger alone, there are a number of proposals that represent sounder tax policy and would be of substantially greater benefit to low and middle income households. These include proposals to convert the personal exemption for children into a refundable tax credit or to increase the personal exemption, along with proposals to raise the standard deduction and to make the dependent care tax credit into a refundable tax credit of greater value to low and moderate income working families.

Using tax dollars instead to restore IRA deductibility primarily for those in the top fifth of the income scale would represent an ill-advised policy choice. This is particularly so since restoration of IRA deductibility would follow a period in which average after-tax incomes declined for families in the middle and bottom of the income spectrum while rising sharply for those in upper brackets. The Congressional Budget Office has estimated that from 1977 to 1990, average after-tax income fell 2.5 percent (after adjustment for inflation) for those in the middle fifth of the income distribution while falling 10 percent for those in the bottom fifth. By contrast, for those in the top, fifth, average after-tax income rose 35 percent; and for the richest one percent of Americans, after-tax income climbed more than 100 percent during this 13-year period.

Overall, the CBO figures indicate that by 1990, the top fifth of U.S. households—the group that would secure the bulk of the benefits from the new IRA proposals—had as much after-tax income as the other four-fifths of the population combined.

WOULD THE PROPOSAL INCREASE SAVINGS AND HELP THE ECONOMY?

Those who lobby for proposals to expand IRAs claim these proposals would increase savings and thereby help the economy. This claim is dubious.

IRA proposals result in a loss of federal revenues; there is no disagreement on that score. Since the savings available to finance growth-producing investments are the savings that are left over after private savings are soaked up to finance government deficits, IRA proposals can not increase the pool of savings available for investment unless they stimulate an increase in personal saving that exceeds the government's revenue loss.

The IRA proposal now before Congress is likely to lead to long-term revenue losses even if the losses for the next five years are offset. As a result, the net effect of the proposal would be to reduce the total pool of savings available for investment, unless the proposal stimulated a large growth in savings. The evidence to support the belief that a very substantial increase in savings would occur is weak, however.

Henry Aaron, director of economic studies at the Brookings Institution and a leading tax expert, has noted:

". . . despite the alleged stimulation of savings from IRAs, personal saving plummeted in the 1980s after IRAs were liberalized and rose following the Tax Reform Act of 1986 which curtailed IRAs. Many other factors influenced savings in addition to these particular tax changes. But those who claim that IRAs boost saving have relied on evidence that is subject, in my view, to devastating criticism. It seems foolhardy to enact a measure that promises to lose large amounts of revenue, thereby boosting the federal deficit and reducing national savings, in the name of unsubstantiated claims that it will boost private savings."

Aaron points out that IRAs are particularly attractive to people of some means who can afford simply to transfer $2,000 each year from one account to another—moving their funds from an account where interest is taxable to an IRA account where deposits are deductible and interest is sheltered from taxation until the taxpayer retires (or under the new type of IRA, where interest is permanently tax-free). Such shifting of funds from one account to another reduces national savings, Aaron observes, because it leaves the overall amount of private savings unchanged while reducing federal tax revenues and "thereby boosting the deficit and lowering national saving." Aaron concludes the result "should be seen as primarily a give-away to people with enough assets to shift them into sheltered accounts.".

The Congressional Budget Office has also expressed skepticism about claims that liberalizing IRAs would boost savings significantly. CBO notes that "studies of saving behavior generally have not found that people save significantly more in response to higher after-tax returns."

A recent House Budget Committee staff report makes the same point. The report notes while a higher rate of return makes it more rewarding to save, it also means an individual needs to save less to reach a specific savings target. The Budget Committee report comes to the same conclusion as CBO, namely that the evidence shows personal saving is not highly responsive to increases in the rate of return.

"For example," the Budget Committee report states, "the U.S. private saving rate did not rise in the early and mid-1980s, a period of increased tax incentives, lower marginal income tax rates, historically high rates of return of saving, and financial deregulation that extended the availability of high rates of return; instead, it fell."

IRA proponents point out that IRA deposits declined substantially after enactment of the Tax Reform Act of 1986. But that does not mean overall saving declined—to the contrary, it rose—or that significantly less was saved than would have been saved if IRA deductibility had been maintained for taxpayers at all income levels. When CBO and the House Budget Committee observe that people do not save significantly more in response to higher rates of after-tax return, they are essentially indicating that liberalizing IRAs would result in the loss of billions of dollars of federal revenue to reward people of some means for saving funds that they would largely save anyway.

INTRODUCTION OF THE YOUNG AMERICAN WORKERS' BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, there it was, my colleagues, on the front page of the Washington Post just 10 days ago. The headline on the story read: "Illegal Child Labor Resurging in U.S."

In this day and age, recent statistics from the U.S. General Accounting Office and other reputable sources on child labor in America are truly shocking. Child labor violations in America have increased 150 percent since 1983—a disturbing leap from 10,000 to over 25,000 reported violations in 1989. There were more than 128,000 work-related injuries to children reported just in 1987 and 1988.

A Labor Department sting operation last year uncovered, 15,000 child labor violations in just 3 days, The average fine levied by the Labor Department for the death of a minor in the workplace is $740.

In 59 case studies where teenagers had been killed on the job, the Labor Department did not even cite 22 employers for any serious violations of child labor or safety laws.

There are fewer than, 1,000 Labor Department compliance officers to enforce all provisions of the Fair Labor Standards Act, including wage and hour violations for adult workers. Only 4 percent of their enforcement activities are devoted to child labor, according to the GAO. That's the equivalent of fewer than 40 Federal investigators policing child labor violators nationwide. Incredibly, the Bush administration asserts no additional inspectors or other resources are needed for now.

The child labor provisions of Federal labor law have not been thoughtfully updated since 1938. Yet detailed recommendations from a blue ribbon panel of experts, the Child Labor Advisory Committee, have been sitting on the desk of the Secretary of Labor since 1988. The continued existence of the panel itself remains in doubt.

Not surprisingly, the landscape of child labor in 1991 has changed significantly from what it was in 1938. A handful of undercover stings followed by highly publicized media blitzes by the U.S. Labor Department are no substitute for practical laws and sustained enforcement over time. That is why Congressmen CHARLES SCHUMER and TOM LANTOS are joining me in the introduction of new legislation to update our child labor laws to address the newer and different violations that compound recurring old problems. We call our bill the young American workers bill of rights.

Following are highlights of our bill:

First, the penalties for child labor violators must be tougher. Our bill establishes criminal sanctions for willful violations of child labor laws that result in the death of a minor—maximum 10 years in prison—or that cause serious bodily injury to a minor—maximum 5 years in prison. Willful and repeat offenders would be ineligible for Federal grants, loans, or contracts for 5 years. They would also be unable to pay the subminimum youth training wage. Furthermore, a private right of action would be authorized, in cases of serious bodily injury or death, for aggrieved minors or their families against child labor scofflaws that would be coupled with discretionary powers for the states to prevent double dipping for damages vis-a-vis State workers' compensation systems. Such private right of action already exists statutorily to enforce certain minimum wage and honor violations.

Second, the law, implementing regulations, and enforcement efforts should make clear that getting a good education is the top job for all young Americans. This is an aspect of contemporary family life in America where President Bush can pitch in with us and demonstrably improve the quality of public school education in America without having to spend an additional dime.

Under our bill, work certificates would be required for anybody under age 18 unless he/she is a high school graduate. For the first time, limits of 5 hours per day and 25 hours per week would be established for 16- and 17-year-old minors to work during the school year to parallel the existing limits of 3 hours per day and 15 hours per week for 14- and 15-year-old minors. Forty-hour workweeks are not permissible for juniors and seniors in high school and are not uncommon.

Third, the law should emphasize that work experience, under the proper circumstances can benefit young Americans. Our legislative focus centers on prohibiting the exploitation of children in the workplace and not preventing minors from working for pay at all.

A key in this regard is strengthening the work certificate system. Parents, teachers, principals, and health professionals must take more seriously their roles. They are the first line of defense in protecting children from being exploited in the workplace.

Also, the basic conditions under which work certificates can be approved should be revised. For example, before a work certificate is issued to a minor, there should be clear determinations that the proposed work is safe.

Fourth, priority must go to informing young Americans about their rights and how to protect themselves on the job. By extension, parents of children applying for work certificates must be included in this educational effort.

Currently, minors are routinely instructed in schools on what is expected of responsible employees in the work world. At the time when minors apply for work certificates, why not require that they be informed and instructed, in straightforward terms, about their basic rights on the job? Too often neither working minors nor their parents know their rights. Routinely providing that information would go a long way toward empowering working children to protect themselves.

Similarly, employers of minors should be required to post notices prominently, on their jobsites, informing their young employees of their basic rights and protections under the law.

Finally, monitoring and reporting on employment patterns of minors must be improved. Nobody, including the Labor Department, has wholly reliable and comprehensive statistics on the scope of child labor. Recently disclosed statistics on child labor violators, while shocking by themselves, represent the tip of the iceberg.

Across the country, children are being exploited in every sector of the work force. Now is the time for the 102d Congress to enact badly needed safeguards to protect young Americans on the job.

REJECT FAST-TRACK PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS of New Jersey. Mr. Speaker, the economic debate of our country is turning in these coming weeks to the fast-track proposal for the so-called liberalization of international trade involving our country.

I had the opportunity, in the last several weeks, to listen to many proponents and many opponents of the fast-track system. The fast-track system, I believe, is procedurally flawed, and ultimately the agreement that the proponents support is substantively flawed and should be rejected by this body.

It is procedurally flawed because it takes the position that key economic decisions should stop at the borders; that the same democratic process which brought each Member here, Mr. Speaker, to speak on behalf of his or her constituent, somehow does not apply when we get to economic issues beyond our borders.

In a world that is growing and changing and becoming even more international in scope, I say it applies more than ever. More importantly, though, and substantively, the reason that fast track is the wrong track is that it fails to address three very important questions.

Now, some of the opponents of fast track and trade liberalization tell Members that they do not want to see fast track and trade liberalization because they want American companies and American workers to be sheltered from the rigors of competition. I would respectfully disagree with their position. We will only be emboldened and only be stronger when we benefit from participation in that competition.

However, I would disagree with the proponents of fast tracking, because I believe that they are sending our economy into a competition where the rules are uneven, where the playing field is uneven, and where we are being asked to swim with lead weights around our ankles.

They fail to answer three questions about whether we will be ready to compete. First of all, where is the manufacturing capital going to come from to produce all these products that we are purportedly going to be exporting to our neighbors under fast track?

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Our economic policies have led to a net private savings rate in this country of less than 5 percent, far below that of our economic competitors. You cannot compete without good manufacturing. You cannot have good manufacturing without capital reinvestment, and we are not going to have capital reinvestment as long as we have an economic policy that subsidizes wasteful consumption, that penalizes investment and fails to reward the productive reinvestment in the American economy.

The second question they do not answer is, when are we going to stop subsidizing our economic competitors?

Mr. Speaker, the taxpayers of this country are shelling out between $70 billion and $80 billion a year to pay for the defense of our economic competition. The taxpayers of Europe and the taxpayers of Japan are getting a free ride on our backs because we are underwriting their defense.

We should not be entering into a competition with uneven ground rules at the same time we are subsidizing those against whom we are supposedly competing. They have not answered that question.

Finally, they have not answered the question that says, when are our economic competitors going to treat us with reciprocal fairness? When are they going to stop keeping our products out of their markets by unfair tariffs, unfair trade restrictions and unfair practices? When are they going to give, as well as they receive?

I am not, Mr. Speaker, one of those who wants to shelter this economy or our companies or our workers from the rigors of international competition, but I want the international competition to be on accepted fair ground rules. I want the competition to take place after we have recapitalized the American economy, after we have stopped subsidizing the national defense of our competitors and after we have insisted that they play by the same fair ground rules that we do.

Until that time, Mr. Speaker, fast track is the wrong track and this body should reject it.

MEDICAID HOME CARE WAIVER REQUIREMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to correct an opprobrious, costly, and indeed discriminatory element of our Nation's Medicaid system.

The problem is illustrated by the case of Chippo Ramirez, an 18-year-old boy who lives in my district. Afflicted with muscular dystrophy and glaucoma, he has been cared for in his home under private insurance coverage. At least until now. His care has recently exceeded the limits of private insurance coverage, and he will now need Medicaid assistance. I am currently working with Chippo's family to obtain a home care waiver under Medicaid. However, even if this waiver is obtained, under current California regulations, Chippo will be forced to enter an institution for an unspecified period of time. With a family at home willing to care for him and the comforts of his home being the only that he has enjoyed in this life, it is an unreasonable and costly prerequisite that he be forced to leave his home and family and enter an institution simply to qualify for home care benefits.

Currently, there are no explicit Federal provisions for home health care under Medicaid. States are, however, permitted to waive the home care exclusion and provide home health services to groups of patients whom they choose to define, subject to the condition that the home care program must be cost-neutral as compared to institutional Medicaid care. The injustice and inefficiency of these waivers is that several State-defined waiver programs require a patient to be institutionalized before the patient is eligible for the home care services. Obviously, this is not a problem for those patients seeking home care who are institutionalized at the time they become eligible for Medicaid. However, for those patients being cared for at home at the time they enter the Medicaid Program, it becomes a severe and even traumatic obstacle for them to enter an institution in order to become eligible for home care services under Medicaid. Furthermore, this requirement wastes Medicaid funds to institutionalize patients who can be cared for at home at a lower cost. My legislation would prevent States from discriminating against those patients who are not institutionalized at the time they seek home care under Medicaid and would also prevent the waste of Federal and State Medicaid funds.

Home health care has proven to be an effective means of providing vital health care to medically needy patients who do not require institutionalization. Such an alternative allows the patient to retain a sense of dignity and independence while continuing to enjoy the familiar and comforting surroundings of his or her own home. Moreover, by expanding the availability of this health care option, we can save valuable dollars currently spent by unnecessarily placing such patients in nursing homes, hospitals, or other institutions.

For all of the benefits of home care, there still exists a maze of procedural obstacles preventing its usage in Federal health care programs. By definition, a patient entering Medicaid who is eligible for home care is eligible for institutionalization because the home care must be of an equal or lesser cost. Thus, it is unnecessary, redundant, and inefficient to force these patients to enter an institution in order to receive the home care services for which they are otherwise qualified. State Medicaid case workers should certainly be able to make the determination as to whether a Medicaid patient is eligible for home care regardless of whether the individual is currently in an institution or at home.

My legislation would prevent States from imposing arbitrary institutionalization requirements upon Medicaid patients who are eligible for home health care. Until we can create a better health care system which will provide for humane, comprehensive, and cost-effective long-term care for those such as Chipp Ramirez, we should make their care under current Federal assistance programs such as Medicaid as comfortable, accessible, and efficient as possible. Prohibiting State institutionalization requirements for Medicaid home care services is a step toward this goal. I urge my colleagues to join me in sponsoring this important legislation.

For the convenience of my colleagues, the text of the bill is included here:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITING DISCRIMINATION IN MEDICAID HOME AND COMMUNITY-BASED WAIVERS BASED ON INSTITUTIONAL STATUS.

(a) IN GENERAL.—Section 1915(c)(1) of the Social Security Act (42 U.S.C. 1396n(c)(1)) is amended by adding at the end the following: "The Secretary may not approve a waiver (or a renewal of a waiver) under this subsection which makes available home and community-based services to individuals who would require the level of care provided in a hospital or nursing facility if under the waiver an individual is denied such services solely because the individual is not (or has not been) an inpatient of a hospital or a resident of a nursing facility.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to waivers, or renewals of waivers, occurring on or after the date of the enactment of this Act.

PROTECTING THE ENVIRONMENT AS WELL AS JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I hope that this week's Earth Day commemorations will remind each Member of this House that there are a number of proposals before this Congress that can help safeguard our environment for generations to come.

Mr. Speaker, I'd like to touch on several of these bills, which I have cosponsored, because I believe they can help us to protect our land, air, and water resources without threatening the jobs of American workers.

I'd first like to discuss H.R. 300, a bill that would mandate the recycling of consumer products to head off the threat posed by a rapidly dwindling number of open landfills across this country.

The Environmental Protection Agency reports that Americans produce 180 million tons of municipal garbage each year. Nearly 70 percent of that waste is dumped in landfills. Another 15 percent is burned and 15 percent is recycled. The volume of waste has nearly doubled since 1960, and it is expected to increase by another 20 percent by the year 2000. Meanwhile, the number of landfills accepting solid waste has dropped over the last decade from 20,000 to 6,000. Many more landfills are expected to close in the coming decade because of higher costs and tougher environmental regulations.

The adoption of a nationwide recycling program can delay the closing of landfills, and buy time to allow for the development of new technologies to deal with solid waste.

If enacted, the Recyclable Materials Technology and Markets Development Act would set down guidelines for manufacturers to begin recycling consumer items made from materials such as glass, paper, metal, and plastic. The bill sets recycling goals of 25 percent for many nondurable products over the next 3 years. By 1998, it would call for the recycling of 75 percent of such materials. These requirements are tough, but the limited space in our landfills leaves us no choice but to act. No longer can we afford to dump reusable materials into junkyards as we have done in the past.

The recycling bill won't cost jobs because all manufacturers will operate under the same rules. Also, the bill will stimulate new business activity by fostering the establishment of markets for recycled goods.

Government studies will aid in this process, and a Federal grant program will be established to help fund in recycling technologies. The bill also calls for the establishment of a public outreach program to educate Americans about the need to deal with our solid waste dilemma.

The goal of recycling consumer goods goes hand in hand with the idea of preserving undeveloped lands that are increasingly at risk in our industrial society. Take, for example, the 19-million-acre Arctic National Wildlife Refuge in northeastern Alaska. President Bush would like to open up the 1.5-million-acre coastal plain of that refuge for oil and natural gas drilling. While all of us are concerned about finding new, secure sources of energy, setting up oil rigs in the Alaskan wilderness isn't worth the tradeoff.

According to the Department of the Interior, oil reserves estimated at 3.57 billion barrels are now underneath the Arctic National Wildlife Refuge. If that oil were tapped, it would cut our estimated daily consumption of 7.2 million barrels of imported oil by about 10 percent over the next 15 years. We currently import over 40 percent of our oil from abroad.

Clearly then, the new Alaskan oil fields won't significantly reduce our dependence on foreign oil. In any event, new oil discoveries in Alaska would only allow us to put off the day when we are forced to develop products that use alternative fuels such as electric cars. The innovative technologies nurtured by the need to use alternative fuels are likely to produce the jobs of tomorrow. Therefore, I see no reason to risk Alaska's pristine wilderness in order to obtain a quick fix for our energy problems.

For these reasons, I've endorsed H.R. 39, which calls for a permanent ban on developments in Alaska's Arctic Refuge, including oil drilling. The bill was introduced earlier this year by Congressman MO UDALL who recently announced his retirement. I can think of no better way to honor Mr. UDALL's 30-year legacy than by passing H.R. 39, a bill that symbolizes his decades of work to protect the environment.

I also favor the addition of another safeguard to protect the natural diversity of animal life in all our wilderness areas. The added protection is called for in a bill that would ban hunting in federally protected wilderness areas. The bill, H.R. 330, would allow exceptions to the hunting ban under special circumstances to be determined by U.S. officials.

Mr. Speaker, as we consider these new efforts to preserve and protect our environment, I would urge my colleagues to keep in mind the economic impact that such changes can have on American businesses and workers.

To ease the impact of new environmental rules on businesses and consumers, I'm currently supporting two changes in bills that were recently enacted by the Congress. I believe we must keep an open mind to consider modifying any rule that has a negative impact on jobs.

First, in connection with last year's amendments to the Clean Air Act, I favor the restoration of tax breaks and financial incentives to help coal-burning utility companies meet the high costs of upgrading equipment to meet tougher emission-control standards. These rule changes will help utility companies reduce their costs and avoid passing on rate hikes to consumers. It also will encourage utility companies to continue burning low-cost coal, which is our most abundant energy resource.

Second, I favor adding language to last year's reauthorization of the Superfund law that will bar judges from demanding that financial institutions pay for toxic waste cleanups on properties that they didn't pollute. This was the original intent of the 1980 Superfund law, but recent court decisions have undermined the exemption designed to protect financial institutions with interests in contaminated properties. The beefed up protection from liability is called for in H.R. 1450, a bill that is vital to many small business owners. Without it, farmers, homebuilders, manufacturers, and other business owners will continue to find it difficult to get credit because bankers are afraid of getting stuck with a multimillion dollar tab for hazardous waste cleanups.

In conclusion, I would like to reiterate that whenever possible, all new laws designed to improve our environment should strive to minimize economic dislocations that can produce layoffs and weaken our international competitiveness. The environmental problems we face emerged over more than 100 years—we can't expect to solve them overnight. Instead, we must make a long-term commitment to changing our environmentally damaging habits as fast as possible, while minimizing the effect on our economy.

RETIREMENT OF CHIEF M. SGT. BOBBY JOE DAVIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, one of the Mississippi Air National Guard's most senior and most valued members is retiring this summer after 34 years of loyal and committed service. His name is Chief M. Sgt. Bobby Joe Davis of Pearl, MS.

He joined the newly formed Air National Guard unit in Jackson, MS, in 1956. He helped shape this into one of the very best Air National Guard units in the country. Over the years, Chief Davis' leadership abilities and his experience have been so important to the success of the 172d Military Airlift Group.

In addition to his service in the Air National Guard, Bobby Joe has been very active in community affairs. I know he will continue to be a participant in those community activities in retirement as well.

Bobby Joe Davis is a great American who has served his State and his country well. I want to salute him for a job well done and wish him the best in retirement.

I also want to share with my colleagues Chief M. Sgt. Bobby Joe Davis' biography.

BIOGRAPHY ON BOBBY JOE DAVIS

Chief Master Sergeant Davis was born in Hinds County, Mississippi, on 21 June 1931. He was educated in the Hinds County school system and attended Hinds Junior College. For the past 17 years, he and his family have resided in Pearl, Mississippi.

Entering the military service in March of 1948, he enlisted in the United States Army. He served in Korea and then was discharged in August 1951. He came back home and joined the Mississippi Army National Guard. He transferred to the newly formed Air National Guard unit in Jackson in September 1956, where he soon was hired as a full time employee. Thirty-four years later, he is a leader of that same organization.

Chief Davis headed up one of the first NDI regional labs in the Air National Guard, and has worked as a shop chief in every Field Maintenance area. He served as Squadron First Sergeant for 21 years. He has completed the NCO Leadership school, the First Sergeant's course, and was an Honor Graduate of the NCO Academy.

Active in his community, he is a Trustee and active member of the Pearson Road Baptist Church, a member of the American Legion, VFW, Disabled American Veterans, Jackson Consistory-Scottish Rite Bodies, and the Pearl Booster Club. He has served as Co-Chairman of the United Way/Combined Federal Campaign for the past 10 years, and served as Vice Chairman of the 35th Anniversary Open House for the 172d MAG. He was a charter member and Chairman of the Handicap Committee for Pearl, charter member of the Pearl Jaycees, charter President of the Pearl Shrine Club, charter Past Master of the John P. Byrd Lodge in 1966 and was elected again in 1973. He is a devoted member of the Masons and Shrine, having organized and built the Byrd Lodge. He also organized the local order of Rainbow Girls and was honored by their naming their group the "Davis Assembly". He served with the Rainbow Girls as General Grand Chairman, State of Mississippi, International Order of Rainbow for Girls, and State Dad for Rainbow in 1977.

EXEMPTING CERTAIN STATE LEGISLATORS' REQUIREMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. DARDEN] is recognized for 5 minutes.

Mr. DARDEN. Mr. Speaker, I rise today to propose two minor alterations in the Internal Revenue Code that will greatly benefit a group of exceptional public servants. Our State legislators are dedicated men and women who make major sacrifices in service to this country. They leave their families and friends behind for extended periods of time. They also leave their jobs, often with only the hope that their employers, or partners, or customers will understand why they cannot tend to business for several months of every year. Our State legislators make these sacrifices because of their deep loyalty to this Nation, and we, at least, should give them every incentive to continue their tradition of service.

Regrettably, the current tax laws do not encourage service in the State assemblies. Accordingly, I am introducing legislation which would amend the tax law to assist our State legislators. First, I would correct an obviously unintended result of a recent change in section 62 of the Tax Code. This section of the code, and the regulations issued pursuant to it, prevent State legislators from deducting their per diem allowance unless they substantiate every expense they incur. While substantiation of expenses is desirable in most business situations, it is not necessary for State legislators, because of the federally determined cap on the total deductible per diem amount. Consequently, it would be impossible for a State legislator to abuse business expense deductibility by padding his or her expense account.

The second change that I propose is one that will remedy an arbitrary distinction made between State legislators living on one side or the other of a 50-mile radius of the State capital. While both of these groups of legislators make major sacrifices to perform their public duties, only those living more than 50 miles from the capital are able to deduct their per diem allowance. As members of this body are quite aware, this distinction is illogical, as a legislator's presence is often required in the capital at all hours of the day and night. Even those legislators who reside close to the capital often do not spend their evenings and weekends at home. They too should be entitled to deduct their per diem allowance as living expenses associated with their business as a legislator.

I encourage you to join me in thanking those men and women chosen to represent us as our State legislators by supporting these minor, yet important, changes in the Tax Code.

THE HIGHER EDUCATION DISCLOSURE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to introduce important legislation, the Higher Education Disclosure Act, which is designed to ensure a public accounting of large gifts from foreign sources to our institutions of higher education.

In response to growing concern about the influence of foreign entities over our colleges and universities, Congress enacted certain public disclosure requirements during the 1986 reauthorization of the Higher Education Act. These provisions required institutions of higher education to disclose foreign grants, contracts or gifts that exceed $250,000 in value, to identify the sources of these gifts, and to disclose any conditions which may have been placed upon these gifts.

These provisions did not in any way restrict institutions of higher learning from entering into arrangements with foreign entities. Rather, the provisions only required that large gifts be disclosed fully to the public.

The disclosure requirements operated successfully from 1987 through 1989, and the Secretary of Education issued regular reports on foreign gifts during that period. There were no complaints from the universities or the Department of Education about the disclosure requirements. Unfortunately, the law contained a sunset provision, and it was inadvertently allowed to expire on August 1, 1989, without being extended.

Most universities are completely unaware of the 1989 repeal of these reporting requirements, and have continued to file disclosure reports with the Secretary of Education. Further, the Department has continued to issue regular disclosure reports. In fact, the Department issued a foreign gifts disclosure report on November 2, 1990, well after the expiration of the disclosure requirements.

In my view, there has been no lessening of the need for this type of disclosure. It is important to our Nation's academic freedom that large gifts from foreign sources—and any conditions attached to those gifts—be subject to public scrutiny.

In some cases, foreign entities have sought to place severe restrictions on the operation of our universities—including attempts to dictate what can be taught, who can be taught, and who can teach it. Clearly, such practices distort the operation of the free marketplace of ideas at our universities. Public disclosure is likely to reduce these practices and ensure more academic freedom for American students.

In addition, some of the conditions which foreign entities have sought to impose on American universities threaten our Nation's future competitiveness. For instance, some foreign companies have sought to invest in research at American universities under the condition that the companies will gain full use of the results of that research.

This could result in a situation in which American taxpayers partially subsidize research which offers our competitors a direct advantage in developing and improving technology. The consequences of these types of arrangements could be extremely detrimental to our economy, contribute to an increased trade deficit with foreign nations and a reduced ability to create jobs and spur growth in America. Particularly at this time of recession, we must do everything possible to prevent this from occurring.

The academic freedom of American students and educators is one of the most prized possessions of this Nation. We cannot restrict the ability of colleges and universities to receive gifts or enter into contracts with foreign sources, since this could also threaten the full academic freedom of these institutions. However, public disclosure of these arrangements is absolutely essential to ensuring that our institutions of higher education are as independent as possible, and that their research efforts benefit our economy and our competitiveness in the world marketplace.

Given the enormous benefits of disclosure, and the proven ability of institutions of higher education and the Department of Education to implement disclosure requirements without shouldering an undue burden, Congress should act this year to reinstate the disclosure requirements as a matter of law. Therefore, I would urge my colleagues to join me as cosponsors of the Higher Education Disclosure Act, which will accomplish this important objective.

This year, the Committee on Education and Labor will once again act on legislation to reauthorize the Higher Education Act. It is my intent to make the Higher Education Disclosure Act a part of this extremely important reauthorization legislation. I would urge all of my colleagues to join me in this important effort.

A MARSHALL PLAN FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. THORNTON] is recognized for 5 minutes.

Mr. THORNTON. Mr. Speaker, our Nation has been losing its competitive edge in several areas of productivity and high technology. We have witnessed an erosion of support for improvements in education, agriculture, and our environment—a neglect of our infrastructure of roads and bridges as well as our manufacturing base.

I think everyone who is looking at America recognizes and identifies the needs which must be addressed, but we have not developed an overall, comprehensive, and dynamic plan to address these needs. Planning is important, but so is vision and leadership.

We need a process similar in concept to the approach developed through the Truman doctrine and the Marshall plan to stimulate economic success in Europe and Asia following World War II. For some time now, I have been working with some of the best minds in our country and with many of my colleagues in the Congress to develop an outline for such an approach to achieve America's goals.

The process must be extensive, coordinated, and aimed at stimulating efforts by the States, by the private sector, and by cooperative groups of individuals and institutions. Piecework repairs to existing institutions will be expensive and will not accomplish the goals attainable from a carefully developed and coordinated process.

As an example of the importance of planning, the United States spent almost as many dollars for relief and humanitarian aid to Europe during the first 2½ years following World War II before the Marshall plan, as was spent during the next 3½ years during the implementation of the Marshall plan.

The billions of dollars spent for the earlier piecework and relief-oriented assistance had little impact on European recovery. The Marshall plan with its different, coherent approach to increase industrial and agricultural production, to stimulate trade, to restore sound budgets and currencies was based upon the idea that each technical and financial component contributed to the attainment of these long-term objectives. The money spent to implement the comprehensive, coordinated plan had enormous and continuing impact long after the plan itself was completed.

Recent events in the Persian Gulf have once again demonstrated how much can be accomplished when we have a coherent set of objectives and strategies. It's time to harness our newly recovered "can-do" spirit to developing and implementing a plan for accomplishing America's goals.

I ask for input and suggestions from my colleagues in refining this outline, and for their leadership and vision in moving toward a strategy to seize the historic opportunity we now have to reorder our priorities and address our needs here at home.

It is my hope that the following outline will be a useful point from which to begin that quest:

A MARSHALL PLAN FOR AMERICA—NEW STRATEGIES FOR A CHANGING WORLD

I. INTRODUCTION

At the end of World War II, the United States recognized that its own national interest required that Europe and Asia, devastated by the war, be restored to economic health and vitality, not only for altruistic reasons but in order to offer an alternative to the spread of world communism. The Truman Doctrine led to strategies of encouraging and stimulating recovery efforts in Europe and Asia. The European component of the strategies, as implemented by Secretary of State General George C. Marshall, devoted nearly 2% of our gross national product to that effort.

Objectives included the restoration and repair of roads, bridges, and the manufacturing infrastructure; opportunities for educating and training employees; the development of new manufacturing technologies, tools, equipment, and capital investment mechanisms; and other strategies aimed at providing housing, transportation, and an acceptable standard of living.

History has shown that the Marshall Plan and its counterpart for Asia succeeded in stimulating economic recovery and productivity throughout Western Europe and the Pacific Rim, including our former adversaries.

The continuing successes of the competitive free market economies in Europe and Asia placed great pressures upon the state-planned economies of the Eastern Block nations. These pressures were enhanced by containment policies, backed by military commitment, which denied the alternative of military conquest. The success of these policies was demonstrated by the crumbling of the Berlin Wall and the Iron Curtain, the dissolution of the Warsaw Pact, and the movement toward democratization of Eastern Europe.

II. TIME FOR A NEW BEGINNING

Now it is time to re-focus our emphasis and re-order our priorities. An opportunity now exists for new and dynamic strategies to meet changing world conditions. The United States should formulate and pursue new strategies to ensure that it remain the mightiest nation in the world militarily, while developing its human and material resources to advance its position as the dominant economic power in the world.

By this combination of economic and military strength, the U.S. will provide the national security base upon which the realization of the larger goal of being the greatest nation in pursuit of human dignity, freedom and opportunity depends.

It is time to begin. The challenge is to develop a comprehensive, yet realistic, multi-faceted approach to the extraordinary opportunities we now have as the Cold War and the war in the Persian Gulf are ending.

The process requires that we (1) understand clearly where we are, (2) express our vision for the future, and (3) define and implement specific steps which will lead to the attainment of our objectives of military and economic strength adequate to nurture, stimulate and advance our ideals of equal justice, individual freedom, and human dignity which have made our nation the greatest in the history of the world.

We need to develop strategies for America as appropriate for our needs, as those we employed with such success in rebuilding Europe and Japan—in short, we need a Marshall Plan for America.

III. WHERE WE ARE

Many studies show that our economy, although strong, is losing ground in several areas of competition. Our commercial and technological infrastructure has slipped badly in several important fields. Our roads, bridges, and other means of communication and transportation, as well as facilities used in providing human services have been allowed to deteriorate, rather than keeping pace with increasing demands. Support for education has eroded.

The nation has abandoned policies of energy conservation and stimulation of production of alternate and renewable fuels, imposing enormous costs measured both by damage to a fragile environment, and also by the requirement of defending overseas sources of fuel. Agriculture, once a dominating force in attaining favorable trade balances, has been neglected.

Competitiveness in manufacturing new, high-quality products is hampered by emphasis on short-term rather than long-term market goals, as well as by policies which discourage cooperative approaches to problem-solving. Erosion of manufacturing employment hollows out American enterprise and results in unemployment—and underemployment—of the work force.

As a result of these negative forces many people feel that they have no hope of realizing any kind of personal attainment and slip into patterns of poverty, drug-abuse, and crime.

IV. WHERE WE WANT TO BE—OUR INTERWOVEN GOALS

America should be the mightiest nation on earth militarily and the strongest economically in order to remain the greatest in terms of personal freedom, dignity, and democracy—ideals which are inspiring and transforming the world.

V. HOW TO GET THERE

Constructive and dynamic management of change will not be possible if only static, piecemeal, and inflexible reactions to short-term challenges are used. New comprehensive and continually updated strategies must be employed.

A. National security: The military successes of the Persian Gulf demonstrated the enormous capability of highly mobile forces using advanced technologies and rapid deployment through air-lift and sea-lift capacities. New strategies to emphasize flexibility and quick response should be developed. An advantage of this approach will be a significant reduction in the requirement for a large standing army.

But national security also depends upon well-educated and highly trained citizens capable of using advanced technologies, whether those technologies are in a battlefield or in a modern workplace.

National security demands that the nation be substantially energy and resource independent, never again being held hostage to threats of interruptions of vital needs. National security requires that our transportation, communication, and services networks be strong. National security can be attained only if our economy is strong and vibrant, harnessing the energy of our well-trained and well-paid work force to the abundant resources of our lands and to the inventive genius of our scientists and entrepreneurs. National security can be advanced through comprehensive new strategies like those which will emerge from the process of creating a Marshall Plan for America.

B. A strong and vibrant economic base: The following represent a few examples of some current strategies which should be pursued. Other needs and strategies will emerge as the process moves forward.

1. Make a substantial investment in rebuilding roads, highways, transportation facilities, and communications networks. Speaker Tom Foley has said that we should invest 30 billion dollars each year for the next ten years in order to meet this vital need.

2. Reverse the unfavorable balance of trade by enhancing America's competitive stance through such initiatives as:

a. Encouraging, and reassessing some of the regulations which impede, cooperative programs between domestic companies engaged in similar or complementary endeavors;

b. Providing strong educational, training, and re-training programs which form the foundation of a competitive and well-paid work force;

c. Identifying areas of emerging and critical technologies—i.e. high definition television, high-performance computing, fiber optic communications, super conductivity applications, etc.—and "clearing the path" for American industries to become or remain the world leaders in these fields;

d. Facilitating the application and commercialization of innovative technologies through emphasis on American technology preeminence and encouragement of manufacturing within our own borders rather than "exporting" such technologies abroad; and

e. Stimulating savings and capital investment through appropriate tax incentives.

3. Establish a national policy for energy conservation and the development or alternative fuels. The programs which were started during the Ford and Carter administrations and abandoned during the past ten years should be reevaluated in light of the expense of securing a dependable supply of overseas oil.

4. Forge agriculture policies which provide our people with an abundant supply of high quality food and fiber at economical cost, and encourage international trade and market development.

C. Human dignity, freedom, opportunity, and democracy: We remain a great nation only as long as our military might and economic power are used as a foundation upon which to establish and advance worthwhile values, principles, and goals. Our nation's values are woven throughout the fabric of our democracy. They are present in the ideals expressed so powerfully in the Declaration of Independence, the Preamble of the Constitution, and the Bill of Rights. Such principles as individual freedom and responsibility, equality of opportunity as well as justice, respect for the rights of others, and compassion for the needy reflect important and lasting American values. However, the attainment of such goals requires diligent attention and effort.

Freedom of the press means little to those who cannot read. Equality of opportunity to get a good job is meaningless if the job has moved overseas. Respect for the rights of others is fragile when there is no hope for personal achievement. Compassion for the needy is empty if no provision is made for addressing issues of health care or poverty.

A common thread connecting each of these social ills is the need to establish education as a true national priority. A democracy "for the people, by the people" will fail if "the people" are not educated. It is vital that a Marshall Plan for America promote strategies for education which provide access for all people, which establish achievement standards that meet and exceed the highest standards demanded by our economic competitors, which foster a learning environment that encourages and stimulates students and teachers to meet the challenges of global competition, and which provide the necessary resources to accomplish these objectives.

Similarly, education is a vital component in the pursuit of an acceptable standard of living, the basis for our values and human dignity. Only an educated work force can secure well-paying jobs and attain the levels of productivity that create wealth for our nation. An acceptable standard of living also depends on strategies which protect the environment that sustains us, which promote affordable housing and health care protection for all citizens, and which demonstrate realistic and attainable alternatives to lives of drug-abuse and crime.

These strategies are interdependent and vital components of a comprehensive Marshall Plan for America.

VI. WE CAN AFFORD IT

A. At a time when our national debt was 260 billion dollars and our annual GNP was 212 billion dollars, we allocated nearly 2% of our GNP to a Marshall Plan for the rebuilding of Europe and Asia. Today our national debt is 3 trillion dollars and our GNP is 5.5 trillion dollars (a much better ratio of GNP-to-debt than at the end of WWII), and 2% of our GNP would amount to less than 110 billion dollars. We are in a better position today to afford the costs of a Marshall Plan for America than at the end of WWII when we helped rebuild Europe and Asia. The cost of this national commitment will be high, but not as expensive as the failure to make such an investment.

B. Last year we spent more than 130 billion dollars defending Western Europe against a non-existent Warsaw Pact threat. We should carefully study our national security needs, refocus our military emphasis toward high-technology weaponry, rapid-deployment forces, and air-lift/sea-lift capabilities. We should analyze whether maintaining great land armies on the European continent remains a vital component of national security, or whether some of the expenditure could be redirected toward improving our country's competitive position in world trade and manufacturing.

C. New revenues could be obtained by placing fees on certain imported goods when national interests would be advanced by such actions. For example:

1. An import fee on foreign crude oil, carefully weighted to encourage energy efficiency and conservation and the development of alternative sources of energy, would shift a portion of our tax burden to the overseas countries which would then face market limitations upon their own cartel-established crude oil prices.

2. Selected import fees could encourage a level playing field with countries which prohibit or restrict American products from entering their market places, which employ manufacturing processes that degrade the environment, or which disregard human rights in their employment practices.

VII. CONCLUSION

World events provide us with an historic opportunity to affect our future as a nation and as a people. By the approach outlined here, strategies should be developed which stimulate action by the states, by the private sector, and by cooperative groups of individuals and institutions.

As a people we are once again confident of our ability to set great goals, and to achieve them. Our "can-do" spirit is ready for this task, and we should match that spirit with vision and leadership.

SALUTE TO AN AMERICAN HERO, CAPT. STEPHEN PHILLIS, USAF

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois is recognized for 5 minutes.

Mr. EVANS. Mr. Speaker, time and time again throughout our history our country's Armed Forces personnel have responded to our country's call and performed bravely in protecting our freedoms. Some have gone beyond that in sacrificing themselves and giving, as Lincoln said, their last full measure of devotion to our Nation.

I rise today to salute such an American hero, Capt. Stephen Phillis of the U.S. Air Force is one of those who gave his all to our country. While flying a mission over Northwest Kuwait, Captain Phillis' A-10 warplane was shot down as he was protecting his parachuting wingman from enemy fire. According to military officials, Captain Phillis flew through thick fire to make sure his wingman, whose own plane had been hit, landed in a safe area. As his comrade was parachuting to safety, Captain Phillis continued to fly cover for him by firing at enemy ground targets.

At his funeral last week in Rock Island, his family was presented with the Silver Star for extraordinary heroism, and I think we all know the Silver Star is one of the Air Force's highest honors recognizing combat bravery.

During Operation Desert Storm, Captain Phillis also earned four air medals.

My brother, who has known Captain Phillis from the time they were in grade school together, said that as long as he remembered Stephen Phillis wanted to be an Air Force pilot, and quite a pilot he was.

According to his commander, he was one of the most experienced and respected pilots in the Black Panther Squadron of the 304th fighter wing and he was considered one of the best pilots in his wing, extremely dedicated and highly competent.

Captain Phillis' strength, I believe, came mostly from his family who instilled in him the values that he had upheld in combat. I know those values are also shared by his brother, Michael, who also served as well in the gulf serving with the Navy Seabees.

I know that all my colleagues join in expressing our deepest sympathy to the Phillis family. America is America largely because of the dedication of people like Capt. Stephen Phillis. Every freedom, every value we cherish, I believe we owe to such people as Captain Phillis and the other Americans who protected us and died in the Persian Gulf area.

Mr. Speaker, at this time I yield to my colleague, the gentleman from Florida [Mr. PETERSON]. He, of course, brings a special perspective to the floor on this issue today. As a pilot in the United States Air Force during the Vietnam conflict, he flew some 66 combat missions. On his 67th mission, he was shot down and captured by the North Vietnamese. He spent 6½ years as a POW there. He knows as well as anyone here in this body the price of freedom, and I yield to the gentleman from Florida.

Mr. PETERSON of Florida. Mr. Speaker, I thank my colleague for yielding to me and offer these remarks.

Mr. Speaker, the death of Capt. Stephen Phillis of Rock Island, IL, reminds us all, of the uncommon bravery and valor that is the hallmark of America's military men and women.

Captain Phillis served in the best tradition of Americans who are willing to give their lives in the name of freedom and democracy. He was a true professional who distinguished himself in his final act of bravery.

Although I did not know Captain Phillis personally, I share a special feeling over his loss because we shared similar experiences and backgrounds.

I grew up just a short distance from his hometown of Rock Island and like Captain Phillis was a fighter pilot in the U.S. Air Force.

I am well aware of the courage, dedication, and strength which is required of every combat pilot. These qualities defined the character of Captain Phillis.

Captain Phillis' death symbolizes what America's fighting men and women have done for this country throughout the past two centuries. We are, forever, indebted to him and all the other courageous Americans who gave their lives during the Persian Gulf war.

Today, I join with my colleague Congressman LANE EVANS in expressing our deepest sympathies to the family of Captain Phillis and all those who lost their loved ones in the Persian Gulf.

WHEN IS A FISH NOT JUST A FISH?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, I have come to the floor today to pose a question for the editors of Time magazine.

That question is: When is a fish not just a fish?

The reason I must ask and answer this question is because this magazine has seen fit to attack a laboratory facility in my State which has been instrumental in building and sustaining an industry providing thousands of jobs and millions of dollars in income.

When is a fish not a fish?—when it's a new job, more income and increased tax revenue, that is when.

The Fish Farming Experimental Laboratory in Stuttgart, AR has, since its establishment in 1958, conducted research which has provided growers with the knowledge necessary to expand the aquaculture industry.

In fact, it has expanded to the point that it is a major economic boom to the economy of the lower Mississippi Delta region—an area which desperately needs the jobs and income the industry provides.

In its April 22 issue, Time published an article entitled "A Catfish That Oinks And Other Tales Of How Congress Wastes Money On Dubious Projects."

I have rewritten their headline to read: "A Magazine Article Which Stinks And Other Tales of How Time Magazine Wastes Money On Dubious Projects Which Serve Only To Mislead the Public."

In my view, creating jobs is a proper role of public policy especially when those jobs are located in one of the poorest areas of the United States.

And, the acquaculture industry has created more than 9,000 of them—with the able assistance of the staff at the Fish Farming Experimental Laboratory.

In just 9 short years, it is estimated that as many as 27,000 people may be employed in the industry.

Time magazine, using information provided by a Republican Member of the other body, branded this project as pork. I proudly proclaim it—not pork, but progress.

The article referred to this serious research facility as a "catfish farm," indicating the writer does not even understand what the laboratory is and certainly does not understand what it does for the aquaculture industry.

Mr. Speaker, America is hemorrhaging jobs at an alarming rate—losing them to foreign countries—and any effort which puts our people here at home to work will have my support to the last day I serve in Congress * * * and beyond.

A study by Mississippi State University showed that 230 jobs are created for each 10 million pounds of catfish production, for example.

I invite the editors of Time to visit the Delta of Arkansas, Mississippi, and Louisiana and to ask those working in the aquaculture industry if the money spent to support the Fish Farming Experimental Laboratory is wasted.

I invite them to talk to producers such as Joey Lowery of Weiner, AR who operates 200 acres of catfish ponds and plans on a 30-percent expansion.

He calls the Fish Farming Experimental Laboratory "an invaluable tool." To Joey Lowery and hundreds like him the laboratory means business, not boondoggle.

And, the same is true for Steve Carpenter, Donald Cain, Al Bray, Neal Anderson and many, many others.

In fact, last year 14,878 producers in 35 States contacted the laboratory for technical assistance.

The Time magazine piece was based on a $2.7 million appropriation to help construct and equip a "state-of-the-art" 18,000 square foot research laboratory at Stuttgart.

Expansion of the lab, which was built in 1960, is necessary because the current facilities are outdated and assistance to fish producers must keep pace if the aquaculture industry is to grow and continue to be profitable.

It is through research done at Stuttgart that yields are increased, speedier weight gain is achieved and diseases are controlled.

This means more profit for the producer and lower cost for the consumer.

If this industry does not remain competitive, it could wither and die—leaving thousands of workers out of jobs.

We in America have allowed this to happen too often—losing our competitive edge to other countries and allowing them to take over our markets.

It was the shortsightedness exemplified by the Time article which allowed this to happen. If we do not invest in America, we cannot remain a player in a very competitive world market.

The editors of Time may be ready to concede the game, to continue to see industry after industry move elsewhere because we were not willing to make the investments necessary to keep them—and the jobs they provide—here in America, but I am not.

Dr. Harry Dupree heads the laboratory at Stuttgart. He says that aquaculture is now entering a new era which will emphasize higher production levels and efficiency and a better quality product. Expanded research is critical to achieving these objectives.

I believe that my friend Harry Dupree and his staff deserve praise for their tireless efforts, not snide and uninformed comments such as those published by Time.

Last year, in my State alone, catfish, baitfish and other fish products contributed $79 million to the economy. And, there are beneficial spinoffs. In 1989, for example, the U.S. catfish industry used 200,000 tons of soybean meal and another 400 million pounds of other domestic grain products.

Where would that grain have gone had it not been used by this industry, would there have been a market for that grain?

The catfish that oinks?

No, it's the catfish that sells—providing jobs and economic growth to an area which needs both.

In Arkansas, Mr. Speaker, we actually do not care if these fish oink, whistle, bark or hoot as long as they continue to provide the underpinning for a multimillion dollar industry.

It is good to support investment in America and her people, if we can forgive billions of dollars in foreign debt, surely we can afford $2.7 million to support an industry which produces many millions more in jobs and tax revenue.

To the editors of Time, I would only say that a fish is not always a fish—and invite them to take time to find out why.

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Mr. Speaker, I submit for the RECORD a number of pieces of correspondence relating to this matter.

CATFISH FARMERS OF ARKANSAS,
Carlisle, AR, April 23, 1991.
Representative BILL ALEXANDER,
House Office Building,
Washington, DC.

DEAR CONGRESSMAN ALEXANDER: We, the Catfish Farmers of Arkansas, were very displeased when we read the article "A Catfish that Oinks and other Tales of How Congress Wastes Money on Dubious Projects" that was published in the April issue of Time Magazine. As you know, fish farming is an important industry to Arkansas especially in the Mississippi Delta region where unemployment is high and the standard of living is low.

The Stuttgart Fish Farming Laboratory has assisted the fish farming industry for over 30 years. It has made fish farming a very profitable industry and created many jobs. Many people presently employed would not have jobs if not for the fish farming industry, and if not for these jobs, they would have no alternative but to be on welfare programs.

Please inform the writer of the Time Magazine article that the Stuttgart laboratory requires modern facilities to meet the research needs of our growing industry. We need up-to-date research in feeds, diseases, breeding, and water quality so that the industry can continue to grow and in return yield more tax dollars. Based on governmental predictions, the catfish industry is projected to be worth over $1 billion in the next ten years, and will employ 18,000 citizens in Arkansas, Mississippi, and Louisiana.

We appreciate all that you have done for our industry and your foresight to help provide the tools we need to make our catfish industry even better. We support you and send our thanks from all of us in Arkansas.

Sincerely,

SCOTT FARMER,
President, CFA.

CATFISH FARMERS OF AMERICA,
Indianola, MS, April 22, 1991.
(Attention of Philip Launius).
Representative BILL ALEXANDER,
Cannon Office Building,
Washington, DC.

DEAR HON. BILL ALEXANDER: Catfish Farmers of America is the national trade association representing the catfish industry. CFA was formed in 1968 and currently has paid membership from thirty-five states, making it the strongest national aquaculture organization.

I was distressed to read in the April 22 issue of Time magazine, an unjustified attack on Senator Dale Bumpers concerning his work and support of our emerging aquaculture industry.

Within just the catfish industry, it is well known that nearly $20 million worth of fish are lost each year to disease. The 1988 report from the Task Force on Therapeutic Compounds (consisting of representatives of six federal agencies) to the Joint Subcommittee on Aquaculture, identified as a significant obstacle to aquaculture, the lack of federally approved therapeutics to reduce disease-induced fish mortality. Also, to reinforce this finding, was the determination by federal and state agency representatives and the private sector during Aquaculture Summits 90 and 91; that the number one priority for the benefit of aquaculture was in the area of fish health. I have said all of this to make the point that this is what the Fish Farming Laboratory in Stuttgart is all about. This Laboratory provides diagnostic examinations and fish health inspections for farmers and assists in certifying fish for transportation across state boundaries. The research staff conducts experiments and research into all segments of fish health, disease control and aquatic ecology.

The nations fish farmers are proud of the quality work done for them through the Stuttgart Laboratory and desperately needs the anticipated results of its continuing research into fish health issues.

Further it is unfortunate, whether intentional or not, that the Fish and Wildlife Service, Fish Farming Experimental Laboratory was identified only as the catfish farm in Stuttgart, Arkansas which will lead readers to assume incorrectly, the funding of a private farm.

We can also show Senator Smith several out-of-business processing plants that have recently been forced to close in this "flourishing industry."

This letter is for your information from my frustrated perspective.

Respectfully,

HUGH WARREN,
Executive Vice President.

NATIONAL AQUACULTURE ASSOCIATION,
Shepherdstown, WV, April 23, 1991.
Representative BILL ALEXANDER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN ALEXANDER: On behalf of the National Aquaculture Association, I would like to express our irritation in the recent Time Magazine article that criticized the Fish Farming Experimental Laboratory in Stuttgart, Arkansas.

The National Aquaculture Association represents fish producers and service industries from all over the United States. Because research and development is a major need in maintaining competitiveness and accelerating industry growth, we were dumbfounded when we read that one of the nation's major aquaculture research facility is classed as "pork". Without the Stuttgart facility and all that it has contributed to fish farming during the last 30 years, it is unlikely that fish farming would exist today.

We are happy that the modernized facilities are under construction and we are looking forward to being able to utilize the new information produced. Regardless of what the Time Magazine said, a very viable fish farming industry knows that the Stuttgart laboratory fills an essential place in the growth of the Nation's fish farming industry.

We appreciate all that you have done to provide funds for laboratory construction which will enable our industry to grow and become an even greater asset to the state and nation.

Sincerely,

MIKE FREEZE,
President.

STRIPED BASS GROWERS' ASSOCIATION,
San Diego, CA, April 23, 1991.
Representative BILL ALEXANDER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN ALEXANDER: Our organization, the Striped Bass Growers Association, represents the striped bass producers nationwide. When we read the article in Time Magazine about the Stuttgart Fish Farming Experimental Laboratory, we felt that the facility and staff were being unjustly treated.

The Stuttgart Laboratory has provided our industry considerable assistance and research information. Without their assistance, our future would look bleak. However, we have a promising future due to the research we have received in disease control methods and culture techniques. We also believe that the new state-of-the-art facilities will be of great importance, and the research developed there will be a great asset to our growing industry.

Your efforts on this project have been greatly appreciated by all of us.

Sincerely,

JAMES M. CARLBERG,
President.

STEVE CARPENTER FARMS,
Waldenburg, AR, February 27, 1991.

Hon. BILL ALEXANDER,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN ALEXANDER: I would like to let you know how much my fellow farmers and I appreciate the help you have given the fish experiment station in Stuttgart in the past. Especially with the new funds you have helped them to obtain for new construction and operating expense.

I farm 200 acres of fish at Waldenburg. I raise Catfish, Big Heec, Buffalo, and Amur. As you know I have been farming fish for the past 5 years.

Learning in the fish business has been very costly to me. I feel that if it wasn't for the Fish Experiment Station I would not have grown and expanded like I have. They have helped with disease, marketing, new technology and just good advice. They are always there trying to help, doing anything they can for the farmer. David Sample has even given me his home telephone number when I was having serious problems, so I could call him on the weekend. This is the dedication that runs through the whole operation, from Bo Collins down.

One thing that I will ask is that with the processing plant going in and production increasing, I hope that extra funding will be available to help the Fish Experiment Station grow to accommodate the Arkansas Fish Farmers, keeping fish a thriving business.

Sincerely,

STEVE CARPENTER.

LOWERY AQUA FARMS, INC.,
Weiner, AR, April 8, 1991.

Hon. BILL ALEXANDER,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN ALEXANDER: I would like to take this opportunity to thank you for your support and efforts toward the construction of the new fisheries experiment lab in Stuttgart. This facility will be an invaluable tool to further develop the catfish industry in Arkansas.

I presently operate 200 acres of catfish in northeast Arkansas located approximately 15 miles east of Newport. I'm in my sixth year of production and planning a 30% expansion this year. From the beginning, I've heavily relied on the personnel in Stuttgart for technical information relating to practically all areas of the business. The ongoing assistance the present facility has provided me makes me excited about the completion of the new lab. I believe if adequate funds are provided to staff and operate the lab, this facility can predominately serve the fish producing areas of the state. I believe in order for the lab to meet its potential; there must be personnel in the field working close to the farmer dealing with actual farm situations so a more coordinated effort can exist between production and research to solve production problems.

I appreciate your support for the development of aquaculture in the state evidenced not only with this project, but also by securing funds for the upcoming processing plant in Cotton Plant, and more personably with the assistance of your office in helping me obtain a Section 404 permit that will make my expansion possible. I'm convinced that your continued support will be a key factor in the expansion of aquaculture in Arkansas.

Sincerely,

JOEY LOWERY.

DONALD CAIN INVESTMENTS, PLANTER, LAND DEVELOPER,
McCrory, AR, April 15, 1991.

Re New fish laboratory, Stuttgart, AR.

Congressman BILL ALEXANDER,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN ALEXANDER: With your help and others the new fish laboratory at Stuttgart is in the process of being built. Now we desperately need your consideration and help in getting the funding for the full operation of this unit. It would not be of any benefit for us to build the unit, then wait for a year or two in order to fund the operation.

Bill, the fellows at Stuttgart are really doing a good job in helping us with the disease control in our fish. They also do research work and other things to benefit the fish farmers.

With this new facility and the funding of the operation, we will continue to establish more ponds and raise more fish. There seems to be some future in the raising of catfish, which is unlike some of the row crops we have been trying to raise.

I fully support you and you know how much I appreciate the fine job you are doing for us in Washington. You can certainly count on me to help you in any way I can. With best personal regards, I am

Yours truly,

DONALD CAIN.

Mr. ESPY. Mr. Speaker, I thank my friend, the gentleman from Arkansas, Congressman BILL ALEXANDER, for reserving time and for inviting me to participate in a special order to discuss Time magazine's erroneous reference to funding for the Stuttgart Laboratory as an example of pork barrel politics. I want to associate myself with Congressman ALEXANDER's remarks.

Since I have been a Member of Congress, I have made it a priority to promote the catfish industry which means 6,000 jobs and an estimated $2 billion in economic development for Mississippi. The benefits are even greater throughout Arkansas and the entire lower Mississippi Delta region. Now there are over 9,000 people employed in the aquaculture industry. By the turn of the century, it is estimated that 27,000 people will be employed.

Four years ago, I was joined by 220 of my colleagues in support of a resolution to commemorate "National Catfish Day." To some people it may have been just another commemorative. But to the people of Mississippi and the lower Delta region, "National Catfish Day" brought some positive attention on a growing industry which means jobs and income to the poorest region in our country.

"National Catfish Day" was instrumental in changing the way people think about catfish. Farm-raised catfish is not a bottom dweller, or a scavenger, as was its ancestors. Farm-raised catfish is a superior fish, fed soybean meal, corn, fish meal, vitamins and minerals in clean freshwater ponds.

Because of its great taste and nutritional value, the Department of the Army decided to increase its annual purchase of catfish. I have hosted several catfish dinners in the Longworth cafeteria so that my colleagues and their staffs could learn first hand just how delicious farm-raised catfish can be.

Much of the credit for the growth of the catfish industry goes to the farmers and workers who grow, produce, and process the fish for the market. Their hard work and dedication has made the aquaculture industry the fastest growing segment of agriculture in the United States.

But the research done at the U.S. Fish Farming Experimental Laboratory in Stuttgart, AR is also crucial to the growth of the industry. Stuttgart has pioneered much of the research in catfish farming, saving many farmers from serious epidemics and saving the industry from serious economic losses.

Research at the Lab has led to increases in fish yields, which has allowed farmers to become more profitable. It has also held down the price of the fish. Other research has been done to develop harvesting and transporting techniques which are also important to the industry. It's no accident that 80 percent of the catfish industry is within a 150-mile radius of the Stuttgart Laboratory. That's because the work at this laboratory helps to ensure that a quality product is produced to the benefit of the farmers, the workers, and the consumer.

The $2.7 million in Federal funding this laboratory received for this year is not pork barrel politics—it is critical to the health and development of a major industry in the poorest region of this country.

It's not pork barrel politics. It is vital to help produce jobs in a region where the unemployment rate is almost twice the national average—and in some counties where it is four times the national average.

This is not pork barrel politics. But this funding does translate into real bacon on the tables in a region where the per capita income is some $3,400 less than the national average, where 21 percent of all the pople live in poverty, and an astounding 41 percent of African-Americans and women headed households are in poverty.

Mr. Speaker I want to thank my friend from Arkansas again for reserving time for this special order and for giving me an opportunity to participate. I repeat: it's important for the Nation to know that this time, Time magazine got it wrong.

THE 75TH ANNIVERSARY OF THE EASTER UPRISING OF 1916 IN IRELAND

The SPEAKER pro tempore (Mr. LAROCCO). Under a previous order of the House the gentleman from New York [Mr. MANTON] is recognized for 60 minutes.

Mr. MANTON. Mr. Speaker, I have reserved this special order today to commemorate the 75th anniversary of Ireland's Easter uprising.

Mr. Speaker, I yield to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to take this opportunity to commemorate the 75th anniversary of the Easter uprising in Ireland. I would like to commend the gentleman from New York [Mr. MANTON], the cochairman of our ad hoc Committee on Irish Affairs, for organizing this special order.

The 1916 Easter uprising declared Ireland to be a sovereign and independent state, guaranteed civil and religious liberties, and proclaimed equal rights and opportunities for all citizens. Although the uprising failed, it eventually led to the withdrawal of British troops from 26 of the 32 counties in Ireland.

Many of my constituents in the 22d Congressional District of New York are of Irish decent, many of whom have relatives who fought in and believed in the principles underlying the 1916 Easter uprising. They fought to be a free and united nation. My constituents honor and respect those men and women who sacrificed their lives to the cause of the Easter uprising.

April 20, 1916 through April 30, 1916 was a significant chapter in the Irish revolutionary history.

In the 18th century, Wolfe Tonne formed the organization called the United Irishmen. This group attempted to unite all Irishmen, regardless of religious persuasion, financial status, or social class. The United Irishmen made two attempts to expel the British from Ireland. Wolfe Tonne was eventually arrested and he committed suicide.

In the 1840's, Daniel O'Connell formed the Young Ireland Movement. However, that rebellion also ended in defeat. The 1840's also were the time of the great famine. Millions of people either died of starvation or fled the country, many to the United States; a nation, which itself had once been under the control of the British crown.

During 1865 and 1867 the Irish Republican Brotherhood, or fenians tried to break away from Britain's control. But, by the end of 1867 the Irish Republican Brotherhood's movement was decimated by the executions of several of their members who participated in a prison break.

Once again, in 1916, the rebels attempted to break away from Britain's domination. In the beginning of the 20th century the Irish Republican Brotherhood reorganized and grew stronger. Its members were becoming prominent and influential in other political and cultural organizations.

Patrick Pearse, one of the leaders of the uprising was the man who read the proclamation of the Irish Republic. He was also the man who signed an order for the other commandants; James Connolly, Thomas Clarke, Sean MacDiarmuid, Thomas MacDonagh, Eamonn Ceannt and Joseph Plunkett to lay down there arms. This marked another defeat in the Irish revolutionary history.

However, after the Easter uprising, 16 republicans, including the seven members of the provisional government were court martialed and executed by shooting. In total, there were 160 court martials and 122 sentenced. As many as 2,000 men and women, were interned in jails in England and Wales.

Pearse and the other commandants were backed by people who fought and made the ultimate sacrifice for their cause. On this, the 75th anniversary of the 1916 Easter uprising, the Irish people honor the men, women and children who fought for a free, united Ireland, which would cherish all its children equally, and whose people could live in peace and harmony with each other. "Without Freedom," Patrick Pearse said, "Ireland unfree will never be at peace."

The world has come a long way in its drive for peace throughout the world. Today we witness the achievements of the United Nations, the Red Cross efforts, the tearing down of the Berlin wall, the ad hoc efforts, peace in the Persian Gulf, the initiatives for democracy in the Soviet Union and South Africa. We can all hope and pray that in the near future there will be peace throughout the world and throughout Ireland.

Accordingly Mr. Speaker, I urge all of our colleagues to recognize the aspirations of the Irish people and of their struggle to be free.

Mr. MANTON. I thank the gentleman for his remarks.

Mr. Speaker, on this day 75 years ago a group of brave ordinary men and women seized the general post office in Dublin and proclaimed an independent Ireland. Although the rising was shortlived, it signaled the rebirth of Ireland's desire for freedom. In the words of the Irish poet W.B. Yeats, Ireland had "changed, changed utterly: a terrible beauty is born." Today, 75 years later, Yeats' characterization is still appropriate. Sadly, because the goals of this revolution were not realized, and the conflicts which it spurred have never been settled to the satisfaction of all interested parties, Ireland, a land of incredible natural beauty, remains scarred by bloodshed and conflict.

Mr. Speaker, the seeds of the 1916 Easter rising, were planted a few years earlier, in 1914, when England's Liberal Party Government proposed a limited form of self government to Ireland. The home rule bill would have established an independent Irish parliament but retained the British Government's control over finance and defense matters. Many Irish Catholics agreed to fight for the British in World War I in the belief that this would help bring about home rule and eventually, independence.

Supporting the British and home rule would bring about freedom for small nations, such as Ireland. Conversely, the home rule act was vehemently opposed by both the House of Lords and the Protestants in Ulster. The political Ulster unionist council and the paramilitary Ulster volunteer force formed to resist any dissassociation from Great Britain. It was at this time the basic structure of today's political conflict in northern Ireland between unionist Protestants and republican Catholics was created.

By 1914, the Irish nation was becoming well organized. One group, the Gaelic League was devoted to bringing the Irish language and culture back to the people. More than a language or literary organization, the league promoted the idea of national self reliance and self respect. It was through the league's efforts that St. Patrick's Day became an Irish holiday and Irish was taught in schools. By helping to reacquaint the Irish people with their culture and language, the Gaelic League fostered a renewed nationlist spirit. Another important Irish organization came about as a reaction to the terrible plight of the working class in Ireland which faced the worst living and working conditions in all of the United Kingdom. In an effort to improve the working man's plight, James Connolly and Jim Larkin organized the Irish Transport and General Workers Union. These Irish nationalist organizations, continued to gain strength during the next few years.

It was in this climate 2 years later, on Easter Monday, 1916, a coalition of members of the citizens army, Irish volunteers, and the Irish Republican Brotherhood took possession of the government post office and many other buildings in Dublin and raised the Irish flag. Their leader Patrick Pearse, a schoolteacher, read the declaration of the provisional government of the Irish Republic to the people of Ireland. Overwhelmingly outnumbered and out armed, the rebels lasted less than a week.

To be truthful, on that Easter Monday, the rebels did not enjoy the popular support of the Irish people. The tide of public opinion quickly changed, however, as a result of the British reaction to the uprising. In a rush to justice the British Government summarily executed 15 people purported to be leaders of the rising, including James Connolly who because of his wounds had to be propped in a chair to be shot. The British imposed martial law; and hundreds more people than had actually taken part in the uprising were arrested.

In July of 1921, the British Government and the Irish leaders agreed to a truce under which the 26 counties, excluding the 6 counties in Ulster where the Protestant population continued to oppose independence, were granted dominion status.

Mr. Speaker, I organized this special order on the subject of the Easter rising because I believe the struggle which occurred 75 years ago can teach us something about Ireland today, particulary because many of today's conflicts had their genesis during the rising. Therefore, it is my hope that a peaceful resolution of the ongoing strife in northern Ireland can be reached through an examination of the past three quarters of a century. From the historical record it is evident that no peace will come to northern Ireland without a determined effort to solve the dispute which arose more than 75 years ago.

Mr. Speaker, this year, the government of the Republic of Ireland decided to mark the anniversary quietly, in sharp contrast to the week long celebration which occurred on the 50th anniversary. I think Tim Pat Coogan, an Irish historian and the author of a biography of Michael Collins, put it well when he said, "You get the feeling they'd—the Irish Government—would like it better if the anniversary didn't exist. But you ignore history at your own peril, especially in Ireland.

Mr. Speaker, the Easter rising is also noteworthy because of the impact this failed revolution had on the history of this century. It can be argued the Easter rising marked the beginning of the end of the colonial era, not only for Great Britain but for all European colonial powers. Soon after the rising, colonies in Africa, Asia and Latin America began to press for their independence. A New York Times editorial last month described the importance of the rebellion this way, "Now that old western empires have gone, and their communist successors have crumbled, one can look back with awe at the small band of teachers, poets and trade unionists who rose up for Ireland. In a real sense we live in a world they helped bring into being in a season of Christian sacrifice and ascension in 1916."

The proclamation which the provisional government of the Irish Republic released on the steps of the post office on this day 75 years ago is a document which has withstood the test of time. The peoples of other British colonies, like India for example, looked to this document when they began their struggle for independence. Also, I think its important to note that in at least one way the leaders of the Irish rebellion were more forward thinking and democratic than the people of the United States at that time. The republic conceived by the rebels would have granted voting rights to all Irish people, both men and women, a full 4 years before the United States passed the 19th amendment, granting women the vote.

Mr. Speaker, at this point I insert the entire text of the proclamation in the RECORD.

POBLACHT NA HEIREANN

THE PROVISIONAL GOVERNMENT OF THE IRISH REPUBLIC TO THE PEOPLE OF IRELAND

IRISHMEN AND IRISHWOMEN; In the name of God and of the dead generations from which she receives her old tradition of nationhood, Ireland through us, summons her children to her flag and strikes for her freedom.

Having organised and trained her manhood through her secret revolutionary organisation, the Irish Republican Brotherhood, and through her open military organisations, the Irish Volunteers and the Irish Citizen Army, having patiently perfected her discipline, having resolutely waited for the right moment to reveal itself, she now seized that moment, and, supported by her exiled children in America and by gallant allies in Europe, but relying in the first on her own strength, she strikes in full confidence of victory.

We declare the right of the people of Ireland to the ownership of Ireland, and to the unfettered control of Irish destinies, to be sovereign and indefeasible. The long usurpation of that right by a foreign people and government has not extinguished the right, nor can it ever be extinguished except by the destruction of the Irish people. In sovereignty; six times during the past three hundred years they have asserted it in arms. Standing on that fundamental right and again asserting it in arms in the face of the world, we hereby proclaim the Irish Republic as a Sovereign Independent State, and we pledge our lives and the lives of our comrades-in-arms to the cause of its freedom, of its welfare, and of its exaltation among the nations.

The Irish Republic is entitled to, and hereby claims, the allegiance of every Irishman and Irishwoman. The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally, and oblivious of the differences carefully fostered by an alien government, which have divided a minority from the majority in the past.

Until our arms have brought the opportune moment for the establishment of a permanent National Government, representative of the whole people of Ireland and elected by the suffrages of all her men and women, the Provisional Government, hereby constituted, will administer the civil and military affairs of the Republic in trust for the people.

We place the cause of the Irish Republic under the protection of the Most High God, whose blessing we invoke upon our arms, and we pray that on one who serves that cause will dishonour it by cowardice, inhumanity, or rapine. In this supreme hour the Irish nation must, by its valour and discipline and by the readiness of its children to sacrifice themselves for the common good, prove itself worthy of the august destiny to which it is called.

Signed on behalf of the Provisional Government:

THOMAS J. CLARKE.
SEAN MACDIARMADA.
P.H. PEARSE.
JAMES CONNOLLY.
THOMAS MACDONAGH.
EAMONN CEANNT.
JOSEPH PLUNKETT.

Mr. Speaker, on a day when we celebrate the courageous men and women who risked their lives to improve the quality of life for all citizens in Ireland, it is appropriate to recognize the tireless efforts of one Irish-American, Mr. Michael J. Roarty, to promote the rich heritage of Ireland. As many of my colleagues know, Michael J. Roarty, vice president of marketing and corporate communications for Anheuser Bush Co. was named Irish-American of the year 1991 by "Irish America" magazine.

Michael J. Roarty is a first generation Irish-American like me. In a recent article in the "Irish people" I think he captured what our parent's generation found upon their arrival here in a recent article in the Irish people. He said, "the Irish were told that the streets here were paved with gold (but) when they got here, they found out that not only were the streets not paved with gold, they weren't paved at all and they (*the immigrants*) were the ones who were going to pave them." His parents, John and Brigid Roarty, who were born in County Donegal and County Mayo respectively, settled in Detroit, MI. Although they left their homeland, the Roarty's steeped their children in Irish culture and traditions. On weekends, the Roarty's often rolled back the carpets for Irish music and step dancing.

Michael Roarty is an Irish-American in the finest sense of the phrase. He has a rich understanding of the people of both nations. As he puts it, although a proud American, when he goes over to Ireland, he is at home. Throughout his thirty one year career at Anheuser Busch, his special kinship with Ireland has been self evident. During his tenure, Anheuser Busch has funded a film entitled, "Irish Americans: Heart of a New Land" and has underwritten a college sponsored lecture series about Irish-American culture.

Mr. Roarty and his wife Leigh return to Ireland every year to attend the Irish Derby and spend a few days with family and friends in Mayo and Donegal. Michael was instrumental in Anheuser Busch's sponsorship of the Irish Derby weekend of events in *Curragh* which includes the John Roarty Memorial Railway Stakes, named after his late father. Mr. Roarty also helped develop the impressive relationship between Budweiser and Guinness breweries. It may surprise my colleagues and fellow Irish-Americans to learn that Budweiser, which is brewed at Guinness' Kilkenny Brewery, is now the number one lager in Ireland.

Besides his business acumen, intelligence, and famous wit, Mr. Roarty is best known for his tireless work on behalf of various charities and philanthropies. Mr. Roarty is a member of the Ireland United States Council for Commerce and Industry and is a founding charter member of the Ireland

Chamber of Commerce. He also serves on the board of the American Ireland Fund, the Cystic Fibrosis Foundation, Gateway chapter, the USO international board, the orchestra and chous of St. Louis, the Variety Club, the Starlight Foundation, and Boys Hope, A Jesuit learning center for displaced boys. Mr. Roarty is also a dedicated leader of the Anheuser Busch Co.'s work on behalf of the Muscular Dystrophy Association. Through these efforts in the last decade more than $34 million has been raised to support MDA treatment and research.

Mr. Speaker, I believe a story related in Irish-America magazine best describes Mr. Roarty's deep ties to to the Irish-American community. A few years ago, Mr. Roarty received a call from the president of a small Catholic college in Massachusetts. The president of the college, a Father McPhaidin, asked him for a donation for a new Irish studies program. When Mr. Roarty, who did not know the priest, explained that he had never heard of the school, Father McPhaiden in a heavy brogue, insisted that Roarty's Aunt Biddy and Uncle Mike in County Donegal had already committed him to the cause. Mr. Roarty then knew he would become involved. Faithful to this image as a champion for the Irish, Mr. Roarty helped raise more than $250,000 for the Irish studies program at Stonehill College.

Mr. Speaker, it would be impossible to list all of Mr. Roarty's accomplishments here today. I have only shared some of the highlights with you. It is fitting that today when we honor the memory of leaders of the Easter Rising, we also honor an Irish-American, whose father was involved in this quest for Irish nationhood, who today works to bring attention to the rich history of Irish-Americans and promote friendship and understanding between the people of the United States and Ireland.

□ 1640

Mr. DONNELLY. Mr. Speaker, will the gentleman yield?

Mr. MANTON. I yield to the gentleman from Massachusetts.

Mr. DONNELLY. Mr. Speaker, I will just rise very briefly to associate myself with the remarks of my good friend, the gentleman from New York [Mr. MANTON], and congratulate him for taking this special order this evening commemorating the 75th anniversary of the Easter Rising, and those brave men in Dublin 75 years ago this past Easter who took part in that at the General Post Office to stand up against hundreds of years of oppression, beginning a process that allowed at least a portion of the island of Ireland to reach the same point of self-determination that the rest of the nations of Western Europe had achieved prior to that time. It is entirely fitting that we take a few moments this afternoon to pay tribute to those individuals and to others who gave their lives over the course of that rebellion and in the cause of Irish freedom.

As every Irish-American knows, that Easter Rebellion and the Easter Rising holds great significance for us, most especially those of us whose parents and grandparents were forced from Ireland because of economic, social, religious persecution, and came here to the United States seeking opportunities in the United States that were not available for our people in that beautiful old country.

Let me also note that I would like to associate myself with the remarks of the gentleman from New York [Mr. MANTON] regarding Mike Roarty, who in 1991 was named the Irish-American of the Year.

Having been so honored last year by the Irish-American magazine, I know on a personal basis what an enormous tribute that is to an Irish-American. There is no individual, of the millions of Irish-Americans that live in the United States, that I know that is more fitting of that tribute than this individual. He is the son of Irish immigrants, who is the epitome of what an immigrant wants their children to be, to succeed and to act as a citizen of the United States of America. So I think all Irish-Americans rise today and will, during the course of this year, to honor him and to honor his parents and to congratulate him for this tremendous honor.

So, Mr. Speaker, I thank my friend, the gentleman from New York for yielding, and I join with him in commemorating not only the 75th anniversary of the Easter Rising but also to pay commendation to Michael Roarty, the 1991 Irish-American of the Year.

Mr. McDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. MANTON. Mr. Speaker, I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, it is a pleasure to have the gentleman from Massachusetts [Mr. DONNELLY] speak, one of our own, who was an Irish-American of the Year.

Mr. Speaker, we are here to commemorate the 75th anniversary of Ireland's Easter Rebellion. I commend the gentleman from New York [Mr. MANTON] for calling this special order to commemorate this important event in Ireland's history.

On Easter morning in 1916, a small army of 1,200 men joined together in Dublin to challenge the British Empire and fight for home rule in Ireland. Led by a union leader, James Connolly, and Patrick Pearce, a school headmaster, they marched up Sackville Street and seized the General Post Office. Unorganized, with many factions, but brought together by the common goal of nationalism, they knew they would be defeated. In the early morning hours of that day, James Connolly stated, "We are going to be slaughtered." Still, they seized the post office, raised the Irish flag, and declared independence.

A week later, a few dozen men remained in the post office, defending themselves against artillery fire of the British Army, until Connolly was forced to surrender and the rebellion was put down; 64 rebels, 134 soldiers, and over 200 civilians were killed, with many more wounded.

The rebellion itself was not supported by the people of Dublin, who were not prepared to bear the burden of bloodshed in the name of home rule. But their anger with the rebels turned to outrage toward Great Britain a few days later, when the British Government executed 15 of the rebels, including Connolly and Pearce. Their deaths became a symbol of the struggle against British rule and the fight for self-determination. The poet William Butler Yeats wrote, "A terrible beauty is born."

The Easter Rebellion, and its tragic aftermath, began a long and bloody battle for an Irish republic. Led by Eamon de Valera, a survivor of the 1916 rebellion, this battle ended with the formation of an Irish Free State in 1921.

Ireland's Easter Rebellion was the first national movement for freedom and self determination of the 20th century. Many people in many nations have followed in the footsteps of Connolly, Pearce, and those they led in Ireland's struggle for independence. The world has seen the legacy of those brave, determined men and women in nations everywhere, and today, the vision of those who fought in Ireland in 1916 is shared in Eastern Europe and in the Baltic States. In Lithuania, the fight for freedom took place in a parliament building instead of a post office, and the government crushed the movement with tanks instead of artillery fire. But the principles at stake in Lithuania in 1991 are the same as in Ireland in 1916: the right of self-determination and freedom from imposed rule.

Today, Mr. Speaker, self-government is a right that many in Ireland are still struggling to achieve. As we commemorate the 75th anniversary of the Easter Rebellion, I remain hopeful that in 1991, the newly proposed talks for a peaceful solution to the conflicts in Northern Ireland will be successful. The delicate negotiations that have been agreed to by all parties in Northern Ireland and Great Britain are the first signs of hope for peace to come out of the region in 15 years. As the negotiations begin, let us not forget the passion and conviction felt by those brave few who gave their lives in Ireland's Easter Rebellion, and let us pray that the conflicts in Northern Ireland will be resolved and the violence will end.

I wish again to commend Mr. MANTON for having this special order, and I thank him for the opportunity to speak about this important moment in Irish history that will not be forgotten. Thank you.

Mr. MANTON. Mr. Speaker, I thank the gentleman from Washington.

Ms. HORN. Mr. Speaker, will the gentleman yield?

Mr. MANTON. I yield to the gentlewoman from Missouri.

Ms. HORN. Mr. Speaker, I thank the gentleman for yielding. I would also like to commend Mr. MANTON for making this possible. I am very proud to rise today, Mr. Speaker, to honor a man who lives in my district as the Irish-American of the Year, Michael J. Roarty. Many have been honoring Mr. Roarty, some already mentioned: Anheuser-Busch, the Muscular Dystrophy Association, the Cystic Fibrosis Foundation, Starlight Foundation, Irish-Americans, and the city of St. Louis are all very thankful to Michael J. Roarty. He is truly an Irish-American today, certainly, but when you take just a short look at some of the honors he has received in the past, you wonder which part of the melting pot he came from.

For example, he is the only non-Italian member of the Italian Sports Hall of Fame. He has received an honorary degree from the rabbinical college in St. Louis.

He has been named an honorary Black Prince of Africa, and now he has been named Irish-American of the Year by Irish-American magazine.

When the Roartys came to America, it is certainly true that Ireland lost a great national asset, at least temporarily. Now, a generation later, Michael Roarty has already taken back to the Irish people a great American product, the products of Anheuser-Busch, and he has brought back a new meaning to the richest classic race of Europe, the highlight of Irish horse racing, the Budweiser Irish Derby at the Curragh Racetrack.

Ireland's loss has been the gain of us in this country, and especially those of us in the St. Louis area. We are very proud of Michael Roarty as Irish-American of the Year. We are very grateful to have him in our community, adding to the riches of our community, working on many wonderful causes. He is always there for kids, for good causes, for sports, for young people, and especially for Irish-Americans.

Mr. Speaker, the Irish have struggled very hard since the Easter Rebellion. Mr. Roarty is an excellent example of what the Irish can do, and I treasure my own heritage in that respect, too.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MANTON. Mr. Speaker, I yield back the balance of my time.

Mr. MICHEL. Mr. Speaker, I want to congratulate my colleague, TOM MANTON, on having this special order commemorating the 75th anniversary of the Easter Rebellion.

As a cochairman, with Speaker TOM FOLEY, of the Friends of Ireland, I understand the importance of the Easter Rebellion to Irish history.

I have an appreciation of the ideals fought for in the streets of Dublin on that spring day in 1916. These ideals included a love of freedom, a willingness to sacrifice, and a determination to fight despite overwhelming odds. These lofty visions are not continued with the current vicious warfare that has created such widespread suffering in Northern Ireland.

The Irish rebels, poets mostly, had a burning desire for freedom and self-determination. Unlike other revolutions of this century, the Easter Rebellion was not driven by Marxist ideology. Inspired by the American model, this first revolution of the 20th century was predicated on a simple desire for that basic American principle: Freedom.

Today in Ireland, the greater sacrifice is not attained with violence, but with understanding. The heroes in the current struggle are not masked gunmen, or armed ideologists. The Irish heroes in 1991 are those who are willing to cast aside their partisan hatreds, reach out to their enemies, and work to build a peaceful society, respecting both Irish traditions.

The difficult fight today is not shooting another opponent. The difficult, but courageous, decision is to choose the peaceful way to freedom.

I have learned in my tenure here in Congress that constantly throwing bombs, in the figurative and literal sense, instead of sitting down with the other side and talking it out, is counterproductive to the cause of democracy. The tragedy of the current situation must stop, and both sides must realize that their battles do nothing to further the cause of freedom. In recent months we have seen some tentative, but hopeful, signs of a willingness to talk, and we hope this is only the beginning.

So, while I salute those individuals who fought for Irish freedom 75 years ago, I also call for an end to the fighting in Ireland today and a continuation of the peace process. While the Irish rebels of 1916 fought with ideals that all Americans could understand and respect, those who kill today, on both sides, have no such lofty principles and earn no such respect.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank my colleague, Mr. MANTON, for arranging for this special order today so that we may take the time to reflect on the events of an Easter Monday in Dublin 75 years ago.

On that day, a small army of Irish rebels and patriots undertook an effort which was doomed from the start. These men, numbering less than 2,000, took possession of the main post office in Dublin, raised the tricolor flag and declared Irish independence from Great Britain.

Their occupation of that building, along with several others in Dublin, lasted only a week. When the surrender order was given, 64 rebels and 134 soldiers and police were dead. But the highest toll was among civilians. Over 200 dead and 600 wounded. Initial public reaction was anger toward the rebels, who were held responsible for the destruction and death. However, that anger was redirected toward the British when 4 days after the rebellion was crushed, the British began executing the ringleaders. The 16 men executed became martyrs in the eyes of the public; and, by their deaths, gave the revolution the widespread support which it was unable to attain during the occupation.

Most of the men who planned and led the uprising never knew of the success of the rebellion or of its long-term effects. A new wave of nationalism swept Ireland, and one of the rebels, Eamon de Valera, became the Prime Minister and President of independent Ireland.

Today, Ireland is moving closer toward talks on the future of Northern Ireland. The spirit of independence must burn as fiercely as it did 75 years ago. However, the proof of triumph today will be in negotiations and a resolution without bloodshed. For as we ourselves have seen in recent months, armed conflict has appropriately been defined as failed negotiations.

Ireland deserves to be rid of the turmoil and bloodshed it has endured for so many years. The revolution for Irish independence which started 75 years ago must be ended without further loss of life. This, indeed, would be a tribute to those leaders of the Easter rising of 1916.

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the 75th anniversary of the Easter Rebellion. Under the leadership of Sir Roger Casement a nationalist rebellion in support of Irish independence was scheduled for Easter Sunday, 1916, but on Good Friday of that year, Mr. Casement was arrested by British authorities. Nevertheless, a brave group of nationalists proceeded with the planned uprising and proclaimed the independent Republic of Ireland on Easter Monday, 1916.

Although the Easter Rebellion did not succeed, it began the long fight for an independent Republic of Ireland which continues to this day. The Irish Parliament reaffirmed independence in January 1919, and the British offered dominion status to Ulster and Southern Ireland in December 1921. The Constitution of the Irish Free State, a British dominion, was adopted on December 11, 1922, but Northern Ireland remained part of the United Kingdom. On December 21, 1948, an Irish law declared the country a republic rather than a dominion and withdrew it from the Commonwealth. The British Parliament recognized both actions, but reasserted its claim over Northern Ireland. The results of that claim still tragically haunt us today.

The pain and frustration of the people of Ireland are too familiar to us. The struggle to create an independent Republic of Ireland has brought countless suffering to the people of that beleaguered country, and their fight for independence and democracy still continues.

I hope that we can use the 75th anniversary of the Easter Rebellion to help find a lasting peace for Ireland, and end the suffering of the people of Ireland that has existed for far too long.

Mr. GUARINI. Mr. Speaker, I would like to join my distinguished colleagues in commemorating the 75th anniversary of the Easter Uprising in Dublin, Ireland and also pay tribute to Irish-Americans in my congressional district of Hudson County.

The Easter Uprising, in which a small band of Irish rebels took over the main post office in Dublin and proclaimed the birth of the Irish Republic, was initially unsuccessful. Many of those who participated were arrested and then brutally executed. The Easter Uprising led to events that ended centuries of British Imperial rule throughout most of Ireland.

The daring and spirit of those who took over the Dublin Post Office and declared "The right of the people of Ireland to the ownership of Ireland, and to the unfettered control of Irish destinies" became an inspiration to people struggling for self-determination. While those who took part in the Easter Rebellion made their mark through armed insurrection, many of their countrymen who came to America made their mark through a different way. These newcomers fought for political empowerment through the ballot box.

They battled prejudice and overcame the obstacles designed to keep them an impoverished minority. In the history of the work and political activities of the Irish in America, one can find the same drive and fighting spirit that led to the proclamation of independence on Easter Sunday, 1916.

This is especially true in Hudson County, NJ.

Hudson County has stood as the gateway to America for many of the Irish. After passing through Ellis Island, many of the new immigrants settled in Hudson County, where they contributed greatly to its industrial, economic, and cultural base.

These new immigrants worked in the factories of Hudson County and on its docks. They formed strong communities and became active in all facets of life in the county, especially politics.

The Irish quickly rose to prominence in many of Hudson County's communities, playing major roles in its political organizations and labor unions and were active participants in the clubs that are such focal points of the community's life.

Many of the descendants of these early immigrants have now moved out of the county, to settle in other parts of the State. But Irish-Americans still make up nearly 9 percent of Hudson County's population.

And although new ethnic groups have moved into the county and are engaged in their own battles for empowerment, the Irish still play an active role in our Government.

While only naming a few, I would like to note some of the Irish who continue to work for the good of our county, State, and Nation through government: Jersey City Mayor Gerald McCann, State Senators Edward O'Connor and Thomas Cowan, Jersey City Councilman William O'Dea, and Hudson County Freeholder Anne O'Malley.

These and many other officials continue today to work for freedom and justice. By remembering the struggle of Easter, 1916, these officials and all Irish are reminded of a time when their forefathers were not free. It is also a reminder that freedom comes with a price. And those who took part in the Easter Rebellion paid that price with their own blood.

I would like to close this tribute, Mr. Speaker and my distinguished colleagues, by quoting from William Butler Yeats' ode to the uprising "Easter 1916."

I write it out in a verse—
MacDonagh and MacBride
and Connally and Pearse.
Now and in time to be,
Wherever green is worn,
Are changed, changed utterly:
A terrible beauty is born.

Mr. COYNE. Mr. Speaker, 75 years ago, a group of Irish patriots earned a place in history when they staged the Easter Rebellion of 1916. While this rebellion was short lived, it ignited a new explosion of nationalist fervor in Ireland which led within 6 years to the end of British rule over most of Ireland and the rebirth of Ireland as an independent nation.

As Americans, we understand the drive for freedom and independence which motivated those who led and fought in the Easter Rebellion. Our Nation's own war for independence was led by individuals who marshalled public support against a British Government which turned a deaf ear to colonial claims for liberty and overcame loyalist opposition from within the 13 colonies. It is worthwhile to reflect on how radically different our country's history could have been if the British Government had been willing to respond to the demands of the colonialists or if loyalist opposition had been able to deter the drive for independence.

When Patrick Pearse and other Irish nationalists led the Easter Rebellion, they were opposed not only by British arms but also a large number of the Irish people. After decades of struggle for self-determination, many in Ireland had been encouraged by the passage of a home rule law by the British Parliament in 1914. Even though this political victory had been deferred when World War I began, many still held hope for a gradual emergence of home rule.

Still, the legacy of centuries of British domination led a group of Irish nationalists to question the idea that liberty would ever be given freely by the British Government. Rather than wait for the outcome of an uncertain future, these men determined to seize a moment in history to proclaim Irish independence. On Easter Monday in 1916, Patrick Pearse, James Connolly, and some 1,200 other Irishmen began an armed rebellion in the streets of Dublin against British domination.

From the beginning, it was clear that this rebellion offered little hope of success. As a nation mobilized for war in Europe, Great Britain had ample military resources to crush the Easter Rebellion. In addition, those who led the rebellion had not mobilized Irish national opinion behind the cause of armed rebellion.

After a week of battles in the streets of Dublin, the Easter Rebellion was put down by the overwhelming force of British troops. Patrick Pearse emerged from within the barricaded General Post Office building to surrender himself and his men to British authorities.

The toll of the Easter Rebellion was significant. Some 64 rebels and 134 soldiers and police had been killed and scores more had been wounded. Still more tragic was the suffering inflicted on the civilian population of Dublin, with roughly 200 killed and over 600 wounded. While this moment in Irish history was cause for great mourning, its ultimate significance lay in the aftermath of the rebellion.

Within days of crushing the rebellion, British authorities began executing the leaders of this nationalist uprising. The first to be executed was Patrick Pearse and the last, 9 days later, was James Connolly, who was shot while sitting in a chair because of the wound he had suffered during the revolt. In the end, 16 men were put to death by British authorities who sought to smother the flame of Irish nationalism. Instead, these men joined the ranks of martyrs in the cause of Irish independence.

The result was an outburst of popular support for an immediate end to British control over Ireland. This wave of public demands for independence was fed by a general disgust over the executions of the leaders of the Easter Rebellion. In many ways, this growth in support for full Irish independence mirrors the period of the American Revolution when the outcry over the Boston massacre led many to accept the fact that British domination must be overturned. The end result was similar in both nations: Men took up arms and engaged in a lengthy period of armed combat to seize the rights of liberty and independence for their nations.

Today the Republic of Ireland exists as a free and sovereign nation. This fact has its roots in the events of the Easter Rebellion and its aftermath. Still, the path to independence was shaped also by the decisions taken in London over the decades preceding the Easter Rebellion and decisions taken long after. The denial of home rule and the withdrawal of this promise after it had been finally made in 1914 followed a pattern that over the centuries had led many in Ireland to dismay over the chances of taking a peaceful road to independence.

The Easter Rebellion was one borne in large part out of this distrust in the will of a great power to give up dominion over a subject nation. This distrust is one which our Founding Fathers knew well. We see this same distrust in the eyes of the Kurds who seek to gain at least some measure of autonomy from the Iraqi regime of Saddam Hussein.

Seventy-five years after the Easter Rebellion, many in Ireland continue to struggle for their belief that British control over Ireland should end. In the end, this decision will be made by the people of Ireland. Whatever the final result, we hope that it will be achieved through peaceful means. The legacy of the Easter Rebellion shows what can be borne of decades of denial and distrust. We should remember the Easter Rebellion because it stands as a point in time when anger and distrust overcame hopes for a peaceful settlement. We should also remember the Easter Rebellion because it serves as a reminder of what a people denied their liberties and independence can be moved to attempt.

Mr. FISH. Mr. Speaker, I am proud to rise today in recognition of the 75th anniversary of the Easter Rebellion, and I thank my cochairman of the Ad Hoc Committee for Irish Affairs for arranging this opportunity to do so.

At this point, I would like to submit for the record a copy of an article from the Easter edition of the Washington Post, entitled, "A Dublin Easter, 75 Years On." This article relates the story of 1,200 brave Irishmen who rose up on the morning after Easter 1916, against the British troops which occupied their country. They were outnumbered, underarmed, and extremely disorganized, and sadly, they knew their revolution was doomed from the start. They held out for nearly a week, but in the end, 64 rebels and 220 civilians were dead, more than 600 were injured, and hundreds of others were led away in chains.

While this sounds like a tragic tale, the efforts of these rebels led by a union leader, James Connolly, and a school headmaster, Patrick Pearse, were not in vain. This small, defiant uprising began a movement which within 6 years, brought about an end to British rule in most of the island and gave birth to the Republic of Ireland.

Today, British troops still occupy the six counties of Northern Ireland. While there have not been any uprisings in recent history such as the Easter Rebellion of 1916, periodic incidents of violence do continue. This was prophesized in a statement by Patrick Pearse before his execution. He said, "If you strike us down now, we shall rise again and renew the fight. You cannot conquer Ireland; you cannot extinguish the Irish passion for freedom."

The Irish now face an unprecedented opportunity to bring a lasting peace to that troubled nation. British Secretary of State for Northern Ireland, Peter Brook, has announced that there is now a basis for formal political talks to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the people of Ireland and Britain. I only hope that more will be accomplished with words than were with bullets.

A DUBLIN EASTER, 75 YEARS ON—THE "TERRIBLE BEAUTY" OF IRELAND'S 1916 RISING HAUNTS THE MODERN WORLD YET

(By Glenn Frankel)

DUBLIN.—On the morning after Easter 75 years ago, some 1,200 brave and foolhardy Irishmen rose to challenge the might of the British Empire on the streets of Dublin. Within a week their wildly disorganized rebellion was crushed, dozens were killed and hundreds marched off in chains. But within six years their lonely act of defiance helped bring an end to British rule in most of the island and the birth of the Republic of Ireland.

The men and women who fought in the Easter Rising have long gone to their graves, but the buildings they seized and fought from remain, standing straight as soldiers and scattered like monuments across the urban landscape of modern Dublin. The memory remains too, complex, ambiguous and dangerous. It haunts modern Ireland and the modern world as well.

The government of Ireland will commemorate the 75th anniversary this weekend with a brief ceremony, a new postage stamp and a large measure of ambivalence. Officials say that at a time when talks are soon to open over the future of Northern Ireland, they do not want to be seen celebrating an event that could be exploited by the outlawed Irish Republican Army as justification for its own violent campaign to oust British rule from the province.

"The right note has to be struck—dignified and low-key, without in any way allowing it to be misinterpreted," said a government spokesman.

But those who sympathize with the IRA will stage a series of parades and social events designed to celebrate the rising and to declare themselves the rightful heirs of a revolutionary tradition whose ultimate goal of an independent and united Ireland they see as betrayed by the conservative South.

Its critics contend that by its inaction, the government is effectively allowing radicals to hijack the rising.

"Instead of putting forward a mature analysis of the rising, the government is trying to sweep it under the carpet," says Tim Pat Coogan, a historian and author of a new biography of Michael Collins, a leader of the Irish independence struggle who fought in the revolt. "But by running away from it, they undercut the historical and philosophical underpinnings of the country and they leave the field open to the IRA and its supporters."

The rising, which took place just a year before the Russian Revolution, was both the last child of 19th-century romantic nationalism and the father of a new kind of urban guerrilla warfare. And like the Boer War in South Africa a decade earlier, it demonstrated that in the modern struggle for nationhood, victory did not automatically go to those who won the shooting war.

Its leaders knew the rising was doomed before it started—one of them, labor union leader James Connolly, somberly told a friend, "We are going out to be slaughtered" as he prepared his paramilitary Irish Volunteers on the morning of the revolt. Because of divisions in their own ranks and a series of almost comic blunders, most rebel supporters outside of Dublin had been instructed to stay at home. Meanwhile, a German ship loaded with guns and ammunition for the revolt lingered for three days off the Irish shore, waiting in vain for someone to collect the arsenal, and finally scuttled itself when faced with capture.

Nonetheless at exactly noon, Connolly and Patrick Pearse, the school headmaster who served as official commander of the rising, led their men and a pushcart, full of weapons up Sackville Street, Dublin's main commercial thoroughfare, to the stately General Post Office. Within minutes the green, white and orange Irish tricolor was waving from the roof and Pearse stood out front, reading a proclamation of independence to a largely indifferent crowd of passersby.

On a recent blustery afternoon, Coogan retraced the steps of the rebels through the streets of downtown Dublin past some of the principal sites of the rising, including: St. Stephen's Green, central Dublin's foremost park, which the Volunteers occupied and barricaded, then quickly abandoned for the nearby Royal College of Surgeons building after loyalist snipers poured rifle fire from the adjacent Shelburne Hotel; City Hall, where the rebels traded fire with soldiers in neighboring Dublin Castle, seat of imperial rule in Ireland; and Parnell Square, where the captured Volunteers were held on the night they surrendered. Many of these sites are still pockmarked by bullet holes.

Still, the General Post Office was the main focus and symbol of the rising. Pearse, Connolly and a few dozen men held out for nearly a week as the British commander, Gen. Sir John Maxwell, poured withering artillery and machine gun fire at the building and the surrounding area. Finally, on a Saturday afternoon, Pearse emerged from the burnt shell to surrender his sword, while a messenger went around to the other sites to pass the order to submit.

Some 64 rebels and 134 soldiers and police had been killed and hundreds more wounded. But the biggest toll was among civilians: at least 220 dead and more than 600 injured. Sackville Street, today renamed as O'Connell Street, lay in ruins. A photograph shows dazed onlookers walking through a desolate cityscape that looked like San Francisco after the 1906 earthquake.

At first public reaction was one of anger and scorn for the rebels who were held responsible for the destruction and the bloodshed. Many who had relatives fighting for Britain in World War I were incensed that the volunteers had sought to take advantage of the conflict and had allied themselves with Germany. As the captives were marched in chains through the streets of Dublin, they were jeered and pelted with garbage.

"They were regarded just as the Provisional IRA is regarded today," says Coogan. "They would have been torn limb from limb if it had not been for their English guards."

Then the government made a crucial miscalculation. Four days after the revolt was crushed, it began executing the ringleaders. Beginning with Pearse and ending, nine days later, with Connolly, who was shot while strapped to a chair because of a bullet wound he had suffered during the revolt.

Altogether, 16 were executed, transformed overnight in the public eye from bloody-minded fools to martyrs for a cause. "A terrible beauty is born," wrote W.B. Yeats in one of the hundreds of poems inspired by the rising.

Every Irish school child, it seemed, memorized Pearse's address to the court martial that condemned him. "If you strike us down now, we shall rise again and renew the fight," he told the judges. "You cannot conquer Ireland; you cannot extinguish the Irish passion for freedom."

The Irish moderates who had preached peaceful accommodation within the empire were soon vanquished by younger, more ruthless graduates of the rising. Michael Collins, who fought inside the post office and was pardoned after serving six months in prison, became commander of a guerrilla army that used assassination and ambush to stalemate and eventually drive out British forces. Eamon de Valera, a school teacher who had held off British forces for a week at a local mill during the rising, became political leader of the republican forces and eventually prime minister and president of independent Ireland. He helped negotiate the deal that led to partition—and ultimately to the era of civil strife in Northern Ireland that began in 1969.

Virtually all of modern Ireland's main political parties owe their birth to figures who participated in the rising. Nonetheless, the General Post Office this past week was swathed in scaffolding as work continued on a long-term restoration project. The plaque marking the reading of the independence proclamation was discretely hidden behind construction materials and cordoned off from public view.

"The government is acting a bit shamefaced about the whole thing," says Coogan. "You get the feeling they'd like it better if the anniversary didn't exist. But you ignore history at your peril, especially in Ireland."

Mr. BORSKI. Mr. Speaker, I rise today to commemorate the 75th anniversary of the Easter Rising, one of the most important events in Irish history. In particular, I would like to thank Congressman TOM MANTON, one of the cochairman of the Ad Hoc Congressional Committee for Irish Affairs, for calling us together for this special event.

On Easter morning in 1916, 1,200 Irish citizens rose to declare the independence of the Irish Republic. These rebels certainly did not fit the image of the stereotypical rebel. They were not trained soldiers driven by revolutionary ideology. These rebels were school teachers, poets, and union leaders—ordinary Irish folk who simply sought a national identity.

The leaders of the rising knew from the start that their audacious insurrection was destined to be crushed, but proceeded nonetheless. James Connolly, the labor union leader who organized the rising, told a friend, "We are going out to be slaughtered," as he prepared his Irish Volunteers. Indeed, the disorganized rebellion was crushed by British troops, but this brief act of defiance helped to bring about the end of British rule throughout most of Ireland.

At exactly noon on that Easter day, Connolly and Patrick Pearse, a school headmaster, lead their men up to Sackville Street, Dublin's main thoroughfare, to the general post office. Within minutes, the Irish tricolor was waving from the roof, and Pearse proclaimed the independence of Ireland to a crowd of passersby.

Meanwhile, the Irish Volunteers occupied and barricaded St. Stephen's Green, Dublin's main park. After loyalist snipers fired upon the volunteers from the adjacent Shelburne Hotel, the Volunteers abandoned the park for the Royal College of Surgeons building. Other Volunteers occupied city hall, where they were fired upon by British soldiers from Dublin Castle, the seat of imperial rule in Ireland.

At the general post office, Pearse, Connolly, and a few dozen men held out for nearly a week as the British commander, Sir John Maxwell, bombarded the building and surrounding areas with artillery and machinegun fire. Finally, Pearse emerged from the post office to surrender, while a messenger went to the other sites to pass the order to submit.

Dublin lay in ruins, and the casualties resulting from the rebellion were astounding. Some 64 rebels and 134 soldiers and police had been killed, and hundreds more had been wounded. In addition, 220 civilians were killed in the conflict. Any visitor walking through the streets of Dublin today can still see the bullet hole pockmarks on the buildings that were occupied by the rebels.

During the rising, most of Dublin's citizens were indifferent to the cause of the rebels, regarding them as foolhardy amateurs. While the Irish were shocked at the level of bloodshed involved in the suppression of the rising, they mostly blamed the rebels. In fact, as the captives were marched in chains through the streets of Dublin, they were jeered and pelted with garbage.

But Ireland's anger quickly shifted to the British Government when it began to impose its vengeful sentence on the participants of the rising. Four days after the revolt was crushed, the British executed 15 rebel leaders—one by one—beginning with Pearse and ending 9 days later with Connolly. The executions quickly transformed the public perception of these rebel leaders. The poets, school teachers, and labor leaders, who dared to face the consequences of standing up to the mighty British Empire, were now, in the eyes of the Irish, martyrs for a just cause.

The Easter Rising lasted less than a week, but its impact on Ireland's future was dynamic. What started as a small rebellion sparked a full-scale war, the effects of which are brutally evident today. After the rebellion, British rulers imposed martial law, which led to a 2-year civil war throughout the countryside. The British recruited a supplementary army, the Black and Tans, to suppress rebellion and restore order. The rebellion then reached its climax on Bloody Sunday, November 21, 1920, when British troops fired indiscriminately at a soccer crowd, killing a dozen and wounding many more.

Finally, in 1921, the British compromised with Irish rebels and took the first step toward the recognition of Irish sovereignty. A treaty was signed creating an Irish Free State as a self-governing dominion. Later, Dublin's remaining ties to the British Empire were severed, and the Republic of Ireland was proclaimed.

There were, of course, unfortunate consequences to this treaty. In return for Irish independence, the British retained rule over the six counties in Northern Ireland. Today, while their neighbors to the south enjoy peace and self-rule, the residents of the six counties continue to live in a state of unrest.

As we commemorate this momentous event in Irish history, we should not forget its important lessons. As Patrick Pearse proclaimed shortly before his execution: "You cannot conquer Ireland, you cannot extinguish the Irish passion for freedom." These words are as relevant today in Northern Ireland as they were 75 years ago in Dublin.

Mr. Speaker, I am hopeful that the lessons of the Easter Rising will help us to better understand the conflict now occurring in Northern Ireland. I am sure you join me in my hopes that this conflict will someday be peacefully resolved and that all Irish citizens will enjoy the benefits of freedom and independence.

Mr. FAZIO. Mr. Speaker, I rise today, on the 75th anniversary of the Easter Rebellion, to recognize the bravery of the individuals who fought for Irish freedom.

Few events in Irish history have been as momentous as the 1916 Easter Rebellion, the day which marks the beginning of Ireland's War of Independence. While the treaty that ended the war in 1921 left in its wake persistent problems—civil war and partition—which are cruelly apparent today, this should not impede our efforts to recognize the 1,200 brave Irish rebels and patriots who were committed to the principle of Irish independence.

This small band of teachers, poets, and trade unionists proclaimed the birth of the Irish Republic and the end of England's imperial rule when they took possession of the main post office in Dublin, 75 years ago. Tragically, their rebellion was short-lived. The British arrested all participants and executed every leader in the uprising, including Sir Roger Casement, who was hanged for high treason. The rebellion was crushed within a week and hundreds were marched off in chains.

Following the implementation of martial law, the rebels formed an underground army. The violence reached a climax November 21, 1920, known as Bloody Sunday, when British troops fired indiscriminately at a soccer crowd, killing a dozen and wounding many more.

Despite the great odds against defeating the British Army, which was the mightiest and best armed force in the world at the time, those 1,200 men and women who led the rebellion on Easter Monday began a historic chain of events that ultimately led to an independent Republic of Ireland.

For that reason, Mr. Speaker, I am honored to have the opportunity to participate in this special order in recognition of those who died 75 years ago in the Easter Rebellion. Their singular act of defiance helped lead to the birth of the Republic of Ireland.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in today's commemoration of the 75th anniversary of the 1916 Easter Rebellion in Dublin.

Over the years, historians have described that ill-fated uprising as a makeshift effort by Irish patriots to throw off the yoke of British rule.

Few would deny that the nearly 1,700 volunteers who stormed the General Post Office and other government buildings on that Easter Monday in 1916 were poorly armed and badly organized. Their rifles were no match for British artillery and machineguns, which mowed down the rebels during their 6-day revolt.

Not long after the April 24 uprising was crushed, the British Government ordered the executions of 15 rebel leaders. However, the organizers of the Easter Rebellion, including James Connolly, Patrick Pearse, and Tom Clarke, did not die in vain. In fact, by making themselves martyrs to the cause of Irish autonomy, their deaths galvanized public support behind the drive for independence. This movement culminated in a 30-month war from 1919 to 1921 that led to the signing of an autonomy treaty with Britian. Today, the Easter Rebellion endures as a symbol of dedication to the cause of Irish independence.

Sadly, we now know that the removal of British troops in 1922 did not bring peace to Ireland. Injustices remain today in an Ireland that is divided by political and religious conflicts. Civil strife regularly erupts into violence between Protestants and Catholics in the six counties of Northern Ireland, which is still tied to Britain. Disputes also rage between the people of Northern Ireland and those citizens who live in the independent Republic of Ireland, which is located in the south. This Congress owes it to the heroes of the Irish Rebellion to make every effort we can to help bring peace to the troubled nation of Ireland.

For example, we must make our concerns known to the British Government on human rights issues such as the case of six Irishmen who were falsely accused in 1974 of complicity in a terrorist bombing in Birmingham, England. Those men spent almost 17 years in jail before regaining their freedom last month.

In the United States, prompt action is needed to settle the case of Joe Doherty, an Irishman who is imprisoned here. Mr. Doherty hopes to gain political asylum to protect him from British authorities. U.S. law enforcement officials have kept Mr. Doherty in jail for nearly 8 years, although they have never charged him with a crime.

On a more positive note, Mr. Speaker, I would like to take this opportunity to commend the spirit of success symbolized by the tens of thousands of Irish immigrants who have contributed so much to our great country.

One son of an Irish immigrant who has achieved great success in America is Michael J. Roarty, a business executive from St. Louis who was recently named "Irish-American Man of the Year" by the magazine Irish America.

Born in Detroit, Mr. Roarty now serves as executive vice president for corporate marketing and communications at Anheuser-Busch Co. Mr. Roarty has received numerous professional awards in the field of marketing, and he also has earned praise for volunteer work with charitable groups such as the Cystic Fibrosis Association.

Finally, once again I would like to pay tribute to the independence movement that inspired the 1916 Easter Rebellion in Dublin. As for the people in today's Ireland, I pray that a peaceful solution can be found to resolve that nation's political and religious conflicts.

Mr. YATRON. Mr. Speaker, today I rise on the occasion of the 75th anniversary of the Easter rebellion in Ireland. I would like to take a moment to recognize the importance of the Easter rebellion in the history of Ireland.

Seventy-five years ago, the Irish Republican Brotherhood and James Connolly's Citizen Army joined to rise against British rule and to obtain independence for Ireland. This small group of rebels bravely fought for these ideals for 6 days during the week of Easter. At the time, their efforts were not supported by the Irish populace and were quickly crushed by the government. Most of these courageous individuals were executed, imprisoned, or deported, along with others who had not participated in the uprising. Indeed, the government's harsh response to the rebellion led to a swing in popular support for the rebels and for Sinn Fein. The Republican majority of Ireland's members in Britain's Parliament then refused to meet with the other members in England, and the Anglo-Irish war ensued. Almost 3 years of conflict resulted in the Irish-British Treaty, which established the independent Irish Free State.

Clearly, the Easter rebellion played a monumental role in changing the direction of Irish history, and I am certain that my colleagues here in the House join me in honoring the 75th anniversary of this historic event.

Ms. SLAUGHTER of New York. Mr. Speaker, I am pleased to join my colleagues in marking the 75th anniversary of Ireland's Easter rising. This 1916 rising against British rule has been called by some, "the last child of 19th-century romantic nationalism"; but this child did not die when Patrick Pearse and James Connolly were executed for their thirst for national identity. The romantic nationalism which played itself out on the streets of Dublin in 1916 lives on today in Ireland and among proud Irish-Americans here in the United States.

When Pearse and Connolly unfurled the green, white, and orange colors of Ireland at Dublin's General Post Office that Easter Monday 75 years ago, they gave voice and vision to a centuries-old Irish spirit which no bullet could smother. Before the court martial which would condemn him to death, Patrick Pearse said, "You cannot conquer Ireland; you cannot extinguish the Irish passion for freedom." It was this "live free or die" determination of common, Irish teachers, poets, and trade unionists which won Ireland self-governing dominion in 1921. It is a similar determination for justice which compels the Irish and their friends here in the United States Congress to continue the untiring struggle against British repression of the Irish Catholic minority in Northern Ireland.

Recently, this struggle has realized some important victories. After 16 years of wrongful imprisonment, the "Birmingham Six" were at last granted their freedom on March 14. In the 101st Congress, I sponsored a congressional resolution calling for an investigation into the 1974 Birmingham bombings and urging that the conviction of the six men wrongly held responsible be quashed. Now that these men have been freed and justice has finally prevailed, I am hopeful that the British judicial system will look inward and guarantee that such gross abuses of human rights and equal justice do not occur in the future.

The case of Joe Doherty indicates that the United States judicial system has some housecleaning of its own to do before we can truthfully claim to support fully the rights of the Irish. Mr. Doherty, from Belfast, has been incarcerated in New York City for nearly 8 years without being charged for any violation of American criminal law. He has been denied by the U.S. Attorney General his right to a hearing on his request for political asylum. In Congress, I have asserted Mr. Doherty's right to a hearing because I believe our constitutional rights to due process and equality under the law are fundamental, universal principles not subject to the political agenda of passing administrations. In 1980, Congress passed the Refugee Act to protect the rights of asylum seekers to full and fair hearings on the merits of their claims. Consistent with the Congress intent in approving the Refugee Act, I am pleased to join the Ad Hoc Congressional Committee for Irish Affairs in submitting to the United States Supreme Court an amici curiae brief which argues Mr. Doherty's right to an asylum hearing. I am encouraged by the Supreme Court's decision to hear case of Joe Doherty and I am hopeful that Mr. Doherty's claims will soon be judiciously resolved.

During his recent visit to the Capitol, His Holiness the XIV Dalai Lama of Tibet reminded us that peace, in the sense of the absence of war, is meaningless to someone who is cold and hungry. The disenfranchised, impoverished, and chronically unemployed Catholic families of Northern Ireland know the truth of this statement all too well. For decades, British policy in Northern Ireland has generated poverty and despair for the Irish Catholic minority. Legislation has been introduced in the United States Congress to ensure that our own business practices in Northern Ireland do not abet and perpetuate religious discrimination against Irish Catholics. I am proud to cosponsor once again legislation enforcing the MacBride principles for fair employment practices in Northern Ireland. H.R. 856 calls upon United States companies doing business in Northern Ireland to comply with the MacBride principles which seek to end workplace discrimination against Irish Catholics. A second bill, H.R. 87, further stipulates that organizations receiving financial support from the American contribution to the International Fund for Ireland would be required to abide by the MacBride principles. America's tax dollars must not be party to religious discrimination in any form against any people.

Not only is the Catholic minority in Northern Ireland victimized by institutional job discrimination, but tragically, Catholics are also subject to the indiscriminate violence of illegal paramilitary groups. Last year, it was disclosed that British security forces have cooperated with these paramilitary groups in their attacks against civilians. It is incumbent upon United States Congress to speak out publicly against these crimes and the British Government's complicity. I have cosponsored H.R. 88, which makes a policy statement by the Congress deploring all violence in Northern Ireland and imposes a statutory ban on United States sales of defense articles and crime control equipment to the Royal Ulster Constabulary [RUC] and the Ulster Defense Regiment [UDR]. The bill also requires the State Department to investigate further the extent to which the RUC, UDR, and United Kingdom militias cooperate with the illegal paramilitary groups in Northern Ireland.

The time has come when a new world order must be built upon an unwavering commitment to the respect of basic human rights. Stability alone must not be the objective of U.S. foreign policies, and strategic interests should not blind us to repression and human suffering. As a free and democratic nation, we have a responsibility to speak up for human rights in all corners of the globe, including Northern Ireland.

I am pleased today to give voice and volume to the concerns of the proud Irish-American community in my upstate New York district. The Irish-Americans of the greater Rochester area are an active group committed to the pursuit of justice for their brothers and sisters in Ireland. I am honored to represent them in Congress and am proud to join them in this noble pursuit.

Mr. MCGRATH. Mr. Speaker, today we remember an event in Irish history equivalent to July 4, 1776. On Easter Monday 75 years ago, just over 1,000 Irish nationalists ignited the struggle for freedom in British controlled Ireland. While their initial struggle was quelled by an overwhelming British armed force, the Easter rebellion, as the conflict is known today, was the opening salvo in Ireland's fight for independence.

Immediately following the uprising, many were outraged at the freedom fighters for a failed rebellion that led to the death of over 200 civilians. Additionally, many were disgraced that the rebellions faction was aligned with Germany, who at the time was at war with England. However, when those responsible for the revolt were mercilessly executed, public sentiment immediately turned against the ruling British Government and the revolution that was silenced again erupted. On December 11, 1922, 6 years after the quest for Irish independence began, the constitution of the Irish Free State was adopted.

Usually, an anniversary marking 75 years of freedom is cause for merriment and celebration. However, negotiations between the Governments of Britain and Ireland and the political parties of Northern Ireland, are slated to soon take place. It is imperative that the Easter rebellion is indeed remembered but the peace in Northern Ireland is fragile. I applaud the Government of Ireland for properly recognizing the delicate nature of current events, while at the same time appropriately recognizing the founding of Irish independence.

Mr. Speaker, I want to thank Congressman TOM MANTON for calling this special order, one that is truly special to Irish-Americans. Also, I am urging all House Members to support the promising developments in Northern Ireland and promote the call for peace and justice in the region.

Mr. RANGEL. Mr. Speaker, I am pleased and honored to join my esteemed colleague from New York, Congressman THOMAS MANTON, in tribute and memory to the brave Irish rebellion of 1916.

While I am not Irish, I feel very close to the people and events of the Easter rising, as it is known. The bravery and suffering, the lonely act of defiance amidst continuing oppression resonate in the history of every people.

Seventy-five years ago on Easter Monday in Dublin, a small but fiercely brave band of Irish patriots took control of the general post office in the center of town, proclaiming independence from Great Britain and the birth of an Irish Republic.

These were unlikely rebels: teachers, trade unionists, and poets led by a schoolmaster who never expected to win, they hauled what few weapons they had in a pushcart. The pitched battle ranged from the beautiful St. Stephen's Green to city hall to Dublin Castle, seat of the British Empire in Ireland.

For 7 days the rebels withheld against the awesome might of the British Empire, which poured artillery and machinegun fire into them. When they finally surrendered, the central part of Dublin had been reduced to rubble. The buildings that remain today still bear the scars and bullet holes of the fight.

The brutality of the British should be remembered. Four days after accepting the surrender, the British began executing the rebel leaders, including a wounded man who had to be propped up in a chair in order to be shot.

But the Irish refused to relinquish their dream of independence. As the rebel leader Patrick Pearse said to his executioners, "If you strike us down now, we shall rise again and renew the fight. You cannot conquer Ireland; you cannot extinguish the Irish passion for freedom."

And so, like the Americans before them and the Indians after them, the Irish continued the struggle. In 1921, Britain conceded to creating an autonomous Irish Free State that later became the Republic of Ireland.

Seventy-five years ago, hundreds of Irish lost their lives in the Easter rising. Let us now today honor their struggle against colonial repression and massacre, their emergence from prison to liberty, and their tenacious grasp on freedom. And let us look with greater concern to the many peoples still oppressed in countries throughout the world.

Mr. Speaker, I close with the following poem by William Butler Yeats, "Easter, 1916":

EASTER 1916

(By William Butler Yeats)

I have met them at close of day
Coming with vivid faces
From counter or desk among grey
Eighteenth-century houses.
I have passed with a nod of the head
Or polite meaningless words,
Or have lingered awhile and said
Polite meaningless words,
And thought before I had done
Or a mocking tale or a gibe
To please a companion
Around the fire at the club,
Being certain that they and I
But lived where motley is worn:
All changed, changed utterly:
A terrible beauty is born.
That woman's days were spent
In ignorant good-will,
Her nights in argument
Until her voice grew shrill.
What voice more sweet than hers
When, young and beautiful,
She rode to harriers?
This man had kept a school
And rode our winged horse;
This other his helper and friend
Was coming into his force;
He might have won fame in the end,
So sensitive his nature seemed,
So daring and sweet his thought.
This other man I had dreamed
A drunken, vainglorious lout.
He had done most bitter wrong
To some who are near my heart,
Yet I number him in the song;
He, too, has resigned his part
In the casual comedy;
He, too, has been changed in his turn,
Transformed utterly:
A terrible beauty is born.

Hearts with one purpose alone
Through summer and winter seem
Enchanted to a stone
To trouble the living stream.
The horse that comes from the road,
The rider, the birds that range
From cloud to tumbling cloud,
Minute by minute they change;
A shadow of cloud on the stream
Changes minute by minute;
A horse-hoof slides on the brim,
And a horse plashes within it;
The long-legged moor-hens dive,
And hens to moor-cocks call;
Minute by minute they live:
The stone's in the midest of all.

Too long a sacrifice
Can make a stone of the heart.
O when may it suffice?
That is Heaven's part, our part
To murmur name upon name,
As a mother names her child
When sleep at last has come
On limbs that had run wild.
What is it but nightfall?
No, no, not night but death;
Was it needless death after all?
For England may keep faith
For all that is done and said.
We know their dream; enough
To know they dreamed and are dead;
And what if excess of love
Bewildered them till they died?
I write it out in a verse—
MacDonagh and MacBride
And Connolly and Pearse
Now and in time to be,
Wherever green is worn,
Are changed, changed utterly:
A terrible beauty is born.

GENERAL LEAVE

Mr. MANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. LAROCCO). Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1650

A PROCESS FOR A SUCCESSFUL AMERICA

The SPEAKER pro tempore (Mr. LAROCCO). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk today about a process for a successful America. I believe it is possible to have a process for success, success both for Americans as individuals and families and communities, for Americans as workers and businesses, and for America as a country. I believe that that process is very different from an agenda. I believe it is not possible for us to develop an agenda in the near future, because, frankly, people in Washington do not know enough to reform health care and education and the welfare state, to reform the inner city, to reform our process of dealing with drugs and violent crime, or to reform the bureaucracy on the scale we would like.

So I want to suggest very strongly to Members that we need to shift our thinking from developing an agenda, to developing a process. I will come back to that concept of "process" as I outline these ideas.

I think we also have to recognize that a great deal of the current agenda in Washington is an agenda that props up the failures of the past, an agenda based on the special interests that dominate the city of Washington, that dominate many of our biggest cities, and that those special interests are wedded to a process of protecting their particular activities, their particular jobs, their particular positions of power and prestige, at the expense of the country, and at the expense of the American people.

Finally, I want to suggest today that by following a process which can lead to a successful America for the future, we cannot only serve the national interests, but we can help individual Americans; that each individual American can have a better chance to have a good job, a better chance to have adequate health care, a better chance to be truly educated, a better chance to live in a safe neighborhood, by following a process for a successful America.

One of the things which should most encourage us as a nation is the recent result in Iraq of the Desert Storm campaign to drive Saddam Hussein and his army out of Kuwait.

We saw in 5½ weeks of bombing and 100 hours of ground war one of the most decisive victories in military history. We saw a victory in which a 21st century military defeated a 20th century military. We saw a victory in which literally the allied coalition, led by General Schwarzkopf, in a plan approved by General Powell and Secretary Cheney and by President Bush, decisively defeated an opponent who never fully understood the resources, the techniques, the doctrine we use, to drive them off the battlefield.

Probably in the history of warfare, there has never been a more one-sided victory than the alliance loss of 400 individuals in return for 60,000 captured Iraqis and over 100,000 dead Iraqis.

Yet, Gen. Royal Moore of the Marine Corps pointed out, the Chief of Aviation for the Marines in the Persian Gulf, that this is a victory that was 1 percent smart weapons, and 99 percent smart people; that it was the mechanics who maintained the Tomahawk missile or the Stealth fighter bomber or the M-1 tank; it was the logistician who got the food and fuel and water and ammunition to the right place at the right time; it was the photo analyst who read the satellite photography and made sure that we had either hit a target or ordered another bombing attack against a particular target; it was the planner, the leader, the coordinator, who brought together 28 different countries and alliances; it was the people who made a difference.

In fact, the allied team as a team, was so much superior to the Iraqi team, that if we had swapped sides, if we had swapped equipment, a week before the war, we still would have won, although it would have taken longer. But it was the quality of the human beings which mattered.

That, I think, poses a tremendous challenge to the American people. Because the objective fact is that we today have a failed bureaucratic welfare state, most obvious in the inner city, but with manifestations everywhere, a welfare state which has weakened America with schools that produce people who are still illiterate when they graduate and has all too many people dropping out of school, particularly in the inner city; a welfare state that has failed in the very process of welfare, by creating a system which discourages work and encourages dependency, which undermines the very moral code which is necessary, and the cultural values which are necessary, for people to be productive and self-governing.

We have a welfare state which has failed because it produced a health care system which is too expensive, too chaotic, in which bureaucrats increasingly are replacing health care professionals as the decisionmakers, and in which all too many Americans are undercovered or not covered at all, while other Americans are paying too much for their health care.

We have a welfare state that has failed to produce a healthy, safe, and productive inner city, and, in fact, has abandoned large parts of the inner city to barbarism, violent crime, and drug addiction.

So, all of us as Americans have to confront that the time has come to replace the bureaucratic welfare state with a more powerful model.

My suggestion today is that we approach that process of replacement by developing a process for a successful America; that we accept the reality that we here in Washington frankly do not know enough, that we are not going to be able to develop any series of magic legislation which in and of itself is going to replace the welfare state, but that what we can do, what we are capable of doing, is initiating a process by which 250 million Americans, day after day, find better ways of doing things, more successful procedures, more effective activities, and, by investing in success, that we can in fact over the next few years, dramatically improve education, health, replace the current welfare system with a workfare system that helps human beings, and regain our inner city streets and neighborhoods and make them safe once again for human beings.

In that setting, I want to suggest that if you study what has worked in America in the past, it is very clear that there is what I would describe as a circle of American success, which you can literally represent as a circle with two lines crossing each other, dividing the circle into four parts.

That circle of American success, I think, does have four different quandrants or four different areas. The first one is technology. You think of it as going around the clock. The section that runs from noon to 3 o'clock would be technology. But technology, which is very, very American, technology goes back, for example, to Benjamin Franklin inventing the bifocal lens, inventing the Franklin stove, inventing the lightning rod, founding public libraries, founding volunteer fire departments, founding the American Philosophical Society, the energetic churning idea of developing a better future.

Thomas Edison, with the electric light; the Wright brothers, with aviation; Henry Ford with the assembly line. America has always prospered by inventing a better future faster than anybody else.

Yet, we have to remember in this technology section, that it is about 75 percent human beings, and only 25 percent hardware; that it is learning how to use the computer, learning how to use the most modern medical technology, learning how to use the best equipment, that makes a big difference.

It is far better, as the Japanese discovered and are teaching us once again, it is far better to have workers who are very, very well trained with enthusiasm working an old machine, than it is to have a brand new machine with people who do not quite know how to use it and are not committed to solving the problem.

So the first section or quadrant of the circle of American success is technology.

The second quadrant, the one running from 3 o'clock down to 6 o'clock, is economic and management principles. Now, it sounds fancy, and yet I think it is very simple. Imagine, I would say to my colleagues, you are invited to go to Russia, now faced with a depression, possibly worse than the 1930's.

Imagine that you were asked to give a speech to the Russian people in which you outlined what you thought would help Russia become prosperous. My guess is that virtually every American, if they were asked to list the 10 most important things Russians could do, would have at least 6 or 7 of those be very similar.

They would say that you have got to have less bureaucracy, less centralization, less redtape. You have to have private property. You have to have incentives for work and for investment. You have to have some kind of free market so prices can be set so people know what they ought to buy and they know what they ought to work for and they know where they ought to invest.

□ 1700

You have to have decentralization so that you do not have office buildings of bureaucrats telling you what to do.

Some broad set of economic and management principles would occur in 90 percent of the American people's list of what the Russians ought to do. Imagine then after you had outlined your list of good ideas for Russia that we called you and we said, "We loved your speech, we think it is terrific, exactly right, but instead of giving your speech to the Russian people, we would like to ask you to go to the Post Office and give it there," or "We would like to ask you to go to the Health Care Financing Administration," or "We would like to ask you to go to the Pentagon or ask you to go to the New York City government." A lot of the audiences when I say that laugh, and yet if our advice and our principles of how to manage the economy and how to manage business, if that advice is good enough to give to Poland, to Hungary, to Czechoslovakia, if that advice is good enough to give to Russia, or the Ukraine, or Latvia or Lithuania, why is it not good enough to take here in America? Why should we not ask our own systems of government from school boards, to county, to city, to State, to Federal to follow the same medicine that we are trying to give to Eastern Europe? And why should we not listen to our own principles?

The third quadrant, from 6 o'clock up to 9 o'clock is quality. Quality is not just producing the best item. Quality is not just creating a Cadillac or a Rolls

Royce. Quality is something much deeper.

I was very, very impressed recently by an opportunity to spend 2½ days with Milliken Industries in their management retreat. They have an annual management retreat and this was the 13th pursuit of excellence retreat. They normally take the top 280 managers for 3½ days, and my wife, Marianne, got to stay for all 3½ days, but I only got to stay for 2½ because we were in session. And I got to see how senior American firms are dealing with the process of management in the age of the computer and the world market, and in competing with the Japanese. And Milliken has just opened a factory in Japan. I was astonished by the degree to which they were working at the process of quality.

Quality is an idea initially developed by Edwards Deming, a man who is now 90 years old and living near Washington, DC. Dr. Deming, born in Wyoming, developed an approach to how human beings can work together to maximize their productivity. This is more than just a gimmick; it is more than just a project or more than just a slogan. It is a fundamentally different way of thinking about human beings working together, thinking about solving problems and thinking about productivity, whether it is industrial or it is service or it is government.

As I watched very sophisticated managers at Milliken working with the problem of quality, and they had worked on it now for over 10 years, I began to understand that this was a fundamental cultural revolution, that quality as preached by Edwards Deming is as big a change for the 21st century as Taylor's concept of scientific management and Henry Ford's invention of the assembly line was for the 20th century, that just as if we were standing at the edge of the 20th century trying to shift from being a carriage maker who is working in hand craft industry to being an automobile manufacturer working with an assembly line, you would have to study Taylor and Ford. Today I believe if you want to compete in the 21st century, if you want to create jobs and pay good salaries in the world market tomorrow you have to study Edwards Deming.

So this concept of quality I think can be broken down into five basic ideas. Dr. Deming in his book has 14 implementation steps, but I think there are five core ideas that basically are for people just getting introduced to the concept, to explain it.

The first is ask the customer what they want, a very important idea. It is the customer who defines quality. After all, if you are going to go to McDonald's, and this is, by the way, something that changes with each individual. If it is the middle of the day and you are going to McDonald's, the definition of quality at McDonald's is different than if it is Friday evening and you are going to go out for an expensive dinner at a fine restaurant. At McDonald's you value service, you value speed. You want a good, solid, minimum standard hamburger that is quality as defined by the price at McDonald's. If you go out to a gourmet restaurant, you pay a lot more and you expect a totally different experience. So even for the same human being, quality gets redefined all day long, depending on what they are doing and when they are doing it.

So the first principle of quality is finding out what the customer wants. Imagine if we had a government that woke up each morning with the civil service saying, "Gee, I wonder what our customers, the taxpayers, want. I wonder how we should deal with quality as defined by the taxpayer?" It is very important to define quality first, because as Dr. Deming points out, you can very efficiently do the wrong thing and go broke. You can very effectively do the wrong thing and not have anyhbody buy your product or your service. You can think you are doing exactly what is right based on your training, or what you learned in college, or what you learned in trade school and find out the customer has no interest in it.

So first you have to start, whether the customer is the taxpayer or the Government, or the customer is the paying customer for business, you have to start and ask your customer what do they want.

Second, once you have defined quality, you have to set zero defects as the standard. As Syl Crosby explains it in his book, "Quality Is Free," you want to do the right thing right the first time. It is estimated that somewhere between 17 and 35 percent of all work in America is repairing and redoing something we did wrong the first time, retyping a letter, rebuilding a car, fixing once again a product we almost sent out the door. The whole point of Deming and Crosby is that if you do the right thing right the first time, you save tremendous amounts of lost energy and lost effort. That makes you much more productive, that increases the quality and customer satisfaction, and the result is you have a bigger profit margin to reinvest in a more modern plant to become even more competitive in the future by having better technology.

So if you set zero defects as the right standard, this is not 99.9 percent, the reason is very simple. If you start out in the morning giving yourself some slack, your whole attitude, your whole tone, your whole commitment is different than if you start out in the morning saying I do not want to make a single mistake.

There are corporations in America today which have gotten good enough that they actually have less than three mistakes per million operations. That is an extraordinary level of quality, and it is doable, and people can get to it, but they have to start by setting the standard at the right level. And zero defects is the right standard.

Third, having defined quality, and having set zero defects as the standard, we want to work to meet the customer's desire in the shortest possible time, what manufacturing calls a cycle. We want the shortest cycle time we can get, and there is a very profound reason for that.

First of all, a short cycle of order to delivery tends to minimize errors, and second, it maximizes customer satisfaction. If you are a customer, and everybody listening knows in your own case when you order something, the sooner they get it to you the happier you are. If that is true when you are the customer, then when you are the worker serving the customer, the same thing ought to be true. The quicker we can deliver, the shorter the cycle time, the happier the customer tends to be.

We discovered a fascinating second fact, and that is that the shorter the cycle from order to delivery, the fewer mistakes that are made. People used to think that if I take a longer time, if I really focus on it, if I really think it though, that will work better. It does not work that way. It turns out that in fact if you can have a very short cycle and really focus on getting the job done, in order to get the job done you have to shorten the number of steps, and the fewer steps you take the better off you are.

Motorola, one of the leaders in quality, reduced their cycle time for orders for a particular beeper they manufacture in a factory in Florida from 42 days to 36 hours. In order to do that they had to take hundreds and hundreds of steps that they used to make, they used to take in order to make the beeper, and they had to compress them, they had to make it simpler, they had to reduce the number of steps so that there are many fewer steps to make the beeper. The result, every step you eliminate will reduce the chance of making an error, and therefore you are better able to get the product out quickly with fewer mistakes.

Fourth, the real improvements that come will come from improving the system rather than on personal behavior. If you focus on improving the system, improving the way you do things, you get about 97 percent of your productivity improvement. Only about 3 percent comes from focusing on people.

The simple, obvious old-fashioned example, imagine somebody who is shoveling with a normal shovel, and you come along with a bulldozer. Huge increases. Not teaching them to shovel faster, not teaching them to shovel better, but giving them an entirely new way of dealing with the problem of moving dirt. The bulldozer is a totally different league of productivity than a faster shovel.

In a world—in fact most of the history in the world in the 20th century was the process of getting better approaches that were so much more powerful that they eliminated any competition with the prior job, so much of the manual labor of the 19th century disappeared as machines replaced even the fastest and the most skilled worker. The same thing will be true in the 21st century. Thinking through the system by which we do things leads to 97 percent of our improvements in quality and productivity.

□ 1710

Focusing on what the individual person did wrong only improves about 3 percent. Yet, for most of us, most management most of the time focuses on individual behavior, "Why did you make a mistake? Why did you fail to do that correctly," instead of looking at the underlying structure and saying, "Gee, how could I improve the system that you are working in?"

One of the great advantages, frankly, of focusing on systems improvement is that rather than having people hide their mistakes and try to avoid criticism, it encourages people to surface their problems, to bring them out in the open and to talk about what is not working. It encourages them to say, "Gee, here is a systems problem that we have to change," so that management, instead of being angry at workers, works with the workers in what is almost a detective story trying to deduce what solution will make us all more productive.

The last step: The customer has defined quality. We have set zero defects as a standard. We are meeting the delivery in the shortest possible time. We are focusing on improving systems to get the 97-percent improvement of productivity. The last step is the key. Every employee, every worker, every participant has to see themselves as a stakeholder in achieving quality. We have to get across the message to every American, whether you are a civil servant or whether you are a worker in a hospital or whether you work in a factory, that you have a stake personally and your family has a stake in how well we are productive in America, because if your company is not productive, you are going to go out of business, and if you go out of business, you are going to lose your salary, your health care, and your pension. So all of us have an investment, have an interest in being involved as stakeholders.

The Milliken Co., to go back to that example, has worked at the process of involving every worker to such a degree that today they average 23 recommendations for improvement per employee. Just think about that. They have 13,000 employees. They get 300,000 recommendations for how to improve their company every year. They implement about 90 percent of them. That is 270,000 improvements, and that is over 1,000 changes per working day somewhere in the Milliken Corp.

That gets me to the concept of process. Now, let me say that the Milliken process, which is not to have a giant improvement once a year, but it is to have 1,000 or more improvements every day, not to have an improvement designed by an outside planner or consultant but to have thousands of improvements from people working in the factory, working on the floor, working as salespeople. That process is very different than either the old-time assembly line or the government bureaucracy.

When I talk about the concept of a process, replacing the agenda as the way we focus in Washington, this is one of the key points, that to get to quality you have to involve human beings in a process of constant change and constant improvement and constant growth that requires a personnel attitude, a teamwork, an openness, a management system which is very, very different than the current civil service laws, the current structure of running the Federal Government.

In addition, I want to point out Milliken is not at the top of the list. They are a very, very good American company. In Japan, they would be about middle range for big corporations. Toyota, compared to Milliken's 23 recommendations per employee, Toyota averages 39.

Let us now focus these ideas on the Post Office. What if our goal for the Post Office was not 39, the Toyota standard, was not 23, the Milliken standard; what if our goal for the Post Office was two recommendations per employee for 1991? That would come to about 1,500,000 recommendations. I mean, two recommendations per employee in a system the size of the Post Office is a lot of ideas, 1,500,000 new ideas.

Let us say that we decided that we were not going to try to reach the Milliken goal of 90-percent implementation. We would accept 20 percent for the first year. That is 300,000 changes in the postal system.

That currently would be illegal. We would have to rethink the union contracts. We would have to rethink the system of management. We would have to rethink the civil service laws. We would have to rethink the whole process of the way in which we manage personnel in the Federal Government. It would be a totally different approach.

Yet, you are never going to get to the kind of productivity we need in the postal system to compete with United Parcel Service, to compete with Federal Express, to deliver the mail as efficiently and as effectively as is possible technically in the modern world. You will never get there without going to some kind of process of quality and some kind of encouragement.

The reason is very practical. Nowadays, for most companies, we hire a consultant. We bring them in, and they fly in first class, they stay in a nice hotel, they interview the people who are doing the work, they then summarize the interviews and write a paper on what the people who do the work told them.

What this process of quality, as defined by Deming, suggests is that the person who best knows how to deliver the mail in Carrollton, GA, is probably the person delivering the mail. They probably have more ideas per year about how to improve the mail system than anybody else, because they are actually living it every day. The person who best can improve the mail in Griffin, GA, is working in the Griffin Post Office, and if we could liberate and engage as a stakeholder every person currently working in the system, possibly by giving them a bonus at the end of the year, and if we said, "Look, get to a postal system which actually breaks even, and which meets certain quality standards, then you get a bonus. Everybody in the system gets a bonus," or some other approach which allows us in a positive way to begin to encourage every single postal worker in the process of developing the best possible process.

Let me make it clear. I am not picking on the Postal Service. I would say the same thing is true for the Federal Bureau of Investigation, for NASA in terms of space, for the Department of the Interior, for every part of the Federal Government, and it is also true for State governments, county governments, city governments, and local school boards. It is true for hospitals. Every institution in America has to engage their employees and their participants as a stakeholder and get them committed to a routine process of recommending changes so that the people who are actually doing the work are involved in the process of improving the work.

In addition to technology, which is the first quadrant; economic and management principles, which is the second; and the concept of quality, the fourth and last quadrant, if you will, from 9 o'clock until noon, or from 9 to 12 in terms of a circle, is traditional American culture. Now, I want to emphasize I think this is both the most abstract and the most powerful of the four parts of the circle of American success.

Traditional American culture is what generally makes us American. It is optimism, belief in a better future, it is the right to pursue happiness, it is incentives, it is opportunity, it is the dream of an endless frontier, whether that frontier is geographic or economic or intellectual or just personal success, it is the ability of people to try to develop a better future. It is what brought people to America in the first place. It is why today more people want to immigrate to the United States than any other country in the world, because there is an American dream of a dynamic, better, expanding, open-ended future.

But traditional American culture has very unique characteristics, and yet for the last 50 years, we have tried to impose a bureaucratic welfare state which cuts right across American culture. We have tried to impose a system which would make Americans into little bureaucrats. We have tried to design a system where redtape and government employees would define the structure and, in effect, trap America.

We ought to be honest. It has failed. Americans are smarter, more energetic, more creative, more willful than any bureaucracy. They work their way around it, under it, through it, and they are extraordinarily inventive at finding ways to find loopholes.

We keep trying to find better, tighter, narrower rules, and people, frankly, simply outsmart them. You finally get so many rules that even the bureaucrats cannot figure out what it was they were supposed to enforce, and they cannot remember any more who did what, and the books are so thick that nobody actually knows what the devil is going on, the Tax Code being the best example.

I now want to suggest that that fundamentally has got the world upside down. Bureaucracy can work. In Confucian China, bureaucracy worked. In Germany, bureaucracy worked. Bureaucracy will work anywhere that the local culture reinforces the bureaucracy. Anywhere on the planet where people wake up in the morning and they say, "Gee, I wonder what the rules are. I want to know so I can obey the rules," bureaucracy works perfectly. People say, "The government said these are the ground rules, and I will obey the ground rules."

My favorite example is the Autobahn. People who have been in Germany instantly remember this. The German people have a contract with their politicians. They will not allow their politicians to set a speed limit on the Autobahn, because if they did, they would obey it, but they do not want to obey it, so they do not have one. It is very clear. Any German politician who suggests that they set a speed limit on the Autobahn would be defeated at the next election.

On the other hand, everywhere else in Germany where they have speed limits, they expect them to be obeyed, and they are so obedient that the way the German police stop traffic violations is they photograph your car license with the picture of the radar speed next to it, they send you the photograph along with the bill, and you dutifully send your fine in. It makes perfect sense in a rule-abiding society.

The American people have a very different approach to dealing with speed limits. In America, there are two speed limits virtually everywhere. There is the de jure speed limit, which is the legal posted number, and there is the de facto speed limit, often between 5 and 10 miles an hour faster, which is the speed at which the police pull you over.

□ 1720

In virtually every American, in every audience I have talked to this about, 30 audiences, I say, "How many of you now in the last 30 days looked at a speed limit to see how much faster you can go?" Virtually everyone gets a sheepish grin and admits the truth is that the speed limit was the beginning point of how fast they would go. It was not the ceiling. It was the basement. It was the measuring point.

I apply the same technique in high schools. I walk into high schools and say, "How many of you know somebody who cheats?" Every hand goes up, every time. Why? Because we have turned education, which has to be a missionary vocation, it has to be a vocation of passion, it has to involve the pursuit of knowledge, it has to involve the acquisition of skills because a person wants to be able to learn. We have turned education into a bureaucracy. The more bureaucratic we make it, the more paperwork we have, and the more we drive out good teachers, and turn teachers into bureaucrats, the more students rebel. So students arrive, and they know it is not about learning, but about paperwork. If it is about paperwork, they are good Americans, their job is to cheat.

There are teenagers who spend three times as much time figuring out how to get around the rules than to obey. Why? Because it is a core American value. Anyone who has seen Arnold Schwarzenegger or Clint Eastwood movies understands the underlying principle. The rules are there, but getting it there is more important. Opportunity transcends bureaucracy. The duty transcends petty paperwork, and that ultimately America is about the individual doing what they have to, not what they are told. That theme goes through our literature. It goes through our detective novels. It goes through movies.

I remind audiences who have seen the movie "Pretty Woman." That was not about obeying the rules, but one of the most popular movies we have had.

Again and again, when we come back to the basic pattern, the fact is the American people strongly, deeply, have an irresistible urge to control their own destiny and resist deeply the process of a bureaucratic welfare state controlling it.

I want to propose to my colleagues, and I have to admit I do not understand the full details of how this will work, but I want to propose to my colleagues that we want to literally turn the process upside down. Instead of having a bureaucratic welfare state which tries to define being American, we want to start with traditional American culture, and then rethink the entire government. We want to design a government which reflects American values and American habits, and American patterns, so that the government is reinforcing and strengthening what works in America, instead of obstructing and narrowing and controlling what works in America. In that process, I want to suggest 10 basic values of traditional American culture.

First, national safety. I think we have learned the lesson in the last decade, that the world is dangerous. There is evil in the world. We want America to be stronger than those dangers, that we do not want America to ever look like Kuwait City, or Lebanon, or Afghanistan. So the American people are prepared and committed to being stronger than any potential danger.

Second, personal safety. I think Americans are angry at being frightened. They are tired of a drug culture existing, and defying civilization, and tired of turning on the evening news to see who got killed in the large cities. They are ashamed and furious. More young people were killed in America during the 100 days of the ground war of Desert Storm than were killed in Desert Storm. It is an outrage that we have given up large parts of our inner city to barbarism. I think most Americans believe that the very first entitlement under the Constitution is that a person is entitled to be physically safe. They are entitled for their children to be physically safe. The idea that a person cannot send their child to the playground because they might be shot, or they might run into a drug dealer, is an outrage. In a very real sense, it is as treasonous to the American dream as an outside enemy. I think Americans want to reestablish and reimpose personal safety as a value rivaling national safety.

Third, Americans believe in family and community. If we go back and read de Tocqueville's classic book on Democracy in America, written in the 1830's, he said that what made America unique, what made it a tremendously powerful country was not the government. It was the family, the neighbors, the voluntary organization, the church or synagog, the thousands of ways, as President Bush says, "the thousand points of light by which Americans organize themselves." Not organized by the Government. The Soviet Union was organized by government. America is organized by volunteers in their own way. As President Bush put it so brilliantly in the State of the Union, "Doing the hard work of freedom, creating a community of conscience." The instinct, as President Bush, said, "If you have a hammer, find a nail." I think it is that concept that Americans have a natural instinct, because they love their family, because they love their community, because they are excited about their voluntary organization, whether it is the Girl Scouts or the Boy Scouts, or the American Cancer Society, or whatever it is, that Americans want to be involved, and that America, for most citizens, is not just a flag and a National Capitol and the White House. America is our right to have our family that we love, our right to belong to our community that we are committed to.

Fourth, Americans believe in working, despite all the efforts of the welfare state. Even people who are third generation of welfare, when they are interviewed, they will tell the interviewer that they believe that work is morally necessary. They believe people should work, and they are very frustrated by the welfare system. Yet, what do we do as a government? Here may be the best example of how the government of the bureaucratic welfare state cuts across and cripples the very core values of a traditional American culture, and how it cuts across and cripples a successful America. The bureaucratic welfare state says that if a person is 65 and earns more than $7,000, that the Government will take away $1 in Social Security for every $3 they earn. Now this is foolish. It is foolish in terms of human cost. It is foolish financially. It is foolish first of all in human cost. We absolutely know as a fact that the longer a person stays active, the healthier a person will be. We know they will live a longer life, spend fewer days in a nursing home, fewer days in the hospital. Mathematically, most people are better off to stay busy. Yet, what is the ground rule of punishing a person for work at 65? It says, "Do not stay active."

Now, it is not only foolish in the human values, that we want people to be healthy and involved and psychologically committed to life, but also very foolish financially. Why? Because if a person becomes inactive and they get sick, Medicare pays for their illness. So, we will spend more on these people in health care costs for the illnesses the government encourages, by encouraging passivity, then we will save in Social Security money by not having them stay busy.

Now, every senior citizen I know, and every person over 55 is thinking about this, and thinks it is outrageous. Yet the bureaucratic welfare state cannot find a way to replace that, even though there are 22 bills in the Congress today to repeal it. Clearly, a step toward the traditional American culture would be to encourage people over 65 to work.

There is a second half of that. Look at what it did to the poor. We say to the poor today, "Gee, you really ought to get a job. By the way, if you go and get a job, you will pay taxes. We will take away Medicaid, so you and the children won't have health care. We will take away your aid to family and dependent children. We will take away your food stamps. We will start charging you for the public housing projects you have been getting in housing, for free." What is the net result? If we have any business sense, and I have said this directly to businessmen who are in contracting, where they bid on a job. I said, "If you had a job opportunity that costs you as much as getting a job does when you are on welfare, you would never bid on it, because you would go broke." Poor people are not dumb. Poor people are not stupid. Poor people are not unable to figure out what happens. They say, "I can do nothing, I will get food stamps, free housing, aid to family and dependent children, and I will get Medicaid, or I can work," which is what the culture says they should do, "and I lose all that. I don't think so."

So, we have to rethink the entire welfare state system, starting with the principle that every person under 65 who is able bodied should be required to work if they get money from the Government. Any money. As long as they are physically and mentally able.

Now, in that set, if they are able bodied under 65, once they work for their money, we want them to have a savings account. If they want to moonlight at night on the weekends, we want them to. If they want to increase their hours to have a better future, we want them to, instead of having created the welfare state ceiling so expensive to rise above for the poor, what we want to do is create a long-term opportunity, an escalator, in which every time a person goes to work they are slightly better off than if they did not. Every time they take a second job, they are slightly better off than if they didn't, which means changing the welfare system, food stamps, the Tax Code, so that net advantage of doing something is that the margin is always better than not doing something.

Fifth, Americans believe in savings. When we work, we want to save something, partly because of the Bible, the fact talked about 7 fat years followed by 7 lean years. Partly Walt Disney's fable of the grasshopper and the ant, where the ant saved up and survived the winter, and the grasshopper got in trouble by not saving. Partly common sense that a person is better off, has more power, more control over their life, if they save. That is why over 80 percent of the American people want individual retirement accounts. We want to save. What is the Tax Code of the bureaucratic welfare state saying? It says if a person borrows enough, they can deduct it.

□ 1730

If you save, we are going to tax it.

We have exactly the wrong incentive system in our Tax Code to be a healthy culture.

When we save, by the way, we want to invest. A lot of my friends who believe in the bureaucratic welfare state find this hard to believe, but the fact is almost no Americans when they save hide it in their mattresses or bury it out in the back yard.

Americans believe deeply that they want to invest, first of all because they want a return on their money. They want it to grow. They want to have more of it in the future. They are pretty smart about that.

Second, because they know instinctively that if you do not invest in the next factory, if you do not invest in the next machine tool and the next computer, if you do not invest in the next job, there is not going to be work, that a healthy economy requires that somebody invest their savings which they earn by working.

The seventh value in the traditional American culture is learning, not necessarily education, but learning. You walk into a room and say you have a Ph.D., people may or may not be impressed. If you walk in a room and you know what they need to learn, they are impressed.

This is a country which believes in learning what you need when you need it as easily as possible and as fast as possible. That is why, for example, we buy more self-help books than any other country in the world. We buy books on how to cook. We buy books on how to build things. We buy books on how to repair cars. We buy books on how to be healthy. We buy books on how to take vacations. The fact is that to an extraordinary scale, Americans believe in learning and want to learn and want to be better off, but they do want to learn at their own speed.

One of the remarkable problems of the last 30 years has been the gap between the technologies available for a user-friendly learning society and the system of bureaucratic education.

Imagine, we have audiotapes, videotapes, computers that are available at home, you could offer an entire summer school by cable television which people could take when it was convenient. They could set their VCR's to record things. You could tie every rural high school in America by television into the finest education in America. We are doing this. In Carrollton, GA, students are learning Japanese from the University of Nebraska by television. In Carrollton High School, students are participating directly in a specialized CNN program where every morning, and CNN broadcasts I believe at 3:45 in the morning, there is a 15-minute specialized news program with a backup computer package so that students are learning about Iraq by studying Iraq because it is in the news.

The result has been phenomenal increases in the amount of learning, and yet our capacity to go beyond the current system is unbelievable. I attended recently a program in Jonesboro, GA, where young people were going in and their parents were paying $19 an hour to have access to a computer which at first assessed their skills and then allowed them to teach themselves at their own pace, and yet students were getting a year's improvement in 6 weeks.

Now, there is something wrong if we have that difference between what we could do and what we are doing, and so we need to think through, and I want to commend President Bush and Secretary Lamar Alexander for the extraordinary first steps they have just introduced last week, because I think the steps that Secretary Alexander and President Bush have announced are a major first stride toward the kind of process for a successful America that I am talking about. They want to have the kind of flexibility, experimentation, and openness to real change and real improvement that we are talking about here today.

Eighth, Americans believe in health. Notice I do not say health care. Americans are less interested in getting well than they are in avoiding illness, and yet the whole system works backward. The system does not encourage any health care. The system does not encourage the right behaviors. The system does not reward people who do the right things.

The system basically says, "Look, if you go ahead and drink as much as you want and eat as much as you want, smoke as much as you want, avoid any activity, truly get into a bad case, Medicare will pay for all your bypass operations; but by the way, we won't do anything to prevent the necessity of the bypass operation."

One suggestion, just as an example that has been mentioned, is the idea that maybe we ought to have a $200 tax credit so that every person 55 years and older who has an annual physical where their cardiovascular system is above the danger level for heart disease automatically gets rewarded for eating right, exercising right, doing the right things, taking care of themselves, and frankly, if you took from 55 to 95, that is 40 years, add $200, that is $8,000 over that period of time, that would be incredibly cheaper than one heart operation and you could afford to pay a lot of people to be healthy at the cost of one person becoming sick.

But the deeper point I am making is that we want to become a society which focuses on good health and then takes care of those who have a genetic defect or happen to catch a disease. We do not want to be a society as we are today which ignores all the requirements of good health and then spends billions and billions of dollars more than any other country in the world, a higher percentage of gross national product, than any other country in the world for a very chaotic bureaucratic and uneven medical heath care system. So we need fundamental rethinking from the ground up. We need a process of change in health care to get to health, rather than simply to take care of disease.

Ninth, Americans believe in the environment. The environment means two different things to Americans. First of all, it is quality of life. We are a wealthy enough society that if we want to save the buffalo or the elephant or the rhinoceros, if we want to have a wilderness area, we can afford it. Well, we may only go and visit a wilderness once or twice in our lifetimes, but we feel psychologically richer by the act of going out and knowing that every day we could go there if we wanted to.

But there is a second part of the environment. It is public health. Americans instinctively know that in the age of chemicals, in the age of very sophisticated worldwide manufacturing, that our public environment in health terms is beyond our control. We want a government which regulates and monitors and watches the health aspects of what is happening around us.

It is fascinating, for example, I have yet to meet a single conservative who does not become an environmentalist the morning you tell them that they are going to have a toxic waste dump next to their home. At that minute they decide that the environment is important and they want to protect their homes by ensuring there are adequate standards of public health.

Tenth and last of the values of traditional American culture is honesty and trust. It is fascinating to study it, but the truth is that politicians today, despite all the scandals of the last 10 years, are not more dishonest than they were 30 years ago. They are in fact more honest. The difference is that the culture has moved to a level of honesty and trust dramatically faster than the political system or the bureaucracy.

This was pointed out to me by Congressman PAT ROBERTS of western Kansas, when you talk about the problems his wheat farmers face, and he drew this contrast. You walk in anywhere in the world today with a driver's license and a piece of plastic called a credit card, you see a stranger across the counter and they will give you an automobile and they expect when you are done to return the car, automatically. Two hundred years ago you would have had to bring them gold in large quantities and they would have checked the gold to make sure it was not counterfeit. Today they trust you.

A similar example, you call an 800 number for an airline reservation in a city you do not know about, talking to a person you will never meet whose name you do not get. You are told what time the plane will leave, what seat you will have on it, and how much it will cost. Five or six weeks later you show up at the airport, trusting the airplane to be there and expecting to have a seat on it. That is an extraordinary level of honesty and trust. It is a 99.999 level of trusting the system to be there and to be honest.

Congressman ROBERTS pointed out to me that his wheat farmers are faced with 1,300 pages of agricultural legislation, 4,000 pages of regulations, and they have to go to the Agricultural Soil Conservation Service Office to get permission as to when they can plant wheat, that the bureaucracy is not trusting, is not built on the notion of a contract of honesty, and in fact is just the opposite.

So I think we have to think through honesty and trust.

To summarize the 10 traditional values of American culture, they are national safety, personal safety, family and community, working, saving, investing, learning, health and environment, honesty, and trust.

Now, my recommendation is that we rethink all of American government from the school board to the White House in the context of dropping the bureaucratic welfare state model and building a new American model built around the traditional values that work for America.

☐ 1740

And we tried an experiment last year through West Georgia College, which is a model as an example of how we might end up developing things. It was called earning by learning. Dr. Mel Steely would be glad to share with anyone interested their experience how in your own community you could develop an earning by learning program.

The goal of the earning by learning at West Georgia College was to help second- and third-graders who were poor and who were likely not to learn how to read, to help them develop a reading ability. It was based on the idea that if you learn how to read in the information age, you could learn everything else sooner or later. But if you did not learn how to read, then you are not going to learn anything else, and you are in deep trouble educationally.

We went out to five counties, to public housing projects, to students in the second and third grades who had been identified by their teachers as at risk. That is, students who were likely not to learn how to read.

We wanted something which in the traditional American cultural system would be an incentive for these children to learn how to read because we wanted them to read a lot of books during the summer. Andy Young, a liberal Democrat, was running for Governor, and he had a great slogan. He said, "The most important color in Georgia is not black or white, it is green." What he meant by that is that in America economic activity, making money, getting ahead, building a bigger shop, baking a bigger pie is what makes America unique. We do not care who you were, we care who you want to be. We do not care what you have done, we care about what you want to do in the future.

Americans working together to produce a better economic future is why we do not have the kind of problems that you see in some countries.

So we thought about the concept of green, as Andy Young was describing it. When we went to these young people, second- and third-graders, we said to them, "We will pay you $2 a book if you will read." Now, let me say first of all, as poor as they were, as young as they were, they understood the theoretical concept. Every young person we talked to understood the idea that if they would read a book they would get $2. We did not have to explain it very much. They were a little doubtful. They felt that we were going to manipulate them. They said, "You are really promising us, but there won't be cash at the end. You just want us to do it, and you won't reward us."

We said, "Nope, we will give it to you as cash."

We had 282 students participate. The average student read 16 to 18 books. Our No. 1 reader was Stephanie Wynn of Villa Ricca, GA; she read 83 books, was paid $166. Her dad took a day off from work to protect her at graduation because at 8 years of age, $166 is a lot of cash.

I saw Stephanie recently. She bought doll clothing, she bought back-to-school clothing, and has over $100 in savings. She inspired us to go to talk to banks about the idea that this summer if West Georgia College develops an earning by learning program, maybe local banks ought to offer the students an opportunity to put their money in savings and if they keep their money in savings for 3 months, to double their money, or some other incentive, to give them a big incentive, a big desire to learn the concept that you can save your money.

The average student earning $32 to $36 spent most of their money on clothing because they were very poor and wanted back-to-school clothing. There is a wonderful story in the Newnan newspaper of a young girl, 9 years old, going into a store to buy the first sneakers she ever earned with her own money that she had gotten by reading.

The program was very thin in bureaucracy. We paid one adult $500, Dr. Verl Short, an education professor at West Georgia College. He held everything together. We had 47 adult volunteers fulfilling President Bush's concept of a thousand points of light, doing the hard work of freedom.

We had no investment in books because we used public libraries. That is what they are there for. The students checked the books out from the libraries. There was a simple principle: You had to come in once a week, bring in your books, talking to an adult who is not related to you, and you showed him the books and say, "I read these books." The adult—after all, these are second- and third-grade books—would read through the books and ask you questions. If you could not answer the questions, the adult would ask you to read the book out loud. If you could not read the book out loud, you did not get the money.

Over 70 percent of the students who participated, when tested in January, scored over a year improvement in their reading ability. And we intend to go back this summer.

But any American anywhere can run this program. There are some churches in Atlanta that are working diligently on the problem of how do you help young black males 9 to 13 that are now trying out this very same concept in public housing projects in Atlanta. We had had inquiries from, I think, some 25 States now of people who are interested in doing earning by learning.

Literally, you can decide how much money you have, that you want to spend helping young children learning how to read, divide by 2, and that is how many books that you can pay for. Then you decide how many books the average child could read, you divide that number, and you have a program that you can run. From 1 child to 100 children to 1,000 children.

But the key here is that we were accomplishing three things. First, we were teaching literacy by getting them to read. If you read 83 books, you read a lot better than if you have not read any.

Second, we were empowering. People have heard this fancy word empowerment. Having money in your pocket is power. Having money in your pocket gives you choices.

Third, we were introducing children to the concept of free enterprise. These were children in poverty, living in public housing. They were not used to the idea that you earn money. We were offering them something very radical.

It was child labor, it was piecework, and I am sure the Department of Labor would probably frown on it. But the fact was that to those kids it was proof that an honest day's work would get an honest day's pay; it was proof that you could do something other than prostitution or drug dealing or armed robbery or other kinds of things, that you could go out in America and do something intelligent and get paid for it and actually have money to spend the way you want to spend it.

So I think the idea of earning by learning is a nonbureaucratic, small experiment that shows there are alternatives that fit traditional American culture that are more powerful and more successful than the bureaucratic welfare state models.

You can test that. We spend at the Federal level on title I for disadvantaged $6,100,000,000 a year.

Now, I am not suggesting seriously that that should all be earning by learning. But imagine if next year we paid for 3 billion books to be read by children. My guess is that at 3 billion books being read by children, we would have dramatically changed America overnight and we would be a totally different country within a very few years because evey poor child in America would have a direct incentive that related to learning and put cash in their pocket, which taught them the whole concept of free enterprise. And it could be done—again, I am not saying it is a serious idea except as an illustration, we could spend $6 billion through the bureaucracy and not be able to stop dropouts, not be able to stop illiteracy, not be able to get poor children to be able to succeed. Why not try very dramatic experiments? As I said, I think that Secretary Lamar Alexander and President Bush are on exactly the right track in launching a new process of developing a successful American education system.

Now let me bring this all down to what Americans can do and what my colleagues can do and how we can proceed.

I think there are five key steps in the process for a successful America. I think we need a movement for a successful America, a movement toward a decentralized, bipartisan, that has everybody involved who wants to be successful and wants their country to be successful. First, we need to find people and institutions who are succeeding. Who is doing things well? Not just getting rich, by the way, but successful. Some may be succeeding by recycling, some may be succeeding at helping people with disabilities, somebody succeeding at helping the poor learn, some may be succeeding at helping folks who might be on alcohol or on drugs. Who are the successes in our neighborhoods?

Second, we need to ask them how are they succeeding? What are the principles they use to succeed? Third, we need to network those who are succeeding with other successes to swap ideas, to reinforce morale and to build momentum. Get them in the same room so they see each other, so they share ideas about being successful, so they can know that it is possible to have an America that is going to work again.

Fourth, we want to publicize our successes. We want to remind other people that we can succeed, so we can increase hopes, so we can educate people about the principles that work. That is very important, frankly, because the key problem in America today is that all too many people have no hope. They despair. If you are a 9-year-old black boy in an inner city and you watch the evening news every day, you see no examples of success, you see no examples of hope, you see no reason to build for a better future.

So we want to publicize success.

Fifth, we want to apply the principles that we taught by the people who are succeeding to our larger institutions such as education and health care and the structure of Government itself.

Let me say for those who are interested, they might explore these ideas further with the following readings: They ought to read President Bush's 1991 State of the Union speech, they ought to read Phil Crosby's "Quality is Free." They ought to read Director Darman's introduction to the fiscal 1992 budget; they ought to read Edward Deming's "Out of the Crisis;" they ought to read Peter Drucker's "The Age of Discontinuity" and his very important "The Effective Executive," and they ought to read a book that Marianne and I wrote called "Window of Opportunity" and Jack Kemp's "An American Renaissance." They ought to read the speech by Jim Pinkerton at the White House called "The New Paradigm." And they ought to read Alvin Toffler's "The Third Wave."

Anyone who is interested among my colleagues who want more information about this, if they want to contact Rachel Phillips at 1620 Longworth Building, and she will give them more information. That number is 202-225-0197. She will be glad to give them more information on the concept of a movement for a successful America.

I want to close with this note: We know from the last 11 years that we can change history. I have been on the escort committee for Lech Walesa from Poland, for Vaclav Havel from Czechoslovakia, and Violeta Chamorro from Nicaragua; I know that it is possible for Americans to do things to decisively change the future.

□ 1750

Mr. Speaker, I believe we have an opportunity to create a successful America with this process so that in the future we have the economic and cultural strength to lead the entire planet to self-government, to freedom and to safety, and I want to encourage every one of my colleagues, and everyone who is listening, to develop personally on their own a movement for a successful America that applies these principles so that together we can create a successful 21st century America.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 524

Mr. INHOFE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill (H.R. 524).

The SPEAKER pro tempore (Mr. LAROCCO). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. LEHMAN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE 76TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LEHMAN] is recognized for 60 minutes.

Mr. LEHMAN of California. Mr. Speaker, today marks the 76th anniversary of the Armenian genocide. I have organized this special order so that we can collectively recognize the unspeakable loss experienced by the Armenian people during the years of 1915–23. I wish that I could find the words to describe my feelings of outrage and despair when I think of the tragic events that led to the death of two of every three Armenians then living in their homeland. Unfortunately, their tragedy continues in that a simple reverent commemoration of the genocide has become an item of political controversy.

On the night of April 24, 1915, over 200 Armenian religious, political, and intellectual leaders of the Armenian community in Istanbul were arrested, exiled from the capital city, and executed. In a single night's sweep the voice of the representatives of the Armenian nation in Turkey was silenced. This tragic event was only the beginning of the unfolding, systematic policy of deportation and extermination being implemented by the Young Turk government. Consequently, the 24th of April represents for Armenians the symbolic beginning date of the Armenian genocide.

In the following years from 1915–23, 1½ million men, women, and children were murdered in an attempted genocide of the Armenian people by the Government of the Ottoman Empire. Before 1914, over 2 million Armenians lived in Turkey. By the end of 1923, the entire Armenian population of Anatolia had been either killed or deported.

Mr. Speaker, I am here today because I am committed to the truth about the Armenian genocide. The horror of the Armenian genocide is made worse by the refusal of the current Government of the Republic of Turkey to acknowledge that it ever happened. The Turks attempt to account for the vast decrease in the number of Armenians in Turkey as a consequence of war. Do they expect the Armenians to forget the trauma of war and the grim reminders of the atrocity simply because they have succeeded in tampering with history and denying the obvious facts.

To not recognize the Armenian genocide is to disregard history. The historical record is clear and irrefutable; it is our moral responsibility to acknowledge it. To ignore genocide only leads to global indifference and ignorance and human rights abuses. To forget those who died sets a dangerous precedent for abuse in future generations.

The truth about the Armenian genocide was very clear to Henry Morganthau, our Ambassador to Turkey between 1913 and 1916, when he reported back to officials in Washington that, after visiting the Armenian territories in 1919, he had witnessed the "most colossal crime of all ages."

The great British historian, Arnold Toynbee, also in Turkey at the time, later wrote of what he saw:

> The atrociousness of the two great twentieth century wars was aggravated by "genocide" (i.e. the wholesale extermination of civilian populations). In the First World War the Turks committed genocide against the Armenians; in the Second World War, the Germans committed genocide against the Jews.

In fact, most of the extensive evidence documenting this genocide has been uncovered not by Armenians, but by Jews, who found a chilling and compelling pattern of connections between the two events. The difference lies in the fact that Germany has owned up to its past while Turkey insists on ignoring historical reality.

President Carter once said:

> It's generally not known in the world that in the years preceding 1916, there was a concerted effort made to eliminate all the Armenian people, probably one of the greatest tragedies that ever befell any group.

Perhaps if more people had known about the genocide of the Armenians when Adolf Hitler rallied his commanders in chief at Obersalzburg before the invasion of Poland in August 1939, that tragedy would have been prevented. Hitler asked, "Who remembers the Armenians?" To that, 1986 Nobel Peace Prize recipient and Holocaust survivor Elie Wiesel responded, "He was right. No one remembered them."

Mr. Speaker, all we seek is the dignity of a truthful recognition of historical fact as a first step in the slow process of healing such a deep wound. The denial of history that has been well documented by survivors, eyewitnesses, correspondents, U.S. Presidents, and even past Congresses clearly demonstrates the need for recognition of the Armenian genocide. The Republic of Turkey can help in this recovery process by acknowledging the crimes of its predecessor as our German ally has done.

As we reflect upon this tragedy, I cannot help but admire the strength of the Armenian people who have endured countless hardships in addition to the genocide. The earthquake of 1988 killed over 35,000 Armenians and has left over 500,000 people homeless today. Furthermore, the ongoing conflict in Nagorno-Karabagh has inhibited the international relief efforts to aid earthquake victims as well as resulted in another 300,000 homeless Armenians due to anti-Armenian violence. I am hopeful that today's special order commemorating those killed during the Armenian genocide will demonstrate America's concern for those Armenians in the Soviet Union as well as all over the world.

I would like to thank all of my colleagues that will be speaking with me today who will help me communicate that the genocide will not go unacknowledged and unmourned. As we gather here today to commemorate the Armenian genocide in which 1,500,000 human beings were brutally murdered, we comfort the survivors, and we keep alive the memories of those who were murdered and try to gain insight and learn lessons from this experience so that a similar episode may never be repeated again.

Mr. Speaker, I yield to the gentleman from California [Mr. DOOLEY], my colleague.

Mr. DOOLEY. Mr. Speaker, I thank the gentleman from California [Mr. LEHMAN].

Mr. Speaker, I rise today in solemn remembrance of a great human tragedy, the Armenian genocide. It parallels the chilling Nazi Holocaust, but much of the world is still unaware of the suffering and misery that the Armenian people endured. Today is marked to call attention to this black chapter in the world's history.

One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years.

As a result of the killings and deportations, the Armenian population in the Ottoman Empire was reduced from 2.5 million to fewer than 100,000. A race of people was nearly eliminated, and the Turkish Government to this day refuses to acknowledge that this genocide ever happened.

Today, 77 years later, we commemorate those who lost their lives, and we urge the modern Turkish Government to acknowledge the atrocities of the past.

Within the past year, the world's people have witnessed the dawning of a new world order. Much of this new configuration has taken place in a spirit of cooperation and unity.

However, the world still has elements of mistrust and destruction. On this anniversary of one of mankind's greatest atrocities we are once again witnessing a shameful human tragedy. Thousands of Kurdish refugees are dying each day.

The modern Turkish Government is to be commended for its humanitarian gestures and relief toward the Kurdish refugees. In fact, the Turkish Government of today is far removed from the Ottoman Empire of the early 20th century. Turkey is a crucial ally of the United States and a trusted member of NATO. A large part of the allies' military success in the Persian Gulf was a direct result of Turkey's compliance and participation in air strikes against Saddam Hussein's war machine.

But part of growing as a nation is credibility and integrity is recognition of events of the past—just as Germany has admitted its culpability in the Nazi Holocaust, and just as the United States Government has come to grips with its own atrocities against native Americans.

The enduring tragedy of the Armenian genocide is that to this day the Government of the modern Turkish state refuses to acknowledge that this crime ever took place.

The historical evidence surrounding the Armenocide, however, is as clear and compelling as the evidence surrounding the Jewish extermination of World War II, Stalin's destruction of the Kulaks, and Pol Pot's massacre of his own people in Cambodia.

The world is not searching for an indictment of Turkey, just an acknowledgement of a shameful era, whereby Turkey and the rest of the world can make a commitment that such events will never happen again.

The Armenian people are resilient and determined. The tragic 1988 earthquake left 30,000 dead and more than 500,000 homeless, but they are rebuilding their region and are committed to preserving their heritage and culture.

The Armenian-American community today now numbers nearly 1 million people, who deserve the same respect as the descendants of the Jewish Holocaust victims.

The Armenian people need to finally go to bed at night knowing that the modern Turkish Government, having acknowledged the sins of the past, will work with other nations to ensure that similar atrocities never occur again.

□ 1800

Mr. LEHMAN of California. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DOOLEY] for his thoughtful remarks.

Mr. Speaker, I yield to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to thank and commend my colleague from California, Mr. LEHMAN, for arranging this special order to pay tribute to the Armenian martyrs, who were victims of one of the worst genocides of this century. On April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled and eventually murdered in remote places. In the following years from 1915 to 1923, 1½ million men, women, and children were murdered in an attempted genocide of the Armenian people by the governments of the Ottoman Empire. On the 76th anniversary of the Armenian massacre, it is appropriate that we observe this date as one of remembrance for all the victims of genocide, especially those of Armenian ancestry. Now that the German Government has recognized the Jewish genocide and the Soviet Union has recognized the extermination of millions who disagreed with their government under Stalin, it is time for Turkey to recognize the genocide of the Armenians under the Ottoman Empire. History must not forget that Armenians were systematically uprooted from their homeland of 3,000 years and eliminated through massacres or exile. Those who survived became homeless refugees, whose descendants, with their painful memories, can be found in many countries today. As leaders of a free and democratic nation, I believe we must continue to acknowledge and deplore the events surrounding the Armenian genocide as vigorously as we deplore modern acts of terrorism.

Today, Armenians flourish and are prominent and successful citizens of our great Nation. Many of my Armenian friends who survived have related tragic stories of how the events beginning on April 24, 1915 affected their families and loved ones. I know how important this tribute is to them and to the memories of those who lost their lives in the slaughter.

Cruelty, murder, and genocide are terrible, terrible examples of man's inhumanity to man. We commemorate this date so as not to forget the suffering and pain that the Armenian world community has endured. We recognize April 24 as the day of man's inhumanity to man because we must remember that in modern times, similar atrocities have continued unchecked. The upsurge of violence in Azerbaijan has contributed to a recent surge of human rights violations against Armenians in the Soviet Union. Armenian families are among the Kurdish refugees in Iraq that have long endured persecution and suppression by Saddam Hussein. As we join with Armenians all over the world in commemoration of this 76th anniversary, we offer encouragement to Armenians everywhere that acts of violent suppression committed against them in the past will not be allowed to continue in the future. We must commit ourselves to a future course that will prevent the terrible atrocities perpetrated against the Armenian people from ever happening again.

Mr. LEHMAN of California. Mr. Speaker, I thank my colleague, the gentleman from California, for those remarks.

I yield to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, I rise today to join my colleagues in strong support of designating April 24 as a day of remembrance of the Armenian genocide.

The Armenian people have suffered not one, but two injustices. First, they were senselessly slaughtered by the Ottoman Turkish Government. Second, this same Government denied that the slaughter took place.

Some have said this designation of a day in memory of this genocide is a sensitive political issue. But this isn't a political issue, it's a humanitarian issue.

By setting aside April 24 as a day of remembrance, we will not only remember the genocide of more than 1 million Armenian people, but we will declare to the world that our country will not tolerate or forget such violations of human rights anywhere in the world, at any time, past or present.

I am proud to have a significant Armenian community in my district, and I honor them for their courage and for the positive contributions they have made to our society and to our world.

The children of this generation and of future generations should have the opportunity to truly see the events of the past, as well as our conscious efforts to ensure that history doesn't repeat itself. I urge you to join me in support of this day of remembrance.

Mr. LEHMAN of California. Mr. Speaker, I thank my colleagues for those words.

I yield to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to commemorate the 76th anniversary of the Armenian genocide. While this anniversary may evoke painful memories, it would be worse if we did not remember the terrible atrocities perpetrated against the Armenian people. April 24 is an important date because it was on this day in 1915 that over 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were executed. Sadly, April 24, 1915 marked only the beginning of a systematic policy of deportation and extermination of Armenians by the governments of the Ottoman Empire. Between 1915 and 1923, over half of the world's Armenian population, an estimated 1.5 million men, women, and children, were killed.

The Armenians are an ancient and proud people. In the fourth century, they became the first nation to embrace Christianity. In 1915, Christian Russia invaded the Moslem Ottoman Empire, which was allied with Germany in World War I. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

Today, it is important to remember this horrible fact of history to comfort the survivors, as well as remain vigilant to prevent future calamities. Only a fraction of the Armenian population escaped this calculated attempt to destroy them and their culture. Approximately 500,000 Armenian refugees fled north across the Russian border, south into Arab countries, or to Europe and the United States. Currently, it is estimated that fewer than 100,000 declared Armenians remain in present-day Turkey.

I am proud to say that a strong and vibrant Armenian-American community is flourishing in northwest Indiana. In fact, my predecessor in the House of Representatives, the late Adam Benjamin, was of Armenian heritage. There are still strong ties to the Armenian homeland among Armenian-Americans. Mrs. Vicki Hovanessian, a resident of Indiana's First Congressional District, helped to raise over $1 million for victims of the devastating Armenian earthquake in December 1988. However, despite substantial international relief efforts, 500,000 Soviet Armenians are still homeless.

The Armenian genocide is a well-documented fact. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. However, there is an unsettling tendency among both individuals and governments to forget or blot out past atrocities. Less than 20 years after the Armenian genocide, Adolf Hitler embarked upon a similar extermination of European Jews. While the Jewish holocaust is certainly as terrible an event as the Armenian genocide, at least the Jews have had the catharsis of the world's recognition of what happened to their people. In search of acknowledgement of what happened to their families and ancestors between 1915 and 1923, regretfully, Armenians too often hear that their claims of genocide are lies or exaggerations.

Unfortunately, there is still a concerted effort to deny the existence of the Armenian genocide. Responding to political pressure, in January of this year, the National Park Service removed a photograph depicting the victims of the Armenian genocide from the Ellis Island Centennial Photo Exhibit in New York. The captioned photograph had been previously vandalized, but was removed following an intensive political campaign targeted at Ellis Island officials. Representatives of the Armenian National Committee have contacted Ellis Island authorities to protest the removal of the exhibit, but have been told that the exhibit was removed to alleviate concerns, avoid controversy, protect the photo from further vandalism, and review the photo's authenticity. The removed photograph should be reinstated where it rightfully belongs, and attempts at historical revisionism must be condemned, whether done in ignorance or simply to avoid controversy.

In closing, I would like to commend my colleague from California, Mr. LEHMAN, for organizing this special order to commemorate the 76th anniversary of the Armenian genocide. It is my sincere hope that this remembrance will not only console the survivors and their families, but also serve to avert future atrocities.

Mr. LEHMAN of California. Mr. Speaker, I thank the gentleman from Indiana [Mr. VISCLOSKY].

Mr. Speaker, I yield to the distinguished gentleman from Michigan [Mr. BONIOR], one of the great leaders in this Chamber on the Armenian cause.

Mr. BONIOR. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. LEHMAN] for yielding and for taking out this special order to revisit this most important historical event.

Mr. Speaker, April 24, 1915 marked the beginning of one of history's darkest periods. On that day literally hundreds of Armenian religious, political, and intellectual leaders were rounded up, and they were exiled and eventually murdered in remote places throughout Anatolia. Within months a quarter of a million Armenians serving in the Ottoman Army were disarmed, and later they were starved or executed.

☐ 1810

Hundreds of thousands of Armenians were then uprooted from their villages. Women and children were forced to march through the Syrian desert for weeks on end, and, of course, most of them did not survive that ordeal.

From 1915 through 1922 1.5 million Armenians lost their lives. American Ambassador Henry Morgenthau wrote:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. I understood this well, and in their conversations with me, they made no particular attempt to conceal this fact.

They made no attempt to conceal this fact.

Mr. Speaker, for years many people have tried to make the world forget about the Armenian genocide. However, generations of Armenians have struggled to keep the memory alive, in their churches, in their communities, in their schools, in their daily lives, and through their advocacy to their political leaders.

In gathering at such events as this, we remind people around the world of man's inhumanity to man. Remembering the genocide is much more than a matter of setting the historical record straight or correct. By remembering the genocide, we help prevent it from ever happening again.

As the gentleman from California quoted in his statement, Adolf Hitler asked who remembers the Armenians, before launching his plan to annihilate the Jews. Today we are seeing the brutality of another dictator, Saddam Hussein, who has ruthlessly persecuted the Kurdish people. Sadly, the suffering of the Kurdish refugees is amplified by the intransigence of neighboring Turkey.

I was proud, in fact, is one of the more proud moments of my legislative career, to introduce legislation commemorating the Armenian genocide last year. I remember very well during the Presidential campaign, President Bush, then candidate Bush, giving his commitment during the last election to support the genocide resolution. What great joy I took in that, because for 8 years, Ronald Reagan abandoned the Armenians throughout this world and in this country on this most basic, basic of human and fundamental freedom issues.

Frankly, I was thrilled that the President's endorsement. Unfortunately, the President and his administration did not carry through on this pledge, and the resolution did not have the support necessary for passage in the Senate and in the House.

It was a shameless abandonment of a very proud people. But it was not the first time. We saw a similar instance occur during the whole situation in China, when the President and his administration capitulated to the leadership of a regime in China that persecuted and killed its own people. We saw the same type of shameless abandonment of the Kurdish people to the hands of the treacherous Saddam Hussein.

Mr. Speaker, by gathering here tonight, and in many similar events around the world, we acknowledge the genocide, we mourn its victims, and we renew our cry, never again. As long as people come together in events like this, we will not forget those who have tried to cover up the Armenian genocide have not succeeded, and, Mr. Speaker, they never will.

Mr. LEHMAN of California. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for his stirring remarks, and for all he has done over the years in the cause of justice.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I also want to take note once again of the 76th anniversary of the genocide committed by the Ottoman Turks against the Armenian people. I join my fellow Americans of Armenian descent to pay homage to those countless Armenians, men, women, and children, who fell victim to the first genocide this century. The genocide, as has been mentioned here today, was not only a crime against the Armenian people, but also an unforgettable crime against humanity.

Presently there is an unconscionable and callous effort by the Turkish Government to distort or even deny outright the truth about the premeditated genocide of the Armenians. To justify such a denial, Turkish Government espouses the untenable argument that, although some Armenians were killed, this killing did not constitute a genocide, that the issue of genocide is debatable.

The fact of the matter is that the Armenian genocide is perhaps better documented than most such historical events. There are literally thousands of documents in the official archives of all major governments, including our own and Turkey's own ally at the time, Germany, as well as the testimony of many neutral observers.

We really do not have to go any further than read the diplomatic notes and memoirs of our own Ambassador to Turkey at that time, Henry Morgenthau, to establish that the Turkish treatment of Armenians was part of a deliberate plan of total extermination.

I want to reiterate again that the Armenian genocide is an undeniable fact. Political arguments cannot and must not outweigh our moral values and beliefs in justice and freedom. Those things are really truly the things that are in our national interest.

Mr. Speaker, I just want to invite Members to join me on this day to acknowledge that a genocide was committed against the Armenian people, and to pay respect to the martyrs of this courageous people.

Mr. Speaker, I would like to commend the gentleman from California [Mr. LEHMAN] for putting this special order together this evening.

Mr. LEHMAN of California. Mr. Speaker, in conclusion, there are a few remarks that I believe need to be made. One is that I and many others are personally outraged by the decision by the U.S. Park Service to remove a photograph at Ellis Island depicting the murder, the outright murder, of Armenians during the genocide. It carried a caption underneath it that in no way even referenced genocide, but only said these people were victims of massacres and left for the United States to Ellis Island.

After repeated attempts by the Turkish Government to have that removed, the Park Service complied. I think that is an outrage. Many Members are working very hard to see that it is undone.

□ 1820

This is a day of remembrance for all of us who care about human values and for all of us who care about the truth.

I can only remark how sad it is that the official leadership of this Government has not seen fit to make this an official day of remembrance, but as the Congressman from Michigan said, we will continue that fight.

I thank all of the Members who spoke, Mr. Speaker.

Mr. PORTER. Mr. Speaker, today we commemorate the 76th anniversary of the genocide of the Armenian people and their widespread dispersion from the ancestral homelands they inhabited for over 3,000 years. From 1915 to 1922, 1,500,000 Armenians were killed through starvation and execution and more than 500,000 were exiled from their homes in the Ottoman Empire. Many of those Armenians came to the United States and they and their children and grandchildren now make up the proud Armenian-American community here today. As painful as these memories of genocide may be, we join the Armenian-American community and Armenians all over the world in remembering the massacre of 1915–22.

To fail to acknowledge the genocide of the Armenians would be to do an incredible disservice to those who died and to those who endured the horror and lived to tell the world. In the 1930's, Adolph Hitler used the lack of world outrage over the Armenian genocide as an indication that he could get away with the extermination of Jews in Eastern Europe. He said, "Who today remembers the Armenians?" We must remember the Armenians. We must hear the tale of the Armenian genocide and amplify it. Only when the world becomes fully aware of the magnitude of the genocide in Armenia, as well as of the Holocaust in Europe two decades later, can we hope to end these types of atrocities.

While it is important that we remember the lessons of the Armenian genocide, we must not let the transgressions of bygone days poison the future for ourselves and our children. We must use this memory as a launchpad for improving our relations with our fellow men and for building trust and brotherhood. Only then will the type of thinking that fueled the genocide against the Armenian people shrivel and die and become a memory of yesterday rather than a reality of today.

Mr. OWENS of Utah. Mr. Speaker, I join my colleagues in honoring Armenian-Americans and those around the world as they mourn the genocide of their ancestors by the Ottoman Empire. During this tragic period, during and after World War I, over 1.5 million Armenians were systematically eliminated. The survivors of this genocidal campaign were forced from the homeland they had inhabited for the past 3,000 years.

The attempted annihilation of the Armenian people by the Ottoman government set the stage for what has tragically become an age of genocide. The systematic plan to eradicate all traces of the Armenian people and their culture set murderous precedent for future regimes in this century. One need only look at the Nazi Holocaust of 6 million Jews and countless gypsies, Russians, Poles, and others; the killing fields of the Khmer Rouges in Cambodia; as well as the campaign of annihilation which Iraq has undertaken against its Kurdish minority.

The crime of genocide is a crime against humanity. It is a crime also by humanity, Mr. Speaker, for its indifference. If such tragedies are to be averted in the future, those committed in the past must first be recognized.

Mr. Speaker, no words of outrage or tragic loss can describe the events of 1915 through 1923, which claimed the lives of 1.5 million Armenians. We haven't the vocabulary to capture the suffering or conjure the anguish. We haven't the capacity to give such words meaning.

The term "genocide" was coined in the aftermath of the Second World War to define in an academic, almost clinical way a phenomenon of the 20th century—the deliberate and systematic destruction of an entire people. It has no precedent in the barbaric annals of human history. It requires all of the organization and technology of our time.

I rise today along with my colleagues to remember the atrocities of 1915–1923. We join together to register an unspeakable loss, recognizing it as a singular event in history, a genocide. No manner of justice or atonement can be offered for the deaths of two out of every three Armenians living in their homeland. Mr. Speaker, the most we can offer, and the least, is our remembrance.

Mr. DINGELL. Mr. Speaker, I rise today to reaffirm my indignation at the events of 76 years ago, when the falling Ottoman Empire sought to eliminate through mass murder the Armenian people.

The fact that over a 25-year period a government could commit such an inhumane act stands as testament to the crimes that can surface when a totalitarian government is allowed to stand.

On April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled, tortured, and murdered in remote places in Anatolia. Over a million others would also soon perish. Despite these mass murders, almost half a million Armenians escaped north across the Russian border, south into Arab countries, on west toward Europe and the United States.

Unfortunately, the world has not learned completely how to reverse this dark side of human conduct. With the Holocaust in Germany only 20 years later, Cambodia three decades after World War II, and the brutality the world has so recently witnessed from Saddam Hussein, it is clear that the battle for human rights and basic individual dignity is not yet won.

To question the authenticity of the tragic events of 76 years ago is a pathetic attempt to alter the records of history. American presidents and statesmen from our Nation and from across the world have stated assuredly that these crimes against humanity truly occurred. It is time that all members of the world community acknowledge the truth.

Mr. Speaker, I join my colleagues today to pay tribute to those Americans of Armenian descent who have worked so hard to contribute their talents to this Nation, while working to ensure that the world never forgets the atrocious fate met by their ancestors.

Mr. MOAKLEY. Mr. Speaker, I am honored, as I am every year, to join my colleagues in the April 24 special order commemorating the Armenian genocide.

I say I am honored because I sincerely appreciate that we are able to gather and remember this tragic event in human history, but I must confess that I also find it a little disconcerting. Every year we join the grieving of the Armenian people around the world and discuss openly the cruelty that the Armenians suffered, but somehow the word just doesn't get out.

These past few weeks much of our attention has been focused on the brutal suppression of the Kurds in Iraq and on the exodus and suffering which has followed. This event, which from the beginning has been closely compared to events in Nazi Germany, will occupy a prominent space in our minds whenever we consider the list of man's atrocities through history. But the Holocaust in Germany and the exodus in Iraq are just two examples. Others include, the Killing Fields of Cambodia, the horrible famine forced on the Ukraine by Stalin, the periodic pogroms against Jews in Tsarist Russia and, of course, the Armenian genocide.

The extermination of Armenians at the hands of the Ottoman regime in Turkey occupies a strange place in our consciousness. Very few such events are so well-documented, and very few received such wide acknowledgement at the time when they occur. Ambassadors from all over the world wrote to their governments and families about the tragedy. The United States Senate formally recognized the nature of the massacres in 1920. And every year we commemorate this event. But it is seldom talked about or studied elsewhere. Because of this, it seems vague and unimportant sometimes, almost as if it were just some nightmare—someone else's nightmare.

But make no mistake, the massacre of Armenians between 1915 and 1923 is solid fact; 1.5 million Armenians died during those years—about 500 per day; 1.5 million out of a population of 2 million. The existence of Armenian society and culture was wiped completely clean from the area that had supported it for thousands of years. The extermination was systematic. Like Hitler's final solution, the Armenian genocide was thought out and discussed. It was not some vague occurrence; it was concrete and constructed. In fact, according to Hitler's own writings it may have served as blueprint for the Holocaust.

Referring the impunity of the Ottoman regime and the short memory of the world as it headed toward war, an encouraged Adolph Hitler once asked, "who still talks nowadays about the extermination of the Armenians?" Well, thank God, we do here.

Mrs. MORELLA. Mr. Speaker, I am pleased today to join with my colleagues in commemorating the 76th anniversary of the Armenian genocide. Remembrances like these are important because they help to prevent the occurrence of similar tragedies in the future, and I want to thank my colleague, the gentleman from California, for calling this special order today.

The Ottoman Empire's effort to eliminate its Armenian population, coupled with the world's indifference to that crime, set an example that has been emulated many times in the following decades. Around the world today, governments commit atrocities against their own citizens yet escape the consequences of their crimes for reasons of political expediency. Even when the evidence is clear and compelling, as it is in the case of the Armenian genocide, there are still those who would sacrifice the truth for political gain.

If we are ever to witness a respect for human rights, we must begin by acknowledging the truth. On human rights issues ranging from the detention and torture of political prisoners to the Armenian genocide to the genocide of the Kurds by the forces of Saddam Hussein, we must speak unambiguously. There is no place in the family of nations for governments that commit atrocities against their own citizens.

Both individuals and nations, if they are to realize their potential, must be able to make their own decisions. The Armenian people, after centuries of oppressive Ottoman rule culminating in the 1915–1923 genocide, followed by 70 years of Stalinist domination, have the right to shape their own destiny. Both in Armenia and in Karabagh, their right to autonomy must be affirmed.

Mr. Speaker, the lesson of the Armenian genocide is clear. To prevent such crime against humanity in the future, we must act now by fostering respect for the truth, countering efforts to deny human rights violations in the interest of expediency, and speaking out against all instances of man's inhumanity to man.

Mr. MORAN. Mr. Speaker, I rise today to lend my voice to the memory of those 1.5 million Armenians massacred in one of this century's cruelest atrocities.

On this day in 1915, Turkey began a program of rounding up Armenian religious, intellectual, and political leaders and deporting them to Anatolia where they were systematically executed. In a single night, the leadership of Armenia was destroyed and the flame of the Armenian culture extinguished.

In the months following, over 250,000 Armenian soldiers serving in the Ottoman army were disarmed and placed in forced labor battalions. Those that did not succumb to the ravages of famine, disease, and exhaustion were executed by the Ottoman army.

The Armenian civilian's remaining, the women, seniors, and children left behind, were deported from the cities and towns. The men and older boys were separated from the groups, never again to be seen, and those remaining were forced on death marches into the desert of Syria. In all, over 1.5 million Armenians were massacred during the 7 years of genocide and more than 500,000 exiled from their homeland in the Ottoman Empire.

History tells us that those who do not study the past are doomed to repeat its mistakes. Nowhere in modern history is this lesson more poignant than in the case of the Armenian genocide. While we closed our eyes and let the painful memory of this atrocity slip from our collective memory, Adolf Hitler remembered the effectiveness of this systematic destruction of the Armenian people and rested secure in the belief that the Western Powers would not intervene in his Holocaust.

Let us not again forget the atrocities of the past.

Mr. Lehman, I thank you for hosting this special order on the Armenian genocide that began 76 years ago today. It is important that the memory of the Armenian genocide and its relevance be kept alive.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to join my colleagues in a very important special order which commemorates the 76th anniversary of the Armenian genocide.

Commemorating the Armenian genocide is a matter of utmost importance to all prople who believe that the horror of genocide must not be allowed to happen again. If we permit genocide and inhumanity to go unacknowledged and unmourned, we leave open the possibility that this could happen again.

When Adolph Hitler planned the genocide against the Jews, he was quoted in a German newspaper as saying:

> . . . and remember the extermination of the Armenians. One eventually reaches the conclusion that masses of men are mere biological plasticine . . . .

Later he asked:

> . . . and who still talks nowadays about the extermination of the Armenians?

The lack of a public outcry about the Armenian genocide contributed to Hitler's belief that his policies would go unpunished.

The facts surrounding the Armenian massacres are undeniable. On April 24, 1915, over 200 Armenian intellectual leaders were taken from their homes and executed. Armenian men in the Ottoman army were disarmed and placed in work battalions from which they were gradually removed and executed. The remaining women and children and the elderly were forced to participate in long marches through the desert with little hope of survival. By 1923, 1.5 million Armenians, over half of the world's Armenian population, had been slaughtered. It is a tragedy that we cannot allow to be forgotten and we absolutely must refute those who persist in trying to deny that the bloody massacres ever took place. The most recent example of this denial involved the removal of an important photo exhibit that had been displayed on Ellis Island. The photo exhibit depicted Armenians being excuted by Turkish authorities. The Armenian genocide, as the primary cause of Armenian immigration to the United States during and after World War I, is an integral part of the story of Ellis Island. The exhibit was totally appropriate and should not have been removed. However, the exhibit, which had previously been vandalized, was removed by the National Park Service because of political pressure. That was a grave mistake.

As Members of the United States House of Representatives we have a responsibility to speak up against injustice. Is the mere acknowledgement of the deaths of 1.5 million people too much to ask for? The answer should be a resounding no. I thank my colleagues for joining me today to show that the United States does understand what really happened to the Armenians.

Mr. WAXMAN. Mr. Speaker, it is with profound sadness that I join my colleagues in rising to commemorate the Armenians who perished in this century's first genocide.

I am very proud of the fact that I represent the largest and most politically vibrant Armenian community outside of the Middle East. Throughout my 20 years in public office I have met repeatedly with survivors of the Armenian genocide. I do not see how any just and rational person can fail to accept their horrible eyewitness accounts. Indeed, many are still tormented by memories of the death marches of 1915.

The significance of this day is not simply a day of sadness and remembrance for the Armenian people. This single day serves as an expression of our commitment to historical truth and to universal principles of human rights. Indeed, the line from Armenia to Auschwitz to Cambodia is a direct one. Hitler, during an early meeting to map out the extermination of the Jewish people, was asked whether world opinion would not prevent such a plan from being carried out. Hitler laughed, "World opinion. A joke. Who ever cared about the Armenians?"

Mr. Speaker, because the world did not respond adequately to the needs of the Armenians this does not mean that we should not acknowledge and remember what happened to the Armenian people now. In fact, it is even more important that we never forget the story of the Armenian genocide. Despite attempts to revise history, even going so far as to declare that this tragedy never happened, we must not allow our moral outrage to be diminished by the voices of historical revision or denial.

The Armenian people, though scattered all over the Earth, have remarkably kept their culture, langauge, and religion intact. I salute their tenacity and spirit, and I join them in mourning those who lost their lives in the slaughter.

Mr. KENNEDY. Mr. Speaker, today marks the anniversary of a tragic period in European history. From 1915 to 1923, over 1½ million Armenian men, women, and children became victims of a massive genocide perpetrated by governments of the Ottoman Empire. By the end of the period, nearly 2 million Armenian citizens were systematically exterminated or deported.

The modern world now witnesses another genocide in northern Iraq, and it is appropriate that we take this time to revisit the horrors of the Armenian travesty in the hopes that our children will be prepared to prevent any similar acts in the future.

On the night of April 24, 1915, over 200 religious, political, and intellectual leaders were executed by the Turkish administration. This event marked the beginning of an 8-year policy of deportation and extermination of an entire minority population. Since that time, April 24 has been considered the symbolic date to remember the Armenian genocide.

The Armenian people remain a persecuted group. As I speak, the residents of Nagorno-Karabagh are surrounded by a hostile Azerbaijani state and remain vulnerable to the prejudices and hatred that is still pervasive in the region. Nagorno-Karabagh was split from Soviet Armenia during the Stalin regime, and while Armenians represent 75 percent of the population today, they are still forced to bear the repressive yoke of the Azerbaijani government.

These citizens could be protected by incorporating Karabagh within Soviet Armenia, but the Soviet Government has refused to consider such an option. President Gorbachev himself has stated a commitment to reform and correcting past injustices. Yet he has also rejected any correction to the miscarriage in Karabagh. Instead, the Kremlin has acceded to the will of the Turkish Government and maintained the status quo. The result has been violence, death, and destruction in the southern region of the U.S.S.R.

In Massachusetts, we remember this day as "Martyrs Day." It is a day when more than 40,000 Armenian Boston area residents, many in Watertown, MA, pay tribute to the brave men and women who gave their lives to protect what was rightly their own. It is a day when Armenian businesses and schools close in deference to their ancestors. And it is a day when American-Armenians everywhere are reminded that they live in a society where their fundamental rights as citizens are protected under law.

April 24 is an appropriate day to send a signal to the Kremlin that the people of Karabagh are Soviet citizens and should be afforded the same rights that any other citizen enjoys. The U.S.S.R. is signatory to several international human rights accords that stress this right, and therefore the world must insist that the self-determination for Soviet Armenians must be addressed.

The Persian Gulf has strengthened the international community's capacity to work toward a moral cause. And to this end, we have an opportunity to pressure the U.S.S.R. to do what is morally right and politically sound. I hope the world will adopt the worthy challenge in Karabagh; it would be a good start for the new world order. Thank you.

Mrs. JOHNSON of Connecticut. Mr. Speaker, there are some crimes against humanity which are so heinous that we may be tempted to disbelieve them. We want to believe that such atrocities couldn't possibly happen in our century, that somehow they belong to an era less enlightened than ours.

Yet, as hundreds of thousands of Kurds suffer in northern Iraq, we are reminded that man's capacity for evil is not bound by time. That is why it is so important for us to gather today in remembrance of the Armenian genocide.

In commemorating the 76th anniversary of the Armenian genocide, we not only honor and remember the victims and survivors but recommit ourselves to preventing such inhumanities in the future. To remember is to defend against a recurrence; to forget is to condone.

Three-quarters of a century ago, the government of the Ottoman Empire rounded up and executed the leadership of the Armenian community in Istanbul. During the next 7 years, the Ottoman leadership was responsible for the deaths of over 1.5 million Armenians and exiling the remaining Armenian population from its homeland of 3,000 years. It was the first genocide of the 20th century.

Only a few hundred thousand Armenians escaped this attempt to erase the Armenian people and their culture from this Earth. I am honored to represent a district and State that has been enriched by Armenian-Americans. I am proud to stand with them today in commemorating this inhumanity visited upon the Armenian people, who continue to struggle against oppression. I salute their courage and perseverance in remembering this dark event so that others may never have to face such tragedy.

Mr. TRAFICANT. Mr. Speaker, today we recall the tragic events of 76 years ago when the government of Ottoman Turkey, in an effort to rid the empire of its Armenian population, initiated a systematic and purposeful plan of genocide.

It is on this day, April 24, that Armenians from all over the world pause to pay tribute to the memories of the 1.5 million Armenians who lost their lives in this terrible atrocity. It was on this day, in 1915, that, as the first step of their genocidal plans, Ottoman authorities ordered the arrest of over 200 Armenian intellectual leaders in Constantinople and throughout the empire, taking them from their homes and summarily executing them.

The United States Ambassador to Turkey from 1913 to 1916, Henry Morgenthau, described the slaughter of the Armenians in his autobiography, "The Ambassador Morgenthau Story." "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal the fact."

Despite the fact that the United States National Archives holds innumerable reports by Consuls and Ambassadors detailing the process by which the Armenian population of the Ottoman Empire was decimated, there are still those who choose to ignore the tragedy that befell the Armenians.

Just recently, I learned of an unfortunate situation at the Ellis Island National Park. A photo display at the Ellis Island centennial exhibit depicting the execution of Armenians by Turkish forces, as part of an exhibit on immigration to the United States, was removed in late January by the park's superintendent following a pressure campaign by the Turkish Embassy.

I urge my colleagues to pause today and remember those Armenians that were uprooted from their homeland of 3,000 years and eliminated through massacre and exile during the late 19th and early 20th centuries.

Mr. YATRON. Mr. Speaker, I rise to join my colleagues in remembrance of a very dark day in 20th century human history. On April 24, 1915, the government of Ottoman Turkey set into motion a chain of events that would eventually lead to the deaths of over 1.5 million Armenians, and the exile of a nation from its homeland of 3,000 years.

As chairman of the Subcommittee on Human Rights and International Organizations, I firmly believe that in order to prevent genocides and other human atrocities in the future, we cannot forget those egregious occurrences of the past.

Respect for human rights is now a prominent issue in international relations, and it is a core component of American foreign policy. It is the concern for human rights which I believe is responsible for the international effort on behalf of the suffering Kurdish people.

Public exposure of human rights abuses might have been able to spare the Armenian population from one of the most brutal and systematic campaigns in recent history. That is why it is absolutely essential that this Chamber continues to view April 24 as a day of rememberance. Certainly, we do so out of respect for the Armenian people. But we also want to remind ourselves that we have a very critical role to play in preventing future atrocities and promoting respect for internationally recognized human rights.

Mr. ATKINS. Mr. Speaker, I rise today to commemorate the 76th anniversary of the Armenian genocide, and to mourn man's inhumanity to man. Throughout their history, Armenians have been subjected to many tragedies, most recently the earthquake of 1988. But no tragedy has been more profound than the premeditated crime against the Armenian people at the hands of the Ottoman Empire. During the period between 1915 and 1922 approximately 1,500,000 Armenians were killed, and more than 500,000 were exiled from the Empire.

On April 24, 1915, hundreds of religious, political, and intellectual leaders of the Armenian community were rounded up and eventually murdered in remote regions of Anatolia. The remaining Armenian population was then deported from their towns and forced to go on death marches. Most of the men and older boys were quickly executed. Those women who didn't die from forced starvation, disease, or outright murder were subjected to rape or forced into harems.

In 1918, Henry Morgenthau, the United States Ambassador to the Ottoman Empire, said that the forced deportations were a "death warrant to the whole race," and that the Turkish authorities "made no particular attempt to conceal the fact" of this massacre. Before World War I, there were 2,500,000 Armenians living in the Ottoman Empire. Because of this tragedy, there are fewer than 100,000 declared Armenians living in Turkey today, mostly in eastern Turkey far from their homeland in the western part of the nation.

Mr. Speaker, recalling Adolf Hitler's statement, "Who remembers the Armenians?" Elie Wiesel once said, "He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history." We must not let this expulsion from history persevere.

Mr. BROOMFIELD. Mr. Speaker, ongoing events in Iraq cause us to pause and remember another terrible tragedy, the unforgettable Armenian genocide of 1915. The world has much to learn from a careful study of that first genocide against the innocent, and the Armenians of Greater Detroit are commemorating that horrible event today, April 24.

The history of the Armenian people is indeed a sad one. The mass killings of this modern age got their start when Ottoman Turks decided to rid themselves of what they considered their "Armenian problem." From 1915 to 1923, the Ottoman Empire undertook the incomprehensible task of erasing any trace of the Armenian people. This atrocity opened the doors for the horrible genocide committed against the Jews during the Second World War. The concentration camps of Hitler had their seeds in Anatolia. The brutal massacres of Stalin, the killing fields of Cambodia, and the ongoing slaughter of the Kurds in Iraq—all the great terrors of the 20th century—grew out of the horrible holocaust in Anatolia.

We must pay tribute to those heroic Armenians who struggled against the well-armed Turkish forces. Over 1.5 million brave Armenians perished in the massacre. It is regrettable that many in Turkey still deny that this barbaric murder of the innocent ever happened. While ample evidence exists to document the events of those years, many Turks still claim that the Armenian genocide never happened. This should come as no surprise to those of us familiar with Turkish history. The Turkish Government still refuses to account for the whereabouts of over 1,500 innocent Greek Cypriots, including a number of American citizens, who disappeared after the Turkish invasion of Cyprus in 1974.

As we recall the terrible events that befell the Armenian people in the early years of this century, and mark the 76th anniversary of those dark days, we must all remember that respect for the rights of individuals and the groups which they comprise—whether religious, racial, ethnic, or national—must lie at the foundation of the relationship between a government and its people. We can and should ask for no less.

Mr. FORD of Michigan. Mr. Speaker, April 24 is once again upon us and still we have no congressional resolution commemorating the horrendous Armenian genocide of 1915–23. April 24, 1991, marks the 76th anniversary of the beginning of the starvation, disease, and violence resulting from the Armenians' forced relocation. Sadly, our refusal to acknowledge this event perpetuates the myth that this genocide never occurred and trivializes the survivors' suffering.

We ought not to continue to succumb to modern Turkey's pressure to deny the massacre. International politics should have no bearing on exposing the truth. The Congress of the United States must do its duty by rejecting pressures to avoid conflict. As a freedom-loving Nation, our responsibility lies in ensuring that atrocities such as these not be hidden or forgotten but instead should serve as a reminder to the world that, unless we learn from the past, we will be doomed to repeat it.

We acknowledge that these violations of human rights in no way were the works of the present Government of Turkey, but rather were carried out by the governments of the Ottoman Empire. Turkey, with whom we have excellent relations, is not blamed.

Many of those who fled death came to the United States. These survivors and their descendants have become an integral part of America. Armenian-Americans are entitled to have their pain and suffering recognized. The victims of the Armenian genocide have suffered in vain if the world has learned nothing. They are to be victims once again.

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the 76th anniversary of the Armenian genocide. On the night of April 24, 1915, over 200 Armenian religious, political, and intellectual leaders of the Armenian community in Constantinople were arrested, exiled from the capital city, and executed. The representatives of the Armenian nation in the Ottoman Empire were silenced in a single night. This tragic event began the systematic policy of deportation and extermination of the Armenian community by the Ottoman Empire.

Prior to 1914, over 2 million Armenians lived in the region. Between 1915, and 1923, a million and a half Armenian men, women, and children were murdered by the government of the Ottoman Empire. By the end of 1923, the entire Armenian population of Anatolia and western Armenia had either been killed or deported.

Today the Armenian people continue to face hardship. The effects of the tragic 1988 earthquake which left half a million people homeless are still being felt, and the ethnic civil war with neighboring Azerbaijan in January, 1990, was quelled by Soviet troops. Many Armenians long for independence from the Soviet Union and desire freedom and democracy.

I hope that on this, the 76th anniversary of the Armenian genocide, we can all take a moment to realize the importance of this historic day, and give serious consideration to the plight of the Armenian people.

Mr. ASPIN. Mr. Speaker, today we gather to mark the 76th anniversary of the Armenian genocide. Each year, when I speak here about the genocide, I try to make a new point or strike a new theme. But each year I also come back to two constant themes.

The first is to memorialize those who died under Ottoman rule, to say they have not died unmourned and unnoticed, to shout that millions of us, Armenians and non-Armenians alike, will never forget.

The second theme is to declare that they shall not have died in vain, that the deaths of 1½ million people must serve as a giant warning flag to the world, alerting us to the threat of evil and uniting us to combat anyone who might again think of committing wholesale murder.

One only has to look at the film on the evening news these past weeks to despair, however. A million and a half Armenians died 76 years ago; an equal number of kurds have fled their homes this month because they fear they too will become a statistic.

And in the intervening 76 years, we have had Hitler's genocide of the Jews and the gypsies. We have had the Cambodian Khmer Rouge genocide of their own people. And we have had the unnoticed and unremembered genocide of the 1970's in Equatorial Guinea in Africa where a madman dictator executed hundreds of thousands for the crime of being literate.

The world did nothing to stop the Ottoman crimes against the Armenians. We gasped when we learned about it. We wrote editorials. We pontificated. But we did not stop it.

The same can be said of the Nazi and Khmer Rouge crimes. Equatorial Guinea, on the other hand, was—and is—such a backwater that we didn't even notice the murders of hundreds of thousands of innocents. We didn't even bother to editorialize. We didn't even raise our voices to pontificate.

Now we meet again on the floor of the House of Representatives, as we do each year at this time. But as we meet this year, we see the fear on the faces of the Kurds, and we hear the wails as they mourn their dead. And we know that once again we did not intercede to save a people from possible extinction. They had only their feet to protect them.

Has the world really learned anything from the genocide of the Armenians? Are we destined every decade or so to repeat the error of 1915—the kind of error that inflicts unspeakable horrors on innocents—the scale of error that leads us to round the death toll to the nearest hundred thousand?

Kurds and Shiites alike—Saddam Hussein and his minions machinegunned them in the streets. Helicopter gunships strafed them from the air. Artillery shelled them in their homes. Saddam's goal was to solve his problem by obliterating it. Only the problem was people.

How did this differ from 1915 when the Ottomans decided they would solve their perceived Armenian problem by obliterating the Armenian people—by driving them like cattle into the desert to die like animals?

One has to ask whether the horrors of 1915 have taught the world anything. I emphasize: the world. The Untied States cannot solve the world's problems unilaterally. But we can do a lot in concert with others—as we saw in World War II and most recently in Operation Desert Storm.

I fear—I despair—that we will see more 1915's in Armenia, more 1940's in Europe, more 1970's in Cambodia. We will see more 1991's in Kurdistan. We will see them until the responsible governments of the world wake up and decide to act responsibly. We will see them until the civilized world is prepared to face down murderous Ottoman rulers and other bloodthirsty autocrats. We will see them so long as human standards are a spotty occurrence. We will see them until the rule of law girds the world.

And so, in all honesty, I cannot stand here and say the men and women and children who died so horribly in 1915 and the following years did not die in vain. We meet today to memorialize them. And we will meet next year to memorialize them. And we will meet each year on this day to remind the world of what it did not do to save them from death. And we will continue to push and shout and cry out and remind those who would rather not remember, until some day—some day—the world will come to its senses and say: This must not be repeated again.

And then—only then—we can gather on this day and truly tell those who passed from the world under the boots of the Ottomans that, yes, they did not die in vain. They served as a beacon for the world—however, reluctant and slow that world was to see the light.

And I know that day will come.

Mr. MARTINEZ. Mr. Speaker, today marks the 76th Anniversary of the Armenian Genocide. On April 24, 1915, the rulers of the Ottoman Empire began the systematic extermination of the Armenian people. Never before 1915 had a government been so committed towards eliminating a culture, a language, and an entire race of people from the face of the Earth.

The extent and depth of the human tragedy and horror that unfolded, from 1915 until 1923, can be gauged by the sheer magnitude of the slaughter of over one million Armenians by the Ottoman government. As the conflagration of World War I engulfed Europe, the marches of forced starvation, disease, and massacres consumed the lives of the Armenian people.

In preparation for the Jewish Holocaust, Adolph Hitler was reputed to have asked, "Who remembers the Armenians?" Mr. Speaker, the American people remember the Armenians, victims of a deliberate, calculated campaign of mass extermination. The 20th century has borne witness to far too many such atrocities, crimes against humanity which will never be washed away by the passage of time.

As the leading democracy in the world, it is our solemn duty, our moral responsibility to remember the victims of this genocide. We must observe this anniversary to keep the memory and the truth about this catastrophic event in the annals of history. We owe it not only to ourselves and the Armenian-American community, but to the silent, fallen victims of the Armenian genocide.

Mr. LIPINSKI. Mr. Speaker, at a time when the world's attention is focused on the destruction of the Iraqi Kurds, I commend Congressman LEHMAN for calling attention to another oppressed people. Like the Kurds. Armenians are a long suffering people who were driven from their homeland and ruthlessly murdered. I am gratified the world has awakened to the slaughter of the Kurds, and it is time—on this day, the 76th anniversary of the beginning of the Armenian genocide at the hands of the Ottoman Empire—for the world to wake up to the persecution of Armenians during and following the First World War.

The Armenian genocide was a tragedy only matched by the depravity of Hitler and Pol Pot. Like the Jews of Europe and Cambodians that followed them, the Armenian community saw its people massacred in numbers that are inconceivable: 1.5 million murdered and 500,000 driven from their homes. In their attempt to eliminate any evidence of the proud Armenian heritage and culture, the Ottomans also destroyed thousands of churches and monuments.

Despite these incredible atrocities, the world knows nothing about it. Less than two decades after the genocide, Hitler himself noted that nobody talked about the extermination of the Armenians. The absence of attention in the 1930's may have convinced him the world would pay little attention to his even larger scheme.

Mr. Speaker, with more than 70 percent of the Armenian community of the Ottoman Empire killed between 1915 and 1923, it is shocking that doubts remain about the genocide. The genocide is a fact. Nobody can deny the photos and historical references, and nobody can deny the long memory of the Armenian community. Memories of the public hangings and destroyed churches haunt them. They look at their homeland of 3,000 years and see their community dead. There were 2.1 million Armenians in Turkey before 1915, now there are only 100,000, and Armenia itself is nearly empty of Armenians.

It is our responsibility, our moral duty to keep the memories of 1915 alive. A world that forgets these tragedies is a world that will see them repeated again and again. The story of this and other genocides must be known by all, for only then is there hope to stop them.

We must also honor the victims who perished so brutally in the desert. We cannot right the terrible injustice inflicted upon the Armenian community between 1915 and 1923 and we can never heal the wounds. But by properly commemorating this tragedy, Armenians will at least know the world has not forgotten their misery. Only then will Armenians begin to receive the justice they deserve.

Mr. DURBIN. Mr. Speaker, this body commemorates today the 76th anniversary of the Armenian genocide. We are joined in this observance by Armenians throughout the world who pause on this day to honor the memories of the 1.5 million Armenians killed by the Ottoman government in the years 1915 to 1923.

I am saddened that there are those who would forget this tragedy. To ignore the Armenian genocide is to desecrate the memory of those who lost their lives. Even worse, such denial sends the message that genocide is an acceptable form of behavior that will be tolerated by the world community.

The United States is a Nation which stands for the recognition of human rights, both within its borders, and for all peoples. To deny the genocide of the Armenians, or any atrocity of this scale, is to forsake the value we place on human life and the principles of liberty upon which this country is based. Those who turn a deaf ear to the Armenian genocide, knowingly or unknowingly, abet the future of genocide by failing to raise public consciousness about this tragic reality.

The surest way to honor the memory of the fallen Armenians and all crimes against humanity is to recognize their suffering and ensure that these acts are never repeated. Thus, as we pause to reflect upon this grievous example of man's inhumanity to man, let us strengthen our conviction that such atrocities never be repeated.

Mr. FAZIO. Mr. Speaker, I rise today to join my colleagues in memory of the 1.5 million Armenians massacred during and immediately after the First World War. We remember this crime against humanity to understand the event, and thereby preclude its repetition against anyone anywhere in the world.

The 24th of April represents for Armenians the symbolic beginning date of the Armenian genocide because on that date, in 1915, over 200 Armenian religious, political, and intellectual leaders of the Armenian community in Constantinople, and other centers of Armenian life throughout the Ottoman Empire, were arrested and systematically executed. In a single night, the voice of the representatives of the Armenian nation in Turkey was silenced.

Armenian men, who had been conscripted in the Ottoman Empire, were then disarmed and placed in work battalions from which they were gradually removed and executed. The remaining men, women, children, and elderly were forced on long marches through the desert, with little hope of survival. By 1923, when the slaughter finally ended, over half the world's Armenian population had been murdered on the soil that they considered home for more than 3,000 years.

As we recognize today, I would like to share with you a statement made in 1918 by Henry Morganthau, then U.S. Ambassador to the Ottoman Empire.

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres of the past seem almost insignificant when compared to the suffering of the Armenian race in 1915.

These were the observations not of a revisionist historian but the thoughts of the official representative of the United States on the scene in Turkey at the time.

While, in the past, the genocide was officially recognized by the United States Government, since 1982, the Reagan and Bush administrations, bowing to pressure from the Turkish Government, have failed to officially recognize it. This both saddens and frightens me. I am saddened because the survivors of this tragedy, and their families, many of whom live in my district, are denied the legitimacy of their suffering. And I am deeply concerned because I see a world in which crimes against humanity are deliberately forgotten.

Mr. Speaker, let us honor the victims of the Armenian genocide by countering all such attempts to tamper with the truth, and strengthen our continued commitment to prevent such horrors in the future.

Mr. WOLF. Mr. Speaker, on April 24, 1915, a terrible 7-year period began for the Armenian people in Ottoman ruled Turkey. It was on that night that the Armenian leaders in Instanbul were rounded up and killed.

Over the course of the next 7 years, well over 1 million Armenians—including women and children—were killed. Between 1915 and 1923, many Armenians tried to escape to neighboring countries.

This wave of persecution began when the Ottoman leaders decided to disarm Armenian members of the military, then Armenian civilians and civic leaders. After that, Ottoman authorities began deporting Armenian leaders who could have formed an effective opposition against this Government plot. Their destination was the Syrian desert, where those on this journey either died or were killed.

Once the Ottoman Empire sided with Germany against the Allies in World War I, crimes against the Armenians increased, during which time an estimated 1.5 million Armenians lost their lives.

At the end of the War, the United States did make some effort to help evacuate Armenians from Turkey. At least one United States ship was dispatched to evaculate civilians from one of Turkey's port cities.

It is my hope that we have learned from this experience that genocide is not simply an internal matter for a country. It is a matter which should concern the entire world. I have been pleased that in our day, indeed, this month, our President has helped to provide military protection and humanitarian assistance to the Kurdish people fleeing from Saddam Hussein's tyranny in Iraq. The Congress must make sure that events like those which cost the Armenians so much are never allowed to happen again.

Mr. GREEN of New York. Mr. Speaker, I join my colleagues in solemnly observing today as "National Day of Remembrance of the Armenian Genocide of 1915–23." On April 24, 1915, hundreds of Armenian intellectual, political, and religious leaders were gathered up and brutally murdered. In the months that followed, the genocide of the Armenians living in the Ottoman Empire was put into execution. Today, of the more than 2,500,000 Armenians living in the Ottoman Empire before World War I, fewer than 100,000 Armenians remain in Turkey.

I have long been a vocal proponent of the need to commemorate the 1.5 million Armenians who lost their lives in the first genocide of the 20th century. We must not rewrite history by forgetting the 1.5 million Armenian men, women, and children who were massacred earlier this century. The proof and magnitude of the Armenian tragedy was established at the time by the records of this Congress and by our own Ambassador to the Ottoman Empire in 1915, Henry Morgenthau, who served as the United States Ambassador from 1913 to 1916. Henry Morgenthau stated, "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

We observe this day of rememberance so that the truth survives the eyewitnesses. It was Hitler who cynically asked in 1939, "Who today remembers the Armenian exterminations?"

Fifty years later, it must be we who remember. To do otherwise brings shame to our great democracy. We must remember that many of the Armenians-Americans we represent are themselves survivors of the horrible massacres. Many others are the children of those who witnessed massacres. Many others are the children of those who witnessed the atrocity. Today we must pause and pay tribute to the memory of those Armenians who senselessly lost their lives in 1915.

Mr. HERTEL. Mr. Speaker, we commemorate the 76th anniversary of the genocide of the Armenian people perpetrated by the governments of the Ottoman Empire.

Between 1915 and 1923, 1.5 million people of Armenian heritage died in the first genocide of the 20th century. This fact cannot be disputed any more than the virtual absence of Armenians from the eastern part of present day Turkey can be explained. This was the national homeland of the Armenian people, a people whose traditions and culture had survived for thousands of years.

Today the peaceful and freedom loving Armenian people are scattered throughout the world. Here in the United States, we embraced the refugees of persecution and invited them to join with us as Americans. Over 1 million Armenian-Americans—survivors and descendants of survivors—today contribute to the richness of our cultural heritage and the betterment of our country in many fields of endeavor.

Mr. Speaker, if remembrance of the horrible fate that befell 1.5 million Armenian people between 1915 and 1923 will prevent such a crime from happening again, we must remember the Armenian genocide. Especially today, with the fears of genocide again in the news and again being faced by a minority people under domination by a hostile government, we must not let the memory of Armenian martyrs fade into the abyss of history.

Mr. EARLY. Mr. Speaker, I rise with my colleague today to join Representative LEHMAN and all Armenian-Americans in commemorating the 76th anniversary of the Armenian genocide. We commemorate the victims of this horrible crime on April 24, because on that day in 1915, the Armenian intellectual leadership, in the capital city of Istanbul, and other Armenian centers of the Ottoman Empire were rounded up by the Ottoman authorities, taken to isolated areas and summarily executed.

Then United States Ambassador to Turkey, Henry Morgenthau, a witness to the genocide, described these deportations with the following words, "When the Turkish authorities gave the orders for these deportations, they were giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal the fact."

We must recognize these crimes against humanity if we are ever to put a stop to the cycle of genocide that has plagued the 20th century. Silence, in the face of such inhumanity, only encourages those who commit such atrocities. We can see today, in the plight of the Kurds, the terrible cost, in lives, of sacrificing fundamental human rights in the name of short-term political gain. Violations of human rights, whether past or present, must never be swept under the rug for the sake of expendiency.

I am proud to know many Armenian-Americans as friends, colleagues, and copatriots; I have nothing but admiration for their strong faith, character, and cultural values. I am proud to join my colleagues today in remembering the Armenian genocide. Let us never forget the victims of all instances of man's inhumanity to man, in the hopes that such tragedies will never again be repeated.

Mr. CARDIN. Mr. Speaker, I join my colleague from California, Congressman RICHARD LEHMAN, in commemorating the tragic Armenian genocide which occurred 76 years ago today.

April 24, 1915 marked the beginning of a deliberate persecution and execution of Armenians which claimed over a million and a half lives in just 8 years. These responsible citizens of the Armenian nation in Turkey were sought out and murdered because they were guilty of sharing a specific ethnic heritage. The Ottoman Empire attempted to completely erase this ethnic group. A healthy culture of over 2 million Armenians living in Turkey was completely destroyed by the end of 1923—the few Armenians lucky enough to escape death were deported from their homes.

This deliberate and premeditated maelstrom resembles the Jewish persecution of the Holocaust which occurred only a few years later. Because these evil events are so similar, I feel not only sympathy for the Armenians, but a profound empathy.

When we commemorate the anniversary of a tragedy, we do so to remember the individual lives which were directly affected. But we also do so to educate generations to come—for those who have not learned the lesson of history are "doomed to repeat it."

On this solemn occasion, I extend my empathy to the Armenian people around the world and invite my colleages and constituents to do the same.

Ms. PELOSI. Mr. Speaker, today, I join my colleagues in recognizing the 76th anniversary of the Armenian genocide, and to pay tribute to the survivors. I thank Congressman LEHMAN for his work in coordinating this special order.

Seventy-six years ago, on the night of April 24, 1915, tragedy struck the capital city of Turkey. Over 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were arrested, exiled from Istanbul, and eventually executed. The voice of the Armenian community was brutally silenced. However, this was only the beginning of what was to come.

Within several months of the initial executions, approximately 250,000 Armenians serving in the Ottoman army during World War I were systematically disarmed and removed to forced labor battalions. These men were sentenced to death by either starvation or execution.

In total, during the years 1915–22, 1.5 million Armenians were killed, and more than 500,000 were exiled from the Ottoman Empire. Deportations were carried out from every city, town, and village of Asia Minor and Turkish Armenia. The atrocities that took place during the death marches are unspeakable. With only a few remarkable exceptions, death and destruction prevailed.

The United States shares a special relationshp with the Armenian people. The Armenian-American community now numbers nearly 1 million. I am proud to note that California has an Armenian population of nearly 300,000—the largest single population outside of the Armenian homeland. Armenian immigrants and their descendants have contributed and continue to contribute to the unique fabric of American life.

Today, it is fitting that we pay tribute to those people sacrificed in the Armenian genocide and to survivors whose legacy has made it possible for the Armenian people to prosper and thrive.

Mr. LEVINE of California. Mr. Speaker, I am pleased to join with my colleagues to mark the 76th anniversary of the Armenian genocide, the first genocide of this century. We commemorate this tragedy on the 24th of April because on this day in 1915 the Government of Ottoman Turkey arrested over 200 leaders of the Armenian community in Istanbul and executed them in the first step of a premediated campaign that eventually took 1.5 million lives and exiled the Armenian people from their historic lands.

More than half of the world's Armenian population was destroyed in the years from 1915 to 1923. Those that escaped this attempt to erase forever the Armenian people and their culture, fled to the four corners of the Earth. These Armenians and their children and grandchildren who settled in the United States while maintaining their heritage have enriched our society in every field of endeavor and have become part of the fabric of America. I join with these proud Armenian-Americans, and with all Americans in honoring the memories of the victims of this crime.

Unfortunately, there are those, even within our own Government who either ignore or choose to deny the Armenian genocide, despite the fact that it is thoroughly documented in the American, French, British, and German archives. There are those that will sacrifice the truth for short-term political gain. We must speak clearly on the issue of genocide. If we do not, we will only encourage those who would commit such crimes in the future. Less than two decades after the Armenian genocide, Adolf Hitler, seeing the world's indifference to the Armenians, determined that he could kill millions of Jews and escape the judgment of the world, because, as he said, "who still talks nowadays about the extermination of the Armenians."

The most recent example of denial of the Armenian genocide took place at no less a historic shrine than Ellis Island. Responding to a campaign orchestrated by the Turkish Embassy, the National Park Service has removed a photo depicting victims of the Armenian genocide from the Ellis Island Centennial Photo Exhibit. This act of historical revisionism, whether done in ignorance or simply to avoid controversy, must be condemned. The Ellis Island authorities must reject the heavy handed tactics the Turkish Embassy has used to rewrite the history of American immigration. The Armenian genocide, as the primary cause of Armenian immigration to the United States during and after World War I, is an integral part of the story of Ellis Island. The removed photograph should be reinstated where it rightfully belongs.

Mr. GUARINI. Mr. Speaker, I rise today to speak about the Armenian Genocide, an event which must never be forgotten by the citizens of America or the peoples of the world. A little less than a century ago, Armenian citizens of the Ottoman Empire became the target of murder and persecution by their rulers. While it is important to avoid equating the Ottoman Government with the present day Republic of Turkey, it is, nevertheless, our responsibility to remember this tragic crime perpetrated against the Armenians in order to prevent others like it from ever happening.

The number of victims of this murderous campaign is staggering. Between the years of 1894 and 1896, during the reign of the Sultan Abdu-Hamid II, approximately 300,000 Armenians were massacred. Later, in the year of 1909, 30,000 Armenians in the area of Cilicia were murdered. And between the years of 1915 and 1922, when the genocide reached its bloody peak, approximately 1,500,000 Armenian men, women, and children were killed and more than 500,000 others were exiled from the Ottoman Empire.

Numerical figures will never adequately impart a sense of the pain and loss suffered by the Armenians. I ask my distinguished colleagues to attempt for a moment to consider the awesome scope of a genocide: the attempt to systematically murder an entire people. Genocide means the murder of families, the extermination of a people's culture, tradition, and way of life. Genocide destroys a people's paintings and songs, their stories and myths. It is an attempt to erase from the pages of history the wisdom and accomplishments of past generations and the promise and potential of those of the future.

To ignore or forget events like the Armenian genocide is to aid those who would repeat such crimes. Unfortunately, many forms of genocide still continue around the world. To preserve the memory of the Armenian genocide is to thwart the perpetrators of these crimes and to remind present and future generations that only they can prevent genocides from happening again.

On April 24, Armenians all over the world will mourn the Armenian genocide. Let us join them on this day of remembrance. Let us also pledge our efforts to never again allow the crime of genocide to destroy the lives and culture of any group of people.

Mr. BLILEY. Mr. Speaker, each night we turn on the television to see horrorifying scenes of the plight of the Kurds. We are able to sit in our living rooms and see the death and destruction of government gone mad; a government intent on annihilating an entire people. The suffering of the people, especially the innocent children, has caused an outpouring of compassion which has forced the international community to put aside geopolitics and to concentrate on humanity. My hopes and prayers are with the men and women who are now battling the odds to struggle and save the lives of the Kurd refugees.

Just as importantly, it is my hope that the effort on behalf of the Kurds will truly spell a new world order, one in which the governments of the world act together to prevent such atrocities from ever happening again. Let this be a symbol that no longer will the world stand by while a government attempts to destroy a people.

Unfortunately, the world has not always reacted so compassionately to the plight of a small race of people facing destruction at the hands of the ruling government. Those who ignore history are condemned to repeat it.

In the shadow of World War I, the Ottoman Turk Government embarked on a plan to systematically eliminate the Armenian people from their ancestral homeland.

The Armenian men who had answered the call to join their country's armed forces were isolated and shot. On orders from the central government, Turkish soldiers rampaged from town to town, brutalizing and butchering the remaining Armenian population. Women and children were then forced on a death march into the Syrian desert. By the end of the war, the Ottoman Turks had been successful in exterminating two out of every three Armenians. A million and a half Armenians had perished at the hands of the Ottoman Turks.

Henry Morgenthau, Sr., then United States Ambassador to Turkey, wrote: "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Only 20 years later, Adolf Hitler asked rhetorically, "Who remembers the Armenians?" as he began his master plan to annihilate the Jews. Those who fail to remember history are condemned to repeat it.

Over the last 3 years the Armenian people have suffered once again at the hands of a larger nation only for the world to turn a blind eye. In Sumgait and Baku, organized pogroms were unleashed on the Armenians. Over 300,000 Armenians were forced to flee their homes in terror.

I have had the privilege of serving in Congress for the past 10 years and each year I have risen on the floor of the House to urge my colleagues to recognize the atrocities suffered by the Armenians at the hands of the Ottoman Turks. The facts do not change; my words do not change. Each year, those efforts have failed. I ask my colleagues, "How many more Bakus; how many more Sumgaits must we witness before we tell the truth?"

The years cannot mute the voice of those Armenian survivors whose individual accounts of savagery combine to form a bedrock of irrefutable evidence. Despite the attempts to hide the records and to distort the facts; despite the world's preoccupation with politics and strategy, the truth of the Armenian genocide remains.

We commemorate April 24 as the National Day of Remembrance of the Armenian Genocide of 1915–23, and pledge that their deaths were not in vain, that their suffering will not be forgotten. We must use the truth of the Armenian genocide to help prevent such a tragic event from ever occurring again.

But we also use this day to rejoice in the continued survival of the Armenian people, for while the Turks crushed the fruit, the seed remained. I am reminded of a passage that William Saroyan wrote:

> I should like to see any power in this world destroy this race, this small tribe of unimportant people whose history has ended, whose wars have been fought and lost, whose structures have crumbled, whose literature is unread, and whose prayers are no more answered. Go ahead, destroy this race! Destroy Armenia! See if you can do it. Send them from their homes into the desert. Let them have neither bread nor water. Burn their home and churches. Then, see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia.

Mr. Speaker, thank you for allowing me the opportunity to honor both the victims and the survivors of the Armenian genocide.

Mr. ANNUNZIO. Mr. Speaker, Mrs. Anneg Srabian's life was saved by a branch protruding from a well.

In 1915, 15-year-old Anneg, her family members, and all of the other villagers were forced by Ottoman officials to leave their homes in Havav, a town in the northeastern part of the Ottoman Empire. Some were taken away never to be heard from again. Others were forced to march for hundreds of miles with little food and water to an unknown destination. Many of those who could not keep up with the march were brutally murdered by the Turkish soldiers overseeing the exodus.

Anneg, who just celebrated her 90th birthday, is a resident of the University Nursing Home in Wheaton, MD, and recently recalled in vivid detail the events of that fateful spring 76 years ago. She told of the night the villagers were lined up in front of a well and the Turkish soldiers began beheading their victims and systematically throwing their bodies and heads into the well. When her turn came, the soldiers were tired, and merely pushed her into the well. As she fell, her dress caught on the branch protruding from the side of the well, and there she hung until the slaughter was over.

Then, through one of those strange quirks of fate, one of the Turkish soldiers peered down into the well, saw her hanging there, and took pity on her. He pulled Anneg up out of the well and let her go free, saying that it was "the will of Allah." And so young Anneg's life was spared, although all of her family members perished.

It was through countless episodes of such sheer luck that many other Armenians survived the marches and massacres that killed hundreds of thousands of their countrymen. It is estimated that 1.5 million people of Armenian ancestry were victims of the genocide perpetrated by the Ottoman Empire from 1915 to 1923.

There are more than 30,000 pages of documents deposited in our National Archives, in the Department of State, and in other Government agencies which describe in detail the entire process by which the Armenian people were made the object of systematic murder now known as genocide. Our own U.S. Ambassador to the Ottoman Empire at that time, Henry Morgenthau, sent home urgent cables providing graphic descriptions of the forcible evacuation of Armenians and the physical abuse of those who were being deported.

In the face of this overwhelming evidence, I was deeply concerned to learn that the National Park Service has removed a photograph depicting the victims of the Armenian genocide from the Ellis Island Centennial Photo Exhibit in New York. There is an old expression which says photographs don't lie, and the caption under this particular photograph stated: Armenians hung during massacre of 1915. By 1921, nearly 100,000 Armenians had come to the United States, fleeing periodic Turkish massacres in which over 1 million Armenians lost their lives.

As the chief sponsor in the Congress of legislation which established the Statue of Liberty Coin Program and raised about $75 million to repair the Statue of Liberty and to restore Ellis Island, I urge Ann Belkov, the Superintendent of the Statue of Liberty-Ellis Island National Park, to reconsider and to restore this photograph to its rightful place in the Centennial Photo Exhibit. Removal of this photo constitutes a deliberate and possibly illegal censorship of the official history of immigration to the United States. Such censorship has no place in America.

For this very reason, so that attempts at historical distortion may be suppressed immediately, it is important that we focus attention each year on this anniversary. It is also important, because as the years pass by, so, too, do the survivors of the Armenian genocide pass away. Fewer and fewer Armenians are alive today who actually suffered through those terrible times, and can relate personally the events of the genocide to succeeding generations, as Mrs. Anneg Srabian has done. Only by continuing to remember the disastrous events of 1915 can we hope to prevent a tragedy of this magnitude from occurring again.

Mr. Speaker, as we mourn the loss of the Armenian martyrs earlier in this century, so, too, do we now pledge ourselves to continue to remember those martyrs and to continue to fight against abuse of human rights, violence and destruction so that humanity may survive in a world free from the fear of genocide.

Mr. RINALDO. Mr. Speaker, I join my colleagues in commemorating the 76th anniversary of the start of the Armenian genocide. This concerted effort to wipe out an entire people and their culture must never be forgotten.

On April 24, 1915, the Ottoman Empire rounded up hundreds of Armenian religious, political, and intellectual leaders. They were sent into exile in remote areas, where they were later murdered. Within a few months, the 250,000 Armenians serving in the Ottoman army were transferred to forced labor units. Virtually all of them were either worked to death or executed.

With no leadership, it was a simple matter to exile the rest of the Armenian nation from their cities and villages. In most cases, the men and older boys were killed, and the women and younger children were marched into the Syrian desert. Thousands of them died there.

At the time, Secretaries of State William Jennings Bryan and Robert Lansing led an international protest of the murders and then organized humanitarian relief for the survivors. Between 1913 and 1930, the American people contributed $113 million toward this effort and 132,000 orphans became foster children.

The murderers of the Armenian people are now all dead, and the Ottoman Empire no longer exists, but we must never forget the brutal depths to which nations can sink. I find an eerie parallel between the massacre of the Armenian people in 1915, and the plight of the Kurdish people today. The well-known quote from George Santayana that "those who cannot remember the past are condemned to repeat it" rings all too true.

Mr. HOYER. Mr. Speaker, I rise today to join those marking the 76th anniversary of the National Day of Remembrance of the Armenian Genocide of 1915–23. We continue to remember and we will never forget the atrocities committed against the people of Armenia and the 1.5 million Armenians who perished.

Although the exact events of this period remain somewhat difficult to definitively ascertain, we are certain of the enormous scope of the suffering faced by all inhabitants of the region. Seventy-six years later, Armenians around the world still have reason to be concerned about the conditions in their homeland. In Soviet Armenia, pollution has become a serious and deadly threat to the well-being of the population. Political unrest and conflict in the region continue, forcing tens of thousands to flee. The result is a refugee crisis in Moscow and other Soviet cities. We cannot forget the tragic earthquake which claimed thousands of lives, effects of which are still readily apparent today.

The lessons of the Armenian genocide must not be lost on the world. Unfortunately, humanity doesn't learn these types of lessons well. The horrors of 1915–23 were perpetrated again by Nazi Germany against European Jewry, Gypsies, and others, and again by the Khmer Rouge against the Cambodian people. Today, we are witnessing a mass exodus of almost unprecedented scope by an ethnic group attempting to flee extermination by the Iraqi regime. We must remember these brutal occurrences and we must continue to speak out against these atrocities. Respect for the rights of individuals and the groups they comprise—whether ethnic, racial, religious, or national—must be the critical building block of international relations and the relations between a government and its citizens.

Mr. Speaker, in this era of unprecedented change, it is more important than ever that the lessons of this tragedy be remembered so that we never again relive the horrors of mass destruction.

Mr. SCHEUER. Mr. Speaker, today, hundreds of thousands of Kurdish refugees are fleeing their homeland in order to escape slaughter by the forces of Iraqi President Saddam Hussein. We sympathize with their plight, having to flee hundreds of miles through frozen, muddy mountain passes in order to reach safety and only to be met with misery. The Kurds are suffering from hunger, exposure, and disease and as many as a thousand are estimated to be dying daily.

Seventy-six years ago this April, another group of people, the Armenians, were also uprooted from their homeland. The Armenians were not only uprooted from their homeland of 3,000 years, but were massacred by the barbaric rulers of the Ottoman Empire, or driven into exile.

Today—April 24—is marked as a day of remembrance for over a million Armenian victims.

At the hands of the Ottomans, the Armenians were systematically murdered, starved, or herded into the Syrian desert, where they died from exposure and starvation.

The Armenian genocide—like the Holocaust—must be remembered, their tragic lessons preserved.

The Armenian genocide carries a universal message. It is that we cannot permit genocide, oppression, and violence to be perpetrated in the name of nationalism, racism, or any other ism.

From the Armenian genocide to the Holocaust to the present day deplorable situation of the Kurds, we must speak out, we must condemn, and we must act. That is our obligation.

The Armenian people were put to death for no reason other than that they were Christians. Prejudice of any kind against anyone, at anytime cannot be tolerated. Silence and apathy are the enemies. They not only tolerate hate and bigotry, they nurture them and permit them to proliferate.

We cannot wipe the slate clean of human experience. Rather, we must learn from it, or condemn ourselves to suffer the fate of the 1 million Armenians and 6 million Jews.

Today, we join the Armenians and all people in remembering—ever vigilant—the more than a million victims of the Armenian genocide.

Mrs. BOXER. Mr. Speaker, it is with deep sorrow and anger that I join my colleagues in commemorating the 76th anniversary of the Armenian genocide.

On this day we recall the tragic events which began on April 24, 1915, when the government of the Ottoman Empire rounded up the leadership of the Armenian community and executed them in the first step of a premeditated campaign that eventually took 1.5 million lives.

It is not only the horror of this crime that we remember on this dark anniversary, but also the scandal of continued lies and attempts by the State of Turkey to deny the truth of this shameful atrocity.

Earlier this year, under pressure from the Turkish consul in New York, officials of the National Park Service removed a photo of the Armenian genocide from an exhibit at Ellis Island. This photo, which depicts Armenian victims of the genocide, contained a caption explaining the Armenian genocide as a major cause of Armenian immigration to America.

It seems that the Turkish Government has once again chosen to contradict the thousands of documents in the official archives of all major governments, including our own and Turkey's, testifying to this holocaust. We must not allow the Turkish Government to rewrite history, especially when it also impinges on our own history.

The Armenian genocide, as the primary cause of Armenian immigration to the United States during and after World War I, is an integral part of the story of Ellis Island. The removed photograph should be immediately reinstated where it rightfully belongs.

We must never forget this horrible crime against humanity and its many victims. It is a responsibility to our children and to ourselves never to allow the memory of this genocide to fade. Only by looking this awful period in history straight in the eye can we fully comprehend its ugliness and hatred, and ensure that it will never happen again.

Mr. CARR. Mr. Speaker, the history of humanity is rife with examples of man's inhumanity to man. From our earliest forebears, who massacred other bands for rights to a watering hole, to today's complex national and religious conflicts, humans unable to dominate their neighbors have all too often turned to the solution of eliminating their neighbors.

Every April 24, people from all over the world pause to recall one particular tragedy, notable not just for its scope and horror, but because all too many of us have never heard of it, and others would choose to forget.

The genocidal deportation and massacre of the peaceful Armenian people between 1915 and 1923, as part of a program to deport the entire Armenian population from the homeland of the Ottoman Empire, led to the death of more than 1.5 million people, either directly at the hand of Ottoman authorities or by starvation.

The remaining survivors of this atrocity still live with horrors that few people in the world can appreciate. Only those persecuted to death by such infamous tyrants as Hitler or Pol Pot in Cambodia can truly understand their agony.

Only a few hundred thousand Armenians escaped death at the hand of the Ottoman Empire, or starvation in the deserts to which the Empire expelled them. Among those are the many Armenians who have made their home in Michigan. It is they who must continue to suffer the indignity of those past events. And they do continue to suffer.

Only recently, a photograph in an interpretive exhibit at Ellis Island—which explained that thousands of Armenians fled to America to escape certain death at the hands of the Ottomans—this photograph was removed from the exhibit at the request of Turkish authorities.

Other nations have committed atrocities in this century. But the people of these countries have confronted their histories, tried to learn from them, and have made apologies and reparations to those who suffered.

Turkey would rather forget its Ottoman history, rather than learn from it. But the people of the world must never be allowed to forget this, or any other such atrocity. As the sage once said, those who forget their history are doomed to repeat it. And all civilized nations should work together to eliminate such behavior of man toward fellow man from the face of the Earth.

We should all pause on April 24 to offer comfort to those who suffered so terribly in the past, to commiserate with their descendants who suffer the continued indignity, and to recall to all who have forgotten the terrible crimes of the past.

Mrs. ROUKEMA. Mr. Speaker, 2 short days ago, I returned to the United States of America from a heart-wrenching weekend journey into what I call no man's land. I was joined by four of my colleagues as we toured the crude, makeshift refugee camps that have sprung up along the Turkish-Iraqi border, camps where hundreds of thousands of Kurds are taking whatever refuge they can from the forces of Saddam Hussein.

The conditions we saw were nothing short of horrendous: a lack of food and clean water; no sanitary facilities; nonexistent medicine; rampant disease; frigid temperatures, and no shelter. And always the fear that their enemy was just over the next ridge waiting to continue its campaign of murder and terror.

It is not an exaggeration to say that the Kurds are prisoners in no man's land, thrust into this hell on Earth by a systematic campaign of terror by Saddam Hussein.

We should all be proud that the United States is leading the worldwide humanitarian effort to provide life support for the Kurdish people.

However, we should also be mindful that the ethnic terrorism that transformed these Kurds into pathetic refugees is not a new phenomenon. Just as we must stop Saddam's attack on the Kurds and just as we must never forget Hitler's genocide of the Jews, we must also remember the unspeakable tragedy that befell the Armenian people 70 years ago.

From 1915 to 1923, 1.5 million Armenians living in Turkey under the Ottoman Empire were systematically and purposely massacred. Hundreds of thousands of Armenians were uprooted from their homes and either killed outright, worked to death in a labor camp, or sent into exile.

There should be no doubt about the extent and terrible nature of the crimes that were committed against the Armenian people during the rule of the Ottoman Empire. The historical record is full of appalling details of the cruel genocide that was waged against Armenians. In fact, the cables of our own diplomats who were there bear grim testimony to the tragedy.

As the scale of the suffering became known, the American people responded with genuine sympathy and support for the Armenian people. We made every effort to stop the killing and opened our country as a refuge from persecution. Thousands of Armenians came to the United States in search of a new life. They and their children are now successful, contributing members of our society.

I am pleased that my congressional district in northern New Jersey is home to one of the largest Armenian communities in America. I am honored to represent them. They exemplify the highest standards of family life, educational performance and American patriotism.

Indeed, America in 1991 owes a great deal to the contributions of the Armenian people. But, what the Armenians want most of all is that America and the world never forget the tragedy that befell them over 70 years ago. Only then can we be certain that history will never repeat itself and efforts at historical revisionism will fail.

I thank the gentleman from California. By reminding the House and the Nation of the Armenian genocide, you promote respect for human rights of all peoples.

Mr. MAVROULES. Mr. Speaker, I rise today, the 76th anniversary of the tragic Armenian genocide, to pay tribute to the millions of Armenians who were persecuted during the 8 years of genocide.

On April 24, 1915, a genocide began in Turkey that took the lives of 1.5 million Armenians. On that day alone, about 200 Armenian religious, political, and intellectual leaders were either arrested, exiled or murdered. For 8 long years, from 1915 to 1923, Armenians lived in fear of torture and death. Some were fortunate enough to flee the mass executions, but all Armenians suffered. More than 500,000 Armenians were exiled from their homes, and many witnessed the death and imprisonment of loved ones. The memories of such atrocities can never be forgotten by the Armenian people, and are passed on from generation to generation. The rest of the world must also reflect on the inhumanity of what happened 76 years ago with passionate intolerance.

Remembrance of the Armenian genocide is imperative to preclude men from successfully repeating Hitler's statement "Who today remembers the Armenian extermination?" Perhaps the executions of the Stalin era and the Cambodian killing fields could have been preempted had global recognition of the Armenian genocide evolved earlier.

Like many of my colleagues, I am the offspring of southeastern European immigrants. As a Greek descendent I share a feeling of national tragedy with the people of Armenia. For this reason, I have always felt a certain empathy for Americans of Armenian descent. Unfortunately, many people today would rather forget the grim reality of what happened 76 years ago today.

On this, the anniversary of the Armenian genocide, I urge my fellow colleagues along with members of the international community, to join me in taking a moment to remember the horrible tragedy that occurred in Armenia so that it will not be repeated again.

BNL SUBPOENA RENEWAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. ESPY], is recognized for 60 minutes.

[Mr. ESPY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I would like to report to the House of Representatives about the quest of the Committee on Banking, Housing and Urban Affairs for certain subpoenaed documents. As the House is aware, the Banking Committee has been vigorously investigating, in the last Congress and in this one, the secret and unauthorized loans to Iraq by an Italian bank, Banca Nazionale del Lavoro, known as BNL, through its offices in the United States.

Loans now estimated at over $4 billion went from that bank to assist Saddam Hussein. A substantial portion may have gone into Iraq's secret network of companies and individuals for obtaining Western technology. The subject of BNL, and the examination system for BNL, continues to be of the greatest interest as we watch the consequences of the conflict with Iraq, and draw lessons from the circumstances leading up to that conflict, which included those loans to Iraq and Iraq's use of them. No one should doubt the Banking Committee's strong and unflagging determination to investigate fully this matter of the highest oversight and legislative importance.

In November 1990, the Banking Committee voted to subpoena the Federal Reserve System for the reports of State-prepared examinations of BNL in its files. The Federal Reserve System explains that it regularly uses these examination reports in its umbrella review system for foreign banks like BNL. For four of BNL's five offices—those in Georgia, Florida, New York, and California—the Federal Reserve was able and willing, upon receipt of the subpoena, to provide the reports. However, the banking agency for the fifth State, Illinois, filed suit to enjoin our obtaining the reports of BNL examinations it conducted. The State agency argued in part that a standard form confidentiality agreement between Federal and State banking agencies barred our obtaining those reports from the Federal Reserve. Rejecting the Banking Committee's motion to dismiss the case, a Federal judge in Chicago granted the State agency the injunction which it sought, and the case is now on appeal.

The committee issued the subpoena for BNL's examination reports last year during the 101st Congress. That subpoena expired with the beginning of the current 102d Congress in January. Accordingly, as part of the committee's continuing BNL investigation, the committee met on April 11 regarding a renewal of the subpoena in this 102d Congress to avoid delays or side-disputes about the expiration of the last Congress. Additional subpoenas, not involved in the court case, were authorized as a result of the widening of the investigation.

The committee can now report to the House that it voted—by a unanimous vote of 40 to 0—to renew that subpoena, on the same basis as in the last Congress. As in that Congress, the committee will defer the subpoena, as to the Illinois reports, in light of the pending proceeding, and will give the Federal Reserve formal notice when it sets a return date. This vote should send a strong signal to those who would file lawsuits to frustrate congressional investigations. A congressional committee will not be distracted or intimidated by such lawsuits.

The chief problem faced by the committee regarding this lawsuit has been that the State agency, by invoking the slow workings of the judicial system, threatens by delay to frustrate the investigation of the loans to Saddam Hussein, and the consideration of legislative reform. Through the House counsel which represents the Banking Committee in this case, the committee has asked the court of appeals to do what it can, in a proper way, to prevent the decision regarding dismissal of the case from being delayed through remands or other extended proceedings. In February, the investigation made the same request of the court of appeals to avoid such delaying proceedings in a formal report.

Now, again, this committee vote of 40 to 0 asks the court of appeals to prevent delays from remands or other extended proceedings. As the BNL report said in February, there may be court cases in which more rounds of district court proceedings help through allowing more study or more settlement talks, but this is not one of them. With further delays, this would truly become a case, as the Supreme Court once said, where "protracted delay has frustrated a valid congressional inquiry." The committee's hearings and reports all emphasize the timeliness of the Iraq loan investigation. Further delays in this matter would be a serious interference with the Banking Committee's forceful determination to press vigorously with this investigation.

I want to take this opportunity to mention some of my own efforts, and the staff's, on the issue of these particular State examination reports. In November 1990, after the committee issued its subpoena to Chairman Greenspan of the Federal Reserve, I personally discussed the subpoena issues with him on November 28 in what proved to be a successful effort at working them out. This was a serious discussion between the principals, of the kind which, instead of lawsuits, should resolve such matters. Immediately thereafter, on December 4, Chairman Greenspan carried out his side of our discussion, writing me that he would provide those State-prepared reports, as he did for the four BNL States that did not attempt to delay us by lawsuit.

Out of an abundance of care for all interest involved, the committee has had its staff and House counsel go back to inquire into the official records that would shed light on the standard form confidentiality agreement relied upon by the State. It has appeared from these inquiries that under the umbrella system established pursuant to the International Banking Act of 1978, the Federal Reserve has received the State-prepared reports of examinations of foreign banks, long before there was any such agreement. The Federal Reserve's general counsel described to my committee counsel on April 4 what the official records for BNL reflect. BNL opened its Chicago office in 1982. The first Illinois State-prepared examination report of BNL was completed on June 10, 1983. That report was transmitted to the Federal Reserve Bank of Chicago by cover letter dated August 23, 1983. Not until 1987, years later, did this agreement come into existence, resulting from a history entirely separate from the umbrella supervision system.

Apparently, the Federal Financial Institutions Examination Council, or FFIEC, drafted the standard form agreement. By act of Congress, the FFIEC promotes vigilance and uniformity in the examination reports relied upon by Federal financial regulators, including both the Federal Reserve and the Federal Home Loan Bank Board which supervised savings and loans until succeeded by the Office of Thrift Supervision. The statute creating the FFIEC also empowers a State liaison committee [SLC] to work with the council, recognizing that Federal supervision has relied in the past upon State examinations of even quality.

According to public reports and records, in the mid-1980's, the FFIEC and its SLC worked toward a policy for sharing of examination reports for domestic banks between Federal and State regulators. There was already sharing of examination reports for foreign bank offices pursuant to the International Banking Act of 1978—as reflected by Illinois providing its BNL examinations to the Federal Reserve from the inception in 1983 of its examinations of BNL—and the problem at issue was thus with State-chartered domestic banks, particularly those which are part of an interstate bank holding company. The timing, sequence, and drafting clearly shows that the agreement is tied to examination reports of domestic banks, which sometimes were not being shared, rather than those for foreign banks, which were under the umbrella system pursuant to the International Banking Act.

Although the agreement thus was not aimed at examination reports like BNL's, our inquiries have continued because we wished to know what the agreement means when it does apply. It appears that the policy leading to the standard form confidentiality agreement was approved at the FFIEC meeting on March 14, 1986. Of particular interest, the official minutes of that meeting describe the explanation of Edwin J. Gray, then chairman of the Federal Home Loan Bank Board which supervised savings and loans, who was at that time also chairman of the FFIEC itself. These minutes record that:

> Chairman Gray said that he wasn't sure how the various state legislatures worked but that he was not sure how the state agencies could protect the confidentiality of the information in all circumstances. He noted that not even the federal agencies could make such a representation.

The committee has been quite familiar with Chairman Gray, and can very safely say that he knew as well or better than any Federal regulator that Federal agencies cannot withhold from the Banking Committee documents that are needed for oversight of how bank supervision is working. Chairman Gray's statement that "not even the Federal agencies could make such a representation" as to what would happen with "the information in all circumstances" reflects the universal understandings that Federal banking agencies must, as part of their duties, provide evidence to Congress and the Federal courts for them to perform their constitutional functions, and that no policies or agreements would curtail that duty. Other FFIEC discussions make plain, as those familiar with this context will recognize, that confidentiality policies and agreements have a much more mundane focus, namely the noninvestigative access accorded by State freedom of information acts, requests by regulated banks for parts of exports normally withheld from them, and the like.

Pursuant to the policy approved in April 1986, the FFIEC and its SLC devised their model agreement for confidentiality between Federal and State regulators, which was promulgated in January 1987. The Federal Reserve adapted that agreement to incorporate its regulations on release of examination reports in response to subpoenas, and also adapted the agreement explicitly to apply to examination reports of domestic banks, not foreign banks. Illinois has noted that it began providing the pertinent domestic bank examination reports to the Federal Reserve starting in January 1987, and it signed the model agreement with the Federal Reserve in March 1987. Plainly, the Illinois agreement was bound up with providing those domestic reports, not with the foreign bank reports which it had been providing for years pursuant to the umbrella supervision system.

As for the other four BNL States, identical agreements were signed by Florida, Georgia, and New York, while California has a parallel arrangement. The Illinois State banking agency has complained that States would be injured or rendered uncooperative by the Federal Reserve's compliance with the committee's subpoena. Unlikely as that seems, those four States have been checked with by the House counsel's office, to see whether as a result of the committee's demand in its Iraq loan investigation, and the Federal Reserve's providing of the BNL report they prepared, they ceased sharing examination reports with the Federal Reserve. As one would expect, all of the four BNL States of Florida, Georgia, California, and New York have confirmed that they have continued to share examination reports with the Federal Reserve.

What all this shows only too clearly are the consequences if congressional oversight were to be frustrated by lawsuits like this one. The standard form agreement is on interagency scope and nationwide application, used by a number of Federal agencies in dealings with the 50 States. Thus, the agreement covers large parts of the national financial regulatory system, and even larger parts if it were construed, through "oral modifications" or otherwise, to cover parts of the system, like foreign banks, which its terms do not cover. It is not all that different from agreements or understanding that Federal regulators have with regulated businesses which number in the thousands.

The February report noted how quickly the notion spread of withholding documents from the committee on the argument that the committee should obtain them, not from the files of the Federal Reserve which had them and used them in the umbrella system the committee sought to oversee, but with the permission, and pursuant to the conditions, of the multifarious original preparers. As the committee sees how vast are the subject areas covered by such agreements or understandings, it stands more resolutely than ever, by its unanimous vote renewing the subpoena, on its right not to have lawsuits bring disputes over how it conducts its investigations into Federal court. If the Federal courts were to judicialize this third-party complaint about Congress obtaining agency files, they would do so for other examples of that aspect of congressional investigations. If the Federal courts were to judicialize this aspect of congressional investigations, they would do so for the other aspects. Those considering the route of delaying congressional investigations will have a complete roadmap, a gold-plated invitation and a guarantee of hospitality.

Every Member of this House is familiar with the enormous bills to the taxpayer for the savings and loan scandal and the necessity for vigorous oversight of the banking supervision system. Yet, if the committee's Iraq loan investigation can be interfered with by lawsuit, the same arguments about the same standard form agreement would be raised against oversight for savings and loans, and in fact for much of the banking system. Similar arguments would be raised throughout Congressional oversight of departments and agencies. The Banking Committee has resolutely refused to let oversight be frustrated in that fashion.

I will briefly note another development in the BNL matter. On February 28, it was announced that a grand jury indicted 10 defendants on 347 counts of fraud and related charges concerning more than $4 billion loans and credit extension to Iraq. Together with the connections between BNL and the network of Iraq's front companies, this will be illuminated in the committee's hearings. At this time, that is noted just for its confirmation of the vital need for the Banking Committee's BNL Inquiry, which is the only way that major questions about systemic matters and needs for legislation will be answered to which such a huge fraud points, but which will not be answered in a trial narrowly focused on the allegations about the defendants. Thus, the House of Representatives understands why the Banking Committee declares, as it strongly believes, that the injunction blocking its BNL inquiry is against the national interest.

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

To: Federal Financial Institutions Examination Council.

Subject: Minutes of the March 14, 1986 FFIEC Meeting.

Chairman Gray convened the meeting at 9:10 a.m. in the conference room of the Comptroller of the Currency on Friday, March 14, 1986. Representing their agencies were:

Robert L. Clarke, Comptroller of the Currency.

Edwin J. Gray, Chairman, FHLBB.

Roger W. Jepsen, Chairman, NCUA.

Preston Martin, Board Member, FRB.

L. William Seidman, Chairman, FDIC.

Representing the State Liaison Committee were:

Sidney A. Bailey, Commissioner of Financial Institutions, Virginia.

Charles W. Burge, Deputy Commissioner of Thrift Institutions, Georgia.

Tom D. McEldowney, Director, Department of Finance, Idaho.

PROPOSED POLICY ON THE EXCHANGE OF SUPERVISORY INFORMATION AMONG THE FEDERAL AND STATE SUPERVISORY AGENCIES

James Houpt, FRB, stated that this policy was being proposed to the Council because of the growth in interstate banking activities and the growing need for federal and state agencies to cooperate in their supervisory efforts. Mr. Houpt summarized the proposed policy for the Council. Mr. Bailey, SLC Chairman, said that the policy as drafted seemed to focus on examination data but that information pertaining to applications was also important and that it should be made clear that such information was also covered by the proposed policy. He said that the primary concern is with safety and soundness and that the purpose of the policy should be to provide for the soundness and that the purpose of the policy should be to provide for the rountine sharing of information. Mr. Bailey questioned the definition of "legally able" used in term #2. Mr. Houpt stated that this wording was only intended to protect the confidentiality of information obtained from the federal agencies from disclosure under state freedom of information laws and was not intended to imply that states would have to have specific laws providing an absolute guarantee that such information could never be disclosed. Chairman Gray said that he wasn't sure how the various state legislatures worked but that he was not sure how the state agencies could protect the confidentiality of the information in all circumstances. He noted that not even the federal agencies could make such a representation. (Council Member Martin, FRB, entered the meeting at this point, 9:30 a.m.) Mr. Bailey suggested that if expanded access to the FDIC's existing data base could be arranged on a need-to-know basis that it would provide most of the data that are needed by the states. About 30 states are already linked into this data base for information on state chartered banks in their own states. Mr. Houpt said the FDIC applies its own examination ratings to state member and national banks and might have examination ratings different from those of the principal agency. Mr. Bailey said the FDIC rating is not what the states are interested in: the states want the information on which the rating is based. Mr. Selby, OCC, said the Office of the Comptroller of the Currency would want to release its own information and not have it released from the FDIC. (Mr. Clarke left the meeting at 9:50 a.m.)

Council Member Martin made a motion to approve the policy, with the suggested changes by Mr. Bailey and Council Member Jepsen. The motion was seconded by Mr. Selby (acting for Council Member Clarke) and unanimously approved.

PRESS RELEASE

The Examination Council announced today its approval of a Model Agreement on Sharing of Confidential Supervisory Information. The Model Agreement was developed because of the increased importance of interstate banking and thrift operations and the growing need for federal and state agencies to cooperate in their supervisory efforts.

The Model Agreement was developd in cooperation with the Examination Council's State Liaison Committee, a group of five state supervisors of depository institutions that advises the Council on matters affecting the supervision of state-chartered depository institutions. The Model Agreement is an extension of the General Policy Statement on the Exchange of Supervisory Information Among the Federal and State Supervisory Agencies that was adopted by the Council on March 14, 1986.

The Council is recommending to the Federal Reserve Board, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, National Credit Union Administration, and Office of the Comptroller of the Currency that they consider this Model Agreement when they develop their own agreements for the exchange of confidential supervisory information with state supervisory agencies. Also, the Council's State Liaison Committee plans to recommend to the states that they give consideration to the Model Agreement in developing agreements with the federal supervisory agencies and the supervisory agencies of other states.

A copy of the Model Agreement is attached.

AGREEMENT ON SHARING OF CONFIDENTIAL SUPERVISORY INFORMATION

The —— ("Requesting Agency") and the —— ("Responding Agency") hereby agree ("Agreement") to exchange confidential supervisory information including reports of examination relating to depository institutions which are related to an organization for which the Requesting Agency has supervisory jurisdiction or which have submitted an application to the Requesting Agency. Under this Agreement, either the Federal or the State Agency may request information as the Requesting Agency subject to the conditions, obligations, responsibilities of this Agreement. In submitting a request, the Requesting Agency shall provide a specific description of the information desired and its need for the information. The Responding Agency will make all reasonable efforts to reply to the request within twenty (20) working days of its receipt.

The Requesting Agency specifically agrees to be bound by the same standards of confidentiality and other limitations and conditions respecting the use of any such data received from the Responding Agency as specified in the Joint Statement of Policy on Interagency Exchange of Supervisory Information and dated August 23, 1984, adopted by the Board of Governors of the Federal Reserve System, Office of Comptroller of the Currency, the Federal Home Loan Bank Board, and the Federal Deposit Insurance Corporation.

The Requesting Agency expressly agrees further to limit its use of any such information it receives under this Agreement to functions related to the exercise of its appropriate supervisory authority.

The Requesting Agency acknowledges that all confidential supervisory information, in whatever form, furnished by the Responding Agency remains the property of the Responding Agency and agrees that no further disclosure of any information obtained from the Responding Agency under this Agreement shall be made to any other state, local, or federal agency, court or legislative body, or any other agency, instrumentality, entity, or person without the express written permission of the Responding Agency.

By this Agreement, the Requesting Agency gives express assurance that under the applicable laws, regulations, and judicial rulings it has the authority to comply fully with the use and disclosure limitations and conditions of this Agreement; that it will provide written notification to the Responding Agency within ten days of any material change to this authority or any violation of this Agreement; and that any such change or violation shall automatically terminate this Agreement unless the Responding Agency waives termination in writing within thirty days of learning of the event constituting the change or violation.

In event of termination of this Agreement, all information received hereunder by the Requesting Agency shall be immediately returned to the Responding Agency with the express agreement that no copies or derivative information will be retained by the Requesting Agency. In addition, and without terminating the Agreement, the Responding Agency may, in its sole discretion, require the return of all documents and derivative information previously supplied on a particular depository institution.

This Agreement shall in no way limit the discretion of the Responding Agency to deny future requests for confidential supervisory information, in whole or part, for any reason consistent with the Council's General Policy for sharing such information, adopted at its meeting March 14, 1986, and with Responding Agency's own supervisory interests and obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes each day, on April 30, May 1, 2, 7, 8, 9, 14, 15, and 16.

Mr. GILCHREST, for 5 minutes, today.

Mr. SOLOMON, for 60 minutes, today.

Mr. BEREUTER, for 5 minutes, on April 25.

(The following Members (at the request of Mr. MANTON) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. DONNELLY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. DARDEN, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. THORNTON, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, today.

Mr. ESPY, for 60 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. OBEY, for 60 minutes, on May 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. DOOLITTLE.

Mr. COX of California.

Mr. DUNCAN.

Mr. GEKAS in four instances.

Mr. BEREUTER.

Mr. SCHAEFER.

Ms. ROS-LEHTINEN in five instances.

Mr. MCDADE.

Mr. PORTER.

Mr. HYDE.

Mr. LIGHTFOOT.

Mr. PURSELL.

Mr. LAGOMARSINO.

Mr. KYL.

Mr. LENT.

Mr. WYLIE.

Mr. CUNNINGHAM.

Mr. RAMSTAD.

(The following Members (at the request of Mr. MANTON) and to include extraneous matter:)

Mr. EDWARDS of California.

Mr. LANTOS.

Mrs. KENNELLY.

Mr. TRAFICANT.

Mr. ROE.

Mr. PALLONE.

Mr. BONIOR.

Mr. STARK, in three instances.

Mr. DONNELLY, in three instances.

Mr. YATRON.

Mr. REED, in two instances.

Mr. KOSTMAYER.

Mr. DOWNEY.

Mr. VENTO, in two instances.

Mr. FOGLIETTA.

Mr. SOLARZ.

Mr. ROEMER.

Mr. WILLIAMS.

Mr. ANDREWS of Texas.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the speaker:

H.J. Res. 218. Joint resolution to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week."

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 218. An act to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week."

ADJOURNMENT

Mr. LEHMAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Thursday, April 25, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1139. A letter from the Director, Administrative Office of the United States Courts, transmitting the twelfth report on applications for delays of notice and customer challenges under provisions of the Right to Financial Privacy Act of 1978, pursuant to 12 U.S.C. 3421; to the Committee on Banking, Finance and Urban Affairs.

1140. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 92-20), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1141. A letter from the Acting Secretary, Department of State, transmitting certification that the furnishing of assistance as requested in the proposed International Cooperation Act of 1991 for Greece and Turkey will be consistent with the principles set forth in section 620C(b) of that Act, pursuant to 22 U.S.C. 2373(d); to the Committee on Foreign Affairs.

1142. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the decision granting defector status in the case of a certain alien who has been found admissible to the United States under law, pursuant to 8 U.S.C. 1182(a)(28)(1); to the Committee on the Judiciary.

1143. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 1990, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

1144. A letter from the Acting Chairman, United States International Trade Commission, transmitting the Commission's sixty-fifth quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan. Committee on Education and Labor. H.R. 1. A bill to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes; with an amendment (Report No. 102-40, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of April 17, 1991]

By Mr. ANDERSON (for himself, Mr. Horton, Mr. Rahall, Mr. Roybal, Mr. Murphy, Mr. Kildee, Mr. Neal of Massachusetts, Mr. Wolf, Mr. Machtley, Mr. Lent, Mr. Weldon, Mr. Jontz, Mr. Torres, Mr. Poshard, Mr. Dornan of California, Mr. Lagomarsino, Mr. Kolter, Mr. Hutto, Mr. Stokes, Mr. Gonzalez, Mr. Roe, Mr. McCandless, Mr. Lehman of Florida, Mr. de Lugo, Mr. Bustamante, Mrs. Bentley, Mr. Bilirakis, Mr. Staggers, Mr. Oberstar, Mr. Jones of North Carolina, and Mr. Dellums):

H.R. 1918. A bill to amend title 38, United States Code, to provide a service pension of $100 per month for veterans of World War I; to the Committee on Veterans' Affairs.

[Submitted April 24, 1991]

By Mr. HAMMERSCHMIDT:

H.R. 2037. A bill to amend the Federal Aviation Act of 1958 to enhance air carrier competition and improve air carrier passenger services, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. McCURDY:

H.R. 2038. A bill to authorize appropriations for fiscal year 1992 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. FRANK of Massachusetts:

H.R. 2039. A bill to authorize appropriations for the Legal Service Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. ARMEY:

H.R. 2040. A bill to establish certain programs regarding adoption, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and Armed Services.

By Mr. BENNETT (for himself, Mr. Fascell, Mr. Peterson of Florida, Mr. Bacchus, Mr. Johnston of Florida, Ms. Ros-Lehtinen, Mr. Shaw, Mr. Lewis of Florida, Mr. Lehman of Florida, Mr. Goss, Mr. Ireland, and Mr. McCollum):

H.R. 2041. A bill to direct the Secretary of the department in which the Coast Guard is operating to conduct a study to develop methods and devices to protect manatees, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BOUCHER (for himself, Mr. Brown, Mr. Walker, Mr. Bruce, Mr. Kopetski, Mr. Valentine, Mr. Perkins, Mr. Nagle, Mr. Browder, Mr. Thornton, Mrs. Collins of Michigan, Mr. Bacchus, Mr. Packard, Mr. Boehlert, Mr. Schiff, and Mr. Gilchrest):

HR. 2042. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BRYANT:

H.R. 2043. A bill to amend the copyright laws to provide compulsory licenses only to those cable service providers who provide adequate carriage of local broadcast signals, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. COBLE:

H.R. 2044. A bill to extend until January 1, 1995, the existing suspension of duty on m-Toluic acid; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 2045. A bill to safeguard individual privacy of genetic information from the misuse of records maintained by agencies or their contractors or grantees for the purpose of research, diagnosis, treatment, or identification of genetic disorders, and to provide to individuals access to records concerning their genome which are maintained by agencies for any purpose; to the Committee on Government Operations.

By Mr. DARDEN (for himself and Mr. Lewis of Georgia):

H.R. 2046. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain expenses of State legislators; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 2047. A bill to amend the Internal Revenue Code of 1986 to provide for the abatement or waiver of interest on certain tax deficiencies; to the Committee on Ways and Means.

By Mr. DONNELLY (for himself and Mr. Studds):

H.R. 2048. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to clarify the employment tax status of certain fishermen; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. Coble, Mr. Stump, Mr. Sensenbrenner, Mr. Skelton, Mr. Miller of Ohio, Mr. Archer, Mr. Dickinson, Mr. Chapman, Mr. Rohrabacher, Mr. Hammerschmidt, Mr. Combest, Mr. Dornan of California, Mr. Doolittle, Mr. Lagomarsino, Mr. Baker, Mr. Weber, Mr. Sundquist, Mr. Oxley, Mr. Holloway, Mr. Zeliff, Mr. Armey, Mr. Lewis of Florida, Mr. Hyde, Mr. Herger, Mr. Burton of Indiana, Mr. DeLay, Mr. Hansen, Mr. Gallegly, Mr. Lightfoot, and Mr. Barton of Texas):

H.R. 2049. A bill to amend the Immigration and Nationality Act to provide for the exclusion of immigrants infected with the HIV virus; to the Committee on the Judiciary.

By Mr. DWYER of New Jersey:

H.R. 2050. A bill to suspend for a 3-year period the duty on ofloxacin; to the Committee on Ways and Means.

By Mr. ECKART (for himself, Mr. Schaefer, Mr. Pease, and Mr. Sawyer):

H.R. 2051. A bill to ensure that tourism activities in Antarctica do not have an adverse impact on the Antarctic environment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FAZIO:

H.R. 2052. A bill to authorize the Secretary of the Interior, upon payment of a specified sum, to transfer title to certain water supply facilities of the Solano Project to an organization composed of the users of water from the Solano Project, to enhance Putah Creek, to authorize use of the proceeds of the sale to fund selected environmental enhancement measures, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. Early, and Mr. Moakley):

H.R. 2053. A bill to authorize the Massachusetts Water Resources Authority to use a facility for the treatment of residual waste located outside of the State of Massachusetts; to the Committee on Public Works and Transportation.

By Mr. FUSTER:

H.R. 2054. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to prohibit the Secretary of Agriculture from prescribing or collecting fees to cover the cost of providing certain agricultural quarantine and inspection services at a site within the Commonwealth of Puerto Rico and the State of Hawaii, and for other purposes; to the Committee on Agriculture.

By Mr. GEKAS (for himself, Mr. Schumer, Mr. Saxton, and Mr. Hughes):

H.R. 2055. A bill to amend title 18, United States Code, to provide penalties for international parental kidnaping of children, and for other purposes; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself, Mr. Cardin, Mr. McGrath, Mr. Anderson, Mr. Annunzio, Mr. Cunningham, Mr. Dellums, Mr. Dwyer of New Jersey, and Mr. Studds):

H.R. 2056. A bill to amend the Tariff Act of 1930 to require that subsidy information regarding vessels be provided upon entry within customs collection districts and to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped; to the Committee on Ways and Means.

By Mr. GRANDY:

H.R. 2057. A bill to suspend temporarily the duty on zinc powder; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 2058. A bill to amend the Import Milk Act to require that dairy products offered for importation into the United States meet the same standards applied to dairy products produced in the United States; to the Committee on Agriculture.

H.R. 2059. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to conduct a pilot project using foreclosed properties to provide shelter for homeless veterans; to the Committee on Veterans' Affairs.

By Mr. KENNEDY:

H.R. 2060. A bill to suspend temporarily the duties on certain chemicals; to the Committee on Ways and Means.

H.R. 2061. A bill to suspend temporarily the duties on certain instant print cameras; to the Committee on Ways and Means.

By Mr. LANTOS (for himself and Mr. Campbell of California):

H.R. 2062. A bill to provide for the addition of certain lands to the Golden Gate National Recreation Area, San Mateo County, CA; to the Committee on Interior and Insular Affairs.

By Mr. LIGHTFOOT (for himself, Mr. Roe, Mr. Clinger, Mr. de Lugo, Mr. Shays, Mr. Towns, Mr. Evans, Mr. Horton, Mr. Lagomarsino, Mr. Goodling, Mr. Hunter, Mr. Studds, Mr. Sabo, Mr. Hayes of Illinois, Mrs. Collins of Illinois, Mr. Bilbray, Mr. Dwyer of New Jersey, Mr. Feighan, Mr. Lewis of Georgia, Mr. Jacobs, Mr. McDermott, Mr. Serrano, Mr. Engel, Mr. Smith of New Jersey, Mr. Gejdenson, and Mr. Fish):

H.R. 2063. A bill to amend the Federal Aviation Act of 1958 to require the use of child safety restraint systems approved by the Secretary of Transportation on commercial aircraft; to the Committee on Public Works and Transportation.

By Mr. LIPINSKI:

H.R. 2064. A bill to amend title 23, United States Code, to establish a strategic urbanized program for providing additional assistance for the Federal-aid highway systems and for mass transit projects in urbanized areas with populations of 50,000 or more, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. LOWEY of New York:

H.R. 2065. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose foreign gifts; to the Committee on Education and Labor.

By Mr. MCGRATH:

H.R. 2066. A bill to suspend temporarily the duty on imported baseball and softball gloves and mitts; to the Committee on Ways and Means.

H.R. 2067. A bill to suspend temporarily the duty on certain radio-tape player combinations; to the Committee on Ways and Means.

By Mr. MCGRATH (for himself, Mr. BOEHLERT, and Mr. SHAYS):

H.R. 2068. A bill to suspend temporarily the duty on digital processing units for automatic data processing machines, and for other purposes; to the Committee on Ways and Means.

H.R. 2069. A bill to amend the Harmonized Tariff of the United States regarding certain parts for automatic data processing machines; to the Committee on Ways and Means.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H.R. 2070. A bill to grant a Federal charter to the Fleet Reserve Association; to the Committee on the Judiciary.

By Mr. MOORHEAD (for himself, Mr. LOWERY of California, Mr. PACKARD, and Mr. GALLEGLY):

H.R. 2071. A bill to authorize additional appropriations to increase border patrol personnel to 6,600 by the end of fiscal year 1994 and to make available amounts in the Department of Justice Assets Forfeiture Fund for the additional border patrol personnel; to the Committee on the Judiciary.

By Mr. MYERS of Indiana (for himself, Mr. BEVILL, Mr. BURTON of Indiana, Mr. JACOBS, Mr. JONTZ, Ms. LONG, Mr. MCCLOSKEY, Mr. PURSELL, Mr. ROEMER, Mr. SHARP, Mr. SKEEN, and Mr. VISCLOSKY):

H.R. 2072. A bill to authorize States to regulate certain solid waste; to the Committee on Energy and Commerce.

By Mr. NEAL of North Carolina:

H.R. 2073. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain assets for purposes of determining gain or loss and to exclude from gross income all dividends from domestic corporations; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. ROE, Mr. HAMMERSCHMIDT, and Mr. CLINGER):

H.R. 2074. A bill to amend the Federal Aviation Act of 1958 for the purpose of enhancing competition among air carriers, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PANETTA:

H.R. 2075. A bill to amend title XIX of the Social Security Act to prohibit discrimination in the provision of home and community-based services under a waiver based on whether an individual has received institutional services; to the Committee on Energy and Commerce.

By Mr. PEASE (for himself, Mr. SCHUMER, and Mr. LANTOS):

H.R. 2076. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Education and Labor.

By Mr. RAMSTAD:

H.R. 2077. A bill to encourage the reporting of sexual assaults by protecting the privacy rights of victims; to the Committee on the Judiciary.

H.R. 2078. A bill to include photoreceptors and assemblies containing photoreceptors within the temporary suspension of duty on parts of certain electrostatic copying machines, and to extend the suspension of duty until January 1, 1995; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 2079. A bill to allow the Resolution Trust Corporation to acquire property for its own use from an institution for which it has been appointed conservator or receiver only if the property has been offered for sale or lease to the public; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SMITH of Oregon (for himself, Mr. YOUNG of Alaska, Mr. LAGOMARSINO, Mr. MARLENEE, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. KYL, Mr. STUMP, Mr. KOLBE, and Mr. DUNCAN):

H.R. 2080. A bill to provide for the designation and conservation of certain lands in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SPENCE:

H.R. 2081. A bill to amend title 32, United States Code, to authorize Federal support of State defense forces; to the Committee on Armed Services.

By Mr. STUDDS (for himself, Mr. SCHEUER, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. JEFFERSON, Mr. RAVENEL, Mr. LIPINSKI, Mr. ROE, Mr. COSTELLO, Mr. TOWNS, Mr. MCMILLEN of Maryland, Mr. VALENTINE, Mr. DWYER of New Jersey, Mr. JONTZ, and Mr. PORTER):

H.R. 2082. A bill to conserve the diversity of fish, wildlife, and biological systems of the United States; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. SYNAR (for himself, Mr. PANETTA, Mr. GLICKMAN, Mr. ANNUNZIO, Mrs. MORELLA, Mr. RUSSO, Mrs. SCHROEDER, Mr. SHAYS, Mr. STARK, Mr. STUDDS, Mr. MILLER of California, Mr. LANTOS, Mr. MCDERMOTT, Mr. RAVENEL, Mr. SLATTERY, Mr. FASCELL, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. ENGLISH, Mr. STOKES, Mr. JONTZ, Mr. LEHMAN of California, Mr. PENNY, Mr. LEVINE of California, and Mr. SANDERS):

H.R. 2083. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes; jointly, to the Committees on Agriculture, Energy and Commerce, and Foreign Affairs.

By Mr. TALLON:

H.R. 2084. A bill to establish a minimum requirement for the water quality criteria for dioxin published pursuant to section 304(a) of the Federal Water Pollution Control Act, to require each State to adopt a water quality standard for dioxin which is at least as stringent as that criteria, and to direct the United States Fish and Wildlife Service, in consultation with National Oceanic and Atmospheric Administration, to conduct a study on the effects of dioxin on wildlife, aquatic life, and the entire aquatic environment; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. THOMAS of Wyoming:

H.R. 2085. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to undertake interpretive and other programs on public lands and lands withdrawn from the public domain under their jurisdiction, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Agriculture, and Interior and Insular Affairs.

By Mr. VENTO:

H.R. 2086. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for that portion of a governmental pension received by an individual which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year; to the Committee on Ways and Means.

By Mr. VOLKMER (for himself, Mr. SKELTON, and Mr. COLEMAN of Missouri):

H.R. 2087. A bill to authorize funds for the construction of highways and to authorize activities under chapters 1 and 2 of title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. WALKER:

H.R. 2088. A bill to provide that the U.S. District Court for the Eastern District of Pennsylvania shall be held at Lancaster, PA, in addition to those other places currently provided by law; to the Committee on the Judiciary.

By Mr. WALSH:

H.R. 2089. A bill to require hearing loss testing for all newborns in the United States; to the Committee on Energy and Commerce.

By Mr. WASHINGTON:

H.R. 2090. A bill to amend title 18, United States Code, to provide the penalty of life in prison for bankers laundering drug money; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 2091. A bill to amend the Internal Revenue Code of 1986 to repeal recent increases in Social Security taxes; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 2092. A bill to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from an individual who engages in torture or extrajudicial killing; to the Committee on Foreign Affairs.

By Mr. CAMP (for himself, Mr. MARTIN, Mr. DOOLITTLE, Mr. DAVIS, Mr. MCGRATH, Mr. CLEMENT, Mr. SCHUMER, Mr. BLILEY, Mr. HORTON, Mr. RANGEL, Mr. APPLEGATE, Mr. RIGGS, Mr. BEVILL, Mr. LEVIN of Michigan, Mr. BILBRAY, Mr. DEFAZIO, Mr. LEACH, Mr. PAXON, Mr. ASPIN, Mr. MANTON, Mr. MCNULTY, Mr. GEKAS, Mr. COBLE, Mr. DICKS, Mr. DONNELLY, Mr. DORNAN of California, Mr. DYMALLY, Mr. GRANDY, Mr. HYDE, Mr. INHOFE, Mr. JONES of North Carolina, Mr. KOLTER, Mr. BRYANT, Mr. DARDEN, Mr. QUILLEN, Mr. MARTINEZ, Mr. HASTERT, Mr. LEWIS of Florida, Mr. RAMSTAD, Mr. LEVINE of California, Mr. TRAXLER, Mr. LAGOMARSINO, Mr. FORD of Michigan, Mr. MACHTLEY, Mr. WAXMAN, and Mr. LEHMAN of Florida):

H.J Res. 232. Joint resolution designating the week beginning May 5, 1991, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO (for himself, Mr. Solarz, Mr. Michel, and Mr. Gilman):

H.J. Res. 233. Joint resolution designating September 20, 1991, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag; jointly, to the Committees on Post Office and Civil Service and Veterans' Affairs.

By Mr. LIPINSKI:

H.J. Res. 234. Joint resolution commending Solidarity for bringing democracy to Poland and proclaiming Lech Walesa as an honorary citizen of the United States; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. RUSSO (for himself, Mr. Annunzio, Mr. Downey, Mr. Miller of California, Mr. Panetta, Mr. Foglietta, Mr. Fazio, Ms. Pelosi, Mr. Guarini, Mr. DeFazio, Mr. Costello, Mr. Schumer, Mrs. Boxer, Mr. Poshard, Mr. Durbin, Mr. Wyden, Mr. Kopetski, Mr. Rohrabacher, Mr. Clement, Mr. McDermott, Mr. Oberstar, Mr. Wilson, Mr. Coleman of Texas, Mr. Dellums, Mr. McGrath, Mr. Martinez, Mr. de Lugo, Mr. Abercrombie, Mr. Torricelli, Mr. Bilbray, Mr. Horton, Mr. Traficant, Mr. Serrano, Mr. Feighan, Mr. Skeen, Mrs. Morella, Mr. Hertel, Mr. Lipinski, Mr. McNulty, Mr. Levine of California, Mr. Lagomarsino, Mr. Bustamante, Mr. Fawell, Mr. Sundquist, Mr. Roe, Mr. Quillen, Mr. Bonior, Mr. Machtley, Mr. McEwen, Mr. Engel, Mr. Solarz, Mr. Emerson, Mr. Dwyer of New Jersey, Mr. Jefferson, Mr. Rahall, Mr. Lancaster, Mr. McDade, Mr. Murphy, Mr. Lent, and Mr. Applegate):

H.J. Res. 235. Joint resolution designating May 15, 1991, as "Joe DiMaggio Day"; to the Committee on Post Office and Civil Service.

By Mr. STEARNS (for himself, Mr. Hancock, Mr. Gillmor, and Mr. Duncan):

H. Con. Res. 137. Concurrent resolution expressing the sense of Congress that the Resolution Trust Corporation should follow asset disposition procedures which provide incentives for the prompt and efficient disposition of assets; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOYER:

H. Res. 132. Resolution electing Congressman Levin of Michigan to the Committee on the District of Columbia; considered and agreed to.

By Mr. MINETA (for himself, Mr. Gephardt, Mr. Edwards of California, Mr. Ritter, Mr. Matsui, Mr. Gordon, Mr. de Lugo, Mr. Wyden, Mr. Levin of Michigan, Mr. Riggs, Mr. Regula, Mr. Henry, Mr. Sharp, Mr. DeFazio, Mr. Houghton, Mr. Applegate, Mr. Dellums, Mr. Bacchus, Mr. Dwyer of New Jersey, Mr. McNulty, Ms. Kaptur, and Mr. Valentine):

H. Res. 133. Resolution to express the sense of the House of Representatives regarding agreements between the United States and Japan with respect to trade in semiconductors; to the Committee on Ways and Means.

By Mr. SHARP (for himself, Mr. Gephardt, Mr. Brown, Mr. Dingell, Mr. Fascell, Mr. Panetta, Mr. Beilenson, Mr. Cooper, Mr. de Lugo, Mr. Gejdenson, Mr. Jontz, Mr. Lehman of California, Mr. McDermott, Mr. McMillen of Maryland, Mr. Markey, Mr. Poshard, Mr. Ravenel, Mr. Scheuer, Mr. Studds, Mr. Swift, Mr. Synar, Mr. Towns, Mr. Wheat, and Mr. Wilson):

H. Res. 134. Resolution expressing the sense of the House of Representatives that the United States implement promptly the recommendations the National Academy of Sciences issued in its report "Policy Implications of Greenhouse Warming"; jointly, to the Committees on Energy and Commerce, Science, Space, and Technology, Agriculture, and Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

90. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to a constitutional amendment to protect the American flag from desecration; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of April 23, 1991]

By Mr. McCOLLUM:

H.R. 1991. A bill for the relief of Maj. Ralph Edwards; to the Committee on the Judiciary.

[Submitted April 24, 1991]

By Mr. LIGHTFOOT:

H.R. 2093. A bill for the relief of Trevor Henderson; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Anderson.

H.R. 32: Mr. Zimmer.

H.R. 43: Mr. Camp, Mr. Livingston, and Mr. Rangel.

H.R. 62: Mr. Poshard.

H.R. 77: Mr. Miller of Washington.

H.R. 78: Mr. Saxton and Mr. Miller of Washington.

H.R. 118: Mr. Dornan of California, Mr. Rahall, Mr. Stump, Mr. Dwyer of New Jersey, Mr. Dannemeyer, Mr. Lightfoot, Mrs. Johnson of Connecticut, and Mr. Martinez.

H.R. 134: Mr. Grandy and Mr. Pallone.

H.R. 150: Mr. Cardin and Mr. Jones of North Carolina.

H.R. 187: Mr. Bilbray, Mr. Ackerman, Mr. Dwyer of New Jersey, Mr. Jefferson, and Mr. Scheuer.

H.R. 252: Mr. Levine of California, Mr. Pallone, Mr. Abercrombie, Mr. Bilbray, Mr. Engel, Ms. Molinari, Mr. Mollohan, Mr. Rangel, Mr. Scheuer, Mr. Stark, Mr. Dannemeyer, Mr. Roybal, Mr. Serrano, and Mr. Stokes.

H.R. 256: Mr. Owens of Utah, Mr. Stallings, and Mr. Combest.

H.R. 303: Mr. Kasich and Mr. Doolittle.

H.R. 304: Mr. Goss and Mr. Dickinson.

H.R. 330: Mrs. Boxer, Mr. Fish, and Mr. Lantos.

H.R. 351: Mr. Riggs.

H.R. 352: Mr. Coble.

H.R. 386: Mr. Yates, Mr. Rose, Ms. Kaptur, Mr. Miller of Washington, Ms. Slaughter of New York, Mr. de Lugo, and Mr. Traficant.

H.R. 413: Mr. Markey, Mr. Engel, and Mr. Pallone.

H.R. 418: Mr. Fields and Mr. Regula.

H.R. 467: Mr. James, Mr. Ravenel, Mr. Oberstar, Mr. Dellums, Mr. Staggers, and Mr. Moran.

H.R. 479: Mr. Hunter and Mr. Owens of Utah.

H.R. 504: Mr. Engel.

H.R. 525: Mr. Engel.

H.R. 550: Mr. Valentine.

H.R. 565: Mr. Bunning, Mr. Chandler, Mr. Inhofe, Mr. Ravenel, and Mr. Berman.

H.R. 583: Mr. Mollohan.

H.R. 592: Mr. LaRocco, Mrs. Meyers of Kansas, Mr. Fish, Mr. Owens of Utah, Mr. Nussle, and Mr. Stallings.

H.R. 652: Mr. Martinez, Mr. Bryant, Mr. Serrano, Mr. Foglietta, and Mr. Applegate.

H.R. 656: Mr. Boucher, Mr. Bruce, Mr. Kopetski, Mr. Perkins, Mr. Nagle, Mr. Costello, Mr. Thornton, Mr. Roemer, Mrs. Collins of Michigan, Mr. Bacchus, Mr. Schiff, Mr. Gilchrest, Mr. Lantos, Mrs. Unsoeld, and Mr. Swift.

H.R. 670: Mr. Hertel and Mr. Bustamante.

H.R. 702: Mr. Duncan.

H.R. 710: Mr. Gaydos, Mr. Lewis of Florida, Mr. Sensenbrenner, and Mr. McCrery.

H.R. 713: Mr. Taylor of North Carolina, Mr. Emerson, Mr. Price, and Mr. Darden.

H.R. 744: Mr. Torricelli.

H.R. 745: Mr. Pallone.

H.R. 747: Mr. Valentine, Mr. Santorum, Mr. Bacchus, Mr. Mavroules, Mr. Boucher, Mr. Engel, Ms. Oakar, Ms. DeLauro, Mr. Staggers, Mr. Martinez, Mr. Bunning, Ms. Snowe, and Mr. Callahan.

H.R. 763: Mr. Weiss and Mr. Sanders.

H.R. 776: Ms. Slaughter of New York, Mr. Sikorski, and Mr. Nowak.

H.R. 784: Mr. Miller of Washington and Mr. Gillmor.

H.R. 793: Mr. Abercrombie, Mr. Andrews of New Jersey, Ms. DeLauro, Mr. Holloway, Mr. Hughes, Mr. Lagomarsino, Mr. Lightfoot, Mr. Moakley, Mr. Schumer, Mr. Sikorski, Mr. Swett, Mr. Jontz, and Ms. Snowe.

H.R. 809: Mr. Engel.

H.R. 842: Mr. Flake, Ms. Molinari, and Mr. Markey.

H.R. 865: Mr. Engel.

H.R. 866: Mr. Engel.

H.R. 916: Mr. Mollohan.

H.R. 919: Mr. Holloway.

H.R. 939: Mr. Jones of Georgia, Mr. Pickett, and Mr. Stearns.

H.R. 972: Mr. Zeliff.

H.R. 993: Mr. Jontz, Mr. Weiss, Mr. Porter, Mr. Engel, Mr. Levine of California, and Mr. Stearns.

H.R. 1076: Mr. Ramstad, Mr. Wilson, Mr. Abercrombie, Mr. Roe, Mr. Guarini, Mr. Ackerman, and Mr. Hansen.

H.R. 1079: Ms. Kaptur.

H.R. 1081: Mr. Bryant.

H.R. 1113: Mr. Bereuter.

H.R. 1114: Mr. Schaefer and Mr. Bereuter.

H.R. 1118: Mr. Gordon, Mr. Owens of Utah, Mr. Rohrabacher, and Mr. Santorum.

H.R. 1124: Mr. Engel, Mr. Gonzalez, Mr. Wise, and Mr. DeFazio.

H.R. 1130: Mrs. Boxer, Mr. Roe, Mr. Schiff, and Mr. Lipinski.

H.R. 1141: Mr. Stark.

H.R. 1145: Mr. Frank of Massachusetts, Mr. Green of New York, Mr. Price, and Mrs. Byron.

H.R. 1147: Mr. Camp, Mr. Smith of Texas, Mr. Poshard, Mr. Sundquist, Mr. Guarini, Mr. BATEMAN, Mr. ROE, Mr. MACHTLEY, Mr. ROSE, Mr. COSTELLO, Mr. HANCOCK, Mrs. JOHNSON of Connecticut, Mr. TRAFICANT, Mr. PAXON, Mr. RAVENEL, Mrs. UNSOELD, Mr. CARR, Mr. SCHEUER, Mr. HERTEL, Mr. PURSELL, Ms. MOLINARI, Mr. HAYES of Louisiana, Mr. KOLBE, Mr. KLECZKA, and Mr. VANDER JAGT.

H.R. 1149: Mr. ENGEL.

H.R. 1168: Mr. CLEMENT.

H.R. 1177: Mr. JOHNSON of South Dakota, Mr. RICHARDSON, Mr. LEHMAN of Florida, Mr. SHAYS, Mr. COOPER, Mr. VENTO, and Mr. RAVENEL.

H.R. 1178: Mr. RAHALL, Mr. ANNUNZIO, Mr. BERMAN, Mr. BORSKI, Mr. PALLONE, Mr. KENNEDY, and Mr. NEAL of Massachusetts.

H.R. 1184: Mr. BALLENGER, Mr. MCCRERY, and Mr. LIVINGSTON.

H.R. 1189: Mr. LANCASTER, Mr. NEAL of Massachusetts, Mr. FORD of Tennessee, Mr. PAYNE of New Jersey, Mr. WASHINGTON, Mr. WOLPE, Mr. DE LUGO, Ms. DELAURO, Mr. HAYES of Illinois, Mr. EVANS, Mrs. LOWEY of New York, Mr. SANDERS, Mr. GONZALEZ, Ms. SLAUGHTER of New York, and Mrs. SCHROEDER.

H.R. 1197: Mr. BEILENSON, Mr. DEFAZIO, Mr. ECKART, Mr. LANCASTER, and Mrs. SCHROEDER.

H.R. 1200: Mr. LAGOMARSINO, Ms. DELAURO, Mr. BENNETT, Mrs. LOWEY of New York, Mr. EVANS, Mr. MCGRATH, Mr. HYDE, Mr. HARRIS, Mr. GONZALEZ, Mr. DICKINSON, Mr. APPLEGATE, and Mr. ABERCROMBIE.

H.R. 1239: Mr. MACHTLEY, Mr. HENRY, Mr. BONIOR, Mr. CARPER, Mr. RANGEL, Mr. BEILENSON, Mr. SCHUMER, Mr. RIGGS, Mr. LANTOS, Mr. PORTER, and Mr. MAVROULES.

H.R. 1245: Mr. SHAYS, Mr. GILCHREST, Mr. GILLMOR, Mr. YOUNG of Alaska, Mr. IRELAND, Mr. FAWELL, Mr. HANCOCK, Mr. ZELIFF, Mr. QUILLEN, Mr. ZIMMER, Mr. DERRICK, Mr. MILLER of Washington, Mr. SABO, Mr. SCHEUER, Mr. CALLAHAN, Mr. PARKER, Mr. STALLINGS, Mr. BONIOR, Mr. HYDE, Mr. LAFALCE, Mr. NATCHER, Mr. COSTELLO, Mr. BOUCHER, Mr. CARDIN, Mr. DWYER of New Jersey, Mr. VALENTINE, Mr. EMERSON, Mr. OXLEY, Mr. BALLENGER, Mr. SOLOMON, Mr. GALLO, Mr. PORTER, Mr. POSHARD, Mr. SUNDQUIST, Mr. JAMES, Mr. MCHUGH, Mr. ENGEL, Mr. JACOBS, Mr. KOSTMAYER, Mr. JEFFERSON, Mr. MCMILLAN of North Carolina, Mr. JOHNSON of South Dakota, Mr. CRANE, and Mr. MARKEY.

H.R. 1250: Mr. BRYANT.

H.R. 1257: Mr. RANGEL, Mr. BILBRAY, Mr. LEWIS of Florida, and Mr. DANNEMEYER.

H.R. 1288: Mr. BONIOR, Ms. DELAURO, and Mr. GONZALEZ.

H.R. 1326: Mr. ECKART.

H.R. 1339: Mr. DIXON, Mr. HOCHBRUECKNER, Mr. FORD of Michigan, Mr. BENNETT, Mr. JOHNSON of South Dakota, Mr. LIPINSKI, and Mr. ENGEL.

H.R. 1348: Mrs. BOXER, Mr. SMITH of New Jersey, Mrs. VUCANOVICH, Mr. YATES, Mr. LEWIS of Florida, Mr. MOLLOHAN, Mr. UPTON, Mr. DANNEMEYER, Mr. ERDREICH, and Mr. KLUG.

H.R. 1352: Mrs. VUCANOVICH.

H.R. 1361: Mr. FRANK of Massachusetts, Mr. FROST, Mrs. SCHROEDER, and Mr. SANGMEISTER.

H.R. 1412: Mr. RAVENEL, Mr. QUILLEN, Mr. SHAW, Mr. SCHAEFER, Mr. WEBER, Mr. HANSEN, Mr. BOEHNER, Mr. RICHARDSON, Mr. ARMEY, Mr. POSHARD, Mr. DELAY, Mr. ROGERS, Mr. KOLBE, Mr. WALSH, Mr. SUNDQUIST, and Mr. HASTERT.

H.R. 1460: Mr. AUCOIN, Mr. BRUCE, Ms. DELAURO, Mr. HEFNER, and Mr. HERTEL.

H.R. 1469: Mr. BONIOR, Mr. BRYANT, and Mr. TOWNS.

H.R. 1472: Mr. DORNAN of California, Mr. RIGGS, Mr. LANCASTER, Mr. LIVINGSTON, Mr. ORTON, and Mrs. BYRON.

H.R. 1473: Mr. KOPETSKI.

H.R. 1497: Mr. HORTON, Mr. SCHEUER, Mr. LANCASTER, Mr. VALENTINE, and Mr. PICKLE.

H.R. 1504: Mr. JEFFERSON, Mr. BRUCE, and Mr. LANCASTER.

H.R. 1508: Mr. PACKARD, Mr. MCCANDLESS, and Mr. SMITH of Oregon.

H.R. 1516: Mr. JENKINS, Mr. ROTH, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. LEACH, Mr. BRUCE, Mr. HATCHER, Mr. STALLINGS, Mr. JOHNSON of South Dakota, and Mr. KYL.

H.R. 1527: Mr. PAYNE of Virginia, Mr. JACOBS, Ms. LONG, Mr. STALLINGS, Mr. SWETT, Mr. RAHALL, Mr. OLIN, and Mr. CLAY.

H.R. 1528: Mr. HERGER, Mr. HUTTO, and Mr. STEARNS.

H.R. 1545: Mr. MCMILLEN of Maryland, Mr. HARRIS, Mr. THORNTON, Mr. QUILLEN, Mr. BREWSTER, and Mr. ROSE.

H.R. 1551: Mr. ENGEL and Mr. GOODLING.

H.R. 1570: Mr. DORGAN of North Dakota, Mrs. COLLINS of Illinois, Mr. FROST, Mr. HUGHES, Mr. ANDREWS of Texas, Mr. FIELDS, and Mr. GUARINI.

H.R. 1571: Mr. RITTER.

H.R. 1579: Mr. SOLOMON.

H.R. 1601: Mr. ANDREWS of Texas, Mr. BROWN, Mr. RANGEL, Mr. PAYNE of New Jersey, and Mr. LANCASTER.

H.R. 1611: Mr. VALENTINE and Mr. JEFFERSON.

H.R. 1633: Mr. SKAGGS, Mr. AUCOIN, Mr. BOEHLERT, Mr. DELLUMS, Mr. WYDEN, Mr. MCNULTY, Mr. MCCLOSKEY, Mrs. UNSOELD, Mr. MCDERMOTT, Mr. RANGEL, Mr. PENNY, Mr. FUSTER, Mr. DICKS, Mr. WEISS, Ms. MOLINARI, Mr. RIGGS, Mrs. MINK, Mr. GEJDENSON, Mr. SERRANO, Mr. MARTINEZ, Mr. DIXON, Mrs. KENNELLY, Mr. SIKORSKI, Mr. FRANK of Massachusetts, Mrs. SCHROEDER, Mr. HENRY, Mr. HORTON, Mr. SCHIFF, Mr. MRAZEK, Mr. COLEMAN of Texas, and Mr. WALSH.

H.R. 1635: Mr. HUGHES and Mr. STARK.

H.R. 1649: Mr. LAFALCE and Mr. STALLINGS.

H.R. 1663: Mr. JACOBS and Mr. TOWNS.

H.R. 1669: Mr. LIPINSKI, Mr. FRANK of Massachusetts, and Mr. ABERCROMBIE.

H.R. 1682: Mr. SYNAR.

H.R. 1711: Ms. KAPTUR, Mr. JEFFERSON, and Mr. LANCASTER.

H.R. 1723: Mr. RANGEL, Mr. WEISS, Mr. BROWN, Mr. LAFALCE, Mr. SERRANO, Mr. SCHUMER, Mr. VISCLOSKY, Mr. ECKART, Mr. BONIOR, Ms. SLAUGHTER of New York, and Mr. OWENS of New York.

H.R. 1727: Mr. LANCASTER.

H.R. 1738: Mr. HUNTER and Mr. CUNNINGHAM.

H.R. 1770: Mr. ACKERMAN, Ms. DELAURO, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. ENGEL, Mr. GUARINI, Mrs. MORELLA, Mr. RANGEL, and Mr. STUDDS.

H.R. 1860: Mr. SLATTERY, Mr. RICHARDSON, Mr. TALLON, Mr. MARLENEE, Mr. DURBIN, Mr. BEREUTER, Mr. BURTON of Indiana, Mr. SMITH of Texas, and Mr. SKEEN.

H.R. 1920: Mr. SCHAEFER and Mr. SAXTON.

H.R. 1921: Mr. SCHAEFER and Mr. SAXTON.

H.R. 1969: Mr. RAVENEL and Mr. DANNEMEYER.

H.J. Res. 2: Mr. CAMPBELL of California, and Mr. TAYLOR of North Carolina.

H.J. Res. 84: Mr. MCMILLEN of Maryland, Mr. CONDIT, and Mr. KANJORSKI.

H.J. Res. 91: Mr. MAVROULES, Mr. GEKAS, Mr. YATES, Mr. GONZALEZ, Mr. BUSTAMANTE, Mr. DE LA GARZA, Mr. RICHARDSON, Mr. BATEMAN, Mr. HAMMERSCHMIDT, Mr. HUBBARD, Mr. DONNELLY, Mr. FUSTER, Mr. DICKINSON, Mr. RITTER, Mr. FALEOMAVAEGA, Mr. ATKINS, Mr. CARR, Mr. LENT, and Mr. GREEN of New York.

H.J. Res. 102: Mr. IRELAND, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. WELDON, Mr. BRYANT, and Mr. LEWIS of California.

H.J. Res. 103: Mr. MURTHA, Mr. LEWIS of California, Mr. LEACH, Mr. COBLE, Mr. DYMALLY, Mr. ROYBAL, Mr. ROSE, Mr. RHODES, Mr. DORNAN of California, Mr. WOLPE, Mr. TOWNS, Mr. EVANS, Mr. HAYES of Louisiana, Mr. COLEMAN of Texas, Mr. TRAXLER, Mr. STENHOLM, Mr. GLICKMAN, Mr. TAYLOR of North Carolina, Mr. LEVIN of Michigan, Mr. BERMAN, Mr. HENRY, Mr. PURSELL, Mr. SCHAEFER, Mr. KILDEE, Mrs. BYRON, Mr. GREEN of New York, Mr. PAYNE of New Jersey, Mr. FASCELL, Mr. SARPALIUS, Mrs. MINK, and Mr. STALLINGS.

H.J. Res. 140: Mr. FISH, Mr. INHOFE, Mr. ENGEL, Mr. LAGOMARSINO, Mr. HUTTO, Mr. DICKINSON, Mr. GOODLING, Mr. OBERSTAR, Mr. LEHMAN of Florida, and Mr. FASCELL.

H.J. Res. 141: Mr. BONIOR and Mr. SWIFT.

H.J. Res. 142: Mr. SMITH of Florida, Mr. PAXON, Mr. MILLER of California, Mr. RAHALL, Mrs. UNSOELD, Mr. PRICE, Mr. HYDE, Mr. CLEMENT, Mr. FRANKS of Connecticut, Mr. MARTINEZ, Mr. JEFFERSON, Mr. GINGRICH, Mr. RAMSTAD, Mr. LANCASTER, and Mr. PAYNE of New Jersey.

H.J. Res. 143: Mr. CLINGER, Mrs. MEYERS of Kansas, Mr. PALLONE, Mr. RIGGS, Mr. SANTORUM, and Mr. WALSH.

H.J. Res. 154: Mr. VANDER JAGT and Mr. STEARNS.

H.J. Res. 171: Mr. MILLER of California, Mr. PANETTA, Mr. JEFFERSON, Mr. OBERSTAR, and Ms. DELAURO.

H.J. Res. 173: Mr. ALEXANDER, Mr. APPLEGATE, Mr. ATKINS, Mr. BARNARD, Mrs. BENTLEY, Mr. BEVILL, Mr. BLILEY, Mr. CHAPMAN, Mr. CLEMENT, Mr. CRANE, Mr. DELLUMS, Mr. DIXON, Mr. ESPY, Mr. FRANK of Massachusetts, Mr. GAYDOS, Mr. GRAY, Mr. HANSEN, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. INHOFE, Mr. LANTOS, Mr. LEACH, Mr. LEHMAN of Florida, Mrs. LOWEY of New York, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MARTIN, Mr. MONTGOMERY, Mr. MORAN, Mr. MRAZEK, Mr. NEAL of North Carolina, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PAYNE of Virginia, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. RANGEL, Mr. RINALDO, Mr. ROYBAL, Mr. SLATTERY, Mr. SISISKY, Mr. SOLARZ, Mr. SOLOMON, Mr. TORRES, Mr. VALENTINE, Mr. VANDER JAGT, Mr. WOLPE, Mr. YATES, Mr. HYDE, Mr. MANTON, Mr. RAHALL, Mr. LOWERY of California, Mr. ANDERSON, Mr. SABO, Mrs. VUCANOVICH, Mr. ROHRABACHER, Mr. STUDDS, Mr. DURBIN, Mr. WELDON, Mr. BOUCHER, Mr. DOWNEY, Mr. SMITH of Oregon, Mr. PALLONE, Mr. NATCHER, Mr. ZELIFF, Mr. WASHINGTON, Mr. HEFNER, Mr. HOYER, Mr. FLAKE, Mr. SARPALIUS, Mr. FORD of Michigan, Mr. LAUGHLIN, Mr. EDWARDS of California, Mr. NEAL of Massachusetts, Mr. LIPINSKI, Mr. ROSE, Mr. PARKER, Mr. HUBBARD, Mrs. UNSOELD, Mr. MAZZOLI, Mr. LIVINGSTON, Mr. MCDADE, Mr. ERDREICH, Mr. FORD of Tennessee, Mr. SAWYER, Mr. CLINGER, Mr. RIDGE, Mr. RICHARDSON, Mr. MAVROULES, Mr. MICHEL, Mr. DUNCAN, Mr. SUNDQUIST, Mr. GUNDERSON, Mr. WEBER, Mr. BORSKI, Mr. BREWSTER, Mr. MORRISON, Mr. BRYANT, Mr. STEARNS, Mr. OXLEY, Mr. BRUCE, Mr. BROWN, Mr. SPENCE, Mrs. SCHROEDER, Mr. YOUNG of Alaska, Mr. COOPER, and Mr. BATEMAN.

H.J. Res. 191: Mr. SMITH of Florida, Mr. HORTON, Mr. ABERCROMBIE, Mr. CAMP, Mr. HARRIS, Mr. DEFAZIO, Mr. MCNULTY, Mr. HASTERT, Mr. PAYNE of New Jersey, Mr. QUILLEN, Mr. WALSH, Ms. KAPTUR, and Mr. RANGEL.

H.J. Res. 194: Mr. CLEMENT, Mr. CLINGER, Mr. DINGELL, Mr. COSTELLO, Mr. STUDDS, Mr.

EMERSON, Mr. CONYERS, Mr. DEFAZIO, Mr. WALSH, Mr. KENNEDY, Mr. DIXON, Ms. SLAUGHTER of New York, Mr. SPRATT, Mr. STAGGERS, Mr. TALLON, Mrs. MORELLA, Mr. RHODES, Mr. POSHARD, Mr. SHARP, Mr. FISH, Mr. FORD of Michigan, Mr. JONES of Georgia, Mr. ENGEL, Mr. ANDERSON, Mr. DONNELLY, Mr. FRANK of Massachusetts, Mr. HAMMERSCHMIDT, Mr. HAYES of Illinois, Mr. HERGER, Mr. LEWIS of Georgia, Mr. MAZZOLI, Mr. MCEWEN, Mr. SARPALIUS, Mr. SOLOMON, Mr. TRAFICANT, Mr. WHEAT, Mr. WYDEN, Mr. BAKER, Mr. FIELDS, Mr. NEAL of Massachusetts, Mr. SANDERS, Mr. FALEOMAVAEGA, Mr. MURTHA, Mr. EVANS, Mr. RITTER, Mr. EARLY, Mr. HUBBARD, and Mr. HOAGLAND.

H.J. Res. 195: Mr. LEVINE of California, Mr. RINALDO, Mr. SIKORSKI, Mr. CHANDLER, Mr. PANETTA, Mr. JOHNSTON of Florida, Mr. FAWELL, Ms. DELAURO, Mr. LAGOMARSINO, Mrs. LOWEY of New York, Mr. WALSH, Mr. SANTORUM, and Mr. BRUCE.

H.J. Res. 198: Mr. MAZZOLI, Mr. WILSON, Mr. LEVINE of California, Mr. MATSUI, Mr. STARK, Mr. CARPER, Mr. PALLONE, Mr. CLEMENT, Mr. HORTON, Mr. TALLON, Mr. LENT, Mr. ROHRABACHER, Mr. COUGHLIN, Mr. SOLARZ, Mr. DORNAN of California, Mr. LEHMAN of Florida, Mr. JEFFERSON, Mr. ESPY, Mr. MANTON, Mrs. ROUKEMA, Mr. HOCHBRUECKNER, Mr. QUILLEN, Mr. SANGMEISTER, Mr. PICKETT, Mr. COLEMAN of Texas, Mr. LAGOMARSINO, Mr. BORSKI, Mr. PANETTA, Mr. DWYER of New Jersey, Mr. JONTZ, Mr. WOLF, Mr. DEFAZIO, Mr. MCCOLLUM, and Mr. LEWIS of California.

H.J. Res. 219: Mr. LIPINSKI, Mr. ANNUNZIO, Mr. MCNULTY, Mr. LEVINE of California, Mrs. BOXER, Mr. MARTINEZ, Ms. KAPTUR, Mr. ANDREWS of New Jersey, Mr. DERRICK, Mr. BRYANT, Mr. LOWERY of California, Mr. MAVROULES, Mr. PAYNE of New Jersey, Mr. GALLO, Mr. DONNELLY, Mrs. UNSOELD, Mr. KOLTER, Mr. MANTON, Mr. DE LUGO, Mr. ESPY, and Mr. VANDER JAGT.

H. Con. Res. 8: Mr. SAXTON and Mr. BRYANT.

H. Con. Res. 18: Mr. BUSTAMANTE and Mr. OWENS of New York.

H. Con. Res. 95: Mr. LEVINE, of California, Mr. LEWIS of Georgia, Mr. GEREN of Texas, Mr. RANGEL, Mr. RHODES, Mrs. LOWEY of New York, Mr. VALENTINE, Mr. KLUG, Mr. BRUCE, Mrs. VUCANOVICH, Mr. SUNDQUIST, Ms. SLAUGHTER of New York, Ms. KAPTUR, Mr. WILSON, Mr. JEFFERSON, Mr. FRANK of Massachusetts, Mr. JOHNSON of South Dakota, Mr. BATEMAN, Mr. SIKORSKI, Mr. PETERSON, of Florida, Mr. HUCKABY, Mr. HUGHES, Mr. BOUCHER, and Mr. BEREUTER.

H. Con. Res. 120: Mr. HORTON, Mr. BALLENGER, and Mr. MACHTLEY

H. Res. 33: Mr. GRANDY.

H. Res. 101: Mr. SPENCE, Mr. HEFNER, Mr. LEWIS of Georgia, Mr. STALLINGS, Mr. ROWLAND, Mr. OWENS of New York, Mr. DARDEN, Mr. VOLKMER, Mr. TRAXLER, Mrs. BENTLEY, Mr. VALENTINE, and Mr. SPRATT.

H. Res. 121: Mr. PAYNE of Virginia, Mr. HORTON, Mr. GUARINI, Mr. BILBRAY, Mr. ECKART, and Mr. ABERCROMBIE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 524: Mr. INHOFE.

H.R. 1344: Ms. PELOSI.

SENATE—*Wednesday, April 24, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 9:20 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer.

Let us pray:

Husbands, love your wives, even as Christ also loved the church, and gave himself for it. * * * *Honour thy father and mother; which is the first commandment with promise.*—Ephesians 5:25, 6:2.

Mighty God who "setteth the solitary in families," we pray for our families. Where there is brokenness, healing; where there is alienation, reconciliation; where there is capitulation to failure, give encouragement and hope.

Our Father who art in Heaven, we know that the family is the indispensable nucleus of the social order. When family life is strong, the culture is strong. When families are dysfunctional, society suffers immeasurably. Forgive us when we fail to give priorities to our families as we should, when we treat other matters as more important.

Gracious Father, the Senate is very demanding on the time and energy of those who labor here. Often the family suffers. Grant to the Senators and the staffs determination to put the family first, not only for the sake of themselves and their own families, but for the sake of our declining culture and the Nation.

We pray in Jesus' name who is love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:35 a.m., with Senators permitted to speak therein.

In my capacity as a Senator from Hawaii, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I understand morning business is to be concluded at 9:35?

The PRESIDING OFFICER (Mr. BRYAN). The Senator is correct.

Mr. GRAHAM. Mr. President, I ask unanimous consent if that could be extended until 9:40 for a statement and introduction of legislation.

The PRESIDING OFFICER. Is there objection?

Mr. BENTSEN. Mr. President, the request was for a maximum of 5 minutes? My problem is I have to chair a committee at 10. I have no objection.

Mr. GRAHAM. Yes, until 9:40.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for not to exceed 5 minutes.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 910 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECOGNIZING THE 76TH ANNIVERSARY OF ARMENIAN GENOCIDE

Mr. KERRY. Mr. President, today, April 24, marks the 76th anniversary of the Armenian genocide launched by the leaders of the Ottoman Empire. By recognizing this important day, we send a message to the world that such slaughters must never be forgotten and can never become mere footnotes in history.

Accounts of the Armenian genocide have a frighteningly familiar ring to all of us today. On April 24, 1915, hundreds of Armenian political, intellectual, and spiritual leaders were seized by Ottoman authorities, only to be executed or exiled. For the next 8 years, Ottoman Armenians were forced from their lands into exile in America, Russia, Europe, and the Arab countries. Between 1915 and 1923, it is estimated that 1.5 million of the 2.3 million Ottoman Armenians had either died or had been deported from their homeland, a land which they inhabited for over three millenia.

Unfortunately, there have been repeated attempts to hide this dark moment in history and to deny that it ever happened. We must not let this happen. There is a mountain of evidence proving that the horrors of the Armenian genocide are all too true. The U.S. Ambassador to the Ottoman Empire, Henry Morganthau, Sr., repeatedly protested the treatment of Armenians while the British Viscount James Bryce compiled a 684-page report on the massacre with the help of Arnold Toynbee. Even the allies of the Ottoman Empire were horrified by this brutality. Otto Liman van Sanders, the German military adviser to the Ottoman Empire, personally intervened to prevent the deportation of Armenians from Smyrna in November 1916. Yet, perhaps the most convincing evidence of this tragedy is the trials for war crimes held by a liberal Ottoman government which took power in the aftermath of this massacre. The leaders of the Young Turk government were convicted in absentia for ordering this genocide.

Unfortunately, even in the United States, there has been a willingness to gloss over the entire affair, a willingness to look the other way when acknowledging the truth is inconvenient. Recently, a photograph depicting Armenians hung by Ottoman soldiers was removed from the Ellis Island centennial photo exhibit when a controversy arose. We have to recognize this tragic event for what it truly was, the genocide of the Ottoman Armenians.

Ignoring the Armenian genocide, extraordinary evidence of man's capacity for inhumanity, can open a Pandora's box of selective morality a virtual guarantee that similar tragedy will touch other people in the future. Selective morality only leads to selective genocide. We must never ignore the persecution and slaughter of any people. We now see the tragedy of the Armenians being replayed in Iraq as millions of Kurds flee the reign of terror and as Kurdish refugees die at a rate of 1,000 a day. That is why, with renewed vigor at this time, I urge every Member of the Senate and every individual to set aside time today to reflect on the tragedy of the Armenian and Kurdish people and to make a solemn vow that we must prevent genocide from ever happening again, to anyone, anywhere, anytime.

BETTIE-JULIA CERTAIN

Mr. LEAHY. Mr. President, I rise to note the departure of a valued official from the congressional relations staff of the Defense Security Assistance Agency. Bettie-Julia Certain, formerly DSAA's director of congressional relations with special responsibility for liaison with the Senate, has worked hard to improve the relationship between DSAA and the Foreign Operations Subcommittee. She has worked with the staff and members of this committee in a straightforward and responsive fashion, frankly communicating our concerns to her organization as well as their concerns to us.

Ms. Certain worked on security assistance within the Defense Department since 1977, moving her way up from security assistance analyst to House liaison officer and finally to director of the congressional relations office. She received outstanding performance awards during the last 6 years.

On behalf of the members and staff of the Foreign Operations Subcommittee, I want to thank her for the fine job she has done as director of congressional relations. It is my hope that the good relationship she has established on behalf of DSAA with this subcommittee will continue to flourish in the future.

RECOGNIZING CORPORATIONS IN THE FIGHT AGAINST CANCER BY PROMOTING EARLY DETECTION AND SCREENING PROGRAMS

Mr. MACK. Mr. President, in his inaugural address, President Bush called for an affirmation and a renewed spirit of voluntarism. He called upon all Americans to take stock and responsibility for themselves, their families, and communities. This call went out to not only each citizen, but also to institutions of government, business, and community. Cooperative efforts of public and private institutions are an essential element in promotion and improvement of the quality of life for every American. Mr. President, nothing could be more elemental, more basic to the promotion of the quality of life than the physical health and wellbeing of every American.

Mr. President, I rise today to acknowledge and commend the efforts of a number of private corporations which have made a lifesaving difference by establishing model cancer screening programs for their employees. With the assistance of organizations that include the National Cancer Institute, the Komen Foundation, and the American Cancer Society, they have answered President Bush's call.

One only needs to look at the grim statistics to understand the threat cancer poses to the health of Americans. The American Cancer Society's latest data estimates that 1 in 9 American women will develop breast cancer this year, resulting in 44,550 deaths. Thirty percent of which are preventable with regular mammogram screening.

The threat of cancer is so great that Senator BREAUX and I have today introduced the Cancer Screening Incentive Act of 1991. This bill will provide a refundable tax credit to taxpayers for various types of cancer screening procedures. And, as cancer knows no socioeconomic bounds, the bill provides a credit to medical providers who extend their services to those underserved Americans who simply cannot afford the out-of-pocket expense.

I read, with great satisfaction, a recent article in USA today describing model programs established by companies like Florida Power, Adolph Coors, Sara Lee Corp., Regis Corp., and ICI Pharmaceuticals. The programs included free or subsidized mammograms, classes and educational materials, and video cassettes for self-examinations.

These, and an increasing number of corporations have made the health of their employees a regular part of business. They understand that they have a stake in the welfare of their most important asset—the people who produce and sell their products. From the board room to the assembly line, these corporations are making lifesaving, documented differences. They provide a shining and exciting example to others and I commend them. Mr. President, I also ask that the article and an accompanying list of participating corporations be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BUSINESSES MAKING A LIFE SAVING DIFFERENCE

Allen Bradley Company, Inc.
AT&T.
Badger Meter, Inc.
Bear Archery.
Beloit Corporation.
Concept, Inc.
Coors Brewing Company.
Coulter Electronics.
E.I. du Pont de Nemours & Company.
E-Systems, Inc.
Employers Health Insurance.
Florida Power.
Florida Power and Light.
General Mills.
Georgia Pacific Corporation.
Honeywell, Inc.
ICI Pharmaceuticals Group.
Kimberly-Clark Corporation.
Levi Strauss & Company.
M&M/Mars Incorporated.
Manufacturers Hanover Trust.
Martin Marietta.
Martin Marietta Energy Systems, Inc.
Metropolitan Life.
Milwaukee Public Schools.
Nationwide Insurance.
NCNB.
Pratt Whitney-United Technologies.
Procter & Gamble.
Progressive American Insurance, Co.
Regis Corporation.
Ryder Systems, Inc.
S.C. Johnson & Son, Inc.
Sara Lee Corporation.
Southern Bell.
Upjohn Company.
USAA Insurance.
Wisconsin Bell, Inc.

[From USA Today, Feb. 4, 1991]

EMPLOYERS MAKE CANCER DETECTION THEIR BUSINESS

Employers have begun rewriting their job descriptions to include fighting breast cancer.

By promoting cancer education and mammograms, companies can reduce health risks to women employees and cut employee health benefit costs.

"What do corporations get out of it? A simple operation usually can cure the early cases," says Dr. Charles R. Smart, chief of the National Cancer Institute's early detection branch. "The cost would be greatly reduced and you'd have a longtime employee.

"All these women may not be going to a doctor regularly at all. Somebody has to suggest to them it's a good thing to do."

The need for women to be informed about breast cancer and screening has never been greater. Two weeks ago, the American Cancer Society revised its estimate of a woman's chance of getting breast cancer to 1 in 9 from 1 in 10. About 175,000 new cases and 44,500 deaths will be reported this year, the society says.

Thirty percent of deaths are preventable with regular mammograms, says the National Cancer Institute, which estimates that two-thirds of women over 40 do not understand the need for regular testing. The Institute advises women to get a mammogram by age 40; from ages 40 to 50, they should get a test every 1 to 2 years; from 50 on, annually.

Since the mid-1980s, about 30 U.S. companies have started model programs, says NCI's Cori Vanchieri. "By corporations getting involved, we'll reach women at all ranks . . . from the executives to assembly-line workers."

Since 1984, Colorado brewer Adolph Coors Co. has given about 6,100 mammograms, at a reduced price of $5 to $15, to current and retired employees and spouses at sites nationwide. Mammograms can cost $40 to $250.

They've found 12 malignancies; 11 were early detections. Treatment and lost productivity for Coors employees whose cancer was detected early runs about $18,000; when detected later, it can cost $60,000 or "possibly a life," says Coors' Sharon Taylor.

By promoting mammograms, employers also show concern for their employees.

"I really feel indebted," says Val Dingel, 57, a General Mills telecommunications assistant in Minneapolis.

The company's paid mammography and inhouse classes on breast self-examination may have saved her life, Dingel says. She began regular self-exams and mammograms 3½ years ago. In 1989, malignant cancer was found in both breasts. It was discovered early; she had a double mastectomy with immediate breast reconstruction.

Prior to participating in the company's plan, Dingel had mammograms sporadically. "Sometimes the cost may be a deterrent. If they hadn't offered it, I don't think I would have gotten involved."

Not every company "has the same dollars to spend, but there are small things and big things they can do," says Nancy Brinker, who wrote about her recovery from breast cancer in "The Race Is Run One Step at a Time" (Simon & Schuster, $18.95) and founded the Susan H. Komen Foundation. The research foundation and National Cancer Institute recently held a women's leadership summit on breast cancer in Washington, D.C. Some of the corporate education programs presented:

The Sara Lee Corp., Chicago, has designed a package with a videocassette and a life like model of a breast for its Women's Wellness Program. The company's 44,000 women employees nationwide are being taught self-exams and they practice on the model, which has lumps they must find.

Regis Corp. hair salons nationwide will inform its 30,000 employees about the importance of self-exams and mammograms. Then in October stylists will pass the word to their customers, says Regis' Anita Kunin.

ICI Pharmaceuticals, Wilmington, Del., bought a mammography unit in 1989 and offers employees free exams after they complete a self-examination class.

"One employee said she does her (self-exam) every month when she gets her paycheck," ICI's Steve Lambert says.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,230th day that Terry Anderson has been held captive in Lebanon.

As you know, 1991 is the bicentennial of the Bill of Rights. I call my colleagues' attention to this fact today because on April 12, the American Society of Newspaper Editors honored Terry Anderson and former Justice William J. Brennan with First Amendment Awards for their exceptional contributions to—and in Terry Anderson's case, sacrifices for—the freedoms of speech and the press. Mr. President, I add my voice to theirs in honoring these men.

COMMEMORATING THE 76TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, today we honor the memory of the 1½ million Armenians who were massacred between 1915 and 1923 during the reign of the Ottoman Empire.

In these tragic years, the Armenian people were the victims of violent repression, cultural persecution, and forced exile. The crimes perpetrated against the Armenians were one of the worst atrocities of the 20th century, and each year we rededicate ourselves to the cause of preventing another such crime against humanity.

The world must never forget the horrors and bloodshed suffered by the Armenians. Few peoples throughout history have endured such heinous prosecution for their faith, or borne their tragic fate with such great courage. To ignore the lessons of history would further dishonor the victims of the massacre, and invite future crimes of the same magnitude.

The United States must stand up against injustice whenver and wherever it occurs. In recent weeks, the world has witnessed the massive human tragedy of the Kurds in Iraq, a present day example of a people suffering from systematic cultural persecution, who have fled their homes in Iraq to escape a cruel and repressive government.

America has always stood for human rights and human dignity—for its own citizens and for the citizens of the world. We recall today the tragic suffering the Armenian people so that public leaders and private citizens the world over will remember that mankind has a collective responsibility to insure that such abuses never again occur.

"RACE NORMING" AND THE CIVIL RIGHTS BILL

Mr. SIMPSON. Mr. President, I rise to discuss an important new issue in this year's debate on civil rights legislation. That new issue is whether neutral, nondiscriminatory employment tests should be race normed in order to benefit certain racial or ethnic groups.

I strongly believe that any employment preference based on race, color, religion, sex, or national origin is improper, and therefore that race norming should be prohibited. The moral center of our civil rights laws is to ensure that no one—on matter what their race, color, religion, sex, or national origin—is treated differently because of that status. As Dr. Martin Luther King so eloquently stated, we should judge people by the "content of their character," not by the color of their skin. The practice of race norming job performance tests expressly violates the American ideals of fairness and equal opportunity.

Much to my surprise, I have discovered that Equal Employment Opportunity Commission [EEOC] staff and some state employment services were recommending that employers adjust the scores of job applicants who take employment-performance tests, in order that candidates from certain racial or ethnic groups would receive higher scores. Therefore, section 5 of my bill, S. 478, the Civil Rights Amendments of 1991, would prohibit the race norming of neutral, nondiscriminatory employment tests.

There is also strong evidence that the American public rejects the concept of race norming. In a March 1991, public opinion poll by Market Opinion Research [MOR], 77 percent of those polled opposed the practice of race norming, 16 percent supported it, and 6 percent had no opinion. MOR commented that: Although it would appear this is a highly complex question on the issue of "race norming," with only 6 percent answering "don't know," it appears the voters understood both the question and the practice, and totally reject the latter. I agree with MOR's assessment that most voters totally reject the practice of race norming.

Finally, R. Gaull Silberman, Vice Chairman of the Equal Employment Opportunity Commission [EEOC], also agrees that race norming is a bad practice. She vividly states that "* * * the practice of race norming is the oil which greases the quota engine. * * * " I strongly concur with her criticism of race norming, and I ask unanimous consent to insert in the RECORD a transcript of her recent remarks on this topic.

Mr. President, race norming is an important issue which I vigorously plan to pursue as the Senate deals with civil rights legislation this year.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[Excerpts of comments before the Equal Employment Advisory Council, Feb. 28, 1991.]

R. GAULL SILBERMAN, VICE CHAIRMAN, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

This is an exciting and challenging time for those of us involved in civil rights policy and enforcement. We have come to the end of one era and are poised at the beginning of another. I believe that when the domestic history of our time is written, 1989, 1990, and 1991 will be seen as crucial years.

The year 1989, fortuitously the 25th anniversary of the landmark 1964 Civil Rights Act, was marked by a spate of Supreme Court decisions in the area of employment discrimination law. These decisions were seen by some as "turning back the clock on civil rights" or "taking us back to a time of signs which say Negroes need not apply".

With that rhetoric as a political backdrop it is not surprising that the decisions prompted legislative efforts at wholesale revision to our civil rights laws. When the 1990 Civil Rights Bill was finally introduced it reflected the drafters' attempt to codify the regulatory and judicial activity of the last 25 years.

Ironically, the very breadth of those revisions sparked a policy debate of astonishing vigor and some candor (not to mention a Presidential veto). And that debate has raised issues in 1991 which I believe merit vigorous and candid discussion: Issues like the discriminatory race- and gender-norming of test scores.

When Senator Alan Simpson introduced S. 478, he stated that one of the objectives of his bill is to avoid enacting civil rights laws which will encourage employers to play it safe by hiring by quotas. In explaining that aspect of his bill dealing with the adjustment of test scores in a discriminatory fashion, the Senator stated:

"My bill would not allow an employer to use a neutral, nondiscriminatory ability test if the employer were to adjust the results of the test based on the employee's race, color, religion, sex, or national origin. My bill would also prohibit a civil rights plaintiff from attempting to require an employer to adjust the scores from ability tests based on the employee's race, color, religion, sex, or national origin. If a test is neutral and non-discriminatory, it would be discriminatory to subsequently adjust the scores of someone merely because that person was a racial or religious minority, or a woman. The EEOC is reportedly considering a proposal to require test score adjustment, and my bill would prohibit such a discriminatory policy from being implemented."

When I read the Congressional Record I wrote Senator Simpson that Chairman Kemp and I have been particularly concerned with the issue of the adjustment of test scores on the basis of race and sex and were pleased to see that his bill would address this discriminatory practice. I continued, and I quote, "We are *not* considering any proposal to require test score adjustment."

Now let me quickly add that unlike the police chief in Casablanca who professed to be shocked to learn about gambling at Rick's (or the piano player in the house of ill-repute) we do know that race-norming or the discriminatory use of test scores is going on. Indeed, the very practice of preferential treatment in the form of race-norming has been institutionalized resulting in de facto quotas as illustrated in the following examples.

State Employment Service offices funded by the Department of Labor screen job-seeking candidates for over 12,000 jobs. Since 1981, under Department of Labor direction, 400 State Employment Service offices have been implementing a policy of preferential treatment in the form of "race norming" the General Aptitude Test Battery (GATB), the most widely used employment test in the country.

Using what they call "within-group" scoring to implement the GATB, blacks are compared only to other blacks, Hispanics compared only to other Hispanics and "others" (including whites and Asians) are compared only to "others." An individual's relative standing compared only to one's own race is then the test score reported to an employer in the form of a "within group" percentile.

Employers being held accountable for "underutilization" have been more than willing to have the Employment Service refer the relatively best qualified individuals within each group as a pragmatic means of achieving their numbers. When an individual's race determines the likelihood of being referred for a job, as is the case with the "race-normed" implementation of the General Aptitude Test Battery, the result is a de facto quota system.

The Department of State waives employment test results for minorities while requiring competitive examining for non-minorities. Each year there are upwards of fifteen thousand applicants for several hundred Foreign Service Officer (FSO) openings. The FSOs had traditionally been viewed as the pinnacle of merit employment because of the rigorous written exams required of all candidates. When the Carter Administration pressured State to come up with more minority FSOs, the decision was made to waive competitive written exam results for minority candidates calling these individuals "near passers" while continuing to rank-order the exam results of non-minorities.

When the likelihood of being judged on a competitive basis depends on an individual's race, as is the case with the race-conscious implementation of the Foreign Service Officer exam, the result is a de facto quota system. No matter how exceptional a minority FSO performed thereafter, the stigma of having been hired by a lesser standard remained.

It has recently come to my attention that the EEOC has been advising district offices to insist on race- and gender-norming tests as a less discriminatory alternative method of implementing otherwise neutral, job-related employment tests.

One instance dealt with an employment test which was a sample of the actual job. The employer's validation study showed that those who took less time to complete the test were more productive workers. Women took longer to complete the test. The Commission's staff advised that the employer set separate cutoff scores for women to reduce the "disparate impact" of the standard. In effect, the Commission's position was that in order to reduce "disparate impact," the employer had to hire less qualified, less productive applicants.

Paradoxically, some of the same employers who have legitimately and understandably objected most strongly to EEOC staff proposals for adjusting tests to eliminate adverse impact have, at the same time, overwhelmingly responded that the Labor Department should continue its race-norming with respect to the GATB.

Nor do these same employers wish to see the issue of race-norming of test scores addressed in legislation. That's not really surprising because if government regulatory policy requires hiring by the numbers in order to minimize "disparate impact" liability or to overcome "underutilization," employers will, of course, want to hire the relatively best qualified of the required group and race-norming allows them to do that.

That's why I believe Senator Simpson has identified an enormously important issue. I would not have put it under the heading of noncontroversial, but rather under the controversial anti-quota heading. For the practice of race-norming is the oil which greases the quota engine which drives much of employment policy today under the guise of government required contract compliance.

But there ought not to be controversy. If you go back to the debates over the Civil Rights Bill of 1964, it is quite clear that the drafters never anticipated, never would have countenanced race-norming. To the contrary, the non-discriminatory use of tests was expressly protected. In this as in many other issues Title VII has been turned on its head and this most discriminatory practice is passed off as at least discriminatory.

In 1964 this country made a commitment to all of its people to ensure equal employment opportunity. During the last 25 years we have been engaged in a valiant struggle to do just that. We've fought some pretty impressive battles. 1991 presents a probably never to be repeated opportunity to look at where we've been, what we've done, and where we need to go. New civil rights legislation will set out the rules of engagement for the battles against employment discrimination which lie ahead. A great deal is at stake.

REMEMBERING THE ARMENIAN GENOCIDE

Mr. PELL. Mr. President, today we commemorate the 76th anniversary of the genocide which took the lives of an estimated 1.5 million Armenians from 1915 through 1923. On this day in 1915, the Ottoman campaign against the Armenian people began in earnest when hundreds of Armenian community leaders were arrested and killed in Istanbul.

For the ensuing 8 years, the Ottoman Empire's rulers singled out the Armenian people for their religious, political, and cultural differences, and sought to eliminate them through deportation and death. Accordingly, the Armenian people were the victims of the first genocide of the 20th century. These crimes against humanity must not be forgotten. Unfortunately, we have not always learned the lessons of history. Witnessing the world's indifference to the Armenian genocide, the Nazis, only 20 years later, initiated their own "final solution" against the Jewish people.

Today, as we see the horrifying images of Kurds fleeing the threat of extermination at the hands of Saddam Hussein, we again are reminded of the price of indifference, and in that context, we are compelled to reflect on the Armenian genocide and the Jewish Holocaust. By remembering such tragedies and rejecting attempts to ignore or deny them, we affairm to the world and to future generations that we stand firmly against the policy of genocide.

Regrettably, despite the preponderence of historical evidence, there are still those who would deny that the Armenian genocide occurred. Just last month, in response to intense lobbying efforts, the National Park Service removed a photo depicting the victims of the Armenian genocide from the Ellis Island centennial photo exhibit in New York. The photograph, which previously had been vandalized, shows Armenians being executed by Ottoman authorities. The caption reads:

> Armenians Hung during Massacre of 1915. By 1921, nearly 100,000 Armenians had come to the United States fleeing periodic Turkish massacres in which over one million Armenians lost their lives.

Mr. President, in commemorating the Armenian genocide, we are not criticizing modern Turkey, our NATO ally and coalition partner in the gulf war. We do not hold the present Turkish Government responsible for Ottoman crimes, just as we do not blame modern Germany for Nazi atrocities. Rather, by keeping the memory of the Armenian genocide alive, we reaffirm our commitment to human life and dignity.

The Armenian people have suffered greatly during the years, and they continue to face great challenges. They still are rebuilding after the 1988 earthquake that killed and injured thousands; tension with neighboring Azerbeijan runs high, and has led to violence and death; and indeed, Armenia, like the other Soviet republics, is questioning whether the key to its future should be found within or outside of the Soviet Union.

The Armenian people have shown great resilience in the face of tragedy, and accordingly I join with those today who choose to keep the memory of the

Armenian genocide alive. In so doing, we come a step closer to ensuring that such a tragedy never again will confront Armenians or any other people.

THE POINTS OF LIGHT FOUNDATION—CELEBRATION OF SERVICE AND SERVICE AMBASSADOR AWARDS

Mr. KENNEDY. Mr. President, I commend the Points of Light Foundation for its efforts to encourage all Americans to participate in community service. The foundation is a private nonprofit organization whose board is composed of 24 Americans from business, industry, the academic world, and voluntary service groups. The foundation's mission is to help make community service a greater part of the lives of every American, and thereby contribute to the ongoing struggle against illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency, and the plight of the elderly.

On Monday, April 15, the foundation launched their 12-day Celebration of Service to honor Americans who have been trailblazers in community service, to enhance public awareness of the problems facing society and the need for personal involvement to alleviate them, and to identify worthwhile programs that can be used in all parts of the country to challenge others to become involved.

Each day during their Celebration of Service, the Points of Light Foundation will recognize one or two Americans as service ambassadors, people who have made a difference by participating in service programs. Today, I join with the Points of Light Foundation and Senator SPECTER in commending Manford Sales of Pittsburgh, PA, an exemplary American who has made a significant contribution to his community and his country.

It is a privilege to work with the foundation, and I ask unanimous consent that appropriate background information on its good works may be printed in the RECORD.

There being no objection, the background was ordered to be printed in the RECORD, as follows:

THE POINTS OF LIGHT FOUNDATION—BACKGROUND

The Points of Light Foundation is a private non-profit, non-partisan umbrella organization whose board is comprised of 24 Americans drawn from business, industry, academia and voluntary service groups. The Foundation's mission is to help make direct and consequential community service aimed at serious social problems central to the life of every American and to increase the opportunities people have for that kind of service through their workplace, schools, churches and civic organizations. We also will serve as a catalyst in the creation of new voluntary service initiatives.

The Foundation and its board recognize the crucial role government programs must play in this struggle but believe these approaches cannot be the only ray of hope on the horizon. Illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency and the plight of the elderly are problems that continue to defy government's best efforts. This void can only be filled by a redoubled effort from the private sector, by the profound and personal commitment of individuals to helping others.

Beginning Apr. 15, the Foundation is launching a 12-day Points of Light Celebration that is designed to honor those people who have been trailblazers in the community service effort; to sharpen public awareness of the problems facing society and the need for personal involvement to help alleviate them; and to identify worthwhile programs that can be replicated in other parts of the country and challenge others to get involved. Literally thousands of disparate groups and individuals have already been mobilized as part of this effort.

In conjunction with the Celebration, the Foundation will unveil a nationwide advertising campaign, created *pro bono* by Saatchi & Saatchi and the Advertising Council, that will bring the message of service into the home of every American. The slogan, "Do Something Good, Feel Something Real," stresses the sense of personal accomplishment that volunteers get from their work. The campaign will seek that help and cooperation of the media, businesses, schools, unions, religious groups and individuals. In addition, a toll-free 800 number will act as a national center for providing key information for community service efforts.

The Foundation is assisting or has helped to establish numerous successful service programs. These include:

One-to-One, a mentoring program for disadvantaged youth.

StarServe, a school-based community service effort.

Into the Streets, a college-based community service program operated by the Campus Outreach Opportunity League.

Naming of individual Points of Light Representatives, Leadership Companies and Partnerships.

The Foundation's mandate is long-term. After the Celebration of Service is over, we will pursue our mission on several fronts. First, we will evaluate our advertising campaign and toll-free telephone service in an effort to improve the response; and second, we will continue and improve our efforts to serve as a broker and coordinator for new programs. There are no easy answers. We are engaged in a day-to-day struggle that requires day-to-day commitment and energy.

THE POINTS OF LIGHT FOUNDATION HONORS MANFORD SALES

Mr. SPECTER. Mr. President, today I am pleased to join the Points of Light Foundation and Senator KENNEDY in honoring a truly remarkable individual, Manford Sales, of Pittsburgh, PA.

The foundation is a private, nonprofit organization designed to enhance public awareness of the broad array of volunteer service programs providing help to children, the elderly, the homeless, in fact, anyone in need. Each day, beginning on Monday, April 15, the foundation has recognized Americans as service ambassadors, individuals who have made a profound difference by their participation in service programs. The ambassadors are ordinary people, our neighbors and friends, who have become role models by giving of themselves—their time and energy—to serve others.

On Wednesday, April 24, the foundation honors Manford Sales. In my mind, no wiser choice could be made.

Mr. Sales has been a member of Boy Scout Troop 59 in the Hill District of Pittsburgh since its founding in 1929. For 58 years, Mr. Sales served as the Scoutmaster of the troop, guiding generations of young men in his community. Many of those whom he assisted are now leaders in their own right.

Mr. President, I take this opportunity to commend Manford Sales, express my admiration for his selfless dedication to his community, and extend to him my best wishes.

WOMEN'S EQUAL OPPORTUNITY ACT OF 1991

Mr. DOLE. Mr. President, earlier today, I received a letter from W. Lee Rawls, Assistant Attorney General for Legislative Affairs. The letter outlines the Justice Department's strong support for the criminal reforms proposed in title II of S. 472, the Women's Equal Opportunity Act of 1991, which I introduced earlier this year along with 14 of Senate Republican colleagues.

S. 472 proposes a wide array of crime-fighting initiatives, aimed specifically at those criminals who prey on women. It imposes tougher penalties for Federal sex offenders, and expands the Federal death penalty for murders committed in connection with sexual assaults and child molestations. It reforms the Federal rules of evidence to make absolutely clear that past acts of sexual abuse and child molestation are admissible in court. It doubles jail sentences for illegal drug dealers who sell to pregnant women. It offers several model rules of professional conduct that would prohibit lawyers from harassing or embarrassing persons who allege sexual assault. And it increases funding for programs aimed at assisting the estimated 3 million women who are victims of domestic violence each year.

I am pleased with the Justice Department's endorsement of these proposals, which are described as "an important step forward in enhancing the security of the public against sexual violence, child molestation, and other violent crimes." I look forward to working with the Justice Department and with my Senate colleagues to enact these much-needed reforms later this year.

Mr. President, I ask unanimous consent that the Justice Department's letter be printed in the RECORD immediately after my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE, OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 24, 1991.
Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: This letter presents the views of the Department of Justice on the criminal justice provision of the "Women's Equal Opportunity Act of 1991," S. 472, comprising subtitles B–E of title II of that bill. The Department of Justice strongly supports subtitles B–D of title II of S. 472 and urges their prompt enactment by Congress. The Department also believes that the proposal in subtitle E of title II of S. 472 for a National Task Force on Violence Against Women is preferable to the corresponding proposal in subtitle D of title I of S. 15, the "Violence Against Women Act of 1991."

Title II of S. 472 proposes a wide-ranging program of reforms that would greatly enhance the effectiveness of the criminal justice system in preventing, prosecuting, and punishing sexual violence and child abuse, and in safeguarding victims of rape, child molestation, and other violent crimes from gratuitous abuse and traumatization. Subtitle B increases penalties for federal sex crimes, including authorization of the death penalty for rape-murders and child molestation-murders in the course of federal offenses. Subtitle C proposes measures to strengthen compensation and restitution in relation to victims of sex crimes.

Subtitle D contains provisions that would establish a general rule of admissibility for "similar crimes" evidence in sexual assault and child molestation cases; strengthen protections against efforts by defense lawyers to secure juries that are biased against rape victims or other crime victims; establish new standards of attorney conduct directed against abuses that cause gratuitous suffering to victims and witnesses and thwart the search for truth in sex offense cases and other cases; encourage the states to protect children from a home environment involving domestic violence in child custody decisions; provide for nationwide enforcement of protective orders; require HIV testing of federal sex offenders with disclosure of the test results to the victims; provide enhanced penalties for HIV-infected federal sex offenders who risk infection of their victims; and provide for defraying the cost of HIV testing for victims of federal sex offenses.

Our specific comments on the provisions of the proposal are as follows:

SUBTITLE B: STRONGER PENALTIES FOR FEDERAL SEX OFFENSES

Section 211 would authorize the death penalty for murders committed in connection with sexual assaults and child molestations. The section defines a general murder offense, proposed 18 U.S.C. 1118, with federal jurisdiction to prosecute the offense if the fatal conduct occurs in the course of another federal crime. The death penalty could be considered if the killing was committed in the course of a sex crime defined in chapters 109A, 110, or 117 of the criminal code; if a crime of sexual assault or child molestation was also committed in the course of the underlying crime on which federal jurisdiction is based; or if the offender had a prior conviction for a crime of sexual assault or child molestation.

For example, there is frequently federal jurisdiction over kidnappings under the provisions of 18 U.S.C. 1201. If the perpetrator of such a kidnapping raped and murdered the victim, then the death penalty would be available under proposed 18 U.S.C. 1118.

The procedures specified for imposing and carrying out the death penalty in proposed 18 U.S.C. 1118 are substantially the same as the death penalty procedures in title I of President Bush's proposed Comprehensive Violent Crime Control Act of 1991 (S. 635). Most of the procedural provisions in 18 U.S.C. 1118 are also the same in substance as the corresponding provisions in the death penalty proposals passed by the Senate in title XIV of S. 1970 in the 101st Congress and section 605 of S. 320 in the current Congress.

Optimally, the absence of an enforceable death penalty for the most heinous federal crimes should be corrected through the enactment of general federal death penalty provisions as proposed in the President's violent crime bill (S. 635). However, if the comprehensive legislation proposed by the President is not enacted, enactment of proposed 18 U.S.C. 1118 will be an important measure to provide the death penalty for one category of highly aggravated murders within federal jurisdiction.

Sections 212–14 double the maximum penalties authorized for recidivist federal sex offenders, change a definition in the federal sex offense statutes so as to make offenders who commit such crimes against victims below the age of 16 more frequently subject to the higher penalties for crimes involving "sexual acts," and make the enhanced penalties of 21 U.S.C. 859 (former 21 U.S.C. 845) applicable to drug distribution to pregnant women. These provisions are the same as sections 802–04 of the President's violent crime bill (S. 635). Sections 212 and 213 are also the same as provisions passed by the Senate last year in section 2425 of S. 1970.

The Department of Justice strongly supports the enactment of sections 212–14. The rationale and background of these reforms are discussed at greater length in the analysis accompanying S. 472, Cong. Rec. S2205 (Feb. 21, 1991), and in the analysis accompanying the President's violent crime bill, Cong. Rec. S3242 (March 13, 1991).

SUBTITLE C: ENHANCED COMPENSATION AND RESTITUTION FOR VICTIMS OF SEX CRIMES

Sections 221–24 create a new cause of action by which victims of sex crimes could recover damages from producers and distributors of pornography, where it is shown that the pornographic material incited the commission of the sex crime. The Department of Justice supports enactment of this proposal. It would provide recovery for victims of sex crimes in some instances from a responsible party that is more likely than the offender to be able to pay a judgment. It would also serve to make the point that the production and distribution of violent pornography and child pornography are not "victimless crimes."

We have a few comments concerning the formulation of the proposal:

First, section 223(a) states that suit may be brought "in an appropriate United States district court," which could be construed to foreclose suit in state court. However, the state courts currently have concurrent jurisdiction over many federal causes of action, and the normal presumption is in favor of concurrent state and federal court jurisdiction unless there is some special reason to provide an exclusive federal forum.

We accordingly recommend amending section 223(a) so as to permit suit in state court as well. This change would benefit plaintiffs by providing the option of suing in the more numerous and frequently more accessible state courts. It would also reduce any resulting caseload burden on the federal courts through sharing of the caseload with the state judiciaries.

Second, section 223(b)(2) permits suits predicated on three types of material that may incite the commission of sex crimes: (A) legally obscene material, (B) child pornography, and (C) material that is sexually explicit and violent. The first two categories are unproblematic. The third category, however, includes some material that qualifies as constitutionally protected speech, and its inclusion would expose this aspect of the proposal to constitutional challenge.

Third, the defintion of "child pornography" in section 224(1) is presumably meant to refer to depictions, rather than descriptions, of sexually explicit conduct involving minors.

Section 225 broadens the availability of restitution in federal sex offense cases. The changes proposed in this section are encompassed in substance in amendments to the restitution statute proposed in sections 805 and 1101(a) of the President's violent crime bill (S. 635).

Currently, 18 U.S.C. 3663(b)(2) authorizes restitution of medical and therapeutic costs and lost income in cases involving "bodily injury" to the victim. However, serious sex crimes do not necessarily involve physical damage to the body of the victim—for example, where rape against an adult victim is committed through the threat of force but without the actual use of force, or where a child molestation or exploitation offense is committed without physically injurious violence.

Proposed 18 U.S.C. 3663(b)(5)(A)–(C) in section 225 would make it clear that restitution for such costs and losses is authorized in all federal sex offense cases, whether or not they involve "bodily injury" on a narrow interpretation of that phrase. The same change is made in substance through an amendment to the lead-in language in 18 U.S.C. 3663(b)(2) proposed in section 805 of the President's violent crime bill (S. 635). (To be consistent with current 18 U.S.C. 3663(b)(2)(A), proposed section 3663(b)(5)(A) in section 225 of S. 472 should refer to "professional services and devices," rather than just to "professional services"; this omission presumably reflects a minor oversight in drafting.)

Proposed 18 U.S.C. 3663(b)(5)(D) in section 225 authorizes restitution for costs and losses related to any disease transmitted to the victim through the commission of a sex crime. Costs and losses of this type are covered under a proper interpretation of the restitution statute's general authorization for restitution of medical and therapeutic costs and lost income. As the analysis for S. 472 notes, Cong. Rec. S2206 (Feb. 21, 1991), the explicit amendment on this point in section 225 forecloses any contrary argument that such costs and losses related to a resulting disease "are too remote a result of the offense to be included in an order of restitution."

Finally, proposed 18 U.S.C. 3663(b)(5)(E) in section 225 authorizes restitution for necessary child care, transportation, and other expenses related to participation in the investigation or attendance at proceedings in sex offense cases. These costs to the victim are part of the losses occasioned by the crime, and the offender may properly be held liable for them through restitution. Authorizing restitution for these types of expenses is not only warranted in sex offense cases, but in all cases. An amendment authorizing restitution for such expenses in all cases appears in section 1101(a) of the President's violent crime bill (S. 635).

SUBTITLE D: REFORM OF PROCEDURE AND EVIDENTIARY REQUIREMENTS IN SEX OFFENSE AND OTHER CASES

Sec. 231. Admissibility of Evidence of Similar Crimes in Sexual Assault and Child Molestation Cases

Section 231 would add new Rules 413–15 to the Federal Rules of Evidence. In essence, proposed Rules 413 and 414 would establish general rules of admissibility, in sexual assault and child molestation cases, for evidence that the defendant has committed offenses of the same type on other occasions. Proposed Rule 415 establishes a comparable rule for civil cases in which a claim for damages or other relief is predicated on alleged conduct constituting a crime of sexual assault or child molestation. The same rules are proposed in section 801 of the President's violent crime bill (S. 635).

These new rules are responsive to deficiencies in the existing rules of evidence, and the Department of Justice strongly supports their enactment. An explanation of the background and rationale of the proposed rules appears in the analysis accompanying S. 472, Cong. Rec. S2206–07 (Feb. 21, 1991). A lengthier explanatory statement appears in the analysis accompanying the President's violent crime bill (S. 635), Cong. Rec. S3238–42 (March 13, 1991). These statements may be consulted for a detailed explanation of the proposal, and for response to various objections that might be offered against it. In this context, we would emphasize briefly the following points:

Rules of admissibility along the lines proposed in section 231 have the strong support of experience. While the common law has traditionally limited the admission at trial of evidence of offenses by the defendant with which he has not been formally charged in the proceedings, this rule has never been absolute. Exceptions have traditionally been recognized which admit such evidence for a variety of purposes. This point is reflected in current Rule 404(b) of the Federal Rules of Evidence. Rule 404(b) provides that evidence of other crimes, wrongs, or acts by the defendant is not admissible to prove "character," but that such evidence may be admissible for any other purpose, "such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident."

In addition to the exception categories noted in Rule 404(b), there has traditionally been widespread judicial support for an exception admitting, in sex offense cases, evidence of the defendant's commission of other sex crimes to show his proclivity or disposition to commit such offenses. In recent times, a substantial number of states have continued to recognize an exception of this sort in some form. *See, e.g., State* v. *Spence*, 704 P. 2d 272 (Ariz. App. 1985) (propensity evidence admissible in sex offense prosecutions, subject to certain conditions); *Grey* v. *State*, 404 N.E. 2d 1348, 1352 (Ind. 1980) (evidence of other crimes by defendant admissible to show depraved sexual instinct); *State* v. *Maestas*, 224 N.W. 2d 248 (Iowa 1974) (evidence of other crimes admissible under certain conditions in child molestation cases to show defendant's lewd disposition); *Speagle* v. *State*, 390 So. 2d 990 (Miss. 1980) (evidence of other sex offenses in relation to victim of charged offense admissible to show defendant's disposition to commit the crime); *see also Bracey* v. *United States*, 142 F. 2d 85, 88–89 (D.C. App. 1944) (approving discussion in dictum of general admissibility of evidence of other sex offenses by defendant to show disposition).

Moreover, even where an expressd exception for sex offense cases is not recognized, courts frequently strive to allow such evidence before the jury by fitting it within some other exception to the rules limiting prior crimes evidence. The contemporary edition of Wigmore's *Evidence* has described this tendency as follows:

> [T]here is a strong tendency in prosecutions for sex offenses to admit evidence of the accused's sexual proclivities. Do such decisions show that the general rule against the use of propensity evidence against an accused is not honored in sex offense prosecutions? We think so.
>
> [S]ome states and courts have forthrightly and expressly recognized a "lustful disposition" or sexual proclivity exception to the general rule barring the use of character evidence against an accused. . . . [J]urisdictions that do not expressly recognize a lustful disposition exception may effectively recognize such an exception by expansively interpreting in prosecutions for sex offenses various well-established exceptions to the character evidence rule. The exception for common scheme or design is frequently used, but other exceptions are also used.

IA Wigmore's *Evidence* §62.2 (Tillers rev. 1983). *See also Elliot* v. *State*, 600 P. 2d 1044, 1047–48 (1979) ("in recent years a preponderance of the courts have sustained the admissibility of the testimony of third persons as to prior wrongs or acts in cases involving sexual offenses. . . .").

However, notwithstanding this tendency of the courts, the current state of the law in this area is unsatisfactory. F.R.E. 404(b) makes no express allowance for admitting similar crimes evidence in sex offense cases, and the Federal Rules of Evidence have clearly been the predominant influence on the formulation of state rules of evidence in recent years. Many states have accordingly adopted evidence rules that deprive the courts of their former latitude to overtly adopt special rules of admission for similar crimes evidence in sex offense cases.

As the sources cited above indicate, judges are still disposed to admit such evidence by one means or another. This reflects their entirely sound perception that evidence of this type is frequently of critical importance in establishing the guilt of a rapist or child molester, and that concealing it from the jury often carries a grave risk that such a criminal will be turned loose to claim other victims. However, if an exception admitting such evidence cannot be avowed openly and honestly, then the temptation is strong to achieve admission by manipulating other exception categories, and by applying evidentiary rules in a manner that is not consistent with their interpretation and application in non-sex offense cases. This state of affairs is undesirable, because judges should not have to bend or break the law to do the right thing.

Moreover, there is no assurance that any particular judge or court will see its way clear to admit such evidence in the face of restrictive evidentiary rules. While evidence of this type is often admitted, there are also innumerable cases in which sex offense convictions have been overturned under state rules that are the same as or similar to F.R.E. 404 because of the admission of similar crimes evidence, although such evidence seems highly relevant and probative from a common sense perspective. *See, e.g., Velez v. State*, 762 P.2d 1297 (Alas. App. 1988) (reversing conviction because use of evidence of other sexual assaults to rebut a consent defense is irreconcilable with state Rules 403 and 404, but endorsing prosecution argument that special exception should be created to Rule 404 because of resulting problems of proof in "date rape" cases); *People v. Key*, 153 Cal. App. 3d 888 (1984) (in prosecution of defendant for twice raping and forcing oral sex with victim, evidence of defendant's prior convictions for sexual assaults against three other women was excluded at trial, and conviction was reversed on appeal because of admission of testimony by another woman that defendant had raped and forced oral sex with her); *People v. Ogunmola*, 701 P.2d 1173 (Cal. 1985) (in prosecution of gynecologist for raping patients during examinations, evidence of same conduct towards other patients inadmissible; conviction reversed); *People v. Hansen*, 708 P.2d 468 (Colo. App. 1985) (conviction for attempted inducement of child prostitution and attempted sexual assault on a child reversed because of admission of evidence of similar efforts in relation to other girls); *Getz v. State*, 538 A.2d 726 (Del. 1988) (reversing conviction of defendant for raping his 11-year-old daughter on basis of state Rule 404 because of admission of evidence that he had also molested her on other occasions, despite acknowledgment by court that exception to rule limiting prior crimes evidence is "almost universally" recognized in cases involving prior acts of incest between defendant and victim of charged offense); *Frieson v. State*, 512 So.2d 1092 (Fla. App. 1987) (testimony of another woman that defendant had attempted to rape her within a few hours of charged sexual battery inadmissible; conviction reversed); *People v. McMillan*, 407 N.E.2D 207 (Ill. App. 1980) (conviction of defendant for molesting his 13-year-old daughter reversed because of admission of evidence of prior similar occurrences with his 15-year-old daughter); *People v. Bost*, 309 N.W.2d 620 (Mich. App. 1981) (in prosecution of defendant for raping victim by exploiting his position as director of Human Relations Department, testimony of co-worker that defendant had also raped her was inadmissible; conviction reversed); *State v. Hansen*, 608 P.2d 1083 (Mont. 1980) (in prosecution of defendant for rape, testimony of another woman that defendant had also raped her—for which he was convicted of aggravated assault—was inadmissible; conviction reversed); *People v. Sanza*, 509 N.Y.S.2d 311 (1986) (reversing defendant's conviction for rape and murder because of admission of evidence concerning three other rapes for which he had previously been convicted); *State v. Pace*, 275 S.E.2d 254 (N.C. App. 1981) (in prosecution of defendant for repeatedly raping pregnant woman, testimony of another woman that defendant had raped her about two months earlier was inadmissible; conviction reversed); *Hall v. State*, 615 P.2d 1020 (Okla. Crim. App. 1980) (in prosecution of defendant for forcing 12-year-old girl into his car and raping her, testimony by two other young girls that defendant had raped them in automobiles in the same county was inadmissible; conviction reversed); *Commonweath v. Patterson*, 399 A.2d 123 (Pa. 1979) (testimony of another woman that defendant had raped her within five days of charged offense in same two-block area inadmissible; conviction reversed); *State v. Saltarelli*, 655 P.2d 697 (Wash. 1982) (testimony of another woman that defendant attempted to rape her inadmissible under state Rule 404; conviction reversed).

We would emphasize that the foregoing list is only a few examples drawn from a large body of decisions of this type. Moreover, reported appellate decisions reversing convictions are only the tip of the iceberg. The principal cost of the current standards is unreported decisions by trial judges to exclude such evidence, and decisions by prosecutors not to offer similar crimes evidence when they know that it will not be admitted under restrictive evidentiary rules.

The rules proposed in section 231 will guard against the future occurrence of such cases. They would apply directly in federal cases, and would have broader import as a model for state reforms.

Beyond the support of traditional practice and the observable problems in current reported decisions, there are a number of fairly obvious policy considerations that make sex offense prosecutions a particularly appropriate area for adoption of clear, general rules of admissibility for similar crimes evidence. These include the strong public interest in admitting all relevant and probative evidence of guilt in such cases because of the typically secretive nature of such crimes—and the resulting lack of neutral witnesses in most instances—and because of the grave risk to the public if a rapist or child molester remains at large.

In cases involving adult victims, the issue of consent is a further reason. In violent crimes other than sexual assaults, there is rarely any colorable defense that the defendant's conduct was not criminal because of consent by the victim. The accused mugger, as a general proposition, does not claim that the victim freely handed over his wallet as a gift. In contrast, claims are regularly heard in rape cases that the victim engaged in consensual sex with the defendant and then falsely accused him. In such instances, knowledge that the defendant has committed rapes on other occasions is frequently of critical importance in assessing the relative plausibility of the victim's accusation and the defense's express or implicit claim of fabrication. *Cf. Velez v. State*, 762 P.2d 1297, 1302, 1306-07 (Alas. App. 1988) (recommending creation of exception to Rule 404 because of difficulty of resolving credibility conflicts in certain rape cases).

In child molestation cases, the importance of admitting similar crimes evidence is still greater. Such cases regularly present the need to rely on the testimony of child victim-witnesses whose credibility can readily be attacked in the absence of substantial corroboration. In such cases, the public interest in admitting all significant evidence that will illumine the credibility of the charge and any denial by the defense is truly compelling.

We also see little force in the objections that have typically been raised to rules like those proposed in section 231. The most common—and most fatuous—objection is that the type of evidence that would be admitted under these rules is merely evidence of the defendant's "character," and that such evidence is of such limited probative value that it is typically outweighed by a risk of prejudice to the defendant.

However, the proposed rules would not indiscriminately admit evidence which merely indicates in a general way that the defendant is a bad person, or the type of individual who is disposed to commit crimes. Rather, the admissible evidence would be limited to the defendant's commission of other offenses of the same type as the offense with which the defendant is charged (acts of sexual assault and child molestation). Under the sexual assault rule (proposed Rule 413), the evidence would be of other acts which indicate that the defendant has the unusual combination of aggressive and sexual impulses that motivate the commission of such crimes, and a lack of effective inhibitions against acting on such impulses. Under the child molestation rule (proposed Rule 414), the evidence would be of other acts which indicate that the defendant has a sexual or sado-sexual interest in children—a highly unusual type of desire or impulse that simply does not exist in ordinary people.

Where there is evidence that the defendant has such impulses—and has acted on them in the past—a charge of sexual assault or child molestation has far greater plausibility than if there were no evidence of such a disposition on the part of the defendant. The probative value of such evidence concerning the defendant's motivation or disposition is one ground supporting the proposed general rules of admission. *See generally The Admission of Criminal Histories at Trial*, 22 U. Mich. J. L. Ref. 707, 725-26 (1989); Cong. Rec. S3240-41 (March 13, 1991) (additional discussion of motivation rationale in analysis for President's violent crime bill).

Another ground is considerations of probability. For example, consider a rape case in which the defense attacks the victim's assertion that she did not consent, or represents that the whole incident was made up by the victim. If there is conclusive evidence that the defendant has previously engaged in similar acts—such as a prior conviction of the defendant for rape—then the defense's claim of consent or fabrication would normally amount to a contention that the victim made up a false charge of rape against a person who just happened to be a rapist. The inherent improbability of such a coincidence gives similar crimes evidence a high degree of probative value, and supports its admission in such a case.

As a second example, consider a case in which another woman testifies that the defendant raped her on a different occasion, though the defendant has not been prosecuted or convicted for that crime. If the defense concedes that the earlier offense occurred, then the case is essentially the same as the preceding one. If the defense disputes both the charged offense and the uncharged offense, this typically amounts to a claim that not just one but two women have made false charges of rape against the defendant. Here as well, the improbability of multiple false charges normally gives similar crimes evidence a high degree of probative value and supports its admission. *See generally* Cong. Rec. S3240-41 (March 13, 1991) (additional discussion of probability rationale in analysis for President's violent crime bill).

Finally, we reject as specious the argument that broad rules of admissibility for evidence of similar crimes by the defendant in sex offense cases are inappropriate or unfair because evidence of other sexual activity by the victim is usually inadmissible in such cases under the rape victim shield law (F.R.E. 412). In the ordinary case, inquiry by the defense into the past sexual behavior of the victim would show at most that she has engaged in some sexual activity prior to or outside of marriage—a circumstance that does not distinguish her from most of the rest of the population, and that normally has little probative value on the question whether she consented to the sexual acts involved in the charged offense. In contrast, evidence showing that the defendant has committed rapes on other occasions places him in a small class of depraved criminals, and is likely to be highly probative in relation to the pending charge. The difference in typical probative value alone is sufficient to refute facile equations between evidence of other sexual behavior by the victim and evidence of other violent sex crimes by the defendant.

Moreover, the rape victim shield law furthers two important policies: encouraging victims to report rapes and cooperate in prosecution by not requiring them to undergo public exposure of their sexual histories as a consequence of doing so, and safeguarding the privacy of rape victims. These policies are not implicated by rules concerning disclosure of past misconduct by the defendant. The defendant's cooperation is not necessary for prosecution. Moreover, violent sex crimes are not private acts, and the defendant can claim no legitimate interest in surpressing evidence that he has engaged in such acts when it is relevant to the determination of a later criminal charge. *See generally* Cong. Rec. S3241 (March 13, 1991) (additional discussion of same points relating to rape victim shield law in analysis for President's violent crime bill).

SEC. 232. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY

Section 232 contains amendments that would safeguard the victim's right to an impartial jury in sexual violence cases and other cases. The Department of Justice supports enactment of these provisions.

Subsection (a) of section 232 amends Rule 24(b) of the Federal Rules of Criminal Procedure to equalize at six the number of peremptory challenges accorded to the prosecution and the defense in the selection of juries in felony cases. Currently, Rule 24(b) gives the prosecution and the defense equal numbers of peremptories in misdemeanor cases (3 each) and capital cases (20 each). However, in felony cases—including rape cases and other felony cases involving violence against women)—the defense is given 10 peremptory challenges and the prosecution is only given 6.

This means that the selection process in felony cases "is skewed in the direction of enabling the defense to select a jury that is biased in favor of the defendant and against the victim." Cong. Rec. S2207 (Feb. 21, 1991) (analysis for S. 472). Subsection (a) of section 232 would correct this imbalance.

Last year, the Senate passed a provision equalizing the number of prosecution and defense peremptories in S. 1970. Subsequently, the Advisory Committee on the Federal Rules of Criminal Procedure proposed such an amendment and, following the receipt of public comment, submitted the amendment to the Standing Committee on Rules of Practice and Procedure with a recommendation to forward it to the Judicial Conference and, if approved by that body, to the Supreme Court for adoption. However, that recommendation was rejected by the Standing Committee. There is accordingly a clear need for action by Congress to secure the enactment of this reform.

Subsection (b) of section 232 would redress another imbalance by providing that the defense lawyer in a federal criminal case cannot exercise peremptory challenges to exclude potential jurors on grounds that are prohibited to the prosecutor. In *Batson* v. *Kentucky*, 476 U.S. 79 (1986), the Supreme Court held that prosecutors cannot use peremptory challenges to exclude jurors on the basis of race. Decisions in some lower courts have extended this prohibition to exclusion based on certain other classifications, such as gender.

It is a controverted matter, however, whether like restrictions will be imposed on defense lawyers, either in relation to race or other classifications. A one-sided application of the *Batson* rule to exclusion based on gender, for example, would mean that a defense lawyer might be able to use his peremptories to secure an all-male jury in a rape case, but the prosecutor would potentially be barred from using his peremptories to strike male jurors in order to obtain a more balanced jury.

The *United States* v. *DeGross*, 913 F.2d 1417 (1990), the Ninth Circuit Court of Appeals foreclosed this type of inequity in that circuit by holding that defense lawyers, as well as prosecutors, cannot use peremptory challenges to exclude potential jurors on the basis of gender. The provision proposed in section 232(b) would similarly provide, on a nationwide basis, that a defense lawyer cannot engage in discrimination that is prohibited to the prosecutor. It does not pre-judge what classifications, beyond race, are impermissible grounds for the exercise of peremptory challenges, but does ensure that any limitations that are recognized will apply evenhandedly to the defense and the prosecution.

SEC. 233. RULES OF PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE

Section 233 proposes new standards of professional conduct for lawyers in federal practice. The analysis for S. 472 explains, Cong. Rec. S2207–09 (Feb. 21, 1991), that the proposed rules are not meant to be a comprehensive code of professional conduct. Rather, they focus on particular areas where there is a clear need for reform. The proposed rules are designed to provide an alternative in these areas to existing standards of professional responsibility, which are usually based on the American Bar Association (ABA) Model Rules of Professional Conduct.

The new rules would prohibit various common abuses by lawyers that thwart the search for truth, and that result in abuse, humiliation, and traumatization for victims and witnesses in sexual violence cases and other cases, without any offsetting justification in terms of the legitimate functions of advocacy. The rules would apply directly to the representation of clients in relation to federal proceedings, and would have broader import as a model for reform in state standards of professional conduct for lawyers. The Department of Justice supports the enactment of these important reforms.

Our comments on the particular standards proposed in section 233 are as follows:

Proposed Rule 2(a) generally prohibits lawyers from engaging in conduct for the purpose of increasing the expense of litigation for any person. This rule is responsive to the abuse of attempting to force an adverse party to concede, or to secure a more favorable outcome, by running up the other side's expenses. While legitimate conduct by lawyers in representing their clients incidentally has the effect of causing litigation expenses for adverse parties, it does not follow that lawyers should be free to seek tactical advantage by pursuing increased expense for others as an objective.

Rather, the proper principle, reflected in proposed Rule 2(a), is that "the fact that proceeding in a particular manner will make litigation more costly for an adversary cannot count as a positive consideration in a lawyer's decision whether to proceed in that manner." Cong. Rec. S2208 (Feb. 21, 1991) (analysis for S. 472). In other words, a lawyer should not engage in conduct that will make litigation more expensive for another unless he would have taken the same action, for legitimate independent reasons, in the absence of any hope or expectation that it would have such an effect.

Rule 2(a) properly includes a proviso that a lawyer may seek increased expense for another in the form of "a liability under an order or judgment of a tribunal." This makes it clear that the rule does not bar a lawyer from seeking a judgment for damages or other recovery on behalf of a client, or from seeking an order of a tribunal imposing monetary penalties on another person or party for misconduct or litigation abuse, such as a motion for sanctions under Fed. R. Civ. P. 11.

Proposed Rule 2(b) prohibits conduct that has no substantial purpose other than to distress, harass, embarrass, burden, or inconvenience another person. The analysis accompanying S. 472 explains this generally prohibits "malicious or petty acts whose only substantial purpose is to hurt others or make life more difficult for them. It is partially comparable to ABA Model Rule 4.4's strictures against acts having no substantial purpose other than to embarrass or burden a third person, but it adds explicit strictures against pointlessly distressing, harassing, and inconveniencing others." Cong. Rec. S2208 (Feb. 21, 1991).

Proposed Rule 2(c) prohibits a lawyer from offering evidence that he knows to be false or attempting to discredit evidence that he knows to be true. The prohibition of knowingly offering false evidence appears in existing standards of professional conduct, *see* ABA Model Rule 3.3(a)4). The prohibition of knowingly attempting to discredit truthful evidence is new. However the American Bar Association endorsed the same principle in the original version of its Standards for Criminal Justice, which provided that a defense lawyer or prosecutor "should not misuse the power of cross-examinaton of impeachment by employing it to discredit or undermine a witness if he knows the witness is testifying truthfully." ABA Standards, The Defense Function §7.6(b) (1974); ABA Standards, The Prosecution Function §5.7(b) (1974).

Rule 2(c) is responsive to the lack of standards under the current rules concerning efforts by lawyers to discredit or impeach truthful witnesses. The legitimate functions of advocacy including marshaling the evidence and arguments supporting a client's side of the case, and exposing weakness in the evidence and arguments of an adverse party. However, as the Supreme Court stated in *Nix* v. *Whiteside*, 475 U.S. 157, 166 (1986), the duty to advocate the client's cause "is limited to legitimate, lawful conduct compatible with the very nature of a trial as a search for truth." The principle that advocacy must be an aid to—and not an enemy of—the search for truth is most severely compromised when a lawyer engages in deliberate efforts to make a tribunal regard the true as false or the false as true. Such conduct raises Macaulay's question "whether it be right that a man should, with a wig on his head, and a band round his neck, do for a guinea what, without those appendages, he would think it wicked and infamous to do for an empire; whether it be right that, not merely believing but knowing a statement to be true, he should do all that can be done by sophistry, by rhetoric, by solemn asseveration, by indignant exclamation, by gesture, by play of features, by terrifying one honest witness, by perplexing another, to cause a jury to think that statement false.

The existing standards of professional conduct for lawyers effectively answer this question in the affirmative. They do prohibit a lawyer from offering evidence he or she knows is false, but they contain no corresponding prohibition of attempting to discredit evidence that the lawyer know to be true. In other words, the current rules countenance deliberate efforts by a lawyer to deceive a tribunal by making it appear that a witness is lying or mistaken, when the lawyer knows that the witness is telling the truth.

As the analysis statement for S. 472 notes, the concerns raised by this practice "go beyond its inconsistence with 'the very nature of a trial as a search for truth.' . . . Victims of rape and other highly serious crimes frequently report that the traumatic effect of their abuse by the criminal justice system is comparable to the traumatic effect of the crime committed against them. The efforts of defense counsel to portray the victim as a liar and perjuring criminal figure prominently in the accounts of why this is so." Cong. Rec. S2207 (Feb. 21, 1991).

Where there is a genuine issue concerning the veracity of the victim's accusations, the stress of having one's word called into question may be an unavoidable incident of the effort to discover the truth. No comparable justification exists, however, where the lawyer knows that the victim is telling the truth because his client has admitted to him that the allegations are true, and the lawyer's investigation of the case shows no grounds to doubt the veracity of the client's admissions. In such a case, the lawyer's effort to discredit the victim is a cruel charade that is calculated to thwart the search for truth, and that gratuitously visits further suffering on the victim.

Proposed Rule 2(c) in section 233 would bar this abuse by prohibiting efforts to discredit evidence that the lawyer knows to be true, as well as perpetuating the existing prohibition of offering evidence that the lawyer knows to be false. The effect and rationale of the proposed rule are aptly described in the analysis accompanying the bill (Cong. Rec. S2208 (Feb. 21, 1991):

> [Rule 2(c)] bars . . . efforts to discredit particular assertions in adverse testimony that the lawyer knows to be true, and efforts at general impeachment of the credibility of an adverse witness who the lawyer knows is telling the truth.

Standards of this type have sometimes been opposed on the view that a lawyer cannot assess or pass judgment on the truth or falsity of matters affecting the interest of his client, and should simply present the best case in favor of the client's position. However, this view, if valid, would be equally fatal to the current prohibition of presenting testimony or other evidence that the lawyer knows to be false. This existing prohibition also presupposes that a lawyer may know matters to be true or false, and may be ethically constrained on the basis of that knowledge.

Realistically, a lawyer often does know facts that implicate the standards of this rule. The client may admit facts adverse to his interest to the lawyer, and the lawyer's investigation of the case may show no grounds to doubt the veracity of the client's admissions. Or prior consultation with the client and the lawyer's investigation may foreclose any genuine doubt that certain damaging facts exist, and show that the client's contrary assertions represent an effort to fabricate a [false] claim or defense. *See, e.g., Nix v. Whiteside*, 475 U.S. 157 (1986).

In such circumstances, presenting evidence that denies these known facts, or attempting to discredit evidence that confirms them, would constitute a deliberate effort to deceive the tribunal. Conduct of this type by a lawyer impedes the search for truth without furthering any legitimate function of advocacy, and frequently involves gratuitous defamation and traumatization of truthful witnesses, particularly in sex offense cases. Paragraph (c) prohibits such actions by lawyers as unprofessional conduct.

The ABA has taken inconsistent positions at different times concerning the propriety of attempting to discredit evidence that a lawyer knows to be true. The original ABA Standards Relating to the Defense Function (section 7.6(b)) and the Prosecution Function (section 5.7(b)), which were adopted by the ABA House of Delegates in 1971, stated that a lawyer should not misuse the power of cross-examination "to discredit or undermine a witness if he knows that the witness is testifying truthfully." However, the revised ABA Criminal Justice Standard[s], adopted by the House of Delegates in 1979, retained this standard for prosecutors, but declined to state a corresponding standard for defense lawyers. Paragraph (c) reflect[s] the view that justice is due to victims and the public as well as defendants, and even-handedly prohibits this abuse by all lawyers.

An examination of the reasons underlying the ABA's endorsement of the principle of proposed Rule 2(c) in 1971, and the inadequacies of the reasons given for the ABA's change of position on this issue in 1979, substantiates the soundness of the proposed rule. The comment accompanying the 1971 version of Prosecution Standard 5.7(b) noted that this question was a subject of disagreement among lawyers, but that there was strong support for the position taken in the standard:

> Essentially an "invention" of the common law system, the power to cross-examine adverse witnesses is a monopoly of lawyers and ought not be misused for destroying known truth . . . . Strong arguments were advanced by highly skilled and experienced trial advocates that if the cross-examiner knows that the testimony of a particular witness is true, he may not properly use this "monopoly power" he possesses as an officer of the court for a purpose alien to its avowed objective by using it to destroy or undermine truth. This is the view shared widely by most British barristers and judges.

The commentary accompanying the 1971 version of the corresponding standard for defense lawyers (Defense Standard 7.6(b)) included the following explanation:

> Cross-examination and impeachment are legal tools which are a monopoly of licensed lawyers, given for the high purpose of exposing falsehood, not to destroy truth or the reputation of a known truthful witness. . . . A prosecution witness, for example, may testify in a manner which confirms precisely what the defense lawyer has learned from his own client and has substantiated by investigation. But defense counsel may believe that the temperament, personality or inexperience of the witness provide an opportunity, by adroit cross-examination, to confuse the witness and undermine his testimony in the eyes of the jury. A number of leading American and British trial lawyers consulted by the Committee believed that because lawyers are afforded a monopoly of the tools of cross-examination and impeachment in order to expose falsehood it is not proper to use those tools to destroy truth, or to seek to confuse or embarrass the witness under these circumstances.
>
> Another example of a situation where restraint is called for would be where a witness whose testimony the lawyer believes to be truthful is subject to impeachment by revealing to the jury that the witness was convicted of a crime many years earlier. It was agreed that the use of conventional methods of impeachment against a witness who had testified truthfully so undermine the administration of justice that it should be avoided. . . .
>
> There is added a public policy factor underlying restraint in use of impeachment powers vested in a lawyer. The policy of the law is to encourage witnesses to come forward and given evidence in litigation. If witnesses are subjected to needless humiliation when they testify, the existing human tendency to avoid "becoming involved" will be increased. . . .

When the ABA in 1979 repudiated this standard in relation to defense lawyers, while keeping it for prosecutors, the comment accompanying the standard for prosecutors (§3-5.7(b)) offered the following explanation:

> Where the prosecutor knows that the testimony of the witness is accurate, paragraph (b) adopts the view that the power of cross-examination may not be invoked to destroy or undermine the truth. In this regard, it is believed that the duty of the prosecutor differs from that of the defense lawyer, who on occasion may be required to challenge known truthful witnesses of the prosecution in order to put the state to its proof.

However, this rationale for the change from the original defense function standards may be quickly disposed of, because it is untrue. Whenever the defendant declines to plead guilty, the government is automatically required to produce evidence at trial that persuades the tribunal of the defendant's guilt in order to obtain a conviction. The defense lawyer does not have to try to discredit prosecution witnesses who he knows are telling the truth in order to "put the state of its proof."

The historical note accompanying the revised standard for defense lawyers (§4-7.6) involved a more extended effort at justification:

> Original paragraph (b) provided that defense counsel "should not misuse the power of cross-examination or impeachment by employing it to discredit or undermine a witness if he knows the witness is testifying truthfully." This standard has been changed to make clear that it is permissible, if necessary, for defense counsel to cross-examine vigorously witnesses who are believed or known to be testifying truthfully. There are some cases where, unless counsel challenges the prosecution's known truthful witnesses, there will be no opposition to the prosecution's evidence and the defendant will be denied an effective defense . . . .

Taken in the most obvious sense, this rationale is question-begging, because it presupposes that the notion of an "effective defense" includes deliberate efforts to make a tribunal disbelieve what a lawyer knows to be true. Any prohibited abuse—such as knowingly using false evidence, bribing the judge, or threatening jurors—might hold out the only realistic possibility of a successful defense in a particular case. Under any set of rules, there will be some cases that the defense cannot possibly win through conduct consistent with the rules. This is unobjectionable, since the object of the system is not to provide some possibility of the defense's winning in every case, but to achieve justice.

In essence, the stated rationale appears to be a version of what Bentham referred to in another context as the "fox hunter's reason"—the idea that the game must be played out and the defendant given a "fair chance" of beating the rap, even if nothing is legitimately in dispute:

> *The fox-hunter's reason* . . . consists in introducing upon the carpet of legal procedure the idea of "fairness," in the sense in which the word is used by sportsmen. The fox is to have a fair chance for his life: he must have (so close is the analogy) what is called "law"—leave to run a certain length of way for the express purpose of giving him a chance for escape. . . . In the sporting code, these laws are rational, being obviously conducive to the professed end [of amusement]. . . . [T]o different persons, both a fox and a criminal have their use; the use of a fox is to be hunted; the use of a criminal is to be tried. . . .

The response to this point is that a criminal trial is not a game and that adversarial testing of evidence is not an end in itself. Rather, its purpose is to promote accurate fact-finding by the tribunal by exposing weaknesses in the evidence supporting a proposition whose truth is open to question. When the lawyer knows that the evidence is true, this purpose is not served, and efforts to discredit the evidence can only thwart the search for truth.

It might be objected nevertheless that efforts to discredit prosecution witnesses should always be allowed because adversarial testing of the government's evidence may disclose against all expectations that it is false, even if the client's admissions and the lawyer's investigation unequivocally support its truth. However, one could argue equally well that a lawyer should always be allowed to present any evidence—even where he knows that it is false, in his estimation—because it might turn out against all expectations to be true. In either case, this objection rejects the notion that the rules of advocacy should be rationally designed to promote the discovery of truth, and instead proposes to base them on the possibility of freak cases in which a generally bad practice may fortuitously have a good effect. It does not realistically point to any benefit that would offset the harm of routinely allowing deliberate efforts to thwart the truth-finding process, and pointless humiliation and traumatization of truthful witnesses.

Another objection might be based on the possibility of a case in which a defendant is caught in a web of suspicious—but misleading—circumstances such that a truthful defense would not be believed. In such a case, one could argue, the only recourse to prevent an unjust conviction might be an effort to discredit truthful prosecution witnesses.

The same point, however, could be used equally well to justify any other misconduct. In relation to any other prohibited abuse—such as fabricating false evidence, bribing an adverse witness not to testify, or stealing and destroying adverse evidence—cases might be imagined in which doing so would be the only effective means of getting off a factually innocent defendant for whom an honest defense would not work. The general response to this type of objection is that practices whose natural and normal tendency is to thwart the search for truth and defeat justice should not be permitted on the basis of the possibility that in a rare case they may have the opposite effect.

Another possible objection to proposed Rule 2(c) is that a lawyer may not be able to do anything to provide a defense in some cases if knowing discreditation of truthful witnesses is forclosed. This notion appears in the commentary to the revised ABA defense function standard concerning this issue (§4-7.6):

> [T]here unquestionably are many cases where defense counsel cannot provide the ac-

cused with a defense at all if counsel is precluded from engaging in vigorous cross-examination of witnesses either believed or known to have testified truthfully. For example, where the defendant has admitted guilt to the lawyer and does not plan to testify, and the lawyer simply intends to put the state to its proof and raise a reasonable doubt, skillful cross-examination of the prosecution's witnesses is essential. Indeed, were counsel in this circumstance to forgo vigorous cross-examination of the prosecution's witnesses, counsel would violate the clear duty of zealous representation that is owed to the client.

The question raised by this rationale is why a lawyer should be trying to raise doubt in the minds of the members of a tribunal concerning matters that he knows to be true. The effort to deceive or mislead is not desirable in itself. As noted above, the government is automatically required to present evidence that persuades the tribunal of the defendant's guilt whenever the defendant elects to go to trial; the defense lawyer does not have to try to fool, confuse, or mislead the tribunal by discrediting truthful witnesses to enforce this requirement.

The reference in the quoted statement to the duty of "zealous representation" is also not germane in considering the reforms proposed in S. 472. Representation must be carried out within the boundaries established by the rules of professional conduct, and the question here is what those rules should be. Demanding "vigorous cross-examination" of witnesses who are known to be testifying truthfully transforms adversarial testing from a truth-finding device into an end in itself. An unwillingness to forego such gratuitous attacks on the credibility and intergrity of people who are telling the truth must depend on a strong addiction to "the fox hunter's reason."

Moreover, as noted above, cases will arise under any set of rules where there is little or nothing that a lawyer can do to avoid conviction of his client. The point is illustrated by the following facts: The future defendant-client enters a bank and points a gun at a teller and demands money. The crime is committed in full view of several witnesses and is recorded on the bank's video cameras. Police officers arrive on the scene and apprehend the robber in the act.

Even in such a case, a lawyer may find grounds for challenging or defending against the prosecution, such as a double jeopardy bar based on an earlier prosecution, or a defense of insanity. If no such grounds appear, however, the lawyer's likely course—under the current rules no less than those proposed in S. 472—is to advise the defendant to plead guilty, and to inform him candidly that there is little or nothing that the lawyer will be able to do for him if he chooses to go to trial. The objection that the defense lawyer would have "nothing to do" at trial in such a case has no force, because it is not an objective of the system to ensure that the defense lawyer will have "something to do" in that sense in every case.

A further objection would seek to distinguish the current rule barring knowing use of perjury from the proposed new prohibition of Rule 2(c) on the ground that perjury is a crime, and a lawyer who colludes in it commits the crime of subornation of perjury. In contrast, attempting to discredit evidence that is known to be true is not a crime.

However, the rules of professional conduct may properly impose higher standards than the minimum set by the criminal law. Moreover, there is an underlying reason why the law prohibits perjury: because it impairs the truth-finding process and increases the risk of unjust results. Deliberate discreditation of truthful evidence threatens the same evils, and should be prohibited for the same reasons. The absence of other legal prohibition of this abuse makes it particularly important that such a provision be included in the new standards of professional conduct proposed in S. 472.

Finally, we would note that legitimate defense advocacy encompasses a wide range of essential functions that are unrelated to the abuses prohibited by Rule 2(c). These include counseling the defendant concerning his legal rights and options; advising the defendant concerning the advisability of a guilty plea, and ensuring that any plea that is given adequately reflects the defendant's interests; challenging departures from legal requirements in the processes of investigation and prosecution; bringing out any real weaknesses, gaps, or ambiguities in the government's evidence; marshaling and presenting evidence supporting affirmative defenses; arguing inferences from the evidence and the formulation of jury charges; similarly advocating the defendant's case in relation to the penalty in case of conviction; and pursuing claims of error on appeal. Excising the abuses prohibited by Rule 2(c) would not impair the rule of defense counsel, but would enhance that role by focusing it more consistently on its legitimate functions.

While we see no reasonable objection to the standard of Rule 2(c), we would suggest including an additional rule that would further enhance the value of the proposed reform. Under the current rules, lawyers may circumvent the prohibition of presenting false testimony by refraining from questioning the client concerning the circumstances of the alleged offense. By this means, a lawyer may tell himelf that he is not in a position to "know" whether testimony that will be given by the defendant or other apparently exculpatory evidence is false, and hence is not ethically constrained in presenting it.

The same practice of willful ignorance might be used by some lawyers to circumvent the obligations under proposed Rule 2(c). Moreover, this practice is unacceptable from the standpoint of the defense lawyer's essential function of protecting the innocent, since a lawyer who does not ask his client what happened may fail to discover legitimate grounds of defense or mitigation. *See* ABA Standards for Criminal Justice §4-3.2 and Comment.

Hence, we would suggest including in the standards proposed in section 233 of S. 472 a rule establishing a duty of inquiry in relation to the client. In essence, such a rule could provide that a lawyer shall attempt to elicit from the client a truthful account of the material facts concerning the matters in issue. We would be pleased to work with interested Members of Congress in formulating such a provision.

Proposed Rule 3 in section 233, entitled "Expediting Litigation," is responsive to the dilatory tactics of lawyers which are commonplace under the current rules. The underlying rationale is aptly stated in the analysis for S. 472 (Cong. Rec. S2208 (Feb. 21, 1991)):

In rape cases and other criminal cases, for example, lawyers can and do make efforts to slow down the progress of litigation in the hope that witnesses favorable to the other side will become unavailable, that the memories of such witnesses will become less certain or more subject to impeachment by the time of trial, or that the victim will be sufficiently frustrated and traumatized by repeated delays that the case will be dropped.

These abuses are antithetical to the search for truth. Their impact on the lives of victims, particularly sex crime victims, are an equally grave concern: "victims . . . are burdened by irresolution and the realization that they will be called upon to relive their victimization when the case is finally tried. The healing process cannot truly begin until the case can be put behind them. This is especially so for children and victims of sexual assault or any other case involving violence." *Report of the President's Task Force on Victims of Crime* 75 (1982).

The rules proposed in this section . . . make it unequivocally clear that a lawyer is not permitted to pursue such objectives as . . . bringing about the loss or deterioration of another party's evidence through delay, or gaining some other advantage over another party as a result of the distress or hardship caused by prolonged proceedings.

Paragraph (a) in proposed Rule 3 states the general principle that a lawyer shall seek to bring about the expeditious conduct and conclusion of litigation. This may be compared to ABA Model Rule 3.2, which similarly states a general obligation to attempt to expedite litigation. However, proposed Rule 3 also spells out more definite obligations in paragraph (b). The analysis for S. 472 provides the following explanation (Cong. Rec. S2208 (Feb. 21, 1991)):

Paragraph (b) of Rule 3 specifically prohibits efforts to delay or prolong litigation for illegitimate purposes. Subparagraphs (1) and (2) preclude such efforts where, for example, they are motivated by the hope or expectation that witnesses helpful to an adverse party will become unavailable, or that such witnesses' memories will become less certain or more subject to impeachment if proceedings are delayed. Subparagraph (3) prohibits efforts to secure other advantages arising from the expense, frustration, distress, or other hardship that is caused by prolonged or delayed proceedings—for example, trying to win by depleting an adverse party's financial resources for litigation, or attempting to wear down an adverse party or secure a favorable settlement through the distress or hardship caused by prolonged litigation.

The underlying principle of this Rule's stricture against delaying or prolonging proceedings for illegitimate purposes is analogous to that of proposed Rule 2(a)'s general stricture against seeking to increase another party's litigation expenses: While legitimate conduct by lawyers in representing their clients may incidentally have the effect of delaying or prolonging proceedings, it does not follow that lawyers should be free to seek tactical advantages by pursuing the delay or prolongation of proceedings.

Rather, the proper principle is that the objectives prohibited by proposed Rule 3(b) cannot count as a positive factor in a lawyer's decision whether he will take some action that will delay or prolong litigation. A lawyer should not engage in conduct that will delay or prolong litigation unless he would have done the same thing, for independent legitimate reasons, in the absence of any hope or expectation that it would result in the loss or deterioration of another party's evidence, or produce some other advantage because of resulting expense, frustration, distress, or hardship.

Proposed Rule 4 concerns a lawyer's duty to prevent the commission of crime, where doing so requires disclosure of information received from the client. The ABA Model

Code of Professional Responsibility, which preceded the current ABA Model Rules of Professional Conduct, provided that a lawyer could disclose the client's intention to commit any crime, and other information necessary to prevent the commission of the crime.

However, the current ABA Model Rules (Rule 1.6(b)(1)) provide only that a lawyer may reveal information "to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm." In other words, a lawyer "is not permitted under the current ABA standards to make disclosures necessary to prevent the commission of such crimes as child molestation, arson, espionage, blackmail, or defrauding a person of his life's savings, so long as the lawyer does not believe that the offense threatens imminent death or bodily injury. Moreover, under [the current ABA] standards a lawyer is never *required* to make such a disclosure to prevent the commission of a crime, regardless of its seriousness—even such crimes as rape or murder." Cong. Rec. S2208 (Feb. 21, 1991) (analysis for S. 472).

The bar disciplinary codes in most states reject the narrow approach of the ABA Model Rules, and provide much broader or unrestricted authorizations of disclosure to prevent the commission of crimes. A number of states go further and *mandate* disclosure where necessary to prevent serious unlawful conduct. *See, e.g.*, Fla. Rule 4-1.6(b)(1) (lawyer shall reveal information to extent necessary to prevent client's commission of a crime); N.J. Rule 1.6(b)(1) lawyer shall reveal information to extent necessary to prevent client's commission of criminal, illegal, or fraudulent act likely to result in death or substantial bodily harm or substantial injury to the financial interest or property of another).

Proposed Rule 4 in section 233 of S. 472, like the rules of most states, strikes a better balance than the ABA Model Rules between the interest in confidentiality and countervailing considerations of fidelity to the law and respect for the rights of others. It authorizes disclosure to the extent necessary to prevent criminal or unlawful acts, and requires disclosure as required by law and as necessary to prevent violent crimes or crimes of sexual assault or child molestation.

SEC. 234. STATUTORY PRESUMPTION AGAINST CHILD CUSTODY

Section 234 of S. 472 contains a non-binding resolution expressing the sense of Congress that states should recognize a presumption that awarding custody of a child to a parent who engages in physical abuse of his spouse is detrimental to the child. The supporting policy considerations are set out as findings in the section. The Department of Justice supports this resolution.

SEC. 235. FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS

Section 235 concerns full faith and credit for protective orders. The section states that protective orders are to be accorded the same full faith and credit in the courts of any state that they would have in the courts of the issuing state, and are to be enforced in any state as if issued in that state. "Protective order" is defined to include any order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person. "State" is defined by cross-reference to 18 U.S.C. 513(c)(5), and accordingly includes states, the District of Columbia, and all territories and possessions. The Department of Justice supports enactment of this provision.

SEC. 236. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL ABUSE CASES

Section 236, concerning HIV testing for sex offenders and penalty enhancement for certain HIV-infected sex offenders, is virtually the same as section 806 of the President's violent crime bill (S. 635). The Department of Justice strongly supports the enactment of this provision.

The trauma of victims of sex crimes may be greatly magnified by the fear of contracting AIDS as a result of the attack. In section 1804 of the Crime Control Act of 1990, Congress created a funding incentive for the states to require HIV testing of sex offenders and disclosure of the test results to the victim, but did not enact any comparable requirement for federal sex offense cases. Proposed 18 U.S.C. 2247(a)-(d) in section 236 of S. 472 would correct this omission by requiring HIV testing, and appropriate disclosure of test results, in federal sex offense cases involving a risk of HIV transmission. A more detailed explanation of the proposed provision appears in the analysis for the President's violent crime bill (S. 635), Cong. Rec. S3242-43 (March 13, 1991).

The formulation of proposed 18 U.S.C. 2247(d) in S. 472 is different in one respect from the corresponding provision in S. 635. The President's bill provides that the results of HIV tests on the defendant are to be disclosed by the judicial officer or court to the victim (or victim's parent or guardian), the prosecutor, and the person tested. S. 472 provides that test results are to be disclosed *only* to such persons. The formulation in S. 472 is unduly restrictive, since disclosure to other persons may be warranted, including disclosure to the victims of other rapes or child molestations committed by the defendant, but for which he has not been formally charged; disclosure to the probation officer who prepares the presentence report and to the sentencing judge as relevant to sentencing, *see* proposed 18 U.S.C. 2247(e) in section 236 of S. 472; disclosure to jail or prison authorities who may need to make arrangements for medical treatment of the offender; and disclosure to administrative personnel for the purpose of compiling criminal justice statistics concerning the incidence of HIV infection among charged sex offenders. We accordingly recommend deleting the word "only" in proposed 18 U.S.C. 2247(d).

Proposed 18 U.S.C. 2247(e) in section 236 directs the Sentencing Commission to provide enhanced penalties for offenders who know or have reason to know that they are HIV-positive and who engage or attempt to engage in criminal conduct that creates a risk of transmission of the virus to the victim. This requirement reflects the higher degree of reprehensibility and depravity involved in the commission of a crime when it risks transmission of a lethal illness to the victim, and the exceptional dangerousness of sex offenders who create such a risk to the victims of their crimes. In such cases, increased penalties are warranted for incapacitative, deterrent, and retributive purposes.

SEC. 237. PAYMENT OF COST OF HIV TESTING FOR VICTIM

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990, enacted as part of the Crime Control Act of 1990, currently provides that a federal government agency investigating a sexual assault shall pay the costs of a physical examination of the victim, if the examination is necessary or useful for investigative purposes. Section 237 of S. 472 extends this provision to require payment for up to two HIV tests and related counseling for the victim. A similar amendment appears in section 807 of the President's violent crime bill (S. 635). The Department of Justice supports enactment of this provision.

SUBTITLE E: NATIONAL TASK FORCE ON VIOLENCE AGAINST WOMEN

Subtitle E of S. 472 would establish a National Task Force on Violence against Women. The Task Force would consist of up to ten members appointed by the Attorney General, and would be chaired by the Attorney General or his designee. It would include representatives of state and local law enforcement, the state and local judiciaries, and groups concerned with the protection of the rights of victims. Its general mandate would be to recommend law enforcement strategies for protecting women against violent crime, prosecuting and punishing persons who commit such crimes, and enhancing the rights of victims of such crimes. The Task Force would issue a report and terminate after a year, but the Attorney General would have the option of extending its existence for up to an additional year.

Within the past ten years, there have been a number of national advisory or study groups that have addressed important aspects of the issue, including the President's Task Force on Victims of Crime, the Attorney General's Task Force on Family Violence, the Attorney General's Commission on Pornography, and the Attorney General's Task Force on Violent Crime. There are also task forces or commissions in a large number of states concerned with this area or related issues. Moreover, the subject of violence against women is currently receiving intensive consideration in Congress, and important reforms in this area are proposed in S. 472 itself and in the President's violent crime bill (S. 635). We accordingly have doubts whether the creation of the proposed task force is warranted at this time.

If such a body were created, however, we believe that S. 472's provisions take a sound approach in specifying its composition and defining its mission. As a body concerned with a violent crime problem, the proposed task force is properly placed within the responsibility of the Attorney General. Its operation would be similar to various earlier national bodies, concerned with related issues, that were convened by the Attorney General or operated with the support of the Department of Justice. In defining the Task Force's mission, S. 472 properly specifies that it is to build on the work of earlier national commissions and task forces and the corresponding bodies at the state level. The proposal also properly indicates that the Task Force is to focus primarily on more effective law enforcement measures in dealing with this violent crime problem.

We also believe that this proposal is strongly preferable to the corresponding proposal in subtitle D of title I of S. 15 for the creation of a "National Commission on Violent Crime Against Women." The Department's objections to the Commission proposed in S. 15 are more fully set out in our separate letter on that bill.

* * *

In sum, the Department of Justice regards the criminal law reform provisions of S. 472 as an important step forward in enhancing the security of the public against sexual violence, child molestation, and other violent crimes. A number of these provisions would bring about fundamental improvements in the efficacy of law enforcement and the criminal justice process. The Department of Justice strongly recommends favorable action on these provisions by Congress.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

THE ABM TREATY IS OBSOLETE

Mr. HELMS. Mr. President, the ABM Treaty was signed on May 26, 1972, almost 19 years ago. But the world today is far different from the world of 1972.

The United States, Europe, the Soviet Union, and Japan are now all threatened by intermediate range ballistic missiles carrying chemical, biological, or even nuclear weapons of mass destruction.

As the world witnessed during Desert Storm, when an aggressor nation, Iraq, began firing Soviet-supplied, intermediate range, modified Scud missiles with conventional warheads at its neighbors, Israel and Saudi Arabia, every nation feels threatened. Saddam Hussein launched about 85 of his Soviet-supplied Scud missiles at his Israeli and Saudi neighbors, and at American and allied forces in Saudi Arabia.

Mr. President, if it had not been for the Patriot air defense missile, we would have had no defense against Saddam's Scuds, and he had the capability to launch Scuds carrying chemical and even biological weapons of mass destruction. Without the Patriot, we could easily have lost tens of thousands of American fighting men, and tens of thousands of Israeli and Saudi innocent civilians.

But, thank the Lord, the Patriots intercepted, deflected, or destroyed most of these Iraqi Scuds.

We must remember, however, that the Patriot was never intended, nor developed, to shoot down ballistic missiles such as the Scud. The Patriot was designed to shoot down aircraft. That the Patriot was able to do such an effective job in intercepting the Iraqi Scud is a tribute to American technological ingenuity.

Why was the Patriot not designed to intercept ballistic missiles? Because the ABM Treaty was interpreted by the United States as prohibiting the development of air defense missiles capable of intercepting ballistic missiles.

In contrast, Mr. President, the Soviets gave their SAM-5, SAM-10, and SAM-12 surface-to-air missiles the capability to intercept ballistic missiles, in violation of the ABM Treaty. The Soviets also have the Moscow antiballistic missile system, the only ABM system in the world, are mass-producing ABM interceptor missiles, ABM-capable SAMs, and their radars, and are deploying an emerging illegal nationwide ABM defense.

Moreover, the Soviet Krasnoyarsk radar, which, by the way, the Soviets are trying to keep unless the United States makes further concessions in START negotiations, has finally been admitted by even the Soviet foreign minister to be a clear violation of the ABM Treaty.

But the world of 1972, when the ABM Treaty was signed, did not envision that a host of Third World nations would one day possess both of these weapons of mass destruction—and the means to deliver them at intermediate ranges. Now such rogue nations as Libya, Syria, Iran, and North Korea have enormous numbers of Scuds, plus the chemical and biological weapons of mass destruction they can deliver. These same nations, as well as others, are also developing nuclear warheads.

Mr. President, how many people realize that during the past 2 years, the Soviet-backed Nadjibullah regime in Kabul, Afghanistan, has fired thousands—yes, thousands—of Soviet-supplied Scuds at the Mujahidin freedmon fighters in Afghanistan, and even at targets well inside Pakistan? I wish that, in addition to supplying Stinger antiaircraft missiles to the Afghan freedom fighters, we could equip them with Patriots.

Mr. President, the Senate Foreign Relations Committee conducted a hearing this morning on the Global Protection Against Limited Strikes [GPALS] system being designed to defend the United States and its allies from intermediate range Scud missile attacks carrying warheads of mass destruction from rogue nations. GPALS is intended to be the first phase of the President's strategic defense initiative.

Some members of the committee and some witnesses argue that for the United States to develop, test, and deploy GPALS would violate their narrow interpretation of the ABM Treaty—just as many of these same people used the ABM Treaty in the 1970's, successfully, to hamstring and limit the capabilities of the Patriot against ballistic missiles. Their narrow interpretation of the ABM Treaty has never been the correct interpretation of the treaty, despite what their propagandists in the media assert.

But the ABM Treaty has been severely violated by the Soviets. Just look at their Krasnoyarsk radar. Moreover, the world today is a far more dangerous place than it was in 1972, because many more nations today have the ability to threaten to use weapons of mass destruction at intermediate ranges.

America vitally needs to develop, test and deploy GPALS, not only to defend our homeland and our troops stationed abroad to defend our interests, but also to defend our allies. If the ABM Treaty is allowed to prevent us again from providing for "the common defense," as the U.S. Constitution directs us to do, then we are in serious danger. The Soviets have not allowed the ABM Treaty to stand in the way of their own development, testing, and deployment of illegal nationwide ABM defenses, and we should not either.

If deploying GPALS requires that we negotiate with the Soviets to modify the ABM Treaty, or replace it with a brandnew nuclear and space treaty, then so be it.

But our future safety, and the safety of our children and grandchildren, require that we have GPALS.

TRIBUTE TO HAROLD ROSENN, ESQ.

Mr. SPECTER. Mr. President, on Thursday, May 2, 1991, the Greater Wilkes-Barre Society of Fellows, Anti-Defamation League of B'nai B'rith, will present its Distinguished Community Service Award to Harold Rosenn. It will not be the first such award Mr. Rosenn has received, nor is it likely to be the last. In a life dedicated to improving the lot of his fellow human beings, he has received many such awards.

Mr. Rosenn is one of those persons who all too rarely are gifted upon a community, a selfless individual who finds true satisfaction in life in helping others. Again and again, he has given of his time, his energy, and his considerable talent toward this noblest of all ends.

For more than four decades, he has labored assiduously on behalf of a wide range of organizations within his community, his State and the Nation.

He has served as a member of the Pennsylvania Crime Commission and the Governor's Justice Commission; as both president and member of the Pennsylvania Council of the National Council on Crime and Delinquency; and as a board member of the National Council on Crime and Delinquency.

Mr. Rosenn has served as president and board member of the United Way of Wyoming Valley and currently serves as chairman of the Endowment Committee.

He has served on the board of College Misericordia, Dallas, PA, and is currently a director emeritus. He is chapter chairman of the Wyoming Valley Chapter of the American Red Cross and a 10-gallon blood donor.

These reference to his service represent but a small portion of the effort Mr. Rosenn has expended over the years. He truly epitomizes the spirit of altruism, the desire to serve others and not one's self.

It is fitting, then, that the U.S. Senate take note of Mr. Rosenn's contributions to his community and to congratulate him as he receives this prestigious award.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair now informs Senators that morning business is closed.

CONCURRENT RESOLUTION OF THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, AND 1996

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) setting forth the congressional budget for the United States Government for fiscal years 1992, 1993, 1994, 1995, and 1996.

The Senate resumed consideration of the concurrent resolution.

Pending:

Moynihan Amendment No. 74, to reduce the current Social Security contribution rates and place Social Security on a pay-as-you-go basis.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, the distinguished ranking member of the Budget Committee, Senator DOMENICI, is necessarily absent for a few moments this morning. I have been advised by his staff that it would be proper for me to yield time to Senator BENTSEN to speak against the Moynihan amendment and have the time charged against the minority.

So at this time, I ask unanimous consent that such time as Senator BENTSEN may consume be yielded to him and charged against the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I believe this vote, which will be cast today on the Moynihan amendment, is one of the most important votes the Members of this body will cast this year. It is going to have profound implications, on the safety and the security of the trust funds for some 40 million disabled and retired beneficiaries and their families, and for all American workers and businesses because if this amendment is adopted, the Senate will have laid the groundwork for a reduction in the Social Security trust fund reserves that I believe is going to seriously undermine the faith of the American public in the Social Security system and the strength of the national economy that supports that system.

Mr. President, one of the points that has been made by my distinguished colleague from New York was the fact that he was giving a tax cut to lower income people and that he was going to raise the taxes on higher income people. But as I understand it, he has now changed his amendment. The change is that it now does not raise the wage base that will be subjected to the additional taxes. When he makes that change, I think he loses the thrust of his argument that the amendment achieves something that might give us a better balance in our taxes.

The CBO tells me that there would be at least a $20 billion increase in the deficit under that procedure. It also tells me that 23 percent of the tax savings go to the top 10 percent of the income class; that 40 percent of it would go to the top 20 percent of the income class. I think that makes a profound difference in the type of an amendment that he is proposing.

Mr. President, if you will excuse me a moment, I would like to go over to some charts and explain a graphic presentation of what is happening in this proposal.

Mr. President, what we are looking at here is what has happened to those reserves from 1970 to 1990. And we will see that there was a drastic reduction in the reserves taking place from 1970 to 1977, 1980, and then finally in 1983.

In 1983, we ended up with a situation that really terrified a lot of people who were on Social Security, many of the people whose only income was a Social Security payment. That was the only thing they were living on in retirement. At that point, we saw the reserves get down to where we had only 1 month of reserves. That is when we had a bipartisan effort on the part of the Congress and the administration to turn that situation around. That is when we began to build back adequate reserves to try to prevent that kind of situation.

At the present time, we have built the fund back up to a 10-month reserve, and most of the people who have testified before our committee have felt that we ought to have something that approaches a year-and-a-half in reserves.

Let me show my colleagues what would happen insofar as the implementation of S. 11 as it was originally proposed. Now that it has been changed, the Social Security fund would be somewhat in more danger than is shown here.

This is a conservative estimate done by the Social Security actuaries as to what would happen with this kind of a cut in collection for the Social Security funds. Here is the type of increase in reserves that you would have under the present law. But if you had a recession that was comparable to the present recession, and another that is milder than the recession that preceded this one, we would see a bankruptcy of the reserves for Social Security that would take place by the year 2005. As we now understand the modifier amendment that has been presented by the Senator from New York, that would move that bankruptcy 2 years sooner. It would happen in the year 2003.

Let us look at the tax cut that the Senator is talking about. If we are talking about the tax cut for the next 3 years to an average income person making between $20,000 and $30,000 a year, this is what it amounts to, something between $2 and $3 a week in his weekly paycheck. It means that he will be able to buy probably three cups of coffee a week. He might be able to get it on Monday, Wednesday, and Friday. The facts are that the wage earner is not very impressed with that kind of a cut or that kind of an increase in his weekly wage, but he is deeply concerned about what that may mean for the stability and the security of the trust fund for Social Security.

On CBO figures, this chart shows what happens on interest rates. It shows that if S. 11 went into effect—and once again let me say that it is going to be worse than these numbers by reason of the new change which the Senator from New York has made to S. 11—it shows interest rates going up. Under the current law, this is what happens to interest rates. If we use his amendment, then interest rates go up to this kind of a number, a dramatic increase in interest rates which obviously slows down growth in the economy.

The effect on gross national product, and the increase in that gross national product, under current law, would be at this level shown by the blue line on the chart.

Under S. 11 you would see the GNP increase cut almost in half. And let me emphasize what gives the best security of all to Social Security is having a growing national economy. This amendment would be an impediment to that.

Let us look at what it does to the GNP per capita growth per year, again under the CBO estimates.

Here is what it would be under the current law. This is what happens to GNP per capita growth under the CBO estimate in the enactment of S. 11. It drops to about 20 percent of the per capita GNP growth that we can expect under present law.

Mr. President, let me emphasize again what we are talking about here is a prudent, a conservative approach to what could happen to the economy. These are plausible things that could happen because, once again, we are talking about a recession that is comparable to the one we are in and one that would be even milder than the one we had preceding this last one, and that happening in the next 10 years.

I think it ends up as a disaster for the Social Security fund.

Mr. President, last year the Finance Committee held three hearings on the proposal to cut the Social Security payroll tax. The most important message I took away from those hearings was an overwhelming concern for the building and maintenance of an adequate level of reserves in the Social Security fund.

We heard from the National Council of Senior Citizens which told the committee that Social Security should have a reserve level of 125 to 150 percent, which means a reserve equal to at least 15 to 18 months' benefits.

Robert Ball, the Commissioner of Social Security under three Presidents—Kennedy, Johnson, and Nixon—told the committee that for complete safety, and to be sure you do not have to raise taxes when you do not want to, you need those reserves up to 150 percent.

Let me quote the testimony of the American Association of Retired Persons. AARP called it "imperative" to protect benefits from cyclical economic fluctuations and called for a reserve level of 150 to 200 percent of annual outlays or reserves equal to 1½ to 2 years' of benefits.

This level of reserves, they said, "is the minimal level necessary to protect benefits in the event of serious economic downturn similar to those experienced in the early 1980's."

That position was reiterated in a statement issued just recently when the AARP stressed that:

> The reserve in the OSDI trust funds is not now at a level sufficient to protect the system and its beneficiaries from short-term cyclical economic conditions.

In my view, the amendment we are now considering would fail to protect Social Security from the kinds of short-term economic downturns we have seen time and time again in the past. If we are going to err in the situation, let us err on the prudent side, that is, err on the side that we want to be sure these savings do not turn to dust when a person reaches retirement age.

Mr. President, it is not just those already retired. It is not just the 40 million now receiving Social Security benefits. It is young people who are putting in their tax money and wanting some assurance that when they reach retirement the money is going to be there.

What you are going to see, of course, is a situation where, as the years go by, you are going to have a higher percentage of people on retirement and a lower percentage of people paying that tax which goes into those funds to secure them. We have to look forward to that day and not cop out at a time like this in meeting our obligations by trying to pass it on to future generations.

When we look at what the amendment would do to Social Security using those conservative assumptions, we see the trust fund reserves topping out at 94 percent in 1993 and then heading downhill fast. By the year 2000, the Social Security trust funds would only have 5 months' benefits in reserve. The combined assets of the retirement and disability trust funds would be exhausted in the year 2003. So I believe the amendment is simply deficient in what it is seeking to do.

I would remind Senators of the very dark period in the history of Social Security which the American people experienced less than a decade ago. At that time it was with Social Security deficits, not surpluses, that we were concerned to the point we agreed to the 1983 amendments, turning the situation around and seeing that those trust funds would build up.

Not surprisingly, at that time the American public began to lose faith in the system, and it is not an exaggeration to say the system was in a state of severe crisis. The situation is better today, but the full faith of the American worker has not been restored. Polls tell us, after decades of expressing a very high level of confidence in the safety of the system, the public lost that confidence in the 1970's and the early 1980's, and only in the mid-1980's did that confidence begin to return.

But after these years of building reserves, nearly half of today's workers still do not believe the Social Security system will be able to pay them a benefit when they retire. Let us not now take an action that will devastate the building of confidence that is taking place.

Is this a time to cut those kinds of revenues when nearly half of working Americans are still concerned about the future of the system? I think the answer is an obvious no.

Proponents of the tax cut seem to believe the American public is clamoring for a Social Security tax cut, but the weight of evidence is on the other side. If they are talking about a tax cut, the tax cut they are talking about is in income tax, not the Social Security tax.

A Peter Hart poll found that by a 53- to 39-percent majority, the public opposed a rollback of the Social Security tax increase that took effect in January 1990. A similar Yankelovich finding showed the margin of opposition was more than 2 to 1.

In answer to a question about these tax cut preferences, once again they preferred an income tax cut to a Social Security payroll tax cut by a margin of 78 to 14, and that was a CBS/New York Times poll.

Let us talk a little more about this payroll tax and what it would do to the income of the American worker. When you look at those macroeconomic studies done by CBO, the Congressional Research Service, or the Brookings Institution, you find much the same outcome: the payroll tax may provide a very slight stimulus in the short term, but then it begins to fade very rapidly. The long-term effects are unequivocally harmful to the American economy. Any short-term stimulus will be quickly overwhelmed by a strong force of falling savings, rising interest rates, and declining investment put in motion by deeper deficits.

Mr. President, we spent four of the most arduous and difficult months I have ever experienced in the negotiations that took place on the budget last year, and when we finally finished we figured we had cut that budget deficit for the future, for the next 5 years, by some $500 billion. To do that, we did some things that were very painful. We cut Medicare by $45 billion over the next 5 years. Now, after going through all of that arduous process, do we then turn around with this kind of a measure and blow away over $200 billion of those savings? That is what we are talking about—adding that much more to that deficit we worked so hard to try to cut down.

Given all these reasons why not to enact this change in the payroll tax, what is the strongest argument of the proponents? Social Security tax, they say, is regressive. If you separate Social Security taxes from the benefits, then I think that argument has some validity. For most workers, the tax is proportional to earnings. However, the 6 percent or so of earners who are above the Social Security maximum pay the same tax as those who are at the maximum.

But to be fair, the system should be looked at as a whole. When you look at the taxes and the benefits together, you see that under Social Security, with its weighted IRS benefit formula, lower paid workers get considerably more protection in relation to their contributions than those with higher earnings.

The proportion of families who pay more in Social Security than income taxes is, moreover, nowhere near the three-quarters the proponents of the tax cut have claimed. That number included taxes businesses pay. They do not tell you that, but that includes taxes businesses pay, and the percentage is overstated even so.

The Social Security Research Office has estimated that 21 percent of all families pay more in Social Security than they do in income taxes; 21 percent. Even that statistic is somewhat misleading.

The reason these families pay more in Social Security than in income taxes is that the income tax laws attempt to offset the regressivity of Social Security. We worked on that last year by cutting the taxes for those people earning under $21,000, and we increased the taxes on the higher earners in the country. We did it to help offset the regressivity of Social Security by such things as lower rates, the standard deduction, the personal exemption, and the earned income tax credit.

Every time we change the tax laws to make the income tax more progressive, we automatically increase the number of people who pay less income tax than Social Security. That is not a bad thing; that is a good thing. That is what we set out to do last summer. We accomplished it.

Let us look at the arguments that Social Security funds are being stolen to meet needs that should be financed by the income tax. Social Security trust funds are not being stolen. Every dollar collected in Social Security tax is deposited to those trust funds, where it earns interest until Social Security needs it.

If we put the reserves in Government securities, are we to say that those Government securities are valueless? We are talking about the safest securities in the world today. Are we going to say to the Japanese: Do not buy our securities anymore; they are not worth anything? Are we going to say to the Germans: Do not buy the kind of securities we are putting in the trust fund for Social Security because they have no value? Of course they do.

If they had no value, our whole system goes down. CBO has done a comprehensive cost estimate showing that it is the tax cut which will steal from Social Security. S. 11 will take $216 billion out of the trust funds over the next 5 years. Of that total, only $91 billion represents a tax cut for workers. An additional $91 billion is a tax cut for corporations, and $33 billion is the amount of interest that would have been lost to the Social Security trust fund.

The working man and women can be assured their Social Security contribution is going into the safest investment this Nation has. Those U.S. Treasury notes have the full faith and credit of the United States behind them. When the money is needed to pay the benefits, the American workers should have no doubt that it is going to be there.

I think it is vitally important that we continue to build up the Social Security trust fund reserves. In my view, the Congress should not even consider a measure to reduce reserves before it actually reaches a reserve level of 150 percent. That will occur by 1995, under current intermediate assumptions, or the year 2000, under more conservative assumptions.

All of us in this body share the responsibility to maintain a Social Security system as one of our most valued national institutions; building and sustaining the faith of the American public in the integrity and the security of that Social Security system is a fundamental part of that responsibility.

We can do that, Mr. President, by building reserves to a level that the public will view as being adequate to assure that the checks will go out to all who are entitled to them on time now and far into the future.

I urge my colleagues to oppose this amendment.

Mr. DOMENICI. Mr. President, Senator BENTSEN just made what the Senator from New Mexico thinks is an excellent defense of the system in the taxes going into that fund. Before he has to leave, I ask unanimous consent that the editorial page comment from the Wall Street Journal of 2 days ago, entitled "Don't Cut That Social Security Tax," be made a part of the RECORD at the conclusion of his remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DON'T CUT THAT SOCIAL SECURITY TAX

(By Lloyd Bentsen)

This week the Senate may be called upon to decide whether or not to commit itself to cutting the Social Security tax rate later this year. It is always attractive to support a tax cut, but members of the Senate will need to ask themselves whether this tax cut is really in the national interest. The Social Security tax is what undergirds confidence in the program which for more than 50 years has been the bulwark of lifetime economic security for the working men and women of America and their families. A vote to cut it can be justified only if it poses no substantial risk to that program. As chairman of the committee to which the Senate has entrusted the duty of overseeing the Social Security program, I have felt a particular responsibility to undertake a thorough evaluation of the proposal. After careful study and after obtaining the best economic and actuarial analysis available, I have concluded that it would not be in the interest of the Social Security program, the national economy or the working men and women of America to reduce the program's financing at this time.

In each of the last two decades, the Social Security program ran up to the brink of insolvency. Older citizens with grim memories of the Depression and nothing but Social Security to rely on for their economic security were subjected to a barrage of reports about the imminent demise of Social Security. In 1983, at the very last minute and with only one month's benefits remaining in the trust funds, Congress and the president reached agreement on a rescue package that would not only meet the immediate crisis but would build up reserves sufficient to prevent a similar crisis from arising again. Just how much of a reserve is required can be debated, but the experience of the 1970s and 1980s should have taught us to err on the side of safety. Testimony before the Finance Committee by the General Accounting Office, organizations interested in the program and other experts indicated that a reserve sufficient to cover 18 months of benefits obligations is about right as a truly safe margin. We currently have only about 10 months benefits in reserve—far short of the 18 months that should be there before we consider any reduction in Social Security taxes.

The Social Security actuaries look at the status of the program under three alternatives: a mid-range path, a somewhat more optimistic path and a somewhat more conservative path. For safety's sake, you want the program to at least get by under each of these alternatives. If Social Security taxes are cut now, it does not get by—the program would be unable to pay benefits by the year 2005 under the conservative path. That is not a "worst case" path; it is not a depression scenario. It is what a prudent steward of the program ought to be planning for just in case—a little higher unemployment, a little higher inflation, the current recession plus one additional, moderate recession over the next 10 years.

And what about the economy? Last year, we were sufficiently worried about the adverse economic impact of deficit spending to reach a difficult budget agreement reducing the deficit by some $500 billion over the next five years. We had to make deep budget cuts in important national programs like Medicare to reach this agreement, but we did so in the national interest. A Social Security tax cut would simply blow away a third or more of that hard-won deficit reduction. And the result would be damaging to our economy. Economic analysis by the Congressional Budget Office shows that the result would be lower national savings and investment, higher inflation and interest rates and slower economic growth. Just what America's wage earners don't need and just what the Social Security system does not need—the tax cut itself would tend to bring on the less favorable conditions that the actuaries are concerned about. In the last analysis, the best guarantee of a strong Social Security system is a healthy, growing economy.

Moreover, we would be cutting taxes that the program really needs. In addition to the need for a stronger safety reserve right now, the contributions that today's workers make to the program will be required to pay their benefits in retirement. We have a rapidly changing population. Instead of the situation today where there are only three recipients of Social Security for every 10 workers, there will be five pensioners for every 10 workers by the year 2030. Some of that additional burden will have to be borne by the children of today's workers, but I don't think the parents in the work force of this country expect to pass all that burden on to their children and grandchildren. What's more, the proposal provides only minimal tax relief. An average worker—in the $20,000 to $30,000 earning range—would in the next three years see an increase in his or her weekly paycheck of $2 to $3. An increase is welcome, of course, but not if it risks the economic security and peace of mind of that worker's elderly parents. But that is just what the tax cut that the Senate is expected to consider would do.

On all accounts then I find myself unable to justify a Social Security tax cut—the short-range safety of the Social Security program, the longer-range equities between this generation and the next and the impact on the national economy.

When the Senate considers this proposal, I will be voting against it.

Mr. DOMENICI. I thank the Chair. I thank Senator BENTSEN for all of the work he has done with reference to this, and I am sure, when we are finished, it will pay dividends to the seniors of this country.

Mr. DOMENICI. Mr. President, I understand the Senator from New Jersey needs 15 minutes. I yield from the opposition 15 minutes to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, it is with a certain amount of regret that I rise to oppose the amendment offered by the distinguished Senator from New York. I know of his deep commitment to the Social Security system and his lifetime of service in the public sector directed at attempting to secure the best possible life for all American people. So it is with some regret that I rise to oppose this amendment.

I think the Senator from New York makes two very important points. The first point is we have not had an honest budget process over the last several years. We have been using the Social Security trust fund to hide the true size of the budget deficit. The use of the trust fund as a part of the budget, of course, ended last year when we took the trust fund off the budget. And now the deficit that we see of $370 billion is, in fact, the deficit without the use of the trust fund.

Yet, in economic terms, we are continuing to use the trust fund because the trust fund surplus is invested in Government securities that are used to fund other functions of Government.

So in one sense, we are not using it. The deficit reflects what is the true deficit. But in another sense, we are using it because we are using the trust fund surplus to invest in Government securities.

Mr. President, I would state that is the case whether the Social Security tax rate is 5.5 or 6.5 percent. We continue to use a surplus to finance the non-Social-Security expenditures as long as we run an operating deficit.

So, Mr. President, the Senator from New York raised the question of trust yesterday, which was spending money for other things. It is my impression that we would be spending money for other things under the amendment of the Senator as long as we continued to use and have an operating deficit. We continue to be accumulating a surplus that will be invested in Government securities that will be used to spend on other functions of Government.

So I think that to be candid, we have to be clear that under the Senator's amendment, as well as under the current system, as long as we are running an operating deficit, we are using the surplus to finance other functions in Government.

But the Senator's point is well taken that for a decade we have been irresponsible in trying to hide that fact from the American people. And we now have a deficit number out there that is clear, and the challenge is before us to reduce the operating deficit.

Mr. President, the second point that the distinguished Senator from New York makes that is right on target is that working people in America have not seen their real wages go up much since 1960. Indeed, I believe working people in America need tax relief. They need more money in their pockets to spend on things that they see fit to spend their money on.

There are a number of ways that wages and after-tax dollars can go up. One way is if we have productivity growth and productivity increases. Another way would be if wage settlements in the nineties are not the wage settlements in the eighties, and working Americans get better wages through a negotiated process, through collective bargaining. Mr. President, the third way, of course, is tax relief for working Americans.

The prospect of tax relief for working Americans is a real possiblity. One way to do it is, of course, to cut the Social Security taxes envisioned in the distinguished Senator's amendment. Another way to do it might be to provide a targeted income tax cut for working Americans. Another way might be to provide a targeted tax credit for working Americans.

So from this Senator the distinguished Senator from New York will get no argument on either of the two central points that he has made in his argument; and that is, one, that the use of the surplus in the Social Security fund to mask the true size of the budget deficit has been reprehensible, and it has to be changed; second, that working Americans deserve tax relief, deserve to have more money in their pockets, which they can spend in any way they choose.

But, Mr. President, the solution to these problems, in my opinion, is not to cut out the reserves and return Social Security to pay-as-you-go. If the concern underlying the proposal is that the Federal Government is borrowing Social Security reserves to finance deficit spending, then that is an issue that should be dealt with directly, not by eliminating the reserves.

I believe that returning to a pay-as-you-go system might indeed threaten long-term prospects, not necessarily solvency, but prospects for our most important domestic program. I continue to believe that we need to build sizable reserves over the next 30 years to pay out benefits to the baby boomers when we retire. Reducing income to the trust funds now would simply make Social Security more vulnerable in the future, in my opinion.

Mr. President, I will also have to be quite candid in saying that one of my foremost concerns with the proposal is its effect on future generations. One way to look at the proposal is to say this is a debate between capital and labor. This is a debate between coupon clippers and blue collar wage earners, and that is a perfectly appropriate way to look at this debate.

Another way to look at this debate, however, is that this is a battle between those people who are now working, or their children and grandchildren, between short-term relief and long-term problems. In fact, Mr. President, cutting the Social Security tax now would provide immediate relief to today's workers, but, according to some preliminary estimates by a number of economists, in particular Alan Auerbach and Larry Kotlikoff, the average baby boomer would receive in present value terms about a 2-percent reduction in lifetime net tax burden. That is good news. But the bad news is that someone in the future is going to have to make up this loss in revenues when the baby boomers start to retire, and, again, according to Auerbach and Kotlikoff, to maintain the Social Security system, we will have to raise net taxes on future workers, who are our children and our grandchildren, by 8 percent over a lifetime. That is a short-term gain for a longer term major loss. To me, that is not acceptable.

Mr. President, we are already burdening future generations with enormous deficits that we all know how we got to, with a profligate tax cut in 1981, with so-called Gramm-Rudman fixes that never really reduced the budget deficit. We all know how we got to these deficits, and that is now a burden that we have put on our children. In addition to the dramatically lowered savings as a result of this deficit, I am not prepared to say that now I am going to put out in our children's future a tax time bomb. So, Mr. President, one of my foremost concerns is its effect on future generations.

Next, and I think that the distinguished Senator from Texas covered this in some detail with charts, but according to the CBO, returning Social Security to a pay-as-you-go system piles on an extra $200 billion between now and 1996 to the true economic deficit—not the fictitious economic deficit, but the true economic deficit, which is how much more Government spends than it takes in.

That has serious repercussions for our economy. These increased deficits will provide some short-term stimulus. These trends will be overwhelmed in the long run. As CBO says, real interest rates, inflation, foreign investment, and the trade deficit will be higher, while GNP, savings investment, and capital stock will be lower. There is virtual unanimity in the economic circles that lower deficits will improve our long-term economic prospects. And this proposal takes us in the wrong direction with higher deficits and lower growth. I think this is another example of the tradeoff between short-term gain and the longer term major loss; again, another reason why I cannot support the amendment.

Mr. President, it is my belief—and I say this with great respect for the Senator from New York—that the decisions we made in 1983, decisions in which the Senator from New York played a pivotal role, in which he was not only eloquent in talking about Social Security as the best expression of community we have in America, but in terms of thinking through how we deal with Social Security damands in the long run, that those decisions were not without pain. But I continue to assert that they were correct.

And they should be adhered to in order to ensure that the Social Security system remains strong and viable for our children and for their children. Maybe this is a slight dream, but I do hold out hope that, if we manage to keep the reserves and eliminate the operating deficit, the impact on the economy will be overwhelmingly positive.

We had Alan Greenspan in the Finance Committee one day to testify and was asked the question: Mr. Greenspan, if we allow the surplus to continue to grow and eliminate the operating deficit, what happens to interest rates? He said interest rates would be about 3 percent. Mr. President, can you imagine what 3-percent interest rates would mean for our economy?

So, I hold out the hope that we will live up to the original concept of 1983 and we will reduce the operating deficit with all of the tremendous economic gains from that action.

Mr. President, I want to conclude with a promise to my distinguished friend from New York and to everyone who is participating in and watching the debate. I believe that we will find a way to provide meaningful tax relief for working families. I hope that all my colleagues who are voting for this amendment, and all those who are voting against it for whatever reason, will join me in making a commitment to achieving the goals of the Moynihan amendment by the end of the 102d Congress; in other words, real tax relief for working families.

We must not do it by jeopardizing the hard-earned security of generations that depend on Social Security, or by raising taxes on future generations that have not begun to work or to vote. I see today's vote, frankly, as a beginning of a process that will not end until we have found the right way to achieve what I think are proper goals.

So in summary, we need an honest budget process, we need tax relief for working Americans, we need to cut the deficit for increased growth. And I am not prepared to further burden our children and grandchildren who already suffer under the burden of the horrendous deficits of the last decade.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, before I yield to the distinguished, remarkably eloquent Senator from South Carolina, may I thank my neighbor, colleague, and friend, Senator BRADLEY, for the tone of his remarks, for the thoughtfulness and for the accuracy with respect to one Auerbach judgment. Everything he said is so and at least I understand it the same way he does. We could come out differently, but we do not have to make up the facts or invent new terrors of the kind we have heard.

I am so regretful to say that the President wrote yesterday to the majority leader, that Senator MOYNIHAN's proposal "would return Social Security to the same financing scheme that drove the system to the brink of insolvency in 1982."

The arrangement we have today was put in place in 1977 and it is the staff director of our 1983 commission, Robert J. Myers who proposed that we return to pay-as-you-go, saying the 1977 arrangement has not worked because we have entered a period of structural deficits.

Finally, he mentioned Dr. Alan Greenspan, who was chairman of our commission. In hearings of the Finance Committee, I asked Dr. Greenspan, "If we continue to use the Social Security surplus as if it were general revenue and spend it on current consumption of Government, or if we just take away that surplus by cutting back the tax vote, would there be any real economic difference to our situation in the year 2030?" And he, with admirable brevity, said "none."

I think the Senator would agree with that. He wants to see changes made that would indeed increase savings. So did I. It did not happen. But there we are.

I thank Senator BRADLEY.

Mr. President, I yield 20 minutes to the able and learned Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I thank our distinguished leader on Social Security matters, the distinguished Senator from New York. He has labored in the vineyards for years in defense of the integrity of the Social Security system. He is acknowledged by every Senator on both sides of the aisle as the authority in this field.

When the President writes as he did yesterday, that Senator MOYNIHAN'S proposal would return Social Security to the same financing scheme that drove the system to the brink of insolvency in 1982, that is outright blasphemy. It is simply not true. I do not know who is writing these letters and speeches for our distinguished President, but he or she should hew to a higher standard of truth and accuracy. I listened to President Bush in his State of the Union Address claiming that we are reducing the deficit by over $500 billion in the next 5 years, meanwhile, in part 2, page 294, of his budget submission be proposed increasing the national debt by $1 trillion, from $3.1 to $4.1 trillion to get us through the 1992 election. One trillion, not in 5 years, but in 18 months, all to get us by the 1992 election. That is the same kind of monkeyshine that we have here this morning again. And the media conspires with us in committing this terrible charade and fraud.

The distinguished Senator from New Jersey claims that the Moynihan amendment would create a tax time bomb. You know we live in a bizarre society indeed. That is exactly what the Senator from New York is trying to prevent, he is trying to eliminate a tax time bomb. Incidentally, of course, we could not have a tax time bomb now if the people didn't agree to it. Oh no, not as long as the people stay asleep and reelect us. Read our lips.

And then our distinguished colleague from New Mexico ended his peroration yesterday claiming that Senator MOYNIHAN and his allies are raiding the Social Security fund. The truth is that 100 percent are agreeing right this minute to raid that fund. It is exactly this raiding of the Social Security kitty that the Senator from New York is trying to stop.

I am an admirer of Vaclar Havel, the President of Czechoslovakia. Twelve years ago the late Senator Scoop Jackson, myself, and others were in Prague and we made attempts to meet with dissident leaders. We found out the Prague police were following us. We were headed back to the airport when all of a sudden our car detoured into the mountains. We came into a private home, sat in a room, and I turned to Scoop, after minutes and said we were wasting time, there were no dissidents there.

When our hosts determined that we had not been followed, the door of the closet opened and out stepped Vaclav. He sat down with us and we started talking. We were trying to encourage him and express our admiration for what he was doing.

I can see Senator Jackson now. He said, "but, Mr. Havel, do you understand that we have Jackson-Vanik that brings economic pressure on the Communists here so that we can get the dissidents out?" Havel looked him in the eye and said, "Senator, we are not a bit interested in leaving."

You could have thrown a dish rag in Scoop's face. It was a shock to me, too. Havel continued. He said, "You know Czechoslovakia was raped in 1938 and 1948 and in 1968." He said, "If I and my generation do not see it through and stick it out, if we do not stay here, the world will never again know a free Czechoslovakia."

Riding to the airport, I turned to Senator Jackson and I said, "That fellow has got a lot of courage, but he will never see a free Czechoslovakia in his day, and you and I will never see it." Of course I was wrong, despite the fact that Havel was arrested soon afterward. But the point is that when Havel took the Presidency, almost verbatim, he told the people of Czechoslovakia that we have been lied to for 40 years. We Czechs have been saying one thing and believing another. He said Czechoslovakia has many problems but only Czechs can solve them.

And in a similar fashion, Mr. President, we in the United States have been systematically lied to for 10 years by our government. We have been saying one thing and believing another. And, yes, with all the problems we have, only we can solve them. Now the distinguished Senator from New York has an initiative here to help solve one problem and bring us one step back toward reality. We have been lying to the American people that there is a free lunch. Read our lips, just reelect us, it does not cost anything.

They have a graphic reminder in Times Square, in Senator MOYNIHAN's backyard, that spins along like a speedometer. I saw it the other morning on TV. It clocks the increase in the national debt. The national debt had soared to $3.4 trillion.

So what are we going to do? We all know that spending will continue to go up, up, and away, on a bipartisan basis. Oh, 100 Senators will run over here knocking over the desks to give speeches about how we have to stop spending. But we shamelessly continue this lying to the American people, promising a free lunch, as the debt soars and interest costs skyrocket, increasing in increments of some $30 billion a year, for absolutely nothing.

Each year we go up and up. We cut a little here on Medicaid, and we cut a little there on something else. Then when the Senator wants to bring us back into reality and to stop what he calls thievery, what our distinguished former colleague, Senator Heinz, called embezzlement, his opponents turn the facts inside out. Senator MOYNIHAN'S initiative would bring truth in budgeting, but the Senator from New York is accused of raiding Social Security. He seeks to protect against the double taxation of future generations, yet he is accused of creating a tax time bomb.

The truth is that the Social Security trust fund has already been stripped bare. There is no trust and no fund.

It is like the S&L's. The saving and loans had a lot of real estate on the books, a lot of property, a lot of shopping centers, a lot of deposits, and everything else, until you looked inside and found out there was nothing there. The assets were strictly on paper. Livewise, when this generation comes along and they look inside the Social Security vault in the year 2010, they will find it is empty, stacked high with IOU's. That, Mr. President, is the true tax time bomb.

Because to make good on those IOU's, those liabilities, we will have to raise trillion of dollars in new taxes in the next century.

Mr. President, Congress and the American public supported hefty new Social Security taxes in 1983 in exchange for a promise that the resulting huge revenue surpluses would be safeguarded in a Social Security trust fund to provide for baby-boomer retirees in the next century. The Social Security surplus will be $60 billion in 1991 alone. The cumulative surplus by 1994 will be over $500 billion.

The problem is that the administration is using every dollar of the trust fund surpluses—more than $1 billion a week—to meet the ongoing daily expenses of the Government. So, as I said, concerning the trust fund, there is no trust and no fund.

The administration seeks to continue the current practice because it creates an appearance that the deficit is lower than it actually is. For example, for fiscal year 1991, the actual deficit will be approximately $378 billion, but by spending the $60 billion trust fund surplus the administration gets to claim that the deficit is only $318 billion. Meanwhile, the Social Security cupboard is bare.

Can the people of America not understand this? Yes, the people of the National Committee to Preserve Social Security and Medicare, they understand it. I read from an NCPSSM communication:

> Earlier this past week our members overwhelmingly opposed the continuing use of Social Security surpluses, expected this year alone to total more than $70 billion, to finance the day-to-day operations of the Federal Government.

They understand the Moynihan amendment. But we in this body are not thinking of future generations. We are worried about the next election. The credo here is, if posterity can do nothing for us, then why should we do anything for posterity? So let's forget posterity and look to the next election.

It is a dirty shame. It is an embarrassment. I have expressed my pride in being a professional politician, but in 40 years this is the worst display of the worst kind of politics I have ever seen. When up is down and black is white. When you try to stop a raid, they call it a raid. When you try to defuse a time bomb, they say you are creating a time bomb.

How, after all this lying, are we going to make ourselves honest? When I tried to get some measure of truth in budgeting last year by taking Social Security off budget, the junior Senator from Texas [Mr. GRAMM] was leading the fight to keep it on budget.

The original Gramm-Rudman, before Hollings got his name on it, permitted the sequester of Social Security and forbade sequestering defense. I will give you the original draft bill. I argued to protect Social Security. The distinguished Senator from Texas argued against that view. I insisted that we were not going to allow the raiding of the trust fund. That is how we got, on 14 up-or-down votes, a majority of the Democrats to vote for Gramm-Rudman-Hollings. They were not about to vote for a raid on those funds.

But that is what the Senator from Texas had in his original paper, that we would sequester Social Security and not defense. He knew what he had in mind. I knew what I had in mind.

So, they are not looking at safeguarding the future, Mr. President. They are looking at the juicy, skyrocketing trust funds we are going to spend today to hide the deficit. They are not looking at the year 2010 or 2020. They are looking at today, now, here, and how we get reelected by saying "read my lips." They are thinking, let us bust the trust fund, make it a slush fund, and by next year it will generate revenue of $191 million a day. That is the size of the daily Social Security surplus—$161 million—and we are spending every dime of it on day-to-day Government expenses.

As the distinguished Senator from New York says, by the year 2000, surplus Social Security revenues will be $4 billion a week, amounting to $571 million a day. This is the full-scale raid they want to continue. All in the name of trust. All in the name of preventing a tax time bomb. They come and say, "Let us keep it up. People will never catch on."

By the year 2000 we will be spending, under the current scheme, $571 million a day, over a half-billion a day out of the Social Security trust fund. When all those accumulated IOU's come due in the next century, they will have to raise taxes. That is exactly the tax time bomb the Senator from New York is trying to prevent.

I opposed Reaganomics, the free lunch approach to tax cuts. Tax cuts were going to give us growth, growth, growth. That is all I could hear around this blooming place. Growth. It was like a magical incantation.

Now, they finally got old Hollings talking about growth. He wants to cut taxes. But now the supply side crowd is changing its tune. I have been around here trying to raise taxes to pay the bills. I tried for 4 years with the distinguished majority leader, Senator Baker, to freeze spending. We could not get that.

I tried Gramm-Rudman-Hollings. Yes, we did cut the deficit from $221 billion down to $150 billion in the first full year. We complied. But then for the past 3 years we have finessed it with these budget summits. It has been a total fraud.

So I said, all right, let us join with the supply siders on this tax cut so we will expose the fraud and the people will wake up. But, no, they do not want anybody to understand and see what is going on up here. As long as we can continue spending the trust funds and getting ourselves elected, as long as we can tell you folks out there that there's a free lunch and call for relief on taxes, then politics will prevail and the country will go down, down, down. That worries me.

We do not have a fiscal policy. We do not have a trade policy. We do not have an energy policy. We do not have a housing policy. And the education policy says give up on public education and let us switch to the private schools. What kind of leadership is this up here?

I thank the Senator for the time. What the Senator from New York is trying to do—and I admire him for it—is get truth in budgeting so the American people, who do not understand all these things about Gramm-Rudman-Hollings and sequester and summit agreements and everything else, let them just see where the money is going. And the money is going down the tube today at the rate of $164 million a day out of that Social Security trust fund. And that is what the Senator is trying to stop, and I hope the Senator can succeed here. I hope we can get a majority to speak sense and truth to the American people.

Finally, Mr. President, it is important to note that the tax rollback embodied in this amendment will not eliminate the annual Social Security surpluses. Far from it. Even with this tax cut, significant Social Security surpluses will continue to be generated, though not at the current excessive pace. For instance, without the payroll tax cut, there will be a Social Security surplus of $129 billion in 1996. Under the Moynihan amendment, the 1996 surplus will be reduced to $78 billion. This will still ensure a healthy and growing Social Security reserve equal to 18 months' worth of Social Security benefits by 1997. Indeed, current Social Security beneficiaries strongly support the Moynihan amendment precisely because of the protection provided by this huge reserve fund.

Mr. President, our colleague PAT MOYNIHAN is renowned for his scholarship and erudition, but the issue here is not exactly the political equivalent of nuclear physics. Are you for or against cutting regressive payroll taxes on working Americans? Are you for or against masking the Federal budget by massively and systematically siphoning off insurance contribution revenues from the Social Security trust fund? Every Senator should be able to answer those questions in the blink of an eye.

Mr. MOYNIHAN. Mr. President, many times in 15 years I have had an occasion to thank the Senator from South Carolina. And never more than for his remark, in effect, that one of the corrupting processes involved here is that we are corrupting the language. If ever we learned anything from George Orwell and his generation, it is that corrupting the language of politics is a profoundly serious thing. People who could fairly be characterized as raiding the trust funds, charged that those who oppose this are raiding the trust funds.

That is the sort of inversion of language that Orwell wrote about. And we are not immune to it.

I was just deeply disappointed that someone gave the President of the United States a letter on this subject which does not stand scrutiny. It is not so. And it is painful. But we will vote. In the end, whatever happens, we will vote. That remains to us.

I see my very good friend, and cosponsor, the Senator from Wisconsin [Mr. KASTEN] and I yield 15 minutes. Is that adaquate for his purpose?

Mr. KASTEN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President I would like to associate myself with the comments of the Senator from South Carolina because a very important part of this overall effort is, in fact, as he has just stated: truth in budgeting; rather than the idea that we can somehow mask the size of the deficit by using Social Security revenues.

I want to congratulate the Senator from New York also. I am happy to be a cosponsor and to work with him in offering this payroll tax cut amendment to the budget resolution today.

It is important to point out a vote in favor of this amendment will be a vote to strengthen Social Security, not weaken it, by returning to pay-as-you-go financing, as a Senator was talking about earlier.

A vote against this amendment will be a vote to continue what effectively is a charade, the charade of overtaxing working Americans and small businesses to generate huge payroll tax surpluses that are immediately spent on non-Social Security spending programs.

The program that Franklin Roosevelt created to help provide a retirement for America's elderly is today being carelessly used to subsidize spending on programs that are totally unrelated to Social Security. America's senior citizens are fed up. They are sick and tired of this. And so am I and so are many of our colleagues. Both the National Committee to Preserve Social Security and Medicare and Seniors Coalition support pay-as-you-go financing and support the Moynihan-Kasten amendment.

In a desperate attempt to defeat our proposal, charges will be made that it threatens benefits. That is wrong. It does not threaten benefits. That is nonsense.

The Social Security actuary confirms that a 100-percent reserve is safe level, and our proposal reaches 150 percent. Our proposal then provides the payroll tax necessary to ensure the soundness of Social Security for 75 years and beyond. By definition, pay-as-you-go financing guarantees benefits. And it restores integrity to the Social Security system.

In fact, the Moynihan-Kasten amendment protects the Social Security system much longer than current law does.

The reason some of our opponents dislike it so much is it exposes the means by which the payroll tax is presently used to subsidize unrelated Government spending.

Restoring pay-as-you-go financing to Social Security is the first reason to support the Moynihan-Kasten proposal. And the second reason, and equally important, is tax relief for working men and women, for the blue-collar men and women across this country.

Apparently, some of my colleagues, unfortunately, have been persuaded to vote against this proposal on the grounds that the CBO, the Congressional Budget Office, has declared that cutting taxes will lead to lower and slower economic growth.

While there is nothing new about CBO declaring that reduced taxes lead to slower growth, it is certainly new for Republicans to start believing that. I did not believe CBO a decade ago when they argued tax cuts would slow economic growth, and I do not believe them today.

The Congressional Budget Office, CBO, arbitrarily dismisses the direct impact of taxes on the cost of labor and the resulting effect on employment. In contrast, a number of economists, particularly Gary and Aldona Robbins and Steve Entin have produced studies showing that the Moynihan-Kasten proposal will increase economic growth and create hundreds of thousands of new jobs in this decade.

In the 1980's, America enjoyed a record-breaking economic expansion in large part because we cut taxes, giving American families and businesses more freedom over their economic decisions. This freedom sparked a historic recovery, creating over 21 million new jobs, raising family incomes and increasing business profits.

Unfortunately, the economic expansion of the 1980's has now ground to a halt. In March, unemployment rose to 6.8 percent. I hope this is sufficient to convince my colleagues that inaction is no longer tolerable. This recession has now cost 2 million Americans their jobs. How much longer is Congress going to do nothing?

A progrowth economic program is needed to pull the economy out of the recession and sustain a high level of economic growth throughout the 1990's. One of the first steps of this program must be a decision that we must make to reduce payroll taxes.

FICA taxes were increased six times during the 1980's, from 5.1 to 7.65 percent. The tax is now so high it is costing jobs and closing small businesses.

This legislation, our legislation, would reduce payroll taxes from 7.65 to 6.65 percent on both the employer and the employee, and this cut would be fully phased in by 1996. This would constitute a tax cut of $160 billion over the next 6 years.

As my colleagues can see from the chart, our proposal would put up to $693 annually back into the pockets of working Americans and the businesses that employ them.

The $160 billion tax cut would merely reduce taxes by the amount they were raised this fall in the budget summit. It is now clear the budget summit tax hikes have greatly contributed to the severity of the recession and the job loss I stated earlier. I note this with irony, that the so-called deficit reduction package has now brought some of the largest deficits in U.S. history.

A number of my colleagues have expressed concern that while the Moynihan-Kasten payroll tax proposal is a substantial tax cut, it does increase the taxable wage base. Although this wage base increase offsets only a fraction of the tax cut, it is an undesirable precedent.

In response to this concern—and I want to point this out particularly to my Republican colleagues—Senator MOYNIHAN and I have revised the amendment we are offering today. Our revision lowers the Social Security revenue number enough to accommodate a 2-percentage point payroll tax cut with no wage base increase.

As my colleagues can see from the chart behind me now, chart No. 2, a payroll tax cut with no wage base increase would double the job creation and the gross national product growth from the proposal.

As the ranking member of the Small Business Committee, I am particularly concerned about the negative impact of FICA taxes on small business. The payroll tax is the highest tax that most small businesses pay, and increasingly large numbers of workers now pay more in payroll tax than in income tax. It is a particularly heavy burden on the millions of self-employed Americans who must pay both the employer and employee portion of that tax.

Our plan would save an employer earning $30,000 a year, with 10 employees each earning $18,000 a year, $2,400 in FICA taxes. A small business with a payroll of $1 million would save $10,000 in taxes per year. That goes a long way toward hiring another employee.

What we are trying to work with here is jobs and job creation, working ourselves out of this economic recession that we find ourselves in.

The Dallas-based Policy for Innovation concludes in their recent study by Gary and Aldona Robbins that by reducing the payroll tax now and creating jobs and expanding the economy, we actually strengthen the Social Security system in the decades to come.

Only by creating jobs now can we ensure there will be enough wage earners in 20 years paying into the Social Security to guarantee an adequate tax base.

The American dream still eludes too many American working families. They are finding it harder to achieve the same standard of living their parents enjoyed. And the chief cause is the skyrocketing of Federal taxes. Today's median-income families face an effective tax rate—talking about income and payroll taxes combined—more than double what their parents faced in the 1950's.

Throughout the 1980's, Republicans worked to reduce that tax burden. The 1981 Reagan tax cut bill slashed income taxes 25 percent for middle-income Americans, and the 1986 Tax Reform Act removed nearly 4 million poor Americans from the tax rolls altogether. The people responded by giving three consecutive landslide victories to our party.

However, at the same time the income tax burden was reduced, the payroll tax increases legislated in 1977 kept middle class tax burdens too high. So a reduction in the payroll tax will give a well-deserved tax cut to 132 working Americans and millions of small businesses; it will create jobs and boost economic growth and, most important, it will restore integrity to the Social Security financing system.

I have received overwhelming support for this proposal from constituents in Wisconsin.

I ask unanimous consent, Mr. President, to print letters from constituents in Wisconsin in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KASTEN. Mr. President, I also ask unanimous consent that letters supporting pay-as-you-go financing from the National Federation of Independent Business, the Seniors Coalition, the National Committee to Preserve Social Security and Medicare, the U.S. Chamber of Commerce, the National Restaurant Association, and the National Association of the Remodeling Industry be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KASTEN. Mr. President, this is a very significant and very important vote.

I agree with the Senator from New Jersey, the Senator from South Carolina, and others; the question we are faced with is: Are we going to sit back and let this recession continue or are we going to directly involve ourselves in a way to help working men and women, or are we going to directly involve ourselves in helping put them back to work by reducing the FICA tax and, at the same time, are we going to restore integrity to the overall Social Security system, but even more important, to the overall budgeting system?

A vote in favor of the Moynihan amendment will serve to not only strengthen the Social Security system, but also to restore integrity to our overall budgeting system.

EXHIBIT 1

APPLETON, WI, *March 18, 1991.*

DEAR SENATOR KASTEN: The answer is obvious. Yes, I support you and your efforts on Social Security tax reform.

Please keep up the good work and don't back down. Our country needs realistic thinking leaders such as yourself.

Thank you and keep up the good work.

Sincerely,

ROBERT SMITH.

MINOCQUA, WI, *March 18, 1991.*

DEAR SENATOR KASTEN: Louise and I are retired and we both object to the excess Social Security monies withheld from the current income of working families. Hopefully the "Moynihan-Kasten" bill can be passed. We don't need foolish partisan spending. What's wrong with a surplus!? And getting back to balancing the budget! If my business had been managed like our Government's we would have been closed almost before we started.

Good Luck,

HANS & LOUISE HOUTREMAN.

P.S.—Louise manages your mothers shop Town & Country.

PLAINFIELD, WI, *March 15, 1991.*

Senator ROBERT KASTEN,
U.S. Senate, Washington, DC.

DEAR SENATOR KASTEN: I am writing to you in regards to your bill to restrict the use of Social Security funds for uses other than they were intended. I feel this is totally wrong. It is time that the Congress begin to take the budget seriously.

The nation and its Government has to live within it's means. If the answer is that it is to big to manage then it is time to reduce the size of government so that it can be controlled. The federal government cannot be all things to all people.

I feel that not only the Social Security Trust fund should be removed from the budget and treated and used for it's intended purpose, but that other trust funds also be placed out side the regular budget (e.g., the Aviation trust fund and others) so that their positive balances are not used to offset the budget deficit.

The problem is not with the taxes we pay, it is with the amount of money that the Congress spends!

I'm willing to support you and work with you to reduce the budget deficit by reducing spending, not by increasing Taxes!

Sincerely yours,

STUART H. CLARK.

SEYMOUR, WI.

DEAR SENATOR KASTEN: I am retired and it hurts me to think that I am receiving Social Security dollars that my children and grandchildren are paying.

If the government is spending the excess on other things, there is no way that they will ever receive anything for their hard earned money.

Things must change.

THOMAS LANDWEHR.

CARL'S BARBER SHOP,
Juneau, WI, March 27, 1991.

DEAR SENATOR KASTEN: I am a self-employed businessman and feel I am excessively taxed for FICA.

I too am disappointed with what Congress is spending my money out of Social Security funds for purposes they were not intended for.

Although I have to be pessimistic about taxes ever going down, I hope you keep up your fight and good luck to your legislation to reduce FICA taxes.

Sincerely,

Carl J. Boushlegel.

Appleton, WI, *March 19, 1991.*

Senator Kasten: We find the misuse of our retirement dollars totally irresponsible for people who are elected to represent our best interest. We feel trying to hide overspending by misuse of our future and our children will only add fuel to the fire.

I know as voters, we are watching the ethics of those in office in future elections.

Sincerely,

Bill Vander Heyden.

Milwaukee, WI, *March 24, 1991.*

Senator Bob Kasten,
Hart Senate Office Building, U.S. Senate, Washington, DC.

Dear Senator Kasten: We just read your message about FICA taxes and agree with what you are trying to do. We would like to see your legislation put an end to FICA abuses. It has always been our feeling that the money we and our employees pay into FICA should be kept in a personal account (much like an IRA) and we, not the government, should be able to determine how that money is invested.

We don't believe the government press releases that say there is plenty of money to keep social security going into the next century. As you said, the FICA money is being spent as fast as, if not faster than, it is received.

The Social Security abuses that are going to make the S&L bailout look like a misdemeanor.

Best regards,

Mark Woolley,
Darci Shook-Wooley.

March 16, 1991.

Robert Kasten,
Hart Senate Office Building, U.S. Senate, Washington, DC.

Dear Mr. Kasten: Yes, continue to fight for reform of our Social Security taxes. They are much, much too high. And how ridiculous when even baby sitters get taxed. I'm a grandmother so this does not apply to me. And my grand children, working their way through college, have to pay on their meager wages. And so on, and so on——

Sincerely,

Jean Hanson.

Eleva, WI, *March 17, 1991.*

Dear Senator Kasten: Although I am not a worker, as I am now retired, but felt had to write you, and let you know I agree with you and Senator Moynihan to cut pay roll taxes. If this is not stopped, the workers won't have any checks. It will all be taken out. Congress should be ashamed of its self spending every thing they get a hold of, that is of no benefit to our nation.

Sincerely,

Edwin Johnson.

Exhibit 2

Moynihan Payroll Tax Plan Backed If Bill Includes Tax Rate Stabilizer

Washington.—The National Committee to Preserve Social Security and Medicare today reiterated its support of a plan by Sen. Daniel Patrick Moynihan to reduce payroll taxes if this bill contains an automatic tax rate stabilizer to protect the Social Security Trust Fund.

Martha A. McSteen, president of the 5-million member grassroots organization, said the automatic tax rate stabilizer would remove payroll tax increases and decreases from the political process and guarantee a reserve of at least 12 months worth of Social Security benefits:

"The stabilizer would trigger automatic annual adjustments to payroll tax rates to keep reserves at financially sound levels and guarantee benefit payment while maintaining public confidence in the Social Security system," Mrs. McSteen said.

The Congressional Budget Office has reported that the Social Security Trust Fund will have almost 12 months of benefits in reserve by the beginning of fiscal year 1992, which begins Oct. 1.

"Opponents of the payroll tax cut plan want to continue the buildup of a large Social Security surplus so those funds can be used to pay for the day-to-day operations of the federal government. That's wrong," Mrs. McSteen said.

"Funds paid into the Social Security Trust Fund should be used for one purpose only—and that is to pay Social Security benefits, not disguise the federal deficit.

"By a substantial margin, National Committee members support a return to the pay-as-you-go financing system, but only if benefits are adequately protected," Mrs. McSteen said. "These protections for beneficiaries must be an integral component of any legislation to reduce the payroll tax rate.

"Failure to include a provision to protect reserve levels in legislation to reduce payroll taxes would unjustly subject beneficiaries to renewed threats of benefit cuts whenever economic conditions reduce trust fund reserves to an unacceptable level.

"Traditional pay-as-you-go financing provides a basis for stable financing of Social Security that is fair to both taxpayers and beneficiaries. Our members overwhelmingly oppose the continuing use of Social Security surpluses, expected this year alone to total more than $70 billion, to finance the day-to-day operations of the federal government."

The Seniors Coalition,
Washington, DC, April 15, 1991.

Senator Robert W. Kasten, Jr.,
U.S. Senate,
Washington, DC.

Dear Senator: The Seniors Coalition, representing more than half a million members across the country strongly supports S. 11, the Moynihan-Kasten Bill.

America's senior citizens have worked hard and have long placed their faith in the integrity of the Social Security system; but payroll tax dollars placed in the Social Security Trust Fund are being "borrowed" for wholly unrelated government spending projects in exchange for "IOUs." In short, the Social Security Trust Fund exists only in fiction.

The Seniors Coalition supports S. 11 because it *restores* the integrity of the Social Security system. The Seniors Coalition has received 421,000 petitions favoring a payroll tax cut. If the majority of seniors are again ignored as they were during the catastrophic health care debacle, it will be at the risk of eroding the faith America's senior citizens and future recipients have in the Social Security system as a whole.

As the accompanying issue paper points out, returning Social Security to an honest pay-as-you-go financing system would allow tax dollars to remain in workers' pockets thus strengthening the economy and benefitting all Americans, especially senior citizens living on fixed incomes.

Your support for S. 11 is most appreciated. Your thoughts regarding this issue paper are also very valuable to me and I would like to hear your comments.

Sincerely,

Jake Hansen,
Executive Director.

National Federation of Independent Business,
Washington, DC, January 28, 1991.

Hon. Bob Kasten,
U.S. Senate,
Washington, DC.

Dear Senator Kasten: On behalf of the over 500,000 members of the National Federation of Independent Business (NFIB), I applaud you for introducing, along with Senator Moynihan, S. 11, legislation to reduce FICA taxes and return the Social Security system to pay-as-you-go financing.

Typically, small business owners pay more in payroll taxes than they pay in all other taxes combined, and payroll taxes must be paid whether or not the business is making any profit.

The FICA tax negatively impacts small businesses for the following reasons:

Start-up Businesses. The FICA tax effectively adds to the fixed costs of a firm and therefore increases start-up costs of new businesses, reducing the number of small businesses that will be viable.

Growth. FICA taxes hinder small business owners from hiring workers and creating new jobs. This tax seriously limits the ability of labor-intensive businesses to add to their payroll.

Survivability. FICA taxes can be the "last straw" for those small businesses in trouble and struggling to keep their doors open since the tax must be paid regardless of profitability.

As a tax cut for both small business owners and the workers they employ, this legislation is perfectly timed to help bring our nation out of recession.

Sincerely,

John J. Motley III,
Vice President,
Federal Governmental Relations.

U.S. Chamber of Commerce,
Washington, DC, April 22, 1991.

Members of the United States Senate:

During floor debate on the budget resolution, you will be asked to consider an amendment by Senator Moynihan to reduce projected Social Security revenues for 1992, thus paving the way for later consideration of S. 11, the Moynihan-Kasten bill to cut Social Security taxes.

As you know, the U.S. Chamber of Commerce was one of the earliest supporters of cutting the Social Security payroll tax and returning the system to a pay-as-you-go basis. At this time, reducing the Social Security tax burden is all the more important because of the current recession. Far from imperiling the economy, a reduction in this tax will create much-needed new jobs and substantially boost economic growth. Future Social Security benefits will not be threatened. In essence, a Social Security payroll tax cut will return to productive economic use monies that would otherwise swell current federal spending.

You also are aware that the Chamber opposes raising the Social Security taxable wage base, a provision still contained in S. 11. Increasing the wage base (already near an all-time high) would cut in half the number of new jobs created by the tax reduction.

Should the opportunity arise during floor debate, the Chamber urges you to express your support for a straight Social Security tax cut—one which does not raise the taxable wage base—such as is contained in legislation sponsored by Senator Wallop (S. 381).

A budget resolution amendment is the requisite first step to any further discussion of a payroll tax cut, even though the optimum form of such a cut has yet to be agreed upon. For this reason, the Chamber also urges you to support the Moynihan amendment.

Sincerely,

DONALD J. KROES.

NATIONAL ASSOCIATION OF THE REMODELING INDUSTRY,
Arlington, VA, April 19, 1991.

Hon. ROBERT W. KASTEN, Jr.,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR KASTEN: On behalf of the nearly 6,000 members of the National Association of the Remodeling Industry (NARI), I am writing to respectfully encourage you to support an amendment to the upcoming budget resolution that will be offered by Senators Moynihan and Kasten.

This amendment is intended to revise downward the Social Security trust fund reserves. Currently, the reserves are much higher than necessary and are being used for purposes other than originally intended. Lowering the reserve requirement will allow legislation to be considered that will gradually reduce the Social Security payroll tax.

Small businesses everywhere, including home improvement contractors, and every wage earner will benefit tremendously from such a reduction. More importantly, lower payroll taxes will help our nation's economy by allowing more employers to hire more employees thereby generating more income tax revenues.

NARI urges you to act favorably on the Moynihan/Kasten amendment to the budget resolution and to oppose any efforts to require a super-majority vote for any change to the Social Security trust fund balance. Thank you for your consideration in this matter. A response regarding your position on this issue would be greatly appreciated.

Sincerely,

PATTI KNOFF,
Director, Government Affairs.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, April 22, 1991.

DEAR SENATOR: On behalf of the National Restaurant Association, I urge you to vote in favor of Senator Moynihan's amendment to the Senate Budget Resolution.

The Moynihan amendment would provide for the open and fair consideration of legislation to return Social Security to pay-as-you-go financing. It would do so by adjusting the Social Security revenue projection for Fiscal Year 1992 to reflect a return to pay-as-you-go financing, thus enabling the subsequent enactment of actual legislation by a simple majority vote.

The National Restaurant Association feels that the current financing system is in the best interests of neither the Social Security program nor the nation as a whole. Huge annual Social Security surpluses serve only to finance excessive federal spending and suppress economic growth. These surpluses do nothing to ensure the future benefits of today's workers. In contrast, removing a portion of the payroll tax burden from millions of American workers and businesses would reduce the cost of labor, increase employment, increase GNP, and provide for a healthier economy. A strong economy and a broad tax base are the most important factors to ensuring adequate funding for Social Security.

Moreover, in addition to providing for a total Trust Fund balance far in excess of that which exists today, the Moynihan payroll tax legislation would provide a financing structure which would guarantee the solvency of the Trust Fund in the future. Current law, unfortunately, does not. According to the Social Security Administration, under current law the Social Security system would be bankrupt in 50 years, whereas under the Moynihan legislation the system would continue to maintain a full year's reserve of benefits even 75 years from now.

In short, the National Restaurant Association feels that a return to pay-as-you-go financing is in the best interests of workers, businesses, and current and future retirees. We urge you to support the Moynihan amendment.

Sincerely,

MARK GORMAN,
Senior Director, Government Affairs.

CITY DEVELOPMENT CO.,
San Jose, CA, April 12, 1991.

Senator KASTEN,
House of Representatives, Washington, DC.

DEAR SENATOR KASTEN: As a small business owner and member of the NFIB, I greatly appreciate your efforts to reduce the burden of FICA taxes on small business.

Keep up the good work.

Cordially,

LESLIE W. HAMILTON,
General Partner.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield to the junior Senator from Texas who requests 10 minutes in opposition to the Moynihan amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we heard a lot of good speeches this morning and heard a lot of good speeches from people yesterday who feel strongly about their position, people who disagree, people who make different claims about their positions. I do not doubt the sincerity of anybody. But the bottom line is only one side can be right in this argument. As I have looked at it, I have concluded that those who oppose the pending amendment are correct.

Mr. President, I think it is important we look back at the recent history of Social Security, its solvency and its financial health. Let me begin on December 20, 1977.

In fact, there are still many in this body who were present when President Carter signed the Social Security bill on December 20, 1977, and said: "I am happy to be here today to sign legislation which will reassure the 33 million people who are receiving benefits and the 104 million workers now making contributions that the Social Security system will be financially sound well into the next century."

That was President Carter speaking based on the best information that was available, with the best of intentions, with all sincerity, on December 20, 1977.

Let me now remind my colleagues that for the 9 years prior to 1976, we ran surpluses in the Social Security trust funds. In 1976, we ran a deficit of $1.6 billion, and beginning on that date we set about trying to reform the system.

I think it is instructive to remember that for the 7 years following Jimmy Carter's signing of that bill, in each and every one of those years, we ran deficits in the Social Security trust funds. That deficit grew from $1.6 billion a year in 1977 to $11.3 billion a year in 1983.

From the day Jimmy Carter signed that bill until we reformed Social Security again, it got deeper and deeper and deeper into the red until finally, with 1 month left before the Social Security checks could not be mailed, we reformed the system again.

In 1983, we restructured the system and in doing so we created what is being portrayed here today as a problem, as an inequity, as a fraud. What did we do? We took action to put Social Security back in the black, and for the first time in 7 years, we ran a surplus where more money was coming into Social Security than was being paid out.

Let me tell my colleagues, there may be those here who think and who thought then that was a problem. There may be those here who thought it was deceptive practice to run a surplus in Social Security. But let me tell my colleagues, my mama is not one of those people. My mama is reassured every time the newspaper comes out and shows that Social Security is in the black and that her check is going to be there on the 4th of the month.

Mr. President, I think it is important to note that while we are in the black, while we are building up a trust fund, I rejoice in it. I do not apologize for it. Only in American Government do people call being in the black a problem and building up a surplus a fraud and present the idea of cutting the amount of money going into a program without cutting the benefits as a way to eliminate a fraud and to promote integrity.

Mr. President, people would laugh in your face anywhere else on the face of the Earth except on the floor of the U.S. Senate and the U.S. House of Representatives to talk about how we are strengthening the integrity of a system by cutting revenues without doing anything about spending.

Mr. President, I think it is important we remember—it is very instructive—that the strength of Social Security depends critically on what happens in the American economy. In 1989, CBO projected that this year, fiscal year 1992, we would have a $90 million surplus. In January, when CBO made the projection for this coming fiscal year, that surplus was down to $70 million. That is a 22-percent swing.

I remind my colleagues, with all of this talk about surpluses, that as the distinguished senior Senator from

Texas, the chairman of the Finance Committee, pointed out, we are operating only with a cushion of about 10 months. If we did not have any money coming into the system, we could pay benefits only for about 10 months.

I submit if we are going to err, let us err on the side of caution when we are talking about the lives and the retirement of millions of our fellow citizens.

Our distinguished colleague from South Carolina has given us a rousing speech this morning about taking Social Security off budget and protecting it. I remember 3 years ago we started to hear these speeches about how it was fraudulent that we were counting Social Security as part of the budget and Social Security was running a surplus. Mr. President, prior to 1983, we did not have that problem because Social Security was running a deficit.

I listened to all these calls about how we had to protect Social Security, how we had to have a freestanding trust fund, how we had to take Social Security out of the budget so it would not be spent.

Mr. President, I was suspicious, and I admit it. And last year, those voices became so loud that I finally decided maybe they were right and, I, along with a vast majority of Members of the Senate, supported taking Social Security off budget to establish a freestanding trust fund with the agreement that we were going to have a firewall so that Congress could not raid the trust fund.

Now, paradoxically, the year before last, it would have taken 60 votes to have raided the trust fund because of the Gramm-Rudman law. Now, by taking Social Security off budget, it is afforded less protection than any other trust fund in the Federal system. Having taken it off budget last year to protect it, it can now be raided by 50 votes.

What are we voting on today? What we are voting on today is to allow the Social Security tax to be cut without making any reduction in the benefits that we are going to pay today and in the future.

Mr. President, I hear our colleagues talking about the fact that the burden of a 12.4-percent payroll tax is too high. I am not for a 12.4-percent payroll tax. I wish it could be zero. I wish we could have a rebate. But I remind my colleagues that we have guaranteed our fellow citizens a stream of benefits, where my mother today draws from Social Security more in 1 year than she ever paid into the system in her lifetime.

We do not have a proposal here to change that system. We have a proposal which says we are going to give you all the same benefits we promised, and we are going to have you pay in less. Does that have a familiar ring? Does that sound like the proverbial free lunch which has always been firmly rooted in the American governmental system? I submit it does.

Mr. President, if 12.4 percent as a payroll tax is too burdensome today, I ask my colleagues how burdensome is 16.2 percent going to be? If 12.4 percent is too high for us, how is 16.2 percent—which this bill would require in the future—how is that not too high for our children and for our grandchildren? Mr. President, do we promote fairness by lowering taxes on us and by raising taxes by over 50 percent on our children and grandchildren? I submit we do not.

How can we take an action that is going to impose costs on the future and still claim that we are going to lower the amount being paid into the system without lowering benefits? I submit we cannot.

If this bill is adopted, the Federal Government, when looked at as a joint entity, will be borrowing more money, the Social Security system will not be building up a trust fund to pay future benefits, interest rates will rise, and in all probability GNP will fall.

I agree with the proponents of this amendment about one fundamental point, and that is we ought to be talking about cutting taxes. But we have chosen the wrong tax to talk about cutting. Social Security is not broken and should not be fixed, and in the famous words of our great President, which produced a standing ovation of all of the Members of Congress present at the joint session 2 years ago, "Do not mess with Social Security." Let us build up a trust fund. Let us guarantee benefits not just for our parents but for our children.

What private insurance fund in America would find itself in a position—may I have 2 additional minutes?

Mr. DOMENICI. I yield the Senator 2 additional minutes, Mr. President.

Mr. GRAMM. Mr. President, what private insurance fund in America could enter into the debate we are conducting today?

No one is arguing that the Social Security system is solvent. No one is arguing that the Social Security system is actuarially sound. It is not. What is happening is we are beginning to build up a trust fund. After 7 years of deficits we are doing something positive by running surpluses in the last 8 years.

Now the proposal says if we are building up a trust fund, something must be wrong. It would be equivalent to an insurance company saying: We are selling more policies than we are paying benefits; what do we need these reserves for? If a private insurance company was run as we run Social Security, it would be shut down. There would be financial fines imposed on its officers, and in all probability they would go to jail.

So I urge my colleagues to reject this amendment. Do not mess with Social Security. Let us go back and cut the capital gains tax rate, provide incentives for people to invest, to create jobs. Let us institute IRA's that encourage people to save to buy a new home or to send their children to college. Let us have incentives for saving through the President's savings plan. Let us provide incentives for people to work, and while we are doing it let us reduce the growth of spending of free resources to go into the private sector.

But, Mr. President, to argue that because we are building up a surplus fund invested in the holding of Government bonds which can be sold to the private sector, to argue that this 10 months of reserve is too much and that it is burning a hole in our pocket, I say that argument will not hold water.

The PRESIDING OFFICER (Mr. ROBB). The Senator's 2 minutes has expired. Who yields time?

Mr. GRASSLEY and Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am using my own time in opposition at this point, as much as I use, and I will yield to the Senator from Iowa very shortly.

I wonder if the Senator from Texas, who just, in the opinion of the Senator from New Mexico, made an eloquent speech which should convince most Senators we are busy today trying to raid the trust fund, agrees that you can talk about how it is not raiding, but when you take the revenue flow out of a trust fund it is raiding under anybody's use of the English language.

Mr. GRAMM. By conventional definition of the word, I think taking money out of a trust fund would be called raiding. Only here would one say you are promoting integrity by reducing the size of the trust fund. I am not aware of anywhere else in the world that those words would have that meaning.

Mr. DOMENICI. Just so we will set the record straight on how we have trivialized this trust fund by requiring only a simple majority to raid it, I wonder if the Senator knew that there are 165 trust funds of one size or another led by this one—this is the giant of them all—and all those that are on budget, on budget, to either reduce the size, receipts or taxes, or spend the money differently than under existing law, 60 votes is needed to get permission to do that. Does the Senator know that?

Mr. GRAMM. I am aware of that, and I think it is very instructive that we have structured the rules by making final, last-minute adjustments to agreements that were made that make this particular trust fund vulnerable.

Mr. DOMENICI. I have said before that I am going to try to correct that. And I do not raise the issue in terms of how it was done but merely to make a point. I would like to suggest to the

Senator and to the Senate that we have a trust fund—I am sure the Senator never knew this—called Smokey the Bear and Woodsy the Owl trust fund. Has the Senator ever heard of that?

Mr. GRAMM. No, Mr. President, I have not heard of it, but I am not surprised.

Mr. DOMENICI. Frankly, that money is supposed to be used to promote Smokey the Bear, who is a great champion of putting out forest fires and not starting them. We are supposed to use that money only for that purpose, and we have to have 60 votes even though that fund is only $100,000.

It seems to this Senator that this makes the point that we want to protect trust funds from being raided, even if they are for Smokey the Bear and Woodsy the Owl.

Mr. GRAMM. Mr. President, if I may respond, maybe there are those who think that Smokey the Bear and Woodsy the Owl are more important and more deserving of protection than the people who have earned Social Security benefits.

I do not, and I will therefore be supporting the amendment of the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Senator from Texas. The Senator from Iowa wanted to speak in opposition to the Moynihan amendment. I yield him 10 minutes for that purpose.

Mr. SASSER. Mr. President, will the Senator yield to me for just a moment on my own time?

Mr. DOMENICI. Of course.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I think it would be appropriate at this time to remind our colleagues that by unanimous consent a vote has been ordered on the Moynihan amendment at 12:30. So all of our colleagues can be on notice of that order.

Mr. DOMENICI. I thank the chairman.

The PRESIDING OFFICER. Under the previous request, the Senator from Iowa is recognized for up to 10 minutes of the time chargeable to the Senator from New Mexico.

Mr. GRASSLEY. Mr. President, I am opposed to the Moynihan amendment. I think, if you look back over the history of Social Security, you find that soon after Congress either increased benefits or, in as would be the case here, reduced taxes because some people think we have too much money in the fund, pretty soon you have a crisis environment for Social Security, and then Congress has to fix what it should not have broken in the first place.

I remember when I was in the House of Representatives in 1977 when we passed the Social Security Act amendments that year. Those amendments, as I am sure many of my colleagues will remember, among other things, were supposed to fix some of the mistakes that we made when we passed the Social Security Act Amendments of 1972.

The 1972 amendments so generously raised benefits that we could not afford to pay for them. By 1977 this had become very obvious. The system was running out of money. So then we had the 1977 amendments. These amendments raised the payroll taxes. They were supposed to fix the financing problems of the Social Security System, at least through the early 1980's after which we would begin to develop large reserves in the trust funds. Then the system would be secure once and for all, or so we were led to believe.

Well, guess what, Mr. President? They did no such thing. By 1980 it was clear again that the system was running out of money. These amendments in 1977 were also wonderfully well done, so wonderfully well done, let me emphasize, that they gave us the notch problem which has been with us ever since and which we will probably also be reconsidering sometime soon.

In any case, by then, by 1980, it was clear that the payroll tax increases of 1977 were not going to get us through the stagnation of the late seventies and the recession of the early eighties. And by 1981 and 1982, it is not too much to say that we had a national crisis on our hands, at least a national crisis as far as people waiting for their Social Security checks were concerned because we were borrowing large amounts of money from the health insurance trust funds, and we were reallocating some of the disability fund tax receipts to the retirement program—all in order to make sure Social Security benefits were going to continue. It boils down to the fact that we were robbing Peter to pay Paul.

Mr. President, many of my colleagues will remember that it took an unprecedented national effort, in the form of a National Commission on Social Security Reform, to deal with this problem. And we in the Congress could not even do it on our own. It involved Presidential participation to put this system once again on a sound financial footing.

The national commission recommended a schedule of payroll tax increases over the next several years, and these were quickly put in place through these Social Security amendments of 1983. And we finally accomplished this with just 1 month's benefits remaining in the trust fund. That was what the chairman of the Finance Committee said in a recent article in the Washington Post. Those amendments put the funds on a secure financial footing. And we have had, at least compared to the late seventies and early eighties, a period, up until now at least, of relative tranquillity as far as the viability of the funds is concerned and as far as stress on our senior citizens is concerned.

Mr. President, I want to keep it that way. I do not want to go back to the time when we politicians in Congress had to keep messing around with Social Security with quick fixes to repair hemorrhaging finances. I do not want to again borrow from the hospital insurance fund or reallocate tax revenues from the disability fund. I do not want to have to come right back here in the event, for instance, that this current recession turns out to be longer and deeper than prognosticators have told us it might be, to raise payroll taxes again.

Mr. President, I have resisted raising taxes in the past and as a general rule have been on the side of lowering taxes whenever possible. But with respect to the Social Security payroll tax, it seems to me that it is very important to keep in mind that we must leave a sufficient level of contingency reserves to pay benefits in the event of some unpredictable severe economic downturn. Only then can we consider lowering the tax rate.

What this really means is that we have to set the payroll tax at a level which is sufficient to bring in enough steady income to pay benefits in the event of an economic downturn in which the Social Security payout might go up because of inflation and its income way down because the wage base shrinks.

There are some differences of opinion about what constitutes a sufficient level of reserves for the fund. As I understand it, the Social Security Advisory Council recommends 125 percent. Some believe that we ought to set the level at at least 150 percent. Others think it should even be higher.

I agree with the chairman of the Finance Committee, who said this morning that we need to err on the side of caution. Therefore, I think we probably ought to be thinking in terms of about 150 percent of benefits. According to the most recent estimates of the Social Security Administration's actuaries this 150 percent, under current law, will not occur until at least 1995, and these estimates assume a short and shallow recession.

Why should we take the risk with Social Security? The very best that can be said about the proposal under consideration is that it is premature. I do not see how, in good conscience, we can do this until we are sure we have that contingency reserve that we need.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I would like to yield 10 minutes to the distinguished Senator from North Carolina, former Governor of North Carolina, Senator SANFORD.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for up to 10 minutes.

Mr. SANFORD. I thank my friend.

Mr. DOMENICI. Will the Senator yield on my time for a parliamentary issue?

Mr. President, I have spoken to Chairman SASSER, and we have Senators GORTON, DURENBERGER, DOLE, and I understand Senator SASSER wants to speak on our side. I would like a few minutes so we can line ourselves up and be on time. I wonder if it would be agreeable, and I ask unanimous consent, that the remaining time be divided equally between the distinguished Senator from New York, the proponent, and I understand I manage the time in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANFORD. Mr. President, there has already been a wonderful explanation of this amendment by the distinguished Senator from New York, whom we all agree, I believe, is the Senate's most noteworthy expert on Social Security, having participated and followed and worked with this great program now for many, many years. We have heard arguments on the other side that no doubt are sincere. But, Mr. President, I want to make one point in the debate on Senator MOYNIHAN'S amendment that I find compelling.

Opponents to phased-in reduction of the Social Security payroll tax argue that we need to build big Social Security reserves to assure that the money will be on hand for the "baby boomers" when it is needed to pay for their retirement. That is a very fine thought, but it also is a false assumption.

The Social Security reserve is nothing but a debt owed to the Social Security trust funds for money that was borrowed by our Government and is being spent by our Government to run our Government. To put it another way, the payroll tax is being spent as general revenue for general government purposes. And as long as it is, and as long as it is available, we are not going to face squarely and honestly this rising national debt. We are covering it up. We have these funds available, and we do not need to face this added burden that we are putting on our children and grandchildren.

To explain it yet another way, the debt owed to the Social Security trust funds is not backed by gold, or real estate, or any other collateral. When the Social Security payments come due—and they will come due—the only value standing behind the debt owed to the Social Security trust funds is the Federal Government's right to tax. So there is nothing there to build up. There is no reserve there to be reached into when the payments come due.

Senator MOYNIHAN'S proposition is simply that if we must pay a tax in the future, to pay back the Social Security reserves now being spent as general revenue, why pay a high payroll tax now? Well, there is a clear answer to that, I think. Why should working men and women in this country, many who pay more in Social Security taxes than any other tax, pay a higher payroll tax now, only to pay an additional tax later on to replace the money that the Government is using to run the Government, to replace the money that the Government will already have spent?

So it seems to me—and the point is compelling—that the Social Security taxes are based on a cruel tax policy that declares, pay now, pay again later. Senator MOYNIHAN simply wants to build up no more than a reasonable Social Security reserve or cushion, so that the Government will not continue to misappropriate such vast sums of the people's money.

That is my one point, Mr. President. I think it is immoral to collect taxes from working men and women, spend the money to run the Government, and in the end tax again to pay that money back. That is not a fair deal for our Social Security retirees.

I thank the chair, and I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator DURENBERGER.

The PRESIDING OFFICER. The Senator is recognized for up to 5 minutes.

Mr. DURENBERGER. Mr. President, I rise to oppose the legislation offered by the Senator from New York. I do so with some reluctance, because nobody in this body is more committed to the idea of preserving the integrity of the intergenerational bond of the Social Security system.

Eight years ago when the Social Security system was in crises, and things were so bad the Government was borrowing from the Medicare hospital insurance trust fund to send out Social Security checks, it was the Senator from New York, along with our colleague from Kansas, Senator DOLE, who engineered the compromise that saved Social Security.

It is important to remember that the 1983 accord was premised on the idea of intergenerational equity and fairness. We made a decision 8 years ago that we would not shift onto future generations the enormous cost of financing the retirement security of the baby boom generation. We decided that the boomers would pay a higher payroll tax in order to build surpluses that would help finance their own retirement needs.

The demographic realities underlying the 1983 compromise have not changed. Today there are 3.4 workers per Social Security recipient; by 2020, it is projected that there will be 2.4 workers per Social Security recipient; by 2040, there will be 1.9.

On the surface, and in the short term, my colleague's proposal is very appealing. It would phase in a cut in the Social Security tax from 6.2 to 5.2 percent. But the kicker in the plan that goes to the heart of the issue of intergenerational equity is that in less than 30 years our children and grandchildren's payroll taxes will be nearly 30 percent higher than they would have been had we maintained the 1983 compromise.

That is just not fair to those future generations of workers, our kids, and grandkids, who not only have to finance our retirement, but who will also be forced to pay off the even larger national debt that will result from this proposal.

On page 4, Mr. President, of the budget resolution, the projected level of national debt for the next 5 years is spelled out in black and white. It is projected at $4.9813 trillion, a staggering legacy of fiscal neglect. And we all owe a debt of gratitude to our colleague from New York and our late distinguished colleague from Pennsylvania, Jack Heinz, for forcing us to face up to the fact that Social Security trust funds were, for years, used to mask the size of that deficit.

Mr. President, that is not a reason to increase the national debt by another $179 billion. That is what will happen if this proposal is adopted. Surplus Social Security funds are automatically invested in special Treasury securities with the result that the Treasury has to auction less debt to the public. Unless we in this body are willing to raise other taxes to pay for this cut in Social Security taxes, all we will do is increase the amount of our debt by nearly $180 billion. I ask my colleagues, can any of us, in good conscience, vote to raise the projected national debt to $5.2 trillion in order to satisfy our desire to continue current consumption?

Mr. President, the Social Security check that comes in the mail promptly every month, however, represents only one pillar of the Government's commitment to retirement income security. The other, and the very basic one, is freedom from fear that a retiree will not be able to be treated by a hospital or doctor for catastrophic illness because he lacks health insurance. We adopted Medicare in 1965 to end that fear.

Mr. President, I believe that the biggest potential financial drain on every American's security today is medical and long-term care. Yesterday, it was reported that spending on health care in America rose to $671 billion last year—more than $2,700 for every American. It will go to $753 billion next year. And it will be at $1.3 trillion in 3 or 4 short years. And Government spending on health care is climbing at the rate of 15 percent of Government revenues. How we finance those costs for persons on fixed or low income is another generational problem, and we had better address it soon.

Mr. President, the Medicare hospital insurance trust fund is in real trouble. Last year, OMB Director Richard Darman estimated the unfunded liabilities in the hospital insurance program at more than $250 billion. The financial crisis facing Medicare is not decades away, but just a few short years away—conceivably beginning as early as 1995 or as late as 1999. But, whichever date is selected, nearly everyone agrees that the Medicare hospital insurance trust fund will be bankrupt within 15 years—before a single member of the baby boom enters retirement.

In my view, before we start talking about cutting the payroll tax, we have the responsibility to ensure the financial integrity of the Medicare hospital insurance trust fund. I will vote against the Moynihan amendment today. I will vote to maintain the current payroll tax formula. I will do so because I believe we inevitably have to either raise the hospital insurance tax rate or preferably reapportion the mix of OASDI and hospital insurance taxes to ensure that both trust funds are sound. If we adopt the pending amendment, we will surely foreclose the possibility of reapportioning the payroll tax mix to cover the shortfall certain to come in Medicare. And in that case, any of the payroll tax savings that are projected under this proposal will disappear as employers and employees are forced to pay higher Medicare payroll taxes.

Mr. President, I urge my colleagues to resist the urge to adopt this tax cut proposal.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Who yields time?

The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Mr. President, I request the distinguished minority member of the committee to yield me such time as I may consume here.

Mr. DOMENICI. I am pleased to yield.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. SASSER. Mr. President, let me begin by expresing my thanks to the senior Senator from New York [Mr. MOYNIHAN]. He has been an intellectual catalyst not only for the Senate but for the country on this issue as well as so many other issues. He has been one of the strongest champions of the Social Security system in the years that he has served in this body, and even before coming to the U.S. Senate. The distinguished senior Senator from New York is perhaps the most knowledgeable Member of this body on the question of the Social Security system—how it works, how it functions, and what should be done with regard to it.

The senior Senator from New York would be the last, I think, to take any action which he felt would be detrimental to the long-term well-being of the Social Security system or to the retirees who depend upon it. I felt very strongly that his proposal deserved a fair debate. I fought hard for that debate. I think the Senate needed it. And I think the country has benefited from it, no matter what the outcome of the vote on the Moynihan amendment is today.

During the course of this discussion we have heard a lot about whether we are raiding the Social Security trust fund or destroying the Social Security trust system. I strongly suspect that press releases are going out claiming credit for saving the Social Security trust fund. I think it is most unfortunate that the President would send a letter to the leadership of the U.S. Senate and indicate that the Moynihan proposal would drive the Social Security fund to the brink of bankruptcy because that, Mr. President, is totally inaccurate.

I am not sure that the changes and counterchanges are very useful. No one, to my knowledge, wants to harm the Social Security trust fund. I certainly know that I do not want to harm the Social Security trust fund. And frankly we are reduced on that side of the issue to deciding whether the trust fund's surplus is safer being misused as it is today or is it safer just reducing it so that it cannot be misused. To me that is the issue that appears to be before us.

In my judgment, the real issue here is the context that gave birth to the Moynihan proposal, and I am talking about the shameful state the Tax Code was allowed to deteriorate during the past decade.

I do not for one moment believe that we would be debating a Social Security payroll tax cut if the Tax Code of 1980, with its level of fairness, were still in place today. In fact, if we still had the 1980 Tax Code, we would not be using the Social Security surplus to offset the massive deficits created by the so-called supply side experiment. Instead, that surplus might be part of a great savings pool that would be fueling the capital formation, investment, and growth of this country.

Unfortunately, we do not have a Tax Code like we had in 1980. The supply side revolution came and wiped it away. The tax cut of 1981 dramatically slashed taxes for the wealthiest of our population, and working men and women have been paying through the nose ever since.

That, Mr. President, is the reason that a payroll tax cut is so attractive to so many of us, including this Senator. Working men and women were the forgotten Americans of the 1980's, and Senator MOYNIHAN recognizes that fact and attempts to deal with it with the amendment he brings to the Senate today.

I would submit that American social policy has gone through a kind of de-evolution during the last decade. We have regressed. In the thirties we had the New Deal, which gave birth to the Social Security system and an income supplement for those in their retiring years. In the 1940's and 1950's, we had the Fair Deal and Square Deal. It appears to me that during the 1980's we gave middle-income Americans a raw deal.

The 1981 tax cut cost the U.S. Treasury $2 trillion—$2 trillion by the end of this year, according to the figures of the Office of Management and Budget. Those are not my figures. Those are the figures of the administration.

And who picked up the $2 trillion bill? The working men and women of this country. In the 1980's, working Americans saw their payroll taxes steadily increased, while those who were more affluent were taxed less and less.

I think Senator MOYNIHAN's proposal illuminates the disparity of the tax burden during the decade of the 1980's. In 1980, Social Security payroll taxes accounted for 30.5 percent of all revenues. By 1990, a scant 10 years later, that share had jumped to 36.8 percent, over a 6-percent jump in just 10 years.

During the same time the combined income tax of both corporations and individuals declined from 60 percent of revenues to 54 percent of revenues. What was filling that 6-point gap? The payroll tax from Social Security.

Now, Mr. President, the statistical basis for the proposal that Senator MOYNIHAN brings to us today is the frustration of American working families. A payroll tax is collected only up to $52,000 in income, and it has significantly replaced the once progressive income tax as the prime source for funding the operations of the U.S. Government.

As a result of the shift to a payroll tax, we had a predictable outcome. With respect to the overall distribution of the tax burden in the 1980's, the bottom 60 percent of Americans saw their tax rates increased. The effective tax rate on the richest 1 percent fell by 14 percent during the decade of the eighties.

And perhaps the sorriest part of the whole unhappy episode is that the tax abuses were just salt in the wound of most middle-income working Americans. A stagnant standard of living has exacerbated the shift in the tax burden and the working men and women. The middle class of this country are getting a double whammy.

During the eighties the real income of the richest 1 percent of our population surged by 75 percent while the real income of the poorest fifth of Americans fell by 4 percent. The middle 20 percent experienced just a 3-percent increase over the entire decade.

Mr. President, there are going to be efforts to question the methodology according to which the data that I have offered was gathered. But these objections will not be very effective because the middle-class men and women of this country know instinctively what happened to them in the 1980's. And they are furious.

During the economic summit last year, we did our best to redress the balance. Unfortunately, we were resisted at every turn by the administration, but some positive changes were made. But the Tax Code is still less fair than it was in the 1980's. A serious recession is drowning some of the very families that struggled so hard to stay afloat in the 1980's.

We need a change in this country. Middle America needs tax relief and we need a real, not a phony, tax revolution on behalf of the working men and women of this country.

Perhaps now it is true that the option Senator MOYNIHAN brings to us today regarding the payroll tax cut is not a direct answer to the problem. I must say, it appears to this Senator that the Social Security trust fund has been drawn into the central tax equity question primarily by accident. Perhaps we should not do anything that alters the so-called trust fund surplus, as has been urged upon us today.

Still, Mr. President, the vigorous opponents of the payroll tax cut must reckon with the fact that the status quo is simply unacceptable. If the Moynihan proposal is defeated today, a similar proposal will come again and again until public pressure forces its passage. If you make the case that the Social Security tax is too sensitive to withstand change, you are then obliged to come up with some alternative way to put fairness back into the Tax Code. If not the Moynihan approach, then what?

Frankly, Mr. President, this makes a very, very difficult vote for me. I have deep sympathy for the Moynihan proposal brought to us today by the distinguished senior Senator from New York because it is rooted in the tax equity problem. But I must confess that I am equally concerned about the condition of the Federal deficit and its impact on the economic well-being of this country.

I am especially sensitive to the case made by by chairman of the Finance Committee about our need to build up national savings. My own conviction is that we need a frontal assault on the inequities that are now in our Tax Code and not a flanking manuever that some claim might threaten Social Security.

For all of these reasons, and with much reluctance, I will vote against the procedural amendment that will allow the payroll tax to be cut at this time.

But I want to make my position clear. Something must be done to change our overall tax system and to restore its equity for the overwhelming majority of Americans.

I say that knowing that there will be controversy about any change in the Tax Code. But I believe we must overcome that controversy. I am convinced that middle-income American families are entitled to some measure of tax fairness, and that we can, somehow, achieve a bipartisan consensus about ways for reducing taxes on the great working middle class in this country.

I strongly suspect, Mr. President, that, if the Moynihan initiative is not successful today, the distinguished Senator from New York will again be in the vanguard of those who seek to redress what is a basic and continuing inequity in the Tax Code of this country.

I thank the Senator for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. MOYNIHAN. Mr. President, I rise to thank the chairman of the Budget Committee in terms for which the formal designations "distinguished," and "learned," and "able" are inadequate. That was a statement from the heart. And it so illustrates what I would hope would be the tone of our debate.

I said earlier that the problem here is that we are corrupting language. And how refreshing it was to hear the chairman of the Budget Committee say the question is whether the trust funds are safer being misused as they are today.

And how much I regret that he had to say what is so—that the letter that was given to the President to sign is totally inaccurate. You must not allow a President to say something to the Senate that the chairman of the Budget Committee would describe as totally inaccurate.

Let us at least recognize that there is no more precious thing than the integrity of our statements as we go forward in this debate.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I understand Senator GORTON would like to speak in opposition. I yield to the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Washington, Senator GORTON, is recognized for up to 5 minutes.

Mr. GORTON. Mr. President, I add my name to the list of Senators opposing efforts of the Senator from New York, to raid the Social Security trust fund in the name of providing a tax break for the working people of this country.

The distinguished Senator from New York professes only to be interested in returning the Social Security system to a pay-as-you-go system of financing. The Senator makes two arguments. First, we should return the Social Security system to its historical pay-as-you-go method of financing because the high Social Security taxes of the last 8 years have restored the fund to solvency, so that higher taxes are no longer needed. Second, by lowering the Social Security tax working men and women of America will receive a much needed shot in the financial arm during these troubled economic times.

It is important to understand why we first abandoned the pay-as-you-go system of financing before deciding whether or not we should now return to this method of financing. As I remember, we abandoned the pay-as-you-go system for two important reasons.

First, back-to-back recessions almost bankrupted the Social Security system. The pay-as-you-go system of financing Social Security was clearly incapable of providing the system with financial stability. With the Social Security system subject to a constant threat of collapse, it became the conventional wisdom in the country that the Social Security system was anything but secure. Report after report pointed out that the entire country had lost faith in the Social Security system because of this ever present threat of bankruptcy. Few under 40 believed that Social Security would be there for them when they retired.

Second, Mr. President, everyone who objectively analyzed the future strains on the Social Security system came to the conclusion that the pending retirement bubble of babyboomers would overwhelm the pay-as-you-go method of financing Social Security. All agreed, we needed to plan for the future bubble of retiring babyboomers to forestall either huge increases in payroll taxes on a smaller working population or a significant cut in benefits to those babyboomers once they retired.

As was so brilliantly pointed out yesterday by my distinguished colleague from New Mexico, one of the strongest and clearest voices for raising Social Security taxes was the senior Senator from New York. Not only did he agree that a future fund surplus was necessary to anticipate future demands which would burden the system, he even predicted there would be proposed raids on those attendant surpluses. And, as the Senator from New Mexico reminded the Senator from New York, in his own words he admonished the Senate to repel these raids on the security and stability of the Social Security system.

At least the Senator from New York is candid enough to admit higher payroll taxes will eventually be necessary. His proposal would reduce the tax to a minimum of 5.2 percent by 1996. But by 2015 the tax would return to its present level. Of course, these higher taxes will be necessary because there will be a large number of babyboomers retiring at the very time our working population becomes smaller. That is why we have rates at their present levels.

By the year 2030, even under the amendment, the rate will be 1.6 percent higher than it currently is. By the year 2050, it will be higher than that.

Basically, Mr. President, the Social Security tax cut proposed by the Senator from New York continues Congress' bias toward never doing today what could be put off until tomorrow. He offers us a vote which will give our constituents, the voters of our States, a tax break today. At the same time the Senator from New York can claim his proposal is fiscally sound by including in his package the specific tax rate increases which will have to be paid in the future to keep the fund solvent.

Mr. President, the senior Senator from New York is asking us to cut our Social Security taxes and our children's Social Security taxes so our grandchildren and their children can pay higher taxes in the future. The Senator knows in most cases our grandchildren and their children will not be voting in our elections. But our colleagues should know if they vote for this cut today they will be imposing an additional burden of an average of $1,300 per year per worker in the year 2020. These are our grandchildren and their children who we are voting to tax now.

Mr. President, the Senator from New York knows we will not have to suffer the political consequences of the higher tax rates we would mandate by his proposal for years in the future.

I hope 51 Members of this body will demonstrate a proper sense of the fact that what we do here matters to future generations. But, just as importantly, I hope 51 Members of this body realize exactly how this proposal will impact our economy today.

A CBO study has estimated that the economic impact of this proposal will be a reduction in GNP of 1 percent, Mr. President. The CBO points out that this reduction will occur because of the required higher Federal borrowing, 190 billion dollars' worth, will lead to higher interest rates and lower investment in the Nation's factories and infrastructure.

If any positive results come from this Social Security tax proposed by my distinguished colleague, they will, to quote the CBO study, be "relatively modest and short-lived." We can't afford to sacrifice our Nation's factories and infrastructure for possible modest and short-lived gains. I hope enough of my colleagues will agree to defeat this proposal.

In summary, Mr. President, here are the results to be expected from this amendment. First, every worker in this country will receive an average of $2 to $3 dollars per pay check because of this tax cut. Second, our Government will have to raise even more money on the capital markets, driving up interest rates. Third, because of the higher interest rates, we will have a smaller gross national product, possibly a 1-percent reduction in our Nation's GNP. Fourth, we may be undermining the long-term integrity of the Social Security system if the Senator from New York's economic assumptions are not perfect. And finally, Mr. President, our grandchildren will have to pay $1,300 more a year to maintain the Social Security System's solvency and benefit levels to finance today's tax cut.

I propose that we in the Senate reject the Senator's proposal. It will do us no good today, endanger the solvency and stability of the Social Security System and pick the pockets of our grandchildren tomorrow.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I thank the Senator for his remarks.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator From New York is recognized for 1 minute.

Mr. MOYNIHAN. Mr. President, at this moment the statement is being made in telephone calls to Senators that the amendment we are about to vote upon precludes, drops, eliminates the provision in S. 11 that would increase the maximum wage subject to the Social Security tax.

This is not so. I support returning the taxable maximum wage base to its traditional level. Which is to say, to set the maximum wage level such that it covers about 90 percent of wages in the economy. Currently only 86 percent of wages in the economy are covered. The amendment I am now offering does not eliminate this provision in S. 11. Rather, it permits an alternative view to be offered when S. 11 comes to the floor. At that time we will have to decide by a majority vote which alternative we want. But we retain the option.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I see the distinguished Senator from Rhode Island on the floor. He would like to speak in opposition. I have some time.

The majority leader has not arrived. I yield 3 minutes to the Senator from Rhode Island, if he is gentle in his comments.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized for up to 3 minutes.

Mr. CHAFEE. Mr. President, first of all, I want to thank my distinguished colleague for letting me speak in opposition to his amendment. That is really going the full distance, is it not? I will be very gentle and I will leave out some of the sterner remarks my script has prepared.

As I understand it, approval of this amendment would pave the way for a simple majority vote on a future amendment to reduce the Social Security tax. In addition, the effect of the amendment would be to eliminate the requirement to offset the revenue loss when you reduce the tax rate. In other words, the way the situation is now you have to make up any loss of revenue some other place. My colleague has eliminated that, as I understand it, in the future.

In my judgment, if enacted, this proposal would harm our economy and leave a crippled economic legacy for our children. Under current law employers and employees each pay 6.2 percent of their wages in Social Security taxes into the trust fund. Any annual surpluses are invested in Treasury securities.

The underlying proposal of the distinguished Senator from New York on whch this amendment is based would return Social Security to a pay-as-you-go system by reducing the tax rate to 5.7 percent in the first year and 5 years from now cut it back to 5.2 percent. That is nice. How nice. We cut the tax.

However, if we look to the future, the tax has to go up. This is a pay-as-you-go system. It is not an insurance system anymore. The tax would go up to 7.8 percent, and 50 years from now it could be as high as 8.1 percent.

Is that really what we want to do to our children? I do not think so.

Mr. President, the distinguished Senator from New York says this proposal would not jeopardize the trust fund. Well, maybe so. I notice the largest association of retired citizens in our country, the American Association of Retired Persons, is opposed to this Moynihan amendment for that very reason, that it would jeopardize the trust fund for Social Security.

A recent report issued by the Congressional Budget Office warns that a reduction in the Social Security tax "would have a severe impact on the economy and would result in a slower economic growth and higher inflation and interest rates."

Is that really what we want when we are trying to come out of a recession? I do not think so, Mr. President.

The General Accounting Office has stated a safe margin of reserve in the Social Security trust fund should be for 18 months of benefits. In other words, there is enough in there to pay for 18 months. Do we have a surplus? Well, let us look and see.

There is enough in there currently to pay not for 18 months but for only 10 months.

Mr. President, like all of my colleagues in Congress, I would like very much to help working Americans. However, I do not believe we should place a large burden on the backs of future workers in order to provide a small benefit to our current workers. Instead, we should diligently pursue measures that reduce the deficit, stimulate the economy, and provide jobs for the millions of unemployed Americans. This is the only honest way to help both current and future American workers.

I hope this amendment will be defeated.

Mr. MOYNIHAN. Mr. President, I yield 20 minutes to the distinguished majority leader.

The VICE PRESIDENT. The majority leader is recognized for 20 minutes.

Mr. MITCHELL. Mr. President, I will attempt to use less than 20 minutes so others will have a chance to take time to address the Senate on this important subject.

Mr. President, and Members of the Senate, since Senator MOYNIHAN introduced his proposal to cut Social Security taxes, there has been circulated a tremendous amount of misinformation about what it would do to Social Security. An effort has been made to construct a politically powerful argument against the Moynihan amendment, but the argument is without merit. I would like to state a few simple truths about what this amendment really does.

First, the Moynihan amendment does not in any way undermine the financial strength of the Social Security System or put anyone's Social Security benefits at risk. Instead, it will strengthen the fiscal and political integrity of the Social Security system.

By restoring the current cost financing of the program, it will make the American people secure again that their Social Security taxes are being used exclusively to fund Social Security benefits, which is what they are supposed to be used for; not to fund general Government spending, which is what they are being used for.

Second, the Moynihan amendment is a tax cut intended to help middle-income, working families. It is fair to American taxpayers, and particularly to the broad middle class of working families who already shoulder most of the tax burden in this country.

Third, the Moynihan amendment will begin to make up for at least a decade of tax policies tilted to favor the wealthy in this country at the expense of the middle class.

Fourth, and simply most important, the Moynihan amendment is the right thing to do for our country. The Moynihan amendment provides for a 15-percentage point reduction in the Social Security tax paid by workers and by employers. This is, in effect, a 16-percent cut in Social Security payroll taxes. The cut is phased in to ensure that a safe reserve, amounting to about a year and a half of benefit liabilities, is maintained in the trust funds to deal with any economic downturns that may occur in the future.

Although that is the way Social Security has operated for years, and that is the preferable financing method of many retirement policy experts, in this debate we have heard opposition to that policy. The opponents' argument is aimed at the Nation's senior citizens, and is intended to persuade them that the Moynihan amendment will endanger their benefits or otherwise undermine the Social Security System. That argument is without merit.

There is a misconception today that American taxpayers are paying higher Social Security taxes to prefund entirely the retirement benefits of the baby boom generation. But they are not. In fact, they cannot, because it is impossible to fully prefund a retirement system for the entire Nation.

The current Social Security tax rates simply enable the collection of huge amounts of money which, if kept in reserve, would postpone for a few years the higher level of taxes that will ultimately be necessary to fund the retirement of the baby boom generation. And I emphasize the words "'if kept in reserve."

Eventually, Social Security taxes will be raised to fund the retirement benefits of the generation born after World War II. The Moynihan amendment will in no way affect the level of taxes that will eventually be necessary to fund those benefits. It simply affects the timing of those taxes.

Social Security taxes are higher today than necessary to fund current benefits. The only reason for these higher taxes is to delay for a few years in the next century the point at which taxes will ultimately have to be raised. That policy might be appropriate if the money were saved for the future in a trust fund separated from the Government. But it is not being saved and it will not be saved.

Instead, these surplus Social Security taxes are being used to fund general Government expenses—to purchase defense equipment, to pay interest on the national debt, to pay for law enforcement, and the many other functions of Government. We are, in effect, funding the operations of Government with a very regressive tax, a tax that is a flat rate, a tax that only applies to salary income, a tax that only applies against income up to $53,400 a year.

I ask my colleagues to think about that. Does anyone believe that to fund a new Government program, any program, there would be any political support now for enacting a new tax that would exempt all investment income that is assessed at a flat rate, that leaves untouched all income above $53,400? How many Senators would vote for that new tax?

That is what we have today with Social Security taxes. Those taxes fund the very same programs as are funded by the Federal income tax and most other Federal taxes. The Social Security System is collecting far more in taxes today than is necessary to fund current Social Security benefits. The preferable course might be to save the extra Social Security revenues to create a surplus in the budget in order to lay the foundation for future economic growth.

I know Senator MOYNIHAN supports that proposition. But if one thing is certain, it is that the money will not be saved. As we have learned in the past decade, that just will not happen. If the future in any way resembles the past, this Nation will continue to run huge budget deficits in the non-Social Security budget, the size of which will be masked by the huge surpluses from the Social Security tax on wages. We will continue to burden American workers with a highly regressive tax to pay for the overall cost of Government.

We have heard from the administration that these extra taxes on working Americans are necessary to protect the Social Security System. That is not true. It simply is not true. We should heed the view of Robert Myers, the former chief actuary of the Social Security Administration and the executive director of the 1983 Greenspan Commission. Robert Myers has been working on Social Security issues from the very beginning. He served on the staff that put the original legislation together in 1935 that established the Social Security System. There is no individual in this Nation who has been more intimately involved with or who knows more about the Social Security system than Robert Myers, and he supports the Moynihan amendment.

In his testimony before the Finance Committee last year, Mr. Myers laid out the argument very well for a cut in Social Security taxes. He said the current system, and I quote him, "does not make sense." Current-cost financing, he said, would "increase public confidence in the program. Now longer would there be confusion and fear of 'thievery and embezzlement' in connection with the use of trust funds money to balance the Federal budget."

He advocated the Moynihan amendment because he said it would "rationalize and stabilize" Social Security and would not in any way "endanger the benefit rights of either current beneficiaries or those who have will come on the rolls in the future."

At the hearing, Mr. Myers cited the views of J. Douglas Brown, of Princeton University, who was one of the original designers of the Social Security System, and who has written extensively on the philosophy of this Nation's retirement system. Douglas Brown believes strongly that Social Security should not be distorted by making it an instrument of fiscal policy. He believed the size of the reserve funds should be kept as close as possible to 1 year's benefits so that the precious confidence of the American people would not be undermined by using Social Security to influence fiscal policy.

Mr. Brown's concerns about manipulating Social Security for fiscal policy purposes were never more appropriate than they are today, because that is exactly what is now being done and, in effect, that is what the opponents of this amendment advocate They say they are concerned about the effect of this tax cut on the Federal budget deficit and on this Nation's fiscal policy.

That is not an unreasonable position. Those are important concerns. But it is, if not an unreasonable position, an unfair position. It is unfair to the millions of middle-income American families who are being asked to pay higher taxes on their wages because the Government refuses to rely on a more fair means of collecting revenue to pay for the operations of Government.

We are all concerned about the deficit. It is a serious national problem that has consumed the attention of the Congress for at least a decade. The effect of the Moynihan amendment on the deficit cannot be ignored, but the longer we depend on the current system, the more dependent we will be on this unfair taxing system.

In the next fiscal year, the Social Security system is expected to run a $70 billion surplus. By the year 2000, just a little more than 8 years from now, the Social Security system is expected to run a $200 billion surplus. The Federal Government will be collecting $4 billion a week in excess Social Security taxes to fund general Government operations.

To understand why this amendment is necessary, it is useful to review the direction that tax policy has taken in the United States over the last decade. During that period, taxes on capital income have been drastically reduced, and the top marginal income tax rate has been cut by more than half. Our Nation has come to rely to a much lesser extent on corporate taxes and on individual taxes on the very wealthy.

Corporate taxes are down and individual taxes on the very wealthy are down. What have they been replaced by? They have been replaced by increased payroll taxes, taken in a flat amount, only on labor income, and only on the first $50,000 in wages.

As a result, over the last 15 years, the means by which the Federal Government collects revenues to fund its operations have become much less fair. The middle class now bears the overwhelming burden of taxation in our society. Middle-income families have seen their effective tax burdens rise relative to higher income families.

Unfortunately, that has occurred at the same time that the distribution of income in the Nation has become more concentrated at the highest income levels than at any time since such measurements have been taken. The Congressional Budget Office has documented the changes in the distribution of Federal income tax burdens between 1977 and 1992. According to information just released by CBO, the bottom 90 percent of all households, 90 percent of all households—and that is obviously most Americans—with only one exception will pay higher Federal taxes in 1992 than they did in 1977. The one exception is the second lowest decile of earners, who will benefit from an increase in the earned income credit last year. Meanwhile, the top 10 percent in income will enjoy a tax cut in their liability. So taxes have gone up for 90 percent of Americans at the bottom, taxes have gone down for the 10 percent at the top, and most of that tax reduction of the top 10 percent is in fact concentrated in the very wealthiest, so that the top 1 percent has an 18 percent reduction in their tax burden.

So what we have done over the past 15 years is we have had a tremendous cut in taxes for the very wealthiest Americans, and in order to make up for it we have had higher taxes for working and middle-class Americans. I ask all Members of the Senate, is that fair? The answer obviously is no. This was the result of a combination of a cut in individual income taxes only for the highest income families and an increase in Social Security taxes which have disproportionately burdened middle-class families. According to CBO figures, the share of total Federal revenues coming from Social Security taxes has risen by more than 20 percent since 1980 while the share of revenues coming from the income tax has declined by almost 10 percent.

There are those who say this is not unfair. There is an argument to be made on the other side. They say that Social Security benefits are progressive so it is fair to fund them with a regressive tax even if it means a higher relative tax burden on middle-income families. I respectfully disagree. The problem is that payroll taxes on working Americans are higher than is necessary to fund the progressive benefits. The middle-class taxes went up in the last 15 years, not to fund increased Social Security benefits but to fund general Government spending. That is wrong. The Moynihan amendment would correct this inequity. It would provide a meaningful tax cut to middle-income working families who have been overburdened for the last 10 years, the middle class, whose taxes are going up while the taxes for the very wealthy have gone down. Senator MOYNIHAN will do this while preserving the financial strength of the Social Security System.

In conclusion, Mr. President, Senator MOYNIHAN is the chairman of the Subcommittee on Social Security and Family Policy of the Senate Finance Committee. He is perhaps the foremost expert on Social Security in the entire U.S. Congress. He served on the 1983 Greenspan Commission, which was responsible for recommending legislation to preserve the financial solvency of Social Security, and Senator MOYNIHAN is and has always been regarded as a tireless advocate of the elderly and a vigorous protector of Social Security. He advocates cutting Social Security taxes to put the Social Security System back on a current-cost-financing basis. He knows that it is best for the long-term viability of the Social Security System and best for the Nation.

The Moynihan amendment is good retirement policy, and it is good tax policy. Most of all, it is fair. For 15 years, middle-income families have seen their taxes go up while the taxes of the very wealthy have gone down. All Senator MOYNIHAN has said is let us make it fair by reducing taxes on the middle-income people as well. It deserves to pass this Senate.

Mr. President, I thank my colleague for his time, and I yield back whatever of my time I have not used to Senator MOYNIHAN for the use of the majority manager.

The VICE PRESIDENT. Who yields time?

Mr. DOMENICI addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. DOMENICI. I understand that I have some time remaining in opposition. I understand that is 15 minutes.

The VICE PRESIDENT. The Senator has 9 minutes and 56 seconds remaining.

Mr. DOMENICI. I understood that Senator MITCHELL wanted to yield the rest of his time to——

Mr. MOYNIHAN. Mr. President, might I ask how much time I have?

The VICE PRESIDENT. The Senator from New York has 6 minutes 8 seconds remaining.

Mr. MOYNIHAN. In that case, I will be happy to yield 5 minutes to the Senator from New Mexico, and I retain the remaining.

The VICE PRESIDENT. Without objection, it is so ordered. Who yields time?

Mr. DOMENICI. I yield 6 minutes then to the Senator, 5 plus I will yield him an additional minute.

The VICE PRESIDENT. The Republican leader is recognized for 6 minutes.

Mr. DOLE. Mr. President, we are going to have a very important vote, I understand, at about 12:30. There has been a lot of talk and a lot of confusion about the so-called Moynihan Social Security plan, the so-called tax cut. I think as this vote approaches in the next 15 minutes it is time we separated myth from reality.

By cutting this tax now, we are only cutting the safety net for future generations of Americans. I think that should not be lost on anyone, if that is what we want to do. It will not affect our generation. It will not affect anybody maybe within this Chamber, but it is the fact. By voting for a feel-good tax cut now we are only delaying the very real pain of a massive tax hike later. By scoring political points now maybe we are only jeopardizing the financial security of millions of senior citizens. I think it is time to stop playing trust fun with the trust fund, and trust is the key element and the key word here. The trust fund is exactly that; it is a sacred trust between our Government and our senior citizens, and we cannot afford to do anything which would diminish that trust and that confidence the American people have in their Government.

There have been a lot of doubts about what we are doing with the Social Security trust fund, whether there is going to be anything left for my children, your children, those who are 30, 40, 50 years of age now. I do not believe those Americans who work all their lives deserve the risk of social insecurity. They want Social Security. They want to make certain it is going to be there when they are eligible. I think we are looking at the possibility of social insecurity if the present amendment passes.

I might add that I had the great honor and privilege of being on the Social Security Commission in 1983, along with the distinguished Senator from New York. We served together on President Reagan's blue ribbon Social Security Commission. In fact, one of my proudest moments in the Senate took place in 1983 right here, about 5 feet from where I am standing, with the Senator from New York and Senator from Kansas. The Commission was about to flounder. It was about to go flat, and everybody was ready to give up. But after that meeting and after that conversation and after the inspiration from the Senator from New York, we were able to put it back together again.

So I am certainly here not to criticize the Senator from New York. I commend him for helping to save the system in 1981 and for rescuing the system in 1983. It took a lot of time and a lot of courage to fix the system. But it was done; the system was rescued, and it is in good shape. So it is with reluctance that I stand here today on the other side of the amendment proposed by the distinguished Senator from New York.

A few years ago I was campaigning somewhere and the thought occurred to me why not cut Social Security taxes. I think I talked about it publicly. Nobody wrote about it, but somebody heard about it. Somebody got hold of me and said, "Well, wait a minute; before you do this, there ought to be a few things you consider." So I met with what I considered to be experts, bipartisan, and after a lot of consultation I became convinced that if you can cut the payroll tax, it might endanger the system, the very same system the Senator from New York, the Senator from Kansas—and I might say one of the great contributors in that Commission was the late distinguished Senator from Pennsylvania, Senator Heinz—sought to save.

Now despite the current surplus in Social Security one of the biggest problems we face is a lack of confidence in the system. You can take a poll anywhere, any State, any time, and a lot of people are going to question whether or not there will be anything there when they are eligible. I think we have to continue to assure our senior citizens that the program will continue to be there for them, as well as convince young workers that something will be left when they retire.

There is no doubt about it. I think it is a fact that we plan to build up the reserves. That was part of the effort in 1983 because we wanted to increase confidence in the system. In 1983, I must say, the confidence level was probably at an all-time low.

In a speech to the National Academy of Social Insurance several years ago, my distinguished friend from New York explained the Greenspan Commission wanted to "build a reserve in the trust funds that people could see and believe in." That is precisely what has happened.

Now it seems that because of a lot of study—certainly no one studied this more than the Senator from New York—they decided the public confidence in the Social Security System can withstand the tax cut that would, without any doubt, substantially slow the growth of the reserve fund.

I do not know for certain what level reserve funds ought to be set aside to guarantee the safety of Social Security. As we learned when we played this numbers game in 1983, actuarial calculations is an imperfect science and small changes in economic variables can create disproportionate swings in the reserve fund. That is why to preserve confidence in the system, I believe we need to stay on the conservative side.

This amendment errs on the optimistic side. According to the American Association of Retired People:

> Reducing income to the trust funds by cutting payroll taxes would simply make the funds more vulnerable. Under "normal" economic conditions, a reduction in the payroll tax of 1 percent as proposed in S. 11 would mean that OASID reserves do not reach 18 months of benefits before the turn of the century. Even more disturbing, the actuaries estimate that the trust funds would have no reserve within 15 years under long-term negative economic condition, if S. 11 were enacted.

Let me say we talked about actuarial numbers for a long, long time in 1983. I am not suggesting that this is going to be perfect. It depends on which ones you use. But try to explain that to a group of angry seniors during your next town meeting or your next talk show.

It seems to me we are also dealing with a stealth tax increase here. If you read the fine print you quickly discover that this amendment increases Social Security taxes in the next century. That is all right. Many of us will not be here next century, but somebody might be. It might be our grandchildren, or our children.

According to Carolyn Weaver, director of the Social Security pension project American Enterprise Institute:

> The OASDI tax rate reaches 16.2 percent—employee and employer combined—fully 30 percent higher than the maximum rate in the law today. This would bring the total OASDI rate to 19.2 percent up from 15 percent today—and this is before dealing with the gaping medicare deficit.

It seems to me that is not extending good intentions. It would probably be a fairly close vote. This is not the time to mess with Social Security. And having done that a time or two, I think I have a pretty good feel for it. We had a lot of good ideas about Social Security. I think some of them are still sound. The Senator from New Mexico and I joined together in one historic vote in 1985 and by one vote we prevailed. Some would say that cost us two or three Senate seats that year. I do not agree with that. But I can tell you it is a very sensitive issue.

So tell me what I tell the young high school students who are going to be here tomorrow, 100 and some from Pittsburg, KS. They are going to be here with a band. What do I tell them about their future? What can I tell them about Social Security, about the reserve? What do I tell them about what could happen? And I think it seems to me that again we ought to be conservative.

I know we have been told we are not going to increase the earnings base to $82,200. But that has been taken care of. It has been altered. Plans have been altered. We are going to exclude changes to the earning base. It is going to be suggested. It seems to me sort of a shell game. Sooner or later you have to pay for this tax cut. The easiest route is going to be going after corporate taxes and earnings base, and it just seems to me that we cannot avoid that conclusion.

So I would like to conclude my argument by including in the RECORD, if it has not already been included, the letter from President Bush. Quoting just one statement:

We rescued the Social Security system 8 years ago on a bipartisan basis. When we did, we made a promise to every American who receives Social Security benefits, to those who support the system today, to those who will rely on it when they retire. We have worked together to assure that today's benefits are protected and that the system will be strong enough to continue providing benefits to future retirees. I intend to assure that we keep our promise. Sincerely, George Bush.

Mr. President, I ask unanimous consent that the letter from President George Bush be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 23, 1991.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR BOB. Six months ago, the Administration and a bipartisan majority in the Congress agreed to separate Social Security from the Federal budget. The advocates of this action argued that this separation was necessary to help protect Social Security. To this end, we also agreed to implement a "firewall" procedure requiring a super-majority vote in the Senate to protect against efforts to deplete the Social Security trust fund balances.

It now appears that there is a Senate loophole in those procedures. It was slipped into last year's budget legislation without the knowledge or approval of many of those who participated in the budget summit. Recently, you and Senator Domenici introduced legislation to repair the Social Security "firewall." I support this legislation and urge the Senate to adopt it immediately.

It is my understanding that some may attempt to exploit this loophole during Senate consideration of the Congressional Budget Resolution. They may propose an amendment to clear the way for legislation to weaken the Social Security system. Senator Moynihan's proposal, for example, would return Social Security to the same financing scheme that drove the system to the brink of insolvency in 1982. His proposal would drain roughly $23 billion from Social Security trust fund reserves in 1992 and $170 billion by the end of 1996. Under pessimistic economic assumptions, adoption of this legislation could again threaten to bankrupt the Social Security system.

We rescued the Social Security system eight years ago on a bipartisan basis. When we did, we made a promise to every American who receives Social Security benefits, to those who support the system today, and to those who will rely on it when they retire. We have worked together to assure that today's benefits are protected and that the system will be strong enough to continue providing benefits to future retirees. I intend to assure that we keep our promise.

Sincerely,

GEORGE BUSH.

Mr. DOLE. So having said that, having great respect and great regard for my friend from New York, and others who may be on that side of this issue, I still believe that to stay on the conservative side, to make certain we can assure the benefits are going to be there, there will not be any future tax increase for a America's workers, and we ought to table this amendment.

Mr. DOMENICI. Mr. President, how much time does the Senator from New Mexico have?

The VICE PRESIDENT. Four minutes, thirteen seconds.

Mr. DOMENICI. I want to have the chairman of the Finance Committee speak for 2 minutes. I reserve the remainder of my time.

The VICE PRESIDENT. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I have heard the argument made here that what we are looking at is regressivity in the tax system; that we have to do more for middle income workers. I could not agree more. That is what we worked on last year. That is what I worked on with the majority leader, with the chairman of the Budget Committee and others in that budget summit.

We raised the tax on top-income people by some 6.3 percent; we cut the tax on those people earning less than $21,000. We made some headway there and we should make some more headway in that regard. I support that concept and that objective. But do not try to do it out of the Social Security trust funds.

I used to be in the pension business. One of the things that we always wanted to be sure of was that if we erred, we erred on the conservative side, that there would be no way that those savings were going to turn to dust.

What we have here is an analysis by the professional actuaries of social security telling us that, if we take this amendment, the program will be in serious trouble under relatively conservative assumptions about economic conditions. If we have another recession that is comparable to this one, less severe than the last one we had before it, the social security funds are going to run out of money by the year 2003.

We looked at what happened back in 1983 when people lost confidence in the Social Security trust fund because you only had 1 month of reserves left to pay benefits to people for many of whom that social security check was the only thing they had. Let us not see a repetition of that kind of destruction of confidence in the Social Security System. This time we have 10 months in reserve—not the year and a half or the 2 years that the AARP group thinks is necessary to restore confidence in the program.

I urge my colleagues to protect the security of that trust fund and vote to table this amendment.

Mr. DOMENICI. Mr. President, I assume my friend is going to wrap up with his time. I want to just thank everyone who participated. This has been a very excellent debate. I think the issues are understood. Everybody knows what we are going to vote on. I will move to table if that is satisfactory with the Senator from Texas. If he desires to do so he may. In any event, it will be a combination motion to table by the Senator from Texas and the Senator from New Mexico.

Mr. President, there is a general who is called "The bear." He made a nice word popular—"bogus." Mr. President, the argument that the Social Security trust fund is in jeopardy because it is invested in the most secure instruments in the world is bogus.

Despite all the talk about what the Social Security trust fund is being used for, Mr. President, it is invested in the most secure securities in the world. So anyone who is going to vote in favor of this amendment because they are worried about the trust fund and the bogus argument that it is being used for something different than it was used in the past, are kidding themselves. They have to stand before the Senate and the seniors of America and the seniors of the future, and say that the Treasury securities of the United States are not good.

They have to say when those checks come due, the Federal Government will not pay them. Well, if that is the case, everyone in the world is being misled by America's full faith and credit and solvency. So that argument is bogus. Regarding the argument that by reducing the taxes that secure these payments, we make the payments more secure, I was wondering where could I find a word that explains that, and "bogus" fits it to a tee. Less taxes in the trust fund makes the checks more secure. I believe we ought to leave things alone.

I yield the floor.

The VICE PRESIDENT. The Senator's time has expired. The Senator from New York has 1 minute.

Mr. MOYNIHAN. Mr. President, I could not have said more effectively what the majority leader, Senator MITCHELL, has just said. The issue here is integrity. As the chairman of the Budget Committee has said, we are misusing these funds. The vote we are about to take is about whether to stop misusing the trust funds and restore integrity to that system.

Mr. HATCH. Mr. President, I rise today to express my support for the amendment of the Senator from New York. The real issue behind this amendment is whether or not we should have a reduction in the Social Security tax rate and a return to pay-as-you-go financing. I agree with Senator MOYNIHAN that it is improper and unfair for the Federal Government to collect more in FICA payroll taxes than it reasonably needs for the payment of current Social Security benefits. The excess amount received over the amount paid out is estimated to be $64 billion in 1991 and will grow to an accumulated $9.2 trillion by around 2020. The accumulation of this huge surplus will not strengthen our Social Security system, Mr. President; it will weaken it.

Most taxpayers believe that their FICA taxes are being set aside in a trust fund to pay for their future retirement benefits. This is not the case at all. The Government does record the receipts and expenditures of Social Security financing, but the trust fund is merely a set of accounting entries designed to keep track of spending authority. It does not represent the ability of the Government to pay the benefits, but merely represents how much more has been received in FICA taxes than has been paid out in Social Security benefits.

Because we have continually experienced huge annual budget deficits, the effect of collecting more in FICA payroll taxes than is needed to pay Social Security benefits is to finance the deficit with payroll tax dollars. This simply is not right, Mr. President. American workers should not have to pay high payroll taxes because the Government cannot balance the budget. Excess payroll taxes are wrong for two reasons. First, they are anti-growth. It is poor policy to finance the deficit with a tax on labor. Second, the public believes that FICA taxes are dedicated to Social Security benefits. We should either stop taking more than we need or tell the public where these taxes are really going.

Today's Social Security benefits are being paid with today's FICA payroll tax receipts. The next generation's Social Security benefits will be paid with taxes received in the year those benefits are paid. Unless we have an overall budget surplus, we cannot, by collecting more than we need now, provide for future retirees' benefits. Those benefits will have to be paid for by taxes collected then. By collecting more than is currently needed, we are fueling the huge Federal spending machine. This leads to more irresponsible Federal spending, thus increasing the deficit and further weakening our Federal finances. Thus, collecting more FICA payroll taxes than are needed does not strengthen Social Security's future—it weakens it.

The best thing we can do to secure the future of the Social Security system is to put it back on a pay-as-you-go basis. By putting those excess taxes back into the hands of the employees and the employers, we will strengthen our economy. When we do face the time in the early 21st century when we must pay for the baby boomers' retirement, a strong economy will be necessary to generate the amount of taxes required to finance those benefits. This is true regardless of how much in payroll taxes we have collected in the past. Thus, to secure the future, we must secure the economy. This can best be done by creating new jobs now and controlling rampant spending now, so that the budget can be balanced then.

A cut in the Social Security tax rate is an antirecessionary measure. Claims that lowering the Social Security tax rate will increase interest rates, hurt investment, and lead to lower economic and GNP growth don't make economic sense, Mr. President. By lowering the FICA tax, we would put dollars into the pockets of every American worker and bolster the bottom line of every American employer. This would encourage investment, create jobs, spur the economy, and enhance Federal tax receipts.

The payroll tax raises the cost of labor for businesses, resulting in fewer jobs. It is also a burden to the people who are working and struggling to make ends meet. Let me repeat, Mr. President. Lowering this tax will create jobs and strengthen the economy. A 1990 study that estimated that a 2.2-percentage point reduction in the payroll tax would create 930,000 jobs and increase annual GNP by $346 billion by the year 2000. By increasing take-home pay for employees and reducing labor costs for employers, a payroll tax cut will stimulate long-term economic growth.

The key to this Nation's future prosperity and to eliminating the deficit is economic growth. This growth comes about through Government policies that encourage the creation of new jobs. Lowering the Social Security tax rate will encourage the creation of new jobs and thus spur economic growth. We are not spending this money for Social Security. Let's do what is right and give it back to the workers who earned it and need it.

Mr. LEVIN. Mr. President, Senator MOYNIHAN'S amendment is well motivated and reflects an effort to insert more honesty in our taxing system. But I'm afraid the approach reflected by this legislation ultimately is reminiscent of the story of a man who drops his wallet on the way home one night. So he goes to a streetlight near his home and stares intently at the ground.

A friend who had volunteered to help him look asks him why he is only looking in that one spot. And the man answers, "because the light is so much better here."

In the same way this person focused on only one place, this legislation focuses on only one place in time; the present. It ignores other important places in time; the lessons of the past and the likely future.

But unlike that dark street with only one spot illuminated, the future that we are signing on to if we pass this bill is quite clear.

The proponents of this legislation say that perhaps it will put $100 to $200 into the pockets of middle-income Americans. But when we look at the entire picture, we find that we will be taking even more than $100 or $200 out of their pockets in the years to come.

Our own best estimates—those provided by the Congressional Budget Office—show that we would be adding thousands of dollars to the price of a home and to the price of a college education through higher interest rates.

What is portrayed here as a tax cut is in fact the latest chapter in a story of borrow and spend policymaking that reaches back more than 10 years. That period in our national life will forever be known as the decade of debt. And today we are asked to perpetuate and worsen that legacy.

Mr. President, I will vote "no."

The facts of this legislative are clear:

The Treasury would have to increase borrowing from the private sector to fund the general Government, unless it increased general revenues or cut general spending.

Under this bill, the Social Security tax rate will drop in the short term, but rise dramatically in the long term.

The Congressional Budget Office calculates that the legislation will reduce revenues going into the Treasury by $165 billion over the next 5 years. Some of the supply side advocates of this proposal would dispute that because they would say that a lower Social Security tax will result in more jobs, more economic growth, and more taxes being paid. However, the past decade gives us plenty of reasons to pause before accepting the supply-side argument.

Mr. President, the key economic question in the short term is whether the increased borrowing from the private sector that we will have to do as a result of the Moynihan proposal will depress the economy more than the tax cut resulting from the Moynihan proposal will stimulate it.

A report by the Congressional Research Service has indicated that the mainstream economic view is that the negative impact of the increased private sector borrowing is, in time, greater than the positive impact of the tax cut. The Congressional Budget Office has come to the same conclusion.

The long-term significance for the Social Security system of this economic question is that the CRS and CBO answers suggest that the economy will be in better shape if we stick with current law and do not pass this legislation.

The shorter term significance on the economy of this question is that interest rate sensitive industries will be hurt by the passage of this bill after the initial stimulative impact of the Social Security tax cut plays out its brief course.

Mr. President, we have certainly heard a lot in recent days about the next generation. The emphasis on children is well placed because ours is a nation that has, until the eighties, generally sacrificed for its children. The recent, long overdue emphasis on education is a realization that if our Nation is to have a future of opportunity and success, then our children must have the tools. With that in mind, let me read from an analysis of S. 11 produced by the Congressional Research Service:

> The Consensus among economists is that * * * the amount the Government borrows each year from the public is too large, and that the accumulation of past deficits has already imposed a large mortgage on the future generations. Cutting Social Security taxes now without offsetting tax increases or spending cuts will only make that amount larger.

Ralph C. Bryant of the Brookings Institution makes the point this way:

> If the current generation of political leaders in this country seriously cares about the future economic welfare of their children and their children's children, they will not be able to support the S. 11 proposal for reducing national saving in the 1990's.

Mr. President, this legislation gives a small tax cut to this generation, but hands to the next generation and generations to come a new, added burden.

We burdened the future too much in the eighties. It's long overdue to save more and invest more in the future—not spend more now and mortgage the future even more heavily than it's already been shamefully burdened.

I have given much thought to the Moynihan amendment. As I said, it is well motivated. But it will add a new mountain of debt for future generations to climb. That's not the kind of challenge we want to pass on to our children.

Finally, Mr. President, as worrisome as the Moynihan amendment is for future generations, it also takes too large a risk with respect to those who may be retiring within the next decade. The prudent course is to have a Social Security reserve equal to more than a year's worth of anticipated benefits. Under current law, we will achieve that level within the next few years, assuming we have a reasonable level of economic growth. Even if the economy grows more slowly, there would be an adequate reserve for Social Security by 1999. However, under the Moynihan amendment, if the economy does not perform as strongly as we hope, we will never reach an adequate level of a Social Security reserve. The Moynihan amendment does not make a crisis in the Social Security system inevitable, but it does bring us too close to that possibility than I feel is prudent.

In 1981, I voted against a tax plan, which Senator Howard Baker described as a riverboat gamble. The decade that followed has been marked and marred by deficits which the proponents of that plan assured us would never occur. Ten years later, we are offered another gamble. I am unwilling to take that gamble. The stakes for our children and retirees are simply too high.

I urge my colleagues to vote "no" on the Moynihan amendment.

Mr. RUDMAN. Mr. President, I rise in strong opposition to the amendment offered by the senior Senator from New York.

The Moynihan amendment is the single most pernicious proposal relating to the Federal budget to come before Congress in the last 5 years. First, it threatens the Social Security system and the benefits due senior citizens by reducing the Social Security payroll tax while making no offsetting changes to the system for the next 20 years. Second, it imposes a substantial tax increase on our children and grandchildren, further exacerbating the enormous financial burden we have chosen to place on our descendants in the form of debt and taxes. Third, it would have disastrous effects on the economy. For these reasons, I urge my fellow colleagues to oppose this ill-conceived measure.

Last year Congress and the administration spent 5 months working on a budget agreement to reduce the horrendous, record Federal budget deficits that we have allowed to develop over the last 10 years. The agreement finally reached provided $482 billion of savings over 5 years, not enough given the magnitude of the problem, but a start. The Moynihan amendment would in large part nullify that effort to reduce the Federal deficit, costing $234 billion in the first 5 years alone. Advocates of the amendment will assert that Social Security is now off-budget; however, there should be no doubt in anyone's mind that its effect is to increase the Federal budget deficit by $195 billion. Whether we call it on-budget or off-budget, the debt is the same, and so is the impact on the economy and our children.

This first part of the proposal of the Senator from New York sounds wonderful. Currently the Social Security tax is 15.3 percent, with half paid for by the worker and half by the employer, of which 12.4 percent is earmarked for old age, survivors, and disability pensions. The Moynihan amendment would lower this portion of the Social Security tax in three stages to 10.4 percent by 1996, and freeze the tax at that rate until 2010.

Then the day of reckoning comes. To pay for this massive free lunch for the American public, the Moynihan amendment begins to raise the payroll tax. The tax rate would be back at the current 12.4 percent in 2015, rise to 13.6 percent in 2020, hit 15.0 percent in 2025, and ultimately reach 16.2 percent. Factor in the portion of the payroll tax for Medicare, a program which is beginning to face serious problems, and we are talking a total Social Security tax of almost 20 percent.

Senator MOYNIHAN justifies this turkey based on the idea that Social Security should revert to a pay-as-you-go system. Let us look at what that entails. The Senator from New York would cut the payroll tax for Social Security pensions by 16 percent for about 15 years, and would pay for it with a subsequent tax hike of over 50 percent, nearly one-third over today's rate.

Proponents of the amendment are telling the American people: "Don't worry about your retirement—you deserve a tax break now—your children can worry about paying for your retirement later." At the same time, they are telling those too young to vote: "Tough luck."

This amendment is typical of the "spend now, worry later" philosophy that got the Government into its current fiscal crisis. It is totally irresponsible.

Building up the trust funds, to have today's labor force pay for a small portion of their future Social Security benefits, was forced on this country by one fundamental demographic fact—the population of this country is getting older. In 1950, 16.5 working taxpayers paid into the Social Security system for every one individual receiving benefits. Today, approximately 3.4 wage earners are paying for each beneficiary, and it is projected that by 2030 there will only be two wage earners per beneficiary. This is one of the reasons Social Security taxes have been increased so much since the program was created, and reverting to a pure pay-as-you-go system would place an intolerable burden on future generations.

The Moynihan amendment is not only deadly for the long-term future of Social Security, it threatens the short-term solvency of the system by depleting the trust fund reserves, jeopardizing the monthly benefits of 40 million recipients in this decade. This is why the American Association of Retired Persons opposes the amendment.

Most experts believe that, even under a pay-as-you-go Social Security system, a trust fund reserve of 18 months is required to ensure that benefits can be paid during a sustained economic down turn. As a result of the 1983 Social Security bailout legislation, this reserve will have been increased from under 5 months to 10 months by the end of this year, and will reach the necessary 18-month level in 1995.

If the Moynihan amendment is adopted, the minimum reserve balance will probably never be reached. Couple that with a continuation of the current recession, and the benefits for our senior citizens will be in serious jeopardy in a couple of years. It is worth noting that the Social Security trust funds accumulated $6 billion less than projected last year because of the poor economy.

Finally, the Moynihan amendment would devastate the American economy over the next quarter-century. As the Congressional Budget Office noted in a report issued last week, reverting to a pay-as-you-go system along the lines proposed by the Senator from New York would result in a sharp reduction in gross national savings during the next 25 years. Both short-term and long-term interest rates would increase, as would the U.S. trade deficit and consumer prices. Although there might be a modest stimulative impact on the economy for a very brief period, economic growth will be sharply reduced within just a couple of years. The American people will see their incomes fall, prices rise, and jobs disappear.

This country has already seen the effects of irresponsible management of Social Security. In 1972, Congress enacted legislation which led to an increase in Social Security pensions of one-third after adjusting for inflation, while not making any changes in taxes or other benefits. Notwithstanding a bailout bill in 1977, the Social Security system ran a deficit annually between 1975 and 1982, to the point where the trust funds were approaching depletion and benefits were going to be interrupted as early as 1984. Moreover, the population surge from the baby boom generation coupled with the subsequent declining birthrate threatened the ability of the system to pay benefits that would be due beginning in about the year 2010.

To address these concerns, Congress appointed a bipartisan commission, which included the Senator from New York. The commission recommended that the problem be dealt with in part by raising Social Security taxes to require the current working population to contribute a portion of the cost of their future benefits. These reforms were overwhelmingly enacted into law as part of the Social Security Amendments of 1983. As a result, the Social Security trust fund is now accumulating annual surpluses. This year the surplus is estimated to be nearly $57.2 billion.

Proponents of this amendment would have the public believe that the Social Security trust fund is being used for other government activities because the surplus is being invested in Government bonds. First, since Social Security was created over 50 years ago, Federal law has required its funds to be invested in Government bonds. This decision was made because Government bonds are risk free, whereas private sector investments are not. Second, automatic investment in Government bonds keeps politics out of Social Security investment decisions. The Federal Government pays interest to Social Security on those bonds. I believe this is good policy, and would oppose changing it even if the Government did not have a budget deficit.

Some critics have also asserted that the Social Security surplus is masking the true size of the deficit. There is no doubt that the operating budget deficit is too high. I have devoted considerable effort since being elected to reducing the deficit. In fact, it was a provision of the Gramm-Rudman-Hollings balanced budget law, which I coauthored, that forced the Federal Government to begin publishing separate Social Security and non-Social Security budget totals, thus bringing this issue to public light. Last year, as part of the budget agreement, Congress removed the Social Security trust fund from the deficit calculation.

However, just because the operating budget deficit is larger than the Social Security surplus, leading to an overall budget deficit, does not mean that the Social Security trust fund is being raided. The way the Government keeps its books is similar to an individual who has a retirement account, a checking account, and a credit card. The Government's retirement fund, Social Security is invested in Government bonds and is gaining interest. The Government is trying to reduce its debt, the budget deficit, through measures such as the Gramm-Rudman-Hollings law and the fiscal 1991 budget agreement.

Cutting Social Security taxes, as this amendment would do, is not the way to reduce the Government's debt or ensure that benefits will be paid in the future. This amendment would take this country in the wrong direction. This measure threatens the solvency of the Social Security system, will raise our children's taxes, and will compromise economic recovery. For those reasons, I strongly oppose this measure and I urge my colleagues to do the same.

SOCIAL SECURITY PAYROLL TAX REDUCTION

Mr. KERRY. Mr. President, over the past year, there has been much debate and considerable disagreement over Senator MOYNIHAN's proposal to reduce Social Security payroll taxes. In the process, attempts have been made by opponents of the measure to misinform the American public, and to some degree, they have managed to muddle the crux of the issue. So I think it's important that we keep our eye on the ball and discuss what today's vote really means.

It is a vote on an amendment to the Senate budget resolution that will allow the Senate, at a later time, to reduce the Social Security payroll tax by a 50-vote simple majority. It is not a vote on the specifics of the Social Security Tax Cut Act of 1991, which Senator MOYNIHAN introduced at the beginning of this year. That debate will take place later on this year, though some Senators have already made the case for a reduction in payroll taxes. Simply stated, today's vote will determine whether the Senate will protect the right of a 50-vote majority to work its will.

One thing should be clear. Today's vote does not in any way jeopardize Social Security benefits. In fact, it represents the first step that I believe we must take to protect the integrity of the Social Security program. The Federal Government is now using the surplus accumulating in the Social Security trust funds as if it were general revenue. This is not a small amount of money we are talking about—some $74 billion in 1991, $83 billion next year, $126 billion in 1995, and so on. This practice is wrong and dishonest. We are violating a trust—a promise we have made to the American people that their Social Security contributions are being saved. We are raising revenue for one purpose and spending it on another. I think it's time we stop that practice, return to the traditional pay-as-you-go financing, and stop the shell game being played at working families' expense. In doing so, we protect the benefits of today's senior citizens and strengthen the system's financing by putting the Social Security program back in actuarial balance over the long term.

An effort has been made to confuse matters in this debate. This issue is not about Social Security benefits. Under Senator MOYNIHAN's proposal, the Social Security trust funds would build and maintain a safe level of reserves. This issue is about fiscal integrity, tax fairness, and job growth. The Federal Government is now using Social Security contributions to finance the budget deficit. This money is not being set aside for future beneficiaries. It's being spent, and when it comes time for Social Security to collect the IOU's, you can bet that the Federal Government will ask American taxpayers to pick up the bill.

I also think it's about time the Federal Government helped the average American worker. Former President Reagan talked a great deal about lowering taxes, but American workers realize how phony that promise was. Most Americans now pay more in taxes than they did a decade ago, 74 percent of us actually pay more in payroll taxes than in income taxes. A reduction in payroll taxes would provide American workers with a tax break they need and deserve. The estimated cumulative tax cut savings for workers in Massachusetts would be about $4,500 over the next 5 years. This tax cut may seem like a small amount of money to the folks here in Washington, but not for the people of Massachusetts, where unemployment is now about 10 percent and income has dropped precipitously.

The American people are looking to Washington to see what action the Federal Government will take to get our economy moving again. So far they have seen nothing, and it's a disgrace. A Social Security payroll tax cut will help the economy by lowering taxes on workers and businesses alike. It puts more money in the hands of consumers and lowers the cost of doing business. The Bush administration has shown no interest in taking measures to pull this country out of this economic downturn. Well, this is one Senator who intends to do something. That's why the voters of Massachusetts sent me down here. It wasn't to wish the recession away, and I think a payroll tax reduction will help the businesses and workers in my home State and across the country.

I hope the Senate accepts this amendment to the budget resolution. A reduction in Social Security payroll taxes should be decided by a simple 50-vote majority. If we reject this amendment, we only make it more difficult to reduce payroll taxes at a later time by requiring a 60-vote super majority. I think Senator MOYNIHAN's proposal deserves a fair consideration. It strengthens the financing arrangements of the Social Security program, restores integrity to our budget process, would stimulate the economy, and gives American workers a real tax cut. I hope my colleagues will join me in support of this measure.

Mr. HARKIN. Mr. President, I believe that there are several very important concerns with this issue.

First, my preeminent concern is the soundness of the Social Security system over the long term. Social Security recipients must be fully protected and receive all of the benefits that they are entitled to.

Second, I believe the tax system must be more progressive. Moderate and middle income taxpayers are bearing too heavy of a burden. For example, under the present system a person earning $20,000 a year pays 6.2 percent of that in payroll taxes, while a person making $300,000 pays only about 1 percent. That's not fair.

Third, the present system is misusing Social Security to cover the huge deficit and I believe this is wrong social and economic policy.

If we followed the thrust of the Moynihan proposal we would see a positive economic benefit by lowering payroll taxes and stop the misuse of Social Security funds.

I am concerned about several points made about the amendment by some speakers. If the substantive amendment that we would be voting on at a later point reduces revenues by that full amount and does not include an increase in the cap on the Social Security wage base above $53,400, the need for progressivity of taxes and for adequate Social Security reserves will be damaged.

I would like to ask the sponsor of the amendment to more fully indicate his views concerning raising the cap and on the need to preserve adequate Social Security revenues.

Mr. MOYNIHAN. I fully concur with the views expressed by my distinguished colleague. As he knows, the amendment we will soon vote upon if passed will permit a future payroll tax bill to be considered by a simple majority. The exact form of the payroll tax cut will be decided in the Finance Committee or on the floor. It is my view that the cap should be raised and this is contained in S. 11, the bill I have introduced in January. Others may have another view. The amendment we now vote upon would only permit either view to be considered. And other views as well. I will certainly continue to fully support an increase in the wage base.

Mr. HARKIN. Thank you. I would also note that any Social Security tax cut bill that we might consider, should contain an appropriate automatic adjustment process that would assure, beyond that in current law, that the trust fund will remain in strong financial condition under even unforeseen economic conditions. This will add an extra measure of protection for all Social Security beneficiaries, present and future.

Mr. BAUCUS. Mr. President, the amendment offered by the distinguished Senator from New York serves an important purpose. It focuses a debate on how the Government finances perhaps our single most important domestic program—Social Security. And it is a legitimate debate.

The Social Security system serves more than 38 million people—most, but not all, of whom rely on it for a substantial portion of their retirement income. It means a great deal to those individuals. That is particularly true in my own State of Montana where we rank 40th among the States in per capita income.

Protecting the Social Security trust funds over the long term must be an absolute priority. So it is incumbent upon us to proceed deliberately and with as much knowledge and wisdom as we can muster.

The proponents of this amendment raise some legitimate concerns with the present financing system. In particular, they point to the increasing burden imposed on working men and women, and on business—especially small business, by payroll taxes. And I am sympathetic to some of their arguments.

Unfortunately, since this issue was voted on last fall, several new analyses of the economic effect of the payroll tax cut have come to light. These analyses raise some potentially troubling questions.

For instance, the Congressional Budget Office believes that enactment of a Social Security tax cut could raise real interest rates, reduce investment, depress national savings, and otherwise diminish economic growth.

But we need to stimulate economic growth and job creation, to increase investment, and raise our level of savings. Therefore, these analyses should signal us to proceed cautiously before we embark on a major change in fiscal policy.

Mr. President, I do not believe that there has been adequate consideration of the possible negative effects of this proposal. Therefore, I cannot support the amendment at this time.

But the issue is not closed. I hope that in the coming months, there will be an examination of the amendment in light of these new analyses and that the Senate will be able to render a more informed judgment on the proposition.

SOCIAL SECURITY PAYROLL TAX CUT

Mr. RIEGLE. Mr. President, although I am supporting the Moynihan amendment to provide room for potential reductions in the Social Security payroll tax, I believe there are a number of questions that need to be answered.

We need to analyze the distributional impact of the Senator's amendment, to assure that the tax cut would be fair across all income categories, and would help the working people of this country for whom it was designed. I think we should thoroughly review the question of whether the Social Security reserves would be sufficient to protect Social Security benefits under a pay-as-you-go format.

Mr. President, if the Moynihan approach is not adopted, we will need to understand the macroeconomic impact of the increasing reserves on national savings rates, the cost of capital, and the overall competitiveness. As a member of the Finance Committee, I will be looking closely at these and other issues as we consider the Senator from New York's proposal.

Mr. GLENN. Mr. President, throughout my years in the Senate, I have consistently supported the Social Security Program. I have voted to preserve benefits for current recipients and to ensure that benefits will be available for the workers of today and tomorrow when they retire.

In 1983, Congress devised a plan that rescued Social Security from pending insolvency and put it on sound financial footing until well into the 21st century. By accumulating reserves in the Social Security trust funds, we are planning ahead for the retirement of the post-World War II baby boom generation and for a time when the ratio of workers to retirees will decline. I believe this is good public policy.

Confidence in the Social Security system is being restored because of the action we took to shore up the financing of the trust funds. Reserves are building in the trust funds so that money will be available to pay benefits to future retirees. However, the reserves are not yet at a level that many experts feel is the minimum desirable to protect against economic downturns. For this reason, now is not the time to enact a cut in Social Security taxes.

Although I am opposing Senator MOYNIHAN's amendment today, I share his concern about the need to address the true Federal deficit, not a deficit that is masked by the Social Security surpluses. This is the honest way to go and I believe we are moving in this direction. Last year we enacted a budget that provides for nearly $500 billion in deficit reduction over 5 years. Now is not the time to negate much of this deficit reduction.

According to the Congressional Budget Office, enactment of Senator MOYNIHAN's proposal would increase the deficit by nearly $200 billion over this 5-year period. The impact of this reduction—higher inflation and interest rates, slower economic growth and reduced savings and investment—would have an adverse impact on the American economy. This is another important reason for opposing a Social Security payroll tax cut.

Mr. President, any changes in the Social Security system must be made with a view toward maintaining this public trust between Americans of all ages and our Government. At the present time, it is important both for the solvency of the Social Security Program and for the health of our national economy to oppose a Social Security payroll tax cut.

Mr. BYRD. Mr. President, I have listened with great interest to the arguments that have been put forth these last 2 days in favor of the amendment offered by the Senator from New York [Mr. MOYNIHAN]. Having done so, I must acknowledge that I am attracted by the possibility of being able to provide some real tax relief to the working men and women of America. I am attracted by the possibility of being able to restore some of the progressivity that our Federal tax system lost during the past decade. Finally, I am attracted by the possibility of being able to help lift our economy out of recession.

Yet, as important and attractive as each of those goals might be, none can take precedence over maintaining the soundness of the Social Security system. Millions of Americans depend on the Social Security system to provide them with a sense of financial security in their retirement years. Millions more will come to depend on it in the years ahead. Social Security has become a cherished institution in the United States, and we have a duty to preserve and protect it, not only for the benefit of today's retirees, but for the benefit of future retirees as well.

In my view, there are two major issues involved in the amendment before us. First, how easily will we allow changes to be made in Social Security? Second, is returning Social Security to a pay-as-you-go financing mechanism in both the near- and long-term interests of the system?

As to the first issue, I do not believe that we should lightly go about making changes in Social Security taxes or benefits. Having gone through the painful and difficult task of restoring the financial solvency of the Social Security system in the last decade, I do not believe we should now allow changes in the system to be enacted on the basis of a simple 51-vote majority. To require that 60 Senators vote in the affirmative for passage of any change in the tax or benefit structure of the Social Security system is, in my view, a good thing. Therefore, I will not support the pending amendment.

In addition, I do not believe that returning Social Security to a pay-as-you-go basis is in the best interests of the system and those who now or will depend on it. I never want to go through another crisis like that we experienced in the early part of the 1980's. I believe the soundness and long-term solvency of the Social Security system can be best maintained by building up a trust fund surplus, as will occur under current law, that will be there to pay out benefits when the post-World War II baby boom generation begins to retire in the early part of the next century.

Mr. President, there are some who would argue that because the Federal Government regularly borrows any excess reserves that accumulate in the Social Security trust funds, the notion that the Social Security system is actually building up a surplus is illusory. They question whether the Federal Government will stand behind its obligations and, when the time comes, redeem the securities held by the Social Security trust funds. But, Mr. President, I am confident that the Federal Government will not default on its debt, and that it will stand behind its obligations.

Furthermore, I would suggest that there are better ways, other than returning the Social Security system to a pay-as-you-go basis, to address concerns about Social Security revenues being invested in Government securities. To return Social Security to a pay-as-you-go basis would, in my view, put the system at risk. And, despite the attractiveness of reducing the tax burden on middle-income taxpayers, that is a risk to which I am unwilling to expose the Social Security system.

Mr. DOMENICI. Mr. President, I move to table and ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—60

Baucus
Bentsen
Bingaman
Bond
Bradley
Breaux
Brown
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Ford
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Hatfield
Heflin
Jeffords
Johnston
Kassebaum
Kohl
Lautenberg
Levin
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Packwood
Pressler
Robb
Rockefeller
Roth
Rudman
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner

NAYS—38

Adams
Akaka
Biden
Boren
Bryan
Craig
Cranston
Dodd
Exon
Fowler
Gore
Harkin
Hatch
Helms
Hollings
Inouye
Kasten
Kennedy
Kerrey
Kerry
Leahy
Lieberman
Mack
Metzenbaum
Mitchell
Moynihan
Nickles
Nunn
Pell
Reid
Riegle
Sanford
Sarbanes
Seymour
Symms
Wallop
Wellstone
Wirth

NOT VOTING—1 Pryor

So the motion to table the amendment (No. 74) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, like many of my colleagues, I come to the floor today to address the proposal offered by the senior Senator from New York [Mr. MOYNIHAN]. I do not think anyone in this body has spent more time and energy in recent years fighting for the best interests of the Social Security beneficiaries than my good friend from New York.

During our years in the Senate, I have had the privilege of working with him on many of his initiatives designed to strengthen the Social Security system. In fact, I was the first Republican cosponsor of Senator MOYNIHAN's proposal to establish the Social Security Administration as an independent agency of Government.

It is out of this same concern for the integrity of the Social Security system that I voted in favor of taking Social Security off-budget and now support the proposal to reinstate the Social Security firewall offered by Senator DOMINICI.

I am deeply committed to the millions of Americans who currently depend upon monthly Social Security payments, often for such basic necessities as food and shelter. I am similarly committed to those in the workforce currently paying into the system with the rightful expectation of future benefits.

I have long believed that we must find a way to effectively separate the Social Security trust fund from continuing Government finances. One way to curtail Government borrowing from the fund is to draw down the fund so that it is on a pay-as-you-go basis. This would leave much less for the Federal Government to borrow. In the past, I have supported Senator MOYNIHAN's proposal to accomplish precisely such a draw down by cutting the FICA tax rate.

Given the unresolved dangers of the pay-as-you-go method as well as the new alternatives that may more effectively deal with my concerns about the use of trust fund surpluses, however, I regret that I can no longer support Senator MOYNIHAN's approach.

Mr. President, on a final note, I might add that I am intrigued by an alternative approach introduced only yesterday by my good friend from Florida, Senator GRAHAM. Rather than cutting the flow of income into the trust fund—an act that many argue would destabilize the future integrity of the trust fund—Senator GRAHAM's bill would concentrate on the utilization of trust fund revenues once they are paid into the fund. I look forward to learning more about this proposal.

The VICE PRESIDENT. Under the previous order, the Senator from New Mexico is authorized to offer an amendment at this time.

Mr. DOMENICI. Mr. President, before I actually send the amendment to the desk, I want to discuss it briefly with the chairman.

Mr. SASSER. Mr. President, would the distinguished Senator from New Mexico yield to me for just a moment in order that I might yield 3 minutes to the distinguished Senator from New York at this time?

Mr. DOMENICI. I am pleased to do so.

The VICE PRESIDENT. The Senator from Tennessee.

Mr. SASSER. Mr. President, I yield 3 minutes to the distinguished Senator from New York [Mr. MOYNIHAN].

The VICE PRESIDENT. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I rise in the aftermath of the vote to thank all those involved in the debate and to say I think the temper was certainly an admirable one. The outcome was disappointing, but not unexpected.

I would like to make this point, I say to Senators, that they have now heard the chairman of the Budget Committee not just acknowledge but assert that Social Security trust funds are being misused. They are being used for inappropriate purposes. They are being diverted to purposes which, in a private trust fund, would be criminal. And so Senators must expect as they vote for expenditures in the months to come—for farm programs, for foreign aid—that they will be asked how much of the expenditure will represent misused Social Security trust funds.

We have passed a threshold here. We acknowledged our behavior.

I would like further to say that at some convenient but early time I will propose an amendment to have the trust funds deposited exclusively in gold and bullion and maintained as an instantly negotiable instrument. If the trust funds are needed, let them be put in gold and in silver, in proportionate amounts—I do not want to disturb the memory of William Jennings Bryan.

Last, Mr. President, I do want to say that before very long this Senate may learn how much the American people understand about how right the chairman of the Committee on the Budget has been.

Mr. RIEGLE. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. RIEGLE. I thank the Senator for yielding.

I commend him on his leadership on this issue now and over a very long period of time, a leadership I know will continue.

May I just ask for the record, if the Senator has the number available, what the total number of dollars would be now of money that has already been transferred out of the Social Security trust fund and used for other non-Social Security purposes; in other words, how much has already been drained out?

Mr. MOYNIHAN. It changes by the hour. It is a million and a half a week. But in round numbers it is $240 billion at this moment. Tomorrow it will be 241.

Mr. RIEGLE. So if I understand it correctly, already $240 billion of Social Security trust fund money has been transferred out of the Social Security trust fund and spent on other activities of Government that have absolutely nothing to do with Social Security?

Mr. MOYNIHAN. It has been spent on other activities. The Federal Government retains an obligation to find the money someday to pay back the trust fund.

Mr. RIEGLE. Exactly. There is an IOU in the cash drawer, but the money is gone.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MOYNIHAN. I thank the Chair.

Mr. DOMENICI. Mr. President, I first would like, on behalf of the Republican leader, to ask Republican Senators if they would now begin to get amendments they have in mind for the budget resolution down here so we can begin to assess the time we are going to need to complete this.

We still have how much time?

Mr. SASSER. Roughly about 26 hours as we calculate it.

Mr. DOMENICI. It is our desire, as I understand the Senator's request of me, that we expedite this and see how much time we can yield back at the end of the day here. I need to know from Senators whether they have amendments.

Mr. SASSER. That is correct. I might say to the distinguished ranking member that a number of Senators—could we have order, Mr. President?

The ACTING PRESIDENT pro tempore. The Senate is not in order.

Mr. SASSER. I might say to my friend from New Mexico that a number of Senators have approached me asking how much time remains. It seems that a number of Senators have pressing engagements to be out of the city on official business on Friday.

We are hopeful we can conclude this budget resolution by tomorrow evening, if at all possible.

AMENDMENT NO. 75

(Purpose: To assure the integrity of the Social Security trust fund)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of myself and the chairman of the committee, Senator SASSER, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. SASSER, proposes an amendment numbered 75.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 48, strike lines 4 through 20, and insert the following:

(b) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.

Mr. DOMENICI. Mr. President, I do not want to spend a lot of time rekindling the argument of whether Social Security trust funds are being misused, and if so, how much, and if how much, how rapidly, because the truth of the matter is the trust funds are being used for the exact purpose intended by the law. If they were not, somebody would do something about it. Because, you see, there is no private trust fund anywhere in the law for the investment of the Social Security surpluses.

As a matter of fact, there has been a lot of discussion about it. Just about the time you get ready to say let us put a private trust fund in place and let us set up a board of governors and let us let them invest it, we get into all kind of problems. Because who wants to trust the stock markets, or any other American investment, with these surpluses?

So do you know what we have done? We have done just exactly what we did from the very day we started accumulating trust funds in Social Security.

We said the Federal Government holds them in trust and invests them in trust, in securities of the Federal Government; as I indicated in my closing argument, probably the most sound investment in the world. There is none better. In fact, they are so good that they carry a premium of lower interest rates than other securities, because they are the best. So that is where they are invested. That is not a misuse; it is an exact use.

If some say our ongoing budget deficit is too big and we want to fix it; well, fix it. Raise some other taxes. Cut some Federal programs. Do what you would like. But do not confuse the issue that the trust funds are being misused.

Having said that, I am very, very proud of the vote that took place a while ago. It should dispose of any idea that we can change the Social Security trust fund with less than a supermajority. This amendment is a very simple one. I am hopeful we will not have to vote on it, that the Senate will accept it. It says the following:

For the duration of this budget resolution, any amendment or bill that changes the Social Security trust fund in any way, either by spending money or lowering taxes, that any such amendment or bill will require 60 votes, a supermajority, rather than a simple majority.

I might say, the resolution before us did half of that. It was a half a loaf. It required a supermajority to spend the trust fund moneys for any programs not currently in the law. This merely says let us cover the other half of the loaf, and say no programs can be used to eat up the surplus. We cannot pass a program and pay for it with the trust fund. For instance, a new long-term nursing care program—we cannot use this fund for that. Sixty votes are already required in this resolution. This says if you are going to reduce the taxes anytime during the life of this, it will require 60 votes too.

We want to make a point, and I think the Senate probably has been heard this morning and I hope we will adopt this for the remainder of this year. This is what Senator BENTSEN has alluded to in the past. He would like the same protection off budget that it had on budget. This will do that.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). Who yields time?

Mr. SASSER. Mr. President, I join in sponsoring the Domenici-Sasser amendment on Social Security to reinstate the 60-vote firewall for the duration of this budget resolution.

I stated, and have stated repeatedly and publicly, my reasons for wanting to allow Social Security changes to be made in the budget resolution by a majority vote. My reason was clear. I wanted a fair and open debate on the Moynihan proposal. I wanted it to be decided by a majority vote. I did not want the Moynihan proposal to be decided simply on a procedural vote.

The proposal that the distinguished Senator from New York advanced was a proposal that had gained widespread credibility across the country. It was a proposal that had been debated in every think tank of this city; a proposal that had been spread across the op-ed pages of almost every newspaper for a year-and-a-half or more; a proposal that was debated by political consultants on both sides of the aisle.

I felt a proposal with the gravity and magnitude such as that offered by Senator MOYNIHAN this morning should be debated openly, fairly and not defeated on a procedural vote, but decided by a majority vote.

We voted on the Moynihan proposal. A majority of the Senate did not favor it. Now that the Moynihan proposal has been voted upon, I think it is time once again to return to the 60-vote point of order protection for additional spending from the Social Security trust fund.

Having said that, I would like to join the distinguished ranking member of the Budget Committee, Senator DOMENICI, in urging the adoption of the amendment that we are jointly sponsoring. This amendment accomplishes that objective.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. Mr. President, are we under controlled time?

Mr. SASSER. We are under controlled time.

Mr. EXON. Will the Senator yield to the Senator from Nebraska for 5 minutes?

Mr. SASSER. Does the Senator wish to speak in favor of the amendment or in opposition to it?

Mr. EXON. In favor of the amendment, with serious reservations.

Mr. SASSER. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend, the chairman of the Budget Committee. I will vote to support the so-called firewall amendment to require 60 votes to do important things that we may have to do in the future in this regard.

However, Mr. President, I want to make it very clear—it is very clear to me, with the vote that was just cast, that it took only 51 votes to prevail—it is another retreat from fiscal responsibility in the Government of the United States of America.

We have ourselves in such a fiscal trap that we fear fear itself, to use an old phrase that was first used by Franklin Roosevelt, if memory serves me correctly.

That is, that the vote that we just cast clearly indicates to me that we are not voting for soundness of the Social Security system. Rather, we voted to continue the myth that everything is just fine and dandy and the Social Security system is in real good shape, when we are robbing it blind each and every day.

I think that the Social Security recipients around the country will be up in arms if they can ever come to realize that the Social Security trust fund is being expended daily for the general operations of the Federal Government. I am surprised that the people of the United States have not arisen to demand fiscal responsibility.

I heard a lot of interesting debate before that last vote, and I think it is a faulty proposal. The explanation was made that, if we would reduce the Social Security taxes that are subtracted automatically from every worker in America, we would raise the deficit. No economist and no Member of this body has been able to explain to this Senator why that is factual. The facts of the matter are the Federal Government is simply borrowing, or stealing, money from the Social Security trust fund to carry on the daily expenditures of the Federal Government, whatever we dream up we want to spend it for.

How can I justify that? I can justify that, Mr. President, by simply stating that we have an annual shortfall; we are spending more money than we are taking in. If we did not have the convenient Social Security trust fund there, we would have to go into the markets and borrow it with T bills and bonds, as we do anyway. Had the amendment that was just defeated been accepted by this body, at least we would have returned to some semblance of honesty rather than carrying out the myth, the continued fairy tale, that everything is going just fine as long as we tax the people with a Social Security tax and keep fooling them that that is going into a Social Security trust fund and, therefore, all is well, because we do not have the courage to levy the taxes on a fair and equitable basis as everyone knows we should.

Mr. RIEGLE. Will the Senator yield?

Mr. EXON. Yes, I will yield.

Mr. RIEGLE. Mr. President, I appreciate the point he is making, and I think it's important that it be made. When the Senator from New York was on the floor a moment ago, he pointed out about $240 billion of Social Security reserves have already been taken out and spent on other things that have nothing to do with Social Security. There are $240 billion worth of IOU's left in the cash drawer, but the money is gone; it has been spent.

It seems to me that regarding the Senator's point on taxes, another way to look at that would be that the Social Security money that is being taken out of Social Security and used for other things is actually, in effect, replacing and paying for the tax cut of the 1980's. In other words, the tax cut of the 1980's that reduced the amount of revenue coming into the Government was so severe that now what is happening—the sleight of hand is going on—is that we are using the Social Security revenues to actually pay for the tax cut of the 1980's. It seems to me that that is what is going on. I do not know whether the Senator agrees with that or not, but that certainly is what the money is being used for. It is being used to replace tax revenues forgone from those tax cuts.

Mr. EXON. The Senator is absolutely correct. I had not thought of it in exactly the terms he just stated it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EXON. When we raised the Social Security taxes, indeed, it was almost at the same time or shortly after we had that big tax cut. And we did not want to be honest with the people; we did not want to raise taxes or cut spending. We said this is a great way of doing it; we will tax them, and we will tell them this is for your Social Security retirement system and, therefore, it is really not a tax, it is kind of a savings plan. But then after the people bought that and after they have it taken out of their check every week, they kind of lose track of it and it goes into a fund, supposedly a Social Security trust fund.

I just would like to say I heard some debate that it is certainly ridiculous for us to be complaining about borrowing money from the Social Security trust fund to operate Government because that is the safest possible place that this money could be invested, the safest possible place being the creditworthiness of the United States of America. From that standpoint, it is true. I want to make the point that I think has been overlooked very often, Mr. President, and that is that it is true that the Social Security law, when written, and other trust funds when written into law, not only allowed but basically required that any surplus be invested in Government securities because Government securities are safe.

May I have some additional time if the Senator has time?

Mr. SASSER. Mr. President, we are running out of time.

Mr. EXON. Does the Senator have any time off the resolution that could be yielded?

Mr. SASSER. Let me consult one moment. Let me yield the distinguished Senator an additional 2 minutes.

Mr. EXON. I will try to make my point in 2 minutes.

It seems to me that we hear about how safe all of this is, and it is true, as I said when the time was called, Mr. President, that these funds are required to be invested in Government securities. But when the Social Security trust fund and law was originated, it was anticipated that the Federal Government of the United States would be in balance the next year and the year after that, and if we did run short of balancing, we would make it up the following year.

What we are on is a track to nowhere. We are on a track to nowhere with regard to honesty in Government and honesty in taxation and honesty in conservation of Social Security because we have found it very convenient, indeed, to not worry about spending as long as we can have enough money coming in through a cyclical collection program of Social Security taxes. Say, is it not wonderful that we have this great fund in the Social Security trust funds when there is no fund; it goes right back into the spending of the Federal Government and is in and of itself unfair taxation, taxation for the money used for a purpose to which it was not intended, and yet it is very convenient that we move ahead with our phony budget arrangements, with smoke and mirrors, to continue to fool the people that it is justified. Meanwhile, back at the ranch, there are people who have been good guardians of the Social Security trust fund that are in about the same place as the rest of us; they do not know how to handle it either.

I see my time is up, and I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. DOMENICI. Mr. President, I believe the chairman concurs with this. I am prepared to yield back time on this amendment if he is prepared to yield. The chairman is discussing the matter. Let me yield myself 3 minutes to discuss this matter.

Mr. President, I know this is a firewall in a budget resolution and the law that was adopted as a result of the economic summit that created a firewall but made an exception that has been explained by the chairman of the Budget Committee. I know that all of that is very complicated. But let me see if I can tell the Senate what we are doing here and what we are not doing.

This amendment, when adopted, would say that for the remainder of the year and for this budget resolution, any amendments affecting change in the Social Security trust fund would require a supermajority. That is this amendment.

As the distinguished chairman has indicated, he hoped to create an exception to permit Senator MOYNIHAN to have the vote he had with a simple majority. That happened, and he obviously did not prevail. In fact, a supermajority voted not to adopt. So that has occurred. And he joins me in this amendment now, since that has occurred, to make a supermajority the requirement, which I think has been very superbly articulated by the chairman of the Finance Committee, who indicated that when Social Security came off budget, he thought it had the same protection against change that it had on budget.

This will put that situation in place under this resolution. However, before the year is out, it is my hope that I will have a chance to let the Senate vote on the permanent change, that would require 60 votes for changes in Social Security, and that is the permanent firewall.

This does not do away with the requirement that a change is required if people want a permanent firewall in place. I just want to make sure everybody understands that. With that, I yield back the remainder of my time on this amendment.

Mr. SASSER. Mr. President, I yield back the remainder of my time on this amendment.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I ask the proponents of the amendment, or the distinguished chairman of the committee, if he would yield a couple more minutes prior to moving to a vote on this amendment.

Mr. SASSER. We have yielded back all of our time on this amendment. I suppose we could yield 2 minutes off the resolution. I will yield 2 minutes to the distinguished Senator from Iowa off the resolution.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. HARKIN. I appreciate the Senator yielding me this time. I just want to state that I am unalterably opposed to this amendment to restore the vote, the supermajority vote we would need to in any way affect the Social Security system.

It seems odd that some who oppose efforts to cut Social Security taxes for the working people in this country argue that we have to have 60 votes to do it but when they want to cut capital gains taxes for the wealthy or reduce taxes for the wealthy in any way, we hear no similar demands. What kind of system is that? What kind of fairness is it that we have to have these 60 votes?

I know it is part of Gramm-Rudman, but I did not support Gramm-Rudman, and I still do not. Every occasion this Senator can get to kill Gramm-Rudman and get it out of here, I will take the opportunity to do so.

Gramm-Rudman has not saved us a nickel. It has put us further into debt, and it makes us spend money unwisely. It does not let us invest money wisely, but it makes us spend money unwisely. It further creates an unfair system, as enunciated earlier by the distinguished majority leader; we use Social Security revenues to finance the debt of this country.

I oppose the amendment, but I understand they have the votes for it. I just want to be on record that I am not going to oppose the voice vote, I suppose. They would have the votes. We just would take more time. But I want the record to show, if a vote was held, I would vote against the amendment. I am opposed to it; I think it was wrong in the concept of Gramm-Rudman. I think it is wrong now, that we have a 60-vote supermajority on the Social Security tax cuts or for other important efforts such as correcting the Social Security notch, but only 51 votes if you want to have a tax cut for the wealthy of this country.

Millions of older Americans have had their Social Security benefits reduced by the notch. They deserve to at long last have this inequity corrected. I have been fighting for over 7 years for such a change. Last year, we made some progress when I, along with Senator SANFORD, was able to have the issue debated on this floor for the first time. Now, though, this amendment will make our job to get a resolution about the Social Security notch and other needed program improvements this year very difficult.

I thank the Senator for allowing me to express my views on this issue. I yield back the time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 75) was agreed to.

Mr. SASSER. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, do I understand then that that action settles the Domenici amendment, and we are now open to other amendments?

Mr. SASSER. It does, indeed.

Mr. President, it settles the Domenici amendment. Under the previous order, the next amendment in order is an amendment by the Senator from Colorado [Mr. BROWN] pursuant to a unanimous-consent agreement that was entered into last evening.

Mr. DOMENICI. Mr. President, will the Senator yield to clarify the unanimous-consent agreement so it would be out of the way.

Mr. RIEGLE. Without losing my right to the floor, of course, yes.

Mr. DOMENICI. The regular order would put the junior Senator from Colorado [Mr. BROWN] next to offer an amendment. I understand he believes the Domenici-Sasser amendment just adopted accomplishes the purposes he intended, and consequently I move that his order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. That means, if it is the chairman's will, that Senator RIEGLE is next. Is that correct?

Mr. SASSER. Yes. Mr. President, the Riegle amendment would be next in line, and I would yield to the distinguished Senator. How much time will he take on the amendment?

Mr. RIEGLE. In terms of the initial presentation for myself, I would say probably 5 minutes.

Mr. SASSER. If I may say to the distinguished Senator, under the Budget Act he has 2 hours on each amendment equally divided. So the Senator would have an hour in his own right.

Mr. RIEGLE. Yes. I appreciate that. I do not anticipate we would need all that time, although I know other Members want to speak, too. I will be joined by Senator BOND, who is a cosponsor of this amendment.

AMENDMENT NO. 77

(Purpose: To provide funding for new initiatives authorized in the National Affordable Housing Act of 1990)

Mr. RIEGLE. Mr. President, I now send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. RIEGLE] for himself and Mr. BOND, proposes an amendment numbered 77.

Mr. RIEGLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

COMMERCE AND HOUSING CREDIT

On page 19, line 8, decrease the figure by $98,000,000.

On page 19, line 9, decrease the figure by $90,000,000.

On page 19, line 18, decrease the figure by $94,000,000.

On page 19, line 19, decrease the figure by $94,000,000.

On page 20, line 3, decrease the figure by $173,000,000.

On page 20, line 4, decrease the figure by $167,000,000.

On page 20, line 13, decrease the figure by $181,000,000.

On page 20, line 14, decrease the figure by $181,000,000.

On page 20, line 23, decrease the figure by $171,000,000.

On page 20, line 24, decrease the figure by $172,000,000.

COMMUNITY AND REGIONAL DEVELOPMENT

On page 23, line 9, decrease the figure by $124,000,000.

On page 23, line 10, decrease the figure by $44,000,000.

On page 23, line 19, decrease the figure by $129,000,000.

On page 23, line 20, decrease the figure by $71,000,000.

On page 24, line 5, decrease the figure by $132,000,000.

On page 24, line 6, decrease the figure by $127,000,000.

On page 24, line 15, decrease the figure by $137,000,000.

On page 24, line 16, decrease the figure by $131,000,000.

On page 24, line 25, decrease the figure by $142,000,000.

On page 25, line 1, decrease the figure by $135,000,000.

INCOME SECURITY

On page 31, line 2, increase the figure by $865,000,000.

On page 31, line 3, increase the figure by $20,000,000.

On page 31, line 12, increase the figure by $900,000,000.

On page 31, line 13, increase the figure by $216,000,000.

On page 31, line 22, increase the figure by $935,000,000.

On page 31, line 23, increase the figure by $649,000,000.

On page 32, line 7, increase the figure by $973,000,000.

On page 32, line 8, increase the figure by $899,000,000.

On page 32, line 17, increase the figure by $1,012,000,000.

On page 32, line 18, increase the figure by $936,000,000.

GENERAL GOVERNMENT

On page 38, line 24, decrease the figure by $643,000,000.

On page 38, line 25, decrease the figure by $114,000,000.

On page 39, line 8, decrease the figure by $677,000,000.

On page 39, line 9, decrease the figure by $51,000,000.

On page 39, line 17, decrease the figure by $630,000,000.

On page 39, line 18, decrease the figure by $355,000,000.

On page 40, line 2, decrease the figure by $655,000,000.

On page 40, line 3, decrease the figure by $587,000,000.

On page 40, line 11, decrease the figure by $699,000,000.

On page 40, line 12, decrease the figure by $629,000,000.

Mr. RIEGLE. Mr. President, today I am offering, with Senator BOND of Missouri, an amendment to provide $900 million in budget authority to approximate the President's level of funding for housing and to bring the Senate figures in the housing area closer to the level provided by the House.

I commend Senator BOND particularly for his leadership on these housing issues. As in so many other things, I want to acknowledge also the leadership in this area of our late colleague, Senator Heinz, who also had a keen interest in this matter, as do many other Members on both sides of the aisle.

Last year, President Bush signed the National Affordable Housing Act, and it is the most significant Federal housing measure in over a decade. It is a new commitment to solving the affordable housing crisis in this country. Funding provided under this amendment could be used to fund the new initiatives adopted under the National Affordable Housing Act including the Home Investment Partnership Act and the HOPE program, which stands for home ownership and opportunity for people everywhere.

The amendment, as offered and submitted, is deficit neutral. It is fully funded through offsets derived primarily from anomalies in the Gramm-Rudman-Hollings baseline, and each of these savings is also assumed in the President's budget.

During the 1980's, funding for housing programs, we should recall, were cut by more than 80 percent in real terms. As a result, 1.8 million fewer families have received help in meeting their housing needs. In part, as a result of that the need for affordable housing has really reached a crisis in this country.

An Economic Policy Institute study found that 26.5 million households that comprise about 32 percent of the entire population in the United States are now squeezed by inadequate incomes and high housing costs. And so for that group, after paying the cost necessary for their housing, they do not have enough resources remaining to meet all of the other basic needs that any human being faces.

A CBO study reveals that 14.9 million low-income households live in substandard housing or face overcrowded conditions, which means people in that situation find they are literally not able to meet the other basic necessities of life.

So they tilt it the other way. Then oftentimes they are very poorly housed, sometimes living in cars, living in homeless shelters, things of that kind. So we have a situation here that very much needs to be dealt with.

Last year we worked cooperatively with Secretary Kemp to make the initiatives of the National Affordable Housing Act viable and workable. We reached a bipartisan consensus on that issue with the administration in the formulation of that program. I commended him then and I do now for his leadership and I continue to look forward to working with him to improve the availability of affordable housing in this country. There is strong momentum for acting to solve these problems as a result of enactment of the National Affordable Housing Act last November. This amendment will sustain that momentum and give the appropriators support for funding these critical programs.

Obviously the final decisions will rest in the Appropriations Committee as they do for all of the discretionary matters within the budget resolution. The resolution as reported by the Senate Budget Committee is well below the President's requested level for funding for housing programs.

Last week in an editorial in the Washington Post, Secretary Kemp challenged Congress to, in fact, follow through and provide adequate funding for housing. And on that point, we agree.

So while the functional distribution in the budget resolution is only advisory, we think it's important to let the Appropriations Committee know that the Senate as a whole supports the National Affordable Housing Act and that we mean to see housing issues dealt with with respect to meeting this problem across the country.

Let me indicate what the offsets are because as I said earlier, this amendment is fully paid for by savings that are contained in the President's budget. These savings generally result from anomalies in the Gramm-Rudman-Hollings baseline which basically takes last year's funding levels and inflates them. The policy neutral mark adopted for the most part by the Budget Committee did not correct for these anomalies. These are used for the offsets that would pay for this additional funding level.

There would be $159 million in housing program terminations already enacted by the National Affordable Housing Act.

Last year we canceled several housing programs including urban homesteading, rental rehab grants, section 312 rehab loans and the Nehemiah Housing Program. Funding for these programs, however, is still built into the baseline. So we would transfer this money into new housing initiatives as the President does in his budget. That covers functions 450 and 600.

Ninety-eight million dollars would represent a reduction for the census. These savings are the result of winding down the data collections associated with the 1990 dicennial census. Our amendment brings the census to the President's level of funding. So ongoing census activities would not be affected.

Moreover, there would be a figure of $643 million for function 800, the general Government function. We are not specifying precisely where within that function the funds would come from, but this function is especially large because last year's budget contained $1.6 billion for construction of 20 Federal buildings. This was a one-time expenditure that is still contained in the baseline.

So our amendment leaves this function $100 million above the President's request, and well above the House. Our amendment actually adds back $114 million in outlays in the first year. I might say too that Senator DOMENICI, ranking member of the Budget Committee, is also ranking on the appropriations subcommittee that deals with this program. The amendment would leave intact Senator WIRTH's amendment which was adopted by the Budget Committee to provide funding increases for education, children's health, and child care. It does not use across-the-board cuts that would cut into other priority programs.

Let me just say a few words about two of the key programs in the National Affordable Housing Act. The HOME Investment Partnership Program is a block grant designed to stimulate local investment. It's the cornerstone of the National Affordable Housing Act. These funds can be used to fund new construction, renovation, rental assistance, and other activities to increase the availability of affordable housing.

HOME is designed to expand the supply of decent and affordable housing for millions of low income families by creating dynamic partnerships between States, local communities, nonprofits, for-profit developers, and the Federal Government.

Since enactment, States, local communities and nonprofits have been working diligently to develop housing strategies to address local needs. These communities are eager to put the HOME Program to work to solve the affordable housing crisis.

HOPE is the program developed by Secretary Kemp to provide financial assistance to low-income tenants of HUD properties to enable them to buy their units. Secretary Kemp has emphasized the need to look at the whole housing picture and develop innovative solutions to solve the housing crisis.

The HOME and HOPE programs lay out the manner in which we hope to implement new and more effective housing strategies in the United States. So this would enable us to move forward and to do that with this, I think, more appropriate funding level. This level is one that is in line with what the administration foresees as the need that we ought to try to meet, and in with what the work of the Senate Banking, Housing, and Urban Affairs Committee would also indicate.

Let me finally say this. The budget process is arcane, it is difficult, and it is technical in many respects. Housing or the lack of housing is very immediate and very real. It is not technical at all. It is whether a mother and a father and children or a single person, have the way to get in out of the weather, the rain, and at night into a safe place to be able to sleep or to be able to live. Our housing shelters across the United States for homeless people are bursting at the seams.

In the wintertime here in Washington we have hot air grates all over the city where the central heating plants that we have to heat the Government buildings have heating pipes and ducts that run under the sidewalks. So they have to be vented at different places. There are a lot of hot air grates on the sidewalks in Washington.

In the wintertime, people are literally lined up to get on the hot air grates to have a place to sleep so they will not freeze to death in the cold weather. One can go all across this city and see that, and it is a fact of life today.

I was down the other night at a meeting at the Federal Reserve Board. That is a place where a lot of homeless people congregate. There are people that literally sleep right out on the front steps of the Federal Reserve Board. It is true in areas around the city. Washington is not unique.

As I go into the homeless centers around Michigan, I see more and more younger families, I see people with children, babies in their arms, and they have no place to go. There is not enough housing. You know, this is America. This is the 1990's. This is not the Soviet Union with the disintegration of its economic system, or some Third World country. We are the United States of America. We have to be in a position to make a sustained and a serious effort to try to meet housing needs of people in this country that at this very moment have no place to turn.

So that is why we have crafted this program. It is modest, even at the levels that we are seeking now to have the funding level placed.

So this is an area where I think we have to respond. If we want to have people have good lives as they go down the track, if we want people to be able to find work, and to produce and to cover their own needs, to be able to become taxpayers, contributors to the economic well-being of the community, if we want families to be able to have enough structure so they can look after their children, to be able to see that their children have an opportunity to grow up in safe, secure, surroundings so they can plan a future, so they can be good citizens in the future, then something as basic as housing, having a roof over your head, is something that we cannot ignore. It is something we have to pay attention to.

We have a good program. We wrote this just a few months ago. It was passed by an overwhelming bipartisan consensus. The president is on board in terms of the need to move in these directions in housing. The Secretary of Housing and Urban Development, Secretary Kemp, feels strongly that we need to move in these areas.

Our amendment provides I think appropriate and proper offsets so that we have a means by which to finance this particular pressing national priority. After all, that is what the budget document is really all about. It is assigning priorities, trying to meet urgent national needs, and in this case an urgent human need in our country. I strongly urge its adoption. I know Senator BOND will want to add his thoughts at an appropriate time.

Mr. President, I reserve the remainder of my time. I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. RIEGLE. If the Senator will yield for a moment while he prepares to speak on this issue.

Senator CRANSTON was the leader in the Senate, as the chairman of the Housing Subcommittee, in crafting and bringing into being the National Affordable Housing Act. No one here has worked harder than he to make that a reality. Therefore, it is appropriate that he, more than anyone else, address this issue, because we would not have this legislation in place today in the form that it is in but for his leadership.

Mr. CRANSTON. I thank the chairman of the full committee for those very kind remarks. What we achieved—and we achieved a lot—would not have been possible without his cooperation as chairman of the committee and his active involvement in the effort that led, finally, after a lot of work, to the enactment of the National Affordable Housing Act. If we fulfill its promise with adequate support, it can be a landmark piece of legislation along the road to adequate housing for all Americans at affordable prices. I thank the Senator for his leadership on that issue that is so vital to so many people.

I say now that I strongly support his efforts in the amendment that he has offered. This amendment would shift budget authority from accounts where it is no longer needed and into affordable housing so the Senate budget resolution can accommodate important new housing initiatives that received overwhelming bipartisan support in this body and in the other body just a few months ago. This shift of $900 million in budget authority will bring the budget resolution into line with the President's fiscal 1992 request for housing.

This amendment is very sound. Last fall, Congress passed—as I noted, and as the Senator noted—the National Affordable Housing Act, and took a major first step to make decent, affordable housing more available to all Americans. But merely passing a good bill will not, by itself, help tens of thousands of families who urgently need more affordable housing. Congress and the administration now must follow through with adequate funding for the important programs—many of them—that we authorized. This amendment does exactly that.

The Housing Act was a truly bipartisan achievement. Many important differences between House Members, Senators, and the administration were overcome. Those differences were resolved in the spirit of commitment to turn away from the deep hostility to housing that marked the Reagan years and to launch new, nationwide efforts to provide more affordable housing in this country.

I know that families across the country have been hurt by the Federal Government's failure to exercise leadership in housing during the past decade. And I know that thousands of talented people across the country are preparing to implement the promising, new housing initiatives, particularly, the HOME Investment Partnership. They are eager to help expand the supply of affordable housing.

Mr. President, decent, affordable housing is no distant abstraction for people in this country. Unfortunately, for the past decade the housing trends have been very disturbing. Too many Americans—even those with reasonably good incomes—are caught in a frustrating and losing struggle to achieve homeownership.

Pressure has also been building on those who need affordable housing. One family must live too far from their jobs. Another family must settle for a home that is too small. Another has to live in substandard housing. And those at the very bottom are forced to live in garages or out on the street.

Mr. President, the supply of low-cost housing has been disappearing. Housing that very low-income families can afford is now being lost at the rate of 1.5 million units every decade. The country faces the additional loss of 2 million federally assisted units in the decade to come, beyond the current average that has been afflicting us.

Housing problems place families at very grave risk. The legislative framework for sound national action in housing is now in place.

When the Senate recently considered the fiscal 1991 supplemental appropriations bill, HUD Secretary Kemp wanted Congress to fund two future housing initiatives by cutting housing assistance that is needed in the next few months. Bipartisan votes in the Senate and House properly rejected that approach. It would have been only a shell game that offered no new funds for housing, instead, cutting housing programs now in existence and needed now. The administration proposal would have violated solemn agreements they made barely 5 months ago when the National Affordable Housing Act was passed.

This amendment, in contrast—the Riegle amendment—takes the proper approach. It makes additional funds available for housing, without taking funds from other urgently needed activities. It reallocates funds from discontinued programs and from anomalies in the Gramm-Rudman baseline.

I am pleased that the administration supports the adoption of this amendment.

Mr. President, this amendment provides us with an opportunity to put words into actions and to follow through in our responsibility to make decent homes more available and more affordable for all Americans.

The amendment, of course, does not lock in specific uses for the additional housing budget authority provided. That decision will be made within the regular appropriations process. However, I am very pleased that this amendment would accommodate more than $1 billion in initial funding for the centerpiece of the National Affordable Housing Act, the new HOME Investment Partnership.

The HOME Program will be the core of the Federal Government's support for investment to expand the supply of affordable housing nationwide. HOME funds made available as a result of this amendment will be matched by State and local funds and used to leverage private financing. State and local governments, nonprofit organizations and many others across the country are awaiting the program's implementation with great enthusiasm and willingness to get to work.

In fact, many States and localities are already engaged in the process of developing comprehensive housing affordability strategies as required in the Housing Act. These strategies are action-oriented plans that identify local housing needs and set forth how each jurisdiction will use its own resources, improve its policies, invest Federal assistance and leverage private investment to expand the supply of affordable housing.

The increase in budget authority provided by this amendment will also accommodate funding for the administration's HOPE Program. I believe that Secretary Kemp's HOPE initiative should be given a fair chance to demonstrate its workability. If it performs as advertised by its proponents, then it certainly should be an ongoing part of Federal policy.

We have already made great strides in getting these new housing programs implemented. The administration has released draft regulations to implement the HOME Investment Partnerships and other programs authorized last year. Congress and many housing organizations are working diligently to correct flaws in the original draft and to arrive at an excellent regulatory framework for the new initiatives.

Adoption of this amendment will maintain the momentum needed to get an effective, orderly start on the HOME and HOPE programs and ensure that the country gains the benefit of these programs as soon as possible.

I support the amendment wholeheartedly. I trust and hope that every Senator will support it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I suggest the absence of a quorum, to be charged equally against both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I think the managers of the resolution can accept the Riegle amendment, because it does not radically alter the allocations as reported by the Budget Committee.

I might say that I hope Senators, after the acceptance of this amendment, will refrain from offering further amendments that simply seek to reallocate funding within the domestic discretionary allocation. These allocations or reallocations in domestic discretionary spending are simply advisory in the budget resolution.

They are not binding on the Appropriations Committee. I suggest that we are simply spinning our wheels here when we undertake to debate some of these amendments and spend a great deal of time discussing them when in the final analysis they are going to have little or no influence with regard to the Appropriations Committee's final disposition of the issue at hand.

Now, it is a different story with amendments that deal with some of the mandatory programs, a different story with some of the amendments that may deal with reductions in spending below the caps, a different story with amendments that might seek to reduce spending to a freeze.

Following the adoption of the Riegle amendment, I hope Senators will not come forward with additional amendments that simply deal with moving domestic discretionary spending around under the domestic discretionary cap.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me set the record straight from the standpoint of my management on the minority side of this resolution from this point forward. I have tried my best to ask that amendments be delivered to us or, if they are not ready, to suggest their content. And I really do not have knowledge of any amendments on our side that are attempts to modify the allocations on the appropriated side of this budget as compared to the mandatories and other things.

It seems to me since I have already made my case that I do not believe any significant advantage is gained in trying to move things around any further than that which is pending, which is the last advisory opinion of the Senate.

I join with the chairman in making the following my proposal in an effort to expedite passage of this.

First, anyone who has any amendment, sense of the Congress, sense of the Senate, or amendments to change any mandatories or any matters in this budget, I hope they will bring them down here as soon as possible.

Second, I am prepared to accept this amendment. However, I want to say the following: I do not want the Senator from Michigan to think, one, the new budget authority which he seeks to move into the function for housing will end up being there when this process is finished, that is, the appropriations will do the allocating. And I am not agreeing to this with the position being that the appropriations are going to be in any way bound by it any more than any others in this budget resolution.

As a matter of fact, I do not want the Senator from Michigan to think I will support it on the appropriations process and I may not support this at all. But in order to expedite the Senate's business and let the Senator make a point that as currently drafted perhaps more housing money ought to be made available this year if the appropriators can find the money, if that is the sense of what this is, fine with the Senator from New Mexico.

But then let me say to any Senator who has similar ones that are going to move kind of the furniture around on the deck of the Titanic in a sense, in a wish way or advisory way, I will join the chairman in tabling them so we can get on with completing our budget work here.

This does not mean I am going to do that to anything on the tax side of this budget, any sense-of-the-Senate resolutions or any changes in the mandatory structure of this budget. We will just take those as they come. And any amendments that literally change this budget in a real and binding way, such as the amendment of the Senator from Iowa, Senator GRASSLEY, which changes the budget, it will reduce the caps, in three different accounts. I am not agreeing as to how I would treat those at this point, other than I probably would oppose it. But that is not part of the agreement here.

Is that satisfactory with the chairman? And then we will accept this now and I will accept it also.

Mr. SASSER. Yes, it is satisfactory with me.

Mr. RIEGLE. Mr. President, if I may be recognized just for a moment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. RIEGLE. Mr. President, I thank the chairman of the committee and ranking member for their willingness to accept this amendment.

I understand fully the statement of the Senator from New Mexico. I hope and trust he has an open mind on this as we go through the open appropriations process. I am sure he does.

I want to also say that Senator BOND is at the moment meeting with the Vice President, and others, and therefore is not able at this particular time to come to the floor. I am advised he will speak to this issue later and he is agreeable to our moving ahead and adopting this amendment on a voice vote now so that the issue is settled and then you can move on to the next item and he will make his supportive comments at a little later hour in the afternoon.

Again, I thank the chair and I think we are ready to agree to the amendment.

Mr. SASSER. Mr. President, I would like to express my strong support for the Riegle amendment. The amendment represents an important effort to promote funding for the new programs authorized in the National Affordable Housing Act of 1990. I would like to commend the efforts of my colleague from Michigan for bringing this amendment to the floor.

The National Affordable Housing Act created numerous new programs. The most notable new programs are Home Investment Partnership Program, and the Homeownership and Opportunity for People Everywhere [HOPE] Program.

Mr. President, it is important to note that the amendment would simply increase the total resources dedicated to low-income housing in the budget resolution. The amendment before us today does not specify how much of the increase would go to HOME and how much would go to HOPE. This amendment is merely advisory. The amendment puts off the final distribution of these funds until the appropriations process.

By avoiding the HOME/HOPE debate here, the amendment seeks to highlight the fact that the National Affordable Housing Act created new programs to address the Nation's outstanding housing needs and that additional resources will be needed to get these programs off the ground. While everyone may not agree on the appropriate approach to low-income housing, we can all agree that our Nation's housing needs exceed the resources made available for housing.

Some may argue that amendments simply shift money around within the domestic discretionary caps and will have no practical effect on what the Appropriations Committee finally does. I would contend, however, that this amendment makes a very important statement. It puts the Senate on record saying that low-income housing should be one of the Nation's priorities within constrained domestic resouces.

Mr. President, I support the amendment because I would like to see the HOME Program funded in 1992. The HOME Program results from one of the most intensive legislative efforts ever undertaken. The Senate Banking Committee's Housing Subcommittee went through a 3-year process to examine our housing programs and design an effective housing program for the future. I believe that the HOME Program will go a long way toward creating effective partnerships between the Federal Government and local governments. I believe that HOME will stimulate the necessary and mutually beneficial partnerships between the public sector, the not-for-profit sector, and the private sector.

Mr. President, one need look no further than Chattanooga, TN, to see the value of the partnership concept in furthering housing goals. Chattanooga Neighborhood Enterprises is an excellent example of what can be achieved when the city and the private sector agree to work toward a common housing goal. It is my hope that the HOME Program will support the good works of organizations like Chattanooga Neighborhood Enterprises, and spawn the creation of other organizations like it around Tennessee and around the country.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Michigan.

Has all time been yielded back on the Riegle amendment?

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 77) was agreed to.

Mr. RIEGLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Now, Mr. President, I think the next amendment will be offered by the distinguished Senator from Iowa [Mr. GRASSLEY].

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

AMENDMENT NO. 78

(Purpose: To provide an across-the-board freeze in budget authority for fiscal year 1992 at fiscal year 1991 levels)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. HELMS proposes an amendment numbered 78.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GRASSLEY. Mr. President, this amendment I offer today would freeze budget authority for all discretionary spending for fiscal year 1992 at the 1991 level. Since last October 27, there has been a lot of euphoria around here that we have solved the budget deficit problem gradually over the next 5 years, and that by 1995 we will have a balanced budget or close to it.

There is quite a parade going down the streets, and this first budget resolution under the October summit agreement is marching in that parade. I want everybody to know I recognize the amendment I am offering now is bringing down rain on that parade.

It is not my intention to voice pessimism, and I wish there was a legitimate case for optimism. But I think that to be truly honest, forthright, and candid, we have to consider some alternatives to that budget agreement agreed to last October 27. My amendment does part of what ought to be done.

I suppose I am somewhat ashamed I am not even more bold in my approach than I am here. So I am not trying to sell this as a gigantic step. This is a very small step this body could take to demonstrate to the people of this country that a budget agreement we reached last October is not going to be as successful as quickly as we anticipated, that we realize that, and that we are willing to do something about it.

So I hope if there is criticism of the Grassley amendment it will be legitimate criticism and that I am scolded for not doing more.

If I were making this amendment to the people of Iowa and they were voting on it, they would be upset with me for not being more bold as I approach the problem we deal with in this Congress of getting to a balanced budget, not just getting to a balanced budget, but making sure that good-faith agreements that were worked out are going to materialize, or another way for Congress as a whole to say that we are performing according to our rhetoric.

Last October 27, there was a great deal of euphoria about how we were going to get to a balanced budget in 4 or 5 years. But now, as I am going to demonstrate through this chart, we are way off course. So at the end of this period of time, by 1995, Congress' performance will not be commensurate with our rhetoric. My amendment does not bridge that gap, and it does not bridge that gap because it is not a bold enough amendment to bridge that gap. But I think it is a realistic amendment that anybody in this body, anybody in both bodies of Congress, ought to be ashamed not to support.

The newspapers have been filled with stories since January of dozens of State legislatures meeting around the country, in all our 50 States, and faced with budget deficit problems of their own.

A lot of States are taking very dramatic steps forward to bring their budgets in balance. You are talking about millions of dollars of budget adjustment by the State legislature in California, between a Democrat legislature and a Republican Governor, our former colleague, Pete Wilson.

In my own State of Iowa, we have a Democratic legislature, and I might say a fairly liberal Democrat State legislature. We have a conservative Republican Governor. And three times just since January, our State legislature and/or the Governor have had to not only readjust, but for next year's spending—those budgets are not quite adopted yet, but there is a lot of adjustment going on—but already, for the fiscal year that our State is in, as they are halfway through this fiscal year, there has been millions and millions and millions of dollars of adjustment. And these adjustments are bringing a great deal of pain.

I do not see the people of my State and I do not see the people of California up in arms against their respective State legislatures, modifying their budget and spending programs to be realistic with what are the fiscal conditions in their States.

So I am suggesting to my colleagues today that we need to look at what we pride ourselves in in this political system of ours that we can have representative Government. We pride ourselves in that State legislatures are laboratories within our political system, that we can learn from each other, one government to another. But there is a lot for Congress to learn from research that goes on in our political laboratories. I am trying to apply some of that research, which I am quite confident is going to be very successful in most of these State legislatures, to what we are doing right now.

So I have before the Senate a freeze. The freeze applies equally, let me emphasize equally, to defense, international affairs, and domestic spending. It is only a 1-year freeze.

It may not be as bold as it should be because we have a 4-year program here ahead of us. I guess people would say, well, why do you not make some adjustments in these figures for the 3 outyears of this 4-year period of time? Well, maybe I should. But I want to offer this body something, an idea I do not think they can resist, at least they should not resist if they want to be fiscally responsible.

So it is only a 1-year freeze, just dealing with 1992, for the budget year we are debating here. In the outyears, this amendment then makes no further cuts, and it stays within the cap levels. The total amount of savings for next year is $8.2 billion in outlays.

For fiscal years 1992 through 1996, this 1-year freeze would accumulate then to $22.4 billion of savings; $22.4 billion of savings is really very mild compared to the problem that we have here that I am going to refer to pretty soon as a $291 billion problem.

In fiscal year 1992, if my freeze amendment would pass, the defense budget would be $2 billion less, international affairs would be $900 million less, and that is where people at the grassroots of the United States would say, well, GRASSLEY, how come you are even giving that much? How come you are not cutting foreign aid even more?

Why? Because the United States has responsibilities around the world. We can meet those responsibilities and still spend $900 million less. But my colleagues in this body ought to, if they are worried about this amendment, go back and try to explain to their constitutents how they could not cut $900 million out of foreign aid.

And then on the domestic side, it would be $2.4 billion less. So let me go back and explain. It is $2 billion less in defense, $900 million less in foreign aid, and domestic spending would be $2.4 billion less.

Mr. President, these are not cuts. If somebody is going to stand up here and say we are cutting the budget, well, I am cutting what the Budget Committee proposes to expend. But there is not one single program that will receive less money in 1992 than it is getting right now in the 1991 year.

There again, complain to me because it is not bold enough. When you have a $291 billion problem, maybe we ought to be cutting some things. But I think that, again, you have to be realistic around here. What can you get done?

I think that if programs are getting along on x number of dollars in 1991, and we are going to give them, the equal amount of dollars for 1992, if they can get by for the 12-month period in 1991, why can they not get by in 1992 as well on the same number of dollars?

We are in a recession in this country, maybe not so much in the Midwest as we were in 1985 or 1986. But the rest of the country is in a recession.

And there are a lot of families in New England where the recession has hit the hardest that are probably getting by in 1991 with less money than they made in 1990. And you say how can they do that? Well, it is obvious that they are going to do it. If they do not have it, they cannot spend it. So, I hope that you understand that we are not cutting anything. These programs are going to get in 1992 what they got in 1991. So we are simply constraining increases.

Mr. President, it is obvious, as I have explained, that this is not a complex amendment. This is not an amendment that my colleague can vote against because they do not quite understand it. It is simply on whether or not you want to save $8.2 billion or you want to spend $8.2 billion. This is a little bit along the same amendment that I offered in 1982, 1983, 1984, and 1985, although this year it excludes entitlement freezes. I might add, Mr. President, that if we had passed a freeze amendment in those years, we would not have this problem here that we are having now. We would not have it.

(Mr. SANFORD assumed the chair.)

Mr. GRASSLEY. As I mentioned in my statement yesterday before this body, my reason for offering this amendment is twofold. First, the national debt in the past 10 years has soared, it has spiraled, and it is now out of control. At the start of the last decade the debt was less than $1 trillion. Next year it is going to be over $4 trillion. In just 10 years it has quadrupled. In 3 more years it will be $5 trillion. If that is not a spiral and if that does not demand our immediate attention, then at what point does it become apparent that we have abdicated our fiscal responsibility, or constitutional responsibility to the people of our Nation?

The second reason I am offering this amendment is, nowithstanding the spiraling debt phenomenon of recent years, the future looks much dimmer. In just 6 months, since the budget agreement of last October, approximately $300 billion of the $500 billion savings that were projected for the 5 years of the agreement have been wiped out.

I would again like to refer to my chart that I have here, Mr. President. I think it graphically displays these points. The top baseline here is what was projected to be the deficit under the first concurrent budget resolution that we are presently debating. The bottom line is what the same deficit baseline was back in December. That is this one. So we have the December projection, what we thought it was going to be, and we can see where it is now. This, of course, reflects the deficit reductions that were made in that October agreement.

The area in between here, with these figures, 51, 29, 51, 115, and 45, that gap represents the deficit growth from October until now. In 1991 that gap is $51 billion. The total gap, of course, is the $291 billion problem that I have been referring to.

In my view, Mr. President, this deficit chart is the clearest reason why this freeze amendment should be adopted. Even then, this freeze cuts only $8 billion out of the deficit in fiscal year 1992. We are just taking this figure, only $8 billion less. That is why I will probably be scolded because I am not bold enough with the problem we have before us. I hope I have been amply clear that this is a modest response to what has transpired over the past 6 months.

The increase in the baseline that you see in this chart as it moves from this bottom line to this top line, represents what I call baseline creep. It is no different from the other creepy phenomenon we remember we had in the Tax Code, called bracket creep, before we took care of the taxflation problem. But this is baseline creep. It moves higher and higher, though ever so slowly. It is like a clock whose hands move ever so slowly. You cannot see the movement, but it sure as heck is moving. And in just 6 months, now, since this agreement, this is where we are. The baseline creep is up to $291 billion.

Do I blame anybody who sat through 6 months of summit hearings? Of course, I do not. But I think we can generally find opportunities to correct some of these things, and should hold each other responsible for not approaching a problem we see and is very visible and very clear. Everybody who sat in on that budget summit worked awfully hard, and it was months and months and months. I know it is very difficult to get agreements. I know the situation is such that some people might look upon this as trying to break a deal. Not so. Because the deal was made in a certain economic climate and things have changed. This is how we quantify that change.

Another way to look at this is that the deficit is very much like a lizard. When Congress tries to catch the lizard, it grabs the tail and the tail comes off in our hand, and, of course, the lizard goes on its merry way and grows a whole new tail, only bigger and longer. Whenever we seemingly tackle the deficit, we cut it and it grows back bigger than ever. Since October, the deficit tail we cut off grew back by $291 billion.

What do we do about it, Mr. President? We used to have a straitjacket that we called Gramm-Rudman-Hollings. It was complete with deficit targets and a sequester. But the deficit was like Houdini, who never met a straitjacket that he could not get out of. So Congress threw away the straitjacket, and now the deficit is simply allowed to grow if it is caused by economic or technical misestimates, and that is part of the new budget law. So there is nothing here that is illegal. There is nothing I am presenting to my colleagues to say there is anything illegal about what is going on. These are provided for in the law, and there is a majority of this body who voted for it. So everything was on the up-and-up, and it is still on the up-and-up.

The only thing I am asking my colleagues to think about is that things are a little different now than they were then. During the decade of the eighties, economic and technical misestimates accounted for 71 percent of the deficit growth. This is not a new problem. Even though we could not make the adjustments for technical growth in the old days under the old Gramm-Rudman, we can make those adjustments now. Mr. President, this is not a new problem. This was always a problem. Economic and technical misestimates accounted for 71 percent of the deficit growth on average versus what we thought they would be. So, in essence the deficit is now held harmless for most growth.

As I mentioned yesterday, Mr. President, this freeze amendment is not intended to be a referendum on the October summit agreement. That agreement allows for further deficit reduction in the event the deficit grows beyond our expectations, as it certainly has.

Instead, Mr. President, this vote on my amendment is a referendum on deficit control. It is a yes or no vote on deficit control in light of the baseline creep that I referred to, how this gradually and slowly comes up and all of a sudden it adds up to $291 billion.

The purpose of this amendment, because we have no real straitjacket on the deficit, is to implement deficit reduction. There was a responsible section of the October compromise of last year that included pay-as-you-go, if you want to go above the caps that were previously set. So that is a good aspect of that agreement.

But we ought to have some converse way of dealing with this issue. When problems like this come up, we ought to have deficit reduction as you go as well.

It seems to me, Mr. President, that this body has been preoccupied with the new rules changes for the budget and with the new enforcement mechanisms. In my view, and also empirically, as witnessed by this chart, we have ignored the deficit. More correctly, we have allowed the deficit to be held harmless for the most significant causes of a baseline creep; that is, 71 percent of all the misestimates were for technical misestimates during the eighties. We have incorporated what we knew was wrong into this agreement.

In short, in revising the Budget Act last year, I think we threw the baby out with the bathwater. I know that there will be some arguments made against this amendment, notwithstanding what has occurred since October with these deficit numbers. The argument will be to spend more money, pure and simple. The amount of money that we are talking about here, though, is only 2½ percent of 35 percent of the budget.

Do we really want to go on record in the face of this deficit growth since October, as opposing deficit control so that we can spend all of 2½ percent more money? I am kind of ashamed when I talk about these small percentages and $8 billion. People are going to say, you have a $291 billion problem, why only $8 billion of savings? Why only 2½ percent?

Again, political realities dictate, as I suppose political realities dictate anything around this body. In other words, what votes can you get to get things done?

My amendment does not cut anyone's budget. It merely prevents an increase of 2½ percent more spending. Surely this body is concerned enough about this spiraling deficit and debt problem to avoid spending an extra 2½ percent next year. How many of us want to go home next week and tell our constituents that we ignored massive deficit growth so that we can support more dollars for this or that program? How many want to go home and say that they would not vote to control the deficit because we need 0.6 of 1 percent more money for defense or more money for foreign aid? How many want to say that they voted against controlling the deficit so they could spend 2½ percent more for domestic programs, even though under this amendment no budget would be any less than last year's and the deficit reduction is distributed equally and fairly?

We no longer hear the arguments made 5 years ago that the deficit no longer matters. One look at the skyrocketing level of the national debt and gross interest payments counters the old argument effectively. There is no longer any doubt that we have a serious debt problem. The question is, What are we going to do about it? We can either vote to control it, which is what this freeze amendment does, or someone can present a better deficit cutting alternative, or we can stick to the deal we made in October and turn our backs on this problem of $291 billion.

Mr. President, I think that is the bottom line of this amendment. I hope my colleagues will support it and vote for my freeze amendment.

I would simply like to remind this body that, even though we have problems here to deal with, I have been one who has had great confidence in the budget process, and an extension of that is the appropriations process.

Last year, I was the only Republican to vote for the budget out of the Budget Committee. Maybe it was not exactly what I would have liked to have had, but I wanted the process to go along because I think there were a lot of people, downtown and up here, and on my side of the aisle who probably did not want the process to work last year. I was probably doing it not for the reason that there were a lot of people who thought we ought to have a budget summit. I do not like budget summits. So maybe that is why I am offering what we have here as some alternative. I think the budget summit compromises our constitutional responsibility, since we have of power of the purse. I think when we try to bring the President into this process up here through a hybrid like that, the public interest is not protected as much as it ought to be protected when the normal checks and balances of Government work.

On the other hand, people who wanted to include the President and wanted to scrap the budget resolution so we could get to a summit, they had their way of doing it and there was a product that came out of it. But I think we all ought to look back at that budget summit process and say that it is not very good and we ought not repeat it again.

If summits are so good, why this problem? Maybe this is basic to other problems, whether we use the budget summit procedure or not. But there, again, to try to get too many people under the umbrella to get an agreement, I think, just for the sake of an agreement, a lot of these problems are ignored.

Last year was an election year. Maybe that was the reason that they should be ignored. This year is not an election year. But next year is a big election year, a Presidential election year, and it may be more difficult to do something with these problems next year than this year.

I hope particularly the chairman of the Budget Committee knows that I support the process of the Budget Committee. I want to see it work, and this alternative to the majority party suggestion is within the spirit of the budget process within the Congress of the United States.

So I very much hope that this will get an unbiased view, not just one Member coming along trying to rain on a parade that can be the budget process of 1992, or rain on the parade that the budget summit agreement of last October is in.

Remember then, this is a 1-year freeze. It saves $8 billion, $8.2 billion and it will save $22 billion over the course of the budget agreement that we have before us.

I do not cut any spending in the outyears and it is the same cut by freezing of all the programs—defense, international and domestic discretionary.

Again, I would like to say that I hope when people take exception to my amendment that they would think in terms of maybe more should have been done that is not being done. That is the way I would like to have my colleagues look at it: Senator GRASSLEY, you are not bold enough. I yield the floor.

Mr. BROWN. Mr. President, I yield 4 minutes to Senator BOND for a statement on the Riegle amendment and ask that that time be charged to our side off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri.

AMENDMENT NO. 77

Mr. BOND. Mr. President, I extend my sincere thanks to both the distinguished floor managers and the President pro tempore.

When this amendment was being considered, Senator RIEGLE explained the details of the budget implications so well he convinced the chairman and ranking member to accept it. I was in a meeting with the Vice President and asked if I could deliver my few comments on the housing implications because I think they are very important for all our colleagues to understand.

As we all recall, last year we went through a long process of debate, disagreement, and finally bipartisan consensus on the Cranston-Gonzalez National Affordable Housing Act. We agreed that additional money for housing programs was warranted but we should spend the money in new and innovative ways.

We recognized that budget authority had been significantly cut but there were real problems with the framework under which those dollars were being spent. HOPE and HOME, the two major components of that 1990 Act, were the result of a bipartisan consensus to try new approaches to some very significant housing problems that affect this entire country. Additional money for housing programs is urgently needed, and the Riegle-Bond amendment would accommodate new initiatives in the housing authorization bill.

I had the pleasure of working as a conferee on the National Affordable Housing Act and spent a good deal of time last year talking to people back in my State about housing policy, and from these discussions several general principles emerged.

Housing programs, I believe, need to be flexible. They need to be controlled and administered at the State and local level so that the policies chosen best reflect local economic conditions. St. Louis and Boston have very different housing problems. It is nonsense to think that one set of rules and regulations, or even one set of bureaucrats in Washington, can make good decisions about how best to meet the needs in Boston, or St. Louis, or Tucumcari, or Tucson.

The decisionmaking for policies and programs needs to be streamlined so that the responsibility for policy is clearly in one place. Authority and responsibility need to go together.

All of the different pieces of the housing puzzle, for example, low-income housing tax credits, rental assistance, public housing, State and local programs, need to fit together. They need to be coordinated locally as part of an overall housing strategy for the community. Federal money should be leveraged to bring additional benefits from other dollars so that we can get the most for the money we spend. The HOME Program meets the principles outlined above, and it will give cities and States a chance to carry out innovative housing strategies that respond to local conditions and meet local needs.

In addition, in my meetings back in Missouri we discussed how housing policies need to work hand-in-hand with social services programs to encourage empowerment and self-help because so often the problem is not just an absence of shelter, it is an absence of shelter plus need in other areas. Secretary Kemp has made a tremendous contribution to this area with his HOPE initiative, and the budget resolution should include funding for the innovative approaches he has recommended.

The National Affordable Housing Act authorized some creative new housing programs and made some improvements in existing programs. In general, the bill reflects lessons learned in the past 10 years about how the Federal Government can best provide affordable housing for low-income Americans. I am pleased that my colleagues have chosen to provide the additional revenues for HOME and HOPE.

I thank the Chair. I yield the floor.

Mr. SASSER. Mr. President, I want to say a few words about the amendment of the distinguished Senator from the State of Iowa before yielding to the distinguished President pro tempore and chairman of the Appropriations Committee, who is here on the floor and who I suspect has an interest in being heard on this particular amendment.

First, Mr. President, the distinguished senior Senator from Iowa is one of the most conscientious Members of this body. He is one of the most independent Members as well. When the Senator from Iowa comes to us and proposes a freeze, he is prepared to take his share of the freeze. Of that I have no doubt.

I have voted for freezes myself in the past. In this particular instance, however, Mr. President, I feel compelled to oppose the amendment offered by my friend from Iowa for a number of reasons. One, this is a freeze that deals across-the-board with defense spending, international spending, and domestic discretionary spending.

If this freeze dealt only with defense spending, then I would be much more inclined to support it, or if it dealt only with international and defense spending. But we have a serious situation, in my view, in this country with what has occurred with our domestic budget over the past 10 or 12 years. We have serious problems that have not been addressed and have been, in my view, swept under the rug.

By agreeing to the freeze amendment as proposed by the Senator from Iowa, we would give up hope in making even a modest start in improving the education system in this country. We all agree that the quality of life for our children and enhancing educational opportunities available to them are necessary if we are to compete in the year 2000 and beyond.

Let us make no mistake about it; in the domestic discretionary spending field, there are going to be some painful cuts that would result if the amendment of the distinguished Senator was adopted by this body. It would ensure deep cuts in the basic science and research programs such as the National Science Foundation and the Department of Energy. It would kill the supercollider. Frankly, I am not an enthusiastic supporter of that program, but there are others in this body who are. It might very well deal a death blow to the space station. It would undoubtedly cut programs to implement the Clean Air Act and to clean up toxic waste sites that are all across this country. It would delete even the modest increases that the President has proposed for environmental programs. The Environmental Protection Agency would be operating under exceedingly tight restraints. It would cut housing and community development programs. The problem with transportation—with the infrastructure across this country—would be adversely affected.

I know the distinguished Senator is motivated by what he genuinely perceives to be in the best interests of the country. In times past, I have supported other freeze amendments, and I think perhaps even one that was cosponsored jointly by the distinguished Senator from Iowa and others.

But I would contend that we will not be saving as much as has been represented to us today. The budget summit agreement resulted in both domestic discretionary and defense being under the baseline for 1992, and of the $29 billion that our friend from Iowa has indicated would be saved, I am advised by Budget Committee staff it would only reduce the 1992 deficit by $8.2 billion and the 1992 through 1996 deficit by $22.4 billion, not the $45 billion as I understood the Senator to represent.

The chart that the distinguished Senator uses compares CBO's December baseline to its current——

Mr. GRASSLEY. Will the Senator yield?

Mr. SASSER. I yield to the Senator from Iowa.

Mr. GRASSLEY. The figures the Senator gave are the ones I gave and intended to give. At the one place I inserted a $45 billion figure, I was in error because what the Senator says my amendment does, it does do that.

Mr. SASSER. I thank the Senator. So, I think the point is made, the savings are not as substantial as represented by the chart of the distinguished Senator.

Also, we have a situation in which both domestic and defense spending are below baseline and only spending in the international area is above baseline for 1992.

Mr. President, I see that the distinguished President pro tempore and the chairman of the Appropriations Committee is on the floor. I would be pleased to yield to him such time as he may consume.

Parliamentary inquiry. What is the time remaining in opposition to the amendment?

The PRESIDING OFFICER. Fifty-three minutes and seven seconds.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill, the chairman of the Budget Committee, Senator SASSER.

Mr. President, I wish to compliment the distinguished Senator from Iowa on his desire to reduce budget deficits, lower the national debt, and make savings in the various categories: defense, foreign operations, and domestic discretionary initiatives.

I want to address myself in my remarks only to the discretionary domestic initiatives.

This amendment, as I understand it, would reduce domestic discretionary spending by $9.6 billion in budget authority and $4.9 billion in outlays for fiscal year 1992. In doing so, it would wipe out the 1992 increases that were achieved in the budget summit for domestic discretionary programs.

We spent months last year in those meetings, here in the Capitol, and away from the Capitol. And we spent long evenings and weekends with Senator SASSER, Senator DOMENICI, Senator BENTSEN, Senator PACKWOOD, Senator HATFIELD, and others including Members of the House of Representatives and representatives of the administration. It was decided upon very early in those meetings—and the administration felt very strongly about this—that an appropriate figure to be used as a target for budget reductions over a 5-year period would be $500 billion. We came very close to that in our agreement.

The administration felt—and I think there were others on both sides of the Hill who agreed—that to go above that figure could exacerbate the already troubled economic conditions to the point that we might push the Nation into a recession or into a depression if greater reductions were made.

So there was the attempt to balance the one with the other, to make responsible reductions over a 5-year period so that we would be making headway against the budget deficits, and at the same time not going so far as to trip the country into a serious recession or a depression.

So we spent months in the discussions. They were difficult discussions. It was not easy to reach agreements. I directed most of my attention in the summit to the domestic discretionary initiatives.

I worked hard to secure increases in critical domestic discretionary programs. For fiscal years 1991 through 1993, the budget agreement included increases totaling $40 billion in budget authority and $14.5 billion in outlays above the June 1990 baseline for domestic discretionary programs.

The administration wanted to reduce domestic discretionary authority $40 billion—$39 billion, to be exact, under the baseline.

As I say, that was the administration's starting point, $39 billion under baseline over the next 5 years in budget authority.

But that was turned around to the extent of $79 billion—instead of $39 billion below, we ended up with $40 billion above baseline for 3 years. The result was $40 billion in budget authority and $14.5 billion in outlays above the June 1990 baseline for domestic discretionary programs.

This enabled us to increase fiscal 1991 spending by $11.5 billion in budget authority above baseline. That increase was the first installment toward reducing the backlog of funding needs in many critical areas: Highway spending, education, Head Start, law enforcement, the war on crime, sewerage treatment grants, water quality facilities, mass transit, AIDS research, rivers and harbors, and so on.

For fiscal year 1992, we have available just enough domestic discretionary spending to continue funding those initiatives at last year's level plus inflation.

This is well short of what would be required to fund the President's initiatives for fiscal year 1992 and as well as restore his cuts in critical programs such as highways, mass transit, Amtrak, education, EDA, community development block grants, and so forth.

We will have to make tough choices this year with what we have to work with as a result of the budget summit. We did the best we could. We did not come out as well as we would have liked but we came out far better than the administration was proposing.

It was a matter of give and take. We could not have everything the way we wanted it. The administration could not have everything the way they wanted it. But we all had to reach some agreement that the President would support, and that we could get enacted by both Houses. That was extremely difficult.

It is easy to stand here on the floor today and pick at it, and it is easy to stand up here today and recommend cuts. I am perfectly willing to cut foreign operations very deeply. But I cannot have everything my way.

As I said to the people who were at the summit, we are not here to just put on our green eyeshades and sharpen our pencils and subtract and add and work through formulas. We are here to try to reduce the budget deficits and put ourselves on a curve that will achieve, at some point, a balanced budget.

But we are also here talking about a 5-year plan for this Nation. We are here talking about investing in this country. May I say to the distinguished Senator from Iowa, we do not have just a budget deficit in this country, we also have an investment deficit in this country. And too long have we failed to meet the needs of my country, and your country, its infrastructure needs.

Our infrastructure is deteriorating, falling apart. We are told it would take $50.7 billion just to replace the functionally obsolete and the structurally deficient bridges in this country, if it could all be done in 1 day. It would probably cost more than that now. Those are figures I quoted last year—$50 billion just for the bridges.

The highways. Forty percent of the highways are in from fair to poor condition in this country. Not a single new airport has been constructed in this country since 1974. One is underway, I believe, in Colorado.

All over this country there are rural communities that need water quality facilities and waste treatment facilities.

The infrastructure of this country needs to be rebuilt. That is what we are talking about, investing in this country.

How many more times do we have to read that our students are at the bottom of the list when it comes to the international tests, compared to the students of other countries?

How do we stand in scientific achievement? How short are we going to fall in the production of science and engineering Ph.D.'s, or Ph.D.'s in astronomy, between now and the year 2000?

It is a disgrace that we are letting our country fall into such disrepair, its infrastructure, both human and physical. The human infrastructure—education, science, research, health services.

We waste 1.38 billion gallons of gasoline annually just through traffic tieups. We waste 1.25 billion hours that could be spent in increasing the productivity of this Nation because of traffic tieups, traffic congestion.

There are 21 airports in this country today, at each of which they are experiencing 20,000 hours of delay annually—flying around up there in the air, wasting fuel, wasting time, polluting the environment, or sitting on the ground waiting to take off on another flight. This is what I am talking about—the infrastructure of this country.

Then there are those who, laudable as their intentions and motives are, nevertheless, who would further delay the treatment of this infrastructure disease. A company that does not plow back into its plant and equipment and its workers moneys from year to year is going to fail. That is the same way with a nation. A nation must plow resources back into its plant and equipment—invest in highways, bridges, airways, waterways, railways, and its workers, its people.

We need to invest in this country. That is what I am talking about. That is why I am going to vote against this amendment. That is why I urge every other Member to vote against this amendment. It would reduce domestic discretionary spending by $9.6 billion in budget authority and $4.9 billion in outlays for fiscal year 1992.

I have a chart here which will indicate what happened between the years of 1981 and 1990 to domestic discretionary spending, where the money went in those years. Between 1981 and 1990, entitlements increased over baseline, increased over inflation, $599 billion.

Defense increased $569 billion over baseline, over inflation.

What happened to domestic discretionary spending in those years, 1981 to 1990? It was reduced $326 billion under inflation. It did not even keep up with inflation.

What are we talking about? You can walk up to anybody and say, "how would you balance the budget?" Most people would say, "cut Government spending." Well, what do you mean by that? Do you mean cut defense? Oh, no, do not cut defense. Well, that is Government spending. Do you mean cut entitlements, cut food stamps, child nutrition, veterans' pensions, veterans' compensation, Medicaid, and Commodity Credit Corporation; is that what you are talking about? Oh, no, do not cut that.

What are your talking about? What they are talking about is domestic discretionary spending, which has already been cut to the bone, and to the marrow of the bone. That is going inside the bone.

That is what happened during those 10 years. Domestic discretionary programs took it on the operating table, to the tune of $326 billion below inflation. That is what the Senator from Iowa would cut further, $9.6 billion in domesic discretionary spending.

He says do you want to go home and tell the people that you did not vote to save 2½ percent? I say, go home and ask the people if they want their roads built, if they want their bridges repaired, if they want to turn out better students. I am not saying that dollars alone will give us better students; I have some pretty strong ideas on that. But that is for another day. We are also going to have to spend more money, there is no question about it.

Ask your people if they want to make cuts in water treatment projects, water facilities, waterways, Indian schools, law enforcement, health services, farm programs?

So let us define, as Socrates would have us do: "Define your terms." What are we talking about cutting? We are talking about cutting investment in America. Too long we have been willing to invest everywhere else in the world. I compliment the Senator in trying to bring about some cuts in foreign operations. But the problem is, he is trying to do it across the board. He is trying to do it everywhere across the board—that includes our people, our country.

Further discussing what has happened to domestic discretionary spending: In 1981, this circle on the chart represents the total budget, $678 billion. Of that total budget, domestic discretionary was almost one-fourth, 10 years ago, 23 percent. But as that budget has grown now for 1992, the total budget is going to be $1.574 trillion, but as for domestic discretionary, we are down to only 12.6 percent.

We must do more about the bridges, the highways, the water facilities, the schools, the teaching equipment, the health services in my State and the Senator's State and other States throughout this country. We must improve our parks, our national forests. We must deal more effectively with the war on crime and the war on drugs. All those are contemplated in this little green block of the circle on the chart; 23.1 percent in 1981.

But as that budget has grown from $678 billion in 1981 to $1.574 trillion this coming year, domestic discretionary, which the Senator wants to cut further by $9.6 billion, has been reduced from 23.1 percent to 12.6 percent—in other words, almost half—while the overall budget has more than doubled in those 10 years.

Domestic discretionary spending for the needs of our constituents, the needs of our children and our grandchildren, that is what I am talking about. We are not talking about foreign operations here. We are talking about my grandchildren and yours. Yes, I want to cut those deficits for them, too. I want to reduce that debt. I want to reduce the interest on that debt. And that is why I spent a good many weekends and days last year with Senator SASSER and others trying to reduce it.

So we got all the blood we could out of that turnip, and I am going to stand up here and fight these efforts to reduce domestic discretionary spending further. Nobody can stand here and say there is not some waste. Of course, there is waste in everything. Getting at it is another thing. But we do not want to throw out the baby with the bathwater, as the Senator said, and that is just what we are doing when we use the knife further on this poor little emaciated, underfed, deprived portion of the budget that is called domestic discretionary spending.

So here it is this year. This is the whole thing. So one may say: Where is the beef? Some say: Where is the pork? It is not here. That is only 12.6 percent. That is down to the bone marrow. That is one-eighth of the total budget of this country. One-eighth. And as the chairman of the Appropriations Committee, I am here to tell you that, as shown by this chart, more than one-half of that whole budget, the Appropriations Committee does not write the checks for. Net interest $207.2 billion, 13.2 percent; that is more than we are spending in this country on domestic discretionary initiatives, on highways and bridges and parks and forests, in the war on drugs, law enforcement, education, science, research. It is interest on the national debt.

I have just shown what caused that interest to go up: When we increased entitlements, mandatory spending to the tune of $599 billion over inflation over a 10-year period, and, and it is still going up. And if it continues, it is going to swallow us whole. If the Senator wants to offer an amendment to cut those entitlements, then he will be cutting at something that has caused the budget to grow, the debt to grow, and the interest to grow.

The same thing with defense. I mentioned that one. But defense is being cut. We cut that last year at the summit, and we cut entitlements some.

Back to the budget chart for this year: Medicare consumes 5 percent; Social Security, 22.6 percent; deposit insurance, 6.1 percent, savings and loan bailout; that is what we are talking about for the most part. Others, such as unemployment compensation, Social Security disability insurance, and so on. Mandatory entitlements, Medicaid, food stamps, child nutrition, black lung, veterans' compensation and pensions, Commodity Credit Corporation, and so on. These are mandatory entitlements. We are writing checks for these. But we cannot cut because they are set by law. They increase or decrease based on formulas: The more unemployed, the more food stamps.

So here is what we can cut in the Appropriations Committee: Defense, domestic discretionary. And, of course, defense includes international. We have those set in three categories, and good reasons for that.

I close in my reference to the charts by pointing once again to this little piece right here, 12.6 percent. That is the country's bread and butter. If you cut that, you are going to cut some people out of jobs.

We are told by the Department of Transportation that for every $1 billion in construction, there are 41,600, or roughly 42,000 jobs created in the first year across the entire—all sectors of—the economy. That is jobs, and jobs mean bread on the table—no food stamps, no unemployment compensation—and taxes into the State and Federal coffers.

So that is what I am pleading with this Senate about, as I pleaded at the summit. Let us enable America to go to work, to rebuild, and to build for the future. Put people to work, let them pay taxes. Increased public investment results in increased private investment.

Increased public investment results in increased private profits. If Senators do not believe it, ask any businessman whether or not he wants to buy a new fleet of trucks if he has to make an 18-mile detour around a bridge that is a mile and a half away but closed down several times a day with that fleet of trucks. He will think twice as to whether or not he should invest in a new fleet of trucks.

Public investment increases productivity. That could easily be shown here. We can show that, with respect to Canada, the United Kingdom, France, Japan, and Germany, as compared with the United States; they have put a greater percentage of their gross domestic product into public investment. And as a result, they have reaped increased benefits in productivity far and above the United States.

It can be shown. Increased public investment means increased productivity. Increased productivity means increased growth. Increased growth means more jobs, a stronger economy and with that a stronger national security.

Mr. President, for fiscal year 1992, as I have indicated, it is going to be difficult to find the moneys to fund the initiatives that were begun last year at last year's level plus inflation. We will have to make some tough choices.

Can we afford, for example, the large increases requested by the President for NASA for the space station—as far as I am concerned, we can leave off space for a while and attend to the problems here on terra firma, here on the ground—and for the superconducting super collider at the expense of our infrastructure needs and our education needs? The budget resolution before us suggests reductions of $1.8 billion in budget authority below the President's for transportation and a $2 billion reduction for the administration of justice below the President's. These and other cuts were made in order to increase other priorities—education, child health programs.

I wish every Senator here could have the opportunity and the experience of sitting down with 12 other Senators, 12 other Senators, the chairmen of the subcommittees on appropriations. The Senator from Iowa served on appropriations for some years. I have to sit down with those 12 chairmen. I have to sit down with 12 lions and talk with them about allocations. And not one of them is pleased with the allocations that I am able to make based on the overall allocations that are given to the full committee.

Those lions rattle the cage. I do not mind telling you that I do not feel like I have a whip in my hand and a chair when those lions start rattling that cage about the allocations that I have to spread around. But they are rattling the cage because they are trying to meet the needs of their people in their States and the people all over this Nation. Those subcommittee chairmen recognize the needs. They conduct hearings. They secure evidence. They listen to witnesses. And they say to me, "Senator, that is not enough." I say, "Senator, I cannot do any better. This is all I have."

But now if this amendment passes, I could have less if the amendment were not purely advisory. I would be surprised if any chairman of any subcommittee would support this amendment, any chairman of any appropriations subcommittee or of any authorization committee, because they are affected likewise.

Those of us who serve on the Appropriations Committee will have a very difficult task in making our 602(b) allocations for fiscal year 1992 even at the level allowed in the Budget Enforcement Act. To agree to the pending amendment and thereby reduce domestic discretionary spending by an additional $9.6 billion in budget authority and $4.9 billion in outlays would gravely wound many important programs, and I believe would threaten the achievements that were accomplished in last year's budget summit.

This is an excellent cerebral idea. The problem with it is, it does not take into consideration people—and investments in the Nation. I urge my colleagues to soundly reject the amendment.

What I have said, I have said with no personal animus toward the distinguished Senator from Iowa. He has demonstrated a great deal of courage in many ways on many occasions in this Senate. I am sure he is fully dedicated to the idea he has presented here today. He believes that is the way we ought to go.

I think he is wrong. I urge my colleagues to reject the amendment and any others that may be offered that would reduce domestic discretionary spending.

I thank my distinguished chairman for his courtesy in yielding me time.

Mr. SASSER. Mr. President, I thank the distinguished chairman of the Appropriations Committee and the President pro tempore for his eloquent and, I might say, convincing statement here today.

I would inquire of the Chair, how much time is left to the opponents of the amendment.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Tennessee has 17 minutes remaining and the Senator from Iowa has 28 minutes remaining.

Mr. SASSER. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

Mr. SASSER. Mr. President, if the distinguished Senator would defer for 1 minute.

Mr. GRASSLEY. Yes.

PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. SASSER. Mr. President, on behalf of the majority leader and the Republican leader, I send a concurrent resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) providing for a conditional recess or adjournment of the Senate from Thursday, April 25, 1991, or Friday, April 26, 1991, until Monday, May 6, 1991, or Tuesday, May 7, 1991.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, April 25, 1991, or Friday, April 26, 1991, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stands recessed or adjourned until 12 o'clock meridian, or until such time as may be specified by the majority leader or his designee in the motion to adjourn or recess, on Monday, May 6, 1991, or Tuesday, May 7, 1991, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate, after consultation with the Republican leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Iowa for deferring.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, AND 1996

The Senate continued with the consideration of the concurrent resolution.

Mr. GRASSLEY. Mr. President, I think the Senator from Colorado wanted some time.

Do I control the time on this side?

The PRESIDING OFFICER. The Senator from Iowa has 28 minutes remaining.

Mr. GRASSLEY. Would 5 minutes be enough?

Mr. BROWN. Three minutes is all I require.

Mr. GRASSLEY. I yield 3 minutes to the Senator from Colorado.

Mr. BROWN. Mr. President, I think some important points have been raised in the debate thus far and I would like to address some inquiries to the Senator from Iowa with regard to his proposal. It has been described as including very significant cuts in vital and essential spending programs of this Nation.

I wonder if the distinguished Senator from Iowa would advise this Member how much less he is proposing to spend on the defense of the Nation in this coming year than we are spending this year.

Mr. GRASSLEY. Mr. President, answering the Senator's question, it would be zero. Defense will not get $1 less in 1992 than it is getting in 1991.

Mr. BROWN. What about the area of international affairs that is so important to this country? Great concerns have been raised on this floor about that. How much is my colleague slashing from international affairs spending this year?

Mr. GRASSLEY. Zero. Because in international affairs the appropriation for 1992 will be the same amount as it is for 1991.

Mr. BROWN. We also heard discussion of the huge cuts the Senator will be making in domestic descretionary spending. I would hope the Senator would be willing to disclose how much he is cutting from this year's level of discretionary spending?

Mr. GRASSLEY. Mr. President, the answer to that question is the category of domestic discretionary spending would be, in 1992, not $1 less than is being spent in 1991. This is a 1-year freeze. I think freeze means—and the amendment is so worded—that these programs will be receiving in 1992 the same amount of money they receive right now and, in addition, to repeat something I said in my remarks, it would be like saying that if these programs can get by for 12 months in 1991 at *x* number of dollars, they are going to receive exactly the same number of dollars in 1992. This is just a 1-year freeze.

Mr. BROWN. As I understand, the Senator said he is not cutting investment in America or its children one penny. What he is suggesting is we simply not increase spending for a year, would that be correct?

Mr. GRASSLEY. Mr. President, the Senator from Colorado is right in his analysis of this amendment.

Mr. BROWN. I want to commend the Senator. We come to this floor with a deficit that now appears to be in the neighborhood in excess of $371 billion for this year. We are contemplating a budget that is in the neighborhood of $351 billion for the coming year. This Senator has come forward with specific changes in the funding patterns for the coming year that would significantly reduce that deficit without cutting a penny from programs as they now stand.

It seems to me the Senator has done a great service for this body by giving Members an opportunity to choose a way to save money for the taxpayers, to reduce interest, and also say to the men and women of this country that this body is at least going to take seriously its charge of trying to bring this deficit into line.

I yield the remainder of my time.

Mr. BYRD. Will the Senator from Tennessee yield me 1 minute?

Mr. SASSER. Mr. President I will be pleased to yield to the distinguished President pro tempore as much time as he desires.

Mr. BYRD. Mr. President, we have just heard the argument that the Senator from Iowa's amendment, if adopted, would not cut one penny out of the budget—out of the programs. I hope I am correctly stating it.

Perhaps the Senator from Iowa would like to say it for me?

Mr. GRASSLEY. The chairman, the President pro tempore, has said it accurately. My amendment, the way I have it characterized, but I would emphasize the positive and not the negative, is that these three categories, defense, international, and domestic discretionary will get the same amount of money in 1992 as they have in 1991, and that is a freeze and that does not cut.

Mr. BYRD. I thank the Senator. They will get the same amount of money in 1992 as in 1991. Ipso facto, that is no cut.

Mr. President, that is like Canute attempting to command the waves to stand still. Xerxes wanted to throw a bridge across the Hellespont, and he threw that bridge across the Hellespont and a storm came up and destroyed the bridge. Xerxes commanded his servants go out and deliver 300 lashes to the waters of the Hellespont and, in no uncertain terms, to inform the waters of the Hellespont that the great king would prevail.

Can you imagine that, lashing the waters of the Hellespont? Casting fetters into the waters. Using the branding irons on the waters of the Hellespont, to prove what? Nothing!

This amendment proves nothing except that the Senator says he wants to emphasize the positive and not the negative. Let us look at the negative. The negative is that, if it is the same funding for 1992 as 1991, that means there is no increase allowed for inflation. That means that somebody has to take a cut somewhere, in some program. So let us not listen to this argument that this will not bring about any cuts because we are just freezing; it will be the same amount next year as it is this year. But we are not freezing inflation.

Does the Senator propose to freeze inflation? The answer is obvious. It is like lashing the water of the Hellespont. The rising tide of inflation will not be lashed. It will not be fettered. It will not be branded. And, just as Xerxes' servants were acting in vain when they sought to scold the Hellespont, we are kidding ourselves if we try to make ourselves and other people believe that by freezing the funds here we will be making no cuts when, obviously, the tide of inflation is going to continue to rise. That means you cut here, and you cut there, and you cut everywhere else because the programs will not keep up with the rising tide of inflation, just as the waters of the Hellespont came down from the Black Sea, called the Euxine Sea in those days, through the Bosphorus. Xerxes could not stop them and we cannot stop the waves of inflation.

Yes, the Senator would freeze the money. The programs are going to have the same amount as last year, he says. Or next year we will have the same amount we have this year. But he does not freeze inflation. That means jobs. That means people are affected, and that means that we are putting fetters on the Nation and its ability to produce. Because we are, thereby, cutting, in reality, domestic discretionary initiatives.

Do not tell the people in the school rooms that you are not forcing any cuts on them. Do not tell the boards of education in the 55 counties in West Virginia that you are not going to be forced to make any cuts in any Federal programs. Things are not always what they seem.

So, I say again that what the Senator is trying is done with a good motive. I do not question that. He is doing what he thinks is best. But I am talking about reality, the kind of reality that we had to deal with at the summit for several months. I trust that the amendment will be rejected.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I had asked the distinguished Senator from Colorado to take my position in my temporary absense, and as such he yielded back any remaining time on this amendment.

The PRESIDING OFFICER. Senator DOMENICI has time on the resolution.

Mr. DOMENICI. I am just going to yield myself 10 minutes.

Mr. President, there is not any question that the distinguished Senator from Iowa [Senator GRASSLEY] has consistently over the years attempted to significantly reduce the deficits beyond that which we were able to accomplish collectively as the Senate, either in budget resolutions or in our activities that followed. And he is holding true to that today in trying to accomplish more than the economic summit did.

But I might suggest that while I did not hear the entire argument of the distinguished chairman of the Appropriations Committee with whom I served on the economic summit team and was very proud—and I think the results are going to be very, very good fiscal policy for the United States. In fact, I see the distinguished chairman here. I had the liberty the day before yesterday, the privilege of speaking for about an hour on the unsung successes of the summit, which are the caps, the enforcement, and the pay-as-you-go, and putting this fiscal house in order if we will just live up to it.

So having said that, I think that even though the Senator from Iowa would maintain we should freeze budget authority and the resulting outlays in these three categories, I believe the economic summit conference did a much better job of providing for a number of years of fiscal policy than to pick out a year and freeze and then go to the next year and see what we are going to do. Because if we adopt this amendment, we will have changed the format and effectively bring forth more controversy in the next few years than to stay right with the economic summit numbers.

Anybody who is interested, I just want to let Senators know who are worried about defense spending what this amendment is going to do.

Many Senators have come up to me and said you cut defense too much in that economic summit. We just had a war and the Army is telling us, Senators, we cannot get down to the level of personnel demanded by that economic summit—$177 billion reduction in defense, I say to the occupant of the chair in that summit.

So Senators say we cannot do that much. So there be no misunderstanding, this amendment cuts $2.4 billion more out of defense in the very year after the war in Iraq, the one right upon us, $2.4 billion more.

I do not believe that we ought to do that. I believe the gradual but substantial $177 billion cut, which has permitted the Defense Department to rely on the numbers and produce a game plan for America's future defense is far better than once again telling them we did not mean what we said; we told you go out and do that, produce a new 5-year plan. But here we are on the floor; we want to take out $2.4 billion more. I say to Senators who are worried about defense, this is $2.4 billion out of that.

Most Senators are now familiar with the fact that what has happened to the budget of the United States is not the domestic discretionary accounts of this Government which this year under the budget agreement will be $200 billion in budget authority and $210 billion in outlays. What is wrong is the $700 billion in this budget in mandatories and entitlements are growing dramatically on their own accord.

So what we did in the summit altogether was to agree to get discretionary appropriations even more under control than they have been, and the distinguished Senator would take another $9.6 billion out of that $200 billion account, that is, all of domestic discretionary combined.

The occupant of the chair spoke in the Budget Committee of adding more to education, adding more to WIC, and the like. The President of the United States, in order to meet these targets, $200 billion, had to get rid of almost $5 billion in programs that he thought were excess, and then to meet this target, spread back out that growth in needed programs. And even then there are many who say that was inadequate.

So what are we going to do with $9.6 billion less? It is not a nothing; it is a saving, significant event, and change.

Last, I will not argue much about international affairs other than to say I think we probably learned that America has a role in the world, not only in war but in peace. When that occurs, we surely cannot take the lead in the world and significantly cut our commitment to international affairs. There are many in America who think this account is one of the largest in Government. Quite to the contrary. In terms of categories, it is far, far smaller than either domestic or defense. In fact, its totality is $17 billion, not 170, but $17 billion as compared with 200 for domestic, 300 for military, and 700 for mandatory entitlements.

So I do not believe we ought to reduce that international account beyond that of the summit.

It is with regret that I say to my good friend that I do not think we can take over the 5 years, our numbers are $22.4 billion out of the appropriated accounts of Government; nondefense, 14; international, 6; and defense, 2.4. I do not think we ought to do that.

When we are finished here, I understand the chairman will move to table this amendment, which is a serious amendment, and I have already complimented the Senator for his activities. I just do not happen to agree today. But it is serious in that the other amendments may not be effective. But when you do this one, you change the caps downward in a mandatory manner, a manner that, if accepted by the House, would reduce the budget for this year as I have indicated in this brief discussion.

So I will join my friend from Tennessee if he seeks to table this amendment, whenever that is. It is with regret that I do that, but I believe it is the responsible thing for the manager on this side to do in light of the President agreeing with the budget and a majority of the Senate and House agreeing with the budget essentially as dictated by the economic summit. I think we ought to stick with it for this year.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield myself 10 minutes.

Before I speak, I would like to ask at this time if I could have the yeas and nays ordered on the amendment?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa has 24 minutes remaining. The Senator from Tennessee has 10 minutes remaining.

Mr. GRASSLEY. I do not think I am going to take 24 minutes, and I have not had anybody else on this side of the aisle or anybody in support of my amendment to ask for additional time. I think I will be prepared at the end of some comments I am going to make now to yield back some time if that is what the chairman wants me to do, unless somebody comes over here and asks me for some time. But nobody has requested any time of me.

Mr. SASSER. Mr. President, I will say to the distinguished Senator from Iowa, we will be prepared to yield back all of our time at any time he is ready.

Mr. GRASSLEY. I yield myself at this point 10 minutes of my time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, in the first place, because the Senator from New Mexico has just spoken, I would like to remind him that in our own Committee on the Budget, this very amendment that I offer here on the floor was defeated by just a 1-vote margin, 11 to 10. So let us understand that within our own Budget Committee, this was a very close vote and just about a majority was willing to go along with it.

I also want to respond to my friend from New Mexico about his argument on defense. Are we going to ignore this $291 billion problem for the sake of a cut of only six-tenths of 1 percent in defense? Is that what we want to do, Mr. President, let the deficit go up $291 billion without this Congress addressing it in any way because we did not feel that we could save $2 billion from defense, which is just six-tenths of 1 percent less defense expenditures?

Also, I listened to every word that the distinguished Senator from West Virginia said, and I greatly respect him both as a person and how he handles the Appropriations Committee. He always treated me kindly when I served on that committee. He gave some very reasoned remarks today which is an extension of the wisdom that he expresses every time he speaks on this floor.

I understand the difficulties that he so eloquently described because I was a part of that process when I served on the Appropriations Committee. But I might say, Mr. President, that I would be persuaded by the President pro tempore's remarks if these were normal times. But clearly, Mr. President, as this chart shows, these are not normal times. These are not normal times at all.

Perhaps the President pro tempore was right in finding some criticism of my not adequately defining terms in this debate on my side of the aisle. He laid out very clearly how he felt this was going to hurt specific programs. But I went with the concept that if we could get by in 1991 for 12 months on *x* number of dollars, surely the same programs could get by for 12 more months on the same number of dollars, not $1 less.

He referred to Socrates and the defining of terms. I would refer to Heraclitus who said, "Things change and they change constantly." And of course when things change, Mr. President, policy must change.

This is a 5-year program that went bad, to the tune of $291 billion. I think we would have our heads stuck in the sand, with an ostrich-approach to life, if we did not say during these 4 years, if something changed that was not anticipated back there on October 27, 1990, when that agreement was reached, that we were going to be responsible public servants.

We were told this is a 5-year plan that we have to stick to. I do not want this to be a referendum on this 5-year program because the environment changed just 2 months after it was agreed to and we have another $291 billion of deficit that we ought to do something about. So if there was a deal broken, it was broken by the changing environment in the meantime.

But I remind the Members of this body, when you talk about 5-year plans, even the Soviets over the last, I think, five or six decades had 5-year plans. They had to change these 5-year plans every other year. Why? Because things change.

This chart makes that point very graphically, and I say to my distinguished colleagues we have to change when circumstances change.

The distinguished chairman of the Appropriations Committee said I should support more defense cuts. Or maybe what he said was I should propose to freeze defense and nothing else. I did offer an amendment in this body in 1985 that changed the Reagan long-term defense plan, and it was adopted 51 to 48. It did freeze defense in the sense of taking the real growth out of the defense budget. That was a major shift in defense policy for the Congress of the United States.

Basically, there has not been new growth in the defense budget since that period of time, and except for the factor of inflation it has been plateaued at that level until 1990 and we are down 25 percent in constant dollars between now and 1995 because the Warsaw Pact has broken up. But in that vote, just to remind the Senator from West Virginia, he did not support my amendment to freeze defense in those days, and so I have a record in this body of taking on just defense.

He also suggested why did I not take on entitlements.

These are all legitimate points to bring out because I think we all have to be responsible as we suggest these approaches.

The Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Delaware [Mr. BIDEN] and I in 1984, I believe it was, offered an across-the-board freeze that included entitlements. It did not pass that year, but I did put up a proposal. We received 38 votes for a freeze across the board including entitlements. But the Senator from West Virginia did not agree with our approach that particular time either and voted against it.

So I think I have met the demand of the distinguished chairman of the Appropriations Committee when he says we ought to look at other things than just across-the-board freezes and just taking on domestic expenditures, because this proposal of mine does not take on just domestic expenditures; it takes on defense, foreign aid, and domestic expenditures. This is the reality of what we can do at this particular time.

The impression is being left that there will be a lot of pain resulting from my amendment. Let us suppose for the sake of argument that this chart does not itself represent injecting pain in our economy. What this is is nothing more than sequester-as-you-go. It is nothing more than what this body went through on two previous occasions: a sequester.

Now, do Senators remember if this sounds so extraordinary? I hope Senators remember that in 1986 we had a Gramm-Rudman-Hollings sequester under the law that was $11.7 billion, and that was in 1986 dollars. This is $8.2 billion in 1991 dollars. The sequester in 1986 was 50 percent more. Do you feel any pain from that sequester? Or has this Congress ever sequestered before like I am proposing we do today?

The answer is yes, this Congress has sequestered before, because in December 1989 we legislated a sequester and that legislated sequester was $5.7 billion.

So is there anything extraordinary in the Grassley amendment we are considering today that would say we are going to inflict pain because we are cutting just a little bit of money? The answer is no, because we have precedent for what we are doing. We ought to be able to do that because we have done it before. We have a good track record, and we ought to be proud of that track record.

What about the point that "a deal is a deal?" Those who say we must maintain the October agreement because a deal is a deal would have a good argument if the deficit growth you see in this chart did not happen. But in my view, the last 6 months have undone that agreement because of the changing circumstances that were unpredictable at that time.

I have to say they were unpredictable because if they were predictable at that time and the conferees thought about it and they reached an agreement in light of this happening, then I do not think that would have been a responsible approach to a compromise. I think the people who reached the October summit are responsible Members of Congress.

The argument is made that we may be in a recession, so cutting $8 billion more may hurt us in the recession. That is the old pump priming argument that still has some followers in the science of economics. But I would go further than an $8 billion cut in deficit reduction if it were not that things were just a little bit edgy out there in the economy.

But for those who still believe in the old-fashioned pump priming, let me suggest to you that if a $350 billion deficit that we have right now is not enough fiscal stimulus for countering the recession, then what is?

In my view, the problem is with spending, period: Entitlement spending, discretionary spending, and interest payment spending. Given the dramatic increase in these deficits, we cannot afford to discriminate where to cut and where not to cut.

My final point is if you vote against the freeze, you are saying to your constituents that what you see in this chart is not real; this is the unreal world; this is a dream world. But this is not a dream world. This is what is happening to us right now.

If you say that, if you are saying that this chart is not real, then, Mr. President, what you are saying is that Congress has no clothes.

Mr. President, I still have not had any request for time, so I would like to yield back my time.

One thing, before I yield back my time. I have to modify my amendment to reflect the Domenici-Sasser amendment, adopted immediately following the Moynihan amendment. The language to be modified in my amendment would begin at page 51, line 11, and would end on page 52, line 3.

I want to send to the desk the modification.

The PRESIDING OFFICER. The Senator from Iowa has a right to modify his amendment.

The amendment as modified is as follows:

MODIFICATION TO AMENDMENT NO. 78

(Purpose: To assure the integrity of the Social Security trust fund.)

On page 51, strike lines 11 through page 52, line 3, and insert the following:

(b) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.

Mr. LEVIN. Mr. President, I agree with the Senator from Iowa that level of spending in this resolution should be reduced. As the debate on the Moynihan amendment earlier today highlighted, the budget to fund the general operations of the Government is grossly out of balance. More should be done in this budget resolution to close that gap. The budget agreement of last year made clear that the caps on domestic, international, and defense spending were meant to be ceilings and that it was possible for subsequent budget resolutions to set out levels of spending less than were permitted by those spending caps.

But deficit reduction should not only be deeper, but it also must be fair. The Grassley amendment does not meet this test. Because it only touches the spending side of the budget, the Grassley amendment imposes a disproportionately smaller burden of deficit reductions on those members of society who benefited the most from the economic policies of the 1980's. Beneficiaries of programs which were pared back during the past decade would be asked to sacrifice further while those whose tax burdens were reduced the most during those years would be relatively untouched.

Additional substantial deficit reduction will require sacrifice, but that sacrifice must be shared if it is to meet the fundamental test of fairness. By focusing on only one portion of the budget, the Grassley amendment does not share that sacrifice, and therefore does not meet that test of fairness.

Mr. SASSER. Mr. President, has the Senator from Iowa yielded?

Mr. GRASSLEY. I yield my time.

Mr. SASSER. Mr. President, I then yield back all of my time, and I move to table the amendment of the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Iowa.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN] is necessarily absent.

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—60

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Cranston
Danforth
Dodd
Dole
Domenici
Durenberger
Exon
Glenn
Gore
Gorton
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerrey
Kerry
Lautenberg
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Stevens
Warner
Wellstone
Wirth

NAYS—37

Biden
Boren
Brown
Burns
Coats
Conrad
Craig
D'Amato
Daschle
DeConcini
Dixon
Ford
Fowler
Gramm
Grassley
Hatch
Helms
Hollings
Kassebaum
Kohl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Robb
Roth
Smith
Specter
Symms
Thurmond
Wallop

NOT VOTING—2

Garn
Pryor

So, the motion to table the amendment (No. 78), as modified, was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, it appears we are ready for the next amendment. I see the distinguished Senator from Nebraska on his feet and I suspect it is for the purpose of offering his amendment.

Mr. EXON. This Senator is correct. Are there any time constraints on the amendment, or where are we on time limits?

Mr. SASSER. If I could just respond to the Senator from Nebraska. Under the procedure we are operating under the budget rules, each amendment is allocated 2 hours—1 hour for the proponent and 1 hour for the opponent.

I hope that my friend from Nebraska would be as brief as possible in presenting his amendment here this evening because there are a whole series of amendments backed up behind the amendment of the Senator from Nebraska. At last count, we had something in the neighborhood of 12 amendments. We are planning on going this evening for at least 2 more hours, and then tomorrow, we will start working down the other amendments.

But I say to my colleagues, unless we can get these amendments called up and disposed of, the 12 amendments that are outstanding, it is my view that we will not finish this budget resolution before sometime late Friday afternoon or even Friday evening.

So I urge Senators to be as expeditious as they can be in presenting their amendments and that we move to dispose of them as rapidly as possible and that Senators use discretion in calling up amendments. Many of the amendments that are listed are sense-of-the-Senate resolutions, et cetera, which perhaps are not fully worthy of a rollcall or other such procedures. Perhaps some of them can be accepted when the distinguished ranking member returns.

Mr. EXON. Mr. President, I assure the managers of the bill that I do not intend to take an hour on this and maybe we can move to an expeditious vote on this matter. I had hoped that the amendment might have been accepted by the floor leaders, but I am advised secondhand that that is not the case.

So we will have to proceed with debate, and I will be as brief as I can. The Senator from Tennessee indicated that he hoped that I would be brief. He knows that I am always brief and to the point. That depends, though, upon one's point of view as to whether it is lengthy or whether it is short.

AMENDMENT NO. 79

(Purpose: To increase funding for veterans' programs)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration. The amendment is offered on behalf of myself and Senator CRANSTON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself and Mr. CRANSTON, proposes an amendment numbered 79.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, line 24, increase the figure by $900,000,000.

On page 34, line 25, increase the figure by $600,000,000.

On page 42, line 23, decrease the figure by $900,000,000.

On page 42, line 24, decrease the figure by $600,000,000.

Mr. EXON. Mr. President, I rise to offer an amendment cosponsored by Senator CRANSTON which will help this body keep faith with American veterans. In a year where the Congress must make tough choices among and between various programs, there is one program which in my opinion stands out as a top domestic priority and that is meeting the needs of the American veterans.

Every Member of this body has heard from the veterans in his or her home State about dramatic cuts in services at veterans' hospitals and those of us who regularly visit our veterans' hospital learn this firsthand from the people in that hospital or from those who are trying to get in that hospital.

There has been tragic case after tragic case of veterans who have served their country being turned away from veterans' hospitals because of budget cutbacks.

I am pleased to report, Mr. President, that the Senate Budget Committee unanimously adopted a sense-of-the-Congress resolution that Senator DOMENICI and I offered which stated that, "Veterans' programs are a top national priority and urge the Appropriations Committee give maximum consideration to veterans' programs."

I would simply amplify at this time, Mr. President, that we recognize and realize under the present procedures it is the appropriators who will make the final determination. The amendment I offer today would simply implement the intent of the Exon-Domenici amendment unanimously adopted by the Senate Budget Committee.

Even this amendment does not do enough for America's veterans, which I believe is absolutely necessary, but at least it takes their funding level up to the current services or baseline level; no increase, keeping it the same as last year, with inflationary costs contained therein.

In other words, the Exon amendment, as generous as opponents will try to portray it, or may try to portray or explain it, will only take the veterans' functions up to last year's level and adjust it, of course, for inflation and caseload growth.

The offset is found in function 920, under allowances. As such, this amendment recognizes the true realities of the budget process so well laid out in the debate before the Senate committee by the chairman and the ranking member, the committee's former chairman. Both of those Members, of course, are members of the Appropriations Committee.

It seems to me, indeed, under the process in which we are operating at the present time, if we really are concerned about veterans' affairs, about veterans' benefits, then we have an obligation to at least incorporate in the discretionary spending priorities the amount that I am recommending. Hopefully, we can have that passed in the Senate and let the appropriators work their will.

It seems to me, by offsetting the allowances in the function I have mentioned, this amendment essentially directs the Appropriations Committee to find a suitable offset for the increase in the veterans' affairs function. As the same time it expresses to the Appropriations Committee and the American people the high priority of veterans' programs and strengthens the position of veterans' programs when the Senate goes to conference with the House of Representatives.

The decision, then, Mr. President, the one and only decision we will be wrestling with on this amendment, is for the Senate to decide in one clear vote whether or not the Senate supports the American veteran.

I think this is particularly important with regard to the situation in the United States today where we are properly welcoming home our veterans from the recent conflict in the Persian Gulf area. But more than just waving flags and more than pictures on television of loved ones and friends welcoming home their loved ones who served the Nation at a time of need is the need for America to recognize there is something suspect about waving flags and tears welcoming back the people who are on the way back from the Persian Gulf area while at the same time in the Congress of the United States we are literally turning our backs on the commitments that were made to the veterans of the past.

There are still a few among us in this body who served our country way back in World War II, or as my grandchildren refer to that period in the 1940's, the days of yesteryear. But in those days of yesteryear there were men and women who served their country for many years, and not just many months, overseas. They also got the job done. We also were welcomed home with cheers and tears.

In addition to that, Mr. President, there were firm promises to the veterans of that time, who of course were followed by the veterans of the Korean war, and in the Vietnam war, and of course in addition thereto, now, those who have come back from the conflict in the gulf.

Let us concentrate for a moment, though, on those people that came before the present heroes who are returning and see what, as a nation, we have done to keep the promises to that generation of soldiers and sailors and airmen and Marines who answered the call of the Nation some time ago.

After 2 years in the South Pacific, when I came home, Mr. President, we were assured as veterans of certain things. We did not make any money over there—I believe it was a very, very small amount, maybe $1 or $2 or $3 a day. I forget the amount. We did not make any money. Those who did stay home did pretty well.

The United States of America, whose word is usually its bond and is considered to be a bond, made a commitment. We are going to make it up in several ways to those who took years out of their lives in service to their country. We came through with such things as the Bill of Rights for the returning servicemen—the GI bill as it was known—that provided some benefits for schooling and other programs.

In addition thereto, though, we were told we had strong veterans' facilities that were going to be expanded and, at any time in the future, anyone who served their country could depend on the fact the United States would not forget and the United States would have these veterans' facilities available to them if they had the need.

Mr. President, all you have to do is go to almost any veterans' facility in the United States today. Why are one or two or three wings of that facility closed down? Why have we instituted new rules and regulations? They are a violation, I suggest, of the commitment made to returning servicemen that they would be provided for.

It was brought home to me very vividly not too long ago when a farmer from a small family-sized farm came up to me and explained to me he had worked a farm all his life. He had not made much money, but he sold out this farm and all of his assets and he remained with $52,000 or $53,000 in the bank to take care of himself and his wife for the rest of their years. He was obviously beyond normal retirement age.

Then he told me that 2 weeks after he sold his farm he was not feeling very well; he went to the doctor and they discovered cancer. So he went to the veterans' hospital in Lincoln, NE. He was a man from Salinas County, NE. He always had in mind that if things got tough he could go to them. They promptly told him when he went in, given the fact he had $53,000 in the bank, and that was all, he could not be entered into this hospital under the rules that currently exist and that he would have to spend that down to take care of himself with cancer into the $15,000, $20,000 area before he could be served. He said, "Senator, I'm deeply disappointed. I'm not a rich man; $53,000 is all that my wife and I have, plus"—I do not even know if he had Social Security or not; some of our farmers do not have Social Security—"I know it is not going to go very far if I start paying for cancer treatment." He said, "I thought I didn't ever need any insurance because when I got out of the service, I was told as a veteran there would be these veterans' facilities for me."

Mr. President, that is only one case. There are hundreds, and thousands of millions of those that come up time and time again. I suspect there is not a Member of the United States Senate who has not received a visitation from a veterans organization from his State calling attention to the fact there are cases even more vivid than the one case that I just mentioned.

Anyone who is interested, I would like to open up the files for them in my office of some down-and-out veterans that will not be accepted in the veterans hospitals now unless they can prove a direct connection—a direct connection, Mr. President—between their health problems, directly service connected.

When these people got out of the armed services, we did not talk about being service connected. We said you are a veteran and you will be provided for because your country appreciates what you have done. Therefore, at a time of great euphoria, at a time of great pride in what our latest crop of outstanding servicemen and women have done as we welcome them home, I think it is not only fitting but proper that the Congress of the United States make a minimal step forward, and I emphasize, Mr. President, it is very minimal, to see that the rights promised our veterans are carried out.

I would be the first to admit that the rather small amount of money I am providing here, in addition to what is currently in the budget, will not go very far in solving all of these pent up needs and demands, and crying needs and demands, that are out there today. What it basically does, Mr. President, is to add $900 million in budget authority to veterans function 700, and $600 million in outlays, and under the rule under which they are operating, specify that that $900 million in budget authority be taken out of the allowance category which translates likewise to subtracting $0.6 million in outlays from the allowance category.

I think it is a good amendment. I think it is a reasonable amendment. I think it is in keeping with the sense of the Congress that I believe was unanimously adopted in the Budget Committee meetings under the amendment sponsored by Senator DOMENICI and myself. I urge the adoption of the amendment.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. SASSER. Mr. President, the distinguished Senator from Nebraska has offered us an amendment that under other circumstances would be worthy of the highest praise and certainly would garner the support of the chairman of the Budget Committee. There is no question about it, inflationary increases in veterans' medical care alone will amount to almost $900 million in 1992, and that is the entire amount of the increase that the distinguished Senator from Nebraska is requesting today.

Moreover, in the wake of the Congress' recent expansion of veterans' benefits contained in the GI bill, fathered by the distinguished chairman of the Veterans' Committee on the House side, Congressman MONTGOMERY, in the supplemental appropriations bill earlier this year, we simply must make certain that the Veterans' Administration has enough money to pay for the administration of these benefits.

The ranking Member, Senator DOMENICI, and I are already committed to doing all that we can in conference to address the needs of our Nation's veterans. I renew that commitment on my behalf today, or at least for my part, and I strongly suspect—I see the distinguished ranking Member here, and he can speak for himself as he always does so ably and eloquently, but I suspect he would reaffirm that commitment and share it.

Mr. DOMENICI. Mr. President, I yield myself time off the resolution, just a minute or two.

Let me say that I certainly will do everything I can and I espouse the exact objectives that the chairman just indicated.

In addition, I think the good Senator from Nebraska [Mr. EXON] will recall in committee he and the Senator from New Mexico coauthored an amendment that was a sense of the Congress that when we get around to appropriating and dividing up the money, that it was our clear intention and desire that we take into account the fact that the veterans' function might need more money in the appropriations allocation. That was almost, as I view it, effective as anything we do with amendments here that move numbers around.

So I want the Senator from Nebraska to know that certainly at this point in spirit, I am totally committed with what he intends to do. I would like to say to the Senator from Nebraska that since we have a lot of time left on this resolution, the leadership and I think the body, the Senate is asking us to get this resolution completed as soon as possible, I wonder perhaps—and the chairman would have something to say about this—but I wonder if the Senator would let us explore the possibility of trying to determine how many amendments still are out there that address the issue of moving dollars around, numbers around in the discretionary accounts, as the Senator from Nebraska does. As I understand it, he takes function 920 allowances and reduces that.

Mr. EXON. Right.

Mr. DOMENICI. I am not going to address the relevancy or validity of that. I am stating a fact. He does take some out of there and puts it in the veterans' function. That is what I mean; that is all discretionary domestic. What I am hoping that the chairman and I can do is see if we could determine whether any more such amendments—from what I know and I think the chairman would support this—there are no other amendments of that type that we are aware of. There are no other amendments, I say to my friend from Nebraska, other than his, that do that kind of amending in the budget that is pending before the United States Senate. We would like to know if there are any others that any Senators have.

I see Senator McCONNELL on the floor. His is a mandatory, entitlement amendment.

I understand that Senator BROWN has one and that is an entitlement.

Then we know of a number of sense-of-the-Congress or sense-of-the-Senate proposals, no more, that move around discretionary dollars. If there are no others, then we might be able to treat the Senator from Nebraska a little differently today than if we are going to have a whole rash of these in the remaining hours.

Mr. SASSER. Just let me say I think the distinguished ranking member and I have discussed this. I think his suggestion is excellent. We both are very sympathetic and supportive, quite frankly, of the amendment offered by my friend from Nebraska.

What we do not wish to do is open up a Pandora's box of literally dozens of amendments that might emerge to move funds around on the domestic discretionary side of the ledger. So I would suggest our friend from Nebraska withhold and let us make a determination as to whether or not there will be additional amendments forthcoming to move the discretionary funds around. If there are not, then I think we will be in a position to dispose of the amendment of the Senator in a way that will be agreeable with him.

Mr. EXON. I appreciate very much the kind and thoughtful remarks by the two leaders of the bill.

Let me ask this question. Maybe we can work something out. I recognize an amendment like this could, indeed, open up Pandora's box. But I think Pandora's box has to be opened for an amendment dealing with our veterans. I believe that probably is the sense of all of the Budget Committee, if not certainly the majority of the committee.

Could either the Senator from Tennessee or the Senator from New Mexico indicate to me if they know of any other amendments of this nature at this particular time? I cannot imagine any that would receive the priority I believe veterans' programs would from the Congress, although there are many worthy projects.

Do either of the Senators know of any amendments at this time and how much money is proposed to be transferred and to the benefit of what function?

Mr. SASSER. At this particular time I am not aware of any other amendments that would seek to move funds from one domestic discretionary account to another. I ask my friend from New Mexico if he is aware of any.

Mr. DOMENICI. Let me say to the chairman and to the Senators who are here and those who might be listening, I do not know of any other amendments—and we have asked over and over, and we both have our lists—I know of no amendments that move discretionary money around between functions, or attempt to move them around. There are no others besides this of which I am aware.

So I might ask this of the chairman. Maybe he might, as the chairman, indicate that in 15 minutes he would ask unanimous consent further amendments to the discretionary accounts no longer be in order so we could proceed to get this budget resolution finished.

Mr. SASSER. Frankly, I think that is an excellent suggestion on the part of the distinguished ranking member, and I would just make this statement, that at 5:15 this evening I will propound a unanimous-consent request to the extent that no further amendments would be in order relative to moving funds among and between domestic discretionary accounts.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. DOMENICI. Will the Senator let me clarify that?

Mr. EXON. Certainly.

Mr. DOMENICI. I see the distinguished chairman of the Appropriations Committee here and I have shared with him what I am trying to do. I think I have tried my very best, and the chairman has, too, to indicate the amendments are advisory; they are not binding.

The prioritization is going to occur when the appropriators allocate. Nonetheless, Senators make their advisory desires known, and we vote on them from time to time.

But I would like very much to make sure everyone understands we are not talking about amendments like the Simon amendment which literally cuts defense. That is a perfectly appropriate amendment under this unanimous consent. A freeze of some sort would be appropriate.

We are just talking about moving money around between the discretionary accounts, indicating that we desire more here and less there because every time you go more you have to go less, which is really not going to be binding on anyone. It never was binding, incidentally. Some say that is the result of the summit. It never was binding even before under the budget process.

Did the chairman ask consent to do that, or where were we?

Mr. SASSER. My statement was that at 5:15 I would propound a unanimous-consent request to that end. I might just reiterate what has been said, that these amendments which seek to move funds within the domestic discretionary accounts are purely advisory, and those decisions are ultimately going to be made by the Appropriations Committee and by the members of that committee under the direction of the distinguished chairman of the Appropriations Committee.

If we are to get bogged down in these amendments that are simply advisory, then it is clear to me, I say to my friend from New Mexico, we are not going to finish this budget resolution tomorrow, Thursday, and we are going to be here Friday. I suspect we will be here late into the evening on Friday because the majority leader has stated unequivocally he intends to finish this budget resolution this week. It must be finished because we have to take this resolution to conference, get it conferenced, bring it back here in conference report form, and get that approved so that the distinguished chairman of the Appropriations Committee can then move forward with his very important work in the Appropriations Committee. We are late now.

So I say all this by way of urging my colleagues not to bog down the Senate with amendments that are purely advisory in nature, that have really no persuasive impact with the Appropriations Committee, and will in the final analysis have only the effect of slowing us down and keeping us here until late Friday evening.

So having said that, perhaps our distinguished friend from Nebraska will withhold until 5:15 and then we can move forward hopefully on his amendment at that time.

Mr. EXON. Mr. President, it sounds to me as if we are working toward some kind of resolution of this matter. I want to move this along as fast as any of the Senators.

The chairman of the Veterans Committee, Senator CRANSTON, has just come on the floor. He and others on the Veterans Committee asked me to introduce this particular amendment because they did feel it would strengthen us in the Appropriations Committee and in the conference committee with the House that will certainly follow. We think this is a top priority matter.

I have no objection to setting this aside until the appointed hour as indicated by the chairman of the Budget Committee, with the understanding that the Exon-Cranston amendment will be the matter pending before the Senate.

At this time, though, for remarks, as we work toward the 5:15 hour, I would like to recognize for whatever time he feels is necessary the chairman of the Veterans Committee, the Senator from California, on my time.

Mr. CRANSTON. I thank my friend from Nebraska very much.

Mr. President, as chairman of the Committee of Veterans' Affairs, I am pleased to join with the distinguished Senator from Nebraska [Mr. EXON] in proposing this amendment to the fiscal year 1992 budget resolution to provide badly needed funding for veterans' programs. Before addressing the specifics of the amendment, I would like to congratulate Senator EXON for his leadership. He has demonstrated once again that he is an important advocate for our Nation's veterans.

Mr. President, our amendment would increase the fiscal year 1992 budget for veteran's programs, function 700, to $34.3 billion in budget authority and $34.1 billion in outlays. These are the same levels as provided for by the House-passed budget resolution and are necessary to provide for minimally adequate levels for discretionary spending for VA health-care programs and the operation of VA benefits offices.

There is no doubt that the resolution as reported must be modified in order to provide for fair treatment for America's veterans. The reported resolution provides only $14.6 billion in budget authority and $14.8 billion in outlays for discretionary spending for veterans. These levels are $700 million in budget authority and $400 million in outlays below the President's request, which itself is inadequate, for these VA programs.

For example, under the President's budget, VA's deplorable backlog of over $860 million in broken-down, worn out, and outdated medical equipment that must be replaced would increase to almost $1 billion. Waiting periods of several months for outpatient care in several locations would grow even longer. Funding would be inadequate for the new legislation providing special pay for VA physicians and dentists, which the Senate passed on April 24 and the House passed today. The terribly long waiting lists for treatment for veterans suffering from posttraumatic stress disorder would grow still longer. In addition, the already too slow processing and adjudication of veterans' claims for benefits would worsen and keep veterans and their survivors waiting longer for the benefits they deserve.

Mr. President during the Persian Gulf conflict we provided the soldiers, sailors, marines, airmen, men and women, all they needed. We were prepared to spend what was needed. We gave them the most modern equipment, and it paid off. To now deprive veterans of our wars the most modern equipment they need for their health and for their survival—to deny them funding for their needs—would be a travesty.

Mr. President, adoption of our amendment is essential to ensure that the numbers in the budget resolution reflect the policy expressed by the Budget Committee when it adopted that resolution. Section 13(1) of the resolution states:

> It is the sense of the Congress that * * * veterans' programs are a top national priority and that there are critical needs, particularly in the area of veterans medical care[,] which must be addressed; the Congress urges the Committees on Appropriations, while acting within the limits of the discretionary caps, to give maximum consideration to veteran's benefit programs * * *.

Section 13 was adopted as an amendment in the Budget Committee by a unanimous vote of 21–0. It does two things: it recognizes the "top national priority" attached to veterans programs and it urges the Appropriations Committees to embody that priority in the actual funding decisions those committees make.

Our amendment is consistent with these objectives—and our amendment goes beyond simply giving lipservice to veterans' programs. It would raise the budget for domestic discretionary spending on veterans' programs to $15.5 billion in budget authority and $15.4 billion in outlays, the same as the levels provided in the House-passed budget resolution and approximately the same as the Congressional Budget Office baseline, which reflects the minimum funding CBO estimates is necessary to maintain current services by offsetting inflation and other cost increases.

Mr. President, about 92 percent of VA's discretionary spending goes toward VA medical care, including medical and prosthetic research, medical administration, and medical construction.

The Veterans' Affairs Committee, in our report to the Budget Committee, recommended funding for VA's medical care account of $533 million over the President's request. Our committee also recommended a significant increase over the President's flat-level funding request for medical and prosthetic research and rejected his request for a large reduction in medical-facility construction.

In light of the real needs that exist in veterans' programs, our amendment would provide a very modest increase of $200 million over the President's budget request. If this amendment is rejected, the Senate's budget for veterans, as I have stated, would be more than $700 million below the President's request for VA discretionary spending, primarily VA medical care, and nearly a billion dollars less than what CBO says is needed just to keep pace with inflation. That kind of a budget clearly would not treat veterans' programs as a top national priority.

Mr. President, our amendment complies with the domestic discretionary spending cap established in last year's deficit-reduction act by requiring offsetting reductions. Consistent with section 13(1) of the resolution as reported, however, our amendment would give the Appropriations Committees maximum flexibility to determine appropriate offsets.

I know that Senator EXON explored several possible offsets for the increase in veterans' programs. I'm pleased that the amendment we now are considering recognizes that the Appropriations Committees will make the ultimate decision on where and how room will be made for the increase in veterans' programs. Senator EXON has made certain nonbinding assumptions as to how the savings would be made. Either his suggested means or others would be necessary, but the actual decision will be made in the appropriations process.

Mr. President, I would add that this amendment makes the resolution more realistic. It is totally unrealistic to leave the budget for veterans' programs at a level that is $700 million below the President's request, which itself is too low. Congress certainly will not cut veterans' programs in that fashion. Thus, our amendment corrects a major defect in the resolution.

Mr. President, increasing the budget for veterans' programs to the levels provided for in the House-passed resolution will help to ensure that veterans' program are treated in fact as a "top national priority."

Before closing, I would like to acknowledge the excellent work on this amendment by Chris McLean and other members of Senator EXON's staff.

Again, I congratulate and thank Senator EXON for offering this amendment and I strongly urge all of my colleagues to support it.

I yield the floor.

Mr. SPECTER. Mr. President, I had sought to come to the floor prior to the action on the amendment of the distinguished Senator from Nebraska to increase the fund available on the Veterans' Committee. In my capacity as ranking member of the Veterans' Committee, I concur with those advocates who have articulated the proposition that veterans funding is indeed in need of increases.

I say that based upon the work I have done in the past 10½ years on the committee. Recently, I visited a number of veterans hospitals not only in my own State but in Miami, Houston, Dallas, and Wichita, KS. I have found that there is a great shortage of facilities available for America's veterans.

I think that the amendment offered by the distinguished Senator from Nebraska, cosponsored by the chairman of the Veterans' Affairs Committee, Senator CRANSTON, was well positioned and I thank the chairman of the Budget Committee and the ranking member for accepting the amendment.

Mr. EXON. Mr. President, we reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I see no other Senators ready to call up amendments at the present time.

I suggest the absence of a quorum, and I ask that it be charged equally against both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask that the Senator from North Dakota [Mr. CONRAD] be added as a cosponsor of the amendment before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BINGAMAN.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, at the request of Senator DOMENICI, I am making an amendment to the amendment, and I send the original amendment as amended to the desk for its immediate consideration.

The PRESIDING OFFICER. The Senator has a right to modify his amendment if that is the request being made. The amendment is so modified.

The amendment, as modified, is as follows:

On page 34, line 24, increase the figure by $900,000,000.

On page 34, line 25, increase the figure by $500,000,000.

On page 42, line 23, decrease the figure by $1,200,000,000.

On page 42, line 24, decrease the figure by $900,000,000.

On page 37, line 2, increase the figure by $300,000,000.

On page 37, line 3, increase the figure by $300,000,000.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that after disposition of the Exon amendment, no amendments be in order that transfer funds among domestic discretionary accounts.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, I understand that in referring to the Exon amendment, Senator EXON has modified his amendment to include a provision——

Mr. EXON. Mr. President, I advise the Senator from New Mexico that I have modified the amendment, and it has been accepted as he has requested.

Mr. DOMENICI. I thank the Senator. I have no objection. I think on our side they understand. If they had any such amendments, they would have advised us. I assume that this is a positive step in the direction of completing this amendment. I think it is very fair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. SASSER. We are prepared to yield back all time in opposition.

Mr. EXON. Mr. President, I am prepared to yield back all time remaining on this side.

Mr. SASSER. We yield back all time, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 79, as modified) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I suggest the absence of a quorum and ask that it be charged against each side equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I request of the Chair and of the Senator from Tennessee an understanding regarding the unanimous-consent agreement we just made so Senator SPECTER, who arrived here before the 5:15 time, could clearly understand his situation.

When Senator SASSER propounded the unanimous-consent request, the time was 5:15 for Senators to come down. I gathered that Senator SPECTER was actually en route when we actually made the request, because he arrived here at about 13 minutes after. He has asked the Senator from New Mexico a question that I think I know the answer to, but I would like to share it and see if it is correct. Senator SPECTER, while he does not have the amendment precisely prepared, intends to offer one or two amendments relative to highway trust funds. Am I correct thus far?

Mr. SPECTER. Mr. President, if the distinguished Senator will yield.

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had heard the distinguished Senator from Tennessee talk about propounding a unanimous-consent request at 5:15. I came over around 5:10 or 5:11 to be sure that the amendments which I had intended to offer, and discussed earlier with the managers of the bill, would be included. My amendments had not yet been precisely formulated as to whether they would be sense-of-the-Senate or would be actual dollar figures. When I heard the discussion about moving dollars around, I came to the floor, as I say, a few minutes before the 5:15 time. I think the distinguished Senator from Tennessee had given notice of his intention to propound the agreement just a few minutes before 5. A great deal of time had not elapsed.

What this Senator proposes to do is to provide for an expenditure of $2 billion from the highway trust fund for highways, which would still leave a very substantial reserve in the highway trust fund. And more than the actual expenditure of money, this Senator seeks to establish the principle that highway trust funds ought to be spent for highways, as opposed to being a bookkeeping entry offsetting the deficit, which is not the intended purpose. Also, I intend to offer an amendment which would expend an additional $1 billion on mass transit, again, where the reserve on mass transit in the trust fund is substantially in excess of that figure. I do not wish to argue the merits now, but only to be certain that I am not precluded from offering those amendments by virtue of the unanimous-consent agreement. As I understood a brief conversation with the distinguished Senator from New Mexico [Mr. DOMENICI] they would not be so precluded, but I just wanted to be sure.

Mr. SASSER. Mr. President, in view of the fact that the distinguished Senator from Pennsylvania did arrive seconds before the 5:15 deadline, clearly it not be my intent to preclude him from offering these amendments. I was under the impression these were simply sense-of-the-Congress resolutions at the outset. Is the Senator now telling us that these are amendments to the budget resolution itself?

Mr. SPECTER. I wish to retain the right to offer those in the form that I described.

Mr. SASSER. Mr. President, I would direct another question to the distinguished Senator from Pennsylvania. This will be an effect to move funds in the domestic discretionary accounts; is that correct?

Mr. SPECTER. It is an effort to take moneys which are in the highway trust fund and the urban mass transit trust fund and have them expended for those purposes. When we start talking about the varieties of categories it takes a lexicon keeper to be sure as to what all of those terms mean.

Mr. SASSER. Mr. President, let me say to my friend from Pennsylvania, we need to study this. We have no intention of precluding him or depriving him of his right to offer an amendment. We would like to study it and look at it and see if he is indeed increasing, attempting to increase outlays here.

Mr. SPECTER. I thank the distinguished Senator from Tennessee, the chairman of the Budget Committee for that comment. I just want to be sure that my amendments fall within the purview of those admitted and not be precluded by the unanimous-consent request because as I say I did arrive in advance of the 5:15 time.

Mr. SASSER. Mr. President, I think we can reassure the Senator from Pennsylvania that he will not be precluded by virture of arriving at 5:14:30 and we certainly would entertain his amendments if he wishes to offer them.

Mr. SPECTER. I do not want to stipulate to my precise time of arrival, except it was before 5:15. I already made a representation for the RECORD on that subject.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I concur with the chairman. However, I would add I do not thoroughly understand, but if it is moving trust under moneys I do not think we wanted to. By agreeing he is not precluded, we are not waiving any budget points of order or the like that may exist relative to the proposed amendments if they are offered at the later time.

Mr. SPECTER. Mr. President, I would agree with that. All rights of the parties are reserved as if acted upon prior to 5:15 on April 24.

Mr. DOMENICI. Great.

Mr. SASSER. Of 1991.

AMENDMENT NO. 80

(Purpose: To provide increased funding for child nutrition programs, and to eliminate moneys in the Presidential Election Campaign Fund)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 80.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, line 2, increase the amount by $50,000,000.

On page 31, line 3, increase the amount by $50,000,000.

On page 31, line 12, increase the amount by $50,000,000.

On page 31, line 22, increase the amount by $50,000,000.

On page 32, line 7, increase the amount by $50,000,000.

On page 32, line 8, increase the amount by $50,000,000.

On page 32, line 17, increase the amount by $50,000,000.

On page 32, line 18, increase the amount by $250,000,000.

On page 38, line 24, reduce the amount by $50,000,000.

On page 38, line 25, reduce the amount by $50,000,000.

On page 39, line 8, reduce the amount by $50,000,000.

On page 39, line 17, reduce the amount by $50,000,000.

On page 40, line 2, reduce the amount by $50,000,000.

On page 40, line 3, reduce the amount by $50,000,000.

On page 40, line 11, reduce the amount by $50,000,000.

On page 40, line 12, reduce the amount by $250,000,000.

Mr. MCCONNELL. Mr. President, I might say at the outset to the chairman of the committee, and to the ranking member, that I do not expect this amendment to take the full 2 hours. My amendment is fairly easily explained, and I will proceed to explain it at this time.

The amendment to the budget resolution I just sent to the desk would shift funding from an entitlement program for people seeking public office to an entitlement program for our Nation's children. My amendment transfers funds from the Presidential election campaign fund to Federal child nutrition programs. By the end of this year, there will be about $150 million in the Presidential fund. This amendment, however, only affects the Presidential fund prospectively; that is, beginning with this next budget year. Therefore, it would have no impact on the existing funds in the Presidential pool. But I might say, Mr. President, that the checkoff has garnered, on a yearly basis, from a low of some $30 to $33 million to a high of $50 million. So that gives my colleagues a sense of what kind of money we might be talking about to provide food for children. Mr. President, obviously, that is a lot of school lunches. It could also pay for startup costs for schools that currently cannot afford to participate in the School Breakfast Program.

Mr. President, let me summarize what the amendment which I have sent to the desk does.

In next year's budget year, what this does is to shift whatever funds may come into the Presidential election campaign fund to the child nutrition programs. The amount of funds that have come in from year to year has varied. Frankly, some years it has been in the low $30 millions, some years up over $50 million. Regardless of whether it is the low amount of $30-some-odd million or high amount of $50 million there is not any question that that buys a lot of school lunches. It could also pay for startup costs for schools that currently cannot afford to participate in the School Breakfast Program. It could expand participation in the Child Care Food Program, or it could be used to fund other improvements in child nutrition programs.

Our Nation's children need money that now goes to political campaigns; to television ads; to week-long junkets that the political parties call the nominating conventions; and to every fringe candidate with an agenda who can qualify for Federal matching funds. All of those items in Presidential races are paid for by the taxpayers.

The Food Research Action Institute estimates that approximately 5.5 million children under 12, or 1 in 8, go hungry here in the United States. An additional 6 million children under 12 are estimated to be at risk of hunger.

The Food Research Action Institute's goal to reduce hunger among America's children include expanded participation in the School Breakfast Program and the National School Lunch Program.

Studies show that children eating school lunches receive one-third to one-half of their daily nutrients from the program. Participation in School Breakfast is associated with significant improvements in achievement test scores and reductions in absenteeism and tardiness. Yet fewer than half of the schools nationwide that offer lunch also offer breakfast.

The institute also advocates increasing availability of meals for needy children through the Child and Adult Care Food Program and the Summer Food Program for Children.

Mr. President, one in four American children is suffering some degree of hunger. The public interest would be better served by providing more nutritious meals to needy children and letting politicians fend for themselves in paying for their campaigns.

Common Cause has circulated a telegram urging Senators to vote against the amendment that we are now considering, to vote for a politicians' entitlement program over the needs of children. Before any of our colleagues vote with Common Cause and against children, they should give careful consideration to what taxpayers are getting for their money in the Presidential fund.

The Presidential system is a bad joke funded by taxpayers who are not amused. Fewer than one in five taxpayers now check the box on their tax forms to designate $1 from taxes they already owe to the Presidential election campaign fund.

The Presidential system has not limited spending, which is what it was designed to do. Spending increased 50 percent between the last two Presidential elections. Meanwhile, spending in the unlimited congressional system has actually declined.

Further, spending limits do not limit special-interest money. Half the spending in Presidential elections is off the books, soft money that is unlimited and undisclosed. Much of it is spent by special interests on behalf of and against candidates.

Michael Malbin, of the Rockefeller Institute of Government, and a renowned expert on campaign financing, testified before the Senate Rules Committee last month in regard to the Presidential system. Mr. Malbin stated:

> In every presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground. If people care enough about an election, they will look for ways to get involved. If they are big and well organized, and cannot contribute directly, then they will look at independent expenditures. Or delegate committees. Or registration and get-out-the-vote. Or communicating with members. Or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat. Or dozens of other devices—some of which have not even been thought up.
>
> Off-the-book activities like these have become more prominent in every election since 1976. Some of them can be regulated, but there is no way they can all be eliminated without running roughshod over the First Amendment. More importantly, all of these devices favor the well organized and the powerful over smaller participants. What the limits seem to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

The Presidential system is a waste of taxpayers' money. It has not worked as advertised. In fact, it has exacerbated the problems it was supposed to cure. Yet, we continue to pour hundreds of millions of dollars into it.

Common Cause and proponents of taxpayer funding of political campaigns say that the checkoff which directs tax dollars to the Presidential election campaign fund is voluntary.

Mr. President, the checkoff is not voluntary for the 80 percent of American taxpayers who choose not to check off for the program.

The checkoff on tax forms which directs money to the Presidential fund allocates money from general revenues. The 20-percent minority who check "yes" are not contributing a dollar, nor are they reducing their tax refund by a dollar. They are diverting $1 from the Treasury—money that belongs to all Americans.

Mr. President, the vast majority of Americans—80 percent—do not want their money paying for politicians' campaigns. Furthermore, if the 20-percent minority knew how the system was really operating, they would not checkoff either.

The Presidential election campaign fund and the system it props up is a gross waste of taxpayer dollars. The money would be better used to feed hungry children.

Mr. President, it is a matter of priorities. Which is more important: children or running for President? Feeding kids or paying consultants? Milk for children in day care, or champagne for delegates at political conventions?

This amendment is really quite simple. It is an opportunity to say, with the beginning of next year's budget year, that we do not believe we should continue to allocate public tax dollars to pay for campaigns for President of the United States.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 47½ minutes remaining.

Mr. McCONNELL. Mr. President, I might say I am hoping that we can move forward. For the moment, I will reserve the remainder of my time. But I would be more than happy to move on to a vote shortly if I learn that that is the desire of the other side.

For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. Without objection, the time will be charged equally between the two sides.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent to proceed as if in morning business for the purpose of introducing two pieces of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WIRTH and Mr. BROWN pertaining to the introduction of S. 926 and S. 927 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WIRTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I know there are a number of Senators who are anxious to keep previous engagements this evening. I advise my colleagues, after consultation with the majority leader, there will be no more votes this evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. SASSER. Mr. President, I suggest the absence of a quorum and ask that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that the McConnell amendment No. 80 be laid aside until 11:45 a.m., Thursday, April 25; that the time until 12:15 be equally divided and controlled between the proponents and opponents of the McConnell amendment; and that if no second-degree amendment is offered, the Senate, without intervening action or debate, proceed to vote on or in relation to the McConnell amendment No. 80.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I further ask unanimous consent that the only amendments in order to the resolution be the following: The pending McConnell amendment; a Simon amendment on defense; a second Simon amendment on defense; a Brown amendment dealing with the honey program; a Dole sense-of-the-Senate resolution; a Brown sense-of-the-Congress resolution; a Reid amendment dealing with notch; a Bradley amendment on transfering funds from defense to domestic accounts; a Specter sense-of-the Senate resolution on highway trust funds; a second Specter amendment on mass transit trust funds; a Wallop sense-of-the-Congress resolution; a Symms freeze amendment; a Conrad sense-of-the-Congress resolution; that any second-degree amendments must be germane and relevant to the first-degree amendment; and provided further that no points of order are considered waived by this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that votes on any amendment on which all time has been yielded back prior to the vote on the McConnell amendment occur following the vote on the McConnell amendment or any second-degree amendment thereto.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. SASSER. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 76TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. JEFFORDS. Mr. President, all of America watched in horror as Kurdish men, women, and children were killed by Saddam Hussein's army. Their poignant suffering in the mountains of Kurdistan continues to dominate our media and trouble our consciences. I am pleased that the United States and several of our allies have responded to this tragedy, and I urge greater activism on the part of our Government to involve the United Nations and international relief organizations in this effort. The persecution and suffering of the Kurds must not be allowed to continue.

Mr. President, 75 years ago, the region of Anatolia, not far to the north of Kurdistan, also lay in turmoil and resounded with the cries of a persecuted and tortured people—the Armenians. The ongoing conflict between various nationalities and the Ottoman Empire escalated into the first genocide of the 20th century. Armenians were driven from their homes into the desert, where many were massacred or left to die from starvation and harsh conditions. Women and children were sold into bondage as domestic servants.

Unlike today, the daily tragedies were not monitored closely by the world community. There were no heart-wrenching evening news clips, no live commentaries from on-the-scene radio reporters and few closeup shots in the morning newspaper of the tortured faces of Armenian women clutching their dying children. The average American knew that Armenians were starving, but most were unaware of the scale of their suffering. However, our diplomatic representatives in the region knew full well what was happening and wrote back vivid and impassioned cables to Washington describing the suffering and the need for a humanitarian response. A nationwide humanitarian relief effort was mobilized and Americans responded generously.

But America, as with most of the world, was preoccupied by the onset of the First World War. Stories of war, oppression, and suffering flooded back to America from many faraway lands. There was little energy for a thorough investigation of the plight of the Armenians or a massive outpouring of sympathy. As the tragedy of the war dragged on, few Americans followed the unfolding genocide of the Armenians.

Three-quarters of a century later, it is important that we look back and commemorate the victims of the Armenian genocide. In the clarity of hindsight, we can sympathize with the scars born by the survivors and recognize the heavy toll on the Armenian people. We can and must do this without malice toward present-day Turkey, who has been a critical ally in the Persian Gulf crisis. Just as we have paused to commemorate the Jewish Holocaust in the Second World War, and just as we linger over the pictures in our newspaper today, we must take a moment to remember the Armenian genocide and honor its victims. My hope is that we will learn to respond to human suffering and to do all within our power to prevent such tragedies from reoccurring in the future.

FIRST BIENNIAL REPORT OF THE NATIONAL CRITICAL TECHNOLOGIES PANEL—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94-282), as amended by section 841 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189), I transmit herewith the first biennial report of the National Critical Technologies Panel.

GEORGE BUSH.

THE WHITE HOUSE, *April 24, 1991.*

MESSAGES FROM THE HOUSE

At 12:31 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 598) to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentist through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

The message also announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker appoints as members of the United States delegation to attend the meeting of the Canada-United States Interparliamentary Group the following Members on the part of the House: Mr. GEJDENSON, Chairman, Mr. FASCELL, Vice Chairman, Mr. HAMILTON, Mr. DE LA GARZA, Mr. GIBBONS, Mr. OBERSTAR, Ms. SLAUGHTER of New York, Mr. BROOMFIELD, Mr. HORTON, Mr. MILLER of Washington, Mr. WALSH, and Mr. HENRY.

The message further announced that pursuant to section 103, Public Law 99-371, the Speaker appoints Mr. BONIOR and Mr. GUNDERSON as members of the Board of Trustees of Gallaudet University on the part of the House.

The message also announced that pursuant to the provisions of 22 U.S.C. 276th, the Speaker appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the 1st session of the 102d Congress the following members on the part of the House: Mr. DE LA GARZA, Chairman, Mr. YATRON, Vice Chairman, Mr. GEPHARDT, Mr. GEJDENSON, Mr. COLEMAN of Texas, Mr. STENHOLM, Mr. TALLON, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. DELAY, Mr. GOODLING, and Mr. KOLBE.

The message further announced that pursuant to the provisions of 16 U.S.C. 715a, as amended, the Speaker appoints Mr. DINGELL and Mr. SCHULZE as members of the Migratory Bird Conservation Committee on the part of the House.

At 3:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 172. An act to assure the continuing airworthiness of aging aircraft, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 172. An act to assure the continuing airworthiness of aging aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 96. A resolution to update Senate Resolution 219 (95th Congress, 2d session) relating to the Senior Citizen Intern Program (Rept. No. 102-47).

S. 739. A bill to authorize the Architect of the Capitol to accept certain gifts on behalf of the United States Botanic Garden.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. MACK):

S. 910. A bill to amend part I of title 28, United States Code, to provide for time limitations in the Presidential nomination and Senate confirmation of Federal judges, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. DODD):

S. 911. A bill to amend the Public Health Service Act to expand the availability of comprehensive primary and preventative care for pregnant women, infants, and children and to provide grants for home-visiting services for at-risk families, to amend the Head Start Act to provide Head Start services to all eligible children by the year 1994, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN:

S. 912. A bill to suspend temporarily the duty on synthetic staple fibers containing 84 percent or more by weight of vinyl chloride and 14 percent or more by weight of vinyl acetate; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. DODD, Mr. RIEGLE, and Mr. BOREN):

S. 913. A bill to amend the Internal Revenue Code of 1986 to increase the amount of bonds eligible for certain small issuer exceptions, and for other purposes; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. STEVENS, Mr. PRYOR, Mr. LIEBERMAN, Mr. HATFIELD, Mr. RIEGLE, Mr. LAUTENBERG, Mr. DASCHLE, Mr. ROBB, Mr. ADAMS, Mr. LEAHY, Mr. BIDEN, Mr. KOHL, Mr. LEVIN, Mr. AKAKA, Mr. DECONCINI, and Mr. SASSER):

S. 914. A bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MCCONNELL (for himself, Mr. HELMS, and Mr. FORD):

S. 915. A bill to require the Secretary of Veterans Affairs to report to the Congress with respect to the policy of the Department of Veterans Affairs relating to smoking tobacco products at Department of Veterans Affairs medical facilities; to the Committee on Veterans Affairs.

By Mr. DASCHLE:

S. 916. A bill regarding the modernization program of the National Weather Service; to the Committee on Commerce, Science, and Transportation.

By Mr. WIRTH (for himself, Mr. AKAKA, Mr. KOHL, Mr. CHAFEE, and Mr. KASTEN):

S. 917. A bill to amend the Federal Home Loan Bank Act to provide for the disposition and protection of property identified as having natural, cultural, recreational, or scientific value of special significance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PACKWOOD (for himself, Mr. DECONCINI, Mr. SYMMS, Mr. BREAUX, Mr. HEFLIN, Mr. HATCH, Mr. BAUCUS, and Mr. GRAMM):

S. 918. A bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers, producers, and importers from the firearms excise tax; to the Committee on Finance.

By Mr. DURENBERGER:

S. 919. A bill to include photoreceptors and assemblies containing photoreceptors within the temporary suspension of duty on parts of certain electrostatic copying machines, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 920. A bill to provide for the designation and conservation of certain lands in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for himself and Mr. STEVENS):

S. 921. A bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. DASCHLE (for himself and Mr. GRASSLEY):

S. 922. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by electric utilities to customers to subsidize the cost of energy conservation services and measures; to the Committee on Finance.

By Mr. AKAKA:

S. 923. A bill to amend section 484(d) of the Higher Education Act of 1965 regarding methods for qualifying as an ability to benefit student at institutions of higher education and proprietary institutions of higher education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. DODD, Mrs. KASSEBAUM, Mr. ADAMS, Mr. DURENBERGER, Mr. SIMON, Mr. METZENBAUM, Mr. PELL, Mr. INOUYE, Mr. SANFORD, Mr. GORE, Mr. DECONCINI, Mr. AKAKA, and Mr. WELLSTONE):

S. 924. A bill to amend the Public Health Service Act to establish a program of categorical grants to the States for comprehensive mental health services for children with serious emotional disturbance, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRAHAM (for himself, and Mr. MCCAIN):

S. 925. A bill to amend the Public Health Service Act to provide for the establishment of a State health service corps demonstration project, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WIRTH (for himself, and Mr. BROWN):

S. 926. A bill to transfer the responsibility for operation and maintenance of the Platoro Reservoir and Dam from the Federal Government to the Conejos Water Conservancy District in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. WIRTH (for himself and Mr. BROWN):

S. 927. A bill to provide for a transfer of lands between the U.S. Forest Service and Eagle and Pitkin Counties in Colorado; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 928. A bill to provide supplemental grants through the State Energy Conservation Program of the Department of Energy to undertake energy education projects; to the Committee on Energy and Natural Resources.

By Mr. WALLOP (for himself, Mr. JOHNSTON, Mr. BUMPERS, Mr. DOMENICI, Mr. MURKOWSKI, Mr. NICKLES, Mr. BURNS, Mr. CRAIG, Mr. SEYMOUR, Mr. GARN, Mr. BINGAMAN, Mr. FORD, and Mr. AKAKA:

S. 929. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to undertake interpretive and other programs on public lands and lands withdrawn from the public domain under their jurisdiction, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PELL:

S. 930. A bill to amend the Higher Education Act of 1965 to provide financial assistance for middle-income students; to the Committee on Labor and Human Resources.

By Mr. REID:

S. 931. A bill to authorize research into ground water contamination and remediation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SHELBY:

S.J. Res. 128. Joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. CRANSTON:

S.J. Res. 129. Joint resolution relating to the naval facility explosion at Port Chicago, CA on July 17, 1944; to the Committee on Armed Services.

By Mr. LAUTENBERG (for himself, Mr. DODD, Mr. BRADLEY, Mr. DIXON, Mr. BURDICK, Mr. D'AMATO, Mrs. KASSEBAUM, Mr. GLENN, Mr. SYMMS, Mr. HOLLINGS, Mr. INOUYE, Mr. GARN, Mr. COCHRAN, Mr. MOYNIHAN, Mr. WARNER, Mr. FOWLER, Mr. JEFFORDS, Mr. PELL, Mr. CONRAD, Mr. HATCH, and Mr. LEVIN):

S.J. Res. 130. Joint resolution to designate the second week in June as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROCKEFELLER:

S. Res. 112. Resolution expressing the sense of the Senate to approve an authorization for upgrading and construction work on highways in the State of West Virginia; to the Committee on Environment and Public Works.

By Mr. FORD:

S. Res. 113. Resolution recognizing, on the bicentennial of his birth, the role of Samuel F.B. Morse in the revolutionary development of electrical communications, and his demonstrations, funded by the Congress, of the practicability of sending telegraph messages by electricity; considered and agreed to.

By Mr. MCCONNELL (for Mr. DOLE) (for himself and Mr. MITCHELL):

S. Res. 114. Resolution authorizing the Secretary of the Senate to pay certain expenses incurred in connection with the funeral of the honorable John Tower, late a Senator from the State of Texas; considered and agreed to.

By Mr. SASSER (for Mr. MITCHELL):

S. Con. Res. 31. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Thursday, April 25, 1991, or Friday, April 26, 1991, until Monday, May 6, 1991, or Tuesday, May 7, 1991; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. MACK):

S. 910. A bill to amend part I of title 28, United States Code, to provide for time limitations in the Presidential nomination and Senate confirmation of Federal judges, and for other purposes; to the Committee on the Judiciary.

JUDICIAL NOMINATION AND CONFIRMATION REFORM ACT

Mr. GRAHAM. Mr. President, over the last few years Congress has stepped up its war on crime by providing additional resources to Federal, State, and local law enforcement and passing tough new prosecutorial and sentencing measures.

However, we have overlooked the needs of a key player in the war on crime—the Federal judiciary.

While Congress has authorized increases in the number of FBI agents, DEA agents, border patrol officers and Federal prosecutors, insufficient action has been taken to enable the judicary to handle the rising caseload.

For example, Mr. President, the Middle District of Florida has experienced a 30-percent increase in civil cases and a 55-percent increase in criminal cases over the last 8 years.

In the last year alone the criminal caseload increased by 15 percent.

The passage of the Judicial Improvements Act of 1990 authorizing 74 new Federal district court judges is a significant step toward addressing the needs of the judiciary.

However, the length of time that it historically takes to fill a new seat or an existing vacancy on the Federal bench is inordinate and intolerable.

Under the present administration, it has taken an average of 502 days from the time a seat becomes vacant for a new judge to be confirmed by the Senate.

When Congress expanded the Federal judiciary in 1984, it took an average of 453 days from enactment of the legislation until a judgeship was filled.

The ability of the judiciary to do its job is significantly diminished by the slow speed at which judicial vacancies are filled.

Let me offer an example.

Nine seats are currently vacant in Florida.

In this extremely busy south Florida judicial district, only 11 of the authorized 16 judgeships are filled.

One seat in the southern district has been pending for 904 days, since October 1988; 904 days, Mr. President. This is outrageous.

These judges are working on over 1,000 pending criminal cases and 120 to 130 new criminal cases per month.

Another 4,500 civil cases come before the southern district per year.

A seat in the middle district has been vacant for nearly a year-and-a-half.

This district has altogether stopped scheduling civil trials in an effort to reduce the backlog of serious criminal cases.

I ask unanimous consent to print in the RECORD a table which outlines the extent of the vacancy problem in the Florida Federal courts.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATUS OF FLORIDA DISTRICT COURT APPOINTMENTS AS OF APRIL 24, 1991

There are 9 seats that must be filled. The White House has not sent a single nominee to the Senate Judiciary Committee.

Judge	President notified date	Vacancy date	Total time vacant
Southern district:			
Aronovitz	May 1, 1988	Oct. 31, 1988	2 yrs, 5 mo, 24 d.
Scott	Sept. 1, 1990	Oct. 31, 1990	5 mo, 24 d.
Public Law 101–650.	Dec. 1, 1990	Dec. 1, 1990	4 mo, 24 d.
Hoeveler	Jan. 1, 1991	Jan. 31, 1991	2 mo, 24 d.
Northern district:			
Public Law 101.650.	Dec. 1, 1990	Dec. 1, 1990	4 mo, 24 d.
Middle district:			
Carr	Jan. 26, 1990	Jan. 26, 1990	1 yr, 2 mo, 24 d.
Public Law 101.650.	Dec. 1, 1990	Dec. 1, 1990	4 mo, 24 d.
Public Law 101.650.	Dec. 1, 1990	Dec. 1, 1990	4 mo, 24 d.
Melton	Dec. 12, 1990	Feb. 1, 1991	2 mo, 24 d.

Mr. GRAHAM. What this means, Mr. President, is that an individual's opportunity to have his or her rights protected in the court is being jeopardized.

If an individual in Orlando, FL, believes that she has been unjustly fired from her job, she has little hope of having her case heard in the courtroom in the forseeable future.

Mr. President, what good are the laws of this Nation if the courts are so backlogged that they cannot be enforced?

What kind of justice system tells citizens that have been wronged, "Come back next year, we are too busy for you right now."

The cost of judicial vacancies is also very real in monetary terms.

Bank fraud, narcotics trafficking, and bankruptcy cases all generate monetary and/or real property assets for the United States.

Recently enacted laws have stiffened penalties for financial fraud.

But if we cannot get these cases into the courtroom, what good are stiffer penalties?

The potential financial gain for the Government of sentencing drug dealers and financial frauds are not realized when there are no judges to hold trials.

Environmental cases are another area of great interest to the Federal Government and the public.

Obviously, litigation involving cases where the United States seeks to clean up an environmentally hazardous site or other areas of significant pollution or destruction of our environment should be considered a high priority.

When those types of civil cases cannot be tried, the country's national environmental priorities are compromised.

The President has asked Congress for expeditious consideration of a crime package.

We are working hard to meet the President's challenge, but we need his leadership in putting judges into the 142 vacant seats in the Nation's Federal courts to uphold the law.

Efforts to improve apprehension and prosecution of criminals is being negated because the judiciary is ill-equipped to process those cases.

Any new legislation this body passes will only aggravate the problem unless we do something about these vacancies.

The Judicial Conference declares a judicial emergency if a judgeship has been vacant for 18 months.

Mr. President, I consider it a judicial emergency when a judgeship is vacant for one day more than necessary.

All involved in the selection and approval of judicial nominees must cooperate to improve the pace with which nominees are considered.

Mr. President, the Judicial Nomination and Confirmation Reform Act sets a 6-month statutory time limit within which the President must send a nominee to the Senate Judiciary Committee running from the time of a Federal district court or Federal appeals court vacancy.

If a name is not sent to the Judiciary Committee within this 6-month time period, the President would be required to provide a written explanation of the failure to act and an indication of when action will be forthcoming.

In most cases, Senators or their designees review candidates for judicial vacancies in their home State and recommend names to the White House.

The White House, with the assistance of the Department of Justice, then selects an individual candidate and solicits input from the American Bar Association.

A time requirement of 6 months would allow each of these players adequate time to carry out their responsibilities with appropriate attention to detail.

The legislation will also create expedited review procedures for consideration of judicial nominees by the Senate Judiciary Committee and the full Senate.

The Judiciary Committee would be given 3 months to consider the nominee, and a 1-month deadline is imposed for Senate consideration.

Mr. President, if we are going to continue to place demands on the Federal judiciary, we must do our part to provide the necessary human resources to do the job.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Nomination and Confirmation Reform Act of 1991".

SEC. 2. JUDICIAL NOMINATION AND CONFIRMATION REFORM.

(a) IN GENERAL.—Part I of title 28, United States Code, is amended by adding after chapter 23 the following new chapter:

"CHAPTER 25—JUDICIAL NOMINATIONS AND SENATE ADVICE AND CONSENT

"Sec.
"491. Definitions.
"492. Time limitation on nomination for judicial vacancy.
"493. Time limitation for Senate advice and consent.

"§ 491. Definitions

"For purposes of this chapter, the term—

"(1) 'judge' means a judge of the United States as defined under section 451; and

"(2) 'justice' means a justice of the United States as defined under section 451.

"§ 492. Time limitation on nomination for judicial vacancy

"(a) Subject to the provisions of subsection (b), no later than 180 calendar days after the date on which a vacancy in the office of a justice or judge occurs, the President shall submit a nomination to the Senate to fill such vacancy.

"(b)(1) The time limitation described under subsection (a) may be extended, if before the end of such time limitation the President submits a written notice to the Senate—

"(A) requesting an extension of no more than 30 calendar days; and

"(B) an explanation of the reasons for the need for such extension.

"(2) An extension under this subsection may not exceed 30 calendar days after the 180-day period described under subsection (a).

"§ 493. Time limitation for Senate advice and consent

"(a)(1) No later than 90 calendar days after the date of receiving a nomination described under section 492(a), the Judiciary Committee of the Senate shall—

"(A) review such nomination; and

"(B) report such nomination to the Senate for advice and consent.

"(2) If a nomination is not reported to the Senate within the 90 calendar days described under subsection (a), such nomination shall be discharged from the Judiciary Committee, without recommendation, for a vote by the Senate on confirmation.

"(b) No later than 30 calendar days after the date of receiving a nomination under subsection (a), the Senate shall vote on the confirmation of the nomination.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 28, United State Code, is amended by adding at the end thereof the following:

"25. Judicial Nomination and Senate Advice and Consent .... 491".

SEC. 3. EFFECTIVE DATE.

The provisions of this Act and amendments made by this Act shall be effective on and after the date of the enactment of this Act and shall apply—

(1) to judicial vacancies first occurring on or after such date; and

(2) with regard to judicial vacancies existing on the date of enactment of this Act, as though such vacancies first occurred on such date.

Mr. MACK. Mr. President, I would like to express my support for a bill introduced by my colleague, Senator BOB GRAHAM. The bill amends part I of title 28, United States Code, to provide for time limitations in the Presidential nomination and Senate confirmation of Federal judges.

This legislation arises out of the need to fairly respond to the length of time it is taking, in general, to appoint a Federal judge to the bench. Many of the courts are at a crisis level as the caseload continues to increase throughout the country. As a result of the long process involved in appointing Federal judges, and the tremendous backlog of cases, Federal courts in some places are hearing solely criminal cases, with civil cases going unheard.

This bill presents an excellent opportunity to elevate this serious issue and begin discussion over methods of improving the process by which we appoint and confirm Federal judges. I would like to commend Senator GRAHAM for his efforts on behalf of the principle of fairness in our Federal judiciary system.

By Mr. KENNEDY (for himself and Mr. DODD):

S. 911. A bill to amend the Public Health Service Act to expand the availability of comprehensive primary and preventive care for pregnant women, infants and children and to provide grants for home-visiting services for at-risk families, to amend the Head Start Act to provide Head Start services to all eligible children by the year 1994, and for other purposes; to the Committee on Energy and Natural Resources.

SCHOOL READINESS ACT

Mr. KENNEDY. Mr. President today, I rise to introduce the School Readiness Act of 1991—legislation designed to make good on a commitment that is long overdue. After a 25-year proven track record of success, the Head Start Program, and the hundreds of thousands of children and families it serves, deserves a more certain future.

Last year, Congress enacted a landmark Head Start reauthorization that put the program on a path to universal access to Head Start for all eligible children by the year 1994. In so doing, the Congress and the President made a promise to children and families living in poverty, that we would begin to reverse years of neglect by supporting a long-term plan to provide early childhood education and promote family self-sufficiency. This legislation took a bold step forward by acknowledging Head Start as an investment and not an expense. It is now time to act on this investment strategy.

No one disputes Head Start's effectiveness. For more than two decades, Head Start has been spectacularly successful in providing the community-based comprehensive early childhood development services that are now being replicated as one-stop shopping programs nationwide. More than 11 million poor children and families have benefited from a Head Start experience, and many more millions should. Study after study has demonstrated that early education encourages childhood development and decreases long-term social costs. But, despite the fact that the need is so well known and the tools are within easy reach, we currently provide this critically important service to only one out of three eligible children.

So today, I am taking action to put our resources where our future is—in Head Start. Last year, we promised to build a brighter future for our children. This year, we need to ensure the dollars necessary to reach this national goal.

President Bush and the Governors have declared "school readiness" to be the Nation's No. 1 education goal. But the President's specific education proposals announced last week are silent on the means to reach this goal. In fact, the President's 1992 budget requests only a $100 million increase for Head Start, an amount which barely can keep pace with the rate of inflation. At this rate of growth, we will be well into the 21st century before all of our children receive a Head Start.

If we are to keep faith with our pledge to tomorrow's schoolchildren, we must make Head Start an entitlement for every eligible child today. Unlike many other goals we establish for our society, we have a program in place that puts the realization of this goal within our grasp. if we are serious about meeting these goals we can take concrete action now by making Head Start services available to all those in need.

In February, I cohosted a breakfast for Members of Congress and the administration with the Committee for Economic Development to mark the release of the committee's landmark report entitled "Unfinished Agenda: A New Vision for Child Development and Education." In this report, representatives of the business community urged Congress not to lose sight of our commitment to provide full funding for Head Start by 1994. Their message was clear—our economic future depends on it.

These corporate executives know that providing Head Start services is cost effective and makes good business sense. They know that for every dollar invested in Head Start, the Federal Government saves nearly $5 in future costs in areas such as welfare, unemployment and crime. Any good business looks to the bottom line, and so must the Federal Government.

The legislation that I am introducing today goes beyond the budget battles of the moment, to provide a clearer vision of the common future we want for this Nation—the security and opportunity we want for our children. As such, it is a first step toward providing the comprehensive "Social Security for Children" I called for last week. The bill keeps our promise to America's children by guaranteeing that the funds needed to provide Head Start to all eligible children will be available and phased in over the next 3 years. The price of success is high. But the cost of failure is higher. We will invest early and wisely today, or struggle to play catch up tomorrow as we fall farther behind.

We can pay for universal access to Head Start services within the budget constraints, through the use of dedicated taxes, or by designating Head Start as an emergency off-budget priority. I have talked with the chairman of the Budget Committee, the Finance Committee, and the Appropriations Committee about this proposal, and I look forward to working closely with my colleagues and the administration on this effort to give all America's children the Head Start they deserve.

When the time came to protect our vital interests in the Persian Gulf, we found the resources to act quickly and effectively. Surely our children deserve the same bipartisan commitment and cooperation. President Bush has said:

> Head Start is something near and dear to all of us. All children are special, because they are the very future of freedom.

As we defended freedom abroad, we must now defend freedom at home, and invest in the Head Start success story. A broad-based coalition believes that the time to act is now. Full funding of Head Start has been advocated by a wide range of health, education, labor, and business organizations. In addition, a Head Start entitlement is supported by the National Center for Children in Poverty; the National Center for Budget Priorities; the National League of Cities; the U.S. Conference of Mayors Urban Summit; the Children's Defense Fund and the National Head Start Association.

This legislation will also expand the Community and Migrant Health Centers Program, particularly in their front line services to pregnant women and children at risk. These centers provide needed health care services to disadvantaged, and often high risk, individuals in underserved areas with high infant mortality rates and poor health prospects. Over 1.3 million women of childbearing age and 2.1 million children under age 15 depend on community health centers as their only source of care. Without these centers, many pregnant women and children would receive only emergency room care, if any at all.

Currently only half of the centers provide specialized one-stop shopping services that offer comprehensive care. This bill will provide funds so that all community health centers will benefit from such a program. Of the $80 million authorized, $25 million would fund new CPCP grants for the Comprehensive Perinatal Care Program in places where obstetrical and pediatric care is minimal or nonexistent; $35 million will be available to expand services for children up to age of 3; $20 million will be set aside to establish and operate new community and migrant health centers. This expansion will enable a quarter million women and children to receive desperately needed health care in both urban and rural areas.

The legislation will expand and increase immunization opportunities for young children. There is no excuse for leaving our children vulnerable to disabling, even fatal, diseases for which we have long had effective vaccines. Under this provision, the Centers for Disease Control will purchase vaccines in bulk for community health centers in the same way they currently supply State health departments; $30 million is authorized for this purpose.

The bill also creates a series of demonstration projects to immunize children at WIC clinics, enhance outreach and access to immunization services, and provide incentives for private physicians to offer this service in addition to public clinics.

We have the knowledge and tools to achieve a substantial and immediate reduction in childhood diseases in the United States. Ensuring that all children are immunized on schedule is as essential as it is cost-effective. For every 1 million children vaccinated, 92,000 children will be spared suffering from whooping cough. For every dollar we spend on immunizations, we save $10 in later health costs.

Finally, the legislation will expand access to substance abuse programs for pregnant women by providing prevention and treatment services at community and migrant health centers and other primary care sites. More than 250,000 pregnant women need substance abuse treatment in 31 States and the District of Columbia alone. In 1988, 375,000 babies were born to crack-addicted mothers. Fetal Alcohol Syndrome affects 3,500 to 7,000 infants annually. Providing services after these children are born is essential. But it is also both essential and cost-effective as also providing services to the mothers during the pregnancy.

These early childhood development initiatives are an investment in our future. We know these programs work, and I urge the Senate to support them.

I ask unanimous consent that the complete text of the bill, letters of endorsement, and other support materials be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Readiness Act of 1991".

TITLE I—PUBLIC HEALTH SERVICE ACT PROVISIONS

Subtitle A—Comprehensive Primary and Preventive Care for Pregnant Women, Infants and Children

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Comprehensive Maternal and Early Childhood Health Care Act".

SEC. 102. MIGRANT AND COMMUNITY HEALTH CENTER INITIATIVES.

(a) MIGRANT HEALTH CENTERS.—Paragraph (2) of subsection (h) of section 329 of the Public Health Service Act (42 U.S.C. 254b(g)) is amended to read as follows:

"(2)(A) For purposes of subparagraph (B), from the amounts appropriated in each fiscal year under paragraph (1)(A), that are in excess of the amounts necessary to maintain the level of services provided with amounts appropriated under such paragraph in the year preceding the year for which such amounts are appropriated, the Secretary shall utilize, in each of the fiscal years 1992 through 1994, such sums as may be necessary in each such fiscal year for the development and operation of new Comprehensive Perinatal and Early Childhood Health Programs in medically underserved areas where such programs do not exist, and expand the capacity of services provided for pregnant women and children up to the age of three, in medically underserved areas where Migrant Health Centers are currently operating Comprehensive Perinatal Care Programs. The Secretary shall utilize such amounts to supplement and not supplant amounts expended on the date of enactment of this paragraph for Comprehensive Perinatal Care Programs under this section.

"(B) The Secretary shall make grants to Migrant Health Centers to assist such Centers in the development and operation of Comprehensive Perinatal and Early Childhood Health Programs. Such Programs shall be designed to provide coordinated health care and support services to pregnant women and young children to increase positive birth outcomes, reduce infant mortality, and support healthy child development. Such services should include—

"(i) public information, outreach and case finding services provided through the use of media, community canvassing (using volunteer and paraprofessional personnel), referrals, or other methods targeted to reach women at high-risk of receiving inadequate health care;

"(ii) individualized risk assessment and case management services for pregnant women, infants, and children to ensure early, continuous, and comprehensive health care and support services including—

"(I) health care (including prenatal health care, nutrition counseling, and smoking cessation interventions), and health education concerning the risks of smoking, alcohol, substance abuse, and inadequate nutrition; and

"(II) perinatal care, primary and preventive health care for infants and children (including screening for vision, hearing, dental conditions, developmental delay, nutritional status, and lead poisoning), timely provision of immunizations, and referral for specialized early periodic screening diagnostic treatment services, services under part H of the Individuals with Disabilities Education Act, and other necessary health and support services;

"(iii) substance abuse screening, outpatient substance abuse counseling services, and referral to and as necessary for the purchase of community-based residential substance abuse treatment services for women with serious substance abuse problems;

"(iv) parenting skill training and child development education (including services stressing the importance of regular health screenings, adequate nutrition, child safety measures and basic growth patterns and expectations) through both center based counseling and home visiting, where determined appropriate, and through distribution of the Maternal Child Health Handbooks as available;

"(v) necessary support services, including counseling, child care, transportation, translation services, benefit eligibility determination, and housing assistance, either provided directly or through referral with appropriate followup; and

"(vi) collaboration with other community-based health and support service providers, hospitals, clinics, recipients of grants under title V, State and local health and social service departments, alcohol and drug treatment programs, State and local special supplemental food programs for women, infants and children under section 17 of the Child Nutrition Act of 1966, Medicaid offices, and other organizations providing services to women, infants, children, and families.

"(C) To the maximum extent practicable, comprehensive health and support services under this paragraph should be delivered on site at the health center, (including services delivered by outposted Medicaid workers in accordance with section 1902 of the Social Security Act (42 U.S.C. 1396a), by workers eligible to provide services under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), by drug treatment service providers and through others) to ensure access and coordination.".

(b) COMMUNITY HEALTH CENTERS.—Subsection (g) of section 330 of such Act (42 U.S.C. 254c(g)) is amended:

(1) in paragraph (1) by adding at the end thereof the following new subparagraph:

"(C) Of the amounts appropriated under subparagraph (A), that are in excess of the amounts necessary to maintain the level of services provided with amounts appropriated under such subparagraph in the year preceding the year for which such amounts are appropriated, the Secretary shall utilize, in each of the fiscal years 1992 through 1994, such sums as may be necessary in each such fiscal year to make grants under subsection (c)(1) for the planning and development of community health centers to serve medically underserved populations. New community health centers shall be equitably distributed between underserved urban and rural areas with satellite models used where appropriate."; and

(2) in paragraph (2) to read as follows:

"(2)(A) For purposes of subparagraph (B), from the amounts appropriated in each fiscal year under paragraph (1)(A), that are in excess of the amounts necessary to maintain the level of services provided with amounts appropriated under such paragraph in the year preceding the year for which such amounts are appropriated, the Secretary shall utilize, in each of the fiscal years 1992 through 1994, such sums as may be necessary in each such fiscal year for—

"(i) the development and operation of new Comprehensive Perinatal and Early Childhood Health Programs in medically underserved areas where such programs do not exist; and

"(ii) expanding the capacity of services provided for pregnant women and children up to the age of three, in medically underserved areas where community health centers are currently operating Comprehensive Perinatal Care Programs.

The Secretary shall utilize such amounts to supplement and not supplant amounts expended on the date of enactment of this paragraph for Comprehensive Perinatal Care Programs under this section.

"(B) The Secretary shall make grants to Community Health Centers to assist such Centers in the development and operation of Comprehensive Perinatal and Early Childhood Health Programs. Such Programs shall be designed to provide coordinated health care and support services to pregnant women and young children to increase positive birth outcomes, reduce infant mortality, and support healthy child development. Such services should include—

"(i) public information, outreach and case finding services provided through the use of media, community canvassing (using volunteer and paraprofessional personnel), referrals, or other methods targeted to reach women at high-risk of receiving inadequate health care;

"(ii) individualized risk assessment and case management services for pregnant women, infants, and children to ensure early, continuous, and comprehensive health care and support services including—

"(I) health care (including prenatal health care, nutrition counseling, and smoking cessation interventions), and health education concerning the risks of smoking, alcohol, substance abuse, and inadequate nutrition; and

"(II) perinatal care, primary and preventive health care for infants and children (including screening for vision, hearing, dental conditions, developmental delay, nutritional status, and lead poisoning), timely provision of immunizations, and referral for specialized early periodic screening diagnostic treatment services, services under part H of the Individuals with Disabilities Education Act, and other necessary health and support services;

"(iii) substance abuse screening, outpatient substance abuse counseling services, and referral to and as necessary the purchase of community-based residential substance abuse treatment services for women with serious substance abuse problems;

"(iv) parenting skill training and child development education (including services stressing the importance of regular health screenings, adequate nutrition, child safety measures and basic growth patterns and expectations) through both center-based counseling and home visiting, where determined appropriate, and through distribution of the Maternal Child Health Handbooks as available;

"(v) necessary support services, including counseling, child care, transportation, translation services, benefit eligibility determination, and housing assistance, either provided directly or through referral with appropriate followup; and

"(vi) collaboration with other community-based health and support service providers, hospitals, clinics, recipients of grants under title V, State and local health and social service departments, alcohol and drug treatment programs, State and local special supplemental food programs for women, infants and children under section 17 of the Child Nutrition Act of 1966, Medicaid offices, and other organizations providing services to women, infants, children, and families.

"(C) To the maximum extent practicable, comprehensive health and support services under this paragraph should be delivered on site at the health center, (including services delivered by outposted Medicaid workers in accordance with section 1902 of the Social Security Act (42 U.S.C. 1396a), by workers eligible to provide services under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), by drug treatment service providers and by others) to ensure access and coordination.".

(c) PROGRAMS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.—Subsection (q) of section 340 of such Act (42 U.S.C. 256(q)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) For purposes of subparagraph (B), from the amounts appropriated in each fiscal year under paragraph (1)(A), that are in excess of the amounts necessary to maintain the level of services provided with amounts appropriated under such paragraph in the year preceding the year for which such amounts are appropriated, the Secretary shall utilize, in each of the fiscal years 1992 through 1994, such sums as may be necessary in each such fiscal year for—

"(i) the development and operation of new Comprehensive Perinatal and Early Childhood Health Programs in medically underserved areas where such programs do not exist; and

"(ii) expanding the capacity of services provided for pregnant women and children up to the age of three, in medically underserved areas where grantees under this section are currently operating Comprehensive Perinatal Care Programs.

The Secretary shall utilize such amounts to supplement and not supplant amounts expended on the date of enactment of this paragraph for Comprehensive Perinatal Care Programs under this section.

"(B) The Secretary shall make grants to grantees under this section to assist such grantees in the development and operation of Comprehensive Perinatal and Early Childhood Health Programs. Such Programs shall be designed to provide coordinated health care and support services to pregnant women and young children to increase positive birth outcomes, reduce infant mortality, and support healthy child development. Such services should include—

"(i) public information, outreach and case finding services provided through the use of media, community canvassing (using volunteer and paraprofessional personnel), referrals, or other methods targeted to reach women at high-risk of receiving inadequate health care;

"(ii) individualized risk assessment and case management services for pregnant women, infants, and children to ensure early, continuous, and comprehensive health care and support services including—

"(I) health care (including prenatal health care, nutrition counseling, and smoking cessation interventions), and health education concerning the risks of smoking, alcohol, substance abuse, and inadequate nutrition; and

"(II) perinatal care, primary and preventive health care for infants and children (including screening for vision, hearing, dental conditions, developmental delay, nutritional status, and lead poisoning), timely provision of immunizations, and referral for specialized early periodic screening diagnostic treatment services, services under part H of the Individuals with Disabilities Education Act, and other necessary health and support services;

"(iii) substance abuse screening, outpatient substance abuse counseling services, and referral to and as necessary the purchase of community-based residential substance abuse treatment services for women with serious substance abuse problems;

"(iv) parenting skill training and child development education (including services stressing the importance of regular health screenings, adequate nutrition, child safety measures and basic growth patterns and expectations) through both center-based counseling and home visiting, where determined appropriate, and through distribution of the Maternal Child Health Handbooks as available;

"(v) necessary support services, including counseling, child care, transportation, translation services, benefit eligibility determination, and housing assistance, either provided directly or through referral with appropriate followup; and

"(vi) collaboration with other community-based health and support service providers, hospitals, clinics, recipients of grants under title V, State and local health and social service departments, alcohol and drug treatment programs, State and local special supplemental food programs for women, infants and children under section 17 of the Child Nutrition Act of 1966, Medicaid offices, and other organizations providing services to women, infants, children, and families.

"(C) To the maximum extent practicable, comprehensive health and support services under this paragraph should be delivered on site at a health center, (including services delivered by outposted Medicaid workers in accordance with section 1902 of the Social Security Act (42 U.S.C. 1396a), by workers eligible to provide services under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), by drug treatment service providers and by others) to ensure access and coordination.".

SEC. 103. EXPANSION OF IMMUNIZATION PROGRAMS FOR YOUNG CHILDREN.

(a) VACCINE BULK PURCHASE PROGRAM.—Part B of title III of such Act is amended—

(1) by redesignating section 317A as section 317B; and

(2) by inserting after section 317 (42 U.S.C. 247b), the following new section:

"SEC. 317A. VACCINE BULK PURCHASE PROGRAM.

"(a) IN GENERAL.—The Secretary acting through the Director of the Centers for Disease Control and in accordance with the preventative health grant provisions of subsections (a) and (j)(1)(B) of section 317, shall provide to the health department of each State or large city that is operating an immunization project, vaccines for immunization purposes.

"(b) DISTRIBUTION.—Vaccines provided to grantees with existing immunization projects under subsection (a) shall be made available for distribution and immunization services through the public health departments of such States or cities, recipients of grants under sections 329, 330, and 340 in the State or city, Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act operating in the State or city, and public health professionals.

"(c) QUANTITY.—In determining the quantity of vaccine that is needed by a grantee under subsection (a), the Administrator of the Health Resources and Services Administration shall make available to the Director of the Centers for Disease Control data from annual reports submitted by recipients of grants under sections 329, 330, and 340 and from entities certified as Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act. The Director of such Centers shall direct the health department of the State or city to provide such recipients with an adequate supply of vaccine from the allotment of the vaccine provided to the grantee.".

(b) IMMUNIZATION DEMONSTRATION PROJECTS FOR OUTREACH PROGRAMS.—Subsection (b) of section 2 of the Vaccine and Immunization Amendments of 1990 (Public Law 101-502) is amended to read as follows:

"(b) DEMONSTRATION PROJECTS FOR OUTREACH PROGRAMS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of carrying out demonstration projects—

"(A) to provide, without administrative charge, immunizations for vaccine preventable diseases to children not more than 2 years of age who reside in communities whose population includes a significant number of low income individuals, increasing the capacity of public health departments to deliver vaccines and facilitating outreach activities to improve the percentage of fully immunized children;

"(B) to expand the capacity of public health departments and recipients of grants under sections 329, 330, and 340 of the Public Health Service Act that are co-located with centers providing services under section 17 of the Child Nutrition Act of 1966 in order to provide immunizations to participants in the program established under such section 17 during regular hours, and to enable State health departments working through State directors of the program established under such section 17 to make available to such centers vaccines and adequate funds to administer immunizations; and

"(C) to maintain private physician participation in the provision of immunization services and to encourage private physicians to provide such services to infants and children enrolled for benefits under title XIX of the Social Security Act.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out paragraph (1), there are authorized to be appropriated $25,000,000 in fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

SEC. 104. SUBSTANCE ABUSE PREVENTION AND TREATMENT.

(a) SUPPLEMENTAL HEALTH SERVICES AND ADMINISTRATION.—

(1) MIGRANT HEALTH CENTERS.—Section 329 of the Public Health Service Act (42 U.S.C. 2564b) is amended—

(A) in subsection (a)(7)—

(i) by striking out "and" at the end of subparagraph (I);

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following new subparagraph:

"(M) substance abuse treatment and prevention services; and"; and

(B) in subsection (i)—

(i) by inserting "(1)" after the subsection designation; and

(ii) by adding at the end thereof the following new paragraph:

"(2) In the administration of the programs authorized under this section, the Health Resources and Services Administration shall consult and coordinate with the Office for Substance Abuse Prevention and the Office for Treatment Improvement. The Office of Treatment Improvement shall, to the maximum extent possible, collaborate with other Federal and State agencies to ensure coordination in the planning and delivery of services.".

(2) COMMUNITY HEALTH CENTERS.—Section 330 of such Act (42 U.S.C. 254c) is amended—

(A) in subsection (b)(2)—

(i) by striking out "and" at the end of subparagraph (L);

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following new subparagraph:

"(M) substance abuse treatment and prevention services; and"; and

(B) in subsection (j)—

(i) by inserting "(1)" after the subsection designation; and

(ii) by adding at the end thereof the following new paragraph:

"(2) In the administration of the programs authorized under this section, the Health Resources and Services Administration shall consult and coordinate with the Office for Substance Abuse Prevention and the Office for Treatment Improvement. The Office of Treatment Improvement shall, to the maximum extent possible, collaborate with other Federal and State agencies to ensure coordination in the planning and delivery of services.".

(3) HEALTH SERVICES FOR THE HOMELESS.—Section 340(a)(2) of such Act (42 U.S.C. 256) is amended by striking out "and with the Director" and all that follows through the period and inserting in lieu thereof ", the Director of the National Institute of Mental Health, the Director of the Office for Substance Abuse Prevention and the Director of the Office for Treatment Improvement.".

(b) MODEL PROJECTS FOR REDUCING THE INCIDENCE OF SUBSTANCE ABUSE AMONG PREGNANT AND POSTPARTUM WOMEN.—Section 509F of such Act (42 U.S.C. 290aa-13) is amended to read as follows:

"SEC. 509F. MODEL DEMONSTRATION PROJECTS FOR REDUCING THE INCIDENCE OF SUBSTANCE ABUSE AMONG PREGNANT AND POSTPARTUM WOMEN.

"(a) GRANTS.—The Secretary, acting through the Director of the Office, shall make demonstration grants to public and nonprofit private entities in order to establish substance abuse prevention, education and treatment projects serving pregnant and postpartum women and their infants.

"(b) PRIORITY.—

"(1) IN GENERAL.—In making grants under subsection (a), the Director of the Office shall give priority to any qualified applicant that agrees to provide treatment services.

"(2) FURTHER PRIORITY.—

"(A) In the case of any applicant for a grant under subsection (a) that is receiving priority under paragraph (1), the Director of the Office shall give further priority to applicants commensurate with the extent to which some or all of the services specified in subparagraph (B) are to be provided, directly or through arrangements with other public or nonprofit entities, as part of the project carried out by the applicant with the grant.

"(B) The services referred to in subparagraph (A) are—

"(i) outreach services in the community involved to identify women who are abusing alcohol or drugs and to encourage such women to undergo treatment for such abuse;

"(ii) prenatal and postpartum health care for women who are undergoing treatment for such abuse;

"(iii) for the infants and children of such women, pediatric health care (including screenings regarding the physical and mental development of the infants and children) and comprehensive social services;

"(iv) child care, transportation, and other support services regarding such treatment, including, as appropriate, visits to the home of such women;

"(v) as appropriate, referrals to facilities for necessary hospital services;

"(vi) employment counseling;

"(vii) appropriate follow-up services to assist in preventing relapses;

"(viii) case management services, including assistance in establishing eligibility for assistance under Federal, State, and local programs providing health services, mental health services, or social services;

"(ix) reasonable efforts to preserve and support the family unit, including promoting the appropriate involvement of parents and others, and counseling the children of women receiving services pursuant to this subsection; and

"(x) housing in the course of treatment under circumstances that permit the children of the women to reside with their mothers.

"(c) ACCESSIBILITY AND LANGUAGE CONTEXT.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees that the services provided pursuant to subsection (a)—

"(1) will be provided at locations accessible to low-income pregnant and postpartum women; and

"(2) will be provided in the language and the cultural context that is most appropriate.

"(d) HEALTH SERVICE COVERED BY STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT.—

"(1) LIMITATION.—Subject to paragraph (2), the Director of the Office may not make a grant under subsection (a) unless, in the case of any health service under subsection (a) that is covered by the State plan approved under title XIX of the Social Security Act for the State in which the service will be provided—

"(A) the applicant for the grant will provide the health service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(B) the applicant for the grant has entered into a contract with an entity under which the entity will provide the health service, and the entity has entered into such a participation agreement and is qualified to receive such payments.

"(2) PARTICIPATION AGREEMENTS.—

"(A) In the case of an entity making an agreement under paragraph (1)(B) regarding the provision of health services under subsection (a), the requirement established in such paragraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(B) A determination by the Secretary of whether an entity referred to in subparagraph (A) meets the criteria for a waiver under such subparagraph shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(e) IMPOSITION OF CHARGES.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income and resources of the woman involved; and

"(3) will not be imposed on any woman with an income of less than 100 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(f) DISTRIBUTION OF GRANTS.—In making grants under subsection (a), the Director of the Office shall ensure that the grants are equitably allocated among the principal geographic regions of the United States, subject to the availability of qualified applicants for the grants.

"(g) REQUIREMENT OF NON-FEDERAL CONTRIBUTIONS.—

"(1) IN GENERAL.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than—

"(A) $1 for each $9 of Federal funds provided for the first year of payments under the grant; and

"(B) $1 for each $3 of Federal funds provided in any subsequent year of such payments.

"(2) TYPE OF CONTRIBUTION.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(h) LIMITATIONS AND WAIVER.—

"(1) LIMITATIONS.—The Director of the Office may not, except as provided in paragraph (2), make a grant under subsection (a) unless the applicant for the grant agrees that the grant will not be expended—

"(A) to provide inpatient services, except with respect to residential treatment for alcohol and drug abuse provided in settings other than hospitals;

"(B) to make cash payments to intended recipients of services under the program involved;

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment; or

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(2) WAIVER.—If the Director of the Office finds that the purpose of the program involved cannot otherwise be carried out, the Director may, with respect to an otherwise qualified grantee, waive the restriction established in paragraph (1)(C).

"(i) ANNUAL REPORTS.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees—

"(1) to submit to the Secretary an annual report that describes the utilization and costs of services provided under the grant;

"(2) to include in the report the number of women served, the number of infants served, and the type and costs of services provided; and

"(3) to include in the report such other information as the Secretary determines to be appropriate; and

"(4) to prepare the report in such form, and to submit the report in such manner, as the Secretary determines to be necessary.

"(j) APPLICATION.—The Director of the Office may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(k) PAYMENTS.—The period during which payments are made by the Director of the Office under a grant under subsection (a) may not exceed 5 years, but may be renewed. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

"(l) EVALUATIONS.—The Director of the Office shall evaluate projects conducted with grants under this section.

"(m) COLLABORATION WITH OTHER FEDERAL AGENCIES AND WITH STATES.—The Director of the Office shall collaborate with all other relevant Federal agencies on issues relating to maternal substance abuse, including the Office for Treatment Improvement, the Bureau of Maternal and Child Health and Resources Development, the Indian Health Service, the Bureau of Health Care Delivery and Assistance, and the Office of Human Development Services. Such collaboration may be accomplished through the establishment of interagency task forces, as appropriate. The Director shall collaborate with the States to ensure that grants awarded under this section are coordinated with other treatment efforts undertaken within each State.

"(n) REPORT.—Not later than October 1, 1992 and every 2 years thereafter, the Director of the Office shall submit to the appropriate committees of Congress a report describing programs carried out pursuant to this section. Each such report shall include any evaluations conducted under subsection (l) during the preceding fiscal year.

"(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $75,000,000 for fiscal year 1992, and such sums as may be necessary in each of the fiscal years 1993 and 1994.".

SEC. 105. SMOKING CESSATION IN PREGNANCY.

Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended by adding at the end thereof the following new subsection:

"(m)(1) The Secretary, acting through the Director of the Centers for Disease Control, shall assist the prenatal clinics in the United States in implementing smoking cessation programs to decrease rates of smoking during pregnancy. The Secretary may make grants to or enter into contracts with—

"(A) State departments of health;

"(B) after consultation with State authorities, to local departments of health; and

"(C) other public entities;

to assist such departments, authorities and entities in implementing effective programs and policies to prevent and encourage cessation of tobacco use during pregnancy.

"(2) Not less than 80 percent of the amounts appropriated under this subsection in each fiscal year shall be made available to the eligible recipients of grants and contracts under this subsection.

"(3) There are authorized to be appropriated to carry out his subsection, $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

Subtitle B—Grants for Home-visiting Services for At-Risk Families

SEC. 111. HOME-VISITING SERVICES.

Part L of title III of the Public Health Service Act is amended—

(1) by redesignating sections 399 and 399A (42 U.S.C. 280c-4 and 280c-5) as sections 398A and 398B, respectively; and

(2) by adding at the end thereof the following new subpart:

"Subpart III—Grants for Home-visiting Services for At-risk Families

"SEC. 398E. DEFINITIONS.

"As used in this subpart:

"(1) ELIGIBLE FAMILY.—

"(A) IN GENERAL.—The term 'eligible family' means a family that includes—

"(i) a pregnant woman who is at risk of delivering an infant with a health or developmental complication, or other poor birth outcome; or

"(ii) a child below the age of 3 who has experienced or is at risk for a health or developmental complication, or child maltreatment.

"(B) POOR BIRTH OUTCOME.—A pregnant woman may be considered to be at risk of delivering an infant with a poor birth outcome, for purposes of subparagraph (A)(i), if during her pregnancy such woman;

"(i) lacks appropriate access to early and routine prenatal care;

"(ii) lacks the transportation necessary to gain access to the services described in this subparagraph;

"(iii) lacks appropriate child care assistance, which results in impeding the ability of such woman to utilize health and social services;

"(iv) fails to understand the importance of prenatal care, including good nutrition, and the effects that substance abuse and smoking have on her pregnancy;

"(v) is fearful of accessing substance abuse services or child and family support services;

"(vi) is under the age of 20;

"(vii) has an income that is below 100 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981); or

"(viii) is without health insurance.

"(2) HEALTH OR DEVELOPMENTAL COMPLICATION.—The term 'health or developmental complication' means—

"(A) low birthweight;

"(B) premature birth;

"(C) a physical or developmental disability or delay; or

"(D) exposure to parental substance abuse.

"(3) HOME VISITING SERVICES.—The term 'home visiting services' includes—

"(A) prenatal and postnatal health care;

"(B) primary health care for eligible children, including developmental assessments;

"(C) education for mothers and caretakers concerning parenting skills, infant care, and child development, including the utilization of parents and teachers resource networks where such networks are available;

"(D) education for women concerning the health consequences of smoking, alcohol, or other substance abuse, inadequate nutrition, use of nonprescription drugs, and the transmission of sexually transmitted diseases;

"(E) assistance in developing support networks, including supportive relationships with family, friends, mentors, and other female or maternal models;

"(F) assistance in obtaining necessary health, mental health, developmental, and social services, including services offered by maternal and child health programs, the special supplemental food program for women, infants, and children, authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), early and periodic screening, diagnostic, and treatment services, as described in section 1905(r) of the Social Security Act (42 U.S.C. 1396d(r)), assistance programs under titles IV and XIX of the Social Security Act, housing programs, and other food assistance programs, according to need;

"(G) consultation and referral regarding subsequent pregnancies and life options, including education and career planning; and

"(H) initial family assessments, and development of a family service plan.

"(4) HOME VISITOR.—The term 'home visitor' means a person who provides home visiting services.

"SEC. 398F. HOME-VISITING SERVICES.

"(a) ESTABLISHMENT.—The Secretary shall make competitive grants to eligible entities to pay for the Federal share of the costs of providing home visiting services to eligible families. The Secretary shall award grants for periods of at least 3 years.

"(b) PURPOSES.—The purposes of this section are—

"(1) to increase the use of early, continuous and comprehensive prenatal care;

"(2) to reduce the incidence of infant mortality and of infants born prematurely, with low birthweight, or with other impairments associated with maternal substance abuse;

"(3) to assist pregnant women and mothers of children below the age of 3 whose children have experienced, or are at risk of experiencing, a health or developmental complication in obtaining health and social services necessary to meet the special needs of the women and their children;

"(4) to identify, where possible, women who are pregnant and at-risk for poor birth outcomes, or who have young children and are abusing alcohol or other drugs and to assist them in obtaining appropriate treatment;

"(5) to reduce the incidence of child abuse and neglect; and

"(6) to promote other measures to encourage appropriate growth and development of children and family unity and stability.

"(c) GRANT AWARD.—

"(1) IN GENERAL.—In awarding grants under this section, the Secretary shall—

"(A) give priority to those entities—

"(i) that are providers in medically underserved and health professional shortage areas that provide a broad range of comprehensive primary health care and support services either directly or through established linkage with other providers;

"(ii) among those providers that are from urban areas, that they provide comprehensive health and social services to children and families, and which have identified home visiting as a needed service for at-risk families, and which have a strong history of providing services and preventive public health services to at-risk populations within the communities they serve;

"(iii) that have demonstrated a commitment to serving low income and uninsured individuals and families; and

"(iv) where appropriate for the proposed target population, have experience in providing outreach and preventive public health services to families with alcohol and drug problems; and

"(B) ensure that entities targeting families where substance abuse is present and entities serving Native American communities are represented among the grantees.

"(2) CONSIDERATIONS IN AWARDING GRANTS.—To demonstrate the effectiveness of home visiting programs among differing target populations, the Secretary, when awarding grants, shall take into consideration—

"(A) whether such grants are equitably distributed among urban and rural settings; and

"(B) different combinations of professional and lay home visitors utilized within programs that are reflective of the identified service needs and characteristics of target populations.

"(d) DELIVERY OF SERVICES AND CASE MANAGEMENT.—

"(1) CASE MANAGEMENT MODEL.—Home visiting services provided under this section shall be delivered according to a case management model, and a registered nurse or appropriate social worker shall be assigned as the case manager for individual cases under such model.

"(2) CASE MANAGER.—A case manager assigned under paragraph (1) shall have primary responsibility for coordinating and overseeing the development of a family service plan for each home visited under this section, and for coordinating the delivery of services provided under the case management model through appropriate personnel.

"(3) APPROPRIATE PERSONNEL.—In determining which personnel shall be utilized in the delivery of services, the case manager shall consider—

"(A) the stated objective of the home visiting program involved, as determined after considering identified gaps in the current service delivery system; and

"(B) the nature of the needs of the client to be served, as determined at the initial assessment of the client that is conducted by the case manager, and through follow-up contacts by home visitors with the family.

"(4) FAMILY SERVICE PLAN.—A case manager, in consultation with the members of the appropriate home visiting team, shall develop a family service plan for the client following the initial home visit of the case manager. Such plan shall reflect—

"(A) an assessment of the health, education, and social service needs of the client family;

"(B) a structured plan for the delivery of services to meet the identified needs of the client family;

"(C) the frequency with which home visits are to be made concerning the client family; and

"(D) ongoing revisions made as the needs of family members change.

"(5) HOME VISITING TEAM.—The home visiting team to be consulted under paragraph (4) on behalf of a client family shall include, as appropriate, other nursing professionals, social workers, child welfare professionals, infant and early childhood specialists, nutritionists, and laypersons trained as home visitors. The case manager shall ensure that the family service plan is coordinated with those physician services that may be required by the mother or child.

"(6) SERVICES.—Services provided under this section shall be made available through the applicant, either directly, or indirectly through agreements entered into by the applicant with other public or nonprofit private entities.

"(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary by regulation requires. At a minimum, each application shall contain—

"(1) a well defined description of the population to be targeted for home visiting services;

"(2) a description of the objectives to be met through the provision of the services by the entity, the services to be provided by the entity directly, and the services to be provided by other public or nonprofit private entities under agreement with the entity;

"(3) a plan for the delivery of structured services designed to meet the needs of the targeted population and a plan for measuring the progress made toward achieving such objectives;

"(4) assurances that the entity will provide case planning for eligible families that incorporates an interdisciplinary approach and, to the extent practicable, interagency involvement;

"(5) a description of the types and qualifications of home visitors used by the entity, including assurances that the skill level of the home visitor will be matched with the services to be provided by the visitor;

"(6) assurances that, to meet the objectives of the program, the home visitors will, where appropriate, receive training in recognizing and addressing, or making referrals to address, parental substance abuse and its effects on children;

"(7) a description of the process by which the entity will provide continuing training, adequate supervision, and sufficient support to home visitors to ensure that trained home visitors are able to provide effective home visiting services;

"(8) a description of the means to be employed to provide outreach to eligible women;

"(9) assurances that the entity will provide home visiting services conducted by—

"(A) public health nurses, social workers, child welfare professionals, or other health or mental health professionals including developmental service providers who are trained or have experience in home visiting services; or

"(B) teams of home visitors, which shall include at least one individual described in subparagraph (A) and which may include workers recruited from the community and trained in home visiting services;

"(10) assurances that the entity will provide home visiting services with reasonable frequency—

"(A) to families with pregnant women, as early in the pregnancy as is practicable, and until the infant reaches at least 1 year of age;

"(B) to other eligible families, for at least 1 year;

"(11) assurances that, in the case of an applicant who provides home visiting services to children age 3 or younger, the applicant will to the maximum extent practicable ensure that such children receive continued services through early childhood programs, such as the Head Start program;

"(12) assurances that the entity will deliver home visiting services in a manner that accords proper respect to the cultural traditions of the eligible families;

"(13) information demonstrating that the applicant is familiar with the socioeconomic and cultural groups who will receive home visiting services from the entity;

"(14) an assurance that the applicant will obtain at least 10 percent of the costs of providing home visiting services from non-Federal funds (such contribution to costs may be in cash or in-kind, including facilities and personnel);

"(15) an assurance that the applicant will spend not more than 10 percent of the Federal funds received under this subpart on other administrative costs, exclusive of training;

"(16) an assurance that the applicant will submit the report required by subsection (g);

"(17) assurances that the entity will coordinate with public health and social service agencies to improve the delivery of comprehensive services to women and children served by the entity; and

"(18) evidence that the development of the proposal has been coordinated with the State agencies responsible for maternal and child health and child welfare as well as evidence of the existence of a mechanism to ensure continuing collaboration and consultation with these agencies.

"(f) ELIGIBILITY.—Entities eligible to receive a grant under this section shall include public and private nonprofit entities that provide health or other social services, including community-based organizations, hospitals, local health departments, community health centers, Native Hawaiian health centers, nurse managed clinics, and family resource and support programs.

"(g) FEDERAL SHARE.—The Federal share of grants provided under this section shall be 90 percent.

"(h) REPORT AND EVALUATION.—

"(1) REPORT.—To be eligible to receive a grant under this section, an entity shall agree to submit an annual report on the services provided under this section to the Secretary in such manner and containing such information as the Secretary by regulation requires. At a minimum, the entity shall report information concerning eligible families, including—

"(A) the characteristics of the families and children receiving services under this section;

"(B) the use, type, and location of the provider of preventive health services, including prenatal, primary infant, and child health care;

"(C) the incidence of low birthweight and premature infants;

"(D) the length of hospital stays for post partum women and their children;

"(E) the incidence of substantiated child abuse and neglect for all children within participating families;

"(F) the number of emergency room visits for routine health care;

"(G) the extent to which the utilization of health care services, other than routine screening and medical care, available to the individuals under the program established under title XIX of the Social Security Act, and under other Federal, State, and local programs, is reduced;

"(H) the number and type of referrals made for other social services; and

"(I) the incidence of developmental disabilities.

"(2) EVALUATION.—

"(A) IN GENERAL.—The Secretary shall, directly or through contracts with public or private entities, conduct evaluations to determine the impact of programs supported under subsection (a) on the criteria specified in paragraph (1), and not less than once during each 3-year period, prepare and submit to the appropriate committees of Congress, a report concerning the results of such evaluations.

"(B) CONTENTS.—The evaluations conducted under subparagraph (A), shall include the data contained in the annual reports submitted under paragraph (1), and shall assess the relative effectiveness of home visiting programs located in urban and rural areas, and among programs utilizing differing combinations of professionals and trained home visitors, to meet the needs of defined target service populations.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for the 1992 fiscal year and such sums as may be necessary for subsequent fiscal years.".

TITLE II—HEAD START ACT

SEC. 201. FINDINGS.

Congress finds that—

(1) the President of the United States and the Governors of the 50 States have declared the number one education goal of the Nation to be that, by the year 2000, all children in America will start school ready to learn;

(2) the Head Start program has a 25-year proven track record of success in providing comprehensive early childhood development services to low-income preschoolers and their families in urban and rural communities across the country;

(3) such early childhood programs have been carefully evaluated and found to increase cognitive and socioemotional development and decrease the need for special education, as well as the high cost of school failure, welfare dependency, and crime;

(4) the Head Start program is cost effective and, according to the Committee for Economic Development, the Head Start program should be viewed as an investment and not an expense;

(5) the Head Start program has improved the health and nutritional status of participants by ensuring appropriate health screenings, on-schedule immunizations, and critically important nutrition supplements;

(6) the Head Start program has increased the involvement of parents in the education of their children, and has promoted family stability and self-sufficiency;

(7) despite well documented program effectiveness, Head Start currently reaches only 1 in 3 eligible children; and

(8) if the United States is to keep faith with its pledge to the school children of tomorrow, it must provide Head Start services to all eligible children today.

SEC. 202. SHORT TITLE OF HEAD START ACT.

Section 635 of the Head Start Act (42 U.S.C. 9801 note) is amended to read as follows:

"SHORT TITLE

"SEC. 635. This subchapter may be cited as the 'Head Start Act'.".

SEC. 203. STATEMENT OF PURPOSE AND POLICY.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"STATEMENT OF PURPOSE AND POLICY

"SEC. 636. (a) In recognition of the role which Project Head Start has played in the effective delivery of comprehensive health, educational, nutritional, social, and other services to economically disadvantaged children and their families, it is the purpose of this subchapter to extend the authority for the appropriation of funds for such program.

"(b) In carrying out the provisions of this subchapter, the Secretary of Health and Human Services shall continue the administrative arrangement responsible for meeting the needs of migrant, non-English language background, and Indian children and shall assure that appropriate funding is provided to meet such needs.".

SEC. 204. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended to read as follows:

"DEFINITIONS

"SEC. 637. For purposes of this subchapter:

"(1) The term 'Secretary' means the Secretary of Health and Human Services.

"(2) The Term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, and the Commonwealth of the Northern Mariana Islands.

"(3) The term 'financial assistance' includes assistance provided by grant, agreement, or contract, and payments may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

"(4) The term 'adjusted appropriation' means—

"(A) with respect to the first fiscal year for which funds are required by section 640(a)(3)(A) to be reserved, the sum of—

"(i) $35,000,000; and

"(ii) 110 percent of the amount appropriated under section 639(a) for the preceding fiscal year, adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers (issued by the Bureau of Labor Statistics) occurring in the 1-year period ending immediately before the fiscal year with respect to which a determination is made under section 640(a)(3)(A); and

"(B) with respect to each subsequent fiscal year for which funds are required by section 640(a)(3)(A) to be reserved, the amount appropriated under section 639(a) for the preceding fiscal year adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers (issued by the Bureau of Labor Statistics) occurring in the 1-year period ending immediately before the fiscal year with respect to which a determination is made under section 640(a)(3)(A).

"(5) The term 'quality improvement funds' means—

"(A) with respect to the first fiscal year for which funds are required by section 640(a)(3)(A) to be reserved, 10 percent of the amount appropriated under section 639(a) for such fiscal year; and

"(B) with respect to each subsequent fiscal year for which funds are required by section 640(a)(3)(A) to be reserved, 25 percent of the portion of the amount appropriated under section 639(a) for such fiscal year that exceeds the adjusted appropriation for such fiscal year.

"(6) The term 'Head Start classroom' means a group of children supervised and taught by two paid staff members (a teacher and a teacher's aide or two teachers) and, where possible, a volunteer.

"(7) The term 'Head Start family day care' means Head Start services provided in a private residence other than the residence of the child receiving such services.

"(8) The term 'home-based Head Start program' means a Head Start program that provides Head Start services in the private residence of the child receiving such services.

"(9) The term 'poverty line' means—

"(A) the official poverty line (as defined by the Office of Management and Budget) adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by the Bureau of Labor Statistics, occurring in the 1-year period or other interval immediately preceding the date such adjustment is made; or

"(B) the poverty line (including any revision thereof) applicable to this subchapter for fiscal year 1990, adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by the Bureau of Labor Statistics, occurring in the period beginning October 1, 1989, and ending immediately before the date such adjustment is made;

whichever is greater.

"(10) The term 'full calendar year' means all days of the year other than Saturday, Sunday, and a legal public holiday.

"(11) The term 'full-working-day' means not less than 10 hours per day.".

SEC. 205. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638 of the Head Start Act (42 U.S.C. 9833) is amended to read as follows:

"FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS

"SEC. 638. (a) The Secretary shall, upon application by an agency that is designated as a Head Start agency pursuant to section 641, provide, subject to section 639(a), financial assistance to such agency for the planning, conduct, administration, and evaluation of a Head Start program, focused primarily upon children from low-income families who have not reached the age of compulsory school attendance, that—

"(1) will provide to all eligible children such comprehensive health, nutritional, educational, social, and other services as will aid the children to attain their full potential; and

"(2) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level.

"(b) For purposes of providing financial assistance under subsection (a) to agencies, the Secretary may not take into consideration whether such agency applies for or receives funds under subchapter E.

"(c) All eligible children shall be entitled to receive services through a Head Start program, subject to section 639(a).".

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 639. (a) For purposes of providing services to all eligible children through Head Start programs, there are authorized to be appropriated to carry out this subchapter, $4,273,000,000 for fiscal year 1992, $5,924,000,000 for fiscal year 1993, and $7,660,000,000 for fiscal year 1994. The Secretary shall make available the sums described in the previous sentence, subject to section 640, to make payments to agencies that have been designated Head Start agencies under section 641 and have submitted, and had approved by the Secretary, an application described in section 638.

"(b) Section 13301(a) of the Omnibus Budget Reconciliation Act of 1990 (2 U.S.C. 632 note) shall apply with respect to amounts appropriated under subsection (a).

"(c) The Secretary shall make available not less than $20,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the Head Start Transition Project Act.".

SEC. 207. ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.

Section 640 of the Head Start Act (42 U.S.C. 9835) is amended to read as follows:

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

"SEC. 640. (a)(1) Of the sums appropriated pursuant to section 639 for any fiscal year beginning after September 30, 1981, the Secretary shall allot such sums in accordance with paragraphs (2) through (5).

"(2) The Secretary shall reserve 13 percent of the amount appropriated for each fiscal year for use in accordance with the following order of priorities—

"(A) Indian and migrant Head Start programs and services for handicapped, except that there shall be made available for each fiscal year for use by Indian and migrant Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian and migrant Head Start programs for fiscal year 1990;

"(B) payments to Guam, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands according to their respective needs, except that such amount shall not exceed one-half of 1 percent of the sums appropriated for any fiscal year;

"(C) training and technical assistance activities which are sufficient to meet the needs associated with program expansion and to foster program and management improvement activities as described in section 648 of this subchapter, in an amount for each fiscal year which is not less than 2 percent of the amount appropriated for any such fiscal year; and

"(D) discretionary payments made by the Secretary.

No funds reserved under this paragraph or paragraph (3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter.

"(3)(A) For any fiscal year for which the amount appropriated under section 639(a) exceeds the adjusted appropriation, the Secretary shall reserve the quality improvement funds for such fiscal year, for one or more of the following quality improvement activities:

"(i)(I) Not less than one-half of the amount reserved under this subparagraph, to improve the compensation (including benefits) of staff of Head Start agencies and thereby enhance recruitment and retention of such staff. The expenditure of funds under this clause shall be subject to section 653.

"(II) If a Head Start agency certifies to the Secretary for such fiscal year that part of the funds set aside under subclause (I) to improve wages cannot be expended by such agency to improve wages because of the operation of section 653, then such agency may expend such part for any of the uses specified in the subparagraph (other than wages).

"(ii) To pay transportation costs incurred by Head Start agencies to enable eligible children to participate in a Head Start program.

"(iii) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

"(iv) To pay costs incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

"(v) To make nonstructural and minor structural changes, and to acquire and install equipment, for the purpose of improving facilities necessary to expand the availability, or enhance the quality, of Head Start programs.

"(vi) To supplement amounts provided under subsection (a)(2)(C) to provide training necessary to improve the qualifications of the staff of the Head Start agencies, and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

"(B)(i) Funds reserved under subparagraph (A) for the first and second fiscal years for which funds are so reserved shall be allotted by the Secretary as follows:

"(I) 80 percent of such funds shall be allotted among the States in the same proportion as the Secretary allots funds among the States under paragraph (5) for the respective fiscal year.

"(II) 20 percent of such funds shall be allotted among the States, and used to make grants to Head Start agencies, at the discretion of the Secretary.

"(ii) Funds reserved under subparagraph (A) for any fiscal year subsequent to the second fiscal year for which funds are so reserved shall be allotted by the Secretary among the States in the same proportion as the Secretary allots funds among the States under paragraph (5) for the respective subsequent fiscal year.

"(iii) To be expended for the activities specified in subparagraph (A) in the first fiscal and second fiscal years for which funds are required by such subparagraph to be reserved, funds allotted under clause (i)(I) shall be used by the Secretary to make a grant to each Head Start agency that receives a grant from funds allotted under paragraph (5) for such fiscal year, in the amount that bears the same ratio to the amount allotted under clause (i)(I) for such fiscal year for the State in which such agency is located as the number of children participating in the Head Start program of such agency in such fiscal year bears to the number of children participating in all Head Start programs in such State in such fiscal year.

"(iv) To be expended for the activities specified in subparagraph (A) in each subsequent fiscal year for which funds are required by such subparagraph to be reserved, funds allotted under clause (ii) shall be used by the Secretary to make grants to Head Start agencies that receive grants from funds allotted under paragraph (5) for such fiscal year, in such amounts as the Secretary considers to be appropriate. The aggregate amount of grants made under this clause to Head Start agencies in a State for a fiscal year may not exceed the amount allotted under clause (ii) for such State for such fiscal year.

"(v) If a Head Start agency certifies for such fiscal year to the Secretary that it does not need any funds under subparagraph (A), or does not need part of such funds it would otherwise receive under clause (iii) or (iv), then unneeded funds shall be used by the Secretary to make grants under this subparagraph without regard to such agency.

"(vi) Funds received under this subparagraph shall be used to supplement, not to supplant, funds received under paragraphs (2), (4), and (5).

"(4)(A)(i) If the amount appropriated under section 639(a) for fiscal year 1991 exceeds the adjusted appropriation, the Secretary shall reserve $30,000,000 for fiscal year 1991, to make grants to Head Start agencies to carry out early childhood intervention programs, to be known as 'Parent-Child Centers', within Head Start programs.

"(ii) The Secretary shall reserve $31,200,000 for fiscal year 1992, $32,448,000 for fiscal year 1993, and $33,745,920 for fiscal year 1994 to make grants to Head Start agencies to carry out such early childhood intervention programs.

"(B)(i) Such early childhood intervention programs shall be designed—

"(I) to enhance the development of children who are less than 3 years of age; and

"(II) to strengthen the family unit by providing opportunities for increasing the child development skills and knowledge of their parents.

"(ii) Such early childhood intervention programs shall provide comprehensive services (such as social, health, and educational services) to low-income families with children who are less than 3 years of age. Such programs may provide such services to any eligible family during any period of time and may be center-based, home-based, or a combination of both.

"(C) Funds reserved under subparagraph (A) for a fiscal year shall be allotted as follows:

"(i) For Indian and migrant early childhood intervention programs, the Secretary shall allot the amount that represents the same proportion as such programs collectively received of the funds appropriated under section 639 for fiscal year 1990.

"(ii)(I) Subject to subclause (II) and after making the allotment under clause (i), the Secretary shall allot the remainder of such funds among the States in the same proportion as funds are allotted among the States under paragraph (5), except that the amount allotted for each State shall not be less than $200,000 or the amount that represents the same proportion of the funds appropriated under section 639 for fiscal year 1990 that were allotted for such State and used to carry out early childhood intervention programs, whichever is greater.

"(II) In any fiscal year for which such remainder is insufficient to allot the minimum amount required by subclause (I), the Secretary shall reduce ratably the minimum allotment required by such subclause.

"(D) The Secretary may not make a grant under this paragraph to a Head Start agency for a fiscal year unless—

"(i) such agency certifies that carrying out the early childhood intervention program for which such grant is requested will not reduce services provided by such agency to children who participate in other programs provided by such agency under this subchapter; and

"(ii) such agency certifies that to the maximum extent practicable, it will provide continuous service to children who receive services under this paragraph through compulsory school age, either through the early childhood intervention programs authorized by this paragraph or through other Head Start programs.

"(E) For purposes of this paragraph, the term 'low-income family' means a family that satisfies the eligibility requirements applicable under section 645(a).

"(5) The Secretary shall allot the remaining amounts appropriated in each fiscal year among the States, in accordance with latest satisfactory data so that—

"(A) each State receives an amount which is equal to the amount the State received for fiscal year 1981; and

"(B)(i) 33⅓ percent of any amount available after all allotments have been made under clause (A) for such fiscal year shall be distributed on the basis of the relative number of children from birth through 18 years of age, on whose behalf payments are made under the program of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act in each State as compared to all States; and

"(ii) 66⅔ percent of such amount shall be distributed on the basis of the relative number of children from birth through 5 years of age living with families with incomes below the poverty line in each State as compared to all States.

"(6) For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(b) Financial assistance extended under this subchapter for a Head Start program shall not exceed 80 percent of the approved costs of the assisted program or activities, except that the Secretary may approve assistance in excess of such percentage if the Secretary determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this subchapter. Non-Federal contributions may be in cash or in kind, fairly evaluated, including plant, equipment, or services. The Secretary shall not require non-Federal contributions in excess of 20 percent of the approved costs of programs or activities assisted under this subchapter.

"(c) No programs shall be approved for assistance under this subchapter unless the Secretary is satisfied that the services to be provided under such program will be in addition to, and not in substitution for, comparable services previously provided without Federal assistance. The requirement imposed by the preceding sentence shall be subject to such regulations as the Secretary may prescribe.

"(d) The Secretary shall establish policies and procedures designed to assure that for fiscal year 1982 and thereafter no less than 10 percent of the total number of enrollment opportunities in Head Start programs in each State shall be available for children with disabilities (as defined in paragraph (1) of section 602(a) of the Individuals With Disabilities Education Act) and that services shall be provided to meet their special needs.

"(e) The Secretary shall adopt appropriate administrative measures to assure that the benefits of this subchapter will be distributed equitably between residents of rural and urban areas.

"(f) The Secretary shall establish procedures to enable Head Start agencies to develop locally designed or specialized service delivery models to address local community needs.

"(g) If in any fiscal year, the amounts appropriated to carry out the program under this subchapter exceed the amount appropriated in the prior fiscal year, the Secretary shall, prior to using such additional funds to serve an increased number of children, allocate such funds in a manner that makes available the funds necessary to maintain the level of services provided during the prior year, taking into consideration the percentage change in the Consumer Price Index for all Urban Consumers, as published by the Bureau of Labor Statistics.

"(h) Each Head Start program may provide full-working-day Head Start services to any eligible child throughout the full calendar year.".

SEC. 208. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on October 1, 1991.

EIGHTEENTH ANNUAL NATIONAL HEAD START ASSOCIATION TRAINING CONFERENCE,
Virginia Beach, VA, April 23, 1991.
Hon. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing on behalf of the National Head Start Association to express our strong support for your legislation to make high quality, comprehensive early childhood development services available to all income eligible young children and their families by making Head Start an "entitlement" program. Last year the United States Congress showed its deep commitment to low-income preschool children and to Head Start in its reauthorization of Head Start. This legislation, which President Bush signed just five months ago, authorized funds sufficient to serve all eligible children by 1994 and included important provisions to support and strengthen Head Start program quality to meet the challenges of today.

In spite of its proven track record, widespread support, and recent significant funding increases, however, Head Start services are still not available to two-thirds of all eligible children because of inadequate funding. The children denied a Head Start in their early years seldom get a second chance. In 1991, nearly 1.3 million children will be denied that Head Start.

We support this initiative because it provides a mechanism to implement last year's landmark legislation which promised high-quality Head Start services to all eligible preschool children. The National Head Start Association does not see this as a revolutionary idea, a "Head Start" for all children who need it was the idea in 1965. The validity of this idea has been proven over the past 26 years. Your legislation can fulfill it.

We offer our support and encouragement to legislation which protects the quality and integrity of the program and which makes these services available to all poor children.

Sincerely,

EUGENIA BOGGUS,
President.

CHILDREN DEFENSE FUND,
Washington, DC, April 23, 1991.
Hon. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: Head Start is an extraordinarily effective program dedicated to improving the future opportunities of both low-income children and their parents. The program is built on the important premise that if children are to succeed they must be healthy, well nourished, and have their parents actively involved in helping them to achieve. In 1990, Congress and the Administration recognized the critical role that Head Start plays in helping low-income children enter school ready to learn, and authorized sufficient funds to serve all eligible children by FY 1994.

The Children's Defense Fund strongly supports the bill that you are introducing today which will convert Head Start into an entitlement program. It will assure that the promise made to children and their families during the last Congress is fulfilled. It will also preserve the critically important provisions passed last year which will help to strengthen the quality of Head Start programs. We look forward to working with you on this landmark legislation.

Sincerely,

MARIAN WRIGHT EDELMAN.

EXCERPTS FROM "THE UNFINISHED AGENDA: A NEW VISION FOR CHILD DEVELOPMENT AND EDUCATION"

(A Statement by the Research and Policy Committee of the Committee for Economic Development, 1991)

THE FUTURE OF HEAD START

The acknowledged effectiveness of Head Start has generated an unprecedented amount of attention and support in the past few years. In both *Investing in Our Children* and *Children in Need*, CED enthusiastically endorsed the program and called for full funding. And in historic legislation adopted in 1990, Congress authorized full funding by 1994. Nevertheless, the actual appropriation for 1991 is $1.952 billion, a $400 million increase over the 1990 appropriation but only half of the increase the legislation authorized. The significant funding increases in both 1990 and 1991 will enable Head Start to reach up to one-third of all eligible three- and four-year-olds, as well as five-year-olds not in kindergarten. In addition to full-funding targets, the 1990 Head Start reauthorization contains a number of important provisions for improving program quality, implementing transitional projects to help children sustain Head Start gains in elementary school, and expanding family support services and services to children from birth to age three.

CED continues to support full funding of Head Start to increase enrollment of all eligible three- to five-year-olds, and we urge Congress to follow through with appropriations that will match the full-funding authorization targets by 1994. We also believe that it is equally important the Congress promote the effectiveness of Head Start by ensuring adequate funds for maintaining the quality of services in both new and existing programs.

THE HIGH COST OF FAILURE

Business people know that it is less expensive to prevent failure than to try to correct it later. Early intervention for poor children from conception to age five has been shown to be a highly cost-effective strategy for reducing later expenditures on a wide variety of health, developmental, and educational problems that often interfere with learning. Long-term studies of the benefits of preschool education have demonstrated returns on investment ranging from $3 to $6 for every $1 spent. Prenatal care has been shown to yield over $3.38 in savings on the costs of care for low-birthweight babies. Early immunization for a variety of childhood diseases saves $10 in later medical costs. Supplementing nutrition for poor women, infants, and children yields a $3 payback in savings on later health care costs.[9]

At the same time, the costs of not intervening early can be astronomical.

Every "class" of dropouts earns about $237 billion less than an equivalent class of high school graduates during their lifetimes. As a result, the government receives about $70 billion less in tax revenues.

Each year, taxpayers spend $16.6 billion to support the children of teenage parents.

About 82 percent of all Americans in prison are high school dropouts, and it costs an average of $20,000 to maintain each prisoner annually. In comparison, a year of high-quality preschool costs about $4,800 and has been shown to decrease the rate of arrest in the teenage years by 40 percent.

PRESCHOOL AND EARLY CHILDHOOD EDUCATION

Quality preschool programs clearly provide one of the most cost-effective strategies for lowering the drop-out rate and helping at-risk children to become more effective learners and productive citizens. It has been shown that for every $1 spent on a comprehensive and intensive preschool program for the disadvantaged, society saves up to $6 in the long-term costs of welfare, remedial education, teen pregnancy, and crime.

We believe that early childhood education should be available to all children who may not otherwise get adequate preparation for formal education from their families. States and local communities should make early childhood education a more integral part of the formal education process, particularly in communities with large numbers of poor, non-English-speaking, or other disadvantaged children. Public schools should recognize the importance of early childhood education to their educational mission and should help to ensure that programs are both available and accessible and relate well to the later educational needs of children.

INVESTING IN CHILD DEVELOPMENT AND EDUCATION

The potential for learning begins even before birth. The ability of children to succeed in school and in life is largely dependent on the quality of their early development. At a minimum, this means that the nation should provide adequate prenatal care to all mothers who cannot afford or do not have access to it, adequate preventive health care and nutrition support for poor children, quality child care for poor infants and toddlers, and quality preschool for disadvantaged three- and four-year-olds. The additional cost of providing these services would total approximately $10.23 billion, which should be derived from a combination of federal, state, and local revenues and phased in over several years. This amount represents less than 5% of the nation's total outlay for elementary and secondary education. It is an investment we can ill afford to postpone.

SUBCOMMITTEE ON EDUCATION AND CHILD DEVELOPMENT

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Donna E. Shalala, Chancellor, University of Wisconsin-Madison.

**Non-Trustee Member: Irving Harris, Chairman of the Executive Committee, Pittway Corp.

*Voted to approve the policy statement but submitted memoranda of comment, reservation, or dissent.

**Nontrustee members take part in all discussions of the statement but do not vote on it.

RESEARCH AND POLICY COMMITTEE

Chairman: Dean P. Phypers.

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Richard D. Wood, Chairman, President and Chief Executive Officer, Eli Lilly and Co.

William S. Woodside, Chairman of the Board, Sky Chefs, Inc.

*Voted to approve the policy statement but submitted memoranda of comment, reservation, or dissent.

THE BUSINESS COMMUNITY SPEAKS

CED continues to support full funding of Head Start to increase enrollment of all eligible three-to-five-year-olds, and we urge Congress to follow through with the appropriations that will match the full-funding authorization targets by 1994. We also believe that it is equally important that Congress promote the effectiveness of Head Start by ensuring adequate funds for maintaining the quality of services in both new and existing programs.

We believe that it is more important than ever to act on the knowledge that our children are our future. If we fail to nurture and educate all our children, we will be closing the doors of opportunity to a growing number of young people and excluding them from participation in the mainstream of American life. The cost of failure is enormous, for what is at stake is the survival of our free-enterprise economy, our democratic system, and the American dream itself.

COMMITTEE FOR ECONOMIC DEVELOPMENT—THE UNFINISHED AGENDA: A NEW VISION FOR CHILD DEVELOPMENT AND EDUCATION

We are not naive about what can be achieved realistically by this one program against the complex and destructive forces suffered by children in poverty. Large issues of housing, jobs, medical and child care must also be addressed. But in terms of providing children in poverty with a fair chance at an equal educational opportunity, the Head Start program has proven itself over the last 25 years.

IN THE NATIONAL INTEREST: THE URBAN SUMMIT OF 1990

(A Conference of Mayors from 35 of America's Largest Cities)

Today, new frontiers are before us—in trade with Canada, Mexico, Europe, Central and South America, Africa and Asia, and in growing industries such as telecommunications, environmental protection and medical research. We must exert our leadership in these areas to ensure that the residents of our cities—particularly our young people—benefit from these new opportunities.

Objectives: Develop a better-educated and better-prepared workforce; Improve coordination among cities in well-defined regional economic areas; Identify fiscal resources for improvement of key infrastructure elements; and Enact federal and state legislative and other initiatives to enhance the economic competitiveness of cities

Action items: 1. Take a leadership role in the restructuring of our troubled education system by: Demanding that the federal Head Start program be an entitlement.

RESOLUTION APPROVED BY THE MEMBERSHIP OF THE NATIONAL LEAGUE OF CITIES, AT THE ANNUAL BUSINESS MEETING

RESOLUTION NO. 35 DEVELOPMENT OF CHILDREN AND YOUTH

Whereas, cities must be empowered with the ability to foster both economic growth and economic justice;

Whereas, the nation must prepare and educate a workforce that is sufficiently skilled to compete in the international arena; and

Whereas, fiscal constraints are making it more difficult to meet the national challenges of educating America's future workforce;

Now, therefore, be it resolved that the National League of Cities urges Congress to:

Enact a competitive cities act which would:

a. Require that federal contractors receiving over a set amount in federal funds to establish a program of summer or after-school employment, apprenticeships or mentoring of disadvantaged youths; and

b. Provide federal support for a "Computer Corps" to instruct inner-city youths and adults in computer literacy skills and for the establishment of non-profit computer access centers in the inner city; and

c. Provide federal support for a "Work to Learn" program through which high school students from poor to middle income families would have summer and after-school matched by a federal set-aside which would pay for a college or vocational education;

d. Change Head Start to an entitlement program that will serve all eligible children;

e. Support the "Urban Schools of America Act" proposed by the Council of Great City Schools;

f. Provide direct funding to urban and rural areas for preschool and early childhood education programs; and

g. Fully fund the new Child Care and Development Block Grant program, which would provide child care services, afterschool enrichment programs and school-based health care services; and

Be it further resolved that the National League of Cities urges elected officials in urban areas to develop tax-exempt programs to encourage business and individual support for local school and education programs.

ALIVE AND WELL? A RESEARCH AND POLICY REVIEW OF HEALTH PROGRAMS FOR POOR YOUNG CHILDREN

(National Center for Children in Poverty. 1991)

POLICY STRATEGIES AND PROGRAM APPROACHES FOR IMPROVING THE HEALTH OF POOR YOUNG CHILDREN

Some actions that should be taken are:

Convert WIC and Head Start to Entitlements. Two quasi-entitlement programs particularly should be converted into full entitlements: WIC and Head Start. These programs have proved their effectiveness and should be able to register all who meet income, age, and other relevant criteria. Funds for outreach activities should accompany this conversion to make all eligible families aware of the availability of these programs. Federal and state agencies should encourage local providers to expedite enrollment, offering technical assistance when needed.

NATIONAL CENTER FOR CHILDREN IN POVERTY

NCCP COUNCIL OF ADVISORS

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NCCP PANEL ON CHILD HEALTH AND MATERNITY CARE

Drew Altman, Sarah Brown, Sara DiPersio, Roselyn Payne Epps, Stanley Graven, Stanley Greenspan, Fernando Guerra, Samuel Kessel, George A. Lamb, Wendy Lazarus, Barbara Lowe, Joan Maxwell, C. Arden Miller, Paul W. Newacheck, Mortimer G. Rosen, Jeannie I. Rosoff, Mark J. Schlesinger, Barbara H. Starfield, and Deborah Klein Walker.

Council Representatives to the Panel: Helen Rodriguez-Trias and Allan Rosenfield.

(Note: This panel helped to initiate the Center's planning work in the field of maternal and child health. While the group made contributions to the early stages of this study, the final monograph does not necessarily reflect the member's views or opinions.)

HEAD START: THE NATION'S PRIDE, A NATION'S CHALLENGE

SUMMARY OF RECOMMENDATIONS FOR HEAD START IN THE 1990'S

I. Investments should be made in the quality of Head Start to ensure the program provides effective comprehensive services to children and families. Specifically, investments should:

provide equitable salaries for all staff;

increase funds for training and technical assistance;

improve the education component to ensure that it is developmentally appropriate and culturally responsive;

enhance parent involvement;

increase family support;

improve facilities and transportation; and

support program supervision.

II. Funds should be increased so that all eligible children who need Head Start may participate, and local programs can provide services that meet the needs of today's families. Specifically, funds should:

provide, by 1994, programs for all eligible three- to five-year-olds in need, and provide programs for children younger than three years by the year 2000;

encourage full-day programs for those in need; and

consider flexibility in income guidelines.

III. Leadership should be provided to build a more coordinated and effective system of services for children and families through collaboration and research. Specifically, leadership should:

focus collaboration efforts to encourage continuation of comprehensive services in elementary grades, to foster linkages with other ECE programs, to encourage more services for young children and their families, and to secure commitments from the business community; and

increase research, demonstration, evaluation, and dissemination efforts.

MEMBERS OF THE SILVER RIBBON PANEL

Eugenia Boggus, Silver Ribbon Panel Chair and President, National Head Start Association;

Susan S. Aronson, M.D. F.A.A.P., American Academy of Pediatrics;

Mattie Brown, Utica Head Start;

Gail Christopher, Gail C. Christopher Enterprises;

Raul Cruz, Head Start Parent;

Marian Wright Edelman, Children's Defense Fund;

Sandra Kessler Hamburg, Committee for Economic Development;

Betty L. Hutchison, Chicago City-Wide College;

Sharon Lynn Kagan, Bush Center in Child Development and Social Policy, Yale University;

Sister Geraldine O'Brian, East Coast Migrant Head Start;

Katie Ong, National Alliance of Business;

Shelby Miller, Ford Foundation;

Evelyn Moore, National Black Child Development Institute;

Roszeta Norris, Total Community Action, Inc.;

Mary Tom Riley, Texas Tech University;

Winona Sample, Consultant Early Education and American Indian Programs;

Tom Schultz, National Association of State Boards of Education; and

Jule Sugarman, Special Olympics International.

OPPORTUNITIES FOR SUCCESS: COST-EFFECTIVE PROGRAMS FOR CHILDREN UPDATE 1990

(Report of the Select Committee on Children, Youth, and Families, 101st Congress, 2d Session, November 1990)

PRESCHOOL EDUCATION

The number and array of preschool education programs, aimed at meeting developmental and educational needs of preschool children and enhancing the likelihood of later school success, have grown dramatically in recent years. This review covers a broad array of early intervention and preschool education programs, including Head Start, which was established in 1965 as a nationwide program providing enriched early childhood education for low-income children. Head Start also provides a range of other services, including health, nutrition and social services. The program emphasizes parent and community involvement in the development and operation of the program. Head Start is authorized under P.L. 99-425.

By 1988, 28 states were funding pre-kindergarten early childhood education programs. As of May 1988, eight states were providing supplemental funds to Head Start programs.

Evaluations of Head Start and other comprehensive early childhood education programs have examined both the short- and long-term effects of participation on low-income children and their families.

Research on the effects of early childhood education over the past 25 years documents the following:

Increased school success of children who attended preschool compared with children who had not:

Better grades, fewer failing marks, lower retention in grade, and fewer absences in elementary school.

Less need for special education services and fewer placements in special education classes.

Improved literacy and curiosity in school.

Greater likelihood of completing high school.

Greater likelihood of continuing education beyond high school.

Increased employability.

Decreased dependence on public assistance.

Decreased criminal activity.

Improvements in students' self-confidence, self-esteem and expectations.

Positive effects for parents and families:

Improved parenting skills.

Increased educational attainment.

Improved coordination of social services.

Cost effectiveness:

Researchers calculated that $39,278 in benefits could be achieved including $7,005 savings in public education, $22,490 savings in welfare benefits, $4,252 savings in reduced costs to the criminal justice system, and a $6,495 bonus in increased taxes collected.

Researchers project that if an additional $16.6 billion were spent on quality preschool programs, the expected annual return to taxpayers could be $56.2 billion.

STUDIES

Increased school success

Martin, S., et al. "The Prevention of Intellectual Impairment in Children of Impoverished Families: Findings of a Randomized Trial of Educational Day Care." American Journal of Public Health. Vol. 80. July 1990.

"The researchers evaluated the effects of child care program—the Carolina Abecedarian Project—on the intellectual development of high-risk children for four and one-half years. Children entered the Abecedarian Project between 6 and 12 weeks of age and attended 50 weeks a year. The program was specifically designed to promote social and cognitive growth. The mothers of the children enrolled in the study tended to be young, have low IQs and low education levels.

"Mean IQ scores of the children enrolled in the program were consistently higher than those of children who did not participate in the special program. The positive impact of educational day care was especially pronounced for the children whose mothers had mental retardation."

The Infant Health and Development Program. "Enhancing the Outcomes of Low-

Birth-Weight, Premature Infants." Journal of the American Medical Association. Vol. 263. June 1990.

"The Infant Health and Development Program, the largest randomized study of intensive early childhood intervention, evaluated the effectiveness of early child development and family support services combined with pediatric follow-up in reducing developmental, behavioral, and other health problems related to low birthweight babies. The intervention group participated in three different services: home visits, child development and parent group meetings. The home visitor provided health and development information, a cognitive and social curriculum and a systematic approach for parents to manage self-identified problems. Children ages 1 to 5 attended the child development centers five days a week. Transportation was available. Parents met in group sessions on a bimonthly basis. Children who received the intervention experienced: "(1) significantly higher IQ scores; (2) significantly fewer maternally reported behavior problems; and (3) a small, but significant increase in maternally reported minor morbidity, with no evidence of an increase in reported serious health problems."

Lee, V., et al., "Are Head Start Effects Sustained? A Longitudinal Followup Comparision of Disadvantaged Children Attending Head Start, No Preschool, and Other Preschool Programs." ERIC ED 309 880. May 1989.

"This research investigated the sustained effects of Head Start for disadvantaged, black children in kindergarten and first grade compared to other disadvantaged children with other or no preschool experience. The researchers tested 646 children on their verbal achievement, preceptual reasoning and social competence. At the end of kindergarten, children who had participated in Head Start programs scored significantly higher on the California Preschool Competency Test (which tests for social competence) than those children who did not attend preschool. While other results did not reach statistical significance, the direction of the outcomes favored children with Head Start experience."

Gotts, E.E. Hope, Preschool to Graduation: Contributions to Parenting and School-Family Relations Theory and Practice. AEL Final Report. Charleston, WV: Appalachia Education Laboratory. February 1989.

"From 1968 through 1971, AEL conducted an experimental program, Home-Oriented Preschool Education (HOPE), as an alternative to kindergarten in rural West Virginia, Alabama, Ohio, Tennessee and Virginia. The program consisted of daily television lessons, weekly paraprofessional home visits and a weekly group experience for the children.

"Performance gains were documented at the preschool level in early concept development, perceptual-motor functions, vocabulary and psycholinguistic abilities. The home visitation component increased these gains. Primary grade records indicate improved attendance, higher grade point averages and increased objective test scores on achievement and ability.

"Children in the control group were more than two times as likely to have failed a grade than were children in the experimental group. The high school dropout rate for the control group was more than double that of the experimental group. Favorable effects of HOPE on school-family relations were detectable 12–14 years after the families participated in the program.

"The HOPE study suggests an estimated cost benefit in excess of 58 million in anticipated increased earnings for the 73 dropouts that were prevented."

Lally, J.R., et al. "The Syracuse University Family Development Research Program: Long-Range Impact of an Early Intervention with Low-Income Children and Their Families." Powell, D.R. (ed.) Parent Education as Early Childhood Intervention: Emerging Directions in Theory, Research, and Practice. Norwood, NJ: Ablex. 1988.

"According to a follow-up study ten years later, an extensive program of day care and family services over the first five years of children's lives resulted in a reduction in rate of delinquency in adolescence and higher expectations about further education among all program participants, and better academic performance among participating girls. Children of the low-income families who participated had a 6% rate of juvenile delinquency, compared to a 22% rate for children in a control group. Moreover, the offenses committed by children in the control group were considerably more severe, including burglary, robbery, and physical and sexual assault, unlike the experimental group. The study estimated that administrative and detention costs associated with the cases were $12,000 for the program group and $107,000 for the control group.

"Compared to control-group children, program group children also were more likely to expect education to be a continuing part of their lives: 53% of the program group but only 28% of the controls anticipated they would be in school in the next five years. Effects on academic achievement were seen significantly among girls: Three-fourths of the program group girls had C averages or better, none was failing, and none had more than 230 school absences during the previous years. In contrast, more than one-half of the controls had average below C; 16% were failing; and 31% had more than 20 absences."

Lee, V., et al. "Does Head Start Work? A 1-Year Follow-Up Comparision of Disadvantaged Children Attending Head Start, No Preschool, and Other Preschool Programs." Developmental Psychology. Vol. 24. 1988.

"The researchers compared 969 disadvantaged children attending Head Start, other preschool, or no preschool. After one year in the program, Head Start participants gained significantly more than students in either the "No Preschool" or "Other Preschool" comparison groups on three measures—the Peabody Picture Vocabulary Test, the Caldwell Preschool Inventory and Motor Inhibition. On a fourth measure, the Head Start students gained significantly more than children with no preschool experience, but less than children with other preschool experience."

Copple, C.E., et al. Path to the Future: Long-Term Effects of Head Start in the Philadelphia School District. Washington, DC: U.S. Department of Health and Human Services. Administration for Children, Youth and Families. Head Start Bureau. 1987.

"This study examined Children in the Head Start/Follow Through programs and followed them in grade school in 33 schools in Philadelphia from 1970 to 1979. The project's results replicate and extend findings from other studies, namely, that compared with control children, Head Start children more often avoided serious school problems, were less frequently retained, had better attendance rates and missed fewer standardized tests. While immediate gains were not sustained on a long-term basis, Head Start graduates were more likely to maintain a relatively positive and consistent relationship with their schools. The authors conclude that the long-term impact of Head Start is in reducing school failure."

Resnick, M., et al. "Developmental Intervention for Low Birth Weight Infants: Improved Early Developmental Outcome," Pediatrics. Vol. 80. No. 1. July 1987.

"Study evaluated the effects of the multidisciplinary infant development program on the mental and physical development of low birthweight infants in a neonatal intensive care center. Home-based services were provided to the experimental group up to the age of two and consisted of bimonthly visits, appropriate referrals, parent counseling, and a developmental curriculum for social, visual, auditory, language, memory, perceptual motor and physical development. The experimental group experienced a 4% prevalence of developmental delay at both 1 and 2 years of age as compared to an 18% prevalence and a 26% prevalence of developmental delay at one and two years, respectively, for a control group that did not receive the intensive developmental services. At one year adjusted age, the experimental group scored significantly higher on mental and physical development."

Schweinhart, L.J. Testimony before the California State Senate Select Committee on Infant and Child Care and Development. October 29, 1987.

"Schweinhart testified that high-quality preschool programs for children who live in poverty help to prevent school failure, dropping out of school, juvenile delinquency, and illiteracy, and in the long run, save taxpayers considerably more than they originally cost. Follow-up studies of participants in the Perry Preschool Program at age 19 found that preschool participation had increased the percentage of persons who were literate, employed, and enrolled in post-secondary education, whereas it had reduced the percentages who were school dropouts, labeled mentally retarded, on welfare, or arrested for delinquent and criminal activity. This effort, combined with other early intervention research, shows that high-quality, early childhood programs prepare poor children better for the intellectual and social demands of schooling, and that preschool participation can lead to greater success and social responsibility in adult life. The cost/benefit analysis showed a six-fold return on one-year programs and a three-fold return on two-year programs. For a cost of $5,000 per participant, total benefits to taxpayers from the program were about $28,000 per participant."

Horacek, H.J., et al. "Predicting School Failure and Assessing Early Intervention with High-Risk Children." Journal of the American Academy of Child and Adolescent Psychiatry. Vol. 26. No. 5. 1987.

"Study of school performance of 90 children identified at birth as being at high risk for school failure based on social and economic variables found that high-risk children experienced 3.8 times the rate of grade failure (50%) of their average-risk peers (13%); educational intervention reduced the incidence of grade failure most successfully when delivered as both a preschool and a school-age program; and achievement test scores in reading and math show a parallel beneficial effect from intervention."

Hubbell, R.M., et al. The Impact of Head Start on Children, Families and Communities. Final Report of the Head Start Evaluation, Synthesis and Utilization Project. Washington, DC: U.S. Department of Health and Human Services. Administration for

Children, Youth and Families. Head Start Bureau. 1985.

"An analysis of 210 reports of research on the effects of local Head Start programs concludes that children enrolled in Head Start enjoy significant immediate gains in cognitive test scores, socioemotional test scores and health status. While in the long run, cognitive and socioemotional test scores may not remain superior to those of disadvantaged children who did not attend Head Start, former Head Start students are more likely to be promoted to the next grade and are less likely to be assigned to special education classes."

"South Carolina: Plan for Early Childhood Development and Education." Interagency Coordination Council for Early Childhood Development and Education, Office of the Governor. South Carolina. 1986. And, Taylor, J. "Early Childhood Education Programs in South Carolina's Public Schools." South Carolina Department of Education. November 27, 1985.

"The Half-Day Child Development Program for four-year-olds in South Carolina, created under the state's Education Improvement Act of 1984, provides for half-day child development programs for 4-year-olds, "focusing on areas with a significant number of students scoring "not ready' on a first grade readiness test." The efforts so far have shown positive effects on the preparedness of first graders: The number considered ready for school has risen from 60% in 1979 to 75% in 1985; those reading at grade level increased by 16%, and third graders tested in 1985 showed an almost 30% increase over 1979 scores; math scores showed a 20% increase from 1981 to 1985."

Pfannenstiel, J.C. and Seltzer, D.A. "New Parents as Teachers Project: Evaluation Report." Missouri Department of Elementary and Secondary Education. 1985.

"The Parents as Teachers Program in Missouri supports parents in their role as children's first teachers and is designed to prevent failure in school and promote the well-being of families. Results of independent evaluation show that program children score significantly higher on all measures of intelligence, achievement, comprehension, and verbal and language ability. Their scores ranked at the 75th percentile in mental processing and at the 85th percentile in school-related achievement, compared to the comparison group which scored at the 55th and 61st percentiles, respectively; parents were more knowledgeable about childrearing practices and child development than the camparison group; parents and children performed well regardless of demographic or economic status; and program staff were successful in intervening and helping to improve at-risk situations."

Reece, C. "Head Start at 20." Children Today. Vol. 14. No. 2. March–April 1985.

Discussion of Head Start program as it begins its 20th year of operation states:

"The findings are clear. Head Start produces substantial gains in children's cognitive and language development, school readiness and achievement. Head Start children are far less likely to be held back a grade or assigned to a special education class than similar children who did not attend Head Start, and Head Start children have been found to be more sociable and assertive than comparable youngsters. Children in Head Start obtain markedly higher levels of health care than children not in the program, have fewer absences from school and perform better on physical tests. In many studies, parents of Head Start children report important changes in their educational or economic status leading to greater family self-sufficiency."

Deutsch, M., et al. "Long-term Effects on Early Intervention: Summary of Selected Findings." Unpublished paper. March 1985. Also reported in the The New York Times. April 1985.

"Study found short- and long-term benefits of enriched preschool program for inner-city, poor children. Program participants showed signficant changes in literacy, curiosity, and improved orientation to general environment; 58% of the program participants finished high school compared to 40% of controls; 39% of participants went on the college or specific vocational training compared to 28% of controls; and 49% of program participants obtained employment compared to 24% of the controls. Based on results of interviews and personality assessments, program participants showed greater initiative, assertiveness, self-esteem, and ego strength.

Pierson, D., et al. "A School-Based Program from Infancy to Kindergarten for Children and Their Parents." Personnel and Guidance Journal. Vol. 62, No. 8. April 1984.

"The Brookline, Massachusetts Early Education Project, a school-based program lasting from infancy to kindergarten for children and their parents, provided parent education and support, diagnostic monitoring and education programs for children. Evaluation of children in the second grade who had participated in the program as preschoolers found that program children were one-half as likely as the comparison group to experience difficulty in learning during second grade, and program parents initiated 40% more contacts with second grade teachers than comparison group parents."

Bereuter-Clement. J., et al. Changed Lives. The Effects of the Perry Preschool Program on Youths through Age 19. Mongraphs of the High-Scope Educational Research Foundation. Number Eight. Ypsilanti, MI. 1984.

"The Perry Preschool study shows that an enriched early childhood education proves school success; increased employability and lowers need for public welfare; helps to prevent criminal activity and is exceptionally cost effective. With regard to school success, persons who had attended preschool had better grades, fewer failing marks, and fewer absences in elementary school; they required fewer special education services and were more likely to continue their education or get vocational training than their no-preschool counterparts.

"By age 19, the preschool group's employment experience was significantly better than the experience of the no-preschool groups. Study participants who attended preschool were more likely to be employed at the time of the age 19 interview, and they were employed more months of the calendar year in which they became 19.

"Researchers calculated that the value of benefits beyond age 19 of participants exceeds seven times the cost for one year of preschool (in 1981 dollars). They estimate that a $1 investment in preschool education returns $6 in taxpayer savings because of lower special education costs, lower public welfare costs, higher worker productivity and lower costs of crime (Tables 26 and 27)."

Weikart, D. Testimony at hearing. Prevention Strategies for Healthy Babies and Healthy Children. Select Committee on Children, Youth, and families. U.S. House of Representaives. Washington, DC. June 30, 1983.

Testimony reported findings of the High/Scope Perry Pre-school Project indicating a higher rate of school success and employment, as well as lower arrest rate and lesser likelihood of appearing on welfare rolls. A summary of the cost/benefit analysis states:

"For every dollar invested in one year of high quality preschool education for economically disadvantaged children, the returns to society over the lifetime of the subject are approximately: $1 in reduced public school education costs: 50 cents in reduced crime costs: 25 cents in reduced cost of welfare administration (in addition $2.25 in reduced taxpayer's costs of welfare); and $3 in increased lifetime earnings (75 cents in increased tax revenues). . . .Return on investment to society for each $1 is $4.75."

Lazar, I., et al. Lasting Effects of Early Education. Monographs of the Society for Research in Child Development, 47 (2–3, Serial No. 195). 1982

Study of the long-term effects of early childhood education experience on children from low-income families, based on secondary analyses of data from several preschool programs. Resutls indicate effects in a number of areas: School competence, developed abilities, children's attitudes and values, and impact on the family. Findings include the following:

"Children who attended programs were significantly more likely to meet their school's basic requirements;

"Across six programs whose data could be pooled for the analysis, there was a significantly lower rate of assignment to special education among children in the early intervention group (13.8%), compared to the control group (28.6%);

"Across eight projects, the program group had a lower median rate of grade retention of 25.4% compared to 30.5% in the control group;

"Program participants surpassed controls on IQ tests for several years after the program had ended;

"Children who had attended early education programs were significantly more likely than were controls to give achievement-related reasons, such as school or work accomplishments, for being proud of themselves;

"Across all projects, mothers of program graduates were more satisfied with their children's school performance than were mothers of control children. Mothers of program participants also had higher aspirations for their children.

"In one state, program families were less likely to use foster care services."

Ziegler, E., et al. Project Head Start. New York: The Free Press. 1979.

Review of the history and effects of Head Start after 13 years of program operation in 1979. It summarizes aspects of Head Start's success as follows:

"At the simplest level, it has provided nutritious meals, vaccinations, and dental care to children who would otherwise not have had them. The improved physical health of Head Start children is a concrete, exciting, and too often ignored accomplishment.

"Many studies of Head Start have focused on the intellectual and academic development of those children who participated, disregarding the children's social and emotional development or the program's impact on communities. Repeated educational evaluations of Head Start have left no doubt that it has striking short-term affects on children's social and cognitive development.

"Parents who participated in Head Start were able to exercise control over their own lives by influencing decisions about the care of their children. Many parents gained career training and even employment. Others learned how to affect political institutions. According to the parents' own testimony, their improved self-esteem changed their relations to their children and their communities."

Increased employability

Schweinhart, L.J. 1987. *op. cit.*

Deutsch, M., 1985. *op. cit.*

Berreuter-Clement, J., et al. 1984. *op. cit.*

Reduced delinquency and dependence on public assistance and in reports of criminal activity

Lally, J.R., et al. 1988. *op. cit.*

Schweinhart, L.J. 1987. *op. cit.*

Farnworth, M., et al. "Preschool Intervention, School Success and Delinquency in a High-Risk Sample of Youth." American Educational Research Journal. Vol. 22. Fall 1985.

Based on data gathered by the Perry Preschool project, researchers assessed the delinquent behavior of 125 teenagers identified at ages 3 and 4 as being at high risk of school failure. One-half of the students were assigned to an intensive preschool intervention program, the other half were not. The researchers found that low IQ and achievement scores did not predict delinquent activity by age 15, but found that preschool intervention reduced involvement in two types of delinquency (dishonesty and escape).

Berreuter-Clement, J., et al. 1984. *op. cit.*

Weikart, D. 1983. *op. cit.*

Improvement in students' views of themselves; increased maternal satisfaction

Lally, J.R., et al. 1988. *op. cit.*

Lazar, I., et al. 1982. *op. cit.*

Positive effects for parents and family

National Head Start Association. Head Start: The Nation's Pride. A Nation's Challenge. Recommendations for Head Start in the 1990's. The Report of the Silver Ribbon Panel. Washington, DC. 1990.

"Reviews of Head Start show that in 1988–89: (1) 99% of children enrolled in Head Start 90 days or more completed medical screening; (2) 98% of those identified as needing treatment received it; (3) 98% had completed all of the required immunizations or were up-to-date in their immunizations; (4) more than 35% of the staff were parents of current or former Head Start children, and more than 443,000 parents volunteered in their local Head Start programs."

The Infant Health and Development Program. 1990. *op. cit.*

Oyemade, U., et al. "The Relationship Between Head Start Parental Involvement and the Economic and Social Self-Sufficiency of Head Start Families." Journal of Negro Education. Vol. 58. 1989.

"The researchers examined the impact of parental involvement on Head Start families. They found that fewer families were receiving public assistance at the end of their Head Start experience than at the beginning. More parents had earned college credit or degrees. Parents who were more actively involved were significantly more likely to be employed and to have incomes above the poverty level."

Gotts, E.E. 1989. *op. cit.*

Seitz, V., et. al. "Effects of Family Support Intervention: A Ten-Year Follow-up." Child Development. Vol. 56. 1985.

"Analysis of the long-term outcomes of a comprehensive, 30-month family support intervention program for first-born, healthy babies from families with incomes below the poverty level revealed that, when compared with a control group, (1) the experimental mothers had completed significantly more years of education than had the control mothers; (2) the children in the experimental group missed significantly less school—7.3 days as compared to 13.3 days for the control group.

"On the average, boys in the control group received school services costing $1,570 above the regular cost per pupil, for the experimental group, the extra cost of services averaged $450 per child.

"The cost of the experimental program was $20,000 measured in 1982 dollars for the full period of intervention. The authors estimate costs for the control group at approximately $40,000 per family."

Reece, C. 1985. *op. cit.*

Lazar, I., et al. 1982. *op. cit.*

Zigler, E., et al. 1979. *op. cit.*

Cost effectiveness

Barnett, W.S. and Escobar, C.M. "Economic costs and benefits of early intervention," in Handbook of Early Childhood Intervention, Shonkoff, J.P. and Meisels, S.J. (eds.) Cambridge, England: Cambridge University Press, 1990.

"Analysis of early intervention studies shows that early intervention for disadvantaged children and their families can be a sound economic investment. Home-based programs are a low-cost option that appear particularly effective as early intervention programs for infants. More expensive programs, such as the Yale Family Support program, generate substantial long-term economic benefits to parents as well as children."

Schweinhart, L.J. and Weikart, D.P. "The High-Scope Perry Preschool Study, Similar Studies, and Their Implications for Public Policy in the United States," in Early Childhood Education: Policy Issues for the 1990s. Stegelin, D. (ed) Norwood, NJ: Ablex (In Press).

"The Perry Preschool Program returned $3.00 for every $1 invested in the 60-week program for 3- and 4-year old children and $5.95 for every $1 invested in the 30-week program for 4-year olds. Authors report that $14.9 billion is currently being spent in public and private funds for early childhood programs. They suggest that if an additional $16.6 billion were spent on quality early childhood programs for both part-time and full-time programs, and the programs were as cost-effective as the Perry Preschool Project, then the return to taxpayers would be $56.2 billion. The $31.5 billion price tag for good early childhood programs compares to a national expenditure of $11.5 billion per grade level in public schools."

Gotts, Edward Earl. 1989. *op. cit.*

Lally, J.R. et al. 1988. *op. cit.*

Schweinhart, L.J. 1987.

Seitz, 1985. *op. cit.*

Berreuter-Clement, J., et al. 1984. *op. cit.*

Weikart, D. 1983. *op. cit.*

NOW EVERYONE LOVES HEAD START

(By Ronald Henkoff)

Suddenly Head Start is on nearly everybody's agenda. Calling the $1.4 billion federal preschool program "something near and dear to all of us," President Bush proposes to spend an additional $500 million on it next year. That increase, by far the largest in Head Start's 25-year history, would create places or another 180,000 children, raising nationwide enrollment to 670,000. In Congress the House child care bill, passed in March, earmarks $100 million more. Leading Democrats in both houses are sponsoring legislation that would swell the program's budget to $7.7 billion by 1994. The goal: to ensure a slot for every income-eligible child between ages 3 and 5, some 2.5 million kids in all.

Business leaders too, are calling for a bigger and better Head Start. "We must intervene as early as possible in the lives of disadvantaged children, in order to prevent failure before it happens," says James Renier, CEO of Honeywell. Other champions of expansion include the National Governors' Association, the National Conference of State Legislatures, and the business-led Committee for Economic Development. Wade Horn, who supervises the program as commissioner of the Administration for Children, Youth, and Families, is overjoyed: "It's just a terrific time for Head Start. All these forces are coming together and saying, "This is a program that works.""

A survivor of Lyndon Johnson's War on Poverty, Head Start has become that rarest of rare birds, a government education initiative that is cheap, lean, and thick with success stories. Horn's agency, part of the Department of Health and Human Services, employs only 225 bureaucrats to oversee Head Start. It spends $2,885 per child per year for a half day, slightly more than half what elementary and secondary schools spend for a full day. But the preschool classes have two teachers for every 20 students, vs. one teacher for 25 on average in public schools. Head Start also provides more services.

Study after study demonstrates that Head Start by and large does what it was designed to do. The program is not an all-purpose antioxin for the multiple afflictions of modern-day poverty. But it does enable most participants to enter kindergarten better prepared intellectually, emotionally, and socially than their non-preschool peers.

Head Start typically introduces kids to such educational basics as the alphabet and gives them the opportunity to socialize and develop motor skills. But it works because its definition of education extends well beyond counting and coloring, singing and sharing. The program provides pupils with nutritionally sound meals, comprehensive medical and dental exams, critical childhood inoculations, and individual psychological counseling. It also offers a mainstream classroom experience to some 60,000 handicapped children.

There is no fixed curriculum. Federal regulations set broad goals, such as "encouraging children to explore, experiment, and question." The 1,300 local programs—operated by city agencies, nonprofit organizations, and public school systems—decide exactly what takes place in the classroom. The programs must answer to policy councils made up of parents and other members of the community.

Head Start also provides a kick start for parents. The program has hired thousands as assistant teachers and inspires countless others to return to school and seek new careers. It can become a pivotal point in the lives of entire families.

When Marlene Holloway, now 29, moved to Minneapolis from Gary, Indiana, four years ago, she was an isolated and unemployed mother of five, married to an abusive, alcoholic husband. Her son, Melvin, now 6, was so shy that he used to run upstairs whenever visitors came to the house. "Head Start brought Melvin out of his shell," says Holloway. It did the same for her. First she volunteered as a bus attendant, then as a classroom assistant. Now she chairs the local Head Start Policy Council.

Tall, slender, and visibly self-confident, Holloway has separated from her husband. She is also enrolled in a state-funded court-reporting course at the Minnesota School of Business, where she has posted a 3.5 grade point average. Says she: "Before I got involved in Head Start, my life was going haywire. Now I'm going to get myself off welfare and support my family."

Amid all the euphoria over Head Start, however, there is a real danger that the program, which serves only 18% of today's income-eligible children, will be expanded too quickly. The freshet of money proposed by the President would be used exclusively to increase enrollment. Complains Yale psychology professor Edward Zigler, a founder of Head Start: "The emphasis seems to be on getting those numbers of children up, without worrying about quality control."

The National Head Start Association, which represents the local programs, thinks new funding should be used first to boost meager teacher salaries and to make up for an erosion of 46% in real spending on training and technical assistance since 1978. Some 47% of Head Start instructors earned $10,000 or less in 1988, and many have no health insurance or pension plans. Many staffers defect to state-run early-childhood programs, which tend to pay more.

Commissioner Horn, who holds a doctorate in child psychology, acknowledges that salaries are low. But he worries that raising them to much could jeopardize the program's role as an employer of parents. Nearly 29,000 Head Start employees, some 36% of the entire work force, have children currently or previously enrolled in the program. Make the pay too attractive, says Horn, and these parents will be crowded out by eager, college-educated applicants.

As Head Start becomes larger and more visible, it runs the risk of tripping over the great expectations of ardent supporters who believe it can head off juvenile delinquency, teenage pregnancy, unemployment, incarceration, and a host of other social ills. "If we ever hope to control rising taxes, preschool education is the way to go," asserts David Weikart, president of High/Scope Educational Research Foundation in Ypsilanti, Michigan. "But it is only part of the solution."

High/Scope has tracked the performance of 123 children in five successive classes of poor, black students in Ypsilanti's Perry Preschool during the 1960s, comparing their lives from childhood to young adulthood with those of non-preschool control groups. The foundation's most striking conclusion: One public dollar spent on preschool can generate as much as six dollars in accumulated social benefits, chiefly by reducing expenditures on public assistance and criminal justice.

High/Scope's studies have been extraordinarily influential in mustering political support for Head Start. "Perry Preschool is the most important piece of research in education since the Coleman Report," declares Senator Edward Kennedy's top education aide, making a comparison to the landmark 1966 study of school segregation. Often lost in the debate, however, is the fact that Perry was not a Head Start program at all, but a special preschool directed by child psychologists and staffed by well-trained teachers.

Nationwide, hundreds of Head Start programs have adopted, or emulated, the High/Scope curriculum, a program based on the premise that children learn best when they are given a chance to plan, pursue, and then recount their own activities. But whatever the merits of the High/Scope approach, it is important to remember that social conditions have changed radically since the kids who were studied went to school. Many poor children now inhabit a world of substandard housing, drug addiction, child neglect, and domestic violence. "The problems that poor kids face are bigger than Head Start can deal with," asserts Douglas Besharov, a resident scholar at the American Enterprise Institute. "Kids who have to step over hypodermic needles on their way to the classroom aren't going to get to college because of 3½ hours of play school."

Perhaps not. But Head Start does have an impact that goes beyond preparing children for kindergarten. In 1985, CSR Inc., a Washington consulting firm hired by the government, published an analysis of 210 follow-up studies of Head Start participants. Their conclusions: Head Start graduates score higher on congnitive tests and are less likely than their non-Head Start peers to be held back in grade (a well-known early indicator of school failure) or placed in special education classes.

CSR aslo found that Head Start grads tends to lose their edge in cognitive testing after the first grade. To combat this problem, which Head Start officials euphemistically call the transistion issue, Commissioner Horn is working with the Department of Education to develop follow-up programs—perhaps in the form of individual counseling—for Head Start graduates. But the leveling-down may be less the fault of the program than an indictment of America's public school systems.

Both Head Start and the schools should pay more attention to the role played by parents. Children whose parents were highly involved in Head Start do consistently better on cognitive tests, the CSR study found. Says Zigler of Yale: "What causes the longterm benefits is really the parents. They tell their children that school is important. They encourage success."

Good Head Start centers make herculean efforts to get parents involved. They urge them to volunteer in the classroom, to read to their children every day, to sit on policy councils. For many mothers and fathers, the local center becomes a combination clubhouse and support group. Guest speakers offer them seminars on diverse topics—nutrition, substance abuse, household budgeting, assertiveness training, and résumé-writing. And Head Start's resident family services worker often acts as a personal Theseus, guiding baffled parents through the labyrinthine world of government services—welfare, public housing, health care, drug counseling, and family courts.

Jeffrey (not his real name), a blond, lanky 5-year-old, suffered physical and mental abuse at the Arizona home of his mother and her boyfriend. Jeffrey's baby brother was so severely injured that doctors gave him only a 50% chance of survival and virtually no chance of ever walking or talking. Today, both boys are in the custody of their father, and Jeffrey is enrolled in Head Start. "Jeff has progressed three years in the last year and a half," says the father, an auto mechanic. "And he's helped me teach his brother." Now 2½, the younger boy has learned to run, count, and smile.

Many Head Start directors think the family outreach aspects of the program need to be strengthened. "A lot of these families are in a big hole that they just can't get out of," says Mary Ann Perez, director of the 100-student Cartwright Head Start program in Phoenix. In just the past few months, Perez has dealt with child abuse, attempted suicide, homicide, drug addiction, wife beating, and accidental drowning. The caseworker who counsels at Cartwright has to handle 180 families.

The betting in Washington is that Congress and the President will agree on an infusion of from $500 million to $1 billion for next year. Head Start deserves the money, but spending it efficiently will require care—even a well-run private corporation can get into trouble when it tries to expand too rapidly. Some of the funds should go to higher teacher salaries and benefits, more training and inspection, and lightening social worker caseloads. Congress should also be careful about calling for more full-day and full-year classes. They make sense up to a point, but if Head Start becomes just a glorified babysitting program for low-income parents, it could lose its educational focus.

Business can also play a larger role, and not just by speaking up for Head Start—although that certainly helps. In Minneapolis leading employers routinely donate money, toys, clothes, food, and playground equipment to parents in Community Action (PICA), a countrywide Head Start program serving 872 children. In Dallas, Texas Instruments has pledged $288,000 to help fund a new full-day, full-year program, which the company hopes will become a nationwide showcase for preschool education.

Robert Neal Jr. runs the full-day Head Start class at Dunbar Manor, one of Dayton, Ohio's most troubled public housing projects. Formerly a professional pop singer, the stocky and goateed Neal is nattily attired in a pink shirt, vest, dark pants, and cowboy boots. With exquisite patience, he induces a shy girl in cornrows to describe the features of her latest creation, which appears to be nothing more than an amorphous lump of clay. It is, explains the girl proudly, actually a giraffe.

Neal, who has been teaching in Head Start for ten years, still receives visits from some of his earliest students. They stop by to thank him. A married father of two and one of Head Start's few male teachers, Neal earns just $14,000 a year, a far cry from the $60,000 a year he sometimes made as a singer. "I feel like I'm worth more," he says, "but when the kids leave here at the end of the day feeling good about themselves, I know that I've been rewarded."

With increased funding, judiciously applied, Head Start should be good for another 25 years of little success stories.

[From the New York Times, Feb. 10, 1991]

KIDS AT RISK IN MR. BUSH'S BUDGET

In memory and in the occasional novel, the 1980's are seen as an Age of Affluence. But for America's children, they were the Age of Indifference. And if President Bush's budget message is any guide, more years of official neglect lie ahead.

A nationwide survey just released by the Center for the Study of Social Policy contains a few shreds of good news. The infant mortality rate went down several points. So did the child death rate. And more kids are graduating from high school. But every other important indicator of children's wellbeing tells a sad story.

The percentage of low-birth-weight babies is up. So is the percentage of babies born out of wedlock to adolescent mothers. The percentage of babies living with both parents went down. Moreover, life improved little as the children grew older. The violent death rate for teen-agers rose 12 percent from 1984 to 1988. And the juvenile incarceration rate rose 41 percent from 1979 to 1987.

Over all, the percentage of American children in poverty rose 26 percent between 1979 and 1989, and whites suffered along with blacks. Although black and Hispanic children are far more likely to be poor, the percentage of white children living in poverty rose 36 percent.

There's little reason to believe that these figures will soon improve. With one big exception, Mr. Bush's budgetary proposals involve more sleight-of-hand than substance. The exception is his proposal for generous increases in the Special Supplemental Food Program for Women, Infants, and Children (WIC) and smaller increases for childhood immunization. Both proposals could further reduce the childhood death rate.

Mr. Bush also proposed to lower the tragically high infant mortality rate in 10 American cities. But to achieve that result he may put poor infants in other parts of the country at risk. That's because the money for the cities initiative will be siphoned away from some community health centers—specifically the centers' year-old rural outreach program—as well as from the Maternal and Child Health Services Block Grant. Mr. Bush thus flouts the recommendations of his own Task Force on Infant Mortality, which last fall urged increased funding for both.

Although he has been extravagant in his praise for Head Start, the President is reluctant to put money where his mouth is. The suggested increase for the program is more than enough to stay ahead of inflation but nowhere near enough to realize Congress' goal for Head Start—enrolling every eligible child in America by 1994.

And the proposed 16 percent cut in foster care will have a cruel effect on the kind of preplacement services that make it possible for a child to stay out of foster care, like counseling for families and various prevention activities.

What is truly sad about this aspect of the President's budget is that the money is coming out of programs that work. If America is still not certain about how to help its troubled teen-agers, it has more than a few good ideas about how to help the very young. Help them today, and there'll be fewer poor and desperate kids tomorrow.

Mr. DODD. Mr. President, I rise today to join the distinguished chairman of the Labor Committee, Senator KENNEDY, in introducing legislation that, for many of us, is the fulfillment of a dream that began more than 25 years ago. In that dream, every child would have a chance to realize his or her potential—potential that for many low-income children is limited early in life. The means to achieve that dream was embodied in the Head Start Program, which seeks to intervene at a young age to fight the effects of poverty.

This year, however, Head Start has room from fewer than one out of every three eligible children. By enacting the legislation we are introducing today to make Head Start an entitlement, we could give every eligible child a chance at that dream. It would be a chance to get a good start in life through the comprehensive developmental, health, and social services Head Start provides for children and their families.

Mr. President, the idea of fully funding Head Start is not foreign to the Senate. During the Head Start reauthorization last year, we approved authorization levels to do just that by unanimous consent, not once, but twice. We laid out a blueprint to allow every eligible child to participate in the Head Start Program by 1994—and not one voice was raised in opposition.

The roots of this support are not hard to find. The simple truth is that Head Start works. It works because it is founded on some very basic principles that the experts tell us over and over can address the effects of poverty on families. Those principles include early intervention at a critical time in a child's development, comprehensive services that take into account the whole family's needs, quality staff and developmentally appropriate curricula, and lastly but most importantly, parental and community involvement.

Studies have found that Head Start students are less likely to be placed in special education classes or to be retained in grade. Head Start cannot "inoculate" children against poverty. But research has shown consistently that high-quality early childhood services have a positive impact on young low-income children. They are better prepared when they enter school. Their good start probably helps them do better while in school. Doing better in school tends to lead to a more successful adolescence and adult life, with lower rates of delinquency, teenage pregnancy, and welfare usage, and higher rates of school completion and employment. Truly, a good beginning has no end.

In its report "Head Start: The Nation's Pride, A Nation's Challenge," the Head Start Silver Ribbon Panel noted that "Head Start is not an expense, it is an investment." The panel is joined in that opinion by many business leaders who recognize that a competitive work force starts with getting young children ready for school. The Committee for Economic Development, the National Alliance for Business, and the Business Coalition for Education Reform all have called for the full amount of funding needed to allow every eligible child to participate in Head Start.

Mr. President, last year, we in Congress made a promise to poor children in this country that every one of them should have the chance to enter a program designed to enrich those all-important preschool years. Now is the time to make good on that promise by making Head Start an entitlement. But if you are not moved by the idea of giving youngsters and their parents the opportunity to learn and grow, then think of the savings down the road in special education, welfare, and criminal justice costs. Think of the need to prepare children for school if we are to achieve true education reform. Think of the need to have a strong, high-quality work force if our Nation is to compete in the world markets of the future. I believe you will agree with me that the Silver Ribbon Panel is right: Head Start is not an expense, it is an investment. And it is an investment we can't afford not to make. I urge my colleagues to support this legislation.

By Mr. LIEBERMAN:

S. 912. A bill to suspend temporarily the duty on synthetic staple fibers containing 84 percent or more by weight of vinyl chloride and 14 percent or more by weight or vinyl acetate; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN SYNTHETIC STAPLE FIBERS

• Mr. LIEBERMAN. Mr. President, I am introducing legislation that would provide a temporary suspension of duties on staple fibers composed of at least 84 percent vinyl acetate, known as vinyon. Vinyon is used in the making of specialty paper, such as teabags and other nonwoven products.

The sole domestic producer of vinyon discontinued the product of 1989, leaving a German company as the only available source of the material. My bill would allow duty free entry through the end of 1995 to fibers with tolerance of plus or minus 1 percent from the standard 85 percent vinyl chloride, 15 percent vinyl acetate formulation of the material.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SYNTHETIC STAPLE FIBERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.55.03	Synthetic staple fibers, not carded, combed or otherwise processed for spinning (provided for in heading 5503): Containing 84 percent or more by weight of vinyl chloride and 14 percent or more by weight of vinyl acetate	Free .	No change.	No change.	On or before 12/31/95".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

By Mr. BAUCUS (for himself, Mr. DODD, Mr. RIEGLE, and Mr. BOREN):

S. 913. A bill to amend the Internal Revenue Code of 1986 to increase the amount of bonds eligible for certain small issuer exceptions, and for other purposes; to the Committee on Finance.

TAX EXEMPT BOND SIMPLIFICATION ACT

• Mr. BAUCUS. Mr. President, I rise to introduce the Tax-Exempt Bond Simplification Act of 1991. This will address an area of growing concern for State and local governments—their ability to issue tax-exempt debt. The 1986 Tax Act and the corresponding regulations interpreting that legislation have left State and local governments burdened with complex restrictions on what they can finance and how they can finance it. While the Federal Government reduces its financial commitment to State and local governments, and as the President's recently announced transportation program exemplifies, State and local governments need greater, not less, flexibility in obtaining financing for essential infrastructure.

The current economic recession only exacerbates the problems State and local governments are having meeting their financial commitments for ongoing services and the need for investment in their infrastructure. As State and local governments enter the 1990's, additional capital will be required for environmental facilities in order to meet the requirements of the Clean Water and Clean Air Acts. The past decade of reduced Federal infrastructure expenditures for airports, highways and mass transit has left our economy captive to air traffic delays, costly detours for our trucking industry, and worker time lost to traffic jams.

More importantly, it has affected American competitiveness. In the early 1960's, the United States began building a modern transportation system. Spending on infrastructure at all levels of government then absorbed almost 4 percent of the Nation's GNP; it held that position through the 1960's. The productivity of the American workforce soared. But the growth of public spending on the nation's transportation system declined throughout the 1970's, just as our productivity growth declined. Infrastructure spending declined even more sharply in the 1980's, to the point where the Nation was spending only 2 percent of GNP on building and maintaining infrastructure. If we are to have a clean environment and attain preeminence in the competitive new international economy, we at the Federal level must seek ways to help State and local governments meet these challenges. The legislation we will introduce does not solve these problems, but it does make it easier and less costly for local governments to respond to these problems themselves.

First, this legislation would increase the threshold arbitrage exemption amount for small government issuers;

Second, it would eliminate the requirement that issuers restrict the rate of earnings of their investments if they are complying with the rebate requirement;

Third, it would allow governments to keep 10 percent of their investment earnings if they rebate the remaining 90 percent to the Federal Government;

Fourth, it would allow governments the benefit of the change in law enacted last year for construction projects which are built expeditiously retroactive to 1986;

Fifth, it would eliminate a requirement that borrowed money not be used for an unrelated or disproportionate purpose; and

Sixth, it would increase the market for potential purchasers of tax-exempt bonds for small governmental issuers by allowing banks to deduct their interest costs for owning such bonds.

In addition, this legislation is not without its policing authority as well. During the past several years the municipal securities industry has been alert to the negative response by Congress if practices develop which abuse or appear to abuse the policy behind letting State and local governments use tax-exempt financing. Thus this legislation would curb a certain type of financing which began to appear last year which abuses tax-exempt financing.

The practice has become known as the camden structure—a refunding of existing bonds with zero coupon bonds which is used to relieve the issuer of current interest and principal payments. Thus, the object of such a financing mechanism is to avoid the arbitrage restrictions.

The municipal bond community should seek to meet the needs of the State and local governments, not pursue gimmicks to earn arbitrage. This legislation attempts to distinguish between the legitimate financing needs of State and local governments and those that are arbitrage gimmicks.

Last year 32 organizations representing State and local government interests endorsed legislation similar to what we are introducing today. Companion legislation has been introduced in the House by Congressman ANTHONY. Although it will not solve the problems facing State and local governments in areas like infrastructre, education, and the environment, the legislation will help them shoulder the responsibility in a more cost effective manner.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Exempt Bond Simplification Act of 1991".

SEC. 2. CHANGES IN CERTAIN RULES RELATING TO TAX-EXEMPT BONDS.

(a) EXPANSION OF EXCEPTION FROM REBATE FOR SMALL ISSUERS.—

(1) IN GENERAL.—Subparagraph (D) of section 148(f)(4) of the Internal Revenue Code of 1986 (relating to exception for governmental units issuing $5,000,000 or less of bonds) is amended—

(A) by striking "$5,000,000" each place it appears and inserting "$25,000,000",

(B) by striking "with general taxing powers" each place it appears,

(C) by inserting "or on behalf of" after "issued by" in subclauses (I) and (IV) of clause (i) and in clause (vi)(I), and

(D) by striking clause (iv) and redesignating clauses (v) and (vi) thereof as clauses (iv) and (v), respectively.

(2) TECHNICAL AMENDMENT.—Clause (v) of section 148(f)(4)(D) of such Code, as redesignated by paragraph (1), is amended by striking "clause (v)" and inserting "clause (iv)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to obligations issued after December 31, 1990.

(b) EXCEPTION FROM REBATE FOR CONSTRUCTION BONDS MADE RETROACTIVE.—

(1) IN GENERAL.—Subsection (e) of section 7652 of the Revenue Reconciliation Act of 1989 is amended to read as follows:

"(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 1301(a) of the Tax Reform Act of 1986."

(2) RETROACTIVE ELECTIONS PERMITTED.—In the case of an obligation issued before December 20, 1989, the period for making any election under section 148(f)(4)(C)(viii) of the Internal Revenue Code of 1986 (as amended by the Revenue Reconciliation Act of 1990) shall not expire before the date which is 180 days after the date of the enactment of this Act.

(3) REBATE PAID NOT TO BE REFUNDED.—The amendment made by paragraph (1) shall not apply to amounts rebated before the date of the enactment of this Act.

(c) EXCEPTION FROM PRO RATA ALLOCATION OF INTEREST EXPENSE OF FINANCIAL INSTITUTIONS TO TAX-EXEMPT INTEREST FOR SMALL ISSUERS INCREASED TO $25,000,000.—

(1) IN GENERAL.—Subparagraphs (C) and (D) of section 265(b)(3) of the Internal Revenue Code of 1986 are each amended by striking "$10,000,000" each place it appears and inserting "$25,000,000".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to obligations issued after December 31, 1990.

(d) REPEAL OF 5 PERCENT UNRELATED AND DISPROPORTIONATE PRIVATE USE RULES.—

(1) IN GENERAL.—Subsection (b) of section 141 of the Internal Revenue Code 1986 (relating to private business tests) is amended by striking paragraph (3) and by redesignating paragraphs (4) through (9) as paragraphs (3) through (8), respectively.

(2) TECHNICAL AMENDMENT.—Paragraph (2) of section 141(d) of such Code is amended by striking "subsection (b)(4)" and inserting "subsection (b)(3)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to obligations issued after the date of the enactment of this Act.

(e) Rebate Permitted To Correct Failures To Yield Restrict.—

(1) In general.—Subsection (c) of section 148 of the Internal Revenue Code of 1986 (relating to temporary period exception) is amended by adding at the end thereof the following new paragraph:

"(3) Rebate permitted to correct failures to yield restrict.—

"(A) In general.—A bond shall not be treated as an arbitrage bond by reason of any failure to meet any requirement of this subsection or subsection (d) if all earnings which would, but for this paragraph, cause such bond to be an arbitrage bond are paid to the United States by the issuer in accordance with subsection (f)(3).

"(B) Exception with respect to advance refundings.—Subparagraph (A) shall not apply to any failure to meet the requirements of this subsection as such requirements apply for purposes of section 149(d)(3)(A)(iv)(I).

"(C) Exceptions under regulations.—The Secretary may prescribe regulations providing that subparagraph (A) shall not apply in circumstances in which the requirement of paragraph (1) applies for a purpose other than preventing the earning of arbitrage."

(2) Cross reference.—Subsection (d) of section 148 of such Code (relating to special rules for reasonably required reserve or replacement fund) is amended by adding at the end thereof the following new paragraph:

"(4) Rebate permitted to correct failures.—For authority to rebate to correct failures under this subsection, see subsection (c)(3)."

(3) Effective date.—The amendments made by this subsection shall apply to obligations issued after August 15, 1986, but only with respect to earnings accrued after the date of the enactment of this Act.

(f) Only 90 Percent of Arbitrage Required To Be Rebated.—

(1) Paragraph (2) of section 148(f) of the Internal Revenue Code of 1986 (relating to rebate to United States) is amended by striking "equal to the sum of" and inserting "equal to 90 percent of the sum of".

(2) Effective date.—The amendment made by paragraph (1) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 3. TREATMENT OF ADVANCE REFUNDING BONDS USED IN CONNECTION WITH A DEVICE RESULTING IN AMOUNTS BECOMING AVAILABLE WHICH ARE INVESTED IN SUBSTANTIALLY GUARANTEED HIGHER YIELDING INVESTMENTS.

(a) In General.—Paragraph (4) of section 149(d) of the Internal Revenue Code of 1986 (relating to abusive transactions prohibited) is amended—

(1) by striking "An issue is" and inserting the following:

"(A) In general.—An issue is", and

(2) by adding at the end thereof the following new subparagraph:

"(B) Effect of funds becoming available which are invested in substantially guaranteed higher yielding investments.—

"(i) In general.—For purposes of subparagraph (A), the direct or indirect use of released funds to acquire higher yielding investments shall be treated as a device employed as provided in subparagraph (A) if the investment property so acquired has a substantially guaranteed yield pursuant to a contract entered into during the 180-day period ending on the 90th day after the date of issue of the issue of which the advance refunding bonds are a part.

"(ii) Released funds.—For purposes of clause (i), the term 'released funds' means funds—

"(I) which were reasonably expected to be used to pay debt service on the refunded bonds or which were part of any reserve or replacement fund for the refunded bonds, and

"(II) which, by reason of the issuance of the advance refunding bonds, are made available for a use other than the payment of debt service on the refunded bonds or are not expected to be used to pay debt service on the refunded bonds until a later time.

"(iii) Higher yielding investments.—For purposes of clause (i), the term 'higher yielding investments' has the meaning given such term in section 148(b), determined using the yield on the issue of which the advance refunding bonds are a part."

(b) Effective Date.—The amendments made by this section shall apply to refunding bonds issued after February 26, 1990.•

• Mr. DODD. Mr. President, today, I am honored to join my colleague, Senator Baucus, in introducing the Tax Exempt Bond Simplification Act of 1991. This is legislation designed to alleviate some of the adverse and unforseen consequences of the Tax Reform Act of 1986. The bill will implement a number of important recommendations of the Anthony Commission on Public Finance, and will provide much needed relief for State and local governments seeking to raise funds in the capital markets. With passage of this bill, the cost of funds will be lowered significantly. Funds now spent on lawyers and consultants in order to comply with the complicated requirements of the 1986 act will be redirected to fund infrastructure for our cities and States.

The Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities, which I chair, has held two hearings on the issue of State and local governments under stress: the role of the capital markets. Just this morning, we heard testimony from witnesses on behalf of the National Governors' Association, the National League of Cities, and the Government Finance Officers' Association, as well as from the treasurer of my State, Frank Borges. We also heard from our colleague from the House, Beryl Anthony, who has devoted more time and energy to the subject of State and local finance than perhaps any other Member of Congress in recent years.

At this morning's hearing, and at our first hearing on these issues a month ago, we heard dramatic testimony about the magnitude of the problems facing State and local governments. True, there are some States and cities that are doing just fine. And, there may be a temptation for some to discount the problems faced by others—and rationalize that they are just regional; or just big city problems.

I would point them to the excellent testimony of Mayor Bolen this morning, and to the reports prepared by the National League of Cities, and the National Governors' Association. Let's make no mistake about it, the crisis in our cities is a national crisis; one which requires a national commitment. And the dramatic change in the fortunes of State governments—from 1989 when State coffers were full, to 1991 when they are the lowest levels in a decade—shows that no State is immune.

Let me turn, first, to the problems in our States. The report by the National Governors' Association shows that, from Connecticut to California,

> State fiscal conditions in 1991 are the worst in nearly a decade. The most important single indicator of State fiscal health—total balances—has fallen to a level of $5.9 billion, or just 2 percent of expenditures.

If you leave out Alaska, State balances are about 1.5 percent of expenditures. That's less than one-third of what they were just 2 years ago.

These balances are important, because they measure the amount of resources States have if the condition of the economy declines. The report says:

> Only 6 months into this recession, States are at nearly the same level of distress they were after more than a year of recession in fiscal 1983 * * *. If the recession persists well into [the next year,] these levels are likely to be far worse than they are now estimated to be.

It is important to note that Federal Reserve Chairman Greenspan told us yesterday, we're still in this recession—and heading deeper. According to the Governors' Association, if the recession persists into fiscal year 1992—which begins for most States this July—we are likely to see more tax increases, more budget cuts—and, I might add, far less investment in our human and physical infrastructure.

The Governors' report show that 29 States have reduced their fiscal 1991 budgets by $8 billion. Proposed State tax and other revenue increases for fiscal 1992 now total $6.6 billion—and are likely to grow if the recession persists. More tax increases and budget cuts will be necessary for many States just to keep their heads above water. We can forget about funding new bridges, new roads, or new schools.

And, what about the cities? It is clear that our States are in no position to help our cities. At the subcommittee's first hearing, we saw the clear evidence of a decade of retreat from our cities by the Federal Government as well. A survey of 50 cities by the U.S. Conference of Mayors showed that Federal funds as a percentage of city budgets averaged 17.7 percent in 1980, but only 6.4 percent of city budgets last year.

We now have the report of the National League of Cities that shows the devastating implications of that Federal retreat. Our central cities are fast becoming the homes of only those who are left there. The most disturbing statistics in the report show the growing disparity in per capita income between central cities and their suburbs. In 1960, per capita income of cities was 105 percent of the per capita income of their suburbs. By 1987, per capita income in central cities was only 59 percent of that of their suburbs.

I would emphasize that these are 1987 numbers. We are not talking about the effects of a recession here. We are looking at a 27-year trend, in which the last 10 years are virtually a straight line downward. Although the cities' report has a caveat that the samples used in 1980 and 1987 were slightly different, the orders of magnitude, nonetheless, and striking. It is no wonder that our cities are impoverished; that their tax bases are declining. The report states that in some cities, unemployment is almost double the rate of the surrounding suburbs.

As a Senator from Connecticut, I have a special interest in these issues. If you leave out Alaska, my State is probably the richest State, per capita, in the country. Yet the cities of Hartford, New Haven, and Bridgeport in 1990 were the fourth, seventh, and ninth poorest cities in the Nation. That's before the effects of a recession. And today, my State is grappling with the twin effects of a recession and a credit crunch. It's strapped for funds, and it is in no position to help our cities.

We could talk about the numbers and the implications of these numbers all day long. But, what can we do about it? At both hearings before the subcommittee, virtually all of the public and private sector witnesses talked about the adverse and unforeseen effects of the 1986 Tax Reform Act on State and local finance. It clearly went too far.

Connecticut State Treasurer Frank Borges testified this morning that, as a result of the "multiple hoops imposed by the Tax Reform Act of 1986 * * * our direct costs of issuance of tax-exempt bonds have quadrupled."

Mayor Bolen of Fort Worth, TX, testifying on behalf of the National League of Cities, said:

> The arbitrage and rebate requirements alone have diverted hundreds of millions of dollars out of public reinvestment into consultants, advisers and others whose sole purpose is to attempt to reduce the amount of money which eventually must be rebated to the U.S. Treasury.

Mayor Bolen testified further:

> Today we face a more volatile market, greater costs in issuing debt, and greater reliance upon debt than ever before to meet capital needs.

Mr. President, the bill we introduce today certainly will not solve the major problems facing our State and local governments today. But it is a much needed first step in facilitating the means for State and local governments to help themselves through the issuance of tax exempt bonds.

I believe that when my colleagues have had an opportunity to talk with their State and local officials and make their own assessments of the need for this measure, it will receive broad, bipartisan support. I want to commend my colleague, Senator BAUCUS, for his leadership on this issue, and thank him for letting me join him in this effort. I look forward to seeing the legislation adopted in this Congress.•

By Mr. GLENN (for himself, Mr. STEVENS, Mr. PRYOR, Mr. LIEBERMAN, Mr. HATFIELD, Mr. RIEGLE, Mr. LAUTENBERG, Mr. DASCHLE, Mr. ROBB, Mr. ADAMS, Mr. LEAHY, Mr. BIDEN, Mr. KOHL, Mr. LEVIN, Mr. AKAKA, Mr. DECONCINI, and Mr. SASSER):

S. 914. A bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Governmental Affairs.

HATCH ACT REFORM AMENDMENTS

• Mr. GLENN. Mr. President, the legislation I am introducing today would amend the Hatch Act—the 1939 statute which prohibits most Federal civilian and postal employees from political activities. I am pleased to have Senators STEVENS, PRYOR, LIEBERMAN, HATFIELD, RIEGLE, LAUTENBERG, DASCHLE, ROBB, ADAMS, LEAHY, BIDEN, KOHL, LEVIN, AKAKA, DECONCINI, and SASSER joining me today as original cosponsors.

This bill is identical to S. 135 which passed the Senate last year by a vote of 67 to 30. President Bush subsequently vetoed this measure—his 12th veto in office. While the House overrode that veto by a vote of 327 to 93, the Senate failed to override by 2 votes. As we know, the Senate has yet to override any Presidential veto.

This legislation would allow our Nation's civil servants to participate voluntarily, as private citizens, in the Nation's political process. I am reintroducing this measure today because I believe that Federal civilian and postal employees should be able to enjoy this basic constitutional right.

This bill is a modest and truly bipartisan proposal developed after 4 years of hard and intense work by the Governmental Affairs Committee. This bill eliminates many of the complicated, restrictive, and confusing rules which inhibit the political activities and conduct of Federal employees. This legislation puts an end to the game of trivial confusion.

For example:

Under current law if you are "Hatched," you may wear a campaign button on the job and write a check to the candidate of your choice. But, you cannot give any in-kind contribution on your own time such as stuffing envelopes or circulating a nominating petition. This legislation would prohibit civil servants from wearing compaign buttons on the job, but would allow them to participate voluntarily in certain campaign-related activities away from the job.

Under current law if you are Hatched, you can't wave a political poster at a rally, but you can post it on your car or your front lawn. This bill would allow Hatched employees to wave posters at rallies so long as they were not wearing work-related uniforms or insignias.

Under current law if you are Hatched, you may express your opinion about a candidate publicly, but you can't make a speech or "campaign for or against a candidate." The fine line on this one became a serious issue in the State of Washington during the last Presidential election when Navy shipyard workers were notified that they could not actively participate in the State's caucuses without violating the Hatch Act. This legislation would allow Hatched employees to fully participate in party caucuses.

The current Hatch Act even extends to letters to the editor on partisan political issues. If you are Hatched, you may write letters, but only if they are not written in connection with partisan groups or candidates. This legislation would allow Hatched employees to write letters to the editor like all other citizens.

In other words, this bill would restore these constitutional rights to 3 million people—rights which most of us take for granted. The right of American citizens in good standing to participate in the politics of the Nation is a fundamental principle in our democratic society.

The purpose of this legislation is to reform, not repeal, a 52-year-old law. The history of this important law demonstrates that this reform is both appropriate and necessary.

When the Hatch Act was passed in 1939, the development of a professional civil service was being undermined by patronage appointments. More than 60 new Federal agencies had been created by the end of 1934, but only 5 had been placed under the jurisdiction of the Civil Service Commission. This meant that the majority of these agencies were being staffed on the basis of political patronage rather than merit competition. This rapid growth of patronage jobs—more than 300,000—caused congressional concern that some civil servants might be working for partisan, rather than national, interests.

The issues raised in the 1939 congressional debate offer a good perspective on the motivation for the original act. I quote from the floor debate of Mr. McLean of New Jersey on July 20, 1939:

> It was established many years ago that the merit system should control in the appoint-

ment of persons to public office, and that the political idea that "to the victor belongs the spoils" should no longer be the measure by which appointment is made. If that principle had been adhered to there would be no reason, and hence no demand, for this legislation. But the New Deal, under the pretense of emergency, saw fit to disregard the merit system and to provide in all legislation adopted that in making appointments to public office the provisions of civil service laws should not apply. But for this there would be no occasion for the enactment of this legislation.

In passing the Hatch Act, Congress was attempting to protect the civil service from undue political influence by prohibiting Federal workers from engaging in partisan political activities altogether. Now, 52 years later, we have a dramatically different situation—we have an established, professional civil service, hired on a competitive, merit basis. We also have many different laws, on the books, to protect Federal employees from coercion.

It is important to distinguish civil service hiring procedures and merit principles from the edicts of the Hatch Act. There is nothing in this Hatch Act reform bill that would change Federal civil service laws requiring that Federal employees be hired and promoted based upon their qualifications.

In developing this legislation, the Government Affairs Committee exercised extreme caution in balancing the need to protect the integrity of the civil service with our duty to protect the constitutional right of all citizens to participate in the Nation's political processes.

Under the reform proposal, Hatched employees would enjoy more freedoms after working hours by being allowed to work voluntarily, as private citizens, for the candidates and causes of their choice. For example, they would be allowed to carry posters at political rallies, stuff envelopes, participate in voter registration drives, and distribute campaign material while off the job. These are basic rights that other Americans take for granted.

But there are strong prohibitions afforded by the original Hatch Act which are as important today as they were in 1939. These prohibitions would not be altered under this bill. Under this bill, Federal employees still could not run for partisan elective office. Under this bill, Federal employees still could not solicit political contributions from the general public or subordinate employees. And under this bill, coercion of subordinates would still be banned.

The legislation would attempt to end the confusion of current law by making a clear distinction between activity on the job and activity away from work on an employee's own time. All political activity on the job would be banned. This includes the wearing of campaign buttons, which is allowed under current law. The bill would retain all current law prohibitions and penalties against the use of one's official position to influence other employees. In fact, under this bill criminal penalties for those convicted of such abuse would be increased. In addition, it would prohibit Federal workers from engaging in any political activity while wearing uniforms or insignia that identifies them as Federal or postal employees.

Mr. President, I urge my colleagues to give Federal workers the right to participate more fully in the political processes, a right denied to them for over 52 years. Mr. President, reforming the Hatch Act requires us to practice what we preach: That democracy benefits from the free participation of law-abiding citizens. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hatch Act Reform Amendments of 1991".

SEC. 2. POLITICAL ACTIVITIES.

(a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"§ 7321. Political participation

"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

"§ 7322. Definitions

"For the purpose of this subchapter—

"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—

"(A) an Executive agency other than the General Accounting Office; or

"(B) a position within the competitive service which is not in an Executive agency; but does not include a member of the uniformed services;

"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and

"(3) 'political contribution'—

"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose.

"§ 7323. Political activity authorized; prohibitions

"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1991 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1991 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or

"(3) run for the nomination or as a candidate for election to a partisan political office; or

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

"§ 7324. Political activities on duty; prohibition

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) an employee paid from an appropriation for the Executive Office of the President; or

"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

"§ 7325. Political activity permitted; employees residing in certain municipalities

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

"§ 7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit System Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title). Such removal shall not be effective until all available appeals are final.".

(b)(1) Section 3302(2) of title 5, United States Code, is amended by striking out "7203, 7321, and 7322" and inserting in lieu thereof "and 7203".

(2) The table of sections for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Political activity authorized; prohibitions.
"7324. Political activities on duty; prohibition.
"7325. Political activity permitted; employees residing in certain municipalities.
"7326. Penalties.".

SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.

Section 1216(c) of title 5, United States Code, is amended to read as follows:

"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

SEC. 4. AMENDMENTS TO TITLE 18.

(a) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(1) by inserting "(a)" before "It";

(2) in paragraph (4) by striking out all that follows "Treasury of the United States" and inserting in lieu thereof a semicolon and "to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both."; and

(3) by adding at the end thereof the following new subsection:

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(b) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(c)(1) Chapter 29 of title 18, United States Code, relating to elections and political activities is amended by adding at the end thereof the following new section:

"§ 610. Coercion of political activity

"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in section 7322(1) of title 5, United States Code, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"610. Coercion of political activity.".

SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.

Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

SEC. 6. AMENDMENTS RELATING TO APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE.

(a) Section 1501(1) of title 5, United States Code, is amended by inserting ", the District of Columbia," after "State".

(b) Section 675(e) of the Community Services Block Grant Act (42 U.S.C. 9904(e)) is repealed.

SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.

The amendments made by this Act, and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

SEC. 8. EFFECTIVE DATE.

(a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7325 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.

(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.

(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.•

By Mr. MCCONNELL (for himself, Mr. HELMS, and Mr. FORD):

S. 915. A bill to require the Secretary of Veterans Affairs to report to the Congress with respect to the policy of the Department of Veterans Affairs relating to smoking tobacco products at Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

SMOKING POLICY OF THE DEPARTMENT OF VETERANS AFFAIRS

• Mr. MCCONNELL. Mr. President, about a year ago, I received a letter from the mayor of Burnside, KY, that I found very distressing. Mayor Cecil B. Helton shared with me a scene he had witnessed at a VA hospital. He wrote:

> I was shocked to see patients in wheelchairs, on crutches, and with IV tubes hooked to them standing in sub-zero temperatures and freezing rain dressed only in pajamas and robe so they could legally smoke.

Why are our veterans forced to smoke outside in the rain and cold, Mr. President? Because the Department of Veterans Affairs does not provide for designated smoking areas in VA facilities. Understandably, veterans who chose to smoke are deeply concerned with this policy.

From World War II, Korea, and Vietnam, numerous vets shared with me their disdain for this situation. As one fiery World War II combat vet remarked, he fought for freedom and liberty on the battlefields in Europe—smoking cigarettes his unit freely passed to him—and now he must once again fight for freedom in his own backyard. It is clear many Kentucky veterans feel that the VA smoking policy discriminates against their rights to smoke.

My bill simply requires the Department of Veterans Affairs to report to Congress on its smoking policy to determine if these veterans are being discriminated against. Despite repeated correspondence with Secretary Derwinski and the VA's Chief Medical Director, I have yet to hear one compelling argument why designated smoking areas cannot be established in these facilities.

Let's bring our veterans in from the cold. It is my hope my bill will stimulate discussion on this matter and will result in a solution that is agreeable to smoking veterans and the Department of Veterans Affairs.●

By Mr. DASCHLE:

S. 916. A bill regarding the modernization program of the National Weather Service; to the Committee on Commerce, Science, and Transportation.

MODERNIZATION PROGRAM OF THE NATIONAL WEATHER SERVICE

Mr. DASCHLE. Mr. President, I rise today to introduce legislation to preserve and enhance the National Weather Service's commitment to weather services and air safety.

First, my bill would prevent the closing, consolidation, automation, or relocation of any National Weather Service Office unless the Secretary certifies to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that such action will not result in any degradation of weather services provided to the affected area.

Second, the bill would prohibit the Secretary from closing, consolidating, automating, or relocating any National Weather Service Office located at an airport unless the Secretary first conducts an air safety appraisal to determine the effect of such an action on air safety and determines that such action will not result in a decrease in air safety.

I recognize the need to upgrade the weather station facilities across the Nation, and I am in favor of modernizing the technology that is utilized to predict the weather. But, I am not in favor of sacrificing the quality and accuracy of weather forecasting services. And, I am definitely not in favor of a plan that would leave areas of the Nation without weather service coverage or with reduced air safety services.

The administration's program to reduce the number of weather stations across the country from 250 to 115 will affect the entire Nation. As it stands, the National Weather Service proposal will lead to degradation in weather service in various regions of the Nation, including the south central region of my State of South Dakota.

The proposed plan calls for the closing of the National Weather Station in Huron, and for the modernization of the weather station offices in Aberdeen and Sioux Falls. A pocket in south central South Dakota will be completely uncovered—an area of land that experiences sudden weather changes that are sometimes quite different from the weather patterns in the areas just outside the pocket. It is also an area whose agricultural-based economy is directly affected by the day-to-day fluctuations in weather. It is crucial that the people of this area continue to have access to accurate information about future weather occurrences.

Accurate weather forecasting and advance warning of tornadoes, floods, electrical storms, and other violent weather conditions are crucial to the safety and preparedness of countless people, not just in the Midwest, but across the entire Nation. If the result of the National Weather Service plan's implementation were the degradation of weather service in certain areas of the Nation, the Weather Service would be negligent in its responsibility to provide all communities with the ability to prepare for these disasters.

Mr. President, as I mentioned earlier, another important provision in my legislation is designed to ensure air safety. In light of the vital role of small aircraft in the transportation infrastructure of South Dakota and other rural areas, reliable weather information is especially important to the safety of pilots and their passengers. We and the National Weather Service would also be negligent if we allowed any deterioration of the existing air safety measure provided by the Weather Service.

In closing, I look forward to working with the National Weather Service and my colleagues to ensure that no one will be denied the benefits of the most accurate weather service this country has to offer.

By Mr. WIRTH (for himself, Mr. AKAKA, Mr. KOHL, Mr. CHAFEE, and Mr. KASTEN):

S. 917. A bill to amend the Federal Home Loan Bank Act to provide for the disposition and protection of property identified as having natural, cultural, recreational, or scientific value of special significance; to the Committee on Banking, Housing, and Urban Affairs.

SIGNIFICANT PROPERTY DISPOSITION AND PROTECTION ACT

Mr. WIRTH. Mr. President, today, along with Senator AKAKA, I am introducing legislation to reform the Resolution Trust Corporation's procedures for disposing of environmentally sensitive properties. I am pleased that we are joined in this effort by Senators KOHL, KASTEN, and CHAFEE.

This legislation is similar to a provision included in the Savings and Loan Simplification Act of 1991 (S. 572), broader S&L reform legislation that I introduced a few weeks ago. Senator AKAKA also introduced legislation related to this issue earlier this year.

As we all know, the RTC controls many properties, both developed and undeveloped, that it has acquired from insolvent thrifts. Some of these properties may have significant natural, cultural, recreational, or scientific value. Federal and State agencies or nonprofit conservation groups may wish to acquire these properties for preservation, research, or use as parks or open space. This is a potential market that the RTC should help develop and pursue as the Corporation seeks to dispose of its assets.

I authored a provision in FIRREA to help encourage the sale of environmentally valuable property to appropriate governmental agencies and conservation groups. FIRREA requires the RTC to, as part of its semi-annual property inventory, identify properties with significant natural, cultural, recreational, or scientific value.

Unfortunately, there are clear gaps in the Corporations' procedures for identifying environmentally important properties. As a result, the RTC is not marketing some of its properties as effectively as it could. In its last property inventory, the RTC identified 270 properties as having natural significance. What's striking about this list is that nearly all of these properties are single family homes or condominiums. Some of these properties may have natural significance—they could be an inholding in or adjacent to parkland, a preserve, or wetlands important to a threatened or endangered species—but I would expect raw land to, in general, be more likely to have natural value and be more attractive to conservation groups and government agencies.

The Nature Conservancy and other conservation groups have identified a number of properties under RTC control that may have significant natural value. For example, the RTC owns several properties within the Balcones Canyonlands conservation plan acquisition area near Austin, TX. Much of the land in this area is valuable habitat for several endangered species and the conservation plan is designed to protect these species and the area's water quality. However, the RTC has not identified these properties as having signficant natural value. Other potentially significant properties identified by the Nature Conservancy are located in North Carolina, Ohio, and Florida.

What is needed is an improved capability to identify significant properties in the RTC's inventory. The RTC had sought to develop improved procedures to identify its properties, working with the Fish and Wildlife Service to enlist the Service's assistance in this area. The discussions between the RTC and Fish and Wildlife produced a memorandum of understanding which apparently had been signed by both parties. Unfortunately, with little explanation the RTC Oversight Board stepped in to kill the proposal at the last minute.

I understand that other efforts are now underway between the RTC and the Park Service to develop a memorandum of understanding. To date, there has been no agreement and I am not optimistic that a meaningful agreement can be concluded in the near future.

It is this history that has led us to propose new procedures to guide the disposition of environmentally significant property. Under the legislation we are introducing today, the task of identifying properties with significant natural, cultural, recreational, or scientific value would be assigned to the Department of Interior. Interior Department officials are better suited to perform this task than the RTC and this change would eliminate the need for the RTC to develop its own in-house expertise, allowing the RTC to focus on its primary responsibilities.

The legislation also includes a number of other provisions designed to improve RTC procedures in this area. The bill would:

Authorize the RTC to transfer certain properties to a public agency or nonprofit organization that agrees to protect the property;

Allow the Secretary of the Interior to direct the RTC to transfer particular properties with significant natural value to Federal or State agencies;

Require the RTC to provide public agencies and nonprofit conservation groups with a limited opportunity to purchase properties identified as having special value before they can be offered to other purchasers; and

Established a clearinghouse for information related to properties identified as significant by the Interior Department—the clearinghouse would help interested parties learn of properties they may wish to acquire.

I believe these procedures would markedly improve the RTC's efforts to dispose of some properties in its portfolio. Agencies and nonprofits would be better informed of the availability of properties they may wish to protect or use for recreational purposes. And taxpayers could benefit if the RTC does a better job of tapping this potential market.

This legislation would also allow the RTC to protect properties of special importance rather than selling them. There will be cases where taxpayers are best served by transfering an important property to a Government agency. The legislation provides the RTC with the flexibility to do so, an authority lacking in current law.

Transfering RTC property to Government agencies or nonprofit conservation groups would reduce RTC holding costs for these properties, some of which may be unusually difficult to sell because of restrictions due to their special status or characteristics. Such transfers would help the RTC resolve environmental issues that can cloud property titles and avoid triggering environmental protection mandates that require Government agencies to follow time-consuming and costly procedures. Transfers would allow the RTC to focus its efforts on the types of properties that promise a greater return and which RTC staff are more accustomed to working with.

Open space and parkland can also increase the value of surrounding land. Transfers or sales with easements guaranteeing that land will remain undeveloped should help real estate markets by enhancing the value of adjacent property in both private hands and under RTC control.

The Federal Government spends millions of dollars each year to acquire land for conservation purposes. In fiscal 1991, more than $370 million was appropriated under the land and water conservation fund and migratory bird fund for land acquisition. Some RTC properties are important endangered species habitat, wetlands or inholdings within conservation areas. The Federal Government regularly purchases such land and it would be foolish for the RTC to sell properties that the government will seek to buy back at a later date and a higher price.

The provisions of this legislation also complement some of the other initiatives that the RTC is undertaking to improve its asset disposition process and reduce its property inventory. In recent weeks, the corporation has announced programs to discount properties by as much as 50 percent over a 24-month period and to give away properties with high holding costs and little promise of return to the taxpayer. Many are pleased to see the RTC move more agressively on these fronts and we should encourage the RTC to improve its procedures for disposing properties of natural significance as well.

The Senate Banking Committee recently held hearings on RTC reform proposals. The RTC's policy with respect to environmentally valuable property was reviewed during the hearing and it is an area that the committee should examine as we consider making changes in the RTC's structure and operations. I look forward to working with Chairman RIEGLE, Senator GARN, and my other colleagues on the committee on the many important issues before us related to the RTC and the administration's S&L Rescue Program.●

● Mr. AKAKA. Mr. President, I rise today to join my colleague, Senator WIRTH, in introducing the Significant Property Disposition and Protection Act of 1991, which would improve the identification and conservation of environmentally important lands held by the Resolution Trust Corporation.

The issues surrounding the structure and practices of the RTC are of great concern to me. I am concerned that taxpayer funds are not being used in the most effective manner and I am pleased that the Banking Committee is presently taking a serious look at reforming the savings and loan resolution process.

The Financial Institutions Reform, Recovery and Enforcement Act [FIRREA] requires the RTC to publish and update semiannually an inventory of all the real estate assets subject to its jurisdiction. As part of the requirement to publish an inventory, the RTC must identify assets which have natural, cultural, recreational or scientific values. This is the only duty imposed on the RTC by FIRREA in the area of natural and cultural resource policy.

But, the RTC has not been doing an adequate job of identifying environmentally important lands in its inventory. On January 31, 1991, the RTC released its updated real estate inventory which lists 41,533 parcels of real property available for sale. Of these properties, approximately 3 percent or 1,290 properties have been identified by the RTC as having special values of natural, cultural, scientific, or recreational significance.

An analysis of RTC's inventory done by the Nature Conservancy reveals that virtually all of the property currently identified by the RTC as having natural significance is either a single family home or a condominium. The analysis also reveals that although the RTC has in excess of 4,800 parcels of real estate listed as agriculture, ranch/pasture, unimproved commercial and residential, oil and gas development, and mining, not one of these properties has been identified as having natural value. Obviously, something is wrong.

Earlier this session, I introduced S. 358, the Resolution Trust Corporation Asset Disposition Act, in order to improve RTC's practices with respect to environmentally important lands in its inventory. I did so because I believe that taxpayers should get something for their money. In bailing out the savings and loans, we should at least promote the established public goals of conserving environmentally important lands.

I am introducing the Significant Property Disposition and Protection Act of 1991 today because it strengthens my previous legislation. Most significantly, this legislation would give the Department of Interior the authority to direct the RTC to transfer certain environmentally important properties to Federal or State agencies for conservation purposes. This would enable the American people to hold, preserve and enjoy land that they have already paid for because of the savings and loan bailout.

I would like to assure my colleagues that this legislation is evolutionary in nature. It builds upon previous conservation laws and clarifies the application of those laws to the RTC. Among other laws, the bill builds upon Executive Order 11990—"Protection of Wetlands"—which directs Federal agencies to place restrictions on federally owned real estate with wetlands to protect those wetlands, before the sale of the real estate to private ownership. This legislation also builds upon the Coastal Barrier Improvement Act of 1990 that specifically restricts the RTC's ability to transfer certain property located within the coastal barrier resources system.

Mr. President, this legislation promotes established policies and will help find the silver lining in the dark cloud of the savings and loan crisis.•

By Mr. PACKWOOD (for himself, Mr. DECONCINI, Mr. SYMMS, Mr. BREAUX, Mr. HEFLIN, Mr. HATCH, Mr. BAUCUS, and Mr. GRAMM):

S. 918. A bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers, producers, and importers from the firearms excise tax; to the Committee on Finance.

RELIEF FROM FIREARMS EXCISE TAX

Mr. PACKWOOD. Mr. President, today I am introducing legislation to exempt custom gunsmiths—those who produce less than 50 firearms a year—from the firearms excise tax in section 4182 of the Internal Revenue Code.

This bill merely incorporates into the Tax Code a policy previously adopted by the Congress. In 1982, the Congress passed a supplemental appropriations bill, Public Law 97-276, which prohibited the Bureau of Alcohol, Tobacco, and Firearms [BATF] from collecting the firearms excise tax from producers of less than 50 firearms a year.

In recent years, the BATF has taken the position that the 1982 custom gunsmith provision expired at the end of fiscal year 1982—September 30, 1983. I believe the intent of the 1982 law was to establish a permanent ban on the collection of the firearms excise tax from a custom gunsmith.

Custom gunsmiths are a special kind of craftsman. They make high quality, typically one-of-a-kind, firearms. They make very few firearms each year—less than 50. Often, many years may have passed before the custom gunsmith becomes aware of the firearms excise tax. The information needed for compliance with the tax is long gone. Moreover, it is an administrative headache for the BATF to locate and collect the firearms excise tax from someone who only makes a few firearms a year.

My bill clears up the controversy over the 1982 law by adding to the Tax Code an explicit exemption for custom gunsmiths, effective for firearms sold after October 1, 1983.

I hope my colleagues will join me and cosponsor this measure to clarify the excise tax rules for America's custom gunsmiths.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SMALL MANUFACTURERS EXEMPT FROM FIREARMS EXCISE TAX.

(a) General.—Section 4182 of the Internal Revenue Code of 1986 (relating to exemptions), is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL MANUFACTURERS, ETC.—

"(1) IN GENERAL.—The tax imposed by section 4181 shall not apply to any article described in such section if manufactured, produced, or imported by a manufacturer, producer, or importer who manufactures, produces, imports less than 50 of such articles during the calendar year.

"(2) CONTROLLED GROUP.—Persons who are members of the same controlled group of corporations shall be treated as 1 manufacturer, producer, or importer. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in such section."

(b) EFFECTIVE DATE; REFUNDS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after September 30, 1983.

(2) WAIVER OF STATUTE OF LIMITATIONS.—In the case of any taxable year ending before the date of the enactment of this Act—

(A) the period for claiming a credit or refund of any overpayment of tax resulting from the application of the amendments made by this section shall not expire before the date which is 1 year after the date of the enactment of this Act, and

(B) if, after the application of subparagraph (A), credit or refund of any overpayment of tax resulting from the application of the amendments made by this section is prevented at any time before the close of such 1-year period by the operation of any law or rule of law (including res judicata), credit or refund of such overpayment (to the extent attributable to the application of the amendments made by this section) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 920. A bill to provide for the designation and conservation of certain lands in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

STEENS MOUNTAIN NATIONAL CONSERVATION AREA ACT

• Mr. HATFIELD. Mr. President, I am pleased today to introduce legislation designed to designate the Steens Mountain Area in southeast Oregon as a national recreation area. I am joining my colleague BOB PACKWOOD and Congressman BOB SMITH, who will introduce similar legislation today in the House of Representatives. This bill is a balanced effort to preserve one of our Nation's least acknowledged but most spectacular treasures.

Representative SMITH has led the charge to protect this tremendous resource in the midst of Oregon's High Desert region and I commend him for his actions, which have been particularly difficult in the current climate over public resources.

Let me stress that this legislation represents a comprehensive effort that will provide true protection for the Steens Mountain Range. The bill establishes a Steens Mountain Conservation Area on 812,870 acres of land predominately managed by the Bureau of Land Management in Harney County, OR. Included in this legislation is a provision establishing four wilderness areas within the proposed conservation area totaling approximately 80,000 acres. As the author of legislation establishing 2.1 million acres of wilderness throughout the State of Oregon, I am proud to add this additional 80,000 acres to the total.

In addition to the designation of wilderness areas, this legislation also establishes standards and guidelines for historic uses outside the wilderness with a focus on conservation. Campers, backpackers, hunters, anglers, and others will be able to enjoy this area for generations to come. Grazing will also be allowed in the proposed Steens Mountain National Conservation Area. This use of the land, practiced for over a century, will be done in a manner consistent with our improved riparian enhancement and restoration management goals.

Some have advocated creating a Steens Mountain Area under the heading of a "national park." Frankly, I considered the same idea over 20 years ago, and after careful review of the data, I came to the conclusion that national parks inherently draw more use and abuse. This area is as ecologically fragile as any in Oregon and could not withstand the effects of an increased human presence. Additionally, the area is unprepared to respond to an influx of people in terms of infrastructure. I think all parties involved agree that hotels, five-lane highways, and development strips are not congruent with the needs of the delicate Steens Mountain ecosystem. A recent Eugene Register-Guard editorial reiterates these points.

I look forward to moving forward with the process of gathering public input on this legislation and passing this bill in the 102d Congress.

Mr. President, I ask unanimous consent that the text of the attached bill and an enclosed Eugene Register-Guard newspaper article be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Steens Mountain National Conservation Area Act".

SEC. 2. ESTABLISHMENT OF STEENS MOUNTAIN NATIONAL

(a) ESTABLISHMENT.—In order to protect the riparian, aquatic, wildlife, archeological, watershed, paleontological, scenic, historic, economic, scientific, cultural, educational, and recreational resources of the public lands on and adjacent to the Steens Mountain in Harney County, Oregon, there is hereby established the Steens Mountain National Conservation Area (hereafter in this Act referred to as the "conservation area").

(b) AREA INCLUDED.—The conservation area shall consist of all lands within the exterior boundaries of the area, as generally depicted on a map entitled "Steens Mountain National Conservation Area—Proposed", numbered , and dated .

(c) MAP.—As soon as practicable after enactment of this Act, a map and legal description of the conservation area shall be filed by the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and legal description may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior, and the Bureau of Land Management offices of the State director for Oregon and the Burns district.

SEC. 3. MANAGEMENT OF CONSERVATION AREA.

(a) GENERAL AUTHORITIES.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the conservation area to protect the resources specified in section 2(a) and in accordance with this Act, the Federal Land Management and Policy Act of 1976, and other applicable provisions of law, including those provisions relating to grazing on public lands.

(b) USES.—(1) The Secretary may allow those uses of the conservation area as the Secretary finds necessary to further the purposes for which the conservation area is established and which are consistent with the management plan developed under section 4.

(2) The use of motorized vehicles in the conservation area may be allowed in areas specifically designated for such use by the management plan developed under section 4.

(3) Except as otherwise provided in section 5(f), within the conservation area, the grazing of livestock shall be permitted to continue, pursuant to applicable Federal law, including this Act, and subject to such reasonable regulations, policies, and practices as the Secretary deems necessary.

(4) The Secretary may implement such reasonable limits to visitation and use of the conservation area as he finds appropriate for the protection of the resources of the conservation area, including requiring permits for public use and closing portions of the conservation area to public use.

(c) LAND ACQUISITION.—When consistent with the purposes of this Act, the Secretary may acquire lands for addition to the conservation area only by purchase, exchange, or donation in accordance with sections 205 and 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1715, 1716).

SEC. 4. MANAGEMENT PLAN.

(a) DEVELOPMENT OF PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range management and protection of the conservation area. The plan shall—

(1) be developed with full opportunity for public participation and comment;

(2) address fire and other resource management in the conservation area;

(3) address the socio economic impact of the management plan; and

(4) contain provisions designed to carry out this Act.

(b) RECOMMENDATIONS REGARDING WITHDRAWAL.—As part of the management plan developed under subsection (a), the Secretary shall consider what areas, if any, should be withdrawn by the Secretary from mineral entry under the mining laws or mineral leasing and geothermal leasing laws.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate State and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(b)) to better implement the plan developed pursuant to subsection (a).

(d) RESEARCH.—In order to assist in the development of appropriate management strategies for the conservation area, the Secretary may authorize research on matters, including the environmental, biological, hydrological, socio economic, and cultural resources of the conservation area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(e) HUNTING, TRAPPING, AND FISHING.—The Secretary shall permit hunting, trapping, and fishing on lands and waters within the conservation area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies any regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) CONSISTENT WITH USES.—The plan developed under this section shall be consistent with the uses specified under section 3.

SEC. 5. WILDERNESS AREAS.

(a) DESIGNATION.—(1) In furtherance of the purposes of the Wilderness Act (16 U.S.C. et seq.), the following lands in the State of Oregon are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(A) Certain lands in the Steens Mountain National Conservation Area which comprise approximately 4,600 acres as generally depicted on a map entitled "Little Blitzen Gorge Wilderness—Proposed" and dated , 1990, which shall be known as the Little Blitzen Gorge Wilderness.

(B) Certain lands in the Steens Mountain National Conservation Area which comprise approximately 21,670 acres as generally depicted on a map entitled "Blitzen River Wilderness—Proposed" and dated , 1990, which shall be known as the Blitzen River Wilderness.

(C) Certain lands in the Steens Mountain National Conservation Area which comprise approximately 22,015 acres as generally depicted on a map entitled "Home Creek Wilderness—Proposed" and dated , 1990, which shall be known as the Home Creek Wilderness.

(D) Certain lands in the Steens Mountain National Conservation Area which comprise approximately 31,975 acres as generally depicted on a map entitled "High Steens Wilderness—Proposed" and dated , 1990, which shall be known as the High Steens Wilderness.

(2) As soon as practicable after the enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and legal description may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior.

(b) RELEASE.—The portions of the areas in the conservation area known as the Stonehouse, Lower Stonehouse, Alvord Peak, South Fork Donner and Blitzen River, and Bridge Creek wilderness study areas which are not designated as wilderness by subsection (a) are hereby released from further study under sections 202 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1782), and shall be managed as part of the conservation area.

(c) WITHDRAWALS.—Subject to valid existing rights, all Federal lands within the wilderness areas designated by subsection (a) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under the mineral leasing and geothermal leasing.

(d) ADMINISTRATION.—Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary of the Interior in accordance with the provisions of this Act and the Wilderness Act governing areas designated by that Act as wilderness.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction of responsibilities of the State of Oregon with respect to wildlife and fish in the wilderness areas designated by this section. In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas, where consistent with relevant wilderness management plans, accordance with appropriate policies and guidelines such as those set forth in appendix B of the Report of the Committee on Interior and Insular Affairs to accompany H.R.

2570 of the One Hundred First Congress (H. Rept. 101-405).

(f) GRAZING.—Grazing of livestock in wilderness areas designated by this section that was established prior to the date of enactment of this Act shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and section 108 of the Act entitled "An Act to designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisana for inclusion in the National Wildlife Preservation System, and for other purposes" (16 U.S.C. 1133 note).

(g) NATIVE AMERICAN USES.—In recognition of the past use of the conservation area and wilderness area designated by this Act by Indian people for traditional cultural and religious purposes, the Secretary shall insure nonexclusive access to the conservation area and wilderness areas by Indian people for such purposes. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 (42 U.S.C. 1996; commonly known as the "American Indian Religious Freedom Act").

(h) LOW ALTITUDE FLIGHT ACTIVITIES.—Nothing in this Act shall preclude low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the conservation area or wilderness areas designated by this Act.

(i) NO BUFFER ZONES.—The Congress does not intend for the designation of wilderness areas pursuant to this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 6. STEENS MOUNTAIN NATIONAL CONSERVATION AREA ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall establish a Steens Mountain National Conservation Area Advisory Committee whose purpose shall be to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required pursuant to section 4.

(b) REPRESENTATION.—There shall be 7 members of the committee, appointed by the Secretary. Members of the committee shall be appointed for terms of 3 years, except that of the members of first appointed, 2 shall be appointed for terms of 1 year and 3 shall be appointed for terms of 2 years. The Secretary shall make every effort to recognize the diversity of views and perspectives and allow parties that represent a cross section of these views in appointing persons with recognized backgrounds in the full range of multiple uses that are contained in the national conservation area. Representation on the committee shall include, at a minimum, representatives of State or local government, the grazing and livestock industry, a representative of private landowners within the conservation area, the Fish and Wildlife Commission, and the environmental community.

(c) CHARTER.—Sections 9(c) and 14(b) of the Federal Advisory Committee Act shall not apply to the committee (5 U.S.C. App.).

(d) TERMINATION.—The advisory committee shall terminate no later than 3 years after development of the management plan under section 4.

SEC. 7. WATER RIGHTS.

Nothing in the Wilderness Act or this Act shall constitute or be construed to constitute either an expressed or implied reservation of water or water rights for purposes of the wilderness areas designation by this Act or for purposes of the Steens Mountain National Conservation area. Subject to the substantive and procedural requirements of the laws of the State of Oregon, the United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated by this Act as wilderness or as a national conservation area.

SEC. 8. AUTHORIZATION.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

[From the Eugene Register-Guard, Feb. 22, 1991]

STEENS NATIONAL PARK?

Conservationists are worried about the effect of livestock grazing on Steens Mountain, one of Oregon's most dramatic natural treasures. Some have proposed creating a national park as a means of protecting the area. The amount of damage caused by grazing is a matter of hot dispute, but one thing is certain: Herds of people would be far more destructive than herds of cattle.

The east face of Steens Mountain rises 5,000 near-vertical feet from the floor of the Alvord Desert in Harney County. To the west it slopes toward the Catlow Valley, its surface carved by deep glacial gorges. The mountain is high enough to catch more rain than the surrounding desert, so it's dotted with aspen groves and supports varied wildlife. The stillness and vast distances of Steens Mountain make the rest of the world seem noisy and claustrophobic.

Ranching is the main way people in Southeastern Oregon make a living, and most of the region's publicly owned rangelands are open to grazing. The Bureau of Land Management and the U.S. Forest Service allow ranchers to graze cattle on most parts of Steens Mountain for the price of $1.97 a month per head.

Grazing on public lands is becoming a big issue throughout the Western United States. Livestock, particularly cattle, have caused a lot of damage in some areas. Streams are especially vulnerable—cattle muddy the water and eat streamside vegetation that controls erosion. Historically, overgrazing has caused more harm in the arid parts of the West than any other human-related activity.

A well-managed grazing program, however, need not damage the landscape. On Steens Mountain and elsewhere, some areas now open to livestock should probably be closed. But most parts of the range can and should remain open—including parts of Steens Mountain. There is a middle ground between the few ranchers who abuse public lands and the few conservationists who are hostile to the ranching industry as a whole.

Once ranching and conservation are made compatible—as is already the case in most areas—the fact that people pose the biggest threat to places like Steens Mountain needs to be addressed. Turning Steens Mountain into a big tourist attraction, with or without cattle, would do more damage to the area than has been done in a century of grazing. The best way to preserve Steens Mountain would be to avoid calling attention to it through such things as a national park designation.

One of the supporters of closing Steens Mountain to grazing and making it a national park or preserve told the Associated Press: "People aren't going to drive from New York City to see a bunch of cows running around." If that's true, then the "cows"—he probably means steers—are doing Steens Mountain a big favor.●

● Mr. PACKWOOD. Mr. President, I am pleased to join Senator HATFIELD today in introducing legislation establishing the Steens Mountain National Conservation Area. Our colleague BOB SMITH of Oregon is introducing a companion Steens Mountain bill.

This bill will protect over 813,000 acres of BLM lands in the picturesque Steens Mountain region of central Oregon. In addition, approximately 80,000 acres of the total would be designated as wilderness. The national conservation area [NCA] would encompass desert lands rising to the top of 9,773-foot Steens Mountain. The Steens are home to a multitude of wildlife including the bighorn sheep and pronghorn antelope. Golden eagles and hawks soar through its canyons. Oregon is fortunate to be home to such an ecologically diverse region.

The NCA designation will protect the scenic, historic, cultural, recreational, and natural values of the Steens Mountains while allowing multiple uses to continue. Congress has established other national conservation areas in California, Alaska, New Mexico, and Arizona. Livestock grazing will be permitted to continue. Grazing is a longstanding practice on the lands in the Steens. The use of off-road vehicles would also be permitted in designated areas throughout the NCA. Mr. President, the NCA designation provides the flexibility necessary for the BLM to continue managing the Steens for multiple uses.

Under this legislation, BLM will be responsible for developing a comprehensive resource management plan guiding protection and management of the Steens Mountains resources. A seven-member Steens Mountain National Conservation Area Advisory Committee, modeled after the successful Newberry Crater National Monument legislation of 1990, will be established to help the BLM develop a comprehensive management plan. The advisory committee will include members representing a range of views and interests from ranchers and stockmen to the environmental community. This committee will serve as a forum to debate and resolve contentious land management issues.

Mr. President, I am pleased that the communities surrounding the Steens Mountains are supportive of this legislation. I look forward to working with my colleagues on this innovative legislative proposal.●

By Mr. DOLE (for himself and Mr. STEVENS):

S. 921. A bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes; to the Committee on Rules and Administration.

NATIONAL VOTER REGISTRATION ENHANCEMENT ACT OF 1991

Mr. DOLE. Mr. President, I join today with my distinguished colleague, Senator STEVENS, in introducing the National Voter Registration Enhancement Act of 1991. This legislation is intended as an alternative to S. 250, the so-called motor voter bill reported by the Rules Committee today. The alternative was endorsed last year by the National Association of Counties and the National League of Cities and has the support of the administration.

LOW VOTER TURNOUT

Mr. President, you don't need to be an election expert to realize that voter turnout is at an all-time low. In 1988, for example, barely 50 percent of all eligible voters went to the polls—the lowest percentage in more than 40 years. Participation in mid-term elections is even lower, down to about 34.4 percent in 1990 according to the committee for the study of the American electorate.

Without a doubt, these are disturbing trends. But they are trends that S. 250—despite all the hype and its fancy name—will do absolutely nothing to reverse.

Unfortunately, low voter turnout has less to do with obstacles to voter registration and more to do with other factors—factors like the lack of competitive congressional races, the lackluster messages of our Nation's politicians, and the frustration of many citizens who feel that their votes simply don't make a difference on election day.

S. 250—the motor voter bill—will correct none of these problems. It won't make congressional races more competitive. It won't restore voter confidence in the electoral system. It won't guarantee high turnouts on Election Day.

But it will open the door for rampant fraud. And it will federalize an activity—voter registration—that the individual States have successfully performed for decades.

THE ALTERNATIVE: PROMOTES REGISTRATION, NOT FEDERAL INTERVENTION

Mr. President, the alternative also avoids one of the greatest weaknesses of S. 250—the imposition of unfunded costs on State and local governments.

Needless to say, these costs can be very substantial. According to estimates prepared by eight States—Alaska, California, Florida, Illinois, Kansas, New Jersey, Oklahoma, and Virginia—the total cost of complying with S. 250's requirements would exceed $80 million. The total cost for all 50 States would obviously be much higher.

Unfortunately, S. 250 says nothing about how the States should finance these new, burdensome requirements.

It's voter registration sticker-shock: The Federal Government mandates. And the States pick up the tab.

The alternative, on the other hand, attempts to lend a helping-hand to the States by authorizing a total of $25 million over 3 years in block grants as an incentive for States to implement improved voter registration procedures. These new procedures include: First, registration at State departments of motor vehicles; second, registration by mail; and third, registration at State and Federal Government agencies. Unlike S. 250, implementation of these procedures would be completely voluntary. To be eligible for the block grants, States would be required to match any amount of Federal funds dollar-for-dollar with State funds.

THE ALTERNATIVE: COMBATS ELECTION FRAUD

The alternative also beefs up Federal and State efforts to combat election fraud and public corruption.

Public corruption. Federal law currently requires the use of the mails in a corruption scheme by local or State officials in order for most Federal prosecutions to succeed. As a result, it is extremely difficult for Federal prosecutors to take action against a State judge who "shakes down" defendants appearing in his court, because his acts do not involve the use of the mails or an effect on commerce. It's also common for other corruption schemes to be perpetrated without the use of the mails.

The alternative would remedy this problem by enlarging the list of activities that could trigger Federal jurisdiction. This new list of jurisdictional acts includes transmitting messages over interstate wires; transporting persons across State lines; and using any facility of interstate commerce such as a crosstown delivery service or a "fax" machine.

Election fraud. Current law requires that a Federal candidate be named on the ballot in order for a Federal prosecution of election fraud to succeed. Virtually all election fraud, however, is undertaken for the purpose of influencing the outcome of local elections, where Federal candidates are listed only infrequently. In some States, elections are held several times a year without Federal candidates, which renders them immune from Federal prosecution for vote-buying, ballot-box stuffing, tampering with voting equipment, and other forms of election fraud.

The alternative would close this loophole by permitting prosecution in Federal court regardless of whether Federal candidates are involved in the fraud or named on the ballot when the act of fraud occurs. It would specifically permit prosecution for fraud in a local election if the local office, for which the election is being held, has control over Federal funds totaling $10,000 or more in a year.

Mr. President, I urge all of my colleagues to give the alternative their serious consideration. I also encourage my colleagues to contact the election officials of their home States and ask these officials one simple queston: which piece of legislation would be more helpful in your efforts to increase the rate of voter registration—S. 250 or the alternative? The answers could be surprising.

Mr. President, I ask unanimous consent that the full test of the National Voter Registration Enhancement Act of 1991 and a summary of the bill be printed in the RECORD immediately after my remarks. I also ask unanimous consent that a letter from W. Lee Rawls, assistant attorney general for legislative Affairs, be printed in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Enhancement Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right to vote is a fundamental right;

(2) it is the responsibility of each citizen to exercise that right;

(3) it is the duty of the Federal, State, and local governments to promote the exercise of that right;

(4) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office;

(5) such laws and procedures can disproportionately harm voter participation in such elections by members of various groups, including racial minorities;

(6) all citizens of the United States are entitled to be protected from vote fraud and from voter registration lists that contain the names of ineligible or nonexistent voters, which dilute the worth of qualified votes honestly cast; and

(7) all citizens of the United States are entitled to be governed by elected and appointed public officers who are responsible to them and who govern in the public interest without corruption, self-dealing, or favoritism.

(b) PURPOSES.— The purposes of this Act are—

(1) to increase registration of citizens as voters in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to enhance voter participation in elections for Federal office;

(3) to protect the integrity of the electoral process;

(4) to ensure the maintenance of accurate and current official voter registration lists; and

(5) to guarantee to the States, and to their citizens, a republican form of government, including elections conducted free of fraud, and governmental processes conducted free of corruption, self-dealing, or favoritism.

TITLE I—VOTER REGISTRATION ENHANCEMENT

SEC. 101. FEDERAL COORDINATION AND BIENNIAL ASSESSMENT.

The Attorney General—

(1) shall be responsible for coordination of Federal functions under this Act;

(2) shall provide information to the States with respect to State responsibilities under this Act; and

(3) shall, not later than June 30 of each even-numbered year, submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2 calendar years and providing recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act.

SEC. 102. RESPONSIBILITY OF CHIEF STATE ELECTION OFFICIAL.

The chief State election official of each State shall be responsible for coordination of State functions under this title.

SEC. 103. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General—

(1) for making grants under this section for fiscal years 1992, 1993, and 1994, a total of $25,000,000; and

(2) such additional sums as may be necessary for administrative expenses of the Attorney General in carrying out this title.

(b) BLOCK GRANTS.—(1) From the amounts appropriated under subsection (a) for any fiscal year, the Attorney General shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration.

(2) To qualify for a grant under paragraph (1), a State shall match any amount of Federal funds dollar for dollar with State funds for voter registration enhancement activities, including—

(A) providing for voter registration for elections for Federal office at State departments of motor vehicles;

(B) providing for registration by mail for elections for Federal office;

(C) providing for designation of, and the carrying out of, voter registration activities at State-related and (upon agreement with the Federal Government and nongovernmental entities) Federal and appropriate private-sector locations for voter registration for elections for Federal office; and

(D) providing for uniform and nondiscriminatory programs to ensure that official voter registration lists are accurate and current in each State.

(c) ALLOCATION OF GRANTS.—(1) The Attorney General shall by regulation establish criteria for allocation of grants among States based on—

(A) the number of residents of each State;

(B) the percentage of eligible voters in each State not registered to vote; and

(C) other appropriate factors.

(2) In promulgating criteria pursuant to paragraph (1), the Attorney General shall give special consideration to State-sponsored programs designed to improve registration in counties with voter registration percentages significantly lower than that for the State as a whole.

(d) ADMINISTRATIVE REQUIREMENTS.—(1) The Attorney General shall by regulation establish administrative requirements necessary to carry out this section.

(2) To be eligible to receive a grant under this section, a State shall certify that the State—

(A) has in place legislative authority and a plan to implement procedures to promote and facilitate, to an extent and in such manner as the Attorney General may deem adequate to carry out the purposes of this title, voter registration for Federal elections—

(i) in connection with applications for driver's licenses; and

(ii) if the State so elects—

(I) by mail; and

(II) at voter registration centers located conveniently to prospective voter registration applicants;

(B) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(C) agrees that any amount received through a grant under this section for any period will be used to supplement and increase any State, local, or other non-Federal funds that would, in the absence of the grant, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(D) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

(3) The Attorney General may not prescribe for a State the manner of compliance with the requirements of this subsection.

(e) REPORTS.—(1) The chief State election official of a State that receives a grant under this section shall submit to the Attorney General annual reports on its activities under this section.

(2) A report required by paragraph (1) shall be in such form and contain such information as the Attorney General, after consultation with chief State election officials, determines to be necessary to—

(A) determine whether grant amounts were expended in accordance with this section;

(B) describe activities under this section; and

(C) provide a record of the progress made toward achieving the purposes for which the block grants were provided.

SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State;

(2) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(3) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)); and

(4) the term "State" has the meaning stated in section 301(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(12)).

TITLE II—PUBLIC CORRUPTION

SEC. 201. ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the honest services of an official or employee of the United States or the State, political subdivision, or Indian tribal government shall be fined under this title, imprisoned for not more than 20 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the jurisdiction in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned for not more than 20 years, or both.

"(c) Whoever, being a public official or an official or employee of the United States, a State, a political subdivision of a State, or an Indian tribal government, in a circumstance described in subsection (d), defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian Country of the right to have the affairs of the United States, the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title, imprisoned for not more than 20 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(e) Whoever defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title, imprisoned for not more than 20 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States, a State, a political subdivision of a State, or an Indian tribal government, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title, imprisoned for not more than 5 years, or both.

"(g) For the purposes of this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that such person will be so nominated, appointed, or selected;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201(a) and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(4) the term 'under color of official authority' includes any person who represents that such person controls, is an agent of, or otherwise acts on behalf of an official, a public official, or a person who has been selected to be a public official.".

(b) TECHNICAL AMENDMENTS.—(1) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"225. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 202. FRAUD IN INTERSTATE COMMERCE.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce."

NATIONAL VOTER REGISTRATION ENHANCEMENT OF 1991—SUMMARY

Title I authorizes a total of $25 million over 3 years in block grants administered by the Attorney General as an incentive for States to implement improved voter registration procedures, including, but not limited to:

(1) providing for voter registration for elections for Federal office at State departments of motor vehicles;

(2) registration by mail for elections for Federal office;

(3) designation of State-related and (upon agreement with the Federal Government and nongovernmental entities) Federal and appropriate private-sector locations for voter registration for elections to Federal office;

(4) uniform and nondiscriminatory programs to assure that official voter registration lists are accurate and current in each State.

The block grant provision include a matching funds requirement for the States.

The allocation of these grants among the States shall be determined by criteria established in public regulations set forth by the Attorney General. These criteria shall include the number of residents of the State, the percentage of eligible voters in the State not registered to vote, and give special consideration to State-sponsored programs designed to improve registration in counties with voter registration percentages significantly lower than the statewide average.

Title II broadens the Attorney General's jurisdiction over election fraud in all elections, and the corruption of government officials by defining "public corruption". Virtually identical language passed the Senate 100-0 as Title IV of the drug bill (S. 1711) in October 1989.

Title II amends Chapter 11, Title 18 of the U.S. Code, to impose fines and criminal penalties of up to 20 years for the following offenses:

Corrupting or compromising a State, local, or tribal government official or employee;

Inhibiting a fair and impartially conducted election through:

(1) the use of falsified or invalid ballots;

(2) paying or offering to pay any person for voting;

(3) the use of falsified voter registration material;

(4) intimidating individuals for voting or registering to vote; or

(5) improper or unauthorized alteration or substitution of any ballot or other election document;

Defrauding or endeavoring to defraud the citizens of the United States, a State, a political subdivision of a State, or Indian country for purposes of financial gain, by falsifying information provided to the government of inhibiting the government's collection of material information;

Corrupting or compromising a United States public official;

Discrimination by a public official against any employee in order to carry out a scheme described in this section (title II).

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 17, 1991.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice regarding S. 250, the National Voter Registration Act of 1991. S. 250 would establish national voter registration procedures for presidential and congressional elections. Although the Department strongly endorses the bill's general goal of involving more Americans in the electoral process, we oppose enactment of this bill.

The bill would require all states, except those that have no voter registration requirements at all (i.e., North Dakota) or those with election day registration procedures, to employ three methods of registering voters for federal elections, and would specify in considerable detail what the states would have to do to implement each of the three methods. First, states would be required to include the option for voter registration as part of the process for applying for a motor vehicle driver's license ("motor-voter registration"). Second, states would be required to provide for voter registration by mail ("mail-in registration"). Third, states would be required to designate state-related, federal, and private sector locations to make registration applications available and accept them for transmittal to the appropriate election officials ("satellite registration"). The bill would also severely restrict the grounds upon which voters' names could be removed from voting lists.

Absent any showing of a threat to the integrity of the electoral process resulting from the unjustified restriction of the opportunity for citizens to vote, or the discriminatory treatment of particular groups of citizens, the bill might well exceed the constitutional authority of Congress by involving the federal government in matters which the Constitution allows the states to regulate as they deem appropriate. Because it would mandate elaborate procedures without regard to local conditions or appropriate alternatives, the bill would represent a substantial and unnecessary imposition on the states. Moreover, because some of the registration techniques mandated by the bill are fraught with the potential for fraud if adequate verification methods are not used in light of local conditions, and because of the strict limitations on standard means of purging voting lists of stale names, the bill would present a serious potential for increased voting fraud and electoral corruption. Voter registration laws are one of the principal protections against election fraud, and any changes to registration requirements must take into account the potential for increased fraud resulting from the changes.

We are not convinced that the case for mandating uniform, nationwide registration procedures has been made. Eliminating barriers to registration will increase the pool of potential voters and make it possible for more citizens to vote, which is certainly an important goal. However, it is unclear to what extent the changes proposed by S. 250 would translate into greater voter turnout, because the empirical link between increased registration and increased voter turnout is undeveloped. Some of the most convincing explanations for shortcomings in registration and voter turnout appear to be poverty, lack of education, alienation, apathy, cynicism about the value of voting, and voter contentment.

We recognize that some historical registration requirements arose from a desire to disenfranchise blacks (and, as a byproduct, disenfranchised many less-advantaged whites). The well-documented historical record of that disenfranchisement and its effects, as well as the continued intentional application of discriminatory registration practices, led to enactment of the Voting Rights Act, which has proven effective in eliminating discriminatory voting practices and remains a powerful weapon in dismantling illegitimate barriers to voting. A similar record has not been developed in support of the national standards proposed in this bill, nor has there been a convincing showing that existing federal remedies are inadequate.

Moreover, many states are voluntarily adopting innovative registration practices, including variations of the three mandated by the bill. We understand that some form of motor-voter registration has worked well in a number of jurisdiction without any appreciable increase in fraud, that many areas are experimenting with various forms of satellite registration, and that mail-in registration is being used successfully in several jurisdictions. But these jurisdictions also use a variety of procedures to guard against fraud and maintain the integrity of the electoral process. In short, they are able to adapt and tailor the procedures to take into account local conditions that may make some practices more effective than others or may call for special measures to avoid fraud or for avoiding certain practices entirely. That essential flexibility to respond to local conditions would be forbidden by this bill.

S. 250 is substantially similar to S. 874 in the last Congress, which the Administration opposed. However, one key change in S. 250 is that it would exempt any state from the requirements of the bill if the state adopts an election day registration system. In view of the potentially costly and burdensome nature of the bill, this exception would effectively serve as an compelling incentive for states to adopt election-day registration, a change which could substantially impair efforts in many areas to verify voter eligibility, and thus would invite voting fraud and corrupton of the election process.

Furthermore, the serious potential for fraud and corruption would be compounded by the current limitations in federal crimninal law governing electoral crimes and other forms of public corruption. Existing federal jurisdiction, for example, does not reach fraudulent schemes not involving the use of the mails and where a federal candidate is not on the ballot. As discussed more fully in the attached memorandum, because of these limitations, the provisions of S. 250 would create a greatly increased risk of public provisions of S. 250 would create a greatly increased risk of public corruption, particularly at the local election level where most almost all electoral fraud now occurs. Among the most common voter fraud crimes, which we believe will be exacerbated by S. 250, are bribery of voters, stuffing ballot boxes, voter intimidation, and the casting of ballots in the names of deceased, incompetent or otherwise ineligible individuals. In order to increase the Department's jurisdiction to prosecute those who corrupt the electoral process, we have strongly supported enactment of the "Anti-Corruption Act," which passed the Senate in October 1989 as Title IV of S. 1711.

For these reasons, although we fully support the goal of facilitating voter registration, we strongly oppose S. 250, because its approach of mandating uniform procedures regardless of local circumstances is unwarranted, overly restrictive, and almost certain to invite increased fraud and corruption in the electoral process without providing the necessary jurisdictional tools to combat those crimes. The enclosed memorandum elaborates upon these concerns. In our view, should legislative action be considered, it would be far preferable to adopt a more flexible approach which 1) responds to these concerns by leaving the initiative to the states and 2) includes appropriate revisions to current criminal law. Both of those proposals are reflected in S. 3021, which was introduced by Senators Dole and Stevens in the last Congress. We would be pleased to work with the Committee on such alternative to S. 250.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

DEPARTMENT OF JUSTICE ANALYSIS OF S. 250

I. SCOPE OF CONGRESS' AUTHORITY

At the outset, we note that S. 250 would unnecessarily intrude into areas of legitimate state discretion. Congress has only limited constitutional power over the conduct of elections, even elections for federal officials. Congressional power over presidential elections is described in Article II, section 1, clause 4 of the Constitution: "The Congress may determine the Time of Chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States." Congress has broader power to regulate elections for Senators and members of the House of Representatives: "The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators." U.S. Const., Art. I, §4, cl. 1. Electors for Senators and Representatives in each state are to have the same qualifications as those of the most numerous branch of the state legislature. Art. I, §2; amend. XVII. Although the Supreme Court has recognized that Congress has general power to regulate presidential elections to the extent necessary to prevent fraud and preserve the integrity of the electoral process,[1] Congress may not exercise this authority in a manner that "interfere[s] with the power of a state to appoint electors or the manner in which their appointment shall be made."[2] Thus, while Congress has some authority to preserve the integrity of the federal election process by taking steps to prevent fraud, it cannot encroach upon the exclusive power of the states to regulate the manner in which elections are conducted.

Although the precise scope of Congress' power over federal elections is uncertain,[3] we believe that there is a serious question of whether S. 250 may be defended as a permissible exercise of constitutional power. Congress does not have plenary authority to dictate the procedures which a state must employ in elections for federal officials. There is no suggestion that S. 250 is designed to prevent fraud and corruption. Nor is there any showing that this bill is necessary to eliminate any discriminatory practices. Accordingly, we question whether this bill is constitutional.

II. LIMITATIONS ON STATES' FLEXIBILITY TO TAILOR REGISTRATION PROCEDURES TO SUIT LOCAL CONDITIONS

Apart from the question of Congress' constitutional power, S. 250 would operate to deny the states their historic freedom to govern the electoral process. The flexibility which the Constitution generally gives the states recognizes that different cultural and demographic circumstances may call for different approaches in many areas, including voter registration. For example, registration procedures sufficient to prevent substantial fraud in a sparsely populated, mostly rural state may not be adequate for a more densely populated state with major metropolitan centers and large population inflows and outflows. Depriving the states of this flexibility tailor their individual approaches to their own particular problems, and circumstances—by imposing a single, uniform policy nationwide—forecloses the benefits that would otherwise come from diversity.

A. Practical Impact on the States

In practical terms, S. 250 would impose two significant kinds of costs on the states, the first of which is that the mandated registration methods inevitably would impose added costs on the states, which might be substantial in some cases. The bill would have the effect of dictating to the states how to utilize their resources, rather than leaving them flexibility. It would also make the provision of various services somewhat more expensive for the states and more complicated for the applicants (many of whom would have no need to register to vote).[4] The bill would not merely regulate state registration procedures but, by virtue of sections 5 and 7, the conduct of other state functions (such as the issuance of motor vehicle driver's licenses, the provision of public assistance, unemployment compensation and related services) may be affected by the applicability of the Voting Rights Act,[5] though we do not view that as a significant burden. The elaborate procedures contained in section 8 of the bill for verification and removal of names from the official voting lists also are more complicated and expensive than those presently used by most if not all states. While the bill does not (at least in its face) raise the special concerns we would have if it were to attempt to regulate registration procedures for elections of state officers generally, it most likely would coerce the states into following the same procedures for state elections as well.[6]

B. Potential for Fraud and Electoral Corruption

The second cost of the bill is its impact on the integrity of the electoral process. This legislation would effectively eliminate many registration practices that are presently serving to deter electoral fraud. Voter registration laws are the main systemic safeguard against most common varieties of election fraud. Their preventative effect has been augmented by the fact that until now each State has been free (within the constraints of the civil rights laws) to tailor its procedures for establishing the eligibility of

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Footnotes at end of article.

prospective voters to differing demographic circumstances.

The requirements of S. 250 would apply uniformly to all states except those that have no voter registration requirements at all (i.e., North Dakota) or those with election day registration procedures, requiring the states to adopt three specified, methods for allowing individuals to apply to register to vote,[7] and severely limiting the grounds upon which voters' names could be removed from voting lists.

Motor-Voter Registration

This method is relatively unobjectionable from a criminal law perspective. The Department's experience in prosecuting voting fraud cases suggests that combining the process of applying to register to vote with that of applying for a motor vehicle driver's license would have little adverse impact on the incidence of voting fraud.[8] Moreover, because there is some degree of overlap between the factors involved in a license application and those involved in a voter registration application, personnel who are already familiar with license application procedures should be relatively easy to train as voting registrars.

Mail-in Registration

Registration by mail is much more susceptible to misuse because a would-be registrant never has to appear in person before a registrar for verification of identity and eligibility. The Department's experience with voting fraud cases to date has not conclusively shown whether registration by mail has a substantial impact on the incidence of voting fraud or not—we simply don't know. Most of the states which already have registration by mail also have in place a variety of procedures for independently confirming the information provided in voter registration applications. These verification procedures, though clearly not perfect,[9] at least help to minimize the opportunities for voting fraud.

By contrast, S. 250 would impose a sweeping requirement to allow mail-in registration while simultaneously limiting significantly the ability of the states to use a variety of techniques to verify the applicant's identity and eligibility. For this reason, S. 250's provision for registration by mail would entail a substantial and perhaps prohibitive risk of enhancing the opportunities for fraudulent registration and voting.

It is unclear the extent to which S. 250 would preclude confirmation procedures, except for the applicant's own attestation.[10] The provisions of Section 9, taken together with those in Section 8(a), might be read to require election registrars to accept at face value every application form that is tendered to them and enroll the applicant as long as the form is facially complete. Limiting the ability of election officials to perform routine identity verifications prior to enrollment would create a large potential for abuse.[11] Even under the best of circumstances, redressing fraudulent registrations through criminal prosecutions of the perpetrator (if he or she could be found) would not rectify the damage caused to the integrity of the election process. Moreover, as discussed below, the provisions of Section 8 would severely limit the ability of registrars to remove the names of voters that they know to be ineligible or fraudulent once they have been enrolled, thereby compounding the damage.

Satellite Registration

The third method of voter registration provided in S. 250—application in person at various federal, state or private-sector locations where the public is served directly—also may be problematic in some circumstances. This provision would entrust the task of registering voters to individual government and private personnel who may lack training in and sensitivity to the unique factors involved in preventing voting fraud and establishing and maintaining accurate and up-to-date voter registration lists.

This approach also would risk various forms of intimidation of the public. In at least some circumstances, people seeking tax relief, public assistance benefits, building permits, etc. could easily be given the impression that they *have* to register, or register for a particular party, in order to please the administrator in whose hands the fate of their application rests. The Department's experience demonstrates that public officials sometimes abuse their powers to dispense or without benefits in order to pressure citizens into voting a particular way or registering for a particular party.[12] S. 250 would increase substantially the opportunities for such intimidation and coercion of the public. While Section 5(a) of the bill would ostensibly require that personnel assisting applicants with the completion of their applications not display any political preference or party allegiance or seek to influence the applicant's political preference or party affiliation, we think it would be overly optimistic to expect that this prohibition will be sufficient to deter influence and intimidation.[13]

Restrictions on Grounds for Removal

Another very significant potential for fraud is created by the provisions in Section 8, which severely restrict removal of voters from official voter lists. The grounds provided for removing voters from the lists—at the request of the voter or in the event of the death, mental incapacitation, criminal conviction, or change in residence of the voter—are appropriate. But those grounds assume that registration officials receive some notice of the change in circumstances; they are not self-implementing.[14] Accordingly, registrars ordinarily rely as well upon a continued failure to vote—the passage of some minimum number of years, or the occurrence of some minimum number of elections—as a ground for removing stale names from the list. S. 250 would completely eliminate this ground for removing voters' names; Section 8(b) provides that a name could never be removed merely for failure to vote in a federal election—even if the failure to vote persisted over a period of decades. This provides the states far too little leeway to protect against voting fraud by periodically purging the voting rolls of those who have not voted in some time. It would be possible for a voter to remain on the list of eligible voters for an indefinite period after he or she has died, moved away, or otherwise ceased to be eligible to vote in the state in question.

The provisions in Section 8(d) regarding mail verification of changes in residence are inadequate to respond to this concern. In order to remove someone from the list of voters, the registrar first must have some information in order to "determine[] that a registrant may have changed residence". Then, the voter must both fail to respond to a *forwardable* notice from the registrar[15] *and* fail to vote during the next two federal general elections. Voters who had moved could continue to maintain their place on the official lists either by returning the card (which may have been forwarded to them at their new address) and listing the old address, or simply by continuing to vote at the old location. At a minimum, voters who moved would have to be left on the official list until the bill's requirements were met. The bill does not allow the registrar to remove names from the official list even for voters who are *known for a fact* to have moved, unless the voter provides that information directly in writing or the registrar follows the two-step process just described, and that process requires that the name be left on the list for two general elections.

In our experience prosecuting voting fraud cases, the maintenance of names on official lists of eligible voters long after eligibility has ended is among the most significant factors contributing to ballot box stuffing and illegal "proxy" voting.[16] On the other hand, we recognize that various methods of purging voters from the rolls have been used in the past to deny the franchise to minority voters. Certainly, vigilance remains necessary to prohibit purging schemes from discriminatorily excluding minority voters; that calls for vigorous enforcement of the Voting Rights Act of 1965.[17] In our view, in order to accommodate these varying concerns, we firmly believe that the choice of a specific waiting period should be left up to the individual states to make based on their own particular experience and circumstances, subject to the requirements of the Voting Rights Act.

III. ELECTION-DAY REGISTRATION

S. 250 contains a new provision which provides for an exemption from the requirements of the bill for any state which allows individuals to register at the polls on the date of a general election.[18] Although Section 4(b) is captioned as a "nonapplicability" provision, in light of the addition of paragraph (2), a more accurate heading would be "election-day registration."

As discussed above, S. 250 would impose substantial—and potentially costly—procedural requirements upon the states with respect to the manner in which they regulate and administer elections in general and the voting process in particular. Since this bill, like its predecessor S. 874 in the last Congress offers no federal funding to assist the states with these new obligations, Section 4(b)(2) will most certainly be seen as an escape clause, effectively influencing most states, whether for policy, political, or practical reasons, to consider adopting "election-day registration" in order to avoid the costs and specific standards associated with the mandates of S. 250.

The Department, since 1977, has consistently and strongly opposed federal legislation to impose election-day registration in the States, based on our conviction that election-day registration would totally preclude meaningful verification of voter eligibility, and thus allow easy corruption of the election process by the unscrupulous. Of all the registration reforms which Congress has considered over recent years, from a law enforcement perspective this idea is by far the most troubling. Our objections to election-day registration rest on the following considerations:

Registering voters at the polls on election day totally eliminates the ability of election registrars to confirm a voter's identity, place of residence, citizenship status, felon status, and other material factors bearing on entitlement to the franchise.

Requiring voters who wish to register on election day to provide some form of identification before being permitted to vote does not respond to the fraud problem. Most commonly used identification documents can be easily faked. Thus, a single false identification can be used by the same voter to cast ballots under assumed names at numerous polling locations.

Merging into one simultaneous act both the registration process and the voting process dramatically increases the risk of voter-bribery, since corrupt political operatives interested in targeting prospective voters for payments will no longer be confined to the preexisting names on registration lists. This problem is exacerbated by the fact, as we have observed in prosecuting and supervising hundreds of vote-buying cases, that individuals who accept payment for their votes do not have a strong interest in candidates and issues, nor do they tend to see the act of voting as a civic duty. Thus, for a few dollars, they are easily manipulated into giving up their franchise.

The ballots of election-day registrants are liable to be tabulated before an irregularity can be ascertained. There is thus the realistic danger of irreversible damage to the integrity of the election, even in those instances where illegal registration and voting are later discovered.

Although election-day registration may work reasonably well in rural and sparsely populated states, it is extremely doubtful that it would be at all successful in many states with mobile and urbanized populations which have experienced significant levels of local and state governmental corruption.

IV. THE GOALS OF INCREASING VOTER PARTICIPATION WOULD BE BETTER SERVED BY A MORE FLEXIBLE APPROACH

The clear disadvantages of S. 250—both with respect to the restrictive, inflexible procedures it would impose on the states, and the greatly enhanced potential for election fraud—strongly counsel a rejection of that approach. S. 250 would unnecessarily limit the states while failing to provide the federal government with expanded criminal jurisdiction over election fraud.[19]

Certainly, the goal of increased voter participation, while maintaining the integrity of the electoral process, is an important and laudable one. Should Congress desire to enact legislation in this area, we believe that this goal would be much better served by permissive, rather than mandatory, legislation to encourage the states to adopted expanded registration procedures tailored to their specific needs. Such legislation should provide both funds and flexibility to the states, while at the same time providing federal prosecutors with stronger statutory tools to combat the serious and difficult problems of election fraud and public corruption.

This latter approach is reflected in another voter registration bill, introduced by Senators Dole and Stevens as S. 3021 in the 101st Congress. S. 3021 would make new registration procedures voluntary for the states, and provide discretionary grants to those states that chose to adopt some or all of the new procedures. S. 3021 would add a new anti-corruption statute (proposed 18 U.S.C. §225) to remedy the existing patchwork matrix of criminal laws which attempt to deal with frauds on the electoral process and other abuses of the public trust by public officials.[20] The purpose of this important feature of S. 3021's registration proposal is to maximize the federal jurisdictional bases through which federal prosecutors can prosecute corrupt government officials and vote thieves in federal court. S. 3021 also would place the administration of the new registration requirements more appropriately in the hands of the Attorney General, rather than the Federal Election Commission, as S. 250 would provide.

We continue to believe that any legislation which would propose a relaxation of voter-registration requirements should be linked to an increase in federal criminal jurisdiction over election fraud and public corruption, in order that federal prosecutors will be able to respond effectively to the concomitant increases in corruption and election crimes that will inevitably accompany any substantial relaxation of the registration process.

The need to augment existing federal criminal laws dealing with election fraud and governmental corruption has greatly intensified since the Supreme Court's decision in *McNally v. United States*, 483 U.S. 350 (1987). Under *McNally*, the federal mail fraud statute–long the main statutory vehicle to assert federal prosecutive jurisdiction over corruption at the local and state levels–no longer applies to corruption and election fraud schemes that do not entail a deprivation of property rights. The enactment by the Congress of 18 U.S.C. §1346 in 1988 did not remedy *McNally's* negative impact on our ability to combat election fraud in non-federal elections. It is therefore a matter of some urgency to the Department that additional anti-corruption legislation, such as that contained in Title II of S. 3021 (101st Congress), be enacted. Under the present statutes relating to, for example, election fraud, the assertion of federal prosecutive jurisdiction over corrupt conduct depends more on whether the name of a federal candidate happens to be on the ballot than on the type of criminal conduct which took place. This is not conducive to an efficient and effective law enforcement response to the serious crimes of election fraud and governmental corruption.

V. CONCLUSION

For all of the foregoing reasons, the Department of Justice recommends against enactment of S. 250. Any federal legislation in this area should follow instead the kind of approach reflected in S. 3021 in the last Congress.

We recognize, of course, that voter registration requirements at times have been used as instruments of discrimination against minorities. Those abuses were instrumental in leading to passage of the Voting Rights Act, and that Act has done much to eliminate discriminatory registration requirements. We believe that discriminatory registration laws or procedures can be dealt with adequately under existing law. While continued vigilance and vigorous enforcement of the Voting Rights Act remain crucial, the current record simply does not support enactment of this sweeping federal mandate, which would deny the states the essential flexibility they require to preserve the integrity of the electoral process.

FOOTNOTES

[1] *See Burroughs v. United States*, 290 U.S. 534 (1934) (upholding a federal law imposing record keeping requirements on political committees that accept contributions or make expenditures for the purpose of influencing the election of presidential or vice-presidential electors); *see also Buckley v. Valeo*, 424 U.S. 1, 13 (1976) (upholding a federal law regulating campaign contributions against a First Amendment challenge and observing in dicta that the constitutional power of Congress to regulate federal elections is "unquestioned").

[2] *Burroughs*, 290 U.S. at 544.

[3] The power of the states to establish certain qualifications for voting in the election of Senators, Representatives, and the President is limited by several constitutional amendments. *See* U.S. Const. amend. XV (race, color, or previous condition of servitude); amend. XIX (sex); amend. XXIV (poll taxes); amend. XXVI (age). In *Oregon v. Mitchell*, 400 U.S. 112 (1970), the Supreme Court upheld a provision of the Voting Rights Act Amendments of 1970 which lowered the minimum age of voters in federal elections from 21 to 18, but the justices could not agree as to the proper basis for the Act's constitutionality. Justice Black believed that Congress has broad authority to set qualifications for voters for electors for President and Vice President, *id.* at 119–24, but four other justices denied that Congress has such power, *id.* at 209–12 (Harlan, J.) and 287–92 (Stewart, J., with Burger, C.J. & Blackmun, J.), while three justices expressly refused to consider Congress' authority to set qualifications for voting in federal elections. *Id.* at 237 (Brennan, White & Marshall, JJ.). The Court split on whether the Act was supported by Congress' power under the Fourteenth Amendment to prohibit discrimination on the basis of age, *compare id.* at 135–44 (Douglas, J.) & 239–81 (Brennan, White, & Marshall, JJ.) *with id.* at 154–200 (Harlan, J.) and 293–96 (Stewart, J., with Burger, C.J. & Blackmun, J.). This issue, however, is not raised by S. 250.

[4] For example, state driver-licensing eligibility does not overlap completely with voter eligibility, requiring states to follow additional steps with respect to license applicants to determine the applicability of voter registration. Most drivers who periodically renew their licenses already would have registered to vote through the normal voter registration mechanisms, and would have no need of the motor-voter registration procedures, while a large number of first-time applicants for driver's licenses—including those under the age of 18 and those who are not United States citizens—would not be eligible to register to vote even though they can obtain a drivers' license.

[5] Section 11(d) of the bill provides that nothing in the bill shall restrict the applicability of the Voting Rights Act. Sections 4(f)(4) and 203 of that Act state:

"Whenever any State or political subdivision subject to the prohibition[s] of . . . this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in the English language . . ."

42 U.S.C. §§1973b(f)(4), 1973aa-la. Because of these provisions regarding voter registration forms and materials, the bill might have the effect of requiring the limited number of jurisdictions subject to the multilingual requirements of that Act to make bilingual voting materials available as part of an application for a driver's license or public assistance. Likewise, jurisdictions covered by the preclearance provisions under Section 5 of the Act, 42 U.S.C. §1973c, might have to obtain pre-clearance of some changes with respect to driver's license registration or public assistance to the extent that they affect voter registration. Because of the limited number of jurisdictions involved and the ease with which the requirements of the Act may be met, we do not anticipate that these obligations would impose an undue burden.

[6] Because the bill ostensibly would apply only to registration for voting in federal elections, the states still would be free to employ a different set of procedures with regard to registration for voting in state elections. However, the prohibitive cost of maintaining two parallel sets of voter registration procedures likely would induce most states simply to conform their state registration procedures to federal standards, thereby economically coercing the states into abandoning their constitutional prerogative to determine the qualifications for voting in state elections.

Apart from the cost of maintaining two parallel sets of voter registration procedures and voter rolls, that approach could cause considerable confusion on the part of voters who may misunderstand the limited scope of the federal registration procedures and mistakenly believe that they are registered for all purposes.

[7] S. 250 does not directly impose registration on the day of election. However, the exclusion from the requirements of the bill for any state that has adopted election day registration will be a very strong incentive to adopt that approach. That approach, as discussed more fully below, would greatly impair the ability of the Department and the states to combat voting and election fraud.

[8] We note, however, the anomaly in Section 5(d) of the bill which provides that a person could request a change of address for motor vehicle license purposes without having the registrar informed of the

move for voting purposes. That would seem to facilitate fraud by those who would continue to vote at the old address.

[9] We note that the security of many existing mail-in registration schemes used by the states is suspect because some of them rely almost entirely upon having registrars send out non-forwardable canvass letters to persons who register by mail rather than in person. Although the assumption presumably is that the United States Postal Service will return the letters with respect to individuals who do not actually live at the specified address, that is simply not the case. The Postal Service does not inquire whether the addressee of non-forwardable mail actually exists and lives at the address in question. As the Postal Service acknowledged at a November 1989 meeting of the Federal Election Commission's Advisory Committee on Election Administration, the only circumstance in which non-forwardable mail will be returned is where the addressee (1) is a real person (2) who once resided at the specified address and (3) actually filed a change of address form with the Postal Service; in any other case, the mail will simply be delivered to the current resident at the address with no notice to the sender. Thus, even one of the key existing methods used by the states to prevent fraudulent or multiple registrations is flawed, and S. 250 would not permit even the use of that method.

Because the assumption underlying verification by mail is false, there may in fact be a great deal of fraudulent registration by mail that simply has gone undetected. The only reported case in which registration by mail has been used fraudulently is *United States* v. *Cianciulli*, 482 F. Supp. 585 (E.D. Pa. 1979), and there the fraud was discovered only as a fortuitous byproduct of an investigation into matters unrelated to voter registration.

[10] Section 9(b)(2) of the bill would require mail voter registration application forms to include an attestation by the applicant, under penalty of perjury, that he or she meets all eligibility requirements, but would not permit notarization or any other form of formal authentication.

We also note that the bill requires the "signature of the applicant" on the registration application form. We are concerned that this language could prevent persons who are unable to write their names from registering in accordance with these provisions.

[11] Moreover, although Section 6(c)(1) permits the states to require that new voters who have registered by mail must vote in person at their first election, the following paragraph creates an exception for persons who are eligible to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or "any other law." This last condition, freely permitting absentee voting, would substantially eviscerate the safeguard of a first-time-in-person requirement. By definition, *every* voter must vote in person unless authorized by law to vote by absentee ballot.

[12] *See, e.g.*, United States District Court, Northern District of Illinois, Eastern Division, *Report of the Special January 1982 Grand Jury*.

[13] After all, existing felony laws (e.g., 42 U.S.C. §1973i (c) and (e), and 18 U.S.C. §§594 and 597) have never been wholly successful in deterring coercive or fraudulent registration and voting practices where political and social conditions are conductive to such practices. We know of no reason to expect that additional laws prohibiting intimidation and coercion would be any more successful.

[14] Registration officials are unlikely to find out when a registered voter has changed his or her voting residence if the voter hasn't bothered to inform them. Similarly, registrars would need to receive notice of deaths or convictions before removing voters' names on those grounds.

[15] The fact that the notice must be forwardable would mean that the registrar often would not receive notice of a change in address. Under existing Postal Service procedures, if a valid change of address order was on file, the forwardable notice would have been sent on to the addressee without any notice to the registrar that the addressee had moved from the specified address. On the other hand, if no change of address order had been filed, or if the person had never lived at the address at all (and used a false address to register previously), then the letter would simply be delivered to the address, again without any notice to the registrar of that fact.

[16] *See, e.g., United States v. Gordon*, 817 F.2d 1538 (11th Cir. 1987); *United States v. Howard*, 774 F.2d 838 (7th Cir. 1985); *United States v. Olinger*, 759 F.2d 1293 (7th Cir. 1985); *Ingber v. Enzor*, 664 F. Supp. 814 (S.D.N.Y. 1987). *See also* United States District Court, Northern District of Illinois, Eastern Division, *Report of the Special January 1982 Grand Jury*.

[17] We note that the bill's purging procedures would not apply in any event to persons registered by federal examiners under the provisions of the Voting Rights Act. Section 6 of the Voting Rights Act, 42 U.S.C. §1973d, permits Federal examiners to register voters in certain circumstances. Such federal registration lists have been compiled in Alabama, Louisiana, Mississippi, Georgia, and South Carolina. Under Sections 7(d)(2) and 9 of the Voting Rights Act, 42 U.S.C. §§1973e(d)(2) and 1973g, federally listed voters can only be removed from the state's list of eligible voters with the approval of the Office of Personnel Management after a challenge heard by an OPM hearing officer in accordance with OPM regulations, 45 C.F.R. Part 801.

[18] Section 4(b)(2) provides that the bill "does not apply to a State in which . . . all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office."

[19] S. 250 would also require that federal prosecutors provide state election officials with comprehensive information about felony convictions secured within their districts. Section 8(f). This is an unreasonable burden on federal prosecutors insofar as the information would already be part of the public record.

[20] The Department's proposed anti-corruption statute was set forth as Title II of S. 3021. This same language passed the Senate during the 101st Congress, as Title IV of the President's national drug-control legislation, S. 1711, in October 1989.

By Mr. AKAKA:

S. 923. A bill to amend section 484(d) of the Higher Education Act of 1965 regarding methods for qualifying as an "ability to benefit" student at institutions of higher education and proprietary institutions of higher education, and for other purposes; to the Committee on Labor and Human Resources.

STUDENT FINANCIAL AID AND ABILITY TO BENEFIT

● Mr. AKAKA. Mr. President, I am introducing legislation today to address a significant problem affecting the eligibility of some prospective students to obtain federally sponsored financial aid at public and nonprofit institutions of higher education in Hawaii and throughout the country.

My bill would modify a provision of the Student Default Initiative Act of 1990 that is having a devastating impact on individuals without high school diplomas who wish to enroll in community colleges and other public institutions nationwide. Unless we change the law, mnay of these so-called ability to benefit students will be denied Federal financial assistance when they enroll for classes in the summer and fall of 1991 and beyond. Specifically, this bill would amend the Higher Education Act of 1965 to permit alternative methods for qualifying so-called ability to benefit students for all forms of federally sponsored student financial aid.

As you know, Mr. President, the 101st Congress attempted to reduce skyrocketing default rates in the federally guaranteed student loan programs through various amendments to the guaranteed student loan [GSL] legislation. The most significant provisions, which were included in the budget reconciliation bill, limit the participation of students at schools with high default rates. Other amendments affect the Supplemental Loans for Students [SLS] Program which expanded significantly in the late 1980's through borrowing by proprietary school students.

Mr. President, I believe the Student Loan Default Prevention Initative Act of 1990 contained a number of useful requirements and prohibitions to reduce student loan defaults that last year cost the Government $2.4 billion. However, one provision of this act requires modification. It has to do with how ability to benefit students are handled for purposes of determining eligibility to receive Federal student aid.

Congress mandated that in order to be eligible for financial aid, students who do not receive a high school diploma must pass a test approved by the Department of Education. Only then would a non-high-school graduate be eligible to apply for a Federal grant in aid, work-study assistance, or a federally guaranteed student loan. The underlying premise of this requirement was that far too many institutions—particularly proprietary schools—were qualifying ability-to-benefit students for financial aid who had neither the requisite skills nor the motivation to complete a required course of study.

Although not conclusive, the research available on the subject appears to suggest there may be a correlation between high dropout rates and subsequent high default rates among proprietary school ability-to-benefit students. And therein lies the problem. This provision of the newly enacted law makes no distinction between students attending proprietary schools and students attending public or nonprofit institutions of higher education.

The University of Hawaii's community college system, like many of its counterparts throughout the country, was founded on the premise that higher education should be open to all persons regardless of academic performance or previous work experience. In Hawaii, successful community-based outreach programs have attracted a significant pool of older adults who have come to recognize the value of education and have a desire to improve their literacy and/or job skills. The State's community colleges have also made a specific effort to recruit low income and disadvantaged students. Their objective has been to bring these individuals into mainstream society and into the work force through specially tailored educational programs. More often than not, these programs have been tied directly to workplace needs identified by a Government-labor-business employment opportunities task force.

As might be expected, a number of these students—the very individuals most in need—do not have a high school diploma and, under the legislation passed last year, are now placed at an additional disadvantage when they request financial assistance to enable them to return to school.

Failure to amend the Student Default Initiative Act will seriously impact the kind of educational programs and services offered by our community colleges which target these students. It will also dramatically undercut public community college systems throughout the United States by usurping the longstanding authority of educational institutions and States to establish their own admissions policies.

Mr. President, while I support steps to eliminate high default rates experienced over the last decade, I believe the legislation must be modified in one small but important aspect. When we passed the Student Loan Default Prevention Initiative Act of 1990, we failed to take into account the problem we were creating insofar as it related to ability-to-benefit students attending public and nonprofit institutions of higher education.

As a matter of public policy, it is important to encourage students to return to school to update their literacy skills or increase their knowledge in their field of employment. In order to accomplish this objective, our community colleges in Hawaii have developed excellent educational support services. For a student without a high school diploma, these institutions offer comprehensive testing and counseling necessary for successful completion of a course of study. Our community colleges are in the forefront of this effort, and they are committed to provide all our citizens the opportunity to acquire the basic literacy and job skills needed to compete effectively in an increasingly technological based society.

The type of students who will benefit from my legislation are difficult to characterize or quantify. They come from a range of backgrounds and family circumstances. Typically, they will be older adults, perhaps struggling single parents, perhaps women who are recently divorced or widowed due to the death of a spouse, perhaps unskilled men or women stuck in entry level jobs, perhaps displaced skilled journeymen with families but out a of job and looking for new skills. The common denominator, however, is financial need, no high school diploma, and the ability, desire, and motivation to better themselves through education.

Whatever the circumstances, Mr. President, there is overwhelming evidence which clearly indicates that ability-to-benefit students attending public and nonprofit institutions are not the major source of the student loan default problem. As a consequence, I do not believe these schools should be penalized for the abuses occurring primarily in the for profit, proprietary segment of the higher education community.

An August 1990, Congressional Research Service report found that based on the default record of students who took out their last loans in 1983, nearly 40 percent of proprietary school students default on their loans compared to about a quarter of students attending 2-year public community college programs, a fifth of students attending 2-year private schools, and about 10 percent of students in 4-year public or private school.

Even more compelling is a General Accounting Office [GAO] report with respect to proprietary school student borrowing under the Supplemental Loans for Students Program [SLS]. This report found that since fiscal year 1987, loans to short-term proprietary school students constituted the largest proportion of default claims over the 3-year period. About $250 million, 80 percent, in SLS default claims were attributable to proprietary school students, in contrast to $62 million, 20 percent, to students in other schools. Although the GAO study on SLS loans does not show the default rate of students in proprietary schools, it does reflect the magnitude of the problem.

Mr. President, the point I wish to make is that the ability-to-benefit provision contained in last year's legislation went too far.

To deny Federal aid to students attending community colleges makes neither good sense nor good policy. The legislation I am introducing would restore financial assistance for those students most in need. It would also ensure that restrictions remain in place for proprietary schools where most of the default abuses appear to be occurring.

In summary, this legislation will mandate that proprietary institution students who have not graduated from high school must pass an independently administered examination approved by the Department of Education prior to enrollment. This, I believe, will maintain the original intent of the Student Default Initiative Act of 1990.

However, the modifications contained in the bill will enable our public and nonprofit institutions to utilize assessment tests, counseling methods, and equivalency degrees for determining ability to benefit as they could under the prior law. In addition, should they choose, they may also use the Department of Education approved testing method. Finally, in order to strengthen the integrity of State-supported educational institutions, my bill would also direct the Secretary of Education to recognize a State-approved method for determining ability to benefit.

Mr. President, I firmly believe that meeting the educational and literacy needs of all Americans is an objective that is second to none. The accompanying legislation takes a small but important step in ensuring that educational opportunities at our publicly supported and nonprofit colleges—primarily community colleges—will continue to be made available to all our people irrespective of whether or not they earned a high school diploma and without regard to their current economic circumstance.

I urge my colleagues to support this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABILITY TO BENEFIT.

Subsection (d) of section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091(d)) is amended by striking "shall, prior to enrollment, pass an independently administered examination approved by the Secretary" and inserting "shall—

"(1) in the case of a student enrolling in an institution of higher education (other than a proprietary institution of higher education)—

"(A) receive the general education diploma prior to the student's certification or graduation from the program of study, or by the end of the first year of the course of study, whichever is earlier;

"(B) be counseled prior to enrollment and, if necessary, be enrolled in and successfully complete an institutionally prescribed program of remedial or developmental education not to exceed one academic year or its equivalent;

"(C) prior to enrollment, pass an independently administered examination approved by the Secretary; or

"(D) be determined by such institution as having ability to benefit from the education or training in accordance with such process as the State (in which such institution is located) or an agency of such State (other than such institution itself) shall prescribe; and

"(2) in the case of a student enrolling in a proprietary institution of higher education, prior to enrollment in such institution, pass an independently administered examination approved by the Secretary.".●

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. DODD, Mrs. KASSEBAUM, Mr. ADAMS, Mr. DURENBERGER, Mr. SIMON, Mr. METZENBAUM, Mr. PELL, Mr. INOUYE, Mr. SANFORD, Mr. GORE, Mr. DECONCINI, Mr. AKAKA, and Mr. WELLSTONE):

S. 924. A bill to amend the Public Health Service Act to establish a program of categorical grants to States for comprehensive mental health services for children with serious emotional disturbance, and for other purposes; to the Committee on Labor and Human Resources.

CHILDREN'S AND COMMUNITIES' MENTAL HEALTH SYSTEMS IMPROVEMENT ACT

Mr. KENNEDY. Mr. President, today I am introducing a bill to address a growing crisis in the mental health system that serves the Nation's children. This bill, the Children's and Communities' Mental Health Systems Improvement Act of 1991, will establish a program for States to develop and operate comprehensive mental health services for children with serious emotional disturbance.

Many Americans lack access to mental health services, but the paucity of services available to young people is a national disgrace. According to a report prepared by the Office of Technology Assessment, 12 percent of the children in the United States—nearly 8 million—have a diagnosable mental disorder. Of these, nearly half are deemed severely disordered or handicapped by their mental illness.

Many of these children who are in need of mental health services receive no care; others, perhaps half of those in need of treatment, receive care that is inappropriate for their condition. Other recent studies by the House Select Committee on Children, Youth, and Families and the Institute of Medicine have reached similar conclusions.

Over the past decade, mental health research has yielded important information about the prevention and treatment of children's mental health problems, but these advances are not reflected in the care available to most children. Research has made increasingly clear that biological and other risk factors are associated with the development of these disorders.

As a result, there is reason for optimism that many of the major childhood mental disorders are responsive to treatment. Research shows that it is feasible to provide meaningful support and assistance for these children and their families, involving in-home care, therapeutic foster care, and crisis services in the community. But scientific progress is inadequate unless coordinated systems of care are available.

Children with serious emotional disturbance need access to a range of services, from early intervention to inpatient hospital and residential care, but this continuum of care is rarely a reality. While inpatient services are comparatively well funded, less restrictive care is seriously underfunded or nonexistent in most communities.

This means that the most expensive and restrictive treatment approach—removal from the family and institutionalization—is often the only option. Significant numbers of children are placed in institutional settings; often they are sent far from home for such services. States lack effective assessment and referral mechanisms to screen children before placing them in out-of-State institutions or in institutions in their own States which are long distances away from their families. We need to encourage the development of intensive community-based alternatives for children with serious disturbances.

Responding to these problems requires a multiagency, interdisciplinary approach, involving all levels of Government and the private sector. But the virtual absence of intensive community-based alternatives for children who have serious disturbances greatly handicaps efforts for reform. Because so few services are available in communities throughout the country, new resources are needed.

The Children's and Communities' Mental Health Systems Improvement Act of 1991 is an investment in children. It would provide essential support for the development and operation of comprehensive systems of care for children with serious emotional disturbance. It would authorize grants to States to ensure that individualized services are provided in a cooperative manner by all appropriate entities that provide human services in communities within the States.

Under this act, States must use the funds to establish and operate one or more local, interagency systems of care for making services available to children and adolescents with a serious emotional, behavioral, or mental disorder. States would use the funds for a broad range of community services, including: Diagnosis and evaluation, outpatient counseling and professional consultation, day treatment, case management, home-based child and family services, respite care, family-based crisis and other emergency services, therapeutic foster family care, therapeutic group homes, and services to enable children to move into adult services or independent living.

The program will be planned with parental involvement and will follow the principles of the successful Child and Adolescent Service System Program in developing local care. All relevant service agencies, such as education, child welfare, and juvenile justice agencies, would be involved in the implementation of the program. Case management services must also be available to each child admitted to the system. Each child or adolescent will receive services according to an individualized plan, developed with the participation of the family and, as appropriate, the child or adolescent.

Additionally, the grants made available under this program will be used to assist the families of mentally ill children in establishing eligibility for financial assistance and other services under relevant Federal, State, or local programs. Fees for services will be assessed on a sliding scale based on family income, and children whose family income is equal to or less than 100 percent of the Federal poverty level will receive services at no cost.

The States will also make sure that services are provided in the cultural context most appropriate for the child, ensure that individuals providing services can communicate effectively—either directly or through interpreters—with the child and with the child's family, and seek to ensure that each child remains in the least restrictive, most normative environment that is clinically appropriate. States will provide outreach to inform eligible families of the services available within the system of care.

Funds for this program are authorized at $100 million for fiscal year 1992, and will increase in subsequent fiscal years.

I am pleased to welcome 14 of my colleagues as original sponsors of this bill. I look forward to working on this issue with Representative GEORGE MILLER, who has introduced a similar bill in the House.

No legislation can eliminate the daunting social and medical obstables that confront children with severe emotional disturbance. But the Children's and Communities' Mental Health Systems Improvement Act of 1991 will help ease the burden on these youngsters and their hard-pressed families. As a compassionate Nation, we can afford to do no less.

Mr. President, I ask unanimous consent that the text of the bill and a list of mental health advocacy groups supporting it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's and Communities' Mental Health Systems Improvement Act of 1991".

SEC. 2. PURPOSE.

It is the purpose of this Act to—

(1) provide funds to States for the development of systems of community care for children and adolescents with serious emotional disturbance that will provide such children and adolescents with access to a comprehensive range of services;

(2) ensure that such services are provided in a cooperative manner by all appropriate public and nonprofit private entities that provide human services in the community, including entities providing mental health services, education, special education, juvenile justice and child welfare services;

(3) ensure that each child or adolescent shall receive such services according to an individualized plan, developed with the participation of the family and, as appropriate, the child or adolescent; and

(4) provide funding for mental health services provided in the systems referred to in this section.

SEC. 3. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES WITH RESPECT TO COMPREHENSIVE MENTAL HEALTH SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE.

Part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 3—Comprehensive Mental Health Services for Children With Serious Emotional Disturbance

"SEC. 1928. CATEGORICAL GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Alcohol, Drug Abuse and Mental Health Administration, shall make grants to States for the purpose of providing comprehensive community mental health services to children with serious emotional disturbance. The Secretary may make such a grant to a State only if the State makes each of the agreements described in this subpart.

"(b) CONSIDERATIONS IN MAKING GRANTS.—

"(1) REQUIREMENT OF STATUS AS GRANTEE REGARDING BLOCK GRANTS UNDER SUBPART 1.—The Secretary may not make a grant under subsection (a) unless the State involved is receiving payments under subpart 1.

"(2) CERTAIN CONSIDERATIONS.—In making grants under subsection (a), the Secretary shall—

"(A) equitably allocate assistance made available under this subpart among the principal geographic regions of the United States;

"(B) equitably allocate such assistance between States that are predominantly urban and those which are nonurban; and

"(C) consider the extent to which the State involved has a need for the grant.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—To be eligible to receive a grant under this subpart the State involved shall, with respect to the costs to be incurred by the State in carrying out the purpose described in subsection (a), agree to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than—

"(A) 25 percent of such costs in the first year in which the State receives such a grant;

"(B) 30 of such costs in the second year in which the State receives such a grant;

"(C) 40 of such costs in the third year in which the State receives such a grant;

"(D) 55 of such costs in the fourth year in which the State receives such a grant; and

"(E) 70 of such costs in the fifth year in which the State receives such a grant.

"(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

"(A) IN GENERAL.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) PERIOD OF DETERMINATION.—In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose described in subsection (a) for the 2-year period preceding the first fiscal year for which the State receives a grant under such section.

"SEC. 1928A. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF GRANTS.

"(a) SYSTEMS OF COMPREHENSIVE CARE.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section a State shall, with respect to children with serious emotional disturbance, agree to carry out the purpose described in section 1928(a) only through establishing and operating one or more systems of care for making each of the mental health services specified in subsection (c) available to each child that is provided access to the system. In providing for such a system, the State may make grants to, and enter into contracts with, public and nonprofit private entities.

"(2) STRUCTURE OF SYSTEM.—To be eligible to receive a grant under this section a State shall, with respect to a system of care under paragraph (1), agree—

"(A) to establish such system in a community selected by the State;

"(B) that such system will be managed by such public and nonprofit private entities in the community as are necessary to ensure that each of the services specified in subsection (c) is available to each child that is provided access to the system;

"(C) that such system will be established pursuant to agreements entered into between such entities and the State;

"(D) to coordinate the provision of the services of the system; and

"(E) to establish a local office in each system whose functions are to serve as the location through which children are provided with access to the system, to coordinate the provision of services of the system, and to provide information to the public regarding the system.

"(3) COLLABORATION OF LOCAL PUBLIC ENTITIES.—To be eligible to receive a grant under this subpart a State shall, for purposes of the establishment and operation of a system of care under paragraph (1), agree to ensure collaboration among all appropriate public entities that provide human services in the community in which the system is established, including public entities providing mental health services, education, special education, juvenile justice and child welfare services.

"(b) LIMITATION ON AGE OF CHILDREN ELIGIBLE FOR SERVICES FROM THE SYSTEM.—To be eligible to receive a grant under this subpart, a State shall agree that a system of care established under subsection (a) will provide services only to individuals who are not more than 21 years of age.

"(c) REQUIRED MENTAL HEALTH SERVICES OF SYSTEM.—To be eligible to receive a grant under this subpart, a State shall agree that mental health services provided by a system of care under subsection (a) will include, with respect to serious emotional disturbance in a child—

"(1) diagnostic and evaluation services;

"(2) outpatient services provided in a clinic, office, school, home or other appropriate location, including individual, group and family counseling services, professional consultation, and review and management of medications;

"(3) emergency services, available 24-hours a day, 7 days a week;

"(4) intensive home-based services for children and their families when the child is at imminent risk of out-of-home placement;

"(5) intensive day-treatment services;

"(6) respite care;

"(7) therapeutic foster care services, and services in therapeutic foster family homes or individual therapeutic residential homes, and group homes caring for not more than 8 children; and

"(8) assisting the child in making the transition from the services received as a child to the services to be received as an adult.

"(d) REQUIRED ARRANGEMENTS REGARDING OTHER APPROPRIATE SERVICES.—

"(1) IN GENERAL.—To be eligible to receive a grant under this subpart a State shall agree that—

"(A) a system of care under subsection (a) will enter into a memorandum of understanding with each of the providers specified in paragraph (2) in order to facilitate the availability of the services of the provider involved to each child admitted to the system; and

"(B) the grant under section 1928(a), and the non-Federal contributions made with respect to the grant, will not be expended to pay the costs of providing such services to any individual.

"(2) SPECIFICATION OF SERVICES.—The providers referred to in paragraph (1) are providers of medical services other than mental health services, providers of education including special education, providers of vocational counseling and vocational rehabilitation services, and providers of protection and advocacy services with respect to mental health.

"(3) PROVISION OF SERVICES OF CERTAIN PROGRAMS.—To be eligible to receive a grant under this subpart a State shall agree that a system of care under subsection (a) will, for purposes of paragraph (1), enter into a memorandum of understanding regarding the provision of—

"(A) services available pursuant to title XIX of the Social Security Act, including services regarding early periodic screening, diagnosis, and treatment;

"(B) services available under parts B and H of the Individuals with Disabilities Education Act; and

"(C) services available under other appropriate programs, as identified by the Secretary.

"(e) GENERAL PROVISIONS REGARDING SERVICES OF SYSTEM.—

"(1) CASE MANAGEMENT SERVICES.—To be eligible to receive a grant under this subpart a State shall agree that a system of care under subsection (a) will provide for the case management of each child admitted to the system in order to ensure that—

"(A) the services provided through the system to the child are coordinated and that the need of each such child for the services is periodically reassessed;

"(B) information is provided to the family of the child on the extent of progress being made toward the objectives established for the child under the plan of services implemented for the child pursuant to section 1928B; and

"(C) the system provides assistance with respect to—

"(i) establishing the eligibility of the child, and the family of the child, for financial assistance and services under Federal, State, or local programs providing for health services, mental health services, education including special education, social services, or other services; and

"(ii) seeking to ensure that the child receives appropriate services available under such programs.

"(2) OTHER PROVISIONS.—To be eligible to receive a grant under this subpart a State shall agree that a system of care under subsection (a), in providing the services of the system, will—

"(A) provide the services of the system in the cultural context that is most appropriate for the child;

"(B) ensure that individuals providing services to the child can effectively communicate with the child and with the child's family, either directly or through interpreters;

"(C) provide the services without discriminating against the child or the family of the child on the basis of race, religion, national origin, sex, disability, or age;

"(D) seek to ensure that each child that is provided access to the system of care remains in the least restrictive, most normative environment that is clinically appropriate; and

"(E) provide outreach services to inform individuals, as appropriate, of the services available from the system, including identifying children with serious emotional disturbance who are in the early stages of such emotional disturbance.

"(f) Restrictions on Use of Grant.—To be eligible to receive a grant under this subpart a State shall agree that the grant under such subpart, and the non-Federal contributions made with respect to the grant, will not be expended—

"(1) to purchase or improve real property (including the construction or renovation of facilities);

"(2) to provide for room and board in residential programs serving 8 or fewer children;

"(3) to provide for room and board or any other services or expenditures associated with care of children in long-term residential treatment centers serving more than 8 children or in inpatient hospital settings; or

"(4) to provide for the training of any individual, except training authorized in section 1928C(b)(2).

"SEC. 1928B. DEVELOPMENT OF SERVICE PLANS.

"(a) In General.—To be eligible to receive a grant under this subpart a State shall agree that a system of care under section 1928A(a) will establish, for each child that is provided access to the system, a multidisciplinary team of appropriately qualified individuals who provide services through the system, including, as appropriate, mental health services, other health services, education, social services and vocational counseling and vocational rehabilitation. Such teams will ensure, for each child that is provided access to the system that—

"(1) an Individualized Services Plan is developed and implemented with the participation of the family of the child involved and, unless clinically inappropriate, with the participation of the child, that meets the requirements of subsection (b);

"(2) an Individualized Education Program, or an Individual Family Services Plan, is developed for the child pursuant to the requirements of the Individuals with Disabilities Education Act and the requirements of subsection (b); or

"(3) a combination of such plans are developed which, taken together, will meet the requirements of subsection (b).

"(b) Treatment of Children.—

"(1) Treatment of children for which a program is established.—For any child for whom the school system has developed an Individualized Education Program, the system of care under section 1928A(a) will specify the services which are to be available to the child in accordance with such Program and identify and state any additional needs of the child for services available pursuant to section 1928A through the system, provide for the provision of services to meet such additional needs of the child in accordance with the requirements of subsection (c), and describe how the system will coordinate these additional services with the services provided pursuant to the child's Individualized Education Program.

"(2) Treatment of children for which no program is established.—For any child for whom an Individualized Education Program has not been established, the system of care under section 1928A(a) will ensure that an appropriate assessment is made (or has been made within the past 6 months) of the child's need for special education and related services under the Individuals with Disabilities Education Act. If such assessment results in the child's not being eligible for special education and related services under the Individuals with Disabilities Education Act, the system shall specify and provide services to the child in accordance with subsection (c).

"(c) Contents of Plan.—To be eligible to receive a grant under this subpart a State shall agree that the individualized plan under subsection (a) for a child will—

"(1) identify and state the needs of the child for the services available pursuant to section 1928A through the system;

"(2) provide for each of such services that are appropriate to the circumstances of the child, including, except in the case of children who are less than 14 years of age, the provision of appropriate vocational counseling and transition services, as defined in section 602A(19) of the Individuals with Disabilities Education Act;

"(3) establish objectives to be achieved regarding the needs of the child and the methodology for achieving the objectives;

"(4) be reviewed and, as appropriate, revised not less than once each year by the multidisciplinary team pursuant to section 1928B(a); and

"(5) designate an individual to be responsible for providing case management required in section 1928A(e)(1), or certify that case management services will be provided to the child as part of the child's Individualized Education Program or Individual Family Services Plan.

"SEC. 1928C. ADDITIONAL PROVISIONS.

"(a) Establishment of System of Care During First Two Years of Grant.—To be eligible to receive a grant under this subpart a State shall agree that the State will establish not less than 1 system of care under section 1928A(a) during the first 2 fiscal years for which the State receives payments under the grant.

"(b) Optional Services.—In addition to services described in subsection (c) of section 1928A, a system of care under subsection (a) of such section may, in expending a grant under section 1928(a), provide for—

"(1) preliminary assessments to determine whether a child should be provided with access to the system, including, when requested by the family of the child, an independent assessment of the need of the child for special education and related services, as defined in the Individuals with Disabilities Education Act;

"(2) training in the provision of foster care or group home care, in the provision of intensive home-based services and intensive day treatment services under section 1928A(c)(7), and in the development of individualized plans for purposes of section 1928B;

"(3) recreational activities for children that are provided access to the system; and

"(4) such other services as may be appropriate in providing for the comprehensive needs with respect to mental health of children with serious emotional disturbances.

"(c) Representation on State Planning Council.—In the case of a State where the State mental health authority is responsible for administration of services to children and youth with emotional disturbance, such State, to be eligible to receive a grant under this subpart, shall agree that the mental health planning council established pursuant to section 1916(e) will include as members of the council a ratio of parents of children with serious emotional disturbances to other members of the council that is sufficient to provide adequate representation of such children in the deliberations of the council.

"(e) Limitation on Imposition of Fees for Services.—To be eligible to receive a grant under this subpart a State shall agree that, if a charge is imposed for the provision of services under a grant under such subpart, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the family of the child involved;

"(3) will not be imposed on any child whose family has income and resources of equal to or less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981; and

"(4) will not be imposed on any child with respect to services described in the Individualized Education Program for the child.

"(f) Relationship to Items and Services Under Other Programs.—To be eligible to receive a grant under this subpart a State shall agree that the grant, and the non-Federal contributions made with respect to the grant, will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(g) Limitation on Administrative Expenses.—To be eligible to receive a grant under this subpart a State shall agree that not more than 2 percent of the grant under such section will be expended for State administrative expenses with respect to the grant.

"(h) Reports to Secretary.—To be eligible to receive a grant under this subpart a State shall agree that the State involved will annually submit to the Secretary a report on the activities of the State under the grant that includes a description of the number of children that are provided access to systems of care operated pursuant to the grant, the demographic characteristics of the children, the types and costs of services provided pursuant to the grant, estimates of the unmet need for such services in the State (as demonstrated through supporting evidence and a description of how such evidence was obtained), and the manner in which the grant has been expended toward the establishment of a State-wide system of care for children with serious emotional disturbance, and such other information as the Secretary may require with respect to the grant.

"(i) Description of Intended Uses of Grant.—The Secretary may not make a grant under section 1928(a) unless—

"(1) the State involved submits to the Secretary a description of the purposes for which the State intends to expend the grant;

"(2) the description identifies the populations, areas, and localities in the State with a need for services under this section; and

"(3) the description provides information relating to the services and activities to be provided, including a description of the manner in which the services and activities will be coordinated with any similar services or activities of public or nonprofit entities.

"(j) Requirement of Application.—The Secretary may not make a grant under section 1928(a) unless an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in subsection (i), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"SEC. 1928D. GENERAL PROVISIONS.

"(a) DURATION OF SUPPORT REGARDING SYSTEMS OF CARE.—The period during which payments are made to a State from a grant under section 1928(a) may not exceed 5 fiscal years.

"(b) EXPANSION OF SYSTEMS OF CARE ACROSS THE STATE.—

"(1) IN GENERAL.—The Secretary may not make a grant under section 1928(a), for the third, fourth or fifth year to a State unless—

"(A) the State provides assurances satisfactory to the Secretary that it has a plan for achieving long-term financial support for systems of comprehensive care (as described in section 1928A(a) and funded through this Act); and

"(B) the State is making progress satisfactory to the Secretary to expand access to such systems in all areas of the State.

"(2) COMPLIANCE.—In making determinations on State compliance under this subsection, the Secretary shall assess the changes being planned and being made by the State in the organization, financing and delivery of children's services. Such assessment shall be based on a demonstration by the State that it is—

"(A) fully using existing resources;

"(B) taking actions to secure additional financing from mental health, child welfare, juvenile justice, State and Federal education programs, Medicaid, and other programs;

"(C) implementing effective case-management systems to assure that children and their families receive appropriate care; and

"(D) expanding such services in communities beyond the demonstration area.

The Secretary shall also take into account such factors as the development of multiagency and State-community partnership agreements, community-wide interagency agreements outlining respective roles and responsibilities of local mental health, child welfare, education, including special education, and juvenile justice agencies, changes in State statutes and related policy developments that will facilitate expansions of children's services.

"(c) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall, upon the request of a State receiving a grant under section 1928(a)—

"(A) provide technical assistance to the State regarding the process of submitting to the Secretary applications for grants under section 1928(a);

"(B) provide to the State, and to local systems of care established under section 1928A(a), training and technical assistance with respect to the planning, development, and operation of systems of care pursuant to section 1928A.

"(2) AUTHORITY FOR GRANTS AND CONTRACTS.—The Secretary may provide technical assistance under subsection (a) directly or through grants to, or contracts with, public and nonprofit private entities.

"(d) EVALUATIONS AND REPORTS BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to section 1928(a). The evaluations shall assess the effectiveness of the systems of care operated pursuant to such section, including longitudinal studies of outcomes of services provided by such systems, other studies regarding such outcomes, the effect of activities under this subpart on the utilization of hospital and other institutional settings, the barriers to and achievements resulting from interagency collaboration in providing community-based services to children with serious emotional disturbance, and assessments by parents of the effectiveness of the systems of care.

"(2) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated under subsection (f), and annually thereafter, prepare and submit to the appropriate committees of Congress a report summarizing evaluations carried out pursuant to paragraph (1) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this section as the Secretary determines to be appropriate.

"(e) DEFINITIONS.—For purposes of this subpart:

"(1) CHILD.—The term 'child' means an individual not more than 21 years of age.

"(2) FAMILY.—The term 'family', with respect to a child admitted to a system of care under section 1928A(a), means—

"(A) the legal guardian of the child; and

"(B) as appropriate regarding mental health services for the child, the parents of the child (biological or adoptive, as the case may be) and any foster parents of the child.

"(3) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' includes, with respect to a child, any child who has a serious emotional, serious behavioral, or serious mental disorder.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 1992, $200,000,000 for fiscal year 1993, and $300,000,000 for fiscal year 1994.

"(2) SET-ASIDE REGARDING TECHNICAL ASSISTANCE.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than $3,000,000 for the purpose of carrying out subsection (c).

"(3) LIMITATION ON INITIAL NUMBER OF GRANTS.—For fiscal year 1992, the Secretary may not make more than 10 grants under section 1928(a).

"SEC. 1928E. EFFECT ON OTHER LAWS.

"Nothing in this subpart shall be construed as limiting the rights of a child with a serious emotional disturbance under the Individuals with Disabilities Education Act.".

ORGANIZATIONS SUPPORTING THE CHILDREN'S AND COMMUNITIES' MENTAL HEALTH SYSTEMS IMPROVEMENT ACT OF 1991

Children's Defense Fund.

National Mental Health Association.

Family Service of America.

American Academy of Child & Adolescent Psychiatry.

American Psychiatric Association.

American Association of Children's Residential Centers.

American Psychological Association.

Mental Health Law Project.

American Association for Counseling & Development.

Federation of Families for Children's Mental Health.

Citizens Committee for Children of New York.

National Association for Family-Based Services.

National Association of School Psychologists.

National Association of State Mental Health Program Directors.

National Association of Protection & Advocacy Systems.

American Orthopsychiatric Association.

Council for Exceptional Children.

Council for Children with Behavioral Disorders.

National Association for Family-Based Services.

State Mental Health Representatives for Children and Youth.

National Council of Community Mental Health Centers.

Mr. AKAKA. Mr. President, I rise to add my voice in strong support of legislation introduced today by the senior Senator from Massachusetts [Mr. KENNEDY]. The Children's and Communities' Mental Health Systems Improvement Act of 1991, which I am cosponsoring, would provide grants to States for comprehensive community-based care for children with serious emotional disturbances.

There are an estimated 6 to 8 million American children and adolescents who urgently need mental health services. While most communities offer inpatient hospital care, less restrictive community care and early intervention are either unavailable or very scarce.

In my own State of Hawaii, an estimated 6,000 children and teenages suffer from severe of disabling mental illness. An additional 12,000 youngsters have significant emotional problems requiring counseling and another 17,000 are at high risk and require preventive services. Unfortunately, the vast majority of these children do not have access to community-based services. There is an acute shortage of day treatment therapeutic foster care and group homes, and home-based crisis services, all of which place these youngsters at great risk.

Hawaii also has the dubious distinction of being ranked last in the Nation for its services to the seriously mentally ill by Ralph Nader's Public Interest Research Group. The latest Nader report sharply criticized the inadequacy of the community mental health centers in the State. Clearly, the people of Hawaii would greatly benefit from the support envisioned by Senator KENNEDY's bill.

The legislation would provide for grants to States through the Alcohol, Drug Abuse, and Mental Health Administration. The funds would enable States to establish and operate one or more local, interagency systems of community care for children and adolescents with serious emotional, behavioral, or mental disorders. Fees for these services would be on a sliding scale based on family income. Children in families with incomes at or below the Federal poverty level would receive services at no cost.

A wide range of services are to be provided, including: diagnosis and evaluation, outpatient counseling and professional consultation, emergency services, home-based services, day treatment, respite care, therapeutic foster care, and help in making the transition to independent living or adult care.

The bill would also require case management of children referred to the system, individualized service plans, and a cooperative effort by education, child welfare, juvenile justice, and other related agencies involved in implementing this program.

Mr. President, the Children's and Communities' Mental Health Systems Improvement Act would ensure that a child admitted to such a comprehensive mental health system would enjoy the benefits of a multidisciplinary and individualized approach. In Hawaii, where 33,000 youngsters have already been identified as being at risk, this legislation comes none to soon.

I urge my colleagues to give their full support to the Children's and Communities' Mental Health Systems Improvement Act of 1991.

By Mr. GRAHAM (for himself and Mr. McCAIN):

S. 925. A bill to amend the Public Health Service Act to provide for the establishment of a State Health Service Corps demonstration project, and for other purposes; to the Committee on Labor and Human Resources.

STATE HEALTH SERVICE CORPS DEMONSTRATION ACT

• Mr. GRAHAM. Mr. President, I am pleased to introduce today an important initiative to improve provider retention and coordination in underserved areas. I had the pleasure last year of introducing similar legislation along with my colleague Senator McCAIN.

The bill would address health manpower needs through the recruitment of physician and nonphysician primary care providers from among those living in urban and rural underserved areas.

Under the bill, State Health Service Corps [SHSC] demonstrations will be developed in collaboration with State and/or federally funded AHEC's. AHEC's serve as bridges between medical schools and disadvantaged communities, recruiting and training primary care providers, and providing continuing education to existing providers. This year, the Area Health Education Center Program is scheduled for reauthorization.

Under the bill, AHEC's will recruit future providers from medically underserved areas, and, in conjunction with the National Health Service Corps [NHSC], which has helped finance the health profession education and training of over 13,000 Americans and some 742 Floridians, will train physicians at the graduate, medical school, and residency level and nonphysician providers at the undergraduate level. Upon completion of training, physicians and midlevel providers will work in areas comparable to those they grew up in, where they might also serve as AHEC faculty.

Physicians will be placed in familiar areas to combat a lack of physician retention after the original NHSC commitment is fulfilled. Poor physician retention has been attributed, in part, to the fact that urban recruits placed in rural areas do not tend to stay. The same is true of rural recruits in urban settings. It is my feeling that the State Health Service Corps will advance the goals of both the NHSC and AHEC programs.

In summary, by recruiting from health manpower shortage areas, training through medical schools, health sciences' universities, and allied health schools and AHEC's placing scholars in areas akin to where they grew up, and allowing State Health Service Corps recipients to serve as eventual faculty to future generations of health professionals training in rural and urban communities, a State Health Service Corps could improve long-term provider retention.

Mr. President, a major and established concern for rural areas is the availability of primary care physicians, on whom many residents depend for basic health care services. Although service contingent scholarship and loan repayment programs and increased use of midlevel practitioners are useful mechanisms for expanding the availability of primary care services, some of these programs suffer from limited provider retention. It is important to evaluate whether the current program is optimally effective in improving access to services in underserved areas.

In this regard, I hope this bill will enhance the existing NHSC and AHEC programs by assessing whether State-based recruitment, training, and placement improves the quality, quantity, and retention of rural physicians, nurses, and other allied health providers. It will allow States flexibility to administer and to establish State health service corps programs and to provide vital access to care in underserved rural areas.

Mr. President, I invite my colleagues to join Senator McCAIN and I in cosponsoring this important bill. I ask for unanimous consent that the full text of the bill be printed and included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Health Service Corps Demonstration Act".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to promote recruitment and training of physicians and other primary care providers from among the poor and from disadvantaged populations;

(2) to place physicians from health manpower shortage areas into similar areas in order to encourage retention of physicians in health manpower shortage areas; and

(3) to provide flexibility to States in filling positions in health manpower shortage areas.

SEC. 3. STATE HEALTH SERVICE CORPS DEMONSTRATION PROJECTS.

The Public Health Service Act is amended by inserting after section 338L (42 U.S.C. 254t) the following new sections:

"SEC. 338M. STATE HEALTH SERVICE CORPS DEMONSTRATION PROJECTS.

"(a) DEFINITIONS.—For purposes of this section:

"(1) AREA HEALTH EDUCATION CENTER.—The term 'area health education center' means—

"(A) a cooperative program of one or more medical schools (or the parent institutions of such schools) and one or more nonprofit private or public area health education centers; or

"(B) a regional or statewide network of the cooperative programs described in subparagraph (A).

"(2) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' has the meaning provided in section 332(a)(1).

"(3) MEDICAL SCHOOL.—The term 'medical school' means a school conferring the degree of Doctor of Medicine or Doctor of Osteopathy.

"(4) NONPHYSICIAN PROVIDER.—The term 'nonphysician provider' means an occupational therapist, physical therapist, nurse, nurse midwife, nurse practitioner, social worker, optometrist, pharmacist, and a physician assistant.

"(5) NURSE.—The term 'nurse' means a registered nurse, or an individual with a baccalaureate or master's degree in nursing.

"(6) PARENT INSTITUTION.—The term 'parent institution' means any health sciences university housing a medical school and one or more other health professions schools.

"(7) PHYSICIAN PROVIDER.—The term 'physician provider' means—

"(A) a physician specializing in general practice, family medicine, general internal medicine, pediatrics, obstetrics and gynecology, general surgery, psychiatry, preventive medicine and public health, or physiatry; or

"(B) a dentist.

"(8) PROJECT.—The term 'Project' means a State Health Service Corps Demonstration Project established under subsection (b).

"(9) SERVICE AREA.—The term 'service area' means an area designated in subsection (d)(2)(A).

"(b) GRANTS.—The Secretary shall establish a State Health Service Corps Demonstration Project under which the Secretary shall make grants to up to 10 States to pay for the Federal share of the costs of conducting Projects for the training and employment of eligible participants as physician and nonphysician providers serving health professional shortage areas.

"(c) STATE PARTICIPATION.—

"(1) REQUIREMENTS.—In order for a State to be eligible to receive a grant under this section, the State shall—

"(A) enter into an agreement with an area health education center to administer or to provide support services to the Project in accordance with subsection (d);

"(B) provide for evaluation of the Project in accordance with subsection (e);

"(C) establish a State Health Service Corps Scholarship Program in accordance with section 338N; and

"(D) meet such other requirements as the Secretary may establish for the proper and efficient implementation of the Project.

"(2) GRANT AWARDS.—In allocating grants under subsection (b), the Secretary shall give priority to States that have demonstrated a commitment to developing and funding area health education center programs.

"(3) APPLICATION.—To be eligible to receive a grant under this section, the State shall submit an application at such time, in such manner and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section. At a minimum, the application shall contain—

"(A) information specifying the actions the State will take against individuals, and the methods the State will use to recover all funds paid under section 338N(i) to individuals, who breach contracts described in section 338N(g); and

"(B) assurances that the State will reimburse the Secretary for all funds recovered from individuals who breach contracts described in section 338N(g).

"(4) DURATION.—A Project under this section shall be for a maximum duration of 8 years, plus up to 6 months for final evaluation and reporting.

"(5) ELIGIBILITY.—A State rural health office or other public health entity designated by the chief executive officer of the State shall be eligible to apply for a grant under this section.

"(d) STATE AGREEMENTS WITH AREA HEALTH EDUCATION CENTERS.—

"(1) IN GENERAL.—To be eligible for a grant under this section, a State shall enter into an agreement with an area health education center for the planning, development, and operation of a program to train and recruit eligible participants as physician and nonphysician providers.

"(2) REQUIREMENTS.—Under an agreement entered into under paragraph (1), an area health education center shall agree to—

"(A) designate a health professional shortage area or areas as the service area for the area health education center;

"(B) provide for or conduct training in health education services in the service area;

"(C) assess the health professional needs of the service area and assist in the planning and development of training programs to meet the needs;

"(D) provide for or conduct a rotating internship or residency training program in the service area;

"(E) provide opportunities for continuing education to physician and nonphysician providers practicing within the service area;

"(F) conduct interdisciplinary training and practice involving physician and nonphysician providers in the service area;

"(G) arrange and support educational opportunities for students studying to become physician or nonphysician providers at health facilities, ambulatory care centers, and health agencies throughout the service area;

"(H) provide for the active participation in the Project by individuals who are associated with the administration of the sponsoring health professions and each of the departments or specialties of physician or nonphysician providers (if any) which are offered under the Project; and

"(I) have an advisory board of which at least 75 percent of the members shall be individuals, including both health service providers and consumers, from the service area.

"(e) EVALUATION.—Not later than March 30, 1997, and March 30, 2001, each State receiving a grant under this section shall, through grants to or contracts with public and private entities, provide for an evaluation of Projects—

"(1) which were carried out pursuant to this section during any fiscal year preceding the fiscal year in which such date occurs;

"(2) for which no prior evaluation under this subsection was made; and

"(3) that shall include an evaluation of the effectiveness of the Projects in increasing the recruitment and retention of physician and nonphysician providers in health professional shortage areas.

"(f) FEDERAL SHARE.—The Federal share of the costs of any program established under this section with respect to any State shall be the percentage of such costs equal to the Federal medical assistance percentage applicable to such State under section 1905(b) of the Social Security Act. The State may include as a part or all of the non-Federal share of grants—

"(1) any State funds supporting area health education centers, and

"(2) the value of in-kind contributions made by the State, including tuition remission and other benefits for students participating in the State Health Service Corps Scholarship Program established under section 338N.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated for each of the 1993 through 2000 fiscal years to carry out the purposes of this section an amount equal to the product of—

"(A) $250,000, multiplied by

"(B) the number of States receiving grants under this section for such fiscal year.

Any amount appropriated under this section shall be available without fiscal year limitation.

"(2) COST RECOVERY.—No more than 10 percent of the funds spent under paragraph (1) may be used for purposes of recovering funds or taking other action against individuals who breach the provisions of a contract entered into under section 338N(g).

"SEC. 338N. STATE HEALTH SERVICE CORPS SCHOLARSHIP PROGRAMS.

"(a) DEFINITIONS.—For purposes of this section:

"(1) AREA HEALTH EDUCATION CENTER.—The term 'area health education center' means—

"(A) a cooperative program of one or more medical schools (or the parent institutions (as defined in section 338M(a)(6)) of such schools) and one or more nonprofit private or public area health education centers; or

"(B) a regional or statewide network of the cooperative programs described in subparagraph (A).

"(2) GRADUATE EDUCATION.—The term 'graduate education' means a course of study at a medical school or other health professions school leading to a degree in a field practiced by a physician or nonphysician provider.

"(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' has the meaning provided in section 332(a)(1).

"(4) MEDICAL SCHOOL.—The term 'medical school' means a school conferring the degree of Doctor of Medicine or Doctor of Osteopathy.

"(5) NONPHYSICIAN PROVIDER.—The term 'nonphysician provider' means an occupational therapist, physical therapist, nurse, nurse midwife, nurse practitioner, social worker, optometrist, pharmacist, and a physician assistant.

"(6) NURSE.—The term 'nurse' means a registered nurse, or an individual with a baccalaureate or master's degree in nursing.

"(7) PHYSICIAN PROVIDER.—The term 'physician provider' means—

"(A) a physician specializing in family medicine, general internal medicine, pediatrics, obstetrics and gynecology, general surgery, psychiatry, preventive medicine, or physiatry; or

"(B) a dentist.

"(8) PROGRAM.—The term 'Program' means a State Health Service Corps Scholarship Program established under subsection (b).

"(9) SERVICE AREA.—The term 'service area' means an area designated in section 338M(d)(2)(A).

"(10) STATE OFFICIAL.—The term 'State official' means an individual designated by the head of the agency designated in subsection (b)(2) to carry out the Program in the State.

"(11) UNDERGRADUATE EDUCATION.—The term 'undergraduate education' means a course of study at a health sciences university or a 4-year college that affords an appropriate basis for professional training or graduate education to become a physician or nonphysician provider.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Each State carrying out a State Health Services Corps Demonstration Project established under section 338M shall establish a State Health Service Corps Scholarship Program, in accordance with this section, to ensure an adequate supply of trained physician or nonphysician providers in health professional shortage areas in the State.

"(2) STATE AGENCY.—A State participating in the Program shall designate a State agency to administer or be responsible for the administration of the Program within the State.

"(c) ELIGIBILITY.—To be eligible to participate in the Program, an individual must—

"(1)(A) be accepted for enrollment, or be enrolled, as a full-time student in a health professions program at a medical school, in a health sciences university or a 4-year college; or

"(B) be accepted to participate in, or be participating in, a professional internship or residency as preparation to become a physician or nonphysician provider;

"(2) reside within a health professional shortage area;

"(3) submit an application to participate in the Program; and

"(4) sign and submit to the State, at the time of submission of the application, a written contract containing the information specified in subsection (g) to accept payment of a scholarship and, if appropriate, of loans, and to serve in the service area.

"(d) SELECTION.—Individuals described in subsection (c)(1)(B) shall comprise not more than 30 percent of all individuals selected to participate in the Program during fiscal year 1993.

"(e) INFORMATION ON SERVICE OBLIGATION.—In disseminating application forms and contract forms to individuals desiring to participate in the Program, the State official shall include with the forms—

"(1) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the State official, including in the summary a clear explanation of the remedies to which the State is entitled in the case of breach of the contract by the individual; and

"(2) such information as may be necessary for the individual to understand the prospective participation of the individual in the

Program and the service obligation of the individual.

"(f) APPLICATION FORMS.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Program. The State official shall make the application forms, contract forms, and other information available to individuals desiring to participate in the Program on a date sufficiently early to ensure that the individuals have adequate time to carefully review and evaluate the forms and information.

"(g) CONTRACT.—The written contract between the State official and an individual shall contain—

"(1) a statement that the State official agrees—

"(A) to provide the individual with a scholarship for a period of up to 8 years, during which period the individual is—

"(i) pursuing an undergraduate education described in subsection (a)(11);

"(ii) pursuing graduate education; or

"(iii) participating in an internship or residency program as preparation to become a physician or nonphysician provider; and

"(B) to place the individual into obligated service, taking into account the specialization of the individual and the needs of health professional shortage areas for service, in—

"(i) a rural health professional shortage area, if the individual resided in a rural health professional shortage area at the time of acceptance into the Program; or

"(ii) an urban health professional shortage area, if the individual resided in an urban health professional shortage area at the time of acceptance into the Program;

"(2) a statement that the individual agrees—

"(A) to accept provision of the scholarship, and if appropriate, loans, to the individual;

"(B) to maintain enrollment in a program of undergraduate or graduate education or participation in an internship or residency described in paragraph (1)(B)(ii) until the individual completes the program, internship, or residency;

"(C) while enrolled in a program of undergraduate or graduate education, to maintain an acceptable level of academic standing (as determined under regulations of the State by the educational institution offering the course of study); and

"(D) to serve in the service area or on the clinical staff of the area health education center or the medical school for a time period equal to the shorter of—

"(i)(I) 1 year for each year in which the individual received a scholarship under the Program; and

"(II) 1 month for each $1,000 in loans that the individual received under the Program; or

"(ii) 6 years;

"(3) a statement of the damages to which the State is entitled for breach of contract by the individual; and

"(4) other statements of the rights and liabilities of the State and of the individual, not inconsistent with this section.

"(h) ACCEPTANCE.—

"(1) APPROVAL.—An individual shall become a participant in the Program only on approval by the State official of the application submitted by the individual under subsection (c)(3) and acceptance of the contract submitted by the individual under subsection (c)(4).

"(2) NOTIFICATION.—The State official shall provide written notice to an individual of participation in the Program promptly on acceptance of the individual into the Program.

"(i) SCHOLARSHIP AND LOANS.—

"(1) PAYMENT.—In providing a loan to an individual under subsection (g)(1)(A) or a scholarship to an individual under subsection (g)(1)(B), the State official shall pay—

"(A) to an individual undertaking a program of undergraduate or graduate education, or on behalf of the individual in accordance with paragraph (2)—

"(i) the amount of the tuition of the individual in the school year;

"(ii) the amount of all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual in the school year; and

"(iii) a stipend; and

"(B) to an individual described in subsection (c)(1)(B)—

"(i) the amount of expenses for medical equipment necessary to the practice of a physician or nonphysician provider;

"(ii) the amount of expenses for travel to and from clinical sites; and

"(iii) a stipend.

"(2) PAYMENT TO AN EDUCATIONAL INSTITUTION.—The State official may contract with an educational institution, in which a participant in the Program is enrolled, for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in clauses (i) and (ii) of paragraph (1)(A).

"(j) REPORT.—The State official shall report to the Secretary on January 1 of each year—

"(1) the number, and type of health profession training, of students receiving scholarships under the Program in the preceding year;

"(2) the educational institutions at which the students are receiving their training;

"(3) the number of applications filed under this section in the school year in the preceding year and in prior school years; and

"(4) the amount of tuition paid in the aggregate and at each educational institution for the school year in the preceding year and in prior school years."•

• Mr. MCCAIN. Mr. President, it is with great pleasure that I join my distinguished colleague and friend from Florida, Senator BOB GRAHAM, in introducing the State Health Service Corps Demonstration Act. We offered similar legislation last year.

Senator GRAHAM and I have been working together for several years now on legislation related to the Area Health Education Center Program. In fact, this is the first of two AHEC-related bills we plan to offer this year, with the second one—a reauthorization bill for the entire program—to be introduced in a week or so. With respect to the bill we are introducing today. We believe that it may provide one effective model for helping to resolve the health care provider shortage in rural and other underserved areas.

As our colleagues know, the National Health Service Corps serves a very valuable function in the fabric of our Nation's health care delivery system. It is often the only outlet for an underserved area to receive a health care provider. While the program has not been without its problems, I believe its existence is both valuable and necessary.

Unfortunately, over the past several years, this program has been severely underfunded. In fact, some had actively worked for its demise. Fortunately, their efforts were not successful. And, with last year's adoption of the National Health Service Corps Reauthorization Act, not to mention the administration's push to increase resources for the National Health Service Corps, the program is well on its way to getting back on track.

I applaud the hard work that the members of the Labor and Human Resources Committee put in last year to fashion a reauthorization bill that will strengthen the program. And, I believe the bill we are introducing today works hand in hand with the effort to strengthen this important program.

The State Health Service Corps Demonstration Act will permit, on a limited demonstration basis, a handful of States to run their National Health Service Corps Program in conjunction with their Area Health Education Center Program. The latter program is a State-based program, working largely through medical schools, to expose future health professionals to needs in underserved areas by placing them in these underserved areas during their formal training. The AHEC Program has become an effective vehicle for recruiting, training, and placing providers. I am proud to say that Arizona has an AHEC Program that has just gone statewide. I believe this program holds great promise in helping to resolve the provider shortage in underserved areas by exposing future health care professionals to the needs in underserved areas. It, therefore, seems logical to me that the creation of a link between this program and the National Health Service Corps Program—a program which works to place health care professionals in underserved areas—only makes sense. That is exactly what the bill we are introducing today would do.

I encourage our colleagues to examine this bill, and consider joining us as a cosponsor of this important legislation. In addition, it is my hope that many of our colleagues will join us in support of the Area Health Education Center Reauthorization Act when we introduce it in the next week or so.•

By Mr. WIRTH (for himself and Mr. BROWN):

S. 926. A bill to transfer the responsibility for operation and maintenance of the Platoro Reservoir and Dam from the Federal Government to the Conejos Water Conservancy District in the State of Colorado; to the Committee on Energy and Natural Resources.

S. 927. A bill to provide for a transfer of lands between the U.S. Forest Service and Eagle and Pitkin Counties in Colorado; to the Committee on Energy and Natural Resources.

COLORADO WILDERNESS TRANSFER

Mr. WIRTH. Mr. President, today Senator BROWN and I are introducing two pieces of legislation that are very important to the public lands in the State of Colorado.

The first piece of legislation transfers responsibility for and maintenance of the Platoro Reservoir and Dam Management. Platoro Reservoir and Dam are in the Federal Government Conejos Water Conservancy District. This has also been worked out with all local authorities and with the Bureau of Reclamation and I think at the same time it should be passed very rapidly.

Mr. President, today with the support of Senator HANK BROWN, I am introducing legislation to transfer the responsibility for operation and maintenance of the Platoro Reservoir and Dam from the Federal Government to the Conejos Water Conservancy District. The Federal Bureau of Reclamation, tied by a number of legal and bureaucratic constraints, has not been able to manage the reservoir to provide water for farmers as it was supposed to. The Conejos Water Conservancy District believes that by using innovative water storage and conservation strategies, they can get the reservoir working as originally intended. This legislation will give them that chance.

To protect environmental values, this bill includes provisions providing for minimum instream flows below the dam and a permanent pool level. The bill also assures public access to the project lands for recreational use.

Senator BROWN and I believe this bill will lead to better management of the dam and water in the Conejos Water Conservancy District.

The second piece of legislation is related to the transfer of the Mount Sopris Tree Nursery in Pitkin County. The purpose of that is to transfer to the county the Mount Sopris Tree Nursery, which is currently owned by the U.S. Forest Service, in exchange for a variety of mining claims that are owned now by the county dispersed throughout Federal land.

This has been worked out very carefully by Eagle and Pitkin Counties and a whole variety of other public entities and is an extremely important transfer. It will be very good for the whole of the Roaring Fork Valley, and I hope we will be able to enact this very rapidly through the Energy and Natural Resources Committee.

I am pleased and delighted to have been able to work with the new Senator from the State of Colorado in a great sense of cooperation between the two of us on this as on so many issues. I am delighted the two of us are introducing these two pieces of legislation.

Mr. President, today my distinguished colleague Senator HANK BROWN and I are introducing legislation to direct a transfer of lands between the U.S. Forest Service and Eagle and Pitkin Counties in Colorado. In exchange for 1,344 acres of inholdings in the White River National Forest including lands in the Snowmass, Collegiate Peaks, Hunter-Fryingpay, and Holy Cross Wilderness Areas, Eagle and Pitkin Counties will acquire the site of the Mount Sopris Tree Nursery. The counties will use these lands for recreational facilities, a senior center, and other public uses, including providing public access to the Roaring Fork River, a blue-medal trout stream.

This land exchange makes sense. Eagle and Pitkin Counties' ability to effectively manage these scattered Forest Service inholdings is limited while the Mount Sopris Tree Nursery site is not adjacent to other Forest Service lands, is no longer used as a tree nursery, and has been identified by the Federal Government as a surplus property. This old tree nursery site is, however, ideally suited to provide public recreational facilities in an area where suitable sites for such facilities and services are nearly impossible to find.

Mr. President, this bill will consolidate the public's land, allowing the Forest Service to better manage lands which naturally fall under their purview. It will also allow Eagle and Pitkin Counties to offer much needed and affordable recreational facilities and services. Moreover, the exchange effected by this bill would be an equal-value trade, with the Federal Government and the counties exchanging an equal value of lands.

This exchange is what Eagle County wants, its what Pitkin County wants, and its what Senator BROWN and I want. I look forward to working with my colleague, Senator BROWN, and the Committee on Energy and Natural Resources to enact this bill in as timely a manner as possible and I ask unanimous consent that the text of two bills to be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND DECLARATIONS.

The Congress finds that and declares the following:

(1) Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project was built in 1951 and for all practical purposes has not been usable because of the constraints imposed by the Rio Grande Compact of 1939 on the use of the Rio Grande River among the States of Colorado, New Mexico, and Texas.

(2) The usefulness of Platoro Reservoir under future compact compliance depends upon the careful conservation and wise management of water and requires the operation of the reservoir project in conjunction with privately owned water rights of the local water users.

(3) It is in the best interest of the people of the United States to:

(A) transfer operation, maintenance and replacement responsibility for the Platoro Dam and Reservoir to the Conejos Water Conservancy District of the State of Colorado, which is the local water user district with repayment responsibility to the United States, and the local representative of the water users with privately owned water rights;

(B) relieve the people of the United States from further risk or obligation in connection with the collection of construction charge repayments and annual operation and maintenance payments for the Platoro Dam and Reservoir by providing for payment of a one-time fee to the United States in lieu of the scheduled annual payments and termination of any further repayment obligation to the United States and the District (Contract No. Ilr–1529, as amended); and

(D) determine such one-time fee, taking into account the assumption by the District of all of the operations and maintenance costs associated with the reservoir, including the existing Federal obligation for the operation and maintaining a minimum stream flow as provides in section 2(d) of this Act.

SEC. 2. TRANSFER OF OPERATION AND MAINTENANCE RESPONSIBILITY OF PLATORO RESERVOIR.

(a) IN GENERAL.—The Secretary is authorized and directed to undertake the following:

(1) Accept a one-time payment of $450,000 from the district in lieu of the repayment obligation of paragraphs 8(d) and 11 of the Repayment Contract between the United States and the District (No. Ilr–1529) as amended.

(2) enter into an agreement for the transfer of all of the operation and maintenance functions of the Platoro Dam and Reservoir, including the operation and maintenance of the reservoir for flood control purposes, to the District. The agreement shall provide—

(A) that the District will have the exclusive responsibility for operations and the sole obligation for all of the maintenance of the reservoir in a satisfactory condition for the life of the reservoir subject to review of such maintenance by the Secretary to ensure compliance with reasonable operation, maintenance and dam safety requirements as they apply to Platoro Dam and Reservoir under Federal and State law; and

(B) that the District shall have the exclusive use of all associated facilities, including outlet works, remote control equipment, spillway, and land and buildings in the Platoro townsite.

(b) TITLE.—Title to the Platoro Dam and Reservoir and all associated facilities shall remain with the United States, and authority to make recreational use of Platoro Dam and Reservoir shall be under the control and supervision of the United States Forest Service, Department of Agriculture.

(c) AMENDMENTS TO CONTRACT.—The Secretary is authorized to enter into such other amendments to such contract No. Ilr–1529, as amended, necessary to facilitate the intended operations of the project by the District. All applicable provisions of the Federal reclamation laws shall remain in effect with respect to such contract.

(d) CONDITIONS IMPOSED UPON THE DISTRICT.—The transfer of operation and maintenance responsibility under subsection (a) shall be subject to the following conditions:

(1)(A) the district will, after consultation with the United States Forest Service, Department of Agriculture, operate the Platoro Dam and Reservoir in such a way as to provide—

(i) that release of bypass from the reservoir flush out the channel of the Conejos River periodically in the spring or early summer to maintain the hydrologic regime of the river; and

(ii) that any release from the reservoir contribute to even flows in the river as far as possible from October 1 to December 1 so as to be sensitive to the brown trout spawn.

(B) Operation of the Platoro Dam and Reservoir by the District for water supply uses (including storage and exchange of water rights owned by the District or its constituents), interstate compact and flood control purposes shall be senior and paramount to the channel flushing and fishery objectives referred to in subparagraph (A).

(2) The District will provide and maintain a permanent pool in the Platoro Reservoir for fish, wildlife, and recreation purposes, in the amount of 3,000 acre-feet, including the initial filling of the pool and periodic replenishment of seepage and evaporation loss, provided, however, if necessary to maintain the winter instream flow provided in subparagraph (3), the permanent pool may be allowed to be reduced to 2,400 acre-feet.

(3) In order to preserve fish and wildlife habitat below Platoro Reservoir, the District shall maintain releases of water from Platoro Reservoir of 7 cubic feet per second during the months of October through April and shall bypass 40 cubic feet per second or natural inflow, whichever is less, during the months of May through September.

(4) The United States Forest Service, Department of Agriculture, is directed to regularly monitor operation of Platoro Reservoir, including releases from it for instream flow purposes, and to enforce the provisions of this subsection (d).

(e) FLOOD CONTROL MANAGEMENT.—The Secretary of the Army, acting through the Chief of Engineers, shall retain exclusive authority over Platoro Dam and Reservoir for flood control purposes and shall direct the District in the operation of the dam for such purposes. To the extent possible, management by the Secretary of the Army under this subsection shall be consistant with the water supply use of the reservoir, with the administration of the Rio Grande compact of 1939 by the Colorado State Engineer and with the provisions of subsection (d) hereof. The Secretary of the Army shall enter into a Letter of Understanding with the District and the United States Bureau of Reclamation prior to transfer of operations which details the responsibility of each party and specifies the flood control criteria for the reservoir.

(f) COMPLIANCE WITH COMPACT AND OTHER LAWS.—The transfer under section 2 shall be subject to the District's compliance with the Rio Grande Compact of 1939 and all other applicable laws and regulations, whether of the State of Colorado or of the United States.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term 'District' means the Conejos Water Conservancy District of the State of Colorado;

(2) the term 'Federal reclamation laws' means the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof;

(3) the term 'Platoro Reservoir' means the Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project; and

(4) the term 'Secretary' means the Secretary of the Interior.

S. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES

(a) The Congress finds and declares that—

(1) certain lands currently administered by the White River National Forest, Colorado, which comprise approximately two hundred and seventeen acres and are commonly known as the Mt. Sopris Tree Nursery have been tentatively identified as surplus property suitable for sale by the United States;

(2) such lands lie in Eagle County and in close proximity to Pitkin County in an area of Colorado that is experiencing rapid population growth and escalating real estate prices which are adversely affecting, the availability of lands for the development by the Counties of affordable public recreational and administrative facilities;

(3) the Mt. Sopris Tree Nursery property is ideally located to serve Forest Service administrative needs and to meet the needs of Pitkin and Eagle Counties to provide affordable public recreational facilities and other public services in an area of the Counties where such facilities and services are currently lacking or in very short supply;

(4) Pitkin and Eagle Counties are offering to convey to the United States approximately one thousand three hundred and seven acres for patented mining claim properties owned by the Counties within or adjacent to the White River National Forest, including approximately six hundred sixty-nine acres of inholdings within the Holy Cross, Hunter Fryingpan, Collegiate Peaks and Maroon Bells Snowmass Wilderness Areas;

(5) the patented mining claim properties being offered to the United States by the Counties are valuable National Forest inholdings, which if acquired by the United States, will facilitate national forest administration, further the purposes of the Natonal Wilderness Preservation System, and protect other lands within the National Forest system with important wildlife, scenic, watershed and recreational values.

(b) It is the purpose of this Act to authorize and direct—

(1) that the Secretary of Agriculture retain approximately eighty-acres of the Mt. Sopris Tree Nursery property (and buildings located thereon) to meet future administrative needs of the White River National Forest;

(2) that the Secretary of Agriculture convey to Pitkin and Eagle Counties, Colorado, the balance of the Mt. Sopris Tree Nursery property (and buildings located thereon) comprising approximately one hundred and thirty-two acres for retention and use by the counties for the development of public recreational facilities, open space, and such other public purposes as the counties determine appropriate; and

(3) that in return for making a conveyance of valuable lands to the Counties, the Secretary of Agriculture shall acquire inholdings within the White River National Forest, including inholdings within four designated Wilderness Areas, which the Congress believes possess public values equal or greater to the public values of the lands being conveyed to the Counties.

SEC. 2. RESERVATION TO SECRETARY OF AGRICULTURE

Upon enactment of this Act there are hereby reserved to the Secretary of Agriculture as part of the White River National Forest for such period as the Secretary of Agriculture determines appropriate approximately eighty-five acres of land, and generally depicted as Tracts B (approximately 29 acres) and C (approximately 56 acres) on a map entitled "Mt. Sopris Tree Nursery", dated October 5, 1990. Such lands may be utilized for National Forest administrative purposes, open space, the protection of riparian lands, wildlife habitat and public access along the Roaring Fork River, recreational or other purposes as the Secretary of Agriculture deems appropriate. In the event the Secretary ever determines that such lands are no longer necessary or desirable for retention in National Forest ownership he may dispose of such lands under authorities applicable to the National Forest System: *Provided, however,* That prior to any such disposal of lands in Tract (B) the Secretary shall first offer to sell or exchange such lands to the Counties at fair market value.

SEC. 3. CONVEYANCE TO PITKIN AND EAGLE COUNTIES

(a) Within six months of the date of enactment of this Act, the Secretary of Agriculture is directed to convey jointly to Pitkin and Eagle Counties, Colorado, without monetary compensation, all right, title and interest of the United States in approximately one hundred and thirty-two acres of land, and generally depicted as Tract A on a map entitled "Mt. Sopris Tree Nursery", dated October 5, 1990. It is the intention of Congress that such lands shall be retained and used by the Counties for public recreation and recreational facilities, open space, fairgrounds, and such other public purposes as the Counties determine appropriate. In the event the Counties ever sell, exchange or otherwise dispose of all or a portion of the lands acquired pursuant to this section or lease them for purposes inconsistent with the intentions of this Act, all proceeds of such sale, exchange, disposal or lease shall accrue to the United States and shall be considered money received and deposited pursuant to the Act of December 4, 1967 as amended (and commonly know as the Sisk Act), or the Secretary of Agriculture may elect to reacquire, without compensation to the Counties, any or all portions of such lands as he determines appropriate prior to their sale, exchange, disposal or lease.

SEC. 4. COUNTIES' CONVEYANCE TO UNITED STATES

(a) In consideration of the valuable lands to be conveyed to Pitkin and Eagle Counties, Colorado, pursuant to section 3 of this Act, upon receipt of title to the lands specified in section 3, the Counties shall immediately convey by quitclaim deed to the Secretary of Agriculture and the Secretary shall accept all right, title and interest of the Counties in approximately:

(1) one thousand two hundred and fifty-eight acres of lands owned by Pitkin County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as Parcels 1–53 on maps entitled "Pitkin County Lands to Forest Service", numbered 1–11 and dated April 1990, except for Parcels 20 (Twilight), 21 (Little Alma), the Highland Chief and Alaska portions of Parcel 25 depicted on Map 7, and Parcel 52 (Iron King) on Map 11, which shall remain in their current ownership; and

(2) forty-nine acres of lands owned by Eagle County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as Parcels 54–58 on maps entitled "Eagle County lands to Forest Service", numbered 12–14, and dated April 1990, except for Parcel 56 (Manitou on Map 14 which is already in National Forest ownership.

(b) Upon their acquisition by the Secretary of Agriculture, such lands shall become a part of the White River National Forest (or in the case of portions of Parcels 39, 40 and 41 depicted on Map 9, and a portion of Parcel

54 on Map 12, part of the Gunnison and Arapaho National Forests, respectively) for administration and management in accordance with the laws, rules and regulations generally applicable to lands acquired for incorporation in the National Forest System. Lands acquired within the boundaries of the Holy Cross, Hunter Fryingpan, Collegiate Peaks and Maroon Bells-Snowmass Wilderness Areas shall also henceforth be incorporated in and deemed to be a part of their respective wilderness areas and shall be administered in accordance with the provisions of the Wilderness Act governing areas designated as wilderness.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) As all lands to be conveyed pursuant to this Act will henceforth be retained and utilized for public purposes by either Pitkin or Eagle Counties or the Secretary of Agriculture, and as the Secretary will retain an interest in the lands to be conveyed pursuant to Section 3 of this Act should they ever be used by the Counties for purposes not intended by this Act, and as preliminary appraisals of the lands identified in Sections 3 and 4 indicate that the values of the lands being offered by Pitkin or Eagle Counties are approximately equal to the values of the portion of the Mt. Sopris Tree Nursery to be conveyed out of Federal ownership, the exchange and transfer of properties authorized and directed by this Act may be consummated without additional appraisals of the lands involved or the cash equalization payments normally required for exchanges of lands pursuant to Section 206 of the Federal Land Policy and Management Act of 1976, as amended (43 USC 1716).

(b) Lands acquired by the Secretary of Agriculture pursuant to Section 4 of this Act shall become part of the National Forest System and all right, title and interest in such lands shall immediately vest in the United States upon the issuance of a deed to the United States by Pitkin or Eagle Counties. Any person or party who may thereafter question the right, title or interest of the United States to such lands is entitled within eighteen months of the date of enactment of this Act as an exclusive remedy to name the United States as a defendant in a civil action to adjudicate a disputed right, title or interest. Any such civil action shall be brought in the United States District Court for the District of Colorado and the complaint shall set forth with particularity the nature of the right, title or interest which the plaintiff claims against the United States, and clearly specify the precise circumstances, laws, actions and chain of title under which such alleged right, title or interest was acquired by the plaintiff or plaintiffs. The plaintiff in any such action shall have the burden of proof in establishing the validity of any such claim against the United States: Provided further, That:

(1) in order to save legal costs to the United States, if more than one action is brought against the United States pursuant to this section by a plaintiff or plaintiffs involving a common question of law or fact, the District Court shall, to the extent fair and practicable, consolidate similar claims for adjudication in a single proceeding or a limited number of proceedings;

(2) where claims involving a common question of law or fact are brought by a plaintiff or plaintiffs holding alleged rights, titles or interests issued by a common corporation, corporations, individual or individuals, the Court shall, to the maximum extent fair and practicable, order the consolidation of such claims into a single proceeding or limited number of proceedings; and

(3) during the pendency of any proceeding pursuant to this Act, appeals of any judgment or judgments therefrom, and for sixty days thereafter, the United States shall not be disturbed in possession or control of any lands involved and no surface or subsurface disturbances to such lands shall be permitted. In the event of a final determination adverse to the United States, the United States nevertheless may retain such possession or control of such lands or any portion thereof as it may elect, upon payment to the person or persons entitled thereto of an amount which upon such election the District Court in the same action shall determine to be just compensation for such possession or control. In the event of a final determination adverse to the United States, the United States shall be entitled to receive from Eagle and Pitkin Counties reimbursement in land equal to the value (as determined by the preliminary appraisal used for purposes of this Act) of the parcel or parcels of land (or portions thereof or interests therein) subject to the adverse determination. Such land shall either be adjacent to Tracts B or C as identified in section 2 of this Act or at such other location in the Counties as is mutually agreeable to the Secretary and the Counties. In lieu of land the Counties may elect to reimburse the United States with money which shall be considered money received and deposited pursuant to the Act of December 4, 1967, as amended (and commonly known as the Sisk Act). Upon their acquisition, the Secretary shall cause to be published in a newspaper or newspapers of general circulation in Pitkin and Eagle Counties, Colorado, a listing of all properties acquired pursuant to this Act together with a description of the legal remedy and deadline provided herein to adjudicate any disputed right, title or interest.

(c) It is the intention of Congress that the transfer of lands authorized and directed by this Act shall be completed no later than one year after the date of enactment of this Act. The Secretary and the Counties may mutually agree to make modifications in the final boundary between Tracts A and B prior to completion of the exchange if such modifications are determined to better serve mutual objectives than the precise boundaries set forth and the maps referenced in Section 2 and 3 of this Act. The transfer of Tract A to the Counties shall be subject to the existing highway easement to the State of Colorado.

(d) If any provision of this Act or the application thereof is held invalid, the remainder of the Act and application thereof, except for the precise provision held invalid, shall not be affected thereby.

(e) The White River National Forest Headquarters and administrative offices in Glenwood Springs, Colorado are hereby transferred from the jurisdiction of the United States General Services Administration to the jurisdiction of the Secretary of Agriculture for use for National Forest purposes.

(f) Lands acquired by the United States pursuant to this Act which are located outside of the boundaries of the National Wilderness Preservation System may be disposed of by the Secretary of Agriculture pursuant to applicable land exchange authorities if the Secretary determines their disposal by exchange will benefit and serve the public interest.

Mr. BROWN. Mr. President, I would like to add my remarks along with Senator WIRTH in commendation of these two measures that we are jointly introducing.

It seems to me that the land swap that is proposed between the Federal Government and the counties in Colorado is an example of the good neighbor policy at its best. It suggests that the United States is going to cooperate with local counties in dealing with their problems, in being a good neighbor, in being willing to adjust its land holdings with the counties and in a pattern that will not only improve and enhance the quality of wilderness experience in Colorado but straighten out land titles and deeds.

This effort, along with our efforts regarding the dam in Colorado, I think will go a long way toward streamlining operations in the State but I think speaks even more loudly that both Democrats and Republicans can cooperate for the public good of the State and that we can as a Federal Government be a good neighbor in dealing with our States and counties.

Mr. President, I am pleased to introduce today along with Senator WIRTH legislation to transfer the responsibility for operation and maintenance of the Platoro Reservoir and Dam for the Federal government to the Conejos Water Conservancy District.

The reservoir was built in 1951 by BLM as part of the San Luis Valley irrigation project. However, due to the interstate Rio Grande compact, the reservoir has not been used for its intended purpose of agricultural irrigation.

This bill will allow the Conejos Water Conservancy District to take over a Federal irrigation project and ensure it provides the agricultural irrigation the area needs.

The Conservancy District would make efficiency improvements and other changes in traditional water use and management practices which will assist in fulfilling the reservoir's original purpose.

Mr. President, I am pleased to introduce with Senator WIRTH today legislation to allow the people of Eagle and Pitkin Counties, CO, to swap land with the U.S. Forest Service to use for a senior center and recreational activities.

The Forest Service has declared 217 acres—Mount Sopris Tree Nursery—located in Eagle County as surplus property. Pitkin and Eagle Counties have offered to convey to the United States, in exchange for the Mount Sopris Tree Nursery, 1,307 acres of patented mining claim properties owned by the counties within or adjacent to the White River National Forest. This includes 669 acres of inholdings within the Holy Cross, Hunter Fryingpan, Collegiate Peaks, and Maroon Bells Snowmass Wilderness Areas.

I was pleased to be a cosponsor of similar legislation in the House in the last Congress.

This is a land swap where everyone wins. The people of Eagle and Pitkin Counties will acquire the site of the Mount Sopris Tree Nursery which they plan to use for a senior center and various recreational facilities.

The land swap will give the Federal Government additional wilderness to manage and preserve.

This is another example of cooperation which works between Federal and local governments.

By Mr. BINGAMAN:

S. 928. A bill to provide supplemental grants through the State Energy Conservation Program of the Department of Energy to undertake energy education projects; to the Committee on Energy and Natural Resources.

ENERGY EDUCATION ACT

• Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to promote greater understanding of energy and energy policy issues through the awarding of energy education grants.

Mr. President, the public's lack of awareness and understanding of energy policy issues—from domestic and global energy production and consumption to the potential economic and environmental impacts of various energy policy options—makes forging a responsible national energy policy a near impossibility.

Consider the following: Even with the attention which has been focused on energy questions during the gulf crisis, the majority of Americans do not understand that we import nearly 50 percent of our oil and that in the future, even under the best of circumstances, we will continue to import a very large fraction of our oil. They do not understand that low world oil prices make the development of domestic reserves uneconomical and therefore impossible. They do not understand that even if all the known domestic reserves including secondary and tertiary wells were developed that they could not meet the current demand. They believe that renewable energy resources will be a panacea; they do not understand that even if renewable energy resources could be made commercially competitive, they could not meet our energy needs.

We are at a point where this Nation has to make a realistic assessment of our energy situation and make some hard decisions about what is to be done. We cannot make responsible choices if we do not understand what those choices and their consequences are. It is in the interest of all in this country to have an informed public. It is also in the interest of all sectors of our society to participate in making that happen.

It is important to recognize that there are a number of efforts already underway. Many organizations—whether Federal, State, or local energy offices, private companies, utilities, nonprofit organizations—have developed a wealth of energy-related materials. As is so often the case, the dissemination of information is inadequate.

The goal of the energy education grants is to stimulate the development of innovative ways to employ existing materials to meet the needs of both the general public and our primary and secondary schools. While projects aimed at reaching the general public could encompass any of a number of activities, our students will be best served if their teachers understand and know how to present energy-related materials. Therefore, teacher training is the focus for projects involving the formal educational system.

The grants would be administered through the existing State energy conservation program. This does not mean that projects are limited to dealing with conservation; to the contrary, the projects are intended to be as broad as possible in scope.

The grants would be awarded on a competitive basis and limited in number. It is important that projects represent cooperative efforts among organizations from various sectors Criteria for awards would include innovation, potential for significant impacts, and significant cost-sharing by the participating institutions.

Mr. President, the efforts which result from the energy education grants will represent only a small part of what should be done, but I believe it is an important step. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Education Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Energy policy issues, including domestic and global energy production and consumption and potential economic and environmental impacts of energy policy choices, are not well understood by the general public. The lack of appreciation for and understanding of these issues makes it impossible for the public to evaluate energy policy options.

(2) Most existing State and local energy education efforts are directed at promoting greater energy efficiency and conservation. While these programs have had some measure of success and are essential components of an overall energy awareness effort, they are not adequate.

(3) A comprehensive energy education effort must have dual objectives. It must address the needs of both the general public and those within the formal educational system.

(4) A wealth of energy related educational material, both for formal and informal educational purposes, currently exists and is not being employed as effectively as it should be.

(5) Many primary and secondary school educators are not adequately trained to make use of available materials for the purpose of energy education.

(6) A public that is adequately educated with respect to energy issues is in the best interest of the United States.

(7) Comprehensive educational efforts must involve cooperation between both the private and public sectors.

(b) PURPOSE.—It is the purpose of this Act to provide supplemental grants through the State Energy Conservation Program for innovative energy related education projects aimed at either—

(1) improving the general public's understanding of energy issues; or

(2) training educators to teach energy related material.

SEC. 3. ENERGY EDUCATION GRANTS.

Section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323) is amended by adding at the end the following new subsection:

"(f) ENERGY EDUCATION GRANTS.—

"(1) IN GENERAL.—The Secretary shall provide competitive grants to supplement State program activities conducted pursuant to section 362(d)(4) by supporting State projects designed—

(A) to increase public awareness and understanding of energy issues; or

(B) to train educators to use existing energy related information for teaching purposes.

"(2) FEDERAL CONTRIBUTION.—The Federal contribution toward such projects may not exceed 75 percent of the total cost.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".•

By Mr. WALLOP (for himself, Mr. JOHNSTON, Mr. BUMPERS, Mr. DOMENICI, Mr. MURKOWSKI, Mr. NICKLES, Mr. BURNS, Mr. CRAIG, Mr. SEYMOUR, Mr. GARN, Mr. BINGAMAN, Mr. FORD, and Mr. AKAKA):

S. 929. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to undertake interpretive and other programs on public lands and lands withdrawn from the public domain under their jurisdiction, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL HEROES WELCOME CELEBRATION

Mr. WALLOP. Mr. President, I am pleased to introduce today legislation which will authorize and encourage the Secretary of the Interior and the Secretary of Agriculture to celebrate the victory and safe return of our service men and women from Operation Desert Storm, in all the areas under their respective jurisdictions, during the upcoming weekend starting June 7, 1991, and ending June 9, 1991.

The Desert Storm Homecoming Foundation, responding to the President's call for a day-long tribute, and in conjunction with the National Park Service, plans a gala celebration in the Nation's capital. In that spirit, to extend the opportunities for expressions of support and recognition which our military forces so richly deserve, and our citizens so strongly wish to demonstrate, all across the country, this legislation would designate the period from June 7, 1991, through June 9, 1991, as the authorized time for special recognition of our military forces on all lands managed by and under the jurisdiction of the Department of the Interior and the Department of Agriculture.

This legislation would further authorize temporary suspension, from June 7 through June 9, of certain regulations promulgated under the authority of the individual secretaries, which may prohibit, restrict or require special permits for public gatherings or other demonstrations of support and recognition, at the Secretary's discretion. It would further authorize and encourage the Directors of the individual bureaus to actively support this endeavor.

Regulations which may be temporarily suspended, at the discretion of the individual secretaries, may include but are not limited to; waiver of entrance and use fees, elimination of permit requirements for public assemblies, and the lifting of prohibitions on memorialization, so long as such memorials are temporary in nature. The authority granted may be further delegated to individual unit managers within the bureaus.

Appropriate recognition of the outstanding contributions made by our service men and women is important, not only to them but to the national psyche. A celebration that stretches from coast to coast, which recognizes the sacrifices made by our military personnel and their families, which allows our citizens an opportunity to demonstrate their feelings, and which recognizes a truly remarkable victory, is necessary, appropriate, and in the national interest.

I believe expedited enactment of this legislation is a worthy tribute to our gallant military personnel and their families.

By Mr. PELL:

S. 930. A bill to amend the Higher Education Act of 1965 to provide financial assistance for middle-income students; to the Committee on Labor and Human Resources.

MIDDLE INCOME STUDENT ASSISTANCE ACT

• Mr. PELL. Mr. President, today I am reintroducing the Middle Income Student Assistance Act, legislation that I introduced during the last session and legislation that I believe merits serious consideration during reauthorization of the Higher Education Act.

Unfortunately, the soaring cost of a college education has become an everyday fact. Everyone talks about it, everyone laments it, and no one seems to be able to do anything about it. My hope is that during the reauthorization work we have already begun, we can translate our concern into action.

Over the past decade college costs have risen 135 percent, but personal income has risen only 67 percent. Because of this, a college education is being priced beyond the reach not only of the poor but also of hard-pressed middle-income families. These families often find themselves ineligible to participate in the Pell Grant Program, ineligible to participate in the Stafford Student Loan Program, and left with no possibility of Federal student aid to help them.

The legislation I am submitting today would help relieve the present situation. First, under the provisions of this bill, a family of four with an annual income of $40,000, one child in college, and no unusual expenses would be eligible to receive a Pell grant of $250 a year.

Second, we would amend current law to remove from the determination of student aid eligibility the consideration of home equity for any family that earns less than $40,000 a year. This is a particularly important provision for areas of our country where home values have far outpaced increases in personal income.

In Rhode Island, we face a situation where home values have risen to the extent that their value, and not a family's income, often eliminates the family from Pell grant eligibility and, in many cases, also from student loan eligibility.

That same family, however, often finds itself unable to borrow against the value of the home simply because their annual income is too low to repay the loan and also meet the costs of living. The other alternative, to sell the home, is out of the question simply because the cost of replacement is not within the family's reach.

Third, we would reduce from 70 percent to 50 percent the amount a student would have to save toward his or her education. The children of families of moderate means are already faced with having to work in order to meet the costs of a college education. Current Federal law, however, stipulates that 70 percent of what they earn be counted against their eligibility for student aid. In other words, those who work the hardest and the longest are penalized the most.

In 1978 we enacted a Middle Income Student Assistance Act. That legislation addressed a problem 13 years ago that is similar to the one which we confront today. In fact, perhaps the only real difference is that the problem has grown worse in the intervening period.

The law we enacted in 1978 brought the Pell grant within the reach of middle-income families. Unfortunately, that very positive step has been all but obliterated over the past decade. To avoid deep cuts in Federal student aid programs, we have had to target Pell grants and Stafford loans to the most needy. Today, more than 75 percent of all Pell grant recipients come from families with incomes of less than $15,000 a year.

It is not at all inaccurate to say that middle-income families have borne the brunt of protecting student aid programs from dramatic cutbacks. Programs were saved by focusing them on the poor. Middle-income families, however, found themselves cut out of Federal student aid programs at precisely the time they needed that aid the most.

Middle-income families today find themselves in an extremely difficult situation. They are considered to have too much money to qualify for Federal student aid, but they also find themselves increasingly unable to pay for a college education for their children. This situation should not continue.

The bill I am introducing today is only one approach to meeting the needs of middle-income families. As we proceed with our deliberations on the Higher Education Act, we must look at other approaches and other programs as well.

For instance, we should return the Guaranteed Student Loan Program to its original purpose, namely a program of supplemental assistance for middle-income families confronted with the high costs of a college education. That is also one of my goals as we proceed with our work on higher education.

Mr. President, I do not expect separate action on this particular piece of legislation. I am committed, however, to addressing the needs of middle-income families in the course of our work on reauthorization of the Higher Education Act. This bill, I believe, indicates a direction in which we should be moving and the kind of policy changes that will be necessary to provide aid to middle-income families who work hard, pay their bills, save what they can, and yet find it exceedingly difficult to send their children to college. To my mind, it is high time that we recognized their plight and did something about it.

I ask unanimous consent that the full text of my legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Middle Income Student Assistance Act".

SEC. 2. STUDENT CONTRIBUTION MODIFICATION.

Subparagraph (C) of section 475(g)(1) of the Higher Education Act of 1965 (hereinafter referred to as the "Act") (20 U.S.C. 1087oo(g)(1)(C)) is amended by striking out "70 percent" and inserting in lieu thereof "not less than 50 percent".

SEC. 3. TREATMENT OF NONLIQUID ASSETS.

(a) PELL GRANT NEEDS ANALYSIS.—Section 411F(2) of the Act (20 U.S.C. 1070a–6(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end thereof the following:

"(B) For academic year 1992–1993 and succeeding academic years, the term 'assets' shall not include, in the case of a family with an adjusted gross income which is equal to or less than $40,000, the net value of—

"(i) the family's principal place of residence; or

"(ii) a farm on which the family resides.".

(b) GENERAL NEED ANALYSIS.—Section 480(g) of the Act (20 U.S.C. 1087vv(g)) is amended—

(1) by inserting "(1)" after "ASSETS.—"; and

(2) by adding at the end thereof the following:

"(2) For academic year 1992–1993 and succeeding academic years, the term 'assets' shall not include, in the case of a family with an adjusted gross income which is equal to or less than $40,000, the net value of—

"(A) the family's principal place of residence; or

"(B) a farm on which the family resides.".

SEC. 4. DISCRETIONARY INCOME CHARTS.

(a) ELIGIBILITY FOR DEPENDENT STUDENTS.—

Paragraph (2) of section 411B(f) of the Act (20 U.S.C. 1070a–2(f)(2)) is amended by striking all beginning with "determined" through the end thereof and inserting "10.5 percent of such discretionary income.".

(b) ELIGIBILITY FOR INDEPENDENT STUDENTS OTHER THAN A SPOUSE.—

Paragraph (2) of section 411(C)(e) of the Act (20 U.S.C. 1070a–3(e)(2)) is amended by striking all beginning with "determined" through the end thereof and inserting "10.5 percent of such discretionary income.".•

By Mr. REID:

S. 931. A bill to authorize research into ground water contamination and remediation, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL ARID CLIMATE GROUND WATER RESEARCH CENTER ACT

Mr. REID. Mr. President, water is life.

This truth is never far from the thoughts of those of us in the West, where for the past 5 years drought has gripped California, Nevada, and other Western States. Despite March storms, the drought continues—as a recent article stated, "Surprise—Wet March won't help".

Last year, Congress passed and the President signed comprehensive legislation I had introduced ending 80 years of water wars between Nevada and California.

This year, I believe that we can pass legislation that will provide progress on the water needs of the West and the entire United States. For this purpose, I am pleased to introduce today the National Arid Climate Groundwater Research Center Act.

It is particularly appropriate that this bill is being introduced during the week that marks the 21st anniversary of Earth Day. Clean water has always been a primary concern of those who celebrate Earth Day and work for a better environment. This bill should help to further this immensely important goal of Earth Day.

Ground water is a national resource of immense importance, providing drinking water for half the U.S. population and about 95 percent of rural residents. Ground water also supplies much of the water needs of livestock and irrigation. Total national usage of ground water for all purposes was estimated to be about 74 billion gallons per day in 1985.

As in many States, ground water availability is an issue of major concern in my State. Nevada is not only the most arid State in the Nation—with average annual statewide precipitation of 9 inches and even less rainfall in areas like Las Vegas, it is also the fastest growing according to the most recent census results. From 1980 to 1990, the State's population grew by more than 50 percent. The U.S. Geological Survey estimates that ground water provides about 24 percent of the total water withdrawn and supplies about 50 percent of the State's population. In many areas, ground water provides the entire supply. Further development in Nevada must rely on water from ground water sources or the reallocation of surface water, supplies of which have already been fully appropriated.

Because ground water is so important to the Nation and to each State, it is very important that the quality of this resource be protected. Unfortunately, there is serious concern about the quality of our ground water, nationwide.

A 1984 Office of Technology Assessment study notes that ground water contamination has been detected in every State with increasing frequency. Much of this contamination comes from human activities like waste disposal, agriculture, mining, and leakage from undergound storage tanks. In addition, toxic chemicals like arsenic, radon, and uranium occur naturally in some ground water supplies. Many experts believe that we lack an adequate estimate of the extent of ground water contamination, and that increased monitoring will lead to detection of even more contamination.

In Nevada we have special concerns about contamination of ground water because of the presence of Federal facilities like the Nevada test site, the only facility in the United States for nuclear weapon testing, and the ownership of nearly four-fifths of our land by the Federal government. An OTA study released in February found that ground water near the test site is contaminated with 20 different radionuclide compounds, as well as by gamma radiation, volatile organic compounds, and lead. Ground water contamination near other Federal facilities has also been documented in a recent draft Defense Department report.

But Nevada is not unique. Each of the 15 facilities in our Nation's nuclear weapons complex, scattered in a dozen States all over the country, has on-site ground water contamination. Some have off-site contamination as well.

The need to protect our precious ground water resources is clear. Fortunately, considerable attention has been focused on the Nation's ground water supply, with at least 16 Federal departments and agencies involved in ground water-related activities. Unfortunately, many believe that existing efforts are duplicative and disorganized. The National Arid Climate Groundwater Research Center Act seeks to coordinate the valuable research efforts about ground water that are already underway in Nevada and that this legislation would encourage in other areas of the country as well. Research efforts of Federal agencies like the Environmental Protection Agency, the Department of Energy, the Bureau of Reclamation, and the Geological Survey would be coordinated not only with each other but also with activities of State entities such as the University of Nevada and the Desert Research Institute.

To coordinate all of these research efforts, the bill authorizes the establishment of a National Arid Climate Groundwater Research Center. The center would be administered by an eight-member board designated by the Governor and the seven major Federal and State ground water research organizations doing work in Nevada. The center would help to consolidate existing environmental research in the State and permit our Federal agencies and university system to focus on research on the protection of ground water from contamination and overuse.

Authorization of a research center to address ground water and other environmental issues as included in a comprehensive ground water research bill reported by the Senate Environment and Public Works Committee during the last Congress. The need for this center grows greater each day as the demands for uncontaminated ground water increase in our country. The bill that I am introducing today differs from last year's in that it focuses solely on ground water issues. I intend to introduce a bill to establish a similar but separate research center for environmental nuclear issues in the near future.

The research coordinated by the center would be of value both to my State and to other States. Not only would it help other arid and fast-growing States in the West and the dozen States that contain facilities of the nuclear weapons complex, the center would assist the efforts of all States that wish to assure the quality of their ground water. If we can learn more about this precious resource and develop better techniques to protect its quality in an area of the country in which water is of particular importance, this can only accrue to the benefit of all parts of our Nation. It is my hope that the center will serve as a model for joint Federal/State environmental research in other parts of the country—and in other environmental media.

I urge the support of my colleagues for this bill.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Arid Climate Groundwater Research Center Act".

SEC. 2. NATIONAL ARID CLIMATE GROUNDWATER RESEARCH CENTER.

(a) Definitions.—As used in this Act, the term—

(1) "Center" means the National Arid Climate Groundwater Research Center established by this Act;

(2) "Board" means the Board of Directors as established by this Act; and

(3) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) Findings.—The Congress finds that—

(1) growing demands for groundwater in arid regions require further research to protect and monitor existing aquifers and to locate future aquifers;

(2) the protection of groundwater from contamination requires further research in monitoring and regulating the movement of potential contaminants;

(3) a variety of Federal, State, and private entities are conducting research in groundwater, at various research centers throughout the Nation;

(4) Nevada is the most arid State in the nation and, along with other western States, has experienced five years of drought;

(5) Nevada is the fastest growing State in the nation, according to the 1990 Census;

(6) extensive groundwater research capabilities exist within Nevada; and

(7) utilization and enhancement of groundwater research at universities can be economical, lead to high-quality research, and further lead to the training of additional scientists and professionals to address critical groundwater issues.

(c) Purpose.—The purposes of this Act are to—

(1) establish a National Arid Climate Groundwater Research Center within Nevada to promote and coordinate research in the availability, usage, management, and monitoring of groundwater;

(2) increase research in monitoring and regulating the movement and concentration of contaminants in groundwater; and

(3) coordinate groundwater research with other Federal departments and agencies, and State and private agencies, institutions, and entities;

(d) Establishment of Center.—(1) The Administrator, in consultation with the Governor of the State of Nevada, is authorized to take such action as may be necessary to establish, in the State of Nevada, the National Arid Climate Groundwater Research Center.

(2) The Center shall be under the control, jurisdiction, and direction of the Board.

(3) The Center shall be located at such place or places as the Administrator, after consultation with the Governor and the Board, shall designate.

(4) The Administrator of General Services is authorized, subject to the availability of funds, to assist the Administrator in providing necessary facilities for the purposes of this Act. In providing such facilities, the Administrator of General Services shall consult with the Governor of Nevada and the Board.

(5) The Administrator is authorized to enter into such agreements or other arrangements with the State of Nevada and other public and private agencies, institutions, or entities, as may be necessary to enable the Administrator to carry out the purposes of this Act.

(e) Board of Directors.—(1) There is established the National Arid Climate Groundwater Research Center Board of Directors.

(2) The Board shall be composed of 8 members, selected by the Administrator as follows:

(A) one member designated by the Governor of the State of Nevada;

(B) one member designated by the Administrator;

(C) one member designated by the Director of the United States Geological Survey;

(D) one member designated by the Director of the Bureau of Reclamation;

(E) one member designated by the University of Nevada-Las Vegas;

(F) one member designated by the University of Nevada-Reno;

(G) one member designated by the Secretary of Energy; and

(H) one member designated by the Desert Research Institute.

(3) The member designated by the Governor of Nevada shall be Chairman.

(4) Members of the Board shall be appointed for a term of 4 years.

(5) Four members of the Board shall constitute a quorum, but a lesser number may conduct meetings.

(6) The first meeting of the Board shall be called by the Administrator and shall be held within 60 days after the date of the enactment of this Act.

(7) A vacancy on the Board resulting from death or resignation by a member shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(f) Duties of the Center.—The Center shall—

(1) study and evaluate the availability, usage, and management of groundwater in arid regions;

(2) study and evaluate means of monitoring and regulating the movement and concentration of contaminants in groundwater;

(3) coordinate groundwater research with other Federal departments and agencies, and State and private agencies, institutions, and entities;

(4) encourage graduate and undergraduate education in hydrology and other professions and disciplines related to groundwater;

(5) provide a forum for consideration of issues involving the use and management of groundwater and the protection of groundwater from potential contaminants and, as appropriate, utilize citizens and special advisory councils; and

(6) make the work of the Center accessible to the public by holding public meetings, disseminating research results and other relevant information, establishing technology transfer programs, and other appropriate means.

(g) Compensation.—Each member of the Board who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate prescribed for GS-15 under the General Schedule contained in section 5332 of title 5, United States Code, including traveltime, for each day he or she is engaged in the actual performance of his or her duties as a member of the Board. A member of the Board who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(h) Powers and Administrative Provisions.—(1) The Board is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(2) The Board is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Board in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

(3) The Board is authorized to procure supplies, services, and property, and make contracts in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts.

(4) The Board is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(5) The Board or, on the authorization of the Board, a member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Board or such member deems advisable.

(6) The Board, or on the authorization of the Board, any member thereof, may, for the purpose of carrying out the provisions of this part, have such printing and binding done, enter into contracts and other arrangements to such extent or in such amounts as are provided in appropriation Acts, and make such expenditures as the Board or such member deems advisable.

(7) The Board may acquire directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, estimates, and statistics for the purpose of this Act. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, estimates, and statistics directly to the Board, upon request by the Chairman.

(8) The Chairman of the Board is authorized to appoint, terminate, and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of an Executive Director and such additional personnel as the Chairman finds necessary to enable the Board to carry out its duties. The annual rate of compensation of the Execu-

tive Director may not exceed a rate equal to the rate provided for level V of the Executive Schedule under section 5316 of such title and the annual rate of compensation of all other personnel may not exceed a rate equal to the maximum rate for GS-15 of the General Schedule under section 5332 of such title.

(9) Upon request of the Board, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Board or to detail any of the personnel of such agency to the Board, on a reimbursable basis, to assist the Board in carrying out its duties under this Act.

(10) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(11) The Board may expend funds made available for purposes of this Act for printing and binding, notwithstanding any other provision of law.

(i) REPORTS.—Not later than 1 year after the date of enactment of this Act, and thereafter upon the request of the Congress, the Board shall prepare and transmit to the Congress, the President, and the Governor of the State of Nevada a report describing the findings and activities of the Board, together with any recommendations regarding specific actions necessary to be taken to enable the Center to carry out its mission under this Act.

SEC. 3. AUTHORIZATION.

For carrying out this Act, there is authorized to be appropriated for fiscal year 1992, and each fiscal year thereafter, $1,000,000.

By Mr. SHELBY:

S.J. Res. 128. Joint resolution proposing an amendment to the Constitution of the United States which requires—except during time of war and subject to suspension by the Congress—that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

• Mr. SHELBY. Mr. President, I rise today to introduce a joint resolution that proposes an amendment to the Constitution of the United States to require a balanced budget. The total amount of money expended by the United States during any fiscal year may not exceed the amount of revenues collected during the same fiscal year and may not exceed 20 percent of the gross national product [GNP] of the United States during the previous calendar year. The latter half of this provision makes this balanced budget proposal unique, because it controls overall spending. By capping spending levels at 20 percent of the previous year's GNP, the Congress and the President are restrained from raising spending levels in years when the country does well economically.

During the past decade our national debt has more than tripled. In 1981, the national debt stood at $1 trillion. Today our national debt is well over $3 trillion. Furthermore, the budget resolution that is currently before the Senate would add $1 trillion to our public debt over the next 5 years due to deficit ridden budgets. If we continue to pass budgets with deficits exceeding $300 billion every year, no one will have confidence in the ability of the United States to pay this debt. Therefore, I will not vote for the $351.2 billion budget deficit package for fiscal year 1992. I stated that the 1991 budget agreement was ridiculous, but it has turned out to be even worse than I had originally expected. The 1992 budget proposal appears to be even more horrendous.

Until our budget is balanced, long-term economic growth will be at the mercy of deficit-induced, high interest rates and subsequent rising inflation. Any quick-fix remedies to mask the size of the actual budget deficit, such as last year's budget agreement, are futile at best and will only cause greater hardship at some later date. Accounting gimmicks and smoke and mirrors have no place in the budgetary process. It is time for honest and accurate budgeting. Therefore, it is imperative that the Congress devise a more palatable budget, one which clamps down on wasteful spending while paving the way for the restoration of fiscal sanity to our budgetary process.

Despite all of the praise that the Budget Enforcement Act of 1990 has received from certain Members of this body, there is one major element missing from the law. The act does not specify a future deficit target of zero—there is no recognition given to balancing the Federal budget. Simply because our previous attempts to reach deficit reduction targets have failed does not mean that the idea of reaching a zero deficit target should be abandoned. Without setting fiscal targets there is little chance of ever having a balanced budget. While I understand how targets can and have been ignored in the past, the Congress and the President could not ignore an amendment to the Constitution specifically requiring a balanced budget every year.

Mr. President, the magnitude of our fiscal problems warrants strong action. Our economy remains our No. 1 domestic priority. As we declared war on Saddam Hussein, we must also be willing to declare war on the deficit.

We cannot permit wasteful government spending to continue, and I believe an amendment to the Constitution is the best way to guarantee an end to budget deficits. We do not need to raise taxes—we need to control spending. By introducing this bill, I am calling on my colleagues to join me in the battle to balance the Federal budget, restore credibility to our economy and enhance our national security.

Mr. President, it is time for Congress to start looking at the long-term effects that accumulated budget deficits will have on future generations of Americans. I ask you to join me in committing to the preservation of our economy for generations to come by supporting the passage of this joint resolution requiring a balanced budget.•

By Mr. CRANSTON:

S.J. Res. 129. Joint resolution relating to the naval facility explosion at Port Chicago, California, on July 17, 1944; to the Committee on Armed Services.

PORT CHICAGO NAVAL FACILITY EXPLOSION

• Mr. CRANSTON. Mr. President, I rise today to introduce legislation which calls upon Secretary of the Navy Garret to initiate an immediate review of the facts surrounding the 1944 mutiny convictions of 50 black sailors who refused to load ammunition at Port Chicago, CA, after a deadly explosion.

On July 17, 1944, a series of three blasts started aboard an ammunition ship at the Port Chicago Naval magazine, injuring 390 people and killing 320 men, 202 of whom were black. The force of the explosion destroyed the depot—one of the main supply depots for the Pacific fleet—and sank two ships. Port Chicago, which is 25 miles northeast of San Francisco, has since been acquired by the Navy, demolished, and turned into a buffer zone for the Concord Naval Weapons Station. The cause of the Port Chicago explosion has never been determined.

Three weeks after the explosion the sailors were ordered to resume loading ammunition. Many refused to obey orders on the grounds that they had little training for such a dangerous job and because they believed their superiors were directing them to use unsafe procedures. All the sailors loading ammunition at the port were black. All the officers directing the sailors were white.

The sailors involved were court-martialed immediately. Fifty were convicted of mutiny, sentenced to 15 years in prison and dishonorably discharged, and 208 were given summary courts-martial and sentenced to bad conduct discharges and forfeiture of pay. At the end of the war, the 50 were released from prison and all the discharges were upgraded. However, the mutiny convictions are still a part of the record.

New information has come to light on the situation at Port Chicago and on the overall treatment of blacks in the Navy at that time, raising questions about the investigation, court martial trials, and convictions of the sailors. A recent book, "The Port Chicago Mutiny," by Dr. Robert L. Allen, and two television documentaries have detailed the pervasive prejudice which surrounded this incident and the lack of concern for safety by officers who pushed the sailors to speed up as they competed to see which detail could load the fastest.

Legal opinions from the Congressional Research Service and private attorneys attest to Secretary Garrett's authority to conduct a review of the convictions of the sailors involved in the Port Chicago incident. Despite these opinions and a specific request from members of Congress last year, Secretary Garrett has denied that he is authorized to review the Port Chicago case.

It is my hope that this legislation will lead to a full and impartial review of the court martial convictions of the sailors involved in this troubling chapter in our recent history. It is only right that the men who were convicted—many of whom are now elderly—see justice served in their lifetimes.

This resolution is the companion to H.J. 162 which was introduced in the House by Representative GEORGE MILLER. I ask unanimous consent for a copy of a letter to Secretary Garrett to appear in the RECORD in full following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 1990.

Hon. H. LAWRENCE GARRETT,
Secretary of the Navy, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: We are writing to urge your immediate and personal involvement in a thorough review of the conviction of two hundred and fifty eight (258) black sailors who were convicted of mutiny and/or were court martialed following the explosion at Port Chicago, California, on July 17, 1944.

We specifically ask that you conduct this review under the authority provided in 10 USC 869(b), which provides for a reversal or modification of conviction by the Judge Advocate General "on ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence." It is the opinion of the American Law Division of the Congressional Research Service of the Library of Congress that such a review may be initiated by the Navy without the specific request of each affected individual.

While a little known incident, the disaster at Port Chicago produced the largest domestic loss of life during World War II. Of the 320 men killed, 202 were black enlisted men who were engaged in the loading and unloading of war materiels under the supervision of white officers. The black sailors worked under enormous stress and extremely dangerous circumstances without any special training. New evidence indicates that the officers often compelled the sailors to complete their tasks without adequate regard for their safety.

Following the disastrous explosion, enlisted black sailors were not provided survivors' leave or other services commonly offered to trauma victims. Instead, they were moved to Mare Island and ordered back to loading munitions under conditions similar to those that had existed at Port Chicago prior to the explosion.

Many of the men refused to return to work under hazardous conditions. Recent research indicates that their refusal to comply with orders was primarily the result of well-founded concerns about their personal safety rather than a challenge to military authority. However, the men were arrested and subjected to Summary or General Courts Martial.

Recent research has documented the level of racial discrimination that pervaded the Navy and the operations at Port Chicago in 1944. The operational regimen at Port Chicago appears to have contributed to the dangerous working conditions (and quite likely, the explosion, although the precise cause could never be ascertained.) In addition, new concerns have been raised about the independence and objectivity of some of the participants in the original trial.

We believe that a full review of the circumstances surrounding the original convictions and penalties is warranted in light of new information and heightened sensitivity about the racial policies and attitudes of the Navy that were reflected in the bringing of charges and the penalties that were meted out.

Accordingly, we ask that you use the authority that is granted to you under 10 USC 869(b) to conduct a review of the Port Chicago case and, if your review concludes that the circumstances did not warrant the penalties and sanctions imposed on these men, that you modify or set aside the findings of guilt as specified under 10 USC 869(b).

In addition, we request that you initiate a review of these same sentences under the broad powers granted you by 10 USC 874(b). The section permits wide latitude for the Secretarial review of a conviction, and permits modification of the court's action for a variety of reasons. As there are no published regulations governing procedures under article 74(b), we would hope that you would utilize your broadest discretion in considering the use of this article as a means of remedying the excessive and unjustified actions taken against the survivors of the Port Chicago explosion.

While this case is little known and while much time has transpired since the incidents in question occurred, the issues remain very sensitive and disturbing. We believe that the review we seek could ultimately help ameliorate an unsavory chapter in the history of the segregated Navy, and thereby accrue to the benefit not only of the Port Chicago sailors and the Navy itself, but also help honor the memory of the 320 men, black and white, who lost their lives in the service of their country on July 17, 1944.

Sincerely,

Hon. Ronald V. Dellums, Chairman, Congressional Black Caucus; Hon. Don Edwards, Chairman, Subcommittee on Civil and Constitutional Rights; Hon. George Miller, Seventh District, California; Hon. Fortney (Pete) Stark, Ninth District, California; Hon. Alan Cranston, Chairman, Committee on Veterans' Affairs, U.S. Senate; Hon. Barbara Boxer, House Armed Services Committee.

Hon. Harold Ford, Hon. William Clay, Hon. John Conyers, Jr., Hon. Edolphus Towns, Hon. Charles A. Hayes, Hon. Julian C. Dixon, Hon. Mervyn M. Dymally, Hon. Donald M. Payne, Hon. Augustus F. Hawkins, Hon. William H. Gray, Hon. George W. Crockett Jr., Hon. Gus Savage, Hon. Kweisi Mfume, Hon. Walter E. Fauntroy, Hon. Edolphus Towns, Hon. John Lewis, Hon. Charles B. Rangel, Hon. Mike Espy, Hon. Louis Stokes.•

By Mr. LAUTENBERG (for himself, Mr. DODD, Mr. BRADLEY, Mr. DIXON, Mr. BURDICK, Mr. D'AMATO, Mrs. KASSEBAUM, Mr. GLENN, Mr. SYMMS, Mr. HOLLINGS, Mr. INOUYE, Mr. GARN, Mr. COCHRAN, Mr. MOYNIHAN, Mr. WARNER, Mr. FOWLER, Mr. JEFFORDS, Mr. PELL, Mr. CONRAD, Mr. HATCH, and Mr. LEVIN):

S.J. Res. 130. A resolution to designate the second week in June as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

NATIONAL SCLERODERMA WEEK

• Mr. LAUTENBERG. Mr. President, I rise to introduce a joint resolution to designate the week of June 9, 1991, as "National Scleroderma Awareness Week."

Scleroderma affects approximately 300,000 Americans. This chronic disease is caused by the excess production of collagen, the main fibrous component of connective tissue. The symptoms of scleroderma often include the hardening of the skin and internal arteries such as the esophagus, lungs, kidney or heart. Most often it is a progressive disease which is painful, crippling, and disfiguring. In its most severe form, the hardening process spreads to the joints, causing decreased mobility, and to the body organs causing functional impairment.

The victims of scleroderma are usually healthy individuals between the ages of 25 and 55 years old. Women of childbearing age suffer from the disease three times more frequently then men. Because the symptoms of scleroderma vary widely, diagnosis can be complicated and confusing. However, with early treatment it is possible to slow the progression of the disease.

Unfortunately, even with treatment, scleroderma is an incurable disease. Some who are affected by the disease may only have minor symptoms that do not interfere significantly with a normal lifestyle. But for others, who may develop kidney malfunction, respiratory weakness, heart spasms, digestive and intestinal problems, or respiratory weakness, the disease can be fatal.

A national week of awareness would heighten public awareness of scleroderma, recognize progress, and would promote activities and events to facilitate financial support of much needed research and patient support groups. I urge my colleagues to cosponsor this joint resolution and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 130

Whereas Scleroderma is a disease caused by the excess production of collagen, the main fibrous component of connective tissue, the effects of which are hardening of the skin and/or internal organs such as the esophagus, lungs, kidney or heart;

Whereas approximately 300,000 people in the United States suffer from scleroderma with women of childbearing age outnumbering men three to one;

Whereas scleroderma, a painful, crippling and disfiguring disease, is most often progressive and can result in premature death;

Whereas the symptoms of scleroderma are variable which can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unknown; and

Whereas scleroderma is an orphan disease which requires intensive research to improve treatment as well as find the cause and cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week June 9, 1991, is designated as "National Scleroderma Awareness Week," and the President of the United States is calling upon the people of the United States to observe the week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 20

At the request of Mr. ROTH, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 20, a bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes.

S. 50

At the request of Mr. SYMMS, the names of the Senator from Arkansas [Mr. BUMPERS], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 113

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 113, a bill to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle.

S. 138

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 200

At the request of Mr. PRYOR, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 200, a bill to amend the Internal Revenue Code of 1986 to exlude small transactions from broker reporting requirements, and to make certain clarifications relating to such requirements.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 256

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 256, a bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve.

S. 381

At the request of Mr. WALLOP, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to promote economic growth and jobs creation by reducing social security taxes and capital gains taxes, by adjusting the deduction for depreciation to reflect inflation, and by encouraging savings.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 447

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 447, a bill to recognize the organization known as The Retired Enlisted Association, Incorporated.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 501

At the request of Mr. KOHL, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. AKAKA], the Senator from Maryland [Mr. SARBANES], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 501, a bill to establish a data collection, information dissemination, and student counseling and assistance network, and for other purposes.

S. 651

At the request of Mr. GARN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 658

At the request of Mr. GRAHAM, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 658, a bill to provide law enforcement scholarships and recruitment incentives.

S. 685

At the request of Mr. GLENN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 685, a bill to establish Summer Residential Science Academies for talented, economically disadvantaged, minority participants, and for other purposes.

S. 715

At the request of Mr. BURNS, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Louisiana [Mr. BREAUX], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 801

At the request of Mr. REID, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 801, a bill to amend the National Trails System Act to designate the Pony Express National Historic Trail and California National Historic Trail as components of the National Trails System.

S. 810

At the request of Mr. HARKIN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Arizona [Mr. DECONCINI], the Senator from Nevada [Mr. REID], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 810, a bill to improve counseling services for elementary school children.

S. 845

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 845, a bill to direct the Secretary of State to seek an agreement from the Arab countries to end certain passport and visa policies and for other purposes.

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Massachusetts [Mr. KERRY], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 845, supra.

S. 878

At the request of Mr. DODD, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 878, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children, and for other purposes.

SENATE JOINT RESOLUTION 12

At the request of Mr. DECONCINI, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing a constitutional amendment to limit Congressional terms.

SENATE JOINT RESOLUTION 16

At the request of Mr. THURMOND, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the week of April 21–27, 1991, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the names of the Senator from Colorado [Mr. BROWN], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedom Foundation at Valley Forge.

SENATE JOINT RESOLUTION 43

At the request of Mr. THURMOND, the names of the Senator from California [Mr. SEYMOUR], the Senator from Rhode Island [Mr. PELL], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 43, a joint resolution to authorize and request the President to designate May 1991 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May 1991, as "National Foster Care Month."

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. DOMENICI, the names of the Senator from Colorado [Mr. BROWN], the Senator from New Hampshire [Mr. SMITH], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to recognize and honor members of the reserve components of the Armed Forces of the United States for their contribution to victory in the Persian Gulf.

SENATE JOINT RESOLUTION 99

At the request of Mr. GLENN, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Utah [Mr. HATCH], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating November 24–30, 1991, and November 22–28, 1992, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from California [Mr. SEYMOUR], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. D'AMATO], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 121, a joint resolution designating September 12, 1991, as "National D.A.R.E. Day".

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 121, supra.

SENATE JOINT RESOLUTION 125

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 125, a joint resolution to designate October 1991 as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 127

At the request of Mrs. KASSEBAUM, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 127, a joint resolution to designate the month of May 1991, as "National Huntington's Disease Awareness Month."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. MACK, the names of the Senator from Utah [Mr. HATCH], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution urging Arab states to recognize, and end the state of belligerency with, Israel.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. GLENN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. AKAKA], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DIXON, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Resolution 103, a resolution relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

SENATE CONCURRENT RESOLUTION 31—PROVIDING FOR A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. SASSER (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, April 25, 1991, or Friday, April 26, 1991, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 12 o'clock meridian, or until such time as may be specified by the majority leader or his designee in the motion to adjourn or recess, on Monday, May 6, 1991, or Tuesday, May 7, 1991, or until

12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate, after consultation with the Republican leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

SENATE RESOLUTION 112—RELATIVE TO HIGHWAYS IN THE STATE OF WEST VIRGINIA

Mr. ROCKEFELLER submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 112

Resolved, That the Senate hereby expresses its intention to include, as part of a surface transportation law to be enacted in 1991—

(1) an authorization for the construction or upgrading of the following highways in West Virginia:

(A) a four-lane highway from Point Pleasant, West Virginia, to Huntington and Point Pleasant to Charleston, generally following Routes 2 and 35 respectively;

(B) construction of a four-lane highway to serve southern West Virginia, the exact route to be selected by the West Virginia Department of Highways;

(C) upgrading of Route 9 to a four-lane highway in Morgan, Berkeley, and Jefferson counties.

(2) an authorization of appropriations of such sums as may be necessary to carry out the activities described in paragraph (1).

• Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce a resolution dealing with the highway transportation needs of my State of West Virginia. By this resolution, I am requesting that the Congress authorize the funding of three highway demonstration projects in West Virginia, all of which will promote economic development, highway safety, and help create much needed jobs in West Virginia.

The resolution calls for inclusion of three very important highway demonstration projects to be included in the surface transportation law to be enacted this year. These are:

The upgrading of Route 9 in Berkeley, Jefferson, and Morgan counties in the eastern panhandle of West Virginia;

Construction of a highway linking Point Pleasant with Huntington and Charleston;

Construction of a highway in southern West Virginia, with the exact route to be determined by the West Virginia Department of Highways.

Mr. President, as Congress considers reauthorization of the highways bill, I will continue to strive for equity. For West Virginia, accessible transportation represents the economic lifeblood of the State.

Unfortunately, as I looked at the administration's highway bill introduced in February, once again I saw the needs of rural States like West Virginia being ignored.

With the Interstate Highway System near completion, the administration now proposes focusing the majority of Federal highway dollars on 150,000 miles of so-called Highways of National Significance. For West Virginia, it is likely that no more than 1500 miles of road will qualify for such a designation under administration criteria. This represents less than 15 percent of the road miles in West Virginia that previously received Federal funding, and less than 4 percent of West Virginia's total road miles.

UPGRADING OF ROUTE 9

The eastern panhandle of West Virginia is the fastest-growing part of my State. Much of this growth comes from the continued expansion of the Washington, DC, metropolitan area. More and more people are moving to West Virginia, attracted by our lower housing and living costs, low crime rate, and the beauty of our State's eastern most region. Some estimates now indicate that nearly 25 percent of the workers in the eastern panhandle make the daily commute to jobs in the Washington area.

Businesses have also discovered the benefits of moving to the eastern panhandle. It is estimated that the cost of doing business in West Virginia is $10,000 annually less, per employee, than in the Washington metro area. To take full advantage of this interest in the area, we must have roads.

The main artery of the region, two-lane Route 9, is now frequently overwhelmed with additional traffic and congestion. As a result, access to popular Eastern Panhandle attractions, including the Harpers Ferry National Historical Park, Berkeley Springs State Park, and the retail outlet centers in Martinsburg, is increasingly difficult.

Upgrading Route 9 will increase access to the area, increase highway safety along this rapidly developing corridor, and promote the continued economic development and growth of the Eastern Panhandle.

POINT PLEASANT-HUNTINGTON-CHARLESTON TRIANGLE

The area of West Virginia, near Point Pleasant, is the largest area of developable land in the State, yet is one of the least accessible areas by highway. Route 35 is the major highway in this area. Route 35 winds along the Kanawha River from Point Pleasant to Charleston and is recognized as being very dangerous because of the sheer volume of traffic and the construction of the road itself. The other artery from Point Pleasant is Route 2, which is equally congested and dangerous.

A new highway system from Point Pleasant will open a great amount of land for economic development, and will provide a unique merger of several transportation modes operating in the area—rail, river, and highway. This is an opportunity that few parts of West Virginia have. The economic benefits of a new highway in the region will be significant and far reaching.

A new highway will also make historical Point Pleasant more accessible to tourists. Point Pleasant, sitting at the confluence of the Ohio and Kanawha Rivers, is the site of a very significant battle between the colonists and the Indians. The October 1774 victory of Colonel Andrew Lewis and a force of 1,100 colonists over a much larger Shawnee Indian force, led by Chief Cornstalk, was one of the bloodiest battles with the Indians in that period. More importantly for the United States, the victory at Point Pleasant gained the colonists considerable military confidence and proved instrumental in the opening of hostilities against the British in the spring of 1775.

SOUTHERN WEST VIRGINIA HIGHWAY

Southern West Virginia presents some of the most rugged and unpredictable terrain for higway construction. As a result, highway construction costs in this part of West Virginia can be many times higher than other areas of the United States. A key example of this: the prohibitive cost to remove a rock wall hindering the construction of corridor G of the Appalachian Regional Commission corridor system in Mingo County last year. The contract to remove just six-tenths of a mile of rock wall was $6,240,320. That's more than $1 million for each tenth of a mile of rock removed.

There are major highway needs in southern West Virginia. With very few limited access highways in the region, many local roads are used for dangerous coal and timber traffic. Construction of a new highway in southern West Virginia will significantly effect highway safety in the region.

A new highway in southern West Virginia will also aid economic development for the wood, coal and tourism industries. Such a highway will have a positive impact on my efforts to increase tourism in southern West Virginia. It will enable us to develop and emphasize West Virginia's coal heritage.

CONCLUSION

Without safe and accessible highways, the economic future of West Virginia is in jeopardy. The highway demonstration projects I am proposing today, along with the Appalachian corridors, move West Virginia closer to economic parity with the rest of the Nation. These are vital projects worthy of our attention and greatly deserving of Federal support.•

SENATE RESOLUTION 113—RELATIVE TO THE BICENTENNIAL OF THE BIRTH OF SAMUEL F.B. MORSE

Mr. FORD submitted the following resolution; which was considered and agreed to:

S. RES. 113

Whereas Samuel Finley Breese Morse (1791-1872) was a pioneer in the development of electrical communications, the first practical use of electricity;

Whereas Morse and his partners invented the Morse Code and the electrical telegraph on which it was first used in 1838;

Whereas the Congress funded in 1843 construction of Morse's first operational telegraph line, from Washington DC to Baltimore, Maryland, and the Congress also funded further development of this first practical instrument of communication;

Whereas on May 24, 1844, Morse transmitted his famous "What hath God wrought?" telegraph message from the Capitol to Baltimore, unleashing an ever-growing tide of electrical communications and forever establishing the leadership of the United States in the development of modern communications: Now, therefore, be it

Resolved, That the Senate recognizes, on the occasion of the 200th anniversary of the birth of Samuel F.B. Morse, the role of Samuel F.B. Morse in the revolutionary early development of electrical communications, and further recognizes Morse's momentous contributions to the economic, social, and industrial development of the United States.

SENATE RESOLUTION 14—AUTHORIZING THE PAYMENT OF CERTAIN EXPENSES IN CONNECTION WITH THE FUNERAL OF THE HONORABLE JOHN TOWER

Mr. McCONNELL (for Mr. DOLE, for himself and Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 114

Resolved, That, the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, the actual and necessary expenses incurred by the representatives of the Senate who attended the funeral of the Honorable John Tower, late a Senator from the State of Texas, on vouchers approved by the Chairman of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET

DOMENICI (AND SASSER) AMENDMENT NO. 75

Mr. DOMENICI (for himself and Mr. SASSER) proposed an amendment to the concurrent resolution (S. Con. Res. 29) setting forth the congressional budget for the U.S. Government for fiscal years 1992, 1993, 1994, 1995, and 1996, as follows:

On page 48, strike lines 4 through 20, and insert the following:

(b) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.

BROWN AMENDMENT NO. 76

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 29), supra, as follows:

On page 3, line 18, decrease the figure by $51,000,000.

On page 3, line 19, decrease the figure by $41,000,000.

On page 3, line 20, decrease the figure by $35,000,000.

On page 3, line 21, decrease the figure by $37,000,000.

On page 3, line 22, decrease the figure by $39,000,000.

On page 3, line 25, decrease the figure by $51,000,000.

On page 4, line 1, decrease the figure by $41,000,000.

On page 4, line 2, decrease the figure by $35,000,000.

On page 4, line 3, decrease the figure by $37,000,000.

On page 4, line 4, decrease the figure by $39,000,000.

On page 4, line 7, decrease the figure by $51,000,000.

On page 4, line 8, decrease the figure by $41,000,000.

On page 4, line 9, decrease the figure by $35,000,000.

On page 4, line 10, decrease the figure by $37,000,000.

On page 4, line 11, decrease the figure by $39,000,000.

On page 4, line 14, decrease the figure by $51,000,000.

On page 4, line 15, decrease the figure by $92,000,000.

On page 4, line 16, decrease the figure by $127,000,000.

On page 4, line 17, decrease the figure by $164,000,000.

On page 4, line 18, decrease the figure by $203,000,000.

On page 5, line 21, decrease the figure by $51,000,000.

On page 5, line 22, decrease the figure by $41,000,000.

On page 5, line 23, decrease the figure by $35,000,000.

On page 5, line 24, decrease the figure by $37,000,000.

On page 5, line 25, decrease the figure by $39,000,000.

On page 17, line 6, decrease the figure by $49,000,000.

On page 17, line 7, decrease the figure by $49,000,000.

On page 17, line 16, decrease the figure by $36,000,000.

On page 17, line 17, decrease the figure by $36,000,000.

On page 18, line 2, decrease the figure by $27,000,000.

On page 18, line 3, decrease the figure by $27,000,000.

On page 18, line 12, decrease the figure by $26,000,000.

On page 18, line 13, decrease the figure by $26,000,000.

On page 18, line 22, decrease the figure by $26,000,000.

On page 18, line 23, decrease the figure by $26,000,000.

On page 40, line 21, decrease the figure by $2,000,000.

On page 40, line 22, decrease the figure by $2,000,000.

On page 41, line 5, decrease the figure by $5,000,000.

On page 41, line 6, decrease the figure by $5,000,000.

On page 41, line 14, decrease the figure by $8,000,000.

On page 41, line 15, decrease the figure by $8,000,000.

On page 41, line 23, decrease the figure by $11,000,000.

On page 41, line 24, decrease the figure by $11,000,000.

On page 42, line 7, decrease the figure by $13,000,000.

On page 42, line 8, decrease the figure by $13,000,000.

On page 42, line 16, decrease the figure by $2,000,000.

On page 42, line 17, decrease the figure by $5,000,000.

On page 42, line 18, decrease the figure by $8,000,000.

On page 42, line 19, decrease the figure by $11,000,000.

On page 42, line 20, decrease the figure by $13,000,000.

RIEGLE (AND BOND) AMENDMENT NO. 77

Mr. RIEGLE (for himself and Mr. BOND) proposed an amendment to the concurrent resolution (S. Con. Res. 29), supra, as follows:

COMMERCE AND HOUSING CREDIT

On page 19, line 8, decrease the figure by $98,000,000.

On page 19, line 9, decrease the figure by $90,000,000.

On page 19, line 18, decrease the figure by $94,000,000.

On page 19, line 19, decrease the figure by $94,000,000.

On page 20, line 3, decrease the figure by $173,000,000.

On page 20, line 4, decrease the figure by $167,000,000.

On page 20, line 13, decrease the figure by $181,000,000.

On page 20, line 14, decrease the figure by $181,000,000.

On page 20, line 23, decrease the figure by $171,000,000.

On page 20, line 24, decrease the figure by $172,000,000.

COMMUNITY AND REGIONAL DEVELOPMENT

On page 23, line 9, decrease the figure by $124,000,000.

On page 23, line 10, decrease the figure by $44,000,000.

On page 23, line 19, decrease the figure by $129,000,000.

On page 23, line 20, decrease the figure by $71,000,000.

On page 24, line 5, decrease the figure by $132,000,000.

On page 24, line 6, decrease the figure by $127,000,000.

On page 24, line 15, decrease the figure by $137,000,000.

On page 24, line 16, decrease the figure by $131,000,000.

On page 24, line 25, decrease the figure by $142,000,000.

On page 25, line 1, decrease the figure by $135,000,000.

INCOME SECURITY

On page 31, line 2, increase the figure by $865,000,000.

On page 31, line 3, increase the figure by $20,000,000.

On page 31, line 12, increase the figure by $900,000,000.

On page 31, line 13, increase the figure by $216,000,000.

On page 31, line 22, increase the figure by $935,000,000.

On page 31, line 23, increase the figure by $649,000,000.

On page 32, line 7, increase the figure by $973,000,000.

On page 32, line 8, increase the figure by $899,000,000.

On page 32, line 17, increase the figure by $1,012,000,000.

On page 32, line 18, increase the figure by $936,000,000.

GENERAL GOVERNMENT

On page 38, line 24, decrease the figure by $643,000,000.

On page 38, line 25, decrease the figure by $114,000,000.

On page 39, line 8, decrease the figure by $677,000,000.

On page 39, line 9, decrease the figure by $51,000,000.

On page 39, line 17, decrease the figure by $630,000,000.

On page 39, line 18, decrease the figure by $355,000,000.

On page 40, line 2, decrease the figure by $655,000,000.

On page 40, line 3, decrease the figure by $587,000,000.

On page 40, line 11, decrease the figure by $699,000,000.

On page 40, line 12, decrease the figure by $629,000,000.

GRASSLEY (AND HELMS) AMENDMENT NO. 78

Mr. GRASSLEY (for himself and Mr. HELMS) proposed an amendment, which was subsequently modified, to the concurrent resolution (S. Con. Res. 29), supra, as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1992.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1992, including the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1992.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Display of Federal retirement trust fund balances.
Sec. 5. Social Security.
Sec. 6. Major functional categories.
Sec. 7. Sale of Government assets.
Sec. 8. Accounting treatment of Social Security revenues.
Sec. 9. Reserve fund for family and economic security initiatives.
Sec. 10. Sense of the Congress in support of children and the family.
Sec. 11. High priority domestic discretionary programs.
Sec. 12. Fairness in Federal program benefits.
Sec. 13. Veterans' programs.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1992, 1993, 1994, 1995, and 1996:

(1) FEDERAL REVENUES.—(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1992: $847,100,000,000.
Fiscal year 1993: $913,400,000,000.
Fiscal year 1994: $1,000,500,000,000.
Fiscal year 1995: $1,078,400,000,000.
Fiscal year 1996: $1,147,900,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1992: $0.
Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1992: $82,100,000,000.
Fiscal year 1993: $88,600,000,000.
Fiscal year 1994: $94,400,000,000.
Fiscal year 1995: $100,600,000,000.
Fiscal year 1996: $107,100,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of total new budget authority are as follows:

Fiscal year 1992: $1,253,600,000,000.
Fiscal year 1993: $1,255,400,000,000.
Fiscal year 1994: $1,294,200,000,000.
Fiscal year 1995: $1,333,600,000,000.
Fiscal year 1996: $1,397,700,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1992: $1,190,100,000,000.
Fiscal year 1993: $1,191,000,000,000.
Fiscal year 1994: $1,157,700,000,000.
Fiscal year 1995: $1,194,700,000,000.
Fiscal year 1996: $1,254,100,000,000.

(4) DEFICITS.—The amounts of the deficits are as follows:

Fiscal year 1992: $343,000,000,000.
Fiscal year 1993: $277,600,000,000.
Fiscal year 1994: $157,200,000,000.
Fiscal year 1995: $116,300,000,000.
Fiscal year 1996: $106,200,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1992: $3,981,000,000,000.
Fiscal year 1993: $4,335,100,000,000.
Fiscal year 1994: $4,573,700,000,000.
Fiscal year 1995: $4,772,800,000,000.
Fiscal year 1996: $4,958,900,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1992: $15,400,000,000.
Fiscal year 1993: $15,600,000,000.
Fiscal year 1994: $15,500,000,000.
Fiscal year 1995: $15,600,000,000.
Fiscal year 1996: $15,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1992: $113,700,000,000.
Fiscal year 1993: $117,500,000,000.
Fiscal year 1994: $120,900,000,000.
Fiscal year 1995: $125,100,000,000.
Fiscal year 1996: $129,300,000,000.

(8) SECONDARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new secondary loan guarantee commitments are as follows:

Fiscal year 1992: $83,800,000,000.
Fiscal year 1993: $87,200,000,000.
Fiscal year 1994: $90,700,000,000.
Fiscal year 1995: $94,400,000,000.
Fiscal year 1996: $98,100,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1992: $413,800,000,000.
Fiscal year 1993: $354,100,000,000.
Fiscal year 1994: $238,600,000,000.
Fiscal year 1995: $199,100,000,000.
Fiscal year 1996: $186,100,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1992: $875,500,000,000.
Fiscal year 1993: $1,013,800,000,000.
Fiscal year 1994: $1,167,500,000,000.
Fiscal year 1995: $1,335,900,000,000.
Fiscal year 1996: $1,517,700,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $315,300,000,000.
Fiscal year 1993: $338,700,000,000.
Fiscal year 1994: $365,500,000,000.
Fiscal year 1995: $389,800,000,000.
Fiscal year 1996: $417,200,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $250,200,000,000.
Fiscal year 1993: $262,600,000,000.
Fiscal year 1994: $273,400,000,000.
Fiscal year 1995: $283,300,000,000.
Fiscal year 1996: $292,800,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1992 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1992:

(A) New budget authority, $288,400,000,000.

(B) Outlays, $293,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $290,900,000,000.

(B) Outlays, $292,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $289,100,000,000.

(B) Outlays, $291,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $292,000,000,000.

(B) Outlays, $292,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $300,600,000,000.

(B) Outlays, $297,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1992:

(A) New budget authority, $20,000,000,000.

(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000

(E) New secondary loan guarantee commitments, $400,000,000

Fiscal year 1993:

(A) New budget authority, $19,700,000,000.

(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $7,200,000,000.

(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1994:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $17,600,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $7,500,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

Fiscal year 1995:

(A) New budget authority, $20,600,000,000.

(B) Outlays, $18,500,000,000.

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $21,500,000,000.

(B) Outlays, $19,000,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $8,100,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1992:

(A) New budget authority, $16,400,000,000.

(B) Outlays, $16,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,700,000,000.

(B) Outlays, $17,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,400,000,000.

(B) Outlays, $18,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $19,100,000,000.

(B) Outlays, $18,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1992:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $600,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $5,600,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1992:

(A) New budget authority, $19,300,000,000.

(B) Outlays, $19,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $20,400,000,000.

(B) Outlays, $20,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $21,200,000,000.

(B) Outlays, $20,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $23,100,000,000.

(B) Outlays, $22,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1992:

(A) New budget authority, $22,400,000,000.

(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $7,500,000,000.

(D) New primary loan guarantee commitments, $8,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $19,000,000,000.

(B) Outlays, $15,600,000,000.

(C) New direct loan obligations, $7,300,000,000.

(D) New primary loan guarantee commitments, $7,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $7,100,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $6,800,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $6,800,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1992:

(A) New budget authority, $106,000,000,000.

(B) Outlays, $105,000,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $66,600,000,000.

(E) New secondary loan guarantee commitments, $83,400,000,000.

Fiscal year 1993:

(A) New budget authority, $57,600,000,000.

(B) Outlays, $53,900,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $69,200,000,000.

(E) New secondary loan guarantee commitments, $86,800,000,000.

Fiscal year 1994:

(A) New budget authority, $38,800,000,000.

(B) Outlays, $30,400,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $71,800,000,000.

(E) New secondary loan guarantee commitments, $90,200,000,000.

Fiscal year 1995:

(A) New budget authority, $21,300,000,000.

(B) Outlays, −$41,700,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $74,500,000,000.

(E) New secondary loan guarantee commitments, $93,900,000,000.

Fiscal year 1996:

(A) New budget authority, $18,200,000,000.

(B) Outlays, −$38,000,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $77,300,000,000.

(E) New secondary loan guarantee commitments, $97,600,000,000.

(8) Transportation (400):

Fiscal year 1992:

(A) New budget authority, $32,100,000,000.

(B) Outlays, $33,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $33,400,000,000.

(B) Outlays, $33,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $34,700,000,000.

(B) Outlays, $35,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $36,100,000,000.

(B) Outlays, $36,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $37,700,000,000.

(B) Outlays, $37,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1992:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $6,600,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $6,400,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,500,000,000.

(B) Outlays, $6,200,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $6,400,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $6,500,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1992:

(A) New budget authority, $48,800,000,000.

(B) Outlays, $46,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $12,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $48,100,000,000.

(B) Outlays, $47,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $12,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $48,900,000,000.

(B) Outlays, $47,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $50,200,000,000.

(B) Outlays, $48,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $52,100,000,000.

(B) Outlays, $46,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1992:

(A) New budget authority, $81,700,000,000.

(B) Outlays, $82,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $91,600,000,000.

(B) Outlays, $91,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $101,700,000,000.

(B) Outlays, $101,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $112,500,000,000.

(B) Outlays, $111,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $125,000,000,000.

(B) Outlays, $123,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1992:

(A) New budget authority, $120,000,000,000.

(B) Outlays, $116,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $131,300,000,000.

(B) Outlays, $128,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $145,500,000.

(B) Outlays, $141,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $162,000,000,000.

(B) Outlays, $157,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $181,200,000,000.

(B) Outlays, $176,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1992:

(A) New budget authority, $219,500,000,000.

(B) Outlays, $179,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $227,300,000,000.

(B) Outlays, $187,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $239,600,000,000.

(B) Outlays, $198,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $253,100,000,000.

(B) Outlays, $209,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $266,100,000,000.

(B) Outlays, $218,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1992:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,500,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $9,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $10,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $8,400,000,000.

(B) Outlays, $11,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1992:

(A) New budget authority, $33,300,000,000.

(B) Outlays, $33,300,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $18,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $34,600,000,000.

(B) Outlays, $34,500,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $19,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New.budget authority, $35,700,000,000.

(B) Outlays, $37,100,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $19,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $37,000,000,000.

(B) Outlays, $36,800,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $20,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $37,900,000,000.

(B) Outlays, $36,400,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $21,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1992:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $15,400,000,000.

(B) Outlays, $15,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1992:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $13,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1992:

(A) New budget authority, $235,000,000,000.

(B) Outlays, $235,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $252,000,000,000.

(B) Outlays, $252,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $267,400,000,000.

(B) Outlays, $267,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $278,900,000,000.

(B) Outlays, $278.900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $291,000,000,000.

(B) Outlays, $291,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1992: $312,400,000,000.

Fiscal year 1993: $336,900,000,000.

Fiscal year 1994: $355,600,000,000.

Fiscal year 1995: $368,400,000,000.

Fiscal year 1996: $379,200,000,000.

(20) Allowances (920):

Fiscal year 1992:

(A) New budget authority, $0.

(B) Outlays, −$16,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $0.

(B) Outlays, −$12,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $0.

(B) Outlays, −$76,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $0.

(B) Outlays, −$14,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $0.

(B) Outlays, −$22,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1992:

(A) New budget authority, −$32,600,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, −$33,300,000,000.

(B) Outlays, −$33,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, −$30,900,000,000.

(B) Outlays, −$35,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$38,600,000,000.

(B) Outlays, −$41,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $−42,700,000,000.

(B) Outlays, $−38,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

SEC. 7. SALE OF GOVERNMENT ASSETS.

(a) Sense of the Congress.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets to nongovernment buyers; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) Budgetary Treatment.—For purposes of allocations and points of order under sections 302, 601, and 602 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be allocated to a committee and shall not be scored with respect to the level of budget authority, outlays, or revenues under a committee's allocation under section 302, 601, or 602 of that Act.

(c) Definitions.—For purposes of this section—

(1) the terms "asset sale" and "prepayment of a loan" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the terms "asset sale" and "prepayment of a loan" do not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986.

SEC. 8. ACCOUNTING TREATMENT OF SOCIAL SECURITY REVENUES.

(a) Sense of the Congress.—It is the sense of the Congress that—

(1) the Congress should not enact—

(A) major spending changes to the Social Security system; or

(B) major revenue changes to the Social Security system,

without a fair and open debate of the budgetary consequences of those changes in the context of the concurrent resolution on the budget; and

(2) the Congress should not enact major reductions in Social Security revenues unless the current actuarial estimates of the Social Security Trust Funds over the next 75 years indicate the Trust Funds are actuarially sound.

(b) Accounting Treatment.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.

(c) Definitions.—For purposes of this section—

(1) the terms "Social Security revenues" and "Social Security outlays" shall have the same meaning as under title III of the Congressional Budget and Impoundment Control Act of 1974; and

(2) no provision of any bill or resolution, or any amendment thereto or conference report thereon, involving a change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of Social Security revenues unless such provision changes the income tax treatment of Social Security benefits.

SEC. 9. RESERVE FUND FOR FAMILY AND ECONOMIC SECURITY INITIATIVES.

(a) Initiatives To Improve the Health and Nutrition of Children and To Provide for Services To Protect Children and Strengthen Families.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to improve the health and nutrition of children and to provide for services to protect children and strengthen families.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(b) Economic Recovery Initiatives.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery initiatives for unemployment compensation or other, related programs when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary for economic recovery initiatives for unemployment compensation or other, related programs.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) to carry out this subsection.

(c) Continuing Improvements in Ongoing Health Care Programs and Phasing-In of Health Insurance Coverage for All Americans.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to make continuing improvements in ongoing health care programs or to begin phasing in health insurance coverage for all Americans.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and ag-

gregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(d) EXPAND ACCESS TO EARLY CHILDHOOD DEVELOPMENT SERVICES FOR LOW-INCOME PRE-SCHOOLERS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to expand access to early childhood development services for low-income pre-schoolers when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to expand access to early childhood development services for low-income pre-schoolers.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(e) TO FUND SURFACE TRANSPORTATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for surface transportation when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary for legislation that increases funding for surface transportation.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

SEC. 10. SENSE OF THE CONGRESS IN SUPPORT OF CHILDREN AND THE FAMILY.

It is the sense of the Congress that if a surtax on the income of millionaires is enacted, then the revenue generated by such a surtax will be used to offset a commensurate increase in direct tax assistance to families, which will include increasing dependent exemptions and tax credits for children.

SEC. 11. HIGH PRIORITY DOMESTIC DISCRETIONARY PROGRAMS.

(a) FINDING.—The Congress finds that, within the current inventory of Federal programs and projects (both domestic and defense), there are inefficient, parochial, and outdated programs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, within the discretionary allocations included in this concurrent resolution on the budget, the Committees on Appropriations should—

(1) consider proposals to terminate substandard and inefficient projects and programs in 1992;

(2) reduce the Federal investment in outdated projects and programs; and

(3) reallocate those resources to higher-priority discretionary programs and projects.

SEC. 12. FAIRNESS IN FEDERAL PROGRAM BENEFITS.

(a) FINDINGS.—The Congress finds that—

(1) Federal spending for all segments of the population has grown significantly over the last 2 decades, and that Federal benefits increasingly have been provided not necessarily to those with low pre-Federal transfer incomes, but to those who have pre-transfer incomes above their poverty thresholds;

(2) substantial amounts of Federal Government spending, nearly $26.5 billion in calendar year 1989, went to households with incomes that put them in the top 20 percent of all households; and

(3) Government assistance in the form of—

(A) school lunch subsidies which are provided to all participating students regardless of family income;

(B) direct income support payments to farmers with incomes over $125,000 per annum;

(C) low-cost loans to students from higher income families, and at times, awarded without regard to family income;

(D) nonstandardized benefit structures for payments to survivors of service persons whose death occurred while on active duty or as a result of service-connected illness; and

(E) large subsidies for the wealthiest medicare beneficiaries,

continues to grow unabated.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that legislation should be enacted to provide a wiser, more fair and more equitable distribution of Federal benefits. Subsidies that are provided to the wealthiest segments of our society should either be redirected to provide more assistance to the poor and the underprivileged, or applied to further deficit reduction.

SEC. 13. VETERANS' PROGRAMS.

It is the sense of the Congress that—

(1) veterans' programs are a top National priority and that there are critical needs, particularly in the area of veterans medical care which must be addressed; the Congress urges the Committees on Appropriations, while acting within the limits of the discretionary caps, to give maximum consideration to veterans' benefit programs; and

(2) the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1990 placing limits on the estate size of incompetent veterans without dependents may be inconsistent with the Americans with Disabilities Act (Public Law 101-336) and therefore discriminatory; the committees of jurisdiction should consider modifying these provisions on a deficit-neutral basis to provide alternate methods for achieving the budget savings assumed within that Act.

EXON (AND OTHERS) AMENDMENT NO. 79

Mr. EXON (for himself, Mr. CRANSTON, Mr. DOMENICI, Mr. BINGAMAN, and Mr. CONRAD) proposed an amendment, which was subsequently modified, to the concurrent resolution (S. Con. Res. 29), supra, as follows:

On page 34, line 24, increase the figure by $900,000,000.

On page 34, line 25, increase the figure by $600,000,000.

On page 42, line 23, decrease the figure by $1,200,000,000.

On page 42, line 24, decrease the figure by $900,000,000.

On page 37, line 2, increase the figure by $300,000,000.

On page 37, line 3, increase the figure by $300,000,000.

McCONNELL AMENDMENT NO. 80

Mr. McCONNELL proposed an amendment to the concurrent resolution (S. Con. Res. 29), supra, as follows:

On page 31, line 2, increase the amount by $50,000,000.

On page 31, line 3, increase the amount by $50,000,000.

On page 31, line 12, increase the amount by $50,000,000.

On page 31, line 22, increase the amount by $50,000,000.

On page 32, line 7, increase the amount by $50,000,000.

On page 32, line 8, increase the amount by $50,000,000.

On page 32, line 17, increase the amount by $50,000,000.

On page 32, line 18, increase the amount by $250,000,000.

On page 38, line 24, reduce the amount by $50,000,000.

On page 38, line 25, reduce the amount by $50,000,000.

On page 39, line 8, reduce the amount by $50,000,000.

On page 39, line 17, reduce the amount by $50,000,000.

On page 40, line 2, reduce the amount by $50,000,000.

On page 40, line 3, reduce the amount by $50,000,000.

On page 40, line 11, reduce the amount by $50,000,000.

On page 40, line 12, reduce the amount by $250,000,000.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, May 16, 1991, at 10 a.m. The meeting will begin with a presentation by Mr. George White on the status of projects undertaken by the Office of the Architect of the Capitol, including the elevator program, the electrical improvements project, the recycling pilot, the Senate subway system, the Senate Chamber audio system, the Capitol terrace office project, the Capitol security plan, and the Post Office development.

Following the Architect's presentation, the committee will take up administrative business; items to be considered include travel regulations, Recording Studio regulations, request for additional office space by California Senators, and other matters ready for review at time of meeting.

For further information regarding this administrative business meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INVESTIGATIONS

Mr. SASSER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, April 24, 1991, to hold a hearing on "Efforts to Combat Fraud and Abuse in the Insurance Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 24, 1991, at 10:30 a.m., to hold a hearing on the nomination of Henry M. Herlong, Jr., to be U.S. district judge for the District of South Carolina, William Harold Albritton III, to be U.S. district judge for the Middle District of Alabama, Marilyn L. Huff, to be U.S. district judge for the Southern District of California, Wm. Fremming Nielsen, to be U.S. district judge for the Eastern District of Washington, and Frederick L. Van Sickle, to be U.S. district judge for the Eastern District of Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, April 24, 1991, at 10 a.m., for a hearing on "Star Schools for All Our Students."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate Wednesday, April 24, 1991, at 10 a.m. to conduct a hearing on "State and Local Governments Under Stress: The Role of the Capital Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate Wednesday, April 24, 1991, at 2 p.m. to conduct a hearing on reauthorization of the Urban Mass Transportation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. SASSER. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding an oversight hearing on April 24, 1991, beginning at 2:30 p.m., in 485 Russell Senate Office Building on New School Construction, Repair and Improvements on the Bureau of Indian Affairs School Facilities.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 24, 1991, beginning at 9:30 a.m., to markup pending legislation business. The committee will consider the following: S. 250, to establish national voter registration procedures for Federal elections, and for other purposes; S. 739, to authorize the Architect of the Capitol to accept certain gifts on behalf of the U.S. Botanic Garden; and Senate Resolution 96, to update Senate Resolution 219 (95th Congress, 2d Session) relating to the Senior Citizen Intern Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation/National Ocean Policy Study, be authorized to meet during the session of the Senate on April 24, 1991, at 2:30 p.m. on Arctic oceans research.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 24, 1991, at 2 p.m. on the nomination of Jack Warren Lentfer, of Alaska, and John Elliott Reynolds, of Florida, to be members of the Marine Mammal Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 24, 1991, at 1:30 p.m. on the nominations of John G. Keller to be Under Secretary of Commerce for Travel and Tourism and Preston Moore, of Texas, to be Chief Financial Officer, Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCIENCE, TECHNOLOGY AND SPACE SUBCOMMITTEE

Mr. SASSER. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 24, 1991, at 9:30 a.m. on Missions to Planet Earth.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in closed session on Wednesday, on April 24, 1991, at 5:30 p.m. to receive a classified briefing from Department of Defense officials on Operation Provide Comfort.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet in open session on Wednesday, April 24, 1991, at 9:30 a.m. to receive testimony on Reserve and National Guard programs in the Defense authorization request for fiscal years 1992 and 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 24, 1991, at 10 a.m. to hold a hearing on the enterprise for the Americas initiative and its connection to the President's request for an extension of fast-track negotiating authority.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet in open/closed session on Wednesday, April 24, 1991, at 2 p.m. to receive testimony on Army and Air Force ammunition programs in review of the fiscal years 1992/1993 national defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SASSER. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. April 24, 1991, to consider S. 341, S. 210, S. 343.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 24, at 10 a.m. to hold a hearing on the SDI program as it relates to the ABM Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 24, at 2 p.m. to hold a hearing on transforming East European economies.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ALBANIANS IN KOSOVO

• Mr. LIEBERMAN. Mr. President, we are all aware of the dramatic changes in Eastern Europe as the various countries take difficult steps toward building democratic institutions. The northern countries of Poland, Hungary, and Czechoslovakia have become fully democratic. In contrast, the southern tier of East European countries, Yugoslavia, Romania, Bulgaria, and Albania have had democratic elections, but significant progress still needs to be done.

Yugoslavia is an example of the difficult road toward reform. The Federal Government, under the leadership of Prime Minister Ante Markovic, has implemented significant economic reforms but has met with serious opposition from within Yugoslavia. A major obstacle has been the resistance of Serbian President Milosevic. A recent Wall Street Journal editorial stated:

> Serbia's Slobodan Milosevic, elected President by the Serbians last December, is an anachronism. He had come to power as a Communist in 1987 and soon was using muscle to influence the press and TV. His party changed from "Communist" to "Socialist" last year in a bow to public opinion but altered little else.

Massive street demonstrations by students and workers in Belgrade in March captured headlines and resulted in the resignation of the Interior Minister and a freeing of the press and media. But the fight against the old ways still goes on.

Milosevic has also whipped up Serbian nationalism against Yugoslavia's Albanian minority in the autonomous province of Kosovo. Tension between Serbs and Albanians is centuries old. They speak different languages, come from different ethnic origins, and differ culturally. Serbs are predominantly Orthodox in religion, and Albanians are predominantly Moslem. Under Milosevic, the Serbian Government has asserted control over the province, although ethnic Albanians constitute 85 percent of the population. Serbian authorities changed the constitution, and suspended the activity of Kosovo parliament last July.

Since then, the authorities have closed the Albanian-language television and radio stations and the main newspaper, fired several thousand Albanian Government workers, technicians, and doctors, and arrested hundreds of Albanian dissidents. At least 23 people were killed in clashes between demonstrators and police in 1990.

Our own Government has taken note of these abuses. Assistant Secretary of State Richard Schifter, at a Senate Foreign Relations Committee hearing on February 21, 1991, said:

> After delegates to the Kosovo legislature meeting ex camera, declared Kosovo separate and sovereign within Yugoslavia, Serbian authorities arrested four of the delegates and sought the other 107, who avoided that fate by fleeing from Serbia to other republics of Yugoslavia or leaving the country altogether.

In a similar vein, the recent Helsinki Watch Report, after noting the long history of ethnic strife in Kosovo involving violence by both sides, states:

> * * * there is no justification for any claim that the Serbian Government's intervention in Kosovo aims more than marginally to protect the Serb minority. Milosevic has stated * * * a matter of Serb pride of control over Kosovo as the ancient birthplace of Serbian culture. The Serbian Government has therefore undertaken an ambitious program to resettle Serbs in Kosovo in order, in effect, to re-take the province. This resettlement policy has led to severe violations of human rights and the imposition of a military occupation on the civilian population.

The international community needs to bring pressure to bear on the Serbian Government to change its heavy-handed political methods. I want to salute Ambassador Warren Zimmerman for speaking out on these human rights abuses in Kosovo. I also want to compliment my distinguished colleague, Senator DOLE, for leading a congressional delegation there last August. Ten thousand demonstrators waited to greet them, only to be dispersed by Serbian police using tear gas and clubs. Since then, reports have been received that, as recently as March 2, several leaders of the Albanian community, Dr. Ibrahim Rugova, Dr. Ali Aliu, Dr. Bujar Bukoshi, and Mr. Mehmet Kraja, were stopped and detained by the Serbian police for several hours.

Mr. President, this kind of harassment of Albanians in the Kosovo province of Yugoslavia must end. Human rights for Albanians must be respected if Yugoslavia wants to become more closely integrated into the rest of Europe. Full political rights must be granted to all the people of Kosovo. We should not allow Kosovo to be overshadowed by the dramatic events elsewhere in Eastern Europe and the Soviet Union. Europe will not be truly free until every single province enjoys its political rights, including Kosovo. Let us not rest until that day arrives.•

TRIBUTE TO CHEYENNE EAST HIGH SCHOOL WYOMING STATE WINNERS OF THE WE THE PEOPLE * * * NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION AND BILL OF RIGHTS

• Mr. WALLOP. Mr. President, it is my distinct pleasure to announce that Cheyenne East High School, in Cheyenne, WY, is the Wyoming State winner of the "We the People * * * National Bicentennial Competition on the Constitution and Bill of Rights."

The national bicentennial competition is an outstanding education program developed by the Center for Civic Education, and cosponsored by the Commission on the Bicentennial of the U.S. Constitution. This program provides high school students with a course of instruction on the development of our Constitution and the basic principles of constitutional democracy. In both the instructional and competitive segments of the program, students work together cooperatively to deepen their understanding of the American constitutional system.

I would like to commend Carol Leffler who is responsible for supervising and implementing the National Bicentennial Competition in Wyoming. Also deserving of recognition is the State coordinator, Dick Kean, who is responsible for the administration of the program at the State level.

I want to especially congratulate the teacher, Gwen Vines, who did a superb job preparing the class for the competition and devoted considerable time and effort to make these students constitutional scholars. The students of the winning class from Cheyenne East High School are as follows. I congratulate each and every one of them.

Connie Dahlin, John DeLeon, Tony Durch, Bobby Gire, Ron Gudenkauf, Matthew Hammock, Robert Keslar, Kip Lackey, Chris McBride, Ryan McGuire, Shelby Moore, Mike Mossman, Jason Muehl, Kim Nissen, Rana Osborne, Melissa Plumley, Jonathan Plummer, Rob Pultatie, Brandi Samson, Maria

Soderberg, Tomi Wendling, and Shawn Wold.

The class from Cheyenne East High School will now go on to compete in the national finals to be held April 27–29, 1991, in Washington, DC. Competing teams will be judged on the basis of their understanding of the Constitution and their ability to apply constitutional principles to historical and contemporary issues.

Mr. President, the instructional materials developed by the Center for Civic Education which prepare students for the competition are being used in every congressional district in the Nation. While the competition part of the program advances winning teams at various levels, the benefits of this excellent educational project are extended to all students who participate. In this respect, all the students are winners, because they gain valuable civic and intellectual skills enabling them to make informed and reasoned political decisions in today's society.●

THE ARMENIAN GENOCIDE

● Mr. LEVIN. Mr. President, today is the day people throughout the world are paying tribute to the more than 1 million souls who perished as victims of the 1915–23 genocide of the Armenian people. This year marks the 76th anniversary of the Armenian genocide.

There is an overwhelming body of irrefutable historical documentation and eyewitness accounts proving beyond a doubt the sad reality of the Armenian genocide.

Mr. President, in 1920, as the events of the Armenian genocide were occurring, the Senate agreed to Senate Resolution 359. That resolution began:

> Whereas the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered.

At the dawn of the 20th century, this was an attempt to eliminate a whole people from the face of the Earth. Because of that, today we bear witness to these events. There was an attempt to eliminate Armenian people not for what they had done as individuals, but because of who they were. The effort fell short, but the pain and destruction were immeasurable.

As the century proceeded, other genocides occurred. Nations and people did not learn from history, did not comprehend, did not believe what had happened to the Armenians. As a result, genocidal horrors revisited the planet.

History now holds in its embrace the victims of the Nazi Holocaust. Even after the Armenians, the lessons were not learned, the horrors were not understood, and the murders were not prevented. And, a generation after the Nazis were gone, a million Cambodians died.

Mr. President, we should do all we can to ensure that the world understands the truth. We should do all we can to ensure that the world never forgets.

Today, once again, a people are endangered and dying only for who they are. This time, as an uncountable number of Kurds flee and struggle for their lives, we must not allow it to happen again. Learning the lessions of history, we must recognize what might happen—what will happen if the world turns a blind eye—and do all in our power to prevent it.

Today, as the 20th century draws to a close, we mark the attempted genocide that occurred at the beginning of the century. Today, we pay tribute to the Armenians who were the victims.

And, as the 20th century draws to a close, the civilized world has it within its power to avoid a destruction of the Kurds similar to the relentless and ruthless slaughter of the Armenians. With international intervention and massive organized aid, such a tragedy can be averted.

The incalculable horrors suffered by the Armenian victims need not be in vain, and unheeded. It is within our power to confront evil in this world, and prevent the destruction of people who are endangered only because of who they are. This is the tribute we should pay to the victims of the attempted genocides of this century; to see that is never allowed to happen again.●

TRIBUTE TO WOODFORD H. PORTER

● Mr. McCONNELL. Mr. President, I rise today to recognize an individual who has personally instilled hope and determination in the lives of all he has touched.

As a youngster growing up in the west end of downtown Louisville, Woodford R. Porter, Sr., had firsthand experience with total segregation. He went to black schools, black churches, and black playgrounds.

At the age of 73, he can smile when he recalls those dark days, with an awkward fondness that can only be appreciated by those who know how far the city of Louisville has come over the past the few decades.

In 1968, he became the first black member of the University of Louisville's board of trustees and subsequently, became the first black chairman, a role he now holds. He has also been chairman of the board during the 1976–77, 1977–78, and the 1980–81 terms. Additionally, he was elected to the Louisville Board of Education in 1958 and served as chairman in 1960, 1961, and 1966.

He is the president of A.D. Porter & Sons, Inc., Funeral Home of Louisville, KY, a company his father founded back in 1907. He also serves as a board member of the Chestnut Street YMCA, Jefferson Community College, the Kentucky Peace Officers Standards and Training Council, and the Metropolitan YMCA Board.

This air of civic mindedness has earned Porter many honors. He has received the Outstanding Alumni Award from Central High School, 1961; the Citizen of the Year Award, Damascus Temple, 1961; the Meritorious Service Award for the Louisville-Jefferson County YMCA's, and the Epicurean Club's Special Award for Community Service.

In July, Mr. Porter plans to retire his post with the University of Louisville board of trustees, ending 24 years of service with the university. This type of commitment is outstanding, and deserves special recognition from the university, the students, and the community.

Mr. President, at this time I would ask that the editorial appearing in the March 20, 1991, edition of the Louisville Courier-Journal please be inserted in the RECORD.

The editorial follows:

[From the Louisville Courier-Journal, Mar. 20, 1991]

HE TURNED THE TIDE

Few have given as much to the University of Louisville, as has Woodford H. Porter Sr., who is retiring as trustee at the institution where he has served for a quarter of a century. He has helped guide its evolution from a declining semiprivate municipal university into a full-fledged member of the state system of public higher education.

Others might have done as much. But it is hard to imagine anyone doing it with the grace and good humor—as well as the tenacity—that marked Mr. Porter's tenure, including an extraordinary record of four terms as board chairman.

Of course, Mr. Porter's leadership in education had previously been established. He served as a member, and as chairman, of the old city school board before it merged with Jefferson County's. And his counsel was often sought during the difficult days of merger. He cared about schools, and he cared about the young people who are the future leaders of this community. The scholarship at U of L that bears his name has been significant in making higher education possible for a number of such youths.

Many who admired his work for the university will have favorite memories of how Woodford Porter made a difference. But it's hard to imagine a clearer one than the occasion in the mid-1970s when the state higher education council was considering trimming U of L's sails to make it essentially the same as other regional schools—something much less than had been promised. Mr. Porter eloquently defended a broader role for the Louisville university, one that would reflect its urban character and service area.

He turned the tide that day, and on many other occasions. U of L will miss "Woody" Porter's leadership. But we trust he'll still be active in other public arenas.

And we share U of L President Donald Swain's hope that Mr. Porter will be replaced by another African-American. Indeed, Governor Wilkinson has a number of additional slots to fill on the board this year. We hope he will reach into the rich pool of minority talent, including women, to give our urban school diversity of leadership.●

COMMEMORATING THE ARMENIAN GENOCIDE OF 1915–23

● Mr. KOHL. Mr. President, today, April 24, 1991, marks the 76th anniversary of the onset of the Armenian genocide. Perhaps as many as 1½ million Armenians perished at the hands of the Ottoman Empire between 1915 and 1923. I think it's important that we in Congress take time on this day to remember that terrible tragedy.

The forcible deportations, starvation, massacres, and other inhumane treatments to which the Armenians were subjected have been well-documented by historians. It is unfortunate that political and nationalistic controversies still prevent us from officially recognizing this event. But I am encouraged by the fact that we seem, perhaps, to have learned from that tragedy.

Today, in the same region of the world, another people—the Kurds—face a threat to their existence. But this time the world has not averted its eyes or turned its attention to other concerns. We have focused on the plight of the Kurds and are responding to it. In that context I would emphasize the helpful and generous role which the Government of Turkey has played in responding to this crisis. Those who seek to suggest a link between the actions of the Ottoman Empire and the Republic of Turkey should be silenced by the humanitarian behavior of the modern Turkish Government and the Turkish people.

At the same time, those who mourn the victims of the Armenian genocide can not and should not be silenced. We are obligated to remember that event, because that memory makes it possible for us to prevent its repetition with the Kurds or some other people as the victims.

Mr. President, the historic evidence of the Armenian genocide will not fade, and our memory of it will require us to remain true to our human character and compassion.●

THE ANNIVERSARY OF POLAND'S CONSTITUTION

● Mr. SIMON. Mr. President, I would like to enclose for the RECORD a statement by Helen M. Szynanowicz, the vice president of the Polish National Alliance, concerning the May 3, 1991, the 200th anniversary of Poland's Constitution. This day is celebrated and honored by Poles all over the world and is made even more special by the democratic changes that have swept Eastern Europe these past 2 years. I request that this statement be inserted into the RECORD in its entirety.

The statement follows:

BACKGROUND OF POLAND'S MAY 3, 1791, CONSTITUTION

The annual commemoration of this event which signified the spiritual and moral renovation of the Polish nation after a period of stagnation caused by foreign influences under the Saxon kings, has become a proud and integral part of the civic and patriotic activities not only in Chicago but also in many cities throughout the world.

To the Poles and their descendants May 3rd is a national holiday for it bestows upon the Pole a priceless heritage of humanitarianism, tolerance and a democratic precept conceived at a time when most of Europe lived under the existence of unconditional power and tyranny exemplified by Prussia and Russia.

Poland's parliamentary system actually began at the turn of the 15th Century, but a series of defensive wars, internal stresses, outside influences, widespread permissiveness and excessive concern for the rights of dissent brought Poland to the brink of disaster and anarchy in the 18th Century. Urgently needed reforms became imperative.

The May 3rd, 1791 Constitution was the first liberal constitution in Europe and second in the world, after the Constitution of the United States.

Following the American pattern it established three independent branches of government—executive, legislative and judiciary. Throughout the constitution runs a philosophy of humanitarianism and tolerance, such as—a perfect and entire liberty to all people—rule by majority—secret ballot at all elections—religious freedom and liberty.

But, most importantly, the constitution abolished the one vote veto powers of individuals who would undermine proposals, for their own dubious reasons.

The constitution curtailed the executive power of the King and State council. It was forbidden them to contract public debts—to declare war—to conclude definitely any treaty, or any diplomatic act. It only allowed the Executive branch to carry on negotiations with foreign courts, always with reference to the Diet (Parliament).

In terms of democratic precepts, the May 3rd Constitution is a landmark event in the history of Central and Eastern Europe.

The Polish constitution was deemed too dangerous by the tyranny of absolutism still rampant in Europe. Thus Russia, Prussia and Austria decided to wipe out "the Polish cancer of freedom" from the face of the earth. In 1795 partitioned Poland ceased to exist as a state.

In terms of national life, she lost the entire 19th Century, being reborn in 1918.●

TRIBUTE TO KENNETH F. BROWN

● Mr. INOUYE. Mr. President, I wish to commend Mr. Kenneth F. Brown, retiring member of the board of governors of the East-West Center, for his service to our Nation and his commitment to strengthen our ties with the people of Asia and the Pacific Rim.

Mr. Brown has served on the board of governors with distinction for 9 years, including the acceptance of the numerous responsibilities which accompany the chairmanship. During his tenure, Mr. Brown faithfully and tirelessly carried forward the mission of the East-West Center to further promote better relations and understanding between the United States and the nations of Asia and the Pacific. More specifically, his efforts are evidenced by the great strides made in the development of joint research endeavors and the facilitation of cooperative business ventures between the Pacific Rim and the United States, with Hawaii being viewed with more and more regularity as the hub of the Pacific.

Mr. Brown has served the people of Hawaii throughout the years in a variety of capacities. From 1968 to 1974, he served as a Hawaii State Senator. Additionally, Mr. Brown's commitment to the community is evidenced by his service as a director of the Queen's Medical Center, director of the Hawaii Visitors Bureau, chairman of the trustees for the Frances H.I. Foundation, chairman of the John A. Burns Foundation, chairman of the Hawaii Community Development Authority, president of the Pacific Gamefish Foundation, member of the Hawaii Committee for the Humanities, and member of the Bishop Museum Board of Trustees. In each capacity, Mr. Brown's dedication and commitment to improving the quality of life of Hawaii's residents are clearly evidenced.

Over the years that I have known Kenny Brown, my admiration and respect for him has continued to grow. Of the many awards he has received, I believe that the designation—as a "Living Treasure"—by the Honpa Honwanji Mission is the most fitting.

Mr. President, I rise today to express my heartfelt appreciation in recognition of Mr. Kenneth F. Brown for his lifetime of service and embodiment of the spirit of aloha and goodwill in all that he does.●

CONGRATULATIONS TO BENJAMIN F. BURRELL

● Mr. GLENN. Mr. President, I rise today to recognize the outstanding work of Benjamin F. Burrell, Director of Facilities and Administrative Services Staff at the U.S. Department of Justice, who has been honored this year with two awards for excellent, efficient, and exemplary management and administration at the Department of Justice.

The Attorney General's award for excellence in management recognizes extraordinary achievements in operations, productivity, and cost control. During his 18-year career with the Department of Justice, Mr. Burrell has shown unusual responsiveness and imagination in addressing the many difficult organizational and logistical problems of the Department of Justice.

In choosing recipients of their Excellence in Administration Award, the General Services Administration looks for measurable improvements in management systems, tangible savings or public policy benefits, the originality and effectiveness of the nominee's accomplishments, and long-term improvements in efficiency, effectiveness, and economy of governmental operations because of the actions of the nominee. By all these measures, Benjamin Burrell richly deserves recognition with this honor.

As chairman of the Governmental Affairs Committee of the U.S. Senate, I have special reason to be grateful for Ben Burrell's outstanding contributions to managing and administering a major governmental office. He has brought dedication, expertise, professionalism, and integrity to public administration, he has honored public service with his excellence, and most of all, he has served the people of this great Nation well. I ask my colleagues to join me commending Benjamin H. Burrell, distinguished administrator of the Senior Executive Service at the Department of Justice.•

BIELARUSIAN INDEPENDENCE DAY

• Mr. SIMON. Mr. President, March 25 was Bielarusian Independence Day. Many Americans of Bielarusian descent celebrated this 73d anniversary and remembered the struggle of their brothers and sisters that have remained in Bielarus. Bielarus is located in the western part of the Soviet Union, bordering Poland in the west, Ukraine in the south, Russia in the east and north, and the Baltic States in the northwest. The citizens of this small republic have displayed great courage in their fight for freedom and self-government.

The celebration of Bielarusian independence is a reminder of their struggle for self-determination the Bielarusians have undertaken in the past century. Many of the ideas the citizens of Bielarus have fought for are the same ones which we as Americans take for granted. Bielarus attempted to declare independence in 1918 only to be forced back into the Soviet Union. Today, the ideal of self-government remains a dream to the people of Bielarus and Bielarusian-Americans are helping with the realization of this dream.

The people of Bielarus suffered immense physical and emotional trauma from the 1986 Chernobyl disaster. The extent of the fallout had not been realized until recently and consequently more and more citizens of this republic are faced with the long-term effects of radiation exposure. Many efforts to aid the people of Bielaurs have been kept alive by the Bielarusian-American community in Chicago and negotiations are underway for the private donations of emergency medical supplies to be sent to the citizens of Bielarus. Bielarusian-Americans have not forgotten their relatives and the United States as a whole should be more aware of the problems in specific republics of the Soviet Union.

For Bielarus and other republics in the Soviet Union, I hope my colleagues will seriously consider S. 860, which Senator DOLE and I have introduced. Our legislation urges that we shape any assistance we may give to the U.S.S.R. to benefit those republic within the Soviet Union that have taken steps toward democratically elected government and respect for human rights. In this way, we will help all the people in the Soviet Union who believe in democracy, the rule of law and respect for human rights.•

COMMENDING KEIJI KAWAKAMI

• Mr. INOUYE. Mr. President, I wish to commend Mr. Keiji Kawakami, retiring member of the board of governors of the East-West Center, for his service to our country and his commitment to improving our relations with the people of Asia and the Pacific Rim.

Mr. Kawakami served with great distinction on the board of governors for 9 years. In this capacity, he has worked to carry out the missions of the East-West Center through the promotion of better relationships between the United States and the Pacific Rim nations. Mr. Kawakami's participation helped to ensure that the understandings and relationships were founded on an appreciation of the unique cultures of the nations involved. From such a solid foundation, business, trade, or scholarly endeavors would develop in an amicable and cooperative fashion.

Mr. Kawakami is a respected and successful businessman. He is the president of Iolani Sportswear, and a director of Bancorp Hawaii, the Bank of Hawaii, and Dillingham Corp. Additionally, he has served both the United States and the Hawaii State government in advisory capacities in the area of foreign aid, and foreign relations with China. He is also a member of the Japan Hawaii Economic Council.

Mr. Kawakami is well aware of the important role Hawaii can play to aid in the development of the Pacific region. In addition to his service on the board of governors of the East-West Center, Mr. Kawakami participated in the Pacific Basin Economic Council and the Governor's Commission of Hawaii Year 2000. His guidance and counsel are very well received. Through his tireless efforts, Hawaii today is being viewed with more and more regularity as the "Hub of the Pacific."

Keiji and I have been close personal friends for many years. Ours is a comradeship which began during World War II, as soldiers of the 442d Regimental Infantry Combat Battalion. It is a friendship forged in battle and cemented with blood. The motto of the 442d unit was "Go for Broke." It meant that we gave our all to everything we did. Keiji has carried this motto forward into his civilian life: All that he does, he does with his heart and soul.

Mr. President, it is my great privilege to express my heartfelt appreciation to Keiji Kawakami for his exemplary service to our Nation, the Pacific basin, and to the people of Hawaii.•

CHILDREN'S AID

• Mr. CHAFEE. Mr. President, yesterday, I was pleased to join with my colleague from New Jersey in introducing two bills that will help our Nation's most vulnerable population, our children. As a nation, we will spend $660 billion this year on health care—more than any other nation. Yet we don't even rank in the top 10 on key health indicators such as infant mortality, low birth weight, and immunizations.

In recent years, I have worked toward passage of several bills which expanded Medicaid eligibility for pregnant women and children. I believe that these expansions have been instrumental in increasing the number of low-income pregnant women and children who have access to health care services. Until we are able to enact reform in our health care system, it is critical that we continue to make incremental improvements in our existing system and focus our limited dollars on providing increased access to health care services for our Nation's children. The proposal that we are introducing will continue in that effort.

The first proposal is the Infant Mortality and Children's Health Act of 1991. As recently as 1988, the United States ranked 21st among other industrialized nations in childhood mortality.

We all recognize the value of adequate prenatal care. We spend millions of dollars each year on neonatal intensive care for infants, who are born premature. For a fraction of this, we can provide prenatal services to pregnant women. By some estimates, for every dollar spent on prenatal care for a low-income woman, more than $3 is saved during the first year of her child's life, and as much as $400,000 can be saved over the child's lifetime.

Under current law, States have the option of providing Medicaid coverage to pregnant women with incomes below 185 percent of the Federal poverty level. This legislation requires States to phase-in Medicaid coverage of pregnant women and infants living in families with incomes below 185 percent of poverty. In addition, the bill allows States to provide Medicaid coverage to children up to age 6 with incomes below 185 percent of poverty.

The second proposal we are introducing is the Childhood Immunization Improvement Act. In 1981, the Centers for Disease Control stated that measles could be eradicated in the United States by the middle of the decade. Yet, last year more than 27,000 cases of measles were reported. This is 18 times the number which occurred in 1983. Sixty of these cases resulted in death. These needless deaths could have been prevented if children had been adequately immunized.

Childhood immunizations are the most cost-effective health service available today and result in cost savings as high as $23 for every $1 spent. Yet here in the United States, many preschool children, especially poor children in inner-city and rural areas, are not receiving timely immunizations. These young children are at the greatest risk. The increases in immunization preventable disease has been greatest among these preschool children.

Our legislation will address these problems by increasing the Federal match rate for immunization activities under Medicaid to 90 percent Federal participation. In addition, the bill requires States to reimburse providers under Medicaid for the actual cost of providing the vaccine. Further, CDC is asked to develop a model delivery system to ensure that vaccines are easily accessible to State and local health agencies.

These two bills represent another step in the great strides we have made in recent years to improve the delivery of health care services for pregnant women and children. I urge my colleagues to join with us in sponsoring these bills.•

HONORING SUPERIOR SMALL BUSINESS DEVELOPMENT CENTER

• Mr. KASTEN. Mr. President, the small businesses of Wisconsin are the powerhouse of our State's economic growth. Over 62 percent of the new jobs created are directly attributable to these small businesses, ventures on the cutting edge of society, creating the products and services the American people desire.

I recently had the privilege of touring a number of successful small businesses in Wisconsin that have been assisted by Small Business Development Centers [SBDC's]. These SBDC's are excellent incubators of small business growth, and I'd like to draw my colleagues' attention to the achievement of one of these centers today.

On April 3, I visited four small businesses in Superior, WI: Northwest Outlet, a sporting goods store employing approximately 25; Horizons Travel Service, a 4-agent travel agency; the Window Shop, a sole proprietorship specializing in interior design; and the Supreme Courts and Health Spa, a 10-year-old fitness center.

These companies are thriving, and most of the credit goes to their respective leaders: David Miller of Northwest Outlet; Marge Lange of Horizons Travel Service; Dale Yeates of the Window Shop, and David Olson of the Supreme Courts and Health Spa.

But these success stories would not have been possible without the assistance and counsel of SBDC Director Tuula Harris. At a time when some are proposing drastic cuts in the Federal budget for SBDC's, it is important to note successes like that experienced by these four businesses.

Let us keep this system of small business incubators alive by supporting full funding for SBDC's.•

THE BICENTENNIAL OF THE BIRTH OF SAMUEL F.B. MORSE

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 113 regarding the 200th anniversary of the birth of Samuel F.B. Morse, submitted earlier today by Senator FORD and now at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 113) recognizing, on the bicentennial of his birth, the role of Samuel F.B. Morse in the revolutionary development of electrical communications, and his demonstration, funded by the Congress, of the practicability of sending telegraph messages by electricity.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 113) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 113

Whereas Samuel Finley Breese Morse (1791-1872) was a pioneer in the development of electrical communications, the first practical use of electricity;

Whereas Morse and his partners invented the Morse Code and the electrical telegraph on which it was first used in 1838;

Whereas the Congress funded in 1843 construction of Morse's first operational telegraph line, from Washington DC, to Baltimore, Maryland, and the Congress also funded further development of this first practical instrument of communication;

Whereas on May 24, 1844, Morse transmitted his famous "What hath God wrought?" telegraph message from the Capitol to Baltimore, unleashing an ever-growing tide of electrical communications and forever establishing the leadership of the United States in the development of modern communications: Now, therefore, be it

Resolved, That the Senate recognizes, on the occasion of the 200th anniversary of the birth of Samuel F.B. Morse, the role of Samuel F.B. Morse in the revolutionary early development of electrical communications, and further recognizes Morse's momentous contributions to the economic, social, and industrial development of the United States.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENIOR CITIZEN INTERN PROGRAM

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 96, regarding the Senior Citizen Intern Program just reported by the Rules Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 96) to update Senate Resolution 219 (95th Congress, 2d Session) relating to the Senior Citizen Intern Program.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is an agreeing to the resolution.

The resolution (S. Res. 96) was agreed to; as follows:

S. RES. 96

Resolved, That the first section of Senate Resolution 219, agreed to May 5, 1978 (95th Congress, 2d Session), is amended—

(1) in subsection (a) by inserting after "a senior citizen intern" the following: "or interns"; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c)(1) Except as provided in paragraph (2), for purposes of payment of compensation and travel expenses, senior citizen interns employed pursuant to this resolution shall be subject to the same limitations and restrictions applicable to Senators and Senate employees.

"(2) An outside vendor may provide for the travel and per diem expenses only of senior citizen interns in the Senior Citizen Intern Program subject to approval by the Committee on Rules and Administration. Documentation provided by such vendor may be accepted as official travel expense documentation for the purpose of reimbursing interns in the program for travel expenses.".

Mr. SASSER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REREFERRAL OF A BILL

Mr. SASSER. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S.166, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that the bill be rereferred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE SECRETARY OF THE SENATE TO PAY CERTAIN EXPENSES

Mr. MCCONNELL. Mr. President, on behalf of Senator DOLE and the distinguished majority leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A Resolution (S. Res. 114) authorizing the Secretary of the Senate to pay certain expenses incurred in connection with the funeral of the Honorable John Tower, late a Senator of the State of Texas.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 114) was agreed to, as follows:

S. RES. 114

Resolved, That, the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, the actual and necessary expenses incurred by the representatives of the Senate who attended the funeral of the Honorable John Tower, late a Senator from the State of Texas, on vouchers approved by the Chairman of the Committee on Rules and Administration.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, I ask unanimous consent that when the Senate adjourns today it stand in adjournment until 9 a.m. on Thursday, April 25, and that when the Senate reconvenes on Thursday the Journal of the proceedings be deemed to have been approved to date; the call of the calendar be waived; and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; and the time for the two leaders be reserved; that there be a period for morning business not to extend beyond 9:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 9 A.M.

Mr. SASSER. Mr. President, if there be not further business to come before the Senate today and if the acting Republican leader, Senator MCCONNELL, has no further business, I now ask unanimous consent that the Senate stand in adjournment, as under the previous order, until 9 a.m., Thursday, April 25, 1991.

There being no objection, the Senate, at 6:52 p.m. adjourned until Thursday, April 25, 1991, at 9 a.m.

EXTENSIONS OF REMARKS

THE GREENHOUSE WARMING RESPONSE RESOLUTION OF 1991

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. SHARP. Mr. Speaker, I am pleased to introduce today, along with several of my distinguished colleagues, the Greenhouse Warming Response Resolution of 1991. This resolution calls on the United States to implement promptly the recommendations the National Academy of Sciences issued last week to respond to the threat of greenhouse warming.

The panel recommended prudent, cost-effective actions in the following areas:

First, reducing or offsetting greenhouse gas emissions;

Second, enhancing adaptation to greenhouse warming;

Third, improving knowledge for future decisions;

Fourth, evaluating geoengineering options; and,

Fifth, exercising international leadership.

The academy told us that global warming is not an either/or issue; that is, either believe it and do everything in your power to stop it, or doubt it and study it for a while. Yes. the academy said, the risks of warming are large. Yes, there is uncertainty. Yes, we need more research. But we also need action.

The academy emphasized that there is enormous uncertainty about the timing and consequences of greenhouse warming. They recommend what we should do given what we know about the risks and costs. They rejected some of the most aggressive and costly mitigation options. But they concluded that at least some insurance is cheap.

Their recommendations are generally based on low-cost, currently available technologies. Implementation will yield a 10- to 40-percent reduction in greenhouse gas emissions at a net benefit or, at worst, zero cost to the economy.

Many of the recommendations will also yield major energy security benefits. Often our goals are in conflict. But conservation and energy efficiency offer us a way to help reconcile our energy and environmental goals.

The academy confirmed what many in Congress have been saying about national energy policy and greenhouse warming. There is much we can do in the area of energy efficiency and renewables that is cost-effective, good for national energy security, good for consumers, and good for the global environment.

We can implement many of the academy's energy-related recommendations by reworking the President's proposed national energy strategy to include measures already in legislation before the Congress. Among these actions are: reforming State public utility regulation to encourage conservation, adopting nationwide energy-efficient building codes, improving Federal energy use, increasing emphasis on efficiency and renewables in the Federal energy R&D budget, and removing barriers to the utilization of natural gas.

The academy also advocates that the United States take a progressive, leadership role internationally. The negotiations on climate change present an opportunity for the United States to go down in history as a responsible friend of the world's environment. This resolution will put Congress on record in favor of positive domestic and international action.

H. RES. —

Whereas the National Academy of Sciences in its report, "Policy Implications of Greenhouse Warming," has found that—

Increases in atmospheric greenhouse gas concentrations probably will be followed by increases in average atmospheric temperature;

We cannot predict how rapidly these changes will occur, how intense they will be, or what regional changes in temperature, precipitation, wind speed, and frost occurrence can be expected;

General circulation models project that an increase in greenhouse gas concentrations equivalent to a doubling of the preindustrial level of atmospheric CO_2 would produce global average temperature increases between 1.9 degrees and 5.2 degrees C(3.4 degrees and 9.4 degrees F);

The temperature increases of a few degrees projected for the next century are not only large in recent historical terms, but could also carry the planet into largely unknown territory;

So far, no large or rapid increases in the global average temperature have occurred, and there is no evidence yet of imminent rapid change, but if the higher general circulation models projections prove to be accurate, substantial responses would be needed, and the stresses on this planet and its inhabitants would be serious;

There are numerous cost-effective actions we as a nation could take that would constitute prudent insurance;

The United States could reduce its greenhouse gas emissions by 10 to 40 percent of their 1990 level at very low cost;

Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now, some current actions could reduce the speed and magnitude of greenhouse warming, and others could prepare people and natural systems of plants and animals for future adjustments to the conditions likely to accompany greenhouse warming;

Effective action to slow greenhouse warming will require international effort regardless of policies in the United States and many of the cost-effective options appropriate for the United States are also applicable in other countries, including developing nations;

The position of the United States as the current largest emitter of greenhouse gases means that action in the rest of the world will be effective only if the United Staes does it share;

Whereas the National Academy of Sciences in its report, "Policy Implications of Greenhouse Warming," has recommended that the United States:

(1) Continue the aggressive phaseout of CFC and other halocarbon emissions and the development of substitutes that minimize or eliminate greenhouse gas emissions;

(2) Study in detail the "full social cost pricing" of energy, with a goal of gradually introducing such a system;

(3) Reduce the emission of greenhouse gases during energy use and consumption by enhancing conservation and efficiency;

(4) Make greenhouse warming a key factor in planning for our future energy supply mix. The United States should adopt a systems approach that considers the interactions among supply, conversion, end use, and external effects in improving the economics and performance of the overall energy system;

(5) Reduce global deforestation;

(6) Explore a moderate domestic reforestation program and support international reforestation efforts;

(7) Maintain basic, applied, and experimental agricultural research to help farmers and commerce adapt to climate change and thus ensure ample food;

(8) Make water supply more robust by coping with present variability by increasing efficiency of use through water markets and by better management of present systems of supply;

(9) Plan margins of safety for long-lived structures to take into consideration possible climate change;

(10) Move to slow present losses in biodiversity;

(11) Continue and expand the collection and dissemination of data that provide an uninterrupted record of the evolving climate and of data that are (or will become) needed for the improvement and testing of climate models;

(12) Improve weather forecasts, especially of extremes, for weeks and seasons to ease adaptation to climate change;

(13) Continue to identify those mechanisms that play a significant role in the climatic response to changing concentrations of greenhouse gases. Develop and/or improve quantification of all such mechanisms at a scale appropriate for climate models;

(14) Conduct field research on entire systems of species over many years to learn how CO_2 enrichment alters the mix of species and changes the total production or quality of biomass. Research should be accelerated to determine how greenhouse warming might affect biodiversity;

(15) Strengthen research on social and economic aspects of global change and greenhouse warming;

(16) Undertake research and development projects to improve our understanding of both the potential of geoengineering options to offset global warming and their possible side-effects;

(17) The United States should resume full participation in international programs to slow population growth and should contrib-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ute its share to their financial and other support; and

(18) The United States should participate fully with officials at an appropriate level in international agreements and in programs to address greenhouse warming, including diplomatic conventions and research and development efforts: Now, therefore, be it

Resolved by the House of Representatives, That it is the sense of the House of Representatives that the United States implement the recommendations of the National Academy of Sciences in its report "Policy Implications of Greenhouse Warming".

GREENHOUSE WARMING RESPONSE RESOLUTION OF 1991

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. GEPHARDT. Mr. Speaker, I am pleased to join PHIL SHARP and a number of my other colleagues in introducing the Greenhouse Warming Response Resolution of 1991. This resolution calls on the President and the Congress to implement promptly the recommendations of the National Academy of Sciences report calling for action to reduce global warming.

Americans know full well the risks of dependence on insecure foreign oil supplies, and this year we hope to enact a national energy policy to reduce those risks.

In recent years we have become aware of yet another risk associated with our patterns of energy use—the prospect of a potentially catastrophic warming of our climate. We would be remiss if during our consideration of energy policy we do not also take the opportunity to address the emerging risks posed by the likelihood of global climate change.

The National Academy reports that since the industrial revolution, the concentration of greenhouse gases in the Earth's atmosphere has increased by approximately 50 percent. Linked to many forms of economic activity, but particularly to energy use, these concentrations are rising rapidly, and in the absence of policy changes can be expected to continue to do so.

The National Academy of Sciences panel—chaired by former Senator Daniel Evans and composed of some of the Nation's best minds in science, economics, and public policy—has emphasized that substantial uncertainty exists over the timing or consequences of global warming. Decades may pass before we have developed the models we need to predict with confidence the magnitude of the changes we face.

Yet the academy has argued forcefully for action. The potential exists for a temperature change of unprecedented swiftness and substantial magnitude—potentially as great again as has occurred since the Ice Age. As the report indicates: "The temperature increases of a few degrees projected for the next century are not only large in recent historical terms, but could also carry the planet into largely unknown territory." We need an insurance policy—one that does not break the bank, but one that is serious and that produces real changes in current patterns of energy use.

The academy has argued for a broad range of actions: A more aggressive phaseout of chlorofluorocarbons, reduced deforestation, reforestation, and a commitment to international leadership, so far lacking, by the United States.

The academy has argued especially forcefully that we pursue a cost-effective insurance policy based on greater energy efficiency: Improved appliance and automobile fuel efficiency standards, the development of an energy pricing system that accounts for the external costs of energy—including those related to energy security—nationwide energy-efficient building codes, reforms to State utility regulation to encourage conservation, improved Federal and industrial energy efficiency, and aggressive development of renewable and cleaner fuels.

These investments—utterly ignored by the administration in its energy policy—also would enhance our Nation's energy security. They also could enhance our economic competitiveness and would reduce air pollution. The academy also estimates that these steps could reduce the generation of greenhouse gases by between 10 and 40 percent—at little or moderate economic cost.

The prospects of additional disruption in Middle East energy supplies and of global environmental change argue forcefully, in my view, for a sustained and consistent policy of investment in energy efficiency, renewable energy, and in the development of clean fuels like natural gas.

I urge by colleagues to review carefully the thoughtful reasoning that has gone into this report, among the most comprehensive and authoritative of those yet performed. In suggesting a reasonable, thoughtful path, these scientists have rendered a particularly distinguished public service. Now it is our turn.

LIONEL STEWART HONORED BY SOUTH FLORIDA FOR YEARS OF DEDICATED SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on April 30, 1991, Associate Special Agent-in-Charge Lionel Stewart will retire from the Miami Field Office of the Drug Enforcement Agency. South Florida, and our Nation, has benefited from his 40 years of Government service. South Florida will truly miss his special dedication to making our streets and neighborhoods safe.

Mr. Stewart began his Government service in the U.S. Army in September 11, 1950. He served his country in Korea, Cuba, and Vietnam, and later retired as chief warrant officer in March 31, 1971.

Soon after, Mr. Stewart accepted an appointment as special agent to the San Francisco Division on April 10, 1971. He progressed through the ranks with outstanding performance at various posts across the country. He arrived in Miami, FL, in 1988. When Mr. Stewart retires on Tuesday, April 30, he will have devoted himself to 40 years of Government service both in the military and in Federal law enforcement.

Mr. Speaker, I am grateful to Mr. Stewart for his sacrifice for the sake of freedom both outside our borders as a U.S. soldier and inside our borders as a Federal law enforcement official. It is my hope that Mr. Stewart's dedication will be emulated by others in the law enforcement community. It is the willingness of men and women like Mr. Stewart, to serve their country, that keeps our homes safe.

TRIBUTE TO ARNOLD SCHWARZENEGGER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Arnold Schwarzenegger for his work as Chairman of the President's Council on Physical Fitness and Sports. He is an appropriate role model for young and old alike in advocating the benefits of keeping fit and active.

Mr. Schwarzenegger has worked selflessly and tirelessly to promote the importance of staying in shape and getting involved in sports activities. Arnold is planning on meeting with the Governors of all 50 States this year and urging that all school districts have strong physical education classes from kindergarten to grade 12. He also is urging that older Americans have access to facilities and programs that encourage physical fitness.

Thousands of school children nationwide have heard Arnold talk about staying in shape. I am very proud to have Arnold come to one of the schools in my district, Steelton Elementary School, on the eve of National Physical Fitness and Sports Month. I was glad to cosponsor the resolution designating May 1991 as National Physical Fitness and Sports Month, and I am very glad that Arnold is bringing his message to the students of Steelton Elementary School, a message that I am sure these students will never forget.

Mr. Speaker, I would ask all of my colleagues to join me in praising Arnold Schwarzenegger for his dedicated efforts in helping to make America more healthy and more active.

MODIFICATION OF TAX CODE NEEDED

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to modify the tax administration provisions of the Internal Revenue Code in two important respects. My bill would require the Internal Revenue Service to waive interest assessments on tax delinquencies when the delinquency was due to erroneous information given to a taxpayer by the IRS. Second, it would permit the IRS to waive interest if the imposition of interest would be against equity or good conscience.

Mr. Speaker, in the past several weeks, I have been contacted by constituents on this very issue. In one case, a constituent relied in good faith on an interpretation of the law by an IRS agent. It later developed that the IRS agent was incorrect, and my constituent was required to pay back taxes, penalties, and interest. After consideration, the IRS agreed to waive the penalties, but does not have the authority to waive interest. My bill would provide that authority.

In another case, a small nonprofit organization in my congressional district was assessed interest and penalties for back taxes. Again, the IRS waived the penalties on good conscience grounds, but did not have the authority to waive interest. My bill would provide that authority as well.

Mr. Speaker, my bill should have a negligible impact on Federal receipts and is an eminently fair measure. Enactment of this legislation will insure faith in our voluntary system of income tax compliance, and I urge its enactment in this Congress.

A technical description of my legislation follows:

DESCRIPTION OF LEGISLATION PROVIDING AN ABATEMENT OR WAIVER OF INTEREST ON CERTAIN TAX DEFICIENCIES

PRESENT LAW

Provisions of the Internal Revenue Code authorize the Internal Revenue Service to impose penalties on tax deficiencies. The Internal Revenue Service has discretion to waive penalties, and is required to waive penalties if the tax deficiency was the sole result of erroneous information given to the taxpayer in writing by an agent of the IRS acting in his official capacity as an agent of the IRS.

In addition, the IRS is required to impose interest on tax deficiencies. Whereas the IRS has discretion to waive penalties, the IRS may waive interest in only very narrow circumstances. For example, the 1986 Tax Reform Act authorized a waiver of interest if the tax deficiency was solely the result of a delay or error by an IRS agent in performing a ministerial act. In addition, no interest is generally imposed on erroneous refunds until the IRS issues a demand for payment.

Several Courts have held that absent a specific statutory exemption, the IRS has no authority to waive interest. In *Priess* v. *United States*, 42 F. Supp. 89, (1941), the U.S. District Court for the Eastern District of Washington held that a taxpayer who relied on an interpretation of the tax laws by the IRS, which the IRS later reversed, could still be assessed interest on the deficiency because interest is not a penalty; it is merely compensation for the use of money. Likewise, in *United States* v. *Means*, 621 F. 2d. 236 (1980), the Sixth Circuit Court of Appeals held that there is no "good faith" exception to accumulation of interest.

EXPLANATION OF PROPOSAL

The bill contains two exceptions to the requirement that the IRS impose interest on tax deficiencies. First, the IRS is required to waive interest if the taxpayer relied on advice given by an agent of the IRS in writing, specifically requested the advice in writing, and the taxpayer provided adequate or accurate information with respect to the tax issue involved. Thus, the bill would overrule the *Priess* decision.

In addition, the bill permits the IRS to waive interest if the imposition of interest would be against "equity and good conscience".

EFFECTIVE DATE

The legislation is effective for interest accruing after December 31, 1990.

THE MANATEE PROTECTION ACT OF 1991

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. BENNETT. Mr. Speaker, I am here today to introduce the Manatee Protection Act of 1991. This legislation will direct the Secretary of the Department of Transportation to conduct a study of methods and devices to protect manatees from injuries caused by vessels. After the study is conducted, the Secretary must then issue regulations requiring that the vessels use the methods and devices developed under the study

Manatees are harmless, gentle creatures which exist primarily in my home State of Florida. These gray-skinned mammoths once were found in most coastal waters from North Carolina to southern Texas. Now their home is almost entirely restricted to Florida, where they are struggling to survive.

They live and breed in warm water and cannot survive in the winter ocean. They are huge beasts—gentle and slow moving—and they are shy. Mammals may grow to be 15 feet long and weigh as much as 1,500 pounds, manatees are vegetarians, and feed on submerged plants, growing near the surface of our streams and canals

But most of these creatures are being slaughtered, not by commercial businesses, but by ordinary people, driving motor boats. Because they are air-breathing mammals, they must stay near the water's surface, where they are more vulnerable to boats. To a manatee, a speeding boat is more hazardous than disease, weather, poachers, or alligators, for its propeller blades can cut a manatee's 2-inch hide to ribbons.

Manatees have been protected by law since 1907. Yet they are still fighting to be taken off the endangered species list. I hope the manatee will not follow their larger relative, Stellar's sea cow, into extinction.

DEAR SIR: YOUR MONTHLY HEALTH INSURANCE PREMIUM IS NO LONGER $165.87; IT IS $557.99

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. STARK. Mr. Speaker, we need major reform of the Nation's health insurance system and a strong, national system of cost containment.

Anyone who doubts this should ask a retired insurance agent from central Illinois who recently wrote me, reporting that he got the following letter from his former employer—it's the kind of letter that would ruin anyone's day:

You are hereby notified that the monthly premium rates for the Health Benefits Continuation Plan have been changed effective January 1, 1991: Eligibility: Self + 2—New rates (1991): $557.99; Old rates (1990): $165.87.

I asked him whether there was any explanation. No, and he had no claims.

Mr. Speaker, it's time for reform.

SALUTE TO DESIGNERS AND DRAFTSMEN IN AMERICA

HON. JOHN F. REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. REED. Mr. Speaker, this year, the week of April 1–5 was designated as "National Drafting Week" by the American Design Drafting Association. This week was set aside to honor the more than 360,000 designers and draftsmen in America.

These designers and draftsmen contribute a high level of skill and precision to the construction of the buildings in which we work, the homes in which we live, and the schools where our children are educated. All of us benefit from their outstanding work.

It is for this reason that we must educate a new generation of designers and draftsmen to prepare ourselves for the 21st century. One institution which is doing this with great success is the Hall Institute of Technology in Pawtucket, RI.

The Hall Institute has gained a reputation for giving its students the skills needed to succeed in this critical field. Their students gain experience that allows them to make the successful transition to a highly competitive job market.

In judging for the 1991 National Drafting Contest, six students from the Hall Institute received top awards. The success of these six students—Tricia Horton of Norton, MA; David Hogue of Woonsocket, RI; Tracy Jacinto of South Dartmouth, MA; Rebecca Bown of Warwick, RI; Joseph Lamarre of Oakland, RI, and Patricia Fontaine of Portsmouth, RI—can be attributed to the combination of their hard work and the school's strong curriculum and talented instructional staff.

Within the next 40 years, the equivalent of another America will be built in this country. I am confident that the extensive training as drafters, interior design technicians, and computer-aided draft operators that hundreds of New Englanders have received at the Hall Institute will help make this a successful endeavor.

Mr. Speaker, I ask you and my colleagues to join me as I salute the 360,000 designers and draftsmen in America, and all the students who aspire to join their ranks.

CABLE SUBSCRIBERS PROTECTION ACT OF 1991

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. BRYANT. Mr. Speaker, for some time I have been a vocal opponent of some of the ways in which the cable industry has used its monopoly power to control millions of cable subscribers' access to over-the-air broadcasts.

Today, in order to rectify this situation, I am pleased to announce that I am introducing the Cable Subscribers Protection Act of 1991. This legislation is urgently needed to assure our Nation's cable viewers access to all the local, over-the-air broadcast signals which have been licensed by the Federal Government to serve these subscribers as well as folks who only have access to direct broadcast signals.

Due to several court decisions and to negligence on the part of the Federal Communications Commission, America's cable subscribers no longer have the basic protection of a reasonable must-carry rule, to assure them access to all local broadcast signals. Since it is unlikely that cable subscribers in any market will soon have the choice of two or more cable operators, it is necessary to protect consumers from the potential abuse of the monopoly power of the cable operator.

The legislation I am introducing today will formally link cable's compulsory license with local station must-carry rules. As my colleagues well know, the compulsory license enables cable to take and transmit—without permission and without compensation—the signals of any television station it chooses. The cable operator may then sell the retransmission of these local broadcast signals to cable service subscribers, along with other program packages.

The cable industry compulsory license is an extraordinary privilege constituting an enormous subsidy to the cable industry—all courtesy of the U.S. Government. In my view, cable does not have a first amendment claim to the compulsory license.

Therefore, the legislation I propose will amend both the Communications Act and the Copyright Act so that only cable systems abiding by reasonable must-carry requirements would be eligible for the compulsory license for local signals.

Cable operators who are not willing to treat local stations fairly by carrying them on their systems will not be required to do so, but these operators will also not be able to utilize the compulsory license to carry any local station over-the-air broadcasts.

The must-carry requirement a cable operator has to meet is simply the most recent set of rules adopted by the FCC—those which were based on the compromise achieved by cable and broadcast industry negotiators, but overruled by the courts.

In addition, my proposal will end the practice of channel-shifting which many cable operators have used to put local stations at a disadvantage with respect to pay-for-service programming. Local stations will have a preferential voice in cable channel positioning.

One final note—the legislation I propose today will condition compulsory license for carriage on local signals only. I have intentionally excluded distant signals for the simple reason that the time to eliminate compulsory license coverage of distant signals has come.

As many of my colleagues know, the FCC's must-carry rules were struck down in July of 1985. Those rules, which had existed for more than 20 years, merely guaranteed that cable subscribers had access to their local television broadcast stations.

While it seems to me that this FCC welcomed the court decision on must-carry, Congress put relentless pressure on the Commission to draw up new rules. In fact, some industry representatives suggest that legislation I introduced in 1985 moved the various industry participants to achieve a compromise solution, which the FCC adopted in 1986.

From my perspective, it was unfortunate in the extreme that several large cable companies ignored the compromise which was agreed to by their association representatives and challenged the new rules in court. Again, the court found that the revised rules violated the first amendment rights of cable operators.

We are once again in a position where cable operators control the fate of many local broadcasters—especially public and independent stations. We cannot allow this situation to continue.

It serves no purpose here to criticize the court decisions, although I view them as granting first amendment rights to monopoly public utilities. It also is not my intent to cast aspersions on the FCC for using an unsustainable rationale for the last version of the carriage rules.

What I want to do is fix this situation once and for all—before it gets worse and in a manner in which neither the courts nor the FCC can overrule a solution which is clearly in the public interest.

It is not my intent to debate the need for carriage rules—that has been done at great length already. I simply want to reemphasize my continued concern for the fate of local broadcasters and consumers in an arena now totally controlled by cable operators who directly compete with the over-the-air broadcaster for their share of the audience.

While I am one of free television's most vocal critics when it comes to issues like children's programming, I still strongly believe in the promise and responsibility of local broadcasters to serve their communities. Local broadcasts—both radio and television—are the most democratic of all means of mass communications. These broadcast stations provide every American—in every community—with vast amounts of information and entertainment programming every day at absolutely no charge.

Local over-the-air broadcast is truly a universal service available to virtually everyone with very little regard for income and no regard for social status.

Cable service—even if it does provide some very worthwhile additional programming—clearly is not a universal service. With average prices in the range of $20 per month, millions of lower income Americans do not now—and will not in the foreseeable future—have access to cable television.

Therefore, it is very important that free TV continue to be a dynamic communications force in this country. Since over 45 million Americans today depend on cable for their television reception, we as communications policymakers simply cannot allow the local cable operator—who controls this reception pipeline—to determine which local free TV stations reach those subscribers and which stations do not.

Cable now reaches well over half of all U.S. homes. It is obvious that few local stations which do not have cable channel positions will long survive. The demise of local stations because they are not carried on cable would constitute a loss not only to cable subscribers, but to the over-the-air television audience for whom local stations are their only source of television news, information and entertainment.

While cable systems once happily carried every local station, this situation has changed as cable has emerged as a direct competitor of broadcast television. Today, a typical cable system has sales people on the street selling advertising time on cable programs directly opposite local station programming.

Competition, as a rule, is beneficial to consumers. Competition which is beneficial must also be fair, because, in the competition which pits over-the-air television stations against cable operators, it is not cable subscribers alone who are impacted by an operator's programming decisions, but nonsubscribers as well.

When cable systems may drop local stations—be they public network affiliates, or independent stations—in order to increase the audience share for paid cable services, then something must be done to protect the public interest and the consumers—for whom we are the ultimate guardians.

The legislation I am introducing will rectify the current untenable situation. I welcome my colleagues' support for this proposal. I invite my colleagues to join me in supporting this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cable Subscriber Protection Act of 1991".

SEC. 2 AMENDMENTS.

(a) COMPLIANCE WITH MUST-CARRY RULES REQUIRED FOR COMPULSORY LICENSE PRIVILEGES WITH RESPECT TO LOCAL BROADCASTS.—Section 111(c) of title 17, United States Code is amended is clause (1) by striking out "where the carriage of the signals" and all that follows through the end of such clause and inserting the following:

"where—

"(A)(i) such secondary transmission takes place entirely within the local service area of such primary transmitter; (ii) the carriage of the signals is permissible under the rules, regulations, or authorizations of such Commission; and (iii) the cable system complies with section 640 of the Communications Act of 1934; or

"(B)(i) such secondary transmission takes place in whole or in part beyond the local service area of such primary transmitter; and (ii) the carriage of the signals is permissible under the rules, regulations, or authorizations of the Federal Communications Commission.".

(b) FEDERAL COMMUNICATIONS COMMISSION CERTIFICATION OF CARRIAGE.—Title VI of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"COMPLIANCE WITH MUST-CARRY REQUIREMENTS

"SEC. 640. (a) A cable system complies with the requirements of this section if Federal Communications Commission certifies that the cable system—

"(1) carries, as part of the basic tier of cable service regularly provided to all subscribers at the minimum charge and to each television receiver on which subscribers receive cable service, in full and in their entirety, the signals of television broadcast stations in accordance with sections 76.5 and 76.51 through 76.62 of title 47 of the Code of Federal Regulations as in effect on December 10, 1987; and

"(2) carries each such station on the cable channel on which it was carried on July 19, 1985, or on the channel number assigned to such station by the Commission, at the election of the television broadcast station, or on such other cable channel as may be acceptable to the television broadcast station.

"(b) The requirements of this section shall not be subject to an expiration date.".

"(c) DEFINITION OF LOCAL SERVICE AREA.—Section 111(f) of title 17, United States Code, is amended by striking out the fourth paragraph (containing the definition of local service area of a primary transmitter) and inserting the following:

"The 'local service area of a primary transmitter,' in the case of a television broadcast station, comprises: (1) the area in which such station is entitled to insist upon its signal being retransmitted by a cable system pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, or (2) the area extending 50 air miles from the reference point (as defined in §76.53 of title 47, Code of Federal Regulations) of the station's community of license, if the cable system's principal headend is located within such area, or (3) the area of dominant influence in which the station is located, as demarcated in the ARB Television Market Analysis for the most recent year (or, if the ARB Television Market Analysis ceased to be published, such equivalent area as shall be determined by the Register of Copyrights); or in the case of a television broadcast station licensed by an appropriate governmental authority of Canada or Mexico, the area in which it would be entitled to insist upon its signal being retransmitted if it were a television broadcast station subject to such rules, regulations, and authorizations. The 'local service area of a primary transmitter', in the case of a radio broadcast station comprises the primary service area of such station, pursuant to the rules and regulations of the Federal Communications Commission.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective on the date of enactment of this Act.

A TRIBUTE TO SAM LEVINSON

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I pay tribute to Sam Levinson, a most remarkable citizen. Sam Levinson is one of those individuals who President Bush described when he referred to the "thousand points of light." He is one of the many persons who by their unselfish giving to their community help make America what it is today.

Sam Levinson, who is 84 years old, will be receiving an award from the J.C. Penneys Department Store for the countless hours he has spent at Ruben Dario Middle School in Miami helping youngsters with math and reading them poetry. Next month, the Dade County Public Schools will also give him an award for his volunteer work in the school system.

Although surgery last January has forced him to cut back some of his activities, Mr. Levinson still travels regularly to the school to help out in any way he can.

Among many community activities, he is on the board of directors and secretary of his condominium. He also serves on the We Care Committee of the West Dade YMCA. Its director, Sheila Gerard, runs an after school outreach program for youngsters at Sweetwater Elementary School where Sam helps out.

If that is not enough about this gentleman, Mr. Levinson also recently got his name printed on a Flagler Street bus bench that sings his praises. The bench reads, "Sam Levinson, the Perfect Role Model For All Senior Citizens." Mr. Levinson got his name on the bench because he noticed it was broken. He called the Bus Bench Co. in Hialeah and said that many older people needed the bench. What surprised the bench company was that Sam Levinson was not using the bench, but he was thinking of his neighbors.

I admire Mr. Sam Levinson. He is truly an inspiration and a fellow citizen we should tailor our lives after. I am proud to bring him to the attention of my colleagues and the American public. Sam Levinson—one of Miami's many contributions to the thousand points of light.

TRIBUTE TO JOYCE HOLT

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. TANNER. Mr. Speaker, I rise today to call attention to Mrs. Joyce Holt of Stewart County, TN. Mrs. Holt has served for many years as the county's public health nurse and has made immeasurable contributions to improving the overall health of the people of the county.

One physician in the county, Dr. Robert Lee recalls that when Mrs. Holt came to work in Stewart County, the county had high rates of tuberculosis and infant mortality and low rates of childhood immunizations. He credits Mrs. Holt with reversing those indications of the health of the people of Stewart County. Rates of tuberculosis and infant mortality are low while childhood immunization rates are high.

In addition, Mrs. Holt was instrumental in developing the design of the new Health Department and Primary Care Center in Dover, TN, for which she was recently honored. In gratitude for all of her work, local civic and business leaders designated a day in her honor.

Mrs. Holt is just one example of how one dedicated person can change the lives of so many others. All of us can learn from her hard work and her devotion to helping others:

JOYCE HOLT HONORED BY CHAMBER, FRIENDS

(By Janine Hamilton-Settle)

Many may feel that Stewart County's health services have failed to keep up with the times, but even with the inadequacies, one lady honored in Dover last week has been a modern day Florence Nightingale.

Feb. 19 was Joyce Holt Day in Stewart County in recognition of her contributions as a public health nurse. The day culminated with a banquet in her honor at Brandon Springs Group Camp sponsored by the Stewart County Chamber of Commerce.

On hand were several local community leaders and working associates of Mrs. Holt's. Some of them offered remarks, many humorous, and all underlined with fond memories of Mrs. Holt's association with the Stewart County Health Department.

Mrs. Crutcher recalled that Mrs. Holt was instrumental in determining the design of the new Health Department and Primary Care Center on Tenn. 49.

"She drew a floor plan of the health department. When the architect finally came, he was handed a piece of paper. She had drawn out everything, including where all the examining rooms would be, the restrooms and plug-ins, the doors, and even the way the doors should swing," Mrs. Crutcher said.

Local attorney William D. "Billy" Howell described Mrs. Holt as a "ray of sunshine" in the county, and thanked her for her leadership in getting the modern health department facility built.

John R. Wallace, CEO of Farmers and Merchants Bank graduated along with Mrs. Holt in 1959 from Stewart County High School.

Wallace brought along a copy of the SCHS Bonanza yearbook that took the capacity crowd down memory lane. Wallace noted that Mrs. Holt's main ambition while in high school was to "do my best whatever I do."

"I think Joyce has reached that goal," Wallace said.

Clarksville attorney, native Stewart Countian and first cousin of Mrs. Holt, Doug Parker, said, "I do appreciate you, the community appreciates you, and we all love you."

Parker recalled that Mrs. Holt once insisted he get a tetanus shot when he sustained an injury to his hand on a fishing trip. He had to get the shot before he could put his boat in the water, then he learned that he had to wait 15 minutes to make sure he would not have any side effects from the tetanus shot.

Kay Brigham, who now oversees food services in the Stewart County schools, was once a home economics teachers at SCHS. She rememberd a time when Mrs. Holt came to speak to her home living classes.

"I think that Joyce is one of the most influential persons that has ever been in our county," Mrs. Brigham said.

Dover Postmaster Ray Sexton said Mrs. Holt had developed a reputation as a local expert in the medical profession. He quipped, "When you go to most doctors, they would get the New England Journal of Medicine or another magazine, then let you know in a few days. But Doc would always just ask Joyce," Sexton said.

Local attorney Ira Atkins served as county judge when Mrs. Holt began building up the health department.

"I would give credit to Joyce for what we have in Stewart County in the way of a health facility. When I became the county judge we didn't have one. We had nothing that we could fall back on. Since then we have built one. I feel like Joyce and her staff are really taking care of our health needs here in the county," Atkins said.

Perhaps no one understands Mrs. Holt's contributions better than Dr. Robert Lee, Dover's clinical physican.

Lee said, "Joyce has spent most of her adult life working for the people of Stewart County. Before she came here, Stewart County was one of the highest in tuberculosis and in infant mortality, and lowest in childhood immunizations. Now, we have one of the lowest T.B. and infant mortality rates and one of the highest childhood immunization rates, thanks to Joyce Holt," Lee said.

"She has been a leader in home health care and, strangely enough, a leader in family planning," Lee said, noting that Mrs. Holt once came to him five months pregnant—but unaware that she was.

Resolutions denoting Joyce Holt Day were presented to the honoree by County Executive Rick Joiner, Dover City Manager Jimmy Scurlock, and Chamber of Commerce President Dale Clymer, on behalf of State Rep. Bill Collier and State Sen. Riley Darnell. Collier and Darnell were unable to attend the banquet.

After hearing the accolades, it was Mrs. Holt's turn to talk. She listed a chronology of events in her life as Stewart County's public health nurse, remembering such events as her first day on the job here.

"My first day of work was the day the courthouse opened in Dover. I knew how to move and I knew how to clean. After I did that, I sat down and wondered where to begin," Mrs. Holt said.

Mrs. Holt acknowledged the speakers who assisted in honoring her, and recalled how they, too, had helped make Stewart County a better place to live and work.

Like most community role models, Mrs. Holt said she had a dream for the county.

"I had a dream. I wanted a building and a young school nurse so that I could work with her before I retired. We got the building and the school nurse the same day," she said.

The dream, which was first jotted down on a piece of notebook paper borrowed from her son, was seen through to fruitation.

HUMAN TRAGEDY FACING THE KURDISH AND SHIITE PEOPLE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mrs. KENNELLY. Mr. Speaker, I want to express my deepest concern about the human tragedy facing the Kurdish and Shiite people today, as they attempt to flee from the terror of President Saddam Hussein and his loyalists. At the same time I want to commend President Bush for his announcement last week to substantially expand the relief efforts to the Kurds in northern Iraq. This represents a profound and positive shift in the administrations policy toward the Kurds.

With every war comes stories of human tragedy. The brutal mistreatment of the Kurds and the Shiites is fast becoming the greatest tragedy of this war. Those that managed to escape death at the hand of President Hussein's forces, have been dying of starvation, disease, and exposure as a result of that escape.

Nine months ago, we acted quickly and decisively to contain Iraqi aggression. We freed Kuwait. We all take pride in the efforts and accomplishments of our men and women in the Armed Forces in that effort. But once again, we must act quickly and decisively on behalf of a people facing death.

The Shiite refugees who fled into the United States occupied zone in southern Iraq for protection deserve our attention. In every way, they continue to suffer the same devastation as the Kurds, and have fled with as much pain and suffering to the Iranian and the Kuwaiti borders.

I support the continuation of sanctions against Iraq, except for food and medicine, and welcome long-term United Nations efforts to protect the Kurdish and Shiite people against attacks and reprisals by the Iraqi Government. I also support efforts to further attempt to bring order back to Iraq. As always in war, innocent people continue to suffer long after the major battles, and it is our humanitarian duty to help in ending this suffering.

TRIBUTE TO KENNETH V. HATT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. GEKAS. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. Kenneth V. Hatt of Hershey, PA, who is being recognized for 50 years of service to his community and to his alma mater, Milton Hershey School.

After graduating from Milton Hershey in 1941, Ken Hatt started working with HERCO, Inc., as a mail and messenger person. He also served in the Army in World War II from 1943 to 1945. Ken went back to HERCO and worked his way up through the company and eventually became president and chief operating officer in 1980. Besides his very successful business career, Ken Hatt has worked tirelessly and selflessly in service to the Hershey area and the Milton Hershey School.

Ken has served as a director and chairman of the Hershey Trust Co. and the board of managers of the Milton Hershey School, and as a member of the Milton S. Hershey Foundation. He also found the time to serve on the executive committee of the Four Diamonds Fund at the Hershey Medical Center, which assists families of cancer patients. The Capital Region Economic Development Corp., the Hershey Rotary Club, the Harrisburg Area Chamber of Commerce and other service organizations are among the groups which have benefited from Ken's dedicated efforts.

The students and alumni of the Milton S. Hershey School are grateful to Ken Hatt for his many years of work that have benefited the children who have attended the school. His retirement from the boards of the Hershey Trust Co., Milton Hershey School and Milton S. Hershey Foundation will hopefully provide he and his wife Eleanor with a well-deserved rest. Kenneth Hatt's half-century old legacy of hard work and service to his community sets an example for us all—an example that is hard to match. I ask my colleagues to join with me in saluting Kenneth Hatt for all he has done to help and inspire his fellow citizens.

A TRIBUTE TO NORMAN J. TRUDEAU

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. DONNELLY. Mr. Speaker, I rise today to pay tribute to Chief M. Sgt. Norman J. Trudeau, a man whose commitment and hard work has left an indelible mark on the U.S. Air Force.

In all the debate regarding America's defense requirements, little mention is made of one of the most important factors in America's defense readiness—the morale of our fighting people. There is little more important that we can do than recognize those who have given of themselves to ensure the security and well-being of our country. Chief Trudeau is a fine example of an individual who gave it his all and proudly served his Nation in the Armed Forces.

Chief Trudeau has faithfully served in the U.S. Air Force for the past 30 years. Chief Trudeau entered the Air Force in May of 1961, and since that time he has served as one of America's finest. He served overseas at Elmendorf Air Force Base, Greenland, RAF Alconbury, England, RAF Bewntwaters, England, Lindsay Air Station, Germany, and Hahn Air Base in Germany. Here in the continental United States, he served at Pease Air Force Base, NH, ENT Air Force Base, CO, and Scott Air Force Base in Illinois.

Mr. Speaker, Chief M. Sgt. Trudeau's assignments have been demanding and his performance exemplary. His devotion has won him numerous awards including the Meritorious Service Medal with four oak leaf clusters, the Air Force Commendation Medal with one oak leaf cluster, the Air Force Good Conduct with nine oak leaf clusters, and the National Defense Service Medal with a bronze service star.

I join with Chief Trudeau's many friends and colleagues in saluting him for his dedicated and distinguished support of our Nation's defense. His contributions exemplify the mission of the U.S. Air Force and will be sorely missed. "Thank you Chief Trudeau for serving your country so well."

RECOGNIZES PEOPLE FOR THE AMERICAN WAY AND OAKLAND UNIFIED SCHOOL BOARD FIRST VOTE PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. STARK. Mr. Speaker, 20 years ago today, California ratified the 26th amendment, which gives 18-year-olds the right to vote. In a few months, the ratification of the amendment was completed. After the passage of the amendment, everyone expected our youth to enthusiastically participate in our electoral process, but after 20 years, turnout among them has been disappointing. In the 1972 Presidential election, nearly 50 percent of the 18- to 20-year-olds went to the polls. Since then, we have seen a constant decline in youth voting, which hit a all time low in 1988 when only 33.2 percent voted.

Fortunately, People for the American Way, a civil liberties organization, has initiated a program that brings voter registration to the classrooms of Oakland, CA. In cities across the country they have trained teachers to register students and discuss voter responsibilities as part of their social studies curriculum. Of those students eligible to register 98 percent do, and voter registration is commonly the most cumbersome obstacle to voting. Studies show that once Americans register, nearly three-quarters vote in Presidential elections.

In Dade County, Milwaukee, San Antonio, Little Rock, Portland, Denver, New York City, San Diego and, now Oakland, students have become more familiar with their duties as citizens and feel they can play a bigger role in their community.

Mr. Speaker, it is for these reasons I stand before you today applauding the Oakland Unified School District for their initiative and encouraging other communities to adopt the highly proven voter registration program of People for the American Way. It is important we make every attempt possible to encourage youth to participate in the Government, for they have the most at stake.

TRIBUTE TO ROBERT J. LESUER

HON. JOHN F. REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Robert J. Lesuer of Troop 6 in Cranston, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop.

For his Eagle Scout project, Robert Lesuer led a group of Scouts in constructing a donated clothing receptacle at a Baptist church in the Olneyville section of Providence.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Robert Lesuer. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Robert Lesuer will continue his public service and in so doing will further distinguish himself and consequently better his community. I am proud that Robert Lesuer undertook his Scout activity in my representative district, and I join friends, colleagues, and family who this week salute him.

SPC. SHELDON SORRELL

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. TANNER. Mr. Speaker, we have all heard numerous accounts of gallantry and heroism by American military forces in the recent Persian Gulf war. One of my constituents, Sp. Sheldon Sorrell of Tipton County, TN, must be considered among those who demonstrated rare valor and coolness under fire in that conflict.

I request that a news account of Specialist Sorrell's episode be placed in the RECORD. Specialist Sorrell was one of four crewmen of a tank that took a direct hit from Iraqi artillery. As they were attempting to escape the vehicle, another round struck the tank killing all but Specialist Sorrell who was knocked unconscious. Upon regaining consciousness, Specialist Sorrell was confronted by four Iraqi soldiers.

Despite his wounds, he ordered them to surrender. When they did not, he killed two of them and captured the other two. After receiving medical attention on the battlefield, Specialist Sorrell was transported to Germany where he continues to recover from his wounds.

Specialist Sorrell's action under fire was a fine example of the courage and determination of America's young soldiers, sailors, marines, and airmen. We can be proud of what they have accomplished. I want to extend to Specialist Sorrell and his family our gratitude and pride for his service. He is truly a credit to our Nation:

SORRELL WOUNDED BY IRAQI ARTILLERY

SPC Sheldon W. Sorrell of Dallas, Tx., is recuperating in a hospital in Neuremburg, Germany, as a result of injuries he received during a skirmish with the Republic Guard in the Persian Gulf War.

He is the son of Jimmy Sorrell and grandson of Mr. and Mrs. Louis Sorrell of Covington.

Sorrell's unit was attempting to halt the withdrawal of Saddam Hussein's elite fighting group to keep them from regrouping in the outer borders of Iraq and reentering Kuwait.

One day prior to the cease fire Sorrell's army tank took a direct hit from Iraqi artillery which disabled the tank.

As the four men were evacuating the tank, the group took another direct hit from Iraqi artillery. The explosion killed all the men except Sorrell. He received broken bones, bruises and powder burns over most of his body. Also the explosion threw him several feet from the area, leaving him unconscious.

Upon regaining consciousness Sorrell noticed four armed Iraqi soldiers approaching. He ordered them to surrender. They did not and apparently was closing on Sorrell.

He managed to kill two of the Iraqi soldiers and captured the other two while waiting on medical relief.

After initial treatment on a hospital ship in the gulf, Sorrell was flown to Germany where he will remain in the hospital for approximately one month.

Sorrell is married and the couple has two sons. The family is now in Germany. As a precaution and to avoid constant questions, Mrs Sorrell told the two sons, ages two and four, that their father had gone to work. While visiting with their father in the hospital recently, one of the children was overheard saying, "Daddy, you must have worked too hard."

Sorrell plans to take a 30-day leave when he is released from the hospital in Germany and intends to spend considerable time with his Tipton County relatives.

MOTHERS, SISTERS, WIVES AND DAUGHTERS OF BAY OF PIG'S VETERANS BRIGADE 2506 ANNUAL LITERARY CONTEST

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, our students are our future. In order for our country to remain the beacon of hope for the rest of the world, we must continue to develop successful future leaders. This can only ensue if the many communities of this great country begin to take positive steps toward making a difference in our students' lives.

In my South Florida district, an organization called "Mothers, Sisters, Wives and Daughters of Bay of Pig's Veterans Brigade 2506" is holding a literary contest for the fifth year in a row.

This contest, for students in the junior and high school level, judges essays in Spanish and English. The theme for the writers is "Bay of Pigs Invasion—Cuba 1961. Historic events and consequences in the economic, political and military aspects for Cuba, Central and South America and the United States." Winners will be announced on Friday, May 17, 1991, at 7 p.m. at University of Miami, Koubek Memorial Center.

The Florida Senate recognized their efforts through Resolution 866:

RESOLUTION

(A resolution commending the Mothers, Sisters, Wives and Daughters of Bay of Pigs Veterans, Brigade 2506, Inc., for involving students in writing and research by holding annual contests)

Whereas, writing and research are skills that many students must acquire to achieve their goal of an advanced education or their professional goals, and

Whereas, encouraging students, especially high school students, to perfect their writing is a difficult and frustrating task, and

Whereas, the Mothers, Sisters, Wives and Daughters of Bay of Pigs Veterans, Brigade 2506, Inc., a nonprofit organization in Miami, sponsors an essay contest, with cash awards, which is designed to improve students' writing and increase students' abilities in conducting historical research, and

Whereas, the Dade County School System is very grateful for the efforts of this organization in assisting the school system in improving students' writing, Now, therefore; be it

Resolved by the Senate of the State of Florida:

That the Florida Senate hereby commends the Mothers, Sisters, Wives and Daughters of Bay of Pigs Veterans, Brigade 2506, Inc., for its efforts in improving the writing of the high school students of Dade County through its writing contest and joins the people of Dade County in saluting this organization; Be it further

Resolved that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Mothers, Sisters, Wives and Daughters of Bay of Pigs Veterans, Brigade 2506, Inc., as a tangible token of the sentiments expressed herein.

I would like to recognize and thank the members of this organization who make this event a reality: Magali E. Fernandez, executive director, Esther Cruz, president, Maria R. Salas Amaro, treasurer, and Dulce A. Bosch, secretary.

THE TWIN CITIES—A SPECIAL PLACE FOR REFUGEES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. VENTO. Mr. Speaker, there is a unique sense of world responsibility in the Twin Cities of St. Paul and Minneapolis, MN, that has been highlighted in a recent issue of Refugees that I would like to share with my colleagues. At the Government, nonprofit, business and private citizen level, the people of St. Paul and Minneapolis have committed a great deal of time and energy toward meeting the various needs of refugees, especially the most vulnerable, from the around the world:

A SPECIAL KIND OF CITY

(By Dorothy Ivey)

Why are there so many refugees from various warm, tropical countries living in a region of the U.S. known for its harsh, freezing winters? There seems to be a consensus amongst the many refugees who have made Minnesota their home that the warmth of the local people and the exceptional opportunities which they have provided for the new arrivals more than compensate for the cold winds blowing outside. Service providers and government officials alike concur that Minnesotans are people of goodwill, close enough to their own immigrant roots to be receptive to those who settle in their state.

Approximately 35,000 South-East Asian refugees have been resettled in Minnesota since 1975. Over half of them are Hmong, a hill-tribe from Laos. It is estimated that refugee children make up over three per cent of the school population in Minnesota, and that Hmong students comprise 23 per cent of the school population in the city of St. Paul. Like nearly all U.S. cities with large exiled communities, Minneapolis and St. Paul have a variety of refugee services, focusing on English proficiency and employment. But unlike many other places, the 'twin cities' have taken a special interest in the needs of refugees who are most vulnerable—the elderly, disabled, victims of torture and women.

The St. Paul public schools system, for example, runs two programmes which help deaf refugees to communicate in their new environment. At the Adams School, deaf refugee adults learn sign language and English, and are taught the basic skills which they need to find a job. "Our goal is to help the students become self-sufficient in their new country," explains programme coordinator Joan Stephan, who is herself hearing-impaired. The Adams School has identified about 85 potential students, but is currently able to serve only 52 due to funding limitations and the lack of child care arrangements for mothers of young children. So far, ten people from the self-sufficiency class have found employment.

In an English language programme at Highland Park Senior High School, a volunteer tutor teaches sign language simultaneously to hearing-impaired students from several ethnic groups, some learning to communicate in a formal way for the first time in their lives. Working together, a teenager from Romania and another from Laos share both the joy and the frustration of learning to communicate in a new way in a new environment.

The medical needs of refugees in Minneapolis-St. Paul are met through a variety of services in nospitals and clinics throughout the twin cities. The International Clinic at Ramsey Hospital is open five days a week and sees patients with minor coughs and colds as well as those suffering from more serious medical conditions. Far from simply treating the patients' medical problems, the clinic creates an atmosphere of trust that says to the patient, 'we care about you'. Language barriers are overcome through the employment of eight full-time translators with medical backgrounds, who provide translation for the hospital as well as the clinic.

Dr. Patricia Walker, the clinic's medical director, has found her experience treating Cambodian refugees at the Khao-I-Dang refugee camp in Thailand to be very useful. She often sees patients without translators, as she can speak and understand Thai, Lao, Khmer and French. Her approach is to treat the whole person in culturally sensitive manner. Typical of the patients she sees is a Cambodian woman who has come to the clinic with a bad cough, but who spends most of the appointment talking about her nightmares and depression.

GROWING NEED

Nightmares and depression are also common amongst the clients at the Centre for Victims of Torture in Minneapolis. Established in 1985 as the first full-service centre in the U.S. designed to address the special problems of persons who have been psychologically and physically tortured, the centre has provided rehabilitation services to over 240 people, 95 per cent of them refugees and asylum seekers. Since the centre staff estimate that there are between 2,000 and 8,000 torture victims living in Minnesota, they anticipate a growing need for their services.

The Wilder Foundation's social adjustment programme for refugees works closely with the International Clinic to deal with post-traumatic stress syndrome and various forms of depression. Its clients, who are primarily women, receive basic help with adjusting to life in the U.S. through cooking classes, orientation programmes and support groups. Those who are suffering from severe stress may be referred to the Centre for Victims of Torture.

The American Refugee Committee, whose headquarters are in Minneapolis, sponsors a number of local programmes in addition to assistance programs abroad. Among them is the Hmong Elders Programme. A weekly get-together for women and men, it serves as a lifeline to many older Hmong who would otherwise be isolated from the community. According to one of the few men who attend, "when I came to America I was like a blind man who could neither talk nor walk. Blind, because I could not read the signs; lame, because I had lost the ability to go places by myself; and speechless, because I could not communicate in English. The elders programme has changed that for me. Now they provide transport for me to come here and see friends who speak my language. I learn about my new homeland. I am alive again."

Moua Vang, who co-ordinates the programme, is typical of the many former refugees who now want to help other newcomers to adjust to life in the U.S. Mr. Vang's experience has led him to enrol in a local university to study gerontology, so that he can pursue a career that addresses the special needs of all older people. Several refugee self-help groups have also planned activities and learning opportunities geared to the needs of their older members. The Hmong Women's Association of Minneapolis, for example, plans activities for the elderly, as well as for young women with small children who would be unable to attend most other programmes due to the lack of child care facilities. Children are cared for in an adjacent nursery, while the mothers learn English and are given valuable assistance in learning about everyday life in the city.

The needs of youth are not neglected. Several organizations have developed successful programmes involving both U.S.-born and refugee volunteers, helping newly arrived teenagers to adjust to the American way of life and educational system. "I still remember what it was like when I first came to the U.S.," explains one volunteer. "It is good to be able to do something to make it easier for those who are coming now. It is also fun to introduce them to the snow!"

Other organizations in the community have developed programmes to address the potential problems of youth at risk. One of the five major programmes run by the Lao Family Community of Minnesota is the Hmong Teen Pregnancy Prevention Programme, which seeks to reduce the rate of teenage pregnancy and help young Hmong to clarify their values.

While focusing on the needs of asylum seekers, the legal community in Minneapolis-St Paul has sponsored several projects which assist those admitted to the U.S. as refugees. The most recent is the Cambodian Legal Services Project. Glenda Potter, staff attorney, and two Cambodian legal workers assist clients in immigration matters and provide referrals for many other legal problems. Yan Yoeuth, one of the Cambodian workers, feels privileged to have a job working for his compatriots. Only three years ago Yan and his family lived in Khao-I-Dang refugee camp. Just a few months ago, he was able to buy his own three-bedroomed home in St. Paul.

Ann Damon, Minnesota State Refugee Coordinator, is confident that local opinion will remain positive toward refugees. But in a period of dwindling resources, it will be more difficult to continue the exceptional programmes that have characterized the state's services in the past. While continuing to lobby for more official support, she sees a need to find additional resources from private, community-based sources. "There is," she says, "a willingness to continue to resettle refugees if we have the financial resources to do it well."

A TRIBUTE TO SIGFRIED AND JANET WEIS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. GEKAS. Mr. Speaker, I rise today to honor two fine constituents from Lewisburg, PA in my 17th Congressional District.

On May 1, the Boy Scouts of America will present Sigfried and Janet Weis with the 1991 Community Leadership Award for their selfless contribution to the education of the youth in the community, and the cultural development of the Susquehanna Valley.

Sigfried began working for the Weis Markets, Inc. in 1938, and has been with the company ever since. In 1960, he was elected president of the company. Besides his business career, Sigfried has devoted much of his time and effort as chairman of the board of trustees of the Geisinger Foundation in Danville, PA, and of Bucknell University.

Janet has provided her services on many occasions for the benefit of the people in the community. Much of her dedication goes toward the American Red Cross, starting back to World War II, where she made bandages and snow suits, and continuing until today where she assists in several bloodmobile visits. Janet is also cochairman of the Children's Miracle Network Telethon for Geisinger Medical Center. Recently she was honored by the Rotary International as the "Woman of the Year."

Mr. Speaker, as you can see, both Sigfried and Janet have spent much of their lives helping others, and this devotion to the community continues. In February the couple gave a generous gift to the Geisinger Medical Center in order to establish a children's hospital there, just one more grand contribution to the Center by the Weis'.

In my many years of public service, very few people can compare to the selfless commitment and dedication that Sigfried and Janet Weis have given to the people of the community—many of whom they know, but the majority of whom are strangers. They are obviously well-deserving of the 1991 Community Leadership Award.

Mr. Speaker, Sigfried and Janet are the true definition of altruism—always thinking of others before themselves. These are wonderful attributes to be found in anyone, and I am proud to have these two find people in my congressional district. I admire their self-esteem and determination in accomplishing their many goals.

I congratulate Sigfried and Janet on all their endeavors, and thank them, on behalf of all the people, for making the 17th Congressional District a better place to be.

U.S. BATTLESHIPS DID WELL IN THE PERSIAN GULF

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. BENNETT. Mr. Speaker, the current edition of Navy Times contains an interesting and valuable article on U.S. battleships, and I insert it in the CONGRESSIONAL RECORD . It is written by retired brigadier of the Marine Corps James D. Hittle. Incidentally, when recently I asked Navy witnesses at our seapower hearings where any add-ons for the Navy should be placed if money became available, the response was very substantial for keeping at least one battleship in the active fleet if possible.

The article follows:

VERSATILE BATTLESHIPS ARE MORE THAN WORTH THEIR KEEP

Wars result in a lot of strange happenings. The Iraqi war produced a full assortment of surprises. Not least was the devastating effectiveness of the missile and gunfire bombardment of the battleships Missouri and Wisconsin.

The naval bombardment presented the world with another paradox in the history of warfare. The battleships were performing a leading role in ushering in the era of the Tomahawk missile. At the same time they were so effectively demonstrating their value in the most modern of wars in the Persian Gulf, Wisconsin and Missouri were fighting on borrowed time. They are scheduled for decommissioning, mothball storage, perhaps even a lingering death moored in a Navy yard back-water channel.

The tragedy is that Missouri and Wisconsin will be much needed in the perilous years ahead. It would be difficult indeed to start from scratch today and design a ship better qualified for the task of protecting U.S. and allied interests in this era of international destabilization we have entered. We must realize that shooting wars didn't end with a cease-fire in Iraq. It is hard to find a major area of world where there isn't a mixture of lighted matches and powder kegs. That most of the world's explosive trouble spots are adjacent, or close, to the seas is fortunate. The Iraqi war pointedly reaffirmed what has long been axiomatic for those attuned to sea power: When the United States goes to war, the combat area must be approachable by sea.

Again having proved itself a prime instrument of sea power projection, the battleship should be valued as an irreplaceable national asset of unsurpassed versatility. It's precisely its versatility that so many fail, or refuse, to recognize. Actually, the utility of our battleships covers the full strategic spectrum from showing the flag to intense combat.

When seen from shore, a battleship appears to almost cover the horizon. There are a lot of places in this world where the final arbiters of conflict are big guns. No wonder the battleship with her nine giant 16-inch guns has a sobering and pacifying influence on troublemakers.

No other combatant type of ship, even the latest in commission, has the power, presence and awesome visual effect of the battleship. The smaller fighting ship, particularly the frigate, is a seagoing assemblage of speed, missilery firepower and electronic wizardry. In actual combat these ships are worth every cent, and more than they cost. But such ships do not appear particularly formidable, except to the trained observer who understands the unseen firepower. The march of missilery has just about eliminated the big guns. For instance, the high performance Arleigh Burke class of guided missile destroyers has, in addition to a full load of assorted sea-going missiles, only one 5-inch naval gun. The Virginia class of guided missile cruisers and the Ticonderoga class have two 5-inch guns in a dual-gun mount.

There is more than humor to the comment that "If ships didn't have to have guns for traditional salutes, there wouldn't be any guns." The gun gap is real, it's here and it's a fact of our strategic life.

Replacement of guns by missiles enhances firepower for over the horizon battles at sea, but it shortchanges the Marines, who are dependent on the naval gunfire preparation for the landing assault.

The Missouri and Wisconsin, along with the already mothballed New Jersey and Iowa, are the Marines' hope to fill the gun gap. Here are a few of the reasons why:

Each battleship has nine 16-inch naval rifles. These big guns can fire an armor-piercing projectile weighing 2,700 pounds a distance of 23 miles, and pierce 32 feet of reinforced concrete. In addition, the ship's secondary batteries consist of 12 5-inch guns in dual turrets. These 16- and 5-inch guns can throw close to 1,000 tons of projectiles in an hour.

Improvement gunfire control. A combat innovation in the Gulf, the "Pioneer," a small unmanned aircraft with a video camera and transmitter, sends back instant video data to gunfire controllers. This results in quicker on-target rounds and continuing visual assessment of target damage. Moreover, it doesn't require manned spotter planes that might be shot down while observing gunfire. That this major advance in shore bombardment effectiveness occurred when the bombarding battleship was slated for mothballing is a major paradox of the war in the Gulf.

When it comes to missiles, the battleships again demonstrate their economy and effectiveness. With 32 Tomahawks loaded in launchers, the battleship, according to expert estimates, is more than twice as economical in manpower per launcher as the land-based Tomahawk. Also, each ship has 16 Harpoon missiles aboard and in launchers. As a missile platform alone, not even considering the irreplaceable gunfire, the battleship is more than worth her keep.

Then, there is the matter of toughness. This, of course translates into armor. Here the battleships reign supreme. The four Iowa class ships have Class A steel belting more than 12 inches thick. The armor is more than 17 inches in the turrets and conning tower.

Exocet type missiles, so effective against the more lightly armored frigates and destroyers, would bounce off a battleship. This toughness is also of prime importance when it comes to mines. For instance, when the guided missile cruiser Princeton (Ticonderoga class) hit a mine in the Gulf, she was so structurally damaged she had to be relieved, inspected and repaired.

With their multiple bulls and underwater armor, the battleships have the sea-going toughness so urgently needed in this era of strategic destabilization and resulting need for "crisis management" ships. Coastal and choke-point mines are a relatively cheap weapon, even for lesser antions that don't even qualify as naval powers. Again, the battleship fits the need.

Logistically the battleship is a marvel of seagoing self-sufficiency. With her fuel tanks holding 2.5 million gallons, she not only has an extended cruising range but can also serve as a substitute tanker for fueling other combatant ships. Having an array of electronic machine shops aboard, the battleship is equipped not only for repairing her own, but also the electronic gear of accompanying ships.

Finally, there is the matter of speed. It may come as a surprise to some, but our battleships are not only powerful and tough, they are also fast. With a top speed of 35 knots, according to *Jane's Fighting Ships*, they will pass amphibious assault ships, destroyers, even the Ticonderoga class guided missile cruisers and the later Arleigh Burke class of guided missile destroyers. Of the aircraft carriers, only the Enterprise class equals the battleship for speed.

Endowed with such a rare combination of attributes, our battleships are uniquely qualified for the strategic and operational global chores our nation faces in turbulent ear ahead. It's no time to sacrifice them on an altar of false economy.

SHARON DILLS—MORE THAN CARETAKER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. TANNER. Mr. Speaker, I am sure that there are many examples of situations where the spouses of reservists and guardsmen mobilized for Operation Desert Storm had to adapt to cope with the day to day tasks usually handled by their departed husband or wife. I want to take just a moment to bring one of the situations—which I think is particularly noteworthy—to the attention of our colleagues.

My good friend Don Dills was elected county executive of his native Dyer County in 1990. In January, he was called to active duty with his National Guard unit, the 269th Military Police Company. Elected by the county commission to serve in his place as acting county executive was his most capable wife, Sharon.

Mrs. Dills has done a remarkable job tending to the affairs of the county during the intervening 4 months since her election. More than just viewing her position as a caretaker, she has brought the same conscientiousness and dedication to it that characterizes her and her husband's commitment to public service.

I have known the Dills couple for many years having served in the Tennessee General Assembly with Don. Their dedication and commitment to serving their community is unparalleled. Sharon Dills serves as an example of those who have public trust thrust upon them and who respond to that challenge with the interest of the people at heart.

SHARON DILLS: MORE THAN A CARETAKER

(By Bill Hiles)

Sharon Dills does not look at herself as a caretaker, even though she is holding the county executive's job to which her husband, Don, was elected only until he returns from active military service.

"I see myself as the person who fills this position because county commissioners have enough respect for their county executive's wishes and judgment to appoint the person he recommended to serve in his absence," the first woman ever to be Dyer County Executive said during an interview Monday. "But I also see myself as my own person—I'm not just Don's wife sitting in his place.

"A lot of this office is information gathering to pass along to those who make decisions and that's what I'm doing as county executive."

Dills was elected by county commissioners on Jan. 14 to serve as interim county executive until her husband returns from active duty in the Persian Gulf. He is a member of Dyersburg's 269th National Guard Military Police Company deployed this week to Saudi Arabia.

She says she is facing challenges in her new job.

"Just the awesomeness of the office is a challenge," Dills said. "It's mind boggling how much business comes through this office.

"The general public doesn't know how much this office does with such a small staff."

Still, amid the challenges there have been satisfactions, Dills said.

"I've had wonderful cooperation from the commission and from people who work in this office and other offices in the courthouse," she said. "I've had lots of support."

She said her experience with her husband while he served six years in the Tennessee General Assembly during the 1970s and early 80s is a help to being county executive.

"A lot we do in this office falls in line with what Don did as a legislator," Dills said. "And I was with him all those years.

"It's an awesome responsibility but I feel competent to do it."

Dills said she sees several critical issues facing the county, including replacing county fire chief Rusty Hilliard, who resigned last week, and equalizing fire protection throughout the county, improving flood protection and the county's 1991-92 budget process.

Another issue facing the county commission is redistricting itself in accord with the 1990 census. State law says districts must be reapportioned at least every 10 years, if necessary according to the most recent national census.

The county commission has until Jan. 1, 1992 to determine if reapportionment is necessary and to accomplish any reapportionment required.

Dills said the county's population, according to the 1990 census, is 34,854, up only slightly from 1980's 34,663, so she doesn't see a real problem with redistricting.

"That 1990 figure is subject to change by the Census Bureau up to July 15 but I don't see that we're going to have any major changes in the districts," she said.

The cities of Dyersburg, Newbern and Trimble all are challenging their census data and considering private censuses to increase the federal figures, which would increase the county population and could force reapportionment of the county commission, Dills said.

Dills, 39, a mother and grandmother of two, says she is most looking forward to two things as county executive.

"I really welcome the opportunity to serve my community in a way that's positive and to be a help to people," she said. "And it's very fulfilling to me to serve in Don's place and to keep things on an even keel until he comes back.

"I don't expect to make any great changes unless unexpected things come up like the resignation of the fire chief did," Dills continued. "When Don comes back he should be able to go right back to work with everything having been run the way he would have."

INTRODUCTION OF THE PUBLIC PENSION PARITY ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. VENTO. Mr. Speaker, today I am reintroducing legislation that I first introduced in the 98th Congress to rectify a serious tax inequity that our retired public employees continue to face. The time has come to bring this bill's goals to fruition. Public retirees deserve no less.

As you know, Mr. Speaker, most of our public sector retirees receive a pension in lieu of the Social Security benefits received by private sector retirees. These retirees—people who have committed their careers and lives to public service—deserve equitable taxation of their retirement benefits. Yet, while the benefits of public retirees are the equivalent of a private sector retiree's Social Security benefits, they are not treated the same as Social Security benefits are under the Internal Revenue Code. My legislation would correct this inequity once and for all, by ensuring that public pension benefits are taxed on a parity with the preferred tax treatment of Social Security benefits.

The principle of this legislation is simple—treat public sector retirees in the same manner as private sector retirees for purposes of taxation. It is fundamentally unfair to continue to tax the retirement benefits of public employees differently than the Social Security retirement benefits of private sector employees. However, that is exactly what we do under current law. Presently, individual private sector retirees can earn as much as $25,000 per year, couples can earn up to $32,000 per year, and still receive full tax exemptions for their Social Security benefits. On the other hand, public sector retirees are effectively being penalized for their years of public service by the Internal Revenue Code, which fully taxes their public pension benefits.

My legislation, the Public Pension Parity Act of 1991, would amend the Internal Revenue Code so that a public retiree could deduct that portion of his or her governmental pension equivalent to the maximum level for Social Security retirement benefits so long as the individual or couple stays under the same gross income limitations as I stated earlier.

It is increasingly important that we demonstrate our support for public workers. They have been a frequent target in recent years in the name of deficit reduction, such as the repeal of the lump sum option last year. We have all heard it said before that we should not balance the budget on the backs of our public workers—nevertheless, there is a continuous effort to try. Mr. Speaker, I urge my colleagues to join me this year in this effort to correct a significant inequity in the tax treatment of public retiree benefits.

Mr. Speaker, I would also submit a copy of the Public Pension Parity Act for the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Pension Parity Act of 1991".

SEC. 2. EXCLUSION FOR CERTAIN PENSIONS AND ANNUITIES UNDER PUBLIC RETIREMENT SYSTEMS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. CERTAIN PENSIONS AND ANNUITIES UNDER PUBLIC RETIREMENT SYSTEMS.

"(a) GENERAL RULE.—Gross income does not include any amount (otherwise includable in gross income) received by an individual as a qualified governmental pension.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The aggregate amount excluded under subsection (a) for the taxable year shall not exceed—

"(A) the maximum excludable social security benefits of the taxpayer for such year, reduced by

"(B) the social security benefits (within the meaning of section 86(d)) received by the taxpayer during such year which were excluded from gross income.

"(2) SERVICE REQUIREMENT.—Subsection (a) shall not apply to any qualified governmental pension received by the taxpayer during the taxable year unless the taxpayer (or the spouse or former spouse of the taxpayer) performed the service giving rise to such pension.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED GOVERNMENTAL PENSION.—The term 'qualified governmental pension' means any pension or annuity received under a public retirement system to the extent such pension or annuity is not attributable to service—

"(A) which constitutes employment for purposes of chapter 21 (relating to the Federal Insurance Contributions Act), or

"(B) which is covered by an agreement made pursuant to section 218 of the Social Security Act.

"(2) MAXIMUM EXCLUDABLE SOCIAL SECURITY BENEFITS.—The term 'maximum excludable social security benefits' means an amount equal to so much of the applicable maximum benefit amount for the taxpayer for the taxable year which would be excluded from gross income if such benefit amount were treated as social security benefits (within the meaning of section 86(d)) received during the taxable year.

"(3) APPLICABLE MAXIMUM BENEFIT AMOUNT.—The term 'applicable maximum benefit amount' means—

"(A) in the case of an unmarried individual, the maximum individual social security benefit,

"(B) in the case of a joint return, 150 percent of the maximum individual social security benefit, or

"(C) in the case of a married individual filing a separate return, 75 percent of the maximum individual social security benefit.

For purposes of the preceding sentence, marital status shall be determined under section 7703.

"(4) MAXIMUM INDIVIDUAL SOCIAL SECURITY BENEFIT.—

"(A) IN GENERAL.—The term 'maximum individual social security benefit' means, with respect to any taxable year, the maximum total amount (as certified by the Secretary of Health and Human Services to the Secretary) which could be paid for all months in the calendar year ending in the taxable year as old-age insurance benefits under section 202(a) of the Social Security Act (without regard to any reduction, deduction, or offset under section 202(k) or section 203 of such Act) to any individual who attained age 65, and filed application for such benefits, on the first day of such calendar year.

"(B) PART YEARS.—In the case of an individual who receives a qualified governmental pension with respect to a period of less than a full taxable year, the maximum individual social security benefit for such individual for such year shall be reduced as provided in regulations prescribed by the Secretary to properly correspond to such period.

"(5) PUBLIC RETIREMENT SYSTEM.—The term 'public retirement system' means any pension, annuity, retirement, or similar fund or system established by the United States, a State, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia."

(b) TECHNICAL AMENDMENT.—Subparagraph (A) of section 86(b)(2) of such Code (defining modified adjusted gross income) is amended by inserting "136" before "911".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from income) is amended by redesignating the item relating to section 136 as section 137 and by inserting after the item relating to section 135 the following new item:

"Sec. 136. Certain pensions and annuities under public retirement systems."

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

A SALUTE TO EMILY FLOWERS AND JEREMY LATIMER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. TANNER. Mr. Speaker, I rise to recognize an achievement of two Eighth Congressional District teenagers—Ms. Emily Flowers and Mr. Jeremy Latimer. Ms. Flowers and Mr. Latimer both attended Henry County High School located in Paris, TN.

These young people each submitted an entry in the recent "Tennessee-Japan Working Together Toward a New Century" Essay Contest. The competition attracted almost 2,000 entries from high school students across the State.

The judging in this contest was recently completed. Ms. Flowers' essay placed second and Mr. Latimer's finished fourth. For those efforts, these students will receive appropriate prizes. In addition, by finishing high in the competition, these youngsters also brought distinction to their school. Henry County High School was the only school in the State to produce two award winners.

Ms. Flowers and Mr. Latimer exemplify the creative spirit of the young people of this country. Their compositions reflect a mature outlook on the importance of our Nation's relationships with other countries around the world. They can be proud of their achievement in placing high among their contemporaries in this competition.

I want to extend to them my sincere congratulations and share with our colleagues their essays. I ask that the essays of Ms. Flowers and Mr. Latimer be inserted in the RECORD:

TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Emily Flowers, 11th grade, Henry County High School, second place)

Kokusaika, a Japanese word meaning internationalization, is our future. In other words, internationalization is our ultimate goal: not the destruction of individual cultures reconstructed into one culture, but the intereacting of all nations and the education of all people about the customs and ways of others.

Tennessee and Japan are working together to produce this "kokusaika" by introducing the ways of the East in the West. Now Tennesseans do not have to travel to the other side of the world to learn about Japan and its people: the discovery can be made in their own communities, with the aid of Japanese companies who bring their industry to create economic opportunity and their culture to create understanding.

Economics is essential to human existence: when our economy fails, we fail. Japan is enjoying great economic success, and many of its companies are looking to expand by seeking new consumers. They have the products Americans want; however, Americans cannot continuously purchase Japanese products when the money returns solely to Japan; therefore, Japan brings its factories here. Americans obtain employment and buy the favored products. The money remains circulating in the United States, and everyone is happy. Tennessee needs Japan, and Japan needs Tennessee. As we become "interdependent", we become internationalized, drawing nearer our goal.

Understanding between nations is the most important factor in the development of humanity and the construction of world peace. There are ways to accomplish this seemingly impossible feat, and Tennessee-Japan: Working Together is one of them, as it slowly narrows the gap between the two civilizations. When a Japanese company moves into Tennessee, they bring along their families, customs, language, religion, and food. They bring them to share with Tennesseans who, in return, share theirs. It's an exchange of lifestyles, and it is a benefit to everyone involved.

Many residents of the United States still hold resentment for the Japanese because of their part in World War II, and the reverse is probably also true. But both countries have changed since that time, and now there is no reason for these hostile feelings. A Japanese company in a Tennessee community creates a connection between the people of the two nations. As the employers and employees work together, they discover their differences and their similarities: lifting the prejudices as the truths are revealed. Thus, by "intermingling" we are internationalizing.

Breaking down the barriers and building the foundations of friendship—that is Tennessee-Japan: Working Together, working for a future which depends on internationalization. Presently there are 95 Japanese companies in Tennessee, and that number is continuously growing because this alliance works. Its economic success produces "interdependence" which causes "intermingling" which creates "internationalization"—proof that the goal of kokusaika can be achieved.

What we must now do is expand this cooperative alliance, not only in Tennessee, but throughout the world. As Merlin pointed out to the young Arthur: when seen from above, the Earth has no boundaries. It is one solid mass: a big, beautiful ball of possibilities. But those possibilities diminish one by one with each boundary drawn. In this last decade of the twentieth century, with international relations becoming increasingly complicated, and events with world-wide effects occurring daily, it is apparent that our future lies with kokusaika. As long as we work together, our tomorrows will never end.

TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Jeremy Latimer, 9th grade, Henry County High School, fourth place)

Tennessee and Japan are very involved today through Japanese industries and investments. The relationship actually began in the early 1970s, when Tennessee got its name in the hat with Japanese companies that were beginning to look for sites in the United States to locate their factories. As Tennessee and Japan work together toward a new century, many areas will be affected: education, job quality, financial investments, communications and the cultures of the two countries.

Education in the United States will be influenced by the Japanese ideas. Japanese children are used to a longer school year than we are and three Tennessee cities, Memphis, Murfreesboro and Knoxville now offer "Saturday schools" for Japanese children. They take additional classes in language and math. The Japanese ideas may eventually affect what is offered in American schools and the length of the school year. More schools may offer the Japanese language as a subject choice. This would make it easier for Tennesseans going to Japan to train for jobs. They could communicate better if they knew some of the language.

The Japanese are very strict about the quality of the products they produce. Job performance determines job security in factories operated by the Japanese. Their concern shows up first in their hiring process. An applicant may go through several interviews as well as unpaid pre-employment training sessions before being hired. They want to know about work habits and attitudes before they hire a person.

Not only are they very strict about the products they produce, they also are very particular about the parts and materials they buy from other companies. This forces their suppliers to work hard to meet the Japanese standards. It is often hard to obtain a contract with a Japanese company. For example, Plumley Companies in Paris, Tennessee, attempted for approximately four years, to provide fuel hoses to the Nissan Company. They finally signed a contract to supply the hoses.

The involvement of foreign countries such as Japan has changed the financial markets in our country. The Japanese have brought a lot of money into Tennessee as well as other states. They have spent billions of dollars buying land and building factories. Many Tennesseans own stock in these successful companies. Investors also now have the opportunity to invest in international funds that were not always available. Our investment opportunities are now international rather than limited to the United States.

The Tennessee-Japan relationship should also affect our communications future. The Japanese are a highly technical people, being very involved in electronics. They will continue to move ahead in the world of telephones, televisions and other communication equipment. In some Tennessee cities, a Tokyo newspaper is available on a daily basis. This proves that advances in communication and information have made the world much "smaller" than a few years ago.

The cultures of both Tennesseans and the Japanese are affected by their relationship. The Japanese have changed the work attitude of many Tennesseans. A job is no longer just a job. The Japanese promote pride in accomplishment and a loyalty to the company that many Tennesseans did not have. Workers now feel that they are a part of the company and that, in a sense, they work for themselves. There is a very low rate of workers being absent and workers are punctual, which is very important to the Japanese. Likewise, the Tennesseans have taught the Japanese to relax some and be a little more spontaneous.

The Japanese are also very neat in appearance, most having short hair and no beards. They have learned to accept Tennesseans with long hair and beards by looking to the inside of people not just to the outside appearance.

Tennesseans have learned to appreciate Japanese foods while the Japanese enjoy Jack Daniel's Whiskey (made in Tennessee) and fried catfish.

Tennnessee and Japan *are* working together toward a new century. It takes compromise on both parts but it is a very beneficial relationship.

INTRODUCTION OF LEGISLATION TO CLARIFY THE EMPLOYMENT TAX STATUS OF CERTAIN FISHERMEN

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today, along with my colleague from Massachusetts, Mr. STUDDS, to clarify the tax laws with respect to self-employed fishermen. Recently, the Internal Revenue Service has been aggressively pursuing fishermen and boatowners in New Bedford, MA, for alleged back employment taxes owed. In our view, the IRS policy is incorrect; furthermore, if their position is allowed to stand, it would amount to changing the rules in the middle of the game.

Mr. Speaker, the tax status of fishermen on small vessels has been specifically addressed by the Congress in the past. In general, individuals who work on small boats are generally not subject to employment tax withholding on their income. Rules achieving this result were added to the Internal Revenue Code in 1976. Since then, fishermen in this category have complied with the law and have paid their taxes. They thought, and rightly so, that we in Congress had clarified the law.

They were right—until now. After more than a decade of trouble-free experience with the law, the IRS has, without warning, changed the rules. They are retroactively applying a new standard by which the fishermen are expected to comply. The IRS is challenging the relationship which the fishermen have with the boatowners—a relationship which dates back to the whaling days of New England in the 1600's.

This shift in position is made even more outrageous by the fact that the fishermen at issue have fully complied with the law. Yet the IRS refuses to confirm or deny whether the fishermen have so complied. They are perfectly willing to allow the boatowners to go to court—and possibly force them to lose their livelihood—over a law that, at worst, is unclear.

Mr. Speaker, as a member of the Committee on Ways and Means, I proposed an amendment to clarify this issue last year, which was adopted. The House later passed this legislation on the final day of the session; unfortunately, the Senate was unable to pass it in time.

At this point, it is unclear when the Committee on Ways and Means will again consider my amendment. However, I firmly believe that the legislation will be considered before the end of the year.

In conclusion, Mr. Speaker, let me say that I am always reluctant to propose retroactive changes to the income tax laws, as I am in this case. Here, however, retroactivity is clearly justified. The IRS changed their interpretation of the law in midstream, with no warning, and expected the fishing boat owners in New Bedford to play along. If the IRS is going to retroactively change their interpretation of the law, then so can—and so must—Congress.

Mr. Speaker, I attach a technical description of my legislation.

CLARIFICATION OF EMPLOYMENT TAX STATUS OF CERTAIN FISHERMEN

PRESENT LAW

Service as a crew member on a fishing vessel is excluded under certain conditions from the definition of employment for purposes of determining wages subject to employment taxes (Internal Revenue Code sections 3121(b)(20) and 3401(a)(17) and Social Security Act section 210(a)(20)). In general, among the conditions that must be satisfied under present law are requirements that the individual receive as compensation for such service only a share of the boat's catch (or a share of the proceeds from the sale of the catch), and that the operating crew of the boat normally be made up of fewer than 10 individuals.

EXPLANATION OF PROPOSAL

The proposal generally would require that the operating crew of the boat normally consist of 10 or fewer individuals. In addition, the word "normally" would be defined and would provide that a determination of whether the "10 or fewer" test was met would be made at the beginning of each quarter by looking back over the immediately preceding 4 quarters to see whether the boat's operating crew consisted of 10 or fewer individuals on at least 50% of the trips during the period.

Finally, under the proposal, service as a crew member on a fishing vessel would be treated as meeting the exclusion from the definition of employment even if, in addition to a share of the boat's catch, the individual received an additional amount of compensation (such as the additional payment described in Situation 1 of Rev. Rul. 77-102, 1977-1 CB 299, or any similar payment designed to have substantially the same effect). This rule would apply provided that (1) the additional amount did not exceed $50 per trip; (2) payment of the amount was contingent on the attainment of some minimum levels of catch; and (3) the amount is paid solely in recognition of the individual's performance of additional duties such as those of mate, engineer, or cook, and for which it is traditional in the industry to receive such additional compensation.

EFFECTIVE DATE

The proposal is generally effective for taxable years beginning after December 31, 1991.

The provisions relating to additional compensation and the determination of whether the "10 or fewer" rule is met would be effective for taxable years beginning after December 31, 1984 unless the payor treated such remuneration as being subject to employment taxes when paid.

No inference is intended as to present law.

PROLIFERATION PROFITEERS: PART 10

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. STARK. Mr. Speaker, in the aftermath of the war in the Persian Gulf, much attention has been focused on U.S. export control policy. We know that between 1985–90, the Commerce Department licensed more than $1.5 billion of sensitive dual-use technology to Iraq.

Our export control record is far from perfect, but the problem is even worse overseas. Most disturbing of all is the amount of nuclear weapons technology sold to Iraq by Western companies, especially from Germany. It is clear that if Iraq had even one nuclear weapon, it would have profoundly altered the course of the war. Before the war, Iraq was building a centrifuge facility to enrich uranium to weapons grade levels. In time, this would have given Hussein the capability of assembling a nuclear arsenal.

In recent weeks, I have entered into the CONGRESSIONAL RECORD a series of case studies on foreign firms that have assisted Iraq in its efforts to build the bomb. Earlier this year, I introduced legislation to help combat the threat posed by these proliferation profiteers. Under my bill, the Nuclear Non-Proliferation Enforcement Act—H.R. 830—any foreign firm found selling nuclear items, without the proper safeguards, to countries like Iraq, Syria, or Pakistan, would be barred from doing business with the United States.

We need to put an end to this nuclear wheeling and dealing now or soon face a world with dozens of terrorist nations brandishing the ultimate weapon.

TWELVE FOREIGN FIRMS REPORTEDLY ENGAGED IN NUCLEAR WEAPONS-RELATED TRADE WITH IRAQ

FIRM 10: MESSERSCHMITT-BOELKOW-BLOHM GmbH (GERMANY)

Messerschmitt-Boelkow-Blohm GmbH (MBB) is Germany's largest aerospace firm. In 1989, it became a subsidiary of Germany's largest corporation, Daimler-Benz. MBB was a major contractor to the now defunct Egyptian-Iraqi Condor II ballistic missile project. The firm has been accused of exporting missile-related technology to countries like Argentina, Brazil, Iraq, and possibly Romania. While assisting the Condor project, MBB may have supplied Iraq with fuel-air explosive technology for a device five times more powerful than conventional ordnance. In conjunction with other German firms, MBB has reportedly supplied uranium enrichment technology to South Africa and the German Federal Intelligence Service recounts that former employees of MBB are suspected of aiding Iraq—via Pakistan—in building up its nuclear technology. Along with its subsidiary Transtechnica, the company was also involved with Iraq's Sa'ad 16 project where missile development and nuclear weapons research is believed to have occurred. Finally, MBB allegedly acquired electronic measuring instruments from the U.S. firm, Wiltron, Inc., and then resold them to Iraq.

CLEARCUTTING ON FEDERAL LAND: IT IS TIME TO END THIS PRACTICE—SUPPORT H.R. 1969

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. BRYANT. Mr. Speaker, last Congress, I sponsored the Clearcutting Restraint Act of 1989, legislation intended to limit the amount of clearcutting allowed in our national forests, in favor of a selection management system of cutting timber.

I have now introduced legislation to prohibit clearcutting on all lands under the control of the Federal Government.

I have drafted the Forest Biodiversity and Clearcutting Prohibition Act of 1991, in direct response to growing public sentiment against clearcutting, and its variants—such as even-age logging—which are increasingly used on Federal lands.

I believe the support of groups such as the Dallas-based Forest Reform Network and Save America's Forests will be critical in getting expanded congressional support for the bill.

I have expanded the scope of the bill to cover not only the Forest Service, but all Federal agencies including the Bureau of Land Management, the Bureau of Indian Affairs, the Fish and Wildlife Service, and various divisions of the Department of Defense.

The legislation bans clearcutting and its variants, and requires the agencies to maintain native biodiversity. The agencies could log using the selection management system, so there will be no negative impact on jobs.

Even-age logging, or clearcutting, is the most devastating form of logging ever devised. I believe that in the interests of preserving our federally controlled forests and ensuring jobs for lumbermen, mill workers and carpenters we need legislation to limit clearcutting.

I invite my colleagues to join me as supporters of the Forest Biodiversity and Clearcutting Prohibition Act of 1991.

DIRECTOR OF DADE COUNTY HEALTH CENTER TOUCHES MANY LIVES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, south Floridian Jessie Trice is president and chief executive officer for the Family Health Center, one of the largest black-owned and operated businesses in Dade County. Recognition for Ms. Trice should not be limited to her business acumen, however. The enterprise which she oversees provides medical assistance to over 60,000 people a year. The Miami Herald recently highlighted her important contribution to the health care needs of the indigent population in Miami. That article follows:

As head of the Economic Opportunity Family Health Center, Jessie Trice oversees a health-care network that provides medical assistance to more than 60,000 people a year.

But Trice, who has dedicated her life to improving health care for other people, has her own bad health habit to kick. "No one is perfect," said Trice, taking a drag from a Benson and Hedges Gold Cigarette. "We all have our weaknesses; and this is mine.

Even that won't last long—Trice plans to quit smoking by the end of the year. And, considering the reviews she earns from her peers, it seems possible.

"I have all the confidence in the world in Jessie," said community activist Susan F. Harris, a health care proponent for the elderly. "She's been able to hold and share her values of health with people who need it."

Necessity and challenge, Trice says, are two important elements to her success. Eleven years ago, she accepted the position of executive director of the Family Health Center, heralded as one of the largest black-owned and operated businesses in Dade County.

Today, Trice still serves as president and chief executive officer for the same business. That alone is strange for Trice, who says she doesn't usually stay in the same job for long.

Her goals for the center include securing endowments for the not-for-profit business and opening an adolescent center in Liberty City.

Today, the main center,.at 5361 NW 22nd Ave., and its satellite centers provide everything from dental care to AIDS counseling to patients who pay on a sliding scale. Satellite centers target people who live in Little Haiti, Liberty City, Brownsville, and sections of Hialeah.

Under Trice's leadership, the health center has expanded its offerings. Last week, signs were hung outside the latest addition to the company, a child care facility for at-risk kids in North Central Dade, at 901 NW 54th St. An elderly services branch, adjacent to the child care facility, will open in June.

Before joining Family Health Center, Trice served as chief of nursing services for the Dade County Department of Public Health. In every other job she held before that, Trice also worked in the health field. Trice's two children, Valencia and Bradford, also work in the social services fields.

"I don't know why nobody wants to make money in this family," quipped Trice.

When she's not putting in her 60-hour-a-week duties at the health center, Trice said she enjoys a good game of bridge to keep her mind off work. She also likes to play a round of golf whenever she can.

"There are some of us that are workaholics," said Trice, "and I think I am one of them."

Dade County has greatly benefited from the leadership of Jessie Trice, for she is dedicated to the needs of the community. As one of her supporters notes above, "She's been able to take hold and share her values of health with people who need it." Mr. Speaker, that is the very essence of public service, a willingness to discuss the problems of one's community and a devotion to solve them. I commend the efforts of Ms. Trice and encourage those who work with her to continue their good work.

THE SHIPBUILDING TRADE REFORM ACT OF 1991

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. GIBBONS. Mr. Speaker, today, I am introducing the Shipbuilding Trade Reform Act of 1991, to sanction unfair trade practices by foreign shipbuilding and repair industries. Introduction of this legislation reflects my frustration with the inability of the negotiations in the Organization for Economic Cooperation and Development [OECD] to reach agreement on strong, effective multilateral disciplines on subsidies in the shipbuilding and repair market.

Current international subsidy rules do not discipline, or even discourage, the use of subsidies in the commercial market for ships. For almost 2 years, negotiations have been underway in the OECD to come up with a system of international rules on this subject. Although some progress has been made, many key issues remain unresolved. And many of the countries sitting at that negotiating table, frankly, have little incentive to cooperate with us. Indeed, there is a great incentive for them to drag out these negotiations as long as possible.

I do not believe the U.S. shipbuilding industry, which has been very patient and supportive of this administration's approach to the problem, should have to wait any longer. My legislation simply tries to achieve much of the objectives of the OECD talks, to the extent that U.S. laws can regulate international trade.

Subsidized trade is not fair trade. American producers—whether of ships, or steel, or aircraft—should not have to compete with firms backed by government treasuries. Our trading partners should be on notice that while the American marketplace welcomes fairly traded competition, we will no longer tolerate unfair competition in commercial ships. The Shipbuilding Trade Reform Act of 1991 is simply one more step to level the playing field in international trade.

The legislation has basically two parts. The first part will essentially prohibit any ship which benefits from foreign subsidies from unloading its cargo or passengers at U.S. ports. This prohibition will apply prospectively to all ships which received a subsidy on or after March 21, 1991. Enforcement of this provision will be by requiring either the shipowner or the shipbuilder to certify to U.S. Customs that the ship is subsidy free. False certification may lead to prosecution for customs fraud as well as payment to the U.S. Treasury for the amount of subsidies received by the ship.

The second part of my bill will close a loophole which currently exists under U.S. trade laws, by amending the antidumping and countervailing duty laws so as to apply to ships. Due to a technical distinction in existing law, dumped or subsidized sales of ships are not currently treated the same as sales of other dumped or subsidized goods. My bill will change that, so that American producers of commercial ships will enjoy the same protection of U.S. trade laws as other American producers.

The text of the Shipbuilding Trade Reform Act of 1991 follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shipbuilding Trade Reform Act of 1991".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) in 1981, the United States Government terminated funding for the construction differential subsidy program, thereby ending direct subsidization of commercial shipbuilding in the United States;

(2) the international market for shipbuilding and ship repair continues to be distorted by a wide array of foreign subsidies including direct grants, preferential financing, equity infusions, research and development assistance, restructuring aid, special tax concessions, debt forgiveness, and other direct and indirect assistance;

(3) existing United States trade laws and trade agreements provide limited redress to domestic products of ships for the trade-distorting subsidies and dumping practices of foreign shipbuilders; and

(4) a strong, effective miltilateral agreement among all shipbuilding nations to eliminate trade-distorting practices in the shipbuilding and repair industry is the best means of providing for fair international competition, however, absent such an agreement, changes in United States trade laws are necessary to provide domestic producers of ships greater protection against unfair trade practices than is provided under current law.

(b) PURPOSE.—It is the purpose of this Act to ensure fair trade in the commercial shipbuilding and repair industry by providing for effective trade remedies against subsidized and dumped foreign commercial ships.

SEC. 3. CERTIFICATIONS REQUIRED OF VESSELS WITH RESPECT TO CONSTRUCTION SUBSIDIES.

Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 435 the following new section:

"SEC. 435A. CERTIFICATIONS REQUIRED OF VESSELS WITH RESPECT TO CONSTRUCTION SUBSIDIES.

"(a) SUBSIDY CERTIFICATION REQUIRED AT ENTRY.—The master of a vessel shall, at the time of making formal entry of the vessel under section 434 or 435, deposit with the appropriate customs officer a subsidy certification for the vessel.

"(b) SUBSIDY CERTIFICATIONS.—

"(1) IN GENERAL.—For purposes of this section, a subsidy certification for a vessel is a document that—

"(A) is either—

"(i) issued by the administering authority under subsection (d), or

"(ii) in such form as the administering authority shall prescribe and signed by either the vessel owner or person that constructed the vessel; and

"(B) attests that the vessel meets one of the requirements set forth in paragraph (2) relating to construction subsidies.

"(2) CERTIFICATION REQUIREMENTS.—The requirements referred to in paragraph (1) are as follows:

"(A) The vessel was constructed without the benefit of any subsidy.

"(B) The vessel was constructed with the benefit of one or more subsidies that were granted or provided on or after March 21, 1991, but an amount equal to the value of each such subsidy has been repaid to the agency that granted or otherwise provided the subsidy.

"(C) The vessel was constructed with the benefit of one or more subsidies that were granted or provided on or after March 21, 1991, but an amount equal to the value of each such subsidy, reduced by any amount repaid under paragraph (B), has been paid to the Treasury of the United States.

"(D) The vessel was constructed—

"(i) in a foreign country which is signatory to a trade agreement with the United States that provides for the elimination of construction subsidies for vessels; and

"(ii) after the date on which such trade agreement entered into force with respect to that country.

"(c) ENFORCEMENT.—If the Secretary has reason to believe that an unlawful act under section 436 relating to this section has been committed, the Secretary shall—

"(1) undertake such investigation as may be necessary to ascertain whether action authorized under section 436 against the master of the vessel, or the vessel, or both, is warranted; and

"(2) if the vessel is not covered by a subsidy certification issued under subsection (d) and the information obtained during such investigation indicates that there is reason to believe that the vessel does not meet any certification requirement under subsection (b), so inform the administering authority and provide such information to that authority.

"(d) ISSUANCE OF SUBSIDY CERTIFICATIONS BY THE ADMINISTERING AUTHORITY.—

"(1) APPLICATIONS.—The owner or lessee of a vessel, or the builder of a vessel, may apply to the administering authority for the issuance of a subsidy certification for that vessel. An application shall be accompanied by such documentation as the administering authority may require for purposes of establishing the eligibility of the vessel for such certification, including, if compliance with the requirement in subparagraph (B) or (C) of subsection (b)(2) is alleged, information regarding the amount of each subsidy granted or provided with respect to the vessel and the payment or repayment of amounts equal to the value of the subsidy.

"(2) ACTION ON APPLICATIONS.—

"(A) After considering the documentation submitted with an application under paragraph (1), the administering authority, within 30 days after the day on which the application was received, shall decide whether to issue or deny the subsidy certification. The administering authority shall make the decision publicly available.

"(B) In any case involving compliance with the requirement in subparagraph (B) of subsection (b)(2), the administering authority may condition the issuance of the subsidy certification upon the payment to the Treasury of the United States of the amount found by the administering authority to satisfy such requirement.

"(3) DENIAL OR CONDITION OF ISSUANCE OF CERTIFICATION.—The administering authority shall, if a subsidy certificaiton for a vessel is denied under paragraph (2)(A) or the issuance thereof conditioned under paragraph (2)(B), provide the applicant with a written statement of the reasons for the denial or conditions. The applicant may, within 14 days after the date of the written statement, request a review of the denial or condition under subsection (e)(3).

"(a) DETERMINATION AND REVIEWS.—

"(1) PRELIMINARY INVESTIGATION.—The administering authority shall—

"(A) on the basis of information available to the administering authority;

"(B) on the basis of information provided by the Secretary under subsection (c)(2); or

"(C) upon petition therefor from an interested party;

initiate a preliminary investigation to decide whether there is reasonable cause to believe that a vessel does not meet any subsidy certification requirement under subsection (b). For purposes of this paragraph, the term 'interested party' means—

"(i) a person that engages in ship construction in the United States;

"(ii) a certificate union or recognized union or group of workers which is representative of an industry that engages in ship construction in the United States;

"(iii) a trade or business association a majority of whose members engage in ship construction in the United States, and

"(iv) an association, a majority of whose members is composed of interested parties described in clauses (i), (ii), and (iii), with respect to ship construction.

"(2) DETERMINATIONS AFTER PRELIMINARY INVESTIGATIONS.—If the administering authority makes an affirmative decision under paragraph (1) with respect to a vessel, the administering authority shall determine whether the vessel meets any subsidy certification requirement under subsection (b)(2). If the administering authority makes a negative determination on the basis of failure to meet the requirement under subparagraph (B) or (C) of subsection (b)(2), the administering authority shall calculate, and set forth in the determination, the aggregate value of the subsidy or subsidies used in the construction of the vessel.

"(3) REVIEW OF CERTIFICATION DENIALS AND CONDITIONS.—If a person whose application for a subsidy certification was denied or conditions under subsection (d)(3) makes a timely request for review under this paragraph, the adminstering authority shall review the denial or condition.

"(4) HEARING AND REVIEW PROCEDURES.—The administering authority shall make determinations under paragraph (2), and conduct reviews under paragraph (3), in accordance with the hearing procedures applied by the administering authority under the authority of section 774 with respect to hearings required or permitted under title VII. A determination or decision by the adminstering authority under paragraph (2) or (3) is subject to judicial review under section 516A in accordance with the applicable procedures and standards applied under such section with respect to reviewable determinations described in subsection (a)(2)(B) of such section.

"(5) CORRECTIVE ACTIONS.—If the administering authority makes a negative determination under paragraph (2), or upholds any certification denial or condition after review under paragraph (3), the adminstering authority shall set forth in determination or review decision the action which must be taken in order to satisfy a requirement for subsidy certification for the vessel under subsection (b). If that action is taken, the administering authority shall issue a subsidy certification for the vessel and such certification shall be treated as a subsidy certification issued under subsection (d).

"(6) CONSEQUENTIAL EFFECTS.—After a negative determination under paragraph (2), or a decision under paragraph (3) upholding a certification denial or condition, becomes final and until a subsidy certification for the vessel concerned is issued under paragraph (5), neither that vessel, nor any other vessel that is owned or leased by the owner of such vessel, may—

"(A) arrive at any port or place in the United States; or

"(B) remain at any port or place in the United States.

"(7) INFORMATION USED IN MAKING DETERMINATIONS OR REVIEWS.—

"(A) Information submitted to the administering authority in regard to the making of any determination under paragraph (2) or any review under paragraph (3) shall be treated as proprietary if it fulfills the requirements of section 777(b). Access to proprietary information under protective order shall be permitted under, and governed by, section 777(c).

"(B) The administering authority shall verify all information relied upon in making any determination under paragraph (2) or any review under paragraph (3). If the administering authority is unable to verify the information submitted, the authority shall use the best information available as the basis for action. Whenever a party refuses or is unable to produce information requested in a timely manner and in the form provided, the administering authority shall use the best information otherwise available.

"(f) DEFINITIONS.—As used in this section—

"(1) The term 'administering authority' means the officer of the United States responsible for determining under subtitle A of title VII whether subsidies are provided with respect to imported merchandise.

"(2) The term 'construction' (except as used in paragrpah (4)(C)) includes reconstruction and repair.

"(3) The term 'subsidy' includes, but is not limited to, any of the following:

"(A) Officially supported export credits.

"(B) Directs official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including, but not limited to—

"(i) grants;

"(ii) loans and loan guarantees other than those available on the commercial market;

"(iii) forgiveness of debt;

"(iv) equity infusions on terms inconsistent with commercially reasonable investment practices; and

"(v) preferential provision of goods and services.

"(C) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including, but not limited to, the kinds of support listed in clauses (i) through (v) of subparagraph (B).

"(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

"(E) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if such benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

"(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

"(G) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

"(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

"(4) The term 'vessel' means any self-propelled, sea-going vessel—

"(A) of not less than 100 gross tons in weight;

"(B) not exempt from entry under section 441; and

"(C) the initial construction, or any reconstruction or repair, of which was in progress on, or was commenced on or after, March 21, 1991.".

SEC. 4. CONFORMING AMENDMENTS.

"(a) ENTRY REQUIREMENTS FOR VESSELS.—Section 434 of the Tariff Act of 1930 (19 U.S.C. 1934) is amended by inserting "its subsidy certification (if required under section 435A)," after "or document in lieu thereof,".

"(b) PENALTIES FOR VIOLATIONS OF ARRIVAL, REPORTING, AND ENTRY REQUIREMENTS.—Section 436(a) of the Tariff Act of 1930 (19 U.S.C. 1436(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (7);

(2) by striking out "or" at the end of paragraph (3);

(3) by inserting after paragraph (3) the following:

"(4) to present any forged, altered, or false subsidy certification to a customs officer under section 435A(a) without revealing the facts;

"(5) to enter, or to attempt to enter, any vessel to which a prohibition on arrival in the United States applies under section 435A(e)(5);

"(6) to fail to remove promptly from the United States any vessel to which a prohibition on remaining in the United States applies under section 435A(e)(5); or"; and

(4) by striking out "(3)" in paragraph (7) (as redesignated by paragraph (1)) and inserting "(6)".

SEC. 5. TREATMENT OF VESSELS UNDER THE COUNTERVAILING AND ANTIDUMPING DUTY LAWS.

Subtitle C of title VII of the Tariff Act of 1930 is amended by adding after section 771B the following new section:

"SEC. 771C. SPECIAL RULES IN APPLYING TITLE TO FOREIGN-MADE VESSELS.

"(a) DEFINITION.—The term 'vessel' means any vessel of a kind described in heading 8901 or 8902.00.00 of the Harmonized Tariff Schedule of the United States of not less than 100 gross tons in weight.

"(b) VESSELS CONSIDERED AS MERCHANDISE.—Vessels are merchandise for purposes of this title.

"(c) APPLICATION OF SUBTITLES A AND B.—

"(1) IN GENERAL.—In applying subtitles A and B with respect to vessels constructed, reconstructed, or repaired in foreign countries—

"(A) a vessel shall be treated as sold for importation into the United States when a United States person enters into a contract for—

"(i) the construction or reconstruction of the vessel by, of the purchase (or leasing, if the equivalent of a purchase) of the vessel after construction or reconstruction from, the builder; or

"(ii) the repair of the vessel; and

"(B) a vessel sold for importation into the United States shall be treated as being offered for entry for consumption under the tariff laws at the time of its first arrival at a port or place in the United States after construction, reconstruction, or repair, regardless of where the vessel is registered or documented.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'United States person' means—

"(A) any individual or entity described in subsection (a) of section 12102 of title 46, United States Code;

"(B) any agent or other person acting on behalf of any individual or entity referred to in subparagraph (A); or

"(C) any person directly or indirectly owned or controlled by any individual or entity referred to in subparagraph (A).".

THE FIFTH ANNIVERSARY OF THE CHERNOBYL DISASTER

HON. WILLIAM L. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. HUGHES. Mr. Speaker, 5 years ago, on April 26, 1986, the world experienced the worst nuclear disaster in history. This was the day that the No. 4 reactor at Chernobyl exploded. And yet, it was nearly 72 hours after the explosion that the people of the Soviet Union and the rest of the world learned of this disaster.

Since announcing the accident, Soviet officials have not been forthcoming with facts about the extent of the tragedy nor with help for the victims.

Soviet officials have stated that only 31 people died and another 237 were hospitalized following the accident. However, in November 1989, the Moscow News reported that 250 people who were at Chernobyl during or after the accident died.

The long term effects on the environment and people are still largely unknown; however, there have been extraordinary increases in health problems, crop mutations, and animals with severe deformities.

It is estimated that 1 million Soviet citizens are living in raised radiation conditions. In 1986, nearly 6,000 children and 7,000 adults received dangerous doses of radiation. A recent study by a Soviet doctor found that up to 80 percent of children studied in regions affected by radiation are suffering from severe health problems including lymphatic disorders. These studies just begin to describe the devastation from which this region is suffering.

The Chernobyl victims need assistance. The Children of Chernobyl Relief Fund sent 3 million dollars worth of medicine and medical equipment to a hospital in Lviv just last month. Many other organizations have also provided medical and other supplies for the victims.

But these relief organizations alone cannot fulfill the needs of the victims or for the cleanup of the region. The Soviet Government must provide assistance of the Chernobyl victims through better health care, a safe food supply, and a firm to commitment to protecting the citizens from further exposure to harmful radiation.

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. KYL. Mr. Speaker, I wish to submit for the RECORD the winning script from the State of Arizona in a special contest, sponsored by the Veterans of Foreign Wars. Miss Heather Benton was one of over 138,000 entrants who submitted a script extolling the virtues of democracy. Heather has gained an appreciation for our system of government at a very young age, and I applaud her talents and hope that she will carry the message to her peers.

I insert the script in the RECORD at this point:

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Heather M. Benton, Arizona winner, 1990/91 VFW Voice of Democracy Scholarship Program)

It was a cold rainy afternooon as I sat with my nose pressed against the chilled attic window. It was one of those days when there was nothing in particular that you wanted to do, but a day when the smothering blanket of condensation above confines me to indoors. Restlessly, I paced the room like a caged animal searching for something, anything with which to rouse my interests. As I scanned the musky dust filled room, I noticed the tiny edge of a red ribbon innocently peeking out from the opening of a large decrepit trunk. Springing at it, for reasons which were unclear to me at the time, I carefully opened the box revealing a stack of letters tried with the red ribbon. With incredible delight and a seemingly unquenchable thirst, I quickly delved into the precious written words of the letters.

September 13, 1969. "I wish I were able to describe to you the suffering that surrounds me. Yesterday while entering Saigon, I think I witnessed the reasons for this war. I admit that at first going to Vietnam seemed destructive, like I was part of a force that would destroy without purpose, without meaning. I know now that is not the case. Everywhere I turn I am confronted with a complete opposite of life in America. There is no justice here, no freedom. Children beg on the streets for food while a young girl who could be our daughter sells her body to the first G.I. that comes along. It makes me appreciate what we have, and I'm finally realizing what it is all about—democracy, freedom, the American way—they are all here, but present within us. This is the reason we fight, to protect and guard our precious Lady Liberty and unselfishly spread our legacy to the world. Thank God for America." The words sprang off the page and into my heart as I slowly realized how close minded and naive I had been. My view of Vietnam and other foreign wars had always been what I had seen with my own eyes. Movies such as "Platoon," "Born on the Fourth of July," and others had always artificially implanted a deep belief of the futility of war. "Why Fight?" I used to ask myself. It seems so pointless. What are we gaining really? Suddenly, I realized on that cold, rainy afternoon that we are gaining and maintaining democracy.

What is democracy? It is just a word—it doesn't mean anything. Oh, but it does, it does. Those are the thoughts and words of so many. It means we are free, free to believe what we choose, free to prosper and grow and learn, free to experience life and all of it's pleasures to the fullest—without restriction, free to be whoever and whatever we truly desire, free to pursue any and every dream. No other place in the world provides such freedoms. For centuries, from our founding fathers to every individual who has experienced the American dream, all have merged together as a force united to share this golden chalice filled with the wine of freedom and they have graciously accepted its generosity.

Like the vanguard of an army, which procedes in advance of the main body, in order to protect and preserve its safety, the youth of today must have the courage and wisdom to step forward among the masses and protect our precious, unconditional freedoms. It is no longer sufficient to simply be an American, we must get involved. As the conflicts in the Middle East heighten, we are challenged by a foreign force, challenged to return a small portion of the generosity that has been abundantly bestowed upon us, challenged to defend and protect democracy. The youth of today must become the future vanguard of freedom.

TRADE BARRIERS IN THE EUROPEAN COMMUNITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. BEREUTER. Mr. Speaker, American farmers and businessmen know well the difficulties caused by and have borne the costs of outright barriers to trade employed by the European Community. Officials in the European Community have offered many feeble excuses for these practices over the past 4 years of the Uruguay round of multilateral negotiations under the GATT. During this time, European Community officials offered weak commitments to reform their practices following the scheduled completion of the Uruguay round last December. Due to the sensitive nature of the negotiations, the U.S. Trade Ambassador, Carla Hills, had postponed retaliatory actions against European Community products because of their commitments to end these practices.

Last December, however, the Uruguay round did not reach a successful conclusion for no reason other than the European Community's unwillingness to engage in discussion of reforms in agricultural trade. European Community intransigence forced the poor and less developed countries, led by Brazil and Argentina, to withdraw from the talks last December without a successful conclusion. The European Community now refuses to honor earlier commitments to reform its policies, using the failed round (for which it bears sole responsibility) as its current excuse.

The following article from the April 14, 1991, Journal of Commerce, that this Member would like to submit for the RECORD, illustrates a few of the many practices employed by the European Community that do not comply with the spirit of the GATT.

MANY EC TRADE PRACTICES NOT UP TO SNUFF: GATT

(By John Zarocostas)

GENEVA—The European Community's trade policies are riddled with practices that do not comply with the spirit and letter of internationally agreed rules, according to a report by the General Agreement on Tariffs and Trade, the Geneva-based world trade watchdog.

The report commended the community for avoiding unilateral approaches to trade dispute settlements, for its active role in current talks to free up world trade; and for reducing subsidies and state ownership in industries such as automobiles.

Delegates attending the review session in Geneva this week were cautiously optimistic that the European Community's internal debate over its farm policy would go in a GATT-sanctioned direction. But they were unequivocal about the need for change in insular European Community public procurement practices.

"Only about one-fifth of the public contracts awarded are believed to have complied with the European Community provisions on competitive tendering and EC-wide advertising," the report said.

The European Community said Peter allgeir, assistant U.S. trade representative for Europe and the Mediterranean, can hardly claim leadership in the global trading system if it withholds more than 15 percent of its gross domestic production from world competition.

The report said the community's textiles and clothing sector and internal quota allocation system are shielded by 19 bilateral restraint agreements under the Multi-Fibre Arrangement that governs world trade in textiles.

The annual cost to European Community consumers of protecting one job in the clothing industry, for instance, exceeded "three times the average (annual) earnings of a clothing worker," GATT said.

Kazuo Asakai, Japanese delegate, criticized the European Community's "abuse and misuse of such trade measures as the rules for determining the country of origin of products and anti-dumping rules."

"If you are not in the business of dumping, anti-dumping is not a problem. (Brussels believes) antidumping rules must be both transparent and tough," retorted Roderick Abbott, European Community Director for multilateral trade questions.

The report noted the absence of a "single mechanism" to formulate, coordinate and implement trade-related policies in the EC. The excessive use of committee procedures has led to frictions in the decisionmaking process, it said.

The community also seems to have no plans to establish a statutory independent body to regularly review trade policies, the report said.

BAY OF PIGS 30TH ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, this month marks the 30th anniversary of the heroic act of a proud group of men who risked their lives to eliminate from their home-land a totalitarian regime and to replace it with a democratic government.

This past 17th of April commemorates the 30th anniversary of the Bay of Pigs invasion. Three decades have passed since this valiant group of men disembarked in the hostile coast of the Bay of Pigs carrying the flag of liberty.

This flame which those heroic men started continues to burn in the hearts of all Cubans. Before them, Cubans who refused to succumb to tyranny committed acts of rebellion in vain attempts to remove the oppressing regime. After, others have continued, by diverse avenues, this inspiring fight for freedom.

Free men, those of us who live in a democratic country, have an obligation to stimulate the efforts of those who, like the Bay of Pigs heroes, keep a firm position in their fight to have in our original homeland a government which respects all rights.

Today's Castro's regime is the only dictatorship in this continent with such an oppressive stronghold on the people. Every day, we receive clear signals that this dictatorial regime is in crisis. This is the time to encourage efforts so that this country can free itself of its chains. There is no freedom of expression, of movement, of assembly in Cuba.

Today, we render tributes of admiration to those who fell in the Bay of Pigs and all of those who belong to the Brigade 2506.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRANIAN AMERICAN REPUBLICAN COUNCIL NATIONAL ORGANIZATION

HON RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today on behalf of a newly established organization, the Iranian-American Republican Council. I recently had the privilege to discuss the association and its objectives with one of its vice presidents, and I wholeheartedly endorse its establishment.

I submit for the RECORD the two following resolutions from the board of directors of the Iranian-American Republican Council National Organization.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRANIAN AMERICAN REPUBLICAN COUNCIL NATIONAL ORGANIZATION

This Resolution of the Board of Directors of the Iranian American Republican Council—National Organization is adopted on this 24th day of February, 1991, at a duly called meeting of the Directors pursuant to the Articles of the Iranian American Republican Council—National Organization with reference to the following facts:

A. The Directors believe that the Iranian American Republican Council—National Organization should state its position in support of the United Nations resolutions condemning Iraq's invasion of Kuwait and requiring Iraq's withdrawal from Kuwait.

B. The Directors believe that the officers of the Council should be directed and empowered to bring the National Council's position as stated above to the attention of the American Society at large.

Now, therefore, be it resolved that the National Council reaffirm, and it hereby reaffirms, its unequivocal position in support of the United Nations resolutions condemning Iraq's invasion of Kuwait and requiring Iraq's withdrawal from Kuwait.

Resolved further that the officers of the National Council be, and hereby are, directed and empowered to take such actions as they may deem appropriate or necessary to bring the National Council's position as stated above to the attention of the American Public.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRANIAN AMERICAN REPUBLICAN COUNCIL NATIONAL ORGANIZATION

This Resolution of the Board of Directors of the Iranian American Republican Council—National Organization is adopted on this 24th day of February, 1991, at a duly called meeting of the Directors pursuant to the Articles of the Iranian American Republican Council—National Organization with reference to the following facts:

A. The Directors note that in certain broadcasts covering the Persian Gulf war; certain press and military personnel have referred to the Persian Gulf as the "Arabian Gulf."

B. The Directors find such references to be violative of long standing practice and believe that such references will foment greater dissatisfaction and division.

Now, therefore, be it resolved, that the officers of the Council, be and hereby are, directed and empowered to take such steps as they deem appropriate or necessary to bring to the attention of the United States leadership, as well as the American public as a whole, the Council's strong protest to the mistaken reference referred to above.

THE TIANANMEN SQUARE SERIES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues an important art exhibit currently on display in the Cannon rotunda called the Tiananmen Square Series. This series, painted by Mr. Marc Bergerson, contains 43 powerful abstract and semi-abstract expressionist paintings depicting the events that occurred in the People's Republic of China during the spring and summer of 1989.

The Tiananmen Square Series recounts Mr. Bergerson's impressions of the mass rally for democracy on China's Tiananmen Square and the brutal crackdown carried out by the People's Liberation Army on June 4, 1989. The series not only speaks of the prodemocracy movement in China, but also of the intense desire for freedom worldwide.

The demonstrators on Tiananmen Square took great personal risk to oppose the Chinese leadership, and many paid with their lives. The Tiananmen Square series serves to remind us of that price and also the hope for democracy that survives in China.

I encourage my colleagues to view these important paintings before the exhibit closes on April 26, 1991.

AIRLINE COMPETITION ENHANCEMENT ACT OF 1991

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. OBERSTAR. Mr. Speaker, today I am introducing the Airline Competition Enhancement Act of 1991, a bill to address the decline in competition in the airline industry which threatens the low fares and other consumer benefits of airline deregulation. I am joined in introducing this bill by Public Works and Transportation Chairman ROBERT A. ROE, the ranking minority member of the committee, JOHN PAUL HAMMERSCHMIDT, and the ranking minority member on the Aviation Subcommittee, WILLIAM F. CLINGER, Jr.

Following deregulation in 1978, there was an increase in competition as new carriers entered the industry and promoted low fare service. However, the trend reversed in the mid-1980's and since then there has been a steady decline in the number of major airlines. Of the 22 major new entrants since deregulation, only four now survive. The others either failed, were acquired by other carriers, or changed to commuter operations. In addition, between 1985 and 1987, the Department of Transportation approved 10 mergers between major air carriers. As a result, the market share of the top eight carriers in the industry has increased from 80 percent of revenue passenger miles in 1978 to more than 90 percent today.

Over the past year, the financial condition of the industry has deteriorated to the point where questions are being raised about the survival of all but three or four major carriers. During the last 9 months, the industry has been hit by a triple whammy of a national economic recession, a major increase in fuel costs, and a precipitous decline in international travel caused by the war in the Persian Gulf. For the year 1990, the industry suffered aggregate losses of over $2 billion, making it the worst year in the industry's history. Losses in the first quarter of 1991 are expected to also approach $2 billion.

These losses have been particularly hard on the weaker members of the airline industry. One major carrier, Eastern, has totally ceased operations; three others, Pan Am, Continental, and Midway are in chapter XI bankruptcy proceedings; and TWA has announced that it is withholding payment on its debt. Other major carriers have incurred record losses in 1990 which they can ill-afford, faced as they are with the need to service massive debt issued to support leveraged buy-outs.

The Aviation Subcommittee has held in-depth hearings on the industry's financial difficulties and the decline in competition. The hearings indicated little support for special financial assistance to the industry. However, the testimony at the hearings indicated the need for structural changes in the industry, to reduce barriers to new entry and effective competition. The Competition Enhancement Act makes these structural changes, thereby maximizing the opportunities for a more competitive industry. The major areas covered by the act are as follows:

SALES OF GATES, SLOTS, AND CERTIFICATES

A major barrier to effective competition has been the manner in which the Government has allocated the limited public resources which are essential for competition. These include international routes for U.S. carriers in markets in which a bilateral agreement with a foreign country limits the number of carriers; slots at four high-density airports—La Guardia, Kennedy, National and O'Hare—at which the Federal Government imposes hourly limitations on the rights of airlines to take off and land; and airport gates. the manner in which these rights are allocated by the Government inhibits competition.

Slots at the four high-density airports were given free-of-charge to the airlines using the slots in 1986 and since that time, airlines have been free to sell slots. There have been frequent complaints from new entrants and the smaller airlines that the large incumbent carriers have been unwiling to sell them slots at reasonable prices.

International routes are awarded on the basis of a public interested determination by the Department of Transportation, following a evidentiary proceeding in which all applicants for the route have the opportunity to present operating proposals. However, once a route is awarded, DOT permits the incumbent airline to sell the route for substantial sums, sometimes amounting to hundreds of millions of dollars. DOT has been willing to approve these sales so long as a sale would not be seriously inconsistent with U.S. international policy. The Department's approach has been to decide on a route transfer in isolation, without a comparative consideration of the proposals of other airlines which might be interested in serving the route. The effect of this policy has been that routes are frequently transferred to the largest U.S. airlines, which are able to make the highest bid to the airline wanting to sell its routes.

The Federal Government has not regulated the sale of gates. Gates are generally leased by airports to individual airlines, and prospective new competitors must attempt to sublease or purchase gates from the incombent airlines. Frequently, this requires a new competitor to pay inordinately high prices for the gates, inhibiting its ability to compete effectively.

The approach of the Airline Competition Enhancement Act of 1991 is to develop a procedure to ensure that the public interest is considered when international routes and major blocks of slots or gates are transferred.

The bill does not ban sales of these rights, even though a ban would be justified, particularly when the right was originally awarded by the public at no cost. The problem with a total ban is that the policy of allowing sales of these rights has resulted in many carriers paying substantial sums to obtain the rights. A ban would be unfair to these carriers.

Accordingly, the approach of the Airline Competition Enhancement Act is not to totally ban sales but to regulate them to ensure that all interested airlines are given an opportunity to offer to buy the right and to require that the Department of Transportation will award the right to the airline which would provide the maximum enhancement of competition, so long as that airline is willing to pay a reasonable purchase price.

Specifically, the act establishes procedures for transfer of the right to use more than 5 percent of the gates or slots in an airport, or a certificate authorizing air transportation. The Secretary of Transportation is required to establish procedures to ensure that all carriers interested in purchasing the operating right have an opportunity to submit proposals, including proposals to buy less than the entire block of rights which the carrier wishes to sell. Proposals will include the proposed purchase price and detailed descriptions of the carrier's plan to use the right.

The Secretary will then determine which of the proposals are eligible proposals that propose a reasonable purchase price. The factors which the Secretary shall consider in determining whether a purchase price is reasonable are to include the price, if any, paid by the transferring carrier to acquire the right, the period of time the transferring carrier has used the right, and the capital expenditures which the carrier has made in using the right. After determining which proposals are eligible for further consideration, the Secretary shall, in the case of slots or gates, select the proposal which would provide the maximum enhancement of competition among air carriers. In the case of a certificate, the Secretary shall select the proposal which would best further the public interest, applying the public interest criteria already in the law and also considering the maximum enhancement of competition.

GATES AT CONCENTRATED AIRPORTS

The act also includes provisions to enhance opportunities for competition at concentrated airports, defined as airports at which one or two air carriers have the right to use 60 percent or more of the gates. A number of studies have shown that fares at concentrated airports tend to be higher than fares at airports where there is more competition. For a number of reasons, the carriers dominating concentrated hub airports tend to have substantial market power, which makes it very difficult for other carriers to compete.

The act establishes procedures to enhance the opportunities for prospective competitors to gain access to facilities at concentrated airports.

First, the act allows the operator of a concentrated airport to give a prospective new competitor—including a carrier not operating at the airport, or a carrier which is using less than 20 percent of the gates at the airport—facilities at the airport at reduced rates, for up to 5 years. Legislation in needed to give airports the right to grant reduced rates because existing laws may require that all airlines operating at an airport be charged comparable rates.

Second, the act deals with cases in which a prospective competitor at a concentrated airport—including a carrier not operating at the airport, or a carrier which uses less than 20 percent of the gates at the airport—is unable to obtain gates at the airport at terms comparable to those charged in incumbent carriers. If the Secretary finds that this situation exists, the Secretary is authorized to take all necessary steps—including modifications of the existing contracts for the use of gates at the airport—to ensure that the prospective competitor is able to obtain the right to use gates at the airport at reasonable rates during any hours in which gates are not being used.

FOREIGN INVESTMENT IN UNITED STATES AIRLINES

This provision in the act on foreign investment have two main purposes; to clarify existing law on the right of foreign investors to acquire stock in U.S. airlines, and to allow increased foreign investment in cases in which no U.S. investor is willing to supply needed capital and U.S. citizens would be in control of the carrier.

Current law, section 101(16) of the Federal Aviation Act, requires that at least 75 percent of the stock of a U.S. air carrier must be owned and controlled by persons who are citizens of the United States. With respect to the nonvoting stock, the policy of the Civil Aeronautics Board and its successor, the Department of Transportation, has been to limit foreign investment by a requirement that U.S. citizens must retain the power to exercise control over the carrier.

In a recent decision involving KLM's stock interests in Northwest, the Department made significant changes in its prior policies on nonvoting stock. The Department suggested that as a general rule, the Department would not be disturbed if foreign interests held up to 49 percent of the nonvoting stock in a U.S. carrier. This reversed an earlier KLM-Northwest decision in which the Department refused to allow KLM to own more than 25 percent of Northwest's nonvoting stock.

To limit the Secretary's discretion and to ensure continuation of the basic policy that foreign interests may no control U.S. airlines, the act amends existing law to prohibit foreign interests from owning more than 25 percent of either the voting or the nonvoting stock of a U.S. carrier. However, the act also recognizes that a limited exception to this prohibition may be desirable to enhance competition. In specified circumstances, the act allows the Department to authorize foreign citizens to obtain up to 49 percent of the voting or nonvoting stock of a U.S. airline if a citizen of the United States would retain the power to exercise control over the air carrier.

The exception allowing increased foreign investment would apply if the Department found that a U.S. carrier would be unlikely to be able to provide or to continue to provide service without the foreign investment, and no U.S. citizen would be willing to make the necessary investment.

Other important limitations on the authorization of increased foreign investment include that the foreign investor may not be a Government-controlled foreign airline; that the foreign country involved must be willing to allow similar investments by U.S. investors in its airlines; that the foreign country involved must have a procompetitive agreement with the United States for air transportation; and that the Department of Transportation must find that the increased level of foreign investment is consistent with national security interests of the United States and otherwise in the public interest.

COMPUTER RESERVATION SYSTEMS

A longstanding inhibition on competition has been the domination of the computer reservation systems used by travel agents [CRS's] by two major airlines, American and United. Studies by the General Accounting Office and the Department of Transportation have concluded that American and United's domination of the CRS industry gives them the power to charge other airlines unduly high booking fees for the essential service of having their tickets sold by travel agents using United's or American's CRS. In addition, it has been found that CRS ownership by American and United gives these carriers substantial "incremental revenues", that is excess revenues resulting from the tendency of travel agents to book on the airline owning the CRS. As a result of high booking fees and incremental revenues, United and American have realized rates of return on their CRS systems of 60 to 100 percent a year, and other airlines have been transferring hundreds of millions of dollars a year to American and United. The incremental revenues and revenue transfers make it extremely difficult for new entrants and other airlines to compete successfully with American and United.

An additional problem inhibiting competition has been clauses in the contracts between CRS owners and travel agents which make it difficult for the agent to change CRS systems. American and United, have imposed restrictive provisions in their contracts with travel agents, including high liquidated damages if an agent terminates a contract, as well as provisions requiring minimum use of the CRS. These contractual provisions prevent competing CRS systems from displacing American and United, no matter how high the quality of the competitor's CRS system.

After a long delay, the Department of Transportation has recently issued a notice of proposed rule making on the CRS problem. Although the notice of proposed rule making contains some strong findings on the competitive difficulties created by concentration in the CRS industry, DOT's proposals to deal with the problem fall short of what is needed. In addition, it is not clear how long it will take the Department to issue a final rule, and whether this rule will include all of the proposals in the NPRM. For this reason, the Competition Enhancement Act includes provisions to deal with three major CRS issues: discrimination, contracts with travel agents, and high booking fees.

On discrimination, the act prohibits discrimination in CRS scheduling displays and prohibits a CRS from making it easier for an agent to make reservations on the airline owning the CRS than on other airlines.

To enhance the ability of other CRS's to compete with American and United, the act contains limitations on the contract between the CRS owner and travel agents. Under the act these contracts may not exceed 1 year, there are limitations on the liquidated damages payable to the CRS owner for terminating the contract, and no contract may require that the agent make minimum use of the CRS.

Third, the bill provides for arbitration if an airline feels that the fees it is charged to participate in the CRS system are not fair and reasonable.

A more detailed section-by-section analysis of the bill follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section establishes a short title for the bill: the "Airline Competition Enhancement Act of 1991."

SECTION 2. ENHANCEMENT OF COMPETITION RELATING TO GATES, SLOTS AND CERTIFICATES

1. *Transfer of Gates, Slots and Certificates.*—This section establishes new procedures for the transfer by a major air carrier (defined as a carrier with annual revenues of more than $750 million) of more than 5 percent of the slots or gates at an airport during a one year period, or the transfer of a certificate to engage in foreign air transportation. The Secretary of Transportation is directed to establish procedures to ensure than before such rights, slots or certificates (hereafter "rights") are transferred all persons interested in purchasing the rights, or a portion thereof, have an opportunity to submit proposals specifying the purchase price they would pay and their plans for using the rights. The Secretary shall select from these proposals a group of "eligible proposals" which propose a reasonable purchase price. In determining whether a price is reasonable the Secretary shall consider, among other factors, any price paid by the transferring carrier to acquire the right, the period of time the transferring carrier has used the right, and the capital funds invested to use the right.

From among the eligible proposals for slots and gates the Secretary shall select the one which would provide the maximum enhancement of competition.

From among the proposal for transfer of a certificate to provide foreign air transportation the Secretary shall select the one which would provide the maximum enhancement of the public interest. The factors to be considered as consistent with the public interest are: the factors listed in Section 102 of the Federal Aviation Act, the enhancement of the financial viability of each of the carriers included in the transaction, the enhancement of competition among air carriers, the enhancement of the trade position of the United States in the international air transportation market, and a commitment by the transferring carrier to use the funds received to provide air transportation. The Secretary may determine that none of the eligible proposals would further the public interest.

2. *Gates at Concentrated Airports.*—The Section includes provisions on gates at concentrated airports, defined as an airport at which 1 or 2 air carriers have the right to use 60 percent or more of the gates. The operator of a concentrated airport may allow an "eligible air carrier" (defined as a carrier not serving the airport or using less than 20% of the gates at the airport) the right to use gates or other facilities at a lower rate than other carriers, for up to 5 years. Additionally, the Section provides that the Secretary of Transportation may take specified actions in cases in which the Secretary finds that eligible air carriers have been unable to obtain gates at concentrated airports on terms comparable to those imposed on carriers already using gates at the airport. In such cases the Secretary may direct the airport operator to take appropriate action (including the modification of existing contracts for gates) to give the eligible air carrier the right to use gates at hours when the gates are not being used.

SECTION 3. OWNERSHIP OF UNITED STATES AIR CARRIERS

The Section amends existing law to establish a new general rule that U.S. citizens must own at least 75% of the stock, by value, of a U.S. air carrier. The Section also continues the requirement in existing law that U.S. citizens must own 75% of the voting stock of a U.S. air carrier.

The Section allows the Secretary of Transportation to reduce the requirement of 75% stock ownership by U.S. citizens (by vote or value) to 51%, in cases in which the Secretary can make the following findings:

1. The air service agreement between the United States and the foreign country of which the purchaser is a citizen is a "procompetitive" agreement, meeting specified requirements.

2. After the purchase, the President, Chairman of the Board, Chief Operating Officer, and two-thirds of the Board of Directors of the air carrier will be citizens of the United States.

3. The laws and regulations of the foreign country involved permit a citizen of the United States to acquire the same percentage of stock in a foreign air carrier.

4. The purchaser is not a corporation which is more than 50% owned or controlled by the government of a foreign country.

5. The air carrier is unlikely to be able to provide air transportation without the revenues which would be derived from the sale of the stock and no citizen of the United States is willing to purchase the stock under comparable terms and conditions.

6. After the purchase of stock by foreign citizens, a citizen of the United States will continue to have the power to exercise control over the air carrier.

7. The purchase is consistent with the National Security interests of the United States.

8. The purchase is otherwise in the public interest.

SECTION 4. COMPUTER RESERVATION SYSTEMS

1. *Prohibitions Against Vendor Discrimination.*—This section provides that no vendor, in the operation of its computer reservation system (CRS), may make available to subscribers an integrated schedule display in which information is ordered based on factors relating to carrier identity. The vendor is also prohibited from supplying information to any other person who intends to use the information to create a biased schedule display.

The section further provides that no vendor may make available (after one year from date of enactment) to a subscriber CRS transaction capability which is more functional, timely, complete, accurate, or efficient with respect to one participant than with respect to any other participant, except in cases in which a participant has declined to purchase particular capability at the same price as it is made available to other participants.

A vendor is prohibited from charging a participant a fee which is above the fee found fair and reasonable in the decision of an arbitrator (under procedures described below) with respect to the vendor unless a period of a year or more has elapsed since the decision.

A vendor is prohibited from directly or indirectly prohibiting a subscriber from using any other CRS.

2. *Subscriber Contract Restraints.*—The Section places restrictions on CRS vendor contracts with subscribers, as follows:

a. Beginning 180 days from enactment, no subscriber contract may be a term of more than a year.

b. Liquidated damages charged a subscriber for a terminated contract are limited to:

(1) the vendor's actual cost of removing equipment from the subscriber's premises,

(2) the vendor's unamortized share of the actual costs of installing the equipment in the subscriber's premises, and

(3) other amounts owed to the vendor by the subscriber during the unexpired term of the contract but not including any penalty for cancellation.

c. A contract may not contain an expiration date later than the earliest expiration date of any other contract for computer reservation services between the same subscriber and vendor.

d. A contract may not directly or indirectly require that the subscriber use the vendor's CRS for a mimimum volume of transactions.

3. Except as otherwise provided, no CRS contract shall be enforceable, beginning 30 days following the date of enactment, with respect to any provision to the extent that such provision is inconsistent with the above requirements.

4. The Section permits any participant who objects to an increase in a paricipant fee scheduled to take effect on or after April 15, 1991, to demand that such fee be reviewed by an arbitrator. Procedures for arbitration are established. Other participants affected by the disputed fee are entitled to participate in the arbitration. The arbitrator shall render a decision as to whether the disputed participant fee exceeds that which would be fair and reasonable in light of the revenues and costs attributable to the computer reservation system. In reaching this determination the arbitrator shall consider all revenues of the vendor including air transportation revenues attributable to computer reservation system.

WOODBRIDGE BOARD OF EDUCATION ADOPTS RESOLUTION IN SUPPORT OF OUR TROOPS IN THE PERSIAN GULF

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. SAWYER. Mr. Speaker, on January 18 this House passed a resolution expressing our unequivocal support for the members of the Armed Forces stationed in the Persian Gulf. This measure passed without opposition in both Chambers and represented the dedication of Congress to the welfare of our troops abroad. All across the Nation, American citizens joined in strong support of the men and women serving in the Persian Gulf war. As one expression of this common purpose, the Woodridge Local School District Board of Education, in the 14th District of Ohio which I represent, adopted the following resolution on February 13. I would respectfully request that it be included in the RECORD.

SUPPORT FOR THE FIGHTING MEN AND WOMEN CURRENTLY STATIONED IN THE PERSIAN GULF.

Whereas, it has become necessary for the government and the citizens of the United States of America to engage in the conflict in the Persian Gulf; and

Whereas, such engagement places at risk the lives of members of the armed services of the United States, specifically the Army, Navy, Air Force, Marines, National Guard and the Coast Guard, as well as endangering the mental, emotional, and financial wellbeing of their friends, families and dependents; and

Whereas, it is both necessary and appropriate for this Board of Education to evidence its support of the President, Congress and the fighting men and women of the United States of America;

Now, therefore, be it ordained by the Woodridge Board of Education, Summit County and State of Ohio:

Section 1. That the Woodridge Board of Education does hereby declare its support for the fighting men and women of the Army, Navy, Air Force, Marines, National Guard and the Coast Guard engaged in action in the Persian Gulf.

Section 2. That the Woodridge Local School District declares its unyielding pride in the fine young men and women, and all support troops operating in the Persian Gulf and declares it shall support their efforts to a just conclusion of hostilities.

Section 3. The Woodridge Board of Education extends its empathy and support to friends, familes and dependents of such fighting men and women in their hour of need.

Section 4. That the Treasurer be, and he hereby is, instructed to serve a copy of this resolution to the Congress of the United States of America to be read into the CONGRESSIONAL RECORD.

CORAL GABLES IS HOME TO CONTEMPORARY ART GALLERY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, a fine collection of contemporary art has been brought to south Florida with the efforts of art dealer Mr. Barry Fellman. With this fine collection, he has brought a greater appreciation of the works of contemporary artists. Mr. Fellman's gallery, Exposure Fine Art, is significant not only for highlighting the works of greater known contemporary artists but also that of talented local artists. The Miami Herald ran an article on March 24 describing Mr. Fellman's enterprise. That article follows:

> When Barry Fellman attended Brown University and the Rhode Island School of Design, his free days were spent visiting art galleries while his classmates partied at the local bars.
>
> Sixteen years later, Fellman opened Exposure Fine Art Inc., at 4021 Laguna St., in the Coral Gables design district.
>
> The gallery, which opened last summer, specializes in works by local painters, master prints and photographs by contemporary artists of the 20th Century, such as Wynn Bullock and Paul Strand.
>
> "I was born into it and I have a good feeling for art," he said. "I am bringing to Miami what people will go see in New York."
>
> Fellman, 37, has been an active dealer for the past six years. He hopes to bring attention to a medium not well represented in the Miami community. "There is no other gallery that has a comprehensive collection of contemporary prints by today's major artists," he said.
>
> Fellman has a group of photographs on display that can be viewed on a regular basis. He represents 20 to 25 artists in his gallery and has been a Florida representative for Tyler Graphics, Parasol Studios and Crown Point Press for the past five years and a Florida representative for the United Limited Art Edition for the past two years.
>
> Bill Goldston, president of the ULAE, a printmaking studio in New York City that publishes works by such artists as Jasper Johns and Robert Raushenberg, said he is pleased with Fellman's work. "Barry is a young dealer who has a great respect for his work," Goldston said.
>
> Despite the slump in the economy, sales have been upbeat, he said.
>
> Prints and photographs are attractive now because they are affordable, Fellman said.
>
> Prices of museum-quality prints range from $200 to $20,000. The gallery has a list that gives a description of the artist's work and the price.
>
> Tom Schmitt, president of the Florida Conservation Studio Inc., said Fellman has always been interested in prints and photographs. "He's got a good eye. He knows what good quality is" Schmitt said.
>
> Schmitt and Fellman have known each other for 10 years and worked together at the Metropolitan Museum of Art and Culture, which closed in 1985.
>
> Fellman visits a different city every month and still finds time to visit galleries between business meetings. "I think it is important to keep my eyes open and see what is happening today," he said.

I commend Mr. Fellman's efforts to bring higher culture to the visual arts in south Florida and wish him much success in this endeavor.

RELIEF FOR TRAFFIC CONGESTION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. LIPINSKI. Mr. Speaker, for the past several years, it seems the word deficit has dominated this Nation's political conversations. The Federal deficit, we have heard again and again, is smothering our economy and choking our growth. And there is no question about the severity of this problem. But today, Mr. Speaker, I rise to call attention to another of our Nation's deficits. It is a deficit which has gained fewer headlines but is equally damaging to our Nation's economic health. I am speaking of our shortfall in infrastructure investment, and specifically of our lack of spending on our Nation's highways.

There is no question that our shortfall in funding our Nation's bridges and roads has cost us economically. It has cost us in lost time traveling to and from work. It has cost us in wasted fuel, which simply further pollutes our air. It has cost us by making the shipment of goods from our businesses less efficient and more expensive.

Nowhere has a higher price been paid for our Nation's infrastructure deficit than in our largest cities. Census figures continue to show that people are moving away from rural areas and into urban centers. But as population has boomed, our highways appear ready to bust. Those of you who commuted to work today know what I am talking about. We have all experienced the frustration of sitting in a long line of cars, waiting for the chance to travel a few city blocks. It is called gridlock, and it is becoming increasingly common to my constituents in Chicago, and to your constituents around the country.

The end result, of course, is that our cities simply become less enjoyable places to be. A couple of years ago, we were hearing and reading stories about people attempting to shoot each other on the freeways of Los Angeles. Well maybe the situation has not become that extreme in all of our Nation's cities. But there is no question that as our automobiles continue to pile up on one another, day after day, we cannot help but lose our patience—with other cars and with our Government.

What is even more frustrating than waiting in those endless lines of cars, though, is that we know we could be doing better. We know that with better planning and more money, we could make our Nation's cities more enjoyable to live in. We could make our trips to work and home less of a hassle. We could make our businesses more productive. We could save more fuel and thus make our air cleaner.

I rise today because I believe legislation I am introducing today would provide us with part of the solution. The bill is known as the Congestion Relief and Clean Air Act of 1991. I have introduced it because I believe it would help relieve our Nation's urban and suburban areas from the traffic congestion we and our constituents experience every day. I would like to take a few moments to highlight for you what I believe to be the major advantages of my bill.

First, the legislation would reauthorize the Federal Aid-Urban, or FAU, Program at $2 billion per year. The program is currently funded at only $750 million per year, a figure which is much too low to meet the growing needs of our urban and suburban road systems. The FAU is the bread and butter of highway spending in our Nation's cities, and we need to strengthen that program if we are to have any hope of relieving congestion.

My bill would make no structural changes to the way the FAU Program runs. I believe that system, on the whole, has been a solid one, and it is one that our Nation's cities continue to support. The money would still be spent on Federal roads in cities with populations of 5,000 or greater. The project list would continue to be drawn by those cities in consultation with their States. And the Federal Government would continue to pay for 75 percent of the project cost, with the remainder being paid by the State.

But there would be one other funding change my bill would make to the FAU Program. Of the $2 billion my bill would authorize, $300 million would be set aside for cities with populations greater than 500,000. There are currently 24 cities in this category. Money would be apportioned based on the population of a city in comparison to the total population of all such cities. In other words, if the total population of those 24 cities is about $30 million, then a city of 3 million people would be entitled to 10 percent of this set aside. The money would have to be spent on a Federal highway project in the metropolitan area of this city.

The reason for this set aside is simple. Traffic congestion is worst in these very large cities, and it shows no sign of getting better. The Census Bureau recently reported that more than 50 percent of the Nation's population now live in metropolitan areas of 1 million people or more. We need to spend our money where these people live, and my bill would begin doing just that.

There is a second portion to my bill, though, that I consider to be of even greater importance. In addition to reauthorizing the FAU Program, my bill would establish a program specifically targeted at relieving traffic congestion. This portion would be known as the Strategic Urbanized Program, and like FAU, it too would be funded at a level of $2 billion per year. It would, I believe, go a long way in making our Nation's cities more livable again.

A major feature of this program would be its flexibility in allowing states and cities to determine the best ways for fighting traffic congestion. For instance, funds could be used for mass transit capital projects. Or money could be used to improve the condition, capacity, efficiency, or management of any roads on the Federal-aid system. Bridges, perhaps the most neglected of all elements of the Nation's infrastructure, could be funded as well. In short, it would be up to the cities to develop a congestion-relief project list in consultation with the States, and the Federal share would again be 75 percent.

All cities of 50,000 or greater would be eligible for this new source of funding, and apportionment would be based on a State's percentage of the Nation's urbanized population. Each state is guaranteed at least one-half of 1 percent of the money. With the help of the Strategic Urbanized Program, I believe we can indeed begin to tackle the problem of gridlock.

I want to mention as well that cities over 1 million in population would be guaranteed their fair share of the money. In other words, if a city of 1 million is responsible for bringing in two-fifths of the State's Strategic Urbanized Program funds, then two-fifths of the money must be spent in the metropolitan area of that city. This provision would help ensure that money be spent where traffic congestion is the worst.

These cities, if they are ozone or carbon monoxide nonattainment areas under the Clean Air Act, would be required to spend at least 50 percent of their SUP funds on transit capital projects. This provision, I believe, will serve as an incentive to get people out of their automobiles and into trains and buses in these heavily polluted areas, and in the long run it will help these cities meet the standards set by the Clean Air Act.

There is one other portion of the Strategic Urbanized Program that I would like to highlight. Of the $2 billion authorized for the program, $300 million would be set aside in a discretionary account. The Secretary of Transportation would distribute this money be selecting the project list from proposals by the States. The money would be spent on high-cost projects which address extraordinary traffic-congestion problems. The Federal share of these projects would be 50 percent, and States would have to be prepared to begin work immediately.

That is a complete summary of my proposal. I hope you agree that urban/suburban traffic congestion is a crisis this country must face, and I hope that you will consider my bill as part of the solution. There is no question that the money is available. There is a multibillion surplus sitting in the highway trust fund, built up from the tax all citizens are paying on gasoline. These taxpayers were promised that this money would go toward improving the Nation's roads, bridges, and mass transit systems. It is time to fulfill that promise by spending the money where those people live.

It has already been shown that the price of ignoring this problem would be very high. In a 1985 study, a top official of the Federal Reserve Bank of Chicago showed that there is a strong link between investment in infrastructure and economic productivity. Between 1950 and 1970, investment in nonmilitary infrastructure grew at a rate of 4.3 percent. During that time, productivity grew at an annual rate of 1.8 percent. But from 1970 to 1985, the Nation decreased its public infrastructure investment by more than 65 percent. The resulting loss in business productivity was staggering. Economic productivity declined by more than half.

I do not believe this drop is a coincidence. Japan and Germany have long been outspending us on infrastructure investment. And as we all know, their economic productivity has been much greater than that of the United States. It is time for us to begin paying attention to this problem. It is time for us to begin taking it more seriously, not only as a way of improving our way of life, but as a way of strengthening our economy at the same time.

We have a window of opportunity during this year's 5-year reauthorization of the Nation's highway programs. With our Interstate System finally complete, we can provide a new direction to our Nation's highway and bridge programs. We can direct our resources where they are needed most.

I believe that my bill can provide the start. There is no question that the amount of money involved will be great because the needs have been neglected for so long. But the more important question is whether our country can afford not to make this investment. Last fall, the Government spent a great deal of time trying to address our Federal budget deficit. This year, I believe it is time to focus our attention on a shortfall of a different sort—an urban highway shortfall. Our cities are telling us that this is one problem we can no longer afford to ignore.

IN SALUTE OF OFFICER WILLIAM MOXLEY

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. LOWERY of California. Mr. Speaker, I hope you and our colleagues will join me today in honoring a man of valor, Officer William Moxley of the Federal Protective Service in San Diego, CA.

On May 21, 1980, several FPS officers, including Officer Moxley, were participating in a training exercise when Special Deputy William B. McMillan of the sheriff's office was accidentally shot at a nearby shooting range. Officer Moxley and his colleagues rushed to the scene to find Special Deputy McMillan bleeding profusely and in shock.

Officer Moxley quickly assessed the severity of the injuries and located two bullet wounds. He covered one wound to the lung with cellophane bandages, and applied pressure to prevent further lung damage, and then instructed the other officers present to stop the bleeding from the second wound.

Officer Moxley's composure and leadership in a life-threatening situation calmed those around him and prevented a tragic, senseless death. Mr. Speaker, most of us would want to save someone's life in a similar situation, but few of us would be able to act with the same decisiveness. Thanks to Officer Moxley's equanimity and professionalism, Special Deputy McMillan is alive and well 11 years later.

I am proud to say that Officer Moxley has continued to display remarkable heroism to this day. The incident at the shooting range is but one example of his dedication and concern for others. To those who work with him or near him in the Federal building and U.S. Court House in San Diego, Officer Moxley is a model of sensitivity and responsiveness. Whether it be a security incident or an administrative challenge, his actions always make a difference.

Officer Moxley is an invaluable asset to the Federal Protection Service. He has received commendations and awards from the Sheriff of San Diego County, and Assistant Commissioner of the FPS and various other community leaders. It is only fitting that the Congress recognize his record of excellence and service to the people of San Diego and to the Federal Government.

TRIBUTE TO BUZZ WHITAKER

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mrs. JOHNSON of Connecticut. Mr. Speaker, service to others matters. It is what makes our community strong and America a unique, vital society. So it is with pride and pleasure that I bring to your attention the remarkable record of outstanding service to Framington, CT, and surrounding communities of Lucius M. "Buzz" Whitaker.

For more than 30 years Buzz has gone above and beyond the call of duty, making outstanding contributions to help improve the quality of life in Farmington, and the lives and fortunes of many families that I represent in Farmington and Connecticut valley towns.

A lifelong Connecticut resident and University of Connecticut graduate, Buzz became president of the Edward H. Deming Insurance Agency in 1963, a position which he continues to hold today. Many individuals in positons of responsibility are forced to devote all of their energy to the interest of their business, but Buzz has always found the time to serve his community in many and varied ways and with fullness of heart and excellence of mind.

Over the years, Buzz has served as assistant treasurer of Miss Porter's School, a member of the board of directors at the Hill-Stead Museum, and treasurer of the local American Legion Post. In addition, he has been a member of the Farmington Historic District Commission, Village Green Library Association, Farmington Community Chest, Farmington Chamber of Commerce, Farmington Volunteer Fire Department, and Farmington Exchange Club. In the past he has received recognition for is work with the Boy Scouts, Farmington Visiting Nurses Association, Winding Trails Association, Valley Homemakers Service and the Hartford Jaycees.

On May 1, 1991, Buzz Whitaker will be honored for the quality of service he has rendered to Farmington, Connecticut, and the surrounding communities as Farmington's Business Leader of the Year.

Mr. Speaker, I ask that you and our colleagues join me and the Farmington community in saluting Lucius M. "Buzz" Whitaker. He is a model citizen and community activist and I am delighted to take this opportunity to recognize his long-standing service to the people of our State. Congratulations, Buzz.

POLAROID POSITIVE EFFORT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. KENNEDY. Mr. Speaker, today U.S. corporations are experiencing strong and oftentimes unfair competition in a more globally oriented economy. The cozy relationships enjoyed between foreign governments that their indigenous corporation are quickly undermining markets for American companies. As a nation, we must look for ways to strengthen our competitive advantage, and prevent foreign competition from dominating the marketplace.

The Polaroid Corp. is a major corporation engaged primarily in the production and distribution of consumer and industrial photographic equipment. Polaroid markets approximately 100 imaging systems and 40 types of film, and sells its products both at home and around the world. The company employs approximately 10,000 workers throughout the United States, and many of its employees are located in Massachusetts.

Polaroid has a long history in the production of instant photographic equipment, and has recently been engaged in a far-reaching and ambitious campaign to reposition the capabilities of instant photography. The company has been a leader in technologically advanced instant print systems, and is also a leading manufacturer of technical and industrial photographic equipment for medicine, engineering, manufacturing, identification systems and scientific research.

The Polaroid Corp. has taken a wide range of measures to keep its U.S. operations competitive and has resisted shifting most of its production facilities to low-cost foreign locations. Polaroid has significantly benefited from its commitment to the American worker, and hopes to continue this long and close relationship. But the company will need our help.

I am introducing a bill therefore that supports Polaroid's efforts in a simple and straightforward way. The legislation would suspend temporary duties on certain instant print cameras now produced by the company in its foreign trade subzone located within Massachusetts. This bill would allow Polaroid to waive its duty obligation on certain instant print cameras when they enter U.S. markets and enable Polaroid to provide a cheap, good quality camera to American consumers.

A temporary duty suspension would help add strategic flexibility to Polaroid's campaign to provide more domestic jobs, and would support Polaroid's drive to enhance its ability to retain a competitive edge both at home and abroad. The cameras are not competitive with other more expensive cameras, and would not work to undermine other domestic camera producers.

Mr. Speaker, the instant print camera is as American as apple pie. It has served families, couples, old and young Americans for many, many years. But due to the increased pressure from foreign competitors these little pieces of Americana are now being inched out of the market.

We have the opportunity here to contribute to the survival and growth of an original American corporation, and I would urge my colleagues to join me in this effort.

A TRIBUTE TO SISTER DENISITA WHITE

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to a wonderful teacher and humanitarian, Sister Denisita White, C.S.J., who is retiring after 64 years of teaching.

Sister Denisita was born in 1906 in Cambridge, MA. Raised Beatrice Eugenia White, she attended parochial schools in Massachusetts; she earned a B.A. degree from Boston College and a masters degree in Education from Mt. St. Joseph College. As an educator, Sister has taught since 1925. She initially spent 21 years teaching elementary school students, and then spent 2 years teaching secondary school in Boston. In 1956, Sister Denisita came to Marian High School in Framingham, MA, to fill in for 3 weeks. This Friday, 35 years later, she will be retiring from Marian High.

Sister Denisita is reversed for her dedication to her students, and to needy people throughout our area. Her students, who have included Christa McAuliffe, appreciate her dedication and commitment to teaching and she, in return, appreciates their potential for good. Moreover, the community appreciates her activities on behalf of the disadvantaged, including the distribution of Thanksgiving baskets to the needy, and the collection and distribution of food, clothing, and toys in the region. In addition, she is remembered for her concern for members of the community during their times of need.

In recognition of the contributions made by Sister Denisita, alumni and friends of Marian High School will gather on Sunday, April 28, for a testimonial evening. The sponsors anticipate creating the "Sister Denisita White, C.S.J., Living Memorial Scholarship," the proceeds of which will be used to fund scholarships for Marian students. Such a worthwhile tribute befits this deeply respected and loved educator.

CORRECTION TO HOUSE CONCURRENT RESOLUTION 95

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. ECKART. Mr. Speaker, I ask that a correction be inserted in the RECORD noting the omission of Mr. JOHN LEWIS of Georgia, as an original cosponsor to House Concurrent Resolution 95, to express the sense of Congress that the Federal Government should assist United States small business seeking to become involved in the rebuilding of Kuwait and for other purposes.

PROGRESS FOR INDIANS IS A FILM FANTASY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. EDWARDS of California. Mr. Speaker, with the success of the Oscar-winning film, "Dances With Wolves," renewed attention is being given to the condition of native American Indians. In a very fine article which appeared in the Los Angeles Times on March 26, our colleague from California, GEORGE MILLER, points out that American Indians are currently no better off, or in fact worse off, than they were in the 1800's.

Our colleague notes in his article,

> The United States vowed that Indian people would be housed, educated and provided with decent health care. Unfortunately, as the statistics show, the United States has failed on every count.

We have an obligation to increase our efforts to substantially improve the condition of American Indians. GEORGE MILLER has long been a supporter of greater self-determination for American Indians, and he is currently pressing for Federal recognition of Indian tribes in California. I invite you to consider Mr. MILLER'S remarks in his article which follows:

[From the Los Angeles Times, Mar. 26, 1991]

PROGRESS FOR INDIANS IS A FILM FANTASY

(By George Miller)

Twenty years have passed since Marlon Brando used the Academy Awards as a platform to draw national attention to Hollywood's exploitation of American Indians in films. Last night the Oscars drew attention to Indians again; this time with "Dances With Wolves," a powerful film about 19th-Century Indian life and 19th-Century U.S. Indian policy.

Unfortunately, the progress American Indians made in film this year is unmatched by improvement in the utter impoverishment of contemporary Indian life. Regretably government policy, while considerably more enlightened than in the 1870s, continues to undermine the potential of Native Americans.

Indians today are little better, and, in some cases, worse off than when they were fighting the cavalry or when Brando made his stand. According to the most recent data, the high school graduation rate among Indians in 43%, the poverty rate is 45% and the unemployment rate is 35% nationally and more than 80% on some reservations.

While the United States gives nearly $10 billion per year to help developing countries improve basic living conditions and promote economic modernization, more than 20% of American Indian homes lack toilets and more than 50% do not have telephones.

Federal agencies responsible for implementing Indian policy have attempted to respond to skyrocketing rates of alcoholism, youth suicide, tuberculosis and incarceration, but the efforts too often have been feeble and ineffective.

The two principal agencies responsible for Indian matters—the Bureau of Indian Affairs and the Indian Health Service—are severely underfunded despite their huge mandates. President Bush requested only $12 million for 1992 for the construction of badly needed health and sanitation facilities—a cut of $154 million from 1991. The budgeteers operated on the theory that all new health services for Indians would be covered by private health insurance, with the payments funneled to the Indian Health Service. The Administration estimated these payments to be $129 million. But in 1990, only $3.7 million was collected.

Under treaties and federal law, the United States promised to uphold the rights of Indian tribes and became the trustee of Indian land and resources. The United States vowed that Indian people would be housed, educated and provided with decent health care. Unfortunately, as the statistics show, the United States has failed on nearly every count. And virtually every treaty signed with an Indian tribe has been broken.

Indians in the 1970s and '80s saw more and more decisions go against them—in religious freedom cases, taxation and zoning cases and cases involving criminal jurisdiction.

A positive development worth noting is in the area of self-governance. Congress enacted the Indian Self-Determination and Education Assistance Act in 1975 to give tribes the freedom to carry out additional federal responsibilities on their own. And though the Bureau of Indian Affairs and the Indian Health Service for the most part retain great authority over the tribes, their grip was loosened when in 1990 seven tribes negotiated self-governance compacts directly with the Interior Department. This experimental program was aimed at circumventing the bureau, an agency within the department.

One thing we have learned is that the tribes themselves possess many of the answers to these pervasive problems.

In California, with the second-largest Indian population in the country, the potential for change is enormous. Federal officials have acknowledged that many of the state's Indian citizens are being denied services they deserve because they lack federal tribal recognition. Efforts are now under way to expedite the unbearably slow and unresponsive tribal recognition process for dozens of long-established Indian tribes in California, continuing the move toward Indian self-determination.

At a time in U.S. history when moral suasion counts for less than political muscle, Indians have a bumper crop of the former but are starved for the latter. Indians are too few and too scattered to have an impact on the political process. In only the rarest of cases do congressional hearings on Indian issues draw the media or the public.

"Dances With Wolves" is a landmark artistic achievement. It has educated many Americans to the positive values of Indian culture. It would be a tragedy if we failed to act on this heightened awareness. Twenty years from now, let's not be looking back from the same sad reality we accept today.

THE 100TH ANNIVERSARY OF THE DENNI HLASATEL NEWSPAPER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. LIPINSKI. Mr. Speaker, I would like to join the Czechoslovak-American community of Chicago in saluting the Denni Hlasatel newspaper on the occasion of its 100th anniversary. Known in English as the Czechoslovak Daily Herald, it is the largest foreign language daily newspaper in the United States and the only Czechoslovak daily in the West. Its size, longevity, and continued excellence is testimony to its hard-working staff and reflective of the Czechoslovak-American community as a whole.

Throughout a century which saw the nation carved out of the Austro-Hungarian Empire, invaded by Nazi Germany, and then dominated by Soviet-backed Communists for more than 40 years, Denni Hlasatel has faithfully served its readers in many ways. Besides bringing the daily news of Czechoslovakia, no small task considering this past century of upheaval, it promotes the rich Czechoslovak heritage and serves as a strong voice for freedom and democracy within Czechoslovakia. Even now in the 2 years following the "Velvet Revolution" of 1989, editor Josef Kucera, Jr. works tirelessly to see the democratic reforms of the revolution entrenched and the victims of the Communist rule compensated.

Denni Hlasatel was founded on May 1, 1891, to fill the gap created by the closing of another Czechoslovak daily. Since that time it has emerged as a mainstay of the Czechoslovak-American community, building a readership of 10,000 and serving as a needed forum for the issues facing the community. Its role within this community has been invaluable.

My congratulations to Denni Hlasatel and my best wishes for another 100 years of exemplary service.

NORTHEAST—MIDWEST ENERGY REPORT RELEASED

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mrs. KENNELLY. Mr. Speaker, the Northeast-Midwest congressional coalition has just released a report opposing an in-kind oil import fee and a proposal to establish a price floor and variable tax on oil. Both proposals, now under consideration in the other body, constitute bad economic policy and bad energy policy.

Title VII of the Energy Security Act and the Energy Security Tax Act would dramatically increase the cost of oil for all Americans. Under both proposals, domestic production could cost as much as $140 per barrel, depending on world oil prices.

These proposals would be particularly harmful to the oil consuming States of the Northeast and Midwest, while the revenues generated would go directly into the pockets of the oil producers in the South and West. We cannot and should not expect consumers to shoulder these increased costs—which could add up to as much as $40 billion per year!

The need could not be clearer for a massive restructuring of our national energy policy. We must seek solid, long-term energy solutions, not quick-fix alternatives designed to disguise oil import fees and protect oil producers.

I am at this point, placing this report, entitled "Oil Security Premiums and Price Floors: Import Fees and Unfair Taxes by Other Names," in the RECORD.

OIL-SECURITY PREMIUMS AND PRICE FLOORS: IMPORT FEES AND UNFAIR TAXES BY OTHER NAMES

INTRODUCTION AND SUMMARY

Various proposals have been introduced in Congress that would result in higher oil prices. These proposals are being considered as part of the national debate on a comprehensive energy policy.

Two proposals are receiving increased attention; each has a different objective. The first would impose an in-kind oil-import "fee" for the purpose of filling the Strategic Petroleum Reserve (SPR) and providing oil for our national defense. The second would establish a price "floor" in order to stabilize oil prices and stimulate greater domestic production.

While the goals are laudable, both proposals constitute bad economic and energy policy. The adoption of either the import fee or the floor price would increase the cost of oil for all Americans. Combined, the two proposals could cost U.S. consumers a minimum of $11.3 billion annually, and as much as $40.2 billion annually.

Not only are the proposals costly to consumers, they are an expensive means of filling the SPR, meeting defense needs, and stimulating increased domestic production. An import fee to fill the reserve could cost at least $41 per barrel. Under a floor-price mechanism, additional domestic production could cost between $90 and $140 per barrel, depending on world oil prices.

The import fee and the floor price also would have vastly different regional impacts. As an oil-consuming region, the Northeast and Midwest would be adversely and disproportionately affected. By contrast, oil-producing states, primarily in the South and West, would be cushioned from adverse effects because the proposals would raise the cost of both imported and domestic oil. Almost one-half of the revenues resulting from price increases under both proposals would be received by oil-producing states, six of which produce 85 percent of U.S. oil.

It is clear, however, that a larger SPR (in combination with a regional product reserve) would provide real economic benefits to energy consumers in the Northeast and Midwest. Because of its greater dependence on oil, supply disruptions disproportionately affect the region. Drawing down the SPR during crises—such as the Persian Gulf war—would mitigate the resulting higher prices.

OIL IMPORT FEE, LEASING, AND FLOOR PRICES

In 1975, Congress enacted the Energy Policy and Conservation Act, which authorized establishment of a Strategic Petroleum Reserve. Its purposes to provide the nation with insurance against the threat a major disruption in oil supply poses for the economy in terms of higher prices or the inability to assure its purchase. Last year, Congress directed that the reserve be maintained at 1 billion barrels.

A continuing controversy is how to finance the cost of filling the Strategic Petroleum Reserve, and to provide for the energy needs of the Department of Defense (DOD). Different proposals have been introduced in Congress or previously considered for this purpose.

Title VII of the National Energy Security Act of 1991 (S. 341), introduced by Senators J. Bennett Johnston (D–LA) and Malcolm Wallop (R–WY), proposes an "oil-security premium" on all oil imports. Importers would be required to provide crude oil and refined products to the U.S. government free of charge to ensure that storage in the SPR would increase at an average rate of 2220,000 barrels per day, with additional oil provided to DOD.

In effect, the proposed oil security premium constitutes a tax or oil-import fee, payable in oil, with importers recouping the cost of the "donated" oil on the remaining oil sold for consumption in the United States. Based on DOD needs and U.S. oil imports, this practice would amount to an import fee of approximately 9 percent.

Another proposal for financing the cost of filling SPR—leasing—was authorized by Congress in the Energy Policy and Conservation Act Amendments of 1990 (P.L. 101-383). The Bush Administation also supports leasing, stating in the fiscal 1992 Department of Energy budget that it would resume filling the SPR "with oil acquired by long-term lease or other suitable alternative rather than direct purchase."

Two general approaches to oil leasing have been considered by the Department of Energy (DOE). The first is lease/option, whereby the United States would rent the oil it holds in storage with an option to buy that oil at any time of its choosing. The second is lease/purchase, in which the United States would lease the oil for a set number of years after which it would own the oil. This approach is a way of financing ownership over several years.

Legislation also has been proposed that is intended to stabilize the price of crude oil for the purpose of stimulating domestic production. The Energy Security Tax Act (S. 215), also introduced by Senators Johnston and Wallop, would establish a floor price and a variable excise tax on crude-oil imports. The tax would be imposed whenever the world price of oil fell below a floor price of $20 per barrel. A separate floor price of $22.50 per barrel; would be established for imports of refined products.

The impact of floor prices would depend upon the world price of oil, becoming more onerous as prices fell below the floor. Several other floor-price proposals also have been introduced.

ENERGY PRICES AND THE ECONOMY

In 1990 the United States consumed 6.2 billion barrels of oil, fully 41.3 percent of its total energy needs. The rapid rise in oil prices after August 1990 adversely affected the U.S. economy. Between August and October 1990, higher oil prices added $10 billion to the U.S. balance of payments deficit and is estimated to have cost the economy $30 billion. The price rise also temporarily increased inflation to double-digit levels, and drove-up long-term interest rates almost half a point. In more concrete terms, the price rise shifted purchasing power from consumers to producers and raised fuel costs for airlines and other businesses.

The recent fall in oil prices should improve economic prospects. Important in the current weak economy, falling prices will reduce the payments deficit, increase consumer purchasing power, reduce the inflation rate, and allow the Federal Reserve to keep interest rates down. In addition, it will provide relief to consumers in exactly those regions most hurt by oil price increases and permit industries like airlines to begin their recovery.

The future of world oil prices looks positive. Oil is now plentiful. Current prices (March 1991, $18 to $20 per barrel) have almost returned to levels that existed prior to the Persian Gulf crisis. At a minimum, the substantial oil surplus at current production levels suggest prices at or below $20 per barrel for the remainder of 1991.

THE IMPACT OF AN IMPORT FEE AND THE FLOOR PRICES

The severity of the impact of an import fee and the floor prices depends on the level of world oil prices. An import fee raises greater "revenue" as the world price of oil increases. Floor prices generate more and more revenue as world oil prices fall below the floor. In combination with a floor price, an import fee would produce less revenue (see Table 1).

A requirement that importers contribute free of charge to the government a portion of their imports to fill the SPR/DOD raises costs to consumers of both imported and domestic oil. Higher prices for imported oil would be matched by higher prices for domestically produced oil. The proposed 9 percent oil-import fee would increase consumer costs for oil by $11.3 billion annually.

The floor prices would be even more costly. If crude-oil prices fell to $15 per barrel, a floor price of $20 per barrel would cost consumers $31.6 billion annually. If, in addition, the 9 percent oil-import fee were imposed, at a price of $15 per barrel for crude, consumers would pay an additional $8.5 billion annually. Combined, the import fee and floor price would increase consumer costs by $40.2 billion annually.

THE COST OF SECURING ADDITIONAL OIL

The principal rationale for a floor price is that by raising and stabilizing the price of oil, it will stimulate or at least slow the further decline of U.S. oil production. An import fee would have the same effect. Higher prices will no doubt increase production, but at a considerable cost.

Under a floor-price mechanism, the cost of each additional barrel of domestic oil produced would be substantial. It is estimated that with a floor price of $20 per barrel, and a world price of $15 per barrel, the extra domestic production stimulated could cost at least $91 per barrel and as much as $139 per barrel. Under a 9 percent import fee, it is estimated that additional domestic oil production would cost $41 per barrel.

REGIONAL IMPACTS

The regional impact of an oil-import fee and floor prices would vary. Oil-producing states in the South and West would largely escape the burden of these proposals, while states in the Northeast and Midwest would bear the brunt of the resulting costs.

Approximately one-half of all oil consumed in the United States annually is produced domestically (see Table 2). Any proposal that increased the price of imported oil would allow U.S. producers to charge equally high prices for domestic oil. As a result, oil-producing states would be cushioned from the increased costs resulting from the proposal; revenues from higher prices for domestic oil would return to these states.

Under both proposals, increased costs to consumers would amount to $40.2 billion. Of this amount, $16.8 billion, or 42 percent of the total, would flow to oil-producing states in the form of higher prices. Moreover, $14.2 billion of the $16.8 billion, or 85 percent, would be received by the top six oil-producing states of Texas, Alaska, Louisiana, California, Oklahoma, and Wyoming.

By contrast, residential and industrial consumers in the Northeast and Midwest would be adversely affected. The Northwest (New England and Mid-Atlantic states) meets 50 to 65 percent of its energy needs from oil, making the region more vulnerable to higher prices (see Table 3). The 9 percent import fee alone would amount to an annual net cost of $38 for each individual in the Northeast and Midwest. Combined, the import fee and floor price could cost each individual in the Northeast and Midwest $135 annually. The comparable figure for the South and West is only $19 and $66, respectively (see Table 4).

In the current economic downturn, higher prices could further depress the economy of the Northeast and Midwest, or slow its recovery. Consumers in the Northeast and Midwest also would bear a disproportionately large share of the burden of financing the cost of filling of the SPR/DOD.

IMPACT OF COMPETITIVENESS

From an economic standpoint, the proposed oil security premium has the same impact as a tax or fee levied in monetary terms, except this fee is payable in oil. Importers could not be expected to absorb the cost of oil produced to the U.S. government. They would recoup those costs by charging higher prices on the remaining imported oil sold for consumption in the United States. The higher costs would reduce consumer purchasing power. Costs to industrial users also would rise for an essential input, reducing their competitiveness vis-a-vis foreign firms.

Important industries would be adversely affected, including airlines and paper producers as well as the chemical and plastic industries that use oil as a feed stock. Moreover, those states whose high rates to energy consumption represent oil use by refineries could be expected to pass on most of the higher costs to industrial end-users and consumers in other states.

Industries using residual oil, primarily in the Northeast and South, would be placed at a competitive disadvantage against foreign products in the domestic market and internationally under a floor-price mechanism. U.S. oil prices would remain high in relation to the world price paid by our major competitors.

ADDITIONAL ISSUES

The proposed oil security premium raises several unresolved issues. It is potentially inconsistent with Article II (National Treatment) of the General Agreement on Tariffs and Trade (GATT) because it accords different treatment to imported oil than domestic oil. It also would appear to violate the U.S.-Canada Free Trade Agreement.

Although leasing is the preferred option of Congress and the Bush Administration, outstanding issues remain. It is not clear whether any countries are willing and able to enter into a leasing arrangement with the United States. Preliminary discussions have been held with a number of countries. Second, the exact budgetary treatment (i.e., economic cost to the United States) is in dispute. The Congressional Budget Office (CBO) has taken the view that the cost of leasing cannot be determined until a specific lease agreement has been concluded. The Office of Management and Budget (OMB), by contrast, has decided to treat only the estimated cost of current year lease payments in the annual budget.

HONORING LOUIS L. MORO, CIVIL COURT ASSIGNMENT CLERK

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. RINALDO. Mr. Speaker, on April 26, 1991, the Union County Bar Association, judges, and court personnel at the Union County Courthouse in Elizabeth, NJ, will pay tribute to Louis L. Moro of Elizabeth, NJ, on his more than 30 years of service to the courts.

For over three decades, Lou Moro has been the keeper of the civil case calendar and has served the needs of the judiciary, litigants, and their attorneys with efficiency, courtesy, and with appreciation of the need to keep our overburdened court system operating smoothly. Without the management abilities of court officers like Lou Moro, many cases would never be resolved and public confidence and trust in our legal system would be diminished.

Born and raised in Elizabeth, not far from the Union County Courthouse, Lou Moro's service in our judicial system began in 1957 when he was appointed a document clerk. His cooperation and dedication attracted the attention of court officials, who promoted Lou Moro to the civil assignment clerk's office in Union County. He served under Judges Fillmore Wood and Julius Kwalick, whose courts enjoyed a reputation among attorneys and court officials for their ability to expedite civil cases while preserving the rights of the litigants to the fullest measure.

Ten years later, on December 1, 1968, Lou Moro was appointed permanent civil assignment clerk for Union County, with responsibility for scheduling cases and assuring that the litigants and their attorneys would appear on time for the disposition of their cases. It was a well deserved promotion that expressed the faith of the county courts in Lou Moro's abilities.

Attorneys and judges who have dealt with the Union County court system have praised Lou Moro for his dedication, courtesy, and understanding of legal procedures and the needs of the public. Lou Moro's leadership and efforts have contributed to the court's consistently productive record in speedily disposing of civil cases. Over the years, the administrator of the courts in New Jersey under the State supreme court has given Union County's civil courts a consistently high rating for case management.

The news of Lou Moro's retirement leaves his many admirers at the courthouse with a sense of sadness in losing someone with his abilities and good nature. He shall be greatly missed. I join Lou Moro's many friends at the Union County Courthouse and in the bar association and judiciary in expressing gratitude for his faithful service, and in wishing Lou Moro good health to enjoy his retirement with his wife, Movalene Moro, their children, Robert, Dina, Gary, and Kelly, and four grandchildren.

TRIBUTE TO CRISIS SERVICES OF BREVARD, INC.

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. BACCHUS. Mr. Speaker, it is with great pleasure that I rise today to honor the crisis services of Brevard, Inc., which in 1991 is marking its 30th year of service to the residents of Brevard County, along Florida's space coast.

Crisis services offers public education and training opportunities to community organizations and human services workers in crisis as well as suicide intervention and parent education. This organization also operates a 24-hour crisis telephone line. The crisis line is staffed primarily by highly trained community volunteers who assisted more than 9,000 crisis line callers in 1990. The total number of people served through the crisis line and the agency's specialized services to the elderly and area human services organizations was more than 18,000. About 14,000 people were referred to local organizations for additional help.

Crisis line volunteers provided in excess of 40,000 dollars' worth of service during the past year. This amount equals nearly 40 percent of the agency's annual operating budget.

Crisis services is the only agency in the region to be certified by the American Association of Suicidology for the quality of its crisis intervention programs, volunteer training, and overall administration.

TRADE AGREEMENT WITH JAPAN

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. MINETA. Mr. Speaker, today I am introducing a resolution to express the sense of the House of Representatives that the administration should take all steps necesary to negotiate a strong semiconductor trade agreement with Japan.

The United States-Japan Semiconductor Agreement, initiated in 1986, called for Japan to cease unfair dumping of computer chips. The agreement also required Japan to open its domestic semiconductor market to competition by United States and other chip makers.

While the dumping of chips by Japanese companies has ended, Japan's market still remains largely closed to foreign competition.

Mr. Speaker, it has been estimated that approximately $1 billion in trade with Japan has been lost due to Japan's failure to live up to the agreement. This translates to a loss of between 8,000 and 12,000 jobs for American workers.

Last Fall, an historic consensus was reached among the semiconductor suppliers and manufacturers of computer systems concerning the future of the semiconductor trade agreement. The resolution I am introducing today reflects the guidelines reached by that consensus.

Mr. Speaker, a vigorous domestic semiconductor industry is critical to a healthy electronics industry, which now directly employs more than 3 million people in the United States—more than the aerospace, automobile, and steel industries combined. Ensuring the health of the semiconductor industry is critical to the Nation's economic future.

COMMEMORATING THE RETIREMENT OF JOE WELLS

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. WYLIE. Mr. Speaker, April 30, 1991, marks the end of an era of sorts. It is the day that my brother-in-law, Joe Wells, retires—for the second time—after having two distinguished careers in both the private and public sectors. For the last 14 years, Joe has served with distinction with the clerk of Franklin County, OH, municipal courts. For 37 years previous to that, Joe was with the Western & Southern Life Insurance Co., retiring as a highly successful district manager.

As a result of his experiences in World War II, Joe has remained active through the years helping to assist our Nation's veterans as the commander of the Worthington, OH, VFW and as a lifetime member of the American Legion. During the war, Joe served with valor in the Pacific theater with the 380th Bombardment Group, which participated in campaigns against Japanese forces in China, Japan, the Philippines, New Guinea, Bismarck Archipelago, Leyte, and Luzon. Joe held the rank of staff sergeant and served as a crew chief and gunner on B–17's and B–24's. He flew in 34 missions and was awarded the Distinguished Flying Cross with three oak leaf clusters, the Asian Theater of Operation Medal with three battle stars, the Philippine Liberation Medal, and the World War II Victory Medal. The 380th was awarded the Presidential Unit Citation for extraordinary heroism in action against an armed enemy and the Philippine Presidential Unit Citation, both of which Joe also received for his contribution in the campaigns mentioned above.

Joe has a passion for antique cars and is past director of the Packard Club. He is the devoted husband of his wife, Jane; father of six children; and grandfather to 11 grandchildren. Not only is Joe a close member of my family, but I also consider him a friend that I have always been able to rely on over the years. My wife Marjorie and I wish Joe and Jane the very best in his retirement.

TORTURE VICTIM PROTECTION ACT OF 1991

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. YATRON. Mr. Speaker, today I introduced the Torture Victim Protection Act of 1991 which provides a civil cause of action against an individual who, acting under color of law of any foreign nation, subjects an individual to torture or extrajudicial killing.

Virtually every nation condemns torture and extrajudicial killing in principle, but in reality more than one-third of the world's governments engage in, condone, or encourage systematic torture. In the last decade alone, hundreds of thousands of people have been killed by state authorities, and thousands more have been persecuted and intimidated into silence through torture.

The Torture Victim Protection Act will clarify and expand existing human rights law and make our domestic law more effective in protecting basic human rights by enabling U.S. citizens, aliens, or their representatives to file a suit for civil damages against their oppressors. The Torture Victim Protection Act provides a clear basis for a cause of action which has existed under the Alien Tort Claims Act of 1789, but which only provides a remedy to aliens. This legislation will give U.S. citizens who are victims of torture a vehicle to seek redress, as well as aliens. The Torture Victim Protection Act not only provides tangible relief to victims of torture, but also puts the United States on record as denouncing the practice of torture in very strong terms.

Certain prerequisites must be met, however, before a U.S. court can hear the claim. First, the torturer must have been acting under the actual or apparent authority of their government; second, they must be subject to the personal jurisdiction of U.S. courts when the victim brings a civil action; and third, the victim must have exhausted all adequate and available remedies in the country where the torture took place.

Mr. Speaker, the United States has been a champion of human rights throughout the world. In order for the respect for international human rights to have legal weight, we and other nations must provide domestic remedies to victims of torture. In addition to providing a remedy to torture victims, it is my hope that the passage of the Torture Victim Protection Act will also serve as an example and prompt other nations to enact similar safeguards to victims of torture and send a distinct and forceful message that the United States will not host torturers within its borders.

PRO-ISRAEL CONFERENCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on April 28 a pro-Israel conference will be hosted by the American Israel Public Affairs Committee [AIPAC], the Committee for Accuracy in Middle East Reporting in America [CAMERA], the Community Relations Committee [CRC] of the Greater Miami Jewish Federation, the Miami Region of Hadassah, and the Women's International Zionist Organization. The concept behind the conference is to promote pro-Israel action at the individual and community levels.

Each attendee at the conference will have a choice of two of four workshops. AIPAC is hosting a workshop called, "An Imperative for Action: U.S.-Israel Relations in the Post War Era." CAMERA is offering a workshop entitled, "The Media, the Message and the Middle East." Hadassah is presenting a workshop called, "Post War, What Now?" and the Simon Weisenthal Center is hosting a workshop entitled, "Documenting the Truth."

After the workshops, there will be a dinner with guest speaker Shoshana Cardin, chairman of the Conference of Presidents of Major American Jewish Organizations and chairman of the National Conference on Soviet Jewry.

I would like to thank Ted Fireman, Betram Korn, Evelyn and Herman Rubin, Dvorah Friedman, Natalie Lyons, Robert Novak, Marilyn Belle, Gloria Bierman, Richard Fishman, Gloria Friedman, Stella Friedman, Adele Gecht, Judy Gilbert, Bunny Horowitz, Mercedes Ivcher, Matthew Levin, Lottie Morton, Aida Politano, Irma Rashkind, Rosita Retelny, and Ester Richman for their extraordinary efforts in putting together this memorable conference.

TRIBUTE TO SENATOR TED KENNEDY

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 24, 1991

Mr. KOSTMAYER. Mr. Speaker, no figure in American public life has borne the piling on of criticism more graciously than Senator EDWARD KENNEDY.

For all the mean-spirited words and those mean-spirited people who utter them, none of whom of course know Senator KENNEDY, he neither complains nor displays any self-pity.

This week's Time magazine recognizes some of the many qualities of one of America's most productive Senators. "If", as Time writes, he "were to retire now, his accomplishments would be memorable. Almost all the major pieces of social legislation in the past quarter-century bear his fingerprints."

Recently, without notice from the press, he visited several families in Massachusetts who lost children in the Persian Gulf.

His devotion to his own children and to those of his late brothers is legend.

Revered by his constituents, respected by his colleagues, he is in Time's words "one of the great lawmakers of the century."

NEW JERSEY CELEBRATES FESTA ITALIANA

HON. MATTHEW J. RINALDO

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 24, 1991

Mr. RINALDO. Mr. Speaker, on June 8, thousands of New Jersey residents celebrate the contributions of Italian-Americans to the State of New Jersey at the 21st annual Festa Italiana at the Garden State Arts Center in Holmdel.

Many local Italian-American organizations in New Jersey hold community celebrations during the year, but the Festa Italiana is the largest such event and brings together many of these local groups, ranging from Italian American War Veterans to UNICO. Thousands of citizens, including many from New Jersey's many different ethnic groups, attend this colorful outdoor celebration of music, entertainment, food, and the arts.

There are 25 million citizens of this country with Italian roots. New Jersey has one of the largest concentrations of Italian-Americans. According to the New Jersey Data Center, 831,000 residents of the State claim a single Italian ancestry, making Italian-Americans the largest single ancestry ethnic group in New Jersey. Several thousand more are the children of mixed ancestry in which one parent is of Italian-American origin.

This large community has been assimilated into American society. They range from first generation immigrants to some who trace their ancestry as far back as the American Revolution. They have fought for America in every war, and were among the thousands of Americans who took part in Operation Desert Shield in the Persian Gulf.

Italian-Americans have enriched the cultural, scientific, intellectual, artistic, and economic life of New Jersey. They are educators, business men and women, scientists, artists, musicians, factory workers, developers, lawyers, doctors—virtually every occupation imaginable. The hope and faith of their ancestors in coming to America is proudly visible in the economic, political, and social status of present generations who are an integral part of the American mainstream. They made the American dream come true and are part of the great American success story that has inspired people all over the world.

The funds raised at this event will be contributed to the Garden State Cultural Center Fund which provides free entertainment to school children, senior citizens, the disabled and disadvantaged all across New Jersey.

Mr. Speaker, Festa Italiana is a salute to the Italian-Americans who have enriched New Jersey in hundreds of ways over the last two centuries as well as a celebration of the joys of living. I salute all the members of the committee under its chairman, Anthony P. Lordi of Linden, for the success of this wonderful and entertaining event.

TRIBUTE TO FRANCIS MARION HIGH SCHOOL FOR THEIR FOURTH CONSECUTIVE STATE CHAMPIONSHIP IN BASKETBALL

HON. CLAUDE HARRIS

OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 24, 1991

Mr. HARRIS. Mr. Speaker, I rise today to pay tribute to the athletic prowess and coaching excellence of Francis Marion High School for winning their fourth consecutive State championship in basketball. I am proud to announce that Francis Marion High School, located in my district, is the first high school basketball team in Alabama ever to win four consecutive State championships.

The coach, Woodie Jackson, has devoted long hours and much free time to making this team successful. I am sure that the team has also made many sacrifices in order to achieve this magnificent feat. It is this type of determination and dedication that make it possible for the State of Alabama to carry on the rich winning tradition of which we are all so proud.

I know that this basketball team has become a source of pride in it's community as well as for the rest of the State. It is a testament to both team and coach that they have won four consecutive State championships and proves that their will to win continues.

Mr. Speaker, I would like to salute Coach Jackson and his team for their outstanding accomplishments. Speaking for myself, my State, and, I am sure, speaking for all who love to see young people succeed, we are proud of the Francis Marion High School basketball team for having the desire to win and continuing to win.

MEDICAL PROGRAMS DROWNING IN PAPERWORK

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. DUNCAN. Mr. Speaker, unfortunately, far too much of the medical dollar today is going for administrative, bureaucratic, and paperwork costs. Some estimates are as high as 45–50 percent of the medical dollar is going for this type of expense.

We have too much government—too much bureaucracy—too much regulation in the medical field. I realize that we are probably going to get even more government involvement in this field in the years ahead. However, I believe the only hope to ever bring down medical costs is to get the bureaucracy out and let the free market work in this area.

I would like to call to the attention of my colleagues the recent editorial from the New York Times which I first saw printed in a Florida newspaper under the heading, "Health Care: Drowning in Paper."

HEALTH CARE: DROWNING IN PAPER

Washington wags say there are 60 million Americans struggling with Medicare—the 30 million people over 65 who are eligible for federal health insurance plus 30 million relatives and friends to help them untangle the paperwork.

Even that sour observation is an understatement, because 60 million doesn't include all the frustrated doctors and healthcare workers who say they, too, are drowning in paperwork.

Medical groups say every visit to the doctor generates at least 10 pieces of paper, and the American Medical Association estimates that the average doctor's office devotes 80 hours a month to pushing paper.

In this kind of paper war, doctors lose, patients lose and people who pay insurance premiums lose.

But there are some obvious and sensible reforms that government, the states, insurers and paractitioners could undertake, to everyone's advantage.

Horror stories abound. The American Society of Internal Medicine recently reported the case of "Mary," 83 years old, a Colorado Medicare patient.

Erroneously listed as dead, she saw her Medicare payments halted even after investigators visited both her and her doctor. The paper trail eventually totaled hundreds of pages.

Patients complain that their doctors hustle them through appointments. Many doctors agree.

But what, they ask, are they supposed to do to make up for the time they spend fighting paper battles with insurance companies and government agencies?

Doctors desccribe even worse battles with the review boards that sometimes challenge their intended treatments or second-guess them at billing time.

There's probably no certain remedy as long as American medical insurance remains a government-private patchwork.

But that doesn't excuse any insurers, government or private, from simplifying and reducing the red tape burden.

Congress took a stab at the problem last fall with a new law requiring doctors' offices to fill out all Medical claims.

Last month the Department of Health and Human Services announced the appointment of eight private doctors to review the agency's paper demands.

The New York Times recently reported on another promising reform under way in several states—reducing the red tape generated by marginal or incompetent medical oversight committees.

Most governmental health programs are run by the states and it's at that level that most of the glitches occur.

Better-trained personnel would help cut red tape. So would doctor-patient advisory councils.

Cutting secrecy would help, since government and private insurers often fog over just what they are willing to pay for.

Doctors and patients need far more clarity on how claims are decided.

American health care is choking on all the forms. Peeling away the red tape would bring better medicine at lower cost.

PASS THE BRADY BILL: IT'S THE RIGHT THING TO DO

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. ANDREWS of Texas. Mr. Speaker, Congress will soon vote on the Brady bill, which requires a 7-day waiting period for persons wanting to purchase a handgun. A recent rash of incidents in my hometown of Houston has left six people dead. Those six people, one of them a police officer, four of them young children, might be alive today if a waiting period was in effect. I intend to vote for the Brady bill because it will enhance law enforcement without serious impairment of our constitutional right to bear arms.

I have always opposed gun control. As a Member of Congress, I have long opposed any moves that would restrict the rights of Americans to own firearms for sport or security. The National Rifle Association has recognized this and has always given me a 100 percent rating for my votes. As a former prosecutor in Houston, TX, I am convinced that many criminals will find unlawful means to get weapons, especially handguns. As an avid hunter, I believe gun control laws tend to hamper sportsmen far more than criminals. For those reasons I have always voted with the NRA.

The NRA has endorsed an alternative that calls for an instant computerized background check system to be fully operational in 6 months. In the last Congress, I voted for a Justice Department study to determine if an instant checking system was feasible as a realistic alternative to a waiting period. The results are in, and they are conclusive: an instant check system is too expensive and too impractical to implement right now. According to the Justice Department, establishing the system immediately would cost billions of dollars and would still require the massive job of coordinating differences in state record-keeping practices. Some States do not even have criminal records on computer yet. In testimony before the Senate Judiciary Committee last week, Attorney General Thornburgh was unable to state when such a system would be operational. I still support an instant checking system, and will work for its implementation. But, realistically, a complete system is years away.

Tougher criminal laws are the best way to fight crime—complicated and unduly restrictive gun control laws are not. Tougher sentencing procedures and changes in criminal evidence rules will help our local police and prosecutors. I have always believed that waiting period laws would not assist in apprehending criminals because criminals would simply not attempt to purchase guns from licensed dealers in those circumstances. I was wrong. New Jersey has a mandatory background check for handgun purchases. They have caught 10,000 convicted felons trying to buy handguns. Evidently, many felons are not very smart.

The Brady bill will not be a panacea to crime control—it will, however, help our local police to apprehend criminals. And our police need help. This fact was vividly and tragically underscored in Houston last week when Sgt. Bruno Soboleski, an 8-year veteran of the Houston Police Department, was shot and mortally wounded while conducting a routine search. One of the suspects in the shooting is a convicted felon currently on probation. He had illegally purchased his new handgun just days before the murder. A waiting period would have stopped him from making the purchase. The death of Sergeant Soboleski, and many like him year after year, is a primary reason why we need a waiting period law.

The 7-day waiting period can help prevent felons, drug addicts, and the mentally disturbed from buying handguns. It also provides a "cooling off" period that will reduce crimes committed in the heat of passion. Again, my home city offers a recent, tragic example of a handgun crime that might have been prevented by the Brady bill. A man, on the day his wife filed for divorce, went out and purchased a .45-caliber pistol and that same evening shot each of his four children in the head before turning the gun on himself. Might this slaughter of innocent children been avoided if the father had not been able to purchase a handgun on the very day he became distraught at his wife's leaving him?

The Brady bill contains several safeguards for honest citizens. There is a specific exemption for people whose lives are being threatened, enabling them to purchase a gun without a waiting period. Also, if a clean report comes back from police before the 7-day period has expired, the sale may go through at the time the report is received. In addition, a sale will automatically be approved after 7 days, so police cannot stop gun sales by simply failing to get back to the dealer.

The Brady bill is clearly a moderate measure that will simply help us keep handguns out of the wrong hands. The waiting period will be phased out once an instant check system is available.

Ironically, in 1976, the NRA supported a waiting period. In their own literature, the NRA said, "A waiting period could help in reducing crimes of passion and in preventing people with criminal records or dangerous mental illness from acquiring guns. A waiting period should be clearly specified, fixed, and reasonable in time, after which the firearm should be delivered unless the purchaser is disqualified by the police." Evidently, the NRA has now changed its position.

Gun ownership has a long and proud tradition in Texas—so does law and order. Responsibility is an integral part of our right to own firearms—so is common sense. People are restricted from fishing with dynamite or from falsely yelling "fire" in a crowded theater, and not just anyone can purchase a machine gun. These are common-sense rules we apply to ourselves.

My friends tell me that the NRA will make me pay at election time for opposing it, even once. Certainly, the NRA is a powerful lobby—if it were not so effective, the Brady bill would pass in a heartbeat. I am fully convinced, however, that we need a 7-day waiting period. I believe this time, on this issue, the NRA is wrong. The Brady bill makes good sense until a national computer system is ready. Sam Houston, the first Senator from Texas, once suggested that his duty was to "do right and damn the consequences." Voting for the Brady bill is the right thing to do.

JOB START—A FAMILY FRIENDS PROJECT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. DOWNEY. Mr. Speaker, as the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I have had the pleasure of rising before you on past occasions to praise an innovative National Council on Aging program called Family Friends. Family Friends is a program that has proven to be a tremendous success story. Funded by a 4-year, $3.7 million grant from the Robert Wood Johnson Foundation, Family Friends recruits elderly volunteers who can assist the families of serious disabled children.

In 1989, in my capacity as chairman of the Subcommittee on Human Resources of the Ways and Means Committee, I was proud to have secured a $1 million authorization, through the Budget Reconciliation Act, for the expansion of Family Friends demonstration projects around the Nation. Since its inception, Family Friends has grown to include over 800 volunteers, who have been recruited, trained and matched with more than 1,000 families. The contributions made by Family Friends volunteers are not only valuable to the families they serve, but very personal contributions that have lasting benefits as well. Today, I would like to share some information about an exciting new program called job start. Job start, a Family Friends pilot project, will assist chronically ill and disabled children in preparing for future employment. Today in this country, more than 2 million children suffer severe chronic illnesses or disabilities.

Data from the National Health Institute survey indicate that in the past 25 years, the number of these children who receive care in institutions has remained relatively unchanged, but the number who are cared for at home has almost doubled. Although living at home is most desirable, the pressure and stress of caring for these children keeps many of these families from adequately preparing the children or themselves for the child's future financial, employment, transportation, housing and social needs. Some young people in special education programs may receive some job preparation during school, but little assistance is provided for job placement, life skills or work skills relating to the employment of the 1990's. After graduation, many young people simply remain at home with little or no motivation to seek employment. The unemployment rate for people with disabilities is more than 60 percent.

In an effort to respond to this dilemma, the National Council on Aging, through its project team work—a project of the Foundation for Exceptional Children—has proposed a 1-year demonstration project which will focus on the future employment security needs of young people currently enrolled in NCOA's Family Friends Program, as well as those young people in this age group, who may be involved in the coming years.

This project, funded by the Dole Foundation and the Hartford Insurance Co. Foundation who have awarded $60,000 in grants to research and test a curriculum to be used by Family Friends volunteers, is designed to help those young people, 10 to 14 years of age, who have disabilities or chronic illnesses, and their families prepare for future employment through basic job skills and life skills orientation.

I have long been a supporter of intergenerational programs. I believe that joining the assets of the young and the old can only have positive and constructive results. Job start looks to be the type of program that can bring together the wisdom and experience of the elderly and use it to enrich the future experiences and opportunities of the young. I would like to congratulate the National Council on Aging for another creative use of our Nation's precious natural resources.

ANTARCTICA PROTECTION ACT OF 1991

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. ECKART. Mr. Speaker, for much of man's history, he has clearly demonstrated that, given enough time and energy, he can successfully destroy what has taken millions of years for nature to build. We are only now starting to address the effects that pollution of our streams and air, loss of natural habitat, and destruction of the tropical rain forest may have on ourselves and our children.

The environmental devastation wrought by Saddam Hussein clearly demonstrates the effect one man can have on our global environment. It will take years to undo the damage he alone has done.

Whereas much of this planet is already reeling from the effects of man's intervention, Antarctica remains generally protected from everyday intrusion of man. Fewer people have witnessed the immense power and beauty of this vast continent than attend any single Washington Redskin's game.

However, those few people are already having a marked effect on this pristine environment. Visitors tour Antarctica's ice covered slopes and leave behind a trail of garbage; photographers disturb the breeding habitats of seals and penguins in search of that special shot; and weekend explorers dig up native flora to take home for the windowbox and science activities which sometimes hurt, as well as help, the environment. This thoughtless destruction must end.

Today, I, along with my colleague from the State of Colorado, am introducing the Antarctica Protection Act of 1991. This bill recognizes that, properly managed, tourism to Antarctica can be compatible with the protection of this unique and fragile part of the world.

In order to reconcile tourism with protection of Antarctica's unique flora and fauna, this bill is designed to:

First, promote the safety, well-being, and protection of persons who participate in tours to Antarctica;

Second, protect tourists who take tours to Antarctica by ensuring that advertisements for tourists expeditions to Antarctica are not misleading with respect to the quality of the tour offered or the dangers that may be inherent in the expedition;

Third, require the Under Secretary to issue regulations to prevent or minimize the harmful effects of tourism on all native flora, fauna, and the natural land and marine environment;

Fourth, prevent the taking of any species of flora or fauna as souvenirs;

Fifth, require the Under Secretary to issue regulations to annually determine whether excursions of a tour operator to Antarctica, by themselves or in conjunction with other tour operators, will have an impact on the environment of Antarctica; and

Sixth, prohibit the development of any land-based tourist facilities in Antarctica.

This legislation is extremely timely and necessary. Tourism has doubled in the last 2 years alone. Unless we protect this pristine environment now, we will be forced to once again live with a legacy of environmental thoughtlessness and its resulting damage. I urge you to join me in protecting our last great frontier. Please join me in supporting H.R. 2051 today.

SALUTE TO SALVATORE LA ROSA AND NINETEEN HEARTS SOCIETY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to an exemplary citizen of my Eighth Congressional District, Mr. Salvatore La Rosa. Mr. La Rosa is truly an example of the American dream, born and educated in Floridia, Italy, he came to the United States and has been a resident of New Jersey since 1973. During that time, he has built a home and family, a successful business, and an important place for himself in his community.

This outstanding citizen is being honored by the Nineteen Hearts Society of the Federation of Italian Societies at their Annual Dinner-Dance on Sunday, April 28. This worthwhile and prestigious group does many positive things for the community and is currently being led by a fine group of officers: Eleanor Cimmino, president, Alba Pitea, vice president, Christina Blundetto, secretary/treasurer, Charles Alfano, counselor, and trustees Judy Frances, Jean Hink, Connie Fimognari and Florence Longo. The event will be held at La Neve's restaurant in Haledon, NJ which has been the site for past dinners and is owned and operated by Salvatore La Rosa.

Upon coming to America, Salvatore found his life's work in the culinary field and worked hard to set himself on the road to success. He attended the New York Culinary Institute and worked in local restaurants as a waiter, matre d' and cook. This was valuable training for his future plans. In 1986, with a solid foundation in education and a wide range of experience in the business, Salvatore found the confidence and courage to purchase his own establishment, La Neve's Restaurant. Through his unique expertise, La Neve's has been transformed into one of North Jersey's leading dining establishments.

With all his business success, Mr. La Rosa has not forgotten his community and lending his talents to making his city, State and our Nation a better place in which to live. In addition to his work with the Nineteen Hearts Society, he is a member of the Knights of Columbus, Council No. 6903, the Great Falls Lion's Club, the Christopher Columbus Italian Organization, and he is an honorary member and silver card holder of the Passaic County P.B.A., Local 265.

I know that this event, which I am certain will be well attended, will be the source of great pride, not only for Mr. La Rosa himself, but for his lovely wife the former Rosa Tirri to whom he has been married for 16 years and their three wonderful children Yolanda, Elizabeth, and Sebastiano. All those in attendance will share in the celebration honoring the tremendous accomplishments of this man.

Mr. Speaker, Mr. Salvatore La Rosa is truly the embodiment of the American Dream. He came to our great country and through hard work and education he has created for himself a home with a loving family, started a successful business and become an important member of his community. These are significant achievements and clearly illustrate what is available to those with the courage to believe in themselves and the will to do what is necessary to make their dreams a reality.

Mr. Speaker, I am sure that all my colleagues join with myself and the Nineteen Hearts Society in recognizing Mr. Salvatore La Rosa for his outstanding service to his community.

TIME TO HONOR BLACK HEROES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. TOWNS. Mr. Speaker, today is a historic day in the annals of the Nation's military history. In a White House ceremony, the Congressional Medal of Honor will be awarded posthumously to Cpl. Freddie Stowers, for his heroism in leading his 200-man company in a charge to take a German-held hill. Corporal Stowers is the first black veteran of World War I to be so honored.

Black Americans have fought with courage and valor in all of the Nation's wars, but in our two greatest wars of this century, not one black soldier or sailor won our Nation's highest award, the Congressional Medal of Honor. It is probably no secret that the exploits of brave men were overlooked mainly because it would have looked unseemly for the Army and Navy of those days to admit that blacks were the equal of whites in battlefield valor.

Today, as the first black World War I veteran is being honored, it is worthwhile to remember the names of two brave Americans who clearly deserved the Congressional Medal, but have yet to receive the recognition they earned.

Our former colleagues Joe DioGuardi of New York and the late Mickey Leland of Texas worked hard to get the Department of Defense to reopen the cases of Sgt. Henry Johnson of New York and Seaman Dorrie Miller of Texas. Though not a Member of Congress today, Joe is carrying on the battle to get the Defense Department to reopen the files of these two outstanding Americans and consider them for the Congressional Medal.

Recently Black Resources Inc., a national news and feature service for black-owned media, distributed to its member papers an eloquent column by Joe DioGuardi making the case for Sergeant Johnson and Seaman Miller.

It is my hope that other black veterans of the two world wars whose heroism merits our Nation's highest honor will soon receive their due.

TIME TO HONOR BLACK HEROES

(By former Congressman Joe DioGuardi)

Twenty-one year old Henry Johnson of New York wanted to be part of an American Army, but the Army didn't want him—because he was Black in a regiment commanded by Black officers.

The year was 1917, and America had gone to Europe to fight in a world war against the Kaiser and the "Huns". There were Black soldiers in the U.S. Army, to be sure, but always in units whose officers were "dependable" whites. Henry Johnson had enlisted in the 15th New York National Guard, a unit with Black officers. Since the segregated U.S. Army could not accept the idea that Black Americans could lead troops in battle, the 15th was sent off to fight with the French Army.

Sergeant Henry Johnson and his squad were put out in a forward listening post in the Argonne Forest. Their job was to get early warning of German patrols probing out across no-man's-land, possibly marking the path for a major attack on the French lines. About midnight on that dark night, a strong German patrol moved in silence across the shell-pocked fields with an unusual goal; to capture and learn more about these new Black American soldiers.

Henry Johnson's buddy Needham Roberts first heard the noise, and Henry fired an illuminating flare. Exposed, the German patrol rushed Johnson's position, throwing grenades. Roberts fell back, badly wounded, but Johnson, his leg broken by a grenade fragment, brought down three attackers with well-aimed rifle shots, then another with the butt.

Johnson looked across the dugout to see three Germans dragging his wounded buddy Roberts over the parapet edge. Hobbling on one good leg, Johnson lurched across the dugout and killed another German with his knife. As reinforcements appeared, the Germans fled, dodging Johnson's grenades until they were out of range of his arm.

At least a dozen battle-hardened German soldiers attacked Henry Johnson's position. They failed in their mission, leaving four of their number dead at his feet. The grateful French government bestowed upon Henry Johnson that nation's highest award for valor the coveted Croix de Guerre.

Skip ahead now to that fateful day of December 7, 1941, when Japanese planes roared down out of the sky to inflict a terrible blow upon the U.S. Navy, at anchor in Pearl Harbor. On duty on the battleship West Virginia that December dawn was Seaman Dorrie Miller. The U.S. Navy allowed Blacks to serve on ships, but not to fight. Dorrie Miller served the food. Before that hour of hell was over, Dorrie Miller was serving lead to the diving Japanese attackers.

When the bombers hit the West Virginia, its skipper was mortally wounded. Amid a hail of shot and shell, mess steward Dorrie Miller moved his captain to a place of safety. Then this untrained mess steward, "not white enough to fight" by Navy standards of that day, manned an abandoned machine gun emplacement and took on the Japanese Air Force face to face. He gave up his position only when ordered to do so later in the battle. For his heroism under enemy fire, Dorrie Miller won the Navy Cross and, after he was killed in action two years later a warship was commissioned in his honor.

Of the million and a half Black Americans who served their country in two great World Wars, Henry Johnson and Dorrie Miller stand at the forefront for conspicuous gallantry under enemy fire. But neither Johnson nor Miller, nor any other Black servicemen, were awarded the nation's highest decoration for bravery in combat, the Congressional Medal of Honor.

Black servicemen have won the Congressional Medal in every other war going back to the Civil War. Black heroes won the Medal in Korea and in Viet Nam. But to this day the Defense Department has resisted every effort to confer the nation's highest tribute on brave men like Henry Johnson and Dorrie Miller.

I know, for securing the Congressional Medal of Honor for these two American heroes was a cause I undertook during my years in Congress. My partner in this just cause was the late and beloved Representative Mickey Leland of Texas, whose tragic death in a plane accident on a mercy mission to hunger-ravaged Ethiopia was a tremendous loss for the whole world.

In October of 1987 Mickey and I lined up well over 100 fellow Members of Congress, representing all points on the political spectrum, as co-sponsors of legislation to extend the statute of limitations to award Congressional Medals to Sergeant Henry Johnson and Seaman Dorrie Miller. Perhaps naively, we thought such broad support in Congress would assure easy passage. We were wrong.

The Defense Department had lots of reasons why our bills should be dismissed. Henry Johnson got the Croix de Guerre, because he fought with the French Army; that should be enough. Dorrie Miller got the Navy Cross and that should be enough. Too many years had gone by to reopen the cases. It would be unfair to bestow this high award on just two servicemen, ignoring the heroism of so many others, etc., etc.

Now Mickey and I (and many other Congressmen) understood that the racism which permeated the armed forces in the days of Johnson and Miller meant that many meritorious cases would never be reopened and treated fairly. But we firmly believed that bestowing the Congressional Medal on these two heroes, even years after the fact, would not only correct two clear cases of justice denied, but also atone for the slights suffered by so many. As Dr. Martin Luther King Jr. would have put it, too many brave men were judged not on the content of their character, but on the color of their skin. "When justice is threatened anywhere, it is threatened everywhere."

Because of Defense Department opposition, Congress took no action on the bills Mickey and I introduced. But now we are in a new decade with a new Congress. In honor not only of two long-fallen war heroes, but also of my fallen friend and colleague Mickey Leland, I am working to persuade the Defense Department, at long last, that the time has come to confer our nation's highest award on Henry Johnson and Dorrie Miller, as two outstanding heroes among the gallant Black Americans who rose to the defense of their country in time of war.

TRIBUTE TO CHRIS SEEGER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. DOOLITTLE. Mr. Speaker, I know that my colleagues will be pleased to join with me in expressing appreciation and commendation to Chris Seeger as he prepares to leave the Halls of Congress after an illustrious 20-year career.

I first became acquainted with Chris during his service as administrative assistant to my predecessor, Norm Shumway. Over the years, I learned that Chris was highly regarded among the members of our State's delegation, and with good reason. He enjoys a well deserved reputation for getting things done. Chris achieves this goal through fine leadership—leadership which includes an exceptional ability to motivate others. When I assumed office upon Norm's retirement, Chris agreed to remain "on board" to assist me in establishing my new organization. His expertise and persuasiveness were invaluable to me during my early days in the House, and he contributed greatly to an orderly, professional, and efficient transition.

One of Chris' greatest attributes is his ability to bring order out of chaos, truly a valuable asset in politics! In January, when the crisis in the Persian Gulf superseded the regular routine and forced most of us to delay our usual startup procedure, Chris ensured that my new office functioned smoothly.

While my working partnership with Chris has been short in duration, it has been very long on good impressions. He is clearly the type of man who will succeed at any endeavor, and I am confident that his future undertakings will be marked by positive contribution and personal satisfaction. To Chris and to his wife, Kristin, I extend every best wish for an enjoyable new life, as well as my personal appreciation for many outstanding contributions.

FIFTH ANNIVERSARY OF THE CHERNOBYL CATASTROPHE

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. COX. Mr. Speaker, this Friday marks the fifth anniversary of the most frightening catastrophe of modern industrial history. A series of blunders during the course of a planned shutdown of the Chernobyl Atomic Energy Station's Reactor No. 4 caused a thermal explosion and fire at 1:23 a.m. on April 26, 1986, at this Ukrainian town.

The Soviet Government waited nearly 72 hours before admitting the world and its people that the accident had taken place. While the Communist authorities in Moscow sought to cover up the disaster, a radioactive cloud spread eastward, putting at risk the health of millions of people across the European continent.

The people of Ukraine were not so lucky. Approximately 250 people who were at Chernobyl during or after the accident have died. An additional 7,000 to 10,000 are estimated to have died as a direct result of the radiation. Upwards of 4 million people in the region are thought by doctors to be in high-risk groups susceptible to cancer and a range of severe illnesses already on the rise. Last year saw a sharp increase in thyroid cancer among children and adolescents. This human suffering shows no signs of subsiding.

To this day, the Kremlin continues to produce nothing but disinformation on the Chernobyl disaster. Soviet officials still affirm that only 31 people died and another 237 were hospitalized as a result of the accident. Only after 3 years did the Communist Party newspaper Pravda publish a map showing which areas received high levels of radiation from Chernobyl. Despite his policy of glasnost, Gorbachev has yet to offer his people and the world a complete accounting of the damage caused during his watch by the explosion at Chernobyl.

It is fair to say that the Chernobyl disaster exemplifies all that is wrong with the Soviet Union: a system that encourages inefficiency, corner cutting, and avoidance of basic rules of safety; a bureaucracy that is indifferent to the welfare of the people it ostensibly serves; and a political leadership that shrugs at the legitimate concerns of its international neighbors. The victims of Chernobyl—including the thousands of Ukrainian children whose future will forever be marred by the destructive effects of radiation—truly are the victims of Soviet communism.

The Chernobyl reactor's highly radioactive core now lies encased in a concrete sarcophagus. We can all take comfort in knowing that a similar tomb awaits the remnants of the Communist system that has oppressed the people of Ukraine and the Soviet Union for so long.

A TRIBUTE TO GLENN P. SMITH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. LANTOS. Mr. Speaker, on April 27, of this year, the community of San Mateo will honor Glenn Smith, an outstanding educator and chief executive officer for San Mateo County Community College District. In light of this occasion, I ask my colleagues to join me in paying tribute to Glenn for his exceptional contribution to this community and profession.

A valued resident of San Mateo County of 33 years, Glenn's commitment to education—the field that will define America's future—has been invaluable. I would like to mention every organization, association and committee to which Glenn has lent his considerable skills and talents, but I am afraid that would double the size of today's CONGRESSIONAL RECORD.

Following his military service for which he received a decoration for combat duty during World War II, Glenn received his bachelor's and master's degrees in history at Occidental College, Los Angeles. Upon graduation, he began his outstanding career as an educator.

Glenn taught at a Los Angeles junior high school for 5 years and then served 2 years as associate director of admissions at Occidental College before his initial appointment as an assistant to the president at San Francisco State University in 1958. In his years with San Francisco State, he served with six different presidents and played an important role on campus during the turbulent times of the late 1960's. I consider myself lucky to have worked with Glenn on a number of issues during the time we both were at San Francisco State.

Since his appointment as Chancellor of San Mateo County Community College District, he has served on the Advisory Committee to the California Community Colleges, the California Community Colleges Chancellor's Advisory Committee on Establishment and Operation of Regional Adult and Vocational Educational Councils, the Educational Testing Service's National Advisory Council on the Educational Passport, and the California Association of Community Colleges' [CACC] Committee on Legislation. He also served on CACC's Task

Force on Adult and Continuing Education, scholarship committees for Hughes Airwest and Pacific Gas and Electric Co., the California Postsecondary Education Commissions' Technical Advisory Committee, the California Community Colleges Chief Executive Officers' Fees and Tuition Subcommittee, the Eureka Project Planning Committee for the California Student Aid Commission, the Administrators' Committee of the Congress of Elected Officials, the San Mateo County Arts Council's Planning Council for State/Local Partnership Program, the San Mateo County Cultural Arts Task Force, the San Mateo County Mental Health Associations Board of Directors, and the 1989 United Way Action San Mateo County Project Organizing Committee and the United Way Action San Mateo County Executive Committee.

Glenn currently serves as a board member of the San Mateo County Industry Education Council, is a member of the Business Development Commission of San Mateo as well as a member of the Rotary Club of San Mateo County, and the Association of California Community College Administrators.

An elder of the First Presbyterian Church of Burlingame, Glenn is a member of the Northern California Presbyterian Homes' Board of Directors. He also is the former director of Westminster Foundation, and of the founders of Ecumenical House near the university campus in San Francisco.

Mr. Speaker, as you can see, Glenn Smith is a rare individual whose contributions have made a difference. The extent of his dedication is an example to all of us. At a time when Americans are beginning to realize once more just how vitally important a strong educational system is to America's future, we can only hope more educators of Glenn Smith's caliber will come to the fore. It is with a sense of admiration and appreciation that I pay tribute to him today.

A SALUTE TO THE ROBERT E. LEE HIGH SCHOOL MUSIC DEPARTMENT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. HYDE. Mr. Speaker, I would like to share with my colleagues the recent honors awarded to the music students of Robert E. Lee High School in Springfield, VA. On Friday April 12, the students participated in a music competition held in Atlanta, GA. This annual event is sponsored by Fiesta-Val, an organization that brings together schools from different parts of the country to compete for top honors in chorus and band. The groups are evaluated based on a national standard of performance.

Throughout the years, Lee High School has been well-represented in these competitions, consistently walking away with top honors. Once again, under the guidance of their very able director, Mr. G. Lindsey Florence, the choral department won superior ratings this year. The Women's Ensemble, the Ladies Choir, and the Madrigal Singers each received a rating of superior from the panel of three judges. The women's choruses received the overall Women's Chorus trophy for the highest points scored. The Madrigals received 289 points out of a possible 300. Just last year, the Madrigal singers were invited to sing at the White House during the Christmas holiday season.

The Lee Symphonic Band is also no stranger to the awards arena. Under the leadership of its director, Mr. John Crossin, the band marched into the winner's circle capturing a superior rating for its outstanding performance.

These bright and talented teenagers are a credit to their school, and their community. Their dedication and strong sense of school team spirit won them not only the trophies but the respect and admiration of their fellow students at the competition and at Lee. I know their family, friends, and the faculty at Lee High School are very proud of them. I, too, am proud of their accomplishments and wish each of them success in their future endeavors.

I also want to extend my congratulations to both Mr. Florence and Mr. Crossin, who have nurtured the individual talents of each of their students. The dedication of these teachers has provided the motivation to inspire students to be the best that they can be. These gentlemen are truly a credit to the teaching profession, and I applaud them for making a real difference.

The Lee High School students who performed in Atlanta are:

Steven Aigner; Martha Allerding; Nykia Avery; Ellen Baily; Tom Baisden; Allyson Bannon; Bill Barkovic; Dawn Barstow; Kara Bennis; May Bernardo; Kim Boots; Kristi Bray; Laury Brownsberger; Karyn Bundy; Stephanie Bundy; Joe Canuel; Courtney Carter; Kelly Chamblee; Sharon Chamblee; Byong Cho; Becky Chun; Susan Clingerman; Esther Colon; Kim Conner; Jenny Correll; Betsy Covert; Bobby Davis; Kerri Davenport; Jenny Dillon; Paula Donohoe; Kristin Dove; Vicki Dreier, Steve Dronsfield; Joan Eberhard; Kim Farmer; Kacy Fletcher; Maggie Gaillot; Carrie Gilbert; Daniel Grobe; Amy Grow; Kristin Gustafson; Stacy Halgus; Brad Hamilton; Jen Hard; Marsha Harvilla; Alan Hayes; Meridith Heitz; Amy Henshen; Beth Hochberg; Erica Hoeller; Martha Hotop; Missy Hyman; Charo Jones; Lea Anne Kaigler; Teresa Kenealy; Kim Kersey; Sharon Kneeling; Aimee Ko; Amy Ko; Amy Leeds; Laura Linn; Greg Lowe; Janet Matthews; Curtis Mayew; Matt Martinson; Rachel Mays; Michelle McCurdy; Amy McGuire; Ryan McKay; Heather Meeuwissen; Holly Meeuwissen; Jason Morrison; Pam Nameth; Maria Nesteros; Debbie Nicewarner; Erik Orton; Grace Park; Sung won Park; Craig Phillips; Tara Pugh; Jojo Papipong; Tommy Reeves; Linda Regan; Sara Richards; Jennie Richmond; Jon Riekse; Mindy Roose; Scott Ross; Alice Rouse; Betty Ann Rouse; George Rouse; Kathleen Rouse; Julie Ruffo; Rob Rushworth; Darden Safley; Megan Safley; Keya Saifullah; Jenny Schmiel; Greg Shields; Kim Short; Amy Skinner; Candice Smith; Carrie Spitnale; Tori Stoops; Kathleen Stotz; Sevi Suerdem; Paige Thompson; Blake Thompson; Dai Tran-Truong; Mike Vijandre; Jackie Vrazel; Veronica Vejar; Liam Wallace, Monica Waters; Jeff Weiss; Jon Wendel; Eddie Whiteman; Traci Williams; Jason Wills; Carey Woodke; Lanida Wright; Sarah Yoon; Isa Zamora.

SALUTE TO COPE-O'BRIEN CENTER

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. PURSELL. Mr. Speaker, I rise today to recognize the youth center in my district that celebrates its 20th anniversary.

The COPE-O'Brien Youth Center has been operating in Washtenaw County since its establishment in 1971. The primary mission of the center is to provide alternative educational and individualized therapeutic services for behaviorally troubled and needy adolescents, aged 13 to 20, who reside in Washtenaw County.

The problems the young people face are serious and frequently rooted in unstable or poor family and school environments. Their lack of self-esteem is usually evident and their academic, social, and vocational skills are often poorly developed. COPE-O'Brien, with its emphasis on individualized attention, through counseling, occupational, and life-skill training and work experience, is able to give these youths an alternative to a path that might otherwise lead to delinquency, high school failure, or incarceration.

More than 200 youths are served annually by COPE-O'Brien's two centers, and in the 20 years of operation, over 3,500 youths have benefited from the services offered by a caring and resource rich staff.

While one can always hope for a world where the problems of youth do not require this level of attention, it is important to recognize the needs that do exist in our communities and effectively utilize strategies which encourage these young people in positive and productive ways.

I am pleased to salute the COPE-O'Brien Youth Center on their 20th anniversary and hope that the model partnership created by the public and private sector will continue to help the troubled youth in our communities.

I ask my colleagues to join me in saluting COPE-O'Brien for their outstanding work.

APRIL 24 IS PROFESSIONAL SECRETARIES DAY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. LENT. Mr. Speaker, today, April 24, is Professional Secretaries Day, honoring secretaries for their outstanding contributions to the operation of business and government in America. I would like to take a moment to offer my own words of appreciation for these hard-working individuals whose diligence in administration and attention to detail result in the smooth, efficient, and effective operation of offices around the country.

Secretaries have earned distinction for their dedication to meeting the highest in professional standards in the performance of their duties. Often, they work right along side the presidents of major corporations and serve as a liaison between management, clients, and the public. Many become proficient in a specialized field, such as law, accounting, or government. I personally rely heavily on my secretarial staff for their loyalty, skills, and efficiency in managing my office and meeting the needs of my constituents.

Today, more than ever before, the secretarial profession offers exciting career challenges and opportunities for advancement. The Professional Secretaries International Association [PSIA] had done an outstanding job in its campaign to seek recognition for secretaries as well as promoting the many job opportunities available to qualified candidates.

I am proud to join in today's tribute and congratulate the PSIA and its members. They are a credit to their profession.

A TRIBUTE TO PHILIP SLOMOVITZ

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. LEVIN of Michigan. Mr. Speaker, Philip Slomovitz recently retired at the age of 94 from his post as writer and editor. His weekly opinion column had been a fixture in the local Jewish community for an unbelievable and historic duration—70 years.

Except for the very few most famous writers, whose works are found in the shelves of virtually every home where books are kept, most writers face the frustration of uncertainty over how much and in what instances their labors have touched the lives of others. In this respect, Phil Slomovitz can be confident.

Thousands—from very different walks of life—were influenced by the words of this ardent and gifted wordsmith, and each in a different way. For me, as a youngster growing up in Detroit, it was glimpsing his dark words of alarm as Nazism began to spread and as most of the world was silent. Still earlier our home was affected by his battles against anti-Semitism within the United States and Michigan itself. Unlike some others who pulled their punches, Phil Slomovitz rose up and spoke out against anti-Semites on our own doorstep.

Phil Slomovitz had a deep pride in who he was, and he spread it to others. He was an influential figure in the entire greater Detroit community. He has stood for freedom for everyone. He has been for charity for all, in the best sense of that word.

For so many, many of us who were raised and grew up in Detroit, Phil Slomovitz represents an invaluable link with our past. In my case, there is the special fact that Phil Slomovitz and his beloved wife, Anna, were present at the wedding of my parents of blessed memory, Saul and Bess Levin. Phil Slomovitz has been an important presence in the life of our and so many other families over many decades. His is a legacy that still brightly illuminates our area, and will continue to do so for years and decades to come.

TRIBUTE TO ROCCO J. MARANO ON HIS RETIREMENT AS CHAIRMAN OF BELLCORE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. ROE. Mr. Speaker, Rocco J. Marano, a resident of Chatham, NJ will retire as chairman of the board of Bellcore, one of our Nation's premier research and engineering firms, on May 1. Mr. Marano was president of Bellcore since its inception on January 1, 1984 and became chairman on March 1, 1991.

Mr. Speaker, I ask that the House join me in paying our highest tribute to Rock Marano, one of our country's outstanding industry leaders and great citizens—a respected businessman, a devoted advocate of national education policy, a dedicated civic leader and very great friend of mine and our State of New Jersey.

A graduate of Fordham University's business and law schools, Mr. Marano began his Bell system career with New York Telephone Co. in 1953 in the accounting department. He rose to assistant comptroller before joining New Jersey Bell in 1968 as vice president and comptroller. Between 1971 and 1980, Mr. Marano held a succession of increasingly responsible positions with New Jersey Bell, New York Telephone Co. and AT&T. These included vice president of personnel, New Jersey Bell; vice president and comptroller, New York Telephone; operating vice president, New Jersey Bell; operating vice president, New York Telephone; and vice president of staff, AT&T. In 1982, he was chosen to organize Bellcore for the newly formed regional companies: Ameritech, Bell Atlantic, BellSouth, NYNEX, Pacific Telesis Group, Southwestern Bell Telephone Co., and US WEST.

Mr. Marano was the chief architect of the original Central Services Organization while serving with AT&T in 1982. The intent of the CSO was to provide centralized technological resources for the separate Bell operating companies which were later divested from AT&T. By 1984, the year of the divestiture, he was named president of the new CSO, which later was named Bell Communications Research, or Bellcore.

Mr. Speaker, there were some skeptics who said Bellcore would never work. How could seven competing Fortune 500 companies pull together in a common effort without getting in each other's way? Well, Rock Marano made Bellcore a national resource and a leader among the world's research firms. In Bellcore, he created a textbook model for organizational efficiency and cost effectiveness, developing an essential partner in preserving the integrity of our Nation's communications networks.

Mr. Speaker, I have visited Bellcore on several occasions. Much of the work that is taking us into the 21st century is being done at Bellcore and we owe a debt of gratitude to Rock Marano for his direction of those efforts.

Mr. Marano has committed much of his time to education and youth. He was president of the tri-county scholarship fund, which enables inner city boys and girls to go to college, an unreal dream come true for most of them. He is a member of the Seton 150 Commission, a former trustee of Fordham University, and a former member of the board of trustees of St. Peter's College. He was president of the northeast region of the Boy Scouts of America, Metro New York Area, and received the Distinguished Citizen Award of the Essex Council of the Boy Scouts in 1989.

Mr. Speaker, a very busy and involved person like Rock Marano still finds time to devote to the people of my State of New Jersey. He is a member of the New Jersey Commission on Science and Technology, chairman of Leadership New Jersey, a trustee of the Overlook Hospital Foundation, New Jersey industrial chairman and 1991 New Jersey geographic chairman of the U.S. Savings Bond Committee, and chairman of the Council on New Jersey Affairs.

Mr. Marano served as a member of the National Security Telecommunications Advisory Committee, and later was appointed its chairman by President Reagan. Governor Kean called on Rock to serve as cochairman of the Governor's Management Improvement Program and just recently he was named a member of the Governor's Economic Conference by Governor Florio.

Just last year, Mr. Speaker, this remarkable man gained one of this Nation's highest business awards, the Henry Laurence Gannt Medal, bestowed annually by the American Management Association and the American Society of Mechanical Engineers. The award is given to an executive or official who has distinguished himself with an outstanding record of management achievement and of community service.

Mr. Speaker, the list of honors, awards, and citations to Rock Marano would cover several pages of our records of these proceedings. Suffice to say that few citizens of New Jersey are held in higher regard, or with more affection, than Rock Marano. To Rock, his lovely wife Mary, and their four wonderful children—Peter, Susan, Thomas, and John, go my best wishes for a long, healthy, and enjoyable retirement.

NATION'S FIRST HOME ECONOMICS CERTIFICATION GOES TO BANKS COUNTY HIGH SCHOOL

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. JENKINS. Mr. Speaker, I am pleased to report that the Nation's first Industry-Program Certification of Secondary Consumer Home Economics Programs was awarded to the home economics program of Banks County High School in the Ninth District of Georgia.

Mrs. Nan Shubert, Banks County home economics instructor, was selected for the first program certification to field test all the criteria which will serve as a model for all future certifications. With a $5,000 grant from the Georgia Department of Education matched by the Banks County Commissioners, the school's home economics lab was renovated for the project.

Sponsored by the Georgia Home Economics Association, the project set standards written jointly by business and vocational educators. Goals for the program took into account lifestyle changes and how the students could prepare for balancing home, work, and family roles to meet their own expectations, as well as those of employers.

The goals of the program certification completed at Banks County High School were:

Improvement of Home Economics instruction for males and females;

Improvement of the quality of life for individuals and families;

Recognition of quality secondary home economics programs;

Public recognition of the many roles of home economics in the lives of families and individuals.

Home economics programs which meet these goals ensure that the school system is meeting the needs of business and industry, providing easier transitions for students from school to work and improving job placement and retention. The recognition which comes from meeting the standards of this certification will assure communities that the school system is offering a curriculum to enhance the lives of its graduates as individuals and as members of families.

This certification exceeds the standards of accreditation of the Southern Association of Colleges and Schools and Georgia's Secondary Vocational Education Evaluation.

It is indeed a privilege for me as the Representative of the Ninth District of Georgia to congratulate Mrs. Shubert, her students, and the Banks County School System for this outstanding honor and to present to you the first Industry-Program Certification of Secondary Consumer Home Economics programs in Georgia and the Nation.

INTRODUCING A JOINT RESOLUTION DESIGNATING SEPTEMBER 20, 1991 AS NATIONAL POW/MIA RECOGNITION DAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. LAGOMARSINO. Mr. Speaker, today along with my colleagues Mr. MICHEL, Mr. SOLARZ, and Mr. GILMAN, all of whom have been long time supporters of the POW/MIA cause, I have introduced a joint resolution to designate September 20, 1991, as National POW/MIA Recognition Day and to authorize the display of the National League of Families POW/MIA Flag at important Federal Government facilities on this special day.

Today, over 2,200 American servicemen remain unaccounted for in Southeast Asia. While there is much talk about how the Persian Gulf war has lifted the shadow of the Vietnam war, sadly, the final chapter of our involvement in Indochina—namely the fate of our POW/MIAs—remains unfinished, but certainly not forgotten.

We continue our serious and ongoing efforts to achieve the fullest possible accounting of these missing American servicemen as soon as possible. The current mission of retired Gen. John Vessey, President Bush's special POW/MIA emissary, to Vietnam and the agreement reached to open up a POW/MIA office in Hanoi signify that progress, despite being slow, is being made.

As we have for the past few years now, designating the third Friday in September as National POW/MIA Recognition Day serves to remind the American public that the POW/MIA issue remains a highest national priority. It also provides an excellent opportunity around which to coordinate special recognition and educational activities.

This joint resolution I am introducing also authorizes the display of the POW/MIA flag at all national cemeteries, the National Vietnam Veterans Memorial, and certain key Federal Government buildings like the White House, the State Department, the Pentagon, the Veterans Affairs Department Headquarters, and the primary offices of the Selective Service Commission. The POW/MIA flag is already on permanent display in the U.S. Capitol—right in the rotunda—in accordance with previous legislation I am proud to have cosponsored and helped enact.

As chairman of the bipartisan House POW/MIA task force, I very much welcome my colleagues' cosponsorship of this joint resolution and look forward to its expeditious enactment.

GO CAMPING AMERICA

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. ROEMER. Mr. Speaker, in recognition of the contribution that camping makes to our American lifestyle, I have become a cosponsor of House Joint Resolution 90, which would designate May 1991 as Go Camping America Month.

Camping is a wholesome outdoor activity that brings families together and enhances appreciation of our Nation's great outdoors. Each year, more than 60 million Americans, including thousands of Hoosiers, head off to mountains, lakes, and parks to camp.

My home State of Indiana is the 10th most popular camping State in the country. Campers in the Hoosier State may stay in the shady forest of Lincoln State Park, the site of Lincoln's boyhood home, or Mounds State Park, the world's largest earthwork constructed by the Adena-Hopewell people, or at Bass Lake State Beach in Knox, where fishing and camping at this natural lake are unparalleled.

But wherever campers choose to go—from the beaches of the Indiana Dunes in the northwest corner of the State to the beautiful rolling hills of Versailles State Park in southeastern Indiana—they are sure to experience Hoosier hospitality.

I urge my colleagues to cosponsor House Joint Resolution 90. By promoting camping, this body would be encouraging good health, an appreciation for the environment, and lots of fun. Go camping America.

TRIBUTE TO SISTER BEATRICE EUGENIA WHITE

HON. JAMES P. MORAN, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. MORAN. Mr. Speaker, each of our lives has been graced by a few very special people. People who by the strength of their spirit and the power of their ideas are able to effect profound change in the minds and the souls of those they care about. When such very special people choose to devote their lives to caring about others they deserve some public recognition. Generally, they don't get it till they're eulogized, but then generally, they don't live to be 85 either.

Today I would like to pay tribute to a beautiful young lady who was born in 1906. Sister Beatrice Eugenia White has been a Sister of St. Joseph for 65 years and during that time has profoundly and positively influenced the lives of more than 1,000 men and women in the Boston area.

I was one of those lucky freshmen boys that she believed in, more than perhaps any teacher before or since. Had she not invested her time and energy in my intellectual development, I would probably not have achieved the opportunity to share these remembrances today on the floor of the U.S. House of Representatives.

Sister Denesita went religiously to Mass and school at St. Paul's Parish in Cambridge, MA. She then attended St. Joseph Academy in Brighton before graduating from Boston College. She took her vows of obedience, chastity and poverty at the age of 21 and immediately began teaching at St. Francis De Sales in Roxbury, Our Lady of Lourdes in Jamaica Plain and St. Catherine's of Norwood. When World War II ended, she had already been teaching elementary school for 21 years. She was then asked to teach Latin and English both at Cathedral High in Boston and at Regis College.

When Cardinal Cushing established Marian High School in Framingham, MA, she taught its first class in 1956. Three years later she taught me. And now 30 years later she has finally accepted retirement from her profession.

God must sow a few special seeds of the spiritual tree of life when He knows we have need of the depth of their roots, the stability of their trunk, the cover of their branches and the fruit of their labor.

Mother Theresa is one such spiritual tree of life—Sister Denesita—another.

She has not been content to only teach students in need of an education—she also provided food and clothing to homeless families in need of shelter at the Pine Street Inn in Boston and collected clothing for women in need of warmth at Rosie's Place in Boston. She has given thanksgiving baskets to families in need in the Framingham area; clothing, toys and food baskets to women and children in need of the joy of Christmas time. She has served the Hispanic Center and adopted Middlesex Manor Rest Home and brought over her students to the elderly in need of companionship. She has collected donations for many years for the foreign missions.

Above all, Mr. Speaker, Sister Denesita, has never forgotten the family of any of her students in their times of trial and sorrow.

Many of these families received help in paying their tuition, help in tutoring their courses and support in coping wth their problems. More than a quarter century ago. Sister Denesita formed the Junior Legion of Mary among her students and has been its spiritual leader ever since. She set up what served as an employment agency for businesses seeking to employ students. I could obviously go on and on, because the list of all the good work that a truly dedicated Servant of God and man can accomplish in a full lifetime can never be exhaustive.

The bottom line of this very special life is that Sister Denesita has exemplified the life of a religious woman who has offered up a lifetime of service to her Lord. She has never asked or expected anything in return. Sister Denesita, thank you.

REPEAL SOCIAL SECURITY TAX INCREASE

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce legislation to cut the payroll tax for Social Security this year. This reduction would be retroactive to January 1, 1991. My bill would reduce the tax rate to 7.51 percent in 1991 for both employees and employers while permitting the wage base to rise to $54,600. In 1992, and calendar years thereafter, the rate would fall to 7.35 percent while the wage base rises to $57,600 in 1992 and to approximately $60,900 in 1993. This bill applies the same tax cut of tier I railroad retirement.

This act would save workers and employers in Montana a combined total of $12.5 million in 1991. This is vital to the workers and employers in my State.

THE FIFTH ANNIVERSARY OF THE CHERNOBYL ACCIDENT, APRIL 24, 1991

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. MICHEL. Mr. Speaker, this Friday, April 26, marks a grim day in history that the world should not soon forget. On that date 5 years ago, the No. 4 reactor at Chernobyl, Ukraine, exploded, causing the largest nuclear reactor accident in history.

While the memory of this tragedy has faded with time in America's mind, the people of the Ukraine are cruelly reminded each morning they wake of its dire consequences.

For instance: Up to 8 percent of the children from the affected regions are suffering from severe health problems. Since the disaster, there are continuing reports of strange ecological occurrences, such as calves born without heads, horses born with eight legs, and various crop mutations. Over 70,000 people can be expected to die from cancers caused by the Chernobyl accident.

The Soviet Government must not ignore the continuing tragedy of Chernobyl. When it first occurred, the Soviet Government waited nearly 72 hours to officially announce to its citizens, let alone to the world, its terrible implications. And despite glasnost, the Soviets have yet to fully disclose the extent of human and environmental damage from this catastrophe.

This abysmal record does not bode well for the future victims of Chernobyl. I urge the Soviet Union to fully commit to assisting these victims, and to fully disclose to the world the extent of the damage caused by Chernobyl.

I also urge Americans to keep the memory of Chernobyl alive, so we can continue to support those victims of this terrible tragedy, and so that we can remind the Soviet Government that we care about what happens to their citizens.

50TH ANNIVERSARY OF NORTHWESTERN COLLEGE OF CHIROPRACTIC

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. RAMSTAD. Mr. Speaker, one of the United States greatest assets is its health care system. At the same time, health care is a great challenge and source of concern.

Many solutions have been proposed to solve this critical problem. One of these solutions is an intense approach to wellness and prevention. In other words, health care based on the whole person and with the whole person as a participant.

Chiropractic therapies play a big role in this integrative approach to our Nation's health care. The chiropractic community is committed to serving a primary role in the future care of all people, providing quality, comprehensive, cost-effective health care.

The weekend of May 2 to 4, 1991, marks the 50th anniversary of Northwestern College of Chiropractic in Bloomington, MN. Across the Nation, chiropractic institutions like this one are dedicating themselves to improving our Nation's health care by achieving the highest standards of education.

Mr. Speaker, I'd like to take this opportunity to congratulate the Northwestern College of Chiropractic on 50 years of leadership in the advancement of the chiropractic profession.

CONGRATULATIONS TO FRANK NUSTRA, LAKE COUNTY RECORDER OF DEEDS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. PORTER. Mr. Speaker, I rise to congratulate Lake County Recorder of Deeds Frank Nustra, whose office recorded its 3 millionth deed on March 20, at 2:15 p.m. It took 120 years to record the first millionth deed and 21½ years for the second million and only 11½ years for the third million. When asked when he expects the fourth million to be recorded, Frank replied, "during my next term." Frank has been the Recorder of Deeds since the fall of 1959.

Over Frank's years of dedicated service, he has improved the efficiency of his office to new heights. One can often go into the recorder's office and observe Frank working side-by-side with his faithful employees who include: Margie Tylkowski, Geri Marocco, Jennifer Weber, Mitchell Stanton, Dawn Meek, Mary Goebel, Shelley Worth, Peggy Williams, Bob DeRue, Marsha DeRue, Linnea Trout, Sara Corcoran, Lillian Golonka, Kandace Wyatt, Jeanine Lincicome, Karen Celesnik, Marie Bauer, Alberta Meyer, Marilyn Schroeder, Ann Greenhill, Karen Schriner, Sharon Woosley, Debra Hadding, and Kathy Skuble.

Frank Nustra is the dean of Lake County elected officials, and given the performance of his office it's easy to see why! Lake County is indeed fortunate to have wonderful public servants such as Frank Nustra and his dedicated staff.

TRIBUTE TO BRIG. GEN. ALFRED J. MALLETTE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. PALLONE. Mr. Speaker, on Monday, April 29, 1991, Brig. Gen. Alfred J. Mallette, commanding general of the U.S. Army Communications-Electronics Command [CECOM] at Fort Monmouth, NJ, will be promoted to the rank of major general. It gives me great pleasure to pay tribute to this fine patriot and distinguished representative of our Armed Forces.

A native of De Pere, WI, General Mallette graduated from St. Norbert College and received his master of science degree from Ohio State University. He was commissioned to the U.S. Army Signal Corps in 1960 after completion of the Reserve Officers Training Corps curriculum. General Mallette and his wife, Nancy, have three children.

General Mallette has held a variety of important command and staff positions, culminating in his current assignment at Fort Monmouth. Immediately prior to this assignment, General Mallette was commander, 5th Signal Command/Deputy Chief of Staff, information management, U.S. Army Command in Europe [USAREUR]. Other key assignments held recently include: deputy director, plans, programs and systems directorate, Office of the Secretary of the Army, Washington, DC; deputy commanding general and director of training development, U.S. Army Signal School, Fort Gordon; commander, 93rd Signal Brigade, VII Corps, USAREUR; and commander, 8th Signal Battalion, 8th Infantry Division, USAREUR. The general has also held important assignments in the Netherlands, Vietnam, the Dominican Republic and at various domestic installations.

Awards and decorations which General Mallette has received include the Legion of

Merit, the Bronze Star Medal, the Meritorious Service Medal and the Army Commendation Medal—all with Oak Leaf Clusters. He is also authorized to wear the Senior Parachutist Badge.

Mr. Speaker, since his arrival at Fort Monmouth, General Mallette has proven to be an extremely effective and dedicated leader of this vitally important installation. The fine performance of American technological materiel in Operation Desert Storm owes a great deal to the state-of-the-art work done at Fort Monmouth. In addition to developing and designing a variety of high-tech communications and electronics devices, fort personnel were also responsible for implementing immediate modifications as dictated by battlefield conditions. It was during this severe test, with the lives of American troops on the line, that Fort Monmouth proved its indispensable value to our national security. While I salute every single man and woman connected with the fort, it is obvious that the great leadership and experience of General Mallette was a decisive factor in this success.

HOBIE CAWOOD, A TIRELESS ADVOCATE FOR INDEPENDENCE NATIONAL HISTORICAL PARK

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. FOGLIETTA. Mr. Speaker, I rise today to recognize the distinguished career of Hobart Cawood. For the past two decades Hobie Cawood has been the superintendent at Independence National Historical Park. He served that post with distinction and a dedication to the park's preservation that was unyielding.

Under Hobie's leadership the park was the site for countless festivals, tours, and celebrations. During his tenure the park observed the bicentennial of the Declaration of Independence and the Constitution. Hobie organized each of these events with a vigor and enthusiasm steeming from his conviction of their educational and historic value.

Hobie was a tireless advocate on behalf of the park. He resisted attempts to commercialize the site and encouraged community particiption in the future development plans of the park. He knew that the more people that visited and enjoyed the park the more dedicated the public would be to its continued existence.

Because Independence National Historical Park is located in my district I had the privilege to work with Hobie on numerous occasions. He and I worked together to try and bring more funding to the park in times of fiscal constraint.

Hobie's reputation and the respect he had in the Park Service and the Interior Department made it easier for me to go to bat for him and the park when it came to budget time. Last year, Hobie was tireless in his pursuit for funds to fix the leaky roof on Independence Hall. He and I were successful in securing funds for the roof and to help rehabilitate the third section of Independence Mall. But Hobie didn't give up there. Once that fight was won he moved on to guarantee enough funds for the next fiscal year to keep the park fully operational. He leaves the park this year with enough money in the budget to maintain his high standards.

Hobie is moving on to be the president of Old Salem in North Carolina. Mr. Chairman, I want to take this opportunity to warn my colleague Stephen Neal that he has a real powerhouse on his way to his district. He better be prepared for Hobie—because Hobie will certainly be prepared to be a constant and devoted advocate for Old Salem. I know Hobie will do as wonderful job at Old Salem as he did at Independence. The people of Philadelphia are tremendously grateful for all he has done for our city. I wish the best of luck.

PAMELA LEE AND ALEXANDER CHANG

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. SCHAEFER. Mr. Speaker, the Republic of China has been a valued American friend since its founding eight decades ago. Despite differences in culture, language, and geography, our two countries share the important ideals of freedom and prosperity for our citizens.

Since 1949, the Republic of China on Taiwan has been a beacon of freedom and prosperity for the hundreds of millions of people oppressed by communism on the Chinese mainland. Due to the Republic of China's free-market economic and trade policies, Taiwan's economy has rapidly become one of the most productive in the world.

This productivity and economic achievement is personified in Pamela Lee and Alexander Chang, young leaders from the Republic of China. Miss Lee and Mr. Chang recently visited Colorado, where they had a fruitful exchange of ideas with business, civic, and elected leaders in the areas of culture, business, and trade. Their articulate and concise presentations reflected very positively on their country, and helped cement the strong ties of friendship between our two peoples. Their visit has paved the way for further such exchanges between Colorado and Taiwan.

Mr. Speaker, I salute these two fine people, and congratulate them on their successful visit to Colorado. With citizens as talented and capable as Pamela Lee and Alexander Chang, the Republic of China has a bright future.

CARMEL SIRIANNI OF MONTROSE, PA, DIES

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. McDADE. Mr. Speaker, it is with very great sorrow that I inform my colleagues of the death last Monday of Carmel Sirianni from Montrose, PA.

Carmel Sirianni, who served in the Pennsylvania House of Representatives for seven terms, was one of the finest legislators that I have ever known. It was my very great pleasure to work closely with Carmel on many cases and projects of interest to our community.

Carmel was widely hailed as a tireless public servant. She was tenacious in her advocacy for the people of Susquehanna County and worked hard, even after her retirement, on behalf of her neighbors.

Many was the time when Carmel would call me on behalf of an individual who had exhausted the options at a State level, but Carmel was never satisfied with just bucking anything down to Washington. Carmel wanted to be assured that every stone would be turned to correct an injustice. To her credit, Carmel turned over a great many stones in her lifetime.

A Bloomsburg State College graduate, Carmel received a master's degree in education from Bucknell University. She then distinguished herself as an exceptional educator during a 23-year career working as a teacher, assistant principal, and guidance counselor at Hop Bottom and Mountain View schools.

Prior to her election to the Pennsylvania House of Representatives, in 1974, Carmel worked as an administrative assistant to Pennsylvania House Speaker Kenneth B. Lee. In 1988, Carmel was succeeded by Speaker Lee's son, Representative Ken Lee.

Those of us who were privileged to know Carmel Sirianni personally will miss her friendship. The people of northeastern Pennsylvania have truly lost an able and caring advocate. She will be sorely missed.

Our prayers and deepest sympathies go out to the Sirianni family.

CHILD RESTRAINTS ON AIRCRAFT A NECESSITY

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. LIGHTFOOT. Mr. Speaker, today I am reintroducing, along with 25 of our colleagues, legislation to require the Federal Aviation Administration [FAA] to implement regulations to protect infants and toddlers on airline flights.

When current safety standards for seat belts were imposed on airline passengers, infants and toddlers under age 2 were overlooked. At that time, it was not customary for small children to fly. However, hundreds of thousands of small children now fly annually. They deserve the same protection given to adults.

This legislation was introduced last year, and was the subject of hearings before the House Public Works and Transportation Subcommittee on Aviation. Furthermore, the bill was passed by the Senate.

The measure is very simple. It merely directs the FAA to come up with regulations requiring an acceptable form of restraint for infants and children who are too small to be adequately protected by adult seat belts. The FAA can, through testing, determine the best form of restraint to require. Currently, however, all child restraint on the market since

1987 approved for use in automobiles also are already approved for use in aircraft.

Furthermore, since the majority of U.S. airlines already permit the free use of vacant seats for children under age 2, many children could continue to fly for free. The Air Transport Association estimates over 95 percent of all flights currently fly less than full, so vacant seats would be available on many flights.

This measure has been endorsed by the Association of Flight Attendants, the Aviation Consumer Action Project, and the Air Transport Association. I hope my colleagues will join me in cosponsoring this important safety measure.

A NEW CONTRIBUTION BY JAPAN TO THE ALLIED EFFORT IN THE PERSIAN GULF

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. SOLARZ. Mr. Speaker, I am very pleased that the Government of Japan has decided to send vessels of the Maritime Self-Defense Forces to the Persian Gulf, in order to search for and clear mines strewn by the Iraqi military. This is an unprecedented event, the first deployment of Japanese military personnel outside of the home islands since the end of the Second World War. It marks a new stage in Japan's effort to undertake some of the burdens of collective defense, and so should be welcomed by the international community. Japan's action is all the more appreciated because it was taken in the absence of external pressure.

It is no secret that both the Japanese public and Japan's Asian neighbors are wary that the history of Japanese military expansionism may repeat itself. Yet the 1990's are not the 1930's. Japan's own democratic government and its alliance with America will ensure that its limited use of the self-defense forces will be done responsibly and in the cause of peace.

Even those who might be anxious about this action should be able to distinguish between a noncombat deployment such as this and the offensive projection of military power. So long as Japan acts in concert with the United States and its allies in support of the common defense, no country need fear a threat to its security. Nor is it justified for any neighboring government to use Japan's deployment to fan the flames of nationalism for internal political purposes. The use of military forces in this way does not in any way constitute militarism.

To be sure, the Japanese public may well be anxious about the dispatch of minesweepers to the Persian Gulf. Yet I hope that the successful accomplishment of this mission will give my Japanese friends confidence that such deployments, decided by a democratic government, will be conducted responsibly. I also hope that the Japanese will conclude that, because these actions are taken in defense of world peace, they are consistent with Japan's constitution. Perhaps, 60 years after the Mukden incident, 50 years after Pearl Harbor, and 46 years after the end of World War II, the people of Japan may remove a psychological obstacle to a full and effective role in world affairs.

INTRODUCTION OF THE CIRCLE OF POISON PREVENTION ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. SYNAR. Mr. Speaker, I am pleased to join with Congressmen Leon Panetta and Dan Glickman and our other distinguished colleagues in introducing the Circle of Poison Prevention Act.

Enactment of this legislation is long overdue. In May of 1989 I held a hearing in my Environment, Energy and Natural Resources Subcommittee on the uncontrolled export of unregistered pesticides. According to GAO testimony at the hearing, because of loopholes in the law, foreign governments seldom got notified of shipments of unregistered pesticides from the United States, the only protection they were offered under our pesticide laws.

The global pesticides market has doubled in the last 10 years and U.S. exports accounted for one-quarter of the world's supply. But sadly, many importing countries simply don't have the resources or expertise to regulate the chemicals they are shipped.

According to the United Nations survey of 115 countries which I released at my 1989 hearing, many nations, especially in the Third World, lacked the ability to assure safe pesticide practices. Their inadequate programs may be a threat to the health of farmworkers and the environment in those foreign countries. Unfortunately, they may also be a threat to American consumers when foods containing residues of banned products are imported back into the United States. Even worse, GAO and congressional investigations show that high rates of violations of our current pesticide laws commonly occur.

Even with a flawed inspection system, the Food and Drug Administration reports that 5 percent of imported products contain residues of pesticides not registered for that use in the United States. For some commodities that FDA has found significantly higher levels. For instance, the FDA has found 14 percent of cabbage imports had violations.

But our current export system affects more than just the safety and quality of foreign agriculture. American farmers have a right to be angry when they see foreign producers competing against them using chemicals that they can't use here. And American consumers have a right to be angry that almost no foreign agricultural products get tested at our borders. In fact, many residues are almost untestable unless inspectors know in advance to watch for them at the point of entry into the United States. Without accurate and complete EPA pesticide export information, shared with other Federal agencies and foreign governments, border inspections may be almost meaningless.

While EPA has attempted to correct some of these problems since my subcommittee's hearing, the agency's changes don't go far enough. Only one solution will work—a prohibition on the export of unregistered and banned pesticides, except for limited exemptions for research and medical purposes. But this step requires new legislation—the legislation we are introducing today.

However, putting controls on banned or unregistered products is not enough. For that reason, our bill includes new requirements on the export of "restricted use" pesticides, the most hazardous types of products which are legally used here in the United States. We give foreign governments the opportunity to object in advance to shipments of these products based on prior informed consent. This contrasts with EPA's policy, which gives no special protections against restricted use pesticides and limits notice provisions solely to foreign purchasers.

We also tighten up requirements on the information supplied to EPA by exporters so that the Agency can adequately police compliance with the law. Under our bill, export labels which specify directions for safe and legal use must also be written in the language of the importing country and contain all the language which would be contained on U.S. labels.

In addition, the bill reduces the kinds of data which can be withheld from the public as confidential business information and sets up a strict notification scheme to let foreign governments know of important EPA pesticide regulatory decisions.

Finally, not only is the bill important for protecting our own farmers and consumers and those in foreign countries, it is also essential for protecting the good name of the United States. We should not be sending abroad those products which we have determined are detrimental to the health of our own citizens or to the environment.

CONGRATULATIONS TO BEVERLY MILTON HARGROVE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Dr. B. Milton Hargrove.

Beverly Milton Hargrove, minister of Galilee United Methodist Church, Englewood, NJ, has been noted throughout his ministry for his genuine interest and the well-being of his parishioners, as well as his participation in innovative community-based programs, especially those that benefit our youth. His most recent contribution can be seen through his leading Galilee in the support of the newly dedicated African-American Resource Studies Center at Teaneck High School. This much needed facility is the first of its kind in this area and will benefit not only the youth but the community as a whole.

A long time champion of community improvement, Dr. Hargrove has supported and helped in the development of programs such as the Head Start Program. He has served as president of the Association of Religious Organizations in Plainfield, NJ, and has worked closely with FISH, which makes provisions for food and clothing for needy families.

Dr. Hargrove is a charter member in the Opportunities Industrialization Center of Charleston, WV, and is a member of the Juvenile Conference Committee of Montclair, NJ. He serves as president of the Black Clergy Council of Englewood and vicinity and is associated with organizations such as the YMCA, NAACP, CORE, YOUSA, Urban League, Alcoholics Anonymous, and the Bergen County Council of Churches. Dr. Hargrove has been active in the Nu Beta Beta chapter of Omega Psi Phi Fraternity, John A. Holmes Lodge No. 89 Free and Accepted Masons, Prince Hall affiliation, and the Rotary Club.

On both the general and annual conference levels, Dr. Hargrove served as district superintendent for the northern district of the Northern New Jersey Annual Conference of the United Methodist Church from 1972 to 1978. He has pastored in various churches throughout Maryland, Pennsylvania, West Virginia, and New Jersey.

Dr. Hargrove is married to the former Blanche S. Day of Baltimore and is the father of six; Gayle, Ruth, Vera, Beverly III, William and John.

Mr. Speaker, I am proud to join in paying tribute to this exceptional man and extend my best wishes to him.

INVESTIGATION OF POSSIBLE DEAL MADE FOR TIME OF RELEASE OF 52 AMERICAN HOSTAGES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mr. TRAFICANT. Mr. Speaker, could it be, that in 1980, then Presidential candidate Ronald Reagan and Ayatollah Khomeini of Iran cut a deal to prevent the release of 52 Americans held captive by Iranian revolutionaries? Did Ronald Reagan engineer one of the most crooked events in American political history to guarantee his victory in the 1980 Presidential election? Was the teflon President guilty of making yet another deal with the Mullahs? Rumors have been circulating about this contention for the past decade. Now, editorials in our Nation's leading newspapers and ranking political figures from the Carter administration are suggesting these rumors to be valid. I say it is time for the truth to be known.

As a result, I am introducing legislation urging Congress to initiate an investigation into the possibility that a deal was struck between Ronald Reagan and Ayatollah Khomeini. Such a deal would have delayed the release of Americans hostages in Iran in order to embarass then President Jimmy Carter, and, therefore, favorably influence Reagan's chances of winning the 1980 Presidential election. I say that if such a deal actually occurred, then it shall go down as one of the most underhanded and devious political events in our Nation's history.

Such a devious manipulation of the American political process can not go uninvestigated. The history of the Reagan era must be written correctly, and if Reagan used such a despicable tactic to get into the White House then it must be brought forward so that future generations of Americans will know the true nature of America's 40th President. Moreover, this investigation will go a long way in exercising the stigma of non-action that surrounds the Carter Presidency due to Carter's supposed inability to get the hostages released. Also, if any legal wrong doings should in fact be discovered, then those who are guilty must be forced to pay.

In order to bring about such hearings, my bill calls for "a sense of the House of Representatives that the appropriate committee or committees should immediately begin an investigation of the possible deal between the Committee to Elect then Presidential candidate Ronald Reagan and the Government of Iran to hold up the release of hostages until after the 1980 Presidential election." The appropriate committees will then engage in hearings and calling forward of witnesses that they deem appropriate in order to secure the facts surrounding the possibility of a deal between Ronald Reagan and Ayatollah Khomeini. I strongly urge all Members who are concerned with obtaining the truth concerning these events to support this legislation.

URBAN LEAGUE OF BALTIMORE RECOGNIZES MARTIN RESNICK

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1991

Mrs. BENTLEY. Mr. Speaker, the Urban League of Baltimore recently recognized a very special man and close friend of mine, Mr. Martin Resnick.

Having known Marty for many years, I have developed a great respect and admiration for him as a close friend and as a man who exemplifies the American dream. With just a small savings account, some money borrowed from friends, and a loan from the Small Business Administration, Marty Resnick developed the Nation's largest catering chain of its type.

In addition to his catering business, he is also a partner of ARA Food Services' concession at Memorial Stadium. An accomplished businessman, Marty served on the board of the Small Business Administration and was honored in 1972 as their first place "Man of the Year" for the Northeast region and second place nationally.

However, Marty is also well known for his dedication and commitment to many civic organizations. He served on the board of directors for the Woodholme Country Club, he is a secretary of the University of Maryland Foundation, serves as president of the Presidents' Club of Baltimore, and is a member of Temple Oheb Shalom. He is a member of the board of regents of Morgan State University and a member of the corporate committee for the Decade of Decision Phase II of Loyola College.

The list continues, as he is a member and past president of the board of directors for the Signal 13 Foundation, Baltimore City Police Department. He is on the board of directors for the Baltimore County Chamber of Commerce and a past cochairman of fundraisers for St. Frances Academy and the United Negro College Fund. He serves as public relations chairman for the East Baltimore Citizens Committee, and lastly, there is the Yeshiva in Jerusalem that bears the name "the Cohen-Resnick Women's Hebrew Institute."

Marty's list of activities and involvement in the community and charities is truly too numerous to provide a complete list. In fact, thanks to his many commitments to the city of Baltimore, former Mayor William Donald Schaefer proclaimed June 24, 1981, as "Martin Resnick's Day in Baltimore."

I find it particularly intriguing that those who have enjoyed terrific success, as in the case of Marty Resnick, and have developed their success from relatively humble beginnings, always seem to maintain that close contact with the people and communities in which their success flourished. Marty Resnick has never forgotten the community nor its people. Thanks to his civic-minded work, he has not only made Baltimore and the State of Maryland a better place in which to live, he has made this a better Nation as well.

It is all too easy to judge one by his monetary or material wealth. However, those who are truly blessed are those who possess a wealth of character and spirit. Martin Resnick has an abundant wealth of character and warmth that is clearly evident in all he has done. It is with great respect and admiration that I commend Martin Resnick on his recognition by the Urban League of Baltimore.

I was fortunate enough to have obtained a copy of Marty's speech to the Urban League and would like to submit it into the CONGRESSIONAL RECORD. I feel his speech gives a greater insight to Martin Resnick. His speech is as follows:

URBAN LEAGUE SPEECH

Thank you to Urban League, It's Board, It's Chairman, Ken Miller, Odessa Dorkins, Roger Lyons—President.

For the privilege of being a part of this evening and this very exceptional award.

It is particularly rewarding to me for I have worked very closely with the Urban League for 5 years in helping to plan this event.

I know of the wonderful work that they do and the need—the ever growing need of it's mission: "Securing equal opportunity for all".

Very simple words. Rights that are guaranteed to us. But yet so difficult to secure.

I am so proud to be a part of this program and to share it with men like Senator Clarence Blount and the late Stanley Sollins.

Just listen to some of the names of past honorees: Henry Butta, Alan Hoblitzell, Clarence Mitchell, Jr., Senator Mathias, Victorine Adams, George McGowen, Jim Rouse, Paren Mitchell, Walter Sonoheim, Rabai Saltzman, Senator P. Sarbanes, Rebecca Carroll.

I just don't think I deserve to be on this honor roll.

I know personally these men and women and their numerous contributions.

I am not trying to play at being humble. I am a proud man, proud of our accomplishment, our wonderful family, our loyal friends, our business.

I brag about them all the time. So I don't mind bragging. But I feel, somehow, undeserving of this honor.

Why do you reward a person for just taking care of their responsibilities? For just doing what's right?

When God blesses you with so much you have a duty, an obligation, to give back to the community—some—just some of what they—the people have given to you.

I am sure you heard the expression, "He's a self made man." Well, I have heard of him but I have never seen him.

I don't know of any. Everyone has had someone who has helped them climb the ladder of success. In my case I had a lot of help.

But there were four who influenced me to the most three are women; the fourth is my father.

My Father Louis Resnick, taught me—

1. About ethics in business;
2. The importance of the customer;
3. The need to have happy employees;
4. To never forget who made you and helped you become successful;
5. To give back to the community your time and efforts;
6. Importance of being charitable after you take care of your family;
7. To help those in need;
8. He gave me a good name with a great reputation;
9. Gave me a feeling of confidence; and
10. A sense of security.

I believe: Behind every successful man there is a woman. It could be a wife, mother, or grandmother.

In my case if every I truly reach that goal I must give credit to all three—

My Grandmother:

1. Made me believe in myself;
2. Instilled in me the feeling I can do, and
3. I can be anything I want;
4. Always praised me;
5. Told me how good I was;
6. Told everyone "I didn't have a lazy bone in my body."

My Mother, truly an Incredible Woman:

I have often said "after she was born, God threw away the mold."

She was:

1. Always there to assist;
2. Gave me guidance and advice;
3. Worked side by side with us for many years, started our business;
4. With Thalia—They were my first cooks.

My Incomparable Wife Thalia:

Always there beside me: The hard times, The lean times, shares the good times. Helped me in everthing I have ever done, encouraged me!

She is the Best: The best wife, mother, Grandmother a man could dream for.

We grew up together—(1) Elementary School; (2) Teachers; (3) Jr. Prom; (4) Sr. Prom.

Thalia was: my cook, secretary, purchasing agent. She is: my bus. partner, wife, lover and my friend.

A few weeks ago Harold Goldsmith, a brother of a good friend was killed in a plane crash at the age of 48.

He was one of the two founders of the Merry-Go-Round Apparel Stores.

Most of you probably did not know him. Harold was a very private person and most of what he did and gave was done quietly and anonymously.

Sure he gave and helped organizations but he gave and did just as much to individuals in need and he gave of himself.

He practiced the Urban League creed.

He provided: employment, job training, educations and housing to the disadvantaged.

He spoke out about issues that adversely affected blacks, minorities, and the poor.

He had no tolerance for racial discrimination.

He may have died at an early age but his deeds and memory and the wonderful things he did for people will live on.

I am sure most of us know the name Henry Knott, Sr.

A good friend of mine as well as many others in this state.

Here is a man who is a legend in his own life and a man who will leave his own legacy.

Not for how much money he made, but for what he did with it to help others.

There was a story I heard and he later confirmed about a funeral he attended for one of his wealthy friends.

As they were leaving the cemetery he overheard two women talking. One woman said to the other, "I wonder how much money he left."

Henry walked over to them and said "He left it all". It's not so much how much money you make, made or left.

I don't think it's about money at all. It's more important to know what you do in your lifetime today will leave its mark.

To know that you have affected and made a difference in other peoples lives.

That you have made this place a better place to live for your family friends, neighbors.

Just to name a few who live by this creed:

(1) The Mitchells, Juanita and Clarence;
(2) Myerhoffs;
(3) Parks;
(4) Mechanics, Morris and Clarrise;
(5) Haysberts,
(6) Blausteins;
(7) Quille,
(8) Grasmick,
(9) Penderhuse;
(10) Knotts;
(11) Patarakis;
(12) Rouse;
(13) Adams, Victorine and Willie.

I am a proud man. I want my family to be as proud of me as I am of them. Thalia and I want them to be proud of the Resnick name.

To know that (we) their parents have made a difference in the lives of people in the community who needed our help.

That we are respected and cared for by our peers and friends.

That we greatly enjoy and benefit emotionally from the good that we do and the people we help.

We want to do and give to our children and grandchildren.

We want to see the happiness in their faces in their smiles.

We want to share in their good times.

We will be by their side with their problems.

We want to do this while we are alive.

We want to be able to see in our lifetime the benefits of our lifelong efforts.

We want to instill in them the same feelings of confidence, security and self worth that my family instilled in us.

We want them to know how important it is and how good they will feel when they share their good fortune with those less fortunate or in need of help.

Throughout our lives most of us become collectors: Old love letters, comic books, antiques, fine art, stamps, coins, magazines, and yes, some even money.

Most of us work hard to be successful and to achieve.

But when it's all over how will you be remembered? For your collectibles? I doubt it! I believe it will be for your deeds.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 25, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 26

9:30 a.m.

Finance

Health for Families and the Uninsured Subcommittee

To hold hearings on the problems of homeless mentally ill people, and S. 62, to require all States through their Medicaid program to develop and implement mobile out-reach teams that would bring homeless mentally ill people to assessment and referral centers.

SD-215

9:45 a.m.

Environment and Public Works

Environmental Protection Subcommittee

To resume hearings to examine and evaluate global warming on climate change and other environmental consequences of energy strategies.

SD-406

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.

SD-138

Banking, Housing, and Urban Affairs

To continue hearings on S. 713, to reform the Federal deposit insurance system, to improve the supervision and regulation of Federally insured depository institutions, to reform the financial services industry as to the activities in which that industry may engage, to consolidate the regulatory structure for depository institutions, and to recapitalize the Bank Insurance Fund.

SD-538

Labor and Human Resources

Aging Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the

Older Americans Act, focusing on home and community based long-term care.
SD-430

10:30 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-562

MAY 7

10:00 a.m.
Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on habeas corpus reform.
SD-226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.
SD-192

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Lawrence B. Lindsey, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System.
SD-538

MAY 8

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain defense programs, focusing on A-12 follow-on issues.
Room to be announced

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.
SD-138

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, California.
SD-366

Select on Indian Affairs
To hold oversight hearings on the impact of the Supreme Court's ruling in Duro v. Reina on the administration of justice in Indian country and on proposed legislation to reaffirm the authority of tribal governments to exercise criminal jurisdiction over all Indian people on reservation lands.
SR-485

MAY 9

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for veterans education and reemployment rights.
SR-418

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine insurance company insolvency.
SR-253

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 395, to establish the Department of Energy's Fast Flux Test Facility (FFTF) in the State of Washington as a research and development center to be known as the Research Reactor User Complex.
SD-366

MAY 13

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 570, to implement a national energy strategy, focusing on subtitle B of Title V, provisions relating to nuclear waste management.
SD-366

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation authorizing funds for programs of the Native American Programs Act.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art.
SD-116

Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on the views of officials in the law enforcement field.
SD-226

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on pipeline safety.
SR-253

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 586 and S. 711, bills to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and H.R. 355, to revise the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior.
SD-366

MAY 16

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 775, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans, H.R. 153, to repeal certain provisions of the Veterans Judicial Review Act relating to veterans benefits, and sections 111 through 113 of S. 127, relating to radiation compensation.
SR-418

Select on Indian Affairs
To hold hearings on S. 668, to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian reservations.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Minerals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services.
SD-116

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

Rules and Administration
Business meeting, to receive a report from the Architect of the Capitol on current projects, and to consider other pending administrative business.
SR-301

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 21

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on enforcement of antidumping and countervailing duties.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
SD-138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
SD-138

MAY 22

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on Department of Energy environmental restoration and waste management programs.
SR-222

MAY 23

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 290, to authorize funds for certain programs of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
SR-485

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
SD-138

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on Indian libraries, archives and information services.
SR-485

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 5

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.
S-128, Capitol

Select on Indian Affairs
To resume oversight hearings on the impact of the Supreme Court's ruling in Duro v. Reina on the administration of justice in Indian country and on proposed legislation to reaffirm the authority of tribal governments to exercise criminal jurisdiction over all Indian people on reservation lands.
SR-485

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 106, to revise the Federal Power Act to prohibit the granting of a Federal license for a hydroelectric project unless the applicant complies with all substantive and procedural requirements of the affected State in which the project is located with respect to water acquisition and use.
SD-366

JUNE 6

9:00 a.m.
Veterans Affairs
Business meeting, to mark up pending legislation.
SR-418

JUNE 18

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

JUNE 26

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

CANCELLATIONS

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.
SD-138

POSTPONEMENTS

APRIL 26

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Bureau of Mines and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

HOUSE OF REPRESENTATIVES—*Thursday, April 25, 1991*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, as You have promised to bear the burdens of people and heal their souls, so we pray that Your spirit will be with each person and touch them in the depths of their hearts. May Your comforting love quiet the fears that so often overwhelm the human spirit and may Your healing power minister to each person as their need may be. We place these petitions before You together with the secret petitions of our own hearts. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Mexico [Mr. RICHARDSON] please come forward and lead the House in the Pledge of Allegiance.

Mr. RICHARDSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO FILE REPORT ON H.R. 1988, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1991

Mr. BROWN. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology may have until 11 p.m., April 25, 1991, to file a late report on H.R. 1988, the National Aeronautics and Space Administration Multiyear Authorization Act of 1991.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. RHODES. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. BROWN] and ask him if his request has been cleared by the gentleman from Pennsylvania [Mr. WALKER] from the minority.

Mr. BROWN. Yes, Mr. Speaker, it has.

Mr. RHODES. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 805

Ms. LONG. Mr. Speaker, I ask unanimous consent that my name be deleted as a cosponsor of the bill, H.R. 805, to restore the effectiveness of the Export Enhancement Program.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

VINDICTIVE CAMPAIGNING ON THE BRADY BILL

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, I want to bring to the attention of my colleagues one of the most offensive and disgusting personal attacks on a Member of Congress that I have seen during my 16 years in Washington.

An organization which calls itself Jews for the Preservation of Firearms Ownership placed an ad in the April 19 issue of Gun Week condemning the distinguished gentleman from New York [Mr. SCHUMER], for his leadership in securing the passage of the Brady bill.

The headline in this scurrilous piece of trash reads "Most Jews Are Not Stupid or Pro Criminal * * * But CHARLES SCHUMER is Both." The ad goes on to call Mr. SCHUMER a freedom-hater who promotes anti-Semitism and tyranny.

Mr. Speaker, in my opinion, this disreputable organization is the one promoting hatred and anti-Semitism with its outrageous disregard for the truth and with its vicious attack on one of the most respected Members of Congress.

We will have the opportunity to debate the merits of the Brady bill in the next few weeks. No doubt the debate will be heated and emotions will run deep on both sides of this issue. That is the American way.

But there is no place for the type of vindictive campaign which the Jews for the Preservation of Firearms Ownership are orchestrating. I demand that they publicly apologize to Mr. SCHUMER for this insult. And I demand that the National Rifle Association and the other members of the gun lobby repudiate this ad and this type of cheap distortion. That is the least that they can do.

RU-486: NEW BABY POISON, ALSO RISK TO WOMEN

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, last week the French Health Ministry banned the use of RU-486, the new baby poison, for women who are regular smokers or are older than 35. This action followed the death of a 31-year-old women who died of a heart attack following a RU-486 abortion.

This is not the first time that serious maternal health consequences have occurred in association with this abortion drug. Roussel-Uclaf, the company that makes RU-486, had warned in April 1990 about risk factors associated with the abortion pill following two other cases of heart attacks suffered by women who used it.

Moreover, a recent edition of American Medical News, October 26, 1990, carried a story headlining: "Researcher Suggests Side Effects of RU-486 May Be Underreported." The article suggests a significantly higher rate of complications than previously reported by researchers affiliated with Roussel.

Yet even Edouard Sakis, chairman of Roussel-Uclaf, has admitted:

> As abortifacient procedures go, RU-486 is not at all easy to use. In fact it is much more complex to use than the technique of vacuum extraction . . . a woman who wants to end her pregnancy has to "live" with her abortion for at least a week using this technique. It's an appalling psychological ordeal.

Mr. Speaker, the FDA has placed RU-486 on the list of unapproved drugs that may not be imported into the United States by private individuals for personal use. The FDA decision is correct and prudent. And even the American Medical Association concurs.

Last November, Dr. P. John Seward of the AMA told a House subcommittee that RU-486 poses a severe risk to patients unless the drug is administered as part of a complete treatment plan under the supervision of a physician.

Despite these warnings, Mr. Speaker, the abortion lobby is obsessed with forcing widespread distribution of this new baby poison. Mr. Speaker, that is a

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

grave disservice to American women—and, indeed, women worldwide—not to mention unborn babies for whom it is almost always lethal.

AUTHORIZING USE OF CAPITOL GROUNDS FOR PROGRAM FOR NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the concurrent resolution (H. Con. Res. 138) authorizing the presentation of a program on the Capitol Grounds in connection with National Physical Fitness and Sports Month, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I shall not object, but I yield to the gentleman from Illinois [Mr. SAVAGE] to explain his request.

Mr. SAVAGE. Mr. Speaker, this resolution would authorize a unique program on the Capitol Grounds on Wednesday, May 1, this year. The program, to occur in connection with National Physical Fitness and Sports Month, would be presented by the Secretary of Health and Human Services, acting through such organizations as the Secretary may designate. The program would include demonstrations on the Capitol Grounds of a variety of sporting and fitness events including ice skating, basketball, and aerobics.

Preparations for the programs would be carried out in accordance with such conditions as the Architect of the Capitol and the Capitol Police Board may prescribe, except that non-Federal sponsors shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

To carry out the program, this resolution would authorize the sponsors to erect on the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required.

In carrying out the responsibilities authorized in this resolution, the committee intends that the Architect of the Capitol will execute a license with the Department of Health and Human Services and any organizations designated by the Secretary of Health and Human Services. This license will set forth the conditions under which the event is to take place.

Mr. Speaker, physical fitness is important to all Americans and, therefore, I believe it is appropriate that the kickoff event to Physical Fitness and Sports Month be held on the Capitol Grounds. I urge adoption of this resolution and I thank the gentleman for yielding.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I want to express my support for this resolution which would authorize the Secretary of Health and Human Services, acting with the President's Council on Physical Fitness, to sponsor certain activities on the Capitol Grounds in connection with National Physical Fitness and Sports Month.

This program will take place on Wednesday, May 1, and will kick off May as National Physical Fitness and Sports Month. Exhibitions will take place highlighting various physical activities, such as karate and ice skating. A similar program will also be held on the White House Grounds that day.

I want to make an important point, Mr. Speaker. Under this resolution, the Architect of the Capitol will execute a license with the Department of Health and Human Services concerning conditions under which event is to take place. The Department of Health and Human Services will be required to sign the permit even though other organizations designated by the Secretary may be primarily responsible for the program. The Architect may also require other signatories as he deems appropriate. Non-Federal sponsors will be responsible for all expenses and liabilities associated with all activities related to the event.

Mr. Speaker, this program will serve to focus attention on the importance and necessity of physical fitness for all Americans. I urge passage of this resolution by the House today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 138

Resolved by the House of Representatives (the Senate concurring), That on May 1, 1991, the Secretary of Health and Human Services, acting through such organizations as the Secretary may designate, may present a program on the Capitol grounds in connection with National Physical Fitness and Sports Month. Preparations for the program shall be carried out in accordance with such conditions as the Architect of the Capitol and the Capitol Police Board may prescribe, except that non-Federal sponsors shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event. For the purposes of this resolution, the sponsors of the program are authorized to erect on the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment, as may be required for the program and are authorized to make any arrangements that may be required to carry out the program.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE IMPORTANCE OF THE FREE-TRADE AGREEMENT WITH MEXICO

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the United States-Mexico free-trade agreement is in the best interests of the United States and Mexico.

Mr. Speaker, it is very important that every Member keep their powder dry on this issue. On May 1, the administration is going to present its plan on how we are going to deal with the concerns many Members have raised: the environmental issue, worker rights, job loss, many other issues that, before taking a position, Members should carefully examine what the administration has put forward.

We must remember that a prosperous Mexico will be able to deal with worker rights, environmental issues, technological growth, a lot better, and this is why we are having this free-trade agreement with Mexico.

Mr. Speaker, the world is moving into trading blocs. Europe in 1992 is proceeding on its own. Asia. We should do the same in our hemisphere. It is natural.

Lastly, Mr. Speaker, we should not turn our backs on a Mexican President who very realistically is trying to deal with the problems of his country.

Let us keep our powder dry, but give the benefit of the doubt to the fast track because of the importance of the free-trade agreement with Mexico.

□ 1110

WYOMING CITIZENS LOOK FOR COMMON SENSE IN THE FEDERAL BUDGET

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I have come to the floor for the last couple of weeks to talk about common sense or the lack of it here in Washington. Certainly one of the greatest breaches of common sense is our lack of success in balancing the budget.

A couple of weeks ago, I sent this citizens' summary of the revenue and expenses of the Federal Government in 1990 to my constituents in Wyoming. On the back page, I asked the voters in Wyoming to let me know how they felt about Federal expenses and spending and how to help contain them.

Mr. Speaker, the people of Wyoming are responding. I am receiving letters and phone calls from people who are sick and tired of spending attitudes, who are tired of business as usual in Congress. Citizens are asking. "What can I do to help control costs?"

I believe they are helping by calling, by supporting the balanced budget amendment and the line item veto, by supporting a limit on the number of employees in the Federal Government, and, most importantly, by examining their own requests for Federal funds and starting to ask Congress to exercise restraint in spending areas.

Congress is often like the tail wagging the dog, telling constituents what we think is important. The dog is ready to start wagging the tail. It is time for the Congress to listen to its constituents on Federal spending and taxes. It is time for common sense in the Federal budget.

NATIONAL HEALTH CARE

(Mr. SABO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABO. Mr. Speaker, we all know that there is a crisis in our national health care system. Thirty-seven million Americans have no health insurance and billions more lack adequate coverage.

Today I am introducing the Comprehensive Health Care Improvement Act of 1991, which will guarantee that all Americans have access to health insurance at group rates, help low-income people buy coverage, and set-aside funds for a new Catastrophic Health Insurance Program for senior citizens.

We need to develop rational and effective improvements in the U.S. health care system. I believe my proposal approaches the problem of the uninsured in a measured and reasonable way, using the existing health insurance system wherever possible and appropriate.

This bill is an affordable solution to one of our Nation's most pressing problems. Let us act.

INTERNATIONAL PARENTAL KIDNAPING CRIME ACT

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I am pleased to join my colleague from Pennsylvania [Mr. GEKAS] in reintroducing the International Parental Kidnaping Crime Act.

In the 101st Congress, I introduced legislation to mandate criminal penalties for persons abducting children and taking them overseas. I am hopeful that with the cooperation of the Members of the House Subcommittee on Criminal Justice that this bill will soon be brought before the full House for consideration.

This legislation would recognize international kidnaping as a felony, and would stipulate criminal punishments for individuals who violate the law. Since the main concern lies with children who are taken from their U.S. homes to foreign countries, it is imperative that our Government establish criminal penalties to deter possible abductors.

I congratulate and thank Congressman GEKAS for his continued efforts to have this bill finally enacted. With its passage, both the children and their parents will have their legal rights represented on a much-needed international basis.

DEPARTMENT OF AGRICULTURE INSPECTION USER FEES IN HAWAII

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I wonder how many Members of the House of Representatives know what it feels like to come from a small State and to have only two Members, but I feel very much put out today.

Yesterday, the Secretary of Agriculture promulgated regulations which in essence punish only the State of Hawaii and perhaps, to some extent, a territory, Puerto Rico, in promulgating a special user fee for agricultural inspections.

Last year in October, when we adopted the Budget Reconciliation Act, the Department of Agriculture was given authorization to impose these user fees on inspection services in order to protect the agricultural community of the United States, but it was only to affect international travel. So in looking over the responsibility of trying to come up with $20 million, the Department has now promulgated a regulation which only imposes a $2 inspection fee on the passengers going from Hawaii to the mainland.

I think that that is an absolute discriminatory act. I have, therefore, today, together with my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE], introduced legislation to nullify this inspection fee.

In the recent Dire Emergency Supplemental Appropriations Act, language was put into the committee report asking the Department to withhold imposition of this inspection fee. Yet yesterday, they went ahead and promulgated. I think it is entirely unfair to single out one State with a user fee that was not even authorized by statute, and therefore I hope the Members of this body will support my legislation.

FAST TRACK TRADE AUTHORITY FOR MEXICO

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I continue to be astounded by some Members of this body who have suggested that we continue the Uruguay round of the GATT talks, but they would snatch away the opportunity to enter into trade talks with our immediate neighbors to the north and south of us. I am referring, of course, to the vote that we are going to have very soon on fast track trade authority.

Some Members want to separate those and deny fast track authority for Mexico. I find this sentiment unbelievable, and when I mentioned this possibility to President Salinas a few weeks ago in Mexico City, he was incredulous that Congress would consider trade negotiations with more than 100 other nations, including such countries as Pakistan and India, but would not even sit down to conduct negotiations with our neighbor to the south.

What did President Salinas think about splitting the vote? He said, "Take the 'l' out of 'splitting' and that is what you would be doing to Mexico."

I agree. It would be an unprecedented insult to Mexico. And after an unprecedented period of cooperation between our two nations, we cannot squander this opportunity to cement prosperous economic relations between Mexico and the United States.

I urge my colleagues, when they have the opportunity, to reject splitting the fast track vote.

OPPOSITION TO MEXICAN FREE-TRADE AGREEMENT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, President Bush should not be allowed to get away with this Mexican trade agreement. Now, we have a free-trade agreement with Canada. That is all right. Our economies blend and they are equal, but when you are dealing with Mexico, which has no environmental policies at all and no minimum wage policies, it is just not going to work.

Administration policies of the past have helped to close steel mills, have helped to close textile mills. They have helped to close potteries, shoe factories, and the list goes on and on because of our dealings with these Third World nations.

We are becoming a third rate economic power. They are putting American workers on the endangered species list, and it is a list the administration is usually trying to get rid of.

I think that Congress and the people of this country better wake up to what is going on, in seeing that the American worker is going to have the same opportunities on our own economic market as other countries of the world.

A PROPOSED PEACE CORPS PROGRAM FOR SOUTH AFRICA

(Mr. BEREUTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, today, along with my colleagues, I am introducing a resolution to establish a Peace Corps Program in South Africa.

During the Easter recess I had the privilege of attending, with a number of my colleagues, a conference sponsored by the Aspen Institute. At that conference, Assistant Secretary of State for African Affairs Herman Cohen suggested this as one of the follow-on steps we could take in the United States as the Government of South Africa moves away from its apartheid programs, and indeed I raised that question with state President F.W. de Klerk, and his reaction was favorable.

So today I am introducing that resolution, and it will provide a sense of Congress that the Secretary of State and the Peace Corps Director should formally inquire as to the interest of the Government of South Africa and other interested parties in that country, in having a Peace Corps Program. And then the President should initiate such a program if interest in its exists on the part of the Government of South Africa and the interested parties representative of the currently disenfranchised sectors of South African society and if the President determines that continued progress is being made in the abolition of apartheid and toward the establishment of a genuine democracy in South Africa.

□ 1120

Such a program should provide, but not be limited to, basic education and health services and teacher training in black and colored townships. I urge Members to join us in this resolution.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 784

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 784.

The SPEAKER pro tempore (Mr. ANDREWS of New Jersey). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

APPROVAL OF U.S. ECONOMIC TRADE AGREEMENT IMPORTANT TO AMERICAN ECONOMIC STRENGTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I again want to amplify on the previous remarks of several Members and myself on the United States-Mexico trade agreement, one of the more important foreign policy trade votes that this body will be taking in the next 30 days.

Mr. Speaker, this is a crucial vote, and it is important that we look at this vote as a signal as to whether the United States is going to be able to win a trade war internationally, just as we have done in the Persian Gulf militarily.

First, it is critical that we not split the vote. We have a procedure, up or down on the fast track for Mexico and the Uruguay round. It would be discriminatory against Mexico if we separated the vote. The Mexican Government, I think, would take insult at the fact that here we are separating them from 100 other countries and treating them differently because there are "problems" with the relationship.

My prediction is that the Mexicans would not be disposed to negotiate. They might even call off negotiations.

Mr. Speaker, it is important that we give everybody a fair shot, and that it is an up or down vote, yes or no, on the merits and the substance of the free-trade agreement.

Second, I hope every Member keeps their powder dry. A lot of legitimate concerns have been raised, by labor unions, by environmental groups, by many concerned about worker rights in Mexico, about wage disparities. A letter has gone out to the administration by the leaders in this body of Ways and Means and Senate Finance simply saying, what are you going to do, Bush administration, with Mexico in the areas of environment, worker rights, job losses, the concerns that many Members of Congress have?

On May 1 the administration is going to give their response. I think that response is going to be a positive one. We have been working on that response to assure Members that what we have is a positive addressing of these problems, starting a process, a record of what Mexico has done in these areas, but also what the United States role is going to be.

It is in our best interest to conclude an agreement soon. In 1992, European countries are forming a trading bloc, and they are forming a trading bloc not to be nice to us, but to compete with us, to have their products have better treatment, and to raise the living standards of the European people. They are not doing that to help America.

The same with Asia. Japan, Singapore, and Taiwan are forming a unique trading bloc. It is important that we do the same in our hemisphere, Canada, Mexico, the United States, Latin America, the Carribbean, that we have products moving duty free, trade increasing, jobs being created.

That is the way the world is going. The Uruguay round is probably not going to succeed. The future wars in the world will be economic. They will not be military and political as much. We have to be prepared.

Mr. Speaker, initiating this free-trade agreement is a first step in that direction. Trade has doubled with Mexico in the last 5 years. Many people say Americans are going to lose jobs. That has not been the case, when you double trade in the last 5 years.

Mr. Speaker, in addition to that, Mexico has undertaken some serious economc reforms, attracting foreign investment, trying to raise the living standards of the Mexican people. The fact is that a prosperous Mexico, engaging more in trade and investment and jobs with the United States, is going to be able to deal with the poverty problems, with the environmental problems, with the wage disparity problems, with the immigration problem which we are all so concerned with. A prosperous Mexico will be able to deal with these problems when they have more capital and more jobs.

The free-trade agreement with Mexico will reduce immigration to the United States. We passed an immigration bill in 1986, and it has not entirely done the job. But if we create jobs at the border and in Mexico, there will be less incentive for those undocumented workers to come to this country and take jobs away from Americans.

The United States-Mexico free-trade agreement is enormously popular among Hispanics in this country, the fastest growing minority in the United States, in California, Texas, New Mexico, Colorado, Florida, and Illinois. It is very popular that we are engaging in a major upgrading of our relationship with Mexico, and Hispanic voters want to see that realized.

Mr. Speaker, we cannot turn our back on Carlos Salinas, the Mexican President, who is modern, who is positive, and who is somebody that has extended a hand of friendship.

FAST-TRACK NEEDS TWO TRACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, in the next 5 weeks the Congress will vote on a very important resolution, House Resolution 101, introduced by the gentleman from North Dakota [Mr. DORGAN]. This is a resolution to disapprove the President's request for the extension of fast-track procedures under the Omnibus Trade and Competitiveness Act of 1988.

Fast-track authority was created by the Congress in 1974 to enable the President to negotiate complex multilateral agreements and preserve the Congress' constitutional authority to regulate foreign commerce. Without this mechanism to consider an international agreement, it would be exceedingly difficult, if not impossible, for the executive branch to negotiate agreements that are in the best interests of the United States.

Other countries would be foolish to offer their bottom line or make significant concessions in any negotiations if they knew that any Member of Congress can subsequently amend the tentative agreement after completion of bilateral or multilateral negotiations.

Mr. Speaker, this Member accepts the necessity of some such expeditious, practical procedure like the fast-track approach, although it is probably an imperfect procedure that in effect delegates too much of Congress' constitutional responsibility to regulate foreign commerce.

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This Member has, however, been very concerned with the President's current request for a simple 2-year extension of fast-track authority which covers the Uruguay round of GATT, the North American Free Trade Agreement, and the Enterprise for the Americas Initiative. In an April 23, 1991 Journal of Commerce editorial entitled "Fast-Track Needs Two Tracks," Robert Jerome has expertly laid out my concerns and thoughts about alternatives to the President's request. I will explain the thrust of Jerome's editorial and insert it in the RECORD as a part of this statement.

The three negotiations for which the President would use fast-track authority have very significant, very fundamental differences. Four years of negotiations have just been completed under the Uruguay round with precious little movement by the European Community in the crucial, keystone area of agricultural trade, eliminating export subsidies, increasing market access, or reducing trade distorting internal subsidies. This is the keystone. We can see the solution, the light at the end of the tunnel in the other 13 or 14 areas of trade negotiations. But the European Community has been adamant in resisting the necessary changes in this area to help the developing countries of the world and to reduce the burden on the taxpayers of the agriculturally competitive exporters of this world, including the United States.

The negotiations of the NAFTA raise entirely different concerns. This Member and many other Members in the House understand the wide range of geopolitical, economic, and social benefits that would occur with a NAFTA and its eventual enlargement in this hemisphere, indeed the whole Western Hemisphere. Major deficiencies now exist in measuring the expected real cost of such an agreement on the United States and the American people as compared to the benefits flowing from such an agreement. This Member is not satisfied that a careful and comprehensive study of the costs of NAFTA have been conducted, and for this reason would prefer that that agreement be developed slowly and with careful study. Instead we have a haphazard push for an agreement. It is a close your eyes and trust me scenario. Once this train starts down the track, it will be very difficult to stop it or to change course.

Economic development varies greatly between the United States and Mexico. Differences in wages may be 1 to 7 or 1 to 9. It took well over 2 years to negotiate the United States-Canada FTA, a country similar to ours with a similar standard of living.

What I am suggesting, Mr. Speaker, is that what Mr. Jerome suggests, and that is two separate tracks, both of which are approved by the Congress at this time, a 6-month or 1-year extension, which is all we need for the Uruguay round so that the Europeans do not stall us until the 22d or 24th month of the GATT negotiations and then finally we have an agreement. But we may well need 2 years, and I would suggest even 3 or 4 or 5 years to successfully complete the NAFTA trade negotiations in a fashion that will be acceptable to the American people, and therefore to the Congress of the United States.

I urge my colleagues on the Ways and Means Committee to consider this alternative. Do not place Members who believe we ought to engage in negotiation with Mexico and Canada on authority for an American free trade arrangement in a position of having to vote no, or in other words to reject the fast-track arrangement. Let us proceed with both, but on two different time schedules.

I urge my colleagues to consider that alternative.

Last fall, the President notified the Congress of his intent to negotiate a United States-Mexico free-trade agreement under fast-track authority. Neither the Finance Committee in the other body, nor the House Ways and Means Committee voted to deny use of fast tack for the United States-Mexico agreement within the next 60 legislative days. The President was then able to use the fast-track authority to enter into negotiations with Mexico.

Another deadline was then before the President, that of the expiration of fast-track authority on June 1, 1991. Accordingly, on March 1, 1991, the President requested an extension of fast-track authority to "complete the Uruguay Round of multilateral trade negotiations, complete a free-trade agreement with Mexico and pursue the trade objectives of the Enterprise for the Americas Initiative." This extension will automatically be granted unless a resolution to disprove this request—House Resolution 101—is passed by simple majority of either the House or the other body. A "yea" vote on House Resolution 101 is a vote against the extension of fast-track authority. A simple majority of "yea" votes on House Resolution 101 will end fast-track authority and in essence end the United States negotiations on Uruguay round, the United States-Mexico FTA, and the Enterprise for the Americas Initiative.

A resolution is in sight or is clearly attainable in all other areas of the GATT negotiations. Extending the fast-track authority for a full 2 years, instead of the necessary 6 months or, at the outside, 1 year, will only allow the EC another 2 years to stall and provide excuses for their unwillingness to enter into meaningful discussions of real reforms. You can bet there would be no resolution until 22 or 24 months.

The Office of the U.S. Trade Representative estimates that the lowering of tariff and nontariff barriers in the current round could increase U.S. output, in total, by $1.1 trillion over the next 10 years. This translates to $16,000 for every American family of four. It is estimated that U.S. entrepreneurs lose $60 billion annually through theft and counterfeiting of their ideas due to inadequate rules to protect intellectual property. Services would be included in the GATT following a successful round and would open new markets to U.S. firms. Service firms exported $90 billion last year and created 90 percent of new U.S. jobs. A successful round would open new investment markets to U.S. firms that now help generate $240 billion of U.S. exports—two-thirds of our total exports.

Costs of EC agricultural policies on developing countries that are so desperately poor that they are unable to feed themselves is much more significant in human terms. Artificially low market prices remove incentives necessary for the people of these countries to build an infrastructure and production agriculture system that will enable them to progress beyond their abject poverty and starvation. That wealthy, developed countries would actively employ policies which would place such burdens on the poor of the world is certainly lamentable and unacceptable.

In the agricultural area—just to give one example in one sector—the EC has also refused to resolve other disputes such as allowing the importation of United States meat and reforming their oilseeds subsidy regime to conform with the GATT, until the Uruguay round is completed. These EC actions directly reduce the income of U.S. farmers because there are no U.S. farm programs to fully protect livestock and soybean producers. Giving the EC another 2 years to continue these unfair and costly policies is not in the economic interest of the United States.

This Member has listed these items to illustrate how dearly the United States, the American people, and people around the world are paying for the EC stall in the GATT negotiations. The benefits of a successful round are very significant and the Congress should utilize its authority in every way it can to push for a timely conclusion of a GATT agreement. Extending fast track to allow for consideration of the Uruguay round for only an additional 6 months or 1 year, would be a prudent use of congressional authority.

The level of economic development varies greatly between the United States and Mexico. It took well over 2 years to negotiate the United States-Canada FTA—countries with very similar standards of living and closely entwined economies. Surely a satisfactory FTA between such disparate countries as the United States and Mexico should take a longer period to carefully develop. A good and carefully crafted agreement will provide economic, social, and political benefits far into the future. An agreement that is reached rapidly without careful study of the costs to our Nation, society, and our people, can for example, force American workers to bear unreasonable level of costs and dislocations for many years.

This member would propose that the fast track be extended for only 6 months, and at most 1 year, to complete the Uruguay round. A 2-, 3-, or even 5-year extension could be granted for attempting to carefully negotiate a NAFTA for congressional approval. In the President's "Report to the Congress on the Extension of the Fast Track," the President comments that it is "likely that few Latin American nations will be in a position to enter into FTA negotiations with the United States before June, 1993." A longer extension of fast track for both the NAFTA and the Enterprise for the Americas Initiative would be prudent and useful; in fact it is essential.

In order to separate fast track into two tracks, the House Ways and Means Committee could amend the 1988 Trade Act to allow for a short-term and long-term fast-track extension. Discussions with members on the Ways and Means Committee lead me to believe this action is currently unlikely, or at least unexplored. Regretably, this Member expects this committee to report House Resolution 101 to to full House—unamended. If the Rules Committee were to approve an open rule for the consideration of House Resolution 101, floor action could separate fast track into two tracks. In doing so the Congress would prudently exercise its authority to regulate international commerce and still positively respond to the highly favorable trends in Mexico and all of the Americas—and pave the way for a rapid and successful conclusion to the Uruguay round of the GATT.

[From the Journal of Commerce, April 23, 1991]

FAST-TRACK NEEDS TWO TRACKS

(By Robert Jerome)

Congress faces two unappealing options that could change U.S. international trade policy for the next decade: Either extend for two years the so-called fast-track authority that governs the procedures by which Congress considers trade agreements; or reject the extension and, in so doing, essentially kill both the proposed Mexico-Canada-U.S. trade talks and the Uruguay Round of negotiations under the General Agreement on Tariffs and Trade.

The first option essentially gives the administration, whose ideological free-trade zeal Congress distrusts, a blank check. The second option slams the door shut on trade talks with Mexico before they even begin, and wipes out more than four years of negotiations in the Uruguay Round.

But there is a way for Congress to allow both sets of talks to proceed—thereby giving U.S. negotiators a chance to bring home beneficial agreements—and reassert its rightful role in trade policy. All the Senate and House need to do is repackage the fast-track agreement and establish conditions that can hold U.S. negotiators' feet to the fire at both the Uruguay Round and the Mexico talks.

Fast-track procedures are useful, even essential. Without them, U.S. trading partners would never negotiate with Americans. They provide two guarantees crucial to the successful negotiation of trade agreements: Congress must vote an entire trade package up or down within 90 working days after submission. No amendments are permitted because any changes suggested by any of America's 535 independent-minded members of Congress could easily unravel delicate international compromises.

But fast track was originally designed in 1974 to treat one specific negotiation at a time, not several different sets of talks all at once. Although fast track is a generic procedure, lumping two disparate trade talks into one extension decision is a mistake. The Uruguay Round has a well-defined agenda and is four-and-a-half years old. The nascent North American Free Trade Agreement, the official name for the U.S.-Mexico-Canada neogtiations, is still on the drawing board, and formal talks have yet to begin.

A flat two-year extension of fast track—until May 31, 1993—does both talks a disservice. The Uruguay Round has drifted beyond the original deadline of last December. World trade officials are gun-shy about setting a new deadline, and, because negotiations tend to expand to fit the time allotted them, the talks are likely to drag on for two more years if the 1993 date is kept. A one year extension—until December 1991—makes more sense.

For the North American free trade talks, the situation is almost the reverse. The free trade negotiations between the United States and Canada, two countries with much in common politically, economically and socially, took four years to complete. Yet the administration is trying to rush through the North American trade talks at break-neck speed.

In addition, although both the GATT and the North American talks are governed by the same general negotiating objectives, legislators focusing on the Mexico talks are expressing concern about complex social and environmental policy issues that clearly bear on these talks, but that trade negotiators lack experience in handling. Much more time is needed for Congress and the administration to work together to develop sensible U.S. positions.

Congress should split fast-track into two parts: one for the Uruguay Round and one for the North American free trade talks. The Uruguay Round fast-track authority could be extended for one year with a congressional reaffirmation of the original negotiating authority. Congress may want to stress that no agreement will be ratified unless U.S. manufacturing interests are significantly advanced, and unless that agreement seems likely to improve the U.S. trade balance.

For the U.S.-Canada-Mexico deal, Congress should propose a five-year extension of fast-track authority to give the administration ample time to bring back the best deal possible. Further, Congress should establish specific conditions for the U.S. negotiators at the Mexico-Canada table. And the administration must propose viable solutions to the environmental and labor dilemmas.

This compromise not only allows both sets of trade talks to proceed, it creates both the incentives for a prompt conclusion to the Uruguary Round talks and the time Washington needs to get the best possible deal with Mexico.

REMEMBERING CHARLES SULLIVAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, on March 29 a friend of both this House and my home of Prince Georges County died. I would like to take this opportunity to honor the memory of Charles J. Sullivan, who for 5 years was chief of the U.S. Capitol Police during its growth period.

Sullivan, who was 88, was a native of Boston, and moved to Washington in his early years. He served in both the Army and the Navy, and served on submarine tenders and in China in the 1920's.

In 1931, he left the Navy, and joined the Washington, DC, Police Department the very next day. From that date until his retirement in 1964, except for service in the military during World War II, he remained a police officer.

During the war, he served as a lieutenant commander in the Coast Guard in Hawaii.

After service in the DC police as a precinct and investigative officer, Charles J. Sullivan was promoted to sergeant in 1940 and to inspector in 1951.

Mr. Speaker, at this time, the U.S. Capitol Police was a force of about 100 officers, largely young men appointed through congressional patronage. The DC police provided a small nucleus of professional officers, and provided additional assistance when appropriate.

In 1959, the chief's position—which was traditionally a deputy police chief's post and was reimbursed to the city by the Architect of the Capitol—became vacant, and Charles Sullivan was appointed. He served with distinction in that post until his retirement in 1964. During his tenure he laid the groundwork for the professionalization of the force.

Charles Sullivan was a member of the International Association of Chiefs of Police and the Veterans of Foreign Wars.

Mr. Speaker, Charles J. Sullivan is remembered by his large and loving family, including his wife, Rose Sullivan, of Hyattsville, MD, who he married 58 years ago; four children, John F. Sullivan of Adelphi, MD, Charles J. Sullivan, Jr., of University Park, MD, Ellen Arrascada of Reno, NV, and Rosemary McLaughlin of Bothell, WA; 14 grandchildren; and 6 great-grandchildren.

The Sullivan family has become one of the leading political families of Prince Georges County now through three generations, all under the wise leadership of Charlie and Rose Sullivan. As a young man running for office, I frequently sought the advice and counsel of the Sullivans, as did so many of my colleagues. Their support has been greatly appreciated by me over the years.

Mr. Speaker, Charlie Sullivan was a friend of this House and of Prince Georges County, and we will miss him. My condolences go to each member of the Sullivan family, and I am sure my colleagues in this House, which he worked so hard to serve and protect, join me.

HELP FOR AMERICA'S FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the time has come for this Congress to take steps to ensure the survival of what is fast becoming an endangered species: The American Family.

American families today are facing ever-increasing financial burdens in the form of rising prices for everything from housing to health care. At the same time, wages for many middle-class Americans are either stagnant or growing very slowly. To top this off, the tax burden for working families has grown dramatically since the late 1940's due to increases in State and local property taxes, Social Security payroll taxes, and the relative decline in the value of Federal tax deductions for dependent children.

Back in 1948, the Federal tax burden on a family of four with a median income was roughly 2 percent. Today, that figure has mushroomed to 24 percent. Throw in State and local taxes, and the figure rises again to as much as 32 percent.

A recent study of Internal Revenue Service figures also shows that, as a percentage of personal income, Federal tax deductions for dependent children are far less helpful today than they were in 1948. Back then, the average family deduction equaled 42.1 percent of income. Today, it's dropped to roughly 11 percent of average family incomes. This erosion in the value of tax breaks for families has occurred despite the fact that the dollar value of tax deductions for dependent children increased during the same period from $1,200 to $2,050.

The increased financial pressure on families had added to parental stress, which is a factor in our growing rates of divorce and child abuse. The income squeeze on American families also is forcing parents to spend more time working and less time with their families. That in turn hurts their children's performance in school, while encouraging the incidence of crime, suicide, and drug abuse among our youth.

Mr. Speaker, we can no longer afford to ignore these trends. As economic conditions worsen for middle-class families, we are jeopardizing the future of our country by keeping many of our young people from reaching their full potential.

To begin turning this situation around, I have cosponsored H.R. 1277, known as the Tax Fairness for Families Act. This bill will increase the income-tax deduction for dependent children from today's $2,050 to $3,500, and is designed to help reduce the Federal taxes that are now placing an unfair burden on middle-income American families.

Because of its comonsense approach, H.R. 1277 has received support from Democrats and Republicans as well as family advocacy groups on both the left and right of the political spectrum.

Finally, I'm supporting this bill because it will put precious resources back into the hands of American families. Once there, parents can use those dollars to help support their children, who are the key to America's future.

BNL SUBPOENA RENEWAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I take the floor today to deliver the third in a series of special orders related to the largest banking scandal in history—the events surrounding the Banca Nazionale del Lavoro scandal. The BNL scandal is the sensational banking fraud in which the former employees of the BNL provided over $4 billion in loans to Iraq without reporting them to the appropriate State and Federal bank regulatory agencies or even to BNL's own U.S. management in New York or to their headquarters in Rome.

But the BNL scandal had implications far beyond the fact that the State and Federal bank regulatory agencies failed to properly supervise the operations of BNL. The BNL scandal was a key factor in United States-Iraq relations in that it was eventually responsible for halting the extension of billions in United States Government credit to Iraq.

BNL KEY FACTOR IN UNITED STATES-IRAQ RELATIONS

The importance of BNL to United States-Iraq relations is best revealed in a Federal Reserve workpaper that states that Secretary of State James Baker actually talked to Saddam Hussein in September/October 1989 about the BNL scandal. In addition, there are many BNL-related telexes between Ambassador April Glaspie and the State Department in Washington.

The importance of BNL to United States-Iraq relations is further illustrated by the fact that in late 1989, the White House Director of Cabinet Affairs, along with deputies from Treasury, State, OMB, Commerce, Agriculture, U.S. Trade Representative, Export-Import Bank and a Federal Reserve Board Governor held a meeting to discuss the implications of the BNL scandal.

We also know that a former employee of BNL was close to Saddam Hussein's son-in-law, Hussein Kamel, who headed the Iraqi military industrialization effort. We also know that former BNL employees were close to several members of the Central Bank of Iraq including its Director. BNL employees visited with Mr. Kamel and high ranking Central Bank employees while in Baghdad.

The involvement of such high level United States and Iraqi Government officials is quite revealing of the importance of the BNL scandal.

BNL MAJOR SOURCE OF PRIVATE LOANS TO IRAQ

The reason the BNL scandal was so important to Iraq was money. During 1987–89 BNL was the No. 1 source of private Western bank loans to Iraq. Because of Iraq's poor financial condition, Western banks would not loan money to Iraq without a government guarantee of repayment. BNL filled the void left by Iraq's inability to borrow by providing over $3 billion in loans that were not guaranteed by Western governments.

About a third of that amount went for food and freight charges while a little over $2 billion was earmarked for the ambitious Iraqi reconstruction program. We have learned that a good portion of those funds were actually used to upgrade Iraqi military capability.

BNL also provided almost $1 billion in United States Government guaranteed loans to Iraq. BNL was the largest single bank participant in the $5.5 billion United States Department of Agriculture's Commodity Credit Corporation [CCC] Program with Iraq. Between $800 to $900 million in BNL loans to Iraq were guaranteed by the CCC.

BNL was also the second largest participant in the $267 million Export-Import Bank [Eximbank] program with Iraq. Over $50 million in BNL loans to Iraq were guaranteed by the Eximbank.

Today I will talk about United States policy toward Iraq and several key people in the administration partly responsible for United States policy toward Iraq—Brent Scowcroft and Lawrence Eagleburger. I will explore their backgrounds, their interlocking relationships and Henry Kissinger's and Mr. Eagleburger's relationship to BNL.

President Bush, as did his predecessor Ronald Reagan, placed a high value on improving United States-Iraq relations. Both saw Iraq as an important United States ally in the region. Iraq was considered an important player in the Middle East peace process, and a key to subduing the Islamic fundamentalist movement in Iran which was perceived as a threat to United States interests in the region. United States policy makers also saw in Iraq a chance to snatch away a key Soviet ally in the gulf.

President Reagan and President Bush followed a similar course of action in pursuing improved United States-Iraq relations. That course was increased trade. Since the United States decided to give the appearance of neutrality in the Iraq-Iran war, it could not provide arms shipments to Iraq. Given that decision, it was left little choice but to offer trade including U.S. high technology transfer as the cornerstone of its policy. The majority of our Western allies followed our lead.

A foreign policy based on commercial trade had the advantage of providing Iraq with high quality food and United States technology to upgrade its military capability in order to defeat Iran. It was also easy to sell back home because this policy benefited the American economy as well as some of the most powerful corporations in our country. Remember, during the latter half of the 1980's the United States was frantically seeking to improve its trade deficit so a trade-based foreign policy with Iraq appeared to serve multiple objectives.

In order for this trade-based foreign policy to work, the United States had to ignore a few Iraqi bad habits including massive human rights abuses, the imprisonment, torture and execution of political prisoners, an almost complete lack of democracy, the use of poison gas against Iraq's own Kurds, the use of poison gas against the Iranians, state-sponsored terrorism, making refugees out of over 100,000 Kurds, the execution of a foreign journalist, continual debt servicing problems, rampant fraud in the CCC program, and the diversion of United States technology to improve Iraqi nuclear, chemical and biological weapons capability and for many months BNL scandal.

A key to keeping trade open with Iraq was the availability of United States, European, and Asian government-guaranteed credit. Because of its costly war with Iran, by 1984 Iraq had exhausted its $35 billion in estimated reserves and plunged into the ranks of the Third World debtor nations. Iraq was forced to ask all its creditors to reschedule their loans. The Iraqi debt situation jeopardized the trade-based policy.

Banks and other private creditors would not touch Iraq without a government guarantee. In order to make the trade-based policy work, Western creditors had to cough up government guarantees which they did in generous amounts. For example, by 1988 the CCC Program with Iraq reached a billion dollars annually and between 1985 and 1990 the CCC Program provided roughly $4 billion in credit for Iraqi purchases of United States agricultural commodities.

The Eximbank helped provide $267 million in short-term credit to Iraq between 1985 and 1990. That amount would have gone through the roof had it not been for responsible people at Eximbank who realized Iraq was not a fundamentally creditworthy nation given the way it was running its economy and prosecuting the war with Iran.

At this time I would like to introduce a couple of lists of projects United States companies wanted to build in Iraq with the help of Eximbank financing. As you can see by 1988, U.S. companies were seeking to secure Eximbank financing for projects totalling nearly $13 billion. As you can imagine, lobbying from the export community and their bankers, along with the urging of the State Department, which was trying to achieve the trade-based policy towards Iraq, was intense. Had it not been for responsible people at Eximbank, I am convinced the taxpayer would have been struck with the tab for many of those projects. As it is, BNL helped to finance many of the very projects on the list.

On the industrial side of the ledger the United States export licensing process was used by the State and Commerce Departments, with the backing of the President's National Security Council [NSC], to increased trade with Iraq. Unfortunately, the export control process often failed to stop Iraq from obtaining militarily-useful technology even though some Defense Department officials warned that United States technology destined for Iraq was going directly into upgrading Iraqi military capabilty. The following provides an example of the official United States policy toward technology transfer to Iraq.

Dr. Stephen D. Bryen, former Deputy Under Secretary of Defense for Trade Security Policy and Director of Trade Technology Security Administration [DTSA], testifying recently before the Banking Committee, stated:

> The Department of Defense objected to about 40 percent of the export licenses that came before it for Iraq. Generally speaking, the Defense Department's strongest objections for Iraq concerned the potential use of exported goods for Iraq's nuclear program, for missile testing and construction, and for chemical and biological weapons development. Examples include special computers for missile testing, analytical instruments best suited for chemical and biological weapons development, satellite and airborne surveillance equipment to accurately locate distant targets and furnaces for Iraq's nuclear weapons development program.

Officially $1.5 billion in United States technology was transferred to Iraq through the United States export control process. Nobody knows for sure what additional United States technology reached Iraq.

On the private side, almost immediately after the United States normalized relations with Iraq in 1984, the United States-Iraq Business Forum was formed. It was founded by Mr. Marshall Wiley, a former State Department official stationed in Baghdad prior to the normalization of United States-Iraq relations. The chairman of the Business Forum was Mr. A. Robert Abboud, former chairman of First Chicago Bank, former president of Occidental Petroleum, and until recently, chairman of First City Bank in Houston, Texas. In other words, he was well wired into the U.S. business community.

To say that the Business Forum was U.S. Government-sanctioned would be going too far. But the Business Forum did play a key role in United States-Iraq commercial relations.

Many of the companies dealing with Iraq, industrial and agricultural alike, received loans from BNL. Since the Eximbank would not provide loans to finance the Iraqi industrialization effort, the Iraqis turned to BNL as a source of loans for large and small projects alike.

During the remainder of my time I would like to talk about Kissinger Associates, Lawrence Eagleburger and Brent Scowcroft. I will explore the relationship of Henry Kissinger and Lawrence Eagleburger to BNL which loaned $4 billion to Iraq. I will also talk about several interesting links between Mr. Scowcroft and Mr. Eagleburger and companies involved with Iraq.

Again, I am merely exploring the interlocking relationship between these people and United States policy toward Iraq. This special order will also offer the public a view of the role of Kissinger Associates.

HENRY A. KISSINGER

Henry Kissinger, one of the best-known and most powerful Presidential advisors of the post-war era, began his political career in 1956 as a consultant on military affairs. He advised many executive branch organizations including the Joint Chiefs of Staff, the National Security Council, and the Department of State. In 1969, he became President Nixon's National Security Adviser, and in 1973 Nixon named him Secretary of State. He held that post until 1977.

Kissinger remains active as a foreign policy analyst and consultant. In 1989, Mr. Kissinger was a member of the President's Foreign Intelligence Advisory Board [FIAB]. Members in this elite club are permitted access to highly classified information and members actually advise the President directly on intelligence issues.

In 1982, Mr. Kissinger founded Kissinger Associates with offices in New York and Washington. It is said that the firm analyzes political risk and international economic trends to help clients make concrete business decisions. Several of the Kissinger Associates clients are also members of the United States-Iraq Business Forum.

KISSINGER ON BNL INTERNATIONAL ADVISORY BOARD

Henry Kissinger was in fact a paid member of the Banca Nazionale del Lavoro Consulting Board for International Policy. Mr. Kissinger held this position during the height of the biggest banking scandal of all time was—$4 billion in unreported loans to Iraq by the Atlanta branch office of BNL.

Other former or current employees of Kissinger Associates had links to Iraq.

ALAN STOGA

Alan Stoga is a former economist at First Chicago Bank and is currently a director of Kissinger Associates. Mr. Stoga is said to be an expert in country risk analysis and international finance. He has been interested in the Middle East for many years and has made numerous visits to the area.

Mr. Stoga worked as the chief economist of the international division at First Chicago Bank. The chairman of the First Chicago at that time was A. Robert Abboud, the current chairman of the United States-Iraq Business Forum. Mr. Stoga is a friend of Marshall Wiley, the Business Forum founder, and he spoke at Business Forum functions.

In June 1989, Mr. Stoga, Mr. Wiley and Mr. Abboud, visited Iraq with other members of the United States-Iraq Business Forum. They met with Saddam Hussein who purportedly expressed an interest in expanding commercial relations with the United States.

Many Kissinger Associates clients received United States export licenses for exports to Iraq. Several were also the beneficiaries of BNL loans to Iraq.

LAWRENCE S. EAGLEBURGER

Lawrence Eagleburger, Deputy Secretary of State, has held many positions of international influence, in both the public and private sectors. Eagleburger started his political career in 1957 as a Foreign Service Officer. In this capacity, he represented the United States in Honduras for 2 years, and in Yugoslavia for 4 years.

Then in 1969, Henry Kissinger became Nixon's national security advisor, and Eagleburger served as his executive assistant. After working as a political advisor to NATO in Belgium, and as Deputy Assistant Secretary in the Department of Defense, Eagleburger rejoined Kissinger at the State Department, again as his executive assistant in 1973. In 1975, he was named Deputy Under Secretary for Management at the State Department.

Eagleburger was appointed Ambassador to Yugoslavia during the Carter administration and served in that capacity from 1977 to 1981. He has remained a close ally of Yugoslavia.

Under President Reagan, Eagleburger became Assistant Secretary of State for European Affairs, and held this position from 1981 to 1982. Subsequently, he served for 2 years as Deputy Under Secretary for Political Affairs. Before assuming his current position as Deputy Secretary of State in 1989, he served as President of Kissinger Associates Inc., a political consulting firm oganized by Henry Kissinger.

EAGLEBURGER CLIENTS

During his confirmation process Mr. Eagleburger identified a number of prominent clients of his at Kissinger Associates. Mr. Eagleburger was a director of ITT, Alcatel, Bethlehem Rebar, Global Motors, Mutual of New York, Josephson International, and Best Mart. Mr. Eagleburger was also a director of LBS Bank from 1986–1990. LBS Bank is a wholly owned subsidiary of one of the largest banks in Yugoslavia.

Global Motors, Inc. was the corporation established in the United States to distribute the Yugoslavian-made small compact car called the "Yugo." Global Motors filed for chapter 11 bankruptcy in 1989. A creditor filing suit against the investment bank acting as financial advisor to Global listed Mr. Eagleburger as a defendant in that suit.

The Yugoslavian maker of the Yugo is a firm called Zavodi Crevna Zastava (ZCZ). ZCZ is the backbone of the Yugoslavian arms industry and its main clients include Iraq, Libya, and other Eastern European nations.

As a longtime loyal supporter of Yugoslavian interests, Mr. Eagleburger was instrumental in helping both Global Motors and LBS establish their United States operations. He was not alone. As we shall see, BNL had a very substantial, and even incestuous relationship with LBS.

THE BNL–LBS NEXUS

After Iraq, BNL's largest foreign customer was Yugoslavia. BNL had loans to various Yugoslavian entities as well as a very special relationship with LBS Bank—New York (LBS). LBS is a wholly-owned subsidiary of the Yugoslavian bank—Ljubljanska Banka. Ljubljanska Banka is the second largest bank in Yugoslavia with $7.1 billion in assets as of year-end 1990.

In 1986, with the help of Mr. Eagleburger, LBS opened a State-chartered bank in New York City called LBS Bank—New York. BNL was responsible for a significant amount of the growth of LBS while Mr. Eagleburger was on its board.

During an examination of BNL in 1989, the Federal Reserve stated that between 1986 and August 1989:

> BNL fueled a significant amount of LBS's growth in the U.S. with 20 percent to 25 percent of LBS's business from BNL.

The first transaction between LBS and BNL was a credit facility established in October 1986, 3 months after LBS opened in New York. BNL also maintained a bank account at LBS. The majority of the business between the two entities—totaling tens of millions of dollars—involved the LBS purchase of loans originated by BNL. Some of those loans involved Iraq.

Other loans purchased by LBS included BNL loans to Cargill. Cargill is now under investigation for violating the Trading with the Enemy Act involving the BNL-financed sale of Cuban sugar.

FORMER BNL-NEW YORK OFFICER REPLACED EAGLEBURGER AS DIRECTOR OF LBS

Symbolic of the close relationship between BNL and LBS, the former regional manager of BNL became a director of LBS soon after Mr. Eagleburger left to take his current State Department post.

Mr. Renato Guadagnini, who worked for BNL for 39 years, was appointed a director of LBS in early 1989. Mr. Guadagnini was the regional manager of BNL's U.S. operations while the Atlanta branch of BNL was illegally loaning $4 billion to Iraq apparently without his knowledge.

It is hard to fathom how the person responsible for supervising BNL during the time it illegally loaned $4 billion to Iraq is qualified to be a director of another bank.

ANOTHER LINK BETWEEN BNL AND LBS

Another link between BNL and LBS is the chief lending officer of LBS. BNL's Christopher Drogoul, a main conspirator in the BNL loan scheme with Iraq, had a close business relationship with the chief lending officer of LBS while both were stationed in London. On occasion that LBS lending officer, as well as the chief financial officer visited BNL's office in Atlanta. BNL employees also visited LBS when they were in New York.

LBS NOT WELL RUN WHILE EAGLEBURGER A DIRECTOR

Apparently LBS was not a well run institution while Mr. Eagleburger was on its board. Upon examining the relationship between BNL and LBS in 1989, the Federal Reserve concluded:

> "LBS is conducting a very sloppy operation and supervision by the head office is extremely weak. Examiners have found a number of instances where there is a lack of documentation in loan participations with BNL. LBS does not have an internal auditor."

Sloppy management was not the only trouble LBS had during Mr. Eagleburger's tenure as director—LBS was also involved in money laundering.

LBS CONVICTED OF MONEY LAUNDERING

As we have seen, LBS and BNL had a significant relationship while the latter was perpetrating the largest banking scandal of all time. LBS was also involved in criminal activity during that same time period.

In 1988, LBS and its chairman were indicted on charges of laundering almost $1.5 million. The chairman of LBS was eventually cleared of the charges made against him, nevertheless, a jury convicted LBS of money laundering.

LBS PARENT IN YUGOSLAVIA INVOLVED IN CRIMINAL ACTIVITY

A literature search of the Yugoslavian parent of LBS revealed that it also has been involved in several criminal proceedings during the past several years. Two such scandals took place in the cities of Pristina and Titograd in Yugoslavia.

The Yugoslavian parent of LBS was also at the center of Yugoslavia's largest ever financial scandal—the Agrokmerc affair. Agrokmerc issued almost $1 billion worth of false promissory notes in local Yugoslavian currency. The parent of LBS and many of its affiliates arranged to purchase most of the notes. The scandal led to scores of arrests, the fall of Yugoslavia's vice president and shook the Yugoslavian banking system and economy.

LBS INVOLVED WITH ENTRADE WHILE EAGLEBURGER A DIRECTOR

LBS's association with criminal activity and criminals extended to the New York-based company called Entrade International, Ltd. and its chief financial officer, Yavuz Tezeller.

Entrade International, Ltd. is a Turkish-owned New York-based trading company specializing in the international trade of goods and commodities. Here BNL shows up again, as the bank was indicted with Entrade and Mr. Tezeller for obtaining unauthorized financing for exports to Iraq often with CCC export guarantees or insurance.

The Justice Department indicted Entrade and Mr. Tezeller for providing cash, houses, jewelry, vacations, and other things of value for personal use and benefit of BNL employees in consideration for the unathorized loans made to finance Entrade's exports to Iraq and elsewhere. Entrade faces a maximum fine of $54 million.

Mr. Tezeller, a Turkish national, is charged with directing Entrade's contracts with BNL and with other entities in Europe and the Middle East owned by Entrade's parent holding company, Enka. Mr. Tezeller has fled to Turkey.

LBS also extended a $300,000 mortgage loan to Yavuz Tezeller. The Federal Reserve stated that "this loan appears to have been the first and only mortgage loan made by LBS."

Given the level of criminal involvement of LBS and its parent in Yugoslavia, and its close relationship with organizations charged with criminal activity, I have written letters to the Federal Reserve and State of New York asking them to provide more information about LBS's operations in the U.S. as well as a more in-depth look at the relationship between LBS and BNL.

EXIMBANK AND YUGOSLAVIA: IS THERE AN EAGLEBURGER CONNECTION?

Mr. Eagleburger has had a long and prosperous relationship with Yugoslavia. He was Ambassador to Yugoslavia and prior to holding that post he worked in the Embassy as a foreign service officer. While at Kissinger Associates he helped set up Global Motors to distribute the Yugo and he helped LBS get started in New York. It is fair to say that over the past couple of decades Mr. Eagleburger has been one of Yugoslavia's biggest backers in the U.S. Government.

These facts could possibly explain the Eximbank exposure to Yugoslavia which stood at a whopping $1.056 billion as of March 1991. One longtime Eximbank employee stated that he "always considered Eximbank's large exposure to Yugoslavia unusual." Upon closer examination, Yugoslavia may be receiving special treatment from the Eximbank at this very moment.

BANKING COMMITTEE DENIED ACCESS TO YUGOSLAVIA DATA

Yugoslavia is now on the brink of political and economic chaos. It is being torn apart politically and the most recent Eximbank country risk analysis for Yugoslavia is not encouraging. While the Committee was able to see the country risk analyses for Iraq, John Macomber, the President of Eximbank and a friend of Mr. Eagleburger, would not permit Committee investigators access to the country risk analysis for Yugoslavia.

YUGOSLAVIA ADMINISTRATIVELY SUSPENDED FROM EXIMBANK PROGRAMS

Mr. Macomber recently decided to place all Yugoslavian transactions on hold—effectively suspending Yugoslavia from Eximbank programs. This was not done through the usual process which calls for Eximbank Board of Directors to make the call regarding the suspension of a country from Eximbank programs. Instead, Mr. Macomber decided to give the order to place all Yugoslavian business at the Bank on hold without allowing the Board to formally vote on suspending Yugoslavia.

Without a formal board action, an American exporter has no way of knowing Eximbank will not process Yugoslavian transactions. That is unless the exporter has the foresight to call the Eximbank before going to the expense of doing business with Yugoslavian concerns. The mission of the Eximbank is to serve exporters. By not formally suspending Yugoslavia, the Eximbank may be doing a disservice to American exporters.

LBS AND PARENT NOT SUSPENDED FROM EXIMBANK PROGRAMS

LBS and its parent bank in Yugoslavia both participate in Eximbank programs. Both have been involved in serious criminal activity, one in the United States and the other in Yugoslavia, yet the Export-Import Bank has not suspended either bank from its programs.

IS EAGLEBURGER MEDDLING IN EXIMBANK AFFAIRS?

The question arises why Yugoslavia has received special treatment from the Eximbank. Has Mr. Eagleburger influenced the actions of Eximbank? Mr. Macomber has stated that Yugoslavia has not received special treatment, but that statement is hard to understand given the facts.

For example, longtime Eximbank staff stated that it was rare that an Eximbank President would take a unilateral action to place business with a nation on hold. They also stated that it was unusual for the Eximbank to decide not to formally suspend a nation that is suffering from such severe economic and political problems and is in arrears on Eximbank programs. Yugoslavia is evidently such a country.

Staff at the Bank stated that Mr. Macomber speaks to Mr. Eagleburger often, sometimes as often as two or three times a day. They also indicated that the topic of discussion between the two is sometimes Yugoslavia.

Mr. Macomber has stated that although he has frequent chats with Mr. Eagleburger, the topic of Yugoslavia has never been broached. This seems highly unlikely given Mr. Eagleburger's position, his obvious interest in Yugoslavia and the importance placed on the Eximbank program in Yugoslavia.

It would seem reasonable that Mr. Eagleburger would inquire about Yugoslavia's status at Eximbank, but according to Mr. Macomber this has not been the case. What is clear is that Yugoslavia is receiving special treatment from Eximbank. At this time the Committee does not know why.

EXIMBANK PLAYING GREATER FOREIGN POLICY ROLE

Considering the Administration proposal to allow Eximbank to finance $1 billion in military sales, and to open up a $300 million Eximbank program with the Soviet Union, the trend toward using Eximbank as a foreign policy tool is clear.

This is a disturbing trend. The Eximbank was created to assist U.S. exporters. It was not created to be a major foreign policy tool. Rest assured, in order to protect the taxpayer investment in the Eximbank, the Banking Committee will continue to fight to maintain the commercial export promotion function of the Eximbank.

BRENT SCOWCROFT

Another Kissinger Associates alumni is Brent Scowcroft, a career Air Force officer and a specialist in Slavic languages and history, who has held various positions in six administrations. Early in his military career, Scowcroft served 1 year as the air attache at the United States embassy in Belgrade, Yugoslavia.

After earning a Ph.D. and working in academia from 1962 to 1968, he held a succession of national security posts in the Department of Defense. In 1971, President Nixon appointed Scowcroft Military Aide to the President and in 1973, Kissinger chose him to be Deputy Assistant to the President for National Security Affairs.

Scowcroft often took charge of the National Security Council while Kissinger was fulfilling his duties as Secretary of State, and in 1975 succeeded Kissinger as National Security Adviser under President Ford. Although he resigned the position during the Carter administration, Scowcroft stayed active as a member of the President's general Advisory Committee on Arms Control.

In 1982, Scowcroft joined Kissinger in setting up Kissinger Associates. Scowcroft served as vice chairman until regaining his position as National Security Adviser to President Bush in January 1989.

During his tenure at Kissinger Associates, President Reagan appointed Scowcroft to various special commissions on defense issues and often sought his advice in national security matters.

SCOWCROFT OWNS STOCK IN 40 COMPANIES WHILE NSC DIRECTOR

Mr. Scowcroft's financial disclosure forms indicate that up until October 4, 1990, he owned stock in 40 companies. Several of the companies, like Lockheed and General Electric, are among the Nation's largest defense contractors. Other companies include multinationals like General Motors, ITT, Westinghouse, AT&T, Mobil Oil, Du Pont, Xerox, and Hewlett-Packard. Some of these companies are also defense contractors, but all routinely must obtain export licenses as a part of their international business operations. The NSC has considerable sway over the export licensing process. To this day he still owns stock in many of those companies.

Mr. Scowcroft's stock holdings are most startling since the actions of the NSC, whether related to the export licensing process or U.S. security policy, could have an influence on those companies.

NSC HAS CONSIDERABLE SWAY OVER EXPORT LICENSING

As I stated earlier, when George Bush took over as President, he issued a national security directive ordering improved relations with Iraq. The President, with the advice and consent of his senior advisers, including Mr. Eagleburger and Mr. Scowcroft, determined that the best way to improve relations with Iraq was through expanded trade. This policy was little different from that pursued during the Reagan administration.

The NSC has direct responsibility carrying out the President's national security directives. In the case of export licensing, the National Security Act of 1947, and subsequent legislation provided the President, through the National Security Council [NCS], with ample authority to establish policies on export controls.

To get a feel for the export licensing role of the NSC during the Reagan-Bush administrations, just look at the comments of Paul Freedenberg. He was the chief export licensing official at the Commerce Department during the latter half of the Reagan years and the beginning of the Bush administration.

He recently testified that Iraqi use of poison gas against its own Kurds and the Iranians did not suppress the zeal of the NSC to approve technology transfer to Iraq. In testimony before Congress, Freedenberg stated:

> In the summer of 1988, a number of licenses were pending with regard to technology transfer to Iraq. I asked for official guidance with regard to what the licensing policy would be toward Iraq since by that time there was credible evidence of the use of poison gas by the Iraqis against their own people and also against the Iranians. I suggested that the imposition of foreign policy controls be considered as a way of justifying the denial of export licenses to Iraq. I was told by the National Security Council that the licensing policy with regard to Iraq was that of normal trade and that under normal circumstances I should clear the licenses that were pending. I passed that information on to my licensing officers and the few dozen licenses that were pending at that time were approved and licenses were issued for exports to Iraq.

This provides clear insight into the power the NSC can exercise over the export licensing process.

I would also like to include in the RECORD an article from the February 25, 1991, issue of Legal Times. This article gives the reader a good overview of Mr. Scowcroft's and Mr. Eagleburger's role in promoting military sales. The article illustrates that an environment existed that could make it possible for Iraq to obtain sophisticated U.S. technology to upgrade its military capability. The truth about the export licensing process is that the NSC and the State Department ignored or actually encouraged the transfer of militarily useful technology to Iraq in violation of its public oath to prohibit such uses.

Regarding the question of whether or not the companies that Mr. Scowcroft owned stock in benefited from the United States policy toward Iraq, I can reveal one fact: Together, those companies received over 100 out of the total 800 U.S. export licenses for sales to Iraq.

NAMES CANNOT BE RELEASED

Unfortunately, the names of the companies cannot be released at this time. The administration has stated that the list of export licenses for Iraq must be kept secret because of the supposed "proprietary" information it contains. Maybe the real reason for the secrecy stance is that the administration is embarrassed by the list because it symbolizes the abysmal failure of the trade-based approach to foreign policy.

KISSINGER ASSOCIATES AND THE GENERAL MOTORS-VOLVO TRUCK PLANT IN IRAQ

The following is an interesting story involving General Motors and Volvo and their link to Mr. Eagleburger and Mr. Scowcroft and BNL, and illustrates the odd triangle linking foreign policy toward Iraq, and BNL's role in financing it—not to mention the role of Kissinger Associates.

Volvo was a client of Kissinger Associates and the chairman of Volvo, Pehr Gyllenhammar, was on the Kissinger Associates board of directors with Mr. Eagleburger and Mr. Scowcroft. Mr. Scowcroft owned stock in General Motors until at least October 4, 1990.

Mr. Scowcroft's and Mr. Eagleburger's jobs placed them in a position of considerable influence over United States-Iraq trade. Both were responsible for carrying out the President's directive calling for improved relations with Iraq.

Volvo and General Motors are partners in a company called Volvo GM Heavy Truck Corp. In 1989, Volvo GM Heavy Truck proposed to build a 5,000-unit-per-year heavy truck factory in Iraq. A copy of that proposal is in the record.

GM and Volvo had considerable dealings with Iraq. In 1988, GM sold 5,125 Chevrolet Celebrities to Iraq. During 1989, GM secured financing from BNL for 10,000 Cutlass Cieras to be sold to Iraq. The BNL operation may have been shut down prior to actual disbursement of BNL moneys. BNL money paid for Volvo exports of spare parts for dump trucks, water tank trucks and tanks, and units for Volvo diesel engines to Iraq.

GM frequently met with Eximbank officials to secure additional GM projects in Iraq totaling an estimated $800 million.

Hussein Kamel (or Kamil) is Saddam Hussein's son-in-law. BNL employees met with Mr. Kamel when they traveled to Iraq. Mr. Kamel is said to have been responsible for the secret Iraqi technology procurement network operating in Europe and the United States; Mr. Kamel was the head of the Ministry of Industry and Military Manufacturing in Iraq.

On June 20, 1989, Volvo GM Heavy Truck Corp. wrote to the Iraqi Minister of the Ministry of Industry, Hussein Kamel, proposing the construction of a 5,000-unit-per-year heavy truck factory in Iraq. The Volvo GM letter failed to add the words "Military Manufacturing" to Mr. Kamel's title.

Two other U.S. automotive companies considered participating in the project. They were Cummings Engine Co. and Eaton Corp., Cleveland OH. In a memo describing their visit to Iraq, Volvo GM staff stated:

First, the delegation meeting them was headed by a Brigadier General.

Second, the ministry they met with is responsible for Industry and Armament.

Third, the delegation visited a number of top secret defense operations.

The Volvo GM memo goes on to state:

> U.S. authorities have been approached with the objective to obtain loans from the Eximbank. The different government agencies have responded very positively and appointments are made for further talks with the government including the White House. So far, no credit line is available from Eximbank.

Who at the White House was contacted remains a mystery. But the White House was not alone in being sought out to support the project. Eximbank received 15 letters from Congressmen, Senators, and one Governor interested in Eximbank financing for the truck factory.

Thankfully for the taxpayer, the Eximbank refused to fund the project because it did not think Iraq was creditworthy. The project provides a good illustration of the sort of pressure the Eximbank was under to do business in Iraq.

EATON CORP IDENTIFIES MATRIX CHURCHILL AS IRAQI OWNED COMPANY

A startling revelation appears in the Eaton Corp. portion of the Volvo GM memo. In that portion of the memo an Eaton employee states: "It is interesting to note that Matrix Churchill in the U.K. is 75 percent owned by the Iraqi Government."

Matrix Churchill, Ltd., was the prime Iraqi front company operating in the United Kingdom. Its Cleveland, OH affiliate, Matrix Churchill Corp., was the main Iraqi front company operating in the United States. Matrix was responsible for procuring technology to be used in Iraqi weapons factories.

What is amazing is that the U.S. Government did not confiscate the Cleveland operation of Matrix until September 1990 and the British did not confiscate the London operation until October 1990, both after the Iraqi invasion of Kuwait and months after Iraqi assets were supposed to be frozen.

BNL was a main source of funds for Matrix Churchill and other members of the secret Iraqi technology procurement network.

SCOWCROFT-EAGLEBURGER AND EXIMBANK MILITARY SALES

The Legal Times article I referred to before mentions the Eagleburger-Scowcroft effort to get the Export-Import Bank to finance military sales. I have two points to make regarding the Eximbank financing of military sales; the first regards Iraq.

I have evidence showing that Eximbank backed the sale of military articles to Iraq. I would like to place in the RECORD several examples of Eximbank financed military sales to Iraq. In 1986, the Eximbank approved the sale of 600,000 dollars' worth of portable radio communications equipment and in 1987 it approved the sale of "250 armored military truck ambulances" to Iraq. I have also included a Mack Truck sale of 200 fifth wheel trucks to Iraq that the Eximbank refused to finance because of their military applications. Mack Truck sold trucks, tractors cranes, and dumpers worth $6.4 million to Iraq with the help of BNL loans. Iraq also paid for 40 heavy duty Mack truck chassis worth over $2.5 million with BNL loans.

The sad part about the Exim-backed sales to Iraqi is that only a small handful of the 187 transactions were checked for military use by the Eximbank engineers familiar with dual-use technology. The vast majority of the Eximbank backed sales to Iraqi were checked only by a loan officer.

Nobody really knows the extent of Eximbank-backed militarily useful exports to Iraq. It is imperative that the Banking Committee plug the loophole that allows Eximbank-backed exports to go to dangerous nations without being adequately checked by professional engineers.

The second point I have relates to the Eagleburger-Scowcroft proposal to finance $1 billion in military sales using Eximbank. I have stated before and I will state again, Eximbank should not be used as a tool to augment declining military sales.

This program should be run out of the Defense Department using their resources. Eximbank is poorly equipped to review the military implications of given sales.

CONCLUSION

One interesting question that remains unanswered is why United States law enforcement authorities have not arrested or charged many companies with violations of U.S. export control laws related to Iraq. Other governments, such as Germany, have announced efforts to pursue dozens of companies, many very prominent, for criminal violations of export control laws. I challenge you to name one United States company that has been indicted for violating the export control laws related to Iraq.

Clearly, it was official U.S. Government policy to provide Iraq with the credit necessary to purchase enormous amounts of United States agricultural products and sophisticated United States technology. Warnings about the military uses of the technology, warnings about Iraq's creditworthiness, and warnings about Saddam's ruthlessness were routinely ignored.

It was in this climate that the BNL flourished, and close friends of those in key positions of power facilitated and profited from this shortsighted policy. This official neglect may in large part account for BNL's disastrous conduct.

□ 1230

Mr. Speaker, let me conclude by saying that the worst of all is that this is just a small fragment of the huge, over 730 billion dollars' worth, of this type of money, foreign financing or banking money in our country, that is here, that can just—with a small proportion of that, as in BNL, propel huge financial packages, for God only knows what purpose, because nobody in our Government knows, neither the Federal Reserve Board nor the State banking regulators in the States where these foreign entities charter their agencies, know just what is being done in the United States.

Mr. Speaker, as chairman of the committee I have set forth the urgent need for the Congress to legislate with some priority in order to provide the American people with the sufficient assurance that their national interests and the very policies of their Government are in turn being protected, and at least being overseen.

Mr. Speaker, at this point I include for the RECORD the documents I have referred to during my special order.

VOLVO GM HEAVY TRUCK CORP.,
Greensboro, NC, June 20, 1989.

To the Minister of Ministry of Industry.
His Excellency HUSSEIN KAMEL,
Baghdad, Republic of Iraq.

DEAR MR. MINISTER: Enclosed you will find our proposal for an industrialization project aimed at manufacturing heavy duty trucks in Iraq that has been studied by Volvo GM Heavy Truck Corporation on the request from Volvo International Development Corporation, Gothenburg, Sweden.

This project is based on the close cooperation between the four following major automotive companies in the U.S.: Volvo GM Heavy Truck Corporation, Cummins Engine Company, Incorporated, Eaton Corporation, Rockwell Corp.

The four members of this project have a wealth of knowledge and a vast experience in establishing assembly and manufacturing operations throughout the world.

With the present, we are offering to transfer the combined technology gathered by these companies over a long period of years in a project which we propose to contain the following:

Truck assembly with local integration.

Cab welding and stamping operation.

Transmission assembly with local integration.

Rear axle assembly with local integration.

Engine assembly.

As our knowledge of the infrastructure, cost level, etc., of Iraq is not completely up to date at the moment, this project proposal is based on experience from similar projects realized earlier.

The estimation of investments is based on the U.S. cost level of June 1989, and will with all probability, have to be subject to adjustment at the time of negotiations.

This proposal should be regarded as guidelines for the implementation of the project and all aspects of the same needs to be agreed upon by the buyer and the seller in detailed negotiations.

A credit line for the supply of equipment, machines, know how, etc., can be obtained upon acceptance and approval by the authorities of both the Republic of Iraq and the United States of America.

Sincerely,

THAGE BERGGREN,
President and C.E.O.

MANUFACTURING PROJECT IRAQ, JULY 18, 1989

ASSUMPTIONS BEFORE TRIP, JUNE 25, 1989

Volumes up to 5,000 units/year, but probably no more than 2,000–3,000 units/year.

Exports of "surplus" to neighboring countries.

Equity participation; Iraq's way of assessing our interest—not seriously considered.

Local integration; technological infrastructure not known to exist.

REPORT

The way in which our delegation was received and entertained by Iraqi officials caused great astonishment between the delegation members, since nothing similar has been experienced by VIDC over the fifteen year period that Volvo had been dealing with Iraq.

The day after we arrived a committee was formed consisting of six civilian engineers and doctors headed by a Brigadier General. This committee kept our delegation busy 12 hours a day for five consecutive days (including their weekend). During this time we met with two 1st Deputy Secretaries and one Deputy Secretary. The ministry we met with is responsible for Industry and Armament.

The responsibility for industrialization of Iraq has been placed with the Iraqi Army. Consequently the plant managers that we met were colonels or generals.

Our proposal was handed over and read by the committee, and immediately they realized our misconception of the Iraqi technical infrastructure, i.e., the Iraqi infrastructure is very advanced (see attached report).

Our group was brought to a number of plants where everything was unveiled, even what would be considered top secret defense operations in any country.

When realizing that our proposal was based on invalid assumptions we chose to withdraw the proposal, and it was agreed upon between the two parties that a new presentation will be made in August of a restructured proposal.

In our restructured proposal the following Iraqi requirements will have to be addressed:

Re-export of vehicles.
Increased local integration.
Transfer of technology.
Short start up time.
Equity participation.
Financing.
Long term commitment.
Demo vehicle.

RE-EXPORT

It was firmly expressed by VGHT that a strong home market is the base for successful export. Iraqis on the other hand demanded a high portion to be exported. Finally we were assured that no difference in export requirements would be imposed on Volvo as opposed to Mercedes.

INCREASED LOCAL INTEGRATION

It is fully possible to meet the Iraqi requirement for local integration. Iraq demands 75% of the finished product value to be Iraqi, and our proposal is not far from that level (46 percent of the unassembled kit).

TRANSFER OF TECHNOLOGY

The requirement in this area was already know to us and has been quantified.

SHORT START-UP TIME

The Iraqi position is that full integration as related to the proposal is to be reached within three years after production start.

Our revised proposal will show this although there is no final solution at this time as to manning the project force necessary to achieve this task.

We presently assume that a skeleton force could be brought in from Sweden to be filled in with various capacities from our own organization when needed.

EQUITY PARTICIPATION

Iraqis are requesting us to be part of a joint venture in Iraq.

Our position is to offer all project costs, start-up costs, and cost for transfer of technology (Iraq visits to the U.S. excluded) free of charge.

This will account for approximately 13 MUSD out of total 91 MUSD.

At this time indications are that Eaton and Rockwell are prepared to carry their portions of this amount. At present Cummins' position is very negative in this respect. The VGHT portion would be 5.5 MUSD and includes 1.5 MUSD capital investment in a packaging facility expansion.

We must expect that Iraqis will claim that this is not enough.

FINANCING

No project will be started without financing. We believe that at least a five year line of credit has to be established both for investments, and for sale of kits.

The U.S. authorities have been approached with the objective to obtain loans from the EXIM bank.

The different government agencies have responded very positively and appointments are made for further talks with the government including officials in the White House. So far, however, no credit line is available from EXIM bank.

LONG-TERM COMMITMENT

The Iraqis require us to make a long term commitment to support and supply manufacturing of trucks in Iraq. This requirement would be very much in line with our own interest since marketplaces presumably closed to us very well could be open through Iraq.

DEMO VEHICLE

For demo and test purposes it is important to provide the Iraqis with a vehicle—they did request two. The vehicle has been spec'd out and an order is placed with Ogden.

The cost for this vehicle will be split between our partners, VGHT and VIDC. The vehicle will be presented at the international fair in Baghdad and placed in front of the American Pavilion.

MEMORANDUM OF UNDERSTANDING BETWEEN MINISTRY OF INDUSTRY, REPUBLIC OF IRAQ AND VOLVO INTERNATIONAL DEVELOPMENT CORP.

It is understood that both parties have expressed their interest in the field of cooperation with regards to manufacturing Volvo passenger cars/Volvo GM trucks in the republic of Iraq.

Whereas, the Iraqi partners expressed their interest in achieving a higher level of local integration for both cars and trucks.

After taking several visits to Ministry's different industrial installations, the Volvo/Volvo GM delegation have arrived at the conclusion that a high level of local integration is both viable and practical.

Therefore, the delegation shortly upon their return shall restructure their proposals for the Ministry's evaluation, taking into consideration:

The Iraqi side informed Volvo group that this project should aim for export to the Arab markets and other markets and to accomplish a very high level of export as well as the home markets.

The production size is to be based on most economical size based on marketing demand and possibilities.

To be based on maximum possible local integration based on the impression acquired during the visit to Iraq and the high technology level existing in Iraq.

The presentation of the new proposal is scheduled at the end of August 1989.

On this occasion Volvo/Volvo GM, along with their components manufacturers, have great pleasure in extending an invitation to their Iraqi hosts to visit their industrial car and truck plants in Sweden and United States of America respectively, prior to final agreement.

SUMMARY OF MANUFACTURING FACILITIES IN IRAQ

Having visited 14 plants in 3 different locations and knowing of present and future development we are sure that Iraq is proceeding in the right direction for future industrial development.

In effect Iraq has at present, good manufacturing capacity and technical expertise in many different areas which are essential for the basic infrastructure and industrial support that the automotive industry requires.

Without going into details, some of the industries available locally today are:

Foundries for cast alloy steels, gray iron castings and investment castings. Heavy forgoings and auto parts forgings, tools, jigs and fixtures, dies and patterns manufacture, huge capacity for turning, milling, grinding and heat treatment, except carburizing continuous furnaces, some CNC machine tools manufacturing commencing, stamping and miscellaneous parts machining, high speed steel tools, batteries, fibre glass, tyres, spark plugs, aluminum injection molding, glass for windows and windscreens, plastic injection molding (for TV casing and other applications) and many other activities.

All in all it is evident that the technological degree and production capacity achieved by Iraq is much higher and perhaps better, than many other Middle East countries.

The professionalism and technical level of employees and managers, in parallel with their discipline, makes a good impression and is very promising for the future manufacture of automotive parts and components in Iraq.

VISIT TO THE INDUSTRIAL SITES—IRAQ

General NAZAR EL-KASSER organized visits to several industrial facilities around Baghdad and near BABYLON, for the VOLVO GM/Eaton delegation. The visits were well organized and carried out in two days, Thursday 29th June and Saturday 1st July.

SUMMARY

Plant 1

Precision Castings or Investment Castings foundry, using Lost Wax methods. Capacity 1,500 tonnes p.a. Very updated in technology with its own tools and dies shop. Engineering office quite modern in concept and in process of implementation of CAD/CAM systems. Automatic quality control for most of the components and extremely clean.

Plant 2

Nasser Enterprise, Special Steel Foundry products: gray iron, low carbon steel, high chromium steel, heat resistant steel and high manganese steel. Ductile iron programmed for early 1990. Capacity 22,000 Tonnes per year in two shifts.

2 Disamati Auto Molding Line Capacity 330 molds/hour per line. Danish made.

1 Konkelwagner Automatic molding line with capacity up to 50 molts/hour. W. German made.

5 of 6 tonnes each of mid. frequency induction furnaces with 3 electrical feeders.

2 Arc furnaces, 7 tonnes each.

Hand molding for low volumes up to 6 tonnes. Heat treatment: Annealing, tempering, quenching, etc.

Manning: Total 1,000 people in 3 shifts.

Capacity available 40/50 percent.

Plant 3

Large machinery shop dedicated to the manufacture of Tools, Dies, Patterns, approx. 160 machines available of the best makes possible to find: Blohm grinders, Sips Jig Borers, Hausers jig grinders, Voumard grinders, Oerlikon & Shaudt grinders, to name some of them. Plant Approx. 150 mts. × 120 mts. Computerised quality control. Engineering and design aided by CAD/CAM, mechanical test department.

Plant 4

Pressing Shop.

(2) 1,500 tonnes hydraulic presses, continuous processing line with induction heating, shearing and pressing, all in an auto feeding line.

Plant 5

(2) 800 tonnes presses and (1) 500 tonnes press with ejectors double effect presses.

Plant 6

CNC Lathes assembly line—Under Matrix Churchill license. In the second step early next year they will machine the frames and other mechanical parts and in the 3rd phase they will go to the electronics. Today they use Fanuc. It is interesting to note that Matrix Churchill in the UK is 75 percent owned by the Iraqi government.

We were told that a similar project exists for the manufacture of CNC machining centres. The building is already under construction.

Plant 7

General Machining Shop—with high capacity for turning, milling, grinding and heat treatment. This shop will be assigned to the Automotive Industry.

Plant 8

Plastic Molding.

(1) NB 1,000 tonne press and (2) NB 520 tonnes presses for plastic injection molding.

Plant 9

Jigs, fixtures, tools, dies and guages manufacturing plant. These can machine large parts, not forging dies, milling cutters, drills reamers, gear cutting tools fellows type and hobbs, supported by its own Engineering office and test lab.

Plant 10

Forging Plant—several hydraulic presses plus (2) of 1,000 tonne and (1) 4,000 tonne capacity.

Plant 11

High speed steel tools, heat treatment in vacuum. CNC machining centre for hot stamping dies. (2) deep hole drills, high capacity.

Plant 12

Large machining shop with huge equipment with a mill/planner up to 24 mts. length.

Plant 13

General Turning—Enormous turning capacity with copy lathes and a large number of CNC lathes up to 500 mm dia swing capacity. Most of them Diamant and Matrix Churchill makes.

Plant 14

General Machining Shop—for fasteners, small and miscellaneous parts. Large amount of Index machines and Gildemeister Bar machines (4) veritical CNC machining centres with double tool magazine.

We also saw another building about 200 mts. by 100 mts. which will be a high volume Foundry, with capacity up to 70,000 tonnes. per year, mainly to produce centrifugal castings.

General Nazar told us that there is also in implementation an aluminum die casting facility in the next 12 months with injection molding as well.

There are 2 plants that produce 4,000,000 tyres/year for truck and buses and 3 more in construction. Facilities to manufacture batteries with license from Chloride USA with high capacity. Spark plugs factory, Marelli license with 20,000,000 capacity per year. Fibre glass plant also is available and is under study. A bearing manufacturing facility and other industries are under study.

DEFENSE EXPORTERS' SECRET WEAPONS

(By Peter H. Stone)

For embattled weapons exporters, it was a salvo heard round the world.

Last July, Deputy Secretary of State Lawrence Eagleburger fired off a classified memo to all U.S. embassies urging that U.S. defense firms be given more help marketing weapons abroad.

Some industry leaders boast that the Eagleburger memo was written at their behest, several months after a January 1990 meeting with defense executives. And these leaders say that Eagleburger's directive is starting to provide an extra fillip for foreign sales.

The memo is just one result of the Bush administration's decision to put the government firmly in the business of promoting defense exports. Ambassadors now open doors, weapons makers may soon qualify for government-backed loans, and the State Department helps push sales.

But the change of policy is controversial—and ironically timed, as the war in Iraq raises new worries about the proliferation of weapons.

A key proponent of the pro-export policy has been Eagleburger. But he is dogged by ethical concerns about his dealings with former business associates.

One industry representative at the January meeting with Eagleburger was chief executive of a defense subsidiary of the ITT Corp. Eagleburger was a director of the ITT Corp. before taking office in 1989 and will eventually receive benefits from the corporation's pension plan. He pledged to recuse himself from government matters in which the giant conglomerate is a formal party.

In addition, as president of the consulting firm Kissinger Associates Inc., Eagleburger did work for ITT.

At least one critic believes that Eagleburger erred by participating in the meeting with the ITT official and by writing the directive promoting defense exporters. But a State Department legal expert says that Eagleburger, who declines comment, did not violate his recusal pledges.

ADMINISTRATION AID

Eagleburger's memo is just one of several administration moves to provide help overseas for weapons makers.

President George Bush's budget proposal, for instance, authorizes the Export-Import Bank of the United States to provide in the next fiscal year up to $1 billion in loan guarantees for defense products. Several companies have pushed hard for such guarantees, in a bid to make their deals more competitive with foreign rivals.

In addition, the State Department last year jettisoned its Office of Munitions Control, long a target of criticism from the defense industry because of delays in processing license applications. The office was replaced with a larger operation that for the first time has an export-promotion component. Industry leaders say the new Center for Defense Trade has already made a clear difference in speeding up the licensing process.

"The difference between 1980 and 1990 is pretty close to a quantum leap," says Fred Haynes, a vice president for planning at the LTV Corp. "The most significant change is that defense exporters are receiving cooperative support from U.S. agencies and are no longer viewed as pariahs."

"I think we've found that a number of embassies are more supportive," agrees George Perlman, president of Martin Marietta International Inc. "It has been helpful for the people that I have overseas."

The backing for weapons exports follows high-powered lobbying by leading defense trade groups, including the Aerospace Industries Association and the American League for Exports and Security Assistance.

In addition, several defense contractors have served as effective advocates for their cause. They include some CEOs and other top officials from the Lockheed Corp., the United Technologies Corp., the Martin Marietta Corp., the LTV Corp., the Raytheon Co., the Grumman Corp., and ITT Defense Inc.

A SHOT IN THE ARM

State Department officials and defense executives stress that defense exports are different from commercial trade since they must be deemed in the national interest before sales are allowed. Nevertheless, the thrust of the recent lobbying campaign and the government's campaign to promote export has been to spur defense business abroad, which has been in the doldrums for years. Worldwide export deliveries of U.S. arms totaled $16.5 billion in 1987, but by 1989 had slipped to $11.7 billion.

Defense executives have used the shrinking defense budget as a key element in their campaign to increase foreign sales. With the Pentagon budget going down, they argue, exports are critical to individual companies and to the well-being of the defense industrial base. The war against Iraq notwithstanding, annual defense spending is projected to decrease by some $56 billion, in constant dollars, over the next five years.

"International opportunities are a must-do for the defense industry," says Gordon Adams, the director of the Defense Budget Project, an independent research group on defense issues.

"You can't just drive over there," Adams adds. "If you want to get into the foreign government, you've got to get into the American government."

That's just what the industry has been busy doing. And it has had a strong and well-placed ally in Eagleburger, who, along with National Security Adviser Brent Scowcroft, has been instrumental in forging closer ties between U.S. agencies and industry export programs.

REVERSING THE LEPROSY LETTER

For years, exporters smarted over one legacy of President Jimmy Carter. Dubbed the leprosy letter, the directive instructed U.S. embassies to steer clear of defense firms because of concerns about regional arms races and high-tech weapons proliferation. Companies complained that many foreign governments took the opposite approach, providing their defense industries with strong encouragement for exports.

Now that's all changing. And Lawrence Eagleburger has been getting a lot of the credit.

"Larry has made a substantial difference. He's probably the most sympathetic guy who's been up there in years," says Joel Johnson, vice president for international operations at the Aerospace Industries Association (AIA), a trade group made up of 56 of the nation's leading aerospace firms.

Defense officials have been direct in their approaches to Eagleburger.

At the January 1990 dinner meeting with defense executives, he was urged to send a clear signal to U.S. embassies in favor of defense exporters.

"We encouraged Eagleburger to do that, and he said he would be glad to do that," says Don Fuqua, a former Democratic congressman from Florida who is president of AIA.

Adds Perlman of Martin Marietta, who wasn't at the meeting, but has worked on export issues: "We were happy when Eagleburger, under pressure from the industry, put out his directive."

According to a State Department release in August, Eagleburger's July 10 cable advised embassies to be "well informed about, and responsive to, U.S. defense industry sales in host countries. Posts may provide pertinent country information to industry representatives," including help in setting up appointments for U.S. executives.

Fuqua says the January meeting was attended by a few members of the AIA's executive committee, including D. Travis Engen, the chief executive officer of ITT Defense, which makes radar-jamming systems for fighter planes and night-vision equipment. The meeting, Fuqua adds, also focused on the need to expedite licensing procedures.

Engen confirms that he attended the meeting, but says he cannot remember whether the need for a letter to U.S. embassies was discussed. He did recall joking briefly with Eagleburger about how they should be on good behavior at this gathering, considering their past corporate ties.

Eagleburger was on the board of the ITT Corp. from June 1984 to March 1989. The annual director's fee varied; in his last full year, he received $84,759, according to his financial disclosure form. As a former director, he has a vested pension plan from ITT that will kick in when the 60-year-old Eagleburger turns 65.

Through Kissinger Associates, Eagleburger also had ties to ITT, which was one of his clients. Eagleburger was president of Kissinger Associates from 1984 to 1989.

Eagleburger terminated his director's role with ITT and other companies when he joined the Bush administration in 1989.

To avoid any appearance of conflict, Eagleburger said that, among other steps, he would recuse himself for his whole term from any matter in which the ITT Corp. was a "formal party or in respect of which it is known to me to have a direct and predictable effect on my interest in the ITT pension plan for outside directors."

Eagleburger also agreed to recuse himself for one year from matters specifically involving his former clients at Kissinger Associates. That year expired on March 20, 1990, weeks after the Jan. 8, 1990, meeting with defense officials that was attended by ITT Defense's Engen.

While Eagleburger would not comment, a State Department lawyer, speaking on the condition of anonymity, says that Eagleburger—through his meeting with the ITT Defense executive and through his subsequent embassy cable—did not violate his pledge to recuse himself from matters relating to ITT.

"We don't think the general promotion of exports, even industry specific exports, is a matter in which the ITT Corp. is a formal party," this offical says.

The ITT Corp. was not a formal party because the memo promoting exports was a general policy initiative that affected all American defense companies, not just ITT, according to this official.

Another federal ethics officer concurs that Eagleburger's actions did not violate any ethics standards. *Formal party*, this official says, is generally understood to mean a company or individual with a petition or other official proceeding pending at the department.

In the one-year recusal from matters relating to his former Kissinger clients, Eagleburger did not specify that only situations where the clients were formal parties were covered. Nevertheless, the State Department official says that the "formal party" standard applies.

At least one liberal public-interest activist, David Cohen, co-founder of the Advocacy Institute, is not convinced by the State Department's explanation.

"It doesn't matter that the whole industry benefits," says Cohen, whose organization trains public-interest advocates. "In this instance, there's a clear and direct benefit to the ITT subsidiary."

As for the notion that ITT *individually* would have had to petition Eagleburger for help in order for the recusal pledge to come into play, Cohen calls it "a distinction without a difference."

Cohen adds that Eagleburger's presence at the meeting and his writing of the cable are issues that the State Department and the Office of Government Ethics ought to address.

Eagleburger is not the only high-ranking official who has passed through the revolving door and is now pushing defense exports from the inside. Defense lobbyists also tout the help they've received from National Security Adviser Scowcroft, who for a time headed Kissinger Associates' Washington office. Scowcroft, who could not be reached for comment, also served as a consultant to the Lockheed Corp.

William Paul, a senior vice president for the United Technologies Corp. in Washington, says he and three other industry officials met with Scowcroft last year on the issue of developing a cohesive administration policy on defense exports. Noboby from Lockheed attended that meeting, participants say.

"We talked about how the U.S. should have an affirmative policy for defense exports," Paul says. "We've gotten very good responses from Brent Scowcroft."

"Our role has been to stay with it and keep the pressure up," Paul adds. "This administration has been absolutely superb."

The AIA's Johnson says that both Scowcroft's and Eagleburger's offices had significant roles in developing the administration's proposal to provide loan guarantees for weapons exports from the Export-Import Bank.

Without question, the defense industry's spadework is paying off. In relationships with other countries, the sale of defense weapons is now on the table with other issues.

"We're now putting on the bilateral agenda issues like [defense exports]. When there's a sale pending, we're putting these sales on the agenda," says Charles Duelfer, the director of the Center for Defense Trade, the year-old State Department agency that replaced the Office of Munitions Control.

Duelfer also notes that since the Eagleburger memo—which his office helped draft—went out last July, several ambassadors have been especially helpful. In fact, Duelfer says, when the State Department evaluates U.S. embassies, support for defense companies "in one of the things they'll be graded on."

Duelfer adds that the revamping of the Office of Munitions Control grew out of extensive conversations with Eagleburger and Secretary of State James Baker on the need for streamlining the licensing process and promoting exports.

BANKING GUARANTEES

The Export-Import Bank is also likely to be part of the new effort to promote weapons exports. Under a new administration proposal, the Export-Import Bank programs—now almost entirely for commercial trade—would be expanded to include loan guarantees for military sales to Japan, Israel, Australia, New Zealand, and the nations of the North Atlantic Treaty Organization. Sen. Christopher Dodd (D-Conn.) recently introduced a bill along these lines.

Although the military guarantees would be limited to about $1 billion of the bank's $9.5 billion in direct loans and loan guarantees for fiscal 1992, there is considerable dissension in Congress about whether the bank should be getting into the defense-export game.

"I think there are limited credits available," says Rep. Lee Hamilton (D-Ind.), "and they should not be used to promote arms sales, especially in the post-gulf war period, when we should be seeking to limit arms sales rather than increase them." Hamilton is a senior member of the House Foreign Affairs Committee.

Albert Hamilton, a senior staffer at the bank from 1964 through 1987, is another prominent critic.

"My sense is that to take these limited resources and squander them on military sales, which in all likelihood will not be repaid, just doesn't make sense from an economic point of view," says Hamilton, now a senior associate at First Washington Associates Ltd., which consults for the foreign counterparts of the Export-Import Bank.

Critics notwithstanding, the defense industry is upbeat about its export prospects—and about the ability of its lobbyists to continue to win backing from the Bush administration.

"We pay these guys a good sum of dollars each year to lobby, and thank God they're doing something," says Thomas Peterson, the head of Raytheon's Patriot International unit.

HOT PLACE FOR ARMS: ISTANBUL

(By Peter H. Stone)

A good example of how defense companies are benefiting from administration backing is the burgeoning arms trade focused on Turkey, one of the United States' key allies in the coalition against Iraq.

Fred Haynes, a vice president of the Dallas-based LTV Corp., says defense companies have found an increasingly receptive audience in Turkey, where a 10-year, $10 billion defense-modernization program is under way.

The Lexington, Mass.-based Raytheon Co., for instance, approached the Turkish government last March about a sale to Turkey of 10 of the company's Patriot missile firing units. To expedite the sale, Thomas Peterson, the manager of the company's Patriot International unit, says he met with Morton Abramowitz, the U.S. ambassador to Turkey, and since then has been in touch with the embassy regularly.

"The embassy is talking to the Turkish government," he says. "Just about everything we've asked them to do for us, they've done."

Peterson notes that the State Department's Office of Defense Trade is "working alongside us and supporting us" in trying to put together a deal soon.

As part of that effort, Peterson says, the Senate Department and Raytheon—along with its German partner, Siemens—have been prodding the German government to get its export-import bank to provide loan guarantees for a sale of Patriots in the German configuration—a sale worth more than $1 billion.

Another defense giant, the Hartford, Conn.-based United Technologies Corp., is also eyeing the Turkish market.

William Paul, head of United Technologies' D.C. office, boasts that he met with Abramowitz both in Turkey and in the United States, trying to get his help in convincing Turkey to produce jointly 200 helicopters with United Technologies' Sikorsky unit.

Among those working the issue for United Technologies is Alexander Haig, the former secretary of state and ex-president of United Technologies who now runs Worldwide Associates Inc., a Washington consulting firm.

"He has a lot of credibility with the people there and the people here," says Paul. Although neither Paul nor Haig would comment on what Haig as doing for the company, Raytheon's Peterson attests to Haig's diligence. Peterson reports that he bumped into Haig leaving Abramowitz's office in Istanbul.

To make its deal financially attractive to the Turks, United Technologies turned to its home-State senator, Christopher Dodd (D-Conn.) Dodd spearheaded successful legislation in 1989 that enabled the Export-Import Bank of the United States to provide loan guarantees for military sales to Turkey or Greece—guarantees that United Technologies is using in its Turkish deal.

RECENT SERIOUS INQUIRIES CONCERNING LARGE IRAQI PROJECTS—AUGUST 1988

[In millions of dollars]

Date and project	Company	Total cost	Approximate U.S. cost
1987–88, Pipeline (PSA II, 2nd Stage).	Various	[1]$1.5	?
1987–88, Pipeline (3rd Turkish)	Various	400	?
1985–88, Bekhme Dam	Bechtel	[1]3.2	?
February 1988, Fertilizer complex	Kellogg	300	$170
March 1988, Automobiles (50,000?).	GM	750	750
June 1988, Oil field expansion	Occidental	300	170
July 1988, Irrigation project	Valmont	50	50
1988, 3 Power stations	Westinghouse, Stone & Webster, Others.	[1]2	[1]1.5
July 1988, Trucks	Mack	75	75
July 1988, Petrochemical complex	Various	[1]2.5	[1]1.5
1988, Various small manufacturing plants (tires, air conditioners, pipe, etc.).	Various	[2]	?
August 1988, Helicopter coproduction project.	Bell Textron	400	400

[1] In billions of dollars.

[2] From $10 to $20 each.

INQUIRIES CONCERNING LARGE IRAQI PROJECTS—1987

[In millions of dollars]

Project	Company	Total cost	U.S. cost
Pipeline (IPSA II, 2nd stage)	Various	[1]$1.5	
Pipeline (3rd Turkish)	Various	400	
Bekheme Dam	Bechtel	[1]3.2	
Fertilizer complex	Kellogg	300	$170
Automobiles	GM	750	750
Oil field expansion	OXY	300	100
Trucks	Mack	75	75
Petrochemical complex	Various	[1]2.5	1.5
3 Power stations	Westinghouse Stone and Webst. plus others.	[1]2	[1]1.5
Petrochemical	Bechtel	[1]1	75
Water pipeline Basra Water supply	ACIPCO	300	300
Irrigation project	Valmont	63	63
Nasiriya water scheme	ACIPCO	68	68
Water treatment projects	ACIPCO	37	37
Special steel products	Marubeni Corporation.	20	20
Helicopters	Bell Helicopters	400	400
Total		[1]12.9	[1]5.1

[1] In billions of dollars.

FEBRUARY 1984 RECENT SERIOUS INQUIRIES CONCERNING LARGE IRAQI PROJECTS

[In millions of dollars]

Project	Estimated potential U.S. costs	Potential U.S. supplier
Al Mussaib Power project:		
Capital goods	$43.0	Not yet determined.
Design wrok	14.0	C.T. Main.
Turbine generators	159.0	Westinghouse.
Daura Power project:		
Boiler portion	40.0	Combustion Engineering.
Turbine generators	50.0	General Electric.
Yusifiya Power project	500.0	Combustion Engineering.
Do		General Electric.
Do		Combustion Engineering.
Do		General Electric.
Baghdad Metro (may be deferred):		
Design	10.6	Deleuw Cather.
Engineering/procurement Construction Mgmt.	150.0	Bechtel.
Oil Pipeline-Jordan:		
Construction		Foster Wheeler.
Engineering/procurement/ Construction.		Bechtel.
Oil field equipment	8.0	Midland Int'l.
Oil field equipment	10.0	Halliburton.
Scanners and computer for shopping mall.	7.0	NCR.
Arab Company for detergent chemicals linear alkyl benzene plant.	35.0	Combustion Engineering.
Oil and gas treatment equipment	25.0	Howe-Baker Engineers.
Turnkey ammonium storage plant	6.0	Howe-Baker Engineers.
Medical systems	30.0	General Electric.
Transmission substations	25.0	General Electric.
Poultry farm equipment	5.0	E. Holzer/Barco Int'l.
Helicopters for civilian ambulance service by Air Force.	300.0	Bell Helicopter/Lockheed.
Antibiotic plant	30.0	Foster Wheeler.
Feed concentrates	13.0	Bankers Trust for Pillsbury.
Total	1,510.6	

INSURANCE MEMORANDUM TO THE LOAN COMMITTEE

Date: March 27, 1986.

FCIA Application No.: 1207 Country: Iraq.

Policy No.: SD-2238.

Subject: Special Buyer Credit Limit.

Term: ST

Cover: Comprehensive

Action: New

Reason for request: No Authority in Country for FCIA.

Credit limit: $600,000.

Insured Repco, Inc.

Code: R-1235, Orlando, Florida.

Duns: 004-06-3079.

Purchaser: Director General of Military Accounts.

Code: 235-05070, Baghdad, Iraq.

Guarantor: (Z) None (See terms).

Code:

Products: Portable Radio Communications Equipment.

Code: 249, Repco Model PC150.

SIC: 3661.

Insured's retention: None.

Terms: Irrevocable letters of credit opened by the Central Bank of Iraq, payable up to 360 days.

Classification: Class I—Public Buyer.

Expiration date: March 31, 1987, provided Special Condition 2 is met.

Recommendation (including any Special Conditions): Approval, subject to the attached Special Conditions.

To: Foreign Credit Insurance Association.

From: Export-Import Bank of the United States.

On 3-31-86 the Export-Import Bank of the United States approved the foregoing action.

Date of completed application: March 19, 1986.

FCIA underwriter: Tom Cummings.

Eximbank loan officer: Clare M. Ferguson.

Program code: U.

Special Conditions:

1. "Excess Political Coverage," as defined in the Declarations, shall not apply to shipments to this country.
2. FCIA/Eximbank must receive evidence of a contract of sale not later than June 30, 1986 or coverage shall expire at that time.

INSURANCE MEMORANDUM TO THE BOARD OF DIRECTORS

Date: September 3, 1987.

NAC Advice Required: No.

Country: Iraq.

Policy No.: SD-5124.

Subject: Special buyer credit limit.

Term: ST.

Cover: Political only.

Action: New.

Limit: $11,000,000.

Insured: Intercontinental Credit Corporation/Health Technologies, Wichita, Kansas.

Duns: 006988778, 2 Park Avenue, New York, NY.

Foreign bank: (DEF) Central Bank of Iraq.

Code: 235-05016, Baghdad, Iraq.

Purchaser: Ministry of Health.

Code: 235-09036, Baghdad, Iraq.

Product(s): 250 armored military truck ambulances.

Sic: 3711.

Insured's retention: 0 percent of political risks, 0 percent of commercial risks.

Terms: Up to 360 days, irrevocable letter of credit.

Classification: Class I.

Premium rate: $3.50 per $100.00 of declared amounts.

Expiration date: March 31, 1988, provided special condition No. 1 is met.

Recommendation: Approval, subject to the following special condition(s):

1. FCIA/Eximbank must receive evidence of a contract of sale not later than December 31, 1987 or coverage shall expire at that time.
2. No excess political coverage.

To: Foreign Credit Insurance Association.

From: Export-Import Bank of the United States.

On —— the Export-Import Bank of the United States approved the foregoing action.

FCIA underwriter: Eric Krauss.

Eximbank loan officer: Kenneth M. Tinsley.

Program code: U.

LEGAL DIVISION COMMENTS

The Legal Division has no legal objection to this transaction. Iraq is a developed country for purposes of our defense articles restriction and, therefore, there is no statutory prohibition. In addition, the products, ambulances, are fairly within the "health and lifesaving" exception to our prohibition, pursuant to which we have supported sales of health and lifesaving items such as fire trucks, ambulances and hospital equipment even when they were for use at military installations. However, in deciding whether or not to apply the "health and lifesaving" concept here, the Board should consider the fact that these 250 ambulances are armored and that Iraq is in a state of war and these items presumably will be used in that effort.

CONCLUSION

The subject transaction conforms with current Eximbank cover policy for Iraq in that payment is by an irrevocable letter of credit issued by the Central Bank of Iraq.

With regard to the products, the Legal Division has no legal objection to the transaction.

Based on the foregoing, staff believes the subject transaction merits favorable consideration.

REPORT ON TRIP TO PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, less than a month ago, Congressman CHRIS SMITH and I returned from a week-long trip to the People's Republic of China. The purpose of our trip was to talk to Chinese leaders about a variety of human rights issues, including their treatment of democracy demonstrators from Tiananmen Square, family reunification cases, their forced abortion policy and the issue of religious liberty.

I want to begin by thanking the Chinese Government for granting us permission to take the trip, and for arranging many of the meetings which Congressman SMITH and I requested. Our discussions with Chinese leaders were open and candid.

One of the first issues we discussed with the Chinese leaders, including the Premier of the State Council, Li Peng, was the issue of religious freedom. Since late 1989, hundreds of Catholics and Protestants have been arrested or placed under house arrest by Chinese authorities because of their refusal to participate in State-run churches.

Before leaving for China we compiled a list of 77 Protestant and Catholic prisoners known to be in prison or under house arrest in the People's Republic of China. We delivered that list, along with a letter signed by 110 members of the House to Li Peng, the Premier of China, urging that these cases be reviewed and that these prisoners be released.

I want to thank my colleagues who signed that letter to Li Peng. Hopefully their support will help in securing the release of these men and women suffering in Chinese jails.

Since returning from China on March 30, we have learned that one of these 77 prisoners was released after serving half of his 12-year sentence because of his religious activities in an "unregistered" Protestant church.

Congressman SMITH and I were very pleased to hear this news, but we are still waiting to hear about the dozens of other religious prisoners about whom we spoke to Premier Li. I hope and pray that the leadership of China will see that the continued release of religious and political prisoners will greatly help to improve United States-Chinese relations.

The second issue we raise was the Chinese Government's treatment of democracy demonstrators. According to one well-informed source at Time magazine, approximately 1,000 people were brutally murdered by Chinese authorities during the crackdown in June 1989. Several thousand more were arrested.

In the past few months, many of those demonstrators were released, but some, such as Wang Juntao and Chen Ziming, were not only convicted of "crimes" against the government, but sentenced—in these two cases—to 13 years in prison for expressing democratic ideas.

Congressman SMITH and I asked that all the pro-democracy prisoners be released. We also brought up their cases in meetings we had while we were in China.

A third issue which we discussed was the issue of family reunification. Right now there are approximately 3,000 Chinese families which are divided because of the Chinese Government's failure to allow its citizens to emigrate to countries of their choice, a right, I might add, which is guaranteed in the charter of the United Nations.

Congressman SMITH and I discussed four of these cases with Chinese authorities. Two of the cases we discussed involved two men who are here in the United States. They are intellectuals and democratic activists who have not seen their spouses in years.

The other two cases involve two women whose husbands are in Chinese prisons for their political activism. The first is the wife of Wang Juntao, one of the Tiananmen activists sentenced to 13 years in prison. He is very sick with hepititis. I hope that the Chinese Government will realize that these women, as well as the thousands of other families who have been torn apart by restrictive emigration policies, have the right to chose where they wish to live in peace with their families, and grant these women and others permission to join family members either in prison or overseas.

Another issue of great concern to many American businesses and labor groups is the issue of forced labor in China.

While Congressman SMITH and I were in Beijing, we visited Beijing Prison No. 1. We were told by Chinese authorities that there are 40 Tiananmen Square demonstrators in this prison.

When my colleague and I asked to see them, we were denied permission. Instead, we were given a tour of the prison's textile and plastic shoe factories.

Mr. Speaker, I direct my colleagues' attention to these enlarged photographs which we took inside the jail of prisoners working to make socks. I also have here some of the socks being made at the prison.

Before leaving from China, I was aware that the Chinese used prison labor for much of their manufacturing and textile production. I even asked the U.S. Customs Service to begin an investigation into this matter before I left on March 24. Customs has been very cooperative, and has begun an investigation.

Since bringing back samples of the socks from the Beijing prison, I have given some of these socks to the Customs Service, which is conducting a dye and thread analysis of the material to try and determine if items from this jail are being exported to the United States.

Having seen the use of prison labor in China first hand, I have little doubt that at least some of these goods were destined for export to the West, possibly to the United States.

Just 10 days ago, Asia Watch released a report on "Prison Labor in China" which quotes a journal for Chinese prison and labor officials. The author of one part of the journal boasts—yes, boasts—that, and I quote:

"Our indigo-blue denim [made in Chinese prisons] * * * won the title of 'quality product' awarded by the Ministry of Textiles. Many clients, both domestic and foreign, have asked for that product name. * * * We won goodwill and praise from customers in such developed countries as Japan, the United States and West Germany."

Business Week ran an article on April 22, 1991, about forced labor in China. The writer of that article quotes State Department officials who know of instances where Chinese prisons have used children—yes, children—in some of its prison plants to make goods for export.

As I mentioned, the prison we visited had 40 democracy demonstrators in it, at least some of whom, we can surmise, were probably involved in the sock and shoe production in the prison factory. Mr. Speaker, how would you or our colleagues like to learn that our socks were made by Tiananmen Square demonstrators who are in jail for expressing democratic ideas? Why should Americans unwittingly contribute to a system which enslaves political prisoners, workers and even children to earn hard currency—through exports—for the Chinese Government?

On top of using forced labor to make exports, China has been criticized for putting up barriers to United States exports to the People's Republic of China. While the People's Republic of China enjoyed a $10.4 billion trade surplus with the United States in 1990, it has used forced labor to make exported goods and has barred our goods going into their country. It is imperative that the Chinese Government open its markets to United States products.

The last issue I would like to mention is weapons proliferation. Just this week the Washington Post reported that United States intelligence sources believe that China is giving nuclear technology to Algeria. On April 5 the Wall Street Journal reported that China is providing the M-11 missile to Pakistan, a missile which apparently can carry a heavy payload, such as a nuclear warhead.

When I consider these issues, the use of slave labor, the imprisoning of democratic and religious prisoners, and the issue of weapons proliferation, I must say that I am concerned about China's trade status with the United States.

I hope that the Chinese Government will begin reversing some of the policies it has followed over the past few years. That is honestly what I would like to see. But if I had to write a book, telling the Chinese Government how to mess up trade relations with the United States, I would probably tell them to do just what they're doing: use forced labor to make export goods, lock up protestors, and sell nuclear weapons to Algeria, Pakistan and anyone else with the money to buy them.

Some Members of Congress think that China's trade status should be tied to the issues I've just discussed, as well as others such as China's human rights violations.

I must say that the United Sates Congress must tie China's MFN trade status to progress in some of these areas.

I hope that United States-Chinese trade will not be cut off or even damaged. The surest way I know to prevent this is for China to begin making reforms in the areas of human rights, forced labor and weapons proliferation.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 22, 1991.

His Excellency LI PENG,
Premier, State Council, Beijing, People's Republic of China.

DEAR PREMIER LI: The free exercise of one's religious beliefs is an internationally recognized human right. It is widely accepted that governments have the obligation of guaranteeing that right for their citizens.

As members of the United States Congress, we are requesting that your government review the cases of the following 77 people who have been detained, imprisoned or placed under house arrest. The list includes Protestant and Catholic church leaders and members whose activity has been questioned by your government. We have received reports of arrests even as recent as late December 1990. We hope that this does not reflect a new policy of repression against religious believers.

As long as such arrests and imprisonments continue, it will be very difficult for the United States to improve relations with the People's Republic of China. We, therefore, urge you to reconsider these cases and permit the release of these citizens as soon as possible.

We look forward to hearing from you regarding this matter.

Sincerely,

Frank R. Wolf, Stephen J. Solarz, John Porter, Christopher H. Smith, Nancy Pelosi, Tom Lantos.
Jim Lightfoot, Charles Stenholm, John Boehner, C.W. Bill Young, Jim Inhofe, Bill Barrett, Lee Hamilton, Sherwood Boehlert, John J. Rhodes, Michael G. Oxley, Dan Burton.
Hal Rogers, Paul B. Henry, Cass Ballenger, Newt Gingrich, Bill Thomas, Charles Taylor, Bill Broomfield, Tom Bliley, Tom Campbell, Romano Mazzoli, Joe Skeen.
Bill Dannemeyer, Toby Roth, Clyde C. Holloway, Alex McMillan, Howard Coble, Frank Riggs, Tom DeLay, Jim Nussle, Mickey Edwards, David Martin, E. Clay Shaw.
Nicholas Mavroules, Joe Barton, Vin Weber, Richard Santorum, Bob Walker, Dennis Hastert, Bob Livingston, Jim McCrery, Gary Franks, Gary Condit, G.V. (Sonny) Montgomery.
Martin Frost, Norman F. Lent, Dante B. Fascell, Billy Tauzin, George Miller, Don Ritter, Vic Fazio, Mervyn M. Dymally, Mike Kopetski, Neil Abercrombie, David Hobson.
Bernard J. Dwyer, Barney Frank, Doug Bereuter, Mary Rose Oakar, James L. Oberstar, Henry J. Hyde, Wayne Owens, Jim Slattery, Jolene Unsoeld, David Price, Jim Jontz.
Nita M. Lowey, Eliot L. Engel, Lane Evans, Tony Beilenson, William J. Jefferson, William H. Zeliff, Jr., Tim Penny, Jaime B. Fuster, James H. Bilbray, James A. Traficant, Jr., Robert K. Dornan.
Joseph Kennedy, Peter A. DeFazio, Jose E. Serrano, Jim Ramstad, Arthur Ravenel, Jr., Ben Jones, Jim Bacchus, John Miller, Susan Molinari, Robert J. Mrazek, Gary L. Ackerman.
Chris Cox, Nancy Johnson, Dick Swett, Frank McCloskey, Jim Cooper, Herbert Bateman, Les Aspin, Ben Gilman.
George J. Hochbrueckner, Elton Gallegly, Richard Gephardt, Steny Hoyer, Dennis Eckart, Dana Rohrabacher, Frank Horton, Robert Michel.

CATHOLIC AND PROTESTANT PRISONERS IN THE PEOPLE'S REPUBLIC OF CHINA

CATHOLIC PRISONERS

1. Bishop Song Weili: Bishop of Langfang diocese, Hebei Province. Arrested in late December 1990 or early January 1991.

2. Bishop Cosmas Shi Enxiang: Auxiliary Bishop of Yixian, Hebei. Reportedly arrested after mid-December 1990.

3. Bishop Paul Shi Chunjie: Auxiliary Bishop of Baoding. Arrested with at least 22 other Catholic leaders on December 13 or 14, 1990.

4. Bishop Peter Chen Jianghang: Bishop of Baoding diocese.

5. Bishop Paul Liu Shuhe: Second Bishop of Yixian, Hebei Province. Also arrested on December 13, or 14, 1990, with at least 22 other Catholic leaders.

6. Bishop Joseph Fan Xueyin: Bishop of Baoding, Hebei Province. He was under house arrest until early November 1990, when he disappeared from Baoding after reportedly being removed by the authorities.

7. Bishop John Baptist Liang Xishing: Bishop of Kaifeng Diocese, Henan Province. Arrested in October 1990.

8. Bishop Xie Shiguang: Bishop of Xiapu, Fujian. Arrested on July 27, 1990, in Fu'an city along with several other priests.

9. Bishop Huang Shoucheng: Bishop of Fu'an, Fujian. Arrested on July 27, 1990.

10. Bishop Philip Yang Libo: Bishop of Lanzhou, Gansu Province. Arrested between mid-December 1989 and mid-January 1990 and reportedly now serving a three-year sentence.

11. Bishop Bartholomew Yu Chengdi: Bishop of Hanzhong diocese, Shaanxi Province. Arrested between mid-December 1989 and mid-January 1990. He was imprisoned in Xian until July 1990, and is now under travel restrictions by the government.

12. Bishop Matias Lu Zhensheng: Bishop of Tianshui, Gansu Province. Arrested in mid-December 1989 and has not been heard from since.

13. Bishop Guo Wenzhi: Bishop of Harbin, Heilongjiang Province. Arrested from December 1989 until March 1990. Now under travel restrictions in Qiqhar, his home village, where he is under police surveillance.

14. Bishop Joseph Li Side: Bishop of Tianjin diocese. Arrested on December 8, 1989 and is now in prison.

15. Bishop Paul Li Zhenrong: Bishop of Xianxian diocese, Hebei Province and a member of the Society of Jesus. Arrested from December 1989 to March 1990. Now in home village which he cannot leave and where he is under police surveillance.

16. Bishop Jiang Liren: Bishop of Hohhot, Inner Mongolia. Imprisoned in late 1989 until April 1990, and is now under house arrest in his home village.

17. Bishop Peter Liu Guandong: Bishop of Yixian diocese, Hebei Province. Arrested in November 1989 and sentenced on May 21, 1990, to three years "reform through labor" at a farm near Tangshan, Hebei province.

18. Bishop Julius Jia Zhiguo: Bishop of Zhengding, Hebei Province. Arrested in April 1989 and sent to house arrest in the village of Wuqiu in September 1989, reportedly to continue under house arrest for three years.

19. Bishop John Yang Shundao: Bishop of Fuzhou, Fujian Province. Arrested in February 1988. Now in prison.

20. Bishop Casimir Wang Milu: Bishop of Tianshui diocese, Gansu Province. Reportedly in a labor camp in Pingliang, Gansu.

21. Fr. Han Dingxiang: Priest of Handan diocese, Hebei. Now in an indoctrination camp in Handan with other Catholics.

22. Fr. An Shi'en: Priest of Daming diocese, Hebei. Now in a camp in Handan.

23. Fr. Zhu Ruci: Priest of Fu'an, Fujian Province. Arrested in July 1990.

24. Fr. Liu Guangpin: Priest of Fu'an, Fujian Province. Also arrested in July 1990.

25. Fr. Zou Xijin: Priest of Fu'an, Fujian Province. Arrested with Fr. Liu and Fr. Zhu (above) in July 1990.

26. Fr. Mark Yuan Wenzai: Priest of Haimen, Jiangsu Province.

27. Fr. Lu Jenun: Priest of Baoding diocese, Hebei Province. Arrested in February 1990.

28. Fr. Wang Ruowang: Priest of Tianshu diocese, Gansu Province. Arrested between mid-December 1989 and mid-January 1990.

29. Fr. Wang Ruohan: Priest of Tianshu diocese, Gansu Province. Arrested with Fr. Wang Rouhan.

30. Fr. Yu Chengxin: Priest of Hanzhong diocese, Shaanxi Province. Arrested between mid-December 1989 and mid-January 1990. Was imprisoned in Xian city and released in July 1990. He is now under travel restrictions.

31. Fr. Zhang Xiaocheng: Priest of Tianshui diocese, Gansu Province. Also arrested between mid-December 1989 and mid-January 1990.

32. Fr. Sun Ximan: Priest of Tianshui diocese, Gansu Province. Arrested between mid-December 1989 and mid-January 1990. Reportedly in prison.

33. Fr. Wei Jingyi: Priest of Qiqihar, Heilongjiang Province. Arrested between mid-December 1989 and mid-January 1990. Reportedly now in prison.

34. Fr. Pei Guojun: Priest of Yixian diocese, Hebei Province. Arrested between mid-December 1989 and mid-January 1990. Reportedly now in prison.

35. Fr. Anthony Zhang Kangyi: Priest of Sanyuan diocese, near Xian City. Imprisoned several times for a total of 30 years between 1949 and the present. Was arrested in 1989, released, and rearrested in December 1989. Released in June 1990 because of his health. Now under travel restrictions.

36. Fr. Su Zhemin: Vicar General, Hebei Province. Arrested in December 1989. Initially held in Tangshan, now moved to the northeast.

37. Fr. Shi Wande: Priest of Baoding diocese, Hebei Province. Arrested in December 1989 in Xushui (southwest of Beijing), now reportedly in prison.

38. Fr. Zhenping: Priest of Youtong village, Hebei Province. Arrested on October 21, 1989, now reportedly in prison.

39. Fr. Xiao Shixiang: Priest of Yixian diocese. Arrested on October 20, 1989, and reportedly now in prison.

40. Fr. Pei Ronggui: Trappist priest of Youtong village, Hebei Province. Arrested in April 1989, and reportedly sentenced to six years' hard labor.

41. Fr. Gao Yihua: Priest of Changle County, Fujian Province. Arrested on September 14, 1988. He may have been released but this has not been confirmed.

42. Fr. Feng Yongbing: Priest of Changle County, Fujian Province. Arrested on September 14, 1988. He was reportedly released, but this has not been confirmed.

43. Fr. Wang Yiqi: Priest of Fujian Province. Reportedly arrested in Liushan village, Fujian Province in February 1988. He has reportedly been released, but this has not been confirmed.

44. Fr. Francis Wang: Seventy-four years old. Priest of Wenzhou diocese. Arrested on May 19, 1982, and sentenced to eight years imprisonment. In March 1990, he was sentenced to another three years' "reform through labor" for "stubbornness."

45. Fr. Joseph Guo Fude: Member of the Society of the Divine Word. Arrested in spring 1982 after 22 years of detention. As of late 1986, he was interned in a labor camp in southern Shandong. He has reportedly been placed under house arrest but this has not been confirmed.

46. Fr. Joseph Jin Dezhen: Vicar General of Nanyang diocese, Henan Province. Arrested at an unknown date and sentenced to 15 years in prison in December 1981.

47. Fr. Liao Haiqing: Priest of Jiangxi Province. Arrested in November 1981. Last reported to be in Prison No. 4 in Nanchang, the capital of Jiangxi Province.

48. Fr. Fu Hezhou: Arrested in November 1981. Reportedly transferred to house arrest and strict police surveillance.

49. Fr. Huo Binzhang: Vicar General of Boading, Hebei. Sentenced in 1983 to 10 years "reform through labor." Reportedly transferred to house arrest in 1987 or 1988.

50. Fr. Li Fangchun: Priest of Guide diocese, Henan Province. Arrested in early 1980's and reportedly still in prison.

51. Fr. Zhang Shentang: Priest of Nanyang diocese, Henan Province. Arrested in early 1980's and sentenced to 17-year prison term. Reportedly transferred to house arrest in December 1989 because of poor health.

52. Li Yongfu: Layman from Tianjin diocese. Arrested between mid-December 1989 and mid-January 1990 and reportedly still in prison.

53. Wang Tianzhang: Deacon from Lanzhou diocese, Gansu Province. Arrested between mid-December and mid-January 1990. Reportedly still in prison.

54. Wang Tongshang: Deacon and community leader in Baoding diocese Hebei Province. Arrested in December 1989 and reportedly now in prison.

55. Pei Shangchen: Community leader in Youtong village, Hebei Province. Arrested in October 1989 and reportedly now in prison.

56. Pei Jieshu: Community leader in Youtong village, Hebei Province. Also arrested in October 1989 and reportedly in prison.

57. Lin Wenming: Layman or seminarian from Fuqing County, Fujian Province. Arrested in September 1988 and reportedly released, but this has not been confirmed.

58. Lin Shanming: Seminarian of Pingtan County, Fujian province. Arrested on September 14, 1988, and reportedly released, but this has not been confirmed.

59. Chen Youping: Layman of Fujian Province. Arrested on March 1, 1988, in Liushan village. He is reportedly free now, but this has not been confirmed.

60. Wing Jingjing: Layman of Fujian Province. Reportedly arrested on February 28, 1988, in Liushan village and reportedly released, but this has not been confirmed.

PROTESTANT PRISONERS

1. Lin Xiangao: Pastor of the large Damazhan church in Guangzhou. He was arrested on February 22, 1990, and subject to 21 hours of continuous interrogation. he was released on February 24 only after agreeing to the closing of his church. As of December 1990, he was still under house arrest.

2. Liu Huanwen: Sentenced in November 1990 to two years in jail for carrying a cross in the June 1989 Tiananmen Square demonstrations.

3. Ding Hai: Arrested prior to June 1990 for his work with house-churches in the Henan Province and sentenced to three years' "reform through labor." He case was complicated because she was found possessing video equipment (given to her by a Westerner) which did not have an import license.

4. Xu Guoxing: House-church leader in Shanghai. Arrested in June 1989 and then released. Was rearrested in November 1989, and sentenced to three years "reform through labor."

5. Liu Qinglin: From Zalantun. Arrested on Sepember 14, 1989, and sentenced to "re-education through labor."

6. Xu Yongze: From Nanyang, Zhenping County, Henan Province. Arrested on April 16, 1988, in Yeutan Park in Beijing by officials of the Ministry of State Security. Sentenced to three years in jail and is currently being held in Zhenping County Prison, Henan. He was reported to be very ill.

7. Song Yude: Pastor from Baimaio village, Yuehe District, Tongbo County, Henan Province. Arrested in July 1984. Tried and convicted in January 1986 for distributing "reactionary" religious publications and conducting illegal religious meetings. Sentenced to eight years in prison and three years deprivation of political rights and is being held in Henan Province.

8. Mai Furen: From Shanton in Guangdong Province. Arrested in September 1983, then tried and convicted in January 1986. Sentenced to 12 years in prison and is being detained in a labor camp in Mei County Prions in northern Guangdong Province. * Released *

9. Sun Ludian: From Shanton, Guangdong Province. Sentenced in January 1986 to nine years in prison and is in the Mei County Prison. He is very ill.

10. Pei Zhongxum (Chun Chul): Arrested in August 1983 and sentenced to 15 years in prison. He is reportedly in prison near Shanghai.

11. Mr. Wang: Protestant leader from Zhandeun village, Fuling Brigade, Xinji Commune, Lushan County. Sentenced to 15 years in prison.

12. Mr. Zhang: Protestant leader from Zhaozhuang village, Houying Brigade, Zhanian Commune, Lushan County. Sentenced to 14 years in prison.

13. Mr. Qin: Church leader from Xinji Commune, Lushan County.

14. Mr. Cui: Protestant leader from Lushan County.

15. Mr. Xue: Church leader from Linzhuang Village, Xinhua Brigade, Zhangdian Commune, Lushan County.

16. Mr. Wang: Church leader from Second Street, Chengguan Township, Lushan County.

17. Mr. Geng: Church leader from Sunzhuang Village, Malon Commune, Lushan County.

☐ 1240

CHINA

The SPEAKER pro tempore (Mr. ANDREWS of New Jersey). Under a previous order of the House, the gentleman from New Jersey [Mr. SMITH] is recognized for 60 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, first of all let me begin by expressing my very deep and abiding gratitude and respect to my good friend, Congressman FRANK WOLF. There is in the Congress, Mr. Speaker, and I think this body knows it well, no greater friend of the oppressed and the disenfranchised than FRANK WOLF. There is no one who is more tenacious nor is there to be found a more consistent champion of human rights wherever and whenever those rights are violated anywhere in the world.

His work on behalf of the persecuted Romanians, for example, in taking the lead in denying most-favored-nation status to that country during the height of the Ceausescu regime when many, including in this body, were lauding that regime as being somehow different from its counterparts in Eastern Europe, clearly shows his insight.

He has always been a great friend of the starving black Africans in the Sudan and Ethiopia, and has been to those camps, as well as a very good friend of oppressed Christians and Jews, particularly during the height of the terror in the Soviet Union.

So let me say he is a man that is not only warmhearted and often leads with his heart, but he is very tough-minded, and you need that when you are prosecuting human rights and trying to promote them worldwide.

Mr. Speaker, as my friend and colleague noted a moment ago, the gentleman from Virginia [Mr. WOLF] and I, joined by Christian Solidarity International leader Steve Snyder and a member of my staff, Dorothy Taft, journeyed to the People's Republic of China for a week-long series of meetings in Beijing and Shanghai. We met with various Government officials from Premier Li Peng to prison warden Zhou as well as the Beijing Prison No. 1, operated by the Bureau of Justice.

The meetings we had were extensive, they were frank, and they focused exclusively on human rights.

We pointed out to Li Peng and each of the Government officials with whom we met that the June 4, 1989, massacre was America's and indeed the world's wake-up call concerning the terrible condition of human rights in the People's Republic of China.

During our visit we had extensive talks with Premier Li Peng; Peng Peiyun, Minister of the State Family Planning Commission; Zhu Rongji, the mayor of Shanghai, and since named Vice Premier of China; Ren Wuzhi, Director of the Religious Affairs Bureau; Ambassador Chai Zemin, the Chinese People's Institute for Foreign Affairs President and former Ambassador to the United States, as a matter of fact the first Ambassador; Ambassador Zeng Tao of the Chinese Foreign Affairs Committee; and religious leaders, including Bishop Jin of Shanghai.

□ 1250

In each meeting we stressed that respect for fundamental human rights is the cornerstone—and is absolutely central—to improved United States-People's Republic of China relations. I believe that United States concern over Soviet hegemony and the so-called China card which we heard over the last couple of decades has been replaced with human rights, and mutual economic cooperation in the 1990's will be enhanced by adherence to or harmed by negligence to internationally recognized human rights norms and standards.

Mr. Speaker, there is no question whatsoever that the Chinese people are a great people, a gifted people, industrious, hard-working, a gentle people, and a good people. Both the gentleman from Virginia [Mr. WOLF] and I, and I believe this entire body, and the President, believe that they deserve the abiding respect of their Government. To date they have not had it.

As the gentleman from Virginia [Mr. WOLF] and I met with each official including Li Peng, we focused on three major areas of human rights; first, the detention of thousands since the crackdown on the prodemocracy movement in June 1989 and the unfair sentences given to those who bravely held the demonstrations in Tiananmen Square; second, the incessant harassment and imprisonment of religious leaders and lay people; and, third, the coercive population control policies, the intrusive tactics employed by the Government which includes forced abortion, involuntary sterilization, female infanticide, and mandatory insertion of IUD's.

We pointed out to the Government officials in all of our meetings that these are crimes against humanity and noted that on two occasions this body, the House of Representatives, had gone on record to declare them as crimes against humanity reminiscent of crimes against humanity that were committed against Polish women and cited as such during the Nuremberg war trials.

Although we were told by Government officials, Mr. Speaker, that there were no political prisoners in China, which is simply untrue, we called on the Government to release and provide amnesty for the students, intellectuals, workers, and other prodemocracy leaders who had been severely punished for pressing reforms in China. We presented Li Peng a list of known cases that we hope he will review and personally call for their release. He told us in our conversation that he would pass that list on to the judicial authorities, and it is our hope that all of these people will be released in the very near term.

During our visit to Beijing Prison No. 1, we were advised by warden Zhou that there were some 40 prisoners who were there that were there as a result of their activities in the June 1989 prodemocracy demonstrations. Immediately upon learning that, because it was news to each of us including our own Embassy in Beijing, we requested to speak with these prisoners. We asked for a list of their names, their alleged crimes that they were purported to have done. We were denied that access with the feeble explanation that the day on which we were visiting happened to be a so-called day of rest and, furthermore, warden Zhou suggested that the 40 prisoners were scattered throughout the prison. We said, "Let us see one," and we were denied that opportunity.

We also aggressively requested to meet with democracy wall movement activist Xu Wenli. Mr. Xu is serving his 9th year of a 15-year sentence for so-called counterrevolutionary activities and 4 years' denial of political rights. Prior to his arrest in 1981, Mr. Xu was a leader in the democracy spring movement and bravely wrote a list of some 20 suggestions for the Central Committee of the Communist Party to consider. He also helped to initiate the proreform April 5th Forum Journal. He has been in solitary confinement since 1986, and warden Zhou adamantly refused our request to meet with Mr. Xu. We were told again in a very feeble way that he simply did not want to meet with foreigners. We said, "Let us judge that for ourselves. Let us pass him our business cards and let him make that decision." But we were denied that.

Mr. Speaker, as Members of this body know, the Chinese Government continues to refuse to issue a list of individuals who have been detained, arrested, or tried as per their participation in the prodemocracy movement. In fact, it is unclear exactly who has been arrested and who has been, perhaps, released.

Stating from a legal perspective, the Chinese Constitution, in article 37 states that, "Unlawful detention or deprivation or restriction of citizens' freedom of the person by other means is prohibited." Furthermore, the Code of Criminal Procedure provides that, "Unlawful detention of another person or unlawful deprivation of his personal freedom by any other means shall be strictly prohibited." Notwithstanding these paper promises, the pseudoprotections in Chinese law, unjust and unlawful detentions continue.

Mr. Speaker, much attention has been given to the trials and the totally undeserved sentences meted out to the students and intellectuals involved in the Tiananmen Square demonstrations. As a matter of fact, I would note parenthetically that during the course of our talks with various Government officials, each and every time the gentleman from Virginia [Mr. WOLF] and I referred to those arrests and beatings, and the killings as the Tiananmen Square massacre, which the whole world knows was a massacre, we were corrected and were told it was "merely an incident."

Mr. Speaker, as noted by Asia Watch, in a February presentation to Congress, and I quote:

> Thousands of ordinary workers throughout China who supported the student demonstrations or protested the attacks on Tiananmen Square were arrested and charged as common criminals. They received severe sentences ranging from several years to life imprisonment and even death.

I would note for the record, Mr. Speaker, that this charade has gone on in a number of Communist countries. In the early 1970's, Ceausescu in Romania, because of the kind of international backlash he was receiving, said that there will no longer be any political prisoners; people would be arrested for other reasons. Of course, everyone knew they were being arrested for their political activity.

Mr. Speaker, the leader of the Autonomous Federation of Beijing Trade Unions, Han Dongfang, has been held primarily in solitary confinement since June 1989, and is reported in deteriorating and very, very poor health.

The outlawed federation which was formed in May 1989 is the very first independent labor union in the history of the People's Republic of China. He is thought to be in the infamous maximum security prison known as Qincheng Prison on the outskirts of Beijing.

Sometimes referred to as China's Lech Walesa, Han was instrumental in organizing and energizing the workers to support the student-led prodemocracy movement in the spring of 1989. We are all concerned about his fate, and his fate remains uncertain.

Mr. Speaker, as one of the organizers of the student protest marchers, 22-year-old Wang Dan courageously wrote:

> We make no attempt to conceal the aim of the current student movement, which is to exert pressure on the government to promote the progress of democracy. Peoples yearning for democracy, science, human rights, freedom, reason, and equality which lack a fundamental basis in China have once again been aroused.

Mr. Speaker, we should respect this deep character, the strong character of this man and a man who is also paying a dear price for speaking out.

In addition to the list of prodemocracy leaders, Mr. Speaker, the gentleman from Virginia [Mr. WOLF] and I, as a matter of fact, my friend, the gentleman from Virginia [Mr. WOLF], walked over and presented—placed right in the hand of Li Peng—this list of religious believers who have been unjustly incarcerated or are facing house arrest. The list of Christian believers includes bishops, priests, Protestant pastors, and lay leaders, in all some 77 about whom we have specific details. We are concerned that there are many others about whom we have no verifiable information, but we care no less about their fate.

We respectfully, and yet we firmly, asked Premier Li Peng that these innocent men and women be set free. We reiterated the fact that the unfettered right to practice one's religious faith is an internationally recognized human right. This is not just a U.S. position or a position of the U.S. Congress. It has been universally recognized in the U.N. Declaration of Human Rights and several other covenants, treaties, and declarations issued by that world body.

Premier Li told us when he accepted the list that he would, indeed, look into it; he would pass it on to judicial authorities, and we await with some expectation and hope that we will see the amnesty which we seek.

We also noted in our meeting with Li Peng and other leaders our shock and alarm concerning the promulgation of new draconian regulations in certain provinces including provisional regulations announced last October for the Xingiang Uygur Autonomous Region.

□ 1300

These regulations would prohibit "any religious organization or believer to do missionary work or publicize theism in places other than those prescribed for religious activities." Of course, that usually means only within the church building.

Moreover, distribution of religious literature not approved by the responsible government department would not be permitted. The work of itinerant pastors would also be curtailed entirely. As with other repressive regimes, the Chinese Constitution pays lip service to the freedom of religion in practice and belief. Article 36 of their Constitution states "Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization, or individual may compel citizens to believe in or not to believe in, any religion, nor may they discriminate against citizens who believe in, or not believe in, any religion."

Of course, that sounds great on paper. Real life story is a different story. It is our understanding that a new national law is now being drafted, and this is why those new regulations being promulgated in the province are so ominous. We hear and have heard many concerns from our own Embassy and others. A new national law on religion may parallel those coming out of the provinces. The gentleman from Virginia [Mr. WOLF] and I have encouraged the incorporation of provisions allowing the free exercise of religion, the right to evangelize, to meet, and the right to establish and maintain contacts with coreligionists in other lands. We noted the irony of promoting government-to-government contacts, which they desperately want, which are clearly beneficial, while imprisoning and persecuting those who maintain contacts with people of their faith and those in other faiths. There is a focus on precluding contact with the Catholic Church and the Vatican. This is shameful.

Finally, we expressed our profound sorrow and deep sadness concerning the vicious assault on the Chinese family, as a direct result and consequence of their restrictive one-child-per-couple policy. I say to my colleagues and to the Speaker, can Members imagine in our country a situation in which, by State edict, a person is proscribed, a person is precluded from having a second or a third child? In China, the Government tells families when and if they can have a first child, and when and if in a very, very rare number of cases, a family can have a second child.

There is no doubt whatsoever, Mr. Speaker, that coercion in China's family-planning program is pervasive and has taken the form of forced abortion, economic penalties, involuntary sterilization, and mandatory insertions of IUD's.

Chinese women in particular have been victims of this brutal, systematic invasions of their personal privacy, which I would suggest is the most brutal invasion of a woman's rights, in the history of the world. The wanton loss of the lives of children today is far in excess of 100 million killed by abortions since 1979, and hundreds of thousands killed by infanticide, and many hundreds of thousands more killed right at the moment of birth with injections into the cranium of formaldehyde and other poisons, is a tragedy beyond comprehension.

History will undoubtedly record this dark experiment in government control of family life, replete with its apologists and unwitting boosters abroad, and will look back at this in horror.

I believe that someday even in China, even among government officials, it will be repudiated in a way not unlike the current disdain for the Cultural Revolution.

Earlier this year in a book entitled "Slaughter of the Innocents, Coercive Birth Control in China," demographer John Aird, a recently retired specialist with the U.S. Census Bureau, concluded:

> Attempts by Chinese officials and by foreign defenders of the Chinese program to represent the changes in China's family planning policy since 1984 as a major and continuing relaxation of program requirements are not in accord with the facts. The Chinese program remains highly coervice, not because of local deviations from central policies but as a direct, inevitable, and intentional consequence of those policies. Foreign organizations—

And I would insert here, including the U.N. Population Fund—

> and individuals that indiscriminately laud the Chinese program or provide financial or technical assistance for any aspect of it place themselves in the position of supporting the program as a whole, including its violation of human rights.

Mr. Speaker, I would point out that even the director, the head of the organization, the U.N. Population Fund, Dr. Sadik, said on CBS Nightwatch on November 21, 1989, that "The implementation of the policy [in China] and the acceptance of the policy is purely voluntary." That, my friends, is an unmitigated lie. It is simply not true.

Mr. Speaker, while this book by Dr. Aird is probably the most extensive analysis, because it is extensively footnoted, of the brutality of the Chinese program, it is certainly not the first book or article to document these egregious abuses. In January 1985, Beijing corresponding to the Washington Post, Michael Weisskopf, wrote a three part, page 1 series of stories exposing these atrocities. In one of those articles entitled "Abortion Policy Tears at China's Society," Mr. Weisskopf perhaps best summarized the situation. It was a very extensive article. He summarized it by saying,

> No government program has cut so deeply into Chinese society nor inspired such strong resistance in 35 years of Communist rule as the struggle to trim China's population. . . . Publicly, [the Chinese officials] they claimed to rely on the powers of persuasion and education, exercising a policy of voluntary consent.

We heard those same kinds of assertions, and I interrupt the quote here, when we met with Li Peng and Peng Peiyun, "the program is purely voluntary." This is simply not true.

Michael Weisskopf continues by saying,

> But a closer and longer look reveals a very different picture. China, to be sure, is curbing population growth, but its success is rooted in widespread coercion, mass abortion and intrusion by the state into the most intimate of human affairs.

Mr. Speaker, 2 years later, Judith Banister's book published by the Stanford University Press, "China's Changing Population," asserted that

> Some of the provincial governments appear to be unconcerned with the detrimental effects that forced abortion has on women. All that seems to matter, if the press is any guide, is keeping down the number of births each year in the province through any means.

The coercive policies are pervasive throughout China, and in a very genocidal way, they also extend to the autonomous regime of Tibet. John F. Avedon, who has researched and written extensively on Tibet, wrote in the Washington Post and also testified before the Subcommittee on Human Rights and International Organizations of the Committee on Foreign Affairs, to this effect. I would note that I am a member of that committee. Mr. Avedon wrote in his article, "The Rape of Tibet" in March of 1989, in the Washington Post:

> The new Chinese society is not merely displacing Tibet's ancient culture, it is actively destroying it. The harsh face of Chinese rule includes thousands of forced abortions and sterilizations of Tibetan women each year. The common method for both procedures is by injection. In Chamdo, Tibet's third largest city, there have been numerous reports of fetuses thrown out in the storm drains and garbage bins of the People's Hospital. In Lhasa, many Tibetan women have heard their newborns cry, only to be told that their infants died at birth.

Mr. Speaker, of course there are other issues surrounding the United States-People's Republic of China relations which have and must continue to be included in the dialog with the People's Republic of China. I believe, Mr. Speaker, however, that these issues of human rights, including other issues, and as the gentleman from Virginia [Mr. WOLF] referred to some of these, the issue of forced prison labor or indentured labor under penal sanctions must be included among the myriad of other human rights abuses which we cite and which we protest. Throughout my tenure in Congress, Mr. Speaker, I have had a grave concern regarding the exploitation of workers in forced labor camps.

In 1983, for example, the House approved my bill condemning the gulag system of labor employed by the Soviets. I commend the U.S. Customs Service and the international labor community for their tireless vigilance in trying to keep prison-labor-made items out of the U.S. market.

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The gentleman from Virginia [Mr. WOLF] again in keeping with his consistent approach to human rights has been a tiger in trying to stop the importation of those goods made by convict labor.

Thus, it is now time that the United States, and particularly those committed to the labor movement, focus on the extensive prison labor force found in China, many of which, of course, are political prisoners.

Mr. Speaker, I believe that a case study should be made of the Chinese Laogai Archipelago and documentation provided. If those items which are coming into this country have been made in the gulags, the importation must cease immediately.

The Chinese prisons, as the gentleman from Virginia [Mr. WOLF] pointed out, and we visited one of them, are grim and the cheap work force is very, very extensive.

The Chinese system has developed several classifications for prisoners: Those convicted of criminal acts whose sentences entail labor reform, those administratively sentenced to reeducation through labor, and those having completed their original sentence, but administratively sentenced to forced job placement within a camp, while being paid a mere pittance.

There are an estimated 10 million prisoners working in over 3,000 labor camps and prisons across the vast Chinese countryside. The Chinese have adroitly gathered a massive slave labor force which works at little or no cost and which, by their own admission, acknowledge a definite edge on national development and have made a vast contribution to China's economic status.

The gentleman from Virginia [Mr. WOLF] and I were shown, as we walked and toured through Beijing Prison No. 1 where the socks were made and where the "jelly" shoes were made. Samples of those were gleaned by our delegation and the gentleman from Virginia [Mr. WOLF] and I have provided these items to the appropriate authorities for inspection here in the United States.

Mr. Speaker, the documentation of prison labor items flooding the world market, some making their way into the United States, is against U.S. law. Current U.S. law precludes the importation of gulag labor-made items. Those sample socks we hope will yield some results and give us a better indication as to whether or not they are being exported from China.

I would also like to draw the attention of my colleagues to the April 22, 1991, issue of Business Week, as described in the article, identifying the labor source of imports from China is extremely difficult, but that it seems to be going on. The article is entitled "China's Ugly Export Secret: Prison Labor." Very briefly I quote from it:

> U.S. companies often place orders with Hong Kong buying agents for goods made in China. These agents make deals with an official Chinese shipper, who then contacts a Chinese supplier. The Chinese supplier farms out parts of the deal to subcontractors—and prisons usually come up with the lowest bid.

Everybody knows why, because the labor is so cheap. It goes on to say:

> Since other Chinese factories are also making goods identical to those of the prison factory, it is hard for a buyer to determine which goods came from where.

In sum, Mr. Speaker, I believe that all of these human rights issues, and I think it is incumbent upon this Congress to be consistent itself in asserting that human rights are indivisible, all rights are important, including the coercive population control issue, including Tiananmen Square, including the forced labor issue, all of them need to be seen in a seamless way. They are all part of a larger fabric of protecting human rights, and these issues must be foremost in our minds as we consider renewing MFN, whether or not that would be advisable or whether or not certain conditions need to be affixed to MFN renewal for this next year.

I would like to thank, Mr. Speaker, the Chinese officials who set up our extensive agenda, the organization by the name of the Chinese People's Institute of Foreign Affairs helped establish a number of the contacts that were made. One of the things we tried to do during this trip was in no way to mince words. We were polite, diplomatic, but very, very much forthcoming and honest, because I think if we are to proceed with this dialog with the People's Republic of China, it has to be done in a way that is totally and brutally honest. Human rights must count. They count in this country. They must count everywhere in the world, including the People's Republic of China.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Panetta, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Richardson, for 5 minutes each day, on April 29 and 30, and on May 1 and 2.

Ms. Long, for 5 minutes, on April 30.

Mr. Hoyer, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Smith of New Jersey) and to include extraneous matter:)

Mr. Bilirakis.

Mr. Barton of Texas.

Mr. Gradison.

Mr. Gilman.

Mr. Solomon.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Ortiz.

Mr. Clement.

Mr. Solarz in three instances.

Mr. Mavroules.

Mr. Roe.

Mr. Bonior.

Mr. Markey.

Mr. Panetta.

Mr. Smith of Florida.

Mr. Sabo.

Mr. Neal of Massachusetts.

Mr. Kanjorski.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following titles, which was thereupon signed by the Speaker:

H.R. 598. An act to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 98. Joint resolution to express appreciation for the benefit brought to the Nation by Amtrak during its 20 years of existence; and

S.J. Res. 102. Joint resolution designating the second week in May 1991 as "National Tourism Week."

ADJOURNMENT

Mr. SMITH of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, April 29, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1145. A letter from the Administrator, Environmental Protection Agency, transmitting the first annual report on technical assistance to State radon programs, pursuant to 15 U.S.C. 2665; to the Committee on Energy and Commerce.

1146. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of William Harrison Courtney, of West Virginia, to be the U.S. Commissioner for the Bilateral Consultative Commission and the Joint Consultative Commission, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1147. A letter from the Attorney General, transmitting the annual report for fiscal year 1990 on the private counsel debt collection pilot project, pursuant to 31 U.S.C 3718(c); to the Committee on Judiciary.

1148. A letter from the Secretary of Education, transmitting a draft of proposed legislation to authorize the establishment within the Department of Education of a position of Under Secretary, and for other purposes; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 1988. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes; with an amendment (Rept. 102–41). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself, and Mr. Annunzio):

H.R. 2094. A bill to require the least-cost resolution of insured depository institutions, to improve supervision and examinations, to provide additional resources to the bank insurance fund, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANDERSON (for himself, Ms. Horn, Mr. Abercrombie, Mr. Bevill, Mrs. Boxer, Mr. Brown, Mr. Bryant, Mr. Bustamante, Mr. Camp, Mr. Costello, Mr. Davis, Mr. DeFazio, Mr. Dellums, Mr. de Lugo, Mr. Derrick, Mr. Dixon, Mr. Dymally, Mr. Faleomavaega, Mr. Fawell, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gilchrest, Mr. Gordon, Mr. Hayes of Illinois, Mr. Hughes, Mr. Hutto, Mr. Jenkins, Mr. Kleczka, Mr. Kolbe, Mr. Kostmayer, Mr. Lancaster, Mr. Lantos, Mr. Laughlin, Mr. Lipinski, Mr. McDermott, Mr. Machtley, Ms. Molinari, Mr. Natcher, Mr. Pallone, Mr. Pease, Mr. Poshard, Mr. Ramstad, Mr. Ravenel, Mr. Riggs, Mr. Roe, Mr. Roemer, Mr. Scheuer, Mr. Smith of New Jersey, Mr. Spence, Mr. Stallings, Mr. Tallon, Mr. Traficant, Mr. Traxler, Mrs. Unsoeld, Mr. Valentine, Mr. Walsh, Ms. Waters, Mr. Zimmer, Mr. Owens of Utah, Mr. Solarz, and Mr. Studds):

H.R. 2095. A bill to require Federal departments, agencies, and instrumentalities to separate certain solid waste for recycling purposes; to the Committee on Energy and Commerce.

By Mr. BEILENSON:

H.R. 2096. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal deficit by increasing the tax on gasoline and other motor fuels; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 2097. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. GAYDOS (for himself, Mr. Andrews of New Jersey, Mr. Hayes of Illinois, Ms. Kaptur, Mr. Kildee, Mr. Kopetski, Mr. McDermott, Mr. Murphy, Ms. Oakar, Mr. Oberstar, Mr. Owens of New York, Mr. Owens of Utah, Mr. Payne of New Jersey, Mr. Penny, Mr. Perkins, Mr. Poshard, Mrs. Schroeder, Mr. Williams, Mr. Wyden, Mr. Eckart, and Mr. Torres):

H.R. 2098. A bill to amend the Occupational Safety and Health Act of 1970 to improve and enforce standards for employee health and safety and Department of Energy nuclear facilities, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. GILMAN (for himself, Mrs. Roukema, and Mr. McDade):

H.R. 2099. A bill to require the Secretary of Housing and Urban Development to promulgate regulations requiring smoke detection devices in residential dwelling units financed or assisted by any Department of Housing and Urban Development program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ASPIN (for himself and Mr. Dickinson):

H.R. 2100. A bill to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. Clement, Mr. Neal of Massachusetts, Mr. Bonior, Mr. Dwyer of New Jersey, Mr. EVANS, Mr. ENGEL, Mr. MCDERMOTT, Mr. HAMILTON, Mr. PEASE, Mr. HALL of Ohio, Mr. GORDON, Mr. MARKEY, Mr. DELLUMS, Mr. BEILENSON, Mr. MOAKLEY, Mr. FLAKE, and Mr. WHEAT):

H.R. 2101. A bill to amend title 23, United States Code, to provide a minimum level of funding for bicycle transportation and pedestrian walkways, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. KOLTER:

H.R. 2102. A bill to establish programs for evaluation, research and development, and construction of a magnetic levitation transportation system between Pittsburgh, PA, and the Greater Pittsburgh International Airport; jointly, to the Committees on Science, Space, and Technology, Public Works and Transportation, and Energy and Commerce.

By Mr. KYL:

H.R. 2103. A bill to exempt certain deferred compensation plan distributions from the nonincreasing benefits requirement; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. DORNAN of California, and Mr. OWENS of Utah):

H.R. 2104. A bill to amend title 10, United States Code, to provide that certain individuals who would otherwise be eligible for military retired pay for nonregular service but who did not serve on active duty during a period of conflict may be paid such retired pay if they served in the U.S. merchant marine during or immediately after World War II; to the Committee on Armed Services.

By Mr. LAUGHLIN:

H.R. 2105. A bill to designate the area in Calhoun County, TX, known as Rancho La Bahia, as the "Myrtle Foester Whitmire National Wildlife Refuge"; to the Committee on Merchant Marine and Fisheries.

By Mr. LEVIN of Michigan (for himself and Mr. MARKEY):

H.R. 2106. A bill to amend the Social Security Act to add a new title under such act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MCDADE:

H.R. 2107. A bill to provide for the temporary suspension of the duty on machines, and their parts, for use in the manufacture of video laser discs; to the Committee on Ways and Means.

By Mr. MACHTLEY:

H.R. 2108. A bill to amend the Internal Revenue Code of 1986 to require section 401(k) plans to accept loan repayments after an employee has involuntarily separated from service with the employer; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. MILLER of California, Mr. MOAKLEY, Mr. MURPHY, Mr. RICHARDSON, Mr. DARDEN, Mr. VISCLOSKY, Mr. DEFAZIO, Mr. JONTZ, Mr. RAHALL, Mr. DE LUGO, Mr. OWENS of Utah, Mr. LAROCCO, Mr. LEWIS of Georgia, Mr. LEVINE of California, Mr. FUSTER, Mr. KOSTMAYER, Mr. LEHMAN of California, Mr. GEJDENSON, Mr. SHARP, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. EARLY, Mr. ATKINS, Mr. DONNELLY, Mr. MAVROULES, Mr. NEAL of Massachusetts, and Mr. STUDDS):

H.R. 2109. A bill to direct the Secretary of the Interior to conduct a study of the feasibility of including Revere Beach, located in the city of Revere, MA, in the National Park System; to the Committee on Interior and Insular Affairs.

By Mrs. MINK (for herself and Mr. ABERCROMBIE):

H.R. 2110. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to prohibit the imposition or collection of fees to cover the cost of providing agricultural quarantine and inspection services at a port in the State of Hawaii or the Commonwealth of Puerto Rico; to the Committee on Agriculture.

By Mr. PANETTA:

H.R. 2111. A bill to provide for the transfer of a parcel of land at Fort Ord, CA, when that parcel is declared to be excess property; to the Committee on Armed Services.

By Mr. RAY:

H.R. 2112. A bill to amend title 10, United States Code, to provide payment protections for first tier subcontractors under defense contracts; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 2113. A bill to make it unlawful for an individual to obtain a position as a physician or resident in a hospital receiving Federal funds if the individual's license to practice medicine was obtained through intentional misrepresentations; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SABO:

H.R. 2114. A bill to provide for certification and require the offering of qualified health plans, to provide Federal assistance to States to establish a program of assistance for low-income persons to purchase comprehensive health insurance and to provide funding for assistance for catastrophic health care expenses of the elderly, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SLATTERY (for himself and Mr. BEREUTER):

H.R. 2115. A bill to amend title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to extend the phase-in period under such title by 1 year, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H.R. 2116. A bill to suspend Federal education benefits to individuals convicted of drug offenses; to the Committee on Education and Labor.

H.R. 2117. A bill to amend the Controlled Substances Act to require that courts, upon the criminal conviction under that act, notify the employer of the convicted person; to the Committee on the Judiciary.

H.R. 2118. A bill to amend the Anti-Drug Abuse Act of 1988 to eliminate the discretion of the court in connection with the denial of certain Federal benefits upon conviction of certain drug offenses; to the Committee on the Judiciary.

H.R. 2119. A bill to require random drug-testing of Federal employees; to the Committee on Post Office and Civil Service.

H.R. 2120. A bill to require preemployment drug testing of prospective Federal employees; jointly, to the Committees on Post Office and Civil Service, the Judiciary, and House Administration.

By Mr. ATKINS:

H.J. Res. 236. Joint resolution to designate August 4, 1991, as "National Day of Peace"; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself and Mr. SLATTERY):

H.J. Res. 237. Joint resolution designating July 28, 1992, as "Buffalo Soldiers Day"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of California:

H. Con. Res. 138. Concurrent resolution authorizing the presentation of a program on the Capitol Grounds in connection with National Physical Fitness and Sports Months; to the Committee on Public Works and Transportation.

By Mr. BEREUTER (for himself, Mr. SOLARZ, Mr. RICHARDSON, Mr. PORTER, Mr. GRANDY, Mrs. MORELLA, Mr. MFUME, and Mr. BURTON of Indiana):

H. Con. Res. 139. Concurrent resolution expressing the sense of the Congress regarding the establishment of a United States Peace Corps Program in South Africa; to the Committee on Foreign Affairs.

By Mr. HENRY:

H. Con. Res. 140. Concurrent resolution to commend the U.S. Savings Bond Program on the occasion of its 50th anniversary; to the Committee on Ways and Means.

By Mr. ROSE:

H. Con. Res. 141. Concurrent resolution expressing the sense of the Congress regarding the adoption of new Federal mandates; to the Committee on Government Operations.

By Mr. CARR:

H. Res. 135. Resolution amending clause 2(n) of rule XI of the Rules of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

91. By the SPEAKER: Memorial of the Legislature of the State of Montana, relative to the Medicaid Program; to the Committee on Energy and Commerce.

92. Also, memorial of the Legislature of the State of Michigan, relative to POW/MIA's and H.R. 1147 and H.R. 1730; to the Committee on Armed Services.

93. Also, memorial of the Legislature of the State of Montana, relative to national forest; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

ADDITIONAL COSPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. DOOLEY.

H.R. 5: Mr. HAMILTON.

H.R. 7: Ms. WATERS.

H.R. 138: Mr. SANTORUM.

H.R. 242: Mr. BEILENSON, Mr. BOEHLERT, Mr. BONIOR, Mr. BRYANT, Mrs. BYRON, Mr. CAMP, Mr. COBLE, Mr. CONDIT, Mr. COX of Illinois, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DWYER of New Jersey, Mr. ECKART, Mr. ENGEL, Mr. ERDREICH, Mr. FISH, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLEGLY, Mr. GOODLING, Mr. GOSS, Mr. GREEN of New York, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HORTON, Mr. HUGHES, Mr. HUTTO, Mr. JOHNSON of South Dakota, Mr. KLECZKA, Mr. KOLBE, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LEVIN of Michigan, Mr. LIPINSKI, Ms. LONG, Mrs. MEYERS of Kansas, Ms. MOLINARI, Mr. MRAZEK, Mr. NEAL of North Carolina, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, Mr. QUILLEN, Mr. RAMSTAD, Mr. RAVENEL, Mr. RIGGS, Mr. ROE, Mr. ROYBAL, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SLATTERY, Mr. STUDDS, Mr. TOWNS, Mrs. UNSOELD, Mr. VALENTINE, Mr. VENTO, Mr. WALSH, and Mr. YATRON.

H.R. 266: Mr. BURTON of Indiana.

H.R. 392: Mr. NEAL of North Carolina and Mr. COLEMAN of Texas.

H.R. 441: Mr. NOWAK, Mr. HOCHBRUECKNER, and Mr. BRUCE.

H.R. 452: Mrs. BOXER.

H.R. 479: Mr. THOMAS of Wyoming.

H.R. 506: Mr. JEFFERSON, Mr. VALENTINE, and Mr. ROSE.

H.R. 531: Mr. HUGHES, Mr. KANJORSKI, Mrs. LOWEY of New York, Mr. LEVIN of Michigan, Mr. PAYNE of Virginia, and Mr. SHAYS.

H.R. 812: Mr. WEISS, Mr. SCHEUER, Mr. BREWSTER, Mr. ROEMER, Mr. JEFFERSON, Mrs. BYRON, Mr. GEKAS, Mr. RAVENEL, Mr. DE LUGO, Mr. SMITH of Florida, Mr. HERTEL, Mr. MARTIN, Mr. LAFALCE, Mr. MARTINEZ, Mr. SANDERS, Mr. EVANS, Ms. DELAURO, Mr. FASCELL, Mr. IRELAND, Mr. DORGAN of North Dakota, Mr. MCDERMOTT, Mr. DAVIS, Mr. STAGGERS, Mr. DYMALLY, Mr. BOEHLERT, and Mr. SAWYER.

H.R. 828: Mr. MAVROULES, Mrs. MINK, and Mr. SKAGGS.

H.R. 870: Mr. SIKORSKI and Mr. ENGEL.

H.R. 871: Mr. SIKORSKI, Mr. ENGEL, Mr. RINALDO, and Mr. OWENS of New York.

H.R. 872: Mr. SIKORSKI, Mr. ENGEL, and Mr. KOLTER.

H.R. 873: Mr. ENGEL.

H.R. 911: Mr. MCCLOSKEY, Mr. HERGER, and Mr. GOSS.

H.R. 1016: Mr. MACHTLEY, Mr. WEISS, Mr. CAMPBELL of Colorado, and Mr. BORSKI.

H.R. 1063: Mr. WISE, Mr. MFUME, Mr. SAWYER, Mr. NAGLE, Mr. OWENS of Utah, Mr. PALLONE, Mr. HUBBARD, Mr. LIPINSKI, Mr. MATSUI, and Mr. SMITH of Florida.

H.R. 1066: Mr. YATES, Mr. BLAZ, Mr. EDWARDS of California, Mr. KLECZKA, Mr. MCDERMOTT, Mr. WISE, Mr. SERRANO, Mr. EVANS, Ms. NORTON, Mr. ENGEL, Mr. JACOBS, Mr. STUDDS, Mr. BILBRAY, and Ms. KAPTUR.

H.R. 1084: Mr. RANGEL, Mr. FOGLIETTA, Mr. STAGGERS, Mr. PENNY, Mr. BONIOR, Mr. HUCKABY, Mr. ROGERS, and Mr. DWYER of New Jersey.

H.R. 1126: Mr. SCHEUER.

H.R. 1222: Mr. LEVINE of California, Mr. TRAFICANT, Mr. COLEMAN of Texas, Mr. ROYBAL, Mr. ENGEL, Mr. SCHEUER, and Mr. ECKART.

H.R. 1244: Mr. SERRANO, Mrs. MORELLA, Mr. TOWNS, Mr. HYDE, Mr. KILDEE, Mr. GONZALEZ, and Mr. REED.

H.R. 1248: Mr. COX of California, Mr. NEAL of North Carolina, Mr. SANGMEISTER, Mr. HANCOCK, and Mr. PURSELL.

H.R. 1408: Ms. KAPTUR and Mr. STUDDS.

H.R. 1424: Mr. GALLEGLY and Mr. WOLF.

H.R. 1428: Mr. ECKART and Mr. ENGEL.

H.R. 1430: Mr. TORRES and Mr. DWYER of New Jersey.

H.R. 1432: Ms. KAPTUR.

H.R. 1443: Mr. SERRANO, Mr. STOKES, Mr. KOLTER, Mr. LAFALCE, and Mrs. JOHNSON of Connecticut.

H.R. 1450: Mr. GUNDERSON, Mr. KOLBE, Mr. BOEHLERT, Mr. SHAYS, Mr. ROHRABACHER, and Mr. QUILLEN.

H.R. 1454: Mr. LEVIN of Michigan, Mr. MURTHA, Mr. NOWAK, Mrs. BOXER, Mr. FORD of Michigan, and Mr. BLILEY.

H.R. 1456: Mr. ROE, Mr. DANNEMEYER, Mr. STEARNS, Mr. PICKETT, Mr. ERDREICH, Mr. SENSENBRENNER, Mr. GILMAN, Ms. ROS-LEHTINEN, Mr. VOLKMER, Mr. TALLON, Mr. FIELDS, Mr. SMITH of Texas, Mr. HANSEN, and Mr. ORTIZ.

H.R. 1515: Mr. ORTON, Mr. DYMALLY, Mr. MANTON, Mr. SMITH of New Jersey, Mr. JOHNSTON of Florida, Mr. MILLER of California, Mr. JOHNSON of South Dakota, Mr. FOGLIETTA, Mr. BOEHNER, Mr. KLUG, Mr. HOCHBRUECKNER, Mr. MCGRATH, Mr. UPTON, Mr. PICKETT, Mr. ACKERMAN, Ms. NORTON, Mr. BLILEY, and Mr. LAGOMARSINO.

H.R. 1531: Mr. MILLER of Washington, Mr. LAROCCO, Mr. STALLINGS, Mr. SMITH of Texas, Mr. WILSON, and Mr. BILBRAY.

H.R. 1541: Mr. RAVENEL.

H.R. 1589: Mr. STARK and Mr. TRAFICANT.

H.R. 1676: Mr. KLUG.

H.R. 1706: Mrs. UNSOELD, Mr. FROST, Mr. JEFFERSON, Mr. HUGHES, Mr. ECKART, and Mr. LAGOMARSINO.

H.R. 1707: Mr. DE LUGO, Mr. TOWNS, Mr. LEWIS of Florida, Mr. BRYANT, and Mr. FRANK of Massachusetts.

H.R. 1728: Mr. LAGOMARSINO.

H.R. 1739: Mr. EVANS, Mr. DWYER of New Jersey, Mr. PAYNE of New Jersey, Mr. FORD of Tennessee, Mr. WISE, Mr. RANGEL, Ms. DELAURO, Mr. MRAZEK, Mr. HERTEL, Mr. SERRANO, Mr. JEFFERSON, and Ms. PELOSI.

H.R. 1768: Mr. TOWNS, Mr. UPTON, Mr. FAZIO, Mr. MOLLOHAN, Mrs. BENTLEY, and Mrs. COLLINS of Illinois.

H.R. 1774: Mr. WILLIAMS, Mr. RAHALL, Mr. FRANK of Massachusetts, Mr. ANDERSON, Mrs. UNSOELD, Mr. MCNULTY, Mr. TOWNS, Mr. DELLUMS, Mr. SERRANO, Mr. DICKS, Mr. TORRES, and Ms. KAPTUR.

H.R. 1969: Mr. POSHARD.

H.R. 2053: Mr. ATKINS, Mr. DONNELLY, and Mr. NEAL of Massachusetts.

H.R. 2060: Mr. MOAKLEY, Mr. ATKINS, and Mr. STUDDS.

H.R. 2061: Mr. MOAKLEY, Mr. ATKINS, and Mr. STUDDS.

H.J. Res. 56: Mrs. MEYERS of Kansas, Mr. SHAW, Mr. FISH, Mr. CHANDLER, Mr. SABO, Mr. MINETA, Mr. ENGEL, Mr. SCHUMER, Mr. SCHEUER, Ms. SLAUGHTER of New York, and Mr. HARRIS.

H.J. Res. 81: Mr. EDWARDS of Oklahoma.

H.J. Res. 123: Mr. MATSUI and Mr. GILMAN.

H.J. Res. 129: Mr. KENNEDY, Mr. MFUME, Mr. ANNUNZIO, Mr. HARRIS, Mr. SCHUMER, Mr. NOWAK, Mr. FISH, Mr. SOLARZ, Mrs. MINK, Mr. TOWNS, Mr. STARK, Mr. MATSUI, Mr. BENNETT, Mr. ENGEL, Mr. TRAFICANT, Mr. LANCASTER, Mrs. BOXER, Mr. WASHINGTON, Mr. LANTOS, Mr. RIGGS, Mr. CARPER, and Mr. PAXON.

H.J. Res. 177: Mr. APPLEGATE, Mr. RANGEL, Mr. BILBRAY, Mr. TRAFICANT, Mr. LEACH, Mr. CAMP, Mr. SCHEUER, Mr. JONTZ, Mr. LENT, and Mr. WAXMAN.

H.J. Res. 182: Mrs. BYRON, Mr. COBLE, Mr. COLEMAN of Texas, Mrs. COLLINS of Illinois, Mr. DELLUMS, Mr. DICKS, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DREIER of California, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FISH, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GRAY, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HANSEN, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HUGHES, Mr. JENKINS, Mr. LAFALCE, Mr. JONTZ, Mr. KENNEDY, Mr. LANCASTER, Mr. MATSUI, Mr. MONTGOMERY, Mrs. MORELLA, Mr. OWENS of New York, Mr. PACKARD, Mr. RAMSTAD, Mr. ROE, Mr. SISISKY, Mr. SKAGGS, Mr. WALSH, and Mr. WAXMAN.

H.J. Res. 183: Mr. BORSKI, Mr. CALLAHAN, Mr. DE LUGO, Mr. DICKS, Mr. DONNELLY, Mr. FALEOMAVAEGA, Mr. FLAKE, Mr. HASTERT, Mr. HUTTO, Mr. HYDE, Ms. KAPTUR, Mr. DARDEN, Mr. GEREN of Texas, Mr. BUSTAMANTE, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. MOODY, Mr. MORRISON, Mr. NEAL of Massachusetts, Mr. RAVENEL, Mr. ROWLAND, Mr. HAYES of Louisiana, Mr. PRICE, Mr. SOLOMON, Mr. MCDADE, Mr. KOLTER, Mrs. MORELLA, Mr. SCHUMER, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. WEBER, Mr. HUBBARD, Mr. WELDON, Mr. LEVINE of California, Mr. MURPHY, Mr. HAMMERSCHMIDT, Mr. FOGLIETTA, and Mr. OWENS of New York.

H.J. Res. 194: Mr. LEWIS of California, Mr. EDWARDS of Texas, Mr. GEREN of Texas, Mr. ACKERMAN, Mr. BEILENSON, Mr. FLAKE, Mr. SUNDQUIST, Mr. STENHOLM, Mr. SMITH of Oregon, Mr. SHAW, Mr. SCHULZE, Mr. CONDIT, Mr. CARDIN, Mr. ECKART, Mr. JOHNSON of South Dakota, Mr. WASHINGTON, Mr. NAGLE, Mr. NEAL of North Carolina, Mr. STALLINGS, Mr. GEJDENSON, Mr. MFUME, Mr. ASPIN, Ms. OAKAR, Mr. BUSTAMANTE, Mr. DUNCAN, Mr. LIVINGSTON, and Mr. SKEEN.

H.J. Res. 208: Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. SIKORSKI, Mr. GUARINI, Mr. SERRANO, Mr. DE LUGO, Mrs. UNSOELD, Mr. KOSTMAYER, and Mr. MFUME.

H.J. Res. 223: Mr. BUNNING, Mr. ERDREICH, Mr. DE LA GARZA, Mr. MARTINEZ, Mr. ALEXANDER, Mr. MATSUI, Mr. JONES of Georgia, Mr. WALSH, Mr. DEFAZIO, and Ms. SLAUGHTER of New York.

H. Con. Res. 67: Mr. BRYANT.

H. Con. Res. 119: Mr. MCMILLEN of Maryland, Mr. HENRY, and Mr. DONNELLY.

H. Con. Res. 133: Mr. LAFALCE and Mr. MCNULTY.

H. Res. 24: Mr. RANGEL.

H. Res. 32: Mr. GRANDY and Mr. WALKER.

H. Res. 101: Mr. RANGEL, Mr. DERRICK, Mr. TAYLOR of Mississippi, Mr. PETERSON of Minnesota, Mr. BREWSTER, Mr. JENKINS, and Mr. HUNTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 784: Mr. BEREUTER.

SENATE—*Thursday, April 25, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 9 a.m. and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Hear, O Israel: The Lord our God is one Lord: And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might. And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up.—Deuteronomy 6:4-7.

God of Abraham, Isaac, and Israel, it is not for nothing that this word from Moses in the last book of the Torah is the foundation for Jewish life and worship. When it was taken seriously, they were blessed as a people. When they disobeyed, they were disciplined by God.

But it is a universal law which, like the Ten Commandments, when followed, brings order and blessing; when disregarded, humanity suffers, individually and collectively as families, nations, cultures. Holy God, help us to hear and heed, for the glory of God, for the blessing of humanity.

In the name of our righteous Lord we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The leader time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, as a Senator from the State of Nebraska, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the submission of Senate Concurrent Resolution 32 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

COMPREHENSIVE BANKING REFORM IS CRITICALLY NEEDED

Mr. DIXON. Mr. President, last Friday, the Wall Street Journal printed an article by Ron Chernow entitled "Bank Reform? What Bank Reform?" I commend his analysis to my colleagues' attention.

Mr. Chernow makes a compelling case that fundamental reform of our Nation's bank laws is long overdue, and I ask unanimous consent that a copy of his article be included at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DIXON. We have a system now that locks good banks out of low-risk activities the marketplace increasingly demands. At the same time, because of the current flaws of our deposit insurance system, we are, in effect, subsidizing bad banking.

The current out-of-date Federal regulatory scheme therefore has played a major role in creating the shrinking, increasingly troubled banking industry we now see. And, unless we address the long-term reform issues, we will likely be back here again and again facing additional banking industry problems. We have to deal with the flaws of deposit insurance and we have to recapitalize the bank insurance funds. Action in these areas alone, however, is not enough. It will not give us the strong, competitive banking system we need for the future. Only comprehensive action has any hope of accomplishing that objective.

EXHIBIT 1

[From the Wall Street Journal, Apr. 19, 1991]

BANK REFORM? WHAT BANK REFORM?

(By Ron Chernow)

The Bush administration's blueprint for bank reform has, unfortunately, emerged as the first domestic casualty of the Persian Gulf war. Unveiled by Treasury Secretary Brady in February, the ambitious plan calls for interstate branching; expanded securities and insurance powers for banks; modest retrenchment of deposit insurance; a recapitalized insurance fund; and a simpler regulatory structure. If early reactions are any guide, the plan may soon suffer the legislative equivalent of crib-death. What has gone wrong?

Mr. Bush seems to be hoping that a quick economic upturn will revive banks, sparing him the need for painful action. In consequence, the audacious Brady plan has been promoted with a surprising lack of salesmanship. Meanwhile, congressional Democrats have eagerly joined the conspiracy of inaction. Stymied by Mr. Bush's new popularity, they would like to keep the spotlight on the S&L mess forever.

Ordinarily, as front-line medics dealing with the carnage, bank regulators would vigorously advocate reform. But since the reform package contains a proposal to revamp the regulatory structure itself, shifting powers away from the Federal Deposit Insurance Corp. and Federal Reserve to the Treasury Department, the regulators have emerged as squabbling participants instead of united sponsors. At the same time, regulators must calm a public jittery about the nation's banks and so refrain from expressing any urgency about the situation. Proponents of the Brady plan also fear that to sketch too dire a picture of the commercial banks' plight would damage any chances for reform. So everyone in Washington—the executive, Congress, the regulators—is residing in the Land of Wishful Thinking, the most exuberant real estate market in America today.

REFLEXIVE DENIAL

No, the country is not repeating the S&L disaster. Yet Washington's reflexive denial of any major problem has itself become a startling parallel between the two episodes. Recently, the FDIC reported a sharp rise in delinquent real estate loans and repossessed property, with trouble increasingly bottled up at big banks. Where the number of problem banks has steadied at a shade over a thousand, their assets have soared from $235 billion in 1989 to $409 billion in one year. The

$8.4 billion in the deposit insurance kitty seems a mighty weak reed to sustain such a potentially heavy load.

The Pollyanna position apparently held by the administration holds that, buoyed by the Gulf victory, consumers will spend, the economy will cast off its torpor, and the banking crisis will fade. This magical scenario ignores one troublesome fact: Bank failures soared during the 1980s boom, obviously responding to some set of dynamics other than general economic health. Structural obstacles to recovery abound—for instance, the current surplus of office buildings and shopping malls and high levels of consumer debt presage continued banking problems. The sanguine view also ignores the paradox that the banks' weakness will stall any recovery.

False analogies to the S&Ls deregulation of the early 1980s have deterred bank reform and the Treasury Department has been spectacularly inept at showing that its plan flows from different premises. The S&L deregulation perpetuated the classic American error of having many small, weakly managed, poorly capitalized banks, sink their money into local real estate. Charters were handed out freely, and regulators competed in leniency. S&Ls didn't diversify—they shifted from narrowly safe to narrowly risky lending.

By contrast, the Bush proposal seeks to consolidate the banking system, not to atomize it further. It foreshadows a gradual evolution toward strong, well-capitalized national banks, with diversified powers and unified regulation—the sorts of banks that make failures great rarities in England, Canada and elsewhere. Yet the Bush administration has allowed reform opponents to portray the package as a bizarre, misguided, almost suicidal attempt to reenact the S&L disaster.

Despite the failure of more than 1,000 commercial banks in a decade—with another 1,000 tottering—congressmen still express ritual fears about banks obtaining "risky" securities and insurance powers. Oddly, the universal banks of Europe—which have such powers—are commonly faulted for being gray and stodgy, not for being high-flying swingers.

Another popular Washington refrain maintains that before changes can be contemplated, the depleted deposit insurance fund must be replenished and confidence restored in the system. Nobody quarrels with this priority, nor with the need for early intervention for troubled banks. But a corollary contends that the reform package would not correct the current crisis and could even markedly worsen it.

To be sure, no congressional action will wipe away the rubbishy loans to Latin debtors, commercial property developers and overly leveraged companies. Such damage can never be undone. So then the central question becomes: Will we restore the stability of banks by having them slash their assets (i.e. loans) or by expanding capital? After cutting costs, there's no escape from this mathematical choice.

To date, the solution has disproportionately favored shrinking banks, as they write off bad loans, pull lines of credit and set prohibitive lending terms—the famous credit crunch. Whether this situation should be blamed on zealous regulators or churlish bankers has spurred fruitless debate. The credit crunch won't be solved by editorial sermons or regulatory exhortation, but only by injecting new capital into the banking system. This is where the Bush reforms become relevant.

The best way to lure fresh capital into the banks is to sketch a future brighter than the dismal history of the past 20 years, banishing the perpetual poison clouds that hang over the industry. The American banking system has become the Chernobyl of international finance, a ghastly disaster area boycotted by most investors. Ending an old taboo, the Bush package contains a proposal to allow industrial companies to buy banks. Whatever its merits, no industrial company has evinced the slightest desire to take advantage of this historic opportunity. Why buy a bank when many of the same functions can be performed without getting tied up in regulatory red tape?

Perhaps the most potent argument for considering banking reform now is that a new banking system is already rising from the ashes of the old. The Bush plan attempts to ratify and rationalize shifts already taking place in the marketplace. As large banks fail, for example, regulators allow rival banks to cross state lines to buy them. And the Fed apparently looks on with tolerance as a Saudi prince buys a large stake in Citicorp and Banco Santander of Spain does the same with First Fidelity of New Jersey. So the marketplace is creating a global banking system, while Congress cannot bring itself even to certify a national one.

Such changes, now reshaping the banking world, occur without any guiding vision. Far from being a remote irrelevance, a consensus on a new banking system could alter specific bailout decisions. Everything else being equal, for instance, should regulators favor BankAmerica of California or Fleet/Norstar of Rhode Island to buy Bank of New England? If one favored national banks, with diversified deposit bases and loan portfolios, it might tip the balance to BankAmerica rather than to Fleet/Norstar, which operates in the same regional economy as the Bank of New England.

Similarly, congressional refusal to repeal Glass-Steagall won't bar banks from investment banking. It will simply cede to Alan Greenspan and the Federal Reserve Board the opportunity to grant banks such powers on a preferential basis, as has been happening for years. Such selective repeal by regulatory fiat is obviously the least equitable way to make public policy.

S&L DISASTER

President Bush can neglect the banking crisis only at his peril. Pervasive financial weakness could transform a short, shallow recession into one of unusual length and severity. Unlike the S&L debacle, the commercial bank crisis is taking place on President Bush's watch. Amid the worst banking crisis in 60 years, the president must take decisive action. At the same time, it will ill behoove congressional Democrats to cast stones later if they refuse to take constructive action to remedy commercial bank problems and seek refuge in endless replays of the S&L disaster. Without deregulation, the U.S. banking system generates from 150 to 200 bank failures per year. Something is obviously terribly wrong.

Back in 1920, the U.S. possessed about 30,000 banks. Today, after massive failures in the 1920s, 1930s and 1980s, plus many mergers, the number has dwindled to 12,400. Eventually, the U.S. will have the sort of large, consolidated national banking systems enjoyed by our trading partners, who don't suffer chronic bank failures. The historic trajectory is crystal-clear. The real choice is whether we wish to move toward such a system via decades of bloody bank collapses and community devastation, or whether we can spare ourselves this agony through wise, timely poltical leadership.

SOVIET EMIGRATION LAW

Mr. DIXON. Mr. President, Tuesday's Washington Post contained an article entitled, "Soviet Cites Fears of Mass Emigration." The article outlines the premise that the reason the enactment of free emigration legislation is languishing in the Supreme Soviet is a fear among conservatives and others that a free emigration bill would result in a mass exodus from the Soviet Union.

While the conservatives may be right—after all, the Soviet economy is a shambles, and political infighting continues to destabilize the country—they must realize that the failure to enact a free emigration law which is consistent with international human rights agreements to which the Soviet Union has signed, remains the primary basis on which further credits and possible most-favored-nation status will be considered.

Let us be clear about our goal. The Jackson-Vanik amendments to the 1974 Trade Act linked trade status to emigration. Other serious issues worthy of consideration do not supersede that basic linkage of free emigration to an improved trade status.

Let us also be clear that a free emigration law that has a number of strings attached to it, as is the case with the latest draft of the legislation, is not acceptable.

The latest draft of the free emigration legislation makes a mockery of the principle of free emigration as defined in international human rights agreements.

For example, consideration is being given in the Russian Republic to charging emigrants for their education. Under one scenario, an emigrant with an advanced degree would have to pay 3,000 rubles as reimbursement for the education he or she received.

An emigrant already must pay up to 700 rubles in order to emigrate.

The recent monetary reform policy implemented in the Soviet Union further complicates the process. As my colleagues will recall, Moscow outlawed 50- and 100-ruble notes overnight. Money was to be changed at Soviet banks, but no more than 3,000 rubles in 50- and 100-ruble denominations could be converted to smaller denominations. In addition, a Soviet citizen could take out no more than 500 rubles from their bank account in any given month.

Therefore, Mr. President, to illustrate the potential problem: Should a family of four—both parents with advanced degrees and their two children—wish to emigrate, it could cost them up to 7,400 rubles. Since they could not remove more than 500 rubles a month from the bank, it would take a minimum of 15 months to set aside enough money to afford to emigrate.

And that, Mr. President, does not constitute free emigration to this Senator. It would not constitute free emigration as defined in the Vienna concluding document on human rights, by which the Soviets agreed to abide.

As a former cochairman of the Congressional Call to Conscience for Soviet Jews, I know all too well the enormous roadblocks facing Soviet Jews and others who wish to emigrate. Their plight continues. The number of refuseniks is increasing, Mr. President. We must not lose sight of their ongoing struggle.

I urge the administration to reiterate our longstanding policy of considering an improvement in the United States-Soviet trade relationship when, and only when, a meaningful and effective free emigration law is enacted and implemented.

I ask unanimous consent that a copy of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET CITES FEARS OF MASS EMIGRATION

MOSCOW.—The Soviet legislature, fearing a population exodus, is unlikely to pass a bill easing emigration restrictions in the near future, a senior member said yesterday.

U.S. officials in Washington said that without a Soviet emigration law, President Bush would find it difficult to renew Moscow's authority to take out farm loans and to grant the Kremlin most-favored-nation tariff treatment.

Nikolai Neiland, a member of the Supreme Soviet's foreign affairs committee, said conservative deputies and others with longstanding reservations about an emigration bill have effectively put the bill on hold.

"The official reason given . . . is that the law would cost the country too much money," said Neiland. "But the fundamental reason is political and ideological, not economic." Neiland said the legislation, giving citizens the automatic right to a five-year passport, was stalled by concern that thousands would flee to escape economic hardship.

APPOINTMENT BY THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101-509, his appointment of Dr. Christopher Beam, of Maine, to the Advisory Committee on the Records of Congress.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-297, appoints the following individuals to the Advisory Committee of the Conference, White House Conference on Indian Education:

The Senator from Hawaii [Mr. INOUYE];

Dr. Lionel Bordeaux, of South Dakota; and

Dr. Robert J. Swan, of Montana.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COATS. Mr. President, I assume we are still in morning business.

The ACTING PRESIDENT pro tempore. We are in morning business until 9:30. The Senator is permitted to speak for 5 minutes.

RCRA REFORM

Mr. COATS. Mr. President, today we will see the introduction of the Resource Conservation and Recovery Act Amendments of 1991. And I want first to express some appreciation. Senator BAUCUS, Senator CHAFEE, and the Environmental Protection Subcommittee deserve the thanks owed to effort. The issues involved are both complex and divisive. Yet they have provided a useful framework for an important debate.

But while I am not disrespectful of this proposal, I am disappointed in it—particularly the portion that deals with the interstate transportation of solid waste. It betrays a misunderstanding of my State and other trash importers. Our landfill capacity is consumed in delay. In Indiana, we are in a race between reform and crisis. But in this bill, that urgency is ignored.

In 1980, Indiana had 150 landfills. Today it has 80. Another 31 are scheduled to close in the next 5 years. At that point, 54 Indiana counties will have no landfill capacity of their own. Nearly 40 percent of our dumpsites have less than 5 years of capacity. At the current rate of use, our State has only about 7 years of landfill space remaining.

But in Indiana there was no capacity crisis before convoys of trucks and cargo trains imported it. Up to 30 percent of trash disposed in Indiana landfills is from out of State. Three of the four largest landfills that receive east coast trash are now fighting for expansion permits. One thing is increasingly clear: We in Indiana cannot control our environmental future unless we can control our borders.

My State faces the urgency of a ticking clock. We cannot rely on timetables set by others. And the timetable of proposed RCRA reform is leisurely and complacent. Its immediate help is inadequate, and its eventual solution will come too late.

First, the proposed RCRA bill does little to remove the economic incentive for exporting trash on long hauls. It allows for some increased fees imposed by importing States. Indiana could immediately charge New York or New Jersey $40 a ton to use its landfills, $20 of that in Indiana's tipping fees. Along with trucking costs, the net price becomes about $83 a ton to those States. But tipping fees within New York and New Jersey run from $90 to $130 a ton. That means Indiana is still a bargain. And that also means that immediate relief is an illusion.

Three years after RCRA passes, in 1995 if passage comes in 1992, those fees would increase again. But by that time who knows what level east coast rates will have risen to. And even if those figures are close to Indiana's price, sending trash out of State will still be the smart political move.

Second, the proposed RCRA plan moves with such deliberate patience, such frustrating delay, it places real solutions beyond a time when we can make any use of them. States will have 30 months after RCRA is enacted to submit waste management plans. The EPA will have 6 months to analyze them. If RCRA passes in 1992, Indiana will have conditional authority to ban out of State trash in 1995, and full authority in 1998.

But with 7 years capacity remaining, this is no help at all. It is offering medical treatment at the funeral. We will be flooded with trash in these long years of reprieve. While we wait, the convoys still come. And our own environmental planning will be rendered useless.

Third, this RCRA legislation seems to contain a grandfather provision that would extend delay even further. Existing private dumping contracts, along with those made within 5 years after enactment of RCRA, are apparently protected from an imported garbage ban until the year 2000. This is most of the trash in Indiana. And it would mean we will find protection only when there is nothing left to protect.

Finally, a criticism more general, and most disturbing, is this proposal's perverse assignment of burdens. Throughout the legislation, it is importing States that must meet new standards, that must prove their worthiness, that must exemplify patience. Exporters, in contrast, seem to be given the benefit of every doubt.

This represents an inversion of real responsibilities. Indiana and States like it are not the ones who have refused to care for problems of their own. These tensions do not begin when importers stand up and say enough. They begin when other States load up boxcars with rotting trash, then send them to our small towns that fester in resentment.

For Indiana, all this is worthless, but not harmless. It would act as a cover for half a decade or more of continued dumping from out of State. It gives the appearance of action while our landfills close. For us, that is not an option. This is our environmental crisis. And this RCRA reform proposal is in need of significant change.

In my own legislation, passed by the Senate last year, I have tried to develop a blueprint for real reform. It would allow States to immediately impose fees of their choosing on imported waste—fees that could distinguish between States of origin. I would allow States to ban imported trash if they adopt a 20-year plan for managing their own waste. And it would allow States to enter into cooperative agreements among themselves to meet their needs.

This is the direction of my concerns—giving States real and immediate power to take control of their environmental future. These are the ideas I will be asking the environment and public works committee to carefully consider.

I am hopeful there is agreement down this road. I am committed to working at every stage with Senator BAUCUS and Senator CHAFEE. I am willing to talk seriously and sincerely, with patience and good faith. But we have miles to go before we sleep.

TRIBUTE TO CHIEF JOHN F. WELCH

Mr. MITCHELL. Mr. President, the volunteer fire department is an essential cornerstone of small town America. This institution brings traits that many believe exist only in myth or history: neighbors helping each other, heroism, and giving of oneself for the benefit of the community. York Beach, ME, is fortunate to have had a fire chief who has made these values a reality for nearly 40 years. Fire Chief John Welch has dedicated his life to his community and I would like to take this opportunity to commend and thank him for his service to York Beach.

Chief Welch joined the York Beach Volunteer Fire Department in October 1952; serving 17 years as fire chief and the 20 years prior as assistant fire chief. During the time he has been honored with the Congressional Fire Service Institute Award and the York Athletic Boosters Outstanding Citizen Award, among others, He has also been active in State and regional fire chief associations. Chief Welch has taken his responsibilities as a community leader very seriously. Under his leadership, the York Beach Fire Department has greatly expanded and modernized. This dedication is not only commendable, but necessary in a field where peoples' lives hang in the balance.

Chief Welch's involvement with the community has not been confined to his work with the fire department. He has also been active in his church, his town government, his local VFW and he served as a Little League coach for over a decade. Chief Welch retired from his regular job at Portsmouth Naval Shipyard in 1977 and has used much of his additional time to increase his involvement in community affairs.

Chief Welch's concern for his community is an example from which all can learn. I know that my colleagues join me in commending him on his many years of service to York Beach Fire Department, and it is with deep gratitude and respect I wish him well in his retirement.

CIVIL RIGHTS BILL

Mr. BENTSEN. Mr. President, I rise today to express my deep regret over the Business Roundtable's decision to discontinue negotiations over a civil rights bill. Since last December, the Roundtable had been negotiating directly with the civil rights leadership. This past Friday, the Roundtable announced its withdrawal from negotiations. The Roundtable felt obligated to withdraw although negotiators were near to an agreement.

Mr. President, I urge the Roundtable to reconsider its decision to withdraw. I urge it to ignore those who have been pressuring the Roundtable to leave the bargaining table. The negotiations have progressed too far, have succeeded all too well, to be abandoned now.

I commend the courage the Roundtable and the civil rights leadership showed in beginning these negotiations in the first place. I must particularly commend the commitment of Robert Allen, chairman of AT&T. He was ahead of the curve when he persuaded the Roundtable to negotiate with the civil rights community.

Bob Allen did not have to take this initiative. His company prevailed in one of the six cases which the Civil Rights Act would reverse. He and his company could have stayed on the sidelines, benefiting from having six anticivil rights cases stay on the books.

But Bob Allen and the Business Roundtable did not choose this course. Instead, they demonstrated more foresight.

They told the civil rights community that "we'll work with you toward enacting a civil rights bill but we'll be tough negotiators. We'll defend an employer's right to hire qualified employees. We won't let this civil rights bill undermine business' ability to compete. We don't want a cure worse than the disease."

The Roundtable's strategy apparently was working. The Roundtable and the civil rights leadership began negotiating last December. The negotiators wisely kept partisan politics out of the process. In the 4 months since December, they achieved more than what the politicans did in a year. According to press reports, the Roundtable and civil rights negotiators reached agreement on every issue except damages.

They apparently reached a quick agreement on the definition of business necessity. So you know, business necessity is a defense to disparate impact cases. The business necessity definition has been the main sticking point in the civil rights bill. The President vetoed last year's civil rights bill primarily because he believed the business necessity definition would force hiring quotas.

Before the veto, congressional and administration negotiators had spent 6 months negotiating subtle differences over business necessity. They ultimately failed to reach a compromise over this one definition. In contrast, the Roundtable and civil rights leaders resolved this and other issues in less than 4 months.

With that success, the Roundtable should not be retreating. It should be forging ahead and walking that last mile toward a complete compromise.

Although I believe the Roundtable's withdrawal is a shame, I do not fault its leadership for this decision. Press reports state that White House officials and other business interests pressured the Roundtable to abandon the negotiations. They lobbied it hard to abandon the path of compromise and to support the President's civil rights bill. That kind of pressure is not easy to take alone, even for the Roundtable.

It is clear to me who is responsible for derailing these negotiations. I keep on hearing how the President wants a civil rights bill. I keep on hearing how other business groups are not against civil rights. Well, if that is true, it is time for their actions to match their words.

If we all are for civil rights, like we say we are, we should work with the Roundtable and the civil rights leadership, not against them. At the very least, let us get out of their way and let the negotiations finish uninterrupted. That goes for both Republicans and Democrats, Congress, and the administration.

If other business interests are concerned the Roundtable will not represent their interests, they ought to at least communicate their interests to the Roundtable, before they actively oppose the negotiations.

And if those negotiations produce a bill that looks more like the President's bill, than the Democrats', so be it. If the business and civil rights communities can accept the bill, then I think I can, too. After all the division this Congress and Nation have suffered over civil rights, I do not believe it is important which political party gets credit fort the bill. What is important is that we quickly enact a civil rights bill that has broad support.

The Business Roundtable negotiations came close to doing just that. We may have just lost a golden opportunity to enact something everyone says they're for. I hope it is not too late to persuade the Roundtable to return to the bargaining table. It will not be easy for the Roundtable if it does. It will probably face more of the same political pressure. But I want the Roundtable to know, that if it changes its mind and decides to walk that last mile toward compromise, this Senator is prepared to stand behind any compromise negotiators reach.

TRIBUTE TO MAJ. STEPHEN GOLDFEIN, AIR FORCE SENATE LIAISON OFFICE

Mr. LOTT. Mr. President, I take time today to publicly acknowledge the distinguished service to this body by Maj. Stephen Goldfein. Major Goldfein has served for the past 2 years as deputy chief of the Air Force's Senate Liaison Office and is soon to leave for Florida and a resumption of his flying duties.

He has been instrumental in providing complete and accurate information on the crucial defense issues we must consider in the Congress. Balanced, timely information has played an important part in our present success in Eastern Europe and in the gulf. As we reduce the size of our military it will be essential for a defense that ensures both quality people and quality forces to provide a credible deterrent. The accelerated responsiveness that Major Goldfein instilled in legislative liaison has benefited both we in the Congress and the people of the Nation.

We have indeed been fortunate to have Steve Goldfein as our liaison to the Air Force. He has served with distinction in a demanding and highly visible position. He has earned our gratitude for the contributions he has made to the defense of our country. I know my colleagues join me in wishing Steve continued success and in thanking him for a job well done.

COMMEMORATING BRIG. GEN. BRETT M. DULA, USAF

Mr. WARNER. Mr. President, over the last 2 years, Congress and the Air Force have worked better together due to the efforts of one man. Therefore, I want to take this opportunity at the end of his tour to thank Brig. Gen. Brett M. Dula for his effective, dedicated, and distinguished service as director of Air Force legislation.

Brett Dula succeeded in Washington because he excelled at getting timely information to Congress on a wide range of Air Force issues. During a time when congressional requests for information to all the services have grown geometrically, Brett has met the demand with personal and institutional integrity, professional grace, and great individual skill. Brett's efforts have paid great dividends; we won in Eastern Europe, we won in the gulf, and we are significantly reducing the military's proportion of tax dollars as we modernize and streamline our services across the board.

We in Congress have never been better able to assess the critical defense needs of the Nation, whether those needs are major weapons systems, quality of life programs for service men and women, or even military construction projects. Much of the credit for our ability must go to Brett Dula.

Always professional, always diligent, Brett is a trusted bridge between the Congress and the Air Force. Recently nominated to receive his second star, he has indeed been a pleasure to work with. As he leaves for his next assignment as vice commander of 8th Air Force, Barksdale AFB, on behalf of the U.S. Senate, I wish him farewell and continued success.

DESTINATION 2015: EMBRACING THE VISION OF A NATIONAL ADVANCED BROADBAND FIBER OPTIC NETWORK

Mr. BURNS. Mr. President, just like Ike had a vision for an interstate highway system. Just like JFK had a vision to put a man on the Moon. I have a vision to have a broadband fiber optic network linking every home, school, hospital, and business within a generation.

Yes, Mr. President, I have a vision about where we must go with the Nation's economy and how we can get there, and the deployment of a broadband fiber optic network is the key. Just as waterways, railroads, highways and airways were the engines of economic development in the Agrarian and Industrial Ages of the 10th and 20th centuries, the deployment of national broadband fiber optic networks is the engine that will drive economic development in the Information Age of the 21st century.

Think of it like this: Less than 100 years ago we used a sickle to harvest the wheat in this country. Today, farmers harvest wheat using self-propelled combines. Our agriculture is the envy of the world.

In our telecommunications industry, information travels over large cables. It should travel over small strands of fiber optic cable. Just imagine where we would be if we were still harvesting wheat by hand. That is what we are doing in our telecommunications industry because of existing Government policy.

By the year 2015 the United States must complete this information highway. The rest of the world is doing it. As the world moves into the Information Age our telecommunications industry must keep pace or risk not taking part.

Do we want to have the Japanese or the French control the telecommunications technology? Not if we value our economic future and the creation of jobs in this country.

If the United States, and States like my home State of Montana, can develop a superior telecommunications infrastructure, they will be in an excellent position to compete globally for new industry. Our ability to build and grow this network will be the deciding factor as to how we survive and, hopefully, prosper in the 21st century.

A national broadband fiber optic network and telecommunications infrastructure goes to the heart of our Nation's ability to compete, in the future, in global markets.

Other countries are making substantial investments in their telephone networks with the expectation that those investments will be recovered by selling the related technology abroad. Our Nation must be competitive or risk importing the technology and exporting the jobs.

Japan, through a national public policy discussion and decision that took place 10 years ago, designated telecommunications as the key, strategic industry for the 21st century. This emphasis on telecommunications as a strategic industry calls for Japan to spend $240 billion over the next 10 years.

Much of Japan's multibillion-dollar investment is targeted to export markets—the United States, in particular. By the year 2015, the Japanese will have fully deployed a fiber network that will generate no less than one-third of Japan's GNP.

The French, whose telecommunication system was once the laughing stock of the Western World, have developed the largest and most successful video text system in the world—the Minitel system. The French introduced Minitel in 1985. By October of last year, more than 4½ million terminals were in operation, offering more than 11,000 information services including personal financial management, computerized catalog shopping, and hotel and airline reservations. In France, more than 30 percent of the working population has access to a Minitel terminal at the home or office.

In Great Britain, the British Government recently announced that it would pursue wide-ranging deregulation of its nation's telecommunications industry, including erasing most of the legal restrictions separating the telephone and cable television industries. The British Government intends to allow largely unrestricted access to the local, long distance, and international service markets. This proposal makes the United Kingdom the most open telecommunications market in the world, including the United States.

The approval of these recommendations lets the United Kingdom, in effect, leapfrog the United States in progressive regulatory actions. The impact of this procompetitive telecommunications policy is already paying handsome dividends. Many American telephone companies are investing in start-up cable television franchises.

Our great Nation must not be a latecomer to the world information revolution. While our competitors marshal their resources, the United States telecommunications industry is mired in a regulatory and legal quagmire that often discourages investment in new technology and stunts innovation. Why is this happening? Why are we allowing it to happen?

The answers can be found in our public telecommunications policy. Or more precisely, our lack of a clear and forward-looking public policy.

Nations like Japan, France, and England, our economic competitors, believe that telecommunications infrastructure is critical to their country's economic future. The United States, on the other hand, has not reached anything close to a consensus. We are still arguing at the starting line.

But there is more to all this than just meeting the competitiveness challenge on the international playing field. My vision also promises to enhance the quality of life for American citizens here at home. All Americans deserve to have access to information, and a broadband fiber optics network will make that information available. Information can improve our way of life. It can empower individuals to succeed. And in many cases, the power to succeed means the opportunity to get off of public welfare programs.

What are some of the possibilities of a fiber optic network?

The shortage of doctors and health care professionals in rural areas could be overcome. Health care facilities in smaller towns could hook up with hospitals in larger towns and take advantage of their equipment and expertise. Preliminary examinations could be carried out without patients having to travel hundreds of miles each way.

Our schools could access any library in the United States or the world and have guest teachers via a two-way interactive audio and visual network. This would give America's children unlimited opportunities to learn. For large, rural States like Montana, and for inner-city school systems struggling with limited resources, the impact on education could be dramatic.

A fiber optic network would also be important to elderly Americans, like my parents, who are both in their eighties. They could stay in their homes longer if they had the ability to monitor their well-being on a daily basis—which is something a fiber optic network can make possible—rather than being prematurely forced into a medical care facility or nursing home. An additional year or two in their own home would mean a lot to them.

And think of the impact of a fiber optic network on jobs. An engineer or stockbroker could live in any city, town, or rural community in this country and still work anywhere in the world via a fiber optic network. In Montana, many of our graduating seniors want to stay in our beautiful State where the skies were blue, the water is crisp, the air is healthy, and the quality of life is good. But they are forced to leave the State to find jobs. We need to keep our best and brightest at home.

Data processing or telemarketing jobs could be relocated to areas were the cost of living is lower and the people are hard working and well educated. There's a vast, untapped work force out there, all we have to do is reach out and touch them through fiber optics.

Underprivileged Americans living in the inner cities would be able to tap into vast resources of information via fiber optics. This would help to further open the door of opportunity.

Handicapped Americans and individuals who are for one reason or another bound to the home could actively participate in our work force via fiber optics.

These are but just a few examples of how fiber optics could enhance the lives of all Americans. The possibilities are limited only by the human mind.

Mr. President, last Monday the Washington Post ran an article by Liz Spayd on the front page entitled "Increasingly in Area, Home is Where the Workplace Is." This article tells us how workers in the Washington area are fast becoming the Nation's leading "telecommuters." Many Washington employers are seeing advantages to letting employees work outside the confines of the corporate office.

To meet the challenges of congestion in urban areas, not to mention U.S. reliance on foreign sources of oil, we must look at telecommuting. Our highways of the future will not be made of concrete and steel but of glass. We will not travel in cars, but on bits of pulsating light. It will not take us hours or days to travel around the world, only a sound.

Along with millions of others who commute to and from our Nation's capital, I know the meaning of the word congestion. I like to call I–395, which I drive each day, the world's largest parking lot.

The advent of fiber optics will make it possible for people from every corner of this Nation to plug into super computers and an unlimited information network around the world. Our highways of the future should include our telecommunications infrastructure.

Workers will travel to work on information highways instead of our traditional highways. The cars on these information highways will be bits of information which can travel anywhere in the world instantly. These highways will be clean, instantaneous and permit Americans to live where they please. With the advent of fiber optics, our traditional highways will be less congested, we'll save on fuel consumption, and we'll reduce the release of automobile pollutants into the environment.

Think of it, a stockbroker could live in Circle, MT, with a population of 931, and be in instant contact with anyone, anywhere, anyway. That person will not have to burn thousands of gallons of fossil fuel each year to drive to and from work. We will not have to invest billions of dollars for a mass transit system to move that person around. And, best of all that person will be able to live and work in rural America.

The same is true for underprivileged Americans living in the inner city. They may not have the income or ability to travel the world, but the world can be brought to them via these information highways.

Yes, Mr. President, the vision I have is indeed a grand one. And it can happen without investing huge amounts of Government money. Money that we do not have. Our telecommunications industry is willing to invest in the necessary infrastructure to make it possible. We as members of Congress only need to update our telecommunications policy to make what's possible a reality. We need broadbased agreement on cohesive communications public policy goals.

As a member of both the Senate Commerce, Science, and Transportation Committee and the Senate Energy and Natural Resources Committee, it is my goal during this session of Congress to enact legislation to allow that will make the United States the world leader in the Information Age.

Far too often, our Nation's leaders in communications policy find themselves at odds or pitted against interests seeking competitive protection, or as the late Senator Magnuson used to say—"a fair advantage." Powerful forces want to preseve the status quo. Many communications companies with much invested in current technologies warn of commercial chaos if regulatory schemes are altered which keep certain other companies from owning or competing with incumbent firms.

The impact of this regulatory and legal logjam will be most acute on small businesses and residential users, as big businesses have the necessary resources to deploy their own private networks and, indeed, are doing so.

While it is still possible to speak of telephone companies, cable television companies, broadcasters and TV networks, publishers, movie studios, and computer makers as separate businesses, all of these previously distinct industries are "converging." The reason is simple: "digitization." Once the signals from telephone, television, satellite and information services are converted into digital form, they are, as a technical matter, identical. All of the sounds, pictures, words or combination of these signals are digital code bursts of 0's and 1's.

That makes it possible for all to be sent over a single transmission system and decoded by a single machine. This digital world of the future will blur the traditional distinctions between various communications industries forcing all firms to refocus their lines of business and gear up for future head to head competition.

It is, therefore, past time that clear, essential forward-looking and cohesive public policy goals be set.

If we wait until the middle of the next century to complete the Nation's broadband fiber network; the world will have passed us by and taken much of our economy with it.

The challenge facing regulators and legislators is how to provide the necessary incentives for upgrading the infrastructure while at the same time protecting ratepayers and preserving universal service.

We do not need to mortgage our future; but we do need to invest in it. We must encourage competition among our telecommunications companies to invest and reinvest in this country, ways that will still insure affordable basic service, so that the average family can afford these marvelous 21st-century opportunities for human growth and consequent human fulfillment and prosperity.

I plan to introduce the Communications Competitiveness and Infrastructure Modernization Act of 1991 in May after we return from the recess. I hope my colleagues will consider carefully what I have said here today and lend their support to my bill. As I see it, our country's future depends on our having a vision of America with a telecommunications infrastructure that will enable us to be strong at home and abroad and then making that vision a reality.

NOTIFICATION OF CHEMICAL APPLICATION ACT OF 1991

Mr. LIEBERMAN. Mr. President, Senator REID and I have introduced legislation, S. 849, and rise today to discuss this bill. This legislation would require commercial applicators of lawn care and other nonagricultural chemicals to provide detailed written contracts to all customers as well as posting and notification to others who may come into contact with the chemicals, including neighbors, schoolchildren, office workers, and clients. The bill amends the Emergency Planning and Community Right-to-Know Act by requiring full disclosure, through posting and notification, of the chemicals to be applied and their known or potential effects on health and the environment.

With spring in full bloom, millions of Americans are applying millions of pounds of chemicals to their lawns to kill weeds and bugs and make the grass grow thicker and greener. An estimated 51 million homeowners do the work themselves. More than 8 million will hire professional lawn care companies to do the job. The sale of lawn care products and services has developed into a multibillion-dollar business.

But too many of us fail to recognize that chemicals that kill weeds and bugs are also powerful enough to threaten the environment, and even human health. Is a picture-perfect lawn worth the cost?

We do not yet know the full effect of lawn care and other nonagricultural chemicals on our ground water, our children, our neighbors, and our pets. We do know, however, that lawn care and other nonagricultural chemicals can poison fish, animals, and other wildlife. Labels on some lawn care products warn us to keep the product away from pregnant dogs or puppies and kittens, but say nothing of possible risks to pregnant women or to children.

There is evidence that some lawn care chemicals are toxic to humans. A Navy lieutenant died after exposure to lawn chemicals that had been sprayed on the Army-Navy golf course. The Toxic Substances, Environmental Oversight, Research and Development Subcommittee of the Environment and Public Works Committee heard testimony last year from that man's brother. We also heard from other witnesses who continue to suffer from chronic illnesses that are aggravated by exposure to lawn care chemicals.

The National Cancer Institute has conducted studies which show the rate of malignant brain tumors, and other forms of cancer, among farmers in Kansas and Nebraska increasing in direct proportion to the amount of 2,4-D used—that is the active ingredient in over 1,500 pesticide products. A researcher from the National Toxicology Program told us about studies which indicate that 2,4-D, a commonly used lawn care and agricultural chemical, is a human carcinogen. Meanwhile, the public continues to be exposed to 2,4-D with no notice of its application or its potential health effects.

Add to these problems the fact that the Environmental Protection Agency has failed to carry out its mission. EPA collects data and assesses health risks associated with chemicals used in lawn care and other nonagricultural products. But registration of such products with the EPA does not guarantee that the public health is protected from the dangers associated with the chemicals they use. To date, EPA has received the complete battery of toxicity data on only one of the 34 common active ingredients in lawn care chemicals.

Carbaryl, one of the most widely used lawn and garden products, has been shown to cause birth defects in dogs. There is reason to believe it may do the same in humans. EPA's regulations require the label to state, "Do not use on pregnant dogs." But there is no precaution for pregnant women.

More must be done to protect human health and the environment from the chemicals which we knowingly disperse onto our lawns and in and around buildings frequented by the public in the ordinary course of business. That is at the heart of legislation called the Notification of Chemical Application Act of 1991 that we are introducing. This bill requires companies that apply lawn care and other nonagricultural chemicals to provide written and posted notice and disclosure of all known health and environmental effects of the chemicals being used so that neighbors, schoolchildren, office workers, clients, and customers can take precautions to protect themselves, if they wish.

This bill targets not only the commercial application of lawn care chemicals, but also other nonagricultural chemicals that are commonly applied commercially. Its requirements apply to those chemicals, with a few exceptions, that are applied to public and private outdoor areas as well as to public buildings.

The legislation also prohibits misuse of the words "EPA registered," which is not, in fact, a guarantee of safety but is, nonetheless, widely used in labeling and advertising in a manner that implies that it is.

Mr. President, there are few activities undertaken by average citizens of the United States that involve such direct and intentional spreading of so much chemical dust or spray into the environment as the use of lawn care products to make lawns lush and green. That is why it is so important for the law to step in where lawn care and other nonagricultural commercial application companies fear to tread, and require that people have full and accurate information about the danger of these chemicals and how to minimize that danger. The Notification of Chemical Application Act of 1991 will provide Americans with the knowledge they need to help them make informed decisions regarding potential exposure to these chemicals and allow them ample time to seek protection from exposure, if they wish. Senator REID and I look forward to working with our colleagues in the Senate to help move this legislation forward and give the American citizens an opportunity to make those decisions.

I request unanimous consent that the bill be printed in its entirety immediately following my remarks and Senator REID'S remarks.

Mr. REID. Mr. President, in the spring, many homeowners' fancies turn to their lawns. All across the country people have begun to work on their lawns or, increasingly, hire others to do so. Homeowners are being bombarded with TV and other types of advertising from lawn care companies. Some of these ads include statements about lawn chemicals like "safe to use" and "practically nontoxic to humans, pets, and the environment."

Lawn care in the United States is a big business, with 1987 sales of $1.5 billion. Over 7 million Americans use these services. To assure that their customers receive picture-perfect lawns, many lawn care companies use chemical pesticides. According to a recent report by the National Academy of Sciences, on a per-acre basis lawn care pesticide use is up to 10 times that of agricultural use.

Beautiful lawns are nice, but it is more important that homeowners, as well as their neighbors and innocent passersby, be assured that lawn care products are safe or at least be made fully aware of the dangers to human health that may be posed by many of these products. Unfortunately, it does not appear that the American people can be given the assurance or information that they need.

Last year I chaired a hearing of the Subcommittee on Toxic Substances, Environmental Oversight, Research and Development concerning the use and regulation of lawn care products. A General Accounting Office report released at this hearing highlights problems in EPA's regulation of lawn chemicals and the misleading claims of safety by some advertisers concerning lawn chemicals.

The GAO report states that, "EPA has not completely reassessed the health risks of any of the major lawn care pesticides subject to registration" under the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988. The GAO also found that enforcement activity by EPA concerning false or misleading pesticide advertising claims was actually receiving less attention than had previously been the case.

Last year's subcommittee hearing included testimony by witnesses who had suffered adverse reactions to the use of lawn chemicals. Kevin Ryan, an 11-year-old Illinois boy, presented gripping testimony on the symptoms he experienced from exposure to lawn and tree spray chemicals, which include respiratory problems, nausea, severe stomach pain, loss of memory, and depression. Kevin stated:

> There are many things I cannot do that a normal 11-year-old can. I can't even play in my own yard because my neighbors spray their lawns and trees. I feel like a prisoner in my home during the summer months when all of the other kids are outside playing.

Another witness, a Pennsylvania nurse and mother, described her plight in these words:

> Every time I leave my home I am risking exposure to pesticides and subsequent illness. Today, while sitting here, I am risking exposure to pesticides. I have no way of knowing where or when this building was treated with a pesticide.

The legislation that Senator LIEBERMAN and I have introduced would help to alleviate problems like those raised by these witnesses. Under the Notification of Chemical Application Act—S. 849—potentially exposed persons would be protected in three ways:

First, commercial applicators of chemicals applied to all outdoor areas and inside public buildings would be required to provide to the owner—and other occupants—a written contract which lists the brand and generic names of the substances to be applied, pertinent warning information, and the date(s) of application.

Second, the perimeters and entrances of the site would have to be posted with notices from 72 hours prior to chemical application until 72 hours afterward.

Third, adjacent residents would be given written notice 72 hours prior to application of a chemical substance.

These provisions would assure that occupants of sites, as well as their neighbors and passersby, will receive adequate notice when chemical substances are applied. Individuals sensitive to these chemicals will then at least be able to plan their lives accordingly. Until EPA has completed the pesticide reregistration process and assesses the safety of lawn chemicals—which will be 1997 at the earliest and most likely even later—this may be the best protection we can offer our citizens.

Lawn chemicals are a continuing concern of mine. My Toxic Substances Subcommittee has scheduled another hearing on this important subject for May 9. At that time we will explore several issues related to these products.

I urge the support of my colleagues for this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Notification of Chemical Application Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) exposure to many commonly used chemicals can result in serious adverse effects to human and animal life and health and to the environment;

(2) such chemicals are being applied at an increasing rate and are present in urban drinking water wells at a level approximately two and one half times that found in rural drinking water wells; and

(3) advance notice of an impending application of such chemicals can greatly reduce the risk of direct exposure, and thereby reduce, although not eliminate, the risk of adverse effects from such chemicals.

SEC. 3. APPLICATION OF CHEMICAL SUBSTANCES ON OUTDOOR AREAS, AND WITHIN PUBLIC BUILDINGS.

The Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) is amended by adding at the end thereof the following:

"Subtitle D—Commercial Application of Certain Substances

"SEC. 341. IDENTIFICATION OF CHEMICALS.

"(a) ESTABLISHMENT AND PUBLICATION OF LIST.—The Administrator shall, within 180 days following the date of the enactment of this subsection, identify and publish in the Federal Register a list of those chemicals applied to public and private outdoor areas, and inside public buildings, by commercial applicators, except those chemicals used for the purpose of cleaning, sanitizing, disinfecting, or painting, and those chemicals used in construction or renovation. Effective 90 days following the date of such publication, the substances contained on the list so published (hereafter in this section referred to as 'covered substances') shall be subject to the requirements of this section. The Administrator shall, from time to time, review such list and, if necessary, modify it. Any such modification shall be published in the Federal Register. Effective 90 days after such publication, such modifications shall be a covered substance and subject to this Act.

"(b) CONTRACT.—(1) Prior to any commercial application of any covered substance, the commercial applicator shall enter into a written contract with the site owner or his agent. Such contract shall specify, among other things the exact location of such application, the date or dates, or approximate date or dates, of such application, number of applications, and total cost for the service provided, or to be provided. A copy of such contract shall be made available to the site owner or his agent, and to all residents, tenants and other occupants of such site, including residential and commercial sites. Such copy shall be in at least 12-point type. Such contract shall further include—

"(A) the exact location of the site to which the covered substance is to be applied;

"(B) the number of applications, to be carried out at such location;

"(C) a list of the covered substances to be applied, including brand names and generic names of the chemicals;

"(D) all warnings required to appear on the label or Material Safety Data Sheet of all covered substances to be applied that are pertinent to the protection of humans, animals, or the environment; and

"(E) the company name, address, telephone number, business registration number and if applicable, the commercial applicator's identification number.

"(2) The use in any such contract or notice required by this subtitle of a false statement or representation that a covered substance has been approved by the Environmental Protection Agency is a violation of this Act, and is subject to a penalty under section 325 in the same manner and to the same extent as provided for a violation under section 304.

"(c) DATE OF APPLICATION.—In the event that the date or dates specified in the contract for application of the covered substance is changed, the commercial applicator shall give the site owner or his agent, and all residents, tenants, and other occupants of such site, including residential and commercial sites, oral or written notice of the proposed alternative date or dates, and shall not carry out the application on such date or dates unless the owner or his agent has first approved such date or dates.

"(d) Copy To Be Retained.—A commercial applicator entering into a contract pursuant to this section shall retain a copy of the executed contract for a period of 36 months following the date such contract is executed. A copy of such contract shall be made available to the Administrator upon request.

"(e) School Grounds.—Prior to any application of a covered substance to or upon the grounds of any daycare facility, whether for-profit or not-for-profit, any public or private preschool, elementary school, or secondary school, the commercial applicator shall provide written notice to the parent or guardian of each child enrolled in such school. Prior to the application of a covered substance to or upon the grounds of any post-secondary school, including any college, university, trade or other vocational school, the applicator shall notify all students enrolled in such school. Such notice shall be given not less than 7 days prior to the application of the covered substance. Such notice shall be in at least 12-point type and shall further provide—

"(1) the exact location of the school grounds on which the covered substance is to be applied;

"(2) the number of applications to be carried out on such grounds;

"(3) a list of covered substances to be applied, including brand names and generic names of the chemicals;

"(4) all warnings required to appear on the label or Material Safety Data Sheet of each covered substance to be applied that are pertinent to the protection of humans, animals, or the environment; and

"(5) the company name of the commercial applicator, together with the address, telephone number and registration number of such company, and, if applicable, the commercial applicator's identification number.

"(f) Posted Notice.—(1) Any person providing commercial application of a covered substance shall affix posted notices within or along the perimeter of the site, whether it be an area or structure, or both, where such substance is applied for the purpose of identifying such site including the following:

"(A) the exact location of the grounds on which the covered substance is to be applied;

"(B) the number of applications to be carried out at such location;

"(C) a list of the covered substances to be applied, including brand names and generic names of the chemicals;

"(D) all warnings required to appear on the label or Material Safety Data Sheet of all covered substances to be applied that are pertinent to the protection of humans, animals, or the environment; and

"(E) the company name, address, telephone number, business registration number and, if applicable, the commercial applicator's identification number.

"(2) Such posted notices shall be placed so as to be clearly visible to individuals immediately outside the perimeter of such site, in a manner reasonable to facilitate visibility. The notices shall be posted at least 12 inches above the ground and shall be at least 4 inches by 6 inches in size. Notices shall also be posted at all entrances to such sites, at least 48 inches above the ground and at least 12 inches by 18 inches in size. Entrances include driveways, walkways, paths, doorways, gates, and other such areas commonly used to gain entrance to a facility or a facility's grounds.

"(g) Placing of Posted Notices.—The posted notices required by subsection (f) shall be in place at least 72 hours prior to when such substance is to be applied. Such posted notice shall further inform individuals of the scheduled times of application, and warn individuals not to enter the site within the exterior boundaries of the notices, and not to remove the notices, for a period of at least 72 hours subsequent to each such application. The information required by this subsection shall be printed in bold letters of at least one-half of an inch in height.

"(h) Written Notice.—Each commercial applicator shall notify, in writing, all site owners and occupants, any part of which site is within 1,000 linear feet of the outer-most extent of the site to which any covered substance is to be applied, to the effect that such substance is to be so applied. The notice shall be given at least 72 hours prior to the application of the substance, and shall include the date or dates that the substance is to be applied. Such notice shall also contain all warnings which are required under this or any other law to be included in the labeling, Material Safety Data Sheet, or any other warnings which are required to accompany a substance applied.".

SEC. 4. DEFINITIONS.

Section 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049) is amended by adding at the end thereof the following:

"(11) Commercial applicator.—The term 'commercial applicator' means—

"(A) any person who, for hire, applies or causes to be applied any substance contained on the list compiled pursuant to section 341 to trees, ground areas, shrubs, plants, the atmosphere, or lakes and other open bodies of water; or

"(B) any person who, for hire, applies or causes to be applied any such substance in any public building.

"(12) Public building.—The term 'public building' means all schools, public and private, office buildings, and any other structure or facility frequented by the public in the ordinary course of business.

"(13) Commercial application.—The term commercial application means applying, or causing to be applied, for hire, in commerce, any substance on the list published pursuant to section 341 of this Act to any tree, ground area, shrub, plant, or atmosphere, or applying or causing to be applied, for hire, in commerce, any such substance in any public building.

"(14) Full disclosure.—The term 'full disclosure' means written disclosure, signed by all parties to a commercial transaction, of all known human health and environmental risks of the substances applied in such prominence and in such terms as to make such risks likely to be understood by the ordinary individual under customary conditions of purchase. Such disclosure shall also include a statement reflecting the level of testing for such risks which the substance has undergone.".

SEC. 5. PREEMPTION.

Section 321(a) of the Emergemcy Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11041(a)) is amended—

(1) by deleting "or" at the end of clause (2),

(2) by deleting the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or", and

(3) by adding at the end thereof the following:

"(4) preempt in any way any State or local requirement regulating chemical use or requiring notification or posting.".

SEC. 6. AMENDMENT TO DEFINITION OF HAZARDOUS CHEMICAL

Section 311(e)(3) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11021(e)(3)) is amended by inserting immediately before the period at the end thereof a comma and the following: "other than those substances contained on the list established pursuant to section 341(a) of this Act".

SEC. 105. GENERAL AMENDMENTS.

(a) Amendment to Heading.—The heading for section 325(c) of the Emergency Planning and Community Right-to-know Act of 1986 (42 U.S.C. 11045(c)) is amended to read as follows:

"(c) Civil and Administrative Penalties for Reporting Recordkeeping Requirements.—"

(b) Section 325(c) of such Act is amended by adding immediately after paragraph (2), the following new paragraph:

"(3) Other than the reporting requirements covered by subsections (a) and (b) of this section, and paragraphs (1) and (2) of this subsection, any person who fails or refuses to (A) comply with any rule issued pursuant to this Act, (B) establish or maintain any record as required by this Act or any rule issued pursuant thereto, (C) or submit any report, notice, or other information as required by this Act or any rule issued pursuant thereto, (D) permit any entry or inspections as required by subsection (g) of this section, or (E) fully disclose all information required under any provisions of this Act, shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation."

(c) Amendment.—Section 325(c)(3) of such Act is amendment to read as follows:

"(4) Each day a violation described in paragraph (1), (2), or (3) continues, shall, for purposes of this subsection, constitute a separate violation.".

(d) Authority.—Section 325 of such Act is amended by adding at the end thereof the following:

"(g) For purposes of administering this Act, the Administrator, State and local governments, and any duly designated representative of the Administrator, State or local governments may enter and inspect, issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books or documents, and may obtain and execute warrants authorizing entry and inspection.".

TRIBUTE TO THE LATE ROBERT McCORMICK FIGG

Mr. THURMOND. Mr. President, I rise today to pay tribute to the memory of an outstanding South Carolinian, Mr. Robert Figg, who passed away at the end of January. Mr. Figg was the former dean of the University of South Carolina Law School and a personal friend of mine for many years. He was a devoted friend and one of the finest lawyers I have ever known.

Mr. Figg was a man of courage, compassion, and integrity, whose life was dedicated to assisting his fellow man. His long and distinguished career included service as an elected official, a private attorney, a professor of law, and dean of the University of South Carolina Law School. He also served as president of the South Carolina Bar, and chairman of the College of Charleston Foundation, and as grand master of the South Carolina Masons.

Mr. President, Robert Figg was a true southern gentleman and a fine man, and I am proud he was my friend. I would like to extend my deepest condolences to his lovely daughter, Emily Figg Dalla Mura, his sons, Robert McCormick Figg and Jefferson Tobi Figg, and the rest of his family at this difficult time.

I ask unanimous consent that an article from the State newspaper in Columbia, SC and an editorial from the News and Courier newspaper of Charleston, SC be inserted into the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Charleston News and Courier, Feb. 1, 1991]

ROBERT MCCORMICK FIGG, JR.

Only the day before the death of Robert McCormick Figg Jr. last Thursday at the age of 89, some of his observations on state government were being quoted by Gov. Carroll A. Campbell, Jr. in his State of the State address. The governor knew he couldn't go wrong citing the former dean of the University of South Carolina law school as his authority. Over the past half-century, governor after governor had come to rely on his expertise.

A native of Virginia, his legal intellect was recognized shortly after he began practicing law in Charleston in 1922. A former state legislator, solicitor and chairman of the State Reorganization Commission of the early 1950s, it was Bob Figg to whom local and state government leaders turned when they needed help. For example, he guided the creation of the S.C. State Ports Authority and Charleston County Council and played a role in the consolidation of Charleston schools.

While on the losing side of the 1934 school desegregation case—the most famous with which he was associated—it was his presentation before the U.S. Supreme Court that is credited with the judicious implementation of the order. He argued that caution was needed to preserve the public school system in the state.

He went on to become dean of the USC law school for a decade, to become the first president of the College of Charleston Foundation and to head S.C. Bar Association. One of his generation's recognized legal giants, he was a true scholar, always generous with his knowledge to the great benefit of all levels of government of his adopted state.

[From the Columbia State, Feb. 1, 1991]

FORMER USC LAW SCHOOL DEAN ROBERT FIGG DIES

Robert McCormick Figg Jr., former dean of the University of South Carolina School of Law and a prominent attorney in this state since 1922, died at his home in Columbia Thursday after a long illness. He was 89.

He was a former lawmaker and an adviser to governors, and his legal arguments led to orderly integration of South Carolina's public schools.

Mr. Figg's death came the day after Gov. Carroll Campbell, in his State of the State message, credited him with outlining reform of state government.

Mr. Figg had written in 1950 that the governor should oversee "a clean line of command from the top to the bottom and a return line of responsibility and accountability from the bottom to the top."

"I am saddened by Dean Figg's passing," Campbell said Thursday. "He was a pioneer for government restructuring. His words and service in support of government reform will live on."

Mr. Figg represented Clarendon County schools in the landmark school desegregation case of 1954. The case was incorporated with several others nationwide as Brown vs. Board of Education.

A year after the high court ruled that "separate-but-equal" schools for blacks and whites were unconstitutional, Mr. Figg persuaded the justices to move cautiously on desegregation.

Mr. Figg warned that the Summerton school white-to-black student ratio was 9-1. "I think if you ordered the trustees tomorrow to comply or else, that would destroy the public school system in South Carolina," Mr. Figg said.

The Supreme Court also accepted Mr. Figg's argument that federal courts should handle desegregation suits. It was a decade before substantive integration of South Carolina's public schools.

Mr. Figg was graduated from Columbia University Law School in 1922. He studied under the late Harlan F. Stone, later chief justice of the United States.

He was admitted to practice in South Carolina that year, later joining the Charleston firm of Rutledge, Hyde, Mann and Figg.

A lawyer is a public servant in private practice," he said in a 1964 interview with The Columbia Record. "Law is not a private calling."

Mr. Figg hewed to that belief throughout his career, and in 1982 he was honored by the South Carolina Bar for public service.

His first public office was in 1930, as chairman of the city of Charleston Zoning Board of Adjustment. In 1933 he was elected to the House of Representatives and after one term was elected 9th Circuit solicitor. He was reelected twice and served until 1947.

In 1947 Gov. Strom Thurmond asked Mr. Figg to prepare legislation creating the state Reorganization Commission and appointed him a member of it in 1949. Gov. James F. Byrnes named him chairman in 1951.

In 1942, Mr. Figg wrote legislation creating the Ports Authority as an independent, self-supporting state agency. He was its first general counsel and lived to see the Charleston port become one of the leading container-cargo ports in the nation.

Mr. Figg also served as counsel for Charleston County Council and board of education. He also was a former president of the Charleston County Bar.

His practice embraced virtually every phase of the law, and he was retained in important litigation throughout the state. He served as a special circuit judge in 1957, 1975 and 1976.

Mr. Figg became the law school's dean and a professor of law in 1959, succeeding the late Samuel L. Prince. On his retirement in 1970, more than 500 people attended a testimonial dinner in Carolina Coliseum.

Within a month of retiring from USC, Mr. Figg became president of the South Carolina Bar, and later that year, 1970, became chairman of the College of Charleston Foundation. He was associated with the Columbia law firm of Robinson, McFadden, Moore, Pope, Williams, Taylor and Brailsford.

Born in Radford, Va., on Oct. 22, 1901, Mr. Figg moved to Charleston as a teen-ager.

A son of the late Robert McCormick Figg and Helen Josephine Cecil Figg, he was married in 1927 to the late Sallie Alexander Tobias of Charleston.

Surviving are a daughter, Emily Figg Dalla Mura of Yonges Island; two sons, Robert McCormick Figg III of Tampa, Fla., and Jefferson Tobias Figg of Englewood, Colo.; a sister, Helen Spires of Jacksonville, Fla.; seven grandchildren and a great-grandchild.

Services will be at 11 a.m. Saturday at Dunbar Funeral Home, Devine Street Chapel.

Family members will receive friends at 1522 Deans Lane.

Memorials may be made to the Multiple Sclerosis Foundation or American Cancer Society.

HUMAN RIGHTS AND GUATEMALA

Mr. CRANSTON. Mr. President, I rise today to call attention to Guatemala's human rights nightmare. I have spoken about this situation on other occasions, and as I am a tireless opponent of the continuing abuse of basic freedoms in that beautiful and violent land, I am compelled to speak briefly again.

Guatemala's new President, Jorge Serrano Elias, made some promising statements in his inaugural address about commitments to reforming human rights in Guatemala. The events of recent months, however, indicate that the hopes raised by his speech were premature.

Two months ago four human rights activists were killed in the village of Chunima, and, although there are suspects in this case, local police have yet to detain anyone for questioning.

The Chunima incident does not reflect President Serrano's words that "hierarchies will not be able to go against the majesty of law. * * * He who breaks the law shall be punished without exception." It appears that the shadow of impunity that endured during the previous civilian administration of Vinicio Cerezo has yet to be cast off.

America's Watch, the respected human rights group, recently released a report that documents the events of Chunima. Ironically, at the time of the report's release on April 14, two more human rights activists were killed.

Mr. President, I ask unanimous consent that excerpts from the America's Watch report be inserted into the RECORD, as well as a letter my colleagues and I recently sent to President Serrano.

[From Americas Watch, Apr. 14, 1991]

GUATEMALA: SLAYING OF RIGHTS ACTIVISTS, IMPUNITY PREVAIL UNDER NEW GOVERNMENT

INTRODUCTION

"As President of the Republic, I reaffirm before the people and before its elected representatives, as well as before the peoples of the world and their governments the solemn commitment to make every possible effort to fully reestablish human rights in Guatemala. * * *

Hierarchies will not be able to go against the majesty of the law. * * * He who breaks the law shall be punished without exception."[1]

These promises were made by Jorge Serrano Elías, Guatemala's newly elected civilian president, at his inauguration on January 14, 1991. Yet the violent events of February 17, 1991, and their aftermath suggest that egregious violations continue to be committed with impunity by agents of the Guatemalan state and that human rights activists, who risk their lives to protect others, continue to be severely persecuted.

THE FEBRUARY 17, 1991, ATTACK ON CERJ ACTIVISTS

At about 5:30 a.m. on February 17, 1991, six men in civilian clothes shot human rights activists Juan Perebal Xirúm, 60, and his sons Manuel Perebal Morales, 26 and Diego Perebal León, 38, as they were walking on the road from their village, Chunimá, in the conflictive department of El Quiché, to the market in the nearby village of Chupol. Only Diego Perebal León survived the attack. He was hospitalized with two bullet wounds in the stomach and one in the arm which exited through his neck; wounds which may leave the peasant farmer paralyzed. His father died of gunshot wounds to the chest and his brother died of shots to the head. As Perebal León later described the attack to Americas Watch, the assailants approached the victims from behind and shot them from a distance of about 15 to 20 feet. First the men shot his father, then his brother, and then they turned to Perebal León. After one bullet knocked him to the ground, the assailants ran over and shot him again where he lay.

All three victims were active members of the Council of Ethnic Communities "We Are All Equal" (CERJ), the rural human rights group which won the 1990 Carter-Menil Human Rights Award together with a group from Sri Lanka. The president of the CERJ, Amílcar Méndez Urízar, was awarded the Robert F. Kennedy Memorial Human Rights Award in November 1990. Since its establishment as Guatemala's first and only rural human rights group in July 1988,[2] eight CERJ members have been assassinated and seven more disappeared, all apparently at the hands of the security forces or their agents.

In testimony to judges, to Americas Watch, and to the CERJ, Diego Perebal León identified two of his assailants as Manuel Perebal Ajtzalam III and Manuel León Lares, both of them former civil patrol chiefs from Chunimá who had repeatedly threatened the victims and other human rights activists in the village.[3] In fact on January 21, 1991, the judge at the Second District Court in Santa Cruz del Quiché had issued an arrest warrant for Manuel Perebal Ajtzalam III in connection with the kidnapping and murder months earlier of the CERJ delegate in Chunimá, Sebastián Velásquez Mejía. But the police simply failed to carry out the judge's order, leaving the patrol chief at liberty to kill again. Last year, the same district court ordered the arrest of Perebal Ajtzalam, León Lares and nine other patrollers as suspects in the March 2, 1990 stoning and beating of demonstrators from the Mutual Support Group (GAM), a Guatemala City-based human rights group. That order was also ignored by the police, despite the fact that Perebal Ajtzalam, León Lares, and the other suspects continued to live openly in Chunimá.

Finally, on February 18, 1991, the justice of the peace in Chichicastenango issued a new arrest warrant for Perebal Ajtzalam and León Lares in connection with the February 1991 slayings. As of this writing, the police have not acted on these arrest warrants either. The exasperated district court judge complained to Americas Watch that the patrollers have "tremendous impunity." So confident is Perebal Ajtzalam that the police will not arrest him that he was recently overheard boasting to a group of peasants, "I wipe my ass with arrest warrants!" according to the judge. The judge has repeatedly tried to speak on the telephone with President Serrano's newly appointed Interior Minister, Ricardo Méndez Ruiz, to request that he press the police, who are under his command, to carry out the arrest orders. But the Interior Minister has not returned the judge's calls. The CERJ has also sought a meeting with Minister Méndez to no avail. Nor have representatives of the Serrano government responded to an Americas Watch letter to President Serrano about the affair on February 19, 1991.

While the identified suspects remain at large, they have continued to threaten human rights monitors living in Chunimá, forcing many of them to abandon their homes. Since early March 1991, fifteen members of CERJ and their small children have taken refuge in the CERJ office in Santa Cruz del Quiché. The activists were evacuated from Chunimá by officials of the office of the government's Human Rights Ombudsman, which could not guarantee their safety as long as the patrol chiefs remained at liberty.

BACKGROUND TO THE ATTACK

Juan Perebal Xirúm and his two sons are only the latest human rights activists in Chunimá to be the victims of political murder. Each killing could be described as the Chronicle of a Death Foretold. Because the villagers of Chunimá resisted participation in the military—organized civil patrols, they have suffered nearly three years of nonstop harassment and threats from the army and its agents.[4] In particular, threats against Sebastián Velásquez Mejía, Manuel Perebal Morales, Diego Perebal León, and their friends and relatives were unflagging.

On May 25, 1988, Chunimá residents formally disbanded their civil patrol. In announcing their decision to the authorities, village representatives spoke of the hardship imposed on the impoverished peasant population by the unpaid labor, and their need to dedicate their energies to construction of an all-purpose room in the school and to earn extra money to pay a debt of 20,000 quetzales to the water department. From that point on, the military visited and occupied Chunimá repeatedly in an effort to compel the villagers to again take up the patrol. Soldiers warned the residents against joining independent organizations such as human rights groups or unions, which they said were guerrilla fronts or agents of foreign governments. After one such army visit on May 26, 1989, a group of villagers started a new patrol. The chiefs of the newly formed patrol, vested with authority and arms by the military, began a campaign of threats and harassment of the non-patrollers (nearly all of whom are active in either the GAM or the CERJ or both) which continues today.

In response to the campaign of intimidation in Chunimá and similar events in the neighboring village of Sacpulup, the GAM organized a delegation to travel to the villages from Guatemala City on March 2, 1990. However, when the GAM members reached Chupol, the point on the highway where vehicles had to be parked before the walk to the villages, they were set upon by about 100 civil patrollers and plainclothes soldiers who threw stones, hit them with sticks, and called them "guerrilla assassins". Twenty demonstrators were injured, some requiring hospital treatment. A GAM vehicle was partially destroyed. It was later learned that the incident had been organized by the army base at Chupol.[5] Although the District Court in Santa Cruz del Quiché subsequently issued warrants for the arrest of eleven patrollers for their participation in the attack,[6] the police never carried out the arrests. The involvement of the military in the incident was never probed.

On October 6, 1990, CERJ delegate and GAM member Sebastián Velásquez Mejía of Chunimá was kidnapped from kilometer 110 of the Pan American Highway where he was waiting for a bus. According to witnesses, Velásquez Mejía was kidnapped by five men driving a blue pickup truck which is known to be used by the army to make payments to soldiers in the area. Before they seized Velásquez Mejía, one of the kidnappers allegedly conferred with patrol chief Perebal Ajtzalam, who indicated which of the men waiting along the highway was Velásquez. The captors then grabbed Velásquez and shoved him into the bed of the truck where two of them sat on top of him as they headed off towards Guatemala City. Velásquez's body was found two days later in the capital.

The kidnapping of Velásquez, who had become the spokesperson for the non-patrollers in the village, provoked immediate panic amongst other villagers who had been threatened by the army and the patrols. Five CERJ members fled to the CERJ office in Santa Cruz del Quiché the day of the kidnapping,[7] while Velásquez's wife and children, along with six other human rights activists, fled to the GAM office in Guatemala City. At the request of the CERJ, an official of the government Human Rights Ombudsman's office agreed to escort the five CERJ members back to Chunimá and to insist that the patrol chiefs leave them in peace.

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[1] Inaugural address reprinted in Foreign Broadcast Information Service, Latin America Report, January 16, 1991, p. 15.

[2] See Americas Watch, *Persecuting Human Rights Monitors: The CERJ in Guatemala*, May 1989.

[3] The civil patrols were conceived of, organized by, and remain under the exclusive control of the army of Guatemala. The military leadership during the dictatorship of General Efraín Ríos Montt developed the system in 1982 to consolidate control over remote mountain hamlets, some four hundred of which the army had destroyed to eradicate a leftist guerrilla movement. Although Perebal Ajtzalam and León Lares are no longer chiefs of the Chunimá patrol, they are among its most powerful leaders and they continue to terrorize villagers with the authority and weapons bestowed on them by the army.

[4] Under military rule all highland Indian men were required to serve between 12 and 24 hours every week or two in the patrol, for which they received no pay. Since its enactment at the onset of civilian government, the Constitution of 1985 has prohibited forced patrolling. Nonetheless, the military—which views the patrols as the key to keeping leftist insurgents at bay—continues to compel participation through various forms of pressure, including murder. Increasingly, the patrol chiefs have supplanted local civilian authorities and become instruments of army repression.

[5] See News From Americas Watch, "Guatemala: Army Campaign Against Rights Activists Intensifies," May 1990, pp. 2-3; and Minnesota Lawyers International Human Rights Committee, Justice Suspended: the Failure of the Habeas Corpus System in Guatemala, October 1990, pp. 79-82.

[6] Including chiefs Perebal Ajtzalam and León Lares, as noted above.

[7] Among those who fled were Manuel Perebal Morales and Diego Perebal León, witnesses to the abduction of Velásquez. As noted above, Manuel Perebal Morales and his father were killed in the February 1991 incident and Diego Perebal León was gravely injured.

Having been assaulted and threatened on a similar excursion earlier in the year,[8] the official, adjunct human rights ombudsman César Alvarez Guadamuz, insisted on a military escort when he took the CERJ men back to Chunimá on October 13, 1990. Nonetheless, shortly after the delegation arrived in the village, one of the patrollers under the command of Perebal Ajtzalam fired his gun and the others all cried out "War!" and "Open Fire!" The soldiers subdued the patrollers, but the outbreak, and the muttered death threats by the patrol chiefs, convinced the five CERJ members that they could not safely stay in Chunimá. Once again, they fled to the CERJ office.

On November 16, 1990, the chief Human Rights Ombudsman, Ramiro de León Carpio, and his adjunct, Alvarez Guadamuz, again brought the five back to Chunimá, along with Velásquez's widow and young children. This time they decided to stay and try to rebuild their lives, as the economic plight of their families had become desperate while they were away. As Diego Perebal León later told Americas Watch, the activists continued to receive threats from Perebal Ajtzalam and other patrollers. "Let them come, leave them alone for now," the patrol chiefs told villagers, "We'll kill them later."

Three of the CERJ members who had fled and later returned appeared at the Second District Court in Santa Cruz del Quiché to testify about the kidnapping and murder of Velásquez. The three men, Diego Perebal León (now gravely injured), Manuel Perebal Morales (now dead), and Manuel Suy Perebal, provided strong testimony linking patrol chief Perebal Ajtzalam to the abduction, according to the judge. On the basis of this testimony, the judge ordered the arrest of Perebal Ajtzalam on January 21, 1991.

Another human rights activist from Chunimá was killed on December 10, 1990—International Human Rights Day. Circumstantial evidence suggests the same patrol chiefs may have killed him as well. GAM member Diego Ic Suy of Chunimá was assassinated by two masked gunmen in Guatemala City's bus terminal on the evening after a massive demonstration marking International Human Rights Day. Ic Suy was carrying a large sum of money which was not taken by the killers.

Although Ic Suy lived in Chunimá he worked for extended periods in the bus terminal in Guatemala City. He had frequently visited the GAM office in Guatemala City in the months before his assassination to show support for his GAM colleagues from Chunimá who had taken refuge there in the wake of Velásquez's abduction. The GAM office is under constant surveillance by an army agent.

Hours before his assassination, Ic Suy participated in the peaceful demonstration in Guatemala City's central park to mark International Human Rights Day. Witnesses saw Chunimá patrol chiefs Perebal Ajtzalam and León Lares at the demonstration as well.[9] Ic Suy had complained to friends of surveillance by the civil patrols in the weeks before his death.

In addition, Perebal Ajtzalam had repeatedly threatened and harassed human rights activists from Chunimá in the same location in which Ic Suy was later murdered, according to a complaint filed with the Human Rights Ombudsman by victims of the harassment in October 1990. Several Chunimá residents, including Perebal Ajtzalam, sell their produce in the bus terminal.

MARCH 1991 MURDER OF CERJ ACTIVIST'S SONS

On March 15, 1991, two sons of an active CERJ member were kidnapped from a farm where they worked in the hamlet of Xoljuyub of the municipality of San Pedro Jocopilas in Quiché department. Unknown men in plain clothes seized the men, 18-year-old Manuel Ajiataz Chiválan and 29-year-old Pablo Ajiataz Chiválan, taking them to an unknown destination. On March 17, their bodies were found, nearly decapitated, in the nearby hamlet of Xetacur. The victims' father has expressed fear that his sons were killed because of his activism in the CERJ.

In 1990, two CERJ activists were murdered, apparently by civil patrol chiefs, in the same area.

U.S. SENATE,
Washington, DC, April 17, 1991.

President JORGE SERRANO ELIAS,
Presidente de la Republica de Guatemala,
Palacio Nacional, Guatemala, Guatemala.

DEAR PRESIDENT SERRANO: We are writing to you today to express our deep concern about the recent slayings of several human rights workers in Guatemala and about reporting police interference in bringing those accused of these crimes to trial.

In a recent report issued by the Americas Watch human rights group charges that four human rights campaigners have been murdered and another seriously wounded in the past few months.

The information we have received suggests that the rights workers were all involved in efforts to inform members of peasant communities that their participation in paramilitary patrols is, according to Guatemalan law, voluntary.

Eyewitness testimony given both to Americas Watch and the prestigious Council of Ethnic Communities (CERJ) places the blame for the deaths on two former civil patrol chiefs from Chunima, who had repeatedly threatened the victims and other rights activists there.

Although there have been judicial warrants issued for both men's arrests for more than two months, the police apparently have not moved to detain either of them, despite the fact they continue to live openly in the area. At the same time, more than a dozen human rights activists have had to flee from Chunima several times out of fear for their lives.

Mr. President, we know of your great interest in human rights and of your sincere dedication to bringing the bloodshed that has wracked Guatemala for more than three decades to an end. Nevertheless, we believe it is vital that your government make clear to the military that civil patrol duty in Guatemala is a voluntary effort and refusal to participate does not mean that one is involved in subversive activities.

We also wish to express our concern for two other cases involving human rights workers. On April 14th, Camilo Ajqui Jimon, a CERJ member, was killed in Potrero Viejo, Zacualpa, El Quiche by three unidentified men. On April 15th Amilcar Mendez, president of CERG and the recipient of the 1990 Carter-Menil Human Rights Award, suffered an abduction attempt which was averted because bypassers intervened.

We respectfully ask that you offer guarantees to safeguard the lives of threatened rights activists and use your good offices to assure police cooperation in the case of those rights workers who have already been assassinated.

Please accept our warm personal regards and know that our interest in these cases springs from our own concern and affection for you and for the Guatemalan people.

Sincerely,

Alan Cranston, Wendell H. Ford, Brock Adams, Tom Harkin, Edward M. Kennedy, James M. Jeffords, Paul Wellstone.

WORKERS MEMORIAL DAY

Mr. KENNEDY. Mr. President, April 28 marks the third anniversary of Workers Memorial Day in recognition of workers who have been killed or injured on the job. It also marks the twentieth anniversary of the Occupational Safety and Health Act. There is no better way to recognize the suffering of the victims of workplace tragedies than by reaffirming our commitment to improving the Nation's occupational safety and health laws.

It is a national disgrace that in the 20 years since OSHA was enacted, 245,000 workers have been killed on the job, and an estimated 2 million more have died from the long-term effects of occupational diseases. Every year, 6.6 million workers are injured on the job and 60,000 more are permanently disabled. As the workplace has changed and new technologies have been introduced, new occupational health problems have emerged. But while the workplace and its risks have been transformed, OSHA has remained unchanged.

Our safety and health laws must be reformed if the promise of the act to assure safe and healthy working conditions is to be achieved. Implementation of the act has been hampered by workers' inability to participate in worksite safety and health decisions, and to obtain the information needed to play an active and useful role in working with employers to implement effective and workable programs. Delays in setting safety and health standards have left many serious hazards largely unregulated. And millions of workers—including many State and local government employees and workers in transportation, agriculture, and Federal nuclear facilities—are still outside the protection of OSHA.

Last year, Congress completed its overhaul of a major environmental safety and health statute—the Clean Air Act. This year, it is time for Congress to begin the process of revising and strengthening the primary health and safety statute regulating the environment in the workplace. Later this year, I intend to introduce comprehensive OSHA reform legislation that will give workers a greater voice in safety and health decisions and a greater role in the procedures through which the act is enforced. We should expand the act to cover workers who currently enjoy little or no job-site protection. We must expedite the procedure for setting standards, and strengthen research and data collection efforts on occupational injury and diseases.

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[8] The March 27, 1990 attack on the Adjunct Ombudsman's delegation is described in News From Americas Watch, "Guatemala: Army Campaign Against Rights Activists Intensifies," May 1990.

[9] These witnesses were personally threatened by Perebal Ajtzalam and León Lares in January 1991; the patrol chiefs told the witnesses that they had better be careful or they would suffer the same fate as Diego Ic Suy. The witnesses have requested anonymity.

Twenty years ago this week, Congress enacted the landmark legislation that began the process of ensuring every worker a safe and healthy workplace. We made a good start in 1971. But too much time has passed with too little progress since then. Now, in 1991, it is time for Congress to finish the job.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

If not, morning business is closed.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, and 1996

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) setting forth the congressional budget for the U.S. Government for fiscal years 1992, 1993, 1994, 1995, and 1996.

The Senate resumed consideration of the bill.

Pending:

McConnell amendment No. 80, to provide increased funding for child nutrition programs, and to eliminate monies in the Presidential Election Campaign Fund.

Mr. BOREN. Mr. President, I ask unanimous consent that I might be yielded 5 minutes from the time allocated to the majority floor manager to discuss the McConnell amendment, which will be considered later this morning.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BOREN. Mr. President, I am not going to be able to come back to the floor later this morning when the McConnell amendment is again discussed. There was preliminary discussion of this amendment last night. It is an amendment that I think deserves the attention of all of the Members of the U.S. Senate.

This amendment, if adopted, would transfer all of the funds now allocated to finance the Presidential election system for other functions and other purposes of Government. In essence, it would be the abolition of the current way in which Presidential campaigns are financed. This is a major step for us to take at this point in time.

Mr. President, I point out that this system has been in place now for several years. It was enacted after the scandals of the Watergate period. It is a step toward reforming our system of government.

It was felt that the modest investment which came from the tax checkoff, voluntarily checked by members of the public as they file their income tax returns, was a small investment to make in good government, in clean government. As we have painfully learned over the years, the cost of bad government, the cost of government which, in the eyes of the American people, casts a cloud over the conduct of the affairs of state, that cost is certainly much higher than the modest cost of clean government and clean campaigns.

Since this system has been in place, 49 of the 50 candidates for President during this period of time have utilized this system. At least 30 million Americans participate every year by checking off a dollar on their tax returns to go to finance the Presidential system. In fact, it was reported that in 1990, for example, President Bush utilized the checkoff on his own tax return. That, in a sense, was his vote of confidence in the current system of financing Presidential campaigns.

This is not a partisan matter, Mr. President, and it must not be allowed to be a partisan matter. Candidates from both political parties have utilized the Presidential election system that we now have in place. Republican candidates, for example, have accepted and spent more than $200 million in funds from the checkoff account since this system has been put in place. President Reagan, President Bush, and our own distinguished minority leader, Senator DOLE, when he ran for President, for example, all participated in this system.

So we are not talking about a system that has favored one political party over another. We are talking about a bipartisan mechanism which had been put in place, which has received the vote of confidence of millions of Americans, which has been participated in by virtually all of the candidates for President since it has been there. The Republican National Committee has accepted $32 million in funds from this particular account to hold national conventions.

So, Mr. President, we should think long and hard before we take a step backward, back to the bad old days, when we had huge amounts of cash flowing into President campaigns; when we had competition based upon who could raise the most money; when we did not have a full accounting of the money in the political process. This is not what we want to do. If there are problems with the current system or the way we finance Presidential campaigns, the answer is to reform the system. The answer is not to go back to the system which was in place before the current reforms were adopted.

For example, this year we are struggling to try to reduce the influence of special interest groups in the political process, in the election process, for Members of Congress. We have all been alarmed, and this has been a view given on both sides of the aisle, by the increased dominance of political action committees as a form of financing congressional campaigns.

We have been alarmed by the fact that more than half of the Members of Congress elected in the last election received more than half of their funds, not from the people back home at the grass roots, not from individual contributors, but from political action committees and special interests, often headquarters here in Washington, DC, or in other regions of the country, having very little contact with the particular district or State of the Member up for election.

In contrast, only 2 percent of the funds which flowed into the Presidential election last time came from political action committees. So we need to think again before jettisoning a system that has by and large worked in the financing of Presidential campaigns, and that has recused the influence of money.

Instead of taking a step back, moving back toward the dark, back toward nondisclosure, let us go forward, let us work together on a bipartisan process of reforming the current system under which Presidential campaigns are conducted. There have been problems. The Senator from Kentucky has pointed them out himself in the past with soft money flowing in to State party committees. It is well known that both political parties utilize large contributions, such as $100,000 to party committees, to indirectly influence the Presidential elections.

It was estimated that in 1988 as much as $70 million may have passed through this soft money loophole. The answer, Mr. President, is not to take all of the campaign reform law that is now on the books off the books. The answer is not to march backward. The answer is not to lose the progress which has been made.

The answer is to take those steps to reform the system that need to be taken to make it work better, close the soft money loophole.

It is factually what we tried to do in the case of congressional campaigns with Senate bill 3 which has been introduced by the distinguished majority leader, myself, and others. Let us also not take partisan action on this kind of major provision which affects institutions of the government of this country. It is exactly why the Rules Committee reported out two congressional campaign reform bills just a few weeks ago. They not only reported out S. 3, sponsored principally by members on this side of the aisle, they also reported out the proposal of the distinguished Republican leader, the Senator from Kansas.

Mr. President, that is the spirit of bipartisanship which is necessary if we are to bring about the kind of reform that is needed in the campaign financing system.

So I appeal to my colleagues, think about this amendment, read this amendment before you vote on it, ask yourself, do we want to go back to those days in which huge amounts of unreported cash sloshed into Presidential campaigns in which special interest money had an undue dominance in Presidential election campaigns? Do we want to inject back into Presidential politics all of the evils we now see in the way we finance congressional campaigns? Do we want to undo the good that has been done? Do we want to go back to ground zero? Do we want to create in the Presidential system the very things we are trying to now change as we gamble with ways to reform congressional campaigns? I think not.

I urge my colleagues do not vote to undo the reform which already has been made. Instead, let us get together and work in a bipartisan way to close those loopholes that have developed in the Presidential system. Let us take a system which, by and large, is good which has received the vote of confidence of 49 out of 50 Presidential candidates in both parties. Let us not throw it out. Let us reform it. Let us make it better.

I urge my colleagues when the time comes to vote on the amendment of the Senator from Kentucky [Mr. MCCONNELL] that it be overwhelmingly rejected. Let us not cast aside the valuable experience that we have had with this Presidential system over the last several years.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during the pendency of the matter that will be before the Senate briefly, the budget matter, that Karen Judge of my office and Wayne Mehl be allowed to be on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee [Mr. GORE].

Mr. GORE. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FUTURE OF ANTARCTICA

Mr. GORE. Mr. President, I rise this morning to speak about a subject that is not often addressed on the floor of the Senate. I have spoken about it several times in the past. It is the future of Antarctica. The second round of negotiations is now underway in Madrid and there have been some welcome developments there and some unwelcome developments, and I would like to briefly report to my colleagues on them.

The good news and the surprising news from Madrid is that Japan has suddenly shifted its position and has now joined Australia, New Zealand, France, and many other nations, in calling for an indefinite ban on mining and oil drilling in Antarctica.

What this means is that the United States and the United Kingdom are now isolated in the entire world in opposition to this ban. Our country and Great Britain are now standing in the way of ensuring that the prestine Antarctic environment, extremely vulnerable as we saw Prince William Sound was vulnerable, is protected from development. Antarctica is much more so. We are standing in the way of protecting Antarctica.

This is an issue that has importance not only because of Antarctica, a large continent, larger than the United States, that we do not often think about, but it is important because this is an opportunity for the world community to set a precedent in pursuing the new approach to protecting the global environment that so many feel is the position our State Department is advocating. A temporary ban, lasting for only 20 to 30 to 40 years, is simply unacceptable. Last year, the Congress passed and President Bush signed into law a resolution that I introduced and a bill that my distinguished colleague from Massachusetts, Senator KERRY, introduced that expressly called for an indefinite ban on mining activities in the Antarctic.

In sending his representatives to the Madrid meeting instructed to push for less than an indefinite ban—a 20-year halt can in no way be considered indefinite—the President is ignoring the clearly expressed will of the American people as expressed through the votes here in the Congress.

Learning of the State Department's instructions some time ago, I was joined by 15 of my colleagues in writing to the President to urge him to carry out the legislation that he signed into law. Apparently, that message, too, has been ignored.

I would like to include after my comments an article from the Financial Times which reports on the shift of Japanese policy. I wish to commend the Japanese Government for this shift.

And also I would like to include the text of the letter that my colleagues, and I sent to the President asking him to honor the resolution and the law passed by the Congress and the wishes of the American people, Mr. President.

I yield back the remainder of my time.

I ask unanimous consent that these materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Financial Times, Apr. 24, 1991]

JAPAN SHIFTS POLICY ON ANTARCTIC MINING

Japan has made a significant policy shift over mining in the Antarctic and asked for a moratorium until technology is advanced enough to safeguard its environment, a Japanese diplomat said yesterday, Reuter reports from Madrid.

"Japan wants an indefinite moratorium until we find technology allowing mining without harming the environment," said a Japanese embassy spokesman.

The Japanese proposal to a meeting of the 39-nation Antarctic Treaty in Madrid surprised environmentalists, who saw it as a radical change. The spokesman gave no explanation for the change of heart.

Japan had been part of a lobby including the U.S. and Britain in favour of limited exploitation of Antarctic mineral resources, which include oil and coal, under the strict 1988 Convention for the environmental safeguards set down in the Regulation of Mineral Activities in the Antarctic.

Britain has shifted its position to back a moratorium of 30 to 50 years since the 11th consultative meeting in Viña del Mar in Chile last December. The eight-day Madrid talks aim at finding consensus on mining in Antarctica.

Diplomats and environmentalists say the prohibition lobby, led by France, Australia and New Zealand, is gaining strength.

"This is fantastic news as far as we are concerned," said Mr. James Martin Jones of the Worldwide Fund for Nature. "I would say the U.S. and Britain look pretty isolated now."

U.S. SENATE,
Washington DC, March 25, 1991.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our grave concern that the preservation and protection of the Antarctic environment, that we worked hard to ensure in the last Congress, is still at issue. Specifically, it is our understanding that the United States, in the upcoming meeting of the Antarctic Treaty Parties in Madrid, Spain, will encourage other nations to agree to a policy that would ultimately facilitate and encourage mining activities in the area.

On November 16, 1990, you signed into law two measures, Public Laws 101-594 and -620, that declare it to be the policy of the United States to pursue an indefinite prohibition of commercial minerals development and related activities in Antarctica. We understand, however, that U.S. representatives are instructed to urge that mining merely be prevented for a limited period—some 20 to 40 years—after which time the moratorium will be lifted. This position falls short of the standard we believe should apply. A prohibition which ends after a time certainly does not amount to an indefinite ban.

Moreover, it is also our understanding that the United States is prepared to suggest that the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) be implemented when the mining prohibition is lifted. As was declared in both of the measures mentioned above, however, CRAMRA "does not guarantee the preservation of the fragile environment of Antarctica and could actually stimulate movement toward Antarctic mineral resource activity."

The draft Protocol on Environmental Protection that was negotiated by the Antarctic Treaty Parties in Chile in November of last year includes an incomplete article prohibiting mineral activities. It is our position that, in accord with the legislation passed last year and with the operation of the Antarctic Treaty System, the prohibition should be sustainable indefinitely, unless, through the operation of very carefully designed procedures, a consensus is reached among the Treaty Parties to modify its terms.

We realize the press of business, but the protection of the Antarctic is a duty not only to this, but to all future generations. If we work together, we are confident that an agreement can be negotiated and ratified that will effectively protect Antarctica's pristine environment.

Sincerely,

Senators Richard Lugar, Brock Adams, Thomas Daschle, James Jeffords, Quentin Burdick, Edward Kennedy, Joseph Biden, John Kerry, Al Gore, Carl Levin, Bill Bradley, Alan Cranston, Daniel Akaka, Joseph Lieberman, Tom Harkin, and Tim Wirth.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, AND 1996

The Senate continued with the consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The concurrent resolution is pending.

AMENDMENT NO. 81

(Purpose: To decrease funding for defense, and decrease the deficit)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself and Mr. SIMON, proposes an amendment numbered 81.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 7, decrease the figure by $1,400,000,000.

On page 4, line 8, decrease the figure by $2,200,000,000.

On page 4, line 9, decrease the figure by $2,600,000,000.

On page 4, line 10, decrease the figure by $2,800,000,000.

On page 4, line 11, decrease the figure by $2,900,000,000.

On page 7, line 13, decrease the figure by $5,900,000,000.

On page 7, line 14, decrease the figure by $2,700,000,000.

On page 7, line 22, decrease the figure by $6,000,000,000.

On page 7, line 23, decrease the figure by $4,400,000,000.

On page 8, line 7, decrease the figure by $5,900,000,000.

On page 8, line 6, decrease the figure by $5,200,000,000.

On page 8, line 16, decrease the figure by $6,000,000,000.

On page 8, line 17, decrease the figure by $5,500,000,000.

On page 8, line 25, decrease the figure by $6,100,000,000.

On page 9, line 1, decrease the figure by $5,800,000,000.

On page 42, line 23, increase the figure by $2,900,000,000.

On page 42, line 24, increase the figure by $1,300,000,000.

On page 43, line 6, increase the figure by $3,000,000,000.

On page 43, line 7, increase the figure by $2,200,000,000.

On page 43, line 14, increase the figure by $2,900,000,000.

On page 43, line 15, increase the figure by $2,600,000,000.

On page 43, line 22, increase the figure by $3,000,000,000.

On page 43, line 23, increase the figure by $2,700,000,000.

On page 44, line 6, increase the figure by $3,100,000,000.

On page 44, line 7, increase the figure by $2,900,000,000.

Mr. BRADLEY. Mr. President, let me say to the distinguished manager of the bill that I am prepared to enter into a time agreement so that we can expedite other amendments that are offered this morning. I am prepared to enter into a time agreement of half an hour, equally divided.

Mr. SASSER. That is satisfactory.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the time on this amendment be one-half hour, equally divided.

The ACTING PRESIDENT pro temproe. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, the amendment I offer is on behalf of myself and Senator SIMON.

This amendment to the budget resolution starts the process of reordering the priorities established in last year's budget deal. Unfortunately, last year's hastily assembled budget deal locked in budget choices for up to 5 years.

Last October, I said that I did not believe those long-term choices were well thought out. I did not believe they reflected the priorities of American families, and I did not believe they gave sufficient flexibility to respond to crises as they emerge. Mr. President, I still do not. And I see no reason not to pursue our real priorities.

This amendment shifts those priorities. It cuts defense spending by 2 percent a year over the next 5 years, and channels half of the $6 billion a year in savings to high priority domestic spending such as education, health care, and cleanup of the environment. The balance of the savings is used for deficit reduction.

The budget agreement now before us continues to provide insufficient resources to repair the bonds of community in our cities and improve education and clean up our environment. Too much is devoted to defense spending. Simply stated, we need to reorder those priorities.

Mr. President, this budget fails to take full advantage of the material changes in our relationship with the Soviet Union and its capacity to harm United States interests. The Soviet Union is now committed to withdrawing all its armed forces from Central Europe within the next few years, cutting support for old clients, Cuba, Vietnam, North Korea. Its deteriorating economy will force even deeper cuts in military forces, modernization, and support for expansionist adventures. Although Soviet or Russian military power should and will remain a long-term concern, it will not generate the threats in the 1990's comparable to those we faced in the 1980's.

We can safely concentrate instead on the many lesser challenges America faces. Moreover, we have also temporarily diminished at least for the next 5 years the need for more defense expenditures because United States forces virtually disarmed Iraq of its most offensive weaponry. Therefore, many weapons system such as the B-2 bomber and others which did not even help in the Persian Gulf are really no longer needed to counter the Soviet threat and therefore can be effectively reduced. We can ensure our security with a much smaller defense budget.

This budget package continues to waste taxpayers' dollars on such military luxuries as the B-2 bomber, and oversized naval forces. For 5 years we will squander resources on forces that could not be justified in the past, and instead of revamping programs to meet actual American security needs in the future.

Mr. President, part of the $30 billion in 5-year savings we obtain from this amendment and should achieve in the defense area; those savings can be used for high priority domestic programs. This amendment provides the Senate Appropriations Committee with about $3 billion a year in additional funds for high priority domestic spending.

We all know where we need to place more resources. The Women, Infants and Children Feeding Program only reached about 60 percent of the poor families in need of nutritious food supplements; Head Start only reaches about 20 to 25 percent of the eligible population; tens of thousands of pregnant women do not have access to quality prenatal care; 25,000 young children got measles last year because they were not adequately immunized. Middle-income and lower-income families are finding it increasingly hard to send their children to college and move up the ladder of upward mobility. Our infrastructure in this country needs sizable investment. And we need to do more to clean up our environment.

Last, Mr. President, the amendment reduces the cumulative deficit over the 1992-96 period by an additional $13 billion. We know that further deficit reduction is needed. This amendment further reduces the deficit. We should not wait until 1996 to take these steps if we can obtain the savings out of the defense budget.

Will this amendment meet all the needs I have discussed in terms of child care needs, being able to send our children to college, cleaning up the environment, providing prenatal care for women who are poor and pregnant? The answer is no, it will not meet all these needs. But it will provide additional resources so more of our pressing domestic needs can be met. And the amendment reduces the deficit at the same time. And it does not raise taxes.

Mr. President, in summary, I think this is an appropriate and important amendment. I expect the distinguished chairman of the committee will raise the point of order that the amendment violates last year's budget deal. To that charge I plead guilty. As I said before, I believe last year's budget deal set us on the wrong course with the wrong choices and the wrong priorities. It is true that even if my amendment today is adopted, extra funds, however, will not be made available for meeting priority domestic needs yet. Before extra funds can be made available, we need to change the new budget statute that caps discretionary spending.

The legislation Senator Simon and I introduced will do just that. Our bill would permit Congress to shift funds from among various Federal spending categories which will allow us to realize future savings from defense spending and address pressing domestic needs.

Last year's law, in the name of budget reform, established a supermajority vote to take money from defense and spend it in the nondefense area, in the domestic programs. If you cut the defense budget and you want to use some of that money, as I would like to in this amendment, in order to provide child care or clean up the environment, as a result of last year's Budget Act you need 60 votes in order to do that.

Mr. President, in addition to that, even with 60 Senators, if 60 Senators agreed to the shift from defense to nondefense, the law still subjects all the programs in the increased category to an across-the-board cut.

What does that mean? It means it is very, very hard to cut defense and terminate funding for wasteful programs like the B-1 bomber and use part of these savings for underfunded programs that work, such as Head Start, WIC, maternal and child health grants and other investments in children. It does not mean we will have more budget discipline.

What incentive is there to search out and realize savings in one area if there is no way to use any of those savings for any other priority?

Mr. President, the legislation Senator SIMON and I introduced solves the problem with two modifications to the Budget Act. First, it permits Congress to exceed the budget cap in any category if and only if the increase is offset by a reduction in another category. Congress may make such transfer by a simple majority vote; not 60 votes, a simple majority vote. Second, the bill we have introduced says there will be no across-the-board reductions if offsets are provided.

This bill does not change the overall spending blueprint in current law. Overall discretionary spending would not change. But we will be able to make the choices we were elected to make.

Mr. President, last month President Bush asked a joint session of Congress to move forward aggressively on the domestic front. Those were his words. The American people are also asking us to deal on the domestic front with the health care crisis, the recession, drugs, crime, infrastructure, children, and the other challenges here at home. They believe we can give priority to these crises without raising taxes by finding savings elsewhere in the budget. They are right. But we need a system that lets us make those transfers when we find them.

The amendment I am offering today with Senator SIMON shifts budget priorities. If it is adopted, we will need to follow up with legislation to reform the budget process, to enable the shifting of those priorities.

I hope the Senators who support our efforts to shift priorities will support this amendment and support our efforts to change the budget rules that stop us from moving forward effectively on the real priorities that face America.

Mr. President, this amendment is offered in hopes that the Senate will clearly state its desire to move ahead with more help on the domestic front and that we see a means of doing that by not increasing the deficit. We should be cutting the defense budget, and taking part of those savings and spending them on the domestic side and using the other half of the cut in defense to reduce the deficit.

This amendment would allow us to reduce the deficit and spend more on very high priority domestic programs.

Mr. SASSER. Mr. President, let me propound a question to the distinguished Senator from New Jersey on the time of the opponents to the amendment.

Would the distinguished Senator advise the manager of the amount of money his amendment would transfer from defense to domestic discretionary accounts?

Mr. BRADLEY. In 1992, the defense amount would be, in budget authority, 5.9 and in outlays 2.7; 1993, outlays 4.4; 1994, 5.2; 1995, 5.5; 1996, 5.8. Half to domestic, half to lower deficits.

Mr. SASSER. I thank the distinguished Senator from New Jersey.

Mr. President, I have to say at the outset that I am very sympathetic with the Senator's amendment and very sympathetic to what he is seeking to do here this morning. This amendment will transfer funds out of the Defense Department account into various domestic discretionary spending accounts. We have done that at other times in other years.

The Appropriations Committee has done that in making their final allocations. But, as the distinguished chairman of the Appropriations Committee said yesterday, in arriving at these agreements with the administration to reduce the deficit and to put ourselves on the path to reducing overall spending, we have to make some agreements that we are not fully satisfied with.

We cannot have everything our way all the time, as the distinguished chairman of the Appropriations Committee said.

While I am very sympathetic with what the distinguished Senator from New Jersey is urging this body to do today and although I would like very much to not only accommodate him but be a cosponsor of his amendment, that is just simply not possible because we entered into a solemn agreement with the administration. In that agreement, we agreed to certain caps on all spending in discretionary accounts, including domestic spending, and in defense spending.

We further agreed you would not be able to transfer funds between these two accounts as we had done in prior years. And we are compelled today—

unless this body wishes to reverse it by a 60-vote margin—to carry out that agreement.

As I said, I wish it could be otherwise. I think the distinguished Senator from New Jersey makes a clear and compelling case for transferring these funds from defense into these very worthwhile domestic discretionary programs such as Head Start. In the view of this Senator a whole host of programs actually need additional funding and, have much more to do with national security and much more to do with, certainly, national, economic, and Social Security; and in the longrun will protect the interests of this country much more than, perhaps, spending billions of dollars on the development and acquisition of a B-1 bomber, which the Senator from New Jersey used in his illustration.

But that is just not going to be possible if we are to live up to the solemn agreement that we made with the administration in the fall of last year. So, Mr. President, the pending amendment would violate section 601(b) of the Congressional Budget Act. The adoption of the amendment would result in spending in a discretionary appropriations category excess of the cap for that category under section 601(a) of the Budget Act, as adjusted in accordance with Gramm-Rudman-Hollings.

At the conclusion, when all time has been yielded back I will raise the appropriate point of order pursuant to the Congressional Budget Act. I might say to my friend from New Jersey, I raise it reluctantly. I wish it were otherwise. But we have entered into a solemn agreement here, and it is my duty to enforce it.

Mr. BRADLEY. Mr. President, how much time remains on the side of the proponents?

The PRESIDING OFFICER (Mr. GORE). The Senator from New Jersey has 4½ minutes remaining.

Mr. BRADLEY. Mr. President, let me say I respect what the Senator from Tennessee has said about the solemn budget agreement last year that locked everyone in concrete for the next 5 years, regardless of what events occur in the world.

Since that solemn agreement, we had a war in the Persian Gulf that dramatically demonstrated not only the effectiveness of our military weaponry, but also changed the geopolitical circumstances of the region so that in fact it is an argument for reduced defense spending.

We do not need to have massive naval forces offshore. The war demonstrated the importance of having land-based forces. And we will continue to have access in the region, which is another argument for why we can reduce defense spending by a greater amount than envisioned last October, which illustrates the other point, which is that times change.

The Senate and the Congress should not lock itself into an agreement for 5 years that it cannot change, notwithstanding changes in the world.

The fact of the matter is, with 25,000 kids getting measles because they cannot be immunized in this country; with Head Start providing services to only 25 percent of the eligible population and WIC to about 60 percent of the eligible population; with countless thousands of low- and middle-income families across this country that want to send their children to college, but cannot because they do not have enough money—Mr. President, things change. Times change. You cannot afford to lock yourself into a budget agreement that was decided in a room with about 10 people in the room and say there will be no changes in that agreement.

This is an opportunity to begin to register the Senate's opinion that the priorities in the budget agreement last year we do not agree with. We want less defense spending because of the changes in the world, and we want more spending on the domestic front. And we want more deficit reduction.

The real irony here is we have the Budget Committee making a point of order that the amendment of the Senator from New Jersey cuts the budget deficit too much. What is the Budget Committee supposed to do, if not cut the budget deficit?

I appreciate the points of the distinguished Senator from Tennessee. However, I do not accept them, and I hope the Senate will support this amendment.

I am prepared to yield 1 minute to the distinguished Senator from Illinois, if he desires it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I am pleased to be a cosponsor of this, because the budget process is about priorities. Our priorities in this Nation ought to be, No. 1, getting that deficit down; and No. 2, doing something about this problem of education. In fiscal year 1949, we spent 9 percent of our budget on education. Today we are spending 3 percent of our budget on education.

This amendment moves us in the right direction. The agreement was an agreement that I voted against. It says you have to have 60 votes. But it is not any violation of the agreement to go ahead.

I think we made a mistake in agreeing to the 60-vote provision, but it takes, as I understand it, 60 votes. Let us set the right kind of priorities. Let us not just drift into the future.

That is what the Bradley amendment calls for, and I am pleased to be a cosponsor.

The PRESIDING OFFICER. The Senator from New Jersey has 30 seconds remaining.

Mr. BRADLEY. Mr. President, if I could have the attention of the distinguished chairman? When the chairman makes his point of order, I will then, pursuant to section 904, move to waive the Budget Act.

If we are going to delay this vote, will he assure that, in order to move to waive the Budget Act, I could be on the floor when he makes his point of order?

Mr. KERRY. Mr. President, I rise today in support of the Bradley amendment because it will transfer unnecessary spending from the Defense budget into domestic programs that are in need of more funding to stimulate the economy and help those who have been hurt by the recession. The amendment offered by the distinguished Senator from New Jersey puts more money into those areas where the needs are greatest and goes further than last year's deficit reduction package in reducing our national debt.

I opposed last year's budget agreement, in large part, because the new budget rules prohibit transferring money from one part of the budget to another. At the time, I expressed my concern about the impact this rule change would have on the Federal Government's ability to respond to unanticipated problems. By requiring a 60-vote super majority to transfer money from one account to another, we find ourselves today in a position where the majority of the Senate can no longer work its will.

We have a major problem in Massachusetts right now. The economy is in a deep recession, unemployment is almost 10 percent, and people are suffering. And the pain of the recession hasn't been limited to the Northeast. So far, the Federal Government has done absolutely nothing. Today, we have a chance to do something. I personally don't think it goes far enough, but at least it's a step in the right direction.

The Bradley amendment would provide for a 2-percent reduction in the Defense budget for each of the next 5 years, roughly $30 billion. The savings would be divided evenly between deficit reduction and funding for domestic discretionary programs. The extra money will help fund those programs like unemployment benefits and job training that need more money in a recession without jeopardizing our national security interests.

Simply stated, there are savings that can be made in the defense budget. The administration has requested about $25.5 billion over the next 5 years for the B-2 Stealth bomber. The Congressional Budget Office has estimated that the total cost of the B-2 program will be $65 billion, or $860 million for each of the 75 planes the Air Force plans on buying. This would make the B-2 the most expensive strategic weapons system ever built. Notwithstanding the budget deficit and the large number of domestic problems confronting this country, the bottom line is that we do not need the B-2.

The administration argues that we need another penetrating bomber in addition to the B-1 bomber because modernization of Soviet air defenses will make the B-1 obsolete by the end of the decade. However, even if the Soviets decided to squander what little economic resources they have on improving their air defenses, cruise missiles would provide an equally lethal retaliatory threat against most Soviet targets.

Nor do the proposed missions of the B-2 make sense. The primary mission would be to destroy Soviet mobile missiles during a nuclear war. Ignoring the issue of whether bombers could survive in such an environment long enough to find and destroy any missiles that had not been launched, these missiles could easily be dispersed and hidden. The Air Force also claims that the B-2 could be used for conventional missions. However, because of its cost, sensitive technology, and primary strategic functions, we would be unlikely to use the B-2 for this purpose.

The remaining $4.4 billion in defense cuts required by the Bradley amendment could be taken from the SDI Program. In the 8 years since President Reagan proposed SDI as a means of making nuclear weapons impotent and obsolete, we have spent over $20 billion on the SDI Program yet there is virtually no evidence that we are any closer to developing a survivable and cost-effective system capable of defending against a large-scale ballistic missile attack. In addition, deployment, as well as some development and testing, of SDI would require abandonment of the ABM Treaty. This would inevitably create an offense-defense arms race spiral, resulting in the proliferation of both types of systems and an end to nuclear weapons constraints. The combining of partial missile defenses and highly accurate offensive nuclear forces also would provide an incentive to strike first in a crisis.

Proponents of SDI, most recently reincarnated under the name Global Protection Against Limited Strikes or GPALS, argue that it is necessary to combat the threat of ballistic missile proliferation around the world. For the foreseeable future, however, China will remain the only developing country with the capability to strike the United States with ballistic missiles. As for defending our friends and allies overseas against missile threats, the space-based elements that are central to the SDI concept would be useless against most nonstrategic ballistic missiles because they do not fly high enough to be targeted by the space-based elements. Our attention should therefore be devoted to controlling proliferation and developing ground-based, ABM Treaty-compliant theater missile defenses such as the Patriot system rather than pursuing SDI.

Mr. President, I could say much more about the deficiencies of the B-2 and SDI Programs but I will save that for the debate on the Defense authorization bill. For now let me simply conclude by saying cuts can be made in the defense budget by abandoning the B-2 and reducing the SDI Program. This would be an extremely prudent means of saving money without jeopardizing our national security in any way.

Shortly after this vote, the Senate will take up consideration of the Simon amendment. While I am sympathetic to the need to cut unnecessary defense spending, I am reluctant to cut that spending in difficult economic times if that money is not put to other uses that benefit people and regions hurt by the recession. That is why I oppose this amendment but support the Bradley amendment which cuts defense spending and channels a portion of that cut to domestic needs that are critical to Massachusetts and the rest of the Nation.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired. The senior Senator from Tennessee has 9 minutes and 20 seconds remaining.

Mr. SASSER. Mr. President, I advise the distinguished Senator from New Jersey that he can move to waive the point of order. We will then stack the vote to occur after the 12:15 vote on the McConnell amendment; this issue we will return to at 11:45.

I might make just two or three points in response to my friend from New Jersey. No. 1, the budget agreement itself does not fence off defense and discretionary spending accounts for the full 5 years of the agreement. The ability to move funds between the defense accounts and the domestic discretionary accounts will return after only 3 years of the budget summit agreement.

In other words, there is a 3-year prohibition between moving funds back and forth between the defense account and the domestic discretionary account.

You can cut defense spending under the budget agreement. If it is the intent of the movers of this amendment to seek to reduce the deficit, they can do so simply by cutting defense spending.

The distinguished Senator from Illinois, one of the cosponsors of this amendment, later on today I am advised will offer one or perhaps two amendments to do just that—to reduce the deficit further by cutting defense spending below the caps. And I have supported the distinguished Senator from Illinois on at least one of his amendments in the budget agreement.

This budget agreement is not an inflexible agreement. It can be overturned by 60 Senators, voting to overturn a particular section of the budget agreement. In particular this section prohibits the transfer of funds between defense and domestic discretionary, or between the defense and the international affairs section of the budget or between domestic discretionary and the international affairs section of the budget.

So it can be overturned. It is not something that is chiseled in stone, but it simply takes a supermajority to do it, a majority of 60 Senators to overturn the budget agreement.

As I said earlier, if I had had my way in the negotiation of this agreement, these fences would not have been erected between defense and domestic discretionary, but we cannot have our way at all times. The guiding principle behind the budget summit agreement was to reduce the deficit itself, and the only way to get the administation's cooperation in moving in that direction was to erect these fences for a 3-year period.

Mr. President, having said that, I want to yield back all of the time of the opponents, to the amendment of the Senator from New Jersey.

The PRESIDING OFFICER. All time is yielded back. All time has expired.

Mr. SASSER. Mr. President, pursuant to section 601(b) of the Congressional Budget Act, I raise a point of order against the amendment of the Senator from New Jersey.

Mr. BRADLEY. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the Budget Act.

The PRESIDING OFFICER. The motion to waive is debatable. There is 1 hour equally divided.

Mr. SASSER. Mr. President, it is my understanding that the Senator from New Jersey is willing to yield back his time on the waiver. In that event, I will be willing to yield back my time.

Mr. BRADLEY. Mr. President, I yield back all of the time on the waiver.

The PRESIDING OFFICER. All time is yielded back.

Mr. BRADLEY. I ask for the yeas and nays in the waiver.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that the vote on the Budget Act waiver take place immediately following the disposition of the McConnell amendment this afternoon, and if the Senate votes to waive the Budget Act, that the vote on the Bradley amendment take place immediately after the vote on waiving the Budget Act.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I am not certain of the outcome, but I hope, if the Budget Act is waived, that we might have 5 minutes, equally divided, to describe the amendment.

Mr. SASSER. In the event the Budget Act is waived, Mr. President, we can certainly accommodate that wish and can yield time off the resolution itself.

Mr. BRADLEY. I read the chairman.

Mr. SASSER. I thank the Senator from the New Jersey.

Mr. President, I suggest the absence of a quorum.

I will refrain from that. I see the distinguished Senator from Illinois, who I understand wishes to call up an amendment at this time.

AMENDMENT NO. 82

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself and Mr. BRADLEY, proposes an amendment numbered 82.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

DEFICITS

On page 4, line 7, decrease the figure by $2,700,000,000.

On page 4, line 8, decrease the figure by $4,400,000,000.

On page 4, line 9, decrease the figure by $5,200,000,000.

On page 4, line 10, decrease the figure by $5,500,000,000.

On page 4, line 11, decrease the figure by $13,900,000,000.

NATIONAL DEFENSE

On page 7, line 13, decrease the figure by $5,900,000,000.

On page 7, line 15, decrease the figure by $2,700,000,000.

On page 7, line 21, decrease the figure by $6,000,000,000.

On page 7, line 23, decrease the figure by $4,400,000,000.

On page 8, line 6, decrease the figure by $5,900,000,000.

On page 8, line 8, decrease the figure by $5,200,000,000.

On page 8, line 15, decrease the figure by $6,000,000,000.

On page 8, line 17, decrease the figure by $5,500,000,000.

On page 8, line 25, decrease the figure by $8,900,000,000.

On page 9, line 1, decrease the figure by $13,900,000,000.

Mr. SIMON. Mr. President, I am pleased to have the Senator from New Jersey as a cosponsor on this amendment, an amendment that does not violate the agreement but gets to a No. 1 priority in this Nation, and that is, it would reduce the budget authority for defense spending by 2 percent. I point out that a former Secretary of Defense, Robert McNamara, has suggested that we have a 10-percent cut each year in defense spending for 5 years and that we would still have a strong, flexible defense to deal with an Iraq-type situation. This does not call for that. It calls for only a 2-percent reduction.

I point out also, after World War II, we reduced defense spending 90 percent in 3 years. No one is suggesting anything like that. We could argue that we got into difficulty in Korea because we had an excessive cut in defense. But there is a huge difference between where we are now and that 90-percent cut in defense.

Where have we been in 1991 dollars on defense spending in the cold war? If we take out Korea and Vietnam and look at the cold war, we will see that we have had an average of $235 billion in 1991 dollars on defense spending. Now that the cold war is over, what are we spending? $290 billion. It is just totally irrational, and much of it is for exotic things that have absolutely no relevancy to the kind of a threat posed today.

For at least 12 years, and probably longer, we have been debating the B-1 bomber in the Senate and the House. How many B-1 bombers were used in the Middle East? Not a single one, because it is impractical.

I think a fundamental question is what is the great threat facing this Nation today? Is it a security threat or is it a threat to our economy? I suggest any rational analysis suggests that it is the threat to our economy.

Let me just go over a few statistics with my colleagues. One of the things that we have shifted on when we list interest now, we ordinarily mean net interest instead of gross interest. What is the difference between net interest and gross interest? We subtract the interest earned by the Social Security trust funds and the other trust funds before we list interest. In fiscal year 1980, we spent $74 billion on interest. This fiscal year, we will spend somewhere between $287 and $290 billion on interest. The fastest growing item in the budget by far is interest. It is a massive welfare program, taking from people of limited means, giving it to the more fortunate and particularly now the more fortunate beyond our borders.

While the budget agreement limited spending somewhat, frankly, we have not faced up to this in either political party. The deficit this year, according to CBO estimates, is $371 billion. It is an astronomical figure. We have to get ahold of this thing. I think we should ask ourselves long term—the Presiding Officer, the Senator from Tennessee, is one who has done more long-term thinking than most Members of this body, to his credit—where do we go long term if we do not get hold of this deficit?

Starting about the year 2003, we are going to have a lot of people retiring. Starting at the year 2010, a great many people will be retiring. This is not theory. These are people who are alive today. We are now heavily dependent on Social Security funds to buy our bonds. At that point, we will have one of three, and only three, decisions to make: No. 1, we can significantly reduce Social Security retirement payments, and we know how politically popular that would be; or, No. 2, we can dramatically increase taxes, and we know how politically popular that would be; and the third option is to print more money. That is the politically easy way out, and that is where we are drifting at the present time, and we have to stop it. It is why I favor a constitutional amendment to require a balanced budget unless there is a 60-percent vote of Congress to the contrary.

We are in jeopardy, and this amendment says simply let us reduce budget authority for defense by 2 percent. That is it.

Mr. President, as I indicated, I am pleased to have Senator BRADLEY as a cosponsor of this amendment.

I would ask unanimous consent that if this amendment is defeated when we stack votes, then I will be offering a second amendment for a 1-percent cut. I would ask unanimous consent that we have 5 minutes on each side when I present that amendment, and I ask unanimous consent to present that amendment after this one at the time we stack the votes. A little complicated, but I think the Parliamentarian understands the thrust of what I am doing, and I do not think there would be any opposition from Senator SASSER or Senator DOMENICI.

The PRESIDING OFFICER. The Senator from Illinois has requested unanimous consent that in the event the pending amendment is not acted upon favorably by the Senate, he be at that point recognized to offer a second amendment described as a 1-percent cut in remarks just made, and that on that second amendment 5 minutes be allocated in favor and 5 minutes against, and that the vote occur on that second amendment at that time. Is there objection?

Mr. SASSER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. As I understand what the Senator from Illinois wishes to do, following the vote on his amendment to reduce defense spending by 2 percent, should that amendment be unsuccessful, then the Senator wishes to introduce his amendment to reduce defense spending by 1 percent and have debate for a period of time on the 1-percent amendment.

Mr. SIMON. That is right. Just 5 minutes on each side.

Mr. SASSER. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I am pleased to cosponsor the amendment by the Senator from Illinois. I think he makes a very important point that is all too often missed and ignored. And that is the impact of these deficits on our children. We had a very full debate yesterday about the Social Security tax proposal of the distinguished Senator from New York. My opposition to his effort was in large part based upon what it implied about the impact on future generations. The tax cut is, in fact, a tax increase time bomb that would come in addition to what we have already bequeathed to future generations, which is a massive debt.

I think the Senator is right to take this position. I remember recently I was at a meeting and made the point about what we are doing to our children and their children in terms of bequeathing this deficit, and somebody said, "Well, 5-year-olds do not vote." That is true, but the objective here is to try to lengthen our time horizon, to try to begin to make decisions today that will have a positive impact on our children, not simply an impact on us now, at this moment, that makes us feel good, but an impact that will be positive for our children.

That view of the future, I believe, is embodied in the amendment of the Senator from Illinois. Things have changed. The war has been fought, a clear reason for less defense expenditures. We are locked into a budget agreement. The chairman says not fully for 5, but for 3. All right, 3. It is real irony, maybe even something else, for an effort to reduce the deficit to be opposed by those who have stated they want to reduce the deficit.

Mr. President, I strongly support the amendment of the Senator from Illinois. I think it is a very clear statement: Changed circumstances; reduce defense spending. Let us use the money to reduce the impact of that deficit on our children and their prospects.

I am pleased to join in this effort and hope that we will prevail.

Mr. SASSER. Mr. President, I yield myself such time as I may consume off of the resolution.

Mr. President, the amendment that is presented to us today by the distinguished Senator from Illinois, frankly, in the final analysis makes a very minor change in the President's plan. The amendment of the distinguished Senator would reduce outlays for fiscal year 1992 by only $2.7 billion and reduce them for fiscal year 1993 by only $4.4 billion.

To me, that appears to be an eminently reasonable amount and this is an eminently reasonable amendment. Even under the plan that is being urged upon us today by Senator SIMON, defense spending adjusted for inflation by 1996 would still exceed the cold war average of $235 billion if this very modest amendment were adopted, Mr. President. Still exceed the cold war average when the Warsaw Pact is nonexistent.

I was in Eastern Europe just last year and met with the defense ministers in a number of the Eastern European countries. They told me that the Warsaw Pact existed only on papers. It was not, indeed, a military alliance at all; it was totally ineffectual. They were going to exclude Soviet troops from their borders just as rapidly as they could. They had no intention of fighting on the side of the Soviets should war break out in Europe.

This is what I was told in Hungary, Czechoslovakia, and Poland.

This modest amendment, if it were to be adopted by this body, would still leave defense spending above the cold war average by 1996.

Now, what are we arming against? The Warsaw Pact is dissolved. The Soviet Union is on the brink of anarchy. Yet we are still spending these enormous sums of money for defense.

I would look to the chairman of the Joint Chiefs of Staff. Gen. Colin Powell, for his views to reinforce the argument in behalf of the amendment of the distinguished Senator. General Powell recently said that he sees no threat looming in the next 5 years that would require an immediate and immense deployment like that that occurred in conjunction with Operation Desert Shield. Make no mistake about it, even following a 25-percent reduction in the defense establishment at the end of the 5 years as proposed by the administration itself, we would still have the capability to deploy the same military force as we deployed in Operation Desert Shield following that 25 percent reduction.

General Powell lamented, and I quote him, "I'm running out of demons. I'm running out of villains. I'm down to Castro and Kim Il-song." Those are the two villains that the Chairman of the Joint Chiefs of Staff points to now. No longer do we have to spend $300 billion to ward off the evil empire that is collapsing before our very eyes, and we are concerned to some extent because of the collapse.

Mr. President, the Simon amendment would require no additional changes in the military personnel force structure beyond those that were recommended in the President's budget. The Simon amendment would make the savings by freezing funding for the strategic defense initiative at least year's level. The President proposes nearly $5 billion for the so-called star wars or strategic defense initiative.

The Simon amendment would save $2 billion out of star wars alone. So if we hear argument or debate this morning that if the Simon amendment is adopted you are going to see wholesale personnel cuts in the military establishment, I say that is not necessary. That argument is simply fallacious.

These defense reductions are minor in the Simon plan. They would focus largely on research and development accounts, and on procurement accounts.

So, Mr. President, I think the Senator from Illinois brings us a worthwhile amendment. I am going to support the amendment when it comes to a vote on the floor.

There will be opponents to the amendment. I assume that the distinguished Senator from New Mexico will join us shortly to speak in opposition.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. First, I want to thank my colleague from Tennessee. I applaud his leadership. He has been a superb chairman. This is one of the examples where he has shown courage. I really appreciate it.

How much time do I have remaining?

The PRESIDING OFFICER. Forty-eight minutes thirty seconds.

Mr. SIMON. I will not be using anywhere near that amount I want to assure the Presiding Officer. Let me yield 5 minutes to my colleague from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President. I assure my distinguished colleague from Illinois I will not be using the 48 minutes either.

Mr. President, the administration is asking for $290 billion for the military. That is the maximum amount allowed in the 1990 Budget Enforcement Act. That is a lot of money. To put it in perspective, it is half again as much as we are proposing to spend on all the discretionary domestic programs altogether. What the Senator from Illinois is asking us to consider today is whether or not this much money is needed given the new realities in the world and also the very serious budget constraints that we are operating under.

Mr. President, for decades the United States and our allies have fought the cold war against the Soviet Union. As the son of an immigrant from the Soviet Union I fully appreciate why. Over the course of the 1980's, we doubled the Pentagon's budget in response to a presumed growing Soviet threat. The nature of the threat was debatable.

But now it is undebatable. That threat is a thing of the past. As Albert Einstein said, in a somewhat different context today, it is a different world today.

The Warsaw Pact was formally dissolved in March. The Berlin Wall has come down. Vaclav Havel is President of Czechoslovakia, Lech Walesa is the head of the Government of Poland. We live in a very different world today.

But the budget that has been presented to us by the administration for the military does not respond to these new realities. Half of our budget, over half according to Pentagon estimates, $160 to $170 billion, goes toward defending Western Europe against a war or a threat of a war by the Soviet Union and the Warsaw Pact.

In other words, Mr. President, we are pouring $170 billion into a defense against a pact that no longer exists, preparing for a war that is never going to be fought. There is no more East and West Germany. It is one Germany. It is a different Eastern Europe. The Soviet economy is in shambles. It's leadership is different. This budget simply makes no sense given these new realities.

To go on, Mr. President, there is just too much waste in this budget with the kind of fiscal constraints that we are dealing with. The administration requests $4.8 billion to build four, only four, Stealth bombers, B-2 bombers. This obscenely expensive plane is designed to carry nuclear bombs to be dropped on Soviet targets. It was a marginal and dubious proposition at best in an age of missiles. Now it is an absurd anachronism. The list of obsolete weapons goes on.

Mr. President, money is being foolishly spent not only in Europe. For example, $9 billion is being spent to keep 50,000 soldiers and 55,000 dependents in Japan. A lot has changed since 1947, not the least of which Japan has become a powerful economic nation with its own strong economy, and is more than able to defend itself.

The question before us, Mr. President, in this amendment introduced by the Senator from Illinois, and in the amendment introduced by the Senator from New Jersey, and in the wonderful work that has been done by the Senator from Tennessee, is not whether or not we are going to have a strong defense; we are; not whether or not we are going to have a strong military; we must. We have seen how the military can perform in the Persian Gulf. The question is whether or not we are going to continue to spend money in a defense budget which is based upon unnecessary expenditures for a cold war that simply does not exist any longer.

Given the structure of the budget agreement struck last year every dollar not spent on defense will be used for deficit reduction. I submit that today that is of the utmost importance; $1 out of every $5 we spend is on deficit reduction. We are no longer able to plant our seed corn. We are eating it up with the debt.

I submit that this proposal by the Senator from Illinois, is an important step, albeit a small step, toward beginning to reduce that deficit and thereby free up dollars to fight wars in this country.

I want us to fight a war against drugs. I want us to fight a war against homelessness. I want us to invest in our own people. And most important of all, Mr. President, I want us to ensure that our real national security will be based upon our economic strength. A secure and strong community is one where people have jobs, where we invest in education, where there is health care, where there is transportation, where there is child care, where small businesses can make a go of it, where we have family farms, where every child in our country can grow up dreaming to be President of the United States. That is real national security.

I believe what the Senator from Illinois has proposed today in his amendment is important. It is a 2-percent cut in the Pentagon budget. That is such a small step. It is a modest step. But I hope other Senators in the U.S. Senate will join us today in this first small step so that tomorrow we can take a much bigger step.

Thank you very much, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I suggest the absence of a quorum, and I ask that it be charged against both sides equally.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, in order to expedite this, I am going to yield back all but 5 minutes of my side.

The PRESIDING OFFICER. The Senator has that right. The Senator yields back all but 5 minutes.

Mr. SIMON. I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I yield 10 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Before the Senator proceeds, the Senate will come to order.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have said as a teacher for over 20 years that the Federal budget offers the most comprehensive State of the Union message about what our priorities are, and about how we distribute the costs and the benefits within American society. It will serve as a blueprint for the Appropriations Committee, and it will serve as a blueprint as we develop our 13 annual appropriations bills.

Most debates on the Federal budget reflect profoundly differing visions about where we should go as a nation. But this year we are faced with a new reality. Profoundly constrained by the spending caps contained in last year's budget agreement, we are unable to only offer modest program changes in this democratically crafted package that my distinguished colleague from Tennessee has labored so hard to put together.

I am concerned that last year's budget agreement hamstrings our ability to govern. During the course of the last 10 years it seems to me that we have really abandoned a far-reaching significant debate about priorities, about defense and social spending, about guns versus butter. Instead now what we have done is boiled the debate down to an argument about how a stick of butter is to be divided.

Mr. President, it is so heartbreaking to see citizens in our country who testify before our committees and to know that under this budget agreement that if we provide money for students to have accessibility to higher education we will not have the money for the Women and Children Program. If we commit funding for the Women and Children we might not have enough for the Head Start Program.

It is just simply outrageous to see groups of people pitted against one another. I argue today, Mr. President, that until we challenge two propositions, proposition No. 1 that we need $300 billion for the military, and proposition No. 2, that we cannot apply progressivity to the Income Tax Code of our country, we will never be able to fashion a visionary budget which will lead our Nation forward.

Mr. President, Senate Congressional Resolution 29 reflects 5-year spending priorities which differ in several important ways from the President's budget proposed in February. Again, the President has proposed a budget which is so draconian in social cuts that it was only able to garner 89 Republican votes in the House of Representatives, and I do not think it will do much better in the U.S. Senate.

Mr. President, this budget makes no attempt to focus on the 37 million Americans with no health insurance whatsoever. Instead it proposes cutting $25 billion over 5 years in Medicare which will affect 34 million Americans in our county. I maintain that today with all of my heart we cannot and we must not try and balance this budget on the backs of those who are the most vulnerable citizens in the United States of America.

The President's budget cuts are in mortgage credit, ground transportation, social services, health care, education, and job training but there is more for Federal law enforcement including prisoners and prosecutors. I do not want to belittle the importance of Federal enforcement but I want to make it clear that if we do not invest in our children when they are young, we are going to pay the price over and over again with high rates of illiteracy, high school dropouts, drug abuse, alcoholism, and crime.

We must begin to invest in the critical areas of social life in our country today and that starts with an investment in our young people. It is not there in this budget, nor is it there on energy policy, nor is it there dealing with the concerns and circumstances of the unemployed.

The President supports and has proposed once again a cut in the capital gains tax. We have been through this debate over the last 3 or 4 years.

We will lose $1.4 billion over the next several years. It is regressive. Facts are stubborn things. So I do not believe that this proposal will be accepted in the Senate or the House, but I think, instead we have to finally start looking at a progressive income tax where those citizens with high incomes and the wealth pay their fair share.

There is also mischief in the defense budget. Why $4.6 billion for star wars in space? Why not invest that money in growing food and feeding the hungry right here on Earth? Why again approve an almost $300 billion military budget which does not reflect the fact that the cold war is over? Why spend $160 billion preparing for a war in Europe that will never be fought?

Mr. President, I am grateful that this Democratic alternative before us rejects the President's proposed huge cuts in key social programs. I am grateful to Senator SASSER for his leadership. I am grateful to Senator WIRTH for his home front initiative, and I certainly want to see the money spent on childhood immunization, and the WIC program, and Head Start, and the Pell Grant Program. I want to see us begin to invest in people, in human capital.

Mr. President, I think this budget—and I have discussed this with my distinguished colleague from Tennessee—falls far short of the kind of priorities that we need to set forth, if we are really to make strides in education, and in health care, and in physical infrastructure, and job training, and job creation.

Mr. President, as a new Member of this body, I did not play a role in developing last year's budget agreement, which placed strict spending caps on defense, international affairs, and domestic discretionary programs. I have many serious concerns about this agreement, which I think places severe constraints on the Congress to the point where we cannot do what is fair, and just, and responsible.

I must admit candidly to you, Mr. President, that I am not a student of the Federal budget process, but I do understand the basic outlines of the problem.

During the 1980's, the Reagan and Bush administrations doubled the Pentagon budget, eroded the revenue base, built up the deficits, built up the interest payments and, as a result, we are essentially paralyzed by this legacy; and now are in a position of laboring, and sometimes even cowering and sweating, to try and meet basic human needs.

Prevented from making choices about the folly or the wisdom of these kinds of economic policies, Congress has instead, I think, focused on elaborate procedural safeguards. Gramm-Rudman here, Gramm-Rudman there. We have tried to resolve procedurally what we are unable or unwilling to resolve politically.

Mr. President, this is the first budget resolution that I will be voting on as a new Member of this body. This is a difficult choice for me. Should I follow the advice of my colleagues who have argued that I should not let the perfect be the enemy of the good, and that I should swallow hard and vote for a budget which, despite the hard work of the Budget Committee, falls short of being a visionary road map about where we need to go as a nation, if we are to be strong, and whole, and vital, and fair, and just. Or should I oppose this resolution, even though I know my colleagues on the committee have labored mightily to produce it in protest against the budget process and a budget product that I know, in my heart of hearts, is seriously flawed?

Mr. President, I do not know what my final decision will be, but this is what I do know: I do know that, to use an old Yiddish proverb, "You cannot dance at two weddings at the same time." I do know that we are going to be able to reduce the deficit and clean up the environment and have a credible energy policy, and invest in health care, and invest in children, in education, and make the kind of capital investments that we need to do to be strong economically, unless we break away from a budget that has been so narrowly construed.

Mr. President, we have to eventually get serious about being able to make the cuts we need to make in the military budget, so we have a strong defense but have a new definition of national security, and invest back into our economy and our people.

Mr. President, the time has come for us to begin to overturn what was the most regressive piece of legislation in the last 50 years—the 1981 tax cut—and move toward a system of progressive taxation, so we have the revenue but we do not tax the working people, and we have fair taxation where people on the top pay their fair share.

I will continue, regardless of how I vote on this, to protest and to object to this straitjacket process. It is seriously flawed. We have not been able to do enough.

Mr. President, while I admire the work of my distinguished colleague from Tennessee—and we have talked about this personally, and I really appreciate what he has done—this is going to be as difficult a decision as I have had to make in my 3 months here in the U.S. Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I see the distinguished Senator from Colorado on the floor. Does he wish to offer an amendment at this time?

Mr. BROWN. I thank the Senator from Tennessee. I would like to offer my amendment at this point.

Mr. SASSER. If the Senator will withhold for just one moment, Mr. President, I see the distinguished Senator from Illinois. He is on the floor now.

Mr. SIMON. If we can reserve time.

UNANIMOUS CONSENT REQUEST

Mr. SASSER. Mr. President, on behalf of the distinguished Senator from Illinois, I ask unanimous consent that after disposition of the Bradley amendment this afternoon there be 10 minutes of debate on the Simon amendment No. 82, which is the amendment that cuts 2 percent from defense, to be equally divided and controlled by the proponent of the amendment and the Republican manager of the resolution, and that after those 10 minutes are consumed or yielded back the Senate, without intervening debate, proceed to vote on or in relation to the Simon amendment No. 82.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, and I might object, let me state to the chairman I have not had a chance to discuss this with him.

Frankly, as the Senator knows and the Senate knows, the armed services people, the chairman and ranking member, are at John Tower's memorial ceremony. We could not go because of this business, but they went. Frankly, I want to make sure both SAM NUNN and JOHN WARNER are offered an opportunity to indicate to the Senator from New Mexico whether they want to come to the floor and discuss this issue. I am not suggesting they must.

I do not think I want to agree that we only have 5 minutes under those circumstances. If the Senator can phrase it in such a way that the Senator from New Mexico can use additional time off the resolution, it is all right with me. You can do 5 and 5. But do not at this point lock out others who might want to talk to that.

I want to say the same is true for the Bradley amendment. I have a lot of time on the resolution and I intend to yield a lot back, as I told you, Mr. President, but I need a little lead there for the military people to see if they want to talk on that amendment, too.

Mr. SASSER. Mr. President, let me modify the unanimous-consent request.

This may meet the needs of the distinguished ranking member.

Prefatory to propounding the unanimous-consent request, I intend to modify it in such a way that we may yield time off of the resolution if there is need for additional debate.

Mr. DOMENICI. Good.

TIME-LIMITATION AGREEMENT

Mr. SASSER. So I would now propound the unanimous-consent request again.

Mr. President, I ask unanimous consent that after disposition of the Bradley amendment this afternoon there be 10 minutes of debate on the Simon amendment No. 82, equally divided and controlled by the proponent of the amendment and the Republican manager of the resolution, and that after those 10 minutes are consumed or yielded back the Senate proceed to vote on or in relation to the Simon amendment No. 82, not precluding the right of the managers on either side to yield additional time off the resolution for debate on the Simon amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, and we are going to work this out, because I understand Senator SIMON wants to know with certainty what event will precede him, and then he will be next. Other than setting a time certain for the disposition of the McConnell amendment or any amendments to it, we have not yet set a time certain for the Bradley amendment, but only that it would follow that event. Is that correct?

Mr. SASSER. That is correct.

Let me say to the distinguished Senator from New Mexico that the order of voting as I have it at this time would be the McConnell amendment to be voted upon at 12:15; after the McConnell amendment is disposed of there would then ensue a vote on the Bradley motion to waive the Budget Act. We have not yet set a time or procedure for a vote on the Simon amendment which would be the next amendment in order of introduction.

Mr. DOMENICI. Mr. President, let me just ask the chairman if my understanding is correct. Senator BRADLEY intends to move to waive the point of order. Before that vote occurs, whether it is up or down or tabling, or whatever, the Senator from New Mexico can yield time off the resolution to debate that, can he not? I did not agree that I could not.

Mr. SASSER. Yield time off the resolution to debate the Bradley motion?

Mr. DOMENICI. Yes. I have not debated the Bradley proposal to change the budget agreement of last year. I want to do that. It is the same reasoning I had before. That is a defense issue plus whether we are violating the agreement issue. I want to do that after asking the defense leaders here if they want to participate in that.

Mr. SASSER. Certainly that can be done.

Mr. DOMENICI. Just so I am not precluded, I would then not object to this. As I read it, I can debate at length, although I do not intend to, the Bradley motion before it occurs, because there is no time certain in it and I have not agreed for the Senate to take away my opportunity to yield off the resolution. As long as that is understood, it is all right for me to enter into the agreement the Senator has just talked about.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, we would now be in a posture to take the Brown amendment, if the distinguished Senator from Colorado wishes to call it up.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 76

(Purpose: To eliminate the honey price support program)

Mr. BROWN. Mr. President, I call up amendment No. 76.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 76.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 18, decrease the figure by $51,000,000.

On page 3, line 19, decrease the figure by $41,000,000.

On page 3, line 20, decrease the figure by $35,000,000.

On page 3, line 21, decrease the figure by $37,000,000.

On page 3, line 22, decrease the figure by $39,000,000.

On page 3, line 25, decrease the figure by $51,000,000.

On page 4, line 1, decrease the figure by $41,000,000.

On page 4, line 2, decrease the figure by $35,000,000.

On page 4, line 3, decrease the figure by $37,000,000.

On page 4, line 4, decrease the figure by $39,000,000.

On page 4, line 7, decrease the figure by $51,000,000.

On page 4, line 8, decrease the figure by $41,000,000.

On page 4, line 9, decrease the figure by $35,000,000.

On page 4, line 10, decrease the figure by $37,000,000.

On page 4, line 11, decrease the figure by $39,000,000.

On page 4, line 14, decrease the figure by $51,000,000.

On page 4, line 15, decrease the figure by $92,000,000.

On page 4, line 16, decrease the figure by $127,000,000.

On page 4, line 17, decrease the figure by $164,000,000.

On page 4, line 18, decrease the figure by $203,000,000.

On page 5, line 21, decrease the figure by $51,000,000.

On page 5, line 22, decrease the figure by $41,000,000.

On page 5, line 23, decrease the figure by $35,000,000.

On page 5, line 24, decrease the figure by $37,000,000.

On page 5, line 25, decrease the figure by $39,000,000.

On page 17, line 6, decrease the figure by $49,000,000.

On page 17, line 7, decrease the figure by $49,000,000.

On page 17, line 16, decrease the figure by $36,000,000.

On page 17, line 17, decrease the figure by $36,000,000.

On page 18, line 2, decrease the figure by $27,000,000.

On page 18, line 3, decrease the figure by $27,000,000.

On page 18, line 12, decrease the figure by $26,000,000.

On page 18, line 13, decrease the figure by $26,000,000.

On page 18, line 22, decrease the figure by $26,000,000.

On page 18, line 23, decrease the figure by $26,000,000.

On page 40, line 21, decrease the figure by $2,000,000.

On page 40, line 22, decrease the figure by $2,000,000.

On page 41, line 5, decrease the figure by $5,000,000.

On page 41, line 6, decrease the figure by $5,000,000.

On page 41, line 14, decrease the figure by $8,000,000.

On page 41, line 15, decrease the figure by $8,000,000.

On page 41, line 23, decrease the figure by $11,000,000.

On page 41, line 24, decrease the figure by $11,000,000.

On page 42, line 7, decrease the figure by $13,000,000.

On page 42, line 8, decrease the figure by $13,000,000.

On page 42, line 16, decrease the figure by $2,000,000.

On page 42, line 17, decrease the figure by $5,000,000.

On page 42, line 18, decrease the figure by $8,000,000.

On page 42, line 19, decrease the figure by $11,000,000.

On page 42, line 20, decrease the figure by $13,000,000.

Mr. BROWN. Mr. President, I rise this morning to suggest there are alternatives for us in this budget process. As all of our colleagues are well aware, the budget deficit last year was $220 billion—an astounding figure—that imposes an enormous burden that I know every Member of this body is concerned about. But the fact is that burden has not been reduced on the American people. It has risen.

The latest estimate indicates the deficit this fiscal year may rise as high as $371 billion and perhaps go even higher. The fact is, for all our labors, all the hard work, this deficit is headed in the wrong direction.

How do you deal with that? The simple fact is dedicated men and women of both parties have to come to grips with this problem or it will swallow up not only our future but the future of our children and our grandchildren. I dare say every Member of this body understands that and agrees we have to face up to it.

The President proposed, in what must be considered a modest step but at least a step, that we limit increases in spending to 2.6 percent this year and we do something very unusual: We specifically identify programs of low priority and eliminate them.

Does that sound unusual? Perhaps not to the American people. They understand in doing their own budgets that they have to be willing to set priorities and eliminate those things that are low priorities.

That does not surprise anyone. The President proposed 237 programs be eliminated in this coming fiscal year. He identified 3,573 projects specifically that would be eliminated. Let us ask ourselves, as we bring this important budget to the floor, how many of those programs have been eliminated. Out of 237, how many has the Budget Committee decided to terminate?

Mr. President, this budget resolution does not terminate any of the 237 programs the President mentioned; not a single one. Not one of them is eliminated.

Our Budget Committee has included language that urges the appropriations committees to review these programs thoroughly and completely, and hopefully can be made, let us look at the record.

In the last decade, as deficits have skyrocketed in this country, we have only eliminated three basic programs, and two of them were primarily name changes. The one that really was eliminated, revenue sharing, was money that was spent by somebody else. This body and the House, the other body, will not receive a gold medal for budget balancing. We are not in the Olympics in that category, and no one has suggested that we enter.

The fact is that we have the highest deficit in the history of the world. We have the highest deficit of any country in the history of the world.

Of the 3,573 projects the President recommended that the next budget eliminate, our budget does not specify a single one. Will the trend continue? I hope not. I do not think, for the welfare of our Nation and our children and grandchildren, that it can. I do not want the day to pass without this body having an opportunity to vote on at least one program elimination.

Mr. President, that is what we bring to the floor. The Brown-Reid amendment suggests the elimination, that is the termination, of the honey program. Now some will say, "Hank, you can't be serious. The honey program?" My guess is that most Americans would not believe we have a honey program, or if they do believe we have a honey program, they might suspect it did not deal with the product of bees, but something else.

But yes, we do have a program called the honey program. If we cannot eliminate the honey program, we cannot eliminate anything. My guess is most Americans would think the only reason we have a honey program is to show we have a sense of humor.

What is the honey program? It is a program that loans money to maintain high prices on honey. There are 5,500 active participants, and next year they will sting the taxpayers for $49 million, net cost. Let me repeat that. We have a program that artificially maintains the price of honey at a level higher than it would be. Those who are so concerned about consumers have to be horrified by this kind of philosophy.

I simply say that this body has an opportunity to specifically identify at least one program. I think if we can eliminate this one, we can come back and eliminate more. Any journey, including the journey to reduce the deficit, has to start one step at a time. That is what this amendment is; it is a step toward eliminating the most crushing deficit burden any nation has had to face. The way we do it is one step at a time, one program at a time, one project at a time.

Mr. President, when this passes, and I believe it will pass, we will come back and try to do another and another and another, because America's future has to be in setting priorities and reducing the waste.

Let us take a look at that program. The program stings the American taxpayer for $49 million next year. We can save that money. And we can save the taxpayers money on this. It stings the American consumer by providing higher prices for honey than the marketplace would provide. It stings our trade deficit by replacing American-produced honey in our market, in our own market, with imported honey.

The reason the imported honey comes in and takes the American market is because we artificially pay the price of honey, and what it does is it guarantees the foreign companies can sell their product below our price in the heart of America, in the heart of the greatest agriculture country in the world. We are No. 1 in agriculture. We produce more agriculture products, of better quality and greater volume, than any people in the history of the world, and yet honey is pegged at a price where we cannot even compete.

I do not mean we cannot compete in foreign markets, where you have the expense of shipping it overseas. I mean we cannot even compete in our home market because of this program. Why do we have to have the program? What is the justification for it? I hope the people who believe in this kind of program that destroys our market, that costs the taxpayers money, and gouges the consumer, will come to the floor and tell us why we have to have this kind of program.

We are going to have a vote so the American people can see who supports this kind of waste. Does someone really contend that bees are going to go on strike or that bees in America cost more than bees in China? This program is an example of the ludicrous kind of spending this Nation has gotten into. I believe America needs to face up to it. I believe the American taxpayer wants to face up to it.

Mr. President, let me emphasize that the concern over the deficit does not reside only in one party. The Senator from Nevada has joined me in this amendment. And just as this amendment is bipartisan, I believe the concern over reducing the deficit of this Nation is bipartisan. I believe the concern over eliminating wasteful, shameful programs that imposes burdens on American consumers and taxpayers is bipartisan.

I hope, when we vote on this amendment, that the men and women of this body will send a clear message that not only the time has come to end the honey program, but the time has come to end programs of this ilk.

Mr. President, I reserve 15 minutes of my time, and yield back the remainder.

The PRESIDING OFFICER (Mr. ROBB). The Senator has that right.

Who yields time?

Mr. SASSER. Mr. President, there are Senators who wish to speak in opposition to the Brown amendment. I do not see them on the floor at the moment.

I suggest the absence of a quorum, and ask that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, the time will be charged equally.

The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield such time as the Senator from South Dakota might consume.

The PRESIDING OFFICER. The Senator from South Dakota is recognized in accordance with that request.

Mr. DASCHLE. I thank the distinguished Senator from Tennessee, the chairman of the Budget Committee.

I rise this morning to talk specifically about the amendment offered by the distinguished Senator from Colorado. But prior to the time I make some formal remarks, I will simply ask for a clarification of the ramifications of this amendment. I hope those who are deciding the merits of the amendment will pay close heed to the answers of the Senator from Tennessee in this regard because I think it is an issue that really has to be addressed carefully.

I ask the Senator from Tennessee, is it his understanding that this amendment will preclude agriculture from pursuing any legislation until the savings required in this amendment are realized?

Mr. SASSER. That is my understanding; that the amendment, as offered proposes savings that would be made by the Agriculture Committee. The Agriculture Committee could be precluded from moving any spending legislation until the savings had been made. If the committee attempted to move any legislation which did not achieve some measure of net savings, then that legislation could be subject to a 60-vote point of order.

Mr. DASCHLE. If the Senator will respond further, is it his understanding the action would have to be not only precipitated but completed prior to the time any additional action by the committee could be taken?

In other words, simply for the Agriculture Committee to take the action may not be enough. The Congress would have to act; and the President would then have to sign into law whatever savings would have to be realized in order for the Agriculture Committee to function in a normal fashion; is that correct?

Mr. SASSER. The Senator from South Dakota is correct.

Mr. DASCHLE. I thank the Senator very much. I think that clarification, Mr. President, is a very critical one. We are not only going after the honey program per se but we are telling Congress, look, until the Senate acts, until the House acts, until the President signs that particular action into law, agriculture is going to be frozen out. They are not going to have any ability with which to deal with this issue.

So I appreciate the intentions of the Senator from Colorado, even though I differ with him, but I think it is very important for people to understand the procedural consequences of voting for this amendment. The fact is we are going to stop the Agriculture Committee in all of its jurisdiction from being allowed to perform the duties that have been legislated and required of it as a result of the adoption of this amendment. So it is not only a procedural issue, but it is a very important substantive issue that has to be addressed.

Let me talk specifically to the amendment itself. The significance of the beekeeping industry to the rest of agriculture frankly is often overlooked and maligned. It even happens from time to time here on the floor. But the fact is that it is vital to American agriculture.

Government has supported the price of honey since 1950 by providing market price stability to honey producers to encourage them to maintain sufficient honeybee populations to pollinate important agricultural crops.

More than 140 cultivated crops either require or are benefited by bee pollination, including millions of acres of fruits, vegetables, oilseeds, and legume seed crops.

Pollination provided by honeybees has increased in importance to farmers in recent years as urbanization and other pressures on the environment have reduced availability of other natural pollinators.

This is a very important point that I hope people understand. Let me repeat that. Pollination provided by honeybees has increased in importance because of urbanization and other pressures on the environment that have reduced the availability of other pollinators. Other pollinators are not around anymore.

If we do not preserve this opportunity to continue the natural process, we are going to have to come up with some artificial ways to do it. That is what we are talking about here.

Do we begin to rely more and more on artificial methods or do we use the natural methods that have been in existence for ages? The United States recognizes this need, and as a result of that recognition has created a very marginal program in terms of costs in the United States.

The United States, frankly, is a net importer of honey today. While we import honey, we cannot import pollination. A vast majority of pollination is provided free to the public through the random movement of bees. It is not unreasonable that the public pay for this pollination through a loan program to keep the pollination services available.

A study last year by Cornell University placed the value added to pollinated crops by the U.S. honeybee at $9.7 billion. We are talking about a $125 million program that benefits U.S. commerce at a level of $9.7 billion last year, according to Cornell University.

Although we have slightly older figures than that available to us, the fact is we have every reason to believe it is even more than that today. The ratio of value added is $9.7 billion to the $41 million cost of the program in fiscal year 1991. That is, for every dollar invested, we get a $237 return on investment in the country. Next year, with a decrease in program costs to $25 million, this ratio will almost double. I do not know how many other programs can say that, but that has been the impact of this program since it started. For every dollar we invest you can count on $237 back.

Bee culture is practiced throughout the United States in areas of widely different types of climate and flora. Beekeepers move their bee colonies 30 times or more a year, from several miles to several thousand miles, to provide pollination services or increase honey production.

Consumers benefit indirectly from the honey program because of its influence in maintaining sufficent honeybee colonies so that many important food and fiber crops are pollinated. An estimated 15 percent of the plant-derived portion of the human diet comes from plants dependent on or benefited by insect pollination. Much of the beef and dairy products consumed in the United States are produced from the insect pollinated legumes; about one third of the human diet is derived directly or indirectly from insect pollinated plants.

The value of honeybees as pollinators far exceeds the value of honey and beeswax produced. That is the important point to remember. If all people were thinking about was honey, it would be one thing. We have to recognize the value of the $9.7 billion return on investment through pollination that exists throughout the country and, frankly, within our economy. However, for most beekeepers the receipts of honey and beeswax sales exceed the fees received for pollination services. In fact, they do not get pollination service fees very frequently.

Honeybees also provide benefits for home gardens, orchards, and natural ecosystems. If the price-support program is withdrawn or reduced, the supply of honeybee colonies will clearly be jeopardized, and much U.S. agriculture that depends upon pollination, frankly, is going to be devastated by it. Honey production provides the incentive for beekeepers to maintain strong colonies of bees during the many months of the year that bees are not involved in commercial pollination.

The honey price support program has enabled beekeepers to continue operations and provide vital pollinating services while also assuring consumers of a stable supply of nutritious honey at a reasonable price.

Any decline in the number of honeybee colonies that may result from changes in the honey program will directly affect the number of honeybees available for pollination. Of the most concern will be pollination of those agricultural crops that require large concentrations of bees for commercial crops. It is unlikely that areas where these crops are grown contain a sufficient number of wild bees, other pollinating insects, or honeybees managed by local beekeepers to provide adequate pollination without the assistance of commercial beekeepers.

Mr. President, I ask how much time has been allocated for this amendment?

The PRESIDING OFFICER. The Senator from Tennessee controls 36 minutes in opposition.

Mr. DASCHLE. I thank the Chair.

Since I see no other Senators at this time, I will continue briefly. I do not want to take all of the time because I know that several others do intend to speak.

While some farmers do maintain a small number of honeybee colonies to pollinate their crops, it is unlikely that large producers of field crops would have the expertise, labor, capital, investment, or bee pasture needed to permanently maintain large numbers of honeybee colonies. Some who criticize the program point to a General Accounting Office report that concluded that the program is not needed to ensure crop pollination. However, there were serious flaws in the arguments for discontinuing the loan program. GAO looked only at the benefits of honeybees from pollinating crops for producers that provide cash rent and overlooked the benefits to wildlife, home gardeners, the environment and other agricultural producers who do not pay rent for pollution

In summary, the honey program has undergone extensive revisions in the last two farm bills. In the 1985 farm bill the loan rate for honey was reduced at a rate of 5 percent a year. The 1990 farm bill froze the loan rate at 53.8 cents per pound but lessened the benefits producers receive by increasing the price at which they are able to redeem honey that is under loan. The result is that the cost of the program has dropped from $100 million in 1988 to a projected cost of $25 million in fiscal year 1992. That is a decline of 75 percent over the space of 5 years. Since 1985 the volume of stocks being held by the Commodiy Credit Corporation has dropped from 103 million pounds to 2.2 million at the present time.

DECLINE OF THE INDUSTRY

What we have left is a honey program that has been cut down to its bare bones. The effect can be seen in the honey industry today. Despite the importance of bee colonies, the number has been declining. Since the peak in 1947 to 5.9 million, the number has dropped to the most recent estimate of 3.2 million colonies, based on beekeepers with 5 or more colonies.

The decline in colonies is connected to the decline in the price for honey. Since 1981, the average price of honey has declined from a record 63.2 cents per pound to about 50 cents per pound, larely due to the declining support price.

Meanwhile, the costs of honey production have been rising. Honey producers also are facing increasing competition from imports of honey from countries such as China. Even though the program has been cut to very low levels, it is still necessary to help cope with these and other threats.

In addition to dealing with massive cuts in their support program, honey producers are struggling with two mites which are devastating the industry, and no viable control measures are available at this time. To add to these problems, the Africanized, or so-called killer bees have arrived in southern Texas. As the industry deals with the economic impact of these threats, now is a poor time to make other changes that will threaten the industy's survival.

No one should underestimate the danger posed by the Africanized bee. The Africanized bee is generally not agressive when forraging, but it is extremely aggressive and unpredicable in the defense of its hive. Studies show that the Africanized bee reacts 10 times more severely than the European bee when its hive is threatened.

The costs to beekeepers to maintain nonaggressive colonies through breeding programs will be substantial. If there is not a viable honey industry, there will not be enough beekeepers available to provide a first line of defense to control the invasion of Africanized bees. As a result, the costs of containing the invasion by Federal, State, and local authorities without beekeepers, will far exceed the cost of the loan program.

Mr. President, contrary to arguments that honey producers are well off, testimony from a Michigan State University entomologist before the Agriculture Committee showed that most commercial beekeepers are operating at a loss. The commercial beekeepers are in serious financial difficulty. The average yields per colony do not allow a return on investment, and in some cases even a reasonable salary.

Beekeeping supplies and equipment costs are rising at or higher than the inflation rate. Even with the program commercial beekeepers are losing $4 for every colony they operate. The program represents 20 percent of their income. Without that beekeepers would be losing even more money.

The decline of commercial beekeepers has increased in recent years. If we continue to reduce the price support program many commercial beekeepers are going to face a similar fate.

You have heard or you will hear that the program benefits only a few. But the beekeepers who participate in the program are precisely the ones who are commercial operators. Everyone with an apple tree in their backyard is not operating a fruit orchard. Likewise, not everyone with a bee colony is a commercial beekeeper.

Roughly 5,300 commercial beekeepers who participate in the honey board programs account for 99 percent of the honey produced in the United States.

You have also heard that honey producers are receiving large payments. Keep in mind that to reach the maximum loan benefit cap of $250,000, a beekeeper must have at least 16,000 colonies producing more than 1.6 million pounds of honey and employ 16 to 20 full-time workers. According to the honey board, only eight producers—we are not talking percentage here, eight producers, people somewhere in the country—meet that description. Over half the producers who participate in the program receive less than $5,000.

Keep in mind the 1990 farm bill reduces the maximum benefit a producer can receive to $100,000 in the next 3 years. The average commercial operation is only 2,400 colonies. The most an operation of that size may receive from a program is half the maximum loan benefit amount.

Also keep in mind that beekeeping is extremely labor intensive. The average commercial operation with 2,400 colonies is supporting a family and at least 3 full-time employees; $125,000 may sound like a lot to one person, but it is not when it is spread over the entire cost of the operation that supports at least three families.

Mr. President, I know that there are others who want to speak. Let me summarize. There are three reasons why I hope everybody understands the ramifications of this amendment and will defeat it.

First, it stops all of agriculture in its tracks.

Second, we are dealing with a $9.7 billion contribution to the economy, a 237-to-1 ratio of benefit to cost.

And, three, you are talking about a very minute and very important part of agriculture that is so successfully served by a minor investment of $25 million, what amounts to a couple of seconds worth of spending in the entire overall annual Federal budget.

With that, Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself 2 minutes. I know the time goes back to Senator McCONNELL at 15 of.

Does the Senator need time before the McConnell amendment?

Mr. CONRAD. Yes. I would like to discuss the Brown amendment.

Mr. DOMENICI. Far be it for me to allocate time here, but the unanimous-consent agreement says 15 of the hour Senator McCONNELL has the floor on the McConnell amendment. I do not think we are going to change that now. That is the next amendment we will vote on. But the Senator can have time later in opposition. Is that correct?

The PRESIDING OFFICER. The Senator is correct. The McConnell amendment is scheduled under the unanimous-consent agreement to be taken up 15 minutes before the hour. At the conclusion of that amendment or disposition of that amendment, the Bradley amendment will be taken up next. But the Brown amendment would be concluded at the conclusion of those amendments already placed on the calendar by the unanimous-consent agreement.

Mr. DOMENICI. Mr. President, I want to use the time between now and 15 of, to say to the Senators who are not here—and that is understandable—but those Senators that have an interest in maintaining the defense spending level as agreed to in the economic summit and currently planned by the Defense Department of the United States should know the following: Once we have disposed of the McConnell amendment, there will be three amendments in a row that will address the defense numbers for the years 1991 and 1992 and thereafter.

The Bradley amendment would reduce the defense spending by $7.1 billion, that is, below the 5-year plan that the economic summit agreed to, and that is in the budget.

Senator SIMON has two amendments—one would reduce it by 2 percent in 1992 which is $5.2 billion in budget authority, $5.2 billion reduction, and that would be followed sometime thereafter by a 1-percent reduction which is a $2.3 billion reduction.

The reason I raise this is the Senator from New Mexico can arrange additional time if somebody wants to argue against these amendments. If they do not, obviously, we are going to expedite this, and I will take only a few moments and yield so we can get on with voting.

If Senators wanted to have a few minutes to state their reason for opposing this, I hope they will contact us so we can make arrangements. Otherwise, we will not have very much time. We want to finish this resolution tonight.

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the McConnell amendment with 30 minutes to be equally divided, 15 minutes per side.

Mr. CONRAD. Parliamentary inquiry? Will the Senator yield?

Mr. President, I was under the impression that we were on the Brown amendment. I understand that the unanimous consent was to go to McConnell amendment for what period of time?

The PRESIDING OFFICER. Thirty minutes, equally divided, at which time a vote will occur on the McConnell amendment.

Mr. CONRAD. At that time, is there any unanimous-consent agreement as to what business we would turn to next?

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senate would proceed to an additional amendment, also indicated in the Calendar of Business on the first page, and the Senator would have to be yielded time to talk on that amendment.

Mr. CONRAD. What is the disposition of the Brown amendment? What is the posture of the Brown amendment that would begin at that point?

The PRESIDING OFFICER. Under the current unanimous-consent agreement, it would be stacked and taken up again after the Bradley and Simon amendments are disposed of.

Mr. CONRAD. I ask unanimous-consent to be able to speak on the Brown amendment after the other amendments have been disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. I ask for 10 minutes.

Mr. SASSER. Reserving the right to object, I will not object, Mr. President, but it is my understanding that the order of business will be the McConnell amendment, and after it is disposed of, then we proceed to the Bradley motion to waive the Budget Act, and there may be additional debate on that if the distinguished ranking member wishes to take time off the bill to debate the Bradley motion to waive the Budget Act.

Following the disposition of the Bradley motion, we move then to a Simon amendment, and there may be additional time for debate on that if the distinguished ranking member wishes to take time off the bill.

Following that, we would move back to the Brown amendment.

And may I inquire of the Chair, how much time is remaining at the present time on the Brown amendment?

The PRESIDING OFFICER. The time for the proponents has expired. The opponents have approximately 28 minutes remaining on the Brown amendment.

Mr. SASSER. The opponents have 28 minutes remaining and I assume the distinguished Senator from North Dakota will be speaking in opposition to the Brown amendment.

Mr. CONRAD. The chairman is correct. I would like 10 minutes, if I might, out of the 28 minutes. I just want to be certain, after having come to the floor, to address the Brown amendment, that I have an opportunity to do that at some point.

Mr. SASSER. I assume I will be in control of the time in opposition to the Brown amendment.

I would be pleased to, at that time, in the proper sequence of events, yield 10 minutes to the distinguished Senator from North Dakota.

Mr. CONRAD. Might I further inquire of the Chair, with the indulgence of the Senator from Kentucky?

I have another amendment that is on the list. I would be happy to enter into a time agreement on that if that would help expedite matters. If not, I would be happy to proceed under the order.

Mr. SASSER. As I understand, the Senator from North Dakota has a Conrad sense-of-the-Congress resolution. We would welcome a time limitation on that.

Could I suggest 15 minutes, equally divided?

Mr. CONRAD. If we could agree to 20 minutes, equally divided, that would certainly be fine. If we can do it less, that would be all the better.

Mr. SASSER. Could the Senator enlighten us on the subject of his sense-of-the-Congress amendment?

Mr. CONRAD. Yes. The sense of my amendment simply is that because of events since we entered into the summit agreement last year the deficit is once again burgeoning. I would like to offer a sense-of-the-Congress amendment that we direct the leadership and the President to go back to the drawing boards this year to prepare a plan that would be presented to us next year about how we deal with the tremendous slippage that has occurred since the time we put the budget summit into place last year.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request offered by the Senator from North Dakota?

Mr. DOMENICI. Reserving the right to object, the Senator is proposing 20 minutes equally divided on the amendment he just described. Did he also include a unanimous consent for him to speak in opposition to the Brown amendment?

Mr. CONRAD. The Senator is correct.

Mr. DOMENICI. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. DOMENICI. Mr. President, I yield myself 2 minutes off the bill.

First we ought to finish this so the Senator can have his time. We are talking on Senator MCCONNELL's time.

I do not think we ought to get into a habit at all of having unanimous consents for Senators to speak for a time certain when there is time on the amendment that can be yielded by the managers. We put this in the budget process to have some order. The chairman indicated that he will give you 10 minutes of his 20.

I will say, if it does not work out, I will give the Senator 10.

Mr. CONRAD. This is fine.

Mr. DOMENICI. I have no objection to the unanimous-consent request, so long as that part is dropped.

The PRESIDING OFFICER. Does the Senator modify his unanimous-consent request in accordance with that understanding?

Mr. CONRAD. Mr. President, I am happy to do that.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. Reserving the right to object, parliamentary inquiry. As I understand the unanimous-consent request now, we seek to enter into a unanimous-consent request wherein 20 minutes will be consumed on the sense-of-the-Congress resolution introduced by the Senator from North Dakota, to be equally divided.

The PRESIDING OFFICER. Correct.

Mr. CONRAD. Mr. President, do we have the understanding that the manager of the bill will give me 10 minutes on the Brown amendment?

Mr. SASSER. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request, as modified?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the discussion which occurred for the last 5 minutes be equally charged to both sides on the McConnell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous-consent request? If not, it is so ordered.

The Senate returns to consideration of the McConnell amendment, the time being equally charged to both sides.

AMENDMENT NO. 80

Mr. McCONNELL. Mr. President, the McConnell amendment is not complicated. We are dealing here with a budget resolution, which is obviously what we think the priorities ought to be for this country. The McConnell amendment asks the Senate to choose between feeding children and allocating funds in next year's budget, public funds, tax funds, to continue paying for campaigns for President of the United States.

The checkoff for the Presidential election campaign fund brings in approximately $30 million a year, and estimated under this budget resolution up to $50 million. That is a lot of school lunches, Mr. President; it could also pay for startup funds for the School Breakfast Program, for the Child Care Food Program.

The Food Research Action Center estimates that 5.5 million American children under 12 go hungry. This is one in eight American children. Studies show children eating school lunches receive one-third to one-half of their daily nutrients from the School Lunch Program.

Mr. President, participation in the School Breakfast Program is associated with improvements in achievement test scores and reduced absenteeism and tardiness. Fewer than half of the schools nationwide that offer lunch also offer breakfast.

Our Nation's children need money that now goes to political campaigns, to television ads, to week-long junkets that we call the national nominating conventions, and to numerous fringe candidates with agendas, who can qualify for Federal matching funds.

So the priorities here, Mr. President, seem to be clear. Do we prefer to enhance feeding programs for children, or do we want to continue with a program that has been thoroughly discredited by virtually everybody who has studied it, except by a group we are familiar with called Common Cause.

Walter Mondale has said, "There have been so many loopholes written into the law that it holds the whole thing up to ridicule." That was Mondale speaking on the Presidential campaign system.

The notion has been propounded that the checkoff does not cost anybody anything. Twenty percent of Americans—a distinct minority—roughly one-fifth of those filing their income tax returns, check the box diverting tax dollars to the Presidential election campaign system. The notion has been put forward that it somehow does not cost anything. Well, it does cost something. It diverts those funds, Mr. President, away from other programs, thereby denying the remaining 80 percent their right to spend that money on something else; it designates that money and takes it away from existing programs.

One of the programs I am suggesting today just might enjoy a higher priority, just might be more important to the Senate, than funding national conventions every 4 years, or campaigns for President of the United States—that is, feeding hungry children.

I think most Americans, given this choice, would conclude that it is more important to feed hungry children than to provide money for the political conventions every 4 years.

The other notion that has been put forward is that the checkoff somehow replaces special interest money. In fact, Mr. President, we now know, having studied the way the system has worked, it has only spawned a proliferation of special interest money in the Presidential campaign. In fact, spending is out of control.

It has been estimated by qualified experts that the spending in the Presidential race, which is supposed to be a race with spending limits and public finance, escalated 50 percent from 1984 to 1988—50 percent. That is in the race which is supposed to have spending limits.

Meanwhile, in the congressional system, where there are no spending limits, spending is going down. Not only are we squandering tax dollars, we are also having no impact at all on reducing spending.

In addition to that, Mr. President, the Presidential system is a regulatory disaster, a complete and total disaster. For those of my colleagues here who have sought the Presidency, they know that the first thing they do is sit down with their lawyer and accountant; that is the first thing one does when running for President these days—not go out and seek support, but sit down with his lawyer and accountant to figure out how to comply with—and in many instances get around—the ridiculous rules embodied in the Presidential system.

What happened as a result of this regulatory nightmare is that one out of every four of these public dollars that have been spent on political campaigns have gone to the lawyers and to the accountants. It has been a great system, if you are a lawyer or an accountant. You would make a lot of money off of this. It comes right out of the Treasury and goes right over to the lawyers and accountants.

What are the lawyers telling them to do? They are telling them how to get around the spending limits. You heard the horror stories. Rent a room outside of Iowa for your staff, and then they travel over into Iowa each day in order to try to skirt the limit. It is absurd, it is a disgrace, and it should stop, beginning in the next budget year.

In addition, Mr. President, when you go to a system of public funding, as we have learned in the Presidential system, you cannot say that only Republicans and Democrats are allowed to dip into the Treasury and get those tax dollars. Oh, no, Mr. President. You cannot just say that Republicans and Democrats are entitled to the Treasury. In fact, almost anyone can qualify. And so we have given $1 million to an American I am sure everyone here has heard of—Lenora Fulani, a well-known candidate for President of the United States—to go out and run for President under this system.

Well, there may be a few people that have not heard of her. Maybe they have heard of Lyndon LaRouche. He has gotten $500,000 to run for President under this system—Lyndon LaRouche, Mr. President. So not only has $1 out of $4 gone to lawyers and accountants; not only have we squandered one-half billion dollars; not only has there been a regulatory nightmare; but we are also funding fringe candidates with tax dollars that could go to feed hungry children.

I quoted former Vice President Walter Mondale earlier. Let me come back to what he has said. He said the Presidential system of taxpayer financing and spending is a joke; is a joke. The taxpayers, Mr. President, are not amused; the taxpayers are not amused about this joke. Arguably, that is why only 20 percent of them are checking off their tax returns. They are voting once a year; they are voting on their tax returns. And four out of five of them are saying even though it does not cost an additional dollar, do not take it away from things like feeding children and give it to politicians for a political convention. So the American people have been voting on this.

Let me just say, Mr. President, in summary, I cannot think of a single Federal program that has been more thoroughly and totally discredited than this one.

And we have an opportunity today, beginning with the next budget year, to say to the American people, "We have noticed how you have been voting. We noticed four out of five of you choose not to support allocating public funds for fringe candidates, for lawyers and accountants, for nominating conventions. And we think you are making a proper judgment. So we are going to divert that money, beginning in the next budget year, over to something that most of us feel is a little more worthwhile, like getting hungry children off on the right footing as they go off to school."

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. KOHL). The Senator has 3 minutes remaining.

Mr. McCONNELL. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, the amendment to eliminate public financing of Presidential campaigns would be a giant step backward in the American election campaign process. We would return once again to a system marked not by the quality of the candidates running, but by their ability to hustle campaign contributions.

This amendment ignores the scandal-ridden background against which public financing was enacted in 1974. By ignoring history, it invites a repetition of such scandals.

Just yesterday, I had the opportunity to participate in a meeting with former President Richard M. Nixon wherein he gave a report to Senators regarding his recent trip to the Soviet Union. I might say it was a highly informative and exceedingly thoughtful briefing.

My mind ran back to the Presidential Election Campaign of 1972, and how President Nixon was, in the final analysis, done in by those around him who were hustling enormous sums of campaign money. Quite frankly, I am not sure that former President Nixon can be held fully responsible for that. I think he was simply, to some extent, a victim of the circumstances of the time.

Twenty years ago, American Presidential campaigns in our Nation were financed by the wealthiest, the most influential, and all too often, most secretive individuals in our society. The Nation's largest and wealthiest corporations were subjectd to what can only be called a shakedown by Presidential fundraisers who implied that those who failed to give enough would find themselves facing regulatory problems. The scandal that has come to be known as Watergate was fueled and sustained by the drive to ensure election victory at all costs. That goal lay at the heart of the so-called enemies list, as well as the threats of tax reprisals by the politicians against citizens of this country.

It was against this background, Mr. President, that Congress enacted the 1974 reforms that were essential to free Presidential elections from the taint of enormous cash donations, given in secret, given without accountability.

The reform recognized that in a nation of 200 million people, the cost of reaching voters with a campaign message has outrun what private fundraising systems could accountably, credibly, and ethically raise. Equally important, the reform ensured that challengers to a sitting President who could not call on the vast array of Government programs and offices to bolster their campaigns would have a more equal chance to bring their candidacy to the people.

Despite the fact that the checkoff has not been altered or changed for the 15 years it has been in effect, while campaign spending has risen substantially, the checkoff today represents the most broadly based public participation in our electoral system short of actually casting the ballot itself.

In the 1988 election cycle, 32 million of our countrymen agreed to participate by checking off the $1 per taxpayer option; 27 percent of the electorate volunteered for the checkoff. In comparison, only 6 percent of our fellow citizens give donations to political candidates or political parties.

Even though this checkoff has not been widely advertised, even though it is said that some taxpayers may be confused, even though some taxpayers say they would like to make the checkoff but they forget about it and believe it adds to their tax bill, millions of Americans have repeatedly made it clear by their actions that they believe enough in our system of free elections to participate when doing so is as simple and as direct as the dollar checkoff. I know of no other program or proposal which can point to such a long-term testimony of totally voluntary public support.

Critics claim because more people do not participate, the checkoff is some kind of failure. That is the same kind of reasoning one would say that a lower voter turnout is an indictment of free elections and we ought to do away with those also.

Never in the history of this country has the whole public, or even as much as half of the public, chosen to voluntarily engage in political activity, whether giving donations or volunteering their time. We can deplore that fact if we choose to. But in a free society, it reflects the freely made choices of the overwhelming majority of our fellow citizens.

It is ironic opponents of the checkoff say the failure of 73 percent of Americans to take part proves it is a failure. If we follow that logic, we would say that the system of private financing is an equally large failure because 94 percent of the people refuse to take part in that.

Under our system, contributing time or money to political parties and candidates is entirely voluntary. So is the dollar checkoff. And a great many more of our people have chosen to participate by using the checkoff than those choosing to give time or money directly to a candidate.

That outcome says millions of Americans are concerned enough about the health of our free system of elections to support the principle, which is all that the checkoff provides for all, even though they are not devoted enough to either party or any candidate to do so directly.

That, to me, is a pretty good vindication of the success of the 1974 reform. The reform has also been vindicated by the campaigns themselves.

Since 1976, when public funds were first involved, Presidential election campaigns have been untainted by the kinds of scandals which marred the 1972 campaign. Congressional campaigns, which rely entirely on private funding, are the source of scandal and public cynicism instead. The supporters of this proposal have failed to learn from history and they are ignoring current reality as well.

Americans have always regarded their political leaders with a healthy dose of skepticism. Americans think for themselves and they do not buy everything they are told. That is good for politics and it is good for our freedom.

But when public skepticism becomes public cynicism, the ability of Government to function is undermined. The ability of the Congress to write reasoned legislation is narrowed. The willingness of a President to ask for national sacrifice is weakened. The ability to serve the long-term interests of our Nation, not just its immediate needs, is shaken.

Public cynicism is corrosive of public institutions.

Public financing of Presidential campaigns will not end cynicism. It will not solve all our political problems. But the claim that is has failed to do so is a straw man. Private financing of campaigns has not solved our problems either.

Instead, it has added to them the corrosive factor of broad public cynicism about the persons and the process that constitute their government.

We must remember that the publicly financed Presidential system is entirely voluntary. No one is forced to accept public financing to run for President. But in the four elections since the program was created, every candidate but one has chosen public financing and the spending limits which are part of the program.

It is ironic that the supporters of this repeal proposal are members of the political party whose Presidential candidates have repeatedly accepted public financing even as they vocally reject public financing for other campaigns. President Bush, like President Reagan before him, accepted without demure millions of dollars of public funding for his successful election campaign. President Reagan's three campaigns for President were all publicly financed. In his three elections for President, Reagan took more than $20 million in public financing. George Bush has taken $14 million in his elections for President.

Both took the money, as did their unsuccessful Democratic opponents. Yet, like President Reagan before him, President Bush has made no effort to credit the process which spared him and his predecessor some of the most arduous and time-consuming work of any campaign—the private fund raising that consumes so much energy and time.

Former Senator Paul Laxalt, the close friend of President Reagan and his campaign chairman in two successful Presidential campaigns, summed it up best when, after his retirement, he confessed that public financing works.

"* * * [I]t was like a breath of fresh air," Senator Laxalt said, not to have to engage in the interminable round of fund raising that used to be the hallmark of Presidential campaigns, as it still is of every congressional campaign.

I regret very much that those who have personally benefited from the system do not defend it. It would be a breath of fresh air if they did. But in the larger sense, the dollar checkoff has already won the endorsement it deserves: The practical endorsement of 32 million American taxpayers, who see better than some of their elected leaders what is at stake, and who choose, of their own free will, with no public encouragement or leadership, to take part in the free electoral process that lies at the heart of our system of government.

Those who want to roll back this reform in the name of partisan advantage are selling short the value of our system. Their proposal should be soundly rejected.

Mr. President, I ask how much time I have remaining.

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. SASSER. Mr. President, I reserve the remainder of my time.

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. McCONNELL. The Senator from Kentucky has 3 minutes, and the distinguished manager of the bill has 4 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. I thought the vote was going to occur at 12:15.

The PRESIDING OFFICER. The Chair goes by the clock at the desk. The clock on the wall is not quite accurate.

Mr. McCONNELL. Mr. President, let me make some further observation about the McConnell amendment. This amendment does not affect money currently in the Presidential election fund or additional moneys that will come in this year as a result of checkoffs on tax returns filed earlier this year. This amendment simply directs money budgeted for the Presidential fund beginning in 1992 to Federal child nutrition programs, including school breakfast, school lunch, and child care food programs. In sum, what this amendment does is put children first and candidates for President second.

Mr. President, I suspect that there may be some efforts to second-degree this amendment. I want to say something to my colleagues about that should that occur.

I do not know why, if the Presidential fund is so popular, we should be reluctant to vote on it. The argument is made over and over and over again that the Presidential fund has been such a wonderful innovation for American politics, how it has cleansed the system. Of course, all of that is totally disputed by the facts, Mr. President. But if this fund is so popular, why not vote on the McConnell amendment as it is written? Surely this would be a defensible vote if the Presidential election fund is so popular out there in the land. Why not an up or down vote on the McConnell amendment? Let the Senate say to the American people we believe that this fund is important and ought to be continued, more important than anything, even feeding children.

Apparently, Mr. President, there is some thought that this might not be a very good political vote for some Members of this body. I would suggest that the American people would like to know where we stand on spending tax dollars for political campaigns. This is the first opportunity this calendar year we will have to test that. I hope the Senate will have the courage to stand up and vote on this issue and let the American people know where we stand. The truth of the matter is, Mr. President, that there is no Federal program that has been more thoroughly discredited than the Presidential system. I hope the Senate will adopt the McConnell amendment.

Mr. SASSER. Mr. President, has all time expired on the part of the proponents of the amendment?

The PRESIDING OFFICER. Yes.

Mr. SASSER. Mr. President, I yield to the distinguished Senator from Massachusetts 10 minutes off of the bill.

Mr. KERRY. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. There are 3 minutes remaining on the pending McConnell amendment.

Mr. SASSER. Mr. President, prior to yielding back my time on the pending amendment, I yield 2 minutes to the distinguished Senator from New Jersey.

Mr. BRADLEY. I thank the distinguished chairman of the Budget Committee very much for yielding.

I would simply like to comment to the distinguished Senator from Kentucky, who is an opponent of public financing, and my guess is that this will be the first of many battles we will have on public financing, that the issue is basically in the eyes of the beholder.

As the Senator from Kentucky knows, the Senator from Massachusetts, the Senator from Delaware, and I have introduced a public financing bill that would apply to the Congress and the Senate. One of our arguments is how well the Presidential checkoff has worked. The Senator from Kentucky is now moving to essentially eliminate the Presidential checkoff because he is against public financing. It is in the eyes of the beholder.

We have in the press today and yesterday and the day before a lot of stories about the Chief of Staff of the White House, who is using Government planes to attend political events. Now, the Chief of Staff of the White House maintains that for those events that were political, that he has fully reimbursed first-class air fare, not the full cost to the public of the plane, but first-class air fare. One might look at that and say, now that is a form of public finance because the Speaker of the House, who is in line for the Presidency, cannot summon up a Government plane to fly him to a political event and reimburse only first-class air fare. So maybe we should amend this particular amendment with an amendment that says that anybody in the executive branch that goes to a political event must pay the full cost of the airplane, not simply first-class air fare.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time to the Senator from Massachusetts?

Mr. SASSER. I yield time to the Senator from Massachusetts off the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 83 TO AMENDMENT NO. 80

(Purpose: To provide increased funding for child nutrition programs by imposing a filing fee at the Federal Election Commission for all expenditures of "soft money" that affect federal elections)

Mr. KERRY. Mr. President, I now send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 83 to amendment No. 80.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 31, line 2, increase the amount by $50,000,000.

On page 31, line 3, increase the amount by $55,000,000.

On page 31, line 12, increase the amount by $50,000,000.

On page 31, line 22, increase the amount by $50,000,000.

On page 32, line 7, increase the amount by $50,000,000.

On page 32, line 8, increase the amount by $50,000,000.

On page 32, line 17, increase the amount by $50,000,000.

On page 32, line 13, increase the amount by $250,000,000.

On page 38, line 24, reduce the amount by $50,000,000.

On page 38, line 25, reduce the amount by $55,000,000.

On page 39, line 8, reduce the amount by $50,000,000.

On page 39, line 17, reduce the amount by $50,000,000.

On page 40, line 2, reduce the amount by $50,000,000.

On page 40, line 3, reduce the amount by $50,000,000.

On page 40, line 11, reduce the amount by $50,000,000.

On page 40, line 12, reduce the amount by $250,000,000.

Mr. BROWN. Mr. President, as designated floor manager, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time to the Senator from New Jersey?

Mr. SASSER. Mr. President, I yield 5 minutes to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I wonder if I could get the attention of the Senator from Kentucky? Mr. President, I wonder if, in the interim since I first made my suggestion, if the Senator from Kentucky has given it sufficient thought that he would be willing to amend his amendment with the suggestion that we require anyone in the executive branch except the President and Vice President, when they order up a big government plane to fly to a political fundraiser, that they would have to pay the full cost of that airplane?

Mr. MCCONNELL. Mr. President, I would say to my friend from New Jersey that, if public funding of Presidential elections is so popular, why not just allow a vote on the McConnell amendment. Obviously there is a good deal of scurrying around on the other side to try to avoid voting here.

The issue is whether or not we want to continue to spend tax dollars on political campaigns for President of the United States; whether we want to provide money for the national conventions; whether we want to provide money for Lyndon LaRouche and Lenora Fulani. Maybe the Senator is in favor of all of those things, and if he is, why not just allow a vote on the McConnell amendment?

Mr. BRADLEY. I appreciate the Senator did not answer the question directly. But I can appreciate why he would not answer the question directly.

Let me suggest that we should be interested, not only in honest campaigns but honest government. If you have an executive branch where the Chief of Staff of the White House is ordering up a Government airplane to fly to a political event and reimburses the Government only the costs of commercial air fare, there is a big gap between the cost of a big airplane owned by the Government, probably the Air Force, flying someone across country to a political fundraiser, and the executive who takes that plane only paying the cost of the air fare. There is a big gap. One might cost a couple of hundred dollars, the other might cost $15,000 or $17,000 that the taxpayer has to pay.

It seems to me what we ought to do is think about amending this so we not only have honest campaigns but we have honest government.

Mr. BROWN. Will the Senator yield? I think the suggestion of the Senator is an excellent one. My inquiry would be simply, since this is an excellent idea, if my colleague would be willing to extend the same rule to Members of Congress and also provide that when they take a corporate jet for campaign fundraising that we have a similar rule for all?

Mr. BRADLEY. I would have no problem with that. My guess is a lot of these amendments we will deal with in the course of campaign reform, which is the appropriate place to begin to focus on the issue of public financing. The distinguished Senator from Kentucky is against public financing and yet, as he knows, when the campaign committees of the Senate send mail out soliciting funds all over this country, they have a subsidized rate. Is that not public financing? I would say that is, too.

Mr. President, this is only to say there are a whole range of issues that we are going to begin to focus on when we come to the floor to debate campaign reform. I hope we would not just talk about those things. As the Senator says, he wants a vote. There are some of us who want votes on a whole series of amendments. I do not want to take time away from the distinguished Senator from Massachusetts who has his amendment pending but this is only to illustrate public financing is in the eyes of the beholder.

There are plenty of people out there, citizens of this country, hardworking taxpayers, who think when a government official flies from one place to another in a Government airplane and he pays only the commercial air fare, that that is a form of public financing. Not for someone who was elected like the President or Vice President, but for someone who is appointed.

Mr. MCCONNELL. Will the Senator yield?

I might say, I think this is a very legitimate issue. It has nothing to do with the amendment before us but I think my colleague raised a legitimate issue. I have some sympathy for some of the observations my colleague made and I think we ought to take a look at that at the appropriate time.

Mr. BRADLEY. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my distinguished colleague from New Jersey for raising one of many issues of both the inconsistency as well as impropriety in the current campaign finance law structure. But the amendment I have proposed to the amendment of the Senator from Kentucky, really tries to deal more realistically with the problem that apparently the Senator from Kentucky wants to deal with. He wants increased funding for child nutrition but he wants to fund it by ending the most fundamental reform that has been put into the campaign finance law of this country in the last 16 or 17 years.

All you have to do is go back and remember Watergate, which produced the biggest changeover in the U.S. Congress, perhaps in this century, not to mention the greatest sense of scandal this country has had in this century. Out of that Watergate scandal came the effort to have campaign finance reform. And, indeed, the centerpiece of that campaign finance reform was a system that separated candidates for President of the United States from big money.

What the Senator from Kentucky is doing is not coming to the floor of the U.S. Senate and expressing a real concern for child nutrition but rather expressing a disdain for the limitations that those reforms put in place. He wants to undo a system where Americans have been able to elect a President of the United States with a sense of confidence that they are not bought out or funded by the big interests of this country. It is the only elected office in this land of which we can say that, and he wants to undo that. He wants to go back to a system of making candidates for President of the United States grovel around the country, Dialing For Dollars, having the big folks come in who want to be Ambassadors or whatever—and they already can do it, incidentally, in something I hope we are also going to reform, which is the whole soft money process. That is the way I think we ought to begin funding child nutrition, which is a concern of everybody I know in the U.S. Senate.

Big money is the biggest problem in politics today. So let us fund child nutrition by putting a filing fee on any Federal election use of soft money. When people want to spend $100,000, which they are allowed to do, for a Presidential campaign through the soft money non-governmental-purpose loophole that exists, let us put a fee on that. That fee would not supplant the fundamental reform that was passed during those Watergate years.

That is what my amendment seeks to do and I believe it is a more sensible way of dealing with this problem.

The Senator from Kentucky is willing to rely on special-interest soft money to fund Presidential elections and there is a reason why. Because this is the most ready source of money for the Republican Party. They outraise us by countless millions of dollars. When I served as chairman of the Democratic Senate Campaign Committee, we were just elated to be able to raise the grand sum of about $16 million. Well, our friends on the other side of the aisle raised $75 or $80 million that year.

The year the distinguished majority leader of the Senate, Senator MITCHELL, was chairman of the Democrat Campaign Committee, the Democrats raised $12 million. We could not even fully fund all of the amount that we could give legally to each of the campaigns in the country for Senate. We could not do it. That year the Republicans had $96 million to the $12 million.

So what the Senator from Kentucky seeks to do today under the guise of helping the child nutrition program is further advantage the Republican Presidential candidates and Republican Party by allowing them unlimited capacity to raise money. And there is a reason that it is unlimited because the Supreme Court's constitutional restraints under Buckley versus Valeo require public funding in order to have voluntary limits. If you do away with the public funding, you have surreptitiously done away with the very restraint that exists on campaigns expenditures in total.

So this is a very damaging and significant amendment that is in front of the Senate at this particular moment.

Mr. President, if we want to encourage a problem that the Senator from Maryland [Mr. SARBANES] very adequately brought to the attention of the Senate of those numbers of people who contribute $100,000 who wind up getting ambassadorships, if we want to encourage that, then we can vote for the amendment of the Senator from Kentucky.

I think there were something like 240 wealthy individuals and corporations who put $100,000 into the Bush campaign. I am not going to say it is only the Bush campaign. There were $100,000 donators to the Dukakis campaign, too. It is as obscene for the Democratic side as it is for the Republican side. The question is, do we want to encourage going back to a process of making Presidential races have unlimited amounts of expenditure and go around having to raise those kinds of sums of money?

It seems to me all we have to do is look at recent history with Charles Keating and Lincoln Savings, with all the other folks involved in the savings and loan scandal, and it has touched Democrats and Republicans. There is no partisanship in where the problem goes.

But, Mr. President, the problem is it goes to the heart of our governing process, ultimately. It goes to all American's perception that the Congress of the United States and the people who are supposed to be making sort of meritorious decisions about this country are somehow free from political influence, as least as represented by money, and making those decisions based on the merits or the best interests of the electorate.

I respectfully submit, Mr. President, that one of the most significant reasons that not a lot happens sometimes in the Senate and in the House is because of the big influence of money. It is not that it always gets its way or winds up producing legislation that is affirmative for the particular interest expressed. More often than not, it succeeds only in delaying things. It succeeds in creating a gridlock because the interests are so powerful on both sides that the easier choice for people is to do nothing, not to decide between them, and we get a process of delay.

I cannot find the justification for suggesting that we want to do away with a system that has worked. The system as it is today has 33 million Americans voluntarily checking off on their tax returns, saying I want this money to fund clean government. That is what it does. It is one of the very few opportunities Americans get to choose as to where their tax dollars go.

What the Senator from Kentucky wants to do is take away from Americans the right to choose. He wants to take away from them the right to say of all the dollars I spend, of all the things that you people down there decide to put into, whether it is the B-2 bomber or whether it is child nutrition, I want $1 to go to clean elections for the President of the United States. I want to know that there is a limit on expenditures and the candidate for President on the Republican side and the candidate for President on the Democratic side both get the same amount of money and neither of them is tied specifically to the interests that they feel are so huge and so enormous and so distant from them that it separates them from their Government and from the Presidency itself.

I am amazed that the Republicans are suddenly so excited about saying we do not want our tax dollars going to fund elections because an awful lot of them have relied on that system in the past and never said a word about it. Ronald Reagan ran for President of the United States and he used the fund. George Bush ran for President, got elected; he used the fund, and we never heard him say this is a priority. ROBERT DOLE, the minority leader, ran for President and he used the fund, and countless Democrats have used the fund, likewise, when they have run for President through the matching fund process.

Mr. President, it seems to me that it would be just an extraordinary setback to everything that we have tried to do to suddenly take away from Americans the right to be able to choose to have a government, at least a President that is not tied to that money.

The Senator from Kentucky will say: Well, Senator KERRY, there is not enough money in the fund; contributions are going down, so how do we do this? Mr. President, we have not changed the amount of money permitted in the tax checkoff since the year it was passed. It was $1 15 years ago; it is $1 today.

Second, the last time we advertised aggressively in this country trying to promote to Americans the notion of why it is important to check it off was 15 years ago. We have no public outreach effort whatsoever to encourage people to fill out their tax returns and to do this. All the tax preparers in the Nation do not receive encouragement from the Government to say it would be good if you suggested to your client that they check off $1 to help fund elections that are free from the influence of money. That does not happen.

Third, and must importantly, Mr. President, if you are an average American looking at the situation in politics today where you see nothing but money, nothing but scandal, in their perception, it is pretty hard to say, hey, take my hard-earned tax dollar and fund some other politican who is going to tell me a lie, or not pass legislation that is in my interest, and I am interested in supporting that.

What has happened in America in the last few years is that we have seen decreasing participation by Americans in the electoral process because they do not believe us, because they do not believe the system. All we have to do to make people more cynical about this system is take away the one thing that gives us a President of the United States who is not tied to those big dollars. That is what the amendment of the Senator from Kentucky will do. It will say, no, we are not going to allow Americans to choose to put $1 into the Presidential fund, where 33 million Americans have exercised that choice. It is going to say we are going to wipe that out and make them go out and raise a lot of money.

The Senator might say, "Well, we are still going to have limits; you only have $2,000." That does not deal with soft money. We still have all the soft money.

The fact is, Mr. President, we would not still have the limits and the reason we would not still have the limits is because of Buckley versus Valeo. Buckley versus Valeo, the Supreme Court case regarding public funding, says that spending limits are only constitutional if they are voluntary, and we can make them voluntary by tying them to a system of public funding. That is precisely what the Senator from New Jersey was just talking about.

There is a place to be arguing about whether or not we want the public funding or do not want the public funding. It is not here and now on this budget process. It is when we have compaign finance reform next month, and we are going to have it.

But even then, Senators should be aware, and let me read what Buckley versus Valeo says:

> Congress may condition acceptance of public funds on an agreement by the candidate to abide by a specified expenditure limitation. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding.

So the only way that we keep limitations constitutionally valid is by keeping in place the ability to have some form of pubic funding in the process.

If you do away with this limitation, it will mean that you have no limits whatsoever in the Presidential race, and you have the ability to have this arms race of money funding. We all know what happens when you have that arms race underway. It simply would be destructive to the process.

Mr. President, let me remind my colleagues that the reform which promoted this system that the Senator from Kentucky wants to do away with came out of something real. It came out of a felt need in this country to have reform of the political process. It has worked since then. No one has ever suggested that the Presidential election system has not worked. We have had the money there. We have elected our Presidents. All of the Presidents elected since this reform went into place have been elected with that system, all of them.

What was the felt need? Let me remind my colleagues of the Gulf Oil cases which arose in 1972. In December 1975, the Gulf Oil Corp. reported to the Securities and Exchange Commission that it had made expenditures totaling more than $5 million of corporate funds to the campaign efforts of dozens of members. The recipients of these funds included some of the most influential Members of Congress.

I quote the 1976 annual Congressional Quarterly. James R. Jones, Democrat of Oklahoma, pleaded guilty to a misdemeanor in connection with failure to report a contribution. A currently sitting Senator publicly admitted having received illegal contributions from the oil company. But the bulk of public attention focused on charges that Senate minority leader Hugh Scott at that time had received up to $100,000 in illegal campaign contributions from Gulf Oil lobbyists.

What happened was that a scandal which implicated a lot of people came about through corporate contributions, through big money in the electoral process. In addition to those Members who admitted that there had been malfeasance in this process, five other Senators were questioned by the Special Prosecutor's Office in what was ranked to be the largest scandal in the 94th Congress.

These cases provided the earliest evidence that limitations on contributions without limitations on expenditures themselves invite abuse. That is precisely what took place. That is precisely why the effort subsequently was to have the expenditure limitation linked to public funding. That is precisely the direction in which many Members voted we ought to be moving with respect to Senate and other elections in this country.

What happened in the 1970's took place in an environment where candidates had the incentive to raise as much legal money as they possibly could. If you had those limits in place, then you would have had no reason to seek the additional illegal contributions.

What I believe will happen is that you will open up a Pandora's box. Only a few years later, we had the Koreagate scandal. We have recently been through the Keating episode. I think everything that is part of the political reform process now is trying to get us away from being dependent on money. I do not think it makes sense to create a situation which undoes much of that reform and moves us back into that prior status.

AMENDMENT NO. 83, AS MODIFIED

Mr. KERRY. Mr. President, under my right to make a modification, I send to the desk a modification of my amendment.

The PRESIDENT OFFICER. The Senator has a right to modify it. The amendment is so modified.

The amendment as modified is as follows:

On page 31, line 2, increase the amount by $50,000,000.

On page 31, line 3, increase the amount by $55,000,000.

On page 31, line 12, increase the amount by $50,000,000.

On page 31, line 22, increase the amount by $50,000,000.

On page 32, line 7, increase the amount by $50,000,000.

On page 32, line 8, increase the amount by $50,000,000.

On page 32, line 17, increase the amount by $50,000,000.

On page 32, line 18, increase the amount by $250,000,000.

On page 38, line 24, reduce the amount by $50,000,000.

On page 38, line 25, reduce the amount by $55,000,000.

On page 39, line 8, reduce the amount by $50,000,000.

On page 39, line 17, reduce the amount by $50,000,000.

On page 40, line 2, reduce the amount by $50,000,000.

On page 40, line 3, reduce the amount by $50,000,000.

On page 40, line 11, reduce the amount by $50,000,000.

Mr. KERRY. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, I would like to address inquiries to the distinguished Senator from Massachusetts, if he would care to respond, with regard to his amendment. I was hoping the Senator would advise us if the purpose of his amendment is to set aside the McConnell amendment or merely add to it?

Mr. KERRY. Mr. President, the Senator from Massachusetts has no intention at this point in time, unless the Senator from Kentucky desires to ignore his amendment, to react spontaneously, but as long as his amendment is pending, my amendment is pending in the effort to modify it.

Mr. BROWN. So the amendment of the Senator would simply add the Senator's concern over the filing fee and additional appropriate revenue? It is not the intention of the Senator to eliminate the stated purpose of his amendment which is to eliminate the Presidential checkoff?

Mr. KERRY. My amendment would, in fact, supplant his amendment, that is correct. It would eliminate his elimination of the checkoff.

Mr. BROWN. I appreciate the distinguished Senator's clarification, and I think that is helpful, because if I understand what the Senator is saying, the amendment will have the effect of doing two things: It will advance the program of imposing a filing fee and using that money for beneficial purposes, as well as eliminating the elimination of the Presidential checkoff.

Mr. KERRY. The Senator is absolutely correct.

Mr. BROWN. I hope that the Senator would advise us as to the source of his revenue estimate he used here.

Mr. KERRY. If I could interrupt the Senator, with his permission.

Mr. BROWN. Surely.

Mr. KERRY. This is not revenue strictly in the sense of the raised fee. It is a standard fee, filing fee. It is not revenue. It is not a tax of any kind whatsoever.

Mr. BROWN. I appreciate that, the point being it is in category 800 so that it comes under a different classification than straight taxes.

I am wondering if the distinguished Senator has the source of his estimate of where this money would come from?

Mr. KERRY. The answer to the Senator's question is that it depends entirely on how much soft money contribution is made or raised. It would be based on a pro rated basis not capable of being determined by us at this time in the budget resolution but having to be determined obviously by the appropriate committee, but it would come based on the amount of money.

If there is $90 million in soft money contributions, then you would have *x* amount of that go to the filing fee and, clearly, the appropriate authorizing committee would establish a prorated structure that would guarantee, based on prior experience and judgments about how much soft money is used, that there would be sufficient money to accomplish the purpose set out by the Senator from Kentucky.

Mr. BROWN. The Senator, I think, appropriately points out that our appropriate committee will take this recommendation and fashion $55 million, I assume, in new filing fees to come from it. But what I am wondering is, does the Senator have as source which has advised him that a filing fee on these soft contributions could, indeed, yield $55 million? Is this an estimate from the blue or has the Congressional Budget Office come up with this estimate? What would be the source of this estimate?

Mr. KERRY. If you have contributions exceeding $55 million—and you do—you can clearly set a percentage of filing fee that gets you the amount of money that is necessary. On its face, it is prima facie evidence that you have sufficient money because we know that far in excess of the $55 million is already donated in soft money. It means a high filing fee, but that is the purpose.

Mr. BROWN. I think I may share the Senator's sentiments about soft money, at least I suspect I do. My question was really to inquire whether or not the Congressional Budget Office has given the Senator this estimate, or OMB, if there is a source for this $55 million, or it is the Senator's own estimate of what might be raised here.

Mr. KERRY. Mr. President, It is not the Senator's own estimate. It is based entirely on the trend chart. I can provide it for the Senator.

But in each year the amount of soft money has far exceeded the amount we are seeking to raise. So the only issue here is really what one deems to be an appropriate and adequate filing fee.

But it is something I know the Senator's children and mine can figure out based on the amount of money that has been made available.

Mr. BROWN. I have a great deal of faith in the Senator's children. I will not speak for all of my children's ability. But I guess the point I wanted to discover was if we have an independent agency that has indeed said $55 million can be raised here, my understanding of the Senator's point is it is clearly an established fact that there is soft money and, while we do not have a formal agency, it is the feeling of the Senator from Massachusetts that it is not an unreasonable estimate. But if that is indeed the case, I wonder if the Senator would advise us. Does he contemplate a fee for each donation of soft money or is he contemplating a fee that is a percent of all soft money donated?

Mr. KERRY. I think again this is the kind of detail that even the amendment of the Senator from Kentucky has not fleshed out. You could go either way. My preferences personally would be each individual donation would be subject to a fixed fee so that you might even scale it accordingly to discourage even the large amounts and have it as it gets larger to be larger.

Again that is a discretion the budgeting process now does not require us, nor even permits us, to be able to answer. So we purposefully did not put that in the amendment because that has to be decided by jurisdictional rights of the appropriate authorizing committee.

Mr. BROWN. I can appreciate the Senator's point. I think he can appreciate my concern that if we are increasing spending by $55 million, somewhere we ought to have a pretty good idea we can raise it. If indeed our thought is to impose a fee on each donation of soft money, I wonder if the Senator can tell me how many donations there were last year. How much are we going to charge per donation of soft money?

Mr. McCONNELL. Will the Senator yield for an observation?

Mr. BROWN. I know the Senator from Massachusetts is consulting some material. In the interim, I would like to yield to the Senator from Kentucky.

Mr. McCONNELL. I wish to make an observation about the question my friend asked. It is not possible to determine how much soft money there is. There is no reporting on it.

It is off the books; undisclosed. So I would say to my friend from Colorado that he asks a good question. There would be no way to determine how much such a fee would yield because there is no reporting of soft money.

Both political parties voluntarily in recent years have disclosed party soft money but should it be the desire of the Senator from Massachusetts to get at nonparty soft money, which is the real sore money, there is no disclosing, there is no accounting, and it would be very difficult to ascertain the fee or how much would be raised thereby.

Mr. BROWN. Speaking for this Senator, I must say I count myself among those who would like to see us require reporting of soft money and would like to see us do reasonable things that would not discourage that. But I am speaking as one who is concerned about budget matters. To suggest we are going to increase spending by $55 million, come up with $55 million from somewhere, that we do not know exactly how much donations are made or what they involve, based on the supposition that people will pay for the privilege of giving away their money, strikes me as somewhat strained budget analysis.

To increase spending based on the assumption we are going to have people eager to donate additional taxes for the privilege of giving away their money strikes me as simply an unsound approach to budgeting and not one that is likely to lead us out of the current budget deficit that we have.

Mr. McCONNELL. Would the Senator yield for a further observation? It is widely believed, hardly in dispute, that the largest amount of so-called soft money, off the books money, being spent in political campaigns in this country is by organized labor.

I am hopeful the Senator from Massachusetts may well be suggesting here that maybe we get a handle on that. I wonder if he would place a fee on the expenditure of labor soft money, if that may be what he has in mind. I look forward to hearing his observation on that since that is the largest pool of soft money being spent in political campaigns in this country.

Mr. BROWN. Obviously we are talking about raising millions of dollars off of soft money. It is difficult for me to think you could exclude major portions of the soft money.

Let me lay out at least where I see where we are with regard to this amendment. We have had a suggestion that you increase spending by $55 million and you finance that by levying a fee. But we do not have a single agency that has come forward to indicate to us how much you could raise by that fee—not one estimate.

In addition, we are unable to identify on this floor how much money is donated through soft money. We are unable to identify how many times or periods in which people make those donations.

I merely suggest to the Senator that the suggestion we can raise $55 million from a source that we do not know the nature of, nor how many times it is used, and in which no recognized agency has come up with an estimate, is highly creative budgeting.

Mr. McCONNELL. I say to my friend he is absolutely correct. There would be simply no way to ascertain what kind of money this might raise because we have no idea what is being spent.

Mr. BROWN. I thank the Senator.

I wonder if I might address an inquiry to the Senator, the distinguished Senator from Kentucky, as to his thoughts as to how soft money should be handled from an electoral purpose.

Mr. McCONNELL. I think the soft money abuses going on in this country are occurring for the most part in the Presidential system the distinguished Senator from Massachusets is seeking to defend. It has been the system of spending limits in public finance that has spawned the growth in soft money.

As a matter of fact, there was a 50-percent increase in spending from the 1984 Presidential race to the 1988 Presidential race, most of it soft money, both party and nonparty.

We had a sense of what the party soft money was because both parties voluntarily disclosed. Most of the soft money was nonparty soft money off the books. And what has spawned the growth of soft money and returned the big contributor to the political process has been precisely the system—which the Senator from Kentucky today begins the long tortuous process of trying to eliminate. So ironically, the position of the Senator from Massachusetts is directly at variance with experience.

Mr. BROWN. I thank the Senator from Kentucky.

Mr. KERRY. Will the Senator from Kentucky yield for a question?

Mr. McCONNELL. Yes.

Mr. KERRY. Will the Senator from Kentucky perhaps at least acknowledge that there might be an issue as to which comes first, the chicken or the egg, a little bit here? It is because you have limits that I will agree people have tried to find a way to get outside limits and have more money, but what really drives it is not the fact you have those initial limits in the first place; it is that the limits really are not sufficient, that we have encouraged people to find the loopholes because the natural part of the political process is because it is competitive. You have to have as much money as you can gather. So people have found a legal way to get more money.

The solution is not to take away the first part of the chicken coop so the folks can get in and get at all the chickens; it is to eliminate the holes that exist. It seems to me we would be better advised to place limitations on soft money and all of us stop running for office with this notion that the only way to get elected is to spend more than the next person.

Mr. McCONNELL. Is that a question?

Mr. KERRY. It is a question. The question is could it not be the opposite of what the Senator is saying?

Mr. McCONNELL. The dilemma is the Constitution of the United States which said it is impermissible under the first amendment to quantify speech. In other words, you cannot by legislation say Senator BROWN is entitled to so much speech and Senator KERRY is entitled to so much speech. Buckley versus Valeo said you cannot quantify speech. It did say it is constitutional and permissible to limit what an individual can give a candidate. We have done that in the congressional system and in the early stages of the Presidential system.

The only way the Presidential system has been allowed to thrive is because the entitlement is very generous.

So the finance chairman comes into the Presidential candidate; he says we would love not to accept this public money but there is so much of it that we cannot possibly say no. And so the candidate voluntarily agrees to limit spending. The problem is, you cannot constitutionally limit all these avenues that my friend from Massachusetts would like to limit. You cannot do it constitutionally, because it deals with the first amendment. And you run smack in the face of the first amendment time and time again in this particular debate.

I say that it is totally clear to all of those who ever studied the system, with the exception possibly of Common Cause, that the Presidential election system is a disaster and should be repealed.

Michael Malbin, of the Rockefeller Institute, one of the renowned experts—and I say it is very difficult to find an expert who studied this in America who defends the current system—testified before the Rules Committee last month. Let me give the Senator a sense of what he had to say. He said:

> In every Presidential election since public funding, spending has gone up, with more and more of the money going off the books and underground. If people care enough about an election, they will look for ways to get involved. If they are big and well organized and cannot contribute directly, then they will look at independent expenditures, or delegate committees, or registration and get-out-the-vote, or communicating with Members, or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat, or other devices, some of which have not even been thought up.
>
> Off-the-book activities like these have become more prominent in every election since 1976. Some of them can be regulated, but there is no way they can all be eliminated without running roughshod over the first amendment.

Therein, I say to my friend from Massachusetts, lies the problem. You cannot plug every hole in the system without running roughshod over the first amendment.

Mr. BROWN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Massachusetts has 8 minutes. The Senator from Colorado has 12 minutes.

Mr. BROWN. Thank you. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, may I speak on my time? I yielded the floor to the Senator from Kentucky.

The Senators from California and from Kentucky were conducting an inquiry.

Mr. BROWN. Mr. President, I would be happy to yield time to the distinguished Senator from Massachusetts from our time, if he would like.

Mr. KERRY. Mr. President, I ask if the Senator from Tennessee would yield me 4 minutes.

Mr. SASSER. Mr. President, let me inquire of the Chair, once again, how much time is remaining for each side?

The PRESIDING OFFICER. The Senator from Massachussetts has 8 minutes. The Senator from Colorado has 12 minutes.

Mr. SASSER. Well, the Senator from Colorado has offered to yield.

Mr. KERRY. I ask for 2 minutes.

Mr. BROWN. I yield 2 minutes, Mr. President, from our time to the Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say to the Senator from Kentucky that he is correct, that there are indeed problems in the current process. The question is, is the approach of the Senator from Kentucky the way to deal with those problems, or will it exacerbate the situation?

I very respectfully submit that it will undo what little hold we have and what progress we have made, and take away from our capacity to deal with some of the other problems that he raises.

The other problems he raises are real. Money has gone underground. What we need to do—and I believe we can through disclosure rules, through the voluntary limits, and other methods available to us—is create a public consensus about what is appropriate and what is not, or at least a consensus of our own behavior, some standards by which professionals can try to guide their behavior, so we can do better than we are doing now.

But I think if you undo this, you will be stepping back from what little restraint we have today on these abuses, and it will make it that much harder to turn around and say you ought to have restraints here, when in fact you have undone the very constitutionally permissible piece that allows you to put restraints in the first place.

Second, with respect to the first amendment, the Supreme Court was very clear in Buckley versus Valeo that where there are perceived or real perceptions of corruption, and where limitations are linked to dealing with those problems of corruption, the court may, in fact, or we may in fact—Congress—impose the limitations.

I respectfully suggest that the current perceptions of corruption are so strong, and I share that there are a number of polls done not long ago which show that 81 percent or so of the American people believe that big money has too much influence in the process and want us to find a way to do it. This was a Business Week poll, April 16, 1990.

And a Greenberg poll indicates 81 percent of the American people feel campaign laws are flawed and need revision. The same percentage overwhelmingly responded to a Harris poll that contributors have too much influence over public officials.

I think the case can be made that Buckley versus Valeo is satisfied and the restraint on the first amendment is satisfied. And the question is whether Congress individually will be satisfied.

I yield back my time.

Mr. SASSER. Mr. President, I yield myself such time as I may consume off the resolution.

First of all, Mr. President, a budget resolution is really not the place to be debating campaign finance reform. Frankly, out of all due respect to all Senators here, and particularly my friend from New Jersey, a budget debate is not a place to be debating so-called Air Sununu, as some of the press has referred to it in the last day or two.

We are in a debate here on campaign finance reform. I think that is unfortunate, but I do not support Senator McCONNELL's underlying amendment for a lot of reasons, not the least is I do not believe it is time to eliminate the Presidential checkoff.

But there is a fundamental flaw in his amendment I think all of our colleagues should be aware of. What this amendment seeks to become is a pay-as-you-go increase in a program under the jurisdiction of the Committee on Agriculture that is paid for by offset under the jurisdiction of the Rules Committee.

Let us be very clear about it. There is no way to ensure that these committees would end up doing what the amendment proposes, even if it passes this body. We have no reconciliation directives this year. So there is no way to enforce a proposal like Senator McCONNELL's, in the event that it should pass this body today.

We have simply succeeded in burning up, right now, about 2 hours of our own time in debating an issue that has no place on a budget resolution. I know what is going to happen. Our colleagues are going to start coming over here about 5 o'clock or 5:30, and they are going to say, "I have an airplane to catch; I have to go to Utah." Or, "I have to go to Tennessee," or, "I have to go to New Mexico. When are we going to be through?"

The reason we will still be engaged in a debate on the budget resolution is because we have not been addressing ourselves to the business of the budget resolution. We have collateral and political amendments coming in here, purely motivated by a wish to gain political gain. There will be a time to debate these amendments, but I say it should not be on the budget resolution here today.

If we are going to have to vote on these two amendments, frankly, I think the sponsors of the amendments would do us all a favor if they would just pull them down. They have had their debate. Let us not vote on them today. Let us vote on them on another day on a proper vehicle.

But if we must vote on them today, then I will vote to support the amendment offered by the Senator from Massachusetts. Clearly I think evils of so-called soft money outweigh any concerns we might have about the Presidential checkoff. The Kerry amendment, perhaps, will dilute the influence of a handful of big money givers, most of whom would prefer to remain in the shadows. I do not know how much it is going to raise. Perhaps the Senator from Massachusetts can tell us precisely. I doubt that he can. But it is immaterial. It at least would have the effect, I think, of diminishing some of these soft money contributions.

Contrast that with the McConnell amendment, which would simply deprive 32 million Americans to contribute by way of checkoff, which they have chosen to do in the recent past.

Mr. President, I think they know what they are doing. So my message to our colleagues here is that we have done an awful lot of wheel spinning here this morning on something that ought not to be considered on a budget resolution. When we are standing here tonight at midnight, I want our colleagues to know why we are here. We are here because people want to propose amendments, bring them up, debate them, vote on them—amendments that have no place and have no effect on a budget resolution.

Mr. President, may I ask how much time is remaining now on the amendment of the Senator from Massachusetts perfecting amendment?

The PRESIDING OFFICER. The Senator from Colorado has 9 minutes on the amendment, and the Senator from Massachusetts has 8 minutes.

Mr. SASSER. Mr. President, we would be ready to go to vote if the Senators who yield back all of their time.

I understand the distinguished minority leader is away from the Chamber and will return shortly.

Mr. McCONNELL. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The time remaining is 9 minutes for the Senator from Colorado and the time remaining is 8 minutes for the Senator from Massachusetts in opposition.

The Senator from Colorado.

Mr. BROWN. Mr. President, I share many of the sentiments of the distinguished Senator from Tennessee, although his call for full disclosure is the reason why this Chamber may be in late tonight I am not sure I want to join in. But other than that full disclosure I think he summarized the arguments quite well. It does seem to me whether you like the Presidential checkoff or not—if you like the checkoff, I suspect you are going to want to vote "aye" because the substitute amendment or the second-degree amendment that has been offered will indeed have the effect of retaining the Presidential checkoff. If you do not think having the citizens of this country pay for the Presidential campaigns in the way they do through the Presidential checkoff, I suspect you are going to want to vote "no" on that second-degree amendment.

Mr. President, at this point I ask unanimous consent that the remainder of the time on this side be now controlled by the distinguished Senator from Kentucky.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, the time for the proponents will now be controlled by the Senator from Kentucky [Mr. McCONNELL].

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I might say it is certainly not the desire of the Senator from Kentucky to prolong this issue. The McConnell amendment was scheduled for a vote at 12:15. The reason that has not occurred is because of the obvious interest on the other side in avoiding a vote on the McConnell amendment, and that is what is dragging this process out.

I argue that it is entirely relevant, as we consider the Nation's budget priorities, to consider whether or not we ought to be spending this public money on political campaigns. So I think it is entirely relevant to the consideration before us, and it had been my hope that we could vote on the McConnell amendment an hour ago, at 12:15, as it was originally scheduled. It is unfortunate there is such an interest on the other side in avoiding voting on the continuation of this public subsidy.

Mr. President, let me just recount the principal arguments in the few minutes we have remaining here before the vote on the Kerry second-degree amendment. Only 20 percent of Americans are using the checkoff to fund Presidential campaigns. What that means is that 80 percent are voting "no," 80 percent are saying they do not want their tax dollars to go to pay for political campaigns or political conventions, or fringe candidates.

In addition, the public funds and the spending limit have not done anything about soft money. In fact, there has been an explosion of soft money in the Presidential system, an explosion of off-the-books spending, unaccounted for, undisclosed, to the point where spending went up 50 percent between 1984 and 1988. Clearly, it is not working, and virtually everyone outside of this body and outside of Common Cause who has studied it thinks it is a disaster. Former Vice President Mondale said there have been so many loopholes written into the law that the whole thing is up to ridicule.

My friend from Massachusetts, Senator KERRY, said, well, let us close the loopholes. The problem is you run smack into the first amendment. You cannot constitutionally keep people from participating in campaigns, so they will find a way to do it. Unfortunately, with the system of spending limits in public finance, the ways in which they are forced to participate are unaccounted for and undisclosed.

In addition, the Presidential system is a regulatory disaster. The most important people in every Presidential campaign are not the candidates, not the campaign managers, but the lawyers and the accountants to whom one out of every four of these dollars have gone seeking to figure out how to live with, deal with, and, yes, skirt the current system because it is so unnatural.

In addition, Mr. President, you cannot deny public funds to extremist candidates. I have mentioned Lenora Fulani and Lyndon LaRouche, who got together, between the two of them, $1.5 million in public funds to run for President of the United States. It is a disgrace. It is a disgrace, Mr. President, and if this system of Presidential funding of campaigns is so popular, I do not know why we could not have had the vote at 12:15, giving the American people the sense of how we feel about this. Instead, we are here dealing with a second-degree amendment.

Mr. President, in every conceivable way by which you measure a successful election system, the Presidential system has been a failure. Public money is squandered. It is a benefit program for lawyers and accountants and fringe candidates dipping into the public Treasury. Honest candidates are required, because of the system, to figure out some way to skirt the law. Every Presidential candidate but one was cited for major violations because the law is so absurd. In every single way that you measure a successful campaign system, this has been a disaster.

All the McConnell amendment does, which I had hoped we would vote on an hour ago, is simply say to the American people we think it is more important to feed children than to continue to pay for political conventions, Presidential candidates, fringe candidates, lawyers, and accountants.

Mr. President, I hope that we will have an opportunity to vote on that amendment. I think it is entirely relevant to setting the budget priorities for this country.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 45 seconds.

Mr. MCCONNELL. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes.

Mr. KERRY. Mr. President, I am not going to take all that time. I am going to take a couple moments to say that the Senator from Kentucky stated that only 20 percent of the American people check off the tax return. Then he leaps to the conclusion stating: "Therefore, 80 percent are voting no." That is just a non sequitur. Eighty percent are perhaps not even voting at all, not voting "no." There are many of them who are simply not even aware of the choice because we have not advertised or tried to reach out to them, many inadvertently just passing it by, who just do not understand the value of it because it has never been something that has been promoted.

If his theory is true, then you look at the reality that only 6 or 7 percent of Americans contribute privately to elections. Does that mean 94 percent of the rest of America is voting no? Obviously not. And if only 6 percent of America is contributing privately to elections, we all know who most of them are—people with money. And what is going to happen is, if you make it more advantageous for that small 6 percent to play in the political process, you are going to reduce the rest of America's willingness to believe that the system is on the up and up, accessible and meaningful to them.

I respectfully suggest to my colleague—because I agree with him, I think he has genuine concern about the problem that exists in the electoral process—that the way to this cure is not to come in and suggest on the budget process, in the name of assisting nutrition programs, that we are going to do away with the Presidential process, but rather to find ways to deal with the voluntary restraints that could be put in place.

My colleague from Kentucky complains about the Presidential system. Well, Mr. President, the Supreme Court of the United States has found that the Presidential system is voluntary and that it is constitutional. Those are critical components. In fact, the Supreme Court has said that, as to contributions, you can have voluntary restraints. The Supreme Court did not reach the question of expenditures as opposed to contributions because there was not a showing of corruption. They did find the showing of corruption in contributions.

I very respectfully submit to the Senate that much has changed since that decision was made and that the Supreme Court might well find today sufficient corruption in the expenditure process to find that constitutional limitations would apply to that process also. The question is, are we willing to put it to the test? That is really what this is about.

I respectfully suggest—I think my colleagues know this—that we could do a better job of controlling the abuses and the excesses which the Senator from Kentucky has appropriately said exists. But, by gosh, if we throw this whole thing out, we are making a mockery of the notion of ever trying to fix those and we will have opened up Pandora's box and returned us to pre-Watergate days with respect to the electoral process in the country.

Mr. President, I am willing to yield back my time if the Senator from Kentucky is willing to yield back his time.

The PRESIDING OFFICER. The Senator from Massachusetts has offered to yield back his time if the Senator from Kentucky offers to yield back his time.

Mr. MCCONNELL. I say to my friend from Massachusetts, the Republican leader is on his way back to the floor. I would like to given him an opportunity to get here before we do that. I think I do have a couple of minutes left.

Mr. KERRY. Mr. President, this will be on the time of the Senator from Kentucky.

The PRESIDING OFFICER. Yes, at this point it will be on the time of the Senator from Kentucky, because the Senator from Massachusetts has yielded the floor as I understand it.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, let me just close by saying that it should be noted that the filing fee proposed in the Kerry second-degree amendment is in fact a tax that would be applied not only to political party soft money, but also to private activities that could be classified as soft money. Voter registration drives by the League of Women Voters, minority participation projects, assistance for disabled voters, labor union mailings to members, AARP communications to members, potentially all of these could be classified as soft money and potentially taxed under this proposal.

But the bottom line is this: The Kerry second-degree amendment seeks to defeat the McConnell amendment which seeks to eliminate the money in the Presidential fund in the next budget year. So for Senators who will be coming over shortly to vote on the Kerry second-degree amendment, let me just sum it up. If you are against public funding, taxpayer funding of political campaigns, you should vote against the Kerry second-degree amendment. It is as simple as that.

Beyond that, if we can ever get a vote on the McConnell amendment, you not only have an opportunity to vote against taxpayer funding of political campaigns, you also have the chance to shift some money to children's nutrition, certainly something that I believe most Americans would rate much more highly as a budget priority for them than spending taxpayer dollars on political conventions, political campaigns for the President and candidates like Lenora Fulani and Lyndon LaRouche.

So if you are for children's nutrition and against public funding, you should vote against the second-degree amendment upon which we will be voting shortly.

Mr. President, do we have the yeas and nays on the Kerry second-degree amendment?

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The time of the Senator from Kentucky has expired.

Mr. KERRY. Mr. President, I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Massachusetts has yielded back his time. All time has expired on the amendment of the Senator from Massachusetts [Mr. KERRY]. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 946 through S. 950 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, before putting the Senate into a quorum call I request unanimous consent the time be charged equally against both sides.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Tennessee?

Mr. DOMENICI. Did the Senator mean all that we used up since I put the quorum in?

The PRESIDING OFFICER. All time since originally putting in the quorum call shall be charged to both sides, is that the request of the Senator from Tennessee?

Mr. SASSER. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time on the Kerry amendment has expired. The yeas and nays have been ordered.

Mr. SASSER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. It will be charged equally to both sides.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes under the bill.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 971 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. I thank Senator SASSER, chairman of the Budget Committee, for letting me interrupt at this time.

Mr. SASSER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is a vote to occur on the Kerry amendment in the second degree. The yeas and nays have been ordered. The Chair is prepared to put the question.

Mr. MCCONNELL. Mr. President, I move to table the underlying first-degree amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs upon a motion to table the McConnell amendment, which is a first-degree amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. SASSER. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee will state his parliamentary inquiry.

Mr. SASSER. What will the body be voting on at this point?

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from Kentucky made a motion to table his own amendment, which was his amendment in the first degree, and the vote would occur upon the tabling motion of the Senator from Kentucky of his own first-degree amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. LUGAR], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The result was announced—yeas 0, nays 95, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—0

NAYS—95

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Warner
Wellstone
Wirth

NOT VOTING—4

Garn
Lugar
Pryor
Wallop

So the motion to table the amendment (No. 80) was rejected.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator will state it.

Mr. DOMENICI. Mr. President, if the Senator from Kentucky [Mr. MCCONNELL] was to, under unanimous consent, withdraw the underlying amendment, would both amendments fall?

The PRESIDING OFFICER. The Senator is correct.

TIME-LIMITATION AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senator from Kentucky be permitted to speak for 5 minutes and the Senator from Massachusetts [Mr. KERRY] be permitted to speak for 5 minutes, after which time the Senator from Kentucky desires to have his underlying amendment withdrawn. Therefore, I ask unanimous consent that it be in order after the 10 minutes that I have just requested elapses, that the Senator have permission to withdraw the underlying amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky is recognized for 5 minutes following which the Senator from Massachusetts is recognized for 5 minutes.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we are dealing with a budget question.

It was my hope in offering the amendment last evening which was originally scheduled to be voted on at 12:15, that we would have a chance to put the Senate on record in terms of its priorities as we deal with the passing of a budget resolution this year. Mr. President, what a budget resolution is about is establishing priorities.

It was my feeling that the Senate ought to have an opportunity to speak on the issue of whether it felt public dollars should continue to be spent in electing the Presidents of the United States, and supporting fringe candidates and supporting lawyers and accountants, who are necessary to monitor that system, and in supporting such things as paying for political conventions.

It was also my feeling that it would be appropriate to shift that money to a real need in the country and that is the question of providing better nutrition for children.

At this point, it is perfectly clear that the majority wishes to avoid having to vote on the Presidential election campaign system. Clearly, it is reasonable to conclude that that thoroughly discredited system would have been in great difficulty had we had a meaningful vote on the issue of continuing that public funding for yet another year.

It is my suspicion that Senators realize that the American people if they really understood what was happening in the presidential election system would overwhelmingly object to it.

As a matter of fact, it is pretty clear already that they object to it. Four out of five Americans choose not to check off their income tax returns to divert money from other Federal programs into the Presidential election system.

The American people are voting every April 15 on the Presidential system and the overwhelming majority are voting "no." My suspicion is Mr. President, if they knew even more about where their tax dollars were going, to fringe candidates, to lawyers and accountants, to political conventions, virtually none of them would check off, virtually none.

So it was my hope that we would have a chance for the Senate to go on record. I hoped we would do that at 12:15. It is now 2:25, and even though we could stay here all afternoon and probably at some point get a vote on the McConnell amendment, it seems to this Senator that the point has been made. The majority is very, very fearful of this issue. They fear that the American people overwhelmingly oppose this and they would like very, very much to avoid a vote on the Presidential system.

It is not surprising that some Senators would like to avoid a vote on the Presidential system. Not only do 80 percent of Americans choose not to participate, the checkoff has not replaced special interest money in Presidential campaigns, in fact there is more of it. The Presidential system had no limited spending. In fact, spending went up 50 percent from 1948 to 1988. The Presidential system is a regulatory disaster with $1 out of every $4 going to lawyers and accountants, and the Presidential system is a fringe benefit for fringe candidates like Lenora Fulani and Lyndon LaRouche.

Former Vice President Mondale called the presidential system, the taxpayer finance and spending limits, a joke, and boy is he correct about that. It has cost the taxpayers $500 million since 1976 and produced nothing positive with regard to the system.

So, Mr. President, let me just close by saying this issue is going to be back. It is going to be back. It will be back in the campaign finance debate with regard to the congressional system, because the bill that passed here last year would set up a similar system for congressional races.

The FEC testified they would need 2,500 auditors to monitor that system if we extended public funding to an additional 535 races. So the Presidential system is very relevant to that debate, and we will have that debate again on another day.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCONNELL. Mr. President, I hope that the Senate on some other day will vote to eliminate the Presidential system and get this disaster off the books.

The PRESIDING OFFICER. Pursuant to the previously announced unanimous-consent agreement, the Senator from Massachusetts has 5 minutes.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, the Senator from Kentucky just said to the Senate that nothing positive has been produced from the Presidential system.

I really think that that avoids recognition of what created this system in the first place and of the history of what has led us to be where we are today. The Presidential system was put in place to do away with extraordinary abuse of corporate money and excessive money in the election of our Presidents. And Members of the House and Senate had paid a price, some of them criminal and other political, for having been victims of that process.

Countless Members of this body have participated in that process. The distinguished minority leader, Senator DOLE, the current President of the United States, President Bush, the former President, President Reagan, many Members of the U.S. Senate have run for President, and none of them have ever complained that the system that made that money available to them voluntarily from a $1 voluntary checkoff on tax returns was somehow abusive.

What we just saw on the Senate floor was not really a vote about child nutrition. It was a vote to restore the process of unlimited money in politics, unlimited money in the electoral process of our Presidential elections. And it was an exercise in politics that would have given to the Republican Party, which already has tremendous advantages in fundraising, even more advantages in the political process that is dependent on money. Americans are tired of a process dependent on money, and nothing distances the election process more from the American people than their perception that big money controls it. What we just voted on was a chance to say we are ready to vote to reform the process but let us do it sensibly.

My colleague says we just passed up an opportunity to vote for more money for child nutrition. Well, the parliamentary situation at the end of that vote made my amendment—which would have put a filing fee on all the big soft money, corporate money, and the filing fee would have gone to child nutrition. The distinguished Senator from Kentucky withdrew his amendment. It was not defeated. By withdrawing his amendment he withdrew the underlying amendment which would have allowed us to vote more money for child nutrition, but to take that money from the big corporate contributions and the big individual hundred-thousand-dollar contributions and use that for child nutrition.

The Senator from Kentucky decided he did not want the U.S. Senate to vote on child nutrition, because that is not what this was about. This was about relinquishing the one hold we have that puts some order into the process.

Now I agree with the Senator from Kentucky. There are problems in the Presidential election process, but the place to fix them is not here today on the budget resolution. The place to fix them is in campaign finance reform, when we take the issue up in May. I hope at that time we can revisit this issue and improve those parts and process that need to be improved.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 58 seconds.

Mr. KERRY. Mr. President, I would simply leave my colleagues with the thought that the reason that my colleague from Kentucky can say that people are voting no on the checkoff system is not that they are voting at all on it but many of them do not even know about it. The amount of money for the checkoff has not been changed since 1975.

Clearly if more Americans were given an opportunity to choose to get politicians away from big money by just contributing $2 themselves, if that were a choice in America, if America were given the proposition: "Would you rather liberate the U.S. Congress from fundraising by having a $2 or $3 checkoff or would you rather have them beholden to special interests," there is no doubt in my mind that 85-90 percent of the American people would vote for that kind of checkoff system. The problem is, the issue has never been put to them in that fashion.

I yield the floor.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Kentucky is recognized for the purposes of his amendment. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Kentucky has withdrawn his amendment.

The amendment (No. 80) was withdrawn.

AMENDMENT NO. 81

BUDGET ACT WAIVER

The PRESIDING OFFICER. The pending question is a motion of the Senator from New Jersey [Mr. BRADLEY] to waive the Congressional Budget Act of 1974, as amended, for the consideration of the Bradley amendment No. 81. All time for debate on the motion has expired. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I indicated this morning that I might use a few minutes on the Bradley motion. There is a certain similarity of resonance between his motion and the next two amendments offered by Senator SIMON.

So I am going to use a bit of time. I yield myself 5 minutes at this point. If Senator WARNER wants to speak, if he comes to the floor then I will yield him a few minutes and we will be finished.

So I yield myself 5 minutes at this point.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, before I speak on the Bradley motion, while the Senator from Kentucky is on the floor, let me first say to him that while his amendment did not prevail today that another day may be needed for the issue that he addressed to be addressed forthrightly by the U.S. Senate. I think a lot of Senators, I believe on both sides, but certainly on our side, have learned a great deal about this process that he brings before us in his amendment.

If you ask most people, they think that the present process for the primaries is just clean as a whistle and everything is just working great. The American people are very excited about it. They are certainly checking off in great quantities to put money in. Let me suggest that what I have learned from the Senator is that none of the above is true. Quite to the contrary, it is a very significant mess at best.

Whether it should be repealed or fixed is a question for another day. But the Senator from New Mexico thanks the Senator for bringing us current to that extent as he participated in the past few weeks and today on the floor of the Senate. I thank the Senator for that.

Mr. MCCONNELL. I thank my good friend from New Mexico.

Mr. DOMENICI. Mr. President, let me say that we are going to have three votes here. The one that is pending right now is a motion by Senator BRADLEY to waive the Budget Act, because the distinguished chairman has made a point of order that his amendment is out of order under the Budget Act, as amended by the summit agreement. So when we vote, if we want Senator BRADLEY to prevail, we are going to waive the Budget Act, waive the economic summit agreement, and that is going to take 60 votes.

Frankly, I think the Bradley motion should be very disturbing for those who want some fiscal soundness; some assurance that we are moving in the right direction with the deficit. We have an executive and legislative agreement on how to deal with the deficit which will be pretty binding. We know where we are going for the first time in a long time, and it ought to be disturbing enough to vote to set that aside, which is essentially what we would be doing. We would be plowing a big hole in the budget agreement. I do not think anyone wants to do that. And I hope 60 Senators do not want to do that.

But now on the specifics. For the first time since we have had the budget process, we have fixed numbers, dollar numbers for defense, for next year and the year after. We have asked our defense experts, and the generals that we have been praising, to plan the reduction in our defense against those established numbers.

Now Senator BRADLEY is saying I do not like those numbers. He is saying that he wants to cut that by $7.1 billion. So that is the first point. He reduces defense by $7.1 billion over 2 years.

Many think we should have more money in defense rather than less. Many think the caps were too stringent. I see my friend from Mississippi. He has said that a number of times, even on the floor. The $177 billion that we took out of defense in the budget summit is now being implemented in these caps, these dollar numbers that we cannot exceed for defense.

Senator BRADLEY would cut $7.1 billion over the next 2 years below that. That ought to be enough to vote against Senator BRADLEY and not grant his extraordinary motion to set aside the Budget Act and its points of order.

Now if that was not enough, let me give you a second point. The summiteers said if you want to cut defense, or if you want to cut domestic programs, you take whatever you cut and you reduce the deficit by that amount. That was a very good concept.

We were all worried about deficit reduction, so we said, here is what we ought to live by. But if you want to reduce defense spending, put the money on the deficit. Well, the distinguished Senator from New Jersey [Mr. BRADLEY] says, no, we will cut defense but we will take part of the money that we take out of defense and we will add it to the domestic discretionary. So it would seem to me, for those who were concerned about cutting defense more than we did, they ought to be doubly concerned that we are doing that and taking part of the savings and increasing domestic discretionary spending.

Frankly, for the first time in many, many years, we have quite appropriately, I believe, set our Government into three logical compartments: defense, domestic, and foreign. We have said we are not going to mix them for a few years. If you want to save in one category, put the savings on the deficit, but do not save in one and put it in the other.

The distinguished Senator from New Jersey thinks that is not the right way to do it and would like to do some mixing, so he has taken some of the defense savings and put it in the domestic to increase them.

All of that flies in the face of what we agreed to. In my humble opinion, it puts us back were we were for years, where we thought we knew what we were going to spend on defense only to find we took some of it away and spent it somewhere else.

The defense leaders of our Nation want some continuity and certainty for a while. They believe they can plan better, save more, and give us more for our money if we will give them 2 or 3 years of consistency of numbers. If each year, now, we are going to take those defense caps and come to the floor and change them and then after we have changed them, not even give them that money but spend it somewhere else, it seems to me the discipline is gone and the opportunity for the Defense Department to truly save and plan—as they are trying to do—is probably gone. We will get less for our money, spending less dollars, being less secure.

I believe we ought to say to our friend from New Jersey, whom we greatly respect, this is not the time nor place to grant his motion, but to protect these caps and multiyear approaches that, for the first time in the budget history, make eminent sense.

I ask if Senator STEVENS, who is the ranking Republican on defense appropriations, if he agreed with me—if he did or not, either way—would he like to speak for a few minutes?

I yield up to 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for up to 5 minutes.

Mr. STEVENS. Mr. President, I am pleased to respond to the Senator from New Mexico. I believe the funding levels in the agreement that are in effect now are worrisome already. I call attention to the fact the 5-year plan that has been submitted by Secretary Cheney will reduce defense spending through 1996 to less than 3.6 percent of the gross national product and approximately 18 percent of total Federal outlays.

The last budget President Kennedy submitted to the Senate provided for 52 percent of the Federal outlays being for defense. By 1996, we will have an outlay ceiling of 18 percent. We plan to reduce our divisions from 18 to 12, to reduce the Air Force from 36 to 25 tactical fighter wings, reduce our Navy from 540 to 450 ships. We have already had a series of base closure announcements.

If the amendment of the Senator from New Jersey is agreed to, there will have to be, once again, another series of base closures and more layoffs of civilians because of closing production lines. I believe it is going too far.

Beyond that, in my judgment, the Senate ought to watch what is happening in the Soviet Union. In my judgment, the Soviet Union is more unstable now than it has been in years. Many of the systems they told us they would destroy they are sending over the Ural Mountains, out to the Soviet far east, and Siberia.

We know their production lines are still going on. They are going to come through the START period with a stronger intercontinental missile force than they had to begin with. It is my judgment it is going to be very difficult for the United States to maintain the peace if we continue to change the funding.

The Senator from New Mexico is absolutely right. It is the changes in funding that bring the drastic changes in the production lines and in our ability to maintain the peace at the least cost possible to our taxpayers. I believe the funding levels of the current budget resolution are the very lowest we can accept. They should be floors rather than ceilings, in my opinion, and I urge the Senate to oppose this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself whatever time I need off the bill.

Mr. President, I believe I said to the Senate that I have joined Senator SASSER in making the point of order and that I am joining him in opposing the granting of Senator BRADLEY's motion to waive the Budget Act. But I want everyone to know, we are both on the same side on this, trying to enforce the agreement. The chairman of the Budget Committee and the ranking member both say we should not waive the Budget Act. Senator WARNER will speak on the Simon amendment which follows the Bradley motion. The Simon amendment is essentially a 2-percent cut in defense budget authority, and the resultant outlaws, with the entire amount of savings applied to the deficit.

If my colleagues vote for this, they are essentially voting to get rid of whatever agreements we have from the economic summit. As some say, all bets are off. I think we are back to ground zero. Some think that is great. I think it would be a disaster for the United States. So I hope we do not agree to this.

I yield back whatever time I have.

The PRESIDING OFFICER. The pending question is the motion by the Senator from New Jersey.

The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, with the discussion we have had here on the Bradley amendment, I think we have been successful in stimulating further debate, and I am advised that the Senator from New Jersey is on his way to the floor to make some statement. So I suggest the absence of a quorum. I ask the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I yield 2 minutes to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, the amendment we are about to vote on poses the question about what the priorities of our country should be. Our amendment suggests that we cut defense expenditures by 2 percent; we use 1 percent of that cut to reduce the budget deficit, and we use 1 percent to increase funding for priority programs like education, health care, and environmental cleanup. It is a very simple amendment.

Things have changed. If anything, since last October when we locked ourselves into a 5-year agreement on the budget, the Persian Gulf war has shown we do not need more—and we can do with less—defense expenditures. We will have a land base and land access in the Persian Gulf.

We need less, 2 percent less, and this money will be available in part to reduce the budget deficit. This is an amendment that would reduce the budget deficit and at the same time increase funding to try to help 25,000 kids out there who have measles, have measles because they are not immunized; to try to fully fund the Head Start Program and the WIC Program; to begin to give middle-class families in this country who want for their child the opportunity to get a college education. That is what this amendment is about. That is the choice it poses.

Some of the opponents say that if we left it all for deficit reduction, maybe it could be supported. We are going to have a vote on that position in a few minutes. My guess is that most of the opponents of my amendment will also oppose the amendment of the distinguished Senator from Illinois [Mr. SIMON] even though it adds nothing to the domestic side of the budget.

So, Mr. President, I see no reason to lock us into a budgetary circumstance that says if we are able to cut defense expenditures, it will take 60 votes to transfer some of the savings to the domestic side. That is what we need in this amendment. I do not know if we will get 60 votes. But at least we ought to send the signal that we do not want to bias this institution to increasing taxes. We ought to be able to use defense expenditures, that we should cut, for high priority domestic needs.

The PRESIDING OFFICER. The time of the Senator has expired.

All time has expired. The question is on agreeing to the motion to waive the Congressional Budget Act for consideration of the Bradley amendment No. 81.

The yeas and nays have been ordered. The clerk will call the role.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. LUGAR], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 73, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—22

Adams
Baucus
Biden
Bradley
Burdick
Conrad
Cranston
Daschle
Harkin
Hatfield
Kennedy
Kerry
Kohl
Lautenberg
Metzenbaum
Pell
Riegle
Rockefeller
Sarbanes
Simon
Wellstone
Wirth

NAYS—73

Akaka
Bentsen
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Rudman
Sanford
Sasser
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Warner

NOT VOTING—4

Garn
Lugar
Pryor
Wallop

The PRESIDING OFFICER. On this vote, the yeas are 22, the nays are 73. The motion to waive is rejected. The adoption of the Bradley amendment, because the levels of the discretionary category exceed the discretionary spending limit for the categories set forth in section 601(a) of the Congressional Budget Act, adjusted pursuant to the Balanced Budget Emergency Deficit Control Act of 1985, is in violation of section 601(b) of the Congressional Budget Act. The point of order is sustained. The Bradley amendment (No. 81) falls.

Mr. DOMENICI addressed the Chair.

AMENDMENT NO. 82

The PRESIDING OFFICER. The pending question is amendment No. 82, offered by the Senator from Illinois [Mr. SIMON] on which there remains 10 minutes to debate equally divided in the usual form.

The Senate will come to order. Senators will please take their seats.

Mr. SASSER. Mr. President, before moving to the Simon amendment, I move to reconsider the vote by which the motion to waive was rejected.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will come to order. The managers of the bill cannot be heard.

Who now yields time?

Mr. SASSER. Mr. President, under a previous unanimous-consent request, I was under the impression that the Senator from Illinois had 10 minutes remaining. Is that correct?

The PRESIDING OFFICER. The Chair was about to announce that. That is the order.

The Senator from Illinois.

Mr. SIMON. Mr. President, if I could have a little order here, you are striving valiantly to get that.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, this is a very simple amendment that reduces budget authority for the defense function by 2 percent. I am pleased to say it has the support of the chairman of the Budget Committee, Senator SASSER. What has happened historically is this: After World War II, in 3 years we reduced defense spending 90 percent. No one suggests that we should be doing that today, though a former Secretary of Defense, Robert McNamara, had suggested a 10 percent cut each year for 5 years.

What I am suggesting here is a 2 percent cut in budget authority, which results in a cut in outlay of less than 1 percent—$12.7 billion. That is modest, my friends. I think we have to ask ourselves: What is the great threat to our Nation today? Is it on the security side or is it to our economy? We do not want to take any chances on the security side. We want a strong defense.

I served overseas in the Army. I am proud to have done so. But on the basis of statements that Senator SASSER quoted before from Gen. Colin Powell and from others, I think it is very clear we are in a dramatically different situation. If I just may use this example, also: During the cold war, when you exclude Vietnam and Korea and the Reagan years, we spent an average—if I may have attention again, Mr. President, because I know my colleagues from Alabama and Texas and Indiana will want to hear this——

During the cold war, when you exclude those areas, Korea, Vietnam, and the early Reagan years, we spent an average of $235 billion a year on defense in 1991 dollars. Now we are spending $290 billion a year. That just does not make sense, particularly with the kind of threat we face.

So this very modest amendment takes a small step in the right direction. It says, let us reduce budget authority by 2 percent, and let us reduce the outlay by a little less than 1 percent. My hope is that my colleagues will see the wisdom of adopting this and will accept the amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico has 5 minutes; the Senator from Illinois 2 minutes.

Mr. DOMENICI. Mr. President, may I ask the Senator from Illinois, this is the 2-percent cut?

Mr. SIMON. That is correct.

Mr. DOMENICI. Might I ask him, does he intend to have a vote on that?

Mr. SIMON. I ask for the yeas and nays right now.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, the Senate a few minutes ago voted overwhelmingly to deny Senator BRADLEY the exact same defense cut. Defense will suffer exactly the same 2-percent cut; that is, $5.9, almost $6 billion, in budget authority less than is in the resolution for 1992. The only difference here is the Senator from Illinois takes that money and reduces the deficit. Senator BRADLEY had put part of it, half, in domestic spending and half in the deficit. All the arguments that were made about defense spending apply equally to this amendment as to the one before.

I do not need any additional time. I believe the Senate will continue to hold up the validity of the 5-year agreement and say to the Defense Department, and to those who are planning, if you can save $177 billion, you are ordered to do so, such that we prepare ourselves adequately and get the very best deal for the taxpayers, we want you to do that.

This 2 percent will put them on another up and down track so that, once again, we do not know where we are going. We ought not to do that.

Mr. SASSER. Mr. President, as much as it pains me to disagree with the distinguished ranking member, it is my view that the Simon amendment differs markedly from the Bradley amendment that was defeated just a short time ago.

The Bradley amendment would have done violence to the Budget Summit Agreement enacted into law last year. My objection to the Bradley amendment was not that it reduced defense spending, and was not that it took that defense spending and put it into domestic discretionary spending. My objection was not that the Bradley amendment portion of the funds taken from defense were then used to reduce the deficit.

My objection was that it violated the Budget Summit Agreement entered into last year. If we had adopted the Bradley amendment, we might very well have started going down the road and set the precedent of breaking out of the spending caps that we had prescribed, because it would have done just that. It would have burst the spending cap for domestic discretionary spending.

Conversely, the amendment offered by the distinguished Senator from Illinois conforms to the Budget Summit Agreement. I think my distinguished friend from New Mexico might have inadvertently misspoken himself when he indicated that it would breach the Budget Summit Agreement. It was specifically in the agreement that we could lower defense spending below the caps, if we wished to do so, by 51 votes. It was agreed that we could lower domestic discretionary spending, if we agreed to do so, by 51 votes. It was agreed that we could lower international spending, if we wished to do so, by 51 votes. What was prohibited was raising spending in either of those three categories to the point that it exceeded the caps.

So the thrust of the Budget Summit Agreement was to allow us to reduce spending as much as we wished in all three categories. It simply said we could not raise spending to the point that we exceeded the caps in those three categories.

My distinguished friend from Illinois is simply seeking to save money, to reduce the deficit—all in the defense spending category and pursuant to the Budget Summit Agreement itself. So I would not want my colleagues to feel that if they support the initiative of the Senator from Illinois, they would be violating the Budget Summit Agreement adopted last year.

Mr. President, I yield a minute to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois has 2 minutes remaining. The time used by the Senator from Tennessee was charged to the resolution.

AMENDMENT NO. 82, AS MODIFIED

Mr. SIMON. Mr. President, I ask unanimous consent to make a technical correction of a typographical error at one point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I agree with Senator SASSER, and I applaud his remarks.

I ask unanimous consent to have a statement by the National Taxpayer's Union in support of my amendment printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,
Washington, DC, April 25, 1991.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: The National Taxpayers Union supports prudent reductions of our defense budget that will not undermine our legitimate national security needs. Your proposed amendment providing for a 2 percent reduction is certainly consistent with this approach, and we recommend its adoption by the Senate.

In your "Dear Colleague" letter, you have identified a proposal that the National Taxpayers Union has long advocated: Increased burden sharing by our allies, especially in Europe. While your amendment does not specifically recommend this, or any other means to achieve your proposed reduction, we do believe the Defense Department—and other Federal agencies—can absorb further reductions in spending.

With a record Federal deficit, it is imperative that Congress identify all opportunities for reducing spending. We strongly opposed last year's so-called budget deal, in part because of the enormous spending increases which it contemplated. The Senate should use the pending budget resolution to hold the line on all Federal spending.

Sincerely,

JAMES D. DAVIDSON,
Chairman.

The PRESIDING OFFICER. Did the Senator send the technical correction to the desk?

Mr. SIMON. It is on its way, Mr. President.

The amendment, as modified, is as follows:

DEFICITS

On page 4, line 7, decrease the figure by $2,700,000,000.

On page 4, line 8, decrease the figure by $4,400,000,000.

On page 4, line 9, decrease the figure by $5,200,000,000.

On page 4, line 10, decrease the figure by $5,500,000,000.

On page 4, line 11, decrease the figure by $13,900,000,000.

NATIONAL DEFENSE

On page 7, line 13, decrease the figure by $5,900,000,000.

On page 7, line 14, decrease the figure by $2,700,000,000.

On page 7, line 21, decrease the figure by $6,000,000,000.

On page 7, line 23, decrease the figure by $4,400,000,000.

On page 8, line 6, decrease the figure by $5,900,000,000.

On page 8, line 8, decrease the figure by $5,200,000,000.

On page 8, line 15, decrease the figure by $6,000,000,000.

On page 8, line 17, decrease the figure by $5,500,000,000.

On page 8, line 25, decrease the figure by $8,900,000,000.

On page 9, line 1, decrease the figure by $13,900,000,000.

The PRESIDING OFFICER. Who yields time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield myself 30 seconds, and then I will yield to Senator WARNER.

Mr. President, let me say that I do not agree with my friend, the chairman, at all. The Senator from New Mexico says if you cut defense $6 billion more than the economic summit agreed to—that is, the President and Congress—you have changed the summit agreement regarding defense. That is what I call breaking the summit agreement. So I stand by my statement.

This does not violate any procedures. If you want to reduce any of them, you can. But we will still be changing what we agreed to if we reduce defense $6 billion more in the first year.

I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I thank the ranking member of the Budget Committee. I have been privileged to have the opportunity to join in this colloquy and debate regarding the defense cut. The chairman of the Armed Services Committee, Senator NUNN, and I are now in the process, ironically, of conducting a hearing on this year's defense budget, and our principal witness is the head of the GAO, Mr. Bowsher.

Senator NUNN and I agreed that I would come over. He is in opposition to the amendment by the Senator from Illinois, but I think I can speak and indicate the sentiment of both the chairman and myself.

Mr. President, the Armed Services Committee has the responsibility to assess, each year, the threat as posed to our Nation, and to our allies, and to extrapolate this threat into the defense budget as it relates to the budget forwarded by the President. We are now, basically, a third of the way along in the series of hearings that we conduct annually to assess the threat, to establish what portions of the President's budget, in our judgment, have the higher priority, and should be addressed.

Subsequently, the committee would authorize and therefore submit to the appropriations process those authorizations that we deem appropriate. And at this point, to come along with just an across-the-board cut we think is not a wise nor prudent move.

Just this morning, I joined a number of others in a bipartisan meeting with the National Security Adviser to the President, General Scowcroft, and we were having a general discussion on the overall threat posed to the United States, taking each of the major geographic areas of the world. And we addressed, in specific, the Soviet Union. We all recognize the turbulence now in that nation. They are in the grip of an economic revolution, a political revolution, a stress between the central government and the republics, a tug of war; and at this time, for the United

States to begin to build down, as such, or lessen its defenses, could have not only drastic results to us, but to other areas of the world that are faced with the Soviet threat.

So I ask my distinguished colleague from Illinois to reply to this question on my time: Has he made an analysis of this threat to underpin his thesis that now is the time to reduce the defense budget?

Mr. SIMON. Mr. President, I would be pleased to yield to respond to my colleague. The reality is—and I said this before the Senator came over here—that when the threat from the Soviet Union was a very real threat, when you exclude Vietnam and Korea and take out the Reagan years, during the height of the cold war, we spent an average of $235 billion on defense, in 1991 dollars. Now the cold war is over, and we are spending $298 billion on defense.

Mr. WARNER. Mr. President, if the Senator will yield, are those constant dollars, or does the Senator build in inflation?

Mr. SIMON. Adjusted dollars. I think we have to ask ouselves what is the great threat to our country today? Is it from an arms attack, or is it a weakening economy? And I think a logical answer has to be that the great threat today is a weakening economy.

I am not suggesting anything drastic. It is a cut of less than 1 percent in outlays. Nobody can say that is very drastic but at least a $2.7 billion reduction in outlays is at least a small, small step in the direction this Nation has to go.

Mr. WARNER. Mr. President, I see others anxious to address this point. I would simply say to my friend that in the words of the National Security Adviser this morning it is far more difficult to predict today the moves within the power structure of the Soviet Union than it was, say, 8 years ago in 1983 when he, General Scowcroft, issued the famous Scowcroft report on our long-term strategic posture. This country in my judgment, speaking only for myself, is on the brink of reopening the window of vulnerability certainly as it relates to our ground-based strategic systems.

Therefore, I suggest that the appropriate time to consider an amendment of this type would be after the work performed by the Armed Services Committee which it was said earlier was about one-third of the way along in extrapolating from the threat as we perceive it the necessary budgetary items.

I yield the floor.

The PRESIDING OFFICER. All time has expired on this.

The Chair revises that there are 15 seconds remaining to the Senator from Illinois and 1 minute and 54 seconds to those opposing the amendment.

Who yields time?

Mr. DOMENICI. Mr. President, I yield the Senator 1 minute off the resolution in opposition.

Mr. NUNN. Mr. President, I agree with those who oppose the amendment. I know the Senator from Virginia has just given a number of reasons. I know the Senator from New Mexico has given a number of reasons.

I would like to just say to my colleagues that defense cuts already contributed in terms of the budget agreement that we passed last year and we are implementing now 40 percent of the total in terms of the cuts that have been made. Of the total package of approximately $500 billion defense contributes about 40 percent of that. Under the agreement, defense spending will be held to the lowest level of the gross national product in over a half century, and that will happen by the end of the 5-year period if we stay on the track we are on now.

I also would say that it is apparent that if we have completed the end of the 5 years the track we are on now we will have lowered defense spending in real terms every year for 12 straight years by the end of this 5-year period. If anyone wants to open up the whole budget agreement and readdress everything including domestic, including entitlements, including taxes then I think defense would be willing to open that back up, at least many of us would be. But to break the agreement based on one part of the package without the other I think would be very shortsighted.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, very briefly. First, as the chairman of the Senate Budget Committee has pointed out this does not violate the agreement. Second, my good friend from Georgia, for whom I have the greatest respect, yesterday voted for an amendment that would have cut $2 billion in outlays on defense. This cuts $2.7 billion. So it is not much greater than the amendment.

Mr. NUNN. What did the other part of the amendment do? It addresses the other parts across the board.

Mr. SIMON. No question about it.

Mr. NUNN. That is a different situation and different framework.

The PRESIDING OFFICER. All time has expired.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 1 minute to Senator COHEN from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mr. COHEN. Mr. President, I rise in opposition to this 2-percent solution to our budget. It seems to me that we are a little bit in the Alice-in-Wonderland category. We have the verdict first and the trial later. Here we are pronouncing a verdict we can live with this 2-percent reduction in defense at a time when we are going through base closures on which we have yet to make any final decisions; we are watching continued aggressive strategic modernization in the Soviet Union; we are being called upon to build a new tactical Air Force fighter jet, and we do not seem to have enough money for it; and now Senators come along saying take 2 percent; it is not that much without the benefit of hearings to judge whether those funds are necessary or not.

I think we ought to be doing the reverse. Let us have the trial first and verdict later. We ought to postpone any judgment on this as to whether to cut it further or not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I yield 30 seconds off the resolution.

Mr. EXON. Mr. President, I join my colleagues in opposition to the amendment sponsored by the Senator from Illinois. The Armed Services Committee has been going through a painful process, well thought through and defined, in keeping with the budget agreement to reduce expenditures for national defense.

All is not well and the threat from the Soviet Union still exists. There is only one nation in the world today that possesses a real threat to the United States of America still, and they are modernizing their ICBM forces very directly.

I ask that we vote down the amendment offered by the Senator from Illinois as inappropriate.

The PRESIDING OFFICER. The Senator from Illinois seeks the floor.

Mr. SIMON. Mr. President, I ask Senator SASSER to yield me 30 seconds.

Mr. SASSER. Mr. President, I yield the distinguished Senator 30 seconds, even a minute if he wishes.

Mr. SIMON. I will just take 30 seconds.

Mr. President, ask anyone who takes a serious look at our country what the great threat is. It is to our economy. Not just the experts, ask people in the gallery, ask the people back in Nevada, in Virginia, anywhere. The great threat is this deficit we are not dealing with. This is a small chance to deal with it, Mr. President.

Mr. DURENBERGER. Mr. President, I rise to oppose the amendment by the Senator from Illinois to reduce the defense budget by another 2 percent. As my colleagues and constituents are well aware, I support a prudent, responsible reduction in our defense spending and a drawdown of our forces. And I believe that the budget proposed by President Bush and Secretary Cheney is in fact responsible and prudent.

In real, inflation-adjusted dollars, the administration's budget represents a decline of 1 percent compared to fiscal year 1991; a decline of 11.2 percent compared to fiscal year 1990; and a decline of 22.7 percent compared to fiscal year 1985, the peak year of the 1980's defense buildup.

Further reducing the budget by another 2 percent, or even the 1 percent that the Senator from Illinois has also suggested, risks gutting our force structures and capabilities at a time when we still face threats around the world.

It has been suggested by proponents of this amendment that the United States does not face any threats any more. The cold war has ended. The Soviets are in retreat in Europe and at home. Democracy is on the march around the world.

Mr. President, the cold war may be over, but U.S. forces remain in the Persian Gulf region. The war against Iraq has not been over for 2 months, and already some of us have forgotten that United States interests are still threatened in different parts of the world, and that we must maintain a strong, robust defense capability to protect those interests.

The Secretary of Defense and Chairman of the Joint Chiefs of Staff have testified before Congress that the United States can adequately and securely meet its defense requirements within the parameters set by the budget agreement. I agree with the Secretary and Chairman, and I support the administration's defense budget proposal.

Mr. President, interestingly enough, however, in congressional testimony, both the Secretary and Chairman raised the very real possibility that our security needs might actually increase in the coming years, and not decrease, as we all hope. Given the experience in the gulf, this seems to be a plausible suggestion.

Although we can meet our needs as now projected, the Secretary and Chairman emphasized that the United States must be prepared to reevaluate our security requirements in the future and make appropriate adjustments if necessary. The administration has not indicated in any way that it will seek adjustments, only that adjustments might be required in the future. I believe this is a very prudent, responsible, and realistic approach to take.

Funding for U.S. defense requirements has to be based on our potential adversaries' capabilities as well as overall political conditions. Our security requirements will no doubt change, and we will modify our forces accordingly, but the reality of today's world is that very real threats to our interests remain.

Further reductions in the defense budget at this time will not help secure this Nation's future. We're reducing the defense budget steadily and responsibly. Should we debate the specific programs and priorities within the overall limits? Absolutely. We must maximize every defense dollar we spend to ensure that we maintain a defense posture that can adequately address potential threats. But wholesale additional cuts in defense spending cannot conceivably serve the interests of peace and stability.

Mr. President, I urge my colleagues to defeat this amendment. I have great confidence in the ability of President Bush, Secretary Cheney, and Chairman Powell to lead this country safely and securely through an uncertain world. Let us not pull the rug out from under them. Thank you. I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Illinois. On this question, the yeas have been ordered, and the clerk will call the roll.

The legisltive clerk called the roll.

Mr. Ford. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. LUGAR], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 70, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—25

Adams
Baucus
Biden
Bradley
Burdick
Byrd
Conrad
Cranston
Daschle
Grassley
Harkin
Hatfield
Jeffords
Kennedy
Kohl
Leahy
Metzenbaum
Mitchell
Pell
Riegle
Rockefeller
Sasser
Simon
Wellstone
Wirth

NAYS—70

Akaka
Bentsen
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Hatch
Heflin
Helms
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kerrey
Kerry
Lautenberg
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Rudman
Sanford
Sarbanes
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Warner

NOT VOTING—4

Garn
Lugar
Pryor
Wallop

So, the amendment (No. 82) was rejected.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized to offer another amendment with 10 minutes equally divided.

Mr. SASSER. May we have order, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 84

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 84.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

DEFICITS

On page 4, line 7, decrease the figure by $1,300,000,000.

On page 4, line 8, decrease the figure by $2,200,000,000.

On page 4, line 9, decrease the figure by $2,600,000,000.

On page 4, line 10, decrease the figure by $2,700,000,000.

On page 4, line 11, decrease the figure by $11,000,000,000.

NATIONAL DEFENSE

On page 7, line 13, decrease the figure by $2,900,000,000.

On page 7, line 14, decrease the figure by $1,300,000,000.

On page 7, line 21, decrease the figure by $3,000,000,000.

On page 7, line 23, decrease the figure by $2,200,000,000.

On page 8, line 6, decrease the figure by $2,900,000,000.

On page 8, line 8, decrease the figure by $2,600,000,000.

On page 8, line 15, decrease the figure by $3,000,000,000.

On page 8, line 17, decrease the figure by $2,700,000,000.

On page 8, line 25, decrease the figure by $5,900,000,000.

On page 9, line 1, decrease the figure by $11,000,000,000.

Mr. SIMON. Mr. President, I was just asked by the ranking member on the Budget Committee if I wanted a vote. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Mr. President, I think we have to determine whether we are going to go on record being willing to do anything about defense expenditures. I recognize the mood, because of the Middle East situation, is favorable to defense. And there is no question, our Armed Forces performed superbly. Those of us who had a chance to work with General Schwarzkopf and General Powell and the others have been favorably impressed. But most of the big ticket items in the defense budget are not things that could be used in the Middle East.

The Presiding Officer and a lot of the Members here will remember we, for 12 or 14 years, have been debating the B–1 bomber, for example. How many B–1 bombers were used in the Middle East? Not a single one, because it was useless in that kind of situation. The same can be said for star wars and the MX missile and a lot of other big ticket items.

This amendment is a very simple one. It reduces outlays by less than 1 percent—less than one-half of 1 percent, actually; it reduces budget authority by less than 1 percent. It is really a test of whether we are willing to do anything in the way of these astronomical costs in the field of defense expenditure.

I think we have to use a little common sense in this field, and I ask my colleagues again: What is the great threat to the future of this country? It is what is happening to the economy. I want a strong defense; I want a flexible defense. This does not impair that one iota.

I hope my colleagues will vote favorably, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself 1 minute, and then we hopefully will vote.

Mr. President, I think it is unfair to the Senate and to those who are listening to say we will not do anything unless we cut another 1 percent off defense, having already agreed to cut $177 billion off defense in the economic summit, which is encapsulated in this budget.

As Senator NUNN, the chairman of the Committee on Armed Servcies, said, 40 percent of the deficit reduction we were able to accomplish all comes out of defense. So we go off and we cut it, and then someone can come to the floor and say we have done nothing.

We already know about the base closure difficulties, the reduction in manpower difficulties. Those are all because we have already cut. So I think we are at about the right level, and I hope the Senate again denies this amendment's validity in not cutting defense more than we already have agreed.

It seems to me enough is enough. We ought to wait and see how the world looks. We have a $177 billion cut already before us.

I yield back my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I just point out once again, the National Taxpayers Unions have endorsed this amendment. I think it makes sense by any kind of measure, whether it is security, budget, whatever it is. I yield back the remainder of my time.

Mr. LEVIN. Mr. President, I will vote for the Simon amendment for a 1-percent cut in the defense spending because that significant deficit reduction will require some cut in defense spending. The level of that cut should take into account the fact that some long-term defense cuts like closing military bases will require costs up front. Deeper cuts in defense spending consistent with meeting the defense of our Nation will be needed as part of a comprehensive deficit reduction approach covering all categories of spending and including selected revenue increases.

The PRESIDING OFFICER. All time has been yielded back.

The question now is on agreeing to the Simon amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

I further announce that, if present and voting, the Senator from Vermont [Mr. LEAHY] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. LUGAR], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 64, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—30

Adams
Baucus
Biden
Bradley
Brown
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Grassley
Harkin
Hatfield
Jeffords
Kennedy
Kohl
Lautenberg
Levin
Metzenbaum
Mitchell
Pell
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Simon
Wellstone
Wirth

NAYS—64

Akaka
Bentsen
Bingaman
Bond
Boren
Breaux
Bryan
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Hatch
Heflin
Helms
Hollings
Inouye
Johnston
Kassebaum
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Craig
Kasten
Kerrey
Kerry
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Reid
Robb
Rudman
Sanford
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Warner

NOT VOTING—5

Garn
Leahy
Lugar
Pryor
Wallop

So the amendment (No. 84) was rejected.

Mr. DOMENICI. I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 76

Mr. SASSER. Mr. President, I might inquire of the Chair if the Brown honey amendment is not the pending business?

The PRESIDING OFFICER (Mr. SIMON). That is the pending business.

Mr. SASSER. How much time is remaining on that amendment, Mr. President?

The PRESIDING OFFICER. The Senator from Tennessee has 29 minutes in opposition. The Senator from Colorado has yielded his time, but he may reclaim most of that.

Mr. SASSER. As I understand it, the Senator from Colorado [Mr. BROWN] has used all of his time as a proponent of the amendment?

The PRESIDING OFFICER. He used some of his time and yielded back the remainder. What has been yielded can be reclaimed.

Mr. SASSER. Can be reclaimed?

The PRESIDING OFFICER. That is correct.

Mr. SASSER. What has been yielded by the Senator from Colorado can be reclaimed. So, in other words, the Senator from Colorado is willing to yield back all of his time but will reclaim a portion of it should he exercise that option later?

The PRESIDING OFFICER. That is up to the Senator from Colorado.

Mr. SASSER. Mr. President, it is my understanding that the Senator from North Dakota wants to be recognized to speak for a time up to 10 minutes in opposition to the Brown amendment.

The PRESIDING OFFICER. Does the Senator from Tennessee yield 10 minutes to the Senator?

Mr. SASSER. I will yield 10 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

Mr. CONRAD. I thank the chairman and thank the Chair as well. Might I inquire, how much time did the Senator from Colorado consume as a proponent of the amendment?

The PRESIDING OFFICER. The Senator from Colorado consumed 23 minutes.

Mr. CONRAD. I thank the Chair. I will be brief.

If I might ask the Senator from Tennessee, the chairman of the committee, does the amendment of the Senator from Colorado suggest that his proposed cut will eliminate the honey program? Is the Senator from Colorado correct that his amendment will accomplish that purpose?

Mr. SASSER. Under the rules that govern the Budget Act and budget procedure, the Brown amendment would simply cut the total spending function for agriculture. As to what program would be cut with regard to the spending programs under the jurisdiction of the committee on agriculture would be determined by that committee is my understanding.

Mr. CONRAD. I thank the chairman. I would suggest that the amendment of the Senator from Colorado will not simply eliminate the honey program. The amendment of the Senator from Colorado will reduce the agriculture function. This amendment will require another $164 million in reductions to agriculture programs.

Mr. President, I hope my colleagues will resist this amendment. Agriculture was cut 26 percent during the last summit agreement, 10 times as much as any other function. This cannot be allowed to continue. The amendment of the Senator from Colorado, which purports to cut the honey program, might in fact cut wheat, might cut cotton, might cut rice, might cut corn, might cut any of our agriculture programs.

It does not cut the honey program. It cuts agriculture. Agriculture has already been cut and cut deeply.

Mr. President, let me relate what this amendment could mean for my own State. A chief economist at North Dakota State University has informed me that 35 percent of the farmers of my State will not cashflow this year. When we adjust for inflation, we learn that wheat is at its lowest price since we started keeping records. There is a crisis in the heartland of this country. The amendment of the Senator from Colorado will make that crisis worse.

Economists estimate that net farm income is going to be down 18 percent this year in this country. Are we going to reduce it even more on the floor of the Senate this afternoon? I hope not.

Mr. President, in the first place, this amendment does not do what it purports to do. Second, the amendment cuts agriculture programs severely. Even if it were to cut only the program that the Senator from Colorado suggests should be cut, the amendment would be wrong. If there is any part of the budget that pays for itself over and over again, it is the honey program. Is that according to the Senator from North Dakota who has the biggest honey State in the Nation? No. This fact comes to us from USDA.

In a publication USDA prepared for the Senate Agriculture Committee during the 1990 farm bill, we learn that pollination services come primarily from bees. In addition, the bees that pollinate over 40 crops in this country come from hives belonging to this nation's honey producers. The USDA estimates that the value of the increased yield that is due to pollination services was about $9.3 billion in 1985. The value attributable to honeybee pollination of those crops for which a rental fee was collected was about $3.2 billion. Obviously, bees and the honey program provide an extraordinary benefit to all of agriculture.

Mr. President, this is not the time to argue the honey program because the amendment of the Senator from Colorado does not do what he says it will do. It does not touch the honey program. It simply cuts the agriculture function which has already been cut too much.

Mr. President, I am hopeful that today we will reject the amendment of the Senator from Colorado, and at the appropriate time I will move to table it. If the Senator from Colorado is willing, and if the chairman is willing to yield time, I would be happy to make that motion at this time.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I reclaim my time, and at this time I yield 5 minutes to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to commend the junior Senator from Colorado for undertaking this amendment here this afternoon. It is a cause that I have been interested in for many years and, indeed, the original proponent of the honey amendment, that is getting rid of the subsidy on honey, was our distinguished Vice President of the United States when he was the Senator from Indiana. And he prevailed on the floor of this Senate. We eliminated the price subsidies for honey under the Quayle amendment back in probably 1986 or 1987.

Unfortunately, the farm bill then went to conference, where the House conferees insisted on the rejection of the elimination of the price supports for honey.

Then when the Senator from Indiana moved on to Vice President, I took up the cudgels for this, and we prevailed twice on the floor, to the best of my memory. Certainly, a little over a year ago on the floor of the Senate we prevailed in eliminating the price supports for honey.

The argument for these will be forcefully presented by the distinguished junior Senator from Colorado. All I want to say is that I think he is right on target. We have known from the history of these price supports on honey, they all go to a very few rich honey producers. It is not the person that has a few bees, a few hives, that benefits.

So, first of all, it is a subsidy for the rich. Indeed, it has prompted a distortion of the honey sales in the United States. The price support is so high for honey that the flood of imports is coming into the United States to reach the market level. So we have an incongruous situation, the U.S. Government buying honey, preserving it, keeping the price high for the price supports, and meanwhile a flood of imports to take care of the normal purchaser who wants to buy some honey.

There is one other point. Some will say that it is essential to have these price supports so we can have bees for pollination. That is nonsense. That argument holds no water whatsoever. The pollination is done by those who transport bees around and has nothing to do with those who benefit from the price supports on honey. So I congratulate our distinguished colleague and urge him on to success. Thank you.

Mr. BROWN. I thank the distinguished Senator from Rhode Island.

Mr. President, I want to add a few remarks to close out the debate. It has been suggested by some of the opponents to this amendment that the language on the budget resolution is not controlling, that it does not force the Agriculture Committee to do away with the honey program. In that context, they are absolutely right. That is my understanding.

This is offered with a clear intent to eliminate the honey program. That is stated, and I think that will be clear to the Agriculture Committee. It eliminates the amount of money. But their contention that it is not forcing this is true. The Agriculture Committee retains discretion in that area.

It has been suggested by some that the passage of this amendment will indeed make pollinating a lost art in the United States. As one of the few Members of the Senate that has earned his living in agriculture, let me assure the Members of this body that that is absolutely inaccurate. I am happy to stand here and suggest to our membership that bees will not lose interest in flowers should this amendment pass.

Mr. President, if we cannot eliminate the honey program, if we cannot say no to 5,500 beekeepers in this Nation, in one of the silliest programs ever thought up in this Nation or any nation at any time in the history of the world, if we cannot say no to that special interest, who can we say no to? We have a deficit of $371 billion, and we cannot say no to the beekeepers? I have more faith in this country and in this institution than that. Here is a chance to save some money, to reduce the deficit, and here is a chance to eliminate one program. Let us not let the opportunity pass to put our country on the right path.

I yield back the remainder of my time, Mr. President.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield time to the Senator from North Dakota?

Mr. SASSER. Mr. President, how much time does the Senator want?

Mr. CONRAD. One minute.

Mr. SASSER. I yield 1 minute.

Mr. CONRAD. Mr. President, the Senator from Rhode Island and the Senator from Colorado suggest that the honey program does not matter. They argue that pollination services are going to occur whether there is a program in place or not.

I chaired a hearing at which we heard from industry, academics, and producers who benefit from the pollination services. Witnesses at this hearing told us that if we did not have our honey program to provide the bees that supply much of the pollination in this country, we would have to create another program to accomplish this purpose.

I think we should understand that this is not a referendum on bees and the honey program. This is a question of cuts to agriculture programs. We must say no to the Senator from Colorado on this proposal.

Mr. SASSER. Mr. President, I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I just want to make clear what the amendment from the Senator from Colorado will do. It has nothing to do with the honey program.

The amendment would simply direct the Agriculture Committee to find savings within the Agriculture function of the budget. That could mean cuts in wheat, it could mean corn, it could mean tobacco, it could mean cotton or rice, it could even mean dairy.

The response could be, OK, so it is not honey, let us just cut agricultural programs more.

Before we agree to that, let us go back and review what has happened to commodity program spending in past reconciliations.

In last year's reconciliation alone, we cut $13.3 billion from commodity program spending in fiscal years 1991 through 1995. If one looks at reconciliations in the past, the committee cut $4.1 billion in the 1987 and 1989 reconciliation acts.

In fact, Mr. President, no other budget function has taken as large a percentage cut as agriculture. And yet in spite of that, we continue to face this kind of amendment. This amendment is simply unfair to all American farmers.

Furthermore, if this amendment goes through, the Agriculture Committee will be precluded from taking any spending action without facing a 60-vote point of order on the floor.

The Budget Committee chairman and the Senator from South Dakota spoke about this earlier, but I think it is important that we reiterate.

A 60-vote point of order would apply to a technical corrections bill for the farm bill.

The same would apply to legislation to expand credit guarantees to the Soviet Union.

The same point of order would apply to any spending action taken by the committee.

I do not see this type of amendment being discussed for any other committee. Is the Senator from Colorado prepared to offer a similar amendment for the Veterans' Affairs Committee? For the Judiciary? For Labor?

Mr. President, I will vote against this amendment and urge all of my colleagues to do the same.

Mr. SASSER. Mr. President, I thank the distinguished chairman of the Committee on Agriculture for his brevity this afternoon. He has earned the gratitude of a number of his colleagues.

Mr. PRESSLER. Mr. President, the USDA honey program is very important to my home State of South Dakota, one of the top five honey-producing States in the Nation.

The cost of the honey program is small compared to the benefits received from the beekeeping industry. These benefits include an estimated value for the pollination done by domestic bees of more than $9 billion. Domestic bees play a key role in the fight against the Africanized bees that are making dangerous inroads into this country because the Africanized bees do not flourish in areas already inhabited by domestic bees.

Elimination of the USDA honey program certainly would result in a dramatic reduction in the number of U.S. beekeeping operations. They could not survive economically without the honey program. If that happens we will lose billions of dollars' worth of bee pollination. Also, the cost of an eradication program to fight the Africanized bees certainly would cost far more than the honey program in its current form.

Mr. President, a balanced budget is very important to me. We must cut Federal spending. However, we must be careful to avoid making the mistake of eliminating essential programs. Elimination of the honey program could save a few million dollars right now but ultimately would cost billions of dollars in the future.

I strongly urge my colleagues to oppose this amendment.

Mr. President, I ask unanimous consent that an article stating the seriousness of the killer bee problem from the Wednesday, April 24, 1991, Washington Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEANER THAN HORNETS, "KILLER BEES" HIT TEXAS

(By Hugh Aynesworth)

DALLAS.—The "killer bees" have finally made it to Texas, but it'll be years before people in the Northeast have to worry. Maybe.

They've been labeled "killer bees" because there have been several deaths attributed to the swarmin' varmints since they started working their way north out of Brazil in the late 1950s.

Some claim reports from most of South and Central America are unreliable. But everyone seems to agree that this new strain is meaner and 10 times more aggressive than the "European" bees we're used to in this country.

Their sting is no more dangerous. But the big fear is that if the nasty newcomers replace the more docile bees that are moved around to pollinate crops, the result will be frenzied activity when beekeepers trundle their hives from county to county and state to state.

The government is working with the state of Texas, county agriculture experts and top entomologists from several universities to try to determine just how heavy the influx is and what to expect in the summer months.

Over the past two years, a joint U.S.-Mexico program has wiped out at least 60,000 swarms—but they still keep coming.

The advent of the "killer bees" has been a topic of discussion and even humor for almost a decade, but the first swarm identified absolutely was found last October in Hidalgo, Texas. Since then, three more such colonies have been located and killed in Alamo, Brownsville and Roma—all in the lower Rio Grande Valley, close to the border.

The dead bees are sent to the Animal and Plant Health Information Service's Bee Research Lab in Beltsville, Md., for positive identification.

Entomologist John Thomas of Texas A&M says the newcomers are like wild animals. "The Africanized bee" he said, "exhibits the traits one would expect to find in a wild animal that has had to survive the predations of man and animals for thousands of years. They're mean as hell."

But while the threat to people is not as wild as the tabloids would have one believe, the danger to agriculture is, experts claim. They point out that bees pollinate more than $10 billion worth of U.S. crops each year, including apples, berries and melons—anything with nectar involved.

With more than 240 commercial beekeepers in Texas, there are more than 100,000 hives moved around each year as the crops blossom.

"They just hate to be moved," said Anita Collins of the U.S. Department of Agriculture lab in Weslaco. "They won't tolerate being dragged around the countryside."

The "killer bees" originated about 35 years ago in Brazil when researchers tried to breed a honeybee more tolerant of the tropics. Several African queens were brought in to crossbreed with the slower, easygoing Brazilian bees.

The new breed didn't mind the heat, but they did mind being bothered. Where a couple of European bees might scramble to protect a hive, the crossbreeds would send out a whole squadron.

The Brazilian government informed the world scientific community when 26 colonies of the new breed escaped in 1957. Within a decade they had run wild over Brazil and neighboring countries, almost completely wiping out the European bees. As they multiplied rapidly, they swarmed farther from their origin—and headed north.

Some observers play down the "killer" label. But Darrell Lister, a beekeeper in Bellaire, Texas, near Houston, said he knows of 11 deaths in Costa Rica since 1985. Mr. Lister, who has tracked the bees throughout Central America, said the U.S. government isn't taking this nearly seriously enough.

"Until some politician's kid gets killed, we won't hear much about it," Mr. Lister said the other day.

But Fowden G. Maxwell, head of the entomology department at Texas A&M University, said steps are being taken to curb the migration.

Kim Kaplan, a spokeswoman for the Agriculture Research Service in Beltsville, said several hundred "traps" have been placed along the border.

She said a mosquito repellant called Deet is effective in slowing the bees, though it didn't seem to kill them. "And they have to be sprayed directly with it," she said. "Course, if they sprayed me in the face with repellant, I'd probably get out of there, too."

Mr. BAUCUS. Mr. President, I rise in strong opposition to the amendment offered by the distinguished Senator from Colorado.

Beekeeping is vital to American agriculture.

As we all know, bees are critical for the production of honey for human consumption. But what some of us may forget is that bees are also critical for pollinating important agricultural crops.

Nearly 150 domestic crops either require or benefit from bee pollination. These crops include oilseeds, fruits, vegetables and flowers. In addition, bees provide benefits for home gardens, orchards and other natural ecosystems.

Without the honey program these benefits would not be available to producers.

Beekeepers would simply not be able to afford to continue to raise bees.

Senators should also take note of a Cornell University study which was published a couple of years ago. The study estimated that honey bees add about $9.7 billion to the value of pollinated crops

At the same time, Mr. President, the total cost of the honey program to the Federal Government is only about $49 million. Therefore, the ratio of value added to cost is about 198 to 1.

I daresay that if the value of every Federal program were 198 times the cost, we would not have any economic problems.

Clearly, this is a program that works. It provides tremendous value to major sectors of our economy which could suffer substantial hardship without it.

Another important consideration in this debate is the positive impact the honey program has had on reducing the U.S. dependence on imported honey.

In 1985, before the current honey program was in place, the United States was forced to import about 54 percent of U.S. honey consumption. In 1989, that number decreased to 17 percent.

Again, the program is working and achieving the goals it was designed to achieve.

Finally, Mr. President, it makes little sense to me why the Senator from Colorado has chosen to reduce the deficit on the backs of the honey producers.

The fact of the matter is that the honey program has taken by far the largest share of cuts since 1985, on a percentage basis, than any other commodity program.

Specifically, the honey price support has declined 22 percent since 1985. This cut is compared to an average cut of about 10 percent for other major commodity programs.

Honey producers have paid their dues in budget reduction. They should not be forced to cut back any more.

In addition, since 1985, the cost of doing business has skyrocketed by about 25 percent.

Now, Mr. President, I think you will agree that very few business men or women can remain in business when their income declines by 22 percent and their costs increase by 25 percent over 5 years.

The fact of the matter is that honey producers are going broke.

Honey producers today are being driven out of existence.

In my home State of Montana, for example, honey production has fallen from 9.7 million pounds in 1987 to 6.3 million pounds in 1989—a decrease of about 35 percent.

I strongly urge my colleagues to oppose this amendment. If it is agreed to, many producers will be forced out of business and all benefits they provide will be lost.

Mr. KERRY. Mr. President, I am dismayed that the Senate must once again debate the honey subsidy program, when we have repeatedly voted to eliminate it. As we found out in last year's farm bill debate, only 2,100 of 200,000 beekeepers benefit from this program. They received about $185,000 each over the past 5 years. American taxpayers are tired of paying for programs that are no longer necessary and that benefit so few. We can no longer afford such a program, and I will once again cast my vote to eliminate it.

The opposition argues that the amendment could result in cuts in other programs. Although this is possible, I believe this amendment is clearly directed at the honey program and that is why I am voting against the motion to table.

Mr. DASCHLE. Mr. President, will the Senator from Tennessee yield?

Mr. SASSER. I yield.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I had the opportunity to speak this morning. I will not prolong the debate. The arguments on the part of the Senator from North Dakota in particular have been very persuasively made.

I move to table the amendment of the Senator from Colorado, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota to lay on the table the amendment of the Senator from Colorado.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. LUGAR], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. LAUTENBERG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 38, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—57

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Boren
Breaux
Bumpers
Burdick
Burns
Byrd
Cochran
Conrad
Craig
Cranston
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Gore
Graham
Gramm
Grassley
Harkin
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kerrey
Kohl
Leahy
Lott
Mack
Mikulski
Mitchell
Nunn
Pressler
Riegle
Robb
Rockefeller
Sanford
Sasser
Seymour
Shelby
Simon
Simpson
Symms
Thurmond
Warner
Wellstone

NAYS—38

Biden
Bradley
Brown
Bryan
Chafee
Coats
Cohen
D'Amato
Danforth
Dodd
Glenn
Gorton
Hatch
Hatfield
Helms
Hollings
Kasten
Kennedy
Kerry
Lautenberg
Levin
Lieberman
McCain
McConnell
Metzenbaum
Moynihan
Murkowski
Nickles
Packwood
Pell
Reid
Roth

Rudman Smith Stevens
Sarbanes Specter Wirth

NOT VOTING—4

Garn Pryor
Lugar Wallop

So, the motion to lay on the table the amendment (No. 76) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I ask unanimous consent that debate on the following amendments be limited to the following amounts of time: 1 hour on the Reid amendment, equally divided; 30 minutes on two Specter amendments, equally divided; 20 minutes on a Conrad sense-of-the-Congress resolution, equally divided.

To my knowledge, Mr. President, that constitutes the remaining business of the Senate this evening.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada.

Mr. REID. Mr. President, I reserve the right to object. On the unanimous-consent request the Senator has offered, if a second-degree amendment is offered, that would not be part of the hour time agreement; is that correct?

Mr. SASSER. That is correct.

Mr. REID. Fine. I have no objection.

The PRESIDING OFFICER. Without objection, therefore, the unanimous-consent request is agreed to.

Mr. SASSER. The unanimous-consent request is agreed to. To clarify the matter with the Senator from Nevada, in the event a second-degree amendment is forthcoming, time expended on that second-degree amendment would be in addition to the hour equally divided allocated to the amendment of the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 85

(Purpose: To provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in the years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of myself, Senator BRYAN, Senator SANFORD, Senator PRESSLER, and Senator KASTEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BRYAN, Mr. SANFORD, Mr. PRESSLER, and Mr. KASTEN, proposes an amendment numbered 85.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 5, decrease the figure by $3.5 billion.

On page 6, line 6, decrease the figure by $4.7 billion.

On page 6, line 7, decrease the figure by $4.6 billion.

On page 6, line 8, decrease the figure by $4.6 billion.

On page 6, line 9, decrease the figure by $4.6 billion.

On page 6, line 24, increase the figure by $3.5 billion.

On page 6, line 25, increase the figure by $4.7 billion.

On page 6, line 26, increase the figure by $4.6 billion.

On page 7, line 1, increase the figure by $4.6 billion.

On page 7, line 2, increase the figure by $4.6 billion.

Mr. REID. Mr. President, I want those Senators in this Chamber, those Senators in their offices watching, the legislative directors, and everyone in the United States, to understand that the time has arrived for a vote on the notch.

The thousands of letters everyone has received from all over the country that have been answered, "We will vote to elimiante the notch when there is an opportunity to vote," those town hall meetings people have attended where they said, "Yes, I know you are right, and I will vote your way when I have the opportunity"—everyone should understand, that opportunity is here and now, Thursday afternoon, April 25, 1991, at 10 minutes after 5 o'clock.

From now on, when people go home and appear before a town hall meeting or some other assembly, and they are asked, "What are you going to do about the notch," you are going to be able to say that you either support the unfairness or oppose the unfairness.

When your legislative aides answer the multitude of questions on this issue, this is now the time that they can put in the letter, "Yes, I voted to support a change in the notch provision. I voted to support the notch babies."

I rise today, Mr. President, to correct an injustice which plagues a special group of Amercians, those affected by the Social Security notch. The Social Security notch affects 10 million Americans born between the years 1917 and 1926.

These retirees receive less Social Security benefits than Americans born outside the notch years. Due to changes made in a number of periods, but principally in 1977, when there was a change in the Social Security formula.

Under the current formula, benefits for retirees born between 1917 and 1926 are as much as 20 percent lower than benefits received by those born before 1917.

Your mail, Mr. President, and the mail of Members seated in this Senate Chamber has told woeful tales. I am going to give two examples of this from the State of Nevada. One is from a man by the name of Jack Gibson, from Carson City, a former military man attached to the 2d Marine Division during the Second World War. He said:

> I saw action in the Pacific theater war. I am also a second-class citizen of the United States. That is because I was born in 1921. I became a working registrant of the Social Security system when it first started and have paid into it all my life except when I was in the Marine Corps. Yes, I am a notch baby, one of the forgotten citizens of this country, downgraded because I and thousands before me were born at the wrong time. Unfortunately, those born later or earlier have not had their Social Security payments docked due to legislation.

Edward Lillian, from a place called Thunder, NV, writes:

> By procrastinating about the repeal of this act, you and your peers are, in fact, making the decision to ignore and discriminate against us.

End of letter.

But these are only two of hundreds and hundreds of letters that I have received. These are only two of thousands and thousands, maybe millions of letters that have been received by U.S. Congressmen and women.

I have felt compelled over the years to speak about this issue and the hardship that it poses on millions of Americans. The notch issue has been debated, and debated, and debated over the last several years. Yet, the inequity has not been eliminated. Because of this, older Americans must scrimp to afford the most basic of necessities. These are hard-working Americans, Mr. President. We are talking about hard-working Americans, people who paid into the Social Security system year after year after year until they retired at age 65 hoping to reap the benefits of their hard work and their Social Security payments.

There is no doubt in my mind that Congress and the President had good intentions when it changed the Social Security benefits in 1977. Members of Congress and the President had attempted to institutionalize Social Security cost-of-living adjustments, which had previously been legislated inconsistently. Unfortunately, it soon became evident that the 1977 amendments were calculated incorrectly. In an attempt to write this formula, the Social Security notch was inadvertently born. Benefits were reduced by 10 to 20 percent for all Americans born between 1917 and 1926. These Americans, now known as notch babies, are not deserving of this treatment. These are the men and women who lived through the Great Depression. These are the men and women who fought in World War II, and, in spite of their great sacrifices to the country, they receive hundreds of dollars less in their Social Security checks than their friends and relatives who were lucky enough to be born during the right years.

My brief synopsis, Mr. President, of the notch history reveals perhaps well-meaning intentions on the part of the Congress and the President to protect America's seniors. We must take responsibility, though, without delay for the fact that today Congress' actions have been truly disastrous. And time is running out. I do not need to tell you and the other Members of the Senate that our notch babies are not getting any younger. As a matter of fact, I have had many in Nevada ask if we here in Congress are waiting for them to die so that we do not have to worry about correcting the notch injustice. Can you imagine public officials being thought of by our constituents to be waiting around for people to pass on so we do not have to, in effect, make the right choice? I think it is a sad day when the public has so little faith in Government.

The amendment that I have offered will pave the way for us to correct this inequity by making room for S. 567, the Social Security Notch Adjustment Act, in the budget resolution being debated today. The Social Security Notch Adjustment Act, for those who do not know, incorporates the best features of many proposals offered during the past Congresses to address the notch injustices. Other legislative proposals have incorporated into this a simple, uncomplicated act which will restore the fair and democratic treatment to millions of our older Americans. This act, S. 567, which I am very happy to be a cosponsor of, was initiated by Senator SANFORD and others.

The correction of the notch is simple. It creates a transition formula to restore benefits to persons born in the years that I have talked about, 1917 through 1926. That is it. That this proposal is affordable makes it an especially attractive feature. It makes but a small dent in the huge Social Security trust fund surplus. Remember, Mr. President, this is Social Security moneys that are in a trust fund. We have treated it as if it is a slush fund, but it is a trust fund. It is to be treated and distributed to people who pay into the system along with their employers, and the surplus has not been building up because these moneys have been used to offset the deficit. Surely, we can see fit to spend Social Security funds on the very people whose money was collected year-after-year-after-year to create these trust funds, moneys collected to provide financial security in retirement to men and women who diligently paid into the system during their working years, and, I might add, their employers also paid in.

What we need to do today is make space in the budget resolution for the passage of notch legislation. The amendment that is offered will increase Social Security spending while decreasing the Social Security reserve by the same amount. The Social Security trust fund has in it almost $230 billion and continues to grow at a rapid rate. By the year 2000, the Social Security trust fund will exceed $1.2 trillion. We can afford to spend $22 billion on those who contributed the money to make the reserve so large.

Legislation to correct the notch is the only responsible solution to this inequity. To permit continuation of this discrimination, this injustice, this unfairness is morally wrong. This bill will not bankrupt the Social Security system. It increases notch babies' Social Security checks by an estimated $37 to $114 a month. This does not sound like much money to most people, such as my well-paid colleagues, but to a senior who lives on a fixed income, it could be a small fortune. This small amount, a fortune to some, can mean the ability to put food on the table; it can mean the ability to purchase a vital prescription drug.

So I ask my colleagues: How long can we ignore the Jack Gibsons of Carson City, the Edward Lillians of Thunder, NV, and many others around this country and the need to do something to correct the injustice with which they are afflicted? It is time for Congress to return dollars to the hands of those who have earned them, Social Security beneficiaries. We should not squander these trust fund moneys. It is time for my fellow Senators to listen to the cries of the notch babies in their respective States. It is time to destroy the notch. For millions of America's senior citizens, this will be no less than miraculous. For the 102d Congress, this will be no less miraculous.

I yield to Senator PRESSLER for 3 minutes.

The PRESIDING OFFICER. The Senator from South Dakota has 3 minutes.

Mr. PRESSLER. Mr. President, I rise as a cosponsor in support of this amendment. I congratulate my colleague from the State of Nevada for his leadership on this issue.

Mr. President, for many years we have been talking about correcting the notch. My mother happens to be a notch baby, and every time I go home she asks me, "Have you done anything about the notch." I say "We are working on it," but we cannot seem to get the notch legislation reported out of the Finance Committee. We cannot seem to get it going.

Today we have a chance to make same progress on this important issue. I am going to support this amendment and I urge my colleagues to join me.

A lot of Americans do not know who notch babies are. They think perhaps they are infants, but they are people born between the years 1917 and 1926. Because of a change in the Social Security formula, they are not treated fairly. They are not getting as much in Social Security benefits as people born before them.

I think we should make some adjustment. Maybe we cannot adjust it to the full amount. Maybe we can do half, maybe we can do three-fourths, but we should do something for the millions of senior citizens who are in this category. Many of them are in a marginal income situation. Many of our people depend on Social Security because they fall into a category where they worked part time or where they went from job to job. They are not covered under any other retirement program. The notch babies are treated differently, and it is time that we make a change.

After years of talking about it, we should finally change the notch system. We should help those senior citizens who are notch babies. In practically every campaign in the country, every candidate promises to help the notch babies, but because of our procedures here it never happens. I think that this amendment is the first step in helping the notch babies. I support this amendment. I hope we carry through so when I go home and talk not only to my mother, but to my constitutuents, I can report that this Congress has finally done something on this issue.

We have been talking and talking about the notch baby legislation but we never see any action. I believe there are more Members of Congress who have cosponsored notch correction legislation than any other type of legislation. There is probably no candidate for Congress in the United States who does not advocate changing the notch system.

We should find a formula or method that fairly increases the level of Social Security benefits paid to the notch babies of America, our senior citizens. This is a good first step. I am proud to cosponsor this amendment. I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time does the Senator from Nevada have remaining?

The PRESIDING OFFICER. The Senator from Nevada has 16 minutes remaining.

Mr. DOMENICI. Senator SASSER has time in opposition?

The PRESIDING OFFICER. He does. He has the full 30 minutes.

Mr. DOMENICI. I suggest the absence of a quorum and suggest that it be taken off the bill, both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. REID). The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that I be allowed 5 minutes from the time allotted to the Senator from Tennessee.

The PRESIDING OFFICER. The Chair advises the Senator from Iowa, one of the managers has to yield time.

Mr. HARKIN. Mr. President, I ask unanimous consent I be allowed to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. The Senator's original request he be allowed to speak on the time of the Senator from Tennessee for 5 minutes is agreed to.

Mr. HARKIN. Mr. President, I rise to congratulate the Senator from Nevada for offering this amendment. I am pleased to join my colleagues, and especially the Senator from Nevada and others, in support of the amendment before us that would move us forward in our long effort to win passage of notch correction legislation.

I ask unanimous consent I also be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. The intent of this amendment is simply to allow for the will of the majority of the Members of this body to be able to decide for or against, finally, addressing the inequity known as the Social Security notch. The plan for which this amendment seeks fair treatment is a consensus plan which builds on the progress we made last year when, along with Senator SANFORD and others, I was able to get this important issue debated on the floor of the Senate for the first time. But at that time, because of procedural maneuvering on the underlying bill to which we were offering our notch correction amendment it was taken down on a procedural motion.

Mr. President, those who are caught in this notch deserve better, and now is the time for us to ensure they get it. Finding a solution to the Social Security notch problem has been a priority of mine for over 7 years. I have offered amendments, cosponsored and supported legislation, held hearings, testified at hearings, and spoken on many occasions. I can only tell you how frustrated I felt for 7 years in not being able to get a vote on this issue. And my frustration is shared by those affected by the notch. So I hope this Congress will finally bring justice to the millions of older Americans who are the victims of this inequity in our Social Security system.

As in the past, it will be a difficult task. The amendment we are now considering does not correct the notch but it moves us forward in deciding the fate of this important issue. I certainly urge all my colleagues to support the amendment offered by the distinguished Senator from Nevada.

I do not think we ought to let any reasonable opportunity go to correct this inequity in the Social Security system and to make it more fair. As I said, it has been very frustrating. In fact, just this morning a group of senior citizens was here from Iowa and asked me why we could not do something about the notch? I had a hard time explaining to them how, through procedural motions, we have never been able to bring it up for a vote. They said, this is a democracy, what do you mean? Bring it up. At least let us vote on it one way or the other. That has been my plea here, as I said, for 7 years. Let us vote on it. But, no, there has always been some procedural motion that knocks us out of the box.

So I think the amendment now before us will provide a window so we could, hopefully, sometime this year bring up for a vote this issue of correcting the notch. The money is in the Social Security system. It is there to fix it. It would make it more fair. If Senators do not want to vote for it, if they do not want to change it, that is fine. That is their privilege to vote that way. But at least allow us to have a vote on it up or down.

So again, Mr. President, this is an opportunity for us to open that window and I certainly urge all my colleagues to support the amendment of the Senator from Nevada.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Mr. President, I note the absence of a quorum under conditions that preceded my taking the floor and making this statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

Mr. SASSER. Mr. President, we are prepared to yield back all of our time.

• Mr. LUGAR. Mr. President, I rise today to express my support for efforts to correct the Social Security notch. I have been a long-time supporter of attempts to address this inequity.

In 1972, Congress began double indexing benefits for inflation. Left unchecked, this error would have eventually bankrupted the Social Security trust fund. Congress acted again in 1977 to ameliorate the situation, but did not take back the overindexed benefits from those who had already retired and begun relying on this higher income.

Congress gradually realigned the benefits paid to ease the transition. However, the transition formula did not change the fact that a person born in 1916 retiring in 1981 receives $762 a month while someone born a year later and retiring in 1982 receives $607 a month—$155 less.

Once again I have joined with Senator SANFORD in introducing legislation to correct this inequity. For the first time we have introduced a consensus bill with Representative ROYBAL. We have made significant progress—there are 184 cosponsors in the House and 21 cosponsors here in the Senate.

This legislation evens out the notch by making the necessary adjustment gradually, so as not to upset the stability of the trust fund. It calls for a phase-in of a stable level of Social Security benefits for individuals born between 1917 and 1926, thus targeting benefits to those who need them most.

This is an important step in the long history of the struggle to correct the notch. I am hopeful that the Senate will act favorably on this consensus approach.•

Mr. BRYAN. Mr. President, I join with my colleague from Nevada in supporting this amendment to correct the Social Security notch inequity. The Social Security notch is a mistake that must be corrected.

I am pleased to be an original cosponsor of S. 567, the Social Security Notch Adjustment Act of 1991 introduced by Senator TERRY SANFORD earlier this year. Reflecting the bipartisan efforts of Senate and House Members, the bill is sound, consensus legislation to solve the notch issue.

The notch issue affects nearly 10 million seniors born between 1917 and 1926. Because of the 1977 Social Security benefit changes, these seniors receive lower Social Security benefits than those born earlier. People should not receive lower Social Security benefits than other recipients, just because they were born in a different year.

Since coming to the Senate, I have supported correction of the notch inequity. I continue to believe that it is only just that senior citizens receive the benefits they were promised by the Social Security system.

Correction of the notch mistake is simply an issue of fairness. I urge my colleagues to join in supporting this amendment to resolve the notch inequity. The seniors of this country deserve no less.

Mr. CHAFEE. Mr. President, I would like to take a moment to discuss the amendment regarding the Social Security notch problem that was just approved by the Senate.

In 1977, Congress approved some needed changes to the Social Security laws to ensure the long-term stability of the Social Security trust fund. Although these changes were necessary to protect benefits, they also resulted in a transition formula that adversely affected Social Security notch recipients born between 1917 and 1926. These years have come to be known as the notch years. Individuals born between these years end up receiving lower benefits than other Social Security recipients, even if they had similar work histories.

I have long supported efforts to solve the notch problem. During the 100th and 101st Congresses, I cosponsored legislation to correct this inequity. Presently, I am a cosponsor of S. 567, the Social Security Notch Adjustment Act of 1991. This legislation fairly addresses the concerns of those affected by the notch and is a responsible solution to the notch problem. The amendment approved today lays the groundwork for further debate on this important legislation during consideration of the budget.

I am pleased that Members of the Senate realized this unfair treatment should not continue, and am hopeful that efforts to gain final approval of this legislation are successful.

Mr. REID. The Senator from Nevada will yield back his time.

Mr. SASSER. We will yield back all time in opposition.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 85) was agreed to.

Mr. SASSER. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, pursuant to the unanimous-consent order earlier entered, the next three amendments in order are a Specter amendment with 309 minutes equally divided, to be followed by a second Specter amendment with 30 minutes equally divided, to be followed by a 20-minute Conrad sense-of-the-Congress resolution.

They can be in any order. I see the Senator from North Dakota is on the floor. So in the interest of expediting matters, if he wishes to call up his resolution now, we can move forward.

AMENDMENT NO. 86

Mr. CONRAD. Mr. President, I thank the chairman and ranking member for the leadership they have shown in bringing this budget resolution to the floor. I thank them for the understanding of considering this amendment at this time.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 86.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Since the deficit has grown from $73 billion to $318 billion and the national debt has grown from $908 billion to $3.6 trillion between 1980 and 1991;

Since last year's budget summit agreement was intended to save $40 billion in fiscal year 1991 and nearly $500 billion over five years;

Since the national economy's growth rate in real terms declined by 1.6 percent in the fourth quarter of 1990 and the unemployment rate has increased 1.2 percent since last August;

Since CBO estimates that the changes in the economy and increased cost of the savings and loan bailout will enlarge the deficit by an additional $540 billion over the life of the budget agreement;

Since interest rates in Germany and Japan are holding steady or increasing, making it more difficult for the United States to lower its interest rates; and

Since further reductions in the deficit should be combined with policies to lower interest rates in order to foster stable and long term growth in the economy.

Declared it is the sense of the Congress that the Budget Committees in conjunction with the administration and the bipartisan leadership should explore and develop a comprehensive, multiyear plan for further reductions in the deficit that would be considered by Congress next year.

Mr. CONRAD. Mr. President, as we consider the budget for the United States for the next year, I find that we are almost in a surrealistic position. We are seeing the growth of the debt continue. We are seeing the debt grow in terms of a percentage of the GNP.

Only 1 year after we put in place a budget summit agreement that sought to reduce the budget deficits $500 billion over 5 years, we find the economics going bad; we find that the money required for the S&L bailout skyrocketing, and as a result much of the good that was done last year being eroded.

It strikes me, after all of us understood the emergency last year to be moving to bring the deficits under control to strengthen this country, to prevent the continued erosion of the economic strength of our Nation, so much of the advance that was made has been lost. Yet, as we come to the floor addressing the budget resolution this year, there is almost no stomach for revisiting the issue and attempting to bring further deficit reduction. Obviously, that is made more difficult by the fact we are in a recession, and anything we would do by way of further budget cuts or further revenue would perhaps make the recession worse. All of us are sensitive to that.

In the Budget Committee, I offered a freeze amendment. It was an amendment that would have frozen Federal spending except for the trust fund part of Medicare and the trust funds of Social Security and certain high priority programs—education, certain health care programs, certain low-income programs, agriculture, and veterans. Those were allowed to increase to meet the needs of our time. But the rest of Federal spending was frozen.

That amendment would have saved $124 billion over the next 5 years. Unfortunately, we lost on a 10 to 10 tie vote. I was hopeful that in the weekend which followed the vote we could persuade some of our colleagues to change their minds, but that was not possible. When we started counting votes in offering a similar amendment on the floor, it was clear after the failure of the Grassley amendment that no other freeze amendment was going to be agreed to.

Mr. President, that does not change the urgent necessity of us going back to the drawing board and trying to craft further deficit reduction, because if we do not the national debt will grow some $2 trillion over the next 5 years, approaching $2 trillion at least, Mr. President. That is just unacceptable. That kind of growth in the national debt weakens America. It makes it possible for our competitors in Japan and Europe to continue to gain ground on the United States.

Mr. President, with that in mind I have offered the resolution that is before us. Let me just read it. It says:

Since the deficit has grown from $73 billion to $318 billion and the national debt has grown from $908 billion to $3.6 trillion between 1980 and 1991;

Since last year's budget summit agreement was intended to save $40 billion in fiscal year 1991 and nearly $500 billion over five years:

Since the national economy's growth rate in real terms declined by 1.6 percent in the fourth quarter of 1990 and the unemployment rate has increased 1.2 percent since last August;

Since CBO estimates that the changes in the economy and increased cost of the savings and loan bailout will enlarge the deficit by an additional $540 billion over the life of the budget agreement;

Since interest rates in Germany and Japan are holding steady or increasing, making it more difficult for the United States to lower its interest rates;

Since further reductions in the deficit should be combined with policies to lower interest rates in order to foster stable and long term growth in the economy.

Declared it is the sense of the Congress that the Budget Committees in conjunction with the administration and the bipartisan leadership should explore and develop a comprehensive, multiyear plan for further reductions in the deficit that would be considered by Congress next year.

Very simply Mr. President, I am hoping that this will galvanize the leadership and the President and the budget committees to work on an additional plan of deficit reduction to join with the actions of the summit agreement so that we can present a plan here on the floor next year for consideration by our colleagues.

With that, Mr. President, I yield the floor and urge my colleagues to support this resolution.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, we yield—has the Senator consumed all of his time?

Mr. CONARD. Yes. I yield any time that I have.

Mr. SASSER. Mr. President, we yield back all time in opposition.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 86) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I yield 2 minutes to the distinguished Senator from Washington for the purpose of introducing some legislation.

Mr. ADAMS. Mr. President, I thank the Senator from Tennessee very much.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. I thank the Chair.

(The remarks of Mr. ADAMS pertaining to the introduction of S. 973 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, and 1996.

The Senate continued with consideration of the concurrent resolution.

Mr. SASSER. Mr. President, I see the Senator from Pennsylvania has arrived on the floor. He has two amendments for our consideration here this evening. There are 30 minutes, as I understand it, equally divided on each of the amendments of the distinguished Senator from Pennsylvania.

Perhaps given his eloquence, he could explain those amendments even quicker than in the time allocated.

Mr. SPECTER. May the record show I have not just arrived on the floor. I have been on the floor most of the day. I am ready, willing, and able to proceed and will do so with dispatch.

The two amendments which I have reserved relate to expenditures for highways and mass transit. The basic thrust of the amendments which I intend to offer go to using the funds, the trust funds, for highways and for mass transit, which is the purpose for which they were intended instead of having those funds lumped together for accounting purposes to appear to reduce the deficit which is a matter of exception.

The deficit is in fact not reduced, and the American taxpayers who have paid the gasoline tax are expecting the money to go for highways and for mass transit and the moneys have been diluted.

Mr. President, I had originally been informed that one amendment would be accepted, and that one amendment would be contested and require a rollcall vote.

If I could ascertain from the managers with certainty at this time the latest representation having been made to this Senator that both would be accepted, it would expedite the presentation of my argument here this evening.

Mr. SASSER. Mr. President, let me say to the able Senator from Pennsylvania that the managers will accept the Specter amendment dealing with the service transportation budget, increasing budget authority for highway mass transit and capital highway grant programs.

We are still considering the second amendment to be offered by the Senator from Pennsylvania dealing with the highway trust fund. We hope to be able to respond affirmatively on that in a very short order.

Mr. SPECTER. Mr. President, I thank my friend from Tennessee.

AMENDMENT NO. 87

(Purpose: To increase budget authority for the Department of Transportation to reduce the cash balance of the transit and highway accounts in the highway trust fund and to provide additional funding for our Nation's infrastructure)

Mr. SPECTER. At this time, Mr. President, I send on amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. LAUTENBERG, proposes an amendment numbered 87.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, increase the amount on line 10 by $1,609,000,000.

On page 21, increase the amount on line 19 by $1,390,000,000.

On page 22, increase the amount on line 3 by $1,426,000,000.

On page 22, increase the amount on line 12 by $2,342,000,000.

On page 22, increase the amount on line 22 by $3,786,000,000.

On page 3, increase the amount on line 18 by $1,609,000,000.

On page 3, increase the amount on line 19 by $1,390,000,000.

On page 3, increase the amount on line 20 by $1,426,000,000.

On page 3, increase the amount on line 21 by $2,342,000,000.

On page 3, increase the amount on line 22 by $3,786,000,000.

Mr. SPECTER. Mr. President, this is an amendment which is designed to increase the funding for highways and for mass transit out of the highway trust fund.

I had intended to offer a different amendment on this subject in differing amounts, to add $2 billion for highways and $1 billion for mass transit. But after I gave notice to the managers of what I intended to do, I then found that there was a move in the authorizing committee to increase certain funding. I decided to accept the amounts which the authorizing committee had worked out so that there would be an agreement on the amounts.

And what is even of greater importance to this Senator is that there should be a statement made by the Senate moving to use the highway trust fund for highway construction, and moving to use the mass transit fund for mass transit purposes because our infrastructure is so important in that we really ought to move to use those funds for the purpose for which they were intended because that would make a stronger America; and by building our infrastructure on highways, we would make money; and by using the funds on mass transit, we would be accomplishing a great many important purposes. But there again it is the use for which they were intended.

At the outset, Mr. President, I want to credit my former colleague, Senator John Heinz, with whom I had worked on these subjects. We had discussed this approach, after having taken a very close look at Pennsylvania's mass transit problems which are very similar to mass transit problems in the entire country, and after having taken a look at Pennsylvania's highway problems.

Senator Heinz was a member of the Senate Committee on Banking, Housing, and Urban Affairs which has the responsibility for authorizing the issues relating to mass transit. And on the last day before the most recent recess, Mr. President, March 22, Senator Heinz and I spent the day traveling, leaving National Airport before 7 a.m. going to Philadelphia, taking a look at the SEPTA system there, which is in urgent need of additional funding from the State, Federal, and local levels then proceeding to Harrisburg where we had a meeting of transportation officials from Lancaster.

Wilkes-Barre, Scranton, Johnstown, Williamsport, and then moving on to Pittsburgh where we took a look at a decaying bridge which is so much in need of assistance from the Federal Government on the Federal bridge program.

On Wednesday, April 3, Senator Heinz and I were together in Altoona, PA, where we spent the better part of a 2-hour meeting with business leaders in that community. One item high on the agenda in Altoona, in Blair County, is the issue of adequate highways as that issue is so important, really, across this country.

So that in offering these two amendments, I carry forward some of the joint thinking of Senator Heinz and myself on these important subjects.

Mr. President, the issue here on the use of the trust funds I think is a very fundamental one for the United States. It is a fundamental one, Mr. President, for a number of reasons.

We have an enormous problem with the deficit. There is no doubt about that. When the President's budget was submitted, with a deficit of $281 billion during the course of the gulf war, very little attention was paid to the deficit at that time.

It is a matter deluding the American people, Mr. President, to have the Social Security trust fund, to have the highway trust fund, the mass transit trust fund, to have the airport trust fund all a part of the unified budget, which does not tell the American people what the deficit really is.

Not only is it a matter of fraudulent accounting purposes, and what really amounts to fraudulent misrepresentation to the American people, but it is also a breach of trust. The Federal Government has a trust fund set up for highways and you have American motorists paying a gasoline tax, and you have a trust fund set up for mass transit, and you have funds allocated for that purpose.

A trust fund is precisely what it says. It is a fund set up in trust for a specific purpose. And when moneys are diverted from that fund, it is, in effect, a crime. It is a fraudulent conversion, and it is a matter of—realistically viewed—embezzling the public's money. But when the U.S. Government does it, there is nobody to complain.

When a criminal prosecution would be brought against any individual who took money from a trust fund for some purpose other than for which it was entrusted or intended, the U.S. attorney, the prosecuting attorney, or the district attorney, would bring a criminal action. But it is really criminal to have these funds set aside for the use of the highways and not be used for highways and bridges, when they are so decrepit. It is a breach of trust, when mass transit all across America is in such urgent need of financial assistance, not to use the funds for that purpose.

Mr. President, the calculations I have taken, which had been, as I say, suggested by the authorizing committee—and my figures were going to be different, but I have adopted their figures—for fiscal year 1992 there would be an increase in the highway expenditures of $1.3 billion, and an increase in mass transit expenditures of $300 million, and some funding in the amount of $9 million for commerce safety grants.

These figures would then be increased so that in 1993, there would be $1.069 billion for highways; in 1994, $1.092 billion; in 1995, $1.996 billion; in 1996, $3.427 billion.

The mass transit increase would be beyond 1992 with $300 million; in 1993, $312 million; in 1994, $324 million; in 1995, $336 million; in 1996, $349 million.

This is a start, Mr. President. But I think really equity, and justice, and good public policy would call for using these trust funds in their entirety, because even if we use them all, we are not going to satisfy the urgent needs of the highway system in the United States.

Mr. President, the Federal Highway Administration estimates the cost of bringing the Nation's roads up to minimum engineering standards to be between $565 billion to $655 billion over the next 20 years. So that even if we were to use the entire sum of the highway account, we would fall far short.

At the end of fiscal year 1991, there will be, in the highway trust fund, $11.1 billion. I suggest that it would make sense to America to spend those moneys on highways, because it would really, as a capital investment, help us make money.

On the transit line, Mr. President, by the end of fiscal year 1991, there will be $8.5 billion in the trust account for mass transit. So that in accepting the figures which had been prepared by the authorizing committee, $300 million—as I say I had originally thought of spending $1 billion of the $8.5 billion—we still have enormous sums remaining there.

In the interest of reducing congestion and air pollution, the very important matter of moving people to work so you can have greater job opportunities, in a city like Philadelphia or in a city like Pittsburgh, if urban mass transit moves workers, more jobs are undertaken and, of course, that is very important for the economy of the United States.

The hour is late, Mr. President, and I know my colleagues are anxious to conclude work on this bill. I wish I could have addressed this issue earlier, but I have condensed these considerations, and I shall not belabor them further. I see the distinguished ranking member of this committee on the floor, who is prepared to accept the amendment. So I will quit while I am at least this far ahead.

Mr. DOMENICI. Mr. President, I see the distinguished chairman here, and he is also prepared to accept it, as I understand it.

Mr. SASSER. Mr. President, I am indeed, I say to my friend from New Mexico.

We are prepared to yield back all time on the amendment, if the Senator from Pennsylvania is also prepared to do so.

Mr. SPECTER. Mr. President, I thank my colleagues, the distinguished chairman and the distinguished ranking member of the committee.

I yield the remainder of my time and urge the adoption of the amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not want to garner back any time on these, but I have a little time on the bill, so let me just take a minute.

Let me say that the proposal the Senator tendered to the desk, which we are going to accept, has to do with adding budget authority or contract authority to accommodate the President's proposal for reauthorization of the Federal Highway Program.

I want to say to Senator SPECTER—and this is not just said by way of trying to give him credit that he is not entitled to, that he has truly found and identified a real problem with the budget resolution. It is not very often that occurs, that somebody finds that some important function is not what it ought to be. The Senator found a problem. Clearly, we did not provide in this budget resolution sufficient program authority, budget authority, for the highway bill. Surely that was everyone's intention, but it somehow did not happen.

So during the course of events of the year—and I am sure we are going to hold this number for budget authority, because it is correct, we are going to be able to accommodate the new program authority that comes out of the committee. It is going to be because the Senator asked us to amend it here tonight.

I congratulate the Senator, and I am willing to accept it.

The other proposal, which was a sense-of-the-Congress notion with reference to the trust fund, while I have reservations about it, I am willing to accept it tonight, and I thank him for that one, too.

Mr. SPECTER. Mr. President, I thank my friend from New Mexico.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 87) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 88

Mr. SPECTER. Mr. President, I send at this time an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 88.

At the end of the concurrent resolution add the following:

SEC.

(a) FINDINGS.—The Congress finds that—

(1) under current law, surpluses in the transportation trust fund, both the highway account and transit account, are included in calculations of the deficit;

(2) the inclusion of the transportation trust fund in the calculation of the deficit creates the illusion that the deficit is being brought into balance through the inclusion of the funds;

(3) the accumulation of the uncommitted balance in these accounts is intended to be used for construction and maintenance of our Nation's infrastructure;

(4) the use of the transportation trust fund for its intended purpose would bolster the economic capacity of the United States;

(5) the intended purpose of the transportation trust fund could best be protected by excluding it from the calculation of the deficit.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that Congress should enact legislation to exclude the funds within the transportation trust fund from the definition of the deficit.

Mr. SPECTER. Mr. President, I have taken the unusual course of having the full amendment read because it articulates the reasons in favor of the amendment in a concise manner.

Mr. President, we will have in the highway trust fund at the end of fiscal year 1991 a surplus of some $11.1 billion. We will have in the transit account a surplus of $8.5 billion. Those funds are put into those accounts for highways and mass transit.

When they are part of a unified budget, it deludes the American people as to what the real deficit figure is. Those funds really ought to be available for highways and mass transit.

I recollect, Mr. President, the battles which my departed colleague, Senator John Heinz, waged on this floor to take Social Security off budget, because there was a delusion of the American people when Social Security trust funds were in jeopardy. Senator Heinz fought so valiantly for the interests of the elderly. Finally, Senator Heinz set that path in motion.

I remember one night Senator Heinz struggled on this floor for hours, as sometimes has to be to tie up the activity of the U.S. Senate in order to make his point. He made it very effectively.

He and I frequently talked over the issues of the airport trust fund, the highway trust fund, and the mass transit trust fund. So in offering this amendment today, I carry forward the work that Senator Heinz had undertaken.

I know that this gives a little heartburn to the accountants, to the green eyeshade people, in terms of what this looks like on the deficit. But facts are facts, and this will bring forward the truth. It will bring us a step closer to using these funds for the purposes intended.

Mr. President, at this juncture, I have not had word whether the amendment will be accepted. I do not want to argue unnecessarily. So if the managers of the bill will make some indication, this Senator would appreciate it.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, is the Senator prepared to yield back the remainder of his time?

Mr. SPECTER. Not until I hear the intention of the distinguished chairman of the committee.

Mr. SASSER. We intend to accept the amendment of the Senator.

Mr. SPECTER. In that event, I yield back.

Mr. SASSER. Let me withhold for a moment.

Mr. President, I am going to have to withhold for a moment and suggest the absence of a quorum. We have a Senator on the way who wishes to speak on the Specter amendment. I am not sure if he is speaking in support or in opposition. But I do think I have an obligation to wait a few moments until he gets here.

So I suggest the absence of a quorum, and ask unanimous consent it be charged against the resolution and against both sides simultaneously.

The PRESIDING OFFICER. Without objeciton, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, while there is a lull in the action, I ask unanimous consent to proceed for the purpose of taking 3 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SASSER. Mr. President, I yield 2 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I rise in support of the first amendment offered by the distinguished Senator from Pennsylvania which was just accepted. The amendment would provide additional budget authority for function 400 programs.

As the chairman of the Senate Housing and Urban Affairs Subcommittee, I am working on legislation to reauthorize the Federal public transit programs. And I have been looking at ways to improve mass transit in our country at this historic juncture in Federal transportation policy.

Our country is desparately in need of a truly advanced, integrated transportation system—one that cuts air pollution, decreases reliance on foreign oil, and clears roadway congestion. We are far behind our European allies in this regard and our economic competitiveness has suffered as a result.

Our urban and suburban roadways are blocked with intolerable congestion. According to a Federal Highway Administration study, 11 percent of all labor force work hours are spent on our highways.

Our problems with air pollution continue. Some 55 percent of the Nation's population lies in areas that fail to meet minimum air quality standards. Transportation sources cause about one-third of all carbon dioxide pollution; one-half of all ozone pollution; and three-quarters of all carbon monoxide pollution. That is costing us tens of billions of dollars in extra health care costs, in needless losses to agriculture and in other costs.

Our overreliance on foreign oil weakens our national security. The war against Iraq made more vivid than ever the costs and dangers of a shortsighted transportation policy that requires 63 percent of all United States oil consumption. A single person commuting by transit can save 200 gallons of gasoline per year. And increasing transit ridership by 10 percent in our five largest metropolitan areas would save 85 million gallons of gasoline per year.

A large part of the solution to these many problems must be improved public transit.

Unfortunately, the Federal commitment to mass transit in recent years has failed to meet the needs of our Nation. Over the past decade, Federal support for transit fell by 5 percent—a cut of 50 percent in real terms after inflation.

In the last Congress, we enacted important legislation to clean our air and meet the needs of persons with disabilities. But these laws impose significant costs on transit operators throughout the country. We need to provide the additional resources necessary to fulfill these important national priorities.

I support the efforts of my colleague from Pennsylvania to increase funding for all of our transportation needs. I am concerned, however, about how these funds will be allocated among highways, mass transit, and other modes.

At the same time that we've been starving our transit providers, highway spending increased by 85 percent, and aviation spending increased by 131 percent. The administration's proposal freezes mass transit funding at the fiscal year 1991 levels through fiscal year 1995 with a modest 1-percent nominal increase in fiscal year 1996, while proposing increases of 39 percent for highways. These policies don't make sense given the priorities of energy conservation, a cleaner environment, improved mobility, reduced congestion, economic productivity, and international competitiveness.

I hope that my colleagues on the Budget and Appropriations Committee will work to ensure an equitable share of spending for important transit programs.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from California for his generous remarks. The distinguished Senator from California chairs the subcommittee which deals with mass transit, and I had the opportunity to attend the last meeting, which was very interestingly structured as a roundtable, as opposed to the customary question and answer.

At that time, I raised a number of the issues which I have raised here today. My colleague, Senator Heinz, was not present, but an unusual practice was followed of having his photograph on the wall.

I look forward to working with the distinguished Senator from California in trying to make a number of these funds directed for mass transit, directed at highways, available for those important purposes.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that it be charged against the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, we are prepared to yield back all of our time and accept the amendment of the Senator from Pennsylvania if he is prepared to yield back his time.

Mr. SPECTER. On those conditions, I do yield back the remainder of my time.

Mr. SASSER. I yield back all time for the opponent.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. SPECTER].

The amendment (No. 88) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I yield myself 30 seconds off the resolution.

Mr. President, I thank Senator SPECTER, from Pennsylvania, who has been here most of the day patiently waiting while we were trying to negotiate matters, and we succeeded. He was very accommodating toward the Senate at this late hour. Obviously, he had much more to say, but I know he wanted to let us all finish this bill as soon as possible, and I want to indicate I greatly appreciate it. I thank the Senator.

Mr. SPECTER. I thank my distinguished colleague for those generous remarks. I did have a great deal more to say. We Senators sometimes like rollcall votes because, if they are impressive, it has a better chance in conference. But I am confident the managers will fight hard for these amendments in conference. I think they are very important, and we have, I think, accomplished a valuable purpose.

I yield the floor.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the will roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I yield myself 5 minutes off of the time of Senator DOMENICI.

Mr. President, I think at some point in time in history people are going to look back at this budget and the budget last year and the year before and wonder what in the world the U.S. Congress was thinking about when it expands spending for the welfare state which interferes with the ability of the American people to produce, to save, and to invest.

We are continually doing things like punishing people who work. If they are 65 years old, they cannot work without being overtaxed until they are 70, when the record shows that if people stay active, Mr. President, they are much healthier, they live much longer, and then when they get sick at the end of their life it usually goes pretty fast. It saves money on Medicare, too, if people work longer. But this Government of ours has a policy that punishes people for work.

At the other end of the welfare state, we tell younger people that we think they should work but, if they go to work, we are going to make them pay more rent with less help; if they are under assistance, take away their AFDC payment, take away their food stamps. It is no wonder they do not want to go to work.

What we are doing is raising taxes on the American people. We have expanded funding of the welfare state. We have expanded funding of every regulatory agency on the books. Just take your pick. They are all getting more money. They have more people to go out and harass more people, businesses, and producers.

At the same time this is happening, the economy has crashed in the communistic bloc. We have won the ideal war of capitalism versus communism. It is obvious the people of the world want freedom. They want economic freedom. I spoke to this the other day, but I just want to repeat a part of it.

If the rest of the world seems to know that this system of ours that has served us so well for so long is what they want, why is it we are trying to run headlong into their systems and funding a massive bureaucracy that is negative and against production at the same time the only real savings in the budget of last year and the repeat of that budget this year is a cut of 25 percent over 5 years in military spending?

We have just come out of a traumatic crisis in the Middle East where we know our investment in people, in training, in new equipment paid enormous dividends in terms of saving lives of young Americans and of seeing America able to extend peace and freedom, if you will, and stability to the world. But what we are doing here is we are going to create and continue to fund an economic system of bureaucracy, the welfare state, that is going to refuse us or deny us, I should say, Mr. President, the opportunity to continue to be the productive Nation that will be needed to lead the free world, and lead the whole world and to give stability to the world.

I want to register as one Member of the Senate, I think this is a sad day in history that we are spending money to make it harder to have a modern, 21st-century economy which we so badly need because we do all kinds of things with the use of Government to encourage people not to work, not to save, not to invest; by discouragements in the Tax Code, by discouragements in the welfare system. We do not seem to be willing to try to help people where it would really be helpful; put more money in the front end to bring on more science, more technology, more enhancement and encouragement for people. At the same time we are slashing defense while in the Soviet Union, the only thing they have to rely on now is their strong military.

They are expanding and improving their SS-18's, SS-25's, and SS-24's, rail mobile and mobile missiles. They are expanding their submarine fleet, their bomber fleet. We are day by day, weakening our ability to defend peace and freedom.

I am realy disappointed this Congress cannot see what works and emphasize what works when the rest of the world seems to be able to see it better than the Congress. Someday, Mr. President, when the historians write about this, they are going to say it was a foolish bunch back in 1989, 1990, and 1991 in the U.S. Congress, that gutted their capability for defense and poured the money on to discourage people from being able to work, save and invest and have a strong, modern economy.

If we would reform the welfare state, we would have economic growth that would go on and on. And I think then we would have the ability to see the world as a peaceful place. But if we leave our children with the heritage that the United States is not strong enough to lead the world, it will be a sad day. Then we will have a world as we just witnessed it on the television. We saw people in Tel Aviv racing for their gas masks. If it had not have been for the United States Patriot system I wonder what would have happened and how many millions of people might have been killed in the Middle East?

It was because the United States invested in our technology and our military and our training and our people and our equipment, we were able to avert a terrible, tragic, bloody war that could have happened. It will happen again if we are not willing to do what it is that is necessary, and that is protect peace and freedom, preserve economic freedom for the people here at home.

This budget sets the stage for an expansion of the bureaucratic, negative welfare state that beats the production out of people and dramatically reduces our defenses over a period of 5 years, although we will still have substantial capability. And then it leaves us with a less efficient economy because we refuse to put those efficiencies back in the Tax Code.

We should be reducing the payroll taxes, we should be reducing the capital gains taxes, we should be encouraging IRA's and savings, and freezing nondefense spending like we did defense spending. If we were freezing nondefense spending and let it take a real cut in all of these regulators that run around and stop production in this country—let them take the same kind of cuts they are taking in the military today—then we would revive our economy and have a strong economy.

I have spoken long enough. I think my displeasure with what has happened here is well understood by my colleagues. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say I heard Senator SYMMS loud and clear. I assume he was saying a strong letter would follow with reference to his objection to the budget? Is that fair?

Mr. SYMMS. That is correct. My colleague does not need to put me down as undecided.

HONORING MEMBERS OF THE RESERVES FOR THEIR CONTRIBUTION TO VICTORY IN THE PERSIAN GULF

Mr. DOMENICI. Mr. President, the Senator from New Mexico is going to have to leave the Senate temporarily at 7:30, if we have not completed this matter. I would have to ask somebody to take the management role here for me and I ask Senator DOLE if he will do that.

But, shortly after we complete the budget resolution, and I believe we will here, soon tonight, and appoint conferees, in the course of wrap up business we are going to take up a resolution, congressional resolution, regarding the reservists of the United States. Many Senators cosponsored that measure with the Senator from New Mexico. I was first joined by the distinguished Senator from Hawaii [Mr. INOUYE].

We introduced the resolution. It was referred to the Armed Services Committee. They actually had a brief hearing on the matter, which I think is the way resolutions ought to be handled. Then they approved it unanimously and sent it here to the desk and we are going to take it up.

Mr. President, I was going to leave it to the wrap-up time, but since we have a few moments here I have been told by the leadership of Senator SASSER's concurrence. We can proceed to do it now.

Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 64 Senate Joint Resolution 97 regarding the contribution of the reserve forces to Desert Storm.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 97) to recognize and honor members of the reserve components of the Armed Forces of the United States for their contribution to victory in the Persian Gulf.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Armed Services with an amendment.

Mr. DOMENICI. Mr. President, today I rise with my distinguished colleague Senator INOUYE to seek final passage of the Persian Gulf War Reserve Component Commemorative Act. Over 200,000 National Guard and reservists were called to active duty since the beginning of Operation Desert Shield/Storm on August 2, 1990. Mr. President, about half of these Americans were sent to Saudi Arabia to serve in that theatre, but over 120,000 who were called to active duty remained here in the United States. They constituted the backbone of the line of support for our troops stationed in Saudi Arabia.

We are justifiably proud of our service men and women who took us to victory in the Persian Gulf. However, we must not forget that this victory could not have been possible without the efforts of those members of the National Guard and Reserve forces called to active duty but who remained here in the United States.

Many of these National Guard members and reservists come from all walks of life. Some of them are engineers, some are doctors, some are small store owners—but they are all dedicated and hard-working Americans. One of these reservists called to active duty is a member of my staff in New Mexico, so I know about what they are going through. It is a credit to them and to our country that such a massive number of people could be called to active duty and serve with such professionalism, skill and pride. One of the lessons we have learned from this war is the value of the professional soldier, who is trained, educated, and well-equipped. This is what these reservists who were called to active duty demonstrated, very plainly, to the American people and to the world.

It is important to point out that the lives of these National Guard members, reservists and their families were as equally disrupted as the active duty component of our Armed Forces that left for the Saudi Arabian theatre. It does not really matter to a 4-or 5-year old whose parent is called to active duty where their mother or father serves. Georgia, Florida, or New Mexico can be as far away in their eyes as Saudi Arabia. All they really know is that mommy or daddy is gone and they do not know for certain when he or she might be coming home again.

Therefore, Mr. President, I rise to call to the attention of this body, the American people, and the rest of the world, the valiant efforts of our National Guard and reservists called to active duty and remaining in the United States to support the efforts of those deployed elsewhere. Their actions were truly an indispensable contribution in carrying the Nation to victory. They deserve to be honored in this way, and and I am very pleased that 59 of my fellow colleagues have joined in cosponsoring this resolution. In doing so, they are sending a clear message to these reservists. The message is: We are proud of you, we needed you, and when the chips were down, you came through.

SALUTE TO SENATOR DOMENICI

Mr. DOLE. Mr. President, each year, the Veterans of Foreign Wars chooses 1 legislator among the 535 Members of the House and Senate to receive their Congressional Award.

This award is presented to a legislator who exemplifies the principles of civic duty, unswerving loyalty to the defense and security of our Nation, and compassionate attention to the needs of our service men and women.

And this year, the VFW has chosen a most worthy recipient for this prestigious award—our friend and colleague, Senator PETE DOMENICI.

In his 19 years in this Chamber, Senator DOMENICI has been an eloquent voice for those who risk their lives in defense of freedom. This fact can be seen in his sponsorship of Senate Joint Resolution 97, which recognizes the reserve components of the Armed Forces who served so ably during Desert Shield and Desert Storm.

Mr. President, I join my colleagues in congratulating Senator DOMENICI for this well-deserved award, and ask unanimous consent the remarks he delivered at the awards ceremony be printed in the RECORD, together with amplifying information about the award.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PETE V. DOMENICI, VETERANS OF FOREIGN WARS OF THE UNITED STATES, VFW CONGRESSIONAL AWARD ACCEPTANCE SPEECH, MARCH 5, 1991

Commander and Chief of the Veterans of Foreign Wars, James 'Jim' Kimrey, and his wife, Dorothy; Frances Booth, the national president to the Ladies Auxiliary of the VFW, and her husband, Robert; all the rest of the distinguished Americans at the head table, beautiful young people in front of us, veterans, auxiliary members, and friends.

First, let me say to the Veterans of Foreign Wars, I want to thank you from the bottom of my heart for this award. I will always cherish it.

Let me say to Elizabeth from New York and all of the other young people, but in particular to you. After hearing your marvelous dissertation on freedom, I really don't have much to say. In fact, I wondered if anyone should say anything. (Applause) Let me say if that was in the Senate, I would take it that you didn't want to hear anything from me. Since that applause is not coming from New Mexicans, I will continue.

Let me suggest to you, young people, that particularly, you, by being here and representing millions of our young men and women, you cap off a very special all-American week. Because you know, as you think about what has just happened in this world, you can't help but conclude that you are citizens of a very special country, a very special country.

Special countries have special people, and you have just seen them all week long, and the week before that, and the week before that. You saw them far, far away. You have now seen them at war, and you have seen them win. And If you ever worry or wonder what this is all about, then just remember what we are talking about tonight. We are talking about our extraordinary gift of freedom that came to us with our constitution. In some strange and almost miraculous and inevitable way, we were destined as a people to take that great gift of freedom. If we had kept it all for ourselves it would probably disappear. So, what we have done is to say to the world, 'If you want freedom, we will help you.' To those who want to look at a country where freedom is meaningful, we said, 'Look at us!'—with that very special privilege of being different, of being principled, of being for the rule of law, of being for individuals, of being for government of the people, and for being opposed to bullies in the world.

When that special country called America is asked to do something to preserve what it has and extend it out into the world, you see events like those that have unfolded this week. I am sure that everyone of the young Americans here over the past months saw scenes that make them proud. Well, let me tell you, if you have, you are not alone. For most adults in America had a rekindling of pride and patriotism, the likes of which we have not seen for a long, long time. We saw young men and women not only brave and forceful, but decent and considerate.

So tonight I say to all of you, thank God for America. The world thanks America. Thank God for our leaders, and thank God for the young people who are willing to follow in the footsteps of Americans who are willing to do almost anything for their freedom. If you ever wonder why we have achieved so much, remember that significant human achievement occurs when men and women are free. We have gambled with freedom in abundance, and we have reaped a harvest of achievement from it. So tonight I say thanks to the Veterans of Foreign Wars, who have served us well in the past, who have done their duty. Thank you very much. It's great to be here.

THE V.F.W. CONGRESSIONAL AWARD

The V.F.W. Congressional Award endeavors to do homage to that single legislator among the 535 Members of Congress who seems most nearly to meet the following criteria:

1. contribution to the preservation and perpetuation of the ideals upon which the American system of government is based;
2. recognition by his colleagues of his service, whether that service be one of quiet dedication and hard work or one achieving wide publicity, to the best and highest interests of the nation;
3. exemplification of the principles of civic duty shared by the V.F.W., which emphasize the individual, the community, the State and the nation;
4. unswerving loyalty to, and active performance in, the defense and security of the nation against its foes whomever and wherever they may be;
5. compassionate, practical attention to the needs of those men and women who have selflessly given of themselves to the service of America, not only in its wars, but in peaceful pursuits as well;
6. dedication to his legislative responsibilities over a period of years and continuous growth in legislative responsibility and experience, not only in fields of special interest to any particular group in American life but in his overall stewardship.

THE VFW CONGRESSIONAL AWARD

Awarded upon authorization of National Council of Administration to a sitting Member of the Congress for outstanding service to the Nation.

RECIPIENTS

1964: Senator Carl Hayden (D).
1965: Congressman John W. McCormack (D).
1966: Senator Everette M. Dirksen (R).
1967: Congressman Wilbur D. Mills (D).
1968: Senator Richard B. Russell (D).
1969: Congressman Olin E. Teague (D).
1970: Senator Harry H. Jackson (D).
1971: Congressman Leslie C. Arends (R).
1972: Congressman Thomas E. Morgan (D).
1973: Senator John C. Stennis (D).
1974: Congressman George H. Mahon (D).
1975: Senator Barry Goldwater (R).
1976: Congressman F. Edward Hebert (D).
1977: Senator Herman E. Talmadge (D).
1978: Congressman John J. Rhodes (R).
1979: Senator Bob Dole (R).
1980: Congressman G.V. "Sonny" Montgomery (D).
1981: Senator Paul Laxalt (R).
1982: Congressman Samuel S. Stratton (D).
1983: Senator John G. Tower (R).
1984: Congressman John Paul Hammerschmidt (R).
1985: Senator Strom Thurmond (R).
1986: Congresswoman Lindy (Mrs. Hale) Boggs (D).
1987: Senator Daniel K. Inouye (D).
1988: Congressman William Nichols (D).
1989: Senator Sam Nunn (D).
1990: Congressman Bob Traxler (D).

Mr. DOMENICI. I thank the distinguished Republican leader for his statement. I was very privileged sometime back to receive the Veterans of Foreign Wars Legislator of the Year Award. Senator DOLE in referring to this joint resolution regarding the reservists, alludes to that evening and to the remarks I said that evening. In his speech he incorporates my brief remarks before that group that evening and I thank him for that.

Let me just close, with reference to the joint resolution itself, by indicating when the House passes this joint resolution we will be saying to the thousands of reservists, men and women, that we are proud of them. Whether they went overseas or whether they were taken from their homes and served here, this resolution says we know you did a grand job and that you sacrificed immensely. That is what the joint resolution is about. I hope we will pass it here this evening.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the substitute amendment is agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment to the preamble is agreed to.

The preamble, as amended, is agreed to.

The joint resolution, as amended, and the preamble, as amended, are as follows:

S.J. RES. 97

Whereas over 227,000 National Guardsmen and Reservists were called to active duty in conjunction with Operation Desert Shield and Operation Desert Storm;

Whereas over 120,000 of such National Guardsmen and Reservists were ordered to serve their country at locations throughout the United States and elsewhere around the world outside of the Persian Gulf area of operations;

Whereas members of the National Guard and Reserve participated in planning for all aspects of Operation Desert Shield and Operation Desert Storm;

Whereas, on August 22, 1990, the date on which the President authorized the call of the Selected Reserve to active duty in connection with Operation Desert Shield, over

10,000 National Guard and Reservists were already voluntarily serving on active duty in, and in support of, that operation;

Whereas members of the National Guard and Reserve staffed the mobilization stations that facilitated the largest mobilization of Reserves since the Korean War;

Whereas maintenance personnel of the National Guard and Reserve joined with active component maintenance personnel to prepare vast quantities of military equipment in the United States for use in the Persian Gulf area under the uniquely demanding conditions of the Middle Eastern desert environment;

Whereas members of the National Guard and Reserve were instrumental in the success of the enormous logistical operations that were carried out to supply adequately the force of over 500,000 members of the Armed Forces of the United States deployed to the Middle East;

Whereas members of the National Guard and Reserve assisted in planning for and coordinating the many complex aspects of transporting the large volume of personnel, equipment, and supplies from military installations and mobilization stations to embarkation points and on to the Arabian Peninsula;

Whereas the National Guard and the Reserve provided almost all of the aerial and maritime port services units that loaded and serviced the ships and aircraft comprising the force deployed by the United States to the Persian Gulf region;

Whereas members of the National Guard and Reserve joined members of the active components of the Armed Forces and civilian authorities to secure ports of embarkation and military installations from terrorist attack;

Whereas members of the National Guard and Reserve were extensively involved as maintenance teams and aircraft crews in the airlift and aerial refueling operations supporting Operation Desert Shield and Operation Desert Storm;

Whereas health care professionals in the National Guard and Reserve replaced medical personnel deployed abroad in order to provide continuing health care for military personnel and their families in the United States;

Whereas members of the National Guard and Reserve were actively involved with the casualty assistance teams providing assistance for the families of service members killed, injured, or interned as prisoners of war;

Whereas members of the National Guard and Reserve serving on active duty in connection with the Persian Gulf conflict completed rigorous predeployment training which qualified them for service in the Persian Gulf area of operations;

Whereas the lives of the members of the National Guard and Reserve and their families were disrupted as they diligently and bravely served the United States in connection with Operation Desert Shield and Operation Desert Storm; and

Whereas the great success of Operation Desert Storm could not have been achieved without the courageous efforts of the members of the National Guard and Reserve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the members of the National Guard and Reserve are recognized and honored for the courage and dedication that they displayed in, and in support of, Operation Desert Shield and Operation Desert Storm and for the indispensable contributions that they made to the successful prosecution of such operations and to victory in the Persian Gulf conflict.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the Chair and thank the Senate for permitting us to pass that joint resolution, which I think is very important. I yield the floor.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, AND 1996

The Senate continued with the consideration of the bill.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I see the Senator from Alabama on his feet.

Mr. HEFLIN. How about 6 or 7 minutes as in morning business?

Mr. SASSER. I yield the distinguished Senator 7 minutes.

TRIBUTE TO ALBERT McKINLEY RAINS

Mr. HEFLIN. Mr. President, Alabama recently lost one of our greatest statesmen. There are few men who fit the definition of a statesman as well as Albert M. Rains, who recently died in Gadsden, AL. Albert Rains served with distinction in the U.S. House of Representatives for over 20 years and will long be remembered for his devoted service to his constituents and to the country.

Although Albert Rains represented a rural district for most of his tenure in Congress, he is perhaps best remembered for his impact on housing legislation. He proved that you could have a truly national focus while still representing and protecting the interests of your own district.

Albert Rains was born in Grove Oak in De Kalb County in northeastern Alabama. Early in his life, Albert was a school teacher before returning to college and earning his law degree from the University of Alabama. His legal expertise began to emerge during his tenure as the city attorney for the city of Gadsden and the district attorney for Etowah County. He earned the respect of the citizens of Etowah County and was elected to the Alabama Legislature in 1940 and the U.S. Congress in 1944. It was then that Albert Rains found his calling as he so diligently represented the interests of the then Fifth Congressional District here in Washington. He served in the 79th Congress and the nine succeeding Congresses before retiring in 1965.

Through his years in Congress, Albert's influence in Washington grew and his seniority grew. In fact, many people have suggested that in different times, Albert Rains might have become the Speaker of the House of Representatives following Sam Rayburn's death in 1961. At that time in history, it would have been impossible for a Southerner to be elected to such a position. By 1965 when Albert retired, he had risen to the position of chairman of the Special Housing Subcommittee and the top ranking member of the House Committee on Banking and Currency.

While chairman of the Special Housing Subcommittee, Albert Rains wrote virtually all of the housing legislation passed by the House of Representatives. He became known as Mr. Housing and was responsible for numerous programs which are still providing millions of people with places to live. Mr. Rains' influence is also seen in college housing, in military housing, and in nursing homes. He has helped thousands of Americans buy their first homes through the Federal Housing Administration. While many people looked at housing as an urban problem, Albert Rains saw the need to create effective rural housing programs in addition to the urban renewal and redevelopment programs. Many Congressmen considered him one of the best debaters, one of the ablest floor managers, and one of the most knowledgeable parliamentarians in the House of Representatives.

In 1963, President John Kennedy called upon Albert Rains to steer the mass transit bill through Congress. President Kennedy knew that his friend from Alabama could provide the influence and legislative skills to garner the support of his colleagues on both sides of the aisle for this controversial issue.

The task was not easy, for the bill had been blocked for nearly 2 years in the Public Works Committee. However, Albert had such respect and following that he was able to succeed where others had failed. A year later, President Lyndon Johnson signed the bill into law calling it, "the bill that rose from the grave and walked on water." Today, millions of Americans have enjoyed the Metrorail system here in the Nation's Capital due to the leadership of Albert Rains.

In addition to his national influence, he was also recognized and respected by all Alabamians. His final election was a statewide race for an at-large congressional seat. This election came about after the State failed to redistrict following the loss of one seat based on the 1960 census. Albert led the ticket, outpolling all of the other at-large candidates. He retired from Congress following this impressive victory. Therefter, a large segment of Alabama wanted him to run for Governor, but Albert Rains decided it was time for his family to enjoy the fruits of private life.

Although he was an extremely busy man, Albert Rains never neglected his civic duties in Washington and in Gadsden. He was active in the Lions Club and held offices at the local, State, national, and international level. He was also on the board of directors for the American Cancer Society and the National Housing Conference. He served as the Democratic National Committeeman from Alabama.

After retiring from Congress, Mr. Rains practiced law and founded City National Bank which later became First Alabama Bank, Gadsden. His knowledge of the banking industry also served him well as a member of the board of directors of First Alabama Bancshares, Inc.

Albert Rains' devoted friend, E.E. "Red" Cox, served as his administrative assistant for 20 years. Red remained a faithful companion and trusted adviser to Albert throughout his life. He admired Albert's ability to succeed in the face of long odds and says, "I always hoped that some of Albert would rub off on me. Even in his ill health, Albert never lost his sense of humor and was a great joy to be with."

Mr. President, Albert Rains had lived a full life and gathered a long list of accomplishments by the time of his death at the age of 89. One of his favorite sayings was, "If you are pursuing the right objective and you are sincere, you can get the job done." Albert always got the job done and he always did it well.

My thoughts and prayers are with his wonderful wife, Allison, and the rest of his family. It is comforting to know that Albert Rains left behind a legacy to a country which is better for his having served her.

Thank you, Mr. President.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, and 1996

The Senate continued with the consideration of the concurrent resolution.

The PRESIDNG OFFICER. Who yields time?

Mr. SASSER. Mr. President, I suggest the absence of a quorum, to be charged against each side equally on the resolution.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDNG OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I yield off the resolution 7 minutes to the distinguished Senator from California.

The PRESIDNG OFFICER. The Chair recognizes the Senator from California [Mr. CRANSTON].

IF SADDAM IS HITLER, THEN WE MUST SUPPORT THE KURDS

Mr. CRANSTON. Mr. President, I thank the distinguished chairman of the committee. I rise today to urge in the strongest possible way a vigorous U.S. policy in support of the Kurdish people and other dissidents in Iraq.

I rise also to call attention to an overlooked issue in the Kurdish drama: The widespread human horror of Kurds living in concentration camps in northern Iraq.

These are the Kurds you do not see on CNN.

They live in what the Iraqis euphemistically call "Victory Cities"—as many as 50 such cities.

Best available estimates say there may be as many as 1 million forgotten people starving in these cities that are actually in effect, concentration camps.

Mr. President, one of the main objectives of the war in the Persian Gulf should have been to get rid of Saddam Hussein, who President Bush properly likened to Adolf Hitler.

Well, "Adolf" Hussein is still in power, he is still the unbowed dictator of Iraq, and he still rules with the bloodied iron hand of the heavily armed Republican Guard.

The atrocities Saddam Hussein has committed against the Kurds both before and since the war are as bad or worse than his invasion of Kuwait. We must not give him the opportunity to resume the savagery of genocide.

Mr. President, I call on President Bush to make clear that the United States has a firm commitment to the Kurds and others who rebelled against Saddam Hussein that we and other coalition forces will stay in Iraq until Saddam is out of power, or until we are told by the leaders of autonomous Kurdistan our presence is no longer needed.

The news today is that the Kurds are struggling to achieve some accommodation with Saddam Hussein in order to avoid a continuation of the genocide.

U.S. policy must do nothing to undercut Kurdish aspirations—and I urge President Bush to do everything he can to make Saddam understand that the Kurdish position—self-determination and multiparty pluralism—is our position.

In the meantime, amid the horror and the anguished pleas for help, we should not act as though Kurdish refugees realistically can return to their villages.

The fact is that Saddam Hussein's forces leveled those villages at a time when the Reagan-Bush State Department was cozying up to the Iraqi dictator.

They've wiped the villages out like Hitler wiped out the Czechoslovakian town of Lidice during World War II.

The United States and its allies ought to be expanding the refugee safe-haven zone in northern Iraq.

We should step up the pace of relief efforts to an estimated 800,000 Kurds living in fields and camps near the Turkish border.

And we should not be turning a blind eye, using the most specious arguments, to the plight of another 1.5 million refugees on the border with Iran.

Mr. President, for years the democratic, partisan forces fighting the Saddam dictatorship have looked to the United States for help and for support. Even in the worst moments of terror, in the streets of Basra and in the mountains of Kurdistan, brave men and women secretly thrilled to the same ideas of democracy and respect for the rights of man that motivated Jefferson and Lincoln.

Unfortunately, the United States failure to respond to the desperate cries of Iraqi freedom fighters this year, in 1991, is not the first time Iraqi democrats have felt betrayed by American actions.

In the mid-1970's Henry Kissinger's State Department and the Shah of Iran cut a deal that effectively turned our backs on our former Kurdish allies, paving the way for their bloody suppression. Kissinger later callously dismissed complaints about the human cost of this cynical betrayal by saying: "Covert action isn't missionary work."

In recent years, tens of thousands of Kurds have been imprisoned, tortured, and murdered by Saddam and his brutal forces. Deference to Turkey, and to Saddam himself, made our reponse to these outrages shamelessly muted.

Today, representatives of Physicians for Human Rights suggest that every day as many as 1,000 refugees on the Iraq-Turkey border alone are dying.

Iran claims it is spending $10 million a day on refugee relief.

Yet, to date, no direct U.S. aid has been given to the people there.

President Bush mustered world opinion ably and well against the Iraqi invasion of Kuwait. Yet, his administration seems positively wimpish about calling on the international community to show the same concern about Saddam's victims in Iraq.

Mr. President, this is not a new world order; this is a brave new world, where in order to save Iraqi national sovereignty have ended up as silent accomplices in the destruction of Iraqis; where big brother Saddam continues to receive our deference, and where human freedom is merely a slogan mouthed by policymakers, not a policy itself.

It is shameful, and it must stop.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1992, 1993, 1994, 1995, AND 1996

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SASSER. Mr. President, may I ask for what purpose the Senator rises?

Mr. McCAIN. To speak as in morning business.

I will be glad to delay that if there are further proceedings that have a priority. I was going to make a few remarks about this morning's memorial service for Senator Tower.

Mr. SASSER. Mr. President, if the Senator from Arizona will withhold and let us move forward here on the resolution, then we can return to his matter.

Mr. McCAIN. Certainly.

Mr. STEVENS. Mr. President, I would appreciate if the chairman of the Budget Committee, Senator SASSER, and the ranking minority member, Senator DOMENICI, would clarify for the Senate their position on a budget-scoring issue.

Mr. SASSER. I would be happy to address the Senator from Alaska's question.

Mr. STEVENS. As the chairman and ranking member are aware, there has been some confusion in recent months over the appropriate budgetary scoring of potential receipts from oil and gas leasing in the Arctic National Wildlife Refuge—what we refer to as ANWR.

Last October, the Office of Management and Budget issued a letter stating that, "OMB's continuing policy is to score receipts from oil and gas leasing on the Arctic National Wildlife Refuge [ANWR] as a valid measure to meet G–R–H deficit reduction targets."

However, the Congressional Budget Office issued a contradictory letter stating, "we believe that lease sales on ANWR constitute asset sales" and therefore "cannot be counted as revenues for the purposes of deficit reduction."

Mr. President, I do not intend to get involved in this controversy about whether ANWR receipts can be scored as receipts to the U.S. Treasury. The question of whether ANWR is a revenue raiser or is deficit neutral is a matter for the Budget Committee.

However, I am very interested in clarifying that if the Budget Committee chooses to follow the CBO's position, that their position not be taken to an illogical extreme of scoring ANWR as a budget loser. Let me explain the precise issue I am concerned about.

As I said, the CBO has issued an opinion that because lease sales on ANWR in their view constitute asset sales, they cannot be scored as receipts to the Treasury. It would seem clear to me that if receipts from ANWR are not scored as receipts to the Treasury, any payment to Alaska—for its entitled State share of the receipts—should likewise not be scored as spending by the Federal Government. Any decision not to score ANWR receipts, but on the other hand, to go ahead and score the payment of Alaska's share, would produce the result that ANWR lease sales would increase the Federal deficit.

Mr. DOMENICI. If the Senator will yield, let me say that I agree with him that if receipts from ANWR leasing are not scored, any receipts that are shared with Alaska should not be scored.

Mr. STEVENS. I thank the Senator from New Mexico. Clearly, if ANWR is open up for leasing, money will be flowing into the Treasury, and the deficit would not increase.

Therefore, I would like to know if the Chairman of the Budget Committee agrees that if, on behalf of the committee, he advises the Chair that receipts from ANWR may not be scored, that he would therefore also take the position that any payment to Alaska, as a share of those receipts, would likewise not be scored.

Mr. SASSER. I thank the Senator from Alaska for bringing this matter to my attention. Let me begin by saying that the Budget Committee concurs with CBO's opinion that lease sales on ANWR constitute asset sales. The problem you describe with regard to ANWR raises some valid concerns. In this particular instance, the Budget Committee will not score the payments to Alaska, which could result from the leasing of ANWR, as a deficit increase. I hope that my statement addresses the concerns raised by my good friend, the Senator from Alaska.

Mr. DOMENICI. I agree with the chairman.

Mr. STEVENS. Therefore, would the chairman and ranking member agree, that if ANWR is opened for leasing—from a budgetary point of view—payments to States resulting from the lease will not be scored as increasing the deficit?

Mr. SASSER. The Senator from Alaska has correctly stated the alternatives.

Mr. DOMENICI. I agree with the chairman.

Mr. STEVENS. I thank the Senators for addressing this issue.

CONSIDERATION OF THE MOYNIHAN SOCIAL SECURITY AMENDMENT

Mr. DODD. Mr President, yesterday the Senate voted to block consideration of the proposal by Senator MOYNIHAN to lower payroll taxes for all American workers and businesses. I believe that was the wrong decision.

When the Congress voted to support the payroll tax increases to protect the integrity of the Social Security fund in 1983, it never intended for the surplus in the fund to mask the deficit. On the contrary, a vote cast in 1983 was a vote to ensure the soundness of the Social Security Program, not a vote for new revenues to fund non-Social Security Programs. Unfortunately, we all know that the surplus has not been used to assure the future of retirees. Nor has it been used to invest in the future of this country. Instead, it has been and continues to be spent on unrelated programs.

With this in mind, the only right thing to do is to return some of the surplus from the payroll tax to working Americans. As workers and businesses have been affected this year by the recession, the reason for a return to pay-as-you-go basis becomes all the more apparent. A tax cut would provide a much-needed boost to the economy and relief to families and individuals who are suffering during these hard economic times, especially in States like Connecticut where the economy is weak and unemployment high. Connecticut and the Northeast are now in the deepest recession since the 1930's. And State and local governments alike in Connecticut are faced with lower revenues and unmanageable deficits.

A return to pay-as-you-go would provide the median two-earner family $2,300 more in earnings over the next 5 years. The same tax break would reduce payroll costs for State and local governments, many of which are struggling to balance budgets and lower deficits. It would also give a much-needed break to businesses. And, the money governments and businesses save from the payroll tax would be freed up to create new jobs or provide critically needed resources to our schools and communities.

Support for the amendment offered by my colleague, Senator MOYNIHAN, would have opened the way to debate on the substance of S. 11, the Social Security Tax Cut Act of 1991. What Senator MOYNIHAN proposed would not jeopardize the soundness of the Social Security Program for retirees. While it would have provided a tax cut for over 100 million workers, the Moynihan proposal also protected the Social Security obligations to all retirees. The payroll tax would have been lowered from its current 6.2 percent to 5.2 percent by January of 1996. When we expect the number of retirees to rise, the payroll tax would have risen accordingly beginning in 2010.

If adopted, S. 11 would have maintained reserves in the Social Security trust fund to protect against unforeseen economic shifts. The trust fund would have accumulated 1 year's worth of reserves before the first payroll tax cut went into effect. And the reserves would have been worth 1½ year's of benefits within the next 3 years.

In sum, Mr. President, I am deeply disappointed that this body cut short a much-needed debate on a proposal to increase the equity of our tax system while assuring retirees that the Government will always fulfill its obligations to make Social Security payments.

FY 1992 FUNDING FOR THE RADIATION EXPOSURE COMPENSATION ACT

Mr. DOMENICI. Mr. President, I would like to ask the distinguished chairman of the Budget Committee, Mr. SASSER, if he would yield for the purpose of a brief colloquy.

Mr. SASSER. I will gladly yield to my friend, the distinguished ranking minority member of the committee, Mr. DOMENICI.

Mr. DOMENICI. Mr. President, I would like to raise an issue that I hope, upon conclusion of consideration of the budget resolution, the Senator from Tennessee [Mr. SASSER] and other members of the Appropriations Committee, including this Senator, can turn their attention to.

Last year the Radiation Exposure Compensation Act (Public Law 101-426) was enacted. The Act establishes a Trust Fund from which victims who suffered from radiation fallout from open-air nuclear testing and uranium mining during the 1950's through 1970's in the Southwest, may receive a small payment for injuries sustained as a result of Federal activities.

I first became involved in this issue 12 years ago when the problem of lung cancer and other respiratory diseases among uranimum mines was brought to my attention. Since then I have taken an active role in attempts to provide a measure of justice to these groups of deserving victims. The Congress has spoken with a national apology and now we must ensure that funds are made available to pay claims.

I am informed that the Department of Justice will have the regulations in place to implement this program shortly and will be prepared to process and perhaps pay claims by the end of the current fiscal year.

I look forward to meeting with my colleagues on the Appropriations Committee to decide the best way to ensure that much-needed funding for these long suffering victims is included in fiscal year 1992 appropriations bills. I believe we would all like to make sure the Congress meets its obligation to these victims as soon as possible, as I am sure the distinguished Senator from Tennessee would agree.

Mr. SASSER. Mr. President, I agree wholeheartedly with my friend from New Mexico [Mr. DOMENICI], and I look forward to working with him and other members of the Appropriations Committee toward that end.

Mr. BINGAMAN. Mr. President, I would like to ask my friend to yield so that I may join in this colloquy?

Mr. SASSER. I will gladly yield to my friend from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. Mr. President, last year the Congress took a great step by admitting a mistake of the past. By enacting the Radiation Exposure Compensation Act the Congress recognized that an injustice had been done to groups of victims that suffered from exposure to radiation as a result of the nuclear testing program and Federal uranium mining activities. The Congress determined that because the courts could not provide a remedy, a compassionate payment should be awarded to those who have suffered ill effects from these Government activities. Unfortunately, many of the victims have already passed away. Their families have been given the promise that something to help relieve their suffering is on the way. I also urge my colleagues on the Appropriations Committee to ensure that funding is made available to pay these claims as soon as possible.

Mr. MCCAIN. Mr. President, I would like to ask the distinguished chairman of the Budget Committee [Mr. SASSER], if he would yield so that I may join in this colloquy?

Mr. SASSER. I will gladly yield to my friend from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I have also taken an active role in attempts to provide a remedy to these victims who were unfortunately sacrificed for purposes of national security. These victims have been waiting for many years for a remedy. They were unable to receive redress in the courts and the Congress therefore determined that justice requires that a compassionate payment be made to these people. I urge my colleagues on the Appropriations Committee to make funds available in fiscal year 1992.

I would like to commend the senior Senator from New Mexico for his leadership on these issues.

Mr. DECONCINI. Mr. President, I would like to ask my friend to yield so that I may join in this colloquy?

Mr. SASSER. I will gladly yield to my friend from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, I also became aware of this issue many years ago and am proud to have been a cosponsor of the legislation. Many of my constituents were former uranium miners or affected by downwind radiation in portions of Arizona. Their case presents a moral question for the Congress; what is the appropriate response when the Federal Government knowingly subjects innocent people to severe health hazards, but the courts lack authority to provide an adequate remedy? The Congress has determined that the Radiation Exposure Compensation Act is the appropriate, compassionate response. I look forward to working with my colleagues on the Appropriations Committee to ensure that funding is made available in fiscal year 1992 so that claims can be paid as soon as possible to these tragic victims.

Mr. REID. Mr. President, I would like to ask the distinguished chairman of the Budget Committee if he would yield so that I may join in this colloquy?

Mr. SASSER. I will gladly yield to my friend from Nevada.

Mr. REID. Mr. President, with the enactment of the Radiation Exposure Compensation Act last year, I was pleased to see that the many innocent victims exposed to unhealthy levels of ionizing radiation from tests performed at the Nevada Test Site would finally receive recognition. Although money can never truly compensate for their pain and suffering, this act made a national apology and promised compassionate payments that will mean a great deal to these tragic victims. It is our moral duty to provide compensation to these people; it is the obligation of Congress to ensure that funding is provided for this program. I join my distinguished colleagues to say that I look forward to working with them and the other members of the Appropriations Committee to make sure that funds are made available in fiscal year 1992.

COMMENDING SENATOR CONRAD

Mr. SASSER. As we complete our work on the budget resolution, I would like to take a moment to commend my colleague from North Dakota, KENT CONRAD, for his work.

There is no more persistent advocate for the cause of deficit reduction than Senator CONRAD. The Senator from North Dakota does not just talk about the deficit problem; he's doing something about it.

He has established a remarkable record in just over 4 years as a member of the Budget Committee. In addition to great technical expertise, he has demonstrated a true personal commitment to reducing the deficit and strengthening the Nation's financial health. I have not always agreed with his proposals, but I commend his courage and perseverance in bringing them forward.

I would like now to list for the record some of the legislative initiatives the Senator from North Dakota has brought to our committee and this body.

In 1987, Senator CONRAD sponsored a 2-percent, across-the-board spending cut to save $30 billion; sponsored an amendment to set tougher Gramm-Rudman targets; and cosponsored a $40 billion spending freeze; and supported a spending plan in committee to cut the deficit $63 billion.

In 1988, Senator CONRAD founded the deficit reduction caucus, which today numbers 40 members. The caucus is a bipartisan forum for the discussion of the national economy, budget problems, and solutions. In the Budget Committee, he supported efforts to use more realistic economic assumptions in preparing the budget.

In 1989, Senator CONRAD sponsored an amendment directing the budget summit negotiators to return to the bargaining table to make deeper budget cuts and to use more realistic economic assumptions; along with Senators HOLLINGS, JOHNSTON, and EXON offered a budget package in the committee which included a $42 billion spending freeze; and joined several colleagues to propose a $46 billion spending freeze on the Senate floor.

In 1990, Senator CONRAD offered a comprehensive and detailed package in the Budget Committee to reduce the deficit by $56 billion in 1991, and $559 billion over 5 years. While his proposal did not prevail, significant elements of his plan were retained in the final committee bill. Following the 1990 budget summit, Senator CONRAD offered an alternative plan on the Senate floor to burst the income tax bubble, roll back the gas tax increase, impose a millionaire's surtax, and ease cuts in assistance to the elderly and to farmers.

And this year, Senator CONRAD offered an amendment in our committee to take $124.4 billion from the Federal budget over 5 years—over and above the budget summit agreement levels set in late 1990. He also supported a committee amendment to freeze spending at 1990 levels.

In addition to his work on deficit reduction and budget process reform, Senator CONRAD has become a leader in fair share programs to close the tax gap and make our tax laws more fair and efficient. And he was among the earliest Senate voices asking our allies in Western Europe and Japan share more of the burden in paying for our common defense needs.

In short, Senator CONRAD has quickly become a clear and consistent voice on deficit reduction and budget issues in this Chamber. I commend him on his admirable record.

Mr. HELMS. Mr. President, I have just learned that the managers of this budget resolution have told several Senators, in good faith, that there would be no rollcall vote on final adoption. As a result, I am advised that a number of Senators are already on airplanes headed to their home States.

I feel that the Senate should never pass an appropriations bill, or an authorization bill—or a budget resolution—without a requirement that Senators vote on it in a recorded rollcall vote.

In fact, I have an understanding with the leadership on this side that henceforth I will insist upon a rollcall vote, but in deference to the Senators who have already left Washington, I will not ask for the yeas and nays on this resolution.

Mr. President, with all due respect to the managers of the resolution and the members of the Senate Budget Committee, this is a bad—very bad—piece of legislation. Oh, I realize that there was a so-called budget agreement last year—but that was a turkey, too. That agreement raised taxes by more than $300 billion over the next 5 years.

And that, Mr. President, is what was absurdly described as the first step in reducing the Federal deficit.

Mr. President, this budget resolution, which will be approved without a rollcall vote, will: First, increase Federal spending; and second, increase that spending far in excess of the tax increases that Congress approved last year.

I might add that I strenuously opposed those tax increases, as did several other Senators.

There were two attempts to make this budget resolution somewhat more palatable. Both were defeated by the Senate. One would have frozen discretionary spending at fiscal year 1991 levels. The other would have allowed a reduction in Social Security taxes.

Mr. President, under the circumstances, I will not insist on a rollcall vote. But I want to say for the record right now that I hope there will be no attempt later in this session to pass either an appropriations bill or an authorization bill without requiring Senators to cast our votes in public and for the record.

This business of voice voting on important issues is bad policy for the Senate and we ought to stop it.

I wish to be recorded as being opposed, and that if there had been a rollcall vote, I would have voted in the negative.

Mr. DOLE. Mr. President, I want to take a few minutes to note that the rumors of the death the budget agreement have been greatly exaggerated. There were a number of Members on this side of the aisle who were convinced that the agreement would not last until the ink dried, but they have been proved wrong. By staying within the caps for discretionary spending, this budget resolution follows last year's budget agreement to the letter.

During the debate of this resolution, the budget agreement has survived its two most serious threats to date—the Moynihan amendment to raid the Social Security trust fund and the Bradley/Simon amendment to remove the discretionary spending caps. This body put party rhetoric aside and voted overwhelmingly to preserve the agreement.

I urge my colleagues to join me in voting for this budget resolution. Its adoption will prove the Senate's commitment to stick to the discipline of last year's landmark budget agreement.

Mr. KERRY. Mr. President, I will keep my remarks brief, but I do want to take this opportunity to express my opposition to the budget resolution.

I know that I am not the only Senator who is frustrated by the constraints that last year's budget agreement has placed on the Senate. Because of last year's 5-year agreement, we are locked into a budget that does not allow us to shift our spending priorities. Several Senators have tried to fashion a budget that better reflects that Nation's domestic priorities. I'm disappointed that our efforts have failed, but I'm not surprised. Most of what we've debated over the past 2 days was decided last year, and the new budget rules allow for very little flexibility.

So I cannot support this budget resolution. It is essentially the same budget I voted against last year and therefore wish to express my opposition to the resolution.

MOYNIHAN PAYROLL TAX AMENDMENT TO BUDGET RESOLUTION

Mr. MACK. Mr. President, yesterday the Senate turned down the amendment from the Senator from New York. As was made clear by the debate, the amendment would have made an adjustment to the budget resolution to help pave the way for a future payroll tax cut. I supported that amendment. I want to see the security restored to Social Security.

I am outraged that the money Americans contribute to the Social Security system is being siphoned off to other Government programs and will never be used for retirement benefits.

For a number of years, Americans have been contributing more to the Social Security system than our retirees have been receiving in benefits. This situation would be fine if those extra contributions were actually set aside to pay for future benefits.

But this is not the case. The Government isn't putting this money away in a safe place for future retirees. The Government is instead spending all of the money that is supposed to be held in reserve for retirement benefits. What's more, it's spending that money on other programs that don't have anything to do with Social Security.

I'd like to see those extra contributions returned to the American workers who put the money into the Social Security system. Doing this will not affect Social Security benefits now, a year from now, or 20 years from now. We made a contract with our senior citizens to pay benefits, and we will keep that contract.

The sham has got to stop. Congress must quit spending Social Security contributions on anything except Social Security benefits.

Surplus contributions ought to go back into the pockets of those who made those contributions. American workers can take those excess contributions and spend them on what they think is best. If American workers want to spend their own money on a new TV, or a new car, or go out to dinner, or their children's education, they can do it. What's important is that it will be their own decision, not that of a Government bureaucrat.

If this was done, we'd finally start being honest with the taxpayers of this country. The Social Security system would remain safe as far into the future as we can legitimately project.

The second reason I supported this amendment is that the sponsors made a significant change in the proposal underlying it. An earlier version would have lowered the payroll tax rate, but raised the wage base subject to payroll taxes. This makes no sense. The virtue of a payroll tax cut is that, quite simply, it is a tax cut. That virtue would have been compromised if there had been a counteracting tax increase in the form of a wage base increase.

There is still an aspect of the Moynihan proposal which concerns me, however. The proposal assumes an increase in the payroll tax rate many years from now in order to accommodate the pay-as-you-go financing plan. I think this is undesirable as well as being unnecessary.

The future tax rate increase assumed by the Moynihan proposal is based upon a long-term projection of trust fund balances made by Government forecasters. These are, of course, the same Government forecasters that routinely predict disaster resulting from any kind of tax cut.

The Congressional Budget Office has recently reported that the effects of a payroll tax cut will be slower economic growth. This is nonsense. Only in the upside-down world of Government forecasting can a policy which keeps American workers' incomes in their own pockets instead of in the hands of Government bureaucrats slow the economy.

The bottom line is that Government has trouble predicting the budget deficit as little as 1 year in advance. I have no confidence at all that we can predict Social Security trust fund balances well over a decade from now.

The last point that I want to make is that the best way to preserve the integrity of the Social Security system is to continue strong economic growth. And frankly, the evidence is overwhelming that the best single policy that Congress can employ to spur economic growth is to cut taxes.

In the early 1980's, when the Social Security system was in shambles, Congress made significant changes to put it on sound financial footing. The surpluses that have resulted are much larger than what was planned. Why? Because the income tax cuts we adopted in 1981–83 boosted economic growth far more than we expected, and accounted for hefty increases in payroll tax contributions.

The lesson to be learned is that we have to stop the sham with the Social Security trust fund. The best way to preserve those retirement contributions is to take them away from big spenders in Government and put them back in the pockets of American workers. What's more, the best way to ensure that there is a steady flow of income for everyone's retirement is to spur economic growth.

And that is why I favor cutting the payroll tax.

Mr. SASSER. Mr. President, I would characterize the past 3 days of debate on the fiscal year 1992 budget resolution as worthwhile and productive on the whole. But the curious thing is, not much of our debate has centered on the resolution itself.

We have spent far more time discussing collateral amendments than we have examining this resolution. But that does not bother me, Mr. President. When I recall the deep division and real discord that marked our debate last year, I welcome the calm this year. I would like to believe it's the result of broad agreement and solid consensus on the substance of this resolution.

On its merits, the resolution certainly deserves no less. It continues, in every respect, the principles and discipline we agreed to in the budget summit last year. It complies with the spending caps and the tightly calibrated pay-as-you-go constraints. It is the first link in the chain of postsummit budget resolutions that will lock in $482 billion in deficit savings over 5 years. As such, it is a well-forged and secure link.

And where this resolution takes initiative, it does so in a targeted, effective, and deficit-neutral way.

As I have said, Mr. President, we have spent more time on amendments than on the resolution itself. So let me return our focus to Senate Concurrent Resolution 29—the fiscal year 1992 budget resolution—for the remainder of the time before we vote.

Mr. President, what we are considering this evening is a family and economic security budget. It moves children and education to the top of the Federal budget agenda. And it pledges an extra measure of support to families during this time of recession.

The resolution contains a domestic discretionary component that is based on Senator WIRTH'S $4.4 billion homefront initiative and a mandatory component that includes carefully structured reserve funds.

On the discretionary side, the resolution proposes a $3.1 billion funding increase in fiscal 1992 for the Department of Education. There has long been talk of reinvesting in education. This budget seeks to do it.

It acknowledges the nationwide consensus that says increased investment in our schools and in the development of our children is absolutely critical to the future well-being of our Nation.

The resolution provides another $1.3 billion in targeted family assistance for programs with a proven record of success. I am referring to such programs as WIC, Head Start, and child care grants, as well as a job training initiative.

The list reads like a "Who's Who" of our most cost-effective and productive discretionary programs:

A $350 million increase for WIC. Every dollar invested here saves $2 to $3 in the first 60 days of a child's life in Medicaid savings alone.

A $500 million increase for Head Start, which would greatly increase the number of eligible children served by this preschool nutrition, medical, and education program.

A $450 million increase for education services for disabled children.

A $1 billion increase in student aid, including an increase in Pell grants for the neediest students without closing out students from moderate-income families.

A $140 million increase to combat infant mortality in both rural and urban areas.

A $300 million increase in vocational and adult education programs—central to ensuring basic skills and workplace training for hundreds of thousands of youths and adults.

The result of these investments will be healthier children better prepared to learn, and more secure families better able to manage these uncertain economic times.

Now, we all understand that under the caps we agreed to last year, there is little room for grand initiatives or bold statements. But on the flip side, you will not find much in the way of blue smoke or budget gimmickry here either. There are no surprises, trapdoors, or dark corners. What you get with this resolution is a commitment to carry forward the summit's goal of reducing the deficit to under 1 percent of GNP by 1995.

And you also get the opportunity to send a clarion message by putting resources toward education and income security. That message is simply this: The Congress of the United States is able and ready to make wise cost-effective investments in the American people, investments that are perfectly compatible with fiscal responsibility.

There is no breakdown in the workings of Government this year—no stalemate that keeps us from doing our job. This resolution shows the American people that we can govern without crisis. It is a measure of how far we have come.

Now, this resolution is also an economic and family security budget on the mandatory side. The emphasis here is on the deficit-neutral design of the pay-as-you-go system.

We have also included reserve fund language that will provide our committees the flexibility to work their will later in the year.

In particular, the Finance Committee has asked for reserve funds for deficit-neutral legislation in three areas having to do with the health and nutrition of children, economic recovery, and health care reform.

We have also incorporated reserves to permit initiatives that would expand early childhood development services and provide for a surface transportation act to repair highways.

I must emphasize again: No one is talking about taxes here. The resolution includes a committee-passed amendment that structures reserves so that initiatives made possible by them are offset by spending cuts only, not taxes.

In sum, Mr. President, this is the first resolution of the postsummit era, and it has upheld all of our expectations. It is a fiscally responsible document. It conforms in every way with the spending caps and the pay-as-you-go constraints that we wrote into law last year.

And where it takes initiative, it does so by affirming the principle of family and economic security—by elevating education and children and family security concerns to the level of top budget priorities.

We have crafted a resolution born of the most rigorous fiscal constraints this Congress has ever imposed on itself, and I urge my colleagues to support its passage.

Mr. DOLE. Mr. President, I yield back all of our time.

Mr. SASSER. Mr. President, I yield back all time on the resolution, as the distinguished Republican leader does.

The PRESIDING OFFICER. All time on the resolution has been yielded back.

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to House Concurrent Resolution 121, Calendar No. 65, and that all after the resolving clause be stricken, and that the language of Senate Concurrent Resolution 29, as amended, be inserted in lieu thereof, and that all time on the resolution be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 121) revising the congressional budget for the United States Government for the fiscal year 1991 and setting forth the congressional budget for the United States Government for the fiscal years 1992, 1993, 1994, 1995, and 1996.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (H. Con. Res. 121), as amended, was agreed to.

Mr. SASSER. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

Concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1992, 1993, 1994, 1995, and 1996.

Mr. WELLSTONE. Mr. President, I would like the RECORD to show that if there had been a recorded vote, my vote would have been "nay."

The PRESIDING OFFICER. The RECORD will so reflect.

Mr. HOLLINGS. Mr. President, if there had been a recorded vote on the budget resolution, I would like the RECORD to show that I would have voted "no."

Mr. BIDEN. Mr. President, the budget resolution adopted by the Senate today does not do nearly enough to fight crime. This is an area where we need to beef up our efforts. Although this budget does not do the job, I am confident that by the time the budget process is completed adequate funding will be provided.

Second, this budget lacks specificity about how antidrug funds are to be spent. This is a problem that will also have to be addressed at a later stage, during the appropriations process.

In summary, I am concerned that this budget falls short in two important areas—crime and drug control. I intend to make every effort to redress this problem in the months ahead.

Mr. SASSER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disageeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SASSER, Mr. JOHNSTON, Mr. RIEGLE, Mr. SIMON, Mr. FOWLER, Mr. DOMENICI, Mr. SYMMS, and Mr. GRASSLEY conferees on the part of the Senate.

Mr. SASSER. Mr. President, that concludes action on the budget resolution, and at this time, I want to express my appreciation to the distinguished ranking member of the committee, Senator DOMENICI, for his hard work during the course of the consideration of this resolution, and for his cooperation in those matters in which he felt he could conscientiously extend that cooperation.

I would also like to express my appreciation to the Budget Committee staff on the majority side. Larry Stein, the staff director; this is the first budget resolution that was produced under his direction. It has gone extraordinarily smoothly, and it is largely attributable to his efforts.

I express my appreciation to our general counsel, Bill Dauster, who has very ably guided us through the parliamentary shoals, and also to Alan Cohen, who has done an extraordinary job in keeping us advised as to the substance of the various amendments.

And also, Mr. President, I want to say that Bill Hoagland, the distinguished staff director on the minority side, has been a pleasure to work with, and we want to express our deep appreciation for his efforts in bringing this resolution to its conclusion, at least at this juncture.

Mr. President, I also express my appreciation to the floor staff for their able assistance: Charles Kinney, Marty Paone, and Lula Davis. Also I want to express my appreciation to the deputy staff director of the Senate Budget Committee, Dr. John Callahan, who has been a stalwart all through the deliberations and the problems of trying to put this budget resolution together. I was remiss in not mentioning him earlier. I want to do that at this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I also thank the distinguished Senator from Tennessee, Senator SASSER, and my colleague from New Mexico for their splendid work on the budget resolution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMORIAL TRIBUTE TO SENATOR JOHN GOODWIN TOWER

Mr. McCAIN. Mr. President, today I and a number of Senators joined the friends and family of John Tower to pay tribute to the life of that great man in a memorial service at Arlington National Cemetery. It was a somber occasion. It was also an occasion to give thanks to God for the privilege of having known John Tower. In the all-too-brief time he was among us, John Tower enriched the lives of all his friends. We shall miss him very much, and we shall long remember him.

Mr. President, I ask unanimous consent that the program and the remarks that were made at the memorial service be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORIAL TRIBUTE TO SENATOR JOHN GOODWIN TOWER, APRIL 25, 1991, ARLINGTON NATIONAL CEMETERY ARLINGTON, VA

NAVY HYMN

(Eternal Father)

Eternal Father, strong to save,
Whose arm hath bound the restless wave,
Who bidd'st the mighty ocean deep
Its own appointed limits keep;
Oh, hear us when we cry to Thee,
For those in peril on the sea!

O Christ! Whose voice the waters heard
And hushed their raging at Thy word,
Who walked'st on the foaming deep,
And calm amidst its rage didst sleep;
Oh, hear us when we cry to Thee
For those in peril on the sea!

Most Holy Spirit! Who didst brood
Upon the chaos dark and rude,
And bid its angry tumult cease,
And give, for wild confusion, peace;
Oh, hear us when we cry to Thee
For those in peril on the sea!

O Trinity of love and power!
Our brethren shield in danger's hour;
From rock and tempest, fire and foe,
Protect them wheresoe'er they go;
Glad hymns of praise from land and sea.

Amen.

A MEMORIAL TRIBUTE

Prelude: "The President's Own", United States Marine Band.

Opening Prayer: The Honorable William L. Ball, III, Former Secretary of the Navy and Administrative Assistant to Senator John G. Tower.

Welcoming Remarks: Senator Phil Gramm.

Tribute: Senator Robert Dole.

Poetry Reading: Senator William S. Cohen.

Scripture Reading: Senator John S. McCain, III.

America the Beautiful: MU.$_1$ Leslie Simpson, USN.

Tribute: Sir Antony Acland, British Ambassador.

Tribute: Vice President Quayle.

Navy Hymn: MU.$_1$ Leslie Simpson USN.

Benediction: Rear Admiral David E. White, CHC, USN, Deputy Chief of Chaplains.

Piping Ashore: Master Chief Boatswain's Mate Terry Graf, USN.

Rifle Salute Fly Over.

The following memorial funds have been established in memory of Senator Tower and Marian Tower for those individuals wishing to make a remembrance.

The John Goodwin Tower Library at Southwestern University, Southwestern University, Post Office Box 770, Georgetown, Texas 78627.

The John Goodwin Tower Memorial, Highland Park United Methodist Church, 3300 Mockingbird Lane, Dallas, Texas 75205.

The John Goodwin Tower Memorial Fund, Southern Methodist University, Department of Political Science, Dallas, Texas 75275.

Marian G. Tower, Society for the Prevention of Cruelty to Animals (SPCA), 362 South Industrial Boulevard, Dallas, Texas 75207.

OPENING PRAYER: JOHN TOWER MEMORIAL TRIBUTE, ARLINGTON NATIONAL CEMETERY

(Delivered by William L. Ball, III)

Eternal Father, we gather before you today at this historic and holy place in final tribute to one whose life we remember with respect and admiration this day.

Though our hearts know still the sorrow of the Nation's loss, we are filled nonetheless with gratitude for his having lived and served so very honorably and so well.

We here today knew John Tower as a public servant, a teacher, a statesman, and as a man who served his country at sea. A man who came from humble beginnings-from parents and grandparents that served in thy ministry; a man who in his youth took to the study of history, and then set out from Texas to make it***; a man drawn to teach who selflessly taught so much to so many*** and yet a man whose most satisfying moments in a life of stories achievements came with your assurance, Oh Lord, that he was in every way a good father.

We mourn too the loss of his daughter, Marian Tower, and we thank thee for the gift that was her happy, uplifting and joyous way in this life, so central always in her father's heart and so secure in his abiding love.

We ask this morning that you keep in our minds the memory of those decisive and indelible marks John Tower made on our consciousness as Americans and indeed upon the great struggles of his generation in both war and peace.

Grant in us all the wisdom to draw on the life of this remarkable man and sustain in us the same sense of purpose, strength of convictions, and depth of patriotism that were the hallmarks of his work.

Finally, we thank thee for this assembly of our Nation's leaders and ask that your guiding hand be extended to them and to our President. Be with the family members here and keep them in the constant orbit of your love and under your continuing watchcare.

We ask these things as we trust in thee now to lift our sorrow that we may offer a fitting and worthy tribute this morning to the blessing you bestowed upon our people in John Tower.

Amen.

STATEMENT OF U.S. SENATOR PHIL GRAMM

We gather today to honor our friend John Tower, a man who has touched each of our lives and whose service to our country affected the lives of all Americans.

On behalf of John's family, I thank you for joining us in paying tribute to the life and work of John Tower. I want to take this opportunity to recognize members of John's immediate family here today:

Lou Tower; John and Lou's daughters and their husbands, Penny Tower Cook and David Cook, Jean Tower Cox and Berry Cox; and John's sister, Jo Cochran.

John Tower spent a lifetime standing tall for Texas and for America. He was committed above all else to the service of the country he loved, and from his first day as an enlisted sailor in the U.S. Navy to his last day as chairman of the Senate Armed Services Committee, John fought for a strong national defense and a strong America.

He brought to public service a rare combination of talent and ability that propelled him from a West Texas school teacher to the corridors of power in Washington, and back again, with poise and determination. He met with triumph and disaster and treated those two imposters just the same.

Not only did John Tower serve America, but he inspired others to serve. Through his example, he brought into Government a flood of new talent, people who have gone on to become leaders in all branches of our Government, men and women whose role in governing America grows daily. Many of you are here today.

John was also an extraordinary father. The tragic fact that Marian was with him and died at his side is a testament to the special bond that linked John to each of his children, who were totally committed to him and he to them.

John Tower left us too soon. But his memory will gladden our hearts and his legacy will live through his work and through the work of those he helped call to the service of our Nation.

STATEMENT OF SENATOR BOB DOLE

Penny, Jeanne, Lou, Jo, Mr. Vice President, friends and colleagues:

We gather today in this final resting place of American heroes to honor another worthy of that title.

And as we remember John Tower, we also remember his daughter, Marian, who brought so much joy into her family's life.

It was 30 years ago next month when John Tower arrived in Washington as the Nation's Youngest Senator, and the first Republican Senator ever elected by the people of Texas.

Many in Washington regarded the freshman Senator as someone whose time here would be limited; as a one-termer, soon to exit from the national scene and return to his life as a professor.

Texans knew better. They knew that in electing John Tower they had elected a man of intelligence and integrity; a man of courage and conviction.

John Tower wasn't in the Senate to mark time. He was here to make a difference. And what a difference he made during his 24 years in the Senate—16 of which I was privileged to serve alongside him.

During those years, John and I were on the same side of the vast majority of issues. And you couldn't ask for a better ally, since he never went into a fight without being fully prepared, and without fully expecting to win.

In soldier's terminology, John Tower was the type of person you would want in your foxhole. John and I, however, served on opposite shores during World War II. I was in the hills of Italy, and he was a boatswain's mate on a gunboat in the Pacific.

It shouldn't come as a surprise that the boatswain's mate is the officer who usually has the greatest store of general knowledge about the ship.

It could be said that when it came to defense policy, John was the "boatswain's mate of the Senate," because he was unrivaled in his knowledge of military matters, and in his devotion to the welfare of America's servicemen and women.

In the 1970's he used this knowledge and devotion to battle those who sought to decimate our defenses. And in the 1980's, he used it to rebuild America's military and to restore her respect around the world.

History is full of politicians whose beliefs were proven correct long after they had left the scene. John Tower, however, had the good fortune of living to see his beliefs and his work completely vindicated.

John Tower believed that communism would fall only if America remained strong. And he lived to see the crumbling of the Berlin Wall, as a tidal wave of democracy swept across Eastern Europe.

John Tower believed that our fighting men and women deserved the best weapons and the most advanced technology.

And he lived to see our victory in the gulf—a victory, due in great part, to the weapons and technology he championed.

Many of those buried here at Arlington gave their life in defense of their country.

How fitting it is that today we honor a man who devoted himself to ensuring that America would be so strong that no others would have to make that same sacrifice.

In the final analysis, John was well aware that it is people, and not weapons, who serve as America's first and ultimate line of defense.

He knew that the source of our national strength can be found in the inner strength of men and women who love their country.

John had an uncanny ability to attract such people to Washington, and to convince them to dedicate themselves to the day to day work of democracy.

John's influence will live on for many years in the careers and contributions of many who now serve in the highest levels of Government.

Many honors and awards came John's way during and after his Senate career. But along with serving as chairman of the Armed Services Committee, I think the one honor that John cherished most was serving as International President—The "Grand Master"—of the Kappa Sigma Fraternity.

I am also a Kappa Sig, and know that for many years, John was a fixture at our national conclaves, always willing to volunteer his time to offer counsel to tomorrow's leaders.

One of the proudest moments of a Kappa Sig is the ceremony in which you become a member. And during that ceremony, these words are read:

"The Star and Crescent shall not be worn by every man, but only by him who is worthy to wear it. He must be a gentleman; a man of honor and courage; a man of zeal, yet humble; an intelligent man; a man of truth; one who tempers action with wisdom; and, above all else, one who walks in the light of God.".

No one fit that description better, and no one stood taller for Texas and for America, than John Tower.

And while we feel sorrow today, we also know that John will forever walk in the light of God, just as he will forever remain in our hearts.

STATEMENT OF SENATOR WILLIAM S. COHEN

A character in a Greek tragedy posed the question: "How do I praise you but not over praise and yet not mar your goodness by any stint thereof?" It is not possible for me to overstate the significance of John Tower's contribution to our nation and the importance of his friendship to me.

Shortly after John's nomination to be Secretary of Defense was rejected by the Senate, a group of his friends gathered with him at the home of Carl Smith. I was handed a collection of William Butler Yeats' poems. I turned to one that seemed appropriate:

Now all the truth is out,
  Be secret and take defeat
From any brazen throat,
  For how can you compete,
Being honor bred, with one
  Who, were it proved he lies,
Were neither shamed in his own
  Nor in his neighbors' eyes?
Bred to a harder thing
  Than Triumph, turn away
And like a laughing string
  Whereon mad fingers play
Amid a place of stone,
  Be secret and exult,
Because of all things known
  That is most difficult.

John was familiar with the poem but he took little comfort in it that night.

Yes, he was bred to something harder than triumph. And yes, he could exult in secret, knowing that his more than quarter century of public service could never dissolve to nothingness.

But he could never retreat or turn away and play madly on a laughing string amid a place of stone. Because fundamentally, John was a warrior who loved nothing more than a battle. He was at his best when strapping on his intellectual armor, preparing to debate with his Senate or House colleagues, or to negotiate with Viktor Karpov down to the last candle of the night defending his country's interests and honor.

John had in him the same courage and fighting spirit as Sam Houston who once told his colleagues:

"I wish no prouder epitaph to mark the board or slab that may lie on my tomb than this—'He loved his country; he was a patriot; he was devoted to the Union.'"

And like Sam Houston, he was a man of complexity and contradiction who never tested or yielded to the shifting winds of popular opinion.

Many people who encountered John every day saw only the exterior man, the one who did not walk gently through public or private life, who had a sharp mind and elbows to match, and crunched more than a few toes with his cowboy boots.

But inside that tough exterior you could find the warmth and kindness of a good father and a true friend and more than a touch of melancholy and sadness, too.

A poet says:

Sometimes, I hold it half a sin
  to put in words the grief I feel;
for words, like Nature, half reveal
  and half conceal the soul within.

There's the rub, of course, that too few of us ever knew the soul within.

Justice Holmes once wrote of his own generation:

"Through our great good fortune, in our youth our hearts were touched with fire. It was given to us to learn at the outset that life is a profound and passionate thing. While we are permitted to scorn nothing but indifference, and do not pretend to undervalue the worldly rewards of ambition, we have seen with our own eyes, beyond and above the gold fields, the snowy heights of honor, and it is for us to bear the report to those who come after us. But, above all, we have learned that whether a man accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale the ice, the one and only success which it is his to command is to bring to his work a mighty heart."

We honor the memory and contributions of a man who always brought to his work a mighty heart.

Tower was his name, and for me he always will.

REMARKS BY SENATOR JOHN MCCAIN AT THE MEMORIAL FOR SENATOR JOHN TOWER, APRIL 25, 1991

My friend, John Tower was a man for every season. He was a splendid man, a devoted father, an exemplary servant of his country and a faithful friend. And I am deeply saddened that the season has now passed when I can seek his company. But the memory of his friendship for us, of the experiences we had shared with him, of the lessons we had learned from him, of the great pleasure of his company will sustain us through this season for weeping and mourning.

I have the deepest sympathy for Penny and Jeanne and all of John and Marion's loved ones. Your pain will not lightly pass away. But I counsel you to use the memories of this great man and his beloved daughter to sustain you through this season of weeping and mourning.

John Tower lived life on his own terms. And in the process, he served God, man and country to the very best of his ability. His best was better than most. I am a better man for having known him, and I will long remember him.

I believe John would appreciate the epitaph Robert Louis Stevenson wrote for himself. I will recite it in appreciation of John's confidence that he sailed his ship by the light which God had granted him wisdom to see.

Under the wide and starry sky,
Dig the grave and let me lie.
Glad did I live and gladly die,
And I laid me down with a will.

This be the verse you grave for me:
Here he lies where he longed to be;
Home is the sailor, home from the sea,
And the hunter home from the hill.

ECCLESIASTES—CHAPTER 3

To every thing there is a season, and a time to every purpose under the heaven:

A time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted;

A time to kill, and a time to heal; a time to break down, and a time to build up;

A time to weep, and a time to laugh; a time to mourn, and a time to dance;

A time to cast away stones, and a time to gather stones together; a time to embrace, and a time to refrain from embracing;

A time to get, and a time to lose; a time to keep, and a time to cast away;

A time to rend, and a time to sew; a time to keep silence, and a time to speak;

A time to love, and a time to hate; a time of war, and a time of peace.

TRIBUTE TO JOHN TOWER BY SIR ANTONY ACLAND GCMG KCVO, BRITISH AMBASSADOR

Others have paid their tributes to John Tower as an American, a Senator, a Texan. I am glad and honoured to pay my tribute to him as a stalwart friend of my country Britain, where indeed he had many friends, and as an admired performer on the international stage—particularly in the field of defence.

Part of his education was in Britain at the London School of Economics and from his time there, he acquired his taste for things British, ranging from savile row suits, Jermyn Street shirts, to a special brand of English cigarette. He was a true friend of Britain. But this was not a friendship founded on sentiment alone. He also had a profound intellectual conviction of the importance for the United States of continued links to Britain and to Europe more widely. He had a clear vision of America's place in the world, and he never shrank from trying to realise that vision. Blessed, too, with a keen sense of history, he was a constant and effective champion of the transatlantic partnership—and of NATO as a guarantor of military and political stability, and as a voluntary arrangement for preserving the collective security, peace and freedom of its members, with roots that go to the wellspring of human values. We in Britain are grateful to those Americans who, like him, have powerfully advocated a continued American involvement with Europe. John Tower had an unrivalled knowledge of defence strategy, of weapons systems, of arms control techniques. He firmly believed that only strength deters aggression. He preferred to be right and alone, than part of the crowd and wrong. He held throughout to Sidney Smith's famous dictum:

"There is only one principle of public policy: do what you think is right, and take place and power as an accident."

John Tower was a frequent visitor to London and was always welcomed there. He was a wise counsellor, a fine advocate of Anglo-American causes, and his history was intertwined with ours. As the roman writer Plautus put it:

"There is nothing, except the gods, better than a friendly man who is really a friend."

John Tower was indeed such a person and I feel very privileged to have had the chance of knowing him.

TRIBUTE TO JOHN TOWER MESSAGE FROM THE RIGHT HONOURABLE MARGARET THATCHER OM FRS MP

John Tower embodied the special relationship between the United States and Britain. Born and bred in Texas, educated at the London School of Economics, he became a powerful leader in your country and a true friend of mine. When the history of this century is written, the world will more fully appreciate John Tower's profound role in helping to bring about the victory of freedom over the forces of tyranny.

He was the indispensable legislative architect of President Reagan's defence build-up. He did the work in the trenches that brought renewed strength, determination, and credibility to America and to the Atlantic Alliance. I personally am so grateful for his many contributions to our collective defence, to the forging and strengthening of the special bonds between our two countries. He faced the supreme challenge of his time with courage and high purpose and he lived to see the Berlin wall come down and Eastern Europe swept over with freedom and democracy.

John Tower was our friend, Britain's friend. We will miss his intellect, his humour, and his fortitude during freedom's hour of danger. We know his legacy will never be forgotten. May his country and those who remember him always be proud.

VICE PRESIDENT'S EULOGY FOR SENATOR JOHN G. TOWER

Members of John Tower's family, honored guests—and as he might put it—Texans and other Americans:

Today we give honor to a super patriot.

And as we honor John Tower, it is important to share the special memories that are his legacy to us.

After the election of Ronald Reagan and George Bush in 1980, John Tower became chairman of the Senate Armed Services Committee.

Let me tell you what happened to a newly elected Senator at his first meeting of the committee in 1981.

After energetically rendering his opinions on several crucial national security matters, he was summoned by Chairman Tower.

The newcomer sat himself down next to Tower in STROM THURMOND's seat.

Then Tower gave me one of those special looks and said, "I just wanted to tell you I've been on this committee for 20 years, and it was 10 years before I ever spoke."

That was one of the most difficult moments of my entire congressional career.

In the course of his career, though, John Tower had more than his share of difficult moments.

As he said at the start of his ill-fated confirmation hearings in 1989, he realized he was not universally loved.

But he could have added—and I will say it as a postscript—he was universally respected.

He was called many things by many people—some kind, some not so kind.

I too called him many things.

Colleague and mentor.

Godfather and friend.

My Chairman.

Our champ.

He was master of details and boss of the big picture.

Most of all, he was a patriot's patriot.

If it's possible to love your country too much, then he was guilty.

He loved not only his country, but his family and his chairmanship of the Armed Services Committee.

I'll never forget one all-night conference of the Senate and House Committees, deadlocked over something about the Guard and Reserve—with Sonny Montgomery adamant in his position.

Chairman Tower took out that gold cigarette case, tapped his smoke on it, and made another offer.

(You can see him doing it, can't you?)

Senator THURMOND exclaimed, "Take it Sonny. Take it. It's the best you can do."

Chairman Montgomery took it.

John Tower tapped his cigarette case again and intoned, "The conference is concluded."

Though the conference is concluded for John Tower now, his legacy lives on.

It is so easy now, after the fall of the Wall and the collapse of the Curtain, to forget how bad things were during his heroic legislative battles over the course of two decades.

Years of abuse and neglect had crippled our Armed Forces, undercut our preparedness, and left America a tottering giant in a world of violent pygmies.

In that crisis, John Tower took command and set out to save the country he loved so dearly.

Many of us here today were members of his ragtag band.

The words of Shakespeare's Henry V have special meaning for those who worked closely with him:

"We few, we happy few, we band of brothers."

So set this down, not as epitaph but as accolade.

John Tower lived his robust life in service to the United States.

And if, at its end, there were heartaches, they could not lessen what he gave America when there was almost no one else to give it.

Headlines fade, especially in our profession.

The hurting does stop.

And others step into our limelight—for good or ill.

The really great ones—like John Tower—know that.

They know they will have, in the words of John Greenleaf Whittier, the safe appeal of Truth to Time.

That is what we affirm today,

And what we celebrate,

And what we thank God for in giving us John Tower when America most needed him.

BENEDICTION BY REAR ADMIRAL DAVID E. WHITE, CHC, U.S. NAVY DEPUTY CHIEF OF CHAPLAINS

In this memorial tribute, oh God, we are reminded of your special gifts to us through the lives to those individuals who;—unfold with us the potential of our dreaming—challenge us with the worth of being and doing—and reach out beyond themselves in service to others.

Therefore, we thank you, oh God, for the life and legacy of Senator John Goodwin Tower; for his presence among us as family member, colleague and friend and for his many contributions to this Nation as teacher and statesman.

And now, oh God, we pray for your abiding grace through all our days: about us, to keep us; above us, to protect us; beneath us, to uphold us; before us, to direct us. Let it be so for us always, oh Lord, for this is our prayer. Amen.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Chair.

(The remarks of Mr. McCAIN pertaining to the submission of Senate Resolution 118 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from New Jersey, Mr. BRADLEY.

Mr. BRADLEY. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorm call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—SENATE RESOLUTION 117

Mr. FORD. Mr. President, I ask unanimous consent that Senate Resolution 117 now at the desk be considered by the Senate on Tuesday, May 7; that on Tuesday, May 7, at 9:30 a.m., the Senate proceed to the consideration of Senate Resolution 117; that when the resolution is considered, there be 3 hours for debate, controlled in the following manner: 1 hour under the control of Senator DOLE, 1 hour under the control of Senator DECONCINI and 1 hour under the control of Senator BRADLEY; that no amendments be in order to the resolution; and that the vote on or in relation to the resolution occur at 2:15 Tuesday, May 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, when we return from the recess on May 7, we will debate this resolution which does extend agriculture export credit guarantees to the Soviet Union. My concern, I am sure, will be as great when we return as it is tonight. But there is a particular urgency about my concern tonight and that is, even as we are talking, Soviet repression is moving deeper into the Baltic States.

Mr. President, let me read just a sequence of events that have occurred over the last 5 days:

April 9, 1991: The Soviet military occupied another Lithuanian government building in Lithuania. Soviet soldiers, dressed in camouflage and bulletproof vests, seized a driver's education school in Vilnius.

April 19, 1991: Soviet troops focibly occupied and searched a Lithuanian customs post on the Byelorussian-Lithuanian border. The troops evicted the Lithuanian border guards, disconnected all communications lines and destroyed some equipment before leaving.

April 24, 1991: Soviet Interior Ministry troops seized a building housing two banks in Lithuania. A group of OMON or black beret soldiers overran the building at about 11 a.m. local time. Police loyal to the Lithuanian government who had been guarding the banks were displaced by OMON forces.

April 25, 1991: Soviet paratroopers stepped up moves against the Lithuanian independence drive by seizing even more buildings throughout Lithuania. Today 9 buildings have been occupied, among them a hotel and two airfields were seized. A report from the Lithuanian government states that this military action includes cities all across Lithuania not only Vilnius. During the night technical schools, and aviation factory and other buildings have been occupied. The military has confiscated technical equipment, building materials, inventory, and cars.

Mr. President, what we are seeing is the systematic repression of freedom in Lithuania. These recent military actions prove that the Soviets are not entering into good faith negotiations with the leaders of Estonia, Latvia, and Lithuania. They continue to use methods of force and intimidation to retain control over people who demonstrated their desire to be free and independent.

Mr. President, it is beyond me why, in this atmosphere at this time, the United States Senate wants to extend agriculture credits to the Soviet Union to fuel its repressive apparatus. The fact of the matter is that until we are willing to say no, and draw the line based upon values that we espouse, the Soviets will continue to repress the freedom of the people of the Baltics.

Mr. President, I look forward to this debate when we come back, because I think when the full Senate views the value of extending agriculture credits that will not outweigh the importance of standing with the people of the Baltics for their freedom and independence in standing against a repressive Soviet apparatus.

I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PROTECTION AGAINST PRICE-FIXING ACT

MOTION TO PROCEED

Mr. FORD. Mr. President, on behalf of the majority leader I move that the Senate proceed to the consideration of Calendar No. 68, S. 429, a bill to amend the Sherman Act regarding retail competition, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 429, a bill to amend the Sherman Act regarding retail competition:

Herb Kohl, D.K. Inouye, J. Lieberman, Carl Levin, Claiborne Pell, Paul Simon, Alan Cranston, Bob Graham, Chuck Robb, Howard Metzenbaum, Bill Bradley, Tom Harkin, J.J. Exon, Slade Gorton, Warren B. Rudman, Alfonse D'Amato.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVATE RIGHT OF ACTION FOR CUSTOMS FRAUD

Mr. SPECTER. Mr. President, I have sought the floor to introduce legislation calling for a private right of action for a customs fraud.

This legislation, Mr. President, follows legislation which this Senator has introduced over much of the past decade, with the first bill having been introduced on March 4, 1981, Senate bill 2167, in an effort to bring into enforcement of our trade laws private rights of action.

We have found that our trade has been crippled by subsidies, by dumping, and by customs fraud. The Federal Government is simply unable to handle these important issues. But if private parties had access to the courts to stop subsidies or to stop dumping or to stop customs fraud, I suggest it would be enormously helpful to trade in our Nation.

The extensive floor statement, Mr. President, specifies the enormous volume of customs fraud which is engaged in at the present time. I have not sought to have private rights of action for subsidies for dumping because it would complicate the passage of this legislation. So at this time, I am taking the first step on a private right of action to stop customs fraud.

Mr. President, I am today introducing a bill which would give American industries direct access to Federal courts to halt promptly the injurious import of products which are in violation of our customs laws, and to recover monetary damages for such violations.

The language of this bill was included in previous legislation which I introduced in prior Congresses to provided a private enforcement mechanism for customs fraud, subsidies, and dumping. The legislation I am introducing today contains only the customs fraud provision because I feel that it is an important provision in and of itself, and because it is not as sweeping.

The private right of action concept benefits from thorough consideration by the Senate. On March 4, 1982, I introduced S. 2167 to provide a private right of action in Federal court to enforce existing laws prohibiting illegal dumping or subsidizing of foreign imports. Hearings were held on this bill before the Judiciary Committee on May 24 and June 24, 1982. On December 15, 1982, I offered the text of this bill on the Senate floor as an amendment, which was tabled by a slim margin of 51 to 47.

During the 96th Congress, I reintroduced this legislation as S. 416 on February 3, 1983. The Judiciary Committee held a hearing on this bill on March 21, 1983. I offered the text of S. 418 as an amendment to the omnibus tariff bill on September 19, 1984; the amendment was tabled.

During the 99th Congress, I reintroduced this legislation as S. 236; I expanded the scope of this bill to include customs fraud violations and introduced S. 1655 on September 18, 1985. The Judiciary Committee held a hearing on S. 1655 on November 20, 1985, and favorably reported the bill by unanimous voice vote on March 20, 1986. The Finance Subcommittee on International Trade also held a hearing on S. 1655 pursuant to a sequential referral agreement. Significant progress was made toward reaching a unanimous consent agreement for full Senate consideration of S. 1655 prior to adjournment of the 99th Congress, but the press of other business prevented its coming up for floor action.

In the 100th Congress, I reintroduced comprehensive legislation, S. 361, to provide a private right of action in Federal court to enforce existing laws prohibiting illegal dumping or customs fraud.

I expanded the scope of this bill in S. 1396, which I introduced on June 19, 1987, to revise the subsidy provision to include a private right of action to allow injured American parties to sue in Federal court for injunctive relief against, and monetary damages from, foreign manufacturers and exporters who receive subsidies, and any importer related to the manufacturer or exporter.

This bill would have provided a comprehensive approach to address three of the most pernicious unfair export strategies used by foreign companies against American companies: dumping, subsidies, and customs fraud.

During full Senate consideration of the Omnibus Trade and Competitiveness Act (S. 490), I filed the text of S. 1396 as amendment No. 315 on June 19, 1987, and offered it as an amendment to the trade bill on June 25, 1987. This amendment, however, was tabled.

I again filed the text of this bill as an amendment to the Textile and Apparel Trade Act, S. 2662, on September 9, 1988, and to the Technical Corrections Act, S. 2238, on September 29, 1988.

On July 15, 1987, I joined Senator Heinz as an original cosponsor of an amendment to S. 490 to provide a private right of action in the U.S. Court of International Trade for damages from customs fraud. Although the amendment was accepted by the Senate, it unfortunately was dropped in conference.

Customs fraud has become a serious threat to U.S. industries. Enormous quantities of articles which violate the customs laws enter the United States each year. Moreover, these laws prohibiting such illegal imports do not provide for sufficient remedies to compensate injured parties. Thus, as a result of customs fraud, domestic companies are suffering injury, and American jobs are being lost each year.

The bill I introduce today would address this problem by permitting injured American businesses to file suit in Federal court and seek injunctions against, and appropriate damages for, these illegal foreign trade practices. On November 20, 1985, the Judiciary Committee held a hearing on this bill's predecessor, S. 1655. Representatives of various domestic industries, including steel, textiles, and apparel, strongly supported enactment of this legislation. Legal experts testified about the urgent need for a private right of action in Federal court to supplement the current administrative practices.

American industries under this bill would be granted direct access to Federal court to seek swift injunctive relief against illegal imports in violation of our customs laws. The availability to U.S. companies of injunctive relief would place custom fraud violators on notice that any investment in customs fraud in the United States would be lost instantaneously.

Under this bill, an injured domestic business could file suit in the U.S. District Court for the District of Columbia or the Court of International Trade for an injunction against the import and sales of the goods which it could preliminarily demonstrate were violating customs laws. The court's order could be modified to provide a more permanent remedy based on a more detailed finding.

During the 1985 Judiciary Committee hearing, witnesses testified regarding the provision of the bill creating injunctive relief to halt illegal imports. Industry representatives stated that the Bureau of Customs is increasingly unable to cope with the rising incidence of customs fraud, primarily transshipments through third countries to circumvent a U.S. quota. Although injunctive relief would be a significant alternative to the current administrative process to halt illegal imports, the remedy of primary interest to the witnesses was the retroactive damages provision of the bill.

The availability under this bill of damages to U.S. companies, if customs fraud and injury are ultimately found to have occurred, will remove the illegally obtained profits of, and increase the cost of violating the customs laws for importers and foreign exporters and producers. Foreign enterprises, like any domestic company, would be held responsible for the economic consequences of their anticompetitive actions.

During the 1985 Judiciary Committee hearing, witnesses testified that the bill's provision to seek damages for injury from illegal imports would provide a more effective deterrent than current law, would provide retroactive relief to fill the gap under the existing law which imposes duties on only future imports, and would provide damage awards directly to the injured American industries. International trade lawyers also testified during the hearing that the provision of damages for injury sustained from customs fraud violations would be consistent with the General Agreement on Tariffs and Trade [GATT].

In the past, customs fraud has been found to be rampant with regard to textiles, apparel, computer software, hand tools, sugar, electronics, automotive products, chemicals, petrochemicals, agricultural products, pharmaceutical products, and other industries. Illegal dumping is severely injuring American steel, chemical, glass, textile, electronics, agriculture, rubber and cement, industries, among others. Foreign subsidies injure American manufacturers of footwear, steel, textiles, apparel, glass, wool, leather, tires, cement, sugar, iron, railway cars, and other products.

Customs violations appear in several pernicious forms. Massive country-of-origin fraud has been found to occur whereby a country which has reached its permissible quota for a given item or product circumvents the quota by transshipping the continued imports through another country which has not yet reached its quota. Most commonly—indeed, in hundreds of thousands of cases—imports are fraudulently mislabeled. Given the sheer volume of imports and the limited resources of the Customs Service, many imported textiles, apparel, and footwear simply are declared to be something which they are not, or are immensely underdisclosed in number—again, in order to evade quotas fixed by the administration.

The Customs Service's Office of Commercial Fraud Enforcement reports that in 1990, there were 14,436 cases, up from 3,600 in 1988. Of these cases, only 188 arrests were made, resulting in penalties in only 186 of the cases.

The Commercial Fraud Enforcement Office also reports that there were more seizures in 1990 for textile and apparel violations than for any other violation except flatgoods. The value of these 608 seizures totaled over $49 million.

When interested Members of the U.S. Senate and the House of Representatives take a look at this list of egregious violations of law currently unremedied, it is my thought that there will be an overwhelming majority in both Houses that will come forth and support this kind of reasonable, targeted, and directed remedy.

Mr. President, we should not be surprised by recent protectionist calls for new tariffs against goods from countries with large trade surpluses with the United States. I sympathize with the frustrations which lead to such efforts, even as I question their appropriateness. The way to avert such counterproductive measures is to enforce the trade laws which are already in place. This bill will greatly increase the enforcement of those laws, by letting injured American businesses go directly to Federal court—just as they can for violations of the antitrust laws—and seek quick injunctions, against continued illegal importation.

The bill I introduce today would in no way interfere with the administration's pursuit of voluntary import restraints. It would offer no new tariffs or quotas or protectionist barriers. It would not displace any existing remedies through the Customs Service or otherwise. Rather, it would reduce the pressures for resort to such disfavored measures, by allowing vigorous enforcement of laws already on the books.

Mr. President, there is nothing like the vigor of private plaintiffs when it comes to enforcement of trade laws or other means of self-help which have long been demonstrated to be the most effective way to get enforcement and action by those who are most directly affected and injured. We have many decades of evidence of this with regard to private enforcement of our antitrust laws. The theory that private plaintiffs would find strong incentive to bring such antitrust suits—and in so doing would both recoup deserved compensation for their injuries and advance strong national public policy interests—certainly has proved correct. There is no reason that the same would not be true of private suits to enforce our international trade laws.

The legal process is well attuned to this kind of an effective remedy. The case of Marathon versus Mobil Oil is an illustration of a case which involved a complex, factual legal situation which was decided by the U.S. district court in Cleveland in the course of some 6 weeks. It is important to enphasize that once such injunctions are issued they stay in effect and no goods can be shipped in violation of those prohibitions while any appeal is pending. That is so because the order of the district court remains in effect unless and until a supersedeas is ordered, which is not a practical reality given the requirement of posting a bond and the substantial sums of money involved in these matters. Similarly, the Federal discovery procedures lend an excellent avenue for injured U.S. interests to seek discovery from any importer who wants to utilize our markets. If importers wish to do business in the United States, they ought to be subject to the jurisdiction of our courts for equitable relief. They ought to be subject to telling specifically what has happened in terms of subsidies or dumping or in terms of the circuity and violations of the customs laws which are applicable in so many situations.

This is an effective remedy because it does not address the problem after the fact. It stops goods from coming into this country before they can displace American products and American jobs.

We desperately need the vigorous private enforcement this bill would spur if we are to successfully chart a course between the grave dangers of increased protectionism and the certain peril which would result from unabated illegal foreign imports. Accordingly, I urge my colleagues to join in supporting this bill.

Mr. President, I ask unanimous consent that certain tables citing statistics on this topic be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRAUD INVESTIGATIONS ENFORCEMENT STATISTICS

	Fiscal year—	
	1990	1989
Arrests	188	126
Indictments	180	254
Convictions	183	116
Seizures	171	237
Penalties	186	142

SEIZURES

Commodity	Fiscal year 1990		Fiscal year 1989	
	Domestic value	Number	Domestic value	Number
IPR	$89,239,109	522	$47,776,580	487
Textiles	49,168,554	608	59,565,822	1,113
Steel	2,985,106	30	3,646,956	65
Other	117,480,070	1,938	48,188,826	443
Total	258,872,839	3,098	159,178,184	2,108

Investigative manhours were expended on 14,436 different fraud cases customs collections resulting from 19 U.S.C. 1592 fraud violations—$36,407,444.00 for fiscal year 1990.

IPR SEIZURES COMPARISON OF FISCAL YEAR 1989 AND FISCAL YEAR 1990

	Fiscal year 1989		Fiscal year 1990	
	Seizures	Domestic value	Seizures	Domestic value
Commodity:				
Watches	71	$3,461,772	45	$14,634,855
Toys	47	2,496,624	68	2,786,251
Perfume	10	1,873,902	12	442,197
Computers	69	2,424,925	90	4,231,453
Other Electronics	12	862,209	11	780,961
Flatgoods	114	8,816,170	63	4,566,605
Textile and wearing apparel	57	2,932,129	83	5,696,799
Miscellaneous	107	24,908,849	150	56,099,988
Total	487	47,776,580	522	89,239,109
Country:				
Argentina	1	12,911		
Bangladesh	1	25,080		
Belgium			3	72,385
Brazil	2	11,132	10	899,168
Canada	2	19,000	6	219,465
Chile	1	23,131		
China	14	674,400	42	3,791,513
Dominican Republic			1	16,500
France	4	424,500	11	308,629
Germany	5	212,851	4	140,906
Great Britain	5	81,652	2	13,856
Greece	1	20,389		
Haiti			1	5,179
Hong Kong	70	2,754,604	53	10,695,391
India	3	94,000	1	4,000
Indonesia	2	67,038	2	107,100
Italy	5	2,826,342	14	566,750
Japan	35	5,748,644	15	829,251
Korea	132	9,390,763	98	8,757,489
Macau	1	107,388	2	76,560
Malaysia			1	352,000
Marianna Islands			3	129,261
Mexico	5	52,455	11	239,702
Netherlands	1	9,734		
Pakistan	3	73,937	3	52,485
Panama	4	537,311	5	161,317
Philippines	3	251,238	6	106,233
Portugal			1	9,867
Singapore	1	90,000	6	627,852
Spain	2	54,228		
Sweden	1	25,675		
Switzerland			3	1,440,007
Taiwan	87	5,299,175	119	6,090,685
Thailand	4	229,010	11	306,688
Tunisia			1	23,250
Turkey			1	720,756
United Arab Emirates	1	35,424	2	44,614
Venezuela	1	18,000	4	90,240
United States (search warrants)	90	18,606,568	80	52,340,010
Total	487	47,776,580	522	89,239,109

The following reflects the Customs commercial seizures for copyright and trademark violations for the period October 1, 1987 to September 30, 1988 (fiscal year 1988):

	Number of seizures	Domestic value
By commodity:		
Watches	76	$2,982,214
Toys	53	3,088,813
Perfume	10	914,826
Computers	86	7,741,168
Other electronics	26	1,210,029
Flatgoods	137	7,904,273
Textiles and wearing apparel	52	2,726,078
Miscellaneous commodities	39	2,108,153
Total	479	28,675,153
By country:		
Bahrain	1	38,970
Belgium	1	97,500
Canada	4	159,055
China	9	148,473
Colombia	2	27,000
Costa Rica	1	10,877
France	3	54,159
Germany	3	49,350
Haiti	3	131,760
Honduras	2	40,000
Hong Kong	61	3,151,992
India	1	8,904
Ireland	1	46,647
Israel	1	69,000
Italy	8	592,711
Japan	7	116,364
Korea	166	12,436,051
Lebanon	2	20,500
Mexico	3	241,884
Netherlands	1	101,606
Panama	4	143,589
Philippines	5	183,138
Russia	1	84,044
Singapore	1	13,346
Sri Lanka	1	36,806
Swaziland	1	5,850
Taiwan	107	6,432,643
Thailand	1	37,492
Turkey	3	753,806
Venezuela	2	22,000
Not shown	8	962,436
Search warrant (United States)	65	2,457,601
Total	479	28,675,554

Textile seizure statistics for fiscal year 1988:

	Domestic value	Seizures
October 1987	$6,316,961	119
November 1987	4,113,203	86
December 1987	3,370,511	82
January 1988	3,961,414	64
February 1988	3,518,830	54
March 1988	3,150,134	71
April 1988	5,950,324	78
May 1988	7,654,209	102
June 1988	5,976,680	87
July 1988	2,656,845	48
August 1988	5,122,879	81
September 1988	5,122,879	81
Fiscal year 1988 to date	56,914,869	953

Source: U.S. Customs.

THE VICTIMS OF CHERNOBYL

Mr. MOYNIHAN. Mr. President, on Saturday, April 26, 1986, a series of blasts in reactor No. 4 at Chernobyl Nuclear Power Station contaminated the region and permanently disrupted the lives of tens of thousands of Ukrainians. Those closest to the reactor were moved, leaving homes and belongings behind. Others—perhaps, more tragically—remained. The full consequences are yet unknown.

Bearing in mind the pace of post cold war events, I rise today to remind my colleagues of the victims of Chernobyl. We must not forget.

Mr. President, I ask unanimous consent that a most informative New York Times magazine article, "Chernobyl: Five Years Later the Danger Persists," be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHERNOBYL: FIVE YEARS LATER—THE DANGER PERSISTS

(By Felicity Barringer)

Eight-year-old Sasha Danilkin left the hospital late last summer and came home to the wooden cottages and muddy roads of Tarasovka, a farming village in southeastern Byelorussia. Since then, the scar left after doctors in Minsh removed his cancerous gland has faded. His energy has returned. In the light snow of a February afternoon, Sasha chases his sisters around a decrepit green cart.

Watching him, his mother, Nadezhda, says over and over, "See how healthy he is." Although Sasha's thyroid received a large dose of radioactive iodine in the days after the explosion at the Chernobyl nuclear-power plant in April 1986, his mother claims the accident has not affected her life. In a high-volume, preemptory tone that turns a sentence into a declaration, she repeats: "We knew everything. We were protected. We were told what to do. Our officials took care of us."

Then, for a moment, Nadezhda Danilkina's strident optimism subsides. "Why could they not do more for the children?" she asks. "Why could they not at least protect the children?"

The moment passes as abruptly as it came. She repeats her earlier words like a mantra. "We were told everything. All of our needs have been secured. Look how healthy he is."

Five years after the Chernobyl disaster spewed at least 50 tons of volatile radioactive particles—10 times the fallout at Hiroshima—across Byelorussia, western Russia and the Ukraine, Nadezhda Danilkina clings furiously to the remnants of the old illusion: that the consequences could be controlled, that the harvest could be made safe, the food clean and the future secure.

She craves such assurances, but she knows her son's future is uncertain. In the days after the accident, his thyroid gland received a dose of 200 rads from radioactive iodine—in terms of cancer risk, the equivalent of thousands of chest X-rays. Four years later, a malignant tumor developed. The cancer has metastasized to his lymph nodes.

While the worst of the radiation danger passed within weeks of the accident, while the iodine 131 and other short-lived particles died out, there is still significant residual gamma radiation from cesium particles. In many villages like Tarasovka, which is about 95 miles northeast of the reactor, the radioactivity will linger for a generation.

In Tarasovka, there is only one way to reduce the risk: pack up and leave. Nadezhda Danilkina's neighbor across the street and another neighbor two doors down have moved out. But the Danilkin family has nowhere to go.

In 1986, when the Chernobyl myths were being made, I was a correspondent for The New York Times in Moscow. Those were days of martial metaphors, harking back to the suffering and triumphs of World War II. Radiation was the enemy; insidious, invisible, stubborn, powerful. But the firemen who extinguished the blaze, the helicopter pilots who dropped sand, lead and boron to smother the smoldering remnants of the reactor, the soldiers who cleaned up the territory and the scientists directing the activity were a powerful army. People had to be moved—about 135,000 from what came to be known as the Zone, the area within an 18-mile radius of the reactor. But their health would be monitored. They would be safe.

I returned in February, nearly five years after the accident, to find the region littered with the remnants of those illusions. Instead I found anger, cynicism, doubt and fear. Far more land was poisoned than can ever be cleaned—or evacuated. Far more people are eligible for resettlement than will be moved. Far more illness is evident than Soviet officials ever predicted. Far more clean food, far more medical care, far more money is needed than a country staggered by other troubles can give.

The numbers of those at risk of radiation-related illness are numbing: 600,000 workers were involved in the cleanup, and many were exposed to high doses of radiation. Some 200,000 people have been evacuated from contaminated areas, many after receiving between 20 and 100 rads (units of measurement of absorbed radiation), a nonlethal dose that nonetheless increases the risk of developing cancer. An additional 2,000 still occupy areas where the contamination measures, on average, 40 curies (units of measurement of radioactivity) per square kilometer—up to 300 times the background levels in Byelorussia. Perhaps 75,000 more, like Nadezhda Danilkina, occupy regions where the levels are lower but still several times that of normal background radiation.

It was mid-1989 when Byelorussian and Ukrainian leaders revealed how much was left undone. The nation was then transfixed by its experiment in quasi-democratic elections. Ethnic violence was flaring in the Caucasus and Central Asia. There was little energy left to help the new Chernobyl victims; there were few resources.

Reckoning with these truths and uncertainties has left the region crippled, environmentally, economically and psychologically. Many of those with the most marketable skills, like teachers and doctors, have moved away from cities where radiation lingers. The exodus, local Communist Party officials say, worsens the existing economic disruptions.

Those who can't, or won't, flee the contaminated areas live in places they are told people should not live, and eat food they are told they should not eat. With a thousand different versions of the truth in the newspapers and in official statements, people believe whatever story best fits their fears.

Back at the time of the accident, all I remember is that they told me there was radiation, recalled 9-year-old Tamara Klatsman, a patient at the Radiation Medicine Clinic in the Minsk suburb of Aksakovshchina. "Radiation. Radiation. Simply that. An invisible thing." Doctors have found abnormalities in her thyroid; her dose of radioactive iodine was in excess of 200 rads. Tamara, from the town of Svetlogorsk, 75 miles north of Chernobyl, was 5 when the reactor exploded. "We first didn't know there was an accident," she said. "Then we thought some kind of machine had exploded. Or just everything had exploded. We didn't know."

The children of Svetlogorsk were not alone. The nuclear experts who were working at Chernobyl, running a low-power experiment on that April night in 1986, also knew less than they thought. The wishful thinking that has characterized the five-year history of Chernobyl began within minutes of the series of blasts in the hall of reactor No. 4 at 1:24 A.M. on Saturday, April 26.

From the first, senior engineers in the control room refused to believe what had happened. Grigory Medvedev, one of the nuclear-power engineers sent from Moscow to investigate the accident, described the scene vividly in his 1989 work, "Chernobyl Notebook," published in translation this month by Basic Books under the title, "The Truth About Chernobyl."

According to his account, a few seconds before the explosions, a panicked engineer named Aleksandr Akimov watched "in amazement" as the dials on his control panel began to glow, "as if they were red hot." Moments later he sent two young engineers to the reactor hall a few hundred yards away. Their job was to lower by hand the control rods that had jammed before the blast.

When they got there, there were no control rods left to lower. The reactor lid, weighing tons, was canted crookedly above absurdly twisted girders and a mass of searing, intensely radioactive fuel burning blue and red.

They surveyed the scene for a minute or two—long enough to have their skin turn brown from lethal doses of radiation—and returned to report that the reactor had been destroyed. Their superiors in the control room refused to believe them. The two young men, like 29 others, including Akimov, would perish of radiation sickness within 10 weeks. Two plant workers died in the fire and explosion.

Grigory Medvedev's account, which includes verbatim statements of witnesses in the plant at the time, reports that the plant's director, Viktor Bryukhanov, and chief engineer Nikolai Fomin were called at their homes, where they were asleep, and told there had been an accident but that the reactor was intact. They passed the lie on to Moscow. Later that morning, Fomin, who had gone to the scene, sent a third engineer, Anatoly Sitnikov, to check on the reactor. Sitnikov, too, reported the destruction of the reactor and was ignored. Like the others, he received a massive dose of radiation and died in agony.

These refusals to accept the truth had two results: a delay of days in finding a workable way to quench the radioactive volcano, and a delay of 36 hours in evacuating residents of the small high-rise city of Pripyat, just two and a half miles away. As they had refused to believe the explosion had destroyed the reactor, Bryukhanov and Fomin also refused to believe the plant's radiation monitors, whose needles were registering radioactivity off the scale.

"The radiation situation is within normal limits," Bryukhanov informed members of the investigating commission headed by Boris Shcherbina, a deputy prime minister, in the early hours of Saturday morning. According to Medvedev's account, later that day Bryukhanvo did ask Shcherbina's assistant for permission to evacuate Pripyat. Shcherbina's orders were: "Don't start a panic."

On that Saturday, a bright sunny day, there were soccer games in Pripyat. Women gardened. Children played in the sand. Weddings were held. Finally, late Saturday night, Shcherbina gave way to the pleadings of civil-defense officers, and agreed to evacuate Pripyat.

On Sunday afternoon, the city's population of nearly 50,000—plant workers, nuclear engineers, construction workers and their families—boarded 1,100 buses and left. Most thought they would soon return.

Militiamen and soldiers, like Yevgeny Zhuk, whom I met on the streets of Khoiniki this February, were called in to keep order. But the radiation didn't dissuade thieves. "A week after the accident, you could buy a radioactive television at the market in Gomel for a bottle of vodka," recalled my guide Vladimir Tsarenko, a television newsman from Gomel, 80 miles northeast of Chernobyl. As fast as cleanup workers could bury radioactive cars and ambulances, Zhuk added, they were dug up and stripped, the parts taken away for resale. Zhuk shook his head as he spoke, leaning on a cane and smiling sadly.

Zhuk, now 24, was one of the soldiers put to work controlling access to the zone. His comrades buried chunks of radioactive graphite blown out of the reactor, plowed under radioactive topsoil, chopped down contaminated trees and built a "permanent" sarcophagus that is already obsolete. The 600,000 workers, many of them conscripts like Zhuk, were shuttled in and out of fields pulsating with the radioactive elements strontium, cesium, and plutonium.

They came to be called likvidatory, a name drawn from words spoken by Mikhail S. Gorbachev: "Work to liquidate the consequences of the accident now remains the immediate task." Like the village children, more and more of the likvidatory are falling sick.

But, according to Zhuk, whose legs are stiff and whose knees give him constant pain, "the local doctors, they send us away. They want nothing to do with us. I have become a person of no use to anyone."

Gorbachev's immediate response to the Chernobyl disaster was 43 hours of silence. But the enormity of the situation forced his hand: two days after the accident, the radioactive cloud set off alarms in Sweden, compelling him to respond. The first comment was a terse five-sentence announcement by the official Tass news agency on April 28. But 16 days later, Gorbachev went on national television. Although he larded his account of the tragedy with attacks on supposed Western gloating, he spoke with an unusual degree of candor.

In 1986, this was a refreshing contrast with traditional Soviet stone-walling. Western observers viewed Gorbachev's statement as a watershed for his policy of glasnost. But by 1991, the remarks have come to seem breathtakingly inadequate. For the past two years, a reinvigorated national legislature, the Supreme Soviet, has made Chernobyl its first crusade as the country experiments with its ability to question and denounce Gorbachev and his inner circle. The opportunity to ask questions, limited as it may be, has still allowed the Supreme Soviet's commission investigating Chernobyl to uncover two high-level secret government orders: one from 1987 classifying as secret any information on the extent of radiation contamination, and one from 1988 decreeing that no medical diagnosis may connect an illness with radiation exposure. Chernobyl has become a symbol of how closed the openness really was.

"What we had was the prototype of a new policy: limited glasnost. That's still the policy," says Yuri Shcherbak, a doctor and journalist who was galvanized by his own findings about Chernobyl to become a leader of the Ukrainian opposition ecological party Green World. Formed in 1988, when the Ukrainian population began to realize the extent of the deception, Green World is, like its Western counterparts, fervently antinuclear. It is also anti-Communist—its adherents form a vocal minority of the new Ukrainian Rada, or Parliament.

Indeed, Chernobyl was more a turning point for nationalism than for glasnost. Byelorussia and the Ukraine, non-Russian Slavic republics, were once ponderous, predictable supporters of Moscow—unlike the restive, independence-minded Baltic republics or the fiery peoples of the Caucasus. No more. The disaster and its aftermath have been catalysts for political upheaval along the southwestern edge of the Soviet Union.

In the Supreme Soviet, there is a thirst for accountability. Aleksei Yablokov, a scientist who is now vice chairman of the Supreme Soviet's committee on the environment, is leading a parliamentary investigation of the actions of officials like Yuri Izrael, head of the State Committee on Hydrometeorology and Environmental Protection, and Leonid Ilyin, chairman of the National Committee for Radiological Safety.

The parliamentary commission seeks to determine if the silence and lies of the early years resulted from arrogant ignorance or a policy of deceit. Recognizing the limits of parliamentary power—"not everybody obeys the summons of a parliamentary commission," Yablokov says wryly—he has welcomed a parallel investigation by the federal prosecutor's office. The prosecutor is looking for criminal liability.

But where are the victims, on whose behalf so many now speak? One must start looking in the fields and woodlands of western Russia, Byelorussia and the Ukraine, where villages rise up like tiny islands in a vast and empty plain. Along their muddy streets, people wait with angry stoicism as the men with the clicking Geiger counters come and go.

Soviet and American maps trace the current levels of contamination, the active remnants of a far larger group of short-lived radioactive particles that rained down on millions of people in the days immediately following the accident. By far the largest area of persistent contamination was made by cesium 137, one of the longest-lived radioactive elements emitted in the Chernobyl explosion. It was carried on wind high above the ground, and fell where the rain did, along a broad swath of territory from the central Ukraine north across eastern Byelorussia—70 percent of the fallout on Soviet territory landed on Byelorussia. Strontium 90 and plutonium are also long-lived, although they did not spread as far. Altogether, some 13,100 square miles of agricultural land, dotted with small cities, are contaminated with radioactivity at levels of five or more curies per square kilometer. Cesium contamination forced farmers to destroy produce as far away as Lapland, in northern Sweden, and Italy and Wales.

Across the southwestern edge of the Soviet Union, and as far east as Orel, a day's drive south of Moscow, more than four million Soviet citizens live on ground that, while generally clean, has scattered pockets where the radiation is 5 to 20 times the normal background radiation for this area.

"The first clear health effect was essentially on the thyroid," says Zhores Medvedev, a prominent biologist now living in London (no relation to the engineer Grigory Medvedev), who has written a detailed study of the 1986 accident, "The Legacy of Chernobyl."

Thyroid cancer is extremely rare among children. In the United States, according to the Centers for Disease Control, it is almost unknown in people under the age of 25. Yet health officials in Byelorussia reported 19 cases of malignant thyroid cancers in children, including Sasha Danilkin, in 1990. In the Ukraine, there were 21 cases.

The woodlands region of southern Byelorussia and the northern Ukraine have long been known as a "goiter belt," notorious for a lack of iodine in the environment, and for the resulting thyroid abnormalities. Still, health officials say childhood thyroid cancer had never been seen here. But when the accident happened, they say, the children's thyroids, thirsty for any sort of iodine, greedily absorbed the damaging radioactive iodine isotopes that permeated the air for more than two weeks. While no individual case of cancer can be linked to radiation exposure with certainty, most Western experts believe it likely that Sasha Danilkin and other children struggling with thyroid cancer owe their disease to Chernobyl.

Doctors still worry about external doses of radiation, but today, five years later, they are more concerned about the internal doses in people who consume tainted milk, grain and meat.

Both the Ukraine and Byelorussia have established supply lines to get clean produce to the people living in areas where contamination exceeds 15 curies per square kilometer. In Byelorussia, sale of produce from such regions is now punishable under the criminal code. In theory, good food goes in and no bad food comes out.

In practice it doesn't work that way. Refrigerated train cars filled with radioactive meat have turned up in Georgia in the south and Karelia in the north. In Leningrad, Yablokov says, city officials found they had bought tons of mushrooms that they had to discard as radioactive waste. In the contaminated villages I visited—escorted by either Byelorussian government officials or members of the Ukrainian Green World party—everyone said they ate food from their own gardens.

The quarrels among experts who speak only to one another leave the village people feeling like guinea pigs. "We were given dosimeters at work. We wore them for a month. Then they took them away from us and no one told us what dose we received," said Vera Zborovskaya, a 30-year-old combine operator in the Byelorussian village of Dubrovnoye, about 35 miles north of the reactor.

"All these counters, they lie, they lie," cried a querulous group of portly grandmothers, crowding around her in the local bread store, kerchiefed heads wagging and metal teeth flashing.

"I have two children," Zborovskaya said. "I can't get them checked." Her 10-year-old daughter, Oksana, has developed abnormalities in her thyroid gland. Every six months or so, Oksana, like other children in "periodic control zones" is taken away for a month, to the "clean" regions in the north, east or west. "When they come back, I am told they are sick. But here, no one checks their health. There is no doctor here anymore. In Bragin, they put a stamp on a piece of paper and said the kids were examined. They didn't examine them.

But indifference from medical personnel is nothing new. In a country that has few material comforts and public amenities to offer its citizens at the best of times these small areas have the bare minimum—if that.

Roads are narrow and pocked with potholes. Telephones and indoor toilets are a rare luxury. Interiors are warmed by whitewashed peasant ovens (though modern cookstoves are common) that double as hearths and whose broad shelves serve as sleeping nooks. Even barebones Soviet-made cars are a luxury; trucks and motorcycles with sidecars are more common. In some villages, horse-drawn carts with rubber car or tractor tires make their way past women drawing water from wells.

"Our children go to schools here, but there's no heat," said Zborovskaya. "Then they come home and play in the streets. Clearly it's dangerous, since they want us to move out of here. If it's necessary to move out of here, they should have done it right away."

"They," for Zborovskaya, are an amalgam of officials. She doesn't differentiate between the management of her kolkhoz, or collective farm; the regional Communist Party officials in the district center of Bragin to whom they are answerable; the oblast—or county—Party officials in Gomel; the republican government and the associated ministries in Minsk, or the federal Government in Moscow.

There has been talk of resettlement for more than a year; the construction ministry in Minsk cannot come up with the necessary bricks and mortar. "I've seen the place you're to be moved to," my guide, Vladimir Tsarenko, told her. "It's an empty field." Some residents have left, but Vera Zborovskaya and about 90 others stay on.

"I worked as a combine operator this past summer," she said. "We were sent to work in the places left empty when people were resettled. If I refused to go there, I would be punished. There are no people there, but I am forced to go to work. I cannot check the dose I get. To what end do I harvest contaminated wheat? We feed the cattle with it."

As we drove northward from the Bragin District that evening, a grime-coated caravan of yellow buses passed us, heading southward through the dusk. Tsarenko swiveled his head to look at the blurred facade of metal windows and children's faces.

"They're kids, going back," he said. "The health officials take them away from the contaminated areas for a month at a time, a couple of times a year. They eat clean food, breathe clean air." In a clean environment, the theory goes, the effects of exposure to low-level radiation will be purged from their systems. Then they are taken back home.

In the crowded halls of the Diagnostic Center for Radiation Medicine in Minsk, mothers, their hair covered by scarves, hold the hands of children wearing dark, knitted tights. Young men sit on benches, elbows on knees, eyes downward. Their complaints are the same as those found in any other clinic: listlessness, stomach pains, heart troubles, sore joints or bones. It would be an unremarkable assembly of aches were the patients not likvidatory and residents of contaminated regions.

They are taken to small examining rooms, sometimes given whirlpool baths, sometimes checked out with a British-made whole body scanner that shows the amount of cesium contamination in their bodies.

On the day of my visit to the clinic, the director, Valery Rzheutsky, ticked off on his fingers the illnesses he sees among the exposed population.

"In first place are the diseases of the gastrointestinal tract and the kidneys. This is obviously connected with the intake of radionuclides in people's food. There is an incease, a significant increase." Next in line, he said, come thyroid abnormalities—not necessarily harmful in themselves, but often an indication of future problems. The thyroid, the body's metabolic pacemaker, helps regulate growth and development in children. Rzheutsky describes, in addition, an increase in circulatory system diseases, which are often stress-related.

Reports of childhood leukemia cases sound the loudest warning. An increase in childhood leukemia rates would be a rough indicator of the eventual increase in solid tumors among adults experiencing the same exposure. The Ukrainian Health Minister, Yuri Spizhenko, a blunt and popular figure who replaced the widely distrusted Anatoly Romanenko, said that leukemia rates in the contaminated regions were up sharply in 1990. American experts, including Marvin Goldman, a biologist at the University of California at Davis, say they expect the increase began about two years after the accident (though they don't yet have all the data) and will peak between 1991 and 1993. They say the appearance of other cancers will follow in 5 to 10 years.

Both Rzheutsky and Spizhenko demurred when asked to provide specific figures on leukemia. Rzheutsky said a special delegation from Moscow had taken his only copy of the data. Spizhenko said, "I don't have the figures in my head." Similarly, both were willing to talk about what they saw as an increase in reproductive anomalies—including birth defects, miscarriages and delivery complications—but gave no statistics.

There is sharp divergence among Western experts about the eventual Chernobyl toll. Goldman says the Soviet Union will see between 1,000 and 7,500 new cancers in the next 50 years, a rate he says will be undetectable against a backdrop of hundreds of thousands of cancers that will have occurred anyway. But John Gofman, professor emeritus of biophysics at the University of California at Berkeley, estimates the Chernobyl toll in the Soviet Union will be between 50,000 and 250,000 deaths.

Whatever the number in the Soviet Union, both men agree it will be equaled outside the country, where the doses were lower but the exposed population was far greater.

The effort to get reliable health data is a source of continuing frustration to Westerners working with the Soviets. "They need good epidemiological studies," says Marvin Goldman, who has been working with Soviet health officials. Still, it is clear that people in contaminated zones are living in mine fields.

Morever, with more illness have come fewer doctors. The exodus of doctors from the contaminated regions has left those remaining carrying a heavy workload. "In the woodland regions, we used to have 60 or 70 percent of the doctors we needed. Now we have 30 percent," said Spizhenko. The medical centers in Minsk and Kiev organize periodic visits by a busload of specialists.

"This kind of medicine needs to be very sophisticated," Spizhenko added. "But our doctors are diagnosing things by eye, by ear, by touch, the way they did 100 years ago. We need ultra-sound equipment. We have almost no blood analyzers."

His litany of want echoes Rzheutsky's. The health ministries in Minsk and Kiev and the clinics themselves need donated equipment. But they do not suggest donations be made through charitable or governmental organizations in Moscow. Of the millions of rubles sent to the "Chernobyl Account" in 1986, newspapers in Moscow report, nearly half went to the Ministry of Atomic Energy.

Some charitable efforts have had an impact. German doctors gave money to the Aksakovshchina endocrinology clinic, outside of Minsk, which allowed them to get some medicine that was in short supply. The Children of Chernobyl Relief Fund, a New Jersey-based organization just sent $3 million worth of medicine and medical equipment to a hospital in Lvov. Project HOPE, with the help of the United States Government, recently delivered medicine to hospitals in or near contaminated areas.

Thomas Cochran, a senior scientist at the Natural Resources Defense Council, has established a joint project, collaborating with a Minsk factory that produces handheld dosimeters. Cochran's group donates them to local science teachers who will take courses in their use.

In the West, Chernobyl may evoke powerful feelings of sympathy, but not everyone in the Soviet Union is so moved. For most Soviet citizens, Chernobyl is just one of many environmental disasters—including the contamination, as extensive as Chernobyl's, from the 1957 explosion of a nuclear-waste dump near Chelyabinsk, in the Ural Mountains. But because Chernobyl has a certain cachet, its victims get more aid than some others. And the hard-currency donations from Westerners have aroused envy.

The Parliaments in Minsk and Kiev have passed their own laws concerning the government's obligations to the Chernobyl victims. Although Moscow had established a lifetime "safe" limit of absorbed radiation in a person's lifetime, the Minsk and Kiev legislatures have established that a person has the right to compensation after being exposed to just one-fifth of that amount in his or her lifetime. The cost of this will come to an estimated 3 billion rubles annually for the Ukraine, 3.7 billion rubles annually for Byelorussia, money they hope to get from Moscow. Shcherbak says calculations indicate that before the end of the century, the total cost of Chernobyl will reach 250 billion rubles—the equivalent of about half of current annual expenditures for the entire nation. Among other problems, the concrete and steel sarcophagus that was to entomb the reactor for eternity is already showing extensive wear. In February, the plant's current director confirmed that a new sarcophagus must be constructed.

While the Government struggles to define what is "safe" and how to make people safe, some pay no heed. "I was born here," said Tatyana Leonenka, who came back to her home in Krasnaya Gora two years ago. "I lived here during the war. I lived here till they resettled me. I was not happy there."

"I've been back two years," said her neighbor, 74-year-old Vasily Osipenko. "I'm healthier here than I was where they evacuated us. There's no danger here. I drink, I eat my bread, I keep a cow, I drink her milk, I have pigs."

Between the extremes—those who fear everything and those who fear nothing—people wait. The 5,000 people of Narodichi, 50 miles west of the reactor, are still slowly being moved out. They only recently found out that radioactivity levels on their streets ranged from 15 curies to more than 40 curies per square kilometer.

The village of Nozdrishche is already empty. On the outskirts, authorities have built a barbed-wire fence. It curves between an apple orchard and a hayfield. A sign at the gate warns, "Danger—Radioactive Zone."

The fence offers a pretense of demarcation. The apples on one side are bad, the hay on the other is good. But the fence is rusted, the lock broken. The gate hangs open. Through it, headed toward the distant reactor, a stream of footprints is etched in wet and muddy snow.

Now, in the confusion of a decentralized Soviet Union, the old illusions spawned by the Government are disappearing, but homemade myths arise in their stead. Even if the truth is eventually known, there is little hope it will overtake the stories. In a country of storytellers, Chernobyl has become everyone's story.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,231th day that Terry Anderson has been held captive in Lebanon.

TRIBUTE TO PERRY HUBBARD

Mr. HEFLIN. Mr. President, I rise today to pay tribute to an outstanding Alabamian, a truly great lawyer, and an extraordinary law professor, Perry Hubbard of Tuscaloosa, AL, who recently passed away.

Perry Hubbard was born in Tarrant, AL in 1921. He attended the University of Alabama at Tuscaloosa. Upon completion of his bachelor of science degree in commerce and business administration, he enrolled in the University of Alabama School of Law where his scholarship was recognized by selection to the forerunner of the Order of the Coif, then known as the Farrah Order of Jurisprudence. After graduation, Perry remained in Tuscaloosa with his lovely wife, Margaret Cannon.

As a young lawyer he became associated with one of the truly outstanding law firms of Alabama—Lemaistre, Clement, and Gewin. This law firm produced a Federal Fifth Circuit Court of Appeals judge and a comptroller of the currency. Perry soon was recognized as one of the outstanding practitioners in the State, a reputation that continued throughout his career. At the time of his death, he was the senior partner in the distinguished law firm of Hubbard, Waldrop, Reynolds, Davis, and McLiwain. He was a lawyer's lawyer, and many attorneys from all over the State turned to him for counsel and association.

His attainments as an attorney and his scholarship attracted the attention of the law school of the University of Alabama where he was asked to be an adjunct professor. He taught at the law school for over 40 years and brought an unusual insight to law students, as many learned from him the nuts and bolts of the practical tools of a law practice. He is remembered by his students for his toughness and demanding expectations. Students came away from his classes with a feel of what it is like to be a practicing, hands-on attorney.

Due to his vast knowledge of the law, Perry Hubbard was asked to be a member of the Advisory Committee on Appellate Rules for both the Fifth Circuit Court of Appeals and the Alabama Supreme Court, where I had the honor and privilege to work with him. He was also a member of the Commerce Executives Club at the University of Alabama, and was a recipient of the University's Tutwiler Award for outstanding service to the university and to the State. He was also very active in his church and the YMCA, where he served several positions of leadership.

Perry Hubbard will be missed dearly by his wife, his children, Perry, Jr., Carolyn, Kathryn, and Edward, as well as his friends, and his students. The State of Alabama is a better place because of the generous contributions Perry Hubbard made to his fellow persons.

A TRIBUTE TO CPL. FREDDIE STOWERS

Mr. THURMOND. Mr. President, I rise today to pay tribute to a true hero, the late Cpl. Freddie Stowers of South Carolina. Corporal Stowers was posthumously awarded the Medal of Honor yesterday in a moving White House ceremony which I was privileged to attend.

Yesterday's ceremony made Corporal Stowers the only black ever to be awarded the Medal of Honor for service in World War I or World War II. Corporal Stowers was killed in the line of duty 73 years ago, and the medal was awarded for "conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty."

Mr. President, South Carolina is proud of the contribution of Cpl. Freddie Stowers. He was an outstanding example of courage, determination, and fighting spirit, and he richly deserved this distinguished award.

I would like to take this opportunity to extend my congratulations and best wishes to Corporal Stowers' family, especially his two lovely sisters, Mrs. Mary Bowen of Greenville, SC, and Mrs. Georgianna Palmer of Richmond, CA, on this great honor.

I ask unanimous consent that articles from the Greenville News and the Washington Post be inserted in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Greenville (SC) News, Apr. 25, 1991]

BUSH PAYS TRIBUTE TO BLACK SOLDIER WHO LED CHARGE

(By Jim DuPlessis)

WASHINGTON.—President Bush presented the Medal of Honor Wednesday to the late Cpl. Freddie Stowers of Sandy Springs, the first black soldier from World War I to receive the nation's highest award for valor in combat.

Stowers' two surviving sisters, Mary Bowen of Greenville and Georgianna Palmer of Richmond, Calif., received the award for Stowers in the East Room of the White House.

Stowers earned the citation Sept. 28, 1918 when he led a squad that destroyed a German machine gun position during the Meuse-Argonne campaign in France, according to the Army. Although he was mortally wounded, Stowers led his squad on toward another entrenched machine gun, which they took after Stowers fell.

"On that September day, Freddie Stowers was alone, far from family and home," Bush said. "He had to be scared, his friends died at his side, but he vanquished his fear and fought, not for glory, but for a cause larger than himself, the cause of liberty."

More than 20 of Stowers' relatives attended the ceremony from across the nation and one, Staff Sgt. Douglas Warren of the New York National Guard, was flown in from the Persian Gulf.

Mrs. Bowen and Mrs. Palmer were seated on either side of First lady Barbara Bush. Defense Secretary Dick Cheney, Gen. Colin Powell, Vice President Dan Quayle, Sen. Strom Thurmond and Rep. Liz Patterson also attended.

Before Stowers' award, no black soldier in either World War I or World War II had received the Medal of Honor. Complaints from members of Congress, who said the lack of awards was due to racism during World War I, led the Army in 1988 to begin researching the records of black soldiers, Army officials said.

Although the investigation of World War I records is complete, World War II records are still under study, Army Undersecretary John Shannon said.

"History has a way of correcting itself," he said.

Stowers was born about 1897 in the Anderson County community of Sandy Springs, the fourth child of Wiley and Annie Stowers, according to the 1910 census. By 1910, his mother had borne 12 children, but three had died.

John W. Stowers, a nephew of Freddie Stowers living in Anderson, said the little he knows about the family came from his father, John, who was about three years younger than Freddie. He recalled being told the family worked on large farms outside Anderson and that an uncle died in World War I.

Stowers, 63, who served in the Army Engineers during the Korean War, said he found it incredible that the exploits of an uncle he never knew had been "raised up."

"It's a great thing," he said. "He died for our country."

Stowers joined the Army Oct. 4, 1917 in Williamston, leaving behind his wife, Pearl, and daughter, Minnie Lee, in Sandy Springs. He was assigned to one of the few black regiments that was given a combat role in the war, the 371st Infantry.

Although 400,000 of the 4.35 million Americans in the military during the war were black, only about 40,000 blacks served in the infantry, said an Army spokesman, Lt. Col. Jack Horne.

There were 78 Medals of Honor awarded for World War I by October 1920, six of them to South Carolina soldiers, according to the History of South Carolina edited by Yates Snowden and published that same year.

In addition, 89 South Carolinians had received the Distinguished Service Cross, including six members of the 371st.

Private Burton Holmes of Company C died earning a Distinguished Service Cross on Hill 188 on Sept. 28, the same day Stowers died, according to Snowden's research. He had something else in common with Stowers: He was from Pendleton, a town near Sandy Springs.

Besides Stowers, three other black soldiers in World War I were recommended for the Medal of Honor. The other three were instead given the Distinguished Service Cross, according to Army research.

Horne, the Army spokesman, said the research that led to Stowers medal did not show any uneven treatment of blacks in the awarding of medals of valor. Instead, he said, it was racism that kept most blacks serving in menial non-combat roles.

[From the Washington Post, Apr. 25, 1991]

AT LAST, A BLACK BADGE OF COURAGE

(By Donnie Radcliffe)

The family of Cpl. Freddie Stowers never knew he was a hero. Yesterday, President Bush made Stowers a one-of-a-kind hero: the only black soldier ever to receive the Medal of Honor in either World War I or World War II.

The recognition was 73 years late because of what the Army now concedes was "a mistake." For the long-dead soldier's relatives, the honor was better late than never.

"Yes, I think so," said Stowers's sister, Georgiana Palmer, 88, of Richmond, Calif. She and her sister, Mary Bowens, 77, of Greenville, S.C., received their brother's posthumous medal "for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty" from President Bush at the White House.

"He had to be scared; his friends died at his side. But he vanquished his fear and fought not for glory, but for a cause larger than himself—the cause of liberty," said Bush, describing the 21-year-old Sandy Springs, S.C., soldier's bravery during an attack in the Champagne Merne region west of Paris.

"Today, as we pay tribute to this great soldier, our thoughts continue to be with the men and women of all our wars who valiantly carried the banner of freedom into battle," Bush continued. "They, too, know America would not be the land of the free if it were not also the home of the brave."

The last day of Stowers's life was Sept. 28, 1918, when he led a squad from Company C from the new all-black 371st Infantry Regiment against the Germans.

"Only a few minutes after the fighting began, the enemy stopped firing and enemy troops climbed out of their trenches onto the parapets of the trench, held up their arms and seemed to surrender," Bush told an audience in the East Room that also included Stowers's great-great-nephew, Staff Sgt. Douglas Warren of the 101st Airborne, flown from Saudi Arabia for the occasion.

As Bush recounted that day, "The relieved American forces held their fire, stepped out into the open. As our troops moved forward, the enemy jumped back into their trenches and sprayed our men with a vicious stream of machine gun and mortar fire. The assault annihilated well over 50 percent of Company C. And in the midst of this bloody chaos, Corporal Stowers took charge and bravely led his men forward, destroying their foes."

Although mortally wounded during the attack, Stowers continued to advance, urging his men forward with him until he died. He was buried in the Meuse-Argonne American Cemetery in France and later, according to the Army, was recommended for the Distinguished Service Cross, which his commanding officer subsequently upgraded to Medal of Honor.

Although 127 Medals of Honor were awarded to other U.S. servicemen during World War I, nothing ever came of Stowers's nomination. His family, including his wife and daughter who are now dead, never were told of his heroic deeds.

"Somehow the recommendation got misplaced," Undersecretary of the Army John Shannon said yesterday, denying that the recommendation may have been "misplaced" because Stowers was black.

But Bush told the crowd yesterday that in 1987 then-Rep. Joe Dioguardi and the late Rep. Mickey Leland discovered the Stowers case while conducting other research. "And the Army took up the case," he added.

Bush said that last November the secretaries of the Army and Defense recommended that Cpl. Stowers receive the Medal of Honor, "and I accepted their recommendation enthusiastically."

But according to published reports in 1988, there has been criticism by an Albany, N.Y. historian, Leroy Ramsey, that the U.S. military had neglected to award the Medal of Honor to any of the 1.5 million black soldiers serving in the two world wars. Then-Defense Secretary Frank Carlucci ordered a review, acknowledging the possibility of racial discrimination.

Yesterday, Shannon, a retired Army colonel who described himself as "a soldier who's black—23 years a soldier," said he did not suspect any such racial "monkey business." He said the Army has contracted outside help to search its archives "to determine whether mistakes were made. We found one in Freddie's case, and we'll continue to search to see if we find others."

Shannon, who served in Vietnam, said that while he "personally wondered" why no blacks had been medal recipients in either World War I or II, "being a soldier, I could understand how that could happen. . . . History has a way of correcting itself, particularly with Mother Army."

Georgiana Palmer said she was 14 years old when her brother, one of six children, enlisted in the Army in October 1917 and six months later was sent to France. Like others in his family, he worked on a farm growing cotton and "anything that could be raised," she told reporters after the ceremony.

"He was a nice boy," she said. "He never gave his father any trouble."

Shannon said he flew to Richmond and Greenville to personally interview Stowers's sisters to determine whether the soldier had ever received another award in recognition of his battlefield gallantry. Had that been the case, Stowers would have been ineligible for the Medal of Honor.

Both women shared the stage with Bush and First Lady Barbara Bush, looking out over an audience that included Stowers's relatives, military brass and several redjacketed members of the Tuskegee Airmen of World War II.

"Oh, I felt so happy," Georgiana Palmer said later. "I didn't think that would ever happen to me."

James Bryson, 65, of Rockville, one of the Tuskegee Airmen, said that while the posthumous medal to Stowers "acknowledges the error," nothing will ever "rectify" the Army's mistake.

"It's hard for me to imagine that there were no black men in World War II that didn't deserve the Medal of Honor," Bryson said.

TRIBUTE TO REPRESENTATIVE PAT HARRIS

Mr. THURMOND. Mr. President, I rise today to pay tribute to South Carolina Representative Pat Harris, who recently celebrated his 80th birthday. Representative Harris is a man of intellect, honor, and dedication, and he has served South Carolina well and proudly.

During his 22 years in the General Assembly, Pat Harris has earned quite a reputation. First and foremost, he is known as a fine legislator and a man of great ability. He has represented his district with both skill and determination, and he is universally respected for his accomplishments.

He is also widely known as a man of great compassion. Pat always has time to give advice to a friend or to help out a constituent in trouble, and his colleagues and friends regard him as one of the kindest men they know.

However, one of Representative Harris' most endearing qualities is an irrepressible sense of humor. He can always be depended upon to liven the moment with a joke or story from his vast repertoire, and it is this ability which has made him one of the most popular legislators in our State capital.

Mr. President, I wish Representative Harris well as he enters his 81st year. I am confident that he will continue to serve his constituents with the energy and imagination which characterize all his endeavors, and I look forward to our continuing friendship.

I ask unanimous consent that an article and an editorial from the Anderson Independent be inserted in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Anderson (SC) Independent, Apr. 19, 1991]

HAPPY BIRTHDAY, MR. PAT

Anderson legislator Pat Harris is 80 years young today. We'd like to add our congratulations to the many he has already received.

It's not everyone who gets a day proclaimed in his honor by the governor, but then there aren't many Pat Harrises out there.

Mr. Pat, as he's known statewide, has served Anderson County well and faithfully for many years. He's been honest, accessible and effective, a combination that's hard to beat. We're proud to know he is representing this county in the General Assembly.

Happy Birthday, Mr. Pat, and we hope you will have many more.

[From the Anderson (SC) Independent, Apr. 20, 1991]

400 WISH HARRIS HAPPY BIRTHDAY

(By Scott Wyman)

CLEMSON.—Some remembered his humorous side, when he tried to outlaw toad licking.

Others recalled his humaneness, his concern for the mentally ill and the aged.

More than 400 people, from the state's top dignitaries to city employees, gathered Thursday night at Clemson's Ramada Inn mainly to honor the man—Rep. Pat Harris—on his 80th birthday.

The soft-spoken Anderson legislator has collected many friends in his 22 years in the General Assembly, building tremendous political clout. Few who gathered at Clemson were even in office when his career in public service began.

Gov. Carroll Campbell began honors at the birthday party by presenting Rep. Harris with the state's highest award, the Order of the Palmetto. Earlier this week the governor declared today Pat Harris day.

"I've known Pat Harris for 20 years, and he is one of the most responsible men in state government I've had the privilege of knowing," Gov. Campbell said. "He is a caring individual and goes out of his way to help people. I'm just glad I could say thank you."

The governor was joined by most of the state's constitutional officers, many current and former legislators and county and city officials in recognizing Rep. Harris, U.S. Sens. Strom Thurmond and Fritz Hollings had planned to attend, but were kept in Washington, D.C. by a lengthy legislative session.

In their tributes to him, his friends honed in on Rep. Harris' characteristic wit.

They recalled how he tells people he is too old to buy green bananas because he doesn't have time to let them ripen. They remembered him twisting with a belly dancer at a fundraiser last year.

"Rep. Pat Harris has slept in the House of Representatives since 1969," said Rep. Marion Carnell, of Ware Shoals, the only member of the House to serve longer than Rep. Harris. "Pat is number two in senility in the House. I mean seniority."

State Sen. John Drummond, of Greenwood, Rep. Harris' longtime roommate while in Columbia, said he promised to lay off the jokes at the dinner, but wondered what would happen to his friend's ego.

Rep. Harris' friends said that humor they loved to remember has been the key to the Anderson Democrat's political success.

In recent years, he has gained the Upstate a psychiatric hospital and a veterans nursing home.

Rep. Harris tried to take the kidding in stride, saying he was ready for the party for his 81st birthday.

"This is a lot of fun," he said. "I think we'll have another one."

TRIBUTE TO THOMAS BOBO

Mr. HEFLIN. Mr. President, I rise today to recognize Dr. Thomas Bobo for the outstanding recognition he recently received. Dr. Bobo serves as the superintendent of the Montgomery County school system and was recently selected by the Alabama PTA as Alabama's outstanding school superintendent.

I have been working with Dr. Bobo from here in Washington for over 12 years and know him to be a conscientious and hard-working individual. He has worked well with the entire Alabama delegation and has been very effective in securing Federal funds for the Montgomery County school system. He is very persuasive and has the strength of his convictions to back his efforts.

Thomas Bobo has worked in the Montgomery County school system for 33 years and was named superintendent in 1986. He has testified before several congressional committees as an advocate for Federal funds for both elementary and secondary education. He has been especially effective in working with chapters 1 and 2 of the Eduction Consolidation Act and in protecting the School Lunch Program in the Agriculture Committee. Over the years, Dr. Bobo has been one of the strongest advocates for increased impact aid for schools which are affected by the presence of military bases and other Government installations.

Thomas Bobo believes strongly in the important role which the PTA can play in each school. He has given parents a voice in almost all levels of planning for the school system and gave the Montgomery County PTA Council an office for the first time in 68 years.

Mr. President, Thomas Bobo is very deserving of the PTA's selection of him as Alabama's outstanding superintendent. He is a hard-working and devoted individual who honestly has the best interests of the children in mind with all his actions. The Montgomery County school system is fortunate to have a leader of his caliber and I join them in congratulating him on his success.

TRIBUTE TO THE UNIVERSITY OF ALABAMA GYMNASTICS TEAMS

Mr. HEFLIN. Mr. President, I rise today to pay tribute to the University of Alabama women's gymnastics team which recently won the NCAA Women's Gymnastics Championship. The Crimson Tide won the title in front of a home crowd at Coleman Coliseum in Tuscaloosa, AL.

This year is the second time in 4 years that the Alabama women's gymnastics team has won the national championship with the first title coming in 1988. Much of the success of the team can be attributed to the hard work of the gymnasts and the talent and dedication of their coach, Sarah Patterson. She has coached the team for 13 years and has taken the Crimson Tide to the final meet in 9 years of the last 10 years. The team has placed sixth or better in each of those years and fourth or better in each year since 1985. She has truly established a dynasty in the world of collegiate gymnastics. Her coaching abilities were recognized when she was recently chosen as the coach of the year for 1991. Mrs. Patterson also received the award in 1988.

Although Alabama finished a close second to Georgia in the Southeastern Conference Championships, they won each of their meets in the regular season. A great testament to the talent assembled on this team is the fact that 7 of the team members won 12 all-American awards in the championships. The gymnasts and the events in which they won all-American honors are as follows: Gina Basile—balance beam; Dana Dobransky—balance beam, floor exercise; Dee Dee Foster—all-around, vault, uneven bars, balance beam, floor exercise; Katherine Kelleher—vault; Kim Masters—vault; Shea McFall—vault; Kara Stilp—floor exercise. In addition, Kim Masters finished eighth and Dee Dee Foster finished second overall.

In addition to their athletic accomplishments, the University of Alabama women's gymnastics team placed Dana Dobransky, Kathrine Kelleher, Shea McFall, and Tina Rinker on the Southeastern Conference academic honor roll.

As an alumni of the University of Alabama and U.S. Senator for the State, I am extremely proud of the women's gymnastics team and of Sarah Patterson. They bring great credit to the university, to the State, and to themselves. Congratulations.

FIVE YEARS AFTER CHERNOBYL

Mr. KASTEN. Mr. President, 5 years ago the world awoke to one of the worst environmental horrors we have ever experienced, the Chernobyl accident.

Unfortunately even today we still do not know how bad that accident was. In fact, the collection of data on environmental contamination in the Soviet Union has been very sketchy, and that data has not been released even to local scientists.

One of the enduring tragedies of this accident is that we do not know how bad the contamination is, what its distribution is, and what effect it is having on our ecosystem.

The Chernobyl accident was one of the events that shook us into realizing how fragile our environment is. The entire world watched and worked to fight this horrible accident.

But we need to do more. I have been working with a number of environmentalists and scientists in this country and in the Soviet Union to promote a better understanding of this environmental catastrophe.

While the radioactive contamination caused by Chernobyl is but one example of the many environmental problems demanding the Soviet Union's—and the world's—attention, the fifth anniversary of this tragedy merits special commemoration. Although the tremendous scale of the disaster is now becoming clear, 5 years after the accident the full extent of the consequences have still not been determined, and much information remains undisclosed.

After operators at the Chernobyl nuclear powerplant performed their deadly experiment on April 26, 1986, radioactive debris was spewed across the countryside and into a wide area of Eastern and Western Europe. At least 31 people were killed and hundreds injured as an immediate consequence of the accident, and medical experts predict tens of thousands more will die prematurely from cancer caused by the radiation. Seventy percent of the fallout on Soviet territory landed on Byelorussia, and according to scientists, nearly one-fifth of all the arable land in that republic is contaminated by excessive radioactivity.

Immediately after the accident, the actual figures of external radiation and environmental contamination were not published. Moreover, as Zhores Medvedev points out, "members of the public—even research laboratories which were not directly concerned with the postaccident decontamination measures—were forbidden to use radiation monitoring equipment." While distribution of foodstuffs from contaminated areas has been officially forbidden, because of food shortages, violations of the rules are increasingly common. Increases in the rates of many kinds of radiation-related illnesses are also being reported.

It is not surprising, then, that public anxiety about contamination of food, drinking water, and arable land is tremendously high, and that government assertions of safety do little to quell the mistrust. I would like to draw your attention today to an initiative that will do much to help the people of Byelorussia, both in terms of public health and public anxiety.

The Natural Resources Defense Council [NRDC] is cooperating with several groups in the United States and Byelorussia to help citizens take matters into their own hands. Hand-held radiation detectors, produced by an enterprise in Minsk, are being distributed among secondary school science teachers in the most contaminated areas. The teachers will take part in a 5-day training course—not only to learn how to use the instruments, but, more importantly, how to translate the measurements into health risks. For the first time, a wide network of people will have access to a reliable, nongovernment means of assessing the safety of their food and land. The first course is scheduled for May 13–17.

The NRDC project is but one of several fine projects through which interested U.S. citizens can aid victims of the Chernobyl disaster. For more information about this and other opportunities to help, call or write NRDC.

UNANIMOUS CONSENT AGREEMENT—NOMINATIONS TO THE OFFICE OF INSPECTOR GENERAL

Mr. FORD. Mr. President, as if in executive session, I ask unanimous consent that nominations to the Office of Inspector General, excepting the Office of Inspector General for the Central Intelligence Agency, be referred during the 102d Congress in each case to the committee having substantive jurisdiction over the department, agency, or entity, and if and when reported in each case, then to the Committee on Governmental Affairs for not to exceed 20 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING MAY 1991 AS U.S. SAVINGS BOND MONTH

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 135, a joint resolution designating May 1991 as U.S. Savings Bond Month, introduced earlier today by Mr. GRAHAM, Mrs. KASSEBAUM, Mr. HOLLINGS, Mr. NUNN, Mr. SANFORD, Mr. LAUTENBERG, Mr. DOMENICI, Mr. DIXON, Mr. JEFFORDS, Mr. COCHRAN, Mr. THURMOND, Mr. MACK, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. DECONCINI, Mr. PACKWOOD, Mr. AKAKA, Mr. BURNS, Mr. DODD, Mr. BOREN, Mr. SIMON, Mr. CHAFEE, Mr. HELMS, Mr. COHEN, Mr. LEVIN, Mr. PRESSLER, Mr. GLENN, Mr. RIEGLE, Mr. MOYNIHAN, Mr. SYMMS, Mr. WALLOP, and Mr. JOHNSTON.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 135) designating May 1991 as "United States Savings Bond Month."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GRAHAM. Mr. President, today I have introduced legislation designating May 1991 as U.S. Savings Bond Month.

On April 30, 1941, President Franklin D. Roosevelt asked this Nation to enter "one great partnership for America" and buy Defense Bonds to help finance our Nation's defense efforts. After the United States entered World War II, these bonds became known as war bonds and subsequently savings bonds.

May 1, 1991 marks the 50th anniversary of the U.S. savings bond. Savings bonds are the most widely used savings vehicle in the United States. Since the program's inception, more than $300 billion have been invested in savings bonds, and their popularity continues to grow. Last year alone, Americans purchased in excess of $7 billion, saving the Treasury more than $500 million in debt costs.

Since December 31, 1989, savings bonds have had a new feature. For low- and middle-income taxpayers savings bonds are tax-free if used to pay tuition fees at educational institutions. Thus savings bonds will help millions of Americans finance a college education.

Fifty years ago, savings bonds helped this country fight World War II. Today this program allows Americans to invest in their futures as well as the future of the entire country.

I am pleased to be a part of the effort to commemorate the 50th anniversary of U.S. savings bonds.

Mrs. KASSEBAUM. Mr. President, I am pleased today to support the efforts of my colleague from Florida in introducing a joint resolution to designate May 1991 as U.S. Savings Bond Month.

The rate of private savings in the United States continues to lag behind several of the world's other economic powers. I believe that a high rate of savings is the key to maintaining a sound economy.

Fifty years ago, President Franklin Roosevelt asked Americans to buy defense bonds to help finance the Second World War. The descendants of those bonds became U.S. saving bonds, and today they continue to be the most widely used savings vehicle in the Nation. Last year alone, Americans invested more than $7 billion in these bonds and, as a result, saved the Treasury—and, therefore, the taxpayers—more than $500 million in debt costs.

May 1, 1991, will mark the 50th anniversary of the savings bond. The U.S. Treasury supports efforts to commemorate that event by designating May as U.S. Savings Bond Month, and I am pleased to be a part of that effort.

Mr. DOMENICI. Mr. President, May 1, 1991, marks the 50th anniversary of the U.S. savings bond. I am rising today to recognize the impact that savings bonds have had on the development of our Nation, the incentives they have created for Americans to save, and the mutual trust—between America and Americans—that the U.S. savings bond signifies.

Since our Nation's founding, the sale of U.S. securities has been utilized to carry out the wishes of a unified nation. In 1776, private citizens purchased $27 million in Government bonds in order to finance the Revolution. These bonds were purchased on faith—faith in freedom—without any assurance that the notes would have future value.

This faith was justified. For 200 years the credibility of the U.S. resolve to back Government securities has not been compromised. Each obligation has been paid off in full and on time.

Subsequently, the United States has grown into the greatest democracy in the world. As a nation, we have pooled our resources and beliefs. U.S. savings bonds have been a tool well utilized to promote the collective interests of the people. Just as importantly, however, savings bonds have offered a simple, no risk, incentive to save.

There is a direct link between the savings rate of a nation and the growth of the economy. Investment in long-term growth and confidence in the long-term stability of a nation is a necessary component to that nation's success.

The virtue of thrift, an integral aspect of the U.S. savings bond program, is a part of the wisdom that Benjamin Franklin imparted to America early in its national existence. By setting aside a portion of annual output, the United States acquired the means to push back the frontier, settle the vast central part of the country, forge the instruments of production that enabled the Nation to attain one of the highest standards of living known in the world, and to protect its national interests far beyond its borders.

In the middle 1930's, following the great depression, American's incentives to save, as well as their confidence in financial institutions were shaken. The introduction of the savings bond, specifically patterned to the needs of the ordinary citizen, broadened the base of the public debt by attracting the funds of small savers.

The first U.S. security, the "Series A," was issued in 1935. It was available in popular, low-priced denominations ranging from $25 to $1,000. Since that time, over $300 billion has been invested in U.S. savings bonds and their popularity continues to grow.

U.S. savings bonds have financed exciting national projects—from the purchase of the Louisiana Territory to the building of the Panama Canal; from the acquisition of Alaska to the completion of the first transcontinental railroad—as well as paying for the heavy costs of our Nation's wars.

Today, savings bonds continue to build security and fulfill dreams. Series EE and HH securities are offered in amounts ranging from $50 up to $10,000. The securities may be purchased at your bank or can be automatically purchased, in small amounts, under the payroll savings plan.

For low- and middle-income Americans, savings bonds are tax-free if used to pay for a college education. In this way savings bonds will help millions of Americans finance a college education, again benefiting the future of our Nation as a whole.

Government securities are designed to offer the opportunity for every American to share in the costs and benefits of the Democratic way of life outlined in the U.S. Constitution. "We the People" is at the heart of each U.S. savings bonds.

Last year, Americans saved the Treasury more than $500 million in debt costs by purchasing over $7 billion in savings bonds. Additionally, savings bonds encourage Americans, as a result of owning stock in their country, to actively participate in United States policy.

The U.S. savings bond is easy to purchase and contains safeguards that protect every investor, large and small. Whether theft, loss, or destruction—your U.S. savings bonds are safe and secure.

Fifty years ago, President Franklin D. Roosevelt invited America to join him in "one great partnership" to help finance the Nation's defense effort. At that time, Americans joined hearts and hands to defeat Hitler. What resulted in addition to this victory, was the birth of the most widely held security in the world.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution and its preamble are as follows:

S.J. RES. 135

Whereas it is important to strengthen the national economy by increasing the savings rate of Americans by all possible means;

Whereas, in its 50 year history, the United States Savings Bond Program has fostered new savings by Americans, bringing increased growth to local communities and the national economy;

Whereas United States Savings Bonds have served many of the citizens of this nation by helping them learn how to save or by reinforcing their savings habits;

Whereas many employers participate in the Payroll Savings Plan, affording employees an easy, convenient method to save, creating financial well-being for the employees and their families;

Whereas United States Savings Bonds have proven to be an effective debt-management tool, reducing debt service costs by approximately $70 million per billion dollars sold, or by more than a half billion dollars in 1990; and

Whereas it is appropriate to recognize, on the occasion of its 50th anniversary, the benefits to the national economy that the United States Savings Bonds Program has contributed, and continues to contribute through the 1991 United States Savings Bond campaign: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "United States Savings Bond Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe United States Savings Bond Month with appropriate programs, ceremonies, and activities.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATING MAY 1991 AND MAY 1992 AS ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 173, a joint resolution to designate May 1991 and May 1992 as Asian/Pacific American Heritage Month, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 173) to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 173) was ordered to a third reading, was read the third time, and passed.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

ADDITIONAL USE OF LAND IN MERCED COUNTY, CA

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 72, S. 545, a bill to authorize the additional use of land in Merced County, CA.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 545) to authorize the additional use of land in Merced County, California.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Without objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 89

Mr. FORD. Mr. President, I send a technical amendment to the desk for Mr. BUMPERS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. BUMPERS, proposes an amendment numbered 89, on page 3, line 6, strike "northeast", and insert in lieu thereof "northwest".

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 89) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF ADDITIONAL USE.

(a) Subject to the requirements of this Act, the county of Merced, California (hereinafter in this Act referred to as the "county") is authorized to permit use of the land described in section 3 (hereinafter in this Act referred to as the "land") for the purposes of an elementary school, notwithstanding the restrictions on use of such land otherwise applicable under the terms of conveyance of such land to the county by the United States.

(b) Except as specified in this Act, this Act shall not increase or diminish the authority or responsibility of the county with respect to the land.

SEC. 2. USE OF LAND FOR ELEMENTARY SCHOOL.

(a) The authority of the county under this Act shall be limited to the authorization of use of the land for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California.

(b) If the county permits use of the land as an elementary school, the county shall include information concerning such use in the biennial reports of the Secretary of the Interior required under the terms of the conveyance of the land to the county by the United States.

(c) Any violation of the provisions of this Act shall be deemed to be breach of the conditions and covenants under which the land was conveyed to the county by the United States, and shall have the same effect, as provided in the deed, whereby the United States conveyed the land to the county.

SEC. 3. LAND DESCRIPTION.

The land referred to in section 1 is the south 15 acres of the 40 acres located in the northwest quarter of the southwest quarter of section 20, township 7 south, range 13 east, Mount Diablo base line and Meridian of Merced County, California, declared to be surplus property by the United States in action 9–D–Calif–1028 and conveyed to the county by deed recorded in volume 1941 at page 441 of the official records of Merced County, California.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT

Mr. FORD. Mr. President, I ask unanimous consent that a star print be made of the legislative activities report of the Senate Labor Committee, Senate Report 102–39, to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration, en bloc, of Calendar Nos. 70 and 71; that the committee amendments, where appropriate, be agreed to; that the bills be deemed read a third time and passed; and that the motions to reconsider be laid upon the table, en bloc.

Mr. President, I further ask unanimous consent that consideration of these items appear individually in the RECORD with any statements appearing thereon at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPANSION OF BOUNDARIES OF SAGUARO NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 292) to expand the boundaries of the Saguaro National Monument, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saguaro National Monument Expansion Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that the area generally to the south of the Rincon unit of the Saguaro National Monument contains—

(1) prime Sonoran desert habitat including an exceptionally rich area of Saguaro cactus and palo verde uplands;

(2) an outstanding riparian corridor of large Arizona sycamores and cottonwoods;

(3) important archaeological and cultural sites; and

(4) important habitat for the desert tortoise, gila monster, javelina, and other species of reptiles, mammals, and birds.

(b) PURPOSE.—The purpose of this Act is to authorize the addition of approximately 3,540 acres to the Rincon unit of the Saguaro National Monument in order to protect, preserve, and interpret the monument's resources, and to provide for the education and benefit of the public.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "expansion area" means the approximately 3,540 acres to be added to the monument pursuant to this Act;

(2) "monument" means the Saguaro National Monument; and

(3) "Secretary" means the Secretary of the Interior.

SEC. 4. EXPANSION OF MONUMENT BOUNDARIES.

(a)(1) IN GENERAL.—The monument boundaries are hereby revised to include the approximately 3,540 acres of lands and interests in land as generally depicted on the map entitled "Saguaro National Monument Enhanced Boundary", numbered 151/91,001–D, and dated September 1990.

(2) The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) ACQUISITION OF LANDS.—The Secretary is authorized to acquire lands and interests in lands within the monument boundary by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that lands or interests therein owned by the State of Arizona or any political subdivision thereof may be acquired only by donation or exchange.

(c) ADMINISTRATION.—Lands and interests in lands acquired pursuant to this Act shall be administered as part of the monument and shall be subject to all laws applicable to the monument.

(d) ADMENDMENT TO GENERAL MANAGEMENT PLAN.—Within one year after the date of enactment of this Act, the Secretary is directed to amend the monument's general management plan with respect to the use and management of the expansion area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. DECONCINI. Mr. President, prior to the Senate considering S. 292, a bill to expand the boundaries of Saguaro National Monument, I want to, in the interest of full disclosure, make the body aware of the fact that I belong to a partnership that owns property in the vicinity of Saguaro National Monument. Therefore, I have not been involved in any aspect of the consideration of this legislation in order to avoid any potential misperceptions of a conflict of interest on my part. Accordingly, I will abstain on any vote on the consideration of S. 292. If there is a nonrecorded vote, I request that the record reflect that I abstained from voting on this matter.

Mr. JOHNSTON. Mr. President, on April 23, the Committee on Energy and Natural Resources filed the report to accompany S. 292, the Saguaro National Monument Expansion Act of 1991.

At the time this report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 24, 1991.

Hon. J. BENNETT JOHNSTON, JR.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 292, The Saguaro National Monument Expansion Act of 1991, as ordered reported by the Senate Committee on Energy and Natural Resources on April 18, 1991. Assuming appropriation of the necessary sums, we estimate that the federal government would spend $16 million to $21 million to implement the bill during fiscal years 1991 and 1992. An additional $200,000 to $300,000 annually would be needed in subsequent years for operating expenses, including payments in lieu of taxes. This bill would not affect direct spending or receipts, and therefore would not affect pay-as-you-go scoring under section 252 of the Budget Enforcement Act of 1990.

S. 292 would modify the boundaries of the Saguaro National Monument to incorporate an additional 3,500 acres in Arizona. The bill would authorize the National Park Service (NPS) to acquire the added property by purchase, donation, or exchange, except that publicly owned property could be acquired only by donation or exchange. Section 5 would authorize the appropriation of whatever sums are necessary to carry out the bill's purposes.

While no formal appraisals of the affected areas have been conducted, CBO estimates that the total cost to purchase all privately owned property at the site would range from $15 million to $20 million. Some portion of these costs may be avoided if the federal government is able to acquire some property by exchange rather than purchase. Additional one-time planning and development costs are not expected to exceed $1 million. Assuming that the necessary amounts are appropriated, most of these expenses would be incurred during fiscal year 1992.

Enactment of this bill would not affect the budgets of state and local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,
ROBERT D. REISCHAUER,
Director.

Mr. MCCAIN. Mr. President, the Senate is considering Senate bill 292 which I introduced earlier this year. This legislation seeks to enlarge and improve the beautiful Saguaro National Monument, located in Tucson, by incorporating adjacent lands of outstanding beauty and superior ecological values.

The expansion plan embodied in the legislation was developed by a coalition of conservation organizations and the affected landowners. This group worked together in a spirit of cooperation and good faith and the expansion plan they developed enjoys unanimous support in Arizona. It was at the request of the coalition, with the support of the Pima County Board of Supervisors and the city of Tucson, that I first introduced this bill last year. Although the House passed the measures last October, the 101st Congress adjourned before further action could be taken.

Mr. President, the people of Arizona value the outstanding natural resources with which we have been blessed. Saguaro National Monument is one of our finest natural treasures. As stated in the authorizing legislation of 1933, the monument was established to preserve and protect "the exceptional growth of various species of cactuses including the majestic saguaro cactus," helping to preserve this spectacular and well-known symbol of Arizona. The monument is a favorite visiting spot for those seeking to experience our unique desert environment, to enjoy recreational opportunities or simply to get away from it all.

Enactment of Senate bill 292 would authorize the addition of 3,500 acres to the Rincon unit of the monument, an area of 63,000 acres. The proposed addition contains outstanding natural features and would add significantly to the character and integrity of the current monument. The land hosts healthy multiaged saguaro stands which would add ecological diversity to the present unit and is prime habitat for numerous species of reptiles, mammals, and birds typical of the Sonoran desert. Additionally, the area contains important archaeological and cultural sites.

The bill authorizes the Secretary of the Interior to acquire the land through donation, exchange, or purchase with donated or appropriated funds. The legislation was drafted, in the normal fashion, to provide the Secretary with the widest degree of discretion in acquiring the land. This will enable the Secretary to choose the appropriate timing and means of acquisition in accordance with existing priorities and resources. Considering the fiscal condition of the Federal Government and the limited resources within the Land and Water Conservation Fund, I would certainly expect the exchange option to be the favored means of acquisition.

Previously, Park Service officials have expressed some concern about the plan, citing their desire for an official boundary study before moving forward with expansion. It is critical to understand that the Saguaro expansion area has been extensively studied by respected and distinguished professionals including Dr. Bill Shaw who is with the University of Arizona's School of Renewable and Natural Resources and who is currently working on a contract with the National Park Service; and Dr. Steve Carruthers, a private environmental consultant. Their work should fully answer any questions there might be about the additional acreage.

Again, I would like to thank and congratulate the Saguaro National Monument boundary review negotiating team which has labored so diligently on the expansion plan. Specifically I would like to recognize Russ Butcher of the National Parks and Conservation Association, Dan Campbell and Peter Warren of the Arizona Nature Conservancy, Pat Egbert of the X9 Ranch, Frank Gregg, Ron Hilliard, Mike McNulty, Chris Monson of Rocking K Development, Jim Nathanson of the Pima Trails Association, Jim Norton of the Wilderness Society, Ken Rait of the Sierra Club, Mark Raming, Doug Shakel, Bill Shaw, Luther Probst of the Conservation Association, Arlan Colton and Doug Koppinger of Arizona Open Land Trust, and the others whose time, consideration and care have been so invaluable. They have set an example of cooperation and teamwork and I congratulate them.

I would also like to thank the Senate Energy Committee and the Subcommittee on Public Lands, particularly Senator BUMPERS and Senator WALLOP for holding a hearing on this issue and for their interest and support. Arizona appreciates the committee's interest and assistance on the public lands issues which affect our State so profoundly.

Mr. President, passage of this legislation is important to Arizona and to our National Monument System. We are blessed with a rich natural heritage, a heritage we are very proud of and fiercely determined to protect. As Arizona's population grows it is particularly vital that we preserve natural areas and provide recreational opportunities within or in close proximity to our urban centers. Enactment of the Saguaro National Monument Expansion Act will help us meet that important responsibility to this and to future generations.

As we consider this legislation, Mr. President, I can't help thinking about my friend and my colleague, MORRIS UDALL who announced his plans to retire after 30 years of distinguished service. No one has done more for our natural heritage than Mo. What he means to Arizona and America is well beyond my poor power to express.

On this occasion, however, I would just like to say thank you, Mo Udall, for your vision, for your principles and for gracing the life of our Nation with your service. May those who enjoy Saguaro National Monument and who find refreshment and renewal within its borders, think of you.

I thank all Senators.

The PRESIDING OFFICER. Without objection the unanimous consent request of the acting majority leader is so ordered. The bill is deemed read a third time and passed.

The bill (S. 292), as amended, was passed as follows:

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saguaro National Monument Expansion Act of 1991".

SEC. 2 FINDINGS AND PURPOSE.

(a) Findings.–The Congress finds that the area generally to the south of the Rincon unit of the Saguaro National Monument contains–

(1) prime Sonoran desert habitat including an exceptionally rich area of Saguaro cactus and palo verde uplands;

(2) an outstanding riparian corridor of large Arizona sycamores and cottonwoods;

(3) important archaeological and cultural sites; and

(4) important habitat for the desert tortoise, gila monster, javelina, and other species of reptiles, mammals, and birds.

(b) Purpose.–The purpose of this Act is to authorize the addition of approximately 3,540 acres to the Rincon unit of the Saguaro National Monument in order to protect, preserve, and interpret the monument's resources, and to provide for the education and benefit of the public.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "expansion area" means the approximately 3,540 acres to be added to the monument pursuant to this Act;

(2) "monument" means the Saguaro National Monument; and

(3) "Secretary" means the Secretary of the Interior.

SEC. 4. EXPANSION OF MONUMENT BOUNDARIES.

(a)(1) In General.–The monument boundaries are hereby revised to include the approximately 3,540 acres of lands and interests in land as generally depicted on the map entitled "Saguaro National Monument Enhanced boundary", numbered 151/91,001—D, and dated September 1990.

(2) The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) Acquisition of Lands.–The Secretary is authorized to acquire lands and interests in lands within the monument boundary by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that lands or interests therein owned by the State of Arizona or any political subdivision thereof may be acquired only by donation or exchange.

(c) Administration.–Lands and interests in lands acquired pursuant to this Act shall be administered as part of the monument and shall be subject to all laws applicable to the monument.

(d) Admendment to Genberal Management Plan.–Within one year after the date of enactment of this Act, the Secretary is directed to amend the monument's general management plan with respect to the use and management of the expansion area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

ADDITION TO MORRISTOWN NATIONAL HISTORICAL PARK

The bill (S. 363) to authorize the addition of 15 acres to Morristown National Historical Park, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed; as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO PARK.

The Act entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", approved September 18, 1964 (16 U.S.C. 409g), is amended by striking "600" each place it appears and inserting "615".

Mr. JOHNSTON. Mr. President, on April 23, the Committee on Energy and Natural Resources filed the report to accompany S. 363, a bill to authorize the addition of 15 acres to Morristown National Historical Park.

At the time this report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 24, 1991.

Hon. J. BENNETT JOHNSTON, JR.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 363, a bill to authorize the addition of 15 acres to Morristown National Historical Park, as ordered reported by the Senate Committee on Energy and Natural Resources on April 18, 1991.

S. 363 would authorize the National Park Service (NPS) to purchase an additonal 15 acres for the Morristown National Historical Park in New Jersey. The additional acreage is estimated to cost $585,000, the amount provided for this purpose in the Department of the Interior and Related Agencies Appropriations Act, 1991. Enactment of S. 363 would enable the NPS to purchase the land in fiscal year 1991. Subsequent expenditures to manage, develop and operate the new property are not expected to be significant.

This bill would not affect direct spending or receipts, and therefore would not affect pay-as-you-go scoring under section 252 of the Budget Enforcement Act of 1990. The enactment of S. 363 would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER.

Mr. LAUTENBERG. Mr. President, I rise to support S. 363 which authorizes the addition of 15 acres to the Morristown National Historical Park.

Mr. President, Morristown National Historical Park was created in 1933 to preserve lands and artifacts associated with the 1779-80 winter encampments of Gen. George Washington and the Continental Army. It was at Morristown that General Washington received news of Benedict Arnold's treason at West Point. Furthermore, the Park Service recognizes the campsites at the park's Jockey Hollow division as one of the largest collections of winter encampment troop remains to survive anywhere.

Mr. President, last year, at my request, Congress provided $585,000 so that the National Park Service could acquire the Sterling North property and include it as part of the Jockey Hollow division of Morristown NHP. This acquisition is a good investment for the Federal Government for it preserves both an important piece of our Nation's history and a critical piece of our environment. The property not only was a major campsite for the Continental Army during the winter of 1779-80, but it also contains Primrose Brook which plays a major role in the ecology of the Great Swamp National Wildlife Refuge.

Mr. President, this acquisition is supported by numerous environmental groups in my State and the Washington Association of New Jersey, which has direct, legal ties to the park. The Park Service in stating its support for this project states that it "possesses great potential for preserving archaeological resources and for providing historical information on the winter encampment of the Continental Army."

As I stated earlier Mr. President, Congress has already granted my request for funding for this acquisition. I am grateful to Senator BRADLEY for the assistance he has provided by introducing this authorizing legislation that expands the park's boundaries and allows the Park Service to spend the money on this acquisition.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 138, a concurrent resolution to allow the use of the Capitol grounds on May 1, 1991, now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 138) authorizing the presentation of a program on the Capitol grounds in connection with National Physical Fitness and Sports Month.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 138) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 29 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 11:43 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 98. Joint resolution to express appreciation for the benefit brought to the Nation by Amtrak during its 20 years of existence; and

S.J. Res. 102. Joint resolution designating the second week in May 1991 as "National Tourism Week."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 31. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Thursday, April 25, 1991, or Friday, April 26, 1991, until May 6, 1991, or Tuesday, May 7, 1991.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 427. An act to disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes;

H.R. 690. An act to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes;

H.R. 749. An act to authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia;

H.J. Res. 154. Joint resolution designating the month of May 1991, as "National Foster Care Month"; and

H.J. Res. 173. Joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 138. Concurrent resolution authorizing the presentation of a program on the Capitol Grounds in connection with National Physical Fitness and Sports Month.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 598. An act to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health care employees of the Department of Veterans Affairs, and for other purposes;

S.J. Res. 98. Joint resolution to express appreciation for the benefit brought to the Nation by Amtrak during its 20 years of existence; and

S.J. Res. 102. Joint resolution designating the second week in May 1991 as "National Tourism Week."

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 427. An act to disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 690. An act to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 749. An act to authorize the Secretary of the Interior to accept a donation of land for additional to the Ocmulgee National Monument in the State of Georgia; to the Committee on Energy and Natural Resources.

H.J. Res. 154. Joint resolution designating the month of May 1991, as "National Foster Care Month"; to the Committee on the Judiciary.

H.J. Res. 173. Joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1001. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the Wildlife Rehabilitation Report for lands administered by the Department of Agriculture for calendar year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1002. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, Presidential certifications for Pakistan under the Foreign Operations, Export Financing, and Related Program Act of Fiscal Years 1991; to the Committee on Appropriations.

EC–1003. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on Allied Contributions to the Common Defense; to the Committee on Armed Services.

EC–1004. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize the transfer, by foreign military sale, of a specified naval landing ship dock to the Government of Mexico; to the Committee on Armed Services.

EC–1005. A communication from the Assistant Secretary of the Army (Research, Development, and Acquisition), transmitting a draft of proposed legislation to authorize the use of annual Department of Defense appropriations for payments under equipment operation and equipment maintenance contracts that cross fiscal years; to the Committee on Armed Services.

EC–1006. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the National Credit Union Administration for 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC–1007. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the consolidated annual report on the community development programs administered by the Department for 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC–1008. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on the administration of the Interstate Land Sales Full Disclosure Act for 1991: to the Committee on Banking, Housing, and Urban Affairs.

EC–1009. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the Dire Emergency Supplemental Appropriations for fiscal year 1991; to the Committee on the Budget.

EC–1010. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on pay-as-you-go calculations; to the Committee on the Budget.

EC–1011. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on pay-as-you-go calculations; to the Committee on the Budget.

EC–1012. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on implementation of the Coast Guard Environmental Compliance and Restoration Program for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC–1013. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the 1991 report on the activities of the National Space Grant College and Fellowship Program; to the Committee on Commerce, Science, and Transportation.

EC–1014. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report concerning the establishment of a plan for closing existing gaps in radar coverage along the coastline of the United States and the Gulf of Mexico and the coastline of the southeastern United States on the Atlantic Ocean; to the Committee on Commerce, Science, and Transportation.

EC–1015. A communication from the Assistant Secretary of Energy (Fossil Energy), transmitting, pursuant to law, a report regarding recommended sites for the storage of the additional 250 million barrel increment of the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC–1016. A communication from the Assistant Secretary of Energy (Fossil Energy), transmitting, pursuant to law, a report entitled "Report to the Congress on Candidate Sites for Expansion of the Strategic Petroleum Reserve to One Billion Barrels"; to the Committee on Energy and Natural Resources.

EC–1017. A communication from the Director of the Office of Civilian Radioactive Waste Management, transmitting, pursuant to law, the annual report on the activities of the Office of Civilian Radioactive Waste Management for calendar year 1990; pursuant to P.L. 97–425, referred jointly to the Committee on Environment and Public Works.

EC–1018. A communication from the Chairman of the Inland Water ways Users Board, transmitting, pursuant to law, the annual report on the activities of the Board for calendar year 1990; to the Committee on Environment and Public Works.

EC–1019. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the leadership of the Citizens Democracy Corps; to the Committee on Foreign Relations.

EC–1020. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that Act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that Act as the Defense Trade and Export Control Act, to authorize appropriations for international cooperation programs for fiscal years 1992 and 1993, and for other purposes; to the Committee on Foreign Relations.

EC–1021. A communication from the Head of the Personnel Benefits Section, Naval Military Personnel Command, transmitting, pursuant to law, the annual report on the Navy Nonappropriated Fund Retirement Plan of Employees of Civilian Morale, Welfare and Recreation; to the Committee on Governmental Affairs.

EC–1022. A communication from the Commissioner of Navajo and Hopi Indian Relocation, transmitting a draft of proposed legislation to reauthorize appropriations for the Navajo and Hopi Relocation Commission; to the Select Committee on Indian Affairs.

EC–1023. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on health services provided under an agreement between the Indian Health Service and the Department of Veterans Affairs; to the Select Committee on Indian Affairs.

EC–1024. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend the authorizations of appropriations under the Native American Programs Act of 1974; to the Select Committee on Indian Affairs.

EC–1025. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 914 of title 17, United States Code, regarding interim protection orders; to the Committee on the Judiciary.

EC–1026. A communication from the Special Counsel, transmitting, pursuant to law, the annual report of the Office of Special Counsel under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC–1027. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to facilitate undercover "sting" investigations involving traffickers and receivers of stolen and counterfeited property; to the Committee on the Judiciary.

EC–1028. A communication from the Secretary of Labor, transmitting a draft of proposed legislation to provide for the Commissioner of Labor Statistics to be classified as Executive Level IV, and for other purposes; to the Committee on Labor and Human Resources.

EC–1029. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the twenty-fourth annual report of the United States-Japan Cooperative Medical Science Program; to the Committee on Labor and Human Resources.

EC–1030. A communication from the President of the United States Institute of Peace, transmitting, pursuant to law, the audit of the Institute's accounts for fiscal year 1990; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 279. A bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes (Rept. No. 102–48).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 119. A bill for the relief of Fanie Pohily Mateo Angeles (Rept. No. 102–49).

S. 159. A bill for the relief of Maria Erica Bartski (Rept. No. 102–50).

S. 295. A bill for the relief of Mary P. Carlton and Lee Alan Tan (Rept. No. 102–51).

S. 464. A bill for the relief of John Gabriel Robledo-Gomez Dunn (Rept. No. 102–52).

By Mr. PELL, from the Committee on Foreign Relations:

Report to accompany the bill (S. 100) to set forth United States policy toward Central America and to assist the economic recovery and development of that region (Rept. No. 102–53).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills, and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 932. A bill to include the Territory of American Samoa in the Supplemental Security Income Program; to the Committee on Finance.

By Mr. METZENBAUM:

S. 933. A bill to provide fair funds to consumers of natural gas who are found to have been overcharged; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS:

S. 934. A bill to amend the Internal Revenue Code of 1986 to increase to 50 percent and extend for 1 year the deduction for health insurance for self-employed individuals; to the Committee on Finance.

By Mr. KOHL:

S. 935. A bill to amend title 11, United States Code, to provide that certain liens under a marital property settlement may not be exempted; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 936. A bill to amend the Internal Revenue Code of 1986 to reduce compliance costs and administrative burdens in connection with foreign taxes, and for other purposes; to the Committee on Finance.

By Mr. LOTT:

S. 937. A bill to suspend temporarily the duty on mandelic acid; to the Committee on Finance.

S. 938. A bill to suspend temporarily the duty on phenyl hydrazine; to the Committee on Finance.

By Mr. DURENBERGER (for himself and Mr. CHAFEE):

S. 939. A bill to amend the Solid Waste Disposal Act to establish a ground water protection policy; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN:

S. 940. A bill to provide for the economic growth and industrial revitalization of the United States by establishing tax-exempt industrial recapitalization funds for manufacturing industries, by providing investment and savings incentives, and by purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 941. A bill to provide for the establishment of a National Center for Youth Development within the Cooperative Extension Service to conduct activities to improve community-based adolescent health promotion and education in rural areas, and for other purposes; to the Committee on Labor and Human Resources.

By. Mr. HOLLINGS (for himself, Mr. THURMOND, Mr. SANFORD, and Mr. HELMS):

S. 942. A bill to amend the natural resource development program of the Small Business Act to require that priority be given to planting trees under the program on State lands devastated by disaster or where tree loss is causing environmental damage; to the Committee on Small Business.

S. 943. A bill to amend the America the Beautiful Act of 1990 to target tree planting funds for those areas devastated by disaster or where tree loss is causing environmental damage; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID:

S. 944. A bill to provide for accountability with regard to environmental compliance and to provide notice and an opportunity to comment on designations of special use airspace; to the Committee on Environment and Public Works.

By Mr. GLENN:

S. 945. A bill to require the Secretary of Energy to conduct a fuel cell research and development program, to establish a national transportation fuel blend requirement, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself and Mr. PRYOR):

S. 946. A bill to amend title 39 to reduce the time to consider changes in postal rates; to the Committee on Governmental Affairs.

S. 947. A bill to amend title 39 to provide judicial standing to the Postal Rate Commission; to the Committee on Governmental Affairs.

S. 948. A bill to amend title 39 to increase the information available to the Postal Rate Commission; to the Committee on Government Affairs.

S. 949. A bill to amend title 39 to provide for reasonable classes and rates for mail and postal services; to the Committee on Governmental Affairs.

By Mr. STEVENS:

S. 950. A bill to prohibit geographic discrimination in secondary mortgage market operations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DECONCINI:

S. 951. A bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Center on Elder Abuse, and for other purposes; to the Committee on Labor and Human Resource.

By Mr. BRYAN:

S. 952. A bill to authorize construction of a National Weather Service facility by the Administrator of the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH (for himself, Mr. GARN, and Mr. SANFORD):

S. 953. A bill to modify the Qualified Thrift Lender Test, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 954. A bill to amend the Internal Revenue Code of 1986 to modify the determination of eligible basis in difficult development areas for the low-income housing credit; to the Committee on Finance.

By Mr. COHEN (for himself and Mr. GRASSLEY):

S. 955. A bill to amend the Federal Deposit Insurance Act to require States in which the failure of State savings associations has involved a disproportionately large share of the thrift resolution costs, including costs incurred by the Resolution Trust Corporation, to pay a State thrift deposit insurance premium as a condition of future Federal deposit insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PELL (by request):

S. 956. A bill to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that Act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that Act as the Defense Trade and Export Control Act, to authorize appropriations for international cooperation programs for fiscal years 1992 and 1993, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 957. A bill to direct the Secretary of the Interior to conduct a study of the feasibility of including Revere Beach, located in the City of Revere, Massachusetts, in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself, Mr. WARNER, Mr. BENTSEN, Mr. HOLLINGS, Mr. LOTT, and Mr. SANFORD):

S. 958. A bill to amend title 32, United States Code, to authorize Federal support of State defense forces; to the Committee on Armed Services.

By Mr. WARNER (for himself and Mr. ROBB):

S. 959. A bill to establish a commission to commemorate the 250th anniversary of the birth of Thomas Jefferson; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. MURKOWSKI, and Mr. AKAKA):

S. 960. A bill to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States; to the Committee on Governmental Affairs.

By Mr. CHAFEE:

S. 961. A bill to require that Federal buildings be managed in a manner that will improve energy conservation and efficiency, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 962. A bill to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians; to the Select Committee on Indian Affairs.

S. 963. A bill to confirm the jurisdictional authority of tribal governments in Indian country; to the Committee on Indian Affairs.

By Mr. McCAIN:

S. 964. A bill to establish a Social Security Notch Fairness Investigatory Commission; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. Symms, Mr. Burdick, Mr. Chafee, and Mr. Lautenberg):

S. 965. A bill to amend title 23 United States Code and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. Packwood, Mr. Hatfield, Ms. Mikulski, Mr. Simon, Mr. Cranston, and Mr. Lieberman):

S. 966. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DECONCINI:

S. 967. A bill providing for 14-year extension of the patent for the badge of American Legion Auxiliary; to the Committee on the Judiciary.

S. 968. A bill providing for a 14-year extension of the patent for the badge of the Sons of the American Legion; to the Committee on the Judiciary.

S. 969. A bill providing for a 14-year extension of the patent for the badge of the American Legion; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 970. A bill to reduce the column 1-general rate of duty on piperonyl butoxide [PBO]; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. Gorton):

S. 971. A bill to promote the development of microenterprises in developing countries; to the Committee on Foreign Relations.

By Mr. BRADLEY (for himself, Mr. Johnston, and Mr. Kerrey):

S. 972. A bill to amend the Social Security Act to add a new title under such act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations; to the Committee on Finance.

By Mr. ADAMS (for himself, Mr. Graham, Mr. Pryor, Mr. Burdick, and Mr. Dodd):

S. 973. A bill to amend the Older Americans Act of 1965 to provide congregate nutrition services and intergenerational activities in elementary school facilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ADAMS (for Mr. Pryor (for himself, Mr. Bradley, Mr. Burdick, Mr. Graham, Mr. Hatfield, Mr. Heflin, Mr. Kohl, Mr. Reid, Mr. Shelby, Mr. Wallop, Mr. Inouye, Mr. DeConcini, Mr. Sanford, Mr. Cohen, Mr. Gorton, Mr. Rockefeller, Mr. Stevens, Mr. Glenn, Mr. Breaux, Mr. Riegle, Mr. McCain, Mr. Johnston, and Mr. Pressler):

S. 974. A bill to improve the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BAUCUS (for himself and Mr. Chafee):

S. 975. A bill to amend section 9508 of chapter 98 of subchapter A of the Internal Revenue Code; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Chafee, and Mr. Burdick):

S. 976. A bill entitled the "Resource Conservation and Recovery Act Amendments of 1991"; to the Committee on Environment and Public Works.

By Mr D'AMATO (for himself and Mr. Moynihan):

S. 977. A bill to require the Secretary of Housing and Urban Development to promulgate regulations requiring smoke detection devices in residential dwelling units financed or assisted by any Department of Housing and Urban Development program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SYMMS (for himself, Mr. Craig, Mr. Mack, and Mr. Helms):

S. 978. A bill to amend the Internal Revenue Code of 1986 to deposit all highway-related taxes in the highway trust fund; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Johnston, and Mr. Domenici):

S. 979. A bill to provide for strong Department of Energy support of research and development of technologies identified in the most recent national critical technologies report as critical to United States economic prosperity and national security, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 980. A bill to provide for a coordinated Federal research and development program to ensure continued United States technological leadership in the development of advanced materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL:

S. 981. A bill to amend the Internal Revenue Code of 1986 with respect to the public financing of Presidential elections campaigns; to the Committee on Finance.

By Mr. CHAFEE:

S. 982. A bill to amend the Solid Waste Disposal Act to clarify the Environmental Protection Agency's authority to regulate hazardous waste recycling, and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCONNELL (for himself, Mr. Thurmond, Mr. Grassley, Mr. Specter, Mr. Gorton, Mr. Packwood, Mr. McCain, and Mr. Coats):

S. 983. A bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of pornographic material; to the Committee on the Judiciary.

By Mr. BOREN:

S. 984. A bill entitled the "International Pollution Deterrence Act of 1991."

By Mr. SIMON (for himself and Mrs. Kassebaum):

S. 985. A bill to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region; to the Committee on Foreign Relations.

By Mr. LUGAR:

S.J. Res. 131. Joint resolution designating October 1991 as "National Down Syndrome Awareness Month;" to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. Warner, Mr. Biden, Mr. Bradley, Mr. Brown, Mr. Bumpers, Mr. Burdick, Mr. Burns, Mr. Chafee, Mr. Cochran, Mr. Conrad, Mr. Craig, Mr. Cranston, Mr. D'Amato, Mr. Daschle, Mr. DeConcini, Mr. Dodd, Mr. Dole, Mr. Durenberger, Mr. Exon, Mr. Fowler, Mr. Glenn, Mr. Gore, Mr. Gorton, Mr. Graham, Mr. Hatch, Mr. Jeffords, Mr. Johnston, Mrs. Kassebaum, Mr. Kasten, Mr. Kennedy, Mr. Kerry, Mr. Levin, Mr. Lieberman, Mr. Metzenbaum, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mr. Packwood, Mr. Pell, Mr. Pressler, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Roth, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Seymour, Mr. Shelby, Mr. Specter, and Mr. Thurmond):

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week;" to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. Kennedy, Mr. Dodd, Mr. Adams, Mr. Shelby, Mr. Glenn, Mr. Jeffords, Mr. Pryor, Mr. Seymour, Mr. Breaux, Mr. Pell, and Mr. Gore):

S.J. Res. 133. Joint resolution in recognition of the 20th anniversary of the National Cancer Act of 1971 and the over 7 million survivors of cancer alive today because of cancer research; to the Committee on Labor and Human Resources.

By Mr. BENTSEN:

S.J. Res. 134. Joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day;" to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mrs. Kassebaum, Mr. Hollings, Mr. Nunn, Mr. Sanford, Mr. Lautenberg, Mr. Domenici, Mr. Dixon, Mr. Jeffords, Mr. Cochran, Mr. Thurmond, Mr. Mack, Mr. Murkowski, Mr. Durenberger, Mr. DeConcini, Mr. Packwood, Mr. Akaka, Mr. Burns, Mr. Dodd, Mr. Boren, Mr. Simon, Mr. Chafee, Mr. Helms, Mr. Cohen, Mr. Levin, Mr. Pressler, Mr. Glenn, Mr. Riegle, Mr. Moynihan, Mr. Symms, Mr. Wallop, and Mr. Johnston):

S.J. Res. 135. Joint resolution designating May 1991 as "United States Savings Bond Month;" considered and passed.

By Mr. RIEGLE (for himself and Mr. Smith):

S.J. Res. 136. Joint resolution to authorize the display of the POW-MIA flag on flagstaffs at the national cemeteries of the United States, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM (for herself and Mr. Simon):

S. Res. 115. Resolution expressing the sense of the Senate regarding the emergency humanitarian and political situation in Somalia; to the Committee on Foreign Relations.

By Mr. ROTH (for himself, Mr. Daschle, Mr. Packwood, Mr. McCain, Mr. Symms, Mr. Murkowski, Mr. Boren, Mr. Moynihan, Mr. Dan-

FORTH, Mr. GRAHAM, Mr. GORTON, Mr. HEFLIN, Mr. DOLE, Mr. COHEN, Mr. DODD, Mr. RUDMAN, Mr. SANFORD, Mr. JOHNSTON, Mr. ROCKEFELLER, Mr. WALLOP, Mr. GORE, Mr. INOUYE, Mr. LIEBERMAN, Mr. COCHRAN, Mr. GRASSLEY, Mr. SIMON, Mr. LUGAR, Mr. COATS, Mr. HELMS, Mr. DIXON, Mr. MACK, and Mr. DURENBERGER):

S. Res. 116. Resolution to express the sense of the Senate in support of Taiwan's membership in the General Agreement on Tariffs and Trade; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. BOREN, Mr. CONRAD, Mr. GRASSLEY, and Mr. HARKIN):

S. Res. 117. Resolution to express the sense of the Senate that the administration should expeditiously and prudently act upon the Soviet Union's request for agricultural export credit guarantees from the United States to facilitate the sale of food and feed products in accordance with the emergency needs of the Soviet people, provided certain conditions are met; ordered held at the desk.

By Mr. MCCAIN (for himself, Mr. DOLE, Mr. GRAMM, Mr. LUGAR, Mr. COHEN, Mrs. KASSEBAUM, Mr. MURKOWSKI, Mr. BROWN, Mr. ROBB, Mr. GORE, Mr. CRANSTON, Mr. PELL, Mr. DODD, Mr. KERRY, Mr. KERREY, and Mr. BIDEN):

S. Res. 118. Resolution commending the agreement for the establishment of an American POW-MIA office in Hanoi, Vietnam, and recommending that such office be authorized to serve as a liaison between the families of Americans missing in action and the Government of Vietnam; to the Committee on Foreign Relations.

By Mr. DIXON:

S. Con. Res. 32. Concurrent resolution to grant the President appropriations line item review authority and to establish a question hour for Executive officials in the Senate and the House of Representatives.

By Mr. BURNS:

S. Con. Res. 33. Concurrent resolution expressing the sense of the Congress that employers resume normal business travel and tourism-related businesses intensify efforts to promote travel both to and within the United States; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 932. A bill to include the Territory of American Samoa in the Supplemental Security Income Program; to the Committee on Finance.

INCLUSION OF AMERICAN SAMOA UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM

• Mr. INOUYE. Mr. President, I am introducing an amendment to the Social Security Act, which will include American Samoa under the Supplementary Security Income Program to provide basic assistance for 1,600 aged and disabled individuals residing in American Samoa.

Many of the men and women I seek to help have been caught between two systems. When Social Security went into effect in American Samoa, this group of people was nearing retirement and did not contribute enough to qualify for minimum benefits. The territorial retirement system did not begin until 1971, and many of these people had already left the work force or had so little time remaining that they were excluded from benefits under this system.

The Commonwealth of the Northern Mariana Islands [CNMI] was included under the Supplementary Security Program in 1976. Puerto Rico, Guam, and the Virgin Islands presently participate in a similar program under the Social Security Act, the Aid to the Aged and Blind or Disabled [AABD]. This has been fortunate for their handicapped and needy elderly citizens.

However, the Territory of American Samoa is the only insular possession of the United States that is not included in any Social Security Program to specifically serve the needs of its elderly and disabled population. American Samoa does not even receive aid for families of dependent children or food stamp benefits. The elderly and handicapped individuals, approximately 1,600 people, have no personal resources and nowhere to turn. The territorial government is severely strained financially at the present time to meet all its needs. This measure will help relieve the critical needs of these elderly and handicapped persons.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. I urge my colleagues to support this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SUPPLEMENTAL SECURITY INCOME BENEFITS PROGRAM TO AMERICAN SAMOA.

(a) IN GENERAL.—The 7th sentence of section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended by inserting "and title XVI (as in effect pursuant to the amendment made by section 301 of the Social Security Amendments of 1972)" before "also".

(b) CONFORMING AMENDMENTS.—

(1) Section 1614(e) of such Act (42 U.S.C. 1382c(e)) is amended by inserting ", American Samoa," before "and".

(2) Section 1614(a)(1)(B)(ii) of such Act (42 U.S.C. 1382c(a)(1)(B)(ii)) is amended by inserting "or national" after "citizen".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on January 1, 1992.•

By Mr. METZENBAUM:

S. 933. A bill to provide fair refunds to consumers of natural gas who are found to be overcharged; to the Committee on Energy and Natural Resources.

NATURAL GAS RATEPAYERS RELIEF ACT

• Mr. METZENBAUM. Mr. President, I rise to introduce the Natural Gas Ratepayers Relief Act of 1991.

The legislation has one principal objective: to create new refund rights for consumers of natural gas who are overcharged. In 1988 Congress enacted the Regulatory Fairness Act that expanded Federal Energy Regulatory Commission [FERC] authority to order refunds for overcharges to electric consumers. My bill extends the same protection and ensures the same fairness to consumers of natural gas.

My bill may look familiar because section 10004 of S. 341, the National Energy Security Act of 1991, as introduced by Senators JOHNSTON and WALLOP, contained in part, a similar ratepayer refund provision. I was pleased to see my colleagues include a proconsumer refund provision in their bill. Unfortunately, ratepayer refund provision was dropped last week during markup on the bill.

I introduce my bill today to reintroduce a measure of protection for consumers of natural gas. Unfortunately, today ratepayers, shippers, and producers often pay interstate natural gas transportation rates that are higher than those ultimately determined to be just and reasonable by the FERC.

The authority to order refunds is possibly the single most important means by which regulators can protect consumers and shippers of natural gas. FERC and the courts have concluded that FERC's existing refund authority under the Natural Gas Act is severely limited. Refunds can only be ordered where the pipeline seeks a rate increase above that previously authorized by FERC. But the central issue of many rate cases today is how much lower, not higher, pipeline rates should be in order to be just and reasonable. Rates should be lower given lower interest costs, additional depreciation, and higher volumes.

My bill would expand FERC's ability to order refunds in two important ways. First, the bill would create a level playing field in rate cases by eliminating the refund floor. It permits FERC to order refunds below the preexisting rate, when that rate is found to be no longer just and reasonable. This provision was included in S. 341, the National Energy Security Act of 1991, until last week when it was eliminated in markup.

Right now pipelines have no refund obligation if a pipeline proposes rates that are equal or less than those that were previously approved by the Commission, even where it is proven that the new rates should have been significantly lower. Without the threat of a refund, pipelines have every incentive to continue to collect high rates and drag their heels in pipeline rate proceedings. Since rate cases typically take several years before a final decision is reached, pipelines reap millions of dollars to which they might not be entitled with impunity. If they choose to settle a case, they can do so on terms that are unfavorable to consumers; they have little incentive to settle while they collect overcharges. The bottom line is the pipeline always wins. My bill redresses this inequity.

Second, my bill authorizes the same protection we gave to electric consumers 3 years ago. Currently, under some circumstances, gas consumer refunds are permitted but only from the date of a final decision, which can be years after a complaint is filed. During the years it takes to try the case, the pipeline collects—and keeps—its higher-than-justified rates. Under my bill, refunds are authorized for overcharges going back to 60 days after a complaint is filed with the Commission. This puts years of overcharges back into the pockets of consumers. This provision is identical to a proconsumer measure enacted into law in 1988 for electricity consumers. I think consumers of natural gas deserve the same protection.

Both of these provisions enjoy widespread support among consumers, local distribution companies, and shippers of natural gas on interstate pipelines. The pipelines themselves are understandably opposed to strengthening refund rights; they want to keep the overcharges they have collected.

My bill would also require by statute what has previously been required by regulation: To ensure that rates reflect current actual cost of providing service, pipelines would be required to file a rate case at least every 3 years. FERC has been changing its regulations in a manner which eliminates the 3 years filing requirement. This is a very modest requirement that should not be eliminated by changes in regulations.

In 1989 I offered a similar refund measure as an amendment to natural gas legislation then moving through the Senate. Forty-three of my colleagues supported my amendment. Some who did not support the bill said they could not because there had not been a hearing on it. Some were concerned with its impact on producers and others in the industry. Senator WIRTH, chairman of the Senate Energy Subcommittee on Energy Regulation and Conservation has previously agreed to hold a public hearing on the bill. I thank him for his commitment and interest in this important bill.

We will have a hearing that will clearly demonstrate that the bill will benefit consumers as well as local gas companies and yes, even producers. I know that some may express skepticism that this Senator would propose a bill that natural gas producers would support. The skeptics will be surprised when we hold our hearing.

I thank the 43 of my colleagues who supported my effort in 1989 and trust that this time we will succeed in passing this measure. Mr. President I ask unanimous consent that the text of my bill be printed in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Gas Ratepayers Relief Act of 1991".

SEC. 2. REFUNDS FOR OVERCHARGES.

(a) AMENDMENT OF SECTION 4(e) OF THE NATURAL GAS ACT.—The third and fourth sentences of section 4(e) of the Natural Gas Act (15 U.S.C. 717c(e)) are amended to read as follows: "Where rates or charges are thus made effective, the Commission may, by order, require the natural-gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, to order such natural-gas company to refund, with interest, the portion of such rates or charges by its decision found not justified. At any hearing involving a rate or charge sought to be changed, the burden of proof to show that the changed rate or charge is just and reasonable shall be upon the natural-gas company, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.".

(b) AMENDMENT OF SECTION 4 OF THE NATURAL GAS ACT.—Section 4 of the Natural Gas Act (15 U.S.C. 717d) is amended by adding at the end thereof the following new subsection:

"(f) Any natural-gas company subject to the jurisdiction of the Commission shall file tariff sheets restating its rates to establish new base tariff rates at least 30 days before the expiration of 36 months after the effective date of any previously approved base tariff rates.".

(c) AMENDMENT OF SECTION 5 OF THE NATURAL GAS ACT.—Section 5 of the Natural Gas Act (15 U.S.C. 717d) is amended by—

(1) redesignating subsection (b) as subsection (c); and

(2) inserting the following new subsection after subsection (a):

"(b) At the conclusion of a proceeding under this section, the Commission shall order the natural-gas company to make refunds of such amounts as have been paid, for the period subsequent to the refund effective date, in excess of those that would have been paid under the just and reasonable rate, charge, classification, rule, regulation, practice, or contract that the Commission orders to be thereafter observed and in force. The refunds shall be made, with interest, to persons who have paid the rates or charges that were the subject of the proceeding. The Commission shall establish the refund effective date. In the case of a hearing instituted on complaint, the refund effective date shall not be earlier than the date that is 60 days after the date of filing of the complaint or later than 150 days after the expiration of such 60-day period.".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall not apply to a proceeding under the Natural Gas Act commenced before the date of enactment of this Act.

(2) A proceeding to which the amendments made by this section does not apply by reason of paragraph (1) may be withdrawn and refiled without prejudice.

(e) STUDY.—(1) Not earlier than 3 years and not later than 4 years after the date of enactment of this Act, the Commission shall perform a study of the effect of the amendments to the Natural Gas Act made by this Act.

(2) The study required by paragraph (1) shall analyze—

(A) the impact, if any, of such amendments on the cost of capital paid by natural gas companies;

(B) any change in the average time taken to resolve proceedings under sections 4 and 5 of the Natural Gas Act; and

(C) such other matters as the Commission may deem appropriate in the public interest.

(3) Upon completion the study required by paragraph (1) shall be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.•

By Mr. BUMPERS:

S. 934. A bill to amend the Internal Revenue Code of 1986 to increase to 50 percent and extend for 1 year the deduction for health insurance for self-employed individuals; to the Committee on Finance.

HEALTH INSURANCE DEDUCTION EQUITY ACT

• Mr. BUMPERS. Mr. President, I rise today to reintroduce legislation to provide for some equity for America's millions of self-employed individuals.

Under current law self-employed individuals may deduct 25 percent of the costs of their health insurance. But, we all know that under current law employers may deduct the full cost of the health insurance they provide to their employees and the owner of an incorporated business may do the same. In many cases these companies do not charge their employees for any part of the cost of this health insurance and pass the benefits to the employees as a tax-free fringe benefit.

But a self-employed person, including a sole proprietor or a partner in a small firm, can deduct only 25 percent of the costs of his or her health insurance.

This is inequitable. And the answer is to increase the deduction available to the self-employed, not to diminish the tax status of health insurance costs for everyone else.

This issue arose during the debate on the tax reform legislation and the Senate bill provided for a 50-percent deduction for self-employed individuals. Senate Report 99-313, pages 665-666. The committee report states the argument in favor of expanding the deduction very forcefully:

> The Committee believes the present-law rules relating to the exclusion from income for benefits under employer accident or health plans create unfair distinctions between self-employed individuals (the owners of unincorporated businesses) and the owners of corporations. The ability to exclude health benefits to the extent provided by a corporate employer creates tax incentives for incorporation that the Committee believes leads to inefficient tax-driven decision making.
>
> More importantly, the Committee is aware that access to employer health plans is low-

> est with small employers (particularly small, self-employed employers). The need for adequate health coverage is so important that the Committee believes it is essential to encourage a narrowing of the gap in health coverage. The Committee concludes that a partial exclusion for health plans maintained by self-employed individuals will accomplish this goal.

I couldn't state the rationale for my bill any better.

The Finance Committee report estimated that a 50-percent deduction for the health insurance premiums of the self-employed would cost $255 million in the first year, $348 in the second, $373 in the third, $424 in the fourth and $481 in the fifth. The 5-year cost was projected to be $1.881 billion.

In the end the Congress voted for a 25-percent exclusion and that is what we have now. Unfortunately, when it voted for this exclusion, the Congress set an expiration date of 1 year and we have voted for 1-year extensions of this—and many other provisions—ever since. These 1-year extensions subject self-employed individuals to a great deal of uncertainty each year.

The current deduction is due to expire at the end of this year and extending it permanently at the current 25-percent rate is projected by the Joint Tax Committee to cost $205 million the first year and $1.798 billion over 5 years. JCX-4-91. Earlier the joint committee had projected that a permanent extension of this deduction would cost $300 million the first year and $2.2 billion over 5 years (JCS-2-91) and that a 1-year extension would cost $300 the first year and $400 million over 5 years (JCS-1-91), but these estimates have been superseded by the lower estimate of $205 million the first year for a permanent extension of the deduction. We don't have a new estimate for the revenue impact of a 1-year extension, but based on the new estimate for a permanent extension the revenue impact would be $205 million the first year and $292.5 million over 5 years.

I would be happy to provide a permanent 100-percent exclusion for the health insurance costs of the self-employed. But, that is clearly impossible given the current budget situation and the high cost. Two years ago I proposed that we enact a permanent 80-percent deduction, S. 1507 introduced on August 3, 1989, and that proposal was then projected to cost $7.4 billion over 5 years.

This year I am proposing that we provide for a 50-percent deduction and only extend the deduction for 1 more year. This is something we can afford now. It would cost approximately $585 million to do this over 5 years, rather than $292.5 million with a 25-percent deduction. We can then decide on a year-by-year basis whether to extend the new 50-percent deduction.

I have picked the 50-percent deduction because this is what the Finance Committee proposed in 1986. If it proposed it once, it is realistic to think that it might do so again. So, that's where we should begin.

This is not my preferred solution, but given the fact that the Finance Committee and Ways and Means Committee seem determined to keep this deduction—and many others—on a 1-year leash, I think it is a realistic proposal that we can actually enact into law given the constraints of the budget.

An $292.5 million additional price tag is high by any standards. But, in the context of the other expiring tax breaks it is not out of proportion. Making all of the expiring tax incentives permanent, including the research and experimentation tax credit, is projected to cost $22.7 billion over 5 years. A 1-year extension of all of these expiring tax incentives would cost something like $12.8 billion over 5 years. In this context a $292.5 million additional price tag may be manageable.●

By Mr. KOHL:

S. 935. A bill to amend title 11, United States Code, to provide that certain liens under a marital property settlement may not be exempted; to the Committee on the Judiciary.

PROPERTY SETTLEMENT FAIRNESS ACT

Mr. KOHL. Mr. President, I rise today to introduce legislation which will clarify a provision of the Bankruptcy Code—one which could harm thousands of divorcees each year. It is caused by a loophole in our laws which, in some jurisdictions, has been interpreted to enable a divorced spouse to circumvent the terms of his or her settlement agreement by nullifying a homestead lien. Simply put, my bill will ensure that a former spouse cannot use the Bankruptcy Code as a shield for avoiding the obligations arising out of a divorce.

The compelling need for this legislation is nowhere better illustrated than in the case of Jean Farrey, a resident of Appleton, Wisconsin. Ms. Farrey's 20-year marriage to Gerald Sanderfoot ended with a divorce in 1986. As part of the property settlement, the trial court judge divided their marital estate in half, awarded Mr. Sanderfoot the family's home and, to ensure Mr. Sanderfoot's obligation, gave Ms. Farrey a lien on the house to the extent of $29,000. However, 3 months later, before paying off the lien, Mr. Sanderfoot filed for bankruptcy. Ultimately, the Seventh Circuit—over a strenuous dissent from Judge Posner—held that section 522(f)(1) of the Bankruptcy Code allowed Mr. Sanderfoot to avoid the lien.

Ms. Farrey was left with nothing to show for her share of the marital estate, but Mr. Sanderfoot, upon his discharge from bankruptcy, will receive title to the entire house, free from judicial liens. The interplay between Federal bankruptcy law and State law causes this unfair result, and my proposal would right this wrong in future cases of this kind.

In reaching its decision, the Seventh Circuit relied on the express language of the Bankruptcy Code. The majority expressed dismay over the harsh result, but reasoned that it had no authority to second-guess Congress' policy judgments. Indeed, the Court specifically urged Congress to re-examine the language of section 522(f)(1). The Eighth and Tenth Circuits, however, reached a contrary result. Recognizing the equitable nature of bankruptcy proceedings, these Courts looked beyond the language of that section and relied on its purpose and legislative history.

Last month, the Supreme Court heard the Farrey versus Sanderfoot case, and I hope that it will reach a fair conclusion by reversing the Seventh Circuit. But if the Supreme Court feels constrained by the language of the Bankruptcy Code and upholds the appellate court, we need to clarify the law legislatively.

My proposal serves three purposes. First, it removes one spouse's incentive to file for bankruptcy as a way of avoiding a judicial lien on the family home. Second, it gives the States the ultimate authority to provide for the full, fair and final disposition of property in a divorce. Third, it makes clear that the Bankruptcy Code complements, and does not collide with, State divorce law. However, the bill is carefully limited in scope: It only applies to liens imposed on a principal marital residence under the terms of a separation agreement or divorce decree.

Mr. President, a property division which is theoretically "equal" at the time of the divorce may become grossly inequitable a short time later if the debtor-spouse can avoid the lien by filing for bankruptcy. Though the purpose of our bankruptcy laws is to allow the debtor to get a fresh start, debtors should not be entitled to start afresh with an ex-spouse's money. That is the straightforward purpose of this legislation: To ensure fairness in divorce decrees and property settlement agreements. And that is why I believe my bill will soon become law.

I ask unanimous consent that the full text of the measure be entered into the RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Property Settlement Fairness Act of 1991".

SEC. 2. NONEXEMPTION OF CERTAIN MARITAL PROPERTY SETTLEMENT LIEN.

Section 522(f)(1) of title 11, United States Code is amended by inserting ", except any lien on a marital principal residence under the terms of a separation agreement or divorce decree in connection with the division of property" before the semicolon.

By Mr. BAUCUS:

S. 936. A bill to amend the Internal Revenue Code of 1986 to reduce compliance costs and administrative burdens in connection with foreign taxes, and for other purposes; to the Committee on Finance.

FOREIGN TAX SIMPLIFICATION ACT

• Mr. BAUCUS. Mr. President, I rise to introduce the Foreign Tax Simplification Act of 1991, a bill to reduce the compliance costs and administrative burdens which U.S. taxpayers engaged in international trade face under U.S. tax law.

Experience over the last 4 years with the reforms we enacted in 1986 has made it clear that some of the rules we adopted are more complicated and difficult than they need to be to meet our policy objectives. As a result, American taxpayers operating internationally must go to great trouble and expense to comply with complex rules which in the end may produce little or no revenue for the Government.

I am advised that compliance in the areas addressed by this legislation currently entails thousands of weeks of work with all the attendant financial expense that such a process would require. In turn, the Government then audits all of these calculations and adjustments in order to determine that taxpayers are complying with the applicable law—going to great effort and expense to audit provisions which again produce little or no additional revenue for the Government.

My intent is not to reduce the amount of tax which corporations pay, nor to undo any of the basic decisions which were reached in the Tax Reform Act of 1986. What my bill will do is to make the Internal Revenue Code more cost effective by cutting the costs of filing and auditing tax returns for taxpayers with international operations. Simplifying the law for U.S. taxpayers will help to make them more competitive with foreign companies.

First, this legislation amends section 263A to exempt foreign corporations not doing business in the United States from the requirement that the uniform capitalization rules [UNICAP] be applied in determining their earnings and profits. No change is suggested for U.S. companies operating overseas, or for foreign corporations operating in the United States.

U.S. multinationals incur significant costs both at the head office and at the affiliate level to bring foreign earnings and profits into conformity with U.S. tax principles for purposes of computing the deemed-paid foreign tax credit and other required reporting.

Determining the UNICAP adjustments to book earnings and profits requires the capitalization of costs to inventory or other property and the capitalization of interest expense to assets which are different from both foreign country local requirements and also from U.S.-audited financial statements. Foreign-based multinationals do not incur these compliance costs because they are not subject to UNICAP rules.

In recognition of the complexity of applying UNICAP to foreign subsidiaries, the IRS has provided some relief. Even these simplified approaches, however, have their own uncertainties and complexities, and do not address the basic problem that UNICAP has no relevance to a foreign corporation not conducting business in the United States.

Furthermore, the revenue generated by applying the UNICAP rules to foreign subsidiaries is small in relation to the administrative burden. None of these UNICAP adjustments will affect the U.S. shareholder's taxable income until it receives—or is deemed to receive—a dividend from the foreign subsidiary.

Second, this legislation would correct a mistake in the provisions which were intended to subject passive investors to current U.S. tax on their portfolio dividends and interest, and their passive rents and royalties. As now written, the law erroneously snares active operating companies which were never intended to be included.

The result of this mistake is that U.S. taxpayers waste an enormous amount of time and effort analyzing foreign financial statements and filing paperwork with the IRS. In addition, it is a real trap for the unwary who do not have access to sophisticated tax and accounting advice. The taxpayers we originally intended to cover by the provision will still be subject to the amended language.

Third, this legislation would reduce the complexity caused by the present rule that dividends from each foreign corporation in which U.S. parent companies do not own a controlling interest are required to be put into a separate foreign tax credit category or basket. This means that U.S. companies have to allocate their head office expenses to hundreds of separate baskets of income—an expensive and time consuming process.

My bill would permit taxpayers to look through dividends from such companies and put the income into baskets according to the type of income being distributed—just as is done by U.S. corporations with dividends from their controlled foreign corporations. For example, a dividend from a shipping company would go in the shipping basket and a dividend from a manufacturing company would go in the general basket.

In recognition of the difficulties sometimes experienced in getting financial data from foreign companies, the current multiple foreign tax credit baskets for dividends from noncontrolled corporations would be collapsed into one basket for all dividends from such companies where the taxpayer did not elect look-through treatment. Compliance would be much easier than under present law because complex allocations of head office expense would be cut from literally hundreds of baskets to three or four.

Fourth, this legislation would ensure that foreign tax credits claimed on foreign income would be translated in U.S. dollars at the same rate as the income, thereby preserving the correct foreign effective tax rate. Present law requires that each payment to each foreign income tax collector be translated into U.S. dollars at the spot rate on the date of such payment.

Since many companies make thousands of payments each year, the workload is enormous. Under my bill there would often be only one translation required, per country, per year. This was the law both for dividends and for subpart F inclusions for more than 50 years, and it worked well. This was also the rule adopted by the Senate in 1986.

The last element of this legislation, while it amounts to a technical correction, will also reduce the compliance burden of taxpayers. In 1986, we intended to provide a de minimis rule that would exempt foreign corporations with small amounts of separate limitation income from having to analyze their accounts and divide their income, expenses, and taxes among the various baskets.

Unfortunately the rule we wrote incorporated by reference the definitions of subpart F income, instead of the definitions of separate limitation income that we should have used. My bill would provide that companies with less than $1 million of income in the separate baskets would simply put all of their income, expenses and taxes into the general limitation basket, the same de minimis test we use for subpart F.

Mr. President, we live in an increasingly interdependent world in which capital and labor are relatively free to move. The emerging democracies of Eastern Europe and the struggling economies of the Third World, as well as our traditional competitors in Europe and Asia are actively courting foreign investors to improve growth and the standard of living of their people.

If we are going to have a constructive debate moving forward we need to be mindful though of the need for revenue neutrality. Any serious discussion involving U.S. tax policy has to accept that cardinal rule.

Revenue constraints may deter us from making major substantive changes at this time to make our companies more competitive, but there is no reason why we should not make it easier for taxpayers to prepare their tax returns and for the Government to audit them by revising rules which create substantial workload without producing commensurate revenue for the Government. We cannot afford to do less.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 TAX CODE.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Tax Simplification Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. LIMITED APPLICATION OF UNIFORM CAPITALIZATION RULES TO FOREIGN PERSONS.

(a) IN GENERAL.—Section 263A(c) (relating to exceptions) is amended by adding at the end thereof the following new paragraph:

"(7) FOREIGN PERSONS.—This section shall not apply to any foreign person except to the extent necessary for the computation of taxable income under sections 871(b)(2) and 882(a)(2) for purposes of the taxes imposed by sections 871(b)(1) and 882(a)(1)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to costs incurred after December 31, 1990, in taxable years ending after such date.

SEC. 3. DEFINITION OF PASSIVE FOREIGN INVESTMENT COMPANY.

(a) DETERMINATION BASED ON GROSS RECEIPTS NOT GROSS INCOME.—Paragraph (1) of section 1296(a) (defining passive foreign investment company) is amended by striking "gross income" and inserting "gross receipts".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to taxable years of foreign corporations ending after December 31, 1990.

(2) TRANSITION RULE.—If, for the 1st taxable year to which the amendment made by this section applies, a foreign corporation which was a passive foreign investment corporation for any preceding taxable year is not such a corporation for such 1st taxable year by reason of such amendment, section 1297(B)(1) of the Internal Revenue Code of 1986 shall not apply to such 1st taxable year and subsequent taxable years solely by reason of such corporation being a passive foreign investment corporation before such 1st taxable year.

SEC. 4. APPLICATION OF SEPARATE FOREIGN TAX CREDIT LIMITATION FOR NONCONTROLLED SECTION 902 CORPORATIONS.

(a) IN GENERAL.—Section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraphs (3) the following new paragraph:

"(4) LOOK-THRU IN THE CASE OF NONCONTROLLED SECTION 903 CORPORATIONS.—

"(A) IN GENERAL.—If the taxpayer elects the application of this paragraph for any non-controlled section 902 corporation for any taxable year, any dividend paid out of the earnings or profits of such corporation (as defined in paragraph (2)(E) shall be treated as income in a separate category in proportion to the ratio of—

"(i) the portion of the earnings and profits attributable to income in such separate category, to

"(ii) the total amount of earnings and profits.

"(B) ELECTION.—An election under subparagraph (A) shall be made on or before the due date (including extensions) for filing the taxpayer's return for the taxable year for which the election is made."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 904(d)(1) is amended by inserting "for which an election under paragraph (4) is not made for the taxable year" before the comma at the end thereof.

(2) Clause (iii) of section 904(d)(2)(C) is amended by adding at the end thereof the following new sentence:

"Subclause (II) shall not apply to a noncontrolled section 902 corporation with respect to which the taxpayer elects to have paragraph (4) apply for the taxable year."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 5. EXCHANGE RATE FOR FOREIGN TAXES SAME AS FOR INCOME EXCLUSION.

(a) IN GENERAL.—Paragraph (1) of section 986(a) (relating to foreign taxes) is amended to read as follows:

"(1) IN GENERAL.—For purposes of determining the amount of the foreign tax credit—

"(A) any foreign income taxes shall be determined in the functional currency of the foreign corporation or qualified business unit, and translated into dollars using the appropriate exchange rate, and

"(B) any adjustment to the amount of foreign income taxes shall be translated into dollars using—

"(i) except as provided in clause (ii), the appropriate exchange rate, or

"(ii) in the case of any refund or credit of foreign income taxes with respect to which a credit or deduction was allowed, the exchange rate used to determine the amount of such credit or deduction."

(b) APPROPRIATE EXCHANGE RATE.—Section 989(b) (defining appropriate exchange rate) is amended by adding at the end thereof the following new sentence: "For purposes of this subpart, the appropriate exchange rate for any foreign taxes attributable to earnings and profits, dividends, amounts, and qualified business units described in paragraph (1), (2), (3), or (4) shall be the same as the rate prescribed under the applicable paragraph."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 6. LOOK-THRU RULES FOR CONTROLLED FOREIGN CORPORATIONS NOT TO APPLY TO SEPARATE CATEGORIES WITH DE MINIMIS AMOUNTS.

(a) IN GENERAL.—Section 904(d)(3)(E) (relating to look-thru applies only where subpart F applies) is amended to read as follows:

"(E) LOOK-THROUGH APPLIES ONLY WHERE SEPARATE CATEGORY INCOME NOT DE MINIMIS—

"(i) IN GENERAL.—If the aggregate gross income in all separate categories of a foreign corporation for the taxable year is less than the lesser of—

"(I) 5 percent of gross income, or

"(II) $1,000,000, no part of its gross income for such taxable years shall be treated as income in a separate category, except that this sentence shall not apply to any income which (without regard to this sentence) would be treated as financial services income.

"(ii) PASSIVE INCOME.—Soley for purposes of applying subparagraph (D), passive income of a foreign corporation shall not be treated as income in a separate category if the requirements of section 954(b)(4) are met with respect to such income."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1990.•

By Mr. LIEBERMAN:

S. 940. A bill to provide for the economic growth and industrial revitalization of the United States by establishing tax-exempt industrial recapitalization funds for manufacturing industries, by providing investment and savings incentives, and by promoting worker training and research and development, and for other purposes; to the Committee on Finance.

ECONOMIC GROWTH ACT

• Mr. LIEBERMAN. Mr. President, I am introducing legislation today, the Economic Growth Act of 1991, which I hope will help make America more competitive in the global economy.

The Federal Government has a critical leadership role to play in shaping our national economy. What I am attempting to do is shape that role in a way that is most beneficial both to the business community and to society as a whole. This is not a question of ideology or industrial policy. The fundamental question that Government and business must answer as it forges a working partnership is what works. How can Government help the American business community compete and create jobs.

My bill attempts to help us meet the competitiveness challenge by laying the groundwork for a new partnership between business and Government, a partnership that would not be intrusive but supportive of the effort of American business to be more globally competitive abroad and to create more high value jobs at home.

The bill does this in two fundamental ways: by encouraging savings and investment, and by supporting the research and particularly the development efforts of U.S. firms.

There are five titles in the bill. The first title establishes an industrial recapitalization fund [IRF] for manufacturing firms. This program would enable manufacturing firms to put their annual depreciation allowances into tax free accounts for a period of 5 years. They would be permitted to withdraw money from this account, tax free, for a period of 10 years, as long as the money is used for investment in new plant and equipment, promoting both manufacturing growth and modernization.

The IRF is really a business IRA, an account that combines both investment and savings for manufacturing firms. The emphasis on both is key to the ability of American manufacturing firms to compete.

Title II of the bill would give a capital gains tax break for new stock offerings by manufacturing firms. The rate would be 21 percent for equities held for 3 years and 15 percent for those held for 6 years. It would apply to stock held by both corporations and individuals. This kind of targeted approach to a capital gains tax cut is the best way to direct investment to where it is needed the most: Our high technology and manufacturing firms now facing a very tough global marketplace. It would enhance their ability to obtain low-cost, long-term patient capital.

We must also increase our personal savings rate if our economy is to grow. Other provisions in title II complement the idea of broadening existing eligibility for IRA's by creating a checkoff on income tax returns that would ask the IRS to deposit any tax refund into an individual's IRA. This simple concept is premised on the fact that the one time in the year most individuals have a lump sum of money available is when they get back their tax refund. An IRA checkoff on the tax return makes it easier and more likely to deposit that return into an investment and savings account, rather than spending it.

Title III of the bill helps U.S. firms with their R&D efforts by making the R&D tax credit permanent, by making the tax credit for employer-sponsored math and science education programs permanent, and by expanding the applied research portion of the R&D tax credit to promote development and to help companies bring new products to market.

Title IV of the bill expands antitrust exemptions to enable firms to join together to develop high-technology products without fear of antitrust per se violations. If American firms are going to compete in a global economy, they are going to have to be able to work together. The provision is based on a bill that recently passed the House.

Title V of the bill is intended to complement the far-reaching bill that was introduced in the last Congress by Senators GLENN and LEVIN and House Majority Leader DICK GEPHARDT and Representative MEL LEVINE, S. 1978, the Trade and Technology Act of 1989. That bill would, among other things, create a civilian counterpart to the Defense Advanced Research Projects Agency [DARPA].

My bill does three things: It provides a statutory basis for the existing Defense Advanced Research Projects Agency [DARPA], it creates a National Technology Policy Council, and it establishes a national advanced technology fund. By writing DARPA into law and by making the head of DARPA an Assistant Secretary of Defense, we protect its current mission and elevate its position within DOD. Since DARPA is one of the most effective and successful government agencies dealing with high-technology issues, a better-defined role is not only useful but necessary.

The Technology Council would be a group of technology experts—wise men and women—from the private sector charged with the responsibility of examining what our technology policy is and what it should be. The Council would set priorities for Government technology support and would help define the priorities and goals of DARPA and the technology fund.

The technology fund would, in effect, act as a civilian DARPA. It would support high-technology and innovative projects in the civilian economy in the same way that DARPA does for the defense industry. Over time, the fund would become self-sufficient through a return and recapture of Government support funds. If we are to compete with Japan and the nations of the European Community, we must stand firmly behind American high-technology companies; a strengthened DARPA, a Technology Policy Council, and a technology fund are three good ways of achieving that goal.

We have a choice to make about our economic future: will we accept the status quo and just hope for the best or will we forge ahead and accept the challenge put to us by Japan and Europe? We can and will prosper as a nation if we recognize our problems and work together: business and Government. The business community must do its part by making changes of its own to meet the challenges of a global economy and a domestic educational deficit, but we in Government must do what we can to make sure that our Government supports and promotes the best competitive efforts of American business.

At the end of the day, to paraphrase the poet William Henley, "We are the master of our fate, the captain of our soul." We can offer our children the promise of a bright economic future if we chose to do so. As far as I am concerned the choice is obvious: We must once again take charge of our economic destiny. The purpose of this bill is to help us to do precisely that. We must focus on what works and not what is politically and ideologically correct as we help America grow.

I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Growth Act of 1991".

TITLE I—INDUSTRIAL RECAPITALIZATION FUNDS

SEC. 101. ESTABLISHMENT OF INDUSTRIAL RECAPITALIZATION FUNDS.

(a) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end thereof the following new part:

"PART VIII—INDUSTRIAL RECAPITALIZATION FUNDS

"Sec. 529. Industrial recapitalization funds.
"Sec. 530. Taxability of funds.
"Sec. 530A. Definitions; records and reports.

"SEC. 529. INDUSTRIAL RECAPITALIZATION FUNDS.

"(a) ESTABLISHMENT OF FUNDS.—Each eligible taxpayer may establish an industrial recapitalization fund (hereafter in this part referred to as a 'fund').

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any person—

"(1) substantially all of the activities of which consist of the active conduct of the trade or business of manufacturing, and

"(2) more than 50 percent of the stock or other ownership interests of which is held by United States persons (as defined in section 7701(a)(30)).

"(c) DEPOSIT REQUIREMENTS.—

"(1) IN GENERAL.—Amounts may be deposited into a fund during each of the taxable years in the 5-taxable year period beginning with the taxable year in which the fund is established.

"(2) LIMITATION ON AMOUNT OF DEPOSITS.—The amount which may be deposited into a fund for any taxable year shall not exceed the sum of—

"(A) amounts allowable as a deduction to the taxpayer under section 167 (or as amortization in lieu of depreciation) for such taxable year with respect to eligible plant and equipment; plus

"(B) the net proceeds from the sale or other disposition of any such eligible plant and equipment, or insurance or indemnity attributable to any such eligible plant and equipment.

"(3) CREDITS.—In addition to amounts which may be deposited into a fund, the fund shall be credited each taxable year with the receipts from the investment or reinvestment of amounts held in such fund.

"(4) NO DEPOSIT FROM LOAN PROCEEDS.—No amount may be deposited into a fund from the proceeds of any indebtedness incurred or continued to make such deposit.

"(d) REQUIREMENTS AS TO INVESTMENTS.—

"(1) IN GENERAL.—Except as provided in this subsection, amounts in a fund shall be kept in the depository or depositories specified by the Secretary, and shall be subject to such trustee and other fiduciary requirements as may be specified by the Secretary.

"(2) ASSETS.—Assets in a fund may be invested only in interest-bearing securities issued by the United States Government; except that, if the Secretary consents thereto, a percentage (not in excess of 60 percent) of the assets of the fund may be invested in the stock of domestic corporations. Such stock shall—

"(A) be currently fully listed and registered on an exchange registered with the

Securities and Exchange Commission as a national securities exchange, and

"(B) be stock which would be acquired by prudent men of discretion and intelligence in such matters who are seeking a reasonable income and the preservation of their capital.

"(3) EXCESS EQUITY INVESTMENTS.—If at any time the fair market value of the stock in a fund is more than the percentage of the assets in the fund specified under paragraph (2), any subsequent investment or withdrawal from the fund shall be made in such a way as to tend to restore the fund to a situation in which the fair market value of the stock does not exceed such agreed percentage.

"(4) PREFERRED STOCK.—For purposes of this subsection, if the common stock of a corporation is described in paragraph (2)(A) and if the preferred stock of such corporation would be so described but for the fact that it cannot be listed and registered as required because it is nonvoting stock, such preferred stock shall be treated as described in paragraph (2)(A).

"(e) WITHDRAWALS.—

"(1) IN GENERAL.—Only qualified withdrawals may be made from a fund.

"(2) QUALIFIED WITHDRAWALS.—For purposes of this section, the term 'qualified withdrawal' means a withdrawal for—

"(A) the acquisition, construction, reconstruction, modernization, or refurbishment of eligible plant and equipment,

"(B) the payment of the principal on indebtedness incurred in connection with the acquisition, construction, reconstruction, modernization, or refurbishment of eligible plant and equipment; or

"(C) the payment of expenditures for job training programs for employees of the eligible taxpayer maintaining the fund which are approved by the Federal Government or any State, or local government, or any agency or instrumentality thereof.

"SEC. 530. TAXABILITY OF FUNDS.

"(a) NONTAXABILITY OF FUND.—Except as otherwise provided in this section, a fund is exempt from taxation under this subtitle.

"(b) TAX TREATMENT OF ELIGIBLE TAXPAYERS.—

"(1) DEDUCTION FOR DEPOSITS.—There shall be allowed as a deduction for any taxable year the amount an eligible taxpayer deposits into a fund under section 529(c)(2)(A).

"(2) NONREALIZATION OF GAIN.—Gain from a sale, exchange, or other disposition described in section 529(c)(2)(B) shall not be includible in the gross income of an eligible taxpayer to the extent of the amount of such gain deposited into the fund.

"(3) EARNINGS OF FUND.—For purposes of this subtitle—

"(A) gross income of an eligible taxpayer shall not include earnings (including gains and losses) of the fund,

"(B) the earnings and profits of such taxpayer shall be determined without regard to the assets and earnings of the fund, and

"(C) the assets and earnings of the fund shall not be taken into account in applying section 531 to such taxpayer.

"(c) ESTABLISHMENT OF ACCOUNTS.—

"(1) IN GENERAL.—Within a fund established pursuant to this part, 3 accounts shall be maintained—

"(A) the capital account,

"(B) the capital gain account, and

"(C) the ordinary income account.

"(2) CAPITAL ACCOUNT.—The capital account shall consist of—

"(A) amounts deposited into the fund under section 529(c)(2)(A),

"(B) amounts referred to in section 529(c)(2)(B) other than that portion thereof which represents gain not taken into account by reason of subsection (b)(2),

"(C) the percentage applicable under section 243(a)(1) of any dividend received by the fund with respect to which the person maintaining the fund would (but for subsection (b)(3)(B)) be allowed a deduction under section 243, and

"(D) interest income exempt from taxation under section 103.

"(3) CAPITAL GAIN ACCOUNT.—The capital gain account shall consist of—

"(A) amounts representing capital gain—

"(i) on assets held in the fund for more than 1 year, or

"(ii) excluded from gross income under subsection (b)(2) which is attributable to assets held more than 1 year, reduced by

"(B) amounts representing capital losses on assets held in the fund for more than 1 year.

"(4) ORDINARY INCOME ACCOUNT.—The ordinary income account shall consist of—

"(A)(i) amounts representing capital gain—

"(I) on assets held in the fund for 1 year or less, or

"(II) excluded from gross income under subsection (b)(2) which is attributable to assets held for 1 year or less, reduced by

"(ii) amounts representing capital losses on assets held in the fund for 1 year or less,

"(B) interest (not including any tax-exempt interest referred to in paragraph (2)(D)) and other ordinary income (not including any dividend referred to in subparagraph (C)) received on assets held in the fund, and

"(C) the portion of any dividend referred to in paragraph (2)(C) not taken into account under such paragraph.

"(5) NO LOSSES ALLOWED.—Except on termination of a fund, capital losses referred to in paragraph (3)(B) or in paragraph (4)(B)(ii) shall be allowed only as an offset to gains referred to in paragraph (3)(A) or (4)(B)(i), respectively.

"(d) TAX TREATMENT OF QUALIFIED WITHDRAWALS.—

"(1) IN GENERAL.—Any qualified withdrawal from a fund shall be treated—

"(A) first as made out of the capital account,

"(B) second as made out of the capital gain account, and

"(C) third as made out of the ordinary income account.

"(2) ORDINARY INCOME ACCOUNT WITHDRAWAL.—If any portion of a qualified withdrawal for eligible plant and equipment is made out of the ordinary income account, the basis of such plant and equipment shall be reduced by an amount equal to such portion.

"(3) CAPITAL GAIN ACCOUNT WITHDRAWAL.—If any portion of a qualified withdrawal for eligible plant and equipment is made out of the capital gain account, the basis of such plant and equipment shall be reduced by an amount equal to such portion.

"(4) WITHDRAWALS TO REPAY LOANS.—If any portion of a qualified withdrawal to pay the principal on any indebtedness described in section 529(e)(2)(B) is made out of the ordinary income account or the capital gain account, then an amount equal to the aggregate reduction which would be required by paragraphs (2) and (3) shall be applied, in the order provided in regulations, to reduce the basis of plant and equipment owned by the eligible taxpayer maintaining the fund. Any amount of a withdrawal remaining after the application of the preceding sentence shall be treated as a nonqualified withdrawal.

"(5) GAIN ON DISPOSITION.—If any property the basis of which was reduced under paragraph (2), (3), or (4) is disposed of, any gain realized on such disposition, to the extent it does not exceed the aggregate reduction in the basis of such property under such paragraphs, shall be treated as an amount referred to in subsection (e)(4)(A) which was withdrawn on the date of such disposition. Subject to such conditions and requirements as may be provided in regulations, the preceding sentence shall not apply to a disposition where there is a redeposit in an amount determined under such regulations which will, insofar as practicable, restore the fund to the position it was in before the withdrawal.

"(e) TAX TREATMENT OF NONQUALIFIED WITHDRAWALS.—

"(1) IN GENERAL.—Except as provided in subsection (f), any withdrawal from a fund which is not a qualified withdrawal shall be treated as a nonqualified withdrawal.

"(2) TREATMENT OF WITHDRAWALS.—Any nonqualified withdrawal from a fund shall be treated—

"(A) first as made out of the ordinary income account,

"(B) second as made out of the capital gain account, and

"(C) third as made out of the capital account.

"(3) ORDER OF WITHDRAWALS.—For purposes of this subsection, items withdrawn from any account shall be treated as withdrawn on a first-in-first-out basis; except that—

"(A) any nonqualified withdrawal for research, development, and design expenses incident to new and advanced eligible plant and equipment, and

"(B) any amount treated as a nonqualified withdrawal under the second sentence of subsection (d)(4),

shall be treated as withdrawn on a last-in-first-out basis.

"(4) SPECIAL RULES.—For purposes of this subtitle—

"(A) any amount referred to in paragraph (2)(A) shall be included in income as an item of ordinary income for the taxable year in which the withdrawal is made,

"(B) any amount referred to in paragraph (2)(B) shall be included in income for the taxable year in which the withdrawal is made as an item of gain realized during such year from the disposition of an asset held for more than 1 year, and

"(C) for the period on or before the last date prescribed for payment of tax for the taxable year in which the withdrawal is made—

"(i) no interest shall be payable under section 6601 and no addition to the tax shall be payable under section 6651,

"(ii) interest on the amount of the additional tax attributable to any item referred to in subparagraph (A) or (B) shall be paid at the applicable rate (as defined in paragraph (5)) from the last date prescribed for payment of the tax for the taxable year for which such item was deposited in the fund, and

"(iii) no interest shall be payable on amounts referred to in subparagraphs (A) and (B) of paragraph (3).

"(5) RATE OF INTEREST.—For purposes of paragraph (4)(C)(ii), the applicable rate of interest for any nonqualified withdrawal shall be the rate established under section 6621(a)(2).

"(6) DEEMED WITHDRAWALS.—

"(A) IN GENERAL.—The applicable percentage of any amount which remains in a fund as of the close of the 10th, 11th, or 12th taxable year following the taxable year in which an agreement was entered into shall be treated as a nonqualified withdrawal in accordance with the following table:

"If the amount remains in the fund at the close of the—	The applicable percentage is:
10th taxable year ...	20 percent
11th taxable year ...	60 percent
12th taxable year ...	100 percent.

"(B) EARNINGS.—The earnings of a fund for any taxable year (other than net gains) shall be treated for purposes of this paragraph as an amount remaining in the fund for such taxable year.

"(C) BINDING CONTRACTS.—For purposes of subparagraph (A), an amount shall not be treated as remaining in a fund as of the close of any taxable year to the extent there is a binding contract at the close of such year for a qualified withdrawal of such amount with respect to an identified item for which such withdrawal may be made.

"(D) EXCESS BALANCES.—If the Secretary determines that the balance in a fund exceeds the amount which is appropriate to meet the fund's program objectives, the amount of such excess shall be treated as a nonqualified withdrawal under subparagraph (A) unless such person develops appropriate program objectives within 3 years to dissipate such excess.

"(7) DETERMINATION OF TAX.—

"(A) IN GENERAL.—In the case of any taxable year for which there is a nonqualified withdrawal (including any amount so treated under paragraph (6)), the tax imposed by chapter 1 shall be determined—

"(i) by excluding such withdrawal from gross income, and

"(ii) by increasing the tax imposed by chapter 1 by the product of the amount of such withdrawal and the highest rate of tax specified in section 11.

With respect to the portion of any nonqualified withdrawal made out of the capital gain account during a taxable year to which section 1201(a) applies, the rate of tax taken into account under the preceding sentence shall not exceed 34 percent.

"(B) WITHDRAWAL OF AFTER-TAX AMOUNTS.—If any portion of a nonqualified withdrawal is properly attributable to deposits (other than earnings on deposits) made by the taxpayer in any taxable year which did not reduce the taxpayer's liability for tax under this subtitle for any taxable year preceding the taxable year in which such withdrawal occurs—

"(i) such portion shall not be taken into account under subparagraph (A), and

"(ii) an amount equal to such portion shall be treated as allowed as a deduction under section 172 for the taxable year in which such withdrawal occurs.

"(C) EXCLUDED AMOUNTS.—Any nonqualified withdrawal excluded from gross income under subparagraph (B) shall be excluded in determining taxable income under section 172(b)(2).

"(f) CORPORATE REORGANIZATIONS.—Under regulations, if a transfer of a fund occurs from one person to another person in a transaction to which section 381 applies, such transfer shall not constitute a nonqualified withdrawal. However, if the transaction results in the transfer to a corporation with respect to which the requirements of this part are not met, all amounts in the fund shall be treated as having been withdrawn in a nonqualified withdrawal at the time of the transaction.

"SEC. 530A. DEFINITIONS; RECORDS AND REPORTS.

"(a) ELIGIBLE PLANT AND EQUIPMENT.—For purposes of this part, the term 'eligible plant and equipment' means any plant and equipment which is used as an integral part of the active conduct of the trade or business of manufacturing.

"(b) RECORDS AND REGULATIONS.—

"(1) RECORDS.—Each person maintaining a fund under this part shall keep such records and shall make such reports as the Secretary shall require.

"(2) REGULATIONS.—The Secretary shall prescribe such rules and regulations as may be necessary or appropriate to carry out the provisions of this part.

"(c) REPORTS.—

"(1) IN GENERAL.—The Secretary shall, within 120 days after the close of each calendar year, provide to the Congress a written report with respect to the funds under this section.

"(2) CONTENTS OF REPORT.—Each report under paragraph (1) shall set forth the number of persons—

"(A) establishing a fund during such calendar year,

"(B) maintaining a fund as of the last day of such calendar year,

"(C) terminating a fund during such calendar year, or

"(D) making any withdrawal from or deposit into (and the amounts thereof) a fund during such calendar year."

(b) CONFORMING AMENDMENT.—The table of parts for subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"PART VIII—INDUSTRIAL RECAPITALIZATION FUNDS.".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE II—INVESTMENT INCENTIVES

Subtitle A—Investment in Stock of Manufacturers

SEC. 201. RESTORATION OF CAPITAL GAINS EXCLUSION FOR CERTAIN STOCK OF MANUFACTURERS.

(a) TAXPAYERS OTHER THAN CORPORATIONS.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after section 1201 the following new section:

"SEC. 1202. DEDUCTION FOR CAPITAL GAINS ON STOCK OF MANUFACTURERS HELD MORE THAN 3 YEARS.

"(a) GENERAL RULE.—If for any taxable year a taxpayer other than a corporation has a qualified net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(1) 32 percent of the 3-year gain, plus

"(2) 51.5 percent of the 6-year gain.

"(b) QUALIFIED NET CAPITAL GAIN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified net capital gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss from qualified stock with a holding period of at least 3 years at the time of the disposition.

"(2) 3-YEAR GAIN.—The term '3-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) such gain determined by taking into account only gain or loss from qualified stock with a holding period of at least 3 years but less than 6 years.

"(3) 6-YEAR GAIN.—The term '6-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, reduced by the 3-year gain, or

"(B) the net capital gain for the taxable year determined by taking into account gain or loss from qualified stock with a holding period of at least 6 years.

"(3) QUALIFIED STOCK.—

"(A) IN GENERAL.—The term 'qualified stock' means stock which—

"(i) is issued by a qualified business after the date which is 6 months after the date of the enactment of this section,

"(ii) is first acquired (whether directly or through an underwriter) by the taxpayer, and

"(iii) is not issued in redemption of (or otherwise exchanged for) stock not issued during the period described in clause (i).

"(B) QUALIFIED BUSINESS.—For purposes of subparagraph (A)—

"(i) ACTIVE TRADE OR BUSINESS REQUIREMENT.—A corporation shall not be treated as a qualified business unless—

"(I) during the 5-year period ending on the date of issuance described in subparagraph (A) (or if shorter, its period of existence) substantially all of the activities of such corporation consisted of the active conduct of the trade or business of manufacturing, and

"(II) immediately after such date substantially all of the activities of such corporation consist of such active conduct.

"(ii) EXCEPTION FOR PERSONAL SERVICE CORPORATIONS.—The term 'qualified business' shall not include a personal service corporation (within the meaning of section 269A(b)(1)).

"(c) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.".

(b) CORPORATIONS.—Section 1201 of the Internal Revenue Code of 1986 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) DEDUCTION FOR NET CAPITAL GAIN.—

"(1) IN GENERAL.—If for any taxable year a corporation has a qualified net capital gain—

"(A) there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(i) 25 percent of the 3-year gain, plus

"(ii) 46.5 percent of the 6-year gain, and

"(B) paragraph (2) of subsection (a) shall be applied as if it read as follows:

'(2) a tax equal to the sum of—

'(A) 18.2 percent of the 6-year gain, plus

'(B) 25.5 percent of the 3-year gain, plus

'(C) 34 percent of the net capital gain, reduced by the amounts taken into account under subparagraphs (A) and (B).

"(2) QUALIFIED NET CAPITAL GAIN.—For purposes of this subsection, the terms 'qualified net capital gain', '3-year gain', and '6-year gain' have the meanings given such terms by section 1202(b).".

(c) MAXIMUM 15 PERCENT RATE.—Section 1(h) of the Internal Revenue Code of 1986 is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

"(ii) the amount of taxable income taxed at a rate below 28 percent, plus

"(B) a tax of 28 percent of the amount of taxable income in excess of the amount determined under subparagraph (A).

"(2) SPECIAL RULE WHERE TAXPAYER HAS QUALIFIED NET CAPITAL GAIN.—

"(A) IN GENERAL.—If a taxpayer has qualified net capital gain for any taxable year, then the tax imposed by this section shall not exceed the lesser of—

"(i) the amount determined under paragraph (1), or

"(ii) the sum of—

"(I) the amount determined under paragraph (1) without taking into account qualified net capital gain for purposes of subparagraphs (A) and (B) thereof, plus

"(II) 15 percent of the 6-year gain, plus

"(III) 21 percent of the 3-year gain.

"(B) QUALIFIED NET CAPITAL GAIN.—For purposes of this paragraph, the terms 'qualified net capital gain', '3-year gain', and '6-year gain' have the meanings given such terms by section 1202(b).".

(d) TREATMENT AS PREFERENCE ITEM FOR MINIMUM TAX.—Section 57(a) of the Internal Revenue Code of 1986 (relating to items of tax preference under the alternative minimum tax) is amended by adding at the end thereof the following new paragraph:

"(8) CAPITAL GAINS ON SALE OF CERTAIN STOCK.—An amount equal to the deduction for the taxable year determined under section 1201(b) or 1202.".

(e) CONFORMING AMENDMENTS.—

(1) Section 62(a) of such Code is amended by adding after paragraph (12) the following new paragraph:

"(14) LONG-TERM CAPITAL GAINS.—The deduction allowed by section 1202.".

(2) Subparagraph (B) of section 170(e)(1) of such Code is amended by inserting "(or, in the case of qualified stock under section 1202(b)(2), 68 percent (49.5 percent in the case of 6-year gain) of)" before "the amount of gain".

(3) Section 172(d)(2) of such Code (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction for long-term capital gains provided by section 1202 shall not be allowed.".

(4) Subparagraph (B) of section 172(d)(4) of such Code is amended by inserting ", (2)(B)," after "paragraph (1)".

(5)(A) Section 220 of such Code (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691.".

(B) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out "reference" in the item relating to section 220 and inserting "references".

(6) Paragraph (4) of section 642(c) of such Code is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income).".

(7) Paragraph (3) of section 643(a) of such Code is amended by adding at the end thereof the following new sentence: "The deduction under section 1202 (relating to deduction for excess capital gains over capital losses) shall not be taken into account."

(8) Paragraph (4) of section 691(c) of such Code is amended by striking out "1(h), 1201, and 1211" and inserting in lieu thereof "1(h), 1201, 1202, and 1211, and for purposes of section 57(a)(8)".

(9) Clause (iii) of section 852(b)(3)(D) of such Code is amended by striking out "66 percent" and inserting "the rate differential portion (within the meaning of section 904(b)(3)(E))".

(10) The second sentence of paragraph (2) of section 871(a) of such Code is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for qualified net capital gains) and" after "except that".

(11) Section 904(b)(3)(E) of such Code is amended by striking out "1201(a)" in clause (iii)(II) thereof and inserting "1201 (a) or (b)".

(12) Section 1402(i)(1) of such Code is amended to read as follows:

"(1) IN GENERAL.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply.".

(13) Section 1445(e)(1) of such Code is amended by striking out "34 percent (or, to the extent provided in regulations, 28 percent)" and inserting "34 percent (or, to the extent provided in regulations, the alternative tax rate determined under section 904(b)(3)(E)(iii))".

(14) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by inserting after the item relating to section 1201 the following new item:

"Sec. 1202. Deduction for capital gains on stock of manufacturers held for more than 3 years.".

(15)(A) The heading for section 1201 of such Code is amended by inserting "; Deduction for Gain on Qualified Stock" after "Corporations".

(B) The item relating to section 1201 in the table of sections for part I of subchapter P of chapter 1 of such Code is amended by inserting "; deduction for gain on qualified stock" after "corporations".

SEC. 202. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to stock issued after the date which is 6 months after the date of the enactment of this Act.

Subtitle B—Savings Incentives

SEC. 211. DESIGNATION OF OVERPAYMENTS TO INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end thereof the following new part:

"PART IX—DESIGNATION OF OVERPAYMENTS FOR INDIVIDUAL RETIREMENT ACCOUNTS

"Sec. 6097. Amounts for individual retirement accounts.

"SEC. 6097. AMOUNTS FOR INDIVIDUAL RETIREMENT ACCOUNTS.

"(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that any portion of any overpayment of such tax for such taxable year be paid over to an individual retirement account established and maintained on behalf of the taxpayer.

"(b) JOINT RETURNS.—In the case of a joint return showing an overpayment, each spouse may designate any portion of such overpayment under subsection (a).

"(c) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made on the first page of the return and shall include any accompanying form the Secretary determines necessary to adequately identify the individual retirement account (and the trustee thereof) to which the overpayment is to be transferred.

"(d) TRANSFERS OF ACCOUNTS.—The Secretary shall transfer any portion of any overpayment designated under subsection (a) to the trustee of the individual retirement account designated by the taxpayer under subsection (a).

"(e) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.".

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following new item:

"PART IX—DESIGNATION OF OVERPAYMENTS TO INDIVIDUAL RETIREMENT ACCOUNTS.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

TITLE III—INCENTIVES FOR RESEARCH AND EDUCATIONAL ASSISTANCE

SEC. 301. RESEARCH CREDIT.

(a) CREDIT MADE PERMANENT.—

(1) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Section 28(b)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(b) CREDIT TO APPLY TO RESEARCH TO BRING PRODUCTS TO MARKET.—

(1) IN GENERAL.—Subparagraph (A) of section 41(d)(3) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and

by adding at the end thereof the following new clause:

"(iv) the development and improvement of commercial products.".

(2) CERTAIN RESTRICTIONS REPEALED.—Section 41(d)(4) of such Code is amended by striking subparagraphs (A) and (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 302. EXCLUSION FOR EDUCATIONAL ASSISTANCE PROGRAMS.

(a) EXCLUSION MADE PERMANENT.—Section 127 of the Internal Revenue Code of 1986 (relating to educational assistance programs) is amended by striking subsection (d).

(b) RESTRICTIONS RELATING TO EDUCATION AT THE GRADUATE LEVEL.—Section 117(d)(5) of such Code (relating to application of section to otherwise taxable employer-provided educational assistance) is amended by inserting "or who is pursuing a program leading to an advanced academic or professional degree in engineering, science, or mathematics" after "such organization".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE IV—AMENDMENTS TO NATIONAL COOPERATIVE RESEARCH ACT OF 1984

SECTION 401. SHORT TITLE.

This Act may be cited as the "National Cooperative Production Amendments of 1991".

SEC. 402. AMENDMENTS.

(a) SHORT TITLE.—Section 1 of the National Cooperative Research Act of 1984 (15 U.S.C. 4301 note) is amended by striking "National Cooperative Research Act of 1984" and inserting "National Cooperative Research and Production Act of 1991".

(b) DEFINITION.—Section 2(a)(6) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(a)(6)) is amended—

(1) in the matter preceding subparagraph (A) by striking "research and development";

(2) in subparagraph (B) by inserting "or production" after "engineering";

(3) in subparagraph (C) by—

(A) striking "for experimental and demonstration purposes, including the experimental production and" and inserting ", including the development,"; and

(B) inserting ", and production or implementation" after "testing";

(4) in subparagraph (D) by—

(A) inserting ", development, or production" after "research"; and

(B) striking "or" after "information,";

(5) in subparagraph (E)—

(A) by striking "(E)" and inserting "(F)"; and

(B) by striking "and (D)" and inserting "(D), and (E)";

(6) by inserting after subparagraph (D) the following:

"(E) the production of any product, process, or service, or"; and

(7) in the matter following subparagraph (F) by inserting after "research," the first place it appears the following: "development, or production,".

(c) EXCLUSIONS.—Section 2(b) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(b)) is amended—

(1) in the matter preceding paragraph (1) by striking "research and development";

(2) in paragraph (1)—

(A) by inserting "production," after "prices,", and

(B) by striking "conduct the research and development that is" and inserting "carry out";

(3) in paragraph (2)—

(A) by striking "or marketing" the first place it appears and inserting ", marketing, or distribution";

(B) by striking "or marketing of" and inserting ", marketing, or distribution of any product, process, service, or";

(C) by striking "such as patents and trade secrets,"; and

(D) by inserting "(including patents and trade secrets)" after "proprietary information"; and

(4) in paragraph (3) by striking "other research and development activities" and inserting "any other joint venture activity".

(d) RULE OF REASON STANDARD.—Section 3 of the National Cooperative Research Act of 1984 (15 U.S.C. 4302) is amended by adding at the end the following: "For the purpose of determining a properly defined, relevant market, the worldwide capacity of suppliers to provide a product, process, or service shall be considered.".

(e) TECHNICAL AMENDMENTS.—(1) Section 3 of the National Cooperative Research Act of 1984 (15 U.S.C. 4302) is amended by striking "research and development" each place it appears.

(2) Section 4 of the National Cooperative Research Act of 1984 (15 U.S.C. 4303) is amended in subsections (a)(1), (b)(1), (c)(1), and (e) by striking "research and development" each place it appears.

(3) Section 5(a) of the National Cooperative Research Act of 1984 (15 U.S.C. 4304(a)) is amended in the matter preceding paragraph (1) by striking "research and development".

(4) Section 6 of the National Cooperative Research Act of 1984 (15 U.S.C. 4305) is amended—

(A) in the heading by striking "RESEARCH AND DEVELOPMENT",

(B) in the first sentence of subsection (a) by striking "this Act" and inserting "the National Cooperative Production Amendments of 1991", and

(C) in subsections (a), (d)(2), and (e) by striking "research and development" each place it appears.

(f) APPLICATIONS OF AMENDMENTS.—The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended by adding at the end the following:

"APPLICATION OF AMENDMENTS RELATING TO PRODUCTION OF PRODUCTS, PROCESSES, AND SERVICES

"SEC. 7. The amendments to this Act made by the National Cooperative Production Amendments of 1991 shall not apply with respect to any activity in connection with the production of a product, process, or service by a joint venture if at any time substantially all such activities are not conducted within the United States or its territories.".

TITLE V—ADVANCED RESEARCH AND DEVELOPMENT

SEC. 500. SHORT TITLE.

This title may be cited as the "National Advanced Research and Development Act of 1991".

Subtitle A—Declaration Of Policy

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The national security, industrial leadership, and general welfare of the United States require the maintenance of a strong technology base to support production of weapons and weapon systems, manufacturing technology, and technologically-advanced products and services.

(2) The national security of the United States requires that adequate provision be made for research in and development of basic and applied technology relating to weapons and weapon systems and military operations necessary for the defense of the United States.

(3) The Federal Government has no department or agency to evaluate effectively advances in technology or technological development or to assess the impact of such advances or development upon the industrial base of the United States.

(4) Similarities in civilian and defense production processes result in parallel advances in technology developed from such production.

(5) Provision should be made for the effective exchange of technological information between the civilian and defense sectors.

(6) The general welfare and security of the United States require that the unique capabilities in science and engineering of the Defense Advanced Research Projects Agency of the Department of Defense be directed toward—

(A) conducting advanced general and applied research and development projects for the Department of Defense;

(B) conducting prototype projects that embody technology having the potential for incorporation into joint defense programs, programs supporting deployed units of the Armed Forces of the United States (including unified combatant commands and specified combatant commands), and selected projects for military departments; and

(C) conducting activities that support and assist the development of technology having potential future application in civilian and defense production.

(7) Adequate provision should be made for adapting the results of Government-sponsored advanced technological and industrial research and development to commercial applications.

(8) Cooperation between the Government and the civilian sector is essential to revitalizing the industrial base of the United States and establishing and maintaining the industrial competitiveness of the United States.

(9) Access to mid- to long-term capital by advanced technology entities would greatly facilitate development by the civilian sector of products and services incorporating advanced technologies.

(10) An educated workforce with technological expertise is essential to the national security and economic well-being of the United States.

(11) Greater efforts must be made to encourage the teaching and study of mathematics, science, and engineering at all levels in the Nation's educational system.

Subtitle B—Defense Advance Research Projects Agency

SEC. 521. ESTABLISHMENT OF A DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) IN GENERAL.—Chapter 8 of title 10, United States Code, is amended—

(1) by redesignating subchapter II and section 201 as subchapter III and section 221 of such subchapter, respectively; and

(2) by inserting after subchapter I the following new subchapter II:

"Subchapter II—Defense Advance Research Projects Agency

"Sec.

"201. Definitions.

"202. Defense Advanced Research Projects Agency.

"203. Agency functions.

"204. Authority of Assistant Secretary.

"205. Cooperative agreements and other arrangements.

"206. Pay bonuses.

"207. Use of appropriations.
"208. Authority to conduct research projects for other departments and agencies; interagency cooperation.
"209. Revolving fund.

"§ 201. Definitions

"In this chapter:

"(1) The term 'Agency' means the Defense Advanced Research Projects Agency.

"(2) The term 'Assistant Secretary' means the Assistant Secretary of Defense for Advanced Research.

"(3) The term 'Fund' means the Defense Advanced Research Projects Revolving Fund established by section 209 of this title.

"§ 202. Defense Advanced Research Projects Agency

"There is established in the Department of Defense an agency to be known as the Defense Advanced Research Projects Agency. The Assistant Secretary of Defense for Advanced Research shall be the head of the Agency.

"§ 203. Agency functions

"It shall be the function of the Agency—

"(1) to conduct advanced research and development projects for the Department of Defense;

"(2) to oversee planning within the Department of Defense for research and development relating to advanced technology;

"(3) to support and assist the development of technology having potential future application in both defense and civilian production;

"(4) to conduct advanced technology demonstration projects;

"(5) to coordinate the exchange of technological information between the military departments and Defense Agencies;

"(6) to support continuing research and development of advanced technologies by industrial, academic, and governmental and nongovernmental entities;

"(7) to monitor on a continuing basis the research and development being conducted on advanced technologies by private industry in the United States; and

"(8) to promote continuing development of a technological industrial base in the United States.

"§ 204. Authority of Assistant Secretary

"(a) AUTHORITY.—In carrying out the functions of the Agency, the Assistant Secretary may—

"(1) notwithstanding section 3324(b) of title 31, enter into, perform, and guarantee contracts, leases, grants, and cooperative agreements with any agency or instrumentality of the United States or with any person;

"(2) use the services, equipment, personnel, or facilities of any other department or agency of the Federal Government, upon the consent of the head of the department or agency, with or without reimbursement, and cooperate with public and private agencies and instrumentalities in the use of such services, equipment, and facilities;

"(3) supervise, administer, and control the activities within the Agency and within the Office of Secretary of Defense relating to patents, inventions, trademarks, copyrights, and royalty payments, and matters connected therewith; and

"(4) appoint one or more advisory committees to consult with and advise the Assistant Secretary.

"(b) TRANSFER OF TECHNOLOGY.—The Assistant Secretary may transfer to the domestic civilian sector technology developed by or with the support of the Agency if the Assistant Secretary determines that the technology may have potential application in civilian production.

"§ 205. Cooperative agreements and other arrangements

"(a) IN GENERAL.—In carrying out the functions of the Agency, the Assistant Secretary may enter into cooperative agreements and other arrangements with any person, any department, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity.

"(b) AUTHORITY TO REQUIRE PAYMENT; DISPOSITION OF FUNDS.—(1) A cooperative agreement or other arrangement entered into under subsection (a) may include a provision that requires a person or other entity to make payments to the Department of Defense (or any other department or agency of the Federal Government) as a condition for receiving assistance from the Agency under the agreement or other arrangement.

"(2) The amount of any payment received by the Federal Government pursuant to a provision referred to in paragraph (1) may be credited to the Fund in such amount as may be specified by the Assistant Secretary.

"(c) NONDUPLICATION AND OTHER CONDITIONS.—The Assistant Secretary shall ensure—

"(1) that the authority under this section is used only when the use of standard contracts or grants is not feasible or appropriate; and

"(2) to the maximum extent practicable, that a cooperative agreement or other arrangement entered into under this section—

"(A) does not provide for research that duplicates research being conducted under other programs carried out by the Department of Defense; and

"(B) requires the other party to the agreement or arrangement to share the cost of the project or activity concerned.

"§ 206. Pay bonuses

"(a) IN GENERAL.—(1) The Assistant Secretary shall provide by regulation for payment to employees of the Agency—

"(A) awards for exceptional achievement; and

"(B) recruitment and retention bonuses.

"(2) Awards for exceptional achievement under paragraph (1)(A) may not exceed $20,000 in the case of any employee in any year.

"(3) Recruitment and retention bonuses under paragraph (1)(B) may not exceed $20,000 in the case of any employee in any year and payment thereof shall be conditioned upon the employee entering into an agreement with the Agency to serve in the Agency not less than one year for each $10,000 of bonus paid to the employee.

"(b) BONUS FUND.—To the extent authorized in appropriation Acts, the Assistant Secretary may utilize not more than $2,000,000 a year in money from the Fund to pay for awards and bonuses authorized by subsection (a).

"§ 207. Use of appropriations

"Unless otherwise authorized by law, funds appropriated to the Department of Defense may not be used to finance any research study or project conducted or assisted by the Agency unless the Assistant Secretary determines that the study or project relates to an existing or potential military mission or function.

"§ 208. Authority to conduct research projects for other departments and agencies; interagency cooperation

"(a) GENERAL AUTHORITY.—The Agency may conduct research projects for departments and agencies of the Federal Government other than the Department of Defense on a reimbursable basis.

"(b) AUTHORITY OF OTHER DEPARTMENTS AND AGENCIES TO CONTRACT WITH AGENCY.—Any other department or agency of the Federal Government may contract with the Agency to carry out authorized research projects of that department or agency.

"(c) INTERAGENCY COOPERATION.—In carrying out its function under this subchapter, the Agency shall cooperate with the National Technology Policy Coordinating Council and the National Advanced Technology Fund.

"§ 209. Revolving fund

"(a) CREATION OF REVOLVING FUND.—There is established in the Treasury of the United States a revolving fund to be known as the "Defense Advanced Research Projects Revolving Fund". The Fund shall consist of such amounts as may be appropriated or credited to it from time to time.

"(b) EXPENDITURES FROM THE FUND.—Amounts in the Fund shall be available, as provided in appropriations Acts, to carry out the purposes of this subchapter.

"(c) LOANS; GRANTS.—(1) The Assistant Secretary may use the Fund for the purpose of making loans or otherwise providing financial support necessary to carry out the purposes of this subchapter.

"(2) Loans made under this section shall bear interest at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the loan is made) to be 3 per cent less than the current market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the periods for which the loans are made.

"(3) Repayments on loans made under this section and the proceeds from any other agreement entered into by the Assistant Secretary under this subchapter shall be credited to the Fund.

"(d) MANAGEMENT OF FUND.—(1) The Secretary of the Treasury shall manage the Fund established by this section and, after consultation with the Assistant Secretary, report to Congress each year on the financial condition and the results of the operation of the Fund during the preceding fiscal year and on the expected condition and operations of the Fund during the next five fiscal years.

"(2) The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States.".

(b) TABLE OF SUBCHAPTERS.—The table of subchapters at the beginning of such chapter is amended by striking out the matter relating to subchapter II and inserting in lieu thereof the following:

"II. Defense Advanced Research Projects Agency 201
"III. Miscellaneous Defense Agency Matters .... 221".

SEC. 522. ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.

Section 136 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "eleven" and inserting in lieu thereof "twelve"; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Advanced Research. He shall have as his principal duty the overall supervision of advanced research projects of the Department of Defense. The Assistant Secretary of Defense for Advanced Research shall have experience in a scientific or engineering discipline and management experience in the field of advanced research and development.".

SEC. 523. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

Section 114 of title 10, United States Code, is amended by adding at the end the following new subsection (f):

"(f) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for the Defense Advanced Research Projects Agency and the Fund shall be set forth separately from other amounts requested for the Department of Defense.".

SEC. 524. CONTINUED EFFECT OF EXISTING RULES AND REGULATIONS; REFERENCES TO DARPA.

(a) Existing Rules, Regulations, Etc.—Any rule, regulation, instruction, directive, or other document applicable to the Defense Advanced Research Projects Agency of the Department of Defense as in effect on September 30, 1991, that is not inconsistent with the provisions of subchapter II of chapter 8 of title 10, United States Code (as added by section 521), shall remain applicable to the Agency until revoked or modified by the Assistant Secretary of Defense for Advanced Research.

(b) References to DARPA.—Any reference in any law, regulation, directive, or other document to the Defense Advanced Research Projects Agency as in effect on September 30, 1991, shall be deemed to refer to the agency established by subchapter II of chapter 8 of title 10, United States Code, as added by section 521.

SEC. 525. TRANSFER OF PERSONNEL, PROPERTY, AND ALLOCATIONS OF APPROPRIATIONS.

All personnel employed in connection with, and all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to the Defense Advanced Research Projects Agency on September 30, 1991, shall be transferred to the Defense Advanced Research Projects Agency established by subchapter II of chapter 8 of title 10, United States Code (as added by section 521). Unexpended funds transferred pursuant to this section shall be used for the purposes provided in such subchapter, as so added.

SEC. 526. EMPLOYEES.

Subject to the availability of appropriations therefor, the Defense Advanced Research Projects Agency established by subchapter II of chapter 8 of title 10, United States Code (as added by section 521), may employ not more than 200 employees to discharge the responsibilities of the Agency. Such employees shall be of the various classifications provided for in chapter 51 of title 5, United States Code.

SEC. 527. REPORT TO CONGRESS.

Not later than September 30, 1992, the Assistant Secretary of Defense for Advanced Research shall submit to Congress recommendations for such legislation as the Assistant Secretary determines necessary or desirable to carry out more effectively the purposes of subchapter II of chapter 8 of title 10, United States Code, as added by section 521.

SEC. 528. CONFORMING AMENDMENTS.

(a) Title 10.—(1) Section 2371 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2371.

(b) Title 5.—Section 5315 of title 5, United States Code, is amended by striking out

"Assistant Secretaries of Defense (11)."

and inserting in lieu thereof

"Assistant Secretaries of Defense (12).".

SEC. 529. EFFECTIVE DATE; INCUMBENT DIRECTOR.

(a) Effective Date.—The amendments made by sections 521, 522, 523, and 528 shall take effect October 1, 1991.

(b) Incumbent Director.—The person holding the position of Director of the Defense Advanced Research Projects Agency of the Department of Defense on September 30, 1991, may serve as acting Assistant Secretary of Defense for Advanced Research, without the advice and consent of the Senate, until such time as an Assistant Secretary is appointed, but in no event may any person serve as acting Assistant Secretary under authority of this subsection for more than one year.

SEC. 530. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle.

Subtitle C—National Technology Policy Coordinating Council

SEC. 531. ESTABLISHMENT.

(a) Establishment.—There is established in the Department of Commerce a council to be known as the National Technology Policy Coordinating Council (hereafter in this subtitle referred to as the "Council").

SEC. 532. FUNCTION.

(a) In General.—It shall be the function of the Council to act as a forum for the study and discussion of how the Federal Government and the private sector can effectively utilize advanced technology to help meet the economic and security needs, improve the industrial competitiveness, and improve the general welfare of the United States.

(b) Specific Duties.—In carrying out its function under subsection (a), the Council shall—

(1) study the potential of particular advanced technologies for development and production and assess priorities for providing Federal support for such technologies;

(2) study the interrelationship between government policy decisions and the development of technology by civilian entities;

(3) study means and methods for improving the industrial base of the United States;

(4) advise and make recommendations to Congress, the National Advanced Technology Fund, the Defense Advanced Research Projects Agency, and other departments and agencies concerned with advanced technological research and development regarding the national policy of the United States on the development of technology;

(5) evaluate the potential for technology development by consortia and other cooperative entities in the United States;

(6) solicit comments and recommendations from private businesses, industry associations, and other entities regarding policies for federally-funded research and development programs;

(7) study the effectiveness of the support provided by Federal laboratories and other Federal research and development organizations in promoting the utilization of developing technology by the private sector;

(8) assess the effect of foreign ownership and control of industry in the United States on the technological industrial base and the national security of the United States;

(9) assess the impact of the transfer of technology between nations on the availability of investment capital and the location of jobs and production capacity in the United States;

(10) assess the impact of the United States educational system and labor market on advanced technology industries;

(11) study the benefits of international cooperation on the development of technology in various industries in the United States; and

(12) study obstacles within industrial organizations that receive research and development funds from the Federal Government that obstruct or impede the utilization of technology in industrial production.

SEC. 533. MEMBERS.

(a) Members.—The Council shall consist of 15 voting members as follows:

(1) Eleven members appointed by the President, by and with the advice and consent of the Senate, five of whom shall be professional engineers or scientists having knowledge or experience regarding advanced technologies, and six of whom shall have substantial experience in conducting or administering research and development activities in industry or academia. Not more than three such members shall be full-time employees of the Federal Government.

(2) Four members appointed one each by—

(A) the Majority Leader of the Senate;

(B) the Minority Leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the Minority Leader of the House of Representatives.

Each member appointed pursuant to this paragraph shall have knowledge or experience regarding advanced technologies or have substantial experience in conducting or administering research or development activities in industry or academia.

(b) Ex Officio Members.—(1) There shall be six ex officio members of the Council as follows:

(A) The Assistant Secretary of Commerce for Technology.

(B) The Assistant Secretary of Defense for Advanced Technology.

(C) The Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

(D) The Director of the National Science Foundation, or the Director's designee.

(E) The Director of the Office of Technology Assessment, or the Director's designee.

(F) The Director of the Office of Science and Technology Policy, or the Director's designee.

(2) Ex officio members may participate in the deliberations of the Council but shall have no vote.

(c) Compensation of Members.—A member of the Council may not be paid compensation for service performed as a member of the Council.

(d) Travel Expenses.—Members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(e) Temporary Employees.—The Council may accept, on temporary or intermittent assignment, and with or without reimbursement, the services of employees of academic institutions, industry associations, and private firms. Such employees shall be considered special Government employees for the purposes of section 208 of title 18, United States Code.

SEC. 534. CHAIRMAN.

The President shall designate one of the members of the Council to serve as chairman.

SEC. 535. EXECUTIVE DIRECTOR.

The Council shall have an Executive Director who shall be appointed by the Chairman. The Executive Director, subject to the supervision and direction of the Chairman, shall exercise all powers and discharge all duties assigned to the Executive Director by the Council and shall exercise authority and control over all personnel and facilities employed by or detailed to the Council.

SEC. 536. COUNCIL AUTHORITY.

In carrying out its function under this subtitle, the Council may—

(1) make, promulgate, issue, rescind, and amend rules and regulations governing its operation and the exercise of the powers vested in it by law;

(2) appoint such advisory committees as the Council considers appropriate to assist the Council in carrying out its functions under this subtitle;

(3) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) contract for such studies, surveys, analyses, the collection of data, and other activities as may be necessary to carry out its function under this subtitle; and

(5) appoint and fix in accordance with the provisions of chapter 33 of title 5, United States Code, the compensation of such officers and employees as may be necessary to carry out the function of the Council, except not more than five scientific, engineering, or administrative personnel may be appointed without regard to such laws and the compensation of such personnel fixed, notwithstanding any other law, at a rate for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 537. SUPPORT FOR COUNCIL ACTIVITIES.

(a) INTERAGENCY COOPERATION.—(1) The Council may secure directly from any department or agency of the Federal Government information necessary to enable the Council to carry out its function under this subtitle. Upon request of the Chairman, the head of any such department or agency shall furnish such information to the Council.

(2) Any department or agency of the Federal Government (including the Defense Advanced Research Projects Agency established by subtitle B of this title) is authorized to provide to the Council, with or without reimbursement, any supplies, services, equipment and facilities, personnel, and resources necessary for the Council to carry out its function under this subtitle. The Council may accept such supplies, services, equipment, facilities, personnel, and other resources for such purpose.

(3) In carrying out its function under this subtitle, the Council shall coordinate activities of the Council with other economic councils and organizations of the Federal Government so as to avoid unnecessary duplication of effort by the Council and such councils and organizations.

(b) COOPERATION WITH NATIONAL ADVANCED TECHNOLOGY FUND.—In carrying out its function under this subtitle, the Council shall cooperate with the National Advanced Technology Fund (established by subtitle D of this title) and, to the maximum extent practicable, shall conduct such studies or analyses as may be requested by the Fund.

SEC. 538. REPORT.

Not later than one year after the date of the enactment of this title, and annually thereafter, the Council shall submit to the President, the Congress, and the National Advanced Technology Fund (established by subtitle D of this title) a report addressing the relative priority of the funding allocations made for federally-sponsored research and development, including a review of past allocation priorities and proposals for future allocation priorities.

SEC. 539. AUTHORIZATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

Subtitle D—National Advanced Technology Fund

SEC. 541. NATIONAL ADVANCED TECHNOLOGY FUND.

There is established in the Treasury of the United States a trust fund to be known as the National Advanced Technology Trust Fund (hereafter in this subtitle referred to as the "Technology Trust Fund"), consisting of such amounts as may be appropriated or credited to that fund.

SEC. 542. ADMINISTRATOR AND DEPUTY ADMINISTRATOR.

(a) FUND ADMINISTRATOR.—The Technology Trust Fund shall be administered by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall exercise the powers and duties provided for in this subtitle.

(b) DEPUTY ADMINISTRATOR.—The Technology Trust Fund shall have a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for and exercise the powers of the Administrator during the absence or disability of the Administrator.

(c) EMPLOYMENT LIMITATION.—The Administrator and Deputy Administrator, while so serving, shall not engage in any business or employment other than the administration of the Technology Trust Fund.

SEC. 543. DUTIES OF ADMINISTRATOR.

(a) IN GENERAL.—In carrying out this subtitle, and to the maximum extent practicable, the Administrator shall—

(1) adhere to the funding priorities established by the National Technology Policy Coordinating Council (established by subtitle C of this title);

(2) carry out funding arrangements through the Defense Advanced Research Projects Agency, the National Institute of Standards and Technology, and other research and development entities of the Federal Government;

(3) consult with the National Technology Policy Coordinating Council regarding the activities of consortia and cooperative entities engaged in advanced technology programs in order to determine the effectiveness of such entities in supporting national goals relating to the development of technology;

(4) consult with other departments and agencies of the Federal Government that support Small Business Innovative Research programs for the purposes of identifying potential candidates for financial support from the Technology Trust Fund;

(5) sponsor or participate in national, regional, and industry association conferences and symposia and disseminate information concerning activities of the Technology Trust Fund;

(6) consistent with technology priorities and national goals and strategies, manage the Technology Trust Fund with the long-term objective of creating a self-perpetuating source of funds to support research and development relating to advanced technologies; and

(7) tailor funding arrangements to the particular circumstances involved by considering—

(A) other sources of funding,

(B) the allocation of intellectual property rights among the parties or related entities,

(C) the technical risks of the research involved,

(D) the relevance of technological research and development to Government needs and requirements,

(E) the opportunity to recapture, or obtain a return on, the Government's financial expenditures, and

(F) the relevance of the research and development activities supported by the Technology Trust Fund to achieving national goals and strategies.

(b) AUTHORITY OF OTHER FEDERAL AGENCIES.—When acting on behalf of the Technology Trust Fund, another Federal agency or instrumentality may exercise the same authority provided the Administrator under section 544(2). Such authority shall be exercised in a manner consistent with paragraph (7) of subsection (a).

SEC. 544. AUTHORITY OF THE ADMINISTRATOR.

In carrying out this subtitle, the Administrator may—

(1) issue, rescind, and amend rules and regulations to govern the operation of the Technology Trust Fund;

(2) enter into contracts, grants, cooperative agreements, and other arrangements with any person, with any State, territory or possession, with any agency or instrumentality of the United States, any educational institution, or any other entity, under such terms as the Administrator considers appropriate to carry out the provisions of this subtitle;

(3) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) appoint and fix in accordance with chapter 33 of title 5, United States Code, the compensation of such officers and employees as may be necessary to carry out this subtitle, except that not more than 10 scientific, engineering or administrative personnel may be appointed without regard to such laws and their compensation fixed, notwithstanding any other law, at a rate not to exceed the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code;

(5) make and guarantee loans; and

(6) receive proceeds, reimbursements, or payments from any entity supported by the Technology Trust Fund or from any entity participating in a cooperative or joint funding arrangement with the Administrator.

SEC. 545. EXPENDITURES FROM TECHNOLOGY TRUST FUND.

Amounts in the Technology Trust Fund shall be available, as provided by appropriations Acts, for the following purposes:

(1) To support advanced basic and applied technological research and development having the potential to contribute substantially to strengthening the industrial base and im-

proving the industrial competitiveness of the United States.

(2) To support advanced basic and applied research and development of technology products in the United States for the purpose of—

(A) maintaining the industrial base and competitiveness of the United States; and

(B) reducing substantially environmental and health risks associated with industrial production.

SEC. 546. SUPPORT FOR FUND ACTIVITIES.

Any department or agency of the Federal Government (including the Defense Advanced Research Projects Agency established by subtitle B of this title) may provide the Technology Trust Fund, with or without reimbursement, any supplies, services, equipment, facilities, personnel, and other resources to allow the Technology Trust Fund to carry out its function under this subtitle. The Technology Trust Fund may accept such supplies, services, equipment, facilities, personnel, and other resources as may be necessary to carry out its function under this subtitle.

SEC. 547. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such funds as may be necessary to carry out this subtitle.

BILL SUMMARY

TITLE I—INDUSTRIAL RECAPITALIZATION FUND

Establish a business IRA. Briefly put, a manufacturer can put a tax deductible amount equal to his annual depreciation allowance in an interest bearing account each year for a period of five years. Funds from the account can be withdrawn for a period of ten years without penalty, as long as the money is used for the purchase of new plant and equipment or job training for the firm's workers. Normal depreciation is still permitted.

TITLE II—INVESTMENT INCENTIVES

Subtitle A—Capital Gains tax cut

This is a targeted proposal, covering new issues from manufacturing firms. It gives a 21% rate for such stock held for three years and 15% for stock held for six years for individuals. There is a similar competitive rate for corporations.

Subtitle B—Savings Incentives

This provision would provide a check off on an individual (whether filing jointly or separately) income tax return, to enable the individual to have the IRS deposit any or all of a tax refund in an individual's already existing IRA.

TITLE III—INCENTIVES FOR RESEARCH AND FOR EDUCATIONAL ASSISTANCE

This title makes the R&D tax credit permanent. It also expands the credit to include applied research, putting more of an emphasis on development, that is, bringing products to production. It also makes the exclusion for employer sponsored education programs permanent.

TITLE IV—ANTITRUST AMENDMENT TO ALLOW JOINT PRODUCTION

This title expands antitrust exemptions to allow a "rule of reason" antitrust test instead of "per se" test to apply to joint production efforts between firms. This proposal would help firms that need to pool capital resources to get new products into production. It represents an alternative to the merger movement. Joint R&D efforts are already given similar antitrust coverage.

TITLE V—ADVANCED TECHNOLOGICAL RESEARCH AND DEVELOPMENT

This title provides the Defense Advanced Research Production Agency (DARPA) with a statutory charter keeping its functions the same. It makes clear that DARPA retains the ability to undertake "dual use" civilian and defense research. In addition, it sets up a National Technology Policy Council that will be housed for administrative purposes in the Department of Commerce. The Council will consist of scientists and engineers appointed by the President and Congress whose responsibility it will be to look into advanced technology issues and U.S. competitiveness and to offer recommendations as to what U.S. technology support policy should be, as well as to establish priorities for technology support. The final section of the bill would set up a fund that would act like a civilian DARPA to promote civilian technology projects based on priorities set by the Council. This new program would be a revolving fund that over time would be self financing.●

By Mr. INOUYE:

S. 941. A bill to provide for the establishment of a National Center for Youth Development within the Cooperative Extension Service to conduct activities to improve community-based adolescent health promotion and education in rural areas, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE ADOLESCENT HEALTH CARE PROMOTION AND EDUCATION ACT

● Mr. INOUYE. Mr. President, I am introducing legislation today to establish a National Center for Action within the Cooperative Extension Service to conduct activities to improve community-based adolescent health promotion and education in rural areas.

Mr. President, growing awareness has been focused on the challenges facing American school age youth in maintaining their health, challenges from drug abuse to physical abuse. Many of these health risks can be diminished or prevented through education and health promotion.

Ensuring a healthy population of adolescents who will make the transition into a healthy and productive adulthood is essential for the future of this Nation. This attention, however, has been focused primarily on youth in urban and suburban areas, this despite the fact that rural adolescents fare worse in comparison to nonrural youth.

In a recent study, it was found that 17.7 percent of nondisabled rural high school students were estimated to be substance abusers compared to 10.1 percent of their nonrural counterparts. Low self-esteem and depression are more common among rural elementary schoolchildren than among urban and suburban children. Rural preschoolers fare worse than nonrural children in relation to the incidence of child abuse—12.7 percent of rural preschoolers are considered to be victims of child abuse compared with 11.9 percent of urban and 9.6 percent of suburban preschoolers.

Greater attention and resources must be focused on the health needs of rural adolescents who are at greater health risk than their urban and suburban peers. This legislation will provide for health care education and promotion services focused on rural adolescents through the direction of a National Center for Action. The center will be located at a land grant university, knowledgeable in the unique healthcare needs of the rural population. These actions will help ensure a healthy adolescent population to make the transition into a healthy and productive adulthood.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Adolescent Health Care Promotion and Education Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) school age youth in rural America are facing extraordinary challenges in maintaining their health enabling them to make a successful transition to adulthood;

(2) in a national study of at-risk students conducted by the National Rural Development Insititute, it was was reported that rural youth fared worse than non-rural youth in 34 of 39 comparisons;

(3) 17.7 percent of non-disabled rural high school students were estimated to be substance abusers, compared to 10.1 percent of the students in non-rural districts;

(4) 12.3 percent of non-disabled rural elementary school children were found to be suffering depression and low self-esteem, compared to 10 percent of urban and 8.5 percent of suburban elementary school children;

(5) 25.7 percent of non-disabled rural high school students were considered sexually active, compared to 22.5 percent of urban and 20.9 percent of suburban high school students; and

(6) 12.7 percent of rural preschoolers without disabilities were considered to be victims of child abuse, compared to 11.19 percent of urban and 9.6 percent of suburban preschoolers.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide for the establishment within the Cooperative Extension Service of a National Center for Youth Development that shall be responsible for implementing and administering a program of adolescent health promotion and education in rural areas;

(2) provide for the creation of Federal, State and local partnerships to enhance adolescent health promotion and education in rural areas; and

(3) make internship available for certain health personnel to improve adolescent health.

SEC. 3. ESTABLISHMENT OF CENTER FOR YOUTH DEVELOPMENT.

(a) In General.—The Secretary of Agriculture shall establish, as part of the Cooperative Extension Service, a National Health Promotion and Education Center for Youth Development (hereafter referred to in this Act as the "Center"), in accordance with subsection (b).

(b) Location and Selection.—The Center established under subsection (a) shall be located at a land-grant university—

(1) that has demonstrated a working and programming relationship with health care and educational institutions and agencies;

(2) that has agreed to provide technical and other assistance to State and local entities providing services under this Act;

(3) that is selected by the Secretary of Agriculture after an opportunity is provided to engage in a competitive bidding process; and

(4) which shall provide the overall administrative leadership and support for the Center.

(c) Functions.—The Center, utilizing State and local Cooperative Extension Services offices, shall—

(1) collaborate with appropriate Federal, State and local entities to promote, support and staff rural adolescent health promotion programs through the development and administration of several subcenters to be located at sites determined appropriate by the Center;

(2) establish programs to provide community-based adolescent health promotion and education in rural areas through the collaborative efforts of State, county, and community-based entities;

(3) identify land-grant university campus-based adolescent health promotion and education resources;

(4) promote coordination in the delivery of health services, health education, mental health support services, family participation and advocacy services, and media-based health promotion and research services targeted at adolescent health promotion that are provided through State and local entities in rural areas;

(5) utilize the faculty and student expertise of health related and health-serving colleges that are part of land-grant universities to provide training in health promotion and education at the community level through health-serving agencies, schools, and youth serving organizations;

(6) identify, train and support volunteers participating in rural adolescent health promotion and education activities;

(7) coordinate and provide for the delivery of health education and health promotion programming services provided in rural areas under this Act;

(8) serve as the link between the Extension Service, public health care agencies, educational institutions, and other community-based organizations serving rural areas by identifying local adolescent health problems and determining appropriate health promotion and education responses; and

(9) conduct such other activities as the Secretary of Agriculture, in consultation with the Secretary of Education and the Secretary of Health and Human Service, determines appropriate to carry out the purposes of this Act.

(d) Internship.—The Center shall establish a program under which internships may be provided to health care students attending, or desiring to attend, schools of nursing, public health, health education, medical schools, schools of clinical psychology, and schools offering degrees in clinical social work to enable such students to avail themselves of educational and clinical or workrelated health care opportunities that support adolescent health promotion and education.

(e) Applications.—In implementing the programs established under this Act, the Center shall establish application procedures to ensure that entities receiving assistance under such programs are providing services or performing functions that are consistent with the purposes of this Act.

SEC. 4. REPORT.

Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture, acting through the Center, shall prepare and submit to the appropriate committees of Congress, a report concerning the programs that are provided with assistance under this Act and the status of each sum program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act in each of the fiscal years 1992 through 1994.

SEC. 6. REGULATIONS.

The Secretary of Agriculture shall promulgate regulations necessary to carry out this Act.•

By Mr. HOLLINGS (for himself, Mr. Thurmond, Mr. Sanford, and Mr. Helms):

S. 942. A bill to amend the natural resource development program of the Small Business Act to require that priority be given to planting trees under the program on State lands devastated by disaster or where tree loss is causing environmental damage; to the Committee on Small Business.

S. 943.A bill to amend the America the Beautiful Act of 1990 to target tree planting funds for those areas devastated by disaster or where tree loss is causing environmental damage; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATION TO PROMOTE THE PLANTING OF TREES

• Mr. HOLLINGS. Mr. President, today I am introducing two pieces of legislation to promote the planting of trees in those areas of the country that are the most in need.

The two bills will give priority under two programs, the Small Business Administration's tree planting program and the America the Beautiful initiative, to areas that have been devastated by disaster or that have suffered tree loss due to environmental damage.

Last year Congress provided $15 million for SBA to give to States for the purpose of purchasing trees from small business nurseries to plant on public lands. In addition, the 1990 farm bill established the America the Beautiful national tree trust, which will solicit private contributions and distribute them to organizations and localities that are fostering volunteer efforts to plant and maintain trees. The America the Beautiful Act also authorizes the Secretary of Agriculture to implement rural and community tree planting programs.

Following Hurricane Hugo in September of 1989, the media understandably focused on the people of South Carolina, for the storm wrought much human suffering. But even as South Carolinians have rebuilt their homes and businesses, little national coverage has been given to the ecological damage caused by the hurricane.

Mr. President, our Nation celebrated Earth Day on Monday, but I bet few Americans can name the largest forestry disaster in modern American history. Ask someone who lives in the stretch of the Carolinas that runs from Charleston to Charlotte. Hurricane Hugo destroyed more timber than the eruption of Mount St. Helens, the Yellowstone fires of 1988, Hurricane Frederick, and Hurricane Camille combined.

The forests are still a shocking sight to those of us who have long enjoyed the abundance of greenery in South Carolina. The storm snapped pine trees in two, leaving only sheared stumps 15 to 20 feet in height. I have heard many natives of the area comment that our forests now look like nothing more than clusters of giant toothpicks.

The storm felled 6.7 billion board feet of timber, an amount that, if salvageable, could have built over 660,000 houses. Available manpower, rail access, and mill capacity were overwhelmed by the amount of timber on the ground, and pine beetles and blue stain fungi quickly attacked most of the downed pine that was not removed immediately. Most significantly, the 140-mile-per-hour winds of Hugo bent, broke, and splintered most wood beyond use. To date, less than 15 percent has been salvaged. The result of the storm's brute force was a financial calamity: $1.04 billion in losses in South Carolina, $62.1 million in North Carolina.

Mr. President, the forests of South Carolina are in a state of environmental calamity, too. The Low Country is virtually a tinderbox, and thousands of acres have already been lost to fires. The wildlife habitats of several endangered species, including the red-cockaded woodpecker, were almost completely destroyed, particularly in the Francis Marion National Forest, and the soil has suffered increased erosion in the damaged areas across the State.

Urban areas did not escape the devastation either, as trees lining streets and gracing public parks took the brunt of the storm. The efforts on behalf of local residents to replant trees have been tremendous, and it is my hope that the Federal Government can chip in to replant trees on public lands through the America the Beautiful Program and the SBA program.

Last year, Congress provided $3 million under the Emergency Reforestation Program to provide reforestation assistance to private timber owners with small land holdings. This program has been very successful so far, but the needs of the timber owners are still great, and our public lands deserve further attention as well. It will be at least a full generation before the land fully recovers, and the Federal Government should make every effort to facilitate Mother Nature's slow process.

The bills I am introducing today are companion legislation to bills introduced in the House of Representatives by Representative LOUISE SLAUGHTER, whose hometown of Rochester, N.Y. suffered a forestry disaster in March of this year when a severe freeze killed tens of thousands of trees. Giving priority to areas hit by hurricanes, freezes, and other disasters under the American the Beautiful and SBA programs will send a strong signal of the Federal Government's commitment to addressing these forestry disasters.●

By Mr. REID:

S. 944. A bill to provide for accountability with regard to environmental compliance and to provide notice and an opportunity to comment on designations of special use airspace; to the Committee on Environment and Public Works.

AIRSPACE PROTECTION ACT

Mr. REID. Mr. President, I am introducing legislation today that will have many benefits and no side effects:

First, this bill will reduce air traffic congestion and potential flight hazards.

Second, this bill will reduce fuel usage and flight time for civilian aircraft.

Third, this legislation will protect the environment and help preserve sensitive ecosystems.

Fourth, this legislation will reduce noise and other hazards from jet overflights.

The name of this legislation is the Airspace Protection Act of 1991. Let me tell you how it came to be.

More than 1 million square miles of U.S. airspace falls within some kind of military control as special use airspace. This is an area approximately the size of Texas, California, and Alaska—combined.

In Nevada, 40 percent of the total airspace is controlled by the military, and they want even more.

Large portions of the airspace in North Carolina, California, Texas, Florida, and other States are controlled by the military.

This appetite for airspace will not decline, even though the Department of Defense is planning to reduce the size of our military forces by nearly 25 percent in order to meet new budget realities and to respond to changing military threats throughout the world.

Mr. President, I am proud to be a strong backer of our military. I supported the use of military force in the Persian Gulf from the very beginning. Many service men and women who served in the war trained in Nevada. Nevadans are proud of the role we played and will always be trained and prepared.

The legislation I am introducing will allow us to meet all of our future military needs, while also balancing the need for civilian airspace needs and environmental protection.

Withdrawal of such large amounts of airspace for military use severely affects those who live nearby—and presents a potential danger to the environment as well as innocent bystanders.

Excessive amounts of such airspace also restrict commercial and private aircraft from passing through. This requires costly detours, increases aviation fuel use, and increases delays in an already saturated air traffic system.

I voice these concerns not because I oppose the military's airspace needs, but because I disagree with their methods of withdrawing airspace from the public. Those affected have not been included in the decisionmaking process. There is also no accountability to ensure that airspace designations are in compliance with the National Environmental Policy Act of 1969.

I am proud to contribute to a strong national defense, and I am glad that Nevada has provided the military with superb facilities and airspace. Other States have also made such sacrifices.

In return for this support, the military should provide Americans with the chance to participate in decisions that affect our way of life. We want to participate in the airspace designation and withdrawal process.

Today I am introducing the Airspace Protection Act of 1991. This bill will require that existing military special use airspace and future designations be reviewed by the Federal Aviation Administration to ensure that such designations are justified.

My bill would fulfill these goals and result in a number of benefits:

First, air traffic congestion and potential flight hazards would be decreased.

Second, unneeded or unused military special use airspace would be returned to nonmilitary users, thereby reducing fuel usage and flight time for civilian aircraft.

Third, potential environmental damage could be avoided by reducing the potential impact of such hazards as unexploded ordnance on sensitive ecosystems.

Fourth, the number of persons affected by military overflights would be reduced and noise and other hazards to persons and property on the ground would be minimized.

To achieve these benefits, the bill includes a number of provisions:

First. Public notice would be required in advance of any special use airspace designation. State government leaders and officials, commercial airlines and general aviation airspace users, environmentalists, farmers and ranchers, small businesses, and individual citizens would all have an opportunity to participate in the process. This would ensure that special use airspace actions proposed by the military would not be rubber-stamped by the FAA.

Second. The military and the FAA would be held jointly responsible for ensuring that proposed special use airspace actions were in full compliance with the National Environmental Policy Act of 1969.

Third. The FAA would be required to reassess periodically existing special use airspace and then terminate those designations that can no longer be justified. A private 1987 study for the Navy, called Project Blue Air, found that controlled special use airspace was used only 22 percent of the reserved time. In fact, the airspace was often used for unintended purposes. The bill also requires the FAA to solicit and consider user complaints when making such evaluations.

In 1988, the GAO issued a report entitled, FAA Needs to Improve its Management of Special Use Airspace. The GAO found that the lack of FAA initiative led to the inefficient and inappropriate use of airspace.

Although the FAA has modified its organizational structure and taken other steps to address the deficiencies in the GAO report, it has still failed to exercise the proper initiative and leadership as the steward of the Nation's airspace. My bill will correct that flaw and provide the FAA with the mandate it needs to exercise such stewardship.

There is a flaw in the process if the military reserves airspace and then does not use it. My bill would correct that flaw and hold the military accountable. Our military is vitally important, but so is the need to reduce civilian air traffic congestion and to protect the environment. These are safety and health issues.

The legislation proposed today would create a greatly needed network of communication, accountability, and cooperation between the military, the Federal Government, and the American people. I encourage my colleagues to support this measure, and ask unanimous consent that the text of the bill appear in the CONGRESSIONAL RECORD after my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airspace Protection Act of 1991".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) "special use airspace" is defined in accordance with regulations promulgated by the Federal Aviation Administration;

(2) "expansion of a special use airspace" means any increase in the physical dimensions of, or substantial changes in operations within, a special use airspace previously designated; and

(3) "designated" or "designation" means allocated, awarded, set aside, granted, or otherwise made available, and such term includes the expansion of a special use airspace.

SEC. 3. NOTIFICATION.

(a) NOTICE.—(1) Effective upon the date of enactment of this Act, in the administration of the provisions of section 102 of the National Environmental Policy Act of 1969, and the laws and regulations of the United States relating to the designation of special use airspaces, the Secretary of Transportation, acting through the Federal Aviation Administration, shall ensure that written notice, including an opportunity to comment on any such proposed special use airspace designation, shall be provided to—

(A) the Governor of any State over which airspace is sought to be designated as special use airspace;

(B) the head of an Indian tribe on any Indian lands, if such lands are likely to be affected by any such designation;

(C) the Secretary of the Interior, if such designation includes airspace above any unit of the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Trails System, or the National Wilderness Preservation System administered by the Department of the Interior; and

(D) each group of users of such airspace.

(2) The provisions of paragraph (1) shall include military special use airspace, including but not limited to, prohibited areas, restricted areas, military operation areas, airspace for military training, research, development, testing and evaluation.

(b) PUBLICATION.—In addition to the notice required under subsection (a), notice of any significant proposed designation, including notice of an opportunity to submit written comments, shall be published in newspaper of general circulation (rather than legal papers) within the affected area.

(c) HEARING.—Upon the request of any Governor made within 30 days following the receipt of proposed designation of an airspace pursuant to subsection (a), the Secretary of Transportation, in consultation with any appropriate head of a Federal department or agency, shall hold a public meeting and consider oral and written comments prior to making a determination with respect to such designation. The notice provided pursuant to subsection (a) shall advise the Governor of the right to request a public meeting and the 30-day time limit.

SEC. 4. SECRETARY OF DEFENSE, SECRETARY OF TRANSPORTATION, AND FEDERAL AVIATION ADMINISTRATION RESPONSIBILITY.

(a) PROCEDURES.—The Secretary of Defense, and the Secretary of Transportation (acting through the Federal Aviation Administration), in consultation with the Council on Environmental Quality, shall, no later than 90 days after the date of the enactment into law of this section, jointly adopt procedures to assure that designations of special use airspace are in compliance with the National Environmental Policy Act of 1969.

(b) REVIEW PROCEDURES.—The Secretary of Transportation, acting through the Federal Aviation Administration, shall establish procedures for the review of each special use airspace designation not less than every 36 months. Such procedures shall include provision for the collection and consideration of complaints and other data relative to special use airspace. If in the course of any such review, which shall include consideration of "cumulative impacts" as defined in section 1508.7 of title 40 of the Code of Federal Regulations, it is determined that the use of such airspace cannot justify the continued designation of such special use airspace, such designation shall be terminated or modified by the Secretary.

By Mr. GLENN:

S. 945. A bill to require the Secretary of Energy to conduct a fuel cell research and development program, to establish a national transportation fuel blend requirement, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY ALTERNATIVE FUELS POLICY ACT

• Mr. GLENN. Mr. President, I rise today to introduce the Energy Alternative Fuel Policy Act of 1991. Mr. President, it is critical to our national security, our continued economic growth and our competitiveness abroad for our Nation to have a comprehensive energy policy that decreases overreliance on imported oil.

The purpose of my legislation is to mandate the increased use of nonpetroleum vehicle fuels and to develop fuel cell technology for commercial use. Title I of my legislation authorizes the appropriation of $50 million annually for 3 years for research and development of fuel cells. This title also directs the Secretary of Energy to utilize a system of competitive grants to develop this technology.

The Secretary of Energy will carry out this program jointly with colleges and universities, private industry, and Federal and State entities through a combination of grants, cooperative agreement, contracts and interagency agreements. The Federal share of the cost of each research or development project funded under this program will not exceed 50 percent of the cost of the project.

Mr. President, fuel cells can potentially provide the range advantages of an internal combustion engine, but with clean and quiet operation using nonpetroleum based fuels. Because the fuel cell is an energy conversion device, it provides a new and exciting option for the efficient conversion of renewable fuels to electricity. Fuel cell technology offers great promise for reducing the use of petroleum in the transportation sector which now accounts for almost two-thirds of all U.S. oil consumption.

I have long believed that we must develop a vehicle that is adequately matched to consumers' needs. Mr. President, approximately 80 percent of all travel is within a 20-mile range of one's home. With the research capability we have in this country, there is no reason why fuel cell technology cannot be perfected for commercial use. We just need to direct our research dollars into this area.

The fuel cell can provide a pollution free power source to meet this need.

Title II of my legislation requires that by the year 2000, 10 percent of the Nation's motor fuel must be derived from nonpetroleum sources. This requirement will be phased in to avoid supply and distribution problems. Fully implemented, this title will reduce the Nation's dependence on foreign oil by over 10 billion gallons.

Mr. President, several years ago on a cross country driving trip, I had the opportunity to personally observe the availability of ethanol and other nonpetroleum fuel blends. West of the Mississippi, an ethanol/gasoline mix was offered at virtually every stop. It is clear that these fuels are already playing a significant role in utilizing our abundant agricultural commodities and in substituting other nonpetroleum based fuels for gasoline in some parts of the country. This alternative fuel needs to be available nationwide. In order to ensure the development of the necessary infrastructure, however, my legislation will phase in the mandated alternative fuels requirement.

The implementation plan for this title also includes a system of renewable fuel credits. The system permits credits to those whose usage exceeds the 10 percent requirement. In addition, trading will also be allowed to further facilitate the implementation of the national transportation fuel blend requirement.

Mr. President, the energy policy we develop will touch the lives of every American now as well as the lives of future generations. We need an energy policy with a long-term goal, not a short-term fix. We need an energy policy that recognizes the fragility of our environment and the limitation of nonrenewable resources. I believe that this legislation is an important step toward reaching those objectives, and I urge my colleagues to join me in supporting it.

I ask unanimous consent for the bill to be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Alternative Fuels Policy Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) adoption of a sound energy policy is essential to the protection of the economic health of the United States and the national security of the citizens of the United States;

(2) fuel cells can potentially provide the range advantages of an internal combustion

engine, but with clean and quiet operation using nonpetroleum-based fuels;

(3) new energy-efficient technologies and alternative fuel technologies need to be encouraged;

(4) since 1985, United States oil imports have increased while domestic production has decreased; and

(5) the sharp drop in world oil prices has discouraged investment in alternative energy sources and energy-efficiency technologies.

(b) PURPOSES.—It is the purpose of this Act to—

(1) develop an efficient and effective cost-sharing research program for fuel cells and alternative fuels;

(2) provide alternative to petroleum;

(3) increase fuel flexibility;

(4) reduce pollution;

(5) decrease the reliance of the United States on foreign supplies of energy;

(6) establish a program to encourage the development of alternative fuels in passenger vehicles; and

(7) require that 10 percent of the motor transportation fuel of the United States be derived from nonpetroleum sources.

SEC. 3. FUEL CELL RESEARCH, DEVELOPMENT, AND COMMERCIALIZATION PROGRAM.

The Federal Nonnuclear Energy Research and Development Act of 1974 is amended by inserting after section 4 (42 U.S.C. 5903) the following new section:

"SEC. 4A. FUEL CELL RESEARCH, DEVELOPMENT, AND COMMERCIALIZATION PROGRAM.

"(a) IN GENERAL.—The Secretary shall award grants to pay for the Federal share of—

"(1) conducting advanced research and development into improved fuel cell technology; and

"(2) promoting early commercial application of fuel cell systems for vehicles.

"(b) COOPERATION.—To the extent practicable, the Secretary shall carry out the program jointly with colleges and universities, private industry, and Federal and State entities through a combination of grants, cooperative agreements, contracts, and interagency agreements.

"(c) FEDERAL SHARE.—The Federal share of the cost of each research or development project funded under this program shall be a percentage determined by the Secretary, except that the Federal share may not exceed 50 percent of the cost of the project.

"(d) REPORT.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary shall prepare and submit to Congress a progress report that—

"(1) evaluates whether fuel cells can provide compact, efficient, and cost-effective power;

"(2) evaluates potential problems with commercialization of fuel cells;

"(3) describes environmental advantages and disadvantages of fuel cell technologies; and

"(4) offers recommendations for carrying out the program established under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for each of the fiscal years 1992 through 1996.".

SEC. 4. NATIONAL TRANSPORTATION FUEL BLEND REQUIREMENT.

Title III of the Energy Policy and Conservation Act is amended by adding at the end the following new part:

"PART K—NATIONAL TRANSPORTATION FUEL BLEND REQUIREMENT

"SEC. 400AAA. NATIONAL TRANSPORTATION FUEL BLEND REQUIREMENT.

"(a) IN GENERAL.—The Secretary shall take such actions as are necessary to ensure, to the extent practicable, that, by the year 2000, at least 10 percent of the motor transportation fuel of the United States shall be derived from nonpetroleum sources.

"(b) IMPLEMENTING PLAN.—

"(1) IN GENERAL.—The Secretary shall establish an implementing plan to carry out this section.

"(2) FUEL MARKETERS AND FLEET OWNERS.—The implementing plan shall require that fuel marketers sell, and owners of fleets use, specified quantities of motor transportation fuel derived from nonpetroleum sources. The fuel may be blended with other fuel derived from petroleum sources.

"(3) RENEWABLE FUEL CREDITS.—

"(A) IN GENERAL.—The implementing plan shall include a system of renewable fuel credits that grants persons subject to the requirements of paragraph (2) an appropriate number of credits for selling or using more than the applicable quantity of motor transportation fuel derived from nonpetroleum sources.

"(B) TRADING.—Under such terms and conditions as the Secretary determines to be appropriate, a person granted credits may transfer some or all of the credits to another person to enable the person to comply with the requirements of paragraph (2).

"(4) PHASE-IN SCHEDULE.—The implementing plan shall include a schedule for phasing in the national transportation fuel blend requirement established by this section in order to avoid supply and distribution problems.".●

By Mr. STEVENS (for himself and Mr. PRYOR):

S. 946. A bill to amend title 39 to reduce the time to consider changes in postal rates; to the Committee on Governmental Affairs.

S. 947. A bill to amend title 39 to provide judicial standing to the Postal Rate Commission; to the Committee on Governmental Affairs.

S. 948. A bill to amend title 39 to increase the information available to the Postal Rate Commission; to the Committee on Governmental Affairs.

S. 949. A bill to amend title 39 to provide for reasonable classes and rates for mail and postal services; to the Committee on Governmental Affairs.

POSTAL LEGISLATION

Mr. STEVENS. Mr. President, the U.S. Postal Service provides a vital function to the American business community, to our government, and to each and every American. It is the one government function which reaches out and touches all Americans almost every day. As we are well aware, the Postal Service is of vital importance to the citizens of each of our States. In my State, for example, many citizens would be cutoff from any meaningful contact with the rest of the country were it not for the Postal Service. It is unquestionably crucial that the U.S. Postal Service remain a strong, financially viable enterprise.

The U.S. Postal Service is now in the middle of the administrative and judicial process which stemmed from the last postal rate case. We have all heard from those who are unhappy with the new postal rates, and perhaps even from those who are pleased with those new rates. As a result of this last rate case, the Postmaster General has suggested that the ratemaking process needs to be revised. In fact, the Board of Governors of the Postal Service has commissioned a study of the ratemaking process, and a prominent Washington based think tank plans to hold a seminar on this subject.

I could not agree more with the need to revise the ratemaking process. I am one of the few Members of Congress who was here in 1969 and 1970 when we developed and passed the Postal Reorganization Act of 1970. One of the defects that we discovered early on with this new experiment in a quasi-government corporation was the time and expense involved in setting postal rates. We modified the process once, by trimming the time involved.

After subsequent rate cases, it appears that this was not enough. Rate cases, although confined under law to 10 months, have taken on a new disturbing trend of time spent in reconsideration and court cases after the Postal Rate Commission has made their recommendation.

The proposal I am offering today, I hope, will provide the flexibility I think we all agree is needed in establishing proper postal rates to meet changing economies and competition. They do so by reducing the time involved in setting rates, and more important, reducing the cost incurred by all parties, including the Postal Service, in the rate case process.

Without question, rate setting is one of the keys to the success of the Postal Service survival. If we cannot solve the problem we will, I believe, be forced to reevaluate the entire concept embodied in what is now known as the U.S. Postal Service. We may have to look seriously at either reestablishing in the excutive branch the U.S. Post Office Department, or privatizing the mail delivery system altogether.

My purpose today is not to discuss the merits or disposition of the last rate case. Those are issues for the Postal Rate Commission, the Governors of the Postal Service, and the courts to resolve. I am not attempting to second guess the study commissioned by the Board of Governors, but it is time we laid out for inspection a series of legislative proposals that will get the ball rolling on this issue.

For years, I have believed that the rate making process takes far too long. Thus, today I am introducing a series of bills which will correct some deficiencies I see in the current framework for setting postal rates in the United States. But more important, if enacted, these bills would reduce the time necessary to complete a rate case. I believe this effort is consistent with numerous complaints regarding the lengthy process from almost all segments of the mailing industry, and from the Postmaster General.

As I mentioned, the intent of these bills is to reduce the time involved in these long, drawn-out cases and thereby allowing greater flexibility to the Postal Service with regard to competition as well as a reduction in costs to all parties. Each rate case costs the taxpayer millions and yet does nothing to improve service or salaries, or to reduce the costs of the Postal Service. These long cases not only add to the cost of each stamp, but also add to the cost of doing business for all users of the Postal Service. It has been estimated that the third class mailing industry alone spent $8 to $10 million on the last two cases. Remember, that figure represents only one party and one class of mail out of the four classes of mail.

The length of time involved in a case simply must be reduced. And at the same time, we must protect the rights of the various components of the mailing community so they can help ensure that one class of mail does not wind up subsidizing another class of mail users.

The first bill I am introducing provides for a reduction in the time which the Commission has to issue its decision on a Postal Service rate request. Current law provides that the Commission must issue its decision within 10 months of the date the Postal Service filed its rate request.

At a minimum, this bill reduces that time limit 15 percent to 8½ months, or 265 days. In doing this, I have sought to prevent any infringement on the procedural and due process rights of all interested persons, mail users, and the Postal Service. A close examination of the process shows that the Commission must provide 1 month of the 10 month process for interested parties to file their intent to intervene in the proceeding. If this process were quickened, Postal Service witnesses could take the witness stand much earlier, and thus allow a reduction in the time limit afforded the Commission.

The bill accomplishes this by requiring the Postal Service to announce its intent to file a rate case, and to file annually information on the postal revenues, volumes, costs and billing determinants. This information would allow parties and the Commission to be better prepared before the Postal Service actually files a request for new rates. The bill also requires that the Service provide information to the Commission at least 30 but not more than 60 days before a request is filed on the current financial condition of the Service. This information would allow the Commission and the parties to begin analysis for a rate request before the actual filing. It must also provide readily available information to the Commission and the public not less than 30 days before the Service files its request. The information to be provided falls into two distinct categories. First, the Service must notify the public generally of:

First, the anticipated change in total revenues;

Second, the classes of mail and types of services whose rates and fees will be increased or decreased;

Third, changes in the methods of attributing costs previously approved by the Commission which are expected to be proposed in this request;

Fourth, significant classification and rate design changes expected to be included in a rate filing; and

Fifth, any expected proposals to change the method of attribution of costs previously approved by the Commission.

Second, the Service must provide a statement for the year whose data will form the basis of the Service's rate request, of the costs, the revenues by class, and the volumes by class including billing determinants. This information provides the base year data from which the Postal Service, the Commission, and the parties make projections for the revenue needs of the Postal Service, and thus, the rates needed.

This information would be readily available to the Postal Service 30 days before it files a rate request with the Commission. The Service must know what the anticipated revenue need will be and what classes would be expected to have a rate increase or decrease. The information need not contain what the increase or decrease will be, just whether the rates for that class will change. Moreover, within 30 days of a rate filing the Service should know what changes, if any, it expects to propose to attributable cost methodologies. This information would be subject to change based upon final approval by the Board of Governors, of course, but the provision of the information will put mailers on notice that a rate request will be made shortly and that their particular rate may be increased or decreased. The mailer will then have the responsibility to prepare for possible intervention in the case, knowing that proceedings at the Postal Rate Commission will get under way quickly.

The detailed cost, revenue, and volume information for the historic year upon which the rate request is based should be easily available to the Service 30 days before a rate case is filed. If it were not readily available, the Service could not have future projections and prepared testimony ready for presentation to the Governor for approval. The filing of the historic data would not require the Service to "tip its hand" on its request. The projections, including revenue from each class and its volumes, would not be made public at that time. The public would only have before it the starting point and would have to await the actual filing for the end point. The Service and the Board of Governors would not be precluded from any specific proposal in the filing due to the release of these data. With regard to the prefiled information, no confidential data would be required to be filed.

The Commission and the parties could begin to analyze the historic data so that Commission staff and parties' witnesses will "hit the ground running" when the Service files. This should help quicken the process and give the Service an earlier response to its rate requests. Moreover, each party, including the Postal Service, would maintain the procedural structure commonly granted in Postal Rate Commission proceedings; full discovery; full cross examination; full time for rebuttal; full briefing, including initial and reply briefs; and oral argument.

The bill also provides that the Commission should establish the most expeditious as possible time table for discovery in these proceedings. This should reduce the time needed for discovery in a rate proceeding.

Finally, the Commission cannot issue any rules concerning the filing of any of this information without giving due consideration to avoiding excessive paperwork burdens on the Postal Service. I expect that the Service will adequately argue its position with the Commission in the course of the rulemaking proceeding.

The second bill I am introducing would provide standing to the Postal Rate Commission in any appeal to the U.S. Court of Appeals of a decision by the Governors of the Postal Service whether it be to allow under protest, reject, or modify a recommended decision of the Postal Rate Commission. Under current law, any party may appeal the decision of the Governors to accept, allow under protest, or modify a Postal Rate Commission recommendation in a Court of Appeals of the United States, except the Rate Commission itself. In any proceeding, the case is captioned "The Party versus the United States Postal Service." It is the Postal Service and not the Rate Commission which appears as representative of the Government of the United States in these appeals. In the case of the Postal Service allowing under protest a Commission decision, the party suing and the Postal Service may be on the same side in the court case. The Postal Service may not agree at all with the position and reasoning behind the decision of the Postal Rate Commission. The Rate Commission therefore must depend on intervenors in the court case arguing in favor of the Commission's decision.

In order to have the court receive the full breadth of argument in an appeal, it only makes sense to allow the Commission to have standing as a party in the case. This change would place upon the Postal Rate Commission the duty to defend its decision in an appeal before a U.S. Court of Appeals. The court will have clearly before it all the arguments for and against a Commission decision and the subsequent Governor's decision. The appropriate designation would enable the court to render a fair decision after hearing all the merits fully argued. I believe that this improvement will result in a better court decision. This bill does not grant the Postal Rate Commission authority to initiate an appeal against the Postal Service for a decision made by the Governors. This merely allows the Rate Commission standing as an entity if such an appeal is filed. This will not increase any burden on any court, it will just grant the Commission the authority to explain and argue for its own decision.

Another bill I am introducing today will provide a mechanism for the Postal Rate Commission to obtain information from the U.S. Postal Service pertaining to cases before it. This bill is practically identical to the corresponding part of H.R. 4159, by Congressman MCCLOSKEY, introduced in the 101st Congress. Obtaining adequate information upon which to base a decision is a necessity. In the world of postal rates and fees, the U.S. Postal Service is the provider of the service and holder of virtually all the information necessary to establish rates and fees. Moreover, the Postal Service has the sole authority over the information gathering system. In this way, the Postal Service controls all the information and determines precisely what information will be made available. In many ways, this situation poses problems for both the parties and the Postal Rate Commission in any rate case initiated by the Postal Service. The Postal Service controls the timing of the rate case, the initial proposal in the rate case, and all the information upon which any rates may be based. Fortunately, from what I understand, there was little conflict over production of information during the last rate proceeding. However, because of persistent attacks by senior postal officials on the postal rate-making process, the Commission, and even on the competence and credibility of these congressionally approved Commissioners, it is questionable whether or not such cooperation can be expected in the future. Thus, the potential for conflict, confusion, frustration, and anger remains. It may well be that different information is needed. The Postal Service may provide all the information available to it yet still lack information on important areas, concerns, and issues. The Commission's ability to obtain needed information will, I believe, enhance cooperation and eliminate foot dragging by the Postal Service and, most importantly, help reduce the time involved in rate cases.

With this authority the Postal Rate Commission could obtain more issue-specific information from the Postal Service to resolve areas of concern to the Commission and to parties appearing before the Commission. This authority would be a problem-solving power. Many times in the past, further data from the Postal Service have resolved the issues of previous cases accurately and without great conflict from any of the parties. Hopefully, this bill would provide a tool which helps the Commission resolve quickly, accurately, and without conflict, issues that continue to arise in case after case. Again, one of the purposes for this bill is to help eliminate conflict, resolve issues, streamline procedures, and cut the time needed in the rate-making process. If data are available, issues are more easily resolved. It is my understanding that in the most recent rate case, a significant study and data collection effort by the Postal Service in transportation reduced the area of conflict in costing of postal transportation. It is my hope that this data collection system will continue and will eliminate future conflicts. This is a cost-saving effort that will help the Postal Service and all the various parties.

The authority granted to the Rate Commission is not unbridled. There will be a check on the Postal Rate Commission. The Commission must prescribe regulations to ensure safeguards for privileged and confidential information after consultation with the Postal Service. The Commission must always use proper rate-making procedures as established in the Administrative Procedures Act. Moreover, any information requested must pertain directly to an issue in a proceeding before the Commission. These requests cannot be fishing expeditions. This provides to the Postal Service protection against Postal Rate Commission abuses.

The final bill I am introducing today would grant the Postal Rate Commission final decision authority. The current statute provides that the Commission, after holding administrative trial-type hearings, will recommend decisions to the Governors of the Postal Service. The Governors then review the recommendations of the Postal Rate Commission and can accept, reject, allow under protest, or in certain instances, modify those recommendations. Those Governors hold no hearings, receive written comments from all intervenors, and are briefed by the Postal Service management which participated in the case before the Postal Rate Commission. In the same rate proceeding, the Governors issued three separate decisions. First, the Governors rejected almost all classification recommendations of the Postal Rate Commission which were not proposed by the Postal Service. Second, the Governors allowed under protest, the Public Automation Rate of 27 cents and sought judicial review of the Commission recommendation in the Court of Appeals for the U.S. District of Columbia Circuit. Finally, the Governors allowed, under protest, the remainder of the Commission's recommendations and resubmitted those recommendations to the Commission for reconsideration.

The results of those three separate decisions are three separate suits in the U.S. Court of Appeals for the U.S. District of Columbia. The parties are protesting the rejections and the allowance under protest of the Commission recommended rates. And the Governors are in the courts suing the Postal Rate Commission over the Public Automation Rate of 27 cents. All these actions add up to an even longer delay in final resolution of the rate case.

After reconsideration of this rate case by the Postal Rate Commission, the Commission will issue another recommended decision upon reconsideration. The Governors may reject that decision, allow it under protest, or accept it. That may well produce another round of appeals to a U.S. Court of Appeals. Eventually, the Governors most likely will accept or modify a Commission recommended decision upon reconsideration. That decision of the Governors may also be appealed to a Court of Appeals of the United States. The current process, with intermediate decisions by the Governors of the Postal Service, which may be appealed to a Court of Appeals, provided for numerous rounds of administrative decisionmaking and numerous rounds of judicial decisionmaking. Granting the Rate Commission final decision authority would establish a regulatory process which is very similar to what happens with the regulations of other monopolies in the United States.

My bill would provide one special provision for the Governors of the Postal Service. A decision of the Postal Rate Commission would go to the Governors of the Postal Service who may submit for reconsideration any issues for that decision. The Commission would then be required promptly to consider or reconsider the Governors' position and then issue a supplemental decision. That decision could be appealed by the Postal Service or any other party through the U.S. Court of Appeals. This would provide protection to all the parties, including the Postal Service, from any Commission abuse or failure to follow procedures of the record before it.

As already mentioned, the Postal Service is in the courts with three separate cases based upon the three separate decisions of the Governors in the current postal rate proceedings. In all likelihood, there will be at least one further appeal once a final determination on the current rate request is made. Granting the Postal Rate Commission final decision authority would reduce to one court suit any appeals on the administrative rate setting decision. This should provide a reduction in court time, and time spent by the parties and the Postal Service in the Court of Appeals. This bill would streamline the process after the Commission issues its decision and place the procedural framework more in line with the traditional regulation of monopolies in this country.

Mr. President, I ask unanimous consent to have each of the four bills mentioned printed at the end of my remarks. I do want to note that I am working on other postal legislation which may be introduced after further review.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. Subsection (a) of Section 3622 of title 39, United States Code, is amended by adding at the end thereof the following:

"The Postal Service shall file with the Commission, at the time of the Postal Service filing of its request, all workpapers and Library References which will be used and/or which will support the evidence presented by each Postal Service witness. Moreover, not less than 30 days nor more than 60 days before making a request under this section the Postal Service shall—

"(1) publish notice of intent to file a request, which notice shall specify (A) the anticipated change in total revenues, (B) the classes of mail and types of postal service whose rates and fees would be increased or decreased, as the case may be, under any suggestions for rate adjustments expected to be filed, (C) in detail, any changes in the methods of attributing costs previously approved by the Commission which are expected to be proposed in the request, (D) the classes of mail and types of postal service which significant changes in classification or rate or fee design will be proposed, and (E) such other information reasonably necessary to an informed judgment as to the probable scope and nature of the issues as the Commission may require; and

"(2) file with the commission, and subsequently make available to persons who shall have given notice of intent to participate, a statement in a form prescribed by the Commission, covering that year for which the data will form the basis of the request, and setting forth (A) the costs of the Postal Service, including attributable costs by a class of mail and type of mail service in which presentation it shall reflect costing methods as employed by the Commission in its latest applicable rate decision and also shall reflect alternatively the attribution methodology changes noted in subparagraph (1) above, (B) the revenues of the Postal Service analyzed by class of mail and type of mail service, (C) the volumes of the Postal Service by class of mail and type of mail service, and including billing determinants (D) forecasts of postal volumes, revenues and costs at prefiled rates, and (E) such other information as the Commission may prescribe."

"In establishing rules governing the form of notice and the statement provided for by this section, the commission shall give due consideration to avoidance of excessive paperwork burdens upon the Postal Service."

SEC. 2(a) Paragraph (b)(3) of section 3624 of title 39, United States Code, is amended to read as follows:

"(3) discovery, under the most expeditious schedule possible, from both the Postal Service and the parties to the proceedings;"

(b) Paragraph (c)(1) of section 3624 of title 39, United States Code is amended to read as follows:

"(c)(1) Except as provided by paragraph (2) of this subsection, in any case in which the Postal Service makes a request under section 3622 for a recommended decision by the Commission on changes in a rate or rates of postage or in a fee or fees for postal services, the Commission shall assign a filing date to such request. Such filing date shall be either (i) 30 days after the Postal Service shall have complied with the requirements of section 3622 (a)(1) and (2), or (ii) the day on which the request is actually filed, if the Postal Service has complied with section 3622 (a) (1) and (2) at least 30 days prior to such day. The Commission shall transmit its recommended decision to the Governors under subsection (d) of this section nc later than 265 days after such filing date. The Commission may provide for the filing with it by interested persons, at any time between the publication of notice under section 3622 (a)(1) and the filing date, of a notice of intent to participate, and for expeditious grant to such persons of party status.

(b) Paragraph (c)(2) of section 3624 of title 39, United States Code is amended by inserting the phrase "or by failing to fully comply with section 3622 (a)" after the phrase "lawful order of the Commission" and is further amended by striking the phrase "10-month period" and substituting therefor the phrase "265-day period".

SEC. 3. Title 39, United States Code is amended by adding a new section 3686, as follows:

§3686. Periodic Filing of Postal Service Data

The Postal Service shall file annually with the Postal Rate Commission non-confidential data for each fiscal year which sets forth (A) the cost of the Postal Service, including attributable costs by class of mail and type of mail service, presented according to the costing methods as employed by the Commission in its latest applicable rate decision, (B) the revenues of the Postal Service analyzed by class of mail and type of mail service, (C) the volumes of the Postal Service by class of mail and types of mail service, and including billing determinants, and (D) such other information as the Commission may prescribe."

S. 947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3628 of title 39, United States Code, is amended by adding, after the first sentence thereof, the following sentence:

"The Commission shall have the right to intervene as a party in any such appeal from a decision of the Governors to reject or modify a recommended decision or to allow a recommended decision under protest and return it to the Commission for reconsideration and a further recommended decision."

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 3624 of title 39, United States Code, is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following:

"(c)(1) The Commission may secure from the Postal Service information necessary to enable the Commission to carry out its functions under this subchapter (including any functions under section 3662 which it is required to perform in accordance with this subchapter). Upon request of the Commission, whether on its own behalf or on behalf of any party to a proceeding conducted under or in conformity with provisions of this subchapter, the Postal Service shall furnish such information to the Commission.

"(2) The Commission, in consultation with the Postal Service, shall prescribe regulations to carry out this subsection. The regulations shall include provisions to ensure appropriate safeguards for any privileged or confidential information."

(b) Section 3624(d)(1) of title 39, United States Code (as so redesignated by subsection (a)) is amended by striking "Commission," and inserting "Commission (including a request for information under subsection (c) in connection with the Commission's consideration of a request made by the Postal Service under section 3622),".

(c)(1) Section 3624(d) of title 39, United States Code, as so redesignated by subsection (a), is amended in paragraph (1) by striking "subsection (d)" and inserting "subsection (e)".

(2) Section 3641 of title 39, United States Code, is amended—

(A) in subsection (a), by striking "3624(c)" and inserting "3624(d)"; and

(B) in subsection (d), by striking "3624(d)" and inserting "3624(e)".

S. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3621 of title 39, United States Code, is amended by deleting the first sentence thereof and substituting the following: "There shall be established reasonable and equitable classes of mail and reasonable and equitable rates of Postage and fees for postal services in accordance with the provisions of this chapter."

SEC. 2. Section 3622 of title 39, United States Code, is amended by—

(a) in subsection (a) thereof, deleting the phrase "submit a recommended decision" and substituting therefor the phrase "render a decision"; and

(b) in subsection (b) thereof, deleting the phrase "make a recommended decision" and substituting therefor the phrase "render a decision".

SEC. 3. Section 3623 of title 39, United States Code, is amended by—

(a) deleting subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(b) revising subsection (a), as so redesignated, to read as follows:

"(a) The Postal Service may from time to time request that the Commission render, or the Commission on its own initiative may render, a decision on changes in the mail classification schedule."; and

(c) in subsection (b), as so redesignated, deleting the phrase "make a recommended decision" and substituting therefor the phrase "render a decision".

SEC. 4. Section 3624 of title 39, United States Code, is amended by—

(a) in subsection (a) thereof, deleting the phrase "recommended a decision" and substituting therefor the phrase "render a decision";

(b) revising subsection (c) (1) thereof to read:

"(c) (1) Except as provided by paragraph (2) of this subsection, in any case in which the Postal Service makes a request under section 3622 of this title for a decision by the Commission on changes in a rate or rates of postage or in a fee or fees for postal services the Commission shall render its decision no later than 10 months after receiving any such request from the Postal Service."; and

(c) Revising subsection (d) thereof to read:

"(d) A decision of the Commission rendered under this section shall include a statement specifically responsive to the criteria established under section 3622 or 3623, as the case may be."

SEC. 5. Section 3625 of title 39, United States Code, is amended to read as follows:

"§ 3625. Reconsideration; effective date

"(a) Within 30 days of the rendering of a decision by the Commission under section 3624 of this title, the Governors of the Postal Service may request the Commission to reconsider its decision. Such request shall be in writing and shall specify the areas in which the Governors disagree with the decision. The Commission shall promptly reconsider such decision, employing such further hearing or other procedures as are necessary to address the areas of disagreement identified by the Governors, and at the conclusion of such reconsideration shall issue a supplemental decision.

"(b) The record of the Commission's hearings, the Commission's decision, any request for reconsideration under subsection (a), the record of any Commission proceedings on reconsideration, and any supplemental decision by the Commission shall be made generally available at the time the decision or supplemental decision, as the case may be, is issued.

"(c) The Board of Governors shall determine the date on which the new rates, fees, or changes in the mail classification schedule made under this subchapter shall become effective."

SEC. 6. Section 3628 of title 39, United States Code, is amended to read as follows:

"A decision or supplemental decision of the Commission may be appealed to any court of appeals of the United States, within 15 days of its issuance, by an aggrieved party who appeared in the proceedings under section 3624(a) of this title. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except as otherwise provided in this section, on the basis of the record before the Commission. The court may affirm the decision or order that the entire matter be returned for further consideration, but may not modify the decision nor suspend the effectiveness of the changes or otherwise prevent them from taking effect until final disposition of the suit by the court. No court shall have jurisdiction to review a decision by the Commission under this chapter except as provided in this section."

SEC. 7. (a) Section 3641 of title 39, United States Code, is amended by—

(1) in subsection (a) thereof, deleting the phrase "transmit a recommended decision on a change in rates of postage or in fees for postal services to the Governors" and substituting therefore the phrase "render a decision on a change in rates of postage or in fees for postal services";

(2) in subsection (d) thereof, deleting the phrase "transmits its recommended decision to the Governors under section 3624(d) of this title" and substituting therefor the phrase "renders its decision"; and

(3) revising subsection (e) thereof to read:

"(e) If the Postal Rate Commission does not render a decision on a request for a change in the mail classification schedule within 90 days after the Postal Service has submitted such request, the Postal Service, upon 10 days' notice in the Federal Register, may place into effect temporary changes in the mail classification schedule in accordance with proposed changes under consideration by the Commission. Any temporary changes shall be effective for a period ending not later than 30 days after the Commission has rendered its decision."

SEC. 8. Section 3662 of title 39, United States Code, is amended by deleting the phrase "issue a recommended decision" and substituting therefor the phrase "render a decision".

By MR. STEVENS:

S. 950. A bill to prohibit geographic discrimination in secondary mortgage market operations; to the Committee on Banking, Housing, and Urban Affairs.

FAIR ACCESS TO HOUSING ACT

Mr. STEVENS. Mr. President, a number of States, particularly Alaska, are being unfairly denied access to the national mortgage capital markets. Reports have reached me that Alaskans are being blocked from these markets and cannot raise mortgage capital regardless of the underlying strength of any given mortgage.

I ask unanimous consent to insert into the RECORD a copy of a resolution by the Alaska Mortgage Bankers Association. This resolution states that some national mortgage bankers will not purchase FHA or VA loans because they are originated in Alaska. The resolution also states that some mortgage insurers will not issue mortgage insurance policies because they are originated in Alaska.

This discrimination is contrary to the intent of Congress when it enacted legislation setting up the secondary mortgage markets. Such markets were originally designed to improve the distribution of investment capital available for home mortgage financing.

Mr. President, I have a copy of the testimony of Mr. James Crawford, past president of the Alaska Mortgage Bankers Association, describing the problems mortgage bankers from Alaska have in gaining access to the secondary mortgage markets. I ask unanimous consent to insert this statement into the RECORD.

Today, I am introducing legislation to ban the practice of excluding mortgages from the secondary markets because of bias against the location of the property securing the mortgage. I hope my colleagues will take a careful look at this proposal, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Access to Housing Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a primary Congressional goal in establishing the Federal National Mortgage Association, the Government National Mortgage Association, and the Federal Home Loan Mortgage Corporation was to improve the distribution of mortgage capital and to increase access to mortgage capital for citizens in all 50 states; and

(2) evidence is mounting that certain States are being unfairly denied access to mortgage markets, and restriction of such access is unrelated to the soundness of the underlying loans being offered to the mortgage markets.

SEC. 3. GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

Section 306(g)(1) of the National Housing Act (12 U.S.C. 1721(g)(1)) is amended by inserting after the first sentence the following: "The Association shall not guarantee any securities issued by an issuer, or backed by mortgages pooled in a manner, that arbitrarily discriminates on the basis of the location of the property securing the mortgage.".

SEC. 4. FEDERAL NATIONAL MORTGAGE ASSOCIATION.

Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by inserting after the first sentence the following: "The corporation shall not purchase, service, sell, lend on the security of, or otherwise deal with conventional mortgages that have been insured by a private mortgage insurer, or that have been originated by a private mortgage company, that arbitrarily discriminates on the basis of the location of the property securing the mortgage.".

SEC. 5. FEDERAL HOME LOAN MORTGAGE CORPORATION.

Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by adding at the end the following: "The Corporation shall not purchase or make commitments to purchase mortgages originated by any institution or entity that arbitrarily discriminates on the basis of the location of the property securing the mortgage.".

RESOLUTION OF THE MEMBERSHIP OF THE ALASKA MORTGAGE BANKERS ASSOCIATION

Whereas Alaska Mortgage Bankers Association member firms have difficulty attracting secondary markets to our state.

Whereas some national mortgage bankers will not purchase FHA or VA loans because they are originated in Alaska.

Whereas some mortgage insurers will not issue mortgage insurance policies because they are originated in Alaska.

Whereas Alaskans are experiencing a diminished capacity to participate in national funding programs and believe that Alaska is being redlined.

Whereas a charter goal of the national mortgage associations, the Federal National Mortgage Association and Government National Mortgage Association is to assist the secondary mortgage market and whereas the Federal Home Loan Mortgage Corporation was created to spur the development of the conventional secondary market.

Be it resolved that the Alaska Mortgage Bankers Association supports action by the Alaska Congressional Delegation which would amend Fannie Mae, Ginnie Mae and Freddie Mac enabling statutes to clarify that discrimination based on location is in fact a specific violation.

TESTIMONY OF JAMES M. CRAWFORD

I appreciate the opportunity to provide testimony to the Committee as it considers the secondary mortgage market. I am the President and Chief Executive Officer of City Mortgage Corporation, a mortgage origination and servicing company serving the State of Alaska. I am also a former Chairman of the Legislative Affairs Committee of the Alaska Mortgage Bankers Association. My testimony today is on behalf of City Mortgage Corporation.

City Mortgage Corporation is a small independent mortgage company which originates mortgage loans to provide housing for residents of the State of Alaska. When a family seeks to obtain a mortgage from us we determine if they are eligible for one of the mortgage products presently available. We process their application and attempt to obtain a commitment from a secondary mortgage market to purchase their mortgage upon closing. We do not have the capital to underwrite the mortgages that we originate. In this situation City Mortgage is similar to a number of other independent mortgage companies around the country who depend on the secondary mortgage market as a principal source of capital to meet local housing needs. Therefore I am very familiar with the secondary mortgage markets and how those markets serve the needs of home buyers.

The availability of ample, competitive secondary markets to purchase loans we originate is crucial to our business. However, our situation is not unique. A number of larger institutions that may have the capital to hold loans frequently sell mortgages that they originate into the secondary market in an effort to avoid the expense of continued mortgage loan servicing or to free up capital for other purposes.

Over the years the federally-chartered entities, The Government National Mortgage Association (GNMA), the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC) which supervise and coordinate the secondary markets have been very effective at distributing mortgage capital across the country. Obviously, competition in the secondary mortgage markets affects the price of products we can offer our customers. With increased competition rates and charges decrease. Customers can then pay higher prices for housing helping to stabilize housing prices.

GNMA, FNMA and FHLMC enjoy a unique status. FNMA and FHLMC are federally chartered corporations. All three entities are exempt from taxation. GNMA, of course, is an agency of the federal government and has the ability to issue loan guarantees which are backed by the full faith and credit of the United States.

These agencies enjoy this unique relationship because of the purposes they were to accomplish. GNMA and FNMA were intended to:

"Provide supplementary assistance to the secondary market for home mortgages by providing a degree of liquidity for mortgage investments, thereby improving the distribution of investment capital available for home mortgage financing", 12 U.S.C. 1716(a) and to "provide special assistance . . . for the financing of (1) selected types of home mortgages originated under special housing programs . . . for segments of the national population which are unable to obtain adequate housing under established home financing programs, and (2) home mortgages generally as a means of retarding or stopping any decline in mortgage lending and home building activities which threatens materially the stability of a high level national economy." 12 U.S.C. 1716(b).

They do so by establishing standards for loans which are eligible to be pooled into various types of mortgage-backed securities. Secondary mortgage markets issue securities backed by eligible loans. Investors purchase the securities, thereby providing the capital for mortgage loans.

Unfortunately, the Congressionally mandated purposes are being frustrated. A significant number of mortgage-backed securities issuers have arbitrarily and unreasonably discriminated against significant portions of the housing market. This has reduced the availability of capital and competition among secondary markets, increased prices and harmed affected real estate markets. Those areas in need of investment capital for home mortgage financing are being deprived of it by this discrimination.

In the last few years it has been increasingly difficult for mortgage originators in Alaska to locate secondary mortgage market firms which will purchase our mortgages. My firm has contacted well over 100 companies which purport to buy mortgages nationwide but which refuse to buy loans from Alaska. By way of example, in December when I was in Washington, I looked through the Washington, D.C. Yellow Pages under mortgages. Four firms advertised national lending programs. Ahmanson Mortgage Company claimed to be "The nation's mortgage lender." 1989-90 Washington, D.C. Yellow Pages at 1193. Fairland Mortgage Co. advertised, "We purchase mortgages nationwide." *Id.* at 1193. Nationwide Lending Group's name says it all, *id.* at 1191, and Segal Mortgage Company advertises, "We buy mortgages nationwide." Subsequently, we have contacted each of these companies and offered to sell mortgages. All stated they would not buy mortgage loans in Alaska.

The attachments show further that repeated efforts to locate markets to purchase our loans have been frustrated. *See* Exhibit A. It must be noted that we are offering to sell FHA loans which are 100% insured by the U.S. Government. The loans meet all the requirements established by GNMA, FNMA or FHLMC.

Those markets have made a unilateral decision not to purchase loans from Alaska. As a result, we in Alaska are the victims of blatant discrimination. This discrimination deprives Alaskans of the benefits of the nationwide flow of capital that was intended at the creation of these programs.

This problem has become severe enough that the Alaska Mortgage Bankers Association has passed a resolution seeking correction. *See* attached Exhibit B. The Association consists of all segments of the mortgage origination business in Alaska, including large commercial banks, smaller financial institutions, and independent mortgage bankers.

It is true that the decline in oil prices in 1985 and the resulting economic slump in Alaska has increased the number of nonperforming loans. But the vast majority of Alaskans are not delinquent in their mortgage loans. New loans from Alaska are performing well. Individual borrowers may be having some difficulties but generally the Alaskan housing market is an appropriate place to invest. Many secondary mortgage buyers have written Alaska off, apparently based on rumor or speculation. They have apparently decided that it is not wise to purchase loans from Alaska.

This practice has had the same effect that the now-prohibited practice of "redlining" had on the availability of mortgage lending in parts of American cities. Mortgage loans are unavailable or available only at higher prices. Housing prices remain depressed by the higher mortgage rates. Fewer people qualify for the higher rates. The federal government has recognized that discrimination on the basis of location is inappropriate in the context of "redlining." The regulations of the Federal Home Loan Bank Board specify that, "These restrictions are intended to prohibit use of unfounded or unsubstantiated assumptions regarding the effect upon loan risk of the . . . physical of economic characteristics of an area." 12 C.F.R. 531.8(c)(7).

Alaska is a relatively small housing market with a population estimated to be slightly in excess of 500,000. Alaska has far fewer people than many of the neighborhoods in urban areas to which anti-redlining prohibitions apply. Of course, Alaska's 500,000 people are spread over a much larger area. They nonetheless are entitled to the same protection against geographical discrimination as the residents of large cities.

A home buyer in California, New York, Florida or the other states not subject to this discrimination will deal with a mortgage originator who has the ability to sell to dozens if not hundreds of potential secondary mortgage buyers. Alaskans have many fewer options.

It is not our intention that companies which serve a relatively discrete area of the nation should be compelled to purchase mortgages far from their business operations. But those who purport to be country wide or to serve home buyers nationwide must serve all of the states without arbitrary discrimination.

Our dispute is not with the management of GNMA, FNMA or FHLMC. They have generally served the needs of America's home buyers well. These agencies have frequently, through special arrangements, provided assistance to Alaskans seeking to purchase homes. But they have fallen short in preventing those who issue mortgage-backed securities from discriminating against discrete states or regions. Alaskans do not desire that poor quality loans be placed into the market. What we ask is that the criteria employed to determine qualified loans be applied across the United States so that a home buyer in Alaska has the same opportunity to compete for mortgage financing as a home buyer in the rest of the country. Alaskans should not be systematically and arbitrarily excluded from eligibility for mortgages. The present system which allows such discrimination is as unfair as a system which allows such discrimination in Watts or Bedford-Styvesant or Liberty City.

I understand that similar problems are experienced by mortgage originators in other states such as Wyoming, Oklahoma, Arizona and Louisiana where the energy depression has adversely affected local companies. If so, the problem is more widespread than simply Alaska.

The bottom line is very simple. Those who enjoy the benefits of participating in the mortgage-backed securities market and who purport to participate in that market on a nationwide basis should be required to consider loans on the basis of the buyer and the property, not on an unfair preconceived discriminatory opinion of the geographic location of the properties. I request that the Committee adopt legislation which would prohibit GNMA, FNMA and FHLMC from the guaranteeing and/or authorizing the issuance of mortgage-backed securities by issuers who engage in unfair, arbitrary geographic discrimination.

By Mr. DECONCINI:

S. 951. A bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Center on Elder Abuse, and for other purposes; to the Committee on Labor and Human Resources.

CLAUDE PEPPER OLDER AMERICANS ABUSE PREVENTION AND TREATMENT ACT

• Mr. DECONCINI. Mr. President, I rise today to introduce a most important piece of legislation for millions of Americans who are at risk of being victims of abuse—physical and emotional abuse, financial abuse, and extreme neglect. As best we know today, an estimated 1.5 million older Americans are abused every year. This is a dramatic increase from a decade ago—a 50-percent rise in the last 10 years.

What this means is that 1 out of every 20 older Americans is abused every year, most by sons and daughters and many at the hands of nursing home caregivers or con artists. The abuse can range from theft of a Social Security check to violent physical abuse, including rape and murder. The situation is, as Claude Pepper has stated, "a national disgrace."

Just talk to adult protective services around the country, and you find that the number of elder abuse cases is staggering. Forty percent of all reported abuse in the United States is adult abuse, and in 7 out of 10 of these cases the victim is a senior citizen. What is even more frightening is the fact that most of these cases go unreported. Ten years ago, one out of every five cases of elder abuse was reported; today only one of every eight cases is, even though many States have mandatory reporting laws. Mr. President, we had a better track record a decade ago. And the tragic fact is this: The numbers are skyrocketing, yet they are only the tip of the iceberg.

Last year, the House Select Committee on Aging came out with a landmark report on the problem. In that report, the committee detailed substantiated cases of abuses. In California, a 76-year-old woman was held prisoner in her own home by her alcoholic husband. When she fell and broke her hip, her husband refused to take her to a hospital, to call for an ambulance, or to provide any medical care at all. For an entire year, whenever she needed to use the bathroom, she was forced to drag her body from her bed across the floor. A year after she broke her hip, she was found near death by State investigative authorities. She had rat bites to her leg, and those bites had become infected. She was delirious with a high fever and covered with cockroaches. Her leg had to be amputated.

In Texas, a 68-year-old woman was found by social workers tied to her wheelchair with electrical cords and sheets. She had been beaten by her daughter, who had also allowed her own 8-year-old daughter to whip her grandmother. When investigators found the brother of an appeals judge in Ohio, his right foot was covered with maggots. He had recognized that he had a problem and had tried to clean his own wounds, using Comet.

In Massachusetts, a 20-year-old man was convicted of the first-degree murder of his grandmother. He had repeatedly beaten her over the head with a decanter and stabbed her with a knitting needle. After the murder, the grandson stole his dead grandmother's car and jewelry. Today he is serving a life sentence in State prison.

The cases go on and on. And the one indisputable conclusion they all reach is this: In a country that is second to none, senior citizens should not—they must not—live out their golden years in situations such as these. As Claude Pepper has stated, this is indeed a national disgrace.

"The moral test of government," Hubert Humphrey once said, "is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy, and the handicapped." When it comes to elder abuse, Mr. President, this Nation is flunking Hubert Humphrey's litmus test of government.

It has been 13 years since Claude Pepper coined the phrase "elder abuse." Thanks to Chairman Pepper, we may have paid more public attention to the problem in those 13 years, but the fact remains we have not provided the necessary funds for the solution. Since 1980, the social services block grant—the principal tool we have for protective services—has been cut by one-third. In the 1987, amendments to the Older Americans Act, Congress provided for a new program of elder abuse identification and prevention as well as increased authorities for State ombudsmen in this important area. But again, it was the same old story. We authorized the programs, but we just did not have adequate dollars to fund them.

The consequences have been disastrous. The States initially were encouraged by the possibility of Federal financial assistance. As a result, over the last decade they began modifying their elder abuse laws and procedures in order to comply with anticipated Federal mandates, which included mandatory reporting provisions. We can see these changes. Today, four-fifths of the States—42 States and the District of Columbia—have mandatory provisions in place. By contrast, only 16 States had adult protective service laws with these provisions prior to 1980.

While we have given lipservice to the problem of elder abuse, we have not been moved to action. The anticipated Federal dollars simply have not come. Without Federal assistance the majority of the States—hard pressed by their own tight budgets—have failed to finance their own efforts to address the disgrace of elder abuse. Some States such as Louisiana have stopped providing elder abuse protective service altogether. In States which do offer protective services for the elderly, we have seen, on average, a drop of about 40 percent from the 1980 level of State funding for this purpose.

This is how bad it is. Ten years ago, the proportion of State budgets spent on adult protective services averaged 6.6 percent. Today that contribution has dropped to less than 4 percent—and this at a time when the number of elder abuse cases is skyrocketing.

Let me give you an idea of how this translates when it comes to actual dollars. According to information compiled by the House Select Committee on Aging, in 1989 Arizona's budget for child protective services per child in the State was $32.92. By contrast, Arizona spent only 22 cents per elderly resident for elderly protective services that year. Just 5 years earlier, in 1984, the amount Arizona spent on protective services per elderly resident was $6.12—27 times the 1989 amount per elderly resident. Twenty-seven times that amount. Tragically, this funding pattern is not the exception, but the rule in most States. This is the bottom line: At a time when elder abuse cases are on the rise, Congress and the States are doing less—and in all too many cases, significantly less.

Mr. President, there is an urgent need for a coordinated national effort to confront the disgrace of elder abuse. Today, I am introducing in the Senate the Claude Pepper Older Americans Abuse Prevention and Treatment Act of 1991, legislation patterned after the Prevention, Identification, and Treatment of Elder Abuse Act of 1991, sponsored by Representative MARY ROSE OAKAR in the House of Representatives. The legislation would create a National Center on Elder Abuse under the auspices of the Administration on Aging within the Department of Health and Human Services. The center would compile, publish, and disseminate information on elder abuse to communities across the country. It would make a complete study of the problem nationwide; conduct research into its causes and prevention; and develop and maintain an information clearinghouse on all programs showing promise of success for the prevention, identification, and treatment of elder abuse, neglect, and exploitation.

In addition, the bill would provide Federal matching funds to States with elder abuse programs in place and distribute moneys for new programs to States that meet certain conditions, such as protecting confidentiality of records, requiring mandatory reporting, and providing immunity from prosecution to persons reporting suspected cases of elder abuse. We are asking an authorization for appropriations of $10 million for fiscal year 1992.

Testimony before the House Select Committee on Aging by elder abuse experts, congressional leaders, and State officials reveals almost universal agreement that the enactment of legislation for seniors similar to the successful 1974 Child Abuse Prevention and Treatment Act is ultimately the most necessary legislative solution to begin to address the problem of elder abuse in this country. This bill is analogous to that landmark 1974 act.

The first case of child abuse in the United States was reported around the turn of the century. From the time of that first report, it took us 70 years to pass a child abuse bill. I hope that we can move faster on an elder abuse bill. Tragically, for some senior citizens, their lives may depend on it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Claude Pepper Older Americans Abuse Prevention and Treatment Act of 1991."

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "abuse" means—

(A) the willful infliction of—

(i) injury;

(ii) unreasonable confinement;

(iii) intimidation; or

(iv) cruel punishment with resulting physical harm or pain or mental anguish; or

(B) the willful deprivation by a caretaker of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

(2) The term "Center" means the National Center on Elder Abuse, established in section 3.

(3) The term "elder" means any person who has attained the age of 60 years.

(4) The term "caretaker" means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care as a result of family relationship, or by order of a court of competent jurisdiction.

(5) The term "exploitation" means the illegal or improper act or process of a caretaker using the resources of an elder for monetary or personal benefit, profit, or gain.

(6) The term "neglect" means the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness, or the failure of a caretaker to provide such goods or services.

(7) The term "physical harm" means bodily pain, injury, impairment, or disease.

(8) The term "Secretary" means the Secretary of Health and Human Services.

SEC. 3. NATIONAL CENTER ON ADULT ABUSE.

(a) ESTABLISHMENT.—The Secretary shall establish a program within the Administration on Aging, to be known as the National Center on Elder Abuse.

(b) FUNCTIONS.—The Secretary, through the Center, shall—

(1) compile, publish, and disseminate a summary annually of recently conducted research on elder abuse, neglect, and exploitation;

(2) develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

(3) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

(4) provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist the agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation;

(5) conduct research into the causes of elder abuse, neglect, and exploitation, and into the prevention, identification, and treatment of elder abuse, neglect, and exploitation; and

(6) make a complete study and investigation of the national incidence of elder abuse, neglect, and exploitation, including a determination of the extent to which incidents of elder abuse, neglect, and exploitation are increasing in number or severity.

(c) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary may carry out functions under subsection (b) of this section either directly or by way of grant or contract. The Secretary shall promulgate regulations setting forth criteria for programs receiving funding under this subsection and shall review programs funded under this subsection to determine whether such programs comply with such criteria. The Secretary shall, not later than 30 days after the date of any determination by the Secretary that a program fails to comply with such criteria, terminate funding for such program.

(2) RESEARCH PRIORITIES.—The Secretary shall establish research priorities for making grants or contracts under subsection (b)(5) and, not later than 60 days before the date on which the Secretary establishes such priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

(d) STAFF AND RESOURCES.—The Secretary shall make available to the Center such staff and resources as are necessary for the Center to carry out effectively the functions of the Center under this Act.

SEC. 4. DEMONSTRATION PROGRAMS AND PROJECTS.

(a) ELDER ABUSE, NEGLECT, AND EXPLOITATION.—

(1) GRANTS OR CONTRACTS.—The Secretary, acting through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit organizations (or combinations of the agencies or organizations) for demonstration programs and projects designed to prevent, identify, and treat elder abuse, neglect, and exploitation.

(2) USE OF GRANTS OR CONTRACTS.—Grants made or contracts entered into under this subsection may be used—

(A) for the development and establishment of training programs for professional and paraprofessional personnel, in the fields of health, law, gerontology, social work, and other relevant fields, who are engaged in, or intend to work in, the field of prevention, identification, and treatment of elder abuse, neglect, and exploitation;

(B) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the special problems of elder abuse, neglect, and exploitation cases, to provide a broad range of services related to elder abuse, neglect, and exploitation, including direct support and supervision of sheltered housing programs, as well as providing advice and consultation to individuals, agencies, and organizations that request such services; and

(C) for furnishing services of teams of professional and paraprofessional personnel who are trained in the special problems of elder abuse, neglect, and exploitation cases, on a consulting basis, to small communities where such services are not available.

(3) APPLICATION.—To be eligible to receive a grant or enter into a contract under this subsection, an agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(b) STATE PROGRAMS.—

(1) GRANTS.—The Secretary, acting through the Center, is authorized to make grants to the States for the purpose of assisting the States in developing, strengthening, and carrying out programs for the prevention and treatment of elder abuse, neglect, and exploitation.

(2) QUALIFICATIONS.—To be eligible to receive assistance under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including information demonstrating that the State—

(A) has in effect a State elder abuse, neglect, and exploitation law that includes provisions for immunity for persons reporting instances of elder abuse, neglect, and exploitation, from prosecution arising out of such reporting, under any State or local law;

(B) provides for the mandatory reporting of known and suspected instances of elder abuse, neglect, and exploitation;

(C) provides that receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation an investigation shall be initiated promptly to substantiate the accuracy of the report, and, on a finding of abuse, neglect, or exploitation, steps shall be taken to protect the health and welfare of the abused, neglected, or exploited elder;

(D) has throughout the State, in connection with the enforcement of elder abuse, neglect, and exploitation laws and with the reporting of suspected instances of elder abuse, neglect, and exploitation, such administrative procedures, such personnel trained in the special problems of elder abuse, neglect, and exploitation prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with elder abuse, neglect, and exploitation cases in the State;

(E) provides for methods to preserve the confidentiality of records in order to protect the rights of the elder;

(F) provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and State agencies providing human services with respect to special problems of elder abuse, neglect, and exploitation;

(G) provides that an elder participate in decisions regarding the welfare of the elder, and provide that the least restrictive alternatives are available to the elder who is abused, neglected, or exploited;

(H) agrees to pay, with funds from non-Federal sources, 50 percent of the cost of the program for which assistance under this subsection is made available;

(I) provides that the aggregate of support for programs or projects, related to elder abuse, neglect, and exploitation, assisted by State funds shall not be reduced below the level provided during the 12 months preceding the date of the enactment of this Act, and sets forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds that would, in the absence of Federal funds, be available for such programs and projects; and

(J) provides a State clearinghouse for dissemination of information to the general public with respect to—

(i) the problems of elder abuse, neglect, and exploitation;

(ii) the facilities; and

(iii) prevention and treatment methods available to combat instances of elder abuse, neglect, and exploitation.

(c) CONSTRUCTION LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), assistance provided pursuant to this section shall not be available for construction of facilities.

(2) RENTAL OR REPAIR.—The Secretary is authorized to supply assistance under this section for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

(d) DISTRIBUTION OF ASSISTANCE.—The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the qualifying States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each qualifying State shall receive assistance from at least one project under this section.

SEC. 5. AUTHORIZATION.

There are authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 1992 and such sums as may be necessary for each of the subsequent fiscal years.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on January 1, 1992.●

By Mr. BRYAN:

S. 952. A bill to authorize construction of a National Weather Service facility by the Administrator of the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

NATIONAL WEATHER SERVICE RELOCATION

● Mr. BRYAN. Mr. President, I am introducing today legislation to allow the National Weather Service to locate its authorized and funded weather service facility in Northern Nevada on the campus of the Desert Research Institute [DRI]. This is a simple measure cutting through two bureaucratic prohibitions to bring about a result strongly desired by both the Weather Service and DRI.

The Weather Service needs to find space in the Reno area to house a number of missions. The Service has grown out of its existing space at the Reno Airport. Northern Nevada is also slated to receive a Next Generation Weather Radar [NEXRAD] as part of the nationwide upgrade of our radar network. The ideal location for the NEXRAD radar is on top of Virginia Peak, a mountain east of the City of Reno. From this peak, there is a direct line of sight to the proposed location on the campus of DRI.

The Desert Research Institute is pleased to offer the land to the Service. Unfortunately, the Department of Commerce is prohibited from constructing a building on land it does not own. The land in question was given by the Bureau of Land Management [BLM] to the University of Nevada system—of which DRI is a part—by a patent which prohibits the University from every selling it.

This law does not amend or alter the land patent. Instead, it authorizes the National Oceanic and Atmospheric Administration to enter into an agreement to locate on the DRI land without acquiring full ownership. The law gives the administrator the maximum flexibility to develop a proposal that provides maximum benefit to both the Weather Service and DRI.

The bill also authorizes the administrator to reimburse the Institute the cost of providing an access road and utilities to the site. Finally, the bill authorizes the administrator to collocate the regional climate center in the facility. The Wester Regional Climate Center is funded by NOAA but operated by DRI. Collocating these two facilities should greatly benefit the scientists working there. To the extent that the costs of the facility authorized by this bill exceed the original budgeted costs of the NEXRAD facility already scheduled to go into the Reno area, I will work closely with the administrator to develop a new budget and will work with the Appropriations Committee to provide the funds.

In short, this bill authorizes the Weather Service to build a facility already authorized and funded, in the best possible location in Northern Nevada. I urge its immediate passage.●

By Mr. ROTH (for himself, Mr. GARN, and Mr. SANFORD):

S. 953. A bill to modify the Qualified Thrift Lender Test, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

QUALIFIED THRIFT LENDER TEST MODIFICATION

● Mr. ROTH. Mr. President, today I am introducing legislation to cure one of the major defects in the last Congress' savings and loan legislation, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 or FIRREA. That defect is the restrictive qualified-thrift-lender test. This test is an asset composition test imposed on institutions to measure their thriftness. It is a test of faith in residential home mortgages.

When the Senate first considered the FIRREA legislation in 1989, I voiced strong objection to the effort to make the QTL test more restrictive. Failure to meet the QTL test was not the cause of the industry's problems. The more restrictive QTL test, designed to make even healthy thrifts fail, was hardly the cure. The amendment's rationale was that if the bill was going to bury the dead thrifts, it should bury the healthy heretics, too. Believing that the more restrictive QTL test was a formula for disaster, I opposed adoption of the FIRREA conference report. Then and now, I still believe that the QTL test retards profitability and thus repels new capital.

I do not criticize the new QTL test because I am soft on the thrift industry. It is because I am soft on the taxpayer. And the best thing for the taxpayer is to create a healthy thrift industry so that depositors do not face the risk of default. Thus, for the taxpayers' sake, the best policy is to invite capital to flow into this industry. But we make the invitation unattractive if we create new tougher tests of housing purity and limit investment options.

The fact is that the thrift industry needs new capital. Currently, the FIRREA law requires it. But where will it come from? Will volunteers come in from the sidelines when their investment choices are so limited? Just as I feared, they have not come forward in any sufficient numbers; in fact, just the opposite has happened. As the New York Times reported last year:

> The stay-away investors say many of the problems stem from the bailout legislation. They point to provisions that they say make it difficult to earn enough to justify the risk of buying a savings and loan—for instance, higher deposit insurance premiums and restrictions stating that 70 percent of an institution's loans must be home mortgages.

If we want to phase out the thrift industry, I suspect that there is a kinder, gentler way to do it than to give them a fresh start but stack the deck against them. The path that FIRREA took with the revised QTL test will ultimately be a more expensive one for the taxpayer.

In my view, the fundamental philosophical rationale of the FIRREA law was flawed. Investment restrictions do not attract investors. By choking off the supply of voluntary capital, the taxpayer is left to shoulder the burden of meeting depositor obligations. And that is simply the wrong answer.

Chairman Seidman of the FDIC, responding to a question from Senator GARN, the late Senator HEINZ, and Senator SANFORD on what should be done legislatively to enhance the flow of new capital into the thrift industry concluded:

> Altering or abandoning the QTL test is one legislative change that might enhance the flow of capital to the thrift industry . . . interest rate risk in the thrift industry has always been high, and the QTL test only adds to the risk. The effect of the QTL test is to diminish the franchise value of the thrifts.

The QTL test also violates one of the fundamentals of banking—avoiding concentration or protecting against loss from concentration in the loan portfolio. Comptroller Clarke speaking before the American Bankers Association last year put it best:

> Concentration in lending to any industry or market segment—real estate, shipping, energy, agriculture, what have you—increases the exposure of the lending institutions to downturns in the business of those borrowers. It's like putting all, or most of your eggs, in one basket. Nothing may happen to the basket but if something does, your eggs are in greater peril than if you spread them around to other baskets in the first place.

While it is entirely the prerogative of the Congress to seek to subsidize or encourage certain activities, such as home ownership and financing, the QTL test is clearly not the most efficient way, from an economic or financial standpoint, to achieve this objective. To the extent the QTL requirement reduces the attractiveness of some thrifts to investors, it also increases the initial costs of resolving the thrift problem. And that is the main point of my legislation. The 70-percent QTL test will increase the cost of resolving the thrift problem. It doesn't help thrifts, It doesn't help housing and it doesn't help the taxpayer.

The stricter QTL test enacted in FIRREA affected thrifts in two different ways. First, it raised the percentage of a thrift's portfolio that had to be invested in housing-related assets from 60- to 70-percent. Second, it tightened the definition of which assets qualified. It was commonly viewed that the 60-percent requirement before FIRREA was closer to a 50-percent requirement. Thus the effect of FIRREA was to raise the requirement from 50- to 70-percent.

The legislation I am introducing today would reduce the 70-percent requirement down to 50 percent. I chose not to repeal the FIRREA provisions in total because that would have reinstated the loose definition of QTL assets that was criticized by some members of the Banking Committee as an imprecise formulation. Rather it is my purpose to confront the question of the level of QTL test directly rather than rekindle former arguments about the definition.

My intention is not to strip savings associations of their thriftness, but to increase their value in the eyes of those who might to able to buy them or invest in them. If we do not make thrifts more attractive to investors, the industry will deteriorate, and a valuable provider of home mortgages will be lost. The present test—intended to promote housing—is counterproductive.

The second change made by my bill is to allow domestic residential real estate loans to be included as qualified thrift investments. Inadvertently, I believe, Congress permitted only loans for domestic residential housing to be included when it rewrote the definition. The difference is that it appears that residential land loans are excluded. In many parts of the country it is common for the prospective homeowner to buy his lot first and then go about selecting a builder. The land loan would appear not to be covered by the present language which is limited to housing. My bill would correct this error.

Third, my bill would include as a qualified thrift asset any loans held by the savings association that were made to purchase any asset from the Resolution Trust Corporation. In my opinion, salvaging the thrift industry is housing related in view of the special role of thrifts in promoting housing. Moreover, I believe that thrifts have a special obligation to help clean up their own mess. RTC assets have plummeted in price and have bottomed out. Loans to purchase such devalued assets should not pose unusual risks for savings associations.

Finally, one reason why RTC assets are not moving is the lack of available financing. This change would help address that problem.

Mr. President, the S&L problem, indeed, required quick congressional action. While Congress reacted quickly, it did not act wisely. The QTL test was one of the major mistakes made in enacting FIRREA. Someday Congress will have to face that fact. I hope this bill hastens that day.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10(m) of the Home Owner's Loan Act (as it will be in effect after the effective date of the amendment made by section 303 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989) is amended—

(1) by striking "70" and inserting "50";

(2) in paragraph (4)(c)(ii)(I), by inserting "real estate or" after "residential"; and

(3) in paragraph (4)(c)(ii)—

(A) by redesignating subclauses (II) through (V) as subclauses (III) through (VI); and

(B) by inserting after subclause (I) the following:

"(II) The aggregate amount of loans held by the savings association that were made to purchase any asset from the Resolution Trust Corporation."●

By Mr. AKAKA:

S. 954. A bill to amend the Internal Revenue Code of 1986 to modify the determination of eligible basis in difficult development areas for the low-income housing credit; to the Committee on Finance.

LOW-INCOME HOUSING TAX CREDIT

Mr. AKAKA. Mr. President, I rise today to introduce legislation that would improve the utilization of the low-income housing tax credit in difficult development areas, like Hawaii.

As I have stated repeatedly on the floor of the Senate and to my colleagues in other settings, Hawaii has long experienced a housing crisis. While many parts of the United States have seen real estate values decline, Hawaii continues to enjoy a prosperous real estate market. But, a consequence of this prosperity is that many working people and those who are economically disadvantaged cannot own a home.

In large measure, the solutions for this problem need to be found in Hawaii. Toward this end, I recently sponsored a seminar in Hawaii to discuss the Cranston-Gonzalez National Affordable Housing Act. The seminar, cosponsored by the Federal Home Loan Bank of Seattle, brought together over 250 people actively involved in producing more affordable housing in Hawaii—State and local government officials, lenders and for-profit and nonprofit developers. We met with housing experts to begin the process of implementing the act's programs in Hawaii. I am happy with the amount of activity that the seminar has spawned and will be proud if it leads to more effective use of available Federal housing programs to build more housing.

Although I believe a great deal of action needs to be taken back home, we in Washington can do more to foster the development of needed housing. The legislation I am introducing today will do just that.

The low-income housing tax credit has helped build housing in Hawaii. The program encourages the production of low-income housing by offering a credit or reduction in tax liability each year for 10 years for the owners or developers of such housing. In order to receive the credit, a project must have a minimum of either 20 percent of its units occupied by low-income households under 50 percent of area median income, or 40 percent of its units occupied by households with incomes under 60 percent of area median income. Owners must agree to abide by the low-income use restrictions for at least 15 years and in some cases 30 years or longer. Since 1988, 286 units have been built for low-income people in Hawaii with the assistance of the credit.

Because the tax credit helps affordable housing to be built, I am pleased to cosponsor legislation introduced by Senator MITCHELL to permanently extend the credit, which will expire at the end of this year.

Unfortunately, the credit is not working in Hawaii as effectively as it could.

The State of Hawaii has been unable to allocate any of its 1990 or 1991 tax credits. This is due in part to the lack of incentive provided by the credit in light of Hawaii's high development costs. In 1989, a housing unit required 4,587 dollars' worth of Federal credits to be constructed in Hawaii—whereas, nationwide the figure was $2,552. Today, the disparity can only be greater. The problem with the credit is that a single project in high cost development areas often cannot get enough tax credits to make it economically feasible.

The legislation that I am introducing today will help solve this problem. It would permit projects in difficult development areas throughout the country to include the adjusted basis of the land upon which a building stands in the determination of the credit.

Difficult development areas are identified by the Department of Housing and Urban Development based upon a comparison of incomes with housing costs. In Hawaii, the islands of Hawaii, Kauai, and Maui as well as several census tracts on Oahu have been designated as difficult development areas. All total, difficult development areas exist in 38 States and territories.

Presently, eligible basis for purposes of the credit is ordinarily the same as the adjusted basis used for purposes of depreciation. In the case of buildings located in designated difficult development areas, eligible basis is increased to 130 percent of what it would otherwise be. But still, this has not been enough assistance to build housing in many difficult development areas.

The legislation I am introducing today would not increase the total amount of credits available to a State. But, the change would increase the credits available to a particular project—thereby making individual projects more feasible.

In addition to the change contained in this legislation, I believe we need to look at how the low-income housing tax credit is distributed among the States. Presently, each State's allocation is made pursuant to a State limit, or cap, of $1.25 per resident. State allocation agencies, like the Hawaii finance and Development Corp., then grant all or part of the allowable tax credits requested to eligible individuals, corporations, partnerships and nonprofit entities.

Although this system of distribution is equitable, it does not necessarily result in the construction of the most housing where the need is greatest. States now receive tax credit allocations regardless of statewide poverty levels, unemployment rates, or the availability of existing affordable housing. I do not think this is right, nor do I think the current system is the best way to spend limited Government resources.

The General Accounting Office agrees. In a report on the low-income housing tax credit program issued last year, the GAO concluded that "the program could be more effective if credit allocations to the States were based on relative need." This is not to say that those projects are not meritorious or needed. It is just that other, more pressing housing needs are probably not being met because of the current distribution formula.

I plan on contacting the GAO to request their recommendations for alternatives to the present per capita allocation system.

I hope the Senate acts to extend the low-income housing tax credit permanently. I also hope that my colleagues will support responsible reforms of the credit to increase its effectiveness.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATION OF ELIGIBLE BASIS IN DIFFICULT DEVELOPMENT AREAS FOR THE LOW-INCOME HOUSING CREDIT MODIFIED.

(a) ELIGIBLE BASIS IN DIFFICULT DEVELOPMENT AREAS INCLUDES LAND.—Subparagraph (C) of section 42(d)(5) of the Internal Revenue Code of 1986 (relating to special rules for determining eligible basis) is amended by adding at the end thereof the following new clause:

"(v) ELIGIBLE BASIS IN DIFFICULT DEVELOPMENT AREAS INCLUDES LAND.—

"(I) IN GENERAL.—The adjusted basis of any building in a difficult development area shall be determined by taking into account the adjusted basis of the real property upon which such building is located.

"(II) 30 PERCENT CREDIT APPLIED TO LAND.—In determining the credit allowable under this section with respect to that portion of the adjusted basis of a building described in subclause (I) relating to real property, such property shall be considered described in subsection (b)(1)(B)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 1990.

By Mr. COHEN (for himself and Mr. GRASSLEY):

S. 955. A bill to amend the Federal Deposit Insurance Act to require States in which the failure of State savings associations has involved a disproportionately large share of the thrift resolution costs, including costs incurred by the Resolution Trust Corporation, to pay a State thrift deposit insurance premium as a condition of future Federal deposit insurance; to the Committee on Banking, Housing, and Urban Affairs.

STATE THRIFT DEPOSIT INSURANCE PREMIUM ACT OF 1991

Mr. COHEN. Mr. President, as we are all too well aware, the costs of the S&L bailout continue to climb to staggering levels. The most recent estimates are that nearly $500 billion will be required to finally resolve this crisis.

In reviewing the manner in which this massive bailout is being carried out, I have been deeply troubled by what I regard as obvious inequities. The vast majority of thrift failures occurred in only a handful of States in one section of the country; the Southwest. In fact, over 70 percent of the costs associated with resolving State-chartered thrifts can be attributed to just one Southwestern State. What I find especially disturbing is that many of these failures resulted from the irresponsible actions of State regulators, who abdicated much of their oversight responsibilities and silently stood by while their thrifts engaged in highly speculative—and I might add, in many instances fraudulent, activity.

As it now stands, those States that vigorously regulated their thrifts are left to foot the bill for those States that permitted these costly excesses and abuses to continue.

For example, the thrifts in my State have traditionally been prudently managed and regulated. Not a single Maine State-chartered thrift has failed or cost the Federal Government a dime of the billions already allocated to bailout thrifts in other States. And yet, it has been estimated that Maine taxpayers will contribute at least $104 million to this effort. That is crucial money leaving my State that would have otherwise been available for investment in Maine's economy, creating more jobs and better business conditions. Instead, that money, along with the increased taxes collected from other States in our region, will flow to strengthen the faltering institutions and economies of the Southwest.

The final ramifications of this disaster are even yet to be realized. The $50 billion that was originally appropriated under the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] to fund the bailout has proved woefully inadequate. Far more thrifts have failed and required Federal assistance then previously estimated, and in order to meet its obligation to insured depositors, the Resolution Trust Corporation has recently been allocated an additional $30 billion. This $30 billion, however, will only keep the bailout effort going until the end of September when FDIC Chairman Seidman predicts that an additional $50 billion will be required to continue the bailout process.

Mr. President, I simply cannot ask my constituents to continue contributing even more of their tax dollars to resolving these thrift failures, without at least trying to inject a greater element of equity and accountability in the present S&L bailout. For this reason, I am very pleased today to be introducing the State Thrift Deposit Insurance Act of 1991. This legislation will make the S&L bailout fairer by adopting a very straightforward and commonsense approach: Those States with a history of excessive S&L losses will pay an added premium in order to continue receiving Federal deposit insurance protection. This concept of basing premiums on risk is used routinely in other areas. For example, drivers with a history of accidents pay a higher auto insurance premium than drivers with a perfect record. I think we can apply this same risk-based approach to the S&L situation. In my view, it just makes sense to require those who shoulder a larger part of the blame for this crisis to contribute a greater share to its resolution.

This legislation is also important because it will strengthen the accountability of State regulatory officials and lessen the possibility of future taxpayer losses. In order to encourage stricter oversight of thrifts, my bill requires that the added premium is to be paid by the State. State regulators must be reminded that the benefit of Federal insurance protection does not come without corresponding duties and responsibilities. This bill will send a clear message to State regulators that future neglect of their oversight responsibilities will not be tolerated by the Federal Government.

Mr. President, the legislation that I am introducing today presents a very straightforward and fair approach to financing the S&L crisis and I believe it will encourage the kind of strict State supervision of S&L's that will prevent similar crisises from recurring. I urge my colleagues to carefully consider the merits of this bill and I hope they will join me in working toward its enactment.

Mr. GRASSLEY. Mr. President, I am very pleased to join my friend from Maine in introducing this bill. I believe it will implant a greater degree of equity and fairness to the obligations of Federal taxpayers in covering the expenses related to the savings and loan debacle.

Only a few weeks ago the Congress was forced to approve $30 billion for the ongoing operation of the Resolution Trust Fund. Unfortunately, this politically bruising issue will have to be revisited again this fall, as this vast sum of money will fund the agency only until September 30 of this year.

Constituents in Iowa, indeed across the country, are angry. They don't understand why the Government can't just sell the properties RTC holds. They don't understand why the "crooks and embezzlers" can't just be forced to repay the funds they defrauded from thrifts under their control. And they certainly don't understand why they, as taxpayers, have to spend yet more money on the S&L "bailout." The S&L debacle illustrates that a fool, especially a greedy fool, and his money are soon parted. But taxpayers are wondering how the Government let these fools get the money in the first place.

While those billions of dollars are committed because of the Federal deposit insurance program, the cause of the bailout can be largely attributed to lax State regulation for State-chartered thrifts. Unfortunately, State thrift regulators in a few States gave S&L owners and operators nearly free rein to invest depositors' money in risky enterprises: from junk bonds to shopping malls to luxury resorts.

As a conservative, I fully support States' rights. But that support does not mean that Federal taxpayers should be obligated to pay for problems caused by lenient State laws and regulations. An editorial from the Des Moines Register refers to the savings and loan bailout as "a vast transfer of wealth" from the Midwest to the Southwest.

While it has been estimated that the State of Texas accounts for 72 percent of the cleanup costs for State-chartered thrifts, Texas taxpayers will contribute only 6 percent to the cleanup operation. Meanwhile, the contribution from the Iowa will amount to four times as much as what will be spent on thrift resolution in my State.

According to an analysis of RTC's asset inventory last October, of 3,118 properties in its possession, only 131, or 4.2 percent, were located in the Northeast/Midwest region. A whopping 50 percent, however, were located in the State of Texas alone.

Iowans especially abhor the drain of tax dollars into the Southwest region. From the letters and comments I receive from my constituents, I can tell that not only are they dismayed, but they also feel a sense of betrayal and injustice that Government officials let this happen.

The inequity seems especially poignant on the heels of the farm crisis of the middle 1980's which forced the closure of 36 Iowa banks. More importantly, however, Iowa banks as a group are now the healthiest in the country—with more banks in Iowa showing profits at the end of 1990 than in any other State. This recovery occurred without a dime of Federal taxpayer assistance.

Our bill recognizes that we cannot hold State governments fully accountable for the costs incurred as a result of financial institutions in their States. But our bill does impose at least a small measure of accountability and equity to the massive thrift bailout into which we are forced.

States with a large history of losses, for which the Resolution Trust Corporation has been forced to inject significantly larger proportions of funds, will be required to pay an additional premium to continue their thrifts' eligibility for Federal deposit insurance. This premium would be paid by the State government, not the individual institutions in that State, into the Savings Association Insurance Fund.

States would not be required to pay the additional funds to SAIF—they could opt out of the Federal deposit insurance fund and either provide their own deposit insurance program or allow thrifts to become federally chartered, and thus subject to Federal regulation.

Senator COHEN was one of the principal sponsors of this legislation in the 101st Congress. I congratulate him for bringing this issue to Congress again this year. I'd also like to note that Iowa's own Congressman JIM LEACH has promoted this proposal in the other body.

By Mr. PELL (by request):

S. 956. A bill to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for international cooperation programs for fiscal years 1992 and 1993, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL COOPERATION ACT

• Mr. PELL. Mr. President, today I introduce at the request of the administration the International Cooperation Act of 1991, a bill to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, and to authorize appropriations for international cooperation programs for fiscal years 1992 and 1993.

I reserve my right to support or oppose provisions in this proposed legislation when the authorization for foreign assistance programs is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill, together with the letter of transmittal from the President and the section-by-section analysis prepared by the administration be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Cooperation Act of 1991".

SEC. 2. TABLE OF CONTENTS FOR THIS ACT.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents for this Act.
Sec. 3. Table of contents for amended Foreign Assistance Act.
TITLE I—STATEMENT OF POLICY; ECONOMIC ASSISTANCE PROGRAMS
Sec. 101. Statement of policy.
Sec. 102. Revision of assistance programs.
TITLE II—MILITARY ASSISTANCE RELATED ASSISTANCE AND SALES PROGRAMS
CHAPTER 1—CONSOLIDATION AND REVISION OF ACCOUNTS
Sec. 201. Revision of assistance programs.
Sec. 202. Amendments to Arms Export Control Act.
Sec. 203. Transition rules.
CHAPTER 2—FOREIGN MILITARY SALES PROGRAM
Sec. 221. Arms transfer policy.
Sec. 222. Designation of major non-NATO allies.
Sec. 223. Standardizing congressional review procedures for arms transfers.
Sec. 224. Update of certification thresholds.
Sec. 225. Economic impact on United States of arms sales.
Sec. 226. Enforcement and processing of arms export licensing requirements.
Sec. 227. Fair pricing.
Sec. 228. Presidential authorities.
Sec. 229. Amendments to eliminate obsolete and inconsistent provisions.
Sec. 230. Contract administrative service charges for NATO subsidiary bodies.
Sec. 231. Technical corrections.
TITLE III—OVERSEAS PRIVATE INVESTMENT CORPORATION; TRADE AND DEVELOPMENT AGENCY
Sec. 301. Revision of certain private sector programs.
TITLE IV—SPECIAL AUTHORITIES, RESTRICTIONS ON ASSISTANCE, AND REPORTS
Sec. 401. Consolidation and revision of special authorities, restrictions, and reporting requirements.
TITLE V—GENERAL PROVISIONS
Sec. 501. Consolidation and revision of administrative authorities and elimination of obsolete provisions.
TITLE VI—TECHNICAL AND CONFORMING PROVISIONS
Sec. 601. Effective date.
Sec. 602. Savings provisions.
Sec. 603. Retention of certain provisions formerly in the Foreign Assistance Act.
Sec. 604. Conforming amendments.
Sec. 605. Repeal of obsolete provisions.
TITLE VII—SPECIAL ASSISTANCE INITIATIVES
CHAPTER 1—DEVELOPMENT FUND FOR AFRICA
Sec. 701. Development assistance for sub-Saharan Africa.
Sec. 702. Authorization of appropriations for assistance for sub-Saharan Africa.
Sec. 703. Reports and evaluations.
CHAPTER 2—ASSISTANCE FOR EASTERN EUROPE
Sec. 711. United States policy regarding Eastern Europe.
Sec. 712. Basic objectives of assistance.
Sec. 713. Assistance activities.
Sec. 714. Enterprise Funds.
Sec. 715. Program administration.
CHAPTER 3—MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES
Sec. 721. Findings and statement of policy.
Sec. 722. Assistance.
Sec. 723. Report to Congress.
Sec. 724. Authorization of appropriations; authorities.
Sec. 725. Appropriations in future years.
Sec. 726. Donor coordination.
TITLE VIII—PRESIDENTIAL CONTINGENCY FUND
Sec. 801. Authority.
TITLE IX—AUTHORIZATIONS FOR FISCAL YEAR 1993
Sec. 901. Authorizations.

SEC. 3. TABLE OF CONTENTS FOR AMENDED FOREIGN ASSISTANCE ACT

The Foreign Assistance Act of 1961 is amended by inserting the following after the enacting clause:

"TABLE OF CONTENTS

"The table of contents for this Act is as follows:

"Sec. 1. Statement of policy.
"TITLE I—ECONOMIC ASSISTANCE
"CHAPTER 1—DEVELOPMENT ASSISTANCE
"Subchapter A—Development Assistance Authorities
"Sec. 1101. Assistance for development needs.
"Sec. 1102. Authorization of appropriations.
"SUBCHAPTER B—OTHER DEVELOPMENT ASSISTANCE PROGRAMS AND AUTHORITIES
"Sec. 1111. Capital and infrastructure assistance.
"Sec. 1112. Development education.
"Sec. 1113. Strengthening the capacity of non-governmental organizations, including research and educational institutions.
"SUBCHAPTER C—OTHER AUTHORITIES AND REQUIREMENTS
"Sec. 1121. Impact of development assistance on environment and natural resources.
"Sec. 1122. Cost sharing.
"Sec. 1123. Assistance limited to economic programs.
"CHAPTER 2—DEVELOPMENT ASSISTANCE CREDIT PROGRAMS
"Sec. 1201. Private sector credit program.
"Sec. 1202. Housing and urban credit program.
"CHAPTER 3—ECONOMIC SUPPORT ASSISTANCE
"Sec. 1301. Assistance under special economic, political, and security conditions.
"Sec. 1302. Authorization of appropriations.
"Sec. 1303. Administration of justice.
"Sec. 1304. Democracy contingency fund.
"CHAPTER 4—INTERNATIONAL NARCOTICS CONTROL
"Sec. 1401. General.
"Sec. 1402. Authority to enter into agreements and provide assistance.
"Sec. 1403. Provisions applicable to assistance under this chapter.
"Sec. 1404. Transfer of funds when countries fail to take adequate steps to halt illicit drug production or trafficking.
"Sec. 1405. Waiver of certain restrictions on assistance.
"Sec. 1406. International narcotics control report.
"Sec. 1407. Determining major drug-transit and major illicit drug producing countries.
"Sec. 1408. Authorization of appropriations.
"CHAPTER 5—OTHER ECONOMIC ASSISTANCE PROGRAMS
"Subchapter A—American Schools and Hospitals
"Sec. 1501. Authority to provide assistance.
"Sec. 1502. Authorization of appropriations.
"Subchapter B—Debt Exchanges for Development
"Sec. 1511. Debt exchange.
"Subchapter C—Reimbursable Programs
"Sec. 1521. Authority to conduct reimbursable programs.
"Sec. 1522. Use of payments.
"CHAPTER 6—INTERNATIONAL DISASTER ASSISTANCE
"Sec. 1601. Statement of policies.
"Sec. 1602. Authority to provide assistance.
"Sec. 1603. Authorization of appropriations.
"Sec. 1604. Borrowing authority.
CHAPTER 7—VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS
"Sec. 1701. Authority to provide assistance.
"Sec. 1702. Authorization of appropriations.
"Sec. 1703. Condition on contributions to International Organizations.
"Sec. 1704. Withholding of United States proportionate share for certain programs of international organizations.
"Sec. 1705. Contributions to United Nations Relief and Works Agency.
"Sec. 1706. Auditing of accounts of international organizations.
"CHAPTER 8—ADMINISTRATION OF ECONOMIC ASSISTANCE PROGRAMS
"Subchapter A—Operating Expenses
"Sec. 1801. Authorizations of appropriations for operating expenses generally.
"Sec. 1802. Authorizations of appropriations for operating expenses of the Inspector General.
"Sec. 1803. Availability of funds.
"Subchapter B—Evaluation
"Sec. 1811. Evaluation and accountability.
"Subchapter C—Cooperation with Nongovernmental Sector
"Sec. 1821. Voluntary Cooperation in Development.
"TITLE II—MILITARY ASSISTANCE AND RELATED PROGRAMS
"CHAPTER 1—POLICIES REGARDING MILITARY ASSISTANCE
"Sec. 2101. General.
"Sec. 2102. Objectives of military assistance.
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TITLE I—STATEMENT OF POLICY; ECONOMIC ASSISTANCE PROGRAMS

SEC. 101. STATEMENT OF POLICY.

The Foreign Assistance Act of 1961 is amended by inserting after the table of contents as added by section 3 of this Act the following:

"STATEMENT OF POLICY

"SECTION 1. STATEMENT OF POLICY.

"Peace and prosperity depend on the United States remaining at the forefront of a world community increasingly receptive to democracy, market economics, and cooperation against aggression.

"To this end, the United States has in the past helped strengthen the capacity of other nations to develop their economies, improve security and build responsible democratic government.

"For over forty years the spectre of international communism weighed heavily on the structures and priorities of United States economic and security assistance. This global threat to world freedom has finally collapsed. In its wake is the spreading worldwide recognition that freedom can only be sustained by governments whose legitimacy rests firmly on the expressed consent of the governed; that are themselves agents and protectors of individual rights; and that are capable of sustaining an environment conducive to equal economic and political opportunity for all citizens.

"The pathway to a more universally democratic world order is fraught with uncertainty, and will be marked by a volatile mix of sharply rising demands for political and cultural self determination, deepening economic interdependence, and the rapid spread of powerful new technologies. The President must therefore be able to deal with many sudden and unforeseen threats and opportunities to the spread and consolidation of democratic values and American leadership and interests.

"Familiar lines between North and South, East and West, are blurred. Conventional boundaries between foreign and domestic affairs, along with traditional definitions of what constitutes political, economic, and security interests are shifting in the transition to a new world order. Traditional arrangements and institutional policy instruments—including those covered by this Act—must be adaptable in a world in flux.

"Fostering economic, military and other forms of cooperation is vital to the success of United States foreign policy and a necessary complement to skillful diplomacy. Humanitarian and related forms of development assistance also will continue to satisfy deep and abiding commitments of the American people to building a more just and compassionate international community. For success in all categories, regional and global strategies and priorities must respond to and shape changing realities.

"To meet major new opportunities and challenges abroad requires substantial improvements in the coherence of foreign assistance programs, administrative simplicity, flexibility and, above all, clarity of purpose. Within our grasp are major opportunities to assist transitions to democracy and economic development, to effect the peaceful resolution of regional conflicts, and to lead important new multilateral initiatives. The United States looks forward to expanding partnerships with those who share our values and interests in building a new and more democratic world order.

"To guide this process it should be the policy of the United States that the financial, material and human resources authorized by this Act should serve five mutually reinforcing goals:

"(1) PROMOTING AND CONSOLIDATING DEMOCRATIC VALUES.—This is the first and preeminent foreign policy challenge of the United States, affecting our long-term national security, economic prosperity and social well-being. Encouraging those who seek to embrace and institutionalize democratic values will be the overarching purpose and criterion producing greater coherence among programs under this Act. Genuine transitions toward democracy, however difficult, cannot be accomplished in isolation from the rest of the world, and there will be rising expectations and justification for some form of United States support. Congress recognizes that human rights have no frontiers and are indivisible. The essential ingredients of democracy—political pluralism confirmed through free and fair elections, an open, accessible, fair, and predictable rule of law, an open and independent media, economic opportunity for all, and respect for internationally recognized human rights—are the basic building blocks of the new world order.

"(2) PROMOTING MARKET PRINCIPLES AND STRENGTHENING COMPETITIVENESS.—Sustainable economic growth and development depend on the pursuit of sound, growth-oriented, and environmentally responsible market based policies which, in turn, will benefit United States economic interests abroad. Helping expand United States business presence in democratizing countries strengthens the local private sector, broadens demand for United States goods and services, opens the way for expanded trade, and raises worldwide living standards. By encouraging market forces through deregulation, privatization, appropriate labor market reforms, and promotion of free trade and investment, reform-minded countries can establish an appropriate complement to building and securing democracy.

"Timely United States financial and technical assistance will seek to accelerate and consolidate market-oriented reforms, while complementary educational and capacity building programs will help build the human capital that is so crucial for modern economies. Continued assistance to strong, adequately funded, multilateral economic institutions also will foster more open and productive local and world markets. A fundamental long-run policy objective is to have countries move from foreign assistance relationships toward mutually beneficial trade and investment partnerships with the United States.

"(3) PROMOTING PEACE.—Security assistance and economic assistance, backed by skillful diplomacy, will continue to be a key tool of American foreign policy. Peace, above all, is a pre-condition for political and economic development. And sustained political and economic development sustains peace. International and regional security is necessary for democracy and free enterprise to flourish.

"United States military assistance remains essential to deterring regional aggression. Substantial and timely financial and material assistance will also be required to enhance United Nations peacekeeping capabilities, to ensure rapid reconstruction and recovery following the resolution of regional conflicts, and to discourage the proliferation of nuclear, chemical, and biological weapons and the spread of advanced missile delivery systems. Economic assistance linked to strategies for broad-based economic growth will contribute to stability within borders and peaceful relationships with neighbors.

"Violent conflicts occurring within—not among—nations, pose new challenges for effectively assisting efforts to resolve local disputes through peaceful means and to achieve national reconciliation. In addition, the unpredictable dangers of new and resurgent tensions that often accompany rising political pluralism—racial, religious, and ethnic conflicts and the denial of human rights—point to the need of allowing the President greater flexibility for using foreign military and economic assistance to advance the cause of peace.

"(4) PROTECTING AGAINST TRANSNATIONAL THREATS.—Environmental degradation, narcotics trafficking, terrorism and other transnational threats, jeopardize the security and economic well being of individuals, nations and the global community in new and invidious ways. Providing timely and substantial assistance for initiatives to overcome these dangers within and among nations is a rising priority. The United States has a special interest in devising and supporting new response strategies with the necessary domestic and international cooperation to render them effective.

"(5) MEETING HUMANITARIAN NEEDS.—Programs of effective humanitarian assistance respond to a wide variety of foreign needs and deeply held American values. Many important United States-sponsored health, child survival, population, and other activities contribute to long-term development by alleviating the suffering of the world's poorest peoples and reflect the humanitarian concerns of the American people. The United States will continue to maintain its unequaled record in responding quickly and substantially to alleviate suffering and the plight of refugees caused by natural or man made disasters. Famine, environmental crises, epidemics, and the flow of refugees caused by civil wars, repression, and unwise economic policies will not be easily eradicated.

"Strategies to advance democratization, economic policy reform, security enhancement, and strategies in response to humanitarian imperatives, should be mutually reinforcing to the maximum extent possible. Country and regional priorities should be set and revised on the basis of progress toward the attainment of one or more of the policy goals, with the advancement of democracy the overall long-term measure of success.

"Bilateral economic, technical, military, and other material assistance, and support for international organizations as provided under this Act will in complementary and coherent fashion advance these five policy goals. And assistance authorized by this Act should be coordinated with the other relevant international activities of the United States Government so as to achieve the goals of this Act.

"All other countries able to contribute will be urged to join in a common undertaking to meet the goals stated in this part. Such cooperation will be essential to sustaining and expanding the revitalization of the United Nations and other international mechanisms. Central to this process must be creative responsibility sharing with the United States' main global partners. Strong and effective multilateralism, particularly among the growing community of democratic nations, will improve the prospects for peace and prosperity regionally and globally.

"Restructuring and reintegrating economic, security and humanitarian assistance to advance the goals outlined in this section will require a transition period. Any new—or changes in existing—bilateral and multilateral partnerships must be based upon sound plans and programs. The interaction of political, social, and economic aspects of nation building are complex and conditioned by local history and cultural traditions. The United States must also continue to be responsive to the efforts of recipient countries to mobilize their own resources and help themselves, as well as to the external and internal pressures which constrain this process. But above all, and to an increasing extent, United States foreign assistance policy will emphasize the strengthening of shared democratic values.

"Adapting the assistance instruments and programs authorized by this Act to support more effectively the policy goals outlined in this section, will require close consultation and cooperation between Congress and the Executive Branch. This process will allow the United States to assess and then to influence the long-term impact of major international changes underway or on the horizon, at this defining moment of history.

SEC. 102. REVISION OF ASSISTANCE PROGRAMS.

The Foreign Assistance Act of 1961 is amended by striking out part I and inserting in lieu thereof the following:

"TITLE I—ECONOMIC ASSISTANCE

"CHAPTER 1—DEVELOPMENT ASSISTANCE

"Subchapter A—Development Assistance Authorities

"SEC. 1101. ASSISTANCE FOR DEVELOPMENT NEEDS.

"(a) STATEMENT OF POLICY.—The Congress finds that by addressing the interrelated issues of social and human progress, economic growth, and political reform, long-term development provides the foundation on which peace and the promotion of democratic values can flourish. The Congress further finds that, consistent with the goals described in section 1 of this Act, development assistance provided under this Act should—

"(1) recognize that the developing countries themselves hold the key to their own progress;

"(2) promote sustainable growth and development which fosters the participation of individuals in the economic and political processes of their countries and, in particular, recognize and foster the expanded participation of women in the development process; and

"(3) encourage and implement new cooperative relationships with developing countries based upon shared interests of political and economic freedom through, among other things—

"(A) emphasizing sound economic policies and improved governance as a basis for broad-based growth;

"(B) encouraging income-generating opportunities by training people in necessary skills, and expanding the availability of jobs through, for example, the increased participation of the United States and local private sectors in trade and investment;

"(C) encouraging responsible environmental policies and prudent management of natural resources, ensuring also that economic growth occurs in an environmentally sustainable manner; and

"(D) improving the capacity of individuals and families to better their economic and social well being by mobilizing their resources to stimulate growth and social development.

"(4) be tailored for indivdual countries to recognize that the needs and problems of each country vary because of their history and differences in their political, economic, and legal systems, their natural and human resources, and their current stage of economic development.

"(b) Allocation of Resources.—It is the sense of the Congress that the United States, taking into consideration the goals set forth in section 1, should—

"(1) concentrate development assistance in countries which will make the most effective use of that assistance;

"(2) focus its development assistance on those types of assistance activities which the United States can provide most effectively, and which meet the particular economic assistance requirements of a country; and

"(3) not provide development assistance for a program or project in a country if the relevant sector or national economic policies of that country are clearly unfavorable to the substainability or broadest possible impact of the assisted program or project.

"(c) Authorization.—The President shall use the authorities of this section to provide assistance, in furtherance of the goals set forth in section 1, to meet development needs in developing countries.

"(d) General Authorities.—The President is authorized to provide development assistance for the following purposes:

"(1) Support for economic growth and democratic development.—

"(A) Rationale.—

"(i) Broad based, sustainable economic growth is in the interest of the United States because it improves the living standards and quality of life of their citizens, develops international markets to the mutual benefit of United States and developing countries, reduces the dependence of countries on external assistance, and contributes to a stable, peaceful world. Such growth, led by the private sector, is necessary to create the economic base in developing countries that enables the poor to increase their incomes and gain access to productive resources and services. Appropriate government policies, laws, and regulations are required for balanced and sustained growth as well as to ensure fairness and to address the worst aspects of poverty in developing countries.

"(ii) The promotion of democracy throughout the world is in the basic interest of the United States. Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. It is in the United States interest and in keeping with our democratic traditions to foster the spread of democratic values, aspirations and universal respect for civil and political liberties.

"(B) Uses of assistance.—Assistance may be furnished to—

"(i) enhance the capacity to achieve equitable, broad-based and sustainable economic growth through, among other things, trade, investment, environmental enhancement, agricultural development, commodity imports, and infrastructure activities (including the transportation, energy and telecommunications sectors), support for the private sector, and support for sectoral and national level reforms to stabilize economies and support structural adjustments designed to improve the efficiency with which resources are allocated thus promoting growth and equality of opportunity in the participation in the benefits of growth.

"(ii) promote the increased adherence to internationally recognized human rights and to develop and strengthen democratic values, practices, and institutions through such activities as modernization of national justice systems; strengthening electoral processes; development of the institutional capacity of legislatures; professionalization of the media; strengthening legal codes and training; development of organizational and managerial skills in community groups, labor unions and local government; and improving access of the poor to land and other resources through support for legal reforms to secure land titles.

"(2) Address humanitarian assistance needs and global problems.—

"(A) Rationale.—

"(i) It is in the United States interest to assist countries to achieve patterns of growth and development which will reduce poverty and allow all people, especially those with low incomes, to lead economically and socially productive lives. Further, peace and stability in the world cannot be achieved without economic development that also addresses the worst manifestations of poverty.

"(ii) The economic and social well-being and the security of the United States and other countries is affected by the effectiveness with which the world community addresses transnational problems. Responsible management of physical environmental and natural resources is necessary to insure the availability of resources for future generations and to assure that the burdens of improved resource management do not fall disproportionately on the poor. The impact of malaria, acquired immune deficiency syndrome (AIDS), and other communicable diseases threatens devastation to whole populations. Similarly, the cultivation of illicit narcotics is both a product and cause of poverty, and a development problem which must be addressed on a transnational basis.

"(B) Uses of assistance.—Assistance may be furnished to support the increased capacity of people to participate in the development process and to address transnational problems. Such assistance may include, among other things, activities to enhance food security, support for the implementation of market oriented policies, primary and adult education, child survival activities, environmentally sound resource management (including environmentally sustainable agriculture), improvements in health and sanitation, support for family planning activities, support for micro and small private enterprises, support for low-income shelter solutions, and development programs (including narcotics awareness programs) that are coordinated with international narcotics control assistance and would help reduce illicit cultivation of narcotic and psychotropic drugs and other controlled substances.

"(e) Relationship to Other Provisions of Law.—Funds authorized to be appropriated by this section which are used to carry out the activities identified in subsection (d)(2)(B) and subsection (d)(1)(B)(ii) of this section may be made available notwithstanding any provision of law which restricts assistance to foreign countries.

"SEC. 1102. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out this subchapter $1,277,000,000 for fiscal year 1992.

"Subchapter B—Other Development Assistance Programs and Authorities

"SEC. 1111. CAPITAL AND INFRASTRUCTURE ASSISTANCE.

"In order to achieve sustained economic growth and development, it is crucial that the physical and economic infrastructure requirements of the developing countries be met. The President should ensure the developmental value of capital assistance, monitor the provision of that assistance so as to ensure that these developmental criteria are satisfied, and consider related trade and commercial opportunities for continued United States involvement and participation that furthers the national interests of the United States. In order to support developmentally-sound trade and investment opportunities in the form of capital and infrastructure assistance (including related services), the President may use funds made available for economic assistance under this title for activities consistent with this section.

"SEC. 1112. DEVELOPMENT EDUCATION.

"The President may use funds made available for economic assistance under this title to support development education programs, with emphasis on those conducted by private voluntary organizations and cooperatives, in order to assist in the education of United States citizens about developing countries, the development process, and the importance to the United States of developing countries.

"SEC. 1113. STRENGTHENING THE CAPACITY OF NONGOVERNMENTAL ORGANIZATIONS, INCLUDING RESEARCH AND EDUCATIONAL INSTITUTIONS.

"The President may use funds made available for economic assistance under this title to furnish assistance to nongovernmental organizations, including research and educational institutions, in the United States and abroad for the purpose of strengthening their capacity to develop and carry out programs concerned with the economic and social development of developing countries.

"Subchapter C—Other Authorities and Requirements

"SEC. 1121. IMPACT OF DEVELOPMENT ASSISTANCE ON ENVIRONMENT AND NATURAL RESOURCES.

"(a) Statement of Policy.—It is the sense of the Congress that—

"(1) the economic and social well-being and the security of the United States and other countries is affected by how the world's environment and physical resource base are managed, and that consumption patterns, systems of industrial and agricultural production, and the manner of use of natural resources all have an impact on the opportunities for long-term development and growth and survival for all countries;

"(2) environmentally responsible management for physical resources is necessary by both developed and developing countries to insure their availability for future generations and to assure that the burdens of improved resource management do not fall disproportionately on the poor;

"(3) sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs; and

"(4) economic assistance programs authorized by this title should assist countries to adopt policies and to carry out programs that promote economic growth that is environmentally sound.

"(b) Impact Assessment.—The President, in implementing programs and projects under this chapter and chapter 3 of this title, should take fully into account the impact of such programs and projects upon the environment and natural resources of developing countries. Subject to such procedures as the President considers appropriate, the President should—

"(1) prepare and take fully into account an initial environmental examination of every program or project to determine whether it significantly affects the environment;

"(2) prepare and take fully into account an environmental impact statement for any program or project significantly affecting the environment of the global commons outside the jurisdiction of any country, the environment of the United States, or other aspects of the environment which the President may specify; and

"(3) prepare and take fully into account an environmental assessment of any proposed program or project significantly affecting the environment of any foreign country.

Where appropriate, local technical resources should be used in preparing environmental impact statements and environmental assessments pursuant to this section.

"(c) Exceptions.—The President should establish exceptions for emergency conditions and for cases in which implementation of procedures described in subsection (b) would be seriously detrimental to the foreign policy interests of the United States.

"(d) Relationship to Other Provisions of Law.—Funds authorized to be appropriated by this Act which are used to support activities in the enviornment and energy sectors may be made available notwithstanding any provision of law which restricts assistance to foreign countries.

"SEC. 1122. COST SHARING.

"To ensure its commitment to, and the sustainability of development assistance provided under this chapter through the government of a country, such government should bear an appropriate share of the costs of the entire program or project with respect to which the assistance is to be furnished. Such costs may be borne on an 'in kind' basis.

"SEC. 1123. ASSISTANCE LIMITED TO ECONOMIC PROGRAMS.

"(a) In General.—Economic assistance provided under this title shall be available for economic programs and may not be used for military or paramilitary purposes.

"(b) Exception for Certain Training.—The provisions of subsection (a) of this section shall not apply to economic assistance involving the participation of military personnel in training activities and conferences consistent with the purposes of section 1101.

"Chapter 2—Development Assistance Credit Programs

"SEC. 1201. PRIVATE SECTOR CREDIT PROGRAM.

"(a) Findings and Policy.—The Congress finds and declares that—

"(1) the development of private enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system; and

"(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process.

"(b) Authority.—

"(1) Authority.—To carry out the policy expressed in subsection (a), the President is authorized—

"(A) to make investments in projects that meet the criteria established pursuant to this subsection; and

"(B) to make loans to, and to issue guarantees assuring against losses incurred in connection with investments in, loans to and guarantees for, projects that meet the criteria established pursuant to this subsection.

"(2) Full faith and credit.—The full faith and credit of the United States is hereby pledged for the full payment and performance of guarantees issued pursuant to this section.

"(3) Terms and conditions.—

"(A) Unless the President determines otherwise, the authority of this section may not be exercised to extend credit assistance to individual borrowers when the credit subsidy associated with that borrower would exceed 25 percent, using normal criteria for calculating subsidies under the Budget Enforcement Act of 1990.

"(B) The President may issue regulations from time to time with regard to—

"(i) the terms and conditions on which loans and investments will be made and guarantees issued under this section; and

"(ii) the eligibility of beneficiaries.

"(4) Enforceability.—Any guarantee issued under the authority of this section shall be conclusive evidence that such guarantee has been properly obtained, and that the underlying obligation as contracted qualifies for such guarantee. Except for fraud or material misrepresentation for which the parties seeking payment under such guarantee are responsible, such guarantee shall be presumed to be valid, legal, and enforceable.

"(5) Denomination of liability.—The losses guaranteed under this subsection may be in dollars or in other currencies. In the case of losses guaranteed in currencies other than dollars, the guarantees issued shall be subject to an overall payment limitation expressed in dollars.

"(6) Applicability of certain provisions.—The authority of this section may be exercised notwithstanding section 5402 of this Act.

"(c) Appropriations Requirement.—New direct loan obligations may be entered into and new guarantee commitments may be issued only to the extent that appropriations of budget authority to cover their costs are made in advance.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to the President, $1,367,000, for fiscal year 1992 for administrative expenses necessary to carry out this section, which amount may be transferred to and merged with amounts appropriated pursuant to section 1801.

"SEC. 1202. HOUSING AND URBAN CREDIT PROGRAM.

"(A) Findings and Policy.—The Congress finds that—

"(1) shelter and other essential urban development services and facilities are among the most fundamental of human needs and a sound urban environment is essential to all societies;

"(2) while most financing for urban development must come from domestic resources, carefully designed programs involving United States capital and expertise can increase the availability of domestic financing for improved shelter and related services for low-income people by demonstrating to local entrepreneurs and institutions that providing urban services can be financially viable;

"(3) particular attention should be given to programs which will support pilot projects for low-cost shelter and other urban services or which will have a maximum demonstration impact on local institutions, including local government, and national policy; and

"(4) the long run goal of all such programs should be to develop domestic capabilities and to stimulate local credit institutions to make available domestic capital and other management and technological resources required for effective programs and policies relating to low-cost shelter and other urban services.

"(b) Credit Authority.—To carry out the policies expressed in subsection (a), the President is authorized to make loans and to issue guarantees assuring against losses incurred in connection with loans or other investments made for projects that meet the criteria set forth in subsection (a) and that promote the goals set forth in section 1.

"(c) Terms and Conditions.—

"(1) Unless the President determines otherwise, the authority of this section may not be exercised to extend credit assitance to individual borrowers when the credit subsidy associated with that borrower would exceed 25 percent, using normal criteria for calculating subsidies under the Budget Enforcement Act of 1990.

"(2) The President may issue regulations from time to time with regard to—

"(A) the terms and conditions on which loans and guarantees will be issued under this section; and

"(B) the eligibility of beneficiaries.

"(d) Focus of Activities.—Activities carried out under this section shall be directed primarily to the shelter and urban services needs of the poor, including—

"(1) projects which provide improved home sites to poor families on which to build shelter, and expandable core shelter units on serviced sites;

"(2) slum upgrading projects designed to conserve and improve existing shelter;

"(3) shelter and urban projects for low income people designed for demonstration or institution building purposes or urban management and local government;

"(4) community facilities and services in support of projects authorized under this section; and

"(5) other urban services and infrastructure of particular importance to urban environment or the needs of the poor.

"(e) Full Faith and Credit.—All guarantees issued under this section (or under the former guarantee authorities of section 222 or 222A of this Act of predecessor guarantee authorities) shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(f) Guarantees Under Former Authorities.—Guarantees committed, authorized, or outstanding under the guarantee authorities formerly contained in section 222 or 222A of this Act (or predecessor guarantees) shall continue subject to provisions of law originally applicable to those guarantees.

"(g) Appropriations Requirement.—New direct loan obligations may be entered into and new guarantee commitments may be issued only to the extent that appropriations of budget authority to cover their costs are made in advance.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There are authorized to be appropriated to the President, $2,500,000, for fiscal year 1992 to pay the cost of guarantees and direct loan obligations authorized by this section.

"(2) There are authorized to be appropriated to the President, $7,000,000, for fiscal year 1992 for administrative expenses necessary to carry out this section, which amount may be transferred to and merged with amounts appropriated pursuant to section 1801.

"CHAPTER 3—ECONOMIC SUPPORT ASSISTANCE

"SEC. 1301. ASSISTANCE UNDER SPECIAL ECONOMIC, POLITICAL, AND SECURITY CONDITIONS.

"Under special economic, political, or security conditions, the national interest of the United States may require economic support for countries in amounts which could not be justified only under chapter 1 of this title. In such cases, the President is authorized to furnish assistance to countries and organizations in order to promote economic or political stability. Such assistance shall be furnished consistent with the goals set forth in section 1 and, to the maximum extent feasible, the purpose and authorities specified in section 1101.

"SEC. 1302. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out section 1301 $3,228,000,000 for the fiscal year 1992.

"SEC. 1303. ADMINISTRATION OF JUSTICE.

"(a) AUTHORITY.—The President may furnish assistance from funds made available to carry out section 1301 to countries and organizations, including national, regional, and international institutions, in order to strengthen the administration of justice in developing countries and emerging democracies.

"(b) PROVISION OF ASSISTANCE.—Assistance under this section may include—

"(1) programs to enhance professional capabilities to carry out investigative and forensic functions conducted under judicial or prosecutorial control;

"(2) programs to assist in the development of academic instruction and curricula for training law enforcement personnel;

"(3) programs to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel evaluation, and internal discipline procedures;

"(4) programs to improve penal institutions and the rehabilitation of offenders; and

"(5) such other programs to support the administration of justice in developing countries and emerging democracies as the President determines to be appropriate.

"(c) RELATIONSHIP TO OTHER LAWS.—Assistance furnished under this section may be made available notwithstanding section 4202 of this Act.

"SEC. 1304. DEMOCRACY CONTINGENCY FUND.

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—The President is authorized to use funds made available to carry out this section to provide assistance for a foreign country if the President determines that a country—

"(1) has recently emerged or is in the process of emerging as a democracy; or

"(2) has recently emerged or is emerging from civil strife and either has a democratically elected government or is making substantial progress toward a democratic form of government.

"(b) PURPOSES OF ASSISTANCE.—Assistance under this section shall be provided—

"(1) in the case of a country described in subsection (a)(1), to encourage and facilitate the process of creating and institutionalizing democracy and to meet economic and political needs; and

"(2) in the case of a country described in subsection (a)(2), to meet the immediate economic and human needs resulting from the civil strife.

"(c) AUTHORITIES FOR ASSISTANCE.—Assistance under this section may be provided under the authorities of this chapter or any other provision of this Act.

"(d) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Assistance may be provided under this section notwithstanding any other provision of law upon notification by the President of the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this section such sums as may be necessary.

"(f) TRANSFER AUTHORITY.—

"(1) The President may use the authority of section 4101 of this Act to transfer funds for use under this section without regard to the 20 percent increase limitation contained in that section.

"(2) The authority of paragraph (1) may not be used if it would cause the amount of unobligated funds available for use under this section to exceed $100,000,000.

"CHAPTER 4—INTERNATIONAL NARCOTICS CONTROL

"SEC. 1401. GENERAL.

"(a) STATEMENT OF POLICY.

"(1) International narcotics trafficking poses an unparalleled transnational threat in today's world, and its suppression is among the most important foreign policy objectives of the United States;

"(2) Under the Single Convention on Narcotic Drugs, 1961, and under the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, the parties are required to criminalize certain drug related activities, provide appropriately severe penalties, and cooperate in the extradition of accused offenders.

"(3) International narcotics control programs should include, as priority goals, the suppression of the illicit manufacture of and trafficking in narcotic and psychotropic drugs, and the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived.

"(4) The international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations.

"(5) Effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.

"(b) MULTILATERAL DEVELOPMENT BANKS.—In order to promote international cooperation in combatting international trafficking in illicit narcotics, the United States should use its voice and vote in multilateral development banks to promote the development and implementation in the major illicit drug producing countries of programs for the reduction and eventual eradication of narcotic drugs and other controlled substances, including appropriate assistance in conjunction with effective programs of illicit crop eradication.

"SEC. 1402. AUTHORITY TO ENTER INTO AGREEMENTS AND PROVIDE ASSISTANCE.

"(a) AUTHORITY TO ENTER INTO AGREEMENTS.—In order to promote effective international cooperation, the President is authorized to conclude agreements, including reciprocal maritime agreements, with other countries to facilitate control of the production, processing, transportation, and distribution of narcotics analgesics, including opium and its derivaties, other narcotic and psychotropic drugs, and other controlled substances.

"(b) AUTHORITY TO FURNISH ASSISTANCE.—The President is authorized to furnish assistance under this chapter for the purposes of controlling narcotic and psychotropic drugs and other controlled substances notwithstanding any other provision of law, and is authorized to furnish narcotics-related assistance under other chapters of this title notwithstanding any provision of law that restricts assistance to foreign countries (except section 4201(a)(7)).

"SEC. 1403. PROVISIONS APPLICABLE TO ASSISTANCE UNDER THIS CHAPTER.

"(a) CONTRIBUTION BY RECIPIENT COUNTRY.—To ensure local commitment to the activities assisted under this chapter, the government of a country receiving assistance under this chapter should bear an appropriate share of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The government of a country may bear such costs on an 'in kind' basis.

"(b) USE OF HERBICIDES FOR AERIAL ERADICTION.—The President, with the assistance of appropriate federal agencies, shall monitor the use of any herbicides provided under this chapter for aerial eradication in order to determine the impact of such use on the environment and on the health of individuals.

"(c) PERMISSIBLE USES OF AIRCRAFT AND OTHER EQUIPMENT.—

"(1) IN GENERAL.—The President shall take all reasonable steps to ensure that aircraft and other equipment made available to foreign countries under this chapter are used only in ways that are consistent with the purposes for which such equipment was made available.

"(2) REPORTS.—In the reports submitted pursuant to section 1406, the President shall discuss any evidence indicating misuse by a foreign country of aircraft or other equipment made available under this chapter, and the actions taken by the United States Government to prevent future misuse of such equipment by that foreign country.

"(d) LEASE OR LOAN.—Any commodity that is made available for narcotics-related assistance under this Act may be provided to a foreign country on a lease or loan basis.

"(e) PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.—The President shall take all reasonable steps to ensure that, except in such circumstances as the President deems appropriate, assistance under this Act is not provided to or through any individual or entity that has been convicted or indicated of a violation of, or a conspiracy to violate, any law or regulation of the United States, a State or the District of Columbia, or a foreign country, relating to narcotic or psychotropic drugs or other controlled substances.

"SEC. 1404. TRANSFER OF FUNDS WHEN COUNTRIES FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

"Funds allocated under the report required by section 4303 for a country for economic support assistance, foreign military financing, or international military education and training, may be transferred to, and consolidated with, funds made available to carry out this chapter if—

"(1) such assistance is withheld from the country for which it was allocated because of the requirements of section 4201(a)(7) or any other provision of law requiring the withholding of assistance for countries that have not cooperated with the United States or otherwise taken adequate steps to halt illicit drug production and trafficking; and

"(2) such funds are used for assistance for countries that have taken significant steps to halt illicit drug production or trafficking.

"SEC. 1405. WAIVER OF CERTAIN RESTRICTIONS ON ASSISTANCE.

"Section 4203 of this Act and any similar provisions of law that prohibit providing assistance to countries in default on obligations owed to the United States shall not apply to the provision of narcotics-related assistance, including narcotics control assistance under this chapter.

"SEC. 1406. INTERNATIONAL NARCOTICS CONTROL REPORT.

"Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a comprehensive report on the state of international narcotics production and trafficking, and on United States efforts to prevent the illicit cultivation and manufacture of and trafficking in narcotic and psychotropic drugs and other controlled substances.

"SEC. 1407. DETERMINING MAJOR DRUG-TRANSIT AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

"Not later than October 1 of each year, the President shall notify the appropriate committees on the Congress of which countries have been determined to be major illicit drug producing or major drug transit countries for that year.

"SEC. 1408. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out this chapter $171,500,000 for the fiscal year 1992.

"CHAPTER 5—OTHER ECONOMIC ASSISTANCE PROGRAMS

"Subchapter A—American Schools and Hospitals

"SEC. 1501. AUTHORITY TO PROVIDE ASSISTANCE.

"(a) GENERAL AUTHORITY.—In order to promote the goals set forth in section 1, the President is authorized to furnish assistance to—

"(1) schools and libraries, outside the United States, that are founded or sponsored by United States citizens and serve as study and demonstration centers for ideas and practices of the United States, and

"(2) hospital centers for medical education and research, outside the United States, that are founded or sponsored by United States citizens.

"(b) DEFINITION OF SCHOOL.—For purposes of subsection (a)(1), the term 'school' includes any institution which provides activities of daily life training, vocational education, and related services to the mentally retarded.

"SEC. 1502. AUTHORIZATION OF APPROPRIATIONS.

"To carry out section 1501, there are authorized to be appropriated to the President $30,000,000 for fiscal year 1992.

"Subchapter B—Debt Exchanges for Development

"SEC. 1511. DEBT EXCHANGE.

"(a) AUTHORITY.—In order to promote the goals set forth in section 1, the President may use funds made available under this title for grants to, or contracts with, nongovernmental organizations to enable those organizations to—

"(1) purchase debt obligations owed by a developing country to any commercial lending institution, foreign government, or other party; and

"(2) cancel such debt obligation, subject to the approval of the President, to the extent that such country makes available assets or policy commitments to promote any of the goals set forth in section 1.

"(b) INTEREST RETENTION.—A grantee or contractor (or any subgrantee or subcontractor) of the grants or contracts referred to in subsection (a) may retain, notwithstanding any other provision of law, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-development or debt-for-environment purchase or exchange pending the disbursement of such proceeds and interest for the purposes for which assistance was provided to such party, which may include the establishment of an endowment, the income of which is used for such purposes.

"(c) DEBT OBLIGATIONS OWED TO AGENCIES OF THE UNITED STATES GOVERNMENT.—The purchase or cancellation pursuant to this section of any debt obligation owed to any agency of the United States Government shall be approved by the President.

"SUBCHAPTER C—REIMBURSABLE PROGRAMS

"SEC. 1521. AUTHORITY TO CONDUCT REIMBURSABLE PROGRAMS.

"(a) GENERAL AUTHORITY.—Whenever the President considers it consistent with and within the limitations of this Act, any agency of the United States Government is authorized to furnish services and commodities on an advance-of-funds or reimbursement basis to friendly countries, international organizations, and nongovernmental organizations.

"(b) PERSONAL SERVICE CONTRACTS.—When any agency of the United States Government provides services on an advance-of-funds or reimbursable basis under this section, such agency may contract with individuals for personal service abroad or in the United States to perform such services or to replace officers or employees of the United States Government in a manner otherwise permitted by law (or Office of Management and Budget Circular A-76 or any successor circular) who are assigned by the agency to provide such services. Such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management.

"(c) LIMITATIONS ON ASSISTANCE NOT APPLICABLE.—Limitations in this or any other Act on assistance do not apply with respect to this subchapter.

"SEC. 1522. USE OF PAYMENTS.

"Advances and reimbursements received under section 1521 may be credited to the currently applicable appropriation, account, or fund of the agency concerned and shall be available until expended.

"CHAPTER 6—INTERNATIONAL DISASTER ASSISTANCE

"SEC. 1601. STATEMENT OF POLICIES.

"(a) HUMANITARIAN CONCERNS AND TRADITIONS OF THE AMERICAN PEOPLE.—The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and manmade disasters is a longstanding tradition and an important expression of the humanitarian interest of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such disasters.

"(b) REACHING THOSE MOST IN NEED.—In carrying out this chapter, the President shall insure that, to the greatest extent possible, the assistance provided by the United States reaches those most in need of relief and rehabilitation as a result of natural and manmade disasters.

"SEC. 1602. AUTHORITY TO PROVIDE ASSISTANCE.

"(a) IN GENERAL.—The President is authorized to furnish assistance for international disaster relief and rehabilitation. Such assistance may include assistance relating to disaster preparedness, prevention, and mitigation, and to the prediction of, and contingency planning for, natural disasters abroad.

"(b) NONAPPLICABILITY OF OTHER PROVISIONS.—Assistance may be furnished under this chapter notwithstanding any other provision of this or any other Act.

"SEC. 1603. AUTHORIZATION OF APPROPRIATONS.

"There are authorized to be appropriated to the President to carry out this chapter, $40,000,000 for fiscal year 1992.

"SEC. 1604. BORROWING AUTHORITY.

"(a) AUTHORITY.—In addition to amounts otherwise available to carry out this chapter, up to $50,000,000 in any fiscal year may be obligated against appropriations available to carry out this title for use in providing assistance in accordance with the authorities and general policies of this chapter.

"(b) REIMBURSEMENT.—Amounts subsequently appropriated to carry out this chapter with respect to a disaster may be used to reimburse any appropriation account against which obligations were incurred under this section with respect to that disaster.

"CHAPTER 7—VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS

"SEC. 1701. AUTHORITY TO PROVIDE ASSISTANCE.

"Funds appropriated to carry out this chapter may be made available for voluntary contributions on a grant basis to international organizations. Funds appropriated for an international organization may also be made available to undertake activities to support such organizations and their programs.

"SEC. 1702. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out this chapter, in addition to funds otherwise available for such purposes, $250,212,000 for fiscal year 1992.

"SEC. 1703. CONDITION ON CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

"The President is authorized to withhold contributions of funds appropriated to carry out this chapter to any international organization if the President determines that Israel, or such other countries as the President may designate, are being denied their rights to participate in the activities of that organization.

"SEC. 1704. WITHHOLDING OF UNITED STATES PROPORTIONATE SHARE FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.

"(a) REQUIREMENT TO WITHHOLD.—Funds authorized to be appropriated by this chapter shall not be available for the United States proportionate share for programs for countries, organizations or projects described in subsection (d).

"(b) USE OF FUNDS WITHHELD.—Funds returned or not made available for programs or projects pursuant to subsection (a) shall remain available until expended for use under this chapter.

"(c) OBLIGATIONS.—The President—

"(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any funds authorized to be appropriated by this chapter; and

"(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.

"(d) DESIGNATION OF COUNTRIES.—The President may designate, or remove the designation of, such countries, organizations, and projects as he deems appropriate for purposes of subsection (a), and shall so notify Congress. The following countries, organizations, and projects shall be deemed to have been designated by the President upon the date of enactment of this Act: Libya, Iran, Cuba, the Palestine Liberation Organization, and projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it.

"SEC. 1705. CONTRIBUTIONS TO UNITED NATIONS RELIEF AND WORKS AGENCY.

"The President is authorized to withhold any contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East if that Agency does not take all possible measures to assure that no part of the United States contribution is used to furnish assistance to any refugee—

"(1) who is receiving military training as a member of the Palestine Liberation Organization or any other guerrilla type organization; or

"(2) who has engaged in any act of terrorism.

"SEC. 1706. AUDITING OF ACCOUNTS OF INTERNATIONAL ORGANIZATIONS.

"(a) UNITED NATIONS ORGANIZATIONS.—In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President should (acting through the United States representatives to such organizations), propose and actively seek the establishment by the governing authorities of such organizations of external, professionally qualified groups of appropriate size for the purpose of providing an independent and continous program of selective examinations, review, evaluation, and audits of the programs and activities of such organizations.

"(b) MULTILATERAL DEVELOPMENT BANKS.—(1) In the case of each of the organizations specified in paragraph (2), the President should, acting through the United States representative to such organization, propose and actively seek the establishment by the governing authorities of that organization professionally qualified groups of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, evaluation, and audits of the programs and activities of that organization.

"(2) The organizations to which paragraph (1) applies are the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Inter-American Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the Asian Development Fund, and the Asian Development Bank.

"CHAPTER 8—ADMINISTRATION OF ECONOMIC ASSISTANCE PROGRAMS

"Subchapter A—Operating Expenses

"SEC. 1801. AUTHORIZATIONS OF APPROPRIATIONS FOR OPERATING EXPENSES GENERALLY.

"There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $483,300,000 for fiscal year 1992 for necessary operating expenses of the agency designated under section 5102; and

"(2) such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

"SEC. 1802. AUTHORIZATIONS OF APPROPRIATIONS FOR OPERATING EXPENSES OF THE INSPECTOR GENERAL.

"There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $37,739,000 for fiscal year 1992 for necessary operating expenses of the Office of the Inspector General of the agency designated under section 5102; and

"(2) such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such office.

"SEC. 1803. AVAILABILITY OF FUNDS.

"Notwithstanding any other provision of law, the agency designated under section 5102 may obligate and expend funds in advance of appropriations in an amount sufficient to maintain operations at posts abroad for up to three days.

"Subchapter B—Evaluation

"SEC. 1811. EVALUATION AND ACCOUNTABILITY.

"(a) NEED FOR EVALUATION.—In order to effectively and responsibly manage the resources with which it is provided, the agency designated under section 5102 must have a capacity to evaluate objectively the extent of its progress in achieving development results and to derive lessons from its development experience.

"(b) ACTIONS TO BE TAKEN.—In furtherance of subsection (a), the President should establish a progrram performance evaluation capacity with the following functions—

"(1) to develop a program performance information system to afford agency managers a means for monitoring achievement of impact and interim performance of the agency's major programs;

"(2) to prepare and disseminate objective and periodic reports on the agency's progress in meeting stated development objectives for major assistance categories and recipient countries, regions, sectors, and policies;

"(3) to strengthen, through training and other means, the use of evaluation as a management tool, by both the agency and its counterparts in countries receiving assistance, in the planning, designing, and implementation of foreign assistance projects and programs; and

"(4) to coordiante with the Inspector General of the such agency so as to ensure appropriate complementarity of efforts, recognizing that—

"(A) it is the responsibility of the agency to direct a program of independent evaluation of its programs and policies, and the operational and management systems which affect the development impact of those programs and policies; and

"(B) it is the responsibility of the Inspector General to conduct regular and comprehensive assessments and audit of financial management and administrative systems, including the adequacy of the systems for monitoring and evaluating agency projects and programs.

"(c) ROLE OF EVALUATION.—

"In recognition of the importance of evaluation in determining, among other things, the extent to which programs are fostering the goals set forth in section 1, the President should take steps as the President deems appropriate to ensure that the agency is—

"(1) planning, implementing, and disseminating programmatic evaluations of the economic assistance programs under this title that are administered by the agency;

"(2) designing and managing technical assistance and support programs to enhance the integrity and quality of all project and program evaluation work done by such agency;

"(3) maintaining and making accessible the agency's data base on project and program experience, including both the historical record and measures of impact and performance;

"(4) coordinating information exchange on evaluation priorities, findings, and methods with other donor countries and organizations; and

"(5) ensuring the quality, objectivity and independence of the Center's work by such measures as external review of findings, use of outside governmental and nongovernmental expertise, and other measures to protect against potential conflict of interest.

"Subchapter C—Cooperation with Nongovernmental Sector

"SEC. 1821. VOLUNTARY COOPERATION IN DEVELOPMENT.

"(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

"(1) the sustained participation of United States private voluntary organizations, cooperatives, and credit unions that are engaged in activities that are relevant to the development needs of developing countries serves as an important means of improving the lives of the poor in developing countries and enhances the likelihood that the goals set forth in section 1 will be attained;

"(2) similarly, sustained participation of United States colleges and universities in the economic development programs of the developing countries and the building of indigenous university systems that support the educational, research, and service needs of their societies is vital to their achieving sustainable economic growth and open democratic political systems and, at the same time, supports the internationalization of United States educational institutions by strengthening their faculty and the programs available to their students; and

"(3) such sustained participation would be enhanced through provisions within the agency designated under section 5102 to provide such organizations and institutions with the opportunity to participate in the planning, development and implementation of programs that involve those organizations and institutions.

"(b) PARTNERSHIP RELATIONSHIP.—The President is encouraged to establish a formal, effective, and continuing partnership relationship with private voluntary organizations, cooperatives, and credit unions which have experience in working in developing countries, and with United States colleges and universities, with the objective of enhancing attainment of the goals set forth in section 1. Individuals who are from such organizations and institutions and who have expertise and administrative experience in programs relevant to the development needs of developing countries should be consulted on a regular basis so as to bring their expertise to bear on those objectives.

TITLE II—MILITARY ASSISTANCE AND RELATED ASSISTANCE AND SALES PROGRAMS

CHAPTER 1—CONSOLIDATION AND REVISION OF ACCOUNTS

SEC. 201. REVISION OF ASSISTANCE PROGRAMS.

The Foreign Assistance Act of 1961 is amended by striking out part II and inserting in lieu thereof the following:

"TITLE II—MILITARY ASSISTANCE AND RELATED PROGRAMS

"CHAPTER 1—POLICIES REGARDING MILITARY ASSISTANCE

"SEC. 2101. GENERAL.

"(a) FINDINGS.—The Congress finds that—

"(1) to advance our principal foreign policy objectives—the promotion of democratic values, the promotion of peace, the fostering of economic progress through the encouragement of market forces, and international cooperation in countering transnational dangers such as terrorism and narcotics trafficking—the United States must foster a climate in which all nations can live in security and stability;

"(2) where threats to such a climate arise, through the persistence of regional conflicts, the threat of aggression fostered by military imbalances among neighboring nations, the proliferation of weapons of mass destruction, or through the persistent attempts by armed groups violently to overthrow democratically elected governments, it is in the interest of the United States to address those threats;

"(3) so long as foreign countries lack the resources to meet their security needs without external assistance, military assistance provided by the United States will remain one of the principal instruments available to us to advance our principal foreign policy goals; and therefore

"(4) the provision of military assistance to foreign countries and international organizations under chapter 2, chapter 5 and chapter 6 of this title is an integral element of United States foreign policy.

"(b) The authorities to furnish military assistance that are provided under this title should be exercised to achieve the following objectives:

"(1) To promote democratic values, including support for the consolidation of democracy through the rule of law, free and fair elections, respect for human rights, and the establishment of a relationship between civilian and military sectors appropriate to a democratic system of government.

"(2) to promote peace, by deterring aggression and enhancing the military capability of foreign countries to meet their legitimate security needs, by fostering efforts both to assure the non-proliferation of weapons of mass destruction, and by supporting peacekeeping operations and activities, in particular those sponsored by the United Nations or other international organizations.

"(3) To provide support to foreign countries to meet transnational threats, in particular to combat the flow of illicit narcotics and to combat international terrorism.

"(4) To meet urgent humanitarian needs by encouraging civic action by improving the capability of the armed forces of foreign countries to carry out activities such as planning and implementing economic development projects that benefit the civilian population and providing health care for the people of the country.

"(5) To promote self-defense and defense cooperation by financing the acquisition by friendly countries of United States major defense equipment and other defense articles and defense services, including acquisition through licensed production and coproduction where appropriate.

"(6) To promote the effectiveness of military forces of foreign countries with respect to command, control, communications, intelligence, mobility, training, and logistical support.

"(7) To promote rationalization, standardization, and interoperability of the military forces of foreign countries with the Armed Forces of the United States.

"SEC. 2102. OBJECTIVES OF MILITARY ASSISTANCE.

"The authorities to furnish military assistance that are provided in chapter 2, chapter 5, and chapter 6 of this title should be exercised to achieve the following objectives:

"(1) Promoting self-defense and defense cooperation by financing the acquisition by friendly countries of United States major defense equipment and other defense articles and defense services, including acquisition through licensed production and coproduction.

"(2) Promoting the effectiveness of military forces of friendly countries with respect to command, control, communications, intelligence, mobility, training, and logistical support.

"(3) Promoting rationalization, standardization, and interoperability of the military forces of friendly countries with the Armed Forces of the United States.

"(4) Supporting peacekeeping operations and activities, in particular those sponsored by the United Nations or other international organizations.

"(5) Increasing the awareness of nationals of friendly countries of basic issues involving democratic values and institutions, especially respect for internationally recognized human rights.

"(6) Supporting the establishment in friendly countries of a relationship between civilian and military sectors appropriate to a democratic system of government.

"(7) Providing support for friendly countries to combat the flow of illicit narcotics and to combat international terrorism.

"(8) Enhancing the military capability of friendly countries to meet their security needs.

"(9) Encouraging civic action by improving the capability of the armed forces of friendly countries to carry out activities such as planning and implementing economic development projects that benefit the civilian population and providing health care for the people of the country.

"CHAPTER 2—FOREIGN MILITARY FINANCING PROGRAM

"SEC. 2201. AUTHORITY TO FURNISH ASSISTANCE.

"(a) GENERAL AUTHORITY.—The President is authorized to furnish military assistance to any friendly country or international organization by—

"(1) acquiring from any source and providing by loan or grant any defense article or defense service;

"(2) financing the sale of defense articles or defense services, or providing financing under subsection (b).

"(b) FINANCING PROCUREMENT BY COMMERCIAL LEASING.—Financing may be provided under this section to any country that is a member of the North Atlantic Treaty Organization (NATO) or is a major non-NATO ally for the procurement of defense articles by leasing (including leasing with an option to purchase) from United States commercial suppliers if the President determines that there are foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under the Defense Trade and Export Control Act.

"(c) EXCLUSION OF CERTAIN COSTS FROM CERTAIN SALES.—Sales under the Defense Trade and Export Control Act which are wholly paid from funds—

"(1) which are made available on a grant basis under this chapter, or

"(2) which, prior to the effective date of title II of the International Cooperation Act of 1991, were transferred under the former authority of section 503(a)(3) of this Act or were made available on a nonrepayable or grant basis under the former authority of section 23 of the Defense Trade and Export Control Act,

shall be priced to exclude the costs of salaries of members of the Armed Forces of the United States (other than the Coast Guard) and unfunded estimated costs of civilian retirement and other benefits.

"(d) OBLIGATION OF FUNDS.—

"(1) OBLIGATION UPON APPORTIONMENT.—Funds appropriated to carry out this chapter on a grant basis may be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

"(2) EXCEPTION.—Funds appropriated to carry out this chapter shall be available to finance the procurement of defense articles and defense services that are not sold by the United States Government only if the country or international organization proposing to make such procurements has first signed a grant agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds.

"(3) DEOBLIGATION OF FUNDS AFTER 3 YEARS.—Any agreement to provide financing under this section should include a provision expressly granting the United States Government the right to deobligate any funds furnished under the agreement that have not been committed for an approved use no later than the end of the 3-year period beginning on the date on which that agreement is entered into.

"(e) LOANS.—

"(1) LIMITATION.—Defense articles may be loaned under this chapter only if—

"(A) there is a bona fide reason for providing such articles on a loan basis rather than a grant basis;

"(B) there is a reasonable expectation that such articles will be returned to the agency making the loan at the end of the loan period unless the loan is then renewed;

"(C) the loan period is of fixed duration not exceeding five years, during which period such article may be recalled for any reason by the United States;

"(D) the agency making the loan is reimbursed for the loan based on any amount that is charged to the appropriation for military assistance under paragraph (2); and

"(E) arrangements are made with the agency making the loan to be reimbursed in the event the article is lost or destroyed while on loan (which arrangements may include reimbursement from funds available to carry out this chapter), based on the depreciated value of the article at the time of loss or destruction.

"(2) CHARGE TO APPROPRIATION ACCOUNT.—In the case of any loan of a defense article made under this chapter, there shall be a charge to the appropriation for military assistance while the defense article is on loan in an amount based on—

"(A) the out-of-pocket expenses authorized to be incurred in connection with such loan; and

"(B) the depreciation that occurs while such article is on loan.

The provisions of this paragraph shall not apply to any defense article, or portion thereof, acquired with funds available to carry out this chapter, or that is made available under a section of this chapter to which section 5201(d) does not apply. For the purposes of the preceding sentence, the value of the defense articles (in terms of their replacement cost less any depreciation in their value) shall be counted against applicable limitations, such as those contained in section 2205.

"SEC. 2202. TERMS OF FINANCING.

"(a) GRANTS OR CREDITS.—Financing under section 2201(a)(2) may be provided on a grant basis or credit basis, or by providing guarantees.

"(b) CRITERIA FOR DETERMINING TERMS OF ASSISTANCE.—In determining whether such financing will be provided to a foreign country on a grant, credit or guarantee basis, the President shall take into account the following:

"(1) The national security and foreign policy interests of the United States in furnishing such assistance to that country.

"(2) The legitimate national security and self-defense needs of that country, taking into account regional and other threats to its security.

"(3) The economic conditions and circumstances of that country, including its per capita gross national product, debt service ratio, and external debt and rescheduled external debt.

"(c) TERMS AND CONDITIONS.—The President may issue regulations from time to time with regard to the terms and conditions on which financing will be provided under this chapter.

"(d) FINANCING ASSISTANCE.—Funds used to finance the procurement of defense articles and defense services under section 2201(a)(2) shall be disbursed—

"(1) to suppliers (including the United States military departments) on behalf of the recipient country or organization; or

"(2) to the recipient country or organization as reimbursement upon submission of satisfactory proof of payments to suppliers.

"(e) GUARANTIES.—Any guaranties issued under this chapter shall be backed by the full faith and credit of the United States.

"(f) DEBT REPAYMENT.—Funds appropriated to carry out this chapter may be made available to a foreign country to make payments of principal and interest that it owes to the United States in connection with sales of defense articles or defense services on account or credits previously extended to it, or loans previously guaranteed, under this Act or the Defense Trade and Export Control Act (or under any predecessor military sales or foreign assistance legislation).

"SEC. 2203. ELIGIBILITY.

"(a) CONDITIONS.—Financing may not be furnished under this chapter for the procurement of defense articles or defense services by a foreign country, and defense articles or defense services may not otherwise be furnished under this chapter to a foreign country, unless that country has agreed to the following (in addition to such other provisions as the President may require):

"(1) The country will not, without the consent of the President—

"(A) transfer title to, or possession of, any defense articles or defense services so furnished to it to anyone not an officer, employee, or agent of that country,

"(B) use or permit the use of such articles or services for purposes other than those for which furnished.

"(2) The country will maintain the security of such articles or services, and will provide substantially the same degree of security protection afforded to such articles or services by the United States Government.

"(b) INELIGIBILITY.—

"(1) TERMINATION OF ASSISTANCE FOR SUBSTANTIAL VIOLATIONS.—Assistance and deliveries of assistance under section 2201(a)(1) to any country shall be terminated, and new commitments to provide financing under section 2201(a)(2) to that country shall not be made, as hereinafter provided if such country uses defense articles or defense services described in paragraph (2) in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement pursuant to which those defense articles or defense services were furnished—

"(A) by using such articles or services for a purpose not specified in paragraph (3) or, if such agreement provides that such articles or services may only be used for purposes more limited than those specified, for a purpose not authorized under such agreement;

"(B) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country; or

"(C) by failing to maintain the security of such articles or services.

"(2) DEFENSE ARTICLES AND DEFENSE SERVICES SUBJECT TO REQUIREMENTS.—Paragraph (1) applies with respect to any defense articles or defense services furnished (through financing or otherwise) under this Act, sold or leased under the Defense Trade and Export Control Act, or furnished under any predecessor foreign assistance or military sales legislation.

"(3) USES PERMITTED.—The purposes referred to in paragraph (1) are:

"(A) Internal security.

"(B) Legitimate self-defense.

"(C) Participation in regional or collective arrangements or measures consistent with the Charter of the United Nations, or participation in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security.

"(D) Construction of public works or other activities which contribute to the economic and social development of the recipient country.

"(E) Such other purposes as may be provided for in particular provisions of law.

"(4) ACTIONS REQUIRED FOR TERMINATION.—Assistance and deliveries of assistance under section 2201(a)(1) shall be terminated, and new commitments to provide financing under section 2201(a)(2) shall not be made, pursuant to paragraph (1) if—

"(A) the President so determines and reports in writing to the Congress, or

"(B) the Congress so determines by joint resolution.

"(5) REPORTS TO CONGRESS.—The President shall report to the Congress promptly upon the receipt of information that a violation described in paragraph (1) is likely to have occurred.

"(6) PERIOD OF TERMINATION.—Paragraph (1) shall apply until such time as—

"(A)(i) the President determines that the violation has ceased; and

"(ii) the country concerned has given assurances satisfactory to the President that such violation will not recur; or

"(B) the President determines that continued application of this paragraph would have significant adverse impact on United States security.

"SEC. 2204. APPROVAL OF THIRD COUNTRY TRANSFERS.

"(a) IN GENERAL.—In considering a request for approval of any transfer of any weapon, weapons system, aircraft, military vessel, or other implement of war to another country, the President shall not give his consent under section 2203(a)(1) to the transfer unless the United States itself would transfer the defense article under consideration to that country.

"(b) SIGNIFICANT MILITARY EQUIPMENT.—In addition, the President shall not give his consent under section 2203(a)(1) to the transfer of any significant military equipment on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such equipment prior to transfer, or the proposed recipient provides a commitment in writing, or the proposed recipient provides a commitment in writing to the United States Government that it will not transfer such equipment if not demilitarized to any other foreign country or person without first obtaining the consent of the President.

"SEC. 2205. DRAWDOWN AUTHORITY.

"(a) UNFORESEEN EMERGENCIES.—If the President determines that—

"(1) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization, and

"(2) the emergency requirement cannot be met under the authority of the Defense Trade and Export Control Act or any other law except this section,

the President may direct, for the purposes of this title, the drawdown of defense articles from the stocks of the Department of Defense or defense services of the Department of Defense of an aggregate value not to exceed $100,000,000 in any fiscal year.

"(b) SPECIAL CIRCUMSTANCES.—If the President determines that it is in the national interests of the United States do so, the President may direct the drawdown of defense articles from the stocks of the Department of Defense or of defense services of the Department of Defense, or an aggregate value not to exceed $75 million in any fiscal year, for the purposes and under the authorities of—

"(1) chapter 4 of title I of this Act;

"(2) chapter 6 of title I of this Act; or

"(3) the Migration and Refugee Assistance Act of 1962.

"(c)(1) The President may exercise the authority of this section upon providing notification to the Committees on Foreign Affairs and Appropriations of the House of Representatives and the Committee on Foreign Relations and Appropriations of the Senate. In the case of drawdowns authorized under paragraphs (1) and (3) of subsection (b), notification shall be provided fifteen days in advance, in accordance with procedures applicable to reprogrammings under section 4304.

"(2) CONTINUING INFORMATION.—The President shall keep the Congress fully and currently informed of all defense articles and defense services provided under this section.

"(d) NONAPPLICABILITY OF REQUIREMENT FOR REIMBURSEMENT FROM EXISTING ASSISTANCE FUNDS.—Section 5201(d) does not apply with respect to defense articles and defense services made available under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles and defense services provided under this section.

"SEC. 2206. GRANT TRANSFERS OF EXCESS DEFENSE ARTICLES.

"(a) AUTHORITY.—Notwithstanding any other provisions of law, the President may

"(1) transfer to countries for which a foreign military financing program was justified in the fiscal year in which the transfer is authorized such excess defense articles as may be necessary to help modernize the defense capabilities of such country;

"(2) in coordinaton with other narcotics-related assistance, transfer excess defense articles to the military or law enforcement forces of a country—

"(A) which is in Latin America or the Caribbean,

"(B) which has a democratic government, and

"(C) whose armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights, for the purposes of enhancing the ability of such forces to participate in a comprehensive national anti-narcotics program by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotropic drugs or other controlled substances;

"(3) transfer nonlethal excess defense articles and small arms to friendly countries and to international organizations and private and voluntary organizations for the purpose of protecting and maintaining wildlife habitats and in developing sound wildlife management and plant conservation programs; and

"(4) transfer excess property of the Coast Guard on the same basis as excess defense articles may be transferred under this section.

"(b) PROVISIONS APPLICABLE TO TRANSFERS FOR ANTI-NARCOTICS PURPOSES.—

"(1) USE OF ARTICLES.—Excess defense articles may be furnished to a country under subsection (a)(2) only if the recipient country ensures that those excess defense articles will be used primarily in support of anti-narcotics activities.

"(2) LIMITATION.—The aggregate value of excess defense articles transferred to any country under subsection (a)(2) in any fiscal year may not exceed $10,000,000.

"(c) GENERALLY APPLICABLE PROVISIONS.—

"(1) TERMS OF TRANSFERS.—Excess defense articles may be transferred under this section without cost to the recipient country.

"(2) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

"(A) they are drawn from existing stocks of the Department of Defense (or the Coast Guard);

"(B) funds available to the Department of Defense (or the Coast Guard) for the procurement of defense equipment are not expended in connection with the transfer;

"(C) the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States; and

"(D) transferring the articles under the authority of those sections is preferable to selling them, after taking into account the potential proceeds from, and likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of either a transfer or sale.

"(3) NOTIFICATION TO CONGRESS.—

"(A) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until 15 days after the President has provided notice of the proposed transfer to the committees specified in subparagraph (B). This notification shall include—

"(i) a discussion of the need for the transfer;

"(ii) an assessment of the impact of the transfer on the military readiness of the United States; and

"(iii) the value of the excess defense articles to be tranferred.

"(B) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to subparagraph (A) to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

"(4) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 5201(d) does not apply with respect to transfers of excess defense articles under this section.

"(5) TRANSPORTATION AND RELATED COSTS.—

"(A) Except as provided in subparagraph (B), funds available to the Department of Defense (or the Coast Guard) shall not be expended for crating, packing, handling and transportation of excess defense articles transferred under the authority of this section.

"(B) Notwithstanding section 5201(d) or any other provision of law—

"(i) the President may direct the crating, packing, handling and transport of excess defense articles without charge to a country if—

"(I) that country has an agreement providing the United States with base rights in that country;

"(II) that country is eligible for assistance from the International Development Association; and

"(III) the excess defense articles are being provided to that country under the authority of this section; and

"(ii) the President is authorized to transport nonlethal excess defense articles and small arms under subsection (a)(3) without charge on a space available basis.

"SEC. 2207. CONSIDERATIONS IN FURNISHING ASSISTANCE.

"Decisions to furnish assistance under this chapter should take into account whether such assistance will—

"(1) contribute to an arms race:

"(2) increase the possibility of outbreak or escalation of conflict; or

"(3) prejudice the development of bilateral or multilateral arms control arrangements.

"SEC. 2208. CIVIC ACTION IN AFRICA.

"Funds appropriated to carry out this chapter may be used for civic action in Africa, notwithstanding section 4203 of this Act and any similar provisions of law that prohibit providing assistance to countries in default on obligations owed to the United States.

"SEC. 2209. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out this chapter $4,640,000,000 for the fiscal year 1992.

"CHAPTER 3—STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

"SEC. 2301. RESTRICTIONS ON STOCKPILING.

"(A) REMOVAL FROM STOCKPILING.—Defense articles in the inventory of the Department of Defense which are set aside, reserved, or in any way earmarked or intended for future use by any foreign country may not be made available to or for use by any foreign country unless—

"(1) such transfer is authorized under this Act or the Defense Trade and Export Control Act; and

"(2) the value of such transfer is charged against funds authorized under this Act or against any limitations specified in such legislation, as appropriate, for the fiscal period in which the defense articles are transferred.

"(b) VALUE.—

"(1) DEFINITION.—For purposes of subsection (a), 'value' means acquisition cost plus crating, packing, handling, and transportation costs incurred in carrying out this section.

"(2) LIMITATION.—A defense article transferred from any stockpile which is made available to or for use by any foreign country may not be considered an excess defense article for the purpose of determining the value of that defense article.

"SEC. 2302. LOCATION OF STOCKPILES.

"Except for stockpiles located in the Republic of Korea, Thailand, a country which is a member of the North Atlantic Treaty Organization, a country which is a major non-NATO ally, or such other countries as the President may designate, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

"Sec. 2303. Additions to War Reserve Stocks.

"(a) LIMITATION.—The value of defense articles to be added to those set aside, earmarked, reserved, or intended for use as war reserve stocks for allied or other foreign countries (other than for purposes of the North Atlantic Treaty Organization) in stockpiles located in foreign countries may not exceed in any fiscal year an amount specified in legislation authorizing military assistance programs for that fiscal year.

"(b) AUTHORIZATION OF ADDITIONS.—The value of such additions to stockpiles in foreign countries shall not exceed $129,000,000 for fiscal year 1992.

"CHAPTER 4—OVERSEAS MANAGEMENT OF ASSISTANCE AND SALES PROGRAMS

"SEC. 2401. AUTHORIZED FUNCTIONS.

"(a) IN GENERAL.—In order to carry out responsibilities for the management of international security assistance and sales programs conducted under chapter 2 and chapter 5 and under the Defense Trade and Export Control Act, the President may assign members of the Armed Forces to a foreign country to perform one or more of the following functions:

"(1) Equipment and services case management.

"(2) Training management.

"(3) Program monitoring.

"(4) Evaluation and planning of the host government's military capabilities and requirements.

"(5) Administrative support.

"(6) Promoting rationalization, standardization, interoperability, and other defense cooperation measures.

"(7) Liaison functions exclusive of advisory and training assistance.

"(b) Advisory and Training Assistance.—Advisory and training assistance conducted by members of the Armed Forces assigned under this chapter shall be kept to an absolute minimum. Advising and training assistance in countries to which members of the Armed Forces are assigned under this chapter should be provided primarily by other personnel who are not assigned under this chapter and who are detailed for limited periods to perform specific tasks.

"SEC. 2402. COSTS.

"The entire costs (excluding salaries of members of the Armed Forces other than the Coast Guard) of overseas management of international security assistance and sales programs under this chapter shall be charged to or reimbursed from funds made available to carry out chapter 2, other than any such costs which are either—

"(1) paid directly for such defense services under section 21(a) of the Defense Trade and Export Control Act, or

"(2) reimbursed from charges for services collected from foreign governments pursuant to section 21(e) and section 43(b) of that Act.

"SEC. 2403. ROLE OF CHIEF OF MISSION.

"Members of the Armed Forces assigned to a foreign country under this chapter shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

"CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

"SEC. 2501. AUTHORITY TO FURNISH ASSISTANCE.

"(a) General Authority.—The President is authorized to furnish military education and training to military and related civilian personnel of foreign countries. Such civilian personnel may include foreign governmental personnel of ministries other than ministries of defense if the military education and training would—

"(1) contribute to responsible defense resource management;

"(2) foster greater respect for and understanding of the principle of civilian control of the military;

"(3) improve military justice systems and procedures in accordance with internationally recognized human rights; or

"(4) contribute to cooperation between military and law enforcement personnel in respect of counter-narcotics law enforcement efforts.

"(b) Furnishing of Assistance.—Training and education under this chapter may be provided through—

"(1) attendance at military educational and training facilities in the United States (other than Service academies) and abroad;

"(2) attendance in special courses of instruction at schools and institutions of learning or research in the United States and abroad; and

"(3) observation and orientation visits to military facilities and related activities in the United States and abroad.

"SEC. 2502. TERMS OF ASSISTANCE.

"(a) Grant Assistance.—Military education and training under this chapter shall be furnished on a grant basis.

"(b) Assistance on Credit Terms.—Whenever feasible military education and training shall be provided on credit terms under chapter 2.

"SEC. 2503. EXCHANGE TRAINING.

"In carrying out this chapter, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than service academies) without charge, and without charge to funds available to carry out this chapter (notwithstanding section 5201(d)), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.

"SEC. 2504. EXEMPTIONS.

"Funds appropriated to carry out this chapter may be made available notwithstanding—

"(a) section 4203 of this Act and any similar provisions of law that prohibit providing assistance to countries in default on obligations owed to the United States; and

"(b) section 4204 of this Act, to train (1) senior civilian law enforcement leadership personnel, and (2) law enforcement personnel of any country that has a freely elected democratic government and does not engage in a consistent pattern of gross violations of internationally recognized human rights.

"SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out this chapter $52,500,000 for the fiscal year 1992.

"CHAPTER 6—PEACEKEEPING OPERATIONS

"SEC. 2601. GENERAL AUTHORITY.

"(a) In General.—The President is authorized to furnish assistance to foreign countries and international organizations for peacekeeping operations and other programs carried out in furtherance of the national interest of the United States.

"(b) Reimbursement of DOD.—Assistance under this chapter may include reimbursement to the Department of Defense for expenses incurred pursuant to section 7 of the United Nations Participation Act of 1945. Such reimbursements may not exceed $5,000,000 in any fiscal year unless a greater amount is specified in authorizing legislation.

"(c) Relation to Other Provisions.—The authority provided by this chapter to furnish assistance for peacekeeping operations and activities is in addition to any other authority which may be available for that purpose, and assistance provided under this chapter may be made available notwithstanding any provisions of law that restrict assistance to foreign countries.

"SEC. 2602. SPECIAL TRANSFER AND DRAWDOWN AUTHORITIES.

"(a) Unforeseen Emergencies.—If the President determines that, as the result of an unforeseen emergency, the provision of assistance under this chapter in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States, the President may—

"(1) exercise the authority of section 4101 of this Act to transfer funds available to carry out chapter 3 of part I (relating to economic support assistance) for use under this chapter without regard to the 20-percent increase limitation contained in such section, except that the total amount so transferred in any fiscal year may not exceed $15,000,000; and

"(2) in the event the President also determines that such unforeseen emergency requires the immediate provision of assistance under this chapter, and so notifies in writing the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, direct the drawdown of commodities and services, of an aggregate value not to exceed $25,000,000 in any fiscal year, from the inventory and resources of any agency of the United States Government.

"(b) Reimbursement.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for commodities and services provided under this section.

"SEC. 2603. ADMINISTRATIVE AUTHORITIES.

"Except where expressly provided to the contrary, any reference in any law to title I of this Act shall be deemed to include reference to this chapter and any reference in any law to title II of this Act shall be deemed to exclude reference to this chapter.

"SEC. 2604. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out this chapter $28,000,000 for the fiscal year 1992.

"Chapter 7—International Terrorism

"SEC. 2701. GENERAL.

"(a) Transnational Threat of Terrorism.—Terrorism continues to pose a danger to a stable world order, and to endanger the ability of the people of the United States and the world to live and travel in peace and safety.

"(b) Considerations.—In providing assistance under this Act, the President should take into account the cooperation provided by other countries in connection with matters related to international terrorism, including such matters as whether a country grants sanctuary from prosecution to individuals or groups that have engaged in international terrorism.

"(c) Purposes of Antiterrorism Assistance.—In helping meet the transnational threat posed by terrorism, activities conducted under this chapter would be designed—

"(1) to enahance the antiterrorism skills of friendly countries by provision training and equipment to deter and counter terrorism;

"(2) to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of great mutual concern; and

"(3) to increase respect for human rights by sharing with foreign civil authorities modern, humane, and effective antiterrorism techniques.

"SEC. 2702. AUTHORITY TO PROVIDE ANTITERRORISM ASSISTANCE.

"Subject to the provisions of this chapter, the President is authorized to furnish assistance to foreign countries in order to enhance the ability of their law enforcement personnel to deter terrorists and terrorist groups from engaging in international terrorists acts such as bombing, kidnapping, assistance, hostage taking, and hijacking. Such assistance may include advice, training services and the provisions of equipment and other commodities related to bomb detection and disposal, management of hostage situations, physical security, and other matters relating to the detection, deterrence, and prevention of acts of terrorism, the resolution of terrorist incidents and the apprehension of those involved in such acts.

"SEC. 2703. AUTHORITIES AND LIMITATIONS.

"(a) Grant Assistance.—Services and commodities may be granted for the purposes of this chapter to eligible foreign countries, subject to reimbursement of the value thereof (within the meaning of section 5601(d)(9)) pursuant to section 5201 of this Act from funds available to carry out this chapter.

"(b) REIMBURSED ASSISTANCE.—

"(1) AUTHORIZATION.—Whenever the President considers it to be consistent with and in furtherance of the purposes of this chapter, any agency of the United States Government is authorized to furnish services and commodities, without charge to funds available to carry out his chapter, to an eligible foreign country, subject to payment in advance of the value thereof (within the meaning of section 5601(d)(9)) in United States dollars by the foreign country.

"(2) PROHIBITION ON USE OF FOREIGN MILITARY FINANCING FOR PAYMENT.—Foreign military financing may not be used for payments under paragraph (1).

"(3) CREDITING OF COLLECTIONS.—Collections under this chapter shall be credited to the currently applicable appropriations, account, or fund of the agency providing such services and commodities and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used.

"(c) HUMAN RIGHTS.—Plans for the development and implementation of the antiterrorism assistance program under this chapter, including determinations of the foreign countries that will be furnished assistance under this chapter and determinations of the nature of assistance to be furnished to each such country should take into account the effect such plans are likely to have on respect for internationally recognized human rights.

"(d) LIMITATIONS.—

"(1) TRAINING BY STATE DEPARTMENT PERSONNEL.—(A) Except as provided in subparagraph (B), employees of the Department of State shall not engage in the training of law enforcement personel.

"(B) Subparagraph (A) does not apply to training (including short term refresher training) or services provided law enforcement personnel by employees of the Bureau of Diplomatic Security with regard to crisis management, facility security, or VIP protection.

"(2) MUNITIONS ITEMS.—(A) Articles on the United States Munitions List may be made available under this chapter only if—

"(i) they are directly related to antiterrorism training under this chapter; and

"(ii) the recipient country is not prohibited by law from receiving foreign military financing or international military education and training.

"(B) No shock batons or similar devices may be provided under this chapter.

"(3) EQUIPMENT TRANSFERS.—(A) Except as provided in subparagraph (B), the value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) in any fiscal year may not exceed 25 percent of the funds made available to carry out this chapter for that fiscal year.

"(B) The President may provide equipment and commodities not withstanding subparagraph (A) if the President determines that doing so is important for the purposes of carrying out this chapter.

"(4) ASSISTANCE RELATING TO INTELLIGENCE ACTIVITIES.—Assistance under this chapter shall not include activities authorized by the National Security Act of 1947 (50 U.S.C. 401 and following), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a and following), and Executive Order 12333, other than limited training in the organization of intelligence for antiterrorism purposes under the provisions of this chapter.

"(5) PERSONNEL COMPENSATION OR BENEFITS.—Funds made available to carry out this chapter may not be used for personnel compensation or benefits.

"(e) INFORMATION EXCHANGE ACTIVITIES.—This chapter does not apply to information exchange activities conducted by agencies of the United States Government under other authority for such purposes.

"SEC. 2704. CONGRESSIONAL PRESENTATION DOCUMENTS.

"The annual congressional presentation documents shall include—

"(a) a list of the countries which received assistance under this chapter for the preceding fiscal year, a list of the countries which are programmed to receive assistance under this chapter for the current fiscal year, and a list of the countries which are proposed as recipients of assistance under this chapter for the next fiscal year;

"(b) with respect to each country listed pursuant to subsection (a) and for each such fiscal year, a description of the assistance under this chapter furnished, programmed, or proposed, including—

"(1) the place where training or other services under this chapter were or will be furnished, the duration of such training or other services, and the number of personnel from that country which were or will receive training under this chapter;

"(2) the types of equipment or other commodities which were or will be furnished under this chapter; and

"(3) whether the assistance was furnished on a grant basis, on an advance payment basis, or on some other basis; and

"(c) a description of the ways in which the provision of such assistance has furthered the objective of enhancing the ability of foreign law enforcement authorities to deter acts of terrorism.

"SEC. 2705. ADMINISTRATIVE AUTHORITIES.

"Except where expressly provided to the contrary, any reference in any law to title I of this Act shall be deemed to include reference to this chapter and any reference in any law to title II of this Act shall be deemed to exclude reference to this chapter.

"SEC. 2706. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the President to carry out this chapter $15,000,000 for fiscal year 1992.".

SEC. 202. AMENDMENTS TO ARMS EXPORT CONTROL ACT.

The Arms Export Control Act is amended as follows:

(1) Section 2(b) is amended by striking out—

(A) "or financing for" in paragraph (1);

(B) "financing" both other places it appears.

(2) Section 3(c) is amended—

(A) in paragraph (1), by striking out "(1)(A) No" and all that follows through "(B) No" and inserting in lieu thereof "(1) No";

(B) in paragraph (1), as amended by subparagraph (A), by striking out "under this Act, or any predecessor Act," and inserting in lieu thereof ", through sale, financing or otherwise, under this Act or the Foreign Assistance Act of 1961 (or under any predecessor military sales or foreign assistance legislation)";

(C) in paragraph (2), by striking out "may" and inserting in lieu thereof "is likely to";

(D) in paragraph (3)(A), by striking out "subparagraph (A)" and all that follows through "such paragraphs," and inserting in lieu thereof "paragraph (1)"; and

(E) in paragraph (3)(B), by striking out "subparagraph (B) of".

(3) Section 3 is amended—

(A) in subsection (d), by striking out "section 505(a)(1) or 505(a)(4)" and inserting in lieu thereof "section 2203(a)(1)"; and

(B) in subsection (e), by striking out "section 505" and inserting in lieu thereof "section 2203(a)(1)".

(4) Section 5(a) is amended by striking out ", and no credits (including participations in credits) or guaranties extended to or for" and inserting in lieu thereof "to".

(5) Section 6 is amended—

(A) by striking out ", no credits or guarantees may be extended,"; and

(B) by inserting "and no foreign military financing may be furnished under the Foreign Assistance Act of 1961" after "this Act".

(6) Section 21 is amended—

(A) by amending subsection (c)(1) to read as follows:

"(A) Members of the Armed Forces assigned or detailed to provide defense services under this Act may not perform duties of a combatant nature, including any duty related to training and advising that may engage United States Armed Forces personnel in combat activities, outside the United States in connection with the performance of those defense services.

"(B) Subparagraph (A) shall not apply, if the President determines, and reports to the Congress, that its application would not be in the national interest of the United States."; and

(B) lin subsection (e)(1)(B)—

(i) by striking out "either from" and all that follows through "nonrepayable basis under"; and

(ii) by inserting in lieu thereof "from either (i) funds made available on a grant basis under chapter 2 of title II of the Foreign Assistance Act of 1961, or (ii) funds which, prior to the effective date of title II of the International Cooperation Act of 1991, were transferred under the former authority of section 503(a)(3) of the Foreign Assistance Act of 1961 or where made available on a nonrepayable basis under the former authority of".

(7) Section 23 is repealed.

(8) Section 24 is amended—

(A) by amending the section caption to read "Provisions Relating to Former Credit and Guaranty Authorities";

(B) in subsection (a), by striking out "The" in the first sentence and inserting in lieu thereof "To the extent necessary to carry out the provisions under the heading "Foreign Military Sales Debt Reform" in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), the";

(C) in subsection (b) by inserting "before the effective date of title II of the International Cooperation Act of 1991" after "section 23"; and

(D) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The single reserve established under this section for the payment of claims under guaranties issued under the authority of this section may be referred to as the 'Foreign Military Loan Liquidating Account'.

"(d) Any guaranties issued under the authority of this section are backed by the full faith and credit of the United States.".

(9) Section 25(a) is amended—

(A) in paragraph (5)(A) by striking out "military education" and all that follows through "guarantees," and inserting in lieu thereof "and assistance under chapter 2 or chapter 5 of title II of the Foreign Assistance Act of 1961,";

(B) in paragraph (5)(B) by striking out "credits or guaranties under this Act" and inserting in lieu thereof "financing under chapter 2 of title II of the Foreign Assistance Act of 1961"; and

(C) in paragraph (11)—

(i) by striking out "the Arms Export Control Act" and inserting in lieu thereof "section 23 or 24 of this Act"; and

(ii) by inserting before the semicolon at the end of the paragraph the following: ", and the status of each extension of credit for the procurement of defense articles or defense services under chapter 2 of title II of the Foreign Assistance Act of 1961 with respect to which there remains outstanding any unpaid obligation or potential liability".

(10) Section 25(d), as added by 112(b) of the International Security and Development Corporation Act of 1985, is amended by striking out "under this Act or under section 503(a)(3)" and inserting in lieu thereof "chapter 2 of title II".

(11) Section 31 is repealed.

(12) Section 36(a) is amended—

(A) in paragraph (7), by striking out "8 of part II" and inserting in lieu thereof "or 7 of title II"; and

(B) in paragraph (10), by striking out "section 505(a)(1)(B)" and inserting in lieu thereof "section 2203(a)(12)(A)".

(13) Section 37 is amended—

(A) in the section caption by striking out "Relating to Foreign Military Sales Credits";

(B) in subsection (a), by striking out "section 23" and inserting in lieu thereof "the former authority of section 23 or under the authority of chapter 2 of title II of the Foreign Assistance Act of 1961"; and

(C) in subsection (b), by inserting "the former authority of" after "extended pursuant to".

(14) Section 42 is amended—

(A) in subsection (a), by striking out ", but subject to subsection (b) of this section," in the first sentence and inserting in lieu thereof ";";

(B) by repealing subsections (b) and (c) and redesignating subsections (d) through (f) as subsections (b) through (d), respectively; and

(C) in subsection (b)(1), as so redesignated, by striking out "and guaranties under sections 21, 22, 23, 24," and inserting in lieu thereof "under sections 21, 22,".

SEC. 203. TRANSITION RULES.

(a) DISPOSITION OF CERTAIN PREVIOUSLY PROVIDED MILITARY EQUIPMENT.—The President may waive requirements imposed pursuant to sections 505(a) (4) and (f) of the Foreign Assistance Act of 1961, as in effect before the effective date of this title, with respect to defense articles or related training or other defense services furnished before that date.

(b) COMMITMENT OF PRIOR YEAR MILITARY ASSISTANCE.—If the President at any time notifies Congress that no further sales will be made pursuant to the Defense Trade and Export Control Act after the date of such notification to a specified country under circumstances then prevailing, any uncommitted funds allocated for such country that, prior to the effective date of title II of the International Cooperation Act of 1991, were transferred under the former authority of section 503(a)(3) of the Foreign Assistance Act of 1961 for the purpose of financing such sales may be committed to finance such sales to other eligible countries subject to advance notification to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

CHAPTER 2—FOREIGN MILITARY SALES PROGRAM

SEC. 221. ARMS TRANSFER POLICY.

(a) ESTABLISHMENT OF NEW POLICY.—The Arms Export Control Act is amended by striking out the first section and section 1 and inserting in lieu of section 1 the following:

"SECTION 1. SHORT TITLE AND STATEMENT OF UNITED STATES ARMS TRANSFER POLICY.

"(a) SHORT TITLE.—This Act may be cited as the 'Defense Trade and Export Control Act'.

"(b) POLICY OBJECTIVES.—The policy of the United States in implementing the authorities of this Act relating to sales and other transfers of defense articles, defense services, and design and construction services should be based upon the following objectives:

"(1) Ensuring that such transfers are fully consistent with the foreign and national security policies of the United States.

"(2) Ensuring that such transfers directly enhance or achieve specific national defense requirements of the recipient country or objectives of mutual concern and contribute to the common defense.

"(3) Promoting defense cooperation through the transfer of United States major defense equipment and other defense articles and defense services, including through licensed production and coproduction.

"(4) Promoting rationalization, standardization, and interoperability of foreign military forces with the Armed Forces of the United States.

"(5) Contributing to the deterrence of aggression and promoting regional security by enabling recipient countries to negotiate peaceful solutions to conflicts with confidence.

"(6) Enabling recipient countries to participate in regional or collective arrangements or other measures consistent with the Charter of the United Nations.

"(7) Enabling recipient countries to participate in collective measures requested by the United Nations.

"(8) Complementing United States efforts to restrain and control the international transfer of defense articles and defense services and to encourage international conventional arms control managements.

"(9) Sustaining and enhancing the viability of the defense industrial base of the United States, by such means as lengthening production runs, reducing unit costs and providing continued employment for defense industry workers.

"(c) MULTILATERAL CONTROLS ON TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES.—The President should continue to seek, through negotiations with the Soviet Union and other countries that supply or receive defense articles and defense services, the establishment of effective multilateral controls on the transfer of defense articles and defense services.".

(b) CONFORMING AMENDMENTS RELATING TO PURPOSES FOR WHICH DEFENSE ARTICLES MAY BE USED.—

(1) REPEAL OF EXISTING PURPOSE SECTION.—Section 4 of that Act is repealed.

(2) INELIGIBILITY.—Section 3(c) of that Act is amended—

(A) in paragraph (1), as amended by section 202 of this Act, by striking out "authorized under section 4" both times that it appears and inserting in lieu thereof "specified in paragraph (5)"; and

(B) by adding at the end the following:

"(5) The purposes referred to in paragraph (1) are the following:

"(A) Internal security.

"(B) Legitimate self-defense.

"(C) Participation in regional or collective arrangements or measures consistent with the Charter of the United Nations, or participation in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security.

"(D) Construction of public works, or other activities which contribute to the economic and social development of the recipient country.

"(E) Such other purposes as may be provided for in particular provisions of law.".

(c) CONFORMING REFERENCES TO ACT.—Any reference to the Arms Export Control Act shall be deemed to be a reference to the Defense Trade and Export Control Act.

SEC. 222. DESIGNATION OF MAJOR NON-NATO ALLIES.

(a) DESIGNATION.—

(1) NOTICE TO CONGRESS.—Chapter 4 of the Defense Trade and Export Control Act is amended by adding at the end the following:

SEC. 48. DESIGNATION OF MAJOR NON-NATO ALLIES.

"(a) NOTICE TO CONGRESS.—The President may—

"(1) designate a country as a major non-NATO ally for purposes of this Act, the Foreign Assistance Act of 1961, or any other provision of law, or

"(2) terminate such a designation, by notifying the Congress in writing.

"(b) INITIAL DESIGNATIONS.—Australia, Egypt, Israel, Japan, and the Republic of Korea shall be deemed to have been so designated by the President as of the effective date of this section, and the President is not required to notify the Congress of such designation of those countries."

"(c) The President is authorized to limit the applicability of a designation or termination under subsection (a) to particular provisions of law if he provides an explanation for doing so in connection with the notification to Congress of such designation or termination.".

(2) DEFINITION.—Section 47 of the Act is amended—

(A) by striking out "and" at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(9) 'major non-NATO ally' means a country which is designated in accordance with section 48 as a major non-NATO ally for purposes of this Act, the Foreign Assistance Act of 1961, or any other provision of law.".

(3) EXISTING DEFINITIONS.—(A) The last sentence of section 21(g) of that Act is repealed.

(B) Section 65(d) of that Act is amended—

(i) by striking out "or major non-NATO", and

(ii) by striking out "or a" and all that follows through "2767a)".

(b) COOPERATIVE TRAINING AGREEMENTS.—Section 21(g) of that Act is amended in the first sentence by striking out "similar agreements" and all that follows through "allies" and inserting in lieu thereof "similar agreements with countries".

SEC. 223. STANDARDIZING CONGRESSIONAL REVIEW PROCEDURES FOR ARMS TRANSFERS.

(a) STANDARDIZED PROCEDURES.—The Defense Trade and Export Control Act is further amended by adding at the end of chapter 4 the following:

"SEC. 49. STANDARDIZED CONGRESSIONAL NOTIFICATION PROCEDURES.

"(a) NOTIFICATION REQUIREMENT.—In any case in which the President is required to submit a certification to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate before—

"(1) under section 3(d), giving his consent to a transfer to a country or international organization;

"(2) under section 36(b), issuing a letter of offer to a country or international organization;

"(3) under section 36(c), issuing a license for the export to a country or international organization;

"(4) under section 36(d), issuing an approval of a commercial technical assistance or manufacturing licensing agreement for or in a country or international organization; and

"(5) under section 62, entering into or renewing an agreement involving the lease under chapter 6, or the loan under chapter 2 of title II of the Foreign Assistance Act to a country or organization, but only if the defense articles to be leased or loaned are either—

"(A) major defense equipment valued (in terms of its replacement cost less any depreciation in value) at $25,000,000 or more, or

"(B) otherwise valued (in terms of its replacement cost less any depreciation in value) at $75,000,000 or more;

the President's consent to a transfer shall not become effective, the letter of offer, license or approval shall not be issued, or the agreement to lease or loan shall not become effective, as the case may be, except as provided in this section.

"(b) REVIEW PERIOD.—In any case covered by subsection (a), the President's consent to a transfer may not become effective, the letter of offer, license or approval may not be issued, or the agreement to lease or loan may not become effective if—

"(1) in cases in which the recipient country or international organization is the North Atlantic Treaty Organization, any member country of such organization, or any major non-NATO ally, within 15 days after the certification is submitted; and

"(2) in other cases, within 30 days after the certification is submitted;

a joint resolution is enacted prohibiting it from becoming effective.

"(c) Any joint resolution under subsection (b) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and enactment of joint resolutions under subsection (b) of this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(d) The President may waive the application of subsection (b) if the certification states that an emergency exists that requires the transfer, sale, export, agreement, loan or lease in the national security interests of the United States. In such cases, the President shall set forth in the certification a detailed justification for the waiver, including a description of the emergency circumstances that necessitate it and a discussion of the national security interests involved."

(b) CONFORMING AMENDMENTS.—That Act is further amended—

(1) by striking out paragraph (2) of section 3(d), and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) in the section 3(d)(2), as redesignated by paragraph (1)—

(A) in the first sentence—

(i) by striking out "at least 30 calendar days";

(ii) by striking out "report" and inserting in lieu thereof "certification";

(3) by striking out the last sentence;

(3) in section 36(b)—

(A) by striking the last two sentences of paragraph (1);

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively;

(4) in section 36(c)—

(A) by striking out "(1)"; and

(B) by striking out paragraphs (2) and (3);

(5) in section 36(d)—

(A) by striking out "for or in a country not a member of the North Atlantic Treaty Organization"; and

(B) by striking out "(c)(1)" and inserting in lieu thereof "(c)"; and

(6) in chapter 6—

(A) in section 62—

(i) by striking out "(a) Not less than 30 days before" and inserting in lieu thereof "Before";

(ii) by striking out subsection (b); and

(B) by striking out section 63.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to certifications submitted on or after the effective date specified in section 601.

SEC. 224. UPDATE OF CERTIFICATION THRESHOLDS.

The Defense Trade and Export Control Act is further amended—

(a) by striking out "14,000,000" each place it appears in sections 3 and 36, and replacing it with "$25,000,000";

(b) by striking out "50,000,000" each place it appears in sections 3 and 36, and replacing it with "$75,000,000"; and

(c) by striking out "200,000,000" each place it appears in section 36, and replacing it with "$300,000,000".

The amendments made by this section apply with respect to certifications submitted on or after the effective date specified in section 601

SEC. 225. ECONOMIC IMPACT ON UNITED STATES OF ARMS SALES.

(a) CONGRESSIONAL PRESENTATION MATERIALS.—Section 25(a) of the Defense Trade and Export Control Act is amended—

(1) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively; and

(2) by inserting the following new paragraph (11) after paragraph (10):

"(11) an analysis of the economic benefits or disadvantages to the United States of sales and licensed commercial exports under this Act during the preceding fiscal year;".

(b) ARMS SALE NOTIFICATIONS.—Section 36(b)(1) of that Act is amended—

(1) by striking out "and" at the end of subparagraph (O);

(2) by striking out the period at the end of subparagraph (P) and inserting in lieu thereof "; and"; and

(3) by inserting after subparagraph (P) the following:

"(Q) an analysis of the economic benefits or disadvantages to the United States of the proposed sale.".

SEC. 226. ENFORCEMENT AND PROCESSING OF ARMS EXPORT LICENSING REQUIREMENTS.

(a) DEFENSE ARTICLES AND SERVICES.—Section 38(a)(1) of the Defense Trade and Export Control Act is amended—

(1) by striking out "(a)(1)" and inserting in lieu thereof "(a)(1)(A); and

(2) by inserting at the end thereof the following:

"(B) Notwithstanding any other provision of law—

"(i) an article or service shall be designated or determined to be a defense article or defense service for purposes of this section if—

"(I) it is specially designed, developed, configured, adapted, or modified for a military or intelligence application, or

"(II) in accordance with regulations promulgated in accordance with this section, the President determines that an article or service has substantial military or intelligence applicability such that it is necessary to control the export of the article or service to all destinations to protect significant national security or foreign policy interests of the United States.

"(ii) Defense articles and defense services controlled pursuant to this section that have been determined in accordance with regulations promulgated in accordance with this section to have gained a predominant civil application and that do not need to be controlled to all destinations to protect significant national security interests of the United States shall be removed from the United States Munitions List.".

(b) VIOLATIONS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—

(1) DISQUALIFICATION AND FORFEITURE.—Section 38 of that Act is further amended by inserting after subsection (c) the following:

"(d)(1) No contract between a foreign government and a person convicted or debarred for a violation of this section or section 39, or any rule or regulation issued under either section, may be approved for financing under chapter 2 of title II of the Foreign Assistance Act of 1961 during the twelve months following the date of such conviction or debarment.

"(2)(A) Any person who is convicted for a violation of this section or section 39, or any rule or regulation issued under either section, shall (in addition to any other penalty) forfeit to the United States—

"(i) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in any defense article or other tangible item that was the subject of the violation;

"(ii) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in any defense article or other tangible item that was used in—

"(I) the export or import or attempt to export or import, or

"(II) the contribution, gift, commission, or fee that was paid or offered or agreed to be paid, that was the subject of the violation; and

"(iii) any of that person's property constituting, or derived from, any proceed obtained directly or indirectly as a result of the violation.

"(B) The procedures in any forfeiture under this paragraph, and the duties and authorities of the courts of the United States and the Attorney General with respect to any forfeiture action under this paragraph or with respect to any property that may be subject to forfeiture under this paragraph, shall be governed by section 1963 of title 18, United States Code.".

(2) EFFECTIVE DATE.—Subsection (d) of section 38 of that Act, as enacted by paragraph (1) of this subsection, shall take effect on the date of enactment of this Act or October 1, 1991 (whichever is later), and applies—

(A) in the case of paragraph (1) of subsection (d), with respect to convictions or debarments occurring on or after the effective date of that subsection; and

(B) in the case of paragraph (2) of subsection (d), with respect to convictions based on conduct occurring on or after the effective date of that subsection.

(3) CONFORMING AMENDMENT.—(A) Section 38(e) of that Act is amended by striking out "(e) and (g)" and inserting in lieu thereof "and (e)".

(B) The amendment made by subparagraph (A) does not apply with respect to convictions based on conduct occurring before the date specified in paragraph (2)(B).

(c) MUNITIONS CONTROL ENFORCEMENT PROCEDURES.—Section 38(g) of that Act is amended—

(1) in paragraph (3), by striking out "may disapprove the application" and inserting in lieu thereof "should disapprove the application if doing so is necessary to further law enforcement objectives or otherwise will serve the national interest".

(2) in paragraph (4), by inserting before the period at the end "or that foreign policy or national security considerations justify the issuance of a particular license";

(3) in paragraph (5), by inserting "or international organization" after "foreign government"; and

(4) in paragraph (8)—

(A) by striking out "initial screening" and all that follows through "enforcement concerns"; and

(B) inserting in lieu thereof "implementation of such functions".

(d) OTHER PROLIFERATION CONTROLS.—Section 38 of that Act is further amended by inserting after subsection (h) the following:

"(i) Notwithstanding any other provision of law, the President may, by regulation, impose controls to prevent the proliferation of nuclear-capable missiles and chemical, biological and related weapons. Such controls may cover any action or service, including financial services, knowingly performed by a United States person, or any person subject to United States jurisdiction, that would facilitate the acquisition, production or development of such missiles or weapons. The controls imposed under this subsection shall be in addition to the controls imposed pursuant to any other provision of law.".

SEC. 227. FAIR PRICING.

Section 21(e) of the Defense Trade and Export Control Act is amended by adding at the end the following:

"(4) Effective with respect to defense articles sold after September 30, 1991, charges for defense articles that are not major defense equipment that are sold under this Act or licensed or approved for export under section 38 of this Act may exclude any nonrecurring costs of research on or development or production of those articles.".

SEC. 228. PRESIDENTIAL AUTHORITIES.

The Defense Trade and Export Control Act is amended as follows:

(a) Section 2 is amended—

(1) in subsection (a), by striking out "Secretary of State" and inserting in lieu thereof "President"; and

(2) in subsection (b), by striking out "Under the direction of the President, the Secretary of State" and inserting in lieu thereof "The President".

(b) Section 21 is amended—

(1) in subsection (a)(2), by striking out "Secretary of Defense" and inserting in lieu thereof "President".

(2) in subsection (d), by striking out "Secretary of the Treasury" and inserting in lieu thereof "President"; and

(3) in subsection (e)(3), by striking out "Secretary of Defense" and inserting in lieu thereof "President".

(c) Section 22(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "President".

(d) Section 27(i) is amended by striking out "Secretary of State and the Secretary of Defense" and inserting in lieu thereof "the President".

(e) Section 30A is amended—

(1) in subsection (a), by striking out "a Secretary of"; and

(2) in subsection (b), by striking out "the Secretary of".

(f) Section 36 is amended—

(1) in subsection (a)(8), by striking out "to the Secretary of State";

(2) in subsection (b)(1)(D), by striking out ", prepared by the Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense,"; and

(3) in subsection (c)(1), by striking out ", prepared in consultation with the Secretary of Defense".

(g) Section 38 is amended—

(1) in subsection (a)(2), by striking out "shall be made in coordination with the Director of the Arms Control and Disarmament Agency and" and "the Director's opinion as to";

(2) by repealing subsection (b)(1)(B), as added by section 1255(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989;

(3) in subsection (g)(3), by striking out the last sentence.

(4) in subsection (g)(4), by striking out "after consultation with the Secretary of the Treasury,";

(5) in subsection (g)(8), by striking out "the Secretary of State, the Secretary of Defense and the Secretary of the Treasury" and inserting in lieu thereof "the Department of State, the Department of Defense and the Department of the Treasury".

(h) Section 39 and section 40 are each amended by striking out "Secretary of State" each place it appears and inserting in lieu thereof "President".

(i) Section 42 is amended—

(1) in subsection (a), by striking out "in consultation with the Director of the Arms Control and Disarmament Agency, the Director's opinion as to";

(2) in subsection (b), as redesignated by section 202(14) of this Act, by striking out "Secretary of Defense shall, under the direction of the President, have primary" and inserting in lieu thereof "President shall have"; and by striking out ", under the direction of the President, be determined by the Secretary of Defense" and inserting in lieu thereof "be determined by the President"; and

(3) in subsection (c), as redesignated by section 202(14) of this Act, by striking out "Secretary" and "Secretary of State" and inserting in lieu thereof "President" in each case.

(j) Section 51 is amended—

(1) in subsection (a)(1), by striking out "and in consultation with the Secretary of State, the Secretary of Defense shall establish" and inserting in lieu thereof ", there is established";

(2) in subsection (a)(2), by striking out "Secretary of State or the Secretary of Defense" and inserting in lieu thereof "the President".

(k) Section 52(a) is amended by striking out "by the Secretary of Defense".

(l) Section 65 is amended by striking out "Secretary of Defense" and "Secretary" each place it appears and inserting in lieu thereof "President" in each case.

(m) Section 71 is amended—

(1) in subsection (a), by striking out "Secretary of State, in consultation with the Secretary of Defense and the heads of other appropriate departments and agencies," and inserting in lieu thereof "President".

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b); and

(3) in subsection (b)(2), as so redesignated, by striking out "Secretary of State" and "Director of Central Intelligence" and inserting in lieu thereof "President" in each case.

(n) Section 73(d) is amended by striking out "Secretary of State, in consultation with the Secretary of Defense and the Secretary of Commerce," and inserting in lieu thereof "President".

SEC. 229. AMENDMENTS TO ELIMINATE OBSOLETE AND INCONSISTENT PROVISIONS.

The Defense Trade and Export Control Act is amended as follows:

(1) Section 5(d) is repealed.

(2) Section 25 is amended—

(A) in subsection (a) by striking out "Except as provided in subsection (d), no" and inserting in lieu thereof "No";

(B) in paragraph (1) of subsection (a) by striking out "$7,000,000" and "$25,000,000" and inserting in lieu thereof "$25,000,000" and "$75,000,000", respectively;

(C) in subsection (a), as amended by section 225(a) of this Act, by repealing paragraphs (4), (7) and (9); by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; by redesignating paragraph (8) as paragraph (6); and by redesignating paragraphs (10) through (13) as paragraphs (7) through (10), respectively; and

(D) by repealing subsection (d), as added by section 113 of the International Security and Development Cooperation Act of 1985.

(3) Sections 28, 33, 34, 35, 38(b)(3), 41, 44 and 46 are repealed.

(4) Section 36 is amended—

(A) in the text preceding paragraph (1), by striking out "an unclassified report" and all that follows through "containing" and inserting in lieu thereof "a report, which shall be unclassified to the maximum extent possible, containing";

(B) in subsection (a), by striking out paragraphs (3), (5), and (6), by redesignating paragraph (4) as paragraph (3), and by redesignating paragraphs (7) through (11) as paragraphs (4) through (8), respectively; and

(C) in subsection (b)(1), by striking out "(9)" and "(8)" and inserting in lieu thereof "(6)" and "(5)", respectively.

(5) Section 45 is amended—

(A) by amending the section caption to read "Statutory Construction"; and

(B)(i) by striking out "(a) Sections 521" and all that follows through "in section 44, no"; and

(ii) inserting in lieu thereof "No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended, or section 7307 of title 10 of the United States Code. No".

SEC. 230. CONTRACT ADMINISTRATIVE SERVICE CHARGES FOR NATO SUBSIDIARY BODIES.

Section 21(h)(1)(A) of the Defense Trade and Export Control Act is amended by inserting ", or by a North Atlantic Treaty Organization Body on behalf of such foreign government" after "North Atlantic Treaty Organization".

SEC. 231. TECHNICAL CORRECTIONS.

The Defense Trade and Export Control Act is amended as follows:

(1) Correction of cross references to international traffic in arms regulations.—

(A) Section 3(a) is amended in the second sentence following paragraph (4)—

(i) by striking out "significant defense articles" and inserting in lieu thereof "significant military equipment"; and

(ii) by striking "such defense articles" both places it appears and inserting in lieu "such significant military equipment".

(B) Section 26(d) is amended by strking out "combat" and inserting in lieu thereof "military".

(2) CLERICAL ERROR IN 1985 AUTHORIZATION ACT.—Subsection (d) of section 25, as added by section 112(b) of the International Security and Development Cooperation Act of 1985, is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

TITLE III—OVERSEAS PRIVATE INVESTMENT CORPORATION; TRADE AND DEVELOPMENT AGENCY

SEC. 301. REVISION OF CERTAIN PRIVATE SECTOR PROGRAMS.

The Foreign Assistance Act of 1961 is amended by adding the following new title III after new title II (as enacted by title II of this Act):

"TITLE III—OVERSEAS PRIVATE INVESTMENT CORPORATION; TRADE AND DEVELOPMENT AGENCY

"CHAPTER 1—OVERSEAS PRIVATE INVESTMENT CORPORATION

"SEC. 3101. PURPOSE AND POLICY.

"(a) PURPOSE.—The Overseas Private Investment Corporation shall be an agency of the United States under the foreign policy guidance of the Secretary of State. The purpose of the Corporation is to mobilize and facilitate the participation of United States private capital and skills in the economic and social development of emerging democracies, economies in transformation and less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States.

"(b) DEVELOPMENT AND PER CAPITA INCOME CRITERIA.—The Corporation, in determining whether to provide insurance, reinsurance, guarantees, or financing for a project, shall especially—

"(1) be guided by the economic and social development impact and benefits of such a project and the ways in which such a project complements, or is compatible with, other development assistance programs or projects of the United States or other donors; and

"(2) give preferential consideration to investment projects in countries that have per capita incomes of $1,091 or less in 1989 United States dollars.

"(c) GUIDELINES FOR ACTIVITIES OF OPIC.—In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

"(1) to conduct insurance, reinsurance, guarantee, and financing operations on a self-sustaining basis, taking into account in its guarantee and financing operations the economic and financial soundness of projects;

"(2) to utilize private credit and investment institutions and the Corporation's guarantee authority as the principal means of mobilizing capital investment funds;

"(3) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

"(4) to conduct its insurance operations with due regard to principles of risk management, including efforts to share its insurance risks and reinsurance risks;

"(5) to consider in the conduct of its operations the extent to which the governments of less developed countries are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

"(6) to foster private initiative and competition and discourage monopolistic practices;

"(7) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments and employment objectives of the United States;

"(8) to conduct its activities in consonance with the activities of the agency designated under section 5102 and the international trade, investment, and financial policies of the United States Government, and to seek to support those developmental projects having positive trade benefits for the United States; and

"(9) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas.

"SEC. 3102. STOCK OF THE CORPORATION.

"The Secretary of the Treasury shall hold the capital stock of the Corporation.

"SEC. 3103. ORGANIZATION AND MANAGEMENT.

"(a) STRUCTURE OF THE CORPORATION.—The Corporation shall have a Board of Directors, a President, an Executive Vice President, and such other officers and staff as the Board of Directors may determine.

"(b) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors (hereafter in this chapter referred to as the 'Board') which shall consist of 15 Directors (including the Chair, Vice Chair, and the President of the Corporation), with 8 Directors constituting a quorum for the transaction of business.

"(2) COMPOSITION OF THE BOARD.—

"(A) CHAIR.—The Chair of the Board shall be the head of the agency designated under section 5102, ex officio.

"(b) VICE CHAIR.—The Vice Chair of the Board shall be the United States Trade Representative, ex officio, or, if so designated by the United States Trade Representative, a Deputy United States Trade Representative.

"(C) PRESIDENT OF THE CORPORATION.—The President of the Corporation shall serve as a Director, ex officio.

"(D) PUBLIC SECTOR DIRECTORS.—(i) In addition to the directors provided for in subparagraphs (A), (B), and (C), four Directors who are officers or employees of the Government of the United States shall be designated by the President of the United States.

"(ii) The Directors designated under this subparagraph shall receive no additional compensation by virtue of their service as such a Director.

"(E) PRIVATE SECTOR DIRECTORS.—(i) Eight Directors who are not officers or employees of the Government of the United States shall be appointed by the President of the United States, by and with the advice and consent of the Senate. It is the sense of the Congress that, of these, at least—

"(I) two should be experienced in small business,

"(II) one should be experienced in organized labor, and

"(III) one should be experienced in cooperatives.

"(ii) Each Director appointed under this subparagraph should be appointed for a term of not more than 3 years. The terms of not more than 3 such Directors should expire in any 1 year. Such Directors should serve until their successors are appointed and qualified and may be reappointed to subsequent terms.

"(iii) Each Director appointed under this subparagraph shall be compensated at the daily equivalent of the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such Director is actually engaged in the business of the Corporation, and may be paid travel or transportation expenses to the extent authorized for employees serving intermittently in the Government service under section 5703 of title 5, United States Code. Any Director may waive any such compensation.

"(c) APPOINTMENT OF THE PRESIDENT.—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate. In making such appointment, the President should take into account the private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and shall be responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

"(d) OFFICERS AND STAFF.—

"(1) EXECUTIVE VICE PRESIDENT.—The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(2) OTHER OFFICERS AND STAFF.—(A) The Corporation may appoint such other officers and such employees (including attorneys) and agents as the Corporation considers appropriate.

"(B) The officers, employees, and agents appointed under this subsection shall have such functions as the Corporation may determine.

"(C) Of the officers, employees, and agents appointed under this paragraph, 20 may be appointed, compensated or removed without regard to civil service laws and regulations.

"(D) Under such regulations as the President may prescribe, any individual appointed under subparagraph (C) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position of comparable grade and pay.

"SEC. 3104. INVESTMENT INSURANCE, GUARANTEES, FINANCING, AND OTHER PROGRAMS.

"(a) INVESTMENT INSURANCE.—

"(1) RISKS FOR WHICH INSURANCE ISSUED.—The Corporation is authorized to issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved:

"(A) Inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment in the project, in whole or in part, or as compensation for the sale or disposition of all or any part of the investment.

"(B) Loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government.

"(C) Loss due to war, revolution, insurrection, or civil strife.

"(D) Loss due to business interruption caused by any of the risks set forth in subparagraphs (A), (B), and (C).

"(2) RISK SHARING ARRANGEMENTS WITH FOREIGN GOVERNMENTS AND MULTILATERAL ORGANIZATIONS.—Recognizing that major private investments in emerging democracies, economies in transformation and less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities, and political subdivisions thereof) and with multilateral organizations and institutions for sharing liabilities assumed under investment insurance for such investments and may, in connection with such arrangements, issue insurance to investors not otherwise eligible for insurance under this chapter, except that—

"(A) liabilities assumed by the Corporation under the authority of this paragraph shall be consistent with the purposes of this chapter, and

"(B) the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the project.

"(3) MAXIMUM CONTINGENT LIABILITY WITH RESPECT TO SINGLE INVESTOR.—Not more than 10 percent of the maximum contingent liability for investment insurance which the Corporation is permitted to have outstanding under section 3107(a)(1) shall be issued to a single investor.

"(4) OTHER INSURANCE FUNCTIONS.—

"(A) IN GENERAL.—The Corporation is authorized—

"(i) to make and carry out contracts of insurance or reinsurance, or agreements to associate or share risks, with insurance companies, financial institutions, any other persons, or groups thereof, and

"(ii) to employ such insurance companies, financial institutions, other persons, or groups, where appropriate, as its agent, or to act as their agent, in the issuance and servicing of insurance, the adjustment of claims, the exercise of subrogation rights, and ceding and accepting of reinsurance, and in any other matter incident to an insurance business, except that such agreements and contracts shall be consistent with the purposes of the Corporation set forth in section 3101 and shall be on equitable terms.

"(B) RISK-SHARING AGREEMENTS.—The Corporation is authorized to enter into pooling or other risk-sharing agreements with multilateral insurance of financing agencies or groups of such agencies.

"(C) OWNERSHIP INTEREST IN RISK-SHARING ENTITIES.—The Corporation is authorized to hold an ownership interest in any association or other entity established for the purposes of sharing risks under investment insurance.

"(D) REINSURANCE OF CERTAIN LIABILITIES.—The Corporation is authorized to issue, upon such terms and conditions as it may determine, reinsurance of liabilities assumed by other insurers or groups thereof in respect of risks referred to in subsection (a)(1).

"(E) LIMITATION ON REINSURANCE.—The amount of reinsurance of liabilities under this chapter which the Corporation may issue shall not in the aggregate exceed at any one time an amount equal to the amount authorized for the maximum contingent liability outstanding at any one time under section 3107(a)(1). All reinsurance issued by the Corporation under this subsection shall require that the reinsured party retain for his or her own account specified portions of liability, whether first loss or otherwise.

"(b) INVESTMENT GUARANTEES.—

"(1) AUTHORITY.—The Corporation is authorized to issue to eligible investors guarantees of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine, subject to paragraphs (2), (3), and (4).

"(2) GUARANTEES ON OTHER THAN LOAN INVESTMENTS.—A guarantee issued under paragraph (1) on other than a loan investment may not exceed 75 percent of such investment.

"(3) LIMIT ON AMOUNT OF INVESTMENT GUARANTEED.—Except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) for which guarantees are issued under paragraph (1) with respect to any project shall not exceed, at the time of issuance of any such guarantee, 75 percent of the total investment committed to any such project as determined by the Corporation. Such determination by the Corporation shall be conclusive for purposes of the Corporation's authority to issue any such guarantee.

"(4) MAXIMUM CONTINGENT LIABILITY WITH RESPECT TO SINGLE INVESTOR.—Not more than 15 percent of the maximum contingent liability for investment guarantees which the Corporation is permitted to have outstanding under section 3107(a)(2) may be issued to a single investor.

"(c) DIRECT INVESTMENT.—

"(1) IN GENERAL.—The Corporation is authorized to make loans in United States dollars, repayable in dollars, and to make loans in foreign currencies, to firms privately owned or of mixed private and public ownership, upon such terms and conditions as the Corporation may determine. Loans may be made under this subsection only for projects that are sponsored by or significantly involve United States small business or cooperatives.

"(2) USE OF LOAN FOR NEW TECHNOLOGIES, PRODUCTS, OR SERVICES.—The Corporation may designate up to 25 percent of any loan under this subsection for use in the development or adaptation in the United States of new technologies or new products or services that are to be used in the project for which the loan is made and are likely to contribute to the economic or social development of less developed countries.

"(d) INVESTMENT ENCOURAGEMENT.—The Corporation is authorized to initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying, and promotion of private investment opportunities, using wherever feasible and effective the facilities of private investors, except that the Corporation shall not finance any survey to ascertain the existence, location, extent, or quality of oil or gas resources.

"(e) SPECIAL ACTIVITIES.—The Corporation is authorized to administer and manage special projects and programs, including programs of financial and advisory support, which provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings, intermediate financial and investment institutions, and cooperatives. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 5201(a) or from other sources, public or private.

"(f) PILOT EQUITY FINANCE PROGRAM.—

"(1) AUTHORITY FOR PILOT PROGRAM.—In order to study the feasibility and desirability of a program of equity financing, the Corporation is authorized to conduct a pilot program to terminate on September 30, 1995 under which it may, on the limited basis prescribed in paragraphs (2) and (3), purchase, invest in, or otherwise acquire equity securities of any firm or entity, upon such terms and conditions as the Corporation may determine, for the purpose of providing capital for any project which is consistent with the provisions of this chapter, except that—

"(A) the aggregate amount of the Corporation's equity investment with respect to any project shall not exceed 30 percent (49 percent for projects in eligible East European countries) of the aggregate amount of all equity investment made with respect to such project at the time that the Corporation's equity investment is made, except for securities acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Corporation's investment; and

"(B) the Corporation's equity investment under this subsection with respect to any project, when added to any other investments made or guaranteed by the Corporation under subsection (b) or (c) with respect to such project, shall not cause the aggregate amount of all such investment to exceed, at the time any such investment is made or guaranteed by the Corporation, 75 percent of the total investment committed to such project as determined by the Corporation.

"The determination of the Corporation under subparagraph (B) shall be conclusive for purposes of the Corporation's authority to make or guarantee any such investment.

"(2) ADDITIONAL CRITERIA.—In making investment decisions under this subsection, the Corporation shall give preferential consideration to projects sponsored by or significantly involving United States small business or cooperatives. The Corporation shall also consider the extent to which the Corporation's equity investment will assist in obtaining the financing required for such projects.

"(3) DISPOSITION OF EQUITY INTEREST.—Taking into consideration, among other things, the Corporation's financial interests and the desirability of fostering the development of local capital markets in emerging democracies, economies in transformation and less developed countries, the Corporation shall endeavor to dispose of any equity interest it may acquire under this subsection within a period of 10 years from the date of acquisition of such interest.

"SEC. 3105. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.

"(a) COOPERATIVE PROGRAMS.—In order to encourage greater availability of political risk insurance for eligible investors by enhancing the private political risk insurance industry in the United States, and to the extent consistent with this chapter, the Corporation shall undertake programs of cooperation with such industry, and in connection with such programs may engage in the following activities:

"(1) Utilizing its statutory authorities, encourage the development of associations, pools, or consortia of United States private political risk insurers.

"(2) Share insurance risks (through coinsurance, contingent insurance, or other means) in a manner that is conducive to the growth and development of the private political risk insurance industry in the United States.

"(3) Notwithstanding section 3109(e), upon the expiration of insurance provided by the Corporation for an investment, enter into risk-sharing agreements with United States private political risk insurers to insure any such investment; except that, in cooperating in the offering of insurance under this paragraph, the Corporation shall not assume responsibility for more than 50 percent of the insurance being offered in each separate transaction.

"(b) ADVISORY GROUP.—

"(1) ESTABLISHMENT AND MEMBERSHIP.—The Corporation shall establish a group to advise the Corporation on the development and implementation of the cooperative programs under this section. The group shall be appointed by the Board and shall be composed of up to 12 members, including the following:

"(A) Up to 7 persons from the private political risk insurance industry, of whom no fewer than 2 shall represent private political risk insurers, 1 shall represent private political risk reinsurers, and 1 shall represent insurance or reinsurance brokerage firms.

"(B) Up to 4 persons, other than persons described in subparagraph (A), who are purchasers of political risk insurance.

"(2) FUNCTIONS.—The Corporation shall call upon members of the advisory group, either collectively or individually, to advise it regarding the capability of the private political risk insurance industry to meet the political risk insurance needs of United States investors, and regarding the development of cooperative programs to enhance such capability.

"(3) MEETINGS.—The advisory group shall meet at least annually. The Corporation may from time to time convene meetings of selected members of the advisory group to address particular questions requiring their specialized knowledge.

"(4) FEDERAL ADVISORY COMMITTEE ACT—The advisory group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"SEC. 3106. GUIDELINE AND REQUIREMENTS FOR OPIC SUPPORT.

"(a) DEVELOPMENT IMPACT PROFILE.—In order to carry out the policy set forth in section 3101(b)(1), the Corporation shall prepare and maintain for each investment project it insures, finances, or reinsures, a development impact profile consisting of data appropriate to measure the projected and actual effects of such project on development. Criteria for evaluating projects shall be developed in consultation with the agency designated under section 5102.

"(b)— SMALL BUSINESS DEVELOPMENT.—

"(1) BROADENED PARTICIPATION BY SMALL BUSINESSES.—The Corporation shall undertake, in cooperation with appropriate departments, agencies, and instrumentalities of the United States as well as private entities and others, to broaden the participation of United States small business, cooperatives, and other small United States investors in the development of small private interprise in less developed friendly countries or areas.

"(2) PREFERENTIAL CONSIDERATION.—The Corporation shall undertake to give preferential consideration in its investment insurance, reinsurance, and guarantee activities to investment projects sponsored by or involving United States small business or cooperatives.

"(c) ENVIRONMENTAL CONSIDERATIONS.—

"(1) ENVIRONMENTAL, HEALTH, OR SAFETY HAZARD.—The Corporation should refuse to insure, reinsure, guarantee, or finance any investment in connection with a project which the Corporation determines will pose an unreasonable or major environmental, health, or safety hazard, or will result in the significant degradation of national parks or similar protected areas.

"(2) RESOURCE SUSTAINABLE DEVELOPMENT.—The Corporation, indetermining whether to provide insurance, reinsurance, guarantees, or financing for a project, should ensure that the project is consistent with the goals set forth in section 1 of this Act.

"(3) ENVIRONMENTAL IMPACT STATEMENTS AND ASSESSMENTS.—The requirements of section 1121 relating to environmental impact statements and environmental assessments should apply to any investment which the Corporation insures, reinsures, guarantees, or finances under this chapter in connection with a project in a country.

"(4) NOTIFICATION OF FOREIGN GOVERNMENTS.—Before finally providing insurance, reinsurance, guarantees, or financing under this chapter for any environmentally sensitive investment in connection with a project in a country, the Corporation should notify appropriate government officials of that country of—

"(A) all guidelines and other standards adopted by the International Bank for Reconstruction and Development and any other international organization relating to the public health or safety or the environment which are applicable to the project; and

"(B) to the maximum extent practicable, any restriction under any law of the United States relating to public health or safety or the environment that would apply to the project if the project were undertaken in the United States.

"The notification under the preceding sentence should include a summary of the guidelines, standards, and restrictions referred to in subparagraphs (A) and (B).

"(5) CONSIDERATION OR COMMENTS RECEIVED.—Before finally providing insurance, reinsurance, guarantees, or financing for any investment subject to paragraph (4), the Corporation should take into account any comments it receives on the project involved.

"(d) HUMAN RIGHTS.—The Corporation should take into account in the conduct of its programs in a country, in consultation with the Secretary of State, all available information about observance of and respect for human rights and fundamental freedoms in such country and the effect the operation of such programs will have on human rights and fundamental freedoms in such country.

"(e) HARM TO EMPLOYMENT IN THE UNITED STATES.—

"(1) REPLACEMENT OF UNITED STATES PRODUCTION.—(A) The Corporation should refuse to insure, reinsure, guarantee, or finance an investment if the Corporation determines that such investment is likely to cause such investor (or the sponsor of an investment project in which such investor is involved) significantly to reduce the number of the investor's or sponsor's employees in the United States because the investor or sponsor is replacing his or her United States production with production from such investment, and the production from such investment involves substantially the same product for substantially the same market as the investor's or sponsor's United States production.

"(B) If the Corporation determines that an investment is not likely to have the effects described in subparagraph (A), the Corporation shall monitor conformance with the representations made by the investor on which the Corporation relied in making that determination.

"(2) REDUCTION OF EMPLOYEES IN THE UNITED STATES.—The Corporation should refuse to insure, reinsure, guarantee, or finance an investment if the Corporation determines that such investment is likely to cause a significant reduction in the number of employees in the United States.

"(3) MANDATORY AND EXCLUSIVE U.S. EFFECTS ANALYSIS.—The analysis required by this Chapter is mandatory and exclusive with respect to the U.S. effects of the Corporation's programs, including effects on exports and employment, and shall not be limited or modified by any other provision of this Act.

"(f) PERFORMANCE REQUIREMENTS.—The Corporation should refuse to insure, reinsure, guarantee, or finance an investment which is subject to performance requirements which would reduce substantially the positive trade benefits likely to accrue to the United States from the investment.

"(g) PROHIBITED TRADE PRACTICES.—

"(1) PAYMENTS TO VIOLATORS BARRED.—No payment may be made under any insurance or reinsurance which is issued under this chapter on or after April 24, 1978, for any loss occurring with respect to a project, if the preponderant cause of such loss was an act by the investor seeking payment under this chapter, by a person possessing majority ownership and control of the investor at the time of the act, or by any agent of such investor or controlling person, and a court of the United States has entered a final judgment that such act constituted a violation of section 30A of the Securities Exchange Act of 1934 or section 104 of the Foreign Corrupt Practices Act of 1977.

"(2) REGULATIONS.—The Corporation shall have in effect regulations setting forth appropriate conditions under which any person who has been finally determined by a court of the United States to have violated section 30A of the Securities Exchange Act of 1934 or section 104 of the Foreign Corrupt Practices Act of 1977 shall be suspended, for a period of not more than 5 years, from eligibility to receive any insurance, reinsurance, guarantee, financing, or other financial support authorized by this chapter, if that violation related to a project insured, reinsured, guaranteed, financed, or otherwise supported by the Corporation under this chapter.

"(h) FRAUD OR MISREPRESENTATION.—No payment may be made under any guarantee, insurance, or reinsurance issued under this chapter for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(i) PUBLIC HEARINGS.—The Board shall hold at least 1 public hearing each year in order to afford an opportunity for any person to present views as to whether the Corporation is carrying out its activities in accordance with section 3101 and this section or whether any investment in a particular country should have been or should be extended insurance, reinsurance, guarantees, or financing under this chapter.

SEC. 3107. ISSUING AUTHORITY, DIRECT INVESTMENT FUND, EQUITY FUND, AND RESERVES.

"(a) Issuing Authority.—

"(1) Insurance.—The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 3104(a) shall not exceed in the aggregate $7,500,000,000.

"(2) Guarantees.—Except as provided in Section 5201(f), commitments to guarantee loans are authorized for any fiscal year pursuant to section 504(b) of the Federal Credit Reform Act of 1990.

"(3) Action by congress.—The Congress, in considering the budget programs transmitted by the President for the Corporation, pusuant to section 9103 of title 31, United States Code, may limit the obligations and contingent liabilities to be undertaken under subsections (a), (b), and (c) of section 3104.

"(b) Creation of Fund for Acquisition of Equity.—The Corporation is authorized to establish a revolving fund to be available solely for the purposes specified in section 3104(f), to make a one-time transfer to the fund of $35,000,000 from its income and revenues, and to transfer to such fund other funds transferred to the Corporation for such purposes under the authority of section 5201 of this Act: *Provided, however*, That such funds may not be transferred out of the Corporation's liquidating account. The Corporation shall transfer to the fund in each fiscal year all amounts received by the Corporation during the preceding fiscal year as income on securities acquired under section 3104(f) and from the proceeds on the disposition of such securities. Purchases of, investments in, and other acquisitions of equity from the fund are authorized for any fiscal year only to the extent or in such amounts as are provided in advance in appropriations Acts or are transferred to the Corporation pursuant to section 5201 of this Act, or are transferred to the fund pursuant to the preceding sentence.

"(c) Insurance Reserve.—

"(1) Maintenance and purposes.—The Corporation shall maintain an insurance reserve. Such reserve shall be available for the discharge of liabilities, as provided in subsection (e), until such time as all such liabilities have been discharged or have expired or until such reserve has been expended in accordance with the provisions of this section.

"(2) Funding.—The insurance reserve shall consist of—

"(A) any funds in the insurance reserve of the Corporation on the effective date of the International Corporation Act of 1991,

"(B) amounts transferred to the reserve pursuant to this Act, and

"(C) such sums as are appropriated pursuant to subsection (e) of this section for such purposes.

"(d) Order of Payments To Discharge Liabilities.—Any payment made to discharge liabilities under investment insurance or reinsurance issued under section 3104, under similar predecessor guarantee authority, or under section 3105, shall be paid first out of the insurance reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (e) of this section. Any payments made to discharge liabilities under guarantees issued under section 3104(b) shall be paid in accordance with the Federal Credit Reform Act of 1990.

"(e) Authorization of Appropriations.—

"(1) Authorization.—Subject to paragraph (2), there are authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the insurance reserve, to discharge the liabilities under insurance or reinsurance issued by the Corporation or to discharge obligations of the Corporation purchased by the Secretary of the Treasury pursuant to subsection (f).

"(2) Limitation on Appropriations.—No appropriation shall be made under paragraph (1) to augment the insurance reserve until the amount of funds in the insurance reserve is less than $25,000,000. Any appropriations to augment the insurance reserve shall then only be made to satisfy the full faith and credit provision of section 3109(c).

"(f) Insurance of Obligations.—In order to discharge liabilities under investment insurance or reinsurance, the Corporation is authorized to issue from time to time for purchase by the Secretary of the Treasury its notes, debentures, bonds, or other obligations; except that the aggregate amount of such obligations outstanding at any one time may not exceed $100,000,000. Any such obligation shall be repaid to the Treasury within 1 year after the date of issue of such obligations. Any such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection. The Secretary of the Treasury shall purchase any obligation of the Corporation issued under this subsection, and for such purchase the Secretary may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code. The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any such purchase.

"SEC. 3108. INCOME AND REVENUES.

"In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, in relation to non-credit activities, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

"(1) payment of all expenses of the Corporation, including investment promotion expenses;

"(2) transfers and additions to the insurance reserves, and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the Board may determine, subject to the provisions of the Federal Credit Reform Act of 1990; and

"(3) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under paragraphs (1) and (2).

"SEC. 3109. GENERAL PROVISIONS RELATING TO INSURANCE, GUARANTEE, AND FINANCING PROGRAM.

"(a) Agreements With Countries.—Insurance, guarantees, and reinsurance issued under this chapter shall not cover investment made in connection with projects in any country or area unless the President of the United States has agreed with the government of such country or area to institute a program for such insurance, guarantee, or reinsurance.

"(b) Protection of Interests of the Corporation.—The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance, reinsurance, or guarantee issued under this chapter, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance, guarantee, or reinsurance is to be made, and any right, title, claim or cause of action existing in connection therewith.

"(c) Full Faith and Credit Pledged.—All guarantees issued pursuant to predecessor guarantee authority, and all insurance, reinsurance, and guarantees issued pursuant to this chapter shall constitute obligations, in accordance with the terms of such insurance, reinsurance, or guarantees, or the United States of America, and the full faith and credit or the United States of America is hereby pledged for the full payment and performance of such obligations.

"(d) Fees.—(1) Fees may be charged for providing insurance, reinsurance, guarantees, financing, or services under this chapter in amounts to be determined by the Corporation. In the event fees charged for insurance, reinsurance, guarantees, financing or services and for similar guarantees issued under predecessor guarantee authority are reduced, fees to be paid under existing contract for the same type of insurance, reinsurance, guarantees, financing, or services and for similar guarantees issued under predecessor guarantee authority may be reduced.

"(2) Credit Transaction Costs.—For credit transactions covered by the provisions of the Federal Credit Reform Act of 1990, project-specific transaction costs relating to loan obligations or loan guarantee commitments, including but not limited to project-related travel and outside legal expenses, shall be considered cash flows from the Government resulting from direct loan obligations or loan guarantee commitments and shall be paid out of the appropriate financing account established pursuant to section 505(b) of such Act.

"(3) Non-Credit Transaction Costs.—Fees paid for the project-specific transaction costs and other direct costs associated with services provided to specific investors or potential investors pursuant to section 3104 (other than those covered in subsection (d)(2) of this section), including financing, insurance, reinsurance, missions, seminars, conferences, and other pre-investment services, shall be available for obligation for the purposes for which they were collected notwithstanding any other provision of law.

"(e) Insurance, Guarantees, and Reinsurance Limited to 20 Years.—No insurance, reinsurance, or guarantee of any equity investment under this chapter shall extend beyond 20 years from the date on which such insurance, reinsurance, or guarantee is issued.

"(f) Amount of Compensation Paid on Claims.—Compensation for any insurance, reinsurance, or guarantee issued under this chapter shall not exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings, or profits actually accrued on such investment to the extent provided by such insurance, reinsurance, or guarantee, except that the Corporation may provide that—

"(1) appropriate adjustments in the insured dollar value may be made to reflect the replacement cost of project assets;

"(2) compensation for a claim of loss under insurance of an equity investment may be computed on the basis of the net book value attributable to such equity investment on the date of loss; and

"(3) compensation for loss due to business interruption may be computed on a basis to be determined by the Corporation which reflects amounts lost.

"Notwithstanding the preceding sentence, the Corporation shall limit the amount of direct insurance and reinsurance issued under section 3104 or 3105 so that risk or loss as to at least 10 percent of the total investment of the insured and its affiliates in the project is borne by the insured and such affiliates, except that this limitation shall not apply to direct insurance or reinsurance of loans by banks or other financial institutions to unrelated parties.

"(g) Limitation With Respect to Foreign Credit Institutions.—Insurance, guarantees, or reinsurance of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

"(h) Settlement and Arbitration of Claims.—Claims arising as a result of insurance, reinsurance, or guarantee operations under this chapter or under predecesor guarantee authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result or an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

"(i) Contracts Presumed To Comply With Act.—Each guarantee contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be issued in compliance with the requirements of this Act.

"(j) Except for the provisions of this chapter, no other provision of this or any other law relating to the eligibility of countries for assistance under this Act shall be construed to prohibit the operation of any program authorized by this chapter.

"SEC. 3110. GENERAL PROVISIONS AND POWERS.

"(a) Principal Office.—The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident of the District of Columbia.

"(b) Audits.—

"(1) In general.—The Corporation shall be subject to the applicable provisions of chapter 91 of title 31, United States Code, except as otherwise provided in this chapter.

"(2) Independent audit.—An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Corporation every year, in accordance with generally accepted Government auditing standards for a financial and compliance audit. The independent certified public accountant shall report the results of such audit to the Board. The financial statements of the Corporation shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the accountant shall be included in a report which contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code, and which the Corporation shall submit to the Congress not later than 6½ months after the end of the last fiscal year covered by the audit.

"(c) Powers.—To carry out the purposes of this chapter, the Corporation is authorized—

"(1) to adopt and use a corporate seal, which shall be judicially noticed;

"(2) to sue and be sued in its corporate name;

"(3) to adopt, amend, and repeal by laws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law;

"(4) to acquire, hold, or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein;

"(5) to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds, therefrom, including earnings and profits, as it considers appropriate;

"(6) to indemnify directors, officers, employees, and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities;

"(7) to require bonds of officers, employees, and agents and to pay the premiums therefor;

"(8) notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings;

"(9) to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guarantee, and guarantee notes, participation certificates, and other evidence of indebtedness (except that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 3101(c)(3) or participation certificates as evidence of indebtedness held by the Corporation in connection with settlement of claims under section 3109(h));

"(10) to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business;

"(11) to exercise any priority of the government of the United States in collecting debts from the estates of bankrupt, insolvement, or decedent parties;

"(12) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations;

"(13) to collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation; and

"(14) to take such actions as may be necessary or appropriate to carry out the powers of the Corporation.

"(d) Inspector General.—

"(1) Authority.—The Inspector General of the agency designated under section 5102—

"(A) shall have full and independent authority to conduct audits, investigations, and inspections of all phases of the Corporation's programs and operations for the purpose of promoting economy, efficiency, and effectiveness, and detecting and preventing fraud and abuse; and

"(B) shall conduct all security activities of the Corporation relating to personnel and the control of classified material.

"(2) Relation to president of corporation.—The Inspector General shall report to and be under the general supervision of the President of the Corporation with respect to activities undertaken pursuant to this subsection, except that the President of the Corporation shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any such activity in accordance with the duties, authorities, and responsibilities contained in the Inspector General Act of 1978 and any other applicable law or regulation.

"(3) Expenses.—The Inspector General shall be reimbursed by the Corporation for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

"(4) Inspector general act.—For purposes of the Inspector General Act of 1978, the Corporation shall continue to be considered a Federal entity and the President of the Corporation shall be considered the head of the Federal entity.

"(5) Semiannual report.—The semiannual report required under section 5 of the Inspector General Act of 1978 shall include information relating to activities of the Inspector General undertaken pursuant to this subsection.

"(e) Exemption From State and Local Taxation.—The Corporation (including its franchise, capital, reserves, surplus, advances, intangible property, and income) shall be exempt from all taxation at any time imposed by any State, the District of Columbia, or any county, municipality, or local taxing authority.

"(f) Corporate Operational Guidelines.—The Corporation—

"(1) shall establish and publish guidelines for its programs and operations consistent with the provisions of this chapter, which provisions shall be controlling with respect to the Corporation's programs and operations, and

"(2) shall make such guidelines available to applicants for insurance, reinsurance, guarantees, financing, or other assistance provided by the Corporation.

"SEC. 3111. ANNUAL REPORT; MAINTENANCE OF INFORMATION.

"(a) Annual Report.—After the end of each fiscal year, the President shall submit to the Congress a complete and detailed report of the Corporation's operations during such fiscal year. Such report shall include—

"(1) an assessment, based upon the development impact profiles required by section 3106(a), of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

"(2) a description of any project for which the Corporation refused to provide any insurance, reinsurance, guarantee, financing, or other financial support, on account of violations of human rights referred to in section 3106(e).

"(b) Projections of Effects on Employment.—

"(1) In general.—Each annual report required by subsection (a) shall contain protections of the effects on employment in the United States of all projects for which, during the fiscal year covered by the report, the Corporation initially issued any insurance, reinsurance, or guarantee or provided financing. Each such report shall include projections of—

"(A) the amount of United States exports to be generated by those projects, both during the start-up phase and over a period of years;

"(B) the final destination of the products to be produced as a result of those projects; and

"(C) the impact such production will have on the production of similar products in the

United States with regard to both domestic sales and exports.

"(2) INFORMATION IN AGGREGATE FORM.—The projections required by this subsection shall be based on an analysis of each of the projects described in paragraph (1). Such projections may, however, present information and analysis in aggregate form, but only if—

"(A) those projects which are projected to have a positive effect on employment in the United States and those projects which are projected to have a negative effect on employment in the United States are grouped separately; and

"(B) there is set forth for each such grouping the key characteristics of the projects within that grouping, including the number of projects in each economic sector, the countries in which the projects in each economic sector are located, and the projected level of the impact of the projects in each economic sector on employment in the United States and on United States trade.

"(c) MAINTENANCE OF INFORMATION.—The Corporation shall maintain as part of its records—

"(1) all information collected in preparing the report required by section 240A(c) of the Foreign Assistance Act of 1961 (as in effect before the enactment of the Overseas Private Investment Corporation Amendments Act of 1988), whether the information was collected by the Corporation itself or by a contractor; and

"(2) a copy of the analysis of each project analyzed in preparing the projections required by subsection (b) of this section or the report required by section 240A(c) of the Foreign Assistance Act of 1961 (as in effect before the enactment of the Overseas Private Investment Corporation Amendments Act of 1988).

"(d) PROGRAMS OF COOPERATION WITH PRIVATE INDUSTRY.—Each annual report required by subsection (a) shall include an assessment of programs implemented by the Corporation under section 3105(a), including the following information, to the extent such information is available to the Corporation:

"(1) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was not permitted to provide under this chapter.

"(2) The nature and dollar value of political risk insurance provided by private insurers in conjunction with the Corporation, which the Corporation was permitted to provide under this chapter.

"(3) The manner in which such private insurers and the Corporation cooperated in recovery efforts and claims management.

"(e) PROTECTION OF CERTAIN INFORMATION.—Subsections (b) and (d) do not require the inclusion in any information submitted pursuant to those subsections of any information which would not be required to be made available to the public pursuant to section 552 of title 5, United States Code (relating to freedom of information).

"SEC. 3112. DEFINITIONS.

"As used in this chapter, the following terms have the following meanings:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Overseas Private Investment Corporation.

"(2) CORPORATION.—The term 'Corporation' means the Overseas Private Investment Corporation.

"(3) ELIGIBLE INVESTOR.—(A) The term 'eligible investor' means—

"(i) a United States citizen; and

"(ii) a corporation, partnership, or other association, including a nonprofit association, which is more than 50 percent beneficially owned by United States citizens.

"(B) For purposes of this chapter—

"(i) in the case of insurance or a guarantee for any loan investment, a final determination of whether a person is an eligible investor may be made at the time the insurance or guarantee is issued; and

"(ii) in the case of insurance or a guarantee for any other investment, an investor must be an eligible investor at the time a claim arises as well as the time the insurance or guarantee is issued.

"(4) EXPROPRIATION.—The term 'expropriation' includes any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project.

"(5) INVESTMENT.—The term 'investment' includes any contribution or commitment or funds, commodities, services, patents, processes, or techniques, in the form of—

"(A) a loan or loans to an approved project,

"(B) the purchase of a share of ownership in any such project,

"(C) participation in royalties, earnings, or profits of any such project, and

"(D) the furnishing of commodities or services pursuant to a lease or other contract.

"(6) PREDECESSOR GUARANTEE AUTHORITY.—The term 'predecessor guarantee authority' means prior guarantee authorities (other than housing guarantee authorities) repealed by the Foreign Assistance Act of 1969, section 202(b) and 413(b) of the Mutual Security Act of 1954, and section 111(b)(3) of the Economic Cooperation Act of 1948 (exclusive of authority relating to informational media guarantees).

"CHAPTER 2—TRADE AND DEVELOPMENT AGENCY

"SEC. 3121. PURPOSE.

The Trade and Development Agency shall be an agency of the United States under the foreign policy guidance of the Secretary of State. The purpose of the Trade and Development Agency is to promote United States private sector participation in development projects in developing and middle-income countries, in order to promote the goals set forth in section 1 of this Act.

"SEC. 3122. AUTHORITY TO PROVIDE ASSISTANCE.

"(a) AUTHORITY.—The Director of the Trade and Development Agency is authorized to work with foreign countries, including those in which the United States development programs have been concluded or those not receiving assistance under title I, to carry out the purpose of this chapter by providing funds for feasibility studies and other activities related to development projects which provide opportunities for the use of United States exports.

"(2) USE OF FUNDS.—Funds under this chapter may be used to provide support for the planning of, development of, management of, and procurement for, bilateral and multilateral development projects, including training activities undertaken in connection with a project, for the purpose of promoting the use of United States goods and services in such projects.

"(c) INFORMATION DISSEMINATION.—

"(1) IN GENERAL.—The Trade and Development Agency shall disseminate information about its project activities to the private sector.

"(2) RELATIONSHIP AMONG AGENCIES.—Federal departments, agencies, and the Trade and Development Agency are encouraged to cooperate in the effective provision of informational services to persons in the private sector concerning trade development and export promotion related to development projects.

"(d) NONAPPLICABILITY OF OTHER PROVISIONS.—Any funds used for purposes of this chapter may be used notwithstanding any other provision of law.

"SEC. 3123. DIRECTOR AND PERSONNEL.

"(a) DIRECTOR.—There shall be at the head of the Trade and Development Agency a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) OFFICERS AND EMPLOYEES.—

"(1) APPOINTMENT.—The President may appoint such officers and employees of the Trade and Development Agency as the President considers appropriate.

"(2) FUNCTIONS.—The officers and employees appointed under this subsection shall have such functions as the Director may determine.

"(3) APPOINTMENTS WITHOUT REGARD TO CERTAIN CIVIL SERVICE LAWS.—Of the officers and employees appointed under this subsection, 2 may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be compensated without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title.

"(4) REINSTATEMENT RIGHTS.—Under such regulations as the President may prescribe, any individual appointed under paragraph (3) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position of comparable grade and pay.

"SEC. 3124. ANNUAL REPORT.

"The President shall, not later than December 31 of each year, submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the activities of the Trade and Development Agency in the preceding fiscal year.

"SEC. 3125. INSPECTOR GENERAL.

"(a) AUTHORITY.—The Inspector General of the agency designated under section 5102—

"(1) shall have full and independent authority to conduct audits, investigations, and inspections of all phases of the program and operations of the Trade and Development Agency for the purpose of promoting economy, efficiency, and effectiveness, and detecting and preventing fraud and abuse; and

"(2) shall conduct all security activities of the Trade and Development Agency relating to personnel and the control of classified material.

"(b) RELATION TO DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY.—The Inspector General shall report to and be under the general supervision of the Director of the Trade and Development Agency with respect to activities undertaken pursuant to this section, except that the Director shall not prevent or prohibit the Inspector General from initiating, carrying out, or completing any such activity in accordance with the duties, authorities, and responsibilities contained in the Inspector General Act of 1978, and any other applicable laws and regulations.

"(c) INSPECTOR GENERAL ACT.—For purposes of the Inspector General Act of 1978, the Trade and Development Agency shall continue to be considered a Federal entity and the Director of the Trade and Development Agency shall be considered the head of the Federal entity.

"(d) SEMIANNUAL REPORT.—The semiannual report required under section 5 of the Inspector General Act of 1978 shall include information relating to activities of the Inspector General undertaken pursuant to this section.

"SEC. 3126. FUNDING.

"There are authorized to be appropriated for purposes of this chapter, in addition to funds otherwise available for such purposes, $35,000,000 for fiscal year 1992.

TITLE IV—SPECIAL AUTHORITIES, RESTRICTIONS ON ASSISTANCE, AND REPORTS

SEC. 401. CONSOLIDATION AND REVISION OF SPECIAL AUTHORITIES, RESTRICTIONS, AND REPORTING REQUIREMENTS.

The Foreign Assistance Act of 1961 is amended by striking out existing part III and by adding the following new title IV after new title III (as added by title III of this Act):

"TITLE IV—SPECIAL AUTHORITIES, RESTRICTIONS ON ASSISTANCE, AND REPORTS

"CHAPTER 1—SPECIAL AUTHORITIES

"SEC. 4101. AUTHORITY TO TRANSFER BETWEEN ACCOUNTS.

"(a) GENERAL TRANSFER AUTHORITY.—Whenever the President determines it to be necessary for the purposes of this Act, not to exceed 10 percent of the funds made available to carry out any provision of this Act—

"(1) may be transferred to, and consolidated with, the funds in the account or fund available to carry out any other provision of this Act; and

"(2) may be used for any of the purposes for which funds in that account or fund may be used.

"(b) LIMITATION ON AMOUNT OF INCREASE IN AN ACCOUNT.—The total amount in the account or fund for the benefit of which a transfer is made under subsection (a) during any fiscal year may not be increased by more than 20 percent of the amount of funds otherwise made available for such account or fund.

"(c) NOTIFICATION TO CONGRESS.—The authority of subsection (a) may be exercised only if the Committee on Foreign affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified in advance of the exercise of that authority.

"SEC. 4102. SPECIAL WAIVER AUTHORITY.

"(a) FOREIGN ASSISTANCE ACT AND DEFENSE TRADE AND EXPORT CONTROL ACT.—The President may authorize the taking of any action (or the refraining from the taking of any action) under this Act or the Defense Trade and Export Control Act without regard to any of the provisions described in subsection (c) if he determines—

"(1) in cases under chapters 2 or 5 of title II of this Act, or under the Defense Trade and Export Control Act, that to do so is essential to the national interests of the United States; and

"(2) in any other cases under such Acts, that to do so is important to the national interests of the United States.

"(b) OTHER ACTS.—The President may authorize the taking of any action (or the refraining from the taking of any action) under any other Act without regard to the provisions described in paragraphs (1) and (2) of subsection (c), or of any annual (or periodic) foreign assistance authorization of appropriations Acts, if the President determines that to do so is important to the national interest of the United States.

"(c) LAWS WHICH MAY BE WAIVED.—The provisions referred to in subsections (a) and (b) are—

"(1) the provisions of this Act,

"(2) the provisions of the Defense Trade and Export Control Act,

"(3) any other provisions of law that restrict the authority to provide assistance, make sales or leases, or take other actions (or refrain from taking actions) under the Acts in paragraphs (1) and (2), and

"(4) any law relating to receipts and credits accruing to the United States.

"(d) EXTRAORDINARY CIRCUMSTANCES.—The President is authorized to use amounts not to exceed $50,000,000 of the funds made available under this Act during any fiscal year pursuant to the President's certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts. The President shall fully inform the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection prior to the use of such funds.

"(e) CONSULTATION WITH CONGRESS.—Before exercising the authority granted in this section, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(f) NOTIFICATION TO CONGRESS.—A determination under subsection (a) or (b) shall be effective only if the President notifies the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, in writing, of that determination.

"(1) IN GENERAL.—The authority of this section may not be used in any fiscal year to authorize—

"(A) more than $1,000,000,000 in sales or leases to be made under the Defense Trade and Export Control Act;

"(B) the use of more than $500,000,000 of funds made available for use under this Act; and

"(C) the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law.

"(2) FINANCED MILITARY SALES.—If the authority of this section is used both to authorize a sale or lease under the Defense Trade and Export Control Act and to authorize funds to be used under chapter 2 of title II of this Act with respect to the financing of that sale or lease, then the use of the funds shall be counted against the limitation in paragraph (1)(B) and the portion, if any, of the sale or lease which is not so financed shall be counted against the limitation in paragraph (1)(A).

"(3) LEASES.—For purposes of paragraph (1)(A) the value of the defense articles authorized to be leased (in terms of their replacement cost less any depreciation in their value) shall be counted against the limitation in that paragraph.

"(4) COUNTRY LIMITS.—(A) Not more than $100,000,000 of the $500,000,000 limitation provided in paragraph (1)(B) may be allocated to any one country in any fiscal year unless that country is a victim of active aggression.

"(B) Not more than $500,000,000 of the aggregate limitation of $1,500,000,000 provided in paragraphs (1)(A) and (1)(B) may be allocated to any one country in any fiscal year.

"SEC. 4103. UNANTICIPATED CONTINGENCIES.

"(a) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to use funds made available to carry out any provision of this Act (other than the funds described in paragraph (2)) in order to furnish, for any unanticipated contingency, assistance authorized by any provision of this Act (other than chapters 2 and 5 of title II) in accordance with the provisions applicable to the furnishing of such assistance.

"(b) ANNUAL CEILING.—The authority of this section may not be used to authorize the use of more than $50,000,000 during any fiscal year.

"(c) REPORT TO CONGRESS.—The President shall report promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate each time the authority of this section is exercised.

"(d) PROHIBITION ON GIFTS.—Funds used under the authority of this section may not be used to pay for any gifts to any official of any foreign government.

"SEC. 4104. EMERGENCY ASSISTANCE.

"(a) AUTHORITY.—In any fiscal year, up to $75,000,000 of the funds appropriated to carry out chapter 3 of title I, and up to $75,000,000 of the funds appropriated to carry out chapter 2 of title II, may be made available for emergency use under such respective provisions when the national interests of the United States urgently require support to promote economic, political, or military stability.

"(b) SOURCE OF FUNDS.—Notwithstanding any provision of an Act authorizing or appropriating funds for use under this Act that earmarks funds available to carry out chapter 3 of title I or chapter 2 of title II for a specific country, organization, or purpose, up to 5 percent of each amount so earmarked may be used to carry out this section.

"SEC. 4105. TERMINATION EXPENSES.

"(a) IN GENERAL.—Funds made available under this Act shall remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under this Act for the necessary expenses of winding up programs related to such termination and may remain available until expended. Funds obligated under the authority of this Act prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds. In order to ensure the effectiveness of assistance under this Act, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

"(b) LIABILITY TO CONTRACTORS.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under this Act prior to the termination of assistance.

"(c) TERMINATION EXPENSES.—Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

"(d) GUARANTY PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this Act shall not be construed to require the termination of guarantee commitments under title I of this Act that were entered into prior to the effective date of the termination of assistance.

"(e) RELATION TO OTHER PROVISIONS.—Unless specifically made inapplicable by another provision of law, the provisions of this section shall be applicable to the termination of assistance pursuant to any provision of law.

"SEC. 4106. EXEMPTION OF ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS FROM RESTRICTIONS.

"(a) RESTRICTIONS NOT APPLICABLE.—Subject to subsection (c), restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under title I in support of programs of nongovernmental organizations.

"(b) NATIONAL INTEREST CRITERIA.—The President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this section, whether assistance for programs of nongovernmental organizations is in the national interest of the United States.

"(c) NOTICE TO CONGRESS.—Whenever the authority of this section is used to furnish assistance for a program of a nongovernmental organization, the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate. Such notification shall describe the program assisted, the assistance provided, and the reasons for furnishing such assistance.

"SEC. 4107. EXEMPTION OF TRAINING ACTIVITIES FROM PROHIBITIONS.

"Provisions of this or any other Act shall not be construed to prohibit assistance for any training activity funded under this Act for a country as long as that country has a democratically elected government and the assistance is otherwise consistent with section 4201(a)(1), section 4201(a)(2), section 4201(a)(7), and section 4202.

"SEC. 4108. NONAPPLICABILITY TO MILITARY ASSISTANCE OF CERTAIN NEUTRALITY ACT PROVISIONS.

"The functions authorized under this Act may be performed without regard to such provisions as the President may specify of the Neutrality Act of 1939 (22 U.S.C. 441 and following).

"CHAPTER 2—RESTRICTIONS ON ASSISTANCE

"SEC. 4201. INELIGIBLE COUNTRIES.

"(a) RESTRICTIONS.—Except as provided in subsection (b), assistance under this Act may not be furnished to the government of a country that is:

"(1) COMMUNIST COUNTRIES.—A communist country, as designated under subsection (d).

"(2) HUMAN RIGHTS VIOLATORS.—A country described in subsection (e).

"(3) EXPROPRIATION OF UNITED STATES PROPERTY.—A country whose government—

"(A) has—

"(i) expropriated the property of any United States person,

"(ii) repudiated or nullified any contract with any United States person, or

"(iii) taken any other action (such as discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

"(B) has not within a reasonable period of time provided adequate and effective compensation and is not engaged in good faith efforts to negotiate a settlement if the United States person has exhausted host country legal and other formal remedies.

"(4) MILITARY COUPS.—A country whose duly-elected Head of Government is disposed by military coup or decree unless subsequent to the military coup or decree a democratically elected government has taken office.

"(5) TERRORIST COUNTRIES.—A country whose government the President determines repeatedly provides support for acts of international terrorism.

"(6) NUCLEAR NON-PROLIFERATION.—A country described in section 4206.

"(7) MAJOR ILLICIT DRUG PRODUCING OR MAJOR DRUG TRANSIT COUNTRIES.—A country described in section 4207.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Funds may be obligated and expended for assistance restricted by subsection (a), or any similar provision of law, under any of the following circumstances:

"(A) NATIONAL INTEREST.—The President determines that the furnishing of such assistance is important to the national interest of the United States.

"(B) ALLEVIATING SUFFERING RESULTING FROM A DISASTER.—The assistance is for the alleviation of suffering resulting from a natural or manmade disaster.

"(C) DIRECTLY BENEFITTING THE NEEDY.—The assistance will directly benefit the needy people in the country.

"(D) PROMOTING HUMAN RIGHTS AND DEMOCRACY.—The assistance will be furnished through nongovernmental organizations to directly promote increased respect for internationally recognized human rights and the development of democracy.

"(2) LIMITATIONS ON USE OF NATIONAL INTEREST WAIVER.—The authority of paragraph (1)(A) may be exercised with respect to the restrictions contained in subsection (a)(6) only if the President also determines that the furnishing of such assistance will further United States nonproliferation objectives.

"(c) REPORT TO CONGRESS.—Assistance restricted by subsection (a) may not be provided under subsection (b) until the President has submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a report with respect to such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance meets the criteria specified in subsection (b).

"(d) COMMUNIST COUNTRY LIST.—

"(1) ESTABLISHMENT.—The President shall designate those countries that are communist countries for purposes of subsection (a)(1).

"(2) PUBLICATION OF LIST.—The initial list of countries designated pursuant to this subsection shall be published in the Federal Register and shall be provided to the Congress. Thereafter, any additions to or deletions from such list shall be similarly published and provided.

"(3) REMOVAL OF COUNTRIES FROM THE LIST; EXEMPTIONS.—The President may remove a country from the communist country list established pursuant to this section, or may exempt a listed country from the application of subsection (a)(1) or other provisions of law that reference subsection (a)(1), if the President promptly reports such removal or exemption to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate.

"(e) HUMAN RIGHTS VIOLATORS.—

"(1) INELIGIBILITY.—Subsection (a)(2) shall apply to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.

"(2) MATTERS TO BE CONSIDERED.—In implementing subsection (a)(2), consideration shall be given to the following:

"(A) The relevant findings of appropriate international organizations and nongovernmental organizations.

"(B) The extent of cooperation by the government in question in permitting an unimpeded investigation by indigenous nongovernmental organizations, other nongovernmental organizations, and international organizations (such as the International Committee of the Red Cross), of alleged violations of internationally recognized human rights.

"(C) Specific actions that have been taken by the President or the Congress relating to the human rights practices of the government in question.

"(D) The likely effect that a determination of ineligibility under this subsection is expected to have on the human rights process of the country concerned.

"(f) TERRORIST COUNTRIES.—The President shall promptly report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate the rescission of a determination that the government of a country repeatedly provides support for acts of international terrorism.

"(g) RELATED RESTRICTIONS ON ASSISTANCE.—

"(1) HUMAN RIGHTS VIOLATORS.—Subsection (a)(2) shall be deemed to prohibit, in addition to the furnishing of assistance under this Act—

"(A) sales of defense articles, defense services, or design and construction services under the Defense Trade and Export Control Act;

"(B) licenses under section 38 of the Defense Trade and Export Control Act with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country; and

"(C) licenses required under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment.

"(2) TERRORIST COUNTRIES.—Subsection (a)(5) shall be deemed to prohibit, in addition to the furnishing of assistance under this Act, the furnishing of assistance under the Agricultural Trade Development and Assistance Act of 1954 and the Peace Corps Act, and the provision of loans, guaranties, and insurance under the Export-Import Bank Act of 1945.

"(3) MAJOR ILLICIT DRUG PRODUCING AND MAJOR DRUG TRANSIT COUNTRIES.—

"(A) Subsection (a)(7) shall be deemed to prohibit, in addition to the furnishing of assistance under this Act, (i) sales under the Defense Trade and Export Control Act, (ii) the provision of agricultural commodities other than food under the Agricultural Trade Development and Assistance Act of 1954, and (iii) loans, guarantees and insurance under the Export-Import Bank Act of 1945.

"(B) Notwithstanding subparagraph (A), subsection (a)(7) shall not be deemed to prohibit (i) assistance under chapter 4 of title I; (ii) disaster relief assistance, including any assistance under chapter 6 of title I; (iii) assistance that involves the provision of food (including monetization of food) or medicine; (iv) assistance for refugees; and (v) assistance for narcotics education and awareness activities under title I.

"(C) With respect to any country for which assistance is prohibited under section (a)(7), the President should instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote, during the period in which assistance is prohibited under subsection (a)(7), against any loan or other utilization of the funds of their respective institution to or for any major illicit drug producing country or major drug-transit country, except as provided in subsection (b).

"SEC. 4202. POLICE TRAINING.

"(a) PROHIBITION.—None of the funds made available to carry out this Act, and none of the local currencies generated under this Act, shall be used to provide training or advice, or provide any financial support for law enforcement functions of police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

"(b) EXCEPTIONS.—Subsection (a) of this section shall not apply with respect to—

"(1) assistance provided for counter-narcotics purposes, including narcotics control assistance under chapter 4 of title I;

"(2) assistance, including training, in maritime law enforcement and other maritime skills;

"(3) assistance for a country which has a longstanding democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights;

"(4) assistance in protecting and maintaining wildlife habitats and in developing sound wildlife management and plant conservation programs;

"(5) assistance provided under chapter 7 of title II;

"(6) with respect to assistance provided for police forces in connection with their participation in the regional security system of the Eastern Caribbean states; or

"(7) such other assistance as the President determines to be appropriate.

"SEC. 4203. COUNTRIES IN ARREARS ON ASSISTANCE REPAYMENTS.

"Assistance may not be furnished under this Act to the government of any country which is more than 1 year in arrears to the United States Government on any payment of interest or principal on any loan made or credit extended under this Act or under the former authorities of section 23 or section 24 of the Arms Export Control Act, unless the President determines that assistance to such government is in the national interest and notifies the Speaker of the House of Representatives and the Chairman of the Committe on Foreign Relations of the Senate of such determination.

"SEC. 4204. FAMILY PLANNING ACTIVITIES.

"(a) ABORTIONS AND INVOLUNTARY STERILIZATIONS.—Funds made available to carry out title I may not be—

"(1) used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions;

"(2) used to pay for the performance of involuntary sterilizations as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations;

"(3) used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilizations as a means of family planning;

"(4) made available to any organization or program which (as determined by the President) supports, or participates in the management of, a program of coercive abortion or involuntary sterilization; or

"(5) made available to any foreign nongovernmental organization which performs or actively promotes abortion as a method of family planning.

"(b) REFERRAL.—In order to reduce reliance on abortion in developing countries, funds allocated under provisions of title I for voluntary family planning projects shall be available only for projects which offer, either directly or through referral to or information about access to, a broad range of family planning methods and services. In using such funds to award grants for natural family planning, no applicant shall be discriminated against becasue of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the first sentence of this subsection.

"SEC. 4205. COMPETITON WITH UNITED STATES EXPORTS.

"In determining whether to provide assistance under title I of this Act, the President should take into consideration whether such assistance would be furnished for direct support for any project or activity that is specifically designed to increase exports of any agricultural, textile, or apparel commodity from a developing country where such exports—

"(1) would be in direct competition with United States exports, and

"(2) can reasonably be expected to cause substantial injury to United States exporters of the same or substantially similar commodity.

"SEC. 4206. NUCLEAR NON-PROLIFERATION.

"Section 4201(a)(6) shall apply to—

"(a) a country that, on or after the date of enactment of the International Security Assistance Act of 1977, delivers nuclear enrichment equipment, materials, or technology to a non-nuclear weapon state or, if a non-nuclear weapon state, receives such equipment, materials, or technology from any other country, unless before such delivery—

"(1) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

"(2) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency;

"(b) a country that—

"(1) on or after the date of enactment of the International Security Assistance Act of 1977, delivers nuclear reprocessing equipment, materials, or technology to a non-nuclear weapon state or, if a non-nuclear weapon state, receives such equipment, materials, or technology from any other country (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, of technologies which are alternatives to pure plutonium reprocessing); or

"(2) is a non-nuclear weapon state which, on or after the date of enactment of the International Security and Development Corporation Act of 1985, exports illegally or attempts to export illegally from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device; for purposes of this subparagraph, an export or attempted export by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export or attempted export by that country; or

"(c) a country that, on or after the date of enactment of the International Security Assistance Act of 1977—

"(1) transfers a nuclear explosive device to a non-nuclear weapon state, or

"(2) is a non-nuclear weapon state and either—

"(A) receives a nuclear explosive device, or

"(B) detonates a nuclear explosive device.

"SEC. 4207. MAJOR ILLICIT DRUG PRODUCING AND DRUG TRANSIT COUNTRIES.

"(a) APPLICATION OF RESTRICTION.—Section 4201(a)(7) shall apply to any major illicit drug producing country and any major drug-transit country if the President determines, at the time of the submission of the report required by section 1406, that during the previous fiscal year the country has not cooperated with the United States, and has otherwise not taken adequate steps to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs. The President may rescind such a determination, and section 4201(a)(7) shall cease to apply, if the President subsequently determines that the country has resumed cooperating with the United States, or otherwise has taken adequate steps to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.

"(b) In implementing subsection (a), the President should consider the extent to which the country has—

"(1) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement;

"(2) investigated and immobilized major organizations involved in the production, processing, or distribution of narcotics and dangerous drugs;

"(3) achieved significant increases in seizures of the proceeds and instrumentalities of the illicit drug trade;

"(4) achieved significant reductions, where applicable, in the net production of illicit narcotic crops through forced or voluntary eradication efforts;

"(5) prevented and punished the laundering in that country of drug-related monies;

"(6) prevented and punished public corruption that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts;

"(7) processed expeditiously United States and other extradition requests related to narcotics trafficking;

"(8) increased public awareness of the heinous nature of drug abuse and reduced the demand and the consumption of narcotics and dangerous drugs;

"(9) if it is a producer of licit opium, taken steps to prevent significant diversion of its licit cultivation and production into the illicit market, to maintain production of stockpiles at levels no higher than those consistent with licit market demands, and to prevent illicit cultivation and production.

"SEC. 4208. ASSISTANCE FOR ELECTIONS.

"Funds made available for economic assistance under title I that are used to enhance the independence and performance of electoral processes may not be used for the purpose of influencing the outcome of any election in any country.

SEC. 4209. DUTIES OF A NONCOMBATANT NATURE.

"(a) LIMITATION.—Members of the Armed Forces assigned or detailed to provide defense services under chapter 2 of title II, provide military education and training under chapter 5 of title II, or perform functions under chapter 4 of title II, may not perform duties of a combatant nature, including any duty related to training and advising that may engage United States Armed Forces personnel in combat activities outside the United States in connection with the performance of those defense services.

"(b) EXCEPTION.—Subsection (a) shall not apply if the President determines, and reports to the Congress, that its application would not be in the national interest of the United States.

"CHAPTER 3—REPORTS AND NOTIFICATIONS TO CONGRESS

"SEC. 4301. CONGRESSIONAL PRESENTATION DOCUMENTS FOR ECONOMIC ASSISTANCE.

"(a) REQUIREMENT FOR SUBMISSION.—The President shall prepare, and submit to the Congress in a timely manner, annual congressional presentation documents for economic assistance programs under title I.

"(b) MATERIALS FOR DEVELOPMENT AND ECONOMIC SUPPORT ASSISTANCE.—For assistance under chapters 2 and 3 the documents submitted pursuant to subsection (a) shall include the following:

"(1) The rationale for the allocation of assistance to each country, regional program, or centrally funded program. In the case of economic support assistance, this rationale shall include a justification for the provision of economic support assistance and for the particular use of that assistance.

"(2) A brief description of each country program, regional program, and centrally funded program, including—

"(A) in the case of development assistance, a discussion of how each program supports, as appropriate, the goals set forth in section 1 of this Act; and

"(B) in the case of economic support assistance, a discussion of the extent to which each program supports the goals set forth in section 1.

"(3) A description of new activities to be undertaken in the coming fiscal year.

"(c) OTHER TITLE I PROGRAMS.—The documents submitted pursuant to subsection (a) shall include for each economic assistance program under title I (other than those programs specified in subsection (b)—

"(1) a summary of program activities for the previous year; and

"(2) a description of activities anticipated in the current fiscal year and the coming fiscal year.

"SEC. 4302. HUMAN RIGHTS POLICY AND REPORTS.

"(a) PROMOTION OF HUMAN RIGHTS.—It is the sense of the Congress that the United States should, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion.

"(b) CONDUCT OF ASSISTANCE AND MILITARY SALES PROGRAMS.—In furtherance of subsection (a), the President should formulate and conduct United States assistance and military sales programs in a manner which will—

"(1) promote and advance human rights;

"(2) strengthen a relationship between civilian and military sectors appropriate to a democratic system of government; and

"(3) avoid identification of the United States, through these programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

"(c) MATTERS TO BE CONSIDERED.—In carrying out subsection (b) and in preparing the annual reports required by subsection (d), consideration should be given to the following:

"(1) The relevant findings of appropriate international organizations and nongovernmental organizations.

"(2) The extent of cooperation by the government in question in permitting an unimpeded investigation by indigenous nongovernmental organizations, other nongovernmental organizations, and international organizations (such as the International Committee of the Red Cross), of alleged violations of internationally recognized human rights.

"(d) ANNUAL HUMAN RIGHTS REPORT.—In furtherance of subsections (a) and (b), the President shall transmit to the Congress, not later than February 28 each year, a full and complete report with respect to practices regarding the observance of and respect for internationally recognized human rights in every foreign country that is a member of the United Nations. Wherever appropriate, such reports shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization.

"(e) INFORMATION TO BE PROVIDED.—Each annual report under subsection (d), shall include—

"(1) information about observance of and respect for human rights and fundamental freedom in the country in question, and

"(2) a detailed description of practices by the recipient government with respect to human rights and fundamental freedom, including where appropriate information provided by organizations, including nongovernmental organizations.

"SEC. 4303. ANNUAL ALLOCATION REPORT.

"(a) REPORT ON ALLOCATIONS OF ASSISTANCE.—Not later than 30 days after the enactment of any law appropriating funds to carry out any provision of this Act, the President shall notify the Congress of—

"(1) each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law; and

"(2) the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each such country or organization.

"(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

"(1) funds appropriated under section 1801 or section 1802 for operating expenses of the administering agency for title I; or

"(2) any law making continuing appropriations.

"SEC. 4304. NOTIFICATION OF PROGRAM CHANGES.

"(a) INCREASED ASSISTANCE AND NEW PROGRAMS.—Unless the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance, funds appropriated for a fiscal year to carry out this Act may not be obligated for the following:

"(1) INCREASE IN ASSISTANCE LEVEL.—Any assistance under any provision of this Act—

"(A) for a country or international organization for which assistance under that provision was not justified in congressional presentation documents for that fiscal year, or

"(B) in excess of the amount justified in the congressional presentation document and allocated pursuant to section 4303, whichever is greater, for that country or organization under that provision for that fiscal year.

"(2) NEW ACTIVITIES.—Any economic assistance for a program, project, or activity under any provision of this Act—

"(A) which was not justified in congressional presentation documents for that fiscal year; and

"(B) for which assistance was not furnished for the preceding fiscal year.

"(b) CONGRESSIONAL PRESENTATION DOCUMENTS.—For purposes of this section, the term 'congressional presentation documents' means the annual congressional presentation documents for assistance under this Act or the justification documents accompanying a request for supplemental authorizations of appropriations or supplemental appropriations for assistance under this Act.

"(c) APPROPRIATIONS SUBJECT TO REQUIREMENTS.—Subsection (a) applies with respect to all funds appropriated for assistance under this Act (including chapter 4 of title I relating to narcotics control) other than—

"(1) title III (relating to the Overseas Private Investment Corporation and the Trade Development Agency),

"(2) section 1111 (relating to the private sector investment guaranty program),

"(3) section 1112 (relating to the housing and urban development guarantee program), and

"(4) programs of disaster relief and rehabilitation, including assistance programs under chapter 6 of title I (relating to international disaster assistance).

"(3) EMERGENCY EXCEPTIONS.—

"(1) WAIVER.—Subsection (a), or any similar requirement to provide advance notification to the Congress or congressional committees, may be waived if the President determines that doing so is necessitated by emergency circumstances.

"(2) EXERCISE OF AUTHORITY.—In the case of any waiver under paragraph (1) notification to the Congress or the appropriate Congressional committees shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable. Any notification under this paragraph shall contain an explanation of the circumstances necessitating the use of the authority of this subsection.

TITLE V—GENERAL PROVISIONS

SEC. 501. CONSOLIDATION AND REVISION OF ADMINISTRATIVE AUTHORITIES AND ELIMINATION OF OBSOLETE PROVISIONS.

The Foreign Assistance Act of 1961, as amended by the preceding titles of this Act, is amended by adding the following new title V after new title IV (as enacted by title IV of this Act):

"TITLE V—GENERAL PROVISIONS

"CHAPTER 1—EXERCISE AND COORDINATION OF FUNCTIONS

"SEC. 5101. DELEGATIONS BY THE PRESIDENT.

"(a) IN GENERAL.—The President may exercise any functions conferred upon the President by this Act through such agency or officer of the United States Government as the President shall direct.

"(b) AUTHORITY TO ISSUE REGULATIONS AND DELEGATE.—The head of any agency or officer exercising functions under this Act—

"(1) may from time to time promulgate such rules and regulations as may be necessary to carry out such functions; and

"(2) may delegate authority to perform any such functions, including, if he or she shall so specify, the authority successively to redelegate any of such functions to a subordinate.

"SEC. 5102. DESIGNATION OF ADMINISTERING AGENCY FOR TITLE I.

"The President may exercise his functions for administering economic assistance programs under title I primarily through a single agency, which the President may designate.

"SEC. 5103. AUTHORITY TO ESTABLISH MISSIONS ABROAD.

"(a) AUTHORITY.—The President may maintain special missions or staffs outside the United States in such countries and for such periods of time as may be necessary to carry out this Act.

"(b) CHIEF OF MISSION.—Each such special mission or staff shall be under the direction of a chief.

"(c) SMALLER ECONOMIC ASSISTANCE PROGRAMS.—In the case of smaller programs, economic assistance under title I may be administered under the direction of the chief of the United States diplomatic mission by the principal economic officer of the mission.

"SEC. 5104. PRESIDENTIAL FINDINGS AND DETERMINATIONS.

"(a) FINDINGS AND DETERMINATIONS TO BE WRITTEN AND SIGNED.—In any case in which the President is required to make a report by any provision of this Act, the Defense Trade and Export Control Act, annual foreign assistance authorization legislation, or the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act, to the Congress or to any committee or officer of either House of Congress concerning any finding or determination, that finding or determination shall be reduced to writing and signed by the President.

"(b) RESTRICTION.—No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

"(c) PUBLICATION IN FEDERAL REGISTER.—Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

"CHAPTER 2—ADMINISTRATIVE AUTHORITIES

"SEC. 5201. ALLOCATION OF FUNDS AND REIMBURSEMENT AMONG AGENCIES.

"(a) IN GENERAL.—The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out this Act, including any advance to the United States Government by any country or international organization for the procurement of commodities or services. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this Act or under authority governing the activities of the agency of the United States Government to which such funds are allocated or transferred.

"(b) PROCUREMENT FROM OTHER AGENCIES.—

"(1) AUTHORITY.—Any officer of the United States Government carrying out functions under this Act may utilize the services or defense services and the facilities of, or procure commodities or defense articles from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency.

"(2) SEPARATE ACCOUNT.—Funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

"(c) NONMILITARY ASSISTANCE.—

"(1) REIMBURSEMENT TO AGENCIES.—In the case of any commodity, service, or facility procured from any agency of the United States Government to carry out any provision of title I, reimbursement or repayment shall be made to such agency from funds available to carry out that provision.

"(2) AMOUNT OF REIMBURSEMENT.—Such reimbursement or payment shall be at—

"(A) replacement cost,

"(B) if required by law, actual cost,

"(C) in the case of services procured from the Department of Defense to carry out chapter 4 of title I, the amount of additional costs incurred by the Department of Defense in providing such services, or

"(D) at any other price authorized by law and agreed to by the owning or disposing agency.

"(3) CREDITING OF REIMBURSEMENT.—The amount of any such reimbursement or payment—

"(A) shall be credited to current applicable appropriations, funds, or accounts, from which there may be procured replacements of similar commodities, services, or facilities; or

"(B) shall be deposited into the Treasury as miscellaneous receipts if such appropriations, funds, or accounts are not reimbursable except by reason of this subsection and if the owning or disposing agency determines that such replacement is not necessary.

"(d) MILITARY ASSISTANCE.—

"(1) REIMBURSEMENT TO AGENCIES.—Except as otherwise provided, reimbursement shall be made to any agency of the United States Government, from funds available for use under title II, for any assistance furnished under title II from, by, or through such agency.

"(2) AMOUNT OF REIMBURSEMENT.—Such reimbursement shall be—

"(A) in an amount equal to the value of the defense articles, the defense services (excluding salaries of members of the Armed Forces), or other assistance furnished, plus

"(B) expenses arising from or incident to operations under title II (excluding salaries of members of the Armed Forces and unfunded estimated costs of civilian retirement and other benefits).

"(3) CREDITING TO APPROPRIATION.—The amount of such reimbursement shall be credited to the current applicable appropriations, funds, or accounts of such agency.

"(e) ESTABLISHMENT OF ACCOUNTS.—

"(1) AUTHORITY TO ESTABLISH; USES.—In furnishing assistance under this Act, accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States—

"(A) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the last sentence of section 3727(b) and section 3727(c) of title 31, United States Code, and the second and third paragraphs of section 3737 of the Revised Statutes of the United States (41 U.S.C. 15); and

"(B) from which disbursements may be made to, or withdrawals may be made by, recipient countries or agencies, organizations, or persons upon presentation of contracts, invoices, or other appropriate documentation.

"(2) ACCOUNTING FOR EXPENDITURES.—Expenditure of funds which have been made available through accounts established under paragraph (1) shall be accounted for on standard documentation required for expenditure of funds of the United States Government.

"(f)(1) EXPORT-IMPORT BANK.—Credits made by the Export-Import Bank of the United States with funds allocated to the Bank under subsection (a) of this section shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitations imposed by section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) or related appropriations Acts.

"(2) OVERSEAS PRIVATE INVESTMENT CORPORATION.—Loans guaranties, or investments made by the Overseas Private Investment Corporation with funds—

"(A) allocted under subsection (a) of this section or transferred from other sources, public or private, or

"(B) received in foreign currency by the Corporation as a result of insurance activities conducted pursuant to section 3104(a) of this Act.

shall not be considered in determining whether the Corporation has made or has outstanding loans, guaranties, or investments to the extent of any limitation on obligations, commitments, and equity investments imposed by or pursuant to this Act.

"(3) CREDIT REFORM.—The provisions of section 504(b) of the Federal Credit Reform Act of 1990 shall not apply to direct loan obligations or loan guarantee commitments, including insurance provided under the Export-Import Bank Act of 1945, made with funds described—

"(A) in paragraphs (1) or (2)(A) of this subsection to the extent that an amount equivalent to their cost (as defined in section 502(5) of such Act) is transferred to the associated financing account established pursuant to such Act: *Provided*, That the Committees on Appropriations and Foreign Affairs of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate are notified at least ten days before any such transfer, or

"(B) in paragraph (2)(B) of this subsection.

"(g) Charging to Appropriations.—

"(1) Initial charging.—Any appropriation or account available to carry out provisions of title I may initially be charged in any fiscal year, within the limit of available funds, to finance expenses for which funds are available in other appropriations or accounts under that title.

"(2) Final charging.—As of the end of such fiscal year, such expenses shall be finally charged to applicable appropriations or accounts with proper credit to the appropriations or accounts initially utilized for financing purposes, except that such final charges shall not be required in the case of expenses (other than those provided under sections 1801 and 1802) incurred in furnishing assistance where it is determined that the accounting costs of identifying the applicable appropriation or account to which such expenses should be charged would be disproportionate to the advantage to be gained.

"SEC. 5202. GENERAL AUTHORITIES.

"(a) Terms of Assistance.—Except as otherwise specifically prohibited in this Act, assistance under this Act may be furnished on a grant, loan, or guaranty basis, or on such terms, including cash, credit, or other terms of repayment (including repayment in foreign currencies or by transfer to the United States Government of commodities), as may be determined to be best suited to the achievement of the purposes of this Act.

"(b) Terms and Conditions.—The President may furnish assistance under this Act on such terms and conditions (consistent with other provisions of law) as the President deems appropriate, and, consistent with the provisions of this Act, may charge such fees for guarantees and loans under this Act as the President deems appropriate.

"(c) Advances, Contracts, Etc.—In furtherance of the purposes and within the limitations of this Act, the President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any person, corporation, or other body of persons, any government or government agency, regional organization, and any international organization.

"(d) Gifts.—The President may accept and use in furtherance of the purposes of this Act, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

"(e) Insurance.—

"(1) Foreign participants.—Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign participants in any program of furnishing assistance administered by such agency while such participants are absent from their homes for the purpose of participation in such program.

"(2) Foreign employees.—Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign employees of that agency while those employees are absent from their places of employment abroad for purposes of training or other official duties.

"(f) Admission to United States.—Alien participants in any program of furnishing assistance under this Act may be admitted to the United States if otherwise qualified as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

"(g) Assistance Authorities.—In furnishing and administering assistance under this Act, the President—

"(1) may issue letters of credit and letters of commitment;

"(2) may collect, compromise, or otherwise settle any obligations assigned to, or held by, and any legal or equitable rights accruing to, the President and may (as the President deems appropriate) refer any such obligations or rights to the Attorney General for suit or collection;

"(3) may—

"(A) acquire and dispose of (upon such terms and conditions as the President deems appropriate) any property, including any instrument evidencing indebtedness or ownership, and

"(B) guarantee payment against any such instrument;

"(4) may establish the character of, and decide the necessity for, obligations and expenditures of funds used in furnishing and administering such assistance and the manner in which such obligations and expenditures shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to corporations of the United States Government; and

"(5) shall cause to be maintained an integral set of accounts which shall be audited by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions as provided by chapter 91 of title 31, United States Code.

"(h) Claims Relating to Guarantees.—Claims arising as a result of any guarantee program authorized by this Act may be settled, and disputes arising as the result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the President may direct. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

"(i) Financial Transactions With Foreign Governments in Default of Obligations to the United States.—Section 955 of title 18, United States Code, shall not apply to any person—

"(1) who acts for or participates in any operation or transaction arising under this Act, or

"(2) who acquires any obligation issued in connection with any operation or transaction arising under this Act.

"(j) Educational Institutions.—Any cost-type contract or agreement (including grants) entered into with an institution of higher education for the purpose of carrying out programs authorized by title I may provide for the payment of the reimbursable indirect costs of that institution on the basis of predetermined fixed-percentage rates applied to the total or an element thereof, of the reimbursable direct costs incurred.

"(k) Multiyear Commitments.—A contract or agreement which entails commitments for the expenditure of funds under this Act may, subject to any future action of the Congress, extend at any time for not more than 10 years.

"SEC. 5203. AUTHORIZED ADMINISTRATIVE USES OF FUNDS.

"(a) Personnel, Printing, Procurement of Supplies, and Other Administrative Expenses.—Funds made available to carry out this Act may be used for the following:

"(1) Compensation, allowances, and travel of personnel, including Foreign Service personnel, whose services are utilized primarily for the purposes of this Act.

"(2) Printing and binding without regard to the provisions of any other law.

"(3) Expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of funds of the United States Government (other than sections 1341, 1342, and 1517 of title 31 United States Code) as may be necessary to accomplish the purpose of this Act.

"(b) Uses of Nonmilitary Assistance Funds.—

"(1) Authorized uses.—Funds described in paragraph (2) shall be available for the following:

"(A) Rent of buildings and space in buildings in the United States, and for repair, alteration, and improvements of such leased properties.

"(B) Expenses of attendance at meetings concerned with the purposes of title I, including (notwithstanding section 1346(a) and 1346(c) of title 31, United States Code), expenses in connection with meetings of persons whose employment is authorized by section 5503.

"(C) Contracting with individuals for personal service abroad. Such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management.

"(D) Purchase, maintenance, operation, and hire of aircraft, except that aircraft for administrative purposes may be purchased only as specifically provided for in an appropriation or other Act.

"(E)(i) Purchase and hire of passenger motor vehicles, subject to clauses (ii) and (iii).

"(ii) Except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only. Such vehicles may be exchanged or sold and replaced by an equal number of such vehicles.

"(iii) Passenger motor vehicles other than one for the official use of the head of the agency designated under section 5102 may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act

"(F) Entertainment.

"(G) Exchange of funds without regard to loss by exchange.

"(H) Expenditures (not to exceed $50,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act) of a confidential character other than entertainment. A certificate of the amount of such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the President, and every such certificate shall be deemed a sufficient voucher for the amount therein specified.

"(I) Insurance of official motor vehicles or aircraft acquired for use in foreign countries.

"(J)(i) Rent or lease outside the United States of offices, buildings, grounds, and quarters, including living quarters to house personnel, and payments therefor in advance for such period as the President may determine.

"(ii) Maintenace, furnishing, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States.

"(iii) Costs of fuel, water, and utilities for such properties.

"(K) EXPENSES OF—

"(i) preparing and transporting to their former homes (or with respect to foreign participants engaged in any program under title I to their former homes or places of burial), and

"(ii) caring for and disposing of the remains of an individual, or the remains of a member of an individual's family, who may die while such individual is away from home participating in activities carried out with funds described in paragraph (2).

"(L) Purchase of uniforms.

"(M) Payment of per diem in lieu of subsistence to foreign participants engaged in any program under title I while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations, notwithstanding any other provision of law.

"(N) Use in accordance with authorities of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) not otherwise provided for.

"(O) Ice and drinking water for use outside the United States.

"(P) Services of commissioned officers of the National Oceanic and Atmospheric Administration. For the purposes of providing such services, the National Oceanic and Atmospheric Administration may appoint not to exceed 20 commissioned officers in addition to those otherwise authorized.

"(Q) EXPENSES IN CONNECTION WITH—

"(i) travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel);

"(ii) the transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year; and

"(iii) the costs of transporting automobiles to and from a place of storage, and the costs of storing automobiles of such personnel, when it is in the public interest or more economical to authorize storage.

"(R) Assistance for the implementation of programs under the Agricultural Trade Development and Assistance Act of 1954, the Agricultural Act of 1949, and the Food for Progress Act of 1985.

"(2) FUNDS WHICH MAY BE USED.—Paragraph (1) applies to—

"(A) appropriations to carry out this Act (other than title II),

"(B) allocations to any agency of the United States Government, from other appropriations, for functions directly related to the purposes of this Act (other than title II), and

"(C) funds made available for other purposes to the agency designated under section 5102.

"(c) FACILITIES ABROAD.—

"(1) LIVING QUARTERS, OFFICES, SCHOOLS, AND HOSPITALS.—Notwithstanding any other provision of law, funds available for assistance under this Act may be used in any fiscal year (in addition to funds available for such use under other authorities in this Act)—

"(A) to construct or otherwise acquire outside the United States essential living quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this Act;

"(B) to construct or otherwise acquire outside the United States schools (including dormitories and boarding facilities) and hospitals for use of personnel carrying out activities authorized by this Act, United States Government personnel, and their dependents; and

"(C) to staff, operate, and maintain such schools and hospitals.

"(2) DISPOSAL.—Overseas property acquired under this subsection (or predecessor provisions of this Act) may be disposed of, and the proceeds of such disposal shall remain available until expended for use of the purposes specified in paragraph (1).

"(d) EDUCATION OF DEPENDENTS.—Funds available for assistance under this Act may be used in any fiscal year to provide assistance to schools established, or to be established, outside the United States whenever it is determined that such action would be more economic or would best serve the interests of the United States in providing for the education of dependents of personnel carrying out activities authorized by this Act and dependents of United States Government personnel, in lieu of acquisition or construction pursuant to subsection (c) of this section.

"(e) TRAINING OF PERSONNEL.—

"(1) PAYMENT OF COSTS.—Funds available under this Act may be used to pay costs of training United States citizen personnel employed or assigned pursuant to section 5502(c), through interchange or otherwise, at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm.

"(2) LIMITATION ON DUAL EMPLOYMENT.—Such training shall not be considered employment or holding of office under section 5533 of title 5, United States Code.

"(3) ACCEPTANCE OF CERTAIN PAYMENT.—Any payment or contributions in connection with such training may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency. Any such payments or contributions to any employee in the nature of compensation shall be in lieu, or in reduction, or compensation received from the United States Government.

"(f) DETAIL OF PERSONNEL.—Funds made available for title I may be used to reimburse an agency of the United States Government, an agency of a State government, or an institution of higher education for the full costs of any employee which that agency or institution details or assigns to the agency designated under section 5102 to carry out programs under title I that require specialized technical skills.

"(g) MILITARY ASSISTANCE FUNDS.—Funds made available for the purposes of title II shall be available for the following:

"(1) Administrative, extraordinary (not to exceed $300,000 in any fiscal year), and operating expenses incurred in furnishing defense articles and defense services under chapter 2 or chapter 5 of title II or on a sale or lease basis under the Defense Trade and Export Control Act.

"(2) Reimbursement of actual expenses of military officers detailed or assigned as tour directors in connection with orientation visits of foreign military and related civilian personnel, in accordance with the provisions of section 5702 of title 5, United States Code, applicable to civilian officers and employees.

"(3) Maintenance, repair, alteration, and furnishing of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military and related civilian personnel without regard to the provisions of section 3733 of the Revised Statutes (41 U.S.C. 12) or other provision of law requiring a specific authorization or specific appropriation for such public contracts.

"CHAPTER 3—SPECIAL REQUIREMENTS AND AUTHORITIES RELATING TO APPROPRIATIONS AND LOCAL CURRENCIES

"Subchapter A—Provisions Relating to Appropriations

"SEC. 5301. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

"(a) REQUIREMENT FOR AUTHORIZATION.—Funds appropriated for foreign assistance under this Act shall not be available for obligation or expenditure—

"(1) unless the appropriation thereof has been specifically authorized by law; or

"(2) in excess of an amount prescribed by law.

"(b) SUBSEQUENT AUTHORIZATIONS.—To the extent that legislation enacted after the making of an appropriation for foreign assistance under this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall not apply.

"(c) RELATION TO OTHER PROVISIONS.—The provisions of this section shall not be superseded except by a provision of law that specifically repeals of modifies the provisions of this section.

"SEC. 5302. AUTHORITY FOR EXTENDED PERIOD OF AVAILABILITY OF APPROPRIATIONS.

"Amounts appropriated to carry out this Act are authorized to be made available, in appropriations Acts, until expended.

"SEC. 5303. REDUCTION IN EARMARKS.

"(a) PROPORTIONAL REDUCTIONS.—If—

"(1) the amount appropriated for a fiscal period to carry out any provision of this Act is less than the amount authorized to be appropriated to carry out such provision, and

"(2) the provision or provisions authorizing such appropriations provides that a specified amount of the amount authorized to be appropriated to carry out that provision for that fiscal period shall be available only for a particular country, organization, or purpose,

then the amount so specified shall be deemed to be reduced to the amount which bears the same ratio to the specified amount as the amount appropriated bears to the amount authorized to be appropriated.

"(b)(1) Funds may be made available notwithstanding any provision of law described in paragraph (2) if—

"(A) compliance with such provision is made impossible by operation of law, or

"(B) the President determines that the country or organization for whom such funds would have been made available has significantly reduced its military, political, or economic cooperation with the United States during the preceding 12 month period.

"(2) The provisions of law to which this subsection applies are any provisions requiring that a specified amount of funds appropriated tro carry out any provision of this Act shall be available only for a particular country, organization, or purpose.

"Subchapter B—Local Currencies

"SEC. 5321. SPECIAL ACCOUNTS FOR AND USE OF HOST-COUNTRY OWNED LOCAL CURRENCY

"(a) SPECIAL ACCOUNT.—If assistance is furnished to the government of a foreign country under title I under agreements which will result in the generation of local currencies of that country, and to the extent determined appropriate by the President to further the purposes of the Act, the President should—

"(1) requires that local currencies be deposited in a special account established by that government;

"(2) enter into an agreement with that government which sets forth—

"(A) the amount of the local currencies to be so generated, and

"(B) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

"(3) establish by agreement with that government the responsibilities of the United States and that government to monitor and account for deposits into and disbursements from the special account.

"(b) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a special account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

"(1) to carry out title I (as the case may be), for such purposes as—

"(A) project and sector assistance activities, or

"(B) debt and deficit financing; or

"(2) for the administrative requirements of the United States Government.

"(c) PROGRAMMING ACCOUNTABILITY.—The President shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (b)(1) from the special account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

"(d) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under title I, any unencumbered balances of funds which remain in a special account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

"(e) APPLICABILITY OF REQUIREMENTS.—This section does not apply with respect to chapter 4 of title I or chapter 6 or 7 of title II.

"(f) DEFINITION.—For purposes of this section local currencies that are generated are those local currencies which result from the provision on non-project assistance disbursed as a cash transfer and where such local currencies represent a tangible flow of currency to the recipient government rather than an internal account transaction within such government.

"SEC. 5322. USE OF CERTAIN FOREIGN CURRENCIES OWNED BY THE UNITED STATES.

"(a) AUTHORITY TO USE FOREIGN CURRENCIES FOR ASSISTANCE PROGRAMS.—Except as otherwise provided in this Act or other provisions of law, foreign currencies described in subsection (b) are authorized to be appropriated for use in providing assistance under title I.

"(b) FOREIGN CURRENCIES WHICH MAY BE USED FOR ASSISTANCE.—The foreign currencies which may be used under subsection (a) are any foreign currencies received as a result of the furnishing of assistance under title I (or any predecessor legislation authorizing nonmilitary assistance) which are in excess of—

"(1) the amounts reserved under authority of section 105(d) of the Mutual Educational and Cultural Exchange Act of 1961 or any other Act relating to educational and cultural exchanges; and

"(2) the amounts required for payment by the agencies of the United States Government of their obligations outside the United States, as such requirements may be established from time to time by the President.

"(c) PAYMENT OF OBLIGATIONS OF GOVERNMENT AGENCIES.—Foreign currencies described in subsection (b) which are in excess of the amounts described in paragraph (1) of that subsection may be sold by the Secretary of the Treasury to agencies of the United States Government for payment of their obligations outside the United States.

"SEC. 5323. INTEREST ON U.S. OWNED FOREIGN CURRENCY PROCEEDS.

"(a) REQUIREMENT FOR PAYMENT OF INTEREST.—In cases where assistance is to be furnished to any recipient country under this Act on a basis which will result in the accrual of foreign currency proceeds to the United States, agreements with respect to such assistance should include provisions for the receipt of interest income on the foreign currency proceeds deposited in authorized depositories.

"(b) WAIVER OF REQUIREMENTS.—The President may waive any requirement for receipt of such income if the President decides it would not be in the national interest to conclude arrangements for the receipt of interest income pursuant to subsection (a).

"SEC. 5324. USE OF LOCAL CURRENCIES.

"In carrying out programs under this Act, the President shall take all appropriate steps to assure that, to the maximum extent possible countries receiving assistance under this Act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such programs.

"SEC. 5325. INTEREST ON LOCAL CURRENCY ACCRUING TO NONGOVERNMENTAL ORGANIZATIONS.

"A nongovernmental organization may invest local currencies which accrue to that organization as a result of assistance provided under title I, the Agricultural Trade Development and Assistance Act of 1954, section 416(b) of the Agricultural Act of 1949, or the Food for Progress Act of 1985, and any interest earned on such investment may be used for the purpose for which the assistance was provided to that organization including for the establishment of an endowment.

"CHAPTER 4—PROCUREMENT AND DISPOSITION OF COMMODITIES AND DEFENSE ARTICLES

"SEC. 5401. USE OF PRIVATE ENTERPRISE.

"(a) IN GENERAL.—In order to encourage and facilitate participation by private enterprise to the maximum extent practicable in achieving any of the purposes of this Act, the President shall—

"(1) to the maximum extent practicable carry out programs of assistance through private channels and, to the extent practicable, in conjunction with local private or governmental participation;

"(2) utilize wherever practicable the services of United States private enterprise to provide the necessary skills to develop and operate a specific project or program of assistance in a developing country or area in any case in which direct private investment is not readily encouraged, and provide where appropriate for the transfer of equity ownership in such project or program to private investors at the earliest feasible time.

"(b) TECHNICAL ASSISTANCE.—In providing technical assistance under this Act, the President shall utilize, to the fullest extent practicable, goods and professional and other services from private enterprise on a contract basis. In such fields as education, health, housing, engineering, surveying, mapping, construction or agriculture, the facilities and resources of Federal agencies, which do not administer programs under this Act, may be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs.

"(c) MILITARY ASSISTANCE.—The President shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to title II. Such information shall be furnished as far in advance as possible.

"SEC. 5402. PROCUREMENT STANDARDS AND PROCEDURES.

"(a) ESTABLISHMENT OF STANDARDS AND PROCEDURES.—Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base which outweigh the economic or other advantages to the United States of less costly procurement outside the United States, and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

"(b) BULK COMMODITIES.—No funds made available under this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

"(c) PROCUREMENT METHOD FOR INSTITUTIONS OF HIGHER EDUCATION.—The President may establish separate procurement standards and procedures for projects under title I to limit competition to a selection among institutions of higher education when the projects would benefit substantially from the resources and special capabilities of such institutions.

"SEC. 5403. SHIPPING ON UNITED STATES VESSELS.

"(a) CERTAIN LAWS NOT APPLICABLE.—The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this Act or the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and transfers of fresh fruit and fresh fruit products under this Act, shall not be governed by section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. app. 1241(b)), or any other law relating to the ocean transportation of commodities on United States flag vessels.

"(b) SHIPPING DIFFERENTIAL.—For purposes of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. app. 1241(b)), funds made available for development assistance and economic support assistance may be used to make grants to recipients or otherwise pay all or any portion of such differential as is determined by the Secretary of Transportation to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.

"SEC. 5404. EXCESS AND OTHER AVAILABLE PROPERTY.

"(a) POLICY REGARDING USE OF EXCESS AND OTHER AVAILABLE PROPERTY.—In furnishing assistance under title I—

"(1) excess personal property, or

"(2) if a substantial savings would occur, other property already owned by an agency of the United States Government,

may be utilized wherever practicable in lieu of or supplementary to the procurement of new items for United States-assisted projects and programs.

"(b) SEPARATE ACCOUNT FOR EXPENSES RELATED TO PROPERTY.—

"(1) AUTHORITY TO MAINTAIN ACCOUNT.—The President is authorized to maintain in a separate account funds made available under title I. Funds in such a separate account shall (notwithstanding section 1535(d) of title 31, United States Code) be free from fiscal year limitations.

"(2) USE OF FUNDS IN THE ACCOUNT.—Funds in the separate account established under paragraph (1) may be used to pay costs (including personnel costs) of acquisition, storage, renovation and rehabilitation, packing, crating, handling, transportation, and related costs of—

"(A) property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following);

"(B) any property available from an agency of the United States Government; or

"(C) other property,

in advance of known requirements for the use of such property in furtherance of the purposes of title I.

"(3) USE OF PROPERTY ACQUIRED.—Property acquired pursuant to paragraph (2) may be furnished—

"(A) pursuant to any provision of title I (other than subchapter C of chapter 5 or chapter 8), for which funds are authorized for the furnishing of assistance, in which case the separate account established pursuant to this section shall be repaid from funds made available for such provision for all costs incurred; or

"(B) pursuant to subchapter C of chapter 5 of title I, in which case the separate account shall be repaid in accordance with section 1522 for all costs incurred.

"(c) CONDITIONS ON USE OF EXCESS PROPERTY.—

"(1) LIMITATION.—Government-owned excess property may not be made available for use under title I unless approval is given and a determination is made in accordance with paragraph (2)—

"(A) before the shipment of such property for use in a specified country, or

"(B) if the property is already in such country, before the transfer of the property.

"(2) DETERMINATION.—A shipment or transfer subject to paragraph (1) may take place only after the President approves the shipment or transfer and makes a written determination—

"(A) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

"(B) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

"(C) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.

"SEC. 5405. RETENTION AND USE OF CERTAIN ITEMS AND FUNDS.

"(a) RETENTION AND USE OF CERTAIN COMMODITIES AND DEFENSE ARTICLES.—

"(1) AUTHORITY TO RETAIN, TRANSFER, AND USE.—Any commodities or defense articles procured to carry out this Act shall be retained by, or (upon reimbursement) transferred to and for the use of, such agency of the United States Government as the President deems appropriate in lieu of being disposed of to a foreign country or international organization, whenever in the judgment of the President the best interests of the United States will be served thereby.

"(2) LAWS GOVERNING DISPOSAL OF GOVERNMENT PROPERTY.—Any commodities or defense articles so retained may be disposed of without regard to provisions of law relating to the disposal of property owned by the United States Government, when necessary to prevent spoilage or wastage of such commodities or defense articles or to conserve their usefulness.

"(3) PROCEEDS CREDITED TO APPROPRIATIONS.—Funds realized from any disposal or transfer shall revert to the respective appropriation, fund, or account used to procure such commodities or defense articles or to the appropriation, fund, or account currently available for the same general purpose.

"(b) COMMODITIES RECEIVED AS PAYMENT.—Whenever commodities are transferred to the United States Government as repayment of assistance under this Act, such commodities may be used in furtherance of the purposes and within the limitations of this Act.

"(c) FAILED TRANSACTIONS.—Funds realized as a result of any failure of a transaction financed under this Act to conform to the requirements of this Act, to applicable rules and regulations of the United States Government, or to the terms of any agreement or contract entered into under this Act, shall revert to the respective appropriation, fund, or account used to finance such transaction or to the appropriate fund, or account currently available for the same general purpose.

"(d) DISPOSAL OF DEFENSE ARTICLES.—Funds realized by the United States Government from the sale, transfer, or disposal of defense articles furnished under the former authority of chapter 2 of part II of this Act, and no longer needed for the purposes for which furnished, shall be credited to the respective appropriation, fund, or account currently available for the same general purpose.

"SEC. 5406. LAWS RELATING TO CONTRACTS AND GOVERNMENT EXPENDITURES.

"Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

"SEC. 5407. TRANSPORTATION CHARGES INCURRED BY THE RED CROSS OR PRIVATE VOLUNTARY ORGANIZATIONS.

"In order to further the efficient use of United States voluntary contributions for development and for the relief and rehabilitation of people in friendly countries, the President may use funds made available for assistance under title I, to pay transportation charges on shipments by the American National Red Cross and by registered United States private voluntary organizations.

"CHAPTER 5—PERSONNEL

"SEC. 5501. STATUTORY OFFICERS IN ECONOMIC ASSISTANCE AGENCY.

"(a) APPOINTMENT.—The President may appoint, by and with the advice and consent of the Senate, 12 officers in the agency designated pursuant to section 5102.

"(b) TITLE.—The President may designate the title of any officer appointed under subsection (a).

"(c) ORDER OF SUCCESSION.—The President may also fix the order of succession among the officers appointed under subsection (a) of this section in the event of the absence, death, resignation, or disability of one or more of those officers.

"SEC. 5502. EMPLOYMENT OF PERSONNEL.

"(a) AUTHORITY.—Any agency or officer of the United States Government carrying out functions under this Act is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this Act.

"(b) ECONOMIC ASSISTANCE FUNCTIONS IN THE UNITED STATES.—

"(1) APPOINTMENTS WITHOUT REGARD TO CERTAIN CIVIL SERVICE LAWS.—Of the personnel employed in the United States to carry out title I, 110 may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be compensated without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title, subject to paragraph (2) of this subsection.

"(2) COMPENSATION.—Of the personnel appointed under paragraph (1), 51 may be compensated at rates higher than those payable for GS-15 of the General Schedule under section 5332 of title 5, United States Code, but not in excess of the highest rate payable under section 5376 of such title.

"(3) REINSTATEMENT RIGHTS.—Under such regulations as the President may prescribe, any individual employed under paragraph (1) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position of comparable grade and pay.

"(4) PROVISIONS NOT APPLICABLE TO OTHER NONMILITARY ASSISTANCE PROGRAMS.—This subsection does not apply with respect to chapter 4 title I or chapters 6 and 7 of title II.

"(c) MILITARY ASSISTANCE FUNCTIONS IN THE UNITED STATES.—Of the personnel employed in the United States to carry out title II or the Defense Trade and Export Control Act not to exceed 8 may be compensated at rates higher than those payable for GS-15 of the General Schedule under section 5332 of title 5 of the United States Code, but not in excess of the highest rate payable under section 5376 of such title. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5, United States Code.

"(d) PERFORMANCE OF FUNCTIONS OUTSIDE THE UNITED STATES.—

"(1) AUTHORITY TO EMPLOY OR ASSIGN.—For the purpose of performing functions under this Act outside the United States, the President may—

"(A) employ or assign individuals, or

"(B) authorize the employment or assignment of officers or employees by agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system.

"(2) COMPENSATION.—Individuals employed or assigned under paragraph (1) shall receive compensation at any of the rates provided for under section 402 or section 403 of the Foreign Service Act of 1980, or under chapter 53 of title 5, United States Code, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980.

"(3) REEMPLOYMENT RIGHTS.—Individuals so employed or assigned shall be entitled to the same benefits as are provided by section 310 of that Act for individuals appointed to the Foreign Service, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds 30 months.

"(e) CERTAIN FUNDS DEEMED OBLIGATED FOR CERTAIN SERVICES.—Funds provided for in agreements with foreign countries for the furnishing of services under this Act with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agency designated under section 5102 or the Department of Defense) as well as personnel not employed by the United States Government.

"SEC. 5503. EXPERTS, CONSULTANTS, AND RETIRED OFFICERS.

"(a) AUTHORITY TO EMPLOY.—Expert and consultants or organizations thereof may, in accordance with section 3109 of title 5 of the United States Code, be employed for the performance of functions under this Act.

"(b) MANDATORY RETIREMENT AGE NOT APPLICABLE.—Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5 of the United States Code.

"(c) EMPLOYMENT OF CERTAIN PERSONS WITHOUT COMPENSATION.—Persons of outstanding experience and ability may be employed without compensation by any agency of the United States Government for the performance of functions under this Act in accordance with the provisions of section 710(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)), and regulations issued thereunder.

"SEC. 5504. DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

"(a) DETAILS TO FOREIGN GOVERNMENTS.—When consistent with and in furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail any officer or employee of that agency to any office or position with any foreign government or foreign government agency, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government.

"(b) DETAIL TO INTERNATIONAL ORGANIZATIONS.—When consistent with and in furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail to any international organization any officer or employee of that agency to serve with, or as a member of, the international staff of such organization, or to render any technical, scientific, or professional advice or service to, or in cooperation with, such organization.

"(c) STATUS OF PERSONNEL DETAILED.—

"(1) RETENTION OF BENEFITS.—Any officer or employee, while detailed under this section—

"(A) shall be considered an officer or employee of the United States Government and of the agency of the United States Government from which detailed for the purpose of preserving his or her allowances, privileges, rights, seniority, and other benefits as such; and

"(B) shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this Act, or may be detailed on a leave without pay status.

"(2) ALLOWANCES.—Any officer or employee assigned, detailed, or appointed under this section, section 5103, section 5505, or section 5506 may receive (under such regulations as the President may prescribe) representation allowances similar to those allowed under section 905 of the Foreign Service Act of 1980. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5, United States Code.

"(d) TERMS OF DETAIL.—Details may be made under this section or section 408 of the Mutual Security Act of 1954 in accordance with any of the following paragraphs:

"(1) Without reimbursement to the United States Government by the foreign government or international organization.

"(2) Upon agreement by the foreign government or international organization to reimburse the United States Government for compensation, travel expenses, benefits, and allowances, or any part thereof, payable to the officer or employee concerned during the period of detail. Such reimbursements (including foreign currencies) shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, benefits, or allowances, or to the appropriation, fund, or account currently available for such purposes.

"(3) Upon an advance of funds, property, or services by the foreign government or international organization to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act. Funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization.

"(4) Subject to the receipt by the United States Government of a credit to be applied against the payment by the United States Government of its share of the expenses of the international organization to which the officer or employee is detailed, such credit to be based upon the compensation, travel expenses, benefits and allowances, or any part thereof, payable to such officer or employee during the period of detail in accordance with subsection (c).

"SEC. 5505. CHIEF OF ECONOMIC ASSISTANCE MISSION ABROAD.

"(a) APPOINTMENT.—The chief and his deputy of each special mission or staff carrying out economic assistance programs under title I shall be appointed by the President.

"(b) COMPENSATION AND ALLOWANCES.—Such chief shall be entitled to receive such compensation and allowances as are authorized by the Foreign Service Act of 1980, not to exceed those authorized for a chief of mission (as defined in section 102(a)(3) of that Act), as the President deems appropriate.

"SEC. 5506. CHAIRMAN OF OECD DEVELOPMENT ASSISTANCE COMMITTEE.

"(a) APPOINTMENT.—The President may—

"(1) appoint any United States citizen who is not an employee of the United States Government, or

"(2) assign any United States citizen who is an employee of the United States Government, to serve as Chairman of the Development Assistance Committee (or any successor committee) of the Organization for Economic Cooperation and Development, upon election thereto by members of that Committee.

"(b) COMPENSATION AND ALLOWANCES.—An individual appointed or assigned under subsection (a) may receive such compensation and allowances as are authorized by the Foreign Service Act of 1980, not to exceed those authorized for a chief of mission (as defined in section 102(a)(3) of that Act), as the President deems appropriate. Such individual, if appointed under subsection (a)(1), shall be deemed to be an employee of the United States Government for purposes of chapters 81, 83, 84, 87, and 89 of title 5, United States Code. Such individual may also, in the President's discretion, receive any other benefit and perquisites available under this Act to chiefs of special missions or staffs outside the United States established under section 5103.

"SEC. 5507. ASSIGNMENT OF DOD PERSONNEL TO CIVIL OFFICES.

"Notwithstanding section 973(b) of title 10, United States Code, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this Act.

"SEC. 5508. DISCRIMINATION AGAINST UNITED STATES PERSONNEL PROVIDING ASSISTANCE.

"It is the Sense of the Congress that—

"(1) the assignment of officers and employees of the United States to carry out any assistance program funded under this Act in any foreign country, should not take into account the race, religion, national origin, or sex of any such officer or employee, and such assignments should be made solely on the basis of ability and relevant experience.

"(2) assistance under this Act should not be furnished to any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) from participating in the furnishing of assistance under this Act on the basis of race, religion, national origin, or sex.

"CHAPTER 6—DEFINITIONS AND MISCELLANEOUS PROVISIONS

"SEC. 5601. DEFINITIONS.

"(a) TYPES OF ASSISTANCE.—For purposes of this Act and any other provision of law relating to assistance under this Act, the following terms have the following meanings:

"(1) ANTITERRORISM ASSISTANCE.—The term 'antiterrorism assistance' means assistance under chapter 7 of title II.

"(2) DEVELOPING COUNTRY.—The term 'developing country' includes advances developing country.

"(3) DEVELOPMENT ASSISTANCE.—The term 'development assistance' means assistance under chapters 1 and 2 of title I.

"(4) ECONOMIC ASSISTANCE.—The term 'economic assistance' means assistance under title I other than chapter 4; it does not include assistance under chapters 6 and 7 of title II.

"(5) ECONOMIC SUPPORT ASSISTANCE.—The term 'economic support assistance' means assistance under chapter 3 of title I.

"(6) FOREIGN MILITARY FINANCING.—The term 'foreign military financing' means assistance furnished with funds made available to carry out chapter 2 of title II.

"(7) INTERNATIONAL DISASTER ASSISTANCE.—The term 'international disaster assistance' means assistance under chapter 6 of title I.

"(8) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—The term 'international military education and training' means assistance under chapter 5 of title II; it does not include military education and training under chapter 2 of title II.

"(9) MILITARY ASSISTANCE.—The term 'military assistance' means assistance under title II; however, it does not include assistance under chapters 6 and 7 of that title.

"(10) NARCOTICS CONTROL ASSISTANCE.—The term 'narcotics control assistance' means assistance under chapter 4 of title I.

"(b) DEFINITIONS APPLICABLE TO THE ACT GENERALLY.—For purposes of this Act and any other provision of law relating to assistance under this Act, the following terms have the following meanings:

"(1) AGENCY OF THE UNITED STATES GOVERNMENT.—The term 'agency of the United States Government' includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

"(2) FUNCTION.—The term 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

"(3) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term 'gross violations of internationally recognized human rights' includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person.

"(4) INCLUDES.—The term 'includes' means includes but is not limited to.

"(5) OFFICER OR EMPLOYEE.—The term 'officer or employee' means civilian personnel of the United States Government and members of the Armed Forces.

"(6) NONNUCLEAR-WEAPON STATE.—The term 'nonnuclear-weapon state' means any country which is not a nuclear-weapon state, as defined in article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons.

"(7) UNITED STATES.—The term 'United States', when used in the geographic sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, and any other territory or possession of the United States.

"(8) MAJOR ILLICIT DRUG PRODUCING COUNTRY.—The term 'major illicit drug producing country' means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year.

"(9) MAJOR DRUG TRANSIT COUNTRY.—The term 'major drug transit country' means a country—

"(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States;

"(B) through which are transported such drugs or substances; or

"(C) through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government.

"(10) NARCOTIC AND PSYCHOTROPIC DRUGS AND OTHER CONTROLLED SUBSTANCES.—The term 'narcotic and psychotropic drugs and other controlled substances' has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country or countries concerned.

"(c) DEFINITIONS APPLICABLE PRIMARILY TO NONMILITARY ASSISTANCE.—For purposes of this Act and any other provision of law relating to assistance under this Act, the following terms have the following meanings:

"(1) AGRICULTURE.—The term 'agriculture' includes aquaculture and fisheries.

"(2) COMMODITY.—The term 'commodity' includes any material, article, supply, goods, or equipment used for the purposes of furnishing assistance under title I.

"(3) FARMERS.—The term 'farmers' includes fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning that term is given by section 1201(a) of the Higher Education Act of 1965.

"(5) SERVICES.—The term 'services' include any service, repair, training of personnel, or technical or other assistance or information used for the purposes of furnishing assistance under title I.

"(d) DEFINITIONS APPLICABLE PRIMARILY TO MILITARY ASSISTANCE.—For purposes of this Act, the following terms have the following meanings:

"(1) ARMED FORCES.—The term 'Armed Forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States.

"(2) DEFENSE ARTICLE.—The term 'defense article'—

"(A) includes—

"(i) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

"(ii) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

"(iii) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph; or

"(iv) any component or part of any article listed in this paragraph; but

"(B) does not include—

"(i) merchant vessels; or

"(ii) as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

"(3) DEFENSE INFORMATION.—The term 'defense information'—

"(A) includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service; but

"(B) does not include Restricted Data as defined by the Atomic Energy Act of 1954, and data removed from the Restricted Data category under section 142d of that Act.

"(4) DEFENSE SERVICE.—The term 'defense service' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, including—

"(A) military education and training, and

"(B) design and construction services (as defined in section 47(8) of the Defense Trade and Export Control Act).

"(5) EXCESS DEFENSE ARTICLES.—The term 'excess defense articles' means the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act.

"(6) MAJOR DEFENSE EQUIPMENT.—The term 'major defense equipment' has the same meaning that term has under section 47(6) of the Arms Export Control Act.

"(7) MAJOR NON-NATO ALLY.—The term 'major non-NATO ally' means a country which is designated in accordance with section 48 of the Defense Trade and Export Control Act as a major non-NATO ally for purposes of that Act or this Act.

"(8) MILITARY EDUCATION AND TRAINING.—The term 'military education and training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.

"(9) VALUE.—The term 'value' means—

"(A) with respect to an excess defense article, the actual value of the article plus the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying the article, except that for purposes of section 5201(d) such actual value shall not be taken into account;

"(B) with respect to a nonexcess defense article delivered from inventory to a foreign country or international organization under this Act, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value;

"(C) with respect to a nonexcess defense article delivered from new procurement to a foreign country or international organization under this Act, the contract or production costs of such article;

"(D) with respect to a defense service, the cost to the United States Government of such service; and

"(E) with respect to military education and training under chapter 5 of title II or services provided under chapter 7 of title II of this Act, the additional costs that are incurred by the United States Government in furnishing such assistance.

"SEC. 5602. ACTIVITIES UNDER OTHER LAWS NOT AFFECTED.

"Unless expressly provided to the contrary, provisions of this Act and other provisions applicable to foreign assistance shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Mutual Educational and Cultural Exchange Act of 1961, the Export-Import Bank Act of 1945, the National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Agricultural Act of 1949, the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, the Inter-American Foundation Act, the African-American Foundation Act, Title 10 of the United States Code, any National Defense Authorization Act or Department of Defense Appropriations Act, or the Migration and Refugee Assistance Act of 1962, or commercial export promotion activities of the Department of Agriculture (including the Commodity Credit Corporation).".

TITLE VI—TECHNICAL AND CONFORMING PROVISIONS

SEC. 601. EFFECTIVE DATE.

Except as otherwise provided in this Act, the provisions of this Act shall take effect on October 1, 1991.

SEC. 602. SAVINGS PROVISIONS.

(a) In General.—All actions taken under the authority of any provision of law repealed or modified by titles I through VI of this Act shall continue in full force and effect until modified by appropriate authority.

(b) Certain Presidential Appointees.—The repeal by this Act of any provision of the Foreign Assistance Act of 1961 providing for the appointment of an individual to a position by the President, by and with the advice and consent of the Senate, and the reenactment by this Act of that provision in substantively identical form does not require the reappointment of the individual holding that position on the effective date specified in section 601.

(b) Section 124(c) Authority.—For purposes of section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), section 124(c) of the Foreign Assistance Act of 1961, as in effect before the effective date specified in section 601 of this Act, shall be deemed to remain in effect on and after that date.

SEC. 603. RETENTION OF CERTAIN PROVISIONS FORMERLY IN THE FOREIGN ASSISTANCE ACT.

(a) Federal Act of State Doctrine.—

(1) In general.—Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which claim of title or other right to property is asserted by any party, including a foreign state (or a party claiming through such state), based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in section 620(e)(1) of the Foreign Assistance Act of 1961 as in effect before the effective date of this section.

(2) Exceptions.—This subsection shall not be applicable—

(A) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking; or

(B) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(b) Accounting and Valuation of Foreign Currencies.—

(1) Amendment to united states code.—Subchapter V of chapter 51 of title 31, United States Code, is amended by inserting at the end the following:

"(a) Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order to carry out such responsibility, the Secretary shall issue regulations binding upon all agencies of the United States Government.

"(b) The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.".

(2) Conforming amendment.—The table of sections for subtitle IV of such title is amended by inserting after the item relating to section 5155 the following:

"5156. Accounting and valuation of foreign currencies.".

(c) Valuation of Expropriated Property.—

(1) Valuation.—If the President requests such an evaluation, the Foreign Claims Settlement Commission is authorized to evaluate the value of the property which is the subject of an action described in section 4201(a)(3) of the Foreign Assistance Act of 1961 and render an advisory report with respect to the value of such property to the President.

(2) Definition of united states person.—For purposes of section (a)(3), the term 'United States person' means a United States citizen or a corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

(d) Participation in Foreign Police Actions.—

(1) Prohibition on effecting an arrest.—No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law.

(2) Exceptions.—Paragraph (1) does not prohibit an officer or employee of the United States—

(A) with the approval of the United States chief of mission, from being present when foreign officers are effecting an arrest or from assisting foreign officers who are effecting an arrest.

(B) from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

(3) Maritime Law Enforcement.—With the agreement of a foreign country, paragraph (1) does not apply with respect to maritime law enforcement operations in the territorial sea of that country.

(4) Interrogations.—No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

(5) Exception for Status of Forces Arrangements.—This section does not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.

(6) Definition.—For purposes of this subsection, the term "legal and law enforcement measures" means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control.".

SEC. 604. CONFORMING AMENDMENTS.

(a) Anglo-Irish Agreement Support Act.—The Anglo-Irish Agreement Support Act of 1986 is amended—

(1) in section 4(a)(1), by striking out "108" and inserting in lieu thereof "1201";

(2) in section 4(a)(2), by striking out "221" and all that follows through "Guaranty" and inserting in lieu thereof "1202 of that Act (relating to the Housing and Urban Development Guarantee";

(3) in section 4(a)(3)—

(A) by striking out "Title IV of chapter 2 of part I" and inserting in lieu thereof "chapter 1 of title III"; and

(B) by striking out "paragraph (2) of the second undesignated paragraph of section 231" and inserting in lieu thereof "section 3101(b)(2)";

(4) in section 4(a)(4)—

(A) by striking out "Section 661" and inserting in lieu thereof "chapter 2 of title III"; and

(B) by striking out "Program" and inserting in lieu thereof "Agency"; and

(5) in section 5(a), by striking out "531(e) and 660(a)" and inserting in lieu thereof "1123 and 4202".

(b) Narcotics Control Trade Act.—The Narcotics Control Trade Act (which is title VIII of the Trade Act of 1974) is amended—

(1) section 802(b) is amended to read as follows—

"(b) Subsection (a) shall apply with respect to a country for which assistance is prohibited under section 4201(a)(7) of the Foreign Assistance Act of 1961.";

(c) International Security and Development Cooperation Act of 1985.—Section 132 of the International Security and Development Cooperation Act of 1985 is amended by striking out "Arms" each place it appears in subsections (b), (c), and (d) and inserting in lieu thereof "Defense Trade and".

(d) Public Law 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 304 by striking out "section 104(c)(2)" and all that follows through "Fund", and inserting in lieu thereof "section 1101(d)(2) of the Foreign Assistance Act of 1961";

(2) in section 306 by striking out "section 104(c)(2) and all that follows through "Fund", and inserting in lieu thereof "section 1101(d)(2) of the Foreign Assistance Act of 1961"; and

(3) in section 414 by striking out "section 481(i)(2)" and inserting in lieu thereof "section 5601(b)(8).

(e) Export Administration Act.—The Export Administration Act of 1979 is amended—

(1) in section 5(b), by striking out "set forth in section 620(f)" and inserting in lieu thereof "on the list established pursuant to section 4201(d)"; and

(2) in section 6(k)(2), by striking out "section 502B" and inserting in lieu thereof "sections 4201(a)(2) and (e) and section 4302(a)".

(f) Title 5, United States Code.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by striking out "Director, Institute for Scientific and Technological Cooperation.";

(2) in section 5315, by striking out "Deputy Director, Institute for Scientific and Technological Cooperation."; and

(3) in section 5316, by striking out "Additional officers, Institute for Scientific and Technological Cooperation (2).".

(g) Title 10, United States Code.—Title 10, United States Code, is amended—

(1) in section 114(c), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(2) in section 130(a), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(3) in section 2208(i)(3), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(4) in section 2344(b)(2)(B), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(5) in section 2350b, by striking out "Arms" each place it appears in subsections (a)(1), (b), (c)(1), and (d)(3) and inserting in lieu thereof "Defense Trade and";

(6) in section 4542(d), by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(7) in section 7307(b)(1), by striking out "Arms" and inserting in lieu thereof "Defense Trade and".

(h) Department of Defense Authorization Act, 1987.—Section 2350d of title 10, United States Code, is amended—

(1) in the subsection caption by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(2) in the text, by striking out "Arms" and inserting in lieu thereof "Defense Trade and".

(i) Export-Import Bank Act of 1945.—Section 2(b)(2)(B)(ii) of the Export-Import Bank Act of 1945 is amended by striking from the list at the end thereof "Czechoslovakia Socialist Republic.", "German Democratic Republic.", "Hungarian People's Republic.", "People's Republic of Bulgaria.", "Polish People's Republic.", "Socialist Federal Republic of Yugoslavia.", and "Socialist Republic of Romania.".

(j) Conforming References.—Except to the extent that the context requires otherwise any reference in any provision of law enacted before the effective date specified in section 601—

(1) to credits under section 23 of the Arms Export Control Act shall be deemed to be a reference to assistance on credit terms under chapter 2 of title II of the Foreign Assistance Act of 1961;

(2) to chapter 1 of part I of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 1 of title I of that Act;

(3) to chapter 8 of part I of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 4 of title I of that Act;

(4) to chapter 2 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 2 of title II of that Act;

(5) to chapter 4 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 3 of title I of that Act;

(6) to chapter 5 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 5 of title II of that Act;

(7) to chapter 8 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 7 of title II; and

(8) to any other provision of the Foreign Assistance Act of 1961 shall be deemed to be a reference to the corresponding provision of that Act as amended by this Act.

SEC. 605. REPEAL OF OBSOLETE PROVISIONS.

(a) 1988 OPIC Act.—The Overseas Private Investment Corporation Amendments Act of 1988 (as enacted by reference by section 555 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989) is repealed.

(b) 1988 International Narcotics Control Act.—The International Narcotics Control Act of 1988 is repealed.

(c) Narcotics Control Trade Act.—Sections 802(e) and 804 of the Narcotics Control Trade Act (which is title VIII of the Trade Act of 1974) are repealed.

(d) 1986 Drug Act.—The International Narcotics Control Act of 1986 (which is title II of the Anti-Drug Abuse Act of 1986) is repealed.

(e) 1986 Assistance Act.—The Special Foreign Assistance Act of 1986 is repealed except for section 1 and section 204.

(f) 1985 Assistance Act.—The International Security and Development Cooperation Act of 1985 is repealed except for section 1, section 131, section 132, section 202(c), section 504, section 505, part B of title V (other than section 558 and section 559), section 1302, section 1303, and section 1304.

(g) 1985 Jordan Supplemental Act.—The Jordan Supplemental Economic Assistance Authorization Act of 1985 is repealed.

(h) 1985 African Famine Act.—The African Famine Relief and Recovery Act of 1985 is repealed.

(i) 1983 Assistance Act.—The International Security and Development Assistance Authorization Act of 1983 is repealed.

(j) 1983 Lebanon Assistance Act.—The Lebanon Emergency Assistance Act of 1983 is repealed.

(k) 1981 Assistance Act.—The International Security and Development Cooperation Act of 1981 is repealed except for section 1, section 709, section 714.

(l) 1980 Assistance Act.—The International Security and Development Cooperation Act of 1980 is repealed except for section 1, section 110, section 315, and title V.

(m) 1979 Development Assistance Act.—The International Development Cooperation Act of 1979 is repealed.

(n) 1979 Security Assistance Act.—The International Security Assistance Act of 1979 is repealed.

(o) 1979 Special Security Assistance Act.—The Special International Security Assistance Act of 1979 is repealed.

(p) 1978 Development Assistance Act.—The International Development and Food Assistance Act of 1978 is repealed, except for section 1, title IV, and section 603(a)(2).

(q) 1978 Security Assistance Act.—The International Security Assistance Act of 1978 is repealed.

(r) 1977 Development Assistance Act.—The International Development and Food Assistance Act of 1977 is repealed except for section 1, section 132(b), and section 133.

(s) 1977 Security Assistance Act.—The International Security Assistance Act of 1977 is repealed.

(t) 1976 Security Assistance Act.—The International Security Assistance and Arms Export Control Act is repealed except for section 1, section 201(b), section 212(b), section 601, and section 608.

(u) 1975 Development Assistance Act.—The International Development and Food Assistance Act of 1975 is repealed.

(v) 1975 BIB Act.—Public Law 94-104 is repealed.

(w) 1974 Assistance Act.—The Foreign Assistance Act of 1974 is repealed.

(x) 1973 Emergency Assistance Act.—The Emergency Security Assistance Act of 1973 is repealed.

(y) 1973 Assistance Act.—The Foreign Assistance Act of 1973 is repealed.

(z) 1973 Department of State Appropriations Authorization Act.—Section 13 of the Department of State Appropriations Authorization Act of 1973 is repealed.

(aa) 1971 Assistance Act.—The Foreign Assistance Act of 1971 is repealed.

(bb) 1971 Special Assistance Act.—The Special Foreign Assistance Act of 1971 is repealed.

(cc) 1971 FMS Act.—The Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971 (Public Law 91-672), is repealed.

(dd) 1969 Assistance Act.—The Foreign Assistance Act of 1969 is repealed except for the first section and part IV.

(ee) 1968 Assistance Act.—The Foreign Assistance Act of 1968 is repealed.

(ff) 1964 Assistance Act.—The Foreign Assistance Act of 1964 is repealed.

(gg) Latin American Development Act.—The Latin American Development Act is repealed.

(hh) 1959 Mutual Security Act.—The Mutual Security Act of 1959 is repealed.

(ii) 1954 Mutual Security Act.—Section 402 and section 417 of the Mutual Security Act of 1954 are repealed.

(jj) 1979 Reorganization Plan.—Reorganization Plan No. 2 of 1979 is repealed.

TITLE VII—SPECIAL ASSISTANCE INITIATIVES

CHAPTER 1—DEVELOPMENT FUND FOR AFRICA

SEC. 701. DEVELOPMENT ASSISTANCE FOR SUB-SAHARAN AFRICA.

(a) Authority To Furnish Assistance.—Project and program assistance are authorized to be furnished for development in sub-Saharan Africa.

(b) Purpose of Assistance.—

(1) Purpose.—The purpose of assistance under this section shall be to help the poor majority of men and women in sub-Saharan Africa to participate in a process of development through economic growth that is equitable, participatory, environmentally sustainable and self-reliant.

(2) Use of assistance to encourage private sector development.—Assistance provided under this section should, in a manner consistent with paragraph (1), be used to promote sustained economic growth, encourage private sector development, promote individual initiatives, and help to reduce the role of central governments in areas more appropriate for the private sector.

(c) Application of Foreign Assistance Act Goals.—Assistance under this section shall be provided consistent with the goals set forth in section 1 of the Foreign Assistance Act of 1961.

(d) Private Voluntary Organizations.—

(1) Consultation to ensure local perspectives.—The local-level perspectives of the rural and urban poor in sub-Saharan Africa, including women, should be taken into account during the planning process for project and program assistance under this section. In order to gain that perspective consultations should be undertaken with African, United States, and other private vol-

untary organizations which have demonstrated effectiveness in or commitment to the promotion of local, grassroots activities on behalf of development in sub-Saharan Africa as described in subsection (b).

(2) Definition of private voluntary organization.—For purposes of this section, the term "private voluntary organization" includes (in addition to entities traditionally considered to be private voluntary organizations) cooperatives, credit unions, trade unions, women's groups, nonprofit development research institutions, and indigenous local organizations, which are private and nonprofit.

(e) Local Involvement in Project Implementation.—Local people, including women, should be closely consulted and involved in the implementation of projects under this section that have a local focus.

(f) Participation of African Women.—The President should ensure that development activities assisted under this section incorporate a significant expansion of the participation (including decision-making) and integration of African women in each of the critical sectors described in subsection (h).

(g) Types of Assistance Authorized.—

(1) Projects and programs to address critical sectoral priorities.—Assistance under this section shall emphasize primarily projects and programs to address critical sectoral priorities for development described in subsection (h).

(2) Reform of economic policies.—

(A) Use of program assistance.—Assistance under this section may include program assistance to promote reform of sectoral economic policies affecting long-term development described in sub-Saharan Africa as described in subsection (b), with primary emphasis on reform of economic policies to support the critical sectoral priorities described in subsection (h).

(B) Protection of vulnerable groups.—Assisted policy reforms shall also include provisions to protect vulnerable groups (especially poor, isolated, and female farmers, children (including displaced children) and the urban poor) and long-term environmental interests from foreseeable negative consequences of the reforms.

(3) Other assistance.—Funds made available to carry out this section that are not used to address the critical sectoral priorities for long-term development described in subsection (h) shall used be to furnish assistance in accordance with section 1101 of the Foreign Assistance Act of 1961.

(h) Critical Sectoral Priorities.—The critical sectoral priorities for long-term development as described in subsection (b) are the following:

(1) Agricultural production and natural resources.—

(A) Agricultural production.—Increasing agricultural production in ways that protect or restore the natural resource base, especially food production, including through agricultural policy changes, agricultural research (including participatory research directly involving small farmers) and extension, development and promotion of agriculture marketing activities, credit facilities, and appropriate production packages, and the construction and improvement of needed production-related infrastructure such as farm-to-market roads, small-scale irrigation, and rural electrification. Emphasis shall be given to promoting increased equity in rural income distribution, recognizing the role of small farmers.

(B) Natural resource base.—Maintaining and restoring the renewable natural resource base in ways which increase agricultural production, including through the following:.

(i) Support for small-scale, affordable, resource-conserving, low-risk local projects, using appropriate technologies (including traditional agricultural methods) suited to local environmental, resource, and climatic conditions, and featuring close consultation with the involvement of local people at all stages of project design and implementation. Emphasis shall be given to grants for African local government organizations, international or African nongovernmental organizations, and United States private voluntary organizations.

(ii) Support for efforts at national and regional levels to provide technical and other support for projects of the kinds described in clause (i) and to stengthen the capacities of African countries to provide effective extension and other services in support of environmentally sustainable increases in food production.

(iii) Support for special training and education efforts to improve the capacity of countries in sub-Saharan Africa to manage their own environments and natural resources.

(iv) Support for low-cost desalination activities in order to increase the availability of fresh water sources in sub-Saharan Africa.

(2) Health.—Improving health conditions, with special emphasis on meeting the health needs of mothers and children (including displaced children) through the establishment of primary health care systems that give priority to preventive health and that will be ultimately self-sustaining.

(3) Voluntary family planning services.—Providing increased access to, and stimulating the demand for, voluntary family planning services, including encouragement of private, community, and local government initiatives.

(4) Education.—Improving the relevance, equity and efficiency of education, with special emphasis on improving primary education.

(6) Income-generating opportunities.—Developing income-generating opportunities for the unemployed and underemployed in urban and rural areas through, among other things, support for off-farm employment opportunities in micro- and small-scale labor-intensive enterprises.

(i) Minimum Levels of Assistance for Certain Critical Sectors.—The President should target the equivalent of 10 percent of the amount appropriated for each fiscal year to carry out this chapter for each of the following:

(1) The activities described in subsection (h)(1)(B), including identifiable components of agricultural production projects.

(2) The activities described in subsection (h)(2).

(3) The activities described in subsection (h)(3).

(j) Effective Use of Assistance.—Assistance provided under this section should be concentrated in countries that will make the most effective use of such assistance in order to fulfill the purpose specified in subsection (b), especially those countries (including those of the Sahel region) having the greatest need for outside assistance.

(k) Promotion of Regional Integration.—Assistance under this section should, to the extent consistent with this section, include assistance to promote the regional and subregional integration of African production structures, markets, and infrastructure.

(l) Donor Coordination Mechanism.—Funds made available to carry out this section may be used to assist the governments of countries in sub-Saharan Africa to increase their capacity to participate effectively in donor coordination mechanisms at the country, regional, and sector levels.

(m) Support for SADCC Projects.—

(1) Authority to provide assistance.—Funds made available to carry out this section may be used to assist sector projects, in the sectors specified in paragraph (2) of this section, that are supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the member states forming that regional institution.

(2) Sectors.—The sectors with respect to which assistance may be provided under this subsection may include the following: transportation; manpower development; agriculture and natural resources; energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity); and industrial development and trade (including private sector initiatives).

(3) Relation to development policies and authorities.—To the maximum extent feasible, the assistance authorized by this subsection shall be provided consistent with the policies and authorities contained in the preceding subsections of this section.

(4) Relationship to certain provisions of law.—Assistance may be furnished for activities under this subsection notwithstanding section 4203 of the Foreign Assistance Act of 1961 or any similar provisions of law that prohibit providing assistance to countries in default on obligations owed to the United States.

(o) South Africa.—

(1) Assistance under this section, and under chapter 3 of title I of the Foreign Assistance Act of 1961, may be provided for South Africa as follows:

(A) for grants to nongovernmental organizations in South Africa promoting political, economic, social, juridical, and humanitarian efforts to foster a just society and help the victims of apartheid;

(B) for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of protesters and prisoners; and to provide support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies;

(C) for activities, notwithstanding any other provision of law, that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on nonracial principles, and which may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise and alternative education and community development programs.

(2) Limitations and authorities.—Grants may be made under paragraphs (1) (A) and (B) only for organizations whose character and membership reflect the objective of a majority of South Africans for an end to the apartheid system of separate development and for interracial cooperation and justice.

(p) Relation to Other Authorities.—

(1) Central programs.—The authority granted by this section to provide assistance for development in sub-Saharan Africa is not intended to preclude the use of other authorities for that purpose. Centrally-funded programs which benefit sub-Saharan Africa

shall continue to be funded under the development assistance program under this title.

(2) FOREIGN ASSISTANCE ACT OF 1961.—Except to the extent inconsistent with this chapter—

(A) assistance under this chapter shall be considered to be economic assistance under title I of the Foreign Assistance Act of 1961 for purposes of making available the provisions contained in that or other Acts, except that the provisions of section 4304 of such Act shall not be applicable to assistance under this chapter;

(B) the provisions of section 5402 of the Foreign Assistance Act of 1961, and similar provisions of law relating to the procurement of goods and services, shall not apply with respect to goods and services procured for use in carrying out this chapter.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR SUB-SAHARAN AFRICA.

There are authorized to be appropriated to the President to carry out section 701, $800,000,000 for fiscal year 1992. Amounts authorized to be appropriated by this section are authorized to remain available until expended.

SEC. 703. REPORTS AND EVALUATIONS.

(a) ANNUAL CONGRESSIONAL PRESENTATION DOCUMENTS.—The President shall submit congressional presentation documents regarding programs under this chapter on the same basis as the President submits such documents under section 4301 of the Foreign Assistance Act of 1961 regarding programs under chapters 2 and 3 of that Act. In addition, the President shall include a decription of the progress made during the previous fiscal year in carrying out this chapter in three countries in sub-Saharan Africa which represent differing economic situations and levels of programs. This description shall include—

(1) the nature and extent of consultation to ensure local perspectives as described in subsections (d)(1) and (e) of section 701;

(2) the degree of involvement of local people in the implementation of projects having a local focus;

(3) the extent to which there has been an expansion of the participation and integration of African women in each of the critical sectors sepcified in subsection (h) of section 701;

(4) program assistance provided, including the amounts obligated, the criteria used for assisting reforms, and the provisions made pursuant to section 701(g)(2)(B) to protect vulnerable groups from the possible negative consequences of the reforms; and

(5) a description of the assistance for the critical sectoral priorities specified in section 701(h), by sector, including the amounts obligated.

(b) EVALUATIONS.—It is the sense of the Congress that there should be periodic evaluations of the progress of the administering agency in achieving the purpose specified in section 701(b).

CHAPTER 2—ASSISTANCE FOR EASTERN EUROPE

SEC. 711. UNITED STATES POLICY REGARDING EASTERN EUROPE.

(a) IN GENERAL.—It should be the policy of the United States to facilitate the reintegration of the East European countries into the community of democratic nations and to end the artificial division of Europe. United States programs can continue to make a substantial contribution to these objectives by building on earlier initiatives, including important ongoing initiatives that were established under the Support for East European Democracy (SEED) Act of 1989. In furtherance of these objectives, the United States should support economic and political reform in East European countries, both through—

(1) the provision of assistance to governments and private individuals and entities in those countries, and

(2) the promotion of a United States commercial presence in those countries.

(b) ASSISTANCE.—Pursuant to subsection (a)(1), the United States should provide assistance for eligible East European countries under the authorities of this Act to the extent that such countries are taking steps toward—

(1) political pluralism, based on progress toward free and fair elections and a multiparty political system.

(2) economic reform, based on progress toward a market-oriented economy;

(3) respect for internationally recognized human rights; and

(4) a willingness to build a friendly relationship with the United States.

(c) DEFINITION OF "ELIGIBLE EAST EUROPEAN COUNTRY".—

(1) For purposes of this Act, the term "eligible East European country" means—

(A) Poland, Hungary, Czechoslovakia, Bulgaria, Romania; and

(B) any other East European country if the President has determined that such country is taking the steps described in subsection (b).

(2) Yugoslavia shall also be considered to be an "eligible East European country" for purposes of this Act, unless the President determines that it is not taking the steps described in subsection (b).

SEC. 712. BASIC OBJECTIVES OF ASSISTANCE.

(a) BASIC OBJECTIVES.—In furtherance of the policy contained in section 711, assistance programs authorized by this Act shall have as their purposes the enhancement of the ability of the countries of Eastern Europe and Yugoslavia to address the following two interrelated and mutually reinforcing objectives.

(1) PROMOTION OF DEMOCRACY.—Fostering political pluralism, the development of open and independent media, and the establishment of an open, accessible, fair, and predictable rule of law that values individual liberty and respect for individual property, and that facilitates the functioning of democratic and free market systems.

(2) ENCOURAGEMENT OF FREE MARKET SYSTEMS.—Fostering market-oriented economies and free enterprise based on the principle of private ownership of property, consistent with sound environmental policies, thereby facilitating and expanding the participation of the local private sector in the democratization process and enhancing the ability of the private sector in the United States and other free market countries to participate in that process.

(b) DEMOCRACY.—Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. It is in the United States interest and in keeping with our democratic tradition to foster the spread of democratic values and aspirations and universal respect for civil and political liberties. While this is true worldwide, it is especially important in the newly emerging democratic nations within Eastern Europe and Yugoslavia.

(1) ELABORATION OF OBJECTIVE.—Activities in furtherance of this objective would promote—

(A) the ability of all citizens to organize and associate freely and independently of government;

(B) the ability of all citizens to speak and travel freely;

(C) the right to choose freely one's government, to hold that government accountable, and to participate in political life;

(D) the full observance of internationally recognized human rights; and

(E) the growth of indigenous nongovernmental organizations that are committed to democratic value and active in the promotion of pluralism.

(2) TYPES OF ASSISTANCE.—In pursuing the above objective the President is authorized to undertake actions such as—

(A) assisting in election activities to ensure open and free elections and nationwide dissemination of information;

(B) strengthening newly established democratic institutions such as democratically elected legislatures and local governments, independent judiciaries, government administrative entities, and unions; and enhancing the effectiveness and impartiality of the administration of justice and law enforcement;

(C) strengthening nongovernmental organizations such as professional associations, indigenous private voluntary organizations, and independent institutions and foundations;

(D) encouraging involvement of United States nongovernmental agencies, foundations and institutions to participate in promoting democratic pluralism within these countries;

(E) promoting cultural and educational exchanges;

(F) promoting the establishment of open and independent media; and

(G) promoting democratic civilian control over its military and law enforcement institutions.

(c) FREE MARKET SYSTEMS.—Establishment of a free enterprise, market economy is a key component of long-term sustainable growth of any nation. To be sustainable, such economic growth also must be environmentally sound. As the Eastern European countries and Yugoslavia abandon government-controlled pricing and allocation systems, they will be in a position to benefit from the experience of the United States and other democracies in operating market-oriented economies.

(1) ELABORATION OF OBJECTIVE.—Promoting a free market system covers a broad spectrum of activities which would include—

(A) establishing policies, legal and regulatory frameworks, and financial institutions and markets to address the structural problems inhibiting the development of free market economies;

(B) developing the indigenous private sector, mobilizing United States private sector investment and trade, and advancing United States business interests;

(C) developing human resources required by free market economies;

(D) providing support for the transition to market-oriented economic systems and a private agricultural sector through the provision of essential goods and services such as farm equipment, feed grains, food assistance, and fertilizers;

(E) improving environmental conditions;

(F) providing for labor market reform;

(G) providing for a social safety net to protect the health and welfare of persons most in need; and

(H) providing for the active engagement of the United States private sector in technical assistance efforts and infrastructure development projects, and encouraging the development of United States investment in the region.

(2) TYPES OF ASSISTANCE.—In pursuing the above objective, the President is authorized or encouraged to undertake such actions as—

(A) support for International Monetary Fund and International Bank for Reconstruction and Development agreements;

(B) support for participation in other multilateral institutions and in stabilization and structural adjustment programs, and for debt relief;

(C) provision of Most Favored Nation status and benefits under the Generalized System of Preferences consistent with existing legislation;

(D) encouragement of trade, investment, and economic agreements;

(E) mobilization of capital for private sector investment through such vehicles as enterprise funds, guarantees, financial and capital market development;

(F) provision of technical assistance, technical training and scholarships in relevant areas such as management, banking, economics, procurement, accounting, agribusiness, law, and privatization;

(G) provision of food assistance under the Agricultural Trade Development and Assistance Act of 1954 and other food assistance programs, consistent with the need to avoid disincentives to domestic production and marketing;

(H) provision of technical assistance for the implementation of labor market reforms and to facilitate adjustment during economic transition and reform;

(I) encouragement and support of small and medium size United States firm activities in Eastern Europe and Yugoslavia, and encouragement of the entry of United States firms into the market to stimulate increased bilateral trade and investment in ways that encourage the growth of the private sector; and

(J) promotion of sound environmental policies and practices that address the problems of environmental pollution.

(d) EXTRAORDINARY NATURE OF ASSISTANCE.—The Congress recognizes that—

(1) change is occurring quickly but unevenly in Yugoslavia and the countries of Eastern Europe, and it has not been possible, and will not be possible, to anticipate with certainty how United States assistance would best serve to facilitate the political and economic democratization processes in Eastern Europe and Yugoslavia;

(2) the pace of events in Eastern Europe and Yugoslavia requires that the President have the ability to provide United States assistance and resources expeditiously if the United States is to be able to influence events as they occur;

(3) the ability of the United States to participate effectively in the rebuilding of Eastern Europe and Yugoslavia will be directly related to how well United States assistance efforts are coordinated and integrated with the similar activities of friendly and allied donor countries, and international financial institutions; and

(4) the success of United States efforts to encourage political, economic, and social change depends in large measure on providing the President with the authority to use the resources available to him in those countries of Eastern Europe and in Yugoslavia, and for activities in those countries, which will most effectively promote the objectives of this Act and the Support for East European Democracy (SEED) Act of 1989.

SEC. 713. ASSISTANCE ACTIVITIES.

(a) AUTHORITY.—In order to carry out section 712 to foster the transition of the countries of Eastern Europe and Yugoslavia to a system of free market economies and to political democratization, the President is authorized to furnish assistance notwithstanding any other provision of law for eligible East European countries. Such assistance may include any of the SEED Actions contained in section 2(c) of the Support for East European Democracy (SEED) Act of 1989, such as—

(1) technical assistance and training, including such activities as support for labor activities, scholarship programs, medical assistance, and support for private sector development;

(2) technical and other assistance to support housing sectors;

(3) environment and energy activities, including such activities as assistance in developing policies encouraging, and providing incentives for, greater efficiency in energy production, distribution, and end-use (including use of integrated energy resource planning), heightened awareness of energy security concerns, conservation, advanced energy resource development, and reliance on renewable energy resources, and further including training and technical assistance for related energy and environmental investments, waste minimization, local production of environmental or energy-related equipment, promotion of United States technologies, and health problems directly associated with pollution;

(4) activities to foster democratic pluralism, including such activities as support for democratic organizations, independent media, national legislatures (including exchanges involving members, staff, and support agencies of Congress and the parliaments of Eastern Europe), rule of law, educational reform, and local government;

(5) the Polish-American and Hungarian-American Enterprise Funds, and other Enterprise Funds as may be designated under section 714;

(6) other private enterprise activities, including such activities as technical assistance and training for development of market-oriented policies, restructuring and creation of financial institutions (such as stock markets, insurance companies and banks), creation and management of private business organizations, and privatization of state businesses and organizations; and

(7) agricultural and rural development activities, including such activities as technical assistance and training for development of rural economies and market-oriented policies, restructuring and creation of agricultural financial institutions and marketing systems, development of food processing, food transport and food storage systems, creation and management of agribusiness organization (including farmer-owned cooperatives) and privatization of state farms, agribusiness and credit institutions, and other activities that would strengthen private agriculture.

(b) APPLICABILITY OF SEED ACT TO ELIGIBLE EAST EUROPEAN COUNTRIES.—

(1) Subject to section 714 of this Act, any authority in the Support for East European Democracy (SEED) Act of 1989 to provide assistance for, or take other action with respect to, Poland or Hungary may be deemed to be an authority to provide similar assistance for, or take similar action with respect to, any eligible East European country.

(2) In addition, upon enactment of this Act, the President is authorized to use any funds made available for Assistance for Eastern Europe under the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, to provide balance of payments support with respect to any eligible East European country.

(c) STABILIZATION ASSISTANCE.—It is the sense of Congress that the President should use the authorities provided under the Support for East European Democracy (SEED) Act of 1989 (including those provided under sections 101(b) and 102) and this chapter (including those provided under section 712(c)) to provide stabilization assistance, including by working with multilateral groups to provide timely and appropriate resources and coordinated policies to assist Hungary, Czechoslovakia, and other eligible East European countries as the President deems appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of providing assistance authorized by this chapter, there are authorized to be appropriated to the President $400,000,000 for fiscal year 1992. Amounts authorized to be appropriated by this subsection are authorized to remain available until expended.

SEC. 714. ENTERPRISE FUNDS.

(a) AUTHORITY.—The President may provide funds and support to Enterprise Funds designated in accordance with subsection (d) that are established for the purposes of promoting—

(1) development of the private sectors of eligible East European countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

(2) policies and practices conducive to private sector development in eligible East European countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

(b) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, each of the authorities and limitations applicable to the Enterprise Funds for Poland and Hungary pursuant to the Support for East European Democracy (SEED) Act of 1989 shall apply to any Enterprise Funds that receive funds and support under this section. The officers, members of employees of an enterprise Fund that receives funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989, including without limitation the status that they have pursuant to section 201(d)(5) of that Act.

(c) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section or section 201 of the Support for East European Democracy (SEED) Act of 1989, the requirement that an enterprise Fund that receives funds and support under this section shall be required to publish an annual report not later than January 31 each year shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

(d) COUNTRIES ELIGIBLE FOR ENTERPRISE FUND.—The President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country in Eastern Europe or Yugoslavia in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989.

(e) FUNDING.—Funds authorized to be appropriated under section 713 of this chapter may be made available to enterprise Funds designated by the President under subsection (d), and used for the purposes of this section notwithstanding any other provision of law.

SEC. 715. PROGRAM ADMINISTRATION.

(A) AUTHORITY OF UNITED STATES GOVERNMENT AGENCIES.—United States Government agencies which are authorized to provide assistance or conduct programs for Poland or Hungary under the provisions of the Support for East European Democracy (SEED) Act of 1989 are hereby authorized, notwithstanding any other provision of law, to provide such assistance or conduct such programs as the President may determine for eligible East European countries. Any administrative authorities provided by the (SEED) Act available to any such agency to assist it to carry out programs for Poland or Hungary shall be applicable for programs, as designated by the President, for other eligible East European countries.

(b) PRIVATE SECTOR DEVELOPMENT.—The President may authorize such agency or agencies as he may designate to develop and implement, in consultation with representatives of business organizations in the United States, programs for management and technical assistance to governments and private enterprises in Eastern European countries and Yugoslavia.

(c) PERSONAL SERVICES.—Appropriations to carry out the provisions of this chapter may be made available for contracting with individuals for personal services abroad or in the United States; provided that such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management.

(d) RELATIONSHIP TO THE FOREIGN ASSISTANCE ACT OF 1961.—Except to the extent inconsistent with this chapter, assistance under this chapter shall be considered to be economic assistance under title I of the Foreign Assistance Act of 1961 for purposes of making available the authorities contained in that or other Acts (including the authority of the President under section 5201 of the Foreign Assistance Act of 1961 to allocate or transfer to any agency any part of those funds).

CHAPTER 3—MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

SEC. 721. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the Philippines and the people of the United States continue to enjoy a longstanding relationship of mutual respect and cooperation.

(2) The return of democracy to the Philippines under the leadership of President Corazon Aquino has brought the Philippines and the United States closer together and offers an opportunity to the Philippines to become again an economic, social, and political leader in Southeast Asia.

(3) The Philippines is currently facing a domestic insurgency that threatens the efforts to the Government of the Philippines to broaden the participation of the people of the Philippines in the development of their country.

(4) It is in the mutual interest of our two peoples that the Philippines be provided all possible assistance in its efforts to redress the problems caused by economic deterioration and social inequity which have fueled the domestic insurgency.

(5) The promotion of democracy and achievement of sustainable economic growth required a partnership among the Philippines, multilateral institutions, bilateral donors, and the private sector to help the Philippines restructure its economy and address its debt service burden in order to achieve broadly based, self-sustaining growth and to improve the quality of life of the people of the Philippines.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should continue to participate with the multilateral financial institutions and other bilateral donors in a coordinated economic reform and development program in the Philippines; and

(2) the commitment of resources by the United States, other bilateral donors, and the multilateral financial institutions and a reform effort and leadership role by the Government of the Philippines will continue to be necessary in order to ensure economic growth in the Philippines and enhanced participation of the people of the Philippines in the democratic process.

SEC. 722. ASSISTANCE.

(a) AUTHORITY.—The President is authorize to provide assistance to carry out this chapter in order to promote the goals set forth in section 1 of the Foreign Assistance Act of 1961. Such assistance shall have as its ultimate objective, in conjunction with assistance provided by other donors, support of democracy in the Philippines, promotion of sustained economic growth led by the private sector, and improvement of living conditions for the people of the Philippines, and shall build upon the progress that the Government of the Philippines has made in the development and implementation of economic, structural, judicial, and administrative reforms.

(b) PROGRESS OF REFORMS NECESSARY FOR PROVISION OF ASSISTANCE.—The provision of assistance under this chapter shall be linked to progress by the Government of the Philippines in the implementation of its economic, structural, judicial, and administrative reform program.

(c) USES OF ASSISTANCE.—Assistance under this chapter may include support for—

(1) economic, structural, and administrative reforms that are necessary to stimulate growth led by the private sector, import liberalization, export growth and diversification, and the privatization of enterprises owned or controlled by the government;

(2) infrastructure needed by the private sector, particularly in rural areas;

(3) strengthening the private sector, including promoting greater participation of the United States private sector in the development of the Philippines; and

(4) such other programs as are consistent with the purposes of this chapter.

SEC. 723. REPORT TO CONGRESS.

The President shall submit congressional presentation documents regarding programs under this chapter on the same basis as the President submits such documents under section 4301 of the Foreign Assistance Act of 1961 regarding programs under chapter 1 and 3 of title I of that Act.

SEC. 724. AUTHORIZATION OF APPROPRIATIONS; AUTHORITIES.

(a) AUTHORIZATION.—There are authorized to be appropriated to the President to carry out this chapter (inclusive of amounts previously appropriated), $1,000,000,000, of which not more than $160,000,000 may be appropriated under this section for fiscal year 1992. Amounts authorized to be appropriated by this subsection are in addition to amounts otherwise available for such purposes and authorized to remain available until expended.

(b) Except to the extent inconsistent with this chapter, assistance under this chapter shall be considered to be economic assistance under title I of the Foreign Assistance Act of 1961 for purposes of making available the provisions contained in that or other Acts.

SEC. 725. APPROPRIATIONS IN FUTURE YEARS.

It is the sense of the Congress that, before requesting the appropriations of additional amounts to carry out this chapter, the President should take into account the progress being made by the Government of the Philippines toward achieving the reform objectives of this chapter, the extent of financial and other participation of other bilateral donors and multilateral financial institutions, and efforts to coordinate the multilateral assistance program for which assistance under this chapter is authorized. Such considerations will be primary factors in decisions by the Congress to provide additional appropriations to carry out this chapter.

SEC. 726. DONOR COORDINATION.

It is the sense of the Congress that critical to the success of the multilateral assistance program for which assistance under this chapter is authorized will be the ability of the bilateral donors, the multilateral financial institutions, and the Government of the Philippines to coordinate effectively their objectives and programs. It is further the sense of the Congress that all bilateral donors to this multilateral assistance program should take steps to simplify procurement and disbursement procedures and to ensure that any conditions on the provision or use of assistance are complementary, and that the Government of the Philippines should establish such internal procedures and processes as will ensure the most effective use of the resources provided by the bilateral donors and the multilateral financial institutions.

TITLE VIII—PRESIDENTIAL CONTINGENCY FUND

SEC. 801. AUTHORITY.

There are authorized to be appropriated to the President, in order to meet unanticipated contingencies in programs within the International Affairs Budget Function, $20,000,000 for the fiscal year 1992 to remain available until expended. Amounts appropriated under this section are authorized to be made available notwithstanding any other provision of law.

TITLE IX—AUTHORIZATIONS FOR FISCAL YEAR 1993

SEC. 901. AUTHORIZATIONS.

Consistent with the Budget Enforcement Act of 1990 (Public Law 101-508), there are authorized to be appropriated for the fiscal year 1993 such sums as may be necessary to carry out programs and activities for which appropriations for the fiscal year 1992 are authorized by this Act and the Foreign Assistance Act of 1961 as amended by this Act.

SECTIONAL ANALYSIS OF THE INTERNATIONAL COOPERATION ACT OF 1991

The International Cooperation Act of 1991 rewrites the Foreign Assistance Act of 1961 in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, amends the Arms Export Control Act and redesignates that Act as the Defense Trade and Export Control

Act, and authorizes appropriations for international cooperation programs for fiscal year 1992 and 1993.

TITLE I—STATEMENT OF POLICY; ECONOMIC ASSISTANCE PROGRAMS

Section 101—Statement of Policy.—This section provides a new overall policy framework for foreign assistance programs as follows:

STATEMENT OF POLICY

Section 1—Statement of Policy.—This section states the policy framework for the amended Foreign Assistance Act. This framework emphasizes the importance of democracy, the development of market economies, and cooperation in meeting aggression, in order to promote peace and foster worldwide prosperity. The economic and security assistance programs authorized by the Foreign Assistance Act are to serve five mutually reinforcing goals: (1) promoting and consolidating democratic values, (2) promoting market principles and strengthening competitiveness, (3) promoting peace, (4) protecting against transnational threats, and (5) meeting humanitarian needs.

Section 102—Revision of Assistance Programs.—This section provides a new title I of the Foreign Assistance Act as follows:

TITLE I—ECONOMIC ASSISTANCE

Chapter 1—Development Assistance

Subchapter A—Development assistance authorities

Section 1101—Assistance for Development Needs.—This section sets forth the basic statement of policy, objectives, and authorities to be used in furnishing development assistance. Subsection (a) states that developing countries hold the key to their own development, and that development assistance should promote sustainable growth and development which fosters the participation of individuals in economic and political processes through, among other things, emphasizing sound economic policies, encouraging income-generating opportunities, encouraging responsible environmental policies, and improving the capacity of individuals and families to better their economic and social well being.

Subsection (b) notes certain factors which should be taken into account in the allocation of development assistance resources.

Subsection (c) provides that assistance authorized by this section is to be used by the President to meet development needs in developing countries.

Subsection (d) authorizes the President to furnish development assistance for the following two purposes: (1) to support economic growth and democratic development, and (2) to address humanitarian assistance needs and global programs. In each case, the subsection describes both the rationale for the provisions of assistance and contains examples of the kinds of assistance that might be provided in order to address the respective development purpose.

Subsection (e) states that development assistance used to address humanitarian needs and global problems, and assistance to foster democratic initiatives, may be provided notwithstanding provisions of law which restrict assistance to foreign countries.

Section 1102—Authorization of Appropriations.

This section authorizes to be appropriated $1,277,000,000 for fiscal year 1992.

Subchapter B—Other development assistance programs and authorities

Section 1111—Capital and Infrastructure Assistance.—This section authorizes the use of development assistance funds for capital and infrastruture activities. The section recognizes the importance of these kinds of activities to developing countries and the need to ensure the development value of those activities.

Section 1112—Development Education.—This section rewrites section 316 of the International Security and Development Cooperation Act of 1980, generally referred to as the "Biden-Pell" development education provision. This provision authorizes the use of economic assistance to support development education programs within the United States, with emphasis on programs conducted by PVO's and cooperatives to educate U.S. citizens about the issues involved in international development and the importance to the United States of developing countries.

Section 1113—Strengthening the Capacity of Nongovernmental Organizations, Including Research and Educational Institutions.—This section authorizes the furnishing of assistance under title I of the Act to nongovernmental organizations, including research and educational institutions, to strengthen their capacity to develop and carry out programs concerned with economic and social development.

Subchapter C—Other Authorities and Requirements

Section 1121—Impact of Development Assistance on Environment and Natural Resources.—This section states that in implementing programs under chapters 1 and 3 of title I, the President should take fully into account the impact of such program and projects upon the environment and natural resources of developing countries. The section describes certain procedures that the President should employ in taking these matters into account. Subsection (d) authorizes the provision of funds for activities in the environment and energy sectors notwithstanding provisions of law which restrict assistance to foreign countries. This latter authority is similar to one contained in section 533(c) of the FY 1991 Foreign Operations Appropriations Act.

Section 1122—Cost Sharing.—This section states that a government that receives assistance should bear an appropriate share of the costs of the program being financed. Unlike current law, which contains a 25 percent requirement, this section recognizes the need to tailor a recipient government's contribution to several factors, including the need to foster the sustainability of the project and the ability of the government to provide the resources.

Section 1123—Assistance Limited to Economic Programs.—This section provides in subsection (a) that economic assistance authorized by title I is to be used for economic programs and not for military or paramilitary purposes. Subsection (b) contains an exception to this requirement where military personnel participate in training activities or conferences consistent with section 1101 of the Act. Subsection (a) is in substance identical to section 531(e) of current law.

Chapter 2—Development Assistance Credit Programs

Section 1201—Private Sector Credit Program.—This section authorizes a program of investments, loans, and guarantees to assist the development of the private sector in developing countries.

Subsection (a) contains a statement of policy regarding the importance of fostering the private sector in developing countries.

Subsection (b) provides the authority for the program and contains certain limitations, terms, and conditions applicable to the exercise of that authority.

Section 1202—Housing and Urban Credit Program.—This section authorizes a program of loans and guarantees to assist developing countries meet shelter and other essential urban development services and facilities needs.

Chapter 3—Economic Support Assistance

Section 1301—Assistance Under Special Economic, Political, and Security Conditions.—This section states that under special economic, political, or security conditions the United States national interest may require economic assistance for countries in amounts which could not be justified only under development assistance. The section authorizes the President to furnish assitance to countries and organizations in order to promote economic or political stability. To the extent feasible, such assistance is to be furnished consistent with development assistance purposes and authorities.

Section 1302—Authorization of Appropriations.—This section authorizes the appropriations of $3,228,000,000 for the purposes of section 1301 for fiscal year 1992.

Section 1303—Administration of Justice.—This section is based on the current section 534 of the Foreign Assistance Act. Under section 1303, Administration of Justice programs could be undertaken for developing countries and emerging democracies.

Subsection (b) authorizes certain programs to be undertaken under this program, assistance for which is furnished notwithstanding section 4202. There is also general authority for the President to authorize additional programs to support the administration of justice notwithstanding section 4202 if the President determines it to be appropriate.

Section 1303 does not enumerate the activities, listed in paragraphs (1), (2), and (4) through (7) of current section 534, since specific mention is not needed in order to conduct those activities. The absence of such specific mention is thus not intended to limit the scope of administration of justice activities.

Section 1304—Democracy Contingency Fund.—This section establishes a fund to support recently emerged or emerging democracies, or certain countries recently emerging from civil strife. Assistance may be provided notwithstanding any provision of law upon notification of the Congress. Funding of such amounts as may be necessary is authorized for the Democracy Contingency Fund as well as transfers from other accounts. The amount of unobligated funds in the Democracy Contingency Fund at any one time cannot exceed $100 million.

Chapter 4—International Narcotics Control

Section 1401—General.—This section contains statements of policy regarding international narcotics control. Subsection (a), relating to policy, is based closely on current section 481(a)(1) of the Foreign assistance Act, except that it adds a reference to the 1988 United Nations Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. Subsection (b), relating to U.S. policy in multilateral development banks on narcotics issues, is based closely on current section 481(a)(3).

Section 1402—Authority to Enter Into Agreements and Provide Assistance.—Subsection (a) provides authority for the President to conclude agreements to promote effective international narcotics control. This subsection is based closely on current section 481(a)(2). The phrase "including reciprocal maritime agreements" has been added to support Presidential authority, pursuant to article 6(1) of the 1958 Geneva Convention on the High Seas and article 17 of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, to enter into maritime drug interdiction agreements involving consent to law enforcement action by foreign countries against vessels of United States registry suspected of carrying illicit narcotics beyond the territorial sea of any country.

Subsection (b) provides authority for the President to furnish assistance under chapter 4 to any country or international organization notwithstanding any other provision of law. In addition, the President is authorized to furnish narcotics-related assistance under other chapters of title I notwithstanding any provision of law that restricts assistance to foreign countries except section 4201(a)(7).

Section 1403—Provisions Applicable to Assistance Under This Chapter.—Subsection (a) states that to ensure local commitment to narcotics control activities assisted under this chapter, the government of the country receiving assistance should bear an appropriate share of the costs of the program for which assistance is furnished. The government's contribution may be on an "in kind" basis.

Subsection (b) requires the President, with the assistance of appropriate Federal agencies, to monitor any use under this chapter of a herbicide for aerial eradication in order to determine the impact of such use on the environment and health of individuals.

Subsection (c)(1) requires the President to take all reasonable steps to ensure that aircraft and other equipment made available to foreign countries under this chapter are used only in ways that are consistent with the purposes for which they were made available. Subsection (c)(2) requires the President to discuss, in the annual international narcotics control report, any evidence indicating misuse by a foreign country of aircraft or other equipment made available under this chapter, and the actions taken by the United States Government to prevent future misuse of such equipment by that foreign country.

Subsection (d) authorizes the President to provide under the Foreign Assistance Act any commodity to a foreign country for narcotics-related assistance on a lease or loan basis.

Subsection (e) requires the President to take all reasonable steps to ensure that, except in such circumstances as the President deems appropriate, assistance under this act is not provided to or through any individual or entity that has been convicted or indicted of a violation of, or a conspiracy to violate, any United States, State or District of Columbia, or foreign country law relating to narcotic or psychotropic drugs or other controlled substance.

Section 1404—Transfer of Funds When Countries Fail to Take Adequate Steps to Halt Illicit Drug Production or Trafficking.—This section provides that funds allocated under the report required by section 4303 for a country for economic support assistance, foreign military financing, or international military education and training may be transferred to, and consolidated with, funds made available to carry out this chapter if such funds are withheld pursuant to section 4201(a)(7) and they are used for assistance for countries that have taken significant steps to halt illicit drug production or trafficking.

Section 1405—Waiver of Certain Restrictions on Assistance.—This section provides that section 4203 and any similar provisions of law that prohibit providing assistance to countries in default on obligations owed to the United States shall not apply to the provision of narcotics-related assistance, including assistance under this chapter.

Section 1406—International Narcotics Control Report.—This section requires the President to submit to the Congress a comprehensive annual report on the state of international narcotics production and trafficking, and on United States efforts to prevent the illicit cultivation, manufacture and trafficking in illicit drugs.

Section 1407—Determining Major Drug-Transit and Major Illicit Drug Producing Countries.—This section requires that, not later than October 1 of each year, the President shall notify the appropriate committees of the Congress of which countries have been determined to be major illicit drug producing and major drug transit countries for that year.

Section 1408—Authorization of Appropriations.—This section authorizes $171,500,000 to be appropriated to the President for fiscal year 1992.

Chapter 5—Other Economic Assistance Programs

Subchapter A—American Schools and Hospitals

Section 1501—Authority to Provide Assistance.—This section authorizes assistance for the American Schools and Hospitals Abroad program.

Section 1502—Authorization of Appropriations.—This section authorizes the appropriation of $30,000,000 for fiscal year 1992 for the American Schools and Hospitals Abroad program.

Subchapter B—Debt Exchanges for Development

Section 1511—Debt Exchange.—This section authorizes the making of grants or contracts with nongovernmental organizations to enable those organizations to purchase debt owed by developing countries and cancel the purchased debt to the extent the country makes available assets or policy commitments to promote the objectives of the Act. Subsection (b) allows the local currency proceeds received by the organization to be invested and interest accruing thereon to be retained by the organization for purposes of this Act.

Subchapter C—Reimbursable Programs

Section 1521—Authority to Conduct Reimbursable Programs.—This section provides authority for any United States Government agency to furnish assistance on a reimbursement or advance-of-funds basis. The provision is comparable to section 607 in current law. Subsection (c) makes clear that this authority is not considered assistance for purposes of applying limitations contained in this or any other Act.

Section 1522—Use of Payments.—This section provides that advances or reimbursements received under the previous section are to be credited to the currently applicable appropriation account of the agency concerned. The provision is comparable to section 607 in current law.

Chapter 6—International Disaster Assistance

Section 1601—Statement of Policies.—This section contains a statement of policies regarding the provision of humanitarian assistance for the people and countries affected by natural and manmade disaster.

Section 1602—Authority to Provide Assistance.—This section provides the President with the authority to furnish assistance for international disaster relief and rehabilitation, including preparedness, prevention, mitigation activities, and activities regarding the prediction of, and contingency planning for, natural disasters abroad. Assistance is authorized to be made available notwithstanding any other provision of law.

Section 1603—Authorization of Appropriations.—

This section authorizes $40,000,000 for fiscal year 1992 for International Disaster Assistance activities.

Section 1604—Borrowing Authority.—This section authorizes the use of up to $50 million of funds made available under other provisions of title I to provide assistance under the authorities and general policies of this chapter. This section is the same general authority contained in section 492(b) of current law.

Chapter 7—Voluntary Contributions to International Organizations and Programs

Section 1701—Authority to Provide Assistance.—This section provides authority for voluntary contributions to support international organizations and their programs. Such support could continue to be provided either as direct contributions or as support for bilateral or multilateral programs that support or assist in achieving the goals of international organizations.

Section 1702—Authorization of Appropriations.—This section authorizes $250,212,000 to be appropriated to carry out this chapter for fiscal year 1992.

Section 1703—Condition on Contributions to International Organizations.—This section authorizes the President to withhold contributions to any international organization if the President determines that Israel, or such other countries as the President may designate, is being denied its right to participate in the activities of that organization.

Section 1704—Withholding of United States Proportionate Share for Certain Programs of International Organizations.—This section requires withholding of the U.S. proportionate share for programs for certain countries, organizations, or projects.

Section 1705—Contributions to United Nations Relief and Works Agency.—This section authorizes witholding of contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East if that Agency does not take all possible measures to assure that no part of the United States contribution is used to furnish assistance to any refugee who is receiving military training as a member of the PLO or any other guerrilla type organization, or who has engaged in any act of terrorism.

Section 1706—Auditing of Accounts of International Organizations.—This section contains provisions for the auditing of accounts of international organizations.

Chapter 8—Administration of Economic Assistance Programs

Subchapter A—Operating Expenses

Section 1801—Authorizations of Appropriations for Operating Expenses Generally.—This section authorizes the appropriation of $483,300,000 for fiscal year 1992 for the operating expenses for the agency designated to administer economic assistance programs under title I of this Act, and authorizes such additional amounts as may be necessary for increases in salary, pay, and other employee benefits and nondiscretionary costs.

Section 1802—Authorizations of Appropriations for the Operating Expenses of the Inspector General.—This section authorizes the appropriation of $37,739,000 for fiscal year 1992 for the operating expenses for the Office of Inspector General of the agency designated to administer economic assistance programs under title I of this Act, and authorizes such additional amounts as may be necessary for increases in salary, pay, and other employee benefits and nondiscretionary costs.

Section 1803—Availability of Funds.—This section authorizes the agency designated to administer economic assistance programs under title I of this Act to obligate and expend funds in advance of appropriations in order to maintain operations at posts abroad for up to three days.

Subchapter B—Evaluation

Section 1811—Evaluation and Accountability.—This section states that the President should develop and disseminate performance evaluations of economic assistance programs under title I, and describes the role that evaluation should play in the implementation of economic assistance programs.

Subchapter C—Cooperation With Nongovernmental Sector

Section 1821—Voluntary Cooperation in Development.—This section urges the continued participation of private and voluntary organizations, including cooperatives and credit unions, and universities in achieving the objectives of this Act.

TITLE II—MILITARY ASSISTANCE AND RELATED ASSISTANCE AND SALES PROGRAMS

Chapter 1—Consolidation and Revision of Accounts

Section 201—Revision of assistance programs.—This section provides a new title II of the Foreign Assistance Act as follows:

TITLE II—MILITARY ASSISTANCE AND RELATED PROGRAMS

Chapter 1—Policies Regarding Military Assistance

Section 2101—General.—This section sets forth a series of findings and statements regarding military assistance.—This section sets forth objectives for providing military assistance.

Chapter 2—Foreign Military Financing Program

Section 2201—Authority to Furnish Assistance.—This section sets forth the basic authorities for furnishing military assistance by providing defense articles and defense services on a loan or grant basis, and by financing the sale of defense articles and defense services. It also contains provisions on financing procurement by commercial leases, the exclusion of certain costs from sales, the obligation of funds under the FMF program upon apportionment, and the inclusion in grant agreements under the program of provisions granting the U.S. the right to deobligate funds furnished under the agreement in certain cases no later than three years after the agreement is entered into.

Section 2202—Terms of Financing.—This section provides that financing may be provided on a grant or credit basis, or by providing guarantees, and sets forth criteria that should be taken into account in determining the form of financing.

Section 2203—Eligibility.—This section contains requirements that recipients of defense articles and defense services provide assurances regarding their use and retransfer, and contains provisions on ineligibility for assistance in certain cases for failure to abide by these assurances.

Section 2204—Approval of Third Country Transfers.—This section contains requirements regarding approval by the U.S. of requests by recipients of assistance under the program to transfer defense articles and defense services to third parties.

Section 2205—Drawdown Authority.—This section, based on current section 506 of the Foreign Assistance Act, authorizes the President to direct drawdowns in certain situations.

Section 2206—Grant Transfers of Excess Defense Articles.—This section, based on current sections 516 through 519 of the Foreign Assistance Act, authorizes the President to provide excess defense articles on a grant basis in certain circumstances.

Section 2207—Considerations in Furnishing Assistance.—This section sets forth criteria to be considered in deciding to furnish assistance under this chapter.

Section 2208—Civic Action in Africa.—This section provides that assistance under this chapter for the civic action in the Africa program may be made available notwithstanding section 4203 and any similar provisions of law that prohibit providing assistance to countries in default on obligations owed to the United States.

Section 2209—Authorization of Appropriations.—This section authorizes $4,640,000,000 to be appropriated to carry out this chapter for fiscal year 1992.

Chapter 3—Stockpiling of Defense Articles for Foreign Countries

Section 2301—Restrictions on Stockpiling.— This section contains restrictions on the transfer of defense articles contained in dual-use stockpiles.

Section 2302—Location of Stockpiles.—This section contains provisions that govern the location of stockpiles.

Section 2303—Additions to War Reserve Stockpiles.—This section contains provisions regarding the ceilings on the value of defense articles that can be added to dual-use stockpiles.

Chapter 4—Overseas Management of Assistance and Sales Programs

Section 2401—Authorized Functions.—This section authorizes the President to assign members of the Armed Forces to a foreign country to perform certain functions. It also provides that advisory and training assistance conducted by members of the Armed Forces under this chapter shall be kept to an absolute minimum.

Section 2402—Costs.—This section governs costs of overseas management and sales programs under this chapter.

Section 2403—Role of Chief of Mission.—This section provides that members of the Armed Forces assigned to a foreign country under this chapter shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

Chapter 5—International Military Education and Training

Section 2501—Authority to Furnish Assistance.—This section sets forth the authority for the international military education and training ("IMET") program.

Section 2502—Terms of Assistance.—This section provides that military education and training under this chapter shall be provided on a grant basis and that, whenever feasible, military education and training shall be provided on credit terms under chapter 2.

Section 2503—Exchange Training.—This section provides for attendance of foreign military personnel at professional military education institutions in the U.S. without charge, on a reciprocal basis.

Section 2504—Exemptions.—This section provides exemptions for the IMET program from section 4203 and any similar provisions of law that prohibit providing assistance to countries in default on obligations owed to the United States; and from section 4204 for certain types of training.

Section 2505—Authorization of Appropriations.—This section authorizes $52,500,000 to be appropriated to carry out this chapter for fiscal year 1992.

Chapter 6—Peacekeeping Operations

Section 2601—General Authority.—This section authorizes the furnishing of assistance to foreign countries and international organizations for peacekeeping operations and other programs carried out in furtherance of the national interest of the United States.

Section 2602—Special Transfer and Drawdown Authorities.—This section contains authorities for transfers and drawdowns in cases of unforeseen emergency, where the provision of assistance under this chapter in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States.

Section 2603—Administrative Authorities.—This section provides that, except where expressly provided to the contrary, any reference in any law to title I of this Act shall be deemed to include reference to this chapter and any reference in any law to title II of this Act shall be deemed to exclude reference to this chapter.

Section 2604—Authorization of Appropriations.—This section authorizes $28,000,000 to be appropriated to carry out this chapter for fiscal year 1992.

Chaper 7—International Terrorism

Section 2701—General.—This section describes the transnational threat of terrorism, considerations related to this threat that the President should take into account in providing assistance under the Foreign Assistance Act, and the purposes of antiterrorism assistance.

Section 2702—Authority to Provide Antiterrorism Assistance.—This section contains the basic authority for the antiterrorism assistance program.

Section 2703—Authorities and Limitations.—This section sets forth a series of authorities and limitations regarding the antiterrorism assistance program.

Section 2704—Congressional Presentation Documents.—This section describes information to be included in the congressional presentation documents in connection with the anti-terrorism program.

Section 2705—Administrative Authorities.—This section provides that, except where expressly provided to the contrary, any reference in any law to title I of this Act shall be deemed to include a reference to this chapter and any reference in any law to title II of this Act shall be deemed to exclude reference to this chapter.

Section 2706—Authorization of Appropriations.—This section authorizes $15,000,000 to be appropriated to carry out this chapter for fiscal year 1992.

Section 202—Conforming Amendments to Arms Export Control Act.—This section contains a number of amendments to the Arms Export Control Act to conform to changes to the Foreign Assistance Act that would be made by the International Cooperation Act.

Section 203—Transition Rules.—This section contains transition rules regarding disposition of certain previously provided military equipment, and commitment of prior year military assistance.

Chapter 2—Foreign Military Sales Program

Section 221—Arms Transfer Policy.—This section sets forth new policy language, to be included in section 1 of the new Defense

Trade and Export Control Act. It also makes certain additional conforming amendments.

Section 222—Designation of Major Non-NATO Allies.—This section would enact a new section 48 of the Defense Trade and Export Control Act to establish a procedure for designating countries and major non-NATO allies.

Section 223—Standardized Congressional Notification Procedures.—This section would enact a new section 49 of the Defense Trade and Export Control Act to establish standardized procedures for all arms transfers under that Act. It also contains a series of necessary conforming amendments.

Section 224—Update of Certification Thresholds.—This section updates the certification thresholds, which have not been adjusted for inflation for approximately a decade, for reporting arms sales under the standardized procedures of section 223.

Section 225—Economic Impact on United States of Arms Sales.—Under this section, the annual report on arms sales submitted under section 25(a) of the Defense Trade and Export Control Act would contain an analysis of the economic benefits or disadvantages to the United States of arms sales and licensed commercial exports under the Defense Trade and Export Control Act during the preceding year.

Section 226—Enforcement and Processing of Arms Export Licensing Requirements.—This section is intended to enhance munitions export controls and to tighten enforcement action against illicit or illegal arms export activities.

Subsection (a) would amend section 38 of the Defense Trade and Export Control Act to include a definition of those articles or services that may be included on, or covered by, the U.S. Munitions List (USML). It further provides that certain articles or services must be removed from the USML if they have gained a predominant civil application, even though they otherwise qualify for inclusion on the USML. This provision is intended to clear up confusion expressed by exporters regarding the extent of USML coverage. It also responds to the long-standing request of exporters that truly "dual-use" items be transferred to Commerce Department control.

Subsection (b) would amend section 38 of the Defense Trade and Export Control Act to provide that any person convicted or debarred for a violation of arms export rules or regulations under sections 38 or 39 of such act may not, for a one-year period following the date of conviction or debarment, be eligible to conclude a contract with a foreign government in which foreign military financing is used. The provision is consistent with similar sanctions in other U.S. laws for violations of licensing procedures under the Export Administration Act. Subsection (b) also provides that any person convicted of a violation of arms export rules or regulations under sections 38 and 39 of the Defense Trade and Export Control Act shall forfeit to the United States any interest in, or rights of any kind in any defense article or tangible item that was the subject of or used in the violation or arms export rules or regulations. These provisions are similar to the forfeiture provisions for violations of the export regulations of the Export Administration Act and are designed to ensure that those convicted of illegal arms exports do not benefit financially from violations of the Defense Trade and Export Control Act.

Subsection (c) would amend section 38(g) of the Defense Trade and Export Control Act to clarify with the President should disapprove license applications that may raise law enforcement concerns because of certain circumstances surrounding the applicant. This provision also clarifies that the President may grant licenses to persons convicted of violating certain laws or ineligible to receive export licenses if foreign policy or national security considerations justify the issuance of a particular license. These provisions elaborate the intent of sections 38(g)(3) and 38(g)(4) regarding the specific instances when export licenses should be denied for law enforcement reasons and when exceptions to denial policies should be made.

Subsection (c) would further amend section 38(g) of the Defense Trade and Export Controt Act by expanding the exception to the prohibition against issuing arms export licenses to foreign persons. Consistent with treatment of international organizations in other contexts, this exception would now explicitly cover international organizations as well as foreign governments. Finally, under this subsection, in addition to initial screening of license applications, the Secretary of State would now be able to request assistance with respect to all functions of the office primarily responsible for munitions licensing.

Subsection (d) would amend section 38 of the Defense Trade and Export Control Act to add explicit authority for the President to impose controls on any action or service knowingly performed by a U.S. person (or person subject to U.S. jurisdiction), to the extend such controls are necessary to prevent the proliferation of nuclear-capable missiles and chemical, biological, and related weapons. This amendment stems from an increasing sense that traditional item-based controls alone are insufficient to prevent proliferation of such missiles and weapons.

Section 227—Fair Pricing.—Under this section, charges for defense articles that are not major defense equipment that are sold under the Defense Trade and Export Control Act or licensed or approved for export under section 38 may exclude any nonrecurring costs of research on or development or production of those articles.

Section 228—Presidential Authorities.—This section would modify the Defense Trade and Export Control Act, consistent with the approach in the Foreign Assistance Act, so that authorities and functions contained in it would be vested directly in the President, rather than to particular Executive branch officers. While this change is to some degree stylistic, since Executive branch officers in any event are subordinate to the President, it is in keeping with the approach that the President is responsible for the administration of foreign assistance and arms sales programs.

Section 229—Amendments to Eliminate Obsolete and Inconsistent Provisions.—This section would amend a series of provisions in the Defense Trade and Export Control Act to eliminate obsolete and inconsistent provisions.

Section 230—Contract Administrative Service Charges for NATO Subsidiary Bodies.—This provision would amend section 21(h)(1)(A) of the Defense Trade and Export Control Act with respect to contract administrative service charges for NATO subsidiary bodies.

Section 231—Technical Corrections.—This section makes technical corrections in sections 3, 25, and 36 of the Defense Trade and Export Control Act.

TITLE III—OVERSEAS PRIVATE INVESTMENT CORPORATION; TRADE AND DEVELOPMENT AGENCY

Sec. 301. Revision of certain private sector programs.—This section provides a new title III of the Foreign Assistance Act as follows:

TITLE III—OVERSEAS PRIVATE INVESTMENT CORPORATION; TRADE AND DEVELOPMENT AGENCY

Chapter 1—Overseas Private Investment Corporation

Section 3101—Purpose and Policy.—This section, which establishes the Overseas Private Investment Corporation and outlines general administrative guidelines for OPIC operations, is similar to section 231 of current law. These guidelines continue to require that OPIC consider the development impact of each project, give preferential treatment to investments in countries with per capita incomes of $1,091 or less; but expand the focus of OPIC's operations beyond friendly developing countries to include emerging democracies and economies in transformation.

Section 3102—Stock of the Corporation.—This section states that the Secretary of the Treasury shall hold OPIC's capital stock. The language updates section 232 of current law by striking the reference to OPIC's start-up capital and initial issuance of stock.

Section 3103—Organization and Management.—This section establishes a Board of Directors and outlines the appointment of the President and Executive Vice President and the hiring of staff. The provisions are virtually identical to section 233 of current law, except that limitations on appointment of members of the OPIC Board of Directors has been modified. In addition, authority is provided to allow Board members to waive their compensation in order to permit them to serve without pay if they choose to do so.

Section 3104—Investment Insurance, Guarantees, Financing, and Other Programs.—Section 3104(a) authorizes OPIC to issue investment insurance against inconvertibility, expropriation, civil strife, and business interruption; authorizes OPIC to share liabilities with foreign governments and multilateral organizations, and prohibits OPIC from issuing insurance to a single investor for more than 10% of its maximum contingent liability. This section is virtually identical to section 234(a) of current law, except a requirement for OPIC to submit a report to Congress each time it proposes to expand the type of risk insured under "civil strife" or "business interruption" coverage has been removed. Provisions previously found in section 234(f) authorizing the Corporation to contract with insurance companies or financial institutions, to enter into risk-sharing agreements, and to issue reinsurance have been included in this subsection, in order to bring all insurance authorities into a single subsection. These provisions are virtually identical to section 234(f) of current law.

Section 3104(b), authorizing OPIC to issue investment guarantees, is virtually identical to section 234(b) of current law.

Section 3104(c) authorizes OPIC's direct loan program and is virtually identical to section 234(c) of current law, except that certain restrictions on using direct loans to finance operations for the extraction of oil and gas and other minerals have been removed.

Section 3104(d), authorizing OPIC to engage in various investment encouragement activities, is virtually identical to section 234(d) of current law, except that certain restrictions on the financing of studies to determine the feasibility of extraction of oil and gas and other minerals have been removed.

Section 3104(e), authorizing OPIC to administer special assistance programs, is virtually identical to section 234(e) of current law.

Section 3104(f) provides the authority for a four-year pilot equity finance program. This section is virtually identical to section 234(g) of current law, except geographic limitations and consulting requirements have been removed, and the limit on equity held by the Corporation has been increased to 49 percent for projects in Eastern Europe.

Section 3105—Enhancing Private Political Risk Insurance Industry.—Section 3105(a) authorizes OPIC to enter into cooperative programs with the private political industry and is virtually identical to section 234A(a) of current law. Section 3105(b) mandates the establishment of a private sector advisory group to provide assistance in implementing the cooperative programs under this section. This provision is virtually identical to section 234A(b) of current law.

Section 3106—Guidelines and Requirements for OPIC Support.—Section 3106(a), directing the Corporation to prepare a development impact profile for each project it insures, finances or reinsures, is virtually identical to section 239(h) of current law.

Section 3106(b), which provides that OPIC should give preferential treatment to projects involving U.S. small business, is virtually identical to section 240 and section 231(e) of current law, except that the requirement that up to 50 percent of annual net income be set aside for small business activity and program level guidelines have been deleted as adding little to the other existing requirements for preferential treatment for small businesses and cooperatives.

Section 3106(c) states that the Corporation should refrain from insuring, reinsuring or financing any project deemed to pose an environmental, health or safety hazard, or to threaten a national park or protected area. It also provides that OPIC's projects should be consistent with the objective of resource sustainable development outlined in section 1 of the bill, that OPIC should prepare an environmental impact statement or assessment for each project, and that OPIC should notify foreign government officials of applicable World Bank and U.S. standards and guidelines relating to any project. This section is similar to subsections 231(n), 239(g) and 237(m) of current law.

Section 3106(d) provides that the Corporation should take country human rights into account in operation of its program. This section is similar to section 239(i) of current law.

Section 3106(e) directs that OPIC should refrain from insuring, reinsuring, or financing an investment that would cause an investor to reduce his workforce in the United States or that would cause a reduction in overall U.S. employment. This section is similar to subsections 231 (k) and (l) of current law. This provision clarifies that these restrictions should govern OPIC's activities rather than the similar but broader provision contained in section 4201(a)(4) of this act.

Section 3106(f), prohibiting OPIC from involvement in any investment subject to performance requirements, is identical to section 231(m) of current law.

Section 3106(g) prohibits the payment of any claims to, and bars from OPIC eligibility for 5 years, any investor found guilty under the Securities Exchange Act or the Foreign Corrupt Practices Act in connection with an OPIC-supported investment. This language is virtually identical to section 237(l) of current law.

Section 3106(h), prohibiting OPIC from making any payment for losses incurred due to fraud or misrepresentation, is identical to section 237(g) of current law.

Section 3106(i), mandating that OPIC hold an annual public hearing, is identical to section 231A(b) of current law.

Section 3107—Issuing Authority, Direct Investment Fund, Equity Fund, and Reserves.—

Section 3107(a) sets a maximum contingent liability of $7.5 billion for insurance. This section is similar to section 235(a) of current law, except that, consistent with the Federal Credit Reform Act of 1990, it deletes the limit on maximum contingent liabilities for guarantees, the minimum level for aggregate guarantees and the requirement of a 25 percent reserve for guarantees. It also requires the Congress to limit the level of administrative expense and subsidies in connection with OPIC's direct lending and guarantee programs in accordance with the Credit Reform legislation, and it deletes the termination of authority of OPIC's insurance and guarantee programs.

Section 3107(b), establishing a direct investment revolving fund, is virtually identical to section 235(b) of current law, except for the deletion of a minimum level of authority. Consistent with the Federal Credit Reform Act of 1990, section 3107(b) also provides for the termination of the Direct Investment Fund.

Section 3107(c) creates a revolving fund for the pilot equity finance program authorized by section 1504(f) and is virtually identical to section 235(c) of current law, except that the amount has been increased to $35 million, and new language has been added to authorize the use of funds transferred pursuant to section 5201 for the same purpose.

Section 3107(d), directing OPIC to maintain apporpriate reserve against insurance liabilities, is virtually identical to section 235(c) of current law, but deletes, consistent with the Federal Credit Reform Act of 1990, the requirement for a guarantee reserve.

Section 3107(e) outlines the payments of funds to discharge liabilities and is virtually identical to section 235(d) of current law, except for changes necessary to conform to the provisions of the Federal Credit Reform Act of 1990.

Section 3107(f) authorizes the appropriation of funds to replenish the insurance reserve and is virtually identical to section 235(f) of current law, except for deletion of the guarantee reserve.

Section 3107(g) authorizes OPIC to issue obligations for purchase by the Secretary of the Treasury to discharge its liabilities when necessary and is virtually identical to section 235(f) of current law.

Section 3108—Income and Revenues.—

Section 3108, outlining the uses of OPIC's income and revenues, is virtually identical to section 236 of current law.

Section 3109—General Provisions Relating to Insurance, Guarantee, and Financing Program.—Section 3109(a) prohibits OPIC from supporting projects in any country unless OPIC has signed a bilateral agreement with respect to OPIC activity. It is virtually identical to section 237(a) of current law.

Section 3109(b), directing OPIC to ensure that the interests of the Corporation are adequately protected, is virtually identical to section 237(b) of the current law.

Section 3109(c) pledges the full faith and credit of the United States for OPIC insurance and guarantees and is virtually identical to section 237(c) of current law.

Section 3109(d)(1), permitting the charging of fees for OPIC services, is virtually identical to section 237(d) of current law. A new subsection 3109(d)(2) has been added clarifying OPIC's authority to expend funds in the financing accounts established pursuant to the Federal Credit Reform Act of 1990 for project-related transactional costs, and a new subsection 3109(d)(3) has been added clarifying OPIC's authority to apply fees collected for the direct costs associated with its investor-specific activities as well as its conferences and seminars.

Section 3109(e) limits OPIC insurance, reinsurance and guarantees to 20 years and is virtually identical to section 237(e) of current law.

Section 3109(f) outlines the amount of compensation OPIC may pay on its insurance, reinsurance or guarantees. This section is virtually identical to section 237(f) of current law.

Section 3109(g), which limits the extent of OPIC insurance, reinsurance or guarantees of investments in foreign banks or financial institutions, is virtually identical to section 237(h) of current law.

Section 3109(h) authorizes the Corporation to arbitrate claims arising from its programs and is virtually identical to section 237(i) of current law.

Section 3109(i), stating that each OPIC contract shall be presumed to be in compliance with the statute, is virtually identical to section 237(j)) of current law.

Section 3109(j) changes current law, which permitted OPIC to support projects in certain countries otherwise prohibited by law (Eastern Europe and the People's Republic of China), subject to a Presidential determination. This provision would now provide that only the restrictions contained in this chapter would limit the countries where OPIC programs can be made available.

Section 3110—General Provisions and Powers.—Section 3110(a), establishing the Corporation in the District of Columbia, is virtually identical to section 239(a) of current law.

Section 3110(b) provides for an annual independent audit of OPIC. This section is similar to section 239(c) of current law, except that it requires annual audits instead of once every three years and authority for audits by the Comptroller General has been removed.

Section 3110(c) delineates OPIC's corporate powers and is virtually identical to section 239(d) of current law.

Section 3110(d) authorizes investigations by the Inspector General and is similar to section 239(e) of current law.

Section 3110(e) provides an exemption from state and local taxation. It is virtually identical to section 239(j) of current law.

Section 3110(f) directs OPIC to publish its guidelines and is similar to section 239(k) of current law.

Section 3111—Annual Report; Maintenance of Information.—Section 3111(a) directs the President to submit an annual report to Congress and section 3111(b) mandates that each annual report contain a projection of the aggregate U.S. employment effects of all OPIC projects. These sections are similar to sections 240A (a) and (b) of current law except that the annual report is no longer submitted by the corporation and certain reporting requirements are eliminated.

Section 3111(c) requires OPIC to maintain information on its projects and their employment and development effects. This section is virtually identical to section 240(d) of current law.

Section 3111(d) directs OPIC to include in each annual report a review of its cooperative programs with the private political risk insurance industry and is virtually identical to section 240A(e) of current law.

Section 3111(e), protecting certain information from public disclosure, is virtually identical to section 240A(f) of current law.

Section 3112—Definitions.—This section defines certain terms used in this subchapter and is similar to section 238 of current law, except for a change in the definition of "eligible investor" to clarify that eligibility requires more than 50 percent U.S. beneficial ownership, and to remove the separate standard for eligibility of foreign-domiciled investors.

Chapter 2—Trade and Development Agency

Section 3121—Purpose.—This section states that the purposes of this chapter will be carried out by the Trade and Development Agency under the foreign policy guidance of the Secretary of State.

Section 3122—Authority to Provide Assistance.—This section authorizes the Director of the Trade and Development Agency to work with foreign countries, including aid graduates and other countries not receiving U.S. assistance, by supporting feasibility studies and other activities related to development projects and which promote U.S. exports. This section authorizes the use of funds to support activities for bilateral and multilateral projects in order to promote U.S. exports, and directs the Trade and Development Agency to disseminate information on its projects to the private sector. Lastly, the section authorizes the use of funds under this chapter notwithstanding any other provision of law.

Section 3123—Director and Personnel.—This section states that the head of the Trade and Development Agency is a Director to be appointed by the President, by and with the advice and consent of the Senate. The section contains further personnel authorities.

Section 3124—Annual Report.—This section requires the Trade and Development Agency to submit an annual report to Congress concerning its activities.

Section 3125—Inspector General.—This section provides certain authorities and responsibilities concerning Inspector General oversight of the Trade and Development Agency.

Section 3126—Funding.—This section authorizes the appropriation of $35,000,000 for fiscal year 1992 for the Trade and Development Agency.

TITLE IV—SPECIAL AUTHORITIES, RESTRICTIONS ON ASSISTANCE, AND REPORTING REQUIREMENTS

Section 401—Consolidation and Revision of Special Authorities, Restrictions on Assistance, and Reporting Requirements.—This section provides a new title IV of the Foreign Assistance Act as follows:

TITLE IV—SPECIAL AUTHORITIES, RESTRICTIONS ON ASSISTANCE, AND REPORTS

Chapter 1—Special Authorities

Section 4101—Authority to Transfer between Accounts.—This section, based on current section 610 of the Foreign Assistance Act, provides authority to transfer funds between accounts, subject to notification in advance of the Committees on Foreign Affairs and Appropriations of the House of Representatives, and the Committees on Foreign Relations and Appropriations of the Senate. As under current section 610, there would be a cap of twenty percent on the amount that could be transferred into any account under the authority of this section.

Section 4102—Special Waiver Authority.—This section, based on current section 614 of the Foreign Assistance Act, provides authority to take certain actions without regard to certain provisions of law upon an appropriate determination by the President. The exercise of this authority is subject to a requirement that the President consult with, and provide a written policy justification to, the Committees on Foreign Affairs and Appropriations of the House of Representatives, and the Committees on Foreign Relations and Appropriations of the Senate.

Section 4103—Unanticipated Contingencies.—This section, based on current section 451 of the Foreign Assistance Act, provides authority to use funds under the Act in order to furnish, for any unanticipated contingency, assistance authorized by any provision of the Act, other than chapters 2 and 5 of title II, in accordance with the provisions applicable to furnishing such assistance. Such assistance may be furnished notwithstanding any other provision of law. This provision would increase the annual cap on the use of this authority from $25 million under current section 451 to $50 million.

Section 4104—Emergency Assistance.—This section, based on current section 533 of the Foreign Assistance Act, provides authority to use funds otherwise earmarked for the FMF or ESF programs for emergency use when the national interests of the United States urgently require support to promote economic, political or military stability.

Section 4105—Termination Expenses.—This section, based on current section 617 of the Foreign Assistance Act, provides authority to conduct an orderly wind-up of programs following the termination of assistance to a country. The section clarifies existing wind up authorities as they pertain to the expenditure of previously appropriated funds, and with respect to guarantees.

Section 4106—Exemption of Assistance through Nongovernmental Organizations.—This section provides that restrictions on assistance to countries shall not be construed to restrict assistance under title I in support of programs of nongovernmental organizations.

Section 4107—Exemption of Training Activities from Prohibitions.—This section provides that restrictions on assistance shall not be construed to prohibit assistance for training activities under the Act for certain countries described therein.

Section 4108—Nonapplicability to Military Assistance of Certain Neutrality Act Provisions.—This section provides that functions authorized under the Foreign Assistance Act may be performed without regard to such provisions as the President may specify of the Neutrality Act of 1939.

Chapter 2—Restrictions on Assistance

Section 4201—Ineligible Countries.—This section provides that assistance may generally not be furnished to the government of a country that is a communist country, a country the government of which engages in a consistent pattern of gross violations of human rights, a country that has taken certain actions with regard to the expropriation of the property of United States persons, a country whose duly-elected head of government is deposed by military coup or decree, a country whose government the President determines repeatedly provides support for acts of international terrorism, a country with respect to which certain provisions on nuclear nonproliferation apply, and certain major drug-producing or major drug-transit countries. There are exceptions to these restrictions for cases in which the President determines that the furnishing of assistance is important to the national interests of the United States, to alleviate suffering resulting from a disaster, to directly benefit the needy, and to promote human rights and democracy.

Section 4202—Policy Training.—This section is based on current section 660 of the Foreign Assistance Act. A series of exceptions are set forth in subsection (b).

Section 4203—Countries in Arrears on Assistance Repayments.—This section, based on current section 620(q) of the Foreign Assistance Act, prohibits assistance to certain countries in arrears to the United States Government on certain loan repayments.

Section 4204—Family Planning Activities.—This section sets forth restrictions on the use of funds made available to carry out title I for certain family planning activities.

Section 4205—Competition with United States Exports.—This section describes considerations that the President should take into account in providing assistance under title I of the Foreign Assistance Act with respect to certain export-related activities.

Section 4206—Nuclear Non-Proliferation.—This section sets forth criteria applicable in determining whether a country is covered by the prohibition on assistance under section 4201(a)(6), relating to nuclear nonproliferation issues.

Section 4207—Major Illicit Drug Producing and Drug Transit Countries.—This section sets forth criteria applicable in determining whether a country is covered by the prohibition on assistance under section 4201(a)(7), relating to major illicit drug producing and drug transit countries.

Section 4208—Assistance for Elections.—This section provides that economic assistance used to enhance the independence and performance of electoral processes may not be used for the purpose of influencing the outcome of any election in any country. This provision is similar to the requirement contained in current section 116(e) of the Foreign Assistance Act.

Section 4209—Duties of a Noncombatant Nature.—This section, which is based on current section 503(a)(2) of the Foreign Assistance Act and section 21(c)(1) of the Arms Export Control Act, restricts the performance of duties of a combatant nature. The provisions of current law have been interpreted as not prohibiting the performance of such duties by U.S. personnel during periods in which the United States is itself involved in combat, but there are additional situations in which the application of this restriction would not be in the national interest of the United States, and an appropriate waiver provision has therefore been added.

Chapter 3—Reports and Notification to Congress

Section 4301—Congressional Presentation Documents for Economic Assistance.—This section requires the President to provide congressional presentation documents for economic assistance programs under title I of the Foreign Assistance Act, and describes information that is to be included in such documents.

Section 4302—Human Rights Policy and Report.—This section sets forth the sense of the Congress regarding respect for human rights and fundamental freedoms throughout the world, and reflects the importance human rights and related concerns should play in formulating and conducting United States assistance and military sales programs. Subsection (c) requires the submission of annual human rights report not later than February 28 each year.

Section 4303.—Annual Allocation Report.—This section, based on current section 653(a) of the Foreign Assistance Act, requires an annual report not later than 30 days after the enactment of any law appropriating funds to carry out any provision of this act.

Section 4304—Notification of Program Changes.—This section, based on current section 634A of the Foreign Assistance Act, sets forth requirements for submitting reprogramming notifications to the Committees on Foreign Affairs and Appropriations of the House of Representatives, and the Committees on Foreign Relations and Appropriations of the Senate.

TITLE V—GENERAL PROVISIONS

Section 501—Consolidation and Revision of Administrative Authorities and Elimination of Obsolete Provisions.—This section provides a new title V of the Foreign Assistance Act as follows:

TITLE V—GENERAL PROVISIONS

Chapter 1—Exercise and Coordination of Functions

Section 5101—Delegations by the President.—This section generally retains the language in section 621(a) of current law. It authorizes the President to carry out provisions of this Act through any U.S. Government agency or officer.

Section 5102—Designation of Administering Agency for Title I.—This section states that the President may exercise his functions to administer economic assistance programs under title I primarily through a single agency which the President may designate.

Section 5103—Authority to Establish Missions Abroad.—This section essentially retains provisions of sections 631 (a) and (d) of current law. It authorizes the President to establish special missions abroad to carry out the purposes of this act. Smaller economic assistance programs may be administered by the principal economic officer of the U.S. diplomatic mission.

Section 5104—Presidential Findings and Determinations.—This section is based on current law (sections 654 (a) and (b)) and procedures concerning findings and determinations required in foreign assistance legislation which must be reported to Congress. This provision does not affect any presidential findings concerning covert operations which remain subject to the reporting requirements of section 501 of the National Security Act of 1947.

Chapter 2—Administrative Authorities

Section 5201—Allocation of Funds and Reimbursement Among Agencies.—This section retains the provisions of section 632 of current law. The President is allowed to allocate or transfer to any U.S Government agency any of the funds made available to carry out this Act to procure commodities, services, defense articles, or defense service. This section lays out technical provisions concerning procurement from other agencies, reimbursement to agencies, establishment of accounts, and charges to appropriations.

Section 5202—General Authorities.—This section provides general authorities for carrying out this Act. These authorities follow the lines of section 635 of current law. They include terms and conditions of assistance; the authority to make guaranty commitments; contracting; receipt of gifts; health and accident insurance for foreign employees and participants; U.S. admission of alien participants; loan authorities; claims related to guarantees; indirect costs of educational institution; and multi-year commitments. The section deletes the provision contained in current law which prohibited the use of funds to take equity positions in organizations.

Section 5203—Authorized Administrative Uses of Funds.—This section generally follows section 636 of current law. Authorities retained, and in some instances clarified, include those relating to: compensation of personnel; procurement of administrative supplies and services; travel; housing; purchase and maintenance of motor vehicles; construction of facilities; education of dependents; training of personnel; and other operating authorities. Dollar limitations with respect to the construction of support facilities and schools for dependents are not retained.

Chapter 3—Special Requirements and Authorities Relating to Appropriations and Local Currencies

Subchapter A—Provisions Relating to Appropriations

Section 5301—Requirement for Specific Authorization of Appropriations.—This section sets forth the requirement for the specific authorization of funds for foreign assistance pursuant to existing law (Public Law 91-672).

Section 5302—Authority for Extended Period of Availability of Appropriations.—This section authorizes amounts appropriated to carry out this Act to remain available until expended.

Section 5303—Reduction in Earmarks.—This section contains two authorities regarding earmarks of funds. Subsection (a) authorizes the proportional reduction of earmarks in the event that the amount appropriated for the account being earmarked is less than the amount authorized for that account. Subsection (b) states that earmarked funds may be made available notwithstanding the earmark if compliance with the earmark is made impossible by operation of law or the President determines that the country or organization for which the funds are earmarked has significantly reduced its military, political, or economic cooperation with the United States.

Subchapter B—Local currencies

Section 5321—Special Accounts For and Use of Host-Country Owned Local Currencies.—This section states that to the extent determined apporpriate by the President, separate accounts for the use and accounting of host-country owned local currencies "generated" from economic assistance programs should be established. The term "generated" means the tangible flow of local currency to the host government (rather than an internal accounting transaction within that government) as a result of the use of dollar assistance by the host government. In exercising the authority of this section, consideration should be given to the economic effects of changes in local money supply caused by the generation of local currency. Section 5321 generally follows provisions of section 609 of current law.

Section 5322—Use of Certain Foreign Currencies Owned by the United States.—This section amends and updates section 612 of current law. It authorizes the use of United States owned excess foreign currencies to provide economic assistance.

Section 5323—Interest on U.S. Owned Foreign Currency Proceeds.—This section retains a similar provision in section 612 of current law. It states that agreements with respect to assistance that will result in the accrual of foreign currency proceeds should include provisions for the receipt of such interest income on such proceeds.

Section 5324—Use of Local Currencies.—This section retains section 636(h) of current law. It directs the President to ensure that countries receiving assistance under this Act contribute their local currencies, to the maximum extent possible, to help meet the cost of providing the assistance.

Section 5325—Interest on Local Currency Accruing to Nongovernmental Organizations.—This section permits nongovernmental organizations to invest and earn interest on local currencies they receive from economic and food assistance provided by the United States. It also allows any interest earned to be used for the purpose for which the assistance was provided.

Chapter 4—Procurement and Disposition on Commodities and Defense Articles

Section 5401—Use of Private Enterprise.—This section amends provisions in current law, in sections 601(b) (5) and (8), 602(c), and 621(a) of current law. It directs the President to encourage and facilitate participation by private enterprise in achieving the purposes of the Act. It encourages the use of contracts, including cost-plus incentive fee contracts, to provide the technical skills, goods and professional services needed in such fields as education, health, housing, and agriculture. It also requests that the President ensure that U.S. suppliers, especially small independent enterprises, are kept informed as to expected purchases for military assistance programs.

Section 5402—Procurement Standards and Procedures.—This section largely restates section 604 of current law, regarding the requirement to procure commodities from the United States. With regard to OPI activities, the requirements of this section insofar as they might affect downstream procurement by OPIC borrowers are superseded by section 3106 of this Act.

Section 5403—Shipping on United States Vessels.—This section exempts certain goods acquired with foreign currencies from U.S. flag vessel cargo preference requirements and is identical to section 603 of current law. Also, this section allows the use of foreign assistance funds to pay ocean freight differentials that may exist between United States and foreign flag carriers on shipments that are subject to cargo preference requirements, similar to the authority contained in section 640C of current law.

Section 5404—Excess and Other Available Property.—This section sets forth policy with respect to the use of excess and other available property. It provides control over the distribution of government-owned excess property used in the foreign assistance program. Sections 607(c) and 608 of current law are rewritten and generally retained by this provision.

Section 5405—Retention and Use of Certain Items and Funds.—This section authorizes the retention, transfer, use, or disposal of any commodities or defense articles procured for a foreign country or international organization when changing circumstances make it inadvisable to furnish such commodities or defense articles. This section generally follows the provisions of section 605 of current law.

Section 5406—Laws Relating to Contracts and Government Expenditures.—This section provides flexibility in carrying out the purposes of this Act by allowing the President to waive provisions of law regulating the making, performance, amendment, or modification of contracts and the expenditure of funds. This provision retains section 633(a) of current law.

Section 5407—Transportation Charges Incurred by the Red Cross or Private Voluntary Organizations.—This section authorizes the use of funds under title I to pay transportation charges on shipments by the American Red Cross and by registered United States private voluntary organizations. This section is similar to the authority contained in section 123(b) of current law.

Chapter 5—Personnel

Section 5501—Statutory Officers in Economic Assistance Agency.—This section generally follows section 624(a) and (b) of current law. It permits the President to appoint 12 statutory officers in the economic assistance agency, with the advice and consent of the Senate. The President may designate titles and fix the order of succession among the officers appointed.

Section 5502—Employment of Personnel.—This section rewrites and generally retains many of the provisions of section 625 of current law. It authorizes the hiring of personnel to carry out certain functions under the Act. It sets forth compensation assistance functions, performance functions outside of the United States, and reemployment rights.

Section 5503—Experts, Consultants, and Retired Officers.—This section authorizes the employment of individual experts and consultants and organizations thereof. It covers reimbursement for expenses and employment of certain persons without compensation.

Section 5504—Detail of Personnel to Foreign Governments and International Organizations.—This section authorizes the datail of personnel to foreign governments and international organizations to assist in carrying out the purposes of this Act. This section consolidates provisions of section 627, 628, 629, and 630 of current law, including the status of personnel detailed, retention of benefits, allowances, and terms of detail.

Section 5505—Chief of Economic Assistance Mission Abroad.—This section retains section 631(b) of current law authorizing the President to appoint chiefs of economic assistance missions abroad, including provision for compensation and allowances.

Section 5506—Chairman of OECD Development Assistance Committee.—This section retains section 631(c) of current law authorizing the President to appoint the Chairman of the Development Assistance Committee of the Organization for Economic Cooperation and Development and provides for the compensation and allowances the person so appointed is to receive.

Section 5507—Assignment of DOD Personnel to Civil Offices.—This section retains section 633(c) of current law authorizing the President to detail Department of Defense personnel to civil offices to carry out the purposes of this Act.

Section 5508—Discrimination Against United State Personnel Providing Assistance.—This section is based on sections 666 and 505(g) of current law. It states that the President should not take into account race, religion, national origin, or sex in assigning officers or employees to carry out any assistance programs funded by this Act in any foreign country, and that such assignments should be made solely on the basis of ability and relevant experience. This section affirms U.S. policy that assistance should not be provided to any country which prevents any U.S. person from participating in the furnishing of assistance on the basis of race, religion, national origin, or sex.

Chapter 6—Definitions and Miscellaneous Provisions

Section 5601—Definitions.—This section provides definitions of terms used in this Act. Most of the definitions are found in section 644 and 670(c) of current law.

Section 5602—Activities Under Certain Other Laws not Affected.—this section states that provisions of this Act or other foreign assistance provisions, shall not prohibit activities authorized by or conducted under the Acts specified in the section or certain commercial activities of the Department of Agriculture.

TITLE VI—TECHNICAL AND CONFORMING PROVISIONS

Section 601—Effective Date of Revisions.—Except as otherwise provided in the Act, this section establishes October 1, 1991, as the effective date for the Act, including the amendments made by the Act to the Foreign Assistance Act.

Section 602—Saving Provisions.—Section 602 continues in full force and effect, all actions taken under the authority of any law repealed or modified by this Act, until modified by appropriate authority.

It allows the retention of individuals holding appointments under current law without the necessity of Presidential reappointment because of the repeal and reenactment of applicable provisions in substantially the same form.

Section 603—Retention of Certain Provisions Formerly in the Foreign Assistance Act.—Section 603 retains certain provisions currently included in the Foreign Assistance Act.

Section 604—Conforming Amendments.—Section 604 amends the applicable section numbers, titles and certain wording in current legislation in order to confirm existing law with corresponding provisions in the new Act.

Section 605—Repeal of Obsolete Provisions.—Section 605 repeals obsolete provisions in current law that have been fulfilled, have expired, are no longer applicable, or are subsumed in the new Act. The section has no effect on provisions of other laws that may have been repealed by the Acts repealed by this section.

TITLE VII—SPECIAL ASSISTANCE INITIATIVES

Chapter 1—Development Fund for Africa

Section 701—Development Assistance for Sub-Saharan Africa.—Section 701 provides the policy framework for development assistance for sub-Saharan Africa. The language is virtually identical to that enacted as part of the fiscal year 1991 foreign assistance appropriations act (Public Law 101-513) and currently included as chapter 10 of part I of the Foreign Assistance Act.

Section 702—Authorization of Appropriations for Assistance for Sub-Saharan Africa.—Section 702 authorizes the appropriation of $800,000,000 for sub-Saharan Africa assistance for fiscal year 1992.

Section 703—Reports and Evaluations.—Section 703 requires certain special reporting requirements to be included as part of the annual congressional presentation. These added requirements are in lieu of applying the congressional notification procedures contained in the Foreign Assistance Act to programs funded under this chapter.

Chapter 2—Assistance for Eastern Europe

Section 711—United States Policy Regarding Eastern Europe.—This section sets forth policy statements regarding assistance for Eastern Europe.

Section 712—Basic Objectives of Assistance.—This section states that assistance programs under this chapter shall have as their purposes the enhancement of the ability of the countries of Eastern Europe and Yugoslavia to address the objectives of promotion of democracy and encouragement of free market systems. Subsection (d) describes the extraordinary nature of the assistance.

Section 713—Assistance Activities.—Subsection (a) describes assistance activities the President is authorized to undertake. Subsection (b) extends authorities available under the Support for East European Democracy (SEED) Act of 1989 with respect to Poland and Hungary, and makes them applicable with respect to any eligible East European country; it further authorizes the President to use funds made available under P.L. 101-513 to provide balance of payments support with respect to any such country. Subsection (c) expresses a sense of the Congress regarding stabilization assistance for Hungary, Czechoslovakia and other eligible East European countries as the President deems appropriate. Finally, subsection (d) authorizes $400,000,000 to be appropriated to carry out this chapter, which amount is authorzied to remain available until expended.

Section 714—Enterprise Funds.—This section authorizes the President to provide funds and support for Enterprise Funds for countries in Eastern Europe and Yugoslavia akin to the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

Section 715—Program Administration.—This section provides certain authorities for United States Government agencies including authorities to provide assistance and conduct programs as the President may determine for eligible East European countries.

Chapter 3—Multilateral Assistance Initiative for the Philippines

Section 721—Findings and Statement of Policy.—This section contains a statement of policy recognizing the importance of the continued multilateral assistance effort for the Philippines.

Section 722—Assistance.—This section authorizes the President to furnish assistance to the Philippines and links such assistance to progress by the Government of the Philippines in the implementation of its economic, structural, judicial, and administrative reform program.

Section 723—Report to Congress.—This section requires the annual submission of congressional presentation documents for the program authorized by this chapter.

Section 724—Authorization of Appropriations; Authorities.—This section authorizes a total of $1,000,000,000 (inclusive of funds previously appropriated) for this program, of which not more than $160,000,000 may be appropriated for fiscal year 1992.

Section 725—Appropriations in Future Years.

This section expresses the sense of the Congress that, before requesting additional amounts for the programs authorized by this chapter, the President should take into account the progress being made by the Philippines toward achieving the reform objectives of this chapter.

Section 726—Donor Coordination.—This section expresses the importance of multidonor coordination in the achievement of the objectives of the assistance program authorized by this chapter.

TITLE VIII—PRESIDENTIAL CONTINGENCY FUND

Section 801—Authority.—This section authorizes the appropriation of $20,000,000 for fiscal year 1992 for the purpose of meeting unanticipated contingencies in programs within the International Affairs Budget Function.

TITLE IX—AUTHORIZATION FOR FISCAL YEAR 1993

Section 901—Authorizations.—This section authorizes such sums as may be necessary for fiscal year 1993 to carry out programs and activities for which appropriations for the fiscal year 1992 are authorized by the International Cooperation Act of 1991 and the Foreign Assistance Act of 1961.

THE WHITE HOUSE,
Washington, April 12, 1991.

Hon. J. DANFORTH QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I attach great importance to the proposed "International Cooperation Act of 1991," which we are submitting for congressional consideration. Secretary Baker and I look forward to working closely with the Congress to ensure its prompt enactment.

Events in recent months have dramatically illustrated the growing urgency for flexible and rapidly available economic, military, and humanitarian assistance as a vital instrument of American foreign policy. Before us loom international opportunities and challenges as promising as any our nation has faced since the end of the Second World War. Yet the law governing foreign assistance has become so complex, splintered and restrictive that it no longer serves our essential national interests and aspirations. The shortcomings of existing law are likely to become even more pronounced and damaging as we move ahead through the volatile transition to a new world order.

Together, we must regain the essentials of administrative simplicity, flexibility, accountability, and clarity of purpose that originally characterized the Foreign Assistance Act of 1961. The world, of course, has changed fundamentally since then, especially during the two years following our last effort to reform the law governing foreign assistance. What has not changed, however, are the basic values and national outlook that motivate our foreign assistance.

My overarching goal is for the United States to remain at the forefront of a world community that is increasingly democratic, market-oriented, and willing and able to cooperate against aggression. The urgently needed reforms I propose would restore the necessary coherence and flexibility to pursue effectively the five basic and closely interrelated objectives that now frame our foreign policy: promoting and consolidating democratic values, promoting market principles and strengthening U.S. competitiveness, promoting peace, protecting against transnational threats, and meeting urgent humanitarian needs.

All of the continuing programs that have been included in the proposed legislation are essential to our national interest, at least in the short run. I fully recognize, however, that pressures to adjust to new international realities are rapidly increasing, and, in the years immediately ahead, we must work energetically together to meet the new challenges they are producing. We must also reach these important, if difficult, decisions within the constraints imposed by the Budget Enforcement Act of 1990.

In my March 6 address to the Joint Session of Congress, I observed that our nation cannot lead internationally if we propose politics as usual in devising and implementing foreign assistance. I asked Congress to work with me to put an end to micromanagement of all of our foreign economic, security, and humanitarian assistance programs. Each of these programs must become part of a coherent strategy that will advance a foreign policy worthy of our deepest and most abiding national aspirations. Without the flexibility provided for in the proposed International Cooperation Act it will be impossible to forge such coherence and to sustain the international leadership that we both desire.

On my part, I pledge to work closely and cooperatively with the Congress throughout each stage of the foreign policy-making process so that you can fully meet your responsibilities under the Constitution. But I am also convinced that we will be unable to deal with the momentous—and often unpredictable—events of today's world if Congress continues to restrict presidential prerogatives. Such micromanagement must not be part of this legislation.

In seeking to restore the proper balance of congressional and presidential authority in the conduct of foreign policy, the Administration's proposal deletes the many restrictions, prohibitions, burdensome reports, unnecessary reporting requirements and statutory waiting periods that have accumulated over several decades. The proposed revisions will significantly strengthen our capacity to respond positively and effectively to a rapidly changing environment, while reducing the risk of missed opportunities.

The restitution of presidential authorities would extend to all aspects of the proposed legislation. One especially sensitive and important area concerns nuclear nonproliferation. Consistent with our approach of removing country-specific provisions, the Administration's proposal does not contain a specific provision on assistance to Pakistan, as stipulated in the current Foreign Assistance Act.

Nevertheless, I give the Congress my unequivocal assurance that my position on the critical issue of preventing nuclear proliferation in South Asia and elsewhere will not weaken. While the proposed elimination of the Pakistan-specific certification requirement is intended to uphold the general principle of presidential authority, I will continue to insist on unambiguous specific steps taken by Pakistan in meeting nonproliferation standards including those specifically reflected in the omitted language, known as the Pressler Amendment. Satisfaction of the Pressler standard will remain the essential basis for exercising the national interest waiver that is in the Administration's proposal in order to resume economic and military assistance to Pakistan. By adopting this policy firmly and publicly as the Administration's position, my intention is to send the strongest possible message to Pakistan and other potential proliferators that nonproliferation is among the highest priorities of my Administration's foreign policy, irrespective of whether such a policy is required by law.

The proposed legislation addresses many complex and difficult issues, with profound political and moral implications for America's global role. But the world we seek to influence is in the throes of an historic transition that creates special opportunities and responsibilities for our nation. The process by which we resolve our differences will be as important to the effectiveness of our foreign policy as the decisions finally taken. I hope that you will find this proposal to be an appropriate foundation for building such cooperation, and moving forward to revitalize foreign assistance so as to serve better our most fundamental values and interests.

Sincerely,

GEORGE BUSH.●

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 957. A bill to direct the Secretary of the Interior to conduct a study of the feasibility of including Revere Beach, located in the city of Revere, MA, in the National Park System: to the Committee on Energy and Natural Resources.

REVERE BEACH STUDY ACT OF 1991

Mr. KERRY. Mr. President, I rise today to introduce the Revere Beach Study Act of 1991 which would set in motion a 12-month study by the Secretary of the Interior to determine whether Massachusetts' Revere Beach should be included as part of the National Park System.

It is my hope that this study will eventually lead to a comprehensive plan for protecting one of the rare spots along America's coast, where historic significance blends with a natural environment. Indeed, at this time when our beaches are increasingly threatened by erosion, toxic urban run-off and ill conceived land use planning, it is important to remember that Revere Beach has an important historical legacy to match its natural gifts. In the 1890's Revere Beach became the Nation's first public beach. With its close proximity and easy access to Boston the beach area was a vibrant resort at the beginning of this century and maintained this vitality throughout the forties and fifties. With its amusement rides and ocean side attractions it became an important part in the lives of people throughout Massachusetts and New England. Today the beach is threatened and deserves protection.

The concept of public access to common recreational land is at the very heart of concern for preserving Revere Beach. In the 1890's Charles Eliot fathered the idea of making the beach public saying it was "the first I know of to be set aside and governed by a public body for the enjoyment of the common people." Yet Eliot's idea, though novel for a beach, had a precedent 200 years earlier when the people of Boston set aside a common area—the Boston Common—for all its citizens to share. Today those ties between the people and their common land are being strained and Revere Beach symbolizes a spirit of community and togetherness that should not be allowed to die through oversight or neglect.

One hundred years after Revere Beach became America's first public beach, the issue of citizens' access to America's beaches is at the forefront of coastal debate. It is anticipated that 75 percent of America's population will be living within 50 miles of our coastal community by the end of the next decade. It seems fitting to set aside

Ameica's first public beach for all to enjoy for generations to come. The planners of Revere Beach had a vision of society that would migrate to coastal areas, and, a century later they have been proven correct.

Local support for this project is considerable. The mayor and city council of Revere fully support this study as do a number of local grassroots organizations. Mr. President, I think this legislation, and this beach, deserve the support of the Congress as well. The citizens of Massachusetts and the people of this Nation should—like their parents and grandparents before them—have a public Revere Beach of which they can be proud. I urge my colleagues to join me in supporting this legislation and I ask that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be known as the "Revere Beach Study Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) as the first beach set aside for the enjoyment of the public in the United States, Revere Beach has unique historical, cultural, natural and recreational resources;

(2) Revere Beach represents a unique part of working class history in early 20th century America;

(3) the social and cultural aspects of American history embodied in Revere Beach are not represented elsewhere in the National Park System;

(4) many of the original structures and public buildings of Revere Beach remain;

(5) Revere Beach is located within easy access of a large urban population center, and within reach of tourists visiting the historic city of Boston; and

(6) given the interest by organized groups and local and State governments in the preservation of Revere Beach, a coordinated evaluation should be conducted to consider options for preserving the unique historical, cultural, natural, and recreational resources of Revere Beach.

SEC. 3. STUDY AND REPORT BY THE SECRETARY OF THE INTERIOR.

(a) STUDY.—In order to consider protection of Revere Beach's unique historical, cultural, natural, and recreational resources, the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing Revere Beach as a unit of the National Park System.

(b) CONTENTS OF REPORT.—The report of the Secretary shall contain findings with respect to—

(1) the historical, cultural, natural, and outdoor recreational values of Revere Beach;

(2) the type of Federal, State, and local programs that are feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values identified;

(3) the relationship of the recommended National Park System unit to existing or proposed Federal, State, or local programs to manage in the public interest the unique historical, cultural, natural, and recreational resources of Revere Beach; and

(4) the types and general intensities of development, including a visitor facility with sufficient space to accommodate exhibits and information regarding the history of Revere Beach, that would be associated with public enjoyment and use of the beach, including general location and anticipated costs.

(c) CONSULTATION AND INFORMATION.—The study shall include participation by representatives of the city of Revere, Massachusetts, representatives of the Commonwealth of Massachusetts, representatives of associations interested in the preservation of Revere Beach, and persons knowledgeable in American history, historic preservation, and popular culture. Federal departments and agencies shall cooperate with the Secretary and, to the extent permitted by law, furnish such statistics, data, reports, and other material as the Secretary may deem necessary for the study.

(d) AGREEMENTS.—In conducting the study required under subsection (a), the Secretary of the Interior may enter into agreements with nonprofit or public interest groups to undertake studies and planning work with respect to the preservation, interpretation, and management of Revere Beach.

(e) SUBMISSION.—The Secretary shall submit to the President and the Congress of the United States, within 12 months after the date of enactment of this Act, a report of the Secretary's findings and recommendations.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. THURMOND (for himself, Mr. WARNER, Mr. BENTSEN, Mr. HOLLINGS, Mr. LOTT, and Mr. SANFORD):

S. 958. A bill to amend title 32, United States Code, to authorize Federal support of State defense forces; to the Committee on Armed Services.

FEDERAL SUPPORT OF STATE DEFENSE FORCES

Mr. THURMOND. Mr. President, in 1989 I introduced S. 1755, a bill to authorize Federal support of State defense forces. Although the legislation died in committee, it perked the interest of many of my colleagues and revitalized State defense forces in many States.

Mr. President, since I introduced S. 1755, the world has changed dramatically. We have seen the demise of the Warsaw Pact, fought a major ground conflict in the Persian Gulf, and watched our defense budget take a downward spiral. The period has also vividly demonstrated that our Nation's volunteer spirit is as strong as ever. Our all-volunteer military gave this Nation a glorious victory in the Persian Gulf while, at home, our citizens opened their hearts not only to the men and women employed to the Middle East, but also to the loved ones who were left behind.

Among the volunteers who dedicated their time and labor during the tumultuous time were the State defense forces. Mr. President, in recognition of this dedicated service. I rise to reintroduce my legislation to authorize Federal support of State defense forces. I am pleased to have as cosponsors Senator HOLLINGS, Senator WARNER, Senator BENTSEN, Senator LOTT, and Senator SANFORD.

Mr. President, I venture to say that many of my colleagues are not aware that 24 States have some form of State defense force, nor are they aware of the hundreds of citizens who are involved in this patriotic service. The history of the State defense forces goes back to World War I, when it was called the "Home Guard", and its primary function was to assume the duties of the National Guard units that were activated.

In 1940, a model State Guard Act was developed and, through World War II, the State Guard performed such vital functions as coastal defense and installation security against sabotage. After the war, all State forces except the National Guard were banned.

With the beginning of the Korean war, "temporary" National Guard units were set up to replace those Guard units which were federalized. The Korean experience resulted in the congressional amendment of title 32, to allow the States to set up State defense forces.

Today, the mission of the State defense force is to back up the National Guard. This backup was demonstrated during Operation Desert Storm. Some examples of this support are illustrated in an Associated Press article published in the Washington Post. I want to highlight two examples and ask unanimous consent that the complete article be included in the RECORD immediately after my statement.

In Mississippi, the State Guard provided security for approximately 55 National Guard armories while the National Guard units were on active duty. Members of the Tennessee Defense Force repaired doors, helped with finances and otherwise aided spouses of mobilized National Guard troops.

Mr. President, the State defense force are supported entirely by the State although, in many instances, individual members of the force pay for their own uniforms and equipment. Despite State support, State defense forces often do not have qualified personnel to train new recruits. Virtually all are poorly equipped or do not have any equipment at all. The legislation I am introducing today will help address these problems. With the passage of this bill:

The Army can issue or sell surplus supplies and equipment;

Retired military personnel, who do not have any other mobilization mission, will be allowed to join State defense forces so that, at least during peacetime, their experience and expertise could be used for the training of others;

The Army can lend training manuals to the State defense forces;

State defense forces may use Army training facilities when there is room for them;

State defense force personnel may attend active training schools when there is room—this training will normally be funded by the State; and

The National Guard Bureau can help States with organization and mission definition of their defense forces.

Mr. President, there is no doubt that State defense forces perform a vital function. As the decline in our defense budget forces us to reduce our military force structure—both active and reserve components—State defense forces will play an ever-increasing role during natural and civil emergencies. My legislation does not attempt to justify the mission—the mission exists. This bill—without adding to the budget—will allow the State defense forces to be equipped, trained, and organized in order to contribute to the common defense of our Nation and the welfare of the States they represent.

Mr. President, I urge my colleagues to join me in support of this bill, and ask unanimous consent that a copy of this legislation appear in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL SUPPORT OF STATE DEFENSE FORCES

(a) IN GENERAL.—(1) Title 32, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 9—STATE DEFENSE FORCES

"Sec.
"901. Definitions.
"902. General policy.
"903. Membership.
"904. Arms and equipment.
"905. Uniforms: sale and wear.
"906. Training assistance.
"907. Federal coordination.
"908. Non-Federal status.
"909. Security clearances; criminal history information.

"§901. Definitions

"In this chapter:

"(1) The term 'State defense force' means a military force or defense force organized by a State to serve as a State military reserve force that would train to become actively operational when the State National Guard forces are federalized or otherwise not available in or adequate to the needs of the State. A State defense force need not be so named by the State to be a State defense force for purposes of this chapter.

"(2) The term 'State' includes the District of Columbia and any territory or commonwealth that has an organized National Guard.

"(3) The term 'national emergency' means an emergency declared by the President or the Congress.

"§902. General policy

It is in the national interest for a State to have a State defense force as a military reserve force of the State ready to supplement National Guard forces and other State and local government agencies for performance of the following functions:

"(1) To assist civil authorities in the preservation of order and the protection of life and property.

"(2) To meet domestic emergencies.

"(3) To guard and protect critical industrial installations and facilities when other means for guarding and protecting such installations are inadequate.

"(4) To prevent or suppress subversive activities in conjunction with or in support of Federal, State, or local law enforcement agencies.

"(5) To cooperate with Federal military authorities and forces engaged in active military operations within the State or performing internal security missions within the State.

"(6) To assume control of State armories and property, to provide security for Federal property, and to provide such other services as may be needed in connection with the mobilization of the National Guard and other reserve components of the Armed Forces.

"(7) To perform any other duties that may be assigned to a militia under the constitution and laws of the State.

"§903. Membership

"(a) Qualifications for membership in a State defense force shall be determined by the State sponsoring the defense force. A member of the armed forces may not be a member of a State defense force unless such membership is authorized under regulations prescribed by the Secretary of Defense or, in the case of the Coast Guard, by the Secretary of Transportation. Membership in a State defense force does not exempt any person from the provisions of the Military Selective Service Act or from any military duty or service that such person may be required to perform by virtue of membership in the armed forces.

"(b) A State may require an oath of allegiance to a chief executive of a State before a person becomes a member in the State defense force of that State. Any such oath shall include an affirmation of support for the Constitution of the United States and shall not include a provision that would limit a person's appointment or enlistment in an armed force.

"(c) Membership in a State defense force may not by itself limit a person from enlistment or appointment in an armed force.

"§904. Arms and equipment

"(a) The Secretary of a military department may issue or loan to a State such equipment, small arms, and uniforms as may be necessary for its State defense force to train and perform such functions as may be designated by the Governor and approved by the Chief of the National Guard Bureau. The issuance of any such items may be made on a reimbursable basis if determined appropriate by the Secretary concerned. Items issued or loaned under this subsection may be made only from items that are excess or obsolete for the needs of the military department concerned.

"(b) The Secretary of Defense shall prescribe policies and procedures to carry out subsection (a). Such policies and procedures shall—

"(1) ensure that items specified in subsection (a) may not be issued or loaned if to do so would affect adversely the readiness of active or reserve forces; and

"(2) provide that when any property issued or loaned is no longer needed by a State defense force, it shall be reported to the Secretary of the military department concerned and that any subsequent disposal of such property shall be carried out in accordance with the Federal Property and Administrative Services Act of 1949.

"§905. Uniforms: sale and wear

"(a)(1) Notwithstanding chapter 45 of title 10, a member of a State defense force may wear a uniform normally prescribed for wear by members of an armed force if—

"(A) the uniform as prescribed for wear by members of the State defense force includes distinctive devices or accoutrements identifying it as a uniform of a State defense force;

"(B) such uniform does not include a designation bearing the name of an armed force; and

"(C) the Secretary of the military department concerned approves State regulations for the wear of such uniform.

"(2) Before approving State regulations, the Secretary of the military department concerned shall ensure that such regulations include provisions regarding manner of wear of the uniform and periods of wear in such a manner that the wear of the uniform will not tend to discredit that armed force.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may sell uniforms, items of uniforms, indicia of grade, and individual equipment to members of State defense forces.

"(c) A former member of the armed forces, a member of the Retired Reserve, or a regular member who is retired may wear such decorations and medals awarded for military service or valor on the uniform such person wears as a member of State defense force.

"§906. Training assistance

"(a)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may provide training and training assistance for State defense forces. Such training and assistance may include—

"(A) the provision or loan of training manuals and instructional materials, including training devices used for active and Reserve forces;

"(B) the use of Federal military training facilities;

"(C) attendance at service schools on a space-available basis; and

"(D) the services of active or Reserve members of the armed forces skilled in training.

"(2) Transportation and travel expenses are not authorized members of the State Defense Forces for any training under this section.

"(3) The Secretary of the military department concerned may establish priorities and conditions for the provision of the training authorized by this subsection.

"(b) Under regulations prescribed by the President, an executive department or an independent agency of the Federal Government may provide such training and training assistance to a State for the State defense forces of that State as is in the interests of national security and not detrimental to the primary operational requirements of the department or agency concerned. Training under this subsection may be of the same quality as the training authorized by subsection (a) and shall be with the agreement of the Secretary of Defense.

"(c) The Secretary of a military department and the head of a department or agency referred to in subsection (b) may require reimbursement from a State for the cost of providing training or training assistance to the State defense force of that State. Reimbursement normally should be required in the case of training provided a member of a State defense force for a period exceeding 14 days.

"§ 907. Federal coordination

"The Chief of the National Guard Bureau shall serve as the means of communication between a State and the Federal Government on matters involving the State defense force of such State.

"§ 908. Non-Federal status

"A member of a State defense force is not a member of the armed forces or an employee or agent of the United States for any purpose, including legal liability or legal defense. Any such member is responsible to the State sponsoring the defense force. A member of a State defense force who is injured or who dies while performing training or duties on behalf of the State defense force may not be provided military or federally sponsored health care, other than emergency care. Federally sponsored disability and death benefits may not be provided as a consequence of a person's status as a member of a State defense force.

"§ 909. Security clearances; criminal history information

"(a) The Secretary of a military department may conduct such background investigations as the Secretary determines necessary and appropriate as a condition to allowing access to classified information by a member of a State defense force.

"(b) A State sponsoring a State defense force is encouraged and requested to make available to officials of the State defense force the criminal history information described in section 520a of title 10. The State defense force should maintain a record of criminal history information pertaining to a member in order that security clearances may be expedited in time of mobilization or national emergency.".

(2) The table of chapters at the beginning of such title is amended by adding at the end the following new item:

"9. State Defense Forces .... 901".

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of section 109 of title 32, United States Code, is amended to read as follows:

"(a) In time of peace, a State or territory, Puerto Rico, or the District of Columbia may maintain no troops other than those of its National Guard, a naval militia authorized by chapter 659 of title 10, and defense forces authorized by chapter 9 of this title.".

(2) Subsection (b) of such section is amended by striking out "by subsection (c)" and inserting in lieu thereof "by chapter 9 of this title".

(3) Subsections (c), (d), and (e) of such section are repealed.

STATE VOLUNTEERS REPLACE ACTIVATED GUARDSMEN

Tens of thousands of National Guardsmen called to duty in the Persian Gulf are being temporarily replaced in some states by volunteers whose duties include watching over vacant armories and assisting in natural disasters.

Usually called the state guard or the state defense force, groups totaling nearly 10,000 such volunteers—mostly retired soldiers and sailors—exist in 24 states and Puerto Rico.

"We're sort of a has-been force until we're needed," said Tom Anderson, president of the National Association of State Defense Forces.

Most have been relatively inactive in recent years, but Persian Gulf call-ups have expanded the role of these purely state-operated organizations, said Anderson, commander of the New Mexico State Defense Force.

"We have people from all walks of life. I would say that our membership is pretty much split between veterans as well as young people having no military service whatsoever," said Commander Robert Haas of the 750-member Ohio Military Reserve.

None of the organizations has federal status, although the Washington-based National Guard Bureau assists the states in coordinating their activities.

The governors can call up the state units to help with disasters and other activities usually handled by activated Guard units.

Size, duties and history of the units vary widely.

Texas has a 1,300-member state guard, and units in Tennessee and Georgia number about 1,000. Rhode Island's State Defense Force, created in 1987, numbers just three, and Vermont's eight-year-old state guard consists of 12 retired military officers.

The 400-member Indiana Guard Reserve last summer provided relief and assisted in the cleanup of southern Indiana, hit by devastating storms.

Last year, the Virginia Defense Force helped with crowd control at 17 events around the state. It has done search-and-rescue missions and is helping a small town develop a plan to handle toxic chemical spills.

Some of the units, such as Alaska's, were formed at statehood. Others were authorized by state constitutions and some formed during World War I. In Mississippi, the State Guard operated under an attorney general's opinion until the Legislature put it into law in 1989.

Many units have deep roots in U.S. history. New Mexico's militia traces its beginnings to an organization known as "Los Vecinos" (the neighbors), dating to 1606, when the Spanish explored the Rio Grande valley. Georgia's State Defense Force traces its heritage to a colonial militia organized in the Massachusetts Bay Colony in 1636.

In Michigan, the recruitment of military retirees begins in earnest next month. The Michigan Emergency Volunteers is re-emerging, after having flourished during the two world wars before being disbanded in 1946.

"We've had it before," said retired Brig. Gen. Warren Lawrence, who is to oversee the organization. "It's something that really should be in place, at least in skeletal fashion to activate on a needs basis."

Much of the state guards' work right now is voluntary. None has been called to duty by executive orders of governors. State units in a few states, if activated by the governor, would get the same pay as National Guardsmen.

"Right now, we're watching over about 55 National Guard armories across the state," said Maj. Gen. Roy H. Swayer Jr. of the Mississippi State Guard.

Members of the Tennessee Defense Force are repairing doors, helping with finances and otherwise aiding spouses of mobilized National Guard troops.

"We're gotten an enormous amount of volunteer work going on, with people assisting units that have mobilized—lawyers helping draw up wills, helping with family support groups, things like that," said Brig. Gen. Frank Pointer.

Tom Hegele, a member of the North Carolina State Defense Militia, said the groups are true volunteers.

"This might not be much, but for some people it is a way they can contribute," Hegele said. "We're telling people who might have aged out of active service or the Guard to look us over and see if they are interested."

By Mr. WARNER (for himself and Mr. ROBB):

S. 959. A bill to establish a commission to commemorate the 250th anniversary of the birth of Thomas Jefferson; to the Committee on the Judiciary.

THOMAS JEFFERSON COMMEMORATION ACT

• Mr. WARNER. Mr. President, I rise today to introduce legislation, together with my Virginia colleague, Senator ROBB, to commemorate the 250th anniversary of the birth of one of America's most distinguished Presidents and citizens—Thomas Jefferson. An identical bill has been introduced by my colleague in the House of Representatives, Congressman FRENCH SLAUGHTER.

Saturday, April 13, marked the anniversary of the birthday of Thomas Jefferson. It is fitting that we introduce legislation honoring his contributions to the State of Virginia and our Nation in shaping the current structure of Federal and State government.

On April 13, 1743, Thomas Jefferson was born at Shadwell in Goochland—now Albemarle County, VA, the son of Peter Jefferson, a surveyor, and the former Jane Randolph, the daughter of perhaps the most distinguished family in the province. His father drew the first accurate map of Virginia in 1751, and established his mark in Government as the burgess and county lieutenant. Thomas Jefferson inherited his father's fondness for the State of Virginia. Of the 10 children of Peter Jefferson, he left Thomas, the elder of his two sons, 2,750 acres of land and an established position in the community.

Few Presidents in the history of our country possessed the range of interests and intellect as Jefferson. He is regarded as a Renaissance man—accomplished in art, literature, law, science, music, languages, Government, philosophy, agriculture, mathematics, architecture, ethnology and inventions. Jefferson was a statesman, ambassador, educator, writer, philosopher, architect, inventor, scientist and musician. President Kennedy's remark to a group of Nobel prize winners, that so many distinguished persons had not been gathered in the White House since Jefferson dined alone, characterized the brilliance of him as a man schooled in all subjects and interested in all things.

On March 3, 1797, as an example, the distinguished Virginian was installed as president of the American Philosophical Society; the next day he was sworn in as Vice President of the United States, and 1 week later he presented the Philosophical Society with a paper describing fossil discoveries in his home State.

Jefferson began his education at the age of 5 studying Latin, Greek and French in the Reverend James Maury's School on the James River, a few miles above the present Richmond. While the red hills of Albemarle became his permanent home, he left at the age of 17, in 1760, to begin studying mathematics and science at the College of William and Mary in the colonial capital, Williamsburg.

Nature destined him to the sciences, Jefferson often said, but no careers were open to him to Virginia, and he took the path of law, studying under George Wythe, the most prominent law teacher of his generation. In 1767, he was admitted to the bar, at the age of 24. He led a highly successful law practice until the Revolution closed the courts. While he never practiced law again, his legal training and his attention to legal history, as well as of procedure, left a permanent impression on him and is reflected in his many writings—most notably as the author of the Declaration of Independence.

Jefferson's political career began in 1769, at the age of 26, when he served as a representative from Albemarle, to the Virginia House of Burgesses. At the same time, he began building his home at Monticello, near Charlottesville. There were no architects in Virginia, so Jefferson studied architecture and became his own architect. Monticello is influenced by the Renaissance Italian Andrea Palladio and assumed its current form about the time Jefferson retired from the Presidency and after rebuilding it because he was dissatisfied with the first version.

Jefferson's interest in Renaissance architecture led to his design of the Virginia State Capitol in Richmond and the principal buildings and grounds of the University of Virginia. He also designed wholly or in part, numerous Virginia houses, among them his own Poplar Forest, Farmington, and Bremo. He created a definite school of builders in Virginia, sought to establish formal instruction in architecture and accepted no pay for his architectural services. He is considered the "father of our national architecture."

In 1772, Jefferson married Martha (Wayles) Skelton from Charles City County. In their 10 years of marriage she bore him six children, three of whom survived her and only two of whom, Martha and Mary (or Maria) attained maturity. When Martha died, Jefferson grieved and never remarried.

Jefferson's most important contribution to the Revolutionary debate was "A Summary View of the Rights of British America is 1774." He argued that Americans, as sons of expatriate Englishmen, possessed the same natural rights to govern themselves as their Saxon ancestors had exercised when they migrated to England from Germany. He was regarded as one of the Revolution's most articulate spokesman, espousing the philosophies of the 18th century enlightenment.

The fighting had begun in June 1775 when Jefferson took one of the Virginia seats in the Second Continental Congress at Philadelphia. In May 1776, as hopes of reconciliation faded, Virginia, like several other colonies, proceeded to establish an independent government and called upon the Congress to speak for the united colonies. On June 11, Jefferson, because he possessed that "peculiar felicity of expression," was selected to draft a document declaring the independence of the colonies. On July 4, 1776, following nearly 3 days of debate, the Congress adopted the Declaration of Independence. Aside from stylistic and minor substantive changes, the document that emerged bore the unmistakable stamp of Jefferson's literary and philosophical genius.

Following the Revolution, Jefferson returned to Virginia and to his seat in the reconstituted legislature and served until his election as Governor on June 1, 1779. He framed a bill for the purpose of moving the capital to Richmond, which included his preamble to the Virginia Constitution and provisions for public buildings. His plans for the State were never fully carried out, but he may properly be termed the "architect of Virginia government." He was responsible for the abolition of property laws that stemmed from feudalism and was a pioneer for establishing a complete system of public education, with elementary schools available to all. Jefferson's public career might have ended in the spring of 1781, when the British invaded Virginia and convened the legislature at Charlottesville on May 24. Jefferson proceeded to Monticello and fulfilled his term through June 3, where he recommended that the military and civil agencies be combined by the election of Gen. Thomas Nelson. The Governor and the legislators escaped a raid on Monticello on June 4 by the British. However, General Nelson succeeded Jefferson as Governor and the general assembly voted to inquire into Jefferson's conduct as Governor. Though he was formally vindicated, the charges of personal cowardice and the lack of military precaution and expedition wounded Jefferson's pride and prestige and he resolved to quit public service.

From 1781 to 1783, Jefferson lived a private life and wrote his only book, "Notes on the State of Virginia," published in Paris, offering his opinions on a variety of subjects from slavery, geography and science to the social and political life of 18th-century Virginia.

He returned to public service in June 1783 when he was elected as a delegate to Congress. He became a member of almost every important committee and drafted 31 State papers. Some of the most notable papers advocated establishing a decimal system of currency for the United States and a prohibition on slavery in all the Western territory after 1800. He was also a major architect of American expansion and drafted papers to forbid the secession of any part of the Western territory.

In May 1784, he was appointed Commissioner to France, together with Benjamin Franklin and John Adams, to draft a report, which subsequently was adopted, establishing procedures for negotiating treaties of commerce with European powers. In 1785, he succeeded Franklin as Minister to France and remained in this diplomatic position until October 1789. While he was overshadowed by the immense reputation of Franklin and Lafayette, who was regarded by the French as a symbol of American ideas and ideals, he proved a diligent and skillful diplomat. He successfully negotiated a treaty of commerce with Prussia in 1785, a treaty with Morocco in 1787 to restrain the barbary pirates and a consular convention with France in 1788 to relax French duties on American products.

On Jefferson's return to America, President George Washington prevailed on him to become our Nation's first Secretary of State in 1790, under the new Constitution. In this capacity he became frustrated by the efforts of Secretary of the Treasury, Alexander Hamilton, whose fiscal system turned on British trade, credit and power. Jefferson sided with the opposition to Hamilton's measures to concentrate enormous power in the Treasury and break down the restraints of the Constitution and aligned himself with the opposition party that soon came to be known as Republicans. On another important issue however, Jefferson, together with Hamilton in 1790, arranged the compromise among Members of Congress to locate the Nation's Capitol in Washington, DC.

Jefferson resigned his position at the end of 1793, again determined to quit public life. But in 1796, the Republicans made him their Presidential candidate against John Adams. Losing by three electoral votes, Jefferson became Vice President. The chief significance of his service as Presiding Officer of the Senate lies in the fact that out of it emerged his "Manual of Parliamentary Practice", written in 1801, and which is now the basis of parliamentary procedure in the U.S. Senate.

In 1798, Jefferson and James Madison prepared the Kentucky and Virginia resolutions in response to the Alien and Sedition Acts passed by the Federalist dominated Congress. These acts were used to stifle Democratic-Republican criticism of the Government. The resolutions advanced the theory of the Union as a compact among the several States, declared the Sedition Acts as unconstitutional and sought nullification. While the Sedition Acts were not repealed, the constitutional issue of

State rights and Union expressed in the resolutions of 1789 contributed to the resisting public clamor against the administration that led to its defeat at the polls in 1800.

On March 4, 1801, Jefferson became the third President of the United States. He defeated his opponent, Adams, in the electoral vote and his running mate, Aaron Burr, by 36 ballots in the House of Representatives after they received an equal number of votes. Jefferson's election marked the first transfer of Government from one political party to another.

Jefferson's inaugural address combined a lofty appeal for the restoration of harmony and affection by commenting that "We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists." Working with Congress, Jefferson restored freedom of the press; lowered the residency period of the law of naturalization to 5 years; scaled down the Army and Navy—despite a war against Barbary piracy; repealed the partisan Judiciary Act of 1801; abolished all internal taxes, together with a host of revenue offices; and began the planned retirement of the debt. The Jeffersonian reformation was bottomed on fiscal policy; by reducing the means and powers of Government, it sought to further peace, equality, and individual freedom. His greatest triumph came with his negotiating the Louisiana Purchase in 1803 for $11.25 million, thereby doubling the size of America with some 800,000 square miles.

Easily reelected in 1804, Jefferson encountered foreign and domestic troubles such as controlling an insurgency in the West and establishing an embargo on America's seagoing commerce. The embargo was ruinous to him and to many Virginia planters.

In retirement, Jefferson sold some 10,000 volumes of his library to the Library of Congress to relieve his financial burdens. He also continued to advocate a comprehensive statewide plan of education, such as he had proposed in 1779. He regarded education as a guarantor of freedom and sought to advance the youths with great promise at no cost to hopefully serve the State as future public leaders. He was in favor of a literacy test for citizenship. While the State legislature rejected Jefferson's education plan, they approved his plan for the State university. He was the master planner of the University of Virginia, from the grounds and buildings to the curriculum, faculty and rules of governance.

During his lifetime, Jefferson received American and international recognition as a man of learning. He was the president of the American Philosophical Society from 1797 to 1815. He received a gold medal from a French society for inventing the mouldboard plow which lifts, turns, and pulverizes soil with great efficiency—an invention to improve the resistance of a plow.

He was associated with a vast number of important societies in various countries of Europe and almost all the agricultural societies of America. Jefferson said of farming, "No occupation is so delightful to me as the culture of the earth, and no culture comparable to that of the garden." He designed the plan for the gardens and landscaping at Monticello.

Jefferson was elected by the Institute of France in December 26, 1801 as a foreign associate—an honor shared by no other man of American birth and residence during his lifetime. He also corresponded throughout his life with an extraordinary number of scientists and philosophers throughout the world and America and sought to make available in his own country the best of foreign thought and discovery.

Modern scholars have recognized Jefferson as an American pioneer in numerous branches of science, notably paleontology, ethnology, geography, and botany. The Jefferson diphylla is named for Thomas Jefferson by Benjamin Smith Barton, a preeminent botanist, who in 1792, commented that "* * * his knowledge of natural history * * *, but especially in botany and zoology, * * * equaled by that of few persons in the United States * * *".

Jefferson's mind was ever-inquiring. Usefulness was his standard of value. To Robert Fulton he declared, "Where a new invention is supported by well-known principles, and promises to be useful, it ought to be tried." He was notable for his efforts to attain scientific exactitude. As Secretary of State, he was in effect the first Commissioner of Patents and the first patent examiner. He himself invented or adapted to personal uses numerous ingenious devices, the best known of which is his polygraph, based on the original invention of Charles Wilson Peale, which produced a copy of a letter.

Jefferson was well versed in French, Italian, Spanish, Greek, and Latin. He wrote "An Essay Towards Facilitating Instruction in the Anglo-Saxon and Modern Dialects of the English Language" in 1851. He owned one of the best private collections of paintings and statuary in the country, and has been termed "the first American connoisseur and patron of the arts." He was an accomplished violinist calling music "the favorite passion of my soul" and cherished it as "a delightful recreation for the hours of respite from the caves of the day."

While Jefferson left no treatise on political philosophy, he was a passionate advocate of human liberty; he realized the value of the Union; he emphasized the importance of the States and of local agencies of Government; and he anticipated the development of a dominant nation on the North American continent. He is notable for being ahead of his time, a philosophical statesman rather than a political philosopher—"I am not an advocate for frequent changes in laws and constitutions. But laws and constitutions must go hand in hand with the progress of the human mind."

Jefferson died at Monticello on the 50th anniversary of the Declaration of Independence, July 4, 1826. He died believing that his debts would be paid, not realizing that Monticello would pass from the hands of his heirs forever. Jefferson believed in freedom of religion, Government, thought and speech. He said, "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

Jefferson's tombstone is inscribed with a simple epitaph he wrote for himself in remembrance of the things he left to the American people and not for his prestigious positions—"Here was buried Thomas Jefferson, author of the Declaration of American Independence, of the Statute of Virginia for religious freedom, and father of the University of Virginia." He is buried at Monticello in the family cemetery—"All my wishes end, where I hope my days will end, at Monticello."

Mr. President, Jefferson was truly one of the most remarkable and accomplished politicians of our Nation. The bill I am introducing today with my Virginia colleague, Senator ROBB, would pay tribute to our third President and honor his many contributions, both at home and abroad, by establishing a Commission.

The Commission would consist of 18 members, including the Library of Congress, the Archivist of the United States, the President pro tempore of the Senate, the Speaker of the House, the Secretary of the Interior, the Secretary of the Smithsonian Institution and the executive director of the Thomas Jefferson Memorial Foundation. With respect to the appointment of Commission members, the President would appoint five members, no more than three of whom shall be affiliated with the same political party. The majority leader of the Senate, in consultation with the minority leader, would appoint three private citizens, no more than two of whom shall be affiliated with the same political party. Finally, the Speaker of the House of Representatives, in consultation with the minority leader, would also appoint three private citizens, no more than two of whom shall be of the same political party. All appointees would be selected based on their qualifications or expertise in the disciplines reflecting the professional accomplishments of Thomas Jefferson. The President would choose the Chairman from among the Commissioners.

The Commission would be authorized to accept donations of money and personal property belonging to Jefferson to enhance their abilities in preserving and interpreting his life. It is my hope that when the Commission reports to Congress on the activities of the Commission, given the historical depth and stature of the members, they will identify the appropriate disposition of all artifacts, personal property and memorabilia related to Jefferson that have been collected or identified by the Commission for permanent preservation and interpretation by the public. For example, knowing that Jefferson died in debt, many of his personal belongings at Monticello were sold but may be returned through the efforts of the Commission. Knowing there may be differing but substantive views among Members regarding the disposition of donations to the Commission, the final report to the President would allow members to express their differing views, should they desire to do so.

Mr. President, the role of the Commission will allow Americans to understand the importance of Jefferson in shaping our Nation's history, Government and constitutional principles.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thomas Jefferson Commemoration Act".

SEC. 2. FINDINGS.

The Congress finds and recognizes that—

(1) April 13, 1993, marks the 250th anniversary of the birth of Thomas Jefferson;

(2) as author of the Declaration of Independence, Thomas Jefferson conceived and executed an affirmation of democratic government unequaled in both its eloquence and clarity;

(3) in an age of democratic awakening, Thomas Jefferson worked to promote government based on the consent of the people, to hold rulers continually responsible to the ruled, and to secure fundamental rights and liberties of free citizens;

(4) Thomas Jefferson was elected third President of the United States in 1801 and helped to establish the process by which ongoing political change is carried forward through public debate and free elections;

(5) with the Louisiana Purchase, Thomas Jefferson virtually doubled the size of the United States;

(6) the genius of Thomas Jefferson also extended beyond the realm of politics and government, adapted classic architecture as exemplified by his home at Monticello and the grounds of the University of Virginia, set an American standard of dignity, simplicity, and elegance;

(7) Thomas Jefferson encouraged American science in its infancy, and with his friend James Madison, laid the cornerstone of the American tradition of religious freedom and separation of church and state;

(8) Thomas Jefferson also championed universal public education, believing such education essential to democratic government as well as to advancement of knowledge and the pursuit of happiness;

(9) it is appropriate to remember and renew the legacy of Thomas Jefferson for the American people and, indeed for all mankind, during a time when the light of democracy is again bursting upon the world; and

(10) as the Nation approaches the 250th anniversary of the birth of Thomas Jefferson, it is appropriate to celebrate and commemorate this anniversary through local, national, and international observances and activities planned and coordinated by a national commission representative of appropriate individual, public, and private officials and organizations.

SEC. 3. ESTABLISHMENT.

There is established the Thomas Jefferson Commemoration Commission (hereafter referred to as the "Commission"), to promote and coordinate activities in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

SEC. 4. FUNCTIONS OF THE COMMISSION.

The Commission shall—

(1) plan and develop programs and activities appropriate to commemorate the 250th anniversary of the birth of Thomas Jefferson, including a limited number of projects to be undertaken by the Federal Government seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) generally coordinate activities throughout the States;

(3) honor historical locations associated with the life of Thomas Jefferson;

(4) sponsor at least one international symposium pertaining to Jefferson's legacy, to be composed of scholars, public officials, and private citizens;

(5) recognize individuals and organizations that have significantly contributed to the preservation of Jefferson's ideals, writings, architectural designs, and other professional accomplishments, by the award and presentation of medals and certificates;

(6) encourage civic, patriotic, and historical organizations, and State and local governments to organize and participate in anniversary activities commemorating Jefferson's birth; and

(7) develop and coordinate any other activities as may be appropriate.

SEC. 5. MEMBERSHIP AND COMPOSITION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 18 members, including—

(1) the Librarian of Congress or his delegate;

(2) the Archivist of the United States or his delegate;

(3) the President pro tempore of the Senate or his delegate;

(4) the Speaker of the House of Representatives or his delegate;

(5) the Secretary of the Interior or his delegate;

(6) the Secretary of the Smithsonian Institution or his delegate;

(7) the Executive Director of the Thomas Jefferson Memorial Foundation or his delegate;

(8) 5 private citizens of the United States, appointed by the President, no more than 3 of whom shall be affiliated with the same political party;

(9) 3 private citizens of the United States, selected by the Majority Leader of the Senate, in consultation with the Minority Leader, no more than 2 of whom shall be affiliated with the same political party; and

(10) 3 private citizens of the United States, selected by the Speaker of the House of Representatives, in consultation with the Minority Leader, no more than 2 of whom shall be affiliated with the same political party.

(b) APPOINTMENTS AND TERMS.—(1) IN GENERAL.—Each member shall be appointed within 90 days after the date of enactment of this Act, for the life of the Commission.

(2) CHAIRMAN.—At the time the President nominates individuals for appointment to the Commission pursuant to subsection (a)(8), the President shall designate one such individual who shall serve as Chairman of the Commission.

(3) VACANCY.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(4) REPRESENTATION.—Individuals appointed under paragraphs (8), (9), and (10) of subsection (a), shall be representative, to the maximum extent possible, of the full range of United States citizens. The Commission members shall be chosen based on their distinctive qualifications or experience in the fields of history, government, architecture, the applied sciences, or other professions that would enhance the work of the Commission and reflect the professional accomplishments of Thomas Jefferson.

(c) COMPENSATION AND TRAVEL.—(1) COMPENSATION.—(A) Except as otherwise provided under paragraphs (2) and (3), each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(3) TRAVEL.—While away from their homes or regular places of business in the performance of services for the Commission, members and employees of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 6. POWERS OF THE COMMISSION.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

(b) APPROVAL OF ACTIONS.—All official actions of the Commission under this Act shall be approved by the affirmative vote of no less than a majority of the Commissioners.

(c) ADVISORY COMMITTEES.—The Commission may appoint such ex officio advisory committees as it determines necessary to carry out the provisions of this Act.

(d) POWERS OF MEMBERS AND EMPLOYEES.—Any member or employee of the Commission may, to the extent authorized by the Commission, take any action which the Commission is authorized to take by this Act.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at the rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) Procurement of Supplies, Services, and Property.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements in order to carry out the provisions of this Act. No contracts, leases, or other legal agreements made or entered into by the Commission shall extend beyond the date of termination of the Commission. All supplies and property acquired by the Commission under this Act which remain in the possession of the Commission on the date of termination of the Commission shall become the property of the General Services Administration upon the date of termination.

(g) Information From Federal Agencies.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(h) Administrative Support Services.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(i) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 7. EXECUTIVE DIRECTOR AND STAFF.

(a) Executive Director.—The Chairman, with the advice of the Commission, shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an executive director who may be compensated at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule established under section 5315 of such title.

(b) Additional Personnel.—The Commission may appoint and fix the compensation of additional personnel, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under 5316 of such title.

(c) Personnel Detail Authorized.—Upon request of the chairman, the head of any Federal agency is authorized to detail, on a reimbursable or nonreimbursable basis, any of the personnel of such agency to the Commission to assist in carrying out its duties under this Act.

SEC. 8. CONTRIBUTIONS TO THE COMMISSION.

(a) Donations.—The Commission is authorized to accept donations of money, personal services, and property including books, manuscripts, miscellaneous printed matter, memorabilia, relics and other materials related to Thomas Jefferson.

(b) Use of Funds.—Funds donated to the Commission may be used by the Commission in order to carry out the purposes of this Act. The source and amount of such funds shall be listed in the interim and final reports under section 9.

(c) Volunteer Services.—The Commission may accept the volunteer services of private individuals or companies as the Commission determines necessary.

(d) Remaining Funds.—Funds remaining upon the date of termination of the Commission shall be used to ensure the proper disposition of property donated to the Commission as specified in the Commission's final report under section 9.

SEC. 9. REPORT.

(a) Interim Report.—No later than December 31, 1992, the Commission shall prepare and submit to the Congress and the President of the United States a report on the activities of the Commission, including an accounting of funds received and expended.

(b) Final Report.—No later than December 31, 1993, the Commission shall submit to the President and to the Congress a final report. The final report shall contain the findings, conclusions, and recommendations of the Commission, and a final accounting of funds received and expended. Specific recommendations concerning the final disposition of historically significant items donated to the Commission under section 8 shall also be contained in the final report.

(c) Additional Views.—The final report shall include additional views of members concerning the Commission's recommendations under subsection (b), at the request of such members.

SEC. 10. TERMINATION.

The Commission shall terminate no later than 60 days following submission of the final report required by section 8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this Act $250,000 for the 1992 fiscal year, $250,000 for the 1993 fiscal year, and $125,000 for the period beginning on October 1, 1993, and ending on December 31, 1993. Amounts appropriated under this section for any fiscal year shall remain available until 60 days after December 31, 1993. The total appropriations authorized under this Act for the purpose of this Act shall not exceed $625,000.•

• Mr. ROBB. Mr. President, I rise today to honor the man who created America.

In the Commonwealth of Virginia, we are proud to claim Thomas Jefferson as our own, but so broad are his works that no one state can contain them. His legacy is more than an entire nation can hold:

That's why the democratic principles which Thomas Jefferson articulated have spread so widely and with such speed beyond our borders. His concepts of democracy and the inherent rights of individuals are infectious and irresistible. If you don't believe that the pen is mightier than the sword, look upon the changes which have been wrought in the world in just the last five years. One man's quill defeated the armies of many nations.

But while his democratic notions are the most celebrated of his works, Jefferson's thoughts on other matters are equally pervasive—and persuasive.

At a time when education was the province of the privileged, he sought to bring it to every person, regardless of station. He knew that the learned mind was the most fertile ground for democracy, as he put it, "The most effectual means of preventing the perversion of power into tyranny are to illuminate, as far as practicable, the minds of the people."

He founded not only universal education, but one of its greatest institutions of which I am a proud alumnus. My colleagues may not know this, but those who are privileged to attend the University of Virginia refer to it properly as "Mr. Jefferson's University." In a very real sense, we are all graduates of Mr. Jefferson's Country.

His writings on the separation of church and State have only become more relevant with time. And Mr. Jefferson's achievements as President, his aptitude as an architect, and the keenness of his scientific inquiry show that in this one man were combined all the talents of America.

As the 250th anniversary of Thomas Jefferson's birth approaches, it is appropriate that America recognize the contributions which this unique man, liberty's strongest voice, has made to our Nation and the entire world. I am pleased to join with the distinguished senior Senator from Virginia, Senator Warner, in sponsoring the Thomas Jefferson Commemoration Act, and I urge its passage. •

By Mr. STEVENS (for himself, Mr. Inouye, Mr. Murkowski, and Mr. Akaka):

S. 960. A bill to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States; to the Committee on Governmental Affairs.

REIMBURSEMENT OF CERTAIN TRAVEL EXPENSES

• Mr. STEVENS. Mr. President, today I am introducing legislation which passed the Senate during the 101st Congress to remedy an inequity in the law with regard to house hunting trips for Federal employees who are changing official duty stations. I am pleased that Senator Inouye has again agreed to cosponsor this bill, and that our colleagues from Alaska and Hawaii, Senators Murkowski and Akaka, are also cosponsors.

Section 5724a of title 5, United States Code, allows Federal agencies to reimburse employees for travel to seek a permanent residence at a new duty station. Subject to agency approval, this reimbursement is made by the recipient agency for travel expenses and up to 10 days per diem for the employee and spouse. However, section 5724a(a)(2) limits that reimbursement authority to house hunting trips within the continental United States.

We propose to simply delete the word "continental" in section 5724a(a)(2) in order to allow house hunting trips to and from all locations in the United States, including Alaska and Hawaii.

Mr. President, Alaska and Hawaii have been part of the United States since 1959. There is no reason to continue to discriminate against employees moving to or from Alaska and Hawaii by prohibiting the reimbursement of house hunting trips.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 5724a(a)(2) of title 5, United States Code, is amended by striking out "continental".•

By Mr. CHAFEE:

S. 961. A bill to require that Federal buildings be managed in a manner that will improve energy conservation and efficiency, and for other purposes; to the Committee on Environment and Public Works.

FEDERAL BUILDINGS MANAGEMENT IMPROVEMENT AND RECYCLING ACT OF 1991

Mr. CHAFEE. Mr. President, today I rise to introduce the Federal Buildings Management Improvement and Recycling Act of 1991. The bill is straightforward, promoting energy conservation and recycling in Federal buildings. As you know, the U.S. Government is the Nation's largest energy consumer. Reports estimate that the Federal Government spent over $3.5 billion in 1989 to heat, cool, and power buildings. Yet dollars and energy are being wasted.

This is not to say that the Federal Government is idly standing by watching energy resources slip through the cracks of our Federal buildings. The Federal Energy Management Act of 1988 mandates reductions in energy consumption in our Federal building space. Furthermore, on April 17 of this year, the President issued an executive order regarding Federal energy conservation. But what is needed is funding. The primary reason why the Government is unable to reduce its energy use is simply because of a lack of funding. The bill I am introducing today addresses this issue head on.

First, the legislation directs the Administrator of General Services, in consultation with the Secretary of Energy, and affected agency heads, to establish energy consumption targets for the reduction of thermal unit expenditures per square foot in Federal buildings. These targets will provide the framework for energy reduction. It is imperative that the Administrator of General Services and the Secretary of Energy share their energy expertise with the various departments and agencies in order to develop aggressive energy reduction targets.

Second, the bill authorizes the Administrator of General Services to receive amounts from rebates and cash incentives related to energy and recycling savings for deposit in the Federal buildings fund. These rebates would then be available for the promotion of energy conservation and recycling programs and to encourage Federal employees to participate in conservation efforts by providing funding for employee benefit programs. In addition, the Administrator is authorized to accept goods and services in lieu of rebates for energy management improvement. The keys here are funding and incentives.

Under this legislation, energy rebates and recycling revenues form the basis of a dedicated funding source for further conservation efforts. At the same time, they create a much needed conservation incentive. In the past, energy rebates and recycling revenues due to the General Services Administration were forwarded to the General Treasury. As a result, there was little incentive for the General Services Administration, Federal building managers for employees to reduce energy use or recycle. The Federal Buildings Management Improvement and Recycling Act, however, serves as an energy conservation and recycling catalyst, directly funding conservation and employee benefit programs.

The approach is certainly not radical. In fact, the Appropriations Committee included language in the 1990 Treasury, Postal appropriations bill authorizing the Administrator to accept energy rebates for efficiency efforts. The difference here is in authorizing direct employee incentives. Incentives will undoubtedly translate into participation, and participation is absolutely essential for a successful energy conservation and recycling program. Federal energy conservation and recycling is not something that can simply be legislated or directed from above, it must come from all quarters of the Federal bureaucracy.

The Federal Buildings Management Improvement and Recycling Act of 1991 represents sound energy and fiscal policy. If enacted, the measure will result in savings for the taxpayer and conservation of our limited energy and natural resources. Most importantly, the program will create a conservation awareness. As the Nation's largest energy consumer, the Federal Government must take steps to set a conservation example. The Federal Buildings Management Improvement and Recycling Act is a step in the right direction.

By Mr. INOUYE:

S. 962. A bill to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians; to the Select Committee on Indian Affairs.

S. 963. A bill to confirm the jurisdictional authority of tribal governments in Indian country; to the Select Committee on Indian Affairs.

AUTHORITY OF TRIBES TO EXERCISE CRIMINAL JURISDICTION ON RESERVATION LANDS

• Mr. INOUYE. Mr. President, I am pleased today to introduce two bills to permanently reaffirm the inherent authority of tribes to exercise criminal jurisdiction over Indians who commit crimes on reservation lands.

Mr. President, until the Supreme Court ruled in the case of Duro versus Reina in May 1990, most Members of Congress, as well as Indian leaders throughout the Nation, assumed that tribal courts possess jurisdiction over all Indians in Indian country. However, in Duro, the Supreme Court held that federally recognized Indian tribes have no inherent criminal jurisdiction over nonmember Indians. The Court adopted the reasoning of the 1979 Oliphant case, where it held that tribes had no inherent jurisdiction over non-Idians. In that case, the court left open the question of jurisdiction over nontribal member Indians.

In the Duro case, the court ignored the long history of intertribal relations and the fact that one Federal statute says, in effect, that Indian tribes have jurisdiction over crimes committed by other Indians in Indian country. Since the Federal Government exercises jurisdiction over all major crimes committed in Indian country, under current law tribal courts are imposing only misdemeanor penalties. The 1968 Indian Civil Rights Act [ICRA] limits the penalties that may be imposed by tribal courts to 1 year in jail and/or $5,000 in fines.

Part of the reasoning of the court in Duro rests on the fact that tribal courts are not article III courts. While the ICRA does provide some guarantees similar to those in the Bill of Rights, the recourse from tribal court to Federal court for alleged violations of civil rights is through a petition for writ of habeas corpus.

While there is much interest among tribes and in the Congress in enhancing tribal courts, these goals are expensive and long term, as they involve a more comprehensive approach to the support and structure of tribal judicial systems. The criminal enforcement system of many tribes, including the Ute Tribe of Utah, the Navajo Nation, the Wind River Tribes, the Confederated Salish and Kootenai tribes of the Flathead Reservation, to name but a few, are composed of law-trained and lay counsel and judges, professional and trained police forces, and impartial and capable appellate panels. According to the Ute Tribe: "until Duro, the tribe was wholly unaware that its court system or its civil rights protections were somehow inadequate or insufficient." In fact, free counsel is provided to indigent defendants by the Ute court and by many tribal courts elsewhere.

The reality, however, is that the Duro case has left a jurisdictional gap. States, with a few exceptions, have no jurisdiction over Indians in Indian country. Some States have jurisdiction that was delegated by the Federal Government under Public Law 83-280. The Federal Government exercises jurisdiction only over major crimes. If tribes are prevented from exercising misdemeanor criminal jurisdiction to maintain law and order, then the so-called Duro Indians are basically free from any authority, since the Federal Government is simply not geared to address problems of drunk driving, disorderly conduct, petty theft, assault, and so forth. In order for tribes to enforce local laws, they must have jurisdiction over nonmember Indians. Anecdotal evidence suggests that at some reservations, as many as 50 percent of the misdemeanor crimial cases prior to Duro involved nonmember Indians.

In the view of most Indian legal scholars and virtually all tribal leaders, the court was simply wrong in its analysis in Duro. The prevailing view is that if Congress had intended to divest indian tribal governments of jurisdiction over nonmember Indians, it would have done so. Instead, the assumption in Congress has always been that tribal governments do have such jurisdiction since in all the Federal statutes Congress has never differentiated between member Indians and nonmember Indians.

As a final word, however, the Court in the Duro case said that "if the present jurisdictional scheme proves insufficient to meet the practical needs of reservation law enforcement, then the proper body to address the problem is Congress, which has the ultimate authority over Indian affairs."

At the close of the 101st Congress, at my request, a provision was included in the 1991 Defense Department Appropriations Act to amend the ICRA to reaffirm the inherent authority of federally recognized tribal governments to exercise criminal jurisdiction over all Indians within their respective lands. This confirms what we have believed to be the case all along: nontribal member Indians own homes and property on reservations, are part of the labor force on the reservation, and frequently are married to tribal members. Nontribal member Indians receive the benefits of programs and services operated by the tribal government. Their children attend tribal schools, and their families receive health care services in tribal hospitals and clinics. Most Indian reservations are located far from urban centers, they are geographically isolated and remote, they are separated from State law enforcement centers by significant distances. The only practical means of providing an immediate law enforcement response to situations arising on the reservation has consistently been found to be that of tribal or local BIA police, with arraignment in tribal court, and confinement in tribal detention facilities.

Tribal Governments retain all powers of self-government except those which have been explicitly divested by the Congress. Congress has never acted to divest tribal governmetns of this authority.

Unfortunately, because of the press of time in the final days of the previous session of the Congress, it was not possible to debate this issue thoroughly. Therefore, a 1-year limitation on the effect of the provision was agreed to in an effort to assure that the Congress could revisit the matter. The bills I am introducing today are the product of months of debate and discussion among elected tribal governmental leaders from across the Nation. Indian legal scholars have also fully participated in its development.

The premise of these bills is that the Congress affirms the inherent jurisdiction of tribal governments over nonmember Indians. I, and my colleagues on the Senate select committee are also committed to measures that will provide Federal assistance to enhance tribal courts. However, if we do not move forward, however, with this response to the Duro decision, lawlessness will undoubtedly become a fact of life on many Indian reservations.

These bills will clarify the jurisdiction of tribal governments over Indians as Indians are defined in Federal law. The applicability of this definition to Indian tribes is supported by the administration as evidenced by the briefs filed by the United States in Federal courts in the case of Duro versus Reina. Under the provisions of these bills, the defendant subject to prosecution must be an Indian within the meaning of that term in Federal law and the crime must have been committed in Indian country in violation of the laws of the tribal goverment that governs that particular Indian country.

In enacting laws relating to crimes in Indian country over the past 200 years, the Congress has never distinguished between Indians who are members of the tribe which governs the Indian country where the crime is committed and those who are not members of such tribe but who may be members of other federally recognized tribes or descendants of tribal members who are still treated as Indian. This was not necessarily a deliberate oversight or omission but rather an assumption that Indians in Indian country are not treated differently because of their tribe of origin or enrollment. To quote from the dissent in Duro:

> In 1790, when Congress first addressed the rules governing crimes in Indian country, it made crimes committed by citizens or inhabitants of the United States against Indians punishable according to the laws of the State in which the offense occurred and directed the State courts to take jurisdiction of such offense. * * * In 1817, Congress withdrew that jurisdiction from the States and provided for Federal jurisdiction * * * over crimes committed within Indian country. Congress made an explicit exception for crimes committed by an Indian against another Indian, however: "nothing in this act shall be so construed * * * to extend to any offence committed by one Indian against another, within any Indian boundary." * * * In 1854, Congress again amended the statute to proscribe prosecution in Federal court of an Indian who had already been tried in tribal court. * * * Finally, in 1885, Congress made a limited but significant departure from its consistent practice of leaving no Indian tribes the task of punishing crimes committed by Indians against Indians. In response to this court's decision in ex parte crow dog, 109 U.S. 556,571 (1183), which held that there was no Federal jurisdiction over an Indian who murdered another member of his tribe, Congress passed the Major Crimes Act. * * * Under which certain enumerated crimes, including murder, manslaughter, and arson, fall within Federal jurisdiction when involving two Indians. [T]he Court (has) long held that the term "Indian" in these statutes does not differentiate between members and nonmembers of a tribe. * * * These enactments reflect the congressional presumption that tribes had power over all disputes between Indians regardless of tribal membership.

* * * * *

> The existence of a jurisdictional gap is not an independent justification for finding tribal jurisdiction, but rather is relevant to determining congressional intent. The unlikelihood that Congress intended to create a jurisdictional void in which no sovereign has the power to prosecute an entire class of crimes should inform our underlying assumptions about tribal power upon which Congress legislated.

These bills will maintain the status quo that existed in Indian country prior to the decision in the Duro case, that is, tribes will exercise jurisdiction over all Indians within Indian country when those Indians are prosecuted for crimes punishable by no more than $5,000 and no more than 1 year in jail. The Indians in question are the Indians for whom the Congress has always legislated, that is Indians who are identified as Indian by their communities, whether or not they are actually formally enrolled in such community, and who receive benefits from federally assisted programs because of their status as Indians. These are exactly the same Indians over whom the U.S. Government exercises jurisdiction under the provisions of the Major Crimes Act (18 U.S.C. 1152 and 1153). If a person living in Indian country has Indian blood but does not participate in programs for Indians, is not considered by the local tribal community to be Indian, and does not consider himself or herself to be Indian, then such person would not be subject to the jurisdiction of the tribe that has jurisdiction over the Indian country where the crime is committed. In a famous case of the last 19th century, the United States tried to relocate a man born as an Indian and raised in the Indian culture but who renounced his status as an Indian in order to live as a non-Indian on lands that were not reserved for Indians.

That man won his case: he was not considered an Indian for purposes of the reach of the long arm of the Federal law. The test today might be different, but generally the Federal law will reach an Indian who commits a crime in Indian country if such Indian is a member of any federally recognized Indian tribe or if such Indian receives any Federal benefits because of his or her status as an Indian.

Mr. President, I look forward to the upcoming debate on this important measure. It is vital to the retained sovereignty of Indian tribese that, at a minimum, the courts of such tribes are able to maintain law and order on Indian lands.•

By Mr. McCAIN:

S. 964. A bill to establish a Social Security Notch Fairness Investigatory Commission; to the Committee on Finance.

SOCIAL SECURITY NOTCH FAIRNESS INVESTIGATORY COMMISSION

• Mr. McCAIN. Mr. President, I rise today to offer legislation to create a bipartisan, blue-ribbon Commission to thoroughly and impartially investigate the issues surrounding what is commonly referred to as the Social Security "notch." The Notch Fairness Investigatory Commission would determine, once and for all, what, if any, statutory change is warranted. It is past time to put this issue to rest.

As a result of legislation passed in 1972, the benefits of certain retirees, born before 1916, are double-indexed to reflect both wage and price inflation. Retirees born after 1916, however, do not receive this windfall, due to additional legislative changes made in 1977 These changes created a transitional benefit formula for those retirees born between 1917 and 1921—the notch.

I won't go through the long history of this issue and the many proposals that have been put forth to deal with it, Mr. President, but as I think every Member of Congress is aware, millions of older Americans are convinced that they are being wronged by the Social Security Administration and the Federal Government. The notch issue is one of the most controversial and persistent issues to face the Congress. While it has been studied in the past, most notably by the General Accounting Office, all these reports have been criticized by one side or the other as being flawed. Consequently, the notch babies continue to believe they are being treated unfairly.

We cannot continue to ignore this issue. Neither can we blindly adopt legislation to correct what may or may not be a problem and which may or may not bankrupt Social Security. Furthermore, if the benefit disparities associated with the notch are consistent with the prior intent of Congress, is this situation fair and equitable? Should it continue? We need an impartial review of the legislative history behind the creation of the notch and a reliable appraisal of the fairness of current benefit levels.

Mr. President, the Commission I am proposing will have one goal: To conclude the endless discussions over the issue and decisively answer these questions. The Notch Fairness Investigatory Commission would be made up of four Members of the Senate and four Members of the House of Representatives, two Democrats and two Republicans from each House, including one proponent and one opponent from each party in each House. These members would be selected by the leadership.

In addition, four private citizens would be appointed by the President. While not specifically designated in the legislation, I hope the President will appoint these members with an eye to the affected age groups, as well as to the various citizens' organizations which have been involved in this issue, such as the National Committee to Preserve Social Security and Medicare.

The Commission will be charged with fully investigating and thoroughly analyzing the legislative history leading to the existence of the notch. It will review every aspect of every issue surrounding the notch including the intent of Congress in orignally creating the Social Security cost-of-living adjustment formula, any flaws in the formula, and the intent of Congress in correcting the flawed formula. The panel will be further charged with determining whether any current beneficiaries are receiving less than Congress intended as a result of legislative actions in 1972 and 1977. Additionally, it will scrutinize the measures that have been put forth to address this issue to determine if they are consistent with any warranted statutory change. Finally, the Commission will make recommendations to the President and the Congress based on its findings.

Mr. President, the Notch Fairness Investigatory Commission will at last provide the necessary information to resolve the continuing debate over the notch and let us move forward. We need to act on this legislation quickly, and I urge my colleagues to support this bill. I ask that the bill be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Notch Fairness Investigatory Commission Act of 1991".

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Social Security Notch Fairness Investigatory Commission (hereafter in this Act referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 12 members as follows:

(A) 2 members appointed by the majority leader of the Senate, of whom 1 member is a proponent of amending the Social Security Act to correct the benefit disparity known as the notch problem (hereafter in this section referred to as a "proponent") and 1 member is an opponent of such amendments (hereafter in this section referred to as an "opponent").

(B) 2 members appointed by the minority leader of the Senate, of whom 1 member is a proponent and 1 member is an opponent.

(C) 2 members appointed by the Speaker of the House of Representatives, of whom 1 member is a proponent and 1 member is an opponent.

(D) 2 members appointed by the minority leader of the House of Representatives, of whom 1 member is a proponent and 1 member is an opponent.

(E) 4 members who are not employees of the Federal Government or of a State or political subdivision of a State appointed by the President.

(2) The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(c) CHAIRMAN AND VICE CHAIRMAN.—The President shall select a Chairman and Vice Chairman from among the members appointed under subparagraphs (A) through (D) of subsection (b)(1).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATIONAL REQUIREMENTS.—The Commission shall convene its first meeting within 60 days after the first date on which all members of the Commission have been appointed.

SEC. 3. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall conduct a study of all matters relating to the disparity under the Social Security Act known as the notch problem.

(b) CRITERIA OF STUDY.—The study conducted by the Commission shall include the following:

(1) A review of the legislative history of the notch problem, including a review of—

(A) the intent of the Congress in enacting legislation establishing the benefit computation formula associated with the notch problem;

(B) any flaw in such formula; and

(C) the intent of the Congress with respect to legislative efforts to make corrections in such formula.

(2) A review of all committee reports, conference reports and records of floor debate of the Congress (for the period of time beginning with the convening of the 92nd Congress through the date of such study) that relate to the matters described in paragraph (1).

(3) A review of the level of benefits of individuals receiving benefits under title II of the Social Security Act to determine whether legislation enacted by the Congress to address the notch problem by making adjustments to the benefit computation formula resulted in an unintended reduction in the level of benefits for certain individuals.

(4) The development of legislative proposals (if determined by the Commission to be appropriate) to address the notch problem.

(5) An assessment of any other legislative proposals (including introduced legislation) relating to the notch problem for the purpose of determining the consistency of such legislative proposals with any legislative proposals developed by the Commission pursuant to paragraph (4).

(6) An assessment of the effect of any legislative proposal determined to be effective in addressing the notch problem by the Commission pursuant to this paragraph on the short-term solvency and long-term solvency of the Federal Old Age Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 4. REPORT.

Not later than 9 months after the date on which the Commission convenes its first meeting, the Commission shall transmit to the President and to each House of the Congress, a report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, as the Commission or such subcommittee or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Health and Human Services and any other Federal department or agency such information as the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

SEC. 6. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) A majority of members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission present at a properly called meeting.

(c) SUBCOMMITTEES.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this Act.

SEC. 7. COMMISSION PERSONNEL MATTERS; ADMINISTRATIVE MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and not more than the full-time equivalent of 5 additional employees as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate of pay prescribed for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(3) Notwithstanding any other provision of law, the compensation of the personnel described in this subsection shall be paid from funds appropriated to the Department of Health and Human Services.

(d) ADMINISTRATIVE MATTERS.—The Secretary of Health and Human Services shall provide the Commission office space and such supplies and equipment as may be necessary to carry out the duties of the Commission under this Act.

(e) APPLICABILITY OF OTHER FEDERAL LAWS.—A member of the Commission appointed under section 2(b) who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of—

(1) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and

(2) chapter 171 of title 28, United States Code, relating to torts claims.

SEC. 8. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Administrator of General Services shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PROCUREMENT AUTHORITY.—The Commission may procure supplies, services, and property and make contracts, in any fiscal year, in order to carry out its duties, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (c). Contracts and other procurement arrangements may be entered into without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any similar provision of Federal law.

SEC. 9. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date on which Commission submits its report under section 4.•

By Mr. MOYNIHAN (for himself, Mr. SYMMS, Mr. BURDICK, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 965. A bill to amend title 23, United States Code, and for other purposes; to the Committee on Environment and Public Works.

SURFACE TRANSPORTATION EFFICIENCY ACT

• Mr. MOYNIHAN. Mr. President, allow me to report that during the Easter recess the Subcommittee on Water Resources, Transportation and Infrastructure of the Committee on Environment and Public Works held hearings across the Nation on the forthcoming highway bill.

As the Senate knows, the Surface Transportation Act which we regularly enact every 5 years is more than just a highway bill. Transit programs are included, as are highway safety programs.

In his address to a joint session of the Congress on March 6, 1991, President Bush asked specifically that this bill, along with one other, be enacted within 100 days. This is doable, but will take some doing. Our hearings are concluded; we have drafted a bill. It is entirely reasonable to think we might bring it to the floor early in May. In the meantime I have been in touch with my friend and neighbor, Representative ROBERT A. ROE, who is, of course, the distinguished chairman of the House Committee on Public Works and Transportation, with which we will craft our final legislation.

It is too early to predict, but not too soon to hope that this will prove to be the most important transportation bill in 35 years, of 46 years, depending on when you mark congressional authorization of the Interstate Highway System—the National System of Interstate and Defense Highways. It will mark the end of that era. That is certain. It fell on me to manage the Surface Transportation and Uniform Relocation Assistance Act of 1987 at the beginning of the 100th Congress. We were half a year late as the conference had not produced a final bill in 1986. On that occasion, I reminded the Senate that one era was ending and another now in prospect.

"This is a moment the Senate might take to consider: H.R. 2 provides the funding to complete the Interstate and Defense Highway Program begun under President Eisenhower in 1956, the largest public works project in the history of the world. * * * [I]n a sense, we have finished the highway structure of the country, much as the day came when the railroads were built and the airline routes—well, we thought—were completed, and we would go on to other things. * * *

"After this 5-year bill, the highway program will undergo significant reform. We are about to enter a new era. The system is built. We are now increasingly in the business of restoring and resurfacing and rehabilitating roads and bridges. Between a third and a half of our outlays for highways this year already will be essentially on maintenance. By 1991 we expect that more than half will be. And there are other things yet to do."

That moment is now at hand. We are about to decide how we spend $105 billion over the next 5 years. This is real money. Not another authorization which never comes to anything in real life. As the Senate knows, the money for this program is collected through gasoline and other taxes and deposited in a trust fund. Let there be no doubt. It will be collected and it will be spent.

The question is whether it will be spent wisely.

Our record is not reassuring.

Thirty-one years ago the Reporter magazine, then edited by the all-seeing Irving Kristol, published a cover story on the then new interstate program of which I was the author. It was entitled, "New Roads and Urban Chaos," which will give a sense of the point of view.

It is generally agreed that the concept of a nationwide, multilane, limited access highway system dates back to the General Motors Futurama exhibit at the 1939 World's Fair in Flushing Meadows, Queens, New York. You might say that I was present at the creation, for I knew of a hole in the fence around the Fair and visited the Futurama exhibit over and over again in that idyllic summer.

Later, in the 1950's, I was to serve on the staff of Gov. Averell Harriman in Albany. By that time New York State had built the first segment of the Interstate System as the New York State Thruway. This was, you see, very much a New York conception. President Roosevelt had proposed the idea to Congress, and the system was authorized in 1944. The great breakthrough came under President Eisenhower in 1956, when at the suggestion of Representative Jim Wright and others, the idea of a dedicated tax and trust fund was put in place. But the design for the new system was already in place in New York. In point of fact, the highway commissioner under Governor Dewey who built the thruway, an inspired civil engineer Bertram Tallamy, left Albany in 1956 to start up the national program here in Washington.

I watched all this with some apprehension. In New York we had built our portion of the system as a toll road which had to pay its way. Now the rest of the country was going to be building the exact same road but as freeways—and with what came close to being free money. This is to say the 90–10 split authorized in the 1956 legislation. In some parts of the nation the ratio was actually 95–5. I began my Reporter article thus:

> The Wall Street Journal does not commonly describe any undertaking of the Eisenhower administration as "A vast program thrown together, imperfectly conceived and grossly mismanaged, and in due course becoming a veritable playground for extravagance, waste and corruption." It must, to the White House, seem notably unkind for the Journal to speak thus of an enterprise the administration has declared "the biggest public works program ever undertaken anywhere or at any time throughout the world." But even the President has conceded that all is not well with the $45 billion Interstate and Defense Highway Program.

The program was scarcely 5-years-old at this point, but already the cost was getting out of hand. Bryce Harlow, that incomparable counselor, once related to me that President Eisenhower regarded the interstate system as the most important domestic achievement of his administration. But even so, he seems to have sensed the working of that venerable rule of economics, which is that free goods or nearly free goods will be wasted.

Here is the record. The Federal-aid Highway Act of 1956 provided an authorization for $25 billion in Federal funds to build the National System of Interstate and Defense Highways. In addition, a 10 percent state match was required, bringing the total cost of the system to $27.5 billion.

The bill envisioned a 41,000 mile system that would be finished by 1969, that is 13 years.

What actually happened was quite different.

The 1991 estimate for the total cost of the interstate system is $114 billion of Federal funds, for a total of $128 billion.

Thus, we see that the system took three times as long to complete as was originally proposed, and cost almost five times as much.

Actually, the program is not quite finished even yet. Two major urban segments remain. The first is the Glenn Anderson Freeway in Los Angeles, named after our good friend, the distinguished legislator from Long Beach. The other the Boston Central Artery/3d Harbor Tunnel project. The Anderson Freeway is well on its way to completion as an innovative, multimodal transportation corridor. It is a geat tribute to Representative Anderson. I cannot and do not make any predictions about the Boston project. I wrote in that Reporter article 31 years ago that these highways were too big for cities, or at least we had not yet learned how to put something so big in a city. Where half the interstate program money would be spent. That was the trouble. That map made you think of great ribbons of concrete crossing Kansas to the horizon. We should have been thinking of all those Chinese walls smashing through neighborhoods and changing the character of American cities beyond recognition or redemption. It is too late now, but the techniques of opposing Interstate segments in cities have developed to the point where even civilized projects cannot be built, and so I make no projections for Boston. Even so, we will include in our bill some $6.8 billion for these final bits and pieces. But that is it. The Interstate is over.

What now?

I foresee a new Federal transportation program based on three principles.

First, our primary object must be to improve the efficiency of the system we now have.

After 35 years and a 460 percent cost overrun, it is time to think pricing. We have poured enough concrete. The time has come to get more transportation out of the roads we have already built.

Like all public monopolies, highways give the impression of a free good. They are not. However, that impression has led the United States to a perilous dependence on imported oil.

In 1944 we exported oil. In 1956 we imported only 11.5 percent of consumption. In 1990 this ratio had risen to 41.9 percent. It will soon pass the halfway mark.

Indeed, it could be said that the biggest single effect of the Interstate Highway System has been in the field of American foreign policy. We are a Nation that absolutely must have foreign oil, and must shape our defense and foreign policies accordingly.

However, we surely must strive to keep that dependency to a minimum. There are many good features in the bill sent to us by the administration. However, it is, as I remarked at the time, more an energy policy than a transportation policy. Under the proposed Federal aid formula, the more gasoline a State consumes, the more money it gets.

This does not seem to me the right kind of incentive. Can we not devise an arrangement whereby States are rewarded for reducing their gasoline consumption? The answer, of course, is that we can.

At the risk of interfering in the internal affairs of the administration, allow me to say a friendly word on behalf of those young people down at the White House who are talking and writing about a new paradigm as regards the workings of the public sector. I wish I could say I knew any of them personally, but at all events I do know some of their writing. It reminds me very much of the celebrated summation of Joan Robinson concerning the source of economic growth under capitalism. Having spent a lifetime pondering the equations, in the end she decided that the only variable with any explanatory weight was—animal spirits. Thus new paradigmers speak of bureaucracy as a now obsolescent 19th century innovation. So much for Weberian rationality, they seem to say. How's for a little more in the way of high—if not, indeed, animal—spirits. Which is fine by this Senator, if they will take it a step at a time.

A good place to start would be this bill. After all, it was the subject of internal improvements which was the subject of the first great debate about the role of the Federal Government. And it was the Federalist who most favored them.

Our first great project of this kind was called, and properly, the National Road, which ran west from Cumberland, MD to Vandalia, IL. Begun in 1811, it was the principal way west until the Erie Canal opened in 1825. It seems ever the fate of New Yorkers to pay for these improvements on our own. We paid for the canal; we paid for the first segment of the Interstate, The Thomas E. Dewey Thruway. But the wily West Virginians and their neighbors got over $7 million in Federal money for The National Road, a vast sum at that time.

At all events, the great challenge is to introduce into bureaucratic decisionmaking the equivalent of a pricing system. In theory balanced and informed bureaucratic decisions can make optimal resources allocations as well as any market. But in practice bureaucracy is never balanced enough or informed enough. Too bad, but there you are.

I find it interesting that in that Reporter article 31 years ago the one outspoken critic of the Interstate system I could cite was the then-editor of the Economist, that ever-enquiring and frequently skeptical defender of the free market faith:

> A few months after the program was adopted, Geoffrey Crowther of the London Economist, returned from a trans-American tour, told a New York meeting of the Committee for Economic Development: "I have driven myself with my own hands over 12,000 miles . . . I could tell you a great deal about the . . . fabulous development of the highways in the United States. I find myself puzzled by the statements—that are taken for granted in this country now—that your highways are obsolete. I think I can claim to know as much about that now as anybody in this room and I say it is not so. Your highway system is magnificent. It is overburdened in the immediate vicinity of the large cities; but get away from the large cities and your highways are empty."
>
> "I wonder," said Crowther, speaking of the new interstate program, "if the matter has been investigated as thoroughly as it should be." If had been. Any number of congressmen had wondered if it could not be made bigger. It was. The President's proposal was adopted with only one other important change. Ever alert to the call of patriotism, Congress lengthened the title to make it Interstate and Defense Highway program.

It is too late to undo any of the damage, or to recoup any of the losses. Nor do I rise to argue that the Interstate system was on balance a mistake. Instead I ask that we go forward now bearing in mind one simple adage. Just as there is not such a thing as a free lunch, there is no such thing as a freeway. The only real questions are: who pays, who benefits, and how much?

Second, the time has come to turn the initiative in transportation matters back to States and cities.

Here is my thought. The only feasible way to introduce marketplace pricing and competition into our transportation system is to encourage the States, and within States, the cities, to compete with one another in how efficiently they use the money made available to them.

We don't have to invent such competition. It already esists. It has existed from the beginning of the Republic. What do Members of Congress tell their constituents more than any other single thing. That they "bring home the bacon." (Known to detractors as "pork," from the oldtime pork barrel in which food was preserved.) The problem is that most of this largesse comes in the form of a nominally free good. Once you get it, be it an Air Force base or an interchange, it doesn't matter whether anything good follows. To cite that Reporter article one last time, and early study by the General Accounting Office had found in one State that an expensive interchange had been built on one Interstate segment principally to provide access to "some old mines, a power line, four or five small ranches, and a house of ill repute." I made the simple point that "the 90–10 money makes it politically impossible to do anything but take the money as fast as possible" no matter what the results.

Everywhere our subcommittee went we were impressed by the vigor and enterprise of State and local transportation officials. I would especially note our visits to Houston and to Los Angeles. Houston, for example, has developed a high occupancy vehicle lane which is carrying the passenger equivalent of five lanes of regular Interstate.

That is what we want. More from what we have. In one of our hearings in Washington, Dr. Steven Morrison from Northeastern University offered us a simple thought taken from that magical baseball film, "Field of Dreams." "If you build it," he said, "they will come." Meaning cars, not ball players.

It is very hard to develop competition in a setting of public monopoly. The best approach I can think of is to let the states compete among themselves. Let them, as the economist John Kain told our subcommittee, learning from each other's mistakes; copy each other's successes.

One day, for example, a mayor is going to introduce congestion pricing and get reelected by a huge margin. Whereupon something new will appear in American urban policy.

Over and over again in our hearings economists have explained that in and of itself congestion is a form of pricing. You have to think about this for a moment, but it soon becomes obvious. Think of time as money, as Dr. Franklin taught us to do. Think of a congested highway. If the congestion disappears, everyone saves time. Which translates directly, as in the case of a tractor-trailer, or indirectly, as in the case of a passenger car, into money. Happily, congestion is not, in the parlance of economists, a linear function. Reduce the number of vehicles a little bit, and you reduce the congestion quite a lot. In the end you get more product out of your road, which is an increase in productivity.

This is the way we are now beginning to think. Oregon, for example, has set goals running out to the year 2010 for the proportion of other than single-occupancy vehicles that will be commuting to and from work during peak hours (29 percent last year; 60 percent by 2010).

This should be the new spirit of the public sector in America. It may sound odd, but there could be no better place for it to begin than with highways. Highways, after all, is where the public sector of the American economy begins. Before public schools, before public health, before public broadcasting—came public roads. Productivity is the key concept, and calls for the introduction of all manner of existing and developing technologies, especially electronics. In their masterful new study "Productivity and American Leadership: The Long View," William J. Baumol and his associates say all there is to say:

> . . . (P)roductivity growth is essentially a long-run issue. Indeed, it can be said without exaggeration that in the long run probably nothing is as important for economic welfare as the rate of productivity growth.

We need this badly. A half-century ago those Austrian economists were telling us that centrally planned command economies could never succeed because no one could ever know what true prices should be. The situation is replicated within the economic sector where government has a monopoly. You see it in productivity figures. In the period 1981 to 1986, for example, productivity in durable goods manufacturing rose by an astounding 6.0 percent per year. By contrast productivity in transportation grew by 0.7 percent a year.

So much for "just in time" inventory management)

Some areas of the nation are more efficient than others. I am concerned for example, about my own state of New York. We exist because of transportation. We began with the finest harbor on the Atlantic coast of North America. We proceeded to build the Erie Canal, the way west. Then the New York Central Railroad. Then the

Thomas E. Dewey Thruway. But then we slowed down.

On Friday, April 5, in Albany, our most able State Transportation Commissioner Franklin White testified:

> . . . the United Parcel Service estimates the cost of its parcel pickup/delivery in this region [New York City and Long Island] to be 30 percent higher than for the rest of the country.

Third, transit should be an option for cities. Which is to say "highway" money should be fungible. The subcommittee heard over and again about rail transit projects financed by the Federal Government and have been ruinously expensive. Again, that rule that free goods will be wasted. Similarly, we saw most impressive new systems, such as the Blue Line from Los Angeles to Long Beach, and the vastly improved New York City subways. Again, the rule should be that cities should compete. Those who make wise decisions will prosper. Those who make poor decisions, will pay.

Of course, expanded bus service is very much the agenda of many cities.

If these three principles seem stern, then so be it. We are about to spend $105 billion in taxpayers' money. Let us, for the first time in a generation, try to put in place incentives to spend it wisely and efficiently.

This is more than a transportation challenge. Like it or not, the public sector takes out about one-third of the American economy. There is much too little incentive for productivity improvements in this sector. This point is vividly made by Prof. Stanley Lebergott of Wesleyan University who would devise means for rewarding public bureaucracies for improving productivity, and alternately punishing those who do not. Let us begin by enacting the Surface Transportation Efficiency Act of 1991. Mr. President, I ask unanimous consent that excerpts from my 1960 Reporter article be included in the RECORD at this point.

There being no objection, the article was ordered to be printed.

[From the Reporter, Apr. 14, 1960]

NEW ROADS AND URBAN CHAOS

(By Daniel P. Moynihan)

The Wall Street Journal does not commonly describe any undertaking of the Eisenhower administration as "A vast program thrown together, imperfectly conceived and grossly mismanaged, and in due course becoming a veritable playground for extravagance, waste and corruption." It must, to the White House, seem notably unkind for the Journal to speak thus of an enterprise the administration has declared "the biggest public works program ever undertaken anywhere or at any time throughout the world." But even the President has conceded that all is not well with the $45-billion Interstate and Defense Highway program.

The program provides for the construction of 41,000 miles of superhighway, connecting ninety per cent of the nearly three hundred cities of the continental United States with populations of 50,000 or more. When completed, the system will carry twenty per cent of the nation's traffic. Up to ninety-five per cent of the cost will be paid by the Federal government. Half of it will be spent in the cities the system connects.

Washington abounds with administration task forces, Congressional committees, and special-interest groups—all investigating this program. Those in Congress who are looking for scandal will likely find no end of it. Those in the President's office looking for ways to cut back the program will have an even easier task, although they may encounter more difficulty getting their findings published during this election year. But very few seem to be asking whether, quite apart from corruption or extravagance, the program is bringing about changes for the worse in the efficiency of our transportation system and the character of our cities.

One of the best-publicized resolves of the administration that took office in 1953 was to redress the balance of Federal-state relations by divesting the national government of such usurpations of state sovereignty as vocational education and aid to the dependent blind. While almost nothing has come to this endeavor, an important change in Federal-state relations has in fact taken place during the Eisenhower years. The Federal government, through the Federal Aid Highway Act of 1956, has assumed the direction of highway construction—one of the few areas of significant government activity in which the states still had the initiative after the New Deal.

Although the Federal government has been providing some highway aid to the states since 1916, road building was almost entirely a state and local affair until 1956. The Federal Bureau of Public Roads was, as late as 1939, a small agency in the Department of Agriculture helping to "get the farmer out of the mud" by supplementing state highway budgets. The states spent the money pretty much as they pleased.

The system was permissive but not disorganized. Standards for highway construction, for example, and national routes (the familiar US sign) were successfully established on a voluntary basis. For the most part, however, these roads followed trails that had originated far back in frontier history. With the coming of the automobile they were just surfaced, and widened and straightened somewhat. Our counterparts of the "rolling English drunkard" who laid out Chesterton's "rolling English road" were the Iroquois war party and the Conestoga wagon: more purposeful but not less circuitous as they sought out the passes and water-level routes north and south, and across the continent. The Roman roads Hilaire Belloc has written of, struck like a lash across the conquered provinces, were not reproduced in America until we too established a dominant central government.

The idea of a Federal system of superhighways arose during the First World War. It was revived by the Roosevelt administration as a public-works project for building 14,000 miles of transcontinental routes. A study made by the Bureau of Public Roads, which the President commended to Congress in 1939, revealed that there was surprisingly little cross-country traffic and suggested that the concept be changed to a 25,700-mile intercity system. The idea was popularized by General Motor's Futurama exhibit at the New York World's Fair.

In 1944, after some further study, Congress authorized construction of a National Interstate Highway system on this basis. The size was increased to 40,000 miles. Thus, from the outset there has been more mileage authorized for the system than anyone knew exactly what to do with.

MORE ROADS FOR MORE CARS

Authorization is the first step in a Federal public-works program. It more or less commits Congress to appropriate money at a future date and provides time for plans and other necessary arrangements to be made. Plans for the interstate system went ahead. In 1947 the Federal government and the states agreed on the location of 37,700 miles of the system, leaving the rest for additional urban connections. The roads were to be limited-access, multilane high-speed routes designed to the highest standards. But no special funds were appropriated to build them; only regular Federal highway-aid funds were made available, on the standard fifty-fifty matching basis. This required the states to take sizable amounts of money from regular projects to spend on interstate mileage.

The result was that the interstate mileage didn't get built. Highway-construction expenditure multiplied by nearly eight times from 1945 to 1952, but the states just wouldn't use their money on interstate highways. It had never, after all, been their idea. Special funds were thereupon appropriated and the Federal share increased to sixty percent, but still with little effect. By 1952, less than one percent of the system had been completed. Three years later President Eisenhower declared: "At the current rate of development, the interstate network would not reach even a reasonable level of extent and efficiency in half a century."

For the highway transportation industry this raised a serious question. Automobile registrations had almost doubled in the first decade after the war. By 1955 there was a motor vehicle for every seven hundred feet of lane in both directions on all the streets and roads of the nation. It was expected that registrations would rise another forty percent in the following decade, to a total of eighty-one million. Yet already the cities were chockablock with cars. Unless more room was made for automobiles, the automobile industry itself might feel the pinch. "Either the roads must be made adequate for the traffic," stated the Engineering News-Record, "or the end of national expansion as we know it must be accepted."

Few pains were spared to popularize this notion. General Motors even went into the essay-sponsoring business, offering $25,000 for the best theme on "How to Build the Roads We Need." (The prize was won, naturally, by Robert Moses.)

But the Eisenhower administration needed little persuading. Highway transport had become, in the words of the Brookings Institution, "the greatest single combination of economic activities in men's history."

In July, 1954, the President proposed a "grand plan" for a national highway system. His plan was to build the interstate system Roosevelt had proposed and Congress had authorized. He next appointed a committee composed of General Lucius D. Clay and assorted men of substance, including Dave Beck, as was de rigueur in those days, to devise means for doing so. The committee quickly reported that the system would cost only $27.5 billion, and could be built, with borrowed money, in ten years. It proposed that the Federal government pay ninety percent of the cost generally and up to ninety-five percent in states with extensive untaxed Federal landholdings. The President submitted this proposal to Congress in February, 1955.

SOMETHING FOR EVERYBODY

In a Democratic Congress dominated by Southern and Western representatives, the program had the further advantage of providing a considerable subsidy to those parts of the country. Far the heaviest concentration of traffic and automobiles in the nation is located in a parallelogram running from Boston to Milwaukee down to St. Louis over to Washington and back up to Boston. The area's fourteen states and the District of Columbia had just under half the nation's motor vehicles in 1955. However, only a quarter of the interstate mileage is located in these states. Mississippi, with one-third to a half as many automobiles as Massachusetts, is to get almost one and a half times the mileage. Texas, with five-sixths as many automobiles as New York, is to get almost three times as much mileage.

It was fortunate for the President that there were so many sound political reasons to support his program. There weren't many others. With the railroads running at fifty percent of capacity, a sudden, sharp increase in intercity transportation facilities represented, if anything, a threat to the economic stability of the entire transportation industry. Almost certainly the 40,000-mile figure was too large: it had no basis other than the enthusiasm of the wartime Congress for a peacetime program that might be years away. In 1944 Congress had little idea where this mileage was to be located, much less whether it would be needed. Ten years later the Clay Committee appointed by President Eisenhower found that only 8,500 miles of the system could expect enough traffic to pay for themselves as toll roads—and of these, all but 3,500 were already built or being built.

There was no question that city streets were jammed, and it was always understood that half the cost of the program would go to urban arterials. But this aspect of the program should have evoked the Malthusian specter raised by New York City's Deputy Administrator Lyle C. Fitch: the number of automobiles increases to fill all the space provided.

WHO RUNS IT?

This is not the end of it: rising costs are built into the interstate system. From the outset the program has been undermined by the administration's desire for Big Government achievements without Big Government. The Clay Committee envisioned the largest public-works program in history being carried on with no increase in public personnel. " . . . The Federal Highway Corporation should consist only of a board of directors with secretarial assistants"—a kind of bureaucratic fantasy in which almost everyone is a member of the board and there is no overhead. The Clay Committee proposed that the interstate program be operated through the Bureau of Public Roads as an ordinary Federal highway-aid program, with all the work of picking sites, drawing plans, letting contracts, and so forth, done by the states. For extra help the states, many of which were altogether incapable of doing such work anyway, would turn to the "private engineering organizations capable of providing sound engineering in this field." All of this, in some way, would further "the President's stated desire for 'a co-operative alliance between Federal Government and the States so that government . . . will be the manager of its own area.'"

The President has had his desire. The Bureau of Public Roads, with only a handful of extra help, depends on the states, which depend on consulting engineers. The consulting engineers, normally paid by a percentage of the cost of projects they design, depend on the Rotary Club for forecasts of the traffic potential of whatever town they happen to be tearing up.

WHERE IS IT BUILT?

Many instances of almost incredible mismanagement have appeared in scathing reports by the Comptroller General, but there is nothing to be done about it. The interstate program is not a Federal enterprise; it is only a Federal expense. Washington is simply committed to keep supplying money until it is finished. But the states have no real freedom of action either. The basic decision to build the system has been made for them: the enormous "bargain" of the 90-10 money makes it politically impossible to do anything but take the money as fast as possible and try to match it. Since all contracts are closely scrutinized by the U.S. Bureau of Public Roads, the states hardly see it as their responsibility to control the costs of the program, as indeed it is not. But the bureau, under equally heavy pressure to keep the program rolling and Congress happy, exercises little real control. It functions rather as a company comptroller who fusses over items on an expense account without ever daring to ask if the trip was necessary. In fairness, the bureau could hardly do otherwise: in 1958 it had two investigators to cover the entire United States.

With no strong direction of the program, there has been no way to resist the political pressures to build a little bit of interstate highway in every county along the 41,000-mile route. Limited-access highways over new locations are more like bridges than ordinary roads. Until they make the complete crossing from one city to another they are relatively useless, starting, likely as not, at one of the cities and ending in a corn-field. A minimum businesslike management would have arranged for the system to be built in complete segments, concentrating on the more important ones. Instead it is being built in fragments strewn across the continent. It will be years before these are connected into anything like a national system.

The only certain consequence of the rising costs of the program is that there is no longer much serious possibility of reimbursing the states that built sections of the system as toll roads. In the postwar years, after the outlines of the interstate system had been established, a number of states did this. From the outset of the present program it has been recognized that justice entitled these states to be reimbursed so that they might either remove the tolls or build additional roads. Five years ago it seemed unthinkable that this would not be done. An administration spokesman told the House Committee on Public Works that not to reimburse these states would be like saying, "Boys, we are sorry, you took care of yourselves, so you do not get anything."

The 1956 legislation declared the intent of Congress to settle this matter, but as one financial crisis has followed another, the intention has grown weaker. It is now practically settled that those states which did not wait around for Uncle Sam to look after them will in fact get nothing. So much for the fate of the bird dogs in the Eisenhower years.

Not surprisingly, seventy per cent of these toll roads are located in the states of the northeastern parallelogram, which as a result will get even less than a quarter of the interstate mileage.

This development only compounds the inequity of paying for the interstate system with gasoline taxes. Drivers on the Massachusetts Turnpike, the Indiana Toll Road, the New York State Thruway, and similar highways will not only have to pay tolls to use their portion of the interstate system, but they will be paying extra gasoline taxes to build the other portions.

WHO BENEFITS MOST?

Apart from any regional imbalance, the gasoline tax is still a highly questionable way of distributing the burden of paying for the interstate system in terms of the benefits that will be derived from it. The fuel levy really amounts to a household tax—more than fifteen dollars a year on the average—on the seven out of ten American families that own an automobile. Most of these families will use the interstate from time to time, but hardly enough to get their money back.

By contrast, the system will provide a great subsidy to industry in the form of cheap road transport. The nature of this subsidy has been obscured by the endless arguments concerning the precise share of highway costs that should be paid by trucks as against private automobiles. (The Federal government and the states are currently spending $22 million running tractor-trailers over a road near Ottawa, Illinois, to determine just how much they damage the pavement.) Although it appears that truckers do not pay a fair portion of highway costs, this in itself is not the secret of their economic success. The truckers' main advantage is that railroads must pay all the cost of building and maintaining their transportation system, while trucks pay only when they actually use the roads. Of each railroad revenue dollar, twenty cents goes to right-of-way costs. For trucks the figure is four and half cents.

As a result of this advantage, in the words of the industry's trade association, "Within one generation, trucking has become the dominant form of transportation in the United States." This dominance will be confirmed by the completion of the interstate system, at a presently estimated cost of some $45 billion. The net investment in our entire 220,000-mile railroad system is only $28 billion. Were it not for the trucking subsidy, the railroads would almost certainly be running at better than their current fifty per cent of capacity.

Some of this imbalance could be righted if the Interstate Commerce Commission were authorized to take the road subsidy into account in fixing trucking rates. But actually only a third of the road transport is conducted by firms operating as common carriers in direct competition with railroads and under regulation by the ICC. Railroad analyst A. Joseph Debe of Standard & Poor's estimates that two-thirds of it is conducted by or for private industries hauling their own products. It is these companies, spread across the entire range of American industry, that benefit most from the highway subsidy.

Because two-thirds of truck traffic is subject to no rate regulation, the only practical way to restore any economic balance in intercity transportation would be to impose a toll on the commercial users of the interstate system. A permit system would not send trucks to parallel routes; they gladly pay as much as ten cents a mile to use a road like the New York State Thruway. (This may give some indication of the size of subsidy on free roads.)

CHAOS IN CONCRETE

It is not true, as is sometimes alleged, that the sponsors of the interstate program ignored the consequences it would have in the cities. Nor did they simply acquiesce in them. They exulted in them. Thanks to highways, declared the Clay Report, "We have been able to disperse our factories, our stores, our people, in short, to create a revolution in living habits. Our cities have spread into suburbs, dependent on the automobile for their existence. The automobile has restored a way of life in which the individual may live in the friendly neighborhood, it has brought city and country closer together, it has made us closer together, it has made us one country and a united people."

This rhapsody startled many of those who have been concerned with the future of the American city. To undertake a vast program of urban highway construction with no thought for other forms of transportation seemed lunatic.

The 1939 report that Roosevelt sent to Congress—prepared in the Department of Agriculture—took it as axiomatic that the new highways would be part of, and provide the occasion for, a "radical revision of the city plan," which would coordinate other urban programs such as slum clearance and provide for a "reintegration of facilities for the various forms of transportation." The 1944 legislation had much the same intent. But so far as the Highway Act of 1956 goes, there is no form of transportation but the automobile, and the act has no objective save providing more room for it.

It had always been understood that a large portion of the interstate funds would be spent in the metropolitan areas, but the 1956 legislation went further to declare that "local needs . . . shall be given equal consideration with the needs of interstate commerce," thus authorizing construction of arterial highways only by courtesy connected with the interstate system.

It was clear at the time that locating the metropolitan portions of the interstate system would constitute an unprecedented venture into national planning. It is estimated that the size of our metropolitan areas would double by 1975. For good or ill, the location of the interstate arterials would, more than any other factor, determine how this growth would take place. Yet no planning provisions of any kind were included.

In the absence of any other provisions, the "planning" would be done by highway engineers. Theirs, admittedly, is an unjustly maligned profession. Nothing in the training or education of most civil engineers prepares them to do anything more than build sound highways cheaply. In the course of doing this job they frequently produce works of startling beauty—compare the design of public highways with that of public housing. Yet, in the words of John T. Howard of the Massachusetts Institute of Technology, "It does not belittle them to say that, just as war is too important to leave to the generals, so highways are too important to leave to the highway engineers."

Highways determine land use, which is another way of saying they settle the future of the areas in which they are built. It stands to reason that engineers should be required to conform their highway plans to metropolitan land-use designed in the context of more general economic and social objectives.

Yet in 1956 we had no metropolitan area plans, as we had no metropolitan area governments. The only one we have now is the Dade County (Miami), Florida, which is just getting started.

In this predicament, there was considerable sentiment for a moratorium on the urban interstate program until planning requirements could be imposed. Most of those concerned however, as the distinguished transportation economist Wilfred Owen is frank to say, felt if the program went ahead it would precipitate such a crisis that something would have to be done at last about our metropolitan areas.

Across the nation there seemed to be an increasing awareness among those who actually run the cities and suburbs that do nothing more than build bigger highways only produced bigger traffic jams. There seemed a growing belief that a complex system of mass transit had to be preserved, or revived, or even indeed created—if only to make automobile transportation feasible.

The sorry results of carrying on a number of Federal urban-development programs completely independent of each other had become increasingly evident. Thus the American Municipal Association formally requested legislation requiring that the urban-renewal and highway program be coordinated.

The crisis has come. It has been impossible for the cities to resist the offer of unprecedented amounts of money, however futile they might know it will be to spend it on highways alone. In one metropolis after another the plans have been thrown together and the bulldozers set to work.

Here and there, as in Milwaukee, a vigorous and established city planning authority has been able to get intolerable plans redrawn. But in general the program is doing about what was to be expected: throwing up a Chinese wall across Wilmington, driving educational institutions out of downtown Louisville, plowing through the center of Reno. When the interstate runs into a place like Newburgh, New York, the wreckage is something to see. Down the Hudson, Robert Mosses is getting set to build the Canal Street Expressway, the first hundred-million dollar mile.

The Bureau of Public Roads recently considered an edict requiring that some area plans be developed before interstate funds are allocated, but the idea was abandoned. Some felt it was too late anyway. As for relating the highway program to urban renewal, a recent policy statement of the American Institute of Planners said simply: "Except for the coordination which may be supplied at the local level . . . each one is apparently operating entirely independently of the other." The legislation asked by the Municipal Association was never introduced. It was with compassion that Paul Ylvisaker of the Ford Foundation recently addressed a meeting of city planners as the "Beaten Profession."

Just ahead for all of us, perhaps, is Los Angeles, in the words of Harrison Salisbury, "nestled" under its blanket of smog, girdled by bands of freeways, its core eviscerated by concrete strips and asphalt fields, its circulatory arteries pumping away without focus . . . the prototype of Gasopolis, the rubber-wheeled living region of the future."

MONEY TALKS

Yet we may be learning our lesson after all: Owen may be right. All across the country, area planners and highway engineers are discussing what they recognize as their common problems with a new sense of urgency. It is clear that if the areas in which Federal highways are to be built were required to work out adequate plans for the use of land and transportation before the money was handed over, the planning would almost certainly be done. The demand for 90–10 highway funds is so great that there is almost nothing, however sensible, that local governments would not do to get their share.

It is true that metropolitan-area planning will not be an easy matter to bring off. Dennis O'Harrow, director of the American Society of Planning Officials, says candidly: "There is a shortage of planners, a shortage of information, a shortage of money to support studies, and more fundamentally, a shortage of information as to what should be done if you could do what you wished." But this is a normal condition of human affairs. Almost any effort to think a bit about what we are doing would help.

Simply by providing some flexibility in the program, we could produce great savings. If the cities were permitted to do what they thought best with, say, fifty per cent of the more than $20 billion of interstate funds allotted to them, much of it would almost certainly go to mass transit and commuter facilities. This kind of money could reshape urban transportation in America: our total national investment in public transit is less than $4 billion, and a combined highway-mass transit-commuter program could almost certainly produce the same results at lower cost than a program dependent on highways alone.

It is becoming increasingly apparent that American government, both national and local, can no longer ignore what is happening as the suburbs eat endlessly into the countryside. Since the spreading pollution of land follows the roads, those who build the roads must also recognize their responsibility for the consequences. There are a number of obvious steps that could be taken. Public authorities could, for example, buy up the development rights of open land in the suburbs—not the property itself, but only an easement to prevent it from being turned into a factory site or a housing development. This could be done, as it is in England, in accordance with an area land-use plan that fixes the perimeter of the metropolitan area, or alternates built-up sections with open spaces. What this really amounts to is effective zoning regulations.

How could the money be found to pay for the development rights? A practical solution would be the technique of "excess-taking" as proposed by President Roosevelt in his 1939 message to Congress. As he put it: "The government, which puts up the cost of the highway, buys a strip on each side of the highway itself, uses it for the rental of concessions and sells it off over a period of years to home builders and others who wish to live near a main artery of travel. Thus the government gets the unearned increment and reimburses itself in large part for the building of the road."

This "unearned increment" can be staggering; a five thousand per cent increase in land values is not uncommon. At a time when state and local governments are reaching a limit of the money they can get out of taxpayers, here is an opportunity to get money that doesn't belong to anyone: it doesn't exist, as it were, until the government builds the highway. It represents a legitimate source of government revenue of great potential. Used to shape the development that the highways make possible, it could transform the suburbs of the next half century.

We may yet impart some sanity and public purpose to this vast enterprise. We may yet establish some equity in paying for the highways and restore some balance between them and other elements of our transportation system. We may even refute Belloc's dictum, "The general rule in history is that a city having reached its highest point of wealth becomes congested, refuses to accept its only remedy, and passes on from congestion to decay." But we shall not escape his rule that "the Road moves and controls all history."

Roads can make or break a nation.

Mr. MOYNIHAN. Mr. President, I send the bill to the desk on behalf of myself, Mr. SYMMS, Mr. BURDICK, Mr. CHAFEE, and Mr. LAUTENBERG, and ask that it be appropriately referred. I ask unanimous consent that the bill be printed and that it be included in its entirety in the RECORD at the appropriate point. I ask that the attached section-by-section analysis of the bill also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 965

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—

This Act may be cited as the "Surface Transportation Efficiency Act of 1991".

SEC. 2. TABLE OF CONTENTS.

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TITLE II—NATIONAL RECREATIONAL TRAILS TRUST FUND ACT

Sec. 201. Short Title.
Sec. 202. Creation of National Recreational Trails Trust Fund.
Sec. 203. National Recreational Trails Program.
Sec. 204. National Recreational Trails Advisory Committee.

SEC. 3. SECRETARY DEFINED.

As used in this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1991

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal-Aid Highway Act of 1991".

SEC. 102. DECLARATION OF POLICY.

(a) Subsection 101(b) of title 23 United States Code is amended to read as follows:

"(b) DECLARATION OF POLICY.—The National System of Interstate and Defense Highways is completed. The principal purpose of federal highway assistance shall henceforth be to improve the efficiency of the existing surface transportation system.

"It is the policy of the United States to facilitate innovation and competition in transportation modes through Federal and State initiative.

"It is the policy of the United States to increase productivity in the transportation sector of the economy through systematic attention to costs and benefits, pursuing the most efficient allocation of costs and the widest distribution of benefits."

(b) Subsections 101(d) and 101(e) of title 23 United States Code are hereby repealed.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) REPEAL OF FISCAL YEAR 1993 AUTHORIZATION FOR INTERSTATE CONSTRUCTION.—Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by—

(1) inserting "and" after "1991";

(2) striking the comma after "1992" and inserting in lieu thereof a period; and

(3) striking "and the additional sum of $1,400,000,000 for the fiscal year ending September 30, 1993".

(b) AUTHORIZATIONS.—The following sums are authorized to be appropriated out of the Highway Account of the Highway Trust Fund:

(1) SURFACE TRANSPORTATION PROGRAM.—For the Surface Transportation Program $7,330,000,000 for fiscal year 1992, $7,700000,000 for fiscal year 1993, $8,260,000,000 for fiscal year 1994, $9,250,000,000 for fiscal year 1995, and $12,260,000,000 for fiscal year 1996.

(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the Congestion Mitigation and Air Quality Improvement Program $1,000,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995 and 1996.

(3) BRIDGE PROGRAM.—For the Bridge Program $2,370,000,000 for fiscal year 1992, $2,460,000,000 for fiscal year 1993, $2,600,000,000 for fiscal year 1994, $2,840,000,000 for fiscal year 1995, and $3,050,000,000 for fiscal year 1996.

(4) INTERSTATE MAINTENANCE PROGRAM.—For resurfacing restoring and rehabilitating the National System of Interstate and Defense Highways, $2,530,000,000 for fiscal year 1992, $2,620,000,000 for fiscal year 1993, $2,770,000,000 for fiscal year 1994, $3,020,000,000 for fiscal year 1995, and $3,250,000,000 for fiscal year 1996.

(5) INTERSTATE CONSTRUCTION PROGRAM.—For construction to complete the Interstate System, $1,800,000,000 for each of fiscal years 1993, 1994, 1995, and 1996, *Provided*, That section 102(c) of the Federal-Aid Highway Act of 1987, regarding minimum apportionments, is hereby repealed, and *Provided Further*, That such sums shall be obligated as if authorized by section 108(b) of the Federal-Aid Highway Act of 1956.

(6) INTERSTATE SUBSTITUTION PROGRAM.—For the Interstate Substitution Program for projects under highway assistance programs $240,000,000 for each of fiscal years 1992, 1993, 1994 and 1995, *Provided*, That such sums shall be obligated as if authorized by 23 U.S.C. 103(e)(4)(G), and *Provided Further*, That section 103(e)(4)(H)(i) and section 103(e)(4)(H)(iii) of title 23 United States Code are amended by striking "and 1991" the three places it occurs and inserting lieu thereof "1992, 1993, 1994, and 1995".

(7) FEDERAL LANDS HIGHWAY PROGRAM.—

(A) For Indian reservation roads $150,000,000 for each of fiscal years 1992, 1993, 1994, 1995 and 1996.

(B) For public lands highways $200,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996.

(C) For parkways and park highways $100,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996.

(8) TERRITORIAL HIGHWAY PROGRAM.—For the Territorial Highway Program $15,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996.

(9) NATIONAL MAGNETIC LEVITATION DESIGN PROGRAM.—For the National Magnetic Levitation Design Program $50,000,000 for fiscal year 1992, $75,000,000 for fiscal year 1993, $125,000,000 for fiscal year 1994, $250,000,000 for fiscal year 1995, and $250,000,000 for fiscal year 1996.

(10) FEDERAL HIGHWAY ADMINISTRATION RESEARCH PROGRAMS.—For the purpose of carrying out research as authorized by Section 307, the amount of $120,000,000 for each of fiscal years 1992, 1993, 1994, 1995 and 1996, *Provided*, That such amount shall be made available from within the amount of the deduction authorized pursuant to section 104(a) of title 23 United States Code.

(11) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—For carrying out the University Transportation Centers Program pursuant to the Urban Mass Transportation Centers Program pursuant to the Urban Mass Transportation Act of 1964, as amended, $5,000,000 for each of fiscal years 1992, 1993, 1994, 1995 and 1996.

(12) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects $2,000,000 for each of fiscal years 1992, 1993, 1994, 1995 and 1996, *Provided*, That these sums shall be available until expended and may be allocated to the Internal Revenue Service or the States at the discretion of the Secretary, and *Provided Further*, That these funds shall be used to expand efforts to enhance motor fuel tax enforcement, fund additional Internal Revenue Service Staff, supplement motor fuel tax examination and criminal investigation, develop automated data processing tools, evaluate and implement registration and reporting requirements, reimburse state expenses that supplement existing fuel tax compliance efforts and analyze and implement programs to reduce the tax evasion associated with other highway use taxes.

(13) SAFETY BELT AND MOTORCYCLE HELMET USE.—For the purpose of carrying out programs under section 153 of title 23 United States Code $45,000,000 for fiscal year 1992, $30,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.

SEC. 104. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law, the total of all obligations for Federal-aid highway programs shall not exceed—

(1) $15,480,000,000 for fiscal year 1992;
(2) $15,940,000,000 for fiscal year 1993;
(3) $16,840,000,000 for fiscal year 1994;
(4) $18,410,000,000 for fiscal year 1995; and
(5) $20,190,000,000 for fiscal year 1996;

Provided, That limitations under this section shall not apply to obligations for emergency relief pursuant to section 135 and obligations for minimum allocation pursuant to section 157.

(b) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 1992, 1993, 1994, 1995 and 1996, the Secretary shall distribute the limitation imposed by (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways which are apportion or allocated to all the States for such fiscal year.

(c) LIMITATION ON OBLIGATION AUTHORITY.—During the period October 1 through December 31 of each of fiscal years 1992, 1993, 1994, 1995, and 1996 no State shall obligate more than 35 percent of the amount distributed to that State under subsection (b) for that fiscal year, and the total of all State obligations during the period shall not exceed 25 percent of the total amount distributed to all States under subsection (b) of the total amount distributed to all States under subsection (b) for that fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State;

(2) after August 1 of each of fiscal years 1992, 1993, 1994, 1995 and 1996, revise a distribution of funds made available under (c) for that fiscal year if a State will not obligate amounts in addition to those previously distributed during the fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 and section 144 of title 23, United States Code; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highways program, and the National Magnetic Levitation Design Program.

SEC. 105. UNOBLIGATED BALANCES.

Unobligated balances of funds apportioned for the primary, secondary and urban systems and the railway-highway crossing and hazard elimination programs may be obligated for the Surface Transportation Program as if they had been apportioned for that Program.

"SEC. 106. SURFACE TRANSPORTATION PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—Title 23 United States Code is amended by adding the following new section:

"SEC. 133. SURFACE TRANSPORTATION PROGRAM.—The Secretary shall establish a Surface Transportation Program in accordance with this section.

"(a) ELIGIBILITY.—Projects eligible under the Surface Transportation program shall include—

"(1) construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including Interstate highways) and bridges, including any such construction or reconstruction necessary to accommodate other transportation modes, and including the routine painting of facilities;

"(2) capital and operating costs for mass transit, rail, and magnetic levitation systems, including expenditures on rights of way and associated facilities;

"(3) carpool projects and fringe and corridor parking facilities and programs, and bicycle facilities and programs;

"(4) surface transportation safety improvements and programs, including highway safety improvement projects, hazard eliminations, and railway-highway grade crossings.

"(5) surface transportation research and development programs;

"(6) capital and operating costs for traffic monitoring, management and control facilities and programs;

"(7) surface transportation planning programs;

"(8) transportation enhancement activities as defined in section 101; and

"(9) any other purpose approved by the Secretary.

Provided, That projects other than those described in paragraphs (3) and (4) may not be undertaken on roads functionally classified as local or rural minor collector, except as approved by the Secretary.

"(b) GENERAL REQUIREMENTS.—

"(1) For at least 75 percent of funds apportioned to a state for the Surface Transportation Program in any year, the state shall assure that such funds are programmed based on a division between the metropolitan and non-metropolitan areas of the state, as determined pursuant to section 134, in direct proportion to their relative share of the state's population. The remaining 25 percent of funds may be programmed for any area of the state.

"(2) Programming and expenditure of funds for projects in metropolitan areas shall be consistent with the requirements of section 134, regarding metropolitan planning.

"(3) Programming and expenditure of funds for projects in non-metropolitan shall be consistent with the provisions of section 135, regarding statewide planning.

"(4) Of the apportionments made available to a State under this section, each state must assure that no less than 8 percent of such funds are programmed for transportation enhancement activities, as defined in section 101.

"(5) In the case where a state constructs a facility under this program with a federal share of 80 percent and later converts the facility to operation such that the project would originally have been undertaken with a federal share of 75 percent, the state shall repay to the United States, with interest, the amount of the difference in the cost to the United States.

"(c) ADMINISTRATION.—

"(1) If the Secretary determines that a State or local government has failed to comply substantially with any provision of this section, the Secretary shall notify the State, that, if it fails to take corrective action within 60 days from the receipt of the notification, the Secretary will withhold future payments under this section until the Secretary is satisfied that appropriate corrective action has been taken.

"(2) The Governor of each State shall certify prior to the beginning of each fiscal year that the State will meet all the requirements of this section and shall notify the Secretary of the amount of obligations expected to be incurred for Surface Transportation Program projects during the fiscal year, *Provided*, That the State may request adjustment to the obligation amounts later in the fiscal year. Acceptance of the notification and certification shall be deemed a contractual obligation of the United States for the payment of the Surface Transportation Program funds expected to be obligated by the State in that fiscal year for projects not subject to review by the Secretary.

"(3) Projects must be designed, constructed, operated and maintained in accordance with state laws, regulations, directives, safety standards, design standards and construction standards.

"(4) If the Secretary determines that a state or local government has failed to comply substantially with any provision of this section, the Secretary shall notify the State of its noncompliance and, if it fails to take corrective action within 60 days from the receipt of the notification, the Secretary may withhold future payments under this section until the Secretary is satisfied that appropriate action has been taken.

"(5) Any State may notify the Secretary that it no longer wishes the Secretary to review and approve design and construction standards for any project other than a project on an Interstate Highway or other multi-lane limited access control highways, except as provided in section 102(b), regarding resurfacing projects. After any such notification the Secretary shall undertake only such project review as is requested by the State.

"(6) The Secretary shall make payments to a State of costs incurred by it on the program. Payments shall not exceed the Federal share of costs incurred as of the date the State requests payments."

(b) APPORTIONMENT.—Section 104(b) of title 23, United States Code, is amended by—

(1) amending paragraph (1) to read as follows:

"(1) SURFACE TRANSPORTATION PROGRAM.—For the Surface Transportation Program, in a manner such that—

"(A) a state's percent share of all funds allocated or apportioned pursuant to this title for fiscal year 1992 and any fiscal year thereafter, excluding funds apportioned or allocated for the Interstate Construction, Interstate Substitute, Federal Lands Highways, Congestion Mitigation and Air Quality Improvement, Minimum Allocation, and Emergency Relief programs;

shall be equal to—

(B) such state's percent share of all apportionments and allocations received under this title for fiscal years 1987, 1988, 1990 and 1991, excluding apportionments and allocations received for the Interstate Construction, Interstate Substitute, Federal Lands Highways and Emergency Relief Programs, all apportionments and allocations received for demonstration projects, and the portion of allocations received pursuant to section 157, regarding minimum allocation, that is attributable to apportionments made under the Interstate Construction and Interstate Substitute programs in such years: *Provided*, That in calculating a state's percent share under this subparagraph for the purpose of making apportionments for fiscal years 1992, 1993, 1994, and 1995, each state shall be deemed to have received one-half of one percent of all funds apportioned for the Interstate Construction Program in fiscal years 1987, 1988, 1989, 1990, and 1991.";

(2) striking "upon the Federal-aid systems" and inserting in lieu thereof "upon the Surface Transportation Program, the Congestion Mitigation and Air Quality Improvement Program, and the Interstate System";

(3) striking "paragraphs (4) and (5)" and inserting in lieu thereof "subparagraph (5)(A)"; and

(4) striking "and sections 118(c) and 307(d)" and inserting in lieu thereof "and section 307".

(c) FEDERAL SHARE.—Section 120(a) of title 23 United States Code is amended by striking "Subject to the provisions of subsection (d) of this section, the" and inserting in lieu thereof "The"; by striking ", primary, secondary, or urban funds, on the Federal-aid primary system, the Federal-aid secondary system, and the Federal-aid urban system" and inserting instead "Surface Transportation Program funds"; and by inserting "for capital projects that add capacity available to single occupant vehicles, except where the project consists of a high occupancy vehicle facility available to single occupant vehicles at other than peak travel times, and 80 per centum of the cost of construction for other projects,", in two places after the words "cost of construction".

(d) GUIDANCE.—The Secretary shall develop and make available to the states guidance on how to determine what portion of any project under section 133 of title 23 United States Code is eligible for an 80 percent federal share.

(e) CONFORMING AMENDMENTS.—The analysis of title 23 United States Code is amended by striking "133. [Repealed P.L. 90-495]." and inserting in lieu thereof "133. Surface Transportation Program.".

SEC. 107. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 149 of title 23 United States Code is amended to read as follows:

"SEC. 149. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The Secretary shall establish a congestion mitigation and air quality improvement program pursuant to the requirements of this section.

"(a) ELIGIBLE PROJECTS.—A project may be funded under the congestion mitigation and air quality improvement program only if—

"(1) guidance issued by the Environmental Protection Agency pursuant to section 108(f) of the Clean Air Act, as amended, shows to the satisfaction of the Secretary, after consultation with the Administrator of the Environmental Protection Agency, that the project is likely to contribute to the attainment of any national ambient air quality standard;

"(2) the project is listed in a state implementation plan that has been approved pursuant to the Clean Air Act, as amended, and the project will have air quality benefits; or

"(3) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the project is likely to contribute to the attainment of any national ambient air quality standard, whether through reductions in vehicle miles traveled, fuel consumption, or through other factors; and

only if the project does not result in the construction of new capacity available to single occupant vehicles, except where the project consists of a high occupancy vehicle facility available to single occupant vehicles at other than peak travel times.

"(b) PROGRAMMING OF FUNDS.—Funds apportioned pursuant to this section shall be programmed in accordance with the provisions of section 134.

"(c) FEDERAL SHARE.—The Federal Share payable for a project under this section shall not exceed 80 percent of the cost of the project."

(b) APPORTIONMENT.—Section 104(b)(2) is amended to read as follows:

"(2) FOR THE CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—In the ratio which the weighted non-attainment area population of each state bears to the total weighted non-attainment area population of all states, where weighted non-attainment area population shall be calculated by multiplying the population of any non-attainment areas within any state that is in non-attainment for ozone by a factor of—

"(A) 1.0 if the area is classified as a marginal non-attainment area;

"(B) 1.1 if the area is classified as a moderate non-attainment area;

"(C) 1.2 if the area is classified as a serious non-attainment area;

"(D) 1.3 if the area is classified as a severe non-attainment area;

"(E) 1.4 if the area is classified as an extreme non-attainment area;

where the classification of non-attainment areas is that used in the Clean Air Act, as amended, and by further multiplying the population of any non-attainment area by a factor of 1.2 if such area is in non-attainment for carbon monoxide."

(c) PROGRAMMING OF FUNDS.—Apportionments made under this section shall be made available in metropolitan areas within each state in proportion to the relative share of weighted non-attainment area population within the state, and shall be programmed for expenditure by the metropolitan planning organizations for each such area in accordance with the provisions of section 134 of title 23 United States Code.

(d) CONFORMING AMENDMENTS.—The analysis of chapter 1 of title 23, United States Code, is amended by striking "Sec. 149. Truck lanes." and inserting instead "Sec. 149. Congestion Mitigation and Air Quality Improvement Program."

SEC. 108. BRIDGE PROGRAM.

(a) FEDERAL SHARE.—Section 144(f) of title 23, United States Code is amended to read as follows:

"(f) The federal share payable for any project undertaken under this subsection shall be 80 percent, except for any costs attributable to the expansion of the capacity of any bridge or the construction of any new bridge where such new capacity or new bridge is primarily available to single occupant vehicles, in which case the federal share payable shall be 75 percent. In the case where a state constructs a bridge or portion thereof not primarily available to single occupant vehicles pursuant to this section, and later converts the bridge or portion thereof to be available to single occupant vehicles, the state shall repay to the United States, with interest, the amount of the additional cost borne by the United States that would have been borne by the state had the bridge or portion thereof been originally available to single occupant vehicles."

(b) NEW CAPACITY GUIDANCE.—The Secretary shall develop and make available to the States criteria for determining what share of any project undertaken pursuant to section 144 of title 23 United States Code is attributable to the expansion of the capacity of a bridge where the new capacity is available to single occupant vehicles.

(c) BRIDGE PAINTING.—Section 144(e) of title 23 United States Code is amended by adding at the end "Funds apportioned pursuant to this subsection shall be available for the painting of any bridge eligible for assistance under this section."

(d) REPEAL OF DISCRETIONARY BRIDGE PROGRAM.—Paragraphs (1), (2), and (3) of section 144(g) of title 23 United States Code are repealed.

(e) LEVEL OF SERVICE CRITERIA.—The Secretary shall, by January 1, 1992, in consultation with the States, establish level of service criteria for the Bridge Program.

(f) CONFORMING AMENDMENTS.—

(1) The analysis of chapter 1 of title 23 United States Code is amended by striking "Sec. 144. Highway bridge replacement and rehabilitation program." and inserting in lieu thereof "Sec. 144. Bridge program."

(2) Section 144 of title 23 United States Code is amended as follows:

(A) The title is amended to read "Sec. 144. Bridge Program.".

(B) Subsection (b) is repealed; and subsection (c) is amended by striking ", other than those on any Federal-aid system," and by striking "on and off the federal-aid system.".

(C) Subsection (e) is amended by striking "(1) Federal-aid system bridges eligible for replacement, (2) Federal-aid system bridges eligible for rehabilitation, (3) off-system bridges eligible for replacement, and (4) off-system bridges eligible for rehabilitation" and inserting instead "(1) Bridges categorized for rehabilitation and (2) bridges categorized for replacement'; and (2) by striking "on the Federal-aid primary system" and inserting instead "under the Surface Transportation Program"

SEC. 109 INTERSTATE MAINTENANCE PROGRAM.

(A) LIMITATION ON NEW CAPACITY.—Section 119(a) of title 23 United States Code is amended by inserting after the end of the first sentence: "Notwithstanding any other provision of this title, the portion of the cost of any project undertaken pursuant to this section that is attributable to the expansion of the capacity of any Interstate highway, where such new capacity is primarily available to single occupant vehicles, shall not be eligible for funding under this section.";

(b) ADEQUATE MAINTENANCE OF THE INTERSTATE SYSTEM.—Section 119(f)(1) of title 23 United States Code is amended by inserting at the end of the paragraph "The Secretary must find that the State is adequately maintaining the Interstate System to accept such a certification.";

(c) NON-FEDERAL MATCH REQUIREMENT.—

(1) Section 119(a) of title 23 United States Code is amended by striking "section 120(c)" and inserting in lieu thereof "section 120(d)".

(2) Section 120(d) of title 23 United States Code is amended to read as follows:

(d) INTERSTATE MAINTENANCE.—The federal share payable on account of any project undertaken for the maintenance of Interstate highways under the provisions of section 119 shall either—

"(1) not exceed 80 percent of the cost of construction, except that in ther case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total areas of all lands therein, the federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area; or

"(2) not exceed 80 percent of the cost of construction, except that in the case of any state containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the federal share shall be increased by a percentage of the remaining cost equal to the percentage of the area of all such lands in such state is of its total area, except that the federal share payable on any project shall not exceed 95 percent of the total cost of the project.

In any case where a state elects to have the federal share as provided in paragraph (2), the State must enter into an agreement with the Secretary covering a period of not less than one year, requiring the State to use solely for purposes eligible under this title (other than paying its share of projects undertaken pursuant to this title) during the period covered by the agreement the difference between the State's share as provided in paragraph (2) and what its share's would be if it elected to pay the share provided in paragraph (1) for all projects subject to the agreement.".

(d) GUIDANCE TO THE STATES.—The Secretary shall develop and make available to the States criteria for determining—

(1) what share of any project funded under section 119 of title 23 United States Code is attributable to the expansion of the capacity of an Interstate Highway; and

(2) what constitutes adequate maintenance of the Interstate System for the purposes of section 119(f)(1) of title 23 United States Code.

(e) NON-CHARGEABLE SEGMENTS.—Section 104(b)(5)(B) of title 23 United States Code is amended by adding "and routes on the Interstate system designated under section 139(a) of this title before January 1, 1984" after the phrase "under sections 103 and 139(a) of this title" each of the two times it appears in the first sentence.

(f) Conforming Amendments.—

(1) NEW TITLE.—The title of section 119 of title 23 United States Code is amended to read "Sec. 119. Interstate Maintenance Program.";

(2) ANALYSIS.—The analysis for chapter 1 of title 23 United States Code is amended by striking "Sec. 119 Interstate System Resurfacing." and inserting in lieu thereof "Sec. 119. Interstate Maintenance Program.".

(3) Section 119 of title 23 United States Code is amended—

(A) by striking out subsection (c), with regard to reconstruction;

(B) by striking out subsection (e), with regard to toll facilities;

(C) by striking out, in subsection (a), ", rehabilitating, and reconstructing" and inserting in lieu thereof "and rehabilitating";

(D) in subsection (f)—

(i) by striking "PRIMARY SYSTEM" from the title and inserting in lieu thereof "SURFACE TRANSPORTATION PROGRAM"; and

(ii) by striking "rehabilitating, or reconstructing" and inserting in lieu thereof "or rehabilitating".

(4) APPORTIONMENT.—Section 104(b)(5)(B) of title 23 United States Code is amended by striking "rehabilitating, and reconstructing" and inserting instead "and rehabilitating".

SEC. 110. INTERSTATE CONSTRUCTION PROGRAM.

(a) MASSACHUSETTS.—Paragraph 104(b)(5)(A) of title 23 United States Code is amended by striking "upon the approval by Congress, the Secretary shall use the Federal share of such approval estimates in making apportionments for the fiscal year 1993" and inserting in lieu thereof—

"The Secretary shall use the Federal share of the 1991 Interstate Cost Estimate, adjusted to reflect (i) all previous credits, apportionments of Interstate construction funds and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of Interstate segments, (iii) previous allocations of Interstate discretionary funds, and (iv) transfers of Interstate construction funds, to make apportionments for fiscal years 1993, 1994, 1995 and 1996 in the ratio in which the Federal share of the estimated cost of completing the Interstate System in a State bears to the Federal share of the sum of the estimated cost of completing the Interstate System in all of the States, except Massachusetts, *Provided* that Massachusetts shall be apportioned $100,000,000 for the fiscal year 1993, $800,000,000 for the fiscal year 1994, $800,000,000 for the fiscal year 1995, and $850,000,000 for the fiscal year 1996.".

(b) CONFORMING AMENDMENTS.—Paragraph 104(b)(5)(A) of title 23 United States Code is further amended by striking "1960 through 1990" the two places it appears and inserting instead "1960 through 1996"; and by striking "1967 through 1990" and inserting instead "1967 through 1996".

SEC. 111. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) ALLOCATIONS.—Section 202 of title 23 United States Code is amended as follows:

(1) Subsection (c) is amended by inserting at the end "The secretary shall allocate 66 percent of the remainder of the authorization for public lands highways for each fiscal year as is provided in section 134 of the Federal-Aid Highway Act of 1987."; and by inserting after "allocate" the words "34 percent of".

(2) Subsection (a) is repealed.

(b) PROJECTS.—Section 204 of title 23 United States Code is amended as follows:

(1) Subsection (b) is amended by inserting at the end "Funds available for each class of federal lands highways shall be available for any kind of transportation project eligible for assistance under this title that is within or adjacent to or provides access to the areas served by the particular class of federal lands highways."; and by striking "forest highways and".

(2) Subsection (a) is amended by striking "forest highways,"; and by inserting at the end "Notwithstanding any other provision of this title, no project may be undertaken in any State pursuant to this section unless the State concurs in the selection and planning of the project.".

(3) Subsection (c) is amended by striking "on a federal aid system and inserting in lieu thereof "eligible for funds apportioned under section 104 or section 144 of this title".

(c) CONFORMING AMENDMENTS.—Section 203 of title 23 United States Code is amended by striking "forest highways" in two places.

SEC. 112. TOLL FACILITIES.

(a) REPEAL OF NATIONAL POLICY.—Section 301 of title 23 United States Code is hereby repealed.

(b) NEW REQUIREMENTS.—Section 129 of title 23 United States Code is amended to read as follows:

"SEC. 129. TOLL FACILITIES.

"(a) PROHIBITION.—Tolls may not be imposed on any existing free Interstate Highway.

"(b) FEDERAL SHARE PAYABLE.—Except as provided in subsection (e), the federal share payable for any project under this section shall not exceed 35 percent of the cost of the project for construction of new toll facilities, and shall not exceed 80 percent of the cost of the project for rehabilitation of existing toll facilities or conversion of existing free facilities to toll facilities.

"(c) CONSTRUCTION OR CONVERSION OF FACILITIES.—Except as otherwise provided in this section, federal funds to carry out this title may not be obligated on toll facilities or to convert free facilities to toll facilities. The Secretary may permit federal participation, on the same basis and in the same manner as participation in projects on free highways under this title, in the construction of any toll highway, bridge, tunnel, or approach thereto, or the conversion of any free highway, bridge, tunnel or approach thereto to a toll facility, upon compliance with the provisions of this subsection, except that no federal funds may be used to impose tolls on any existing free Interstate Highway. The highway, bridge, tunnel, or approach thereto must be publicly owned. The appropriate State transportation or highway department or departments must be party to an agreement with the Secretary that provides that—

"(1) all tolls received from the operation of the facility, less the actual cost of operation and maintenance, shall be applied to repayment, including debt service and reasonable return on investment, of the party financing the facility, except for amounts contributed by the United States; and

"(2) after the date of final repayment, revenues from tolls in excess of revenues needed to recover actual costs of operation and maintenance shall be used for any transportation project eligible under this chapter.

"(d) CONSTRUCTION OF FERRYBOATS AND FERRY APPROACHES.—The Secretary may permit Federal participation under this title in the construction of ferryboats and ferry approaches, whether toll or free, subject to the following conditions:

"(1) It is not feasible to build a bridge, tunnel, or other normal highway structure in lieu of the ferry.

"(2) The operation of the ferry shall not be on a route that is classified as local, as a rural minor collector, or as a route on the Interstate System.

"(3) The ferry shall be publicly owned and operated.

"(4) The operating authority and the amount of fares charged for passage on the ferry shall be under the control of the State, and all revenues shall be applied to actual and necessary costs of operation, maintenance, and repair, including replacement of ferryboats.

"(5) The ferry shall be operated only within the State (including the islands which comprise the State of Hawaii and the islands which comprise the Commonwealth of Puerto Rico) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii, operations between the islands which comprise the Commonwealth of Puerto Rico, operations between the islands of Maine, and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of the ferry operations shall be in any foreign or international waters.

"(6) No ferry shall be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from a disposition shall be credited to the unprogrammed balance of Surface Transportation Program funds last apportioned to the State. Any amounts credited shall be in addition to other funds then apportioned to the State and shall be available for expenditure in accordance with the provisions of this title.

"(e) CONGESTION PRICING PILOT PROGRAM.—(1) The Secretary shall solicit the participation of State and local governments and public authorities for one or more congestion pricing pilot projects. The Secretary may enter into cooperative agreements with as many as five such State or local governments or public authorities to establish, maintain, and monitor congrestion pricing projects.

"(2) Notwithstanding subsection (c), the federal share payable for such programs shall be 100 percent. The Secretary shall fund all of the development and other start up costs of such projects, including salaries and expenses, for a period of at least one year, and thereafter until such time that sufficient revenues are being generated by the program to fund its operating costs without federal participation, except that the Secretary may not participate at 100 percent federal cost in any project for more than 3 years.

"(3) Revenues generated by any pilot project under this section must be applied to projects eligible under this title.

"(4) The Secretary shall monitor the effect of such projects for a period of at least 10 years, and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives every 2 years on the effects such programs are having on driver behavior, traffic volume, transit ridership, air quality, and availability of funds for transportation programs.

"(5) Of the sums made available the Secretary pursuant to section 104(a), not to exceed $5,000,000 shall be made availabale each fiscal year to carry out the requirements of this subsection.".

(c) EXISTING TOLL FACILITY AGREEMENTS.—At the request of the non-federal parties to any toll facility agreement reached before October 1, 1991 under section 105 of the Federal-Aid Highway Act of 1978 or section 129 of title 23 United States Code as in effect immediately prior to the date of enactment of this Act, the Secretary shall renegotiate such agreement to allow for the continuance of tolls without repayment of federal funds.

SEC. 113. METROPOLITAN PLANNING.

(a) NEW REQUIREMENTS.—Section 134 of title 23, United States Code is amended to read as follows:

"SEC. 134. METROPOLITAN PLANNING.

"(a) METROPOLITAN PLANNING ORGANIZATIONS.—A metropolitan planning organization shall be designated for each urbanized area of a state of over 50,000 in population by agreement among Governor and the units of general purpose local government representing at least 90 percent of the affected population. Each metropolitan planning organization shall designate boundaries for a metropolitan area pursuant to subsection (b) and shall carry out the transportation planning process required by this section. With the cooperation of the affected states, metropolitan planning organizations that represent portions of multi-state metropolitan areas shall, where feasible, provide for coordinated transportation planning for the entire metropolitan area.

"(b) METROPOLITAN AREA BOUNDARIES.—For the purposes of this title, the boundaries of any metropolitan area shall be determined by the metropolitan planning organization. Each metropolitan area shall cover at least the existing urbanized area and the area expected to become urbanized within the forecast period, and may encompass the entire Metropolitan Statistical Area/Consolidated Metropolitan Statistical Area (MSA/CMSA) as defined by the Bureau of the Census. For areas designated as non-attainment for ozone or carbon monoxide under the Clean Air Act, as amended, the boundaries of the metropolitan area shall be the boundaries of the nonattainment area, except as otherwise provided by the metropolitan planning organization.

"(c) GENERAL REQUIREMENT FOR PLANNING.—In developing transportation plans and programs pursuant to this section, the metropolitan planning organization shall, at a minimum—

"(1) consider preservation of existing transportation facilities and, where practical, meet transportation needs by using existing transportation facilities more efficiently;

"(2) provide that transportation planning is consistent with applicable federal, state and local energy conservation programs, goals and objectives;

"(3) consider the need to relieve congestion;

"(4) conform with the applicable requirements of the Clean Air Act as amended;

"(5) consider the effect of transportation policy decisions on land use and development, and the provisions of all applicable short- and long-term land use and development plans;

"(6) recommend, where appropriate, the use of innovative financing mechanisms, including value capture, tolls, and congestion pricing to finance needed projects and programs;

"(7) provide for the programming of expenditure on transportation enhancement activities as required in section 133;

"(8) consider the effects of all transportation projects to be undertaken within the metropolitan area, without regard to whether such projects are publicly funded;

"(9) consider the overall social, economic, and environmental, affects of transportation decisions; and

"(10) develop a long range transportation plan.

"(d) TRANSPORTATION IMPROVEMENT PROGRAMS.—

"(1) DEVELOPMENT OF PROGRAMS.—The metropolitan planning organization, in cooperation with the State and relevant transit operators, shall develop a transportation improvement program that includes all projects within the metropolitan area proposed for funding pursuant to this title and the Urban Mass Transportation Act, and that is consistent with the long range plan developed by the metropolitan planning organization. The program may only include a project if full funding can be reasonably anticipated to be available for such project within the period of time contemplated for its completion. The program shall be updated at least annually.

"(2) PRIORITY OF PROJECTS.—The program shall establish sets of projects that shall be carried out for each three-year period after the initial adoption of the program.

"(3) PROGRAMMING OF FUNDS.—Notwithstanding any other provision of law, all projects carried out with federal participation pursuant to this title or the Urban Mass Transportation Act within the boundaries of a metropolitan area shall be programmed by the metropolitan planning organization with regard to the transportation improvement plan for such area and the priorities established therein.

"(e) ADDITIONAL REQUIREMENTS FOR AREAS OF OVER 250,000 POPULATION.—

"(1) For metropolitan areas of more than 250,000 population, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by a metropolitan planning organization in cooperation with the State and transit operators.

"(2) The planning process shall include a congestion management system that provides for effective management of new and existing transportation facilities through the use of travel demand reduction and operational management strategies. In non-attainment areas for transportation-related pollutants, the development of the congestion management system shall be coordinated with the development of the transportation element of the State Implementation Plan required by the Clean Air Act as amended.

"(3) The Secretary shall assure that each metropolitan planning organization is carrying out its responsibilities under applicable provisions of federal law, and shall so certify at least once per annum. The Secretary shall fail to certify a metropolitan planning organization that is not carrying out applicable requirements of federal law. The provisions of subsection (d)(3) shall not apply in areas where the metropolitan planning organization has not received certification from the Secretary.

"(f) ADDITIONAL REQUIREMENTS FOR NON-ATTAINMENT AREAS.—

"(1) Notwithstanding any other provision of law, for areas classified as non-attainment for ozone or carbon monoxide pursuant to the Clean Air Act, as amended, federal funds may not be programmed in such area for any highway project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project is part of an approved congestion management system.

"(2) If, at the end of any three year planning period established pursuant to subsection (d), a project to be carried within such period has not been carried out, any changes in emissions of pollutants that contribute to non-attainment for ozone or carbon monoxide pursuant to the Clean Air Act, as amended, that have been attributed to such project shall be discounted for the purposes of conformity review pursuant to section 176(c) of the Clean Air Act, as amended, (42 U.S.C. 7506(c)) until such time as binding commitments have been made to complete the project by a date certain.

"(3) For the purpose of determining conformity pursuant to section 176(c) of the Clean Air Act, as amended, (42 U.S.C. 7506(c)), the metropolitan planning organization shall take into account emissions expected to result from all projects to be carried out within the metropolitan area, without regard to whether such projects are publicly or privately funded.

"(g) REPROGRAMMING OF SET ASIDE FUNDS.—Any funds set aside pursuant to section 104(f) of this title that are not used for the purpose of carrying out this subsection may be made available by the metropolitan planning organization to the state for the purpose of funding activities under section 135.".

(b) ONE PERCENT SET ASIDE.—Section 104(f)(1) of title 23 United States Code is amended by striking "one-half per centum" and inserting in lieu thereof "one percent"; by striking "the Federal-aid systems" and inserting in lieu thereof "programs authorized under this title"; and by striking all after the third comma and inserting in lieu thereof "except that the amount from which such set aside is made shall not include funds authorized to be appropriated for the Interstate Construction and Interstate Substitute programs.".

(c) APPORTIONMENT WITHIN A STATE.—Section 104(f)(4) of title 23 United States Code is amended by striking "and metropolitan area transportation needs" and inserting in lieu thereof "attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out the requirements of section 134 and other applicable federal law.".

(d) CONFORMING AMENDMENTS.—

(1) The analysis of chapter 1 of title 23 United States Code is amended by striking "Sec. 134. Transportation planning in certain urban areas." and inserting in lieu thereof "Sec. 134. Metropolitan Planning.".

(2) Section 104(f)(3) of title 23 United States Code is amended by striking "designated by the State as being".

SEC. 114. STATEWIDE PLANNING.

(a) NEW REQUIREMENTS.—Section 135 of title 23, United States Code is amended to read as follows:

"SEC. 135. STATEWIDE PLANNING.

"(a) MANAGEMENT SYSTEMS.—Each State shall have a Bridge Management System, a Pavement Management System, a Safety Management System, and Congestion Management System developed in accordance with regulations prescribed by the Secretary. Systems shall include inventories and use current condition data to identify needs. The Secretary may withhold project approvals under section 106 and may decline to accept a notice and certification under section 133(c)(2) if a State fails to have approved systems. The regulations shall provide for periodic Federal review of the Management Systems.

"(b) TRAFFIC MONITORING SYSTEM.—Each State shall have a Traffic Monitoring System to provide statistically based data necessary for pavement management, bridge evaluation, safety management, congestion management, national studies, and other activities under this title. The Secretary shall establish guidelines and requirements for the Traffic Monitoring System."

"(c) STATE PLANNING PROCESS.—Each State shall undertake a continuous transportation planning process which shall—

"(1) take into account the results of the management systems required pursuant to subsection (a);

"(2) take into account any Federal, State or local energy use goals, objectives, programs or requirements;

"(3) take into account any valid State or local development or land use plans, programs, or requirements;

"(4) take into account international border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, and military installations.

"(5) provide for comprehensive surface transportation planning for non-metropolitan areas;

"(6) be consistent with any metropolitan area plan developed pursuant to section 134; and

"(7) be coordinated with the development of any State implementation plan required under the Clean Air Act, as amended, and provide for compliance with any relevant requirements of such plan and such Act.

"(d) ADDITIONAL REQUIREMENTS FOR STATES CONTAINING NON-ATTAINMENT AREAS.—Any State containing an area in non-attainment for ozone or carbon monoxide pursuant to the Clean Air Act, as amended, shall develop and update on an annual basis a State transportation plan. In addition to the requirements in subsection (c), such plan shall—

"(1) incorporate without amendment the provisions of any metropolitan area plan developed pursuant to section 134; and

"(2) provide for coordination in the development of the State transportation plan required pursuant to this section and the state implementation plan required pursuant to the Clean Air Act, as amended.

"(e) FUNDING.—Funds set aside pursuant to section 307(c)(1) and section 307(c)(2) of title 23 United States Code shall be available to carry out the requirements of this section."

(b) CONFORMING AMENDMENTS.—The analysis of chapter 1 of title 23 United States Code is amended by striking "Sec. 135. Traffic operations improvement programs." and inserting in lieu thereof "Sec. 135. Statewide Planning.".

SEC. 115. RESEARCH AND DATA COLLECTION.

(a) RESEARCH PROGRAM.—Section 307 of title 23 United States Code is amended as follows:

(1) NEW REQUIREMENTS.—Subsection (b) is redesignated (b)(1), and the following new paragraphs are added thereafter:

"(2) The highway research program shall include a coordinated long term program of research on Intelligent Vehicle Highway Systems.

"(3) The highway research program shall include a coordinated long term program of research for the development, use and dissemination of performance indicators to measure the performance of the surface transportation system, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors that reflect the overall performance of the surface transportation system.

"(4) The highway research program shall continue those portions of the work of the Strategic Highway Research Program that the Secretary deems to be important.

"(5) The Secretary shall create and administer a transportation research fellowship program to attract qualified students to the field of transportation engineering and research, which shall be known as The Dwight David Eisenhower Transportation Fellowship Program. No less than $2 million per fiscal year of the funds set aside pursuant to section 307 shall be made available to carry out this paragraph."

(2) Subsection (c) is amended by striking "highway programs and local public transportation systems" and inserting in lieu thereof "transporation programs"; by striking "highway usage" and inserting in lieu thereof "transportation"; and by striking "highways and highway systems" and inserting in lieu thereof "transportation systems".

(b) FEDERAL SHARE FOR STATE RESEARCH ACTIVITIES.—Section 120(j) is amended by striking "85 per centum" and inserting in lieu thereof "80 percent"; and by striking "exclusive of" and inserting in lieu thereof ", and".

(c) STATE AUTHORITY TO PROGRAM FUNDS.—Section 307(c) of title 23 United States Code is amended by striking "upon the request of the State highway department, with the approval of the Secretary, with or without State funds," in paragraph (1); and by repealing paragraph (3).

(d) DATA COLLECTION AND ANALYSIS.—

(1) BUREAU OF TRANSPORTATION STATISTICS.—There is hereby established within the Department of Transportation a Bureau of Transportation Statistics. The Bureau shall be headed by a Director (hereafter referred to as 'the Director'), who shall be appointed by the President with the advice and consent of the Senate, and who shall be removable only for cause.

(2) NEW REQUIREMENTS.—Section 303 of title 23 United States Code is amended to read as follows:

"SEC. 303. DATA COLLECTION AND ANALYSIS.

"(a) PROGRAM.—The Director of the Bureau of Transportation Statistics, in cooperation with the states, shall pursue a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system. This effort shall—

"(1) be coordinated with the efforts undertaken pursuant to section 307(b)(3) to develop performance indicators for the national transportation system;

"(2) assure that data and other information is collected in a manner to maximize the ability to compare data from different regions and time periods; and

"(3) assure that data is quality controlled for accuracy and is disseminated to the states and other interested parties.

"(b) ESTIMATES.—The Director shall produce, on an annual basis, unbiased and comparable estimates of factors including but not limited to productivity in the various portions of the transportation sector, traffic flows, travel times, vehicle weights, variables influencing traveller behavior including choice of mode, travel costs of intracity commuting and intercity trips, frequency of vehicle and transportation facility repairs and other interruptions of service, accidents, collateral damage to the human and natural environment, and the condition of the transportation system, which estimates shall be suitable for conducting cost-benefit studies and other analysis necessary for prioritizing transportation system problems and analyzing proposed solutions.

"(c) REPORTS.—Beginning on October 1, 1992, and every 12 months thereafter, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report containing the estimates described in subsection (b) and otherwise describing the status of the transportation system in the United States.

"(d) COLLECTION OF DATA.—The Secretary may use any authority granted under this or any other title, or any Act to collect data the Secretary deems to be important in carrying out the provisions of this section.

"(3) FUNDING.—Section 104(a) of title 23 United States Code is amended by inserting ", data collection, and other programs" after "research"; and by inserting ", and section 303" after "section 307".

"(4) ANALYSIS.—The analysis for chapter 3 of title 23 United States Code is amended by striking "Sec. 303. [Repealed. P.L. 97-449]." and inserting in lieu thereof "Sec. 303. Data Collection and Analysis.".

SEC. 116. MAGNETIC LEVITATION TRANSPORTATION.

"(a) DECLARATION OF POLICY.—Section 101(c) of title 23 United States Code is amended to read as follows:

"(c) It is the policy of the United States to establish in the shortest time practicable a United States designed and constructed magnetic levitation transportation technology capable of operating along federal-aid highway rights-of-way, as part of a national transportation system of the United States.".

(b) NATIONAL MAGNETIC LEVITATION DESIGN PROGRAM.—

(1) MANAGEMENT OF PROGRAM.—There is hereby established a National Magnetic Levitation Design Program to be managed jointly by Secretary and the Assistant Secretary of the Army for Civil Works (hereafter referred to as 'the Assistant Secretary'.) In carrying out such program, the Secretary and the Assistant Secretary shall consult with appropriate federal officials, including the Secretary of Energy and the Administrator of the Environmental Protection Agency. The Secretary and the Assistant Secretary shall establish a National Maglev Joint Project Office (hereafter referred to as the 'Maglev Project Office') to carry out such program, and shall enter into such arrangements as may be necessary for funding, staffing, office space, and other requirements that will allow the Maglev Project Office to carry out its functions.

(2) PHASE ONE GRANTS.—(A) Not later than 3 months after the date of enactment of this

Act, any eligible participant may submit to the Maglev Project Office a proposal for research and development of a conceptual design for a maglev system and an application for a grant to carry out that research and development.

(B) Not later than 6 months after the date of enactment of this Act, the Secretary and the Assistant Secretary shall award grants for one year of research and development to no less than six applicants. If fewer than six complete applications have been received, grants shall be awarded to as many applicants as is practical.

(C) The Secretary and the Assistant Secretary may approve a grant under subparagraph (B) only after consideration of factors relating to the construction and operation of a magnetic levitation system, including the cost-effectiveness, ease of maintenance, safety, limited environmental impact, ability to achieve sustained high speeds, ability to operate along the Interstate highway rights of way, the potential for the guideway design to be a national standard, and the bidder's resources, capabilities, and history of successfully designing and developing systems of similar complexity, *Provided that* the applicant agrees to submit a report to the Maglev Project Office detailing the resuls of the research and development, and agrees to provide for matching of the phase one grant at a 90 percent federal, 10 percent non-federal cost share.

(D) For purposes of this section, the term 'eligible participant' means United States private businesses, United States public and private education and research organizations, Federal laboratories, and consortia of such businesses, organizations and laboratories.

(3) PHASE TWO GRANTS.—Within 3 months of receiving the reports under paragraph (2), the Secretary and the Assistant Secretary shall select not more than 3 participants to receive one-year grants for research and development leading to a final design for a maglev system. The Secretary and the Assistant Secretary may only award grants under this paragraph if they determine that the applicant has demonstrated technical merit for the conceptual design and the potential for further development of such design into a national system, and if the applicant agrees to provide for matching of the phase two grant at a 80 percent federal, 20 percent non-federal cost share.

(4) PROTOTYPE.—(A) Within 6 months of receiving the final designs developed under paragraph (3), the Secretary and the Assistant Secretary shall select one design for development into a full scale prototype. Not more than 3 months after the selection of such design, the Secretary and the Assistant Secretary shall award one prototype construction grant to a State government, local government, organization of State and local governments, consortium of United States private businesses or any combination of these entities for the purpose of constructing a prototype maglev system in accordance with the selected design.

(B) Selection of the grant recipient under this paragraph shall be based on the following factors:

(i) The project shall utilize Interstate highway rights of way.

(ii) The project shall have sufficient length to allow significant full speed operations between stops.

(iii) No more than 75 percent of the cost of the project shall be borne by the United States.

(iv) The project shall be constructed and ready for operational testing within 3 years after the award of the grant.

(v) The project shall provide for the conversion of the prototype to commercial operation after testing and technical evaluation is completed.

(vi) The project shall be located in an area that provides a potential ridership base for future commercial operation.

(vii) The project shall be located in an area that experiences climatic and other environmental conditions that are representative of such conditions in the United States as a whole.

(viii) The project shall be suitable for eventual inclusion in a national magnetic levitation system network.

(c) LICENSING.—

(1) PROPRIETARY RIGHTS.—No trade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5, United States Code, which is obtained from a United States business, research, or education entity as a result of activities under this Act shall be disclosed.

(2) COMMERCIAL INFORMATION.—The research, development and use of any technology developed pursuant to an agreement reached pursuant to this section, including the terms under which any technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701–3714). In addition, the Secretary and the Assistant Secretary may require any grant recipient to assure that research and development shall be performed substantially in the United States, and that the products embodying the inventions made under any agreement pursuant to this section or produced through the use of such inventions shall be manufactured substantially in the United States.

(d) AVAILABILITY OF FUNDS.—Funds authorized to be appropriated to carry out this section shall remain available until expended.

(e) REPORTS.—The Secretary and the Assistant Secretary shall provide periodic reports on progress made under this section to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 117. ACCESS TO RIGHTS OF WAY.

(a) AVAILABILITY OF RIGHTS OF WAY.—Subsection 142(g) of title 23 United States Code is amended to read as follows:

"(g) In any case where sufficient land exists within the publicly acquired rights-of-way of any highway, constructed in whole or in part with Federal-aid highway funds, to accommodate needed passenger or commuter rail, high speed ground transportation systems including magnetic levitation systems, highway and non-highway public mass transit facilities the Secretary shall authorize a State to make such lands and rights-of-way available without charge to a publicly or privately owned authority or company for such purposes.".

(b) AVAILABILITY OF AIRSPACE.—Section 156 of title 23 United States Code is amended by adding before the period at the end of the first sentence the following: ", *Provided* that the States may permit governmental use, use by public or private entities for high speed ground transportation systems, including magnetic levitation systems, or other transit, utility use and occupancy where such use or occupancy is necessary for a transportation project allowed under this section, or use for transportation projects eligible for assistance under this title, without charge.".

(c) CONFORMING AMENDMENTS.—Section 142 of title 23, United States Code, is amended as follows:

(1) Paragraph (a)(1) is amended by striking "of the Federal-aid systems"; and by striking "project on any Federal-aid system" and inserting in lieu thereof "Surface Transportation Program project or as an Interstate construction project".

(2) Paragraph (a)(2) is repealed.

(3) Subsection (c) is repealed.

(4) Paragraph (e)(2) is repealed.

(5) Subsections (i), (j), and (k) are repealed.

SEC. 118. REPORT ON REIMBURSEMENT FOR SEGMENTS CONSTRUCTED WITHOUT FEDERAL ASSISTANCE.

The Secretary shall update the findings of the report required by Section 114 of the Federal-Aid Highway Act of 1956 to determine what amount the United States could pay to the States to reimburse the States for segments incorporated into the Interstate System that were constructed at non-Federal expense. The report required under this section shall be completed by October 1, 1993, and shall be transmitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 119. DISADVANTAGED BUSINESS ENTERPRISES.

(a) CONTINUATION OF CURRENT LAW.—Section 106(c)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended by striking "I and III of this Act or obligated under " and inserting instead "I of the Surface Transportation Efficiency Act of 1991 or obligated under titles I and III of this Act and ".

(b) ADJUSTMENT FOR INFLATION.—Sec. 106(c)(2)(A) of such 1987 Act is amended by striking "14,000,000" and inserting instead "15,370,000".

SEC. 120. AVAILABILITY OF FUNDS.

(a) Section 118 of title 23 United States Code is amended to read as follows:

"(a) DATE AVAILABLE FOR OBLIGATION.—Except as otherwise specifically provided, authorizations from the Highway Account of the Highway Trust Fund to carry out this title shall be available for obligation when apportioned or allocated, or on October 1 of the fiscal year for which they authorized, whichever first occurs.

"(b) PERIOD OF AVAILABILITY.—

"(1) INTERSTATE CONSTRUCTION FUNDS.—Funds apportioned or allocated for Interstate Construction in a State shall remain available for obligation in that State until the close of the fiscal year in which they are apportioned or allocated; *Provided*, That all sums apportioned or allocated on or after October 1, 1994 shall remain available in the State until obligated: *And provided further*, That all sums apportioned or allocated to Massachusetts on or before October 1, 1989 shall remain available until obligated.

"(2) OTHER FUNDS.—Except as otherwise specifically provided, funds (other than Interstate Construction) apportioned or allocated pursuant to this title in a State shall remain available for obligation in that State for a period of three years after the close of the fiscal year for which the funds are authorized. Any amounts so apportioned or allocated that remain unobligated at the end of that period shall lapse.

"(c) ALASKA AND PUERTO RICO.—Funds made available to the State of Alaska and the Commonwealth of Puerto Rico under this title may be expended for construction of access and development roads that will serve resource development, recreational, residential, commercial, industrial, and other like purposes.".

SEC. 121. PROGRAM EFFICIENCIES.

(a) Section 102 of title 23 United States Code is amended to read as follows:

"SEC. 102. PROGRAM EFFICIENCIES.

"(a) DESIGN, SAFETY AND CONSTRUCTION STANDARDS.—Except as provided in section 133(c), projects undertaken pursuant to the Surface Transportation Program must be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

"(b) PAVEMENT REHABILITATION PROJECT.—Notwithstanding any other provision of this title, a State highway or transportation department may approve the design of a pavement rehabilitation project or highway resurfacing project on any project constructed pursuant to this title.

"(c) HIGHWAY MAINTENANCE STANDARDS.—Notwithstanding any other provision of this title, a State highway or transportation department may establish maintenance standards for projects constructed pursuant to this title, which shall be subject to annual approval by the Secretary. The Secretary may not withhold project approval pursuant to section 166 if a State is meeting maintenance standards approved by the Secretary under this section.

"(d) HOV PASSENGER REQUIREMENTS.—A State highway or transportation department shall establish the occupancy requirements of vehicles operating in high occupancy vehicle lanes; *Provided*, That no fewer than two occupants may be required.

"(e) ENGINEERING COST REIMBURSEMENT.—A State shall refund to the Highway Trust Fund all Federal funds for preliminary engineering for any project if the project has not yet advanced to construction or acquisition of right-of-way within 10 years.".

(b) HISTORIC AND SCENIC VALUES.—Section 109 of title 23 United States Code is amended by adding at the end the following new subsection:

"(p) Where a proposed project under section 103(e)(4), 133, or 144 involves a historic facility or where such project is located in an area of historic or scenic value, the Secretary may approve such project notwithstanding the requirements of subsections (a) and (b) and section 133(c) only if such project is designed to standards that allow for the preservation of these values; *Provided*, That such project is designed with mitigation measures to allow preservation of these values and ensure safe operation of the project.".

(c) DELEGATION OF RESPONSIBILITIES.—Section 302 of title 23 United States Code is amended by adding at the end the following new subsection:

"(c) At the request of the Governor of any State, the Secretary is authorized to interact with the highway or transportation department of a municipality of over 1 million population within the State in lieu of the state highway or transportation department for the purpose of project review for projects proposed to be undertaken within the municipality.".

(d) CONFORMING AMENDMENTS.—The analysis of chapter 1 of title 23 United States Code is amended by striking "Sec. 102. Authorizations." and inserting in lieu thereof "Sec. 102. Program efficiencies.".

SEC. 122. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.

(a) NEW REQUIREMENTS.—Section 153 of title 23, United States Code, is amended to read as follows:

"153. Use of Safety Belts and Motorcycle Helmets.

"(a) STATE LAWS.—

"(1) FISCAL YEAR 1995.—IF, AT ANY TIME IN FISCAL YEAR 1994 A STATE DOES NOT HAVE IN EFFECT—

"(A) a State law which makes it unlawful for an individual to operate a motorcycle if an individual on the motorcycle is not wearing a motorcycle helmet; and

"(B) a State law which makes it unlawful for an individual to operate a passenger vehicle if an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body;

the State shall expend for highway safety programs in accordance with subsection (b) 1.5 percent of the amount apportioned to such State for fiscal year 1995 under section 104(b)(1).

"(2) AFTER FISCAL YEAR 1995.—If, at any time in a fiscal year beginning after September 30, 1994, a State does not have in effect—

"(A) a State law which makes it unlawful for an individual to operate a motorcycle if an individual on the motorcycle is not wearing a motorcycle helmet; and

"(B) a State law which makes it unlawful for an individual to operate a passenger vehicle if an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body;

the State shall expend for highway safety programs in accordance with subsection (b) 3 percent of the amount apportioned to such State for the succeeding fiscal year under section 104(b)(1). A State which is required to expend funds for highway safety programs in this subsection shall expend such funds for purposes eligible under section 402.

"(3) FEDERAL SHARE.—The federal share of the cost of any project carried out under this subsection shall be 100 percent.

"(4) AVAILABILITY.—Notwithstanding the requirements of section 118, funds subject to the set aside under this subsection shall be available only in year for which they were apportioned, and shall thereafter lapse. For the purposes of making expenditures of such funds, a State shall use an amount of the obligation authority distributed for the Surface Transportation Program for the fiscal year in which the set aside apportionments were made equal to the amount required to be expended under this subsection.

"(b) GRANTS TO STATES.—

"(1) STATE ELIGIBILITY.—The Secretary may make grants to a State in accordance with this section if such State has in effect—

"(A) a State law which makes it unlawful for an individual to operate a motorcycle if an individual on the motorcycle is not wearing a motorcycle helmet; and

"(B) a State law which makes it unlawful for an individual to operate a passenger vehicle if an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.

"(2) USE OF GRANTS.—A grant made to a State under this section shall be used to adopt and implement a traffic safety program to carry out the following purposes:

"(A) To educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts.

"(B) To train law enforcement officers in the enforcement of State laws described in paragraph (1).

"(C) To monitor the rate of compliance with State laws described in subsection (a).

"(D) To enforce State laws described in paragraph (1).

"(3) MAINTENANCE OF EFFORT.—A grant may not be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for any traffic safety program described in subsection (b) at or above the average level of such expenditures in the State's fiscal years preceding the date of the enactment of this section.

"(4) FEDERAL SHARE.—A State may not receive a grant under this section in more than 3 fiscal years. The Federal share payable for a grant under this section shall not exceed—

"(A) in the first fiscal year such State receives a grant, 75 percent of the cost of implementing in such fiscal year a traffic safety program described in subsection (b);

"(B) in the second fiscal year such State receives a grant, 50 percent of the cost of implementing in such traffic safety program; and

"(C) in the third fiscal year such State receives a grant, 25 percent of the cost of implementing in such fiscal year such traffic safety program.

"(5) MAXIMUM AGGREGATE AMOUNT OF GRANTS.—The aggregate amount of grants made to a State under this section shall not exceed 90 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

"(6) ELIGIBILITY FOR GRANTS.—

"(A) A State is eligible in a fiscal year for a grant under this section only if the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State implements in such fiscal year a traffic safety program described in subsection (b).

"(B) A State is eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

"(i) has in effect at all times a State law described in paragraph (1)(A) and achieves a rate of compliance with such law of not less than 75 percent; and

"(ii) has in effect at all times a State law described in paragraph (1)(B) and achieves a rate of compliance with such law of not less than 50 percent.

"(C) A State is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

"(i) has in effect at all times a State law described in paragraph (1)(A) and achieves a rate of compliance with such law of not less than 85 percent; and

"(ii) has in effect at all times a State law described in paragraph (1)(B) and achieves a rate of compliance with such law of not less than 70 percent.

"(c) MEASUREMENTS OF RATES OF COMPLIANCE.—For the purposes of subsection (b)(2) and (3), a State shall measure compliance with State laws described in subsection (b)(1) using methods which conform to guidelines to be issued by the Secretary ensuring that such measurements are accurate and representative.

"(d) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) The term 'child restraint system' means a device which is designed for use in a passenger vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

"(2) The term 'motorcycle' means a motor vehicle with motive power which is designed to travel on not more than three wheels in contact with the surface.

"(3) The term 'passenger vehicle' means a motor vehicle with motive power which is designed for transporting 10 individuals or less, including the driver, except that such term shall not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

"(4) The term 'safety belt' means—

"(A) with respect to the open-body vehicles and convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.".

"(e) AUTHORITY.—All provisions of chapter 1 of this title that are applicable to Surface Transportation Program funds, other than provisions relating to the apportionment formula, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this section shall remain available until expended.".

(b) STUDY.—The Secretary shall conduct a study to collect and analyze data from trauma centers regarding differences in injuries, medical costs, payor mix, and unreimbursed costs of restrained and unrestrained, helmeted and non-helmeted victims of motor vehicle and motorcycle crashes. Of the amounts authorized to be appropriated for fiscal year 1992 to carry out the requirements of this section, not less than $5,000,000 shall be available to carry out this subsection. Public education and information activities in support of State and community motorcycle safety and safety belt programs shall be eligible for funds authorized to be appropriated for this study. Approval by the Secretary of Transportation of the payment of such sums shall establish a contractual obligation of the United States to pay such sums.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue regulations to carry out section 153 of title 23, United States Code.

(d) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23 United States Code is amended by striking "SEC. 153. [Repealed.] and inserting in lieu thereof "SEC. 153. Use of Safety Belts and Motorcycle Helmets.".

SEC. 123. DEFINITIONS.

(a) NEW DEFINITIONS.—Section 101(a) of title 23 United States Code is amended adding definitions for "carpool project", "hazard elimination", "magnetic levitation system", "metropolitan area", "open to public travel", "operational improvement", "public authority", "public lands highway", "railway-highway crossing", "reconstruction", and "transportation enhancement activities" as follows:

"The term 'carpool project' means any project to encourage the use of carpools and vanpools, including but not limited to provision of carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

"The term 'hazard elimination' means the correction or elimination of hazardous locations, sections or elements, including roadside obstacles and unmarked or poorly marked roads which may constitute a danger to motorists or pedestrians.

"The term 'magnetic levitation system' means any facility (including vehicles) using magnetic levitation for transportation of passengers or freight that is capable of operating at high speeds, and capable of operating along interstate highway rights of way.".

"The term 'metropolitan area' means an area so designated by a metropolitan planning organization pursuant to section 134.".

"The term 'open to public travel' means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulations other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates."

"The term 'operational improvement' means a capital improvement other than (1) a reconstruction project; (2) additional lanes except high occupancy vehicle lanes; (3) interchange and grade separations; or (4) the construction of a new facility on a new location. The term includes the installation of traffic surveillance and control equipment; computerized signal systems; motorist information systems, integrated traffic control systems; incident management programs; transportation demand management facilities, strategies, and programs; high occupancy vehicle preferential treatments including the construction of high occupancy vehicle lanes; and spot geometric and traffic control modifications to alleviate specific bottlenecks and hazards."

"The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate or maintain toll or toll-free facilities.

"The term 'public lands highway' means any highway through national forest lands, unappropriated or unreserved federal lands, nontaxable Indian lands, or other Federal reservations, which is under the jurisdiction of, and maintained by, a public authority and open to public travel.

"The term 'railway-highway crossing project' means any project for the elimination of hazards of railway-highway crossings, including the protection or separation of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings.

"The term 'reconstruction' means the addition of travel lanes and the construction and reconstruction of interchanges and overcrossings, including acquisition of right-of-way where necessary.

"The term 'transportation enhancement activities' means, with respect to any project or the area to be served by the project, highway safety improvement projects, railway-highway crossing projects, provision of facilities for pedestrians and bicycles, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures or facilities including historic railroad facilities and canals, preservation of abandoned railway corridors including the conversion and use thereof for pedestrian or bicycle trails, control and removal of outdoor advertising, archaeological planning and research, and mitigation of water pollution due to highway runoff.

(b) CONFORMING AMENDMENTS.—

(1) The definition for "highway" is amended by inserting "scenic easements" after "and also includes".

(2) The definitions for "Federal-aid highways", "Federal-aid system", "Federal-aid primary system", "Federal-aid secondary system", "Federal-aid urban system", "forest highway", "project", and "urban area" are repealed.

(3) The definition for "Indian reservation roads" is amended by striking ", including roads on the Federal-aid systems,".

SEC. 124. FUNCTIONAL RECLASSIFICATION.

A functional reclassification, which shall be updated periodically, should be undertaken by each State (as that term is defined in section 101 of title 23, United States Code), the United States Virgin Islands, American Samoa, Guam and the Commonwealth of the Northern Mariana Islands, by September 30, 1992, and shall be completed by September 30, 1993 in accordance with guidelines that will be issued by the Secretary. The functional reclassification shall classify all public roads (as that term is defined in section 101 of title 23, United States Code).

SEC. 125. REPEAL OF CERTAIN SECTIONS OF TITLE 23 UNITED STATES CODE

(a) The following portions of title 23 United States Code are hereby repealed:

(1) Section 105, relating to programs;

(2) Section 117, relating to certification acceptance;

(3) Section 122, relating to bond retirement;

(4) Section 124, relating to advances to States;

(5) Section 126, relating to diversion of funds;

(6) Section 130, relating to railway-highway crossings;

(7) Section 137, relating to parking facilities;

(8) Section 146, relating to carpools;

(9) Section 147, relating to priority primary projects;

(10) Section 148, relating to a national recreational highway;

(11) Section 150, relating to urban system funds;

(12) Section 152, relating to hazard elimination;

(13) Section 155, relating to lake access highways;

(14) Section 201, relating to authorizations;

(15) Section 210, relating to defense access roads;

(16) Section 212, relating to the Inter-American Highway;

(17) Section 216, relating to the Darien Gap Highway;

(18) Section 218, relating to Alaska Highway;

(19) Section 309, relating to foreign countries;

(20) Section 310, relating to civil defense;

(21) Section 311, relating to strategic highway improvements;

(22) Section 312, relating to military officers;

(23) Section 318, relating to highway relocation; and

(24) Section 320, relating to bridges on Federal dams;

SEC. 126. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 23, UNITED STATES CODE.—Title 23, United States Code is amended as follows:

(1) Section 103 is amended as follows:

(A) Subsections (a), (b), (c), (d), and (g) are repealed.

(B) Paragraph (e)(1) is amended by striking "All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section".

(C) Paragraph (e)(4)(B) is amended by striking the last two sentences and inserting instead "Each highway project constructed under this paragraph shall be subject to the provisions of this title applicable to highway projects constructed under the Surface Transportation Program."

(D) Paragraph (e)(4)(H)(i) is amended by striking "and 1991" the three places it appears and inserting instead "1991, 1992, 1993, 1994 and 1995".

(E) Subsection (f) is amended to read as follows: "(f) The Secretary shall have authority to approve in whole or in part the Interstate System, or to require modifications or revisions thereof."

(2) Section 104 is amended as follows:

(A) Subsection (a) is amended by striking "the Federal-aid systems" and inserting in lieu thereof "a program authorized by this chapter".

(B) Subsection (b)(6) is repealed.

(C) Subsections (c) and (d) are repealed.

(3) Section 105 is amended as follows:

(A) Subsection (a) is amended by (i) striking "for the Federal-aid systems" and (ii) by striking ", but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system".

(B) Subsections (b), (c) and (d) are repealed.

(C) Subsection (f) is amended by striking "on the Federal-aid systems".

(4) Section 106 is amended as follows:

(A) Subsection (a) is amended by striking "117" and inserting instead "133".

(B) Subsection (b) is repealed.

(C) Subsection (d) is amended by striking "on any Federal-aid System".

(5) Section 108 is amended as follows:

(A) Subsection (a) is amended by striking "on any of the Federal-aid highway systems, including the Interstate System," in two places.

(B) Paragraph (c)(2) is amended by striking "on any Federal-aid system".

(C) Paragraph (c)(3) is amended by striking "on any Federal-aid system of which such project is to be a part".

(6) Section 109 is amended as follows:

(A) Subsection (a) is amended by striking "on any Federal-aid system".

(B) Subsection (c) is repealed.

(C) Subsection (i) is amended by striking "on any Federal-aid system" in two places; and by striking "the Federal-aid system on which such project will be located".

(D) Paragraph (*l*)(1) is amended by striking "on any Federal-aid system".

(7) Section 112 is amended by striking subsection (f).

(8) Section 113 is amended—

(A) by striking "on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System,";

(B) by striking "upon the Federal-aid systems,"; and

(C) by striking "on any of the Federal-aid systems".

(9) Section 114 is amended as follows:

(A) Subsection (a) is amended by (1) striking "located on a Federal-aid system" and inserting instead "constructed under this chapter" and (2) striking "117" and inserting "133".

(B) Paragraph (b)(3) is amended by striking "located on a Federal-aid system" and inserting instead "under this chapter".

(10) Section 115 is amended as follows:

(A) The title of subsection (a) is amended by striking "Urban, Secondary," and inserting instead "Surface Transportation Program".

(B) Subparagraph (a)(1)(A)(i) is amended by striking "section 104(b)(2), section 104(b)(6)" and inserting instead "section 104(b)(1)".

(C) The title of subsection (b) is amended by striking "And Primary".

(D) Paragraph (b)(1) is amended (i) by striking "the Federal-aid primary system or"; (ii) by striking "104(b)(1) or"; and (iii) by striking ", as the case may be,".

(11) Section 116 is amended as follows:

(A) Subsection (a) is amended by striking "The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system."

(B) Subsection (b) is amended by striking "on the Federal-aid secondary system, or within a municipality," and inserting instead "within a county or municipality".

(12) Section 120 is amended as follows:

(A) Subsection (c) is amended by striking the last sentence.

(B) Subsection (f) is amended by striking "project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable on a project on such system as provided in subsections (a) and (c) of this section" and inserting instead "project on the Interstate System shall not exceed the Federal share payable on a project on that system as provided in subsection (c) of this section and any project off the Interstate System shall not exceed the Federal share payable as provided in subsection (a) of this section".

(C) Subsection (k) is amended by striking "for any Federal-aid system" and inserting instead "under section 104"; by striking ", and 155 of this title and for those priority primary routes under section 147"; and by striking "and for funds allocated under the provisions of section 155".

(D) Subsection (m) is repealed.

(13) Subsection 121(c) is amended by inserting "For projects obligated under section 106" in two places before the word "No"; and by striking "located on a Federal-aid system".

(14) Section 123 is amended by striking "on any Federal-aid system".

(15) Section 125 is amended as follows:

(A) Subsection (a) is amended (i) by striking "highways on the Federal-aid highway systems, including the Interstate System" and inserting instead "public roads except roads functionally classified as local or rural minor collector" and (ii) by striking "authorized on the Federal-aid highway systems, including the Interstate System" and inserting instead "authorized on public roads except roads functionally classified as local or as rural minor collector".

(B) Subsection (c) is amended by striking ", whether or not such highways, roads, or trails are on any of the Federal-aid highway systems".

(16) Section 139 is amended as follows:

(A) Subsection (a) is amended (i) by striking "on the Federal-aid primary system"; (ii) by striking "sections 104(b)(1) and" and inserting instead "section"; and (iii) by striking "rehabilitating and reconstructing" and inserting instead "and rehabilitating".

(B) Subsection (b) is amended (i) by striking "on the Federal-aid primary system"; (ii) by striking "sections 104(b)(1) and" and inserting instead "section"; (iii) by striking "rehabilitating and reconstructing" and inserting instead "and rehabilitating"; and (iv) by striking "section" in the last sentence and inserting instead "subsection".

(C) Subsection (c) is amended (i) by striking "on the Federal-aid primary system"; (ii) by striking "sections 104(b)(1) and" and inserting instead "section"; and (iii) by striking "restoration, and reconstruction" and inserting instead "and restoration".

(17) Section 140 is amended as follows:

(A) Subsection (a) is amended by striking "on any of the Federal-aid systems,".

(B) Subsection (c) is amended by striking "104(a)" and inserting instead "104(b)".

(18) Section 141(b) is amended striking "on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system" and inserting instead "on public roads except roads functionally classified as local or rural minor collector".

(19) Section 157 is amended as follows:

(A) Subsection (b) is amended (i) by striking "primary, secondary, Interstate, urban" and inserting instead "Interstate, Surface Transportation Program" and (ii) by striking the period at the end of the last sentence and inserting instead "and section 105(c) of the Federal-Aid Highway Act of 1991.".

(B) Subsection (d) is amended by striking "154(f) or".

(20) Paragraph (a)(2) of section 158 is amended by striking "104(b)(2), 104(b)(5), and 104(b)(6)" and inserting instead "and 104(b)(5)".

(21) Section 215 is amended as follows:

(A) Clause (2) of subsection (c) is amended by inserting at the beginning "except as provided in section 129".

(B) Subsection (e) is repealed.

(C) Subsection (f) is amended by (1) striking "federal-aid primary highway" and inserting instead "Surface Transportation Program" and by (2) striking "and provisions limiting the expenditure of such funds to the Federal-aid systems".

(22) Section 217 is amended as follows:

(A) Subsection (a) is amended by striking ", (2) and (6)".

(B) Subsection (b) is amended by striking ", (2) and (6)".

(23) Section 302(b) is amended by striking ", for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof".

(24) Section 304 is amended by striking "the Federal-aid highway systems, including the Interstate System" and inserting instead "Federal-aid highways".

(25) Section 315 is amended by striking "sections 204(d), 205(a), 206(b), 207(b), and 208(c)" and inserting instead "section 205(a)".

(26) Section 317(d) is amended by striking "on a Federal-aid system" and inserting instead "with Federal aid".

(27) Subsection (d) of section 402 is amended (A) by striking "Federal-aid primary highway" and inserting instead "Surface Transportation Program" and (B) by striking "and provisions limiting the expenditure of such funds to the Federal-aid system".

(28) Subsection (g) of section 408 is amended (A) by striking "Federal-aid primary highway" and inserting instead "Surface Transportation Program" and (B) by striking "and provisions limiting the expenditure of such funds to Federal-aid systems".

(b) AMENDMENTS TO THE HIGHWAY SAFETY ACT OF 1978.—Subsection (i) of section 209 of the Highway Safety Act of 1978 is amended by (1) striking Federal-aid primary highway" and inserting instead "Surface Transportation Program" and by (2) striking "and provisions limiting the expenditure of such funds to the Federal-aid systems".

(c) AMENDMENTS TO THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—(1) Section 411 of the Surface Transportation Assistance Act of 1982 is amended as follows:

(A) Subsection (a) is amended by striking "Federal-aid Primary System highways" and inserting instead "highways which were designated as Federal-aid primary system highways before the enactment of the Federal-aid Highway Act of 1991".

(B) Subsection (c) is amended by striking "Federal-aid Primary System highways" and inserting instead "highways which were designated as Federal-aid Primary System highways before the enactment of the Federal-aid Highway Act of 1991".

(C) Subsection (e) is amended by striking "Federal-aid Primary System highways" and "Primary System highways" and inserting instead in two places "highways which were designated as Federal-aid Primary System highways before the enactment of the Federal-aid Highway Act of 1991".

(2) Section 412(a) of the Surface Transportation Assistance Act of 1982 is amended by striking "Federal-aid Primary System highways" and inserting instead "highways which were designated as Federal-aid Primary System highways before the enactment of the Federal-aid Highway Act of 1991".

(3) Section 416 of the Surface Transportation Assistance Act of 1982 is amended as follows:

(A) Subsection (a) is amended by striking Federal-aid highway" in two places and inserting instead "highway which was on a Federal-aid system on the date of the enactment of the Federal-aid Highway Act of 1991"; and by striking "Federal-aid Primary System highway" and inserting instead "highway which was on the Federal-aid Primary System on the date of enactment of the Federal-aid Highway Act of 1991".

(B) Subsection (d) is amended by striking "Federal-aid highway" and inserting instead "highway which was on a Federal-aid system on the date of the enactment of the Federal-aid Highway Act of 1991".

(d) AMENDMENTS TO TITLE 42 UNITED STATES CODE.—Section 5122(8)(B) of title 42, United States Code, is amended by striking "any non-Federal-aid street, road or highway" and inserting instead "any street, road or highway not eligible for emergency relief under title 23, United States Code."

(e) OPERATION LIFESAVER.—Whenever apportionments are made under section 104(a) of title 23 United States Code, the Secretary shall deduct such sums as he deems necessary, not to be less than $250,000 per fiscal year, for carrying out Operation Lifesaver.

SEC. 127. RECODIFICATION.

The Secretary shall, by October 1, 1993, prepare a recodification of title 23, United States Code, related Acts and statutes and submit the recodification to the Congress for consideration.

TITLE II—NATIONAL RECREATIONAL TRAILS TRUST FUND ACT

SEC. 201. SHORT TITLE.

This title may be cited as the National Recreational Trails Fund Act of 1991.

SEC. 202. CREATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Recreational Trails Trust Fund', consisting of such amounts as may be appropriated, credited, or paid to it as provided in this section, section 9503(c)(6), or section 9602(b).

"(a) EXPENDITURES FROM TRUST FUND.—Amounts in the National Recreational Trails Trust Fund shall be available for making expenditures to carry out the purposes of the National Recreational Trails Fund Act of 1991."

(b) DEPOSIT OF UNREFUNDED HIGHWAY TRUST FUND MONEYS.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

(1) by adding at the end thereof the following new paragraph:

"(6) TRANSFERS FROM THE TRUST FUND FOR NONHIGHWAY RECREATIONAL FUEL TAXES.—

"(A) TRANSFER TO NATIONAL RECREATIONAL TRAILS TRUST FUND.—The Secretary shall annually pay from the Highway Trust Fund into the National Recreational Trails Trust Fund amounts (as determined by the Secretary) equivalent to 0.3% of total Highway Trust Fund receipts, as adjusted by the Secretary pursuant to subparagraph (B).

"(B) ADJUSTMENT OF PERCENTAGE.—

"(i) FIRST YEAR.—Within one year after the date of enactment of this Act, the Secretary shall, based on studies of nonhighway recreational fuel usage in the various States, adjust the percentage of receipts paid into the National Recreational Trails Trust Fund to correspond to the revenue received from nonhighway recreational fuel taxes.

"(ii) SUBSEQUENT YEARS.—Not more frequently than once every 3 years, the Secretary may increase or decrease the percentage established under clause (i) to reflect, in the Secretary's estimation, changes in the amount of revenues received from nonhighway recreational fuel taxes.

"(iii) AMOUNT OF ADJUSTMENT.—The amount of an adjustment in the percentage stated in clause (ii) shall be not more than 10 percent of that percentage in effect at the time the adjustment is made.

"(iv) USE OF DATA.—The Secretary shall make use of data on off-highway recreational vehicle registrations and use in making adjustments under clauses (i) and (ii).

"(C) DEFINITIONS.—For the purposes of this paragraph—

"(i) NONHIGHWAY RECREATIONAL FUEL TAXES.—The term 'nonhighway recreational fuel taxes' means the taxes under sections 4041, 4081, and 4091 (to the extent attributable to the Highway Trust Fund financing rate) with respect to fuel used as nonhighway recreational fuel.

"(ii) NONHIGHWAY RECREATIONAL FUEL.—The term 'nonhighway recreational fuel' means—

"(I) fuel used in vehicles and equipment on recreational trails or back country terrain, including use in vehicles registered for highway use when used on recreational trails or back country terrain; and

"(II) fuel used in campstoves and other outdoor recreational equipment."; and

(2) by striking paragraph (2)(C) and inserting the following:

"(C) EXCEPTION FOR USE IN AIRCRAFT AND MOTORBOATS, AND AS NONHIGHWAY RECREATIONAL FUEL.—This paragraph shall not apply to amounts estimated by the Secretary as attributable to—

"(i) use of gasoline and special fuels in motorboats or in aircraft, and

"(ii) use of gasoline as nonhighway recreational fuel as defined in paragraph (6)(C)(ii).".

(c) CONFORMING AMENDMENT.—Section 6421(e)(2) of the Internal Revenue Code of 1986 (defining off-highway business use) is amended by adding at the end thereof the following new subparagraph:

"(C) EXCEPTION FOR USE AS NONHIGHWAY RECREATIONAL FUEL.—The term 'off-highway business use' does not include any use as nonhighway recreational fuel as defined in section 9503(c)(6)(C)(ii).".

(d) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 9511. National Recreational Trails Trust Fund.".

SEC. 203. NATIONAL RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—The Secretary, using amounts available in the Fund, shall administer a program allocating moneys to the States for the purposes of providing for and maintaining recreational trails.

(b) STATE ELIGIBILITY.—

(1) TRANSITIONAL PROVISION.—Until the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive moneys under this Act only if such State's application proposes to use the moneys as provided in subsection (d).

(2) PERMANENT PROVISION.—On and after the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive moneys under this Act only if—

(A) the State has established a State Recreational Trails Advisory Board on which both motorized and nonmotorized recreational trail users are represented;

(B) in the case of a State that imposes a tax on nonhighway recreational fuel, the State by law reserves a reasonable estimation of the revenues from that tax for use in providing for and maintaining recreational trails; and

(C) the Governor of the State has designated the State official who will be responsible for administering moneys received under this Act; and

(D) the State's application proposes to use moneys received under this Act as provided in subsection (d).

(c) ALLOCATION OF MONEYS IN THE FUND.—

(1) ADMINISTRATIVE COSTS.—No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

(A) approving applications of States for moneys under this Act;

(B) paying expenses of the National Recreational Trails Advisory Committee; and

(C) conducting national surveys of nonhighway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this Act.

(2) ALLOCATION TO STATES.—

(A) AMOUNT.—Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

(i) EQUAL AMOUNTS.—50 percent of such amounts shall be allocated equally among eligible States.

(ii) AMOUNTS PROPORTIONATE TO NONHIGHWAY RECREATIONAL FUEL USE.—50 percent of such amounts shall be allocated among eligible States in proportion to the amount of nonhighway recreational fuel use during the preceding year in each such State, respectively.

(B) USE OF DATA.—In determining amounts of nonhighway recreational fuel use for the purpose of subparagraph (A)(ii), the Secretary may consider data on off-highway vehicle registrations in each State.

(d) USE OF ALLOCATED MONEYS.—

(1) PERMISSIBLE USES.—A State may use moneys received under this Act for—where such construction is approved by the administering agency of the State, a majority of the State's Recreational Trail Advisory Board, and the federal agency or agencies charged with management of all impacted lands, such approval to be contingent upon compliance by the federal agency with all other applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, (16 U.S.C. 1600, et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701, et seq.).

(2) USE NOT PERMITTED.—A State may not use moneys received under this Act for—

(A) condemnation of any kind of interest in property, or

(B) construction of any recreational trail for motorized use on or through lands which have been recommended by any agency of the federal government for inclusion in the National Wilderness Preservation System.

(3) GRANTS.—

(A) IN GENERAL.—A State may provide moneys received under this Act as grants to private individuals, organizations, city and county governments, and other government entities as approved by the State's Recreational Trail Advisory Board, for uses consistent with this section.

(B) COMPLIANCE.—A State that issues such grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

(4) BALANCE OF MOTORIZED AND NONMOTORIZED BENEFITS.—Not less than 30 percent of the moneys received annually by a State under this Act shall be expended for benefits directed to motorized recreation, and not less than 30 percent of those moneys shall be expended for benefits directed to nonmotorized recreation.

(5) DIVERSIFIED TRAIL USE.—

(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend not less than 40 percent of moneys received under this Act in a manner that gives preference to project proposals which—

(i) provide for the greatest number of recreational purposes including, but not limited to, those described under the definition of "recreational trail" in subsection (f)(5); and

(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

(B) COMPLIANCE.—The determination as to whether a project or grant meets the requirements of subparagraph (A) shall be made by the State Recreational Trail Advisory Board.

(6) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than one percent of all such fuel use in the United States, shall be exempted from the requirements of paragraphs (4) and (5)(A)(ii) of this subsection upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

(7) RETURN OF MONEYS NOT EXPENDED.—Moneys paid to a State that are not expended or dedicated to a specific project within 2 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (c).

(e) COORDINATION OF ACTIVITIES.—

(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this Act is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (d). Nothing in this Act diminishes or in any way alters the land management responsibilities, plans and policies established by such agencies pursuant to other applicable laws.

(2) COOPERATION BY PRIVATE PERSONS.—

(A) WRITTEN ASSURANCES.—As a condition to making available moneys for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

(B) PUBLIC ACCESS.—Any use of a State's allocated moneys on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those moneys.

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE STATE.—The term "eligible State" means a State that meets the requirements stated in subsection (b).

(2) FUND.—The term "Fund" means the National Recreational Trails Fund established by section 9511 of the Internal Revenue Code of 1986.

(3) NONHIGHWAY RECREATIONAL FUEL.—The term "nonhighway recreational fuel" has the meaning stated in section 9503(c)(6)(C)(ii) of the Internal Revenue Code of 1986.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) RECREATIONAL TRAIL.—The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and vehicular travel by motorcycle, four-wheel drive on all-terrain off-road vehicles, without regard to whether it is a "National Recreation Trail" designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

SEC. 204. NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the National Recreational Trails Advisory Committee.

(b) MEMBERS.—There shall be 10 members of the advisory committee, consisting of—

(1) 8 members appointed by the Secretary from nominations submitted by recreational trail users organizations, one each representing the following recreational trail uses:

(A) Hiking,
(B) Cross country, skiing,
(C) Off-highway motorcycling,
(D) Snowmobiling,
(E) Horseback riding,
(F) All terrain vehicles riding,
(G) Bicycling,
(H) Four-wheel driving;

(2) an appropriate government official, including any official of State of local government, designated by the Secretary; and

(3) 1 member appointed by the Secretary from nominations submitted by water trail user organizations.

(c) CHAIR.—The Chair of the advisory committee shall be the government official referenced in subsection (b)(2), who shall serve as a non-voting member.

(d) SUPPORT FOR COMMITTEE ACTION.—Any action, recommendation, or policy of the advisory committee must be supported by at least 5 of the members appointed under subsection (b)(1).

(d) TERMS.—Members of the advisory committee appointed by the Secretary shall be appointed for terms of 3 years, except that the members filling five of the ten positions shall be initially appointed for terms of 2 years, with subsequent appointments to those positions extending for terms of 3 years.

(e) DUTIES.—The advisory committee shall meet at least twice annually to—

(1) review utilization of allocated moneys by States;

(2) establish and review criteria for trailside and trail-head facilities that qualify for funding under this Act; and

(3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this Act.

(f) ANNUAL REPORT.—The advisory committee shall present to the Secretary an annual report on its activities.

(g) REIMBURSEMENT FOR EXPENSES.—Nongovernmental members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 203(c)(1)(B), shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(h) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives, a study which summarizes the annual reports of the National Recreational Trails Advisory Committee, describes the allocation and utilization of moneys under this Act, and contains recommendations for changes in federal policy to advance the purposes of this Act.

THE SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991—SECTION BY SECTION SUMMARY

Sec. 1. Short Title.—The bill is entitled "The Surface Transportation Efficiency Act of 1991."

Sec. 2. Table of Contents.

Sec. 3. Secretary Defined.—Any reference in the bill to "the Secretary" means the Secretary of Transportation.

TITLE I—THE FEDERAL-AID HIGHWAY ACT OF 1991

Sec. 101. Short Title.—Title I is named "The Federal-Aid Highway Act of 1991."

Sec. 102. Declaration of Policy.—It is declared that the National System of Interstate and Defense Highways is complete, and that the purpose of Federal highway assistance shall now be to improve the efficiency of the transportation system.

It is further declared that this is best done by giving greater flexibility to the States to make transportation decisions.

Sec. 103. Authorization of Appropriations.—Surface Transportation Program: $44.8 billion is authorized for the Surface Transportation Program created by Section 106, as follows: $7.3 billion for fiscal year 1992, $7.7 billion for fiscal year 1993, $8.3 billion for fiscal year 1994, $9.2 billion for fiscal year 1995, $12.3 billion for fiscal year 1996.

Congestion Mitigation and Air Quality Improvement Program: $5 billion is authorized for the Congestion Mitigation and Air Quality Improvement Program created by Section 107, at $1 billion per year.

Bridge Program: $13.3 billion is authorized for the Bridge Program, as follows: $2.4 billion for fiscal year 1992, $2.5 billion for fiscal year 1993, $2.6 billion for fiscal year 1994, $2.8 billion for fiscal year 1995, $3.0 billion for fiscal year 1996.

Interstate Maintenance Program: $14.2 billion is authorized for the Interstate Maintenance Program, as follows: $2.5 billion for fiscal year 1992, $2.6 billion for fiscal year 1993, $2.8 billion for fiscal year 1994, $3.0 billion for fiscal year 1995, $3.3 billion for fiscal year 1996.

Interstate Construction Program. $7.2 billion is authorized to complete construction of all remaining Interstate System projects. (This is $1.8 billion per year for fiscal years 1992–1996.) The existing FY 1993 authorization of $1.4 billion is repealed. These amounts are taken from the administration bill. (This program is apportioned to the States one year ahead of the authorization. This means the program will actually end in FY 1995.)

Interstate Substitution Program. A total of $960 million ($240 million per year for fiscal years 1992–1995) is authorized to fund all outstanding commitments under the highway portion of the Interstate Substitution program.

Federal Lands Highways Program. This program has 3 parts. $200 million per year is authorized for public lands highways, $100 million per year for parks and parkways, and $150 per year for Indian roads.

Territorial Highway Program. $15 million per year is authorized for Territorial highways.

National Magnetic Levitation Design Program. $750 million over 5 years is authorized for this program created by section 115 of this bill, as follows: $50 million for fiscal year 1992, $75 million for fiscal year 1993, $125 million for fiscal year 1994, $250 million for fiscal year 1995, $250 million for fiscal year 1996.

Federal Highway Administration Research Programs. $120 million per year is authorized for the Federal Highway Administration to conduct research. This amount is to be made available from within funds deducted each year for program administration.

University Transportation Centers Research Program. $5 million per year is authorized for the highway component of this program. In the past, one-half of this program has been funded from the highway account and one-half from the mass transit account.

Highway Use Tax Evasion Projects. $2 million per year is authorized to fund federal or state highway use tax enforcement programs.

Use of Safety Belts and Helmets. $100 million is authorized over 3 years to fund the grant program created in section 122.

Sec. 104. Obligation Ceiling.—Obligation ceilings for FY 1992–1996 would be as follows: $15.5 billion for fiscal year 1992, $16.8 billion for fiscal year 1993, $16.6 billion for fiscal year 1994, $18.4 billion for fiscal year 1995, $20.2 billion for fiscal year 1996.

These ceilings apply to all programs except for emergency relief and minimum allocation, and would lead to outlays in fiscal years 1992–1996 equal to CBO baseline outlays.

Sec. 105. Unobligated Balances.—Unobligated contract authority created in past years for the Primary, Secondary, Urban, Hazard Elimination and Railway-Highway Crossings programs will be available for obligation under the Surface Transportation program.

Sec. 106. Surface Transportation Program.—A new Surface Transportation funding program is created to fund transportation projects of all kinds. Fifty percent of the funds authorized for the next 5 years would go to this program.

States and metropolitan planning organizations (described below in section 113) would choose whether to spend federal funds on highways, transit, passenger and commuter rail, high speed rail, magnetic levitation systems, HOV lanes, bus systems, carpool programs, or other eligible projects.

The federal/State cost share for these funds would be 80/20 for projects to maintain existing facilities or use them more efficiently, and 75/25 for projects to build new facilities that could be used by single occupant vehicles.

Each State is required to spend 8 percent of the funds received under this program on "transportation enhancement activities." This includes highway safety programs, scenic and historic preservation, control of billboards, and environmental mitigation.

Funds would be given out under this program so that each State would receive a share of *total* federal funds given out each year (other than funds to complete the Interstate Construction and Substitute programs, and funds given out under the Congestion Mitigation and Air Quality Improvement Program) equal to the percent of federal funds from 1987 to 1991 (other than those for the Interstate Construction and Substitute Programs.)

Sec. 107. Congestion Mitigation and Air Quality Improvement Program.

Apportionment. Funds will be apportioned to states based on their non-attainment area population, adjusted for the severity of the non-attainment problem. Each area's population will be multiplied by a severity factor. The adjustments are: a factor of 1.0 for marginal areas; a factor of 1.1 for moderate areas; a factor of 1.2 for serious areas; a factor of 1.3 for severe areas; a factor of 1.4 for extreme areas.

The population of carbon monoxide non-attainment areas would be subject to an additional factor of 1.2.

The federal-state match will be 80/20.

Eligible Projects. Funds can be spent on projects that will contribute to attainment of air quality standards. This will be determined by EPA guidance to be issued under the Clean Air Act, a state implementation plan under the Clean Air Act, or review of proposed projects by DOT and EPA.

Sec. 108. Bridge Program.—The bridge program is continued as before with the following changes:

Consistent with the Surface Transportation Program, the federal-state match to repair or replace existing bridges without increasing capacity is 80/20. The match for construction of new capacity on existing bridges or construction of new bridges is 75/25.

Bridge painting is made an eligible use of federal funds.

The discretionary bridge program is repealed.

DOT is directed to issue "level of service" criteria for determining apportionment of bridge program funds.

Sec. 109. Interstate Maintenance Program.—The Interstate 4R program is renamed "Interstate Maintenance" and continued as before with the following changes:

Interstate Maintenance funds can no longer be used to widen existing interstate highways.

States could transfer up to 20 percent Interstate Maintenance money to the Surface Transportation Program. Larger amounts could be transferred if the State can demonstrate to DOT that they are adequately maintaining their Interstate highways.

The federal-state match would change from 90/10 to 80/20.

Segments added to the Interstate System before January 1, 1984 would be counted towards a state apportionment of Interstate Maintenance funds.

Sec. 110. Interstate Construction Program.—Apportionments will be made to the states to finish outstanding Interstate System projects, except that specific amounts are enacted for Massachusetts. This special provision will allow other states to receive their funds for FY 1992 and FY 1993 on October 1 rather than August 1 of these years due to anticipated lapses by Massachusetts.

Sec. 111. Federal Lands Highways Program.—The current federal lands program is simplified by combining the Public Lands Highways and Forest Highways accounts. Funds are apportioned based on the existing formula for the Forest Highways program.

Sec. 112. Toll Facilities.—The current national policy against tolls on roads built or maintained with federal funds is repealed. Federal funds could be used to build new toll roads at a 35/65 federal/non-federal cost share. Federal funds could be used to convert existing non-tolled facilities to toll facilities at an 80/20 cost share.

New tolls would continue to be prohibited on the Interstate system.

A pilot program to introduce and test congestion pricing programs in up to 5 cities would be set up by DOT. Cities that volunteered to introduce congestion pricing would receive federal funds to plan their programs and install necessary equipment.

Sec. 113. Metropolitan Planning.—Current requirements for transportation planning in metropolitan areas would be strengthened. New requirements include:

Projects in any metropolitan area that involve federal funds would be controlled by a metropolitan planning organization (MPO), which would include representatives of local communities and the State.

Plans developed by an MPO would take into account the requirements of the Clean Air Act, local land use or energy plans, and other factors.

The MPO would decide how to split federal funds between highway and transit projects.

Each MPO would have to receive an annual certification from DOT that it was carrying out its responsibilities and treating the different portions of the metropolitan area fairly.

The current federal set-aside for metropolitan planning of 0.5 percent of federal highway funds is increased to 1 percent.

Sec. 114. Statewide Planning.—Each state is required to have management systems for bridges, pavement, safety and congestion, and a monitoring system for congestion. All states must have a planning process that takes into account land use, energy requirements, transportation needs, and other factors.

States that contain areas that are in nonattainment under the Clean Air Act will be required to produce an annual state transportation plan. This plan will incorporate any plan produced for a metropolitan area under section 113 without amendment.

State planning would continue to be funded by the current 1.5 percent set aside States must make for planning and research.

Sec. 115. Research and Data Collection.—The Federal Highway Administration is directed to conduct research on Interactive Vehicle Highway Systems (IVHS) and other new technologies, develop indicators for the performance of the surface transportation system with respect to productivity, efficiency, energy use, air quality and other factors. DOT would create a Dwight D. Eisenhower transportation research followship program.

The federal-state match for state research activities would change from 85/15 to 80/20. States would be allowed to program research funds without the approval of DOT.

A Bureau of Transportation Statistics is created inside DOT to collect, analyze and disseminate information about the condition and performance of the entire transportation system. This Bureau is headed by a Director who is appointed by the President. The Bureau must produce annual reports.

Sec. 116. National Magnetic Levitation Design Program.—A federal program run by DOT and the Corps of Engineers will solicit bids from the private sector to design and construct a prototype magnetic levitation system.

Phase one grants would be given to up to 6 applicants to develop system concepts at a 90/10 cost share. Phase two grants would be given to up to 3 participants to develop detailed plans at an 80/20 cost share. A contract for construction of a prototype system of approximately 30 miles in length would be awarded at a 75/25 cost share.

The prototype would be constructed within 5 years, and would be converted to revenue producing commercial service after testing is complete. The location of the prototype would be chosen based on bids submitted for various potential corridors.

Sec. 117. Access to Rights of Way.—States would be allowed to make rights-of-way available with or without charge for mass transit, high speed rail or magnetic levitation systems.

Sec. 118. Report on Reimbursement for Segments Constructed Without Federal Assistance.—The Secretary of Transportation must produce a report by October 1, 1993 that describes what the federal government may potentially owe States that allowed existing roads built at State expense to be incorporated into the Interstate system. This updates a report completed in 1958 to current dollars.

Sec. 119. Disadvantaged Business Enterprises.—Current law is continued, except that the dollar amount used to define a small business is adjusted for inflation, from $14 million to $15.4 million. Provision is taken from the administration bill.

Sec. 120. Availability of Funds.—Funds are available in the year in which they are apportioned or allocated and in the next 3 years.

Sec. 121. Program Efficiencies.—This section makes several procedural changes to the highway program:

States may design, construct, and maintain many projects without federal engineering review;

States may set their own occupancy requirements for HOV lanes.

States may have up to ten years before they must reimburse DOT for engineering costs on projects that have yet to be built.

Projects that affect historic and scenic values may be designed to protect these values.

A State may authorize the transportation department of any city if over 1 million people to deal directly with the Federal Highway Administration.

Sec. 122. Use of Safety Belts and Motorcycle Helmets.—States that do not adopt laws requiring the use of safety belts and motorcycle helmets would be required to set aside a portion of funds received under the Surface Transportation Program for safety programs. This fraction is 1.5 percent for noncompliance in 1994 and 3 percent thereafter.

States will receive grants for safety education, training, monitoring and enforcement if they adopt safety belt and helmet laws.

Sec. 123. Definitions.—New definitions are created for the terms carpool project, hazard elimination, magnetic levitation system, metropolitan area, open to public travel, operational improvement, public authority, public lands highway, railway-highway crossing, reconstruction, and transportation enhancement activities.

Existing definitions for highway and Indian reservation roads are conformed to the new program.

Existing definitions for federal-aid highways, federal-aid system, federal-aid primary system, federal-aid secondary system, federal-aid urban system, forest highway, project, and urban area are repealed.

Sec. 124. Functional Reclassification.—The Secretary of Transportation is directed to cooperate with the states on a comprehensive revision of the functional classifications of all public roads. This revision must be completed by the end of FY 1992.

Sec. 125. Repeal of Certain Sections of Title 23 United States Code.—Sections of title 23 United States Code no longer in use or made unnecessary by this bill are repealed. Sections to be repealed are: Section 105, relating to state program submissions; Section 117, relating to certification of state programs; Section 122, relating to bond retirement; Section 124, relating to advances to States; Section 126, relating to diversion of state funds; Section 130, relating to railway-highway crossings; Section 137, relating to parking facilities; Section 146, relating to carpools; Section 147, relating to priority primary projects; Section 148, relating to a national recreational highway; Section 150, relating to urban system funds; Section 152, relating to hazard elimination; Section 155, relating to lake access highways; Section 201, relating to authorizations; Section 212, relating to the Inter-American Highway; Section 216, relating to the Darien Gap Highway; Section 218, relating to the Alaska Highway; Section 309, relating to foreign countries; Section 310, relating to civil defense; Section 311, relating to strategic highway improvements; Section 312, relating to military officers; Section 318, relating to highway relocation; and Section 320, relating to bridges on federal dams.

Other portions of the bill have the effect of repealing section 102, relating to pre-1956 authorizations, and section 149, relating to truck lanes, by replacing them with new sections.

Sec. 126. Conforming and Technical Amendments.—This section makes conforming and technical amendments to title 23 United States Code, the Highway Safety Act of 1978, the Surface Transportation Assistance Act of 1978, and title 42 United States Code. The most common change is to remove all references in these statutes to the federal-aid primary, secondary and urban systems.

In addition, this section continues the authorization for the Department of Transportation's public information program Operation Lifesaver at $250,000 per year. This program has been funded by a set aside from the railway-highway crossing program, which is repealed by this bill.

Sec. 127. Recodification.—This section requires the Secretary of Transportation to submit a proposed recodification of title 23 United States Code to the Congress.

TITLE II—THE NATIONAL RECREATIONAL TRAILS TRUST FUND ACT

Sec. 201. Short Title.—This title is named "The National Recreational Trails Trust Fund Act."

Sec. 202. Creation of Fund.—A National Recreational Trails Trust Fund is established. The Secretary of the Treasury is required to deposit non-highway recreational fuel taxes (defined as 0.3 percent of total, adjusted as necessary to track actual receipts) into the National Recreational Trails Trust Fund. All current refund provisions for such taxes are eliminated.

Sec. 203. Administration of Fund.—A national recreational trails program is created to spend money from the trust fund. A State can receive money under the program during the three years after enactment by applying for it for recreational trail projects. To receive money after the first three years, States must establish a State Recreational Trails Advisory Board, and dedicate any tax imposed on non-highway recreational fuel to recreational trails.

No more than 3 percent of money spent from the trust fund may be used to cover administrative costs. The remainder must be allocated to States under a formula that allocates one-half of the money evenly among eligible States (each State gets the same base amount) and one-half based on each State's proportion of non-highway recreational fuel use.

Money may be used for maintenance, rehabilitation, and construction of recreational trails (where a need is demonstrated), acquisition of easements, development of trail-side and trail-head facilities, urban trail linkages, and environmental and safety education programs.

Money may not be used for building motorized trails in recommended wilderness areas. Motorized and non-motorized recretion uses must each receive the benefit of no less than 30 percent of a State's money.

Sec. 205. Recreational Trails Committee.—A National Recreational Trails Advisory Committee is established, which is composed of 10 members representing various recreational trail interests. Duties of the Committee include reviewing utilization of Fund moneys, establishing criteria for trail-side and trail-head facilities, and making recommendations on pertinent federal policies.•

• Mr. SYMMS. Mr. President, on September 30 this year, the Federal-Aid Highway Program, the Urban Mass Transportation Program, and most of our highway safety programs will expire. Today, the Chairman of the Environment and Public Works Committee, Senator BURDICK, the ranking Republican, Senator CHAFEE, the chairman of our Subcommittee on Transportation, Senator MOYNIHAN, and I are introducing legislation that will become the Senate vehicle for reauthorizing those important surface transportation programs. Our bill, the Surface Transportation Efficiency Act, authorizes the Federal-Aid Highway Program through fiscal 1996, and we will be working with our colleagues on the Banking, Commerce, and Finance Committees to put together all the necessary parts of the Surface Transportation Program.

My friend, Secretary Sam Skinner, forwarded to Congress the administration's proposal for the surface transportation bill on February 13 this year, and I was pleased to join Senators CHAFEE and DANFORTH in sponsoring the bill, S. 610, at the Secretary's request. The administration's bill is the product of hearings held across the country and recommendations from hundreds of groups and thousands of individuals who are interested in the future of our transportation programs. S. 610 would restructure those programs to account for the changing mobility needs of this geographically and demographically diverse Nation, and I believe the Secretary, President Bush, and all those in the administration who worked on S. 610 should be complimented highly for the fine product of their efforts. With varying degrees of success, I have recommended much of the administration's proposal to my colleagues for inclusion in the Surface Transportation Efficiency Act.

Indeed, the President's bill, in the Secretary's words, is a 5 year "transition to the 'postinterstate' era," and that is what we are proposing today in the Surface Transportation Efficiency Act. This is a 5-year bill to move America beyond the interstate construction program that has been the engine driving our highway program for 35 years. Like S. 610, our legislation will provide sufficient funds over the next 4 years to complete construction of the Interstate System, based on the 1991 interstate cost estimate. At the end of those 4 years, some construction work will remain on certain interstate projects, but the necessary Federal funds will have been paid and the $128.9 billion Interstate Highway System will be completed.

In addition, we have adopted in whole or in part the administration's proposal to: First, give the States greater authority to program highway projects without categorical funding constraints; second, limit Federal Highway Administration review of design standards on a project-by-project basis; third, give the States authority to mix certain highway and transit funds—that authority in our bill anticipates similar funding flexibility to be provided in the Banking Committee's transit title; fourth, authorize the construction of toll facilities on highways built with Federal-aid funds; fifth, require pavement, bridge, congestion, and safety management systems to be administered by State transportation departments; and sixth, combine the Public Lands Highway Program with the Forest Highway Program so that those funds can be apportioned and allocated in a single, more workable process.

We have not included in this bill the administration's proposed National Highway Program, which is the centerpiece of S. 610. I have stated publicly my support for the National Highway Program, and I continue to believe there is merit in having the States designate a system of highway including the Interstate System and a portion of the primary system where Federal funds and oversight would be focused. However, that is not the direction we have taken in this bill for reasons I believe deserve careful consideration by all parties.

It seems to this Senator that the National Highway Program only makes sense for long-term national transportation policy if it is carried out pretty much as the administration has proposed. That is, designating a national system of highways that will be first-class carriers of the Nation's commercial and recreational traffic only makes sense if we are willing to put the bulk of our Federal funds into those designated routes and focus Federal oversight and review there. I doubt, however, whether we can muster the political support necessary to adopt this proposition.

Can we find enough Members of Congress who are willing to say to their constituents at home, "We've finished the Interstate System and approved a highway program of $16–$20 billion per year, but two-thirds of the funds our State receives must be spent on the National Highway Program routes, while the remaining one-third will be available for all the other roads in the State and maybe some transit projects, too"? It is a difficult proposition, particularly given that we began the interstate construction program with a promise that once the system was completed, the States would be able to redouble their efforts to improve the primary and other highways. Yet, if the bulk of Federal funds are not reserved for the National Highway Program, as the administration proposes, then I am not sure we will have accomplished much in the end.

In any case, we propose to continue the Interstate Maintenance Program and create a new Surface Transportation Program that will replace six existing funding categories, including primary, secondary, urban, rail/highway grade crossing, hazard elimination, and section 402 highway safety. We continue the current authorization for States to transfer up to 20 percent of their interstate maintenance funds to noninterstate projects without the Secretary's approval.

The Surface Transportation Program is funded at $7–$9 billion in the first 4 years. In 1996, the $2 billion previously distributed annually to finish the interstate construction and substitution programs will be folded into the Surface Transportation Program, where funding will rise to $12 billion. STP funds will be highly flexible. Eligible projects will include any highway or bridge construction or reconstruction project; mass transit projects; passenger rail and magnetic levitation systems; carpool and vanpool projects; highway safety programs; and transportation research and planning. Combined with the transferability of interstate maintenance funds, this proposal goes further than any previously proposed highway authorization bill in terms of allowing States to decide what transportation projects best meet their needs, without facing a host of Federal funding constraints.

In addition, we continue the Federal Lands Highway Program to improve highways running through national forests and other Federal lands. The existing Federal lands program is comprised of the forest highway, public lands highway, Indian lands highway, and parks and parkways categories. We propose to combine the forest highways and public lands highway category under one account, and the entire Federal Lands Highway Program will be funded at $450 million per year, as opposed to the current level of $250 million per year. This is an important highway improvement program for Idaho and most of our Western States with large Federal land holdings, and I am very pleased our bill includes a substantial funding increase for the Federal lands program.

We also continue the $100 million annual authorization for the Emergency Relief Program; we create a new congestion/air quality program funded at $1 billion per year; and we provide $750 million over 5 years for maglev research and development.

I am particularly pleased my colleagues have agreed to include the legislation Senator MOYNIHAN and I and others introduced separately to create a new recreational trails trust fund and recreational trails program.

Recreational trails provide millions of Americans with an opportunity to get out and enjoy nature. These trails do more than just provide access from point A to point B. There is an old saying that "half the fun is in getting there." For many of the scenic areas of our country, that saying is exactly the case. It doesn't matter whether you are just taking a leisurely stroll, pedaling as fast as you can, or whisking by on your snowmobile, the trails we use are a critical part of almost all of our outdoor recreational enjoyment.

Unfortunately, trail construction and maintenance is costly, and far too often, is neglected at the expense of the safety and environmental soundness of the recreational experience.

In Idaho, in particular, where the vast majority of trails are on U.S. Government land, Federal land management agencies have underfunded the upkeep and maintenance of recreational trails.

When a trail is either poorly maintained, or perhaps never constructed properly in the first place, everyone suffers—access to certain areas become more difficult and often for the handicapped it becomes impossible, the scenic beauty of the area is harder to enjoy, the likelihood of an accident on the trail increases, as does the incidence of erosion, trampling of vegetation, and general environmental degradation.

That is why the national recreational trails fund is necessary. It will provide a dedicated and consistent fund, very similar in concept to the Wallop-Breaux fund which employs the taxes paid by motorboat users for water resources development and boat safety. Likewise, the national recreational trails fund will tap the revenues generated by nonhighway recreational fuels to provide for and maintain the Nation's recreational trail infrastructure.

Finally, we propose an across-the-board Federal/State match of 75-25 for projects that increase capacity for single-occupant vehicles and 80-20 for projects that do not increase capacity. In addition, we continue the existing overmatch provision that allows States with large Federal land holdings to increase the Federal match. This sliding scale, or overmatch, is a matter of great importance to Idaho and other Western, federally owned States, and I am pleased my colleagues have agreed to continue it without modification.

Let me say this proposal is only a starting point, and I believe substantial improvements can be made yet. As one member of the committee, I would prefer and will propose higher authorizations, beginning at $17 billion in 1992 and rising by approximately $1 billion per year over the levels proposed in our bill today. In addition, I believe the provisions on tolls and transportation planning requirements need a good deal of work. And I absolutely oppose the provision allowing Surface Transportation Program funds to be used for transit operating assistance. We will work with the Banking Committee on all aspects of the proposition to mix highway and transit funds, and I believe in that process we can alleviate this particular problem.

I look forward to hearing from constituents and other interested parties with respect to any portion of this bill they believe should be modified. And we will be working with Senators on and off the committee to put together legislation that can be adopted and signed by the President prior to the September 30 expiration of the current program.●

● Mr. CHAFEE. Mr. President I am pleased to join with my distinguished colleagues, Senator BURDICK, Senator MOYNIHAN and Senator SYMMS, in introducing the Surface Transportation Efficiency Act of 1991. I believe it is very important that the name of this legislation is not the highway bill. It is a surface transportation bill.

This legislation, which reauthorizes the Federal-Aid Highway Program for 5 years, will take us nearly into the next century. More importantly, it will bring our transportation program into a new era which is long overdue.

The interstate system is 99.3 percent complete. This bill will fund the few remaining pieces. The interstate system was a significant accomplishment in many ways. It helped make us a very mobile society and it has increased the safety of our highways. But the interstate system has also had some costs. It has contributed to increasing air pollution, to destroying and isolating neighborhoods, and to decreasing the acreage of farmlands and wetlands.

Hopefully, we have learned something from the experience of building the interstate system. We cannot build our way out of congestion problems by merely adding more lanes of highways. Before we know it, each new lane is as congested as the old.

A highway program can no longer meet all of this country's needs. We need an integrated transportation program. And the highway portion of the transportation framework of this country is largely in place.

This legislation will encourage us to use our existing transportation system more efficiently. It will do this in several ways. First, it provides a higher Federal match for the maintenance of the existing system and operational improvements than is provided for new construction. This will encourage the improvement of existing facilities and their most efficient use before costly new construction is undertaken.

Second, it will also encourage efficiency by requiring States and local officials to look at alternative ways to solve transportation problems, including different transportation modes. Half the money in this bill will be available at the State's option for either transit or highway projects depending on what the best transportation solution happens to be for a particular area.

This approach can work well. There is a model for this in the current highway program and that is the interstate substitute program. Funds in that program can be spent on either highway or transit problems. State and local officials have worked well together in making project decisions which solve transportation problems. The best solution can be chosen because the program has provided a level playing field for highway and transit projects.

Third, States will have more control over the design and construction of certain projects which will reduce costs and save time.

And finally, the planning process is strengthened. Good planning at the initial stages of a project will result in better projects that are built more efficiently.

Last year Congress passed and the President signed into law a landmark Clean Air Act. Transportation sources have been, and continue to be, major contributors to clean air problems. They can also contribute to clean air solutions.

This bill takes major steps to ensure that transportation will be part of the solution in meeting our clean air goals. It provides a higher match for maintaining the existing system, for operational improvements and for projects that encourage vehicles carrying multiple passengers. It provides a strong planning process that makes State and local officials partners in solving transportation problems and meeting clean air goals. Transportation planning in nonattainment areas will complement, rather than conflict with, clean air planning requirements. And the bill nearly triples funds available to States and localities for carrying out their planning requirements.

This bill also creates a new Congestion Mitigation and Air Quality Improvement Program which provides funds to States with nonattainment areas for projects which will directly benefit air quality.

This bill recognizes that transportation projects must be done in an environmentally sensitive way. States must continue to comply with all Federal environmental requirements for all Federal-aid highway projects. The planning process must also look at environmental impacts. At least 8 percent of the Surface Transportation Program funds must be spent on transportation enhancement activities. These activities will have environmental and safety benefits. And finally, States will have the flexibility to design highway projects in ways that will preserve scenic and historic values.

Mr. President, the highway system has made our citizens the most mobile people in the world. But there has also been a price to pay for this: Over 45,000 people die on the highways every year and millions more are seriously injured.

I am particularly gratified that the bill we are introducing today includes provisions of a bill I introduced in the last Congress, the National Highway

Fatality and Injury Reduction Act of 1989.

One of the great domestic problems facing our Nation in the balance of this century is the constant spiraling costs of health care and the availability of health care to all our citizens. We are, as a country, spending more than $600 billion per year attempting to provide decent medical care. How to share the increasingly heavy burden of health care costs continues to be a difficult issue.

Prevention must be a big part of the solution to this problem. We must seize every opportunity to prevent deaths and serious injuries from occurring, for reasons of compassion and to hold down health care costs.

One of the most effective ways to achieve this goal is to reduce the slaughter and cruel injuries, resulting from crashes, on our highways. Every 10 minutes someone dies and every 10 seconds someone is injured. Motor vehicle crashes are the leading cause of death in the USA for men, women, and children from the age of 1 to 44.

Safety belts and motorcycle helmets make a difference; they save lives and reduce injuries. If you don't believe the many studies that have produced statistics showing this, ask a highway patrolman who has to remove victims from crashed vehicles; ask an emergency room doctor or nurse who treats these victims; or ask a safety belt or helmet survivor. They will tell you that safety belts and helmets make a difference.

There are many costs associated with motor vehicle crashes. Too often the victim has no insurance or, because of serious injuries, insurance benefits are soon exhausted. It is the Federal Treasury, through Medicaid, which must pay a major portion of the bill and that means every taxpayer in our country must contribute. The State Hospital in Rhode Island is caring for five individuals who are now comatose from head injuries suffered while riding motorcycles without helmets, at a cost to the State and Federal taxpayers of $300 per day. That is $109,000 per year per patient. One of these individuals has been in this condition for 16 years, at a total cost to taxpayers, so far, of $1,750,000.

We know safety belts and motorcycle helmets work, and we know laws dramatically increase usage. This bill encourages States to pass safety belt and helmet laws. It provides incentive grants to States who already have or who pass both safety belt and helmet laws. In addition, if a State has not passed both laws within 3 years, it will have to spend 1½ percent of its Surface Transportation Program funds the first year, and 3 percent thereafter, on certain safety activities.

Title II of this bill sets aside revenues received from nonhighway recreational fuel taxes in a new national recreational trails trust fund. This fund will be allocated to States for projects related to the use of recreational trails. For instance, States may use this money to carry out environmental protection and safety educations programs, to maintain and restore existing trails, to construct new trails, and to acquire easements and property from willing sellers. While I have some reservations about this trails fund, I believe that it provides resources that, if used wisely, can greatly enhance recreational opportunities across our Nation.

Mr. President, there is a tremendous backlog in trail maintenance and reconstruction needs. I hope that States will take advantage of the funds available through the national recreational trails fund by giving top priority to projects to repair and maintain existing trails and to restore areas damaged by negligent use of recreational trails. This fund must not be viewed as a means to criss-cross natural areas and back country with new trails. Rather, it is an opportunity to plan and provide facilities for hiking, biking, horsebackriding, backpacking, cross-country skiing, off-road vehicular travel, and other recreational activities in a responsible manner that reflects an outdoor ethic based on appreciation and conservation of our open spaces.

While the bill we are introducing today lays a good foundation for reauthorizing the Federal-Aid Highway Program, there are areas that are not addressed which I believe need to be addressed. It is my hope that these issues will be favorably considered by the Committee on Environment and Public Works when it considers this bill.

First, the committee favorably reported the Visual Pollution Control Act of 1990 last October by a vote of 11 to 4, and I intend to offer this bill as an amendment to the transportation bill. The Highway Beautification Act needs major reform if States and localities are going to be allowed to effectively regulate billboards.

The Visual Pollution Control Act would restore the choice of amortization to States and localities. It allows amortization or cash compensation to be used to remove nonconforming billboards, or the nonconforming billboards can be left standing if the State or locality chooses not to remove them. The bill also provides for a moratorium on the placement of new billboards on the interstate and primary system. This will give States and localities an opportunity to determine how they want to regulate billboards without undue pressure to put up new billboards before a decision is made.

Second, there is a major problem in this country with old tires. Enormous piles of these tires exist throughout the country. Some of these piles have been ignited accidentally and burned uncontrollably for weeks. They have created other environmental and health problems. These tires are a direct result of our transportation system and the transportation program will have to provide part of the solution in the safe disposal of these tires.

In 1982 a provision I supported was included in the Surface Transportation Assistance Act which provided a higher match incentive for States that used asphalt containing recycled tires. Several States have used this asphalt and now have some experience with this material. While there are some unanswered questions, it is time to take the next step in solving our tire problem. If asphalt with the ground tire additive continues to prove effective, all States should be using at least some small percentage of this asphalt. I intend to pursue this issue with the committee and hope we can make further progress in solving this problem.

Finally, I want to commend the President and the Secretary of Transporation for submitting a surface transportation bill to Congress early this year. This proposed legislation was the result of a lengthy study and an extensive process of talking to people around the country. While the bill we are introducing today differs in some respects from the administration bill, it builds on many basic concepts contained in the President's bill, including the completion of the interstate, funding flexibility for highway and transit projects, consolidation of categories, and an emphasis on maintaining the existing system and using it more efficiently.

I believe this bill is an excellent start in shaping a transportation program for the future. I hope our colleagues will join with us in moving this process along quickly so that the States will receive their transportation funds on time.•

• Mr. LAUTENBERG. Mr. President, I am pleased to join my colleagues on the Environment and Public Works Committee in introducing the Surface Transportation Efficiency Act of 1991. I want to commend Senators MOYNIHAN, BURDICK, CHAFEE, and SYMMS for their efforts in putting this legislation together.

Few issues are as fundamental to our national well-being as transportation. The important role of transportation was highlighted recently in the face of a national rail strike. When the system is working everyday, nobody seems to pay any attention. But, if it threatens to shut down, it suddenly becomes front-page news. The same is true every time that a bridge or highway is closed because of an accident, cutting off the flow of traffic.

Transportation plays a crucial role in our economy, and it plays an important role in our environment. Unfortunately, under current policies, often it's too much a part of the problem, and not enough of the solution.

This legislation would start to change that. It represents a significant shift in Federal policy that was largely set back in the 1950's. This bill would take steps in the direction of addressing the demands on our transportation systems today, and the challenges we'll face in the coming years.

They are challenges faced by a nation whose interstate system is virtually complete, but is, in many places, crumbling, as are many of our bridges. We face the challenge to increase the efficiency of the roads we have. We face the challenge to increase our Nation's mobility while reducing our pollution of the air.

These are challenges that vary from State-to-State and region to region. In some States, additional new construction may be needed to meet the needs of growing population. In a State like mine, our transportation needs are complicated by shifted commuting patterns, clean air reduction goals, and population densities that make new highway construction often unwise and inefficient.

This bill would address these varying challenges by granting the States the flexibility to devise targeted solutions that would be impossible under the strict categorical funding scheme of the current law. Mr. President, we should not try to force the varied needs of 50 States into a few rigid funding categories. Let's allow the States to decide for themselves how to best meet their needs.

In New Jersey, we don't need a lot of new roads. We need to maintain what we've got, and provide more capacity through alternatives, such as mass transit. But, in other States, roads may be the transportation of choice. New Jersey shouldn't be restricted in meeting its needs by a program designed to meet the needs of Idaho, or North Dakota, the home of our distinguished chairman. Conversely, those States shouldn't have to live with a program designed for New Jersey or New York. If we compromise, nobody comes out ahead.

So, the sensible thing to do is to let the decisions be made at the State and local level. That's what this bill would do. Half of the $89 billion provided under this program could be spent at the discretion of State and local officials, on whatever mode of transportation is most appropriate to meet local needs.

The bill would begin to harmonize our transportation policy with our environmental policy. Last year, we worked to pass an ambitious clean air bill. The President signed that into law. Unfortunately, when the administration submitted its proposal for reauthorizing the Nation's highway and transit programs, it seemed to forget that he did.

The administration bill would encourage more and more consumption of gasoline, by basing the distribution of highway funds on the fuel consumption. The more a State uses, the more it gets for highways. That's a wrong-direction policy in terms of energy, and for the environment. The legislation that we're introducing today would head us in the right direction.

Each year $1 billion would be provided to help States with air quality problems meet the clean air goals that we enacted last year. This is critical to my State, which is in nonattainment of air quality standards.

This bill would be good news for New Jersey for another reason—it would finally mean that the State would get back what it put into the highway trust fund.

For years, New Jersey has been what is called a donor State. For every dollar State drivers paid in gas taxes, they received only about 90 cents in return. Over the last few years, in part because of increased discretionary funding that has come into the State, the actual return on the dollar has increased to the breakeven point, and at times even slightly above that. With this legislation, by distributing funds on the basis of receipts over the last 4 years, my State would continue to receive its fair share of funding.

Mr. President, this bill is not a final product. There are changes I'd like to see made, some things included that are not now there, but this bill takes important steps in changing outdated Federal policies and setting us on a course to meet the challenges of the 1990's and beyond. Over the next few weeks, we in the Committee on Environment and Public Works will be working to fine-tune this legislation. Additionally, we anticipate the addition of transit, highway safety, and motor carrier titles by other committees.

One area I would like to see given more attention is the development and use of technology to improve highway safety and efficiency. I am introducing another bill which would authorize a comprehensive intelligent vehicles-highway system to promote such technology. I look forward to working with my colleagues to see that bill incorporated into the reauthorization.

What we do in this reauthorization is likely to set national transportation policy well into the next century. The directions this bill would take are the right way to go.•

• Mr. BURDICK. Mr. President, I am pleased to join with my colleagues on the Environment and Public Works Committee today in introducing the Surface Transportation Efficiency Act of 1991. The legislation has been developed in a cooperative, bipartisan manner, and I want to commend Senator MOYNIHAN, the subcommittee chairman, Senator CHAFEE, ranking member on the full committee, and Senator SYMMS, ranking member on the subcommittee, for their very able efforts. Senator LAUTENBERG, a member of the committee and the distinguished chairman of the Transportation Appropriations Subcommittee, is a cosponsor as well.

Authorizations for surface transportation programs expire at the end of the current fiscal year. The Committee on Environment and Public Works has jurisdiction over the Federal-Aid Highway Program, the Committee on Banking, Housing, and Urban Affairs has responsibility for transit, and the Committee on Commerce, Science, and Transportation oversees highway safety programs. Highway revenue legislation, of course, is within the purview of the Finance Committee. I look forward to working closely with all these committees as we seek timely enactment of this legislation.

We have a little over 5 months to pass a bill. Early last month, the President urged the Congress to complete action on a highway bill in 100 days. This has been a top legislative priority for the Senate and the House of Representatives since the start of the 102d Congress. The Environment and Public Works Committee's goal is to have comprehensive, multiyear legislation passed well ahead of our September 30 deadline.

This Nation must have a sound, integrated surface transportation system—highways, transit, rail, and research on new modes. Specific needs vary. For some regions, a good two-lane, rural road system matters most. For others, the focus is on transportation technology for the 21st century.

It is the end of the interstate era, and the Federal role in transportation must be redefined. Our view must be broadened too to consider highways in conjunction with equally important national concerns about air quality, energy conservation, safety, economic productivity, and fiscal responsibility.

The legislation we are introducing today is more than just a highway bill. The Environment and Public Works Committee is connecting, as it properly should, the transportation control measures in the landmark clean air act passed last year to reauthorization of surface transportation legislation this year. Unlike the administration's highway proposal, the committee bill does not reward increased fuel use. Instead it contains a new program to mitigate congestion and improve air quality. It emphasizes maintenance of our existing highway system and alternatives to single occupant travel.

This is a 5-year bill covering fiscal years 1992 through 1996 and providing nearly $90 billion in funding. The Federal-Aid Highway Program has been simplified to include five major categories: Interstate construction and substitute, bridge, interstate maintenance, congestion mitigation and air quality improvement, and a newly created surface transportation program that will give States flexibility to fund an array of transportation programs and related activities. It is a bill that successfully balances the needs of rural, suburban, and urban areas of this country.

I am pleased to note that the bill also contains a significant increase in funding for the Indian Reservation Road Program.

To date, 13 field hearings have been held around the country on reauthorization of the highway program. Beginning in August 1989, hearings have taken place in Twin Falls, ID, Idaho Falls, ID, Lewistown, MT, Fort Lauderdale, FL, St. Paul, MN, Boise, ID, Reno, NV, Tampa, FL, Houston, TX, Los Angeles, CA, Hartford, CT, Albany, NY, and Billings, MT.

Four additional hearings were held earlier this year in Washington, DC. Testimony was received from economists, planners, transportation specialists, financing experts, the Congressional Budget Office, the General Accounting Office, and Transportation Secretary Skinner.

Let me conclude with what I see as the particular strengths of The Surface Transportation Efficiency Act of 1991. As the North Dakota Department of Transportation has observed: "* * * the number one priority of the next highway bill should be system preservation." And so it is in this bill. I think most States will agree that maintenance of our existing investment is critical.

The bill contains favorable matching ratios. It continues the 90/10 match for the interstate, has an 80/20 ratio for most programs, and a 75/25 match for new construction under the Surface Transportation Program. These are realistic Federal/State share requirements, unlike the administration's 60/40 match proposal.

States will have greater flexibility in transferring funds from one category to another and in using highway funds for alternative transportation projects. There is a strong planning provision in the bill which should help in improving how decisions are made about projects.

The administration bill (S. 610) was introduced by request early last month. While I disagree with some of their proposals, many concepts in that bill are interesting and deserve serious consideration. Last week Senators REID and BAUCUS introduced a highway bill (S. 823) to address the specific needs of rural, Western States. I am sure that bill will also receive careful attention. Shortly, the House Public Works and Transportation Committee will complete drafting of their bill. I look forward to a spirited discussion of those bills and the legislation the leadership of Environment and Public Works Committee is introducing today.

Highway, transit, and highway safety programs are vital to local communities, counties, the States, and our Nation as a whole. Let us debate these important issues, move decisively, and in the end achieve a stronger, more effective Federal-Aid Highway Program for the 1990's and beyond.

By Mr. HARKIN (for himself, Mr. PACKWOOD, Mr. HATFIELD, Ms. MIKULSKI, Mr. SIMON, Mr. CRANSTON, and Mr. LIEBERMAN):

S. 966. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Labor and Human Resources.

CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS ACT

• Mr. HARKIN. Mr. President, I rise today on behalf of myself and Senators PACKWOOD, HATFIELD, MIKULSKI, SIMON, CRANSTON, and LIEBERMAN to introduce the Contraceptive and Infertility Research Centers Act of 1991. A companion measure is being introduced in the other body today by Congresswomen SCHROEDER and SNOWE.

Mr. President, the United States is without question the world leader in biomedical research. Yet, when it comes to research and development in the areas of contraception and infertility, we have lagged behind a number of industrialized nations and even some in the developing world.

Infertility and contraception are central concerns of millions of Americans of child-bearing age. Nearly 2½ million couples desiring to have children struggle with the heartbreak and frustration of infertility. And each year about 3 million American women become pregnant who do not wish to do so.

Their anguish is great. All of these individuals can benefit from intensified research on these basic family planning issues.

We can all agree that abortion is no one's first choice for avoiding unintended births. Yet, of the 3 million women who become pregnant unintentionally each year, about half will terminate their pregnancies. And, nearly half of the abortions that occur each year are among women who have become pregnant unintentionally because the contraceptive method they were using failed.

The fact is, that there are only a limited number of safe and effective methods of preventing pregnancy. More research is needed into improved contraceptive methods that will reduce unintended pregnancies, and the less often such pregnancies occur, the fewer the number of abortions. That is the result we can all embrace—regardless of our political or religious beliefs.

And just as those who are not prepared to bear children should have access to safe and effective contraceptive methods, those who want to become parents should have access to safe and effective methods to help them conceive and bear children.

The causes of infertility are not always easy to diagnose, nor are they uniformly treatable. Treatments are often expensive, costing Americans approximately $1 billion in 1987. Yet even with such a large expenditure of funds, today only about 60 percent of infertility cases are treated successfully. Clearly, more research is needed into the causes of, and treatment for, infertility in both men and women.

The need for enhanced contraceptive research was highlighted by a recent report by the Institute of Medicine. After reminding us that "since the introduction of the pill and the use of the IUD in the early 1960's, no fundamentally new contraceptive methods have been approved for use in the United States," the report goes on to note a number of facts I believe are important for all of us to keep in mind. These points are well summarized in the conclusion of the chapter of contraceptive research, and I quote:

> People in the United States currently have limited options for fertility control and fewer contraceptive choices than people in several other industrialized countries and in some developing countries as well. Some improvements in existing methods will be made in the next decade, and some highly effective new methods may become available in other countries. Some of these new methods will probably be safer, easier to use, less expensive, and more acceptable than existing methods.* * * The prospects for having one or more fundamentally new methods available in the United States by the year 2000 are negligible. Contraceptive methods that are fundamentally different from existing technology, such as a contraceptive vaccine, are likely to have a greater positive impact on the consumer and society as a whole but will take considerable time to develop.
>
> Some promising new methods, such as the contraceptive vaccine, for which most of the basic research has been completed, are not being developed at a rate that scientific knowledge would allow. Other methods have been approved by one or more European countries, but additional clinical trials in the United States are needed to qualify for FDA approval. Moreover, there are continuing opportunities for basic research in reproductive biology, which may yield significant contraceptive leads.
>
> Accelerated efforts to develop and introduce new contraceptive products to the market would lead to a wider variety of contraceptive options for women and men in the United States and would result in safer, more effective, and more acceptable contraception for a much broader population than is being served by existing methods.

The need is clear. We simply must do more to encourage quality research in this country on contraception and infertility, and that is what this bill does. This bill gives specific authorization for the establishment of three research centers focused on developing improved methods of contraception and two research centers focused on developing better diagnosis and treatment of infertility through the National Institute of Child Health and Human Development.

The centers authorized in this bill will conduct clinical and applied research; train physicians, scientists, and other allied health professionals; develop model continuing education programs for such professionals; and, disseminate information to them. The bill also provides for a loan repayment program for individuals involved in contraceptive or infertility research, in order to address the shortage of researchers in these fields.

Mr. President, this bill was introduced last Congress and was approved by the Labor and Human Resources Committee as an amendment to the bill reauthorizing programs at the National Institutes of Health. However, much to my disappointment, it was dropped from the bill prior to its consideration by the full Senate. I am pleased to say that we were able to provide $3 million in the fiscal year 1991 National Institutes of Health appropriation to begin the process of establishing these critically important research centers. However, in order to assure that these centers are maintained and allowed to grow, as they need to, passage of this legislation is imperative. I was greatly encouraged by the new Director of the NIH, Dr. Bernadine Healy's response to a question I posed. She said:

> There is a critical need for both types of these centers—contraceptive research and infertility. Establishment and implementation of these centers with adequate funding are among my highest priorities.

Mr. President, this is a commonsense common ground bill. Whatever positions we take on the question of abortion, if we are committed to helping couples have children who want them, and to reducing the incidence of abortion in the case of those who do not, this bill is a step in the right direction. I urge my colleagues to examine and to support it.

I ask unanimous consent that a summary and copy of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contraceptive and Infertility Research Centers Act of 1991".

SEC. 2. CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS.

(a) RESEARCH CENTERS.—Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following new section:

"SEC. 452A. RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of diagnosing and treating infertility.

"(b) NUMBER OF CENTERS.—In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c) DUTIES.—

"(1) IN GENERAL.—Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and by females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in both males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals.

"(2) STIPENDS AND FEES.—A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) COORDINATION OF INFORMATION.—The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) CONSORTIUM.—Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Secretary, after consultation with the Director of the Institute.

"(f) TERM OF SUPPORT AND PEER REVIEW.—Support of a center under subsection (a) may be for a period of not to exceed 5 years. Such period may be extended for one or more additional periods of not to exceed 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $15,000,000 for each of the fiscal years 1992 through 1994, $20,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996.".

(b) LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Part F of title IV of such Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487A the following new section:

"SEC. 487B. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) ESTABLISHMENT.—The Secretary, after consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program to enter into agreements with appropriately qualified health professionals (including graduate students) under which such health professionals shall agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Secretary agreeing to repay, for each year of such service, not to exceed $20,000 of the principal and interest of the educational loans incurred by such health professionals.

"(b) ADMINISTRATIVE PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992 through 1994.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) for a fiscal year shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1991, or on the date of enactment of this Act, whichever occurs later.

SUMMARY OF THE CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS ACT OF 1991

The Contraceptive and Infertility Research Centers Act of 1991 amends the Public Health Service Act by authorizing the establishment of centers to conduct contraceptive and infertility research. The bill calls for three contraceptive and two infertility research centers, which could conduct clinical and other applied research, develop protocols for training physicians, scientists, nurses, and other health professionals. The centers would receive support in the form of grants.

The Director of the National Institute of Child Health and Human Development [NICHD] Advisory Council would oversee the program. The Director is directed, as appropriate, to provide for the coordination of information among the centers. Each center will use the facilities of a single institution, or be formed from a consortium of cooperating institutions. Support for a center is not to exceed a period of 5 years. However, grants may be extended for more than 5 years if approved by the Director in consultation with a scientific peer review group.

As a method of addressing the shortage of qualified investigators in this field of research, the bill also authorizes a loan repayment program for graduate students or health professionals agreeing to conduct contraceptive and infertility research. The program is modeled after the National Health Service Corps Loan Repayment Program. The Federal Government would repay, for each year of service, not more than $20,000 of the principal and interest of the educational loan.

The bill authorizes $15,000,000 for the fiscal year 1992, $15,000,000 for the fiscal year 1993, $15,000,000 for the fiscal year 1994, $20,000,000 for the fiscal year 1995, and such sums as necessary for fiscal year 1996.•

• Mr. HATFIELD. Mr. President, the introduction of this legislation, the Contraceptive and Infertility Research Centers Act, should send a strong signal that there is a commitment to the science of reproductive health. I am pleased to join my colleagues Senator HARKIN and Senator PACKWOOD in reintroducing this bill.

The basic research necessary to identify and treat the causes of infertility and create new contraceptive methods has long been neglected. Yet, it is clear that our society pays a painful price for the problems these centers will address. Unwanted pregnancies are on the rise and the heartbreak of infertility continues to threaten thousands of American couples. The work of these centers cannot be underestimated.

I am proud to note that last year Senator HARKIN and I were able to begin the process establishing these centers. I expect to continue funding this year and we hope to provide the full $15 million recommended for next year's appropriations. There are many worthy research programs competing for scarce funds, but I look forward to working with my colleagues to see that this project gets the support it needs.

When we were initially researching this proposal last year, I had many discussions about the politics of the bill. It is an unfortunate fact that anything to do with reproductive health issues is likely to become mired in the abortion debate. As a prolife member of this body, I urge my colleagues to avoid rejecting this proposal out of hand and to recognize the value of contraceptive research. Abortion exists because unplanned pregnancies exist—and there are 3 million unexpected pregnancies every year in our country. Safer, more reliable contraceptives that are available to anyone who wants them will go a long way toward lowering the number of abortions.

Finally, I want to commend the new Director of the National Institutes of Health for her interest in this area of science. I look foward to working with her on this and many other issues related to the improvement of health research.•

By Mr. DECONCINI:

S. 967. A bill providing for a 14-year extension of the patent for the badge of the American Legion Auxiliary; to the Committee on the Judiciary.

S. 968. A bill providing for a 14-year extension of the patent for the badge of the Sons of the American Legion; to the Committee on the Judiciary.

S. 969. A bill providing for a 14-year extension of the patent for the badge of the American Legion; to the Committee on the Judiciary.

DESIGN PATENT EXTENSIONS FOR THE EMBLEMS OF THE AMERICAN LEGION

• Mr. DECONCINI. Mr. President, since 1919 the emblems of the American Legion, the symbols that represent our brave veterans, have been protected under our Patent Code. Every 14 years, Congress has granted the American Legion an extension for its three design patents—the U.S. American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion. I introduced design patent extensions for the emblems of the American Legion last Congress and these measures passed easily through the Senate. Unfortunately, these measures did not survive in the House and as a result the emblems of the American Legion are no longer protected.

Mr. President, I rise today to reintroduce 14-year extensions for design patents for the emblems of the American Legion. This legislation is needed to renew patent protection for the emblems that enshrine the ideals of the men and women who so gallantly served the United States.

I ask unanimous consent that the full text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce, acting through the Commissioner of Patents and Trademarks, shall, when a certain design patent numbered 55,398 (for the badge of the American Legion Auxiliary) expires, extend such patent for a period of 14 years after such date, with all the rights and privileges pertaining thereto.

S. 968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce, acting through the Commissioner of Patents and Trademarks, shall, when a certain design patent numbered 92,187 (for the badge of the American Legion Auxiliary) expires, extend such patent for a period of 14 years after such date, with all the rights and privileges pertaining thereto.

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce, acting through the Commissioner of Patents and Trademarks, shall, when a certain design patent numbered 54,296 (for the badge of the American Legion Auxiliary) expires, extend such patent for a period of 14 years after such date, with all the rights and privileges pertaining thereto.•

By Mr. DECONCINI (for himself and Mr. GORTON):

S. 971. A bill to promote the development of microenterprises in developing countries; to the Committee on Foreign Relations.

MICROENTERPRISE DEVELOPMENT ACT

• Mr. DECONCINI. Mr. President, I am pleased today to be joined by Senator GORTON in introducing the Senate companion legislation to H.R. 1608, the Microenterprise Development Act of 1991, recently introduced in the House by Congressmen FEIGHAN and GILMAN.

I believe that this legislation is a constructive means of helping to alleviate poverty for the poorest of the poor in the developing world. Statistics show that an excess of 1 billion people attempt to survive on incomes of less than $370 per year. In addition, nearly 4,000 children die every day from malnutrition and disease. These deplorable figures call for additional efforts to ensure that U.S. foreign aid dollars are adequately combating poverty in the developing world. Clearly, there is a desperate need for this legislation to be enacted into law.

It is my belief that microenterprise credit lending can effectively alleviate obstacles of credit extension to the poorest of the poor. Microenterprise is a foreign aid program that fosters the development of self-sustaining businesses in poverty-stricken areas. Microenterprise loans provide a means for those living in poverty to establish a flow of capital to avoid starvation and help themselves out of the cycle of poverty. Furthermore, microenterprise loans assist poor women whose duties often include the caring and raising of children, the provision of adequate nourishment, and the accumulation of supplemental income for the family.

I have been particularly impressed by projects initiated by the Grameen Bank of Bangladesh, Indonesia's Badan Kredit Kecamatan, and ADEMI in the Dominican Republic. Existing repayment rates of 95 percent or higher reveal a significant level of success in these lending programs which extend credit to the poor. Encouraging studies note that participants in these programs have increased their incomes an average of 30 percent over a 2-year period. As of October 1990, the Grameen Bank credits its microenterprise approach with turning nearly 800,000 landless villagers into owners of small businesses. In addition, borrowers are spending their additional income on improved standards of living and reinvesting in their established businesses. These positive results indicate that it is possible to "bank on the poor."

Congress has already incorporated the microenterprise concept into our foreign aid strategy. In 1988, $50 million was first earmarked in the fiscal year 1989 foreign assistance bill for microenterprise credit and assistance. Congress later increased this amount to $75 million for fiscal year 1990 and fiscal year 1991. Yet, continued refinement of the Microenterprise Assistance Program in conjunction with the Agency for International Development [AID] is necessary in order to successfully obtain the program's objectives.

The legislation I am introducing today creates a number of obtainable goals, including:

First, the continuation and expansion of AID's commitment to microenterprise strategies for the development of self-sustaining businesses;

Second, an expansion in the amount of assistance appropriated to credit activities designated to reach the poorest sectors of the developing world, and

Third, the establishment of increased credit targets for women beneficiaries.

This legislation authorizes appropriations of no less than $85 million for the Microenterprise Development Assistance Program in each of the next 2 fiscal years. The bill calls for AID to devote a significant portion of its assistance to "poverty lending" activities.

The bill specifies that no less than $20 million of the overall $85 million is to be spent for credit activities and institutional support for poverty lending in fiscal year 1992, and $30 million in fiscal year 1993. The bill also requires AID to establish a system to monitor its microenterprise activities and report to Congress on its methods for accomplishing these objectives.

Several voices on this young foreign aid scheme have been heard. There has already been considerable debate over the concept of loan caps. It is important to realize that the $300 loan cap called for in this legislation assists the poorest of the poor, who all too often are excluded from larger AID projects and are overlooked by other commercial credit programs.

The loan cap adequately fulfills the need of targeting a portion of our foreign aid to poor, business-minded workers rather than allowing all of it to go to established entrepreneurs. Limiting the loan size also eliminates the need to devise complicated criteria for eligibility. Lastly, small-scale loans encourage investment for tools, training, and other resources necessary for the business's success. The $300 loan cap protects the underlying intent of our microenterprise foreign aid dollars, providing capital for the poorest of the poor.

The remaining $65 million of the Microenterprise Program complements the preceding portion by meeting the additional needs of microentrepreneurs. It provides for the development of commercially sound, nontargeted financial institutions answering short-term liquidity needs. This money supports training and technical assistance programs responding to business needs. Additional captial from this portion may be used to develop programs and institutions that have the financial, organizational, and management capacity to be sustainable. Furthermore, this $65 million allows viable microenterprise candidates who need small business loans exceeding the $300 loan cap to participate in the program.

In closing, we must examine the program's overall ability to create self-sustaining businesses and alleviate starvation for those in poverty. The program's strong track record in other countries warrants its initiation into our foreign aid strategy. Certainly American ingenuity can improve this concept to ensure positive results. The primary goal of this foreign aid program should be to help the world's poor out of their cycle of poverty and desperation. That is what the American people want, and that is what our bill aims to do.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD, and I urge my colleagues to join me in cosponsoring this important legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise Development Act of 1991".

SEC. 2. FINDINGS.

The Congress makes the following findings and declarations:

(1) More than a billion people in the developing world are living in poverty, with incomes of less than $370 a year.

(2) According to the World Bank, mortality for children under 5 averaged 121 per thousand for all developing countries.

(3) Nearly 40,000 children die each day from malnutrition and disease.

(4) Poor people themselves can lead the fight against hunger and poverty through the development of self-sustaining microenterprise projects.

(5) Women in poverty generally are less educated, have a larger workload, and have less access to economic opportunity than their male counterparts. Directly aiding women in the developing world has a positive effect on family incomes, child nutrition, and health and education.

(6) Microenterprise development offers the opportunity for the poor to play a central role in undertaking strategies for small scale, self-sustaining businesses that can bring them out of poverty.

(7) The World Bank estimates that there are over 400,000,000 self-employed poor in the developing world and projects that, by the year 2020, 95 percent of African workers will be employed in the informal sector.

(8) For many people, lack of credit creates an obstacle to the development of self-sustaining enterprises.

(9) Projects like the Grameen Bank of Bangladesh, the Badan Kredit Kecamatan in Indonesia, and ADEMI in the Dominican Republic have been successful in promoting credit programs that have lent money directly to the poor. Repayment rates in these programs are 95 percent or higher indicating that it is possible to "bank on the poor".

(10) The Agency for International Development has been a leader in small and microenterprise development in the past 20 years.

(11) The Congress earmarked funds for fiscal years 1988, 1989, 1990, and 1991 for microenterprise development activities and has called upon the Agency for International Development to take steps to ensure that its microenterprise activities included a credit component designed to reach the poorest sector of the developing world.

(12) In 1989, the Agency for International Development created the Office of Small and Microenterprise Development within the Bureau for Private Enterprise to lead and coordinate the Agency's microenterprise efforts.

(13) In March 1990, the Agency for International Development reported that new spending for microenterprise development was $58,800,000 for 1988 and $83,300,000 for 1989 and that the average loan size for the credit component of the program averaged $329 for 1988 and $387 for 1989. However, less than 10 percent of the spending for the 1988 program, and less than 7 percent of the spending for the 1989 program, was for loans of under $300.

(14) A February 1991 report by the General Accounting Office indicated that data in that March 1990 report was of "questionable validity" and that the Agency for International Development did not have a system to track detailed information concerning its microenterprise credit activities. Furthermore, the General Accounting Office found that none of the three missions that it visited targeted their microenterprise projects specifically to women or to the poorest 20 percent of the population, as recommended by the Congress.

(15) The Congress recognizes that provision of credit alone may not be sufficient to generate opportunities for successful microenterprise development and that assistance focused in the areas of institutional development, technical assistance, training, and policy reform may also be appropriate for assisting microenterprise development.

(16) The Agency for International Development has indicated its willingness to explore the idea of holding a series of regional workshops on microenterprise development. The Congress encourages the Agency to include in these workshops opportunities for training Agency personnel and United States and indigenous private and voluntary organizations in activities designed to reach the poorest of the poor.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide for the continuation and expansion of the commitment of the Agency for International Development to microenterprise development;

(2) to increase the amount of assistance going to credit activities designed to reach the poorest sector in developing countries; and

(3) to increase the percentage of such credit that goes to women beneficiaries.

SEC. 4. ASSISTANCE FOR MICROENTERPRISE DEVELOPMENT.

(a) GENERAL AUTHORITY.—The President, acting through the Administrator of the Agency for International Development, is authorized to provide assistance for programs of credit and other assistance for microenterprises in developing countries. In addition to providing financial resources for direct credit activities of indigenous financial intermediaries, assistance under this Act may include assistance for institutional development of such intermediaries (including assistance to enable private and voluntary organizations to develop the capability to serve as financial intermediaries), technical assistance, training, and policy reform. Microenterprise credit and related activities assisted under this Act shall be carried out primarily through those indigenous financial intermediaries and private and voluntary organizations that are oriented toward working directly with the poor and women.

(b) Eligibility Criteria for Financial Intermediaries.—The mission of the Agency for International Development that is responsible for a country receiving assistance under this Act shall establish criteria for determining the financial intermediaries that will receive assistance under this Act, taking into account the following:

(1) The extent to which the recipients of credit from the intermediary lack collateral.

(2) The extent to which the recipients of credit from the intermediary do not have access to the local formal financial sector.

(3) The extent to which the recipients of credit from the intermediary have relatively limited amounts of fixed assets.

(4) The extent to which the recipients of credit from the intermediary are among the poorest people in the country.

(5) The extent to which interest rates charged by the intermediary on loans reflect the real cost of lending.

(6) The extent to which the intermediary reaches women as recipients of credit.

(7) The extent to which the intermediary is oriented toward working directly with the poor and women.

(c) Lower Tier for Poverty Lending Activities.—A significant portion of the amount made available each fiscal year to carry out this Act shall be used to support direct credit assistance by, and the institutional development of, those financial intermediaries with a primary emphasis on assisting those people living in absolute poverty, especially women.

(d) Focus on Women.—The Office of Small and Microenterprise Development in the Agency for International Development shall include in its annual action plans a strategy for increasing the access of women in developing countries to credit and other microenterprise development activities, with the goal of increasing to at least 50 percent the percentage of microenterprise credit that goes to women beneficiaries. This strategy shall be developed in consultation with the Agency's Women in Development Office.

SEC. 5. FUNDING SOURCES.

(a) Sources.—Funds to carry out this Act shall be derived from the following sources:

(1) Funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to the functional development assistance accounts).

(2) Funds available to carry out chapter 10 of part I of that Act (relating to the Development Fund for Africa).

(3) Funds available to carry out chapter 4 of part II of that Act (relating to the economic support fund).

(4) Local currency accruing as a result of assistance provided under chapter 1 of part I, chapter 10 of part I, or chapter 4 of part; II of that Act.

(5) Local currency proceeds available for use under section 306(a)(9) of the Agricultural Trade Development and Assistance Act of 1954 (as amended by section 1512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)).

(6) Local currency which accrues as a result of assistance provided under the Agricultural Trade Development and Assistance Act of 1954 as in effect immediately before the effective date of the amendment made by section 1512 of the Agricultural Development and Trade Act of 1990.

(7) Local currency generated under subsection (b) of this section.

(b) Authority To Generate Local Currencies.—In order to generate local currencies for use in providing assistance under this Act, the President is authorized to use funds made available to carry out chapter 1 of part I, chapter 10 of part I, or chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance to the governments of developing countries on a loan basis repayable in local currencies, at a rate of exchange to be negotiated by the President and the foreign government. Such loans shall have a rate of interest and a repayment period determined by the President. Section 122 of the Foreign Assistance Act of 1961 shall not apply with respect to loans pursuant this subsection.

(c) Nonapplicability of Certain Laws.—Local currencies used under this section shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies owned by, owed to, or accruing to the United States.

SEC. 6. FUNDING LEVELS FOR FISCAL YEARS 1992 AND 1993.

(a) Minimum Level of Assistance.—The Administrator of the Agency for International Development shall use not less than $85,000,000 for fiscal year 1992, and not less than $85,000,000 for fiscal year 1993, for microenterprise assistance pursuant to this Act.

(b) Assistance for the Poorest Sectors.—

(1) Minimum funding level.—Of the amounts used pursuant to subsection (a), not less than $20,000,000 for fiscal year 1992 and not less than $30,000,000 for fiscal year 1993 shall be used to support loans having a purchasing power equal to or less than $300 (in United States dollars) with initial loans, to the maximum extent practicable, equal to or less than $150 (in United States dollars).

(2) Criteria for attribution to minimum funding level.—In addition to amounts made available for direct credit activities involving loans having a purchasing power equal to or less than $300 (in United States dollars), amounts used for institutional development of a financial intermediary described in section 4(c) shall be considered to support such loans for purposes of paragraph (1) to the same extent as the aggregate amount loaned by such institution represents loans having a purchasing power equal to or less than $300 (in United States dollars) with initial loans, to the maximum extent practicable, equal to or less than $150 (in United States dollars).

(c) Use of Local Currencies.—In order to meet the minimum funding requirements of this section, local currencies described in section 5(a) may be used in lieu of an equivalent amount of dollars.

SEC. 7. MONITORING OF MICROENTERPRISE ASSISTANCE ACTIVITIES.

The Administrator of the Agency for International Development shall develop a monitoring system to evaluate the Agency's microenterprise development activities, including their effectiveness in reaching the poor and women and their overall impact on economic development in each beneficiary developing country. In developing this system, the Administrator shall consult with the Congress and with appropriate private and voluntary organizations.

SEC. 8. REPORTS TO CONGRESS.

The Administrator of the Agency for International Development shall report to the Congress annually on the Agency's microenterprise development activities, including the Agency's strategy for complying with the minimum funding requirements of sections 6(a) and (b).●

By Mr. BRADLEY (for himself, Mr. JOHNSTON, and Mr. KERREY):

S. 972. A bill to amend the Social Security Act to add a new title under such Act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations; to the Committee on Finance.

FAMILY CAREGIVER SUPPORT ACT

● Mr. BRADLEY. Mr. President, I rise to introduce a piece of legislation that will help strong families stay together and provide care for those family members who need help with the responsibilities of daily life.

The people I've met who provide care for one of the 2.4 million Americans who need constant help have the toughest job I've ever seen: They're on call 24 hours a day, 7 days a week; they face enormous stress; they need special skills and physical strength; they earn nothing. They do it out of love. But all too often, the demands of daily care become too much, and under the stress of other family demands, children, career, crises—the bonds of family love begin to fray.

The legislation I'm introducing today, the Family Caregiver Support Act of 1991, would give these families a way to take a break—an hour, a day, maybe a week—so that they can return to the job of fulltime care rejuvenated and refreshed. It's time for Government to recognize that if you want to keep families together, you have to support and respect strong families that are caring for each other.

Mr. President, when an elderly person becomes too frail to live alone, when a smart, lively person suddenly develops Alzheimer's disease, when a person is severely disabled, it's a family problem. There's no substitute for the family solution. Four out of five of these individuals who need care receive the best care possible, at home, from their families. Caregiver support can make that solution possible for families that thought it might be too much.

I've visited families in New Jersey that have participated in a respite care demonstration project. Mrs. Florence Kotarski, 68, and recently widowed, is caring for her 87-year-old mother and her 46-year-old paraplegic son. "What the family caregiver support program has meant to me," she said, "is that when my other son was ready to graduate from college, I was able to go." With this legislation, every State will provide family caregiver support through new or existing agencies, and every family that's trying to do the right thing by caring for a parent, spouse, or relative at home will have a new way to handle it.

Mr. President, it would cost the American people over $50 billion to provide this care in institutions. But, these family caregivers don't want their mothers, fathers, daughters, sons, sisters, or brothers in an institution. They want them home and they can keep them in our communities with a little support. For as little as $7 a day, which this bill provides, we could save over $70 a day in institutional costs. To allow caregivers to continue to provide the quality of life, dignity, and love that they want to provide to their family members who have functional limitations, is more than a good investment; it's common sense.

The American family is changing. People are living longer. Our elderly population is increasing rapidly. By the year 2020 there will be 57 million citizens over the age of 65. That is 25 million more than today. Three generational families are becoming common and four generational families are not unusual. Families are postponing childbearing and having fewer children. The cost of living often requires that both parents work outside the home to sustain the family. Frequently, we find caregivers sandwiched between caring for parents and children. Advances in medical care and technology have succeeded in facilitating the efforts of our disabled citizen to attain greater degrees of independence with the support and care of their families.

Mr. President, the demands that this increasingly complex configuration of responsibilities and stresses make on the caregivers can be unremitting and frequently threatens the stability of the family unit or the health of the primary caregiver. The primary family caregivers can and should be bolstered and supported in their desire to keep their loved ones at home and in the community. Often a minimal amount of timeout from the tasks of providing basic human needs is enough to prevent the disintegration of the family.

Mr. President, this legislation establishes a cost effective alternative to institutionalization. It is intergenerational in scope. It provides support for families who care for their loved ones who are functionally limited, whether the disability is from birth, or from injury, or from illness, or from aging. The beneficiary is not only the individual who has functional limitations, but just as importantly it is the family and each of its members.

Mr. President, if there was ever a place where a little bit goes a long way, it is here. This informal network of support really should be deepened and broadened. It represents the embodiment of family values, and is the backbone of every community's effort to offer humane and dignified care while maintaining the highest possible quality of life and independence for its frail and disabled citizens. I strongly urge my colleagues to support this bill.

I ask unanimous consent that a copy of the summary of the bill and two letters related to the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE FAMILY CAREGIVER SUPPORT ACT OF 1991

The Family Caregiver Support Act of 1991 establishes a program which bolsters and strengthens informal support systems to help ensure that the functionally disabled are maintained in the community as long as possible. When families or friends finally turn to formal community agencies, it usually represents a last-ditch attempt either to forestall institutional placement or to avoid the physical or mental breakdown of the family caregiver. This act will lighten the "caregiver burden"; the social, emotional, and financial costs associated with caregiving.

Purpose: This program will support and sustain unpaid primary caregivers of persons with functional limitations of all ages by providing temporary relief from the stresses and demands of daily caregiving.

Eligibility: The services are available for persons with functional limitations who required assistance with three out of five activities of daily living (dressing, eating, toileting, bathing, transferring) or need substantial supervision, as well as, children declared disabled through SSI.

Services may not supplant or duplicate services otherwise available to the eligible person under Medicare, Medicaid or private insurance.

Services: The services provided for the caregiver may include any of the following on a planned or emergent basis: Companion services (non-medical); Homemaker services; Personal assistance (to assist with provision of personal needs); Adult Day Care (social and medical); or other respite services such as temporary care in accredited/licensed hospitals or nursing homes, or peer support and training for caregivers.

The eligible person is entitled to $2400 in services per year. Persons with incomes exceeding 200 percent of poverty must pay on a sliding fee scale (established by the states) up to a maximum benefit limit of $75,000 income.

Administrative Structure: The statute creates a new Title XXI of the Social Security Act. The Federal expenditures are capped at $2,400 per eligible recipient and 50 percent of the administrative costs. States are required to support 50 percent of the administrative costs, with a maintenance of effort provision.

ALZHEIMER'S ASSOCIATION,
Washington, DC, April 25, 1991.

Hon. BILL BRADLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR BRADLEY: The Alzheimer's Association enthusiastically endorses "The Family Caregiver Support Act of 1991" which you are introducing today. This Act will offer minimal but absolutely essential support to the women and men who are providing the continuous care that is making it possible for their severely disabled loved ones to remain in the community.

These informal caregivers are the lifeblood of the long term care system in our country. More than 1 million of them are providing care for a loved one—a spouse, a parent, a grandparent, a sibling, a friend—who has Alzheimer's disease. Caring for an Alzheimer patient is an unrelenting, physically and emotionally exhausting job that goes on twenty-four hours a day, often for many years.

These family caregivers repeatedly and overwhelmingly report that the one thing they need most to continue in their role is brief time out—respite—from the constant demands of caregiving. That is what The Family Caregiver Support Act would provide—occasional help in the home, in a day setting outside the home, or in an overnight facility, to enable caregivers to get away for a few hours, to catch their breath, to keep going.

The Alzheimer's Association, through its 209 local chapters, has been directly involved in delivery of respite services for families throughout the country. We have demonstrated that it is a service that makes a critical difference for Alzheimer families and can be provided at relatively low cost—particularly when compared with the cost of full-time paid care. We have also learned that the need for services far exceeds the capacity of the voluntary sector to respond. While we are absolutely committed to continuing our own family caregiver support, it is time for government to do its part as well.

We are particularly encouraged by the emphasis this Act places on flexibility and family choice—assuring services that are tailored to meet the specific needs of the individual caregiver and the person receiving care. This is essential for persons with Alzheimer's for whom traditional services based on medical models of care are typically inappropriate and who require care from persons who understand the particular needs of persons suffering from a cognitive impairment.

We support the definitions of eligibility that make the program available to persons with severe functional limitations without regard to age or cause of disability. Persons suffering from Alzheimer's disease or related disorders make up the largest group of severely disabled older persons who are receiving care from unpaid caregivers—and we particularly appreciate the care with which eligibility language has been written to assure that services under the Act will be available to them.

The Alzheimer's Association supports a social insurance approach to long term care. Given current budget realities, however, we understand the pressure to impose some income limitations on programs at this time and believe that the limits and cost-sharing requirements of the proposed legislation are reasonable in that context.

The Family Caregiver Support Act represents an affordable and very substantial first step toward implementation of the Pepper Commission's bipartisan long term care recommendations. The services offered under this Act are an essential part of the continuum of care for an Alzheimer patient. They may not provide an alternative to full-time paid care at home or in a nursing home when that is what a patient needs. But they will help families who are dealing with Alzheimer's disease, and other families in similar situations, stay together as long as that is possible.

The Alzheimer's Association commends you for your commitment to our nation's caregivers and for your leadership in introducing this legislation.

Sincerely,

STEPHEN MCCONNELL,
Senior Vice President, Public Policy.

United Cerebral Palsy Associations,
Washington, DC, April 25, 1991.
Senator Bill Bradley,
U.S. Senate, Washington, DC.

Dear Senator Bradley: On behalf of United Cerebral Palsy Associations' 162 affiliates throughout the country, and the 700,000 children and adults with cerebral palsy, and the millions of children and adults with other development disabilities for whom we advocate, we are pleased to lend our support to your introduction of the Family Caregivers' Support Act.

We commend you for recognizing that families with a member with a substantial disability face extraordinary challenges in raising their child and maintaining a strong family. Your legislation begins to address a significant public policy issue; America's financial and policy incentives must support rather than supplant the family—this nation's greatest resource. The federal policy must also recognize that families are competent, that they know best what they need and must be given the power to assert their preferences and choices of what constitutes "family support" for their family rather than being told by professionals and service providers what is "good for them."

We look forward to continuing to work with you and your staff in the months ahead to refine this legislation and to achieve enactment of a Family Caregivers' Support Act that will send a positive message to families and to people with disabilities that they are valued Americans.

Sincerely,

Allan I. Bergman,
Deputy Director,
Governmental Activities.

By Mr. ADAMS (for himself, Mr. Graham, Mr. Pryor Mr. Burdick, and Mr. Dodd):

S. 973. A bill to amend the Older Americans Act of 1965 to provide congregate nutrition services and intergenerational activities on elementary and secondary school facilities, and for other purposes; to the Committee on Labor and Human Resources.

SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND INTERGENERATIONAL PROGRAMS ACT

Mr. ADAMS. Mr. President, in September of last year, I had the chance to visit a special program that provides hot and nutritious meals to the elderly in and around Seattle. The program, School Programs Involving Community Elders, is known as SPICE. It is unique among nutrition programs for senior citizens because each of SPICE's eight nutrition sites is located in a local public school.

I was so impressed with what I saw and know about SPICE that I want to see the concept of SPICE used throughout the country. At the end of the 101st Congress, I introduced legislation to amend the Older Americans Act to provide grants to States specifically for this purpose.

I rise today to reintroduce that measure. As you will see, the benefits of the School-Based Meals for Older Individuals and Intergenerational Programs Act of 1990 would go way beyond the meals provided.

In brief, the legislation I am introducing today will serve two key purposes. First, it will help bring seniors and kids together—so both benefit—and will make fuller use of our public schools and their many facilities. Second, it would provide a way to ensure expanded nutrition services for the elderly. The facts are clear: Senior nutrition services are essential for many older Americans and the need today far exceeds yesterday's need, much less tomorrow's needs.

Additionally, opening up schools to older Americans will provide valuable intergenerational opportunities and will be very helpful in generating more much-needed public support for our public education system. As one who benefited directly from a sound public education system, I am deeply distressed by the scope of the problems plaguing our schools and our disadvantaged youth. I believe programs like SPICE can be part of an answer to some of these problems.

Earlier this summer, when I accepted the chairmanship of the Subcommittee on Aging of the Senate Labor and Human Resources Committee, which is responsible for the Federal Older Americans Act, I stated that one of my top priorities would be to seek ways to link older and younger Americans together; to make more of our efforts truly intergenerational.

Therefore, it was exciting to me to find that one of the most innovative and effective ways to do just that is in my own backyard—so to speak—right in Seattle.

I want to submit for the Record a list of activities occurring at SPICE locations in my State. The list is broad, but I would like to mention just a few examples.

At Wilson/Pacific Indian Heritage School, SPICE participants volunteer to accompany special education students to swimming classses and physical therapy sessions. Seniors also help feed disabled students. Whittier Elementary SPICE participants take part in a program called Reading With a Friend, where seniors are teamed with readers in the library each week for tutoring sessions. Also at Whittier, SPICE sponsors holiday shopping parties for the entire school. Each student chooses a gift for his or her family. The gifts are donated by Whittier SPICE seniors. These are just a few examples of intergenerational programming and the potential is truly exciting.

Throughout my visit to SPICE, I was deeply touched by the rewards reaped by young and old who are involved in the SPICE program. By providing important nutrition services to older Americans in our public schools, we create the opportunity for good interaction between young and old. Most senior nutrition sites are located in other settings—not in our schools. Since 1974, SPICE has demonstrated the value of bringing youngsters, from kindergarten to high school, together with our older citizens.

It seems to me that one of the most disappointing and distressing developments in our society has been the increasing segregation of our older citizens from our younger citizens. We all know this is the product of various changes in our society that have had a dramatic effect on the traditional notion of large extended families whose members live close to each other.

As we agonize with the many difficulties facing so many of our young citizens today—from not having a mother and father in the same household, to inadequate funding for educational opportunities, to the plague of drugs—we know that the lack of meaningful role models and adult guidance is a significant contributing factor to our youth's problems. Simply put, if kids don't have positive ongoing experiences with parents, grandparents, and other adults, something significant will be missing from their lives and may well lead to serious difficulties. On the other side of the coin, as adults, we benefit from interactions with kids of all ages.

Federal support to encourage the nationwide development of programs modeled after SPICE is a wise investment. Now, more than ever before, we must utilize the resources available to us as effectively as possible as we struggle to provide important services to our Nation's elderly and youth. With that, I conclude my remarks. I hope to have your support for this bill.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School-Based Meals for Older Individuals and Intergenerational Programs Act of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) there are millions of older individuals who could benefit from congregate nutrition services, but live in areas where meals are unavailable or limited;

(2) there are millions of students who need positive role models, tutors, enhancement of self-esteem, and assistance with the problems the students face in the complex society of the United States;

(3) older individuals have a unique range of knowledge, talents, and experience, which can be of immeasurable value to students as a part of the educational process;

(4) intergenerational programs can provide older individuals with the opportunity to contribute skills and talents in the public schools;

(5) programs that create and foster communication between older individuals and youth are effective in improving awareness and understanding of the aging process, promoting more positive and balanced views of the realities of aging, and reducing negative stereotyping of older individuals;

(6) unused or underused space in school buildings can be shared for intergenerational programs serving older individuals in exchange for good faith commitments to provide volunteers to assist the schools; and

(7) school districts need broad-based community support for school initiatives, and intergenerational programs can help to enrich the support.

(b) PURPOSES.—The purposes of this Act are—

(1) to create and foster intergenerational opportunities for older individuals and students in the schools, where meals and social activities are provided;

(2) to create a program to assist students with the greatest needs, as measured by dropout rates, substance abuse, poverty, limited English-speaking ability, and other measures;

(3) to provide older individuals with opportunities to improve their self-esteem and make major contributions to the educational process of the youth of the United States by contributing the unique knowledge, talents, and sense of history of older individuals through roles as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and many other volunteer support roles;

(4) to provide an opportunity for older individuals to obtain access to school facilities and resources, such as libraries, gymnasiums, theaters, cafeterias, audiovisual resources, and transportation; and

(5) to create other programs for group interaction between students and older individuals, including class discussions, dramatic programs, shared school assemblies, field trips, and mutual classes.

SEC. 3. SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND INTERGENERATIONAL PROGRAMS.

(a) PROGRAM AUTHORIZED.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by adding at the end the following new subpart:

"*Subpart 3—School-Based Meals for Volunteer Older Individuals and Intergenerational Programs*

"SEC. 338. ESTABLISHMENT.

"(a) IN GENERAL.—The Commissioner shall establish and carry out, under State plans approved under section 307, a program for making grants to States to pay for the Federal share of establishing and operating projects in elementary and secondary schools that—

"(1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council, to volunteer older individuals—

"(A) while such schools are in session;

"(B) during the summer; and

"(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

"(2) provide intergenerational activities in which volunteer older individuals and students interact;

"(3) provide social and recreational activities for volunteer older individuals;

"(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

"(5) provide opportunities for volunteer older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities (such as cafeterias, libraries, gymnasiums, and auditoriums).

"(b) FEDERAL SHARE.—The Federal share of the costs of establishing and operating nutrition and intergenerational activities projects under this subpart shall be 85 percent.

"SEC. 338A. APPLICATION AND SELECTION OF PROVIDERS.

"(a) CONTENTS OF APPLICATION.—To be eligible to carry out a project under the program established under this subpart, an entity shall submit an application to the State agency designated under section 305(a)(1). Such application shall include—

"(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency;

"(2) an assurance that the entity shall pay not more than 85 percent of the cost of carrying out such project from funds awarded under this subpart;

"(3) an assurance that the entity shall pay not less than 15 percent of such cost, in cash or in kind, from non-Federal sources;

"(4) information demonstrating the need for such project, including a description of—

"(A) the nutrition services and other services currently provided under this part in the geographic area to be served by such project; and

"(B) the manner in which the project will be coordinated with such services; and

"(5) such other information and assurances as the Commissioner may require by regulation.

"(b) SELECTION AMONG APPLICANTS.—In selecting grant recipients from among entities that submit applications under subsection (a) for a fiscal year, the State agency shall—

"(1) give first priority to entities that carried out a project under this subpart in the preceding fiscal year;

"(2) give second priority to entities that carried out a nutrition project under subpart 1 in the preceding fiscal year; and

"(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, the number of children who have limited English-speaking ability or who participate in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), the National School Lunch Act (42 U.S.C. 1751 et seq.), or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or other measures).

"SEC. 338B. REPORTS.

"(a) REPORTS BY STATES.—Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Commissioner a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include for each project—

"(1) a description of—

"(A) persons served;

"(B) intergenerational activities carried out; and

"(C) additional needs of volunteer older individuals and students; and

"(2) recommendations for any appropriate modifications to satisfy the needs described in paragraph (1)(C).

"(b) REPORTS BY COMMISSIONER.—Not later than 120 days after the end of a fiscal year for which funds are appropriated to carry out this subpart, the Commissioner shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing, with respect to each State, the reports submitted under subsection (a) for such fiscal year.".

(b) LIMITATION ON ADMINISTRATIVE COSTS.—Section 303(c) of the Act (42 U.S.C. 3023(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "parts B and C" and inserting "part B, and subparts 1 and 2 of part C,"; and

(2) in paragraph (2), by inserting "under subparts 1 and 2 of part C" after "nutrition services".

(c) STATE PLANS.—Section 307(a)(13)(B) of the Act (42 U.S.C. 3027(a)(13)(B)) is amended by inserting "(other than under section 303(b)(3))" after "available under this title".

(d) LIMITATION ON TRANSFER OF FUNDS.—Section 308(b)(5) of the Act (42 U.S.C. 3028(b)(5)) is amended—

(1) in subparagraph (A), by striking "and subsection (b)" and inserting ", and paragraphs (1) and (2) of subsection (b),"; and

(2) in subparagraph (B), by striking "subsections (a)(1) and (b)" and inserting "subsection (a)(1), and paragraphs (1) and (2) of subsection (b),".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(3) Subject to subsection (i), there are authorized to be appropriated $20,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995 to carry out subpart 3 of part C of this title (relating to congregate nutrition services and intergenerational activities of schools)."; and

(2) by adding at the end the following new subsection:

"(i) No funds may be appropriated under subsection (b)(3) for a fiscal year unless the amounts appropriated for subparts 1 and 2 of part C, respectively, exceed 100 percent of the amounts appropriated for fiscal year 1990 for subparts 1 and 2 of part C.".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1992.

By Mr. ADAMS (for Mr. PRYOR, for himself, Mr. BRADLEY, Mr. BURDICK, Mr. GRAHAM, Mr. HATFIELD, Mr. HEFLIN, Mr. KOHL, Mr. REID, Mr. SHELBY, Mr. WALLOP, Mr. INOUYE, Mr. DECONCINI, Mr. SANFORD, Mr. COHEN, Mr. GORTON, Mr. ROCKEFELLER, Mr. STEVENS, Mr. GLENN, Mr. BREAUX, Mr. RIEGLE, Mr. MCCAIN, Mr. JOHNSTON, and Mr. PRESSLER):

S. 974. A bill to improve the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

HEINZ ELDER LIFE PROGRAM ACT

Mr. ADAMS. Mr. President, I am very honored to rise today to introduce legislation on behalf of Senator PRYOR, who, as we are all aware, is recuperating from his recent heart attack. While we are all deeply shaken by this very unhappy news, we must all be encouraged that DAVID PRYOR has said the "show must go on." It is so characteristic of this fine man that we all admire that instead of resting quietly and thinking about golf and other relaxing things, he is focused on his responsibilities as a Senator and advocate for the Nation's elderly.

I feel it is a privilege to do this for Senator Pryor. It is also an honor for another important reason: The legislation that Senator Pryor had intended to introduce is called the "Heinz Elder Life Program Act" in dedication to the memory of our friend and colleague, Senator John Heinz. It is a fitting way to acknowledge the many important contributions Senator Heinz made to the well-being of older Americans, particularly in his roles as chairman and ranking member of the Special Committee on Aging.

This legislation would amend the Older Americans Act of 1965 which is up for reauthorization this year. The legislation builds upon the solid foundation laid by the OAA and reflects legislative recommendations made during a series of workshops conducted last year by the Special Committee on Aging.

As chairman of the Subcommittee on Aging, I have responsibility for this year's reauthorization of the Older Americans Act. I am conducting a series of hearings concerning the reauthorization and have received testimony on many different important issues. Senator Pryor's legislation addresses a number of key concerns that have been brought to my attention. As I complete this process and prepare amendments to be considered in the Labor Committee, I intend to consider carefully Senator Pryor's thoughtful amendments, and to work closely with him in crafting a responsive reauthorization bill. I look forward to his speedy recovery and return to the Senate, and working with him on this and many other issues.

Mr. President, I ask unanimous consent that the "Dear Colleague" that Senator Pryor circulated prior to his hospitalization, as well as the legislative language and the bill specifications for this legislation to be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Heinz Elder Life Program Act".

SEC. 2. FINDINGS.

Congress finds that additional authority is necessary to improve and strengthen existing services under the Older Americans Act of 1965, in order to maintain the independence and dignity of all older persons.

SEC. 3. DEFINITIONS.

(a) In General.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) (referred to in this Act as the "Act") is amended—

(1) in paragraph (11), to read as follows:

"(11) The term 'information and assistance service' means a service for older individuals, as defined in section 302(9), that—

"(A) provides the individuals with current information on all opportunities and services available to the individuals within their communities, including information relating to assistive technology;

"(B) assesses the problems and capacities of the individuals;

"(C) links the individuals to the opportunities and services that are available;

"(D) ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures; and

"(E) serves the entire community of older individuals, particularly individuals with the greatest social and economic need, as defined in paragraphs (18) and (19) of section 302."; and

(2) by adding at the end the following new paragraphs:

"(13) The term 'Administration' means the Administration on Aging established in section 201.

"(14) The term 'aging network' means the network of agencies established in section 305, including the Administration, State agencies, and area agencies on aging.

"(15) The term 'area agency on aging' means an agency designated under section 305(a)(2)(A).

"(16) The term 'State agency' means an agency designated under section 305(a)(1).".

(b) Technical and Conforming Amendments.—Sections 102(2), 201(c)(1), 211, 301(b)(1), 402(a), 411(b), 503(a), and 505(a) (42 U.S.C. 3002(2), 3011(c)(1), 3020b, 3021(b)(1), 3030bb(a), 3031(b), 3056a(a), and 3056c(a)) are amended by striking "Administration on Aging" and inserting "Administration".

SEC. 4. DATA COLLECTION.

Title II of the Act (42 U.S.C. 3011 et seq.) is amended by adding at the end the following new section:

"SEC. 214. DATA COLLECTION.

"(a) Establishment.—The Assistant Secretary shall establish a Commission to study data collection under this Act.

"(b) Duties.—

"(1) Study.—The Commission described in subsection (a) shall conduct a study of the reporting requirements under this Act and related programs and make recommendations for legislative and administrative reform, consistent with the following objectives:

"(A) Collection of detailed national information concerning monetary expenditures for services provided under title III.

"(B) Collection of accurate information concerning the social, economic, and demographic characteristics of program participants.

"(C) Collection of data to effectively measure compliance with the regulations and mandates of the Administration.

"(D) Minimization of duplication with the reporting requirements of other Federal, State, and private programs.

"(E) Collection of data to measure the impact of nutrition services on elderly beneficiaries.

"(F) Achievement of other important objectives.

"(2) Report.—Not later than 15 months after the date of the enactment of this section, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

"(A) the findings and conclusions of the Commission resulting from the study conducted under paragraph (1); and

"(B) the recommendations for legislative and administrative reform described in paragraph (1).".

SEC. 5. INFORMATION AND ASSISTANCE.

(a) Functions of Assistant Secretary.—Section 202(a) of the Act (42 U.S.C. 3012(a)) is amended—

(1) by striking "and" at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(21) establish information and assistance services as priority services for the aged and aging.".

(b) Technical and Conforming Amendments.—Section 302(2), paragraphs (2)(A) and (4) of section 306(a) and sections 307(a)(9), 422(c)(3), 614(a)(6), and 624(a)(7) of the Act (42 U.S.C. 3022(2), 3026(a)(2)(A) and (4), 3027(a)(9), 3035a(c)(3), 3057e(a)(6), and 3057j(a)(7)) are amended by striking "information and referral" each place the term appears and inserting "information and assistance".

SEC. 6. LEGAL ASSISTANCE.

(a) Functions of Assistant Secretary.—Section 202(a) of the Act (42 U.S.C. 3012(a)) (as amended by section 5(a) of this Act) is further amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(22) develop guidelines for area agencies on aging to follow in choosing and evaluating providers of legal assistance; and

"(23) develop guidelines and a model job description for choosing and evaluating legal assistance developers.".

(b) Area Plans.—Section 306(a)(6) of the Act (42 U.S.C. 3026(a)(6)) is amended—

(1) by striking "and" at the end of subparagraph (O); and

(2) by adding at the end the following new subparagraphs:

"(Q) establish an informal grievance procedure for older individuals who are dissatisfied with or denied services under this title, with further appeal to the appropriate area agency on aging; and

"(R) in providing legal assistance, give priority to legal problems related to income, health care, long-term care, nutrition, housing and utilities, defense of guardianship, abuse and neglect, and age discrimination;".

(c) State Plans.—Section 307(a)(15) of the Act (42 U.S.C. 3027(a)(15)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period and inserting "; and" at the end of subparagraph (D); and

(3) by adding at the end the following new subparagraph:

"(E) the plan contains assurances that area agencies on aging will give priority to legal problems related to income, health care, long-term care, nutrition, housing and utilities, defense of guardianship, abuse and neglect, and age discrimination.".

SEC. 7. OMBUDSMAN SERVICES.

(a) Technical Assistance and Training.—Section 301(c) of the Act (42 U.S.C. 3021(c)) is amended by adding at the end the following new sentences: "The assistance shall include assistance in recruiting and retaining volunteers for ombudsman programs by establishing a national program for recruitment efforts. Such a program should utilize the organizations that have established a successful record in recruiting and retaining volunteers for ombudsman or other programs.".

(b) STATE PLANS.—Section 307(a)(12)(G) of the Act (42 U.S.C. 3027(a)(12)(G)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period and inserting "; and" at the end of clause (ii); and

(3) by adding at the end the following new clause:

"(iii) encourage adoption of memoranda of understanding between legal assistance providers and ombudsman providers that will ensure that the providers will coordinate services to the greatest extent possible.".

(c) PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 371 of the Act (42 U.S.C. 3030p) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4), and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) require that State agencies make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in paragraph (4) by entering into memoranda of understanding that narrowly limit disclosure of information, consistent with the requirements described in paragraph (4).".

SEC. 8. TRANSPORTATION.

(a) ESTABLISHMENT.—Title III of the Act (42 U.S.C. 3021 et seq.) is amended by adding at the end the following new part:

"PART H—TRANSPORTATION FOR OLDER INDIVIDUALS

"SEC. 381. TRANSPORTATION SERVICES.

"(a) AUTHORIZATION.—The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 to provide transportation services under this Act. Services provided under this part shall include services to facilitate access to supportive services under part B, nutrition services under part C, health care, and other important services.

"(b) CONSULTATION.—In carrying out this title, the Assistant Secretary shall consult, and enter into memoranda of understanding, where appropriate, with the heads of other Federal agencies, including the Administrator of General Services, the Secretary of Transportation, and the Secretary of Education, in order to obtain policy guidance and to augment available resources for transportation services.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Act (42 U.S.C. 3023) is amended by adding at the end the following new subsection:

"(i) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and each of the subsequent fiscal years, for the purpose of carrying out part H (relating to transportation services).".

SEC. 9. OMBUDSMAN DEMONSTRATION PROJECTS.

(a) DEMONSTRATION PROJECTS.—Section 427(a) of the Act (42 U.S.C. 3035f(a)) is amended by inserting ", legal assistance agencies," after "ombudsman program".

(b) REAUTHORIZATION.—Section 431(a)(2) of the Act (42 U.S.C. 3037(a)(2)) is amended—

(1) in the first sentence, by striking "$1,000,000 for fiscal year 1989" and inserting "$1,000,000 for fiscal year 1992"; and

(2) in the second sentence, by striking "fiscal year 1990" and inserting "fiscal year 1993".

SEC. 10. LONG-TERM CARE SERVICES.

(a) ESTABLISHMENT.—Title IV of the Older Americans Act of 1965 (42 U.S.C. 3030aa et seq.) is amended by adding at the end the following new section:

"SEC. 429. LONG-TERM CARE DEMONSTRATION PROJECTS.

"(a) DEFINITIONS.—As used in this section:

"(1) LONG-TERM CARE SERVICE.—The term 'long-term care service' means one of a broad continuum of services that shall include institutional care and community-based health and social services.

"(2) OLDER INDIVIDUAL.—The term 'older individual' has the meaning given the term in section 302(9).

"(b) ESTABLISHMENT.—The Assistant Secretary shall establish not fewer than eight demonstration projects to determine the feasibility of using the aging network as the infrastructure for a comprehensive long-term care system. The Assistant Secretary shall award grants to State agencies and, in consultation with State agencies, to area agencies on aging, to pay for the costs of carrying out the projects.

"(c) USE OF GRANTS.—An agency shall use a grant awarded under subsection (b) to carry out a demonstration project in which the agency—

"(1) implements an integrated system of long-term care services, with a single point of entry for all recipients of the services and a mechanism for managing the care process across a range of settings; or

"(2) evaluates the effectiveness of an integrated system of long-term care services, as described in paragraph (1), that exists on the date of the enactment of this Act.

"(d) AWARD OF GRANTS.—In making grants to agencies under subsection (b), the Assistant Secretary shall—

"(1) award an appropriate number of grants to agencies that serve individuals with the greatest social and economic need, including minorities;

"(2) award an appropriate number of grants to agencies that serve predominantly rural communities; and

"(3) distribute an appropriate number of grants among agencies that use different administrative approaches to implementing a system providing long-term care services, such as—

"(A)(i) agencies that separate the case assessment and case management functions of the system, as described in subparagraphs (A) and (B) of subsection (e)(1); and

"(ii) agencies that merge the case assessment and case management functions;

"(B)(i) agencies in communities in which multiple agencies provide long-term care services; and

"(ii) agencies in communities in which a single agency provides the services; and

"(C)(i) agencies with a high ratio of clients to case managers; and

"(ii) agencies with a low ratio of clients to case managers.

"(e) APPLICATION.—To be eligible to receive a grant under this section, a State agency shall submit an application jointly with an area agency on aging, at such time, in such manner, and containing such information as the Assistant Secretary may prescribe. At a minimum, the application shall include information that—

"(1) demonstrates the ability of the area agency on aging to establish an effective system of long-term care services that—

"(A) utilizes case assessors to perform case assessment functions, including—

"(i) assessing the financial status, disability status, and social services needs of individuals who enter the system;

"(ii) determining the eligibility of each such individual for long-term care services, both public and private;

"(iii) screening each such individual to determine whether the individual should be referred to a case manager or assisted in institutional placement; and

"(iv) periodically auditing case managers; and

"(B) utilizes case managers to perform case management functions, including—

"(i) coordinating the provision of long-term care services;

"(ii) working with families to develop individual care plans, and overseeing the plans;

"(iii) authorizing long-term care services and funding;

"(iv) monitoring and accounting for the provision and use of the services and funding;

"(v) making periodic reassessments to determine whether changes in the amount or type of the services are warranted; and

"(vi) coordinating long-term care services for individuals with all other appropriate public and private entities to the greatest extent possible;

"(2) provides assurances that the agency will take such measures as the Assistant Secretary may determine to be necessary to minimize conflicts of interest in systems in which the agency merges the case assessment functions described in paragraph (1)(A) and the case management functions described in paragraph (1)(B);

"(3) demonstrates an ability to provide sufficient training and to enforce adequate certification requirements so that case assessors and case managers can perform the functions described in subparagraphs (A) and (B) of paragraph (1), respectively;

"(4) certifies that the area agency on aging has the authority to authorize and administer services and benefits under title XIX and title XX of the Social Security Act (42 U.S.C. 1396 et seq. and 1937 et seq.);

"(5) demonstrates the capacity to work with other social services agencies in implementing the system;

"(6) demonstrates a presence within the community and the ability to develop an effective mechanism for outreach within the community; and

"(7) provides assurances that, if the agency receives fees for providing any or all long-term care services under contract with private insurers, the agency will make all reasonable efforts to avoid any agreement or contract that—

"(A) obligates the agency to promote a company or the products of the company; or

"(B) places the agency in a conflict of interest with the public mission of the agency.

"(f) EVALUATION AND REPORT.—

"(1) EVALUATION.—The Assistant Secretary shall establish procedures for evaluating, and shall evaluate, the demonstration projects established under this section to determine the appropriateness of the aging network for implementing, and the capability of the network to implement, a system for the provision of long-term care services. In conducting the evaluation, the Assistant Secretary shall take into account variations in administrative approaches toward providing the services, including but not limited to—

"(A) the effectiveness of merging the case assessment and case management functions described in subparagraph (A) and (B) of subsection (e)(1), respectively, as opposed to separating the functions;

"(B) the impact of providing services through multiple agencies in a community, as opposed to providing the services through a single agency; and

"(C) the impact of systems with a high ratio of clients to case managers, as opposed to systems with a low ratio.

"(2) ANNUAL REPORT.—The Assistant Secretary shall include in the annual report to the Congress required by section 207—

"(A) the evaluation described in paragraph (1);

"(B) information on the impact of grants made under this section; and

"(C) information on the experiences of grantees in meeting the requirements of this section.

"(g) MAINTENANCE OF EFFORT.—Funds made available to carry out this section shall be in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under any Federal, State, or local law by a State or unit of general purpose local government (including area agencies on aging that have in the planning and services areas of the agencies existing services that primarily provide long-term care services for older individuals).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 431 of the Act (42 U.S.C. 3037) is amended—

(1) in subsection (a)—

(A) by striking "the provisions of this title (other than sections 427 and 428)" and inserting "sections 401 through 426,"; and

(B) by adding at the end the following new paragraph:

"(4) There are authorized to be appropriated to carry out section 429, $5,000,000 for each of the fiscal years 1992 through 1994, of which—

"(A) not less than $400,000 shall be used in each fiscal year for making grants for each demonstration project described in section 429(c)(1); and

"(B) not more than $500,000 shall be used in each fiscal year for making grants for each demonstration project described in section 429(c)(2)."; and

(2) in subsection (b), by striking "this title (other than sections 427 and 428)" and inserting "sections 401 through 426".

SEC. 11. LEGAL ASSISTANCE GRANTS.

(a) ESTABLISHMENT.—Title IV of the Act (as amended by section 10(a) of this Act) is further amended by adding at the end the following new section:

"SEC. 430. LEGAL ASSISTANCE GRANTS.

"(a) ESTABLISHMENT.—The Assistant Secretary shall establish a program of grants to State agencies to support and assist older individuals by providing legal assistance in areas such as living wills, durable powers of attorney, and other life planning areas.

"(b) APPLICATION.—To be eligible to receive assistance under this section, a State agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary shall require.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 431(a) of the Act (42 U.S.C. 3037(a)) (as amended by section 10(b) of this Act) is further amended by adding at the end the following new paragraph:

"(5) There are authorized to be appropriated to carry out section 430, $2,000,000 for each of the fiscal years 1992 through 1994.".

SEC. 12. ELEVATION OF STATUS OF THE COMMISSIONER ON AGING TO ASSISTANT SECRETARY.

(a) OLDER AMERICANS ACT OF 1965.—The Act is amended—

(1) in section 102(2) (42 U.S.C. 3002(2)), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(2) in section 201 (42 U.S.C. 3011)—

(A) in subsection (a)—

(i) in the first sentence, by striking "(hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner')" and inserting ", which shall be headed by an Assistant Secretary of Aging"; and

(ii) in the third, fourth, and fifth sentences, by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(B) in subsection (b), by striking "Commissioner" and inserting "Assistant Secretary"; and

(C) in subsection (c)—

(i) in paragraphs (2) and (3), by striking "Associate Commissioner" and inserting "Deputy Assistant Secretary"; and

(ii) except as provided in clause (i) of this subparagraph, by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(3) in section 202 (42 U.S.C. 3012), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(4) in section 203(a) (42 U.S.C. 3013(a)), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(5) in section 204(d)(3) (42 U.S.C. 3015(d)(3)), by striking "Commissioner" and inserting "Assistant Secretary";

(6) in section 205 (42 U.S.C. 3016), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(7) in section 207 (42 U.S.C. 3018), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(8) in section 211 (42 U.S.C. 2020b), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary of Aging';

(9) in section 212 (42 U.S.C. 2020c)—

(A) by striking "Associate Commissioner" and inserting "Deputy Assistant Secretary"; and

(B) by striking "Commissioner)" and inserting "Assistant Secretary)";

(10) in section 301 (42 U.S.C. 3021), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(11) in section 304 (42 U.S.C. 3024), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(12) in section 305 (42 U.S.C. 3025), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(13) in section 306 (42 U.S.C. 3026), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(14) in section 307 (42 U.S.C. 3027), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(15) in section 308 (42 U.S.C. 3028), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(16) in section 309(a) (42 U.S.C. 3029(a)), by striking "Commissioner" and inserting "Assistant Secretary";

(17) in section 310 (42 U.S.C. 3030), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(18) in section 311(a)(4) (42 U.S.C. 3030a(a)(4)), by striking "Commissioner" and inserting "Assistant Secretary";

(19) in section 312(2) (42 U.S.C. 3030b(2)), by striking "Commissioner" and inserting "Assistant Secretary";

(20) in section 313(a) (42 U.S.C. 3030c(a)), by striking "Commissioner" and inserting "Assistant Secretary";

(21) in section 321 (42 U.S.C. 3030d), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(22) in section 331 (42 U.S.C. 3030e), by striking "Commissioner" and inserting "Assistant Secretary";

(23) in section 336 (42 U.S.C. 3030f), by striking "Commissioner" and inserting "Assistant Secretary";

(24) in section 337 (42 U.S.C. 3030g), by striking "Commissioner" and inserting "Assistant Secretary";

(25) in section 341(a) (42 U.S.C. 3030h(a)), by striking "Commissioner" and inserting "Assistant Secretary";

(26) in section 351 (42 U.S.C. 3030l), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(27) in section 361 (42 U.S.C. 3030m), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(28) in section 371 (42 U.S.C. 3030p), by striking "Commissioner" and inserting "Assistant Secretary";

(29) in section 402 (42 U.S.C. 3030bb), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(30) in section 411 (42 U.S.C. 3031), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(31) in section 412 (42 U.S.C. 3032), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(32) in section 421 (42 U.S.C. 3035), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(33) in section 422 (42 U.S.C. 3035a), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(34) in section 423 (42 U.S.C. 3035b), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(35) in section 424 (42 U.S.C. 3035c), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(36) in section 425 (42 U.S.C. 3035d), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(37) in section 427 (42 U.S.C. 3035f)—

(A) in subsection (a), by striking "Commissioner" and inserting "Assistant Secretary"; and

(B) in subsection (b), by striking "Commissioner on Aging" each place the term appears and inserting "Assistant Secretary";

(38) in section 428 (42 U.S.C. 3035g), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(39) in section 431(c)(1) (42 U.S.C. 3037(c)(1)), by striking "Commissioner" and inserting "Assistant Secretary";

(40) in section 432 (42 U.S.C. 3037a), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(41) in section 433 (42 U.S.C. 3037b), by striking "Commissioner" each place the

term appears and inserting "Assistant Secretary";

(42) in section 503(a) (42 U.S.C. 3056a(a)), by striking "Commissioner of the Administration on Aging" and inserting "Assistant Secretary";

(43) in section 505(a) (42 U.S.C. 3056c(a)), by striking "Commissioner of the Administration on Aging" and inserting "Assistant Secretary";

(44) in section 613 (42 U.S.C. 3057d), by striking "Commissioner" and inserting "Assistant Secretary";

(45) in section 614 (42 U.S.C. 3057e), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(46) in section 623 (42 U.S.C. 3057i), by striking "Commissioner" and inserting "Assistant Secretary";

(47) in section 624 (42 U.S.C. 3057j), by striking "Commissioner" each place the term appears and inserting "Assistant Secretary";

(48) in section 631 (42 U.S.C. 3057l), by striking "Commissioner" and inserting "Assistant Secretary"; and

(49) in section 632 (42 U.S.C. 3057m), by striking "Commissioner" and inserting "Assistant Secretary".

(b) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended in the item regarding Assistant Secretaries of Health and Human Services by striking "(5)" and inserting "(6)".

(c) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.—Section 9(b) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking "Commissioner on Aging" and inserting "Assistant Secretary of Aging".

(d) HOME HEALTH CARE AND ALZHEIMER'S DISEASE AMENDMENTS OF 1990.—Section 302(a) of the Home Health Care and Alzheimer's Disease Amendments of 1990 (42 U.S.C. 242q-1(a)) is amended by striking "Commissioner on Aging" and inserting "Assistant Secretary of Aging".

(e) NATIONAL SCHOOL LUNCH ACT.—Section 17(o)(3)(A) of the National School Lunch Act (42 U.S.C. 1766(o)(3)(A)) is amended by striking "Commissioner on Aging" and inserting "Assistant Secretary of Aging".

(f) ALZHEIMER'S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH ACT OF 1986.—Sections 911(a)(8) and 921(a)(2) of the Alzheimer's Disease and Related Dementias Services Research Act of 1986 (42 U.S.C. 11211(a)(8) and 11221(a)(2)) are amended by striking "Commissioner on Aging" and inserting "Assistant Secretary of Aging".

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 302 of the Act (42 U.S.C. 3022) is amended by redesignating paragraphs (14) through (21) as paragraphs (12) through (19), respectively.

(b) STATE PLANS.—Section 307(a)(31)(A)(i) of the Act (42 U.S.C. 3027(a)(31)(A)(i)) is amended by striking "(as defined in section 302(20))".

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, DC, April 15, 1991.

DEAR COLLEAGUE: This year the Older Americans Act (OAA) (the Act) is scheduled for reauthorization. On Tuesday, April 23, I will introduce legislation amending the Act and I would like to take this opportunity to invite you to become an original cosponsor.

The amendments I am proposing will not dramatically restructure the Act's provisions, but will rather build upon the solid foundation laid by the OAA. It is my hope that this legislation will be incorporated into the OAA reauthorization amendments now under consideration by Labor and Human Resources Subcommittee on Aging.

My proposal will include significant modifications in information and referral programs, legal assistance, ombudsman services, and the role of the Administration on Aging. In addition, I will propose to establish senior transportation as a separate subtitle within Title III of the OAA and a demonstration project to determine how effectively the Act's Aging Network can serve as an important cornerstone for the delivery of long-term care services.

Although transportation was traditionally viewed as an urban issue it now represents a number one priority for many aging advocates concerned with rural health and social service needs of older Americans. Today, almost 50 percent of rural counties in the United States do not have a public transit system and nearly 60 percent of the elderly are not licensed to drive. When transportation is provided, the elderly take advantage of it at three times the rate of their population. In addition, it is estimated that 30 percent of the nation's elderly individuals experience restricted mobility due to lack of access to transportation. It is my belief that a separate subtitle for transportation will highlight this desperately needed service, as well as attract additional funding.

Last year, the Pepper Commission identified the need for an infrastructure to support any future long-term care system. In order to build upon the Commission's suggestions, and to explore new ways to ensure the continued independence of our nation's seniors, my proposal will include authorization of a demonstration project that will examine whether the Aging Network can effectively serve as the infrastructure for an integrated system of long-term care services ranging from institutional care to community-based social services.

Under the proposed project, Area Agencies on Aging would serve as the central point where older individuals access the long-term care system, providing assessment, referral, and coordination with other appropriate private and public funding entities. A $5 million authorization level will be proposed for funding this demonstration project for each of the fiscal years 1992–94.

While fiscal restraints currently make it extraordinarily difficult to provide for a comprehensive long-term care program, we cannot continue to ignore the reality of the growing long-term care needs of our ever increasing elderly population. Regardless of how we as a nation decide to address the long-term care challenge, we must begin to take steps necessary for us to effectively meet this challenge. I believe the Pepper Commission demonstration project is one way we can accomplish this goal.

The reauthorization of the OAA presents us with a unique opportunity to illustrate our continuing strong support for this tremendously successful program and to make contributions to make it even better. I believe my bill will serve as one important vehicle to accomplish these positive goals. After reviewing the enclosed specifications and legislative language I hope you will come to the same conclusion. Already, a number of major aging advocacy organizations have offered their support for this bill including, the American Association of Retired Persons and the National Association of Area Agencies on Aging.

This package of OAA amendments will make significant improvements to the Act. However, all combined the legislation will require no more than $8 million a year in new authorizations.

If you have any questions, or wish to cosponsor this bill, please feel free to contact me, or Anna Kindermann of my staff at 4–5364. I look forward to working with you on this important legislation.

Sincerely,

DAVID PRYOR,
Chairman.

HEINZ ELDER LIFE PROGRAM ACT

Section 1.—Special demonstration and support project for implementing the Pepper Commission recommendations for long-term care. Add the following section to Title IV: Revise, build upon and update the language in Sec. 423 to incorporate the following provisions:

The Commissioner shall make grants to selected State agencies, and in consultation with State agencies, selected Area Agencies on Aging, to demonstrate and evaluate the Aging Network as an infrastructure for implementing the Pepper Commission's recommendations for long-term care;

To carry out this project selected Area Agencies on Aging shall be designated to serve as the central point where older Americans access the long-term care system, providing assessment, referral, and coordination with other appropriate public and private entities that fund services (language should reflect that the additional responsibilities of the AAAs by no means be to the exclusion of social services currently provided under the Act, but rather shall build upon the structure of the already established Aging Network); and

There are authorized to be appropriated $5 million for each of the fiscal years 1992 through 1994 to carry out the provisions of this section.

Section 2. Transportation.—Establish senior transportation as a separate subtitle under Title III (Part H); and

Pursuant to Title II, Sec. 205(b), the Commissioner shall be required to utilize the Department of Transportation as well as the Department of Education in order to augment available resources and vehicles for transportation services.

Section 3. Information and Assistance.—Add to Title II, Sec. 202(a) "establish information and assistance as a priority service for the aged and aging".

Modify the definition of information and referral under Title II to include the following:

Assesses the problems and capacities of older individuals, links older individuals to the opportunities and services which are available, and ensures that these individuals receive the services they need and the opportunities available to them by establishing adequate follow-up procedures;

A supportive service which provides older Americans with current information with respect to all opportunities and services available to older individuals within their communities; and

Serves the entire older community.

Section 4. Ombudsman Services.—Amend Title III, Sec. 307(a)(12)(G) by including a provision (iii) encourage memoranda of understanding between legal assistance providers and ombudsman providers that will assure that these services are coordinated to the greatest extent possible.

Amend Title III, Sec. 371(4) to include a provision that State Agencies will make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of older individuals' records.

Reauthorize Sec. 427, Demonstration Project exploring coordination between the ombudsman program and protection and advocacy systems, adding to the project legal assistance. There are authorized to be appropriated $1 million for fiscal year 1992. Such sums shall remain available for expenditure for fiscal year 1993.

Amend Title II, Sec. 301(c) by adding at the end the following: "Such assistance shall include assistance in recruiting volunteers for ombudsman programs by establishing a national program for such efforts.

Section 5. Legal Assistance—Amend Title III, Sections 306 and 307 with respect to legal assistance programs to include the following provision, "priority ought to be given to legal problems in areas of income, health care and long-term care, nutrition, housing and utilities, defense of guardianships and age discrimination;"

Add to Title II, Sec. 202(a): develop standards for Area Agencies on Aging to follow in choosing and evaluating providers of legal assistance;

Add to Title III, Sec. 306 to include a provision which provides for the establishment of an informal grievance procedure for older Americans when they are denied services, with further appeal to the local area agency on aging; and

Add to Title IV, AoA shall establish a program of grants to state agencies to provide for the establishment of a program to support and assist older Americans who need protective services in areas such as living wills, durable powers of attorney, and other life planning areas. There are authorized to be appropriated $2 million for each of fiscal years 1992–1994 to carry out this program.

Section 6. Elevation of Status of the Commissioner on Aging to Assistant Secretary.

Section 7. Data Collection.—Add to Title II, Sec. 202: Establish a blue ribbon panel to study existing reporting requirements and make legislative and regulatory recommendations that achieve to the greatest extent possible the following objectives:

1. Collection of detailed national information about monetary expenditures for Title III services;

2. Collection of data to effectively measure compliance with the Administration's regulations and mandates;

3. Minimization of duplication with reporting requirements of other Federal, State and private programs;

4. Collection of accurate information concerning social, economic, and demographic characteristics of program participants;

5. Collection of data to measure the impact of nutrition services on elderly beneficiaries; and

7. Other important objectives.

Mr. BURDICK. Mr. President, I am pleased to be an original cosponsor of the Older Americans Act Amendments of 1991. For 25 years, the Older Americans Act has played an important role in helping America's elderly. These amendments will help our Nation more fully address the needs of our rapidly aging population.

As cochair of the Senate Rural Health Caucus, I am particularly concerned with the availability of services to elderly residents of isolated rural communities. My home State of North Dakota has a shortage of health and social service professionals serving rural areas. Seniors, who generally have a greater need for these services, must now travel greater distances to find them. This legislation authorizes a demonstration project using area agencies on aging to refer older individuals to appropriate facilities in the long-term care system. If successful, this program could help rural seniors receive the care they need more quickly and efficiently.

I am pleased that this legislation creates a separate transportation title to stress the importance of transportation systems to the elderly. With nearly half of our rural counties lacking a public transit system and 30 percent of older Americans' activities restricted due to lack of access, there is a tremendous need across this nation for better transportation services.

Native Americans have a long history of venerating the elderly. At the very least, we should make sure we address the health care and social service needs of our senior population, particularly the increasing number over age 85. The Older Americans Act Amendments of 1991 will be a major step forward in helping the seniors of North Dakota and the rest of the country maintain self-sufficiency and dignity.

Mr. SANFORD. Mr. President, I am pleased that one of my first acts as the newest member of the Senate Special Committee on Aging is to cosponsor the Older Americans Act amendments.

Since its inception in 1965, the Older Americans Act has provided Federal funding for many far-ranging social services of vital importance to our Nation's senior citizens. Services include congregate and home-delivered meals, ombudsman activities, activities to prevent the abuse of the elderly, and in-home supportive services. The activities made possible for the past 25 years through the Older Americans Act assist millions of older adults in maintaining independence and dignity, social relationships, access to community services, and various opportunities for interaction which enrich their daily lives.

Today's introduction of the proposed amendments to the Older Americans Act represents the first step in this year's reauthorization process. These proposed changes modify the Older Americans Act to make it best suited to meet the needs of older adults in the 21st century. The amendments, for example, build on the Pepper Commission's recommendations for long-term care, an issue of major importance to today's senior citizens. In response to our ever-more technical, legalistic society, the amendments also improve information and referral systems, ombudsman services and legal assistance programs. Of particular interest to older Americans in my state of North Carolina, the amendments emphasize the need for improved transportation services in rural areas.

I commend Senator PRYOR for his leadership in this area. I look forward to working with him and with the Special Committee on Aging as we prepare to reauthorize the Older Americans Act.

By Mr. BAUCUS (for himself, Mr. CHAFEE, and Mr. BURDICK):

S. 976. A bill entitled the "Resource Conservation and Recovery Act Amendments of 1991"; to the Committee on Environment and Public Works.

RESOURCE CONSERVATION AND RECOVERY ACT AMENDMENTS

• Mr. BAUCUS. Mr. President, I rise to introduce the Resource Conservation and Recovery Act Amendments of 1991, along with the cosponsorship of Chairman BURDICK of the Committee on Environment and Public Works and Senator CHAFEE, who serves both as the ranking full-committee Republican and the ranking Republican of my Environmental Protection Subcommittee.

Mr. President, the RCRA Amendments of 1991 is a major, comprehensive piece of environmental legislation. It seeks to reorient what has come to be known as our "throwaway society." It will affect the consumer, the homeowner, the worker, and the manufacturer.

The bill which we are introducing today directly addresses the concerns of the American people. Since its enactment in 1976, the Resource Conservation and Recovery Act, or, RCRA, has focused on the management of wastes once produced. This bill takes the title of the solid waste disposal statute more seriously. It puts real resource conservation and recovery into the law. It establishes a new environmental hierarchy in solid waste. At the top will be toxics use and source reduction in order to eliminate the use of unnecessary hazardous substances and to minimize the generation of wastes in the first instance.

The next rung of the environmental ladder is recycling of municipal wastes. Creating new substances from secondary or recyclable materials can save natural and energy resources, minimize the use of incineration, and preserve landfill space. Waste treatment would be the third priority and, finally, containment or incineration.

I have concluded that this redirection of the RCRA statute is necessary because we are overwhelming ourselves with garbage and we are runnng out of safe and secure places in which to place it. Individually, we each toss out about 1,500 pounds of trash. And this doesn't even count all the industrial waste produced in the manufacture of products.

We are creating mountains of garbage and dumping much of it into landfills that do, or will, leak. Many of our industrial landfills and surface impoundments are leaking, as well. We no longer have the luxury of concentrating on the regulation of wastes after their generation. Rather, we must reduce, or eliminate, their production in the first place. And then, to foster as much materials recycling and composting as possible.

And to make it work, everyone, the manufacturer, the packager, the consumer, recycler, and generator, not to mention the householder, will have to pitch in and shoulder more of the burden and responsibility for the public's environmental good.

Cities and States will be required to do more. And the Federal Government will need to provide new and creative leadership.

That leadership will include discouraging waste diposal by making it more expensive. But it will also encourage recycling and reduction in the use of hazardous substances and hazardous waste generation. These goals can be achieved by providing economic incentives, whether by opening profit making opportunities, or by avoiding costs such as landfill tipping fees and liability insurance.

An important byproduct of waste reduction and recycling efforts will be better protection of the public's health as some wastes, especially those containing potentially hazardous substances, are diverted from landfills where they might migrate into ground water and from incinerators where they might be emmitted into the air.

I am also convinced that an emphasis on waste reduction and recycling will cause American industry to look more closely at its manufacturing processes—without Federal interference, I would emphasize—and in doing so, it will develop heretofore unrealized efficiencies. Such efficiency improvements can help make American goods more competitive.

This bill would close down the sham recycling loophole. It would assure that recycling businesses actually recover materials and have real markets for such materials. However, it avoids complex and costly rules that could stymie legitimate recycling efforts.

In the waste reduction arena, this legislation would assist in the elimination of excess packaging, and would reduce or eliminate the use of toxic or hazardous substances in products and packaging. The RCRA Reauthorization Act of 1991 also provides an important tool for industrial facilities to develop and implement plans to reduce the use of toxic substances and the generation of hazardous wastes.

This will challenge plant engineers and managers to find substitutes for some of their toxic materials, to reformulate processes, to improve housekeeping procedures, and in general, to operate more efficiently. But then, this is just good business practice. And, it is sound environmental policy.

If waste reduction is the first critical element of a sound solid waste policy, then recycling is the second. In the United States today, however, we recycle only 13 percent of our trash.

While we are recycling over 60 percent of all aluminum cans that we use annually, only 1 percent of plastics get similar treatment.

We can do better—much better. The bill we are introducing includes a number of initiatives to move us along this path.

It is important that we set overall recycling rates. This bill establishes a 25-percent goal by 1995 and a 50-percent goal by 2000. But overall goals, by themselves, are not enough. Rather, each commodity of importance to the recycling effort must be dealt with individually if the amount of actual recycling is to be maximized. Different commodities may need different incentives. And, in fact, different commodities are at different stages in recycling market development.

Let me also say that I am concerned about recycling in rural areas. Too often experts in the field are quick to write off rural America from the recycling efforts because of the transportation costs associated with getting recyclable materials to the appropriate markets.

Well, I'm not going to write off rural Americans. Like the rest of us, they're very interested in recycling what they can. Our bill provides for a Rural Recycling Demonstration Program that will help to ensure the involvement of rural Americans in recycling efforts. And by involving them, and all other citizens, recycling will be a national phenomenon—not just an urban fad.

The bill strengthens Federal procurement of goods with recycled content. But Government purchases alone will not make recycling a permanent fixture on the American landscape. We need to have an adequate supply of recyclable materials. Curbside and other community recycling are springing up all over America to resolve this issue. Indeed, with enactment of this bill, more and more communities are likely to do so.

But somebody must use the recyclable materials collected in these programs. The RCRA Reauthorization Act Amendments of 1991 responds to this demand-side issue by requiring minimum content standards, or utilization rates, for various commodities. This will ensure that once collected, recyclable materials won't simply pile up. They will be used, or reused, as useful, new products.

With a broad combination of programs, we can reinforce the value—to the economy, to the environment, and to society—of reuse rather than disposal. Individuals and businesses should see their disposal policies as a conscious choice. And we must reward the right choice.

We must make it easier to choose recycling. We must make it cheaper to recycle than to discard. We must fashion policies that favor the nondisposal alternative.

While I believe that the Federal Government must play a vigorous role in solid waste management, it must not interfere with State and local solid waste management responsibilities. Siting and land use planning, among other activities, are appropriately left to States and localities.

At the same time, however, we ought to have Federal environmental standards for our waste management and recycling facilities. All waste sites—municipal and private landfills and nonhazardous industrial waste lagoons among them—must meet these standards. This will ensure the safe management of our wastes. It will also ensure that no one area will become a pollution haven. And, it will help to restore public confidence in waste management practices.

One of the toughest issues I have had to deal with in this legislation—and one that is of keen interest to many of my colleagues—is that of the interstate transportation of municipal waste.

I have spent considerable time trying to balance the various concerns some of my colleagues have expressed about this matter. While I don't claim perfection, I think my proposal will be fair to all concerned.

It will allow importing States to impose fees on waste exported from other States. And, States that have approved waste management plans of their own may ban the import of waste outright.

In conclusion, I wish to say to my colleagues that there is no simple answer to our solid waste problems. There is no silver bullet solution.

We have tried to create in this legislation a program that recognizes that our waste problems are interrelated. We desperately need a comprehensive solid waste solution, even if that means trying something totally new and different.

The problems and issues that I have been discussing are very complex. Each of my colleagues may have an interest in some aspect of this bill. And so I say to you—let the debate begin today. Let us work together to find the best solutions by which our Nation can resolve its outstanding environmental problems.

And speaking of working together, I would share some thoughts with the administration, which has yet to engage on this matter. An environmental Presidency does not end with the Clean Air Act. The administration was a significant player during the clean air debate. The President's own involvement and commitment assisted us in passing a good, proenvironment bill.

I would suggest that the administration join us in addressing this issue. The American people want action—soon. On recycling, on waste reduction, on solid waste matters, generally. The administration's participation, now, would help speed up the legislative process.

Mr. President, this bill is a starting point. It is not the final word. Above all, this is a focus for the hearings, which will begin next month. Through the testimony, we hope to improve and refine this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD along with a section-by-section summary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Resource Conservation and Recovery Act Amendments of 1991".

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TITLE I—GENERAL AMENDMENTS

SEC. 101. CONGRESSIONAL FINDINGS.—(a) Section 1002(b) of the Solid Waste Disposal Act is amended as follows:

(1) strike "and" at the end of paragraph (7);

(2) strike the period at the end of paragraph (8) and insert in lieu thereof a semicolon; and

(3) add the following after paragraph (8):

"(9) the Nation continues to generate substantial and increasing volumes of both hazardous and solid waste each year which may pose a threat to human health and the environment if not properly managed; and

"(10) new waste management facilities are not being sited and many communities are managing waste in existing facilities without the best available environmental controls, or are engaged in long-distance transportation of wastes to other management and disposal facilities in other States, or both.".

SEC. 102. OBJECTIVES AND NATIONAL POLICY.—(a) Section 1003(a)(4) of the Solid Waste Disposal Act is amended by inserting "and solid waste" after "hazardous waste".

(b) Section 1003(a)(5) of the Solid Waste Disposal Act is amended by inserting "and solid waste" after "hazardous waste".

(c) Section 1003(a)(6) of the Solid Waste Disposal Act is amended by inserting "and solid waste" after "hazardous waste" each time it appears."

(d) Section 1003(a) of the Solid Waste Disposal Act is amended as follows—

(1) strike "and" at the end of paragraph (10);

(2) strike the period at the end of paragraph (11) and insert in lieu thereof a semicolon; and

(3) add the following after paragraph (11)—

"(12) establishing a Federal-State partnership that assures waste management practices protective of human health and the environment; and

"(13) promoting interjurisdictional cooperation in the planning and provision of waste management services.".

(e) Section 1003(b) of the Solid Waste Disposal Act is amended to read as follows—

"(b) NATIONAL POLICY.—(1) The Congress hereby establishes a toxics use and source reduction and waste management policy that gives highest priority: first, to toxics use and source reduction, second, to recycling, third, to waste treatment and fourth, to contained disposal and incineration, so as to minimize the present and future threat to human health and the environment and to maximize energy efficiency and to optimize the use of resources.

"(2) The Congress hereby declares it to be the national policy of the United States that the most effective means to protect human health and the environment is through the elimination or reduction of hazardous substances used in production activities or generated as solid or hazardous waste.

"(3) The Congress hereby further declares it to be the national policy of the United States that, wherever feasible, hazardous substances in wastes shall be eliminated or reduced through product redesign, process modification, materials substitution, packaging redesign, and other resource conservation measures to reduce both the toxicity and the volume of such wastes. Wastes that are nevertheless generated should be recycled including the utilization of materials within a manufacturing process, and should be recycled to the maximum extent consistent with market demand for recycled materials.".

SEC. 103. GENERAL AUTHORIZATION.—Section 2007(a) of the Solid Waste Disposal Act is amended by striking "and" after "1987" and inserting before the period at the end thereof ", and $140,000,000 for each of the fiscal years 1992 through 1996".

SEC. 104. DEFINITIONS.—Section 1004 of the Solid Waste Disposal Act is amended by adding at the end thereof—

"(40) The term 'solid waste incineration unit' shall have the meaning provided in section 129(g)(1) of the Clean Air Act.

"(41) The Term 'hazardous substance' means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of this Act, (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act, (G) any substance listed pursuant to section 302 or 313 of Title III of the Emergency Planning and Community Right-to-Know Act, and (H) any contaminant regulated pursuant to the Safe Drinking Water Act.

"(42) The term 'release' means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous substance.

"(43)(A) The Term 'toxics use and source reduction' means any practice, process, or activity that reduces or eliminates the quantity and toxicity of hazardous substances used in production processes or generated as solid or hazardous waste during production activities prior to recycling or solid hazardous waste management.

"(B) The term 'toxics use and source reduction' does not include hazardous and solid waste management, or physical, chemical, or biological treatment designed to prevent releases of hazardous substances that have been produced or otherwise created.

"(C) The term 'toxics use and source reduction' includes, but is not limited to, equipment modifications; process changes; materials or feedstock substitution; design modifications; technological modifications; modifications in the production activities including housekeeping practices, training and inventory controls; operating efficiencies; product reformulation and product redesign.

"(44) The term 'recycling' means any process by which solid waste or secondary materials are collected, diverted from a waste stream, separated, or processed to reclaim useful materials which are used or reused as either a raw material or a product, including the adaptation of the material to a new use or function without processing but such term does not include combustion of waste for purposes of energy recovery or volume reduction or use constituting disposal of any solid wastes or secondary material or hazardous secondary materials.

"(45) The term 'secondary materials' includes any intentional or unintentional byproduct or process residue that is recycled that results from any manufacturing, extraction, servicing, or other processing (including pollution control) or use, or any material that is spent, contaminated, or out of date, and is recycled and would be a solid waste except for the fact it is not discarded.

"(46) The term 'hazardous secondary materials' means a secondary material that is recycled and would be required to be managed as a hazardous waste except for the fact that it is not discarded.

"(47) The term 'reclaim' means to recover material values (such as metallic elements) from secondary materials, which are then used as raw materials for another industrial process, or to regenerate a material (such as a solvent) by removing contaminants that render it unable to serve the purpose for which it was produced.

"(48) The term 'municipal waste' means refuse (and refuse derived fuel) generated by the general public and from residential, commercial, institutional, and industrial sources consisting of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials and noncombustible materials such as metal, glass and rock, provided that the term does not include (i) industrial process wastes which are not identical to municipal wastes as to physical and chemical state, and composition or (ii) medical wastes that are segregated from or not mixed with such other municipal wastes.

"(49) The term 'toxic chemical' means any substance on the list established pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act.".

"(50) The term 'industrial waste' means any solid waste except—

"(A) hazardous waste;

"(B) municipal solid waste;

"(C) solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore; or

"(D) drilling fluids, produced waters and other wastes associated with the exploration, development or production of crude oil, natural gas, and geothermal energy.

SEC. 105. ADMINISTRATIVE REVIEW OF REGULATIONS.—Subtitle G of the Solid Waste Disposal Act is amended by adding the following new section:

"SEC. 7011. Administrative Review of Regulations.—Whenever the Office of Management and Budget or the Presidents Council on Competitiveness or other body given comparable authority to review regulations pursuant to Executive Order 12291 (hereafter referred to as the "reviewing office"), reviews any Agency rule or regulation (including any proposed, draft, or final rule or regulation) issued under this Act the following procedures shall apply:

"(1) For each agency rule or regulation the reviewing office shall upon receipt of the draft rule or regulation establish a public docket and shall include in such docket the following information:

"(A) copies of all written material received by the office concerning the Agency rule or regulation under review that originates from persons who are not employees of the Federal Government at the time of receipt; and

"(B) a list and a descriptive summary of all meetings and all other communications, including oral communications, with persons who are not employees of the Federal Government concerning the Agency rule or regulation under review promptly after the date of such meeting.

"(2) The reviewing office shall inform the Administrator of all scheduled meetings with persons who are not employees of the Federal Government concerning any Agency rule or regulation under review by the reviewing office and shall provide the Agency with a reasonable opportunity to attend such meetings.

"(3) The Administrator shall place in the rulemaking record for any rule or regulation reviewed by the reviewing office the following information:

"(A) copies of all drafts of any proposed or final rule submitted to the reviewing office for review at the time of submission;

"(B) copies of all written materials pertaining to any proposed rule or final rule submitted to the reviewing office for review at the time of submission; and

"(C) a written explanation of the specific reasons for any significant changes made by the Agency in the draft of any proposed or final rule submitted to the reviewing office for review as a result of such review.

"(4) The time for review of Agency rules or regulations by the reviewing office shall not exceed sixty days following receipt of such submission by the reviewing office. The time for review may be extended for good cause by the reviewing office for an additional thirty days. Notice of any such extension, together with a succinct statement of the reasons therefore, shall be placed in the rulemaking record.

"(5) Nothing in this section alters in any manner—

"(A) rulemaking authority vested by law in the Administrator to initiate or complete a rulemaking proceeding or to issue, modify, or rescind a rule or regulation;

"(B) the criteria for rulemaking applicable under other statutes; or

"(C) any legally applicable deadline for action by the Administrator.".

TITLE II—TOXICS USE AND SOURCE REDUCTION

SEC. 201. TOXICS USE AND SOURCE REDUCTION DATA COLLECTION AND TECHNICAL ASSISTANCE.—(a) The title of subtitle E of the Solid Waste Disposal Act is amended to read "Subtitle E—Toxic Use and Source Reduction".

(b) Sections 5001 through 5006 of the Solid Waste Disposal Act are redesignated as sections 6010 through 6015.

(c) Subtitle E of the Solid Waste Disposal Act is amended by redesignating sections 6604 through 6610 of the Pollution Prevention Act of 1990 (P.L. 101-508) as new sections 5001 through 5007, of the Solid Waste Disposal Act respectively.

(d) Section 5001 of the Solid Waste Disposal Act as redesignated by subsection (c) is amended by adding the following new subsection (a) and redesignating the existing subsections accordingly:

"(a) IN GENERAL.—The Administrator in promulgating or issuing any regulations, guidance or guidelines concerning any standard, policy or other requirement, or in taking any other action under this Act; the Comprehensive Emergency Response, Compensation and Liability Act; the Toxic Substances Control Act, the Federal Water Pollution Control Act; the Clean Air Act; the Emergency Planning and Community Right-to-Know Act; the Safe Drinking Water Act; the Marine Protection, Research, and Sanctuaries Act and the Federal Insecticide, Fungicide, and Rodenticide Act, whether to be implemented by the Administrator, any other Federal department, agency, or instrumentality, any State, any municipality, or any other person; and each State (and political subdivision thereof with responsibility for solid waste management) in developing or implementing any State or regional solid waste management plan under subtitle D of this Act, or in taking any other action required under this Act, is encouraged to make toxic use and source reduction considerations an integral part of the planning and decisionmaking process, to achieve the maximum degree of toxics use and source reduction that is practicable, consistent with other requirements of this Act and other Federal environmental laws. Nothing in this subsection shall alter in any manner any otherwise legally applicable deadline for action by the Agency or State.".

(e) Section 5001(c)(5) of the Solid Waste Disposal Act as redesignated by subsection (c) is amended by inserting: ", local governments, State governments, and Federal departments, agencies and instrumentalities" after "businesses" each time it appears.

(f) Section 5001(c) of the Solid Waste Disposal Act as redesignated by subsection (c) is amended by renumbering paragraph "(8)" as "(7)" and by renumbering the succeeding paragraphs accordingly, and by striking "and" at the end of paragraph (11); by striking the period at the end of paragraph (12) and inserting in lieu thereof a semicolon; adding the following new paragraphs:

"(13) convey to the appropriate Agency offices the nature of any impediments to toxics use and source reduction which are determined to exist with a request for recommendations to eliminate such impediments."

"(14) receive, review, and comment upon toxics use and source reduction strategies developed by other Federal departments, agencies, and instrumentalities.

"(15) provide assistance to the educational community to promote the introduction of toxics use and source reduction principles into design, engineering, management, and environmental sciences curricula.".

(g) Section 5001(c) (8) and (9) of the Solid Waste Disposal Act as redesignated by subsections (c) and (f) is amended to read:

"(8) establish an advisory panel of technical experts comprised of representatives from industry, public interest groups, states, local governments, and other Federal departments, agencies, and instrumentalities to advise the Administrator on ways to improve collection and dissemination of toxics use and source reduction data, and on goals for toxics use and source reduction for industrial categories and subcategories required to report pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act and for other purposes;

"(9) provide for opportunities to educate Environmental Protection Agency staff, staff of other Federal departments, agencies, and instrumentalities, and State and local government staff of opportunities for cross-media environmental protection either through training programs or through other means sufficient to promote such opportunities in everyday work products, including, but not limited to guidance, guidelines, rulemaking, and permit writing;.

(g) Section 5007 of the Solid Waste Disposal Act as redesignated by subsection (c) of this Act is amended by striking the "and" after the second "1992" and adding "1994, 1995 and 1996" after the second "1993".

(h) Section 5004(e) of the Solid Waste Disposal Act as redesignated by subsection (c) is amended by adding at the end thereof the following—

"In addition, if the public disclosure of any quantity specified in section 5004 paragraphs (1), (2), and (8) of subsection (b) would divulge information qualifying as a trade secret under section 322 of the Superfund Amendments and Reauthorization Act of 1986, the Administrator of State shall only make available the percentage by which the volume of the toxic chemical has changed.

(i) Section 5005(a) of the Solid Waste Disposal Act as redesignated by subsection (c) is amended by striking "section 4(b)" and inserting in lieu thereof, "section 5001(d)".

(j) Sections 5001 through 5007 of the Solid Waste Disposal Act as redesignated by subsection (c) is amended by striking the term "source reduction" each time it appears and inserting in lieu thereof the term, "toxics use and source reduction".

SEC. 202. TOXICS USE AND SOURCE REDUCTION PLANS.—Subtitle E of the Solid Waste Disposal Act is amended further by adding the following new subsection:

"SEC. 5008. TOXICS USE AND SOURCE REDUCTION PLANNING.

"(a)(1) SURVEYS.—The Administrator, in consultation with the advisory panel established pursuant to section 5001(c)(8), shall develop a survey instrument and conduct a survey of a representative sample of owners and operators of facilities within Standard Industrial Code Classifications 20 through 39 in fiscal year 1992 to determine the following—

"(A) the nature and extent of production, use, and consumption of hazardous substances and the generation of solid and hazardous wastes; and

"(B) the nature and extent of the toxic use and source reduction that has occurred or is planned.

"(2) In developing the survey instrument and selecting the sample, the Administrator shall give priority to those industrial facilities and wastes which use the greatest quantities of hazardous substances or generate the highest quantities of hazardous substances as solid or hazardous waste.

"(3) The survey instrument shall avoid duplication of data required to be reported to the Administrator pursuant to the Federal Water Pollution Control Act; the Clean Air Act; the Comprehensive Emergency Response, Compensation and Liability Act; the Emergency Planning and Community Right-to-Know Act; the Toxic Substances Control Act; the Safe Drinking Water Act; the Marine Protection, Research and Sanctuaries Act; the Federal Insecticide, Fungicide, and Rodenticide Act; and other provisions of this Act.

"(4) For the purposes of this subtitle, Federal Facilities conducting activities similar to those in industrial categories and subcategories are required to report pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act.

"(b) TOXIC USE AND SOURCE REDUCTION GOALS.—The Administrator, in consultation with the advisory panel established pursuant to section 5001(c)(8) and based on information obtained from the surveys required pursuant to subsection (a) and other information, shall; (1) establish guidelines for hazardous substance accounting practices; and (2) shall establish and publish toxic use and source reduction goals for industrial categories or subcategories required to report pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act consistent with the schedule published pursuant to subsection (c)(1)(B). The administrator in establishing such goals shall consider the degree of the toxics use and source reduction methods currently available within each industrial category and subcategory, taking into account the cost of achieving such reduction.

"(c) GENERATOR TOXIC USE AND SOURCE REDUCTION PLAN.—(1)(A) Owners or operators of facilities who are required to submit a toxic chemical release form pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act shall perpare and at the request of the Administrator, submit to the Administrator, or at the request of a State with an authorized program under section 3006 of this Act, submit to the State according to the schedule established in subparagraph (B), a toxics use and source reduction plan.

"(B) Not later than twenty-four months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, the Administrator in consultation with the advisory panel established pursuant to section 5001(c)(8) shall establish and publish a schedule for requiring preparation and submission of toxics use and source reduction plans for generators in each industrial category and subcategory required to report pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act. Such schedule shall phase in the date for requiring preparation and submission of toxics use and source reduction plans beginning not later than 36 months after the date of the Resource Conservation and Recovery Act Amendments of 1991 and each year for the ensuring five years. In establishing a schedule, the Administrator shall consider—

"(i) the quantities of hazardous substances used or generated as solid and hazardous wastes by industrial categories and subcategories as reported in the latest toxic chemical release form pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act;

"(ii) the known or anticipated adverse effects on public health and the environment of wastes or hazardous substances generated or released by industrial categories or subcategories;

"(iii) the efficiency of grouping industrial categories and subcategories according to the wastes generated and hazardous substances released, or the processes or technologies used; and

"(iv) the availability of toxics use and source reduction practices to categories or subcategories of industry.

"(2) For the purposes of this section, the term hazardous substance means any substance defined pursuant to section 1004(41) or at the discretion of the Administrator, a site-specific hazardous substance for an individual facility. Such site-specific hazardous substances shall be based, at a minimum, on such criteria established by the Administrator by rulemaking, including:

"(A) the potential that the hazardous substances used or generated as solid of hazardous wastes at the facility pose a threat to human health or the environment;

"(B) reporting of hazardous substances in the survey required pursuant to subsection (b) of this section, or reported historically as a hazardous or toxic constituent under this Act; the Comprehensive Emergency Response, Compensation and Liability Act; the Federal Water Pollution Control Act; and the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research and Sanctuaries Act; the Federal Insecticide, Fungicide, and Rodenticide Act; the Safe Drinking Water Act; or the Emergency Planning and Community Right-to-Know Act; and

"(C) data on hazardous substances routinely collected through the use of environmental monitoring, auditing or other recognized devices.

"(3) The toxics use and source reduction plan required by paragraph (1) shall be prepared in a format adopted by the Administrator by rule in consultation with the advisory panel established in section 5001(c)(8), and shall include at a minimum the following:

"(A) the name and location of the generator;

"(B) the Standard Industrial Classification Code of the generator;

"(C) a statement of the overall scope and objectives of the plan;

"(D) a quantification of the amounts and types of hazardous substances manufactured, processed or otherwise used for each production unit, and the quantity of solid and hazardous waste generated;

"(E) two and five year numerical goals to: (i) reduce the quantity of hazardous substances used in production and generated as solid and hazardous wastes for the facility as a whole; and (ii) reduce the quantity of hazardous substances used in production or generated as solid and hazardous waste per unit of product produced; and (iii) to achieve the goals established pursuant to subsection (b);

"(F) an identification of technologies, procedures and training programs to be implemented to achieve the two and five year goals pursuant to subparagraph (E), including a description of the costs of implementing each and anticipated savings from each.

"(G) a schedule of implementation of each technology, procedure, and training program identified in subparagraph (F).

"(H) a certification by the chief executive officer or a senior corporate officer designated by the chief executive officer as to (i) the accuracy and completeness of the Plan; (ii) that the Plan complies with the requirements of this Act; and (iii) that the measures in the Plan are being implemented.

"(I) any other information that documents toxic use and source reduction progress achieved prior to the enactment of the Resource Conservation and Recovery Act Amendments of 1991.

"(d) TOXICS USE AND SOURCE REDUCTION PERFORMANCE REPORTS.—(1) Sixty months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, and every two years thereafter, each person required to submit a plan under subsection (c) shall prepare and at the request of the Administrator submit to the Administrator, or at the request of a State with an authorized program under section 3006 of this Act, submit to the State, a toxics use and source reduction performance report documenting toxics use and source reduction activities implemented by the generator.

"(2) The toxics use and source reduction performance report required by paragraph (1) shall be prepared in a format prescribed by the Administrator by rule in consultation with the advisory panel established pursuant to section 5001(c)(8) and shall include at a minimum, all of the following—

"(A) the name and location of the generator;

"(B) the Standard Industrial Classification Code for the generator;

"(C) all of the following information for each waste stream identified in the plan—

"(i) for the facility, the quantities of hazardous substances manufactured, processed, otherwise used, consumed, recycled, generated as solid or hazardous wastes, and incorporated in product;

"(ii) for each production unit, the quantity of hazardous substance used per unit of product, and the quantity of hazardous substances generated as solid or hazardous waste per unit of product;

"(iii) a description of each production unit, including but not limited to, primary processes, products, and hazardous substances used or manufactured;

"(iv) a numerical statement demonstrating progress towards meeting the two and five year goals established pursuant to subsection (c)(3)(E) and toward meeting the goals established pursuant to subsection (b) or an explanation of the reasons why sufficient progress has not been achieved.

"(f) RETENTION OF RECORDS.—(1) Each person required to prepare a plan pursuant to this section shall maintain a copy of the current plan and performance report at each facility, or for a multi-site plan or performance report, at a central location, and upon request, shall make it available to any authorized representative of the Administrator or an authorized State conducting an inspection pursuant to section 3007 of this Act.

"(2) Any person who can make a showing that a facility is not making a good faith effort to produce and comply with an applicable toxics use and source reduction plan may request the Agency or an authorized State to certify whether the facility is in compliance with the requirements of this section. The Agency or authorized State may so certify if the facility has properly completed the toxics use and source reduction plan or performance report required pursuant to subsections (c) and (d). The Agency or authorized State shall respond within 60 days to a request for certification. Upon receiving a request for certification, the Agency or authorized State shall request from the facility, which is the subject of the request, a copy of the facility's toxics use and source reduction plan or performance report pursuant to subsections (c) and (d) if the Agency or authorized States does not have these documents. If the Administrator or authorized state determines that a facility is not in compliance with its toxics use and source reduction plan the Agency or authorized State shall forward a copy of the toxics use and source reduction plan and performance report to the person requesting certification within 10 days. The Administrator or authorized State shall protect trade secrets in toxics use and source reduction reports and performance reports subject to section 322 of the Superfund Amendments and Reauthorization Act and in the same manner as data collected under section 313 of the Superfund Amendments and Reauthorization Act of 1986, and section 5004(e).

"(g) PLAN MODIFICATIONS.—For each facility that fails to implement or achieve the objectives of the plan, the Administrator or an authorized State may require a facility audit to provide recommendations for improved toxics use and source reduction practices and shall require the facility to modify its plan to implement improved toxics use and source reduction practices after considering the technical and economic feasibility of achieving such reductions, and after notice and public hearing, if in the judgment of the Administrator or authorized State, the toxics use and source reduction plan needs improvement.

(h) APPLICABILITY.—(1) The requirements of this section apply to owners or operators of facilities who are required to submit a toxic chemical release form pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act, and federal facilities that conduct comparable operations.

"(2) The Administrator may adopt regulations to establish procedures for exempting categories of facilities from the requirements of this section where the Administrator determines that toxic use and source reduction opportunities do not reasonably exist for such facilities in the category.

SEC. 203. PRODUCTS AND PACKAGING ADVISORY BOARD.—Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section:

"SEC. 5009. PRODUCTS AND PACKAGING ADVISORY BOARD.—"(a) ESTABLISHMENT AND COMPOSITION OF THE BOARD.—The Administrator shall, as soon as promptly after the enactment of the Resource Conservation and Recovery Act Amendments of 1991, establish a Products and Packaging Advisory Board that shall consist of not less than eleven members, including—

"(1) an individual with expertise in packaging and product design;

"(2) a representative of product and packaging manufacturers;

"(3) a representative of consumer interests;

"(4) a representative from environmental organizations;

"(5) an elected or appointed State government official;

"(6) an elected or appointed local government official;

"(7) a representative from the federal government; and

"(8) a representative from each of the following industries: paper, glass, aluminum, and plastic.

"(b) REPORT OF THE BOARD.—(1) The Board, within eighteen months following its establishment, shall submit a report to the Administrator containing recommendations concerning the development and implementation of a comprehensive voluntary program to: (A) minimize the quantity of packaging and other material in the waste stream; (B) minimize the consumption of scarce natural resources in the production and use of packaging; (C) maximize the recycling and reuse of packaging; (D) reduce litter; and (E) assure that human health and the environment will not be affected adversely as a result of the use and disposal of packaging and products.

"(2) In making its recommendations to the Administrator, the Board shall consider: (A) cost, convenience, and safety of consumer products; (B) environmental impacts of production, use, and disposal of various products and packaging; and (C) the availability of alternatives to current products and packaging.

"(3) The Board's report shall include recommendations relating to, but not limited to, the following topics:

"(A) a labeling system for plastic containers of household goods, and other plastic containers or packaging, which will identify the plastic resin used to produce the container and facilitate the separation of various plastic containers on the basis of plastic type by recycling groups, businesses, or individuals; and

"(B) national packaging standards which address the design, composition, volume, reuse, recyclability and degradability and disposal of packages and packaging materials that will further the purposes of this Subtitle, when implemented on a voluntary basis by entities in the packaging industry and by other commerce.

"(c) EPA ACTION.—Not later than eighteen months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, the Administrator shall publish the report and recommendations of the Product and Packaging Advisory Board.

"(2) The Administrator may, after considering the report and recommendations of the Product and Packaging Advisory Board publish guidelines to: (A) minimize the quantity of packaging material in the waste stream; (B) minimize the consumption of scarce natural resources used in packaging; (C) maximize the recycling and reuse of packaging through the use of labeling and other methods; (D) reduce litter; and (E) assure that human health and the environment will not be affected adversely as a result of the use and disposal of packaging.

SEC. 204. HAZARDOUS CONSTITUENTS IN PRODUCTS.—Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section:

"SEC. 5010. HAZARDOUS CONSTITUENTS IN PRODUCTS.—"(a) INFORMATION COLLECTION.—The Administrator shall determine the extent to which hazardous substances as defined in section 1004 (41) are contained in products distributed in commerce. Not later than one year after enactment of the Resource Conservation and Recovery Act Amendments of 1991, the Administrator shall publish and submit to Congress a list which identifies products containing hazardous substances which, because of their toxicity, volume, and exposure pathways may present a risk to human health or the environment when disposed or incinerated. The Administrator shall update this list as necessary and publish and submit to Congress a revised list on an annual basis.

"(b) STANDARDS FOR DISPOSAL OF HAZARDOUS CONSTITUENTS IN PRODUCTS. (1) The Administrator is authorized to promulgate regulations for the disposal or incineration of products containing hazardous substances listed under subsection (a) of this section as may be necessary to protect human health and the environment from the significant adverse affects resulting from disposal or incineration of such products.

"(2) Not later than six months after the date a product is listed pursuant to subsection (a) the Administrator shall determine whether to promulgate regulations under paragraph (1) of this section. If the Administrator determines that regulation under paragraph (1) will not adequately protect human health and the environment, the Administrator shall establish a schedule, not to exceed twenty-four months for review pursuant to section 6 of the Toxic Substances Control Act to regulate the manufacture and distribution in commerce of products listed pursuant to subsection (a)."

SEC. 205. RESEARCH.—Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section:

"SEC. 5012. RESEARCH.—The Administrator is authorized to establish at the Hazardous Substance Research Centers operated pursuant to section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act, a research program to assist the Agency's Office of Pollution Prevention in performing its functions. The program shall include—

"(a) basic research into technological barriers limiting toxic use and source reduction and the development of strategies for overcoming these barriers;

"(b) basic research into social, economic and institutional barriers to reducing the reliance of society on hazardous substances and the development of strategies for overcoming these barriers;

"(c) developing, evaluating, and demonstrating toxic use and source reduction methods; and

"(d) research or pilot projects to develop and demonstrate innovative technologies for toxic use and source reduction methods.".

SEC. 206. REGULATORY INCENTIVES.—Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section—

"SEC. 5013. REGULATORY INCENTIVES.—(a) REPORT TO CONGRESS ON REGULATORY INCENTIVES.—Within twelve months after the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1991, the Administrator shall report to the Congress on the criteria that would be used in establishing a legislative or administrative program of regulatory incentives to promote toxics use source reduction shall evaluate the benefits to human health and the environment that can be achieved from such a program.

"(2) The Administrator shall include in the report an evaluation of options for providing regulatory incentives for toxics use and source reduction including the use of existing authority, if any, to modify permits issued under this Act. In evaluating the benefits of a regulatory incentives program that authorizes permit modifications, the Administrator shall include an identification and assessment of—

"(A) the anticipated benefits to human health and the environment that would reasonably be expected to be achieved under such modified permits,

"(B) whether the risks will be shifted from one environmental medium to another;

"(C) the expected toxics use and source reductions that would result, as compared to the reductions that would have resulted without such modified permits; and

"(D) the facilities that would achieve greatest toxics use and source reduction under a modified permit."

TITLE III—RECYCLING

SEC. 301. NATIONAL RECYCLING GOAL.—(a) The title of subtitle F of the Solid Waste Disposal Act is amended to read as follows:

"Subtitle F—Recycling and Federal Responsibilities".

(b) Subtitle F of the Solid Waste Disposal Act is amended by adding the following new section—

"SEC. 6005. NATIONAL WASTE REDUCTION AND RECYCLING GOAL.—The Congress hereby declares it to be the national goal of the United States that at a minimum the generation of municipal solid waste be reduced by not less than 10 per centum by year 2000 and that not less than 25 per centum of the municipal solid waste stream be recycled by 1995 (excluding domestic sewage sludge, white goods and automobiles, yard wastes, and construction and demolition wastes) and not less than 50 per centum of such municipal solid waste stream should be recycled by 2000. The Administrator, in consultation with the Secretary of Commerce, is directed to promulgate (a) minimum recovery and utilization rates for products or groups of products (b) commodity specific minimum recycled content requirements as necessary to meet this goal."

SEC. 302. COMMODITY SPECIFIC RECYCLING STANDARDS.

Subtitle F of the Solid Waste Disposal Act is amended by adding the following new section:

"SEC. 6006. (a) COMMODITY SPECIFIC RECYCLING.—The Administrator shall within twenty-four months of the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, promulgate commodity specific recovery and utilization standards for paper, glass, metals, plastic products and other such commodities as the Administrator determines.

"(1) Such standards shall specify minimum recovery and utilization rates for each such commodity on the basis of individual products, product lines or groups of products, or such other aggregated basis as the Administrator deems appropriate to meet the goals established in section 6005.

"(2) Such standards shall be based upon a determination by the Administrator of the maximum feasible recovery and utilization rates of such commodities on the basis of the best available recycling and manufacturing technology and practices. The Administrator shall consider the size of the affected manufacturing facilities, the costs of production, and the economic feasibility of compliance in determining the maximum feasible recovery and utilization rates of commodities.

"(3) The Administrator shall review the standards established under this section not less frequently than every five years, and revise them as necessary to reflect the maximum feasible recovery and utilization of commodities.

"(b) MINIMUM RECYCLING RATES.—(1)(A) Notwithstanding the provisions of subsection (a), the minimum recovery and utilization rate by December 31, 1995 shall be no less than:

"(i) 52 per centum annually for newsprint;

"(ii) 66 per centum annually for corrugated paper products;

"(iii) 20 per centum annually for mixed paper grades;

"(iv) 50 per centum annually for high-grade deinking papers; and

"(v) 100 per centum annually for pulp substitutes; or

"(vi) 40 per centum annually for all grades of paper products.

"(B) If the recovery and utilization rate established pursuant to subparagraph (A)(vi) has not been achieved by December 31, 1995, as determined by reports submitted to the Administrator in accordance with the requirements in paragraph (4), the Administrator shall promulgate for each paper grade that has not met the requirements pursuant to subparagraph (A) clauses (i) through (v), standards establishing minimum recycled materials content. Such standards shall require that the annual average percentage of recycled fiber contained in newsprint, utilized by persons using more than two-thousand tons of newsprint annually in a commercial printing or publishing operation, be no less than twenty per centum by January 1, 1997, thirty per centum by the year ending January 1, 1999, forty per centum by January 1, 2001.

"(2)(A) Notwithstanding the provisions of subsection (a), the minimum annual recovery and utilization rate shall be no less than 25 per centum by December 31, 1995 for plastic bottles and containers having thickness of seven mils or greater and which retain their shape when unsupported.

(B) If the recovery and utilization rate has not been achieved as determined by reports in accordance with the requirements of paragraph (4), the Administrator shall require that for plastic bottles and containers the average annual minimum content contained in plastic bottles and containers such shall be 30 per centum by no later than December 31, 2000.

"(3) Notwithstanding the provisions of subsection (a), the annual average percentage of cullet in glass bottles and containers shall be no less than 65 per centum by January 1, 2005."

"(4)(A) The Administrator shall promulgate the necessary reporting requirements to evaluate compliance with the requirements established under this subsection. Such requirements shall be at a minimum require paper manufacturers and manufacturers of glass, metal, and plastic bottles and containers to, on or before March 31, 1992, and annually thereafter submit a report to the Administrator. The report shall indicate for each manufacturer of glass, metal, and plastic bottles and containers, and paper by grade of paper, the amount produced, the amount of recycled material or fiber used, and the average annual per centum of recycled content used in production during the preceding calendar year along with any other information required by the Administrator.

(B) Not later than April 31, 1992 and annually thereafter, the Administrator shall compile and publish a list indicating the average annual amount of recycled material used by commodities, and the average annual per centum of recycled content for each (i) paper manufacturer and each grade of paper; (ii) manufacturers of glass bottles and containers; (iii) manufacturers of metal containers and each type of metal container; and (iv) manufacturers of plastic bottles and containers having a thickness of 7 mils or greater and which retain their shape when unwrapped.

"(C) Publishers of daily newspapers with an annual circulation of 25,000 or more shall publish, as part of their circulation statement, the average annual recycled content used in the production of the newspaper during the previous calendar year.

"(c) IMPLEMENTATION OF COMMODITY SPECIFIC RECYCLING ENFORCEMENT REPORTS.—Twelve months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, the Administrator shall report to the Congress on the mechanisms for implementing and enforcing commodity specific recycling requirements. At a minimum, the Report shall consider and evaluate the adequacy of the following mechanisms for implementing and enforcing commodity specific recycling requirements:—

"(1) self-implementing, industry-specific recycling plans including an evaluation of criteria by which the Administrator would evaluate such plans;

"(2) a credit system under which producers of recycled commodities would create credits for using recycled materials in greater amounts than required under regulations established in subsection (a), and be authorized to transfer such credits to other producers for the purposes of complying with regulations established in subsection (a); and

"(3) any other mechanisms.".

SEC. 303. RURAL RECYCLING DEMONSTRATION PROGRAMS AND COLLECTION OF SECONDARY MATERIALS.—Subtitle F of the Solid Waste Disposal Act is amended by adding the following new section—

"SEC. 6007. COLLECTION SYSTEM.—(a)(1) DEMONSTRATION PROGRAMS.—The Administrator shall conduct demonstration projects and shall develop model programs for both urban and rural locations for the purpose of general or widespread adoption by States and municipalities of programs for the collection of materials for recycling in urban and rural areas.

"(2)(A) Such demonstration projects and model programs shall seek to identify collection methods, recycling techniques and technologies, markets for recycled materials, methods for stimulating such markets, methods of financing necessary investments, and education and training programs that are particularly adapted for successful recycling in rural areas.

"(B) Based on such demonstration projects, the Administrator shall identify realistic recycling goals for rural areas.

"(b) COLLECTION SYSTEMS.—In conducting demonstration projects and evaluating collection and separation systems for use in rural areas, the Administrator shall consider—

"(1) providing special containers to households for the separation of recyclable materials, with subsequent collection either at central points or on a periodic house-to-house basis; and

"(2) cooperative projects for the collection of recyclable materials at commonly available commercial facilities such as franchised fast-food restaurants, grocery markets, service stations, other retail outlets or comparable high-traffic volume facilities.

"(d) Range of Characteristics.—The Administrator shall identify various types of rural patterns characteristic of different regions of the Nation and varying population densities and proximity to urban areas, and undertake demonstration projects that represent the range of such types of rural patterns.

"(e) State Collection Programs.—States are authorized to adopt such model programs or establish their own program for collecting materials for the purpose of recycling. At a minimum States shall require the separation of batteries, tires, and used oil from the municipal waste stream and shall establish or arrange for a system for collecting, processing and recycling such wastes. States should also, at a minimum, establish or arrange for a system to collect waste papers, plastic containers, cans (aluminum and steel), glass, yard waste and hazardous waste in all urban areas, and should include as appropriate, curbside collection, materials recovery facilities or other methods to separate, collect and process materials to be recycled.".

Sec. 304. Federal Procurement of Recycled Materials.—

(a) Section 6002(a) of the Solid Waste Disposal Act is amended by adding at the end thereof the following: "As a general matter, each procuring agency (including any person contracting with such agency with respect to work performed under such contract) shall give preference in procurement to items produced with the highest percentage of recovered materials practicable, regardless of whether there are procurement guidelines applicable to such items. For the purposes of section 7002, the term 'Adminstrator' includes the head of each Federal agency subject to this section.".

(b) Section 6002(c) of the Solid Waste Disposal Act is amended by adding the following new paragraph—

"(4)(A) Notwithstanding paragraph (1)(C) in the fiscal year beginning after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, each procuring agency shall purchase a quantity of section 6002 items, the value of which constitutes 20 per centum of the total dollar amount spent by that agency on procurement in such fiscal year. For purposes of this section, "section 6002 items" means items for which there are procurement guidelines under section 6002 of the Act.

"(B) The percentage of total procurement required under paragraph (4)(A) shall increase by an additional 2 per centum of total procurement every second fiscal year thereafter. The percentage of total procurement reached at the end of the tenth year after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991 shall be required for every fiscal year thereafter.

"(C) The requirements of this paragraph are subject to determinations under paragraph (1) (A) and (B). In order to assist procuring agencies and the Administrator with such determinations, the Administrator shall contract with the American Society for Testing and Materials to prepare guidelines as to reasonable performance standards for items containing recovered materials.

"(D) In no event shall any agency or contractor pay more than 10 percent above the price of a similar item not meeting the guidelines under section 6002.".

(c) Section 6002(e)(2) of the Solid Waste Disposal Act is amended by inserting before "In making the designation required under paragraph (1)" the following: "The Administrator shall prepare final guidelines for glass, ferrous metals, nonferrous metals, and lead-acid batteries within twelve months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991; for compost (to be used in lieu of alternative materials for plant nutrition, mulch or fill), plastic products (including containers), and used tire fragments used in road cover within twenty-four months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991; and for rubber products within thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991.".

(d) The first sentence of section 6002(g) of the Solid Waste Disposal Act is amended to read as follows: "The Office of Procurement Policy in the Executive Office of the President, in cooperation with the Administrator, shall have an affirmative duty and responsibility to implement the requirements of this section and the policy of this section and the national policy established in section 1003(b), including the enforcement of such requirements with respect to procuring agencies. The Administrator, with the assistance of the Office of Procurement Policy, shall provide technical assistance to procuring agencies in complying with the requirements of this section.".

(e) Section 6002 of the Solid Waste Disposal Act is amended by adding the following new subsections:

"(j) USDA Purchase of Fertilizer.—The Secretary of Agriculture shall establish a program to assure that purchases of fertilizer by the Department of Agriculture or assisted with funds administered by the Secretary of Agriculture include the purchase of fertilizer made with composted solid waste or secondary materials.

"(k) Military Specifications Review.—The Secretary of Defense, in cooperation with the Administrator, shall undertake a review of all specifications for military procurement items and make such modifications as may be necessary in such specifications to eliminate requirements that discriminate against the use or acquisition of items that contain recovered materials. The Secretary of Defense, in cooperation with the Administrator, may establish priorities for conducting such review, such that the review of all items is completed not later than five years after the enactment of the Resource Conservation and Recovery Act Amendments of 1991, and the review of no less than forty percent of all such items are completed within the first two years after such date of enactment.

"(l) Federal Agency Reporting.—The head of each Federal procuring agency shall submit an annual report to the Administrator on progress in implementing this section, including compliance with guidelines under this section and the development and implementation of a procurement program under subsection (i).".

Sec. 305. Market Development.—Section 6014 of the Solid Waste Disposal Act as redesignated by section 201(b) of this Act and is amended by—

(1) inserting "(a) Identifying Markets.—" after "6014.";

(2) striking "within two years after September 1, 1979", and inserting in lieu thereof ", in cooperation with the Administrator,"; and

(3) by adding the following new subsections:

"(b) Market Development.—The Secretary of Commerce, in cooperation with the Administrator, shall take such actions as may be necessary to stimulate the development of new markets for recovered materials and products containing recovered materials.

"(c) International Markets.—(1) The Secretary of Commerce and the United States Trade Representative shall take such actions as may be necessary to identify foreign markets for recovered materials and products containing recovered materials, and to assist exporters of recovered materials and products containing recovered materials in selling in such markets.

"(2) The Secretary of Commerce shall use the services and capabilities of the United States and Foreign Commercial Service, to the extent practicable.

"(3) Actions implementing this subsection shall include assistance in arranging favorable financial terms for exporters of recovered materials and products containing recovered materials.

"(4)(A) The Secretary of Commerce shall acquire information regarding the world demand and competition for recyclable materials and products containing recovered materials, the marketing and distribution of such materials and products in foreign countries, and factors influencing the export of such materials and products from the United States (including any barriers to such export). The Secretary of Commerce, in cooperation with the Administrator, shall be responsible for the interpretation and dissemination of such information in the United States.

"(B) The Secretary of Commerce shall undertake demonstration abroad of the standards of quality of recovered materials and products containing recovered materials from the United States.".

Sec. 306. Federal Contracts.—Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section—

"Sec. 6008. Federal Contracts.—Any Federal contract for $1,000,000 or more with any private party or other Federal agency shall require that at least 50 per centum of section 6002 materials used in the performance of the contract be produced from recycled materials. For purposes of this section, "section 6002 materials" means materials for which there are procurement guidelines under section 6002 of the Act. The procuring agency, in consultation with the Administrator and pursuant to applicable procurement guidelines, shall specify in the contract specifications those aspects of contract performance that can be fulfilled with recycled materials. The requirements of this section shall not be imposed if the contractor certifies that recycled materials are not available.".

Sec. 307. Federal Agency Actions.—Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section:

"Sec. 6009. Federal Agency Actions.—(A)(1) Waste reduction petition—Any person may petition a Federal agency to undertake a waste reduction action, and such action shall be undertaken by the agency if—

"(A) undertaking the action which is the subject of the petition would bring about at least a 5 per centum increase in recycled content of an item described in the petition or would reduce by at least 5 per centum the total volume or toxic constituents of a solid waste described in the petition;

"(B) undertaking the petitioned action would be consistent with existing law or, if not consistent with agency regulations or policy, that such regulations or policies can be modified to accommodate the petitioned act and remain in accordance with statutory requirements; and

"(C) undertaking the petitioned action would bring about a net saving in cost to the Federal Government or would be neutral in effect or cost.

For purposes of this subsection, a waste reduction action includes any action with this effect that is authorized, funded or carried out by a Federal agency.

"(2)(A) Within ninety days after receipt of a petition, the Federal agency shall notify the petitioner whether the petition presents substantial evidence warranting review. If the agency finds that the petition does not present such evidence, the petition shall be denied.

"(B) If the agency finds that the petition presents substantial evidence in respect to the requirements of paragraph (1) of this subsection, the agency shall notify the petitioner of the finding and conduct a review based upon the information in the petition and any other information available to the agency. No later than twelve months after the finding of substantial evidence, the agency shall deny the petition or grant the petition in whole or in part and explain the steps that will be taken to implement any parts of the petition that are granted. If the agency denies the petition, the agency shall notify the petitioner and shall explain in writing the basis for concluding that the requirements of paragraph (1) of this subsection are not met.

"(b) Federal Waste Reduction Officer.—Each Federal agency shall designate a waste reduction officer to oversee compliance with Federal agency waste reduction requirements of this Act. Waste reduction officers shall prepare agency waste reduction plans and shall report annually to the Administrator on implementation of the plans including estimates of any cost savings achieved through waste reduction.".

TITLE IV—WASTE AND SECONDARY MATERIALS MANAGEMENT

Sec. 401. Objectives of Subtitle D.—(a) The title of subtitle D of the Solid Waste Disposal Act is amended to read "SUBTITLE D—SOLID WASTE MANAGEMENT".

(b) The first sentence of section 4001 of the Solid Waste Disposal Act is amended to read as follows—"The objectives of this subtitle are—

"(1) to assist in developing and encouraging methods for the management of solid waste that are environmentally sound and that maximize the utilization of valuable resources including materials that are recoverable from solid waste;

"(2) to assist in developing methods to encourage resource conservation;

"(3) to assist in developing and encouraging permitted capacity pursuant to the permit requirements in section 4010, to meet the Nation's solid waste recycling, treatment, storage and disposal needs estimated pursuant to section 4003;

"(4) to use a waste management hierarchy for solid waste management planning that is consistent with the policy and priorities set forth in section 1003(b);

"(5) to assist in stabilizing and developing markets for recycled materials; and

"(6) to upgrade existing waste management capacity to protect human health and the environment.".

SEC. 402. STATE AND REGIONAL PLANNING.

(a) Section 4002(b) of the Solid Waste Disposal Act is amended to read as follows—

"(b) Guidelines for State Plans.—Not later than nine months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, and after consultation with appropriate Federal, State, and local authorities and after notice and opportunity for public comment, the Administrator shall publish guidelines that include measures to assist in the development and implementation of State solid waste management plans (hereinafter in this subtitle referred to as 'State plans'), and that contain minimum criteria for any plan required to be submitted to the Administrator pursuant to section 4003. The criteria shall include the information listed under subsection (c) and such other information as the Administrator deems necessary to determine whether the plan submission complies with section 4003 and the provisions of this Act.".

(b) Section 4004(b) of the Solid Waste Disposal Act is amended by striking "section 4003(2)" wherever it appears and inserting in lieu thereof "section 4003(a)".

(c) Section 4005(a) of the Solid Waste Disposal Act is amended by striking "sections 4003(2) and 4003(3)" and inserting in lieu thereof "section 4003(a),".

(d) Section 4006(b) of the Solid Waste Disposal Act is amended by striking "Within one hundred and eighty days after the Governor promulgates regulations under subsection (a)," and inserting in lieu thereof "Not later than one hundred and eighty days after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991,".

(e) Section 4003(a) of the Solid Waste Disposal Act is amended to read as follows—

"(a) Minimum Requirements.—For each State and for each planning area identified under sections 4002(a) and 4006, the solid waste management plan shall comply with the following minimum requirements:

"(1) The plan shall establish a solid waste management strategy for the State or planning area that implements the national policy stated in section 1003(b).

"(2) The plan shall include measures to assure compliance with section 4005 to prohibit the disposal of solid waste in any facility that does not comply with the criteria promulgated under sections 4004(a), 4010, and 4011, and shall provide that all solid waste management facilities located in the State meet all applicable Federal and State laws.

"(3) The minimum planning period under this section shall be ten years. The plan shall be reviewed and revised, as necessary, no less often than every five years.

"(4)(A) The plan shall include and be based upon information on the type and amount of each solid waste stream that can reasonably be expected to be generated within the State or planning area during the planning period, or to be accepted from other States under existing contracts or local or regional agreements, based on current information, past levels, and representative receipts from such States during the planning period. Solid waste streams identified under this section shall include municipal waste, industrial waste, and waste residuals, and shall include information on the sources of such waste streams, the characteristics of such waste streams (including potential threats to human health or the environment as a result of disposal or treatment of the waste stream or residuals of treatment) and current patterns of waste management of such waste streams.

"(B) The plan shall identify each solid waste management facility and recycling facility within the State or planning area and its capacity and projected remaining useful life.

"(C) The plan shall estimate the amount of the total solid waste identified under paragraph (A) that is reasonably expected to be—

"(i) reduced annually in such State or planning area, based on the toxics use and source reduction plans required under section 5004;

"(ii) recycled annually, based on the rate of wastes diverted from the waste stream during the year prior to the submission plus anticipated future progress that can be documented;

"(iii) transported annually to another State for treatment or other disposition under existing contracts or local or regional agreements; and

"(iv) disposed or incinerated annually within the State based on the net volumes identified in (i) through (iii) of this subparagraph.

"(5)(A) The plan shall include a process for identifying and collecting recyclable materials contained in municipal waste, and for developing and supporting markets for such recycled materials. At a minimum, the plan shall demonstrate the steps needed to maximize recycling and achieve the recycling goals established pursuant to section 6005. The plan should establish measurable goals for the fraction of the total solid waste identified under paragraph (4)(C)(ii) (and for particular waste streams identified under such paragraph) to be recycled annually in such State or planning area, including interim goals, taking into consideration the nature of waste streams within the State or planning area, the population density and urban or rural character of the State or planning area, the availability of markets for recycled materials and products with high recycled materials content (including efforts to develop such markets), the projected availability of treatment, incineration and disposal capacity within such State or planning area, and other relevant factors.

"(B) The plan shall identify existing markets for recovered materials and products containing significant amounts of recycled materials, together with actions that may be undertaken to develop or create such markets, and shall identify current and proposed programs to promote waste reduction and recycling, including activities at the household.

"(C) The plan shall address and provide for, in the manner determined appropriate for the State or planning area, the management of (i) household hazardous waste, (ii) tires, (iii) yard waste, (iv) batteries, (v) plastic products (vi) waste paper, (vii) glass containers, and (viii) scrap metal and containers. The State or regional planning agency shall consider requirements or programs for separate handling, special collection, prohibitions on co-disposal in landfills, recycling, composting of yard wastes, and special treatment facilities.

"(D) The plan shall establish measurable goals for the fraction of the total solid waste identified under paragraph (4) (and for particular waste steams identified under such paragraph) to be reduced through waste reduction annually in such State or planning area.

"(6)(A) The plan shall assure that all solid waste generated in the State or planning area is either (i) avoided through toxics use and source reduction, (ii) recycled, or (iii) treated or disposed of in an environmentally acceptable manner, as provided in the plan.

"(B) In implementing subparagraph (A), the plan shall establish the fraction of the total solid waste identified under paragraph (4) (and of particular waste streams), as of particular milestone dates, that is expected and intended to be (i) avoided through toxics use and source reduction, (ii) recycled, and (iii) treated and disposed of, and shall identify the capacity of recycling facilities, treatment facilities and disposal facilities necessary as of such milestone dates to implement the plan.

"(7)(A) The plan shall identify specific measures including laws, regulatory requirements, ordinances for development, siting, permitting pursuant to section 4010, and enforcement pursuant to section 4014, for the establishment of new municipal solid waste management facilities and recycling facilities necessary to meet the capacity development requirements identified under paragraph (6) and 9(B)(i) of this subsection. The plan shall include the establishment of a process for the siting of such facilities and a schedule for the permitting, approval, and construction of such facilities.

"(B) In any case in which the authority of a planning agency or a regional planning agency, or of a local government implementing the plan, is insufficient to carry out the requirements of this paragraph, or the planning agency is unwilling or otherwise unable to carry out such requirements, it shall be the responsibility of the State to assure that the requirements of this paragraph are carried out in such planning area or for such local government. The State may meet such responsibility by establishing an effective, binding mechanism for resolving local disputes or by directly implementing such requirements under State law.

"(8) The plan shall provide for revision of the plan, after notice and public hearing, and submission of the revised plan to the Administrator for approval, whenever (i) guidelines or regulations under section 4002 or this section are revised and such plan is no longer in compliance, (ii) information becomes available that circumstances have changed or that otherwise demonstrates that the plan no longer complies with this section, or (iii) the Administrator has notified the State or regional planning agency that revision is necessary.

"(9)(A) The plan shall include written certification by the Governor (or a designee of the Governor) that the State, general purpose local governments, or other competent authorities have adopted by statute, regulation, ordinance, or other legally enforceable document, the necessary requirements and schedules for compliance required by such plan and this section.

"(B)(i) Except as provided in clause (ii), the Governor (or a designee of the Governor) shall annually certify in the report required by paragraph (11) to the Administrator, beginning in 1995, that the State or other permitting authority has issued permits consistent with all the requirements of the Solid Waste Disposal Act for capacity sufficient to recycle, or manage the amount of municipal waste identified in this section that is expected to need management during the ensuing five-year period, and that the State or other relevant authority has identified and approved sites for capacity sufficient to recycle, or manage the amount of such wastes expected to need management during the ensuing eight-year period. In no case may a State identify or certify as capacity any facilities that are classified as open dumps under the Solid Waste Disposal Act.

"(ii) The plan may provide for meeting the identification and certification requirement at a date beyond 1995, but in no case beyond 1998, if the State demonstrates to the satisfaction of the Administrator that unforeseen loss of existing capacity, due to events beyond the State's control, or construction or financing schedules preclude the availability by 1995 of capacity sufficient to recycle, or manage the amount of municipal solid waste identified in this section that is expected to need management during the ensuing five-year period, and the State is in compliance with all other requirements of this Act, to include the establishment of a schedule for the permitting, approval, and construction of such facilities prior to 1998.

"(10)(A) Not later than twelve months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, each State shall submit to the Administrator a preliminary capacity management report that identifies or reasonably estimates, by weight—

"(i) the amount per annum of municipal waste generated within the State;

"(ii) the amount per annum of such municipal solid waste that is exported to another State or States for purposes of recycling, incineration or disposal; and

"(iii) the amount per annum of municipal solid waste that is transported into the State from other States for the purposes of incineration or disposal.

Such report shall describe the methodology upon which the information is based, shall include all assumptions used in estimations, and shall include the most recent information available.

"(B) Not later than fifteen months after enactment the Resource Conservation and Recovery Act Amendments of 1991, the Administrator shall—

"(i) publish a compilation of the information submitted by the States pursuant to subparagraph (A), for which the Administrator is authorized to estimate such information for any State which fails to submit a preliminary capacity management report pursuant to paragraph (1), or for any State which fails, in the judgment of the Administrator, to reasonably estimate the amounts of municipal waste so managed, based on reasonable information readily available to the State;

"(ii) identify in such compilation the cumulative amount per annum of municipal solid waste that is transported across State lines for purposes of incineration or disposal as a per centum of all municipal solid waste that is incinerated or disposed in the United States; and

"(iii) identify each State for which the per annum amount by weight of municipal waste exported to other States for purposes of incineration or disposal, net of all municipal waste imported to the State for purposes of incineration or disposal, exceeds, as a per centum of all municipal waste generated within the State, the per centum identified in clause (ii) of this subparagraph.

"(C) Any State identified by the Administrator pursuant to subparagraph (B)(iii) of this section shall include, in its solid waste management plan submitted pursuant to this section, a schedule with interim milestones and supporting information which demonstrates, to the satisfaction of the Administrator, that the State shall, within five years after date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, be exporting no greater than the per centum identified in subparagraph (B)(ii). At a minimum, such plan shall demonstrate that the State has achieved, no later than three years after date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, at least fifty per centum of the reduction in exports of municipal waste required by this subparagraph.

"(11) The plan shall provide for annual reports to the Administrator by the State and by each agency with a responsibility for implementing a portion of the plan, on progress in implementing the plan and in achieving the goals established under paragraph (5) and providing the capacity identified under paragraph (6). Such reports shall be available to the public.".

(b) Section 4007 of the Solid Waste Disposal Act is amended to read as follows:

"ENVIRONMENTAL PROTECTION AGENCY ACTION ON PLAN SUBMISSIONS.

"SEC. 4007. (a) PLAN REQUIRED.—For each State and for each planning area identified under sections 4002(a) and 4006, a solid waste management plan in accordance with the requirements of section 4003 shall be submitted to the Administrator not later than thirty months after the enactment of the Resource Conservation and Recovery Act Amendments of 1991, and after notice and public hearing.

"(b) COMPLETENESS FINDING.—Within sixty days of the Administrator's receipt of a plan or plan revision, but no later than six months after the date by which a State is required to submit the plan or revision, the Administrator shall determine whether the minimum criteria established pursuant to section 4002(b) have been met. Any plan or plan revision which the Administrator determines meets all minimum criteria established pursuant to section 4002(b) and will achieve the goals of this subtitle shall be approved. Failure to take action on any plan or plan revision that a State submits to the Administrator by the date six months after receipt of the submission shall on that date be deemed approval.

"(c) EFFECT OF FINDING OF INCOMPLETENESS.—Where the Administrator determines that a plan submission (or part thereof) does not meet the minimum criteria established pursuant to section 4002(b), the State shall be treated as not having made the submission (or, in the Administrator's discretion, part thereof) and may submit a revised plan.

"(d) FULL AND PARTIAL DISAPPROVAL.—Within twelve months of a determination by the Administrator pursuant to subsection (c) of this section or a failure by the Administrator to take action under subsection (b), the Administrator shall act further on the submission and either disapprove the plan in total or disapprove the portion of the submittal that fails to meet the applicable requirements of the Act. The plan shall not be treated as approved and meeting the requirements of this subtitle until the entire plan or revision complies with the minimum criteria promulgated pursuant to section 4002(b).

"(e) CONDITIONAL APPROVAL.—The Administrator is not required to disapprove a plan or plan revision based on a failure to include certain specific enforceable measures, if the plan contains a commitment of the State to adopt specific enforceable measures by a date certain not later than one year after the date of approval of the plan or plan revision. Any such conditional approval shall be treated as disapproval if the State fails to comply with such commitment.

"(f) PLAN REVISIONS.—The Administrator shall review approved plans from time to time (but no less often than every five years) and if revisions are necessary to bring any such plan into compliance with the requirements of section 4003 (including any new or revised requirements), the Administrator shall notify the State or regional planning agency of the need for such revision. If such revisions are not submitted and approved within a reasonable period, or if the State or affected local governments fail to implement an approved solid waste management plan, the Administrator, after notice and opportunity for public hearing, shall withdraw approval of such plan.

"(g) ANNUAL SUBMISSIONS.—After approval of the plan, the Administrator shall review the annual submissions and certifications required under paragraphs (9) and (11) of section 4003(a). The Administrator shall notify the State of any material deficiency in a submission or certification, and the State shall correct any such deficiency within ninety days of notification. In the event that the State fails to correct deficiencies or obtain a conditional approval pursuant to subsection (e) the Administrator shall withdraw approval of such plan.

"(h) JUDICIAL REVIEW.—(1) A petition for review of the Administrator's action on any solid waste management plan under section 4003 may be filed in the United States District Courts. Any petition for review shall be filed within sixty days from the date of such final action.

"(2) Any person may petition the Administrator to make a finding that a plan under Section 4003 is deficient and should be disapproved. The administrator shall take final action on any such petition within 180 days after its submission.".

SEC. 403. PERMITS FOR SOLID WASTE MANAGEMENT.—Section 4010 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 4010. PERMITS FOR SOLID WASTE MANAGEMENT.—(a)(1) NOTIFICATION REQUIREMENT.—Effective one year after the enactment of the Resource Conservation and Recovery Act Amendments of 1991, owners or operators of facilities that store (excluding transportation-related facilities including loading docks, parking areas, storage areas and other similar areas where shipments of solid waste are held during the normal course of transportation), treat or dispose of solid waste or facilities that recycle solid waste or secondary material shall notify the state pursuant to paragraph (2). Effective one year after the enactment of the Resource Conservation and Recovery Act Amendments of 1991, transportation of solid waste for storage, treatment, incineration, or disposal to any facility, or arrangement for the storage, treatment, or disposal of solid waste, at any facility that has not notified the State pursuant to this section is prohibited.

"(2) For purposes of the requirement in subsection (a), and until such time as permits are reissued pursuant to subsection (f) by the State or the Administrator, units shall be treated as having satisfied the notification requirement if—

"(A) in States with an existing system of solid waste management permitting or prior approval, existing units obtain such permit or prior approval no later than twelve months after date of enactment of this Act, and new units obtain such permit or prior approval prior to commencing construction.

"(B) in States without an existing system of solid waste management permits or prior approval, new and existing units submit to the State and to the Administrator a notification and exposure assessment which contains, at a minimum, information regarding the facility and unit's location, general facility information, waste types and volumes managed, number of households, schools, hospitals and other public and private buildings within one mile of the facility in which the unit is located, facility monitoring programs and results, proximity to surface water and ground waters, number of local drinking water wells, number of municipal water intakes downstream from the facility, and any other information deemed appropriate by the Administrator in order to carry out the requirements of the Resource Conservation and Recovery Act Amendments of 1991. The manner and form of this submission shall be determined by the Administrator within ninety days of enactment of the Resource Conservation and Recovery Act Amendments of 1991. Existing units shall submit this information no later than twelve months after such date of enactment. New units shall submit this information prior to commencing operation.

"(b)(1) PERMIT REQUIREMENTS.—Effective 48 months after the enactment of the Resource Conservation and Recovery Act Amendments of 1991, or on the date of a permit issued pursuant to subsection (f), whichever is sooner, storage (excluding transportation-related facilities including loading docks, parking areas, storage areas and other similar areas where shipments of solid waste are held during the normal course of transportation), treatment or disposal of solid waste and the recycling of solid waste or secondary material, except in accordance with a permit issued pursuant to this section is prohibited. Effective 48 months after the enactment of the Resource Conservation and Recovery Act Amendments of 1991, or on the date of the permit issued pursuant to subsection (f) whichever is sooner, transportation of solid waste or secondary material for recycling for storage, treatment, incineration, or disposal to any facility, or arrangement for the recycling storage, treatment, or disposal of solid waste or secondary materials, at any facility that does not have a permit issued pursuant to this section is prohibited.

"(2) The State is authorized to exempt recycling facilities from the permit requirement if in the judgment of the State, a permit is not necessary to ensure protection of human health and the environment.

"(3) Notwithstanding the provisions of this section, the management of hazardous wastes and hazardous secondary materials shall be regulated in accordance with the provisions of Subtitle C of this Act.

"(c) STATE CERTIFICATION.—Not later than one year after the enactment of the Resource Conservation and Recovery Act Amendments of 1991, the Governor of each State shall submit to the Administrator a statement certifying that the laws of such State provide such regulatory authority and personnel as may be necessary to implement the permit requirements required by this section, including, but not limited to, authority to—

"(1) issue permits under State law that—

"(A) meet the requirements of this section and assure compliance with any applicable standards promulgated by the Administrator under section 4011 within eighteen months after such promulgation or such earlier date as the Administrator may by rule establish;

"(B) can be terminated, modified or revoked for cause including, but not limited to, the violation of any condition of a permit or obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

"(2) provide for periodic inspections, monitoring, access at reasonable times, and require reports to the extent necessary to assure compliance with this subtitle;

"(3) assure that the public receives notice of each application for a permit and provide an opportunity for public hearing before ruling on each such application;

"(4) collect permit fees pursuant to subsection (j) from all facilities required to be issued a permit under subsection (a); and

"(5) enforce permits, permit fee requirements, and the requirement to obtain a permit including authority to recover civil and criminal penalties.

"(d) STATE AUTHORITY TO ISSUE PERMITS.—(1) After submission of the certification required by subsection (c), and except as provided in subsection (e), upon a determination that a solid waste management facility complies with the requirements of this section including protection of human health and the environment with considerations of practical capability, and any other applicable requirements of State law, the State in which the facility is located may issue a permit to such facility pursuant to the authority under subsection (c).

"(2) No permit may be issued under this Act by an agency, instrumentality, or person (other than a Governor) that is also responsible, in whole or in part, for the design and construction or operation of the unit.

"(e) ISSUANCE OF PERMITS BY THE ADMINISTRATOR.—(1) The Administrator shall act in lieu of a State to issue or deny permits to solid waste management facilities within the State—

"(A) if such State has failed to submit the certification required under subsection (c) of this section;

"(B) if, following notice and opportunity for a public hearing, the Administrator finds that the State lacks adequate regulatory powers under State law to implement the permitting requirement and enforce against violations of permits or requirements of this subtitle;

"(C) if a State has failed to submit a plan pursuant to section 4006 of this Act which meets the requirements of this Act; or

"(D) if following notice and opportunity for a public hearing, the Administrator finds that the State fails to exercise its regulatory authority as required by this Act.

"(2) Any permit issued by a State prior to the date of enactment or pursuant to subsection (a) of this section shall remain in effect until the Administrator acts.

"(f) PERMIT CONDITIONS.—Any permit issued pursuant to this section shall, within eighteen months after promulgation of applicable standards by the Administrator pursuant to section 4011, contain such conditions as will assure compliance with such standards. In the absence of applicable standards under section 4011 of this Act, the permit shall contain such conditions as the State (or Administrator), based on the exercise of its best professional scientific and engineering judgment, consideration of appropriate regulations and requirements adopted by other States or solid waste management authorities and after consideration of the factors listed in this subsection, deems necessary to protect human health and the environment with consideration of practical capability. Any permit issued under this section by the State (or the Administrator) shall contain provisions appropriate for each category or subcategory of waste pursuant to section 4011 specifying—

"(1) the types of wastes handled by the facility, their toxicity, mobility or other potential to adversely affect human health or the environment, and include measures to mitigate such potential, including but not limited to special handling requirements, liners and leachate collection systems as appropriate;

"(2) design of the facility in relation to the location of the facility, including its hydrogeologic and climatological settings, and its proximity to biological or cultural resources and sources of ground water or surface water;

"(3) air and ground water monitoring necessary to identify any potential adverse effects on human health and the environment from a discharge from such facility;

"(4) financial assurance for closure and postclosure care;

"(5) measures necessary to prevent the unlawful disposal of hazardous waste;

"(6) measures necessary to control precipitation run-on and run-off;

"(7) restrictions on the receipt of liquids or measures necessary to mitigate the potential adverse effects of such receipt; and

"(8) the authority to require any necessary corrective action to prevent adverse effects on human health and the environment. Nothing in this Act shall be construed to limit the State from adopting or enforcing additional or more stringent permit requirements than are required by this Act.

"(g) PERMIT TERM.—Any permit issued pursuant to State authority certified under subsection (c) of this section or by the Administrator pursuant to subsection (e) of this section shall be for a fixed term not to exceed five years, and shall be modified to require compliance with any applicable standard promulgated under section 4011 of this Act within eighteen months after promulgation of such standard. Nothing in this subsection shall preclude a State (or the Administrator) from reviewing and otherwise modifying a permit at any time during its term.

"(h) SINGLE PERMIT.—A single permit may be issued for a facility with multiple units.

"(i) PERMIT FEE.—(1) The owner or operator of any facility subject to the permit requirement under subsection (a) of this section except recycling facilities shall pay an annual fee, or the equivalent over some other period, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this section, including the reasonable costs of—

"(A) reviewing and acting upon any application for such a permit;

"(B) if the owner or operator receives a permit for such facility, whether before or after the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1991, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action);

"(C) monitoring; and

"(D) preparing generally applicable regulations or and guidance.

"(2) The total amount of fees collected by the permitting authority shall conform to the following requirements—

"(A) The Administrator shall not approve a permit program as meeting the requirements of this paragraph unless the State demonstrates that, except as otherwise provided in (i) through (iii) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subsection (a), of an amount not less than two dollars per ton of solid waste, or other such amount as the Administrator may determine adequately reflects the reasonable cost of the permit program.

"(i) In determining the amount under subparagraph (A) the permitting authority is not required to include any amount of regulated solid waste managed by any source in excess of 50,000 tons per year.

"(ii) The requirements of this subparagraph shall not apply if the permitting authority demonstrates that collecting an amount less than the amount specified under this subparagraph will meet the requirements of paragraph (1).

"(iii) The fee calculated under this subparagraph shall be increased consistent with the need to cover the reasonable costs authorized by paragraph (1) in each year beginning after the year of the enactment of the Resource Conservation and Recovery Act Amendments of 1991 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1990. For purposes of this clause—

"(I) the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all urban consumers published by the Department of Labor, as of the close of the 12 month period ending on August 31 of each calendar year, and

"(II) the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1990 shall be used.

"(3)(A) If the Administrator determines, under subsection (e) that the fee provisions of the operating permit program do not meet the requirements of paragraph (2) or that the permitting authority is not adequately administrating or enforcing an approved program, the Administrator may, in addition to taking any other action authorized under this Act, collect reasonable fees from the facilities identified in subsection (a). Such fees shall be designed solely to cover the Administrator's cost of administering the provisions of the permit program promulgated by the Administrator.

"(B) Any source that fails to pay fees lawfully imposed by the Administrator under this paragraph shall pay a penalty of 50 percent of the fee amount plus interest on the fee amount computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986 (relating to computation of interest on underpayment of Federal taxes).

"(C) Any fees, penalties, and interest collected under this paragraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to carry out the Agency's activities for which the fees were collected. Any fee required to be collected by a State under this section shall be utilized solely to cover all reasonable (direct and indirect) costs required to support the permit program as set forth in paragraph (1).

"(k) PERMIT BY RULE.—(1) The State may promulgate regulations under subsection (a) which provide for one or more specified classes of facilities that shall be deemed to have a permit for the purpose of this subtitle and to be operating in compliance with such permit, if such facility is constructed and operating in compliance with the requirements of such regulations.

"(2) A class of facilities may be specified in a permit by rule under this subsection only if the State or Administrator determines that no single facility in a class is likely to cause significant damage to human health or the environment, and that the class will have minimal cumulative adverse effect on human health and the environment.

"(3) Regulations promulgated under this subsection shall require—

"(A) provisions for public notice that require the owner or operator of the facility to notify the permitting authority and other interested persons of the intent to construct or commence operations of such facility or unit, sufficiently in advance of such action as specified by the Administrator in such regulations;

"(B) provisions for monitoring;

"(C) provisions for annual on-site inspections by the permitting authority; and

"(D) such additional measures as the Administrator considers appropriate to ensure that such facilities are designed and operated in a manner that protects human health and the environment.".

SEC. 404. CRITERIA FOR SOLID WASTE MANAGEMENT.—(a) Subtitle D of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

"SEC. 4011. (a)(1) IN GENERAL.—The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and promulgate guidelines establishing minimum requirements for facilities that manage solid waste in the following categories—

"(A) for municipal solid waste, within twelve months of enactment of this Act;

"(B) for municipal waste combustion ash, including the management, handling, treatment, transportation, reuse, recycling, and disposal within eighteen months of enactment of this Act;

"(C) for medical wastes including infectious hospital and laboratory wastes, within twelve months of enactment of this Act;

"(D) for industrial solid wastes handled in surface impoundments, landfills, waste piles and industrial boilers within twenty-four months of enactment of this Act;

"(E) for industrial solid wastes handled in underground injection wells not otherwise covered by this title within thirty-six months of enactment of this Act; and

"(2) Within twelve months after the enactment of this Act, and from time to time thereafter, the Administrator shall publish a notice in the Federal Register identifying any other solid waste categories for which guidelines are necessary or appropriate and specifying a schedule for the promulgation of those guidelines. The Governor of any State may petition the Administrator to propose guidelines for a category of waste not described in this paragraph.

"(b) GUIDELINES.—The guidelines promulgated by the Administrator pursuant to section 4011(a) of this Act shall be those necessary to protect human health and the environment from the solid wastes for each category or subcategory and shall take into consideration the circumstances presented by the particular solid waste category, and the practicable capability of such facilities as well as—

"(1) the sources and volumes of the solid wastes within the category, including their toxicity, mobility, or other potential for adverse impacts on human health and the environment;

"(2) the potential danger, if any, to human health and the environment from current management practices;

"(3) documented cases of actual or threatened harm to human health or the environment;

"(4) the types of solid waste management facilities and measures that can be used to mitigate any potential adverse effect on human health and the environment that are appropriate for the solid wastes generated within each source category and consistent with the climatological and hydrogeological setting and proximity to biological or cultural resources and sources of ground water or surface water. The Administrator shall consider and promulgate guidelines as appropriate for each solid waste category that include but are not limited to—

"(A) requirements with respect to siting of any source in the category including its proximity to karst terrain, seismic zones, wetlands, floodplains, and vulnerable or unmonitorable ground water;

"(B) requirements with respect to construction quality assurance for the installation of any source in the category;

"(C) requirements with respect to licensing or training for persons who install or operate any source in the category;

"(D) requirements with respect to the design of any source in the category including liners, leachate collection systems and cover requirements;

"(E) requirements with respect to the operation and maintenance of any source in the category;

"(F) requirements for monitoring releases to air, surface water, soil, and ground water;

"(G) requirements with respect to source separation or treatment prior to disposal or incineration;

"(H) requirements for taking corrective action in response to releases;

"(I) requirements for closure and postclosure care;

"(J) requirements for maintaining records of any leak detection, sampling or monitoring system associated with any source in the category;

"(K) requirements for maintaining evidence of financial responsibility for closure, postclosure care, and corrective action; and

"(L) other Federal and State laws and regulations with a view toward avoiding duplication of effort.

"(5) Nothing in this section shall be construed to limit the authority of the Administrator pursuant to section 3001 of this Act to regulate any category or subcateogry of solid waste under subtitle C of this Act.

"(c)(1) MUNICIPAL SOLID WASTE LANDFILLS.—Guidelines promulgated under subsection (a)(1)(A) of this section shall include, at a minimum, for each new and existing landfill the following requirements—

"(A) controls to detect and prevent the disposal of hazardous waste, nonhazardous bulk liquids and nonhazardous liquids in containers (other than household wastes). Such controls shall include random inspections of incoming loads, inspection of suspicious loads, records of inspections, training of facility personnel to recognize illegal materials, procedures for notifying the proper authorities if any regulated hazardous wastes are found, and precautions and penalties to prevent such offenses;

"(B) daily cover as necessary to control disease vectors, fires, odors, blowing litter and scavenging;

"(C) landfill gas monitoring and controls to ensure that concentrations of explosive gases beneath, around, or in facility structures (excluding gas control or recovery components) shall not exceed twenty-five per centum of the lower explosive limit for methane. Such concentrations shall not exceed the lower explosive limit at the property boundary (or perimeter of a dedicated buffer zone);

"(D) access controls to protect human health and the environment and to prevent unauthorized vehicular traffic and to prevent illegal dumping of wastes;

"(E) run-on and run-off controls that will accommodate a twenty-four hour, twenty-five year storm without overtopping and with sufficient freeboard to accommodate expected set-up and wave action; diversion of all run-on around the landfill by means of ditches, berms, dikes or grading, and relocation of surface water bodies to flow around the perimeter of the landfill;

"(F) landfill closure that—

"(i) minimizes the need for further maintenance;

"(ii) ensures no adverse effects will be caused from postclosure releases to the ground water, surface water, or atmosphere;

"(G) closure and postclosure care plans which identify for each facility the steps necessary to ensure closure and postclosure care, time estimates, modifications to monitoring and collection systems, final cover, and cost estimates. The postclosure care period shall be determined by results from the monitoring in the landfill including leachate quality and quantity and methane gas generation or some alternative;

"(H) financial responsibility for closure and postclosure care;

"(I) ground water monitoring. The Administrator is authorized to promulgate regulations to allow a variance from ground water monitoring requirements if the owner or operator can demonstrate to the satisfaction of the Administrator that there is no potential for migration of hazardous constituents from the landfill to the uppermost aquifer during the active life, closure, and postclosure. Such demonstration shall be certified by a qualified geologist or geotechnical engineer and shall be based on site specific data; and

"(J) corrective action of releases to air, water, and land to protect health and the environment.

"(2) At a minimum, the guidelines promulgated under subsection (a)(1)(A) of this section shall require for each new landfill and lateral expansion to existing landfills for which new permits are required the following requirements—

"(A) a composite liner consisting of an upper component consisting of a minimum 30-mil flexible membrane liner (FLM) or a 60-mil High Density Polyethylene liner (HDPE) and a lower component consisting of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10–7 cm/sec. or an alternative design capable of preventing the migration of wastes or leachate out of the landfill to the uppermost aquifer during the life of the facility, including the post-closure period;

"(B) leachate collection and removal systems unless the owner or operator demonstrates to the satisfaction of the permitting authority that no leachate will be generated. The leachate collection and removal system shall be installed immediately above the liner, which shall be sufficiently permeable to allow the leachate collection and removal system to function, and designed and constructed to maintain less than thirty centimeters of leachate head from the landfill during the active life and postclosure care period;

"(C) construction quality assurance plan specifying the materials to be used in liner construction, the construction techniques, the engineering plans, the installation test procedures, and a description of the methods to be used to modify work which does not meet project specifications; and

"(D) landfills shall not be located in the following locations—

"(i) within the one hundred-year flood plain unless it can be demonstrated by the owner or operator that engineering measures have been incorporated into the landfill design to ensure the landfill shall not restrict the flow of the one hundred-year base flood, reduce the temporary water shortage capacity of the floodplain, or result in the wash-out of solid waste so as to pose a hazard to human health or the environment;

"(ii) within a wetland except in accordance with sections 301 and 404 of the Clean Water Act;

"(iii) within two hundred feet of a fault that has had displacement in Holocene time; and

"(iv) within a seismic impact zone and other unstable areas unless it can be demonstrated by the owner or operator that engineering measures have been incorporated into the landfill design to ensure the structural stability of the landfill capable of protecting human health and the environment.

"(3) For the purpose of complying with subsection (a)(1)(A) of this section, the notice of proposed rulemaking by the Administrator in accordance with section 4010 of this Act (as in effect immediately prior to the enactment of the Resource Conservation and Recovery Act Amendments of 1991) shall be deemed the notice of proposed rulemaking for municipal solid waste landfills under this section, together with such changes of additions as are necessary to comply with the requirements of this section.

"(d) MUNICIPAL WASTE COMBUSTION ASH.—(1) Guidelines promulgated under subsection (a)(1)(B) shall establish requirements for the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units, as may be necessary to protect human health and the environment. Notwithstanding the provisions of the Federal Advisory Committee Act, prior to promulgation of any regulations, requirements, or guidelines pursuant to section 130 of the Clean Air Act or section 4011 of the Solid Waste Disposal Act, the Administrator shall consult with elected officials of State and local governments, or their representatives or representatives of their organizations which may develop plans, administer programs, issue permits, promulgate regulations or take corrective action under such sections to receive their advice and recommendations on such regulations, requirements and guidelines. Notwithstanding other provisions of this Act, the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units shall be subject to this section and subtitle and not subject to the provisions of subtitle C. The provisions of section 3007, 3008 and 3013 shall apply to ash from municipal waste incineration units and the requirements of this section to the same extent that such sections apply to hazardous wastes and the requirements of subtitle C.

"(2) For the purposes of this section, the term 'treatment' means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any ash so as to remove or permanently fix in place any constituent of the ash which, in the event of mismanagement during transportation, storage, reuse or disposal, may pose a threat to human health or the environment and includes testing of such ash to assure the criteria promulgated under subsection (e) are satisfied.

"(3) Regulations promulgated under this section may establish requirements that apply to fly ash separately, to bottom ash separately, or to the combination of fly ash and bottom ash.

"(b) DISPOSAL.—(1) Regulations promulgated under subsection (a) for the disposal of ash from municipal waste incineration units in landfills shall require—

"(A) the installation of a double liner consisting of one flexible membrane liner and a composite liner with a leachate collection system above and between such liners, in accordance with paragraph (2); and

"(B) groundwater monitoring.

"(2) The requirement of paragraph (1)(A) may be satisfied by the installation of liners designed, operated, and constructed of materials to prevent the migration of any constituent into and through such liners during the period such facility remains in operation (including any post-closure monitoring period). For the purposes of this section the term 'composite liner' means a liner which consists of a flexible membrane liner and at least a 3-foot thick layer of recompacted clay or other natural material with a hydraulic conductivity of no more than 1×10^{-7} centimeter per second. The provisions of this paragraph apply prior to and after the promulgation of regulations under paragraph (1).

"(3)(A) Notwithstanding the requirement of paragraph (1)(A), regulations promulgated under subsection (a) shall authorize the placement of ash from municipal waste incineration units in a monofill (containing only ash from such units) with a composite liner designed, operated and constructed of materials to prevent the migration of any constituent into and through such liner during the period the monofill remains in operation (including any post-closure monitoring period), ground water monitoring and a leachate collection system.

"(B) For the purpose of paragraph (4), a monofill (containing only ash from municipal waste incineration units) with two or more flexible membrane liners, a leachate collection system above and between such liners and ground water monitoring is determined to be an alternative design which will prevent the migration of any hazardous constituent into ground water or surface water at least as effectively as the design requirements of subparagraph (A).

"(C) If fly ash is to be disposed in a monofill containing solely or substantially fly ash, such ash shall be treated pursuant to treatment standards established under this section before disposal or such monofill shall be constructed with an additional liner and a leachate detection and collection system between the liners.

"(D) Requirements under this paragraph are minimum requirements and the Administrator shall promulgate more stringent requirements applicable where necessary to assure that releases from a monofill will not contaminate ground water or surface water or otherwise pose a threat of adverse effects on human health or the environment.

"(4) The design requirements of paragraphs (1) and (3) shall not apply if the owner or operator of a solid waste management unit utilizing an alternative design demonstrates to the State, and the State finds, that the alternative design will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the design requirements of paragraphs (1) or (3) of this subsection. The State shall not solely or substantially rely upon location characteristics to make any determination under this paragraph. States may authorize such alternative design requirements only under a permit program approved by the Administrator as required under subsection (f) of this section. The Administrator may review, on appeal by any person or on the Administrator's own motion, and reverse any determination made by a State under this subsection. The Administrator shall make a decision on any appeal within one hundred and eighty days.

"(5) Liner requirements imposed under paragraph (1) or (3) of this subsection or subsection (c) shall include provisions for quality control and quality assurance with respect to the design and installation of the liners.

"(6) Nothing in this section shall be interpreted, construed or applied to require the routine testing of ash which is disposed in a landfill or monofill meeting the requirements of this subsection.

"(c) Disposal in Sanitary Landfills.—Regulations promulgated under subsection (a) may allow disposal of ash from municipal waste incineration units in sanitary landfills with at a minimum one liner, leachate collection and ground water monitoring and otherwise meeting the requirements of revised criteria promulgated under section 4010(c), if (1) such ash is routinely tested and does not fail any criteria under subsection (e); and (2) any fly ash so disposed (including any fly ash combined with bottom ash) has undergone treatment (as defined in subsection (a)) in accordance with regulations for treatment promulgated under this section and such treated fly ash is separately tested and does not fail any criteria established under subsection (e). For the purposes of this section, the mixing of fly ash and bottom ash, or the mixing of such ash with other solid waste, without the introduction of chemical stabilization agents, does not constitute treatment. Ash may not be disposed of in units that are created as a result of vertical expansion of an existing waste disposal facility unless the owner or operator of such facility demonstrates, and the State finds, that there will be no settling (that would impair the integrity of any required liner, leachate collection or leak detection system, final cover, or any other structural component of the landfill containment system) of the waste upon which the proposed unit is to be built. In no event may such ash be disposed in a landfill from which the Administrator or the State has determined there is a release into ground water or surface water, unless such release would not require corrective action pursuant to Federal or State law or regulation or landfill that is in violation of Federal or State regulations or other requirements.

"(d) REUSE.—(1) The regulations under this section shall include such requirements applicable to the reuse and recycling of the ash from municipal waste incineration units, including criteria and routine testing procedures, as may be necessary to protect human health and the environment. The Administrator shall develop such regulations for the specific end uses of such reused or recycled ash. In developing such regulations, the Administrator shall consider, to the extent feasible and appropriate, all potential pathways of human and environmental exposure, including both short-term and long-term, to hazardous constituents of such ash from recycling and reuse. The pathways to be considered shall include, but not be limited to, inhalation, ingestion as a consequence of incorporation of the ash or any hazardous constituents into the food chain, ingestion of potable water or aquatic organisms contaminated by surface runoff, leaching or percolation of such ash or its hazardous constituents into ground water or surface water, ingestion or inhalation of soil particles contaminated with such ash, and dermal contact with such ash. At a minimum the Administrator shall consider with respect to such recycling and reuse, appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity.

"(2) Such regulations shall require treatment of ash from municipal waste incineration units before any such ash is recycled or reused to protect human health and the environment. Such regulations shall specify those levels or methods of treatment that, taking into account the potential pathways of exposure identified in paragraph (1)—

"(A) substantially reduce the toxicity of the ash or substantially reduce the likelihood of migration of ash or its hazardous constituents so that short-term and long-term threats to human health and the environment are minimized;

"(B) satisfy any criteria and routine testing procedures included in the regulations under paragraph (1); and

"(C) assure that the recycling or reuse of such ash is protective of human health and the environment.

"(3) If the Administrator fails to promulgate regulations under this subsection, no person may reuse or recycle ash from a municipal waste incineration unit after the date thirty-six months after the date of enactment of this section unless such ash is treated and leachate from an extraction procedure toxicity test applied to such ash does not exceed standards established pursuant to section 1412 of the Safe Drinking Water Act.

"(e) CRITERIA AND TESTING.—(1) For the purposes of developing regulations for the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units under this section, the Administrator shall, not later than 18 months after the date of enactment, promulgate criteria and testing procedures for identifying the characteristics of ash from municipal waste incineration units that may pose a hazard to human health or the environment. In considering potential hazards to human health and the environment, the Administrator shall consider, to the extent appropriate and feasible, all potential pathways of human or environmental exposure to constituents of such ash, including, but not limited to, inhalation, ingestion as a consequence of incorporation of the ash or any constituent into the food chain, ingestion of potable water or aquatic organisms contaminated by surface runoff, leaching or percolation of such ash or its constituents into ground water or surface water, ingestion or inhalation of soil particles contaminated with such ash, and dermal contact with such ash (including, for all such pathways, situations of disposal or reuse). At a minimum, the Administrator shall consider appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity. The criteria and accompanying testing procedures promulgated by the Administrator under this subsection shall reflect the heterogeneous characteristics of municipal solid waste and ash from municipal waste incineration units, including seasonal variations in the constituents of such solid waste and ash. Leaching procedures established under this subsection shall include testing under acidic and native conditions. Test leachate from any ash containing a substance in concentrations exceeding the maximum contaminant level for such substance established pursuant to section 1412 of the Safe Drinking Water Act by a factor of one hundred or more shall, unless the Administrator establishes a more stringent requirement, constitute a failure of the test required by this section.

"(2) When disposal of ash occurs pursuant to subsection (c) or (d), the Administrator shall require the owner or operator of any municipal waste incineration unit or any facility handling, transporting, storing, treating, reusing, recycling, or disposing of ash from such unit to test such ash in accordance with the appropriate criteria and testing procedures promulgated under this subsection. If fly ash and bottom ash are combined, such combined ash must also be tested in accordance with such criteria and testing procedures, including, as the Administrator determines necessary, the separate testing of bottom ash and fly ash.

"(3) Any ash which fails in any characteristic under the appropriate criteria and testing procedures promulgated by the Administrator under this subsection shall be disposed of in a facility in compliance with subsection (b)(1) or (3), or shall be treated (as defined in subsection (a)) in accordance with regulations promulgated under subsection (a) and shall be demonstrated to satisfy all applicable criteria promulgated under this subsection before disposal (pursuant to subsection (c)) or reuse (pursuant to subsection (d)).

"(4) The Administrator shall seek to validate the criteria and testing procedures established pursuant to this subsection by conducting a program of analysis of leachate produced at facilities disposing or reusing ash from municipal waste incineration units.

"(f) CORRECTIVE ACTION.—(1) Whenever on the basis of any information the Administrator determines that there is or has been a release of any hazardous constituent from a facility regulated under this section, the Administrator may issue an order requiring corrective action of such other response measure as the Administrator deems necessary to protect human health or the environment or the Administrator may commence enforcement action pursuant to section 4014.

"(2) Regulations promulgated under subsection (a) shall require corrective action for all releases of hazardous constituents from any solid waste management unit at a facility seeking a permit under this section, regardless of the time at which waste was placed in such unit. Permits issued under section 4010 shall contain schedules of compliance for such corrective action and assurances of financial responsibility for completing such corrective action.

"(g) CLOSURE.—Regulations promulgated under subsection (a) shall establish requirements for the proper closure of facilities treating, storing, or disposing of ash from municipal waste incineration units, for the post-closure monitoring and care of such facilities for a period of not less than thirty years, and for assurances of financial responsibility for closure, post-closure care and corrective action.

"(h) EFFECTIVE DATES.—(1) Regulations promulgated under this section shall be effective upon promulgation, except that requirements promulgated pursuant to subsection (b) or (c) with respect to the disposal of ash from municipal waste incineration units shall be effective on and after the date forty-eight months after the date of enactment of this section.

"(2) Beginning eighteen months after the date of enactment of this section and until the effective date of disposal requirements promulgated pursuant to subsection (b) or (c), ash from municipal waste incineration units shall not be disposed in landfills unless such landfills have, at a minimum, one liner, leachate collection and ground water monitoring and otherwise meet the criteria for sanitary landfills issued under this subtitle.

"(3) Notwithstanding the provisions of paragraph (2), the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from each municipal waste incineration unit be disposed in a facility with a liner, leachate collection and ground water monitoring beginning eighteen months after enactment of this section, on a showing by the owner or operator of any such unit that sufficient capacity to dispose of ash in compliance with such requirements is not available for the unit taking cost into consideration. No variance granted under this paragraph shall extend for a period longer than thirty months after the date of enactment of this section.

"(4) Notwithstanding the provisions of paragraph (1), the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from municipal waste incineration units be disposed only in landfills meeting the requirements of subsection (b) or (c) beginning forty-eight months after the date of enactment of this section, on a showing by the owner or operator of any such unit that good faith efforts were made to satisfy such requirement but the unit will fail to do so for reasons not in control of the owner or operator of such unit. No variance granted under this paragraph shall extend for a period longer than seventy-two months after the date of enactment of this section.

"(5) If the Administrator fails to promulgate regulations under subsection (a) for the disposal of ash from municipal incineration units, no person may dispose of ash in a landfill after forty-eight months after the date of enactment of this section unless such landfill satisfies the requirements of subsections (b)(1) or (b)(3).

"(i) PROHIBITION.—(1) Beginning on the effective date of any regulation or requirement under this section it shall be unlawful to manage, handle, store, treat, transport, reuse, recycle, or dispose ash from a municipal waste incineration unit otherwise than in accordance with such regulation or requirement or a State program approved pursuant to subsection (i).

"(2) Prior to and after the effective date of regulations under this section, the Administrator may use the authorities of section 3008 to enforce the requirements of this section. In the case of a violation in a State which is authorized to implement and enforce a program under subsection (i), the Administrator shall give notice to the State in which a violation has occurred prior to issuing an order or commencing civil action under section 3008.".

(b) Subsection (i) of section 3001 of the Solid Waste Disposal Act is repealed.

"(e) MEDICAL WASTES.—(1) For the purpose of promulgating guidelines under subsection (a)(1)(C) of this section, medical wastes shall include such wastes as are determined by the Administrator, in consultation with the director of the Centers of Disease Control and the Administrator of the Occupational Safety and Health Administration, to pose a threat to human health and the environment. Such wastes shall include at a minimum, pathological wastes of human origin, contaminated animal wastes when such wastes have been exposed to infectious agents during medical research, isolation wastes, and sharps. In making such a determination, the Administrator shall consider—

"(A) whether wastes regulated under the Medical Waste Tracking Act of 1988 are appropriate for continued regulation under this subtitle; and

"(B) the potential health risks associated with the waste, including the ability of a waste to transmit disease or penetrate the skin.

"(2) Guidelines promulgated under subsection (a)(1)(E) of this section for the storage and containment of medical wastes shall require—

"(A) segregation of medical waste from other wastes in leakproof containers labeled with a warning sign, and of sufficient strength to prevent ripping, tearing or bursting under normal conditions. Reusable containers for infectious waste shall be washed and decontaminated each time they are emptied;

"(B) such containers shall be stored no more than ninety days at the producing facility and shall be stored in a manner to deny access by unauthorized persons; or

"(C) trash chutes to transfer medical waste between locations where it is stored are prohibited.

"(3) Guidelines promulgated under a subsection (a)(1)(E) of this section, for the treatment and disposal of medical wastes shall require—

"(A) medical wastes to be handled separately until treatment or disposal is accomplished;

"(B)(i) incineration in a controlled-air, multi-chambered, incinerator which—

"(I) effectively destroys all categories of medical wastes, and effectively kills live and dormant forms of pathogenic organisms;

"(II) minimizes the production and emission of toxic pollutants through the application of best available control technology, and through application, to the extent practicable, of emission standards at least as stringent as those established pursuant to section 129 of the Clean Air Act;

"(III) prevents compaction and rupture of containers during loading operations;

"(IV) disposes of combustion residuals pursuant to subsection (d) of this section; or

"(ii) sterilization or alternate treatment technologies (including disinfection) which—

"(I) demonstrate that all pathogenic organisms are rendered harmless;

"(II) provide for quality assurance programs;

"(III) provide for periodic testing using biological indicators that demonstrate proper sterilization of the waste stream;

"(IV) provide for labeling that clearly distinguishes treated from untreated waste;

"(V) in the case of stream sterilization, provide for loading parameters that ensure consistent and adequate steam and heat penetration to each load;

"(VI) in the case of chemical disinfection, provide for testing which indicates that all pathogens have been rendered harmless prior to transfer or disposal of treated waste; and

"(VII) are otherwise in conformance with any standard, requirement, criteria, or limitation under any Federal or State environmental law or regulation, including, but not limited to, the toxic Substances Control Act, the Safe Drinking Water Act, the Clean Air Act, the Clean Water Act, the Marine Protection, Research, and Sanctuary Act, or the Solid Waste Disposal Act.

"(4) Guidelines promulgated under subsection (a)(1)(C) of this section, for the transportation of medical wastes shall require—

"(A) transportation of infectious waste in a leakproof, fully enclosed container within a vehicle compartment, and segregated from other wastes;

"(B) transportation by a registered hauler of medical waste;

"(C) a manifest for accountability and tracking of medical wastes from their point of generation to point of disposal at a permitted facility; and

"(D) a prohibition on the transportation of medical wastes in a vehicle that will be used to transport food and food products.

"(5) Wastes which are treated in conformance with the guidelines under section (a)(1)(C) of this section shall not be considered medical wastes except that pathological wastes, sharps, and contaminated animal carcasses, must be rendered unrecognizable.

"(6) Guidelines promulgated under subsection (a)(1)(C) of this section for the management of medical waste shall include methods to reduce the value and toxicity of medical waste.

"(7) The Administrator shall establish an Education and outreach program designed to provide information and assistance for households and other non-hospital sources of medical wastes. In establishing such a program the Administrator shall—

"(A) utilize programs for the coordination, collection, and dissemination of information established pursuant to section 8003 of this Act;

"(B) consider information on reducing the volume and toxicity of medical waste;

"(C) Conduct research, and demonstration programs to assess the application of treatment technologies for non-hospital generators, including the application of mobile microwaving units, and small on-site autoclaves.

"(8) The Administrator shall establish a process for approval and certification of treatment technologies capable of rendering medical waste harmless.".

"(f) Industrial Surface Impoundments.—(1) New Surface Impoundments.—(A) Except as provided in paragraph (B) and in section 3005(j)(2), (3) or (4), it shall be unlawful to treat, store, or dispose of industrial waste in any new surface impoundment unit at an existing facility, any replacement of an existing surface impoundment unit, or any lateral expansion of an existing surface impoundment unit unless such surface impoundment unit is equipped with—

"(i) two or more liners and a leachate collection system between such liners; and

"(ii) ground water monitoring.

"(B) Paragraph (1)(A)(i) shall not apply if the owner or operator demonstrates to the State, (or the Administrator) and the State (or the Administrator) finds for such surface impoundment, that alternative design and operating practices, together with location and waste characteristics, will prevent the migration of any hazardous constituents, or any constituent that the State (or the Administrator) deems may pose a threat to human health or the environment, into the ground water or surface water at least as effectively as such liners and leachate collection systems.

"(C) For purposes of this subsection, the phrase "any hazardous constituent" as used in subsection 3005(j) shall include the phrase "or any constituent that the State (or the Administrator) deems may pose a threat to human health or the environment,".

"(2) Existing Surface Impoundments.—The State (or the Administrator) is authorized to prohibit the storage, treatment or disposal of industrial waste in any surface impoundment that is not in compliance with the requirements of paragraph (1)(A) which would apply to such impoundment if it were new.

"(3) The provisions of this subsection shall not apply to industrial wastewater if such wastewater is noncontact, freshwater cooling water used in the industrial process."

"(g) Industrial Landfills.—(1) Liquids in Industrial Waste Landfills.—Effective 24 months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, the placement of bulk liquids and liquids in containers into any landfill containing industrial waste is prohibited.

Sec. 405. Regulation of Secondary Materials.—(a) Section 3004(a) of the Solid Waste Disposal Act is amended by—

(1) inserting "recycling," before "treatment, storage, or disposal" each time the phrase appears; and

(2) inserting "or hazardous secondary material" after "hazardous waste" each time the phrase appears.

(b) Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(y) Recycling Standards.—(1) Not later than 24 months after the enactment of the Resource Conservation and Recovery Act Amendments of 1991, hazardous secondary material shall be deemed hazardous wastes for all purposes of this subtitle unless the Administrator promulgates requirements for the recycling, recovery and reuse of hazardous waste and hazardous secondary material in accordance with subsection (a). Such requirements need to appropriately encourage environmentally sound recycling by addressing the particular needs and unique operations of certain recycling facilities.

Such requirements shall protect human health and the environment to the same degree as the requirements that are applicable to the transfer, storage or disposal of hazardous waste under this subtitle and at a minimum, shall require:

"(A) handling (including transporting or transferring, processing, packaging, containerization, and storing) consistent with the requirements applicable to hazardous waste under section 3002, 3003 and this section;

"(B) corrective action;

"(C) the management of any slag or residue from such recycling in accordance with this subtitle, if such slag or residue exhibits a characteristic pursuant to section 3001 or is derived from a hazardous waste listed under section 3001;

"(D) measures designed to assure financial responsibility; and

"(E) periodic inspections.

"(2) Effective on the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, and prior to the effective date of the requirements promulgated under paragraph (1), the requirements for recycling materials as set forth at 40 CFR Parts 264, 265, 266 and 268 (July 1, 1990) shall remain applicable to all owners and operators of hazardous waste and hazardous secondary material recycling facilities who were subject to such regulations on such date of enactment.

"(3) The regulations under this section applicable to treatment, storage, and disposal facilities shall apply, in lieu of those applicable to recycling facilities, to any particular facility generating or receiving hazardous secondary material or hazardous waste where—

"(A) such hazardous secondary material or hazardous waste are burned for energy recovery, or where the main purpose of adding such secondary material or hazardous waste is the destruction of the material, including any such case in which supplemental fuel is required for thermal processing;

"(B) such hazardous secondary material or hazardous waste are inherently waste-like;

"(C) the products of such facility receiving hazardous secondary material or hazardous waste will be used in a manner constituting disposal; or

"(D) such hazardous secondary material or hazardous waste is speculatively accumulated.

"(4) Within 6 months from the date of enactment of the Resource Conservation and Recovery Act Amendment of 1991, any owner or operator of a facility recycling, recovering or reusing hazardous material or hazardous secondary material in a closed loop manufacturing process in a manner described at 40 C.F.R. 261.4(a)(8) (July 1, 1990), or any owner or operator of a facility directly reusing hazardous waste or hazardous secondary material in the manner described at 40 C.F.R. 261.2(e) (July 1, 1990), shall certify to the Administrator that the facility meets the requirements of a closed loop system or direct reuse process and is exempt from the requirements of subsection (a). Such certification shall, at a minimum include:

"(i) the name and address of the facility;

"(ii) the name and address of the owner or operator;

"(iii) the amount and type of hazardous waste and hazardous secondary material recycled, recovered or reused at the facility on an annual basis;

"(iv) a brief description of the recycling, recovery or reuse process; and

"(v) such other information as the Administrator deems appropriate in order to verify the contents of the certification.

"(c) Section 3005 is amended by adding the following new subsection:

"(k) Permit by Rule.—(1) Not later than twelve months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, the Administrator shall promulgate requirements under subsection (a) which provide for a permit by rule for facilities which store and recycle hazardous waste or hazardous secondary material.

"(2) Requirements promulgated under this subsection shall require—

"(A) provisions for public notice and comment prior to construction and commencement of operations at such facility;

"(B) a demonstration by the owner or operator that the facility is in compliance with all applicable standards and requirements of law;

"(C) provisions for annual on-site inspections by the permitting authority; and

"(D) such other information as the Administrator deems appropriate to verify compliance with the permit.

"(3) The permitting authority must verify the contents of the permit by rule application within two years of receipt. Upon review of such application, the Administrator may revoke such permit if compliance with all applicable standards cannot be verified.

"(4)(A) This subsection shall not apply to any land disposal unit or any incinerator.

"(B) A class of facilities or recycling units may be eligible for a permit by rule under this subsection only if the Administrator determines that no single facility or recycling unit of such class has the potential for significant damage to human health and the environment and that the class will have minimal cumulative adverse effect on human health and the environment.

"(d) Applicability of Other Sections.—For purposes of Sections 3006, 3007, 3008, 3009, 3010, 3012, 7002 and 7003—

"(1) the term "hazardous waste" shall be deemed to include the term "hazardous secondary material;" and

"(2) the term "hazardous waste transfer, storage or disposal facility" shall be deemed to include a facility that recycles "hazardous secondary material" or "hazardous waste".

"(e) Subtitle D of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

"(d) Subtitle D of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

"Sec. 4012. RECYCLING STANDARDS.—

"(a) IN GENERAL.—The Administrator shall promulgate regulations not later than eighteen months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, performance standards, applicable to owners and operators of recycling facilities for solid wastes (other than hazardous wastes) and secondary materials (other than hazardous secondary wastes), as may be necessary to protect human health and the environment. Such regulations shall also establish standards for the reuse or use of products from recycling or resource recovery activities other than as raw materials for manufacturing processes, and for the use and composition of compost made from solid waste. Such standards for reuse or use, and in particular standard for any use involving application or placement on land or otherwise constituting disposal, shall assure protection of human health and the environment and shall primarily take into account the risk to human health or the environment posed by such reused or recycled product as compared to the product or products for which it may be substituted.

"(b) FLEXIBILITY OF STANDARDS.—(1) In establishing separate requirements for the recycling, resource conservation, or resource recovery of any solid waste or secondary materials in accordance with subsection (a), the Administrator is authorized to modify the requirements that would otherwise apply to the management of such secondary materials under this subtitle, to take into account the need to appropriately encourage environmentally sound recycling and the actual potential for such activities to pose risks to human health and the environment, so long as such modified requirements assure protection of human health and the environment at least as safe as if managed as a solid waste.

"(2) At a minimum regulations established pursuant to paragraph (1) shall require—

"(A) compliance with emissions limitations on air pollutant emissions applicable to such facilities under subsection (n) and section 112 of the Clean Air Act.

"(B) the management of any slag or residue from such recycling in accordance with the waste management requirements in Subtitle D of this Act.

"(c) RECYCLING OF LEAD-ACID BATTERIES AND TIRES.—(1) Notwithstanding the requirements promulgated pursuant to section 4012, and section 4010(k) the Administrator shall promulgate regulations for collecting, transporting, recycling and managing lead-acid batteries, and tires not later than eighteen months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991 as necessary to protect the public health and the environment from hazards associated with the recycling of lead-acid batteries and tires.

"(2) LEAD-ACID BATTERIES.—In developing management standards for lead-acid batteries such standards shall prohibit the disposal or incineration of lead-acid batteries and shall cover the collection, storage and transfer and recycling and such other matters as the Administrator considers appropriate, including protection against spillage and leakage of acid.

"(3) TIRES.—In developing management standards for tires such standards shall prohibit the disposal of whole tires in land disposal facilities and shall cover the collection, storage, transfer and recycling of tires, and such other matters as the Administrator considers appropriate, including requirements that limit the size of both existing and future scrap tire piles at scrap tire collection and recycling facilities.

SEC. 406. MANAGEMENT STANDARDS FOR USED OIL.—(a) Section 3014 of the Solid Waste Disposal Act is amended to read as follows:

"MANAGEMENT STANDARDS FOR USED OIL.

"(a) IN GENERAL.—(1) Not later than eighteen months after the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1991, the Administrator shall promulgate regulations, in accordance with this section, for persons who collect, store, transport, or recycle used oil. Used oil that is collected, stored, transported and recycled in accordance with such regulations is not a hazardous waste. Used oil that is not managed in accordance with such regulations or is disposed, shall be managed as a hazardous waste and disposed of in facilities with permits issued pursuant to section 3005.

"(2) Such regulations shall include standardized forms developed by the Administrator for the recordkeeping requirements described in subsections (b)(4), (c)(5), and (d)(2) and shall require that such forms be used by such persons for carrying out applicable recordkeeping requirements.

"(3) In developing such regulations, the Administrator shall conduct an analysis of the economic impact of the regulations on the used oil recycling industry. The Administrator shall ensure that such regulations encourage and expand reliance on appropriate methods of recycling used oil, consistent with protection of human health and the environment.

"(b) COLLECTORS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations establishing requirements for collectors of used oil as necessary to protect human health and the environment. Such regulations shall cover the storage and transfer of used oil, recordkeeping, and such other matters as the Administrator considers appropriate. In promulgating such regulations, the Administrator shall take in account the effect of such regulations on environmentally acceptable types of used oil recycling and the effect of such regulations on collectors which are small businesses (as defined by the Admininstrator). For purposes of this section, the term 'collector' means a commercial entity that collects, stores, accumulates, or otherwise generates used oil. Such term does not include an individual who generates used oil by removing such oil from the engine of a light duty motor vehicle, household appliance, or domestic equipment owned or operated by such individual.

"(2) STORAGE.—The regulations shall require the following with respect to storage of used oil:

"(A) No used oil may be stored in an underground tank unless such tank meets the requirements of section 9003.

"(B) No used oil may be stored for more than twelve months.

"(3) TRANSFER.—The regulations shall require that a collector transfer used oil to one of the following:

"(A) a used oil recycling facility with a permit under section 3005;

"(B) a used oil disposal facility with a permit under section 3005; or

"(C) a used oil transporter with a contract to deliver the used oil to any facility in subparagraph (A) or (B).

"(4) RECORDKEEPING.—The regulations shall require that a collector of used oil shall keep a record, for a period of at least three years, with respect to each transfer of used oil, containing the following:

"(A) the date and amount of used oil transferred;

"(B) the destination of the used oil transferred;

"(C) a certification from either the transporter of the used oil, or from the recycling or disposal facility to which the used oil is being transferred, that such facility has a permit as required under this section or is exempt as provided under this section; and

"(D) a certification by the collector that, to the collector's knowledge, the used oil has not been mixed with any quantity of hazardous waste.

"(c) TRANSPORTERS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations establishing requirements for transporters of used oil as necessary to protect human health and the environment. Such regulations shall cover recordkeeping and such other matters as the Administrator considers appropriate.

"(2) INTERMEDIATE STORAGE.—The regulations shall prescribe conditions under which intermediate storage of used oil at a used oil transfer station, or at any other intermediate facility or location between a generator and the facilities described in subsection (b)(3), may be allowed, the maximum time allowed for such storage, special recordkeeping requirements necessary to protect human health and the environment with respect to such storage, and safeguards to assure that mixing with other materials does not occur during such storage. Such regulations may include such other requirements as the Administrator considers necessary to protect human health and the environment.

"(3) IDENTIFICATION NUMBER.—The regulations shall require that each transporter acquire an identification number from the Environmental Protection Agency.

"(4) FINANCIAL RESPONSIBILITY.—The regulations shall require that each transporter meet the applicable financial responsibility requirements of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) and regulations under that Act.

"(5) RECORDKEEPING.—The regulations shall require that a transporter of used oil shall keep a record, for a period of not less than three years, with respect to each shipment of used oil, containing the following:

"(A) the date and amount of used oil transported;

"(B) the destination of the used oil transported and the location of any intermediate storage of the used oil;

"(C) a certification from the recycling or disposal facility to which the used oil is being transported that such facility has a permit as required under this section or is exempt as provided under this section;

"(D) a certification by the collector that, to the collector's knowledge, the used oil has not been mixed with any quantity of hazardous waste;

"(E) a certification by the transporter that, to the transporter's knowledge, the used oil has not been mixed with any quantity of hazardous waste; and

"(F) a certification from the recycling or disposal facility to which the used oil is being transported that the facility actually received the amount of used oil described in subparagraph (A).

"(d) RECYCLERS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations establishing requirements for recyclers of used oil as necessary to protect human health and the environment. Such regulations shall cover the matters described in this subsection and such other matters as the Administrator determines are necessary and appropriate. For purposes of this section, the term 'recycler', when used with respect to used oil, means a person who processes or re-refines used oil, and the term 'recycling facility' means the facility in which such processing or re-refining takes place.

"(2) MINIMUM REQUIREMENTS.—The regulations shall include requirements respecting the following:

"(A) maintaining records of all used oil which is recycled and the manner in which such oil was recycled. Such records at a minimum shall include, with respect to each shipment of used oil, the date and amount of oil received, the names and addresses of the collector and transporter of such oil, and the certifications described in subparagraphs (C), (D), and (E) of section (c)(5);

"(B) maintaining records of spills, inspections, testing and monitoring as determined by the Administrator to be necessary and appropriate;

"(C) recycling of all used oil received by the recycling facility in accordance with the requirements established by the Administrator;

"(D) the design and construction of the recycling facility to prevent spills and protect human health and the environment;

"(E) contingency plans for effective action to minimize unanticipated damage from any spills;

"(F) the maintenance and operation of such facilities, continuity of operation, training for personnel, closure and post-closure, and financial responsibility as may be necessary. Financial responsibility shall be based on total storage capacity;

"(G) compliance with such requirements for corrective action as may be necessary; and

"(H) prohibition on storage of used oil in pits, ponds, lagoons, uncovered tanks, or surface impoundments.

"(3) TESTING.—The regulations shall require recyclers to test all used oil received by a recycling facility for levels of metals, total halogens, and such other materials as the Administrator considers appropriate, and all fuel produced from the recycling process before departure from the facility. The regulations shall specify the test method and levels for used oil received and the test method and levels for fuel produced. The testing shall determine whether the fuel meets the Environmental Protection Agency specifications established under subsection (h).

"(e) PROHIBITION ON MIXING WITH HAZARDOUS WASTE.—Regulations promulgated under this section shall prohibit, following original use, mixing used oil with any quantity of hazardous waste identified or listed under this subtitle except in any case in which (1) such mixing involves an identified hazardous waste and the resulting mixture does not exhibit a characteristic identified in regulations under section 3001(b); and (2) the used oil mixture is burned to recover useful energy in a type of device determined by the Administrator to be designed and operated at a destruction and removal efficiency sufficient to ensure protection of human health and the environment. Nothing in this subsection shall be construed as affecting or impairing section 3004(q)(2)(B) of this subtitle or section 114(c)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

"(f) PERMITS.—(1)(A) Effective 24 months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, recycling of used oil, except in accordance with a permit issued pursuant to section 3005, is prohibited. The Administrator shall make full use of the authority of section 3005(k).

"(2) During the period beginning on the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1991 and ending 24 months after the date of enactment of this Act, or until such time as the regulations under section 3005(k) are promulgated and the facility is determined to be eligible for such permit under section 3005(k), whichever is sooner, the recycling of used oil, except in accordance with a permit issued pursuant to section 3005(e)(4), is prohibited.

"(g) REGULATORY REQUIREMENTS IF EPA FAILS TO MEET DEADLINE.—If the Administrator fails to promulgate regulations under this section within eighteen months after the date of the Resource Conservation and Recovery Act Amendments of 1991, the following requirements and prohibitions shall become immediately effective:

"(1) The operation of any recycling facility which does not maintain a valid Spill Prevention and Countermeasure Control Plan pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is prohibited.

"(2) The operation of any recycling facility which stores or disposes of used oil in any pit, pond, lagoon, uncovered tank, or other surface impoundment except in accordance with a permit issued pursuant to section 3005 is prohibited.

"(3) The mixture of used oil with any hazardous waste listed or identified under this subtitle, except where such mixture is stored, treated, or disposed of at a facility with a permit under section 3005, is prohibited.

"(4) Owners and operators of recycling facilities shall comply with release reporting and investigation regulations set forth at 40 C.F.R. section 280.50 (July 1, 1990).

"(5) Owners and operators of recycling facilities shall comply with applicable release response and corrective action requirements set forth at section 40 C.F.R. Section 280.60 (July 1, 1990).

"(6) The Administrator shall conduct annual inspections of each recycling facility to determine whether such facilities comply with the requirements set forth at 40 C.F.R. subpart E, part 266 (July 1, 1990) and this section and whether the operation of any such facility presents an imminent and substantial risk to human health or the environment. Upon a determination that a facility presents an imminent and substantial risk to human health and the environment, the Administrator shall take action to abate such risk under section 7003.

"(7) The owner or operator of each recycling facility which produces used oil fuel shall test each shipment of such fuel for lead, arsenic, cadmium, chromium, zinc, polychlorinated biphenyls, total halogens, and flashpoint. Records relating to such testing shall be maintained by the owner or operator of such facility for not less than 3 years and shall be made available to the Administrator for inspection upon request.

"(8) Each shipment of used oil, including used oil collected from persons generating used oil, shall be accompanied by a receipt signed by the transporter which shall contain the following information:

"(A) the quantity and place of origin of used oil being shipped;

"(B) the name and address of the facility to which the used oil is being shipped;

"(C) the name and address of the transporter; and

"(D) the date of shipment.

"(9) Any person who transports used oil shall comply with all applicable requirements, including spill reporting, placarding, and insurance requirements of the Hazardous Materials Transportation Act (41 U.S.C. App. 1801 et seq.).

"(10) For each shipment of used oil, the transporter shall certify that to the best of his knowledge the used oil has not been mixed with any hazardous waste listed or identified under this subtitle.

Such requirements and prohibitions shall remain in effect for purposes of implementing this section until such time as the Administrator promulgates the regulations required under this section.

"(h) USED OIL RECYCLING EDUCATION—(1) The Administrator of the Environmental Protection Agency shall implement education activities and programs to inform the public and small businesses about the environmental and safety hazards associated with improper handling and disposal of used oil, including mixing used oil with hazardous waste, and the benefits derived from legitimate used oil recycling. In carrying out his responsibilities under this subsection, the Administrator shall consult with and assist the heads of Federal departments, agencies and bureaus, appropriate State and local government agencies, educational institutions, trade associations, and other representatives of private sector organizations.

"(2) There is authorized to be appropriated to the Administrator not more than $175,000 for each of the fiscal years 1992 and 1993 to carry out the purposes and requirements of this subsection."

(b) The table of contents for Subtitle C (contained in section 1001) is amended by deleting after "3014" the phrase "Restrictions on recycled oil" and inserting "Management standards of used oil"."

(c) Section 3005(e) of the Solid Waste Disposal Act is amended by adding the following new paragraph:

"(4)(A) In the case of a used oil recycler which is in existence on the date of enactment the facility subject to the requirement to have a permit shall be deemed to have an interim permit if the recycler submits, by the deadline described in paragraph (B), to the Administrator or State with a program authorized under section 3006 a notice that contains the following information:

"(i) The name and address of the applicant and, if different, of the facility to be regulated by the permit.

"(ii) A brief description of the business conducted at the facility;

"(iii) The name, address, and telephone number of a contact person from whom the Environmental Protection Agency can obtain additional information;

"(iv) The date on which operation first began at the facility, "(v) The amount of used oil and other solid waste or secondary material stored at the facility; and

"(vi) The extent of financial responsibility maintained by the recycler for the operations currently being conducted at the facility.

"(B) A recycler which is operating on the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1991, shall submit the notice described in paragraph (A) not later than 60 days after the date of the enactment of the Act. A recycler which begins operating after such date of enactment shall submit the notice described in paragraph (2) not later than 60 days after the date on which the recycler begins operating.

SEC. 407. INTERSTATE TRANSPORTATION OF SOLID WASTE.—Subtitle D of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

SEC. 4013. AUTHORITY TO IMPOSE RESTRICTIONS ON INTERSTATE WASTES.—(a)(1) Effective upon enactment of the Resource Conservation and Recovery Act Amendments of 1991, each State is authorized to prohibit the transportation of municipal solid waste into such State (or into the planning area covered by the plan required pursuant to section 4003) for disposal or incineration of such waste from any State with an intrastate restriction on the movement of municipal solid waste, if the importing State has closed or upgraded all open dumps as provided under sections 1008(a)(3) and 4005.

"(2) AUTHORITY TO IMPOSE FEES ON INTERSTATE WASTES.—Effective upon enactment of the Resource Conservation and Recovery Act Amendments of 1991, each State is authorized to enact and enforce laws to impose and collect fees in connection with the incineration and disposal of municipal solid wastes generated in another State: *Provided*, That—

"(A) such fees are applicable throughout the State and do not discriminate against any particular disposal or incineration site or point of municipal solid waste generation;

"(B) such fees do not apply to any municipal solid waste and any recyclable materials that have been separated from municipal solid waste that is transported to a recycling facility.

"(3) States are authorized to impose and collect fees for out-of-State municipal solid waste on an escalating scale as follows:

"(A) Effective upon enactment importing States may charge up to (i) two times the base State surcharge on municipal solid waste, or $4 per ton, whichever is greater, for out-of-State wastes generated in contiguous States; and (ii) five times the base State surcharge on municipal solid waste, if available, or $20 per ton, whichever is greater for out-of-State wastes generated in non-contiguous States.

"(B) Effective thirty-six months after enactment importing States may charge up to (i) four times the base state surcharge on municipal solid waste, or $10 per ton, whichever is greater, for out-of-State wastes generated in contiguous States; and (ii) ten times the base State surcharge on municipal solid waste, if available, or $50 per ton, whichever is greater for out-of-State wastes generated in noncontiguous States.

"(C) The fee under paragraphs (A) and (B) shall be increased in each year beginning after the year of the enactment of the Resource Conservation and Recovery Act Amendments of 1991 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1990. For purposes of this paragraph—

"(i) the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year, and

"(ii) the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1990 shall be used.

"(D) For the purpose of this section 'contiguous States' mean States sharing a common land border.

"(E) For the purpose of this section 'base State surcharge' means the total of all fees, taxes, and surcharges imposed by a State government on a per ton basis for municipal solid waste generated and disposed in that State.

"(4) LOSS OF AUTHORITY.—States are authorized to impose fees on municipal solid waste generated in another State pursuant to the fee schedule in paragraph (3)(B) only upon certification pursuant to section 4003 that the importing State is in compliance with an approved plan under section 4003. Failure to demonstrate initial and continued compliance shall result in a loss of the authority provided in this subsection.

"(b) AUTHORITY TO IMPOSE BANS.—In the case of municipal solid waste generated in another State, a State is authorized to restrict or otherwise prohibit the transportation of solid waste generated in another State into such State (or into the planning area covered by an approved plan under section 4003) at any time after the date thirty-six months after enactment of the Waste Reduction, Recycling, and Management Amendments of 1991; *Provided*, That—

"(1) the importing State has an approved solid waste management plan under section 4003;

"(2) the importing State is in compliance with the requirements of section 4003 and is implementing the provisions of its plan;

"(3) the Administrator has not withdrawn plan approval under this section from the importing State; and

"(4) the exporting State is not in compliance with an approved plan under section 4003 or does not have such an approved plan or or after the date specified in section 4003.

"(c) Any person adversely affected by a State law or regulation authorized under this section may petition the Administrator for relief, and the Administrator may suspend the authorization provided under this subsection for a period not to exceed 180 days. Such suspension may only be granted if, after notice to all affected States and opportunity for comment, the Administrator determines that the petitioner has exercised all good faith efforts to find environmentally and economically reasonable alternatives, that such alternatives do not exist, and that a temporary suspension is necessary and appropriate. The Administrator may extend the period of any temporary suspension only upon the written approval of the Governors of the respective States.

"(d) Within six months of enactment of The Waste Reduction, Recycling, and Management Amendments of 1991, the Administrator shall propose, and within twelve months shall promulgate, regulations prescribing the types of practices which shall be considered recycling, and therefore exempt from the authorization provided by this section, taking into account the need to develop an interstate market for recyclable materials as well as the potential for sham recycling operations designed, in whole or in part, to avoid the effect of State laws authorized by this section.

"(e) The disposal of municipal solid waste originating in another State without the prior consent of the Governor of the receiving State, or his designee, where the receiving State is otherwise in compliance with the requirements in section 4003, is prohibited, in accordance with the following schedule—

"(1) For municipal solid waste not identified in the terms and conditions of a private disposal contract in existence five years after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, the effective date of the prohibition five years after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991.

"(2) For all other municipal solid waste, the effective date of the prohibition is eight years after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991.

"(f) No person may dispose or cause to be disposed in any State any solid waste generated in another State if such disposal constitutes the open dumping of solid waste, as provided under sections 1008(a)(3) and 4005 of this Act, except in the case of any practice or disposal of solid waste under a timetable or schedule for compliance established under section 4005. This subsection shall take effect 90 days after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991.

"(g) Nothing in this section shall be construed as restricting a State's authority to impose fees or other charges in connection with the incineration and disposal within such State of solid waste generated in another State or otherwise to regulate such incineration or disposition, if such fee, charge or other regulation applies equally to solid wastes generated within the State and solid wastes generated outside the State.

"(h) As used in this section, the term 'intrastate restriction on the movement of municipal solid waste' means a law, regulation, or other measure of a State, local, or regional governmental authority that has the effect of discriminating against the movement of municipal solid waste from one or more areas or jurisdictions to others within the same State on the basis of the area or jurisdiction within such State in which it is generated."

SEC. 408. FEDERAL ENFORCEMENT.—Subtitle D of the Solid Waste Disposal Act is further amended by adding the following new section:

"SEC. 401. (a) COMPLIANCE ORDERS.—(1) Except as provided in paragraph (2) of this subsection, whenever, on the basis of any information, the Administrator determines that any person has violated or is in violation of any requirement of this subtitle, subtitle E, subtitle F or of any permit issued by a State pursuant to authority certified under section 4010(c) of this Act or by the administrator pursuant to section 4010(e) of this Act, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this subtitle, subtitle E, subtitle F or of any permit, where such violation occurs in a State that has certified its authority under section 4010(c) of this Act to issue permits, the Administrator shall give notice to the State in which such violation has occurred and to the alleged violator at least sixty days prior to issuing an order or commencing a civil action under this section. The Administrator shall take no further action under this section with respect to the violation if, within sixty days of the Administrator's notice, the State has commenced and is prosecuting, or has prosecuted, an administrative, civil or criminal action before a duly authorized State agency or before a court of the United States or a State to require compliance with such requirement.

"(3) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator or a State under this subtitle and shall with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 per day of noncompliance for each violation of a requirement of this subtitle. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(b) PUBLIC HEARINGS.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein require a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents, and may promulgate rules for discovery procedures.

"(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $10,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator (whether issued by the Administrator or the State).

"(d) CIVIL PENALTY.—Any person who violates any requirement of this subtitle, subtitle E, subtitle F or any permit issued pursuant to section 4010 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation. Each day of violation shall, for purposes of this subsection, constitute a separate violation.

"(e) CRIMINAL PENALTY.—Any person who knowingly or willfully violates any requirement of this subtitle, subtitle E, subtitle F or any permit issued pursuant to section 4010 of this Act or any person who misrepresents or falsifies any information required under this subtitle, subtitle E, or any permit issued pursuant to section 4010 of this Act shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (d) of this section for such violation, be subject, upon conviction, to a fine of not more than $10,000 for each day of violation, or to imprisonment for not more than one year, or both.".

SEC. 410. FEDERAL ASSISTANCE.—(a) Section 4008(a)(1) of the Solid Waste Disposal Act is amended by—

(1) striking "and" after "fiscal year 1982"; and

(2) by inserting after "10,000,000 for each of the fiscal years 1985 through 1988" the following: ", and $10,000,000 in funds for each of the fiscal years 1991 through 1995".

(b) Section 4008(a)(2)(A) of the Solid Waste Disposal Act is amended by deleting "and fiscal or economic investigations or studies;" and inserting in lieu thereof "installation of monitoring devices, and fiscal or economic investigations or studies;".

(c) Section 4008(2)(C) of the Solid Waste Disposal Act is amended by deleting "$10,000,000 for fiscal year 1982, and $10,000,000 for each year of the fiscal years 1985 through 1988" and inserting in lieu thereof "$10,000,000 for fiscal years 1982 through 1988 and $10,000,000 in funds, for each of the fiscal years 1991 through 1995".

(d) Section 4008(a)(3)(D) of the Solid Waste Disposal Act is amended by adding "(iii) to be appropriated for each of the fiscal years 1989 through 1993, $25,000,000" and by inserting before the period at the end of the first sentence, "and section 4011".

SEC. 411. RURAL COMMUNITIES ASSISTANCE.—(a) Section 4009(a) of the Solid Waste Disposal Act is amended by inserting after "The Administrator shall make grants to States to provide assistance" the following "including grants for the installation of monitoring devices".

(b) Section 4009(d) of the Solid Waste Disposal Act is amended by deleting "and $15,000,000 for each of the fiscal years 1981 and 1982 to carry out this section." and inserting in lieu thereof the following, ", $15,000,000 for each of the fiscal years 1981 and 1982, and $15,000,000 for each of the fiscal years 1991 through 1995 to carry out this section.".

TITLE V—UNDERGROUND STORAGE TANKS

SEC. 501. DEFINITIONS.—Section 9001 of the Solid Waste Disposal Act is amended by adding at the end thereof—

"(9) The term 'small business' refers to an owner of an underground storage tank who owns a single such tank or who owns not more than twelve such tanks which are located at a single facility, as defined in subparagraph (D) of paragraph (6) of subsection (h) of section 9003 of this subtitle.

"(10) The term 'essential community service' refers to an underground storage tank or several tanks at a facility which is deemed by the agency designated pursuant to subsection (b) of section 9002 of this subtitle to be essential to the continued economic viability of the community or area in which the tank is located. At a minimum, any tank or facility which is currently engaged in the distribution of petroleum to the public and is located more than fifty miles from another underground storage tank currently engaged in the distribution of petroleum to the public may be deemed to be an essential service.

"(11) The term 'threatened release' refers to a circumstance where, in the judgement of the Administrator, the failure to take corrective action will result in the release of petroleum.

SEC. 502. UNDERGROUND STORAGE TANK LOAN GUARANTEE PROGRAM.

Subtitle I of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

"UNDERGROUND STORAGE TANK LOAN GUARANTEE PROGRAM

"SEC. 9011(a) ENCOURAGEMENT OF CLOSURE AND REMOVAL.—In order to encourage the closure and replacement of underground storage, the Administrator is authorized to guarantee, and to enter into commitments to guarantee, principal and interest on loans made by lenders to qualified small business concerns, for the purpose of—

"(A) closure of underground storage tanks, consistent with the requirements of section 9003(c)(5) and 9004(a)(5) of this subtitle; and

"(B) replacement of underground storage tanks, consistent with the requirements of section 9003(e).

"(b) AMOUNTS OF LOAN GUARANTEE.—(1) Any guarantee under this section shall apply only to so much of the principal amount of the loan involved as does not exceed 90 per centum of the aggregate cost of the activity with respect to which the loan is made.

"(2) The amount of the guarantee of any loan shall not exceed $200,000.

"(3) The aggregate amount of guarantees outstanding under this section at any one time shall not exceed $100,000,000.

"(c) TERMS AND CONDITIONS.—Loan guarantees under this section shall be on such terms and conditions as the Administrator determines, except that a guarantee shall be made under this section only if—

"(1) the loan bears interest at a rate not to exceed such annual percent on the principal obligation outstanding as the Administrator determines to be reasonable, taking into account the range of interest rates prevailing in the private sector for similar loans and risks by the United States;

"(2) the terms of such loan require full repayment over a period not to exceed twenty years;

"(3) in the judgment of the Administrator, the amount of the loan (when combined with amounts available to the qualified borrower from other sources) will be sufficient to carry out the activity with respect to which the loan is made;

"(4) in the judgment of the Administrator, there is reasonable assurance of repayment of the loan by the qualified borrower; and

"(5) the Administrator finds that no other reasonable means of financing or refinancing is reasonably available to the applicant.

"(d) PAYMENT OF PRINCIPAL AND INTEREST.—(1) With respect to any loan guaranteed pursuant to this section, the Administrator is authorized to enter into a contract to pay, and to pay, the lender for and on behalf of the borrower the principal and interest charges which become due and payable on the unpaid balance of such loan if the Administrator finds that—

"(A) the borrower is unable to meet principal and interest charges, that it is in the public interest to permit the borrower to continue to pursue the purposes of the project, and that the probable net cost to the Federal Government in paying such principal will be less than that which would result in the event of a default; and

"(B) the amount of such principal and interest charges which the Administrator is authorized to pay shall be no greater than the amount of principal and interest which the borrower is obligated to pay under the loan agreement.

"(2) In the event of any default by a qualified borrower on a guaranteed loan, the Administrator is authorized to make payment in accordance with the guarantee, and the Attorney General shall take such action as may be appropriate to recover the amounts of such payments, including any payment of principal and interest under paragraph (1) from such assets of the defaulting borrower as are associated with the activity with respect to which the loan was made or from any other surety included in the terms of the guarantee.

"(3) Such amounts as may be returned to the United States pursuant to this subsection shall be paid to the Leaking Underground Storage Tank Trust Fund established pursuant to section 9508 of chapter 98 of subchapter (A) of the Internal Revenue Code of 1986, as amended.

"(e) SEVEN YEAR LIMIT.—No loan guarantee shall be made, or contracts entered pursuant to this section, after the expiration of the seven year period following the date of enactment of this section.

"(f) REPORTS.—The Administrator shall submit to the Congress annually upon the completion of the appropriate accounting period a report describing the financed operations of the program authorized by this section and making such recommendations for the improved management of the program as he determines to be appropriate.

"(g) PLEDGE OF FULL FAITH AND CREDIT OF UNITED STATES.—The full faith and credit of the United States is pledged to the payment of all obligations incurred under this section.".

SEC. 503. POLLUTION PREVENTION PROJECTS.—(a) Section 9003(h)(2) of the Solid Waste Disposal Act is amended by inserting in the second sentence after the term "release" the phrase "or threatened release".

(b) Section 9003(h)(6)(A) of the Solid Waste Disposal Act is amended by inserting after the term "release" the phrase "or threatened release."

SECTION-BY-SECTION SUMMARY OF THE RESOURCE CONSERVATION AND RECOVERY ACT AMENDMENTS OF 1991

TITLE I. GENERAL AMENDMENTS

Section 101. Congressional Findings.—Congress finds that as a nation we continue to generate substantial and increasing volumes of hazardous and solid wastes that present health and environmental problems when improperly managed. Congress also finds that many communities are managing their municipal waste in poorly designed facilities or are engaged in long distance transportation of wastes to other communities and States.

Section 102. Objectives and National Policy.—Establishes a toxics use and source reduction and waste management policy that gives priority in the following order: (1) toxics use and source reduction, (2) recycling, (3) waste treatment, and (4) contained disposal and incineration. A national goal calls for the recycling of waste to the maximum extent consistent with market demand for recycled materials, and for the creation and strengthening of markets for recycled materials.

Section 103. General Authorization.—Provides an authorization of $140,000,000 for each of the fiscal years 1992 through 1996 for purposes of carrying out this Act.

Section 104. Definitions.—Provides new definitions for the purpose of this Act for: solid waste incineration unit, hazardous substance, release, toxics use and source reduction, recycling, secondary materials, hazardous secondary materials, reclaim, municipal waste, industrial waste, and toxic chemical.

Section 105. Administrative Review of Regulations.—Establishes new procedures governing the review of RCRA rules and regulations by the Office of Management and Budget (OMB). OMB must establish a public docket containing information on meetings and communications concerning RCRA rules and regulations.

TITLE II. TOXICS USE AND SOURCE REDUCTION

Section 201. Toxics Use and Source Reduction Data Collection and Technical Assistance.—Incorporates the substantive portions of the Pollution Prevention Act of 1990 (sections 6604–6610 of P.L. 101–508) into RCRA. EPA and the states are required to make toxics use and waste reduction an integral part of any rulemaking or guidance affecting state solid waste management planning. EPA must create an advisory panel of technical experts to provide guidance on technology transfer and data collection, and to assist in the development of national toxics use and source reduction goals. EPA must also mount toxics use and source reduction education and outreach programs.

Section 202. Toxics and Source Reduction Plans.—Requires EPA, in consultation to the advisory panel established pursuant to section 201, to survey a sample of facilities pursuant to the Emergency Planning and Community Right-to-Know Act to determine the nature and extent of toxics use and source reduction practices employed by these industries. Using the data gathered through this survey, EPA must establish accounting procedures and toxics use and source reduction goals for each of the industrial categories and subcategories who are required to file reports pursuant to the Emergency Planning and Community Right-to-Know Act.

Facilities required to file reports pursuant to section 313 of the Emergency Planning and Community Right to Know Act must prepare and upon request submit a toxics use and source reduction plan to EPA (or an authorized state). These plans must be prepared by facilities within each industrial category or subcategory according to a schedule established by EPA, in consultation with the advisory panel, covering a 5 year period beginning within 2 years of enactment.

These same facilities must also prepare and upon request by the EPA (or an authorized state) submit toxics use and source reduction performance reports 5 years after enactment and every 2 years thereafter. Such performance reports must delineate progress toward meeting the facility's toxics use and source reduction plan.

Within 60 days of the request of any person who can make a showing that a facility is not making a good faith effort to comply with its toxics use and source reduction plan EPA (or an authorized state) may certify that if the facility required to file a toxics use and source reduction plan is in compliance with the requirements of this section. If the Administrator or authorized state determines that a facility is not in compliance the EPA or State shall, within 10 days, forward a copy of the plan, protecting confidential business information. EPA or authorized States may require a facility audit for facilities failing to achieve the objectives of their plan. These facilities may be required to implement any toxics use and source reduction practices recommended by this audit.

The EPA (or authorized state) must protect trade secrets in toxics use and source reduction reports and performance reports subject to section 322 of the Superfund Amendments and Reauthorization Act (SARA) in the same manner as data collected under section 313 of SARA.

Section 203. Products and Packaging Advisory Board.—Establishes a Product and Packaging Review Board, composed of experts from industry, consumer groups, environmental organizations, and state and local governments. The Board must report to EPA within 18 months after enactment with recommendations for: (1) a voluntary program to minimize packaging and to encourage the reuse and recycling of packaging materials, (2) a labeling system to identify plastic resins used in products, and (3) standards for the design, volume, composition, reuse and disposal of product packages and packaging materials. EPA may, through guidance, adopt any of the Board's recommendations.

Section 204. Hazardous Constituents in Products.—Requires the EPA to prepare a list of products with hazardous constituents that pose risks to health and the environment, for submission to Congress within 1 year after enactment. EPA is given authority to regulate the disposal or incineration of these products as may be necessary to protect human health or the environment. In cases where such regulations are inadequate to protect health and the environment, the agency must conduct a review within 2 years pursuant to section 6 of the Toxic Substances Control Act for the purpose of regulating the products in question.

Section 205. Research.—Requires EPA to: (1) conduct basic research on strategies and technologies to overcome the technical barriers to toxics use and source reduction, (2) identify strategies to confront the social, economic and institutional reliance on hazardous substances, (3) develop, evaluate and demonstrate toxics use and source reduction methods, and (4) develop pilot projects to demonstrate innovative technologies for toxics use and source reduction.

Section 214. Regulatory Incentives.—Requires EPA to report to Congress within 1 year after enactment on the criteria that would be used in establishing a legislative or administrative program of regulatory incentives to generators to promote toxics use and source reduction. EPA must examine the use of permit modifications, and evaluate the benefits to human health and the environment that could be achieved from such a program.

TITLE III. RECYCLING

Section 301. National Recycling Goals.—Establishes the following goals: (1) a 10% reduction in the size of the municipal solid waste stream by the year 2000, (2) 25% recycling of the municipal solid waste stream by 1995, and (3) 50% recycling of the municipal solid waste stream by the year 2000. The EPA must establish, in consultation with the Commerce Department, commodity-specific minimum recovery and utilization rates for recyclable materials in products that can be recycled, and minimum content standards as necessary to meet these goals.

Section 302. Commodity Specific Recycling Standards.—Requires EPA to establish minimum recovery and utilization standards for commodities including paper, glass, metals and plastics within 2 years after enactment. These standards must reflect maximum feasible recovery or utilization rates, using the best available technology and practices, taking the size of the affected facilities and costs of production into account. The standards must be reviewed every 5 years, and revised as necessary.

The EPA must prepare a report for Congress within 1 year after enactment on mechanisms for implementing and enforcing commodity-specific recycling standards. The report must evaluate, at a minimum, industry-specific recycling plans and a tradable credit system for the producers of recycled products.

EPA standards must require annual average minimum recovery and utilization rates by December 31, 1995 to be annually not less than: (1) 52% for newsprint, (2) 66% for corrugated products, (3) 20% for mixed paper grades, (4) 50% for high grade de-inking paper, and (5) 100% for pulp substitutes, or 40% for all grades of paper products. If the 40% rate is not achieved, annual average minimum content standards must be established for each paper grade failing to meet its requirement. Standards for newsprint, if needed, must apply to newspapers using more than 2,000 tons of paper annually and require annual average minimum recycled content of 20% by January 1, 1997, 30% by January 1, 1999, and 40% by January 1, 2001.

Plastic bottles and containers must meet a minimum recovery and utilization rate of 25% by 1995. If that rate is not achieved, an annual average minimum content standard of 40% must be established by December 31, 2000.

Glass bottles and containers must contain an annual average percentage of cullet of not less than 65% by 2005.

Beginning no later than March 31, 1992, manufacturers of paper, glass, metal and plastic bottles and containers must report data to EPA as required by the agency. Paper manufacturers must provide annual data on the amount of each grade produced and the amount of recycled fiber used.

EPA must release data on the amount of recycled material used and the average recycled content of products produced by each manufacturer of paper, metal containers, and glass and plastic bottles and containers. This data must be published by April 31, 1992 and annually thereafter.

Newspapers with circulation above 25,000 must publish, as part of their circulation statement, the average recycled content used in production of the newspaper during the previous calendar year.

Section 303. Rural Recycling Demonstration Programs and Collection of Secondary Materials.—Establishes model urban and rural model recycling collection programs. These programs must identify collection methods, recycling techniques and technologies, markets for recycled materials, methods for stimulating such markets, methods for financing necessary investments, and opportunities for education and training.

States are required to adopt the model or establish their own programs. State programs must, at a minimum, provide curbside collection and materials recovery facilities, or other methods for separating, collecting and processing materials for recycling. These programs must collect waste paper, plastic containers, cans, glass, yard waste and household hazardous wastes in all urban areas, and state programs must require the removal of batteries, tires, used oil and yard waste from the waste stream, and arrange for their collection, processing and recycling.

EPA must identify realistic recycling goals for rural areas, based upon the results of the model programs. EPA must consider the provision of special containers for separation of recyclables to households in rural areas. The agency must also consider cooperative projects for the collection of recyclables at high-traffic volume facilities, including fast food restaurants, grocery markets and service stations.

Section 304. Federal Procurement of Recycled Materials.—Requires federal agencies to give preference in purchasing to items possessing the greatest practicable amount of recycled content, whether or not applicable procurement guidelines for such products exist. Beginning on the date of enactment, each agency must purchase items with procurement guidelines in amounts which constitute at least 20% of its total annual procurement (in dollars) from items spent by that agency on procurement. This requirement increases by 2% of total procurement every 2 years over a 10 year period.

Final guidelines for federal agency procurement of glass, ferrous and non-ferrous metals and lead acid batteries must be issued within 1 year after enactment; for compost material, recycled plastic products and used tire fragments, within 2 years after enactment; and for recycled rubber products within 3 years after enactment.

The Agriculture Department must ensure that fertilizer purchased with funds administered by the Department includes fertilizer made with composted solid waste.

The Defense Department must review military specifications related to materials and equipment purchases in order to identify and remove impediments to the purchase of products with recycled content. This review must be completed within 5 years, with the first 40% completed within 2 years.

Federal agencies must submit annual reports to EPA on their progress in the implementation of this section.

Section 305. Market Development.—Requires the Commerce Department, in cooperation with EPA, to assist in the development of new markets for recyclable materials and recycled materials or products. In cooperation with the U.S. Trade Representative, the Commerce Department must identify foreign markets for recyclable materials and recycled products, and assist exporters in making sales to these markets.

Section 306. Federal Contracts.—Requires anyone awarded a federal contract exceeding $1,000,000 to use at least 50% recycled materials in the performance of that contract, if such materials are available. The contract must include specifications for those aspects that can be fulfilled with recycled materials.

Section 307. Federal Agency Actions.—Authorizes any person to petition a federal agency to undertake any waste reduction activity that would: (1) increase the use of a recycled item by 5%, (2) reduce the volume of toxic constituents in a waste product by 5%, or (3) result in a net savings in true cost to the federal government or be neutral in its effect. The agency must signal its intention to review or deny the petition within 90 days.

Each federal agency must designate a waste reduction officer to prepare and implement waste reduction plans for the agency.

TITLE IV. WASTE AND SECONDARY MATERIALS MANAGEMENT

Section 401. Objectives of Subtitle.—Establishes that the objectives of subtitle D are to encourage: (1) environmentally sound solid waste management methods, (2) resource conservation, (3) permitted solid waste management capacity, (4) use of a hierarchical approach to solid waste, (5) development of markets for recycled materials, and (6) protection of human health and the environment.

Section 402. State and Regional Planning.—Requires EPA to establish minimum criteria for use in the evaluation of solid waste plans submitted by the states. States must submit plans reflecting those minimum criteria within 30 months after enactment and every 5 years thereafter. State plans become effective if EPA fails to take action within 6 months after the submission.

State plans must include: (1) waste generation and management capacity projections for each solid waste stream generated by the state during the planning period, (2) an inventory of waste management and recycling facilities, along with their capacities and remaining useful lives, (3) a process for collecting and developing markets for recyclables, (4) a process for siting the waste management facilities needed to meet capacity requirements, and (5) an assurance that the state will manage an equitable portion of its own waste.

States must also submit annual reports to EPA describing their progress toward implementing the plan elements, including a certification that the state has issued the facility permits needed to meet capacity requirements for the next 8 years. State plans must be updated every 8 years.

Those states for which net exports of municipal waste for incineration or disposal, as a percentage of all municipal waste shipped across state lines for these purposes, exceed that state's percentage of all municipal waste incinerated or disposed nationwide, shall be subject to additional planning requirements. EPA must identify these states within 15 months, responding to preliminary reports submitted by the states within 1 year after enactment. States must include milestones in their plans requiring any excesses to be reduced by half within 3 years, and eliminated entirely within 5 years after enactment.

EPA must approve any plan that meets its minimum criteria. Plans that do not meet these criteria may be disapproved in whole or in part. The plan may be conditionally approved if the state agrees to meet the criteria within a specified time.

Section 403. Permits for Disposal for Solid Waste.—Prohibits transportation of any solid waste to treatment, storage, incineration or disposal facilities which have not notified the state of their operations. Facilities in states with permit systems can meet notification requirements by obtaining a permit one year after enactment. Facilities in states without approved permit programs must provide notification and exposure assessments to the state, following procedures established by EPA within 90 days after enactment.

Within four years after enactment all solid waste management and recycling facilities must obtain a permit. States may exempt recycling facilities from permit requirements if health and the environment are protected.

States must certify with EPA that they have a permit program with sufficient regulatory authority and personnel to implement the requirements in the Act. EPA must issue permits in any state which fail to meet these criteria. Permits must be issued according to the conditions specified in this Act, for a period not to exceed 5 years. Facilities subject to permit requirements (except for recycling facilities) must pay an annual fee to cover EPA's permit program, monitoring and enforcement costs.

Permits may be issued by rule, according to EPA specifications, to any class of facilities in which no single facility is likely to cause significant damage to health or the environment.

Section 404. Criteria for Solid Waste Management.—Requires EPA to promulgate criteria for facilities that manage (1) municipal solid waste, (2) municipal waste combustion residues, (3) infectious wastes, and (4) industrial wastes.

The management criteria for municipal solid waste landfills must require: (1) controls to prevent disposal of hazardous waste or bulk liquids, (2) daily covering, (3) landfill gas monitoring and controls, (4) controls against illegal access and dumping, (5) run-on and run-off controls, (6) closure and postclosure plans, (7) ground water monitoring, (8) corrective action for releases to air, water and land, (9) a liner and leachate collection and removal system, and (10) location criteria to prevent new landfills in flood plains, wetlands and seismic zones.

EPA criteria for municipal waste combustion ash landfills must require the installation of two or more liners, leachate collection and ground water monitoring systems, or an equally protective alternative design approved by the state. Ash must be treated to ensure chemical stability prior to being placed in a landfill. Closure and postclosure plans, and corrective action are required. These requirements may be waived for 30 months by EPA or the state if landfills in compliance are not available, and for an additional 48 months if good faith efforts were made to satisfy the requirements.

Medical wastes must be stored and transported in labeled, leakproof containers. Medical waste incinerators must kill all pathogens in the waste and minimize emissions of toxic pollutants. Industrial nonhazardous waste landfills must have two or more liners and a leachate collection system.

Section 405. Regulation of Secondary Materials.—Requires EPA to promulgate standards for recycling of hazardous wastes or hazardous secondary materials. Such regulations shall protect human health and the environment to the same degree as requirements applicable to the transfer, storage and disposal of hazardous waste, and shall require (1) handling requirements (including transporting or transferring, processing, packaging, containerization, and storing) consistent with the hazardous waste transportation and storage requirements, (2) corrective action, (3) the management of any slag or residue from such recycling in as hazardous wastes if such slags or residues exhibit a hazardous characteristic or are derived from a listed hazardous waste, (4) measures to ensure financial responsibility, and a permit by rule for facilities that store and recycle hazardous waste or hazardous secondary substances provided such facilities meet certain conditions. If EPA has not issued recycling, recovery and residue standards within 2 years after enactment hazardous secondary materials shall be deemed hazardous waste and subject to hazardous waste requirements.

EPA is also directed to promulgate regulations for recycling of solid waste and secondary materials other than hazardous secondary materials taking into account the need to encourage environmentally sound recycling and the actual potential for such activities to pose risks to human health and the environment. EPA is also directed to promulgate standards for recycling lead-acid batteries and tires which shall prohibit the disposal or incineration of lead-acid batteries and the disposal of whole tires in landfills.

Section 406. Management Standards for Used Oil.—Requires EPA to establish recycling standards for used oil within 18 months after enactment, and provides that used oil managed in accordance with such regulations is not a hazardous waste: (1) collection and transfer records must be maintained for at least 3 years, (2) storage is limited to facilities permitted under RCRA section 3005 and underground tanks in compliance with RCRA section 9003, (3) transfer stations must meet intermediate storage requirements, (4) transporters must obtain the financial guarantees required by the Hazardous Materials Transportation Act, (5) used oil must not be mixed with hazardous waste, and (6) recyclers must comply with spill prevention and mitigation, employee training, closure and postclosure, financial and corrective action requirements. Certain requirements are specified in the event that EPA fails to establish used oil recycling standards within 18 months after enactment.

Section 407. Interstate Waste Transportation.—States are given authority to impose restrictions on municipal solid wastes imported from other states. As of the date of enactment, states may impose a fee of twice the base state surcharge (the total of all fees, taxes, and surcharges imposed by the state on municipal solid waste generated and disposed in that state) or $4 per ton on wastes imported from a contiguous state, and 5 times the state base surcharge or $20 per ton on wastes imported from a noncontiguous state. States that have closed their open dumps are also allowed to impose bans on the importation of waste from any other state which has enacted any restrictions on the intrastate movement of solid waste.

Beginning 3 years after enactment, states in compliance with RCRA section 4003 (state planning requirements) may impose fees of 4 times the base state surcharge or $10 per ton for wastes imported from a contiguous state, and 10 times the state base surcharge or $50 per ton for wastes imported from a noncontiguous state. States in compliance with RCRA section 4003 may also ban the importation of waste from any state that is not in compliance with RCRA section 4003.

Section 408. Federal Enforcement.—Provides federal authority to issue compliance orders for violations of any requirements in Subtitles D (solid waste) E, (toxics use and source reduction) or F (recycling) where states have failed to take such action. Authority is also provided for civil penalties in cases where compliance orders are violated, and for criminal penalties as appropriate.

Section 409. Federal Assistance.—Provides grants to states for waste reduction and recycling, and for developing and implementing state plans.

Section 410. Rural Communities Assistance.—Provides grants to rural communities for waste reduction and recycling, and for developing and implementing state plans.

TITLE V. UNDERGROUND STORAGE TANKS

Section 501. Definitions.—Provides new definitions for the purposes of this Act for: small business, essential community service, and threatened release.

Section 502. Underground Storage Tank Loan Guarantee Program.—Authorizes the EPA to guarantee the principal and interest on loans made to qualified small businesses for the closure or replacement of underground storage tanks.

Section 503. Pollution Prevention Projects.—Inserts the term "or threatened release" after the term "release" in 2 subsections of RCRA section 9003.•

• Mr. CHAFEE. Mr. President, today we are taking an important first step toward reauthorization of the Resource Conservation and Recovery Act, our primary statute for the protection of our land and groundwater resources. I am pleased to sponsor, along with Senators BAUCUS and BURDICK, the Resource Conservation and Recovery Act Amendments of 1991. With the introduction of this bill today, we are setting in motion a process which will enable us to further address the environmental problems associated with improper management and disposal of waste.

The last significant revision to the Resource Conservation and Recovery Act was in 1984, with passage of the hazardous and solid waste amendments. The 1984 amendments were designed to ensure that hazardous wastes are managed in an environmentally sound manner, and to prevent the indiscriminate dumping of wastes and the creation of more superfund sites. By and large, the 1984 rewrite of RCRA has been successful in creating a cradle-to-grave management system for hazardous waste.

This time the primary focus of our reauthorization efforts will be on solid waste, the nonhazardous materials thrown away by households and merchants and Government institutions. The last time we reauthorized RCRA, the theme was safe disposal of hazardous waste. The theme of this reauthorization is waste reduction and recycling of disposal household items.

SOURCE REDUCTION AND RECYCLING

A major part of the solution to the waste crisis lies in reducing to the maximum extent the amount of garbage we produce in the first place and utilizing the garbage that remains as a resource. By establishing a strict hierarchy of management options, we can extract all of the value from garbage before it goes to the landfill. Not only will this significantly decrease the amount of trash entering landfills, extending the landfill's life, but it will also greatly decrease detrimental effects to the environment.

A recent report by the Office of Technology Assessment notes that "the Resource Conservation and Recovery Act does not contain a statement of national policy for municipal solid waste. Indeed, the lack of a clear statement of national goals for municipal solid waste possibly has contributed to the general lack of Federal leadership in this area."

The bill we are introducing today remedies this problem. It clearly establishes a national policy for dealing with municipal solid waste, and establishes a goal of a 10-percent reduction in the size of the municipal solid waste stream by the year 2000, 25 percent recycling of municipal solid waste by 1995, and 50 percent by the year 2000. To accomplish these goals the bill requires EPA to establish recycling rates for such commodities as paper, glass, metals, and plastics.

The Federal Government has an important role to play in reaching these goals. This legislation creates markets for products made from recycled materials by insisting that government agencies, in their procurement practices, establish a preference for products that use recyclables as a feedstock.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE

There is a capacity crisis facing some communities. Where can we put the garbage? The tipping fee, the fee charged at the gate of a landfill to dispose of garbage has risen from $10 a ton a few years ago to more than $100 per ton in many States today. Garbage disposal is now more expensive than police and fire protection for many towns.

A measure of the crisis is the distance between the garbage can and the garbage dump these days. Garbage is now hauled long distances to find a landfill with a low tipping fee. Some of the garbage generated in New York and New Jersey is now transported to the Midwest, to Ohio and Indiana where tipping fees are still quite low.

Naturally, some people in Indiana and Ohio object strenuously to this influx of garbage. It involves considerable truck traffic. It consumes their garbage disposal capacity. Importing States will need new landfills of their own at an earlier date. There is also the threat of huge cleanup costs in the future, if problems should develop at the existing landfills.

There is a growing effort by some States to close their borders to imported trash. It's not just municipal garbage that is of concern. Many States are trying to build economic and legal barriers to the interstate transport of hazardous materials, as well. This interstate war over waste will continue to be a topic of hot debate in the Senate. Last year, Senator COATS of Indiana offered an amendment to authorize States to regulate the movement of garbage across State lines. Wisely, his bill was limited to municipal trash and did not authorize on the movement of hazardous waste. His measure was approved by the Senate by a large margin, 67 to 33. Senator COATS introduced identical legislation earlier this year.

This interstate conflict is a symptom of the larger solid waste problem, the capacity problem. The solution must be multifaceted. States need to take responsibility for their own municipal waste and assure that it is disposed of safely. Public confidence in waste disposal technology needs to be restored. New disposal facilities which are protective of the environment need to be built.

Toward this end, the legislation gives States the authority to impose restrictions on municipal wastes imported from other States. States importing wastes will be authorized to impose a per-ton fee on municipal waste generated in another State. The purpose of this provision is to provide a strong incentive for States to manage municipal waste within their own borders. After 3 years States with approved solid waste management plans will be allowed to ban out-of-State wastes from States which have failed to comply with a plan. By providing States with an incentive to produce and implement meaningful solid waste management plans, which address source reduction, and recycling as well as waste capacity, we are beginning to address the cause, and not just the symptom, of the interstate waste transport problem.

It is worth noting that while our legislation authorizes restrictions on the interstate transport of municipal solid waste, it specifically and intentionally does not authorize restrictions on the interstate transport of hazardous waste, superfund waste, and nonhazardous industrial waste. Such restrictions, in my view, are simply bad environmental policy. There are numerous reasons: First, no State can manage all its hazardous wastes with one technology treating the universe of hazardous wastes generated in this country to comply with the RCRA land disposal restrictions program requires access to numerous different technologies. All States, to a greater or lesser degree, rely on exporting hazardous wastes.

Second, duplicating each necessary technology within each State is economically impractical. A well-designed and operated hazardous waste management facility requires an enormous capital investment. Few, if any, individual States produce sufficient amounts of any particular type of hazardous waste to support commercially feasible operation of the facilities required to treat and dispose of these wastes.

Third, duplicating each necessary technology within each State is environmentally ill-advised. The extraordinary range of geologic and climatic conditions within this country offers the promise that environmentally appropriate sites may exist for each necessary hazardous waste technology. The converse is true also, however. There are locations where a particular technology will produce unacceptable risks.

Fourth, the demand for hazardous and industrial waste management technologies is geographically unstable, varying with the initiation of new Superfund remedial actions, the opening of new industrial facilities, and the development of new production technologies.

In short, unilateral State action cannot solve the problem of hazardous waste disposal. While some States have perhaps borne more than their fair share of this particular burden in the past, no State can go it alone. The solution to the problem of hazardous waste management is multifaceted; no State can alone embrace each of the many types of technologies necessary to manage its hazardous waste. Unilateral State action also threatens to leave some generators with no place to send their waste, a situation that only encourages environmentally unsound disposal practices. For these reasons, the interstate provisions we are introducing today focus exclusively on the interstate transport of municipal waste.

TOXICS USE AND SOURCE REDUCTION

Our laws and regulations to date have focused on waste treatment and waste cleanup. Judging by the substantial improvements to our environment over the last two decades, these approaches have been successful, but they can achieve only a limited amount of environmental protection. Some of the most substantial gains have been when industry has phased out or found substitutes for the use of toxic chemicals.

This practice of pollution prevention, or toxics use and source reduction, as it is sometimes called, must be ingrained into our thinking, and change the way we approach environmental problems. It not only can save companies substantial sums of money, but it also can significantly reduce stresses on our environment.

In Rhode Island we have embarked on an innovative approach to hazardous waste reduction. Our Department of Environmental Management works with selected industries to identify and develop techniques to reduce the use of toxics in industrial processes.

This bill seeks to make toxics use and source reduction considerations an integral part of the decisionmaking process, by requiring plans and performance reports detailing a facilities progress toward meeting toxics use and source reduction goals.

INDUSTRIAL WASTE

Another area of concern is the regulation of the so-called nonhazardous industrial wastes. The bill we are introducing today requires EPA to, within 24 months from the date of enactment, issue guidelines for all industrial wastes except industrial wastes produced by the oil and gas exploration and development and the mining industries.

More industrial waste is produced each year than all of the municipal and hazardous wastes combined. Compounding this problem is the enormous diversity of this waste group. Industrial wastes include wastes from the pulp and paper, primary steel and iron, electric power generation, and inorganic chemical industries, to name just a few. Much of the waste is high volume, nonhazardous material such as construction and demolition rubble. EPA estimates, however, that many other industries produce wastes that may present a relatively high risk of harm due to the presence of hazardous metal and organic constituents.

Providing EPA with 24 months to produce guidelines for all of these wastes will undoubtedly not provide them with enough time to complete their task. An alternative approach could be structured to put EPA on a schedule to issue guidelines for those industries that produce wastes with the greatest potential to harm either human health or the environment.

In 1988, EPA issued a report to Congress on solid waste disposal in the United States. This report identified the wastes from 22 industries according to relative risks. I believe this report offers a good starting point from which to structure a phasein schedule for regulations and I look forward to hearing testimony on this approach in the future.

I am also concerned about some of the minimum design provisions for surface impoundments and land disposal units.

Currently, the bill does not require owners or operators of surface impoundments to retrofit existing units to comply with the minimum design requirements for new units. This provision was made discretionary because of the apparent lack of information currently available on these wastes and the need to retrofit surface impoundments.

We still have many things to learn about the nature of industrial wastes and their potential threat to human health and the environment. Nevertheless, based on preliminary information, it is my sense that we will ultimately need to include a retrofit requirement for at least certain surface impoundments. Our experience with hazardous waste surface impoundments has taught us that retrofit requirements are reasonable and that they work.

In a 1990 report, the General Accounting Office [GAO] found that the vast majority of industrial waste is currently handled in surface impoundments. Unfortunately, the GAO also found that few surface impoundments had even minimum design features to protect against or detect releases of waste into the environment and that of the units that were monitoring for releases, several indicated the presence of unauthorized releases.

I am also concerned about the lack of minimum liner requirements for at least certain industrial land disposal units. While some industrial land disposal units may contain innocuous rubble and dirt, other units contain wastes with significant potential to cause harm to either human health or the environment. Again, I will be looking forward to hearing comments on the adequacy of this section during our hearings.

SECONDARY MATERIAL

We have spent and will continue to spend a fair amount of time on the regulation of hazardous waste recycling. For nearly a decade, EPA and the regulated community have been struggling with the question of whether or not EPA has the statutory authority to regulate recycling activities. We need to be absolutely clear that the Agency has the authority to regulate these activities. Unfortunately, I am not sure whether this bill accomplishes our goal.

Because of my concern, I am introducing a separate piece of legislation on this issue today and look forward to hearing comments on both approaches during our hearings.

USED OIL

The dispute about whether to manage used oil as a hazardous or nonhazardous waste has gone on too long. For every year that this debate continues, the equivalent of 35 *Exxon Valdez* oilspills is disposed of improperly.

The lack of a coherent management scheme for this material not only threatens our environment, but it makes no economic sense. At a time when we are dangerously reliant upon foreign oil, we need to conserve and recycle our resources. Dumping used oil down the sewer or into a municipal landfill is, in addition to being dangerous, simply wasteful.

This bill provides for the management of used oil as a nonhazardous waste provided the oil is recycled and managed in accordance with the requirements of this bill. Within 18 months from the date of enactment, the bill requires the establishment of a comprehensive management scheme for the collection, storage, transport, and recycling of used oil. If the used oil is mismanaged, it shall be treated as a hazardous waste.

Once in place, this scheme will go far to assure that used oil is handled in a manner which is sound from both an environmental and an economic perspective.

INTERNATIONAL WASTE EXPORT

Those who review this legislation will note that it does not address the important question of how we deal with the international export of waste. As those who are concerned about this issue are aware, in March 1989, the United States signed the Basel Convention on the control of transboundary movements of hazardous wastes. The Basel Convention generally restricts the import and export of hazardous and other wastes, unless a bilateral agreement exists between the importing and exporting countries. The Senate has not yet received the convention for ratification, nor has the Congress received any legislation that might be required to implement that legislation.

I had hoped that we would be able to include in the bill we introduce today the administration's proposed legislation, or some modified version of it, so that the specific provisions of the Basel Convention would be addressed. However, since we have not yet received that proposal, we have chosen to defer consideration of the waste export issue until a later time.

The legislation also amends the Solid Waste Disposal Act to require States to submit detailed plans outlining how States will accomplish the national recycling goals. States will have to take a hard look at all the options for managing waste over a 10-year timeframe, including the thorny issue of where to site landfills, incinerators, and recycling facilities. In applying the hierarchy of waste management options, States will have to consider seriously source reduction and recycling as a means of solving the solid waste problems in their States.

The bill will also establish a product and packaging advisory board, composed of industry and citizen group representatives. This board will recommend to the Administrator broad standard for packaging which will address the design, volume, reuse, recyclability, degradability, toxicity, and disposability of packaging.

I am confident that in the weeks and months ahead we will be able to forge intelligent, forward-looking legislation which will address the entire range of solid waste management problems confronting us.●

● Mr. BURDICK. Mr. President, I rise today as chairman of the Committee on Environment and Public Works to join Senator BAUCUS, the chairman of the Subcommittee on Environmental Protection, and the ranking member of the committee, Senator CHAFEE, in introducing the Resource Conservation and Recovery Act Amendments of 1991. I commend the senior Senator from Montana for his strong commitment to protecting our environment and addressing our Nation's waste problems.

The bill which we are introducing today is a strong, fair, yet possibly controversial attempt to address the Nation's solid waste problems. It encourages Americans to protect our environment and its natural resources by recycling what we might otherwise throw away. I have worked with Senator BAUCUS on various aspects of this bill, but I am very proud of the provisions that address rural recycling. Many claim that rural recycling is difficult because of the costs of transportation from rural areas to recycling markets. Unless rural Americans are a part of a recycling ethic, we will have created a fad, not an ethic.

I am also pleased with the interstate transportation provision in this bill. A controversy has raged in my State over a proposed ash landfill near Sawyer, ND. The interstate transportation provision will provide State officials another tool to address municipal waste and ash transportation issues.

I have been particularly interested in waste reduction. I believe that the Senator from Montana has suggested a dynamic program for reducing or eliminating the generation of waste in the manufacturing process without governmental interference. This moves away from the command and control approach to the treatment of waste streams without a strict regulatory regime.

Many States and communities across the Nation are facing serious solid waste problems. Recent bills just in my State's legislature dealt with regional landfills, hazardous waste disposal, and many other waste issues. The public is concerned about solid waste, and this issue will only go away when the public believes that we have solved it. This bill begins to resolve solid waste matters with some finality.

Solid waste issues are a fast moving target. Industries that see the handwriting on the wall are trying to increase their recycling efforts. They would argue that legislation is not necessary or that, perhaps, this legislation is too prescriptive.

Our friends in the environmental community may be disappointed that we haven't gone far enough. But, based on what is known today, I think this bill goes as far as we can. Since the targets are moving, however, I will approach this legislative process with an open mind about what the bill now contains, and about those matters yet to be placed on the table.

The municipal incinerator ash provisions of the bill are identical to incinerator ash provisions contained in the Senate-passed version of the last year's Clean Air Act amendments. For the past 4 years, I have worked with the distinguished senior Senator from Minnesota [Mr. DURENBERGER] to adopt comprehensive Federal standards for air emissions from municipal incinerators and for ash disposal. Our incinerator air emission standards were adopted in the Clean Air Act of 1990, but our colleagues in the House were reluctant to include the ash disposal provisions in the Clean Air Act and, consequently, they were dropped in conference.

I hope Congress will adopt these aggressive ash disposal provisions as part of the Resource Conservation and Recovery Act Amendments of 1991. Incineration should be more stringently controlled to be an acceptable waste disposal option.

As the debate begins, I would pose some questions that I would hope will be raised with regard to the Resource Conservation and Recovery Act Amendments of 1991. Should consumers be provided with economic incentives to carefully choose what they purchase in light of the cost of disposal? Should communities be given market information, or signals, on which to base choices on handling materials in a reliable, environmentally safe, and economically efficient manner over the long term? Should manufacturers be given an incentive to carefully choose basic materials without mandating what those materials would be? I hope that attempts to answer these questions can shed light on solutions not yet realized.

I thank Senators BAUCUS AND CHAFEE for their open-mindedness as we seek to resolve the solid waste problems of this country. I trust that this debate on RCRA reauthorization will result in carefully crafted resolution of these problems, and I commit myself to working with all Members throughout this process.•

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 977. A bill to require the Secretary of Housing and Urban Development to promulgate regulations requiring smoke detection devices in residential dwelling units financed or assisted by any Department of Housing and Urban Development program; to the Committee on Banking, Housing, and Urban Affairs.

FIRE SAFETY ENHANCEMENT ACT

• Mr. D'AMATO. Mr. President, today I introduce, for myself and my colleague from New York, legislation to rectify a serious problem that has come to my attention because of a recent tragedy that occurred in my State. Companion legislation is being introduced in the House by Representative GILMAN. Mr. President, I request unanimous consent that the text of this bill be printed immediately following my remarks.

On March 29, 1991, a fire killed three young children and their grandfather when it burned their home in Port Jervis, NY. This family was receiving Federal rental assistance under HUD's voucher program.

HUD's current regulations do not require the existence of working smoke detectors in housing occupied by voucher-holders or in other HUD-assisted housing. The bill that I am introducing today, which is called the Fire Safety Enhancement Act of 1991, would direct the Secretary of HUD to modify HUD's current housing quality standards and minimum property standards to require the installation of working smoke detectors in HUD-assisted housing.

According to statistics provided by the National Fire Protection Association, the existence of smoke detectors in housing covered by this legislation will save 131 lives that might perish without smoke detectors. This housing includes 4.5 million units of existing HUD-assisted housing. In New York specifically, there are 113,985 units of section 8 housing that would be required to comply with this new standard. HUD can enforce new standards through its regular annual inspection process and when currently assisted housing is rehabilitated or applies for other forms of additional housing assistance.

There are also 100,000 units of new HUD-subsidized housing assisted each year, and 800,000 units that receive mortgage insurance each year. Although we cannot determine how many of these units already have smoke detectors, we can make sure that all of them will.

The National Fire Protection Association estimates that installing smoke detectors in homes reduces by one-half the residents' risk of dying in a fire. According to these statistics, this bill will cut the risk of deaths by fire in half for 312,500 new units in 1992. Smoke detectors cost between $10 and $30—which is a pretty small price for a fixture that has proven that it can save lives.

In addition, a Federal standard will provide a strong incentive for all private owners to follow suit and build according to the Federal standards.

Before I close, Mr. President, there are some unsung heroes in the effort to call the deficiencies of current Federal fire safety guidelines to the attention of the public. I refer to a home State newspaper in Port Jervis, the Tri-State Gazette, its local reporter, Thomas Leek, and its Washington correspondent, Judy Mathewson. These hardworking reporters represent the American tradition of journalism as a public service and are to be commended.

I am convinced that a law like this can save lives and help to avoid another senseless tragedy like the deaths that occurred as a result of the Port Jervis fire. As a grandfather, I felt a special pain when I heard of these sad deaths. This is a tragedy which need not be repeated.•

By Mr. SYMMS (for himself, Mr. CRAIG, Mr. MACK, and Mr. HELMS):

S. 978. A bill to amend the Internal Revenue Code of 1986 to deposit all highway-related taxes in the Highway Trust Fund; to the Committee on Finance.

DEPOSITS IN THE HIGHWAY TRUST FUND

• Mr. SYMMS. Mr. President, I am today introducing a bill along with my colleagues Senators CRAIG, HELMS, and MACK to reverse a wrong done to the American people included in last year's budget. Last year, the U.S. Congress and the President together went back on a deal many years ago when they raised the excise on gasoline, diesel, and related fuels and used half of that amount for deficit reduction.

These excise taxes were sold to the American people on the basis that the revenues would be transferred to the highway trust fund and would then be available to be spent on highways and bridges and mass transit. When we raised the gas tax last year by 5 cents, but only put 2½ cents of that amount into the highway trust fund, the other 2½ cents going to deficit reduction, we broke faith with the taxpayers.

My bill does one thing. It puts the gas tax currently used for deficit reduction back into the highway trust fund where it belongs.

My colleagues should be aware that this bill does not violate any budget points of order that I am aware of because the highway trust fund is on budget.

My bill doesn't reduce revenues. All it does is transfer credit for funds received from one account—general revenues—where it doesn't belong, to another account, the highway trust fund, where it does belong.

Let me point out that I didn't refer to the transfer of funds from one account to another, only to the transfer of credit for funds received. I don't want to help perpetuate the myth around here that either the highway trust fund or the Social Security trust fund actually contains any asset in any economic sense, since the only thing in a Federal trust fund is T-bonds, which are future promises to tax, nothing more.

But our infrastructure is in tremendous need of repair, as I said before. And the only way we're going to have the money to build and mend our highways and bridges is if the highway trust fund is credited for the full amount of the gas tax collected.

I was strongly opposed to the budget deal that passed into law last year, as some of my colleagues might remember. I opposed the massive tax increases that, in my opinion, were foolhardy and completely unwarranted, and I particularly opposed the raising of the gas tax for deficit reduction.

I offered an amendment at the time to have all the gas tax revenues credited to the highway trust fund. While my amendment failed to win a majority, I believe many of my colleagues felt compelled to vote against my amendment because they felt they owed allegiance to the budget deal. I am hopeful that, this being a new year and a new Congress, perhaps we will be more successful.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALL HIGHWAY-RELATED TAXES DEPOSITED IN HIGHWAY TRUST FUND.

(a) GASOLINE.—

(1) IN GENERAL.—Paragraph (2) of section 4081(a) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended—

(A) by adding "and" at the end of subparagraph (A)(i),

(B) by striking ", and" at the end of subparagraph (A)(ii) and inserting a period,

(C) by striking subparagraph (A)(iii),

(D) by striking "11.5 cents a gallon," in subparagraph (B)(i) and inserting "14 cents a gallon, and",

(E) by striking ", and" in subparagraph (B)(ii) and inserting a period, and

(F) by striking subparagraph (B)(iii).

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(d) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(B) Paragraph (3) of section 4041(c) of such Code is amended by striking "the sum of the Highway Trust Fund financing rate plus the deficit reduction rate" and inserting "the Highway Trust Fund financing rate".

(C) Subsection (b) of section 9503 of such Code is amended by striking paragraph (5).

(D) Subsection (j) of section 11211 of the Omnibus Budget Reconciliation Act of 1990 is amended by striking paragraph (9).

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall take effect as if included in the amendments made by section 11211(a) of the Omnibus Budget Reconciliation Act of 1990.

(B) TRANSFER FROM GENERAL REVENUES.—The Secretary of the Treasury shall transfer from general revenues to the Highway Trust Fund such additional sums as would have been transferred to such Fund if the amendments made by this subsection had been included in the amendments made by section 11211(a) of the Omnibus Budget Reconciliation Act of 1990.

(b) DIESEL AND SPECIAL MOTOR FUELS.—

(1) IN GENERAL.—Subsection (b) of section 4091 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(A) by striking "and the diesel fuel deficit reduction rate" in paragraph (1)(A)(i),

(B) by striking "17.5 cents" in paragarph (2) and inserting "20 cents",

(C) by striking paragraph (4),

(D) by striking paragraph (6)(D), and

(E) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 4091(c) of the Internal Revenue Code of 1986 is amended by striking "and the diesel fuel deficit reduction rate".

(B) Paragraphs (1) and (2) of section 4041(a) of such Code are each amended by striking "the sum of the Highway Trust Fund financing rate and the deficit reduction rate" each place it appears and inserting "the Highway Trust Fund financing rate".

(C) Subparagraph (A) of section 4041(m) of such Code is amended to read as follows:

"(A) under subsection (a)(2), the Highway Trust Fund financing rate shall be 7 cents per gallon, and".

(D) Subparagraph (B) of section 4093(c)(2) of such Code is amended to read as follows:

"(B) PORTION OF TAX ON FUEL USED IN TRAINS.—In the case of fuel sold for use in a diesel-powered train, paragraph (1) also shall not apply to so much of the tax imposed by section 4091 as is attributable to ⅛ of the Highway Trust Fund financing rate imposed by such section."

(E) Paragraph (4) of section 6427(l) of such Code is amended to read as follows:

"(4) NO REFUND OF TAX ON FUEL USED IN TRAINS.—In the case of fuel used in a diesel-powered train, paragraph (1) also shall not apply to so much of the tax imposed by section 4091 as is attributable to ⅛ of the Highway Trust Fund financing rate imposed by such section."

(F) Paragraph (4) of section 9503(b) of such Code is amended to read as follows:

"(4) CERTAIN ADDITIONAL TAXES NOT TRANSFERRED TO HIGHWAY TRUST FUND.—For purposes of paragraphs (1) and (2)—

"(A) there shall not be taken into account the taxes imposed by section 4041(d),

"(B) there shall be taken into account the taxes imposed by sections 4041 and 4081 only to the extent attributable to the Highway Trust Fund financing rates under sections, and

"(C) there shall be taken into account the taxes imposed by section 4091 only to the extent attributable to the Highway Trust Fund financing rate under such section not imposed on diesel-powered trains."

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall take effect as if included in the amendments made by section 11211(b) of the Omnibus Budget Reconciliation Act of 1990.

(B) TRANSFER FROM GENERAL REVENUES.—The Secretary of the Treasury shall transfer from general revenues to the Highway Trust Fund such additional sums as would have been transferred to such Fund if the amendments made by this subsection had been included in the amendments made by section 11211(b) of the Omnibus Budget Reconciliation Act of 1990.•

By Mr. BINGAMAN (for himself, Mr. JOHNSTON, and Mr. DOMENICI):

S. 979. A bill to provide for strong Department of Energy support of research and development of technologies identified in the most recent National Critical Technologies Report as critical to U.S. economic prosperity and national security, and for other purposes; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY CRITICAL TECHNOLOGIES

Mr. BINGAMAN. Mr. President, earlier today, during a hearing I chaired in the Armed Services Subcommittee on Defense Industry and Technology, the first National Critical Technologies Report was released. This was a significant event because it represented the very first time the U.S. Government had identified key technologies which are critical both to our national security and economic competitiveness.

Before today, we had successfully mandated the Department of Defense to develop and publish its own Department of Defense critical technologies plan, which identified technologies critical to our defense needs. And the Department of Commerce had issued its first Emerging Technologies Report, which identified technologies which are critical to future economic growth. But today, a National Critical Technologies Panel, composed of representatives from the 6 largest research and development agencies in government and 6 representatives from industry and academia agreed on a list of 22 technologies which are critical to both national security and economic competitiveness.

This report can end up as just another list on the shelf—or it can offer us an opportunity to rationalize Federal Government investment in research and development. We could begin, from this day forward, to focus our research and development resources on those technologies which we in fact have identified as critical. From this day forward, we could coordinate the efforts of a variety of departments of Government who have significant research and development budgets in an effort to yield the most productive value for research dollars by focusing on these identified critical technologies. From this day forward, we could require that each department focus its own research and development programs to yield progress in these critical technologies.

You can guess that I am not one who wants this report to become yet another list on the shelf. To that end, today I am introducing two new bills.

The first bill, about which I will have a separate statement, is the Advanced Materials Synthesis, Processing and Commercialization Act of 1991. That bill represents an example, a blueprint for a Governmentwide, multiagency effort, to coordinate resources in order to achieve progress in a particular technology. As Dr. William Phillips, the Associate Director for Industrial Technologies in the Office of Science and Technology Policy, testified today, it is no accident that advanced materials synthesis and processing technologies were listed first in the National Critical Technologies Report. Progress in advanced materials technologies is a crucial, enabling factor affecting virtually all of the other critical technologies identified in that report.

I rise now to introduce on behalf of myself, Senator JOHNSTON, and Senator DOMENICI, a second bill—the Department of Energy Critical Technologies Act of 1991. Whereas the advanced materials bill attempts to coordinate a Governmentwide, multiagency effort in a single critical technology, this bill mandates that within a single Department, the Department of Energy, the Secretary develop a plan to rationalize departmentwide efforts to achieve progress across those technologies crucial to their mission and identified as critical in the National Critical Technologies Report.

The bill creates an intradepartmental council within the Department to develop a Department of Energy critical technologies plan. The plan should identify ongoing programs in DOE critical technologies; it should recommend a process by which laboratories, industry, and academic institutions determine their respective roles with respect to DOE critical technologies; and it should describe a procedure for coordinating critical technologies activities within the Department's laboratories. Basically, it requires the Department to identify those technologies identified on the National Critical Technologies Report which are critical to its own mission, and then to rationalize the process by which it makes investments in, and manages, research and development programs in those technologies.

Because the national laboratories play such a central role in the Department's research and development programs, the bill also focuses on harnessing their expertise for this effort. It requires each laboratory to identify its own core competencies relevant to the Department's critical technologies. And then it gives them the flexibility to make investments in maintaining their cutting-edge expertise in those core competencies, which will be the foundation of the critical technologies efforts of the Department.

The third major step the bill takes is to mandate the establishment of industry-driven partnerships among Department of Energy laboratories, industry, academic institutions, and other Government agency laboratories, to research and develop identified critical technologies. The bill explains the criteria by which these proposals for partnerships are to be solicited and selected and then authorizes funding for these partnerships, over and above the amounts already authorized for existing Department of Energy technology programs.

The Department of Energy's Critical Technologies Act of 1991, is the first of several bills that I hope to introduce which mandate that each Federal agency with a significant R&D budget rationalize its own research and development efforts along similar lines. Each such bill will demand first that the agency think and manage strategically with respect to its R&D programs, and second that its significant efforts in critical technologies R&D be informed, validated, and supported by industry—the front-line competitors in the commercial marketplace.

I selected the Department of Energy Critical Technologies Act as the first such bill for several reasons. There is wide recognition that the Department of Energy has unique and extraordinary capability in its national laboratories. As Secretary Watkins has said so often, they are in fact the treasures—the jewels in the crown—of the Department. They have successfully demonstrated that when tasked with clarity and urgency—as they were in the nuclear weapons and nuclear energy areas—they can be world-class producers. I see no reason why those same laboratories cannot now be similarly charged in a broader range of technologies—those which for the first time, the U.S. Government has identified as critical both to the national security and to economic competitiveness. We need only to unambiguously set their sights on these new technology objectives, and give them the flexibility to do the job.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Department of Energy Critical Technologies of 1991".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) It is essential that the United States maintain a world leadership position in the development and application of technologies that are critical to national security and economic prosperity.

(2) The Department of Energy laboratories have wide-ranging and unique capabilities in those technologies.

(3) It is in the national interest that those capabilities continue to be fully utilized to enhance United States national security interests and economic competitiveness.

(4) Increased interaction between Department of Energy laboratories and United States firms concerning research and development in critical technologies is necessary because of the increasing concurrency between commercial requirements in critical technologies and military requirements in critical technologies that is reflected in the most recent National Critical Technologies Report, the most recent Defense Critical Technologies Plan, and the most recent Emerging Technologies Report.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To provide for the coordination of the research and development activities of Department of Energy laboratories in support of critical national security objectives (including energy security objectives) and economic competitiveness.

(2) To require the Secretary of Energy to develop a Department of Energy critical technologies plan that is supportive of research and development in critical technologies listed in the National Critical Technologies Report and to coordinate the implementation of such plan.

(3) To encourage and enhance the commercialization of the results of Department of Energy research and development in critical technologies.

SEC. 4. DEFINITIONS.

In this Act:

(1) The term "Department of Energy laboratory" means a single-purpose national laboratory of the Department of Energy and a multi-purpose national laboratory of the Department of Energy.

(2) The term "Department of Energy critical technology" means a critical technology, identified in the most recent National Critical Technologies Report, with respect to which a Department of Energy laboratory has demonstrated a broad technological competence, as determined by the Secretary of Energy.

(3) The term "National Critical Technologies Report" means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)).

(4) The term "Defense Critical Technologies Plan" means the annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2508 of title 10, United States Code.

(5) The term "Emerging Technologies Report" means the Emerging Technologies Report published by the Department of Commerce.

(6) The terms "Critical Technologies Planning Council" and "Council" each mean the Critical Technologies Planning Council established pursuant to section 101(a).

(7) The terms "Critical Technologies Advisory Board" and "Advisory Board" each mean the Critical Technologies Advisory Board established pursuant to section 102.

(8) The terms "Department of Energy Critical Technologies Plan" and "Plan" each mean the Department of Energy Critical

Technologies Plan referred to in section 103(a).

(9) The terms "Department of Energy Critical Technology Partnership" and "Partnership" each mean a Department of Energy Critical Technology Partnership established pursuant to title II of this Act, or any similar partnership established by the Secretary of Energy to enhance the development and utilization of Department of Energy critical technologies.

(10) The term "United States firm" means a company or other business entity that—

(A) conducts, in the United States, significant research, development, engineering, and manufacturing activities relating to Department of Energy critical technologies;

(B) makes significant contributions to employment in the United States; and

(C) is a company or other business entity the majority ownership or control of which is in United States citizens or is a company or other business entity that is owned by a parent company that is incorporated in a country the government of which—

(i) encourages the participation of United States owned firms in research and development consortia to which the government of that country provides funding directly or indirectly through international organizations; and

(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

(11) The term "core competency", with respect to a Department of Energy laboratory, means a research and development capability relevant to Department of Energy critical technologies which the laboratory regards as central to the ability of the laboratory to carry out its missions and for which the laboratory has developed extensive and unique capabilities.

TITLE I—DEPARTMENT OF ENERGY CRITICAL TECHNOLOGIES PROGRAM

SEC. 101. DEPARTMENT OF ENERGY CRITICAL TECHNOLOGIES COUNCIL.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish within the Department of Energy a council to be known as the "Critical Technologies Planning Council".

(b) COMPOSITION.—The Council shall be composed of the following officers and employees of the Department of Energy:

(1) The Under Secretary of Energy.

(2) The Director of the Office of Waste Management and Environmental Restoration.

(3) The Director of the Office of Energy Research.

(4) The Assistant Secretary of Energy for Defense Programs.

(5) At least one representative from each of the Department of Energy laboratories.

(6) Any additional officers and employees of the Department of Energy that the Secretary of Energy designates as a member of the Council.

(c) CHAIRMAN.—The Under Secretary of Energy shall be the Chairman of the Council.

(d) DUTIES.—The Council shall—

(1) serve as the lead organization within the Department of Energy responsible for the development of the Department of Energy Critical Technologies Plan;

(2) coordinate the activities of the Department of Energy laboratories carried out under the program provided for in the Plan;

(3) consult with the Critical Technologies Advisory Board and coordinate with other appropriate departments and agencies of the Federal Government, State entities, United States firms, academic groups, and other appropriate groups regarding the implementation of the Plan to the extent the Council considers appropriate;

(4) serve as a point of contact within the Department of Energy for the encouragement of international cooperative scientific and technological activities of government scientists, scientists in United States firms, and university scientists in matters relevant to research and development in Department of Energy critical technologies; and

(5) each year, before the submission of the budget to Congress pursuant to section 1105 of title 31, United States Code, review the budget for consistency with the Plan and transmit the results of that review to the Secretary of Energy.

SEC. 102. DEPARTMENT OF ENERGY CRITICAL TECHNOLOGIES ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish within the Department of Energy a Board to be known as the "Critical Technologies Advisory Board".

(b) COMPOSITION.—The Advisory Board shall be composed of persons selected for the Advisory Board from among the members of the Secretary of Energy Advisory Board (SEAB).

(c) DUTIES.—The Advisory Board shall provide the Secretary of Energy and the Council with advice and information on Department of Energy critical technologies, including a periodic assessment of—

(1) the Department of Energy Critical Technologies Plan;

(2) the progress made in implementing the Plan;

(3) any need to revise the Plan;

(4) the balance between the components of the Plan; and

(5) other issues related to the Plan as identified by the Secretary.

SEC. 103. DEPARTMENT OF ENERGY CRITICAL TECHNOLOGIES PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary of Energy shall develop, once every two years, and implement a five-year Department of Energy Critical Technologies Plan that—

(1) coordinates the individual and interactive research and development activities of the Department of Energy laboratories in support of research and development in Department of Energy critical technologies; and

(2) provides for the coordination of the Department of Energy Critical Technologies Partnerships.

(b) SUBMISSION OF PLAN TO CONGRESS.—The Secretary shall submit each Plan to Congress.

(c) CONTENT OF PLAN.—The Plan shall include the following:

(1) Goals and priorities, established in close consultation between the Council and United States firms, for a Department of Energy critical technologies program to be conducted for the five fiscal years following the fiscal year in which the Plan is submitted to Congress.

(2) A specific identification of the programs and activities of the Department of Energy laboratories that are relevant to research and development in Department of Energy critical technologies, the specific goals and objectives of such programs and activities, and a summary of the recommended budget for such programs and activities at each laboratory for the five fiscal years covered by the Plan.

(3) Procedures for coordinating the Department of Energy critical technologies activities of the Department of Energy laboratories.

(4) Procedures for facilitating collaboration between the Department of Energy laboratories and other departments and agencies of the Federal Government on common interests and expertise associated with Department of Energy critical technologies.

(5) Procedures for facilitating international cooperative activities of government, United States firms, and university scientists relating to Department of Energy critical technologies.

(6) A discussion of the research and development activities conducted by Department of Energy laboratories in Department of Energy critical technologies during the two fiscal years preceding the fiscal year in which the Plan is submitted to Congress, including an analysis of the progress made toward achieving the goals and objectives of the Plan (as in effect during such fiscal years) and a summary of Department of Energy budgets for research and development in Department of Energy critical technologies for such fiscal years.

(d) DEPARTMENT OF ENERGY LABORATORY CORE COMPETENCIES REPORTS.—(1) Once every two years the head of each Department of Energy laboratory shall submit to the Critical Technologies Planning Council and the Critical Technologies Advisory Board a report on the core competencies of such laboratory. The report shall identify the national critical technologies listed in the most recent National Critical Technologies Report published before the date of such report for which such laboratory has developed core competencies.

(2) The report of a Department of Energy laboratory shall contain, at a minimum, the following:

(A) A description of each laboratory program of research and development in the critical technologies identified in the report, including—

(i) the scope and nature of the program;

(ii) the amount expended by the laboratory on each such program for each of the three full fiscal years preceding the date of the report; and

(iii) the number of persons engaged in activities under such program at the laboratory as of the date of the report; and

(B) a discussion of the relevance of the critical technologies identified in the report to the laboratory's strategic mission objectives.

(3) The Secretary shall ensure that core competencies reports submitted pursuant to this section are disseminated broadly to the private sector.

(e) IMPLEMENTATION.—The Secretary shall carry out his responsibilities under this section through the Critical Technologies Planning Council. In carrying out such responsibilities, the Council shall consult with the Critical Technologies Advisory Board and take into consideration the reports prepared pursuant to subsection (d).

(f) FIRST SUBMISSIONS.—(1) The Secretary shall submit the first Department of Energy Critical Technologies Plan to Congress within one year after the date of enactment of this Act. That Plan need not include the matters described in subsection (c)(6).

(2) The first report required by subsection (d) shall be submitted by each Department of Energy laboratory not later than 180 days after the date of the enactment of this Act.

SEC. 104. RELATIONSHIP OF CORE COMPETENCIES TO LABORATORY RESEARCH AND DEVELOPMENT.

(a) ENCOURAGEMENT OF CORE COMPETENCIES.—The Secretary of Energy shall ensure that the laboratory-directed research and development activities of each Department of Energy laboratory include research and development that extends and maintains the vitality of such laboratory's core competencies.

(b) Regulations.—Within 180 days after the date of the enactment of this Act the Secretary shall prescribe regulations to carry out subsection (a). The regulations shall include authority for the director of each Department of Energy laboratory to use funds available for laboratory-directed research and development to support—

(1) research and development in any critical technology within a core competency of such laboratory that is conducted with a view to the commercialization of such technology (regardless of the nature of the commercial application of such technology) under a cooperative research and development agreement entered into in connection with one or more Partnerships established pursuant to title II or as part of any other technology transfer activity permitted under any law applicable to the activities of such laboratory; and

(2) other research or development of a creative or innovative nature which is selected by the director of such laboratory for the purpose of maintaining the vitality of that laboratory in scientific disciplines related to the laboratory's core competencies or to Department of Energy critical technologies.

TITLE II—DEPARTMENT OF ENERGY CRITICAL TECHNOLOGIES PARTNERSHIPS

SEC. 201. DEPARTMENT OF ENERGY CRITICAL TECHNOLOGY PARTNERSHIPS.

(a) Establishment of Partnerships.—Within 18 months after the date of the enactment of this Act, the Secretary of Energy shall establish, in consultation with the Critical Technologies Planning Council and on the basis of proposals solicited during such 18-month period, as many Department of Energy Critical Technology Partnerships as the Secretary determines are necessary to carry out the purpose specified in section 3(3).

(b) Partnership Participants.—Each Partnership shall be comprised of one or more Department of Energy laboratories and participants from United States firms and institutions of higher education in the United States, and may include other departments and agencies of the Federal Government, State entities, and any other participants that the Secretary considers appropriate.

(c) Lead Institution.—The participants in each Partnership shall designate a lead institution for the Partnership. The lead institution shall direct the activities of the Partnership.

SEC. 202. PARTNERSHIP PROPOSALS.

(a) Submission of Partnership Proposals.—Each proposal for the establishment of a Partnership by the Secretary shall be submitted to the Secretary by the lead institution acting on behalf of all of the proposed participants in the Partnership.

(b) Content of Proposals.—Each proposal for the establishment of a Department of Energy Critical Technologies Partnership pursuant to this title shall include the following:

(1) Goals and objectives of the Partnership that are consistent with the purposes of this Act.

(2) A research and development plan to achieve such goals and objectives.

(3) Evidence of expertise of the Partnership participants in developing and utilizing Department of Energy critical technologies.

(4) Provisions for transfer of Department of Energy critical technology through exchange of personnel among the participants in the Partnership and by other means.

(5) Evidence of the commitment of United States firms to participate in the Partnership, including a description of how personnel, equipment, facilities, and expertise of such firms will be used in the planning, conducting, and monitoring of the technology transfer activities of the Partnership and other Partnership activities.

(6) The demonstration of financial commitment required by subsection (c).

(c) Cost Sharing Requirements.—Each Partnership proposal shall demonstrate a financial commitment of the non-Federal Government participants to contribute at least 50 percent of the total cost of the Partnership activities. Within the total contribution to be made pursuant to such commitment the non-Federal Government participants may contribute a lesser percentage of the cost incurred during a particular period of Partnership activity or a lesser percentage of the cost of a particular Partnership activity. In the determination of the contribution made by a non-Federal Government participant, there shall be included the fair market value of the participant's contributions of equipment, services, materials, technology transfer activities, and other assets directly related to the costs associated with the goals and objectives of the Partnership, as determined by the Secretary of Energy.

(d) Other Assistance.—The Secretary of Energy shall provide to each Partnership technical assistance and other assistance considered by the Secretary as necessary and appropriate to facilitate the achievement of the goals and objectives of the Partnership.

SEC. 203. SELECTION OF PARTNERSHIPS.

(a) Competitive Selection.—Department of Energy Critical Technologies Partnerships shall be selected through a competitive process prescribed by the Secretary of Energy in consultation with the Critical Technologies Planning Council.

(b) Selection Criteria.—In establishing a Partnership, the Secretary shall select from among the Partnership proposals that—

(1) demonstrate the most promise of achieving the purpose provided in section 3(3);

(2) propose Partnership activities that have the most significant relevance to Department of Energy missions and to the missions of the other Federal Government participants (if any) in the proposed Partnerships;

(3) demonstrate the strongest level of participation and commitment of United States firms;

(4) offer the greatest potential technical and commercial benefits from the results of research and development in Department of Energy critical technologies; and

(5) establish the most effective programs for the transfer of technology through exchanges of personnel among Partnership participants and through other means.

SEC. 204. PROTECTION OF INFORMATION.

(a) Authority To Disclose Information.—Subject to subsection (b), Department of Energy laboratories and any other departments and agencies of the Federal Government participating in a Partnership may exercise the same authority with respect to research and development under the Partnership as may be exercised by a Federal laboratory pursuant to section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and all other applicable provisions of law.

(b) Limitation on Disclosure.—No officer or employee of the Federal Government may disclose any trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, and is obtained from a non-Federal Government participant in a Partnership as a result of the conduct of research or other activities of the Partnership. The prohibition in the preceding sentence does not apply to a disclosure made with the consent of such participant.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND OTHER PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Funds are hereby authorized to be appropriated for the Department of Energy to carry out the responsibilities of the Secretary of Energy under this Act as follows:

(1) For fiscal year 1993, $50,000,000 for atomic energy defense activities, and $50,000,000 for energy research activities.

(2) For each of fiscal years 1994, 1995, 1996, and 1997, $100,000,000 for atomic energy defense activities, and $100,000,000 for energy research activities.

(b) Relationship to Other Authorizations and Appropriations.—The funds authorized to be appropriated under subsection (a) are in addition to—

(1) funds authorized to be appropriated for technology transfer in connection with atomic energy defense activities or energy research activities under any Act enacted before the date of the enactment of this Act; and

(2) funds appropriated for such purposes by any Act enacted before the date of the enactment of this Act.

SEC. 302. AUTHORITY TO WAIVE APPLICABILITY TO CLASSIFIED PROGRAMS.

The Secretary of Energy may waive the applicability of the provisions of this Act to any program or activity of the Department of Energy that is classified in the interest of the national security or foreign policy of the United States.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 980. A bill to provide for a coordinated Federal research and development program to ensure continued U.S. technological leadership in the development and utilization of advanced materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADVANCED MATERIALS SYNTHESIS, PROCESSING, AND COMMERCIALIZATION ACT

• Mr. BINGAMAN. Mr. President, today, along with my senior colleague for New Mexico, Senator DOMENICI, I am introducing the Advanced Materials Synthesis, Processing, and Commercialization Act of 1991. This bill represents a logical next step in a process which I have been trying to foster to developing a coherent technology policy for this Nation. It focuses on advanced materials synthesis and processing—the first, and arguably the most pervasive, of the 22 technologies identified in the report released earlier today by the National Critical Technologies Panel.

The legislation represents an effort to coordinate advanced materials synthesis and processing activities across the Federal agencies and with the private sector. This legislation uses the process undertaken in the area of high performance computing as a template for the process to be used in coordinating Federal agency activities in this critical technology as well. It also proposes that, for reasons to be discussed in a few moments, we immediately initiate industry-driven partnerships between the Federal laboratories, industry, and academia to address national shortfalls in materials synthesis and processing that have been identified in numerous reports.

In this bill I have outlined what I believe needs to be done in one of the most important of the 22 technologies identified in today's National Critical Technologies Report. In a separate bill, the DOE Critical Technologies Act of 1991, I am outlining what I believe needs to be done within one of the key Federal technology agencies with respect to defining its role in a national effort to maintain leadership in these critical technologies. When we return from recess I intend to build on these 2 pieces of legislation and introduce a comprehensive approach to meeting our Nation's technological needs covering all 22 technologies and all of the Federal technology agencies.

Mr. President, why do I start with advanced materials? It is worth noting at the outset that materials have advances in being used to mark epochs of human activity. History records the stone age, the bronze age and the iron age as momentous developments in which the development and utilization of new materials distinguished one society from others on the basis of cultural, economic, and military considerations.

We are at the threshold of another epoch in which the development and utilization of extraordinary new materials will be a significant factor in determining the defensive posture, the stature and the standard of living of nations in the global order. We must take steps now to ensure that the United States remains at the forefront.

Mr. President, you and many of my colleagues are now familiar with the National Critical Technologies Report just released by the White House Office of Science and Technology Policy, as well as similar reports issued by Federal agencies such as the Department of Defense, the Department of Commerce, our own industrial organizations and associations such as the Aerospace Industries Association and the Council on Competitiveness, and foreign counterparts such as the European Community and the Japanese Ministry of International Trade and Industry. A glimpse at these reports reveals a significant degree of commonality among the technologies identified as critical. One cannot help but notice that advanced materials is prominent and prevalent in all of them. You might also notice from these assessments that we are at a crossroads, one at which our technological leadership in advanced materials is being challenged as never before.

Many of my colleagues may have seen a wonderful program, entitled, "Materials by Design," broadcast recently by public television. This documentary clearly showed that advanced materials technology permeates every aspect of out lives, from hip transplants to landing gear for carrier aircraft.

The essence of a strong economy is tied to our ability to manufacture; at the heart of a sound manufacturing capability is materials technology. No longer are we restricted to nature to provide us with a choice of materials to use. We have opened the envelope to virtually unlimited choices with respect to creating materials, atom by atom, with special properties. But cost is the dominant factor—the cost of synthesizing, the cost of processing, and the cost of characterizing these materials for engineering and manufacturing purposes.

The key distinction between advanced materials and conventional materials is related to the high degree of processing involved in transforming the constituents of the components that make up these materials into a form that is usable for manufacturing products. The processing and manufacturing methods and procedures associated with advanced materials are as significant as the materials themselves. Successful processing and manufacturing methods and procedures are the result of numerous, costly, and time-consuming trial-and-error procedures that are zealously guarded within the framework of proprietary information.

In the past we have invested our precious research and development resources at creating or inventing new advanced materials, largely in response to satisfying high-performance requirements dictated by defense needs.

Despite this investment, the commercialization of advanced materials in the United States has been inhibited by a number of factors. Significant among these factors is an underinvestment in the development of cost-effective processing and manufacturing techniques that would dramatically reduce the cost of using these materials. Cost reductions are vital to making these materials competitive in commercial markets, and are necessary to open new market opportunities and ensure U.S. economic competitiveness. The link between processing technologies and economic competitiveness is clearly presented in the National Research Council's 1990 Report on "Materials Science and Engineering for the 1990's—Maintaining Competitiveness in the Age of Materials" which states—

> The compelling theme of national economic competitiveness leads directly to a strong focus on materials processing. Processing and fabrication of materials * * * is an essential activity throughout U.S. technology. This is true for industrial sectors as diverse in nature and size as construction, computers, steelmaking, aerospace, electronics, and transportation.

There is another problem that remains an obstacle to the commercialization of our advanced materials technologies. In the United States it typically takes a 15- to 20-year period from the discovery of a new material for structural applications before it is accepted and used in the marketplace.

This situation results from the underinvestment in processing technologies, and from a lack of standards used to establish procedures for the synthesis, processing, and manufacture of advanced materials, and from the lack of access by Federal laboratories, industrial firms, and educational institutions to an accurate, well-documented database that characterizes the properties of these materials. The National Research Council Report states—

> These new materials are often slowly introduced into applications due to the need for engineering design data that have been evaluated for accuracy and are available in convenient computer format. The need for such materials property data for design is universally recognized but is rarely given adequate attention. Collaboration among universities, government laboratories, and most importantly industries (in which most of the data are first generated) is critical to the development of such evaluated data bases.

The proceedings of a Department of the Interior Bureau of Mines 1989 conference on, "Advanced Materials: Outlook and Information Requirements," also found this to be a key problem. They state—

> The lack of accurate and updated information available to materials and processing firms within the United States is highlighted by inconsistent and incomplete data collection, storage, and access. More importantly, this manifests itself as inefficiencies at the corporate, industry and national levels. . . . The goal of comprehensive information handling is increased national competitiveness. Given access to the most recently updated and accurate data on materials and processes, U.S. corporations and industries will be able to raise their collective performance. From a national—and especially a Government—perspective, increased performance must be the goal and driving force behind a closed look at the data collection needs of the materials and processing industries.

The legislation I am introducing today provides a comprehensive approach to enhance our research and development efforts to facilitate and encourage the commercialization of advanced materials processing technology.

The bill provides for the coordination of advanced materials processing research and development activities of Federal agencies involved in advanced materials processing.

It requires the President, acting through the Federal Coordinating Committee on Science, Engineering, and Technology [FCCSET] to:

Develop a 5-year national advanced materials processing plan to establish goals and priorities for advanced materials processing activities of the Federal Government;

Define Federal agency roles to provide for the coordination and collaboration among such agencies regarding advanced materials activities;

Provide for the coordination of, and collaboration among partnerships composed of Federal laboratories, industry, and educational institutions dedicated to developing cost-effective processing methods and procedures for advanced materials; and

Provide for the coordination of the collection of information and quantitative data from Federal laboratories, industry, and academia to a national data base for advanced materials.

In addition, the bill provides that partnerships be established among Federal laboratories of the Departments of Defense, Energy, Commerce, the National Aeronautics and Space Administration, other Federal and State Government entities, U.S. firms, and educational institutions to carry out research and development activities to significantly reduce the costs associated with using advanced materials in civilian and military products.

The legislation proposes to develop a national advanced materials property data base by directing the Department of Commerce, through the National Institute of Standards and Technology, to establish standards and guidelines for a national data base for advanced materials, and to select from among available data collection and network systems one that best meets such standards and guidelines to serve as a nucleus for a comprehensive national data base for advanced materials.

Recognizing the need to bolster our infrastructure for advanced materials synthesis and processing by continuing to invest in our academic institutions, the bill supports the National Science Foundation's Investigator Awards Program to establish competitive grants to individuals or groups engaged in advanced materials processing activities. It also supports an Advanced Materials Synthesis and Processing Fellows Program to support graduate and postgraduate studies and research in advanced materials synthesis and processing.

The bill authorizes for appropriations $139 million in fiscal year 1992, $195 million in fiscal year 1993, $205 million in each of fiscal years 1994 to 1996, for a total of $949 million over the 5 fiscal years. These funds are to be distributed between the Departments of Energy, Defense, Commerce, NASA, and NSF.

The legislation I am introducing today will go a long way to ensure that the United States continues to maintain a leadership position in a new era of advanced technologies.

I respectfully ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Advanced Materials Synthesis, Processing, and Commercialization Act of 1991".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) It is vital for the national security and economic competitiveness of the United States to accelerate the development of critical technologies and the commercial applications for such technologies in the United States.

(2) Progress in the development of more cost-effective methods and procedures for advanced materials synthesis and processing is a crucial enabling factor for developing and applying virtually all critical technologies identified in the Report of the National Critical Technologies Panel.

(3) The development and use of advanced materials and of advanced materials synthesis and processing technologies is necessary to enhance the United States competitiveness in the development and commercial application of critical technologies.

(4) As a result of the inadequate level of past efforts in materials synthesis and processing in the United States, a serious weakness exists in the commercialization of advanced materials in the United States.

(5) Commercialization of advanced materials would be promoted by standardizing materials characterization techniques, by improving synthesis and processing operations, by standardizing specifications describing materials composition and performance characteristics for use in procurements, and by making available an accurate, reliable, and well-documented data base detailing pertinent advanced materials properties.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To facilitate the development and commercialization of advanced materials, advanced materials processing, and advanced materials technology in the United States.

(2) To enhance coordination of the research and development activities of the departments and agencies of the Federal Government regarding advanced materials processing.

(3) To require the President to develop a National Advanced Materials Processing Plan and to coordinate the implementation of such Plan by the departments and agencies of the Federal Government.

(4) To require the establishment of Advanced Materials Synthesis, Processing, and Commercialization Partnerships in order to encourage and enhance the development and demonstration of synthesis, processing, and manufacturing methods and procedures and to expedite the commercialization of advanced materials.

(5) To ensure that the results of the activities of such Partnerships are appropriately disseminated to United States firms.

(6) To encourage collaboration between Federal Government laboratories, United States industry, institutions of higher education in the United States, and State entities on identifying and mitigating environmental hazards associated with the synthesis, processing, and manufacture of advanced materials, on promoting healthful and safe advanced materials worksites for workers, and on minimizing the generation of waste in materials processing and manufacturing.

(7) To provide for the establishment of standardized methods and procedures for characterizing the properties of advanced materials and to provide for the establishment, whenever possible, of standardized procedures for synthesizing, processing, and manufacturing advanced materials components.

(8) To establish a national data base on the properties of advanced materials that are significant for engineering design, application, processing, disposal, and recycling purposes.

(9) To provide for the education and training of personnel engaged in research and development related to advanced materials processing.

SEC. 4. DEFINITIONS.

In this Act:

(1) The term "advanced materials" means materials that are synthesized and processed to develop high-performance properties that exceed the corresponding properties of conventional materials for structural, electronic, magnetic, photonic, and biomedical purposes, and for joining, welding, bonding, and packaging components into complex assemblies. Such term includes the following:

(A) Advanced monolithic materials such as metals, ceramics, and polymers.

(B) Advanced composite (heterogeneous) materials such as metal matrix (including intermetallics), polymer matrix, ceramic matrix, and carbon matrix composites.

(C) Advanced electronic, magnetic, and photonic materials, including semiconductor, electrooptic, magnetooptic, thin-film, and special-purpose coating materials.

(2) The terms "Advanced Materials Processing, Synthesis, and Commercialization Partnership" and "Partnership" each mean an Advanced Materials Processing, Synthesis, and Commercialization Partnership established pursuant to the provisions of title II of this Act or any similar partnership established by an official of the Federal Government pursuant to any other provision of law.

(3) Except where the context indicates otherwise, the term "Director" means the Director of the Office of Science and Technology Policy, in the Director's capacity as Chairman of the Federal Coordinating Council for Science, Engineering and Technology.

(4) The terms "Federal laboratory" and "laboratory" each have the meaning given the term "laboratory" in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)).

(5) The term "processing", with respect to advanced materials, means transforming molecular aggregates of natural and synthetic matter into useful materials, components, devices, structures, and systems.

(6) The term "United States firm" means a company or other business entity that—

(A) conducts, in the United States, significant research, development, engineering, and manufacturing activities relating to advanced materials;

(B) makes significant contributions to employment in the United States; and

(C) is a company or other business entity the majority ownership or control of which is in United States citizens or is a company or other business entity that is owned by a parent company incorporated in a country the government of which—

(i) encourages the participation of United States owned firms in research and development consortia to which the government of that country provides funding directly or indirectly through international organizations; and

(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

TITLE I—NATIONAL ADVANCED MATERIALS PROCESSING PLAN AND PROGRAM

SEC. 101. REQUIREMENT FOR BIENNIAL 5-YEAR PLAN AND PROGRAM.

(a) IN GENERAL.—The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"TITLE VII—NATIONAL ADVANCED MATERIALS PROCESSING PLAN AND PROGRAM

"REQUIREMENT FOR PLAN AND PROGRAM

"SEC. 701. (a) The President, acting through the Federal Coordinating Council for Science, Engineering, and Technology (hereafter in this title referred to as the 'Council'), shall, in accordance with the provisions of this title—

"(1) develop and issue, at least once every two years, a five-year National Advanced Materials Processing Plan (hereafter in this title referred to as the 'Plan');

"(2) implement the Plan; and

"(3) facilitate interagency coordination of the implementation of the Plan.

"(b) The President shall submit a copy of each Plan to Congress.

"SEC. 702. (a) The Plan shall—

"(1) provide for the conduct of a Federal advanced materials processing program for the five fiscal years covered by the Plan and specify the goals and priorities for such program, as prescribed by the Council after consultation with appropriate representatives of United States firms interested in advanced materials processing;

"(2) contain the Council's recommendations for the appropriate roles of each department and agency of the Federal Government and of United States firms in implementing the Plan; and

"(3) contain procedures recommended by the Council for coordinating the advanced materials processing activities of the Federal Government and for facilitating joint action by departments and agencies of the Federal Government regarding the advanced materials processing activities of such departments and agencies.

"(b) The Plan shall specifically address, where appropriate, the programs and activities related to advanced materials processing that are conducted by the following departments and agencies of the Federal Government:

"(1) The Department of Energy, particularly the multiprogram laboratories of the Department.

"(2) The Department of Defense.

"(3) The National Aeronautics and Space Administration.

"(4) The Department of Commerce, particularly the National Institute of Standards and Technology.

"(5) The National Science Foundation.

"(6) The Department of Health and Human Services, particularly the National Institutes of Health.

"(7) The Department of the Interior, particularly the Bureau of Mines.

"(8) The Department of Transportation.

"(9) Such other agencies and departments as the President or the Chairman of the Council considers appropriate.

"RESPONSIBILITIES OF THE COUNCIL

"SEC. 703. The Council shall—

"(1) serve as the lead entity of the Federal Government responsible for the development of the Plan and for facilitating the interagency coordination of the Federal advanced materials processing program established pursuant to the Plan;

"(2) coordinate the advanced materials processing research and development activities of departments and agencies of the Federal Government and report on a biennial basis to the President, through the Chairman of the Council, on any recommended changes in departmental or agency responsibilities that are necessary for better implementation of the Plan; and

"(3) each year before the submission of the budget to Congress pursuant to section 1105 of title 31, United States Code, review the budget concerning the consistency of the budget with the Plan and make the results of that review available to the President.

"(4) consult and coordinate with the heads of departments and agencies of the Federal Government, representatives of United States firms, representatives of institutions of higher education in the United States, appropriate officials of State governments, and representatives of other appropriate entities conducting research on advanced materials processing.

"ADVANCED MATERIALS PROCESSING ADVISORY PANEL

"SEC. 704. (a) The President, acting through the Council, shall establish an Advanced Materials Processing Advisory Panel.

"(b) The members of the Panel shall be appointed by the President. The Panel shall consist of not more than 20 prominent representatives from industry, institutions of higher education, Federal laboratories, and professional and technical societies in the United States that are qualified to provide the Council with advice and information on advanced materials processing.

"(c) At intervals determined by the Council, but in any case prior to the submission of the first Plan, and at at least once every two years thereafter, the Panel shall provide the Council with an independent assessment of—

"(1) the progress made in implementing the Plan;

"(2) any need to revise the Plan;

"(3) the balance between the components of the Plan; and

"(4) other advanced materials processing issues identified by the Director of the Office of Science and Technology Policy.

"BIENNIAL REPORT OF THE COUNCIL

"SEC. 705. (a) The Chairman of the Council shall prepare and submit to the President and the Congress, not later than March 1 of each odd-numbered year, a biennial report on the advanced materials processing activities conducted pursuant to the Plan during the two fiscal years preceding the fiscal year in which the report is submitted.

"(b) The biennial report shall include the following:

"(1) A summary of the achievements of advanced materials processing research and development activities.

"(2) An analysis of the progress made toward achieving the goals and objectives of the Plan.

"(3) A summary of the funds appropriated to the departments and agencies of the Federal Government for advanced materials processing activities.

"(4) Any recommendations for additional action or legislation necessary to carry out the provisions of this title and the provisions of the Plan.

"DEFINITIONS

"SEC. 706. In this title:

"(1) The term 'advanced materials' means materials that are synthesized and processed to develop high-performance properties that exceed the corresponding properties of conventional materials for structural, electronic, magnetic, photonic, and biomedical purposes, and for joining, welding, bonding, and packaging components into complex assemblies. Such term includes the following:

"(A) Advanced monolithic materials such as metals, ceramics, and polymers.

"(B) Advanced composite (heterogeneous) materials such as metal matrix (including intermetallics), polymer matrix, ceramic matrix, and carbon matrix composites.

"(C) Advanced electronic, magnetic, and photonic materials, including semiconductor, electrooptic, magnetooptic, thin-film, and special-purpose coating materials.

"(2) The term 'processing', with respect to advanced materials, means transforming atomic and molecular aggregates of natural and synthetic matter into useful materials, components, devices, structures, and systems.".

(b) FIRST BIENNIAL PLAN.—The first National Advanced Materials Processing Plan shall be submitted to Congress under section 701 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (as added by subsection (a)) not later than one year after the date of the enactment of this Act and shall apply to fiscal years 1993 through 1997.

TITLE II—ADVANCED MATERIALS PROCESSING, SYNTHESIS, AND COMMERCIALIZATION PARTNERSHIPS

SEC. 201. DEPARTMENT OF ENERGY PARTNERSHIPS.

(a) REQUIREMENTS TO ESTABLISH PARTNERSHIPS.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Director, shall establish four or more Advanced Materials Processing, Synthesis, and Commercialization Partnerships to carry out the purposes of this Act.

(b) PARTNERSHIP PARTICIPANTS.—Each Partnership shall be comprised of one or more Department of Energy laboratories and participants from among United States firms and institutions of higher education in the United States, and may include other Federal laboratories, State entities, and other appropriate organizations in the United States.

(c) LEAD INSTITUTION.—The participants in each Partnership shall designate a lead institution for the Partnership. The lead institution may be a Department of Energy laboratory or an industrial organization or collection of industrial organizations having expertise in research and development in the area of advanced materials processing. The lead institution shall direct the activities of the Partnership.

SEC. 202. DEPARTMENT OF DEFENSE PARTNERSHIPS.

(a) Requirement To Establish Partnerships.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director, shall establish three or more Advanced Materials Processing, Synthesis, and Commercialization Partnerships to carry out the purposes of this Act.

(b) Partnership Participants.—Each Partnership shall be comprised of one or more Department of Defense laboratories and participants from among United States firms and institutions of higher education in the United States, and may include other Federal laboratories, State entities, and other appropriate organizations in the United States.

(c) Lead Institution.—The participants in each Partnership shall designate a lead institution for the Partnership. A lead institution may be a Department of Defense laboratory or an industrial organization or collection of industrial organizations having expertise in research and development in the area of advanced materials processing. The lead institution shall direct the activities of the Partnership.

SEC. 203. NASA PARTNERSHIPS.

(a) Establishment of NASA Partnerships.—Not later than one year after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration, in consultation with the Director, shall establish two or more Advanced Materials Processing, Synthesis, and Commercialization Partnerships to carry out the purposes of this Act.

(b) Partnership Participants.—Each Partnership shall be comprised of one or more National Aeronautics and Space Administration laboratories and participants from among United States firms and institutions of higher education in the United States, and may include other Federal laboratories, State entities, and other appropriate organizations in the United States.

(c) Lead Institution.—The participants in each Partnership shall designate a lead institution for the Partnership. The lead institution may be a National Aeronautics and Space Administration laboratory or an industrial organization or collection of industrial organizations having experience in research and development in the area of advanced materials processing. The lead institution shall direct the activities of the Partnership.

SEC. 204. DEPARTMENT OF COMMERCE PARTNERSHIPS.

(a) Requirement To Establish Partnerships.—Not later than one year after the date of the enactment of this Act, the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, and in consultation with the Director of the Office of Science and Technology Policy, shall establish one or more Advanced Materials Processing, Synthesis, and Commercialization Partnerships to carry out the purposes of the Act.

(b) Partnership Participants.—Each Partnership shall be comprised of participants from the National Institute of Standards and Technology and participants from among United States firms and institutions of higher education in the United States, and may include other Federal laboratories, State entities, and other appropriate organizations in the United States.

(c) Lead Institution.—The participants in each Partnership shall designate a lead institution for the Partnership. The lead institution may be a National Institute of Standards and Technology laboratory or an industrial organization or collection of industrial organizations having expertise in research and development in the area of advanced materials processing. The lead institution shall direct the activities of the Partnership.

SEC. 205. PARTNERSHIP PROPOSALS.

(a) Submission of Proposals.—Each proposal for the establishment of a Partnership by the Secretary of Energy, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, or the Secretary of Commerce, as the case may be, shall be submitted to such official by the lead institution acting on behalf of the proposed participants in the Partnership.

(b) Content of Proposals.—Each proposal for the establishment of an Advanced Materials Processing, Synthesis, and Commercialization Partnership pursuant to this title shall include the following:

(1) Goals and objectives of the proposed Partnership that are consistent with the purposes of this Act.

(2) A research and development plan that satisfies the requirements of subsection (e).

(3) Evidence of the expertise of the Partnership participants in (A) developing and utilizing technologies associated with the use of advanced materials for design, processing, and manufacture of components, and (B) developing and utilizing such technologies in a manner that ensures healthful and safe worksites for advanced materials workers and minimizes the potential environmental hazards associated with advanced materials processing procedures.

(4) Provisions for transfer of technology (related to advanced materials and advanced materials processing) that is developed by the Partnership.

(5) Provisions for training advanced materials processing, fabrication, and manufacturing personnel in advanced materials processing, fabrication, and manufacturing methods and procedures that are consistent with applicable health, safety, and environmental requirements.

(6) Evidence of industry commitment to participate in the Partnership, including a description of how industrial personnel, equipment, facilities, and expertise will be used in the planning, conducting, and monitoring of technology transfer activities of the Partnership and other Partnership activities.

(7) The demonstration of financial commitment required by subsection (c).

(c) Cost-Sharing Requirements.—Each Partnership proposal shall demonstrate a commitment of the non-Federal Government participants in the Partnership to defray not less than 25 percent of the total cost of the Partnership activities incurred in each year and at least 50 percent of the total cost of the activities conducted by the Partnership. In the determination of the contribution made by a non-Federal Government participant, there shall be included the fair market value of the participant's contributions of equipment, services, materials, technology transfer activities, and other assets (including existing proprietary materials, property, and processing data to be contributed to the national data base established pursuant to section 302) directly related to the costs associated with the objectives of the Partnership, as determined by the official that established by Partnership.

(d) Other Assistance.—The Secretary of Energy (in the case of Partnerships established by such Secretary), the Secretary of Defense (in the case of Partnerships established by such Secretary), the Administrator of the National Aeronautics and Space Administration (in the case of Partnerships established by the Administrator), and the Secretary of Commerce (in the case of Partnerships established by such Secretary) shall provide each Partnership with technical and other assistance that the Secretary or Administrator (as the case may be) considers necessary and appropriate consistent with the purposes of this Act.

(e) Research and Development Plan.—The research and development plan required of a Partnership by subsection (b)(2), shall include the following:

(1) A description of the proposed approach to achieve the goals and objectives of the Partnership.

(2) A detailed description of the proposed research and development activities.

(3) A detailed description of the qualifications of the personnel who will conduct such research and development activities.

(4) How the research and development activities will be coordinated among the Partnership participants.

(5) The period during which the research and development activities will be conducted, including significant milestones within that period.

(6) A description of how the proposed research and development activities are intended to improve the reliability and affordability associated with processing advanced materials and to reduce the cost and the time required for the evaluation and utilization of advanced materials in manufacturing.

SEC. 206. SELECTION OF PARTNERSHIPS.

(a) Competitive Selection.—Advanced Materials Processing, and Commercialization Partnerships shall be selected through a competitive process prescribed by the Secretary of Energy (for Partnerships established by such Secretary), the Secretary of Defense (for Partnerships established by such Secretary), the Administrator of the National Aeronautics and Space Administration (for Partnerships established by the Administrator), and by the Secretary of Commerce (for Partnerships established by such Secretary), in consultation with the Director.

(b) Required Criteria.—Each Secretary and the Administrator, respectively, may select for the establishment of a Partnership any Partnership proposal or proposals that provide for—

(1) carrying out advanced materials processing activities consistent with the purposes of this Act;

(2) developing or applying technology, and establishing standardized criteria, to accurately and efficiently inspect, analyze, evaluate, and test the quality and integrity of advanced materials and the components manufactured from such materials;

(3) conducting the Partnership activities in a manner that ensures healthful and safe worksites for advanced materials workers and minimizes the potential environmental hazards associated with advanced materials processing procedures;

(4) developing analytical and design capabilities, or improving existing analytical and design capabilities, to create models (on the basis of computational modeling techniques or otherwise, as appropriate) for predicting and monitoring advanced materials responses to processing and manufacturing methods and for predicting the reliability of components made of such materials during in-service usage;

(5) contributing to the national data base established pursuant to section 302 information on the characteristics of the properties of advanced materials with respect to the processing, engineering design, manufacturing, disposal, and recycling potential of such materials;

(6) an effective program for the transfer of technology to United States firms; and

(7) an effective program for educating and training personnel engaged in the processing, fabrication, and manufacturing of advanced materials and components made of advanced materials.

SEC. 207. PROTECTION OF INFORMATION.

(a) AUTHORITY TO DISCLOSE INFORMATION.—Subject to subsection (b), a participant in an Advanced Materials Processing, Synthesis, and Commercialization Partnership may disclose information on the research and development activities of the Partnership to the same extent that a Federal laboratory may disclose information under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and all other applicable provisions of law.

(b) LIMITATION ON DISCLOSURE.—No officer or employee of the Federal Government may disclose any trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, and is obtained from a non-Federal Government participant in a Partnership as a result of the activities of the Partnership, regardless of whether such activities are subject to the Stevenson-Wydler Technology Innovation Act of 1980. The prohibition in the preceding sentence does not apply to a disclosure made with the consent of such participant.

SEC. 208. COORDINATION OF PARTNERSHIP ACTIVITIES.

The Director shall coordinate the research and development activities of the Advanced Materials Synthesis, Processing, Synthesis, and Commercialization Partnerships.

TITLE III—OTHER ADVANCED MATERIALS PROGRAMS

SEC. 301. INFRASTRUCTURE FOR ADVANCED MATERIALS SYNTHESIS AND PROCESSING SCIENCE AND ENGINEERING.

(a) INVESTIGATOR AWARDS PROGRAMS.—(1) The Director of the National Science Foundation shall establish a competitive grants program to be known as the "Advanced Materials Synthesis and Processing Principal Investigator Awards Program".

(2) Under the program the Director of the National Science Foundation shall award grants to individuals or groups on a competitive basis.

(3) The proceeds of grants awarded under such program may be used to defray the cost of research and development on specific topics pertinent to advanced materials processing sciences that is conducted by the grant recipients within colleges, universities, and research institutions in the United States.

(4) The goals of the program shall, to the maximum extent feasible, be consistent with the advanced materials synthesis and processing goals of Federal laboratories and other departments and agencies of the Federal Government.

(5)(A) The recipients of grants under the program shall use, to the maximum extent feasible, existing capital equipment, instrumentation, and facilities of United States firms and Federal laboratories to conduct research and development activities funded in whole or in part with grants made under the program.

(B) The program shall provide for the utilization of agreements authorized by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and other available mechanisms to ensure that grant recipients meet the requirement in subparagraph (A).

(6) Recipients of grants under the program shall contribute to the national data base established pursuant to section 302 the data that results from research and development activities funded in whole or in part with funds granted under such program.

(b) ADVANCED MATERIALS SYNTHESIS AND PROCESSING FELLOWS PROGRAM.—The National Science Board of the National Science Foundation shall establish a fellowship program to support graduate and post-doctorate studies and research in advanced materials synthesis and processing. Under the fellowship program, the Director of the National Science Foundation shall award grants for the support of such studies and research. Grants shall be awarded on the basis of academic merit in accordance with guidelines and criteria established by the National Science Board.

SEC. 302. NATIONAL ADVANCED MATERIALS DATA BASE.

(a) ESTABLISHMENT OF DATA BASE.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall establish and administer a comprehensive national data base for advanced materials. The national data base shall be the central repository in the Federal Government for information on advanced materials. The Director of the National Institute of Standards and Technology may select for inclusion in the national data base advanced materials information available in data collection and network systems that meet the standards and guidelines established pursuant to subsection (b).

(b) DATA BASE STANDARDS AND GUIDELINES.—The Secretary of Commerce shall establish standards and guidelines for—

(1) the reliability, accuracy, quality, and documentation of the advanced materials data to be contained within the national data base;

(2) a computerized interactive network to search and retrieve data relating to advanced materials;

(3) appropriate formats in which to present diverse data relating to advanced materials;

(4) the maintenance of software and hardware required for the data base; and

(5) appropriate security for the protection of information in the data base, including the denial of access to unauthorized users.

SEC. 303. STANDARD REFERENCE DATA.

(a) IN GENERAL.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall provide for the collection, compilation, critical evaluation, publication, and dissemination of standard reference data for advanced materials.

(b) DEFINITION.—In this section, the term "standard reference data" means quantitative information related to a measurable physical, chemical, mechanical, electrical, or optical property of a substance or system of substances of known composition and structure which is critically evaluated as to its reliability.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS AND OTHER PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) DEPARTMENT OF ENERGY.—Funds are hereby authorized to be appropriated for the Department of Energy to carry out the responsibilities of the Secretary of Energy under this Act as follows:

(1) For fiscal year 1992, $10,000,000 for atomic energy defense activities, and $10,000,000 for energy research activities.

(2) For each of fiscal years 1993, 1994, 1995, and 1996, $20,000,000 for atomic energy defense activities, and $20,000,000 for energy research activities.

(b) DEPARTMENT OF DEFENSE.—Funds are hereby authorized to be appropriated for the Department of Defense to carry out the responsibilities of the Secretary of Defense under this Act as follows:

(1) For fiscal year 1992, $15,000,000.

(2) For each of fiscal years 1993, 1994, 1995, and 1996, $30,000,000.

(c) NASA.—Funds are hereby authorized to be appropriated to the National Aeronautics and Space Administration to carry out the responsibilities of the Administrator of the National Aeronautics and Space Administration under this Act as follows:

(1) For fiscal year 1992, $10,000,000.

(2) For each of fiscal years 1993, 1994, 1995, and 1996, $20,000,000.

(d) DEPARTMENT OF COMMERCE.—Funds are hereby authorized to be appropriated for the Department of Commerce to carry out the responsibilities of the Secretary of Commerce under this Act as follows:

(1) For fiscal year 1992—

(A) $5,000,000 for the establishment of Advanced Materials Processing, Synthesis, and Commercialization Partnerships; and

(B) $5,000,000 for carrying out section 302.

(2) For each of fiscal years 1993, 1994, 1995, and 1996—

(A) $10,000,000 for the establishment of Advanced Materials Processing, Synthesis, and Commercialization Partnerships; and

(B) $5,000,000 for carrying out section 302.

(e) NATIONAL SCIENCE FOUNDATION.—Funds are hereby authorized to be appropriated for the National Science Foundation to carry out the responsibilities of the National Science Foundation under this Act as follows:

(1) For fiscal year 1992, $84,000,000.

(2) For fiscal year 1993, $90,000,000.

(3) For each of fiscal years 1994, 1995, and 1996, $100,000,000.

(f) FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY.—There is hereby authorized to be appropriated for the Federal Coordinating Council for Science, Engineering, and Technology such sums as may be necessary for the Council to carry out its responsibilities under title VII of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (as added by section 101).

SEC. 402. AUTHORITY TO WAIVE APPLICABILITY TO CLASSIFIED PROGRAMS.

The head of a department or agency of the Federal Government may waive the application of the provisions of this Act to any program or activity of such department or agency that is classified in the interest of the national security or foreign policy of the United States.●

By Mr. PELL:

S. 981. A bill to amend the Internal Revenue Code of 1986 with respect to the public financing of Presidential election campaigns; to the Committee on Finance.

PRESIDENTIAL ELECTION CAMPAIGN FUND

● Mr. PELL. Mr. President, I am introducing today legislation to assure the solvency of the Presidential election campaign fund and to provide certain restrictions on expenditures for media advertising that qualifies for payment from the fund.

The public funding of our Presidential elections is one of the great unsung triumphs of political reform in this century. Established in 1974 in the wake of the Watergate scandal, the new system combined limits on campaign spending with public funding from the $1 checkoff on personal income tax returns. It has been administered with remarkable success by the Federal Election Commission, and since its inception 49 of the 50 major party candidates who have run for the Presidency in that period—Republicans and Democrats alike—have chosen to participate in the program.

The $490 million that has been disbursed from the Presidential election campaign fund to date represents the collective voluntary commitment of many taxpayers to the principle that the Presidential election process ought to be freed of the taint of special interest financing. It is generally agreed, I believe, that the public funding program has had an elevating effect on the process, freeing campaigns from preoccupation with fundraising to concentrate on substantive matters.

But the program, for all its success, may not continue as originally conceived unless Congress provides remedial legislation to correct a basic statutory flaw which is certain to cause the fund to run dry. The problem is that the original legislation authorizing the $1 checkoff made no provision for periodic adjustments in the amount of the checkoff to allow for inflation. At the same time, however, on the other side of the ledger, campaign spending limits were indexed for inflation and have been rising steadily, as have payouts from the fund to eligible candidates and parties. Such a structural imbalance has all the makings of a fiscal train wreck, and it is remarkable that it hasn't already occurred.

I must note for the record at this point that I am opposed to the concept of indexing and have frequently opposed it over the years because I believe it is an automatic mechanism for escalating public costs, frequently to levels above what circumstances justify. But in this case, I am persuaded that the indexing of the $1 checkoff is the only way to correct the basic structural flaw in the original legislation.

The fact is that the $1 authorized for checkoff in the early 1970's is worth only 36 cents today, while the indexed ceiling on expenditures has risen more than 250 percent. The FEC projects a shortfall of approximately $3 million by the end of 1992, which may be made up administratively by applying receipts in early 1993 to cover final costs of the 1992 election cycle. But for 1996, the Presidential election campaign fund faces a projected deficit of over $144 million, and no amount of administrative juggling can prevent a de facto suspension of the primary matching program and a reduction in grants to the party nominees in the general election by more than $50 million. As Chairman John McGarry of the FEC stated before the Committee on Rules and Administration, "The issue is not if the fund will run out of money, but, when."

In addition to the indexing problem, there is, to be sure, another factor which exacerbates the imbalance, namely the relatively low rate of participation by taxpayers in the checkoff program. The percentage of tax returns checked off has declined from a high of 28.7 percent in 1980 to 19.9 percent in 1989. But I would note that even in 1989, the contributions to the fund amounted to more than $32 million. And I particularly note Chairman McGarry's testimony that even if participation returned to its highest level, the structural imbalance resulting from the indexing differential is so fundamental that the fund would still run short in 1996.

As disappointing as the low rate of participation is, it should not be allowed to cloud the merits of this worthy program. The FEC, to its credit, has undertaken a systematic effort to identify the reasons for the low rate of participation and has found that there is widespread lack of understanding of the checkoff program on the part of taxpayers as well as professional tax preparers. Acting on this finding, the Commission this year launched a modest public education program through radio and TV announcements, as well as Commission publications, to explain how the checkoff program works. I applaud these efforts, urge their continuance and hope they bear fruit.

But the underlying structural problem of indexing remains to be addressed, and the legislation which I introduce today incorporates recommendations of the FEC to solve the problem.

First, the bill would increase the amount of the checkoff from $1 to $2.50 for individuals and from $2 to $5 for jount returns, reflecting an adjustment for inflation of at least 250 percent, as recommended by the FEC.

Second, the bill would provide a mechanism for adjusting the amount of the checkoff in future years to changes in the Consumer Price Index, rounded to the nearest dollar, as recommended by the FEC.

Third, the bill would authorize, in the event of shortfalls in the fund, repayable advances to the fund from the Treasury, to be repaid with interest out of subsequent receipts from the checkoff. This provision was not requested by the FEC, but I am proposing it in anticipation of the possibility that congressional action may not be concluded in time to avert a serious shortfall that could cause confusion in the 1996 election cycle.

Fourth, the bill includes a simple requirement that media advertising would be considered a qualified campaign expense only to the extent to which the eligible candidate presents his or her own program, opinions, or qualifications. This is a reprise of a bill I introduced in the 101st Congress, S. 340, the intention of which was simply to assure that public funds would be used for publicly acceptable media purchases, as opposed to scurrilous or deceptive media advertisements. The intention remains the same and it seems to me a reasonable limitation on the use of public funds.

Finally, Mr. President, I would simply note that this bill would assure the solvency of the Presidential election campaign fund without comprimising the basic principle of personal choice underlying the checkoff program. Every dollar that goes into the fund represents a personal affirmation of a taxpayer who supports the program, and conversely every nonparticipant can be assured that his taxes are not being used to fund a program he does not support. This is as it should be, given the political sensitivity of the program. But 17 years of experience has proven, I believe, that the purposes of the program can be achieved in a voluntary context; only a reasonable correction of structural imbalance is needed to assure its continuance.

I ask unanimous consent that two charts showing the status of the Presidential election campaign fund, projected first on the basis of the present $1 checkoff, and second on the basis of the checkoff adjusted for inflation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FUND ACTIVITY—ACTUAL AND ESTIMATES 1973–97 USING $1 CHECK-OFF AS IT NOW EXISTS; UNADJUSTED FOR INFLATION

[Using inflation of 5.0 percent 91–97; Revised Feb. 19, 1991 RH/JCO]

Fiscal year	Actual receipts	COLA	Disbursements	Repayments	Balance 12/31/YY
Derived 1973	$2,427,000	1.0000	0	0	$2,427,000
Derived 1974	28,058,222	1.0000	0	0	30,485,222
1975	31,656,525	1.0910	$2,590,502	0	59,551,245
R derived 1976	33,721,935	1.1540	69,467,521	0	23,805,659
1977	36,606,008	1.2290	521,124	$1,037,029	60,927,572
1978	39,246,689	1.3230	6,000	163,725	100,331,986

FUND ACTIVITY—ACTUAL AND ESTIMATES 1973–97 USING $1 CHECK-OFF AS IT NOW EXISTS; UNADJUSTED FOR INFLATION—Continued

[Using inflation of 5.0 percent 91–97; Revised Feb. 19, 1991 RH/JCO]

Fiscal year	Actual receipts	COLA	Disbursements	Repayments	Balance 12/31/YY
1979	35,941,347	1.4720	1,050,000	23,474	135,246,807
1980	38,838,417	1.6710	101,427,116	1,094,098	73,752,206
1981	41,049,052	1.8440	630,256	202,288	114,373,290
1982	39,023,882	1.9570	1,070	58,400	153,454,502
1983	35,631,068	2.0200	11,786,486	21,899	177,320,983
1984	35,036,761	2.1060	120,149,768	505,807	92,713,783
1985	34,712,761	2.1810	1,617,842	61,840	125,870,542
1986	35,753,837	2.2230	5,596	61,641	161,680,424
1987	33,651,947	2.3050	17,784,000	357,307	177,905,678
1988	33,013,987	2.3990	158,560,805	103,500	52,462,360
1989	32,285,646	2.5138	1,843,017	22,024	82,927,014
Preliminary 1990	32,462,979	2.6500	0	39,148	115,429,141
Estimate for 1991	30,463,000	2.7800	21,200,000	2,000,000	126,692,141
Estimate for 1992	30,163,000	2.9200	160,265,143	0	(3,410,002)
Estimate for 1993	29,863,000	3.0700	2,316,811	2,103,807	26,239,994
Estimate for 1994	29,563,000	3.2200	0	0	55,802,994
Estimate for 1995	29,263,000	3.3800	25,760,000	0	59,305,994
Estimate for 1996	28,963,000	3.5500	232,828,043	0	(144,559,049)
Estimate for 1997	28,663,000	3.7300	2,702,558	0	(118,598,607)
Total	806,059,063		932,513,658	7,855,987	(118,598,607)

Note.—Actual Receipts: Totals per calendar year as reported by Treasury unless otherwise noted, excludes repayments. Disbursements: Gross payouts per Treasury reports or estimates. Repayments: Repayments received per Treasury reports or estimates.

FUND ACTIVITY—ACTUAL AND ESTIMATES 1973–97; $1 CHECK-OFF ADJUSTED FOR INFLATION; ROUNDED DOWN TO NEAREST DOLLAR

[Using inflation of 5.0 percent 91–97 revised Feb. 19, 1991 RH/JCO]

Fiscal year	Actual receipts	COLA	Disbursements	Repayments	Balance 12/31/YY
Derived 1973	$2,427,000	1.0000	0	0	$2,427,000
Derived 1974	28,058,222	1.0000	0	0	30,485,222
1975	31,656,525	1.0910	2,590,502	0	59,551,245
R derived 1976	33,721,935	1.1540	69,467,521	0	23,805,659
1977	36,606,008	1.2290	521,124	1,037,029	60,927,572
1978	39,246,689	1.3230	6,000	163,725	100,331,986
1979	35,941,347	1.4720	1,050,000	23,474	135,246,807
1980	38,838,417	1.6710	101,427,116	1,094,098	73,752,206
1981	41,049,052	1.8440	630,256	202,288	114,373,290
1982	39,023,882	1.9570	1,070	58,400	153,454,502
1983	35,631,068	2.0200	11,786,486	21,899	177,320,983
1984	35,036,761	2.1060	120,149,768	505,807	92,713,783
1985	34,712,761	2.1810	1,617,842	61,840	125,870,542
1986	35,753,837	2.2230	5,596	61,641	161,680,424
1987	33,651,947	2.3050	17,784,000	357,307	177,905,678
1988	33,013,987	2.3990	158,560,805	103,500	52,462,360
1989	32,285,646	2.5138	1,843,017	22,024	82,927,014
Preliminary 1990	32,462,979	2.6500	0	39,148	115,429,141
Estimate for 1991	60,926,000	2.7800	21,200,000	2,000,000	157,155,141
Estimate for 1992	60,326,000	2.9200	160,265,143	0	57,215,998
Estimate for 1993	89,589,000	3.0700	2,316,811	2,103,807	146,591,994
Estimate for 1994	88,689,000	3.2200	0	0	235,280,994
Estimate for 1995	87,789,000	3.3800	25,760,000	0	297,309,994
Estimate for 1996	86,889,000	3.5500	232,828,043	0	151,370,951
Estimate for 1997	85,989,000	3.7300	2,702,558	0	234,657,393
Total	1,159,315,063		932,513,658	7,855,987	234,657,393

Note.—Actual Receipts: Totals per calendar year as reported by Treasury unless otherwise noted, excludes payments. Disbursements: Gross payouts per Treasury reports or estimates. Repayments: Repayments received per Treasury reports or estimates.•

By Mr. CHAFEE:

S. 982. A bill to amend the Solid Waste Disposal Act to clarify the Environmental Protection Agency's authority to regulate hazardous waste recycling, and for other purposes; to the Committee on Environment and Public Works.

HAZARDOUS WASTE RECYCLING ACT

• Mr. CHAFEE. Mr. President, today I am introducing the Hazardous Waste Recycling Act of 1991. This bill amends the Solid Waste Disposal Act to make clear, the Environmental Protection Agency's [EPA's] authority to regulate hazardous waste recycling activities.

EPA has had the authority to regulate the treatment, storage and disposal of hazardous waste since the adoption of the Resource Conservation and Recovery Act [RCRA], the 1976 amendments to the Solid Waste Disposal Act. For almost as long, however, the Agency and the regulated community have been struggling with the question of whether or not EPA has the statutory authority to regulate recycling activities.

The uncertainty surrounding the Agency's jurisdiction with respect to recycling activities has had adverse consequences for the regulated community, the taxpayers and the environment. While industry and taxpayers pay the legal fees to sort this question out, the environment is being harmed because hazardous waste that could be recycled is instead incinerated or landfilled or, even worse, is recycled without adequate controls.

RCRA's goal is the proper management of waste to assure the protection of our health and the environment. To achieve this goal, RCRA sets forth a management hierarchy for all wastes which sets as its priorities, the reduction, recycling, and last, the treatment and disposal of waste. Once a hazardous waste is generated, we should wherever possible, encourage recycling rather than treatment or disposal.

Unfortunately, hazardous waste recycling that is done poorly, can be worse than no recycling at all. Currently, of the Agency's 1,189 Superfund sites, 112 had recycling activities on site. Clearly, unregulated recycling of hazardous waste can lead to serious adverse environmental and health effects. Equally alarming is the fact that it also threatens to stigmatize, and therefore discourage, an activity that everyone would agree is, when done properly, preferable to treatment or disposal.

The bill I am introducing today gives EPA clear statutory authority to regulate recycling activities by amending the definition of the term "solid waste" to include materials that are recycled. While I am aware that some of the hazardous material sent to recycling facilities could be called hazardous secondary materials, byproducts or some other name beside a solid waste, the structure and long regulatory and statutory history of RCRA dictates that these materials, although not technically discarded in all cases, be managed as if they are wastes.

In another bill that I am cosponsoring today with Senator BAUCUS to reauthorize RCRA through 1996, we have attempted to clarify this same jurisdictional question without calling hazardous material that is recycled a waste. Instead, the bill defines a hazardous waste that is recycled as a hazardous secondary material. Unfortunately, according to the current law and the resulting regulations and subsequent court cases interpreting those regulations, EPA does not have jurisdiction over materials unless they are first discarded or the activity in question is akin to discarding. It is not clear to me whether the approach taken in the reauthorizing legislation adequately solves the problem. We need to be absolutely clear that the agency has the authority to regulate recycling activities even where a person recycling such material chooses to call the material a product or raw material as opposed to a waste.

While I have serious concerns about the effectiveness of the approach taken in the reauthorizing legislation, it should be made clear that both Senator BAUCUS and I, and surely every person engaged in the legitimate recycling of hazardous waste, will agree that without proper controls over this activity, recycling will continue to totter on the brink of getting a bad name and our health and the environment stand to suffer. In order to gain control over this activity, we must clarify EPA's proper and legitimate authority to regulate hazardous waste recycling activities.

I believe that the Hazardous Waste Recycling Act of 1991, achieves this goal in a clear, concise and technically correct fashion and I look forward to hearing testimony on both approaches during our upcoming reauthorization hearings.

Mr. President, I ask unanimous consent that the text of the Hazardous Waste Recycling Act of 1991 be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazardous Waste Recycling Act of 1991."

SEC. 2. CONGRESSIONAL FINDINGS, OBJECTIVES AND NATIONAL POLICY.

(a) Section 1002(b) of the Solid Waste Disposal Act is amended—

(1) in paragraph (5) by inserting "or hazardous waste recycling" after "hazardous waste management"; and

(2) in paragraph (6) by inserting "or hazardous waste recycling" after "hazardous waste management".

(b) Section 1003 of the Solid Waste Disposal Act is amended—

(1) in subsection (a)(4) by inserting "and hazardous waste recycling activities" after "management practices";

(2) in subsection (a)(5) by inserting "or recycled" after "managed"; and

(3) in subsection (b) by inserting "recycled," after "should be".

SEC. 3. DEFINITIONS.

(a) Section 1004(27) of the Solid Waste Disposal Act is amended to read as follows:

"(27) The term 'solid waste' means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other material when discarded or recycled, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agriculture operations, and community activities, and other material unless the material is recycled as part of a closed-loop manufacturing process or a direct reuse manufacturing process. The term does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).".

(b) Section 1004 of the Solid Waste Disposal Act is further amended by adding at the end thereof the following new paragraphs:

"(41) The term 'recycling' or 'recycle' means any use, reuse, or reclamation of solid waste or other material for any purpose but does not include:

"(A) placement of hazardous waste on the land;

"(B) incineration of solid waste for energy recovery;

"(C) speculative accumulation of hazardous waste;

"(D) the treatment of hazardous waste prior to use, reuse or reclamation; or

"(E) the use, reuse or reclamation of inherently waste-like materials.

"(42) The term 'use' or 'reuse' means a procedure whereby a material is—

"(A) employed as an ingredient in an industrial process to make a product; or

"(B) employed in a particular function or application as an effective substitute for a commercial product.

"(43) The term 'reclaim' or 'reclamation' means a procedure whereby a material is processed to recover a useable product, or where a material is regenerated.

"(44) The term 'closed-loop manufacturing process' means a process whereby materials are:

"(A) returned to the original process or processes in which they were generated; and

"(B) reused in the production process in the following manner—

"(i) the process, through completion of reclamation, is enclosed by being entirely connected with pipes or other comparable enclosed means of conveyance; and

"(ii) the materials are stored in tanks or containers and are used or reused within twelve months.

"In no event may reuse or reclamation involve controlled flame combustion nor may the products produced from the materials be used in a manner constituting disposal.

"(45) The term 'direct reuse manufacturing process' means a process whereby materials are—

"(A) used or reused as ingredients in an industrial process to make a product, provided reclamation does not precede such use or reuse; or

"(B) used or reused as effective substitutes for commercial products, provided reclamation does not precede such use or reuse; or

"(C) returned, as a substitute for raw material feedstock, in the original process from which they are generated, provided reclamation does not precede such return.".

SEC. 4. HAZARDOUS WASTE RECYCLING.

(a) Section 3004 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new subsection:

"(y) RECYCLING STANDARDS.—(1) Not later than twelve months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, the Administrator shall promulgate requirements for hazardous waste recycling facilities in accordance with subsection (a). Such requirements should address the particular needs and unique operations of certain recycling facilities.

"(2) The requirements for recyclable materials as set forth at 40 C.F.R. Parts 264, 265, 266, and 288 (July 1, 1990) shall be deemed applicable to all owners and operators of hazardous waste recycling facilities. Any owner or operator of a hazardous waste recycling facility who was not subject to such regulations on the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991 shall, within twelve months after such date of enactment, comply with all such regulations. The requirements of this paragraph shall apply until such time as the Administrator issues requirements under paragraph (1).

"(3)(A) Within 6 months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1991, any owner or operator of a facility using a closed-loop manufacturing process or any owner or operator of a facility using a direct reuse manufacturing process, shall certify to the Administrator that the facility meets the requirements of a closed-loop manufacturing process or a direct reuse manufacturing process, as the case may be, and is exempt from the requirements of subsection (a). Any owner or operator of a new facility that meets the requirements of a closed-loop manufacturing process or a direct reuse manufacturing process shall, prior to commencing operations, certify to the Administrator that the facility meets the requirements of a closed-loop manufacturing process or a direct reuse manufacturing process, as the case may be, and is exempt from the requirements of subsection (a).

"(B) The certification required in paragraph (3)(A) shall include:

"(i) the name and address of the facility;

"(ii) the name and address of the owner or operator;

"(iii) the amount and type of material handled by closed-loop or direct reuse process, as the case may be, by the facility on an annual basis;

"(iv) a brief description of the closed-loop or direct reuse manufacturing process; and

"(v) such other information as the Administrator deems appropriate to verify the certification.

"(C) If, at any time the Administrator determines that the certification submitted does not indicate satisfaction of the requirements for a closed-loop or direct reuse manufacturing process, as the case may be, the Administrator shall so notify the applicant. Within 60 days from the receipt of such notice, the applicant may submit to the Administrator any additional information as the applicant deems appropriate to clarify the statements made in the applicant's certification. Within 60 days from receipt of such additional information, the Administrator shall make a final determination as to the adequacy of the applicants certification.

Upon failure to meet the requirements of a close-loop or direct reuse manufacturing process, the applicant shall comply with all requirements of this subsection.".

(b) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection;

"(k) PERMIT BY RULE.—(1) Not later than twelve months after the date of enactment of the Resource Conservation and Recovery Act Amendment of 1991, the Administrator shall promulgate requirements under subsection (a) which provide for a permit by rule for facilities which store and recycle hazardous waste in fully enclosed tanks or containers.

"(2) Requirements promulgated under this subsection shall require—

"(A) for public notice and comment prior to construction and commencement of operations at such facility;

"(B) a demonstration by the owner or operator that the facility is in compliance with all applicable standards and requirements of law;

"(C) annual on-site inspections by the permitting authority; and

"(D) the submission of such information as the Administrator deems appropriate to verify compliance with the permit.

"(3) The permitting authority must verify the contents of the permit by rule application within two years of receipt. Upon review of such application, the Administrator may revoke such permit if compliance with all applicable standards cannot be verified.".•

By Mr. McCONNELL (for himself, Mr. THURMOND, Mr. GRASSLEY, Mr. SPECTER, Mr. GORTON, Mr. PACKWOOD, Mr. MCCAIN, and Mr. COATS):

S. 983. A bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of pornographic material; to the Committee on the Judiciary.

PORNOGRAPHY VICTIMS' COMPENSATION ACT

• Mr. McCONNELL. Mr. President, 2 years ago, I stood before the Senate to decry the epidemic of violence against women and children, the pornography industry which promotes their victimization, and to introduce the Pornography Victims' Compensation Act. Today, I am reintroducing that bill to provide victims of sex crimes, whose offenders were incited or influenced by pornography, a civil cause of action against its producers and purveyors.

The Pornography Victims' Compensation Act is supported by an extraordinary array of organizations including the Family Research Council, Feminists Fighting Pornography, the American Family Association, victims rights groups, and dozens of National Organizations for Women chapters nationwide.

These diverse groups coalesced around the Pornography Victims' Compensation Act because they shared a goal—to hold pornographers liable for the harm they cause. They also share a belief—that crime is fostered by a culture in which the sexual degradation, abuse, and murder of women and children is a form of entertainment.

That belief is shared by most Americans. Last week, the National Victim Center released a study that found 93 percent of Americans believe violence in the media impacts violence in society.

The pornographic media is increasingly violent, and dangerous. A 1988 study by the FBI found that 81 percent of violent sexual offenders regularly used violent pornography. A study by the Michigan State Police found that of 48,000 sexual crimes committed over a 20-year period, pornography was used just prior to or during 41 percent of them.

A columnist wrote in U.S. News & World Report a few months ago:

> The connection between the amount of violent entertainment and the amount of real-life violence is no longer seriously doubted among social scientists.

Nor should it be doubted by U.S. Senators.

Women in this country are scared, and with good reason. The Judiciary Committee reported on May 21, "American women are in greater peril now from attack than they have ever been in the history of our Nation."

The United States rape rate—4 times that in Germany, 8 times France's, 15 times England's, and 20 times Japan's—is on the rise. In 1990, reported rapes in this country exceeded 100,000 for the first time. Experts in the field believe that number vastly understates the true magnitude of the problem as thousands of rapes go unreported out of fear of reprisal, and stigmatization.

Last year's rate of increase was three times that of the year before. While we won the war against Iraq in 40 days, American women are losing their war against violent crime.

Some telling statistics: The rape rate is increasing four times as fast as the overall crime rate; 1 in 5 adult women has been raped, 1 in 6 by someone she knows; 36 percent of rapes occur at the victim's home; a woman is raped every 6 minutes; 3 to 4 million women are beaten each year, 1 million so severely they seek medical help; more than half of all homeless women are fleeing domestic violence; and the leading cause of death on the job for women is homicide, for men it is accidents.

Another horrifying fact—only 29 percent of rapists are sentenced to a year or more behind bars.

Mr. President, all women are victims in this culture of sexual violence. Millions of American women are afraid to walk from their offices to their cars. They are afraid to go outside at night. They are afraid within their own homes.

The National Victims Center reported last week that:

> The fear of crime restricts the freedom of Americans to go where they want, when they want. Because of the threat of crime, the lifestyles of many Americans are restricted. The freedom of women is particularly restricted by this threat.

The center's survey found that 73 percent of American women limit the places they will go by themselves.

Mr. President, there is another dimension to pornography and crime—the extent to which they affect children. Each year, 1 million children from 6 months to 16 years old are sexually molested and then filmed or photographed. There is a large audience for this filth, many of whom are themselves child molesters.

Children are particularly vulnerable in this culture of sexual violence. And their predators are prolific. The typical child molester abuses 380 children.

The pornography industry trades in the abuse, exploitation, and degradation of women and children. Pornography is not an expression of speech, it is a business. Mr. President, this bill hits pornographers where it hurts them most: their wallets.

Victims of sexual crimes in our Nation currently have no legal recourse other than a justice system which frequently lets offenders go free. The Pornography Victims Compensation Act provides victims of sex crimes a civil cause of action against pornographers if the victim can prove a link between the crime and specific sexually explicit material. The bill does not dictate what pornographers may produce, it simply holds them liable for it.

Pornography is fueling violence in this country, and it is time pornographers were held accountable for the harm they cause. If we are to protect women and children from sexual predators, we must recognize that sex crimes do not occur in a cultural vacuum. It is time to hold accountable those who are getting rich off of producing veritable how-to manuals and films for rapists and child abusers.•

By Mr. BOREN:

S. 984. A bill entitled the "International Pollution Deterrence Act of 1991"; to the Committee on Finance.

INTERNATIONAL POLLUTION DETERRENCE ACT

• Mr. BOREN. Mr. President, protection, preservation, and enhancement of the environment is a major U.S. national priority. Congress has actively fostered this goal through landmark legislation, most recently, the Clean Air Act Amendments of 1990. A crucial question we have not adequately addressed however is how our Nation's environmental policy is interrelated to other important policy questions, such as competitiveness and trade policy. As the recent discussions on the extension of fast-track for a free-trade agreement with Mexico have proven, policy questions cannot be made in a vacuum without regard for the many areas which they will impact.

Manufacturers in the United States have recognized and supported the need for environmental legislation, but they have also faced the harsh reality that such legislation can be costly and may place an American company at an extreme disadvantage in the world marketplace. With the bill that I am introducing today, I am calling on Congress to recognize the unfair economic advantage many foreign manufacturers now enjoy as a result of their failure to enact and enforce adequate environmental and public health standards.

The apparent lack of meaningful pollution restraints outside our borders cannot be ignored by the United States, especially as we examine the possible consequences of new trading partnerships with less environmentally safe countries. If we fail or refuse to consider the environmental consequences of our trade policy, we can inadvertently create incentives to pollute which harms citizens of other countries and ultimately, ourselves. The International Pollution Deterrence Act of 1991 is designed to address this omission.

The International Pollution Deterrence Act makes a country's failure to impose and enforce meaningful pollution controls on its industries a countervailable domestic subsidy under U.S. law. It establishes an export fund to assist exports of U.S. pollution control equipment. The act also requires the Administrator of the Environmental Protection Agency to compile and update, on a yearly basis, the level of pollution control in the areas of air, water, hazardous wastes, and solid wastes attained by our major trading partners.

A number of significant factors have created the need for this legislation. We have become painfully aware of the transborder nature of pollution. It not only affects the citizens of other countries who are being asked, in many instances, to sacrifice their health and that of their children to a one dimensional pursuit of economic growth—we have only to look as far as Eastern Europe to see the destructive consequences of such policies—but it also has a far more global impact.

Failure to enact adequate safeguards in one nation affects all nations. As we have become painfully aware, pollution problems such as acid rain and the potential problems of global warming know no national boundaries. The United States has acted and is continuing to act in a meaningful way to uphold our responsibilities to the world's environment and to international public health concerns. But our Nation's businesses should not be outdone by foreign manufacturers as a result of American companies' efforts to act in an environmentally responsible way.

The increasing globalization of the world economy has meant that strictly regulating pollution within our borders, while maintaining the largest and most open market in the world, can impair our competitiveness and provide unfair advantages to foreign competitors subject to less stringent or effective pollution control. Cheaper foreign goods carry a hidden price tag if they are produced free of meaningful environmental regulation. If we promote public health hazards in other countries by short-sighted policies, we benefit no one in the long run. We cannot afford to conduct our trade policy in an environmental vacuum.

It is unwise economic policy and unfair public policy for the United States to say to American companies that we need stronger environmental laws in the United States so now we are going to make you pay more in your costs of production to meet these standards but we, as consumers, will turn elsewhere to purchase manufactured goods at the cheapest price even if that means turning our backs on our American companies and turning our backs on our environmental and public health standards.

The Environmental Protection Agency recently completed a study which indicates that U.S. expenditures on environmental protection have increased to approximately $100 billion per year, representing 1.5 to 1.7 percent of the U.S. gross national product and will rise to about 3 percent of GNP within 10 years. And what Congress must recognize when we consider how our economic and trade policy should include consideration of environmental policy is that the environmental costs resulting from such legislation as the Clean Air Act are not paid for, by and large, by the Government. According to the EPA report, in 1987 private businesses paid 63 percent of the pollution control bill, while the Federal Government was only responsible for 11 percent of the total costs. Local governments are paying almost 23 percent of these costs and State governments are paying 3.5 percent.

Through GATT and other trade partnerships, the United States has worked diligently to uphold and enforce fair trading practices. Within the rules established by GATT and within the rules of international courts, there is a clear recognition of the legal ramifications when a government allows its industry to avoid the paying of the costs of production, including the environmental and public health costs associated with the costs of production.

A recent article in the spring 1988 Houston Journal of International Law substantiates:

> In order for the failure of a government to act to constitute a countervailable subsidy, there must first be an affirmative duty placed upon the government which it is failing to assume. In the case of industrial environmental controls, this duty has been affirmatively established in international law by agreements resulting from international conventions, by customary/normative principles, and by moral and social obligations. Violations of this minimum international environmental standard have occurred. As a result, industries in these countries have benefited at the expense of those industries in countries which have employed controls meeting the minimum standard. U.S. plaintiffs can demonstrate that, indeed, a "specific industry" has been benefited through a comparison of that industry" has been benefited through a comparison of that industry with others, and benefited by showing that the industry, if it met minimum international environmental standards, would be required to expend substantial resources to comply. Thus, potential U.S. plaintiffs in affected industries are entitled to have a duty assessed against the offending industries equal to the competitive advantage obtained by failure to employ adequate environmental controls, not just the amount of expense foreborne by regulatory avoidance.

This bill recognizes that a country's failure to require and enforce meaningful pollution controls constitutes a subsidy no different, but more dangerous, than practices such as cash grants to money losing State enterprises, which have long been actionable under U.S. law. By making such absence countervailable, we allow U.S. companies to level the playing field by removing the cost advantage derived from freedom to pollute. By using the proceeds from such cases to finance pollution control equipment from the United States to our poorer trading partners, we provide the poorer nations with major assistance in attaining meaningful pollution control while stimulating the U.S. export of pollution control equipment. Not only will we be addressing unfair trading practices, but we will also be taking the even more positive step of helping our trading partners establish adequate public health standards while simultaneously invigorating trade markets for environmental goods.

We can no longer stand idly by while some U.S. manufacturers, such as the U.S. carbon and steel alloy industry, spends as much as 250 percent more on environmental controls as a percentage of gross domestic product than do other countries. The steel industry has made a commitment to meeting new standards in controlling toxic air pollutants, among others, but these new standards are adding $15 per ton to the cost of steel. When you consider that price in the context of competitive pricing in the world steel market, you understand the clear disadvantage American steel companies face when other nations avoid protecting public health. Anyone who has ever visited the steel plants in Taiwan, as just one example, is struck by the blackness of the air their workers breathe every day. Since these workers actually live at the steel plant in Taiwan, they are breathing this dangerous air 24 hours a day for 365 days out of the year.

I see the unfair advantage enjoyed by nations exploiting the environment and public health for economic gain when I look at many industries important to my own State of Oklahoma, such as the costs paid disproportionately by U.S. steel companies, the oil and gas industry, auto part manufacturers, and the chemical manufacturers, including pesticide and petrochemical companies. Chemical companies such as duPont/Conoco are spending as much as $2 billion a year to meet environmental regulations and these percentages are growing. A recent report on the costs of environmental action in the United States by the Center for Strategic and International Study concludes that these costs to the United States include adverse economic consequences with respect to industrial production, economic growth, and investment, interest rates, international competitiveness, the U.S. balance of trade, and the Federal deficit.

Unfortunately, as the costs of new pollution control regulations mount, the ability for American companies to devote capital to research and development of new pollution control technology declines. In 1988, for example, while real spending for regulation and monitoring for pollution abatement control increased by 8.4 percent, and overall costs for pollution control averaged a 3 percent increase, real spending for research and development increased 0.4 percent. If we in Congress are going to continue to look for ways to improve international environmental standards, we must also look for ways to help American companies finance the research and development of the technology that will enable us to reach those goals. In return, we will be working to place the United States in the forefront of this important and growing field.

In addition to money for research and development, revenues from this countervailing duty will go towards helping developing nations by equipping them with American pollution control equipment. We will help poorer nations which depend on manufacturing for economic advancement, such as Mexico, establish and enforce public health standards by helping them get the equipment they will need to raise their standards.

We cannot and should not enter into negotiations with Mexico on a free-trade agreement until we have established a way to ensure that the people of Mexico will not be endangered by further environmental exploitation. The only way to ensure this is to send a clear signal to companies around the world that avoidance of public health responsibilities will not lead to economic gain and that American companies will not be penalized because they are meeting their environmental obligations.

As Chairman BENTSEN recently noted at a Finance Committee hearing on the Mexico free-trade agreement, living in Mexico City and breathing that air is the health equivalent of smoking 2½ packs of cigarettes a day. The most alarming statistic I have seen yet was in an article last week in a Mexican newspaper which reported that in 1989 alone over 95,000 children under the age of 5 died in Mexico City as a result of respiratory illnesses associated with the high level of pollution.

Not only does the United States have a responsibility in the free-trade agreement to protect Mexican workers from exploitation, but we also have a responsibility to the health of our own citizens. As I have said before, pollution does not stop at an imaginary border line. Articles in the Wall Street Journal, the Journal of Commerce, the New York Times, and in newspapers around the country have all documented, the United States is suffering as a direct consequence of companies which have located on the Mexican border to enjoy lower labor costs and lower environmental costs without paying tariffs into the United States. The maquiladora factories, according to the New York Times, have led to such public health emergencies in the United States as the Nogales Wash coming into Arizona from Mexico, which is bringing toxic industrial pollutants and untreated sewage into the Arizona water stream. A public health emergency has been in force on the Arizona side for 6 months because the incidence of hepatitis has climbed to 20 times the national average as a result of the Mexican pollution crisis.

Experience has shown that economic incentives are the best means of convincing our trading partners that we will not ignore dangerous and inadequately regulated manufacturing policy in other parts of the world. This bill will strengthen efforts underway now in the United Nations and GATT to achieve consensus on worldwide pollution controls. This bill will help to allay fears of the possible environmental consequences of a Mexico free-trade agreement. Most importantly, it takes steps to protect our citizens and industries and the health of citizens from our major trading partner nations now, before more damage is done at an increasing cost to the United States.

Mr. President, I ask unanimous consent that my bill and the summary be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "International Pollution Deterrence Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) global environmental pollution problems pose an increasing threat to the health and well-being of citizens of every country in the world;

(2) the United States has made protection and restoration of the environment a priority, and U.S. industry, municipalities, and states have all expended significant amounts of capital complying with existing pollution control laws and regulations and will be required to commit further significant amounts of capital to comply with the provisions of the Clean Air Act and future environmental legislation;

(3) the Environmental Protection Agency recently completed a study which indicates that U.S. expenditures on environmental protection have increased to approximately $100 billion per year, representing 1.5–1.7 percent of the U.S. gross national product and will rise to about 3 percent of GNP within ten years;

(4) solely by its own efforts, however, the United States cannot halt the continuing and, in many cases, irreversible damage to the world's ecosystems caused by other countries' failure to shoulder their part of the burden of protecting the global environment;

(5) moreover, U.S. industry cannot reasonably be expected to incur increasing capital costs of compliance with environmental controls while its foreign competitors enjoy a substantial and widening competitive advantage as a result of remaining unfettered by pollution control obligations;

(6) the significant and serious competitive advantage enjoyed by our foreign competitors from cost savings derived from the absence of effective pollution controls results in cheaper foreign imports which capture U.S. market share and injure U.S. industries;

(7) the failure of a government to impose effective environmental controls on production and manufacturing facilities within its borders should be recognized for what it is—a significant and unfair subsidy which must be addressed now in order to halt irreversible damage to the world environment and provide real economic incentives to effective pollution control abroad.

SEC. 3. COUNTERVAILING DUTIES.

(a) 19 U.S.C. 1303(a) is amended by inserting the following new sentences at the end of paragraph (1):

"The failure to impose and enforce effective pollution controls and environmental safeguards shall constitute the bestowal of a bounty or grant within the meaning of this section. The amount of the bounty or grant derived from the absence of effective pollution controls and environmental safeguards shall consist of the cost which would have to be incurred by the manufacturer or producer of the foreign articles or merchandise to comply with environmental standards imposed on U.S. producers of the same class or kind of merchandise."

(b) 19 U.S.C. 1677(5) is amended by inserting the following new subsection (C) immediately after subsection (B):

"(C) The failure to impose and enforce effective pollution controls and environmental safeguards on the production or manufacture of any class or kind of merchandise. The amount of the subsidy derived from the absence of effective pollution controls and environmental safeguards shall consist of the cost which would have to be incurred by the manufacturer or producer of the foreign articles of merchandise to comply with environmental standards imposed on U.S. producers of the same class or kind of merchandise."

SEC. 4. POLLUTION FUNDS.

19 U.S.C. 1671e is amended by adding the following new paragraph (c) immediately following subsection (b):

"(c) COUNTERVAILING DUTIES ATTRIBUTABLE TO LACK OF EFFECTIVE POLLUTION CONTROLS.—Fifty percent of the revenue attributable to any countervailing duties assessed pursuant to this section on foreign merchandise as a result of lack of effective pollution controls and environmental safeguards shall be appropriated to a "Pollution Control Export Fund" established by subsection (d) and administered by the Agency for International Development." Fifty percent of such revenue shall be appropriated to the "Pollution Control Research & Development Fund" established by subsection (e) and administered by the Environmental Protection Agency."

22 U.S.C. 2151p is amended by adding the following new subsection (d) immediately after subsection (c):

"(d) ASSISTANCE TO DEVELOPING COUNTRIES.—The Administrator of the Agency for International Development shall establish a "Pollution Control Equipment Fund" to be administered under this section using revenues derived from countervailing duties attributable to lack of effective pollution controls imposed on imported goods as provided in 19 U.S.C. 1671e(c) and any funds appropriated from time to time by Congress. The Fund shall be used to assist purchases of U.S. pollution control equipment by developing countries."

Section 814 of the Clean Air Act Amendments of 1990 is amended by adding the following at the end thereof:

"The Administrator of the Environmental Protection Agency shall establish a "Pollution Control Research & Development Fund" using revenues derived from countervailing duties attributable to lack of effective pollution controls as provided in 19 U.S.C. 1671e(c) and any funds appropriated from time to time by Congress. The Fund shall be available to the Administrator, as he shall by regulation prescribe, to provide assistance for U.S. companies in the research and development of pollution control technology and equipment."

SEC. 5. INTERNATIONAL POLLUTION CONTROL INDEX.

Section 8002 of the Solid Waste Disposal Act (42 U.S.C. 6982) is amended by adding the following new subsections at the end thereof:

"(t) The Administrator shall prepare, within 120 days of the enactment of this section and yearly thereafter, a pollution control index for each of the top fifty countries identified by the Office of Trade and Investment of the Department of Commerce based on the value of exports to the U.S. from that country's attainment of pollution control standards in the areas of air, water, hazardous waste and solid waste as compared to the United States. The purpose of this index is to measure the level of compliance within each country with standards comparable to or greater than those in the United States. The Administrator shall analyze, in particular, the level of technology employed and actual costs incurred for pollution control in the major export sectors of each country in formulating the index."

SUMMARY OF INTERNATIONAL POLLUTION DETERRENCE ACT OF 1991

COUNTERVAILING DUTIES

Amends countervailing duty provisions of United States trade law to establish that the failure to impose and enforce effective pollution controls and environmental safeguards constitutes the bestowal of a subsidy and is subject to countervailing duty law.

The countervailing duty (CVD) laws are designed to offset any unfair competitive advantage foreign producers may derive from subsidies bestowed upon them by a foreign government.

The amount of the subsidy derived from the absence of effective pollution controls and environmental safeguards shall consist of the cost which would have to be incurred by the manufacturer or producer of the foreign articles of merchandise to comply with environmental standards imposed on U.S. producers of the same class or kind of merchandise.

POLLUTION CONTROL EQUIPMENT EXPORT FUND

Fifty percent of revenue gained through countervailing duties assessed as a result of the Pollution Deterrence Act will be appropriated for the establishment of a "Pollution Control Equipment Export Fund." Monies from the fund will be distributed by the Agency for International Development (AID) to assist purchases of U.S. pollution control equipment by developing countries.

POLLUTION CONTROL RESEARCH & DEVELOPMENT FUND

The other fifty percent of revenue gained through countervailing duties assessed as a result of the Act will be appropriated for the establishment of a "Pollution Control Research & Development Fund." Monies from the fund will be distributed by the Environmental Protection Agency (EPA) to provide assistance for U.S. companies in the research and development of pollution control technology and equipment.

INTERNATIONAL POLLUTION CONTROL INDEX

Requires EPA to prepare, within 120 days of enactment of the bill and yearly thereafter, a pollution control index for each of the fifty top U.S. trading partners, based on yearly exports to the United States. The index will measure each country's attainment of pollution control standards in the areas of air, water, hazardous waste and solid waste in comparison to U.S. standards in those same areas.•

By Mr. LUGAR:

S.J. Res. 131. Joint resolution designating October 1991 as "National Down Syndrome Awareness Week"; to the Committee on the Judiciary.

NATIONAL DOWN SYNDROME AWARENESS WEEK

• Mr. LUGAR. Mr. President, for the past 8 years, I have supported efforts to designate October as "National Down Syndrome Month." This designation is extremely important to public awareness about Down syndrome, and I rise today to, again, introduce a joint resolution designating October 1991 as "National Down Syndrome Month."

Most people have heard of Down syndrome, but few realize that it occurs once in every 1,000 births. With Down syndrome, an extra chromosome No. 21 appears within the individual's genetic material, affecting physical and mental development.

Today we know that through programs which emphasize the involvement of teachers, doctors, parents, and support groups many of the disorders associated with this genetic defect have the potential of being corrected. More importantly, these programs educate the public to the truth regarding children with Down syndrome enabling them to become productive citizens who are fully integrated into the community.

In addition, corporate leaders and the media are working to educate the general public regarding many of the myths associated with this genetic disorder—breaking down existing barriers along the way.

I urge my colleagues to join me in cosponsoring this important resolution. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 131

Whereas a more enlightened attitude has emerged during the past 15 years in the care and training developmentally disabled;

Whereas one disability which has undergone considerable reevaluation is Down syndrome;

Whereas approximately 4,000 babies are born with Down syndrome annually in the United States;

Whereas, until recently, Down syndrome was stigmatized as a mentally and physically retarding condition that required institutionalization and restricted its victims to lives of passivity;

Whereas remaining ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas, through the efforts of concerned physicians, teachers, and parent groups, such as the National Down Syndrome Congress and the National Down Syndrome Society, programs are being put into place to educate the parents of babies with Down syndrome, to develop special education classes for individuals with Down syndrome within mainstreamed school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the workforce, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas the cost of programs designed to help individuals with Down syndrome enter their rightful place in society as productive citizens is a small fraction of the cost of institutionalization;

Whereas advancements in genetic research are also offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many children with Down syndrome who attend regular schools, play on Little League teams, and enjoy basketball and golf demonstrate daily success that people with Down syndrome are able to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.•

By Mr. LAUTENBERG (for himself, Mr. WARNER, Mr. BIDEN, Mr. BRADLEY, Mr. BROWN, Mr. BUMPERS, Mr. BURDICK, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr.

DURENBERGER, Mr. EXON, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SPECTER, and Mr. THURMOND):

S.J. Res. 132. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week"; to the Committee on the Judiciary.

NATIONAL RADON ACTION WEEK

Mr. LAUTENBERG. Mr. President, today, Senator WARNER, together with 50 other Senators, join me in introducing a Senate joint resolution which would designate the week of October 13, 1991 as "National Radon Action Week."

Radon exposure poses a serious health risk to the people of our Nation. The EPA estimates that the number of deaths per year due to radon exposure is approximately 20,000. Fortunately, elevated radon levels can be reduced successfully at relatively low cost.

Testing in homes and schools and educating people about the risks associated with radon exposure are the first steps we can take to protect ourselves and our children from the harmful effects of radon. Our resolution calls for the establishment of a National Radon Action Week to encourage these activities.

Last year, the Congress approved Senate Joint Resolution 317 to establish National Radon Action Week in 1990. The resolution, which was signed by President Bush, resulted in a wide range of activities sponsored by EPA and other organizations to encourage radon testing and remediation. These included a weekly reader supplement to over 3 million students, the distribution of an American Medical Association radon brochure to 400,000 physicians, public service announcements, and stories in the media about radon.

This resolution has been endorsed by a broad range of groups and associations including: The American Lung Association, the American Cancer Society, the American Academy of Pediatrics, the National Congress of Parent Teachers Associations, the National Education Association, the Consumer Federation of America, and the State and Territorial Air Pollution Control Administrators.

I encourage my colleagues to cosponsor this resolution and I ask unanimous consent that a copy of the resolution appear in the CONGRESSIONAL RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 132

Whereas exposure to radon poses a serious threat to the health of the people of this Nation;

Whereas the Environmental Protection Agency estimates that lung cancer attributable to radon exposure causes approximately 20,000 deaths a year in the United States;

Whereas the United States has set a long-term national goal of making the air inside buildings as free of radon as the ambient air;

Whereas excessively high levels of radon in homes and schools can be reduced successfully and economically with appropriate treatment;

Whereas only about 2 percent of the homes in this Nation have been tested for radon levels;

Whereas the people of this Nation should be educated about the dangers of exposure to radon; and

Whereas people should be encouraged to conduct tests for radon in their homes and schools and to make the repairs required to reduce excessive radon levels; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 13, 1991, through October 19, 1991, is designated as "National Radon Action Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

By Mr. HOLLINGS (for himself, Mr. KENNEDY, Mr. DODD, Mr. ADAMS, Mr. SHELBY, Mr. GLENN, Mr. JEFFORDS, Mr. PRYOR, Mr. SEYMOUR, Mr. BREAUX, Mr. PELL, and Mr. GORE):

S.J. Res. 133. Joint resolution in recognition of the 20th anniversary of the National Cancer Act of 1971 and the over 7 million survivors of cancer alive today because of cancer research; to the Committee on Labor and Human Resources.

20TH ANNIVERSARY OF THE NATIONAL CANCER ACT OF 1971

Mr. HOLLINGS. Mr. President, one of the proudest and noblest accomplishments of Congress during the 25 years I have served here was passage of the National Cancer Act in 1971. It is estimated that, as a direct result of that legislation and research funded by it, approximately 7 million Americans have survived bouts with cancer who otherwise would have died. To salute this magnificent humanitarian achievement, I rise to offer a resolution recognizing the National Cancer Act's 20th anniversary. Also joining me today, as original cosponsors, are Senators KENNEDY, DODD, ADAMS, SHELBY, GLENN, JEFFORDS, PRYOR, SEYMOUR, BREAUX, and PELL.

Mr. President, there just aren't enough Nobel prizes to reward all of the great discoveries and innovations of modern medicine. Thanks in very large measure to the National Cancer Act of 1971, oncology has been in the vanguard of that progress.

Consider perhaps the cruelest of cancers: childhood leukemia. Ten years ago, leukemia was a death sentence for children; 95 percent of children with leukemia died. Today, over 90 percent of children with leukemia survive. That is an exceptional achievement.

Nonetheless, the bad news is that children still die of cancer. The bad news is that one-third of Americans will contract some form of cancer during their lifetime. Ten percent of Americans will die from cancer—10 percent of us here today.

The good news, though, is this: There is no such thing as an incurable disease, there are only diseases for which mankind has not yet found a cure.

As recently as the 1950's, the overall 5-year survival rate for cancer patients was only 25 percent. The current 5-year survival rate is 52 percent.

When you look at the sharply improved survival rates for Hodgkin's disease, lung cancer, breast cancer, these are "miracle cures" in the best sense of the term.

At the same time, let us remember that these victories didn't just happen. They happened because Government had the vision to sponsor the lion's share of this life-saving research. They happened because of brilliant and dedicated medical researchers. The impressive panoply of federally funded medical research at the National Institutes of Health and at our great research institutions—this truly is government at its best. It is government with the gumption and vision to invest: To invest in people's health, to invest in scientific research and development, to invest in a more competitive and competent America.

I regret that, in recent years, we have sacrificed this idea of purposeful, activist government advancing the national interest. Instead, a malignancy has appeared, spreading the poison that government is not the solution, government is the problem. This malignancy has taken root in the popular consciousness, and it threatens our greatness as a nation.

To take just one case in point, consider the National Institutes of Health. Ten years ago, NIH was the premier biomedical research institute in the world. It was the jewel in the crown of health. The Nation's top medical talent competed for appointments to NIH research teams.

Today, by contrast, NIH is plagued by an exodus of researchers. The stipend for a post-doctoral fellow at NIH—a scientist with a doctorate or M.D.—is $17,000. Only 20 percent of NIH-approved research grants are funded, as compared to 50 percent a decade ago. Of 58 NIH-funded National Cancer Centers, 10 lost their Federal funding in 1990. All this despite the fact that we know full well that every dollar invested in medical research can save up to $13 in lost wages, health care costs, and productivity.

Last year, all but one of the nine winners of the Nobel science prizes were American-born and the product of American universities. The telling point, unfortunately, is that the awards were for work done in the 1960's and 1970's. Given the funding crisis at NIH and elsewhere, few experts believe that today's research will fare nearly as well.

Let me read you a quote from Harvard biologist Walter Gilbert, a 1980 Nobel laureate:

> The strength of American science has been due to an enlightened government policy. * * * That compact has now been destroyed. We no longer have a government that believes it has a responsibility to create new knowledge for the benefit of society.

America, it is time to wake up. We must realize that, within the last several years, we have moved from the cold war to the trade war, from a struggle for military security to a struggle for economic security. We must bear in mind that excellence in biomedical research is not just saving lives, it is one of the critical building blocks of American competitiveness and American economic leadership. We're talking about biotechnology products, pharmaceuticals, medical instruments, and equipment. The United States used to be far-and-away the world leader in exporting these products. But within the last 5 years, we have lost that medical leadership to West Germany, Japan, and even France.

Prior to 1980, the United States introduced 24 percent of all new biotechnology products; Japan introduced only 10 percent. Today Japan exports nearly 40 percent of all new biotechnology, and the United States share has plummeted to a mere 10 percent. We need to get this country moving again across the whole spectrum of economic activity: biomedical, heavy industry, semiconductors, consumer electronics, textiles, you name it.

Mr. President, I was touched by a visit to my Washington office earlier this year by a group of 30 or so teenagers, all of them cancer patients from South Carolina. Many had lost their hair in treatment. Several were severely fatigued and could not move from their wheelchairs. All of them just radiated courage and a hunger for life.

That experience brought home to me the human factor—the profound, life-or-death impact on ordinary people of our policy choices in Washington.

Those children must not be denied. A humane, advanced society cannot say no to such a fundamental, crying need.

Medical researchers have a great saying: You can prevent disease wholesale, but you can cure it only retail. And let's not overlook the obvious: in the years ahead, the life the National Cancer Act saves may be your own, or my own. We each have an ongoing stake in this superb legislation.

Mr. President, in supporting this resolution today, we also rededicate ourselves and this Government to the fight against cancer. This fight summons America's spirit, its brainpower, its compassion, its generosity. It is a worthy fight. It is a fight that, together, we can win.

Mr. KENNEDY. Mr. President, I am pleased to join in support of the resolution to commemorate the 20th anniversary of the National Cancer Act and to recognize the millions of Americans who have been aided by the National Cancer Program in their individual battles with this disease.

Just this morning, the Committee on Labor and Human Resources heard testimony from some of those who have survived battles with cancer. They included the distinguished former Speaker of the House of Representatives, the Honorable Tip O'Neill, Jr., from Massachusetts, who testified before a Senate committee for the first time in order to share his experience with the Congress and the American people and to urge us to do more to tackle this dread disease.

Cancer treatments and cancer cures developed as a result of the National Cancer Act have prolonged and saved lives and given us a generation of childhood cancer survivors. Today, cure rates for those under the age of 20 are 66 percent; they are 75 percent for those under 10. Little did I imagine 20 years ago that my efforts in the Senate would come to bear directly on my own family, providing a cure for my son, Teddy.

The legislation, signed into law in 1971, and the amendments that followed, have led to an unprecedented explosion in the understanding of biology at the cellular level, including crucial information about the prevention of cancer and extraordinary improvements in care and treatment. The expansion of basic research supported by the National Cancer Institute has shed light on cellular processes that were hardly envisioned when we introduced the National Cancer Act two decades ago.

By the time the deadly AIDS epidemic appeared on the scene, researchers were already armed with knowledge and tools that contributed to the rapid identification of the virus and the development of important diagnostic tests and useful therapies. Today, an entire biotechnology industry stands as a proud achievement of 20 years of research conducted as a result of the act.

Before the National Cancer Act, there were no community clinical cancer programs, no national cancer information services for physicians and patients, and no community prevention and control programs. There were much smaller clinical trials, and fewer cancer researchers. Access to specialized care was limited. Only a few comprehensive cancer centers existed.

Clinical research and epidemiology supported by the National Cancer Institute have broadened our understanding of the causes of cancer and given us vital means to prevent it. The knowledge that a third of all cancers are caused by tobacco use has clear implications for public policy and individual behavior. More than a quarter of adults use tobacco products, and most started when they were children. Many people are alive and well today because they benefited from this new information and stopped smoking.

Yet, too many Americans still do not benefit from the knowledge and resources that have become available in the past 20 years. Recent studies show that the socioeconomically disadvantaged in this country are at higher risk of death from many cancers than the general population. We need a much greater national effort to eliminate that shameful correlation and bring the benefits of the war on cancer to all Americans.

The vision that inspired the National Cancer Act continues to inspire us today. But we will not realize its potential for the future unless we continue to support it.

By the end of the first decade after the act was passed by Congress, the annual budget of the National Cancer Institute had increased from under $200 million to $1 billion, or 30 percent of the budget of the entire NIH. In the second and latest decade, however, the budget for cancer research has declined in real dollars. Although the budget of NIH has risen 27 percent, the budget of the National Cancer Institute has declined by 6 percent. The decline is even steeper, if the AIDS research funds of the Cancer Institute are not counted.

For the coming year, the administration proposes a budget for the National Cancer Institute that falls some $800 million short of the Institute's bypass budget. This enormous disparity between bypass and proposed budgets has arisen gradually over the last few years and is due in part to the failure of the Cancer Institute's budget to keep up with the rest of the NIH budget or even with inflation. The $800 million figure is an indicator of the accumulated failure to take advantage of many exciting research, treatment, and prevention and control opportunities that have developed in the recent past.

When the National Cancer Act was passed in 1971 cancer was the disease that Americans most feared. Despite the major advances that have been made as well as new health issues, cancer is still the number one fear today.

The war on cancer is far from won. This is no time to lose our momentum or call a retreat but rather to renew our commitment to waging a war we are determined to win.

By Mr. BENTSEN:

S.J. Res. 134. Joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day"; to the committee on the Judiciary.

NATIONAL DESERT STORM RESERVISTS DAY

• Mr. BENTSEN. Mr. President, today I introduce legislation to commemorate the role of our Reserves and National guard in Operation Desert Shield and Desert Storm, and to designate Wednesday, May 22, 1991, as "National Desert Storm Reservists Day." In addition to local ceremonies, I believe we should honor members of our Reserve component forces and their families by setting aside a special day of recognition. Their sacrifices were our country's gain.

The tradition of the citizen soldier has served America well from the days of the minutemen who fought at Lexington and Concord right down to the reservists and guardsmen who recently served in the Middle East. Never has this tradition of selfless citizenship been better demonstrated than during Operations Desert Shield and Desert Storm.

Our military victory in the Persian Gulf was decisive, largely as a result of our professionally trained Armed Forces. Roughly half a million military personnel were sent to the Middle East to halt and ultimately to reverse Saddam Hussein's aggression. More than 100,000 of those sent were members of the Ready Reserves ordered to active duty to help carry out U.S. objectives in the region. Unlike those already on active duty, these men and women had to leave their homes, their jobs, and their families to answer the Nation's call.

Not in the Kuwait theater of operations, but instead serving in vital support roles elsewhere were 117,000 reservists and guardsmen. In all, 223,000 Ready Reserve forces were summoned for the war. Both directly and indirectly, they were essential to the allied victory. Their work included supply distribution, intelligence missions, aerial refueling, and combat operations, among numerous other jobs.

Mr. President, it has been two decades since the United States has had a major callup of its Reserve component forces. Yet performance reports indicate that they were up to the test, and even exceeded our expectations of them. This joint resolution honoring their efforts and designating May 22 as "National Desert Storm Reservists Day" is a way to say "thank you." I believe it is important that we set aside a special time to commemorate the role of the Reserves and National Guard in Operations Desert Storm and Desert Shield.•

By Mr. RIEGLE (for himself and Mr. SMITH):

S.J. Res. 136. A joint resolution to authorize the display of the POW-MIA flag on flagstaffs at the national cemeteries of the United States, and for other purposes; to the Committee on Veterans Affairs.

POW-MIA FLAG RESOLUTION

• Mr. RIEGLE. Mr. President, I rise to introduce legislation, along with the Senator from New Hampshire [Mr. SMITH], which would authorize Directors of Department of Veterans Affairs national cemeteries to fly the POW-MIA flag on a daily basis. It is my honor to offer this resolution as it affords well-deserved recognition to the thousands of American service personnel who remain missing and unaccounted for.

United States military forces departed Vietnam more than 15 years ago, but still, the uncertain fate of more than 2,000 Americans missing in the wake of that conflict endures. In addition, the physical remains of tens of thousands of troops who served in World War I, World War II, and the Korean war still have not been recovered. And, as of today, there are still two individuals missing in action following Operation Desert Storm. Until every American missing as a result of the Vietnam war and other conflicts is accounted for, America must remain dedicated to keeping the POW-MIA issue in the forefront of our national agenda.

Currently, the VA allows flying of the POW-MIA flag only on certain national holidays, such as Memorial Day, Veterans' Day, and National POW-MIA Recognition Day. This policy, however, fails to recognize that the POW-MIA question is a year-round concern for the Nation. Moreover, it falls short of the sympathy and respect America should afford to the families of missing Americans who must deal with their heartache and loss each day. For this reason, the legislation I introduce today authorizing the flying of the POW-MIA flag on a daily basis serves as a pledge of the high national priority this country assigns to obtaining a full accounting of missing American service personnel.

Last year, Congress passed legislation (Public Law 101-355) which granted official Federal Government recognition to the National League of Families POW-MIA flag. That law designated the POW-MIA flag "as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted-for in Southeast Asia * * *." The resolution I offer today authorizes directors of the more than 100 cemeteries in the National Cemetery System to fly the POW-MIA flag specifically recognized under this law.

Furthermore, the legislation urges that the cemetery director consult with community leaders to devise an appropriate method of flying the flag in the individual community. Although discretion for flying the flag at each cemetery would be taken out of the hands of the VA and given to each cemetery director, in practice the decision to honor POW-MIA's would rest with the community.

Because I have not included an appropriation of funds for the purchase of POW-MIA flags in this resolution, it is my intention to spur community involvement by encouraging that a flag be donated to cemeteries choosing to fly one. As an example of how this process may work, $500 has already been donated for the purchase of a flagpole and a POW-MIA flag for display at the Fort Custer National Cemetery in Augusta, MI.

Finally, I believe strongly that by flying the POW-MIA flag at America's national cemeteries, America would be taking an important step in honoring missing Americans. While some progress has been made to speed the search for those whose fate is yet unknown, we must remain dedicated to identifying and returning all possible POW-MIA's and devoted to recalling their profound contribution to the freedom we enjoy in our democratic society. By introducing this legislation, I hope to express my commitment to achieving a full accounting of those still listed as missing in action and to offer our Nation this fitting tribute to these esteemed and courageous Americans.

Mr. President, I ask unanimous consent that the full text of Senate Joint Resolution 136 be printed in the RECORD immediately following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 136

Whereas tens of thousands of members of the Armed Forces of the United States who served in foreign wars were captured by enemy forces or were officially considered missing in action;

Whereas the fate of many such members is still unknown;

Whereas many American prisoners of war were severely mistreated by their enemy captors in violation of international law;

Whereas many American prisoners of war suffered permanent disabilities or died as a result of such mistreatment;

Whereas the relatives of American military personnel interned as prisoners of war or listed as missing in action have experienced profound sorrow and anguish as a result of lack of information about the fate of such personnel;

Whereas the physical remains of tens of thousands of members of the Armed Forces of the United States who served in World War I, World War II, and the Korean War have still not been recovered;

Whereas more than 2,000 members of the Armed Forces of the United States who served in Southeast Asia during the Vietnam conflict remain missing in action and unaccounted for as a result of that service;

Whereas information available to the Government of the United States precludes ruling out the possibility that United States military personnel are still held in captivity in Southeast Asia, and many people share that view;

Whereas during the Persian Gulf conflict a number of male and female members of the Armed Forces of the United States serving in the Persian Gulf were listed as missing in action or prisoner of war;

Whereas Iraq captured, allegedly mistreated, several members of the Armed Forces of the United States serving in the Persian Gulf in connection with the Persian Gulf conflict;

Whereas such mistreatment is a violation of international law;

Whereas the people and Government of the United States must remain committed to a full accounting of American military personnel whose fate remains unknown; and

Whereas, in Public Law 101-355, the Federal Government recognized officially and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner of war, missing in action, or unaccounted for in Southeast Asia: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. AUTHORIZATION TO FLY POW/MIA FLAG.

The director of each national cemetery is authorized to display a POW/MIA flag on a flagstaff at that cemetery. In determining whether to display a POW/MIA flag at the cemetery, the director is authorized and urged to consult with appropriate representatives of local civic and veterans' organizations having an interest in the activities of the cemetery.

SEC. 2. PROHIBITION ON OBLIGATION OF APPROPRIATED FUNDS FOR PURCHASE OF FLAG.

No officer or other employee of the Federal Government may obligate appropriated funds for the purpose of purchasing a POW/MIA flag for display at a national cemetery.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "national cemetery" means any cemetery in the National Cemetery System referred to in section 1000 of title 38, United States Code.

(2) The term "POW/MIA flag" means the flag designated as the National League of Families POW/MIA flag pursuant to section 2 of the Joint Resolution designating September 21, 1990, as "National POW/MIA Recognition Day", and recognizing the National League of Families POW/MIA flag (Public Law 101-355; 104 Stat. 416).

(3) The term "flagstaff" means any flagstaff at a national cemetery, including the main flagstaff of the cemetery.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from Washington [Mr. ADAMS] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 152

At the request of Mr. COATS, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Idaho [Mr. CRAIG], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 400

At the request of Mr. SYMMS, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 400, a bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails.

S. 455

At the request of Mr. MITCHELL, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 455, a bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

S. 471

At the request of Mr. MCCAIN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 471, a bill to protect consumers by regulating certain providers of 900 telephone services.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 499

At the request of Mr. LUGAR, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 499, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes.

S. 544

At the request of Mr. HEFLIN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 544, a bill to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

S. 601

At the request of Mr. ADAMS, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 601, a bill to withhold United States military assistance for El Salvador, subject to certain conditions.

S. 602

At the request of Mr. SASSER, the names of the Senator from Washington [Mr. ADAMS], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 602, a bill to improve the food stamp and nutrition programs, and for other purposes.

S. 640

At the request of Mr. KASTEN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 640, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 659

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 659, a bill to suspend temporarily certain bars to the furnishing of veterans benefits to certain former spouses of veterans and to suspend temporarily a bar to the recognition of certain married children of veterans for veterans benefits purposes.

S. 684

At the request of Mr. FOWLER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 684, a bill to amend the National Historic Preservation Act and the National Historic Preservation Act Amendments of 1980 to strengthen the preservation of our historic heritage and resources, and for other purposes.

S. 712

At the request of Mr. SYMMS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 712, a bill to amend section 411F(2) of the Higher Education Act of 1965 to exclude as an asset the net value of the family's principal place of residence and a family farm on which the family resides.

S. 720

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 768

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 768, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the establishment of a national electric vehicle program for the United States, and for other purposes.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 809

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 809, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 845

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 845, a bill to direct the Secretary of State to seek an agreement from the Arab countries to end certain passport and visa policies and for other purposes.

S. 879

At the request of Mr. DASCHLE, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 884

At the request of Mr. PACKWOOD, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 884, a bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale driftnet fishing.

S. 890

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 890, a bill to reauthorize the Star Schools Program Assistance Act, and for other purposes.

S. 918

At the request of Mr. PACKWOOD, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 918, a bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers, producers, and importers from the firearms excise tax.

SENATE JOINT RESOLUTION 12

At the request of Mr. DECONCINI, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing a constitutional amendment to limit Congressional terms.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Ohio [Mr. GLENN], the Senator from North Carolina [Mr. SANFORD], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May, 1991, as "National Foster Care Month."

SENATE JOINT RESOLUTION 96

At the request of Mr. RIEGLE, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 96, a joint resolution to designate November 19, 1991, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 121, a joint resolution designating September 12, 1991, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 130

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 130, a joint resolution to designate the second week in June as "National Scleroderma Awareness Week."

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LAUTENBERG, the names of the Senator from Texas [Mr. GRAMM], the Senator from Michigan [Mr. RIEGLE], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DIXON, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Missouri [Mr. BOND], the Senator from Kentucky [Mr. FORD], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Resolution 103, a resolution relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

SENATE CONCURRENT RESOLUTION 32—GRANTING AN APPROPRIATIONS LINE ITEM VETO AND A QUESTION HOUR FOR EXECUTIVE OFFICIALS

Mr. DIXON submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring),

SECTION. 1. APPROPRIATIONS ITEM PRESIDENTIAL REVIEW PROCESS.

(a) SUBMISSION TO THE PRESIDENT.—Each conference committee between the Senate and the House of Representatives to which an appropriations bill for fiscal year 1993, 1994, or 1995 is referred (referred to as the "conference committee") shall, at the time the conference report is otherwise ready for the signature of the conferees, transmit a draft of such report to the President, and wait 10 days before signing the report.

(b) PRESIDENTIAL REVIEW.—The President shall have a period of 10 days from the date of receipt of a draft conference report pursuant to subsection (a) to review the report and transmit to the conference committee a special message specifying—

(1) any change in the amount of individual items of appropriation contained in the draft conference report that the President submits for consideration pursuant to subsection (c); and

(2) that the President agrees to sign the appropriations bill when it is officially submitted to the President if—

(A) Congress votes on each of the individual items described in paragraph (1); and

(B) the bill is identical to the bill submitted to the President pursuant to subsection (a) except that the bill shall contain any individual item of appropriation that the President proposes changing pursuant to this subsection and that the Congress fails to disapprove under subsection (c).

(c) AMENDMENTS IN DISAGREEMENT.—

(1) IN GENERAL.—If the President submits a special message under subsection (b), the conference committee shall amend its conference report to include as separate amendments in disagreement each change in an individual item of appropriation that the President proposes in the special message.

(2) FINAL CONFERENCE REPORT.—The House and the Senate shall vote to approve or disapprove each individual item of appropriations changed by the President and submitted as an amendment in disagreement in the conference report. Any amendment that both the Senate and House of Representatives do not approve shall not be included in the final conference report submitted to the President. Any amendment that the Senate or the House approve, or both the Senate and the House approve, shall be included in the final conference report submitted to the President. After the Senate and the House of Representatives vote on each amendment in disagreement, the conference committee shall be reconvened and instructed by the House of Representatives and the Senate to include each individual item of appropriations changed by the President and approved by the Senate or the House of Representatives, or both the Senate and the House of Representatives, in a revised conference report.

(d) SUBMISSION OF FINAL BILL TO PRESIDENT.—The House of Representatives and the Senate shall adopt and submit to the President for approval an appropriations bill identical to the draft submitted to the President pursuant to subsection (a), except the appropriations bill shall include any individual items of appropriation that are changed pursuant to the procedures of subsection (c).

SEC. 2. QUESTION HOUR.

(a) IN THE SENATE.—The Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"RULE XLIII

"QUESTION HOUR

"1. The Senate shall convene as a Committee of the Whole for a question hour period devoted to questioning the President and a designated cabinet officer on alternate Mondays when the Senate is in session. The Senate question hour period shall be scheduled to occur on Mondays when the House of Representatives is not conducting a question hour. The President pro tempore (or designee) shall serve as the Chairman of the Committee of the Whole to control time allocations and to recognize Senators, the President, and cabinet members for the purpose of speaking.

"2. The question period shall be two hours in length. One hour shall be available for questions to the President and the other hour shall be available for questions to a Cabinet member. The general topic or topics to be covered by oral questions shall be submitted by the Majority Leader, after consultation with the Minority Leader, at least 48 hours in advance of the question hour.

"3. Twenty minutes of the President's question hour shall be allocated to the Senators representing the President's political party, and 40 minutes to Senators representing the other political party. Time for answers to questions shall come out of the time of the party asking the questions.

"4. Cabinet members shall participate in the question hour in a rotation determined by the President. Only one cabinet member shall be questioned orally in any one question hour. If the Majority Leader, after consultation with the Minority Leader, provides notification to the President at least 48 hours in advance of a question hour that the Senate requests a cabinet officer appear at the question hour other than the cabinet officer scheduled by rotation, the cabinet officer designated by the Senate shall appear. The week after a cabinet officer appears out of order the regular rotation order shall be resumed. The hour devoted to questioning a cabinet member shall be divided in the same manner as the time for questioning the President.

"5. Questions for the question hour may also be written and relate to any subject. Written questions shall be submitted to the President or any cabinet officer at least two weeks in advance of the question hour. Answers to written questions shall be in writing and shall be submitted to the Senate before the question hour. The written questions and answers shall appear in the Congressional Record with the oral proceedings of the Committee of the Whole.".

(b) IN THE HOUSE OF REPRESENTATIVES.—The Rules of the House of Representatives are amended by adding at the end thereof the following new rule:

"RULE LI

"QUESTION HOUR

"1. The House of Representatives shall convene as a Committee of the Whole for a question hour period devoted to questioning the President and a designated cabinet officer on alternate Mondays when the House of Representatives is in session. The House of Representatives question hour period shall be scheduled to occur on Mondays. when the Senate is not conducting a question hour. The Speaker of the House (or designee) shall serve as the Chairman of the Committee of the Whole to control time allocations and to recognize Members, the President, and cabinet members for the purpose of speaking.

"2. The question period shall be two hours in length. One hour shall be available for questions to the President and the other hour shall be available for questions to a Cabinet member. The general topic or topics to be covered by oral questions shall be submitted by the Majority Leader, after consultation with the Minority Leader, at least 48 hours in advance of the question hour.

"3. Twenty minutes of the President's hour shall be allocated to the Senators representing the President's political party, and 40 minutes to Senators representing the other political party. Time for answers to questions shall come out of the time of the party asking the questions.

"4. Cabinet members shall participate in the question hour in a rotation determined by the President. Only one cabinet member shall be questioned orally in any one question hour. If the Majority Leader, after consultation with the Minority Leader, provides notification to the President at least 48 hours in advance of a question hour that the House of Representatives requests a cabinet officer appear at the question hour other than the cabinet officer scheduled by rotation, the cabinet officer designated by the House of Representatives shall appear. The week after a cabinet officer appears out of order the regular rotation order shall be resumed. The hour devoted to questioning a cabinet member shall be divided in the same manner as the time for questioning the President.

"5. Questions for the question hour may also be written and relate to any subject. Written questions shall be submitted to the President or a cabinet officer at least two weeks in advance of the question hour. Answers to written questions shall be in writing and shall be submitted to the House of Representatives before the question hour. The written questions and answers shall appear in the Congressional Record with the oral proceedings of the Committee of the Whole.".

SEC. 3. QUESTION HOUR CONDITION TO EXERCISE OF ITEM VETO AUTHORITY.

The President may review appropriations bills under the procedure provided by section 1 of this resolution only if the President is participating in the question hours of the Senate and the House of Representatives established by section 2 of this resolution.

SEC. 4. SUNSET DATE.

This Act and the amendments made by this Act shall be repealed effective upon the adjournment of the 103rd Congress, sine die.

Mr. DIXON. Mr. President, the fiscal 1992 Federal budget process is now well underway. The standard speeches about fiscal responsibility and the need to reduce our huge budget deficits are being made again, and once again, a budget that appears to cut the deficit will be enacted.

If that sounds familiar, it should. That has been the way budgets have been handled ever since I came to the Senate in 1981. The only real difference has been that some years there is a budget summit that certifies that painful progress is being made.

Unfortunately for both the President and the Congress, however, the American public has long since discovered that this budget process is an emperor without any clothes at all. It hasn't produced lower deficits—in fact, deficits are now higher than ever—and it's not even good theater. Instead, all the last 10 years have accomplished is to create ever greater public cynicism regarding Government and its ability to solve problems.

Our budget process is clearly more bankrupt than the Federal Treasury, and the public's understandable reaction to it tears at the heart of our system of Government. To help repair the mess that has been created, we need a presidential item and reduction veto and a British-style question hour.

The item veto will provide greatly needed fiscal discipline to a system biased in favor of ever-increasing spending and deficits. The question hour will make sure that the President and the Congress are more accountable for the budget decisions that Congress and the President jointly make. Both changes will benefit the long-suffering taxpayer and voter.

The item veto, of course, has a long history. Governors of 43 of our 50 States already have item veto authority. The fact that so many States put it into their constitutions is a clear demonstration that States are convinced that this spending control tool is needed and that it works.

In spite of its wide acceptance at the State level, however, the item veto has still not been made part of the U.S. Constitution. Every President since Franklin D. Roosevelt has asked for the item veto, but many Members of Congress are concerned that it would tilt the balance of powers away from the Congress and toward the President. Since the generally accepted way of proposing constitutional amendments requires action by two-thirds majorities of both the Senate and the House of Representatives, the result is that the item veto has never been submitted to the States for ratification.

Fortunately, there is a way to provide a test of the item veto that does not require enacting a constitutional amendment, or even a statute. I am introducing a concurrent resolution, a form of legislation that does not require the President's signature to take effect, that sets out the mechanism for such a test.

Basically, the proposal modifies the Senate and House rules dealing with consideration of spending bills to create a system that effectively duplicates the constitutional amendment item veto procedure. The proposal, in effect, sets out a kind of political contract between the President and the Congress.

The Congress, on its side of the contract, would agree through its rules to vote on individual items in appropriations bills that the President by letter states his objection to, and to delete or reduce any items that did not command majority support in both bodies. The President, for his part, would agree to sign into law those appropriations bills that were handled under this procedure. The President would not have to use the item veto authority. If he did, however, he would be agreeing not to veto the entire bill, thus ensuring that the President does not get what no Governor gets—two bites at the veto apple.

Because the rules changes sunset after 3 years, and because they can be modified by a simple majority in either the House or the Senate without any involvement of the President, it cannot be argued that the proposal transfers legislative power to the President or that it upsets the balance of powers between the legislative and executive branches of Government.

Providing further balance of powers insurance is the fact that the proposal permits overrides of item or reduction vetoes by majority vote. This concept is based on Illinois experience in this area. In Illinois, reductions of individual items are subject to override by majority vote, rather than by the super-majority vote required to override the veto of an entire bill.

A 1988 Government Accountants Journal study concluded that "States with the (item reduction and line item veto, such as Illinois) have the lowest expenditures as a percentage of per capita income." So why not try it here, Mr. President?

Complementing the item veto is the proposal's creation of a British-style question hour. The proposal requires the President and his Cabinet to appear periodically before the House and Senate to respond to questions from Members of the Senate and the House of Representatives, and links the item veto authority to the question periods.

The United States, of course, is not a parliamentary democracy, and we should not give up the separation of powers that has served us so well for the past 200 years. However, ours is also a system of checks and balances, and a question hour can make as much sense for us as it does for the British. For example, under our Constitution, the President is already part of the legislative process. He can veto bills, subject to override by a two-thirds vote of the Congress. He can call the Congress into session. He is required to report to Congress on the State of the Union and to recommend legislation for the consideration of the legislative branch.

It is interesting to note that George Washington, when he became President, thought he should go to the capitol frequently to communicate with Congress. Unfortunately for our history and the traditions that helped shape the Presidency, Washington did not enjoy his first experience and so he decided never to repeat it. It was his decision, and not the Constitution itself, that created the tradition against having President's answer questions before Congress.

Both a question hour and the item veto provide real public benefits. Both will make our system of government work better and both will help ensure that it addresses problems that need to be addressed. Under my approach, a test of both concepts can begin without jeopardizing the constitutional balance of powers between the branches. It is time to start that test. Now!

I ask unanimous consent that a summary of the concurrent resolution, and a copy of the study form the winter 1987–88 Government Accountant's Journal, be included at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Summary of the Line Item Veto and British Style Question Hour Period Concurrent Resolution Proposal, April 23, 1991

LINE ITEM VETO

Summary: The concurrent resolution modifies the conference committee procedure for a period of 3 fiscal years (1993, 1994, 1995), in order to provide the president with, in effect, a line-item and reduction veto.

Prior to signature by the conferees, of a draft conference report on an appropriation bill, a draft of the bill would be sent to the President for review. The President would have 10 days from date of receipt of the draft report to reduce or eliminate any individual appropriation contained in the bill if he so chooses.

Should the President take no action, he reserves the right to veto the whole bill. Should he choose to reduce or eliminate any line item in the bill, he pledges not to veto the whole bill, and pledges to sign the bill after the Congress has acted on the individual items recommended by the President for reduction or elimination, and if no other changes are made to the bill.

Under this scenario, the President would not get two bites of the same apple.

Should he choose to reduce or eliminate individual line items, those items would be reported back to the conferees in a special message from the President, as individual amendments in disagreement. Such amendments must be voted upon by both Houses prior to the issuance of the final conference report. A majority vote on the amendments reported in disagreement would prevail.

If both Houses do not agree to the President's recommended spending level (contained in the amendment reported in disagreement), the amendment fails, and the original amount contained in the draft conference report stands. If one or both Houses approve the President's recommended spending level, that spending level prevails.

Example 1

Original request contained in draft conference report—$4 million.

Pres. reduction reported as amendment in disagreement—$2 million.

House approves President's request—Yes.

Senate approves President's request—Yes.

Final amount in Conference Report—$2 million.

Example 2

Original request contained in draft conference report—$4 million.

Pres. reduction reported as amendment in disagreement—$2 million.

House approves President's request—No.

Senate approves President's request—No.

Final amount in Conference Report—$4 million.

Example 3

Original request contained in draft conference report—$4 million.

Pres. reduction reported as amendment in disagreement—$2 million.

House approves President's request—Yes/No.

Senate approves President's request—No/Yes.

Final amount in Conference report—$2 million.

Amendments reported in disagreement are not subject to further amendment.

QUESTION HOUR PERIOD

Summary: The Standing Rules of the Senate are amended to provide an opportunity for the President and members of the executive branch to come before the House and

Senate on alternate Mondays when each is in session.

Question periods would last for 2 hours. One hour of time would be allotted for questions by members to the President, 1 hour to the accompanying Cabinet member. Twenty minutes of member question time would be allotted to the members of the President's party, 40 minutes for the members of the opposition.

FIGURE 1.—TIME BREAKDOWN OF QUESTION HOUR

[In minutes]

President's time		Cabinet member's time	
President's party	Opposition party	President's party	Opposition party
20	40	20	40

Cabinet members would be rotated on a basis determined by the President. Only one Cabinet member would be questioned in a question hour. A Cabinet member can be called out of order of rotation only if the majority and minority leader provide notification to the President 48 hours in advance of the question hour.

Written questions can be submitted to the President or any Cabinet officer no less than 2 weeks in advance of the question hour.

Answers to written questions, as well as the whole oral proceedings of the Committee of the Whole, would be reprinted in the Congressional Record.

Finally, the line-item veto authority provided in section 1 of the concurrent resolution is tied to Presidential compliance with the provisions of the question hour. The President would not get one without the other.

From the Government Accounts Journal

THE LINE ITEM VETO: HOW WELL DOES IT WORK?

(By Ray L. Brown)

President Reagan continues to claim that the line item veto would reduce Federal spending.[1] In his 1984 State of the Union message he said, "I found this 'line item veto' was a powerful tool against wasteful or extravagant spending. It works in 43 States—let's put it to work in Washington, D.C. for all the people."[2]

President Reagan's claim that the line item veto works in 43 States has not been proven or disproven.

There is considerable political and theoretical support for and against having a line item veto at the Federal level. The arguments on both sides of this issue were assembled and discussed in a Library of Congress report.[3] This report listed six arguments for and seven against the line item veto. The arguments presented in favor were:

1. It would reduce extravagance in public expenditure.
2. It would discourage "pork barrel" appropriations.
3. It would curb logrolling.
4. It would restore to the President his veto power.
5. It would expedite the completion of the legislative program.
6. The item veto has worked successfully in the States.

In summary, arguments 2 and 3 relate to number 1, and 4 and 5 relate to Presidential-Congressional relations.

The seven arguments presented against the line item veto were:

1. It would lessen the responsibility of Congress.
2. It would increase the influence of the Executive, whose powers have already been much expanded.
3. It would destroy the system of checks and balances established by the Constitution.
4. It would violate the principles of separation of powers embodied in the Constitution.
5. It would defeat the legislative intent of Congress.
6. The amendment is entirely unnecessary.
7. It would be an uncertain grant of power.

In summary, these seven arguments against have to do with Presidential-congressional relations or legal considerations.

The President seems to be using the first and sixth arguments for the line item veto that were presented in the Library of Congress report as the basis for his claims [supra] that the line item veto is a "powerful tool against . . . extravagant spending" and "It works in 43 states. . . ."

The line item veto has been used at the State level of government for more than 100 years. However, there are no reports that are useful in determining whether the line item veto has been useful in actually reducing spending in all the States that have authorized its use. In fact, the only information on a nationwide basis seems to be a survey in which one legislative budget officer in each State was asked his/her "perceptions of how the item veto is actually used in State budgeting." The sample size and source of information cannot be considered scientific or impartial.

This article reports on a nationwide study on spending by State governments: those with and those without line item veto authority; and, it covers the years 1942 through 1985. The purpose of the study was to determine, if possible, whether the line item veto reduces wasteful and extravagant spending, and whether it works in the states as claimed by President Reagan.

WHAT IS THE LINE ITEM VETO?

The American Political Dictionary describes the (line) item veto [1962, p. 210]:

"The power exercised by the governor in all but a few states to veto sections or items of an appropriation bill while signing the remainder of the bill into law. Governors in several states can reduce appropriation items, and in a few states may veto sections of nonfinancial bills. The legislature may override the vetoed items. The President does not exercise the item veto power."

In governmental organizations without the line item veto, chief executive officers are required to veto an entire appropriation bill if they want to delete any portion of it, no matter how small or insignificant. When vetoed, none of a bill can go into effect unless the legislative body either votes to override the veto or removes the objectional part(s) before returning it to the chief executive.

BRIEF HISTORY OF THE LINE ITEM VETO

The first State to authorize a veto of any type was Massachusetts (1780). Currently, the only State not having any type of veto authority is North Carolina. The first line item veto authority was given to the President of the Confederate States of America (1861). Georgia (1865) and Texas (1866) were the first two States in the Union to authorize its use. Every State admitted to the Union since the Civil war, except Nevada, has authorized the line item veto.

Currently, there are four major categories of veto authority in the United States:

1. No veto authority: North Carolina
2. Regular veto authority: Indiana, Maine, Nevada, New Hampshire, Rhode Island, Vermont
3. Line item veto authority: the remaining 43 States
4. Special line item veto authority—in addition to line item veto authority, the governors of 10 States are also allowed to reduce the dollar amount of an appropriation: Alaska, California, Illinois, Massachusetts, Missouri, New Jersey, North Dakota, Pennsylvania, Tennessee, West Virginia

RESEARCH METHODOLOGY

It is easier to find data on expenditures than it is to determine which, if any, of the expenditures are "wasteful or extravagant": the types of expenditures President Reagan said could be eliminated with the line item veto (*supra*, p. 1). Current political science, budgeting, and accounting texts do not define the terms "wasteful" or "extravagant." Webster's Dictionary [1969] defines extravagance: "2. a spending of more than is reasonable or necessary; excessive expenditure; wastefulness." This definition was not very helpful.

A major justification for the line item veto is its use to "curtail riders" to appropriation bills (supra, p. 2). These riders are considered to be one cause of wasteful spending by the U.S. Congress. However, the American Political Dictionary points out "What may be considered a rider by one legislator may be regarded by another as . . . important and germane. . . ." Because of the difficulty side of a particular spending issue, a different approach to defining the expenditures affected by line item vetoes seemed necessary.

Since the basic issue is expenditures—whether or not they could be classified as wasteful or extravagant—it seemed appropriate to analyze expenditures per se. President Grant once stated that the line item veto "would protect the public against the many abuses and waste of public moneys. . . ." and "The very least that could be said is that the change would not increase the expenditures of the government, and in all probability would diminish it."[6] Whatever the reason the 43 States originally had for giving their governors line item veto authority, the belief that this authority will reduce expenditures, still exists.[7]

The exercise of the line item veto at the State level of government does not prove that wasteful or extravagant expenditures have been reduced. It only indicates that expenditures have been reduced from the amount appropriated by a legislature.

To determine whether the line item veto works by reducing expenditures, as claimed by its proponents, the expenditures of those States with the line item veto could be compared with the expenditures in those States without it. The hypothesis is that the States with the line item veto would have lower expenditures. However, to determine whether the line item veto was used to eliminate wasteful and extravagant expenditures would require an analysis of each line item vetoed to include whether the veto was overriden, the ultimate impact on expenditures, etc.

Expenditure data for the 50 States are published periodically by the U.S. Bureau of the Census.[8] In order to determine whether the results obtained from the expenditure data for the latest time period (1985) were representative, data were collected and analyzed for all years for which comparable data were available. In this case, comparable data were available from 1942 to 1985.

Expenditure data collected are titled "General Expenditures." General expenditures are defined by the Census as "All state expenditures other than the specifically enumerated kinds of expenditure classified as Liquor Stores Expenditure, Insurance Trust

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Footnotes at end of article.

Expenditure, and Utility Expenditure." This expenditure classification was used because it is representative for all the States. It also provided for the greatest number of years of comparable data.

Expenditures had to be analyzed on a basis so that those in one State could be compared to those in the others. Expenditures in 1985 ranged from $23.6 billion in California to $777 million in South Dakota. Comparisons based on the differences in total expenditures did not seem fruitful since several factors could affect them, e.g., differences in population and in per capita income.

An analysis of expenditures on a per capita basis was made. What was found was that per capita expenditures were closely associated with per capita income in that the States with the lowest per capita income tended to have the lowest per capita expenditures. Statistical tests confirmed this finding. This finding raised the question whether State-by-State per capita spending differences might be more of a function of per capita income available to a legislature than spending preferences among the States. In 1985, per capita income varied from a high of $17,487 in Alaska to a low of $8,777 in Mississippi. The average was $12,789.

Due to the differences in per capita income, it would seem that each dollar spent by the State of Alaska would have less of a personal financial impact on its citizens in terms of current or future taxes than would an equal expenditure by the State of Mississippi. Therefore, expenditures were analyzed as a percentage of per capita income—see Exhibit 1. This approach was used because it best portrays the burden of expenditure on each dollar of income earned by the citizens of the several States.

FINDINGS

Exhibit 1 lists the States in the order of low to high expenditures as a percentage of per capita income. It also shows the line item veto status of each State, using the following categories: no line item veto; the 33 States that do not have the special line item veto authority; and the ten States with the special authority. The average expenditure in 1985 was 7.43%. The average for the States with the line item veto was 7.42%, and the average for the States without it was 7.62%.

EXHIBIT 1—EXPENDITURES AS A PERCENT OF PER CAPITA STATE INCOME—1985

State and ranking	Percentage expenditure	Line item veto status		
		None	Regular	Special
1 Florida	5.0		X	
2 Texas	5.7		X	
3 Colorado	6.1		X	
4 Missouri	6.1			X
5 California	6.4			X
6 New Jersey	6.4			X
7 Kansas	6.4		X	
8 Indiana	6.4	X		
9 New Hampshire	6.6	X		
10 Illinois	6.6			X
11 Nevada	6.7	X		
12 Ohio	6.7		X	
13 Virginia	6.8		X	
14 Arizona	6.8		X	
15 Pennsylvania	6.9			X
16 Georgia	7.2		X	
17 North Carolina	7.2	X		
18 Connecticut	7.3		X	
19 Maryland	7.4		X	
20 Nebraska	7.6		X	
21 Tennessee	7.6			X
22 New York	7.9		X	
23 Oklahoma	7.9		X	
24 Iowa	8.0		X	
25 Wisconsin	8.2		X	
26 Arkansas	8.2		X	
27 Minnesota	8.3		X	
28 Massachusetts	8.4			X
29 Michigan	8.4		X	
30 Idaho	8.6		X	
31 Washington	8.9		X	
32 Mississippi	9.0		X	
33 South Carolina	9.1		X	
34 Oregon	9.3		X	
35 Kentucky	9.6		X	
36 South Dakota	9.9		X	
37 Alabama	10.2		X	
38 Louisiana	10.3		X	
39 West Virginia	10.4			X
40 Maine	10.6	X		
41 Utah	11.4		X	
42 Montana	11.6		X	
43 Rhode Island	12.1	X		
44 Delaware	12.1		X	
45 New Mexico	12.1		X	
46 North Dakota	12.3			X
47 Wyoming	13.0		X	
48 Vermont	14.0	X		
49 Hawaii	15.2		X	
50 Alaska	34.7			X

The average expenditures as a percentage of per capita income for those States with the line item veto were compared with the average for those States without, and the results are shown on Exhibit 2 for all ten time periods for which data were collected. Expenditures in the States with the line item veto are lower or, in one case, equal to those in the States without it. This finding supports the hypothesis that expenditures should be lower in States with the line item veto. In turn, this finding seems to support President Reagan's claims that "the line item veto was a powerful tool against wasteful or extravagant spending" and that "it works in 43 States."

[Exhibits 2 and 3 not reproducible for the Record.]

A second line of analysis was suggested by the two different types of line item veto, i.e., States with the "regular" line item veto authority and States with the "regular" line item veto authority plus the additional authority to reduce the dollar amount of an appropriation rather than line it out completely. Governors in 33 States with the regular line item veto authority can only accept or reject an item in an appropriation bill. They do not have the special authority of the ten governors who can also adopt the middle ground of accepting an item but at a reduced dollar amount.

The expenditure data for all the States with the line item veto were divided into these two categories. Expenditures in the States with the special line item veto authority were lower. In 1985, they were 7.3% lower.

Due to the seeming efficiency of the special line item veto over the regular line item veto, the expenditure history of the States with the special authority was also compared to the experience of the States with no line item veto authority.

The exact percentages are as follows:

LINE ITEM VETO STATES

	1942	1945	1950	1955	1960	1965	1970	1975	1980	1985
Special	5.06	3.58	5.50	6.07	3.84	4.48	6.01	6.53	6.28	7.06
Regular	5.19	4.15	6.09	6.99	4.85	5.12	6.27	7.07	6.90	7.62
None	5.31	4.86	6.19	6.98	5.61	5.30	6.36	6.87	7.09	7.62

The above summary shows that those States with the special line item veto authority have the lowest expenditures as a percentage of per capita income. Also, the States with the regular line item veto authority generally have the second lowest expenditures; the exceptions are 1955 and 1975.

CONCLUSION

President Reagan's statement that the line item veto was a powerful tool against wasteful or extravagant spending could not be addressed directly. It was addressed indirectly by comparing State government expenditures by the States with and without the line item veto for ten time periods from 1942 through 1985. In effect, this test also determined whether or not the line item veto does in fact "work" (President Reagan's second claim) in the context that it reduces expenditures. Expenditures were measured as a percentage of per capita income. The study found that expenditures were lower in the States with the line item veto. This finding seems to support President Reagan's claim about the usefulness of the line item veto.

Further analysis showed that expenditures were lower in those States with the special line item veto as compared with States with only the "regular" line item veto or no line item veto authority. This would suggest that the special line item veto authority is the most efficient veto authority for reducing expenditures.

President Reagan used the special line item veto during the eight years he was Governor of California. He may have also had this experience in mind when he said that the line item veto was a powerful tool against wasteful or extravagant spending, and that it works in the States. Or, he may have been using the Library of Congress report as his source of information since the words he is using seem to come from that report. In either case, he was correct insofar as state-level governmental expenditures are concerned: The line item veto is associated with lower expenditures.

REFERENCES

[1] "Radio Address of the President to the Nation," Office of the Press Secretary Release, August 22, 1987.

[2] *The New York Times* (January 26, 1984), p. B8.

[3] U.S. Congress, House, Committee of the Judiciary, *Item Veto*, 85th Congress, 1st Session, May 27, 1957, pp. 63–77 ("Observations on the Line Item Veto" by Vernon L. Wilkinson). Hereafter referred to as "Hearings."

[4] *Hearings*, p. 66.

[5] *American Political Dictionary* (6th Ed) (Holt, Reinhardt and Winston, 1982) p. 187.

[6] *Hearings*, p. 66.

[7] Dixon, A., U.S. Senator, "Legislative Initiatives Toward Improving the Business of Government" (Association of Government Accountants, June 21, 1983), and Kennedy, T., U.S. Senator, *The Washington Post*, July 24, 1985, p. A4.

[8] U.S. Bureau of the Census sources included "Compendium of State Government Finances" for 1950, 1955 & 1960; "Governmental Finances in the U.S." for 1942, 1960, 1964–65, 1969–70, 1974–75, 1979–80, & 1984–85; and others.

SENATE CONCURRENT RESOLUTION 33—RELATIVE TO TRAVEL TO AND WITHIN THE UNITED STATES

Mr. BURNS submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 33

Whereas travel and tourism constituted in 1989 the second largest industry in the United States, employing nearly 6,000,000 Americans, and generating more than $350,000,000,000 in sales of goods and services, and more than $40,000,000,000 in annual tax revenues;

Whereas travel and tourism is one of the three largest industries in 37 states;

Whereas travel and tourism industry suffered a decline during the Persian Gulf war;

Whereas an unprecedented national campaign of travel industry leaders under the leadership of the GO*USA Travel Coalition and many public officials have joined forces to embark on a national effort to encourage business and leisure travel to restore the travel industry's vitality;

Whereas Americans enjoy the freedom of unrestricted travel; and

Whereas the United States welcomes foreign visitors and appreciate the different cultures, values, and concerns of all the world's citizens: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Senate that—

(1) employers resume normal business travel that was suspended during the recent Persian Gulf war; and

(2) travel and tourism-related businesses and public agencies in the United States intensify efforts to inform Americans and foreign visitors that travel both to and within the United States is convenient and economical.

• Mr. BURNS. Mr. President, I would like to introduce a resolution to support the GO*USA coalition recently organized by the private sector to give the depressed tourism industry a jumpstart. Over 50 private corporations related to the tourism industry pooled over $6 million to promote the return to travel message to commercial business, Government agencies, and private individuals.

They have demonstrated a bootstrap, all-American spirit to the rest of the country. Not unlike our heroic troops who fought for this great country in the gulf, these people pulled together a diverse, competitive industry for the good of all; and I might add, without the aid of the Government.

This industry is the world's largest and yet countries around the world, including our own, perceive tourism as ranking much lower in terms of contribution to the world's economies than it really is.

In fact, the creation of the World Tourism and Travel Council was created because of just such a perception. World tourism leaders were suspicious that this image prevailed. They set out to see what actually existed worldwide.

In fact, they found that in not only the United States, but many other leading countries, key policymakers and opinion leaders believed that tourism was not really an important contributor to the world and national economies, consequently not receiving appropriate public policy treatment.

To our benefit, the WTTC has found that tourism and travel is justified as the world industry leader by some of the following factors:

Travel generates over $2.5 trillion in gross output per year, or 5.5 percent of the world GNP.

Employs more than 112 million people worldwide, or 1 in 15 people.

Travel invests more than $350 billion a year in new facilities and capital equipment, or 7.3 percent of worldwide capital investment.

Contributes $300 billion in direct, indirect, and personal income taxes each year or 6 percent of total payments.

It is the fastest growing industry today.

This data was compiled from economic receipts from the transportation, accommodation, catering, recreation-cultural, and travel services activities.

The reason I sight this information is to preface the importance of this business. It is no wonder we in Congress, as well as our friends from the private sector, are here today to send a loud message to the business and pleasure-traveling public that we can, should, and need to return to travel as usual.

Today, my congressional colleagues and I are joining our friends in the private sector in the formation of a leadership circle. It is up to each and every one of us to work toward rebuilding the confidence of the American and international public to travel as usual.

Today, I will be introducing a Senate resolution that mirrors the House resolution introduced recently that calls for the following:

First, calls on employers to resume normal business travel that was suspended during the recent Persian Gulf war; and

Second, travel- and tourism-related businesses and public agencies in the United States intensify efforts to inform Americans and foreign visitors that travel both to and within the United States is convenient and economical.

We are asking Senators, Congressmen, Governors, mayors, business leaders, and opinion leaders to join this leadership circle for the purpose of putting this industry back on the road, in the air, and on our seas.

I look forward to working with each and every one of them. We see a lot of support already and I look for more to come in the near future.•

SENATE RESOLUTION 115—REGARDING THE EMERGENCY HUMANITARIAN AND POLITICAL SITUATION IN SOMALIA

Mrs. KASSEBAUM (for herself and Mr. SIMON) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 115

Whereas the civil war in Somalia has devastated the nation, and the lack of food, water and other humanitarian assistance threatens the lives of thousands of Somalis in the coming months;

Whereas the conflict in Somalia, even since the fall of President Siad Barre in January 1991, continues unabated;

Whereas the emergency humanitarian crisis is a direct result of the continuing civil conflict;

Whereas the response of the international community to pleas for humanitarian relief and assistance has been inadequate;

Whereas the United Nations, in particular, has not been active in promoting and mobilizing relief efforts;

Whereas the continuing conflict in Somalia inhibits relief efforts in Somalia: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) all parties in the Somalia conflict should put humanitarian needs above military goals and declare an immediate ceasefire to allow the delivery of relief and to serve as the basis of a lasting settlement;

(2) the President of the United States should lead worldwide humanitarian efforts in Somalia to relieve the suffering;

(3) the President should assist the efforts of private voluntary organizations, including the International Committee of the Red Cross and Doctors Without Borders, in their humanitarian efforts in Somalia;

(4) the United Nations should make the humanitarian crisis in Somalia an item of high priority, working to coordinate and accelerate relief efforts;

(5) neighboring states should actively support and facilitate relief efforts through and from their territory: Be it further

Resolved, That—

(6) the President should actively explore possible U.S. initiatives to reconcile the conflicting factions and should encourage and support efforts by outside mediators;

(7) the Secretary-General of the United Nations and the President of the Organization of African Unity should work to resolve the conflict.

Mrs. KASSEBAUM. Mr. President, I rise today to introduce, along with Senator SIMON, a resolution expressing concern about the emergency humanitarian and political crisis in Somalia.

The civil war in Somalia has devastated that nation—thousands killed in the fighting, hundreds of thousands displaced from their homes. Severe shortages of food, water, and other basic necessities threaten the lives of millions of Somalis. As a journalist who recently visited Mogadishu commented, "A human disaster is in the making."

Politically, Somalia has degenerated into a chaotic mosaic of competing ethnic factions. The fall of Siad Barre in January of this year created a power vacuum which no single group can fill. The Somali National Movement dominates the north. The United Somali Congress, which controls Mogadishu, has attempted to set up an interim government—which no other group recognizes. A number of clans, led by the Somali Patriotic Movement and including Barre's old troops, are battling in the south.

President Barre's oppressive policies—favoring his own Marehen clan at the expense of all others—has created an environment where clan is pitted against clan, resulting in open warfare between ethnic groups. Automatic weapons are more common than meals, exacerbating and intensifying these clan-based rivalries.

The ethnic base of power for each of the competing factions raises the real possibility that Somalia may split into two or more separate states. This development would bode ill for all of Africa, where many ethnic groups claim national boundaries within and between the modern African borders.

In the face of this tragic humanitarian and political situation, the rest of the world has virtually ignored Somalia, forgotten in the whirl of international events from Moscow to the Persian Gulf. After decades of pumping military aid and weapons into Somalia, the policy has become one of hands off, and "We don't want to take this one on."

Shaping U.S. policy in this situation is an extraordinary challenge. Like the Liberian situation, there are no easy anwers. The unstable security situation makes relief efforts extremely difficult. The proliferation of competing factions makes negotiation nearly impossible. Despite these obstacles, two things are clear:

First, that the United States has a moral humanitarian obligation to lead worldwide relief efforts in Somalia, and

Second, that an active United States role strongly supporting—and possibly leading—efforts to reconcile the conflicting factions would improve the prospects for peace and stability in Somalia.

On the humanitarian side, because of security concerns, only the International Red Cross, Save the Children UK, and Medicines Sans Frontieres have returned to Somalia following their evacuation in January. The United States should fully support and encourage these efforts.

Once the situation improves, Washington should lead full-fledged relief activities for Somalia—catalyzing action, not merely reacting to requests from voluntary organizations.

The United Nations should be encouraged to be engaged, promoting and coordinating relief efforts in Somalia.

Neighboring states, particularly Kenya, should facilitate relief action from and through their borders.

Until a cease-fire is declared and maintained, humanitarian assistance will be difficult to deliver, and the suffering in Somalia will continue. Until a lasting settlement between the competing factions is reached, rehabilitation and reconstruction will be impossible.

To promote these goals—an immediate cease-fire and negotiations leading to a long-term peace accord—the administration should fully explore possible U.S. initiatives to reconcile the conflicting factions. This could mean:

Increasing active support for the joint Egyptian-Italian negotiation effort;

Encouraging the United Nations to examine a greater reconciliation role;

Urging the Organization of African Unity to work to resolve the conflict; and

Leading a U.S.-engineered mediation effort.

The longer the conflict in Somalia lingers on, the greater the damage to United States interests. In West Africa, the recent incursion by Charles Taylor into Sierra Leone illustrates the negative consequences of not working harder to end the Liberian conflict. In the same way, the Somalia civil war could very well spill over into the neighboring states, including Djibouti, an important United States ally.

Mr. President, in this year of the tragic refugee problems in the Middle East and the devastating famines in much of the rest of Africa, world humanitarian resources and world compassion have been stretched to the limit. Unless we are inundated with images of starving children on our television screens, we forget the tragic suffering which continues in much of the world.

Somalia has been forgotten.

SENATE RESOLUTION 116—RELATING TO THE SUPPORT OF TAIWAN'S MEMBERSHIP IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Mr. ROTH (for himself, Mr. DASCHLE, Mr. PACKWOOD, Mr. MCCAIN, Mr. SYMMS, Mr. MURKOWSKI, Mr. BOREN, Mr. MOYNIHAN, Mr. DANFORTH, Mr. GRAHAM, Mr. GORTON, Mr. HEFLIN, Mr. DOLE, Mr. COHEN, Mr. DODD, Mr. RUDMAN, Mr. SANFORD, Mr. JOHNSTON, Mr. ROCKEFELLER, Mr. WALLOP, Mr. GORE, Mr. INOUYE, Mr. LIEBERMAN, Mr. COCHRAN, Mr. GRASSLEY, Mr. SIMON, Mr. LUGAR, Mr. COATS, Mr. HELMS, Mr. DIXON, Mr. MACK, and Mr. DURENBERGER) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 116

Whereas on January 1, 1990, the Government of Taiwan formally requested the Secretariat of the General Agreement on Tariffs and Trade (GATT) to initiate the procedure necessary for its accession to the GATT;

Whereas the Government of Taiwan has applied for membership in the GATT as a separate customs territory under GATT Article XXXIII under the name "The Customs Territory of Taiwan, Penghu, Kinmen and Matsu", to ensure that its application includes only those areas where the Government of Taiwan currently possesses full autonomy in the conduct of its external commercial relations;

Whereas Taiwan is a significant participant in the global economy, being the thirteenth largest trading entity and maintaining the second largest foreign exchange reserves in the world, and is one of the last major market-based economies that is noticeably absent from the GATT;

Whereas the United States and Taiwan maintain an important bilateral trading relationship, with Taiwan being the sixth largest trading partner of the United States and the United States being the second largest exporter to Taiwan;

Whereas Taiwan has made substantial progress in its economic development, and has taken steps to open up its economy, including lowering its average tariff rates, reducing its barriers to foreign investment, and increasing its protection of intellectual property rights;

Whereas the United States supports additional action by Taiwan to provide full open market access to United States goods and services and to ensure that United States intellectual property rights are fully enforced, and Taiwan's continued progress in these and other areas is mutually beneficial to the United States and Taiwan;

Whereas the GATT is the premier multilateral body for regulating trade worldwide, and the United States and 100 other contracting parties of the GATT are in the final stages of the Uruguay Round of multilateral trade negotiations, which is the most ambitious effort ever undertaken by the GATT to expand, strengthen, and revitalize multilateral trade rules and principles;

Whereas the successful conclusion of the Uruguay Round will establish multilateral and enforceable disciplines in key areas affecting bilateral trade between the United States and Taiwan, including the areas of services, intellectual property rights, and agriculture;

Whereas Taiwan currently adheres to the guiding principles of the GATT on a de facto basis, is expressly committed to assuming greater international economic responsibility by its willingness to accede to the GATT as a developed economy, and has indicated its desire to join formally with other GATT contracting parties implementing the final results of the Uruguay Round; and

Whereas Taiwan's membership in the GATT will foster the further liberalization of Taiwan's economy along GATT lines, will serve as an exemplary model for other developing countries, will allow key United States-Taiwan trade issues to be addressed in the multilateral context, and will contribute to the overall strengthening of GATT rules of trade and of the GATT as an institution: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the accession of Taiwan to the GATT is in the best economic interest of the United States and of the world trading system as a whole and should be achieved in an expeditious manner; and

(2) the Government of the United States should fully support Taiwan's accession to the GATT by requesting that the GATT Secretariat place Taiwan's accession request on the agenda of the next GATT Council meeting, by seeking the formation of a GATT Working Party, and by taking any additional steps deemed necessary to assure Taiwan's prompt membership in the GATT.

• Mr. ROTH. Mr. President, last year I introduced a resolution calling for the United States to actively support Taiwan's formal request to join the General Agreement on Tariffs and Trade [GATT]. In light of the little or no action that has been taken on Taiwan's accession request since it was first made on January 1, 1990, I rise today, with Senator DASCHLE and 30 other of my colleagues, to reintroduce the resolution.

The same compelling case exists in support of Taiwan's GATT membership. Taiwan is not only the 13th largest trading entity worldwide, it is also the largest market-based economy that remains outside of the GATT's ambit. From the perspective of the United States, Taiwan is one of our most important trading partners, ranking as our sixth largest. Clearly, such a key U.S. trading partner and major participant in the world economy should be part of our multilateral system of trade rules and principles.

Taiwan has moved in the direction of opening its economy to the forces of worldwide competition, but many more steps need to be taken. While bilateral trade negotiations will continue to play an important role in eliminating specific trade barriers to United States exports to Taiwan, accession to the GATT provides the greatest opportunity for across-the-board market opening measures in Taiwan. For example, a successful conclusion to the Uruguay Round will create strong new multilateral rules and market openings in services, intellectual property rights and agriculture—three areas where Taiwan's economy still remains relatively closed. Failure to accord Taiwan GATT membership means that there would be no guarantee that Taiwan would adopt these and other ambitious trade-liberalizing measures agreed to in the Uruguay Round.

One of the most noteworthy aspects of Taiwan's request to join the GATT is that it is expressly willing to do so as a developed economy. This goes to the heart of what is popularly referred to as the "free rider" problem—the serious imbalance in GATT obligations between developing and developed countries. An important cause of this imbalance is the fact that developing countries are provided sweeping exemptions from GATT rules and principles, such as those allowed under article XVIII for balance-of-payments reasons. By joining as a developed economic entity, Taiwan would not only become a full and responsible participant in the GATT, it would also be the first newly industrialized country to formally adopt developed economic status. In so doing, Taiwan would serve as a positive and constructive role model for other developing countries.

Since the submission of Taiwan's GATT application, four countries, Tunisia, Bolivia, Costa Rica and Venezuela, have become full contracting parties to the GATT. At least four additional countries are actively in the process of joining. Unfortunately, the same cannot be said for Taiwan, the 13th largest economy in the world. In fact, the GATT Council has taken no action on Taiwan's accession request since it was first made in January 1990, despite the overwhelming merits of Taiwan's application and the Council's standard practice of promptly placing accession requests on its agenda.

While I fully understand the political sensitivities involved in bringing Taiwan under the GATT umbrella, economic and commercial interests should be the driving force in this debate. National sovereignty is not, and should not be, a requirement or condition for joining the GATT. In fact, under article XXXIII, accession to the GATT can be premised on a government having a "separate customs territory possessing full autonomy in the conduct of its external commercial relations * * *." Taiwan has closely followed the terms of this article by applying to the GATT as "The Customs Territory of Taiwan, Penghu, Kinmen and Matsu." Allowing a non-GATT member, namely the People's Republic of China, to dictate the terms of, or exercise veto power over, another territory's entry into the GATT, for purely political reasons, is unacceptable.

The resolution that Senator DASCHLE and I, along with 30 other of my colleagues, are introducing today recognizes that Taiwan's accession to the GATT is in our national economic interest and in the best interest of the world trading system. It calls on our Government to fully and actively support Taiwan's GATT membership by taking appropriate and necessary steps. These steps would include ensuring that a working party is established to begin the process required for Taiwan's future accession.

GATT action on Taiwan's accession request is long overdue. Key to such action is U.S. leadership and support. The resolution being introduced today is designed to help move us in that direction.•

• Mr. SIMON. Mr. President, I am pleased to join my colleague from Delaware, Senator ROTH, in introducing this resolution on Taiwan's entry to GATT. It is a subject important to the further development of the global economy.

This resolution recognizes the reality that over the past 25 years, Taiwan has become a major force in the world economy. Its GNP has grown from just $217 per capita in 1965 to $7,518 per capita in 1989 and is expected to expand to about $20,000 by the year 2000. Taiwan is also the 13th largest trading nation and holds the second largest foreign exchange reserves in the world. In its trade with the United States, Taiwan is the fifth largest trading partner and the seventh largest market for United States agricultural exports.

Along with economic strength, Taiwan has shown an enthusiastic willingness to comply with GATT guidelines. Its economic philosophy and market economy is consistent with GATT principles. Taiwan has recently implemented a restructuring of its economy, which includes trade reform. Its Overseas Economic Development and Cooperation Fund has supplied over $1.2 billion to developing countries. Taiwan plans to join GATT as a developing country and continue economic reform.

To avoid any international political overtones, Taiwan has applied to GATT under the name "Customs Territory of Taiwan, Penghu, Kinmen, and Matsu." This limits the areas of autonomy in its conduct of foreign trade. As GATT is an economic body, it should include all major trading nations, of which Taiwan is one. GATT membership does not imply political recognition of Taiwan; therefore, membership should not raise any foreign policy questions.

Overall, I believe that Taiwan's membership in GATT would be good not only for Taiwan, in terms of continuing the process of political and economic liberalization, but also would be beneficial to all other GATT members. It would strengthen world trade relations as a whole and assure the stability of future trade and further political democratization in Taiwan. I urge all my Senate colleagues to support this resolution, which will assist Taiwan in its quest for GATT membership.•

SENATE RESOLUTION 117—RELATIVE TO SOVIET AGRICULTURAL EXPORT CREDIT GUARANTEES

Mr. DOLE (for himself, Mr. BOREN, Mr. CONRAD, Mr. GRASSLEY, and Mr. HARKIN) submitted the following resolution; which was ordered to be held at the desk.

S. RES. 117

Whereas the Soviet Union is in dire need of United States agricultural credits to meet its immediate food and feed needs;

Whereas prior to the extension of further credits, the United States should receive firm assurances from the Soviet Government that credits will be repaid and will be used to meet the food needs of the Soviet population, and will not be used to support institutions such as the military and the party apparatus; and that our credits not be used to coerce the movements for greater sovereignty and democracy in the Baltics and the constituent republics of the Soviet Union;

Whereas the United States should also be assured that the Soviets will meet their obligations under the United States-Soviet Long Term Agreement;

Whereas senior representatives of both the Soviet Government and the Government of the Russian Republic have expressed support for the request and that the Soviet Government may be willing to provide such assurances as the Senate finds necessary;

Whereas the sale of United States agricultural commodities and the resulting increase in farm income contributes positively to the United States' balance of trade deficit and affects the livelihood of farmers, rural businesses, and agricultural input industries; Now therefore, be it

Resolved, That it is the sense of the Senate the administration should act as expeditiously and prudently as possible to extend agricultural export credit guarantees to the Soviet Union, under the assurance that the Soviet Union shall provide for the equitable and humanitarian distribution of such credits to the peoples of the Soviet Republics.

SEC. 2. The administration should provide for the extension of equivalent credit tranches which may be extended contingent upon the acceptable distribution and/or repayment of previous credits.

SEC. 3. The administration should use the export credit guarantee program and all other agricultural export assistance programs to the maximum extent possible consistent with the real needs of the recipient, to aid the export of agricultural commodities experiencing serious price depression, such as wheat, corn, soybeans and dairy products.

Mr. DOLE. Mr. President, I send a resolution to the desk for myself, the Senator from Oklahoma [Mr. BOREN]; the Senator from North Dakota [Mr. CONRAD]; the two Senators from Iowa [Mr. GRASSLEY and Mr. HARKIN], and ask that it be held at the desk.

I ask unanimous consent that a letter I have written to the President of the United States which refers to the same matter be printed in the RECORD following the printing of the resolution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, April 24, 1991.

The PRESIDENT,
The White House,
Washington.

DEAR MR. PRESIDENT: As we have previously discussed and you are keenly aware, the Soviet Union is in dire need of United States agricultural credits to meet its immediate food and feed needs. The Soviet Government in fact has formally requested $1.5 billion in additional credits. With certain conditions, I support the extension of such credits to the Soviets.

Obviously, in deciding whether to offer such credits, we must seriously consider a number of key factors, including our bilateral relations with the Soviet Union, economic considerations, and our own domestic priorities—including the very important priority of expanding our overseas markets for agricultural products.

Recent backsliding in Moscow on the issues of the Baltics and the movement for greater sovereignty in the constituent republics of the Soviet Union—and some reports that the Soviets have used past United States credits to pressure both the Baltic and some republican governments—are matters of great concern to me and to many others who otherwise would be inclined to support the use of our credit programs to encourage agricultural exports to the Soviet Union. I myself have met with leaders of a number of the constituent republics of the Soviet Union over the past few months, and I have heard accounts of Soviets threats to withhold access to grain credits if the republic in question refused to support President Gorbachev's proposed "Union Treaty."

To balance our desire to stimulate exports with those concerns, I believe that, prior to the extension of further credits, we should receive firm assurances from the Soviet Government on two points: (1) that credits be used to meet the food needs of the Soviet population, and will not just be used to support institutions such as the military and the party apparatus; and (2) that our credits not be used to coerce the movements for greater sovereignty and democracy in the Baltics and the constituent republics of the Soviet Union. We should also be assured that the Soviets will meet their obligations under the U.S.-Soviet Long Term Agreement (LTA). In addition, of course, as with all credit arrangements, we must be certain of the credit-worthiness of the Soviet Government.

Despite the obvious differences that the Government of the Russian Republic has with the Soviet Government on many issues, senior representatives of the Russian Government with whom I recently met expressed their support for the Soviet credit request. Moreover, both they and Soviet Government representatives have indicated to me that the Soviet Government would likely be willing to provide the kind of assurances I believe we need. However, to further assure that the extension of credits would serve our overall national interest, I would suggest that we split the $1.5 billion credit package into three $500 million tranches—the first to be released immediately, and the other two as we receive reports on the use and efficacy of the original tranches. In addition, we could require the at least partial repayment of earlier extended credits prior to the release of the second or third tranche of the new package. Alternatively, the program could be structured as a revolving credit account.

If these arrangements can be accomplished—and I am convinced they can—a $1.5 billion package for the Soviets would have a positive domestic impact, according to a preliminary analysis provided by the Department of Agriculture. Assuming a full extension of the entire package, slightly over $1 billion would be used for two commodities (wheat and corn), at levels which meet the Soviet commitment under the LTA. Given that, USDA estimates deficiency payment savings of $800 million. In other words, the market impact of the credit package would substantially offset any residual risk that the Soviets would not be able to make full repayment.

Mr. President, if we move prudently, the Soviets' urgent need for agricultural credits gives us an opportunity to further our foreign policy interests while simultaneously helping the American farmer. I hope we will move quickly to take advantage of this important opportunity.

Sincerely yours,

BOB DOLE,
U.S. Senate.

SENATE RESOLUTION 118—RELATIVE TO THE AGREEMENT FOR THE ESTABLISHMENT OF AN AMERICAN POW/MIA OFFICE IN HANOI

Mr. MCCAIN (for himself, Mr. DOLE, Mr. GRAMM, Mr. LUGAR, Mr. COHEN, Mrs. KASSEBAUM, Mr. MURKOWSKI, Mr. BROWN, Mr. ROBB, Mr. GORE, Mr. CRANSTON, Mr. PELL, Mr. DODD, Mr. KERRY, Mr. KERREY, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 118

Whereas 18 years have passed since the United States withdrew its armed forces from Vietnam, and 16 years have passed since the conclusion of the Vietnam conflict;

Whereas 2,276 Americans are listed as missing and unaccounted for as a result of the Vietnam conflict;

Whereas many families of Americans missing-in-action believe their relatives are alive and held against their will in Vietnam;

Whereas senior Vietnamese officials have assured members of Congress that the Government of Vietnam will allow the families of Americans missing-in-action in Vietnam to investigate, in Vietnam, reports of sightings of live Americans;

Whereas on April 20, 1991, Vietnamese Foreign Minister Nguyen Co Thach and the President's Special Emissary for POW/MIA affairs, General John Vessey agreed, on behalf of their governments, to establish a POW/MIA office in Hanoi to be operated by United States Government officials;

Whereas the establishment of the POW/MIA office is intended to facilitate greater cooperation between the governments of the United States and Vietnam on POW/MIA matters, including joint field investigations and information research in Vietnam; and

Whereas many families of Americans missing-in-action desire the opportunity to participate in determining the fates of their relatives: Now, therefore, be it

Resolved, That the Senate commends General Vessey and Foreign Minister Thach, and the governments of the United States and Vietnam for agreeing to establish an American POW/MIA office in Hanoi, Vietnam, and calls for the immediate establishment of the office.

SEC. 2. It is the sense of the Senate that, in addition to its functions described in a joint statement by General Vessey and Foreign Minister Thach released on April 20, 1991, the POW/MIA office should be authorized to serve as a liaison between the families of Americans missing-in-action and the Government of Vietnam through which the families can make arrangements with the Government of Vietnam to investigate the fates of their relatives.

SEC. 3. For purposes of this resolution—

(1) the term "POW" means prisoner of war in Southeast Asia; and

(2) the term "MIA" means members of the United States Armed Forces and United States civilians missing-in-action in Southeast Asia.

SEC. 4. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

Mr. MCCAIN. Mr. President, I would also like to submit at this time a Senate resolution on behalf of myself, Senators DOLE, GRAMM, LUGAR, COHEN, KASSEBAUM, MIKULSKI, PELL, DODD, KERRY, KERREY, and BIDEN.

I had hoped that this resolution would be cleared by unanimous consent but apparently at least one Senator, and perhaps only one, has some concerns about it. I regret that because I think it is very appropriate that the U.S. Senate recognize the efforts of General Vessey, the President's emissary to Vietnam, and that of Vietnamese Foreign Minister, Mr. Nguyen Co Thach to set up an office in Hanoi staffed by Americans in order that we might solve and resolve the terrible frustrating issue of the Americans missing in action, which has plagued this Nation now for nearly 20 years.

Mr. President, on April 20, Vietnamese Foreign Minister Nguyen Co Thach and the President's Speical Emissary to Vietnam for POW/MIA affairs, Gen. John Vessey, agreed, on behalf of their governments, to establish a United States POW/MIA office in Hanoi.

I have long thought that such an office would substantially accelerate progress toward the fullest possible accounting of Americans still listed as missing in action in Vietnam. In numerous discussions with Foreign Minister Thach, General Vessey and State Department officials, I have advocated the establishment of this office, and I am very pleased that the United States and Vietnam have taken this important step forward on the single most important question involved in our relations.

I commend General Vessey and Foreign Minister Thach, and the Governments of the United States and Vietnam, for agreeing to establish this office. As we all know, General Vessey has devoted his whole life to the service of his country. Now, on behalf of his country, he is engaged in a difficult undertaking. He is trying to help a great many American families determine the fates of their fathers, husbands, sons, and brothers. He is a noble man, engaged in noble work, and I salute him.

Foreign Minister Thach, long identified as Vietnam's foremost advocate of improved relations with the United States, has devoted considerable effort to the establishment of this office. In discussions I recently had with him, he assured me that he would do all he could to see that U.S. conditions for the establishment of the office were met. I believe he has kept his word, and he has earned our recognition of his efforts.

The establishment of a U.S. POW/MIA office in Hanoi by no means represents the last stage in the long task of accounting for American POW/MIA's. There remain 2,276 Americans listed as missing in action in Southeast Asia. I accept that some of those missing may never be accounted for, like those men who were lost over water. However, much remains to be done. Many more Americans can and must be accounted for.

There is considerable speculation throughout this country that Vietnam has warehoused the remains of many American servicemen. We expect more cooperation from Vietnam, and I hope this new office will facilitate that cooperation.

There are also a great many POW/MIA families who believe that their loved ones are alive and held against their will in Southeast Asia. I hope the establishment of this office will help them to determine the fates of their relatives.

In meetings that I recently held with Foreign Minister Thach, we discussed at length how this office could best accomplish this objective. I suggested, and he agreed, that in addition to facilitating field investigations and information research, the POW/MIA office should serve as a liaison between the families of Americans missing in action through which the families can make arrangements with the Government of Vietnam to investigate the fates of their loved ones. Many families desire to participate in the resolution of their relatives' cases, and they deserve to be assisted in that endeavor. So, let us put Vietnam to the test and see whether they are, indeed, prepared to allow Americans to search the country for their missing loved ones.

The resolution I have introduced recommends that the POW/MIA office function in this capacity. I believe that this will offer the best opportunity to resolve the lingering questions about whether Americans are still held captive in Vietnam. Additionally, this resolution commends General Vessey and Foreign Minister Thach for concluding this agreement. I believe the Senate should be on record supporting their contribution to the resolution of this issue.

There are several other issues involved in our relationship with Vietnam. But none is as important to Americans as the POW/MIA issue. The closer we are to resolving this issue, the closer we are to closing the last chapter of the Vietnam war, and the closer we are to enjoying normal relations with Vietnam. I look forward to that day, and I am gratified that, with the establishment of the POW/MIA office, we have taken an important step toward its realization.

I urge my colleagues to support this resolution, and join me in recognizing the significance of this moment.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET

BRADLEY AMENDMENT NO. 81

Mr. BRADLEY proposed an amendment to the concurrent resolution (S. Con. Res. 29) setting forth the congressional budget for the U.S. Government for fiscal years 1992, 1993, 1994, 1995, and 1996, as follows:

On page 4, line 7, decrease the figure by $1,400,000,000.

On page 4, line 8, decrease the figure by $2,200,000,000.

On page 4, line 9, decrease the figure by $2,600,000,000.

On page 4, line 10, decrease the figure by $2,800,000,000.

On page 4, line 11, decrease the figure by $2,900,000,000.

On page 7, line 13, decrease the figure by $5,900,000,000.

On page 7, line 14, decrease the figure by $2,700,000,000.

On page 7, line 22, decrease the figure by $6,000,000,000.

On page 7, line 23, decrease the figure by $4,400,000,000.

On page 8, line 7, decrease the figure by $5,900,000,000.

On page 8, line 8, decrease the figure by $5,200,000,000.

On page 8, line 16, decrease the figure by $6,000,000,000.

On page 8, line 17, decrease the figure by $5,500,000,000.

On page 8, line 25, decrease the figure by $6,100,000,000.

On page 9, line 1, decrease the figure by $5,800,000,000.

On page 42, line 23, increase the figure by $2,900,000,000.

On page 42, line 24, increase the figure by $1,300,000,000.

On page 43, line 6, increase the figure by $3,000,000,000.

On page 43, line 7, increase the figure by $2,200,000,000.

On page 43, line 14, increase the figure by $2,900,000,000.

On page 43, line 15, increase the figure by $2,600,000,000.

On page 43, line 22, increase the figure by $3,000,000,000.

On page 43, line 23, increase the figure by $2,700,000,000.

On page 44, line 6, increase the figure by $3,100,000,000.

On page 44, line 7, increase the figure by $2,900,000,000.

SIMON (AND BRADLEY) AMENDMENT NO. 82

Mr. SIMON (for himself and Mr. BRADLEY) proposed an amendment to the resolution (S. Con. Res. 29), supra, as follows:

DEFICITS

On page 4, line 7, decrease the figure by $2,700,000,000.

On page 4, line 8, decrease the figure by $4,400,000,000.

On page 4, line 9, decrease the figure by $5,200,000,000.

On page 4, line 10, decrease the figure by $5,500,000,000.

On page 4, line 11, decrease the figure by $13,900,000,000.

NATIONAL DEFENSE

On page 7, line 13, decrease the figure by $5,900,000,000.

On page 7, line 15, decrease the figure by $2,700,000,000.

On page 7, line 21, decrease the figure by $6,000,000,000.

On page 7, line 23, decrease the figure by $4,400,000,000.

On page 8, line 6, decrease the figure by $5,900,000,000.

On page 8, line 8, decrease the figure by $5,200,000,000.

On page 8, line 15, decrease the figure by $6,000,000,000.

On page 8, line 17, decrease the figure by $5,500,000,000.

On page 8, line 25, decrease the figure by $8,900,000,000.

On page 9, line 1, decrease the figure by $13,900,000,000.

KERRY AMENDMENT NO. 83

Mr. KERRY proposed an amendment, which was subsequently modified, to amendment No. 80 proposed by Mr. MCCONNELL to the concurrent resolution (S. Con. Res. 29), supra, as follows:

On page 31, line 2, increase the amount by $50,000,000.

On page 31, line 3, increase the amount by $55,000,000.

On page 31, line 12, increase the amount by $50,000,000.

On page 31, line 22, increase the amount by $50,000,000.

On page 32, line 7, increase the amount by $50,000,000.

On page 32, line 8, increase the amount by $50,000,000.

On page 32, line 17, increase the amount by $50,000,000.

On page 32, line 18, increase the amount by $250,000,000.

On page 38, line 24, reduce the amount by $50,000,000.

On page 38, line 25, reduce the amount by $55,000,000.

On page 39, line 8, reduce the amount by $50,000,000.

On page 39, line 17, reduce the amount by $50,000,000.

On page 40, line 2, reduce the amount by $50,000,000.

On page 40, line 3, reduce the amount by $50,000,000.

On page 40, line 11, reduce the amount by $50,000,000.

SIMON AMENDMENT NO. 84

Mr. SIMON proposed an amendment to the concurrent resolution (S. Con. Res. 29), supra, as follows:

On page 4, line 7, decrease the figure by $1,300,000,000.

On page 4, line 8, decrease the figure by $2,200,000,000.

On page 4, line 9, decrease the figure by $2,600,000,000.

On page 4, line 10, decrease the figure by $2,700,000,000.

On page 4, line 11, decrease the figure by $11,000,000,000.

NATIONAL DEFENSE

On page 7, line 13, decrease the figure by $2,900,000,000.

On page 7, line 14, decrease the figure by $1,300,000,000.

On page 7, line 21, decrease the figure by $3,000,000,000.

On page 7, line 23, decrease the figure by $2,200,000,000.

On page 8, line 6, decrease the figure by $2,900,000,000.

On page 8, line 8, decrease the figure by $2,600,000,000.

On page 8, line 15, decrease the figure by $3,000,000,000.

On page 8, line 17, decrease the figure by $2,700,000,000.

On page 8, line 25, decrease the figure by $5,900,000,000.

On page 9, line 1, decrease the figure by $11,000,000,000.

REID (AND OTHERS) AMENDMENT NO. 85

Mr. REID (for himself, Mr. BRYAN, Mr. SANFORD, Mr. PRESSLER, Mr. KASTEN, Mr. HARKIN, and Mr. HATFIELD) proposed an amendment to the concurrent resolution (S. Con. Res. 29), supra, as follows:

On page 6, line 5, decrease the figure by $3.5 billion.

On page 6, line 6, decrease the figure by $4.7 billion.

On page 6, line 7, decrease the figure by $4.6 billion.

On page 6, line 8, decrease the figure by $4.6 billion.

On page 6, line 9, decrease the figure by $4.6 billion.

On page 6, line 24, increase the figure by $3.5 billion.

On page 6, line 25, increase the figure by $4.7 billion.

On page 6, line 26, increase the figure by $4.6 billion.

On page 7, line 1, increase the figure by $4.6 billion.

On page 7, line 2, increase the figure by $4.6 billion.

CONRAD AMENDMENT NO. 86

Mr. CONRAD proposed an amendment to the concurrent resolution (S. Con. Res. 29), supra, as follows:

SEC. .

Since the deficit has grown from $73 billion to $318 billion and the national debt has grown from $908 billion to $3.6 trillion between 1980 and 1991;

Since last year's budget summit agreement was intended to save $40 billion in fiscal year 1991 and nearly $500 billion over five years;

Since the national economy's growth rate in real terms declined by 1.6 percent in the fourth quarter of 1990 and the unemployment rate has increased 1.2 percent since last August;

Since CBO estimates that the changes in the economy and increased cost of the savings and loan bailout will enlarge the deficit by an additional $540 billion over the life of the budget agreement;

Since interest rates in Germany and Japan are holding steady or increasing, making it more difficult for the United States to lower its interest rates;

Since further reductions in the deficit should be combined with policies to lower interest rates in order to foster stable and long-term growth in the economy.

Declared it is the sense of the Congress that the Budget Committees in conjunction with the administration and the bipartisan leadership should explore and develop a comprehensive, multiyear plan for further reductions in the deficit that would be considered by Congress next year.

SPECTER AMENDMENT NO. 87

Mr. SPECTER (for himself and Mr. LAUTENBERG) proposed an amendment to the concurrent resolution (S. Con. Res. 29), supra, as follows:

On page 21, increase the amount on line 10 by $1,609,000,000.

On page 21, increase the amount on line 19 by $1,390,000,000.

On page 22, increase the amount on line 3 by $1,426,000,000.

On page 22, increase the amount on line 12 by $2,342,000,000.

On page 22, increase the amount on line 22 by $3,786,000,000.

On page 3, increase the amount on line 18 by $1,609,000,000.

On page 3, increase the amount on line 19 by $1,390,000,000.

On page 3, increase the amount on line 20 by $1,426,000,000.

On page 3, increase the amount on line 21 by $2,342,000,000.

On page 3, increase the amount on line 22 by $3,786,000,000.

SPECTER AMENDMENT NO. 88

Mr. SPECTER proposed an amendment to the concurrent resolution (S. Con. Res. 29), supra, as follows:

SEC. .

(a) Findings.—The Congress finds that—

(1) under current law, surpluses in the transportation trust fund, both the highway account and transit account, are included in calculations of the deficit;

(2) the inclusion of the transporation trust fund in the calculation of the deficit creates the illusion that the deficit is being brought into balance through the inclusion of the funds;

(3) the accumulation of the uncommitted balance in these accounts is intended to be used for construction and maintenance of our Nation's infrastructure;

(4) the use of the transportation trust fund for its intended purpose would bolster the economic capacity of the United States; and

(5) the intended purpose of the transportation trust fund could best be protected by excluding it from the calculation of the deficit.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that Congress should enact legislation to exclude the funds within the transportation trust fund from the definition of the deficit.

USE OF LAND IN MERCED COUNTY, CA

BUMPERS AMENDMENT NO. 89

Mr. BUMPERS proposed an amendment to the bill (S. 545) to authorize the additional use of land in Merced County, CA, to technically correct an error in the land description, as follows:

On page 3, line 6, strike "northeast", and insert in lieu thereof "northwest".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on microloan programs for new and growing small businesses. The hearing will be held on Monday, May 6, 1991, at 10 a.m. in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, counsel for the Small Business Committee at 224-5175.

Mr. President, I would like to announce that the Small Business Committee will hold a full committee oversight hearing on small business procurement in the dredging industry. The hearing will be held on Wednesday, May 8, 1991, at 2 p.m. in room 428A of the Russell Senate Office Building. For further information, please call John Ball, staff director of the Small Business Committee at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, April 25, 1991, at 2:15 p.m. to conduct a hearing on financial modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, April 25, 1991, at 10 a.m. to conduct a hearing on legislative proposals to reform the deposit insurance system and the commercial banking system.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet in open session on Thursday, April 25, 1991, at 9 p.m. to receive testimony on the National Critical Technologies Report in review of the fiscal years 1992-93 national defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENTAL AFFAIRS COMMITTEE

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, April 25, at 9:30 a.m., for a hearing on the subject: the effectiveness of the management of asset-forfeiture programs at the Justice and Treasury Departments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN AFFAIRS

Mr. FORD, Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 25, at 4:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 25, at 2 p.m. to hold a hearing on the enterprise for the Americas initiative.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 25, at 10 a.m. to hold a hearing on the prospects for normalization of relations with Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 25, 1991, at 12:30 p.m. on policy implications of greenhouse warming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, April 25, 1991, at 9:30 a.m., for a hearing on the 20th anniversary of the National Cancer Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, April 25, 1991, at 2 p.m., for a hearing on oversight of the Office for Civil Rights, Department of Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 25, 1991, after a vote on the floor—around 5 p.m.—to vote on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, April 25, 1991, at 3 p.m. to receive testimony on the fiscal years 1992 and 1993 Defense budget and the future years Defense program in review of the fiscal years 1992-93 national defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A COMMITMENT TO EXCELLENCE

• Mr. SHELBY. Mr. President, I rise today to pay tribute to one of the finest groups of student-athletes in America. The women's gymnastics team from the University of Alabama recently won the 1991 national championship. I am proud to say this is the second championship in the last 4 years for this group competing for my alma mater.

The accomplishments of this amazing team go beyond their impressive athletic achievements. These young women are truly student-athletes. Their team grade point average of 3.2 is a testament to their hard work and the leadership of their coach, Sarah Patterson. Couple this team's distinction in the classroom with their perfect 16-0 team record, and you have a group of student-athletes that is a model for Alabama and all of America.

Mr. President, it is an honor to share some of the immense accomplishments of Coach Patterson and the women's gymnastics team from the University of Alabama with my colleagues in the U.S. Senate.•

A GROUND WATER POLICY FOR RCRA

• Mr. DURENBERGER. Mr. President, I am joining with Senator CHAFEE today to introduce a bill that would amend the Solid Waste Disposal Act to establish a ground water policy for the Nation. This bill doesn't impose any specific requirements on any class of solid waste disposal facilities. It simply articulates a policy.

The bill is prompted by a dispute between the Environmental Protection Agency and the Office of Management and Budget. The 1984 Hazardous and Solid Waste Amendments required EPA to promulgate new criteria for solid waste landfills. EPA has proposed a landfill rule which it sent to OMB. The rule reportedly requires liners to protect ground water at new landfills.

I say reportedly, because the landfill criteria rule has not been made public yet. It has been languishing at OMB for weeks reportedly—and again I point out that we are relying on press accounts here—because OMB objects to the liner requirement. OMB does not see any need to protect ground water from contamination unless that ground water is currently being used as a drinking water source. That is a description of the dispute. Nobody from OMB has stepped forward to correct the record, if it is faulty in any way.

If that is the policy that OMB is espousing, it is completely wrong-headed. Ground water is essentially a nonrenewable resource. Once contaminated, it is extraordinarily expensive to clean up, if cleanup can be achieved at all. It is a precious resource. It is freshwater. It supplies 50 percent of our drinking water. It feeds 30 percent of our rivers and lakes. It makes the deserts bloom and produce food and fiber in major agricultural regions of our Nation.

This bill is intended to state a ground water protection policy for RCRA. To quote the active part, "The Congress hereby declares it to be the national policy of the United States that the quality and quantity of the ground water resources of the Nation are to be protected for the widest range of uses both for this generation and for posterity."

If this policy were already a part of the Resource Conservation and Recovery Act it would be impossible for OMB to maintain that only ground water now used for drinking water should be protected. This bill does not say that liners are required at municipal landfills, but that would certainly be one of the implications, if it were enacted.

The bill also includes several findings that describe the value of the ground water resource.

Most of the ground water we use is near the surface—within one-half mile. The vast majority of communities in the Nation have usable water supplies near the surface. The total volume of America's ground water is 50 times greater than all of the water that flows in our rivers and streams each year. In fact, 30 percent of the water flowing in the rivers and streams is generated by ground water discharged from aquifers, rather than rain water directly.

And it is old. Scotch whiskey is old when it is 12. The rain that produced a typical glass of water drawn from a ground water well today would have fallen to Earth 200 years ago as our Founding Fathers were debating the Bill of Rights to add to the new Constitution. It spent the last 200 years moving from the surface where it fell to the well from which it is drawn.

So ground water is a vast and complex resource that we depend upon. For 117 million Americans—one-half of us—it is the source of our drinking water. In rural areas 95 percent of all households depend on ground water supplies. Fourteen million American homes still have private wells.

As a drinking water resource, there are some characteristics of ground water which set it apart from surface water supplies. First, it is not tested or treated before we drink it.

Major urban areas which use surface water for their drinking water thoroughly treat the water before it reaches the consumer. The water is disinfected with chlorine to kill the biological contaminants and filtered to take out the solids and other pollutants.

Ground water on the other hand—and especially for small communities and those relying on private wells—often goes right to the tap without any treatment. We drink it as we find it.

Second, pollutants in ground water may be much more concentrated than in surface waters. Waters in rivers and lakes move rapidly and pollutants introduced at one point are quickly diluted by mixing with large volumes of water.

But ground water moves very slowly and there is little mixing. A spill of liquid chemicals on the surface or a leak from a landfill or underground tank will create a plume of contaminants which will stay concentrated as it moves through the aquifer.

Where a serious incident of surface water pollution might produce contaminants in the range of 10 or 100 parts per million, the same contaminated may be found in ground water at several thousand parts per million. If you are drinking ground water untreated and you are pumping it from one of those contaminated plumes, the threat to your health may be very high.

Third, it is practically impossible to clean up an underground aquifer once it is contaminated. In fact, despite Superfund and all of the other cleanup programs, no one has ever restored a contaminated aquifer to its original condition.

We have made great strides as a nation in restoring surface water quality over the past two decades. It has cost billions of dollars in Federal appropriations and industry expenditures. But measurable progress has been made. We dare not think, however, that we could do the same for ground water, if it should become widely contaminated by intention or neglect.

So, ground water is often delivered untreated to the consumer. When polluted, the level of contamination may be very high. Once polluted, it is practically impossible to clean up. And it appears that the incidents of contamination are increasing.

Almost all of the discussion of ground water is a public health discussion. It is not surprising that public health is of concern, since half of all Americans take their drinking water from the ground. But 30 percent of all the surface water flow each year also comes from ground water. In the dry periods of the year, some streams and sloughs are fed entirely—100 percent—by ground water. If that supply becomes polluted or is lost through over pumping or because the recharge area was paved over—those springs and potholes fed by ground water will be lost as productive wildlife and natural resources.

Because the public health interest is so strong, the ground water debate has become distorted. There is one faction—a strong faction—which says we should take a "point of use" approach to ground water protection. Just protect those areas that are used for drinking water supplies, these folks say. Those folks apparently include the policymakers at OMB. Let the rest of the ground water be degraded as necessary or by chance so that we might maximize other values like agricultural production or low cost waste disposal for industry. Why protect something we do not use, they ask.

Well, "point of use" does not recognize the current value of ground water to our wildlife and other natural resources. It does not recognize that ground water discharge is the source of so much of our surface water environment. "Point of use" is a strategy to protect the users, not the resource.

And just the current users. "Point of use" does not recognize the value of ground water to the generations who will follow us. May we, without thought for the options available to our children, turn the aquifers of our Nation into underground pools of weed killer, landfill leachate, and industrial run-off?

Because of its nature ground water is not self-cleansing. The contaminants we put down there today will surely be down there for years to come. There are places in Europe where the landfills of the Roman Empire continue to this day to contaminate drinking water wells. When they talk point of use in the ground water debate, very few are thinking about points of time long in the future.

So, we need to counteract that kind of "point of use" thinking, Mr. President. This bill states a simple and clear ground water protection policy for the Solid Water Disposal Act. It says that we will protect the ground water resources. If we live up to this policy, we will surely have the thanks of future Americans for they will enjoy the same pristine and valuable freshwater resource which is our inheritance.●

THE GRASSLEY FREEZE AMENDMENT TO THE FISCAL YEAR 1992 BUDGET RESOLUTION

● Mr. KOHL. Mr. President, I voted not to table Senator GRASSLEY'S amendment freezing spending in discretionary spending programs at fiscal year 1991 levels. I think it is as important to lay out the reasons I did not vote with Senator GRASSLEY as it is to lay out the reasons I did.

I did not vote with Senator GRASSLEY because I believe his approach is a solution to our serious budget crisis. Mr. GRASSLEY'S freeze amendment leaves over half of the Federal Government's spending untouched and unaddressed: entitlement and mandatory spending. We have to attack all parts of the deficit equation at once—discretionary spending, entitlement spending, and revenues—if we are to bring the deficit down. It is no mistake that the biggest deficit reduction agreement ever passed by Congress, last year's reconciliation bill, cut discretionary spending, cut entitlements, and raised revenues. Anyone who looks at the Federal budget numbers knows, that is the only way we are going to achieve any measure of fiscal responsibility.

I did not vote with Senator GRASSLEY because I believe that across the board cuts in discretionary spending are good public policy. In fact, I believe just the opposite. There are certainly Federal programs that can be cut, slimmed down, or even totally eliminated. However, there are also Federal spending programs that must be maintained or even increased. I supported Senator WIRTH'S "homefront initiative"—an initiative to increase funding in education and health programs. I believe that these programs—these investments in our Nation's youth—have got to be supported even at the cost of eliminating other Federal programs. I support full funding of this Nation's infrastructure needs; I support Federal funds targeted toward the struggling farmers of this country; I support using Federal resources to protect our environment. I believe strongly that these pressing needs must be funded first by eliminating or streamlining other inefficient Federal programs.

The reason I voted with Senator GRASSLEY is that I believe his amendment represents exactly what the American people want from this body. They want us to behave toward our budget as they have to behave toward their personal finances. They want us to look at our growing deficits, our staggering debt, and to say: We are going to have to make do with less money. We are going to have to find ways to do things we want to do—to fund the programs we want to fund—and bring down the deficit at the same time. The American people know, if we have enough political courage, we can do more with less. The Grassley amendment was an honest attempt to force us to do just that. And for that reason, I supported it.•

CHAIRMANSHIP OF JOINT COMMITTEE ON PRINTING PASSED FROM SENATE TO HOUSE

• Mr. FORD. Mr. President, today the chairmanship of the Joint Committee on Printing has, in accordance with the rules, passed from the Senate to the House. I want to wish my successor, CHARLES ROSE of North Carolina, all the best. I want to thank my colleagues, Senators DECONCINI, GORE, STEVENS, and HATFIELD and in the House, Representatives ANNUNZIO, GAYDOS, BATES, GINGRICH, and particularly my ranking minority member, Mr. ROBERTS, for their cooperation and support in reinvigorating this old but worthwhile committee.

Mr. President, in the past 2 years we introduced a program to purchase and use recycled printing and writing papers. This is now a Governmentwide standard. Every agency in Government can now use recycled paper for its correspondence, its booklets, and pamphlets. I am told that in no other commodity covered by the Resource Conservation and Recovery Act will you find so much progress in bringing about government compliance than in the purchase of recycled writing and printing papers. And we have been able to do it at costs lower than the Government had been paying for paper.

Mr. President, oversight is a main function of the Joint Committee on Printing. In the past 2 years I directed the General Accounting Office to carry out its statutory obligation that had lapsed for a number of years and audit the books at the Government Printing Office. GAO also did a comprehensive review of GPO's managerial system and found it weak. Waste of paper and manhours and idle time of equipment were underscored.

The committee held its first series of hearings—one in July and one last January—the first such hearings in recent memory.

With the assistance of the Treasury Department, unreconciled accounts at GPO were identified and with the good offices of the inspectors general of NASA, the Army, HUD, GSA and the Air Force, acting on complaints from the JCP staff, highly inefficient printing practices and techniques were uncovered and are now being corrected.

Several months ago we brought the Public Printer before the committee. With the help of the Secretary of the Senate and the Clerk of the House we reestablished the needs of Congress for accurate and prompt delivery of congressional products, particularly bills and the CONGRESSIONAL RECORD. The Public Printer pledged to resolve internal problems in order to get the job done.

Mr. President, the Government spends on average $3 billion a year on printing. In the past 2 years, the Joint Committee has cut printing costs and equipment requests by just under half a billion dollars. The committee staff has been rigorous in holding the line on printing-related equipment and when asked by agencies for permission to use expensive printing techniques and high cost papers—I have said no. When that was not understood, I have made the words plainer and stronger.

Moves to have the taxpayers pick up the tab for individual business cards for the bureaucracy have been squelched—a minor cost per individual but multiplied by the numbers of men and women in government, the dollar amounts would be astronomical.

The committee's own publications have been used to set examples. Printing costs for the Congressional Directory which is required by law, have been cut in half. But our publications are not suffering from cost reductions. One book I am particularly proud of and joined Representative FRANK ANNUNZIO in sponsoring—the book, "Our Flag," has been awarded a first prize by the National Association of Government Communicators.

In summary, Mr. President, I feel some progress has been made by the Joint Committee in the past 2 years in focusing on the Government's printing problems but much more work lies ahead. This is an important transition period in government communications—a real challenge for all of us including our new chairman and those of us serving on the Joint Committee on Printing.•

COMMENDING DR. STEPHEN L. HENRY, UNIVERSITY OF LOUISVILLE

• Mr. McCONNELL. Mr. President, the welfare of our troops who participated in Operation Desert Storm is of paramount importance to our country. Today, I would like to share with my colleagues the contributions Dr. Stephen L. Henry and his fellow researchers at the University of Louisville have made to their well being.

Over the past 8 months, local newspapers repeatedly detailed Dr. Henry's tireless efforts to seek ways to assist our soldiers, especially those who faced the horror of combat. From the research of antibiotic beads to the donation of $2 million worth of Hoffman's External Fixateurs, it is clear the welfare of our troops is a top priority to Dr. Henry and his colleagues.

Perhaps the most touching article I read was of Dr. Henry's rehabilitation work with Sgt. Hilbert Potter, a soldier who lost his leg to friendly fire on February 25. I think all who read the article share Dr. Henry's optimism and Sergeant Potter's determination. Both are brave Americans deserving of our highest thanks and praise.

Mr. President, I ask that two articles from the Courier Journal be inserted in the RECORD at this point.

The articles follow:

[From the Courier-Journal, Mar. 27, 1991]

"FRIENDLY FIRE" COST HIM HIS LEG, BUT SERGEANT PUT HIS ANGER ASIDE

(By Lawrence Muhammad)

"Friendly fire."

Like "collateral damage" and "killing zone," it's part of the military venacular brought home by the Persian Gulf war.

But Hilbert Potter, a U.S. Army sergeant, knows exactly what it means.

Potter's right leg had to be amputated after he was wounded Feb. 25 by machine-gun fire from a tank in his own regiment.

"I was angry at the whole situation," said Potter, 30, who is in the physical therapy ward of the Veterans Affairs Medical Center in Louisville. "But after I got in the hospital, I thought about it and decided I couldn't blame anybody. Accidents happen."

Potter, who is from Easton, Md., and who joined the Army in 1984, had been based at Fort Knox before the war.

Once in battle, the six-man squad of combat support engineers that Potter commanded wound up guarding Iraqi prisoners for the 2nd Armored Calvary Regiment instead of performing its assigned duty of searching out booby traps and mines.

As the battle raged in the distance on Feb. 25, Potter said, "you could see big balls of fire exploding across the desert when a tank got hit, then 50 or 60 Iraqi soldiers pop up and come running toward us."

Attacked by Iraqis while guarding about 70 prisoners that night, he and the squad drove their personnel carrier farther behind allied lines but into a mortar round that turned the driver's side into a ball of fire, killing the driver.

Potter said he and the five remaining soldiers poured out of the flaming vehicle, with rounds flying overhead in all directions.

Bellies in the sand, Potter said he and the squad lay praying for 20 minutes in the darkness that they wouldn't get hit or crushed.

"Then here comes this American tank," he said. "It was so close I could see it even in the dark, clear as day. The wheels were squeaking and the ground was shaking so I just hoped it wouldn't run over us."

Surprisingly, the tank halted, then trained its machine guns on the squad and fired.

"Two of my soldiers stood up and yelled out, 'Don't shoot! We're Americans!'" Potter said. "I could hear the rounds go right through them. My other guys were hollering, 'I'm shot! I'm hit.'"

After about a minute, the tank pulled away, leaving two men lying dead. Two others were wounded in the ankle and leg; Potter was hit in the buttocks, shoulder and right leg.

Potter said he used his rifle sling as a tourniquet, but he knew then he would lose his leg. "I tried to move the toes in my right foot and couldn't."

Potter and the survivors slept in trenches; medics rescued them the next morning.

But the same advances in technology that destroyed Potter's leg will help give him a reasonably reliable facsimile, said Stephen Henry, his doctor. "Technology in artificial limbs is very comparable to what they're doing with weaponry in the military." Henry said. "It's very sophisticated. Walking, jogging, even playing tennis and other contact sports are certainly not out of the question for him."

Meanwhile, Potter who plans to make a new home in Louisville with his wife, Joy, is awaiting the decision of the Army medical board on whether he can continue in his chosen career.

If he is discharged, he says he will work and study to get his degree in engineering.

But "I'd prefer to stay in the military," he said.

[From the Courier-Journal, Jan. 10, 1991]

U OF L RESEARCHER'S WORK MAY HELP INJURED SOLDIERS

(By Gideon Gil)

If war breaks out in the Persian Gulf, experimental drug-filled beads developed by University of Louisville researchers may be used to reduce infections and the need to amputate the limbs of U.S. troops with serious bone fractures.

Strings of the pea-sized beads, made by mixing powdered antibiotics with bone cement, are packed around a broken bone to deliver infection-fighting drugs directly and fill up "dead space" in which bacteria can flourish, said Dr. Stephen L. Henry, an instructor of orthopedic surgery at U of L who has worked on the beads for seven years.

Henry said experience with the beads in hundreds of patients with severe fractures comparable to war wounds—where skin, muscle and blood vessels are destroyed—has shown that the infection rate has been cut in half compared to patients given antibiotics injected intravenously.

The Navy became interested in the beads in the past year and a half and awarded a $905,959 three-year contract to a Louisville company in September to test them on patients, find a manufacturer and win approval for widespread use of the beads from the U.S. Food and Drug Administration, Henry said.

As the prospect of war has become more real, Henry said, the Navy has pushed the U of L team and Kentucky Medical Research and Development Inc., the local company coordinating the project, to speed up their work. And the Navy has promised to seek expedited FDA review of the beads.

Henry said the beads could be used to treat wounded soldiers transported to the Louisville Veterans Administration Medical Center, one of 22 in the country that have been selected to receive Operation Desert Shield casualties.

That treatment could begin as soon as a month from now, after tests of the beads' safety are conducted in 50 patients. Those tests, in which the beads will be inserted into the wounds of civilians with broken bones, are to start within a week, he said.

Desert Shield casualties would arrive at the Louisville VA hospital within four days of being injured, hospital spokeswoman Pam Ilnick said.

Desert Shield victims would be treated as part of the second phase of testing, during which 100 patients will be treated with the beads and 100 with current anti-infection treatment using intravenous antibiotics.

Henry said a Navy official this week also raised the possibility that the antibiotic beads could come under a waiver that the FDA granted the Defense Department last month to use experimental drugs to treat troops in the battlefield without obtaining the soldiers' consent.

Henry said the beads are easy to manufacture—a pharmacy can make them using commonly available antibiotics and bone cement—but because they are not yet being mass-produced, the beads could not be used immediately on a large scale.

"But once they (the Navy) decide they're going to do something, they've got the manpower to produce it" in a matter of months, he said.

Infections affect 20 percent to 25 percent of patients with severe bone fractures of the type received in battle, and as a result, 10 to 15 percent of patients with severe fractures of the tibia—the shin bone—eventually lose the limb, Henry said.

Henry, who works with Dr. David Seligson at U of L, said treatment with intravenous antibiotics sometimes fails because damaged blood vessels prevent adequate amounts of the drug from reaching the wound. In addition, the blood carries antibiotics to the kidneys and ears, where they can cause damage.

With the beads, however, the levels of antibiotics in the wound are 20 to 40 times the levels achieved with intravenous therapy, Henry said, and because the drug is not in the bloodstream, little reaches the kidneys and ears.

Henry said that the beads have been used in more than 2,500 patients in the past seven years and that none experienced bad reactions. He noted that he treated seven victims of the 1989 Standard Gravure shootings in Louisville with beads, and not one suffered a bone infection.

Henry said the beads could prove invaluable at a battlefield hospital, because when packed into a wound that is temporarily wrapped with an adhesive plastic the beads can help prevent infection for three days to a week—enough time for injured troops to be transported to hospitals for surgery.•

THE MOYNIHAN AMENDMENT TO THE FISCAL YEAR 1992 BUDGET RESOLUTION

• Mr. KOHL. Mr. President, I want to commend my colleague, the Senator from New York, for forcing the Senate to look at a terrible injustice: the overwhelming burden of payroll taxes on lower and middle-income working people.

The Senator from New York is absolutely correct when he says these working men and women deserve a tax break. Between 1977 and 1988, the income of the average family actually decreased by over $1,000. The income of a family in the top 10 percent of income earners, on the other hand, went up almost $17,000, and the income of a family among the richest 1 percent in this Nation went up, on average, over $134,000. The tax cut decade of the 1980's provided a windfall to the rich financed with tax dollars from the middle class.

Payroll taxes lay at the heart of this injustice. Most middle-income taxpayers owe payroll taxes on 100 percent of their income; most wealthy taxpayers owe payroll taxes on less than 25 percent of their income.

Cutting payroll taxes would set right two powerful wrongs. It would give working people a deserved and needed tax break. And, it would make more fair our increasingly unfair Tax Code.

However, I cannot support a payroll tax cut that is funded by bankrupting the Social Security system—and that is what the Moynihan amendment proposes. Currently, the Social Security system has enough in reserve to pay only about 10 months of benefits—that is, a reserve equal to 81 percent of annual expenditure. In the judgment of almost all economist and experts—most notably, Robert Ball, the Commissioner of Social Security between 1962 to 1973—the current level of reserves is not sufficient to guarantee the solvency of the Social Security program. Experts believe that a reserve of around 18 months—or at least 125 percent—is necessary to ensure that the Social Security fund can meet its obligation to retirees.

It is important to remember that, at the beginning of the 1970's, the Social Security system had a reserve balance of more than 100 percent. Yet, if Congress had not acted to shore up the fund in 1977, the economic fluctuations of that decade would have bankrupted Social Security. I do not think anyone in the Senate, or anyone in this Nation, wants to relieve the panic of 1983 when the Social Security system was so close to broke that there was uncertainty as to whether the Government was going to be able to send out its checks.

The argument has been made that, since the Social Security reserve is held in Treasury bonds—really IOU's from the Federal Government—it is worthless. It is simply masking the Federal deficit. These points are important and need to be clarified.

First, it is true that dishonest bookkeeping had, until this year, allowed us to use the surplus to hide the size of our deficit. But last year I, along with the leadership of this body and many of my colleagues from both sides of the aisle, introduced legislation to take Social Security off-budget—to keep it from hiding our fiscal irresponsibility. That legislation passed. Social Security is off-budget.

Second, it is not true, as some argue, that the Social Security system will be equally safe whether we hold the Social Security reserve in Treasury bonds or give it back to payroll taxpayers. At present, if the Social Security Administration needs more money than anticipated to meet its obligations, it cashes in some of the reserve Treasury bonds. That is an easy financial transaction that takes no special action by Congress, the President, or any other political organization. However, if we give this reserve away as Mr. MOYNIHAN suggests, and it turns out the Social Security Administration needs that to pay benefits, the administration must go to Congress and ask for a tax increase. That is not an easy transaction. And it is not certain Congress would act—and act on time.

Mr. President, working people need a tax break. Working people deserve a tax break. Working people are not treated fairly under this Nation's tax system, and that is a disgrace. But working people do not need a tax break that is funded by threatening their own retirement.

I challenge the Congress and the President to find a way to give working people their due. But I urge my colleagues not to do so by robbing these same people of their retirement security. Middle-income families paid for the enrichment of the rich during the 1980's. We cannot also ask them to pay for the payroll tax cut that is supposed to even the score.•

COMMEMORATING THE FIFTH ANNIVERSARY OF THE ACCIDENT AT CHERNOBYL

• Mr BRADLEY. Mr. President, April 26, 1991 marks the fifth anniversary of the accident at Chernobyl in Ukraine. I rise today to speak about the suffering the accident caused and the deceptive response of the Soviet Government and to highlight the efforts of a few groups and individuals to ease the suffering and change the system that caused it.

The accident created not only great immediate suffering in the Ukraine, but will have tragic effects for many years and generations. Soviet authorities have said 31 people died as a direct result of Chernobyl, the actual number is estimated to be close to 500. Worse, more than 4 million people continue to live in the dangerously contaminated Chernobyl region, and continue to be exposed to an unsafe level of caesium-17. More than 2,000 square kilometers of Belorussia, 640 square kilometers in Ukraine, and 310 square kilometers in Russia have been identified as contaminated by more than 40 curies per square kilometer, many more thousands of square kilometers are unacceptably tainted. The tragic result is alarmingly high rates of cancer, leukemia, diminished immunity, and genetic effects.

The Soviet Government has been inexcusably remiss in fulfilling its responsibilities to the affected people and the world. Most residents of Ukraine, Belorussia, and the affected portion of the Russian Republic did not know about the continuing danger until March 20, 1989, when the information was published in a Soviet newspaper.

While the Soviet Government has not responded to the needs the victims, individuals and private American voluntary organizations have reached out to help. One of these groups is the Children of Chernobyl Relief Fund, which is based in New Jersey. Their tireless efforts have eased the suffering of the most innocent victims of Chernobyl. CCRF has brought Ukrainian children to summer camps in the United States, arranged for medical care in the United States, and, most recently, arranged for the transport of $3.5 million worth of donated medical supplies and equipment, including an ultrasound machine, a pediatric intensive care unit and a blood cell analyzer to hospitals in the Ukraine.

Another group, Americans for Human Rights in Ukraine has not only provided assistance but fought for political change in the region. Based in Newark, NJ, AHRU was founded in 1980 to defend human rights in the Ukraine. Since the accident, they have worked closely with Zeleny Svit, a Ukrainian ecological group, to get the truth about Chernobyl out of the Soviet Government and into the American one.

These groups represent the best of American values and response to crisis; they are compassionate, they identify real needs and find solutions, they establish relations with democratic political units and their actions foster civil society where it has long been repressed.

Mr. President, the last 5 years have been ones of great change in the Soviet Union, and ones of great suffering in the regions affected by Chernobyl. As we remember the suffering and commemorate the victims, we should also remember the groups and individuals in the United States, Ukraine, Belorussia, and Russia that have helped the victims and are trying to change the system that caused the accident.•

CHERNOBYL CONTINUES TO WORSEN

• Mr. DIXON. Mr. President, I rise before you today to call attention to perhaps the greatest environmental disaster facing the world today. It was 5 years ago this week that a nuclear reactor at the Chernobyl powerplant in the Soviet Ukraine went out of control, causing its uranium core to melt down. The entire world continues to be affected by its radioactive fallout, especially the Ukraine and neighboring Bielarus. The Soviet Government has repeatedly lied and covered up about the disaster and the cleanup, and it now admits that not nearly enough was done.

The facts are well known. Nearly 5 million people live in areas of the Soviet Union where the food, land, and water are contaminated. Much of the land in these areas is considered the world's most fertile.

Eighty percent of the children in these regions suffer serious health problems. Thousands of people have died, and many more will die from diseases related to nuclear fallout. Nearly 200,000 people have been evacuated, and another 200,000 are still awaiting relocation. Tens of thousands of people are severely ill, and strange human, plant, and animal mutations continue to occur.

Despite glasnost, the Soviets have yet to fully disclose, especially to their own people, the extent of human and environmental damage from this catastrophe.

The Soviet Government hastily encased the remains of the nuclear power station in a giant sarcophagus of concrete and steel. Now, however, this coffin is crumbling under its own weight. Most importantly, huge cracks have developed, emitting radiation 375 times higher than before the accident. And amazingly, other reactors at Chernobyl, as outdated and unsafe as they are, continue to operate. The Soviet scientists are unsure how to dispose of the 135 tons of nuclear fuel that will remain dangerous for centuries.

Mr. President, the Soviet Government needs to do much more. The millions of victims of Chernobyl need immediate special attention. Earlier this year, the Ukrainian Supreme Soviet Ecology Committee approved legislation designed to overcome the effects of the nuclear accident. The Ukrainian Parliament has stated that if the Soviet Government does not finance the aid package for medical help resettlement assistance, and compensation for material damage, then Ukraine reserves the right to subtract the necessary funds from its contribution to the all-Union budget.

I am pleased to say Western organizations, such as the Children of Chernobyl Relief Fund, Project Hope, with the help of the U.S. Government, Greenpeace, and others, have taken the lead in relief efforts. The World Health Organization endorses an international plan to aid victims of Chernobyl by setting up a center for radiation-induced health problems near Moscow. However, the Soviet Government can, and must, do much more.

I would hope that the Soviet Government would take notice of the efficacy of these plans by appropriating the necessary funds to make the cleanup of Chernobyl and its fallout a priority. It is not hyperbole to suggest that the future of millions of people worldwide depends on it.●

THE PLIGHT OF THE KURDS

● Mr. LIEBERMAN. Mr. President, the news of Iraq's Kurdish population continues to be grim. It is being reported that 500 Kurdish refugees are dying each day along the Iraq-Turkey border.

Such horror is a searing reminder of the brutality of Saddam Hussein, the evil force behind this disaster of Biblical proportions.

As grave as the situation is for the 850,000 Kurds near the Turkish border, the life and death struggle may be worse for the 1.5 million Kurds near Iran. We do not know how many Kurds die along that border each day. We can only imagine that the tragedy must be great.

And the future of Shiite refugees in southern Iraq, protected up until now by United States forces, is in some doubt, as reports surface about Iraqi secret police amassing lists to hand over to Saddam's military forces. Will they, too, die, as the American military shield is withdrawn?

It is likely many refugees now dead would be alive today had the international community, including the United States, acted more quickly in response to their plight, if we had stopped the horrific slaughter of innocent life in the aftermath of the gulf war through a series of air strikes against helicopter gunships and tank columns, for example. The act, while not necessarily tipping the strategic balance of power in favor of dissident forces in Iraq, would have saved many civilian lives, and might have prevented the wholesale, panic-driven flight of Kurds to the Turkish and Iranian borders.

But we cannot remake the past, no matter how recent it is. We can only deal with present reality. The President has begun to act on behalf of the Kurdish refugees, and that is a positive sign. We are establishing camps where their immediate needs can be met. More and more food and other supplies are being airlifted in. The death rate should continue to fall.

But there is more to do. We must continue to explore ways to help those Kurds situated near the Iranian border. The administration is pursuing discussions with Iran, through Swiss intermediaries, about how we can help. Those discussions should be speeded up, so that we can lead an international effort to supply the desperate Kurds, despite our longstanding problems with the Iranian regime. The scope of this disaster is so great that it overwhelms the politics of international relations. We do not abandon our legitimate concerns about Iran's Government by acting to help feed, clothe, shelter, and heal hundreds of thousands of Kurds displaced by the tyranny of Saddam Hussein. Perhaps cooperation in this humanitarian effort can even help close the gap between Washington and Tehran, and help us solve the hostage crisis in Lebanon. Nonetheless, we have a moral responsibility to do more to help the Kurds, and that responsibility should drive our policy in the days and weeks ahead.

We must also plan for the security of the Kurds over the long term. We cannot simply set up tent cities, move the Kurds in, and then leave without in some way safeguarding their lives against a renewed murderous rampage by Iraqi forces. Already there are scenes of so-called Iraqi police hovering nearby the new camps. What will they do if and when we leave? Will a U.N. peacekeeping force be sufficient protection against the might of Saddam's military? The international community, led by the United States, must outline our policy regarding the protection of the Kurds from renewed attacks by Saddam more clearly. The President has acted properly by ordering armed Iraqi forces from the neighborhood of our safe haven, but we need to ensure they will not easily return once we are gone.

We must also recognize that safe havens—even if we make them truly safe—are but temporary solutions. The Kurds deserve safe passage home, where they have beds, clothes, food, work. It should be our goal to help them go home in peace.

I suspect that will not be possible until Saddam Hussein and the Baathist regime are out of power. There is no room for cosmetic or symbolic changes. American policy must be clearly enunciated: President Bush must say loudly and unmistakably that we want Saddam and all his men gone from power in Iraq.

To this end, we should change our overly timid policy toward the Iraqi political exile community. In the past, out of fear of offending Saddam, we avoided contacts with these exiled leaders. It was only this month that the State Department met with them to discuss political issues, as opposed to strictly humanitarian concerns. Such contacts should continue and be broadened. We must encourage the creation of the next generation of Iraqi leadership—leaders who will seek to establish democracy, a free market economy, and respect for human rights within Iraq. We can also back up our support for Iraqi rebels with actual commitments of arms and funding. We gave them so much verbal support in months following Saddam's invasion of Kuwait that they rose up against Saddam, only to find the depth of our support skin deep. If we truly want Saddam's regime overthrown, we must do more than say so; we must take all reasonable actions necessary to bring it about. To do so is not only in America's interest: it is in the interest of the community of nations, and the people of Iraq itself. The news that Saddam has reached an accord with some Kurdish leaders is being welcomed in some quarters. But I remain deeply suspicious of Saddam's intentions, as I am sure many Kurds do, too. I simply do not trust him. We cannot rely on his word as we formulate and apply America's foreign policy regarding Iraq.

Regarding contacts with members of the Iraqi regime, we must make clear that we will have no normalized discussions with them. As long as we continue to control Iraq's airspace, we can continue to tell Iraqi officials what they can and cannot do with their oil and their military. That is a policy of common sense when one accepts that Iraq's rulers are terrorists, not legitimate officials. Truthfully, many of them belong in the dock of international war crime trials, and we should keep that uppermost in mind every time we must have contact with them.

Our embargo of Iraqi exports and imports must continue as long as Saddam's regime. The sanctions were not a weapon strong enough to force Saddam out of Kuwait, but their continued application can serve as a signal to Iraq that we will not tolerate Saddam's rule. The more we make life easier for Saddam, the stronger he will become. There is a news report that Saddam would like the prohibition on oil exports lifted in time for his 54th birthday. That is one birthday present I don't believe we should be giving Saddam Hussein. I urge the President to use America's veto power to stop any attempt to let Saddam get his birthday wish.

Beyond the use of sanctions as a weapon against Saddam, we must retain our air supremacy and use it to coerce proper Iraqi military behavior toward civilians under their control. As we leave southern Iraq, we must be prepared to respond quickly to any reports of atrocities committed in our absence. If we leave northern Iraq, the threat of air strikes against any armored movements against civilians must remain. An umbrella of American air power must exist over Iraq as protection against the slaughter of innocent lives. It is not an easy task; it comes with some risk. But it is an obligation we must undertake if we are to remain true to the principles which moved us to take arms against Saddam's forces in Kuwait.

Humanitarian aid for Kurdish and Shiite refugees. Military protection of their lives against Iraqi army aggression. Continued control of Iraqi airspace. Continued prohibition against Iraqi imports and exports, with minor exceptions to provide essentials for the health of Iraqi citizens. More diplomatic, economic, and military support for Iraqi rebels. And an unwavering commitment to the removal of Saddam Hussein and his henchmen, and to their trial for war crimes.

That is the stay-tough policy America needs. That is the policy I urge the administration to adopt, in the national interest. For our national interest extends beyond the narrow calculus of material gain and political or military advantage. It extends to the restoration of international morality, to the destruction of evil forces that threaten the stability of a civilized world. The total destruction of Saddam's regime in Iraq is the one truly humanitarian act that Americans, Iraqis, and people of conscience throughout the world, want to see accomplished.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Darwin Cusack, a member of the staff of Senator SMITH, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 29 to May 5, 1991.

The committee has determined that participation by Mr. Cusack in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Therese Delgadillo, a member of the staff of Senator SEYMOUR, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 29 to May 5, 1991.

The committee has determined that participation by Ms. Delgadillo in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Christopher Frenz, a member of the staff of Senator SARBANES, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from May 11 to May 18, 1991.

The committee has determined that participation by Mr. Frenz in the program in Germany, at the expense of the Hanns Seidel Foundation, is in the interest of the Senate and the United States.●

AFFECTING CHANGE IN THE SOVIET UNION

● Mr. LIEBERMAN. Mr. President, the Soviet Union is moving from crisis to chaos to collapse. Rumblings of coups, secessionist riots, and imperial crackdowns are reported almost daily in the press. Soviet leadership is ephemeral, moving left, right, then teetering at the center.

But amidst this turmoil, this collapse, there are signs of hope. Democrats are finding their voice. The successor generation to the present Soviet leadership is not talking about whether a market economy is the way of the future but how it can be implemented. The role of the West in aiding the Soviet people toward the promised land of capitalism and democracy is unclear. What makes it so is both the present economic and political confusion within the Soviet Union and the absolute necessity that the Soviets make the decision to leave communism on the ash heap of history on their own.

Yet, the West cannot afford to sit idly by and allow this window of opportunity for change in the Soviet Union to close on Soviet democrats and capitalists. To turn an essay by Lenin on its head, "Shto Delat?" or "What Is To Be Done?" to aid the Soviet people.

There are no definite answers to this conundrum. Aiding the Soviets could serve only to prolong the agony of the Soviet people by propping up the current regime. On the other hand, aid or the promise of aid conditioned on the Soviet leaders making certain, dramatic and permanent changes regarding the economy, the political system, and the undeniable rights of the republics.

And while I say that there are no answers to the difficult question of what we in the West can do about the Soviet Union, I believe that we must at least consider various alternatives. Dr. John Hardt, the Associate Director of the Congressonal Research Service, and one of the Nation's leading experts on the Soviet Union, particularly the Soviet economy, recently delivered testimony before the House Appropriations Subcommittee on Foreign Operations, chaired by Representative DAVE OBEY, outlining options that the West might pursue in trying to affect change in the Soviet Union.

While some may differ with Dr. Hardt as to whether his suggestions are the most appropriate, there can be no denying that his analysis deserves our careful consideration and attention.

I am submitting John's fine testimony for the RECORD so that my colleagues will have an opportunity to study it. I, therefore, ask that a copy of Dr. Hardt's testimony be printed in the RECORD.

The testimony follows:

TESTIMONY FOR HOUSE APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS; EXPORT FINANCING AND RELATED PROGRAMS, APRIL 23, 1991

(By John P. Hardt, Associate Director and Senior Specialist in Soviet Economics)

SUMMARY

Fundamental economic and political reform and continuation of "new thinking" in foreign policy appear to be the preconditions for substantive assistance from the international agencies and governments of the West to the Soviet Union. These in turn are essential for creating an environment conducive to substantial direct investment and technology transfer from private Western enterprises. Investment and joint ventures with Soviet oil and gas enterprises are especially relevant to a critical turnaround in Soviet performance and profitable investments for Western enterprises. Effective Western assistance could provide the impetus, resources and discipline necessary for coping with the economic crisis in the Soviet economy.

Moreover, positive economic performance could revive the process of perestroika, and lend some measure of legitimacy to the leadership engaged in fundamental reform. While no easy or painless solutions are available for a transition from a command economy to a pluralistic market system, if comprehensive and simultaneous actions in a number of areas necessary for fundamental reform are undertaken there is credible potential for improvement in performance. An early commitment to threshold changes in such a comprehensive economic reform program is critical.

Several recent studies of the Soviet economy indicate a consensus on the preconditions or threshold changes that might provide the conditional basis for substantive Western support.[1] If the level and structure of support that would be forthcoming were made more explicit by the Western institutions, the incentive to adopt fundamental reform and extend new thinking in foreign policy might be greatly enhanced. The conditionality of such assistance, and greater certainty of its availability, might provide the basis of trust and confidence which is currently absent in those who must consent to the rigors of change. Moreover, this reform environment might well encourage significant foreign investment. In this process a unique opportunity and obligation may fall to the United States.

I. WESTERN AID AND PRECONDITIONS

In the summer and fall of 1990 major Western and Soviet studies were undertaken to meet the urgent needs of assessing and making prescriptions on the failing Soviet economy. The assessments and prescriptions were generally consistent. Each identified deepening crises in the monetary system, productivity, a need for the availability of goods and services, the quality of life, foreign economic relations, trust and confidence in the government external assistance.[2] While there was general agreement that significant or fundamental reform was necessary and would be a precondition of substantial assistance, the Soviet regime under President Gorbachev retreated to a policy of ineffective economic measures to address the urgent problems and returned to reliance on the old institutions of power including the command economy bureaucracy, and the Party nomenlatura. These measures have proven to be counterproductive once again, and illustrated anew that half measures, in a "socialist market", would not only be inadequate but have adverse effects on performance. As critical economic indicators are turning down, such as the value of the ruble, industrial output, measures of the quality of life, and foreign commerce, a regime-threatening environment due to poor economic performance becomes increasingly evident. As the social contract of public consensus on economic policy and federative relations is likewise approaching regime-threatening levels, fueled by a lack of trust, rising ethnicity and hostility to central leadership, the traditional options of "muddling through" or return to dictatorship seems to have been exhausted and discredited.

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[1] The Economy of the USSR, a study undertaken to respond to a request by the Houston Summit, *Summary* and *Recommendations: A Study of the Soviet Economy*, Volumes 1, 2, 3, prepared by the International Monetary Fund, World Bank, OECD, EBRD, December, 1990 and February 1991; European Economy, Stabilization, Liberalization and Devolution, Assessment of the Economic Situation and Reform Process in the Soviet Union, European Community, December 1990.

One expression, in general terms, of the situation which must exist to unleash more Western support was contained in the testimony of Robert B. Zoellick, counselor to the Secretary of State, before the Senate Foreign Relations Committee.

"We should try to persuade Soviet leaders that a reliance on the methods of the old power system will create unintended consequences that move them away from the very objectives they seek. Both efficient market economics and stable democratic politics depend on public confidence that government and the public will operate according to a set of generally understood rules. Arbitrary assertions of government power threaten such a rule-based system. It is in our interest to urge all parties in the Soviet Union to create and abide by such rules. Their own processes, operating within those rules, will have to establish the legitimacy of relations between the Center and the republics, and between governments and the people." (underline added)[3]

It has been argued, in effect, that the requirements of fundamental reform necessary to elicit Western assistance are those same requirements necessary to sustain the process of perestroika and the leadership supporting that process.[4] The concept of perestroika not only addresses the need for fundamental economic reform, but political pluralism and the rule of law at home and "new thinking" abroad. The political aspects of perestroika would rule out the use of force and coercion, such as what occurred in the Baltic states, and encourage continuation of new foreign policy initiatives toward arms agreements (CFE and START) and resolution of outstanding regional issues such as the Northern Territories, (Kurile Islands) north of Japan, and pursuit of a new order in the Middle East.

II. THRESHOLD CONDITIONS IN FUNDAMENTAL REFORM

There is a broadening consensus in the West and among fundamental reformers in the Soviet Union that while the program of transition to the market should be comprehensive and simultaneous, some more dynamic initial steps should be made in the first stage. By meeting these threshold conditions, the process would have a better chance of success with less pain and the process would be made relatively irreversible. Let us summarize some major aspects of a comprehensive and simultaneous program with indications of some thresholds:

Monetary Stabilization: The currency should be internally convertible and anchored to some convertible currency to establish the basis of eventual full convertibility. Some initial allowance for profit repatriation may also be necessary to attract foreign investment. Price liberalization should be initiated as part of a stabilization program; wage controls may also be required.

Privatization: Prior to dispersal of assets (enterprises, land, dwellings), an intermediate step of destatization is necessary to shift ownership from the state, party command economy bureaucracy to a holding facility such as joint stock companies; subsidies would end and with corporatization enterprises would no longer be bailed out by adoption of a "hard budget consraint," and unproductive or clearly noncompetitive capacity would need to be dispensed with through restructuring. Initiation of a contract system and foreign investment law could provide a basis of legal security. Social values might be addressed by environmental health or infrastructure programs. This initial stage would clear the way for more efficient, expeditious, and equitable dispersal of assets that might take decades to fully implement.

Social Pacts: Economic programs must be made with some degree of consensus between the central government and the populace in order to make judgments on difficult tradeoffs more sustainable and to allocate economic powers from the center to the republics and localities. The parliamentary or other elective body responsibility is critical in establishing a social pact or consensus on difficult choices affecting income, employment, price stability and other conflicting policy objectives.

A common market for economic relations with a substantial degree of political independence, possibly including secession, would seem to be the most viable federative pact. This adjustment of the centrifugal political and centripetal economic forces, would seem to be desirable within a model such as the Common Market post 1992 approach. This model is generally in line with the Shatalin program, the draft Union-Republic Treaty, and views of many outside experts. The center would have authority in monetary, budgetary, commercial, and resource control consonant with an integrated common market, but would share with Republics most other powers. The center might focus on early and more detailed agreement with the "core" republics (RSFSR, Ukraine, Belorussia and Kazakhstan), with looser arrangements with the periphery. This need for a "common market" approach is well stated in the Yale report:

"The Soviet Union now has a large market with a common currency and almost 300 million people in its boundaries. Thus it already has the unified market that has been so successful in America and has taken Western Europe decades to achieve. The forces of separatism, now so pervasive, threaten to destroy it. Trade barriers would be particularly costly for the Soviet Union because its plants and facilities have been built on the basis of geographic specialization and exchange across the unified market. All of the republics have a large fraction of their economic activity dedicated to interrepublic trade."[5]

Viable Market Institutions. An independent central bank and the beginnings of a commercial banking system are necessary for implementing an effective stabilization program, exercising monetary discipline, fostering development of a capital market and mechanisms for establishing a real interest rate by market forces. Privatization and the means for establishing social pacts likewise require new market oriented institutions responsive to the elected political institutions.

A transitional privatization unit that could assure that the processes of destatization, corporation and technical restructuring might be effectively followed by an equitable and efficient dispersal of assets would be important. The privatization agency would need to rigorously adhere to professional standards while being responsive to the political process. It should be noted in defense of the German Treuhandanstalt and privatization agencies in central European countries, that no historical experience offers a sufficiently relevant model and many of the decisions in the longer process of privatization must perforce be "Solomon like".

Accurate information needs to be collected by a professional economic statistical unit generating sufficient, reliable information for informed economic policy judgments in a developing market environment.

III. ROLES OF WESTERN ASSISTANCE

The Bretton Woods institutions (IMF, World Bank) and other market oriented international agencies (OECD, EBRD) have the dual roles of supporting the transition, including a comprehensive and simultaneous Soviet reform program with emphasis on the initial threshold requirements, and making the assistance conditional on compliance with those specific performance criteria. Holding to objective principles professionally agreed to and mandated by organizational charters, should be coupled with the democratic political processes. There needs to be a consensus, or a pact, not only among the Soviet leadership, their populace and republics, but between the Soviet government and the Western assistance agencies coupled with surveillance and conditionality.

Particular attention to the criteria for monetary stabilization would fall to the IMF, while restructing for privatization may be an emphasis of a World Bank program. Western parliaments may assist in developing mechanisms for establishing a social pact with popular and republican support. Early and priority emphasis on the monetary institutions may be facilitated by some form of "special associate status" for relations with the IMF and World Bank. The collection of accurate information to monitor the economy could build on the cooperative relationship established for the studies by the IMF, World Bank, OECD, EBRD, and EC mentioned earlier. A Moscow workshop on these studies could fruitfully proceed a special, initial relationship. The process underway in Hungary in the conduct of the OECD country study is an ideal mechanism for force feeding the development of a reliable statistical system.

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[2] John P. Hardt, Western Aid Report on the Soviet Economy, CRS Report 91-16, RCO.

[3] Robert Zoellick's testimony to the Senate Foreign Relations Committee, Feb. 28, 1991, p. 17. [N.B. Barber Conable, President of the World Bank, at news conference in Copenhagen on March 28, 1991 said, "We are expecting and would welcome an application from the Soviet Union." (Reuters, March 29, 1991)]

[4] John P. Hardt and Sheila Heslin, Commentary by Oleg Bogomolov, Perestroika: A Sustainable Proces for Change, Group of Thirty, November 1990.

[5] The Soviet Economic Crisis: Steps to Avert Collapse, memorandum of an international study group chaired by Professor M.J. Peck of Yale, November 1990. 18 p.

Establishing new institutions and reliable information for transition to the market is not a technical issue alone. Nothing short of a dialective process in economic system development is involved. One may generalize that the old control system must be fundamentally replaced (the euthanasia of the old bureaucracy and the nomenklatura class). The problem in institutional transition is that a new bureaucracy is not yet available. External assistance is needed to set up the principles and operating procedures for market oriented institutions. The cadres may be drawn from the old bureaucracy, retrained, and reeducated in a new institutional framework. The surveillance and conditionality of the international agencies may constantly reinforce these new operating criteria. Experience in Central Europe is encouraging in many cases on the ability of former party members and staff of the old bureaucracy to make the transition. Indeed, most of the key personnel in the more advanced transitions in Poland, Hungary and the Czech and Slovak Federal Republic were in the cadres of the old regime.

Beyond technical and direct resource assistance is the implied obligation to improve the externel economic conditions to emulate the favorable environment created by the Marshall Plan where debt management, market access, reduced export conrols, and effective regional developments are necessary. Active and early involvement in the GATT process would be useful.

V. CRITICAL NEED FOR AN EXTERNAL INVOLVEMENT PERESTROIKA

The comprehensive and simultaneous programs required for economic success, may neither be developed nor supported by conflicting domestic interests and the populace as a whole. Credibility and trust do not currently flow from any internal Soviet sources especially the central leadership. Only outside institutions with proven, successful track records and resources appear economically credible. Necessary technology, investment and management may be developed in part from internal resources, with fundamental reform. But in critical cases such as the energy and food chains the difference in degree and quality of a restructuring with, and without, Western investment appears to make external involvement the crucial margin.

More generally the presence of the IMF, World Bank, OECD, EBRD, EC and Western governments in the Soviet Union could provide an umbrella of economic, commercial and legal security necessary to create an environment to successfully attract private investment from abroad. Especially important are the long term prospects that may be influenced by a serious commitment to fundamental reform and its support by international agencies. In short a troika of fundamental domestic reform with continued new thinking in foreign policy, Western commitment to effective support of this fundamental reform, and the Western private investors who may see a profit in a society committed to a transition to political pluralism and a market economy may need to reinforce each other.

Never in the Russian or Soviet history of Westernization has the political need for external involvement, a *deus ex machina* been more crucial. Never have the requirements for transition from autocracy to pluralism and from a command, centralized economy to a market economy been more clearly established. With the regime-threatening crises deepening this may be the critical window of opportunity. Legitimacy of leadership and support for an essential restructuring of society—a perestroika—has never been more necessary. A turnaround to successful indicators appears tied to effective external involvement through conditionality, discipline and resource impacts. The only choices for Soviet leadership may be disintegration or commitment to a democratic market oriented perestroika. Can Western aid and investment actually serve as a *deus ex machina*? Only if the Soviets radically change their economic and political system.●

ANNIVERSARY OF THE MASSACRE OF THE ARMENIANS IN THE OTTOMAN EMPIRE

● **Mr. DIXON.** Mr. President, for thousands of Armenian-Americans, today is a solemn day of remembrance for their relatives who died as part of a deliberate massacre against Armenians in the Ottoman Empire back in 1915. It is important that we do not forget the significance of this day in the hearts of many Armenian-Americans. Their memories are painful, their suffering great. What happened to their grandparents and great-grandparents is indisputable. They were the victims of forced relocation and slaughter because of their ethnicity.

The United States has always stood against such violence and brutality. We, as a beacon of freedom for the rest of the world, have had a special responsibility to remind ourselves, our children, and the world, of such atrocities, in the hope that they never happen again. The massacre of Armenians must never be forgotten.

I stand today with my Armenian-American friends on this day in remembrance of the suffering and tragedy that has befallen their families, friends, and relatives. We must never forget how cruel mankind can be, but for our part we must work with great determination to prevent such atrocities from happening in the future.●

PROCLAIMING VIETNAM VETERANS REMEMBRANCE DAY IN NEW JERSEY

● **Mr. LAUTENBERG.** Mr. President, I rise today to commemorate and pay honor to America's Vietnam veterans.

On May 7, 1973, the Vietnam war officially drew to a close. The United States lost over 50,000 lives to that war. In my State of New Jersey, some 300,000 residents served in the military during that period and over 1,500 New Jerseyans died as a result of hostile action or are listed as missing in action or prisoners of war.

In the 1960's America sent its finest to fight for democracy and justice in a foreign land. They fought valiantly in unfamiliar places such as Hanoi, Pleiku, Ia Drang, Phan Thiet, the Mekong Delta, and Khe Shan. Sadly, when they returned home, this country never gave its Vietnam veterans the heroes welcome they deserved. They fought an unpopular war. A war where military leadership was compromised by political indecision and strategic confusion.

The Vietnam veterans never received the respect and gratitude they deserved. They came home to ridicule and hostility; to an America turning its back on those who answered their Nation's call. I have heard Vietnam veterans from New Jersey say, "Never again will one generation of veterans be forgotten by another." This is one of the reasons I believe the heroes and heroines of the Persian Gulf war are receiving the support they are. It is what all Americans deserve when they return home from serving their country.

Today, our Vietnam veterans are leaders and role models—in the corporate world, in their communities, in municipal and State governments, and in Congress. Many others, however, still suffer the after effects of the war. Their lives are plagued by posttraumatic stress disorder and by health problems caused by exposure to agent orange. For these veterans we must do what is right—we must continue to ensure they get the care they deserve. These brave soldiers stood tall when America needed them, now it is the Nation's turn to stand by its Vietnam veterans when they need us.

I join today with the Governor of New Jersey in honoring and paying tribute to veterans of the Vietnam war by proclaiming May 7 a permanent "Vietnam Veterans Remembrance Day" in the State of New Jersey. It is a long overdue expression of pride, support, and thanks to our Vietnam veterans for the sacrifices they and their families have made for America.●

ONE TO ONE MENTORING DAY

● **Mr. ROCKEFELLER.** Mr. President, today, April 26, 1991, marks the first national One To One Mentoring Day as part of a national effort to encourage community service.

The purpose of this event is to recognize the value of mentors to our society—and to encourage further mentoring programs. Mentors are caring, nurturing adults who take an active role in a young person's life. Mentors help steer young people in the right direction. They provide support and encouragement to keep children and teens away from trouble. A mentor can help keep a young person on a track that will lead to educational success.

One To One is a new partnership of private and voluntary sectors formed in 1989, to promote mentoring programs throughout our country. This exceptional organization is seeking to build on existing mentoring programs and to blend mentoring with entrepreneurship. The group is committed to promoting mentoring projects and has been creative in developing different programs that respond to special needs.

This day honoring mentoring, and the work of One To One, is part of a 12-day celebration of community service sponsored by the Points of Light Foundation. Promoting service, especially mentoring programs, is a valuable initiative to help children and to strengthen community involvement.

I am proud to focus attention on mentoring programs and want to urge my colleagues to support these programs in their own States.

In West Virginia, there are many extraordinary mentoring programs. I would like to share with my colleagues the details of a few exceptional programs to highlight the tremendous community service involved in mentoring initiatives.

The Children's Home Society of West Virginia developed a mentor program that links volunteers with neglected and abused children. Volunteers receive special training from child protection workers so they are prepared to provide the special support these children desperately need, and to work with the families as well. This program is operating in 9 counties in my State, with 167 mentors.

Another model program is sponsored by West Virginia Wesleyan College. The school links college students with local school children and adults who are trying to improve their literacy skills. At Marshall University, Africian-American freshman students are paired with upperclass students who can provide support and guidance throughout their freshmen year.

The point of all of these programs is that mentoring and making it, go hand in hand. For at-risk youth in particular, the difference between success and being left behind is often determined by the presence or absence of a mentor.

On One To One Mentoring Day, it is important that we pay tribute to mentors across the country. For giving of their time, energy, and commitment, mentors deserve our thanks and encouragement.•

PROPOSED CLEAN AIR PERMIT RULES

• Mr. CHAFEE. Mr. President, yesterday the Environmental Protection Agency released its proposed regulations to implement the operating permit title of the Clean Air Act. It is an extensive rulemaking on a subject which interests many Senators.

My colleagues will recall the intense debate we had on the permit title just a year ago. The Senate voted three times on amendments to the permit title and in each case the margin of victory was just one vote.

Operating permits will be a very important part of the new Clean Air Act. They will benefit both the public and the regulated industries. For the first time there will be one document—the operating permit—listing each of the requirements that apply to a facility. The permit will provide some certainty to the facility operator. It will also afford the public a better opportunity to check on compliance with the law.

Because these new permit requirements are so important, a great deal of attention has been focused on EPA as it has been writing the draft rules. The Congress gave the Agency a very tough deadline on this one. Rules must be final by November, just a year after the new law was signed by the President. To its credit, EPA is on track to meet the deadline despite the controversy these rules have generated.

The operating permit title of the clean air legislation was originally proposed by President Bush. The regulated industry reacted very negatively to the President's proposal and sought to significantly weaken its provisions with amendments here on the floor of the Senate. The Mitchell amendment which was adopted by the Senate contained a careful compromise on many issues in both the permit and enforcement titles.

In addition to the Senate debate, these issues were carefully considered again in the conference with the House. The principal issue of contention there was operational flexibility, how to authorize changes at a facility without undue complications as a result of the permit requirements. The final legislative language adopted by the Congress reflects a very explicit, delicate and detailed compromise on this issue.

It is stated in section 502(b)(10) of the Clean Air Act. That section authorizes changes in operations at a facility without need for a formal permit amendment provided that the changes do not constitute modifications under other parts of the law and provided that emissions will not increase.

A modification at a facility may trigger new control requirements under other parts of the law, so a permit would need to be amended. The fundamental purpose of a permit is to state emissions limits. If emissions increase, new limits need to be set and the public must be involved in that determination. The law requires formal permit amendments for modifications and emissions increases.

But flexibility is also allowed. A permit can anticipate changes at a plant. A permit can be written so that it covers many different operational configurations and includes emissions limits for each. And a facility can move the point of emissions within the plant, perhaps increasing emissions in one part of the operation and decreasing them at another. All of that is allowed by the law without a formal permit modification.

Despite the very clear statement of policy and legal requirements that the Congress made on the subject of operational flexibility, the rules proposed yesterday are ambiguous in this area. Industry wasn't happy with the compromise they got here in the Congress, so they have been pushing in the regulatory process to overturn the policy and requirements that were enacted.

Several drafts of this proposed rule have been circulated. One draft would have allowed emissions increased of up to 40 tons without any requirement to formally amend a permit. That was in clear violation of the law. I joined with several other Members of this body, including the majority leader, Senator MITCHELL, the distinguished chairman of the Environment and Public Works Committee, Senator BURDICK, and the chairman of the Environmental Protection Subcommittee, Senator BAUCUS, in a letter dated March 7, 1991, to protest that proposal.

The draft rule released yesterday no longer contains an explicit Federal policy on emissions increases. Rather, it delegates the issue to the States inviting them to consider operational flexibility in their permit programs and offering the possibility that State programs allowing emissions increases without formal amendment of the permit will be approved. Reviewing the preamble and the language of the actual rule, I find that the scope for State discretion unclear.

According to the draft preamble, EPA finds authority for States to allow emissions increases in section 502(b)(6) of the statute. That provision requires States to adopt expedited procedures for issuing permits, but says nothing at all about operational flexibility within the permit. But it does not authorize emissions increases. As we said in our March 7 letter, it is impossible to maintain that Congress authorized implicitly through 502(b)(6) that which it explicitly prohibited in section 502(b)(10), the section of the law addressing operational flexibility.

The draft rule released yesterday still disappoints this Senator on the subject of operational flexibility. The law is clear. It required a great deal of work to resolve this issue in the legislative process. It is a disservice to that effort—to the many long hours that were spent here in this body debating and deciding this issue—to have that policy overturned by the regulations.

But this is only a proposed rule. We will continue to press this point in the hope that the final rule will be in concert with the law on the question of operational flexibility. I know that other Senators have an interest in this issue, and I invite them to work with us to assure that the regulations implementing the new Clean Air Act faithfully carry out the policies and requirements we enacted.•

CONGRESSIONAL RECORD STATEMENT HONORING HUTCHINSON SENIOR HIGH SCHOOL

• Mr. DURENBERGER. Mr. President, it is my distinct pleasure to announce that Hutchinson Senior High School will represent Minnesota in the We the People * * * National Bicentennial Competition on the Constitution and Bill of Rights, to be held April 27-29 in Washington, DC.

The National Bicentennial Competition is an outstanding and unique education program developed by the Center for Civic Education, and cosponsored by the Commission on the Bicentennial of the U.S. Constitution. This program provides high school students with a course of instruction on the development of our Constitution. It also provides high school students, through instruction and competition, with an understanding of the basic principles of the American constitutional system.

The outstanding students from Hutchinson Senior High School will be judged on the basis of their understanding of the Constitution and their ability to apply its principles to historical and contemporary issues. They are:

Teresa Becker, Eric Bergerson, Becky Fairchild, Margaret Felling, Eric Gehrke, Jeff Graves, Michele Helgemo, Kelly Hoversten, Kim Hoversten, Wade Mattsfield, Cory McClure, Kristen McGraw, Mike Polzin, Mike Remucal, Eric Schaefer, and Grant Wurdell.

I would also like to commend Jerry Benson, district coordinator, and Roger Wangen, State coordinator, who were responsible for supervising, administrating, and implementing the competition in Minnesota. I would especially like to congratulate the students' teacher, Mike Carls, who did a superb job preparing the students for the competition.

Mr. President, the resources developed by the Center for Civic Education are currently being used by classrooms in every congressional district in the Nation. I believe that all students, especially those that I am acknowledging today, are winners, because they gain valuable civic and intellectual skills enabling them to make informed and reasoned political decisions in today's society.

I extend my heartfelt congratulations to these students and their teacher, and I wish them the best in the competition. Their Senator, and their State, are very proud of them. They are fine representatives of the State of Minnesota.•

SOVIET REPRESSION IN THE BALTICS

• Mr. D'AMATO. Mr. President, the Soviet bear is on the loose again, it is on the rampage. Reports from Lithuania indicate that Soviet troops have occupied at least 12 buildings in 8 cities. Those troops are reportedly operating under direct orders from Soviet Defense Minister Yazov.

This is an outrage, and the United States must go on record now, before the violence escalates, to let the Soviets know how gravely we view these developments. I and other Senators are prepared to block any emergency aid to the Soviet Union if they engage in further acts of violence in the Baltics.

The Soviets have engaged in systematic intimidation and violence in the Baltics. First, they slapped an economic embargo on Lithuania. Later, they engaged in psuedo-military exercises which left innocent civilians dead on the streets of Lithuania and Latvia. Now, it seems they are determined to turn the heat up a few more degrees.

Mikhail Gorbachev must be held responsible for these atrocities. From the very beginning, he has left no stone unturned in his effort to intimidate the Baltic peoples. We in the United States have repeatedly tried to read benign intentions into his malevolent, malicious acts. That is nothing more than self-delusion. Mr. Gorbachev is a Communist, and like other Communists before him, will do all he can to hang onto power. It is time to look past his words of reform and focus on his acts of repression.

Senator LIEBERMAN and I are crafting a resolution to put the Congress on record on this matter. We will have it ready shortly. But given the impending recess, we felt compelled to come to the floor now to express our outrage.

Once again, the Soviets are about to crush innocent civilians whose only crime is wanting to be free. We cannot remain silent in the face of these outrages. This Senator will work to block one dime of aid from going to the Soviets while they are crushing the forces of freedom in the Baltics.•

HONORING GREEN BAY SMALL BUSINESS DEVELOPMENT CENTER AND HOIDA LUMBER

• Mr. KASTEN. Mr. President, the small businesses of Wisconsin are the powerhouse of our State's economic growth. Over 62 percent of the new jobs created are directly attributable to these small businesses—ventures on the cutting edge of society, creating the products and services the American people desire.

I recently had the privilege of touring a number of successful small businesses in Wisconsin that have been assisted by small business development centers [SBDC's]. These SBDC's are excellent incubators of small business growth—and I would like to draw my colleagues' attention to the achievement of one of these centers today.

On April 4, I visited Hoida Lumber and Component, a family-owned home-improvement, lumber and preconstruction business located in Green Bay, WI. Hoida Lumber has prospered because it stands behind quality products. Thanks to its commitment to total quality management, the company has recently been honored with the Wisconsin Idea Award of the University of Wisconsin Extension Service.

Most of the credit for the success of Hoida Lumber goes to Donald Hoida, his family, and their 120 employees. But this success story would not have been possible without the assistance and counsel of SBDC director Dr. James Holly. At a time when some are proposing drastic cuts in the Federal budget for SBDC's, it is important to note successes like that experienced by Hoida Lumber.

Let us keep this system of small business incubators alive—by supporting full funding for SBDC's.•

LET'S ADMIT THE APACHE WORKED—AND WORKED WELL

• Mr. DECONCINI. Mr. President, for some time now, we have had to listen to the skeptics question the worth and effectivenesss of the AH-64 Apache attack helicopter. They said it was too expensive. They said it would not fly. They said it could not be maintained. Then came the war in the gulf. The Apache was sent to the gulf and it worked—and worked well.

That should have satisfied the critics. When the chips were down and the Apache was called upon, it performed superbly. It fired the first shots of the war by destroying Iraqi radar and antiaircraft batteries as well as tanks and other enemy helicopters. It was used to take hundreds of Iraqi prisoners. It lived up to its reputation as the world's finest attack helicopter.

In January, an investigative team from the General Accounting Office [GAO] was sent to Saudi Arabia to evaluate the Apaches. The GAO team returned and, in a closed hearing in the House, apparently testified that the Apache was performing well in excess of Army requirements. Some people have placed its readiness rates at 90 percent or higher. The GAO noted some areas that needed work, but on the whole gave the Apache a clean bill of health. They found no show stoppers.

This was confirmed by Army Secretary Stone last month when he testified before the Defense Appropriations Subcommittee. I asked him how well the Apache performed in the gulf and he said that it exceeded its expected requirements. Later, before the Senate Armed Services Committee, Army Chief of Staff, General Vuono testified that:

(The Apache) was superb in its deployment, and during the operation our readiness rates were extremely high. The lethality of the system proved out with all the weapons that we had on it from the day the operation started until it ended, and gave us a capability, particularly as the weather got bad over there, which was fantastic, and the aircraft performed the way many of us expected it to perform.

Now, however, I have learned that the GAO is going back to the Persian Gulf to take another look at the Apaches. I guess some people are never satisfied. Because some people were disappointed that the GAO did not come up with their desired outcome—problems with the Apache and a negative report—the GAO is evidently going to continue to be sent out until it can find fault with the Apache. Apparently, until that happens, the outstanding performance data and the final word on its abilities will remain classified.

At the same time, the media is once again trying to find fault with a defense system which did what it was supposed to when called upon in battle. An article in the April 19 Wall Street Journal tries to compare the job of the Army's Apache with that of the Air Force's A-10 Warthog. This comparison is the most egregious case that this Senator has seen of the old "apples and oranges" adage. Both systems performed well in their appointed roles. But the A-10 stays in the air longer and flys farther because it scouts for targets and can only fly during the day. Flying hours is not a valid point of comparison. The Apache, however, is night-capable and waits for a scout helicopter to identify a target before it takes that target out. If the media are going to compare the Apache and the Warthog now, who is going to stop them from comparing an Abrams tank to a Aegis destroyer. After all, both of those systems are also part of the Pentagon's inventory.

I ask that the Wall Street Journal article referred to above, as well as an excellent and well-reasoned reply to the Journal article from Army Secretary Michael P.W. Stone be printed in the RECORD at the conclusion of my remarks. His letter should put this discussion to rest once and for all.

Mr. President, there is a time to raise questions about a defense system's performance. There is a time to examine its flaws. But there is also a time to stop beating a dead horse. Now is such a time. The Apache worked extremely well. The Army has gotten the message that high technology aircraft need better maintenance. It has taken steps to correct that problem. Now it is time for Congress and the media to move on. Let us not waste the taxpayer's money. Declassify the facts about the Apache and its gulf war performance. Let the public judge. Release both the Pentagon's assessment of the Apache as well as the GAO report. Let the American people know—once and for all—how well the Apache has performed. Let us let the GAO examine other problems and let the Apache continue to do its great job.

The article follows:

[From the Wall Street Journal, Apr. 19, 1991]

"ACTUAL" PERFORMANCE OF APACHE COPTERS IN GULF RAISES QUESTIONS ON ARMS BUYING

(By John J. Fialka)

WASHINGTON.—Among the unsung heroes of the Persian Gulf war are maintenance crews and civilian technicians who kept the Army's Apache helicopters flying despite recurrent breakdowns and spareparts problems, according to the General Accounting Office.

GAO investigators, who visited Apache bases in Saudi Arabia in January on the eve of the conflict, found that the Army had decided to "manage around the problem" with a number of desperate moves. These included the liberal use of civilian technicians and orders that virtually grounded some 250 Apaches based elsewhere in the world for use as a source of spare parts.

The management-intensive performance of the tank-killing Apache, praised as "superb" and "fantastic" by top Army officials, raises multibillion dollar questions for Congress and for Pentagon planners studying the issue of high-technology weapons purchases in the more tight-fisted budgetary atmosphere of the mid-1990s.

Rep. John Dingell (D., Mich.), chairman of a House Energy and Commerce subcommittee that has been investigating the Apache, has asked Defense Secretary Dick Cheney to assure that still-secret battle data relating to the Apache will be preserved so that the "cost effectiveness" of the helicopter can be compared with the simpler and older Air Force "Warthog."

Despite the pampering, the average Apache helicopter was available to fly less than 37 hours during the six-week Gulf conflict. While the Army says preliminary studies show Apaches destroyed over 500 Iraqi tanks, the helicopters appear to have been outgunned and outflown by A-10s. "Warthogs," on the verge of being scrapped by the Air Force, destroyed over 1,000 tanks and were able to spend 3.5 times as many hours over the battlefield, according to Army and Air Force statistics.

Richard Davis, who headed the GAO team that looked into the Apache's performance, told the House subcommittee during a closed hearing in February that maintenance crews "did not see significant improvement" in a number of problem areas—including malfunctions of the helicopter's 30mm cannon—compared to how well the Apache did during the 1989 U.S. invasion of Panama.

A copy of his testimony, made available to The Wall Street Journal, says round-the-clock efforts to keep Apaches flying required use of numerous full-time civilian technicians including teams from Martin Marietta Corp., which makes the helicopter's targeting system.

The Martin Marietta technicians replaced faulty battery packs connected to the lasers that direct the helicopter's Hellfire missiles. The Army crews, according to Mr. Davis's testimony, "were surprised because they had no idea there might be problems with these units."

The $12 billion Apache program fielded 532 helicopters during the 1980s. The Apache has been touted by Army officials as the state of the art in high-flying high-technology weaponry. Compared with the A-10, which can only carry four anti-tank missiles per mission, the Apache theoretically is capable of much more destruction. It carries 16.

When the Army was unable to get parts from the U.S., according to the GAO official, it frequently took parts from other Apaches based in Saudi Arabia. But the swapping sometimes didn't show up on reports that still listed both sets of aircraft as "mission capable."

Col. David Carothers, who supervises aviation for the Army's operations and planning office, acknowledged that what the Army calls "controlled substitution" was used in the Gulf to borrow parts from other Apaches. But he insisted that any commander who reported the readiness of both helicopters would have been "burned" for violating Army regulations. "There may be some honest mistakes out there," he added.

He said both Army and Martin Marietta officials knew about the problem with the targeting lasers and that they were fixed before the war. And he insisted that comparing the Apache's performance to that of the A-10 is "comparing apples to oranges."

While the A-10s hunted for Iraqi tanks over the battleground, the Apaches waited on the ground for Army scout-helicopters to find targets for them, he explained. "The amount of flying time that a guy spends on the battlefield has nothing to do with his battlefield efficiency," he asserted.

In its prewar efforts to junk the A-10, the Air Force at one point offered the Warthogs to the Army as scout planes for the Apaches. The offer was rejected, according to Col. Carothers.

SECRETARY OF THE ARMY,
Washington, April 22, 1991.

Mr. NORMAN PEARLSTINE,
Managing Editor, the Wall Street Journal, New York, NY.

DEAR MR. PEARLSTINE: I am writing to express my concern over an article that appeared in The Wall Street Journal on 19 April. The article, written by Mr. John Fialka, was about the Apache helicopter performance in Operation Desert Storm. I found the article to be fundamentally flawed and misleading.

As I see it, Mr. Fialka wanted to leave the reader with two impressions: First, "high technology" systems like the Apache are not really required because "low technology" systems like the A-10 proved they can do a better job. Second, despite "desperate moves" by the Army to fix maintenance problems, the Apache was still not able to perform its missions. Neither conclusion is warranted or justified by the facts.

Comparing the Apache AH-64 to an A-10 is like comparing a sports car to a station wagon. They both go down the road, but which one meets your requirements? Well, it depends on what you want to do. The A-10 has many virtues, and I join the chorus of voices praising its performance in the Gulf war. The A-10, however, was designed as a daytime fighter. It cannot attack targets at night. From a survivability standpoint, this is a tremendous disadvantage. The Apache's sophisticated "high tech" systems allowed it to fly through adverse weather at night at very low flight altitudes to attack targets with precision. The Apaches fought on every night of the 100-hour ground campaign, with devastating effect and pinpoint accuracy, supporting the ground attack. Without the A-10's needs for loitering in daylight and awaiting target acquisition and direction, the Apache could proceed directly to the target from a forward position, not a fixed rear airbase, laser designate the target either itself or with the assistance of an accompanying scout helicopter, and return to a forward base in minutes. No wonder Apache flying times were shorter. In one of the last actions of the operation, one Apache battalion fired 102 Hellfires and had 97 direct hits, resulting in 97 track or vehicle kills. Support was immediate, lethal, at night, and consumed minimal flight hours.

Significantly, the first shots fired in Operation Desert Storm were by Apaches. On the night of January 16, eight Apaches of the 101st Airborne Division destroyed Iraqi early-warning radars and support systems far inside western Iraq. Achieving complete surprise by flying close to the ground, these Apaches fired 27 Hellfire missiles and several thousand rounds from their 30mm cannons. All the targets were destroyed and no Apache was damaged. This action cleared the air corridor for the air forces which bombed Iraq shortly afterward. Fixed-wing aircraft could not have accomplished this mission without substantial risk of alerting the Iraqis.

Mr. Fialka alleges that the Apaches were "outgunned and outflown by A-10s." By giving the impression that the A-10 is better than the Apache, basing his comments only on superficial comparisons of flying times, Mr. Fialka insults the intelligence of his readers. Indeed, an analytical reader would pick up on the fact that, if A-10s killed 1,000 tanks and flew 3.5 times as many hours as Apaches during Desert Storm, then Apaches, by killing 500 tanks, proved that these helicopters are better tank killers (to be on par with Apaches, the A-10s, by flying 3.5 times more, should have killed 1,750 tanks). Mr. Fialka goes on to write that despite the pampering (referring to maintenance) the average Apache was available to fly less than 37 hours during the six-week Gulf war. Mr. Fialka knows full well (from briefings by Army officials) that the average Apache was required (i.e., given a mission to execute) to fly less than 37 hours during those 6 weeks. At any time during that period over ninety percent of our Apaches were available for missions. By using the word available instead of required, Mr. Fialka once again appeared to want to leave his readers with the erroneous impression that the Apache's maintenance problems resulted in a poor battlefield performance. Nothing could be further from the truth.

Now let me turn to the second impression—faulty maintenance/spare parts management. At no time was the maintenance management of the Apache "desperate", as Mr. Fialka asserts. Apache maintenance programs, like those of all Army aviation systems are carefully and deliberately controlled. In the case of Desert Storm, Army planners estimated that the harsh environment of South West Asia would require spare parts inventories to be doubled for the Apache. The planners also estimated that Apaches deployed to Desert Storm would be flying 2.5 times the amount non-deployed Apaches would be flying. Spare parts requirements for Apaches deployed to Desert Storm were therefore increased by a factor of 5 (2.5 X 2).

How were we able to secure sufficient spare parts? One thing we did was to ask contractors to accelerate delivery times for spare parts. We also reduced the flying hours for non-deployed Apaches. Mr. Fialka states that these 250 Apaches were virtually grounded to be used as a source of spare parts. Mr. Fialka gives his readers the impression that half the Apache fleet was grounded because parts were being taken off these aircraft to be used by Apaches in Desert Storm. This is simply not true. These aircraft remained in a mission capable status. The number of flying hours per aircraft per month was reduced from 14.5 to 6. By reducing the flying hours, maintenance—and thus spare parts—requirements were reduced. Spare parts that would normally be sent to a non-deployed unit were therefore available for deployed Apache units. This seems to me to have been prudent management. Instead, the article implies improper parts management, Army culpability, and weakness throughout the whole Apache maintenance system. As the following paragraphs try to explain, having large parts inventories to support Army weapons systems, as desirable as that may be from a wartime perspective, is probably not something that the Army should do or can afford to do.

Estimating spare parts requirements, to cover both peacetime and wartime needs, and then determining the means to achieve those requirements is a diffcult management task, yet somehow Mr. Fialka leaves the reader with the impression that our inventory management was faulty. Allow me to explain the fundamental dilemma the Army is confronted with when it faces the subject of inventory management.

Ideally, in the best of all possible worlds, the Army would like to keep in stock an inventory of spare parts that would keep all weapon systems operating in a high-intensity conflict for a stipulated number of days. Many variables can enter into the calculation for the most desired inventory level for each system. Suffice to say that, with the possible exception of ammunition, the level of inventory is usually not as high as the Army would like it to be.

If the inventory were as high as the Army academically would like it to be, very large sums of money would be tied up for indefinite periods of time. Storage requirements are substantial. Obsolescence after a time begins to be a factor, and even if a system is becoming obsolete, there is usually justification for maintaining a substantial spare parts inventory.

As this cycle evolves, the Army can easily be criticized, and is indeed frequently criticized, for maintaining too high an inventory of spare parts. While some of the attention is focused on "dead" inventory, meaning inventory for which there is no or little use and inventory that has not been excessed (i.e., sold off) quickly enough, some of the attention is focused on inventory levels per se (inventory of all parts, dead inventory or not). The Army is raked over the coals almost every year for maintaining excess inventories.

The other horn of the dilemma is a condition which finds the Army with too low a spare parts inventory to sustain consumption during a conflict situation. This is the implication contained in Mr. Fialka's article. Apache parts availability, aside from the issues discussed above, has been affected by two extraneous factors. First, there have been a number of design changes, as Apache reliability and performance have been increased. Many of these changes have required spare parts modification, hence a need to build new inventories. Second, as has frequently been pointed out by the Army, the severe 1989 wind storm damage, damage that was sustained by 25% of the entire Apache fleet, depleted Apache parts inventories, and the Army was only just in the position of satisfactorily replenishing those inventories in adequate quantity when Operation Desert Shield started a year after the wind storms occurred.

The final factor to note is one that relates to the industrial base in the United States. The Apache is nearing the end of its production run for the United States Army. Follow-on export orders are materializing, but in limited quantities. As the production wind-down occurs (McDonnell Helicopter let go another 350 employees last week), subvendors, many of them parts manufacturers, find the Apache program unappealing and either withdraw corporate assets from it or have to raise parts prices subtantially or both. Either action makes inventory replenishment, and particularly surge production, extremely difficult and costly.

Let me conclude this by stating that through the years I have found The Wall Street Journal to be an excellent newspaper with a fine reputation. Articles have always appeared to be well researched and reported in a fair and impartial manner. While Mr. Fialka's article may have been well researched it was certainly not reported in a fair and impartial manner. In meetings with Army officials, Mr. Fialka was given every opportunity at least to get his facts straight. He didn't. He compounded this failure by drawing flawed conclusions. Mr. Fialka did not provide your readership with facts—only incorrect impressions. Your readers deserve better.

Yours sincerely,

M.P.W. STONE.●

COSPONSORSHIP OF S. 152—LEGISLATION TO DOUBLE THE PERSONAL EXEMPTION

● Mr. KASTEN. Mr. President, today I want to announce my cosponsorship of S. 152, legislation by Senator COATS to double the personal exemption to $4,000, and index it thereafter for inflation.

Yesterday, the Senate chose to vote down a proposal to reduce the payroll tax burden on America's 132 million workers. This would have provided tremendous tax relief for families. While I am disappointed by this vote, I accept the decision of my colleagues. Since I obviously continue to believe that the tax burden on America's families is too high I am pleased to join in Senator COATS proposal to reduce that burden by increasing the personal exemption. This proposal would help to provide some of the tax relief that families desperately need.

In 1950 the personal exemption was the equivalent of over $3,000 in today's dollars. Today the personal exemption is only $2,050. In 1950 when the median family income stood at $3,319, the personal exemption was $600 per year. An average family of four with no other exemptions could deduct over 70 percent of its income from taxation. Today, that same average family would be able to deduct less than one-fourth of its income due to the personal exemptions. Rising payroll tax rates and the declining value of the personal exemption are the primary reasons that the tax burden on working families has risen so dramatically in recent decades.

Increasing the personal exemption is fair and long overdue. This increase would be particularly helpful to low-income families with children. As Senator COATS is fond of pointing out, his proposal would allow poor families to better care for their own needs by returning their money to their own pockets.

Ten days ago the Tax Foundation reported that the Nation's Tax Freedom Day is now May 8. This date is the latest ever, and is in fact 3 days later than it was just last year. This means that the average American will work 128 days out of the year just to meet the combined Federal, State, and local tax burden. This growning tax burden is the greatest justification I can think of for enacting the Coats proposal to double the personal exemption. I am pleased to join him in this effort. It is time to start moving Tax Freedom Day back.•

THE 100TH ANNIVERSARY OF THE DENNI HLSATEL NEWSPAPER

• Mr. DIXON. Mr. President, I am proud to offer my sincere congratulations to the Denni Hlsatel newspaper for its 100 years of outstanding and faithful service to the Czechoslovak-American community in the Chicago area. It is inspiring to see a newspaper which was formed during the adversity of a printers strike in 1891, rise to become the largest foreign daily newspaper in the United States and the only Czechoslovakian daily newspaper in the free world.

The Denni Hlsatel is representative of the Czechoslovakian community as a whole. The Denni Hlsatel represents the hard work, loyalty and dedication on which Czechoslovakians have always prided themselves. It is important that each and every ethnic group has a newspaper or other publication in which all members of the ethnic community can take great pride. The Denni Hlsatel provides the Czechoslovak-American with such a publication. It is satisfying to know that the Denni Hlsatel has now been serving the Czechoslovakian community in the Chicago area for a century promoting their proud heritage and contributing to the rich ethnic diversity that makes the Chicago metropolitan area so unique.

May the Denni Hlsatel continue to provide insight and information to the Czechoslovak-American community for the next 100 years!•

REVIVING U.S. MANUFACTURING

• Mr. ROCKEFELLER. Mr. President, I introduced legislation Tuesday (S. 886) that packs a triple punch. It is energy policy, economic policy, and environmental policy rolled into one. The bill has a simple goal. That goal is to help revive our manufacturing by developing advanced, more efficient technology for use in the plants and on the shop floors of American industry.

Our industrial sector uses the most energy of any sector, accounting for 35 percent of total domestic energy use. The oil shocks of the 1970's caused some improvements in conservation. Unfortunately, by the 1980's, efficiency gains started slipping. Also, since 1981, research and development funding for conservation has been cut by more than 55 percent. Secretary of Energy Watkins put the point simply and clearly last fall. Speaking of the impact of low oil prices in the early 1980's on conservation and efficiency programs, he said, "clearly, we dropped the ball."

The result of dropping the ball is that the United States uses two times as much energy per dollar of GNP as Japan and West Germany, and the disparity has actually grown since 1973. Compared to 1973, Japan's economy now produces 81 percent more per unit of energy. Because of heavy investment in new equipment and factories, Japan uses over 30 percent less energy in manufacturing than we do. A Newsweek story in January suggested these facts might account for a belief in Japan that Middle East conflict does not threaten Japan the way it does the United States. A Tokyo woman was quoted as saying that it was "like looking at a fire on the other side of the river." Improving our energy efficiency is critical to restoring our energy security.

Lackluster technological efficiency is not only relevant to energy policy but to our lagging productivity and eroding living standards. In the 1980's, soaring deficits, the inflated dollar, and slipping technology destroyed our export markets and padlocked plant gates throughout American industry. There have been some recent improvements in our export performance, but I am afraid that is more a result of our falling wages than of improved efficiency and improved technology.

There are some apologists for the decline of U.S. manufacturing who say that it does not matter because the wave of the future is in services. This view is mistaken because services and manufacturing are closely linked. Those who make the machines make the software. Countries that manufacture the products will be the ones whose financial institutions flourish. The historic decline of London as a financial center was closely linked to the decline of British industry.

Finally, improved, more efficient manufacturing technology is an important component of environmental policy. Many of the technologies addressed in this legislation have specific environmental benefits. Moreover, an overall goal of the program is to improve energy efficiency. There is broad consensus among both environmentalists and industry that this is a sensible approach to addressing global climate change concerns. Improved efficiency means more production can be accomplished with lower emissions.

A feature of this bill which I believe is fairly novel is its focus on technology that utilizes electricity. Other technologies should of course receive attention also. But I believe this is an area that has been neglected and which now deserves emphasis.

Under the bill, the Secretary of Energy is to establish a cooperative research and development program with private industry on advanced technologies for more efficient use of electricity in manufacturing. The program also covers research on advanced electric energy storage systems for conservation. And the bill covers development of electric vehicles, along with study of the contribution that such technology can make to conservation of energy resources.

If we are going to revive American manufacturing, we are going to have to put aside the paper entrepreneurialism of the 1980's and return to the real thing. We are going to have to go back to school in how to make things.

Let me give some brief examples of the potential economic advantages of some of the advanced, more efficient technologies addressed in my bill. High-energy density and precise control can yield increased production rates with lower fixed costs. Precise control and short heating times can also reduce energy consumption. Equipment can be in smaller units. This means that instead of the economies of scale that normally dominate factory planning, there may be economies of reduced scale. Facilities can be decentralized and located to improve proximity to resources and markets.

Mr. President, this is not controversial or complex legislation. Everyone agrees that there is an important role for targeted Government programs in research and development. Because of what the economists call free rider effects, industry by itself does not do enough research and development. Everyone agrees that, as Secretary Watkins said, in the 1980's this country "dropped the ball" on energy efficiency research and development. Policy was in the grip of dogmatism. The dogma did not ask what government could do well and what it could do poorly. The dogma was that the Government should sit back and do nothing. We know the results. We saw our infrastructure decay, our savings industry go overboard, and our manufacturing decline. While we fought with one hand tied behind our backs, our rivals used both hands and gladly took our customers in the markets of the world.

It is long past time to abandon dogmatism for the old American tradition of doing what works. We might begin by banishing from our vocabulary the journalistic phrase "rust belt." That is a phrase born out of inaction, dogmatism, and defeatism—uncharacteristic attitudes for Americans.

America's manufacturing industry does not have to be a place with padlocked plants and shuttered windows. It can be again a jewel in the crown of the Nation's economy. The Rust Belt is as much a state of mind as it is a place. It is time to change our minds. It is time to change course. I urge the support of my colleagues for this bill and for its speedy enactment.●

S. 544—THE ANIMAL RESEARCH FACILITIES PROTECTION ACT

● Mr. KERRY. Mr. President, I rise today to offer my support to S. 544 the Animal Research Facilities Protection Act sponsored by the Senator from Alabama [Mr. HEFLIN].

Mr. President, I believe in protecting animals from unnecessary pain and slaughter. In 1988 I sponsored the Marine Mammal Protection Act which has made great improvements in the way dolphins and other marine mammals are treated. I am a vigorous supporter of the Endangered Species Act and in 1985 I supported the Animal Welfare Act which mandates minimum standards for the care and treatment of dogs, cats, hamsters, and monkeys.

I believe, however, that our efforts to provide humane treatment for animals should be balanced by an understanding that legitimate biomedical research on animals continues to be an indispensable part of worthy scientific efforts. One of Massachusetts' greatest strengths is the scientific and medical research that is conducted in its schools and hospitals. This research continues to bring us countless breakthroughs in our understanding of disease, medicine, and other vital fields. Such efforts by people who are working to save and protect lives and advance scientific inquiry should not be subject to harassment or illegal disruption.

This bill would bring stringent penalties to those who intentionally damage or vandalize an animal research facility. Such people confuse wanton destruction with activism and their foolish actions should not be condoned. I realize that most people involved with the protection of animals act in a positive and intelligent manner that constructively raises the level of public debate. This bill is not designed to hinder their efforts, but to stop those few who step beyond the bounds of legitimate debate into theft and violence.●

TRIBUTE TO DR. FANG LIZHI AND DR. LI SHUXIAN

● Mr. AKAKA. Mr. President, I rise to pay special tribute to a remarkable couple whose courage and vision stand as an inspiration for the people of China and the world. As internationally renowned scientists, Dr. Fang Lizhi and Dr. Li Shuxian have explored the realm of the unkown in search of answers, challenging and stimulating intellectual discussion. As internationally recognized human rights leaders, they have investigated the realm of individual rights, questioning laws, regulations and practices in the pursuit of truth and the defense of the dignity of the individual.

Dedicated to the cause of justice, they have toiled through years of persecution and harsh treatment to advance the basic rights and freedoms of people everywhere. Their ideas have inspired the birth of a new generation of people committed to the ideals of humanity, understanding, fraternity, and democracy. Dr. Fang Lizhi and Dr. Li Shuxian have become the symbols of the human struggle for decency and respect in China.

We remember their courage during their year-long confinement in the American Embassy in Beijing, shortly after the June 4, 1989 massacre. Though isolated from their countrymen, denounced by Chinese Government leaders, and denied basic freedoms, Drs. Fang and Li's sacrifices continued to spark the hopes and aspirations of the people of China. Though now exiled in the United States, they remain the spirit of a new China, its destiny as a nation in a more democratic and free world.

The world will soon mark the second anniversary of the June 4, 1989 Beijing massacre, when hundreds and perhaps thousands of demonstrators were killed by Chinese Government troops at Tiananmen Square. Since the massacre and the subsequent brutal crackdown on participants and sympathizers of the pro-Democracy movement, many people remain in prison facing long sentences. The Chinese authorities, despite pleas by the United States Government for compassion, have refused to release these individuals.

In addition, there have been reports that prisons where pro-Democracy participants have been incarcerated, produce goods for export. This would clearly be an abuse of prison labor, contrary to international and U.S. laws.

It is altogether fitting to honor this courageous couple now that some Americans are questioning our relations with China. Since the massacre, peaceful coexistence, a theme advocated by Dr. Fang Lizhi, has been severely tested. There have been persistent reports that China has sold to certain nations, M–9 missiles which may exceed the MTCR limits, threatening the security of Israel and other allied nations. There are also allegations that the Chinese are supporting some nations with nuclear technology which would have adverse effects on regional and global stability.

Mr. President, we are committed as Americans to the pursuit of justice and equality, and dedicated to the rights of the individual. I commend Drs. Fang and Li for their work in advancing human rights. They are the voice of reason, the spirit of justice, and the symbol of freedom.●

COMMENDATION OF KATHLEEN MITCHELL TAFT, RECIPIENT OF THE 1991 DISTINGUISHED ALUMNA AWARD, WESTERN WASHINGTON UNIVERSITY

● Mr. GORTON. Mr. President, it is with great honor that I rise today to pay tribute to Kathleen Mitchell Taft of Spokane, WA, as Western Washington University's [WWU] Distinguished Alumna for 1991. Kathleen, 84, is a 1925 graduate of Bellingham State Normal School, now known as WWU.

A longtime practicing Spokane attorney, Taft has earned herself wide recognition for her compassion, keen intellect, diligent work, and commitment to excellence in her field. Kathleen Taft is considered a renowned pioneer and an inspiration to women.

Taft began her professional career as a school teacher at age 17 in Stevens County, WA and later, in Coeur d'Alene, ID. She worked her way through law school, attending Gonzaga University and graduating from the University of Washington, where she earned her law degree in 1936.

Following her marriage to Willard (Duke) Taft in 1938, whe increasingly became involved in community activities. Taft's 54-year career in the practice of civil and criminal law has kept her closely involved in public service.

During the 1940's, Taft worked at the Spokane Office of Price Administration, an agency which handled price and rationing matters during World War II. In 1950, she became Spokane County Family Court commissioner, serving on a part-time basis while continuing her private practice.

Taft has earned the respect and admiration of her clients, her colleagues, and her community through her integrity and hard work. As she continues her practice today, her keen intellect remains a formidable burden to her opposition, and a special gift to her allies.

I commend Kathleen Mitchell Taft for her continued excellence in the field of law and in the betterment of her community. Her willingness to share both knowledge and experience with others serves as an inspiration to us all. Further, I am pleased to honor Kathleen Mitchell Taft as the recipient of Western Washington University's 1991 Distinguished Alumna award.●

STATE AUDITOR DENUCCI'S STUDY ON SPECIAL EDUCATION

• Mr. KERRY. Mr. President, I would like to call the Senate's attention to a study on an important program in the Commonwealth of Massachusetts. The study, compiled by Massachusetts State Auditor A. Joseph DeNucci reports on the status of special education in Massachusetts. It was conducted to analyze, review, and offer recommendations to improve an entitlement program that has grown in size from $25 million in 1972 to $740 million in 1989. Remarkably, the programs costs have increased 90 percent over the last 5 years. In an attempt to understand these increases and to recommend improvements in the system, the study surveyed 282 local school districts and involved onsite visits to 10 school districts, 12 educational collaboratives, and 3 private schools.

Included in this report are 41 recommendations, the most important of which calls for a statewide mainstreaming initiative to move special education students into the regular classroom. The auditor's report found that special education was increasingly being conducted in environments completely separate from regular classrooms. This method is often costly and deprives some students of a fruitful learning environment. Naturally, to bring special needs students into regular classrooms, we need teachers who are trained and have the resources they need. The report, therefore outlines several ways Massachusetts can recommit itself to preparing teachers better so we can have a more vibrant, integrated classroom.

Understanding that goals are inconsequential without the means to achieve them, the report recommends that state and local officials aggressively pursue third-part reimbursements, including Medicaid, for services provided as part of a child's special education program. In Massachusetts alone, this reimbursement opportunity could generate $40 million to $50 million per year for local school districts.

Mr. President, one expects an auditor to show a hardnosed commitment to make government less costly. Auditor DENUCCI has combined this commitment with a sense of empathy for the needy. His comprehensive study provides us with guidance as we seek to maintain needed services under fiscal restraints. I wish to thank him, his Deputy Auditor Linda Luongo, and his entire staff for their fine work.•

COMMEMORATING THE 1-YEAR ANNIVERSARY OF THE INAUGURATION OF PRESIDENT CHAMORRO OF NICARAGUA

• Mr. DURENBERGER. Mr. President, on the occasion of the 1-year anniversary of Nicaraguan President Violeta Chamorro's inauguration, I rise to offer my congratulations and commendations to her, the new government, and the people of Nicaragua.

One year ago, I traveled to Nicaragua as a member of the official United States delegation to witness the momentous transfer of power to that country's democratically elected government. That historic occasion epitomized the Nicaraguan people's sense of optimism and hopefulness for the future of their country.

Although it has been difficult and painful in many respects, President Chamorro has begun the long process of transforming Nicaraguan society from the repression of Sandinista rule to the openness and freedom of democratic governance. President Chamorro ended the civil war; secured the demobilization of the Contras; and reduced the Sandinista army from 80,000 to 27,000 members. Land is being redistributed, and difficult economic reforms have been undertaken.

There have been many successes, but there is a long road yet to travel. The enormous problems and challenges confronting the people of Nicaragua require the hard work, perseverance, and cooperation of all Nicaraguans. Although the Sandinistas permitted the peaceful transfer of power and the reduction of the army, their obstruction of President Chamorro's economic and political reforms is a set back for all Nicaraguans.

Nicaragua faces a difficult enough task as it is. National reconciliation requires the participation and cooperation of all parties involved. Nicaragua's future political, economic, and social stability requires this kind of cooperation.

For President Chamorro and the people of Nicaragua to succeed, it will also require the continuing support of the United States. National reconciliation and economic stabilization do not occur overnight. The desperate state of affairs in Nicaragua when President Chamorro assumed office will require many years to overcome.

Not only do we in this country have an obligation to assist Nicaragua in this process, but it is also in our best interest to do so. The United States benefits from stable, peaceful, and hopefully prosperous countries in our own hemisphere. This is crucially important. Stable democracies tend not to go to war with each other. They tend not to promote instability among their neighbors. They also tend to provide good markets for U.S. products as well as good sources of U.S. imports.

Mr. President, during her recent visit to the United States, President Chamorro addressed a joint session of Congress. It was an impressive statement. And it was very warmly received, not only in Congress, but across the country. I am pleased that I was there in the House Chamber to experience this event.

President Chamorro noted the accomplishments of her young administration, and she also discussed the problems and challenges encountered during the first year as well as those still confronting the nation. And she stressed her keen desire to strengthen the relationship between our two countries.

I share that desire, and I am committed to assisting President Chamorro and the people of Nicaragua to achieve this objective. Nicaragua deserves our assistance and continued support. The United States should maintain that support as a steady, reliable, and dependable friend of democracy in Nicaragua.•

FEDERAL EMPLOYEES RETIREMENT SYSTEM

• Mr. STEVENS. Mr. President, in 1986, Congress created the Federal employees retirement system, commonly referred to as FERS. Part of this new system, which applies to all Federal employees hired since 1984, allows employees to contribute up to 10 percent of their salary, on a pretax basis, to a newly created thrift savings plan [TSP]. The Federal Government then matches up to half of the employee's contribution. The thrift savings plan is basically a 401(k) plan for Federal workers.

After the first open season for the TSP in 1987, 28.9 percent of all FERS employees voluntarily contributed a percentage of their salaries as part of their retirement planning. As time went by, more and more employees recognized the substantial benefits of this program. In 1989, the participation rate was up to 50 percent.

The final figures for the most recent open season are in and I am very pleased to report that the initial projections were low. The Federal Retirement Thrift Investment Board reports that 59.3 percent of all FERS employees now contribute to the thrift savings plan.

Mr. President, I would like to take this opportunity to congratulate the Thrift Investment Board and all of the staff on a job well done. Congress created the thrift savings plan, but it took long hours and hard work by the Board and staff to produce a program which is widely recognized as an example of one of the best retirement tools available today.•

SOVIET USE OF FORCE IN LITHUANIA

• Mr. RIEGLE. Mr. President, once again, the Soviet Union used military force in the Baltic States, today, taking control of at least 12 buildings throughout Lithuania. Although this event did not involve the senseless violence and killing of innocent civilians which accompanied the crackdown in

January, it is clear that the Soviets are still intent on placing military obstacles in Lithuania's nonviolent path to independence.

I remain deeply distressed that despite the Baltic people's peaceful quest to determine their own future—outside of the domination of the Soviet military—Moscow persists in using tactics designed to intimidate and instill fear in the population. For the last year, talks between the rebellious Balts and the central Soviet Government have continued on and off. But, unfortunately, they have accomplished very little. Moscow has not permitted true negotiations focusing on the restoration of the rightful independence of the Baltic States. On the contrary, we have witnessed talks about talks. Not until the Soviet Union commits itself to true negotiations directed toward freeing the Baltic States should we in the West relax.

In January, I introduced legislation which addresses Soviet violence in the Baltic States. If passed, it would impose economic penalties if Moscow does not cease all hostilities against the Baltic people, remove all troops from Baltic buildings, and initiate good faith negotiations with democratically elected governments of Lithuania, Latvia, and Estonia regarding the restoration of their independence. It is apparent that the Soviet Union is once again sending a signal of rejection to the Balts, the United States, and the world.

Mr. President, we must not carry on business as usual with the Soviet Union until they halt their campaign of fear and coercion against the Baltics and other republics. If this means invoking the economic sanctions imposed by my legislation, then so be it. President Gorbachev cannot be allowed to presume that he can clamp down on the Baltic States with impunity. America must make clear that the storming of buildings by Red Army paratroops in a psychological campaign against the Baltic people will not be tolerated.●

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHIP RELATIONS

Mr. SIMPSON. Mr. President, I commend the Senator from Kentucky. I do not believe I have on the record indicated the pleasure I enjoy in working with him since he has become designated as the majority whip. In my role as minority whip, Republican whip, the two of us necessarily work very closely together and very productively so. At least I feel that way, and I think the record to date discloses that. I just wanted to express that I thoroughly enjoy the working relationship and the other relationships that go with our service in the Senate.

Mr. President, I have an engagement, and I must leave the Chamber. I have no hesitation in doing so. I know the majority leader is going to come here and review some things. I feel no need for our side of the aisle to be represented.

The majority leader is going to present a nonexclusive list of legislation, and those of us on our side of the aisle have reviewed eight of the items to be presented. There are two that will be added, and I state only for the purposes of the RECORD and for staff purposes that the majority leader has added to the previous list, including the one on which cloture will be sought on Tuesday, the Central American economic recovery bill, S. 100, Calendar Item No. 61, and the motor voter registration bill, S. 250, if reported by the Rules Committee, and I believe that has been reported according to the chairman of the Rules Committee, the majority whip. The committee, yes, ordered that reported on April 24.

So I alert our members to those two additional items. One in particular had not been indicated on any previous draft list, and we are perfectly willing to accept that as something that will be addressed.

Mr. FORD. Mr. President, I thank my friend from Wyoming for his kind remarks. We have worked well together in the first few months of my tenure. We have agreed where we could, we have disagreed where we should, and we have not been disagreeable.

I am very pleased with our relationship. We both understand each other well. It is one of those chemical-mixing operations that we talk about on occasion. I am very pleased to have the opportunity to work with him, and again thank him for his kind remarks.

I hope that when this year ends we will feel the same way. I am sure we will.

THE SENATE'S SCHEDULE

Mr. MITCHELL. Mr. President, I will shortly send to the desk a nonexclusive list of legislation that the Senate may consider when we reconvene in May.

It has been my practice in making decisions with respect to the Senate schedule to consult regularly with the distinguished Republican leader, and to keep him and other Senators advised of what I intend to consider in determining the schedule for the Senate in each legislative period.

Momentarily, I will ask that the Senate go into recess until we return a week from Monday, and at that time it is my hope that we will be able to consider several of the matters listed on the documents which I will shortly send to the desk.

They include, among other things: Retail price maintenance bill, S. 429; education bill, S. 2; campaign finance reform bill, S. 3; telecommunications equipment research and manufacturing competition bill, S. 173; fast-track disapproval resolution, Senate Resolution 78, if reported by the Finance Committee; possible resolution waiving the Gramm-Rudman law, depending upon upcoming figures with respect to the gross national product; possible supplemental appropriations request for Kurdish assistance; family and medical leave bill, S. 5, if reported by the Labor Committee; Central American economic recovery bill, S. 100; and the motor voter registration bill, S. 250, if reported by the Rules Committee.

Mr. President, Members of the Senate, this is not an exclusive list, because we can never predict precisely in advance what action will be required by the Senate. But I make this information available in accordance with my practice of informing Senators as fully as possible as to what matters may be before them in the future.

I wish to emphasize that other matters may be considered as well. As soon as decisions are made in that regard, I will make that information available to the distinguished Republican leader, and to all Senators.

SENATOR ROBERT C. BYRD

Mr. MITCHELL. Mr. President, there is one fact about the Senate of the United States that no one would dispute. In this body's 202-year history, the Senator who stands at the front rank of all who have served here in his knowledge of the Senate's history, traditions, rules, precedents, and political culture is our distinguished colleague, ROBERT C. BYRD.

There are many measures of respect with which he is held by his constituents and his colleagues. He has set many records. To cite just three: He has represented his State in the Senate longer than any other West Virginian; he has cast more rollcall votes than any Senator in history; and no one has equaled his tenure as an elected Member of the Senate's Democratic leadership.

In my judgment, there has never been a Senator more deserving of a permanent memorial in the U.S. Capitol than ROBERT C. BYRD.

He was the first majority leader to occupy suites 221, 222, 223, and 224. During his residence there, the Senate of the 100th Congress achieved one of the most productive legislative sessions of the past quarter century.

His love of the Senate is legendary. His history lessons, which began in 1980, shortly before I took my Senate oath for the first time, have been a source of valued instruction to Senators, scholars, students, and the general public. During the entire decade of the 1980's, he delivered more than 100 separate addresses on the Senate's history and traditions.

Forty-three of those floor addresses were assembled and published as volume I of ROBERT C. BYRD'S magisterial work: "The Senate, 1789–1989."

On that volume's official publication date, February 23, 1989, the Senate adopted Senate Resolution 65, designating the Robert C. Byrd rooms "in recognition of the unequaled service in this body of ROBERT C. BYRD on behalf of the people of the United States."

Early in June of this year, the Government Printing Office will publish volume II of Senator BYRD'S addresses. That magnificent work is his gift to the Senate and the Nation. I am pleased to inform the Members of the Senate that the bronze plaques designating the rooms to which I referred have been received and installed. Earlier this week I had the honor of presenting to Senator BYRD a replica of these plaques, and they are now situated permanently just outside the entrance to the office of the majority leader.

I might say, on a personal level, that Senator BYRD has been a source of counsel, advice, and guidance to me since I entered the Senate and, especially, since I became majority leader. He has been a friend, and I look forward to the benefit of his continued advice and counsel for many years to come.

VOTE ON CLOTURE MOTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the motion to proceed to S. 429 on Tuesday, May 7, occur immediately upon the disposition of Senate Resolution 17, with the required live quorum having been waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MAY 6, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1 p.m. on Monday, May 6; that following the prayer, the Journal of the proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 2 p.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, on Monday, May 6, the Senate will be debating the motion to proceed to S. 429, the retail price maintenance bill, and a vote on the motion to invoke cloture on that motion to proceed will occur on Tuesday, May 7, in accordance with the previous order. Therefore, there will be no rollcall votes on Monday, May 6.

To recapitulate, for the information of Senators, there has been objection by one or more Senators to the Senate proceeding to the retail price maintenance bill, S. 429. Therefore, I have made a motion to proceed to that bill and filed cloture on that motion to proceed. By unanimous consent, just obtained, the vote on that cloture motion on the motion to proceed will occur on the afternoon of Tuesday, May 7. Therefore, Monday, May 6, will be devoted to debating the motion to proceed, and there will be no rollcall votes on that day.

RECESS UNTIL MONDAY, MAY 6, 1991, AT P.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, under Senate Concurrent Resolution 31, until 1 p.m. on Monday, May 6, 1991.

There being no objection, the Senate, at 8:53 p.m., recessed until Monday, May 6, 1991, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1991:

THE JUDICIARY

SAUNDRA BROWN ARMSTRONG, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA VICE WILLIAM A. INGRAM, RETIRED.

TIMOTHY K. LEWIS, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA VICE PAUL A. SIMMONS, RETIRED.

WILLIAM L. OSTEEN, SR., OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF JUSTICE

W. BRUCE BEATY, OF TEXAS, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS VICE DAVID E. BALDELLI, RESIGNED.

DEPARTMENT OF DEFENSE

NANCY PATRICIA DORN, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE ROBERT W. PAGE, SR., RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DAVE R. PALMER [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. HOWARD D. GRAVES [redacted] U.S. ARMY.

EXTENSIONS OF REMARKS

A BILL TO RAISE THE GAS TAX

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. BEILENSON. Mr. Speaker, I am introducing a bill today to phase in a 50-cent-a-gallon increase in the Federal excise tax on gasoline by raising the tax 10 cents a year for 5 years. I offer this proposal in the hope that it will become a key feature of our Nation's new energy policy.

This bill would both directly and indirectly lead to lower oil imports: Directly, by increasing the price of gas and thereby giving drivers an incentive to buy more efficient vehicles; and indirectly, by generating the revenue we need to pay for programs and tax incentives to increase energy efficiency and diversify our energy sources. Reducing imported oil—which now accounts for half the oil we use—would serve a vital national security interest, since the Middle East, the source of much of our imported oil, is likely to remain a volatile and dangerous region for the foreseeable future.

The tax would apply to other motor fuels as well, including gasohol, ethanol, methanol, and diesel fuel sold at the pump. It would not apply to gasoline used for noncommercial aviation, however, in order to avoid creating a large discrepancy between the costs of gasoline and jet fuel for aircraft. Revenues from the added tax would accrue to the general Treasury..

The Joint Committee on Taxation has estimated that raising the gas tax by 10 cents a year for the next 5 years would yield $141 billion over that period. Once the 50 cents tax increase is fully phased in, it would probably raise between $45 and $50 billion annually.

With those revenues, we could pay for other measures we need to reduce our dependence on imported oil, including building and improving mass transit systems; funding a crash program to develop renewable sources of energy; weatherizing schools, hospitals, and low-income homes; and establishing tax credits to promote energy conservation. And, after paying for all of those measures, we would still have a substantial amount of revenue left to reduce our annual Federal budget deficits which, despite last year's major deficit-reduction legislation, are likely to remain a threat to our economy and our ability to respond to national problems for the foreseeable future.

This higher gas tax would generate demand for more fuel-efficient vehicles since car buyers, knowing that gas prices are on their way up, would have an incentive to purchase autos that get better mileage. Higher gas prices would also generate more interest in mass transit. Because more than half the oil we use is used for transportation, our reduced consumption of gasoline would translate into substantial reductions in oil imports. In fact, according to an informal Congressional Research Service estimate, a 50-cent-a-gallon increase would reduce oil imports by about 20 percent below the level they would otherwise be.

By reducing oil imports, which account for about half of our trade deficit, a higher gas tax would also dramatically improve our balance of trade. Reducing our budget and trade deficits would help bring about lower interest rates, less unemployment, higher economic growth, and a higher standard of living for all Americans.

Gradually raising the gas tax would also help save domestic automakers from the devastating blow they are setting themselves up for by failing to keep pace with their competitors in Europe and Japan, who are now developing and beginning to market much higher mileage vehicles. When the world oil market tightens, as it inevitably will, and rising oil prices generate a demand for more efficient vehicles, U.S. automakers will be at enormous disadvantage to their foreign counterparts. We would help them prepare for that day if we stimulated demand for higher mileage vehicles now through a higher gas tax.

Finally, by lowering our consumption of gasoline, a higher gas tax would also help reduce auto emissions, which are the primary cause of polluted air in most U.S. cities. It would also help slow the buildup of carbon dioxide in the atmosphere, which is believed to be the main cause of global warming. Although a higher gas tax by itself would not solve these critical problems, it would help slow the damage while we work on more comprehensive solutions.

For all the benefits that a gas tax would provide, opponents of raising this tax have understandable concerns about people who would be the most affected by a higher tax: low-income individuals, rural residents, and people dependent on tourism for their livelihoods. Those concerns need to be addressed.

First, it is doubtful that this measure would hurt people of modest means as much as is commonly believed. Because the price of gasoline is so low by historic standards, and because of fuel-efficiency improvements made in the past, gasoline represents a relatively small component of most household budgets, even for low-income families.

Since this tax would be phased in by 10 cents a year, people would have time to adjust to higher gas prices. Even by the time the gas tax has increased by the full 50 cents, a person who drives 10,000 miles a year in a car that gets 25 miles per gallon would only pay an additional $200 annually for gas. A driver could pay less, of course, by buying a more fuel-efficient car, by carpooling or using mass transit, or making some other change that will enable him or her to use less gasoline. As we learned from the gas price hikes in the 1970's, most people will lower their consumption of gas by one means or another in response to higher prices—and that is precisely the goal of this legislation.

It is also worth noting that even when this tax is fully phased in, Americans would still pay much less for gas than drivers in Europe and Japan where, because of the high taxes imposed on gas, prices range from about $3 to $5 a gallon.

The truth is, it is people who depend upon low-gas prices the most, for whatever reasons, who have been hurt the most whenever oil prices rise because we failed to act to decrease our dependence on imported oil, and they will be hurt the most in the future if we do not reduce our imports soon.

If we do nothing to curb our appetite for imported oil, the cost of gasoline will rise as demand grows, and when oil supplies tighten, as they will do every time there is a crisis in the Middle East. The cost of gas will go up sooner if we raise the gas tax, but the higher tax will reduce our demand for oil and help prevent foreign oil producers from being able to exercise so much control over oil prices.

Thus, one way or the other we are going to pay more for gas. The choice is between sending tens of billions of dollars overseas to pay for higher priced oil, or taxing ourselves and putting the money to use here at home instead.

Besides, a gas tax—unlike a crisis-induced gas price hike—would raise the price gradually and predictably; and phasing it in by only 10 cents a year would cushion its inflationary impact.

Raising the gas tax is also a way to help pay for the external costs of oil consumption—especially oil from foreign sources—that are not currently reflected in the cost of gasoline, such as the costs of land and water pollution from petroleum and of maintaining military forces which are capable of quickly responding to overseas threats to our oil supplies.

There are, of course, other ways to decrease our dependence on imported oil beside raising the gas tax. But every other effective proposal has serious environmental, economic, or administrative drawbacks that a higher gas tax would not have. Raising the gas tax is the only method of reducing oil imports I know of that could be implemented—and would show results—immediately.

The recent crisis in the Persian Gulf has made us acutely aware of how vulnerable our Nation is to political upheaval in the Middle East. Fortunately, we did not experience a disruption in our supply of oil or a permanent increase in prices, but the next time there is serious trouble in the Middle East, we might not be so lucky. With oil imports projected to rise to three quarters of the oil we consume 20 years from now, we will be putting our Nation in real danger if we do not act to cut imports.

Mr. Speaker, I urge my colleagues to join me in support of this proposal. It offers the single best way we have available to us to substantially reduce our dependence on im-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

ported oil and also reduce our budget and trade deficits, keep an enormous amount of money in the United States that would otherwise be sent abroad, make the United States more competitive in the global economy, and benefit the environment.

TRIBUTE TO THE HISPANIC MULTI-PURPOSE SERVICE CENTER OF PATERSON, NJ, ON ITS 15TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. ROE. Mr. Speaker, it is with great pride and deepest admiration that I rise today to pay tribute to the Hispanic Multi-Purpose Service Center a not-for-profit corporation which was founded on May 6, 1976, to develop and implement a series of services designed to aid and promote the educational, cultural, emotional, economic, physical, and socal development for the betterment of the Hispanic population of the city of Paterson, NJ, especially the needy population of Paterson in general.

The Hispanic Multi-Purpose Service Center will celebrate the 15th anniversary of its founding on Friday, May 5, 1991, with a dinner reception at La Neve's restaurant in Haledon, NJ. I recognize the fact that this event will be a source of great pride for the board of directors, Maria Magda and staff. I know that Mary Prendergast, the chairperson of this event, is working hard to make it a success, as are board members; Milda Ruz, Lourdes Rodriquez, Elsie Bagby, Rafael Cortes, Zaida Mostacero, Peggy Anastos, Ruben Dario, and George De LaTorre.

Mr. Speaker, the history of the Hispanic Multi-Purpose Service Center—15 years—is a long and eventful one. I would like to share this rich background with my colleagues by quoting from the center's history.

The Hispanic Multi-Purpose Service Center [HMPSC] is a community-based organization incorporated in 1975 under the not-for-profit corporation laws of the State of New Jersey. Thereafter the agency applied for and was granted designation as a charitable organization.

The center was organized by the city's Hispanic leadership who recognized the need to establish an organization that would serve as a catalyst and advocate for the area's population whose primary language is Spanish.

Since its founding 15 years ago, the "Centro Hispano" has endeavored to carry out programs and activities that will improve the quality of life of the Hispanic community and other members of the communities of the greater Paterson area. Through the efforts of this organization, the center's many educational services have been provided to the community such as ESL, GED, Computer Literacy for Youth, vocational training, et cetera. The educational opportunities provided have allowed a large percentage of the participants to become gainfully employed and in some cases hold professional jobs in the city whereby they have helped others in need of services.

At present the agency employs 14 employees and one consultant who serves as the agency accountant. In addition to a volunteer board of directors, the agency also has an established program review panel composed of highly qualified active and committed members of the community who review all proposed project forms and educational and preventive activities.

The HMPSC is committed to serve. Through their programs they demonstrate an ongoing commitment to focus on those issues and problem areas where the greatest need for services exist. At present the agency fulfills its 3,000 requests for program service through some of the following programs: minority and other community-based prevention projects, teen Peer AIDS education project, general information and referral services, relocation and prevention of homelessness, and emergency food and shelter.

In addition, agency staff and board members participate in volunteer boards, task forces, statewide advisory councils, the distribution of commodities and major cultural activities throughout the year.

Mr. Speaker, I appreciate this opportunity to present a brief portrait of the history of this distinguished center that has remained dedicated to helping others and guiding them. As Hispanic Multi-Purpose Service Center celebrates its 15th anniversary, I know that you and all of our colleagues here in Congress will want to join me in extending our warmest greeting and felicitations for both the service and guidance it has provided for its community, State, and Nation.

THE ART OF THE DEATH MERCHANTS, BY MR. SUBLIMINAL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. STARK. Mr. Speaker, I was recently treated to a free copy of Philip Morris' book, "Philip Morris and the Arts," a colorful documentation of Philip Morris-sponsored culture. The book was accompanied by a self-congratulatory letter detailing PM's philanthropic spirit.

To fully describe Philip Morris' endeavor to our constituents, I thought I would enlist the help of Mr. Subliminal, "Saturday Night Live's" regular character who, as weekly viewers of the NBC TV show already know, speaks whatever is on his mind. Mr. Subliminal says what the rest of us think, but are afraid to say. Philip Morris should know how Congress and the public think about their profiteering from tobacco addiction and cancer-related tobacco deaths.

In the fine tradition of Mr. Subliminal, I would like to repeat the cover letter from Philip Morris' vice president for Government affairs. Mr. Subliminal's comments are in parenthasis:

> Over the past 30 years (after almost 10 million Americans have died from tobacco-induced cancer) Philip Morris (which prides itself in promoting tobacco addiction, and its resulting cancer, on children under the age of 16) has participated (acted out of a sense of guilt and remorse) in the visual (smoke-filled) and performing (and you thought Mapplethorpe and Annie Sprinkle were obscene or immoral) arts (when we're not sucking up to sports promotions) in many ways (as long as its a taxpayer-subsidized corporate tax deduction). This volume (corporate tax deduction) illustrates (self-congratulates) the philosophy (lack of morality) behind our sponsorship (guilt-ridden, of course) of the arts (you wouldn't expect us to donate to the American Cancer Society, would you?) and chronicles (tries to pull the wool over your eyes) the wide range (we're worried about having to answer to St. Peter) of our cultural giving (profiteering on the backs of cancer victims). We hope (intend to snooker) that our partnership (ability to peddle cirgarettes to kids) has made a positive (it's the only positive thing we death merchants have done in our history) difference (we wouldn't do it if it weren't a tax deduction) to artists (many of whom would be alive today, were it not for tobacco products), arts organizations (as long as the museum or theatre isn't smoke-free), and audiences (10 million cancer deaths is a pretty large audience).
>
> We (the Death Merchants) send you (simply because Congress provides us with tobacco subsidies, full deductability of cigarette advertising, and low excise taxes) this comprehensive (conscience-cleaning) catalogue (it's a nifty form of extortion: oppose the tobacco lobby and Philip Morris won't sponsor any cultural arts programs in your congressional district) with our compliments (willingness to express no regrets about the 10 million Americans who have died from tobacco-related cancer). The arts (along with tennis tournaments, stock car racing, and billboards in professional and college sports stadiums) have helped (allowed us to get around the prohibition on television advertising) us (the Death Merchants) to appreciate (exploit) creativity (talk about creativity, how'd you like those arguments in court: that cigarette ads don't increase smoking?) in all forms (if deductible from our taxes), and it is a pleasure (more fun than coughing) to share this report (p.r. effort) with you (rather than contribute to the American Cancer Society).
>
> Sincerely,
>
> DAVID GREENBERG,
> *Vice President, Government Affairs,*
> *Philip Morris Companies, Inc.*

TRIBUTE TO PERCY E. SUTTON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to a good friend of mine, Mr. Percy E. Sutton—a respected businessman, lecturer, civil rights activist and former politician from Harlem.

Mr. Sutton has been widely recognized by many different organizations, having been honored with more than 400 awards for his participation in civil rights, human rights, communications, business, and philanthropy.

Among his many accomplishments, Mr. Sutton was the first black owner of a radio station in New York serving the African-American community with news and information. He is also a founder of the National Council of Black Elected Officials. More recently, Mr. Sutton revitalized the Apollo Theater, which is a well-known landmark in Harlem. His contributions have provided the African-American community with great opportunities and inspiration.

In honor of Mr. Sutton, I share with my colleagues a recent article, which appeared in New York's Carib News.

PERCY SUTTON, THE PEOPLE'S MAN

If there is a single man in New York who has spent most of his life time working solely for the benefit of the public it is the Honorable Percy E. Sutton. Until recently the chairman of the Inner City Broadcasting Corporation, he has paved the way for African-Americans to follow, unlike few other Blacks in the communications field.

There is only one way to relate the success story of a man who came to New York looking to dive into the world of business. He found out immediately that it wasn't easy to gain success, but even harder for a Black male from the South, he often tells his audience.

Mr. Sutton, who earned an LLB degree and attended such institutions as Columbia University, Brooklyn Law School and U.S. Air Force Officer's Candidate School in Miami, is also a former Air Force veteran, a civil rights activist, businessman, a lecturer and former politician.

He is one of the most sought after speakers in the country today. He is eloquent and always gains the full attention of his audience. He often tells his life story, from birth to the present, with all the disappointments and negative moments included.

He was always able to fit into any cultural, ethnic or social situation that came his way and was always able to fulfill his agenda. He didn't tolerate Blacks negatively criticizing the first Black Mayor of New York over his own radio station because he realized that just over two decades ago, he was laughed at for wanting to purchase a radio station in this town. He believes in working hard and has always practiced what he preaches.

A former member of the New York State legislature, he was also Manhattan Borough President for 12 years. He was often right on target on whatever he sought to achieve.

But his bid for the mayor of New York during the early 60's didn't run well for the voters despite his outstanding record. In 1972, after serving as the Borough President, Mr. Sutton ventured into the communications industry by purchasing WLIB, which is now the only Black-owned and operated radio station in New York. He later acquired WBLS, the sister station to WLIB.

He is the founder and organizer of the National Council of Black Elected Officials and along with Jesse Jackson and other members, founded the People United To Save Humanity (PUSH).

Today it is not typical for successful people to do the things Mr. Sutton does. His overwhelming success never led him to drift away from his grassroots efforts and he has remained an advocate for equal rights, questioning the government whenever necessary.

Politics aside, Mr. Sutton is managing general partner of the Apollo Theatre Investor Group, the New York partnership which owns and operates the famous theatre in Harlem. He spent millions to renovate the Apollo Theatre which is a landmark known around the world. His leadership at the Apollo has created the opportunity for African-Americans to move up in the world of entertainment through this entity which is recognized for its unique quality.

He continues to fuel the efforts of those striving for a better life by taking advantage of his elevated status in the community. Often his presence alone can inspire or convince unlike any other.

His contribution to the public has not been limited to politics or to his being the first Black to own a radio station in New York serving the African-American community with news and information. He was determined to create the opportunity for Blacks to express their viewpoints in a medium which was white-controlled.

The Pan-Africanist has contributed both time and money on behalf of the African Freedom Movement. He is founder and board member of TransAfrica, a group advocating African causes.

His countless awards included "Businessman of the Year" in 1982 from Ebony Magazine; 1982 Company of the Year for Inner City Broadcasting Corporation from Black Enterprise Magazine; he was "Communicator of the Year" in 1983, designated by the National Conference of Black Media Women; and in 1987 he received the 72nd NAACP Spingarn Medal, the highest award in the NAACP. He is the recipient of more than 400 awards honoring him for his participation in civil rights, human rights, communications, business and philanthropy.

As head of Inner City Broadcasting Corporation he was responsible for overseeing radio stations WLIB/WBLS in New York, as well as others in San Francisco, Detroit and San Antonio, his place of birth.

Mr. Sutton, 70, is the son of Samuel and Lillian Sutton, He lives at 135th Street in Harlem with his wife Mrs. Leatrice Sutton.

FAMILY CAREGIVERS SUPPORT ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. MARKEY. Mr. Speaker, today I am proud to join Representative SANDER LEVIN in introducing the Family Caregivers Support Act of 1991. This legislation will begin to fill the health-care gap that millions of American families experience when they attempt to provide critical care for a chronically dependent family member.

Long-term care affects each of us, particularly as the number of elderly in our Nation grows each year. In 1987, 12 percent of our Nation's population was 65 years of age and older. By the year 2020, this number is expected to grow to 20 percent, or 1 in 5 Americans. Moreover, the costs of providing long-term care to our elderly and others in our population are staggering. In 1985, national spending for long-term care was over $45 billion. Of this, $36 billion was spent on nursing home care and $9 billion on home-care services. The bottom line is that the cost burden on families of those who need long-term care services is overwhelming. Since Medicare and Medicaid coverage is extremely limited, families are trying to pay these costs out of pocket.

The role that family caregivers contribute is significant in the personal care that they provide to chronically dependent family members. Unfortunately, families cannot always do it alone. Bringing in outside help for a chronically ill loved one can be a great financial expense that becomes overwhelming to many families. This legislation is a step toward providing some relief to families who are struggling to care for a chronically dependent loved one.

Providing respite care for America's chronically ill will help families to continue the personal home care that assists families in their desire to keep a functionally dependent loved one at home. The Family Caregiver Support Act of 1991 will enable States to support informal caregivers by providing financial grants to enable additional home health aides to fill in the gaps that families are unable to address. Families spend enormous energy and time caring for a functionally dependent member. Financial caregiver support will do much to reduce the strain on families who are struggling to emotionally cope with the illness of a loved one. Outside assistance in caring for an elderly parent with Alzheimers or a functionally disabled child can make the difference in the quality of life for the family members who are already coping with a difficult situation.

I am proud to take part in introducing this legislation because it recognizes the vitally important role that families play by providing direct support and financial relief which will go far in bringing part time outside caregivers into the home. The Family Caregiver Support Act is endorsed by the Alzheimers Disease and Related Disorders Association, the National Association of Developmental Disabilities Council and the United Cerebral Palsy Association. This legislation is a step forward in answering America's call for some long-term care relief and will go far in responding to the needs of our Nation's families and in providing necessary caregiver assistance to American families who are coping with caring for a chronically dependent family member.

THE INTRODUCTION OF LEGISLATION PRESERVING THE FORT ORD SAND DUNES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to preserve the shoreline sand dunes currently owned by Fort Ord for public recreational use, should the Army close Fort Ord.

Anyone who is familiar with the central coastline of California knows what a truly unique and fragile area these sand dunes represent. The shoreline owned by Fort Ord helps to comprise the southern Monterey Bay dunes system, one of the most extensive dune systems on the west coast. The Monterey Bay dunes are some of the tallest dunes in California, rising several stories high.

While tremendous in stature, these castles of sand, and the plants and animals which reside in them, are terribly fragile. There is great concern in the local community over the deterioration of the dunes and comprehensive plans to restore the dunes complex are underway.

Fort Ord owns a large portion of the Monterey Bay dunes system. The Army has left the dunes relatively intact and, to its credit, has wisely allowed little development of the area.

As my colleagues are aware, Fort Ord was placed on the Secretary of Defense's proposed base closure list on April 12. I have organized the Fort Ord Community Task Force in my congressional district to work on this issue. The task force is proceeding with two strategies: First, the Base Closure Commission. The task force will present to the Base Closure Commission the arguments for retaining the 7th Light Infantry Division at Fort Ord. The task force believes that simply moving the 7th from one post to another with all of its inherent costs is difficult to understand or justify from a defense or cost point of view; second, future planning strategy, to begin the planning process of evaluating alternative uses for the base in the event of possible closure. This bill is introduced as part of the planning strategy to ensure protection of the dunes if closure occurs.

There is a clear and overriding need to plan for the preservation of the dunes. Indeed, this is legislation which I first proposed to introduce more than a year ago, long before Fort Ord was targeted for closure.

The reality of the situation is that the Fort Ord dunes are an important and sensitive component of the Monterey Bay dunes system and must be protected from development and further degradation. This bill achieves that purpose by mandating that, in the event the shoreline is relinguished by the Army, ownership of the dunes will be transferred to the California Department of Parks and Recreation to be used for public recreation in a manner consistent with the preservation of the dunes. Further, the bill requires that the Army assume full responsibility for complete cleanup of the dunes to assure the community that the area is not contaminated when transferred to the State of California.

Mr. Speaker, the preservation of these dunes is an important environmental initiative worthy of swift consideration and approval by this Congress. I urge my colleagues' support for this legislation. A copy of the bill follows:

H.R. 2111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER.

(a) IN GENERAL.—Upon a determination by the Secretary of the Army that the parcel described in subsection (b) is excess to the needs of the Department of the Army, and after making the certification under section 2, all right, title, and interest in and to the parcel shall be transferred, without consideration, to the State of California Department of Parks and Recreation for use solely for public recreational and open space purposes in a manner consistent with the preservation of the sand dunes located on the parcel.

(b) AREA.—The parcel referred to in subsection (a) is that area which consists of the lands and interests in lands within the area of Fort Ord, California, which is bounded by the Pacific Ocean on the west and State Highway Route 1 on the east.

(c) REVERSION.—If the parcel transferred to the State of California under subsection (a) ceases to be used for public recreational and open space purposes, all right, title, and interest in and to that parcel shall revert to the United States.

SEC. 2. SAFETY OF PARCEL FOR PUBLIC USE.

Not later than the 18-month period beginning on the date the parcel described in section 1 is determined to be excess, the Secretary of the Army shall—

(1) take such actions as may be necessary to ensure that the parcel is not contaminated with explosive, toxic, or other hazardous materials; and

(2) certify to the State of California that the parcel is not contaminated with explosive, toxic, or other hazardous materials.

THE AMERICAN CANCER SOCIETY: HEALTH DAY, AND EVERY DAY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mrs. LOWEY of New York. Mr. Speaker, Saturday is Health Day. Every day should be, and the American Cancer Society does its best to bring about a healthier country 365 days a year, but this Saturday will be special.

The Westchester County Division of the Society will be holding its 12th annual Health and Screening Day at the Thomas H. Slater Center in White Plains, NY. They'll be spreading the important and timeless message that we all should have learned at our mothers' knee: An ounce of prevention is worth at least a pound of cure.

Nothing is more precious than our health. We should all make the effort every day to take the best care of ourselves that we can, and to take important preventative measures such as cancer screening. These steps not only mean that can avoid illness in many cases, but also that we can save significant sums that would otherwise need to be spent on treating those diseases. The American Cancer Society has taken on the task of helping us all to achieve that goal. Their tireless efforts have been recognized many times, but I think that the best tribute we can pay to them is to heed their message, and to help them in their lifesaving work.

Mr. Speaker, I hope that all of my colleagues will join me not just in honoring the cancer society, but in pledging ourselves to pursue preventative health care. Let's turn every day into Health Day.

HOWIE GOLDEN: BROOKLYN'S CHAMPION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to a good friend, the president of the Borough of Brooklyn, the Honorable Howard Golden. On May 2, 1991, he will be honored as "Man of the Year" at the Roosevelt Democratic Club annual dinner and I am proud to acknowledge his achievements.

Howie Golden was born and bred in Brooklyn and has devoted his entire life to the borough's people and organizations. He was elected to the city council in November 1969, and served there as chairman of the education committee. In January 1977, he became the 16th borough president of Brooklyn and has been reelected by wide margins ever since.

Howie's administration has been responsible for just about everything good that has gone on in Brooklyn over the past years. Brooklyn's economic, social, and cultural rebirth owe a great debt to Howie's efforts and attention. His economic plans have encouraged commercial development throughout the borough, from the development of industrial parks to the revitalization of neighborhood shopping streets. Under his housing plans, entire neighborhoods are being rebuilt with funding provided for low-, moderate- and middle-income units. Thanks to support and encouragement from the borough president's office, Brooklyn's cultural institutions have flourished. The list is indeed endless.

I am pleased to recognize the accomplishments of a man whose deeds are an inspiration to all public servants. It gives me great pride to recognize Howard Golden before my colleagues and my country.

BRAILLE AND TALKING BOOK LIBRARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to rise today to honor a very special institution in my congressional district. This Saturday, the Braille and Talking Book Library will be celebrating its 60th anniversary and I wanted to take this opportunity to extend my most sincere congratulations.

The Braille and Talking Book Library provides access to high quality, free public library service to individuals who are blind and physically disabled. This library, which began as the Braille Department of the State Library in 1904, was established in 1931 as one of the original 19 cooperating regional libraries. It is now one of 56 regional libraries and serves more than 12,000 adults and children in northern California. The small collection of braille books once housed in the State capitol has grown to include more than 44,000 titles in braille, cassette and recorded disks. In fiscal years 1989–90 alone, over 500,000 books were loaned to northern California readers.

For 60 years, the Braille and Talking Book Library has provided exemplary service to the blind and physically disabled in California. Its commitment to education, its spirit of service and innovation, and its sensitivity to the needs of those whom it serves are all truly worthy of praise.

Mr. Speaker, I know I speak for many others when I extend my warmest wishes to the Braille and Talking Book Library on this its 60th anniversary. I hope today's ceremony is a success and ask that my colleagues join with me in saluting this outstanding organization.

SGT. JAMES DALE HAWTHORNE

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SARPALIUS. Mr. Speaker, today we still have more than 300,000 American soldiers stationed in the Persian Gulf region, the remnants of the force that successfully liberated Kuwait and halted Iraqi aggression. They, and all who served with them, are truly deserving of the heroes' acclaim they are receiving from their fellow Americans.

After being committed to a just cause by our national leadership and given an outstanding battle plan by their military leadership, they executed brilliantly. They brought the war to an end more quickly than anyone imagined possible while accomplishing all our military objectives.

We must never forget, though, those who made the ultimate sacrifice for their Nation in this conflict. One such person, is Sgt. James Dale Hawthorne, a Marine reservist from Stinnett, TX.

Sergeant Hawthorne, until being called to active duty last December, was employed as a corrections officer at a State prison in Amarillo, TX. Sergeant Hawthorne received 2 months of training as a tank commander in M1–A1 tanks. He and the rest of his company departed for Saudi Arabia February 17, just 10 days before the war ended.

By all accounts, Sergeant Hawthorne and his comrades performed valiantly in battle, and their exploits have been recounted favorably by their division commanders. As fate would have it, Sergeant Hawthorne was killed in action just hours before President Bush ordered a cessation of hostilities in the gulf region.

I had the opportunity to attend Sergeant Hawthorne's funeral in Stinnett, and it was one of the most touching experiences of my life. The words of the Reverend Tim Hughes, the minister who officiated at the ceremony will stick with me for years to come. He said:

> I cannot give you an answer as to why this happened and I don't pretend to know * * *. But, you and I must go on with our lives and because of Sergeant Hawthorne we can.

Reverend Hughes summed it perfectly. No one can explain for sure why it was Sergeant Hawthorne who had to make the sacrifice, or why it happened so close to the cease-fire. We'll never know the answer to that mystery. We can find our comfort, though, in knowing his sacrifice helped preserve the principles on which this Nation was founded.

My heart goes out to Sergeant Hawthorne's wife, Carla, their daughter, Amy, and to his parents and sisters. I know this House joins me in sending them our sincerest sympathies and our deepest gratitude for Sergeant Hawthorn's dedication and bravery.

SUCCESSFUL UNITED CEREBRAL PALSY STAR-ATHON '91

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the United Cerebral Palsy Association [UCP] raised over $1 million in south Florida with the Star-Athon '91—weekend with the stars telethon this past February on Miami's channel 10. Hundreds of volunteers and businesses donated their time and effort to help this 20-hour telethon which will greatly assist south Florida's developmentally disabled population.

The UCP has been part of the south Florida community since 1947. It began as a group of parents seeking help for their children in a storefront setting in downtown Miami. The UCP of Miami's main facility has been located for the past 30 years in the Civic Center on what used to be the city of Miami golf course. UCP expanded into Broward County in the early 1970's and recently began a program serving the West Palm Beach area.

Today, UCP serves over 689 children and adults in 23 facilities throughout south Florida each day with services such as education, therapy, vocational training, medical, counseling, and residential assistance. All developmentally disabled people are eligible including delayed infants, premature infants, and the mentally retarded.

Star-Athon '91 was the national telethon to assist UCP featuring stars like John Ritter, Frank Sinatra, and Henry Winkler. It was hosted in south Florida by Ann Bishop and Dwight Lauderdale of channel 10, and Anna Margo of channel 51.

This week, UCP honored the over 500 volunteers in south Florida who assisted the telethon with a reception at the Alexander Hotel in Miami Beach. Among those who assisted this worthwhile effort are UCP of Miami president Ed Godoy, UCP of Broward president Peter Slavis, Jack Schillinger, Roy Lustig, John Garwood, Victor Bubnow, and Dwight Stephenson.

I would like to take this opportunity to thank the UCP of Miami, and its south Florida affiliates for offering quality programs for the developmentally disabled while answering the growing need for innovative facilities across south Florida.

HEALTH INFLATION: THE CASE OF T2

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. STARK. Mr. Speaker, I call attention to an article in the April 15 issue of Forbes magazine on the medical corporation T2.

Forbes calls this "a textbook illustration of why medical costs are still going through the roof."

I agree. We are paying too much for the services provided by this company. The physician referral and investment issues raised by T2's modus operandi must also be addressed in legislation. The next time we consider Medicare legislation, the elimination of these overpayments and referral abuses could help fund important improvements in Medicare benefits.

The article is worth reading to better understand the outrageous inflation facing us in the health field.

THE DOCTORS AND THE DEALMAKERS

(By Gretchen Morgenson)

It took ten years for Harvard-educated Stanley Winokur, M.D., 47, to build his Atlanta cancer treatment practice into the moderate success that it was in 1985. But Winokur was unhappy; he felt impoverished by an expensive divorce and pressures from the government to cut costs in his practice. "I was thinking about getting out of medicine," recalls Dr. Winokur.

All that changed when he was approached by one Thomas E. Haire, a glad-handing former medical supply salesman for Baxter International. At 46, Haire is chairman of T2 Medical, Inc. (pronounced tee squared), a Georgia-based provider of at-home intravenous medication. Haire told the doctor that the world of medicine was changing and that Dr. Winokur could profit from that change. If the doctor would invest with Haire, they could open a business that offered intravenous medication.

Dr. Winokur was referring his patients to a variety of home infusion therapy providers at the time, but he no doubt liked the idea of being able to send his patients to an outfit he could invest in as well as control. In a business sense he would be integrating forward, keeping more of the dollars he generated for medicine. The cancer specialist was interested but nervous. "I was investing in an unknown," he says. "I didn't have a cent, so I had to borrow the money to write the check. As I handed it over, my hand was shaking."

Dr. Winokur's hand no longer trembles when he writes a check on his now ample bank account. He had gotten in on the ground floor of one of the hottest medical companies around. In 1988 Dr. Winokur, coowner Haire and their other physician partners sold Georgia Home Therapeutics to T2 Medical for $17 million. They were paid mostly in T2 stock.

Dr. Winokur won't reveal his take, but he will say this: The sale closed when T2 was trading at 10, and the stock is now at 52. Which means that Dr. Winokur has a 420% gain on the already handsome price he received when he sold his business.

One thing you can say for T2; It has found no shortage of doctors willing to participate in such schemes. Here's how it works. T2 hooks up with a physician, usually an infectious disease specialist, with a large number of patients already on infusion therapy. T2 meets with the doctor and offers to go into partnership with him in an infustion therapy center to which he can send his patients. For the next couple of years T2 manages the center, charging a fee for this service of 14% of pretax profits.

Then, if all goes swimmingly, T2 buys out the physician's interest at five times pretax earnings, mostly in restricted T2 stock that cannot be sold for two years. Through such deals, T2 has come to own 45 infusion therapy centers, all acquired since 1988. It also managers another 84-centers in 59 cities.

The growth has kept the stock steaming upward. The stock gains, of course, make it that much easier to sell the concept to new doctor-investors. They look at the millions made by early players and ask themselves, Why not me?

The upshot of all this is that T2 Medical has a market capitalization of $770 million, a staggering sum for a company that made $15.5 million on revenues of $73 million last year. Another consequence is that hospitals are losing infusion therapy business to T2's doctor-business people.

Home infusion is suitable for many patients receiving intravenous antibiotic, nutritional, cancer and AIDS therapies. The centers run by T2 and its competitors (the largest of them is a Baxter International subsidiary with revenues of $700 million) deliver the drugs to the patients and provide the nurses who put the catheter in the arm.

The merry game may not, however, go on much longer. Although home infusion costs on average a third less than in-hospital therapy, it is no longer enough to be cheaper than a hospital. More and more, in-home providers must compete with one another on cost. Sooner or later, T2 and its 50% gross profit margins are going to be under pressure. Consider one extreme example. For a two-week treatment with the antiviral drug Cytovene for AIDS patients, T2's price in the Atlanta area recently was $4,000; a competitor across town charged $1,100.

Haire argues: "Health care to the absolute low bidder is not a good idea." Maybe not, but the institutions that pay doctor bills don't want to see health care going to the high bidder, especially when the doctor is burning his candle at both ends.

As of January 1992 Medicare will refuse to pay for treatment as privately held laboratories in which the referring physician owns a stake. Although this legislation does not apply to treatment centers like those owned by T2, further legislation could conceivably attack such operations. T2 gets 12% of its business from Medicare. In addition, private insurers are increasingly concerned about self-referring physicians, and payouts from these insurers account for 80% of T2's business.

Rene Lerer, M.D., national medical director of Travelers Corp., says his insurance company does all it can to monitor self-referring physicians. As he points out: "When a physician owns a related venture, there may be a tendency to treat for a longer period or with more expensive drugs." And Prudential, which provides health benefits for 20 million Americans, is in the process of choosing "preferred" home infusion providers that it would recommend its customers do business with. T2 did not even make the first cut.

State legislators may soon get in on the act. Florida lawmakers are debating legislation that would outlaw many physicians' joint ventures such as the ones that T2 uses to build new therapy centers and fuel its growth.

The company isn't worried. Dale Benzine, head of public relations, says that lawmakers who have proposed such limits in the past soon saw the error of their ways. "We send out a lawyer to educate them," he says. Haire rejects the notion that T2 physicians don't have their patients' best interests at heart, pointing out, somewhat irrelevantly, that 95% of the company's patients rated their experience with T2 as excellent or above average.

Shareholders signing on at this late date may find their experience less highly rated. The deals are so stacked that Chairman Haire and, more recently, President Joseph Allegra get personal pieces of the action ahead of shareholders.

When a new center opens, Haire and Allegra put up their own money to help build the center. Then, when T2 buys the center outright, Haire and Allegra get paid along with the physicians. Between 1988 and 1990 T2's acquisitions put $4.9 million of cash and stock in Haire's pocket. He also got $2 million in salary and benefits last year.

Parse the financial arrangements, then, and this is what you discover: T2's stock is essentially a sales tool to sign up new doctors; as long as it keeps rising, it is an effective tool. But once the stock slips, doctors will be less likely to accept it, and what once was an incentive to sell to T2 will become a disincentive. Meanwhile, corporate benefits experts might ask whether their plans should be used to finance wealth-creation schemes for physicians and for Tom Haire.

REVERE BEACH STUDY ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. MARKEY. Mr. Speaker, today I am introducing legislation that I hope will ultimately lead to the restoration and protection of America's first public beach. Revere Beach, located in the city of Revere, MA, holds the distinction of being the first beach in the Nation that was established for public enjoyment and preservation. It is truly one of New England and the Nation's great natural assets—a beautiful crescent beach, easily accessible to an urban area, rich in history and with numerous recreational resources. The bill I am introducing today would require the Department of the Interior to conduct a study to determine the feasibility of including Revere Beach as a part of our national system of parks, historic sites, and recreation areas.

It was in the early 1890's when Mr. Charles Eliot, alarmed at the rapid development and loss of natural beach and ocean panorama at Revere Beach, appealed to the Massachusetts Metropolitan Park Commission to take action and establish a public recreation area at Revere Beach. Eliot commented at the time that such a move was "a difficult and novel question, the beach being the first that I know of to be set-aside and governed by a public body for the enjoyment of the common people."

Revere Beach first became a summer resort attraction in the mid-1800's because of its accessibility by rail to the city of Boston. Its popularity gave rise to numerous resort hotels, restaurants, bathhouses, and dance halls. By the early 1900's, lively and colorful amusements lined Revere Beach Boulevard including carrousels, roller coasters, fun houses and various games of chance. Rather than evolving as an exclusive enclave of the wealthy, it represented the first time a seaside recreation area was set-aside for the enjoyment of a working class urban population and thousands of new immigrants. It is a slice of American history that deserves to be preserved and appreciated for generations to come.

Revere Beach illustrates a way of life, a stage in the development of the American social and cultural life, not preserved elsewhere in the National Park System. It is not associated in particular with famous individuals, but embodies the spirit of an era and the development of the American way of life. This beach was a place for working class Americans to enjoy the pleasures of a seaside resort usually reserved for the wealthy. Its easy accessibility to mass transit—the Blue Line subway train from Boston—make it a location to be enjoyed by all.

As Americans take shorter vacations closer to home, we need to adjust our recreational resources to reflect these new patterns. The accessibility of Revere Beach makes it a perfect destination for a day or weekend trip. Preservation of the publc facilities, the historic structures and the beautiful beach at this old resort would make this unique site available to people without the means to travel to wilderness areas and faraway national parks.

I recall taking daily summer swims at Revere Beach as a boy. After the short ride on the Blue Line, Revere Beach was a schoolboy's summer paradise. I have fond memories of the Sun and sand, ice cream and hot dogs, and the hundreds of people escaping the city heat and bathing in the cool, clean water. Inclusion of Revere Beach in our system of national parks, historic sites, and recreation areas would avail future generations from around the country the opportunity to enjoy fully this historic beach and help to return it to the pristine recreational preserve of the "common people."

I am pleased to introduce "The Revere Beach Study Act of 1991" today with the cosponsorship of the entire Massachusetts delegation and with 18 of my colleagues on the Interior and Insular Affairs Committee. Senator KERRY and Senator KENNEDY are introducing companion legislation today in the Senate. I invite Members of the House to cosponsor this measure, one which I believe deserves the enthusiastic support of this body.

H.R. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be known as the "Revere Beach Study Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) as the first beach set aside for the enjoyment of the public in the United States, Revere Beach has unique historical, cultural, natural and recreational resources;

(2) Revere Beach represents a unique part of working class history in early 20th century America;

(3) the social and cultural aspects of American history embodied in Revere Beach are not represented elsewhere in the National Park System;

(4) many of the original structures and public buildings of Revere Beach remain;

(5) Revere Beach is located within easy access of a large urban population center, and within reach of tourists visiting the historic city of Boston; and

(6) given the interest by organized groups, local and State governments in the preservation of Revere Beach, a coordinated evaluation should be conducted to consider options for preserving the unique historical, cultural, natural and recreational resources of Revere Beach.

SEC. 3. STUDY AND REPORT BY THE SECRETARY OF THE INTERIOR.

(a) STUDY.—In order to consider protection of Revere Beach's unique historical, cultural, natural, and recreational resources, the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing Revere Beach as a unit of the National Park System.

(b) CONTENTS OF REPORT.—The report of the Secretary shall contain, but not be limited to, findings with respect to—

(1) the historical, cultural, natural, and outdoor recreational values of Revere Beach;

(2) the type of Federal, State, and local programs that are feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values identified;

(3) the relationship of the recommended National Park System unit to existing or proposed Federal, State, or local programs to manage in the public interest the unique historical, cultural, natural, and recreational resources of Revere Beach; and

(4) the types and general intensities of development, including a visitor facility with sufficient space to accommodate exhibits and information regarding the history of Revere Beach, that would be associated with public enjoyment and use of the beach, including general location and anticipated costs.

(c) CONSULTATION AND INFORMATION.—The study shall include participation by representatives of the city of Revere, Massachusetts, representatives of the Commonwealth of Massachusetts, representatives of associations interested in the preservation of Revere Beach, and persons knowledgeable in American history, historic preservation, and popular culture. Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports, and other material as the Secretary may deem necessary for the study.

(d) AGREEMENTS.—In conducting the study required under subsection (a), the Secretary of the Interior may enter into agreements with nonprofit or public interest groups to undertake studies and planning work with respect to the preservation, interpretation, and management of Revere Beach.

(e) SUBMISSION.—The Secretary shall submit to the President and the Congress of the United States, within 12 months after the date of enactment of this Act, a report of his findings and recommendations.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

RUNNING TO SUCCESS: THE R.E.S.P.E.C.T. REMINGTON FLYERS TRACK CLUB

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mrs. LOWEY of New York. Mr. Speaker, the Remington Flyers are on the run. Their club of New Rochelle, NY, is running a 10-leg relay from New Rochelle to the State capital in Albany.

They are running away from drugs, living their own lives in a clean and productive fashion, and setting an example for their classmates and contemporaries of how much can be accomplished when drugs are kept out of their lives.

They are taking strides to help the homeless and others in need in their community. Families, neighbors, local businesses and corporate sponsors are pledging money to these dedicated young people which will be used to help the team support homeless shelters and drug rehabilitation efforts in New Rochelle.

Most importantly, these kids are running quickly toward a better life, one of achievement and pride, of caring and excellence. Since April 1986, Coach Walter Brown has helped New Rochelle youngsters to succeed through the Remington Flyers Program. Young people between 7 and 12 years old come to the program after school 3 days a week. They practice track and field events, but they learn much more than running, jumping, and throwing.

The club also brings in guest speakers to share information with the Flyers about nutrition, health, staying off drugs, and staying in school. They go on educational field trips, and learn that, through hard work and talent, they can get ahead in life.

The run to Albany will feature 15 Remington Flyers who have been selected because of their discipline, effort, and leadership. They epitomize the best in New Rochelle, in Westchester, and in this country. I am sure that my colleagues join me in offering Coach Brown and the entire team of our best wishes for continued success in supporting the important values that give promise for a better future.

A TRIBUTE TO JOE RIZZI

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to Mr. Joseph Rizzi, assistant principal of the foreign language department at New Utrecht High School, located in my congressional district. Mr. Rizzi will be honored for his accomplishments at the New Utrecht High School Parents, Teachers Association 26th annual scholarship dinner dance and I am proud to take this opportunity to salute his fine deeds.

Joseph Rizzi left his native Italy for New York City at the age of 15. Within 2 years after his arrival, he earned a high school diploma and gained admission to Brooklyn College. At Brooklyn College, Joseph Rizzi completed a B.A. in romance languages and then continued to Long Island University where he earned a M.A. in bilingual education and a Ph.D. in school administration and supervision.

Within a short time after Mr. Rizzi came to New Utrecht High School, he was selected to head the largest Italian Bilingual Program in the country. Under his leadership, the program received over $10 million in Federal and State funds over a 10-year period. During his tenure, quality education and supportive services were provided to children from a broad spectrum of ethnic and linguistic backgrounds.

In 1986, Joe was appointed assistant principal of the foreign languages department at New Utrecht High School. Among his numerous accomplishments are the introduction of a course in French and Spanish, and the Elementary School Teacher Assistant Program. Through his efforts, New Utrecht students have participated in the Young Diplomat Exchange Program and he himself represented the New York City Board of Education in Spain in connection with this program.

As an active member of foreign languages and bilingual organizations, Joe Rizzi has participated in and led numerous conferences. He has served on the board of examiners and has assisted the foreign language unit on its standing committee and as a curriculum and test developer. Mr. Rizzi is also currently serving as vice president of the Association of Foreign Language Assistant Principals and is the recent author of an Italian text for high school students.

Mr. Rizzi also finds time to serve as a community leader. He is active with the Key Club of Kiwanis International and is borough coordinator of Italian Heritage and Culture Week.

I am pleased to publicly congratulate Joseph Rizzi as a truly inspiring individual whose efforts have touched the lives of thousands of children.

MAUSOLEUM COMPLETED

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. MATSUI. Mr. Speaker, I rise today to salute East Lawn Memorial Park upon the completion of its long awaited El Dorado Mausoleum. The Mausoleum will be dedicated this afternoon and I wanted to take this opportunity to congratulate those individuals associated with the project.

East Lawn holds a special place in the hearts and minds of Sacramentans, as it is here that many of their loved ones have been laid to rest. Since 1904, East Lawn has provided the people of Sacramento with a much needed service and has contributed significantly to the greater Sacramento community. In the process, East Lawn has become a trusted and known Sacramento institution.

Mr. Speaker, the completion of the El Dorado Mausoleum gives us an excellent opportunity to recognize the many years of fine work of the people at East Lawn. I ask that my colleagues join with me in saluting their many achievements.

SPECIALIST TOMMY DON BUTLER

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SARPALIUS. Mr. Speaker, today we still have more than 300,000 American soldiers stationed in the Persian Gulf region, the remnants of the force that successfully liberated Kuwait and halted Iraqi aggression. They, and all who served with them, are truly deserving of the heroes' acclaim they are receiving from their fellow Americans.

After being committed to a just cause by our national leadership and given an outstanding battle plan by their military leadership, they executed brilliantly. They brought the war to an end more quickly then anyone imagined possible while accomplishing all our military objectives.

We must never forget, though, those who made the ultimate sacrifice for their Nation in this conflict. One such person, is Army Specialist Tommy Don Butler of Amarillo, TX.

Specialist Butler had committed himself to a career in the Army; it was something his father said he felt very strongly about. He wanted to defend his Nation and to be of service to his fellow Americans. I can think of no more noble desire or ambition.

Upon arriving in the Persian Gulf region, Specialist Butler and his fellow soldiers apparently performed bravely and executed their tasks well. All I have learned about him in these last few weeks indicates he was a model soldier, an example of today's professional soldier.

Fate, though, kept him from returning home. Shortly after the President ordered the cessation of hostilities, Specialist Butler was killed by a bomblet, an unexploded portion of a cluster bomb.

He was buried recently in Arlington National Cemetery with full military honors, and I had the honor of attending his funeral. I doubt I ever will forget the experience.

It was a beautiful ceremony, attended by members of Specialist Butler's immediate family. All of us were struggling in an effort to understand why Specialist Butler no longer was with us, why it had to be he who made that ultimate sacrifice.

We all can take comfort, I think, in knowing that it is a mystery that can never be answered, and knowing he had given his life defending a country he loved deeply, serving in an Army he had chosen for a career. He believed in what he was doing, and he was committed to performing his job to the very best of his ability.

His was a rare courage, and one that deserves our highest honors.

My heart goes out to Specialist Butler's parents and to all who knew and loved him. I know this House joins me in sending them our sincerest sympathies and our deepest gratitude for his dedication and bravery.

LIGA CONTRA EL CANCER TELETHON HELPS THOUSANDS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, The Liga Contra El Cancer has brought the gifts of mercy and medical treatment to many indigent cancer victims in south Florida. Since its incorporation in 1975, the nonprofit Liga Contra El Cancer has served over 22,500 needy patients. The Liga accepts patients, children and adults, without regard to race or nationality, the only factor is financial need. Throughout its 16 years of community service, it has drawn together volunteers from the medical community and the community-at-large to support its no-charge health care.

The Liga Contra El Cancer, which means League Against Cancer, modeled itself after a similar organization that was started in 1925 in Havana, Cuba. Its counterpart grew to include a world renown oncology center and operated until the Cuban revolution in 1959. In Miami, the Liga's medical center serves as a diagnostic, intake and treatment center for cancer patients. When a patient is determined to be eligible for services, they receive treatment and follow-up free of charge. Depending on the need, services are provided at the Liga's own facility, in private physicians offices and at local hospitals.

A major source of revenue for the Liga is its annual telethon. Last year the "Telemaraton de 1990" raised $1,870,802. This year, the telethon will take place May 4 through May 5, and it is their hope to exceed last year's efforts. The Liga is also funded through State and local grants, personal and corporate donations, and benefits greatly from the donation of time from over 160 local physicians.

Mr. Speaker, I commend the efforts of the Liga Contra El Cancer to reach out and bring treatment to so many indigent cancer patients in south Florida. The Liga has flourished under the leadership of Lourdes Aguila, the General Coordinator and Representative of the Liga. She received the 1990 President's Volunteer Action Award for her efforts. The Liga has also grown with the sacrifice of many volunteers and donors, who have shared the vision to bring healing to those in need.

PBS AND WTTW/CHICAGO AGAIN SHOW THEIR EXCELLENCE WITH "LIFE AND DEATH OF A DYNASTY"

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. PORTER. Mr. Speaker, I want to take this opportunity to draw the Members' attention to an excellent program that will air May 24 on public television stations nationwide.

"Life and Death of a Dynasty" is a probing and insightful look into the Nehru-Ghandi dynastic democracy which ruled India at the behest of the electorate for over four decades. This 90-minute special presentation is typical of the extremely well produced and academically rigorous material that PBS—in cooperation with public broadcasting stations nationwide—brings into America's homes on a regular basis. I hope that Members will review the following release which more fully explains the nature of the production and the quality of the experts who created it.

LIFE AND DEATH OF A DYNASTY

Chicago.—For most of the past half century, modern India has been a democracy ruled by three charismatic individuals—Jawaharlal Nehru, his daughter Indira Gandhi and her son Raji Gandhi. Between them, they comprised the ruling family of the modern Indian democracy for 39 of its 43 year history.

Who were these people? How did they attain and maintain their power? What were the driving forces behind their personal and national ambitions? And why did this dynasty finally crumble?

These are some of the questions explored in Life and Death of a Dynasty, a 90-minute special to be presented by WTTW/Chicago on public television stations nationwide on Friday, May 24 at 10:00 p.m. (ET)*, it was announced by Lewis Freedman, Director of the William Benton Broadcast Project of the University of Chicago.

Life and Death of a Dynasty is a presentation of the William Benton Broadcast Project of the University of Chicago in association with the BBC. Lloyd and Susanne Rudolph, professors of Indian politics and history at the University of Chicago, served as advisors to the project and appear on camera to provide an overview and historical perspective.

Produced by Drew Associates, the special conveys candid experiences from the lives of the three people comprising modern India's "dynastic democracy," the Nehru-Gandhis, who were returned to power over and over again by popular vote from 1946 into 1989.

"This memorable grandfather, daughter and grandson—all three prime ministers—provide an intimate human frame for 40 crucial years of India's national self-definition," notes Professor Susanne Rudolph.

Emmy Award winning independent producers Robert and Anne Drew have been documenting the Nehru-Gandhi family for three generations, spanning almost 30 years.

Robert Drew, a pioneer in cinema verite filmmaking, began covering the family in 1962 when he produced a critically acclaimed film portrait of Jawaharlal Nehru. In 1981, the Drews produced the only candid film about Indira Gandhi ever allowed to be made about her life. And Anne Drew has been actively filming Rajiv Gandhi's story from the time he assumed power in 1984 through the present, including Rajiv's shocking loss in India's 1989 elections.

"Combining the filmic vision of Robert and Anne Drew with the intellectual vision of the Rudolphs provides an innovative example of history on television," said Freedman, the special's executive producer for the Broadcast Project. "Life and Death of a Dynasty translates the filmmakers' brilliant triptych into a single moving image of India's dynamic ruling family."

The Life in the title refers to Jawaharlal Nehru at the height of his power. The filmmakers followed him during a two-week period in 1962 as he approached the end of his brilliant political career, having been a leader of India's early nationalistic movement for twenty years before serving as Prime Minister for 15 years.

The special also includes the story of his daughter Indira Gandhi's efforts to build on her father's legacy and, at the same time, engineer the dynastic succession of her son, Rajiv. It follows Rajiv Gandhi as he assumes power after his mother's assassination in 1984, and tries to set a new course for India while living up to the ambitions of his mother and the traditions of his grandfather.

The Death in the title refers to the fortunes of the "dynasty" in the crushing electoral rejection of Rajiv Gandhi in November 1989. Rajiv may one day be reelected, but not as a designee of the "dynasty." And that day might arrive sooner than expected since India's government resigned in March 1991 and Rajiv's Congress Party may take over the reins of power in a new national election.

The William Benton Broadcast Project of the University of Chicago was created in July 1987 to bring the results of the most significant scholarship and research to a wide audience.

Life and Death of a Dynasty is the second major television special to be presented under its aegis. The first, Quarks: A Christmas Lecture by Leon Lederman, was broadcast nationally in December 1990. Other television programs in development include the Glory and the Power, a series of the worldwide impact of fundamentalism to be presented on public television stations in 1992, and the Rage for Democracy, an examination of who participates in the democratic process of our nation.

Lewis Freedman is Director of the William Benton Broadcast Project of the University of Chicago. Rachel Lyon is Associate Director.

FIFTY YEARS OF THE MONTEREY WOMEN BOWLING ASSOCIATION

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to the Monterey Women Bowling Association on the occasion of the 50th anniversary of its founding.

The Monterey Women Bowling Association was organized in October 1940. The original auxiliary consisted of 25 women thereby making up 5 teams of 5 women each. In October 1941, 1 year after its founding, the auxiliary was recognized as a legitimate entity by the Women International Bowling Congress, the world's largest women's sport organization. In 1948 the membership of the association grew from five teams to eight teams and has continued to expand in the last 50 years. In 1958, with the work and dedication of a handful of committee members, final score sheets were collected and, with a total of seven full pages, the Average Blue Book was published.

The Monterey Women Bowling Association was incorporated as a nonprofit organization in 1965. At that time, Ms. Ruth Mahony, president of the association, began lobbying Assemblyman Alan G. Patte on behalf of sponors of and within the organization. Ms. Mahony was successful in contributing to the passage of legislation in which sponsors of bowling teams were removed off of workman's compensation coverage. In 1967, the Monterey Women's Bowling Association organized the Junior Bowling Association, now an affiliate of the American Junior Bowling Association.

Throughout the years, the Monterey Women Bowling Association has been successful in meeting the needs of its members and community. It has a current membership of 850 women and is continually expanding. The camaraderie of this special group of women has benefited not only their association, but also the leagues they have participated in. They have been an inspiration to the community and I am honored to recognize their contributions.

Mr. Speaker, I ask my colleagues to join me now in congratulating the Monterey Women Bowling Association for their participation in the 16th Congressional District of California. It is with great pride and respect that I pay tribute to this outstanding association on their 50th anniversary.

A TRIBUTE TO CAROLE GRAU

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to Ms. Carole Grau, a distinguished member of the faculty of New Utrecht High School in my congressional district. On May 3, Carole Grau will be honored for her accomplishments at the New Utrecht High School Parents, Teachers 26th annual scholarship dinner dance and I am proud to take this opportunity to salute her fine deeds.

In the spring of 1956, after her graduation from Brooklyn College with a major in speech, Carole joined the speech department at New Utrecht High School. She taught basic classes and electives, implemented speakers' workshop productions, organized theater trips and was a leader of the stage crew, a group responsible for outstanding happenings on the New Utrecht stage.

In 1964, Carole returned as adjunct of the Brooklyn College speech department. She spent 15 years there, rising to the rank of assistant professor and joining the full time faculty.

In 1979, Carole returned to New Utrecht and returned with a passion. She has written new curricula, revised old curricula, trained student speakers, advised SING, served as senior adviser, and runs the theater club at the peer mediation program at the school.

Carole's credentials include a masters degree from Brooklyn College in rhetoric and public address and a masters degree in communication theory from Teachers College, Columbia University. In recent years, she has won a Chancellor's New School Fellowship for excellence and creativity as a teacher, was selected to represent Brooklyn high schools at Teacher Recognition Day. She has been an Arista and Business Education Honor Society honoree.

Carole is also a founding member of the International Listening Association and a consultant on listening for the National Teachers' Exam. She sits on the board of the New York Society for General Semantics and often leads business and professional community workshops.

It gives me great honor to pay tribute to Carole Grau, a dedicated and tireless teacher. I am proud to recognize her before my colleagues and country.

A SALUTE TO THE EDUCATIONAL RESOURCES INFORMATION CENTER [ERIC], 25 YEARS OF SERVICE TO AMERICAN EDUCATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. OWENS of New York. Mr. Speaker, I rise to bring to your attention the continuing success and accomplishments of the Educational Resources Information Center known throughout the world as ERIC. Administered by the U.S. Department of Education's Office of Educational Research and Improvement, ERIC in 1991 is celebrating its 25th year of continuous service to education.

ERIC is a nationwide information network designed to provide users with ready access to education literature. Established in 1966 to make Government-sponsored educational research available from a single source, ERIC now collects, analyzes and distributes information from public and private, local, State, Federal, and international sources. The ERIC data base contains over 725,000 records of documents and journal articles, including, for example such topics as teaching and learning; education of the disadvantaged, minority and disabled populations; exemplary curricula; and school reform. ERIC consists of a network of 16 clearinghouses, a small but growing number of adjunct clearinghouses, and system support components such as the ERIC processing and reference facility, the ERIC document reproduction service, and Access ERIC.

ERIC has become one of the world's leading resources for education information; in 1990, the ERIC data base was accessed from 90 countries around the world. Teachers, researchers, policymakers, and librarians conducted nearly a half million searches last year through commercial online information services alone; countless other ERIC users rely on compact discs or print indexes. And it is apparent that information in ERIC is valuable to users. In 1990, ERIC produced over 20 million microfiche copies of documents in the data base, responded to over 100,000 requests for information, produced over 200 monographs and ERIC Digests, and distributed over a million free publications.

Mr. Speaker, I hope you will join me and my colleagues today in acknowledging the hard work and dedication of the ERIC system over the years and in saluting this outstanding program on its silver anniversary. ERIC's 25 years of dedicated service to the educational community makes it worthy of recognition by the House today.

AMERICAN HISPANIC LITERATURE MONTH: MAY 1992

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SERRANO. Mr. Speaker, I rise today to introduce a joint resolution to designate the month of May 1992 as "American Hispanic Literature Month" in celebration of the Hispanic writers of the United States.

Among the earliest explorers and settlers of the United States, Hispanics have greatly contributed to the literary heritage of this Nation, in folklore, travel memoirs, and epic poetry. In addition, with an understanding of the recent 1990 census, we see that Hispanic Americans in the United States, now numbering 25 million, are an increasingly powerful voice in our Nation. As this population continues to grow, fertile ground for a new generation of American literature is created. These authors add to the canon of American literature by merging Latin American themes—diverse in thought, culture, ideas, and religion—with North American settings.

Mr. Speaker, during the past 25 years, the popularity of many Latin American writers, such as Gabriel Garcia Marquez, Mario Vargas Llosa, and Carlos Fuentes has been firmly established in the United States. Major publishers successfully offer the works of such authors to the general public. however, unlike their Latin American counterparts, Hispanic writers in the United States have not achieved such success outside their own communities.

For example, how many of us are aware that Oscar Hijuelos, a Cuban-American, won the 1990 Pulitzer Prize for fiction for his work "The Mambo Kings Play Songs of Love"? This truly is an accomplishment worthy of congressional recognition. Mr. Speaker, this resolution serves to recognize all the Hispanic authors of the United States who have so eloquently created a vision of the American way of life through words.

Having just celebrated National Library Week it is appropriate to emphasize the importance of the written word and the strength of its power on our society. The written word is powerful because of its evolution over time through a host of mediums such as the theater, literature, and even closer to home, the press. Literature is used not only to educate our youth but also to reach out to our neighbors to express thought and understanding and to speak out for our rights. The forefathers of this great democracy eloquently and forcefully affirmed, through the first amendment, the significance of not only that which is spoken, but that which is written as well.

Mr. Speaker, I think it important that this Congress encourage the broadening of all horizons of this great Nation and its multicultural citizens by recognizing and lauding the Hispanic writers of the United States and their everlasting contribution to our society.

REJECTING CONGRESS' COVERT STRAITJACKET

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. MICHEL. Mr. Speaker, I wish to call the attention of the House to an insightful op-ed published in the April 9, 1991, edition of the Washington Times. This article was written by my good friend and colleague, BUD SHUSTER, the ranking minority member of the House Permanent Select Committee on Intelligence. His analysis of the President's pocket veto of the fiscal year 1991 intelligence authorization bill, S. 2834, 101st Congress, ably puts the salient issues in perspective. Because H.R. 1455, a modified, reintroduced version of the vetoed bill will likely be considered on the floor soon, I submit the article, "Rejecting Congress' Covert Straitjacket" for the benefit of our colleagues who may not have seen it.

[From the Washington Times, Apr. 9, 1991]

REJECTING CONGRESS' COVERT STRAITJACKET

(By Bud Shuster)

Despite an unprecedented diplomatic and military victory and popular approval for his steadfast good judgment and leadership in the Persian Gulf crisis, President Bush still faces congressional attempts to reduce his options for dealing with future international crises so successfully.

In last year's intelligence authorization bill, Congress tried to severely hamstring the president's ability to carry out his constitutional responsibilities for the conduct of our foreign affairs and protection of our national security, forcing him to pocket veto that bill. Congress and the president are now negotiating on a rewriting of the vetoed bill.

The president singled out one provision of the bill as the principal reason for his veto. Specifically, it included in its definition of covert action any U.S. "request" to a foreign government or private citizen to perform a covert action for the United States. Left unclear is what constitutes a "request."

Mr. Bush observed that many normal communications between U.S. and foreign officials might be viewed as such a "request," because covert actions usually involve varieties of political, rather than military or paramilitary, action. It could then be argued that a formal written authorization for a covert action should have been reported to Congress. This is a gross infringement on the President's constitutional authority to conduct foreign policy.

The Persian Gulf crisis illustrates the dangers inherent in the bill's ambiguous language. Allied action has been financed by many nations and requires multiple U.S. negotiations on political and military measures with 28 coalition allies, plus coordinated worldwide efforts to counter terrorist incidents.

Under the bill, would discussion with an ally regarding possible solutions to a problem, or favorable comments on a foreign official's confidential remarks about how his nation might deal with a specific issue of mutual interest, be interpreted as effecting a third party "covert action"? Could an offhand comment or a suggestion come back to haunt our diplomats, even lead some overzealous independent counsel to pursue criminal charges against them?

Suppose a friendly government informs us it has a unique opportunity to eliminate a terrorist call harbored by a hostile third country. U.S. nationals are held hostage at the site, and the friendly government is willing also to attempt a rescue for us—but, because of the danger to their personnel, only if knowledge of the operation is restricted to the president and his top advisers until it is concluded. Do we wish to refuse the president a chance to rescue American hostages? Or to deter allies from even offering such a rescue, for fear the information would have to be transmitted immediately to Congress?

Before opening their mouths, American diplomats might have to perform mental gymnastics regarding possible interpretations of the intelligence oversight law. That is why Mr. Bush said this new language "could have a chilling effect on the ability of our diplomats to conduct highly sensitive discussions concerning projects that are vital to our national security" and "could seriously impair the effective conduct of our nation's foreign relations."

The president also objected to a congressional report accompanying the vetoed bill. It sought to very narrowly reinterpret the scope of the president's option, retained from the existing 1980 law, to defer prior reporting of covert actions to Congress. He may instead report "in a timely fashion" at some later point. The objectionable report alleged that "in a timely fashion" means that the president could defer reporting only in urgently time-sensitive circumstances and even then only for a few days.

This is revisionist history relying primarily on a 1980 floor speech by one senator, Walter Huddleston, Kentucky Democrat. It is clearly inconsistent with statements by key legislators during House floor debate, including Edward Boland, Massachusetts Democrat, then chairman of the House Intelligence Committee. That "in a timely fashion" phrase was deliberately left vague, for it is impossible to foresee the delay that might be justified under innumerable potential scenarios and because of a fundamental disagreement between some in Congress and the executive branch about their respective constitutional authorities.

Congress sought to evade a veto by placing the offensive interpretation in a report rather than the bill itself. However, that report language violated the spirit of an agreement between Mr. Bush and the leadership of the House and Senate intelligence committees. The report tried to establish an interpretation that could later be cited as authoritative. It is a cross on which the executive could be crucified, and interpretation to which any administration could be bound politically, if not legally.

In 10 years, there have been only two incidents of delayed notice. One involved a successful operation to spirit from Iran U.S. diplomats who had escaped being taken hostage and hid in the Canadian Embassy. In that case, at the Canadians' request, notice to Congress was delayed three months, until the Americans were out of Iran. The slightest leak could have brought death to the Americans and probably the Canadians, too. If the report language interpretation had been in effect, then President Jimmy Carter could not have undertaken that covert action to rescue our diplomats from harm's way.

The president's concerns about these legislative encroachments are well-founded, and his veto was justified. Let us hope that Congress finds the wisdom to accommodate the president's legitimate concerns.

IN HONOR OF AN OUTSTANDING YOUNG WRITER—JOHN NIEKRASZ OF BONITA, CA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. CUNNINGHAM. Mr. Speaker, today I wish to enter into the permanent record of this Congress the work of a young writer from my congressional district, eighth-grader John Niekrasz of Bonita, CA.

John Niekrasz was among 18,000 entrants in the Young Writer's Contest, a national writing competition for first through eighth graders. Out of those 18,000 entries, 100 winning poems, stories, and essays—including John's—will soon be printed in an anthology titled the 1991 Rainbow Collection, and in a similar work, America on My Mind.

I enter John's poem Spiked Swords of Snow into the RECORD today not just because it is an award-winning work, which it is. I enter it to show that perseverance and excellence in writing brings honor and rewards all its own. Through his writing experience, John Niekrasz understands that words skillfully woven together reveal hidden beauties and treasures in language and in life. We all should be so blessed to take that lesson to heart.

Though it is John's work which is honored, the award would not be complete without proper recognition to his parents, Edward and Carol Niekrasz, who encourage him, and his teachers, especially Jerelyn Johnson of Bonita Vista Junior High School.

Following is John Niekrasz's excellent handiwork.

SPIKED SWORDS OF SNOW

(By John Niekrasz)

The mountains pierce the sky with spiked swords of snow.
The sun sparkles through them with a ruby colored shimmer.
Eagles glide through the glen below,
While birds chirp their enlightening tune.
Hikers are whistling while they whisk up the steep mountainside,
And chipmunks dash off with the first sound of movement.
The trees stare down upon the earth with a wilted feeling of worthlessness,
But as soon as a bird comes flying in to feed its chicks,
The trees smile and seem to skip as they sway in the breeze.
Boulders squat and watch over the tiny insects that build a home below them.
A waterfall watches from behind the trees,
And then spots a starer and disappears.
The hikers have reached the top
Of the mountain that pierces the sky with spiked swords of snow.

TO REQUIRE SMOKE DETECTORS IN HUD-ASSISTED DWELLINGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. GILMAN. Mr. Speaker, today, I am introducing a bill requiring the Secretary of Housing and Urban Development to promulgate regulations requiring fire detection devices in residential dwelling units, the construction, acquisition, or rental of which is financed or assisted by any Department of Housing and Urban Development program.

Mr. Speaker, on Good Friday, March 29, 1991, three children and their grandfather died in my congressional district in a severe fire that completely destroyed their section 8 subsidized home in the city of Port Jervis, NY. They died while in their sleep, overcome by smoke even before the flames raced through their wood frame housing unit.

Mr. Speaker, fire investigators found no evidence of smoke detectors in the household—the only chance that this family had for survival. In addition, I have since been apprised that the Department of Housing and Urban Development [HUD] requires smoke detectors only in manufactured and mobile homes, but not in section 8 subsidized housing. Furthermore, I have been informed that HUD fails to require smoke detectors due to the fact that such a stringent guideline would discourage many private landlords from participating in the section 8 program.

Mr. Speaker, It is not unreasonable to require installation of a $10 smoke detector in subsidized housing. Not when at least one precious life can be saved.

Accordingly, Mr. Speaker, I believe it imperative that HUD revise its housing quality standards to require the installation of fire detection devices in all residential dwelling units financed or assisted by the Department, under title II of the National Housing Act or under the U.S. Housing Act of 1937.

By doing so, HUD will in effect close a regulatory loophole that will save the lives of numerous families throughout our Nation—families struggling to reach the American Dream of one day owning their own home.

I am hopeful that my colleagues will join me in closing this costly loophole by supporting this legislation. It may be too late for the family in Port Jervis, but by your support of this legislation, we may be able to save future lives.

I am pleased to report that Senator D'AMATO is joining in this effort by introducing a similar bill in the other body.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Safety Enhancement Act of 1991".

SEC. 2. SMOKE DETECTION DEVICES REQUIRED.

(a) IN GENERAL.—The Secretary of Housing and Urban Development (hereafter in this Act referred to as the "Secretary") shall modify the Minimum Property Standards and the Housing Quality Standards of the Department of Housing and Urban Development to require the installation of smoke detection devices in all residential dwelling units, the construction, rehabilitation, modernization, acquisition, or rental of which is financed or assisted under title II of the National Housing Act, under the United States Housing Act of 1937, under section 202 of the Housing Act of 1959, or under any other program specified in a regulation of the Secretary.

(b) TYPES OF DEVICES REQUIRED.—The required smoke detection devices shall be appropriate to the types of dwelling units to which this section applies.

(c) TRANSITION RULE.—The Secretary shall provide sufficient time for affected property owners to come into compliance with regulations issued in accordance with this Act.

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish such proposed regulations as may be necessary to carry out this section. Before the expiration of the 8-month period beginning on the date of such publication, the Secretary shall issue final regulations based on the proposed regulations. The promulgation of regulations under this subsection shall be in accordance with section 553 of title 5, United States Code.

LEBANON IS A BIG LOSER IN THE GULF WAR

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SMITH of Florida. Mr. Speaker, the Gulf war had many winners and losers. One of the biggest losers was the country of Lebanon. As a precondition for Syria's participation in the international coalition against Iraq, the Bush administration apparently promised President Hafez al-Assad, among other things, that it would turn the other cheek while Syria extended its suzerainty over east Beirut by force. The ensuing October 13, 1990, assault left over 600 people dead and thousands of others wounded and homeless. Numerous press reports have charged that hundreds of Lebanese citizens were summarily executed by the invading Syrian forces.

Lebanon is just one of the administration's payoffs to Syria. In fact, just last week, I learned that the State Department had quietly resumed the flow of military assistance to Lebanon. Technically speaking, the foreign aid pipeline, which had been frozen in 1987, was reopened and $3.9 billion worth of equipment, primarily spare parts for military vehicles, was transferred to the Government of Lebanon. With Syria in such tight control of Lebanon's military establishment, the decision to resume our military aid program to that war-torn country is at best a mistake and at worst a direct gift of United States military equipment to Syria, not Lebanon.

In one fell swoop, the administration sold out hundreds of thousands of Lebanese Christians and allowed a brutal dictator to solidify his occupation of a foreign country. So much for the President's new world order.

For the benefit of my colleagues, I ask that the following article which appeared in the Jerusalem Post be included for the RECORD.

[From the Jerusalem Post]

THE GULF'S FORGOTTEN VICTIM

I was a witness to what Syria did to many of its Lebanese POWs last year; it tied their hands behind their backs, had them kneel, and summarily executed over 400 of these young men with a bullet to the head.

As always in the Middle East—the Iraqi seizure of Kuwait is only the latest example—change is achieved only at the expense of others, and is followed with ripple effects throughout the region. No one country in this volatile area had been more bled by the various heavily armed radical regimes than Lebanon, a nation whose strong historical ties to the West had kept it viable . . . until the Gulf conflict.

As all eyes were focused on the military drama on center stage in Iraq, there was one bloody fatality in a side arena that went almost unnoticed: Lebanon.

While some 40,000 Syrian soldiers have had a strong hold over 70% of the Lebanese territory since 1976, citizens of the unoccupied area have fought hard to preserve their independence.

It was the Gulf war which gave Syria the weight it needed to tip the Beirut scales in its favor. Since August 2, 1990, Assad had been trying to convince the Americans that Syria is the key to their search for a large coalition against Saddam Hussein. With an army as strong as Baghdad's, Damascus argued that it could strengthen the Western coalition by helping to deliver Arab support against Saddam and obstructing Iraq's access to the West via the Mediterranean Sea. These were hardly magnanimous gestures, given Syria's historical hatred of the region's only other Ba'athist regime.

But such goodies would be delivered to the West only at a high price: First—there was the expense of the operation, which will run in the billions of dollars. Second—the small two-hundred-square-kilometer Free Area of the Lebanese Christians under General Michel Aoun who were still resisting the Syrian hegemony. Third—a deal with Syria meant dropping it from the U.S. list of terrorist nations, a position Assad had earned through his sponsorship of several terrorist groups and actual violence, with the Pan-Am bombing over Lockerbie, Scotland, figuring prominently on that scorecard. After weighing the credits and debits on this balance sheet, the pragmatic West indicated that the price was payable.

Washington's priority was the consolidation of the coalition against Iraq; in the face of a Gulf war, Lebanon's problems were tiresome gadflies. If stopping Saddam Hussein meant sacrificing Lebanon, so be it.

After the U.S. gave the green light for a "Syrian solution," not even France and the Vatican, which had received prior notice, could reverse what unfolded so rapidly. On October 13, 1990, at 7 a.m., Soviet-made Syrian Sukhoi jets started bombing the regular Lebanese army of Gen. Aoun in East Beirut. This destruction was followed by shelling from more than 1,000 guns, some facetiously termed "Stalin Organs," for 10 hours nonstop, thus crushing the Free Area. Syrian soldiers and commandos stormed the Christian quarters of Al-Matan. More than 600 people were killed and thousands left homeless. Human and prisoner-of-war rights outlined by the Geneva Convention were not convenient for the soldiers who had waited so long for this chance to destroy the enemy.

Prior to that day, the West would not have consented to a Syrian invasion of the Christian areas: Indeed it had defended these people with whom they had social, political and cultural ties. These rules of the game had been well understood by all Lebanese parties and the Syrians. Yet last October, even the Israelis, who have traditionally denied Syria the use of Lebanon's air space, resigned themselves to accepting the American decision.

Syria now occupies 80% of Lebanon, with the exception of the "Security Zone" in the south, which is backed by Israel, and a few other insignificant parts of the country here and there. A new Syrian-controlled government sits in Beirut. Few can seriously give legitimacy to the so-called new government and the "Ta'if agreement" upon which it is based. Once the financial center of the Middle East, Lebanon now has an economy which lies in ruins comparable to the physical devastation of the Christian sector. The capital, Beirut, is still at the mercy of rival bands of militias and their inceasingly sophisticated arms.

Once more Lebanon is a victim. But this time the blow may be fatal, given its consequences: 1) Syrian control of the central government; 2) extension of foreign occupation; 3) suppresson of freedom and national identity; 4) the disappearance of economic wealth, mostly Damascus-bound; 5) the exodus of the most talented parts of the population.

Lebanon is too weak to defend itself. It cannot wait for an improbable "perestroika" to liberate its people and its land. For the time being, the only hope for this forgotten victim is earnest pressure from the Allied coalition, which has already called for an end to all dictatorships in the region. Until then, the blood of Lebanon will flow as freely as the oil of the Gulf.

26TH ANNUAL ACADEMY OF COUNTRY MUSIC AWARDS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. CLEMENT. Mr. Speaker, last night, in an emotion-filled evening, the members of the Academy of Country Music saluted the best of what America has to offer.

They saluted not only country music's best musicians, song-writers, singers, and composers, but also America's unselfish and indomitable spirit, as demonstrated by our Nation's commitment to send soldiers to free Kuwait from the throws of Iraqi tyranny.

The academy members saluted fallen heroes and beloved family and friends. They saluted not only the giants of the industry, but also those behind-the-scenes whose own excellence complement the superb music and lyrics appearing today on the country charts.

Mr. Speaker, country music today is not only a musical form steeped in the southern and western rural traditions of our history, it is also a musical form that captures and promotes the values Americans cherish most.

I have had the good fortune to have been raised on country music. When my father served as Governor of Tennessee, he came to Washington to testify before a congressional committee that claimed country music to be less-than-true-blue-American. History, and such programs as last night's, show how wrong country music's detractors have been.

I congratulate this year's winners of Academy of Country Music Awards. I am proud to represent here in the Congress the heart of country music, Nashville, TN. If you saw last night's television program, you will understand why.

WINNERS OF 26TH ANNUAL ACADEMY OF COUNTRY MUSIC AWARDS

UNIVERSAL CITY, CA.—Here is a complete list of winners at Wednesday night's 26th annual Academy of Country Music Awards:

1. Duet: The Judds.
2. Video: "The Dance," Garth Brooks.
3. Single Record: "Friends in Low Places," Garth Brooks.
4. Female Singer: Reba McEntire.
5. Song: "The Dance," Garth Brooks.
6. Album: "No Fences," Garth Brooks.
7. New Female Singer: Shelby Lynne.
8. New Group or Duet: Pirates of the Mississippi.
9. New Male Singer: Alan Jackson.
10. Male Singer: Garth Brooks.
11. Group: Shenandoah.
12. Entertainer of the Year: Garth Brooks.
13. Pioneer Award for Career Achievement: Johnny Cash.

Awards announced in advance:

Bass Instrumentalist: Bill Bryson.

Drums: Steve Duncan.

Fiddle: Mark O'Connor.

Guitar: John Jorgenson.

Keyboard: John Hobbs.

Specialty Instrument: Jerry Douglas (dobro).

Steel Guitar: Jay Dee Maness.

Best Non-Touring Band: The Boy Howdy Band.

Touring Band: Desert Rose Band.

Country Radio Station: WSIX, Nashville, Tenn.

Country Disc Jockey: Gerry House, WSIX, Nashville.

Country Nightclub: The Crazy Horse Steak House & Saloon, Santa Ana, Calif.

GARTH BROOKS WINS RECORD SIX TROPHIES AT EMOTIONAL COUNTRY MUSIC AWARDS

(By Jeff Wilson)

UNIVERSAL CITY, CA—Oklahoma-born Garth Brooks, a balding cowpoke with black hat, boots and jeans, came West and collected a record six Academy of Country Music Awards.

A stunned Brooks stood backstage Wednesday night clutching trophies for top entertainer, male vocalist, single for "Friends in Low Places," video and song for "The Dance," and album for "No Fences."

"I'm happy, I'm scared and I'm embarrassed at the same time," Brooks, 29, said. "It scares me a lot. A lot of people win a lot of awards, then you never hear from them again."

Overall, it was an emotional evening at the Universal Amphitheatre, where the 26th annual Country Music Awards presentations included tributes to dead friends and a farewell by a popular singer who has fallen ill.

Reba McEntire accepted her fifth female vocalist trophy. With tears streaming down her face, she dedicated the award to members of her band who died in a plane crash last month.

"This is for my eight buddies. I know they are grinnin' up there knowing they had so many friends on Earth," Miss McEntire told a tearful audience.

The Judds, mother Naomi and daughter Wynonna, won their seventh consecutive duet award in what they said would be their last academy appearance together. Naomi Judd, ill with hepatitis, is leaving her daughter to perform alone.

"When I'm alone on my farm in the years to come, the memory of you will be that of some beautiful choir, an invisible choir, singing to me the most beautiful love song of all," Naomi Judd said.

Shenandoah won for best group, Shelby Lynne for new female singer, Alan Jackson for new male singer and the Nashville, Tenn., quintet Pirates of the Mississippi for new group.

"First off, I want to thank Garth Brooks for not being nominated in this category," Jackson said.

Johnny Cash won the non-competitive Pioneer Award for career achievement. "Thanks to my mother, who I lost last month, for being one of the greatest inspirations of my life," an emotional Cash said.

The six trophies Brooks received set an academy record. Mickey Gilley won five in 1977 and Freddie Hart won five in 1972.

Brooks had dominated country music over the last year with his self-titled debut album and the follow-up "No Fences." He won the video and newcomer Horizon Award at last fall's Country Music Association awards.

President Bush appeared on video to introduce a "Salute to America" segment by Miss McEntire, who sang an a cappella version of "America," then "God Bless America" as Old Glory floated from the stage's higher reaches.

Marine Chief Warrant Officer Guy Hunter, whose plane was shot down at the Gulf War's onset, was an honored guest at the show. Hunter was asked if he sang country tunes while a prisoner in Iraq.

"You know that one, 'Drop Kick Me, Jesus, Through the Goal Posts of Life'? Well, that's a funny song but it just about hit the spot back then," he said.

THE 1998 WINTER OLYMPICS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. OWENS of Utah. Mr. Speaker, today, along with my colleagues from Utah, I have introduced a concurrent resolution which would convey to the International Olympics Committee the sense of Congress that Salt Lake City, to paraphrase Brigham Young, is the place to host the 1998 winter Olympic games.

Salt Lake City was designated in 1989 the sole U.S. candidate for the honor of hosting the 1998 winter games. The IOC will consider the bids of five other countries as well and make its final selection this coming June at a meeting in Birmingham, England.

As the representative of the United States, Salt Lake City, has an immense amount to offer the athletes of the world. When the United States Olympic Committee selected my home State of Utah it had already committed through a public referendum to establishing a setting for athletic endeavor which would be the envy of the world and the pride of the United States. That goal is fast on the way to being reached.

From creation of a Winter Sport Training Center to the building of state-of-the-art venues for winter sporting events, from educational opportunities to cultural enrichment, Utahns have placed the athletes of the world first and foremost and will make Americans proud.

Mr. Speaker, I believe America's pioneer spirit still very much alive today in Utah is akin to the Olypmic spirit. They are both inspired by a desire to make the world a better place, especially for future generations. An Olympic village is a global village after all. Utah says the world is welcome here and on behalf of the United States I believe Congress should agree.

H. CON. RES. —

Whereas the International Olympic Committee will meet on June 15, 1991 at Birmingham, England to consider the selection of a site for the 1998 winter Olympic games, and

Whereas Salt Lake City, Utah has been selected by the United States Olympic Committee as the United States candidate for the 1998 winter Olympic games, and

Whereas it is the consensus of the Members of Congress of the United States that the designation by the International Olympic Committee of Salt Lake City, Utah as the site of the 1998 winter Olympic games would be a great honor for all the people of the United States, and

Whereas the people of Utah, who symbolize the heart of America's pioneer spirit, and who have for a number of years fully supported the effort to bring the winter Olympic games to the United States, have fashioned their Olympic bid with the goal of establishing the world's finest winter sports center based upon Olympic ideals: Now, therefore, be it

Resolved that the House of Representatives (the Senate concurring). That the International Olympic Committee be advised that the Congress of the United States would welcome the holding of the 1998 winter Olympic games in Salt Lake City, Utah the site so designated by the United States Olympic Committee; and be it further

Resolved. That the Congress of the United States expresses the sincere hope that Salt Lake City, Utah will be selected as the site for the 1998 winter Olympic games, and pledges its cooperation and support in their successful fulfillment in the highest sense of the Olympic tradition.

EARTH DAY 1991

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. BILIRAKIS. Mr. Speaker, on Monday, April 22, we celebrated the 21st anniversary of Earth Day. Across the country, citizens gathered to clean up local landscapes, engage in instructional workshops, and learn more about the presentation of our Earth and its many resources.

For my own part, I visited four area schools—Ozona Elementary School, Leila Davis Elementary in Clearwater, Deer Park Elementary, and Richey Fundamental Elementary, both in New Port Richey. At each school, I helped plant a 6-to-8 foot tree donated by the Department of Agriculture. I also spoke to the students about the importance of trees to our environment, their role in offsetting excessive carbon dioxide levels in our atmosphere and the local environmental impact of trees on reducing the need for cooling, preventing soil erosion, and improving our visual landscape.

At each school, I found an eager generation of future citizens, who were concerned and committed to protecting the environment. Although many students were not advanced in years or learning, they held a fundamental appreciation for their world and its many attributes. Indeed, while many students were still in their early years—they wanted to preserve the environment not only for themselves but for future generations.

This unselfish perspective, to me, is one of the great underlying benefits of Earth Day. On this day, we are encouraged to think beyond ourselves, beyond our immediate comfort. We are compelled to look to the future, to look beyond our own convenience and to consider the responsibility we hold to our fellow citizens and citizens not yet born. Earth Day, if anything, is a time to reflect on our social and moral responsibilities and the consequences of our own actions.

It may be a difficult task to delineate where one citizen's prerogatives end—and other citizens' rights start. Indeed, trying to balance competing individual and corporate rights and prerogatives is central to the function of government and our system of laws. It is an underlying issue in many political debates and often produces exceedingly difficult choices.

To be sure, Earth Day cannot and will not serve to end the debate over the extent of environmental regulation in our country. In 1 day, it is not realistic to decide precisely what course we should take on matters of global warming, water pollution, workplace environmental standards, the proper method of waste disposal or any of the hundreds of separate issues which can be classed as environmental or conservationist in nature.

Earth Day, however, can serve to educate, to analyze what alternatives lie to the present course of public policy, to raise citizen and governmental consciousness on environmental issues and to assess what progress has or has not been made on identified problems.

Indeed, Earth Day must always be more than speeches, demonstrations, music, and "clean up day" activities. It must be more than planting a tree at a school, no matter how beneficial this activity may be. Earth Day must serve to channel our efforts on behalf of the environment, to persuade us to take action in our personal lives, and to use the knowledge that we have accumulated for the benefit or ourselves and our fellow citizens.

It has become a well-worn cliche to say that "every day should be Earth Day." But that is the essence of what I tried to convey to the students of the ninth district last Friday. I encouraged them not only to use Earth Day as a day of learning, but to use their knowledge to guide a responsible course of action.

To acquire knowledge without acting responsibly thereafter is merely another form of wasteful behavior. Earth Day can and must educate, but it must also serve to translate words into action, knowledge into the power, to improve our environment.

Altogether, I would hope that the students I visited and the many other ninth district residents who took part in Earth Day activities such as the April 21 celebration at Sims Park in New Port Richey will take to heart a bit more information, a bit more personal commitment and a few more steps on behalf of the environment as a result of Earth Day 1991.

An old Chinese adage instructs that "a journey of 1,000 miles begins with the first step." Surely, acting on behalf of our environment will ultimately boil down to the separate, small but significant actions of millions of Americans. Real progress can only be made when individuals act in concert with each other to control or end behavior which is destructive to the environment.

While Federal laws and regulations certainly have a place in helping to confront and resolve major environmental ills, laws by themselves will not finish the job. Although Congress is currently reviewing the Nation's solid waste disposal law, clean water legislation, indoor air legislation, lead contamination and a host of other concerns following its approval of the Clean Air Act last year—changing our personal behavior and our interaction with the environment presents the only long-term solution to living more in harmony with the Earth and its many gifts. When we recognize that we are intrinsically part of the environment, then and only then, will we act with the requisite degree of care.

CELEBRATING 125TH ANNIVERSARY OF THE NATION MAGAZINE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. WEISS. Mr. Speaker, on July 6, 1991, The Nation magazine will celebrate its 125th anniversary. The oldest journal of opinion in our country, The Nation declared in its first issue its intention to make an earnest effort to bring to the discussion of political and social questions a really critical spirit, and to wage war upon the vices of violence, exaggeration, and misrepresentation by which so much of the political writing of the day is marred.

Over the years, The Nation has provided just such an outlet for many of the most inspired voices of our time. Among the many influential figures who have contributed to its pages are numbered great men and women of letters; progressive leaders in politics, science, and the clergy; and a host of dedicated journalists and assorted curmudgeons. They range from Eleanor Roosevelt to Martin Luther King, Jr.; from Emma Goldman to Jean Paul Sartre; from Upton Sinclair to I.F. Stone; from Albert Einstein to Bertrand Russell.

Throughout its existence, The Nation has been serving up thoughtful commentary on the important political, social, and cultural issues of our time. Because its coverage is so wide, it is not surprising that its influence has been far-reaching. H.L. Mencken put it simply.

> . . . To an editorial writer The Nation is indispensable. Either he reads it, or he is an idiot.

Franklin Delano Roosevelt tapped the reason for The Nation's broad success on the occasion of the magazine's 75th anniversary some 50 years ago.

> . . . I think no one would ever accuse The Nation of seeking to become a popular organ. It has, through its long history, often appeared to stand alone. It does not matter whether one agrees with The Nation or not. The important thing is that everywhere and always—particularly in a democracy—minorities shall have a means of expressing themselves, and The Nation, we all know, has often represented minority and mighty unpopular opinion at that. It has not seldom vindicated the principle laid down by Voltaire: "I disapprove of what you say but I will defend to the death your right to say it."

The Nation's writers and editors have contributed to the formation of many of the leading civil rights organizations and movements of our day. Oswald Villard, The Nation's first editor, helped found the National Association for the Advancement of Colored People in 1909, and was a founding member of the American Civil Liberties Union in 1920.

The Nation has printed articles which have moved politicians to action on many of the most critical issues which faced our Nation in the last century. The Nation's 1920 inquiry into the American occupation of Haiti uncovered evidence of atrocities which led to a congressional investigation, and helped to bring Haiti independence in 1930.

In 1959, many of the ugly details of the CIA's covert activities were put together in one place for the first time in a Nation special issue. In 1965, Senator Ernest Greuning of Alaska, who as managing editor of The Nation had led its Haiti investigation, was one of two Senators in the United States Congress to vote against the Tonkin Gulf resolution.

Since the passage of the Freedom of Information Act in 1974, the Nation has produced a series of revelations about abuses of government power. James Petras' "White Paper on the White Paper" was the first debunking of the Reagan administration's evidence of Nicaraguan aid to the Salvadoran rebels, and led to similar pieces in the Washington Post and the Wall Street Journal.

In addition to spurring the public to action with provocative articles, The Nation has provided many young people with a tremendous opportunity to gain invaluable experience. The Nation's esteemed internship program has given hundreds of young men and women a step up the journalistic ladder. Many of these interns have gone on to positions of importance, and you will find their names associated with many of the most widely read publications and news programs.

Former Nation interns now hold positions as editors, writers, reporters, and producers at the New York Times, the Wall Street Journal, U.S. News and World Report, New York Newsday, ABC–TV News, and the MacNeil/Lehrer Newshour, among others. As The Nation grows farther into its second century, I hope the internship program grows with it, so that this great magazine may continue to produce the quality journalists it has been training for so many years.

As a subscriber to the Nation myself, I would like to take this opportunity to congratulate the Nation and its distinguished editor, Victor Navasky, on 125 years of continuous publication. I commend the Nation for daring to dissent, for provoking our minds, and nurturing our hearts and souls. I encourage my colleagues to pick up a copy and take a look; you may be inspired, and you may be infuriated, but you will always be engaged, and that's a promise.

COMPREHENSIVE HEALTH CARE IMPROVEMENT ACT OF 1991

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SABO. Mr. Speaker, we all know there is a crisis in our Nation's health care system. Thirty-seven million Americans have no health insurance and millions more lack adequate coverage. An additional disturbing fact is that 45 percent of our Nation's uninsured are under 25 years of age. It is vitally important that we take steps to deal with this crisis.

Congress is getting pressure from small businesses, labor, insurance companies, hospitals, and doctors to do something about health coverage and cost. Most proposals outside Congress, and some within, require a major overhaul of the U.S. health care system. However, the system is complex and the competing pressures for change are strong enough to halt action on any one of the proposed solutions. So we do nothing.

To improve the current insurance system we do not have to make drastic changes nor create new, large bureaucracies. Instead, by patching the system's holes we can ensure that all Americans have access to comprehensive and affordable health insurance.

Today I introduced legislation that does exactly that. The Comprehensive Health Care Improvement Act of 1991 would guarantee that all Americans have access to health insurance at group rates, help low-income people buy coverage, and set aside funds for a new catastrophic health insurance program for senior citizens.

THE UNINSURED

The bill is an updated version of legislation I have proposed each Congress since 1979. During the last decade the number of uninsured Americans increased dramatically and has hovered around 37 million since 1988. As I alluded to above, more than one-quarter of the uninsured are children under the age of 18. Two-thirds of the uninsured are in families of steadily employed workers, most of whom work full time. At the same time, over 60 percent of the uninsured live in families with incomes of less than $20,000 per year. Generally, the uninsured are poor, young, work for small firms, and earn low wages.

Health insurance has become less available and less affordable in recent years. A variety of causes have been attributed to this fact, but chief among them is the rising cost of health care and actions taken by the insurance industry. Thus, the problems are exacerbated. The uninsured are less likely to seek needed medical attention and the condition is allowed to become more severe and more expensive. Who pays for it then? Governments subsidize hospitals to cover some of the cost of uncompensated care. But, in 1986, hospitals lost an estimated $7 billion because of unpaid bills, 5 percent of all hospital expenses. Hospitals either absorb the rest of these costs by taking losses or pass them on in higher fees to those who have insurance.

ACCESS TO COVERAGE

My proposal makes significant strides in addressing the problem of the uninsured. First, to provide access to affordable health insurance and to take care of the majority of the uninsured, the bill would require businesses with 10 or more employees to offer coverage to their workers. The plans would also have to cover dependents and provide an option of coverage for children only. But firms would not have to pay the premiums and the employees do not have to accept the offered coverage. Nonetheless, most people would have access to good coverage at group rates. Ensuring access is the first priority.

Then, to provide access to affordable insurance for the rest of the uninsured—those who work for smaller firms, the self-employed, and the unemployed—States would be required to establish health insurance pools. Anyone, including small businesses, could buy insurance from the pool.

The bill sets minimum standards for the plans businesses must offer. Also, the plans must pay at least 80 percent of covered costs, have deductibles of not more than $250, and limit annual out-of-pocket expenses to $3,000. They must be continuable for 36 months after an individual leaves a job, allowing coverage to continue at group rates, and convertible after that. Health maintenance organization plans must also be offered and meet these minimum standards. The State pools must offer at least two plans; one that meets the standards and a cheaper one which has a deductible of up to $1,000.

Furthermore, States must develop a method for judging the quality of health care provided. I believe that high quality care can substantially reduce health care costs. In fact, the Center for Policy Studies in Minneapolis has determined that Medicare costs in Olmsted County, home of the Mayo Clinic, are 24 percent lower than the national average. This statistic is attributed to the quality of health care provided in the county.

HELPING THE POOR

The first part of the bill ensures that all Americans have access to insurance. Although most of the uninsured are in low-income families, a significant minority are in middle-class families and would be able to pay for at least part of their own insurance if they could get it at group rates. In fact, nearly 25 percent of the uninsured are in families with incomes of $30,000 or more.

However, many individuals and families still would have a hard time paying the insurance premiums. These people do not qualify for Medicaid but are still unable to afford insurance. To assist these people, the bill establishes a low-income assistance program for individuals who would be unable to pay their premiums.

A State could design a program that best meets its needs and could experiment with such alternatives as sliding-fee scales, subsidizing premiums completely, and cost sharing. States, depending on their ability, could also choose to supplement the Federal support.

FINANCING THE BILL

An important aspect of this bill is its financing mechanism. The Comprehensive Health Care Improvement Act broadens the base from which Medicare taxes are collected. There is a sound theoretical basis for funding Social Security retirement and disability benefits out of a limited payroll tax, because there is a direct relationship between income and benefits. There is a correlation between the amount contributed and the benefits received. However, this is not true for Medicare. There is absolutely no relationship between how much you pay in Medicare payroll taxes and the benefits you receive.

Currently, Medicare payroll taxes are capped at $125,000 of earned income. The bill removes this cap and imposes a 1.45-percent tax on all earned income. It also imposes a new tax of 1.45 percent on unearned income. In other words, individuals would be taxed on both their earned and unearned income. Since there is no relationship between earned income and the Medicare benefits people receive, there is no good policy reason for financing Medicare primarily from earned income. Likewise, there is no limit on benefits, so there is no good reason for applying the tax to only a limited portion of income.

The proceeds from the tax on unearned income would be distributed to States on a per capita basis for the low-income assistance program and support of the State pools. States will receive approximately $45 to $50 per capita.

The increased revenues derived from removing the cap on Medicare payroll taxes are set aside for a new Federal catastrophic program for senior citizens. Although our earlier effort on catastrophic insurance did not succeed, the problem remains and we need to address it. My bill does not create a specific program, but it does provide the money to deal with the problem.

MY PLAN

We need to develop rational and effective improvements in the U.S. health care system. We can no longer do nothing. We need to take the necessary steps to solve the crisis. I believe my proposal approaches the problem of the uninsured in a measured and reasonable way, using the existing health insurance system wherever possible and appropriate. This bill is an affordable solution to one of our Nation's most pressing problems. Let's act.

THE BICYCLE AND PEDESTRIAN TRANSPORTATION IMPROVEMENT ACT OF 1991

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. KENNEDY. Mr. Speaker, today I am introducing the Bicycle and Pedestrian Transportation Improvement Act of 1991. The legislation is modest in substance. In essence, it would require States to use 3 percent of their Federal primary, secondary, and urban highway funds to improve bicycle and pedestrian transportation facilities. However, if enacted, it could dramatically improve our Nation's economic competitiveness and air quality.

A nation's ability to grow and prosper directly depends on how well it moves people and goods. Today, our country's growth is stunted by a transportation system plagued by too much traffic, too much pollution, and too great a dependence on foreign oil.

The need for a more diverse and modern transportation system has thus never been greater. Nor has it ever been more possible. Over-half of all U.S. workers live within 5 miles of work. Yet, barely 6 percent bike or walk to work. If State and Federal Governments work together to create safe, hassle-free conditions for cyclists and pedestrians, then more people will bike or walk to work. In fact, this is the finding of a recent Harris poll conducted for Bicycling magazine. It found that although only 1 in 60 Americans now commute by bicycle, fully 1 in 5 would do so if there were safe bike lanes, parking facilities, and other supporting facilities.

This legislation would produce tremendous benefits to our society. Consider these:

Dependence on foreign oil would drop sharply; 63 percent of our imported oil is used for transportation, primarily cars. An average commuter can save at least 150 gallons of gas each year by biking or walking. That means less American dollars lining the pockets of Arab oil sheiks, and more in the pockets of American working families.

Air pollution would be reduced. In 1 year, the average car spews out over 62 pounds of carbon dioxide and over 9 pounds of hydrocarbons. Biking and walking, of course, are nonpolluting. They could therefore make a tremendous contribution to meeting the country's clean air standards.

Finally, traffic congestion would be cut, allowing people and products that must travel by road to do so more efficiently. Traffic jams now cause our economy more than 2 billion hours of delay each year. And they cost the country over $41 billion per year in lost work time, increased fuel consumption, and higher auto insurance premiums.

Under current law, States have the freedom to use some of their Federal funds for bicycle and pedestrian facilities. However, they are also free to use these funds for roads, and unfortunately, have done so in overwhelming numbers. In 1988, for example, States used only 3.3 percent of funds available for pedestrian walkways and independent bicycle projects; the rest was used for motorized forms of transportation. Clearly, we must reassess the current statutory framework, and build into it a clear designation of funds exclusively for bicycle and pedestrian transportation facilities.

Mr. Speaker, this legislation will not solve all our Nation's transportation problems. But by the same token, we will not meet the transportation needs of the country by only expanding the size and number of roads. Existing roads and bridges are in desperate need of repair as it is. Moreover, we face national gridlock in the next several years if we do not start now to promote alternative forms of transportation. In the next 15 years, highway congestion will rise an estimated 400 percent. Congestion on our city streets—already intolerable—will rise another 120 percent. In many parts of the country, there is little if any space to accommodate these expected increases in traffic. In Florida, for example, Interstate 95 from Miami to Orlando would have to be widened to 40 lanes by the year 2005 to meet expected traffic demand.

The time has come for our Nation to reassess our transportation system. We cannot afford to have American workers stuck in traffic while German and Japanese workers are closing business deals and building high-technology goods for export. There are over 10 million bikes sold in this country every year, and probably at least that many pairs of sneakers. It's time for our country to put them to use for transportation, not only recreation.

REMEMBERING THE VICTIMS OF CHERNOBYL

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. ANNUNZIO. Mr. Speaker, I rise to call the attention of my colleagues to the fact that tomorrow is the fifth anniversary of the Chernobyl nuclear disaster in the Soviet Union.

Mr. Speaker, a total of 31 people died during the explosion and fire at the Chernobyl nuclear plant on April 26, 1986. As many as 10,000 more people are believed to have died from radiation poisoning in the aftermath of the explosion. The cloud of radioactive contamination that spewed out after the accident also is expected to lead to the deaths of nearly 70,000 more people who have, or will, develop diseases related to the explosion and fire.

Thousands of acres of rich farmland in the Ukraine and neighboring Bielarusia have been contaminated by the spill, and the accident has forced tens of thousands of people to abandon their homes. Several hundred people have chosen to brave the risks and return to their homes in contaminated areas.

Overall, various experts estimate that as many as 500,000 to 1 million people living near the Chernobyl plant have been affected by nuclear contamination. Thousands of children are continuing to suffer from birth defects, lymphatic disorders, cancers and other diseases.

In addition to coping with this human tragedy, much work remains to be done to neutralize the danger from the damaged reactor. The Soviet newspaper Tass recently reported that radiation is still leaking from the reactor, and an official spokesman for the Soviet cleanup effort says that the concrete sarcophagus used to seel off the reactor is only a temporary solution.

Mr. Speaker, at this time I would like to submit for the RECORD a recent article from the Reuters News Wire Service that describes in gripping detail the human costs of the Chernobyl accident. The article follows:

CHERNOBYL VICTIMS LIVING IN SHADOWS OF DESTROYED REACTOR

(By Brian Killen)

CHERNOBYL, U.S.S.R., Reuter—Five years after the world's worst nuclear disaster, and despite official discouragement, about 1,200 villagers are living inside the security zone around Chernobyl, where cows graze on contaminated grass and children are banned.

"We came back here in 1987," Petro Avranenko, a 70-year-old peasant farmer, said as he sat on a roadside bench with his wife in the nearby village of Opachichi.

"We were born here and we want to stay here and die here."

Some villagers said they had been reluctant to leave after the April 26, 1986, disaster, in which a reactor exploded and caught fire. The accident killed 31 people in its immediate aftermath and may have caused the deaths of thousands more through diseases linked to radiation.

About 135,000 people were evacuated from the highly contaminated area in 1986, but in the following year thousands returned despite uncertainty over the long-term health consequences.

A monitoring point on the edge of the 20-mile security zone is the visitor's first reminder of the explosion and fire that spilled contamination over much of the west of the Soviet Union, Scandinavia and many other European countries.

Beyond the barriers and barbed wire lies an invisible killer—radiation.

Pavel Pokutniy, an official with a local research group investigating the effects of radiation, says about 14,000 people live or work in the shadow of the stricken reactor, now encased in a concrete and steel sarcophagus.

Most people in the zone are involved in scientific work or in running the Chernobyl plant's three other reactors, which are still operating.

However, there are also about 1,200 local residents who are reluctant to abandon their homes.

"Twice a week these people are brought supplies of food and other essentials," Pokutniy said. "We try to provide them with a certain standard of living."

Those people say they have learned to live with the radiation, but signs of danger are obvious and frightening.

An entire forest of pine trees which turned reddish brown has been destroyed and the once-bustling nearby town of Pripyat, which once had a population of 50,000, remains abandoned.

Visitors to Chernobyl—about 80 miles north of Kiev, the capital of the Ukraine—are told not to walk on the grass or drink the water.

Still, old people in the villages around Chernobyl rejoiced at returning to their farms.

Avranenko said his main regret was being separated from his five children, who cannot yet return from the region near Kiev where they were given a new home.

No one under 35 is allowed into the area.

"It was impossible for us to live somewhere else. Here we have our own milk and vegetables," Avranenko said.

"If it was dangerous, we would be dead," he added.

Many villagers have bitter memories of the evacuation.

"We saw no danger. If there had been some signs, we would have left immediately," said Frosya Terasenko, the proud owner of Opachichi's only bull.

Recalling the day she left, she said: "Buses came and took us away. They said it was only for three days. We went somewhere near Kiev and stayed for a year."

"The 66-year-old woman was wheeling a container of water from the local well to her yard.

"We usually boil it. It's for my bull. He likes it," she said.

Asked if she worried about becoming ill, she said: "Who knows why my legs hurt? Our milk is clean. They come and check it."

The villagers do not pay much attention to yellow and red radiation warning signs put up along the region's roads.

Many share a stoical wartime attitude toward the disaster.

"We lived through (Nazi) occupation, we can live through radiation," goes a saying in the neighboring republic of Byelorussia, also badly affected by the disaster.

Goods leaving the security zone are checked for radiation by police, who work a maximum 15 days a month—for double the average Soviet salary—before retreating to a safer part of the Ukraine.

"We make sure nothing contaminated leaves here. Food is absolutely forbidden. People also want to take out furniture and other belongings," Lt. Vitaly Vydaiko said.

Lyudmilla Zabarini, a young woman who works in the local information office, said she came to the region for two weeks each month from Slavutich, an entirely new town built for former inhabitants of Pripyat.

Pripyat, which once housed workers from the Chernobyl power station, is now a ghost town of deserted streets, shops and sprawling gray apartment complexes.

Childrens' playgrounds are silent. A yellow ferris wheel stands rusting in a fairground and grass on a soccer field has grown so high the goalposts are scarcely visible.

Officials say the area is gradually being decontaminated, but it will be years before it is safe to live normally there.

The stricken Chernobyl reactor itself is surrounded by a high concrete wall and barbed wire, but the sarcophagus keeping in the deadly radiation is clearly visible.

Around the reactor lie contaminated army bulldozers and trucks as well as piles of building materials.

Next to the sarcophagus, a burial site for radioactive waste has taken the place of the village of Podlesny.

All that remains of the village, whose name means "Near the Forest," is a cemetery overgrown with weeds.

In conclusion, Mr. Speaker, I urge President Bush to take all appropriate measures to persuade the Soviet authorities to hasten their efforts to clean up the Chernobyl mess and to provide more help for the innocent victims of this disaster.

I also would like to praise the efforts of private relief organizations, such as the Children of Chernobyl Relief Fund, a New Jersey-based group which recently donated $3 million worth of medicine and hospital equipment to aid the victims of Chernobyl. I urge other private organizations to follow the lead of this group.

Finally, as we reflect on the breadth of this human tragedy, I would like to remind my colleagues that we must never forget the suffering that this accident has caused for tens of thousands of people. It is vital that we take whatever actions are needed to prevent such disasters from happening again.

CHERNOBYL: ANNIVERSARY OF A DISASTER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. BROOMFIELD. Mr. Speaker, 5 years ago tomorrow, the worst nuclear disaster in history took place when the No. 4 nuclear reactor in Chernobyl, Ukraine, exploded. The terrible effects of that disaster will be felt for many years to come. Regrettably, Soviet officials waited for days to notify the world about that incident. The loss of human life and the damage to the environment in the Soviet Union and elsewhere shocked the world. We should never forget the lessons of that horrible accident, and Soviet authorities should not forget the victims of that nightmare.

The Chernobyl accident reportedly occurred as the result of a high level of ineptitude and ignorance on the part of Soviet officials. The accident happened during a safety exercise when incompetent plant managers deprived the reactor core of cooling water. Managers at the facility misinformed government officials, including President Gorbachev, about the incident. Soviet bureaucrats continued to downplay the extent of damage to the reactor. Requests to evacuate the immediate area around Chernobyl were denied by officials in Moscow.

When the 1,000 megawatt reactor exploded in Chernobyl, great clouds of radioactive particles showered down upon the Soviet Union and Europe. Although statistics vary, the incident took a terrible human toll. In addition to the 250 lives allegedly lost in the accident from radiation poisoning and other causes, over 70,000 people can be expected to die from various forms of cancer caused by the Chernobyl incident. The Soviet Government has compiled an official registry of 576,000 potential health victims who may contract cancer and other diseases from radiation exposure. Some believe that the incident will ultimately affect 4 million people from a number of regions, including the western U.S.S.R., Sweden and Germany.

Today, the city of Chernobyl is totally deserted and a 20-mile exclusion zone has been drawn around the reactor. Over 135,000 people were evacuated from the immediate area around the nuclear facility. Their lands and villages will be fallow and sterile for years to come. Radiation levels remain high in parts of the Byelorussian, Ukrainian, and Russian Republics. Even the Communist Party newspaper Pravda reported that over 200,000 Soviet citizens are living in areas where nuclear fallout is still above maximum safety levels. There are reports that 80 percent of the children studied in these regions are suffering from severe health problems, such as lymphatic disorders. There are also stories coming from the Ukraine of strange mutations in animals and unusual patterns of plant growth.

As we mark this fifth anniversary of the Chernobyl tragedy, it is obvious that it has become a topic of great international concern. With each anniversary of the accident, there have been new relevations about its scope and aftereffects. It is time for Soviet authorities to live up to the promises of "glasnost" by telling the world about the true scale of that disaster. It is also time for Soviet officials to provide the victims and future victims of that incident with medical treatment, resettlement assistance, and compensation for the material damage.

A "BIG" FUTURE VERSUS "SMALL" MINDEDNESS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. BARTON of Texas. Mr. Speaker, I rise today to bring my colleague's attention to an editorial in yesterday's Washington Post. The editorial asks the question "How much science is enough?" in the context of this year's budgetary battle over priorities in domestic spending.

Unfortunately, the Post's editorial narrowly focused on the either/or argument of big science versus small science. To suggest that fully funding a large comprehensive science project, such as the Superconducting Super Collider [SSC] will short-change small projects at universities and Government labs is simply incorrect. The National Science Foundation's budget request does not reflect such a trend and neither does the Nation's scientific community as a whole. In fiscal year 1991, over 90 universities received grants from the SSC function totaling $110 million. In real terms, the SSC is a compilation of many small science projects being done all over the world.

Trivializing the debate into a competition between science programs show a lack of vision and courage to allow the United States to lead the world into the next major arena of scientific discovery. If this parochial approach and attitude toward funding scientific research had been shared by our Nation in the 1960's it is safe to say we still would be waiting to put a man on the Moon.

I strongly support President Bush's budget request to fully fund the SSC for fiscal year 1992. I commend the visionary leadership he has shown by sending to Congress a domestic budget that positions the United States at the forefront in high-energy physics research. Leadership is taking an intellectual and morally defensible position regardless of public opinion and let the Nation follow. As the President was commended up and down both sides of the aisle for his leadership and vision in Operation Desert Storm, I believe history will commend him for Operation Domestic Storm, of which the SSC is a pivotal battle needed to be waged to lead our Nation and the world into the future.

TRIBUTE TO JAMES HULL

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. COMBEST. Mr. Speaker, it is with great pride that I rise today to recognize James T. Hull, president and manager of Deaf Smith Electric Cooperative, Inc. A true prioneer in rural energy management, James Hull first came to Hereford, TX, as general manager of Deaf Smith Electric Cooperative, Inc. As the first rural electric cooperative in the Nation to provide for commercial irrigation, James Hull is directly responsible for helping contribute to the growth and development of one of the richest and most productive agricultural regions in the United States.

In 1984, James Hull founded Golden Spread Electric Cooperative. This ingenious coalition of rural electric co-ops improves the management of its members' power supply, helps control the costs of electricity, and improves the service for individual member cooperatives for the benefit of rural citizens of the 19th District of Texas.

Under James Hull's exceptional leadership and ability, today Golden Spread Electric Cooperative has an annual income of $112,892,000, employs 443 people, and maintains more than 35,000 miles of electric lines which serve 200,000 people. Furthermore, James Hull is an outstanding member of the community. He is past president of the Hereford Lions Club and the Jaycees, and served as past chairman of the Texas Rural Electric Education Research Committee at Texas Tech University in Lubbock, TX.

Mr. Speaker, I am honored to recognize Mr. James Hull for his outstanding accomplishments and his invaluable contributions to the management of electric energy, to the agricultural industry, and to the rural citizens of the 19th District of Texas.

FEDERAL RECYCLING INCENTIVE ACT

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Ms. HORN. Mr. Speaker, today I am proud to join my friend and colleague, Mr. GLENN ANDERSON, the distinguished chairman emeritus of the Committee on Public Works and Transportation, in introducing the Federal Recycling Incentive Act, legislation requiring a recycling program in all Federal facilities.

The timing of the introduction of this legislation—just days after Earth Day—is both appropriate and long overdue.

On this Nation's first Earth Day in 1970, there was considerable interest expressed nationwide on the necessity for recycling. People were motivated to recycle because they rightly viewed it as a protection of our precious materials, landscapes, and waterways.

Today, 21 years later, the motivation is twofold. Still in place are the concerns for the environment but now a new crisis has emerged—cities are overrun with trash. Every community across Missouri and across the Nation is facing the fact that we are running out of landfill sites. The answer? Recycling, once again.

As States and communities grapple with the issue, the Federal Government has abdicated its responsibility in the area of recycling. One may be shocked to learn that although mandated by law, the Federal Government has long ignored statutes on the books requiring recycling in all Federal buildings nationwide.

The Resource Conservation Recovery Act [RCRA] of 1970, the Clean Air Act of 1970, and the RCRA reauthorization of 1976 put in place a Federal recycling effort. Furthermore, Presidents Carter and Nixon issued Executive orders demanding that these laws be enforced. The current administration last year drafted a similar Executive order. Nothing has come of it either.

The Environmental Protection Agency [EPA], the Federal Government's environmental caretaker, and the General Services Administration [GSA], the Federal Government's landlord, have refused to even acknowledge the problem.

A 1989 General Accounting Office report confirms negligence by these agencies. It reveals that the EPA has not asserted leadership in recovering and recycling Federal waste. The GSA with 7,000 buildings nationwide—more than 160 in Missouri—has virtually no recycling policy. Most of these are office buildings which use a large amount of recyclable goods, especially high-quality paper.

In almost all cases, the waste generated at all Federal buildings, military bases, health facilities, and other installations is simply being dumped on the cities and counties. Neither the GSA nor the EPA has begun to address the numerous obstacles the GAO identified by establishing or maintaining a wastepaper recycling program even though such steps were mandated by law.

For this reason, Mr. ANDERSON and I are happy to be joined by more than 60 of our distinguished colleagues in introducing this legislation which would require all Federal agencies to institute a recycling program in Federal buildings. While this may not solve the problem, it does accomplish certain goals.

First, the Federal Government would become a visible player in recovering products such as paper, glass, bottles, and aluminum cans, and hopefully create a demand for recycled products. Second, the Federal Government could do its part in assisting cities with the burgeoning landfill problem. In addition, it will help create and stabilize markets for recyclable materials by ensuring a reliable supply of recycled goods.

It is important to celebrate the 21st anniversary of Earth Day by once again focusing our vision on maintaining our precious environment. Everyone—State and local governments, businesses, and individuals—must play a role in preserving our land, water, and air. It is time the Federal Government assumed its role as mandated by law and establish a Federal recycling program.

I urge my colleagues to support this long overdue initiative by cosponsoring the Federal Recycling Incentive Act.

TRIBUTE TO THE DETROIT CHAPTER OF THE CHILDREN OF CHORNOBYL RELIEF FUND AND TO THE UKRAINIAN PEOPLE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a courageous people. Five years after the tragedy of the 1986 nuclear disaster in Ukraine, the Detroit Chapter of the Children of Chornobyl Relief Fund is holding a rally to help their fellow Ukrainians. Part of their relief effort is requesting donations of multivitamins for the children of Ukraine.

The Ukrainian people have experienced much adversity throughout the 20th century. As a people they faced mass extermination in the 1920's, induced famine in the 1930's, Soviet and Nazi oppression in the 1940's, and the lingering afflictions of the 1986 nuclear holocaust. Time and time again, the rich cultural, religious, and social fabric of the Ukrainian people has been tested.

When the power station exploded on April 26, 1986, at 1:24 a.m., due to the Soviet design of the reactor and control rods, 9 tons of radioactive debris escaped from the No. 4 reactor—about 100 times the amount of radiation released by the atomic bombs dropped on Hiroshima and Nagasaki. The official casualties were listed as 31 dead and 203 hospitalized.

Because of the Soviet Union's intolerance of free speech, the world may never know the true costs of this design flaw. Yet, the growth of the democracy movement and the enormity of the tragedy have helped to lift the shroud of secrecy that surrounds the world's worst nuclear disaster. There are estimates that 5,000 people in Ukraine have died from Chornobyl's direct fallout. As many as 500,000 Ukrainians are likely to develop cancer as a result of exposure to radiation. Truly, these are numbers of tragic proportions.

Mr. Speaker, this is an international tragedy. Radiation knows no borders. Chornobyl has been transformed from a design flaw to a disaster affecting thousands of innocent people in many different nations. The eventual toll on our world from Chornobyl may never fully be known.

We must never forget the horror of Chornobyl and its effects on an innocent population. Organizations like the Detroit Chapter of the Children of Chornobyl Relief Fund provide clear examples of the Ukrainian people's resolve to once again overcome adversity. Let us be strengthened by our Ukrainian brothers and sisters as they recover from the tragedy of Chornobyl.

This important and significant rally reminds us all that the struggle in Ukraine continues. There is still much work to be done. I would like to commend those who helped make this rally such a success. Thank you for inviting me to participate.

CIVIL RIGHTS NEGOTIATIONS

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mrs. UNSOELD. Mr. Speaker, I am appalled that the White House encouraged business leaders to halt discussions with civil rights leaders on legislation to address the concerns of both groups. The administration effectively squashed the efforts of these leaders to develop a proposal that could have prompted not only bipartisan support in the House and Senate but nationwide support among working Americans. The Republicans have been full of speeches calling for good faith efforts to come up with a compromise we all can live with, but in this case, Mr. Speaker, it is their actions which speak volumes.

While they turn the civil rights issue into a political game, the majority of our constituents—women, racial and religious minorities, older Americans, and the disabled—lack basic protections from employer discrimination. Let's stop the games and work together to resolve this important issue.

THE SUBCONTRACTOR PAYMENT PROTECTION ACT

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. RAY. Mr. Speaker, today I am introducing legislation to help subcontractors in their efforts to obtain timely payment from prime contractors.

Since I first came to the House in 1983, I have been contacted by numerous subcontractors who are having trouble obtaining payment from prime contractors under Department of Defense contracts. This is a serious problem which is causing small business subcontractors to have cash flow problems, and some are even going into bankruptcy.

My bill, the Subcontractor Payment Protection Act, will address this problem by requiring prime contractors to notify their subcontractors when they are applying for progress payments and final payments under DOD contracts. The bill also requires the Department of Defense to make information available to the subcontractor about payments to the prime. This legislation would also require the prime contractor, when applying for progress payments, to certify that they are not delinquent in payments to their subcontractors. These provisions would not apply to construction contracts which are already covered under the Prompt Payment Act.

The bill also requires the General Accounting Office to conduct a study on the payment problems between prime contractors and subcontractors on Department of Defense contracts. The study would examine all DOD contracts, including construction contracts.

Mr. Speaker, this bill is needed to correct the abuses which are taking place under many DOD contracts. I urge my colleagues to give strong consideration to this legislation.

INTERNATIONAL PARENTAL KIDNAPING CRIME ACT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mrs. SAXTON. Mr. Speaker, I am pleased today to join with Congressman GEORGE GEKAS in reintroducing the International Parental Kidnaping Crime Act.

I first became aware of the serious problem with international kidnaping cases when a constituent of mine, Ms. Jacqueline Trimarchi, had her child abducted to Greece. While working with her in our search for her daughter, it became apparent to me that her case was not unique.

As a result, in the 101st Congress, I introduced legislation to mandate criminal penalties for persons abducting children from one country to another. I am now pleased to be participating with my esteemed colleague from Pennsylvania, GEORGE GEKAS, and members of the House Subcommittee on Criminal Justice to have this bill brought before the full House for consideration.

This legislation would recognize international kidnaping as a felonious offense, and would stipulate criminal punishments for individuals who violate the international law. While the Hague Convention has been a useful tool in locating abducted children, it has not successfully addressed the criminal aspect to international kidnaping. Since the main concern lies with the young children who are taken from their U.S. homes to foreign countries, it is imperative that our Government establish criminal penalties to deter possible abductors.

Through a combined effort with other governments, the search for abducted children will not have to weigh completely on the backs of the single U.S. parents. We would end that lonely prospect. And once the child has been found, the abductor will have to face legal ramifications and punishments.

I congratulate and thank Congressman GEKAS for his continued efforts to have this bill finally enacted. In the case of Jacqueline Trimarchi, her story luckily ended happily. After several trips to Greece on her own behalf, she was able to locate her daughter 3 years after her abduction. But for thousands of other parents, the story has no ending.

MISSOURI COUPLE CELEBRATES 71ST WEDDING ANNIVERSARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. HOYER. Mr. Speaker, most of the news reports about marriage these days focus on the increasing rates of divorce and the number of single parents. I believe it's good every once in a while to focus on the inspiring stories of marriages that work well beyond anyone's expectations.

I rose on this House floor 5 years ago to share such a story with you. It was a story of a long, loving, and successful marriage of 66 years.

Happily, I have the opportunity today, to ask the House to take note of the 71st anniversary of that same couple. On April 25, 1920, the wedding of Ellen Everette McKinney and Hilute Erskine McKinney of St. Louis, MO took place.

One of the McKinneys' 34 grandchildren, Sarah McKinney-Ludd, is a resident of my congressional district, and she tells me that her grandparents—who are both now 92 years old—have known each other for 84 years, since they were 8.

She also tells me that, after a careful and extensive family census taking, the McKinneys have 8 children, 34 grandchildren, 46 great-grandchildren, and 10 great-great-grandchildren.

Mr. Speaker, the McKinneys remain active members of their community. Both still teach Sunday school regularly, and Mr. McKinney remains a Sunday school superintendent and choir director.

As my constituent, Ms. McKinney-Ludd, puts it, the McKinneys are the anchor for our entire family. Their lives are an anchor and an inspiration for far more than their 98 descendents, and I wish them well on their momentous anniversary.

SALUTE TO ELIZABETH FLOOD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues one of my constituents who is the quintessence of a volunteer. What is a volunteer? According to Webster's dictionary a volunteer is one who enters into or offers himself or herself for service of his or her own free will. It is her ability to display this characteristic that I would like to introduce you to Ms. Elizabeth Flood.

On Friday, April 26, Elizabeth Flood, along with 18 other Americans from all sections of the country, will receive the President's Volunteer Action Award. This award, created in 1982 to recognize outstanding volunteer contributions by individuals and organizations, attracted 4,500 nominees. Ms. Flood was nominated by the N.J. Office of Volunteerism.

Ms. Flood is a telecommunications assistant at Public Service Electric and Gas Co., in Newark, NJ where she has worked for the last 20 years. Besides her dedication to her occupation she has also exhibited a commitment to her community. This commitment in itself is commendable because of the me attitude that exists in the world and the attitude of many to abandon the cause of our children. On the contrary, in 1978, Ms. Flood organized an after school program at the Garden Spires housing complex in Newark, NJ which provides recreation, rap sessions, tutoring, dance instructions, love and a positive outlet for many inner city students who have, in many ways, been abandoned by the greater society. In addition to her self-inspired community center, Elizabeth Flood and her family have been feeding more than 500 homeless people annually since 1987 to mark the anniversary of her son's death.

Mr. Speaker, I hope you and my colleagues will join me in saluting Ms. Flood, the only New Jersey resident to receive the 1991 award and the first Garden State resident to receive the national recognition since 1985, on receiving the Presidential honor and subscribing to the attitude that it is necessary to help someone as we travel along life's way so our living will not be in vain.

HIGHLIGHTING THE EFFECTIVENESS OF MENTORING

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. GRADISON. Mr. Speaker, the Points of Light Foundation is a private, nonprofit organization whose mission is to promote and deepen the uniquely American spirit of voluntarism, about which the President has on several occasions spoken so eloquently.

This month, the Points of Light Foundation has organized a 12-day "celebration of service" at sites across the country that highlight the myriad efforts of individual Americans and corporations who, through their donations of time, financial assistance, and expertise, are tackling many of the challenges this Nation faces in their local communities. The programs around which the foundation has built this month's activities range from improving literacy and drug prevention to alleviating homelessness and providing services to older Americans.

April 25 is "One-to-One Mentoring Day" and my hometown of Cincinnati is serving as the flagship city for the Points of Light Foundation and the National One-to-One Mentoring Partnership, an effort organized by One-to-One and the United Way. The focus of today's activities is to promote the educational benefits of one-to-one mentoring

Mentoring matches young people, particularly low-income and disadvantaged youth in need of assistance, with a volunteer who helps in his or her education. More importantly, mentors serve as positive role models. The mentoring concept has been a powerful tool to develop and build the skills and self-esteem necessary to break the cycle of poverty that too many young people face. These skills will lead them to be more productive and successful members of society.

Donald Craig is an example of the success of mentoring. Between the seventh grade and his sophomore year in high school, Donald's grade point average fell from 3.5 to 2.6. At that point, he was paired with mentor Terry Anchrum, a local employee of the Procter & Gamble Manufacturing Co. With the assistance of his mentor, Donald's grades improved to 3.8 the following year. When he was as senior, Donald Craig posted a 4.0 grade point average and did so well on the SAT that he earned a 4-year scholarship to Howard University. Donald's success has been repeated time and again across the country.

Today, in Cincinnati, more than 1,000 mentors and their young partners will be honored. Locally, individual citizens; corporations, such as P&G and General Electric; and service organizations, such as Big Brothers/Big Sisters, the Great Rivers Girl Scouts, and the YMCA Black Achievers, are making a difference in the lives of thousands of young people who are among the next generation of Americans that will keep this Nation vibrant, dynamic, and free.

For the country, the National One-to-One Mentoring Partnership has a goal. By 1995, the partnership hopes to have a mentor for every young person who might benefit. This is a noble goal. With the support demonstrated so far across the country, this goal is not only noble, but achievable.

APRIL 25TH AND THE TIES THAT BLIND: IN HONOR OF CONGRESSMAN LARRY SMITH

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. GEPHARDT. Mr. Speaker, we remember April 25 as a momentous day in American history. Not merely because it marks the 90th anniversary of New York State's decision to assign license plates to automobiles. Not only because we celebrate the first organizational meeting of the United Nations in San Francisco, or the opening of the St. Laurence Seaway. We remember this day, for in the year 1941, LARRY SMITH came into this world. And the world has never been the same.

The world is certainly a happier place because LARRY is here. His wit and his humor brighten up this House every day. Of course his ties brighten up the House even more than his wit and humor. In fact, in the event of a power outage, the Sergeant at Arms has asked LARRY to lead us all to safety, since his neon ties will be visible even in the darkest hour.

LARRY's great humor is only overshadowed by his leadership, conscience and great sense of compassion. Whether the issue is peace and stability in the Middle East, human rights, the war on drugs here and abroad, or the needs of America's working families, LARRY always speaks out and stands up for the best in us.

In his first 50 years, LARRY has made a mark from Brooklyn to Broward County. He has a marvelous family—Sheila, his wife, Lauren and Grant, his children. He has an outstanding record on behalf of the environment; protecting the shores of Florida from off-shore drilling, preserving and expanding the Everglades. He is a warrior against crime and illegal drugs; banning quaaludes and fighting the criminal use of machine guns. And he is now carrying these and other causes as a new member of the House Committee on Appropriations—an appointment that serves as a sign to his constituents and his admirers that his work is respected by the leadership and his colleagues. It is the perfect arena for LARRY to make new and lasting marks in his 50 years.

And so it is with great pleasure, Mr. Speaker, that I rise to acknowledge this great and historic day, the 50th anniversary of the birth of my good friend, LARRY SMITH.

TRIBUTE TO THE U.S.S. "STURDEVANT"

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. GOSS. Mr. Speaker, let's pause for a moment to pay tribute today to the U.S.S. *Sturdevant* and 15 of her loyal crew members who were the unsuspecting victims of a U.S. minefield near Key West on April 26, 1942. Tomorrow, a group of survivors of this tragic accident will gather aboard a Navy hydrofoil to lay a wreath on the still waters where the U.S.S. *Sturdevant* still lies. Those who died in that accident, like all those who have given their lives in service to our country are in our thoughts and prayers—particularly now as we breathe a sigh of relief at the conclusion of our Nation's most recent conflict. While we rejoice at the return of our troops from the Middle East, I hope my colleagues will join me in remembrance of the U.S.S. *Sturdevant.*

While on patrol in the Caribbean, the U.S.S. *Sturdevant* was sent to Key West for repairs. On April 26, she set sail, joining a convoy already in progress. The commanding officer filed a plan of intended movement with the U.S. naval base and charted a course. Tragically, that course led them straight into a live minefield. With a terrifying blast, the proud ship sank, sending the shell of what was once the U.S.S. *Sturdevant* and 15 of her loyal hands to a watery grave.

Today our thoughts are with those who gave their lives in service to their country, their families, and their colleagues who survived—and who will always remember.

TRIBUTE TO CANTOR ISRAEL FRIEDMANN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. CARDIN. Mr. Speaker, today I rise and pay tribute to Cantor Israel Friedmann. Cantor Friedmann will receive the prestigious Meyer L. Stein Man of the Year Award marking his 25 years of dedicated service to the Moses Montefiore Woodmoor Hebrew Congregation.

Cantor Friedmann will receive this award on Sunday, May 5, 1991, at the celebration of the 31st anniversary of the congregation. This award is representative of the congregation's appreciation to his efforts.

Cantor Friedmann came to this country from Hungary, where he was a boy cantor in the great synagogue of Debrecen, located in his hometown. In 1945 he continued his education in Germany and Italy where he studied law at the University of Milan. He also served as cantor in Milan, studying with renowned Maestro Carozzi.

After arriving in the United States in 1951, he studied with the world famous musicologist, Prof. Otto Ortmann, former director of the Peabody Conservatory.

Although the cantor has been associated with various congregations in Baltimore, he has been the cantor of the Montefiore Woodmoor Hebrew Congregation since 1966. He has also served as president of the Cantor's Association of Greater Baltimore.

HAROLD ROSENN HONORED WITH COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. KANJORSKI. Mr. Speaker, I rise today to honor a dedicated civic leader, a fine lawyer, and a personal friend, Harold Rosenn, who is being honored by B'nai B'rith with its Community Service Award.

Harold Rosenn is a retired partner in one of the most respected and most successful law firms in northeastern Pennsylvania—Rosenn, Jenkins & Greenwald. In addition to his brilliant and noted practice as an attorney, he has a full career in community service as well.

Mr. Rosenn is a member of the board of directors for the College Misericordia, the Keystone State Games, Inc., and the American Homestead, Inc. He is also former president of the United Way of Wyoming Valley, the Pennsylvania Council of the National Council on Crime and Delinquency, the Temple Israel of Wilkes-Barre, and the Wyoming Valley Chapter of the American Red Cross. This list just names a few of the many organizations to which Harold has devoted his time.

The Anti-Defamation League's Distinguished Community Service Award is not the first time Harold Rosenn has been singled out for his leadership. He is also listed in Marquis' Who's Who in America, Who's Who in American Law, and Who's Who in the World. A few of his other honors include the 1990 Distinguished Service Award in Trusteeship of the Association of Governing Boards of Universities and Colleges and the 1989 Golden Key Volunteer Award of the United Way of Pennsylvania.

The Rosenn family and the Kanjorski family have shared a close and warm relationship for more than a half century.

When he was a young practicing attorney and a colleague of my father's at the bar, I had the opportunity to watch him grow from a bright, young, aggressive lawyer to the pinnacle of the legal profession and a pillar of the community.

He is an individual of remarkable talents; and although he was immersed in the practice of law, he always found time to give and share those talents for the benefit of the community.

Throughout my professional life, he always had time to lend a positive critique when necessary. So, therefore, I owe a personal expression of gratitude to this senior member of the bar for taking the time to guide and help a junior member.

A loving husband and father, Harold Rosenn is the model of the perfect citizen, and we in northeastern Pennsylvania are fortunate to have him as our neighbor.

TRIBUTE TO PAUL H. D'AMOUR

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, today I want to pay tribute to one of the true pioneers in the retail food industry in our country, Mr. Paul D'Amour. The recent passing of Mr. D'Amour at age 84 has left a void for hundreds of people he has helped in the western Massachusetts area through the many charitable organizations he sponsored through his company, the Big Y Foods.

His life started with little indication that he would eventually become one of the leading employers of our area. Mr. D'Amour, who was born in Rimouski, PQ, Canada, moved to Holyoke, MA, in 1906 with his parents who worked in the local mill. He attended local schools in Holyoke and graduated from Holyoke High School in 1925. He had to leave college early and become a bread salesman to help support his family.

In 1936, D'Amour purchased the "Y" Cash Market located in the Willamansett section of Chicopee. Through hard work and dedication Mr. D'Amour and the entire D'Amour family have taken a small grocery store and transformed it into a thriving business with 29 stores and over $400 million in gross revenues.

His commitment to higher education in the western Massachusetts community set a shining example of businesses that want to give something back to their community. Recent years have seen the start of a new Big Y program, nontraditional scholarships, aimed at women reentering education. The "Kids Count on Big Y" is a math skills program with which the company assists local elementary school children.

The loss of Mr. D'Amour will be felt by more than just his immediate family and the more than 3,000 employees at Big Y. Hundreds of people in the Pioneer Valley who never had the pleasure of meeting Paul D'Amour but benefited greatly by him share in his loss. I am confident that the tradition of service to the community will continue as Big Y grows each and every year.

BROWNSVILLE COMMUNITY HEALTH CENTER GETS GRANT AWARD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. ORTIZ. Mr. Speaker, I rise today to commend the Brownsville Community Health Center on their grant award from the Johnson & Johnson Community Health Care Program. This program, which was established in 1987, is a partnership between Johnson & Johnson, the National Council of LaRaza, and the National Association of Community Health Centers, Inc. This program seeks to aid community centers who serve thousands of poor and needy women and children who would receive no other basic health care services. The Brownsville Community Health Center is located in south Texas, close to the United States-Mexico border. Many of the underserved population in this area face language and cultural barriers, poverty, and destitution. Community health centers provide a place where people can come and feel comfortable seeking help. The Brownsville Community Health Center not only provides much needed immediate health care, but can provide prevention instruction to teach these people to maintain better care of themselves. Unfortunately, too, many people in this country lack health insurance. To make matters worse, community health centers are facing manpower shortages and declining financial resources. That is why programs that aid community health care centers are so important. Once again, I would like to applaud the Brownsville Community Health Center and I would urge my colleagues to join me in saluting them today.

WELCOME TO JESSAMINE COUNTY MIDDLE SCHOOL EIGHTH GRADERS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. ROGERS. Mr. Speaker, I rise today to welcome the 303 eighth graders from Jessamine County Middle School in Nicholasville, KY, who will be arriving in our Nation's glorious Capital tomorrow. I am delighted to see these fine young history students come visit to witness first hand the dynamics of our Government at work.

These are bright young patriotic Americans who love their country and everything it stands for. They have demonstrated their patriotism by writing to our troops stationed in the Persian Gulf. I commend them for their efforts to let our troops know the American people remember them and support them 100 percent. As a demonstration of honor and respect for all Americans who have served so bravely, these students will participate in a wreath laying ceremony at Arlington National Cemetery.

In addition, while they are here, the Jessamine County Middle School Chorus will sing at the Old Post Office Pavilion. This is quite an impressive honor to be selected to do so, and I am proud of them.

Again, I welcome these fine young Kentuckians to Washington, DC. I hope they enjoy their trip, and I am confident that their experiences here will give them a greater insight and appreciation for our democracy.

IT'S TIME FOR USER ACCOUNTABILITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SOLOMON. Mr. Speaker, according to recent polls, illegal drug use is the No. 1 domestic problem. So, now more than ever, we must not back down from our commitment to put an end to this tragic problem. We're either serious about the drug issue or we're not.

Much of the legislation I have introduced over the last several years has taken the approach that we can't focus all of our efforts on supply because as long as there is a market for these deadly goods, there will be those who wish to profit from it.

A Rand Corp. study entitled, "Money from Crime: A Study of the Economics of Drug Dealing in Washington, D.C.," showed that 78 percent of the cocaine purchased in the District of Columbia is actually used in the suburbs. Who bears most of the hardships of these transactions? It is the dealer not the user. In most cases today, a white, affluent suburbanite gets off scot-free.

Mr. Speaker, the days of regarding drug users as victims is over. If we condition Federal privileges to remaining drug free we can begin to send the message to illegal drug users that they are no longer immune and that they do have some bearing on the terrible drug problem facing our Nation. We must attack the demand for illegal drugs and the way to do this is through user accountability.

Last Congress, I introduced legislation to condition the privilege of driving with the responsibility of remaining drug free. This measure was included in the fiscal year 1991 Department of Transportation appropriations bill which became Public Law 101-516. In the 102d Congress, I will continue to condition Federal benefits to the responsibility of remaining drug free and to that end, have introduced the following bills:

A bill to remove the discretion of the courts in the denial of certain Federal education benefits to individuals convicted of drug offenses;

A bill to suspend the Federal education benefits to individuals convicted of drug offenses;

A bill to require random drug testing of all Federal employees;

A bill to require courts to notify the employer of an individual convicted of any drug offense about the conviction; and

A bill to require applicants for a position with the Federal Government to undergo a drug test.

We still have the need to address the drug issue and it is high time we address the issue of user accountability, so I would urge your support of this drug package.

TRIBUTE TO MARY LOU HOWARD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Mary Lou Howard, an outstanding public servant and my dear and valued friend.

Throughout her entire lifetime, Mary Lou has tirelessly and selflessly served her fellow citizens. She has always been a trailblazer. The first woman ever elected to the city council of Burbank, CA, she distinguished herself as an activist politician, working tirelessly, and sometimes against great odds, to improve the wellbeing of her constituents.

As vice mayor, and then mayor of Burbank, Mary Lou repeatedly demonstrated the competence, wit, intelligence, and grace that marked her administration. Always compassionate, concerned and informed, her reputation as a competent and skillful executive earned her a second mayoral term in 1983 and a third in 1987.

In addition to her distinguished career in public service, Mary Lou gave endlessly of her time and energy to her community. She served as a member of the Los Angeles County Grand Jury, the city of Burbank's library board of trustees, SCOPE, Inc., a nonprofit corporation for mentally retarded young adults, the American Red Cross, the Verdugo Mental Clinic Advisory Board, and the Foothill Youth Services Committee. In addition, she has been president of the Tri-Valley, Inc. board of directors—San Fernando Valley, La Crescenta Valley and Santa Calrita Valley Areas Special Olympics for the Retarded—and the Avon School Parent-Teacher Association [PTA].

Mary Lou is a passionate advocate for the environment. She was appointed by the California State Senate to a seat on the California Coastal Commission and by the California Coastal Commission to a seat on the Santa Monica Mountains Conservancy. In these capacities Mary Lou made herself a force to be reckoned with in defense of the land and those who love and use it.

It's hard to imagine how she found the time, but Mary Lou also managed to raise four lovely children to responsible and productive adulthood. Her daughter, Jacqueline Lee, and her sons Richard Joseph, Jon Allen, and Brett Allen are also a testament to her great ability.

I am honored to ask my colleagues to join me in saluting Mary Lou Howard, a remarkable woman, and an invaluable member of our community.

NEW YORK CITY ADMINISTRATIVE WOMEN IN EDUCATION HONORED

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. SCHUMER. Mr. Speaker, with great pride, I rise to honor the New York City Administrative Women in Education, an organization dedicated to the personal and professional growth of women in education.

The NYCAWE organization was founded in 1915. It is a chapter of the National Council of Administrative Women in Education, and is an organization composed of female educators serving in administrative and supervisory positions in public and private educational and institutions throughout Metropolitan New York.

Helping women achieve their professional aspirations and excel in their chosen career paths through proper support and training are key goals of NYCAWE. NYCAWE recognizes that the challenges of leadership can be taxing on the individual. While they encourage women to seek and accept the challenges of administrative responsibilities, NYCAWE provides seminars to help its members cope with their problems.

In addition to the development of personal qualities in each of its members, NYCAWE urges public and private school systems, universities and educational agencies to recognize and equitably reward women's demonstrated administrative and supervisory abilities by employing and advancing women.

I applaud the New York City Administrative Women in Education and its progress in women's issues.

PROTECTING THE SANTA BARBARA CHANNEL AND THE SANTA MARIA BASIN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. LAGOMARSINO. Mr. Speaker, today I am announcing my plan to introduce legislation that would protect the environmentally sensitive Santa Barbara Channel and the Santa Maria Basin from additional oil and gas leasing activity until the next century.

Earlier this year, the U.S. Department of the Interior's Mineral Management Service issued the draft proposal of the comprehensive Outer Continental Shelf [OCS] National Gas and Oil Resource Management Program for 1992–97. In accordance with President Bush's recommendations made last year, this plan would place more than 99 percent of the California coast off-limits to new oil and gas leasing until after the year 2000. However, the plan also puts 87 tracts in the Santa Barbara Channel and the Santa Maria Basin available for leasing in 5 years.

My legislation would allow the Santa Barbara Channel and the Santa Maria Basin to enjoy the same protection from additional leasing shared by the rest of the California coast. The bill would prohibit the Secretary of the Interior from issuing any new oil and gas leases in these environmentally sensitive areas until the year 2001. Additionally, my bill would permanently ban any leasing activity in the Channel Islands National Marine Sanctuary and the Federal ecological preserve and buffer zone.

The waters off the coasts of Santa Barbara and Ventura Counties have experienced more OCS drilling activity than any other area of California. Currently, there are nearly 100 active leases in the Santa Barbara Channel. The potential increase in production in the Santa Barbara Channel from projects already under construction may have direct and dramatic impacts to onshore communities. Though I believe that offshore development can proceed responsibly and safely, I also believe that the Santa Barbara Channel has borne more than its fair share of the burden of OCS production.

Twice in 1989, I submitted testimony to the President's OCS Leasing and Development task force at hearings in Washington, DC, and in Santa Barbara. Among the major points in my testimony, I expressed my opposition to placing the full burden of OCS development on the environmentally sensitive Santa Barbara Channel. The environmentally sensitive and highly valuable resources of the Channel Islands National Park and the Channel Islands National Marine Sanctuary deserve additional consideration before making a leasing decision.

Until Americans can reduce their high levels of oil consumption, conservation, renewable and alternative energy sources, and research and development of new energy sources must accompany strong domestic oil production in order to reduce our country's dangerous dependence on imported foreign oil. However, it is both unwise and unfair to focus further production on the California OCS in one environmentally delicate area.

The legislation that I will introduce shortly will provide needed permanent protection to the Channel Islands National Park and the Channel Islands National Marine Sanctuary, and it will allow the rest of the Santa Barbara Channel and the Santa Maria Basin to receive the additional consideration that their valuable natural resources demand.

"HAPPY 25TH WEDDING ANNIVERSARY"

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, it is my distinct pleasure, along with my wife Carol Ann, to pay tribute today to our good friends Art and Gloria Miguel. They will be celebrating their silver wedding anniversary on April 30, 1991. I have known the Miguel's for many years, however, it is through their children that I have come to know about the joys and trials of their past 25 years together. I want to take this opportunity today to give you a little insight to what has made their marriage last.

The Miguel's have come a long way to be where they are today. Art came to the United States from the Philippines when he was only 10 years old and could barely speak English. He grew up in St. Albans, NY, and later became one of the engineers who worked on the Grumman F–14. Gloria came to the United States as a newly graduated nurse to work in the Mayo Clinic in Minnesota when she was only 21 years old. In fact, she was so new to the life in America that she arrived in Minnesota in the dead of winter without a coat. Soon after she arrived from the Philippines her friend Bernice DePano introduced Gloria Dumlao to her husband Elmer's best friend Art Miguel.

Twenty five years ago, after at least 3 years of commuting every weekend from Chicago to Rochester, MN, to visit his future bride, Art married Gloria. They started their family soon after they were married and moved to Long Island. The Miguel's were fulfilling the American dream, a house in the suburbs, children, and a dog. However, it wasn't always so easy. In the early days, raising three children in a two career household was not an easy task. Gloria worked evenings at St. Charles Hospital until the children were old enough to go to school. Usually, by the time Art came home from his job at Grumman, Gloria was just leaving for work. Soon after the children were school age, Gloria's parents Colonel and Mrs. Dumlao came from the Philippines to live with them. Since their wedding day there wasn't much opportunity to experience a full year as a newlywed couple.

Time passes very quickly. One by one the children are leaving the nest graduating college and moving out on their own. As a result of relocating the Dumlao's also left the Miguel's home. After 25 years Gloria and Art Miguel are finally on their own. This wonderful couple has brought their special blend of generosity and commitment to their many friends and to their entire community. Carol Ann and I are honored to be counted among their friends. It gives me special delight to wish them a very happy 25th anniversary. Carol Ann and I wish them all the joy, love, peace, and laughter to last them through the next 25 years of marriage.

HOUSE OF REPRESENTATIVES—*Monday, April 29, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 29, 1991.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Duane H. Carlson, senior pastor, St. Mark's Lutheran Church, Springfield, VA, offered the following prayer:

O God before whose face the empires of the past have risen and fallen away, establish this Nation in righteousness; and in personal character and public integrity make her foundations sure.

Keep us from pride of mind and from boasting tongues deliver us; make us mindful of the benedictions You have delivered to us as a people. Enable us to finish the tasks of justice that are not so difficult to begin. Be Thou our God beyond the power of our minds and lips to ask and thus be counted as a good and faithful servant of people, but more of Thee. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. CUNNINGHAM] please step forward and lead the House in the Pledge of Allegiance?

Mr. CUNNINGHAM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 121. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1991 and setting forth the congressional budget for the U.S. Government for the fiscal years 1992, 1993, 1994, 1995, and 1996.

The message also announced that the Senate insists upon its amendments to the resolution (H. Con. Res. 121), "concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1991 and setting forth the congressional budget for the United States Government for the fiscal years 1992, 1993, 1994, 1995, and 1996," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SASSER, Mr. JOHNSTON, Mr. RIEGLE, Mr. SIMON, Mr. FOWLER, Mr. DOMENICI, Mr. SYMMS, and Mr. GRASSLEY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 292. An act to expand the boundaries of the Saguaro National Monument;

S. 363. An act to authorize the addition of 15 acres to Morristown National Historical Park;

S. 545. An act to authorize the additional use of land in Merced County, CA;

S.J. Res. 97. Joint resolution to recognize and honor members of the Reserve components of the Armed Forces of the United States for their contribution to victory in the Persian Gulf; and

S.J. Res. 135. Joint resolution designating May 1991 as "United States Savings Bond Month."

THE REVEREND DUANE H. CARLSON

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, I am pleased to welcome to the Chamber today our guest chaplain, the Reverend Duane Carlson. He is senior pastor at St. Mark's Lutheran Church, located in my congressional district in Springfield, VA.

Mr. Speaker, this is a special day for Pastor Carlson and his family, for he has just completed, as of yesterday, being his last Sunday services as senior pastor at St. Mark's, what caps a long and very distinguished ministry. Not only has Pastor Carlson served as the spiritual adviser to the many families of this parish for 37 years, but St. Mark's is the only church he has ever served. And Pastor Carlson is the only pastor the church has ever had.

A native of Jamestown, NY, Pastor Carlson was graduated from the seminary in Illinois, came to Springfield to begin his work with only a handful of people. Now, 37 years later, Pastor Carlson has led a wonderful group of people, and together they have built a church that has had a distinguished history of service to the people of the Springfield area.

From a humble beginning in the basement of a home, St. Mark's is now the largest Lutheran Church in the entire Commonwealth of Virginia.

I am particularly proud to welcome Pastor Carlson to our Chamber today. In fact, several Members of Congress have been members of his church: the Secretary of Agriculture, Bob Bergland, Congressman BOEHLERT, and Congressman MARLENEE, and several others, and I trust that many more will continue to frequent St. Mark's because of the investment that Pastor Carlson has made, a career investment in the life of that community and that church.

So we wish to express to him and his family our thanks for 37 years of faithful service to his church and to his community, and to offer our best wishes in the years to come. Thank you, Pastor Carlson.

PLACES OF REFUGE FOR THE KURDS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I have written a letter to the President of the United States in which I have expressed my fullest support for his actions and that of our allies in establishing the places of refuge for the Kurds and for other displaced persons, in providing security for them and assuring clothing and shelter and all the amenities of life itself. And further I have indicated to the President that I would support him 100 percent if he should decide in the near or further future that the use of force will again be necessary to assure that these Kurds and other displaced persons will remain secure, that he has my support in that regard.

If Saddam's people dare to even fire one shot at the coalition or American

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

forces, we ought to be in a position to hunt him down and to remove him from power forever.

TORNADOES IN THE MIDWEST

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the Midwest experienced the most vicious and unexplainable tornadoes on Friday night, striking a lot of States in this country but particularly hitting hard on my own State of Kansas, striking Cowley County, Sedgwick County, and Washington County, among others. A lot of folks were killed, dozens were injured; in the city of Andover, KS, 1,500 people or one-third of the community are homeless, 88 houses destroyed, an entire mobile home park decimated. But the people of Kansas believe very strongly in the symbol of our State which is located on the ceiling up above me which says, "Ad Astra per Aspera," which means "to the stars through difficulties." And the people of Kansas are responding to their neighbors with food, with shelter, with clothing.

In addition to that, Mr. Speaker, the Kansas congressional delegation met with the head of the Federal Emergency Management Agency yesterday, and we have their assurance that that Agency handling emergencies in these kinds of situations will move as quickly as possible for Federal aid and for Federal assistance for the folks of Kansas who have been hurt so badly.

Our own Governor, Joan Finney, late yesterday requested the State of Kansas be declared as a disaster area, and it is my hope and my urging that the President of the United States move as quickly as possible on that request.

We will do what we can to accelerate the aid from Washington. The people of Kansas, of course, will do the basic job, the hard job of helping their neighbors bear through this great, great tragedy which has occurred. And we will also make sure that there are enough funds made available so that the State of Kansas can clean up from this mess. We are concerned about the tragedies of the world, the disasters of the world, but a disaster at home must take preference before the disasters of the world.

PROTECTING PENSION RIGHTS OF POTENTIAL RETIREES

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, retirement time should be that point in our lives when we can relax, pursue new challenges, rest, and enjoy the fruits of a full lifetime of hard work. Unfortunately, retirement is not peaches and cream for many Americans.

All of us who will be on pension some day worry about the security of the pensions' assets, but there is a group of employees, some of whom are in my community in Louisville, KY, who have an extra worry. Those are the pensioners such as the ones at Standard Gravure Co., whose overfunded pension plans, during the go-go 1980's, were liquidated following notice to the Pension Benefit Guaranty Corporation and the assets were in part given back to management and in part used to purchase insurance annuities for these retirees.

□ 1210

Unfortunately, many of those annuities are financed through companies like First Executive Life Insurance of California which has now been declared in receivership.

This week, the House Committee on Education and Labor will start a series of hearings on this whole question of whether there should be Federal insurance for these pension plans which have been liquidated and converted into annuities.

Mr. Speaker, many retirees, including those in my community, are very apprehensive. At the time in their years when they should be relaxed, they are anxious and nervous. We have an opportunity, I believe, to put them at ease, so they can enjoy their golden years. I think we have a responsibility, and I think that responsibility should be shouldered.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. VOLKMER) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 26, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 12:55 p.m. on Friday, April 26, 1991 the following message from the Secretary of the Senate: That the Senate passed without amendment H.J. Res. 173 and H. Con. Res. 138.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUNNINGHAM) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 5 minutes each day, on April 29 and 30.

Mr. DREIER of California, for 60 minutes each day, on May 1 and 2.

Mr. IRELAND, for 60 minutes, on May 8.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ANDREWS of New Jersey, for 5 minutes each day, on May 1 and 2.

Mr. HUTTO, for 60 minutes, on April 30.

Mr. OWENS of Utah, for 60 minutes, on May 2.

Mr. MILLER of California, for 60 minutes, on May 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CUNNINGHAM) and to include extraneous matter:)

Mrs. ROUKEMA.
Mr. LENT.
Mr. MACHTLEY.
Mr. MOORHEAD.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. TORRES.
Mr. OWENS of New York.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. FUSTER.
Mr. VISCLOSKY.
Mr. ROYBAL.
Mr. HALL of Ohio.
Mr. BONIOR.
Mr. STARK.
Mr. MAZZOLI.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 292. An act to expand the boundaries of the Saguaro National Monument; to the Committee on Interior and Insular Affairs.

S. 363. An act to authorize the addition of 15 acres to Morristown National Historical Park; to the Committee on Interior and Insular Affaris.

S.J. Res. 97. Joint resolution to recognize and honor members of the reserve components of the Armed Forces of the United States for their contribution to victory in the Persian Gulf; to the Committee on Armed Services.

S.J. Res. 135. Joint resolution designating May 1991 as "United States Savings Bond Month"; to the Committee on Post Office and Civil Service.

BILL PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On April 26, 1991:

H.R. 598. An act to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 30, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1149. A communication from the President of the United States, transmitting amendments to the fiscal year 1992 and fiscal year 1993 requests for appropriations for the Department of Defense and offsetting fiscal year 1992 budget amendments from the Judiciary, pursuant to 31 U.S.C. 1107 (H. Doc. No. 102–72); to the Committee on Appropriations and ordered to be printed.

1150. A communication from the President of the United States, transmitting his request for supplemental appropriations for fiscal year 1991 for the Department of State and the Agency for International Development, pursuant to 31 U.S.C. 1107 (H. Doc. No. 102–73); to the Committee on Appropriations and ordered to be printed.

1151. A letter from the Chief, Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting notice of decision to convert to contract operations the administrative services function at Fort Lee, VA, pursuant to 10 U.S.C. 2304 note; to the Committee on Appropriations.

1152. A letter from the Inspector General, Department of the Interior, transmitting the final audit report entitled "Accounting for Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Water Resources Division, U.S. Geological Survey"; to the Committee on Energy and Commerce.

1153. A letter from the Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting notification that the report on (1) procedures for overseeing the expenditure by States and Territories of Stripper Well and Exxon funds, and (2) the status of pending enforcement actions initiated during the first quarter of fiscal year 1991 and previous quarter with regard to the expenditures of petroleum vilation escrow funds will be submitted by the end of May 1991; to the Committee on Energy and Commerce.

1154. A letter from the Secretary of Energy, transmitting the 13th report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds; to the Committee on Energy and Commerce.

1155. A letter from the Under Secretary of Energy, transmitting notification that the annual report on DOE's progress in implementing the requirements of Section 120 of CERCLA will be submitted in May 1991; to the Committee on Energy and Commerce.

1156. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 91–19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1157. A letter from the Secretary of Commerce, transmitting the annual Report on the Export Administration for fiscal year 1990, pursuant to 50 U.S.C. app. 2413; to the Committee on Foreign Affairs.

1158. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1159. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO in March 1991, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1160. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the annual report of activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1161. A letter from the Administrator, Panana Canal Commission, transmitting the annual report of activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1162. A letter from the Administrator, General Services Administration, transmitting informational copies of lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1163. A letter from the Acting Principal Deputy Assistant Secretary for Civil Works, the Department of the Army, transmitting a report from the Chief of Engineers, with accompanying papers and illustrations, on the flood control project for the Upper River Jordan, Salt Lake City, UT, pursuant to Public Law 101–640 (H. Doc. No. 102–74); to the Committee on Public Works and Transportation and ordered to be printed.

1164. A communication from the President of the United States, transmitting notification of his intention to add Czechoslovakia to the list of beneficiary developing countries under the Generalized System of Preferences (GSP) and to suspend Sudan from its status as a GSP beneficiary, pursuant to 19 U.S.C. 2462(a) (H. Doc. No. 102–71); to the Committee on Ways and Means and ordered to be printed.

1165. A letter from the Director, the Office of Management and Budget, transmitting the first Within-Session OMB Sequester Report to the President and Congress for fiscal year 1991, pursuant to Public Law 102–27 (H. Doc. No. 102–70); to the Committee on the State of the Union of the Whole House and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STARK:

H.R. 2121. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on premiums received on health insurance policies which do not meet certain requirements; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. FASCELL, Mr. BROOMFIELD, Mr. MCHUGH, Mr. HALL of Ohio, Mr. SMITH of New Jersey, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. WOLPE, Mr. GEJDENSON, Mr. LANTOS, Mr. TORRICELLI, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. ACKERMAN, Mr. FUSTER, Mr. OWENS of Utah, Mr. JOHNSTON of Florida, Mr. MURPHY, Mr. KOSTMAYER, Mr. FOGLIETTA, Mr. MCCLOSKEY, Mr. PAYNE of New Jersey, Mr. ORTON, Mr. GILMAN, Mr. LAGOMARSINO, Mr. LEACH, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. GOSS, and Ms. ROS-LEHTINEN):

H.R. 2122. A bill to authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict; jointly, to the Committees on Foreign Affairs and Agriculture.

By Mr. DELLUMS (for himself, Mr. BLILEY, and Ms. NORTON):

H.R. 2123. A bill to amend the District of Columbia Self-Government and Governmental Reoganization Act to establish a predictable and equitable method for determining the amount of the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

By Mr. EMERSON:

H.R. 2124. A bill to extend the duty reduction on certain unwrought lead for a period of 2 years; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself, Mr. BORSKI, Mr. DE LUGO, Mr. DOOLITTLE, Mr. GORDON, Mr. HALL of Texas, Mr. HENRY, Mr. HUTTO, Mr. JENKINS, Ms. KAPTUR, Mr. LANCASTER, Mr. MCEWEN, Mr. MCMILLEN of Maryland, Mr. MAVROULES, Mr. MILLER of Ohio, Mr. MOORHEAD, Mr. MOAKLEY, Mr. MURPHY, Mr. SKEEN, Mr. STAGGERS, Mr. SOLOMON, Mr. TALLON, and Mr. WOLF):

H.R. 2125. A bill to establish a commission to examine the issues associated with the teaching of values in elementary and secondary schools and to amend the Elementary and Secondary Education Act of 1965 to establish a demonstration program of grants to innovative projects relating to civics and character values in education; jointly, to the Committees on Education and Labor and Rules.

By Mr. MANTON (for himself and Mr. LENT):

H.R. 2126. A bill to establish permit requirements for overflows from combined storm water and sanitary sewer systems discharging into the estuarine zone and marine waters and to require the correction of such systems to minimize discharges into those waters, to mitigate the effects of pollution discharges into estuaries of national significance and oceans, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. OWENS of New York (for himself, Mr. PAYNE of New Jersey, Mr. SERRANO, Mr. JEFFERSON, Mr. WILLIAMS, Mr. BALLENGER, Mr. KLUG, and Mr. GOODLING):

H.R. 2127. A bill to amend the Rehabilitation Act of 1973 to extend the programs of such Act, and for other purposes; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.R. 2128. A bill to amend title XVIII of the Social Security Act to require an annual report from the Director of the Congressional Office of Technology Assessment on charges in payment amounts for certain surgical transplantation procedures; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2129. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits in the case of buildings constructed with Japanese services; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII.

94. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to mortgage revenue bonds and the low income housing tax credit; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 371: Mr. JEFFERSON.

H.R. 645: Mrs. MINK, Mr. FEIGHAN, Ms. NORTON, Mr. DE LUGO, Mr. MORAN, Mr. IRELAND, and Mr. COSTELLO.

H.R. 739: Mr. OLIN and Mr. KOLTER.

H.R. 776: Mr. STUDDS.

H.R. 778: Mr. STUDDS.

H.R. 780: Mr. JACOBS and Mr. STUDDS.

H.R. 953: Mr. BUSTAMANTE, Mr. SWETT, Mr. SLATTERY, and Mr. CAMPBELL of Colorado.

H.R. 1031: Mr. SANDERS.

H.R. 1048: Mr. LANCASTER, Mr. JONES of North Carolina, and Mr. VALENTINE.

H.R. 1082: Mr. SHAYS.

H.R. 1130: Mr. HUGHES, Mr. LANCASTER, Mr. BONIOR, Mr. BACCHUS, Mr. ANDREWS of New Jersey, Mr. RAVENEL, Mr. VOLKMER, and Mr. SABO.

H.R. 1240: Mr. RUSSO.

H.R. 1289: Mr. PARKER and Mr. SERRANO.

H.R. 1381: Mr. DEFAZIO, Mr. CAMPBELL of Colorado, Mrs. UNSOELD, Mr. ECKART, Mr. ENGEL, Mrs. BOXER, Mr. PAYNE of New Jersey, Mr. BILBRAY, Mr. GUARINI, Mr. DWYER of New Jersey, Mr. HERTEL, Mr. FROST, and Mr. TRAFICANT.

H.R. 1414: Mr. DORGAN of North Dakota, Mr. SANTORUM, Mr. GILCHREST, Mr. MILLER of Ohio, Mr. SHARP, Mr. GILMAN, Mr. ATKINS, Mr. SAWYER, Mr. IRELAND, Mr. TAYLOR of Mississippi, Mr. LEWIS of Georgia, Mr. WYLIE, Mr. DICKS, Mr. KILDEE, Mr. CALLAHAN, Mr. HUTTO, Mr. TRAFICANT, Mr. PURSELL, Mr. ANDERSON, Mr. ROGERS, Mr. OWENS of Utah, Mr. DOOLEY, Mrs. UNSOELD, Mr. HERTEL, Mr. ORTON, Mr. BACCHUS, Mr. CRAMER, Ms. SNOWE, Mr. GEJDENSON, and Mr. ANDREWS of New Jersey.

H.R. 1439: Mr. DOOLITTLE.

H.R. 1445: Mr. ECKART.

H.R. 1456: Mr. HUGHES, Mr. JEFFERSON, Mr. BLAZ, Mr. YOUNG of Alaska, Mr. PAXON, and Mr. HERGER.

H.R. 1472: Mr. EMERSON, Mr. PARKER, Mr. CAMP, Mr. LEACH, Mr. ALLARD, Mr. MILLER of Washington, Mr. WEBER, and Mr. COX of California.

H.R. 1603: Mr. ECKART, Mr. PALLONE, and Mr. ROHRABACHER.

H.R. 1648: Mr. GREEN of New York, Mr. KOLBE, Mr. RIGGS, Mr. KASICH, Mr. DUNCAN, Mr. LEWIS of Florida, Mr. SKEEN, Mr. ALEXANDER, Mr. PETRI, Mr. MOLLOHAN, Mr. MYERS of Indiana, and Mr. CHAPMAN.

H.R. 1718: Mr. BEREUTER, Mr. VANDER JAGT, Mr. SLATTERY, and Mr. ALEXANDER.

H.R. 1809: Mr. JONTZ, Mr. DOOLITTLE, Mr. STARK, Mr. FRANKS of Connecticut, Mr. HORTON, Mr. DUNCAN, Mr. KYL, Mr. CUNNINGHAM, Mr. GORDON, Mr. HYDE, Mr. LUKEN, Mr. HOBSON, Mr. SERRANO, Mrs. MINK, Mr. HUBBARD, and Mr. LOWERY of California.

H.R. 1860: Mr. ENGLISH, Mr. PERKINS, Mr. SCHIFF, Mr. WISE, Mr. OBERSTAR, Mr. ROSE, Mr. HUBBARD, Mr. SMITH of Oregon, Mr. JONTZ, Mr. OXLEY, Mr. WYDEN, and Mr. KOPETSKI.

H.R. 1897: Mr. DANNEMEYER.

H.R. 1970: Mr. RAVENEL, Mr. BENNETT, Mr. RICHARDSON, and Mr. HAMILTON.

H.J. Res. 107: Mr. FASCELL, Mr. SHAYS, Mr. DOWNEY, and Mr. FISH.

H.J. Res. 120: Mr. SCHEUER, Mr. ALEXANDER, Mr. COLEMAN of Texas, Mr. BREWSTER, Mr. PALLONE, Mrs. MINK, Mr. JOHNSON of South Dakota, Mr. RAY, Mr. WALSH, Mr. MCCLOSKEY, Mr. SKEEN, Mr. MOORHEAD, Mr. DWYER of New Jersey, Mr. MCHUGH, Mr. FAWELL, Mr. SANTORUM, Mr. DANNEMEYER, Mr. GILLMOR, Mr. MRAZEK, Mr. CHAPMAN, Mr. SAXTON, Mr. SOLOMON, Mr. LENT, Mr. SPENCE, Mr. SANDERS, Mr. ROBERTS, Mr. PANETTA, Mr. KOLBE, Mr. SHAW, Mr. GALLO, Mr. HAMMERSCHMIDT, Mr. TRAXLER, and Mr. LEWIS of Georgia.

H.J. Res. 141: Mr. ANDERSON, Mr. GILMAN, Mr. OBERSTAR, Mr. PETRI, and Mr. IRELAND.

H.J. Res. 177: Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. BILIRAKIS, and Mr. DAVIS.

H. Con. Res. 90: Mr. SANDERS, Mr. WEISS, and Mr. EMERSON.

H. Con. Res. 93: Mr. CLAY, Mr. TORRES, and Mr. TRAFICANT.

H. Con. Res. 133: Mr. LAGOMARSINO.

H. Res. 87: Mr. FAWELL.

H. Res. 134: Mr. WALSH, Ms. KAPTUR, Mr. AUCOIN, and Mr. EVANS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

69. By the SPEAKER: Petition of the Legislative Assembly of the Turkish Republic of Northern Cyprus, relative to the decision taken by the European Parliament on 14 March 1991 on the Cyprus question; to the Committee on Foreign Affairs.

70. Also, petition of the Ambassador, Turkish Embassy, Washington, DC, relative to military assistance to Turkey; to the Committee on Foreign Affairs.

71. Also, petition of the Vice President of the Mongolian People's Republic, relative to the passage of House Concurrent Resolution 21; to the Committee on Foreign Affairs.

72. Also, petition of the Ambassador of the Union of Soviet Socialist Republics, Washington, DC, relative to enlisting support for an international effort to alleviate the health effects as a result of the Chernobyl accident; to the Committee on Foreign Affairs.

73. Also, petition of the Chargé d'Affaires, Turkish Embassy, Washington, DC relative to the plight of Iraqi civilians along the Turkish-Iraqi border; to the Committee on Foreign Affairs.

74. Also, petition of the Legislative Assembly of the Turkish Republic of Northern Cyprus, relative to the Cyprus issue; to the Committee on Foreign Affairs.

75. Also, petition of the City Commission, Key West, FL, relative to the creation of the Florida Keys National Marine Sanctuary; to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

H.R. 212, THE HEALTH INSURANCE REFORM ACT OF 1991

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 29, 1991

Mr. STARK. Mr. Speaker, the signs of stress in the health care financing system are increasingly evident.

Businesses are increasingly apprehensive about steeply rising health insurance premiums. Small businesses report that they face astronomical cost increases, or selected employees are denied coverage due to chronic health problems.

The people who need coverage the most end up without it, and the number of uninsured keeps growing.

Almost 34 million of our fellow citizens must do without the basic protection of health coverage. As many as 65 million lack health insurance for at least 30 days during any 2-year period.

For families without adequate health insurance coverage, any encounter with the health care delivery system, no matter how minor or seemingly routine, presents serious financial consequences. The unsurprising result is that these families do not seek appropriate health care when they need it.

Proper care is delayed until the problem is serious. Uninsured persons are less likely to have children appropriately immunized, less likely to receive prenatal care, and less likely to see a physician if they have serious symptoms.

Perhaps one of the most unfortunate statistics describing our health financing system is that of the 56 million women in the United States of reproductive age, 14.5 million, or 26 percent, are not covered for maternity services.

These statistics demonstrate the need to act—and to act soon. To that end I have introduced H.R. 650, the MediPlan Act of 1991. H.R. 650 would provide every American with comprehensive, cost-effective health coverage based on the model of the Medicare Program.

I have introduced MediPlan because I do not believe that piecemeal approaches based in the private sector will achieve our common goal of universal coverage. There are simply too many problems with workers who change jobs frequently and with equitable sharing of the costs of dependent coverage when more than one employer is involved. At the same time, I am not convinced that the private sector can control skyrocketing costs.

Although many of my colleagues are coming to the same conclusions as have I about the need for complete reform, I am aware that action on such a plan is unlikely this year.

Nevertheless, the magnitude of the problem demands that we find an area in which consensus exists and action can be taken.

In my view, one such area is reform of the private health insurance system to make the system fair and open to all employers. Although it is by no means a panacea, reform of private insurance will help to reduce the number of uninsured.

Mr. Speaker, I am introducing today the Health Insurance Reform Act of 1991. My bill will require all insurers to offer a health plan of core benefits to all employers who wish to purchase it. The plan must be offered on a continuous, open enrollment basis, must be community rated, and may not be subject to medical underwriting. The bill provides for a Federal pool for stop-loss protection for insurers financed through a per capita premium. The stop-loss provision would be budget neutral.

My bill differs from many others in that it does not focus particularly on the problems of smaller businesses in purchasing health insurance at a fair price. Instead, my proposal applies the same standards to all group health insurance plans.

It is true that the problems my bill is attempting to address are most prevalent in the small group market. Over 60 percent of workers in firms with 25 employees or less do not obtain health insurance from their own jobs, while less than 15 percent of workers in firms with 1,000 employees or more do not so obtain coverage. There are almost 7 million uninsured workers in firms with fewer than 25 employees.

However, there are another 7 million uninsured workers in companies with more than 25 employees.

The problem with focusing only on the small group market is that reforms limited to that market will only encourage health insurance companies to stop writing small group health insurance.

Under proposals to reform only the small group markets, larger employers could continue to purchase experience-rated insurance. This will mean that the relatively better risks associated with larger groups will continue to be outside the general insurance pool, thus driving up the costs of insurance for smaller companies.

The answer is to reform the entire health insurance industry, not just those plans available to small business. My bill responds to this problem by applying the same standards to a core benefit package which all insurers must make available to all employers.

My bill responds directly to a number of practices of the insurance industry which increase the problems faced by companies in purchasing health insurance.

Various types of companies or industries have difficulty purchasing group health insurance due to limitations on enrollment. Companies with seasonal employees such as hotels and restaurants, companies with higher risk occupations, as well as law firms, medical doctor groups, and others all have difficulty purchasing group health insurance. My bill deals with this problem by requiring continuous, open enrollment for all employers.

The wide use of experience rating of premiums, as opposed to community rating, increases prices to many businesses. Experience rating uses demographic and socioeconomic factors to set health insurance rates based upon expected use of health services. This means that if a company's work force is predominantly composed of females of childbearing age or of members of minority population, that company will pay more for health insurance. My bill ends this unfair practice by requiring all companies to use community rating in which prices are based upon the average cost of all individuals insured by the particular insurer.

Another practice of insurance companies is to use medical underwriting to exclude certain workers with high risks from the group plan. This means that workers with conditions like diabetes or heart disease end up outside of the group health insurance system. My bill deals with this problem by prohibiting medical underwriting.

Because my bill forces health insurance companies to accept a higher degree of risk, the bill provides a stop-loss mechanism to limit the risks companies will face. Under my bill, after an individual has incurred $25,000 in benefits available under the core benefit package, payment for health services would be paid out of the national stop-loss pool.

The pool is financed through a per capita premium developed by the Secretary of HHS based upon the actuarial value of the benefits. Current estimates would place the premium at $275 per year per insured person in 1991. Self-insured ERISA plans would also pay the premium and participate in the stop-loss pool's benefits.

In the deliberations of the Pepper Commission, virtually unanimous agreement was reached on the need for reform of the health insurance system. I am particularly encouraged that the Blue Cross/Blue Shield Association and the Health Insurance Association of America are on record in favor of insurance reform which I believe is similar to the proposal I am offering today.

Although I am not convinced that health insurance reform is the only answer to the problem of assuring every American access to health insurance, I am convinced that it is part of the answer.

My bill is not the last word on this subject. Other bills have been introduced which are worthy of scrutiny. In addition, a number of technical issues remain which require resolution. I believe, however, that my bill sets forth a good framework for how we might proceed to take a step toward our ultimate goal—providing every American with basic health coverage.

A summary of my bill follows:

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE HEALTH INSURANCE REFORM ACT OF 1991

I. STANDARDS FOR HEALTH INSURANCE

In general, an excise tax is imposed on health insurance plans which do not meet the following requirements:

A. Availability of core benefits: Insurers must make available a plan which includes only the core benefit package (defined below);

B. Open Enrollment: The core benefit package must be offered on a continuous, full-year, open enrollment basis;

C. Community Rating: Premiums for the core benefit package are determined based on community rating;

D. Guaranteed Conversion: Individuals leaving the group must be offered the option to convert to individual coverage at not more than 150 percent of the community rate;

E. Guaranteed Issue: Any employer requesting coverage would be guaranteed issuance of the core benefit package;

F. Prohibition on Medical Underwriting: No individual member of a group could be excluded from the coverage afforded the group;

G. Limits on Pre-existing Condition Exclusions: Pre-existing condition exclusions could not extend for more than six months.

II. CORE BENEFITS

The core benefits include:

A. In general, the same benefits as are provided by Medicare, except:

B. The deductible amount could not exceed $500 per individual;

C. Out-of-pocket expenses could not exceed $2,500 per individual;

D. States could not prohibit the offering of the core benefit package or require additional benefits. If a plan did include additional benefits, it would continue to be subject to state mandates.

E. Children's benefits must include newborn, well-baby, and well-child care including immunizations and preventive dental care without payment of co-payments or deductibles;

F. Pregnant women's benefits must include prenatal care, labor and delivery, postnatal care, and postnatal family planning without payment of co-payments or deductibles;

III. AMOUNT OF EXCISE TAX FOR NON-COMPLIANCE WITH STANDARDS

Insurers that offered any health insurance which did not meet the standards would be subject to an excise tax equal to 100 percent of the premiums received for group health insurance by that insurer.

IV. APPLICATION OF STANDARDS

The standards and the excise tax would apply to all insurers offering insurance to groups of three or more other than qualified HMOs. The standards would not apply to self-insured (ERISA) plans.

V. STOP-LOSS POOL

A federal stop-loss pool would be created and administered by the Secretary of Health and Human Services.

A. Stop-loss Threshold: The pool would pay the healthcare expenses of a covered individual after that individual had incurred $25,000 in expenses related to benefits covered under the core benefit package;

B. Financing of Pool: The pool would be financed through a per capita tax equal to the actuarial value of the benefits provided by the pool. Each insuring entity, including self-insured plans, would pay the tax for each person covered by that entity. It is estimated that the tax would be about $75 per person in 1991.

C. Eligibility for Pool: All entities providing health insurance or health benefits would be eligible to receive benefits from the stop-loss pool.

LEAD BATTERY RECYCLING INCENTIVES ACT: THE ONLY WAY TO HANDLE LEAD IS TO RECYCLE IT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. TORRES. Mr. Speaker. Lead is a highly toxic substance. A 2-year-old boy died recently from lead poisoning. His tiny body had been overwhelmed by toxic levels of lead. The child apparently consumed pieces of old lead paint when his homeless family sought shelter in an abandoned office building. The tragedy of this little boy's death is the dramatic extreme. Untold millions of our children are exposed to lead from a variety of sources: solder in pipes, leaching into drinking water, lead contaminated paint, and air emissions of lead.

Lead is a ubiquitous in our society. The most important use of lead today is in lead-acid batteries. It is critical to remember as we are advancing into the era of the electric vehicle that 85 percent of the lead used in manufacturing is consumed by the production of automotive batteries. Since there is no economically or technically viable substitute for lead in what are called SLI—starting, lighting, and ignition—batteries, as the electric automobile industry develops, battery production, and therefore, lead use, will increase dramatically.

Did you know, Mr. Speaker, that more than 70 million batteries are taken out of commission every year? Since each battery contains approximately 20 pounds of lead, the result is that 14 billion pounds of lead are available for recycling.

Used batteries are a resource. They are a resource we must respect if for no other reasons than the damage lead can do. The lead that comes from lead acid batteries is highly recyclable. You can use it over and over again with no loss in the technical values. Unfortunately, lead recycling is simply a function of market forces. If the price of virgin lead is high, then it is appealing for the battery manufacturer to use recycled lead. If the price of virgin lead is low, then recycled, or secondary, lead is less appealing.

Lead that is not recycled may wind up in landfills, or municipal waste incinerators. In either event, it has the potential of contaminating our air or water supplies or severely polluting our land. If the price of virgin lead is low and recycling is sluggish, recyclers have been known to accumulate batteries, speculating on the price rising. Stored batteries are an environmental disaster waiting to happen. Time and weather can cause battery cases to crack and leak lead-contaminated sulfuric acid on the ground. Rain water washes lead from the exposed battery into the ground water. The speculative accumulation of batteries in the past resulted in a number of contaminated sites being added to the national priority list [NPL] for Superfund cleanups.

Is the battery problem simply a matter of doing better at collecting batteries, or is it a matter of how much value is placed on a spent battery? A clear grasp of the economics of the lead recycling industry strongly suggests that any effective approach to increasing the rate of lead and battery recycling must treat lead battery recovery as a demand problem rather than a supply problem. In other words, the supply of lead capable of being recycled is high—there are spent batteries everywhere—but the demand for such lead is low. Collecting more batteries, though necessary, will not increase demand, only supply. We need to concentrate our efforts on putting in place a market system that will increase the demand for used batteries. We must find a way to make used batteries more valuable.

Over the past 20 years the rate of recycling has fluctuated violently, parallel with the price of virgin lead. Any legislative or administrative solution to the problem of lead acid battery recycling must take into account the wild variations in the price of virgin lead.

We have a pivotal opportunity now to prevent continued lead exposure of our children. Congress is beginning the process of reauthorizing the Resource Conservation and Recovery Act [RCRA], and it is a critical opportunity to affect significant changes in how we handle lead.

I, along with Senator TIM WIRTH and the late Senator John Heinz, crafted the Lead Battery Recycling Incentives Act to create incentives that enlist the power of market forces to work for, rather than against battery recycling. H.R. 870[1] charts a new course by creating a system of economic incentives to encourage recycling.

The Lead Battery Recycling Incentives Act requires the manufacturers and importers of batteries to take some responsibility for the products that they produce. Battery manufacturers would be required to use a certain percentage of secondary lead. If the manufacturer uses more lead than required, the manufacturer would be entitled to sell the rights to the excess to those manufacturers or importers who use less than the required amount. The excess rights are called recycling credits and would follow the same model of the highly successful EPA phaseout of lead from gasoline.

Some people confuse these credits with the concept of tax credits. The credits are not tax credits but a separate saleable asset which would be produced by the battery manufacturers as a byproduct of their normal activity. The credits will have economic value. It is as though a new product is created—a recycling credit—when the recycler does his job. In this way we reward positive environmental behavior rather than solely trying to apprehend violators. The Lead Battery Recycling Incentives Act combines both carrots and sticks to prevent lead exposure rather than trying to deal with lead once it has gotten out of genie's bottle.

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[1] The Lead Battery Recycling Incentives Act currently has more than 65 cosponsors in the House of Representatives. In the Senate, the Tire Recycling Incentives Act, S. 398, was introduced by Senator Timothy Wirth and the late Senator John Heinz as well as Senator Jeffords, and Senator Mikulski.

Our Nation has the technology and the will necessary to turn scrap batteries back into new batteries. Our citizens want to do the right thing. We can work together to remove lead from the list of environmental hazards. What is lacking is the proper economic incentives. The public is willing to act, what we need now is congressional action to encourage industry to do the right thing.

The Lead Battery Recycling Incentives Act creates a system of incentives—a mix of carrots and sticks—that will make the lead battery recycling infrastructure work for our environment and our economy, not against it.

SPECIAL SALUTE TO DR. BERNADINE HEALY, DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. STOKES. Mr. Speaker, I take great pride in rising today to salute the accomplishments of one of our Nation's truly remarkable scientists, Dr. Bernadine Healy. As you may know, Dr. Healy was recently confirmed as the new Director of the National Institutes of Health. She brings to this post a long history of competent experience and a commitment to improving the quality of health care. I am pleased to share with my colleagues a brief overview of her impressive career.

Dr. Healy's career is one comprised of precedent-setting accomplishments. Originally born in New York City, she graduated from Vassar College in 1965. From this point, Bernadine Healy began her impressive career in medicine, graduating from Harvard Medical School in 1970. Dr. Healy then trained in cardiology at Johns Hopkins School of Medicine. At the age of 35, she began her career of challenging traditional roles by becoming the first female assistant dean at Johns Hopkins School of Medicine. In 1984, she was elected as the Deputy Director of Science and Technology Policy at the White House.

In 1985, Dr. Healy brought her extensive medical and administrative expertise to the post of director of the Cleveland Clinic in Ohio. At the Cleveland Clinic, she quickly implemented her no-nonsense style of management. With her capable administrative skills, she is credited with doubling the number of scientists in the research department, and overseeing the construction of two new research facilities. In addition, she increased the amount of research grants from $10 million to over $24 million during her tenure; implemented new departments in cancer and molecular biology, and oversaw projects from heart research to biomedical engineering. Under her leadership, the Cleveland Clinic flourished as a highly credible research facility. During her tenure as director, Dr. Healy was committed to recruiting good talent and demanding excellent performance from her staff. She was able to maintain an impeccable reputation for the Cleveland Clinic and her staff.

With her expansive experience in mind, President Bush and others are confident that Dr. Healy has demonstrated the extraordinary talent that is necessary to head the National Institutes of Health.

Mr. Speaker, as we review her impressive credentials, we realize that Dr. Healy is not just a scientist. Throughout her career, she has cared for many patients. In her Senate confirmation hearing last month, Dr. Healy said that she, "came from the bedside." She continued, "I have shared the pain of disease, the struggle of recovery and the finality of death with my patients and with their families. I hope I never forget I am working for them." I commend Dr. Healy as a true humanitarian.

Mr. Speaker, it is privilege to honor the first female and the first Clevelander as the new Director of the National Institutes of Health. I am also proud to acknowledge that Dr. Healy is married to Dr. Floyd D. Loop, executive director of the Cleveland Clinic. I ask my colleagues to join me in extending our best wishes to Dr. Healy as she undertakes this exciting and challenging assignment.

FAIRNESS IN INTERNATIONAL TRADE IN CONSTRUCTION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. STARK. Mr. Speaker, in 1988, the United States and Japan agreed to improve the opportunities for United States construction companies to bid on public works projects in Japan. The agreement has not worked. The Japanese construction industry remains one of the most opaque and difficult to understand and penetrate. Given the history of the industry, its special arrangements, and level of campaign contributions to political parties, and so forth, it is probably not worth the effort to try to compete in that market.

But Japanese construction firms do very well in the American market, winning billions in contracts.

It is not a fair, two-way street, and the unfairness adds to our $100 plus million a day trade deficit with Japan, and thus to the loss of American jobs.

Because the 1988 deal is not working—and probably can't be made to work: You can lead a horse to water but you can't make it drink—the United States is proposing to deny access to public construction projects to Japanese firms.

Big deal.

Most American construction projects are private and would be unaffected by the proposed ban. But once we invoke the ban, both the public and private Japanese construction markets will be closed to us.

Therefore, I am today reintroducing my bill, H.R. 3888 of the 100th Congress, to deny tax breaks on private construction projects built by foreign firms from countries the President determines treat our construction firms unfairly.

If the public and private construction market in Japan are de facto closed to us, we should apply equal treatment.

The bill is reprinted below:

H.R. 2129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFERRAL OF DEPRECIATION DEDUCTION.

Section 167 of the Internal Revenue Code of 1986 (relating to depreciation) is amended by redesignating subsection (s) as subsection (t) and by inserting after subsection (r) the following new subsection:

"(s) DEFERRAL OF DEPRECIATION FOR BUILDINGS CONSTRUCTED WITH JAPANESE SERVICES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the deduction for depreciation or amortization which would (but for this subsection) be allowable for any taxable year with respect to any Japanese-constructed building shall not be allowable for such year but shall be allowable for the 10th taxable year thereafter.

"(2) JAPANESE-CONSTRUCTED BUILDING.—For purposes of this subsection, the term 'Japanese-constructed building' means any building if 1 percent or more of the cost of such building (determined as of the completion of its construction) is attributable to services performed by Japanese persons.

"(3) JAPANESE PERSON.—For purpose of this subsection, the term 'Japanese person' means—

"(A) any citizen or national of Japan,

"(B) any corporation, partnership, or other entity created or organized under the law of Japan or any subdivision thereof,

"(C) any instrumentality of Japan or a subdivision thereof, and

"(D) any corporation, partnership, or other entity owned or controlled (directly or indirectly) by 1 or more persons or entities described in subparagraph (A), (B), or (C)."

SEC. 2. DEFERRAL OF LOSS DEDUCTION.

Section 1231 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(d) DEFERRAL OF RECOGNITION OF LOSS ON JAPANESE-CONSTRUCTED BUILDING.—Notwithstanding any other provision of this title, any loss which would (but for this subsection) be recognized for any taxable year with respect to any Japanese-constructed building (as defined in section 167(s)(2)) shall not be recognized for such year but shall be recognized for the 15th taxable year thereafter."

SEC. 3. DENIAL OF USE OF TAX-EXEMPT BONDS.

Section 149 of the Internal Revenue Code is amended by adding at the end thereof the following new subsection:

"(h) FACILITIES CONSTRUCTED WITH JAPANESE SERVICES.—

"(1) IN GENERAL.—Nothing in section 103(a) or any other provision of law shall be constructed to provided an exemption from Federal income tax for interest on any bond issued as part of an issue 1 percent or more of the proceeds of which are to be used to provide Japanese-constructed facilities.

"(2) JAPANESE-CONSTRUCTED FACILITY.—For purposes of this subsection, the term 'Japanese-constructed facility' means any facility if 1 percent or more of the cost of such facility (determined as of the completion of its construction) is attributable to services performed by Japanese persons (as defined in section 167(s)(3)."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to property the construction of which begins after December 31, 1990.

A FULL AND PROPER "THANK YOU"

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to remind my colleagues of the tremendous sacrifice made by our Vietnam veterans. As we proudly welcome home our troops who performed so well in Operation Desert Storm, I think we must not forget veterans of other foreign conflicts, especially those who fought in Vietnam.

The Vietnam era was one of the most troubled and divisive times in our Nation's history, and virtually defined a generation. As the war was being fought thousands of miles away in Southeast Asia, Americans watching their loved ones here at home had deep disagreements regarding our participation in the conflict. The feelings underlying these disagreements still linger on in America even today.

Most of the participants in the domestic debate over the Vietnam war did not realize the tremendous debilitating effect these disagreements would have on the men and women who were sent into battle, often reluctantly. Many of these brave veterans must certainly have been confused when seeing a nation in turmoil that was far from united about committing them to this war. Their return home must certainly have been the most emotionally trying experience, as they clearly did not receive anything close to a hero's welcome.

Our troops in Desert Storm will rightfully receive a hero's welcome this year, and I will proudly join in this tribute. However, during these ceremonies, I will also keep in mind the unrecognized sacrifice made by our Vietnam veterans.

In fact, earlier this year, I was proud to strongly support H.R. 556, a bill which finally grants those Vietnam veterans exposed to agent orange the benefits they so clearly deserve. We owe it to our Vietnam veterans to enact badly needed legislation such as this so that they are given a full and proper "thank you."

CONGRESS URGED TO OVERTURN USDA ON PUERTO RICO USER FEES

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. FUSTER. Mr. Speaker, a few days ago I introduced H.R. 2054, a bill designed to reverse the unfortunate action taken earlier this week by the U.S. Department of Agriculture that would impose user fees to cover the costs of providing certain agricultural quarantine and inspection services performed in the Commonwealth of Puerto Rico and the State of Hawaii. These fees would be collected from airline passengers, whose baggage is inspected by the Agriculture, Animal and Plant Health Inspection Service [APHIS] and who fly on domestic routes from Puerto Rico and Hawaii to the mainland United States.

My bill, which to date is being cosponsored by the distinguished gentlewoman from Hawaii [Mrs. MINK]; the distinguished gentleman from Hawaii [Mr. ABERCROMBIE]; and the distinguished gentleman from New York [Mr. GREEN] would amend the Food, Agriculture, Conservation and Trade Act of 1990 to prohibit the Secretary of Agriculture from prescribing or collecting the fees I just mentioned. A similar bill has been introduced in the other body by Senators INOUYE and AKAKA.

Speaking on the floor of the Senate the other day, Mr. INOUYE correctly and appropriately expressed "shock and dismay" that APHIS had decided to ignore the conference report language which he had introduced—and was subsequently approved—in the dire emergency supplemental appropriation bill—Report 102-29—requesting that APHIS not implement domestic user fees until the Congress has considered them. The language incorporated in the conference report stated specifically that:

> The conferees are concerned with implementing domestic user fees without specific approval of the Congress. Accordingly, the conferees expect APHIS not to include domestic user fees until the Congress has considered them.

In a final rule published in the April 23, 1991, edition of the Federal Register, APHIS proposed to collect $2 per person user fees, as of August 1, 1991, between Puerto Rico and the U.S. mainland and Hawaii and the U.S. mainland.

Mr. Speaker, such action is as outrageous as it is contrary to existing law, not to mention APHIS' shocking disregard of the clear instructions from Congress in this matter. My objection can be stated quite simply. This proposed $2 per ticket charge for inspection of the luggage of passengers leaving Puerto Rico, and Hawaii, for the U.S. mainland would be nothing more than a tax and not a user fee at all and therefore cannot be justified by the general user fee statute (31 U.S.C. 9701). That law states in part that "Each charge shall be based on the value of the service or thing to the recipient." But in this instance, Mr. Speaker, APHIS is treating the passenger as though he or she were the recipient or the beneficiary of the inspection service when this clearly is not the case. The primary beneficiaries of the service are the farmers of the mainland United States who are protected by the quarantine and inspection against the transmission of pests and diseases to their crops from Puerto Rico.

Mr. Speaker, Congress has not provided APHIS with the authority for domestic user fees. While the farm bill of 1990, as amended, did provide authority for user fees for international passengers, APHIS has relied upon the general user fee statute as authorization for imposing domestic user fees. While this statute does offer some provisions for user fees of the type being considered, there is considerable evidence that domestic user fees used in this context would be overinclusive because it assesses passengers who derive no specific benefit from the inspection service. Moreover, this fee would be imposed on any passenger, whether or not that passenger had luggage to be inspected.

Perhaps an unstated judgment is being made that the airline passenger is being assisted through this inspection to obey the laws against introducing potentially infected or infested plants into the U.S. mainland. Even if we were to concede that the fee is thereby legitimate, which we most assuredly do not, the problem would remain that it is overly inclusive. Large numbers of cruise ship passengers use San Juan as their point of arrival and departure, and they get to San Juan by airplane. The cruise ship lines take care of luggage inspection and APHIS inspection is avoided altogether. Yet the $2 per ticket charge would be assessed on these passengers as it would on many others who have no luggage at all to inspect. The inspection also clearly renders no service to those knowledgeable frequent travelers on the route who know better than to try to take live plants or fruits and vegetables with them on the airplane.

The point of overinclusiveness has been well documented by the Congressional Research Service's reply to my request for an opinion in this matter. I would be glad to make the full contents of that CRS study available to my colleagues.

The proposed fee also would result in an impediment to the tourism industry in Puerto Rico; the island is struggling to fight unemployment, and this new proposal certainly won't help.

Thus, Mr. Speaker, I firmly object to this unilateral action by the U.S. Department of Agriculture. It would set a very dangerous precedent. I urge my colleagues to support my bill, H.R. 2054, not only on the merits of it but also because a clear message must be sent to USDA that it cannot brusquely dismiss the clear instructions of Congress in this matter.

CIVIC AND CHARACTER VALUES-IN-SCHOOLS ACT OF 1991

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. HALL of Ohio. Mr. Speaker, today I am introducing the Civil and Character Values-In-Schools Act of 1991, legislation to promote the teaching of commonly held values in our schools. Mr. Speaker, I am afraid that the national debate on how to improve education in our country ignores one crucial element: how to prepare students to make judgments of right and wrong. Mr. Speaker, educating our students in our commonly held values, such as honestly, integrity, self-respect and justice, is integral to preparing young people to function in our complex world.

Teaching values is not a new idea. Our country was founded on a set of values upon which a consensus of people practice today. Throughout history they have been taught in our schools. Thomas Jefferson taught that civic virtue is an integral part of public education, and that only virtuous citizens can work toward the private good. He said, "An honest heart being the first blessing, a knowing head is the second."

While educators promoted basic values in the past, the 1960's and 1970's saw a move toward "values free" teaching in which students were given options but no guidance toward answers to ethical problems. Now many educators agree that civic and character values help students become prepared to make judgments of right and wrong. In calling for a return to civil and character values, I am not talking about imposing one set of values upon another; rather, I believe we should promote our commonly held, age-old values on which we already have agreement.

Mr. Speaker, there are many proposals and goals on how to improve education today. I argue that we must have a values component to any comprehensive approach. Last year the President and the Nation's Governors announced six national goals for public education. The Congress is currently working on these goals. Goal three of the National Education Goals highlights "Student Achievement and Citizenship." Goal six calls for "Safe, Disciplined, and Drug-Free Schools."

I believe a foundation of sound values is necessary to implement these goals. Students need self-respect, respect for others, and love of country before we can expect them to improve their scores, be good citizens, and remain drug-free.

I am concerned when I see surveys of college students who put "being very well off financially" as their top personal goal. I am concerned when surveys show that "developing a meaningful philosophy of life" is a low goal for most college entering freshmen. I am also concerned with the symptoms of a values-free education, increasing drug abuse, crimes against teachers, and teen suicide.

Preparing children to become contributing citizens who know the difference between right and wrong should not be controversial. This should be something we are proud to do. Perhaps we can avoid things like Irangate, Abscam, savings and loan scandals, drug wars, and hate crimes, down the road if we address the problem instead of treating the symptoms.

Mr. Speaker, my bill is carefully crafted. It will do two things: Title I will establish a Commission on Values Education to "identify those values supported by a consensus of Americans as essential to a complete education and preparation for becoming productive members of society." The Commission will hold hearings around the country and consider the widest range of values including honesty, integrity, tolerance, and self-discipline. It will then make specific recommendations to Congress on the teaching of commonly held values in American schools.

Title II of the bill will establish an Ethics and Values Demonstration Program to allow the Department of Education to fund activities designed to help stimulate understanding of ethics, civic and character values, and the principles of democracy as means of enhancing and improving elementary and secondary education.

The Demonstration Program would be authorized under the Secretay's Fund for Innovation in Education and require no new authorization of funds. Grants under the demonstration program would be available for a variety of services including teacher training, curricula development, clearinghouses, and follow-up studies on the effects of values and ethics education.

Education is, and always should be, a local issue. My bill recognizes that only local school districts can actually teach our age-old values. However, the Federal Government should develop a Federal policy on these civic and character values. It can set the tone; it can have a national discussion of this issue and, it can lend support services.

I am submitting a copy of the bill and I urge my colleagues to join me in cosponsoring it:

H.R. 2125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civic and Character Values-In-Schools Act of 1991".

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to establish a commission to examine the issues associated with the teaching of values in elementary and secondary schools and to stimulate research in ethics and values;

(2) to recommend to the President and to Congress how the Federal Government, through executive action and legislation, can promote the teaching of values in American schools, including encouraging the offering of independent courses on values, and the integration of values into existing courses;

(3) to explore, assess, and stimulate a variety of approaches to teaching values;

(4) to identify civic and character values that are supported by a consensus of the people of the United States as essential to a complete education and preparation for becoming productive members of society and that may be appropriately endorsed and promoted by the Federal Government; and

(5) to identify the ways in which judgments of values and of right and wrong are implicated in matters of public and private concern.

SEC. 3. FINDINGS.

The Congress finds that—

(1) many Americans of all economic and social levels, religious persuasions, and ages, no longer make determinations of right and wrong as to their own actions or the actions of others in matters of both public and private concern;

(2) educational institutions, which have traditionally played a role in assisting students to make such determinations, no longer receive explicit authority or proper assistance necessary to fulfill this responsibility;

(3) the Nation has witnessed a national moral recession in governmental and political activities, scientific research, and business and commerce, in which individuals have failed to consider the ethics governing their behavior;

(4) statistics show alarming increases in individual and gang violence, drug and substance abuse, and suicide among both young people and adults;

(5) polls show that Americans overwhelmingly prize values such as honesty, but believes that people are less honest today than in the past;

(6) leaders representing a broad spectrum of political, social, and religious beliefs believe that education in moral issues contributes to good citizenship and have called for strengthening the teaching of democratic values;

(7) training in ethics is an ongoing concern in business and industry and in public service; and

(8) while education remains the responsibility of local and State governments, the Congress and the Federal Government may appropriately provide assistance to educational agencies and institutions attempting to promote civic and character values.

TITLE I—COMMISSION ON VALUES EDUCATION

SEC. 101. ESTABLISHMENT.

There is established the Commission on Values Education (in this Act referred to as the "Commission").

SEC. 102. DUTIES; REPORT.

(a) DUTIES.—The Commission shall—

(1) consider the widest range of values for inclusion in the consensus of values that should be taught, including honesty, integrity, tolerance, self-discipline, self-respect, civility, importance of family, justice, equality, the rule of law, individual rights, the common good, love of country, love of knowledge, responsibility and accountability, protection of oneself and others from degradation and abuse;

(2) conduct interviews, meetings, hearings, and conferences in various regions and localities in the United States to gather the opinions of a wide variety of individuals, including educators and educational administrators, students, parents, philosophers and theologians, civic, religious, and professional leaders, business leaders, social service professionals, political leaders, persons prominent in the arts, entertainment, and sports, and concerned citizens;

(3) seek the cooperation, advice, and assistance of the Department of Education and such other Federal, State, and local agencies, and private and religious organizations, institutions, and associations, as may be helpful in carrying out its purposes and duties; and

(4) recognize individuals and institutions who have demonstrated outstanding success in teaching values; and

(5) identify the potential of values education for reducing the incidence of problems such as those described in section 3(4).

(b) REPORT.—The Commission shall report its findings and recommendations to the Congress and the President not later than 1 year after the enactment of this Act. Such reports shall include—

(1) its recommendations for specific legislation or executive actions and broad policy goals and objectives;

(2) a recommendation as to the establishment within the Federal Government of a clearinghouse for programs and ideas relating to values education; and

(3) in the case of the report to the Congress, a recommendation as to the appropriateness of institutional changes in the House of Representatives and the Senate, including the establishment of a Select Committee on Values Education.

SEC. 103. MEMBERSHIP AND APPOINTMENT OF COMMISSION.

(a) MEMBERSHIP.—The Commission shall be composed of 17 members as follows:

(1) Seven members each appointed by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the respective minority leaders, from among individuals who are broadly representatives of, but not restricted to—

(A) professional educators and educational administrators;

(B) parents of students at elementary, secondary, and postsecondary levels;

(C) students at secondary and postsecondary levels;

(D) philosophers, theologians, and religious leaders;

(E) State and local elected and appointed government officials, including members of State and local boards of education;

(F) individuals prominent in sports, the arts, and entertainment;

(G) individuals active in business, the professions, or civic activities;

(H) social service professionals; and

(I) the general public.

(2) One member each of the House of Representatives and the Senate, designated by the Speaker of the House and the majority leader of the Senate, respectively.

(3) The Secretary of Education or a designee of the Secretary.

(b) Vacancies.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) Terms.—Each member shall be appointed for the life of the Commission.

(d) Co-Chairs of Commission.—The Speaker of the House and the majority leader of the Senate shall each designate a co-chair of the Commission from members appointed under subsection (a)(1) or (a)(2).

SEC. 104. COMPENSATION.

(a) Pay.—Members of the Commission shall serve without compensation.

(b) Travel Expenses.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 105. POWERS.

(A) Meetings.—The Commission shall first meet not more than 30 days after the date on which the last member is appointed to the Commission and thereafter upon the call of either co-chair or a majority of the members.

(b) Hearings and Sessions.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) Access to Information.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon the request of co-chair of the Commission, the head of such agency shall furnish such information to the Commission.

(d) Director.—The Commission shall have a Director, who shall be appointed by the co-chairs. The Director shall be paid at a rate not to exceed the maximum rate of basic pay payable for grade GS-18 of the General Schedule.

(e) Staff.—The Director shall appoint such staff members as may be necessary to perform the work of the Commission. In allocating authorized, appropriated, and contributed funds, priority shall be given to those activities, such as hearings and conferences, designed to elicit the broadest public participation in the Commission's deliberations, rather than to the payment of professional staff.

(f) Use of Services and Facilities.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(g) Personnel From Other Agencies.—Upon the request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $500,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993. Amounts appropriated pursuant to this section shall remain available until expended.

SEC. 107. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of its final report to the Congress.

SEC. 108. CONGRESSIONAL HEARINGS REQUIRED.

Within 90 days after the submission of the Commission's report to the Congress, the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate shall conduct hearings on such report and the recommendations contained therein and shall report to their respective houses on the results of those hearings within 30 days after the completion of the hearings.

TITLE II—ETHICS AND VALUES DEMONSTRATION PROGRAM

SEC. 201. AMENDMENT TO SECRETARY'S FUND FOR INNOVATION IN EDUCATION.

(a) Program Authorized.—Paragraph (2) of section 4601(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151(a)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) help stimulate understanding of ethics, civic and character values, and the principles of democracy as a means of enhancing and improving elementary and secondary education in accordance with section 4609.".

(b) Ethics and Values Demonstration Program.—Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4608 the second place it appears as section 4610; and

(2) by inserting before section 4610 (as redesignated by paragraph (1) of this subsection) the following:

"SEC. 4609. ETHICS AND VALUES DEMONSTRATION PROGRAM.

"(a) General Authority.—The Secretary is authorized to make grants to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions to conduct activities designed to help stimulate understanding of ethics, civic and character values, and the principles of democracy as a means of enhancing and improving elementary and secondary education.

"(b) Uses of Funds.—Grants made under this section may be used for—

"(1) the development of teaching materials;

"(2) teacher training and seminars;

"(3) the establishment of clearinghouses for values education programs;

"(4) proposals seeking to involve the whole school environment;

"(5) research and follow-up studies of existing programs of values and ethics education;

"(6) civic and character values education projects demonstrating a beneficial effect on individual ethical behavior and on the incidences of individual and gang violence, drug and substance abuse, and suicide;

"(7) projects that assist in identifying a consensus of values within a community that may be appropriately promoted in schools of the community;

"(8) projects that seek to develop model programs to promote values and ethics; and

"(9) projects examining values and responsible citizenship.

"(c) Application.—Each applicant desiring to receive a grant under this section shall submit an application in such form, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) identify values and ethics that receive widespread support from a consensus of individuals in the United States;

"(2) describe the school population intended to benefit from the proposed activities;

"(3) demonstrate how the proposal fulfills the purpose described in subsection (a);

"(4) describe the methods to be used to evaluate the results of the proposed activities; and

"(5) provide assurances that the applicant will appoint an advisory board to assist the applicant in conducting the proposed activities, which board shall consist of individuals representative of—

"(A) parents;

"(B) educators;

"(C) community leaders;

"(D) social service professionals;

"(E) business leaders; and

"(F) the general public.".

REHABILITATION ACT AMENDMENTS OF 1991

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. OWENS of New York. Mr. Speaker, today I am submitting a bill, cosponsored by all of the members of the Subcommittee on Select Education, that will reauthorize the Rehabilitation Act of 1973, as amended, for 1 year. Following the historic passage of the Americans with Disabilities Act of 1990, there are many issues pertaining to the delivery of rehabilitation services that require attention.

By extending the act for 1 year, we have guaranteed the continuation of services while we prepare a bill that will reflect the current climate of total inclusion. The disability community is supportive of this comprehensive approach to service provision policy and encourages the subcommittee in its efforts to make the American rehabilitation system more responsive to the needs of individuals with disabilities in a new, post-ADA environment.

TRIBUTE TO GREATER MORNING STAR MISSIONARY BAPTIST CHURCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding institution, Greater Morning Star Missionary Baptist Church. The church celebrated its 70th anniversary on Sunday, April 28, 1991.

In 1921, the Reverend William Ferrell pioneered the first African-American Baptist Church in the city of Mount Clemens, MI. The church was originally named Second Baptist Church and eventually became known as the Greater Morning Star Baptist Church.

On September 24, 1950, 29 years after the congregation was organized, the then Morning Star Baptist Church held formal ground breaking services for its first house of worship. The current beautiful and spacious sanctuary was dedicated on June 11, 1972.

The congregation of Greater Morning Star has been strong in their resolve to maintain their educational and spiritual leadership in the Mount Clemens community. The spirit of the first congregation assembled by the Reverend Ferrell remains instilled in the hearts and minds of the parish. I am confident Greater Morning Star will continue to grow, glow, and go in the Mount Clemens community.

Perhaps, Mr. Speaker, Greater Morning Star's current pastor, J. Douglas Wiley, summarized the spirit of the church best when he stated that it was: "A church with a diversified ministry, powerful pulpit and where we are committed to Christ and one another."

A TRIBUTE TO KENNETH TREISTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on May 18, 1991, a constituent of my congressional district, Mr. Kenneth Treister, will be named to the College of Fellows by the American Institute of Architects.

Advancement to fellowship is one of the highest honors that the American Institute of Architects bestows upon one of its members. The American Institute of Architects has informed me that elevation to fellowship not only recognizes the achievements of the architect as an individual, but also elevates before the public and the profession a model architect who has made a significant contribution to architecture and society.

Mr. Treister exemplifies the description of the College of Fellows, and his achievements include a list worldwide. Mr. Treister has lectured on architecture, planning, and architectural history at universities in Chile and China. Mr. Treister has written publications on architectural history, ancient civilizations, and remote indigenous architecture, as well as narrating two television educational documentaries on architectural history.

In addition, Mr. Treister has become a national leader in industrialized housing to the housing industry, the Department of Housing and Urban Development, and the U.S. Virgin Islands.

I congratulate and commend Mr. Kenneth Treister for his outstanding work and achievements he has accomplished over the years.

TRIBUTE TO MRS. GLADYS B. GUZMAN UPON HER RETIREMENT FROM THE NEW YORK CITY SCHOOL SYSTEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to an individual who over the years has set an example for others to follow, Mrs. Gladys Guzman. Mrs. Guzman who is retiring at the end of the school year, has been an important member of the New York City school system for more than 30 years. Mrs. Guzman has served 7 elected school boards, 12 board presidents, 5 community superintendents, and 3 trustees. She has been instrumental in meeting the needs of various groups including public officials, parents, community organizations as well as the 22,000 children in the district.

Mrs. Guzman began her career in the New York City school system at the New Lincoln School where she worked in various capacities for 13 years, concluding with her tenure as a school registrar. Moving on to Community School Board 6, she was named the executive assistant to the board. In this position, she became an invaluable resource for those charged with the direct responsibility of addressing matters such as the overutilizations of schools, the implementation and evaluation of programs, and the approval of budgets.

Mrs. Guzman is a native New Yorker who was raised in Manhattan. She graduated from the Central Commercial High School and continued her studies at the Bronx Community College.

In addition to her dedication to her work, Mrs. Guzman found the time to raise a family which has made her proud through their own accomplishments. Her daughter Marcia, has worked as a therapist with children and as coordinator, of a drug recovery program. Her son Nelson has served over 14 years in the U.S. Navy aboard the USS *Forrestal.*

Mrs. Guzman has shown herself to be a truly remarkable woman, fully dedicated to her community and her children. Her example is one that we can all be proud of, and attempt to emulate.

LOUISVILLE FIRMS HELP MAKE ATLANTIS MISSION A SUCCESS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. MAZZOLI. Mr. Speaker, on April 5, the *Atlantis* space shuttle made a successful 6-day flight into space with the help of two Louisville/Jefferson County firms: Reynolds Metals Co. and American Synthetic Rubber Corp.

Reynolds Metals Co.'s Powder and Paste Plant manufactured 195,000 pounds of high-thrust aluminum powder for *Atlantis'* two solid-fuel booster rockets. Reynolds Metals Co. also contributed fuel to last year's *Discovery* space shuttle mission.

American Synthetic Rubber Corp. manufactured the synthetic rubber binder which holds the aluminum powder in place. It is the only producer of the fuel's binding material.

The main objective of the *Atlantis* mission was to deploy the 35,000-pound gamma ray observatory, the heaviest science payload ever carried into orbit by any space shuttle. The mission was a success and that success depended—as always—on every part of the space shuttle working as designed.

Mr. Speaker, Reynolds Metals Co. and American Synthetic Rubber Corp. played significant roles in ensuring the *Atlantis* space shuttle got off the ground smoothly which, in turn, helped produce a successful completion of the mission.

I salute and commend both these local companies on a job well done.

THE PROBLEM OF PHONY DOCTORS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. ROYBAL. Mr. Speaker, last week I introduced legislation, H.R. 2113, to make it a felony for a physician or resident to practice medicine in a hospital receiving Federal funds if that person's license to practice medicine was obtained through intentional misrepresentation. This commonsense measure seems to me a logical one for Congress to adopt. By holding out the prospect of punishment for phony doctors, H.R. 2113 would go far toward safeguarding the health of the American people. Currently phony doctors are subject to penalties which vary from State to State. Only when it is too late and someone has been injured are penalties stiff enough to fit the crime. Even when this occurs, it often takes time to sort out such cases and decide who will prosecute whom. This bill will end such confusion.

The House Aging Committee's Subcommittee on Health and Long-Term Care, which I chair, first examined the issue of fraudulent medical practitioners at a December 1984 hearing held by my predecessor, the late Claude Pepper. At that time we learned that as many as 10,000 doctors—roughly one in every 50—around the country were operating with bogus medical credentials and doing a thriving business. One witness, who was sentenced to prison for mail fraud, boasted of making $1.5 million in 3 years selling medical credentials to 165 people. One can only guess at the hazards they posed to patients in their care.

The tragic consequences were all too clear in the case of Mrs. Loretta Branda of Haddonfield, NJ. Her husband was undergoing a routine operation but unfortunately the anesthetist—or the person passing himself off as an anesthetist—failed to notice that the patient's heart had stopped beating for 4 minutes. They were able to get his heart started again but not before irreversible brain damage had occurred. Mr. Branda was left in a persistent vegetative state.

The problem of phony doctors is indeed a very serious one. In these times of great concern over health care cost containment, not to mention public health, it is imperative that those of us in Congress unite to stop the practice of medicine by persons whose credentials are falsified. I hope that I can count on the support of my colleagues of both parties in the House in this effort.

A TRIBUTE TO LIVE OAK/ SUWANNEE HIGH SCHOOL

HON. PETE PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. PETERSON of Florida. Mr. Speaker, I rise today to recognize a special event taking place in Lake City, FL, this evening. Tonight, the State champion Live Oak/Suwannee High School football team is being honored as Florida's Amateur Athlete of the Year by the Florida Sports Hall of Fame. This night is truly a momentous occasion for Live Oak High and the entire Live Oak and Suwannee community.

Throughout the years this prestigious award has been given to many of Florida's great young athletes. But never in the history of this State has the Amateur Athlete of the Year Award gone to an entire team.

Today, I would like to congratulate the Live Oak Bulldogs and their coach Mike Pittman for their spectacular season in which they captured an unprecedented State championship for the fourth year in a row.

I would also like to commend the Live Oak and Suwannee communities whose support and involvement were instrumental in this victory. This unified community spirit was demonstrated throughout the entire season and was most markedly reflected during the trying times of the gulf war. When the Live Oak National Guard was called up for active duty and sent to Fort Stewart, GA, the citizens of Live Oak and Suwannee rented a satellite system for the championship game so our troops could watch.

Indeed tonight's award is a tremendous achievement and we share in your pride and celebration. Congratulations!

CONGRATULATIONS TO THE STATE CHAMPION MUNSTER HIGH SCHOOL SPEECH TEAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. VISCLOSKY. Mr. Speaker, I rise today to congratulate the students of the Munster High School speech team who placed first in the Indiana High School Forensic Association's State speech tournament on April 6, 1991. In competition against 63 other schools, the Munster students earned this prestigious award by compiling a total of 14 awards in various categories of competition. As a former captain of my high school debating team, I am very cognizant of the amount of work necessary to attain this level of achievement.

Munster High School has a long tradition of producing students who excel academically. This year's speech team continues this fine tradition, bringing the high school its fifth State speech championship. Through their efforts, the students of this championship team have instilled a sense of pride in their school and their community.

In addition to the students, I also commend the faculty members who have dedicated their time to work closely and patiently with the students and the parents of these young men and women for providing them with the guidance and support which has led to this outstanding performance.

I would like to enter into the CONGRESSIONAL RECORD the names of the students and faculty who have worked diligently throughout the year for this success, so that they can receive the recognition they most certainly deserve. They are: Jason Banach, Lauren Bomberger, Derek DeBoer, Amanda Fisher, Andrea Foltz, Sean Gailmard, Ravi Nagubadi, Elizabeth Tan, Jill Uylaki, Kim Vargo, and Tina Yarovsky; and the faculty of Linda Elman, Helen Engstrom, Donald Fortner, James Thorp, Eileen Thorp, and Mary Yorke.

Again, congratulations to these fine young individuals, their teachers, and families.

COL. JEFFREY HOLLINGER'S EFFORTS SAVE GOVERNMENT FUNDS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 29, 1991

Mr. MOORHEAD. Mr. Speaker, it is with pleasure that I take this opportunity to recognize the efforts of Col. Jeffrey Hollinger, DDS, director of the bone physiology program within the Institute of Dental Research at the Walter Reed Army Medical Center.

Colonel Hollinger was brought to my attention by a constituent of mine who has seen first-hand how Federal programs can be operated efficiently and effectively by a conscientious public servant. Under the leadership of Colonel Hollinger, researchers are working to develop a bone regeneration product necessary for the treatment of lost bone from the face and jaws.

Growth factors essential to the program were quite costly, but thanks to his dedication and commitment to this important research, Colonel Hollinger was able to obtain these items entirely through industry contributions. As a result millions of scarce Federal dollars have been saved. A high degree of skill, time, and knowledge was necessary to show industry the great potential of this use of growth factors. We in Congress speak so readily of the importance of public/private partnerships. Well here is a shining example. Colonel Hollinger could have chosen another, less promising or less expensive path for his team's research or he could have spent his time competing for a slice of the Army's budget. Instead, he saw a better way and he pursued it to success.

Today more than ever we are faced with seemingly insurmountable budget dilemmas. Government waste, poor planning, and the pervasive view of the Federal Treasury as a bottomless pit have brought us to this point. But there is hope for improvement in individuals serving in government like Colonel Hollinger. He stands out, defying the negative stereotype of government and its employees. He exemplifies how we can find ways to save valuable resources while not compromising our goals.

I ask my fellow colleagues to join me in acknowledging the positive actions of Col. Jeffrey Hollinger and the many other unnamed public employees who have striven for government excellence.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 30, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 3

9:30 a.m.

Joint Economic

To hold hearings to review the employment-unemployment situation for April.

SD-628

MAY 6

10:00 a.m.

Small Business

To hold hearings to examine microloan programs for new and growing small businesses.

SR-428A

MAY 7

10:00 a.m.

Judiciary

To resume hearings on legislative proposals to strengthen crime control, focusing on habeas corpus reform.

SD-226

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.

SD-192

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Lawrence B. Lindsey, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System.
SD-538

MAY 8

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain defense programs, focusing on A-12 follow-on issues.
Room to be announced

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.
SD-138

Governmental Affairs
Permanent Subcommittee on Investigations
To hold oversight hearings to examine the U.S. trade policy with Japan.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the extension of fast track procedures for international trade negotiations as related to the Uruguay Round of the General Agreement on Tariffs and Trade, the North American Free Trade area, and the Enterprise for the Americans Initiative.
SR-332

Foreign Relations
To hold hearings to review Kurdish refugee relief efforts.
SD-419

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, California.
SD-366

Small Business
To hold oversight hearings on small business procurement in the dredging industry.
SR-428A

Select on Indian Affairs
To hold oversight hearings on the impact of the Supreme Court's ruling in Duro v. Reina on the administration of justice in Indian country and on proposed legislation to reaffirm the authority of tribal governments to exercise criminal jurisdiction over all Indian people on reservation lands.
SR-485

2:15 p.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on S. 791, to require certain information relating to radon to be made available in connection with certain real estate transactions, and to require that radon testing devices offered for sale be tested by the EPA, S. 792, to authorize funds for programs of the Indoor Radon Abatement Act of 1988, S. 779, to authorize funds for and to revise the Indoor Radon Abatement Act, S. 575, to require local educational agencies to test for and remediate radon in school buildings, and S. 455, to establish a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.
SD-406

2:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1992 for foreign assistance, focusing on Asia.
SD-419

MAY 9

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for veterans' education and reemployment rights.
SR-418

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine insurance company insolvency.
SR-253

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 395, to establish the Department of Energy's Fast Flux Test Facility (FFTF) in the State of Washington as a research and development center to be known as the Research Reactor User Complex.
SD-366

MAY 10

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Superfund, Ocean and Water Protection Subcommittee
To hold joint hearings to examine and evaluate the Department of the Interior's report and recommendation to the Congress and final legislative environmental impact statement concerning the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-406

MAY 13

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 570, to implement a national energy strategy, focusing on subtitle B of Title V, provisions relating to nuclear waste management.
SD-366

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation authorizing funds for programs of the Native American Programs Act.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art.
SD-116

Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on the views of officials in the law enforcement field.
SD-226

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on pipeline safety.
SR-253

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 586 and S. 711, bills to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and H.R. 355, to revise the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior.
SD-366

MAY 16

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 775, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans, H.R. 153, to repeal certain provisions of the Veterans Judicial Review Act relating to veterans benefits, and sections 111 through 113 of S. 127, relating to radiation compensation.
SR-418

Select on Indian Affairs
To hold hearings on S. 668, to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian reservations.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Min-

erals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services.

SD–116

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.

SD–138

Finance
To hold hearings to examine restoration of traditional individual retirement accounts (IRAs) in an effort to stimulate economic growth for Americans and the nation, focusing on S. 612, to encourage savings and investment through individual retirement accounts.

SD–215

Rules and Administration
Business meeting, to receive a report from the Architect of the Capitol on current projects, and to consider other pending administrative business.

SR–301

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

SD–138

MAY 21

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on enforcement of antidumping and countervailing duties.

SD–342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy.

S–128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.

SD–138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.

SD–138

MAY 22

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on Department of Energy environmental restoration and waste management programs.

SR–222

MAY 23

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 290, to authorize funds for certain programs of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.

SR–485

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.

SD–138

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on Indian libraries, archives and information services.

SR–485

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.

SD–138

JUNE 5

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.

S–128, Capitol

Select on Indian Affairs
To hold hearings on S. 667, to provide support for and assist the development of tribal judicial systems.

SR–485

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 106, to revise the Federal Power Act to prohibit the granting of a Federal license for a hydroelectric project unless the applicant complies with all substantive and procedural requirements of the affected State in which the project is located with respect to water acquisition and use.

SD–366

JUNE 6

9:00 a.m.
Veterans' Affairs
Business meeting, to mark up pending legislation.

SR–418

JUNE 18

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.

SR–253

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.

SD–342

JUNE 26

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.

SD–342

CANCELLATIONS

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.

SD–138

HOUSE OF REPRESENTATIVES—*Tuesday, April 30, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, may we not express the attitudes of our hearts and minds only in words or speech, but in deeds and in truth. May our feelings of faith and hope and love find fulfillment in charity and caring and in the deeds of justice. Teach us always, O God, not only to sing and say the words of praise, but to be vigorous in our deeds of mercy and kindness. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Florida (Mr. SMITH) will please come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ECONOMIC INDICATORS

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, today as the country continues in the recession, we anticipate by tomorrow and by Friday two further pieces of bad news.

Tomorrow, the unemployment statistics are going to be released for last month. More than likely they will show a further loss of jobs for Americans and the unemployment rate coming close, if not on, 7 percent, which has not happened since back in the mideighties under Reagan.

By Friday we shall get the Leading Economic Indicator figures, which by all indications are going to be down, once again paving the way for further Americans to lose their jobs.

A full 15 percent of those eligible to work in this country have lost their jobs or are in fear. Those of you that can hear me, if you are in a crowd, look around; the person to your left, the person to your right, they may very significantly be out of work in the very near future. And remember, the person next to you is looking at you.

And what is the answer of this administration to this problem? Nothing. Where is the legislation to take care of all those unemployed who have lost their jobs where there is no unemployment compensation? There is not any.

What is the answer of this administration to the problem of the recession that we are in? Cut Medicare, cut student loans, that is the answer. No answer at all.

It is time to stand up for America and working Americans, and this administration is not. And it is time we got some answers from the President.

NEGOTIATIONS OVER CIVIL RIGHTS BILL

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, last week a number of speeches were given on this House floor critical of the fact that the so-called negotiations over the civil rights bill had been terminated. I have to ask you to think about that. Is that what this government has deteriorated to?

The two interest groups can self-appoint their organizations to go into negotiations, and if those two interest groups reach a common ground, they can somehow order and impose that solution on the Congress of the United States and the President? There was not one elected official, not one Member of Congress, not one Senator, not one person from the administration involved in those negotiations.

I would suggest if we are serious about negotiations, we get the elected officials of this Congress on a bipartisan basis to sit down and begin negotiating. In the absence of that, the victims will be the victims of no civil rights legislation, the minorities of America.

This President is very likely going to be reelected and, therefore, we are going to have him for 5 more years. Do you want to wait 5 years to enact bipartisan civil rights policy? I hope not.

WHERE'S GEORGE?

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, during the last Presidential campaign, there was a refrain of "Where's George?" asking where then-Vice President Bush was on a variety of issues.

Unfortunately for the country, that refrain rings very true today.

Our President, George Bush, loved foreign policy and handled the Persian Gulf situation well, but our President is nowhere to be found when it comes to the domestic economy.

Unemployment is climbing, banks are failing, the country is in a recession and our President, who is our domestic Commander in Chief as well as our foreign policy Commander in Chief, has no program at all to meet this crisis.

Indeed, where is George? You can see from this chart, Mr. Speaker, that we have had two successive quarters with a decline in the GNP. Those are in red. When those lines appear in red, that means working Americans are out of work, have lost their jobs.

Mr. Speaker, the President does an excellent job on handling foreign policy, but he is absent without leave when it comes to solving the pressing domestic economic problems facing the country.

It is time for the Commander in Chief to come home. It is time for some leadership. George Bush is in charge of this Nation. Come home, George. We need you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Members are reminded to address their comments to the Chair.

REPUBLICAN RESEARCH COMMITTEE ADDRESSES TRADE ISSUE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, first, the previous speaker has a chart over here that shows a number of lines, and I would just remind my colleagues who are watching that all those blue lines reflect some 16 quarters of economic growth. I do not want it to be misconstrued as representing a decline in the gross national product.

Mr. Speaker, I think it is fair to ask the question today on the Republican side of the aisle as well as the Democrat side of the aisle: Is free trade real-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ly the conservative position? We are engaged now in a series of debates that will be hosted by the Republican Research Committee, in which we have excellent participants, and tomorrow between 11:30 and 12:30 p.m. in H-227 of the U.S. Capitol we will have a debate between Bill Frenzel, our former colleague, guest scholar of the Brookings Institute, versus Pat Choate, presently chairman of the Congressional Economic Leadership Institute. This issue is absolutely relevant in light of the fast-track request by the administration, and I think it is a good time for conservatives to re-examine their position.

Most conservatives like the idea of free trade, but again, most conservatives also like the idea of strong, unfettered debate. And you are going to see a strong unfettered debate when Bill Frenzel and Pat Choate hook up tommorrow in H-227.

I ask all my colleagues to be there.

ROOTS OF RECESSION SAID TO REACH BACK TO PRESIDENT REAGAN

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, Presidents Reagan and Bush have wanted to take credit for what they characterize as the longest economic recovery in peacetime since World War II. President Bush is not so fast to take full responsibility, however, for the recession. It is unfortunate that two quarters of decline in real GNP had to occur, however, before we realized that this recession, the Bush recession, started with the election of Ronald Reagan.

Just ask people who were making on average real weekly earnings in 1980 of $274, when it declined to $271 in 1985, when it declined to $266 in 1988, and when it declined to $264 in 1989.

□ 1210

Ask the unemployed steelworker I met several weeks ago at a pancake breakfast at a facility 5 years ago, now closed. I asked, "So what are you doing now?" He said, "Well, I have got a new job, but I am only making one-half of what I made 5 years ago. My wife, who is a legal secretary, now makes more than I do."

The Bush recession did not start in the fourth quarter of 1990. It started when he and Ronald Reagan were elected in 1980.

INCOME-DEPENDENT EDUCATION ASSISTANCE ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, nothing is more important to America's future than the education of our young people. That's why it's so important for us to find affordable ways to make it possible for each and every qualified young American to go to college and beyond, or to receive technical training after high school.

Accordingly, in the near future I will introduce the Income-Dependent Education Assistance Act, also known as IDEA for short.

The IDEA Program would provide education loans to students on reasonable terms—better terms than in current programs for most students.

And it would do this while saving billions of dollars.

Under IDEA, there would be no fixed repayment schedule. Rather, repayment would be geared to the incomes of the borrowers, and would be stretched out automatically as long as people need it to be. Those with high incomes after leaving school would be expected to repay relatively quickly at slightly higher effective rates.

Let me emphasize once again that IDEA would provide affordable student loans with little or no cost to the taxpayers. It is a carefully crafted Student Loan Program, and I would urge my colleagues to consider cosponsorship.

NAVY'S STEALTH CONCEPTION PROGRAM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Ameria's new high-technology military knows absolutely no bounds. On a passion cruise in the Persian Gulf, the U.S.S. *Acadia*, now known as the loveboat, was so overcome by moonlight, that 36 female sailors, 10 percent of the female crewmembers, got pregnant. That is right.

Now, you talk about floating your boat. But the skipper said, "Not on my watch." He says, "I didn't see anybody doing any moonlight dancing, and there was absolutely no fraternizing among the crewmembers."

Mr. Speaker, let me ask you this. That leads us to the following point: Has the Navy developed a new high-technology mode of propagation? Is this the Navy's stealth conception program? You cannot see it, you cannot hear it, but rabbits are dying all over the Persian Gulf.

STAGGERS LEGISLATION EFFECTIVE AT HANDGUN CONTROL

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, one of the most important debates on the second amendment to our Constitution will occur next week. It is time that we examine the facts. It is time to put aside emotion and perception, and just look at the facts. Because, thus far, the only thing that has been debated is emotion.

There are a number of advantages to the legislation introduced by the gentleman from West Virginia [Mr. STAGGERS]. It imposes no undue delay for individuals wishing to purchase a handgun. It requires a criminal background check on all individuals wishing to purchase handguns. It mandates an improvement in all deficient criminal history records.

On the other hand, the legislation that has been called the Brady legislation imposes a 7-day waiting period for the purchase of a handgun, requires no background check of any kind, and requires no improvement in deficient criminal history records.

Mr. Speaker, it is time to recognize the objectives of both pieces of legislation are the same, and that is to keep handguns out of the hands of criminals. And now is the time to look at the process—and which process best serves that objective.

Mr. Speaker, if there is a careful scrutiny of the facts, a person will determine that the Staggers approach is the one that is preferred to accomplish that particular objective.

TIME TO GET SERIOUS ABOUT CRIME

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, violent crime soared by 10 percent in 1990, according to the FBI's "Uniform Crime Report." With over 23,000 slayings last year, this epidemic of violence presents our Nation with a challenge that must be met head-on with tough law enforcement measures.

It is time to put aside political and ideological considerations. The safety of our streets and security of our neighborhoods should be a bipartisan issue. The victims of crime span the political spectrum. Both Republicans and Democrats are being victimized by this violence.

It is time for this body to get serious about crime. The President has sent us a comprehensive bill, and we should not be afraid to act on it. We owe it to ourselves, and more importantly to those we represent, to take a stand on the important provisions in this violent crime legislation. We need a Federal death penalty. We need to end the endless appeals and legal challenges that make sentencing decisions almost a joke. We need to elevate substance over procedure and return the criminal justice system to its rightful role of a truth-finding process. We need a vote on the President's violent crime bill.

INTRODUCTION OF LEGISLATION TO REDUCE EUROPEAN TROOP CEILING TO 100,000

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation to reduce the ceiling on U.S. troops stationed in Europe from 261,885 to 100,000, effective October 1, 1992. I introduce this legislation to make the administration do what it says.

Ever since the Berlin Wall came down in November 1989, the administration has been talking about a reduction in American troop presence in Europe. With a decreased Soviet conventional threat and increased warning time for attack, we no longer need more than a quarter of a million troops on the ground in Europe. I personally doubt we need more than 10,000 to 15,000 permanently stationed troops, along with an active dual-basing program, involving exercises and training by U.S. combat forces on short-term deployments. This bill would force prompt movement toward a smaller force.

Until last year, the European troop ceiling was set at 325,000. Last year, Congress reduced it to 262,000. This legislation would cut the number to 100,000. The administration talks about major reductions. Supreme Allied Commander Gen. John Galvin has testified that we will move from two Army corps of more than four divisions, to one corps of two divisions. He states that we will reduce our 8.75 air wings down to 3.25 air wings. But this is not what we are seeing. Despite all the talk for the last 18 months, no substantial reduction in U.S. troop levels has taken place. And, while DOD proposes closing 35 major U.S. bases, the administration has announced the closure of only scattered installations in Europe. Although DOD claims to have returned to host nations or reduced operations at 225 installations in Europe since October 1989, most of these installations are tiny, like radio towers, filling stations, parking lots, or apartment buildings. It appears that the Bush administration is afraid to ask our NATO allies if we can scale back, in much the same way that they have scaled back.

I used the number 100,000 in this legislation because this is the troop level which most responsible, mainline, pro-NATO commentators seem to think is the maximum needed. Senate Armed Services Committee Chairman SAM NUNN proposed moving to 75,000. The SAIS group cochaired by former Defense Secretary Harold Brown and former Treasury Secretary William Simon said the number should be less than 100,000. This number of troops is more than enough to maintain our commitment to our allies, to rebuff any surprise attack, to communicate our intention to protect Europe, and to deter any European nation from threatening its neighbors militarily.

Make no mistake about it: Stationing troops, along with an enormous support structure and their dependents abroad costs the American taxpayer tremendous sums of money. We should spend what we need to spend but no more. For the moment, maintaining a force of 100,000 in Europe is plenty. As a side matter, our NATO allies, with the exception of Britain, did the minimum necessary to support the war with Iraq. Why do we always have to do more than is required for their security while they do the minimum necessary for worldwide security?

I intend to offer this legislation as an amendment to the Defense authorization bill. I will be seeking the support of my colleagues.

□ 1230

SETTLING THE CONFLICT IN EL SALVADOR

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, during the decade of the 1980's Central American policy was something that this House anguished over time and time again.

I am very pleased that we got the news this morning that there is apparently an agreement which has been struck between President Cristiani's government of El Salvador and Joachin Villalobos of the Farabundo Marti Liberation Front. In Mexico City they have been trying to negotiate some kind of cease-fire and a settlement to that 11-year-old war.

I do not like to call it a civil war because we saw a great deal of involvement in the flow of weapons coming from other countries, primarily the Soviet Union and the Eastern bloc. But it was a war which was taking place within El Salvador, and I hope very much that the negotiations which have taken place in Mexico City will bring about a successful resolution of that crisis and that we will finally see peace come to that war-torn country.

URGING THE FED TO LOWER INTEREST RATES

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, I am appalled that the Federal Reserve Board apparently will not lower interest rates without the cooperation of the other members of the Group of Seven. It shocks me because it shows our continued dependence on these nations. We need to assert our independence from these nations. We can lower interest rates without suffering internationally. In fact, by lowering interest rates we would decrease our trade deficit, if not turn it into a trade surplus.

Most importantly, on the domestic front the lowering of interest rates will be profoundly beneficial. Many more young working families would for the first time be able to afford houses. Many more companies would be able to invest in future opportunities, and our economy would get back on its feet.

Mr. Speaker, I urge the Federal Reserve to consider the American people rather than foreign ministers of finance when deciding this issue. Let us think first of our farmers, factory workers, and teachers, not foreign investors. Let us also think first of our manufacturers, our small businessmen, and our financial community. Let us give every American the benefit of our leadership by reducing interest rates and reinvigorating the economy.

RELIEF FOR THE KURDISH REFUGEES

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, later today the House will take up the bill, H.R. 2122, which is an emergency bill to provide assistance to the Kurdish refugees who are in the camps in Iraq and in Turkey and in Iran. This bill provides for some $400 million in assistance to these refugees through the United Nations and through other multinational disaster relief agencies.

We hope, of course, after seeing the plight of these people that has been so clearly demonstrated on TV, that once their plight has been eased and once their situation is stabilized that most, if not all, will be repatriated, which is to say returned to their hometowns to take up the lives that they had before the war began. But for many of these people, return home will not be possible for a number of reasons.

Accordingly, at my request as chairman of the Subcommittee on International Law, Immigration, and Refugees, I have asked the General Accounting Office to send a team to the camps to assess the needs not just for assistance that the refugees need now but to gather information concerning whether or not the United States has a responsibility to resettle some or all of these people. The obvious likelihood is not all can or should be resettled but perhaps some would have to have a place to go other than their hometowns.

I will report to the House and to the country as this investigation proceeds.

PASS THE BRADY BILL

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, this weekend the FBI released its annual crime report. The figures speak for themselves.

Rapes are up 9 percent, murders up 10 percent, aggravated assault up 10 percent, and robberies up 11 percent. A major culprit in these crimes is the easy availability of handguns.

We need a workable, national system for keeping handguns out of the hands of criminals. The efforts of some States and localities to mandate a waiting period are undermined by the easy availability of handguns in neighboring States. The Brady bill 7-day waiting period would implement an effective national system.

The NRA says oppose the Brady bill and support the Staggers bill, but the Staggers bill is not necessary. We have already mandated the development of a Staggers-style instant check system—implementation of it is billions of dollars and years away.

Mr. Speaker, we can begin to stop the senseless loss of life, next week, with passage of the Brady bill and defeat of the Staggers bill.

U.S. GOVERNMENT POSITION ON LOWERING INTEREST RATES

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, this past weekend the Bush administration, hat in hand, asked Germany and Japan if we could lower our interest rates. What a political sight to see.

Our so-called allies immediately said no, no ifs, ands, or buts. Tough luck, USA.

Coming on the heels of our victory in the Persian Gulf, the rebuff is an embarrassing spectacle, but it points out just how lopsided a superpower we have become. On one hand we brilliantly protect Arab sheiks and the nations who depend on their oil, but on the other hand we have to bug our allies for a little interest rate relief.

Who can really be surprised? After 10 years of tax cuts for the wealthy and spending half of our national defense dollars to defend the Europeans and the Japanese, we have a $3.5 trillion national debt. Our Government has to issue a lot of bonds to service that debt. And guess who buys them? The Germans, the Japanese, and our wealthy.

So now it is they who tell us what the interest rates will be because they have us over a barrel. Higher interest means more money for them, the lender; less money for us, the borrower.

Mr. Speaker, the time has come to end the mindless policies that force us to kowtow to our allies. If we stand up to Saddam Hussein, we can stand up to the Germans, the Japanese, and the rich and powerful here in America.

TRIBUTE TO SHERIFF JIM BOUTWELL AND JUDGE WILLIAM LOTT

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, I stand before you today to recognize two outstanding people from my home State of Texas. Williamson County's Sheriff Jim Boutwell and Judge William Lott have dedicated their lives to making this world a better place to live in. These distinguished individuals have served in making the Williamson County criminal justice system an established model for law enforcement in the State of Texas. This is evidenced by a crime rate in the county which is one-half of the State rate. Two key factors in Williamson County's formula for success are tough law enforcement at the street level and strong courts in the criminal justice system. It is the close cooperation between these two forces, the Sheriff's Department and the courts, which has resulted in a nononsense implementation of law and justice in Williamson County.

On April 29, 1991, the Patrick Henry Chapter of the Sons of the American Revolution honored Sheriff Boutwell and Judge Lott for their achievement of this system by awarding them the Society's Gold Medal for Law Enforcement in Williamson County. Today, I stand before you so that we also can pay tribute to their dedication and loyalty in establishing a safe community for the American people.

Sheriff Boutwell and Judge Lott both have a long history of public service and commitment to excellence. Jim Boutwell entered law enforcement in 1947, after serving in the U.S. Navy. Later he became the first pilot for the Texas Department of Safety and went on to serve as a Texas Ranger assigned to the Intelligence Division.

After spending some time in the private industry he returned to his first choice of professions—law enforcement. Over the years he has received several awards including a citation for bravery during the tower sniper incident at the University of Texas at Austin. He was recognized as Texas lawman of the year in 1984 and received the Williamson County Law Enforcement Award of Excellence in 1981. Jim Boutwell has been sheriff for Williamson County since 1978.

William Lott served in the U.S. Army in military intelligence during World War II. He earned his law degree from the University of Texas in 1940 and has practiced law for more than 30 years. He spent 6 years as an assistant attorney general for the State of Texas and was admitted to practice before the U.S. Supreme Court in 1952. He is a member of the State Bar Association and past president of the Williamson County Bar Association. He has received numerous awards including Williamson County's award of excellence, award of appreciation from the Adult Probation Department, and certification of appreciation from the Williamson County Law Enforcement Association. Judge Lott has served as State district judge, 26th Judicial District, since 1977.

It is with great pleasure that I recognize these two exceptional people for their outstanding service to our community.

□ 1230

SUPPORT THE BRADY BILL

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, I would like to thank the leadership of this House, and in particular the Speaker. Late last session, the leadership made a commitment to bring the Brady bill to the floor for a vote early this session. Next Wednesday, we will have the opportunity to cast that vote.

Next Wednesday, we will also have the opportunity to consider an alternative offered by my colleague from West Virginia, Mr. STAGGERS. The alternative calls for a national instant check system for purchasers of handguns.

There is only one thing you need to know about the Staggers amendment. It is nothing more than a killer amendment designed by the National Rifle Association to stop the Brady bill.

That is why the NRA is pushing the Staggers proposal. It knows that Staggers is unworkable. It knows that the Attorney General of the United States, Dick Thornburgh, has testified that implementing instant check will cost hundreds of millions of dollars and take 3 to 5 years.

It knows that instant check is a phoney, that there is no instant check. That there is only an NRA-endorsed blank check to allow felons, mental defectives, and drug addicts to continue to buy handguns as easily as they buy a pack of cigarettes.

The Brady bill will pass next week. It will pass because, according to the polls, 95 percent of Americans and 87 percent of gunowners favor the Brady bill's 7-day waiting period. And it will pass because Americans are sick and tired and burying their children, victims of the handgun violence that takes 20,000 American lives a year. The NRA's long reign of terror is about to end.

INTRODUCTION OF MANDATORY SEAT-BELT AND MOTORCYCLE-HELMET BILL

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, my colleagues know that almost 47,000 Americans have died on our Nation's highways every year. Hundreds of thousands are permanently disabled, millions are temporarily disabled.

We are all aware more or less of these statistics and yet we do almost nothing about it. We do not know how to eliminate all this carnage on our Nation's highways. But we do know a simple, cheap, and effective way to dramatically reduce the bloodshed.

Mr. Speaker, I have introduced H.R. 1782. It is a mandatory seat-belt bill for automobiles and a mandatory motorcycle helmet bill for motorcyclists which will reduce our casualty rate dramatically.

I will be lobbying my colleagues in the next few days and weeks to cosponsor this measure. Let us take action this year to reduce the bloodshed on our Nation's highways.

BRADY BILL LONG OVERDUE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I want to send a message from the Congress to the American people today. That message is simple: "I hear you."

That message goes to the majority of Americans who fear for their personal safety on a daily basis and to the majority of the American people who believe that a waiting period on the purchase of a handgun is a small price to pay to improve their safety.

The American people are looking to us, to Congress, to provide leadership to ease their fears. It is not an imagined fear. It is the product of headlines day after day that tell of communications torn apart by random acts of violence.

The situation we face is as menacing to the American public as any act of terrorism. People are being gunned down in our streets every day.

Congress must provide some relief. The Brady bill is a step in that direction. The Brady bill is workable. It merely states the obvious, that our legal system needs a few days to ensure that laws already on the books, laws which prevent known criminals and the mentally unstable from purchasing firearms, are enforced.

Our policemen, those closest to the violence plaguing our communities, are pleading for the passage of the Brady bill. They know it will save lives.

The Brady bill is long overdue. We must stop the senseless killing and violent crime we see every day across this Nation. We must ease the fear that has become a part of life for too many people.

My colleagues can send a message by supporting the Brady bill. The Congress can send a message that people want to hear by passing the Brady bill.

LEADERSHIP OF FIRE AND EMERGENCY SERVICE PROFESSIONALS MEETING IN WASHINGTON THIS WEEK

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, tornadoes in Kansas, wild land fires in California, high-rise fires in Philadelphia and our inner cities, airline disasters across the country, single-family home fires that cause the loss of life, all protected by America's domestic defenders, our fire and emergency service professionals.

This week the leadership is here in Washington, Mr. Speaker, 4,000 of them, to join with the Members of Congress, President Bush, Vice President QUAYLE, and tonight for what will be the largest event in the Nation's Capital as we pay tribute to these brave men and women who day in and day out do so much to protect America, its cities and small towns.

I ask my colleagues and you, Mr. Speaker, to join with us this evening as Attorney General Dick Thornburgh and Marilyn Quayle address this distinguished group of leaders to let them know that we are behind them 100 percent.

INTRODUCTION OF THE DRIFTNET ACT OF 1991

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, last week we got an ugly reminder of what happens when we do not get tough with Japan and other countries who illegally use 30-mile-long drift nets to spread a curtain of death entrapping hundreds of thousands of our fish, marine mammals, and seabirds.

Coast Guard planes got a bird's-eye view of up to four drift net vessels roaming 360 miles outside legal fishing zones, without required identifying marks or transponders. The sickening picture they saw was of drift nets full of salmon, of boats ignoring signals to stop, and of criminals cutting their nets free to make a quick getaway.

That is why I have joined today with two of my respected colleagues, GERRY STUDDS and DON YOUNG, to introduce the Driftnet Act of 1991.

The bill authorizes the President to place sanctions on fish products from drift-netting nations. And if that does not work, we have to look at their TV's and VCR's and camcorders. These drift net pirate countries have to understand that if they insist on stealing our fish, we are going to get tough.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1455, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–42) on the resolution (H. Res. 136) providing for the consideration of the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1988, NASA MULTIYEAR AUTHORIZATION ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–43) on the resolution (H. Res. 137) providing for the consideration of the bill (H.R. 1988) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction facilities, research and program management, and inspector general, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1236, NATIONAL FLOOD INSURANCE PROGRAM AMENDMENTS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–44) on the resolution (H. Res. 138) providing for the consideration of the bill (H.R. 1236) to revise the National Flood Insurance Program to provide for mitigation of potential flood damage and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RECOGNITION OF ASTRONAUTS MEMORIAL AT JOHN F. KENNEDY SPACE CENTER AS NATIONAL MEMORIAL TO ASTRONAUTS

Mr. FROST. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 214) to recognize the astronauts memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. BARRETT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas [Mr. FROST] for the purpose of explaining the joint resolution.

□ 1240

Mr. FROST. Mr. Speaker, House Joint Resolution 214 recognizes the Astronauts Memorial at the John F. Kennedy Space Center in Titusville, FL, as the national memorial to astronauts who die in the line of duty.

This recently constructed memorial will be located at NASA's Spaceport USA Visitors Center Complex, and is scheduled to be dedicated on May 9, 1991.

No Federal funds were used for the construction of this project. In large part, the funding for this $6.2 million memorial project was provided by the overwhelming successful sale of *Challenger* license plates in the State of Florida. A $2 million trust fund has been established for the memorial's perpetual care and maintenance.

The resolution before us was authorized by our colleague, the gentleman from Florida, JIM BACCHUS. By acting today to pass House Joint Resolution 214, we are giving those 14 astronauts the national recognition they deserve for having given their lives in the pursuit of the exploration of space.

I commend my colleague from Florida for his inspiration and commitment in bringing this deserved designation to pass and urge my colleagues to support passage of the bill.

Mr. BARRETT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. BACCHUS. Mr. Speaker, will the gentleman yield?

Mr. BARRETT. Mr. Speaker, I am very happy to yield to my freshman colleague, the gentleman from Florida [Mr. BACCHUS], also a sponsor of this joint resolution.

Mr. BACCHUS. Mr. Speaker, it is my privilege today to speak as a sponsor of House Joint Resolution 214 which is intended to honor the men and women who have given their lives in our Nation's exploration of space. I want especially to thank the gentleman from Texas [Mr. FROST] and the gentleman from Nebraska [Mr. BARRETT] and others who have helped make this resolution something we could move so quickly to the floor.

This joint resolution will designate the Astronauts Memorial, now being constructed at Kennedy Space Center, as the national memorial to astronauts who die in the line of duty. The memorial honors these heroes: *Challenger* crew members Francis R. "Dick" Scobee, Michale J. Smith, Ronald E. McNair, Ellison S. Onizuka, Judith A. Resnik, Gregory B. Jarvis, and S. Christa McAulifee; Apollo 1 crew members Virgil I. "Gus" Grissom, Edward H. White II, and Roger B. Chaffee; and T–38 training astronauts Theodore C. Freeman, Charles A. Bassett II, Elliot M. See, Jr., and Clifton C. Williams, Jr.

I am proud that this resolution is my very first as a Member of this House. Much of the history of human space exploration has been written in my district at the Kennedy Space Center. The people of my district and the people of Florida take great pride in this history. This is why they overwhelmingly supported construction of this memorial by purchasing commemorative license plates. They and the Astronauts Memorial Foundation, which organized the project, have made possible a memorial that is highly deserving of this recognition of the national monument.

This Astronauts Memorial helps people remember those who have come before citizens and reminds all citizens of the bright future that space exploration offers to our Nation and to all people everywhere. Above all, this memorial reminds citizens of the risks involved in expanding the boundaries of exploration and knowledge. It reminds citizens also that we must push forward despite these risks.

I look forward, Mr. Speaker, to being with the families of our heroic astronauts, and with many others who remember their courage and their sacrifice next week in Florida as we dedicate this memorial.

Mr. BARRETT. Mr. Speaker, I rise today in support of House Joint Resolution 214, which recognizes the Astronauts Memorial at the John F. Kennedy Space Center, as the national memorial to astronauts who die in the line of duty.

The astronauts who have died in pursuit of the goals of the U.S. space program, dedicated their lives to the peaceful exploration of space for the benefit of all mankind. Those men and women possessed the qualities of honor, patriotism, and heroism—indeed, the ultimate level of bravery. Their self-sacrifice has not been in vain; the progress they made has contributed greatly to the continuing advancements of the space program. In the space program, we are constantly moving forward, striving for higher and higher goals, yet we cannot forget those who have helped us get to the place we are today. It is, therefore, most fitting that we recognize and honor these exemplary individuals with a national memorial, dedicated to their memory.

Mr. Speaker, I urge my colleagues to unanimously support this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 214

Whereas the purpose of the United States space program is to promote the peaceful exploration of space for the benefit of mankind;

Whereas the United States space program, including the Mercury, Gemini, and Apollo missions and the Space Shuttle program, have made the United States the scientific and technological leader in aeronautical and space activities;

Whereas several citizens of the United States have exhibited the ultimate level of bravery by giving their lives in furtherance of the United States space program;

Whereas the Astronauts Memorial Foundation, the citizens of the State of Florida, and others have raised funds for the establishment of a memorial to honor the astronauts of the United States space program who die in the line of duty and have established a trust fund for the memorial's perpetual care;

Whereas construction of such memorial is expected to be completed by May 1991; and

Whereas it is appropriate to recognize the national importance of such memorial: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the memorial known as the Astronauts Memorial, located at the John F. Kennedy Space Center in Brevard County, Florida, is recognized as the national memorial to astronauts who die in the line of duty; and

(2) the National Aeronautics and Space Administration shall continue to have administrative jurisdiction for the care and management of the memorial and over the grounds on which the memorial is located.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDMENT TO THE TITLE

Mr. FROST. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the Title offered by Mr. FROST: Amend the title so as to read: "Joint resolution recognizing the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 1.

CORRECTING AN ERROR IN THE SOLAR, WIND, WASTE, AND GEOTHERMAL POWER PRODUCTION INCENTIVES ACT OF 1990

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the Senate bill, S. 258, to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

The Clerk read as follows:

S. 258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(17)(E) of the Federal Power Act, as amended, is further amended by striking ", and which would otherwise not qualify as a small power production facility because of the power production facility because of the power production capacity limitation contained in subparagraph (A)(ii)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. SHARP] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a technical correction to last year's H.R. 4808, a bill to encourage solar, wind, and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Practices Act of 1978. With the successful growth of the alternative power production sector, larger plants and economies of scale are now available that were not foreseen in 1978.

The 1990 law was intended to allow alternative fueled qualifying facilities under the 1978 act to be of any size and still receive certain regulatory benefits. Previously, qualifying facilities had to be smaller than 80 megawatts to qualify for interconnection benefits under PURPA and smaller than 30 megawatts to escape some forms of regulation as electric utilities under the Federal Power Act and the Public Utility Holding Company Act.

Through a drafting error in a Senate amendment to the House bill, the 1990 law allowed facilities larger than 80 megawatts to receive the regulatory benefits and the interconnection benefits of PURPA but denied the regulatory benefits to facilities between 30 megawatts and 80 megawatts.

S. 258 corrects that error and ensures that the benefits Congress intended to provide to alternative fueled power generation will be available to all sizes of facilities, not just those above 80 megawatts or below 30 megawatts in size.

It is a bipartisan measure. Its companion bill was cosponsored in the House by myself and the ranking Republican member of the Energy and Power Subcommittee, the gentleman from California. It is noncontroversial, and I urge my colleagues to support it.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of S. 258. This bill makes a technical correction to Public Law 101-575 which we passed last year and which lifted the size limits on geothermal, wind, and solar energy projects. Public Law 101-575 was an important bill for renewable energy, allowing these projects to scale up and be more economically competitive with conventional power projects. The bill we are passing today simply corrects a technical error in Public Law 101-575. It passed the Senate without fanfare and should do so here in the House. I urge my colleagues to support passage of S. 258.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 258 the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SHARP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the Senate bill, S. 258.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

COMMEMORATING THE 30TH ANNIVERSARY OF THE SIGNING OF THE ANTARCTIC TREATY

Mr. OWENS of Utah. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 109) commemorating the 30th anniversary of the signing of the Antarctic Treaty on June 22, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals development and related activities for at least 99 years at the upcoming meeting of the parties to the Antarctic Treaty, April 22 through 27, 1991, in Madrid, Spain, as amended.

The Clerk read as follows:

H. CON. RES. 109

Commemorating the thirtieth anniversary of the ratification and entry into force of the Antarctic Treaty on June 23, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals development and related activities for at least 99 years at the current meeting of the parties to the Antarctic Treaty, in Madrid, Spain.

Whereas Antarctica, like the great oceans and the atmosphere, is part of the global commons;

Whereas Antarctica is the Earth's last near-pristine continental wilderness, and is, thus, a critical area in the study of global change;

Whereas the exploitation of minerals resources in Antarctica could severely degrade the Antarctic environment and threaten its fragile marine ecosystem;

Whereas Public Law 101-594 and Public Law 101-620 call for an indefinite prohibition on all Antarctic minerals activities, and for the permanent protection of the Antarctic environment;

Whereas significant progress was made toward achieving these goals at the special consultative meeting of parties to the Antarctic Treaty in November 1990;

Whereas the current consultative meetings of parties to the Antarctic Treaty provide opportunities for the United States to exercise leadership toward the protection and sound management of Antarctic: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Antarctic is a global ecological commons, and should, therefore, be subject to a new agreement or protocol which supplements the Antarctic Treaty of 1959 providing for comprehensive environmental protection of Antarctic, and which should for an indefinite period (but not less than 99 years) establish Antarctic as a region closed to commercial minerals development and related activities unless a consensus of the parties to the agreement opens it for such purpose;

(2) such a new agreement would also—

(A) conserve and protect permanently the natural environment of Antarctic and its associated and dependent ecosystems,

(B) grant Antarctic special protective status as a world park dedicated to wilderness protection, international cooperation, and scientific research, and

(C) include other comprehensive measures for the protection of the Antarctic environment;

(3) the prohibition on all minerals activities in Antarctic in such a new agreement would fully support and strengthen the Antarctic Treaty's fundamental objective of keeping Antarctic free of international discord and activities of a military nature; and

(4) at the current special consultative meeting of parties to the Antarctic Treaty in Madrid, Spain, the United States should support efforts to achieve the international agreement described in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. OWENS] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. OWENS].

□ 1250

Mr. OWENS of Utah. Mr. Speaker, I yield one-half of my time, 10 minutes, to the gentleman from the Virgin Islands [Mr. DE LUGO], on behalf of the Committee on Interior and Insular Affairs, to which the bill was jointly referred, to control that 10 minutes, and pending that, Mr. Speaker, I yield myself such time as I might consume.

As we deliberate this resolution on the floor today, our negotiators are wrapping up their work on the question of minerals activity in Antarctica along with the other ATCP's [Antarctica Treaty consultative parties] in Madrid, Spain. This statement of congressional intent could hardly be much better timed.

Last Congress, we passed, nearly unanimously, two bipartisan bills which were promptly signed into law by the President. One was a resolution similar to the one we have before us today, calling for the United States to negotiate a comprehensive environmental protection treaty for the Antarctic which would include a ban for an indefinite period on commercial minerals activity in Antarctica. The other bill, introduced by the late, beloved Sil Conte, who made protection of the Antarctic one of his major priorities, unilaterally committed the United States to practice what it preached, prohibiting United States nationals from engaging in commercial minerals activity in the Antarctic. Obviously, this effort was bipartisan, and it helped establish the negotiating posture the United States took in the last round of talks in Chile last fall. Our dramatic change in posture has led directly to some of the remarkable shifts in position that we are seeing in Madrid this week.

Japan, Britain, and Chile, three of the hard-line promoters of mineral development in the Antarctic, all arrived in Madrid with remarkably changed position papers, all calling for a moratorium on commercial minerals activity for an indefinite period. The resolution before us today calls for a moratorium of at least 99 years, to be lifted only if there is unanimity among the ATCP's to do so—a rational compromise and defensible position between those nations which would impose an absolute permanent ban and those which would encourage some sort of mining regimen.

The administration has taken no official position on this resolution. It is totally consistent with the resolution which passed last year with almost unanimous bipartisan support. The Antarctic is too important to put at any kind of risk. It should be preserved as a land of nature and science, the last place on Earth where we can still establish baseline readings of what the planet was like before the influence of man became widespread. It is the source of sustenance for the krill which nourishes the fish of the southern oceans, which in turn feed many millions of people. The Antarctic, for all its vastness and hostility, is exceedingly fragile and vulnerable to human impacts. It provides us with vital data for measuring ozone depletion and global warming and other possible global trends. It is too harsh and unforgiving to ever be mined or drilled safely or successfully, and the consequences of the almost inevitable accidents could be catastrophic. A significant mineral find could also target a speculative land rush, revitalize dormant territorial claims still made by several countries, and in the worst case scenario put the entire Antarctic Treaty at risk.

The minerals that are available in the Antarctic are available elsewhere on the planet at much less expense and much less environmental risk. The world is not so poor that it must exploit the Antarctic. Nor is the world so rich that it can afford to put the Antarctic at risk.

As a matter of fact, Mr. Speaker, as we speak, it appears that the Antarctica Treaty consultative parties in Madrid are ready right now to agree to a 50-year ban on mineral activities exploration before they adjourn later today. This remarkable shift, and it is a remarkable shift, in hard-line positions, not least of all a shift by the United States, is due at least in part to the activities of this body and the strong resolutions that we have passed in the past and this resolution which we are prepared to act on today.

We have impacted on the American State Department's attitude and their approach and their willingness to accept a long-term ban on mineral exploration in the Antarctica, and that is very rewarding, indeed.

Mr. Speaker, I would like to commend the ranking Republican member of the committee, the gentleman from Michigan [Mr. BROOMFIELD], if I may, for his strong support of this activity in preserving this great continent as a natural wilderness.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I support the objectives of this resolution, which are to improve international protection for the Antarctic environment, I do, however, have some reservations about its content and timing.

A special consultative meeting of the parties to the Antarctic Treaty is reaching conclusion this very week. While continued progress is expected on other environmental issues, there continues to be difficulty reaching agreement on minerals.

The U.S. position has been to press for a moratorium on mineral activities, which could only be lifted if a satisfactory regime were negotiated. This position is based on the fact that some countries are unwilling to give up the mineral option at this time. Failure to have a permanent regime in place could lead to an uncontrolled gold rush for Antarctic minerals if their development became economically and technically feasible.

The current resolution is being proposed for action by the House just as negotiations are at a key stage. It calls for the United States to support a 99-year ban on mineral activities, which could be lifted only by consensus. The resolution is potentially at odds with the U.S. position and could undercut the U.S. position at the negotiations. Worse, it could create a new obstacle to resolving this issue.

Finally, I would note that the resolution before us is inconsistent with two laws on this subject which were passed last year. Both—including a measure sponsored by the late Silvio Conte—called for an indefinite ban on mineral development. This is generally in line with the administration's approach.

With these reservations, I am prepared to support the resolution today as an expression of congressional sentiment on this issue. Let us hope that our action will in the end serve to facilitate agreement on the important issue of Antarctic environmental protection.

Mr. DE LUGO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, rise in support of House Concurrent Resolution 109, a resolution that was introduced recently by the gentleman from Utah, our colleague WAYNE OWENS, and is designed to help protect the environment of that great and unique continent of Antarctica.

As chairman of the Subcommittee on Insular and International Affairs, I moved April 24 for its approval by the Interior and Insular Affairs Committee, which ordered if favorably reported.

The action continued the committee's work on Antarctic matters. When I assumed the subcommittee chairmanship 4 years ago, for example, the subcommittee held a formal briefing on Antarctica. Our briefers were from the National Science Foundation, the lead agency for U.S. activities related to Antarctica.

Later, a committee delegation visited the staging site for Antarctic activities in Christchurch, New Zealand, on an oversight inspection.

Last year, at my urging, the committee facilitated the passage of the bill sponsored by our late colleague from

Massachusetts, Silvio Conte, which was designed to protect Antarctica from mining. This bill became Public Law 101-594.

Our committee was also supportive of the resolution introduced last year by Mr. OWENS of Utah. It encouraged U.S. negotiators to work toward an immediate agreement among the Antarctic Treaty consultative parties for the full protection of Antarctica and became Public Law 101-620.

Today's resolution is a timely one because it is directed at meetings of the consultative parties to the Antarctic Treaty that are currently taking place in Madrid, Spain. It encourages the U.S. representatives to the meetings to support efforts to achieve an international agreement providing for the comprehensive environmental protection of Antarctica. Among other things, such an agreement would close Antarctica to commercial minerals development and related activities for at least 99 years, unless there is international agreement otherwise.

The preservation and permanent protection of the natural environment of Antarctica is a goal that should be vigorously pursued by our country.

I, therefore, urge the House to support this resolution. The two laws that were enacted last year that sought to protect Antarctica had a definite impact on meetings of the treaty's consultative parties that took place last November in Chile.

We are hopeful that passage of this resolution will have an even greater impact on the ongoing Madrid meetings.

In closing, I would like to take the opportunity to commend our colleague from Utah, Mr. OWENS, for his continuing efforts to keep the preservation of Antarctica in the public eye and high on the list of international environmental priorities.

Mr. OWENS of Utah. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL], the chairman of the committee, who has been a leader on Antarctica really for many more years than I have been in Congress.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 109, as amended, commemorating the 30th anniversary of the ratification and entry into force of the Antarctic Treaty on June 23, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals activities for at least 99 years at the current meeting of the parties to the Antarctic Treaty in Madrid, Spain.

The resolution was introduced by our colleague, the Honorable WAYNE OWENS, who has been a prominent leader on Antarctic issues. House Concurrent Resolution 109 was reported, as amended, from the Committee on Foreign Affairs by a unanimous voice vote, following consideration by the Subcommittee on Human Rights and International Organizations. I wish to commend the chairman of that subcommittee, the Honorable GUS YATRON, and its ranking minority member, the Honorable DOUG BEREUTER, as well as the sponsor of the resolution, for their leadership on this issue. All have played important roles in legislation relating to Antarctica and its environmental protection.

House Concurrent Resolution 109, was also referred to the Committees on Merchant Marine and Fisheries, and Interior. The efforts of the chairmen and members of those committees in expediting consideration of this measure are greatly appreciated. In particular, I wish to commend the distinguished chairman of the Committee on Merchant Marine and Fisheries, the Honorable WALTER JONES, for his continuing leadership and cooperation on Antarctica and many other issues of mutual concern over the years.

The resolution now before the House follows upon two measures signed into law last year. Those laws, enacted last fall, call for negotiations of new international agreements to fully protect the Antarctic environment, and to indefinitely ban minerals activities in Antarctica (Public Law 101-594 (Conte), and Public Law 101-620 (Gore-Owens)).

Both laws explicitly define U.S. policy as seeking an indefinite ban on mining. The minerals convention, CRAMRA, was recognized as inadequate to protect the Antarctic environment. Indefinite means without a specified time period. As positions began to emerge at the Chile meeting of Antarctic Treaty parties last November, however, it appeared the United States and others were pursuing mining bans in the 20- to 50-year range. Further, discussions included the possibility that a minerals convention might automatically become operative at the end of such a timeframe. Such options are deemed inadequate to amply protect the Antarctic environment.

The United States official position in Chile last November, and again at Madrid, was equivocal regarding the terms of an indefinite ban, and considered insufficient to protect Antarctica. Thus a refinement of the U.S. position was considered necessary. The resolution now before us adds a new dimension to the previous laws, and urges an indefinite ban of at least 99 years, and which can only be lifted by a consensus of the Antarctic Treaty parties.

In a dramatic policy shift announced from Madrid, Japan has shifted its position to one of support for an indefinite ban on mining. Unfortunately, it now appears the Madrid meeting will be concluded with the minerals issue once again unresolved.

House Concurrent Resolution 109, also commemorates the 30th anniversary—in June—of the Antarctic Treaty, which has provided the framework to guide international activities on the Antarctic continent.

In closing, I wish to highlight the necessity of preserving the pristine Antarctic environment. That continent is a barometer for the health of our global system, and is an important site for scientific research. The hole in the ozone layer, first discovered above Antarctica in 1987, was recently determined to have doubled in size. Crucial scientific endeavors and measurements are conducted there which further our knowledge and understanding of Earth processes and ecosystems. Further, when disturbed, Antarctica's fragile terrestrial and marine ecosystems lack the resiliency to readily recover that warmer climates often have.

I believe it is imperative that we amply protect Antarctica's delicate ecological balance. Mr. Speaker, I urge the adoption of the House Concurrent Resolution 109, as amended.

Mr. OWENS of Utah. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. YATRON], the chairman of the subcommittee, who has also worked very hard on this resolution and previous Antarctic resolutions.

□ 1300

Mr. YATRON. Mr. Speaker, I strongly support House Concurrent Resolution 109, as amended. I want to commend the sponsor of the bill, my good friend, the gentleman from Utah [Mr. OWENS], for his outstanding efforts to preserve the environment of Antarctica. Let me also commend the gentleman from Florida [Mr. FASCELL], the gentleman from Nebraska [Mr. BEREUTER], and the gentleman from Michigan [Mr. BROOMFIELD] for their strong leadership on this critical issue.

House Concurrent Resolution 109 calls for a new agreement to supplement the Antarctic Treaty of 1959 providing for comprehensive environmental protection for Antarctica and banning minerals activities for 99 years.

The resolution also calls for the agreement to establish Antarctica as a world park, dedicated to wilderness protection, international cooperation, and science. House Concurrent Resolution 109 was approved by the Foreign Affairs Committee with some technical amendments.

The measure was also approved by the Committee on Interior and Insular Affairs, and by the Committee on Merchant Marine and Fisheries.

Mr. Speaker, last year, the House passed two bills, which were subsequently signed into law, calling for an indefinite prohibition on all Antarctic minerals activities. The bills established the unequivocal position of the Congress, and were timed for maximum impact for a meeting of the parties to the Antarctic Treaty to deal with environmental issues. That meeting in Chile left the minerals question, and some other important environmental concerns, unresolved.

Another environmental meeting of the Antarctic parties is currently taking place in Madrid. Passage of the resolution can play an important role in ensuring that the Madrid meeting adopts a minerals ban and other environmental protection measures for Antarctica.

Mr. Speaker, I urge all my colleagues to support this timely and important measure.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the distinguished gentleman from Michigan [Mr. BROOMFIELD] for yielding this time to me.

Mr. Speaker, this Member rises in support of House Concurrent Resolution 109, and especially comments by the distinguished gentleman from Utah [Mr. OWENS] for his initiative in offering this resolution and for his continued interest in the continent of Antarctica. I am pleased to serve as a cosponsor of this important legislation.

Mr. Speaker, the resolution speaks directly to one of the most pressing international environmental issues of our day—the preservation of the global commons. If the nations of the world cannot effectively manage the pristine regions such as Antarctica, then there is little prospect that problems such as ozone depletion and global warming can be overcome.

Scientists have only rather recently discovered that Antarctica is not the desolate wasteland that it was thought to be. Rather, it is a diverse ecosystem that is teeming with life. The waters surrounding Antarctica are host to many, many creatures, large and small. And while most attention is paid to the whales, seals, and other large creatures that frequent these waters, the Antarctic seas are also home to small microscopic plankton that are essential for the conversion of carbon dioxide into oxygen, and hence this is essential to life itself.

Yet Antarctica is beset by a host of problems. Oil tankers have run aground, fouling the shorelines. International fishing fleets are depleting the waters. Tourism, which is on the upswing, has been conducted in an indiscriminate and environmentally unsustainable manner. Waste disposal has become a major problem.

By far the most serious concern, however, is fear of the potential damage caused by mineral exploration and exploitation. Because of the pristine nature of Antarctica, mining is simply not possible without environmentally devastating consequences. The Antarctic Treaty Consultative Parties are meeting in Madrid at this moment in an effort to determine how best to protect Antarctica from indiscriminate mining activity.

House Concurrent Resolution 109 urges that the United States work at the Madrid meeting for an agreement that will close the region to commercial mining for the foreseeable future. It calls upon the United States to work to grant Antarctica special status as a world park. And it calls upon the United States to do everything in its power to protect the environment of Antarctica.

Mr. Speaker, this Member is pleased to join with the author of this legislation, to distinguished, gentleman from Utah [Mr. OWENS] in cosponsoring House Concurrent Resolution 109. As ranking member on the Foreign Affairs Subcommittee with jurisdiction over international environmental policy, the Member can assure the House that we are examining the problems facing Antarctica. This Member commends the gentleman from Utah, who is also a member of that Human Rights and International Organizations Subcommittee, for his leadership on this important environmental matter.

Finally, this Member would also note that the preservation of the Antarctic ecosystem was a special concern of our late colleague, Silvio Conte. The resolution that we consider today is to commemorative of his efforts to preserve this fragile, hauntingly beautiful land.

Mr. Speaker, this Member urges the adoption of House Concurrent Resolution 109.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Pennsylvania [Mr. WALKER] for a question.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I would like to ask a question of the gentleman from Nebraska or the gentleman from Utah [Mr. OWENS], the author of the bill, if I may.

Mr. Speaker, is the resolution we are about to vote on here going to impact upon the science missions that are under way on the Antarctica Continent in any way?

Mr. BEREUTER. I would say to the gentleman I do not believe that is the case, that it would have no impact. But I would yield at this time to the gentleman from Utah [Mr. OWENS] for a response, since he is a prime sponsor of the legislation.

Mr. OWENS of Utah. I thank the gentleman for yielding.

Mr. Speaker, the response which the gentleman from Nebraska gave is accurate. The administration has never raised that issue. I would say to the gentleman from Pennsylvania [Mr. WALKER] this is in essence international park concept, in cooperation with the National Science Foundation, which will play a large role in furthering scientific uses. We are preserving this unique resource basically for scientific reasons.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. BEREUTER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding further.

What I am specifically concerned about is the base at McMurdo Sound, whether or not the McMurdo base would in any way be impacted by this and our ability to run that base? And in particular, the Admundsen-Scott station at the South Pole itself which does require, for instance, shipments of oil and a number of other things into it in order to make it operational in a year-round way.

If we are talking about a pure wilderness area here, those are things which would not be contemplated in wilderness areas as we have defined them in domestic policy.

What I am trying to assure is that that is not what is contemplated here, that we will continue to have those scientific assets available to us because, indeed, particularly at Admundsen-Scott station some of the work being done there on ozone depletion and global warming is absolutely instrumental to us gathering the data. Some of the meteorological work we do there is absolutely fundamental because of the nature of gravitational pull.

So I would be somewhat chagrined if we are taking steps here that might move us away from being able to do those kinds of scientific projects. Do I understand from the gentleman that that is not the intent of the legislation and that in no way do they see this legislation as impacting upon those scientific efforts?

Mr. BEREUTER. Mr. Speaker, I will yield to the gentleman from Utah [Mr. OWENS] in a minute. But I would say the gentleman has expressed this Member's intent, as the ranking Member.

The specific limitation on mankind's activity relates directly toward exploration and exploitation for mineral resources at this time. There is a limit that is specifically being suggested as appropriate, and that direction is given, and encouragement is given to our negotiators in Madrid. It would not in this gentleman's opinion be the intent of the legislation to limit scientific research facilities or capabilities, including the logistics necessary to support those facilities.

Mr. Speaker, I yield to the gentleman from Utah.

Mr. OWENS of Utah. The answer that the gentleman from Nebraska [Mr. BEREUTER] gave is more than adequate. I know the gentleman from Pennsylvania's interest in science and technology matters, a very distinguished longtime member of the Committee on Science, Space, and Technology. These questions are very appropriate. I appreciate the chance to respond to them.

One of the preferatory phrases to the legislation we are considering today is as stating a purpose; the purpose of the agreement would be to grant Antarctica special protective status as a world park dedicated to wilderness protection, international cooperation and scientific research. Of course, it is understood that humans cannot live without oil and heat in that beautiful but barren wasteland. And such support as is required, obviously, to maintain the scientific presence is not only tolerated, it is welcomed so that the goals may be achieved.

□ 1310

The military, as the gentleman may know, also plays a supportive role over there, but the clear purpose of the preservation of the Antarctic is to permit that scientific function, which is so important to baseline studies that are going on in the world, to go forward.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding, and I want to thank the two gentlemen for their help.

I think this is very helpful, and if I understand them correctly, the language which I have before me in the bill indicates scientific research puts that on an equal par with the wilderness language, and so that, therefore, assures us that scientific research can move forward without any interruption.

Mr. BEREUTER. Mr. Speaker, that is correct, and I thank the gentleman for raising the question to eliminate any doubt.

What the gentleman is actually referring to is section 2(b), which lists scientific research as one of the activities to be conducted in this special protective status which would be given to Antarctica under the Madrid Treaty which we are encouraging.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. DE LUGO. Mr. Speaker, I yield back the balance of my time.

Mr. OWENS of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to commend my close friend, the gentleman from Nebraska [Mr. BEREUTER], who is the ranking member of the subcommittee, as well as the chairman of our subcommittee, the gentleman from Pennsylvania [Mr. YATRON]. They have been totally supportive and not only that, innovative and helpful in moving this forward. It is a very important resolution, and I am grateful that it has come to this place with, it appears, total, unanimous support by the House. It is very timely that we pass it today because, in essence, the conference in Madrid is concluding today, as I said earlier, and is passing a resolution itself which is consistent and, I think, furthered by this resolution that we are passing today.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of House Concurrent Resolution 109. House Concurrent Resolution 109 commemorates the 30th anniversary of the ratification and entry into force of the Antarctic Treaty and encourages the United States to support an international agreement closing Antarctica to commercial minerals development for at least 99 years. House Concurrent Resolution 109 was introduced on March 22, 1991, by Representative WAYNE OWENS of Utah and referred jointly to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and Interior and Insular Affairs.

The Committee on Merchant Marine and Fisheries agreed to be discharged from further consideration of this resolution so that it could be brought to the floor for timely consideration and House passage prior to the close of the 11th Special Consultative Meeting of Antarctic Treaty parties, now being held in Madrid, Spain. The Merchant Marine and Fisheries Committee is represented on the U.S. delegation for this meeting.

One of the critical issues before the Antarctic Treaty parties in Madrid is the question of commercial mining in Antarctica. The Owens resolution expresses the sense of the Congress that Antarctica should be closed to mining for an indefinite period, of at least 99 years duration. At the end of this moratorium, mining can only take place if there is a consensus of treaty parties who want to lift the moratorium.

I support the policies expressed in the Owens resolution. They are a further elaboration of the same protective policies that the Congress adopted and were passed into law in the 101st Congress. In the 101st Congress, we passed legislation to prohibit U.S. citizens from conducting any mineral resource activities in Antarctica until an international agreement containing an indefinite ban on mining entered in force for the United States. This law (Public Law 101–594) was sponsored by our sorely missed colleague, Representative Silvio Conte, a leader in the area of Antarctic environmental protection. President Bush signed the Conte bill into law last November, in effect agreeing that Antarctica should be placed off limits indefinitely to mineral resource activities.

In light of this recent history, I do not understand why the administration continues to support a time-limited moratorium of only 20 to 40 years and why Congress therefore has to reiterate its position on Antarctic mining. Regardless of the administration's confusion, Congress' message is the same as it was in the last Congress—Antarctica should be dedicated to wilderness protection, international cooperation, and scientific research, and not be opened to mining. If the United States would adopt this position at the Madrid meeting, there is every reason to believe that other treaty parties would go along. It is unfortunate that Australia, France, and New Zealand are the principal environmental leaders on this issue, and the United States is dragging its feet.

According to a 1989 report from the Office of Technology Assessment, there are no known commercial deposits of oil, gas, or other minerals in Antractica. Further, OTA found that the technology does not exist to recover minerals safely from this harsh continent. Should an oilspill occur, there is no way to clean up the oil from the ice and avoid harm to the many and unusual species of marine mammals and birds which call Antarctica home. It makes sense to protect Antarctica from the risks of commercial development as long as these conditions exist and mankind has no critical need for mineral resources from the continent. Antarctica is too important a platform for global scientific research to despoil with mining and production facilities.

Once the impasse over mining is resolved, the treaty parties can turn their attention to other more important environmental issues, including waste management, marine pollution, environmental impact assessment procedures, and conservation of Antarctica fauna and flora. These are some of the remaining issues to be considered in Madrid in the negotiation of a new environmental protocol to the Antarctic Treaty. I urge the State Department to negotiate in Madrid with an open mind on these issues, prepared to resolve the remaining differences, with a view toward the best environmental protection possible for the continent.

As a model for the environmental protocol, on April 18 I introduced two Antarctic environmental protection bills, H.R. 1920 and H.R. 1921. These bills address waste disposal practices of U.S. citizens and facilities in Antarctica, and provide new measures to prevent oilspills from U.S. vessels and facilities in Antarctica. These bills will serve as the basis for U.S. implementing legislation when the protocol is negotiated and, if need be, can be passed separately to establish the highest environmental standards for the U.S. Antarctic program.

I thank Mr. OWENS and Chairman FASCELL for their efforts in behalf of Antarctica, and urge my colleagues to support House Concurrent Resolution 109.

Mr. OWENS of Utah. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Utah [Mr. OWENS], that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 109), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution commemorating the thirtieth anniversary of the ratification and entry into force of the Antarctic Treaty on June 23, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals development and related activities for at least 99 years at the current meeting of the parties to the Antarctic Treaty in Madrid, Spain."

A motion to reconsider was laid on the table.

EMERGENCY SUPPLEMENTAL PERSIAN GULF REFUGEE ASSISTANCE ACT OF 1991

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2122) to authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict.

The Clerk read as follows:

H.R. 2122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Supplemental Persian Gulf Refugee Assistance Act of 1991".

SEC. 2. EMERGENCY ASSISTANCE FOR REFUGEES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated as supplemental appropriations for fiscal year 1991 for emergency humanitarian assistance for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict, and to reimburse appropriations accounts from which such assistance was provided before the date of the enactment of this Act—

(1) up to $150,000,000 for "International Disaster Assistance" under chapter 9 of part I of the Foreign Assistance Act of 1961; and

(2) up to $200,000,000 for "Migration and Refugee Assistance" for the Department of State.

(b) EMERGENCY MIGRATION AND REFUGEE ASSISTANCE.—For purposes of section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, the limitation on appropriations for the "United States Emergency Refugee and Migration Assistance Fund" for fiscal year 1991 shall be deemed to be $75,000,000.

(c) CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated as supplemental appropriations for fiscal year 1991 for peacekeeping activities in the Persian Gulf region and to reimburse accounts for which such activities have been funded before the date of enactment of this Act up to $50,000,000 for "Contributions to International Peacekeeping Activities" for the Department of State.

(d) OTHER AUTHORITIES.—

(1) INTERNATIONAL DISASTER ASSISTANCE.—Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

(2) SPECIAL AUTHORITY.—The value of any defense articles, defense services, and military education and training authorized to be drawndown by the President on April 19, 1991, under the authority of section 506(a)(2)(B) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

(3) AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954 (PUBLIC LAW 480).—Notwithstanding subsections (b) and (c) of section 412 of the Agricultural Trade Development and Assistance Act of 1954 or any other provision of law, funds made available for any title of such Act by the Rural Development, Agriculture, and related Agencies Appropriations Act, 1991, may be used for purposes of title II of the Agricultural Trade Development and Assistance Act of 1954.

(d) WAIVER OF COUNTRY SPECIFIC RESTRICTIONS.—Assistance may be provided under this section notwithstanding any provision of law which restricts assistance to particular countries.

(e) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under this section are authorized to remain available until expended.

(f) SOURCES OF FUNDS.—Notwithstanding any other provision of law, amounts authorized to be appropriated under this section are authorized to be appropriated from the Defense Cooperation Account of the United States Treasury, the Persian Gulf Regional Defense Fund of the United States Treasury, or the General Rule of the Treasury.

(g) DESIGNATION AS EMERGENCY FOR BUDGETARY PURPOSES.—Funds authorized to be appropriated under this section may be designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. BERMAN] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, from April 18 to 22, I traveled with a congressional delegation, ably led by the gentleman from New York [Mr. MCHUGH] to assess the predicament and needs of Iraqi refugees and displaced persons in Turkey and in northern Iraq.

What we were able to see was only a small part of the appalling tragedy which, by all accounts, has befallen the people of Iraq.

What we quickly came to understand was both what an outstanding job the international community, led by the United States, has done to respond to the needs of the people in this area, and how great a need remains yet to be addressed.

The magnitude of the suffering and humanitarian needs which we witnessed at first hand was such that it is hard to believe that it represents only one part of a much larger humanitarian emergency.

In addition to visiting, and witnessing the plight of, these refugees and displaced persons, we also reviewed the operations and sites of the United States relief effort in the area, spoke with our military personnel involved in these operations, and met with officials including the President and other officials of Turkey, the United States Ambassador to Turkey, United States military commanders, and U.N. officials, including Prince Sadruddin Aga Khan, coordinator of the relief effort.

What we saw and discussed on the border of Iraq and Turkey is, as I said, only one part of the total tragedy. Both further within Iraq, on Iraq's southern borders, and in Iran and Saudi Arabia, are found large populations of persons displaced from their homes, suffering from hunger and medical needs, and usually in fear of their safety. Indeed, in Iran the scale of the problem is even greater than that on the Turkish border of Iraq.

H.R. 2122 would authorize the resources necessary for the United States to adequately fulfill its responsibility in this situation.

This bill would authorize appropriations of $200 million for migration and refugee assistance to the Department of State; $150 million for international disaster assistance under the Foreign Assistance Act; and $50 million for contributions to international peacekeeping activities.

This bill would also—

Allow use of the funds appropriated under it for reimbursement of accounts from which such assistance has already been provided;

Authorize the temporary lifting of the cap on the emergency migration and refugee assistance account from $50 million to $75 million; and

Allow provision of assistance only for these purposes to countries to which assistance is ordinarily prohibited. This would allow assistance for the purposes of humanitarian relief to Iran, which is host to the majority of Iraqi refugees.

This mix of authorities will allow the United States, through international organizations, private voluntary agencies, and otherwise, to address the variety of needs which exists. Only part of the suffering Iraqi population is outside its country of nationality, and therefore entitled to assistance provided by refugee agencies. The resources authorized for migration and refugee assistance will allow that population's needs to be met.

A population with equally compelling needs is that of persons still within Iraq. The resources authorized for international disaster assistance will partially address their needs.

It was also quite clear during our recent trip that one of the most compelling needs of refugees and displaced persons is for basic security. It is also clear that, for better or worse, the United States will not indefinitely assume a role in keeping the peace, with or without allies, unless there is a transition to a United Nations or other multilateral presence. It is for this reason that our bill includes the resources for U.S. contributions, through the Department of State, to international peacekeeping activities.

We are aware that this is an extraordinary initiative, and that it represents an extraordinary amount of resources for a single region. We believe that it is justified, in part by the special role that the United States has assumed in the region, and in part by the extraordinary human needs that must be addressed. It is quite clear from what we saw, and from what we know from public sources of what we were unable to see at firsthand, that the need is indeed compelling.

The committee is aware of other needs elsewhere in the world, and it is certainly not our intention to either allow those needs to be ignored as a matter of policy, or to deprive them of resources. The people of Liberia, Sudan, and Somalia appear to be suffering equally grave humanitarian tragedies, and United States policy will undoubtedly continue to seek resources to meet their needs.

It is to ensure that the present initiative does not detract from our ability to respond elsewhere that H.R. 2122 includes certain elements not directly related to needs of Iraqis.

Section 2(a) of our bill would allow use of the funds authorized to be appropriated under it to reimburse migration and refugee and international disaster assistance money that has already been used for gulf-related needs. This would ensure that the capacity of these accounts to address needs elsewhere would be restored.

Section 2(b) of our bill would temporarily lift the ceiling on funds which may be held in the emergency migration and refugee fund [ERMA] at any one time from $50 million to $75 million. Our bill would also leave ERMA free to respond to other needs by providing sufficient authorizations to meet Iraqi needs through the migration and refugee assistance and international disaster assistance accounts. Although ERMA is a permanently authorized fund, and we do not authorize appropriations for it, we trust that the Appropriations Committee will approve a level up to the new ceiling for that account.

The administration's request for supplemental appropriations, dated April 25, is for a total amount of $150 million. Our bill's authorized level of $400 million is designed to provide room for that and any further appropriations which may be requested for these purposes for fiscal year 1991. In the event that the level we authorize is not necessary, I am sure that we will all be delighted, not only at the fiscal implications of that, but also at the improvement in the humanitarian situation which that would suggest.

Finally, I would like to express appreciation to those colleagues with whom I was privileged to travel to the region, our delegation leader, Mr. McHUGH, Mrs. ROUKEMA, Mr. HALL of Ohio, and Mr. SMITH of New Jersey. Their observations and insights contributed immeasurably to my understanding of the situation.

I am happy to note that the administration supports this legislation.

Mr. BERMAN. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], who set the hearing and movement on this legislation as soon as we came back from our trip.

Mr. FASCELL. Mr. Speaker, I thank the subcommittee chairman for yielding me some time.

Mr. Speaker, I want to take a moment to simply express my appreciation to the delegation that went to view firsthand this very difficult situation.

Mr. Speaker, I rise in strong support of H.R. 2122, a bill authorizing emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict.

Mr. Speaker, this legislation, represents an effort by the Committee on Foreign Affairs to provide a quick response to assist refugees in the Persian Gulf, and to provide the administration with the flexibility to continue to respond throughout the remainder of this fiscal year as this crisis continues to unfold.

This bill was drafted after an in-depth hearing where testimony was heard from the executive branch, nongovernment relief organizations active in the region, and Members of Congress who traveled to the region to witness the human devastation. The assessment of the Speaker's delegation, including that of the distinguished sponsor of this bill, the gentleman from California, is that generous relief is needed on an urgent basis.

Nongovernment organizations have estimated that this crisis will cost the international community upward of $1 billion before the dying will stop. Given such assessments, I believe that this bill is a realistic measure to authorize U.S. funding for the remainder of the fiscal year.

H.R. 2122 provides up to $400 million in urgent authorities for: migration and refugee assistance, disaster assistance, and international peacekeeping authorities. It also temporarily raises the ceiling on the emergency refugee and migration acccount so that this account may be reimbursed for the drawdowns already made on behalf of the Persian Gulf refugees. A replenishment of this account would enable the Department of State to continue to respond to the situation in the Persian Gulf as well as fund other dire refugee situations in other parts of the world. The authorities in this bill will enable the United States to respond with direct aid, or by contributing to the numerous appeals from international organizations, already in excess of $700 million.

The administration has made it clear that is expects to turn the duties of administering refugee camps and protecting refugee populations over to the United Nations. To assist in that process, this bill includes $50 million in new authority for international peacekeeping activities. Finally, this bill provides that the defense cooperation account and the Persian Gulf regional defense fund may be sources of funding for these humanitarian assistance measures.

I urge my colleagues to support this legislation.

□ 1320

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, each day, the bitter legacy of Saddam Hussein's atrocities against his fellow man is evidenced by the suffering of thousands of Iraqi refugees who are mired in squalid refugee camps. This legislation seeks to alleviate that suffering.

This bill has the support of the administration. It has three important features. First, it authorizes the appropriation of $400 million in additional funds for international disaster assistance, migration and refugee assistance, and peacekeeping activities in the Persian Gulf region.

These funds may be appropriated, at the discretion of the executive branch, from three different sources: The defense cooperation account, which was established as the repository of foreign contributions to the Persian Gulf war effort; the Persian Gulf regional defense fund, for which $15 billion was appropriated in early April; and the general fund of the Treasury. Any appropriations from the sources may be designated as emergency expenditures and are therefore budget-neutral.

Second, the bill raises the statutory ceilings on the amounts of international disaster assistance, emergency migration and refugee assistance, and military supplies and services that can be made available in fiscal year 1991.

Third, the bill provides authority to increase the amount of funds available to provide food aid to the refugees.

Mr. Speaker, this legislation could not be more timely. I call on Members to support its swift passage.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for H.R. 2122, a bill authorizing emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict.

I commend the gentleman from California [Mr. BERMAN], the distinguished chairman of our Foreign Affairs Committee the gentleman from Florida [Mr. FASCELL], the distinguished ranking Republican member the gentleman from Michigan [Mr. BROOMFIELD], and the chairman of our Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON] for their outstanding, expeditious work on this critically needed and important measure.

Mr. Speaker, this measure comes at a time when, over 1 million Kurdish refugees are seeking safe haven from the barbarity of Saddam Hussein's forces in Iraq. Many of the encampments created by our allied forces are lacking in even the most rudimentary sanitary provisions: no latrines, no camp registration, and no proper medical personnel or supplies to care for the wounded.

This measure will provide up to $150 million for international disaster assistance and up to $200 million for migration and refugee assistance. In addition, a number of other provisions have been made for additional funding from a variety of other sources.

It is also necessary for us to remember that there are 12,000 Assyrian Christians, as well as other minorities such as Chaldeans and Turkomans, who also continue to suffer from Saddam Hussein's brutal and vicious tactics. It is my sincere hope that this measure will be a step toward ameliorating the living conditions of all of these refugees.

According, Mr. Speaker, I urge the causes to full support this measure.

Mr. BERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. MAZZOLI], the chairman of the Subcommittee on Immigration, Refugees, and International Law.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from California for yielding me this time. Let me salute the gentleman, as others have, on his outstanding work, both as a member of the Committee on the Judiciary, and also as a leading member of the House Committee on Foreign Affairs, for his work today.

Mr. Speaker, I also commend the gentleman from Michigan [Mr. BROOMFIELD], and the gentleman from California [Mr. LAGOMARSINO], and others.

Mr. Speaker, this bill before us is a very important piece of legislation. I salute the committees for having moved it very quickly.

As the gentleman from California [Mr. BERMAN] has said, this bill provides over $400 million in immediate assistance to the refugees who are living in these terrible conditions in Iraq and other parts of the Middle East. It provides assistance through the United Nations. It provides assistance through other multinational disaster relief agencies. It helps provide money for the peacekeeping effort, and it certainly does a very commendable job of trying to assist in place, trying to relieve the current plight of these people.

Mr. Speaker, as the gentleman from California [Mr. BERMAN] and I both know, the issue goes beyond immediate assistance to the refugees. We hope, and it does appear to be somewhat possible, that most of these people can be repatriated, go back to their home villages, where they would be protected from any retribution, and where they could resume the threads of their life that have been exploded by this gulf war.

But there may be some who cannot be repatriated. As a result, we are sending over pursuant to my request a team from the General Accounting Office to take a look at the refugee matter, not just from the perspective of immediate assistance, but also from the long-term perspective of the people in that group who cannot be repatriated because of some special problems they might have and the people in that group we may have a special relationship to by reason of their actions on behalf of the United States.

As a result of that team effort, the GAO will report back to us, and we in turn will report to Members here in the House on just what responsibilities the United States might have under the 1980 Refugee Act.

We know, unfortunately, that the 1980 act has not been extended or reauthorized for several years. It has been continued via the appropriations process. I am hopeful that this year we might be able to reauthorize the Refugee Act.

Mr. Speaker, in any event, this bill before us is important, because it addresses the plight of the refugees today. It helps relieve their misery and put them into more habitable settings. But in the long run, there will be other responsibilities we will have to address. I am looking forward to working with the gentleman from California [Mr. BERMAN], and others, in fulfilling those other additional responsibilities.

Mr. Speaker, I support the bill, and I hope that it has immediate and unanimous support.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of this bill which I have also cosponsored authorizing emergency humanitarian assistance for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict. Clearly, from the testimony the Foreign Affairs Committee has heard, especially from the congressional delegation, and from the very moving pictures on television and in the newspapers, it is clear beyond a doubt that these innocent refugees—Saddam Hussein's latest victims—need help and need it right now.

I am encouraged that the Bush administration has already answered the calls for help from Iraqi Kurds, Shiites and others by providing both humanitarian assistance and creating special safe-haven enclaves where these refugees are protected from Saddam Hussein's terror squads. And, as I personally witnessed during my recent trip to Kuwait, Saddam Hussein's brutality is real and deadly. Today's legislation allows for additional assistance to be provided, including funds for much needed peacekeeping activities.

While I support this measure and urge its immediate adoption, I do hope that it can be followed up with another bill including needed policy language. I recognize that to pass this critical authorization bill as expeditiously as possible and with as little controversy as possible, policy language we discussed in the committee had to be deleted. For example, I had an amendment that would have required Iraqi war reparations be used to help pay for this assistance to Kurdish and other refugees. As citizens of Iraq, they should benefit from their Government's expenditures, particularly since, to date, they have only suffered at the hands of Saddam Hussein's regime. Iraq's resources should be used to help its citizens, not harm them. As I said, I hope we can positively address this and other important policy issues in the very near future.

Nevertheless, I strongly support this bill today and commend my colleagues, DANTE FASCELL, HOWARD BERMAN, MATT MCHUGH, BILL BROOMFIELD, OLYMPIA SNOWE, BEN GILMAN, MARGE ROUKEMA, and CHRIS SMITH for taking the lead and bringing this measure to the floor.

□ 1330

Mr. BERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MCHUGH] who, in addition to being a member of the Subcommittee on Foreign Operations that will soon be considering appropriations under this legislation, also led the delegation to visit these refugee camps.

Mr. MCHUGH. Mr. Speaker, I want to thank the gentleman from California not only for yielding time to me but for his leadership on this legislation. He and I, as well as Representatives MARGE ROUKEMA, TONY HALL, and CHRIS SMITH, had the opportunity of the request of the Speaker within the last 10 days to visit the Iraqi-Turkish border areas and see the human tragedy that has been unfolding there.

We have all observed on television these compelling pictures of families, from very young babies to grandparents, suffering under horrendous conditions. To visit these locations personally one can fully appreciate the individual suffering, and also the remote and rugged locations in which these people are struggling to survive. It is truly a moving experience, and it is important for us to respond to this human crisis as quickly and as fulsomely as we can. In this conclusion, I want to commend the Committee on Foreign Affairs for moving so promptly on a bipartisan basis, and I urge my colleagues to support this legislation.

The delegation which I had the privilege to lead at the Speaker's request reached a number of conclusions, one of which was that President Bush made the right decision in authorizing American military forces to undertake this humanitarian effort. Not only are there an enormous number of refugees who seem to have been dropped on these rugged mountains, which are comparable to the Alps, but they gathered in a matter of days, overwhelming the capacity of neighboring governments and humanitarian relief agencies to respond. Only the U.S. military, with the help of some of our coalition partners, could have delivered the urgent humanitarian relief which is necessary, and even then doctors who have gone into these areas project that people are still dying on an average of between 400 and 1,000 a day.

It is critically important not only to provide this relief, but to get these people off the mountains into the temporary camps in low-lying areas. We have been assuming the primary responsibility for doing that. It costs money. About a week ago when our delegation returned from that region, our Government had already spent about $133 million in this effort. We need to restore that money. There are other problems in the world to which we and the international community must attend.

Therefore, this legislation is important as an initial, critical response to restore what we have already incurred by way of expense in this humanitarian effort.

Our delegation also concluded that this humanitarian effort should be undertaken as soon as possible by the international community, primarily by the United Nations and other international relief organizations. Our military is not a humanitarian relief organization, but if we expect these traditional relief agencies to take over this effort, it is important that they get the kind of financial support that is necessary, not just from the United States but from other countries. This bill will make that kind of contribution possible.

For all of these reasons, Mr. Speaker, I want to commend the committee for its fine work. My hope is that the Appropriations Committee on which I served will respond quickly as well, as I think we will. I urge my colleagues to support this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA] who was a part of the congressional delegation who went along with the gentleman from New York [Mr. McHUGH] to northern Iraq to visit the Kurdish refugees.

Mrs. ROUKEMA. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, this morning as I picked up my New York Times, I noticed on the front page a picture of a small Kurdish girl. The child was riding on what appeared to be a United States military vehicle as it carried her to the newly established "safe havens" in the Iraqi city of Zakho. The joy in her face and those riding with her was heartwarming. It was also in stark contrast to the horrors of the mountain refugee camps that we visited last weekend as members of the House leadership delegation, led by Representative MATT McHUGH.

The name Operation Provide Comfort is a misnomer. The United States is not there to provide comfort but rather to establish a life support system for the hundreds of thousands of Kurdish refugees who fled the brutal oppression of Saddam Hussein. This is just the latest episode in a long history of nationalistic and ethnic hatred of the Kurdish people. As we viewed it last week, conditions were deteriorating rapidly and, if left unattended, would have accelerated and grown exponentially with massive starvation, disease, and death. Absent the swift actions of President Bush in providing assistance, the situation had the potential for a genocidal catastrophe.

Phase 1 of our relief effort is the immediate delivery of emergency supplies in an effort to stave off disease and death. Phase 2 is the relocation of the refugees to these safe haven camps established by the U.S. military. As these efforts get underway, I want to address two areas lacking attention as I witnessed during my visit.

Although foodstuffs in general are lacking, particularly distressing is the fact that there is no distribution of prepared infant formula. Mothers are no longer lactating and the babies cannot digest the jarred baby food that has been provided to the camps. In the Kurdish culture it is not uncommon to find a mother who breast feeds her children up to 2 years old. Therefore, we must provide prepared infant formula. Toward that end, I have personally spoken with Dr. Ronald Roskens, the Administrator of the Agency for International Development, to stress the importance of this.

Dr. Roskins also assured me that basic staples will be on the way. Namely, wheat, rice, and other high protein foods available under the Public Law 480, Food for Peace Program.

It also pains me to report that medical care is grossly inadequate. We must provide the resources to bring in medical experts immediately. While medical supplies are in seriously short supply, some vaccines and antibiotics have made it to the mountain regions. However, these camps need the medical personnel to deliver care.

Finally, Mr. Speaker, I cannot emphasize enough that the U.S. military should not be in the long-term business of operating refugee camps. Make no mistake, our service people are to be commended for their swift and professional efforts. However, it is the United Nations that is the appropriate organization to run these camps and provide protection for the Kurdish people. The United States should be out of Iraq as soon as possible.

Mr. Speaker, I support this emergency relief package under consideration today and I urge my colleagues to vote in favor of it.

□ 1340

Mr. BERMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I rise in support of H.R. 2122. I commend the gentleman from California [Mr. BERMAN], for introducing this important piece of legislation to authorize emergency assistance for the Iraqi refugees. I also want to thank the Foreign Affairs Committee for reporting this supplemental authorization which will be an important step in helping to alleviate the suffering I and four of my colleagues witnessed on our recent trip to the refugee camps at the Turkish border.

This legislation authorizing supplemental funds for the Iraqi refugees will be a valuable contribution to the excellent relief efforts currently being undertaken by the United States military. As we saw during our trip, it is vital to continue the relief operations now underway to move the refugees from the mountaintops, to more accessible areas where they can receive the necessary food and medical assistance.

This supplemental is particularly important, not only because of the Kurdish refugee crisis, but because of all the other pressing refugee problems around the world which are all competing for our scarce resources. Right now in the Sudan, around 10 million people are now at risk of starvation. People are already dying there, and large numbers of deaths can be expected soon. Therefore, it is critical that we provide these additional funds for the Iraqi refugees and not deplete the emergency resources for Africa.

I would also like to underline the importance of the waiver of country specific restrictions in the bill. This is vital regarding assistance to Iran, which is now facing a larger influx of Iraqi refugees than Turkey. There are reports of over 1 million refugees inside Iran, with another 500,000 to 800,000 along the border.

I urge my colleagues to support this resolution and support the Iraqi refugees.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. Smith], who also accompanied the gentleman from New York [Mr. McHUGH] on the recent trip to northern Iraq.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of the Emergency Supplemental Persian Gulf Refugee Assistance Act of 1991 which will authorize $400 million in aid to the refugees including the Kurdish population displaced by Saddam Hussein and his government. The administration, as well, is in strong support of this measure.

At the Speaker's behest, I had the privilege of joining my colleagues, the gentleman from New York [Mr. McHUGH], the gentleman from Ohio

[Mr. HALL], the gentleman from California [Mr. BERMAN], and the gentlewoman from New Jersey [Mrs. ROUKEMA], on a 5-day factfinding mission to assess the Iraqi refugee crisis and efforts underway to help the Kurdish people. Upon our return, in testimony before the Committee on Foreign Affairs and in meetings with Deputy Secretary of State Lawrence Eagleburger, we urged the Congress and the administration to proceed quickly on the request for additional humanitarian aid and to do so without diminishing the important work in our commitment to work with such refugee assistance in Africa and other parts of the world, and move quickly they have, as evidenced by this bill.

Mr. Speaker, the explosion of displaced persons inside Iraq and the hundreds of thousands of refugees fleeing into Turkey and Iran is unprecedented in modern history. Within a span of 2 or 3 days in early April, hundreds of thousands of Iraqis fled their homes in a desperate attempt to escape the brutality of Saddam Hussein. I will point out that none of the experts in the international relief community anticipated the magnitude nor the rapidity of the exodus. All were caught off guard.

Mr. Speaker, it became very clear to me during the visit that two events were instrumental in beginning to alleviate the suffering of Iraqi refugees. The first was Secretary of State Baker's trip to the area of April 7 and 8 which galvanized the administration and the world into according higher priority to the refugee situation, and the second was President Bush's decision to fly United States military forces to Turkey to take charge of the relief operations. These operations, as we saw firsthand, have proven to be absolutely essential in preventing a tragedy of even greater catastrophic proportions.

Mr. Speaker, thousands would have died but for the U.S. military's rapid response to the crisis. Mr. Speaker, the allied provision of security for the refugees in the north of Iraq and the withdrawal of Iraqi troops has clearly eased fears, and the refugees are beginning to return to their homes. Without the confidence of our security, however, and the need of that security, the refugees will understandably not be willing to endanger their families and venture back to their villages and their homes.

Mr. Speaker, the crisis in the refugee camps that we visited in Cukurca cannot be overstated. At the refugee camp there and elsewhere, disease has been rampant, a circumstance that is especially chilling in light of the fact that over 50 percent of the refugee population is comprised of children under the age of 12.

Officials of the U.N. High Commissioner for Refugees reported in their handouts to us in Geneva that there are 7 to 10 deaths each day for every 10,000 refugees. Thankfully the number has been mitigated.

Many victims, I would point out, are children, and babies are especially vulnerable.

Mr. Speaker, the troops that are engaged in the intensive and heroic mission to stabilize the refugee population ought to be congratulated by this body for their outstanding efforts.

The initial results are no less spectacular than those achieved in Operation Desert Storm.

Mr. Speaker, as the immediate efforts to stop the dying and suffering continue, the United States must be committed and is committed to its priority of relocating the refugees from their often inaccessible mountain campsites to the lower terrain where they can be adequately cared for and shielded from the elements. Providing the needed protection to encourage families to continue their return is undoubtedly one of the greatest challenges of all. The refugees look to the United States and they look to our allied partners to be their guarantors against renewed savagery by Saddam Hussein.

Mr. Speaker, the provision of refugee assistance contained in this bill is absolutely necessary, and I hope we get a unanimous vote in favor of it.

Finally, I would like to thank the gentleman from California [Mr. BERMAN] for his responsiveness in helping to bring this legislation to the floor. It was a real honor and a privilege to travel with the other four members of this delegation led by the gentleman from New York [Mr. MCHUGH] and the gentleman from Ohio [Mr. HALL] and the gentlewoman from New Jersey [Mrs. ROUKEMA] and, of course, the gentleman from California [Mr. BERMAN]. I think we worked in an extraordinarily bipartisan way.

We were there to assess the situation, to try to glean as quickly as we could during the visit what was truly going on and how we might be a part of the effort to make it better.

Also, I want to commend our excellent staff who were on board who provided us with a tremendous amount of assistance including our own staffer, David Laufman, who was a very valuable addition to the delegation.

I would also like to thank the gentleman from Illinois [Mr. MICHEL] and the gentleman from Michigan [Mr. BROOMFIELD] for recommending the gentlewoman from New Jersey [Mrs. ROUKEMA] and I make this trip as a part of the Speaker's delegation.

Mr. Speaker, I urge passage.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield 3½ minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I strongly support the emergency aid to Iraqi refugees. I wish to strongly commend the gentleman from Florida [Mr. FASCELL], chairman of the full committee, the gentleman from California [Mr. BERMAN], and the gentlewoman from New Jersey [Mrs. ROUKEMA] on the minority side for their splendid and enthusiastic support.

Mr. Speaker, words and deeds have consequences. When our President exhorts the Iraqis to rise up and throw out their depraved leader and when our country, in a correct decision, unleashes a hail of bombs on that beleaguered country, those words and deeds have consequences. They are reasonably predictable consequences. For us at the end of the 100-hour war to want to turn our backs and walk away from the scene and get the troops home before we have adequately evaluated the postwar challenge in that area does not show America in its best light.

There was a vacuum there, and thank the Lord the Committee on Foreign Affairs, the gentleman from California [Mr. BERMAN], and the gentleman from Florida [Mr. FASCELL] and the distinguished minority supporters met that vacuum and came in with a fine program for emergency aid to Iraq.

But there is yet much more to be done. Mr. Speaker, I have talked to the gentleman from California [Mr. BERMAN], and I know how deeply he feels about the essential need for an arms-denial program for the Middle East, to create some of the conditions for peace there and prevent vast imports into the area of weapons of mass destruction to be used all too frequently by despots, by authoritarians, and states that do not have the remotest semblance of democracy.

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The second challenge that I hope and I am confident that the Committee on Foreign Affairs will take up is the challenge of putting together a regional development program to bring science and technology and aid to the countries of the Middle East that do not have the wherewithal to develop their resources now.

I hope that our Nation will encourage the countries of the Persian Gulf, especially Saudi Arabia and Kuwait, to reach into their pockets, and give of their resources to help achieve a greater degree of well-being and improved standard of living, improved joint cooperation in the area. That could be the precursor to peace between the Arabs and the Israelis.

Right now, we seek to alleviate immense human suffering.

Our reaction to the plight of the Iraqi refugees, the Kurds and the Shias has been sadly deficient.

We must reclaim the moral highground, answer our obligations, and provide protection and aid to these brave peoples, and we must answer our critics who say this war was fought only for oil. The Kurds and the Shias answer to President Bush's exhortations for the overthrow of Saddam Hussein, brought down the wrath of Saddam Hussein's murderous army on top of them. To escape massacre, the Kurds fled on a death march through the frozen, muddied mountain passes.

We must not, can not, and will not turn our backs on the desperate state of these refugees. Passage of this aid package is but a drop in the bucket, but a much-needed drop.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume to add that the gentleman from New York has raised some very important broader geopolitical questions surrounding this issue, and there are important questions. The use of our military for humanitarian purposes, the philosophical underpinnings of our refugee policy, and the extent to which that has worked in the past, the very important question of whether or not our goals here can be met with Saddam still in power, but we cannot let any of those broader questions stop the United States or cause the United States to get caught up in a failure to act about what we know to be the desperate need that exists now.

This bill provides the framework for this Congress helping the administration to meet that need. I think it is very important that we do so.

Mr. PENNY. Mr. Speaker, I rise in strong support of this legislation authorizing emergency aid for Iraqi refugees.

The refugee situations on both the northern and southern borders of Iraq are unprecedented. The number of Kurds fleeing into such dangerous terrain and unfavorable weather conditions illustrates the political reasons for refugee situations and the fear these people have of Saddam Hussein.

We responded to the invasion of Kuwait and now we must respond to the human injustice the Kurds are trying to escape. Our efforts, although too late for some Kurdish refugees, many of them children, must continue at all urgency to help the thousands of other Kurdish refugees still caught in the refugee crisis. As world leaders we have the responsibility to protect the human rights of these people. The need for shelter, food, medical supplies, water, adequate clothing, and manpower with the necessary skills to help the refugees cannot be underestimated.

As we all are aware, refugee camps are being established in the northern areas of Iraq. We must not abandon these people once the camps are established. They have many obstacles before them as they seek to resettle permanently. Safety and security must be ensured for these people for we have seen the destruction the Iraqi leaders can bestow on innocent people. We hope the United Nations and the international community will accept their responsibilities to help the refugees with basic life support, resettlement assistance, and security.

As a member of the House Select Committee on Hunger, I caution us not to let our actions here today on behalf of the Iraqi refugees minimize the need to act on other critical refugee situations throughout the world, especially in the Horn of Africa. Chairman TONY HALL has worked tirelessly on behalf of the world's refugees and recently traveled to the Iraq-Turkey border to observe the refugee situation firsthand. Representative DORGAN has also taken a keen interest in the refugee situation in east Africa. I applaud their efforts.

Again, I commend the Foreign Affairs Committee for bringing this situation to our attention and expediting the passage of this critical legislation.

Mr. WEISS. Mr. Speaker, I rise in strong support of this legislation to provide desperately needed emergency assistance to the refugees fleeing Saddam Hussein's brutality in Iraq.

Approximately 850,000 Kurdish refugees are now stranded on the Iraq/Turkey border, and more than 1.5 million Kurds have fled to areas along the border with Iran.

In addition to these Kurdish refugees, there are also 100,000 Iraqi Shiites who have fled southern Iraq—mostly into Iran and the allied-controlled zones where they are being fed and sheltered by United States forces.

Mr. Speaker, we have all seen the news reports about the desperate conditions under which these refugees are now living. Their situation is dire—they face malnutrition, disease, and completely inadequate living conditions. Some reports indicate that thousands may be dying each day. This human tragedy demands a response from the international community and from the United States.

This legislation—of which I am proud to be an original cosponsor—authorizes over $400 million in emergency assistance to Iraqi refugees in and around Iraq. Most of this assistance is in the form of aid to United Nations relief agencies or for other international disaster relief activities. The bill also permits the transfer of additional food assistance from the Food for Peace Program to the refugee zones in and around Iraq.

Mr. Speaker, this is not the first time these people have suffered as a result of Saddam Hussein's tyranny. Over the last decade, they have felt political repression, egregious human rights abuses, and even chemical attacks by the Iraqi Government. These beleaguered refugees have suffered enough.

I strongly support this legislation and urge my colleagues to join with me and the other cosponsors in approving this desperately needed relief.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 2122, a bill to provide emergency assistance to the Kurdish people.

This legislation was jointly referred to the Committee on Agriculture because it contains a provision which provides more flexibility to transfer funds from other titles of the Food for Peace Act—Public Law 480—to title II of that act for emergency feeding programs during fiscal year 1991.

In order to accommodate expeditious action by the House on this legislation, the Committee on Agriculture did not schedule a public hearing or markup on this legislation. However, we have discussed in full the need for this legislation with representatives of the Agency for International Development and are fully supportive of the legislation.

Mr. Speaker, this provision makes a necessary change in the existing limits on the transfer of funds within the Food for Peace Program.

Section 412(c) of the Agriculture Trade Development and Assistance Act of 1954 provides that up to 15 percent of the funds available in any fiscal year for carrying out any title of the act may be used to carry out any other title of the act. Section 412(b) of the act also requires that of the total amount of funds made available for titles I and III, not less than 40 percent of such funds shall be allocated to title I and not less than 40 percent shall be allocated to title III.

Finally, I would also note that the Rural Development, Agriculture, and Related Agencies Appropriations Act for fiscal year 1991—Public Law 101–506—prohibits the use of more than 10 percent of the funds made available to carry out any title of the act to carry out any other title of the act.

The increased flexibility provided by H.R. 2122 will not affect already planned title I and title III programs. Transfer of the unallocated funds from these programs, however, together with the availability of wheat from the Food Security Wheat Reserve, will help tremendously in addressing the increasing food needs of those facing emergency political, economic, and natural disaster situations.

The authorizing committees of jurisdiction are pleased to address these concerns through this legislation.

I commend Congressman BERMAN and our colleagues at the Committee on Foreign Affairs for their initiative to help the Kurdish people.

Mr. Speaker, H.R. 2122 deserves the support of each Member of the House.

Mr. REED. Mr. Speaker, I rise today in support of emergency aid for those Iraqis now facing starvation and disease after fleeing the brutal campaign of repression carried out by Saddam Hussein.

In the wake of our military victory, we are beginning to comprehend the long-term costs associated with Operation Desert Storm.

Over the last few weeks, people throughout the United States and the world have seen the images of pain and suffering occurring along Iraq's borders with Turkey and Iran. They have been moved deeply by the sight of men and women burying their children. Families striving to survive on the limited supplies they could carry on their backs as they fled. And the omnipresent anguish on the faces of young and old alike.

True to our Nation's spirit of compassion for the oppressed, U.S. military personnel along with our coalition partners are establishing safety zones and refugee camps. At the same time, the distribution of direly needed food and medical assistance has begun.

While we must provide immediate aid for those in need, we must also begin the task of creating a stable environment which will allow for the pullout of our troops. We must also ensure that the burden of our aid and diplomatic efforts are shared equally by our coalition partners.

Mr. BILBRAY. Mr. Speaker, I rise today to not only acknowledge and commend the Congress' support for the Iraqi refugees but to also remind my fellow members of the questions that still remain about the political future of this dangerous situation.

There is no question in any of our minds that what the Kurdish and Shiite refugees need at this very minute is the food, shelter and security that our forces and our efforts are providing. This aid will cement our support to stop the slaughter by the Iraqi troops of these refugees. These brave citizens of the new world order answered the call to arms to overthrow the dictatorship of Saddam Hussein. As the Iraqi troops reorganized, these patriots of their cause, their wives and their children were murdered for standing up for freedom in Iraq.

In the mountains of the Turkish and Iranian border, we are now faced with the prospect of over 3 million refugees, forced out of their towns and villages in order that they could protect their families and their future from complete eradication by Saddam Hussein. The aid we are providing will stop the 500 to 1,000 men, women, and children who were dying every day. Yet, much will be left to do.

Our efforts have mainly concentrated on the Turkish and Iraqi border areas. There are over a million and a half people on the Iranian border who are just barely beginning to receive aid. We need to encourage the relief efforts to concentrate in this previously forgotten area. However, of dire importance is a lasting political solution in the area. The Kurdish and Shiite refugees in the region will not feel secure, and have no reason to feel secure until the threat of Saddam Hussein has been removed or extinguished. The international community needs to provide these people with a set of guarantees that will assure them of their continued safety and stability. As we encourage settlement of the political situation in the Palestinian/Israeli question let us also take up the instability of Iraq.

Again, I commend the efforts of Chairman FASCELL and the Foreign Affairs Committee to aid the Iraqi refugees. It is important that this Congress take the lead and initiative to help those who are in such dire need. I urge my fellow members to support this vital measure.

Mr. LEVINE of California. Mr. Speaker, I rise in strong support of the Emergency Supplement Iraqi Refugee Assistance Act of 1991, and commend Chairman FASCELL and Subcommittee Chairman HOWARD BERMAN for the appropriate speed with which this bill has been moved to the floor.

The horror of the human suffering on the Iraqi-Turkish border demands immediate and effective action. It is tragic that the President did not take earlier action in an attempt to prevent this catastrophe. The assistance we approve today will not help the thousands who were killed by Saddam Hussein's helicopter gunships, or who died of starvation and exposure in a desperate attempt to flee the genocidal policies of the Iraqi dictator.

But the thousands upon thousands of innocent civilians displaced as a result of the civil war in Iraq who survived the trek to the border regions continue to face the threat of death every day. Aid for these individuals is more urgent and necessary than ever.

I am pleased the president, at congressional urging, has involved our Armed Forces in the effort to protect the Kurds and other refugees and assist emergency relief supplies in getting through to where they are so desperately needed. But clearly, the catastrophic situation faced by these long-suffering people urgently demands the additional assistance provided for in this legislation.

Unquestionably, difficult policy choices remain about how to safeguard the Iraqi Kurdish population over the long term. I share the concerns of many of my colleagues that United States forces not be caught in a permanent holding pattern to protect Iraqi minorities, who will never be safe so long as Saddam Hussein remains in power. I welcome the moves from the United Nations indicating it will soon take greater responsibility for administering the refugee facilities.

But regardless of whatever thorny policy questions may arise, the human tradegy that presently exists requires humanitarian action.

I once again commend the authors of this legislation, and urge its unanimous acceptance by my colleagues.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from California [Mr. BERMAN] that the House suspend the rules and pass the bill, H.R. 2122.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2122, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GOVERNMENT TRAVEL REFORM

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KANJORSKI. Mr. Speaker, for a number of years Members of Congress have been taken to task by the press and the public for unnecessary travel, or junketing.

Ironically, Mr. Speaker, attention has been unfairly focused on the legislative branch because it is the only branch of Government which regularly discloses its travel activities.

The travel activities of the executive and judicial branches are shrouded in mystery and it takes extensive and exhaustive Freedom of Information Act requests to find out about travel in these two branches.

Most Americans would be surprised to learn that the travel expenses of the entire legislative branch, including the GAO and the Library of Congress, are less than four-tenths of 1 percent of all Federal travel expenses. Total legislative branch travel expenses, including Members travel back to their districts to meet with constituents, is $27 million.

This is only half the size of the travel budget of the judicial branch, $54 million, and is less than half the size of the travel budget of the Executive Office of the President alone, $62 million. One has to wonder where all these judges and Presidential employees are traveling to.

Congressional travel is fully documented every quarter in the CONGRESSIONAL RECORD and the Clerk's report. Public disclosure can deter trips which are not really necessary, and can help explain to the public why some travel is necessary.

My bill, H.R. 461, the Federal Government Foreign Travel Accountability Act, would bring the executive and judicial branches of Government under the same kind of public disclosure the legislative branch has operated under for years.

I include for my colleagues a summary of H.R. 461, and a table detailing Federal travel costs by agency.

H.R. 461—FEDERAL GOVERNMENT FOREIGN TRAVEL ACCOUNTABILITY ACT

Section 1: Title—Federal Government Foreign Travel Accountability Act.

Section 2: Special travel line items—No funds may be spent for foreign travel other than from accounts specifically appropriated by law for such purpose, i.e. there must be a specific budgetary line item, and travel funds cannot be hidden in the budget of another agency.

Section 3: Foreign Travel Supervisors [FTS]—Each department, agency and entity must designate a foreign travel supervisor.

Section 4: Restrictions on Foreign Travel—Executive & Judicial Branches: (1) Must be approved in advance by the FTS; (2) Must be by most economical means possible: (3) Must be by U.S. carrier unless the FTS determines that an alternative is more economical.

Legislative Branch: (1) Must be approved in advance by recorded vote of committee; (2) Must be by most economical means possible; (3) Must be by U.S. carrier unless the committee determines an alternative is more economical.

Section 5: Executive & Judicial Guidelines & Reporting: (1) FTS establishes guidelines to prevent duplicative and unnecessary trips; (2) Quarterly reports are filed on all travel detailing: (a) Purpose & agenda of each trip; (b) Names of all people on the trip; (c) Details (if applicable) of any determination that travel by foreign carrier is more economical; (d) Accomplishments of trip; (e) All expenses by category; (3) Executive branch reports go to the GSA, Judicial branch reports go to the Administrative Office of the U.S. Courts.

Section 6: Congressional Guidelines & Reporting: (1) Each committee establishes guidelines to prevent duplicative and unnecessary trips; (2) Quarterly reports are filed on all travel detailing: (a) Purpose & agenda of each trip; (b) Names of all people on the trip; (c) Details (if applicable) of any determination that travel by foreign carrier is more economical; (d) Accomplishments of trip; (e) All expenses by category; (3) House reports go to Clerk of the House, Senate reports go to the Secretary of the Senate.

Section 7: Availability of Reports: All reports are available for public inspection not less than 15 days after they are filed, copies are to be provided if requestor pays copying and mailing costs (fees may be waived in the public interest).

FEDERAL TRAVEL BUDGETS

This year (Fiscal Year 1991) the federal government will spend $6.8 billion for travel (both foreign and domestic). Of that total: $27 million (0.39%) is for Legislative Branch Travel; $54 million (0.78%) is for Judicial Branch Travel; $160 million (2.31%) is for the Postal Service; $6.851 billion (98.83%) is for Executive branch travel, for a total of $6.932 billion.

For comparative purposes, this includes: $62 million (0.89%) in funds for travel appropriated to the President and the Executive Office of the President; $89 million (1.28%) for State Department travel.

The following table, prepared by the Office of Management and Budget and published as part of the President's Fiscal Year 1992 budget, outlines federal travel expenditures by agency for fiscal year 1990, 1991, and 1992.

TRAVEL AND TRANSPORTATION OF PERSONS

[In millions of dollars]

Department or other unit	Gross obligations by agency		
	1990 actual	1991 estimate	1992 estimate
Legislative branch	23	27	31
The Judiciary	49	54	58
Executive Office of the President	4	5	5
Funds appropriated to the President	48	57	55
Department of Agriculture	231	253	258
Department of Commerce	162	69	58
Department of Defense—military	4,553	4,419	4,438
Department of Defense—civil	56	57	59
Department of Education	8	10	10
Department of Energy	48	59	62
Department of Health and Human Services less Social Security	104	118	124
Department of Health and Human Services, Social Security	22	17	20
Department of Housing and Urban Development	15	18	18
Department of the Interior	135	153	150
Department of Justice	197	262	285
Department of Labor	44	46	50
Department of State	84	89	95
Department of Transportation	232	246	272
Department of the Treasury	243	306	339
Department of Veterans Affairs	132	145	90
Environmental Protection Agency	40	46	52
General Services Administration	21	28	28
National Aeronautics and Space Administration	55	62	65
Office of Personnel Management	11	13	14
Small Business Administration	8	7	8
Export-Import Bank of the United States	(1)	(1)	....
Federal Deposit Insurance Corporation	33	80	76
Federal Retirement Thrift Investment Board	(1)	(1)	(1)
Postal Service (off-budget)	138	160	166
Railroad Retirement Board	1	1	....
Other independent agencies	108	125	134
Total	8,808	6,932	7,021

[1] $500,000 or less.

A TRIBUTE TO MEDORA PETERSEN

The SPEAKER pro tempore (Mrs. COLLINS of Illinois). Under a previous order of the House, the gentleman from Minnesota [Mr. OBERSTAR] is recognized for 5 minuets.

Mr. OBERSTAR. Madam Speaker, it is with great pleasure that I rise to pay tribute to a woman who has reached another milestone in an exemplary life filled with devotion to her family, community, and State.

On Thursday, May 2, Medora Petersen, an editor, activist, and former first lady of the State of Minnesota, turns 95.

Born in Meriden in southern Minnesota, the daughter of a blacksmith, Medora Grandprey grew up in a family that prized hard work, high principles, and a sound education. After completing her elementary grades in the local country school, Medora rode the 8 o'clock train every morning to neighboring Owatonna to attend high school, and then caught the 5 o'clock train westbound home every evening. She was the only young woman from her community to go to high school.

During World War I, Medora won a reporting job with the Owatonna Journal Chronicle. The job paid just enough to allow her to save money for college. She later enrolled at Iowa State University to study home economics.

During graduate study at the University of Minnesota she met and later married Hjalmar Petersen, then a member of the State legislature and editor of the Askov American, the local newspaper in his home town of Askov, MN. In the mid-1930's Hjalmar Petersen was elected Lieutenant Governor on the Farmer-Labor ticket. Later, he and Medora moved into the Governor's mansion upon the untimely death in 1936 of our legendary Governor, Floyd B. Olson. When Hjalmar's term ended the following year, the Petersens returned to Askov to run the newspaper, and continued to remain active in Minnesota politics. Upon Hjalmar's death in 1968, Medora took the helm of the American and carried on the couple's political tradition alone.

Medora Peterson's wisdom, energy, and political instincts were unsurpassed. Her advice was frequently sought out, especially by young aspiring candidates, including this political newcomer, at the dawn of my career. Medora Petersen sold the newspaper in 1981 with much nostaligic regret, and left Askov a few years later to live with her daughter in central Minnesota. Yet, her connections with her longtime home and business remain strong: Even as she approaches 95, she still writes an occasional column for the Askov American.

Madam Speaker, this talent-laden community we know as the North Star State, Minnesota, has many highly skilled, talented, and gifted people who made great contributions to the United States, but among them all, Medora Petersen's name shines brightly.

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Her life has been a tribute to the best of our Minnesota traditions: Hard work, sound education, high ethical standards, and dedication to family and community.

Madam Speaker, I invite you to join me, Medora's family and friends, in wishing Medora Grandprey Petersen a happy 95th birthday.

KUDOS FOR McDONALD'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. HOAGLAND] is recognized for 5 minutes.

Mr. HOAGLAND. Madam Speaker, last year on two occasions I praised Omahan Phil Sokoloff's efforts encouraging McDonald's and other fast food restaurants to offer healthier products. McDonald's has changed its procedures and now deep fries its french fries in vegetable oil instead of beef tallow and has taken other steps to cut down the fat contained in the tens of millions of daily fast food meals served Americans. Other fast food chains have followed suit.

Mr. Sokoloff first brought this issue to national attention by running full page advertisements in major newspapers around the country. He dug deep into his pocket to do so. McDonald's and its competitors are to be congratulated for having made the change.

It is important that we congratulate corporate America when it does things right. Too often, we jump to chastise them when we think they are doing things wrong. I wish to take this occasion to give McDonald's well deserved praise on two additional fronts.

First, our children brought home with them recently tree seedlings they had obtained in connection with a Global ReLeaf Program of the American Forestry Association sponsored by McDonald's. McDonald's is distributing 9 million seedlings, to be planted around America's homes, schools, and parks by 1992, the particular type or variety depending on the climate and soil conditions of the area in which they are distributed.

They are distributing these seedlings with a pamphlet entitled "Let's Get Growing America," encouraging responsible environmental action. I would like to salute McDonald's for undertaking this effort.

McDonald's also deserves praise for extensive recyling policies it has instituted since the last Earth Day. McDonald's is reducing the size and amounts of packaging. It is moving away from styrofoam boxes. It is increasing the use of recycled paper in its napkins, tray liners, Happy Meal boxes, and bags.

I salute McDonald's for its efforts. We will become a healthier Nation, more careful in the use of our natural resources, as we work together on these projects. McDonald's is setting an example for all of us in our business lives and in our personal lives. We should all follow its example.

I want to share with my colleagues an editorial from today's Washington Post commending McDonald's for their commitment to environmental protection.

LESS MCWASTE

The volume of solid waste that Americans generate each year is a major problem, not all that far behind such fundamentals as clean air and water, to which it is related. Most solutions—burning, burial—are really just transference of the debris to another place or form. The best way to combat the waste continues to be to produce less of it—for example, to lighten up on packaging while increasing recycling.

McDonald's, the ubiquitous and influential fast-food chain, has now announced in conjunction with the Environmental Defense Fund a serious and comprehensive effort to do just that. EDF might sound like an unlikely ally for a major national generator of waste. Not so. Over the years the environmental group has come to specialize in finding ways of making it in industry's self-interest to reduce pollution.

It has, for example, worked to set up water markets in some parts of the West, where instead of building more dams or enduring shortages, municipalities can bid water away from farmers who don't need it, or whose crops society can do without. EDF helped as well to develop the section of last year's clean-air legislation creating a market in pollution rights. A utility that cuts pollution more than the law requires will have an investment or asset (the extra cleanup) that it can sell like any other at a profit.

McDonald's had already agreed under pressure from environmental groups to abandon the foam clamshell in which it sold its burgers in favor of less bulky (and less costly) packaging. Now it is going beyond. By the end of the year the company will have put programs in place to recycle—or test the potential for recycling or composting—more than 80 percent (by weight) of the waste at its restaurants. Among other things, it will make greater use of reusable shipping and storage containers and has directed its 600 suppliers—over whom it has enormous influence as so large a customer—to use corrugated boxes with at least 35 percent recycled materials. For environmental reasons it has also gone from bleached to brown carryout bags (made of 100 percent recycled material).

Waste reduction has become an explicit goal of a company that is an symbol of American popular culture. The process has been voluntary and is not just PR; if there are costs involved, the company seems to think there may also be consequential savings. The plan sets an excellent example. Good for McDonald's and EDF both.

A BILL TO REMOVE THE AGE LIMIT ON ENTRY INTO THE PUBLIC HEALTH SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Madam Speaker, I rise today to introduce a bill to remove the age limit for entering the Public Health Service. This bill would allow otherwise healthy and qualified people who are older than 44 to serve their country by entering the PHS.

The current law which prohibits persons over the age of 44 to joining the Public Health Service is an anachronism. It was passed in 1960 along with a provision to establish a mandatory retirement age of 64. At the time, it made sense to ensure that officers of the PHS would be allowed to serve for at least 20 years before being forced to retire. However, in 1981, when we saw fit to remove the mandatory retirement clause, we neglected to remove the age limit for entering the Service.

This law is not merely a harmless anachronism; it actively bars enthusiastic, hard-working people from giving the service that they want to give. As an example, my office has received a letter from a 48-year-old man who has recently begun a program in clinical psychology. After attending a presentation given by the PHS, he became interested in participating in their COSTEP program. He was denied entry only because of his age.

Madam Speaker, the Public Health Service is one of the great Federal agencies and contributes positively to our society. If we strengthen it, we strengthen our society. By removing an unnecessary barrier which keeps otherwise qualified people from joining, we will be taking a measure which will benefit our society.

CALL FOR HEARING ON H.R. 1413

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. JENKINS] is recognized for 5 minutes.

Mr. JENKINS. Madam Speaker, H.R. 1413 reflects the growing awareness and concern by the public, the administration, commentors and Congress that our Nation's tax revenue estimation process is so seriously flawed that it may be doing critical harm to our Nation's economy.

Not only does this vital subject impact the economic basis upon which our Congress enacts legislation, it therefore directly and indirectly impacts the financial well-being of every taxpayer.

H.R. 1413 calls for the repeal of the tax expenditure provisions within the Budget Act of 1974. No repeal can occur, of course, without the appropriate Congressional hearings. At such hearings, all interested and knowledgeable parties will have the opportunity to present their views by written and/or oral testimony.

These hearings are of momentous importance. Businesses, the professions, academia, governmental authorities and individuals are urged to offer their testimony so that our Nation may profit from their expertise and experience. It is my strong view that such hearings are imperative and should be scheduled as soon as possible.

Madam Speaker, I urge my colleagues to cosponsor H.R. 1413 introduced by Congresman SCHULZE and myself.

LEGISLATION TO CLARIFY THE TAX STATUS OF SELF-EMPLOYED FISHERMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 10 minutes.

Mr. STUDDS. Madam Speaker, I would like to thank my colleague from Massachusetts, Representative BRIAN DONNELLY, a member of the House Ways and Means Committee, for joining me in introducing legislation to clarify the tax status of self-employed fishermen.

As Members may recall, the Tax Reform Act of 1976 included language intended to help the owners of small fishing vessels to comply with U.S. tax law. Specifically, it provided that individuals serving as crew on a fishing vessel would be considered for tax purposes to be self-employed if: First, their compensation consisted of a share of the catch and, second, the operating crew of the boat was normally made up of fewer than 10 people.

We made these changes in law because we understood that the relationship between a fishing vessel owner and his crew is far from a conventional employer-employee relationship. It is a relationship that has evolved over literally centuries of maritime history, that involves a high degree of independence on both sides and that does not lend itself easily to the definitions used in the Tax Code.

The 1976 law made boatowners confident that they could continue operating as they had previously, paying a share of the catch, not needing to withhold income for Social Security or Federal income tax purposes, and still meeting all the requirements of U.S. law. They were confident because we in Congress thought we had clarified the rules; and the fishing industry thought it understood those rules.

And those boatowners were right, until now. After more than a decade of relatively trouble-free experience with the law, the IRS has, without warning, changed the rules. And they have changed the rules not just prospectively, but going back to 1988 and 1987 and 1986 and 1985. They are telling boatowners who thought, in good faith, that they qualified under the law that they did not; that they owe those withholding taxes and those Social Security payments and the associated penalties and they must pay them even though it will, in some cases, drive those fishermen out of business.

Two specific problems have arisen.

First, as I said, a fishing vessel must have an operating crew that is normally fewer than 10 in order to have that crew considered self-employed.

For more than a decade, the fishing industry has assumed that "normally" means that a boat must have a crew that averages, over the course of the year, less than 10. In prior years, the IRS has signed off on audits that used this interpretation of the law. And throughout this period, the IRS issued no guidelines to the contrary.

Suddenly, the IRS has decided that "normally" is to be interpreted not annually, but quarter by quarter. Again, not just for the future, but for the past several years. Thus, many boats that honestly thought they qualified for the exemption are being told they do not.

The second problem that has arisen relates to the payment of "PERS" to certain crewmembers on fishing vessels. PERS are nominal payments usually paid to the cook, engineer and mate in recognition of the duties they perform in addition to their responsibilities as crewmembers. This practice dates back to the whaling days in New Bedford and is commonplace within the fishing industry, as a whole. PERS usually amount to less than 3 percent of a fisherman's total annual compensation and averages about $25 for a 12-day fishing trip. Although these payments are very small, they matter a great deal to those who receive them because the payments carry with them a recognition of the importance of the duties those fishermen perform.

Under the 1976 law, a fisherman can qualify for self-employed status if he is compensated only by receiving a share of the catch. Even though PERS are not guaranteed and are dependent on the size of the catch, the IRS has taken the position that the payment of PERS prevents a crewmember from qualifying as self-employed. Moreover, the IRS contends that all compensation paid to these fishermen, not just the PERS, are therefore subject to employment taxes.

Madam Speaker, Congress never intended that the payment of these small amounts to certain fishermen would prevent them from qualifying for self-employed status. The law says that a self-employed fisherman must be compensated only by a share of the catch. The PERS payments are calibrated precisely according to the rightful share of the catch of the individuals involved. Their only significance is that they provide fishermen holding certain positions a slightly larger share of the catch than that received by others. This practice goes back hundreds of years; it is a practice that the IRS presumably knew about but did not object to for more than 10 years after the 1976 law was enacted; and it should not be compromised now.

The legislation proposes that the changes be made retroactive to 1985. If they are not, we will be doing an injustice to fishermen whose very livelihoods have been put at risk by the IRS's changing interpretation of the law.

Last year, the House of Representatives approved similar legislation to clarify the law, but unfortunately the proposal was derailed in the other body during the last hour of the 101st Congress. I am hopeful that this year we can quickly act to correct this injustice and ensure the fair treatment of New Bedford fishermen under the law.

THE BRADY BILL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. SCHIFF] is recognized for 60 minutes.

Mr. SCHIFF. Madam Speaker, I do not necessarily propose to use the entire 60 minutes, but I did want to spend some time to talk about H.R. 7, known more commonly as the Brady bill.

We should be receiving a vote or having a vote on the House floor on this bill perhaps as soon as next week.

I am personally a member of the Judiciary Committee, and more particularly I am a member of the Crime and Criminal Justice Subcommittee of the Judiciary Committees, and as such I have been present at the hearing we had on the Brady bill. I have been present at the two votes that we had in the subcommittee and the committee particularly. I studied I believe the relevant materials on the subject.

The reason I have taken to the House floor is very simply that I have seen a great difference between the rhetoric that has passed by in the national media on this issue and what is actually in the bill, what actually the concept is here.

Personally, I think that is because the word "handgun" or the word "gun" or the words "gun control" immediately evoke certain emotional responses, and those emotional responses have tended to dominate the national media debate on the issue, even though I have found them to be at times far afield from what the bill is all about.

What I propose to do is to take a little bit of time and go into the bill and go into the issue as I see it. I guess I should say that I personally will vote no on H.R. 7 when it is brought to the House floor. I voted no in the committee. I voted no in the subcommittee, and I would like to talk about why.

Now, in a nutshell, H.R. 7 says, if passed and enacted into law, that there will be a national 7-day waiting period in which local police agencies may, but are not required, to conduct a background check on the purchasers.

I want to stop there for a moment and emphasize the word "local" agency, because there is no Federal agency involved here. We are passing national legislation, but we are not thereby directing any Federal agency, which are the ones who report to us, to do anything. We are instead giving the option to local agencies, and another important term which I will get to any moment is the option, what effect that has on the bill.

But anyway, the bill would establish a 7-day waiting period to give local police the option to conduct a background check on the purchasers. The purpose of the background check would be to try to identify in advance which purchasers may have a felony conviction record or may have been adjudicated incompetent or may otherwise be ineligible under present laws from purchasing or possessing a handgun, or probably any other firearm for that matter.

The ultimate purpose, of course, of doing this check and of identifying these individuals who are not qualified to possess handguns in this particular case, because the law does not apply as proposed to anything except handguns, is an attempt to reduce the amount of violent crime that we are seeing on the rise in most if not all the States of the union, and certainly in our major metropolitan centers.

I think, therefore, the question arises not on the issue of violent crime, because everybody is opposed to violent crime. Everybody, no matter what their views, is seeking ways to bring down the number of violent criminal cases that are occurring in our country.

The issue is, what is the relationship between H.R. 7 and the increasing amount of violent crime? I am certain as I have seen in the committee hearings that the supporters will take the floor next week and cite the increasing violent crime statistics and then argue we should pass H.R. 7.

But the real question is, what is the relation of H.R. 7 to these particular events?

I would like to examine that question from two different points of view, one of which is what is the probable success rate of a waiting period and a background check in general, because they do exist in a number of States today.

□ 1410

And second, specifically, what about H.R. 7? What would H.R. 7 add to being able to prevent the wrong persons from getting handguns that does not already exist in State laws or in Federal laws or in the possibility of the State to also enact waiting periods and handgun purchaser checks? Let me back up for the first part of what I would like to talk about, Madam Speaker: Does a background check reduce crime? Where there is a background check, can we expect that there will be a reduction in crime because of that?

The true, frank answer to that is that nobody can be absolutely certain because it involves proving a negative.

In the hearings that we had on H.R. 7, where there were individuals who testified as family members of those who were victims of handgun violence, that they believed that had there been a 7-day waiting period, a background check and so forth, the violent crimes on their families might not have occurred. I have no doubt that they sincerely believe this. But again it is trying to prove a negative, trying to prove what would not have happened rather than what we all know did happen in those tragic situations.

It is sometimes claimed that John Hinckley would not have been able to attempt to assassinate the President of the United States and would not have very seriously and permanently wounded Mr. Brady had a background check been in effect in the State of Texas, where he purchased the weapon that he used. I want to take a moment to talk about Mr. Hinckley because his case is mentioned in every national media article that talks about H.R. 7 because

H.R. 7 is known as the Brady bill. It is known that way because its primary proponents are Jim and Sarah Brady.

I have the highest regard for them. I have seen many improvements occur in the recordkeeping that we do have, and what law enforcement can be done; and I am convinced of their bringing attention to the issue of records. I do not want anything I have to say about H.R. 7 to be confused with an attack on the Brady's personally, because it is not. Nevertheless, because H.R. 7 is called the Brady bill because the Brady's have brought themselves out into the public as the major public proponents of the bill, every article I have ever seen mentions that Mr. Brady was shot and wounded by Mr. Hinckley. It seems certain that had H.R. 7 been in effect nationally, even in effect in the State of Texas, that it would have made no difference in that particular tragedy.

First of all, Mr. Hinckley was not a convicted felon at the time that he made the purchase of that weapon. He did have a mental health record, but that mental health record, as is often the case in the United States, is not public and was not public at the time, meaning that any amount of time that had gone into checking Mr. Hinckley's background would not have revealed a felony conviction record and would not have revealed an adjudication as a mental incompetent or other specific legal reason why he could not purchase that firearm. That is raised because it is often said Mr. Hinckley was an incompetent. Well, maybe he was and maybe he was not, but that would not have shown on any public record that I know of that would have existed at that time.

It has been argued, however, that Mr. Hinckley would not have been permitted to purchase the weapon that he purchased, because he used a false address when he filled out the standard Alcohol, Tobacco and Firearms Department form at the gun dealership where he purchased the weapon. And the suggestion is that a background check would have revealed that he lied about his address and, therefore, that would have prevented him from purchasing this firearm.

Well, in the first place, there is nothing in this bill, H.R. 7, that talks about doing an address check. The check that is talked about in this bill is the background check for a felony conviction, mental health records, current indictments, arrest warrants, and so forth. There is nothing to suggest the police should necessarily or, to my knowledge, do, where there are State background checks, send sombody out to addresses to find out if somebody actually lives in the place where they live.

I might add that I am informed that since Mr. Hinckley purchased two handguns at the same time, he fell under the effect of the existing Federal law which requires the gun dealer to notify the Alcohol, Tobacco and Firearms Department of the Federal Government that somebody had bought multiple guns at the same time. So the Alcohol, Tobacco and Firearms Department had the opportunity to, if the information I received is correct, to check out Mr. Hinckley's address if they thought at the time that spending the time checking out people's addresses was an appropriate and positive use of their resources.

But what I really want to emphasize here is that the address, legal address, is a difficult question under law. Where a person lives, where a person intends to live, is partly a matter of intent, and intent to return, for example. And it is not easy, oftentimes, to establish what is a person's legal residence, as it is meant here.

It is important to point out that after the tragic events of the attempted assassination of the President and the wounding of Mr. Brady, that the U.S. Justice Department did everything possible to try to convict Mr. Hinckley of a criminal offense.

I think we can assume that they looked into that form that was filled out when he purchased the handgun in question. Yet, they did not bring any criminal charge under Federal law that he falsely, in some manner, that is falsely to mean legally here, filled out that form. And since the Justice Department knew they were facing an insanity defense, this would have been of prime interest to them because in order to overcome a criminal charge of this nature, Mr. Hinckley would have had to prove more than he was insane at the time of the shooting, he would have had to show he was insane at the time of the purchase, which was weeks before.

So, if there was any way that he could have been prosecuted under Federal law, I think he would have been prosecuted under Federal law for falsely filling out this form, the point being here is there is nothing a background check would have revealed, I think.

I want to conclude on this point by noting that it has also been reported to me that Mr. Hinckley owned other firearms, including other handguns, that he purchased elsewhere. So that if somehow he was not allowed to purchase this particular firearm, he had other firearms available.

Someone might say, well, "But if this was an illegal purchase, he would have been in jail, we could have stopped him."

I am afraid we do not necessarily put people in jail who violate our existing firearms laws, which is a major problem that I want to talk about a little bit later.

But a short time before this particular event, Mr. Hinckley was caught trying to bring a firearm illegally aboard an airline, which as we all know is illegal. The result of that was not holding him so that he could not commit a future crime, the result of that would have been that he paid a fine and went on his way.

So even though we have all this elaborate airport security against firearms, that is more precisely what happens to those who may in fact violate that law.

So I think that all of those facts looked at together, I believe it is a certainty that the tragic event surrounding the wounding of Mr. Brady would not have been avoided by the existence of H.R. 7.

Well, then, what about claims that these background checks may solve other crimes? In other words, even if H.R. 7 might not have prevented this particular tragedy, could it perhaps have prevented other tragedies? Does it prevent tragedies in the States where it exists?

A number of States, California and Maryland come to mind right away, have a waiting period in the purchase of a handgun and they have a background check that they follow it with.

I have seen in the course of hearings on this bill a number of claims made by these States as to their effectiveness. They say, for example, supporters of H.R. 7 quote these claims in national advertisings and communications, they say a certain State, for example, caught 1,300 felons trying to buy firearms, through their background checks. That sounds pretty impressive, whether it is 1,000, 2,000, or 3,000. It sounds impressive because there is an implication there that when the State prevented somebody who should not have bought a firearm from buying a firearm, that therefore they prevented a subsequent violent crime. But I think that that implication starts coming very short when you look behind those statistics.

I have found, first of all, that when a State says that we have caught a certain number of felons trying to buy firearms, what they mean by that is that is the number of requested purchasers that the State rejected. The first thing it does not tell you is how many times was the State wrong? In other words, the State through its background check denied somebody a purchase of a handgun, saying that they believe the person, for example, is a convicted felon.

□ 1420

But who says the State is right? A number of these cases have been overturned on administrative appeal where administrative appeal exists.

Second of all, there is kind of an implicit assumption that the person who is trying to buy this firearm is the local armed robber and preventing him from making this purchase will prevent several robberies of convenience stores, or something like that. Not necessarily. A number of these felons, and there have been convicted felons identified in background checks, they turn out to be felons convicted of, let us say, income tax evasion 12 years ago. But they still remain because of that conviction, or a conviction from embezzlement, or a conviction from fraud, ineligible to purchase and possess a firearm under Federal law.

Now, although these purchases were illegal, and I am not here to defend these purchases, there is not necessarily, and I think not obviously, a link in successfully preventing somebody who is convicted of fraud 10 years ago from buying a firearm today and preventing the armed robbery of the convenience store that will happen tomorrow.

In fact, I say, and I say not at all to be facetious in the matter, but I suspect a number of these purchasers first of all did not realize they could not purchase a firearm. They may not have known Federal law, and they might be purchasing the firearms for their own self-defense. They were embezzlers, or defrauders, or something else. They are worried about the armed robber, and muggers and murderers that are out there.

The point is that in this claim of how many felons were denied a firearm there is not a relationship to how many of those felons would be expected to do the armed robbery or the violent crime that all of this is supposed to prevent.

Finally on this issue, and I think most important, I think there is an implication used in the word "caught" that is not backed up by the fact, and here is what I mean: The claims made, as I see them, are that, for example, 1,000 felons were caught trying to buy a firearm, and I have already talked about who is a felon, and who is not, and what kind of felons they were, but the word "caught" implies that the individual involved was somehow apprehended.

In other words, let us suppose that somebody bent on committing an armed robbery actually tried to buy a firearm in a regular licensed gun dealership and was identified in this particular background check program. In other words, they were caught trying to buy a firearm. What does that mean? And in virtually all of the situations I am able to find, though it is improving a little bit, being caught means only that that particular purchase was denied. Nothing else happened, and particularly nothing happened to the individual. No arrests were necessarily made of the individual who was trying to illegally purchase the firearm.

This means, when we get down to the felon, we are really worried about the violent felon who is trying to get hold of a firearm and who wants to use it for more violent felonies. To the extent they may actually buy firearms in dealerships, they are turned down for the purchase through a background check, but they are free to then go get the gun illegally the next hour, the next day, and presumably then the crime occurs anyway because very simply there does not seem to be extensive followup on these.

Now it is often asked: "Wouldn't a background check at least stop some crimes?" In other words, even if it would not have a dramatic effect on the violent crime rate in the United States, would it not at least prevent some offenses from occurring? Well, of course that is a long way from trying to influence the violent crime rate, which is what many of the supporters will say we are trying to do with H.R. 7, but the question is: Will in effect, if there were more background checks, would they actually reduce some amount of crime? I think the answer there is, from a certain point of view, probably yes.

Mr. Speaker, I say that because it is inevitable that, if there are more backgrounds checks, there will be more felons identified because most do not buy from gun dealerships, but some do, and some will be identified, and some of those will not be able to get the weapon in the future, and, therefore, somewhere, somehow, I think it is reasonable to predict that where there are background checks, that prevents some crimes from occurring.

So the question then comes: "Well, why not pass it anyway? Why not have a background check if you believe that it will in fact prevent some crimes? Doesn't that make it worth it?" And I think the answer is: Not necessarily because I believe that a background check can allow other crimes to occur.

Once again, I cannot prove a number on this any more than the supporters of background checks can provide a number of crimes prevented. But, if it is reasonable to assume that a background check, where it exists, will in fact prevent some crimes from occurring, it is reasonable to assume that other crimes will occur because of it.

Why? Well, two reasons. First, the police officer who is doing the background check is not arresting a violent criminal. If one can make the argument that this police officer doing the background check prevents this purchase and thereby prevents this violent crime, which I think could occur in the statistics of things, it is equally plausible to say that had this police officer instead arrested this violent criminal for whom the police officer had an arrest warrant, that that would have prevented a violent crime by getting that vioilent criminal off the street and that, when police officers are taken from working active criminal cases to doing background checks, most of which are recognized to be on law-abiding citizens, that takes a certain degree of police resources, which are as finite as anything else off of the direct front line of tackling violent crime into another activity and for the gain we may make over here, I think we will lose here. At least in a balance.

Further, I think that a waiting period prevents the risk of increasing crime because of the limits that it places on self-defense. In other words, let us suppose that somebody wants to purchase a hand gun in self-defense because they have been threatened, and they do not want to wait the 7 days. In the number of years I was both a district attorney and assistant district attorney I can verify that law enforcement generally, not just my agency, but generally in my community, would receive several requests, particularly from women each week expressing fear that their ex-husbands, ex-boyfriends, would attempt to kill them, and the police, not having the resources to patrol everywhere and to provide personal security would generally say, "Call us when he's breaking in," because that is the soonest they could be expected to react because there are so many thousands of these threats that they do not know which of the ones will actually turn into tragedy. We know some will, but we do not know which will, and, therefore, many of these individuals turn to purchase firearms for their own personal security.

Now in States with a waiting period there are normally exceptions which allow somebody in this situation to ask to purchase a hand gun for self-defense. The Brady bill, H.R. 7, does contain such a provision. It says that a person may ask the local chief of police or sheriff for an exemption from the waiting period if their life has been threatened.

But take a look at these exceptions. First of all, it appears to me, although this is a little arguable, that this requires an individual threat on someone's life. In other words, the person seeking the firearm for self-defense has to demonstrate that his or her life has been threatened by name by somebody.

□ 1430

If they happen to live in a community with a serial killer on the loose, that does not appear to be an exception for allowing somebody to purchase a firearm under H.R. 7, as I read it. Also, H.R. 7 requires a threat to someone's life. If an individual is threatened with rape and great bodily harm, that is not good enough under H.R. 7 to waive the 7-day waiting period and allow the purchase of a handgun.

But most importantly, self-defense is limited to someone else's decision. A person who is threatened or feels threatened has to persuade somebody else that they are really threatened in order to get the 7 days waived, and if they cannot do it and the person in charge of the waiver is wrong, it will be that person, the citizen who is seeking the waiver, who will be dead, not the one who says yes or no on it.

Once again, I have conceded that a waiting period and a background check would identify some felons and prevent some felonies, but here is an example of where I think we will see some ones that do not presently exist.

I do not believe, however, that it is necessary as such for us in Congress to resolve this question: Which is better, preventing a certain number of felons, whatever it is, from having a background check, or instead preventing those felonies that occur because police are tied up in desk-type duties?

I say that because in my final point I want to come to H.R. 7. This is the Federal bill actually before us in the Congress of the United States. What does this bill actually do?

The point I want to come back to is that this bill does not deal with any Federal agency. There is an honest debate about background checks, and I have acknowledged the debate. I acknowledge that one can be on either side in terms of its effectiveness, but we do not actually put ourselves and put the Federal Government in the middle of that debate. We do not actually say that a Federal agency, such as the Alcohol, Tobacco and Firearms or the Federal Bureau of Investigation, should take their time and conduct their investigations.

Instead we rely upon local law enforcement. This is how we do it.

H.R. 7 says there will be this waiting period in which local law enforcement, your local police or sheriff, may conduct a check but do not have to.

Now, we get into why we are considering this bill when the States can choose, and a number of States have chosen and they are free to do so, as every State is free to do, to have their own background check, and waiting period. And the reason given, at least that I have heard in being on this subcommittee and the Committee on the Judiciary, by the supporters is, we need H.R. 7 to plug the holes.

In other words, their argument goes like this: Some States have waiting periods and background checks, and some do not. We need to find a way to have a simultaneous, uniform national handgun purchaser waiting period and check so that someone who is ineligible, cannot go to a State with no check, buy a firearm and then bring it back to a State with a check, and thereby avoid that particular State's waiting period and background check.

That is the argument given as to why we should pass H.R. 7 and not leave it to the States. The obvious problem with that is, it is not what H.R. 7 does.

H.R. 7 does not compel anybody to do a check. It leaves it to the choice of local law enforcement to do a check or not do a check.

The point is, there will still be gaps under H.R. 7 because I think we can assume, in fact in the checking I have done I can be certain of it, that law enforcement is as split on this debate as we are in Congress and people are elsewhere. And some agencies wish to do a check and some do not wish to do a check. They are concerned about their manpower limitations, civil liability, whatever the reason might be.

The point is, H.R 7 fails in its major stated goal, which is to have a uniform national check. It is not provided in H.R. 7; it does not exist.

Now, it is true and I think it can be expected that some agencies where there is no State background check and waiting period will in fact use H.R. 7, the national waiting period, to conduct a check. And, therefore, is not that reason enough to pass it, to circumvent the States for that reason? I do not think so. I do not think so because the Congress has no means to regulate errors, and even unfortunately among the thousands of police agencies that exist in this country, some probable abuse of this kind of law.

There is no standard in H.R. 7 for when an agency is to say yes to a purchaser or is to say no. It just is not provided.

There is no statement of what records have to be checked or not checked and how they have to be relied upon. In fact, during the hearings, sponsors and supporters said, "We know of a community where everyone knows good old Joe, and if there had been a background check and a waiting period, good old Joe would not have been allowed to purchase a handgun because everyone knows he has been committed to the local mental health institution several times." It sounds good for that case, but I suggest that a standard of "everybody knows so-and-so" is awfully dangerous when you think about it, because what does that mean?

Does that mean the police chief who denies the application has to have personally brought Joe to the mental health facility and knows that Joe is adjudicated incompetent, or can it be that the dispatcher's spouse's sister-in-law told somebody that Joe was committed sometime, somewhere, and that is reason enough to say no?

We do not provide any standard. We do not provide any appeal.

What if this happened in a few communities, and I stress this, would be very, very few—my career before getting here was in local law enforcement, I have a high regard for the men and women I worked with, but there are thousands of police agencies—what if one police agency believed that everybody with a Hispanic surname must have been convicted of a felony somewhere because that is the way they are? Where do we prevent that in H.R. 7?

It is true the individual can file a lawsuit, but where are the dangers? What money have they lost in not being able to buy a handgun?

So I do not think we can expect a lawsuit to solve this problem. There is no appeal, as I said, either. There is no way, in H.R. 7 at least, somebody who is denied a purchase can say, "You have got the wrong person. I am not that individual you believe is this convicted felon or this particular incompetent person."

Most important, though, on this point, Madam Speaker, is we do not retain any control of this in the Congress of the United States. Certainly any bill we might pass into law can result equally in some mistakes and even some abuses that I have described here as a possibility. We know that.

If that were a reason not to pass a law, I dare say we could not pass any law in the Congress of the United States, but the difference is, the other laws that we pass give authority to Federal agencies. And in those Federal agencies, we in Congress retain the oversight power to bring the agencies in and say, "We have heard there are problems. We have heard that you have said yes to purchasers when you should have said no," or "We have heard you have said no to purchasers when you should have said yes."

We retain the power. We do it all the time. Those hearings are covered publicly, to bring in agencies and to find out what they are doing and why they are doing it, and to correct any mistakes that we perceive.

We have no such power over local police agencies. We have no power to hold hearings in which we demand that chiefs of police and county sheriffs come in and explain to us how they are running their program. And we have no power to insist that they run it in another fashion.

Quite clearly, H.R. 7 allows police agencies power without requiring any accountability on how they use that power.

I also want to address the 7-day waiting period as a cooling-off period. It has been argued that even if there is no background check, even if we do not apprehend one felon, there is a benefit in passing a 7-day waiting period because it will allow people to cool off.

In fact, H.R. 7, the Brady bill, is almost universally called a 7-day cooling-off period. And the reason given for a cooling-off period is to prevent crimes of passion, to prevent individuals in the heat of passion from running down to a store, buying a firearm, and committing a crime without having the chance to slow down and think about it.

That is the purpose, and supporters argue that that is reason enough to pass H.R. 7, because even if there is never a background check, we can prevent crimes of passion.

First, I have to say that that is contrary to my experience in more than 15 years in practicing criminal law, most of which was as a prosecutor.

Real crimes of passion are committed immediately with any weapon available. If there is a gun there, it will be a gun; if there is a kitchen knife there, it will be a kitchen knife. Whatever is available will be used. That is real passion.

I cannot think of a case in all the years I spent in law enforcement where somebody said, "I'm so mad at you I could kill you. Would you sit there and wait a few minutes while I go down to the store and get a firearm and come back?" That is what the supporters seem to think happens, but I do not think so, particularly when most crimes of passion, again real crimes of passion, occur in the middle of the night when people have been drinking and the gun stores are not open.

□ 1440

So, I would question the validity, is that really how true crimes of emotional passion are in fact committed?

However, what is most important is that is not a key part of H.R. 7. It is amazing to me when I watch the national debates between supporters of H.R. 7 and opponents of H.R. 7, that supporters continue to argue the need for the cooling off period, when they know they have taken that out of the bill. It is not necessarily in anymore. Here is what I mean.

H.R. 7 contains a number of exceptions, where it will not apply. One of those exceptions is in any State, like Virginia today, which has an instantaneous telephone check between gun dealers and law enforcement via a computer.

In other words, it is my understanding that in Virginia today a gun dealer can place a telephone call at the point of purchase, when someone is in there to purchase a weapon, and determine immediately, to the extent that records are on computers, and I think they have done a very good job of that in Virginia, from what I know, if that person is a convicted felon, and basically get an immediate yes or no answer.

The point is that that is one of the exceptions in H.R. 7. Where ever a State has implemented an instantaneous check system, then H.R. 7, by its own words, does not apply.

Although we can argue about, and have been arguing about, how long it will take other States to adopt this system, to have a computerized record check system, there is no doubt that other States will gain that capacity and will implement this over the next several years. Therefore, State by State, H.R. 7 will not apply, when instantaneous telephonic record checks take over.

In fact, in committee the supporters have been saying this bill sunsets itself. As more and more States adopt Virginia's system of instantaneous checks, then H.R. 7 does not apply.

Here is the point. The point is that if there is an instantaneous check, H.R. 7 does not apply. Therefore, no cooling off period. There is no 7-day wait in any State today or in the future which adopts an instantaneous check.

That means in Virginia you can be mad as heck and not going to take it anymore, but if you can pass the telephonic check, you get the firearm right away. There is no cooling off period.

Now, it is not for me to tell the sponsors of this bill what to put in and what to take out of their bill. I would say that probably they believe in the cooling off period and removed the provision from the bill through the instantaneous check provision, reluctantly, as a means of helping it pass the floor. Again, I do not speak for them, but that would be my guess as to what they would say.

I find no fault in that. I find no fault in sponsors of a bill and supporters deciding what they need to get a bill passed. It is not all that easy to do around here.

I find great fault, however, with continuing to claim publicly that we have this great need for H.R. 7 because we have to have this cooling off period, so that crimes of emotion and passion do not occur, when the supporters know very well they have taken that provision out of the bill and simply have not said that on the national media, and certainly do not communicate that in letters to their supporters.

I think that is not appropriate arguing on behalf of the legislation. Either keep it in, if you really believe in the 7-day cooling off period, keep it in come heck or high water, or admit publicly you have taken it out and do not argue that is the reason I should vote for this bill, when it is not there.

There is another bill also going to be brought up at the time of H.R. 7. This is H.R. 1412, known as the Staggers bill, after the name of its sponsor, the gentleman from West Virginia [Mr. STAGGERS].

This bill would take the Virginia system of an instantaneous check, telephone check, and make it mandatory nationwide through the U.S. Justice Department.

In other words, the object would be that in 6 months, that is what the bill says, in 6 months the gun dealers of every State of the Union would have to be connected with the Department of Justice computers and would have to participate in this check before selling a handgun.

I have less to say about this bill, because it has not been around as long as H.R. 7. H.R. 7, or its equivalent number, has been pending for years.

I would make this observation: I would say that direct telephonic checks are coming. They do appear to have worked in Virginia. I think other States will adopt them, with or without the Federal Government. But the 6-month timeframe that is specified in the bill is unattainable. In my judgment, it would take several years, at least, for the Department of Justice to be so computerized that it could meet the goals of this bill.

Therefore, I am not going to support H.R. 1412 either, because on its face it states goals that I think just cannot be achieved.

Let me say what can be done. We have a serious violent crime problem. We do have a serious problem of individuals who should not have guns, like convicted felons, in fact having guns.

I have the following suggestions: first, for those who believe in background checks, and, again, this is an honest debate, I would emphasize that every State can pass one as they wish.

If my State, the State of New Mexico, the legislature and Governor wish to pass a waiting period and background check, they are now and have always been free to do so.

Since, as I have indicated, H.R. 7 does not require anybody to conduct a background check nationally, there is nothing in this bill that adds anything to what power the States already have, if in fact the States think this is a good use of their police power. It is not a decision we have to make. It is not a decision we prevent by voting no.

Every State in the Union can pass the equivalent of H.R. 7, if that is what they want to do, by a vote no, if that occurs, and I think it will be a close vote. But if a no vote occurs, that does not stop the States from doing anything. They are free to proceed.

Second of all, I do believe we can improve Federal laws, and I personally will be introducing proposed bills that I think will tighten Federal handgun control laws.

Finally, I think the best action we can take is to better enforce the existing laws. There are already Federal laws against felons in possession of a firearm. There are already Federal laws against the purchase of a handgun interstate. In other words, in most cases, generally speaking, it is against the law to go from one place of residence to another State for the purpose of purchasing a handgun.

It is already against the law to ship a handgun interstate, other than to a licensed dealer.

So we actually have laws on the books which aim at the problem that is attempted to be addressed in H.R. 7. But I have found both in my career as a prosecutor, and, even more so, having gotten to Congress and seeing a national view that I did not have as a county prosecutor, that these laws are largely unenforced.

Just one example, one that I saw in the news media, in the Albuquerque Journal several weeks ago. There was an article, that I assume was syndicated, so I assume it may have appeared in a number of other journals, that dealt with a handgun being purchased by a woman in the State of Texas, which does not have a background check.

The woman did not have a record, apparently. She sold it to an individual with two prior felony convictions, within a couple of days. The implication was that she was paid to do this. In other words, she did not want the firearm, but this individual had two felony convictions, and, even without a background check, did not want to risk filling out the Alcohol, Tobacco, and Firearms form in the purchase, because you can be caught that way.

Therefore, this woman purchased the gun and sold it to the individual with two prior convictions. He then shipped it illegally to another State, I believe it was New Jersey, where it allegedly winds up in the hands of a drug dealer, who shoots and wounds a State police officer.

Now, let us back up. It was illegal to send that firearm from Texas to New Jersey. Was the individual who did that and who had two prior convictions prosecuted? The answer is yes, but minimally.

Despite this offense, which is one of the major problems we have in this country, the illegal interstate shipment of handguns, and despite the fact that he has two prior felony convictions, he did exactly 8 months time in a Federal penitentiary, which is a misdemeanor sentence. And he is free today, free to do it again, if he wants.

□ 1450

Further, the woman who was apparently used to purchase this handgun so the person with the record would not have to buy it, and who I might add could be used if we had H.R. 7, a straw buyer could be used to avoid a background check just as easily, that woman apparently, from the article, was never prosecuted at all. And so I think we will not have effective actions against this terrible handgun problem if we have winks and nods at laws that are already on the books and conduct that already is illegal.

Madam Speaker, in conclusion, I want to say that I took the floor because I believe, regretfully, the issue of handgun control, the issue of gun control, the issue of handguns, any of those words or combinations of words evoke emotional responses from one side or the other rather than a realistic, objective examination of each bill. I think that each bill that is presented should be examined on its merits and passed or not passed based upon those merits, and not because of a bunch of rhetoric.

But I want to conclude by saying handguns are an enormous problem. I hope to address that problem further within the 102d Congress personally. But if we are really going to address violent crime I am positive that we cannot just address one aspect of it, whether it is handguns, or whether it is any other part of the problem. The true answer to violent crime is going to take a number of actions from local government, from State government, from the Federal Government, and it is going to take a number of actions on a broad front from prevention to prosecution. I hope during my stay in Congress I have a positive impact and contribution to make to that broad-front approach, because we all want to see a reduction of violent crime.

AID FOR TRADE ACT

The SPEAKER pro tempore (Mrs. COLLINS of Illinois). Under a previous order of the House, the gentleman from Texas [Mr. GEREN] is recognized for 5 minutes.

Mr. GEREN of Texas. Madam Speaker, our recent victory in the Persian Gulf has proven once again that the United States is the world's leading military power. But unlike the days of yesterday, when world power was measured only in military might, power in today's new world order is measured also in economic strength and stamina; and unlike the days following the Second World War when we were the only economic power left standing, today we have many economic competitors. We have fallen behind in the manufacture of many goods, and are being aggressively pursued in others. It is time to take care of our own and turn our good will toward home.

Today, I have introduced the Aid for Trade Act, a bill designed to get a return on our foreign aid investment. Similar to legislation that has been introduced in the Senate, S. 571, the Aid for Trade Act would limit the use of unconditional foreign aid, and would tie U.S. aid to the purchase of U.S. goods and services. It would require that at least 35 percent of all U.S. aid be used for the construction, design, and servicing of capital projects.

This aid concept is proudly practiced by our trading partners. Canada, Japan, West Germany, France, Italy, and Great Britain provided over $10 billion in similarly restricted foreign aid and mixed credit assistance to other countries in 1988. Often, these countries will use engineering and design aid to write specifications for projects that can only be met by their goods, guaranteeing a market for those goods. Madam Speaker, it is time we wised up.

The concept of tied aid has been the norm for our economic partners and competitors for years. For example, from 1984 to 1987, Japan, West Germany, and France restricted 70 percent of their foreign aid to capital intensive projects that produced large amounts of capital goods exports for their domestic industry. During that same period, we freely gave away 94 percent of our foreign aid in cash grants.

While giving lipservice to the aid-for-trade idea, the administration has done little to put it into practice. These are revolutionary times that call for revolutionary changes in the way we do business with the world. Foreign aid must be seen as an investment in the future of our country as well as a part of our effort to help the less fortunate around the world.

We have an opportunity to help fledgling democracies along their path to maturity, but our responsibility to ourselves has been neglected far too long. Aid for trade is tried and true. We need only look to the record of our competitors to see the results. It is time for us to take a chapter from their book and embark on an approach to foreign aid that makes sense for America. Madam Speaker, I ask for the speedy consideration and passage of the Aid for Trade Act.

SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Madam Speaker, on behalf of myself, Mr. STALLINGS of Idaho, and Mr. MILLER of California, I rise to introduce the Snake River Birds of Prey National Conservation Area in Idaho.

The Snake River Birds of Prey Area is located 13 miles south of Boise, ID, and contains some 480,000 acres of canyons and plateaus along 81 miles of the Snake River. This special high desert is home to the densest nesting concentration of birds of prey in North America—indeed, one of the densest in the world.

More than 600 pairs of raptors nest there, representing 15 species. Golden eagles, red-tailed hawks, ferruginous hawks, Swainson's hawks, northern harriers, American kestrels, turkey vultures, and seven species of owls including the great horned, barn, northern saw-whet, burrowing, western screech, and short-eared owls—all nest in the Birds of Prey Area. In addition, the 209 pairs of prairie falcons which nest in the area account for about 5 percent of the total of that species' population.

SECTION 1: WILDLIFE VALUES

Why are so many raptors attracted to the area? Because nature has provided a unique combination of climate, geology, soils, and vegetation to create a complete and stable ecosystem where predators and prey can occur in extraordinary numbers.

Some of the canyon walls along the Snake soar as much as 375 feet high, providing ideal nesting sites for birds of prey.

Deep, wind-blown soil covers the expansive plateaus above the canyons. This fine-textured earth contains all the characteristics which makes the area a perfect site for an unusual variety and number of small, burrowing mammals—food for the raptors.

In fact, portions of the area support the densest ground squirrel populations ever recorded, which constitute the principal prey of prairie falcons. Pocket gophers, kangaroo rats, and deer mice are also abundant, as are black-tailed jackrabbits—which are an important food source for golden eagles.

When raptor expert, Morley Nelson, described the uniqueness of the Snake River Birds of Prey Area, he stated,

> It is not possible to go in any direction from this area without losing several of the important characteristics that make up this remarkable situation. The soils change, the geology changes, the climate changes; and in no other area in the Northern Hemisphere do these combinations of factors occur to such benefit to the birds of prey.

SECTION 2: CULTURAL VALUES

Not only does the area provide unique habitat for birds of prey, but the story of human use of the area is remarkable, too.

The Snake River Canyon, within the area, contains some of the oldest and most remarkable Native American archaeological sites in Idaho. Over 200 sites are recorded, including numerous outstanding petroglyphs.

The Oregon National Historic Trail traverses the entire length of the area. Certain trail remnants are among the best preserved in the Nation.

The discovery of gold in the 1860's in the nearby Owyhee Mountains brought settlement to this area. Three sites from this period are on the National Register of Historic Places, including Swan Falls Dam, built in 1901, the first hydroelectric dam on the Snake River.

Today, ranching, power generations, and National Guard training continue to exist as multiple uses of the Birds of Prey Area. Recreational use has increased dramatically in recent years. The area is becoming one of the most popular in southwest Idaho for viewing wildlife, for fishing, and for mountain bike riding and hiking.

In 1984, when the World Center for Birds of Prey was looking for a new home, Boise, ID, seemed the logical choice because of its proximity to the raptor nesting area. The center, operated by the Peregrine Fund conducts research and recovery operations for endangered raptor species.

The activities at the World Center also fostered the start of a raptor study program at Boise State University which attracts national and international graduate and undergraduate students. In addition, Boise State University, together with other State, Federal, and private groups, have formed the Raptor Research and Technical Assistance Center that will provide support for research, recovery, and educational activities underway at the Birds of Prey Area.

Today, the entire Snake River Birds of Prey network is recognized by conservationists and scientists worldwide. The next important step is to guarantee this special conservation area by giving it permanent protection.

Naturalists have recognized the significance of the area since the 1940's. In 1971, the Secretary of the Interior issued a public land order to protect the canyon nesting habitat.

Extensive research was then conducted throughout the 1970's which identified the critical relationship between the canyon nesting habitat and the prey habitat on the plateau. In 1980, Governor Cecil Andrus, then Secretary of Interior, issued another public land order to protect the plateau lands from development as well as to protect additional lands in the canyon nesting areas.

This order will expire in just 9 years. The bill which I am introducing today would make permanent this conservation area and protect its special wildlife habitat as well as accommodate multiple uses and recreation demand.

Accordingly, Madam Speaker, it gives me great pleasure to introduce the Snake River Birds of Prey Area legislation, and I urge its consideration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEHMAN of Florida (at the request of Mr. GEPHARDT), from April 30 through May 23, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes each day, on May 7, 8, 9, 14, 15, and 16.

Mr. FIELDS, for 60 minutes, on May 1.

Mrs. VUCANOVICH, for 60 minutes, on May 1.

Mr. HUNTER, for 60 minutes, on May 1.

Mr. SCHIFF, for 60 minutes, today.

Mr. SANTORUM, for 60 minutes, on May 7.

(The following Members (at the request of Mr. BERMAN) to revise and extend their remarks and include extraneous material:)

Mr. OBERSTAR, for 5 minutes, today.

Mr. GEREN of Texas, for 5 minutes, today.

Mr. LAROCCO, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PEASE, for 5 minutes, today.

Mr. STUDDS, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, on May 1.

Mr. LAROCCO, for 5 minutes, on May 1.

Mr. PEASE, for 5 minutes, each day on May 1 and 2.

Mr. WISE, for 60 minutes, each day on May 1 and 2.

Mr. OWENS of New York, for 60 minutes each day, on May 6, 7, 8, 9, 10, 13, 14, 15, 16, and 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCHIFF) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. RHODES in two instances.

Mr. LENT.

Mr. WALSH.

Mr. LAGOMARSINO.

Mr. DANNEMEYER in three instances.

(The following Members (at the request of Mr. BERMAN) and to include extraneous matter:)

Ms. SLAUGHTER of New York.

Mr. DORGAN of North Dakota.

Mr. STARK in three instances.

Mr. MILLER of California in two instances.

Mr. BILBRAY.

Mr. PENNY.

Mr. ROYBAL.

Mr. FASCELL in two instances.

Mrs. SCHROEDER in two instances.

Mr. MAZZOLI.

Mr. MAVROULES.

Mr. TALLON in two instances.

Mr. FAZIO.

Mr. REED in three instances.

Mrs. MINK.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 173. Joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

ADJOURNMENT

Mr. LAROCCO. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 1, 1991, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1166. A letter from the Department of the Army, transmitting an initial decision to retain the commissary storage and issue function as an in-house operation at Fort Jackson, SC, pursuant to Public Law 100–463, section 8061 (102 Stat, 2270–27); to the Committee on Armed Services.

1167. A letter from the Secretary, Housing and Urban Development, transmitting strategy and action plan developed to assist in the disposition of foreclosed properties in the stock of the Department, pursuant to Public Law 101–625, section 330(a) (104 Stat. 4146); to the Committee on Banking, Finance and Urban Affairs.

1168. A letter from the Assistant Attorney General, Department of Justice, transmitting the 1990 annual report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Banking, Finance and Urban Affairs.

1169. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on U.S. exports to Mexico; to the Committee on Banking, Finance and Urban Affairs.

1170. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the annual report covering the operations of the Board during calendar year 1990, pursuant to 15 U.S.C. 57a(f)(6); to the Committee on Banking, Finance and Urban Affairs.

1171. A letter from the Chairman, National Commission on Libraries and Information Science, transmitting the 19th annual report of the activities of the Commission covering the period October 1, 1989 through September 30, 1990, pursuant to 20 U.S.C. 1504; to the Committee on Education and Labor.

1172. A letter from the Chairman, the John F. Kennedy Center for the Performing Arts, transmitting the 1990 annual report of operations for the John F. Kennedy Center for the Performing Arts, pursuant to 20 U.S.C. 761(c); to the Committee on Education and Labor.

1173. A letter from the Secretary of Health and Human Services, transmitting the 1989–90 annual report on the status of organ donation and coordination services, pursuant to 42 U.S.C. 274c(4); to the Committee on Energy and Commerce.

1174. A letter from the Secretary of Health and Human Services, transmitting the 1990 annual report on the National Institutes of Health [NIH] AIDS Research Loan Repayment Program [LRP]; to the Committee on Energy and Commerce.

1175. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Raymond George Hardenbergh Seitz, of Texas, Career Member of the Senior Foreign Service, class of minister-counselor, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1176. A letter from the Department of State, transmitting a report on the status of secondment with the United Nations by the Soviet Union and Soviet bloc member nations, pursuant to Public Law 100–204, section 701(b) (101 Stat. 1385); to the Committee on Foreign Affairs.

1177. A letter from the Department of State, transmitting a classified report on the status of secondment with the United Nations by the Soviet Union and Soviet bloc member nations, pursuant to Public Law 100–204, section 701(b) (101 Stat. 1385); to the Committee on Foreign Affairs.

1178. A letter from the Attorney General, Department of Justice, transmitting a draft of proposed legislation to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States; to the Committee on the Judiciary.

1179. A letter from the Secretary of Transportation, transmitting a report on highway demonstration projects in Altoona, PA, and the use of the state-of-the-art delineation technology, pursuant to Public Law 100–17, section 149(j)(3) (101 Stat. 203); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 136. Resolution providing for the consideration of H.R. 1455, a bill to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 102–42). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 137. Resolution providing for the consideration of H.R. 1988, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes (Rept. 102–43). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 138. Resolution providing for the consideration of H.R. 1236, a bill to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes (Rept. 102–44). Referred to the House Calendar.

Mr. MILLER of California: Committee on Interior and Insular Affairs. House Concurrent Resolution 109. Concurrent resolution commemorating the 30th anniversary of the signing of the Antarctic Treaty on June 22, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals development and related activities for at least 99 years at the upcoming meeting of the parties to the Antarctic Treaty, April 22 through 27, 1991, in Madrid, Spain; with amendments (Rept. 102–45, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HERTEL (for himself, Mr. Jones of North Carolina, Mr. Bateman, Mr. Davis, Mr. Studds, Mr. Young of Alaska, and Mr. Hughes):

H.R. 2130. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal year 1992; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. JONES of North Carolina (for himself, Mr. Neal of North Carolina, Mr. Hefner, Mr. Valentine, Mr. Lancaster, Mr. Rose, Mr. Price, Mr. Coble, Mr. Ballenger, Mr. McMillan of North Carolina, Mr. Carper, Mr. Vento, and Mr. Kostmayer):

H.R. 2131. A bill to direct the Resolution Trust Corporation to convey property in North Carolina known as the Nags Head Woods tract to a Government agency or qualified organization; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 2132. A bill to authorize the Fort Smith Airport Commission to transfer to the city of Fort Smith, AR, title to certain lands at the Fort Smith Municipal Airport for construction of a road; to the Committee on Public Works and Transportation.

By Mr. AuCOIN:

H.R. 2133. A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitation shall not apply to deductions allowable for cash out-of-pocket expenses for taxes, interest, and trade or business expenses in connection with rental real estate activities in which the taxpayer actively or materially participates; to the Committee on Ways and Means.

By Mr. FIELDS (for himself, Mr. Hunter, Mr. Lagomarsino, Mr. Roberts, Mr. Bryant, Mr. Barton of Texas, Mr. Dannemeyer, Mr. Hyde, Mr. Duncan, Mr. Miller of Ohio, and Mr. Brown):

H.R. 2134. A bill to amend title 10, United States Code, to provide that certain minors who are under the legal custody of members of the uniformed services are eligible for military medical and dental care as dependents of the members; to the Committee on Armed Services.

By Mr. FOGLIETTA (for himself, Mr. Ravenel, Mr. Dellums, Mr. Machtley, Mr. Fascell, Mr. Dwyer of New Jersey, Mr. Bennett, Mr. Reed, Mr. Jefferson, Ms. Kaptur, Mr. Eckart, and Mr. Blaz):

H.R. 2135. A bill to amend the Maritime Act of 1981 to enhance interstate and foreign commerce and improve competitiveness of U.S. ports in such commerce by establishing a port improvement revolving loan program to be administered jointly by the Secretary of Commerce and the Secretary of Transportation; to the Committee on Public Works and Transportation.

By Mr. GAYDOS:

H.R. 2136. A bill to amend the Small Business Act to make small business concerns owned and controlled by special disabled veterans eligible to receive procurement contracts awards under that act; to the Committee on Small Business.

By Mr. GEREN of Texas:

H.R. 2137. A bill to amend the Export-Import Bank Act of 1945 and the Foreign Assistance Act of 1961 to reform U.S. bilateral economic assistance programs, to promote the purchase of U.S. goods and services, to promote democracy and privatization in Eastern Europe, and for other purposes; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. HOCHBRUECKNER:

H.R. 2138. A bill to require the Secretary of Defense to establish a pilot program on a military installation for the composting of yard waste and cafeteria waste; to the Committee on Armed Services.

H.R. 2139. A bill to require the Secretary of Commerce to establish a program for providing grants to projects that promote composting of solid waste produced by commercial and recreation fishing; to the Committee on Merchant Marine and Fisheries.

By Mr. HOCHBRUECKNER (for himself and Mr. PALLONE):

H.R. 2140. A bill to require the Secretary of Transportation to conduct research on the management of waste found along Federal-aid highways, including the application of compost in landscaping and roadside development of such highways; to the Committee on Science, Space, and Technology.

By Mr. LAROCCO (for himself, Mr. STALLINGS, and Mr. MILLER of California):

H.R. 2141. A bill to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mrs. LOWEY of New York:

H.R. 2142. A bill to amend the Higher Education Act of 1965 in order to increase postsecondary educational opportunities for women and minorities, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLER of California:

H.R. 2143. A bill to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian reservations; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of California (for himself, Mr. HUNTER, Mr. MARTINEZ, Mr. PANETTA, Mr. MINETA, Mr. BROWN, Mr. LANTOS, Ms. PELOSI, Mrs. BOXER, and Mr. DELLUMS):

H.R. 2144. A bill to provide restoration of the Federal trust relationship with and assistance to the terminated tribes of California Indians and the individual members thereof; to extend Federal recognition to certain Indian tribes in California; to establish administrative procedures and guidelines to clarify the status of certain Indian tribes in California; to establish a Federal commission on policies and programs affecting California Indians; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of California (for himself, Mr. WILLIAMS, Mr. RICHARDSON, Mr. JOHNSON of South Dakota, Mr. CAMPBELL of Colorado, and Mr. FALEOMAVAEGA):

H.R. 2145. A bill to authorize appropriations for Indian reservation roads; to the Committee on Public Works and Transportation.

By Mrs. MINK:

H.R. 2146. A bill to amend the Internal Revenue Code of 1986 to modify the determination of eligible basis in difficult development areas for the low-income housing credit; to the Committee on Ways and Means.

By Mr. ROSE:

H.R. 2147. A bill to extend the existing suspension of duty on thiothiamine hydrochloride; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 2148. A bill to reduce the authorized end strength for the number of U.S. military personnel in Europe; to the Committee on Armed Services.

By Mr. SCHULZE (for himself, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. SUNDQUIST, Mr. KOSTMAYER, Mr. HORTON, Mr. DEFAZIO, Mr. WALSH, Mr. JONTZ, and Ms. SLAUGHTER of New York):

H.R. 2149. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross estate the value of land subject to a qualified conservation easement if certain conditions are satisfied and to defer some of the scheduled reduction in estate tax rates; to the Committee on Ways and Means.

By Mr. SLATTERY:

H.R. 2150. A bill to amend the Immigration and Nationality Act with respect to the admission of professors and researchers; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 2151. A bill to amend the Public Health Service Act to remove the age limitation for receipt of a commission in the Public Health Service; to the Committee on Energy and Commerce.

By Mr. STUDDS (for himself, Mr. YOUNG of Alaska, Mrs. UNSOELD, Mr. MATSUI, Mr. KOPETSKI, Mr. RIGGS, Mr. LEVIN of Michigan, Mr. GOSS, Mr. FRANK of Massachusetts, Mr. MILLER of Washington, Mr. LEWIS of Florida, Mr. MCCLOSKEY, Mr. BEILENSON, Mr. WAXMAN, Mr. AUCOIN, Mr. DEFAZIO, Mr. OWENS of New York, Mr. HOCHBRUECKNER, Mr. WILSON, Mr. TOWNS, Mr. OBERSTAR, Mr. GEJDENSON, Mr. REED, Mr. MACHTLEY, Mr. BRUCE, Ms. KAPTUR, Mr. ACKERMAN, Mr. DICKS, Mr. HERGER, Mr. LIPINSKI, and Mr. JONES of North Carolina):

H.R. 2152. A bill to enhance the effectiveness of the United Nations international drift net fishery conservation program; to the Committee on Merchant Marine and Fisheries.

By Mr. ROSE:

H.J. Res. 238. Joint resolution to designate October 1991, as "National Lock-In-Safety Month"; to the Committee on Post Office and Civil Service.

By Mr. MRAZEK (for himself, Mr. VENTO, Mr. AUCOIN, Mr. OWENS of Utah, Mr. VALENTINE, Mr. OWENS of New York, Mr. FLAKE, Mr. FASCELL, Mr. ANNUNZIO, Mr. RAVENEL, Mr. RUSSO, Mrs. PATTERSON, Mr. COYNE, Mr. BROWN, Mr. KOSTMAYER, Mr. MFUME, Mr. LIPINSKI, Mr. JONTZ, Mr. OLIN, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. SCHEUER, Mr. SHAYS, Mr. ACKERMAN, Mr. MOODY, Mr. ATKINS, Mrs. BOXER, Mr. DURBIN, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. SCHUMER, Mr. SERRANO, Mr. LEHMAN of California, Mrs. MORELLA, Mr. ANDREWS of Maine, Mr. MINETA, Mr. SANDERS, Ms. PELOSI, Mr. RAMSTAD, Mr. FUSTER, Mr. GONZALEZ, Mr. SIKORSKI, Mr. LANCASTER, Mr. JONES of Georgia, Mr. SABO, Mr. COOPER, Mrs. SCHROEDER, Mr. KILDEE, Mr. DYMALLY, Mr. PANETTA, Mr. SPRATT, Mr. ROEMER, Mr. TORRES, Mr. DELLUMS, Mr. REED, Mr. LEHMAN of Florida, Mr. JACOBS, Ms. SLAUGHTER of New York, Mr. BEILENSON, Mr. DIXON, Mr. YATES, Mr. SWETT, Mr. NEAL of North Carolina, Mr. SKAGGS, Mr. RINALDO, and Mr. KENNEDY):

H.J. Res. 239. Joint resolution to designate certain lands in Alaska as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. COMBEST (for himself, Mr. ALLARD, Mr. GALLO, Mr. HORTON, Mr. MACHTLEY, Mr. SANTORUM, Mr. MCGRATH, Mr. TALLON, Mr. ROBERTS, Mr. KLUG, Mr. SCHIFF, Mr. MAVROULES, Mr. DEFAZIO, Mr. BALLENGER, Mr. DICKINSON, Mr. CLINGER, Mr. MCEWEN, Mr. NEAL of North Carolina, Mr. KOPETSKI, Mr. PARKER, Mr. JEFFERSON, Mr. WALSH, Mr. WILSON, Mr. TAYLOR of Mississippi, Mr. LANCASTER, Mr. ENGEL, Mr. MARTIN, Mr. EMERSON, Mr. OWENS of Utah, Mr. ECKART, Mr. SPENCE, Ms. DELAURO, Mr. DELAY, Mr. STEARNS, Mr. FISH, Mr. MCCLOSKEY, Mr. FEIGHAN, Mrs. MINK, Mr. CHAPMAN, Mr. SOLOMON, Mr. HEFNER, and Mr. HANSEN):

H. Res. 139. Resolution expressing the sense of the House of Representatives that Federal laws regarding the taxation of State and local government bonds should not be changed in order to increase Federal revenues; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

95. By the SPEAKER: Memorial of the Senate of the State of Iowa, relative to supporting American agriculture; to the Committee on Agriculture.

96. Also, memorial of the Senate of the State of Iowa, relative to protesting the withholding of Federal Unemployment Tax Act [FUTA] funds by the Federal Government; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HUNTER:

H.R. 2153. A bill for the relief of Sanae Takahashi; to the Committee on the Judiciary.

By Mr. INHOFE:

H.R. 2154. A bill for the relief of James E. Carl; to the Committee on Armed Services.

By Mr. STUDDS:

H.R. 2155. A bill to authorize issuance of a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Mayflower II* and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TALLON:

H.R. 2156. A bill for the relief of William A. Proffitt; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. LANTOS, Mr. BORSKI, Mr. LEWIS of Georgia, Mr. PAYNE of Virginia, Mr. BROWN, Mr. DICKS, Mr. ACKERMAN, Mr. FUSTER, Mr. FOGLIETTA, Mrs. UNSOELD, Ms. SLAUGHTER of New York, Mr. MRAZEK, Mr. CRAMER, and Mr. EVANS.

H.R. 43: Mr. CAMPBELL of Colorado and Mr. FAWELL.

H.R. 77: Mr. COBLE, Mr. NUSSLE, Mr. JAMES, Mr. SOLOMON, and Mr. DOOLITTLE.

H.R. 78: Mr. SENSENBRENNER.

H.R. 123: Mr. HUCKABY, Mr. TAUZIN, and Mr. GALLEGLY.

H.R. 252: Mr. BROOMFIELD and Mr. SPRATT.

H.R. 328: Mr. VALENTINE.

H.R. 330: Mr. STARK, Mr. SCHEUER, Mr. YATES, Mr. BERMAN, and Mr. MATSUI.

H.R. 386: Mr. BONIOR, Mr. FRANK of Massachusetts, Mr. SIKORSKI, and Mr. MRAZEK.

H.R. 459: Mr. FISH, Mr. GOSS, and Mrs. LOWEY of New York.

H.R. 479: Mr. LAGOMARSINO.

H.R. 614: Mr. ENGEL, Mr. NAGLE, and Mr. HERTEL.

H.R. 652: Mr. DWYER of New Jersey and Mr. LANCASTER.

H.R. 672: Mr. KENNEDY.

H.R. 741: Mr. MACHTLEY.

H.R. 744: Mr. BENNETT.

H.R. 786: Mr. BLAZ, Mr. SISISKY, Mr. SLATTERY, Mrs. BYRON, and Mr. HAMMERSCHMIDT.

H.R. 849: Ms. SLAUGHTER of New York, Mrs. LOWEY of New York, Mr. HERTEL, and Mr. OWENS of Utah.

H.R. 875: Mr. MRAZEK, Mr. CARR, and Mrs. LOWEY of New York.

H.R. 944: Mr. CLINGER, Mr. MCDERMOTT, Mr. WOLPE, Ms. SLAUGHTER of New York, Mr. FRANK of Massachusetts, and Mr. KOSTMAYER.

H.R. 961: Mr. RIGGS.

H.R. 967: Mr. FRANKS of Connecticut and Mr. DIXON.

H.R. 1015: Mr. MRAZEK.

H.R. 1049: Mrs. BYRON, Mr. CAMPBELL of California, Mr. GILCHREST, Mr. MCCOLLUM, Mr. RITTER, and Mr. BLAZ.

H.R. 1064: Mr. COBLE and Mr. BLILEY.

H.R. 1108: Mr. SLATTERY.

H.R. 1110: Mr. MILLER of Washington, Mr. HOUGHTON, and Mr. FLAKE.

H.R. 1112: Mr. RIGGS, Mr. TOWNS, Mr. WOLPE, and Mr. LIPINSKI.

H.R. 1124: Mr. ACKERMAN, Mr. COLEMAN of Texas, Mr. DORNAN of California, Mr. JEFFERSON, Mr. KENNEDY, Mr. LAGOMARSINO, Mr. RAMSTAD, Mr. RAVENEL, Mr. RICHARDSON, Mr. STAGGERS, and Mr. TRAFICANT.

H.R. 1185: Mr. ENGEL, Mr. LAGOMARSINO, Mr. CARPER, Mr. KOPETSKI, and Mr. PORTER.

H.R. 1201: Mr. RIGGS.

H.R. 1233: Mr. JOHNSON of South Dakota.

H.R. 1238: Mrs. BENTLEY.

H.R. 1245: Mr. OWENS of Utah, Mr. FALEOMAVAEGA, Mr. BUSTAMANTE, Mrs. LOWEY of New York, and Mr. DORNAN of California.

H.R. 1343: Mr. DWYER of New Jersey, Mr. JOHNSTON of Florida, Mr. ACKERMAN, Mr. MFUME, Mr. WALSH, Mr. BRYANT, Mr. SABO, Mr. WAXMAN, Mr. SIKORSKI, and Mr. KENNEDY.

H.R. 1411: Mr. HANCOCK, Mr. DICKINSON, Mr. FASCELL, Mr. BURTON of Indiana, Mr. SPENCE, Mr. BENNETT, Mr. MOLLOHAN, Mr. MFUME, Ms. HORN, Mr. WHEAT, Mr. BLAZ, Mr. SCHUMER, and Mr. ROEMER.

H.R. 1414: Mr. BORSKI, Mr. MCMILLAN of North Carolina, Mr. PACKARD, Mr. HANCOCK, and Mr. DYMALLY.

H.R. 1446: Mr. KENNEDY.

H.R. 1454: Mr. PANETTA, Mr. EDWARDS of California, Mr. FALEOMAVAEGA, and Mrs. MINK.

H.R. 1457: Mr. ECKART and Mr. ERDREICH.

H.R. 1502: Mrs. UNSOELD, Mr. DURBIN, Mr. HOAGLAND, Mr. FOGLIETTA, Mr. ATKINS, Mr. REED, Mr. MRAZEK, Mr. ECKART, and Mr. MORAN.

H.R. 1527: Mr. ALEXANDER, Mr. PICKETT, and Mr. JONES of North Carolina.

H.R. 1578: Mr. EVANS, Mr. SLATTERY, Mr. PICKETT, Mr. HAMMERSCHMIDT, Mr. BURTON of Indiana, Mr. INHOFE, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. HARRIS.

H.R. 1601: Ms. KAPTUR.

H.R. 1647: Mr. PETRI, Mr. LIVINGSTON, and Mr. ALLARD.

H.R. 1649: Mr. DWYER of New Jersey, and Mr. HERTEL.

H.R. 1669: Mr. MINETA, and Mr. EDWARDS of California.

H.R. 1691: Mr. COBLE, Mr. MILLER of California, Mr. FEIGHAN, Mr. MCHUGH, Mr. FISH, Mr. COLEMAN of Texas, Mr. NOWAK, Mrs. UNSOELD, Mr. LAFALCE, Mr. PENNY, and Mr. ACKERMAN.

H.R. 1703: Mr. DIXON.

H.R. 1736: Mr. WALSH, Mr. KLUG, Mr. BRUCE, Mr. GRANDY, and Mr. BEREUTER.

H.R. 1746:, Mr. LANCASTER, Mr. WOLF, Mr. FEIGHAN, Ms. SNOWE, Ms. NORTON, Mr. BEREUTER, Mr. JOHNSTON of Florida, Mr. FASCELL, and Mr. WILSON.

H.R. 1782: Mr. DERRICK, Mr. WISE, Mr. DE LUGO, Mr. MCDERMOTT, Mr. SERRANO, Mr. LIPINSKI, Mr. FORD of Tennessee, Mr. PAYNE of New Jersey, Mr. LEHMAN of Florida, Mr. VALENTINE, Mr. BONIOR, Mr. MARTINEZ, Mr. GORDON, Mr. MATSUI, Mr. WEISS, Mr. WILSON, Mr. SMITH of Florida, Mr. OWENS of New York, Mrs. LLOYD, Mr. FOGLIETTA, Mr. LEWIS of Georgia, Mr. NEAL of North Carolina, Mr. ROSE, Mr. RAVENEL, Mrs. BENTLEY, and Mr. FEIGHAN.

H.R. 1794: Mr. STUDDS, Mr. OWENS of New York, Mr. DWYER of New Jersey, Mrs. LLOYD, Ms. KAPTUR, Mr. LIPINSKI, and Ms. SLAUGHTER of New York.

H.R. 1916: Mr. DEFAZIO and Mr. ESPY.

H.R. 1955: Mr. JEFFERSON and Mr. HUGHES.

H.R. 1956: Mr. JEFFERSON and Mr. HUGHES.

H.R. 2053: Mr. MARKEY and Mr. KENNEDY.

H.R. 2083: Mr. NEAL of North Carolina, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. EDWARDS of California, and Ms. PELOSI.

H.J. Res. 10: Mr. PENNY, Mr. QUILLEN, Mr. RAVENEL, and Mr. WILSON.

H.J. Res. 88: Mr. MARKEY and Mrs. MINK.

H.J. Res. 120: Mr. GORDON, Mr. KENNEDY, Mr. KILDEE, Mr. ORTIZ, Mr. SKELTON, Mr. LEHMAN of California, Mr. HUCKABY, Mr. STUMP, Mr. GUNDERSON, Mr. JEFFERSON, Mr. COBLE, Mr. GILCHREST, Mr. CHANDLER, Mr. GRANDY, Mr. HOYER, Mr. COX of California, Mr. PORTER, Mr. DINGELL, Mr. DIXON, Ms. MOLINARI, Mr. OBEY, Mr. LAUGHLIN, Mr. BONIOR, Mr. GINGRICH, Mr. REGULA, Mrs. JOHNSON of Connecticut, Mr. BLAZ, Mr. RHODES, Mr. THOMAS of Wyoming, Mr. GEREN of Texas, Mr. HATCHER, Mr. HAMILTON, Mr. RIDGE, and Mr. SAWYER.

H.J. Res. 156: Mrs. VUCANOVICH, Ms. OAKAR, Mr. LOWERY of California, Mr. DYMALLY, Mr. SMITH of Oregon, Mr. FISH, Mr. GUARINI, Mr. GREEN of New York, Mr. HUGHES, Mr. WISE, and Ms. NORTON.

H.J. Res. 185: Mr. CAMP, Mr. HASTERT, Mr. LEVINE of California, Mrs. VUCANOVICH, Ms. KAPTUR, Mr. FOGLIETTA, Mr. PANETTA, Mr. ROEMER, Mr. BEVILL, Mr. RAVENEL, Mr. MCDERMOTT, Mr. KENNEDY, and Mr. KOLTER.

H.J. Res. 188: Mr. RAMSTAD, Mr. EMERSON, Mr. LAGOMARSINO, Mr. KOLTER, Mr. NEAL of Massachusetts, Mr. LANCASTER, Mr. GILMAN, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Jersey, Mr. MCCRERY, Mr. RITTER, Mr. RIGGS, Mr. AUCOIN, Mr. CLEMENT, Mr. DARDEN, Mr. ENGEL, Mr. MATSUI, and Mr. HAYES of Louisiana.

H.J. Res. 231: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ARMEY, Mr. BONIOR, Mr. BORSKI, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. COLEMAN of Texas, Mrs. COLLINS of Michigan, Mr. DARDEN, Mr. DE LUGO, Mr. DEFAZIO, Mr. DICKINSON, Mr. ERDREICH, Mr. ESPY, Mr. FRANK of Massachusetts, Mr. FIELDS, Mr. FROST, Mr. GORDON, Mr. GUARINI, Mr. HALL of Texas, Mr. HANSEN, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. HUTTO, Mr. JEFFERSON, Mr. KENNEDY, Mr. KLECZKA, Mr. KOPETSKI, Mr. JONES of North Carolina, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MATSUI, Mr. MAVROULES, Mr. NUSSLE, Mr. OBERSTAR, Mr. ORTIZ, Mr. OXLEY, Mr. PALLONE, Mrs. PATTERSON, Mr. PERKINS, Mr. POSHARD, Mr. QUILLEN, Mr. REED, Mr. RHODES, Mr. RITTER, Mr. ROE, Mr. ROGERS, Mr. ROHRABACHER, Mr. ROTH, Mr. SABO, Mr. SANGMEISTER, Mr. SHUSTER, Mr. SLATTERY, Mr. SPENCE, Mr. STALLINGS, Mr. STENHOLM, Mr. STUDDS, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mrs. UNSOELD, Mr. VISCLOSKY, and Mr. WILSON.

H. Con. Res. 81: Mr. MARTINEZ, Mr. ESPY, Mr. MCNULTY, Mrs. BYRON, Mr. TAUZIN, and Ms. SNOWE.

H. Con. Res. 118; Mr. DWYER of New Jersey, Mr. YATRON, Mr. MCNULTY, Mr. HOCHBRUECKNER, Mr. KOSTMAYER, Mr. SABO, Mr. MACHTLEY, Mr. FROST, Mr. PAXON, Mr. GEJDENSON, Mr. BROWN, Mrs. MORELLA, Mr. GEPHARDT, Mr. CARDIN, Mr. ATKINS, Mr. WAXMAN, Mr. HERTEL, Mr. JONTZ, Mr. KOLBE, Mr. JEFFERSON, Mr. HUGHES, Ms. SNOWE and Ms. NORTON.

H. Con. Res. 131: Mrs. BYRON, Mr. KLECZKA, Mr. RICHARDSON, Mr. WASHINGTON, Mr. TORRES, Mr. FROST, and Mr. HERGER.

H. Res. 40: Mr. TORRICELLI.

H. Res. 101: Ms. KAPTUR, Mr. NEAL of North Carolina, Mr. MOLLOHAN, Mr. HERTEL, Mr. STUDDS, and Mr. APPLEGATE.

H. Res. 115: Mr. LEACH, Mr. ZIMMER, Mr. STUDDS, and Mr. TOWNS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

76. By the Speaker: Petition of citizens of the Fifth District of Tennessee, relative to the brutal treatment of the Kurdish people; to the Committee on Foreign Affairs.

77. Also, petition of the common council of the city of Buffalo, relative to the Kurdish people; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

SOUTH FLORIDA MOURNS ALICE WAINWRIGHT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. FASCELL. Mr. Speaker, last week, south Florida lost one of its foremost environmental crusader and civic leader. Alice Wainwright passed away at the age of 83.

A resident of Miami for 57 years, Mrs. Wainwright was a remarkable woman who became an attorney in midlife and served as a member of the Miami City Commission. Her activities in behalf of the community were plentiful. But her first love and most ardent cause was the environment and for that she worked tirelessly whenever an issue arose that required attention.

As a longtime member and former president of the Tropical Audubon Society, there was not a major issue involving the preservation of south Florida's environment in which she was not involved as a major player, whether it was the establishment of Biscayne National Park, the preservation of Everglades National Park or the prevention of construction of a jetport in the Big Cypress National Preserve. If there was something involving the environment that needed to be done, I knew I could expect a call from Alice just to let me know she was looking over my shoulder in case I didn't do all she thought I should.

Alice Wainwright was truly an inspiration and guiding force for all of us in south Florida who cherish, and have worked for the preservation of, our natural resources.

I commend to our colleagues an article from the April 24 edition of the Miami Herald, along with an editorial from the April 26 edition which describe Alice Wainwright's outstanding life and career. She will be deeply missed.

[From the Miami Herald, Apr. 24, 1991]

ALICE WAINWRIGHT, CRUSADER FOR ENVIRONMENT, DIES AT 83

(By Arnold Markowitz)

Alice Wainwright, devoted bodyguard and booster of Mother Nature, died Tuesday morning in Miami, her home for 57 years. She was 83, an active and influential environmental crusader to the end.

Mrs. Wainwright, who served a term on the City Commission from 1961–65, was a longtime leader of the Tropical Audubon Society and Fairchild Tropical Garden. She led and supported many crusades, including prevention of a jetport in Big Cypress Swamp and a resort city on the islands of what is now Biscayne National Park.

She was admitted to Mercy Hospital following a heart attack Sunday, a spokeswoman reported, and died at 7:43 a.m. Tuesday.

"Yesterday she felt like her old self and wanted to go home," said her son John T. Wainwright, a lawyer who lives in Washington. "She did not have a long, disabling illness. She was very active, talking to people, appearing before regulatory boards.

"She loved this community of South Florida, and she loved this state—from Key West to the Alabama line. She always used to say that."

A service is scheduled for 1 p.m. Friday in Trinity Episcopal Cathedral, on Bayshore Drive at the corner of Northeast 16th Street. Besides her son, Mrs. Wainwright is survived by two grandsons and a sister-in-law.

Wainwright said his mother wanted no flowers sent, but would appreciate donations to the Tropical Audubon Society, the University of Miami's Chapel of the Venerable Bede, or an Alice Wainwright Memorial Fund being established for the city of Miami.

"It's for anything the city wants," the son said. "Cleaning windows, fixing the sewers if necessary. She always said she didn't want to be remembered for parks, but for sewers."

In her one City Commission term, Mrs. Wainwright led the movement to raise funds for construction of the sewage treatment plant on Virginia Key.

Parks were important to her, too. She got the commission to buy land for a park named after Everett Sewell, an old-days mayor. Another park, between Brickell Avenue and Biscayne Bay, is named after Mrs. Wainwright.

CIVIC BEAUTIFICATION

In the 1960s she worked ardently for civic beautification, a campaign led nationally by the president's wife, Lady Bird Johnson. They were awarded medals together by the Garden Clubs of America in 1968.

As a city commissioner, Mrs. Wainwright also wrote and shoved into law a comprehensive sign control ordinance forbidding billboards beside expressways inside the city limits. They uglied up the view; Mrs. Wainwright could not stand ugliness.

One sign rising above Biscayne Boulevard was her candidate for worst of all, though other forces for good in the community thought it cute. That was Coppertone's suntan lotion sign, the mechanical one with a playful dog pulling a little girl's swimsuit down from behind.

"Blatantly distasteful," Alice Wainwright sniffed.

NO SNOB, BUT A BLUE-BLOOD

Although no snob, she was blue-blooded, inimitably polite, cultured, diplomatic and refined. She would never do anything she considered inappropriate.

Neither would she set aside her principles. She persisted through four years of hearings to enact her billboard ordinance.

"I'm like a dog with a bone," she said. "If I set my mind to something. I keep on and on and on and on."

She was the first woman elected to the City Commission, though not the first female member. That was Anna M. Perry, appointed in 1938 to finish the term of a commissioner who retired.

STILL INFLUENTIAL

Long after quitting elective politics beause of her heart condition, Mrs. Wainwright exerted surprising influence.

"Alice's strength was knowing everybody in town," said Joe Podgor, a Friends of the Everglades activist.

Robert Kelley, past president of the Tropical Audubon Society, said Mrs. Wainwright leaves a broad legacy:

"She was instrumental for historic preservation here and in Maine. She will be remembered for her work on the Everglades and other conservation issues. She was the National Audubon Society's South Florida representative for almost 20 years, coordinating all six chapters here, and on the board of directors at Fairchild Tropical Garden for many years."

Alice Cutts Wainwright was born into a family of military officers and lawyers.

An uncle, Marine Gen. John Wriggs Myers, was senior U.S. officer in China. His father, a Confederate general, established and named the Florida Gulf coast city of Fort Myers. Col. Richard M. Cutts of the Marines was Alice's father. She was born at the Bear Island Navy Yard in California.

WIDOWED EARLY

She attended Briarcliffe College in New York. In 1926, at a dinner in Washington, she met her future husband, John T. Wainwright, who was studying for a Foreign Service career.

In 1930, when he was a consular officer in Cuba, John Wainwright drowned trying to save a couple swept off a pier by waves. Alice Wainwright, pregnant and a widow after five months of marriage, never remarried.

With her small son and her mother, she came to Miami in 1934 on vacation, fell in love with the place and stayed.

During World War II, she drove dignitaries around for the Red Cross. For about eight months, she helped assemble airplane propellers in the old Pan Am hangar at Dinner Key.

OPENED LAW OFFICE

At age 40, Mrs. Wainwright started law school at the University of Miami. She opened a one-woman office in 1950.

Mrs. Wainwright wrote the charter for Friends of the Everglades, founded in 1969 by Majority Stoneman Douglas. It was a natural association of leaders in the Florida environmental movement.

They were good friends and occasionally shared vacations at the Wainwright family summer home in Maine.

"We were both from New England," Douglas said Tuesday. "We were very much interested in the work we were doing. We were both independent women."

Douglas, who celebrated her 101st birthday April 7, was sad to hear of her friend's death at 83, but said:

"That's not such a bad age to die. She was a very able woman. It's a great loss to the community."

[From the Miami Herald, Apr. 26, 1991]

FRIEND OF NATURE, AND OF ALL—ALICE WAINWRIGHT, 83

To appreciate noblesse oblige, don't turn to the lexicography of Noah Webster; turn to the life of Alice Wainwright. The 57-year resident of Miami, who died on Tuesday at age 83, personified "the obligation of honor-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

able, generous, and responsible behavior that is a concomitant of high rank or birth."

Mrs. Wainwright came by her sense of duty naturally. Her family had deep roots in New England, in the military, and in the law. She married a diplomat, but he drowned when she was 22 and pregnant with their only child.

As a widow of means raising a son, Mrs. Wainwright easily could have confined herself to family duties and the social whirl. To her credit and Miami's benefit, Mrs. Wainwright instead embarked upon a remarkable career of civic duty and public service. She earned a law degree and practiced law. She later served on the Miami City Commission (1961–65), where she championed the environment long before it became fashionable.

Indeed, preserving Florida's environment became her life's passion. She served as president (and later as president emeritus) of Miami's Tropical Audubon Society (1969–72). More important, she accepted the National Audubon Society's assignment to coordinate its six Southeast Florida chapters, from the Palm Beaches to the Keys. At Audubon, she also trained and inspired a new generation of environmentalists.

No cause was more dear to Alice Wainwright than the Fairchild Tropical Garden. She served on its board of directors for nearly 30 years and chaired its medal-awards committee for a decade.

Alice Wainwright will be remembered at services this afternoon at Trinity Episcopal Cathedral. Yet no memorial could be more appropriate than for South Floridians to embrace the causes that she personified: Nature and beauty, honor and duty.

THE WOMEN AND MINORITIES IN SCIENCE AND MATHEMATICS ACT OF 1991

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to introduce the Women and Minorities in Science and Mathematics Act of 1991, important legislation designed to enhance postsecondary educational opportunities for women and underrepresented minorities in science and mathematics.

America is facing a severe and worsening shortage of scientists—one that threatens our ability to compete in the world marketplace. Insufficient numbers of students are currently pursuing education and training in science and mathematics. As a result, critical scientific and technical jobs will remain unfilled. In fact, if present patterns continue, the United States will experience a net shortfall of approximately 750,000 scientists and engineers by the year 2000.

At the same time, the performance of American students in science and mathematics is extremely weak in comparison to the performance of students in other industrial nations. Moreover, our teachers are often inadequately prepared in these subject areas. In general, the scientific literacy of the American public is extremely low.

If we are to remain competitive in the 21st century, we must act now to improve science and mathematics education, and to increase the number of qualified scientists and engineers we are training. One of the most important strategies for doing so is to increase the number of women and minorities who are trained in science and mathematics.

There is a major underrepresentation of women and minorities in science courses and careers. Although women constitute approximately 50 percent of the total professional workforce, they represent under 13 percent of our scientists and engineers. Moreover, although African-Americans constitute over 10 percent of total United States employment, they represent only 2.6 percent of our scientists and engineers.

A major cause of this underrepresentation is a differential treatment of women and minorities at all levels of our educational system. Not only are women and minorities discouraged in many different ways from pursuing these fields, but there is a significant difference in the extent of formal support and opportunities available to women and minorities.

The entire educational pipeline is flawed in this regard. From elementary school to high school and college, girls and minorities are discouraged from taking science and mathematics courses and from entering special programs in these fields. Moreover, teachers are often inadequately prepared for teaching science and mathematics. Over 50 percent of the elementary school teachers in this Nation have never taken a science or mathematics course past high school. And high school guidance counselors tend not to encourage women and minorities to prepare in the sciences.

The result is a significant performance gap between boys and girls, and blacks and whites, in science and mathematics. For example, boys take, on the average, one more math class than girls do. They score an average of 45 points higher on the math portion of the SAT test, and they score an average of 40 to 90 points higher than blacks and Hispanics on that test.

This performance gap has been steadily increasing. In fact, the performance gap between 13-year-old boys and girls has more than doubled in the last 16 years, and the gap at age 9 has also increased.

The problem is compounded in later years. Women graduate students in the sciences are less likely than men to have either institutional or Federal support during their graduate studies. Teaching and research assistantships are not afforded equally to women as to men. And women are more likely than men to be self-supporting or to have to borrow money to complete their education.

Moreover, women and minorities are underrepresented in higher levels of the educational system and in the private sector, resulting in fewer role models for women and minorities who are currently in the educational pipeline.

It is clear that our Nation must act now to train more women and underrepresented minorities to become scientists and engineers. This is not only a matter of ensuring equal opportunity for all of our citizens, it is a matter of economic survival for our Nation. Faced with a severe threat to our ability to compete, we must act to ensure that we have an adequate pool of scientists and engineers. Women and underrepresented minorities are a vast untapped resource on which our future competitiveness will depend.

The need for legislation to aid women and underrepresented minorities in entering the fields of science and mathematics was recognized in congressional hearings as long ago as the as the 96th Congress. However, little progress has been made to date in improving the many flaws that currently exist in the education pipeline.

The women and minorities in science and mathematics act of 1991 is an attempt to ensure that we maximize our ability to train highly skilled scientists and engineers. It recognizes that we face several imperatives as a Nation in this regard. In order to spur more women and underrepresented minorities to enter the fields of science and mathematics and succeed in these fields, they must receive appropriate support in secondary, postsecondary and graduate educational institutions, including counseling and student aid. In addition, we must provide proper training for existing mathematics and science teachers and recruit women and underrepresented minorities as teachers in these fields.

The bill accomplishes these tasks through a series of amendments to existing programs under the Higher Education Act. These amendments address almost every level of education, from the high school to the graduate level. More specifically, these amendments will accomplish the following important goals, among others:

Provide for increased counseling at the high school level to encourage women and underrepresented minorities to prepare for entrance into the fields of science and technology;

Fund grants to school, college, and university partnerships designed to encourage women and minorities to enter the fields of science and mathematics;

Authorize resource centers designed to encourage model and cooperative education in the fields of science and mathematics for women and underrepresented minorities;

Fund grants to institutions of higher education for graduate programs designed to encourage a larger number of women and underrepresented minorities to enter the fields of science and mathematics;

Provide for training of faculty and staff to develop educational programs specific to the encouragement of women and underrepresented minorities in science and mathematics; and

Provide for teacher recruitment and retention of women and underrepresented minorities in the fields of science and mathematics through scholarship assistance and midcareer teacher training.

Because these amendments are all to existing programs of the Higher Education Act, they do not require any additional funding and are likely to have a strong and immediate impact.

As a result of underrepresentation of women and minorities in the sciences, our Nation's brainpower is being underutilized and is not contributing sufficiently to economic growth and international competitiveness. The Women and Minorities in Science and Mathematics Act is designed to correct this important flaw in our educational system. It will significantly expand career opportunities for women and underrepresented minorities, while at the same time bringing increased excellence and achievement to American industry. This legislation should be a top priority for all Americans who believe that continued economic growth is essential to our Nation's security.

Mr. Speaker, I urge all of my colleagues to join me in cosponsoring the Women and Minorities in Science and Mathematics Act of 1991.

OLYMPIC PRIDE DAY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. REED. Mr. Speaker, on April 22, I had the privilege of joining several employees of the Providence Division of the U.S. Postal Service in celebrating Olympic Pride Day. I was honored to be joined by Michael Ardente, Rhode Island State president of the National Association of Letter Carriers, Art Salzillo, president of NALC Branch 15 and Wallace Kido, general manager of the Providence division. This occasion marked the issuing of the new "Flag with Olympic Rings" postage stamp.

This stamp, of course, is a symbol of our Nation's recognition of the proud Olympic tradition. The first modern Olympics in 1896 were held in Athens, Greece, and the first winter games just 28 years later in Chamonix, France. In both the summer and winter games, the "USA" has competed against nations around the world and always strived to be the best. The Nation has also had many opportunities to play host to the games, including 1980's "miracle on ice" win over the Soviets in Lake Placid and the four gold medal performance of Carl Lewis in Los Angeles in 1984.

I look forward to the winter games in 1992 in Albertsville, France, as well as the summer games in Barcelona, Spain. I am certain these games will once again demonstrate in athletic competition the pride and spirit of all Americans—much the same spirit shown by the Providence postal employees in celebrating the Olympic tradition.

IN MEMORY OF CHARLIE SANTANA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Supervisor Charles Santana who died Monday, April 15, after a massive heart attack. Supervisor Santana represented Alameda County, in California's Ninth Congressional District, for 17 years. With Charlie's sudden death, Alameda County residents have lost both a friend and a tireless champion.

Charlie Santana was a role model for the community. He was born December 25, 1925 in San Francisco's North Beach and graduated from McClymond's High School in Oakland, CA. He was proud of his Mexican-American heritage and proud of the fact that he had worked his way from truck driver, to fireman, to rug cleaning and sales entrepreneur, to a bail bonds partnership, to Hayward City Councilman before becoming elected to the Alameda County Board of Supervisors in 1974. He also served in the Marine Corps in World War II.

Charlie was a man who never lost the common touch in over 21 years of service—he was always Charlie, never Charles. He was widely known for his aggressive representation of individuals. Among his proudest achievements following his election to the board were the adoption of mobile home rent stabilization, establishment of the county's Paramedic Program with continued funding for three countywide trauma centers, adoption of a neighborhood preservation ordinance, and expanded services for senior citizens and the homeless. As chairman of the Alameda Housing Council, he worked aggressively to promote and provide affordable housing.

Charlie was a great fan of all sports and a fixture at the Oakland Coliseum. Earlier this month he attended the unveiling of a mural that he had commissioned to honor the memory of Abe Souza, a long-time peanut vendor who had died earlier in the year. He also initiated the east bay's attempts last year to lure the Oakland Raiders back. Al Davis and members of the former Oakland Raiders sent flowers to his funeral.

Charlie also served as a member of the Alameda County Transportation Authority, the Hispanic Community Affairs Council, the ALS Research Foundation, the California Hispanic Supervisors Caucus, the Hayward Boys and Girls Club, the Hundred Club Of Alameda County, the VFW Post 1882, the South Hayward Democratic Club, the Native Sons of the Golden West, the Hayward Elks Lodge, and served as the Executive Secretary for the Bay Area Sports Organizing Committee.

Mr. Speaker, I rise today to pay tribute to the memory of Charlie Santana. He will be missed. Not only was he a role model for the Hispanic community, he was a role model for us all.

DEMOCRACY IN IRAQ

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mrs. SCHROEDER. Mr. Speaker, the President's sudden aversion to all matters Iraqi is some turn-about. He does not want to get involved in a Vietnam-style quagmire. Well, neither do I. For that matter, I would prefer not to get involved in another Gallipoli, War of 1812, Battle of Bull Run, or Custer's Last Stand—at least not on the losing side.

As for Iraq, I would have preferred had we maintained the United Nations sanctions for a longer period of time. If Saddam Hussein had withdrawn in response to the sanctions, maybe we would not today be at the edge of a "Vietnam style quagmire"—President Bush's words, not mine. But we will never know. We marched off to slay the "Vietnam-syndrome," President Bush's words, not mine, and landed in a Vietnam-style quagmire.

I know what President Bush is attempting to articulate. The President would prefer that our wars be Grenadas—tiny islands where an overwhelming military force can swoop in and out, without detonating a civil war and setting loose 1 million refugees with nowhere to go. Would not we all? Even better would be a war where no one got killed and when the firing stopped, the combatants all went out for pizza. Where is the Duchy of Grand Fenwick now that we need it?

Aside from slaying syndromes and avoiding quagmires, what other goals might we have had? How about democracy? Democracy in Kuwait? Democracy in Iraq? Why not? We defeated Iraq and saved Kuwait. Why not take advantage of the opportunity to promote democracy in the Middle East. One way to avoid quagmires is to drain the swamp.

I would like to share with my colleagues an insightful essay on this topic by Hoover Institute fellow Gregory Fossedal that appeared in the San Diego Union:

SHOULD DEMOCRACY IN IRAQ BE A GOAL FOR POSTWAR UNITED STATES POLICY?

(By Gregory Fossedal)

American diplomacy in the Persian Gulf should have as a central and animating goal the promotion of U.N.-supervised, multiparty elections in Iraq.

Yet even as discussion turns toward postwar settlement, many Western leaders and commentators seem obsessed with the fundamentally negative question of how to get rid of dictator Saddam Hussein. There is growing support among members of the allied coalition for such a solution. Still, many respected Western observers and commentators dismiss the proposal, some with wistful ambivalence, others with contempt. And the United States remains on the rhetorical sidelines. Why?

Few would argue that establishing a solid democratic regime in Baghdad, if it were possible, would be a bad thing. Critics are moved, rather, by doubts that such an outcome is plausible enough to merit discussion, and by prudent fears that making the effort—even stating the goal—would be dangerous. Yet a U.S. effort to promote a test for democracy in Iraq emerges as the most practical and, ultimately, the most moral, of course. It would in fact offer vital encouragement to the democratic forces in Iraq to step up their efforts to oust the present dictatorship.

Democratic forces in a Muslim country? To many, the phrase is a self-contradiction. Yet as many experts in the region have observed, the portrait of Islam historically, and the region today, as monolithically antidemocratic, may be oversimplified. Turkey, Iran, Pakistan, and Egypt all have elected legislatures and at least nominal opposition parties. While none of these countries rank as a paradigm of stable democracy and civil liberties, each illustrates that democracy for Iraq is far from unthinkable. (Each ranks as democratic or partly democratic in the annual Freedom House survey.)

The presence already of Radio Free Iraq, of substantial and oppressed minority populations and political factions, and of opposition by large elements of the Iraqi elite to Saddam's war on Kuwait, testify there are some democratic elements in Baghdad today.

The very willingness of such countries as Saudi Arabia to join a Western coalition, and of the leaders of Kuwait to discuss democracy as a possibility for their own future, testifies to the universality of its appeal.

Naturally, individuals and institutions who may favor democracy, living in a dictatorship, tend to keep their voices muted. That is why observers from across the spectrum have chronically underestimated the prospects for democracy just as it was rising. Experts proclaimed it could never take root in Spain, Portugal, Poland, South Korea, the Philippines, or Latin America.

Perhaps, for almost the first time in this century, Western elites are now right—and the Middle East is the one region of the world that can never become democratic. But Western publics are entitled to regard such assessments skeptically.

America's promotion of a democratic Iraq by contrast, while no cure-all, would help ease many of the practical post-war problems that now vex the anti-Saddam coalition. A democratic Iraq would at once be a diminished threat to its neighbors, and yet, a stable economic and political bulwark against fears that a too-weak Iraq would tempt other potential aggressors. Nothing is certain in the Middle East, but historically, democracies are at once less likely to launch wars yet more able to resist aggression. It would certainly ease the possible burden of a long occupation or peace-keeping effort.

Israel could be a major beneficiary. Jerusalem needs responsible partners for negotiation on the Palestinian issue, and a model for selecting them. Israel's critics in the United States and the Arab world would have a difficult time complaining if she preferred to deal with the more democratic governments and institutions in the region. American support for such a policy would be a further inducement to Arab moderates to promote reforms in their own countries.

Interestingly, some of these benefits would accrue even if the first serious U.S. effort to promote democracy in the region failed. Merely by speaking and acting on behalf of the long-run goal of a democratic Middle East—with Iraq being a reasonable first test case because it has forced a unique degree of American sacrifice—the United States would provide hope to the region, and vital moral support to the forces of freedom throughout the world.

Conversely, is it possible to envision any region of the world achieving prosperity and peace without democracy? Does history offer any example of an area dominated by factions and dictators that achieved stability?

On a moral level, the question is not whether America has a right to impose democracy on Iraq. (Democracy, of course, by definition, cannot be "imposed.") Rather, President Bush and the Congress must ask themselves about the morality of sending American forces to wage war without making every effort to ensure that their sacrifices will not prove to have been in vain.

Many Americans rightly fear we might win the war yet lose the peace, should Saddam remain in power. But it is possible for the United States to achieve even his overthrow—yet lose just as surely, if he is not succeeded by a regime that respects its peoples rights and opinions: in a word, democracy. Never before, interestingly—even in Vietnam—has America waged war without at least proclaiming as a goal the extension of democracy and human rights.

Never before, moreover, has so much of the world been balanced on the margin between democracy and despotism. Eastern Europe, China, South Africa, Latin America—a majority of the world's people now live in countries in the midst of fragile experimentation with freedom. At such a turning point, is it moral or practical for the United States to shrink from promoting and assisting democracy—even when it has been forced to send its own sons and daughters to fight?

CH2M HILL WINS TOP ENGINEERING AWARD

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. TALLON. Mr. Speaker, I recently attended the 24th annual Engineering Excellence Award reception sponsored by the American Consulting Engineers Council. I am pleased to report that a project located within my district in Horry County, SC, won the Nation's most prestigious engineering award: the Grand Conceptor.

The recipients of this honor were the Grand Strand Water & Sewer Authority and the engineering firm CH2M HILL. As many of my colleagues know, CH2M HILL is one of the Nation's largest engineering firms, with more than 50 offices located around the country and overseas. The firm is totally employee-owned and provides services in engineering, planning, economics, and the environmental sciences. CH2M HILL's South Carolina office is located in Charleston.

CH2M HILL won the award for an innovative wastewater treatment design that will serve my constituents and visitors to our popular beaches for many years. The problem was complex: additional wastewater treatment capacity was desperately needed but effluent disposal locations were limited due to sensitive water quality, tourism, and recreational concerns.

CH2M HILL developed a plan using the Carolina Bays themselves in a hybrid application of natural systems treatment techniques. This cutting-edge engineering design, the George R. Vereen Wastewater Treatment Plant and the Carolina Bay Natural Land Treatment System, will likely be replicated in other areas that need both wetlands/uplands conservation and advanced wastewater treatment. The system itself includes more than 30,000 feet of wooden boardwalks that not only support effluent distribution piping but also provide public access and encourage continuing scientific research in the formerly inaccessible bays. I commend Grand Strand Water & Sewer Authority for designating this naturally maintained area as the Peter Horry Wildlife Preserve.

The Carolina Bay Natural Effluent Disposal System is a prime example of American creativity and ingenuity. CH2M HILL succeeded in addressing a complex environmental problem by blending engineering technology with the natural sciences. Their solution will help serve the wastewater management needs of my district while protecting a unique and threatened environment. My sincere congratulations to Richard Hirsekorn, CH2M HILL project manager, Greg Tate, CH2M HILL Charleston area office manager, and the Grand Strand Water & Sewer Authority for this well-deserved award.

REPUBLICAN TASK FORCE ON INDIAN AFFAIRS ORGANIZED FOR THE 102D CONGRESS

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. RHODES. Mr. Speaker, I am pleased to announce that the Republican Task Force on Indian Affairs of the Committee on Interior and Insular Affairs has been organized for the 102d Congress. It is with great pleasure that I accept the appointment as chairman of the task force in the 102d Congress.

The Republican Task Force on Indian Affairs was first organized in 1979 when the Interior Committee began considering Indian issues at full committee rather than in a subcommittee. The purpose of the task force is to coordinate Indian policy and legislative issues for the Republican members of the committee, and its chairman acts as floor manager of Indian bills under consideration by the House.

Serving with me as members of the task force for the 102d Congress are the Honorable DON YOUNG of Alaska, the Honorable ROBERT J. LAGOMARSINO of California, the Honorable RON MARLENEE of Montana, the Honorable BARBARA VUCANOVICH of Nevada, the Honorable BEN BLAZ of Guam, the Honorable BOB SMITH of Oregon, the Honorable CRAIG THOMAS of Wyoming, and the Honorable CHARLES TAYLOR of North Carolina.

The committee expects to have a wide range of Indian issues before it during this Congress. Through the forum provided by the task force, we will be better able to reach consensus on key issues relating to Indian affairs legislation and engage in meaningful communication with the administration on such legislation. In this way, we can enact laws that have a sound legal and policy basis, and that better serve the needs of Indian and non-Indian people alike.

INTRODUCTION OF THE INDIAN ENVIRONMENTAL CONSOLIDATED GRANT ACT OF 1991

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. MILLER of California. Mr. Speaker, today I am introducing the Indian Environmental Consolidated Grant Act of 1991. This is a companion to S. 668 which was introduced by Senator MCCAIN on March 14.

This bill would assure that funds available to tribes for environmental regulatory purposes are effectively utilized. It allows the Administrator of the Environmental Protection Agency to consolidate any grants made to an Indian tribe under any law administered by the Environmental Protection Agency. Hence, a tribe would only need to submit a single grant application. Accounting for grant awards would be similarly consolidated. This would ease the administrative burden on tribes as they exercise their right to regulate environmental matters within their jurisdiction.

Mr. Speaker, I urge my colleagues to join me in support of this legislation.

TWO HUNDREDTH ANNIVERSARY OF THE RATIFICATION OF THE POLISH CONSTITUTION

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. GUARINI. Mr. Speaker, I rise today to commemorate the 200th anniversary of the ratification of the Polish Constitution.

The Polish Constitution was approved on May 3, 1791, and, coming just 4 years after the United States Constitution was the second written document of its kind in the history of the world. An amazingly progressive document for a European country at that time, the Polish Constitution brought basic reforms in national administration and progress in social welfare.

Many of the ideas and principles embodied in the Polish Constitution were similar to those expressed in our Constitution: Majority rule, freedom of religion, the division of power between three branches of government, and secret ballot elections. To have written and adopted this document at a time when the rest of Europe was living under autocratic rule was truly a remarkable achievement.

Unfortunately, these revolutionary ideas were not well received by Poland's neighbors. In 1795, Russia, Prussia, and Austria wiped out the Polish cancer of freedom and Poland ceased to exist as an independent state. Poland reemerged as an independent nation after World War I, but was swallowed up by the Soviet Empire shortly after World War II. Especially in light of the great changes and reforms presently underway in Poland, the 200th anniversary of the Polish Constitution is truly a meaningful occasion for celebration.

Polish immigrants to the United States brought with them strong convictions about the strength and value of democratic government. In my district of Hudson County, NJ, the Polish-American community has been very active in civic organizations, politics, and business. Their strong sense of public purpose has meant a great deal to the community and has helped to shape the strong democratic tradition and values in Hudson County.

In tribute to the 200th anniversary of the Polish Constitution, I ask my distinguished colleagues to join me in recognition of the great contributions of the Polish people to the United States and of the strong intellectual ties between our two countries.

The United States was strongly influenced by political ideas that were developed in Poland prior to the years of foreign domination. Poland was supportive of the American Revolution and our Founding Fathers learned much from the political philosophy of this progressive nation.

In particular, the writings of Laurentius Goslicki greatly influenced the development of a political ideology in the United States. In language that is remarkably similar to that in our Declaration of Independence, Goslicki's Treatise "De Optimo Senatore"—the Most Excellent Senator—written in the 1500's, espoused principles of democracy and the idea that all citizens are created equal and should enjoy equal rights.

Just as the United States greeted the Polish Constitution with sincere joy and support nearly 200 years ago, we greet the dramatic changes and reforms that are presently underway in Poland. It is my sincere hope that at long last, Polish people will be able to live under the principles of freedom and independence first expressed so eloquently in their constitution nearly 200 years ago.

RABBI ROBERT A. ROTHMAN: AN EXTRAORDINARY LEADER FOR RYE'S COMMUNITY SYNAGOGUE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to an outstanding religious leader on the occasion of his 25th anniversary of his service in Rye, NY. Since 1966, Rabbi Robert A. Rothman has served the Community Synagogue with vigor and distinction.

Rabbi Rothman has been an exemplary leader and teacher throughout his career. He has extended his synagogue's activities to include the blessings of homes of new members and the naming of new born children—occasions which add to the meaning of these important life-cycle events. He has been a first-rate teacher of both adults and children, brought noted scholars to address his congregants, and built bridges to other religious institutions, both Jewish and non-Jewish, in New Rochelle. Rabbi Rothman has also shared his wisdom with readers of both national and international periodicals, and his caring and expertise with the variety of community organizations on whose boards he serves.

Twenty-five years—a quarter of a century—brings dramatic changes in the life of a community. But Community Synagogue of Rye has been fortunate to have the services of this extraordinary rabbi and the stability and direction that he has provided for that period of time. His energetic work has contributed positively to the development of the congregation, of Rye and all of Westchester. His service has touched countless lives, helping to give them purpose and to reinvigorate them for the challenges of life.

I would like to congratulate Rabbi Rothman on his remarkable career of service, and express my hope that it will continue for many years to come. The celebration of these 25 years is the start of a whole new chapter in the life of this fortunate synagogue and their extraordinary rabbi.

PROLIFERATION PROFITEERS: PART 11

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. STARK. Mr. Speaker, today, I am placing into the CONGRESSIONAL RECORD, the 11th in a series of case studies on foreign companies which have reportedly sold nuclear weapons technology to Iraq.

India, Pakistan, Israel, and South Africa have all joined the nuclear weapons club in the last two decades. North Korea, Brazil, Argentina, Iraq, Iran, and Algeria all have made progress toward building the bomb and could join the club in coming years.

To help address this threat, I have introduced the Nuclear Non-Proliferation Enforcement Act (H.R. 830). This legislation targets foreign companies which sell nuclear equipment, materials, or technology without the proper safeguards. These proliferation profiteers would have their goods barred from entering the United States.

This bill is modeled on the Toshiba sanctions passed several years ago after Toshiba sold sensitive military technology to the Soviet Union. It also closely parallel's the legislation passed last fall putting sanctions on foreign companies selling missile technology to developing countries. We must address the issue of missile proliferation but we must address the threat of nuclear proliferation as well.

TWELVE FOREIGN FIRMS REPORTEDLY ENGAGED IN NUCLEAR WEAPONS-RELATED TRADE WITH IRAQ[1]

FIRM 11: SCHAEUBLIN SA (SWITZERLAND)

Schaeublin SA is an engineering firm that manufactures machine tools. In September 1990, the company was being investigated by the Swiss government, in conjunction with Schmiedemeccanica SA, for attempting to export to Iraq a machine tool that could be used for processing uranium enrichment machinery. Schaeublin representatives said that they did not produce the equipment that was seized by German Customs agents, although the company has admitted that it has previously supplied equipment to Iraq.

SALUTE TO WAYNE JOHNSON, JR.

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Wayne Johnson, Jr., of Troop 152 in North Kingstown, and he is honored this week for his noteworthy achievement.

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[1] Sources: Nucleonics Week, Aug. 23, 1990, p. 13 by Mark Hibbs: Nucleonics Week, Oct. 18, 1990, pp. 7–8; Wall Street Journal, Sept. 26, 1990, p. 16 by Kenneth R. Timmerman; Die Welt, Aug. 2, 1990, p. 8.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. Each of these four young men has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Wayne Johnson led a group of Scouts in raking and cleaning the North Kingstown Beach.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Wayne Johnson. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Wayne Johnson will continue his public service and in so doing will further distinguish himself and consequently better his community. I am proud that Wayne Johnson undertook his Scout activity in my Representative district, and I join friends, colleagues, and family who this week salute him.

HARRIET FLEISCHL PILPEL

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mrs. SCHROEDER. Mr. Speaker, it is with great sadness that I note the death of Harriet Fleischl Pilpel. Mrs. Pilpel was a lawyer, civil libertarian, and an advocate of women's rights. The Woman's Forum, which she founded in 1974, brought together women of achievement and influence to share their experiences and ideas to enhance the effectiveness of women as a group. Throughout her career she inspired many women in the struggle to uphold their rights.

Whether the issue was abortion, birth control, freedom of speech or the status of women in literacy and entertainment law, her voice helped women gain the recognition needed to proceed successfully and effectively with these issues.

Mrs. Pilpel's list of achievements is impressive. At the time of her death she was the first vice chairwoman of the National Advisory Council of the American Civil Liberties Union. Her career in the 1960's included her membership on the Kennedy and Johnson Commissions on the Status of Women, where she served on the committee on political and civil rights. Beginning in 1970, she served for 8 years as chairwoman of the Law Panel International of Planned Parenthood Federation. She also served as a consultant to the Women's Bureau of the United States Department of Labor from 1965 to 1976. The American Civil Liberties Union and the Planned Parenthood Federation of America were both fortunate to have her legal expertise.

Harriet Fleischl Pilpel was a true champion in the fight for women's rights. Her pioneering efforts and graceful presence will be missed.

To the family and friends of Harriet Fleischl Pilpel, I extend my deepest sympathy.

TRIBUTE TO REV. CHARLES R. MULLER

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. TALLON. Mr. Speaker, I rise today to pay tribute to Rev. Charles R. Muller. Reverend Muller is minister of music at the First Baptist Church of Florence, SC.

On May 12, 1991, the congregation of First Baptist Church will honor him for 10 years of outstanding and loyal service as their minister of music. I would like to join with the members of First Baptist Church, Florence, SC, and offer my congratulations to Reverend Muller.

Reverend Muller was born in Norphlet, AR, on June 30, 1933 and is a graduate of Louisiana College, Pineville, LA, were he received a bachelor of arts degree in 1955. In 1957, he received a masters of religious education from Southwestern Baptist Theological Seminary in Ft. Worth, TX, and in 1961, Reverend Muller received his master of church music there.

Reverend Muller has served at various churches during his ministerial career including minister of music at First Baptist Church of Columbia, SC, Second Baptist Church of Houston, TX, and has been in his present capacity as minister of music at First Baptist Church of Florence since May 1981. Reverend Muller is a charter member of the Centurymen of the Southern Baptist Convention and is listed in Who's Who in Colleges and Universities.

He is married to the former Evelyn Joyce Sewell of Meridian, MS, and they have two sons, Charles Mark and William David.

Mr. Speaker, again, it is my high honor to bring the achievements of such a distinguished Christian and American before the U.S. House of Representatives. I wish Reverend Muller all the best for continued success and a long stay in Florence.

A TRIBUTE TO THE STUDENTS AT RED MOUNTAIN HIGH

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. RHODES. Mr. Speaker, I rise today to pay tribute to an outstanding group of young people in my district. The students at Red Mountain High School's Club RIF [Reading Is Fundamental] Program in Mesa, AZ, have just been named President Bush's 432d Point of Light. As you know, the President's Point of Light Program pays tribute to outstanding voluntary contributions that have been made by individuals throughout the Nation. In being named as a Point of Light, these students have brought important recognition to their school and the State of Arizona.

As we are all well aware, the Reading Is Fundamental Program has long been recognized as an exemplary example of a nationwide effort to encourage young people to read and help combat illiteracy throughout the United States. Red Mountain High School draws students from a wide range of backgrounds. Many of these students are native Americans and from homes where English is their second language. The 200 student members of Club RIF have united the community in an effort to demonstrate that reading can change your life.

Through their activities in Club RIF, the students read stories to elementary schoolchildren, tutor other high shool students who are having trouble with their schoolwork, and conduct fundraising activities, using that money to purchase books for those who cannot afford them. Not only did these students work within their school community, they also donated money to establish a reading center on the Fort McDowell Indian Reservation.

Every day, the newspapers report horror stories about troubled young adults who run afoul of society. It gives me great pleasure to pay tribute to a group of young people who represent the best qualities that young Americans have to offer, and are lending a helping hand to their fellow man in an effort to improve their community and this country.

I also have to say what a pleasure it was for me to meet some of the members of Red Mountain High's Club RIF. The students that I met were all very articulate, engaging young adults, whom I know will ably lead this Nation in the years ahead.

INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS FOR INDIAN RESERVATION ROADS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. MILLER of California. Mr. Speaker, today I am introducing with my colleagues, Mr. WILLIAMS, Mr. RICHARDSON, Mr. JOHNSON of South Dakota, and Mr. FALEOMAVAEGA, legislation that would increase the authorization of appropriations for Indian roads to $227 million for fiscal years 1992 through 1996.

This money would be appropriated from the highway trust fund and go to the construction of roads that are located within or provide access to Indian reservations. For far too long the funding level for Indian roads has been inadequate to respond to the overwhelming need for upgrading existing roads and for construction of new ones.

Most of the more than 500 federally recognized native American tribes and Alaska villages are located in very isolated areas. This fact, combined with an insufficient road system, makes economic opportunity very difficult. As is true with the rest of the Nation, a sound infrastructure is absolutely essential to the health and welfare of native American communities.

Currently the Department of Energy transports hazardous waste through several reservations by main roadways and railways which often run parallel to the only access road in or out of the reservation. If an accident were to occur, it could cause an immediate life-threatening situation due to the distinct possibility that tribal governments would be unable to evacuate their members.

Recently, the Bureau of Indian Affairs issued a needs survey which concluded that, $227 million per year is needed to bring the BIA system to an acceptable level of completion in 25 years. The survey also found that—

Except for some reconstruction and improvement done in recent years, most Indian reservation roads provide poor service for health and economic needs, and are an obstacle to the economic development of the reservations. Many of them are so bad as to be considered a national disgrace, contributing to: (1) failure to provide education opportunities of Indian children because roads are impassable for school buses, and (2) requiring emergency feeding by helicopter of isolated and stranded livestock and people. Obviously, road improvement can improve the quality of life while saving money in emergency, health, and educational programs. Also, welfare costs can be reduced by providing adequate road access from reservation homes to job sites.

Many tribes have found that an inadequate transportation infrastructure has side-tracked tribal economic development plans. Economic development cannot occur when needed roads are not provided to carry the required people and goods efficiently and economically.

Mr. Speaker, I see the introduction of this bill as a beginning in our effort to address the transportation needs in Indian country. These issues are a high priority of mine and I look forward to working with my colleagues on the Public Works and Transportation Committee during the review of the Surface Transportation Assistance Act to consider all of the issues affecting native Americans.

CELEBRATION OF PACO'S 20TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. GUARINI. Mr. Speaker, I would like you and my distinguished colleagues to join me in congratulating Puertorriquenos Asociados for Community Organization [PACO] on its 20th anniversary.

This outstanding civic group has provided Jersey City and Hudson County, my congressional district in New Jersey, with a plethora of social services over the past two decades.

PACO has organized Jersey City's Hispanic community and strived to solve the social problems that confronted this ever-growing segment of my district's population.

Through tireless dedication, PACO's Executive Director Eliu Rivera, President Primitivo Valle, staff and board of directors have tackled issues such as the Hispanic community's lack of affordable housing, the need to create job opportunities and the problems facing the elderly.

While working within the community, PACO has realized that unity and cooperation are essential to any meaningful solution. To this end, PACO has established networks with other groups and has formed private and public partnerships.

This spirit of cooperation can be seen in one of PACO's current projects. Through a partnership with Hudson County Lutheran Parish, PACO will soon celebrate the ground breaking for 48 units of affordable housing for low- and moderate-income families. Included in this project will be a day-care center that will serve about 75 children.

This project will add more apartments to the 500 units of affordable housing that PACO has already built.

It would have been hard to believe 20 years ago that PACO could have made such great progress in taking on the many pressing issues affecting the community.

When the organization was first started, PACO had only three employees, a cold water flat for an office, and little or no equipment or supplies. Even these meager resources were a gracious contribution from the late Rev. William Albert, then pastor of the Grace Van Vorst Episcopal Church.

While PACO was limited in material assets, the group had dedicated workers. And its founders had a dream and a commitment to the community. This enabled PACO to build, organize, and grow.

PACO will honor one of these founders, Perfecto Oyola, while celebrating its 20th anniversary.

The poor living conditions of Puerto Ricans in Jersey City during the 1950's and 1960's prompted Oyola to help found PACO. He believed that the Latino community needed an agency that could offer multiple social services.

Through his work with PACO, Oyola started many of the services that he found lacking in the community. He started cultural programs for the Hispanic youth of the city, a bilingual community center, programs for senior citizens and drives to keep students from dropping out of high school.

Oyola, PACO's other founders and the group's leaders today began such programs and continue them with the help of Federal, State, and local grants. PACO has become adept at winning the funding needed by the Hispanic community. In this PACO plays an essential role because its founders noted that the government often overlooked the community because of a lack of communication caused by a language gap.

Through the work of founders such as Oyola, PACO grew to become a vital resource for the Hispanic community. I know that it will continue to grow and prosper in the coming years.

Mr. Speaker, I hope you and my distinguished colleagues will join with me in saluting PACO and wishing it luck for another successful 20 years of service to the community.

DAVID FORD: A FIGHTER FOR PEOPLE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to extend a special greeting to a good friend who is also a friend to the entire community. David Ford has, in many capacities, served the residents of Mount Vernon, NY with distinction and vigor. Whenever there has been a need, David Ford has been there for his community.

At age 13, David Ford signed up to serve our country in the Armed Forces during World War II, and ever since he has been fighting for the people of this country. Today, his service is exemplified by his dedication to the Mount Vernon Neighborhood Health Center and his responsibilities a water commissioner for the city of Mount Vernon. Those positions are a true reflection of David Ford's commitment to the most fundamental needs of the people of his community.

David has been chairman of the board of the Mount Vernon Neighborhood Health Center since 1981. During that time, he has been a driving force behind the center's growth and its unending work to expand the community which it serves. Literally thousands of Westchester residents have been able to secure health services which might not have been available without the forceful advocacy and forward looking vision of this dedicated man.

Any recognition of David Ford would be incomplete without mention of his family. Not only has he raised a fine family himself, but he has also given his love and help to the children of his brother. His dedication to those children and to his wife is without limit, just as his commitment has been to his community at large.

I am very fortunate to count David Ford among my friends. On this, his birthday, I want to extend not only my personal greetings, but my deep appreciation for all he means to those of us who know him well and to those whose lives he has touched in very important ways.

DAWN POWELL: SPEAK FOR YOURSELF ESSAY WINNER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. MAZZOLI. Mr. Speaker, I rise today to congratulate Dawn Powell from Louisville, KY, who was in Washington, DC, last week as the Kentucky representative to the third annual RespecTeen National Youth Forum.

Dawn won the Kentucky competition in the RespecTeen "Speak for Yourself" Essay Contest in which students wrote to Members of Congress regarding important issues of the day.

Dawn's winning letter to me was a clarion call for increased Federal funding for drug rehabilitation centers and counseling for families of adolescent drug abusers.

I met with Dawn, and with her mother, Jacqueline, on April 23. I was impressed with her knowledge of the problems that the drug scourge poses to local communities and with her genuine concern that care and treatment be provided to our youths. I told Dawn that, as a member of the House Select Committee on Narcotics Abuse and Control, I support increased Federal funding for the war on drugs.

Mr. Speaker, last year the southeast Regional Center for Drug Free Schools and Communities relocated to Louisville from Atlanta, GA. In addition to the other drug and alcohol treatment programs in the community presently, Louisville and Jefferson County are well poised to fight the war on drugs. But, as with all communities in the Nation—especially urban areas—many communities need more Federal financial assistance to get the job done.

Again, I salute and commend Dawn Powell for winning the Kentucky competition in the RespecTeen "Speak for Yourself" Essay Contest. I also want to congratulate her parents, Lynn and Jacqueline, and her school, Barret Traditional Middle School. I commend to the attention of our colleagues, Mr. Speaker, Dawn's winning essay:

6820 GREEN MEADOW CIRCLE,
Louisville, KY, January 29, 1991.

Representative ROMANO L. MAZZOLI,
Rayburn Building,
Washington, DC.

DEAR REPRESENTATIVE MAZZOLI: There are approximately 66,000 drug abusers on waiting lists to get into a rehabilitation center. Please consider increasing government funding for rehabilitation and counseling for the families of adolescent drug abusers.

About eight years ago my family was involved in family counseling with my brother. He was an alcoholic and a drug addict. Those times were rough; I am not sure if we would have made it through without counseling. My brother has now recovered with the help of family and professional counseling.

Many users must wait four to five months before entering a program because waiting lists are so long. There are an additional 600,000 young addicts who are not on waiting lists, but need to be!

Federal funding for treatment has increased substantially over the past several years, to $1.3 billion in 1990. But the government still puts the bulk of its limited funds into a demand-side strategy with $6.6 billion appropriated in 1990 for law enforcement, and aid to Latin America countries. Funding must be provided for new and innovative drug rehabilitation programs.

Louisville's new Regional Alcohol and other Drug Assessment Center for Children and Youth will assets drug problems of students from a ten-county area of Kentucky and Southern Indiana. Cyril Wantland, the administrator of the program, says that ninety percent of the youth in schools will use some illicit drugs before they graduate.

The government needs to implement additional funds to establish more centers similar to the Regional Alcohol and Drug Assessment Center in Louisville. We can make a difference!

Sincerely,

DAWN POWELL.

LET'S SAVE AMERICA'S KURDS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. KOSTMAYER. Mr. Speaker, Mr. Leslie Gelb wrote in Sunday's New York Times of the plight of millions of Americans who go unhoused, uneducated, unfed, and unnoticed. If the United States can protect the Kurds of Iraq, and we must; if we can make sure they are fed and housed, cannot we do the same for millions of our own countrymen, many of them children?

LOOK HOMEWARD

(By Leslie H. Gelb)

Our country's leaders are more willing to do whatever is necessary to democratize Iraq and help the Kurds than to fix up America and save the "Kurds of America." I wrote that recently, and if anything, did not carry the argument far enough.

Most of America's opinion-makers, in effect, have separated themselves from American society. They feel more at home with the world than with America. They use their political muscle on admirable foreign matters like the Kurds, but seldom on the "Kurds" and blight outside their offices.

Our movers and shakers—conservatives and liberals, in the Federal Government and the media—know and care more about foreign than domestic affairs. That's mainly why they devote their time and energy to solving world problems. That's mainly why they do not even bother to search for answers to emergencies at home. President Bush is a prime, self-acknowledged example.

America's elites can rattle off the names of the top three Kurdish leaders and skip into intricate arguments about what can be done to re-establish Iraq as the Garden of Eden. But ask them, as I have recently, about what's involved in Medicaid or Federal aid to education, and most will return a guilty smile—and guide the conversation back to Gorbachev or the Kurds.

I suggested to a big-city Congressman that he spend one-fifteenth of his time on one issue facing his city. He laughed. His bright and involved wife said: "That would be a waste of time. There's nothing that can be done." But they would move mountains for the Kurds.

I buttonholed a senior television executive and inquired why he did not give more air time to stories about the homeless. He said the viewers were not interested in seeing these film clips all the time. But his network, like all the others, has been showing essentially identical clips of starving and homeless Kurds every night for the last month.

Major U.S. newspapers put aside 5 to 10 pages every day for months to cover the revolutions in Eastern Europe, the Soviet Union and the gulf war. It's hard to remember a leading newspaper offering such extensive coverage of a domestic policy issue for even one day, since the civil rights revolution in the early 1960's.

In almost every major news organization, the high-priced talent runs from local and national beats to foreign assignments. Promotions to top management positions often go to those with careers overseas.

News magazines pay more attention to Assistant Secretaries of State than to the Secretaries of Health and Human Services or Labor. So does the Washington hostess with the mostest.

Ever since World War II, foreign affairs—war and peace—has been the glamour field. The world provided the best stage to display talent. Sitting down with unions, minorities and private-interest groups led only to the political graveyard.

To growing public problems, elites sought private answers. Bad public schools: send the kids to private schools. Traffic congestion: put a phone in the car. The city a hellhole: buy a home in the country.

Issues like health and education became "hopeless" and "wasteful" to them. They forgot that all government programs produce bureaucracy and waste.

Governments do not perform many tasks well. But they do more than a satisfactory job of building. They can build housing for the homeless, roads and airports to speed transportation and new schools to replace the dungeons of inner-city education. These are capital investments that create jobs and generate new tax revenues—pride and dignity.

Governments also know how to put more police on the streets and in the schools to deter violence, and how to attract better teachers with higher pay. Bureaucrats have carried out programs to help the preschool poor get a good and healthy start.

All of this requires money, the kind of money elites unflinchingly committed to the fight against Iraq. It demands leadership, the kind of skill and determination Mr. Bush brought to the war effort. And it cries out for the sustained interest and participation of America's movers and shakers, who can choose to merely live in their country or to make their country livable.

CANADIANS: GOVERNMENT BY HYPOCRISY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. YOUNG of Alaska. Mr. Speaker, the Canadians are at it again. The same Government which drills for oil on its side of the border—but lobbies Congress against drilling in Alaska on our side of the border—is spewing tons of raw sewage into the Pacific. As the attached article from the Economist illustrates, the Canadians feign concern for the environment apparently only when it is cost effective, or in their competitive best interest. In this latest installment of Government by hypocrisy, it turns out that the sprawling metropolis of Victoria, British Columbia, simply dumps all of its raw sewage into the Pacific. On the other side of the border, the small town of Port Angeles is spending $31.6 million on a sewage treatment plant for their waste.

I bring this to the attention of the Members because of a Canadian record of environmental degradation which is appalling, especially in light of their well-publicized positions regarding United States efforts to improve our environment. At the same time they officially oppose environmentally sound drilling in the Coastal Plain of the Arctic National Wildlife Refuge in Alaska, they are drilling on and offshore on their side of the border. They have even suggested traversing the Beaufort Sea with oil tankers from their numerous oil finds.

Their forestry practices harken back to the days of Paul Bunyan. Their constant whining about acid rain in the United States ignores their own sorry and feeble efforts to reduce smelter emissions in their own country.

The next time the Canadians complain about the United States environment, cover your wallets.

[From the Economist, Apr. 6, 1991]

THY NEIGHBOUR'S DRAINS

SEATTLE.—Victoria, in British Columbia, lures thousands of tourists over the Canadian border from Washington state every year. Most make the trip there by ferry, cruising across 20 miles of cerulean sea. But more than blue water passes beneath their keels; so does Victoria's sewage.

Washingtonians were disconcerted to learn that their Canadian cousins have for years been disposing of Victoria's sewage simply by shooting the stuff out of a pipe a mile offshore. The city's 230,000 residents churn out some 15m gallons a day. It is a noisome mix: human waste, toxic chemicals, heavy metals and more (local windsurfers refer to McNeil Bay as "condom bay"). What happens to it next is up to ocean currents and the peculiar appetites of the local marine life.

The residents of Washington state are crosser about all this since they themselves have been told to be cleaner. Port Angeles, a small town (18,000 people) just acorss the Strait of Juan de Fuca, is spending $31.6m on a sewage-treatment plant that will kill sewage-borne bacteria and remove all nutrients and solids. Other Washington towns, chivvied by the Environmental Protection Agency, are forking out similar amounts.

Yet all that Victoria's sewage officials have come up with so far is a proposal for a longer pipe. British Columbia has long built its tourism industry around the slogan "SuperNatural". Perhaps too natural, say the neighbours.

In late March state senators asked the State Department to strong-arm the Canadians next door into subjecting their effluent to treatment more sophisticated than the current expedient of placing a screen over the pipe to trap the largest bits of debris. Frosty letters from Booth Gardner, the governor of Washington, and Norm Dicks, a Democratic member of the House of Representatives from the state, have also been dispatched north.

British Columbian officials, defending their sewage practices, are backed by experts who believe that the cold water and fast currents of the strait are sufficient to disperse and even cleanse Victoria's waste. A new study has been commissioned and its report is due on April 17th. Critics reply that Victoria has been studying its sewage since 1966 and should by now have a pretty clear picture. "A third-world approach", snorts one American now living in Victoria.

It is all very well for Washington state to assume moral superiority. There is a bit of pot-and-kettle about its outrage. Growth around Puget Sound over the past ten years has resulted in polluted water trickling into the sea from car parks, storm sewers and over-fertilised lawns. Puget Sound is relatively land-locked and quiescent compared with the Strait of Juan de Fuca. Liver tumours, perhaps caused by pollution, are common in fish caught near Seattle.

SUBSIDIZING OIL SPILLS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. TORRICELLI. Mr. Speaker, as this body knows, oilspills, fuel leaks, and other forms of pollution are currently devastating the world's environment at an alarming rate. Most people would be surprised to find that offending companies are receiving tax credits for their abuses.

Today, I would like to share with Congress an editorial from the Bergen Record, written by our colleague Representative FRANK J. GUARINI, that addresses a major loophole in today's Tax Code regarding environmental abuses by major companies:

SUBSIDIZING OIL SPILLS

(By Frank J. Guarini)

A recent article in The Record quite correctly asked whether the $15 million settlement for the Arthur Kill oil spill is enough. It is not and, unfortunately, the settlement is not even what it appears.

Contrary to what some may think, a $15 million settlment against Exxon for the Jan. 1, 1990, fuel oil leak in the Arthur Kill does not mean that Exxon will pay $15 million. Their actual out-of-pocket costs will be much less, perhaps only half that amount. Taxpayers and federal and state governments will be paying for part of the difference.

The reason that taxpayers are subsidizing oil spills and their subsequent settlements is that the tax code presently allows oil companies to deduct pollution costs as "losses." Oil companies are permitted to deduct the cost of oil removal, damages, payments, legal fees, and even the money that is lost from having spilled or leaked however many gallons of oil into our rivers and oceans.

This means that when an oil company that has had a spill computes its tax liability, it subtracts these costs from its income, reducing the amount of taxes it has to pay. This has two negative effects. It provides the wrong incentive by taking the sting out of the penalties meant to deter polluters. And because the company pays less taxes, taxpayers eventually have to make up the difference.

A monetary incentive is the most effective catalyst to spur businesses to action. We need to strengthen the incentives that will prompt oil companies to behave in a responsible and safe manner in the transport of oil.

The present tax code provides tax relief when companies pollute. The laws that permit this egregious behavior must be changed. I have introduced legislation to provide incentives for responsible behavior and to end the taxpayer subsidy for polluters. The bill will deny deductions to oil companies which are found to have been negligent. It will also deny an automatic business deduction for the costs and damages associated with cleaning up a hazardous waste site. Denying tax deductions to those who pollute out of negligence will reinforce our efforts to promote careful behavior and prevent oil spills or accidents involving hazardous substances. It will also encourage the settlement of litigation designed to make responsible parties pay for the cleanup of our environment.

Congressional Research Service and House Budget Committee staff analyses of the recently announced $1.1 billion settlement for the Exxon Valdez spill determined that Exxon's out-of-pocket costs will amount to approximately $440 million. That means that Exxon will actually pay less than half of the much touted $1.1 billion settlement. When you consider that confidential economic studies done for the state of Alaska and the federal government valued the true economic cost of the spill at $3 billion, this $440 million figure is obscenely low.

In the past year alone, over 1 million gallons of oil have been spilled in New Jersey waterways. There is no way of computing monetary damages that will fully compensate for the destruction of sensitive wetlands and the killing of wildlife. While it is difficult to arrive at an objective criteria for calculating the damage that has been done, I want to ensure that the little that these companies do pay in compensation and cleanup costs is not neutralized through tax benefits. The present tax system is guilty of encouraging irresponsible behavior. This must be changed.

A TRIBUTE TO MR. WILLIAM REED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. MILLER of California. Mr. Speaker, at the conclusion of the 1991 academic year Mr. William Reed, the oldest principal of the California State Public School System, will retire from a 43-year career in education. I would like to take this time to share with you the remarkable accomplishments of Mr. Reed during his 37-year principalship at Marsh Elementary School in Antioch, CA.

William Reed's interest in public education has been traced back to World War II where he served as a drill instructor, platoon leader, and an Army captain at the Pentagon and in Okinawa. Recognizing his calling to teach, Mr. Reed received a masters in education from Stanford University, and in 1948 undertook his first teaching job in Menlo Park, CA. From there he became a principal for the Monterey City Schools, served as chairman of the first State salary committee for school administrators, a lobbyist for teacher's rights, and taught at California State University in San Jose. In 1954, Mr. Reed settled into his current position as principal of Marsh Elementary in Antioch.

William Reed has always strived for a happy and healthy environment conducive to excellence in teaching and learning. For the teachers of Marsh Elementary, Mr. Reed created a unique faculty club allowing his teaching staff to express their concerns in an open forum, free of administrative influence. In this way his teachers were able to have some input in school policy and curriculum implementation.

Mr. Reed has always believed in the importance and necessity of strong reading and spelling skills for his students. He established a phonics program to address these needs. The program has evolved into a pilot typing program appropriately named Project T.Y.P.E. [Teaching Youngsters Precise English] title IV–C, and is now a possible model for similar programs within the school district.

William Reed has been recognized many times for his outstanding leadership and integrity, his support of teachers, and his innovative ideas for students. In 1980, Phi Beta Kappa named him the Outstanding Administrator in Contra Costa County. Additionally, Mr. Reed has been awarded the PTA Honorary Service Award, two PTA scholarships in his name to Marsh graduates, and a play area bearing his name as well.

Mr. Speaker, on May 18, 1991, the faculty and students of Marsh Elementary will join with Mr. Reed's family and friends to pay tribute to the many achievements that dominate his career. Mr. Reed will be sorely missed by his staff and students as he is so much a part of their school. I know they join me and my colleagues in the House of Representatives in wishing him well in his retirement.

BILL TEAGUE: GIVING TO OTHERS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. ALEXANDER. Mr. Speaker, my friend Bill Teague of Trumann, AR believes that giving of yourself on behalf of others is its own reward.

Bill Teague has spent countless hours on behalf of the blind and visually impaired through the Trumann Lions Club.

He originated the club's annual fund raising barbecue—an event which has enabled the club to raise more than $45,000 to help preserve sight for some and to assist others who have lost it.

Recently, Bill Teague received the "Melvin Jones Fellowship," the highest honor that the Lions Club can bestow.

In accepting the fellowship, Bill Teague said that no one person has ever deserved the honor. Even in this, he was thinking of others—including those who have worked with him to make the annual fund raising barbecue the success it has become.

Bill Teague does not personally know the majority of visually impaired or blind persons he has helped through the years—but he knows he has helped and that is what counts.

The 1980's have been described as a time when concern for others was replaced with a totally consuming concern for self. But, the harshness of this analysis is softened considerably when you realize that—all along—Bill Teague, and thousands like him, were working for others in a quiet, but effective way.

Bill Teague helps give America its heart, its compassion, and makes this a kinder, gentler place in which to live.

I congratulate my friend Bill Teague and I know I am joined by those whose lives have been made better by his work.

SO LITTLE TIME TO SAVE SO MANY LIVES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, last week, the Hunger Committee held a hearing to review the plight of the world's refugees and to see whether we are investing enough to respond to the situation. We learned that we have not.

The General Accounting Office testified that the number of refugees worldwide has more than doubled from 7 million to 15 or 16 million. That amount has now jumped to over 18 million with the refugee crisis in Iraq, Turkey, and Iran. During the same period, according to GAO, our overseas refugee relief has hovered at around $200 million and actually declined in real dollars.

This is not to say that the United States is lagging behind others. We contributed about $10 billion at home and abroad for all kinds of refugee relief in the 1980's. The United States was also the largest donor to all but one of four major international refugee relief organizations.

However, I believe that the growing refugee problem requires that we do even more to help. I, also, think that we can do so without adding to the budget deficit. Reallocating foreign aid from security assistance to refugee and food aid accounts can help to save lives and reduce human misery without straining our budget. The end of the cold war means that we can prudently make such a reallocation.

May I also emphasize that this is not a debate about statistics—whether money or refugees. It is a plea to save human lives—one at a time.

Right now, the international media have focused their cameras on the refugee crisis in Iraq. That's as it should be. I would like to include in the RECORD an article that describes the Kurdish refugee emergency by Lionel Rosenblatt, executive director of Refugees International.

Mr. Rosenblatt testified at our hearing last week this is a case "of the failure of early warning and rapid international response to refugee crises." The House next week will authorize additional emergency relief but we must also explore how to establish an international emergency relief corps, which can help to prevent the deaths and suffering now taking their grim toll in the Kurdish encampments.

Mr. Rosenblatt also urged that we not forget the "looming famine in the Horn of Africa that threatens to kill millions" and that "we must insure that the international community does not divert funds from that impending disaster. We should not rob the East Africans to pay for the refugees from Saddam." I could not agree more:

[From the Christian Science Monitor, Apr. 19, 1991]

THE RACE AGAINST TIME TO SAVE KURDISH REFUGEES

(By Lionel A. Rosenblatt)

TURKEY-IRAQ BORDER.—The Kurdish refugees here are strung along three sides of a high bowl flanked by higher, snow-capped peaks. By day, from a distance, the aspect is one of a mountain littered with bits of old cloth; only the smoky pall from the family fires suggests that there are people there—by the tens of thousands.

At night the fires, through the smoke, evoke a candlelight vigil in an outdoor amphitheater. Then if you look carefully at a distant ridge line, some of the lights move in a file, the flashlights of the newly arriving in this Valley of Sorrow which could soon be a Valley of Death.

This site along the border near the Turkish village of Cukurca is just one of several with a combined total of perhaps 600,000 refugees from Iraq, and growing. When Secretary of State James Baker visited here April 8, no relief supplies had been distributed other than biscuits donated by the local Turkish population. The Turkish Red Crescent cares for the very sick at the local clinic, but in the camp there were almost no medicines, as there was not yet an international supply line.

The result is not a camp, but an encampment. There is no census or registration system for new arrivals. There are no latrines, no camp administration. Much of this results from the astonishing lack of a field officer from the United Nations; nor is there a medical supply channel from the International Red Cross and the League of Red Cross Societies. With proper drugs, the Iraqi refugee doctors could make a good dent in the medical caseload. They are instead barely having an impact. Given the lack of international presence, the refugees are concerned that Saddam Hussein will attack them along the border.

Meanwhile, they wait:

Women in bathrobes and slippers who did not take the time to change clothes before fleeing Saddam's men. An old blind couple, led out of Iraq by their 10-year-old grandson. A family of 19 sharing three blankets. A widow and her three children, without the strength to cut firewood.

The terrain is so steep that the refugees try to scrape a small level spot using knives, pans, and sticks. If they arrive too late in the day, they simply hunker down under their blankets for the long night.

These people are mostly Kurds. However, there are more than 12,000 Assyrian Christians. There are also Chaldeans, Turkomans, and other minorities. Those with relatives abroad plead to join them. Indeed, the US should lead the way in accepting some of them.

But for now, the urgent priority is to save their lives, and there is very little time. One hopes that the US airdrop is a welcome sign that the administration now understands the severity of the refugee problem. Airdrops, however, are only the leading edge of what must be done. By air and truck, massive amounts of food, tents, and relief materiel must be brought in.

Most of the materiel can be procured in Turkey. But some items such as tents and blankets should be brought in by the US military from its stockpiles.

As of April 10, only $4 million to $5 million had been made available to the Turkish government, and the UN agencies were just beginning to receive cash in serious amounts.

More money has now been pledged, but it is not yet generating delivery of relief to the refugees.

The refugees around Cukurca constitute only one of many groups of at least 30,000 people. The other sites are all equally difficult to access for relief shipments. There are also the Iranian and Syrian borders, the former with larger numbers than on the Turkish borders and with a frontier now apprarently closed by Tehran. European governments should take the lead in surveying this sector.

All in all, tthis is one of the most complex relief tasks ever mounted and will cost hundreds of millions of dollars, but this is after all a fraction of the cost of the war.

To win the race against the Kurdish refugee problem will require US leadership of the kind we saw on the military and diplomatic fronts of Desert Storm. In turn, the US must galvanize the United Nations agencies.

Initially, the international effort should focus on putting a representative at each refugee encampment along the border, making arrangements for immediate local procurement of urgently needed relief supplies, and delivering the material to the refugee sites and to affected Turkish villages by road or helicopter, with airdrops as a last resort. To get relief to the far-flung and remote encampments and to those in Iraq requires something of the scale of the Berlin Airlift, though this time most of the effort will be with overland transit.

This relief effort will require extraordinary work by the US and the UN. To engage the government into life-saving speed, the president should appoint as coordinator a distinguished private individual with interagency powers. We must cut through our own and UN red tape with all possible speed. At the UN, a wide mandate for the special coordinator, with full backing of the secretary-general, is needed.

If the Kurdish refugees are not saved, the war may well be best remembered for the tragedy inflicted on them.

THE CHILDREN OF CHERNOBYL RELIEF FUND

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, it has been 5 years since the No. 4 nuclear reactor exploded at Chernobyl, Ukraine, causing the largest and most devastating nuclear disaster in history. Five years passed, but for countless people, the disaster is neither forgotten nor ended.

In the initial reactor blast, 31 power station workers lost their lives. The Soviet Union would like the world to believe that this was where the destruction of the Chernobyl disaster ended, but the fatal hand of this nuclear blast reached far beyond these 31 workers and the final toll of the accident remains incalculable. Currently, some 350,000 Ukrainians are monitored full time for Chernobyl-related health problems. It is estimated that another 900,000 Ukrainian men, women, and children should be monitored, but the necessary resources for this vital medical attention are simply not available.

Ukraine's health minister, Dr. Yuri Spizhenko describes the worsening health situation as threatening and urgent. He says that of the 4 million people living in affected areas, more than 1 million are young children under the age of 14. Health officials predict that Ukraine will yet suffer up to 50,000 additional incidences of fatal cancer.

These numbers are more than black and white statistics; they represent the horror being lived daily by innocent men, women, boys, and girls in Ukraine. Many have already suffered inexplicable and terminal illness. For an untold number of others, sickness almost certainly lies in their future.

The New York Times last September told the story of Natalya Zelinskaia, a 10-year-old who lives about 60 miles from the Chernobyl plant. She is suffering from Hodgkin's disease. Her condition is attributed to radiation exposure from the Chernobyl nuclear powerplant accident. Little Natalya was not old enough to remember the accident that has forever scarred her life, but she knows that she is very sick.

The Children of Chernobyl Relief Fund sponsored a trip to the United States last fall by eight children suffering from diseases related to radiation exposure. Natalya was among this group of young travelers. She came here, she said, "for the fresh food and air." Natalya was treated by American doctors during her stay, but has since returned to Ukraine where medicines are not so readily available. Hodgkin's disease slowly robs Natalya of her youthful energy and spirit. Two of the other seven children who visited the United States have recently died of leukemia.

The Soviet Union is only slowly starting to come to grips with what happened at Chernobyl 5 years ago this weekend. The most recent investigations suggest that the truth behind the accident lies in the design of the plant rather than in human error as the Soviets had originally asserted. A new report shows that the explosion was due almost entirely to the design of the reactor and that of the control rods. The accident allegedly occurred during what was considered a normal postexperiment shutdown of reactor No. 4 for maintenance.

Although the Soviet Government has demonstrated a somewhat improved commitment to learning the true mechanical cause of the Chernobyl accident, the Soviets remain closemouthed and closeminded about the extent of the human and environmental devastation. Hodgkin's disease, leukemia, birth defects, and crop mutations are but a few symptoms of this devastation which cannot be ignored. We must know the scope and the intensity of the fallout before we can formulate a long-term strategy for overcoming the effects of the disaster. The Soviet Government has a responsibility to its own people, to the people of Ukraine, and to the global community to undertake a serious and comprehensive survey of the damage and, subsequently, to implement recovery and relief programs. The Soviets must be held accountable.

Today, I salute the caring organizations which have mobilized internationally to uncover the mysteries of the Chernobyl disaster and to provide relief to victims like young Natalya. In my congressional district of Rochester, NY, friends of Ukraine will gather Friday evening at St. Mary's the Protectress Ukrainian Autocephalous Orthodox Church to plant a tree in memory of the victims of Chernobyl and to pray for the health of those who continue to suffer from radiation exposure. That same evening in Washington, DC, the Youth Committee of Ukraine 2000 and the Ukrainian National Information Service sponsored a 48-hour vigil to keep alive the tragically unanswered questions of Chernobyl. Throughout the year, the Ukrainian National Association gives a collective voice to the proud Ukrainian-American community which, on behalf of family and friends in Ukraine, demands answers from the Soviet Union about the extent of Chernobyl's destruction and long-range strategies for combating resultant illness and cleaning up the contaminated environment. Finally, I wish to commend the Children of Chernobyl Relief Fund for their untiring commitment to filling the medical needs of Chernobyl victims. Since the fund's establishment just 15 months ago, $10 million in medical equipment, supplies, and technology have been air-lifted to Ukraine.

All of these important efforts, together with the work of other fine organizations, give hope to the young children of Ukraine. With every vigil, every tree planting, every charitable donation, we send a message to little Natalya and her family that they do not suffer alone. We share their grief, their pain, and their outrage. We, too, seek the truth about what went wrong at Chernobyl, what can be done to restore human and ecological health to the affected region, and what measures can be taken to prevent future disasters. For as long as we remember Chernobyl and continue to remind others, young Natalya can still hope for health, fresh food, and fresh air in her homeland, Ukraine.

HEARTFELT THANKS TO ROBERT K. BEST

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. PACKARD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

Whereas, Robert K. Best, native son of California, graduate of Stanford University and McGeorge School of Law, Navy veteran and eminent lawyer has served with distinction as California Department of Transportation (Caltrans) Director since 1988, and

Whereas, Robert K. Best, during his three years as Caltrans Director, has managed the department during a period of unparalleled growth, change and opportunity, and

Whereas, Robert K. Best has played a pivotal role in advancing the cause of transportation, including the development of California's landmark transportation reform and funding package, and

Whereas, Robert K. Best was instrumental in crafting Propositions 111 and 108, which will generate $18.5 billion over 10 years for highway, mass transportation and rail development in California, and

Whereas, Robert K. Best directed Caltrans' heroic response to the devastating Loma Prieta Earthquake, including creation of the world's most ambitious seismic and structural research and strengthening effort, and

Whereas, Robert K. Best's tireless efforts on behalf of California and transportation are worthy of the highest praise and commendation: Now therefore

Be it resolved, That the United States House of Representatives recognize Robert K. Best for his efforts, and extends to him the heartfelt thanks and appreciation of the people of California.

THE OPEN SPACE PRESERVATION ACT OF 1991

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. SCHULZE. Mr. Speaker, today I am introducing the Open Space Preservation Act of 1991, a bill to protect and preserve environmentally sensitive open spaces in America. Senator JOHN CHAFEE intends to introduce a companion bill in the other body shortly. Our legislation would protect family farms, wetlands, and open spaces from being consumed by development, and it has gained broad bipartisan support. Late in the 101st Congress it was endorsed by the American Forestry Association, Ducks Unlimited, Defenders of Wildlife, the Izaak Walton League, the Land Trust Alliance, the Natural Lands Trust, the National Wildlife Federation, the Piedmont Environmental Council, and the Wildlife Management Institute.

We must change Federal estate tax policy to ensure our open spaces are safe from the ravages of estate taxes of as much as 55 percent levied on the development value of undeveloped land. Imagine yourself as a 4th generation family farmer with a 100 acre farm. When you leave the farm to your children, an estate tax may be levied on them not based on $2,500 per acre for farmland, but valued for development or upscale homes at as much as $50,000 per acre. This being the case, your children will be forced to sell most if not all of the property to pay estate taxes, and in the process, end four generations of traditional family farming. The sad thing is, this is becoming commonplace across in America.

Mr. Speaker, I am inserting a detailed explanation of my proposal in the CONGRESSIONAL RECORD and urge my colleagues to cosponsor this measure to protect the environment and an American way of life.

THE OPEN SPACE PRESERVATION TAX ACT OF 1991

Open space farmland, fish, plant and wildlife preserves, forest land and historically important land areas are rapidly being lost to development. Landowners are finding it hard to resist the lucrative development offers made for their land—especially property located near urban areas.

The current income and estate tax laws do not sufficiently encourage the preservation of this property. Landowners may deduct, for income tax purposes, the decrease in the value of their land due to the grant of a perpetual conservation easement, such as a prohibition on development. Code section 170 (a), (h). This relatively modest benefit, however, does not compare with the high-priced development offers made for the property. Moreover, with respect to lower income, "land poor" families, the income tax deduction is essentially worthless. In addition, despite the granting of an easement, landowners continue to be subject to the full estate tax on the value of this land.

If a landowner retains his valuable and environmentally important land, his heirs may nevertheless be forced to subdivide that land, or sell it in its entirety, in order to pay estate taxes on the value of the land in the estate. Since these sales are more often made to developers than to conservationists, the environmental benefits of the land are often lost forever.

Given the substantial economic pressure landowners face to develop their property and the consequent rapid loss of environmentally important land to development, a change to the estate tax law is needed. Donations of perpetual conservation easements should be encouraged by excluding from the value of the estate the residual value of land subject to a conservation easement. This enhanced benefit not only should be a sufficient incentive for landowner to resist development offers and preserve land in perpetuity for environmental purposes, it will avoid the loss of open space that increasingly results from estate tax forced sales. This approach would provide a significant, much-needed benefit for lower-income, "land poor" families.

This exclusion would apply only to land subject to a conservation easement—that is, land with respect to which a qualified conservation contribution of a qualified real property interest has been made. Thus, the exclusion would apply only to land that has been preserved in perpetuity for conservation purposes, and only where a charity or governmental unit has agreed to ensure that the conservation purposes of the easement will be met in perpetuity. Moreover, the exclusion would apply only to land and not to any improvement to the land or land beneath the improvement.

THE OPEN SPACE PRESERVATION TAX ACT OF 1991: TALKING POINTS

The proposal would encourage the preservation of open space farmland, forest land, historically important land areas, and fish, plant and wildlife preserves by encouraging grants of perpetual conservation easements to protect property most acutely impacted by the financial pressures created by urban/suburban growth. Land encumbered by a conservation easement would not be subject to estate taxes.

"Land poor" families would benefit from the proposal since heirs would no longer be forced to sell or subdivide inherited property to pay the estate tax.

The proposal would guarantee that land is preserved in perpetuity. A perpetual conservation easement generally is extinguished only by a court of law.

The proposal would apply to all types of environmentally endangered lands, including the family farm.

The proposal would enable the easement holder, a charity or governmental unit, to ensure that the land is used in perpetuity for the conservation purposes stated in the easement. As under current law, the easement holder could effectively ensure that the property is being utilized in compliance with the terms of the easement.

The proposal would apply only to land and not to any improvement to the land or land beneath the improvement.

The proposal is supported by major environmental and conservation groups.

Any effect that this proposal may have on federal estate tax receipts would be offset by a deferral in the planned reduction of federal estate tax rates from 53 or 55 percent to 50 percent.

OUTSTANDING MAN: TOM CROWLEY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. MILLER of California. Mr. Speaker, I know the other Members of the House join me in recognizing Tom Crowley.

A native of San Francisco, Tom Crowley attended Stanford University. Upon his graduation, he began working for the company his father founded in 1892, Crowley Launch & Tugboat. Mr. Crowley has spent 55 years in the maritime transportation business and is now the chairman and CEO of the Crowley Maritime Corp. which employs over 2,500 people in the bay area.

His Oakland-based company is considered a giant in the shipping industry—the second most profitable liner company in the country and the eighth largest privately owned company in northern California. Both Mr. Crowley and his corporation have received various honors for exceptional achievement including the National Defense Transportation Award and the United Seamen's Service Admiral of the Ocean Sea Award for outstanding contributions to the maritime industry.

The company is involved in a multitude of operations from special marine contract transportation to ocean and harbor barging and towing. In the past, it has been involved in activities varying from ferrying tourists around the San Francisco Bay to hauling cargo in the Caribbean. Recently, the company helped the troops in Operation Desert Storm by leasing several essential vessels to the Government for deployment to the gulf.

Mr. Crowley has striven to improve the shipping industry through research and development. He developed an innovative hulled tanker which helps to prevent ocean oilspills and another floating barge which is equipped to clean up huge spills. The state-of-the-art equipment was used to clean up the oil from the *Exxon Valdez* disaster in Prince William Sound and will now travel to the Persian Gulf as Crowley Maritime recently was named the prime contractor for the cleanup of the spill in the gulf caused by Iraqi troop destruction of Kuwaiti oil facilities.

After a difficult decade in the 1980's, Tom Crowley has brought his company back into renewed, vigorous, and profitable operations, providing thousands of employees with good jobs and helping promote the economy of the bay area. He reported a 1990 yearly profit of $20 million for the company and plans on continuing his hard work. At 77 years of age, he has no retirement plans.

Mr. Speaker, please join me and the other Members of Congress in honoring this outstanding man who has contributed so much to the bay area community and the maritime industry.

WELCOME TO OKLAHOMA'S NEW WASHINGTON OFFICE

HON. BILL BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. BREWSTER. Mr. Speaker, I'm pleased to rise today to welcome the State of Oklahoma's new liaison office to the Washington scene.

I consider this a positive move to promote Oklahoma's economic development and increase Oklahoma's presence in the Nation's Capital.

Oklahoma previously has had fully staffed offices in Los Angeles and Tokyo—and soon will be opening another new State liaison office in Germany. And, from time to time, our State government has had various individual advocates who have represented the State of Oklahoma in Washington.

But today marks the first time Oklahoma has had a fully staffed office in Washington to assist Oklahoma's local and State governments as well as the congressional delegation.

Today, Oklahoma joins 33 other States who maintain liaison offices in Washington. Our State office is located in the Hall of States on North Capitol Street, along with offices from 28 other States. Our staff will be headed by Dan Cooney, director, and Kristen Ames, deputy director and legislative liaison.

While it has become increasingly important to assist local and State government in their search for Federal funding, it is just as important to assist our congressional delegation in telling the Oklahoma story on such important issues as energy strategy, highway reauthorization, public works, water, and agriculture projects.

I look forward to working with this new office for the improvement of Oklahoma's economy.

A BILL TO IMPROVE THE LOW-INCOME HOUSING TAX CREDIT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mrs. MINK. Mr. Speaker, today I am introducing legislation to improve the low-income housing tax credit in difficult development areas, like Hawaii. There is a housing crisis in the Nation and areas, such as Hawaii have seen the price of housing soar to exorbitant heights. Middle-income families are forced to pay $350,000 to $400,000 for an average home. The poor and disadvantaged have little recourse and those who cannot find low-income housing are forced to join the ranks of the homeless.

In 1986, the Congress instituted the low-income housing tax credit which has helped Hawaii provide affordable housing to its residents. The program encourages the production of low-income housing by offering a tax credit to owners and developers of low-income housing each year for up to 10 years. In Hawaii the program has helped 5 low-income housing projects with 286 units.

However, the credit is not working as well as it could in Hawaii. Because of the high cost of development in Hawaii, even with the tax credit many low-income housing projects are not economically feasible. In fact, the State of Hawaii has been unable to allocate any of its 1990 or 1991 tax credits. In 1989, a housing unit required 4,587 dollars' worth of Federal credits to be constructed in Hawaii as compared to the nationwide figure of $2,552.

The bill I have introduced today would help solve this problem by allowing projects in difficult development areas to take into account the cost of the land upon which the housing project is built. The price of land is a major factor in determining the economic feasibility of a project and currently it cannot be factored into the formula which determines the amount of the tax credit.

Mr. Speaker, this bill would be of tremendous value to Hawaii by assisting in the construction of desperately needed affordable housing. The bill would also help the 38 other States and territories where the Department of Housing and Urban Development have designated difficult development areas.

I ask my colleagues to join me in support of this bill to improve the low-income housing tax credit in Hawaii and the 38 States and territories that cannot take full advantage of the low-income housing tax credit.

H.R. 2128

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. ROYBAL. Mr. Speaker, the breakthroughs in health care technology in recent years have been nothing short of spectacular. Lifelike artificial limbs, rechargeable pacemakers, a tiny manmade intraocular lens which can replace the clouded lens of a cataract patient and restore normal sight—these are but a few of the dramatic developments we have witnessed.

None of us would dispute the fact that medical technology is improving the quality of life of Americans. Yet, new technologies are being developed and marketed so rapidly that their evaluation lags far behind.

Yesterday I introduced what I consider to be important legislation to ensure careful evaluation of new medical technologies, and in turn greater cost containment in the American health care system. This bill, H.R. 2128, calls for an annual review of changes in technology and skill associated with artificial devices and organs and their implantation, to be performed by the Congressional Office of Technology Assessment [OTA].

This bill requires OTA to report to Congress how Medicare payments should be altered to reflect these changes. This would keep Medicare payments in line with rapidly changing technology and skills.

Having no formal mechanism to do this has resulted in unreasonable and wasteful reimbursement. The most glaring example, and the one which prompted the initial introduction of this legislation by my colleague, the late Claude Pepper, was the fee paid by Medicare to physicians for cataract surgery. When the Subcommittee on Health and Long-Term Care examined the fraud, waste, and abuse connected with this procedure several years ago, we found that Medicare was paying $1,200 per operation to doctors. That fee was established prior to 1981, with new technology and implantation techniques, the same operation took 20 to 30 minutes. Yet Medicare did not begin paying an appropriately lowered rate for more than 5 years.

In a time of spiraling health costs, the Congress needs to do everything possible to make sure that we're at least getting the most bang for the buck with the Federal dollars we are spending. I think my bill would be an important step in that direction, and something that OTA as presently constituted would be able to handle.

Arnold Relman, M.D., editor of the New England Journal of Medicine, made the following statement before the Subcommittee on Health and Long-Term Care: "We need a determined national effort to separate the wheat from the chaff, to identify those procedures that work and those that do not, those that are worth the money and those what are not."

I agree with Dr. Relman's view and urge all my House colleagues to cosponsor H.R. 2128, so that Congress will have benefit of a thorough, expert review of existing technologies and skills that can make laws and set payment rates accordingly.

A TRIBUTE TO THE SOUTH FLORIDA SHOMRIM SOCIETY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, a heartwarming article appeared in the Miami Herald, and I would like to bring it to the attention of my colleagues. The article by Carl Goldfarb and entitled "Jewish 'Guardians' Deliver Food Baskets," is about the Shomrim Society delivering food to many needy and elderly Jews during the Passover holiday. Shomrim in Hebrew means guardians, and the article certainly reminds us of the rewarding feelings one receives from giving to those in need.

I am hereby reprinting it in the CONGRESSIONAL RECORD:

> Mary Margaret Marrapode wasn't about to trust strangers. "I'm not opening the door until you tell me who you are," she called out to the men who had come knocking.
>
> When she learned they were Jewish police officers bearing Passover baskets, Marrapode threw the door wide open. Inside, 88-year-old Florence Ross, who depends on Marrapode for care and her walker for getting around, beamed in delight.
>
> "Oh my goodness," she explained, examining the basket's contents. "What a wonder."
>
> So it went Sunday as hands that normally grip pistols instead cradled Passover baskets bulging with matzoh, horse radish and other traditional fare for the Jewish holiday that begins Friday at sundown.
>
> Bob Singer, a Metro-Dade homicide detective, usually spends his time hunting murderers. David Waksman, an assistant state attorney, usually prosecutes them.

Sunday, both joined other members of the South Florida Shomrim Society, a group of Jewish law enforcement officials, to deliver food to indigent or homebound Jews, many of them elderly.

"Usually the most rewarding thing I do is put murderers in jail," said Waksman. "That gets to be depressing."

Said Singer: "This is the most rewarding experience I've ever had."

Singer turned 40 Sunday but he didn't let that keep him away. Fran Miller, a criminal investigator with the state attorney's office, passed up tickets to the Lipton Tennis tournament final. Ken Goodman, an agent with the Drug Enforcement Administration, gave up a morning at home.

They all gathered at the Surfside Community Center.

Members of the Jewish War Veterans, Surfside Chapter, bought the food and assembled 36 baskets there, including four for recent Russian emigres. Members of the Shomrim Society, Hebrew for guardians or watchers, delivered the baskets to addresses provided by the Greater Miami Jewish Federation and the Community Council for Jewish Elderly.

In all, working with a variety of agencies, the council supplied 4,000 packages for the homebound or indigent and another 2,000 mini-baskets for elderly Jews in sectarian nursing homes.

At the Surfside center, the Jewish veterans kibitzed as they worked. Herb Schoenfeld, a retired New York City police sergeant who now runs a pretrial intervention program, regaled the crowd with jokes in Yiddish.

One went this way: When two Jewish bumblebees flew up to a house and landed on the flowers, one bee whipped out his yarmulke and put it on.

"Why did you do that?" the other bee asked.

Answered the first bee: "I didn't want to be taken for a wasp."

But the levity soon vanished on the delivery trail.

Waksman and Miller dropped off one basket for Mildred Kaufman, 54, and her husband, Armando, 60, who was born in Cuba and moved to the United States 40 years ago.

Armando Kaufman suffers from a bad heart, diabetes, poor circulation and arthritis. He's looking for work but hasn't been able to find anything.

The Passover package, Mildred Kaufman said, was like manna from heaven. "Every little bit helps," she said.

I would like to commend David Waksman, Bob Singer, and all the members of the Shomrim Society, and the Surfside Jewish War Veterans for donating their time to this worthy cause. It is people like them that brighten the lives of so many needy people in the World. I thank the Surfside Jewish War Veterans and the Shomrim Society for caring.

INTRODUCTION OF THE CALIFORNIA TRIBAL STATUS ACT OF 1991

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. MILLER of California. Mr. Speaker, today I am introducing the California Tribal Status Act of 1991. Except for a few minor changes, it is identical to the bill I introduced in the 101st Congress.

The bill is intended to provide the starting point for a discussion of the issues affecting California Indians.

Mr. Speaker, this bill will be carefully considered by the Interior Committee in coming months. It will probably change before it will be reported. However, it is important for all Members to realize that we must pass legislation to address the problems of California Indians as soon as possible.

Mr. Speaker, I urge my colleagues to join me in support of this important bill.

A BILL TO ASSIST CERTAIN MILITARY FAMILIES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. FIELDS. Mr. Speaker, I believe in the family. I believe that by keeping families together we give our young people the greatest chance to become well-adjusted and productive members of society. Unfortunately, the drug abuse and violence that permeate today's society present the family with tougher challenges than every before.

The Government has a special responsibility for military families. Our soldiers dedicate their lives to preserving our freedom and liberty, and in return we should offer them benefits that meet the needs of their families.

A number of cases in my district concerning struggling military families have prompted me to introduce legislation that would help these families stay together. The bill that I am introducing today would make a slight change in eligibility for the military health care system. Although only slight, this change will mean great financial and emotional relief for a few families.

When a child has been abused or neglected, and social service agencies decide to remove the child from the home, social workers first attempt to place the child in another home within the extended family. This placement allows the child to hold onto family bonds that have already formed, and prevents this child from being shuffled from one foster family to another. In short, placement within the extended family provides the best emotional support and stability for the child.

However, if this happens in a military family, some unintended problems crop up for both the family and the child. A child must be adopted, rather than in the legal custody of a member or former member of the military to be eligible for health care benefits due the family. Unless the child is adopted, the family must purchase private health insurance for the child, or he must forgo health benefits entirely. As a whole I do not disagree with this policy of requiring adoption of a child for that child to meet the qualifications as a dependent. I only disagree with the policy when there is a compelling reason for the family not to adopt the child.

In the instance of a grandchild being placed with grandparents, a niece being placed with an uncle, or a sibling with an older sister, adoption of the child is uncomfortable for the whole family. If adopted, the grandchild would become the brother and brother-in-law to his parents, and the older sibling would become mother to her younger brother. In these instances, we should accept the court's designation of legal custody to be sufficient for eligibility of military health benefits as a dependent of the adult who is awarded custody.

My legislation makes no changes in the military health care system, it just slightly expands the definition of dependent for eligibility in this system. This definition would be expanded to include children under the age of 18, who are relatives of the member or former member of the military, and who are under legal custody, as granted by the courts to the member or former member.

These families are doing their best to stay together. I believe that we owe these military families, who have given so much for our country, a little help. I hope you will join me in supporting this measure.

TRIBUTE TO DETECTIVE SGT. PAUL MURRAY—ONE OF NASSAU COUNTY'S FINEST

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. LENT. Mr. Speaker, it is a pleasure for me to take the floor and inform my distinguished colleagues of the accomplishments of one of my constituents. On this occasion, I rise to recognize and pay special tribute to Detective Sgt. Paul Murray of the Nassau County, NY Police Department. Det. Sgt. Murray currently resides in Farmingdale and he is a lifelong resident of Nassau County.

Yesterday, April 29, 1991, marked Detective Sergeant Murray's 25th anniversary with the NCPD and, I have been informed, the continuation of an extraordinary record of devotion and service. During his quarter century with Nassau County's finest, Paul Murray has compiled a perfect work attendance record, having never taken even 1 sick day.

Detective Sergeant Murray's complete dedication to his law enforcement responsibilities has been an inspiration to friends, family, and brother officers. For the last 10 years, he has been doing an outstanding job with the NCPD's Juvenile Aid Bureau and has served as the supervisor of the juvenile aid activities of four south shore precincts.

Mr. Speaker, it is a privilege and an honor to represent outstanding individuals like Detective Sgt. Paul Murray in this House. While working with trouble youngsters is an extremely difficult and demanding job, Paul Murray's selfless devotion has helped to ensure that it is done right in Nassau County. I offer him every best wish for continued good health and extend the congratulations and thanks of the people of the Fourth Congressional District.

AMBASSADOR VERNON WALTERS MARKS 50TH ANNIVERSARY OF GOVERNMENT SERVICE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. BROOMFIELD. Mr. Speaker, Thursday, May 2, will mark an extraordinary milestone in the history of public service: The 50th anniversary of Ambassador Vernon Walters' entry into Government service. This achievement deserves our highest recognition and gratitude.

Ambassador Walters, who currently serves as United States Ambassador to the Federal Republic of Germany, began his career in public service on May 2, 1941, when he enlisted as a private in the United States Army. In the first of many remarkable accomplishments, he became an officer the very same year, passing through every Army enlisted rank except master sergeant.

Ambassador Walters saw extensive combat duty during the Second World War. He participated in the invasion of North Africa in 1942 and fought until the end of the war in northern Italy. He later saw combat in the Greek civil war, Korea, and Vietnam.

Ambassador Walters' special linguistic talents have enabled him to combine his military career with diplomacy. He has served as a special aide and interpreter to numerous United States general officers and senior diplomats, as well as Presidents Truman, Eisenhower, and Nixon. As military attaché in Brazil, Italy, and France, he also displayed an ability to carry out sensitive diplomatic missions. In perhaps his most noteworthy diplomatic mission, he spirited Henry Kissinger into Paris for the historic secret negotiations with the North Vietnamese in the late 1960's and early 1970's.

Ambassador Walters has served the intelligence community as well as the military and foreign policy establishments. In 1972, while a major general, he was named Deputy Director of the Central Intelligence Agency. The 4½ years in which he served the Agency included a 5-month stint as Acting Director. He left the Agency in 1976 and retired from the Army as a lieutenant general.

From 1976 to 1981, Ambassador Walters was out of the Government. During this period, he worked as a consultant, lecturer, and author. In early 1981, he returned to Government as a senior adviser to Secretary of State Alexander Haig. He served in this position for several months until President Reagan nominated him to serve as Ambassador-at-Large. From July 1981 to May 1985, Ambassador Walters traveled to more than 108 countries, covering 1½ million miles as the Reagan administration's chief diplomatic troubleshooter.

In May 1985, Ambassador Walters became the U.S. Permanent Representative to the United Nations, a post which elevated him to membership in President Reagan's cabinet. He served at the United Nations until March 1989, when he left to accept President Bush's appointment as Ambassador to the Federal Republic of Germany.

As envoy to Germany, Ambassador Walters has seen his career come full circle. Fifty years ago, he enlisted in the United States Army to fight against Germany in a way which resulted in the division of that country. Approximately 40 years ago, he helped Secretary of State George Marshall launch the economic recovery plan which enabled Germany to get back on its feet. Six months ago, he stood on the steps of the Reichstag Building in Berlin at the moment when Germany became whole again. A few weeks ago, the treaty went into force which formally ended the Second World War.

For 50 years, Ambassador Walters has been in the thick of the great events and decisions that helped to shape the modern world. He has been an extraordinary American public servant and it is fitting that we commemorate this special anniversary by paying him tribute.

A TRIBUTE TO MIDWOOD HIGH SCHOOL: REFLECTIONS OF A PROUD "MIDKID"

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. SOLARZ. Mr. Speaker, I rise today to offer to my colleagues a tribute to an institution which had a profound impact on my life, and the lives of thousands of Brooklynites—Midwood High School.

On May 5, Midwood will celebrate its 50th anniversary at a festive reunion at the Jacob K. Javitz Center in New York. A thousand graduates from Midwood's half a century of successful and diverse classes will gather for an evening dedicated to renewing old friendships, sharing fond memories, and celebrating the high school's vast contributions to its neighborhood, and indeed, the Nation.

Ever since Mayor LaGuardia dedicated the school 50 years ago, Midwood has maintained a record of academic excellence and community involvement that have earned it a reputation for one of the finest high schools in the country. Midwood's first principal, Dr. Jacob Ross and its second, Dr. Jacob Bernstein, created a school which broke new ground in educational innovation. The experience curriculum and six-major program, for example, were but two of the original initiatives that became models for schools throughout the city.

Our country's greatest resource are our children, and providing them with quality education must be among our highest priorities. Midwood has certainly passed this test. This year, Midwood boasted 7 of the 10 semifinalists in the Westinghouse science talent search. Throughout the 50-year history of this particular event, Midwood has ranked seventh among all the high schools of the country.

Of course, much of the credit for Midwood's outstanding record of student achievement must go to its teachers, who are indeed the backbone of the institution. Fifty years ago, Midwood attracted many teachers who entered the profession during the Great Depression, when jobs in the private sector were scarce. These teachers, like those who followed, were extraordinarily capable, devoted, and resourceful.

Midwood graduates have made laudable contributions to the educational, cultural, political, artistic, and commercial aspects of our society. Its alumni body boasts Matilda Cuomo, Woody Allen, and Erich Siegel. McKinney Russell, the counsel to the U.S. Information Agency, and the noted architect Alan Lapidus, also graduated from Midwood.

Speaking personally, there is no doubt that my academic and extracurricular activities at Midwood profoundly influenced my career. Most of all, I fondly recall my tenure as the "Mayor" of the city of Midwood. Of course, it was terrible to reach the pinnacle of my career at the age of 17. For a high school senior, having an office in B–71 was even more of a thrill than sitting in my office in the U.S. Congress several years later.

Looking back at my experience as mayor, I realize that my most tangible achievement was to persuade the administration to sell three Yankee Doodles for a dime in the school cafeteria instead of two. But this effort taught me a good deal about the cornerstone of political action—how to get along with people. As mayor of Midwood, I first felt the satisfaction of public service, which has been one of the guiding forces in my life ever since.

So, as a proud "Midkid," Mr. Speaker, I want to extend my warmest best wishes to those Midwood graduates who will be celebrating with me on May 5, and to congratulate all of my fellow alumni wherever they may be.

PROLIFERATION PROFITEERS: PART 12

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. STARK. Mr. Speaker, today, I am placing into the CONGRESSIONAL RECORD, the 12th and final of my first set of case studies on foreign companies which have sold nuclear weapons technology to Iraq.

Shortly I will begin another set of a dozen case studies on foreign companies which have exported nuclear items to countries of proliferation concern. I am also including today a chart which lists all 24 of these alleged proliferation profiteers and to whom they sold. You can see that a number of these companies also do business with the United States.

These firms would be hit hard by my Nuclear Non-Proliferation Enforcement Act (H.R. 830). Under this legislation, any foreign firm found selling—without the proper safeguards—nuclear items to countries like Iraq would have its goods barred from entering the United States. This legislation is closely modelled on missile and chemical and biological weapons sanctions which passed Congress last fall. The bill has been endorsed by leading experts in the field of nuclear nonproliferation, such as Gary Milhollin of the Wisconsin project on nuclear arms control.

TWELVE FOREIGN FIRMS REPORTEDLY ENGAGED IN NUCLEAR WEAPONS-RELATED TRADE WITH IRAQ[1]

FIRM 12: SCHMIEDEMECCANICA SA (SWITZERLAND)

Schmiedemeccanica SA is an engineering firm that produces precision forgings for specialized parts and defense products, components prepared for assembly, as well as tooling technology. Schmiedemeccanica is suspected of manufacturing several hundred components for a uranium enrichment plant that were confiscated en route to Iraq in July 1990 by German customs officials. The Swiss company, however, said the steel was not "thermally treated" and was not subject to export restrictions. Technology Development Group (TDG), said by the U.S. Department of Defense to be an Iraqi-run front company based in Britain, bought shares of Schmiedemeccanica and signed a loan agreement that Schmiedemeccanica has confirmed exists. TDG wanted to acquire an 18 percent stake in the firm and paid 3.4 million Swiss francs for its stake of 7 percent.

FOREIGN FIRMS REPORTED TO HAVE ENGAGED IN ILLICIT NUCLEAR TRADE—1980–90

Foreign suppliers	Selected Importers of nuclear weapon-related items							U.S. trade relations
	Argentina	Brazil	India	Iraq	Libya	Pakistan	South Afrcia	
Alfred Iempel (FRG)	X		X			X	X	Yes.
Belgonucleaire (Belgum)					X	X		Yes.
Brazilian Aeronautics Co. (Brazil)				X				Yes.
Cezus (France)						X		French, parent Fechiney, has extemsive trade Use.
Consarc Engineering (U.K.)				X				Yes; Parent, Conmac; Engineering based in U.S.
Degussa (FRG)			X					Yes.
Export-Union (FRG)				X				(?)
Gildemeister Projekta (FRG)				X				Yes; shares held thru U.S. litton Industries sub.
H & H Metalform (FRG)				X				(?)
Industries Cardoen (Chile)				X				Firm has attempted to enter U.S. market.
Inter-Nuclear Service (Switzerland)							X	(?)
Leybold (FRG)				X		X	X	(?)
MAN Technologien (FRG)		X		X				(?)
Matrix-Churhill (U.K.)				X				Yes; former parent of U.S.-based Matrix-Churchill.
Messerschmitt-Belkow-Blohm (FRG)				X				Yes.
Neue-Technologien (FRG)			X			X	X	Yes.
Nukem (FRG)					X	X	X	Yes; holds 100% of U.S. sub., Nukem Inc.
Orda (Switerzland)	X		X				X	(?)
Radium-Chemie (Switerzland)						X		Yes.
Rohstoff-Einfuhr (FRG)	X		X					(?)
Schaeublin (Switerzland)				X				(?)
Schmiedemeccanica (Switerzland)				X				(?)
Tansnuklear (FRG)					X	X		Yes; held 50% of U.S. sub. until dissovled in 1988.
Zircotube (France)						X		French parent, Pechinery, has extermsive trade tles.

Sources: Articles, press reports and studies held by the database and library of the Emerging Nuclear Suppliers Project, Monterey Institute of International Studies. Prepared by C.A. Binkley.

KINGS OF HARLEM: THE RAGING ROOKS OF ADAM CLAYTON POWELL, JR., JUNIOR HIGH SCHOOL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. RANGEL. Mr. Speaker, I am proud to pay tribute today to a remarkable group of young men: the Raging Rooks Chess Team of Adam Clayton Powell, Jr., Junior High School in Harlem, who just recently became national chess champions.

All of us in New York City should take pride in their accomplishments. The Raging Rooks, you see, did not have their trophy handed to them on a platter. Like too many other children, many of the students from their junior high school come from families that live in poverty. Most of the chess champions have single parents or live with aunts and grandmothers; some may not have a permanent address or a telephone. One player's family was even burned out of their building by drug dealers.

How then have these students so consistently performed with excellence? Because they could.

Harlem, and indeed the entire city, teems with youth like the Raging Rooks—children filled with promise and hope, bursting with the desire to achieve something with their lives. Yet tragically, society seems to tell them that they cannot achieve, that they have no opportunity, that they need not even try to come in first place.

Well, the Raging Rooks tried—and they succeeded. In doing so, they learned the greatest lesson of all: that they are capable of the best.

As 13-year-old Jonathan Nook said, "Before this, I wouldn't even have thought myself that a national chess champion would come from Harlem. But now everyone has to give us respect. It proves that we may live in a bad neighborhood, but we can do things for ourselves."

First place in a national chess contest is indeed wonderful news, but when one thinks about it, not all that surprising. As their coach said after the tournament, "I knew they could do it."

JOHN J. KOELEMIJ HONORED AS 1991 HALL OF FAMER

HON. PETE PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. PETERSON of Florida. Mr. Speaker, it is a great pleasure for me to congratulate John J. Koelemij of Tallahassee, FL, in his induction into the National Housing Hall of Fame. The hall of fame, sponsored by the National Association of Home Builders, honors individuals who have actively worked toward the betterment of the American housing industry. John J. Koelemij is such an individual and it is an honor for me to congratulate him on his achievements.

Mr. Koelemij is a homebuilder from Tallahassee and has been active in the industry for over 33 years. He served as president of the National Association of Home Builders in 1985 and, since that time, remains active in all levels of the association. A native of the Netherlands, Koelemij came to the United States in 1954 and launched his homebuilding career through his own Orange State Construction company in Tallahassee. John's business is credited with the building of more than 3,000 housing units in Florida.

On the local level, Mr. Koelemij served as president of the Tallahassee Builders Association in 1958 and in 1964 and as the president of the Florida Home Builders Association in 1966. He was the Florida association's first "Builder of the Year" in 1974, and he was among the State's first class of Florida Housing Hall of Fame members in 1990. He also was appointed by two Florida Governors to serve as chairman of the Governor's Council on State Housing Goals.

Ever since John Koelemij was granted citizenship in the United States, he has been driven by a sense of patriotism that has allowed him to help others work relentlessly for their American dream—the right to own their own homes. Through his unending devotion to his work, John has been successful in his endeavors to expand the homebuilding industry in Florida.

In his community, John has provided growth direction on the planning commission, worked with United Way, and established a mental health clinic. Through his construction business came other tangible contributions; housing for all income ranges for Tallahasseeans, in addition to apartments, offices, and commercial buildings.

John Koelemij's relentless dedication to the housing industry has borne fruit for homebuilders all across the Nation. By representing the national association through his lobbying efforts, John has been responsible for forging a working relationship between government and private enterprise. John is an effective spokesperson for his industry because he knows that the fight for housing issues must be fought on both sides of the aisle, and his lobbying skills have been successful within the spirit of bipartisanship.

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[1] Sources: BBC Television Network, Sept. 30, 1990 by Jane Corbin; International Defense Directory, 1987, p. 395 by Interavia SA; Journal De Geneve, Sept. 15, 1990, p. 13; New York Times, Dec. 23, 1990, pp. A1, A4 by J. Brooke, F. Protzman, M. Wines; Nucleonics Week Aug. 23, 1990, p. 13 by Mark Hubbs; Sunday Times, Dec. 16, 1990, pp. 1–2, 4–5; Die Welt, Aug. 2, 1990, p. 8.

On behalf of my fellow Tallahasseeans, and Floridians all across the State, I congratulate John on this honor that has been bestowed upon him by those who know his accomplishments best—his fellow builders.

RAIL STRIKE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. FAZIO. Mr. Speaker, on April 17, 1991, Congress, recognizing the dangerous repercussions a rail strike could have on the American economy and American jobs, acted swiftly and decisively to keep the trains running. And we did so without prejudicing the legitimate concerns of either side. I was pleased to see that one of the Nation's major rail companies took the time to thank Congress publicly in the April 22 edition of Roll Call for our rapid attention and fairness. At a time when our actions are routinely analyzed and criticized, we can stand by our works on the rail strike with pride.

COMPOST BILLS INTRODUCED

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, today I am introducing three bills that will promote the practice of composting. As you know, the United States faces a severe and worsening crisis in solid waste management. Waste disposal has become increasingly impractical due to environmental contamination, escalating fees, the closing of disposal facilities, and difficulties in siting new facilities. With all of these problems, we must recognize that composting is a feasible solution to help deal with the increasing amounts of garbage entering our waste stream. A little known fact is that 30 to 60 percent of the waste produced by the United States is compostable. And not only is compost a safe way to manage waste materials, it is useful as a soil amendment.

In order to expedite the research of compost and its applications, I have introduced three bills. The first bill would establish a pilot program on a Department of Defense facility for the composting of yard and cafeteria waste. The second bill requires the Secretary of Transportation to conduct research on the management of waste found along Federal-aid highways, including the application of compost in landscaping and roadside development of these highways. The third bill requires the Secretary of Commerce to establish a program for providing grants to projects that promote the composting of the solid waste produced by the fishing industry.

Mr. Speaker, I urge my colleagues to support these composting initiatives. We have a responsibility to deal with our national garbage crisis which is filling our landfills and contaminating our ground water. Composting can be a major part of the answer.

H. MILLER LANIER, CHAIRMAN OF THE TENNESSEE AERONAUTICS COMMISSION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. GORDON. Mr. Speaker, I would like to commend H. Miller Lanier for his dedication to improving the quality and safety of air travel in middle Tennessee and, indeed, across America.

Mr. Lanier has devoted the last 50 years to training pilots and examining policy for the Federal Aviation Administration. At Middle Tennessee State University and other aerospace programs he logged over 30,000 hours of flight time as a pilot and instructor. He has served as chairman of the Tennessee Aeronautics Commission and a consultant to the aerospace department at M.T.S.U.

Mr. Lanier has been a national leader for the advancement of American aviation. The FAA presented him with its silver medal for distinguished service because of his extensive work in policymaking and success in developing safety-conscious and reliable pilots.

As someone who is concerned about aviation policy, I admire his contributions in these areas. His accomplishments demand that we respect him, honor him, and—most of all—that we thank him.

CLAMSHELLS PERFORM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to recognize and congratulate a small business in my district that, like many businesses in the United States, supported the Allied presence in the Persian Gulf.

We've all read about the ingenious way in which our troops protected their equipment from the powder-like sand in the Saudi desert. Fewer of us have read about the superb—to use the accolades of AVSCOM—aviation maintenance shelters supplied by Clamshell Buildings of Santa Barbara.

These shelters are ingeniously designed to be easily erected and dismantled, and they can be used again. The ends can open and shut, much like a clamshell. The Army was able to erect these structures in the Saudi desert with very little site preparation and shield Apache helicopters, with their blades on, from the Sun and sand while maintenance work was performed. The protective covering was especially colored to fade into the sand and the Army reported that from 700 meters, these structures were virtually invisible.

On February 5, the Army Aviation Association of America honored Clamshell Buildings by presenting it with a special small business award, not only for the technical attributes of their shelters, but for their quick and competent response to an urgent Army request for a large number of shelters in a short space of time.

I'm certain that my colleagues join me in extending our congratulations and thanks to Clamshell for its fine performance and contribution to our aircraft readiness in the Persian Gulf.

THE GOLD STAR MOTHERS ASSOCIATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. WALSH. Mr. Speaker, I would like to bring to your attention an organization in my district called the Gold Star Mothers Association. These women have been actively working to restore the original language of the law providing gold star lapel pins to the dependents of every member of the Armed Forces who dies as a result of an injury or illness sustained in the line of duty.

Until 1958, a gold medal of honor, a lapel pin, was given to the family members of all service men and women who were killed in the line of duty. Then, however, the law was changed. Only those who were killed while engaged in conflict with a foreign enemy were awarded the pin.

Last year, I introduced legislation that would change the law back to its original form. The families of our brave service personnel deserve this small token of appreciation from their country.

With the present law intact, the families of those sailors who died in the recent U.S.S. *Iowa* explosion would not receive the gold lapel pin, because the United States was not participating in an official "armed conflict."

There are other tragic incidents, including that of a pilot, who having flown 28 missions in Vietnam, flew his 29th in a bombing mission over Cambodia. Upon returning to his aircraft carrier, the plane failed to negotiate the landing when the arrester cable snapped, sending it careening off the ship's side. Because the United States was not formally at war with Cambodia his dependents were unable to receive the gold star lapel pin.

Please join me in correcting these inequities.

A CONGRESSIONAL SALUTE TO THE BROTHERS OF THE HOLY CROSS OF ST. ANTHONY PARISH IN LONG BEACH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to, and acknowledge my deep respect for, the Brothers of the Holy Cross of St. Anthony Parish in Long Beach. This organization, which has provided a great service to the Catholic youth of Long Beach, will commemorate its 50 years of service at St. Anthony High School during a Mass of Thanksgiving on ascension Thursday, May 9, 1991. This occasion gives me the opportunity to express my deepest appreciation for their years of service to both the Catholic church and the community.

In 1941, the pastor of St. Anthony Parish in Long Beach, Msgr. Bernard J. Dolan, decided to establish a high school for boys. After meeting with Father John Cavanaugh, the president of the University of Notre Dame, Monsignor Dolan determined that the group most fit to conduct the school was the Brothers of the Holy Cross.

Monsignor Dolan's plan to start a boy's high school was approved and the Brothers of the Holy Cross agreed to run it. Five brothers were sent from Notre Dame, IN to begin transforming the youth of Long Beach into well-educated young men. These original five men established the tradition that has been followed by the Brothers at St. Anthony to this day.

Over their 50 years at St. Anthony, many brothers have come and gone. However, the needs of the students and the service provided by the borthers have remained constant. The brothers have been a blessing to St. Anthony High School and an asset to the Archdiocese of Los Angeles and the greater Long Beach community.

Today, St. Anthony High School continues to celebrate its past and its present, keenly looking forward to a very bright future. My wife Lee joins me in extending our congratulations to the Brothers of the Holy Cross for their outstanding commitment and service. We wish God's blessing on the brothers for another successful 50 years.

A TRIBUTE TO DOROTHY EISENBERG

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. BILBRAY. Mr. Speaker, today I would like to pay tribute to an outstanding member of the Las Vegas community. On Monday, May 6, 1991, the Las Vegas school district will honor Dorothy Eisenberg with the dedication of an elementary school in her name. This great honor is bestowed upon her for her outstanding community service.

Mrs. Eisenberg has been a Las Vegas-resident for 27 years during which time she has spent countless hours working to improve life in our community. Mrs. Eisenberg received her bachelor of science degree from Temple University in Philadelphia, PA. From 1971–73 she served as president of the League of Women Voters, of Las Vegas Valley. As president of the League of Women Voters, she actively lobbied for a package of environmental bills which included legislation on air pollution, water pollution, and solid waste disposal.

In 1974 Governor O'Callaghan appointed Mrs. Eisenberg to the Employee Management Relations Board and from 1977–81 she served as chairman of this board.

Her long service to her community and her faith continued in 1979 as she became the first woman to hold the prestigious position of president of the Jewish Federation of Las Vegas. She served in this position for 2 years after which she served as the debate chairman for debates sponsored by the League of Women Voters for the elections of Governor and sheriff.

From 1983–89 Mrs. Eisenberg chaired the community planning council for the United Way. Organized and set up by Mrs. Eisenberg, this was the first such group for the local United Way.

Still very active in public service, Dorothy Eisenberg currently serves as the president of the Women's Democratic Club of Clark County.

I urge my fellow Members of Congress to join me in honoring this extraordinary woman for the contributions she has made throughout her lifetime of service. We look forward to her continued participation for the betterment of the Las Vegas community.

A TRIBUTE TO CLIFFORD EAGLES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding contributions and fine public service of Clifford Eagles of Yucaipa, CA. Known as one of the area's finest educators, Cliff will be honored in June as he retires after many years of teaching.

Cliff was born and raised in Yale, OK, and received his BS and MS degrees in biology at Oklahoma State University. Cliff began teaching at Eisenhower High School when it opened in 1959. Six years later, he transferred to San Gorgonio High School upon its opening and served as chairman of the science department for several years. He has remained at San Gorgonio teaching biology and laboratory physiology.

In past years he has been the recipient of both a National Science Foundation grant and Ford Foundation grant. The Ford Foundation money was spent funding research classes in biology at San Gorgonio.

During his well-deserved retirement, Cliff plans to spend a great deal of time traveling, as well as spending time with his two children, Laura and Dan, and two grandchildren, Jenna and Nicole.

Mr. Speaker, I ask that you join me and our colleagues today in recognizing the fine achievements of Cliff Eagles. He is a model educator, a man who has dedicated his career to professional and community service. It is fitting that the House honor him today for his successful and selfless career.

HOUSE OF REPRESENTATIVES—*Wednesday, May 1, 1991*

The House met at 1 p.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 1, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We acknowledge, O God, all the voices that call for attention from the many interests in the world, and we hear the cries of pain from those who suffer the injustices of body, mind, or spirit. In the midst of the clamor of voices and the petitions of the helpless and homeless, may we hear Your voice which speaks to us in the depths of our hearts and calls us to wisdom and reason and integrity and honor. May these gifts of life, the gifts that make us human, be with each of us now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FIELDS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FIELDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 106, answered "present" 1, not voting 36, as follows:

[Roll No. 73]

YEAS—288

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Atkins
Bacchus
Barnard
Barton
Bateman
Beilenson
Bennett
Berman
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Cunningham
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Luken
Manton
Markey
Martin
Martinez
Matsui
Mazzoli
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
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Nichols
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Obey
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Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Petri
Pickett
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Price
Pursell
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Rangel
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Ray
Reed
Richardson
Rinaldo
Ritter
Roe
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Rose
Rostenkowski
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Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Waters
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—106

Allard
Armey
Baker
Ballenger
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Coble
Coleman (MO)
Coughlin
Cox (CA)
Crane
Dannemeyer
DeLay
Dickinson
Doolittle
Duncan
Edwards (OK)
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hastert
Hefley
Henry
Herger
Holloway
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Marlenee
McCandless
McCrery
McDade
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Porter
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (OR)
Smith (TX)
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Wolf
Young (AK)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Orton

NOT VOTING—36

Alexander
Andrews (NJ)
Aspin
AuCoin
Barrett
Bevill
Clay
Collins (IL)
Davis
Dingell
Dornan (CA)
Gallo
Hopkins
Hoyer
Hubbard
Jefferson
Lehman (FL)
Livingston
Lowey (NY)
Machtley
Mavroules
McCloskey
McCollum
McCurdy
Meyers
Peterson (MN)
Smith (FL)
Stokes
Tauzin
Thomas (GA)
Udall
Vander Jagt
Washington
Waxman
Weldon
Wilson

☐ 1322

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentleman from

New York [Mr. PAXON] kindly lead the House in the Pledge of Allegiance to the flag.

Mr. PAXON. Led the Pledge of Allgiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TAX FAIRNESS AND CONTROL RESOLUTION

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, this year Tax Freedom Day is May 8, 3 days later than last year. If Congress continues to increase taxes at the recent rate, in 19 years Tax Freedom Day will be on the 4th of July.

So today I rise to urge my colleagues to join me and Senator JOHN MCCAIN in reforming the rules that we work under to protect the American people from overtaxation and fiscal irresponsibility. The legislation that we have introduced today will require a three-fifths supermajority in order to impose new taxes or increase existing taxes.

It should be obvious to everyone by now that raising taxes does not reduce the deficit. Taxes were hiked in 1982, in 1984 and in 1987 and again last year, and in each instance the higher revenues were supposed to reduce the deficit. Yet in every case the deficit rose the following year.

Congress went on a spending spree again last year, and taxpayers are picking up the bill. This legislation will make similar fiscal disasters less likely in the future and yes, keep the Fourth of July free.

RECESSION IS A BIG DEAL

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, last December, Treasury Secretary Nicholas Brady told us that even if we entered a recession it would be no big deal.

Today, 6 months later, we are in a recession and what does the administration say now?

Is it no big deal that the American carmakers have announced first-quarter losses of $2.4 billion, the worst in history?

Is it no big deal that the Japanese will likely control 40 percent of the American car market by the end of the year?

Is it no big deal that in my district, a suburban middle-class district, unemployment is 13 percent?

Mr. Brady, it is a big deal.

People are losing their jobs, their health care, and their hope for a secure future.

Maybe this administration hasn't noticed, but the numbers are staggering, the effects are devastating, and it most certainly is a big deal.

The biggest we're dealing with.

TRIBUTE TO FRANK IKARD

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, I want to join my colleagues today in expressing my deep sense of sadness and personal loss at the death of my longtime friend and former Member of the House, the Honorable Frank Ikard of Texas.

Frank Ikard was a respected and appreciated member of Speaker Sam Rayburn's famous Board of Education where friends and close associates of Mr. Sam's met daily on an informal basis to discuss the important issues of the day. At these meetings, Frank earned the reputation as a hard worker and someone who could always be counted on to offer good advice and a hand of friendship in difficult situations.

Frank's knowledge of the oil and gas industry was legendary, even back then, and upon leaving the House in the early sixties, he became the head of the American Petroleum Institute. In this position he quickly became the principal spokesman of our country's petroleum industry.

The Nation will miss his leadership of and insight into the requirements of a healthy oil and gas industry. Those of us who served with him in the House of Representatives in the 1950's have lost a close friend, and I will miss both his warm friendship and wise counsel.

His wife, Jayne, and his two fine sons have my deepest sympathy in this time of sorrow.

The services for Frank Ikard will be on Friday, May 3 at 11 a.m. at St. John Episcopal Church in Lafayette Square. The interment will be at Arlington.

FRANK IKARD, 1913–91

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I join with Mr. BROOKS in expressing great sadness that our former colleague, the Honorable Frank Ikard, passed away last evening.

Mr. Ikard was a distinguished member representing the 13th District of Texas. He became a prominent member of the Committee on Ways and Means and was one of the outstanding Congressmen during the Sam Rayburn period.

He resigned from Congress to become president of the American Petroleum Institute, a position he held for over 10 years. Since that time, he has been engaged in the practice of law here in Washington.

He and his wife Jayne have been prominent citizens of our community and leaders in nearly every civic enterprise carried on in the Nation's Capital.

Frank Ikard and I go back to the University of Texas days where he was an outstanding leader on our campus and whose love for our university continued over half a century.

Clearly, Mr. Ikard was one of our Nation's great leaders, and I know our colleagues mourn his passing.

We extend our sympathy to his wife and to his two sons, Frank, Jr., and Bill Ikard.

H.R. 1 IS A QUOTA BILL

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, despite what proponents argue, H.R. 1, the quota bill, will absolutely force businesses on main streets across America to hire employees by quotas to avoid the punishing litigation costs contained in this bill.

Small- and medium-sized businesses cannot afford to have attorneys and personnel directors and employee relations consultants on staff to help them deal with the complex legal language contained in the quota bill.

□ 1330

According to a 1988 Rand Corp. study, the average jury award in employment discrimination cases is $646,000. These type awards will absolutely destroy main street businesses.

The only way to avoid unlimited damage awards like these would be for small-business owners to hire by quotas.

As Americans, we work hard collectively and individually to achieve. H.R. 1 throws aside the ingrained American spirit of hard work and dedication and replaces it with hiring by quotas. If H.R. 1 is approved, Martin Luther King, Jr.'s dream of a color-blind society will be forever forgotten.

Please join me in opposing the establishment of quotas by voting against H.R. 1.

SOVIETS NEED FINANCING TO BUY UNITED STATES GRAIN

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, the cost of having a President with little or no domestic agenda is becoming painfully clear to millions of Americans.

The economic indicators are in and it is now official: The American economy is in full bore recession.

The Bush recession is broad and deep. Consumer spending, business investment, housing, exports, the list goes on, all declined during the first 3 months of 1991. Business failures are up

54 percent over the same time period the year before.

The most troubling aspect of this recession, however, is neither its breadth nor depth. It is that the President and his administration are doing so little to deal with it.

We currently have on the table a request by the Soviet Union to buy 1.5 billion dollars' worth of grain—mostly corn—from American producers. The sale would be a boon to America's farm economy. All the Soviets needed to complete the purchase was some credit financing. Keep in mind that the Soviets have been among the American farmers' best customers and have not defaulted on a single credit sale we have made to them in the past.

Yet the White House has dragged its feet. On Monday, the President allowed that he did not see how he could approve such a request.

It is becoming clear, Mr. Speaker, that not only does the Bush administration not have a plan to jump start this economy, it does not even recognize an opportunity when it walks right in the front door.

I urge the President to approve the extension of credit, not only because it is justified on its own merits but because it is an opportunity to secure—for the long term—a tremendous market for American farm products which will only grow larger in the years ahead.

BRADY BILL IS INSIDIOUS THREAT

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, the Brady bill is one of the most insidious threats to sportsmen, to gun owners, and to the Constitution that has been crafted.

Basically it says when you buy a firearm you will consult with your chief of law enforcement.

Every citizen in the United States of America need ask but one question: Do I really want to ask L.A.P.D. Daryl Gates and his "gang of four" for a permit to buy a firearm? Do I really want to ask Marion Barry and his gang if I can have a permit to buy a firearm?

That convoluted reasoning, that potential for abuse and disarming, is exactly why the second amendment to the Constitution was put into place.

If you profess to control violence by violating the second amendment, perhaps we should look at the first amendment. Maybe we better outlaw the violence that is being packaged and promoted and sold over TV every hour of every day.

GUN CONTROL FOR WHOM?

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, here we go again; the House is soon going to be asked to consider Federal gun control legislation. We are being told by control advocates that H.R. 7 will put a stop to crime in the streets. Will it? H.R. 7 will have no effect on the high crime areas like New York City, Washington, DC, Chicago, and Los Angeles.

Mr. Speaker, H.R. 7 will not apply to these areas as they already have a waiting period or a permit system in place with background checks or have already banned handguns and are exempt under the provision of H.R. 7. In fact, New York City and Washington, DC, have the toughest gun control laws in the country.

Mr. Speaker, H.R. 7 will require a 7-day waiting period in Cody, WY; Bangor, ME; Platte, NE; and Dodge City, KS. Are these the high crime areas gun control advocates are targeting? I was not aware that these cities were high crime areas.

It is time the record was set straight about what H.R. 7 will and will not do. H.R. 7 does not even require a background check, like the Staggers bill, only a waiting period. It does absolutely nothing to aid the high crime areas like New York City and Washington, DC. The only thing H.R. 7 does is trample the rights of law-abiding citizens in areas of our country that do not have a high crime problem to begin with.

Mr. Speaker, I would hope that one day those who are so eager to step on the rights of law-abiding citizens will join with those of us who think the criminals in our society have too many rights.

H.R. 5: NOTHING BUT A NEW TOOL TO GARNER UNION DUES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, just like many of my colleagues, I do not like being threatened. That is why I am quite alarmed at the opportunity that various members of big labor have taken to intimidate Congress.

The Teamsters and the International Association of Machinists have both gone on record to say that they will not give one penny to any Member of Congress who doesn't vote their way on H.R. 5, a bill to permanently prohibit employers from hiring permanent replacements for striking workers.

The Communication Workers of America will be voting at their June convention on whether or not to take the same course of action. Their President has already said that, "A politician who opposes us on this is doing so at this own risk."

It has been said that "to be forewarned is to be forearmed." This should be a three-bell alarm to my colleagues to join the fight opposing H.R. 5, an unfair and dangerous piece of legislation.

PLATINUM PARACHUTE, PART TWO

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, we all know what a golden parachute is. It is one of those generous compensation packages which is given to an employee at his or her severance or retirement.

A platinum parachute is a golden parachute taken to the 20th power. In the case of Mr. David O. Maxwell, his platinum parachute is worth no less than $27 million.

Most of us have never heard of David O. Maxwell. We have heard of President George Bush, and Mr. Bush makes 1 percent of Mr. Maxwell's parachute, and of Gen. Norman Schwarzkopf who makes but one-half of 1 percent of Maxwell's heist.

David Maxwell is the retiring Chairman of the Federal National Mortgage Association—Fannie Mae. It happens to be a federally chartered, though not a strictly Federal agency. Fannie Mae does borrow money cheaply, using the Federal guarantees of full faith and credit; so it carries a Federal banner.

It happens that this $27 million is Mr. Maxwell's going-away present. Because of the Federal connection, I think this is more than just obscenely generous. I think this is an outrage.

I am, therefore, very pleased to report that Chairman HENRY GONZALEZ will have a hearing on this compensation package and all other such compensation packages. The Federal taxpayers deserve no less than a full airing of this platinum parachute.

FAST-TRACK AUTHORITY

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, if we are to remain the leading economic power in the world, it is absolutely essential that we gain access to new markets for U.S. goods and services. That is why the upcoming vote on fast-track authority is so critical for our Nation.

Our vote on fast track is not a vote on a United States-Mexico free-trade agreement or a vote on a GATT agreement. Any free-trade accord with Mexico will not be completed until next year and a GATT agreement is at least a year away. Our vote on fast track simply gives the President the authority to negotiate a free-trade agreement with Mexcio and continue GATT negotiations at the Uruguay round. Without fast track, the President cannot assure our negotiating partners that the deal they strike is the deal that will be voted on by Congress.

Mr. Speaker, I support free trade, but I also have concerns about the effects these agreements will have on American jobs and farm products. However, there will be time after each agreement is negotiated to debate its effect on our economy. Opponents of both the United States-Mexico Free-Trade Agreement and the GATT negotiations know that if they deny the President fast-track authority, they effectively end these negotiations. These negotiations are vital for future economic growth at home and our national security interests worldwide. I urge my colleagues to support fast-track authority.

□ 1340

FREE RIDE FOR MEXICO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President wants another free-trade agreement, this time with Mexico, on a fast track, no less.

Mr. Speaker, the only free thing about this deal will be a free ride for Mexico and Mexican workers, and the only thing fast about it will be a fast track for the American worker, speeding to another unemployment line.

Now, I want Members to think for 1 minute, if all this so-called free trade was so good, why does Japan not use it? If free trade works so great, why does Japan not use it?

It is time now for this Congress to take care of the American worker. This is not a free-trade agreement. If a person buys more than they sell, they go bankrupt.

Mr. Speaker, take a look at our trade deals. They are causing the United States to go bankrupt.

VIRGINIA'S INSTANTANEOUS FELON IDENTIFICATION CHECK

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, next week we have the most important vote on the second amendment that most Members will take during our careers. The concept of Brady and Staggers are the same. That is, to keep handguns from the hands of criminals.

However, that is where the similarity ends. The question is, which process accomplishes the concept? First, of all, if we look at waiting periods around the country, California has a 15-day waiting period. Since its inception, the homicide rate has risen 126 percent, more than double the national average. New York, which has one of the toughest gun control statutes in the country, has more murders than 23 States combined.

Let Members look at what has happened in Virginia. Since 1989 when they instituted an instantaneous verification program, the telephone check in that particular State has averaged 2 minutes. Eighty-two thousand transactions have been processed; 1.6 were disapproved. Thirty-two fugitives were apprehended. It is a system that works. It is a system that is wanted by local law enforcement. It is a system we should support next week.

JIM ROEMER HAS BROUGHT CHRISTMAS IN APRIL TO SOUTH BEND

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, last week I spoke in the House of Representatives and recognized an extraordinary project, Christmas in April. I mentioned that since its inception in 1983, Christmas in April has helped more than 24,000 low-income, elderly, and handicapped homeowners by restoring their homes.

I also mentioned that the tools for home restoration are provided through community contributions and that the work is done by volunteers.

But last week, I failed to mention the one person who has made Christmas in April a reality in South Bend. That person is my father, Jim Roemer.

Several years ago, Jim Roemer had an idea. He saw Christmas in April working in communities across the United States. And he imagined South Bend families benefiting from such a project. He imagined giving low-income and elderly residents a chance to take pride in their homes again.

So Jim Roemer gathered a group of interested individuals and worked behind the scenes, steadily and quietly. He raised funds, garnered support from the local housing bureau and from South Bend business leaders, and assembled volunteers.

Formidable obstacles crossed his path, but Jim Roemer never doubted that Christmas in April would come to South Bend.

In 1989, it did. That year, Christmas in April renovated 47 houses. And one Saturday each April since then, an army of volunteers—students, concerned citizens, laborers, and business executives—equipped with hammers, nails, and paint, comes together to beautify South Bend neighborhoods.

After only a few years, Christmas in April has become an esteemed institution in South Bend. Christmas in April has made South Bend a more beautiful place to live, and given needy residents a chance to live in safer, more attractive homes.

All of this has been possible because of Jim Roemer. Today I just want to say thank you, Dad. You have enriched and touched the lives of others as you have my own.

TIME EQUALS VIOLENCE

(Mr. KYL asked and was given permission to address the House for 1 minute.)

Mr. KYL. Mr. Speaker, in the last few days the FBI released its UCR Preliminary Statistics for Crime in 1990. Guess what? Crime is up by 10 percent. To give Members an idea of what this means, I would like to cite a few crime statistics from 1989.

In 1989, 21,500 murder and nonnegligent manslaughters were reported to police. This equates into one murder/manslaughter every 24 minutes. In 1989, 94,500 rapes were reported to police. This equates to one rape every 6 minutes. Unfortunately, many rapes go unreported to police. A national crime survey conducted by the Bureau of Justice Statistics estimates that over 135,000 rapes were committed in 1989.

In 1989, 951,710 aggravated assaults were reported to police. This equates to one aggravated assault every 33 seconds. The same report estimates that 1,655,000 aggravated assaults actually occurred.

Mr. Speaker, I urge my colleagues to act on the President's crime bill, H.R. 1400. It has been over 50 days since the President challenged Congress to act on his bill in 100 days. As the President noted, the air-ground war against Iraq took only 100 hours. Surely a problem as serious as crime could be addressed in 100 days. These statistics are a frightening reminder that time equals violence.

SAVE THE DAIRY FARMERS

(Mr. SANDERS asked and was given permission to address the House for 1 minute.)

Mr. SANDERS. Mr. Speaker, I rise today to urge that Congress act swiftly and forcefully to save the dairy farmers of this country who are, today, being forced off the land.

During the last 5 years, 500,000 family farmers have lost their farms as the production and distribution of food increasingly rests with huge agribusiness corporations. Meanwhile, 30,000 children a day starve to death in the Third World, and a recent study reported 5.5 million of our own children go hungry daily, a national disgrace. While farmers are squeezed off the land and children go hungry, the profits of the agribusiness corporations soar.

During the last 9 months, in my own State of Vermont, dairy farmers have seen an approximate 30-percent reduction in the price they receive for their milk—and the story is the same throughout the country. Meanwhile, the consumer is paying virtually the same price for dairy products at the grocery store.

Mr. Speaker, if we do not want food production in this country to rest in the hands of a few giant agribusiness corporations and if, at the same time, we want to feed the hungry children, we need a new dairy policy—a two-tier policy which provides farmers a fair and stable price for their product, and, at the same time, prevents overproduction. This policy will not only sustain the family farm, but it will save the taxpayers money by eliminating much of the Federal subsidy for agriculture. Congress must move forward on this issue.

SUPPORT FAST TRACK

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of fast track negotiator authority for the President. In my opinion, this vote will be the most important vote any Member casts this session, on economic growth, on the economic future of own Nation, on the economic future of the international community. There have been many legitimate concerns raised in recent weeks about jobs, environmental issues, and employment protections, particularly in regard to the United States and Mexican negotiations.

Today, in your office, Members have a response from the administration on these issues, and I think Members will see that that response demonstrates not only what dramatic new commitments to economic growth and environment and employment protections Mexico has made in the 1980's and the enormous opportunity for Mexico and the United States through the negotiation.

Members will also see that negotiations do not wipe away problems between Nations, and do not bury those problems. They merely structure their resolution, and thereby create increasingly open markets, increasingly greater trade opportunities, between the United States and those nations who should be in the front of her concern, her neighbors.

I ask your support of that negotiating authority, and look forward to the dialog between Members in the coming weeks.

SUPPORT THE BRADY BILL

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I rise in support of the Brady bill. Like my colleagues, I have been deluged with opposition letters and phone calls, painting all kinds of dire consequences from passage of the Brady bill.

As a result, I have gone back and read every line of the Brady bill. I must say it passes the test of common sense. It is well crafted and a very carefully drawn up bill.

It also passes, in my own district, the test of public opinion. Two different polls in my district have shown 88 percent of my constituents support the Brady bill.

Now the Staggers bill is being advocated as an alternative by the NRA to the Brady bill. I find it staggering that the NRA would support the Staggers bill which effectively would set up a nationwide system for every gun purchaser in America, would have to register his name and address on a national register.

□ 1350

Talk about the conspiracy theory that the NRA is always advocating, this would give the Government the name and address of every purchaser in America.

Support the Brady bill.

IN SUPPORT OF THE BRADY BILL

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of a bill that has become one of the most contentious I have seen: the Brady bill.

Rarely have I witnessed a case where emotions have so outdistanced fact and rationality. The opponents would have us believe this to be a constitutional Armageddon. Mr. Speaker, this is simply a matter of common sense, and common sense tells us that, "anyone who needs a gun 'right now!' needs a waiting period!"

Common sense is a waiting period to stop the ex-convict, or the mentally incompetent, from simply crossing a State line, putting his cash on the table, and walking away with a handgun.

Common sense is a waiting period to stop the flash of temper or moment of heated passion from driving a person over the edge, to handgun violence.

Common sense is giving local law enforcement—our men and women in blue, in the field—7 days in which to determine if someone is allowed by law to purchase a handgun. In my own State of New Jersey, a background check has stopped more than 18,000 purchases, and resulted in more than 10,000 arrests. This law has been in effect for 20 years, and I have seen no evidence that it has led to infringement of constitutional guarantees. The Constitution stands and sportsmen are still getting their guns.

A waiting period is simply common sense: "Any one who needs a gun 'right now!' needs a waiting period!"—period.

I urge every one of my colleagues to hold those thoughts in mind as we take up debate on this legislation, and vote to pass the Brady bill.

TIME FOR NEW SENSITIVITY TOWARD AUTOMOBILE INDUSTRY

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, historically the American automobile industry has argued that stricter regulations on safety, fuel efficiency, and auto emissions could sink the industry. Many of us in the Congress have thought with some justification that the industry was crying wolf and that it would be able to comply with regulations protecting the health and safety of Americans.

The fact of the matter is, Mr. Speaker, that the American automobile industry is sinking. For the first quarter of this year, the Big Three will lose nearly $3 billion.

Mr. Speaker, I do not think this is the time to weaken fuel efficiency or auto emission or safety standards. But it is time for a new sensitivity by Members of Congress toward the automobile industry.

Lee Iacocca told me and 40 of my colleagues who visited Detroit last week that he did not even know if we would have an automobile industry in this country in 10 years. My trip to Detroit shocked and terrified me and it outraged me at the failure of the Japanese to open their markets to American products, especially American automobiles.

Mr. Speaker, this is what I remember about the trip to Detroit, "it takes us a year to sell as many cars in Japan as it takes the Japanese to sell in this country in 48 hours." America's auto makers and related industries provide 1 in 7 jobs in this country. Now it's time we find ways of helping them while making sure that America's automobiles are the cleanest, the safest, and the most efficient in the world.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, today the President released his response to the letter that was sent to him by Chairman ROSTENKOWSKI and Chairman BENTSEN with regard to the negotiations on the North American Free-Trade Agreement, or NAFTA.

This response is in the office of every Member today and I hope the Members will take the time to look at it, to read it and to study it. It outlines the areas of cooperation and the areas of negotiations that we are going to be talking with the Mexicans about in the months ahead, both in the free trade agreement negotiations and also in parallel talks on such things as the environment and workers' rights and other issues.

It clearly shows the level of cooperation that we have already achieved in some of these areas. It clearly shows the areas that we still have a lot to be done.

For those who have not had a chance to focus on the issue of the North American Free-Trade Agreement, I think you will find this a real eye-opener in terms of the kind of information and the kinds of issues that have to be addressed.

If we are going to continue our progress with Mexico, we must support the fast-track process. It is, as my colleague from Connecticut said, one of the more important votes, if not the most important vote we will pass this year, because it says how we will view ourselves as a nation.

We should not now turn our back on trade with other nations and certainly not with Mexico. We cannot expect cooperation from our sourthern neighbor if we are not willing to address the issues of trade.

I hope my colleagues will read this and support fast-track.

IN SUPPORT OF THE BRADY BILL

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I rise in support of H.R. 7, the Brady bill, and in opposition to the Staggers bill that would mandate instantaneous background checks in every State within 60 days.

The Commonwealth of Virginia is offered as the model system for this legislation. While it is true that Virginia has one of the most successful gun control systems in our country, it is not the model that ought to justify the Staggers bill.

Our telephone system has conducted over 65,000 background checks on handgun and firearms purchases in its first year alone and has denied over 1,100 felons at a modest cost of only $310,000. That is the good news, Mr. Speaker, but the bad news is that the success of the Virginia system did not come easy and cannot be replicated on nationwide level in 60 days, as provided in the Staggers bill.

In Virginia, we have had computerized criminal records since 1966 and it still took us more than 6 months to implement an instantaneous background check system.

The Staggers bill would force the Attorney General to computerize over 8.8 million records still in manual form and implement a nationwide background check system in a much smaller timetable.

Mr. Speaker, we will address other aspects of the Virginia system and why it is not the model we ought to apply to the Staggers bill as the days go on leading up to this legislation.

THE COURAGEOUS PEOPLE OF KANSAS REBUILD FOR ANOTHER DAY

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, I have just returned from my second trip in 4 days to my district in Kansas where we had a tragic episode—a killer tornado that took the lives of 23 people and injured nearly 200 more.

As I flew by helicopter over the area, we surveyed the path. The mobile home park looked like a nuclear disaster. Everywhere the awesome force of nature was apparent. Homes and buildings ripped apart. Farms leveled. Cars and trucks tossed and wrecked.

On foot I talked personally with the survivors in Andover and others in Butler and Cowley, and Sedgwick Counties. They told heart rending tales of searching for loved ones, of finding neighbors dead and of thankfulness they were still alive.

Above it all the courage of our Kansas people stands out. They are all working together to rebuild for another day.

□ 1400

GIVE PRESIDENT BUSH FAST-TRACK AUTHORITY

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, a successful free-trade agreement with Mexico is vital for this Nation's economic recovery.

Last year, almost 90 percent of U.S. economic growth resulted from exports.

And exports have accounted for over one-third of U.S. economic growth in the last 5 years.

Nearly 7 million U.S. jobs are export related.

And 1 of every 3 U.S. farm acres is planted with crops to be sold overseas.

To get out of the current recession we need a successful free-trade agreement with Mexico.

And to get that agreement, it is essential that Congress support the President's request for an unencumbered extension of his fast-track authority for negotiating trade agreements.

If Congress disapproves fast track, it will be responsible for hindering one of our Nation's best opportunities to jump start the American economy and end the recession.

That would be a terrible loss for American workers, businesses, and farmers.

Let us not blow that opportunity, Mr. Speaker.

Let us give President Bush fast-track authority.

LEGISLATION PREVENTING CRIMINALS FROM OBTAINING HANDGUNS

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, let me set the record straight. The vast majority of criminals in America do not obtain their weapons through a licensed gun dealer. According to a Department of Justice study only one out of every six incarcerated felons bought their guns through a licensed gun dealer.

The goal of preventing criminals from obtaining handguns is a worthwhile objective. That is why you should support my alternative to the Brady concept. Only my alternative will mandate a criminal background check on every purchase. The Brady bill does not require any criminal background check on a prospective handgun purchaser. Rather, H.R. 7 leaves the decisions to do a check up to the local police officers or individuals who have neither the resources nor the time to check every purchase.

The system I am proposing will use existing technology much like credit card purchases used by stores and restaurants to instantly check whether a credit card purchase is valid or not. My proposal would require gun dealers to call a toll-free number at the Department of Justice to obtain an instant background check on the prospective purchaser. The information conveyed would indicate only if the purchaser is approved or disapproved, would be verified by means of a unique transaction number.

As the Department of Justice has testified, any criminal history background check is dependent upon the integrity of the criminal history records. The need to update and automate these records is being addressed through a comprehensive Department of Justice program.

Mr. Speaker, my bill would do that, and that is why Members should support my proposal.

JAPANESE STORE AUTOS TO UNDERMINE AMERICAN MARKET

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, Americans should be alert to the latest strategy of Japanese automakers. They are storing up Japanese cars in any storage lot available in the United States so they can dump those cars at a critical time in our market. The Japanese objective, of course, is to bankrupt the American car industry.

NBC News reported that foreign carmakers have 50 percent of the United States car market, with 42 percent of the total being Japanese cars. The American car profit figures are grim. Yesterday the Ford Motor Co. reported a loss of $880 million; GM reported a $1.2 billion loss, and Chrysler $598 million for the last quarter.

The Japanese strategy to bankrupt the American industry is obvious. Nearly a decade ago, Japan literally destroyed our machine tool industry in the same way, warehousing machine tools here—and then dumping them so the United States manufacturer could not compete pricewise. Every red-blooded American should protest the Japanese strategy to everyone in a position to put a stop to this campaign. Hundreds of thousands of jobs are at stake.

Henry Ford would roll over in his grave if he could see that the United States Government is allowing this Japanese conspiracy to destroy the American auto industry.

SUBCONTRACTOR PAYMENT PROTECTION ACT

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, for 23 years I was a small businessman sometimes doing business with defense companies. As a small business subcontractor, on some occasions the prime contractors did not pay me. So I have introduced H.R. 2112 to support defense subcontractors in their efforts to obtain timely payments from prime contractors when delinquent. For years I have received complaints from numerous subcontractors having trouble obtaining payment from prime contractors under Department of Defense contracts. This is a serious problem which is causing subcontractors to have cash flow problems, causing some, in some cases, to declare bankruptcy. My bill, the Defense Subcontractor Payment Protection Act, will address this problem by requiring prime contractors to notify their subcontractors when they are applying for progress payments and final payments. It requires the Department of Defense to make information available to the subcontractor about payments to the prime contractors. It would also require the prime contractor, when applying for progress payments, to certify that they are not delinquent in payments to the subcontractors.

H.R. 2112 requires the General Accounting Office to conduct a study on the payment problems. So I want to notify prime contractors that this bill is necessary to correct abuses which have taken place under many DOD contracts.

I urge my colleagues to give strong consideration to this legislation.

AMERICANS OPPOSE QUOTAS IN H.R. 1

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the American people overwhelmingly oppose the imposition of racial, sexual, ethnic, or religious quotas in the work place. But "de facto" quotas will result if this House enacts H.R. 1.

Proponents of H.R. 1 have not told this body that the American people also strongly oppose the new punitive damages section of this legislation which will result in a litigation nightmare.

A Penn-Schoen poll commissioned last August revealed that most Americans, 54 percent, feel job discrimination cases are better decided through an administrative process, rather than a court trial. In particular, 7 in 10, 70 percent, Americans say compensation in discrimination cases should remain based on lost wages and benefits, not unlimited damages as would be the case if such cases went to trial.

Join me and the American people in opposing quotas contained with H.R. 1 and the creation of a legal nightmare.

STATES SHOULD PARTICIPATE IN DECISIONS REGARDING HAZARDOUS WASTE DISPOSAL

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, do you think that you or anybody else in this Chamber should have a right to decide about whether or not garbage or hazardous waste should be shipped into your State? Do you think States should have rights in this matter?

Well, right now they do not have a say in it whatsoever. Anybody can ship anything they want into any of your States, and you do not have anything to say about it. That is because of the interstate commerce clause in the Constitution.

It is tough enough now for local communities to be able to establish landfills to take care of their own needs. And I think what we should do, we should be setting up a grant program to help States and local communities to be able to fund incineration processes.

You know, it is a shame that in this country, with all of the great technology that we have, all of the great technology, that we are still using neanderthal methods with which to get rid of our garbage.

We dig holes, we throw it in, then we bury it again. It seems to me we should make those changes. H.R. 592 circumvents and allows, by virtue of the Supreme Court, or would say that local communities and States would have the right to make a determination whether they want it. People should have that right.

□ 1410

SUPPORT URGED FOR ADMINISTRATION'S CRIME BILL

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the gentleman from Arizona indicated that violent crime has increased by 10 percent, the largest increase since 1986. One of government's primary responsibilities is, as Thomas Jefferson indicated, "to restrain men from injuring one another."

Our Government is failing in discharging that primary responsibility. There is a remedy, and the remedy lies in the Committee on the Judiciary of the House. It is H.R. 1400, sponsored by the gentleman from Illinois [Mr. MICHEL], the minority leader, and it represents the best work of the White House to address this problem.

The bill provides a constitutional death penalty for those who commit the most heinous forms of murder. It provides for habeas corpus reform so that repeat double murderers like Robert Halton Harris will not be bouncing around the judicial system for over 11 years. It provides for exclusionary rule reform, which precludes people from getting off on technicalities, and it will provide increased penalties for gang and juvenile offenders and child molesters.

This is an important bill, Mr. Speaker. It will advance the public safety, and I urge my colleagues in the Committee on the Judiciary to act on it expeditiously and to report it out favorably.

SUPPORT FOR H.R. 1277

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I am a cosponsor, a sponsor of the bill H.R. 1277, which would increase the personal exemption for children under the age of 18 from the current $2,050 to $3,500.

Mr. Speaker, the family is under attack today like few other times in the history of our country. Child abuse is up. Spouse abuse is up. Teenage suicide is up. All these indicators are all going the wrong way.

We now have 95 Members of the House, Republicans and Democrats, that are cosponsoring this legislation. When the Ways and Means Committee handles legislation, very seldom do you find anyone there other than asking something for a special interest. Here is an opportunity to help the American family.

I would ask Members of the Congress and the House to cosponsor this bill when asked and given an opportunity. It will do more to help the American family than perhaps any other bill this Congress has handled in a long time.

IN FAVOR OF FAST-TRACK NEGOTIATING AUTHORITY

(Mr. GRANDY asked and was given permission to address the House for 1 minute.)

Mr. GRANDY. Mr. Speaker, I rise today to lend my support and that of my constituents to that growing bipartisan consensus in this House that is in favor of fast-track negotiating authority and the negotiations of North American free-trade agreements with Mexico. But I want to take this opportunity today to highlight some of the agricultural trade opportunities with Mexico and indicate how beneficial this is for the agricultural sector of our economy.

Mexican agricultural trade with the United States nearly doubled between 1982 and 1988. United States-Mexican agricultural trade increased at an average annual rate of 11.6 percent, and during that time, the average annual agricultural growth rate for the entire country was only 2.2 percent in worldwide agriculture trade.

United States farm exports to Mexico totaled over $2.7 billion in 1989. After Canada and Japan, Mexico is our third largest trading partner, and growing.

But, Mr. Speaker, I also want to stress that we have under present negotiations authority with Canada, under our free-trade agreement with Canada, extraordinary procedures to address unfair trading practices. Right now the United States Trade Representative has one going against Canadian pork exports. They say today in the document that has been referenced by the gentleman from New Mexico [Mr. RICHARDSON], and the gentleman from Arizona [Mr. KOLBE], that even stronger transition measures for fruits and vegetables will apply to agriculture and a United States-Canada-Mexican free-trade agreement.

We should allow these negotiations to go forward.

SUPPORT OF THE STAGGERS BILL

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise in support today of the Staggers bill. The intent of both the Brady bill and the Staggers bill is to keep guns out of the hands of criminals, and I am certain advocates on both sides of this issue agree on that goal.

The argument should be which bill accomplishes that goal the best, and I believe that the Staggers bill is the correct one.

If the intent of the Brady bill is to take guns out of criminals' hands, then why does H.R. 7 provide for an optional but not a mandatory background check by State and local law enforcement agencies on any citizen attempting to purchase a handgun? If the cool-down period is so effective, why does the legislation exempt States from the 7-day waiting period if they currently have an instantaneous check system?

Mr. Speaker, the bottom line is that the waiting period the bill proposes will affect only law-abiding citizens. Can anyone stand here in the well of the House and realistically claim that a waiting period will deter criminals, criminals who obtain arms through nonlegal means?

To become a Member of this House, we have each taken an oath of office which states: "I do solemnly swear that I will bear true faith and allegiance to the Constitution."

Mr. Speaker, I urge my colleagues to uphold their oath and to support the Staggers bill.

THREE AREAS OF CONCERN ON FAST TRACK

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, our colleagues, LLOYD BENTSEN and DAN ROSTENKOWSKI, sent a very thoughtful letter to President Bush raising some important questions about the fast-track authority for the North American Free-Trade Agreement, and those questions centered around three particular areas: agriculture, the environment, and labor.

Well, as several of my colleagues have pointed out here today, Mr. Speaker, we have seen a voluminous response. And President Bush and Ambassador Hills have stepped forward and provided us with an indepth analysis as to how we will deal with all three of these and other areas of concern.

I would like to encourage our colleagues to look at that proposal, the response the President provided, and I am convinced that it addresses every single one of them adequately.

Over the next several weeks we are going to be doing a wide range of special orders and have many discussions about this free trade agreement. It is clearly in the best interest of the United States of America; both labor and agriculture and environmental interests should be supportive of this. And I believe that when you look at the President's response, we will be able to gain that kind of support.

INCREASED TAXES SEEN AS CAUSE OF CURRENT RECESSION

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, a number of our Democratic colleagues have come to the floor today talking about the recession. It was interesting to listen to them because recently a group of economists were asked when the recession began, and they came up with an interesting date. They said the recession began in July.

That is an interesting point because it goes to the figures. There is indeed a lot of evidence that it did begin in July, but the question is why. That was before the invasion of Kuwait, and that was before oil costs went up. What came about in July or just before July that would cause the economy to plunge? Taxes.

It was in June, the end of June, that the Democrats in this House convinced the President to walk out in the White House yard and say we were going to raise taxes. That decision led to an economic downturn. It led to economic decisions that forced us into a recession.

Mr. Speaker, raising taxes does have consequences. Taxes lead to a weakened economy, and innocent Americans lose their jobs. That is what happened here, and it is a doggone shame.

□ 1420

DON'T LIMIT RIGHTS OF HONEST CITIZENS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, most Americans know that violent crime is on the increase. It increased 10 percent last year. New York City experienced the highest increase in murders, at 18 percent. Murders increased in Los Angeles by 12 percent, in Chicago by 15 percent, in Philadelphia by 6 percent. Will it increase another 10 percent next year?

The real question that America should be asking is what is Congress going to do about it? Mr. Speaker, we need tough new anticrime measures, the ones that are found in the President's anticrime bill, H.R. 1400. We need the death penalty, habeas corpus reform, exclusionary rule reform, and tougher penalties for the illegal use of firearms, for sexual offenders, and for gang and juvenile offenders. All of these are contained in H.R. 1400.

Congress has yet to act, yet the mayhem goes on and on. How long will we continue to let the criminals rule the streets, while instead we argue over controlling the behavior of honest citizens, which is the intention of the Brady bill. Do not attack the criminals, let us regulate the honest citizen's right to keep and bear arms.

Let us quit kidding the public. Let us start attacking the criminals. Leave the honest citizens their right to keep and bear arms.

COMPREHENSIVE CRIME BILL LONG OVERDUE

(Mr. MCEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCEWEN. Mr. Speaker, on March 11, 1991, President Bush announced his anticrime package. That bill was introduced by our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL], H.R. 1400. Several titles in the bill address the same subject as the violent crime proposal transmitted to Congress in the 101st Congress.

The bill establishes constitutionally sound procedures and adequate standards for imposing the Federal death penalty for certain heinous acts.

The bill proposes reforms to curb the abuse of habeas corpus by Federal and State prisoners. The bill establishes a good faith exception to the exclusionary rule; clarifies that Federal law does not require the exclusion of evidence obtained in good faith circumstances; and renders the exclusionary rule inapplicable to seizures by Federal officers of firearms which are used as evidence against dangerous offenders.

The bill contains various provisions to strengthen Federal firearms laws, including increased penalties for obstruction of justice, addresses gangs and juvenile offenders, sexual violence, child abuse, drug testing, and terrorism.

Mr. Speaker, I would say that such a comprehensive crime bill is long overdue, and now, after two Congresses of inaction by this body, I urge them to quit complaining about the President and start considering his legislation.

PROVIDING FOR CONSIDERATION OF H.R. 1455, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 136 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 136

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for the intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be considered for amendment under the five-minute rule, by title instead of by section, and each title shall be considered as having been read. The amendments recommended by the Permanent Select Committee on Intelligence now printed in the bill shall be considered as having been adopted and shall become original text for the purpose of further amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

Mr. Speaker, today we consider the fiscal year 1991 intelligence authorization bill—more than half way into the current fiscal year.

Unfortunately, last year's bill was pocket vetoed by the President over issues of tough congressional oversight. These provisions embodied much needed reforms that grew out of the devastating consequences of the Iran-Contra affair. They had been drafted by the Intelligence Committee with care and consideration over a period of time.

These are provisions which I strongly supported. And the intelligence bill itself was approved by voice vote last November.

The House Intelligence Committee has sought to reach agreement on an acceptable approach, but unfortunately the White House has not been forthcoming.

I will continue to work with the chairman—who is to be commended for his efforts—to seek adequate oversight provisions in conference with the Senate.

Too many times in the past Congress has not been informed of covert actions—even though the law requires it.

In 1983, Congress discovered that the CIA had mined Nicaraguan harbors without notifying the Intelligence Committees. Although CIA Director William Casey then agreed to keep the committees fully informed, Congress was again stunned to discover—through press reports—that the CIA had published a manual for the Contras urging the assassination of Government officials.

Congress should not have to learn about the Nation's most sensitive secrets from the newspapers.

No problem better demonstrates this than the Iran-Contra affair—one of the most serious constitutional crises our Nation has faced.

A small group of senior officials believed they alone knew what was right, and they refused to inform the Secretary of State, the Congress, or the American people of their actions. In essence, they ran their own private foreign policy.

When their operation was threatened with exposure, they engaged in a coverup, altered chronologies, shredded documents, and lied to Congress and the American public. They even withheld key facts from the President.

Iran-Contra was a covert operation run amok, and a foreign policy fiasco.

Among the many lessons of the Iran-Contra affair, none is more important than the critical need for the executive and legislative branches to work together on foreign policy issues—especially in the area of covert action.

Had the Intelligence Committees of Congress been properly informed, it is very possible that the fallacy of the Iran-Contra affair would have been exposed for what it was: an arms-for-hostage deal.

Instead, the truth was not told and vital information was withheld.

As a result, it was 10 months later before the Iran-Contra story was revealed through press accounts. The actual text of the finding was not released until a year after the President signed it.

Numerous officials made false statements to, and misled, the Congress, but none described the administration's attitude better than Elliott Abrams. Unless Members of Congress, he said, asked "exactly the right question, using exactly the right words, they weren't going to get the right answers."

In the face of an executive branch determined to thwart the law and to lie about it, the ability of the Intelligence Committees and Congress to perform oversight is almost impossible.

A congressional committee must rely on information and honesty from the executive branch.

When Congress is treated as an irritant to be avoided rather than an adviser to be trusted, the result will be a failure of policy and a failure of the democratic process.

We cannot rely on the good will of Government officials to keep us reliably informed. We need laws on the books that erase ambiguities and set up clearly defined procedures.

I know that the Senate is still working on a compromise with the administration. But if such a proposal were to weaken current law requiring timely notification, or change the definition of covert action so that Congress would be kept in the dark on critical intelligence matters, it will not be acceptable.

We need to reach an agreement on 48-hour notification. At a minimum, we must not weaken current statutes.

We must put into law what has in fact been traditional practice between the administration and Congress. But this practice was violated in the Iran-Contra affair and the country suffered. We must ensure such abuses do not occur again by making sure that:

Congress is informed before covert action is initiated;

The Intelligence Committees receive written copies of Presidential findings;

Findings are not issued retroactively for covert operations that have already begun;

In the rare instances when prior notice is not possible, timely notification should be a matter of days, not months.

Though oversight provisions are not included in the legislation which we will consider today, I want my colleagues to know that if the Senate insists on weakening current law, we will fight for an agreement in conference which will actually strengthen and preserve the oversight role of the Intelligence Committees.

Mr. Speaker, H.R. 1455 authorizes funds for all intelligence and intelligence-related activities of the U.S. Government for fiscal year 1991.

Except for the oversight provisions—which have been put aside for now—the bill is similar in all respects to last year's authorization bill which was overwhelmingly adopted by the House.

House Resolution 136 is an open rule providing for 1 hour of general debate. The rule provides that the Select Intelligence Committee amendments now printed in the bill will be considered as adopted as original text for purposes of amendment.

The bill will be considered by titles. The rule waives all points of order against consideration of the bill and provides one motion to recommit.

This is an open rule and a fair rule, permitting any Member to offer an amendment that is germane.

I urge my colleagues to support House Resolution 136.

☐ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. McEWEN. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, it is indeed a pleasure to rise not just to support this particular rule, but to express gratitude to the leadership of the Permanent Select Committee on Intelligence, the committee chairman, the gentleman from Oklahoma [Mr. MCCURDY], along with the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], for they deserve commendation on requesting an open rule. Likewise, I commend my colleagues on the Rules Committee, particularly Chairman MOAKLEY, as well as the ranking member, the gentleman from New York [Mr. SOLOMON], for granting the Permanent Select Committee on Intelligence's request by proposing this open rule.

In this, the People's House, open debate is essential to democracy, and I hope and trust that the leaders of the other committees will take note of Mr. MCCURDY'S leadership and follow suit by requesting open rules such as that that allow the people's Representatives to fully air their differences and not just cast votes to settle those differences.

Mr. MCCURDY and Mr. SHUSTER deserve our gratitude for requesting an open rule, and they deserve our gratitude for drafting a clean bill, a bill that avoids many of the controversies that led President Bush to veto the Intelligence Authorization Act passed last year.

My colleagues will probably recall the concerns that the President expressed with provisions of that bill which sought to define the term "covert action" to include any request by the United States to a foreign government to conduct an effort on behalf of our Nation.

Further, there was concern over the bill's report language which sought to dictate to the President how quickly he must report to the Congress on such request. Of course, we understand the consternation this causes some, and indeed we are reminded of the frustration that this body experienced with its commitment to the Sandinista government. And what we have seen of late is a frustration that people feel when they see democracy triumph over tryanny and indeed to suggest to those who are fighting for their independence in Central America, trying to bring democratic principles to the fore, now to see it all go by the boards as they are successful in overwhelming the tyranny that was taking hold there, there is indeed a frustration for those who invested so much time and effort in the Sandinista government.

I remember specifically being in a meeting just down one floor from here with the leadership of this body in which the Sandinista, Marxist, Communist revolutionaries were invading their neighbor governments, and after the intelligence information had been looked over, and after the report from the State Department officials as to the fact that they were in their neighboring country and they had violated international law, and after the effort had been made, indeed the leadership of this House reached in his pocket and pulled out an envelope in which he said, "Well, I have been speaking with the intelligence experts of the Communist revolutionary Sandinista government, and they have assured us that if there were any intrusions into the neighboring country that it was inadvertent and accidental."

I would remind the folks that the border between Honduras and Nicaragua is a river, and people do not accidentally and inadvertently cross a river. But nevertheless, they did. And the suggestion was from those who had vested so much time and commitment to that Communist government that the United States should not act. And fortunately in that case Ronald Reagan, the President of the United States, did act. He sent the 82d Airborne immediately, and four of our colleagues from the House went down there and set our feet on the location where the invading Communist forces from Nicaragua were invading their neighbors. And we could see that when the word had come that the United States had taken an interest in defending the independence of Honduras, that those Marxist revolutionaries had run back across the river. They had dropped their bags, they had dropped their weapons, they had dropped their Soviet supplies, and dashed across the river again.

That is the kind of concern that there was, a frustration between democracy triumphed in Nicaragua and for those who had done everything in their power to see that the Sandinistas survived, there was a frustration on their part from the commitment of the Reagan administration and those who wanted to see liberty live in Central America.

I am convinced the President was right in making sure that in decisions with neighboring countries that he should be allowed to make those without first checking with the congressional committees. His veto was proper on those grounds, and indeed successful operations that have been carried out in recent days in Operation Desert Storm prove the President's wisdom in not allowing his office to be unduly restricted by unnecessary reporting deadlines.

□ 1440

Mr. Speaker, I am convinced that the Intelligence Committee leadership chose wisely in bringing this bill before us without including those offensive sections that would have been a source of friction between the legislative and executive branches. Indeed, that wise restraint has served to increase the chance that a mutually acceptable solution can emerge.

Indeed, there is concern by many folks, certainly those in the intelligence community, as to how much information can be shared with the Congress of the United States. I am reminded of the time that our neighbors to the north wished to engage in intelligence activities with us but would only do it with a commitment from the President that they would not inform the Congress lest the Congress share that information with the newspapers, and their personal agenda versus the Nation's agenda would be furthered.

Mr. Speaker, I think one of the reasons we could correct that concern would be if we had the same secrecy oath apply to members of the Intelligence Committee that also applies to the Secretary of Defense, that also applies to the members of the intelligence community and applies to those who come before the committee.

The chairman of the Intelligence Committee has placed a very wise restraint on those testifying to remind them of the solemnity of the facts with which they are dealing in the Intelligence Committee. The chairman, the gentleman from Oklahoma [Mr. McCURDY], has instituted within this Congress a request that those testifying before the committee, that they swear an oath not to violate the secrets that they are sharing.

I cannot help but think that if the members sitting behind the table were to take the same oath and express the same solemnity that the chairman, the gentleman from Oklahoma [Mr. McCURDY], requests of those testifying that it would make a quantum leap forward in respect not only for this Congress but certainly for the intelligence oversight committee.

I would conclude by saying this, that the gentleman from California [Mr. BEILENSON], the chairman who just stepped down last January after 7 years on the committee, and I was privileged to serve on the committee with him, said that he felt that the CIA and the administration had been more than forthcoming with the committee and "had followed both the letter and the spirit of the law" when he stepped down.

I think that the time for cooperation and trust with out Nation's secrets are in order. The rule before us is an open rule, and I commend it to my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in reluctant opposition to the bill. The gentleman from Oklahoma, the chairman of the Intelligence Committee, has worked very hard to bring this legislation to the floor and we are all indebted to him for his leadership.

But I have to vote against the bill because, once again, we are turning over to the President powers that he does not have under the Constitution and that he should not have as a matter of sound policy.

The bill passed by the Congress last year said that the President could not circumvent the checks and balances of the oversight process by getting private parties or third countries to perform covert operations without informing Congress. It did not say the President couldn't use surrogates. It merely said he had to inform Congress. The CIA and the White House were aware of this provision and led the Congress to believe that the President would sign the bill. After we adjourned, ideologues in the White House, with their exaggerated notion of Presidential power and their disrespect for the notion of checks and balances, urged the President to veto that bill, and he did. The bill before us drops the offending passage.

Mr. Speaker, is our memory that short? Did we learn nothing from the Iran-Contra scandal? One of the central elements of that affair was the use of private parties and third countries to carry out covert operations that the President was barred by law from undertaking. The purpose of the provision in last year's bill was simply to make it clear that the President could not use surrogates to accomplish what he was legally prohibited from doing directly.

Let us remember that covert actions are constitutionally suspect in the first place. To the extent they are secret wars, I believe they are clearly unconstitutional. I believe they should be subject to tighter controls that now exist. I cannot vote for a bill that gives the President a loophole for carrying out secret operations without even informing Congress.

Mr. McEWEN. Mr. Speaker, I yield 8 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished minority member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, prefacing my remarks, let me just respond to the gentleman from Michigan [Mr. BONIOR].

We need to point out that the gentleman from Michigan [Mr. BONIOR] is a chief deputy whip of the Democratic Party. The gentleman from Michigan [Mr. BONIOR] is a more liberal member of the Democratic Party on that side of the aisle. They are the ones who seem to control the Democratic Party. They gave us candidates like Michael Dukakis and George McGovern, and I think that it needs to be said that all Democrats are not that way. There are a lot of good conservative Democrats like Sam Stratton, who served here for many years, and there are many more; I could go down the line.

Mr. Speaker, American foreign policy has worked. It has worked well, and that was proven the other day. We had the privilege to see democracy at work around the world when Violeta Chamorro came and stood where you stand, Mr. Speaker, and addressed a joint session of this Congress. Democracy is breaking out all over this world, not just in the Warsaw Pact countries, not just in the Baltic States, throughout the Soviet Union, but all over this world, whether it be Africa, Central America, all over. Thank God for Ronald Reagan and thank God for George Bush. So much for the left-wing of the Democratic Party.

In response to the statements made by my good friend, the gentleman from Michigan, let me just read this statement:

> Congress currently has in place effective tools for conducting oversight of the operation of our intelligence activities.

Who said that? Our good friend, the gentleman from California [Mr. BEILENSON], the immediate past chairman of the Permanent Select Committee on Intelligence.

Mr. Speaker, when did he say that? Only 6 months ago, the last time this bill came before this House.

What the gentleman from Michigan has done is to dredge up ancient history.

I will conclude by quoting the gentleman from California [Mr. BEILENSON] one more time:

> The current administration shares our goals * * * We have a higher level, a greater amount of mutual trust now than there has been at any time in 13 or more years that these committees have been in existence and have had relationships with one Chief Executive or another.

That statement, by one of the most respected Members of this House, speaks for itself, and it says a lot about the Bush administration.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, on that point, when was that statement that my friend read about my good friend, the gentleman from California [Mr.

BEILENSON], that wonderful chairman that we had of the committee?

Mr. SOLOMON. I think it was October 17, 1990. Here is the CONGRESSIONAL RECORD.

Mr. BONIOR. Let me ask the gentleman another question. If it was October 17, 1990, was it before or after the President led the gentleman from California [Mr. BEILENSON] and the committee to believe that that bill was going to be signed into law?

Mr. SOLOMON. I think it was obviously before.

Mr. BONIOR. It was obviously before, and then the President vetoed the bill.

Mr. SOLOMON. Mr. Speaker, let me at this time thank the leadership of the Permanent Select Committee on Intelligence for requesting an open rule on this piece of vital legislation.

It is kind of ironic that on a matter of intelligence we are being offered an open rule when we need perhaps some selectivity. Nevertheless, we do deeply appreciate it on this side of the aisle.

During the consideration of this bill, I will be supporting an amendment by our good friend, the gentleman from Ohio [Mr. McEWEN], that calls for all Members and all staff of the Permanent Select Committee on Intelligence to take oaths of secrecy. I would hope that we could expand that to every Member of Congress and every staff member who works for this Congress. However, that is not germane to the issue here today.

I will be supporting this amendment not to impugn the integrity or the patriotism of any Member of Congress, because I am not and would not. Nor will I be supporting this amendment as a way of suggesting that the Intelligence Committee is an important or primary source of leaks, because I am persuaded that it is not. I will be supporting this amendment as a way of reinforcing the idea that Congress has an extraordinary responsibility to protect the sensitive information that is provided to all of us.

If the people who have the primary task of handling this information are subject to an oath of secrecy, their good example should have a positive effect on the entire institution. That is what I am looking for.

There have been examples in the past of secret information that was deliberately, and I repeat, deliberately, leaked by somebody in Congress.

□ 1450

There are perhaps, even more examples of Members who have inadvertently or unintentionally passed on classified information after closed briefings or hearings. I sat on the Committee on Foreign Affairs for almost a decade, and I saw Member after Member sit through briefings of classified information. Some more inexperienced Members, not knowing the difference, walked out and blabbed to a press conference about classified information. That is what I am seeking to prevent, even though this activity is often unintentional.

I am always on the lookout for ways in which the seriousness of the issues and information with which we are involved can be reinforced. This is one way to reinforce them. The McEwen amendment is certainly, I think, going to do that.

If a noted civil libertarian like Benjamin Franklin saw nothing wrong with members of the appropriate committee in the Continental Congress having to sign oaths of secrecy concerning the sensitive information they were handling, why should we see something wrong with it? I certainly do not.

Also, I would like to say that I will be offering an amendment to the intelligence authorization bill that will subject members of the Central Intellignece Agency to random drug testing. They do not have to do that at the present time. This amendment was accepted by the committee last year. I would hope that we could not only attach it to this legislation, but to all bills for all departments of the Federal Government, to set an example to the private sector that something has to be done about casual drug use in this country. About 75 percent of all drug use today is carried on by people who simply think they are not harming society by snorting a little cocaine or puffing a little marijuana. We need to stop that by people who work in the Federal Government. We can do it by enacting my amendment later on.

I would appreciate the support of all Members for the amendment.

Mr. McEWEN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I want to add my voice to the tumultuous voices of those who are describing the bill that the President vetoed last session.

It is my understanding, confirmed in several different ways, that had the bill been enacted into law and not vetoed, Desert Shield and Desert Storm would have been totally different from, and flawed to the extent that perhaps those excellently concluded missions would not have ended in victory for the coalition.

The wording of that original bill, had it not been vetoed, would have hampered American intelligence efforts on a dozen different fronts, including in the diplomatic and military portions of Desert Shield and Desert Storm.

I asked for special reports in that regard, and I am convinced, as I have said, that that is so. I would hesitate to make that an issue as to what is now going to occur in this particular debate. I think we should move on with that being part of the history of Desert Shield/Desert Storm.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Speaker, I appreciate the gentleman yielding. I rise only to say that I think it is important to state for the record perhaps a clarification. The gentleman may have some information that is unavailable to the Chair. However, I would submit that I have not heard any testimony, any relevant testimony, in relation to the statement that the gentleman has just made, that would indicate that the language contained in last year's bill, which was vetoed, would in any way have altered the performance in the Persian Gulf in any respect.

I am not doing this to put the gentleman on the spot in any way. I just wanted to state for the record, since the gentleman raised that point, that it is my impression and understanding in discussions before the committee, that that language had no bearing whatsoever on the operations in the gulf.

Mr. GEKAS. Mr. Speaker, I want to assert to the gentleman from Oklahoma [Mr. McCURDY] No. 1, that I will share the briefing information that I have received on that point; No. 2, the question did not come up during, as I recall, the particular briefings on that question. This came about as the request that I made afterwards, and therefore, I am glad to share this information.

However, I am convinced, I repeat, that the veto came at an appropriate time in American history, because it allowed the magnificent exercise of American power and coalition power in Desert Shield and Desert Storm.

Mr. McCURDY. Mr. Speaker, if the gentleman will continue to yield, again, since I directly inquired of the Director of Central Intelligence on that point in the hearing, under oath, I think it is important to raise that obviously I would like to see the information the gentleman has proffered.

At the same time, as best as I can report today in an unclassified setting, that is obviously not my impression. I say that also as one who was strongly in favor of the action in the gulf and supported it, and reviewed, over time, much of our operations.

Again, I appreciate the gentleman for his comments, but I could not allow that to pass without at least stating my concern.

Mr. GEKAS. I do not consider it a challenge. I consider it an opportunity to share information.

What I am asserting here is not revealing any classified information, but simply the aura of what occurred, before and during Desert Shield and Desert Storm.

Mr. McEWEN. Mr. Speaker, I yield myself 6 additional minutes to be joined in a colloquy. But first I would like to be allowed to read, if I may, from the unclassified report from the committee minority views of the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Texas [Mr. COMBEST), the gentleman from California [Mr. DORNAN], the gentleman from Florida [Mr. YOUNG], the gentleman from New York [Mr. MARTIN], and the gentleman from Pennsylvania [Mr. GEKAS]. This report says:

> Experiences in Desert Shield and Desert Storm reemphasized the importance of not classifying traditional military activities as covert actions, particularly sensitive traditional military activities undertaken in anticipation of hostilities to ensure the success of the operation and save lives. The Department of Defense is concerned that, in light of those experiences, some possible types of clandestine advanced force, strategic deceptions, and pyschological operations had not been taken fully into account in crafting the conference report language explaining the scope of "traditional military activities" exempted from the definition of "covert action". Department of Defense feared that without modifications of that report language some of these clandestine military operational support activities would be unintentionally covered by the covert action oversight requirements this could potentially interfere with the President's commander-in-chief responsibilities.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I would like to add some illumination to this particular point.

Originally, my understanding was the same as the chairman's. However, in December in the Persian Gulf a high-level official did inform some Members that had this law been in effect, it could indeed have hampered our activities. I have changed my views based on that information from December. However, up until that point, my understanding had been exactly the same as the chairman's.

Mr. MCEWEN. Mr. Speaker, I thank the gentleman.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I would like to consult with the chairman and the ranking member to see if we can make this what I am talking about, a part of our official record in committee, or at the summit.

Mr. MCCURDY. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Oklahoma.

Mr. MCCURDY. Mr. Speaker, I appreciate the gentleman yielding.

I will state that obviously we welcome any information that members of the committee have. As to the point the gentleman from Ohio raised, that he read, and my friend from Pennsylvania [Mr. SHUSTER] also raised, it is my understanding, regardless of the activities that may or may not have occurred which I am not aware of or would be privileged to divulge anyway, the language in the bill last year would only have required that the administration inform the Committee on Intelligence of activities that may or may not have been conducted.

□ 1500

It would not have prohibited the administration from understanding any kinds of operations that are vital to national security.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I would point out to my good friend that while that would have been the legal requirement, we know of specific situations in the past, particularly the Iran hostage situation, in which the Canadians required that their cooperation not be disclosed to the Congress as a basis for their helping extricate the Americans who were hidden in the Canadian Embassy in Tehran; so it is quite conceivable that our allies did not want any of this information shared.

Mr. MCCURDY. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I am just about out of time, and I have some profound statements to make.

Mr. MCCURDY. Mr. Speaker, if the gentleman will yield for just 1 quick minute, and if necessary we can perhaps get some additional time.

Mr. MCEWEN. I yield to the gentleman from Oklahoma.

Mr. MCCURDY. As my colleague, the gentleman from Pennsylvania knows, in those instances where security in the mind of the administration is at such a critical stage and perhaps national security could be jeopardized that there is provision that allows the President to delay if he deems that essential reporting to the Congress; so although that may have been the case vis-a-vis the hostages, I do not believe that would have been the case in the gulf today.

Mr. MCEWEN. Mr. Speaker, I would only conclude by leaving off as I began, and that is by commending the chairman of the Intelligence Committee and the ranking member for not including this obviously very contentious section that mere mention of it or reference to it causes great concern to this body. Those who have dedicated their lives and lived in daily risk of exposure and having their lives snuffed out in the effort to maintain freedom on this planet is a very, very sacred responsibility. Those of us who have been privileged to serve on the Intelligence Committee, some of us concluded, as the gentleman from Illinois [Mr. HYDE] has, that perhaps having two of these committees is excessively risky to the Intelligence Committee, that there should be one, that this constant rotation is also putting them at risk.

I would just say this in reference to the 1992 bill, that the President has a different perception as to what is being said in the language that has been exercised in this bill. I am hopeful that this quality legislation that is before us and this open rule that is on the floor will be passed overwhelmingly, and I also encourage the chairman not to bring this very dangerous legislation before us in the 1992 bill, because not only is the President firm, but many of us are very much convinced that any communications between our military and international military must first be given to the Congress for its full airing and debate.

We know of the leaks that have taken place. We know of Members of Congress who have been asked to step down from the Intelligence Committee, for reason, and that therefore when freedom is at risk and lives are at stake that we should give confidence to those who are willing to take an oath of secrecy and those who are willing to put their lives on the line and not expose them to unnecessary exposure from those in the political end of the legislative branch.

With that, I urge support for the rule.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the previous speaker has mentioned that the mere mention of this section causes great concern in this body, and it should cause great concern. We have not dealt in an official capacity in this Chamber with the abuses that occurred in the so-called Iran-Contra affair, an affair which came very, very close to toppling the Government of the United States, a Government which was headed by a Member of a party to which I do not belong.

Mr. Speaker, these are very serious questions and we have to face them, and we will face them. We will either face them in conference or we will face them in the 1992 bill or we will face them in some other important piece of legislation that is needed for an orderly process of our foreign policy in this country today.

This Government in which we are all proud to be a part, this Government under which we all live is for all purposes a democracy. In a democracy you are not able to have all the time all the secrets that you want. I believe in the responsibility of the Intelligence Committee in keeping secrets that we swore to when we took the oath and I will live up to that responsibility; but let it not go forward from this body today, as has been alluded to just a few seconds ago, that leaks on intelligence come from just Members of this body or of the other body. Everyone knows well that leaks come from the administration. So let us not lay the blame for national security risks and problems on Members of this institution, who I believe have had a commendable record of protecting the integrity of the secrets of this great Nation of ours.

Mr. Speaker, let me also say that I think the argument that was raised a second ago by my dear friends, and they are my dear friends, we have disagreements on some of these issues, but they are my friends and they believe in the principles that I believe in terms of openness and democracy, that the country of Canada, our neighbor, would try and persuade our leadership that openness would not be in our best traditions with respect to the occurrences in regard to the Middle East. That is a preposterous statement to make.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman, because I tell the gentleman that I personally spoke with the top intelligence officer who dealt with the Canadian Government during the Iranian hostage crisis and indeed that precisely was what the Canadian Government told us, so it is not preposterous, I say to my friend. It is fact.

Mr. BONIOR. It is preposterous for an intelligence officer in a democracy, a neighbor of ours, to tell us, to suggest to us as Members of this body that we are not privy or should not be privy to instruments of intelligence that affect this country in policies that we have to act on through appropriations or through authorizations that occur overseas, especially in the Middle East. I will not accept that, and I do not care if it is from an intelligence officer from Kuwait or from Canada.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I would also point out, Mr. Speaker, that we had testimony, open testimony in our committee from the top people in the agency that indeed this was precisely the case. Canada said they could not cooperate because lives were involved, Canadian lives were involved, American lives were involved, and that information should be withheld. Those are facts. The gentleman may not like the facts, but those are facts.

Mr. BONIOR. Well, of course, lives are involved. Lives are involved in many foreign policy issues we are engaged in here. That does not mean every time lives are involved that a foreign policy issue, if a foreign government tells us that the Congress of the United States which is elected by the people of this country——

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I will not yield. I will yield when I am finished with my statement, because I respect the gentleman's opinion and I am interested in listening to it; but that does not suggest that when this body which is responsible to the American people has to make decisions on appropriations and authorizations and whether to commit your sons or daughters to battle, whether a select group of people who were commissioned to sit on the Intelligence Committee has a compromise with the administration some 13 years ago, we have a right to know.

Mr. SHUSTER. Mr. Speaker will the gentleman now yield?

Mr. BONIOR. Of course, I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman. The gentleman's position, therefore, would have permitted those six Americans who were being hidden in Tehran to have been turned over to the Iranian Government, indeed those six Americans would have been murdered as the result of following the kind of policies which the gentleman is advocating today.

Mr. BONIOR. It would have done no such thing. The gentleman is suggesting that he does not trust his leaders. He does not trust his leader on that side. He does not trust the Speaker. He does not trust the minority leader in the Senate.

□ 1510

And that is what the law says. The law is clear on notification of leadership members in this body on intelligence matters that relate to serious problems, as the one the gentleman has just described.

Mr. Speaker, I reserve the balance of my time.

Mr. McEWEN. Mr. Speaker, I yield myself such time as I may consume.

I would only say in conclusion that as I said, it is a good rule, it is a good bill. I hope we do not bring this up again in 1992, because there are those who are committed to making sure lives should be protected when at risk on our national secrets. There is an amendment to be proposed. It says:

> I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence except with the formal approval of the proper committees of the House.

So, Mr. Speaker, I would say to you that if those members of the committee are unwilling to take that oath, then governments that refuse to cooperate with us have at least some justification for their fears. And if they are willing to say boldly as the witnesses have said before the committee that they will not violate the oath, if members of the committee are willing to do that, it would be very, very helpful to those other nations that have lost confidence, and indeed many of the people of the United States that are losing confidence in this House and in this body, as a source of keeping our national secrets.

With that, I urge that we vote.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished chairman of the committee, the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. I thank the gentleman for yielding.

I was going to do this during debate on the bill, but I want to state to my colleague from Ohio that perhaps he has misspoken to the extent that the rules of the committee and the application of the rules that I have applied as far as taking testimony under oath merely requires that the testimony be the truth. It is not a requirement that the administration officials or anyone else who testifies—and it is a flat rule in any hearing—whoever testifies does so under oath. It is not an oath of secrecy, it is an oath merely stating what they testify is the truth and the complete truth.

Mr. McEWEN. Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, this has been an enjoyable and an interesting debate. It is with great pleasure that I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1236, NATIONAL FLOOD INSURANCE, MITIGATION, AND EROSION MANAGEMENT ACT OF 1991

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 138 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 138

• *Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1236) to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban

Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, by title instead of by section, and each title shall be considered as having been read. It shall be in order to consider en bloc, if offered by Representative Erdreich of Alabama or his designee, the amendments printed in the report of the Committee on Rules accompanying this resolution, said amendments en bloc may amend portions of the committee amendment in the nature of a subject to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, I yield the customary 30 minutes of debate to the gentleman from California [Mr. DREIER]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 138 is an open rule which provides for the consideration of H.R. 1236, the National Flood Insurance, Mitigation and Erosion Management Act of 1991. The resolution provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Banking, Finance and Urban Affairs Committee. After general debate has concluded, the bill shall be amendable under the 5-minute rule.

House Resolution 138 makes it in order to consider an amendment in the nature of a substitute recommended by the Banking Committee now printed in the bill as an original bill to be considered for amendment by title, instead of by section, and each title shall be considered as read.

Mr. Speaker, the rule also makes in order en bloc amendments printed in the Rules Committee report to be offered by Representative ERDREICH of Alabama or his designee. The en bloc amendments may amend portions of the substitute which have yet to be read by the Clerk. The en bloc amendments are not divisible.

Finally, House Resolution 138 provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1236 revises the National Flood Insurance Program to provide for the mitigation of potential flood damages and management of coastal erosion. The bill also ensures the financial soundness of the program, and improves compliance with the mandatory purchase requirements for flood insurance.

House Resolution 138 is an open rule which provides for the consideration of an important piece of reform legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule making in order the consideration of H.R. 1236, to reauthorize the National Flood Insurance Program. As my friend and colleague from Tennessee explained, this is an open rule, and I want to commend Chairman GONZALEZ for his continuing advocacy of unrestricted rules on bills emanating from the Banking Committee.

Mr. Speaker, the NFIP was created in 1968 in an effort to mitigate flood hazards and to get homeowners living in designated flood plains to rely more on insurance and less on the general taxpayer for disaster relief. Despite several amendments to the program, however, it is far from successful.

First, the NFIP mandates mitigation as a condition for program eligibility, and that mandate has been a disincentive to participation. There are about 2.3 million flood insurance policies in force, but about 10 million homes in the designated special flood hazard areas have no insurance protection.

Overall, the NFIP has only a 14-percent compliance rate. As a result, when a major flood hits, disaster assistance is usually called upon to make up the difference. To address this problem, H.R. 1236 expands flood insurance purchasing requirements and increases incentives for communities to implement flood loss reduction programs.

A second problem is that the NFIP is not actuarially sound over the long term. If this country experiences a round of costly and damaging floods such as those that occurred in the early 1970's, the Treasury will have to make due on a massive contingent liability. H.R. 1236 makes some improvements toward actuarial soundness but, until there is greater participation, this subsidy will continue to exist.

Mr. Speaker, while I support H.R. 1236, I also agree with OMB's recommendation that the President veto this legislation if it contains the CBO scoring language. This is a violation of the October budget agreement, and the President has said as far back as December 21, that he would veto any bill containing such language. For this reason, I will be supporting the Gradison amendment to conform section 604 to the budget law.

Also, Mr. Speaker, I will submit for the RECORD, following my remarks, the statement of administration policy with regard to H.R. 1236.

The statement follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 1236 represents the most significant change to the National Flood Insurance Program (NFIP) since passage of the Flood Disaster Protection Act of 1973, and the Administration supports substantial portions of the bill. Nevertheless, if H.R. 1236 is presented to the President in its current form, the President's senior advisers will recommend a veto because of the mandated scoring language contained in Section 604.

Section 604 contains the CBO scoring language required by House Rule XXI. In a letter of December 21, 1990, the President stated that he would veto any bill containing such language. The effect of this provision is to overturn a key element of the Federal spending control mechanisms enacted pursuant to last year's Budget Agreement. As the President said, "[i]f specifically negotiated and agreed provisions are to be undone . . . how can we reasonably expect the Agreement to be taken seriously?"

The Administration supports the existing broad-based flood insurance coverage requirements, and supports the bill's intent of improving compliance with those requirements. However, the Administration opposes the new regulatory mandates which the bill would impose upon lending institutions which at present are not Federally-regulated and which issue mortgages that are not guaranteed by the United States.

In particular, the Administration objects to a provision in Title II which would establish the Department of Housing and Urban Development (HUD) as a regulator for any financial institution that is not presently regulated by another Federal agency. This is a significant class of financial institutions, many of which are not now subject to HUD regulation. HUD lacks the resources to monitor these institutions effectively, in light of its primary responsibility to monitor the lenders and servicers who participate in the insurance programs of the Federal Housing Administration (FHA). Further, HUD has little or no means of enforcement over lenders who are not currently FHA-approved. Lastly, Title II's compliance requirements would increase the Federal Government's liability to make insurance payments in the future.

Section 403 would authorize the Director of the Federal Emergency Management Agency (FEMA) to invest certain funds in interest bearing obligations issued or guaranteed by the United States. The Administration recommends that this provision be amended to authorize the Secretary of the Treasury, in consultation with the Director of FEMA, to invest such amounts in public debt securities. This amendment would be consistent with the existing handling of most other funds with investment authority, including flood insurance.

SCORING FOR THE PURPOSES OF PAY-AS-YOU-GO

H.R. 1236 would change direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA). OMB's preliminary scoring estimates of this bill are presented in the table below.

[In millions of dollars]

	1991	1992	1993	1994	1995	1991–95
Net decrease in outlays	......	......	−3	−7	−1	−11

Final scoring of this legislation may deviate from these estimates. If H.R. 1236 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending will be issued in monthly reports transmitted to the Congress.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to my friend, my former colleague on the Committee on Banking, Finance and Urban Affairs, the gentleman from Nebraska [Mr. BEREUTER].

□ 1520

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding. I appreciate very much his remarks about the committee's activity. I appreciate the Committee on Rules giving the rule requested by the majority and the minority, treating our request expeditiously and courteously, and I would urge my colleagues to support the rule.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER], and I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I have no further requests at this time for time, and I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished and very eloquent ranking Republican on the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the time. And, Mr. Speaker, I would also like to again thank the appropriate authorizing committee, in this case the Committee on Banking, Finance and Urban Affairs, for requesting an open rule.

Mr. Speaker, I will be supporting the bill this rule makes in order because it embraces what I like to call "the Solomon philosophy." That is it proposes to tighten up the management of what is already a good program and return money to the Treasury in the process. All of this is done at no cost in new taxes, and I think that is what we ought to keep in mind around here.

This is a good bill which I will be supporting. I would add, however, that will also be supporting the amendment by our good friend, the gentleman from Ohio [Mr. GRADISON], the distinguished ranking Republican on the Committee on the Budget, to return this bill to OMB budget scoring instead of CBO. That CBO provision is the only unnecessary element in what is otherwise a commendable bill.

So, let us not fool around with some partisan finger-pricking. Returning this bill to OMB budget scoring means the President will sign it and a good program will go forward to be made even better.

So, Mr. Speaker, I would hope that the amendment of the gentleman from Ohio [Mr. GRADISON] will pass and that we could go and pass the bill. I thank the gentleman from California [Mr. DREIER] for the time.

Mr. DREIER of California. Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1080

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 1080, effective today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 136 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1455.

The Chair designates the gentlewoman from New York [Ms. SLAUGHTER], as Chairman of the Committee of the Whole, and requests the gentleman from Kentucky [Mr. MAZZOLI] to assume the chair temporarily.

□ 1523

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. MAZZOLI (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Oklahoma [Mr. MCCURDY] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of H.R. 1455, the Intelligence Authorization Act for fiscal year 1991.

H.R. 1455 authorizes funds for all intelligence and intelligence-related activities of the U.S. Government for fiscal year 1991. These funds are allocated between the National Foreign Intelligence Program, which consists of those U.S. intelligence programs providing information to the President and other national decisionmakers, and the tactical intelligence and related activities programs which provide intelligence to military commanders.

I want to dispel any confusion which might exist in Members' minds about this legislation. This is an authorization for the current fiscal year, fiscal 1991. It is necessitated by the pocket veto last November 30, of S. 2834, the original fiscal year 1991 authorization measure. With the exception of the deletion of the title on congressional oversight of intelligence activities, which I will discuss more fully in a few moments, and minor technical corrections, H.R. 1455 is identical to the conference agreement on S. 2834. While the actual amounts authorized are contained in a classified schedule of authorizations incorporated by reference into H.R. 1455, and explained in a classified annex to the committee's report, those documents are available for the examination of Members in the committee's offices. I urge Members who have not already done so to review this material.

Section 502 of the National Security Act of 1947, as amended, provides that appropriated funds available to intelligence agencies may be obligated or expended for intelligence or intelligence-related activities only if those funds were specifically authorized by Congress for those activities. The committee appreciated the directive issued by the President on December 5, 1990, that, during the period in which an intelligence authorization bill for fiscal 1991 was not enacted, intelligence agencies were not to exceed the spending limits in the conference agreement on S. 2834. It is important, however, that any uncertainties about the authority to obligate and expend funds on intelligence and intelligence-related activities in the current fiscal year be resolved. That resolution can be accomplished through the enactment of an intelligence authorization bill, and that is why the passage of this legislation is so important.

I want to thank the committee's ranking Republican, the gentleman from Pennsylvania [Mr. SHUSTER] for his efforts in bringing this needed legislation to the floor. I also want to extend the appreciation of the committee to the chairmen of the Committees on Armed Services, the Judiciary, Government Operations, and Post Office and Civil Service for their help in facilitating the consideration of H.R. 1455.

As I mentioned at the outset, H.R. 1455 is substantially the same as the conference agreement on S. 2834. The one significant change is that H.R. 1455 does not include the title on the congressional oversight of intelligence activities which was contained in the vetoed bill. Two provisions in that title, the statutory definition of covert action and the reenactment of the current requirement that Congress be provided with notice about a covert action in a timely fashion in those instances in which prior notice is not provided, were objectionable to the President, and produced the pocket veto of S. 2834.

Under current law, Congress does not have the power to disapprove of a covert action before it is implemented. Congress, through the Intelligence Committees can, however, exercise a significant degree of control over covert action programs by the decision it makes on requests to continue funding for those programs. It is fundamental to the effective use of this power of the purse that the Executive and the Congress be in general agreement about what constitutes a covert action, and that Congress be certain that it will be fully informed about covert actions.

After the veto of S. 2834, numerous attempts were made to address the President's objections in a way that was sensitive to the legitimate concerns of both the executive and legislative branches of our Government. The President maintained that a sentence in the proposed definition of covert action, which would have included within the definition a request by the United States to a private citizen or foreign government to conduct a covert action on our behalf, was unclear and would hinder the business of diplomacy. We proposed a compromise designed to make certain that the same approval and congressional notification standards apply to covert actions undertaken for the United States as apply to those undertaken by the United States. That compromise, which would have made clear that covert actions directed, controlled, or induced by the United States had to be reported to Congress, was rejected.

On the issue of timely notice, the result was the same. A proposed compromise that would have distinguished the President's assertion of a constitutional right to withhold notice about a covert action for a period of his choosing from his assertion of a statutory right to do so, was rejected. At that point, because I no longer believed that it was possible to resolve these issues in a way that protected the interests of the House, I introduced H.R. 1455 without the oversight title.

I took that step with considerable regret because many of the oversight provisions in the vetoed bill, particularly those which would have significantly improved the Presidential covert action findings process, are important and worthwhile. The clear benefits of those provisions, however, could not compensate for the less than satisfactory resolution, toward which I felt we were headed, of the central issues in our dispute with the President.

At this time, I would like to briefly describe the major legislative provisions of H.R. 1455.

Title III contains provisions developed in cooperation with the Post Office and Civil Service Committee which are intended to bring the CIA's retirement systems into conformance with the retirement systems in effect at other Federal agencies. I want to note in particular the following sections:

Section 304, which will enable a retiree who failed to elect a survivor benefit before retirement to make that election for a spouse married after retirement;

Section 305, which will reduce from 60 to 55 the age before which the remarriage of a former or surviving spouse shall terminate that person's entitlement to retirement or survivor benefits; and

Section 307, which will provide for a restoration to former spouses of the benefits they lose upon remarriage should the remarriage end in death, divorce, or annulment.

Title IV contains recurring provisions which, among other things, provide that authorizations in the bill are not to be construed as providing authority for intelligence activities not otherwise authorized by the Constitution or law of the United States.

In addition, section 404 permits the Secretary of Energy to exempt from the competitive service all positions within the Department which are determined to be devoted to intelligence or intelligence-related activities; and section 405 authorizes the Director of Central Intelligence in appropriate circumstances, to direct that elements of the intelligence community should, where fiscally sound, award contracts so as to maximize the procurement of products produced in the United States.

Title V contains provisions of particular relevance to the Department of Defense. I want to highlight the following sections:

Section 501, which will enable the Secretary of Defense to charge the CIA the same rate for airlift services that is charged to components of the Department of Defense;

Section 502, which was developed with the assistance of the Government Operations Committee, creates a limited exception to the Freedom of Information Act to permit the withholding from public disclosure of certain unclassified products of the Defense Mapping Agency. This exception would only apply when classification of the products is not feasible, but provision of them pursuant to a Freedom of Information Act request would reveal the sources and methods by which they were produced, or military operational or contingency planning;

Section 503, which permits the Director of the National Security Agency to provide financial assistance for up to 5 years to former employees in circumstances in which the assistance is essential to avoid situations that might lead to the disclosure of classified information; and

Section 504, which will enable the Secretary of Defense, in coordination with the Director of Central Intelligence, to better protect the identity and mission of those DOD clandestine human intelligence collectors needing a commercial cover for their activities. Under current law, a DOD human intelligence collection operation may hold itself out to be a business, but may not engage in routine business activities such as establishing checking accounts, buying and selling products, or furnishing an office. This section will provide the authority for the conduct of those kinds of activities so that the necessary security for the cover operation is provided. The new authority may be used only to support intelligence collection activities conducted abroad, and the intelligence committees must be informed each time a commercial entity is established. In addition, the provision contains a 5-year sunset clause which is intended to ensure that the need for the authority, and its operation in practice, are reviewed.

As the official U.S. defense presence declines in many parts of the world, the execution of the defense intelligence mission may depend to a greater degree than in the past on the ability to gain access to a country through the use of a nonofficial cover. The committee was persuaded that a valid need existed for a reliable nonofficial cover alternative for the Defense Department's human intelligence collectors. The proposal presented by the Department was well-developed and well-coordinated within the intelligence community. The committee was persuaded that the limited use envisioned by the Department for the authorities provided will adequately address current shortcomings in nonofficial cover arrangements.

In addition, I want to note section 505, which requires the Secretary of Defense to provide any Member of Congress with access to a certain classified report concerning the operation of the Defense Department's POW/MIA office.

Mr. Chairman, H.R. 1455 appropriately responds to the needs of our intelligence agencies for fiscal year 1991, and I urge its adoption.

☐ 1530

Mr. SHUSTER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of this legislation. As my distinguished colleague and friend, the gentleman from Oklahoma and the chairman of the committee has indicated, this bill is a modified version of S. 2834, the fiscal year 1991 intelligence authorization bill which was pocket vetoed by the President. There is one substantive difference between this bill and its vetoed predecessor. The entire oversight title of last year's bill, which contained the matters of overriding concern to the President, has been dropped from the present bill.

I commend the chairman for his efforts to get this regular intelligence authorization process back on track through the introduction and reporting of this cleaned up bill.

Opinions of the Presdent's veto differ. I feel that his major points of concern were justified. In particular, I can appreciate his great concern with the report language interpreting the statutory phrase, "notice in a timely fashion." As Members of this House may recall, during floor consideration of the conference report on the vetoed bill last year, I expressed very strong reservations about that particular language. And I was not alone in voting against the conference report at that time because of those reservations.

During the last Congress, the President thought he had an agreement with those leaders of the two intelligence committees who were proponents of the so-called 48-hour covert action notification legislation. Under that agreement, Congress would, in the oversight language in the vetoed bill, leave in place the standard in existing law which required notice in a timely fashion in those instances where prior notice is not given. That timely notice standard originated in the Hughes-Ryan amendment adopted in 1974, and until enactment of the existing 1980 oversight law was the only covert action notification standard. Under it, Congress received prior notice of nearly all covert actions. But also under the standard, President Carter, and I emphasize, a Democrat, President Carter deferred notice of two covert actions in support of the ill-fated Desert One hostage rescue mission and the covert action which successfully exfiltrated the six American diplomats given refuge by the Canadian Embassy in Tehran. Notice was deferred by President Carter, a Democrat, for several months in both cases. And indeed, we had testimony in open session from both his chief of the CIA, Admiral Turner, and his deputy, Secretary Carlucci, who indicated that there was no question but that the Canadian Government insisted that no one be informed because not only were Canadian lives involved, but American lives were involved as well.

The 1980 act clarified that prior notice is the norm, but after much debate within Congress and between the executive and legislative branches, the flexible and ambiguous language, "notice in a timely fashion," was purposely retained to govern those rare situations in which prior notice is deferred. That ambiguity was absolutely necessary to cover the fundamental and irreconcilable differences between the executive and legislative branches over the extent of the President's constitutional authority to defer reporting of a convert action. And, yes, the Constitution, in article II, section 1, is very clear that the executive, the President, has responsibility for foreign affairs. Indeed, Thomas Jefferson wrote that the transaction of business with foreign governments is executive altogether. It belonged then to the head of that department, the President of the United States.

□ 1540

In exchange for the reenactment of this existing statutory standard, rather than the inclusion of the restricted 48-hour type language that some wanted in the original fiscal year 1991 bill, the President agreed to provide these committee leaders with a letter assuring them of his intention to provide notice to Congress of covert action in a fashion sensitive to their concerns about the issue of timeliness in light of a December 1986 Justice Department opinion.

In pertinent part, the President's letter stated:

> I anticipate that in almost all instances prior notice will be possible. In those rare instances where prior notice is not approved, I anticipate that notice will be provided within a few days. Any withholding beyond this period will be based upon my assertion of authority granted this Office by the Constitution.

Now, I know that is not good enough for some. There are some who would like to not only hobble our intelligence agencies, but also some who would like to hobble the President of the United States, particularly if he happens to be of the party of which he currently has been, and appears to continue to be for some time in the future.

There are those who would dredge up the old Iran-Contra arguments, and in fact we have heard today that the Iran-Contra scandal "nearly toppled our government."

Well, that is wishful thinking. Now, I do not question for a moment that there are some in this body who would have to have seen our Government topped, but, of course, that never happened. It never come close. Our Government was secure through those days, and our Government is secure today.

The President was understandably dismayed by the disturbing language in the joint explanatory statement of the managers on this particular issue, which purported to be the sole authoritative interpretation of the venerable statutory phrase "notice in a timely fashion."

Despite inconsistent legislative history from the floor debates on the 1980 act, this new interpretive report language said that notice in a timely fashion must be read in all cases without exception to permit the President to defer notification of a covert action for no more than a few days after it is first initiated.

Forget what President Carter did. Forget the situation we had in Iran during the hostage crisis. Forget our desire to protect and save those American lives. They would have hobbled us by this language.

That report language further limited the timely notice option by purporting to restrict the President's authority to defer notice for even those few days, in exigent circumstances, when a quick reaction to events was necessary.

In effect, that report language converted the agreed upon notice "in a timely fashion" bill language to the same formula as the highly objectionable 48-hour bill.

So much for what we thought was an agreement. The President was understandably unwilling to risk that this language might one day be judicially construed as new and binding legislative history, leaving him and his successors with a restricted 48-hour statutory requirement. He viewed this as infringing upon his constitutional authority.

In his veto message, the President especially singled out that part of the definition of covert action which stated that any request to a third party or private individual to conduct a covert action on behalf of the United States must be treated as a U.S. covert action. Discussions between United States and foreign officials considered to amount to such a request, however defined, would be subject to the intricate and formal requirements for the approval of a covert action. This would include obtaining a written intelligence finding, signed by the President, authorizing those discussions prior to their even commencing, and notifying Congress of the intended discussions.

When you stop and consider it carefully, the term "request" is not that precise or informative, standing alone, in the face of the scope and complexity of foreign affairs in today's world.

The brief reference to this provision in the joint explanatory statement of managers provided very little additional guidance in determining what sorts of discussion might constitute a covert request. It merely called for a specific request. A post-passage letter to the President from the chairmen of the two intelligence committees sought to somewhat better define what discussions would not be considered requests for covert action.

Of course, the opinions of two chairmen expressed outside of and after the legislative process, which culminated in the passage of the bill in question, would have dubious value, at best, as legislative history.

After fairly lengthy consideration, the President concluded in the context of the complicated, sensitive, and confidential discussions with foreign governments, the possible breadth and vagueness of the term "request" left too much uncertainty as to when the covert action approval and reporting requirements would be invoked.

The President explained that this uncertainty could have chilling effect on the ability of our diplomats to conduct highly sensitive discussions concerning projects that are vital to our national security. Furthermore, the real existence of this provision could deter foreign governments from discussing certain topics with the United States at all.

The bottom line, he pointed out, is that consequently, this provision could seriously impair the effective conduct of our Nation's foreign relations.

It is not too difficult to envision this uncertainty at work. Consider the case of an animated confidential exchange between a United States and foreign official concerning a sensitive international threat to our two countries' mutual interests.

Suppose the U.S. official says, "We know you have the capability to mount a particular covert action, which we believe might neutralize this threat on behalf of both our vital interests. Why don't you undertake that specific covert action?"

Now, is that a request which is subject to the covert action approval and reporting requirement, or is it merely seeking an explanation of our ally's policy? Reasonable minds might reach different conclusions.

But if the poor U.S. official in a faraway foreign country, attempting to represent the United States in such a situation, has to constantly worry about whether such statements might later be determined to be an unlawful request for a third party covert action, he may well feel compelled to exercise stringent self-censorship, unconducive to the effective conduct of his foreign affairs responsibility.

Now, imagine that this hapless hypothetical individual is the Secretary of State, or the President himself, engaged in sensitive high level discussions with a foreign head of state. It does not take too much imagination to realize that there are those in this body who would like to haul these officials before this Congress in order to initiate an investigation into any such discussions.

In any event, the veto is behind us now. Hopefully the House will today put the normal authorization process back on track for the current fiscal year by passing this legislation without troublesome or disruptive amendments.

Enactment of this bill will provide authority for various agencies, which will enable them to better carry out their intelligence responsibilities, authorities which this body already approved last year. Some are potentially important, such as the commercial cover authority to provide a needed operational security for the overseas intelligence collection activities and components of the Defense Department.

Madam Chairman, in closing, I think it is important to say and emphasize that we salute those dedicated men and women in our intelligence services around the world for their contribution to freedom. Poland is free today in part because of the efforts of the men and women in our intelligence services. Eastern Europe is free today, in part because of the dedication of our intelligence services. Nicaragua is on the road to freedom. El Salvador, we hope, finally is on the road to freedom. Angola is very close to an agreement. And, yes, Desert Storm was achieved because of the tremendous competence of U.S. intelligence. In fact, the intelligence job performed by our men and women in the Persian Gulf ranks as the most extraordinary intelligence success story in the history of our country, and in the history of the world, and, as the months and years unfold, we will be able to tell in open session more of that story, which certainly needs to be told.

□ 1550

So I urge my colleagues to support this legislation today so that we might get on with the business of protecting the national security of our Nation.

Mr. McCURDY. Madam Chairman, I am delighted to yield 8 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], who is the chairman of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence, and has done an excellent job.

Mrs. KENNELLY. Madam Chairman, I rise in support of H.R. 1455, the Intelligence Authorization Act for Fiscal Year 1991.

I share the belief of Chairman McCURDY that it is important that an intelligence authorization bill be enacted this year. I also share his regret that the differences which produced the pocket veto of the bill sent to the White House last November could not be resolved satisfactorily.

Those differences are not new. They have their roots in a disagreement that has been going on for more than a decade about what Congress should know about covert actions, and when Congress should know it. That disagreement reached its height in the Iran/Contra affair, when the existence of a covert action, about which Congress was never notified in the manner required by law, became known. In the years since the Iran/Contra relevations, both Intelligence Committees have reported measures to codify the procedures implemented by the Reagan and Bush administrations to respond to congressional concerns about those revelations. While none of those measures has been enacted, elements of them formed the basis for the language to which the President objected last fall.

The suggestion that there should be a statutory definition of covert action was first made by the CIA. While it was agreed that both Congress and the Executive had achieved an understanding of the kinds of activities to which the notification requirements for covert action should apply, the Agency argued that a statutory definition would be useful in tying down whatever loose ends existed in those understandings. However, as I understand it, the ground rules for the negotiations on the language for the definition included an acknowledgement that nothing already considered to be a covert action would be excluded.

In 1988, the House Intelligence Committee, reported a bill which contained a definition of covert action identical to the one in the conference report sent to the President last November. While the 1988 bill was not considered on the House floor for reasons unrelated to its contents, the Reagan administration did not object to the definition. Nor, I should add, did the Bush administration when the conference report on S. 2834 was on the floor last October. It was only later that we were told that the sentenced in the definition on third-party requests was unclear and likely to have a chilling effect on diplomatic exchanges. This assertion was made in spite of the fact that preliminary contacts to determine the feasibility of covert actions have never been considered to be covered by the Presidential reporting requirements.

It makes no sense to construct an elaborate system to ensure that both the President and the Congress are aware of covert actions conducted directly by the United States if, through the use of third parties, those same activities can be undertaken indirectly by elements of our Government without the President or Congress having to be told. Any statutory definition, it seems to me, must be broad enough to include all covert actions undertaken for the United States by third parties, whether the United States contribution to the activity is used to facilitate its completion, or to induce its implementation.

The issue of "timely notice" has also been contentious. In 1980, the National Security Act was amended to require congressional notification of significant anticipated intelligence activities, including covert actions. While the statutory notification provisions clearly assume that Congress will be provided with notice of most covert actions prior to their implementation, the President's ability to defer notice is just as clearly acknowledged. When notice is delayed, however, the statute requires that it be provided "in a timely fashion." While much of the debate in 1980 concerned those circumstances in which notice could be delayed, the term "in a timely fashion" was not defined.

In 1986, a memorandum from the Justice Department's Office of Legal Counsel, the Cooper memorandum, concluded that for a number of reasons, including powers granted his office by the Constitution and authorities conveyed by the 1980 amendments to the National Security Act, a President has "virtually unfettered discretion" to determine what constitutes timely notice. While Congress cannot affect a President's constitutional powers, I believe that Congress has the right, and the responsibility, to make clear the extent of the authorities being granted by statute.

S. 2834 sought to reenact the 1980 congressional notification requirements. The report which accompanied the Senate version of the bill, which passed in August of 1990, contained a rejection of the Cooper memorandum, and a statement that nothing in the statute authorized the withholding of notice beyond a few days. The administration never objected to this language. The conference report said substantially the same thing, and we were advised on the floor of the House last October that it would be signed. Some weeks later we learned that the effort by Congress to clarify not what a statute authorized, but what it didn't authorize, was unacceptable to the President. An offer by Chairman McCURDY several weeks ago to accept the language in the original Senate report, which had not been found wanting until then, was rejected.

Madam Chairman, I was pleased when, in a letter to the committee's former chairman, Congressman BEILENSON, President Bush stated that he anticipated being able to provide delayed notice of covert actions within a few days, and on those occasions when he could not, that he would assert constitutional powers as the reason for so doing. That statement is indistinguishable from the language adopted by the Senate in its report on S. 2834, and by both Intelligence committees in the conference report on the bill. In spite of that, the administration refused to allow the report accompanying the bill now before us to contain language making the same point, through a rejection of the Cooper memorandum's conclusion.

Like Chairman McCURDY, I am disappointed that we could not reach an agreement with the administration on the oversight issues which divided us. There is much in the oversight title of S. 2834 that should be done to ensure that the oversight process will be as vigorous as it should be. But to accept as a compromise a solution which would be less than the status quo on the important issues in dispute would have been a mistake. Under the circumstances, H.R. 1455 without an oversight title is the clear choice, and I urge my colleagues to support it.

Mr. SHUSTER. Madam Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Madam Chairman, I rise in support of H.R. 1455. This is a bill that all of our colleagues on both sides of the aisle can support. I commend the leadership of the distinguished gentleman from Oklahoma [Mr. McCURDY], our new chairman, who has brought to the floor a clean bill stripped of the sections that caused the pocket veto by the President.

It is important that we enact an authorization bill in this fiscal year. The distinguished ranking minority member, the gentleman from Pennsylvania [Mr. SHUSTER] has outlined the reasons for our minority views on this bill and underscored the President's rationale for the veto of the previous legislation. I will not reiterate.

As the committee that deals with some of the Nation's most sensitive secrets, there is still relatively little we can discuss openly on the floor. There are two matters, however, that I would like to raise at this occasion.

□ 1600

This might be an appropriate point, first, to offer a commendation to the Defense Mapping Agency. That agency, scarcely known by the public, provided all of the maps for our forces operating in Desert Storm. This was a massive undertaking, but one which DMA fulfilled very admirably.

The rapid offensive movement across the barren Iraqi desert would not have been possible without adequate maps and accurate maps produced in huge quantities and on short order. I strongly commend the leadership and staff of the DMA for their outstanding contributions to our victory. It is one of the few times that you could commend these people who work so hard out of the public spotlight.

During the spring recess, this Member also had an opportunity to fly to Jamba, the capital of free Angola, where I met with Dr. Jonas Savimbi. As the Members will recall, last fall we had a long and devisive debate on Angola, which ultimately led to the adoption of the Solarz amendment by the closest of votes—207 to 206. Since that time, this Member has monitored developments in Angola. I am pleased to report that there has been substantial progress in the negotiations between President Savimbi's party, Unita, and President Dos Santos and his party, the MPLA. Much still needs to be accomplished, but prospects are bright for a cease-fire and an agreement to hold free, internationally supervised elections. President Savimbi is committed to free and fair elections, something he was denied 15 years ago. The only way this option will fail is if the MPLA turns its back on the negotiating process, as it did in February, and decides to return to the misguided option of further fighting.

Finally, as a member of the Intelligence Committee, I, of course, have had an opportunity to meet with many and learn about a great many of our people in the intelligence community. They are highly motivated, partriotic Americans, and in some ways, while usually unrecognized for the specific contributions they make, they are America's first line of defense. They monitored developments before and after the Iraqi invasion of Kuwait. Despite any criticism heard, they, in fact, did a remarkable job that was decisive in the victory. As a result of their dedicated efforts and long hours of work, our policymakers were kept well informed.

General Schwarzkopf had the necessary intelligence to successfully mount the Desert Storm offense. The general described the strategic intelligence he received, when I visited with him with other Members in Saudi Arabia, that intelligence received before the land conflict, as "excellent," while noting important deficiencies in tactical photo-reconnaissance aircraft and a few other areas. That concern and others are being carefully considered by the Intelligence Committee, and we will try to take action as necessary.

Madam Chairman, in conclusion, let me reiterate my appreciation to the leadership on our committee, the gentleman from Oklahoma [Mr. McCURDY], the gentleman from Pennsylvania [Mr. SHUSTER], and others.

It is my intention to vote for passage of this legislation, and I urge my colleagues to do likewise.

Mr. McCURDY. Madam Chairman, I yield 5½ minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON], a very engaged and involved member of the Intelligence Committee.

Mr. RICHARDSON. Madam Chairman, my compliments to the chairman, the gentleman from Oklahoma [Mr. McCURDY] and the gentleman from Pennsylvania [Mr. SHUSTER] for their leadership in this committee and to the chairman, the gentleman from Oklahoma [Mr. McCURDY], for his auspicious start, very frankly addressing and respecting the view of the Congress when it comes to foreign policy and intelligence.

Madam Chairman, like others who have spoken today, I am concerned that it is necessary to reconsider the fiscal year 1991 intelligence authorization bill. When the veto of the conference agreement on S. 2834 was announced last November, I felt that the President's decision was based on bad advice. I have yet to hear a compelling justification for that decision which would cause me to reconsider my initial judgment.

Tension is always going to exist between the President and the Congress on the subject of covert action. Presidents view covert actions, like foreign policy, as their exclusive domain and, if given a choice, I'm sure they would opt for no congressional scrutiny of either. Congress, on the other hand, is properly offended when it is asked to fund covert actions about which it has little information, or when it only learns the full details of operations after they have become embarrassing failures. If Congress is not to provide prior approval for covert actions, it must at least have sufficient information in a timely manner to enable it to determine if funding for a particular operation should continue. Put more simply, if Congress is to be involved in the crash landings of unsuccessful covert actions, it should be in on the takeoffs as well.

Last fall, we sent the President a conference report which would have substantially improved our ability to oversee covert actions. In spite of assurances given on this floor that the bill would be signed, the President ultimately objected to two provisions. These provisions were not new. One, on the definition of covert action, had been around for 3 years. The other, clarifying what is meant by the term "timely notice," had been considered and adopted on the Senate floor, without any objection from the administration, just 3 months before the veto. Despite that history, the President, at the last possible moment, was persuaded that the provisions would do great harm to the powers of his office.

It is difficult to understand why. The definition of covert action in the conference agreement sought to include those instances in which elements of our government specifically request that private citizens or foreign governments undertake a covert action for us. Why shouldn't Congress know about that? Why shouldn't we know when diplomatic concessions, or trade benefits, or foreign aid are conditioned upon another government's conducting a covert action for the United States? The administration maintains that the language was too confusing for our diplomats, and that it would inhibit their conversations with their counterparts from other nations. I believe that if we have diplomats who can't understand what was meant by the third party request sentence in the proposed definition, and the report language which amplified it, the fate of U.S. diplomacy is in questionable hands.

Just as the extent of Congress' information about covert actions is important, so too is the timing of when that information is to be provided. The law requires that, if Congress is not notified about a covert action before it starts, notice is to be provided in a timely fashion. In 1986, the Justice Department interpreted that law, and the Constitution, as leaving it up to the President alone to determine when after-the-fact notice was to be provided. Last year, we tried to register our judgment that that interpretation, at least insofar as it pertains to authorities provided by the statute, was just plain wrong. The President had acknowledged that point in a letter he sent to former Chairman BEILENSON last summer. But when it came to saying essentially the same thing in the conference report, we were told that we were trampling on sacred legislative ground.

Madam Chairman, the notification issue is serious, as is the issue of how a definition of covert action should be codified. Each of these issues raises important institutional concerns for the Congress. While it is regrettable that we could not reach an agreement with the administration that adequately addressed those concerns, no agreement on these issues is better than an agreement detrimental to the interest of Congress. For that reason, I strongly support H.R. 1455.

Mr. McCURDY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. LANCASTER], a member of the Committee on Armed Services.

Mr. LANCASTER. Madam Chairman, I rise to speak in support of the POW/MIA provision in the bill that would require the administration to provide complete access to Congress of the Defense Intelligence Agency report on United States Prisoners of War/Missing in Action in Vietnam, known as the Tighe Report. As of the middle of February of this year, 2,282 Americans remain unaccounted for in Indochina. I believe that it is important for the Congress to be made fully aware of the general's findings concerning the United States efforts to get to the bottom of our missing American servicemen. I am cochair of the Vietnam Era Veterans in Congress. My good friend and colleague, the gentleman from Illinois [Mr. EVANS], serves as chair of that coalition. It is important to continue to focus our Government's efforts on a satisfactory accounting of those missing as a result of having served in Vietnam and Southeast Asia. I feel that the loved ones of those who have served and have never returned also want as complete a report as possible of the efforts and methodology of the work of their Government.

I represent a congressional district that has numerous individuals who are active in the POW/MIA issue. Two were imprisoned in Laos for their activities. Whether you agree or disagree with their approach, the issue is the same. We, in Congress and the administration, must do whatever is necessary to make certain that we do not forget nor abandon those who have served in an unpopular war half way around the world. I join with my colleagues on both sides of the aisle in supporting this provision.

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Mr. McCURDY. Madam Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Madam Chairman, I would like to take this opportunity to follow up on what our friend from North Carolina [Mr. LANCASTER] was saying, and to use this opportunity to share and exchange some thoughts with the chairman of the committee.

In my own State, several of my constituents have been to visit with me, people who served as I did in Southeast Asia. They raised concerns, disquieting concerns, about the possibility of our men still being held in Southeast Asia after almost two decades, suggesting that our Government not only does not care about them, but actively covers up their continued presence in Southeast Asia. Those are things that no Member in this body, no Member in this Congress, would like to believe.

I have tried in recent weeks to learn more about this particular issue. The gentleman from North Carolina [Mr. LANCASTER] referred to the Tighe Commission report. I have been briefed on it by the D.I.A., and I have met with State Department officials to be brought up to speed on where we are in terms of activities to recover remains in Vietnam and to recover remains in Laos. I am modestly encouraged by what I have learned. I do not think that word of these ongoing activities is being shared very well with people in this country, however.

For example, since 1983, a total of 17 excavation teams have been into Laos, a country with whom we have full diplomatic relations, and the number of excavating teams in Vietnam since 1988 is 13. We also will open an office in Hanoi in the next several weeks to try to put greater pressure on the Vietnamese who have not been cooperative in sharing archival information and other information, so that we can better point our excavation teams to the right places to search.

I think the administration needs to do a much better job, and perhaps this committee could be helpful, in letting the American people know what has been done and what is being done to determine once and for all the status of our POW's and MIA's. Perhaps we should take the press in with the excavation teams or invite veterans groups to send observers. That is the kind of thing I think would be helpful, rather than let the American people believe little is being done and that it is a hidden, secretive sort of undertaking. Open it up. I do not think we have anything to hide. We should fully disclose the activities that are going on and make sure Americans know about them.

Mr. McCURDY. Madam Chairman, I yield myself 30 additional seconds. I commend the gentleman from Delaware for his efforts, and I applaud him for his concern. I share his concern, and have in my tenure on the Committee on Intelligence had a number of opportunities to pursue this issue with the relevant agencies, and will continue to do so.

I agree that the administration has within its power the ability to better inform the public as to what is actually going on, vis-a-vis the MIA/POW issue, and it is a great concern for all Americans.

I think there is a great deal of misconception, and perhaps even some misinformation at large, but I hope we can take steps to resolve that.

Mr. SHUSTER. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Chairman, I would like to enter into this debate and speak to the POW/MIA issue.

I have been involved in this POW/MIA issue since 1951, when I served in the U.S. Marine Corps. I can tell Members, speaking as a former chairman of the bipartisan POW/MIA Task Force, this is a longstanding issue. It has always been American foreign policy to never leave our soldiers overseas, to always account for them. We have done that. As a matter of fact, in 1980 when President Reagan took office, he reopened the whole POW/MIA issue from the Vietnam era. We have had a bipartisan effort, working on both sides of the aisle, dealing with this problem, which has resulted in bringing home a number of remains of our missing soldiers. Just recently, the chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY] and myself went to Korea and brought home the remains of five fallen soldiers from 40 years ago. So yes, we do want to continue this effort.

I would point out one thing that might be pending before this House, and we have heard some people mention it before. That is, a 48-hour notification rule on covert activities. In other words, the administration would be telling this Congress 48 hours in advance what we are doing to undertake as far as covert activity is concerned.

I would remind Members on both sides of the aisle that if that amendment comes up here today, and if we have covert activity right now in Southeast Asia and we find there are Americans alive over there, that we want to go get them now. We do not want to wait 48 hours, or 2 weeks, or 2 months. I hope that amendment, if it is offered on the floor, will go down to the kind of defeat that it deserves.

Mr. McCURDY. Madam Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Madam Chairman, just stating again for the record, the 48-hour provision, first of all, my understanding is there is not going to be an amendment offering that, but even then it would be 48 hours, it would be timely notice, after the commencement. This committee has no authority and no ability to stop a planned covert act of the President. It is a question of being notified on a timely basis, after the commencement of that operation. It is not 48 hours before. We are not trying to hold it up.

I want to state that for the record.

Mr. SOLOMON. Madam Chairman, I thank the gentleman for the clarification. I am greatly relieved that that amendment will not be offered.

Mr. SHUSTER. Madam Chairman, I yield back the balance of my time.

Mr. McCURDY. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered under the 5-minute rule by title and each title is considered as read.

The amendments printed in the report to the bill are considered as having been adopted and are considered as original text for the purpose of further amendment.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1991".

The CHAIRMAN. Are there amendments to section 1?

Mr. McCURDY. Madam Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of the remainder of the bill, as amended, is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1991 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1991, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany H.R. 1455 of the One Hundred Second Congress.

(b) The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1991 under sections 102 and 202 of this Act when he determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1991 the sum of $27,900,000, of which $6,580,000 shall be available for the Security Evaluation Office.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1991, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1991, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) REIMBURSEMENT.—During fiscal year 1991, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1991, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM AND RELATED PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1991 the sum of **$164,600,000.**

SEC. 302. CIA FORMER SPOUSE QUALIFYING TIME.

Section 204(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the period at the end of paragraph (4) "during the participant's service as an employee of the Central Intelligence Agency".

SEC. 303. ELIMINATION OF 15-YEAR CAREER REVIEW FOR CERTAIN CIA EMPLOYEES.

Section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking out the second sentence and inserting in lieu thereof the following: "Any officer or employee who elects to accept designation as a participant entitled to the benefits of the system shall remain a participant of the system for the duration of his or her employment with the Agency. Such election shall be irrevocable except as and to the extent provided in section 301(d) of this Act and shall not be subject to review or approval by the Director.".

SEC. 304. SURVIVOR ANNUITIES UNDER CIARDS FOR SPOUSES OF REMARRIED, RETIRED PARTICIPANTS.

(a) CALCULATION OF REDUCTION IN ANNUITIES.—Section 221(n) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "or elected under section 226(e)" after "(unless such reduction is adjusted under section 222(b)(5))".

(b) ELECTION OF REDUCTION IN ANNUITY.—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new subsection:

"(e) Upon remarriage occurring on or after the date of the enactment of this subsection to a spouse other than the spouse at the time of retired, a retirement participant whose annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, a reduction in the retired participant's annuity for the purpose of providing an annuity for such retired participant's spouse in the event such spouse survives the retired participant. The reduction shall be effective the first day of the month which begins nine months after the date of remarriage. For any remarriage that occurred before the date of the enactment of this subsection, the retired participant may make such an election within two years after such date. To the greatest extent practicable, the retired participant shall pay a deposit under the same terms and conditions as those prescribed for retired employees under the Civil Service Retirement and Disability System under section 8339(j)(5)(C)(ii) of title 5, United States Code. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under section 221(b).".

(c) CONFORMING AMENDMENT.—Section 226(d) of such Act is amended by striking out "This" and inserting in lieu thereof "Subsections (a) through (c) of this".

SEC. 305. REDUCTION OF REMARRIAGE AGE.

(a) REDUCTION OF REMARRIAGE AGE FOR SURVIVOR AND RETIREMENT BENEFITS.—The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in section 221—

(A) in subsections (b)(1)(A) and (b)(3)(C), by striking out "age 60" each place it appears and inserting in lieu thereof "age 55"; and

(B) in subsection (g)(1), by striking out "age sixty" each place it appears and inserting in lieu thereof "age 55";

(2) in section 222—

(A) by striking out "60 years of age" each place it appears in subsections (a)(2), (a)(3)(A), and (b)(2) and inserting in lieu thereof "55 years of age"; and

(B) by striking out "age 60" each place it appears in subsections (b)(3), (b)(5)(A), (c)(3)(C), (c)(3)(D), and (c)(4) and inserting in lieu thereof "age 55"; and

(3) in section 232(b)(1), by striking out "attaining age sixty" in the last sentence and inserting in lieu thereof "attaining age 55".

(b) EFFECTIVE DATE OF AMENDMENTS.—(1) The amendments made by subsection (a) relating to widows or widowers shall apply in the case of a surviving spouse's remarriage occurring on or after July 27, 1989, and with respect to periods beginning after such date.

(2) The amendments made by subsection (a) relating to former spouses shall apply with respect to any former spouse whose remarriage occurs after the date of enactment of this Act.

SEC. 306. ELECTION BETWEEN CIARDS ANNUITY AND OTHER SURVIVOR ANNUITIES.

Section 221(g) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new paragraph:

"(3) A surviving spouse who married a participant after his or her retirement shall be entitled to a survivor annuity payable from the fund under this title only upon electing this annuity instead of any other survivor benefit to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.".

SEC. 307. RESTORATION OF FORMER SPOUSE BENEFITS AFTER DISSOLUTION OF REMARRIAGE.

(a) SURVIVOR ANNUITY.—Section 224 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting ", except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five";

(2) in subsection (c)(1)(B), by inserting ", except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five"; and

(3) by adding at the end thereof the following new subsection:

"(e) Notwithstanding subsection (c)(2)(A) of this section, the thirty-month application requirement for a survivor annuity under this section to be payable shall not apply in cases in which a former spouse's entitlement to such a survivor annuity is restored under subsection (b)(1) or (c)(1)(B) of this section.".

(b) RETIREMENT BENEFITS.—Section 225 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting ", except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five";

(2) in subsection (c)(1)(B)(i), by inserting ", except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five years of age";

(3) by redesignating subsection (e) as subsection (f); and

(4) by adding after subsection (d) the following new subsection (e):

"(e) Notwithstanding subsection (c)(4)(A) of this section, the thirty-month application requirement for benefits under this section to be payable shall not apply in cases in which a former spouse's entitlement to such benefits is restored under subsection (b)(1) or (c)(1)(B) of this section.".

(c) HEALTH BENEFITS.—Section 16(c) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding after paragraph (2) the following new paragraph:

"(3)(A) A former spouse who is not eligible to enroll or to continue enrollment in a health benefits plan under this section solely because of remarriage before age fifty-five shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.

"(B) A former spouse whose eligibility is restored under subparagraph (A) may, under regulations which the Director of the Office of Personnel Management shall prescribe, enroll in a health benefits plan if such former spouse—

"(i) was an individual referred to in paragraph (1) and was an individual covered under a benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to the Agency employee or annuitant; or

"(ii) was an individual referred to in paragraph (2) and was an individual covered under a benefits plan immediately before the remarriage ended the enrollment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1990. No benefits provided pursuant to the amendments made by this section shall be payable with respect to any period before such date.

(e) COMPLIANCE WITH BUDGET ACT.—Any new spending authority (within the meaning of section 401(c) of the Congressional Budget Act of 1974) provided pursuant to the amendments made by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 402. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 403. TREATMENT OF CERTAIN ALIEN EMPLOYEES IN HONG KONG.

(a) AUTHORITY.—In applying the proviso of section 7 of the Central Intelligence Agency Act of 1949, in the case of an alien described in subsection (b), the Director may charge the entry of the alien against the numerical limitation for any fiscal year (beginning with fiscal year 1991 and ending with fiscal year 1996) notwithstanding that the alien's entry is not made to the United States in that fiscal year so long as such entry is made before the end of fiscal year 1997.

(b) ELIGIBLE ALIENS.—An alien eligible under subsection (a) is an alien who—

(1) is an employee of the Foreign Broadcast Information Service in Hong Kong; or

(2) is the spouse or child of an alien described in paragraph (1) if accompanying or following to join the alien in coming to the United States.

SEC. 404. EXCEPTED POSITIONS FROM THE COMPETITIVE SERVICE.

Section 621 of the Department of Energy Organization Act (42 U.S.C. 7231) is amended by adding at the end thereof the following new subsection:

"(f) All positions in the Department which the Secretary determines are devoted to intelligence and intelligence-related activities of the United States Government are excepted from the competitive service, and the individuals who occupy such positions as of the date of enactment of this Act shall, while employed in such positions, be exempt from the competitive service.".

SEC. 405. INTELLIGENCE COMMUNITY CONTRACTING.

(a) POLICY CONCERNING PRODUCTS PRODUCED IN THE UNITED STATES.—The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should award contracts in a manner that would maximize the procurement of products produced in the United States.

(b) DEFINITION.—For purposes of this section, the term "Intelligence Community" has the same meaning as set forth in paragraph 3.4(f) of Executive Order 12333, dated December 4, 1981, or successor orders.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE PROVISIONS

SEC. 501. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT SERVICES.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2642. Reimbursement rate for airlift services provided to Central Intelligence Agency

"(a) AUTHORITY.—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense to the Central Intelligence Agency, if the Secretary of Defense determines that those military airlift services are provided for activities related to national security objectives.

"(b) DEFINITION.—In this section, the term 'Department of Defense reimbursement rate' means the amount charged a component of the Department of Defense by another component of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2642. Reimbursement rate for airlift services provided to Central Intelligence Agency.".

SEC. 502. PUBLIC AVAILABILITY OF MAPS, ETC., PRODUCED BY DEFENSE MAPPING AGENCY.

(a) IN GENERAL.—(1) Chapter 167 of title 10, United States Code, is amended by adding at the end the following new section:

"§2796. Maps, charts, and geodetic data: public availability; exceptions

"(a) The Defense Mapping Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

"(b)(1) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Defense—

"(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to government purposes only;

"(B) that contains information that the Secretary of Defense has determined in writing would, if disclosed, reveal sources and methods used to obtain source material for production of the geodetic product; or

"(C) that contains information that the Director of the Defense Mapping Agency has determined in writing would, if disclosed, reveal military operational or contingency plans.

"(2) In this subsection, the term 'geodetic product' means any map, chart, geodetic data, or related product.

"(c)(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

"(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

"(A) in the case of allies of the United States; and

"(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2796. Maps, charts, and geodetic data: public availability; exceptions.".

(b) DEADLINE FOR INITIAL REGULATIONS.—Regulations to implement section 2796 of title 10, United States Code, as added by subsection (a), shall be published in the Federal Register for public comment in accordance with subsection (c) of that section not later than 90 days after the date of the enactment of this Act.

SEC. 503. POST-EMPLOYMENT ASSISTANCE FOR CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end thereof the following new section:

"SEC. 17. (a) Notwithstanding any other law, the Director of the National Security Agency may use appropriated funds to assist employees who have been in sensitive positions who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Agency, or whose employment has been terminated—

"(1) in finding and qualifying for subsequent employment,

"(2) in receiving treatment of medical or psychological disabilities, and

"(3) in providing necessary financial support during periods of unemployment,

if the Director determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(b) The Director of the National Security Agency shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.".

SEC. 504. USE OF COMMERCIAL ACTIVITIES AS COVER SUPPORT TO INTELLIGENCE COLLECTION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended—

(1) by inserting after the chapter heading the following:

"Subchapter	Sec.
"I. General Matters	421
"II. Intelligence Commercial Activities	431

"SUBCHAPTER I—GENERAL MATTERS";

and

(2) by adding at the end the following:

"SUBCHAPTER II—INTELLIGENCE COMMERCIAL ACTIVITIES

"431. Authority to engage in commercial activities as security for intelligence collection activities.
"432. Use, disposition, and auditing of funds.
"433. Relationship with other Federal laws.
"434. Reservation of defenses and immunities.
"435. Limitations.
"436. Regulations.
"437. Congressional oversight.

"§ 431. Authority to engage in commercial activities as security for intelligence collection activities

"(a) AUTHORITY.—The Secretary of Defense, subject to the provisions of this subchapter, may authorize the conduct of those commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense. No commercial activity may be initiated pursuant to this subchapter after December 31, 1995.

"(b) INTERAGENCY COORDINATION AND SUPPORT.—Any such activity shall—

"(1) be coordinated with, and (where appropriate) be supported by, the Director of Central Intelligence; and

"(2) to the extent the activity takes place within the United States, be coordinated with, and (where appropriate) be supported by, the Director of the Federal Bureau of Investigation.

"(c) DEFINITIONS.—In this subchapter:

"(1) The term 'commercial activities' means activities that are conducted in a manner consistent with prevailing commercial practices and includes—

"(A) the acquisition, use, sale, storage and disposal of goods and services;

"(B) entering into employment contracts and leases and other agreements for real and personal property;

"(C) depositing funds into and withdrawing funds from domestic and foreign commercial business or financial institutions;

"(D) acquiring licenses, registrations, permits, and insurance; and

"(E) establishing corporations, partnerships, and other legal entities.

"(2) The term 'intelligence collection activities' means the collection of foreign intelligence and counterintelligence information.

"§ 432. Use, disposition, and auditing of funds

"(a) USE OF FUNDS.—Funds generated by a commercial activity authorized pursuant to this subchapter may be used to offset necessary and reasonable expenses arising from that activity. Use of such funds for that purpose shall be kept to the minimum necessary to conduct the activity concerned in a secure manner. Any funds generated by the activity in excess of those required for that purpose shall be deposited, as often as may be practicable, into the Treasury as miscellaneous receipts.

"(b) AUDITS.—(1) The Secretary of Defense shall assign an organization within the Department of Defense to have auditing responsibility with respect to activities authorized under this subchapter.

"(2) That organization shall audit the use and disposition of funds generated by any commercial activity authorized under this subchapter not less often than annually. The results of all such audits shall be promptly reported to the intelligence committees (as defined in section 437(d) of this title).

"§ 433. Relationship with other Federal laws

"(a) IN GENERAL.—Except as provided by subsection (b), a commercial activity conducted pursuant to this subchapter shall be carried out in accordance with applicable Federal law.

"(b) AUTHORIZATION OF WAIVERS WHEN NECESSARY TO MAINTAIN SECURITY.—(1) If the Secretary of Defense determines, in connection with a commercial activity authorized pursuant to section 431 of this title, that compliance with certain Federal laws or regulations pertaining to the management and administration of Federal agencies would create an unacceptable risk of compromise of an authorized intelligence activity, the Secretary may, to the extent necessary to prevent such compromise, waive compliance with such laws or regulations.

"(2) Any determination and waiver by the Secretary under paragraph (1) shall be made in writing and shall include a specification of the laws and regulations for which compliance by the commercial activity concerned is not required consistent with this section.

"(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, an Assistant Secretary of Defense, or a Secretary of a military department.

"(c) FEDERAL LAWS AND REGULATIONS.—For purposes of this section, Federal laws and regulations pertaining to the management and administration of Federal agencies are only those Federal laws and regulations pertaining to the following:

"(1) The receipt and use of appropriated and nonappropriated funds.

"(2) The acquisition or management of property or services.

"(3) Information disclosure, retention, and management.

"(4) The employment of personnel.

"(5) Payments for travel and housing.

"(6) The establishment of legal entities or government instrumentalities.

"(7) Foreign trade or financial transaction restrictions that would reveal the commercial activity as an activity of the United States Government.

"§ 434. Reservation of defenses and immunities

"The submission to judicial proceedings in a State or other legal jurisdiction, in connection with a commercial activity undertaken pursuant to this subchapter, shall not constitute a waiver of the defenses and immunities of the United States.

"§ 435. Limitations

"(a) LAWFUL ACTIVITIES.—Nothing in this subchapter authorizes the conduct of any intelligence activity that is not otherwise authorized by law or Executive order.

"(b) DOMESTIC ACTIVITIES.—Personnel conducting commercial activity authorized by this subchapter may only engage in those activities in the United States to the extent necessary to support intelligence activities abroad.

"(c) PROVIDING GOODS AND SERVICES TO THE DEPARTMENT OF DEFENSE.—Commercial activity may not be undertaken within the United States for the purpose of providing goods and services to the Department of Defense, other than as may be necessary to provide security for the activities subject to this subchapter.

"(d) NOTICE TO UNITED STATES PERSONS.—(1) In carrying out a commercial activity authorized under this subchapter, the Secretary of Defense may not permit an entity engaged in such activity to employ a United States person in an operational, managerial, or supervisory position, and may not assign or detail a United States person to perform operational, managerial, or supervisory duties for such an entity, unless that person is informed in advance of the intelligence security purpose of that activity.

"(2) In this subsection, the term 'United States person' means an individual who is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.

"§ 436. Regulations

"The Secretary of Defense shall prescribe regulations to implement the authority provided in this subchapter. Such regulations shall be consistent with this subchapter and shall at a minimum—

"(1) specify all elements of the Department of Defense who are authorized to engage in commercial activities pursuant to this subchapter;

"(2) require the personal approval of the Secretary or Deputy Secretary of Defense for all sensitive activities to be authorized pursuant to this subchapter;

"(3) specify all officials who are authorized to grant waivers of laws or regulations pursuant to section 433(b) of this title, or to approve the establishment or conduct of commercial activities pursuant to this subchapter;

"(4) designate a single office within the Defense Intelligence Agency to be responsible for the management and supervision of all activities authorized under this subchapter;

"(5) require that each commercial activity proposed to be authorized under this subchapter be subject to appropriate legal review before the activity is authorized; and

"(6) provide for appropriate internal audit controls and oversight for such activities.

"§ 437. Congressional oversight

"(a) PROPOSED REGULATIONS.—Copies of regulations proposed to be prescribed under section 436 of this title (including any proposed revision to such regulations) shall be submitted to the intelligence committees not less than 30 days before they take effect.

"(b) CURRENT INFORMATION.—Consistent with title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), the Secretary of Defense shall ensure that the intelligence committees are kept fully and currently informed of actions taken pursuant to this subchapter, including any significant anticipated activity to be authorized pursuant to this subchapter. The Secretary shall promptly notify the appropriate committees of Congress whenever a corporation, partnership, or other legal entity is established pursuant to this subchapter.

"(c) ANNUAL REPORT.—Not later than January 15 of each year, the Secretary shall submit to the appropriate committees of Congress a report on all commercial activities authorized under this subchapter that were undertaken during the previous fiscal year. Such report shall include (with respect to the fiscal year covered by the report)—

"(1) a description of any exercise of the authority provided by section 433(b) of this title;

"(2) a description of any expenditure of funds made pursuant to this subchapter (whether from appropriated or non-appropriated funds); and

"(3) a description of any actions taken with respect to audits conducted pursuant to section 432 of this title to implement recommendations or correct deficiencies identified in such audits.

"(d) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.".

(b) EFFECTIVE DATE.—The Secretary of Defense may not authorize any activity under section 431 of title 10, United States Code, as added by subsection (a), until the later of—

(1) the end of the 90-day period beginning on the date of the enactment of this Act; or

(2) the effective date of regulations first prescribed under section 436 of such title, as added by subsection (a).

SEC. 505. DISCLOSURE TO MEMBERS OF CONGRESS OF A CLASSIFIED DEFENSE INTELLIGENCE AGENCY REPORT RELATING TO MILITARY PERSONNEL LISTED AS PRISONER, MISSING, OR UNACCOUNTED FOR.

The Secretary of Defense shall provide to any Member of Congress, upon request, full and complete access to the classified report of the Defense Intelligence Agency commonly known as the Tighe Report, relating to efforts by the Special Office for Prisoners of War/Missing in Action of the Defense Intelligence Agency to fully account for United States military personnel listed as prisoner, missing, or unaccounted for in military actions. The Secretary may withhold from disclosure under the preceding sentence any material that in the judgment of the Secretary would compromise sources and methods of intelligence.

AMENDMENT OFFERED BY MR. MCCURDY

Mr. MCCURDY. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCURDY: Strike out section 403 (page 14, lines 7 through 24). Redesignate the following sections accordingly.

Mr. McCURDY. Madam Chairman, section 403 of the bill provides the Director of Intelligence with the authorities needed to facilitate the entry into the United States of certain United States Government employees in Hong Kong. The section is substantially the same as a provision in the Immigration Act of 1990 which was enacted late last year.

To avoid confusion, and at the request of the chairman of the Committee on the Judiciary, I am offering this amendment to strike section 403. I have discussed this matter with the gentleman from Pennsylvania [Mr. SHUSTER], and I ask for the adoption of the amendment.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we concur and support the gentleman from Oklahoma's [Mr. McCURDY] amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. McCURDY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MC EWEN

Mr. McEWEN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McEWEN: At the end of title IV (page 15, after line 26), insert the following new section:

SEC. 406. SECRECY OATHS FOR MEMBERS AND STAFF OF THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE.

Rule XLVIII of the Rules of the House of Representatives is amended—

(1) at the end of clause 1, by adding the following new paragraph:

"(d) At the time a Member is appointed to serve on the select committee, or within 30 days after the adoption by the House of this provision, whichever is later, the Member shall take the following oath:

"'I do solemnly swear (or affirm) that I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence, except with the formal approval of the committee or of the House.

The oath shall be administered by the Speaker of the House of Representatives. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing two copies to each Member appointed to the select committee who has taken this oath, which shall be subscribed to by the Member, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record.";

(2) at the end of clause 5, by adding the following new sentences: "Each employee of the select committee and any person engaged by contract or otherwise to perform services for or at the request of the select committee who is required to subscribe to the agreement in writing referred to in the first sentence of this clause shall, at the time of signing or within 30 days after the adoption by the House of this provision, whichever is later, also take the oath set out in clause 1(d) of this rule. The oath shall be administered by the chairman or by any member of the committee or of the committee staff designated by the chairman. The Clerk of the House of Representatives of the One Hundred Second and each succeeding Congress shall cause this oath to be printed, furnishing two copies to each of such persons taking this oath, which shall be subscribed by each such person, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record.";

(3) in clause 7(d)—

(A) by inserting "or of the oath required by clause 1(d) or by clause 5," after "paragraph (c)"; and

(B) by adding after the last sentence the following new sentences: "The select committee may refer cases of unauthorized disclosure and violations of the required oaths to the Committee on Standards of Official Conduct for investigation. While a member of the committee is the subject of such a pending investigation, the select committee may determine by majority vote that the member shall not be given access to classified information."; and

(4) by adding at the end of the clause 7(e) the following new sentence: "If the Committee on Standards of Official Conduct determines that any member of the select committee or any person on its staff who is the subject of any such investigation has violated the oath required by clause 1(d) or clause 5, such person shall be permanently expelled from membership on the select committee or have his employment in any capacity by the select committee terminated permanently, as the case may be, in addition to being subject to such other actions as the House may determine are appropriate.".

Mr. McEWEN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCURDY. Madam Chairman, I reserve a point of order, and I intend to make a point of order, but in order to do that I would like to see a copy of the amendment.

Mr. McEWEN. Madam Chairman, I point out to the chairman of the committee that this is indeed what is known as the Shuster amendment, that was offered in the committee, and was suggested in the Committee on Rules yesterday, and it is brought forward at this time.

Mr. McCURDY. Madam Chairman, I thank the gentleman for his explanation, and I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. McCURDY. Madam Chairman, the amendment proposes a change in the rules of the House. Changes in House rules are outside the jurisdiction of the Permanent Select Committee and within the jurisdiction of the Committee on Rules.

□ 1620

H.R. 1455 therefore contains no changes to House rules.

The amendment fails the test of committee jurisdiction under section 798(c) of the rules and practice of the House of Representatives by including matters within the jurisdiction of a committee not reporting the bill, the Committee on Rules. As a result, the amendment is not germane, and therefore it violates clause 7 of rule XVI.

Madam Chairman, I insist on my point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to speak to the point of order?

Mr. SHUSTER. Madam Chairman, this is the amendment which we offered in the Intelligence Committee and which was defeated on a straight party line vote. We regret that the Rules Committee yesterday while waiving many points of order chose not to waive a point of order with regard to this particular amendment.

We refer to the history dating all the way back to the Constitution which indeed in the Committees of Correspondence, Benjamin Franklin, John Jay and others provided for just such a provision in their rules when they were handling highly sensitive information. We believe it is very appropriate particularly for those Members of the Intelligence Committee who handle the Nation's most sensitive secrets to take an oath which was good enough for Ben Franklin and good enough for the Founding Fathers.

So while this may be ruled out of order today, we will continue to search for ways to bring this particular issue to the floor of the Congress. Whether one is for or against this particular provision, we believe the Members of Congress should have the opportunity to express themselves by voting on the record as to whether they are for or against members of the Intelligence Committee being required to take an oath of secrecy in order to set an example and provide a standard by which those members on the Intelligence Committee protect and preserve the most sensitive issues before our Government.

Mr. McEWEN. Madam Chairman, if I could respond.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. McEWEN. I do, Madam Chairman.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. McEWEN. Madam Chairman, I would point out that this bill covers a myriad of responsibilities, that it comes under the jurisdiction of more than one committee, even though that jurisdiction was waived by the Post Office and Civil Service Committee, for example, that it has to do with the collection of intelligence, it has to do with retirement, it has to do with oversight, and my suggestion and the amendment before us would fall within the category of enhancing the oversight responsibilities of the Intelligence Committee and would contribute to the benefit for which this bill authorizes.

The CHAIRMAN (Ms. SLAUGHTER of New York). For the reasons stated by the gentleman from Oklahoma, the Chair agrees that this amendment is not germane to the bill before the Committee, and accordingly, the point of order is sustained.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: At the end of the bill, insert the following new title—

DRUG TESTING

The Congress finds that—

(1) the illegal sale, possession and use of drugs pose a pervasive and substantial threat to the social, educational and economic health of the United States;

(2) the impact of drug abuse is reflected in the criminal violence that it causes and in the disintegration of families, schools, neighborhoods, and workplace safety and efficiency;

(3) the effects of rampant illegal drug trafficking are amply illustrated by national crime statistics and prosecutions across the United States of persons at all economic and social levels, including prominent government leaders;

(4) the chronic problem of drug abuse has contributed to declining productivity levels, escalating health care costs, and the increasing inability of domestic industry to compete in the world market; and

(5) reasonable suspicion exists that the mission of the government to preserve the public health and safety, protect the national security, and maintain an effective drug interdiction program for the United States is being subverted by the possession, sale, and use of drugs by Federal personnel at all levels of government.

SEC. 2. RANDOM DRUG TESTING.

The Director of the Central Intelligence Agency shall require random drug testing of officers and employees of the Central Intelligency Agency.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "drug" or "drugs" means any controlled substance as defined by the Controlled Substances Act; and

(2) the term "employee" means—

(A) an employee of the Central Intelligence Agency.

Mr. SOLOMON (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Madam Chairman, I am sure all of us have seen the recent report indicating that violent crime is on the rise all across America, primarily because of illegal drug use. Therefore, I am once again offering an amendment which is designed to change and to expand the emphasis on the war against drugs.

I believe, and so does the majority of the American people, that to turn the tide in the drug war we need to address the problem of the casual drug user as well as the drug supplier.

Madam Chairman, let us face the facts. We could eliminate every drug lord in the world today and new ones would pop up tomorrow because of the enormous profits involved in this deadly trade. We have to eliminate the market by eliminating the demand. This can be done by holding the casual drug user accountable. The casual drug user causes about 75 percent of the entire illegal drug trade in America.

Madam Chairman, the days of regarding these casual drug users as victims is over. If we condition Federal privileges to remaining drug free, we can begin to send a message to illegal drug users that they do have some bearing on the terrible drug problem facing our Nation today and that they are no longer immune to those consequences.

Madam Chairman, in the last Congress I introduced legislation to condition the privilege of driving with the responsibility of remaining drug free. That measure was included in the fiscal year 1991 DOT appropriations bill which became law. My amendment today continues to condition Federal benefits to the responsibility of remaining drug free by requiring the random drug testing of all CIA employees.

If we are going to get serious about user accountability, what better place to do it than right here in the Federal Government? As the Nation's largest employer, the Federal Government has a compelling interest in establishing reasonable conditions of employment. Remaining drug free is completely reasonable for all Federal agencies and particularly for the CIA, due to the nature of their business.

Now, clearly the CIA should have a random drug testing policy in effect, but it does not. We cannot afford to have the personnel of this or any other Federal agency using drugs. There is far too much at stake. That is why I intend to offer a series of amendments to every authorization bill in the 102d Congress. They will include preemployment drug testing, drug testing as a condition of employment, and random drug testing.

In other words, the job, a part of every Federal job, is going to be in carrying out the duties of submitting to a random drug test. A part of the job is going to be submitting to a random drug test.

As you may know, the courts have ruled that it is within the bounds of constitutionality to require drug tests on people who hold sensitive and security-related positions. As a result of these rulings, some people have argued that random drug testing is unconstitutional. This, of course, is not true. Under no circumstances have the courts ruled out drug testing for nonsensitive positions.

My amendment has been drafted by the American Law Division of the Congressional Research Service to withstand a court challenge. I strongly feel it should be used as a test case, which is why I am introducing it today.

Once the Federal Government implements random drug testing, we could begin to urge the private sector to join in this fight. Our Armed Forces have used this idea with tremendous success. You may remember back in 1982, when 27 percent of our military were using drugs, by their own admission. That was 27 percent. Then the military instituted a policy of random drug testing. By 1988, just 5 years later, drug use dropped to 4.5 percent. That is an 82-percent reduction in 5 years.

Random drug testing works, Madam Chairman. We know the American public supports penalties for drug users. So I ask you today, support a drug-free Government. Support user accountability. If you support this amendment, you can really make a difference.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, I strongly support the gentleman's amendment. Where better to apply it then to those employees employed by one of the most sensitive agencies of our U.S. Government?

Mr. SOLOMON. Madam Speaker, I thank the gentleman for his remarks.

Mr. McCURDY. Madam Chairman, I move to strike the last word.

Let me respond briefly to the gentleman's amendment, although we are prepared to accept it. The amendment does deal with what I am sure we all consider to be a significant threat to national security, the drug problem. However, by mandating what may be an unnecessary and redundant program, the amendment probably does not make as much sense as it might if it were applied to other agencies of the Government.

Madam Chairman, I want Members to understand that the CIA already maintains an active drug awareness and prevention program, and is actively committed to preventing and detecting drug use among Agency employees.

The CIA's drug detection program includes background investigations of all applicants, specifically focusing on whether applicants may use or abuse drugs or alcohol. Applicants are also given medical examinations that screen urine and blood samples. Psychological assessments are made of applicants to determine behavior that could indicate abuse of drugs or alcohol. Finally, every applicant is given a polygraph examination to determine whether the applicant has abused drugs or alcohol.

The CIA's program for a drug-free workplace does not end with the acceptance of an applicant for employment. The Agency continues to be vigilant against drug abuse among its employees. Current Agency policy requires that new employees be subject to reinvestigation after 3 years. This reinvestigation includes another medical examination and another polygraph examination that specifically covers substance abuse during the time of employment at the Agency. Agency employees are also subject to periodic routine reinvestigations. A specific issue polygraph examination and/or a fitness-for-duty medical examination may be conducted at any time if there are any indications of drug abuse.

I am therefore concerned that the gentleman's amendment may be unnecessary. I am prepared to accept it, however, with the understanding that the Director of Central Intelligence would be free to fashion a reasonable program to address whatever is not addressed by the current, rigorous, Agency program directed toward detecting substance abuse.

□ 1630

Mr. SOLOMON. Madam Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Madam Chairman, I thank the gentleman for supporting the amendment. The gentleman knows that I am one of the strongest supporters of the CIA. They are one of the finest agencies we have. We are not pointing fingers at them.

As I said, this is the first authorization bill to come before the House, for which I commend the gentleman from Oklahoma for getting his work done, and that is the reason I am offering it today.

I will continue to offer it to all authorization bills all year long as they come before the House.

Again, I thank the gentleman for his support.

Mr. McCURDY. I thank the gentleman.

Madam Chairman, I can assure the gentleman will have a second shot at this in a few weeks as we bring out the authorization bills for the fiscal year 1992.

Madam Chairman, I am prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose and the Speaker pro tempore [Mr. BARNARD] having assumed the chair, Mrs. SLAUGHTER of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes, pursuant to House Resolution 136, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. BARNARD). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1455, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

Mr. McCURDY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1455, the Clerk be authorized to make such technical and conforming changes as may be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. McCURDY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 1455, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

OUR GLASS HOUSE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, child labor violations are not a reason to kill negotiations for a free-trade agreement with Mexico. Nor are child labor violations a problem unique to Mexico.

The fact is Mexican child labor laws are comparable to ours. Special hours are prescribed for children under the age of 16. It is illegal for children to work in situations hazardous to their development. There are gaping holes in both countries' laws. For example, U.S. farmers may not use pesticides if they employ children under the age of 12; however, if they hire children 12 years old or older they can use pesticides.

Moreover, in Mexico, as in the United States, the real problem is enforcement. Agencies lack the resources and personnel to follow up on violations. Poverty draws children from schools to work in factories, fields, and streets. It is a serious problem on both sides of the border.

Mexico may have a larger enforcement problem, but that is because the Government lacks the resources. And Mexico's economic condition forces more children into the work force. The best way to attack the problem is to increase the standard of living for Mexicans. Increased trade between the United States and Mexico will do exactly that. If we want good neighbors, we'll do business with them.

At this point in the RECORD I include the following article:

[From the Washington Post, Apr. 18, 1991]

ILLEGAL CHILD LABOR RESURGING IN UNITED STATES

(By Michael Specter)

NEW YORK.—Working part time, Cheung Yuen Liang earns more money each week than anyone in the history of her family. Proud and ambitious, she rises before dawn and trudges off to work in one of the hundreds of garment factories tucked into the lofts and warehouses of this city.

Her routine rarely varies.

First she works for a couple of hours, stitching lace into wedding gowns; then she goes to school. During her lunch break she's back at the sewing machine. And now that it stays light later, she makes a third trip to the factory floor the minute her classes end.

At 15, she and thousands of girls like her supply much of the lingering vitality to this city's vanishing world of factories and machines. They speak Chinese or Spanish or French. Some even speak English. But the majority of girls toiling in the factories of New York have one thing in common: They are much too young to spend their lives on the shop-room floor.

"If you think the epidemic of child labor abuse has disappeared or diminished, take a walk through Chinatown or the Garment District," said Jeffrey F. Newman, executive director of the National Child Labor Committee. "It's horrendous. But the story is just as bad from the citrus groves of Florida to the farms of Iowa. In a recession, cheap labor is cheap labor. Nobody cares about the kids."

It has been more than 50 years since a country scandalized by the massive exploitation of children in sweatshops, mines and factories enacted legislation to protect children against labor abuses. For a while the laws seemed to work. But with fundamental changes in the patterns of industry, increasing pools of immigrants and a dramatic rise in the number of people living below the poverty line, the problems are recurring, many labor experts say. In some cases, they say, conditions are as bad as ever.

In New York and most other states, children can work part time at age 16 or 17 only if they have signed employment certificates from their school. Younger children are not supposed to work at all. But thousands do, every day. The number of illegally employed youths has risen like a rocket over the past five years, according to federal Labor Department statistics. In 1985 fewer than 2,000 firms were cited for child labor violations in the United States. By 1988 the number had grown more than one-third, and in 1990 nearly 6,000 firms illegally employing 40,000 minors were cited.

On farms, where enforcement is most difficult, the violations are the most common and, often, the most dangerous, labor officials say.

"It is apparent that there is a lot of child labor abuse in this country," said Bob Zachariafiewicz, a labor Department spokesman. "It extends everywhere, from minor violations you could find every day to the maiming and death of children."

Even the worsening federal figures—based largely on sporadic raids and responses to specific complaints—appear to vastly understate the scope of the problem.

Two weeks ago, in a sweep of 200 San Francisco sweatshops, California's state labor commission turned up more than 70 firms that were violating child labor laws. In New York, where there are more than 400 garment factories in Chinatown alone, the problem is bigger.

A trip through the city with a team of investigators from New York's labor department at times seems as if it were a journey into the nation's most depressing industrial past. Despite the department's increased vigilance, sweatshops trying to compete with the lower-wage laborers of the developing world are clearly thriving. Work is piled high in the hallways, jamming exits and staircases.

Like most Americans, most business leaders strongly oppose child labor violations. But some suggest the problem is not nearly as pervasive as child welfare advocates imply. And representatives of some industries, pushed hard by the recession, the demands of the international marketplace and the changing demographics of the work force, say that child labor laws are often outdated and enforced mostly for publicity.

Advocates of increased reliance on teenagers working legally insist that the vast majority of businesses in this country do not violate child labor laws. They add that bagging burgers at a local fast food place is far different from working in an urban sweatshop. They also note that most parents want their children to develop work habits at an early age.

"I am sure it is a problem," Peter Eide, manager of labor law for the U.S. Chamber of Commerce, said of child labor abuse. "If it is occurring once, it is occurring too often. But this is an emotional issue that politicians have used to score easy points. And I might just point out that children may be better off in the sweatshops than in the streets selling drugs."

That complaint has been repeated frequently in the past few years, and labor enforcement officials say that while it may be true it cannot excuse broken laws and dangerous industrial practices. In and around New York City, for example, many children spend their days crammed into dingy tenements and dank basements that have been turned into garment factories. Windowless lofts with locked doors and no emergency exits are considered normal places for children to work. Industrial sewing machines have become their only toys.

"People ask me how big is this problem and, other to say it's bad and getting worse, I can't even give them an answer," said Hugh McDaid, chief of New York's apparel industry task force, the only one in the nation with the power to make spot-checks every day. "It's like standing in the middle of the forest. You see 500 trees. But do you have any idea how big the forest is?"

Random visits to New York factories suggest this forest would be touch to chop down. Confronted by outsiders, the factory girls first disolve in giggles. Soon the laughter turns to sour frowns. They know they are not supposed to spend their days this way but if they work hard they can earn up to $200 a week, more than a family in China earns in a year.

"It isn't that bad," said one pigtailed newcomer from Shanghai when asked about her working conditions. "I make so much money."

Where once immigrant fathers would come to New York and save and send for their families, the reverse is now more often the case. It is easier for females to get this kind of job, so these girls labor to bring their parents and cousins and brothers to America.

"The more we look the more we find," said Paul Kalka, a special investigator with the Labor Department's Task Force on Apparel. "You can go back to a place every week for a month and they will just have different kids. The managers say they didn't know how old the kids are. Or they say they are just working one day." Many children obtain illegal documents.

Kalka and a colleague apparently were recognized one recent day as they entered a tenement that houses several different factories. Word spread through the rickety old building within minutes and dozens of youngsters flew down the 100-year-old wooden stairwell and disappeared. Lafayette Street, in Lower Manhattan, looked like a schoolyard at recess.

At Ring Up Fashions, the manager, Kai Chau, looked on in disgust as the investigators detained a mother and her 5-year-old daughter. It is common for women, lacking babysitters or the ability to pay for day care, to bring their infants to work with them. When they are old enough, they learn to help trim fabric or make some other contribution that will increase the mother's productivity and her earnings.

"I didn't know any of these girls were underage," said Chau, when asked why at least four of his seamstresses lacked working papers or identity cards. "This is not their usual job."

The investigators just shook their heads and wrote a ticket. Last year this task force found 200 firms in violation of the child labor laws in New York's garment industry. The figure has more than tripled in two years, but investigators said they can only scratch the surface of the problem with their 32-person staff.

In terms of the sheer volume of violations, urban labor may be among the least consistent lawbreakers. In suburbs throughout the country, fast food restaurants rely heavily on young people to work, particularly at night and on weekends. Last year, during a three-day sweep of fast food chains, pizza parlors and other similar restaurants, federal officials inspected more than 3,000 establishments and found nearly half breaking the law.

Demographics are partly to blame. There were 1.2 million fewer 16- and 17-year-olds last year than there were in 1981, according to Census Bureau statistics. A similar drop has emerged among 13- and 14-year-olds. The National Restaurant Association, desperate to replace its aging teen work force, is struggling to get the Labor Department to permit 14- and 15-year-olds to work on their school vacations and during long school weekends.

"The government has been harassing companies so badly that many are no longer hiring teenagers as much," said Jeffrey Prince, senior director of the National Restaurant Association, who estimates 1.2 million teenagers work legally in restaurants. He cited Pepsico and Domino's Pizza as two major corporations that have been particularly concerned about the problem.

"These labor laws are an anachronism," he said. "They were established to protect children from heavy industry in another era." He added that most of the restaurant violations for child labor each year are paperwork infractions.

"I don't know about the restaurants," said McDaid. "And I know that manufacturing has its problems. But when you see a 9-year-old boy operating a sewing machine—doing the same chores over and over again—you know one thing for certain. These laws don't need to be looser. They need to be made to work."

NATIONAL FLOOD INSURANCE, MITIGATION, AND EROSION MANAGEMENT ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 138 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1236.

□ 1638

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1236) to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes, with Mrs. KENNELLY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Alabama [Mr. ERDREICH] will be recognized for 30 minutes and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the Subcommittee on Policy Research and Insurance reauthorized the National Flood Insurance Program [NFIP] in 1989 as part of the budget reconciliation instructions to the Banking Committee. Last year, again as part of the budget instructions, the program was reauthorized to September 30, 1995. During the consideration of these budget reconciliation requests, I assured my colleagues on the Banking Committee that the subcommittee would comprehensively review the program.

During the last year and a half my subcommittee has held 10 hearings on the NFIP. I can report to the House that the program has been reviewed and that the public and all who are especially concerned with the flood program have had the opportunity to testify before the subcommittee, and that the subcommittee has considered their concerns.

With this bill, we will be well on our way to modernizing the program and minimizing taxpayers' risk. The testimony received before the subcommittee indicated that the national flood insurance fund is self-supporting, the primary goal of the program. At the same time, the testimony also showed that the fund would benefit from increased stability.

While all of us hope our districts are spared natural disasters such as floods, one only has to turn on the television to see the havoc and heartache caused by flood damage. While we cannot always prevent floods, we can and must do everything possible to make sure we are prepared physically and financially to deal with these disasters. The price tag for being unprepared, in terms of dollars and human suffering is enormous.

The bill we are considering today increases the stability of the policyholder paid insurance fund and will reduce the potential for taxpayer funding of disaster assistance. It does this by increasing compliance levels and by providing for the reduction of future claims by the establishment of a mitigation program.

The bill will increase the compliance levels of the insurance fund by enhancing the mandatory purchase requirement of the program. Data presented to the subcommittee indicated that out of 11 million households located in flood hazard areas only 1.7 million were insured with flood policies, this is a coverage rate of 15 percent. Our Nation's flood zones are grossly underinsured. We cannot afford to expose the Treasury or the taxpayer to this tremendous financial risk.

The bill before you increases the compliance of the mandatory purchase requirements by expanding the mandatory purchase requirement to all mortgaged structures within a flood hazard area and by requiring the escrow of future flood insurance premiums.

To mitigate future losses, the bill requires a community rating system, patterned after the very successful firerating system, which will allow communities, to work toward reducing the cost of flood insurance policies in their community by developing proactive measures which would further reduce flood risks.

Future flood losses will also be reduced by the establishment of the flood hazard mitigation fund. The bill would provide to States, communities, and individuals a matching grant for mitigation activities. Such mitigation activities would include relocation of structures out of harms way, elevation of structures, and use of cost-effective flood proofing techniques, and the acquisition of flood damaged property. The Mitigation Program would be funded by a $5 per policy surcharge. While the implementation of this fund will not alleviate all flooding problems, it will allow the Administrator of the Federal Insurance Administration to address the most pressing and serious flood problems confronting the insurance fund. Communities are also encouraged to take positive steps in protecting against future flood losses.

The bill also addresses the problem of erosion along our coasts and Great Lakes. The erosion provisions, developed jointly by Mr. BEREUTER, Mr. CARPER, and myself, would provide for further protection of our coasts and Great Lakes by guiding development of a safe distance beyond our eroding shores. Many areas of our coastline are part of a dynamic system that provides protection for our mainland, bays, estuaries, and fisheries. The bill, in encouraging development to retreat to a safe distance, would enhance the protection and function of these environmentally sensitive areas. By encouraging development away from wetlands, we can reduce risks even further.

The bill provides for important, effective, and much needed changes in our Nation's Flood Insurance Program. Not only will the program meet its original primary goals of providing a Structured Prefunded Insurance Program, but it will also reduce taxpayer paid disaster assistance, guide development away from sensitive lands and keeping flood insurance premiums affordable. I urge my colleagues to support this bill.

□ 1640

Madam Chairman, I reserve the balance of my time.

Mr. BEREUTER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of H.R. 1236, the National Flood Insurance, Mitigation and Erosion Management Act of 1991. The bill represents this body's first attempt in many years to improve the National Flood Insurance Program. The Flood Insurance Program was established in 1968, after Congress determined that the program was less costly than low-interest loans and massive general disaster relief made available to property owners after a flood disaster.

Over the last 2 years, the Banking Committee devoted considerable time to reviewing the existing National Flood Insurance Program. The Banking Subcommittee on Policy Research and Insurance, under the leadership of Chairman BEN ERDREICH, held numerous hearings on the program. Over the course of the hearings, the subcommittee found the following:

First, the present reserve in the National Flood Insurance Program of nearly $400 million remains extremely vulnerable to another major storm, which could deplete the national flood insurance fund, exacerbate the Federal budget deficit, and threaten the safety and soundness of financial institutions holding mortgages on properties in flood-prone areas.

Second, repeated claims under the Insurance Program, which involve about 2 percent of total insured properties, account for 32 percent of the total losses from the flood insurance fund, and total over $1 billion since January 1978.

Third, to try to reduce future flood losses, a community-based approach to mitigation and erosion management, is the most comprehensive, effective, and cost-efficient method of minimizing losses in floodplains and reducing disaster assistance.

Fourth, a comprehensive Federal Coastal Erosion Program—which currently does not exist, but which the legislation establishes—can provide a variety of mitigation alternatives to reduce erosion losses to existing structures, thereby reducing Federal expenditures due to erosion.

The bill on the floor today reflects the subcommittee's findings and is the result of extensive discussions with the Federal Insurance Administration—which oversees the Flood Insurance Program—environmental groups, floodplain managers, coastal engineers, and the lending community.

As a result of these discussions and subcommittee hearing conclusions, the bill revises the existing program in four significant areas:

First, establishes a mitigation fund, providing grants to communities and individuals to reduce repeated flood damage to structures;

Second, gives statutory recognition to a community rating system, which offers lower insurance premiums for residents of communities that take extra steps to reduce flood hazards;

Third, establishes a program to control coastal erosion; and

Fourth, places additional compliance requirements on lenders that provide mortgages for structures located in flood hazard areas.

In addition to the Federal Insurance Administration, there are numerous organizations that support the legislation. The list includes: Top experts in the fields of coastal engineering and marine science, the Association of

State Floodplain Managers, the Coastal States Organization, the National Wildlife Federation, the Sierra Club, the Coast Alliance, and the National Audubon Society.

I urge my colleagues to vote in favor of the legislation. According to both the Congressional Budget Office and Office of Management and Budget, the bill is a cost-saving measure.

Since H.R. 1236 changes direct spending amounts for the program, the bill is subject to the pay-as-you-go procedures of the 1990 Budget Enforcement Act. According to both CBO and OMB estimates, the net pay-as-you-go effects on outlays are $0 for 1991 and 1992, and result in $3 million in savings for 1993, $7 million in savings in 1994, and $1 million in savings in 1995—for a total of $11 million in savings.

Therefore, a vote for the bill is a vote for carefully crafted and obviously needed comprehensive reform, and for reducing the Federal Government's liability for uninsured damage always associated with natural disasters.

Madam Chairman, I urge adoption of the bill.

Mr. ERDREICH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to thank the gentleman from Nebraska (Mr. BEREUTER) for his help and his staff's help throughout this effort, the many hearings we held, and really coming to grips with this final bill that is a compromise. I thank all of them for their help. It has been great to move us to this point.

Madam Chairman, for the purpose of engaging in a colloquy, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Madam Chairman, I thank you for this opportunity to participate in a discussion with you on H.R. 1236, and I would also like to say I strongly support this measure, which accomplishes many of the goals which I have always strongly supported in regard to managing erosion on the Great Lakes.

A good portion of my district in northeast Ohio has Lake Erie as its natural border. The legislation before us today, if enacted, would implement many aspects of similar legislation I have sponsored in the past.

As you may remember, in 1986, record high lake levels forced Congress into facing the need to assist shoreline residents and localities loosing valuable land and structures as a result of flooding and erosion of the Great Lakes. This situation was not only limited to the shores of Lake Erie, but encompassed the entire Great Lakes Basin.

At that time, between 1985 through 1987, in just 3 years, over $250 million in damages had been caused to shoreland residences and communities in the eight Great Lakes region States, due to unpredictable and fluctuating lake levels.

In a portion of my district of Ashtabula, OH, we have a peculiar situation. The soil composition consists of a sandy soil overlaying two layers of nonporous clay. Essentially, after it rains, there are large puddles of water which just never disappear. However, when the water does runoff, it oozes back into Lake Erie, taking with it most of the sandy surface, so the resulting shoreline erosion is due to surface runoff water, as opposed to just undercurrents, such as is required under the Upton-Jones amendments.

I spoke with a constituent recently who stated that in the last year alone, residents had lost a good 25 feet of lakefront property. And unfortunately, this constituent was told that under the last law, because of his particular type of erosion, he didn't qualify for relocation or demolition assistance.

I had intended to offer an amendment to H.R. 1236 to merely expand the definition of erosion to include situations where shoreline erosion is also caused by surface water.

However, is it the chairman's understanding that under section 407(f), of the Erosion Management Program, residents of my district would also be qualified for assistance on relocation and demolition?

Mr. ERDREICH. Madam Chairman, will the gentleman yield?

Mr. ECKART. I yield to the gentleman from Alabama.

Mr. ERDREICH. Madam Chairman, based on discussions with the Federal Insurance Administration and a written letter by Bud Schauerte, the Federal Insurance Administrator, I believe the residents of your district would be qualified for demolition and relocation assistance. The appropriate part of the letter reads as follows:

> This unique erosion problem stems from the fact that the shoreline bluffs along the Great Lakes consist of a top layer of sandy soil above layers of nonporous clay soils, and these bluffs are subject to a condition known as slumping. Slumping is caused when the sandy soil at the top of the bluff becomes saturated from rainfall or ponding and the water reaches the lower clay soils and migrates to the side of the bluff, resulting in slippage or movement of the sandy soil. Such erosion is usually combined with erosion of the base of the bluff. The result is erosion that can be caused, or aggravated by surface water.
>
> With respect to the Erosion Management Program provisions of H.R. 1236 as reported, it is my understanding that, with regard to the Great Lakes, this type of erosion problem would be considered to be eligible for relocation or demolition assistance. This view is, of course, provided to you with the understanding that the current language of H.R. 1236 would not be altered during the remaining steps of the legislative process. This would include Senate consideration of the bill and any conference action.

Madam Chairman, I strongly believe that the problems which the gentleman from Ohio [Mr. ECKART] describes along the Great Lakes would be eligible for relocation or demolition assistance under this legislation. In fact, I have in my hand a letter from the Administration stating:

> FEDERAL EMERGENCY
> MANAGEMENT AGENCY,
> *Washington, DC, May 1, 1991.*
>
> Hon. BEN ERDREICH,
> *Chairman, Subcommittee on Policy, Research, and Insurance, Committee on Banking, Finance, and Urban Affairs, House of Representatives Washington, DC.*
>
> DEAR MR. ERDREICH: Thank you for your interest in the National Flood Insurance Program and how it can be used to manage erosion problems along our nation's coastlines. This letter is in response to the request of the Subcommittee staff for our review of erosion problems which are currently causing concern in the State of Ohio.
>
> This unique erosion problem stems from the fact that the shoreline bluffs along the Great Lakes consist of a top layer of sandy soil above layers of nonporous clay soils, and these bluffs are subject to a condition known as slumping. Slumping is caused when the sandy soil at the top of the bluff becomes saturated from rainfall or ponding and the water reaches the lower clay soils and migrates to the side of the bluff, resulting in slippage or movement of the sandy soil. Such erosion is usually combined with erosion of the base of the bluff. The result is erosion that can be caused, or aggravated by surface water.
>
> With respect to the Erosion Management Program provisions of H.R. 1236 as reported, it is my understanding that, with regard to the Great Lakes, this type of erosion problem would be considered to be eligible for relocation or demolition assistance. This view is, of course, provided to you with the understanding that the current language of H.R. 1236 would not be altered during the remaining steps of the legislative process. This would include Senate consideration of the bill and any conference action.
>
> Thank you for allowing us to assist in this issue. If you have any further questions, please have a member of your staff contact our Office of Congressional Affairs at (202) 646-4500.
>
> Sincerely,
> C.M. "BUD" SCHAUERTE,
> *Administrator,*
> *Federal Insurance Administration.*

□ 1650

Mr. ECKART. Madam Chairman, those understandings are the same understandings I have, and coming from a Great Lakes State, I would like to thank my colleague, the gentleman from Nebraska [Mr. BEREUTER] and my colleague, the gentleman from Alabama [Mr. ERDREICH], for their particular understandings of our peculiar problems. I appreciate it, and my constituents also appreciate their help and consideration.

Mr. BEREUTER. Madam Chairman, I would say, in light of the remarks of our colleague, that this legislation for the first time addresses that problem. The problem probably would not have been addressed under current law.

Madam Chairman, I yield 7 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], who has been very active and concerned with the progress of this legislation. He has testified before our committee and given us invaluable input in the process.

Mr. LIVINGSTON. Madam Chairman, I thank my friend, the gentleman from Nebraska, for yielding time to me.

Madam Chairman, it is with some reservations that I rise in support of H.R. 1236, the National Flood Insurance, Mitigation and Erosion Management Act of 1991.

The efforts of Chairman ERDREICH, the ranking Republican DOUG BEREUTER and their fine staff, Bill Phillips, Stacey Hayes, and Anita Bedelis have resulted in a bill that in its totality I must support. I thank them all for their efforts to address some of the concerns and issues I have raised over the last 2 years.

In the last 2 or 2½ weeks we have had record rains in Louisiana and flooding in many parishes, particularly in north Louisiana.

In this period we have already had 5,000 structures suffer some degree of flooding—some twice.

In the Shreveport/Bossier area preliminary figures indicate that 2,000 structures have experienced some flooding and we understand that maybe only one-fourth of these structures have flood insurance coverage.

This certainly indicates the need to broaden the policy base through stronger compliance measures.

It is also evident that floods are occurring in areas that have never flooded before.

In particular, the reasons for supporting this bill include:

First, ensured compliance with the mandatory flood insurance purchase requirement that currently exists but has been too easy to circumvent.

The bill requires all lenders to review outstanding loans to determine that the loans, or assistance for a house or property they have given, are accompanied by the purchase of flood insurance. Lenders must also show evidence of this compliance.

Second, the bill would require for the first time that a lender or servicer of a loan, who already requires escrowing for other charges such as taxes, insurance, and so forth, to establish an escrow account for flood insurance premiums for residential real estate.

Third, the bill would establish fines for failure by lenders to require flood insurance.

Fourth, the bill would require lenders or servicers of loans to notify a homebuyer or lessee in writing in advance that a structure is located in a flood hazard area, what the flood insurance purchase requirements and where it is available for purchase.

These new compliance provisions will provide more protection for homeowners, bring more policyholders into the program and thus more money into the national flood insurance fund.

This is important to Louisiana and other Southern States like Florida and Texas because, while we may benefit on most occasions from payments from the flood insurance fund, we also have the highest compliance rates under the program and the most policyholders who contribute to the fund that the entire country benefits from.

These three States alone have half of the Nation's policyholders.

The other critical reasons for my support are:

First, the establishment of a new mitigation grant assistance program to help States, communities and individuals reduce and hopefully end the adverse impact of flooding.

Such a grant program could help individuals, States, or communities who are eligible to reduce future flood claim losses and claims.

Eligible individuals could apply for a grant that may not exceed $250,000 in a 2-year period by law. But, FEMA is allowed to set lower maximum limits by regulation. States and communities grants may not exceed $5 million.

For individuals these grants are provided with no cost share requirements. States and communities must provide a 25 percent cost share.

These grants would be for mitigation activities that must be technically feasible and cost effective and may include, but are not limited to elevation, floodproofing, relocation and acquisition.

This grant program is funded by a $5 surcharge on each policy issued or renewed. With approximately 2.5 to 2.6 million policyholders by the time this provision takes effect in 1992, this will mean this new mitigation fund will bring in about $13 to $14 million a year.

It is a small start for a nationwide program, but it is a start.

And, as I testified last year before the subcommittee that drafted this bill, people from my area of Louisiana are screaming for some form of practical, workable assistance to prevent further flood damage and claims against the Flood Insurance Program.

Second, this bill also increases the amount of coverage allowed under the flood insurance program, from $185,000 to $250,000 for a single family residence; and,

Third, the bill essentially codifies the Flood Insurance Administration's community rating system—a system that would reduce flood insurance premium rates for communities which implement more effective floodplain management measures to reduce the risks of flooding.

However, I remain very concerned about the erosion management sections of the bill, the sections that were adopted in full committee without the scrutiny and review that I believe so many other segments of the bill had at the subcommittee level.

Specifically:

First, the requirements put on FEMA to identify and designate erosion prone areas and communities and to identify and establish erosion setbacks; and,

Second, the land use and flood insurance coverage restrictions, and in some cases increases, for new and substantially improved structures, greater than 50 percent, within these erosion setbacks; and,

Third, the restrictions on mitigation assistance for those communities that have not adopted erosion land use restrictions.

No one today in FEMA is certain what exactly qualifies as an erosion prone area or community under the new provisions of this act or where to draw lines for a 10-year, 30-year, or 60-year erosion setback.

I realize that communities are not considered erosion prone communities until they are designated so by the Director of FEMA. And, under this bill, the Director is not required to designate these communities until after 60 months from enactment.

So in terms of the land use restrictions and flood insurance coverage prohibitions, most communities may not be impacted for quite awhile if ever.

Nevertheless, in adopting the erosion management provisions for the first time, a disincentive or adversarial concept was introduced into the mitigation aspects of this bill.

I appreciate the willingness of Chairman ERDREICH and Mr. BEREUTER to address some of our concerns as a representative of a State that has the only deltaic coastline.

The committee amendment to clarify in statute what the term coastal means and how it applies is certainly helpful. But we still have some large bays and tidal waters that may be covered.

I still intend to support this bill and would ask the full House to do likewise.

Madam Chairman, I would ask both the chairman and the ranking minority member to engage me in colloquy. I would ask, first of all, is it their intent in implementing the coastal erosion management program under section 407 of the bill, that the Director of FEMA recognize those existing efforts and programs on the part of local communities and States, including those efforts supported by the Federal Government, designed to lessen the impacts of erosion, subsidence, wetlands loss, and general shoreline retreat along open and deltaic coasts, large bays, and the shorelines of the Great Lakes?

Mr. ERDREICH. Madam Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Alabama.

Mr. ERDREICH. Madam Chairman, I would be glad to respond. The answer is yes, the intent of the program would recognize State and local efforts supported by the Federal Government to lessen the impact of erosion.

Mr. BEREUTER. Madam Chairman, if the gentleman will yield, I agree with the chairman's response. That is this Member's intent and I believe it is the intent of the committee.

Mr. LIVINGSTON. Madam Chairman, second, will the committee and the authors of the bill continue to work with those of us from Louisiana and other States through Senate action and conference, so that we can assess the impact of these erosion management sections?

Mr. ERDREICH. Madam Chairman, if the gentleman will yield, of course, indeed we will, and the members of this committee will work with those from Louisiana and other States to address those concerns through the Senate and hopefully final passage of the bill.

Mr. BEREUTER. Madam Chairman, if the gentleman will yield, absolutely, that is a commitment I am pleased to make to the gentleman.

Mr. LIVINGSTON. Madam Chairman, I appreciate the assurance and ask the House to support this legislation.

Mr. ERDREICH. Madam Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I would like to thank the Banking Committee and the Subcommittee on Policy, Research and Insurance for bringing this legislation up at this particular time. The people of my district know about flooding. This is supposed to be the spring planting season, but in many parts of Mississippi it is really more like the spring flooding season. In the last week, dozens of houses have been flooded and families have been forced to move from home. There have been serious power outages, roads and bridges have been washed out, and over 1.3 million acres of cropland are now under water, just at the time when farmers need to begin planting crops. So the seasonal window is closing fast.

In many areas Mississippi has experienced the worst flooding since 1973, and our Governor has already declared a state of emergency. More rain is expected this week. So I especially appreciate the committee's efforts to expand the Flood Insurance Program and to provide communities and individual grants to increase their flood mitigation efforts. I am also pleased with provisions which allow for reduced flood insurance premiums as incentives for communities to adopt a more effective flood plain management and land use criteria which reduce the risk of flooding.

Madam Chairman, I believe the Federal Government must take more steps to stop flooding from occurring. Forty-two percent of all the water which falls on the United States drains down the Mississippi basin. So flooding in this region is not just a local problem, it is not just a regional problem, but it is indeed a national problem.

That is why I continue to urge for cooperation among environmentalists and Federal and State Government officials to proceed as fast as possible with completion of what we call the upper Yazoo River basin project. But until we get there, there are some things we can do, and we are doing those things, just as we are accomplishing something by passing H.R. 1236.

So, Madam Chairman, I am glad that we are here today expanding the Flood Insurance Program so that more citizens will be protected from the devastating effects of flooding.

□ 1700

Mr. BEREUTER. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Louisiana [Mr. BAKER], a member of the Committee on Banking, Finance and Urban Affairs, and also a member of the Louisiana delegation who has been very helpful to the committee. In fact, it is through his efforts we have added an important definition, important not only for his State, but for other parts of the Nation as well, and I appreciate his contribution.

Mr. BAKER. Madam Chairman, I thank the kind gentleman for yielding, and certainly want to acknowledge the efforts of the ranking member and the chairman as well for their cooperativeness in expressing concerns expressed during the Banking Committee's consideration of this important legislation.

Madam Chairman, I do want to reemphasize the points made by the gentleman from Louisiana [Mr. LIVINGSTON] earlier, that this is indeed very important legislation, in that it broadens the net of revenue, which is extremely important to supporting those States that rely on the premiums paid to meet the damage claims that are filed on an annual basis.

On the perspective of Louisiana only, we rank number one in the Nation in the number of actual claims filed, and number 2 in the Nation in the number of dollars paid annually, ranking second only to the State of Florida. So it is of extreme consequence to those of us in Louisiana to carefully review the provisions of this proposal before moving forward.

Madam Chairman, I am delighted to support this, but do wish to express some reservations with regard to the erosion management provisions of the act, because as of this time it is still unclear as to the bureaucratic intent with regard to enforcement. Upon making an inquiry of the agency, they were not able, for example, to tell us with clarity what the definition of an erosion prone community may be.

Although the legislation allows some 60 months from the date of enactment for that list to be developed, it is not clear at this point whether that would require public comment or review by those communities which might be adversely affected.

The end result of that erosion claim designation would mean that an individual who may not have flooded in prior years, who has had no reason to make prior flood damage claims, having an unexpected event occur and that residence be subject to flooding, might have his recourse in dollars to be reimbursed significantly limited.

What we hope, of course, is that over the coming months we can continue to work together cooperatively and decide on definitions that will affect the people of Louisiana in a fair and appropriate manner, and not deprive someone of reimbursement through no fault of their own.

Madam Chairman, having made those comments, I think the end result of the impact of this legislation will be positive and beneficial for all taxpayers.

Mr. ERDREICH. Madam Chairman, might I inquire as how much time we have remaining?

The CHAIRMAN. The gentleman from Alabama [Mr. ERDREICH] has 23 minutes remaining, and the gentleman from Nebraska [Mr. BEREUTER] has 16 minutes remaining.

Mr. ERDREICH. Madam Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. CARPER], who has been an invaluable member of our committee's efforts, and we appreciate his help in constructing this legislation.

Mr. CARPER. Madam Chairman, let me just say as a precursor to my statement how much I have enjoyed working with the gentleman form Alabama [Mr. ERDREICH], and with the gentleman from Nebraska [Mr. BEREUTER], the ranking Republican on this subcommittee. The three of us have made, I think, a good team, and our staffs are to be certainly commended for their work in enabling us to bring together what could have been a very controversial, divisive piece of legislation.

We are going to have some amendments here today, but they will be relatively few, and I think for the most part noncontroversial. A lot of credit goes to the gentleman from Alabama [Mr. ERDREICH] and the gentleman from Nebraska [Mr. BEREUTER], and I want to say again how much we have enjoyed working with them.

Madam Chairman, I rise to strongly support this bill, H.R. 1236, which would reform the National Flood Insurance Program. This legislation before us highlights a long road of involvement with the Flood Insurance Program which began for me nearly 6 years ago.

Over those years, I have developed a profound respect for the responsibilities vested in the Flood Insurance Program. With nearly $200 billion of policies outstanding, the program represents one of the largest—and most important—Federal enterprises. Under the direction of the Federal Insurance Administration, the program has become very effective in its primary mission—providing affordable flood insurance where it could not be found in the private insurance market. The program has also taken great strides in enforcing better building standards to minimize needless flood claims. All of this has helped the American taxpayer avoid costly disaster assistance bills in the wake of large storms and hurricanes. But more can—and should—be done.

This legislation will strengthen the financial underpinnings of the National Flood Insurance Program by ensuring those who should have flood insurance buy it, and retain their policies. By increasing the policy base, greater revenues will flow to the insurance fund, and risk is spread to less-risky policyholders.

The bill would also reduce avoidable flood claims by providing the means by which high-risk communities can mitigate against future flood damage by floodproofing, elevating, or relocating flood-prone structures.

And finally, the bill will give coastal and Great Lakes communities who desire assistance the tools they will need to direct development in hazardous areas and move structures out of harm's way on eroding shorelines. In any event, this legislation establishes clear Federal policy that no Federal flood insurance subsidy will be provided to support development in hazardous, erosion-prone areas. My colleagues, the time for coast-crowding development that risks lives, property, taxpayer patience, and environmental health is past.

The proposals outlined in this bill will go a long way toward making the National Flood Insurance Program a better partner in our efforts to protect the environment, lives, property, and the American taxpayer. I commend the bill to my colleagues, and urge your support.

Mr. BEREUTER. Madam Chairman, I want to comment and compliment the gentleman from Delaware [Mr. CARPER] for an outstanding contribution to this legislation. The gentleman has been very active in proposing his own legislation. He has a major impact upon this legislation. With the chairman, they are the moving forces, and hopefully we had some impact on our side of the aisle as well. So I thank him for his many contributions.

Madam Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. UPTON], one of the coauthors of previous legislation that has been a significant element of our flood plain management program, the so-called Upton-Jones or Jones-Upton legislation, which the gentleman has been active in very early in his legislative career.

Mr. UPTON. Madam Chairman, as a Member from the Great Lake State of Michigan, I made reform of the National Flood Insurance Program one of my top priorities when I first came to Congress.

In the 100th Congress, the gentleman from North Carolina [Mr. JONES] and I sponsored a successful amendment to the National Flood Insurance Program, the Jones-Upton bill or the Upton-Jones bill, to correct a number of serious problems with the program.

Our goal was to encourage shoreline homeowners to move their homes, or have them demolished, before they fell into the water. Before the Upton-Jones bill, the program gave policyholders no financial incentive to save their homes and prevent serious environmental problems that occurred when their homes, including the septic systems, aluminum siding, basements, roofs, and garages, actually tumbled into the Great Lakes.

Through the Upton-Jones amendment, we established the principle that homeowners could relocate their home, once it became clear that the structure was going to collapse, and in fact was condemned.

Madam Chairman, our goal was also to end fraud and abuse in the old program, and we succeeded. I am pleased that this bill, H.R. 1236, maintains the relocation benefits, and requires homeowners to exercise this option before considering demolition. This change should result in significant cost savings, which was one of my original goals in proposing the Upton-Jones bill.

Madam Chairman, I am also pleased that the former abuses allowed under the old bill are again eliminated.

Madam Chairman, I am delighted to support H.R. 1236, which improves upon the program that the gentleman from North Carolina [Mr. JONES] and I offered 4 years ago. I commend the chairman, the gentleman from Alabama [Mr. ERDREICH], the gentleman from Nebraska [Mr. BEREUTER], and the subcommittee, for their work to preserve and build on our concept of preemptive risk mitigation, and urge Members to support the bill.

Mr. BEREUTER. Madam Chairman, I thank the gentleman from Michigan [Mr. UPTON] for his comments, and I reserve the balance of my time.

Mr. ERDREICH. Madam Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Madam Chairman, I thank the gentleman from Alabama for yielding.

Madam Chairman, I rise in strong support of this legislation. At this very moment, as I speak, Ouachita Parish, Monroe, LA, the largest city in my district, is suffering the worst flood in its entire history. The Ouachita River is anticipated to crest this Friday or Saturday at record levels. We are incurring literally hundreds of millions of dollars of damage. FEMA employees are there assessing the damage. We hope to have a Presidential declaration by this Friday.

Madam Chairman, certainly I wish that this legislation, these amendments and changes to the National Flood Insurance Program, were already in effect. It would certainly be an advantage to us and to many flood-prone areas aware of, conscious of, and trying to take the necessary steps for prevention, which this bill so clearly elucidates that governing bodies should do.

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And I just want to rise in support of the legislation and commend the gentleman from Alabama as well as the gentleman from North Carolina and the gentleman from Nebraska for bringing this bill to the floor.

Mr. BEREUTER. Mr. Chairman, I want to express once again my appreciation to the chairman for the outstanding work that he has done, but especially for the way in which he has been so agreeable in working with the minority in the crafting of this legislation and for his own initiatives.

I think our staff, Bill Phelps and Anita Bedelis, deserves special commendation. I also want to mention a young man, Todd Davison, who was an intern in my office for a period of time from FEMA who made outstanding contributions.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ERDREICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank Chairman JONES and Mr. UPTON for their contribution in the Upton-Jones or Jones-Upton legislation that we indeed embodied in this bill in a new form for relocation assistance. Their early contribution was invaluable, and I thank them for their efforts.

Mr. GONZALEZ. Mr. Chairman, I rise in support of H.R. 1236, the National Flood Insurance, Mitigation and Erosion Management Act of 1991.

This bill has received the thoughtful attention of the Committee on Banking, Finance and Urban Affairs. This bill was the subject of no less than 10 hearings, including hearings held at the location of some of the more devastating floods of recent years. The bill was reported from the committee on April 11 and enjoys the full support of the Democratic and Republican members of the committee.

National flood insurance is not a new program. The present program was first authorized in the National Flood Insurance Act of 1968. Participation in the Flood Insurance Program was voluntary until 1973. Because of the tremendous damage caused by floods in the early 1970's, particularly from Hurricane Agnes, the Congress passed the Flood Disaster Protection Act which required participation in the Flood Insurance Program for those homeowners whose property were in flood prone areas. It is evident that it is in the best interests of Federal taxpayers to require flood insurance rather than to respond to flood disasters with the direct expenditure of Federal disaster relief funds.

One of the primary purposes of the bill we consider today deals with poor compliance with the mandatory flood insurance provisions provided in the 1973 act. For a variety of reasons, the Banking Committee found that only 1.7 million of an estimated 11 million households in special flood hazard regions are protected by flood insurance. In order to broaden the risk to the insuring fund and to carry out the original intent of the Flood Insurance Program to lessen the need for disaster relief, it is imperative that the compliance levels be substantially improved.

The proposed legislation requires that primary mortgage lenders play a larger role to ensure designated homeowners who must obtain flood insurance actually purchase the necessary protection.

Another significant feature of the bill is that it establishes a mitigation program, funded through a policy premium surcharge. The funds raised for the mitigation fund will be used by the States, local communities, and certain individual homeowners to pay for small flood abatement and control projects which will diminish the need for insurance fund payouts. The bill also authorizes a community rating system to encourage participation by these communities to exceed existing floodplain management measures and to provide for the management of erosion-prone areas.

I do not hesitate to recommend the passage of a bill which will actually save the Federal Government $11 million over the course of the next 5 fiscal years.

Let me conclude by complimenting the fine work put into this bill by the chairman of the Banking Committee's Subcommittee on Policy Research and Insurance, the Honorable BEN ERDREICH of Alabama and the ranking minority member, the Honorable DOUG BEREUTER. These two gentlemen and the rest of the subcommittee are to be congratulated for bringing forth necessary and important amendments to our National Flood Insurance Program.

Mr. KANJORSKI. Mr. Chairman, nearly two decades ago, on the evening of June 22, 1972, my congressional district in northeastern Pennsylvania was ravaged by the most devastating flood in modern American history, the floods which accompanied Hurricane Agnes in 1972.

No one who lived through that night of horror, and the days, weeks, months, and years of rebuilding which followed, will ever forget the fear, uncertainty, and suffering caused by the flood. I know I will never forget.

Last June 22, on the 18th anniversary of the Agnes flood, the Policy Research and Insurance Subcommittee, under the able leadership of the gentleman from Alabama [Mr. ERDREICH], and with the assistance of former Congressman Ray Musto, came to Wilkes-Barre to hear firsthand the experiences of flood victims like Ros Kleinman and those who led the recovery efforts like Max Rosenn. The subcommittee also received testimony from Pennsylvania's Lt. Gov. Mark Singel; County Commissioners Frank Crossin, Frank Trinisewski, and Jim Phillips; County Engineer Jim Brozena; and representatives of the Federal Emergency Management Agency [FEMA] and the Army Corps of Engineers.

Mr. Chairman, northeastern Pennsylvania did not benefit from Federal flood insurance in 1972. That is one reason why recovery was so slow, difficult, and expensive. It is also clear, however, that memories of the 1972 flood fade. As those who lived through it pass away, move away, or become complacent and are replaced by individuals with no memories of the flood, we find that our area is just as vulnerable today as it was two decades ago. The dike system still has not been improved, and many families in the flood plain either have not taken out the required flood insurance policies, or have allowed them to lapse.

The landmark legislation we consider today makes several significant steps forward. It increases the amount of protection provided by the Flood Insurance Program, it strengthens the financial stability of the flood insurance fund, it ensures that homeowners will obtain and maintain their flood insurance policies, it guarantees more regular updating of flood insurance maps, and it provides meaningful incentives to both communities and individuals to mitigate flood losses. It also establishes an innovative new program to reduce coastal erosion hazards.

The gentleman from Alabama, Chairman ERDREICH; the gentleman from Nebraska, our ranking minority member Mr. BEREUTER; the gentleman from Delaware, Mr. CARPER; and all the members of our committee and subcommittee should be commended for their excellent work. This bill is the result of numerous hearings and meetings over several years. It is a genuine consensus bill which enjoys broad bipartisan support. Everyone who worked on this bill made concessions at one point or another. It makes significant progress in protecting life, property, and our fragile environment, and I am proud to have worked with this talented and dedicated group of members on it.

For the residents of the Wyoming Valley, the most important features of this legislation are the long-overdue increases it provides in the amount of flood insurance a home or business may obtain, and the mandatory flood insurance purchase and premium escrow requirements for properties located in flood plains. Flood-prone communities and landowners, particularly those susceptible to repetitive losses, may also become eligible for the new Mitigation Assistance Program.

Mr. Chairman, today only 15 percent of homeowners whose homes are at risk have actually purchased flood insurance. As one who has seen firsthand the awesome destructive power of a flood, and the human misery it can cause, I know that is a situation we cannot tolerate. This bill, H.R. 1236, will repair this gaping hole in our safety net and provide badly needed protection for millions of American families. It received unanimous bipartisan support in both subcommittee and full committee and should receive similar support on the House floor.

Mr. ERDREICH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ESPY). Pursuant to the rule, the amendment in the nature of a substitute printed in the reported bill is considered as an original bill for the purpose of amendment, and each title is considered as having been read.

It shall be in order to consider amendments en bloc, by and if offered by the gentleman from Alabama [Mr. ERDREICH] or his designee, printed in House Report 102-44. Said Amendments en block may amend portions of the committee amendment in the nature of a substitute not yet read for amendment and shall not be subject to a demand for a division of the question.

The Clerk will designate section 1, which precedes title 1.

The text of section 1 is as follows:

H.R. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Flood Insurance, Mitigation, and Erosion Management Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Congressional findings.
Sec. 3. Declaration of purpose under the National Flood Insurance Act of 1968.

TITLE I—DEFINITIONS

Sec. 101. Flood Disaster Protection Act of 1973.
Sec. 102. National Flood Insurance Act of 1968.

TITLE II—COMPLIANCE AND INCREASED PARTICIPATION

Sec. 201. Existing flood insurance purchase requirements.
Sec. 202. Expanded flood insurance purchase requirements.
Sec. 203. Escrow of flood insurance payments.
Sec. 204. Fine for failure to require flood insurance or notify.
Sec. 205. Ongoing compliance with flood insurance purchase requirements.
Sec. 206. Notice requirements.
Sec. 207. Standard hazard determination forms.
Sec. 208. Financial Institutions Examination Council.
Sec. 209. Conforming amendment.

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS

Sec. 301. Community rating system and incentives for community floodplain management.
Sec. 302. Funding.

TITLE IV—MITIGATION OF FLOOD AND EROSION RISKS

Sec. 401. Office of Mitigation Assistance in Federal Insurance Administration.
Sec. 402. Mitigation assistance program.
Sec. 403. Establishment of National Flood Mitigation Fund.
Sec. 404. Insurance premium mitigation surcharge.
Sec. 405. Mitigation transition pilot program.
Sec. 406. Repeal of program for purchase of certain insured properties.
Sec. 407. Erosion management program.
Sec. 408. Repeal of provisions for claims for imminent collapse and subsidence.

Sec. 409. Erosion setback limitation on availability of flood insurance.
Sec. 410. Erosion setback limitation on flood insurance premium rates.
Sec. 411. Riverine erosion study.

TITLE V—FLOOD INSURANCE TASK FORCE

Sec. 501. Flood Insurance Interagency Task Force.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Maximum flood insurance coverage amounts.
Sec. 602. Flood insurance program arrangements with private insurance entities.
Sec. 603. Flood insurance maps.
Sec. 604. Budget compliance.
Sec. 605. Regulations.

AMENDMENTS EN BLOC OFFERED BY MR. ERDREICH

Mr. ERDREICH. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments en bloc offered by Mr. ERDREICH: Page 11, strike lines 21 through 23 and insert the following:

(7) the term "coastal" means relating to the coastlines and bays of the tidal waters of the United States or the shorelines of the Great Lakes, but does not refer to bayous, riverine areas, and riverine portions of estuaries;

Page 19, line 14, after "lender" insert the following: "(or such lesser number of loans held by the lender, which number shall be established by the Secretary of Housing and Urban Development, after consultation and coordination with the Financial Institutions Examination Council, and shall be satistically valid and significant for purposes of the loan review under this subparagraph)".

Page 40, line 16, strike "coastal and Great Lakes erosion" and insert "erosion in coastal areas (as defined in section 1370(a)(7) of the National Flood Insurance Act of 1968)".

Page 55, lines 17 and 18, strike "along the tidal waters of the United States and the shorelines of the Great Lakes".

Page 56, lines 4 through 6, strike "areas and communities located along the tidal waters of the United States or the shoreline of the Great Lakes" and insert "coastal areas and coastal communities".

Page 56, strike lines 18 through 20 and insert the following:

"(A) contains coastal areas; and

Page 56, line 24, before "areas" insert "all".

Page 57, line 3, strike the period insert the following: ", except that the Director may exclude from such initial designations any areas for which insufficient information exists regarding erosion hazards or for which such information is unavailable.".

Page 57, before line 4, insert the following:

"(4) ONGOING DESIGNATIONS.—As the Director acquires additional information regarding erosion hazards and environmental conditions change, the Director shall periodically review and revise the designations of erosion-prone areas and communities and may make additional designations of such areas and communities.

Page 70, line 8, strike "successes" and insert "performance".

Page 78, line 2, strike the quotation marks and the second period.

Page 78, after line 2, insert the following:

(g) To promote compliance with the requirements of this title and the Flood Disaster Protection Act of 1973, the Director shall make maps and information under this section regarding flood-plain areas and flood-risk zones available, free of charge, to lenders, to States and communities, and to insurance companies, other insurers, and insurance agents and brokers participating in the national flood insurance program pursuant to section 1310.

Mr. ERDREICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ERDREICH. Mr. Chairman, the amendment I am offering consists of five en bloc amendments, all of which have been agreed to by both sides of the aisle. They are of a clarifying nature and the subjects of the amendments are contained and described in the committee report filed with this bill.

The first amendment refines and clarifies the definition of "tidal waters." The amendment would define coastal as any coastline, bay or the shorelines of the Great Lakes, but would specifically exclude bayous, rivers, and the river portions of estuaries.

The second amendment would clarify that the Director of FEMA is expected to designate erosion-prone communities in an ongoing manner. The initial designations in the bill would occur over a 60-month period beginning on enactment, but that, as conditions change and other information becomes available, additional communities would be designated as erosion-prone.

The third amendment clarifies language in the riverine erosion study, and the fourth amendment clarifies that for purposes of redetermining an existing mortgage portfolio, the 5-percent sample may include a lesser sample, provided it is statistically valid. This lesser sample must be approved by the Secretary of HUD and the Financial Institutions Examination Council.

Finally the amendment would codify the existing practice of providing flood maps free of charge to lenders, States, communities, and the insurance companies and their agents who participate in the Write Your Own Program.

Mr. Chairman, as I indicated earlier, these amendments are agreed to by both sides, and I would ask the House for its approval.

Mr. BEREUTER. Mr. Chairman, I concur with the gentleman's intention on the amendments. The minority supports them, and I urge their approval.

The CHAIRMAN pro tempore. The question is on the amendments en bloc offered by the gentleman from Alabama [Mr. ERDREICH].

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. The Clerk will designate section 2.

Mr. ERDREICH. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) with respect to flood damage, a structured prefunded insurance program is preferable to a response based on post-disaster relief;

(2) the Federal Government and State and local governments must work together to successfully carry out the national flood insurance program;

(3) a Federal flood insurance program that combines predisaster mitigation efforts together with an insurance and compliance program will reduce the physical and economic effects of flood damage on the Federal Government, State, and local governments, and individuals;

(4) the national flood insurance program and the citizens of the United States have benefited from a low incidence of major storms and hurricanes in recent years;

(5) the present reserve in the national flood insurance program of nearly $400,000,000 remains extremely vulnerable to another major storm causing billions of dollars in damage claims, which could deplete the national flood insurance fund, exacerbate the Federal budget deficit, and threaten the safety and soundness of financing institutions holding uninsured mortgages on properties in flood-prone areas;

(6) only 1,700,000 of an estimated 11,000,000 households in special flood hazard areas are protected by flood insurance;

(7) the number of properties insured against floods remained roughly constant during the 1980's despite continuing growth in real estate activity in coastal, lakeshore, and riverine areas;

(8) requiring flood insurance coverage for structures subject to private mortgages (in addition to those subject to federally related mortgages) will result in a more comprehensive flood-risk insurance program;

(9) the floodplain management and land use and control measures adopted by communities participating in the national flood insurance program have resulted in lower claims for structures constructed in compliance with such measures;

(10) the national flood insurance program should require and provide for notification regarding flood insurance purchase requirements under the program to homeowners, mortgage lenders, and mortgage servicers;

(11) lending to aid development of areas within the Coastal Barrier Resources System is inherently risky and can affect the financial condition of federally insured financial institutions;

(12) the Federal regulatory agencies for depository and nondepository institutions should, in the course of examinations of institutions, pay particular attention to the quality of loans that would aid the development of coastal barriers within the Coastal Barrier Resources System;

(13) incentives in the form of reduced premium rates for flood insurance under the national flood insurance program should be provided in communities that have adopted and enforced exemplary or particularly effective measures for floodplain management;

(14) a community-based approach to mitigation and erosion management, to reduce losses in floodplains, is the most comprehensive, effective, and cost-efficient method of minimizing

losses in floodplains and reducing disaster assistance expenditures;

(15) such community-based mitigation and loss prevention methods should be incorporated in the national flood insurance program;

(16) unprecedented growth in population and development has occurred along coasts and rivers of the United States and it is estimated that a significant portion of the United States population is exposed to the hazard of floods, flooding disasters, and erosion damage;

(17) repeat claims, which involve about 2 percent of total insured properties, account for 32 percent of the total losses from the flood insurance fund, amounting to over $1,000,000,000 since January 1978;

(18) given the problems of homelessness and housing shortages in the United States, many usable homes located in high risk areas that are being destroyed should be removed to safer areas and used;

(19) no comprehensive Federal program exists to assist in the removal of structures out of high risk areas, such as regulatory floodways and coastal high hazard zones, before disaster strikes;

(20) flood and erosion hazards can be significantly reduced by deterring development in wetlands and open-space and recreational areas;

(21) gradual, long-term retreat of portions of the Nation's coastline and the resulting inland advancement of flood hazards is increasing the exposure of insured structures to flood damages;

(22) a comprehensive coastal erosion management program can provide a variety of mitigation alternatives to reduce erosion losses to existing structures and protect new structures from erosion losses, thereby reducing Federal expenditures due to erosion;

(23) since enactment 3 years ago, section 1306(c) of the National Flood Insurance Act of 1968 has not functioned as envisioned or intended and has resulted in a preference for demolition of buildings subject to erosion damages, which is more costly than relocating structures;

(24) there has been a recognized need for the Federal Emergency Management Agency to formally assess, on an ongoing basis, the accuracy of flood hazard maps for communitites, thereby ensuring that maps are updated and revised in a timely fashion as needed;

(25) the level of flood insurance coverage that an individual can purchase has not been increased since 1977;

(26) due to substantial increases in construction costs, many property owners are prevented from purchasing flood insurance for the replacement value of the building, potentially resulting in an owner not receiving a payment to fully restore flood-damaged property; and

(27) wise use of the floodplain minimizes adverse impacts upon the natural and beneficial functions of the floodplain, such as moderation of flooding, retention of floodwaters, reduction of erosion and sedimentation, preservation of water quality, groundwater recharge, and provision of fisheries and wildlife habitat.

SEC. 3. DECLARATION OF PURPOSE UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968.

Section 1302(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4001(e)) is amended—

(1) by redesignating clauses (3), (4), and (5), as clauses (4), (5), and (6), respectively; and

(2) by inserting after the comma at the end of clause (2) the following: "(3) encourage State and local governments to protect natural and beneficial floodplain functions that reduce flood-related losses,".

TITLE I—DEFINITIONS

SEC. 101. FLOOD DISASTER PROTECTION ACT OF 1973.

(a) IN GENERAL.—Section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)) is amended—

(1) by striking paragraph (5) and inserting the following new paragraph:

"(5) 'Federal entity for lending regulation' means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision, approval, or regulation of the institution;";

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) 'lender' includes any regulated lending institution, other lending institution, and Federal agency (to the extent the agency makes direct loans subject to the provisions of this Act), but does not include any agency engaged primarily in the purchase of mortgage loans;

"(8) 'other lending institution' means any lending institution that is not subject to the supervision, approval, regulation, or insuring of any Federal entity for lending regulation and that is not a Federal agency, but does not include institutions engaged primarily in the purchase of mortgage loans; and

"(9) 'regulated lending institution' means any bank, savings and loan association, credit union, or similar institution subject to the supervision, approval, regulation, or insuring of a Federal entity for lending regulation.".

(b) CONFORMING AMENDMENTS.—

(1) REQUIREMENTS TO PURCHASE FLOOD INSURANCE.—Section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)) is amended—

(A) by striking "Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation direct such institutions" and inserting "Each Federal entity for lending regulation shall by regulation direct regulated lending institutions".

(2) EFFECT OF NONPARTICIPATION IN FLOOD INSURANCE PROGRAM.—Section 202(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106(b)) is amended by striking "Federal instrumentality described in such section shall by regulation require the institutions" and inserting "Federal entity for lending regulation (with respect to regulated lending institutions), the Secretary of Housing and Urban Development (with respect to other lending institutions), and the appropriate head of each Federal agency acting as a lender, shall by regulation require the lenders".

SEC. 102. NATIONAL FLOOD INSURANCE ACT OF 1968.

(a) IN GENERAL.—Section 1370(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4121(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) the term 'coastal' means relating to the coastlines of the tidal waters of the United States and the shorelines of the Great Lakes;

"(8) the term 'Federal entity for lending regulation' means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision, approval, or regulation of the institution;

"(9) the term 'lender' includes any regulated lending institution, other lending institution, and Federal agency (to the extent the agency makes direct loans subject to the provisions of this Act), but does not include any agency engaged primarily in the purchase of mortgage loans;

"(10) the term 'natural and beneficial floodplain functions' means (A) the functions associated with the natural or relatively undisturbed floodplain that moderate flooding, retain flood waters, or reduce erosion and sedimentation, and (B) ancillary beneficial functions, including maintenance of water quality, recharge of ground water, and provision of fisheries and wildlife habitat;

"(11) the term 'regulated lending institution' means a bank, savings and loan association, credit union, or similar institution subject to the supervision, approval, regulation, or insuring of a Federal entity for lending regulation; and

"(12) the term 'other lending institution' means any lending institution that is not subject to the supervision, approval, regulation, or insuring of any Federal entity for lending regulation and that is not a Federal agency, but does not include institutions engaged primarily in the purchase of mortgage loans.".

(b) CONFORMING AMENDMENT.—Section 1322(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4029(d)) is amended by striking "federally supervised, approved, regulated, or insured financial institution" and inserting "regulated lending institution".

TITLE II—COMPLIANCE AND INCREASED PARTICIPATION

SEC. 201. EXISTING FLOOD INSURANCE PURCHASE REQUIREMENTS.

Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) may not be construed to permit the provision of any amount of financial assistance with respect to any building or mobile home and related personal property for which flood insurance is required under such paragraph, unless the requirements under such paragraph are complied with in full. The prohibitions and requirements under paragraph (1) relating to financial assistance may not be waived for any purpose.".

SEC. 202. EXPANDED FLOOD INSURANCE PURCHASE REQUIREMENTS.

(a) IN GENERAL.—Section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)), as amended by the preceding provisions of this Act, is further amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting "(after consultation and coordination with the Financial Institutions Examination Council established under the Federal Financial Institutions Examination Council Act of 1974)" before "shall by regulation"; and

(3) by adding at the end the following new paragraphs:

"(2) The Secretary of Housing and Urban Development (after consultation and coordination with the Financial Institutions Examination Council) shall by regulation direct that any other lending institution may not make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director of the Federal Emergency Management Agency as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in the amount provided in paragraph (1).

"(3) A Federal agency may not make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director of the Federal Emergency Management Agency as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in the amount provided in paragraph (1). The relevant head of each Federal agency acting as a lender shall issue any regulations necessary to carry out this paragraph. Such regulations shall be consistent with and substantially identical to the regulations issued under paragraphs (1) and (2).

"(4) Notwithstanding any other Federal or State law, any lender may charge the borrower a reasonable fee (as determined by the Director) for the costs of determining whether the improved real estate or mobile home securing the loan is located in an area of special flood hazards, but only if such determination is made pursuant to the making, increasing, extending, or renewing of a loan described under paragraph (1), (2), or (3) that is initiated by the borrower.

"(5) If a borrower under a loan disputes or challenges the determination of the lender that the improved real estate or mobile home securing the loan is located in an area of special flood hazards, the lender shall review and consider any relevant information submitted to the lender by the borrower.".

(b) APPLICABILITY AND DETERMINATIONS.—

(1) IN GENERAL.—The amendment made by subsection (a)(3) shall apply only with respect to—

(A) any loan made, increased, extended, or renewed after the expiration of the 1-year period beginning on the date of the enactment of this Act; and

(B) any loan outstanding after the expiration of the 5-year period beginning on the date of the enactment of this Act.

(2) REQUIRED DETERMINATIONS REGARDING COMPLIANCE.—

(A) IN GENERAL.—Except as provided in paragraph (3), each Federal entity for lending regulation (with respect to regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to other lending institutions) shall by regulation require each such lender to conduct a review of all loans of the lender outstanding upon the expiration of the 5-year period beginning on the date of the enactment of this Act. The review shall determine whether such loans are in compliance with the flood insurance purchase requirements under section 102(b) of the Flood Disaster Protection Act of 1973. Not later than the expiration of the period, each regulated lending institution and other lending institution shall evidence the results of the determination and compliance of each such loan with the requirements under such section 102(b) using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968.

(B) FEE FOR CONDUCTING DETERMINATIONS.—A lender may charge to the borrower under a loan of the lender that is outstanding on the date of the enactment of this Act a fee for costs of making a determination for such loan in connection with a review under subparagraph (A). The fee may not exceed 50 percent of the reasonable costs of making a determination (as established by the Director), may be charged only for a determination made within 5 years after the date of the enactment of this Act, and may be charged only once with respect to each such loan.

(3) EXEMPT LENDERS.—A lender shall not be required to conduct a review under paragraph (2) if—

(A) the lender—

(i) during the 18-month period ending on the date of the enactment of this Act, has conducted a review of all loans held by the lender (to the satisfaction of the appropriate Federal entity for lending regulation, with respect to regulated lending institutions, or to the satisfaction of the Secretary of Housing and Urban Development, with respect to other lending institutions) for purposes of determining compliance of the loans with the requirements under section 102(b) of the Flood Disaster Protection Act of 1973; and

(ii) upon the expiration of the 18-month period, is regularly providing for escrow of flood insurance premiums and fees for any loans held by the lender (for which flood insurance is required) in a manner substantially in compliance with the provisions of section 102(d) of such Act (as added by section 203(a) of this Act); or

(B) before the expiration of the 5-year period beginning on the date of the enactment of this Act, the lender conducts a review of not less than 5 percent of all loans held by the lender for purposes of analyzing the accuracy of the lender's outstanding determination regarding the applicability of the flood insurance purchase requirements (under section 102(b) of the Flood Disaster Protection Act of 1973) with respect to the loans, and demonstrates (to the satisfaction of the Federal entity for regulation or the Secretary, as applicable) that—

(i) the lender's outstanding determination regarding the applicability of flood insurance purchase requirements is correct with respect to not less than 95 percent of the loans reviewed; and

(ii) of any loans reviewed that are secured by property for which flood insurance is required under section 102(b) of the Flood Disaster Protection Act of 1973, not less than 95 percent of such properties are covered by a policy in force for flood insurance in the required amount.

SEC. 203. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended by adding at the end the following new subsection:

"(d)(1) For loans secured by residential real estate, each Federal entity for lending regulation (with respect to any loans of regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to any loans of other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation direct that, if the lender or other servicer of the loan requires the escrowing of taxes, insurance premiums, or any other charges with respect to property secured under residential real estate loans, then any premiums and fees for flood insurance under the National Flood Insurance Act of 1968 for the residential real estate shall be paid to the lender or servicer of the loan. Premiums and fees paid to the lender or servicer shall be paid in a manner sufficient to make payments as due for the duration of the loan. Upon receipt of the premiums, the lender or servicer of the loan shall deposit the premiums in an escrow account on behalf of the borrower. Upon receipt of a notice from the Director or the provider of the insurance that insurance premiums are due, the lender or servicer shall pay from the escrow account to the provider of the insurance the amount of insurance premiums owed.

"(2) The appropriate head of each Federal agency acting as a lender shall by regulation require and provide for escrow and payment of any flood insurance premiums and fees relating to residential property securing loans made by the agency under the circumstances and in the manner provided under paragraph (1). Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1).

"(3) Escrow accounts established pursuant to this subsection shall be subject to the provisions of section 10 of the Real Estate Settlement Procedures Act of 1974.

"(4)(A) Notwithstanding any State or local law, the Federal entities for lending regulation, the Secretary of Housing and Urban Development (after consultation and coordination with the Financial Institutions Examination Council), and the appropriate heads of Federal agencies acting as lenders shall by regulation direct that any lender who purchases flood insurance or renews a contract for flood insurance on behalf of or as an agent of a borrower of a loan secured by residential real estate for which (i) flood insurance is required, and (ii) an escrow account for payment of taxes, insurance premiums, or other charges has not been established, shall provide to the borrower written notice of the purchase or renewal (as the Director determines appropriate) on at least 2 separate occasions before the purchase or renewal.

"(B) The notice under this paragraph shall contain the following information:

"(i) A statement that the lender will purchase or renew the flood insurance on behalf of or as an agent of the borrower.

"(ii) The date on which such purchase or renewal will occur.

"(iii) The cost of the insurance coverage as purchased or renewed by the lender.

"(iv) A statement that the borrower may avoid the purchase or renewal by the lender by purchasing flood insurance coverage under the national flood insurance program or from private insurers.

"(v) Any other information that the Director considers appropriate.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to—

(1) any loan made, increased, extended, or renewed after the expiration of the 1-year period beginning on the date of the enactment of this Act; and

(2) any loan outstanding after the expiration of the 5-year period beginning on the date of the enactment of this Act.

SEC. 204. FINE FOR FAILURE TO REQUIRE FLOOD INSURANCE OR NOTIFY.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(e)(1) Any regulated or other lending institution that is found to have a pattern or practice of committing violations under paragraph (2) shall be assessed a civil penalty by the appropriate Federal entity for lending regulation (with respect to regulated lending institutions) or the Secretary of Housing and Urban Development (with respect to any other lending institutions) of not more than $350 for each such violation. A penalty under this subsection may be issued only after notice and an opportunity for a hearing on the record.

"(2) The violations referred to in paragraph (1) shall be—

"(A) after the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991, making, increasing, extending, or renewing a loan in violation of escrow requirements under subsection (d) of this section; and

"(B) with respect to any loan made, increased, extended or renewed after the expiration of the 1-year period beginning on such date of enactment and any loan outstanding after the expiration of the 5-year period beginning on such date of enactment, making, increasing, ex-

tending, or renewing any such loan in violation of the regulations issued pursuant to subsection (b) of this section or the notice requirements under section 1364 of the National Flood Insurance Act of 1968.

"(3) The total amount of penalties assessed under this subsection against any single lender for any calendar year may not exceed $100,000.

"(4) Notwithstanding any State or local law, for purposes of this subsection, any lender that purchases flood insurance or renews a contract for flood insurance on behalf of or as an agent of a borrower of a loan for which flood insurance is required shall be considered to have complied with the regulations issued under subsection (b).

"(5) Any sale or other transfer of a loan by a lender who has committed a violation under paragraph (1), that occurs subsequent to the violation, shall not affect the liability of the transferring lender with respect to any penalty under this subsection. A lender shall not be liable for any violations relating to a loan committed by another lender who previously held the loan.

"(6) Any penalties collected under this subsection shall be paid into the National Flood Mitigation Fund established under section 1367 of the National Flood Insurance Act of 1968.

"(7) Any penalty under this subsection shall be in addition to any civil remedy or criminal penalty otherwise available.

"(8) No penalty may be imposed under this subsection for any violation under paragraph (1) after the expiration of the 5-year period beginning on the date of the occurrence of the violation.".

SEC. 205. ONGOING COMPLIANCE WITH FLOOD INSURANCE PURCHASE REQUIREMENTS.

(a) In General.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraphs (2), (3), and (4), before the sale or transfer of any loan secured by improved real estate or a mobile home, the seller or transferor of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards. The seller or transferor shall, before sale or transfer, notify the purchaser or transferee and any servicer of the loan in writing regarding the results of the determination. A determination under this paragraph shall be evidenced using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968.

"(2) For any loan secured by improved real estate or a mobile home, a determination and notice under paragraph (1) shall not be required if, during the 5-year period ending on the date of the sale or transfer of the loan—

"(A) a determination and notice under paragraph (1) has been made for the property secured by the loan; or

"(B)(i) the loan has been made, increased, extended, or renewed; and

"(ii) the lender making, increasing, extending, or renewing the loan was subject, at the time of such transaction, to regulations issued pursuant to paragraph (1), (2), or (3) of subsection (b).

"(3)(A) For any loan secured by improved real estate or a mobile home that is sold or transferred by the Federal Deposit Insurance Corporation acting in its corporate capacity or in its capacity as conservator or receiver, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards.

"(B) Such determination and notice shall not be required for any loan—

"(i) sold or transferred to an entity under the control of the Federal Deposit Insurance Corporation; or

"(ii) for which the purchaser or transferee exercises any available option to transfer or put the loan back to the Federal Deposit Insurance Corporation.

"(C) A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning on the later of (i) the purchase or transfer of the loan, or (ii) the expiration of any option that the purchaser or transferee may have to transfer or put the loan back to the Federal Deposit Insurance Corporation.

"(4)(A) For any loan secured by improved real estate or a mobile home that is sold or transferred by the Resolution Trust Corporation acting in its corporate capacity or in its capacity as a conservator or receiver, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards if—

"(i) the Resolution Trust Corporation acquires the loan after the date of the effectiveness of this subsection and sells or transfers the loan before the expiration of the 12-month period beginning on such effective date; or

"(ii) the Corporation holds the loan on the date of the effectiveness of this subsection and sells or transfers the loan before the expiration of the 6-month period beginning on such effective date.

"(B) A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning upon the purchase or transfer of the loan.".

(b) Applicability.—The amendment made by subsection (a) shall apply with respect to any loan outstanding or entered into after the expiration of the 1-year period beginning on the date of the enactment of this Act.

SEC. 206. NOTICE REQUIREMENTS.

Section 1364 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a) is amended to read as follows:

"NOTICE REQUIREMENTS

"Sec. 1364. (a) Notification of Special Flood Hazards.—

"(1) Lending institutions.—Each Federal entity for lending regulation (with respect to regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require such institutions, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan of such special flood hazards, in writing, a reasonable period in advance of the signing of the purchase agreement, lease, or other documents involved in the transaction. The regulations shall also require that the lenders retain a record of the receipt of the notices by the purchaser or lessee and the servicer.

"(2) Federal agencies as lenders.—The appropriate head of each Federal agency acting as a lender shall by regulation require notification in the manner provided under paragraph (1) with respect to any loan that is made by the agency and secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1).

"(3) Contents of notice.—Written notification required under this subsection shall include—

"(A) a warning, in a form to be established in consultation with and subject to the approval of the Director, stating that the real estate or mobile home securing the loan is located or is to be located in an area having special flood hazards;

"(B) a description of the flood insurance purchase requirements under section 102(b) of the Flood Disaster Protection Act of 1973;

"(C) a statement that flood insurance coverage may be purchased under the national flood insurance program and is also available from private insurers; and

"(D) any other information that the Director considers necessary to carry out the purposes of the national flood insurance program.

"(b) Notification of Change of Loan Holder and Servicer.—

"(1) Lending institutions.—Each Federal entity for lending regulation (with respect to regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require such institutions, as a condition of making, increasing, extending, renewing, selling, or transferring any loan described in subsection (a)(1), to notify the Director (or the designee of the Director) in writing during the term of the loan of the owner and servicer of the loan. Such institutions shall also notify the Director (or such designee) of any change in the owner or servicer of the loan, not later than 60 days after the effective date of such change. The regulations under this subsection shall provide that upon any sale or transfer of a loan, the duty to provide notification under this subsection shall transfer to the transferee of the loan.

"(2) Federal agencies as lenders.—The appropriate head of each Federal agency acting as a lender shall by regulation provide for notification in the manner provided under paragraph (1) with respect to any loan described in subsection (a)(1) that is made by the agency. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1) of this subsection.

"(c) Notification of Expiration of Insurance.—The Director (or the designee of the Director) shall, not less than 45 days before the expiration of any contract for flood insurance under this title, issue notice of such expiration by first class mail to the owner of the property, the servicer of any loan secured by the property covered by the contract, and the owner of the loan.".

SEC. 207. STANDARD HAZARD DETERMINATION FORMS.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following new section:

"STANDARD HAZARD DETERMINATION FORMS

"Sec. 1365. (a) Development.—The Director, in consultation with representatives of the mortgage and lending industry, the Federal entities

for lending regulation, the Federal agencies acting as lenders, and any other appropriate individuals, shall develop standard written and electronic forms for applications relating to real estate loans and mortgages for determining flood hazard exposure of a property.

"(b) Design and Contents.—

"(1) Purpose.—The form under subsection (a) shall be designed to facilitate a determination of the exposure to flood hazards of structures located on the property to which the loan application relates. The form shall be consistent with and appropriate to facilitate compliance with the provisions of this title.

"(2) Contents.—The form shall require identification of the type of flood-risk zone in which the property is located, the complete map and panel numbers for the property, and the date of the map used for the determination, with respect to flood hazard information on file with the Director. If the property is not located in an area of special flood hazard the form shall require a statement to such effect and shall indicate the complete map and panel numbers of the property. If the complete map and panel numbers for the property are not available because the property is not located in a community that is participating in the national flood insurance program or because no map exists for the relevant area, the form shall require a statement to such effect. The form shall provide for inclusion or attachment of any relevant documents indicating revisions or amendments to maps.

"(c) Required Use.—The Federal entities for lending regulation shall by regulation require the use of the form under this section by regulated lending institutions. The appropriate head of each Federal agency acting as a lender shall by regulation provide for the use of the form with respect to any loan made by such agency. The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall by regulation require use of the form in connection with loans purchased by such corporations. The Secretary of Housing and Urban Development shall encourage the use of the form by other lending institutions.

"(d) Guarantees Regarding Information.—In providing information regarding special flood hazards on the form developed under this section (or otherwise required of a lender not required to use the form under this section) any lender making, increasing, extending, or renewing a loan secured by improved real estate or a mobile home may provide for the acquisition or determination of such information to be made by a person other than such institution, only to the extent such person guarantees the accuracy of the information. The Director shall by regulations establish requirements relating to the nature and manner of such guarantees.

"(e) Electronic Form.—The Federal entities for lending regulation, the Secretary of Housing and Urban Development, and the appropriate head of each Federal agency acting as a lender shall by regulation require any lender using the electronic form developed under this section with respect to any loan to make available upon the request of such Federal entity, Secretary, or agency head, a written form under this section for such loan within 48 hours after such request.".

SEC. 208. FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1006 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by adding at the end the following new subsection:

"(g) The council shall consult and assist the Federal entities for lending regulation and the Secretary of Housing and Urban Development in developing and coordinating uniform standards and requirements for use by lenders as provided under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973.".

SEC. 209. CONFORMING AMENDMENT.

The section heading for section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended to read as follows:

"FLOOD INSURANCE PURCHASE AND COMPLIANCE REQUIREMENTS AND ESCROW ACCOUNTS".

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS

SEC. 301. COMMUNITY RATING SYSTEM AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT.

Section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended—

(1) by inserting after "Sec. 1315." the following: "(a) Requirement for Participation in Flood Insurance Program.—"; and

(2) by adding at the end the following new subsection:

"(b) Community Rating System and Incentives for Community Floodplain Management.—

"(1) Authority and Goals.—The Director shall carry out a community rating system program to evaluate the measures adopted by areas (and subdivisions thereof) in which the Director has made flood insurance coverage available to provide for adequate land use and control provisions consistent with the comprehensive criteria for such land management and use under section 1361, to facilitate accurate risk-rating, to promote flood insurance awareness, and to complement adoption of more effective measures for floodplain and coastal erosion management.

"(2) Incentives.—The program under this subsection shall provide incentives in the form of adjustments in the premium rates for flood insurance coverage in areas that the Director determines have adopted and enforced the goals of the community rating system under this subsection. In providing incentives under this paragraph, the Director may provide for additional adjustments in premium rates for flood insurance coverage in areas that the Director determines have implemented measures relating to the protection of natural and beneficial floodplain functions.

"(3) Funds.—The Director shall carry out the program under this subsection with amounts, as the Director determines necessary, from the National Flood Insurance Fund under section 1310 and any other amounts that may be appropriated for such purpose.

"(4) Reports.—The Director shall submit a report to the Congress regarding the program under this subsection not later than the expiration of the 2-year period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991. The Director shall submit a report under this paragraph not less than every 2 years thereafter. Each report under this paragraph shall include an analysis of the cost-effectiveness and other accomplishments and shortcomings of the program and any recommendations of the Director for legislation regarding the program.".

SEC. 302. FUNDING.

Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) for carrying out the program under section 1315(b);".

TITLE IV—MITIGATION OF FLOOD AND EROSION RISKS

SEC. 401. OFFICE OF MITIGATION ASSISTANCE IN FEDERAL INSURANCE ADMINISTRATION.

Section 1105(a) of the Housing and Urban Development Act of 1968 (42 U.S.C. 3533a(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The Director, through an Office of Mitigation Assistance, shall carry out flood and coastal erosion mitigation activities under the Federal Insurance Administrator, as follows:

"(A) Coordination of all mitigation activities, including administration of the program for mitigation assistance under section 1366 of the National Flood Insurance Act of 1968.

"(B) Administration of the program under section 406(b) of this Act for purchase of certain insured properties.

"(C) Administration of the erosion management program under section 1368 of the National Flood Insurance Act of 1968.

"(D) Development and implementation of various mitigation activities and techniques.

"(E) Provision of advice and assistance regarding mitigation to States, communities, and individuals, including technical assistance under section 1366(d).

"(F) Coordination with State and local governments and public and private agencies and organizations for collection and dissemination of information regarding coastal and Great Lakes erosion.".

SEC. 402. MITIGATION ASSISTANCE PROGRAM.

(a) In General.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"MITIGATION ASSISTANCE

"Sec. 1366. (a) Authority.—The Director, through the Office of Mitigation Assistance, shall carry out a program, with amounts made available from the National Flood Mitigation Fund under section 1367, to make grants to States, communities, and individuals to carry out eligible mitigation activities.

"(b) Eligible Recipients.—Subject to the other requirements of this section and any regulations issued by the Director under this section, the Director may make grants under this section to—

"(1) any State;

"(2) any community participating in the national flood insurance program under this title that—

"(A) has adopted—

"(i) land use and control measures that (in the determination of the Director) are more protective against flood losses than the criteria established by the Director under section 1361;

"(ii) if applicable, a plan for management of coastal erosion-prone areas; and

"(iii) measures that (in the determination of the Director) provide for the protection of natural and beneficial floodplain functions;

"(B) during the 12-month period ending on the date of the community's application for a grant under this section, has incurred flood damage (excluding infrastructure damage) aggregating more than $250,000; or

"(C) is a community that has suffered recurring flood damages and claims, as determined by the Director, that is in full compliance with the requirements under the national flood insurance program; and

"(3) any individual, with respect to property that—

"(A) has been continuously covered by a contract for flood insurance under this title for the preceding 2 years;

"(B) has incurred flood damage after December 31, 1977, which was covered by a contract for flood insurance under this title; and

"(C) is located in a community that is in full compliance with the requirements under the national flood insurance program.

"(c) ELIGIBLE MITIGATION ACTIVITIES.—

"(1) PURPOSE AND DETERMINATION.—Amounts from grants under this section may be used only for eligible mitigation activities under this subsection, as the Director shall determine, that are designed to reduce flood-related losses in a proactive manner.

"(2) REQUIREMENTS.—To be eligible for assistance under this section, mitigation activities shall be technically feasible and cost-effective with respect to the particular community or situation and in the best interests of the national flood insurance program. After consultation with representatives of States and communities, the Director shall by regulation establish requirements regarding such feasibility and cost-effectiveness. Such activities may include, but are not limited to—

"(A) elevation of structures;

"(B) relocation of structures;

"(C) flood-proofing of structures;

"(D) the provision of technical assistance by States to communities and individuals; and

"(E) acquisition by States and communities of property, for use for a period of not less than 40 years following transfer for such purposes as the Director determines are consistent with sound land management and use in such area, which property—

"(i) is located in flood-risk area, as determined by the Director;

"(ii) is covered by a contract for flood insurance under this title; and

"(iii) while so covered (I) was damaged substantially beyond repair, (II) incurred significant flood damage on not less than 2 previous occasions over a 5-year period for which the average damage equaled or exceeded 25 percent of the value of the structure at the time of the flood event, or (III) sustained damage as a result of a single casualty of any nature under such circumstances that a statute, ordinance, or regulation precludes its repair or restoration or permits repair or restoration only at a significantly increased construction cost.

"(3) LOCATION.—States receiving grants under this section may provide assistance for mitigation activities within the State undertaken by communities and individuals. Communities receiving grants may provide assistance for mitigation activities within the community that are undertaken by the State or by individuals.

"(4) INELIGIBILITY OF ACTIVITIES IN EROSION HAZARD AREAS.—Notwithstanding any other provision of this section, the Director may not make a grant or provide amounts under this section for any mitigation activity carried out within any area that is (A) designated under section 1368(b) as erosion-prone, and (B) located in a community that has not adopted adequate land management and use measures that are consistent with the standards established under section 1368(d).

"(5) STATE AND LOCAL LAWS.—Eligible mitigation activities may be assisted with amounts made available under this section and matching amounts provided in compliance with subsection (g) notwithstanding any conflicting State or local laws.

"(d) TECHNICAL ASSISTANCE.—The Director shall make available, to States, communities, and individuals interested in receiving grants under this section, technical assistance in identifying and planning appropriate eligible mitigation activities, and in developing flood risk mitigation plans under subsection (f)(2).

"(e) GRANT LIMITATIONS.—

"(1) AMOUNT.—The amount of any single grant provided under this section may not exceed—

"(A) $5,000,000, to any State;

"(B) $5,000,000, to any community; and

"(C) $250,000, to any individual.

"(2) TIMING.—The Director may not make a grant or provide amounts under this section to any State, community, or individual that has received amounts from a grant during the preceding 2 years, except that the Director may provide that, with respect to any grant to any State or community in an amount of $3,000,000 or more, outlays for the grant may occur over a period not exceeding 4 years.

"(3) STRUCTURE TYPE.—The Director shall establish maximum limits regarding the amount of assistance that may be provided with amounts from grants under this section for single-family dwellings, residential structures containing more than 1 dwelling unit, and nonresidential properties.

"(f) APPLICATION AND MITIGATION PLAN.—

"(1) FORM AND PROCEDURE.—The Director shall provide for the submission of applications for grants under this section in the form and in accordance with such procedures as the Director shall establish. The Director shall establish separate application procedures and requirements for applications by individuals.

"(2) STATE AND COMMUNITY FLOOD RISK MITIGATION PLAN.—The Director may not approve an application by a State or community for a grant under this section unless the application proposes eligible mitigation activities identified in a flood risk mitigation plan, which is approved by the Director and includes—

"(A) a statement of the mitigation needs of the State or community;

"(B) a statement of a comprehensive strategy for mitigation activities for the State or community, as applicable, designed to address the mitigation needs referred to in the statement under subparagraph (A), which strategy shall have been adopted by the appropriate public body pursuant to not less than 1 public hearing;

"(C) a statement that the mitigation activities to be assisted with amounts under this section and any activities under the comprehensive strategy are designed in coordination with and comply with other State and regional watershed and stormwater management programs and standards; and

"(D) a description of resources that are expected to be made available for purposes of meeting the matching requirement under subsection (g); and

"(E) any other information that the Director considers appropriate.

"(3) INDIVIDUAL APPLICATIONS AND COMPLIANCE WITH MITIGATION PLANS.—The Director may not approve an application by an individual for a grant under this section unless the mitigation activities proposed in the application are consistent with land use and control measures under section 1315 and any applicable State or community land use and control measures and flood risk mitigation plans.

"(4) NOTIFICATION OF APPROVAL.—The Director shall notify each applicant for assistance under this section of approval or disapproval of the application not later than 6 months after submission of the application. If the Director does not approve an application, the Director shall notify the applicant in writing of the reasons for such disapproval.

"(g) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Director may not make a grant under this title to any State or community in an amount in excess of 3 times the amount that the State or community certifies, as the Director shall require, that the State or community will contribute from non-Federal funds to carry out mitigation activities assisted with amounts provided under this section.

"(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes State or local agency funds, any salary paid to staff to carry out the mitigation activities of the recipient, the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

"(h) ALLOCATION OF AMOUNTS.—The Director shall allocate amounts in the National Flood Mitigation Fund made available for grants under this section for grants to States, communities, and individuals, in such amounts and such proportion as the Director shall determine. The Director shall allocate amounts and make grants pursuant to specific applications in a manner that the Director determines best protects the interests of the National Flood Insurance Fund through mitigation of flood risks. In selecting applications to receive grants under this section, the Director may establish priorities for applications proposing certain eligible mitigation activities.

"(i) RECAPTURE.—If the Director determines that any State, community, or individual that has received a grant under this section has not made substantial progress in carrying out the mitigation activities proposed in the application for the grant within 18 months after receipt of the grant amounts, the Director shall recapture any unexpended grant amounts and deposit such amounts in the National Flood Mitigation Fund.

"(j) COMPLIANCE WITH APPLICATION AND MITIGATION PLANS.—The Director shall conduct oversight of recipients of grants under this section to ensure that the grant amounts are used in compliance with the approved applications for the grants and any applicable flood risk mitigation plans.

"(k) DELEGATION OF AUTHORITY TO STATES.—

"(1) IN GENERAL.—The Director may delegate to any State the authority and responsibility of approving applications for grants to communities and individuals under this section and providing technical assistance under subsection (d), but only upon a finding that a State is capable of making such determinations and providing such assistance.

"(2) GUIDELINES.—The Director shall establish, by regulation, guidelines for delegating authority under this subsection. Such regulations shall be issued not later than the expiration of the 18-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991.

"(l) DEFINITION OF COMMUNITY.—For purposes of this subsection, the term 'community' has the meaning given the term under section 3(a) of the Flood Disaster Protection Act of 1973.".

(b) REGULATIONS.—Not later than the expiration of the 24-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall issue regulations implementing section 1366 of the National Flood Insurance Act of 1968.

SEC. 403. ESTABLISHMENT OF NATIONAL FLOOD MITIGATION FUND.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"NATIONAL FLOOD MITIGATION FUND

"SEC. 1367. (a) ESTABLISHMENT AND AVAILABILITY.—The Director shall establish in the Treasury of the United States a fund to be known as the National Flood Mitigation Fund, which shall be credited with amounts described in subsection (b) and shall be available, to the extent provided in appropriation Acts, for grants under section 1366.

"(b) CREDITS.—The National Flood Mitigation Fund shall be credited with—

"(1) any premium surcharges assessed under section 1308(e);

"(2) any amounts recaptured under section 1366(i);

"(3) to the extent approved in appropriation Acts, any amounts made available to carry out section 1362 that remain unexpended after the submission of the certification under section 406(b) of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991; and

"(4) any penalties collected under section 102(e) of the Flood Disaster Protection Act of 1973.

"(c) INVESTMENT.—If the Director determines that the amounts in the National Flood Mitigation Fund are in excess of amounts needed under subsection (a), the Director may invest any excess amounts the Director determines advisable in interest-bearing obligations issued or guaranteed by the United States.

"(d) REPORT.—The Director shall submit a report to the Congress not later than the expiration of the 1-year period beginning on the date of the enactment of this Act and not less than once during each successive 2-year period thereafter. The report shall describe the status of the Fund and any activities carried out with amounts from the Fund.".

SEC. 404. INSURANCE PREMIUM MITIGATION SURCHARGE.

(a) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of this title, the Director shall assess, with respect to each contract for flood insurance coverage under this title, a mitigation surcharge of $5 per policy term. Any mitigation surcharges collected shall be paid into the National Flood Mitigation Fund under section 1367. The mitigation surcharges shall not be subject to any agents' commissions, company expenses allowances, or State or local premium taxes.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any contract for flood insurance under the National Flood Insurance Act of 1968 issued or renewed after the expiration of the 24-month period beginning on the date of the enactment of this Act.

SEC. 405. MITIGATION TRANSITION PILOT PROGRAM.

(a) AUTHORITY.—The Director of the Federal Emergency Management Agency may, through the Office of Mitigation Assistance under the Federal Insurance Administrator, carry out a program to make grants to States, communities, and individuals to carry out eligible mitigation activities under section 1366 of the National Flood Insurance Act of 1968 before the full implementation of the program under such section.

(b) REQUIREMENTS.—The program under this subsection shall be subject to the provisions of such section 1366 and the proposed regulations issued under section 402(b) of this Act and shall terminate upon the first availability of grants under section 1366, but in no case before final regulations implementing the program for grants under such section 1366 have been issued.

(c) FUNDING.—From any amounts made available for use under section 1362 of the National Flood Insurance Act of 1968 in fiscal year 1992 and any fiscal year thereafter (until the termination of the pilot program under this subsection) the Director of the Federal Emergency Management Agency may use $1,250,000 in each such fiscal year to carry out the pilot program under this subsection.

SEC. 406. REPEAL OF PROGRAM FOR PURCHASE OF CERTAIN INSURED PROPERTIES.

(a) REPEAL.—Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) is repealed.

(b) TRANSITION.—Notwithstanding the repeal under subsection (a), the Director of the Federal Emergency Management Agency may continue to purchase property under subsections (a) and (b) of section 1362 of the National Flood Insurance Act of 1968, as such section existed immediately before the enactment of this Act, during the period beginning on the date of the enactment of this Act and ending upon the submission to the Congress of a certification under this paragraph by the Director. The certification shall be made upon the first availability of grants under section 1366 of the National Flood Insurance Act of 1968 and shall certify the availability of such grants. The certification may not be made until final regulations implementing the program for grants under such section 1366 have been issued.

SEC. 407. EROSION MANAGEMENT PROGRAM.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"EROSION MANAGEMENT PROGRAM

"SEC. 1368. (a) ESTABLISHMENT.—The Director, through the Office of Mitigation Assistance under the Federal Insurance Administrator, shall carry out a program to reduce coastal erosion hazards along the tidal waters of the United States and the shorelines of the Great Lakes, subject to the requirements of this section. The Director shall implement the program under this section and issue any regulations necessary to carry out the program not later than the expiration of the 24-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991.

"(b) HAZARD IDENTIFICATION.—

"(1) DIRECTOR.—Using erosion rate information and other historical data available, the Director shall identify and publish information with respect to erosion hazards of areas and communities located along the tidal waters of the United States or the shoreline of the Great Lakes that are subject to erosion damage. The Director shall designate any areas subject to special erosion hazards as erosion-prone areas and shall designate any communities containing such areas as erosion-prone communities, for purposes of this section. The Director shall notify erosion-prone communities of such designation and erosion-prone areas not later than 60 days after the designation.

"(2) COMMUNITY REQUEST.—The Director may (pursuant to a request by the community and a determination by the Director) designate as an erosion-prone community any community that—

"(A) contains land that is along the shoreline of the Great Lakes or the tidal waters of the United States; and

"(B) is not designated as an erosion-prone community under paragraph (1).

"(3) INITIAL DESIGNATIONS.—The Director shall complete the initial designations of areas subject to special erosion hazards not later than the expiration of the 60-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991.

"(c) EROSION SETBACKS.—The Director shall, for each erosion-prone community, identify and establish 10-year, 30-year, and 60-year erosion setbacks for purposes under this Act, except that the Director may provide for such communities to identify and establish the setbacks.

"(d) LAND USE RESTRICTIONS.—The Director shall establish comprehensive land management and use standards designed to mitigate the effects of erosion hazards in erosion-prone communities. The standards shall provide for consideration of the severity of erosion risks, construction requirements, and other restrictions on building construction and shall prohibit—

"(1) the relocation of any structure consisting of 1 to 4 dwelling units to, or the new construction or substantial improvement of any such structure on, any location seaward of the 30-year erosion setback established under subsection (c) or any other greater setback established under State or local law;

"(2) the relocation of any other structure to, or the new construction or substantial improvement of any other structure on, any location seaward of the 60-year erosion setback established under subsection (c) or any other greater setback established under State or local law; and

"(3) the new construction or substantial improvement of any structure consisting of 1 to 4 dwelling units that is not readily movable (in the determination of the Director) located seaward of the 60-year erosion setback established under subsection (c).

"(e) REQUIRED ADOPTION OF LAND USE RESTRICTIONS.—The Director may provide erosion mitigation assistance under this section only with respect to structures located in communities designated as erosion-prone that have adopted adequate land management and use measures through the appropriate public body that are consistent with land management and use standards established by the Director under subsection (d).

"(f) ELIGIBILITY OF STRUCTURES FOR MITIGATION ASSISTANCE.—The Director may provide erosion mitigation assistance under this section only with respect to structures that—

"(1) have been continuously covered by a contract for flood insurance coverage under this title for the lesser of—

"(A) the 2-year period ending on the date on which the application for assistance under this section is submitted; or

"(B) the term of ownership of the owner submitting the application for assistance under this section;

"(2) are located in an area designated as an erosion-prone area under subsection (b); and

"(3) are certified by the Director as—

"(A) located within the 10-year erosion setback; or

"(B) subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of surface water, pursuant to—

"(i) a written recommendation by any appropriate Federal, State, or local land use authority; or

"(ii) condemnation of the structure by any appropriate Federal, State, or local land use authority.

"(g) ELIGIBLE EROSION MITIGATION ACTIVITIES.—Any erosion mitigation assistance provided under this section may not be used for any land acquisition costs. Such assistance shall be used only in connection with structures eligible under subsections (e) and (f) and only for the following erosion mitigation activities:

"(1) RELOCATION.—For activities to relocate the structure—

"(A) for structures consisting of 1 to 4 dwelling units, landward of the greater of the distance established by (i) the 30-year erosion setback under subsection (c), or (ii) any setback under State or local law; and

"(B) for any other structures, landward of the greater of the distance established by (i) the 60-year erosion setback under subsection (c), or (ii) any setback under State or local law.

"(2) DEMOLITION.—For activities to demolish the structure only if—

"(A) the cost of relocating the structure exceeds the value of the structure determined under subsection (h)(1);

"(B) the structure is not of such structural soundness, in the determination of the Director, to permit relocation in a safe manner; or

"(C) the Director determines that extraordinary circumstances relating to the structure or the property on which the structure is located make demolition necessary.

"(h) EROSION MITIGATION ASSISTANCE PAYMENTS.—From any amounts in the National Flood Insurance Fund made available to carry out this section, the Director may make payments for erosion mitigation activities to owners of structures eligible for such assistance under subsections (e) and (f) who submit applications for such assistance in the form and manner required by the Director and whose applications are approved by the Director. Erosion mitigation payments under this subsection shall be in the following amounts:

"(1) RELOCATION.—For relocation of a structure, an amount not exceeding 40 percent of the value of the structure, which shall be the lowest of the following amounts (as determined by the Director):

"(A) The replacement cost of the structure less any physical depreciation of a comparable structure not subject to imminent collapse or subsidence.

"(B) The price paid for the structure and any improvements to the structure, adjusted for inflation according to an appropriate index determined by the Director.

"(C) The insured value of the structure under the flood insurance contract under this title for the structure.

"(2) DEMOLITION.—For demolition of a structure—

"(A) an amount not exceeding 40 percent of the value of the structure as determined under paragraph (1), which shall be paid to the owner following a final determination under subsection (g)(2) that erosion mitigation payments may be made for demolition of the structure; and

"(B) an amount not exceeding the sum of (i) 60 percent of the value of the structure as determined under paragraph (1), and (ii) the lesser of 10 percent of the value of the structure or the actual cost of demolition, which sum shall be paid to the owner following demolition of the structure.

"(i) LIMITATION OF FLOOD INSURANCE COVERAGE FOR FAILURE TO MITIGATE.—With respect to any structure eligible for erosion mitigation assistance under this section, if the owner fails to relocate or demolish the structure in compliance with the setback requirements under subsection (g) before the expiration of the 24-month period beginning on the date of the certification of the structure under subsection (f)(3) (unless such period is extended by the Director for good cause), notwithstanding any other provision of this title or of any contract for flood insurance under this title—

"(1) any payment for any claim thereafter under a contract for flood insurance coverage under this title for the structure may not exceed the lesser of (A) 40 percent of the value of the structure (determined under subsection (h)(1)), or (B) the actual flood damage incurred; and

"(2) the Director shall cancel any flood insurance contract under this title for the structure upon the payment of any claim referred to in paragraph (1) and the structure shall not thereafter be eligible for a contract for flood insurance under this title.

"(j) LIMITATION OF FLOOD INSURANCE AVAILABILITY FOR STRUCTURES ON ASSISTED PROPERTIES.—

"(1) CANCELLATION OF EXISTING FLOOD INSURANCE POLICY.—Upon the demolition or relocation of a structure with assistance under this section, the Director shall cancel any contract for flood insurance under this title for the structure.

"(2) LIMITATION ON NEW FLOOD INSURANCE.—No new flood insurance coverage under this title nor any assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (except for emergency assistance essential to save lives or property or protect public health or safety) may be provided for any structure for which erosion mitigation assistance under this section has been provided and that is relocated, unless the structure is relocated in compliance with the setback requirements under subsection (g)(1).

"(k) REGULATIONS.—The Director may issue any regulations necessary to carry out this section.

"(l) REPORT.—The Director shall submit a report to the Congress regarding the implementation of the erosion management program under this section not later than the expiration of the 24-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991. The report shall include any findings and recommendations of the Director regarding the program and a description of any regulations and procedures established for the program.".

(b) FUNDING.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(7) for providing erosion mitigation assistance under section 1368, in an amount not to exceed $5,000,000 in each fiscal year; and".

SEC. 408. REPEAL OF PROVISIONS FOR CLAIMS FOR IMMINENT COLLAPSE AND SUBSIDENCE.

(a) REPEAL.—Subsection (c) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)) is repealed.

(b) TRANSITION.—Notwithstanding the repeal under subsection (a), the Director may continue to pay amounts under flood insurance contracts in accordance with section 1306(c) of the National Flood Insurance Act of 1968 (as such section existed immediately before the enactment of this Act) during the following periods:

(1) EROSION-PRONE AREAS.—For any property located in an erosion-prone area designated under section 1368(b) of the National Flood Insurance Act of 1968, during the period beginning on the date of the enactment of this Act and ending upon the expiration of the 12-month period that begins on the notification under section 1368(b)(1) of such Act to the community containing the area.

(2) OTHER AREAS.—For any other property, during the period beginning on the date of the enactment of this Act and ending upon the expiration of the 60-month period beginning on the date of the enactment of this Act.

SEC. 409. EROSION SETBACK LIMITATION ON AVAILABILITY OF FLOOD INSURANCE.

Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsections:

"(c)(1) Notwithstanding any other provision of this title or of any contract for flood insurance under this title, with respect to any structure described in paragraph (2)—

"(A) any payment for any claim (made after the date of the notification under section 1368(b)(1) to the erosion-prone community in which the structure is located) under a contract for flood insurance coverage under this title for the structure may not exceed the lesser of (i) 40 percent of the value of the structure (determined as provided in section 1368(h)(1)), or (ii) the actual flood damage incurred; and

"(B) the Director shall cancel any flood insurance contract under this title for the structure upon the payment of any claim referred to in subparagraph (A) and the structure shall not thereafter be eligible for a contract for flood insurance under this title.

"(2) This subsection shall apply with respect to any structure that is—

"(A) located in a community that (i) has been designated by the Director under section 1368(b) as erosion-prone, and (ii) has not adopted land management and use measures as provided under section 1368(e);

"(B) located seaward of the 10-year erosion setback established under section 1368(c); and

"(C) existing on the date of the notification under section 1368(b)(1) to the erosion-prone community in which the structure is located.

"(d) Flood insurance coverage under this title may not be provided for any structure that is—

"(1) located seaward of—

"(A) the 30-year erosion setback established under section 1368(c), with respect to structures consisting of 1 to 4 dwelling units; or

"(B) the 60-year erosion setback established under section 1368(c), with respect to any other structures; and

"(2) constructed, substantially improved, or relocated to such location after the date of the notification under section 1368(b)(1) to the erosion-prone community in which the structure is located.".

SEC. 410. EROSION SETBACK LIMITATION ON FLOOD INSURANCE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (12 U.S.C. 4015) is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this title or of any contract for flood insurance under this title, with respect to any structure described in paragraph (3), the Director shall increase the chargeable premium rate under the contract for flood insurance for the structure in an amount determined by the Director. This paragraph may not be construed to require an increase in the premium rate to an amount equal to or in excess of the full actuarial rate for the property.

"(2) The Director shall provide for increases under paragraph (1) for any structure described in paragraph (3) at any time after the expiration of the 2-year period beginning upon the receipt of notification under section 1368(b) by the community in which the structure is located.

"(3) This subsection shall apply to any structure that is—

"(A) covered by a contract for flood insurance under this title under which the chargeable premium rate is less than the estimated rate under section 1307(a)(1);

"(B) located in a community that (i) has been designated by the Director under section 1368(b) as erosion-prone, and (ii) has not adopted land management and use measures as provided under section 1368(e);

"(C) located seaward of—

"(i) the 30-year erosion setback established under section 1368(c), with respect to structures consisting of 1 to 4 dwelling units; or

"(ii) the 60-year erosion setback established under section 1368(c), with respect to any other structures; and

"(D) existing on the date of the notification under section 1368(b)(1) to the erosion-prone community in which the structure is located.

"(4) If any community designated as erosion-prone adopts land management and use measures as provided under section 1368(e) after the Director has increased premium rates under paragraph (1) for structures in the community, the Director shall decrease the premium rates for such structures to the amount that the Director determines would have been in effect for such structures at the time of the decrease under this paragraph absent the intervening increase under paragraph (1).".

SEC. 411. RIVERINE EROSION STUDY.

(a) STUDY.—The Director of the Federal Emergency Management Agency shall conduct a *study to determine the feasibility of identifying and establishing erosion rates for communities subject to riverine erosion hazards and the best manner of identifying and establishing such rates. Under the study the Director shall—*

(1) investigate and assess existing and state-of-the-art technical methodologies for assessing riverine erosion;

(2) examine natural riverine processes, environmental conditions, and human-induced changes to the banks of rivers and streams, examples of erosion and likely causes, and examples of erosion control and reasons for their successes; and

(3) analyze riverine erosion management strategies, the technical standards, methods, and data necessary to support such strategies, and methods of administering such strategies through the national flood insurance program.

(b) REPORT.—The Director shall submit a report to the Congress regarding the findings and conclusions of the study under this section not later than the expiration of the 2-year period beginning on the date of the enactment of this Act. The report shall include any recommendations of the Director regarding appropriate methods and approaches for identifying and determining riverine erosion rates and management strategies relating to riverine erosion.

TITLE V—FLOOD INSURANCE TASK FORCE

SEC. 501. FLOOD INSURANCE INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is hereby established an interagency task force to be known as the Flood Insurance Task Force (in this section referred to as the "Task Force").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of 7 members, who shall be the designees of—

(A) the Federal Insurance Administrator;

(B) the Federal Housing Commissioner;

(C) the Secretary of Veterans Affairs;

(D) the Administrator of the Farmers Home Administration;

(E) the Administrator of the Small Business Administration;

(F) a designee of the Financial Institutions Examination Council;

(G) the chairman of the Board of Directors of the Federal Home Loan Mortgage Corporation; and

(H) the chairman of the Board of Directors of the Federal National Mortgage Association.

(2) QUALIFICATIONS.—Members of the Task Force shall be designated for membership on the Task Force by reason of demonstrated knowledge and competence regarding the national flood insurance program.

(c) DUTIES.—The Task Force shall carry out the following duties:

(1) Make recommendations to the head of each Federal agency and corporation under subsection (b)(1) regarding establishment or adoption of standardized enforcement procedures among such agencies and corporations responsible for enforcing compliance with the requirements under the national flood insurance program to ensure fullest possible compliance with such requirements.

(2) Conduct a study of the extent to which Federal agencies and the secondary mortgage market can provide assistance in ensuring compliance with the requirements under the national flood insurance program and submit to the Congress a report describing the study and any conclusions.

(3) Conduct a study of the extent to which existing programs of Federal agencies and corporations for compliance with the requirements under the national flood insurance program can serve as a model for other Federal agencies responsible for enforcing compliance, and submit to the Congress a report describing the study and any conclusions.

(4) Develop guidelines regarding enforcement and compliance procedures, based on the studies and findings of the Task Force and publishing the guidelines in a usable format.

(d) NONCOMPENSATION.—Members of the Task Force shall receive no additional pay by reason of their service on the Task Force.

(e) CHAIRPERSON.—The members of the Task Force shall elect one member as chairperson of the Task Force.

(f) MEETINGS AND ACTION.—The Task Force shall meet at the call of the chairman or a majority of the members of the Task Force and may take action by a vote of the majority of the members. The Federal Insurance Administrator shall coordinate and call the initial meeting of the Task Force.

(g) OFFICERS.—The chairperson of the Task Force may appoint any officers to carry out the duties of the Task Force under subsection (c).

(h) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Task Force, the head of any of the Federal agencies and corporations under subsection (b)(1) may detail, on a nonreimbursable basis, any of the personnel of such agency to the Task Force to assist the Task Force in carrying out its duties under this Act.

(i) POWERS.—In carrying out this section, the Task Force may hold hearings, sit and act at times and places, take testimony, receive evidence and assistance, provide information, and conduct research as the Task Force considers appropriate.

(j) TERMINATION.—The Task Force shall terminate upon the expiration of the 24-month period beginning upon the designation of the last member to be designated under subsection (b)(1).

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. MAXIMUM FLOOD INSURANCE COVERAGE AMOUNTS.

(a) IN GENERAL.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "and" after the comma at the end of clause (i);

(B) by striking ", and" at the end of clause (ii) and inserting "; and"; and

(C) by striking clause (iii);

(2) by striking subparagraph (B) of paragraph (1) and inserting the following new subparagraph:

"(B) in the case of any nonresidential property, including churches—

"(i) $100,000 aggregate liability for each structure, and

"(ii) $100,000 aggregate liability for any contents related to each structure;";

(3) by striking subparagraph (C) of paragraph (1);

(4) in paragraph (2), by striking "so as to enable" and all that follows through the end of the paragraph and inserting "up to an amount, including the limits specified in clause (i) of subparagraph (A) of paragraph (1), of $250,000 multiplied by the number of dwelling units in the building;";

(5) in paragraph (3), by striking "so as to enable" and all that follows through the end of the paragraph and inserting "up to an amount of $90,000 for any single-family dwelling and $240,000 for any residential structure containing more than one dwelling unit;"; and

(6) by striking paragraph (4) and inserting the following new paragraph:

"(4) in the case of any nonresidential property, including churches, additional flood insurance in excess of the limits specified in clauses (i) and (ii) of subparagraph (B) of paragraph (1) shall be made available to every insured upon renewal and every applicant for insurance up to an amount of $2,400,000 for each structure and $2,400,000 for any contents related to each structure; and".

(b) REMOVAL OF CEILING ON COVERAGE REQUIRED.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (5), by striking "; and" at the end and inserting a period; and

(2) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—Section 1306(b)(5) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)(5)) is amended—

(1) by striking "(A), (B), or (C)" and inserting "(A) or (B)"; and

(2) by striking "(1)(C)".

SEC. 602. FLOOD INSURANCE PROGRAM ARRANGEMENTS WITH PRIVATE INSURANCE ENTITIES.

Section 1345(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4081(b)) is amended by striking the period at the end and inserting the following: "and without regard to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 603. FLOOD INSURANCE MAPS.

(a) 5-YEAR UPDATES.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsections:

"(e) Once during each 5-year period (the first such period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991) or more often as the Director determines necessary because of storms, increased erosion rates, increased watershed development, or other extraordinary situations, the Director shall assess the need to revise and update all flood-plain areas and flood-risk zones identified, delineated, or established under this section.

"(f) The Director shall revise and update any flood-plain areas and flood-risk zones—

"(1) upon the determination of the Director, according to the assessment under subsection (e), that revision and updating are necessary for the areas and zones; or

"(2) upon the request from any State or local government stating that specific flood-plain areas or flood-risk zones in the State or locality need revision or updating (if sufficient technical, engineering, or other justification is provided, in the determination of the Director, to justify the request).".

(b) USE OF NATIONAL FLOOD INSURANCE FUND.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended by adding at the end the following new paragraph:

"(8) for revising and updating flood-plain areas and flood-risk zones.".

SEC. 604. BUDGET COMPLIANCE.

The applicable cost estimate of this Act for all purposes of section 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

(1) For fiscal year 1991, decrease in outlays of $0.

(2) For fiscal year 1992, decrease in outlays of $0.

(3) For fiscal year 1993, decrease in outlays of $3,000,000.

(4) For fiscal year 1994, decrease in outlays of $7,000,000.

(5) For fiscal year 1995, decrease in outlays of $1,000,000.

SEC. 605. REGULATIONS.

The Director of the Federal Emergency Management Agency, the Secretary of Housing and Urban Development, and any appropriate head of any Federal agency may each issue any regulations necessary to carry out the applicable provisions of this Act and the applicable amendments made by this Act.

AMENDMENTS OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer several amendments which I believe are noncontroversial, and I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was not objection.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Jones of North Carolina: 1. In title IV, by adding the following new section at the end:

"SEC. 412. COORDINATION WITH COASTAL ZONE MANAGEMENT PROGRAMS.

'(a) In General.—In the implementation of the amendments made pursuant to sections 407 and 408, the Director shall consult with the Under Secretary of Commerce for Oceans and Atmosphere to promote full coordination of the coastal erosion management provisions of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) as amended by this Act and the provisions of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.). Furthermore, the Director shall, to the greatest extent possible, utilize state management programs approved under section 306 of the Coastal Zone Management Act of 1972 to facilitate development and implementation of management plans for coastal erosion-prone areas.

'(b) Coordination Report.—The Director and the Under Secretary of Commerce for Oceans and Atmosphere shall jointly prepare a report which details the proposed mechanisms for achieving the coordination required in subsection (a). This report shall be transmitted to the Congress not later than the expiration of the 12-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991.

'(c) Erosion Management Program Regulations.—In issuing any regulations under section 1368(a) of the National Flood Insurance Act of 1968, as amended by this Act, the Director shall consider the recommendations of the Coordination Report required under subsection (b)'."

2. In section 501—

"(1) by striking the word "and" at the end of subsection (b)(1)(G);

'(2) by striking the period in subsection (b)(1)(H) and inserting a semicolon;

'(3) by inserting the following at the end of subsection (b)(1):

'(I) the Under Secretary of Commerce for Oceans and Atmosphere;

'(J) the Director of the United States Fish and Wildlife Service; and

'(K) the Administrator of the Environmental Protection Agency."; and

'(4) by adding the following new subsection (j) and redesignating subsequent subsections accordingly:

'(j) Subcommittee on Natural and Beneficial Functions of the Floodplain.—The members of the Task Force appointed under subsections (b)(1) (I), (J), and (K) shall constitute a select subcommittee which, in addition to their duties under subsection (c), shall make recommendations regarding the implementation of the provisions of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991 which deal with protection of the natural and beneficial functions of the floodplain'."

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, today's bill makes important and innovative changes to the National Flood Insurance Program. Some of these changes touch on matters over which the Committee on Merchant Marine and Fisheries has jurisdiction.

My amendment simply provides some formal mechanisms for coordinating the National Flood Insurance Program with existing programs which deal with coastal zone management, fish and wildlife conservation, and water quality protection.

The first part of my amendment establishes a requirement that the director consult with the Administrator of the National Oceanic and Atmospheric Administration [NOAA] in implementing the coastal erosion management provisions of this new law.

NOAA is the Federal agency which administers the Coastal Zone Management Act, and should be able to assist the director in effectively designing and implementing a coastal erosion management program.

Also, the 29 States which have federally approved coastal zone management programs can provide the director with a ready made implementation tool and my amendment encourages him to use this tool.

My second amendment creates a select subcommittee to recommend effective measures of implementing the provisions of this bill which deal with protection of the natural and beneficial functions of the floodplain.

This subcommittee is made up of appointees from NOAA, the U.S. Fish and Wildlife Service, and the Environmental Protection Agency.

Mr. Chairman, my amendment is supported by the environmental community. I am aware of no opposition. I ask my colleagues to support it.

Mr. ERDREICH. Mr. Chairman, I rise in support of the amendments.

We have looked at these amendments. They are very constructive additions to our bill, and we accept these amendments and urge their passage.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. ERDREICH. I am happy to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding.

The minority has examined this legislation and the proposed amendments. We agree with them and commend Chairman Jones for offering them.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from North Carolina [Mr. Jones].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. GRADISON

Mr. GRADISON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gradison: Page 78, strike lines 9 through 22 (and redesignate subsequent sections and conform the table of contents accordingly).

Mr. GRADISON. Mr. Chairman, my amendment would strike section 604 from this bill. That section makes CBO's cost estimates binding for the purpose of determining compliance with the Budget Enforcement Act. Section 604 directly contradicts the act, which makes OMB the official scorekeeper for all purposes.

My amendment simply ensures that this bill complies with last fall's budget agreement. As the President has said, "if specifically negotiated and agreed provisions are to be undone * * * how can we reasonably expect the agreement to be taken seriously?" Aside from being unwise, the policy behind directed scorekeeping has been inconsistently applied. Already the Democratic leadership in the House has established a pattern of ignoring its own rule in cases where OMB provides the lower cost estimate. In fact, out of seven bills enacted this year involving pay-as-you-go spending, only one came to the floor with the directed scoring language required by the Democrats' rule. And, as you know, the Senate has no comparable rule and so far this year has not insisted on CBO scoring over OMB scoring.

OMB's preliminary cost estimate of this bill is identical to CBO's. The only major substantative difference of opinion between the administration and Congress is the inclusion of section 604 in the bill. My amendment removes this obstacle and allows quick enactment of the bill. The amendment's defeat will only delay the bill in conference and provoke a certain veto if the offending section is not removed today by the House or later in conference with the Senate.

Mr. Chairman, we have fought this battle before, with H.R. 1175, the dire emergency supplemental authorizations bill. Unless we abide by the budget agreement, we are likely to continue revisiting this issue time after time and accomplished nothing but delay in enacting desirable legislation such as H.R. 1236.

Mr. Chairman, I urge adoption of this amendment.

☐ 1720

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am opposed to the amendment. It is in defense of the budget agreement, that greatly loved accomplishment of last year which no doubt accounts for the passion that my friend, the gentleman from Ohio, brought to this debate.

The budget agreement ought not to be confused with the Constitution or the Bible. It certainly does not suspend the right of this Congress to act as it sees fit. The argument is not on the merits, because the question is who is going to be a more objective scorer, the Office of Management and Budget or the Congressional Budget Office.

Mr. GRADISON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I am happy to yield to the gentleman from Ohio.

Mr. GRADISON. Mr. Chairman, I appreciate the gentleman yielding, and I note from his skill that the way in which he states the question often suggests a particular response.

Mr. FRANK of Massachusetts. That is true, but I had not suggested it so promptly.

Mr. GRADISON. If the gentleman will yield further, I know, but the gentleman is on the way.

Mr. FRANK of Massachusetts. Go right ahead.

Mr. GRADISON. In this instance, the issue, as I see it, is not whether the House or the Congress has authority to try to change law. Of course, they have authority to try to change the Budget Enforcement Act. I acknowledge that. The question is whether it makes much sense unilaterally on one issue to try to reopen this in a way which we know with certainty is simply going to delay enactment of a bill we want to get passed.

Mr. FRANK of Massachusetts. I thank the gentleman. Apparently that occurred to him between his opening statement and now, but we have constantly been told that if the budget agreement says one thing we are not supposed to deal with it.

I do think it is important, and I thank the gentleman for joining me in making very clear what we know. The budget agreement was enacted in the last Congress, and it is subject at any time to change by the regular legislative process which this is.

The question is twofold. Should we treat it as holy writ? Well, when the President sent in his budget this year and proposed substantially less for Medicare than the budget agreement had called for, he proposed changing the terms of the agreement. That was the President's right, as it was the right of this House and the Senate to reject the President's proposal to cut Medicare. I did not accuse the President of violating some agreement. He wanted to cut Medicare. We did not. We had a vote. That was it.

So the question is, which is better. Now, the gentleman suggested that somehow the majority only brings out these CBO provisions when there is some point to be gained. But in this bill CBO and OMB say the same thing, so the gentleman refutes himself when he says that, because it is certainly not true of this bill. The question is who is more objective, and as we try and figure out whether CBO or OMB is more objective, I ask the Members, Mr. Chairman, if the name David Stockman means anything to them.

Mr. Stockman wrote a very interesting book in which he talked about how he played around with the estimates. Read Mr. Stockman's book. It is hardly an announcement of absolute, pristine approach to the numbers.

Mr. GRADISON. If the gentleman will yield further, is the gentleman to whom the gentleman is referring the current head of the Office of Management and Budget or a gentleman who served there some years ago?

Mr. FRANK of Massachusetts. He is, as the gentleman, I think, knows, the appointee of Ronald Reagan to the Office of Management and Budget. He set a pattern which I think is often followed.

No, David Stockman is not the current head of the Office of Management and Budget. He was Ronald Reagan's appointee who served for several years and who wrote such great pieces of legislation such as Gramm-Latta, which members of the minority so enthusiastically supported, so while he has departed, the legacy of the votes of the gentleman and ladies on the other side gave us live on.

Mr. GRADISON. If the gentleman will yield further, I am troubled by the assumption which is implicit in what he says, at least the way I hear him, that there is a bias one way or the other within the Office of Management and Budget on issues of this kind. There was a study done of the entire history of projections of the deficit by OMB and by CBO over the entire period that they both have made such estimates which began at the beginning of 1975, and it did vary from year to year, but over the period of years, they were essentially the same numbers.

Mr. FRANK of Massachusetts. I thank the gentleman for pointing out that there is no real point to his amendment. The gentleman has just said that over a period of years, on the deficit, OMB and CBO came out the same.

I have yielded several times to the gentleman, and I think I am going to get a couple of minutes in before I yield to him again.

The gentleman has told us that the President will veto this bill if this amendment is not accepted. Why? Because CBO and OMB come out the same, so apparently what we have is a degree of turf consciousness in the White House which seems to me unbecoming.

In fact, I think the gentleman's analogy is a little bit inappropriate, because we are not talking here about overall deficit projections. We are talking about scoring the effects of policy, and I apologize if the gentleman thought I was being implicit. I meant to be explicit.

OMB, being part of the administration in power, will sometimes be influenced by the policy views of that administration in its scoring. CBO may also be sometimes influenced, more likely by Congress, but I think that in the current situation and in the accounts I have seen, CBO does a better job, and that is the question before us.

I would point out, from the standpoint of this House, the President can decide when he vetoes a bill or not what he wants to do.

The head of CBO is subject to joint appointment. The head of OMB is appointed only by the President, as he should be.

The CHAIRMAN pro tempore (Mr. ESPY). The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, then, the question is: Do we do better with the bipartisanly appointed head of CBO, or do we do better with the Presidentially appointed head of OMB?

I do acknowledge that this is not the stuff over which empires fall. It, therefore, seems to me particularly unfortunate that the gentleman has waived the veto threat. The veto threat, I think, ought to be saved in constitutional terms for weightier issues, not one where, as the gentleman himself points out, that it does not make very much difference.

Mr. GRADISON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I am happy to yield to the gentleman from Ohio.

Mr. GRADISON. Mr. Chairman, I thank the gentleman for yielding.

I merely wish to point out to our colleagues that the gentleman has undercut his own point that there is some implicit bias in the Office of Management and Budget by acknowledging that, with regard to the specific issue before us, the estimates are identical from the Office of Management and Budget and the Congressional Budget Office.

There is one other point, I think, that is interesting to keep in mind, and that is that the other body, the Senate, controlled by the gentleman's own party, insisted on knocking out this directed CBO scorekeeping with regard to the one bill which reached them, and with regard to the budget which they recently approved, and which we are going to conference on within a matter of days, they used OMB data, OMB numbers, entirely in their estimates, whereas we used CBO. So I think the gentleman's quarrel is not just with Mr. Stockman of blessed memory but also with the Democrats of the U.S. Senate.

Mr. FRANK Of Massachusetts. I would say to the gentleman, yes, I will plead guilty to not being willing automatically to do whatever the U.S. Senate thinks we ought to do. If the gentleman wants to accept that as his lodestar, he is entitled to do so. I prefer a situation where the House votes the House's judgment. If when we go to conference in the course of give and take, we have to give and take, let us do it. I do not like a situation which, instead of give and take, they give, and we take the orders, and that is apparently the gentleman's argument for it.

As far as my acknowledging there is implicit bias, I want to be very clear, I do not mean to say anything, because there is nothing implicit about it. The President appoints somebody. He or she is going to take the President's views into account. And, yes, they do come out the same in this case. CBO and OMB will often be the same.

I think it is important in terms of institutional integrity for this House, not the Senate, not the President, to maintain control over scoring of its own legislation.

Mr. WYLIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Gradison amendment to delete 604 from the pending legislation.

Mr. Chairman, 604, as has been pointed out here very adequately by my friend, the gentleman from Ohio, undermines the budget agreement of last year, an agreement that was subject to extensive discussions and negotiations between both sides of the House.

□ 1730

The statement of administration policy which has also been mentioned states that senior advisers will recommend a veto of the bill if it is sent to the President with section 604 in it.

I think it would be unfortunate to have the legislation vetoed simply because of section 604, but there is a matter of principle involved here, even though the scoring is the same. I would say that the legislation, and I want to commend the gentleman from Alabama [Mr. ERDREICH] and the gentleman from Nebraska [Mr. BEREUTER] for the wonderful work that they have done on this piece of legislation which makes very substantial improvements to the existing insurance program.

The bill in its present form will produce savings to the government. According to both the Congressional Budget Office and the Office of Management and Budget, it will produce $11 billion in savings over a 5-year authorization period of this program. Because of this recommended veto threat, and because the legislation is so needed, I think that this section ought to be deleted, and it ought to be sent to the President so he can sign it with a veto in favor of the Gradison amendment.

Mr. MICHEL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio. We all recall that on a straight party-line vote back in January, the Democratic majority forced upon this House a rule change. We fought that change at the time. The intent, of course, of the new rule was to override the Office of Management and Budget as the final scorekeeper for sequester purposes.

While the point was made that Congress can change its mind from time to time, and Members can change their mind, nevertheless, this is in direct contradiction to the budget summit agreement enacted by the Congress last fall. An agreement that was, for all practical purposes, to give Members a budget guidepost for 5 years. It is one thing to say that we really did not mean what we said at that time, when there was such a traumatic argument, over many months, over what we were going to do and what we were not going to do in terms of the Federal budget.

We say today we have in that budget agreement spending caps for a good 3 years. We even made the distinction between how hard it was to maintain them for 3 and between the increment of 3 and 5 years. However, all Members were under the same understanding when we adopted that agreement.

The agreement failed the first time. Of course, we were floored that it did not pass. We said that we would probably lose along the way. We frankly did, by means of a $20 billion increase in revenue and $20 billion more in spending because we did not adopt the first agreement. But we adopted the second one. In the second one, of course, we had this agreement on scorekeeping.

Although in this case, as has been mentioned, OMB and CBO agree on the figures, I support the striking of the CBO cost estimate based on the principle that the intent of the language is to change last year's budget deal.

I find it interesting in describing the budget resolution passed by the House 2 weeks ago my colleagues on that side of the aisle, the Democrat side of the aisle, described it as complying with the budget summit agreement.

My question to Members then is: Do we have an agreement that we intend to live up to, or do we not? And will the agreement only be enforced when it is in the interest of the majority party, as distinguished from mutually agreed upon by both sides?

I think an agreement is an agreement is an agreement.

The President has stated, as the gentleman from Ohio who just preceded me said, that any bill presented to him which includes the offending CBO cost estimate will be vetoed. I can assure my Democratic friends that we will continue our efforts to fight such CBO cost estimate language every time it appears in a bill, because we feel strongly about it.

As I indicated, an agreement is an agreement is an agreement. There has got to be some measure of good faith.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, what was the gentleman's approach after negotiating Medicare figures? The President came in with a proposal that was billions and billions of dollars less than the Medicare figure agreed upon in the budget summit.

Mr. MICHEL. Mr. Chairman, I understand we were talking about an agreement between parties here in the Congress, and yes, I understand.

Mr. FRANK of Massachusetts. Is the President not party to this agreement?

Mr. MICHEL. He was a participant in the proceedings.

I am talking about the agreement between the two parties of the legislature. He is a member of the executive branch.

Mr. GRADISON. Mr. Chairman, will the gentleman yield?.

Mr. MICHEL. I am happy to yield to my friend from Ohio.

Mr. GRADISON. It was never understood that those spending caps were floors as well as ceilings; never understood that the President, if he wished to do so, could not come in with recommendations for additional savings of the taxpayers' money; never understood that we would have to spend every dime that was set aside in that agreement.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I will yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I agree it was understood having reached an agreement that people could propose different things. Was it also understood that Congress would waive its right to legislate changes in the future?

Mr. GRADISON. Mr. Chairman, if the gentleman will continue to yield, I don't think that was the case. I think we are a pretty much even path on that one.

Mr. MICHEL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ESPY). The question is on the amendment offered by the gentleman from Ohio [Mr. GRADISON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GRADISON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

[Roll No. 74]

AYES—160

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

NOES—248

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Chapman
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTiNG—23

Ackerman
Bevill
Brooks
Carr
Clay
Dornan (CA)
Dymally
Gallo
Gray
Hopkins
Hubbard
Lehman (FL)
McCollum
Miller (CA)
Moorhead
Rhodes
Savage
Skelton
Smith (FL)
Stokes
Udall
Washington
Zimmer

☐ 1787

The Clerk announced the following pairs:

On this vote:

Mr. Gallo for, with Mr. Lehman of Florida against.

Mr. Dornan of California for, with Mr. Dymally against.

Messrs. GEREN of Texas, LANCASTER, HATCHER, AuCOIN, SARPALIUS, FLAKE, and WISE changed their vote from "aye" to "no."

Mrs. BENTLEY, Mr. BOEHNER, and Mr. MARLENEE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. ESPY). Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MOAKLEY) having assumed the chair, Mr. ESPY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1236) to revise the National Flood Insurance Program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes, pursuant to House Resolution 138, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as amended, adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ERDREICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 388, nays 18, not voting 25, as follows:

[Roll No. 75]

YEAS—388

Abercrombie
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell

Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gaydos
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—18

Armey
Burton
Crane
Dannemeyer
Duncan
Hancock
Hansen
Hunter
Petri
Porter,
Sensenbrenner
Smith (TX)
Stump
Taylor (NC)
Thomas (CA)
Vucanovich
Walker
Zeliff

NOT VOTING—25

Ackerman
Andrews (ME)
Bevill
Brooks
Carr
Clay
Dornan (CA)
Dymally
Gallo
Gephardt
Gray
Hopkins
Hubbard
Lehman (FL)
McCollum
Miller (CA)
Moorhead
Rhodes
Savage
Skelton
Smith (FL)
Stokes
Udall
Washington
Zimmer

☐ 1815

Mr. DELAY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ERDREICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BACCHUS). Is there objection to the request of the gentleman from Alabama?

There was no objection.

FORMER SECRETARY OF DEFENSE HAROLD BROWN: VIEWS ON THE B–2 BOMBER

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, U.S. military technological superiority proved its value in Operation Desert Storm with dramatic effect. Our ability to maintain this edge will depend on our willingness to make the investment in revolutionary capabilities even as we reduce our overall spending levels and force structure. The cornerstone of this strategy is full utilization of stealth technology.

Lt. Gen. Charles Horner, commander of Air Forces in Operation Desert Storm, put it well in recent testimony before the House Appropriations Defense Subcommittee when he stated:

> We're still coming to grips with the implications, but I can honestly say that stealth has revolutionized warfare. Without the F–117 the fighter pilot losses and the civilian casualties would have been an order of magnitude higher. As a father, taxpayer, commander and pilot I can assure you that stealth will give America the cutting edge capability it needs to ensure our security for the long term.

The ability of stealth aircraft to conduct missions without a massive air armada of fighter protection, jammer aircraft, and airborne tankers also make it very cost effective when measured against real life mission application. This is the true measure of cost that must be evaluated, not simply unit costs that have no relationship to military capability.

Many of my colleagues may not recall, but it was the Carter administration that was instrumental in giving the initial priority to pursuing the revolutionary attributes of stealth. Former Secretary of Defense in that administration, Harold Brown, recently shared with me his views on the B–2 bomber. He continues to believe that it is an important investment that is critical for both strategic modernization and for dramatic additional conventional capability.

I include his letter on this subject in the RECORD so that all Members of the House can benefit from his judgment.

THE JOHNS HOPKINS
FOREIGN POLICY INSTITUTE,
Washington DC, April 26, 1991.

Hon. NORMAN D. DICKS,
House of Representatives,
Washington, DC.

DEAR MR. DICKS: In our recent conversation you requested my comments on the B–2 program. In this response, I give my views on the purposes and utility of the B–2, along with my judgment on the development and procurement program.

I would first point out that we should recognize that we are dealing with a time frame that extends out at least to the year 2020 and, if the history of the B–52 is an example, even the year 2030. The character of possible adversaries of the United States, the nature of the possible military threats, the then objectives of U.S. national strategy and military strategy, and the detailed nature of warfare cannot be very pecisely defined for much of that period. Still, we can divide the proposes the B–2 would serve into a nuclear strategic role (with the USSR, or the large and well armed political entity which remains in whatever form after the current upheavals have worked their way, as adversary) and a conventional role involving attack on military and other strategic targets using non-nuclear munitions.

To begin with the nuclear role, the B–2 is designed to serve as the bomber component of the U.S. strategic deterrent. Its target system for that function would be the same as those of ballistic missiles, cruise missiles, and the present bomber force. The triad strategic retaliatory forces include land-based ICBMs, submarine launched ballistic missiles, and an air breathing force including bombers and cruise missile. One value of such a mix is to make United States forces not vulnerable to a single or simple opposition strategy to destroy our retaliatory capability before it can be launched or to a single or simple active defense against U.S. strategic retalitory forces. Bombers can take off on warning before the impact of a preemptive attack by an adversary. A bomber force (or a cruise missile force) cannot be defended against by the same systems as would function against ballistic missiles. The bomber force is both recallable and (in principle) reprogrammable in flight to different targets. I do not place much weight on the possible ability of the B–2 (or any other bomber) to function successfully against strategic relocatable targets such as mobile ballistic missiles; I never have. The principal problem with such targets is locating and identifying them in near real time. If that can be done, by any combination of intelligence means, systems other than fully penetrating bombers can deliver a strike on those strategic relocatable targets within fifteen minutes or so.

Thus, we need to compare the B-2 with other air breathers as they might operate against Soviet systems of the 21st Century. In that time frame, neither the B-52 nor the B-1 can be relied on to penetrate advanced Soviet defenses. Neither has low observable characteristics anywhere near those of the B-2, and we will need low observable characteristics of a highly advanced kind to have confidence in penetration. Electronic countermeasures, which are the other way to attempt successful penetration, especially against mobile defenses that are hard to target with ballistic missiles, are more difficult to incorporate into cruise missiles which leave less weight carrying capacity and would have to function autonomously. The difficulties with electronic counter measures in the B-1 are well known. The very low observable qualities of the B-2 make it easier for electronic countermeasures and other active countermeasures, if they are needed at all for the B-2, to be incorporated, since much less has to be simulated or hidden. Cruise missiles are less flexible: they cannot be recalled after launch, and would be much more difficult to reprogram during flight for evasion or retargeting. To some extent, it would be possible to trade off a longer air launch cruise missile range against a less penetratable bomber acting as a cruise missile carrier. But beyond relatively short ranges the air-launched cruise missile is much less cost-effective than having the bomber carry the warhead the rest of the way. That is, a bomber load of cruise missiles carries much less payload to the target than does that same carrying capacity employed in a penetrating mode. A similar tradeoff applies in the conventional case, to be discussed below, but very much more strongly, because the payload of conventional ordnance that must be delivered against targets is thousands of times greater than for nuclear warheads.

I believe that there should be an air breathing component, specifically a bomber component, of the triad of strategic retaliatory forces of the United States during the early 21st Century. The erosion, aging, delay—perhaps indefinitely—of modernization, and uncertain survivability against a preemptive attack that characterizes the U.S. intercontinental ballistic missile force reinforces this view. For the reasons I have given above, that bomber component ought to be B-2.

Let me now turn to the function of the B-2 in non-nuclear warfare. Corresponding favorable considerations compared with alternative deliveries apply even more strongly to the B-2 in this case.

Low attrition is a necessity for delivery of substantial conventional tonnage of high explosives (whether so called iron bombs or precision guided munitions) with restrikes. Nuclear delivery can be accomplished with twenty-five or even fifty percent attrition. But even five percent is totally unacceptable for sustained conventional bombing. During the first decade of the 21st Century, effective air defense is likely to be available to many nations all over the world. Low observable characteristics will be a necessity for non-nuclear operations against such defenses.

Why, one may ask, can't we use the F-117 Stealth Fighter for that purpose? We could, but the systems cost per pound of payload will be considerably lower for the B-2 than for the F-117. The projected force of B-2s can carry 10 or 20 times the total payload of the F-117 force. More important, the B-2 would be able to strike anywhere in the world within 24 to 48 hours from present U.S.-controlled bases without any forward deployment by using inflight refueling.

We have seen a case where the air campaign over a period of one month made possible a brilliant ground campaign with casualties at a low level previously unheard of: there has not been anything like it in modern military history. But it took six months for the U.S. forces to get ready. Will there be another case in which the situation will require the daily delivery of a thousand tons of explosives by air, and in which the ability to begin doing so within two days and from existing U.S. bases would much improve our military options? In the 1990s, perhaps not. But either in the 1990s or at some point beyond then, I regard such a situation as highly likely. The programmed B-2 force would have that capability, and no other force could do it.

The details of performance of the B-2 are still classified, but my understanding of that performance in terms of payload, range, and low observable characteristics is that the test program so far shows that they are being successfully achieved.

The cost of the program is very high but in deciding how to proceed from here we should consider only the remaining cost, because the sunk cost is indeed sunk. At $30 billion, the remaining cost is still high. It may therefore make sense to build at the minimum efficient rate, even though that slower rate may increase the unit cost. But the remaining cost of the B-2 program will be less than the cost of the equivalent delivery capability by the next generation of tactical attack aircraft, which would require forward bases, either on land or on carriers, and substantial deployment time to reach attack distance. Indeed, using constant dollar costs and equivalent program costs, the same is true of a comparison of the B-2 with a force of the existing generation of tactical fighters of equivalent delivery capability. My own inclination would be to find some of the money for the B-2, specifically the operating costs, by phasing down the B-1. That might even provide enough to pay for some of the B-2 acquisition costs as well.

Finally, I would note that there is a minimum workable force level and production rate. The former is much nearer 75 than 15, and the latter nearer 10 a year than 2 or 3.

To summarize: 1. The U.S. military force structure should include a heavy bomber component well beyond the year 2000, both for conventional and strategic nuclear purposes. Such a force has inherent capabilities no other component of the U.S. military force has, including delivery of massive ordance amounts on short notice anywhere in the world.

2. In the light of expected air defense capabilities throughout the developing world as well as in the Soviet Union or a successor state, during the latter part of this decade and even more beyond the year 2000, a highly advanced low observable capability is necessary in that heavy bomber force. Only the B-2 has those capabilities in adequate measure.

3. The B-2 development has been successful. The production rate should depend on continued favorable progress in the testing program, which has proceeded successfully so far. The programmed force size and rate of production appear reasonable in terms of what it would cost to do a similar function less well in other ways.

Sincerely,

HAROLD BROWN.

RESTRICTING EXPORT-IMPORT BANK IN FOREIGN MILITARY SALES

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLECZKA. Mr. Speaker, today I rise to introduce legislation restricting the Export-Import Bank's role in foreign military sales. Seven of my colleagues on the Banking Committee are original cosponsors of this bill, including our distinguished chairman, HENRY GONZALEZ.

The Export-Import Bank is the only Federal credit agency established solely to promote U.S. commercial exports overseas. For more than 50 years, the Bank has helped American businesses, large and small, market their products and services worldwide.

Now, more than ever, we need the Bank's resources to assist our businesses in meeting the competitive challenges from Europe and Asia.

The administration, however, now proposes to allow U.S. arms manufacturers a generous, $1 billion allowance of the agency's loan guarantee program.

This, Mr. Speaker, is a serious mistake.

The Eximbank is unsuited for arranging weapon sales. These transactions are political and strategic by nature, and should be handled by the State Department and the Pentagon.

Inevitably, undemocratic nations will pressure the Bank for help to buy high-technology American weapons if this Pandora's box is opened. Recent Banking Committee hearings found that Eximbank played a role in Saddam Hussein's purchase of U.S. goods with military applications.

The Eximbank simply can't afford to get involved in this line of business. The Bank's 1992 equity is a negative $6.1 billion. Ultimately, the taxpayers will be left with the bill if costly defaults from foreign arms sales occur. History shows they will.

My legislation reaffirms the Bank's commercial mission while limiting the number of actors in the global arms race. I urge your support of this bill.

At this point, let me provide some background on the proposed Eximbank arms sales program. On March 7 the administration proposed creating an Eximbank pilot program to guarantee $1 billion annually for weapon sales to NATO countries, Japan, Israel, Australia, and possibly less stable developing nations as well. Similar legislation was recently introduced in the House. The Bank's dubious record of participation in foreign arms sales, however, does not merit expanded activity in this area.

When the Eximbank financed military sales in the 1960's, top secret "Country-X" loans were used to channel sophisticated weapons to uncreditworthy nations largely in the Middle East, Latin America, and even Southeast Asia at the height of the Vietnam war. Uncovered in 1967, the ensuing scandal proved that even goods sold to our closest allies could not be kept from our enemies. Incredibly, the Bank extended credit for arms sales to developing countries without a repayment guarantee. Not surprisingly, many of these cash-strapped nations defaulted, leading to a general prohibition in 1974 against further arms sales by the Bank to the Third World.

More recently, a 1988 sale of military helicopters to Colombia for anti-narcotics purposes was linked by Amnesty International to the possible murder of several political dissidents. Today, the Eximbank is poised to approve the sale of 200 helicopters to Turkey, a nation with a poor human rights record.

The proposed pilot program on arms sales is silent on the very serious problems which inevitably will arise from end use, and human rights violations, ignoring prior difficulties with controlling bank arms sales. My bill corrects this oversight while ensuring that Eximbank's resources are used, as originally intended, to finance U.S. nondefense exports.

To accomplish this, the bill narrows the circumstances in which the law's exceptions against arms sales—for anti-narcotics activities and national interest purposes—may be exercised.

First, the legislation bans a foreign country from participating in Eximbank defense sales for anti-narcotics activities if, in the past, it had used any American weapons or defense services to break an end use agreement, or violate human rights. Weapons purchased under this program must be used only for anti-narcotics actions, and must be bought before September 30, 1992. In addition, the President must consult with concerned nongovernmental organizations [NGO's] in making these important determinations.

Second, the existing law's national interest exception is tightened in the bill to only those cases where a sale is essential to protect the United States from a direct security threat. In all other cases, bank financed arms sales are strictly forbidden.

Reinforcing Eximbank's commercial mission makes common sense. There are few if any anticipated financial benefits to the pilot program. Indeed, a November 1990 interagency report on this matter concluded that 75 percent of all nations are unlikely to use guaranteed loans for U.S. defense goods. The remaining 25 percent "might represent a potential market, but it is not clear that subsidizing financing would be or would not be a major factor affecting U.S. market share."

Even if countries did demand Eximbank credit to purchase U.S. weapons, the pitfalls of such transactions are daunting. Weapons sales made by the Defense Department's Foreign Military Sales [FMS] program absorb, on average, 12 percent defaults each year. The Bank's experts predict at least 6.5 percent of its arms sales will enter default.

Moreover, despite claims that the pilot program would not diminish Bank support for non-defense exports, it is clear that expanded arms sales would divert at least 10 percent ($63 million) of the Eximbank's fiscal 1992 program pool of $517 million from commercial exports. Granted, the Bank has not always used its entire annual guarantee authority. However, the Export-Import Bank should not now, when commercial goods are a bright spot in our bleak economy, be used to assume the risks of financing military exports, with the associated risks of default and political backlash. Indeed, with U.S. commercial exporters desperate for export credit support, the administration should conserve its limited resources to promote exports that contribute to the development of markets abroad for quality U.S. goods and services.

I urge my colleagues to support this bill.

At this point, I will include the text of the bill and related material in the Record.

The material follows:

H.R. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF THE EXPORT-IMPORT BANK OF THE UNITED STATES TO FINANCE THE SALE OF DEFENSE ARTICLES OR SERVICES TO FOREIGN COUNTRIES.

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended—

(1) by striking all that precedes subparagraph (E) and inserting the following:

"(6)(A) The Bank shall not guarantee, insure, extend credit, or participate in an extension of credit in connection with any credit sale of defense articles and services to any country.

"(B) Subparagraph (A) shall not apply to a sale of defense articles and services to a country if the President determines that—

"(i) the sale is necessary to protect against a direct threat to the security of the United States; or

"(ii) the defense articles or services are being sold on or before September 30, 1992, and will be used, pursuant to the terms of the sale, only for anti-narcotics purposes after the sale.

"(C) Notwithstanding subparagraph (B)(ii), the exception provided under subparagraph (B)(ii) shall apply with respect to a sale of defense articles and services to a country that has previously obtained any defense articles and services from any United States person, only if the President, after consultation with nongovernmental organizations concerned with such matters, determines that the country—

"(i) has complied with all restrictions imposed by the United States on the end use of all such previously obtained defense articles and services; and

"(ii) has not used any such previously obtained defense articles and services to engage in a consistent pattern of gross violations of internationally recognized human rights.

"(D)(i) The Board shall not give approval to guarantee, insure, extend credit, or participate in an extension of credit in connection with any sale of defense articles and services to any country unless any determination by the President under subparagraph (B) or (C) with respect to such sale has been reported to the Speaker and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and to the Committee on Banking, Housing, and Urban Affairs of the Senate, not less than 25 days of continuous session of the Congress before the date of such approval.

"(ii) For purposes of clause (i), continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 25-day period referred to in clause (i)."; and

(2) in subparagraph (G), by striking "(B), (C), (D), and (F)" and inserting "this paragraph".

(b) Repeal.—Section 32 of the Arms Export Control Act (22 U.S.C. 2772) is hereby repealed.

SEC. 2. GAO STUDY OF THE PARTICIPATION OF THE EXPORT—IMPORT BANK OF THE UNITED STATES IN SALES OF DEFENSE ARTICLES AND SERVICES TO FOREIGN COUNTRIES.

(a) Study.—The Comptroller General of the United States shall conduct a study of the participation of the Export-Import Bank of the United States in financing sales of defense articles and services (as defined in section 2(b)(6)(F) of the Export-Import Bank Act of 1945) to foreign countries.

(b) Report to the Congress.—Within 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that—

(1) summarizes the participation referred to in subsection (a), including—

(A) participation that was approved by the Board of Directors of the Bank and the reasons therefor; and

(B) participation that was disapproved by the Board of Directors of the Bank and the reasons therefor;

(2) assesses whether (and, if so, the extent to which) the countries purchasing defense articles and services the financing of the sales of which was participated in by the Bank—

(A) failed to comply with the restrictions imposed by the United States on the end use of such defense articles and services; or

(B) used any such defense articles and services to engage in a consistent pattern of gross violations of internationally recognized human rights; and

(3) assesses the theoretical and practical, political and economic, pros and cons of such participation.

[From the New York Times, Mar. 18, 1991]

White House Seeks To Revive Credits for Arms Exports

(By Clyde H. Farnsworth)

Washington, March 17.—The Bush Administration is asking Congress to authorize a Government agency to underwrite sales of military goods for the first time since the 1970's.

After a long and divisive internal debate, the White House has come down on the side of American military contractors, whose business has been lagging because of American plans to reduce the size of the armed forces.

The proposal comes at a time when Secretary of State James A. Baker 3d and other members of the Administration have been trying to limit the rearmament of the Middle East in the wake of the Persian Gulf war.

Administration officials insist the two efforts are not at counterpurposes.

COULD INCLUDE THIRD WORLD

The legislation would establish a pilot program to support the commercial sale of military products to members of the North Atlantic Treaty Organization and to Japan, Israel and Australia. Should the President determine it is in the national interest, such financing would also be available for "any other country," which would include the third world.

Backers say the proposal, which the Administration sent to Capitol Hill last week, would merely level the playing field with America's main industrial competitors, most of which have export credit agencies that finance military sales.

A State Department official, who insisted on anonymity, said the proposal is "a strictly commercial operation and is to be used only to counter subsidized credit packages from competing countries, like France."

"VERY WRONG-HEADED"

But opponents of the proposal say that by diverting resources that should be concentrated on nonmilitary exports, the program will hurt American competitiveness and encourage poorer countries to spend more money on arms. America's competitiveness will suffer, according to this argument, because there is less of a ripple effect through the economy from arms sales than from, say, advances in consumer electronics.

Representative David R. Obey, Democrat of Wisconsin and chairman of the House Appropriations Subcommittee on Foreign Operations, Export Financing and Related Matters, called the proposal "very wrong-headed." Arms sales are "by their very nature noncommercial and political."

In 1989, the last year for which satistics are available, the United States sold about $10.8 billion worth of major conventional weapons systems abroad. The bulk of these sales went to American allies in NATO.

The Administration's request that the Export-Import Bank, a Government agency, underwrite the arms sales promises to be hotly debated in Congress. A Pentagon-administered military credit guarantee program was suspended in the late 1970's after too many customers went into arrears, with their loans either forgiven or rescheduled.

With the President's backing, the proposal is expected to pass the Senate. But it will run into stiffer opposition in the House, and at this stage, its fate there cannot be determined.

Even within the Administration, the proposal produced a debate before the White House decided to proceed. The State Department and the Pentagon supported the change. The principal objections came from executives of the Export-Import Bank.

The bank was founded 56 years ago to stimulate trade by providing financing to overseas buyers of American goods at below-market rates. Since 1974, it has had a declared policy of financing only nonmilitary exports.

WOULD RESCIND BAN

The Administration has proposed to rescind Section 32 of the Arms Export Control Act of 1968, which was enacted after widespread use of the agency as an instrument of "backdoor financing" of military sales to Southeast Asian nations during the Vietnam buildup. Section 32 bans the use of Export-Import Bank financing of military sales to developing countries. The White House has proposed that the Export-Import Bank guarantee up to $1 billion of commercial bank loans to the overseas customers of American military contractors.

Such a sweeping expansion in the scope of Government credit activities for military exports has been vigorously promoted by large military contractors like the United Technologies Corporation, the Raytheon Company and the Martin Marietta Corporation, and the White House has now decided to go along.

And John D. Macomber, president of the export agency and a friend of President Bush, said: "The central point is that we're going through very difficult times in this country for defense industries. The basic motivation behind this is that the Government recognizes there are some real economic adjustment problems for these companies to go through, and this would be a way for the Government to be of some help." He was referring to the budget cutbacks of the last two years.

Representative Jim Moody, another Wisconsin Democrat, is seeking legislators' signatures on a letter to Secretary Baker, warning that the initiative is "likely to cost the taxpayer dearly" and is a "rather transparent attempt to circumvent the budgetary limitations" of the Pentagon's Foreign Military Sales program.

OPPOSITION FROM INDUSTRY

This program is the main military assistance effort under which the Pentagon in the next fiscal year plans to spend nearly $5 billion in grants and low-interest loans to American allies. Although 50 countries are on the list of recipients, half goes to two, Israel and Egypt.

The Administration has also been seeking to limit strategic arms in talks with the Soviet Union, and it has proposed restrictions on the sale of chemical, biological and nuclear weapons technology to the third world. The Administration proposal has divided the export community. Most companies whose earnings are primarily from military sales overwhelmingly back the proposal. Others, like the Boeing Company and the General Electric Company, which have some military business but far larger nonmilitary operations, have reservations.

They worry about the crowding out of scarce credit resources, the possibility that separate divisions within companies may have to compete for Export-Import Bank money and an undercutting of political support for the bank if it becomes too strongly identified with military programs.

"Boeing recognizes financing support is required for the export of defense products," said John F. Hayden, the company's corporate vice president. "But we question the appropriateness of involving Ex-Im bank as the mechansism."

He noted that since "defense products exports are not simply commercial transactions, but involve foreign policy and national security, Boeing feels the Department of State may be the appropriate agency to administer a defense-products export-financing program."

Willard M. Berry, vice president for Congressional affairs at the National Foreign Trade Council, said that before Congress takes up the proposal, "it is in the interest of all concerned to insure that all alternatives are explored and the pros and cons of each are fully debated."

William F. Paul, senior vice president of United Technologies, said that because the United States could not provide competitive credit terms, his company lost a big Brazilian military helicopter contract to France's Aerospatiale in 1988.

"We need a mechanism for financing this kind of defense trade when it's necessary," Mr. Paul said. "Our competitors have access to this sort of facility, and we desperately need it ourselves."

[From the Financial Times, Mar. 20, 1991]

IMF CHIEF BACKS CALL TO LIMIT ARMS SALES

(By Lionel Barber and Michael Prowse)

Washington.—Mr. Michel Camdessus, the managing director of the International Monetary Fund, last night stepped into the heated debate on limiting arms sales to the Middle East.

Mr. Camdessus urged industrialised countries to agree a ban on export credits for arms sales to the region. The call came only a day after the Bush administration announced a $1bn plan to revive export credit guarantees for the US arms industry.

Mr. Camdessus urged the ban as part of a scheme for economic reconstruction in the Middle East. He said countries in the area should focus domestic resources on productive investment. This required an "imaginative international effort" to reduce the region's need for—and access to—arms.

Speaking in Toronto, he paid tribute to Mr. Brian Mulroney, Canadian prime minister, whose plan for limits on conventional arms sales to the Middle East met with a cool reception from President George Bush. Mr. Mulroney argued that the principal arms suppliers to the region are the permanent five members of the UN security council.

Mr. Bush wants to reserve the right to sell arms to US allies in the Middle East in order to maintain a balance of power after the Gulf war.

The US scheme reviving export credit guarantees primarily covers arms sales to Nato allies but could be extended, under presidential discretion, to cover weapon sales in the Middle East.

Mr. Camdessus said a ban on export credits would provide a clear signal of the international community's determination to create a strong framework for reduced tensions in the area. Arms exporting countries should "impose on themselves a common discipline that would effectively support the efforts that are expected from the countries themselves."

Mr. Camdessus's five point plan for economic reconstruction included a commitment to sound economic policies in the region, supported by effective international cooperation; and structural reforms such as price liberalization and elimination of trade barriers.

FAST TRACK: AMERICAN LEADERSHIP

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I support the President's request for fast

track with Mexico. The fast track represents a defining hour. This fast-track vote is one for open markets, future economic prosperity, and American leadership. The debate is not over fast track only. It is a debate over whether Congress will end its partnership with the executive branch and retreat from continued leadership of the global economy.

Disapproval of the fast track would be a rejection of open markets, economic growth, and American leadership. It would be rejection of our great relationship with Mexico and its energetic new leader, President Carlos Salinas de Gortari. It would be a retreat into protectionism and isolationism.

I urge my colleagues to look at the administration's response on environment, on labor, on worker rights, that has hit every office in the Congress. It is responsive. Environmentalists are on the negotiating team. There is an extensive border cleanup plan between the United States and Mexico. There will be trade adjustment assistance, if need be.

Mr. Speaker, this is a good agreement. It should be bipartisan and we should make every effort to pass it. Otherwise, we will be retreating against our good friend and neighbor, Mexico.

WHAT ABOUT U.S./MEXICO LABOR DIFFERENCES?

Some have argued that a free trade agreement will lead to massive layoffs of American workers as American firms flee to Mexico, where labor costs are lower than those here at home.

It is true that U.S. labor costs are approximately 7 times higher than those in Mexico. Yet, past experience would suggest that labor costs are not the only factor in company relocations. For instance, when Spain and Portugal joined the European Economic Community, critics suggested that many German companies would migrate to the south in search of lower labor costs, causing wages and employment to drop in Germany (where wages were around 6 times higher). Instead, German wages and employment rose following the integration.

When deciding where to locate production facilities, companies consider not only wage levels, but also education of the workforce, productivity rates, quality of life in the area, availability of supplies, etc., all of which continue to make the U.S. an attractive location for factories.

As Los Angeles Times editorial writer James Flanigan has pointed out goods "are not made where labor is cheapest, but where production is the most efficiently organized." Hence, the location of Japanese owned car plants in "Tennessee, Kentucky, Ohio, Indiana and Michigan."

Output per worker is also important-U.S. workers are 5-6 times more productive than their counterparts in Mexico. In any event, as the Mexican economy improves, the wage differential will diminish.

A free trade agreement will also mean more U.S. exports, which are critical to economic growth. Every $1 billion in exports means 25,000 new jobs. In 1990, the 8.5% growth in exports accounted for 88% of total U.S. economic growth.

Economic growth will also slow illegal immigration into the U.S., reducing competition facing Americans looking for work.

Economic growth will also give the Mexican government the resources to hire additional inspectors to ensure compliance with federal labor regulations. And the negotiations will give us a chance to insist on further improvement in labor standards, as well as environmental protection, child welfare, etc.

In a global economy, some jobs will inevitably shift overseas. However, when a firm moves its production to Asia, instead of Mexico, it is far more likely to buy its supplies from other Asian countries. If that same firm were to locate in Mexico, it would likely buy an average of 86% of its direct source materials from the United States, keeping Americans employed.

THE BOTTOM LINE

A free trade agreement will help keep U.S. goods competitive with those from Asia and Europe and will be beneficial to workers on both sides of the border.

WHAT ABOUT MEXICO'S ENVIRONMENTAL RECORD?

Mexico has taken enormous steps to improve both its environmental laws and its enforcement of these laws. As President Caros Salinas de Gotari has said, Mexico does not intend to become the environmental dumping ground for America.

Mexico's new get-tough attitude towards the environment is being borne out with concrete action. Mexico passed a highly controversial environmental protection law in 1988. This law closely parallels the tough standards set by the U.S. EPA.

But legislation won't solve environmental problems if enforcement is lacking. Here, too, Mexico has made great strides, beefing up its enforcement budget by 636% in the past year alone. For instance, Mexico recently added another 100 inspectors to monitor Mexican industry.

These enforcement efforts are being felt across the country. Over 5,000 inspection visits were conducted in the past two years, resulting in 980 temporary or permanent plant shutdowns.

In fact, Salinas announced recently that Mexico City's largest oil refinery, which contributes 3% of the total pollution in the Capital, would be closed. This will cost Mexico $500 million and will add 3,200 people to the unemployment rolls.

Mexico's commitment to the environment is also evidenced by its authorization of an Inter-American Development Bank debt-for-nature swap valued at more than $300 million. The swap will improve reforestation efforts and set a precedent for future conservation efforts.

Much more is possible on the environmental front if Mexico's economy improves. Continued growth rates will be higher tax revenues and more money for environmental monitoring and clean-up.

THE BOTTOM LINE

Without a Free Trade Agreement, Mexico's economy will stagnate, government revenues will fall, and environmental enforcement and regulations will deteriorate.

With an FTA, Mexico's economy will continue to improve, government revenues will grow, and President Salinas' personal commitment to cleaning up industy and the environment will be realized.

[From the Washington Post, Mar. 22, 1991]

(By Bill Richardson)

FREE TRADE WITH MEXICO, SI!

A powerful and energetic coalition opposes the U.S.-Mexico free trade agreement. It has been strengthened by the legislative situation in Congress, where the administration seeks fast-track procedures for both the U.S.-Mexico agreement and the stalled Uruguay Round of negotiations on the General Agreement on Tariff and Trade (GATT). Under this procedure, only one vote would be necessary to grant authority for conducting both negotiations.

This has spawned a broad alliance of opposition groups ranging from labor, textile and environmental interests to those concerned about Mexico's internal political situation. Thus, a U.S. border state congressman well disposed to free trade with Mexico could end up voting against fast track because of his unhappiness about the administration's agricultural policy in the GATT round.

If, as he has stated, the president attaches personal importance to regional and global trade and the U.S.-Mexico FTA in particular, he needs to use some of his substantial political capital to sway Congress. A bipartisan coalition is going to be indispensable to the successful negotiation and approval of a free trade agreement with Mexico. So far, supporters of the agreement, including American business, have been deafeningly silent.

In addition, a special independent high-level negotiator should be appointed with sufficient national stature to assuage congressional concerns, particularly those in the Democratic majority. Ambassador Carla Hills and her negotiating team at the U.S. Trade Representative's office are understandably focused on the Uruguay negotiations. A special negotiator, concentrating solely on the Mexican agreement, could strengthen the administration's ability to conduct effective trade talks while giving much-needed visibility to the Mexican agreement.

The administration needs to assure Congress that the United States and Mexico are seriously addressing issues raised by opponents, such as the dangers of wage disparities under a free trade agreement, working conditions in Mexico, illegal drug flow and the need for stricter environmental regulations in Mexico, particularly compliance with clean-air standards at the border. These deliberations should not be tied to the free trade agreement itself, but they need to be the subject of bilateral discussions, obviously involving a variety of agencies such as the Department of Labor and the EPA and be coordinated with the FTA negotiations.

Mexico is now announcing new environmental regulations for the maquila (twin assembly plant) industry, which will begin the process of defining and enforcing specific environmental laws. If the United States is serious about wanting a cleaner home, hemispheric and global environment, it should work for stronger environmental controls on both sides of the border.

Similarly, some in the United States claim that a free trade agreement will exacerbate the flow of drugs into this country. The fact is that Mexico under President Carlos Salinas de Gortari greatly strengthened its cooperation with the United States on the drug front.

The Bush administration needs to develop a long-range strategy for free trade throughout the hemisphere. Caribbean countries are already concerned that a U.S.-Mexico FTA will jeopardize trade benefits obtained under the Caribbean Basin Initiative. Other Latin nations are viewing the proposed U.S.-Mexico trade connection jealously and suspiciously.

The positive consequences in concluding a free trade agreement with Mexico far exceed the negatives. There will be better access to a growing Mexican export market, a more reliable source of petroleum, increased American ownership of Mexican subsidiaries and other assets, and expanded access to parts and labor. Tangible political benefits include a potential reduction of Mexican immigration to the United States because of augmented economic activity as well as enhanced political stability in Mexico. Finally, with the evolution of trade blocs in Asia and Europe, the FTA assists the United States and the Western Hemisphere in effectively competing in an ineradicably altered commercial environment.

Should the fast-track authority be defeated in Congress, U.S.-Mexico relations in particular, and U.S. international economic policy in general, will be severely hampered. Unless the administration acts now, the war we have won on the Persian Gulf battlefields for a new world order will be eroded by a battle lost right here at home.

□ 1820

SOVIET INVASION OF ARMENIA

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I take to the well of the House this afternoon because it has come to my attention at noon today that yesterday the Soviet Union invaded Armenia through Azerbaijan, that there were 30 people that lost their lives, and there were dozens taken hostage.

Now, the Soviet Union complains that it is just an ethnic struggle, but they are using personnel carriers, tanks, and things that the internal police of the Soviet Union do not necessarily give to people and citizens and ethnics of that region.

We are very concerned about the plight of Armenia and what is going on, particularly in light of the fact that Armenia is one of the Republics, one of the many Republics, that has not subscribed to the maintaining of the Communist bloc nor the central Government of the Soviet Union. We hope and pray that this is not an attack on those Republics that are crying for freedom in the Soviet Union.

The biggest question I would like to ask is where is the press? The press claims in this country to be the eyes of the world. Where are the news accounts of what is going on in Armenia?

Mr. Speaker, I would request that the press go into Armenia and on the borders of Armenia and Azerbaijan, to look at what has happened there, and to document indeed that it may be an ethnic invasion of ethnic struggle, and is not an invasion by the Soviet Union Army.

Mr. ROHRABACHER. Mr. Speaker, would the gentleman yield?

Mr. DELAY. I will be glad to yield to my friend, the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, Senator DOLE sponsored a bill in the Senate and I authored the same bill in the House that requires any foreign aid by the United States to be channeled not to a Communist-controlled central government, but instead, in the case of the Soviet Union and Yugoslavia, to go to democratically elected Republics.

I think it is important, and I think my colleague will agree, that the American people fully understand that there is a struggle for freedom going on in the Soviet Union today, and that we have got to make sure that Gorbachev totally understands that we are watching every move, and when people die in Soviet Armenia or Soviet Georgia or Lithuania, that the American people are not going to stand by and watch Gorbachev and the Communists who control the Kremlin get away with these kinds of atrocities.

I would hope that those of our colleagues who have not cosigned my legislation, and I know you are a cosponsor of my legislation and Senator DOLE's legislation, will support our efforts to ensure that those people who are committing these murders in Soviet Armenia do not receive any American foreign aid.

Mr. DELAY. Mr. Speaker, I appreciate the work of the gentleman from California. He has a great sense of freedom, and fights for freedom all around the world.

Mr. Speaker, before I run out of time, I would like to yield to my good friend from California, who is an expert in this area and who has brought this to everyone's attention, and is working very hard to get the attention of not only the press, but the President as well.

Mr. DREIER of California. Mr. Speaker, I thank my friend from Houston for underscoring the fact that the media has not focused enough attention on the plight of those in Soviet Armenia who are suffering. We have over the past several years been observing the attempts by many of the 15 Soviet Republics to declare their independence. A great deal of attention was focused on the plight of those in the three Baltic States. We have observed elections taking place in many of the Republics over the past couple of years. But now to see this kind of apparent military incursion into Armenia is clearly a violation, in light of the agreement that was just signed by General Secretary Gorbachev within the past week. Mr. Speaker, it seems to me this is a very tragic step, and I think that the United States needs to determine exactly what kind of steps this administration and this Congress will take. In the next several days and weeks I hope we can come up with a resolution.

Mr. Speaker, I thank my friend for bringing to light to Members in the House this very tragic circumstance.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from California and all the work he has done in fighting for freedom all around the world. He has worked very hard on this issue, and we are looking forward to his leadership on this issue. We just hope and pray that this indeed is not the first of many crackdowns coming from the central Government of the Soviet Union.

Mr. Speaker, we pray for those that have died in Armenia, and we pray for those that are fighting for freedom in the Soviet Union.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to commend the efforts of the subcommittee of this House chaired by the gentleman from Connecticut [Mr. GEJDENSON], our able colleague, who is tackling the very difficult challenge of campaign finance reform. Yesterday that subcommittee gave Members of this body an opportunity to present their views and opinions on this very important subject.

Mr. Speaker, the work that the subcommittee of the gentleman from Connecticut [Mr. GEJDENSON] is doing is taking place in a very difficult context. Most Americans are not joining political parties. Fewer Americans are working on political campaigns. Very few Americans are even voting.

Mr. Speaker, wherever I go there is a general sense of alienation about our political process. There is a generalized sense that those of us who serve in public office are not always serving in the public interest. That is a tragedy, because the people that we encounter among us every day, not only here, but in other public institutions, are overwhelmingly committed to serving their particular version of the public good.

As we have all learned, Mr. Speaker, sometimes the perception is much more important than the reality. The perception that is corroding our political system is that there is a link between private wealth and public law, that there is an inseparable connection between those who pay for campaigns and those who make public policy.

Mr. Speaker, when people talk about campaign finance reform, they are really talking about four separate problems. The first problem is the problem of people selling their votes, Mr. Speaker, or not acting in the public interest. I believe that is an exceedingly rare instance at any level in American Government.

The second problem, which is the perception that people are commonly selling their votes and commonly peddling their interests, is exceedingly broad, and exceedingly corrosive, and a great problem in our society.

The third problem is the inordinate amount of time and effort that Members of this body must spend and candidates for this body must spend in raising funds, instead of pursuing the legislative goals we were sent here by the people to pursue.

The fourth problem is the sheer cost of campaigns. Millions and hundreds of millions of dollars are being spent on the electoral process.

Mr. Speaker, I believe we have a system of publicly financed campaigns. I believe that the largesse that is given out by this Federal Government in the Tax Code, in Federal subsidies, in Federal contracts, is being recycled back through the system, and defining the agenda of Government in this country.

Mr. Speaker, I think it is time we had a more straightforward system of public financing of campaigns. Yesterday in my remarks before the subcommittee of the gentleman from Connecticut [Mr. GEJDENSON], I outlined a system in which we would have complete public financing of congressional campaigns, where one's ability to run for this institution should be a function of the quality of one's ideas, the depth of one's commitments, and not how much money you have in the bank or how much money you can raise from special interests.

□ 1830

Mr. Speaker, until we sever the link, the perceived link between private wealth and public law, we will not restore confidence in American Government, we will not stop the corrosion in our political process, and we will not have real and true campaign finance reform.

I commend the efforts of the subcommittee and I encourage my colleagues to participate in their further efforts.

IN REMEMBRANCE OF BISHOP THADDEUS A. SHUBSDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to the Bishop of Monterey, CA, Most Reverend Thaddeus A. Shubsda, for his remarkable and dedicated service to the 16th Congressional District. Bishop Shubsda died last Friday after an extended illness. He will be greatly missed.

Bishop Shubsda was ordained on April 26, 1950 at St. Vibiana's Cathedral in Los Angeles, CA. His first assignment was as assistant pastor San Antonio de Padua where he served for 5 years. For the following years, Bishop Shubsda served as pastor in a number of churches in the Los Angeles area, each equally graced with his dedication and spiritual guidance. During that time, he was a Spiritual Director of the Catholic Labor Institute, a group of Catholic laymen dedicated to promulgating and teaching the social doctrine of the church. His Episcopal ordination was on February 19, 1977 and on March 18 he was installed as Episcopal Vicar for Santa Barbara County.

Bishop Shubsda was named Bishop of Monterey by Pope John Paul II on June 1, 1982. Since that time, Monterey County has been blessed with his leadership and dedication both in the church and in the community. His establishment of the Catholic Charities Office has been a vehicle to reach the needs of the community. Bishop Shubsda has expanded outreach to the Hispanic population in Monterey County, particularly migrant workers, in the field of spirituality as well as material needs. He has acted as mediator in Watsonville, CA, during recent strikes and spoke out against injustices when migrant workers were found living in caves. He established the Respect Life Commission and Office whose purpose is to evangelize the message of respect for life. Bishop Shubsda has been instrumental in expressing the protection of rights for all who have the dignity of life.

Bishop Shubsda has accomplished more in the last few years than most people do in a lifetime. His contributions to the community have extended far beyond his duties as the Bishop of Monterey. He has been a pillar of strength during trying times and an inspiration in our daily lives. Mr. Speaker, I ask my colleagues to join me now in remembering the great work of Bishop Thaddeus A. Shubsda. In life, he was a strong leader. In illness, he was a courageous example. In death, he will be forever a saint for us all.

MEXICO FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, today the Bush administration delivered to Congress its response to a letter written by Chairman ROSTENKOWSKI and Chairman BENTSEN raising questions about the proposed United States-Mexico free trade agreement as that agreement might affect the environment along the border between the United States and Mexico, and as it might affect worker health and safety standards in Mexico. Both of these relate to the competitive position of companies trying to operate in the United States versus those facing or trying to operate in Mexico.

I commend the administration for making a good-faith effort to respond to the concerns raised by Mr. ROSTENKOWSKI and by Senator BENTSEN. But I must say that the response provides inadequate assurance to those like myself who have been very concerned about worker rights, health and safety standards and environmental concerns within the FTA discussion. It seems to me that once again it is crystal clear that the administration is taking a macroeconomic view of the United States-Mexico FTA. They are looking at the overall U.S. economy, the overall Mexican economy over a long period of time and have concluded that in total, looking at the whole economy over a long period of time, there will be economic gain, there will be economic growth, there will be more exports and imports and there will be jobs created.

Unfortunately, in order to get to macroeconomic nirvana one has to go through microeconomic minefields and go to districts in Ohio and Michigan and elsewhere around the country where American middle class manufacturing worker families have seen their real income decline by 9 percent in the last 10 years. It is those kind of families who are in danger of losing even more if a United States-Mexico FTA is agreed to.

In relation to the environmental and worker health and safety standards, it is important to note that the administration's response delivered today is essentially a sales brochure touting all of the things that have happened in Mexico in the last several years, and there have been good things that have happened. It also talks a lot about consultations which the administration will undertake in the environmental and health and worker health and safety areas.

But I would like to emphasize that the response today does not make a single promise, not a single promise to include any of those concerns within the free trade agreement itself. All of them talk about parallel negotiations or parallel discussions outside of the FTA. So a year from now when Congress may be asked to vote yes or no for a free trade agreement with Mexico, there will be nothing in that agreement whatsoever that specifically responds to environmental or worker health and safety concerns.

For that reason, I find the administration's response inadequate. It still in effect, it seems to me, requires Congress at this time, if it grants fast-track authority, to sign a blank check, to hand over to the administration the ability to negotiate an agreement which Congress then will not be able to amend, which Congress will have to vote on, yes or no, with all of its warts, with all of its disadvantages as well as its advantages.

For that reason, I find the administration's response disappointing, and I hope that my colleagues will look at it carefully before they decide that that response is adequate enough to make them want to support a fast-track authority.

THE 200TH ANNIVERSARY OF THE POLISH CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, May 3, 1991 marks the upcoming bicentennial of the Polish Constitution.

At the time it was approved on May 3, 1791, the Polish Constitution was the first formal document of its kind in Europe since antiquity. Like our own Constitution, which was signed in 1787, the Polish Constitution reflected the ideals of freedom embraced by our Founding Fathers.

Today, the cause of Polish democracy again is breaking new ground in Eastern Europe. In the early 1980's, the leaders of the solidarity trade union movement boldly challenged the Soviet-backed dictatorship that had ruled Poland since the end of World War II. In 1989, solidarity-led reformers successfully replaced that government with a parliamentary democracy. A rush of events followed, including the reinstitution of a market economy, the dismantling of the Warsaw Pact and the beginning of a withdrawal of tens of thousands of Soviet troops.

As a partner in democracy, we in the Congress must continue to do all we can to nurture democracy throughout Eastern Europe, but especially in Poland, whose people have set the pace for others to follow.

During the recent years of struggle for freedom in Poland, I am proud to say I joined with others in the Congress who have provided hundreds of millions in grants and in-kind contributions to help the Polish people reestablish democracy. Unfortunately, those efforts were only a starting point as the Polish people now turn to face crucial economic and social challenges in the 1990's.

I pledge to continue my support because the Polish people have demonstrated their willingness to embrace political and economic reforms. These efforts, led by President Lech Walesa, have earned the admiration of millions of Americans.

The Polish people can reflect on their own heritage as an inspiration for their ongoing efforts to implement democratic reforms. For example, Poland's Constitution of 1791 called for equality under the law and the establishment of power sharing among the legislative, judicial and executive branches of government. Although the democracy movement that developed in 18th Century Poland was quickly crushed by the troops of Catherine the Great of Russia, and the intervening years brought a series of foreign occupations and partitions, yet a modern Polish state finally emerged after World War I.

Poland's past setbacks should reinforce our determination to maintain solidarity with today's freely elected Polish government. As Americans, we share a legacy of democracy with the Polish people.

On that note, Mr. Speaker, I would like to join with the people of Poland and all Americans of Polish descent in commemorating the 200th anniversary of the Polish Constitution. At this time, I also would like to offer special greetings to Polish Americans from the 11th Congressional District of Illinois, which I am honored to represent.

I am proud to say that I plan to attend a parade on Friday in Chicago to commemorate this historic occasion. The parade, which starts at noon at Wacker Drive and Dearborn Street, will be led by Edward Moskal, the president of the Polish National Alliance. Dozens of businesses, civic groups, government organizations and local dignitaries are expected to participate in the parade. Helen Szymanowicz, the vice president of the alliance, is the official chairwoman for the parade and related activities in Chicago.

This weekend's festivities will include a Saturday rally, which I shall also attend, to commemorate the bicentennial of the Polish Constitution. The 11:30 a.m. gathering will be held at the Montay College grounds, located at 3750 W. Peterson Avenue in Chicago. The sponsors of the rally include the Chicagoland Committee for the Polish Constitution Bicentennial, the Alliance of Polish Clubs, the Copernicus Foundation, the Legion of Young Polish Women, the Polish Highlanders Alliance, the Polish Teachers Association, the Polish Welfare Association and the Polish Youth Association. Speakers at the rally will include Mr. Moskal, Hubert Romanowski, the Consul General of the Rupublic of Poland, and myself.

In closing, Mr. Speaker, I would like to congratulate the citizens of Poland, as well as Polish-Americans and others of Polish descent throughout the world, who provided support and sustenance through Poland's darkest days, until at last Poland was able to rejoin the community of free and democratic nations. May Poland continue to enjoy this cherished status for centuries to come.

REPORT ON OHIO-BASED FIRMS OPERATING IN MEXICO AS MAQUILADORAS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, this evening I would like to respond in part to the letter that was sent to Members of Congress by the Bush administration regarding our serious concerns about the proposed United States-Mexico Free-Trade Agreement. I read very carefully the President's carefully crafted letter and the backup material that came with it, and I have to say that I appreciate the President's letter, but it does not change the situation here at all because he made no promises. In fact, the words were so carefully chosen as to be the type of rhetoric that one often sees in plays that lawyers are especially good at putting together where unless you look at the words carefully, you think you have really been given something when in fact it is only really an empty set of words with no real meat behind the agreement.

The President does not in his materials that he sent to us agree to negotiate within the trade agreement on the environment. There are no workers' standards, nor occupational safety and health standards that he agrees to negotiate as a part of the agreement.

There are some references to memorandums of understanding and some parallel agreements, and of course one always can ask the question: "Who will negotiate them, who will enforce them, and how will they relate to the trade agreement themselves?"

So we appreciate the President's letter. I was hoping for more. I did not expect it, but one always holds a high hope. So my special order this evening really is a message to the workers of America to pay attention to what is happening here in Congress on this proposed fast track authority for the United States-Mexico agreement.

□ 1840

Tonight I rise to present a report entitled "Ohio-Based Firms Operating in Mexico as Maquiladoras." This report has been prepared by Dr. James Cypher, a renowned United States-Mexico trade economist at Cal State University.

I thought to myself, "Why would a scholar in California be interested in my home state of Ohio?" But Dr. Cypher chose to use Ohio, my home State, because it is the fifth largest State in the Union. It is a State of both farms where agriculture is our largest business, but also a State of industry. We have more urban areas than any other State in the Union, a State of small shopholders, and he viewed the State as being representative of how thousands of Americans have lost their jobs by the departure of U.S. firms to set up assembly plants and operations in the so-called maquiladoras that currently operate in Mexico.

Mr. Speaker, quite frankly, I am alarmed, truly alarmed, at the incredible number of jobs that have been lost in Ohio and, in turn, have appeared for considerably lower wages, on average 10 times lower, in Mexico.

In analyzing 75 maquiladora plants, and he has all of the data included here in appendices, set up by Ohio-based parent corporations or regional subsidiaries based in Ohio, Dr. Cypher states that as of 1988, 43,765 industrial and manufacturing jobs from Ohio had at that point moved to Mexico, 43,765 jobs. This represents the kind of continuing erosion and drain on a State that bleeds it of its economic vitality. It happens piece by piece, in company after company, town after town. You almost, unless you pay attention to it, do not realize that it is happening.

But this loss of nearly 44,000 jobs is just the beginning, because for every job lost, for every worker who once held a position in the Firestone tire factory in Akron or the A.O. Smith Electric factory in Tipp City or Champion Spark Plug in my own hometown of Toledo, there is another job indirectly lost. There is the construction worker, the mechanic, the clerk, the person who works at the fast-food restaurant on down to the street vendor who counted on that local Ohio plant for their livelihood.

If we use an extremely conservative estimate job multiplier of two for every job originally lost, the total of Ohio jobs lost quickly reaches almost 90,000 jobs, but 90,000 jobs lost is only the number that Ohio-based firms willingly chose to report by 1988, the last year for which available data has been broken down by individual State.

From January of 1988 through August of last year, 1990, as reported in an official Mexican Government report, there was a 49 percent aggregate increase in maquiladoras. These are the companies, foreign companies, United States companies that go and locate down in Mexico for production, and an aggregate 29 percent increase in the number of Mexicans employed in them. An added 29 percent increase in our total job-loss estimate would raise the number of Ohio jobs lost from over 43,000 to nearly 61,000 jobs, and, again, using the conservative job multiplier of two, that totals or that nearly doubles the total of 122,000 Ohio jobs lost through August of 1990.

Now, even though 122,000 jobs is the final total that we can reasonably compute from available data that Dr. Cypher points out, this should only serve as the bottom line. Our total represents data from only those Ohio-based firms that reported employment levels in their maquiladoras, but, of course, many do not.

An even bigger consideration is that maquiladoras in and of themselves are only a part of the shift of United States firms to Mexico. United States nonmaquiladora plants in Mexico for which there is no definite data are generally bigger in scale and sometimes employ thousands of people in that country as compared to just the hundreds that are employed in the maquiladoras, and a sense of this fact can be gotten in a straightforward manner.

United States corporations had $14.5 billion invested in Mexico in 1988. This capital investment generated from $3.6 billion to $7 billion in output, while by comparison, the maquiladoras, where 122,000 Ohio jobs only accounted for about half of that investment. So the numbers of Ohio jobs lost to Mexico are even greater when one thinks about the amount of foreign investment that is occurring in Mexico that is not tabulated in these tables.

Clearly Ohio-based firms have shifted a significant number of jobs from Ohio to Mexico, and you know, what is really interesting is that when I look through this, and I look at my own hometown, every single company that has closed its doors has opened production in Mexico, Sheller-Globe, Champion Spark Plug, companies that we had long written off the list of our local Chamber of Commerce, Midland-Ross Division, and I remember when they closed and we were very, very sorry to see them go, and there was another one here that I found; well, both Sheller-Globe in Toledo and Detroit, and we know the Dana Corp. in our community employs thousands of people in Mexico City and, of course, their Toledo work force is down to a trickle.

I asked myself why is this happening. The reasons are obvious. Mexican labor is at least 10 times cheaper in real wages and even less costly when one considers that the social wage, medical benefits, a safe workplace, a clean environment, what we come to consider as very American and important, are virtually nonexistent in maquiladoras. Low wages have simply become the quick fix for too many American firms.

Dr. Cypher's report examines what has already happened in Ohio because of Ohio-based firms moving to Mexico; 122,000 jobs have been lost, and if one only looks at my district in Toledo, we can just count how those jobs have dropped out of our workplace, and the fastest growing share of our welfare rolls in Lucas County, OH, are people who have dropped out of the workplace, who have worked for many years and cannot find jobs.

Today I have chosen to analyze the impact that the Mexican maquiladoras have already had on jobs in Ohio, one State.

In considering the potential impact on jobs that a United States-Mexico trade agreement would have nationwide, 122,000 jobs would merely be a drop in the bucket. Just in the automotive industry today, 75,000 jobs have moved from this country down to Mexico.

Nothing in this free-trade agreement would stop the hemorrhage of jobs flowing to Mexico. There have been indications from our Labor Department that some industrial manufacturing sectors would experience a 40 percent decline in overall employment, and, furthermore, the analysis of the United States International Trade Commission suggests that the effect of a United States-Mexico Free-Trade Agreement will be to reduce average real incomes for 70 percent of the people in our work force, the people who technically do not have white-collar jobs.

Yet, in their proposed negotiations, the administration continues to ignore, and the President's letter merely confirms that again today, how many jobs have been lost because of the maquiladoras and hundreds and thousands more that will be lost with the United States-Mexico Free-Trade Agreement.

Some border towns in the California and Texas areas will certainly benefit as they have already in service jobs that relate to the transport across the border, but other parts of America will be severely hurt by the movement of jobs down there.

This administration did not request a penny in the forthcoming budget for Federal trade adjustment assistance, funds that are used by workers who lose their jobs because of the loss of jobs from this country to Mexico. No money, no money to date, and yet we have seen thousands and thousands of jobs move across the border. Once again, it falls to the Congress to safeguard the interests and jobs of the American people.

How could I, being a representative of the citizens of Ohio, ignore the fact that our State has already lost thousands of jobs and ignore the fact that a United States-Mexico Free-Trade Agreement without tough provisions in it to protect our workers will cost thousands more of our people their jobs? I simply cannot ignore these facts and remain in good faith to the people who elected me.

□ 1850

Each and every Member of Congress has a duty to examine what has happened and what will happen to jobs in their States because United States firms have moved their operations to Mexico.

I ask every American who is listening this evening to look at where they live, whether it is Zenith Electronics in Indiana or TECO Windshield Wipers in New York, or if citizens from Sheller Globe in Toledo, or from Champion Spark Plug, take a look at what your company has done to your jobs, and where they have been located. In doing so, it becomes self-evident that there are questions that still need to be answered in regard to a proposed United States-Mexico free-trade agreement, questions that we cannot leave to speculation, and Congress must not be pushed out of the negotiations because of some legalistic fast track trade procedure, not to question the amount of American jobs lost, now and for the future, would be an abrogation of the most basic trust that the American people hold with Members of Congress, as their elected Representatives.

Mr. DREIER of California. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. DREIER of California. I thank my friend for her very thoughtful statement. Mr. Speaker, I believe the gentlewoman has pointed out a very valid concern.

However, I come to a slightly different conclusion, with all due respect to my friend, than she has. I concluded that, based on the continued flow of jobs that we have seen going from Ohio and other parts of the country into Mexico, a reduction of the borders of the constraints that exist at the border between the United States and Mexico, in fact, enhance the potential for the sale of United States goods to Mexico.

I am one Member who believes very strongly that a rising tide lifts all ships. We have witnessed, as my friend from Ohio knows, over the last several years, the unification which is coming forth on December 31, 1992 of what is known as EC 92, the European Community, is locking together.

The gentlewoman and I have been to the Eastern bloc and have witnessed the fact that there is a 100 million strong labor force and potential market over there which will be uniting with the largest economic bloc ever known to man. We also are aware of the fact that in the Far East, the Pacific Rim, we have seen this unification taking place among many of these countries.

It seems to me that we need to recognize that Mexico, rather than being an adversary, should be a partner. Yes, she is absolutely right, the fact that we have seen many jobs from the United States go to Mexico, at this point, is something that needs to be addressed. How do we address it? As we see improvements which take place in the economy of Mexico, which have come about because of the tremendous economic reforms having been led by President Carlos Salinas de Gortari, we are going to see markets there, markets which will be interested in the purchase of United States goods. We know that the people of Mexico today desperately want to have an opportunity to purchase the kinds of products which only the United States of America is able to manufacture.

Let me give the gentlewoman a little example. In Ohio, the production of automobiles is obviously something that is very important, and a priority item. There are three automobiles for every four Americans. In Mexico, there is 1 automobile for every 15 Mexicans.

The fact of the matter is, the reason for the great disparity is that constraints that exist at the border have prevented in large part the chance for United States-manufactured automobiles to get into Mexico. So it seems to me one of the important things that we need to do is to reduce that barrier which exists, thereby allowing United States-manufactured vehicles to be sold to Mexico.

Unless we see an enhancement of the Mexican economy, that chance will not take place.

Ms. KAPTUR. Mr. Speaker, I have great respect for the gentleman because I know the gentleman takes the time to travel around the world, and I know of the gentleman's commitment to many forgotten people in quarters of our globe, and I have respect for the gentleman because I know the gentleman works at his job.

I traveled in Mexico, and I know the gentleman has too. Where I disagree with the gentleman in his thinking is that the problem is if Mexican workers do not earn enough money, they cannot purchase goods. So if we look at the market there now, about 10 million of those people actually have purchasing power now, and the plants that I went to, the workers were earning a buck and a half an hour. They will not be able to purchase any country's car.

What really bothered me, and it concerns me about Eastern Europe too, is that there are big powerful corporations around the world that can take advantage of cheap labor, and the gentleman knows who they are, and I know who the corporations are. I saw these corporations in Mexico. I see these corporations moving into Eastern Europe right now.

My lingering memory of Mexico was, No. 1, there were no parking lots in front of the buildings where the people were because they cannot afford to purchase cars, and at the wages they are earning, they never will be able to. However, they cannot purchase anything based on their wages. These workers were being exploited, and they were so unable to represent themselves. They do not have trade unions like we do, and they have such a surplus of labor that they are willing to work for anything because they do not have welfare in that society.

My heart goes out to our workers who will lose their jobs, and my heart goes out to the Mexican people who cannot stand up for themselves for decent wages and decent working conditions. I do not feel there will be a market, as the gentleman says, because they are not working wages high enough.

Mr. DREIER of California. If the gentlewoman will continue to yield, it is apparent to me as we reduce these barriers, we are hand-in-hand with the economic reforms which President Salinas is leading and bringing about in Mexico, going to enhance the quality of life and the standard of living of Mexicans who desperately want that. Well, the gentlewoman is right, today, earning 70 cents or a dollar and a half an hour, they cannot afford to buy an automobile. However, as we do what we can to address the hunger problems and other problems which these desperate people in Mexico want to have a chance to improve upon, we are going to have an opportunity developing, not tomorrow, but when we reduce these barriers, for them to enjoy these kinds of things.

Ms. KAPTUR. Would the gentleman be willing to support a common wage rate for a given industry if it is only a few miles away from California? Perhaps a minimum wage, or a common wage between our two nations, to assure that workers on both sides of the border have purchasing power?

Mr. DREIER of California. I would be inclined to oppose that for a very simple and basic reason. If one looks at the level of productivity that is emanating from Mexico versus the United States, there is a tremendous disparity. A United States worker has, in fact, an average production ability worth about $40,000 a year. The Mexican worker produces an average of $6,500 a year, based on 1988 figures.

To standardize this, when we have in the United States better trained, better equipped labor force, and at this moment in Mexico, a lesser equipped, ill-equipped force, it seems to me that to have a standard wage that would be mandated by the two Governments would be a mistake.

I believe what we need to rely on is a market-driven approach. I think that the President has also, in his package which he has responded to, the very, very good letter that was submitted by our colleagues, LLOYD BENTSEN and the gentleman from Illinois [Mr. ROSTENKOWSKI], that he has addressed these issues of displaced workers and others.

I would like to know what the major concerns that my friend from Ohio has with the President's response which he has outlined for Members to deal with this.

Ms. KAPTUR. I read the response today. I spent the afternoon reading it. As I said, it is a good rhetorical response, but there are no promises, and every single concern that we have on the environment, the President says he will deal with a parallel agreement. What does the parallel agreement mean in terms of how does that relate to the free-trade agreement?

He talks about a memorandum of understanding on certain other conditions. I tell Members that the part of the report that really concerns me—and it tells me the President is truly out of touch with the American worker and the Mexican worker—if Members will reach the section dealing with trade unionism and with labor in both countries, he is so off the mark on his understanding of how Mexican labor is organized, and their rights to speak out on their own behalf versus the American worker, I fear for the President of our country, going into negotiations, if he truly does not understand what the condition of the Mexican worker is, because those trade unions are a part of the Government down there. They are company unions. They do not have free collective bargaining rights, as we do. They are afraid to speak out. There are no free trade unions in Mexico.

Mr. DREIER of California. That is dramatically changing, based on their reforms which have been led by President Salinas, and I think we need to recognize that that is taking place.

Ms. KAPTUR. It certainly has not affected the condition of the Mexican workers there at all, and it is a one-party state. It is a state where it is a company union, and workers have to belong to the PRI and the union.

□ 1900

Mr. DREIER of California. All we are trying to do with the fast-track provisions, of course, is move the negotiating process along. We are not saying we are going to put the stamp on the final proposal when we consider it in a couple weeks.

Ms. KAPTUR. Well, in a Roll Call article last week, and I read every word of that, President Bush said the great thing about fast-track is there will be no amendment. It will be a lock step. It will come to the floor and you will approve it up or down. Some of who want to deal with Mexico as our closest and most popular neighbor feel that this is a precedent-setting agreement and that it does need special attention and a longer negotiating period. You do not need to do this under fast-track. Fast-track is being pulled out as some type of trade process that we need to use in this.

Mr. DREIER of California. It is the marketplace, EC 92, and the Pacific rim that created a climate where we have to respond and we have to move this as expeditiously as possible.

Ms. KAPTUR. It is the marketplace, except we have never negotiated a free-trade agreement with a nation that is as poor as Mexico, a free-trade agreement. Now, we have negotiated with Canada, Israel, the Tokyo round, all of those were with nations that had much higher standards of living. That is different.

Mrs. JOHNSON of Connecticut. Mr. Speaker, if the gentlewoman will yield further, but we have never negotiated a comprehensive trade agreement without fast-track authority, and every free-trade agreement that we have negotiated has been disparate in its provisions; in other words, in areas where we had more in common with that nation, then the free-trade agreement provided the expansion of markets in the near term.

Where our differences were quite great, it often simply structured the dialog, and where our differences were very great it simply said that over time, sometime perhaps we will address those; so free-trade agreement does not have to radically alter the relationship in every sector. What it does, it structures the development of the economic relationships between nations. For that reason, there is absolutely no reason why this free-trade agreement should create radical change in our trading relationships with Mexico.

In fact, one of the things the President is very clear in his reply is the degree to which he is willing to negotiate an agreement that will not allow rapid change, that will only allow modest change, that will have the snap-back provisions so if things happen that we do not predict, we can respond to them in the short term.

It not only provides some very significant specific commitments but, for instance in the area of impact on jobs, it specifically commits to retraining programs, to dislocated worker assistance, and he specifically says perhaps it will require new programs. Perhaps it will be the extension of existing programs or refinement of existing programs where he commits both to the concept and to funding.

So I do not think it is fair to say that the President's proposal is all rhetoric. It does respond to and commit to some very specific agreements.

Memorandums of understanding are substantive documents between nations. Do they accomplish a great deal? Sometimes more, sometimes less, but a memorandum of understanding between the United States and Mexico implementing a plan, a joint plan to address joint environmental concerns, will give us the power to get information about some of the things American companies are doing in Mexico that we do not approve of, and therefore enable us through United States levers to encourage compliance. Without that memorandum of understanding, without that joint environmental planning, the environmental quality of life on the border will go down, not up.

This agreement gives us the opportunity to build on some substantial progress that has been made in very recent years and to lock it in and to continue to proceed. It does not tie the hands of Congress to reverse anything in the future.

Ms. KAPTUR. Could I ask the gentlewoman a question. I know the gentlewoman's work on trade and her common concerns with mine in several nations, including Japan, and the slowness of our Government to negotiate there.

Why does the gentlewoman feel comfortable with a memorandum of understanding governing an issue like the environment, rather than having that as the central provision of the agreement itself?

Mrs. JOHNSON of Connecticut. For this reason. Trade agreements do not address those kinds of issues. There are other ways of addressing those issues. Had Mexico not changed its laws, had Mexico not adopted laws very close to ours and regulations very close to ours, had Mexico not already entered into some joint training efforts in the enforcement area with us, had they not already evidenced their good faith by having a level of political courage that we rarely see anymore in American political life, by closing a major employer in a nation that has no unemployment compensation system, then I might not believe them; but because they have changed their laws, because they are doing enforcement training efforts, because they have closed major plants, because they borrowed $800 million from the Japanese and are investing in sewage treatment plants on the border, I believe they are changing their environmental policy for their own citizens, not for us.

That means they are doing it for the right reasons, not for the wrong; so I believe that cooperative agreements that represent their interests and ours will work; but I would like to just comment, because we have worked very closely on job issues and had a lot of concerns about trading agreements that have not been as tough as they ought to have been and often the interests of our Nation were not being served, I would like to comment on the jobs issue that the gentlewoman alluded to at the beginning of her remarks, because her concerns are well founded. Her concerns have enriched this dialog in the last month.

The issues that have been raised mean that we have, in my estimation, a far better chance of getting an agreement that this Congress might support; but when I look at what has happened in my own community, I have lost thousands of jobs to low-wage areas, and any company in my district that wants low-wage areas has lots of choices throughout the world, and whether they have a Mexican choice or do not have a Mexican choice is not going to determine whether or not they move labor-intensive operations to a low-wage area.

The advantage of having Mexico available is that they can retain a greater percentage of the higher paid jobs in America.

I was fascinated to sit down—because it touches on the auto parts area—and be led through a whole series of events relative to United Technologies and their auto parts involvement that demonstrated that they have been able to bring jobs back from Malaysia to Mexico, compete with their American assembly capability in Detroit and in a Mexican operation with their major Japanese competitor, do very well and do well enough so that they were able to retain their research and development center in Japan and also support Sikorsky's research and development efforts when Sikorsky was not doing very well, and thereby enable Sikorsky, a major Connecticut employer, to win this recent helicopter competition.

So there the help of their automotive effort, the fact that they have been able to compete in a global economy using a low-wage production area for those labor-intensive efforts if necessary means they have been able to maintain a healthy presence in the American economy. If they had not been able to find a low-wage place to produce that certain component, then all jobs would have gone either abroad or they would have gone out of that business.

I see over and over again in my district how that necessity to be able to produce a certain component in a low-cost environment has retained jobs in my district. As long as we have no clear commitment to dislocated worker programs and training and those kind of support systems, I think that we really have a no-win situation.

Ms. KAPTUR. Well, if I might reclaim my time, and I appreciate the gentlewoman's point, I just wish all companies like the gentlewoman was referring to, the Sikorsky helicopter connection to firms in her district, not every company in America has an alliance with the Department of Defense.

Unfortunately, the companies in my district that left did not have the ability to keep some workers on board because they had Government contracts.

I think that the numbers in Ohio speak for themselves; 122,000 jobs were lost through August of last year.

As far as finding a low-wage place to manufacture, I say to companies, come to Detroit, come to Chicago, come to Los Angeles, come to New York. We have 60 million poor people in this country and I think the tragedy of what is going on here is that we are so desperate to hold on to the high end of manufacturing in this country, to protect those few high-wage jobs that the gentlewoman talks about, the research and development jobs, the engineering jobs, we are willing to bargain away the jobs of thousands and thousands of workers, the blue collar workers and other workers.

They do not have power and neither do the Mexican workers have power, neither do the Polish workers have power; so the large corporations of this world can go seek cheap labor in order to advantage themselves. They can still pay their country club dues. I have seen it happen. They can still buy very expensive homes in the suburbs, but the average worker who is thrown out of work is voiceless.

I appreciate the colloquy this evening. I am sure we will continue in the coming weeks, but I do view myself as a spokesman for those people in this debate who have lost their jobs or will lose their jobs in this United States-Mexico agreement, and I expect the President of the United States to pay attention to them.

□ 1910

"NORTH AMERICAN" FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER], is recognized for 60 minutes.

Mr. DREIER of California. Mr. Speaker, I have taken out this special order on the exact same topic that my good friend from Ohio, Ms. KAPTUR, was addressing. I have a slightly different view, as you might have concluded from the colloquy that we had going.

I would like to begin by saying that I believe that President Bush and specifically my fellow Californian, Ambassador Carla Hills, who is the U.S. Trade Representative, have both done a superb job in bringing forward a response to the letter that was put forth by Senator BENTSEN and Chairman ROSTENKOWSKI, raising understandable concerns about the prospects of moving ahead with the United States-Mexico Free-Trade Agreement, what has become known as a North American Free-Trade Agreement. They have been asked very good questions concerning agriculture, the environment, labor, and my friend from Ohio [Ms. KAPTUR], is very correctly, as am I, concerned about displaced workers and the plight of these people who will lose their jobs.

I, frankly, as my friend from Connecticut mentioned just a few moments ago, believe that when companies in the United States look throughout the world, they can find all kinds of places where cheap labor is available. I think that as we look at the prospect of a negotiated settlement, as we deal with EC 1992, that economic bloc which will be the largest in the history of the world, those countries that are uniting and the Pacific rim, that we would be literally sticking our heads in the sand if we did not take advantage of the fact that the United States of America has both capital and technology and Mexico has both the labor force and markets.

The fact of the matter is it is our differences which make this is a tremendous opportunity for us. Many people say, "Well, it was easier to negotiate this United States-Canada Free-Trade Agreement because of our similarities."

Well, those differences, capital and technology in the United States of America, labor and markets in Mexico, and the desire to enhance the quality of life of people throughout the world is going to create, I believe, a tremendous benefit.

We have talked about workers. Like my friend from Ohio, I am greatly concerned about the plight of workers. But we have not talked about consumers.

You know, many people recognzied that the reduction of trade barriers is going to create a tremendous opportunity for consumers throughout the world. We know that in the United States we import many products. I happen to be one who has stood here time and time again and said I do not believe that I, as a Member of Congress, have the right to say to the American consumer that "you cannot buy the best quality product at the lowest possible price without my imposing, or the U.S. Congress or the Government imposing, a penalty on you."

I believe very strongly in the concept of free trade. Yes, I want fair trade; yes, I want a level playing field. I know that as we compete with these trading blocs which are emerging in the world, we cannot do it if we stand alone. That is why I think that giving the President this authority to move ahead with fast track—people call it fast track, it is really a good-faith understanding—giving him the chance to go ahead and negotiate. He has had that power in negotiating every kind of trade agreement that we have seen in the past, and he has got to have it for this one because Dr. Herminio Blanco, the chief negotiator for the Mexican Government, has said and reiterated just today that if we do not have this fast-track authority we are not going to be able to bring about an agreement, and that is why this vote that we are looking at in the next couple of weeks is so critically important.

I am pleased to have been joined by my friend, the gentlewoman from Connecticut. I know she has some comments she would like to make.

Mr. Speaker, I yield to the gentlewoman from Connecticut at this time.

Mrs. JOHNSON of Connecticut. I thank the gentleman from California for yielding. This is a very important matter. In fact, I consider this vote the key vote that any Member will cast, certainly in this term and possibly for several terms, in favor of economic growth or opposed to economic growth.

Our economic future depends on our trading capability. Over 80 percent of our last year's growth in GNP was a direct consequence of expansion of imports.

Mr. DREIER of California. Many people have said it, that this vote that we are going to be faced with this month of May is the domestic issue vote that can be likened to the Persian Gulf resolution which we voted on earlier this year.

Mrs. JOHNSON of Connecticut. The way I see it is that economic relations among nations are governed by trade agreements. If those relations cannot expand through agreement, then we will not have growth and prosperity.

In the political arena, in a postsuperpower era, collective action, diplomatic efforts have to be endowed with the force of law in order to govern political conflicts.

So, yes, I see these two together in determining how America is going to stand up and participate in the global community in the decades ahead. Certainly in the nineties.

Are we going to be part of a collective diplomatic effort that will govern political conflict? Are we going to be part of trade agreements that through a diplomatic process will open markets? Are we going to be leaders in preserving, building the political security and economic prosperity?

I say yes, we must take that leadership.

That is why I supported the force resolution to support the President in January, and that is why I am a strong advocate of fast-track negotiating authority for the President at this time.

But I want to clear up some terrible misunderstanding. I know there are people throughout America who watch our discussions after the legislative business of the House, and it is an important opportunity for us because we can educate people about the discussion that we are having amongst ourselves, the outcome of which will determine our economic opportunity in the future.

Fast track is neither fast nor merely tracked. Fast-track negotiations with Canada took 4 years to produce a United States-Canadian Free-Trade Agreement. This is not something that is going to happen rapidly. Granting fast-track authority to the President only allows him to enter into negotiations. The primary information that I want to share with you tonight is that the fast-track negotiating authority was constructed by Congress in 1974. We passed this law specifically to cut us into the negotiations from beginning to end. We insisted on fast-track authority so we could reassert our constitutional mandate that gives us the power to regulate commerce with foreign nations.

We cut ourselves into the process through fast-track authority and reasserted our constitutional right to raise revenues; that is, through tariff legislation.

Furthermore, we wanted to be very, very sure that trade agreements between nations did not take the form of treaties, and, therefore, be confirmed and considered only by the Senate.

So the fast-track legislation was constructed to assert House power over negotiations and involvement in those negotiations, and it really is the means by which Congress and the President cooperatively create trade policy to define our country's trade priorities and present a united front to our trading partners.

It merely creates a mechanism by which we can create a real agreement, the Congress stepping back and looking at it, and by looking at its wholeness, be able to judge the merit of the balance between conflicting interests.

Trade negotiations will deal with many specific interests. The Nation's future cannot depend on how any one of those is addressed, but how the balance between them serves or does not serve our economic future.

Mr. DREIER of California. Would my friend agree with the assertion that it is in fact the differences that exist between the United States of America and Mexico which enhance the opportunity for us to put together a very potent trading bloc in dealing with worldwide trade?

□ 1920

Mrs. JOHNSON of Connecticut. Absolutely, and there is no example in our history of a trade agreement that did not have some special provisions recognizing special interests of nations, and there will be areas in this agreement that will recognize our special interest in manufacturing concerns. There will be tight rules of origin, some of which will be very controversial for the Mexicans, because we do not want their market opened up in certain ways to other folks since they are going to have a special access to our market.

Mr. DREIER of California. In fact we are going to ensure——

Mrs. JOHNSON of Connecticut. That is right.

Mr. DREIER of California. I know in this agreement, and the gentlewoman from Connecticut [Mrs. JOHNSON] and I know from having sat with Ambassador Hills that a commitment has been made, that there will be very tough rule-of-origin measures so that items will not be able to emanate from throughout the world into Mexico so that they can get freely into the United States.

Mrs. JOHNSON of Connecticut. And we also know from sitting with President Salinas that he is very sensitive to those issues. He understands that we cannot have big surges in imports, just as he cannot have big surges in imports.

What we want to negotiate between our two nations is a future, not a present. We want to negotiate future economic growth that will benefit both societies, and I do want to, in referring back to my colleague from Ohio's comments, I do want to mention that the Mexican workers often come to the border in order to work for the companies there because they provide higher wages than many of the companies interiorly and that, as Mexico opens itself to foreign investors, the wage scale will go up. That is our best protection, and then they will have buying power.

Mr. DREIER of California. Mr. Speaker, my friend has mentioned President Salinas, and I think that a very important point for us to make is the fact that we have witnessed literally unprecedented economic reforms in Mexico, and those economic reforms, coupled with a free-trade agreement, will address a very serious problem that those of us in California and other border States face, and that is the flow of illegal immigration into the United States.

We in the Congress have spent years anguishing over immigration and the big problem of the flow along that 2,000-mile border of people from Mexico into the United States. They come for one very important and basic reason: economic opportunity, and I can point to many instances where people from Mexico come to the United States to send their proceeds back to their families in Mexico. And that will not be necessary if we are able to bring about this reduction of the constraints, and under President Salinas' leadership we have seen for the first time in years, really since 1938, when then-President Cardinas of Mexico nationalized the oil industry, we have seen moves as the world has moved toward a market oriented approach to problems. And we have seen a toughening of the environmental constraints by the Mexican Government.

We have had reported to us today that 980 industries have temporarily been shut down, and 82 have permanently been shut down. The largest refinery in Mexico City, which has been polluting the air; 5,000 employees there. It has been closed down because the Salinas government has recognized that, along with economic opportunity, we must ensure that we have a clean environment. There are many in the environmental community in the United States who argue that going to Mexico from the United States will create an opportunity to pollute.

Mr. Speaker, the fact of the matter is we have seen some problems with older existing industries in Mexico as far as complying with those 1988 laws which over EPA Director, William Reilly, has said are just as tough as the environmental constraints that we have here in the United States. But new industry in Mexico is having to meet those constraints, and President Salinas has reported to us that any new industry from the United States going into Mexico will also have to comply with those same kinds of constraints.

So, Mr. Speaker, any companies in America looking for an opportunity to pollute in Mexico, they are not going to have it.

So, these concerns are being addressed, and I believe being addressed very well under the leadership of President Salinas, and my friend from Ohio was talking about the rights of workers, and that is something that is of concern.

But we have seen in Mexico, admittedly, one-party rule since 1928. In fact, it has been almost unprecedented next to the Soviet Union, the single-party control that has existed in Mexico, but we have also seen the opposition parties, the Cardinistas and the Pond Party, the National Action Party, have a chance, and the Cardinistas came close to winning over President Salinas in the last Presidential election. And we have seen the election of, national election, of Pond Party members to governorships for the first time since 1928. So, while we have not seen a member of other than the PRI, the Institutional Revolutionary Party, elected president since 1928, I have to say that I believe that with the kinds of economic reforms that we are seeing under the leadership of President Salinas there will be a president from another party as political opportunity continues to proceed in Mexico, and we will see the rights of workers addressed because they are able to emerge as a voice.

Again it is not going to happen overnight, but I think that it is something that President Salinas clearly will need to address.

Mrs. JOHNSON of Connecticut. Very well said.

There was another thing that President Salinas said that I think is worth putting on the record. Americans tend to forget that Mexican school children are brought up with the knowledge that America invaded Mexico and annexed half her territory, and that is a very real part of Mexican history. This northern neighbor has not been friendly. Their northern neighbor has been hostile, has been arrogant, has been neglectful, and for President Salinas, at the same time he provides new economic leadership for his nation, willing to move toward new political relationships within his nation, he has also had the courage to begin to talk in new terms to his people about his northern neighbor. That has taken courage because all of Mexican politics is based on kind of an anti-American sentiment, an attitude deeply based in what now seems like ancient history, and it is to his credit that he has begun to say, "We have more in the future together than either one of us apart."

Mr. Speaker, at the very least America ought to be able to say to a voice like that that, "We will sit down at the table with you on the very same terms that we sat down at the table with Canada, that we will sit down at the table with India through the GATT negotiation. We will not guarantee we'll support the agreement. The agreement must serve our interests. But we will sit with you as equals."

Mr. Speaker, that is what this debate is very much about, sitting with them as equals.

Mr. DREIER of California. Mr. Speaker, my friend makes an extraordinarily good point. We have what is referred to in the vernacular as an anti-gringo sentiment which has existed for years. There has been, and I have seen it in California, and we often see it in Mexico, and it is understandable, as my friend has said. That is the fact that the education in the schools has really taught them.

So, President Salinas is taking this bold step in creating this alliance, but it seems to me that, as we look at proceeding with this negotiation, we would only exacerbate the anti-gringo sentiment in Mexico if we say, "We'll deal with India, we'll deal with Pakistan, we'll deal with Bangladesh, which is now in a very serious disaster situation itself, we'll deal with the 107 members of the General Agreement on Tariffs and Trade talks, but we're not going to deal with Mexico."

Mrs. JOHNSON of Connecticut. Mr. Speaker, my colleague is very right, and the President of Mexico made that very clear. But tragically, if we fail to negotiate with Mexico in the same terms as we negotiate with others, we not only will confirm anti-Americanism in Mexico, but, just as important and just as destructive for America, we will confirm anti-wetback sentiment, a level of racial discrimination and hostile attitudes that we know exist in our society, in our own communities.

We cannot afford to do this. This is a time that we cannot afford to do that. That is a time when America needs to stand up and be able to say, "That is the past. Those sentiments are based on old attitudes, and what we have in the future in the United States and Mexico, we have the power to mold, not to set aside all differences, but to construct a future together."

Mr. Speaker, I want to make just one last point on the process issue, what fast track is, because this was certainly not understood by me.

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I doubt that many Members are aware that our toughest trade laws, and remember, I am the cochairman of the Anti-Dumping Coalition, because I am determined that we will not weaken those laws that prevent other countries from dumping their products in America's market. I am a fair trader, not a free trader, and a strong advocate of our 301 laws and other American trade laws passed in recent years to strengthen our ability to protect our own producers.

But having said that, I did not know that our toughest trade law has come in the course of implementing trade agreements. Major legislation, such as improvements in our subsidy and dumping laws, as well as refinements in laws governing unfair trade practices, rules of origin and trade adjustment assistance, were all achieved as part of bills implementing trade agreements. So after you get the agreement, we must then, over a number of months, implement them through changes in the law. And in the course of that, we are able to pass very strong provisions that will assure that the goals that we sought and that we agreed to in those agreements are indeed what has happened for our people.

So this is not only fast track authority, not only includes Congress at every step of the way, assures that we influence the negotiations, but gives us the power to pass new, tough trade laws if they seem to be needed or if they are in order to implement an agreement.

Mr. DREIER of California. I thank my friend for her very cogent explanation of what is obviously a complex issue. I now serve on the Rules Committee, and we are the ones who are going to be considering fast track. In fact, as a member of the Ways and Means Committee, my friend knows that we have joint jurisdiction, and this is something that I got involved with in the last few months. I think we need to recognize that this President truly has the support of the American people, and I do not believe that in response to Senator BENTSEN and Chairman ROSTENKOWSKI, that the President would have addressed the positive effects, adjustment provisions, domestic worker adjustment program, in looking at the executive summary here, labor mobility, worker rights and labor standards, future United States-Mexico cooperation on labor matters, environmental protection, the environmental issues, joint environmental initiatives, I do not believe that the President would have in any way submitted a letter to us responding to these concerns if he did not plan to pursue them.

And our colleagues, who I hope very much will look at least at this executive summary and I hope at the long package which I just had a chance to glance at and I will be reading in the next couple of days, that looks like about 150 pages, that we have the opportunity to cast that aside if it does not meet these questions which we understandably raise here in the Congress.

I hope very much that we will be able to do that.

Mrs. JOHNSON of Connecticut. I thank my colleague.

Mr. BOEHNER. Will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. I thank my good friend from California for yielding. I listened earlier to my friend from Ohio talk about the lost jobs in Ohio as a result of those jobs going to Mexico. I would remind her that there has been a huge explosion of growth in manufacturing jobs in Ohio because Ohio is the seventh largest exporter in the country.

There have been a lot of gains in employment throughout Ohio because of exports, and I sit around and I wonder and listen to legislators, Congressmen and women from the Northeast, Midwest, talk about the fears of jobs going to Mexico.

At the same time I see Congressmen, Congresswomen from California, Arizona, New Mexico, Texas, the vast majority of them in support of a trade agreement with Mexico. Those legislators, I would presume, have the most to lose because of the close proximity of their States to Mexico.

I would point out, though, that since 1985 over half of the growth in our gross national product in this country has come from the growth in exports. That is the increase in exports in each and every year since 1985.

Mr. DREIER of California. If I could reclaim my time.

President Bush, in speaking to a group of business reporters today, underscored a very important point, and that is that for every $1 billion in exports, it creates 20,000 jobs here in the United States. And as we enhance the standard of living in Mexico, there are

88 million people in Mexico. And they are going to be better able to enhance the number of workers in the United States because we will be exporting many of these products which they want in Mexico.

Mr. Speaker, I yield further to the gentleman from Ohio.

Mr. BOEHNER. Even if we look at just 1990, 86 percent of our gross national product in 1990 came from our increase in exports. So if we had not had some explosion of exports since 1985, I can imagine and picture what our economy would have looked like over these last 5 years. It would have been dismal at best. It would have made the recession that we are in now, it would pale in comparison to what our economy would look like.

When we talk about fast track, I think we have mentioned earlier, it is really a misnomer. It is really just giving the President the authority to go out and negotiate an agreement with any other country around the world, a trade agreement.

The President can bring that to Congress and Congress does in fact——

Mr. DREIER of California. The President has to bring it back to Congress.

Mr. BOEHNER. The Congress does, in fact, get an opportunity to vote on that.

Now, imagine if the President, sitting in negotiation with any other country around the world, that country knowing that the President was going to come back and 535 Members of Congress were going to get an opportunity to amend that bill. We might as well have 536 people sitting at the table. It is not practical.

Congress gave the authority to the President in 1974. Congress reauthorized that authority in 1988, and I think that that authority ought to continue.

Mr. DREIER of California. And every single trade agreement that has ever been struck has been done through the route of the fast track.

Mr. BOEHNER. No question about it. I think the President is on the right track. The President and the administration do not want to negotiate a bad agreement. And they are not going to negotiate a bad agreement. They want to negotiate an agreement that is good for America and good for our trading partners around the world.

I have got concerns. I have got concerns like many people do about what those agreements are going to look like, but unless we have fast track, those potential agreements will never get to this House to be debated. We will never know whether we can have the optimism we have today, whether those markets will be open to us.

On the other side, I know that, serving as a new member here on the Agriculture Committee, there is a lot of optimism around America, especially in the grain areas, for what open markets around the world can do for American agriculture.

Over the last 10 years, the amount of money going to agriculture in terms of subsidies has been cut by 50 percent. Over the next 5 years, agriculture is going to be cut an additional 25 percent.

What we need to do to help American farmers, not only for the next 5 years but, frankly, for the next generation, is to help open up markets around the world, to give our farmers, who are the most efficient and productive farmers in the world, markets for their product. It will not only help agriculture and help farmers in America, but it is going to help Main Street in America and all the small towns that depend on agriculture.

Mr. DREIER of California. I thank my friend for his very able contribution, and I would like to say that the people of Ohio have shown a great deal of brilliance in their selection of my colleague and in sending him here with that grasp and understanding. I know that he truly is concerned, as my other friend from Ohio, Ms. KAPTUR, about the plight of workers in Ohio, but recognizing the fact that there are going to be tremendous export opportunities there is something that is very important. And I am very pleased with that fine contribution which my friend has made. And I think that we need to recognize that the President is not going to negotiate a bad agreement, because if he does, neither my friend from Ohio nor this gentleman from California will be voting to support that agreement.

And it does not become law if those of us who do not have our concerns addressed are not successful at that. The gentleman is absolutely right.

As a Representative from Los Angeles, CA, I have many concerns which may go beyond those of my friend from Ohio and others in this House. I have talked about the big three concerns, that being agriculture, the environment and labor.

In the area of agriculture, many of my citrus growers are concerned, understandably, and I have, in fact, sat down with the Mexican negotiator, Dr. Blanco, to raise the concerns of growers in California.

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Mr. Speaker, I represent an area that may not quite have the air quality that Mexico City has, but it is not too far behind in the Los Angeles Basin. We want to ensure that we are able to address those.

Mr. Speaker, I think in looking at those along the border, the prospect of a company in Mexico burning something that could blow across the border and affect those American families in El Paso, in San Diego, and in other spots along the border, is one that needs to be addressed.

I think as we look at this, we know that the President cannot get an agreement through without our support. I believe it is critically important that we as a Congress begin by providing him with this all-important fast-track authority.

Mr. Speaker, this is something that is going to be debated very heavily over the next several weeks. There are going to be people from Mexico coming to the United States, and a number of us in the United States are going to be in Mexico the week after next. I am going to be participating in the 11th meeting that I have attended of the United States-Mexico Interparliamentary Conference. I can assure you this will be one of the key items of discussion.

Mr. Speaker, I hope that Members will look at the very able response that Ambassador Hills and President Bush have assembled in addressing the concerns that have been raised by the chairman of the Senate Finance Committee and the chairman of the Committee on Ways and Means. I believe when Members do look at this very able response, we will end up providing the support that President Bush needs.

Mr. Speaker, I thank Members who have participated, the gentleman from Ohio, the gentlewoman from Connecticut, and the gentlewoman from Ohio. I know there are many more who feel strongly about this. We are going to be hearing about it in the weeks to come.

Mr. GREEN of New York. Mr. Speaker, some argue that a vote for fast track is a vote against the environment. Let's listen to some of the facts:

Mexico has no interest in becoming a dumping ground for North American industry. In 1988, Mexico passed a comprehensive environmental law that closely parallels the tough standards set by the United States Environmental Protection Agency. That law covers air, water, and soil pollution, contamination by hazardous materials and wastes, pesticides, and toxic substances, the conservation of ecosystems and the rational use of natural resources. Mexico has also established administrative sanctions and judicial penalties for noncompliance.

The Mexican Government has committed itself to improving enforcement. Between 1989 and early 1991, the Government of Mexico imposed some 980 temporary and 82 permanent industrial closures for noncompliance. To illustrate its seriousness, on March 18, 1991 the government permanently shut down Mexico's largest oil refinery, costing 5,000 jobs. In 1990, the Salinas administration committed more than $3.5 billion in a comprehensive plan for air pollution abatement projects in Mexico City.

President Bush has promised Congress that the United States will ensure that our right to safeguard the environment is preserved in the North American Free-Trade Agreement. We will maintain the right to exclude any products that do not meet U.S. health and safety standards as well as maintain our right to impose stringent pesticide, energy conservation, toxic waste, and health and safety standards. Furthermore, USTR will coordinate an interagency review, drawing on the resources of agencies with environmental expertise and in consultation with interested members of the public.

The economic benefits arising from a free trade agreement can provide the United States and Mexico with a tremendous opportunity to improve environmental protection. Let's not judge a trade agreement that has yet to be negotiated. I urge my colleagues to support an extension of fast track.

GUN CONTROL

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 60 minutes.

Mr. STAGGERS. Mr. Speaker, the reason I sought to take 1 hour tonight is to address the vote which we will have next Wednesday on this floor on the Brady concept about gun control. What I would ask Members, would be to look at the Brady concept, but also to look at my alternative. I would ask Members to think for themselves, to look at the facts, and not necessarily just take me at my word, but go beyond that and examine the issues. Also look at the arguments that the other side will present, and think for yourself on this issue, and look at the facts and see which one is the better alternative, because I am convinced that mine is the best alternative.

The other side of this issue, obviously, would like us to look at this as the NRA against everything that is good in America. It is not that way. I am not a member of the NRA. I presented what I believe is a realistic alternative, which I believe will do a better job of keeping guns out of the hands of criminals.

Mr. Speaker, I will tell you up front that I oppose the Brady concept. I do not think it will keep guns out of the hands of any criminals. In fact, I am not sure that mine will do that great a job, or any bill that we pass, because criminals will continue to get guns, no matter what we do here in Congress.

The sad fact is that the majority of felons that are convicted will admit, and evidence will show, that they obtained their guns illegally. But mine does a better job of keeping some guns out of the hands of criminals than the Feighan bill.

Mr. Speaker, I know the emotions that run when we talk about gun control. I know the emotions that run when we talk about crime in our city streets, in our rural areas, or anywhere. I do not believe that we should have an emotional response to a very complex issue, and that is the crime issue.

Mr. Speaker, I believe that just asking people to wait 7 days to purchase a handgun is an emotional response to a very complex issue. It is something that obviously we would like to be able to pass simplistic resolutions on and wish them away, but that does not happen in the real world.

Waiting 7 days is not going to provide enough time for people to run the background checks. You can do in 7 minutes what you can do in 7 days.

I share the frustrations of my colleagues. Crime does continue to climb. We are frustrated. We look for solutions, as we should.

I do believe that if you look at the two alternatives, mine does achieve the goals, at least the stated goals, of the Feighan bill, in a better way.

The stated goal is simply this: to prevent criminals from getting handguns through licensed gun dealers. My alternative would require a check; the Feighan bill does not require a check.

Also if you look at what will happen with the Feighan bill, it has the potential for discrimination, at least putting it into effect. It will discrimate against some of our minorities, and even those with foreign sounding names.

If in fact you live in a neighborhood that is an Afro-American neighborhood, chances are the police are going to check your records. If you come from an affluent white suburban neighborhood, they probably are not going to find the time to check your records.

If in fact your name is somewhat foreign sounding, funny sounding to the individual police officer, they will probably check your records; if it is a nice Anglo-Saxon name, they probably will not check your records.

The problem under the Feighan bill is that it does give the total discretion to the local police officials. Once again, mine does require the check.

The Feighan bill, coming from a rural State, being part of the rural caucus, the Feighan bill will shift the burden of paying for these costs to the States, to States like West Virginia, which can ill afford to spend the resources.

They will tell you that there is no mandate, so therefore the States are not going to be required. But if we do not check, then, yes, there will be no Federal requirement, but there will be a liability requirement. We will get sued in our States, the small rural police departments. Unless we take the total force and have them just spend all of their time checking records, then we have the potential of liability, which could bankrupt many of our municipalities in rural America.

Mr. Speaker, we do not have the manpower. We do not have the resources to hire the manpower to do these record checks. That is why I think that if in fact we are going to mandate this, that we do it on the Federal level, which my alternative would do.

Mr. Speaker, my alternative takes the Feighan approach and tries to be constructive. It would have been very easy and very consistent with my voting record and very consistent with my constituents' wishes to oppose the Brady concept. But, trying to be constructive, I wanted to offer a mandate on what their stated purpose is, and to build on that.

Mr. Speaker, I think I have offered a superior bill. Mine does mandate a records check. It allows the Attorney General to cooperate with our agencies in getting needed information.

My alternative will accelerate the updating of criminal records. Right now, you have heard a lot about the records that are inadequate. Right now we have very good prison records. We have very good parole records and very good probation records.

Some of the criminal histories are not that great anywhere, especially pre-1960. Almost anywhere you go, you are going to have problems with pre-1960 records.

Maybe I am wrong, but 1960 records, you are talking about a criminal who has been out of prison probably for 10 or 20 years. Probably they are in their fifties or sixties, maybe seventies. I do not think those are ex-felons that we have to worry about. I think it is those younger offenders that are recently out of prison who are the ones that are the most dangerous. Maybe that is an assumption I should not make.

Mr. Speaker, obviously mine is not the perfect bill, but I believe it is the superior concept in this debate.

Finally, one thing which is often ignored in this debate is the second amendment. There are those in Congress that feel the second amendment does not apply to anything anymore. They will cite Supreme Court cases that say that the Federal Government can regulate, the State can regulate, and cities can regulate, that the individual has no rights.

If that is what this debate is about, then we should not be debating the Feighan amendment or the Staggers amendment; we should be debating the repeal of the second amendment.

Mr. Speaker, I do not believe that the American people want to repeal the second amendment. I know my constituents do not. So we should take the second amendment into consideration. It is still there, and it is still applicable, in my opinion. My alternative would in fact protect the second amendment rights of individuals.

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Let there be no mistake, if in fact my colleagues do choose to vote no on my alternative, they are voting for gun control. Members cannot say, "Well, I do not like either proposal." It is going to be an either/or. If there were another proposal out there we would have a better chance of talking about it, but we do not have that opportunity. It is going to be either my alternative or the waiting period, which is gun control. I do not believe mine is gun control. The dealers will have the responsibility of calling it in to the Attorney General's office through a toll-free number, so his duties are not all that intrusive.

I am not talking about the high technology that some people have talked about, the biometrical scans. Obviously that is a goal which we should be working toward, and if we are going to eliminate those individuals who attempt to purchase handguns who are ineligible, a biometrical scan where fingerprinting is in fact flawless and will be 100 percent accurate, that is a worthy goal, and that is probably 5 or 10 years down the road and probably will cost millions of dollars, maybe even billions of dollars. But that is not what mine calls for. Mine calls for the simple approach of taking existing technology, telephones, just as using a credit card for a purchase and using that technology.

I believe mine is the superior concept.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to my colleague, the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I thank my friend from West Virginia and congratulate him on the introduction of his proposal which would provide for an instantaneous background check for those people who want to go out and purchase a handgun.

I have looked at the Brady proposal and proposals like it around the country that require 7-day and 14-day waiting periods. I call them do-gooder legislation. It feels good and the folks back home like it. They think they like it. It feels good and it looks good, so let us go ahead and do it. Certainly politicians here in Washington are always eager enough to go out and pass legislation that looks good to the folks back home.

I have come here as a new Member for more solid reasons I think, and I have looked at the Brady proposal and I have asked myself: "What does it do?"

It would require us to push people off to wait 7 days before they can buy a handgun. That is all that it does.

We are infringing on the rights of people who would like to buy weapons, and for that infringement, by waiting 7 days, what are we going to get for it?

It is an option for the local police to do a criminal background check, and even if they exercise the option, their ability to actually do a 7-day check or a background check in 7 days is severely limited, if they would accomplish anything at all. What I think Americans want is they want to limit the ability of criminals and those with a mental history to buy weapons.

The proposal that my good friend from West Virginia has introduced, and that I am a cosponsor of, would in fact do that. It would provide an instantaneous background check that three States in our country already have today.

Just today I had three police officers come to my office who came from the Cincinnati police force, which is near to my area in Ohio. They came in supporting the Staggers proposal. Their point was that if we want to keep guns out of the hands of criminals, the Staggers proposal is the way to do it, because they realize that Brady looks good, sounds good, but in fact is not going to accomplish much at all.

Their other point was if in fact we have the Brady proposal, and they have to make all of those background checks, they are going to have to take officers off the streets and put them into the station houses to begin to attempt to do those background checks. The information available to the police agencies around our country to do a background check is severely limited. You could not do a very complete background check today in 7 days. Can Members imagine if in fact we had Brady and we had several million applications going in to police departments around our country, the crippling effect it would have and the amount of paperwork it would create.

I began to ask myself one more time: "What will it then accomplish?" I do not believe it will accomplish anything.

Mr. FIELDS: Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to my friend, the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, as I was listening to the comments of the gentleman from Ohio, I was reminded that I too today was visited by some policemen, some law enforcement officials from Texas. Since their lives are on the line each and every day, since their families live with the reality that that person serving their community might not return on any given day or any given night, I asked the question, which I think is the most salient question, and that is: "With your life being on the line, where do you receive the most protection, under Staggers or under Brady?" To a person, they said they felt greater protection and greater deniability of handgun purchases to criminals under the Staggers proposal.

Their concern was that there has been such a buildup of perception and public relations around Brady that people do not realize that it is a paper tiger, and that if you are really looking for something that can work with today's existing technology, then it is under the proposal that has been offered by the gentleman from West Virginia [Mr. STAGGERS].

I appreciate the gentleman yielding.

Mr. BOEHNER. I thank the gentleman from Texas for his comments and I would wholeheartedly agree.

People in America want us to do something about crime. The situation in our streets is horrible. You do not have to go very far, not more than three blocks from this Capitol to find out about the crime problem in America. I know as I walk home at night to my apartment, I am concerned because I am only one block from the war zone.

People in America want us to do something about crime. I want to do something of substance about crime, and I believe that if we are going to accomplish something that is meaningful and has value for Americans, supporting the Staggers proposal and instantaneous background checks is the best thing we can do over the next several months to do something about crime and making our streets safer.

Mr. STAGGERS. I appreciate the gentleman's statement. I have only worked a few short months with the gentleman from Ohio on the Agriculture Committee and seen him at work. His constituents should be proud not only on this issue but on some of the other work that is not seen. I do congratulate the gentleman on his statement and appreciate his support. I think it will help as we try to go Member to Member and get them the information. As the gentleman from Texas said, there has been a lot of hype about what Brady will accomplish, and I think, as the gentleman stated, it does not do that much.

Mr. Speaker, another gentleman from Pennsylvania has indicated that he would like to speak, and I yield to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I thank the gentleman for yielding. I applaud and thank him for his leadership on the development of an alternative to the Brady bill. I know it was not an easy decision, nor an easy task for him or any other Member to work on this legislation, because sadly I think there is a great deal of misinformation floating around out there about the Brady bill.

I would share with my good friend and colleague from West Virginia that this is an issue that I am sure he appreciates has given practically all Members reason to step back and to think about the approach that we need to take as a national legislative body with regard to the ease with which potential users of firearms acquire those firearms. It is a very serious problem. Crime throughout urban, suburban, and even rural areas is on the rise. We do not have a handle on it, and everybody is looking to try to address the need to reduce it, knowing full well that even under the best of circumstances we will never eliminate it.

So crime is out there, and we are struggling with dealing with the whole generic issue of crime, and one of the more fanciful proposals that has been offered clearly is a 7-day waiting period, the Brady bill.

I will tell the gentleman that I have wrestled with this as well as many of my colleagues from an emotional point of view. I had a good and positive meeting with Mrs. Brady, clearly a woman whose family, her husband, and herself have been scarred by a tragedy of enormous proportions.

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I know that all Members of Congress, both sides of the aisle, whether they agree or disagree with the Brady bill, try to empathize, but will never know the burden that she carries now, and she and her husband and family and friends will carry forward. But sadly, our sympathy and empathy is not the question, and that, I guess, is where it got me back to a realization that to vote on this bill I had to take a look at whether or not the benefits, as suggested by its proponents, were actually there.

One has to be careful of that emotional tidal wave, because it will knock you over. It really will knock you over. You really have to get up from that and take an honest look at what the real facts are and what the legislation will truly bring.

Sadly and ironically, the bill, had it been enacted as I read it, would not have avoided the enormous tragedy that befell the Brady family. It just would not. So I think that is something that people should understand who are wrestling with this difficult issue of this bill.

I think it will be a long time, and I suggest probably it will never happen, when the private health records of American citizens become available for public scrutiny, so I do not think that is going to happen, should not happen, and people ought to know that that is not in this bill.

Does the gentleman agree? I guess the gentleman agrees with my reading of it. It would not have avoided that horrible tragedy.

I know there are some people who have talked about a cooling-off period, we need 7 days as a cooling-off period. I would have to share with my friend and colleague that, in my experience as a prosecutor and as a defense attorney, that is really under these circumstances a red herring. It really will not have any impact, little or no impact, on a situation that might be considered a crime of hate or passion. Rarely does that individual who is compelled by a variety of circumstances to commit an act of violence go to a gun shop, purchase that weapon, in that same heat of passion, with those circumstances weighing heavily upon that person, then go back and terminate the life of a particular individual. There may be some exceptions to that, but I do not think it really deals with the crimes of passion committed in those circumstances. In the real world, it just does not apply.

So where does it apply? I do not think that we can deny, and there is some empirical evidence in some of the States that have the instantaneous check, they have been able to catch felons on fugitive warrants and things of that sort, and you certainly could have that in your approach, so it is not that the gentleman does not cover it and the Brady bill does.

What does a 7-day waiting period do? Frankly, it does not do too much for me based on my personal experience as both a prosecutor and defense attorney. I would share with my colleagues that I probably was involved in well over 100 cases either throughout a complete trial or a plea bargain. In my own personal professional experience, I cannot think and there may have been one or two instances, but I cannot think of an occasion where someone who committed a violent crime with a firearm purchased the firearm legally. I mean, it does happen out there, but it does not happen often enough to justify a 7-day waiting period, and it certainly does not happen with the frequency and predictability that you can conclude that automatically 10 or 15 percent of the crimes that are committed that way would no longer be committed. I mean, it is just not a conclusion you can draw.

So what do we do? In order to try to limit access to the purchase window, we tell not criminals you have got to wait, you tell most of the purchasers who are law-abiding citizens you have got 7 days, and you have got to wait, and I think we are misplacing the emphasis, because in the real world, the 7-day waiting period does not work very well. Frankly, I happen to think that it is, to a certain extent, a means to deflect this body's attention to other issues that I consider to be more important when we are dealing with the whole issue of crime or the educational system.

What happens to men and women throughout this country, young and old, that leads them to commit an act of crime and to those recidivists who commit one, two, three, and many acts of crime? So you have got to talk about education. You have got to talk about economic opportunity. I think you have to talk about the drug culture that has developed and that we think we are doing so much about with the billions of dollars we send out the door but never follow it when it leaves Washington to see, and frankly I do not think it is doing the job that needs to be done.

So we ignore all of those problems. But in order to be tough on crime and to show everybody that we are going to do something, we are not going to deal with education, we are not going to deal with the economics of some of these people, we are not going to deal with the drug culture, we are not going to deal with sentencing, not deal with prisons, not deal with the criminal justice system. We are going to have law-abiding citizens wait 7 days. That just does not translate into the kind of thing and kind of constructive approach that I think we should be looking at.

Obviously I come to this debate feeling that waiting periods have very, very limited effects and are not and should not be embraced and, therefore, will oppose the Brady bill.

I appreciate the gentleman's candor as well. There will be a limited effect of either the Brady bill or the Staggers bill. We admit that, so if we, as a legislative body, are going to choose one, again, we think we have to employ the same hard, cold look at which one brings about the limited effect, that generally we would like to accomplish a broader impact and have a broader effect, but which one will accomplish the limited effect that is important to us.

I have concluded that the gentleman's initiative and his hard work and the direction he has taken does that. There are a lot of reasons. Let me just briefly mention three of them.

First of all, I think the instantaneous check is much greater protection. From my point of view, when I go in to make a purchase with a credit card, and we have got millions and millions of credit card transactions going on every day, with the technology we have now and hopefully with the impetus this approach would give us, with the technology we will have tomorrow, there is no reason as we build up a data base that down the road the industry and those who purchase firearms of all kinds, and they will have to bear some of the costs, would not be part of a system that provided for instantaneous check that included all national records, felony convictions, both Federal and State, and in my judgment should also include, if we are serious about this, misdemeanors when it is a lesser included offense that has been plea bargained, or were in a felony that involved a firearm and had been reduced to a misdemeanor by the jury for purposes of a conviction, so the gentleman is moving in the right direction, and I think the instantaneous check does a lot better.

That comes into the second point, that we mandate the improvement of records in the gentleman's approach, and the Brady bill does not introduce the mandate of the improvement of the records. I think that is a critical feature of the gentleman's bill.

And the third very important feature is actually the gentleman mandates a record check, and that is an option in the Brady bill, so while I think that there is enormous appeal and an enormous feeling of support for what the Brady bill purports to do in terms of limiting access to firearms, I think a closer scrutiny of its contents in comparsion with the gentleman's alternative would hopefully lead to a conclusion that the gentleman's alternative is preferable.

A 7-day waiting period just will not do the job, albeit either one will not have much of an impact, but if we are moving in that direction and the gentleman is trying to be a trend-setter and trying to push the universal recordkeeping system of the criminal justice system in this country in a direction where there could finally be at some point in time a national point of reference, this is a step in the right direction, instantaneous check, mandate the improvement of the records, and mandate that once they are out there you use them.

I commend the gentleman for his leadership and thank him for the time he has given me in this special order.

Mr. STAGGERS. I thank the gentleman for his statement.

I do have a couple of questions. The gentleman mentioned he was a prosecutor. Has the gentleman ever met anybody who believes, and, for instance, we do not grow cocaine in the United States. We bring it in from outside. Has the gentleman ever met anybody who believes that if criminals could not get guns from gun dealers that they will not have the means to import the guns along with the cocaine?

Mr. RIDGE. If the gentleman will yield further, no; it is a wish maybe that is high on somebody's wish list.

The facts bear out that by and large the criminal element in this society will always find a way, legal or otherwise, to get access to firearms of all descriptions. I mean, we are not even talking about those thousands of transactions, hundreds of thousands of illegal transactions, that go on daily between individuals all over this country. So, no, I have never met anybody who felt that there would be that response or that conclusion.

Mr. STAGGERS. And I respect the gentleman's legal knowledge. I would ask this question, especially since the gentleman borders my State, and I know that his State, in many parts of his State, it is very close to the same ruralness that I have.

What does the gentleman think will happen when the local sheriff says, "I do not have the means to check this record," and somebody goes ahead and purchases that gun that is ineligible and then commits a crime and there is a victim; does the gentleman think the attorney or some attorney, may in fact take that case and sue the municipality? In the gentleman's opinion, does he think there would be liability?

□ 2010

Mr. RIDGE. I think it could be possible to find someone to take on that cause legally. I will not predict that there will be a rash of suits.

The point is that those who are responsible for enforcing the laws, and I can cite Pennsylvania because we have a 3-day waiting period, so there is nothing magical about 7 days either. Again, it is an arbitrary time frame that has been chosen. I think California has 15 days, and perhaps it may be higher in other jurisdictions. There is nothing magical about that time period.

When we are in similar municipalities and communities where we have a gun shop or two and the local police force may be one, or one and a half or two and a half people, one or two being part time, we will have a real personnel squeeze in just following the paper trail. There is no doubt that errors will be made, there will be omissions, and we may end up finding somebody who feels he was denied his second amendment right, and choose to challenge everybody on constitutional grounds.

While I do not predict we would see a lot of those lawsuits, I would imagine we could expect some. I would rather take the debate away from that particular approach.

Waiting 7 days I have to believe, and I hope that most of our colleagues do not operate under the illusion or delusion that somehow a 7-day waiting period will result in an enormous and significant reduction in crimes committed with firearms. It will not happen. I would hope all Members understand that some kind of check will have an impact, minimal, but there will be an impact.

Therefore, the question then becomes which of the two approaches gives the best, although minimal, the best impact? I think the gentleman's approach does.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for his remarks.

I yield to the gentleman from Mississippi [Mr. ESPY] who indicated he wanted to speak on this matter. The gentleman is one hardworking Member, and I appreciate him joining.

Mr. ESPY. Mr. Speaker, I thank the gentleman from West Vriginia for yielding, and for taking the time out to allow some Members who feel strongly about this issue to come down on the floor of the House tonight and to participate.

I have been sitting here a while and have heard arguments advanced by other Members, and I would like to associate myself with those arguments. I think a lot of the points that have been made are well-taken. I think the bill which has been introduced under the gentleman's name is a good bill.

I will stand tonight and not speak very long, but also will weigh in on the issue to say that it is a good bill, and I will support it. I will be voting against the Brady bill. Now I will tell Members why.

When I was coming over here, the last words I heard the gentleman from West Virginia saying was when he characterized this as a very emotional debate, very emotional argument, one that would tend to stir deep passion and intense feelings in proponents and opponents. The gentleman is quite correct.

When we vote on the Brady bill, on the Staggers bill next week, I think the emotions will be running high. Few issues have aroused emotion on both sides such as this, and I think that there is good reason to be emotional.

I want to say today to my colleagues that I would hope that we could act more with our head and not with our hearts. As the gentleman said before me I think that the greater action will come in terms of doing something about education, doing something about economic opportunity, doing something to promote values within this country, and not unimportantly, to do more for sentencing in creating greater penalties for those who would be stirred to commit the kinds of crimes like this.

We have to be deliberate and not just react. We have to react, but it should not just be for reaction's sake. I would tell the gentleman that everybody in this country wants to end the violence which has led to 23,600 persons being murdered last year. Everyone in this country wants to end the rise in violent crimes of all kinds which have increased in this country by more than 10 percent since 1986. We all want the right to live in a community where we can sit on the porch at night without fear.

I am from a very rural area as I know the gentleman from West Virginia is, and we want the only cracks we know about to be cracks on the sidewalk in our rural cities and rural villages. That is an emotional issue.

I think like all politicians we feel compelled to act. Reaction for reaction's sake, but that is not going to do anything here. I think this Brady bill is a very anemic reaction. It will not get to do the kind of things we know have to be done.

I was reading the RECORD of Senate debate last year where they were talking about banning certain types of semiautomatic weapons. There was a Senator over there that remarked about something that Henry Cabot Lodge said to Teddy Roosevelt sometime ago in the midst of a railroad strike. He went to President Roosevelt and said, "Mr. President, isn't there something we can appear to be doing?" I put emphasis on the word "appear." We cannot afford to delude ourselves into believing that this waiting period will stop criminals from getting weapons and committing crimes. We know that most of the teenage gang members are too young to purchase weapons anyway, and they do not walk into a local retail shop and put whatever money on the counter to buy weapons.

I do not believe this will stop the crimes of passion. Therefore, I think we are deluding ourselves into believing a 7-day waiting period will really do what we want to, that we know needs to be done.

We can do something to stop that small percentage of felons who attempt to buy guns legally. I think that it is a small percentage of felons. We can do it without infringing upon some second amendment rights. When I stood here on the floor and I raised my hand and I swore to uphold the Constitution and all the amendments, whether it is the 14th or the 15th, which I do, I would like to know that I can uphold the 2d as well. I do believe that this is a legitimate infringement upon second amendment rights, the right to bear arms, and I think we can do what we want to do without infringing or impacting unnecessarily on the rights of those citizens.

All persons on both sides of this debate now believe that backgound checks can help stop some felons from legally purchasing weapons. However, there is a distinction between the Staggers bill and the Brady bill. Only the Staggers bill mandated a background check, only the Staggers bill mandates a background check. Under the Brady bill, local police departments can check if they want, and they can refrain from checking if they want. My understanding, that is the operation effectively of the Brady bill, so we could call it discretionary checks from the local police department. That discretion is something that in some sections of our country would not be too wise to allow them to do. So the Brady bill has received the most publicity, but I think the Staggers bill will have the most effect.

There is no question that it will take sometime to implement a national instantaneous system of background checks. It will, without a doubt, take some money. It will mean States that do not have computerized records must move to computerize them. However, if we make the commitment, I think that it can be done. If we value the lives that will be saved by effective mandatory background checks, I think we would move right away to do it.

I will tell the gentleman from West Virginia this debate will be difficult because so much of it will be motivated by fear. I understand the cries of citizens who are afraid of being victimized by violent crimes, crimes committed with guns, but I would like to tell the gentleman from West Virginia that I also hear the cries of those who are afraid to face the same violent crime without the immediate right to purchase a weapon for self-protection of family and property if they so desire.

I heard other Members here speak to the point of fact that the situation in Florida at the college campus, and I would think had I been in that situation, that if I wanted to go and arm myself against what I thought would be impending danger, I would not want to have to wait 7 days to be able to have the safety of a firearm in my home.

□ 2020

I think that is something that we should take very, very seriously.

I think the gentleman has been honest. He has been very candid and he himself has said that his bill is not a panacea.

The Staggers bill would not solve this problem overnight. In fact, far from it, but it will address the legitimate fears of citizens on both sides of the debate. It will force us to implement the same type of checking system for purchasing firearms that we now have for purchasing anything else, but now we do not check for felony records, we check for bad credit; so I think if we can instantaneously check financial records, if we can check black marks against someone's driving record, I think that we can instantaneously check the criminal record, with some time, with some diligence, and with some money.

In effect, what I am saying is that if we have the will, then I believe there is no doubt that we will find a way.

So I would just like to compliment the gentleman from West Virginia for presenting something to this body which I think will have a better reaction to this problem that anything else that we are considering.

I thank the gentleman from West Virginia for his time.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for his statement. I think he made very good points that needed to be made, and as the gentleman said, it should be a very lively debate next Wednesday.

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Speaker, I certainly appreciate the gentleman from West Virginia giving me the opportunity to say a few words on this issue.

Mr. Speaker, over the past several weeks we have once again seen the gun control issue move to the forefront of public debate. This time it has boiled down to a fight between H.R. 7, the Brady bill, and H.R. 1412, the Felon Handgun Prevention Act. I am standing here today to declare my full support for H.R. 1412. As a sportsman and concerned legislator, I am alarmed at the misuse of firearms in today's society. However, I recognize this abuse of our second amendment right is perpetrated by a criminal element and not responsible gun owners.

My colleague, Mr. STAGGERS, has introduced a proposal which offers the very best approach to preventing felons from obtaining handguns through dealers. H.R. 1412 is value neutral, and would allow access only to those criminal and mental health records that are currently available to the authorities. This system would leave no room for discrimination or arbitrary denials. H.R. 1412 would address and correct the lack of effective and up-to-date felon record keeping system. It is true that H.R. 1412 would take some time to implement, but, once implemented, it would serve as an example of quality, well throught out legislation designed to protect the honest individual.

Also, H.R. 1412 allows for the immediate sale of a handgun to any legally qualified individual although it does not preempt present State firearm sales laws, nor impose additional costs on the States, or to firearms dealers.

Let me give you a personal, first hand account of how criminals obtain their firearms. As a freshman Congressman I have lived in Washington, DC for only 5 months, but already my house has been burglarized. They did not take our television or microwave oven, what they took was an old shotgun my father had given me. That individual both bypassed gun control and illustrated the dangers to law-abiding citizens of a waiting period. That, Mr. Speaker, is how criminals obtain their weapons. Now, I hate to think what may happen during that 7 days when an honest individual must go without protection, while a very well armed criminal element plots against society.

I was born and raised in Oklahoma and now have the honor to represent Oklahoma's Third Congressional District. Virtually every individual I know owns some sort of firearm, and, Mr. Speaker, I guarantee the murder rate in Oklahoma is much, much lower than it is here in our Nation's Capital. I find it tragically ironic that Washington, DC, the very symbol of democracy and freedom, will not allow its citizens to enjoy the full rights given them under the Constitution of the United States.

And what is even more tragic, is that men and women are dying because they are denied their constitutional rights to protect themselves by owning a handgun.

Mr. Speaker, it is not gun control that this Nation needs. We have proven gun control does not work. We have also proven that to a large degree the judicial system also does not work. Let us hold individuals responsible for their actions. It is lack of knowledge between right and wrong, not the second amendment, which has led to the abuse of firearms throughout this Nation. I challenge my colleagues to fight against criminals by holding them responsible for their actions.

Again, I commend my colleague, Mr. STAGGERS, on a fine proposal. Also, I thank the Speaker for allowing me the time to express the views of the people from Oklahoma's Third Congressional District.

Mr. INHOFE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Oklahoma.

Mr. INHOFE. Mr. Speaker, I think that is a very good point to bring out. Since both of us served in the Oklahoma State Legislature, it has always seemed to me, and maybe this is our Oklahoma way of thinking, why would the criminal element choose this particular law to comply with, because statistics have shown that 84 percent of the crimes committed with weapons are committed with weapons that were procured illegally.

Our concern and I think I share the gentleman's concern is how does that leave us defenseless, those of us who do comply with the law?

The other thing I wanted to ask is, this is before I believe the gentleman was in the State legislature. I was there. When we first started talking about the NCIC hookup for the highway patrol, at that time they said:

> No, this will never work. We don't want this. It's not going to work because it can't be done in that time period.

Right now with a 30-second notice they are able to follow someone, get the license number, through the license number get any criminal record that the owner has and be able to know what the current status of that is, in 30 seconds.

Now, if that is true and we are able to do that in apprehending criminals on our highways, it is very naive of anyone to say that technology has not come to the point where we are going to be able to do that in a gunshot.

Would the gentleman agree with that?

Mr. BREWSTER. Yes. The gentleman from Tulsa makes a very valid point. I believe the long-term result of H.R. 1412 would be a better apprehension of criminals all over the Nation, not just on firearms, but on everything, and I think it could be very important for that; but here we are in the Capitol of this United States, the very symbol of freedom around the world and yet it has the most restrictive firearms laws that I know of in America. Its murder rate is probably the highest in this Nation, and yet in many parts of the country such as Oklahoma where it is easy for most people to secure firearms, the murder rates, the crime rates, are much lower.

So I think that would be one thing that would certainly show that firearms control in this case has not worked, and as the gentleman from Oklahoma [Mr. INHOFE] mentioned a moment ago, victims should have the right to protect themselves. That may be one of the reasons that Washington's crime rate is so high, their murder rate is so high, because they know victims are not armed here. In Oklahoma, they would find many people armed. In fact, most everybody I know in our State owns some kind of firearm.

The Brady bill restricts the law abiding. It does nothing to the criminal. What we need is criminal control in America. We need swift, sure justice for anyone who commits any kind of crime, but especially with a firearm.

I would certainly like to commend the gentleman from West Virginia [Mr. STAGGERS] for bringing an alternative that I think is very workable, one that I can certainly support and I appreciate the gentleman giving me the time to express the feelings of what I believe is the majority of the people in the Third District of Oklahoma.

Mr. STAGGERS. Mr. Speaker, I appreciate the gentleman's statement. I know the gentleman serves on my Subcommittee on Veterans' Affairs, and I know how hard he works on other issues. I appreciate the gentleman taking the time to come over here.

As I mentioned, since the gentleman is a new Member, sometimes your constituents are not as used to some of the things you do. I can tell them that the gentleman is one of the hardest working people that will make a difference in this Legislature and they should be very proud of the gentleman.

Mr. BREWSTER. Mr. Speaker, I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I wanted to ask the other gentleman from Oklahoma, because we were both there and had some of the same experiences, and I think we have demonstrated very clearly that if we are able to get that kind of response in apprehension on that short of notice, as I say, it is very naive to think it could not be done elsewhere.

Let me compliment the gentleman from West Virginia on the idea he has, because I have long felt, those of us who are strong supporters of gun owners rights of the second amendment have often felt that the bill that has become so controversial, the Brady bill, is a bill pushed by people who really are not concerned about a 7-day waiting period. It is that foot in the door. It is getting hold of our guns.

Now, if that is what their concern is, the gentleman from West Virginia has come up with something that is really right. If the concern is to apprehend the criminal element and keep them from getting guns, then this will do it and it will do it much more efficiently.

As the gentleman from Oklahoma is from a rural State, even though I do not represent one of the most rural parts of Oklahoma, I talked yesterday to the REC group. It is a group of about 150 farmers who were here. They brought up something that is very much of a concern to them. Many of them, if you are in the western part of Oklahoma, if you buy a gun, have to travel 40, 50, sometimes 100 miles. They get all the way in there. They have to make their application, go all the way back and come back and get it, and again that check could be made right there on the spot.

I want to really compliment the gentleman from West Virginia for coming forth with this. I think we are going to make some honest people out of others who are perhaps not representing what their real purpose is in supporting the Brady bill.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. HOLLOWAY].

□ 2030

Mr. HOLLOWAY. Let me start off by saying thanks to the gentleman from West Virginia for hold this very informative session and giving us all a chance to speak on the issue a little bit.

First of all, I would like to say that I probably do not favor your bill at all because I am opposed to gun control, but I do see it as a substitute in an area where we have to compromise so many times here in Washington, truly against what our beliefs are. This is one of the issues that I am sure the National Rifle Association would have never come up with or helped to come up with a bill that maybe could get through Congress if they had their choice. But it is a substitute that I think those of us who are opposed to gun control have to support. That is my reason for being here and to say a few words along that line.

I kind of like to get with you and see if we can inform people a little bit because I think the perception out there in the public is that a waiting period sometimes is what is best. I believe once people are informed, they truly see that, to me, this is like using paper ballots instead of using a voting machine. I think we can compare it along those lines. We have the technology, why not use it?

The basic question I would like to ask the gentleman from West Virginia [Mr. STAGGERS] since he is the author of the bill, is: What happens under the Brady bill once we have an application with a gun dealer, whoever, and that goes to the local authorities, where I am not totally sure who the local authorities are, and the gentleman may explain that to us, where that application would go and what actually happens with it after it gets there and what could happen that would be more effective than having an instant check, having the criminal standing in front of you and passing it on? I would like for the gentleman to give me a little information for me and for anyone who may be listening, to realize that—a lot of times we create bureaucracies here, and we seem to be the greatest in creating them.

Mr. STAGGERS. Let me respond before I answer the question about the gentleman mentioning gun control. I do not believe mine is gun control. It does protect the second amendment rights of individuals.

The procedural vote which we are probably going to have is that, if you vote "no" on mine, you are probably going to be voting for gun control, and I hope you keep that in mind before you make the decision as to which color you would punch there.

To answer your question as to what happens under the Brady bill, it would be sent to the chief law enforcement agency of the country, whatever the network of government would be. In the case of West Virginia, it would be the county and the sheriff. It would be different in each State. But it would be the chief law enforcement agent of that area.

That individual would have the discretion whether he would in fact check the records. But he would have to sign off that he did, in fact, receive from the dealer an application that there was a handgun attempted to be purchased.

My concern from a rural State is that if, in fact, he does not check those records, that he will be sued and there will be a liability in the States and they would have to pay for any type of check.

My instantaneous check, mine would say that the attorney general would set up this toll-free number that the dealer would have to call, and put more of the burden on the Government, the Federal Government, as opposed to the individual State or local municipality or county or parish or whatever the case may be.

Mr. HOLLOWAY. Let me ask the gentleman this question: I am also from a very rural area and represent a tremendous portion of Louisiana. Is there a mechanism in place today, particularly for those of us in rural areas, that they have the technology and the information in a data base that they can check from? Or do we need particularly what comes out of the gentleman's bill that will help us to create the type of information base that we need to know who is and who is not—who a gun should be sold to?

Mr. STAGGERS. The data base is not perfect. It will not be perfect under my bill. We do not expect it to. That is something that we can strive toward.

Unfortunately, from the Brady concept the local law enforcement agents will have to try to track those records down. Under Federal law, you would have to get a court order to look at the mental health, if, in fact, somebody had been committed, you would have to get a court order to do that. I do not know what it is like down in Louisiana, but I can tell you in West Virginia they are not going to do that in 7 days, sheriff coming in and trying to get a court order for someone who wants to purchase a handgun. It probably will take a lot longer than 7 days.

So, the liability question will still fall probably on the municipality.

Under my concept, what I do is to say that we would, in fact, have this in place in 6 months and we will have a 2-percent error. We will take the existing data base—also, what my bill does is accelerate the computerization, which is not a new program. We have been doing that for the last 2 years. It would build upon that concept, in fact, double it from a 5-percent mandate to 10 percent of the Federal funds that the States are already getting. We mandated that they take 5 percent of the funds whch we are providing them to computerize records.

My State is one of those being criticized that we do not have computerized records. Mrs. Brady has characterized us as having records in a shoebox. I guess I could take take as a somewhat humorous attempt to show our records are not up to date. I take it in that vein. It is not that bad.

We do have an electronic check. I can guarantee you if you are caught on the highways of West Virginia, the records are checked immediately.

So we have the means to do that. Whether that data base can be transferred to the national center is something that would take some work and take some time.

But we have mandated this for the last 2 years. This bill, if in fact we adopt the Staggers amendment on Wednesday next, is not going to become law Wednesday next. It has a long way to go from there to the Senate, then on to the President. I had understood there are some veto threats unless certain conditions are met.

So we probably are not talking 6 months from next Wednesday. It is my opinion that we will be able to implement the system of getting the data bases because every State in this Nation is required to do this. At this point the data base is not good, but the Brady concept, if in fact we do that, will not accelerate the implementation of the computerization of the records. It will leave what we have in place, which will slow it down. It will put the burden upon the State and local governments to come up with those checks even though they do not have the ability to do that.

Mine would grant the Attorney General the ability to go with other Federal agencies to help obtain some of these records. For instance, if you are an illegal alien, that is one of the classifications by virtue of which you cannot obtain a handgun right now; you are ineligible; I do not know how the sheriff or whoever the chief law enforcement is, is going to check whether the individual is an illegal alien. I doubt if he has the ability to do that or whether he has the inclination to do that. But after he gets sued a couple of times, he will probably have that information.

Mr. HOLLOWAY. But we do need all of that information.

Mr. STAGGERS. Exactly.

Mr. HOLLOWAY. If we do not do a proper bill and we do have that technology available, we cannot protect a criminal any longer or the insane or whatever; we have to have that in some kind of data base that lets us know instantaneously what happens.

Let me ask the gentleman another question: In today's times everybody is worried about the Government looking for funds, they are looking for taxes to collect, users fees wherever applicable. Is there any type of user fee, any type of collection of a charge in either of these bills for the gun buyer?

Mr. STAGGERS. Not that I am aware of. In the Staggers concept, what we do is set up toll-free numbers. It is our estimate that it would be between $3 billion and $9 billion, depending on how many gun purchasers there are. That would come from the Attorney General's account. I think, obviously, we would not have to raise taxes to gather that amount from the account which we give to the Attorney General.

Under the Brady bill, although there will not be a direct Federal tax or a license fee, I would imagine that the States would be forced to pay for it in some way if in fact they are going to be facing the liabilities, which I assume that they will be facing.

Mr. HOLLOWAY. If it is like my State, they will be looking for user fees anywhere they can get them, or any kind of tax base.

So I would worry about it. But the gentleman's opinion is that the Staggers bill, for there ever to be any kind of user fees, it would have to come back through us in Congress, and if there is going to be a charge, it would have to come back to us for a charge.

Mr. STAGGERS. Exactly.

Mr. HOLLOWAY. I do believe that is a concern of the American public out there today. I know that one of the things we are always looking for here in Congress is new forms of revenues where we can pay for it. You know, I think there are cases where we need that. But in a case like this, I think our second amendment rights should protect us to own that gun if we are good, law-biding American citizens. I sure like one in my house for protection. I hope that we always have that right.

I will always fight on my end to keep that right.

Mr. STAGGERS. Let me interrupt the gentleman and reclaim my time: With reference to the data base, if in fact you are a law-abiding citizen, you go in to purchase a handgun and you have an instantaneous check, and they in fact approve you, within 5 days those records would be destroyed. There is not going to be a centralized recordkeeping. This is not a national registration of handguns. Those records would be destroyed. There will be a unique number which would be put in there to show that in fact your were approved for that handgun purchase. So this is not a national registration which some gun owners are concerned about. That is why I think mine does protect the second amendment rights.

Mr. HOLLOWAY. I thank the gentleman and appreciate his yielding to me.

I have a sheet here that shows that Maryland has a waiting period and Virginia has an instant check. Maryland has held 38,996 applications, and the average waiting period is 7 days. Applications denied were 3,844. Applications on appeal, 608 The number of people charged is 31.

□ 2040

Whereas in Virginia they have handled twice the number, 73,992. It took them 90 seconds for the approval compared with 7 days. They have applications pending, only 1,200 compared with 1,800. Applications on appeal is zero compared with 608, and number charged is 138 compared to 31.

Mr. Speaker, with that type figures, I do not see where one can make an argument for a waiting period. In my opinion, if we go do something to try to stop the criminals and actually pick up or arrest the ones that are trying to violate the law, these figures to me lead to say nothing but the Staggers bill is the only way to go, that the Virginia law far exceeds the law in Maryland, and, if we do not go with a tight check, we definitely need to go with an instant check, and I very highly compliment the gentleman from West Virginia [Mr. STAGGERS] for his bill, and, if we are going to do things, we need to do them the right way here every now and then. And I know there is a lot of sympathy out there for the Bradys, and I know that carries a great amount of appeal to the public, but in my opinion there is no comparison between the two.

Mr. Speaker, I definitely will be voting for the Staggers bill, and I thank the gentleman from West Virginia [Mr. STAGGERS] for yielding time to me.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman, and I appreciate the Chair letting me close.

Mr. Speaker, one of the things that I would like to say is that obviously mine is not the perfect bill. In the 9 years I have been in Congress I have never voted on the perfect bill. I have never seen the perfect bill, and I will never see the perfect bill. So, my bill is criticized because it is not perfect. I doubt that any bill can get through here that cannot be criticized for not being perfect.

However, Mr. Speaker, I believe what we went through here is mainly the exercise in symbolism. I do not believe that in fact the Brady bill is going to keep the guns out of the hands of criminals. I think mine does a better job of it, but it will not keep all the guns out of the hands of criminals, but it does a better job of what the Brady bill attempts to do. I believe it is a cruel hoax on the public if we in fact say that we are going to have anything to do with keeping the majority of handguns out of the hands of criminals.

I think the other question that has been addressed here is: Who is going to pay for this, whether it is the Federal Government, since it is a Federal mandate, or whether it is going to be State, local officials that are going to be forced to do that.

Mr. Brady was a victim. I feel for Mr. Brady. I feel for all those victims. I have the emotion when I see people that have been victims, and we will hear a lot of that from the other side when they talk about the children that are dying on the streets, the examples that they will bring to us, but this bill will not really do much. I think it would be much more fitting to Mr. Brady if in fact we would put more effort into mental health research and counseling, drug and alcohol counseling, in talking about emotional crimes. Those would be the type of things which I think could make a difference and save lives. This bill I do not think will save lives. Mine does a better job. It will accelerate the records which have indicated that in and of itself for law enforcement purposes is a better approach.

Mrs. VUCANOVICH. Mr. Speaker, thank you for this opportunity to address gun control.

Mr. Speaker, I am afraid that this body has lost sight of the Constitution. I am afraid that we have allowed the well orchestrated antigun lobby to shroud the issue of crime and punishment in emotional rhetoric by blurring crime control with gun control. Mr. Speaker, I am afraid that we, as Members of Congress, are on the brink of making one of the largest infringements into the Bill of Rights in history.

Mr. Speaker, there is no question that a waiting period between the purchase and delivery of a handgun has strong appeal. Violent crime is on the rise in every city in the Nation, and the Brady bill supporters will have you believe their legislation is an effective deterrent to this crime wave. Proponents claim that with relatively small costs, there will be significant gains in public safety. Unfortunately, it is not that easy. Further examination indicates that this bill will do nothing to make our streets safe again.

The suggestion that drug dealers, murderers, and other criminals will be denied firearms under any gun control system is patently silly. Psychotic mass murderers have repeatedly bought guns in States with waiting periods. There is no evidence that waiting periods prevent suicides or domestic homicides. Few, if any, crimes could even theoretically be prevented by a 7-day cooling off period. A perfect waiting period cr other permission system would not stop criminals from getting even retail guns. False identification is not hard to procure. And, although a fingerprint or other biometric check would defeat false identification, criminals are not limited to licensed gun dealers to obtain firearms in the first place.

The Brady bill has very little substance. If the intent is to take guns out of criminals' hands, then why does H.R. 7 provide for an optional, but not mandatory, background check by State or local law enforcement agencies on any citizen attempting to purchase a handgun? Further, if the cooldown period is so effective, why does the legislation exempt States from the 7-day wait period if they currently have an instantaneous check system?

Another Justice Department fact completely ignored by advocates of the wait period is the virtual impossibility of doing an accurate national felon identification check, given the disparities in State recordkeeping systems, in 7-days time. Even supposing the 7-day wait period were to work, convincing evidence, based on studies of criminals and prison populations, indicates that criminals have no need to attempt to purchase handguns legally, and overwhelmingly do not.

I only wish crime control was as easy as gun control. It's not. The advocates of the Brady bill have heard the argument time and time again: Gun control is not crime control; criminals are not limited to legal means when obtaining weapons, et cetera, et cetera. Yet, they do not listen. They do not look at the data. Advocates refuse to separate the issue of gun control from the emotions surrounding violent crime.

My heart goes out to the families and friends who have been the victims of violent criminal action; nobody discounts their loss. But looking beyond the emotions, we find that in Chicago, which bans handgun ownership, nearly 90 percent of all murders were committed by persons with violent criminal records. Why were they on the streets? New York City, with an extremely restrictive background check, averaged six murders per day. Los Angeles, with a statewide 15-day wait on all guns had 983 murders. Philadelphia, with both a mandatory background check and a wait period, had 503 murders. And the list goes on and on.

But probably the most revealing fact is right here in Washington. Here, in the District of Columbia, where it is illegal to own any firearm, 472 murders took place last year making our Nation's Capital the seventh bloodiest city.

There is no question that violent crime is on the rise; all the data and statistics tell us this. Nationally, the increased number of murders were matched by increases in rape, armed robbery, and aggravated assaults, all crimes in which a well-armed and trained citizen might have made the difference. In fact, of the crimes prevented by the use of armed force, private citizens used handguns to thwart a criminal attack some 645,000 times. This is almost twice as often as law enforcement, or roughly every 32 seconds.

If crime control is the desired result of this legislation, why did the House Judiciary Subcommittee on Crime and Criminal Justice deny the equally emotional testimony of Jacquie Miller against the Brady bill to be presented. Jacquie was the victim of Joseph Westbecker's drug-induced rampage.

Joseph Westbecker killed 8 people, wounded 12, then took his own life. Jacquie happened to be carrying a .38 caliber handgun in her purse. If she were able to reach it in time and stop the madman, history would have been different. Unfortunately, Joseph Westbecker shot first. If Jacquie had only 5 more seconds, she would have been considered a hero instead of a lawbreaker. Louisville does not allow permits for carrying concealed weapons. And at the same time, all the gun control laws pending in Congress today would not have stopped Joseph Westbecker, who obtained his weapon legally 6 months before the incident. Yet, Jacquie Miller is considered a lawbreaker for trying to protect herself. Where is the justice here?

Each camp in the gun control battle has equally heart-wrenching stories. Both sides want to see an end to violent crime. Both sides want to see the streets safe again. Unfortunately, only one side approaches crime control realistically; the other equates gun control and crime control with an emotionally warped argument.

Mr. Speaker, the bottom line is that the waiting period the Brady bill proposes will only affect law-abiding citizens. Can anyone stand here in the well of the House and realistically claim that a waiting period will deter criminals—criminals who obtain arms through nonlegal means?

Advocates of the Brady bill and the antigun lobby simply refuse to look at the data. I am, therefore, left with the only logical conclusion: The Brady bill is only one small piece of a much larger agenda, the total abolition of private gun ownership, a blatant violation of the second amendment.

Mr. Speaker, I am gravely concerned that this body is letting the antigun lobby, fueled by emotional rhetoric, cloud a constitutional question. Should the citizens of the United States have the right to have and to bear arms? We all know the answer; we learned it in grade school.

As lawmakers of this country, we cannot selectively pass laws and make decisions in accordance with only the part of the Constitution that fits into our agenda. We must uphold the entire document. There is, of course, a process by which we can change the second amendment. If the people of the United States desire a change, then so be it. But for our country's sake, let us not be led down the primrose path only to find we have made an egregious violation of the second amendment.

Passing the Brady bill is only one more step in the antigun lobby's cause. Let us not be fooled by the rhetoric. Look at the evidence; look at the facts. There is simply no reasonable argument to pass such legislation. If this body is truly concerned about crime, then let us do something about it without violating the Bill of Rights.

To become a Member of this body, we have each taken an oath of office which states: "I * * * do solemnly swear that I will * * * bear true faith and allegiance * * * to the Constitution." Mr. Speaker, I urge my colleagues to uphold their oath.

NOT ALL LAW ENFORCEMENT OFFICERS SUPPORT THE BRADY BILL

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from Texas [Mr. FIELDS] is recognized for 60 minutes.

Mr. FIELDS. Mr. Speaker, I do not think that there will ever be a more important debate in this House of Representatives on the second amendment than the debate that will be conducted next week, and I do have some remarks that I want to make, but there have been a number of people waiting for a fairly long period of time. I know I am very appreciative of the fact that people are willing to take time from their busy schedule to come and speak on this important issue, and at this time I would like to yield to the gentleman from Louisiana.

Mr. HOLLOWAY. Mr. Speaker, I just want to finish up with about 10 seconds and verify the fact in saying that I oppose gun control. I think it is a very touchy issue on the second amendment rights, and it is one we have to be very careful with.

Mr. Speaker, we all want to take guns out of the hands of criminals. We all want to try to see we are able to monitor and see that we do not have mass slayings or individual murders, and I think we all intend to do everything we can to clean up some of the crime in this crountry, and I sure hope that this Staggers bill passes. I think it does have that capability, and, even though I oppose gun control, and I sure want to stand and protect one of the greatest rights we have in this country, and, when I look at the Chinese throwing rocks at tanks in their country where they have no possibility of ownership, it sure makes me worry, and I just wanted to clarify that, if anyone ever thought that we wanted to have guns be in the hands of criminals, that is sure not so because it is a tremendous problem in our country today, and life is not sacred at all anymore in many, many people's minds.

So, this is a great bill, and I think it does go a long way toward controlling some of that.

Mr. FIELDS. Mr. Speaker, I know the gentleman from Louisiana [Mr. HOLLOWAY] is extremely busy, and I appreciate his leadership on this and all the other issues which he is involved with, and I appreciate very much the time, and I would like to yield at this moment to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, having already talked on this subject under the time of the gentleman from West Virginia [Mr. STAGGERS], I am glad that the gentleman from Louisiana [Mr. HOLLOWAY] clarified that because I happen to know that the gentleman from Louisiana and I, that there are not any two people in this Congress that are stronger supporters of gun owners' rights than we are in the historic debates going back a long ways, and there are a lot of people who are going to try to masquerade this, a lot of people who are for gun control who are going to try to make this look like gun control just to keep it from passing because, if this passes, it gets to the construction of the real problem that is the debate of the Brady bill.

I ask my colleagues, "What do you hear when you hear about the Brady bill? You hear that you want to keep guns out of the hands of criminals."

Mr. Speaker, there is not a Member of Congress that does not want to take guns out of the hands of criminals, but if that is truly the intent of those individuals, we do not need to go with the waiting period. We all know what can happen to a waiting period. It could be 7 days, and all of a sudden it turns to 30 days, and it can go on from there. It is definitely the door.

Mr. Speaker, I want to ask the gentleman from Texas [Mr. FIELDS] a question because it is something that is very confusing to me.

I had an election this last year that was a very tough election, and, after I saw that the U.S. Peace Officers Association and all these law enforcement associations were supposedly endorsing the Brady bill, this disturbed me because I was very much opposed to it. I am a Republican. I went before the Fraternal Order of Police in the major city in my district in Oklahoma, Tulsa, OK, and I went before them, and I said, "I know I won't have your endorsement because I'm a very strong supporter of gun owners' rights and am very much opposed to the Brady bill, and I know on record you folks are on record supporting it."

Mr. Speaker, they supported me, I think mostly on the basis of that statement, and they were so offended that someone was giving them the impression that they, as police officers, were supporting the Brady bill.

Another thing happened to me. I went over to a reception that was here on the Hill, and this was, I guess, a couple of years ago, and it was right after they came out with the endorsement of the Peace Officers Association, and so I went down to this reception just to see if there were anyone from Oklahoma there so I could talk some sense into them. Well, I did not find anyone, but I told a group down there that I disagreed with them.

This last year, and this is something I really covet, I received an honor from the Oklahoma Highway Patrol. They only named two during the entire year to be honorary highway patrolmen. I was one of those, and I went to the meeting, and I said, "Before I accept this, I want you to know that I'm taking a very strong opposition to the Brady bill, and the Peace Officers Association, I understand, is supporting that," and they said, "No. In fact that's one of the reasons that we're supporting you."

Mr. Speaker, there was not one, not one, member of the hierarchy of either the Fraternal Order of Police in Tulsa or the Oklahoma Highway Patrol who was supporting the Brady bill.

Now my question to the gentleman from Texas [Mr. FIELDS] is: How did they ever swing that thing if none of the police officers are really for it?

Mr. FIELDS. Mr. Speaker, as the gentleman from Oklahoma [Mr. INHOFE] is aware, this entire debate that we are going to be having next week is colored by perception, and one of the perceptions is that police are for waiting periods. Let me just quote to the gentleman the second largest rank and file police organization in the country, the American Federation of Police, and the second largest command rank organization in the country, the National Association of Chiefs of Police, who oppose waiting periods. It was mentioned just a moment ago about some of the people from various States, law enforcement individuals, coming into offices today. I had a group from Texas, and they said that their rank and file do not support waiting periods because waiting periods do not work.

□ 2040

They went on to say, after I asked the question, since I asked the question, since your life is on the line and your family, every day, worries about your safety, what protects you the most? What do you think would work best in terms of keeping handguns out of the hands of criminals, the Brady approach or the Staggers approach?

And they said, unanimously, the Staggers approach.

It is also interesting to point out that among big-city police chiefs, many of whom have come out in favor of Brady, it is interesting to note that those big cities already have some form of gun control laws. They would be exempt from the Brady bill, so it is easy for them to make a statement, knowing that they themselves would not be affected.

Mr. INHOFE. Is it true that some States, at the State level, also do, so that they wouldn't come under the jurisdiction?

Mr. FIELDS. Absolutely. And it is also interesting, when you look at the statistics that have been reported, it has been reported that 91 percent of the American people support the Brady amendment, until you look at the question that was propounded by that polling organization. The question was, and I quote, "Would you favor or oppose a national law requiring a 7-day waiting period before a handgun could be purchased, in order to determine whether the prospective buyer has been convicted of a felony or is mentally ill?" Who is going to oppose that? I don't know of anyone who would oppose a question phrased that particular way.

However, when you turn the question around and you ask the question about a law giving police the power to decide who may or may not own firearms, the public says, 68 percent to 29 percent, they do not favor giving the police that authority. So I think it is important to put this entire debate in perspective.

Mr. INHOFE. It is a very sophisticated campaign that they have been able to put together. It is one that has, I know from my own hall meetings, I get questions, and once I have a chance to explain to them what it really is and what the motivation is, there is not a problem.

I have one more question for the gentleman. Since it is called the Brady bill, that implies that if this had been the law at the time that the assassination attempt took place, that it perhaps would not have happened.

Now, we are talking about a 7-day waiting period. We are also talking about a criminal element.

Did John Hinckley have a criminal record, No. 1, and No. 2, did he have his weapon more than 7 days? Do you happen to have the answer to that?

Mr. FIELDS. Well, if I remember the facts correctly, he did not have a criminal record. Under Brady, he would not have been denied the purchase. If I remember correctly, the facts were that he brought in a jurisdiction where he lived, so even if there had been a 7-day waiting period, he would have been there, able to purchase the firearm.

To be intellectually honest, under the Staggers bill there would not have been a record that would have demonstrated that he could not own a gun. But to me that brings to bear another perspective of this particular debate.

Only 17 percent of the criminals who commit a crime with a firearm purchase those firearms from legitimate sources. That is what we are trying to control, and in the situation of Mr. Brady, again a very tragic incident, the Brady legislation or the legislation we propose would not have answered that particular situation.

Mr. INHOFE. Mr. Speaker, I thank the gentleman for yielding to me. The last thing you said, I had said in reverse way a little bit earlier, that 83 percent of the crimes are committed with guns that were purchased illegally. So the bottom line is going to be or would be, if you take the overall gun control concept, that 100 percent of the legal, law-abiding citizens would loss, could lose their right, while 84 percent of the criminal element would still have their weapons.

It would seem to me that that comes to a logical conclusion of a defenseless law-abiding society. I thank the gentleman for yielding.

Mr. FIELDS. I appreciate the gentleman's excellent presentation, and certainly he, too, has been a leader and has listened to the people in his district. I appreciate you taking the time, coming to the floor at this late hour and sharing your remarks.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I would be glad to yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished gentleman from the Eighth District of Texas. I want to thank Congressman RIGGS from California for allowing me to take this time ahead of him, since he was on the floor before myself.

I would say that, as I sit here this evening listening to this special order and listening to some of the debate in the various policy committees the last several weeks about this, I have got a sense of deja vú. I went back and pulled out a press release dated September 22, 1988, that I put out on the McCollum amendment, which we debated on the floor of the House back in the summer of 1988.

I was an original cosponsor of the McCollum amendment, spoke for it on the floor, and was very happy to see that it actually passed the House of Representatives by a vote of 228 to 182.

The McCollum amendment basically required that the Justice Department conduct a study about the viability of a background, instantaneous verification or instantaneous background check at point of purchase.

This House, 3 years ago, voted to do that. We are here again today. We will be here again to determine whether to support an instantaneous background check such as is included in the Staggers substitute or whether to go with the 7-day waiting period in the Brady bill.

If you do a side-by-side comparison, and I know the gentleman from Texas has done such, many other people, the Brady bill does not accomplish what it is supposed to do. It does not require any kind of a background check. It simply requires there be a minimum 7-day waiting period during which the legitimate purchaser of the weapon cannot receive the weapon. It has no standards, it has no guidelines.

It simply sets a time period during which law-abiding citizens cannot purchase the handguns that they wish to.

On the other hand, if we adopt the Staggers amendment, whereas the McCollum amendment 3 years ago required the Justice Department to do a study and did not require that it actually be implemented, the Staggers amendment would give the Justice Department, I believe, 6 months in which to actually put such a system into place.

I have spoken directly with the Director of the FBI, William Sessions, to check on the viability. Do we have the technology? Do we have the capability? Could it be done?

He has assured me that we do have the capability and that it could be done. In fact, the Justice Department has spent several millions of dollars and is continuing to spend millions of dollars in which to put the database together, the software package together to make it a viable option.

If the intent of the law, of the legislation, is to deter criminals from purchasing handguns and, to some extent, to apprehend criminals that attempt to purchase handguns, there is only one piece of legislation that we are going to be voting on that does that, and that is the Staggers amendment.

If on the other hand we simply want to try to play to the emotionalism because of a terrible tragedy that happened to a very, very patriotic and heroic American, then perhaps the Brady bill is the way to go because it is very symbolic but literally does nothing. So I will be supporting very strongly the Staggers substitute, and hope that the vote 2 weeks from now is the same as the vote was on the McCollum amendment 3 years ago, which was to pass it.

Mr. FIELDS. I appreciate very much and I will say to the gentleman, I know that you spend an enormous amount of your time working on energy issues, and know that this must be extremely important to your constituents and to the people in your State, our State, for you to come over and take time to now again, at this late hour, to speak on an issue.

And I would just ask the gentleman, do you agree with me that this is one of the most important debates, next week, that we will ever have as legislators on the Second Amendment?

Mr. BARTON of Texas. Mr. Speaker, I would agree with the gentleman. I would just like to read into the RECORD the second amendment. It says:

> A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

So I would agree with the gentleman from Texas, this is a very, very important debate. It is a basic American right, guaranteed by the Constitution, and we should uphold that right totally.

□ 2100

Mr. FIELDS. I appreciate very much the gentleman being involved. I know that his time is precious, and appreciate him coming over at this late hour.

Now I would like to yield to the gentleman from California [Mr. RIGGS] who has been patient, and, again, an expression of thanks for him coming over at this late hour to talk about again a subject that is very important, that all Americans need to realize will be debated next week.

Mr. RIGGS. I thank the gentleman for yielding his time and appreciate the opportunity to join the colloquy at this point, because I come at it from a little bit different perspective perhaps than a majority of my colleagues here in this Chamber, and that is the perspective of, if I can use the term, of an ex-street cop, and someone who spent 6 years in California law enforcement as a police officer and as a deputy sheriff for medium-sized law enforcement jurisdictions, right there on the streets, confronting the whole crime problem and the other societal problems that are bred by our runaway crime problem here in America, firsthand.

The first thing I would like to say to the gentleman is that he has made references tonight and, previous of our colleagues have made references tonight, to the vision of rank and file law enforcement.

While not purporting to represent rank and file law enforcement en masse, I can say that there is a widespread concern in rank and file law enforcement in America with the whole issue of handgun violence. It is a much broader issue than what we are discussing here tonight with respect to our upcoming votes on the Brady bill or the Staggers amendment.

That whole issue of handgun violence that concerns American law enforcement and a significant segment of the American public so greatly takes us into other areas as well, the issue of handgun safety, handgun familiarization, and handgun education for gun purchasers, particularly those with little experience in handling and maintaining and storing firearms in a safe manner.

Rank and file law enforcement has a very real concern regarding the certain types of ammunition which are commonly available in sporting goods stores and gun shops in America. There has been a concern, in fact there has been some focus brought to bear here in the Congress, with respect to certain types of ammunition, even ammunition that has the ability to penetrate the common type of bulletproof vests worn by rank and file law enforcement.

They have a concern also with regard to simply being outgunned on American streets by the criminal element, which is in many, many cases now, particularly in our inner cities, and in organized crime interests that control so much of the drug traffic in America today, are capable of obtaining and all too often using weapons of a higher caliber than the standard issue law enforcement weapon carried by the rank and file police in America.

There are still police out on the streets of America today who go about performing their duties without bulletproof vests, for lack of a department-issued vest, for lack of sufficient funding in their jurisdiction for whom they work, to provide them with a bulletproof vest.

So, I just wanted to, if I could, insert those issues into the RECORD, into our discussion this evening, so we could look at those as well. Perhaps they are not immediately germane to the upcoming debate, but certainly they are issues that should concern us all.

I also would have to disagree with the inference that when everything is said and done and we pass some sort of measure here, that this background check should be done by anyone other than law enforcement.

Granted, it is going to be a fairly intricate process when everything is said and done. But, if not law enforcement, who should be performing the inquiries? Law enforcement, as the gentleman knows, right now performs a variety of inquiries into the criminal history, if any, on the part of a number of local citizens, those that seek special types of permits, whether it is liquor permits, taxicab permits, or job applicants in certain situations.

Mr. FIELDS. If the gentleman would yield, it is my understanding under Staggers when the system is implemented, that the toll-free number will be to law enforcement personnel. Of course, to me, this is one of the strengths of the Staggers approach, in that we are enhancing and improving the criminal data base in the country, something that is sorely needed, not only on a local and State level, but on the national level.

It is my understanding that that will be manned and operated by a law enforcement person.

Mr. RIGGS. I thank the gentleman for that observation. Unfortunately, the gentleman from West Virginia is no longer in the chamber, but that is one of the issues I wanted to come to at this point and get certain in my mind as to what sort of data base and what sort of information system we are talking about here.

Is what is evidenced by the Staggers amendment a system wherein there would be an immediate phone and computer hookup from the local gunshop dealer to the National Crime Information Center back here in Washington, which has access to a data base?

If that is ultimately where we might be heading with the Staggers amendment, realistically, the gentleman from Virginia mentioned a cost somewhere in the neighborhood of I believe $3 to $9 million. But is that the cost? Is that going to be money diverted away from other law enforcement needs in the Justice Department budget? Frankly, how long will it take to compile that data base and to bring this system outline?

Mr. FIELDS. Well, it is spelled out in the Staggers legislation. I think the best thing is to look at what has happened in Virginia, where there is an instantaneous check currently operational.

That system had an initial budget of $547,000. From November 1, 1989, to October 31, 1990, the first full year of operation, the system has actually cost $310,000, startup and operate.

It is estimated that in States that are not exempt under Staggers or Brady, there would be, and this is the best guess, best estimate, about 2 million transactions. It is estimated that again, based on Virginia, the experience in Florida and Delaware, that the average cost to check would be about $2.

I try to tell people as truthfully as I can, we are looking at $3 to $9 million a year to operate this particular system. You are looking at probably $3 to $6 million in software cost.

The Attorney General since 1988 has requested $50 million to upgrade criminal records in this country. Now, that has been done regardless of Brady, regardless of Staggers. Many times proponents of Brady try to lump all those figures together to say this is too costly a system. It is not.

Again, I base my statements on what is currently operational, not trying to postulate and guess and do anything other than just look at the facts.

Mr. RIGGS. The gentleman then is suggesting that with the Staggers amendment we would in effect develop a national data base?

Mr. FIELDS. A national data base is needed. I will give a good example. If there is a resident of the State of Texas, and that person has no criminal record in Texas, and yet he goes off to Ohio, or California and commits a crime under the Brady bill, more than likely that would not be picked up during that 7-day waiting period.

If there is a national data base, that would be picked up. That is the person we are trying to target under Staggers, to keep that person from purchasing a handgun.

To me, that makes sense. It makes sense to a lot of other people. As the gentleman from West Virginia [Mr. STAGGERS] stated earlier, that is one major reason that we think our piece of legislation and our approach is superior.

Let me point out to the gentleman that when you look at the objective of Staggers, which is the instantaneous check, and when you look at the objective of Brady, which is just a waiting period, the objectives are the same: that is, to deny handgun ownership and purchase to those people who have broken a law, the criminals. That is what the people of America support. They support the objective.

Once you get past that basic understanding, that fundamental threshold, the question then becomes which process satisfies the objective?

Now, with Brady, you have a 7-day waiting period. The only mandate is that the transaction be reported to a central police authority. That is it. That central police authority might check, they might not check. There is no requirement. There is no national data base created. To me, that is why that particular approach is fundamentally flowed.

But at this particular moment, less than 5 days from the debate, the emotion is on the side of Brady. The emotion is there because people want us to do something. They are in favor of the objective.

My goal, along with other people, is to make sure that not only our colleagues, but all of America, realizes that to meet that objective, we have to look at another alternative, because that waiting period is not going to work. The alternative is the Staggers approach, where you have an instantaneous verification of whether a person has a record.

If I could, let me just go a little further, because Virginia is the best example of an instantaneous verification system working.

□ 2110

So the people understand the concept of an instantaneous verification which is very similar to a credit-card check that all of us go through when we go to make a credit-card purchase. And in regard to a credit-card check, people are instantaneously verifying whether or not we are creditworthy, whether we have a good credit history. It is the same basic technology in the Staggers approach, and in Virginia, and they have had this operational since November 1989. There have been 82,000 transactions and 1.6 percent were disapproved.

That is another difference between Staggers and Brady. Under Brady there is no real criteria for what will be approved or what will not be approved. Under Staggers it is very clear what the criteria is. Under the Virginia program 32 fugitives have been apprehended. It is a system that is working.

The gentleman raised a question just a moment ago about the time for implementation. The Virginia system was implemented in about 6 months. The Delaware system, which is very similar to Virginia, was implemented in 6 months. The Florida system, which is very similar to Delaware and Virginia took a little less than a year. So I tell my colleagues again, based on the facts, there should not be any reason why this particular system required under the Staggers proposal could not be implemented in a 6-month to 12-month time frame. I think the American people demand it, and I think we should do it as responsible legislators.

I am glad to continue to yield to the gentleman from California.

Mr. RIGGS. I thank the gentleman for yielding. I am wondering if the gentleman would care to comment on the fact that in fact the Brady bill has gone through an evolution of sorts and is now, because I think we have to be honest with one another and admit that there are very powerful political forces on either side of the issue, is now in somewhat of a watered-down form. Frankly, for political reasons, in my view, the Brady bill no longer could be considered to be an absolute mandate. In fact, it is I think really intended to be obviously a cooling off period, which is I think at the crux of our debate here this evening and in the upcoming week, and second is in fact not capable of being utilized by local law enforcement if they have the resources to carry out the Brady bill.

But rather than getting bogged down in those aspects, I wonder if the gentleman also sees any other utilizations or possible applications of this newly created data base, or has the gentleman gotten any feedback whatsoever from law enforcement about this new data base created by information fed into the National Crime Information Center by State and local law enforcement authorities possibly having other applications as well?

Mr. FIELDS. I think there are other applications. I think it is very advantageous when a patrolman pulls someone off the side of the road for that person to be able to access data to see who he is dealing with. And again, unless you have some type of national data base, you might feel with some degree of confidence who you are dealing with within your State, but you may not know what type of individual that person is outside your State. I think that that type of national data base could save lives for the people who serve us.

The gentleman has been in local law enforcement and he can agree or disagree. But I think the people in Texas feel that that type of information should be available to those who serve us in law enforcement.

Mr. RIGGS. So the gentleman contemplates a usage of the system wherein it could also be an additional tool for local law enforcement where local law enforcement, potentially in the performance of their routine duties in the field on America's streets could access this system for valuable information?

Mr. FIELDS. I think that is the anticipation of the Attorney General in his request for $50 million over the next 3-year period, that it be used for other purposes other than strictly verification for gun purposes.

Mr. RIGGS. Let me ask the gentleman, if I might, one other question. That is, there was some discussion around here just a few weeks ago about the possibility of a merger, a merger of a handgun bill into the President's anticrime package. In fact, I believe at one point in time the White House indicated that the only way that the Brady bill might be acceptable to them was in fact if it were to be merged in the President's anticrime package.

In my view, and there have been other speakers on the floor today who commented to this effect, we very much need those new, tougher anticrime measures, although they only would apply to certain Federal crimes, certain Federal fugitives. In my view it is a shame that we cannot get that combined package to this floor, because I think the package would be that much stronger by the addition of a measure that would deal with handgun proliferation in the wrong hands; that is to say, the criminal element of America that might be inclined, spur of the moment, or as part of a criminal plan, to actually go into a firearms shop and attempt to make a purchase there.

Does the gentleman from Texas have any comment about that? I mean it is unfortunate in a way, given the late hour, that we do not have Members from the other side of the aisle to comment on that. But why has the process not allowed us in fact to fashion this merger in the name of good sound public policy?

Mr. FIELDS. I think it is important to point out that there were some people from the other side of the aisle earlier who were in support of the Staggers approach. At this point the debate that we will have next week is a freestanding debate. It is not coupled with the President's crime package.

If we really want to get serious about crime in this country, we should not be concerned about controling guns, we should be concerned about controlling criminals, and you control criminals by amending the exclusionary rule and changing the exclusionary rule so that when a law enforcement officer, in good faith makes an arrest, does a search, makes a seizure, that that evidence and testimony can be introduced, and that evidence and testimony should not be precluded based on some technicality.

So, if we really do want to get serious about doing something to stop crime in this country, we should be doing things like that.

Second, we should change the Constitution in regard to Federal judges. Federal judges have created enormous problems, and I will use my State of Texas as an example. They have made prisons in the State of Texas country clubs. People do not have to work if they do not want to work. If they do want to work, they cannot work if it is 90-plus degrees or they cannot work if it is below 30 degrees. That is wrong. The biggest decisions these people have to make in our prisons today in Texas is whether they watch one cable channel or whether they watch another cable channel, whether they watch this soap opera or whether they watch that soap opera, and that is the fundamental problem that we have. So if we are really going to get serious about crime in this country, we need to deal with that particular issue and to deal with that issue we have to deal with Federal judges, and to deal with Federal judges we have to amend the Constitution and take away that lifetime appointment that allows people to become legislators instead of the interpreters that our forefathers intended. That is what we have to do.

However, that is not the debate next week. The debate next week is whether we tamper with the second amendment which has served this country well, unlike the part of the Constitution dealing with Federal judges.

At this time I am going to yield to another gentleman who has been waiting. I really appreciate the gentleman from California coming over and offering his perspective and sharing that information.

I yield to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. I thank the gentleman for yielding and want to thank him too for his efforts in putting together this special order to focus on a very important matter to a lot of my constituents, and that is the right to keep and bear arms.

Before I get to my prepared remarks, I want to respond to one of the questions asked by the gentleman from California [Mr. RIGGS]. He asked if there might be other uses for the national data base that is to be created under the Staggers bill, and the gentleman from Texas [Mr. FIELDS] pointed out one other use. I would like to point out another.

Coming from a part of the country that is sort of unusual, I come from Shreveport, LA, which is in the northwest corner of Louisiana, and Texas is right next door and Arkansas is just right up above us. So we have a little problem with criminals being able to come into that tristate area there and evade detection by hopping across the State lines from time to time. If we had a national data base in place whereby a policeman in Shreveport, LA, could get on the phone when he sees the license plate on a car parked at a suspected drug house and see if in fact the owner of that car has had previous criminal involvement with drugs, then it could help him to put his case together against that cirminal. So indeed a national data base would have other uses, very good uses for our law enforcement personnel.

□ 2120

Mr. Speaker, I rise tonight to express my opposition to H.R. 7, the Brady bill, which seeks to infringe upon every American's second amendment rights as guaranteed by the Constitution of the United States, and to voice my staunch support for H.R. 1412, the Felon Handgun Purchase Prevention Act, which is authored by our colleague from West Virginia [Mr. STAGGERS].

As we all know, the Brady bill would impose a 7-day waiting period prior to the purchase of a handgun. However, it is important to know that this legislation, which is highly praised by its advocates as a bill which will reduce crime and keep guns out of the hands of criminals, does not require any criminal background check of any kind, simply a 7-day waiting period—7 days which will elapse without accomplishing anything, except denying law-abiding citizens the right to exercise one of their most basic freedoms for 7 days.

A Gallup Poll has reported that 91 percent of the American people support the Brady bill. Yet, if one examines how the question was phrased, the answer becomes obvious. "Would you favor or oppose a national law requiring a 7-day waiting period before a handgun could be purchased, in order to determine whether the prospective buyer has been convicted of a felony or is mentally ill?" That is not the question that will be asked by the Brady bill. This question assumes that a check will be made into criminal records, which the Brady bill does not mandate, and mental records, which are confidential.

Even more absurd, handgun control, the driving force behind the Brady bill, has indicated that it would sue any police department that does not conduct a thorough background check, even though the Brady bill does not mandate such a check. At the very least, the Brady bill would open up local and State law enforcement agencies to a brand new form of tort litigation, something they do not need.

The latest figures from the FBI uniform crime report illustrate some alarming facts about the impotence of waiting periods.

First, of all the homicides committed in the United States, 67 percent occurred in States with waiting periods or permit-to-purchase laws.

Second, of all violent crimes committed in the United States, 74 percent occurred in States which have waiting periods or permit-to-purchase laws.

One might say, "Well, gee, JIM, those statistics do not mean much unless we know how many States have those laws." All right; 25 States now have such laws. Fifty percent of the States have the laws, but 67 percent of homicides and 74 percent of all violent crimes were committed in those States that already have those laws.

As an alternative to H.R. 7, I wholeheartedly support H.R. 1412, the Staggers bill.

This landmark legislation would mandate an instantaneous criminal background check of all individuals wishing to purchase a handgun. As many of you know, the State of Virginia has implemented a system similar to the one proposed by H.R. 1412. As of January 22, 1991, 73,992 firearms transactions occurring in Virginia required an instantaneous felon identification check, with each check taking approximately 90 seconds to complete.

Of that number, 1,200 application denials were upheld, resulting in the identification of 35 wanted felons, 21 of whom were arrested. Another 103 individuals have also been arrested for various violations of Federal firearms laws; 48 percent of them have been convicted. That is success that accomplishes something.

In order to address the potential dilemma of incorrect records, the Staggers bill mandates an improvement in all deficient criminal history records. The Brady bill does not.

The Staggers bill provides for a specific appeals process on all disapprovals. The Brady bill establishes no appeals process for denials.

The Staggers bill keeps police on the streets fighting crime. The Brady bill diverts attention of police from fighting crime to shuffling paperwork.

In short, the Staggers bill protects every American's second amendment rights—unfortunately, the Brady bill encroaches on those rights. Many of us have worked diligently to enact tough laws and impose stiff sentences to combat crime. Certainly, there is unanimous agreement that crime must be stopped and criminals must be punished. The scourge of drugs that plagues our cities and neighborhoods demands our attention and action. Many have argued that gun control legislation, like the Brady bill, would alleviate this problem or even lessen the problem. It would not. I have already given you the statistics from those States that already have such laws. They have more, not less, crime. We know that most criminals do not obtain firearms through legitimate commercial channels. They steal them from you and me. They buy them from other criminals on the street corner. By definition, criminals ignore laws. Proposals such as the Brady bill can only reward their lawlessness.

Opponents of the Staggers bill have suggested that the instantaneous check system is cost prohibitive. The gentleman from Texas [Mr. FIELDS] has already addressed that question to some extent. H.R. 1412 would incur an estimated one-time startup cost of between $7.5 to $12.5 million to cover the cost of computer hardware, hardly prohibitive. The gentleman from Texas [Mr. FIELDS] talked about the annual recurring costs that are estimated based on the Virginia experience and others somewhere between $2.8 and $4.3 million a year. That is hardly prohibitive.

The Brady bill could cost up to $64 million annually based on expenses incurred by those law enforcement agencies which exercise the option to conduct a background check. Since the Brady bill does not require a background check, an estimated 800 active serious criminals who could have been caught under an instant check system will go free. The Department of Justice estimates that each active, serious criminal incurs over $425,000 in annual costs to society, versus a $25,000 annual expense for imprisonment.

Mr. Speaker, the instant check will catch some of these criminals, saving society over $320 million annually for each one caught, based on those Department of Justice figures.

Indeed, it is disheartening to note that the legislation which bears the name of a most distinguished American, Jim Brady, would not have prevented John Hinckley from committing the violent act which disabled Mr. Brady, a Secret Service agent, a District of Columbia policeman, and President Ronald Reagan outside the Washington Hilton on March 30, 1981.

Mr. Speaker, I sympathize with those among us who are the victims of crime which plagues our Nation. But let us not punish honest citizens; let us punish criminals and protect the integrity of our constitution. The Staggers bill accomplishes this objective, the Brady bill does not.

Mr. FIELDS. Mr. Speaker, I want to say to the gentleman how much I appreciate him staying and speaking tonight. It has been 3½ hours since we concluded legislative business, and I know that it is a very unusual and unique circumstance that the gentleman and the rest of his colleagues who have spoken have stayed this long after the conclusion of the business of the House of Representatives. I think it indicates how important this legislation is to this House, to this country, how important the Constitution and the debate that will occur on the Constitution is.

I am extremely appreciative for the gentleman taking his time.

I want to conclude tonight by again bringing forward the concept, the objective, which is the same for the Brady and the Staggers approach, and that is to stop the criminal element from purchasing and possessing handguns, but that is where the similarity ends.

I think it is important to point out that a handgun is no more dangerous than this pen. It is an inanimate object. It only becomes dangerous when an individual abuses that particular firearm.

□ 2130

So the emphasis should be placed on the people who are going to abuse the firearms, the criminal element. That is where the real distinction lies between Staggers and between the Brady approach.

I will also reiterate that if this debate next week occurred on a motion, we will not be successful. The second amendment to the Constitution will be eroded. I think we will be successful, those Members who feel the second amendment is important, but also feel it is important to deny handgun ownership to criminals if the debate next week occurs on the facts.

The facts are these: The Staggers bill imposes no undue delay for individuals who are law-abiding, who wish to purchase a handgun. Brady imposes a 7-day minimum waiting period for the purchase of a handgun, which does infringe on a citizen's second amendment rights. The Staggers approach requires a criminal background check on all individuals wishing to purchase a handgun. The Brady approach has no requirement, no requirement for a background check of any kind. The Staggers approach mandates an improvement in all deficient criminal history records. Brady requires no improvement in deficient criminal history records.

Under the Staggers approach, an individual is guaranteed a right to purchase a handgun within 24 hours. Under Brady there is no action to be taken on a handgun purchase request, regardless of how much time may elapse. Under Staggers, there is a specific appeals process on all disapprovals. There is no appeals process under Brady. Under Staggers, we implement the system the Attorney General has suggested as feasible—usable and proven technology, that instantaneous check. The Brady approach does not require the implementation of any system. Under Staggers there is objectivity because there is criteria. Under the Brady approach there is no criteria spelled out for whose background may be singled out for special attention by authorities. I could go on and on and on.

It is important that the debate that is conducted on the floor of this House be conducted on fact devoid of emotion. Now we will look at some other facts. Some people have tried to make the case that waiting periods and gun control laws work. We will look at the facts. We will first of all look at California, that has a 15-day waiting period, more than twice what is required under Brady—15 days. Since that has been implemented, the State homicide rate has risen 126 percent, more than double the national average.

Or take the example of New York. In New York, where we have some of the toughest gun control laws in the Nation, in the City of New York one-sixth of the Nation's armed robberies occur. That is New York City. In New York City more murders occur than 20 other States combined. In New York City there is a 100,000-case backlog at this particular moment.

That raises a question that if there is that kind of backlog, how would someone under Brady provide a check for the purchase of a handgun? It cannot be done. It is not feasible. It is not workable. In fact, I thought it was extremely interesting to also look at a few other things. The crime of passion argument has been raised. We will remove the emotion, and we will look instead at the FBI uniform crime report. There is some good news. Crimes of passion are done 23 percent. That is good news. But they still occur. The majority of the crimes of passion were perpetrated between the hours of 10 p.m. and 3 a.m., when gun stores are closed. Fifty percent of the crimes of passion are under the influence of drugs and/or alcohol. The most telling statistic in the FBI Uniform Crime Report on the issue of crimes of passion is that 90 percent of those crimes of passion occur where the police had been summoned previously—90 percent of the crimes of passion, the police had been summoned previously.

I think it is incumbent that we also look at what I think is the bigger agenda, for those people who are in favor of the Brady approach and in favor of gun control. The National Coalition for Banned Handgun—recently renamed the Coalition Against Gun Violence—are on record as believing that criminals are not the issue. They believe handguns have no place in civilian hands. HCI Handcontrol, Inc. and others have announced intentions to sue police departments for ineffective checks or for not doing a check, even though the Brady bill does not mandate that there is a check. The only mandate is that there be a report to some central police authority. If Members can imagine that, suing the police department of this country after the police departments have already diverted people from patrolling the streets, instead to becoming record checkers.

Mr. Speaker, I will close with one quotation. It is a quote from David Koppel, an attorney and gun control expert who has written extensively on the issue of gun control. He says:

> The question is not whether a waiting period would save one life, but whether other uses of the police resources spent administering a waiting period might save more lives if used elsewhere.

Again, Mr. Speaker, what we are talking about is keeping guns out of the hands of criminals, those who break our laws. If people look at the facts, strip away the emotion, the American people support the concept embodied in the Staggers. I urge the Members of this House to support that concept next week.

WHO ARE THE REVISIONISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, Ronald Reagan's place in history was secure when he turned the Presidency over to George Bush 27 months ago.

But from the moment he waved goodbye on the steps of the helicopter to a grateful nation, the revisionists started sharpening their knives.

Who are the revisionists?

They're the rewriters of history.

They include Bryant Gumbel, Dan Rather, Haynes Johnson, and the other liberal hatchetmen, who are dedicated to smearing President Reagan's achievements.

To listen to them, the 8 years of Ronald Reagan were 8 years of misery.

You wouldn't know that the first of Ronald Reagan's two landslide elections happened because Jimmy Carter, probably the worst President of this century, was giving us a record-breaking misery index.

Double-digit inflation, double-digit unemployment, interest rates over 20 percent, and a proud military in shambles.

Yet, the revisionists are helping to resurrect the reputation of Jimmy Carter, anything to make Ronald Reagan look bad.

Thank God there are people like the respected publisher William Randolph Hearst, Jr., who are willing to tell the truth.

And a good example is this recent Hearst editorial, which I take great pleasure in reading for you.

CAMPAIGN SEEKS TO BESMIRCH REAGAN'S HISTORIC RECORD

NEW YORK.—I have a strong hunch that a systematic and high-powered campaign to discredit Ronald Reagan's record as president is currently in full swing.

Having twice failed to prevent his election by overwhelming margins—as well as the election of his chosen successor—liberal intellectuals and academics have, I suspect, set out to rewrite the history of the Reagan years and debunk his achievements in domestic and foreign affairs.

The outstandingly distasteful "biography" of Nancy Reagan by Kitty Kelley that was recently published is insignificant in itself. But it's part of the anti-Reagan offensive, employing character assassination as its weapon.

The Reagans are well able to defend themselves and need no help from me. My concern stems from a belief that the critics' target isn't really the former president, but the credo of conservative common sense he so firmly and, on the whole successfully upheld.

By maligning him, Reagan's detractors are out to convince the American public that conservative principles are bankrupt.

One tactic is to demean Reagan's leadership, as a group of some 500 American history professors did last week. In a poll, they ranked him among America's most "mediocre" presidents, only 10th from the bottom.

In my view, the poll tells more about the people making the judgment than it does about Reagan.

It is hard to understand how, if he "was not up to the job"—the verdict of these professors—the United States, just two years after he left office, could occupy a more dominant position in the world than it had for a long time.

The truth of the matter is that, among presidents in this century, only Theodore Roosevelt, Franklin Roosevelt and Harry Truman did as much to further American interests and influence the course of U.S. politics.

An accurate measure of Reagan's accomplishments can only be made by recalling conditions when he was elected in 1980. Unemployment stood at 9 percent. Inflation was 11 percent. Interest rates were an incredible 22 percent.

America's international standing had sunk to probably an all-time low, with our government helpless to do anything about the hostages held in the U.S. Embassy in Tehran.

As part of the current anti-Reagan campaign, he and his advisers are now being accused of "undermining" efforts to free the hostages in order to ensure his election. The allegation looks pretty thin, but any stick will do these days to beat Reagan with.

When he took office, the Soviets were winning the arms race, taking over Afghanistan and enjoying the spectacle of another pro-communist regime, the Sandinistas in Nicaragua, seizing power in Latin America.

All of this happened under Jimmy Carter, whom the historians' poll puts ahead of Reagan in the presidential sweepstakes.

Reagan, let it be remembered, inherited a post-Vietnam and post-Watergate crisis of executive leadership.

Throughout his eight years, he had to beat off guerrilla warriors in Congress who tried to prevent him from reasserting co-equal authority as laid down by the Constitution.

In the end, in spite of some setbacks like the Iran Contra affair and the defeat of Robert Bork's nomination to the Supreme Court, he restored the presidency to its rightful position. He did it partly through his skill in mobilizing public opinion, unmatched by any president since FDR.

George Bush has reaped the benefits of this strengthened presidential prestige, as he has of much else that Reagan achieved.

Like most important and successful political leaders, Reagan has a strightforward program based on easily understood principles from which he hardly deviated.

He preached lower taxes in order to revive incentive as the motor of our economic system.

As a counterpoint to lower taxes, he sought to reduce entitlement spending. In this, he flopped because the Congress refused to cooperate.

He favored a strong dollar as politically and economically fitting for a great nation. He also saw that a strong dollar would compel American industry, which had grown flabby, to become genuinely competitive in world markets, instead of relying on a weak currency to help sell its products.

Reagan recognized that putting America back on top politically required restoring its badly damaged military credibility. As a result of his rearmament program, the Soviets were forced, once again, to take arms control negotiations seriously.

Reagan's insight led to the longest uninterrupted economic boom in our hsitory, as well as America's comeback as a major exporting country. His policies induced a radical change of direction by the Soviet Union under its new leader, Mikhail Gorbachev, causing it to abandon its grip on Eastern Europe and accept defeat in the Cold War.

Pierre Chaunu, a noted French historian who didn't participate in the poll mentioned above, called Reagan's record in foreign affairs "one of the great geo-political victories in history." I'd go along with that.

Naturally, every politician has blotches on his record. Reagan is no exception. But the anti-Raganites refuse to admit he did anything right.

The fundamental reason for their hostility can be traced to his unbending belief that, as the well known writer Midge Decter explained in a recent issue of Commentary magazine, citizens of a democracy should be "rewarded or penalized by their actual conduct," not on the basis of theoretical dogma with a deep collectivist bias.

Reagan is hated—as Margaret Thatcher in Britain is hated—for restoring the principle of individual responsibility, with everything it implies, to mainstream politics.

The knives are now out to destroy this potent idea by belittling Reagan's place in history.

I happen to think the American people are too sensible and fair-minded to let the anti-Reagan revisionists get away with it.

That's right, Mr. Speaker.

No matter how much intellectual muscle is brought in to twist the facts, the American people know better.

Ronald Reagan was a great President, in spite of the liberal press, and in spite of the far left academia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for May 1 and May 2, on account of official business.

Mr. GALLO (at the request of Mr. MICHEL) for May 1 and May 2, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALSH) to revise and extend their remarks and include extraneous material:)

Mr. CAMPBELL of California, for 60 minutes, today.

Mr. DREIER of California, for 60 minutes, on May 7, 8, 9, 13, 14, 15, 16, 20, 21, 22, and 23.

Mr. RHODES, for 60 minutes, on May 7.

Mrs. BENTLEY, for 60 minutes, on May 21, 22, 23, 28, 29, and 30.

Mr. SOLOMON, for 60 minutes, today and on May 2, 7, 8, and 9.

Mr. DELAY, for 5 minutes, today.

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. STAGGERS, for 60 minutes, today.

Mr. LIPINSKI, for 60 minutes, today.

Mr. ALEXANDER, for 5 minutes each day, on May 6 and 7.

Mr. LIPINSKI, for 5 minutes each day, on May 14, 21, and 28, and for 60 minutes each day on May 7, 8, 15, 22, and 29.

Mr. FALEOMAVAEGA, for 60 minutes, on May 2.

Mr. HUTTO for 30 minutes, on May 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALSH) and to include extraneous matter:)

Mr. DANNEMEYER in three instances.
Mr. CUNNINGHAM.
Mr. FISH.
Mr. SMITH of New Jersey.
Mr. CLINGER in two instances.
Mr. SUNDQUIST in two instances.
Mr. MICHEL in two instances.
Mr. PORTER.
Mr. DAVIS in two instances.
Mr. DUNCAN in three instances.
Mrs. BENTLEY in two instances.
Mr. SOLOMON.
Mr. LOWERY of California in four instances.
Mr. SHAW.
Mr. ARCHER in two instances.
Mr. CRANE in three instances.
Mr. COX. of California.
Mr. MOORHEAD in two instances.
Mr. BLILEY.
Ms. ROS-LEHTINEN.
Mr. GREEN of New York.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. ROYBAL.
Mr. LANTOS.
Mr. BONIOR.
Mr. KANJORSKI.
Mr. LAFALCE.
Mr. SOLARZ.
Mr. DYMALLY.
Ms. SLAUGHTER of New York.
Mr. MATSUI in two instances.
Ms. OAKAR.
Mr. FASCELL.
Mr. MAZZOLI.
Mr. REED.
Mr. PICKETT in two instances.
Mr. KOPETSKI.
Mr. PALLONE in three instances.
Mr. SMITH of Florida.
Mr. HAMILTON in 10 instances.
Mr. HUTTO.
Mr. DWYER of New Jersey.
Mr. TORRES in two instances.
Mr. YATRON.
Mrs. KENNELLY.
Mr. LEVINE of California.
Mr. TRAFICANT.
Mr. FAZIO.
Mr. BROWN.
Mr. SCHEUER.
Mr. ANNUNZIO.
Mrs. LLOYD in five instances.
Mr. DE LA GARZA in 10 instances.

ADJOURNMENT

Mr. FIELDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 39 minutes p.m.) the House adjourned until tomorrow, Thursday, May 2, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1180. A letter from the Deputy Director, Defense Research and Engineering, Department of Defense, transmitting notification of one additional fiscal year 1991 test project, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

1181. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a letter concerning information on the lack of credit availability for sound borrowers and steps taken by regulators; to the Committee on Banking, Finance and Urban Affairs.

1182. A letter from the Executive Director, Federal Housing Finance Board, transmitting their annual enforcement report, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

1183. A letter from the President, Oversight Board and Executive Director, Resolution Trust Corporation, transmitting a report on the activities and efforts of the RTC, the Federal Deposit Insurance Corporation, and the Oversight Board for the 6-month period ending March 31, 1991, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking, Finance and Urban Affairs.

1184. A letter from the Secretary of Education, transmitting a notice of final funding priority for early education program for children with disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1185. A letter from the Secretary of Education, transmitting a notice of final annual evaluation priorities—special studies program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1186. A communication from the President of the United States, transmitting his justification for waiving legislative prohibitions on approval of United States origin exports to China for the AUSSAT communication and FREJA scientific satellite projects, pursuant to Public Law 101-246, section 902(b)(2) (104 Stat. 85), (Doc. No. 102-75); to the Committee on Foreign Affairs and ordered to be printed.

1187. A letter from the Acting Director, Office of Policy Development, Department of Justice, transmitting the annual report of activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1188. A letter from the Secretary, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1189. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Evidence as adopted by the Court, pursuant to 28 U.S.C. 2076 (Doc. No. 102-76); to the Committee on the Judiciary and ordered to be printed.

1190. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Civil Procedure and the Supplemental Rules for Certain Admiralty and Maritime Claims as adopted by the Court, pursuant to 28 U.S.C. 2072 (Doc. No. 102-77); to the Committee on the Judiciary and ordered to be printed.

1191. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Criminal Procedure as adopted by the Court, pursuant to 28 U.S.C. 2072; to the Committee on the Judiciary and ordered to be printed.

1192. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Appellate Procedure as adopted by the Court, pursuant to 28 U.S.C. 2072 (Doc. No. 102-79); to the Committee on the Judiciary and ordered to be printed.

1193. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure as adopted by the Court, pursuant to 28 U.S.C. 2075; to the Committee on the Judiciary and ordered to be printed.

1194. A letter from the Director, Judicial Conference of the United States, transmitting recommendations for the uniform percentage adjustment of each dollar amount specified in title 11 regarding bankruptcy administration and in 28 U.S.C. 1930 with respect to bankruptcy fees, pursuant to 11 U.S.C. 104 note; to the Committee on the Judiciary.

1195. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act to authorize appropriations for fiscal years 1992 and 1993; to the Committee on Merchant Marine and Fisheries.

1196. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a draft of proposed legislation to extend authorization of appropriations for the U.S. Office of Special Counsel, and for other purposes; to the Committee on Post Office and Civil Service.

1197. A letter from the Chairman, Architectural and Transportation Barriers Compliance Board, transmitting the Board's annual report of its activities during fiscal year 1990, pursuant to 29 U.S.C. 792; jointly, to the Committees on Education and Labor and Public Works and Transportation.

1198. A letter from the Comptroller General of the United States, transmitting the audit of the statement of financial position of the Congressional Award Foundation as of December 31, 1989; jointly, to the Committees on Government Operations and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. Report of the Committee on Veterans' Affairs, pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. 102–46). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TOWNS:

H.R. 2157. A bill to require the National Collegiate Athletic Association to provide due process in connection with its regulatory activities affecting coaches, players, and institutions engaged in sports in interstate commerce; to the Committee on Education and Labor.

By Mr. ARCHER:

H.R. 2158. A bill to amend title II of the Social Security Act to eliminate the retirement earnings test at ages above retirement age, to increase accordingly the delayed retirement credit rate, to exclude from benefit computations post-entitlement earnings in years following retirement age, to provide for annual adjustments in the adjustment factor for early retirement, and to authorize for 5 years appropriations of resulting revenue increases to the Federal Old-Age and Survivors Insurance Trust Fund; to the Committee on Ways and Means.

H.R. 2159. A bill to amend the Social Security Act to improve review procedures (particularly those involved in the disability determination process) under the OASDI, SSI, and Medicare Programs by making such procedures more cost-effective and by providing greater equity and efficiency for claimants and beneficiaries; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

By Mr. KOLTER:

H.R. 2160. A bill to require the Board of Governors of the Federal Reserve System to develop a design for Federal Reserve notes in the denominations of $5, $10, $20, $50, and $100, and a method for producing such notes, that includes the designation of the denomination in braille on the face of the notes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BLILEY:

H.R. 2161. A bill to amend the Communications Act of 1934 to require radio and television broadcasters to provide free broadcasting time for political advertising; to the Committee on Energy and Commerce.

By Mr. BROWN (for himself and Mr. SCHUMER):

H.R. 2162. A bill to impose certain restrictions on the contracts of the National Aeronautics and Space Administration, to provide for a study of the use of waiver of negligence liability provisions in Government contracts, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Government Operations.

By Mr. CARDIN:

H.R. 2163. A bill to provide for the duty-free entry of rail passenger cars and parts imported for the use of certain public agencies; to the Committee on Ways and Means.

By Mr. CARPER (for himself, Mr. JOHNSON of South Dakota, Mr. ARMEY, Mr. BENNETT, Mr. BRUCE, Mr. BURTON of Indiana, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CHANDLER, Mr. COOPER, Mr. DEFAZIO, Mr. DORGAN of North Dakota, Mr. HAMILTON, Mr. HUTTO, Mrs. JOHNSON of Connecticut, Mr. KLECZKA, Ms. LONG, Mr. LANCASTER, Mr. MCMILLEN of Maryland, Mr. MILLER of Washington, Mr. OWENS of Utah, Mrs. PATTERSON, Mr. PENNY, Mr. PETRI, Mr. RAMSTAD, Mr. RIDGE, Mr. ROWLAND, Mr. SHAYS, Mr. SLATTERY, Mr. STENHOLM, Mr. TALLON, Mr. VISCLOSKY, Mr. WILSON, and Mr. ZIMMER):

H.R. 2164. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority; jointly to the Committees on Government Operations and Rules.

By Mr. DAVIS:

H.R. 2165. A bill to provide a uniform definition for the term U.S. vessel, and for other purposes; to the Committee on the Judiciary.

H.R. 2166. A bill to improve the management and law enforcement capabilities of the Coast Guard, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, the Judiciary, Public Works and Transportation, and Ways and Means.

By Mr. DICKS:

H.R. 2167. A bill to provide that an individual convicted of murder in connection with any death shall not be entitled by reason of such death to health insurance under the continuation of coverage requirements applicable to group health plans; to the Committee on Ways and Means.

By Mr. FASCELL (for himself, Mr. BROOMFIELD, Mr. UDALL, Mr. BERMAN, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. SAWYER, Mr. FOGLIETTA, Mr. HYDE, Ms. SNOWE, Mr. GALLEGLY, and Mr. GOSS):

H.R. 2168. A bill to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1992 and 1993, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FAZIO:

H.R. 2169. A bill to provide for the repayment of the costs of water pumps purchased by the San Juan Suburban Water District by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. FORD of Tennessee:

H.R. 2170. A bill to extend until September 30, 1992, the existing suspensions of duty on iohexol and iopamidol; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2171. A bill to amend the Higher Education Act of 1965 to require lenders of student loans to notify borrowers of any assignment or transfer of their loans, and for other purposes; to the Committee on Education and Labor.

By Mr. GUARINI (for himself, Mr. ANTHONY, Mr. SUNDQUIST, Mr. DWYER of New Jersey, Mr. SERRANO, and Mrs. MINK):

H.R. 2172. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Ways and Means.

By Mr. HOCHBRUECKNER:

H.R. 2173. A bill to amend title 10, United States Code, to establish a research and education program in the Department of Defense regarding Lyme disease; to the Committee on Armed Services.

By Mrs. KENNELLY:

H.R. 2174. A bill to amend title XIX of the Social Security Act to improve coverage of nursing facility services under the Medicaid Program and to amend the Internal Revenue Code of 1986 to clarify the tax treatment of long-term care insurance; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. KLECZKA (for himself, Mr. GONZALEZ, Mr. SANDERS, Mr. ANNUNZIO, Mr. BARNARD, Mr. TORRES, Mr. BEREUTER, and Mr. MORAN):

H.R. 2175. A bill to amend the Export-Import Bank Act of 1945 to narrow the circumstances under which the Export-Import Bank of the United States may participate in financing the sale of defense articles or services to foreign countries, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NEAL of Massachusetts:

H.R. 2176. A bill to amend the Federal Deposit Insurance Act to modify deposit insurance coverage for depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PETERSON of Minnesota (for himself, Mr. TOWNS, Mr. ORTON, Mr. SABO, Mr. OBERSTAR, Mr. RIGGS, and Mr. RAMSTAD):

H.R. 2177. A bill to amend the Internal Revenue Code of 1986 to allow individuals to direct that part or all of their Federal income tax refunds be contributed to programs for the protection and preservation of nongame fish and wildlife; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 2178. A bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to reduce Social Security taxes and to provide for the establishment of individual Social Security retirement accounts funded by payroll deductions and employer contributions equal to the amount of the tax reduction; to the Committee on Ways and Means.

By Mr. RAY (for himself, Mr. FAZIO, and Mr. MATSUI):

H.R. 2179. A bill to amend provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to Federal property transferred by Federal agencies; jointly, to the Committees on Energy and Commerce and Armed Services.

By Mr. ROYBAL:

H.R. 2180. A bill to amend title 18, United States Code, to provide civil and criminal forfeitures for mail and wire fraud, and to compensate victims of those offenses; to the Committee on the Judiciary.

By Mr. SAWYER:

H.R. 2181. A bill to permit the Secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by the State of Ohio; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 2182. A bill for the relief of certain persons having claims against the United States for damage to the MV *Iver Chaser* resulting from the explosion of a mine in the territorial waters of Nicaragua; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. PETERSON of Florida, and Mr. SMITH of Florida):

H.R. 2183. A bill to authorize the Secretary of Transportation to carry out a highway demonstration project for construction of a tunnel to replace the 17th Street Causeway Bridge in Fort Lauderdale, FL; to the Committee on Public Works and Transportation.

By Mr. SMITH of Florida:

H.R. 2184. A bill to amend title 28, United States Code, to allow for jury trials in tort actions against the United States involving death or serious bodily injury; to the Committee on the Judiciary.

By Mr. SMITH of Oregon:

H.R. 2185. A bill to compensate owners for the diminution in value of their property as a result of Federal actions under certain laws, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Interior and Insular Affairs.

By Mr. SMITH of Texas:

H.R. 2186. A bill to amend the Federal Election Campaign Act of 1971 to provide that multicandidate political committee contributions to a candidate in a Senate or House of Representatives election may constitute only one-third of the total of contributions accepted by the candidate; to the Committee on House Administration.

By Mr. SOLOMON:

H.R. 2187. A bill to amend section 620(f) of the Foreign Assistance Act of 1961 (relating to the prohibition on assistance to Communist countries) and to require certain reports with respect to Communist countries receiving United States humanitarian disaster relief assistance; to the Committee on Foreign Affairs.

By Mr. SOLOMON (for himself, Mr. MARKEY, Mr. ROSE, and Mr. SCHULZE):

H.R. 2188. A bill to deny the People's Republic of China most-favored-nation trade treatment; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. GUNDERSON, Mr. DE LA GARZA, Mr. COLEMAN of Missouri, Mr. STALLINGS, Mr. KOPETSKI, Mr. SARPALIUS, Mr. PENNY, Mr. STAGGERS, Mr. PETERSON of Minnesota, Mr. CAMPBELL of Colorado, Mr. HOPKINS, Mr. BOEHNER, Mr. ROBERTS, Mr. KLUG, Mr. OLIN, and Mr. JOHNSON of South Dakota):

H.R. 2189. A bill to clarify the status of certain refunds under the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. STUDDS:

H.R. 2190. A bill to prohibit the operation of a nuclear power plant for which the Federal Emergency Management Agency has determined the offsite emergency preparedness are inadequate; to the Committee on Interior and Insular Affairs.

By Mr. WALKER:

H.R. 2191. A bill to direct the Secretary of Health and Human Services to treat physicians' services furnished in Lancaster County, PA, as services furnished in a number II locality for purposes of determining the amount of payment for such services under part B of the Medicare Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. DANNEMEYER (for himself, Mr. DORNAN of California, Mr. RHODES, Mr. FIELDS, Mr. SMITH of Texas, Mr. DUNCAN, Mr. BUNNING, Mr. MCCRERY, Mr. HUNTER, Mr. MOORHEAD, Mr. HYDE, Mr. SMITH of New Jersey, Mr. KYL, Mr. ROHRABACHER, Mr. DELAY, Mr. INHOFE, Mr. LIPINSKI, Mr. EMERSON, Mr. PACKARD, Mr. ARMEY, and Mr. SOLOMON):

H.J. Res. 240. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools; to the Committee on the Judiciary.

By Ms. SLAUGHTER of New York (for herself, Mr. MILLER of California, Mr. APPLEGATE, Mr. BEILENSON, Mr. BERMAN, Mr. BILBRAY, Mr. BONIOR, Mrs. BOXER, Mr. BROWN, Mr. CALLAHAN, Mr. COLEMAN of Texas, Mrs. COLLINS of Illinois, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. ERDREICH, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FUSTER, Mr. GALLO, Mr. GONZALEZ, Mr. GUARINI, Mr. HALL of Ohio, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. JACOBS, Mr. JONTZ, Ms. KAPTUR, Mrs. KENNELLY, Mr. KLECZKA, Mr. LAFALCE, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LONG, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCNULTY, Mr. MARTIN, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MOAKLEY, Mr. MOLLOHAN, Mrs. MORELLA, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PANETTA, Ms. PELOSI, Mr. PICKETT, Mr. POSHARD, Mr. PRICE, Mr. QUILLEN, Mr. RAHALL, Mr. ROE, Mrs. ROUKEMA, Mr. SANGMEISTER, Mr. SCHEUER, Mr. SERRANO, Mr. SKEEN, Mr. SMITH of Florida, Mr. SMITH of Oregon, Mr. TOWNS, Mr. TRAXLER, Mrs. UNSOELD, Mr. VANDER JAGT, Mr. WAXMAN, Mr. WEISS, Mr. WHITTEN, Mr. WOLF, Mr. YATES, Mr. LAGOMARSINO, Mr. HERTEL, Mr. PURSELL, Mr. LANCASTER, Mr. MOODY, Mr. FOGLIETTA, Mr. STUDDS, Mr. ASPIN, and Mr. FAZIO):

H.J. Res. 241. A joint resolution designating October 1991, as "National Domestic Violence Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah (for himself, Mr. HANSEN, and Mr. ORTON):

H. Con. Res. 142. Concurrent resolution extending an invitation to the International Olympic Committee to hold the 1998 winter Olympic games in Salt Lake City, UT, and pledging the cooperation and support of the Congress of the United States; to the Committee on Foreign Affairs.

By Mr. PALLONE:

H. Res. 140. Resolution calling on the Soviet Union to take certain actions with regard to lasting effects of the nuclear accident at Chernobyl; to the Committee on Foreign Affairs.

By Mr. SAXTON:

H. Res. 141. Resolution to amend the Rules of the House of Representatives to require a three-fifths majority vote on passage of any bill, amendment, or conference report that increases revenues, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

97. The SPEAKER presented a memorial of the Senate of the State of Indiana, relative to the passage of S. 153; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SOLARZ:

H.R. 2192. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

By Mr. STENHOLM:

H.R. 2193. A bill for the relief of Elizabeth M. Hill; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mrs. COLLINS of Michigan.

H.R. 12: Mr. LENT and Mr. ABERCROMBIE.

H.R. 19: Mr. STOKES.

H.R. 66: Mr. BEREUTER, Mrs. LOWEY of New York, Mr. SWETT, Ms. ROS-LEHTINEN, Mr. LEVINE of California, Mr. FASCELL, Mr. ORTON, Mr. WYDEN, Mr. LANTOS, Mr. RAMSTAD, Mr. STARK, and Mr. DIXON.

H.R. 114: Mr. OWENS of New York, Mr. JONTZ, Ms. KAPTUR, Mr. MCNULTY, Mr. TOWNS, Mr. FROST, Mr. PALLONE, Mr. DELLUMS, Mr. PERKINS, and Mr. MFUME.

H.R. 116: Mr. MFUME.

H.R. 127: Mr. TRAFICANT, Mr. LAROCCO, Mrs. UNSOELD, Mr. ANDERSON, Mr. JONES of Georgia, Mr. GAYDOS, Mr. KLUG, Mr. MORAN, Mr. RIGGS, Mr. LEWIS of California, Mr. HUNTER, Mr. COOPER, and Mr. MARTINEZ.

H.R. 142: Mr. COBLE.

H.R. 173: Ms. LONG.

H.R. 246: Mr. RAMSTAD and Mr. CAMPBELL of California.

H.R. 249: Mr. ENGEL.

H.R. 393: Mr. RINALDO, Mr. ROE, and Mr. PETERSON of Minnesota.

H.R. 394: Mr. ABERCROMBIE, Mr. BOEHNER, Mr. HERTEL, Mr. KENNEDY, Mr. SANDERS, Mr. HAMMERSCHMIDT, Ms. OAKAR, and Mr. BILBRAY.

H.R. 404: Mr. EMERSON and Mr. STUMP.

H.R. 418: Mr. BACCHUS and Mr. ESPY.

H.R. 441: Mr. CAMPBELL of Colorado, Mr. MFUME, Mr. KENNEDY, and Mr. SCHEUER.

H.R. 461: Mr. TALLON and Mr. POSHARD.

H.R. 467: Mrs. MORELLA, Mr. LANCASTER, Mr. FASCELL, and Mr. SLATTERY.

H.R. 473: Mr. DOOLITTLE.

H.R. 481: Ms. SLAUGHTER of New York.

H.R. 507: Mr. EMERSON.

H.R. 519: Mr. DORNAN of California.

H.R. 524: Mr. RICHARDSON and Mr. MORAN.

H.R. 543: Mr. COYNE, Ms. PELOSI, Mr. STARK, Mr. LAFALCE, Mr. KOSTMAYER, Mr. ABERCROMBIE, Mr. HORTON, Mr. SCHEUER, Mr. MARTINEZ, Mr. LANCASTER, Mr. MILLER of California, Mr. JONTZ, Mr. EDWARDS of California, Mr. DELLUMS, Ms. KAPTUR, Mr. JEFFERSON, Mr. DE LUGO, Mr. FAWELL, and Mr. SMITH of Florida.

H.R. 559: Ms. SNOWE.

H.R. 585: Mr. SOLARZ, Ms. HORN, Mr. ENGEL, Mr. HARRIS, and Mr. VALENTINE.

H.R. 592: Mr. ERDREICH.

H.R. 664: Mr. STUMP, Mr. KYL, and Mr. RHODES.

H.R. 791: Mr. JACOBS.

H.R. 827: Mr. ENGEL, Mr. MOORHEAD, and Mr. SAXTON.

H.R. 886: Mr. FRANK of Massachusetts.

H.R. 917: Mr. DORGAN of North Dakota, Mr. CRAMER, Mr. GEKAS, Mr. VANDER JAGT, Mr. SANGMEISTER, and Mr. CAMP.

H.R. 919: Mr. LEWIS of Florida.

H.R. 924: Mrs. BYRON, Mr. JONTZ, Mr. SCHIFF, and Mr. LANCASTER.

H.R. 951: Mr. MILLER of Washington, Mr. QUILLEN, Mr. CAMP, Ms. KAPTUR, Mr. REED, Mr. DANNEMEYER, Mr. HUNTER, and Mrs. VUCANOVICH.

H.R. 967: Mr. ZIMMER, Mr. CAMPBELL of California, Mr. CHANDLER, and Mr. LEACH.

H.R. 978: Mr. PALLONE, Mr. BONIOR, Mrs. LOWEY of New York, and Mr. MOODY.

H.R. 992: Mr. COSTELLO.

H.R. 997: Mr. DONNELLY.

H.R. 1020: Mr. HUNTER.

H.R. 1059: Mr. ECKART and Mr. HERTEL.

H.R. 1079: Mr. ROSE, Mr. ALEXANDER, and Mr. WISE.

H.R. 1080: Mr. BONIOR, Mr. JEFFERSON, Mr. HERGER, and Ms. SNOWE.

H.R. 1093: Mr. JEFFERSON, Mr. SCHEUER, and Mr. SIKORSKI.

H.R. 1132: Mr. BUNNING, Mr. VANDER JAGT, and Mrs. KENNELLY.

H.R. 1135: Mr. CLEMENT.

H.R. 1147: Mr. SENSENBRENNER, Mr. TRAXLER, Mr. SHAW, Mr. DAVIS, Mr. YATRON, Mr. BAKER, Mr. BONIOR, Mr. FORD of Michigan, Mr. ZELIFF, and Mr. SAXTON.

H.R. 1168: Mr. CHANDLER, Mr. GOSS, and Mr. STARK.

H.R. 1177: Mr. SPRATT, Mr. EVANS, Mr. ROYBAL, and Mr. STUDDS.

H.R. 1277: Mr. WILSON, Mr. HUNTER, Mr. GOODLING, Ms. ROS-LEHTINEN, Mr. RAHALL, Mr. FISH, Mr. JONES of Georgia, Mr. SENSENBRENNER, Mr. GORDON, Mr. BAKER, Mr. RAVENEL, Mr. NUSSLE, Mr. VANDER JAGT, Mr. SOLOMON, Mr. HENRY, Mr. ESPY, Mr. DREIER of California, Ms. NORTON, Mr. MORAN, Mr. JEFFERSON, and Mrs. ROUKEMA.

H.R. 1370: Mr. HUGHES, Mr. LAGOMARSINO, Mr. REED, Mr. GILCHREST, Mr. MARKEY, Mr. GEJDENSON, Mr. MAVROULES, Mrs. UNSOELD, Mr. FRANK of Massachusetts, Mr. SWIFT, Mr. BRUCE, Mr. YOUNG of Alaska, Mr. CARDIN, Mr. MILLER of Washington, Mr. MCHUGH, Mr. MCDERMOTT, and Mr. IRELAND.

H.R. 1412: Mr. TAUZIN.

H.R. 1439: Mr. MARLENEE.

H.R. 1467: Mr. DWYER of New Jersey, Ms. DELAURO, Ms. NORTON, Mr. MAVROULES, Mr. VALENTINE, Mr. MILLER of Ohio, Mr. EDWARDS of California, Mr. WHEAT, Mr. ORTON, Mrs. BYRON, Mr. ANNUNZIO, and Mr. DIXON.

H.R. 1468: Mr. BURTON of Indiana, Mr. ARMEY, Mr. TAUZIN, Mr. MARLENEE, Mr. ANNUNZIO, and Mr. HEFLEY.

H.R. 1469: Mr. CLEMENT, Mr. MACHTLEY, Mr. JEFFERSON, Mr. HUGHES, Mr. LANCASTER, and Mr. RAY.

H.R. 1473: Mr. BEREUTER, Mr. EMERSON, and Mr. SANDERS.

H.R. 1474: Mr. INHOFE and Mr. MOORHEAD.

H.R. 1497: Mr. TAUZIN, Mr. ENGLISH, Mr. DEFAZIO, Mr. LEACH, and Mr. ESPY.

H.R. 1501: Mr. VANDER JAGT.

H.R. 1504: Mr. REED and Mrs. LOWEY of New York.

H.R. 1516: Mr. MCCLOSKEY, Mr. SOLOMON, Mr. CAMPBELL of Colorado, Mr. EMERSON, Mr. DARDEN, Mr. RAVENEL, Mr. GORDON, Mr. LANCASTER, Mr. MCCRERY, and Mr. GLICKMAN.

H.R. 1528: Mr. SMITH of Texas.

H.R. 1559: Mr. CARDIN, Mr. MATSUI, Mr. BERMAN, Mrs. MORELLA, Mr. FASCELL, Mr. BEILENSON, Mr. ACKERMAN, Mr. LIPINSKI, Mr. STUDDS, Mr. LEHMAN of Florida, Mr. KENNEDY, and Mr. FRANK of Massachusetts.

H.R. 1573: Mr. BEREUTER, Mr. VALENTINE, Mr. ENGLISH, Mr. STAGGERS, Mr. DICKINSON, Mr. ABERCROMBIE, Mr. JENKINS, Mr. LANCASTER, Mr. HUCKABY, and Mr. DYMALLY.

H.R. 1593: Mrs. BOXER, Ms. KAPTUR, Mr. CHAPMAN, Mr. FASCELL, Mr. SYNAR, Mr. ROEMER, Mr. PETERSON of Minnesota, Mrs. UNSOELD, and Mr. LANCASTER.

H.R. 1599: Mr. BROOMFIELD.

H.R. 1652: Mr. CAMPBELL of California and Mr. OWENS of Utah.

H.R. 1718: Mr. PETERSON of Minnesota.

H.R. 1723: Mr. DE LUGO, Mr. PALLONE, and Mr. ESPY.

H.R. 1725: Mr. WOLPE, Mr. ECKART, Mr. TORRES, Mr. SERRANO, Mr. GEPHARDT, Mr. FROST, Mr. HARRIS, and Mr. KOSTMAYER.

H.R. 1726: Mr. MRAZEK, Mr. KOPETSKI, Mrs. MINK, Mr. ZIMMER, and Mr. BEVILL.

H.R. 1730: Mr. HENRY, Mr. WOLPE, Mr. SENSENBRENNER, Mr. BROOMFIELD, Mr. VANDER JAGT, Mr. TRAXLER, Mr. DAVIS, Mr. FORD of Michigan, Mrs. MORELLA, Mr. BROWN, Mr. BONIOR, Mr. ZELIFF, Mr. ENGEL, Mr. HERTEL, Mr. GALLO, Mr. PURSELL, and Mr. HOCHBRUECKNER.

H.R. 1733: Mr. PEASE and Mr. LANCASTER.

H.R. 1753: Mr. BORSKI, Mr. ECKART, Mr. FASCELL, Mr. GEREN of Texas, Mr. LIPINSKI, and Mr. SANTORUM.

H.R. 1755: Mr. LEWIS of Florida, Mr. COMBEST, Mr. TAUZIN, Mr. OXLEY, Mr. RAMSTAD, and Mr. HERGER.

H.R. 1770: Mr. GONZALEZ and Mr. HOYER.

H.R. 1790: Mr. DWYER of New Jersey, Mr. JACOBS, Mrs. BOXER, Mr. OWENS of Utah, Mr. GLICKMAN, Mr. PAXON, and Mr. SHARP.

H.R. 1801: Mrs. BENTLEY and Mrs. MORELLA.

H.R. 1802: Mr. LANCASTER.

H.R. 1820: Mr. FOGLIETTA, Mr. GORDON, Mr. HOYER, Mr. DWYER of New Jersey, Mr. KOPETSKI, Mr. DYMALLY, Ms. KAPTUR, Mr. JEFFERSON, Mr. KENNEDY, Mr. ALEXANDER, and Mr. RAVENEL.

H.R. 1822: Mr. FISH and Mr. JONES of Georgia.

H.R. 1870: Mr. KOSTMAYER.

H.R. 1889: Mr. BUSTAMANTE and Mr. FAWELL.

H.R. 1900: Mr. PURSELL, Mr. HENRY, Mr. VANDER JAGT, Mr. WOLPE, Mr. TRAXLER, Mr. FORD of Michigan, Mr. DAVIS, Mr. BONIOR, and Mr. CARR.

H.R. 1970: Mr. KENNEDY, Mr. POSHARD, Mr. SCHEUER, Mr. BROWN, Mr. EVANS, Mr. FAZIO, Mr. SKAGGS, Mr. GEREN of Texas, and Mr. STARK.

H.R. 2008: Mr. RIGGS, Mr. ROGERS, and Mr. WEBER.

H.R. 2056: Mr. STARK and Mr. JEFFERSON.

H.R. 2063: Mr. RITTER, Mr. OWENS of New York, Mr. SAVAGE, and Mr. LIPINSKI.

H.R. 2081: Mr. DORNAN of California.

H.J. Res. 2: Mr. GOSS.

H.J. Res. 5: Mr. COX of California, Mr. WOLF, Mr. ROTH, and Mr. MILLER of Washington.

H.J. Res. 23: Mr. CHAPMAN, Mr. EVANS, Mr. NATCHER, Mr. PRICE, Mr. WOLPE, Mr. YOUNG of Florida, Mr. FORD of Michigan, Mr. HALL of Ohio, Mr. ENGEL, Mr. HERTEL, and Mr. GILLMOR.

H.J. Res. 27: Mr. RAMSTAD.

H.J. Res. 87: Mr. MARKEY.

H.J. Res. 109: Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. BRUCE, Mr. COBLE, Mr. COX of California, Mr. GRAY, Mr. KASICH, Mr. KOPETSKI, Mr. MCEWEN, Mr. MOLLOHAN, Mr. MORAN, Mr. NEAL of North Carolina, Mr. NICHOLS, Mr. PETERSON of Minnesota, Mr. REED, Mr. SKEEN, and Mr. SMITH of Iowa.

H.J. Res. 122: Mr. LUKEN.

H.J. Res. 138: Mr. CAMP, Mr. MORAN, Mr. MURTHA, Mr. VENTO, Mr. RITTER, and Mr. KANJORSKI.

H.J. Res. 141: Mr. ALEXANDER, Mr. GRAY, Mrs. MINK, Mr. RICHARDSON, Mr. MCCOLLUM, Mr. FORD of Tennessee, Mr. OWENS of New York, Mr. MONTGOMERY, Mr. MCHUGH, Mr. MCCLOSKEY, Mr. LEHMAN of Florida, Mr. VENTO, Mr. WYLIE, Mr. CLINGER, Mr. RITTER, Mr. DORNAN of California, Mr. DELLUMS, Mr. BURTON of Indiana, Mr. BRYANT, Mr. HASTERT, Mr. EVANS, Mr. MORAN, Mr. NEAL of Massachusetts, Mr. HUTTO, Mr. YOUNG of Florida, Mr. WOLF, and Mr. SAWYER.

H.J. Res. 180: Mr. ARCHER, Mr. BURTON of Indiana, Mr. BRUCE, Mr. EMERSON, Mr. FUSTER, Mr. GONZALEZ, Mr. HOCHBRUECKNER, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mrs. LOWEY of New York, Mr. MATSUI, Mr. MFUME, Mr. MORAN, Mr. RITTER, and Mr. WALSH.

H.J. Res. 181: Mr. ACKERMAN, Mr. BONIOR, Mr. CAMP, Mr. COLEMAN of Texas, Mr. HAMMERSCHMIDT, Mr. MCCOLLUM, Mr. MILLER of California, Mr. MORAN, Mr. PANETTA, Mr. ROEMER, Mr. SERRANO, Mr. SOLARZ, Mr. WISE, Mr. YOUNG of Alaska, and Mr. RITTER.

H.J. Res. 191: Mr. HYDE, Mr. WILSON, Mr. KLUG, Ms. SLAUGHTER of New York, Mr. POSHARD, Mr. RIGGS, Mr. KOPETSKI, Ms. SNOWE, Mr. LANCASTER, Mr. FALEOMAVAEGA, and Mr. GILMAN.

H.J. Res. 196: Mr. MCCLOSKEY, Mr. DEFAZIO, and Mr. JEFFERSON.

H.J. Res. 217: Mr. WOLF, Mr. ALEXANDER, Mr. APPLEGATE, Mr. BARNARD, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BLILEY, Mr. BOUCHER, Mrs. BOXER, Mr. CAMP, Mr. CLEMENT, Mr. COBLE, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. COSTELLO, Mr. CRAMER, Mr. DAVIS, Mr. DE LUGO, Mr. DICKS, Mr. DONNELLY, Mr. DREIER of California, Mr. DWYER of New Jersey, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FUSTER, Mr. GREEN of New York, Mr. HARRIS, Mr. HYDE, Mr. JONTZ, Ms. KAPTUR, Mr. KLUG, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. POSHARD, Mr. RAMSTAD, Mr. RANGEL, Mr. ROGERS, Mr. ROYBAL, Mr.

Sangmeister, Mr. Savage, Mr. Schaefer, Mr. Scheuer, Mr. Schumer, Mr. Serrano, Mr. Skelton, Mr. Slattery, Ms. Slaughter of New York, Mr. Smith of New Jersey, Mr. Solarz, Mr. Solomon, Mr. Spratt, Mr. Staggers, Mr. Stark, Mr. Stenholm, Mr. Tauzin, Mr. Torricelli, Mr. Towns, Mr. Traficant, Mrs. Unsoeld, Mr. Valentine, Mr. Vander Jagt, Mr. Walsh, Mr. Waxman, Mr. Weldon, Mr. Wilson, Mr. Wolpe, and Mr. Wyden.

H.J. Res. 219: Mr. McGrath, Mr. Owens of New York, Mr. Morrison, Mr. Montgomery, Mr. Matsui, Mrs. Morella, Mr. Natcher, Mr. Gekas, Mr. Coyne, Mr. Slattery, Mr. Hoyer, Mr. Emerson, Mr. Yatron, Mr. Owens of Utah, Mr. Fuster, Mr. Vento, Ms. Norton, Ms. Pelosi, Mr. Ramstad, Mrs. Meyers of Kansas, Mr. Neal of Massachusetts, and Mr. Conyers.

H.J. Res. 232: Mr. Wolpe, Mr. Wilson, Mr. Walsh, Mr. Espy, Mr. McDade, Mr. Geren of Texas, Mr. Gilman, and Mr. Gallegly.

H. Con. Res. 30: Mr. Hatcher.

H. Con. Res. 63: Mr. Roybal and Mr. Dannemeyer.

H. Con. Res. 65: Mr. Gallo, Mr. Roybal, Mr. Dannemeyer, and Mr. Payne of New Jersey.

H. Con. Res. 96: Mr. Stump.

H. Con. Res. 128: Mr. Bilbray.

H. Con. Res. 133: Mr. Scheuer, Mr. Borski, and Mr. Frost.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1080: Mrs. Vucanovich.

H.R. 1412: Mr. Walsh.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1988

By Mr. TORRICELLI:

—Page 3 Lines 16 through 19, strike paragraph (8), and insert in lieu thereof, the following paragraph:

(8) the United States should maintain the current policies which prohibit the use of foreign launch capabilities for United States Government satellites, and require a waiver from the President to exempt a launch from this policy. Such exemptions should only be granted upon a Presidential finding that the following two conditions are met: (i) the needed launch capabilities do not exist in the United States and United States industry would not be harmed, and (ii) program benefits would accrue. Where foreign launchers are used, their use should be conditional on reciprocity from the foreign government in willingness to use United States launchers;

Add the following new paragraph (9):

(9) the United States should attain the capability to launch medium-sized payloads in the 10,000- to 15,000-pound range into polar orbit from the West Coast;

Redesignate subsequent paragraphs accordingly.

EXTENSIONS OF REMARKS

IN SUPPORT OF H.R. 2001

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. JONES of North Carolina. Mr. Speaker, I rise today to bring to the attention of my colleagues on both sides of the aisle a problem that only just came to my attention during Operation Desert Storm.

As you know, the role of National Guard units is very important not only in times of conflict, but also in times of peace. National Guard units are routinely called upon by the Governors of States to provide manpower and assistance in time of natural disasters, civil unrest, and other emergencies. For instance, National Guard units have also helped States cope with unpredictable and natural disasters such as floods, hurricanes, and storms and their ensuing aftermaths. The importance of National Guard units can really only be measured when this assistance is limited or unavailable in times of emergency, such as during the Persian Gulf crisis when many National Guard units were called to active duty.

Over the last several months, many National Guard units have been activated and ordered to serve in Operation Desert Storm. The call to active duty of thousands of National Guardsmen has left a serious need of support personnel here at home. Many States across the country now have State militias who serve as a backup force to the National Guard and are available to serve in times of need when National Guard units are detained elsewhere. My home State of North Carolina is one such State.

Unfortunately, while the State militia in North Carolina was willing to assist the State or military bases in any way, current law prohibited the militias from providing any substantial help. There are no provisions of current law which enable State militias to be trained to operate military equipment which might be utilized in times of need. As Operation Desert Storm has proven, there are times when many National Guard units are activated and taken away to other parts of the world. The result is a gap in the amount of trained personnel that may be needed to assist States in times of emergency.

On April 23, 1991, I introduced H.R. 2001 which will allow the Secretaries of the branches of the Armed Forces, upon the request of the Governors of States, to provide excess military equipment to State militias for training purposes. The Secretaries will also be allowed, by law, to allow State militia personnel to utilize the equipment in times of need by the State when National Guard units are busy elsewhere. I might add that the legislation allows militias to use excess or obsolete military equipment under the supervision of the appropriate branch of the Armed Forces. Also, if the Secretary of the branch of service determines that the equipment loaned the militias for training or use is needed by the U.S. military, then the Secretary retains the power to end the loan agreement with the State militia. I want to mention that we are not talking about large lethal weapons, although the legislation would permit the loaning of small arms if deemed necessary by the Secretary and the Governor of the State involved, but general equipment that might be used to fight natural disasters such as floods including personnel carriers, generators, field kitchens, and other necessary equipment as mandated by the emergency.

I wish to reemphasize that, the excess equipment would be under loan to the militias for training purposes or use in emergency situations subject to the approval of the Secretary of the appropriate branch of the armed service. The Secretary shall determine the time constraints and stipulations of the equipment loans and use. Also, the militias will perform emergency services only if the needed National Guard personnel are busy elsewhere, as in Operation Desert Storm. However, equipment for training will be available to militias at any time as deemed appropriate by the Secretary. Lastly, provisions of H.R. 2001 mandate that Governors of the States involved will be aware and indeed personally request that the equipment be utilized by the militias. Militias will have to go through their respective Governors to request the equipment from the Department of Defense. If the Governor deems the equipment is unnecessary then the militia will not be granted access. Most importantly, this legislation is budget neutral and will have no cost to the Federal Government.

I would urge my colleagues to review this legislation very closely. The provisions of H.R. 2001 are needed and will assist States in handling disasters that may arise in times of national or global emergency. I urge my colleagues to cosponsor and support this legislation. Also, if there is no objection I would like to insert the language of H.R. 2001 in the CONGRESSIONAL RECORD below this statement. Thank you, Mr. Speaker, for the opportunity to speak before the House today.

H.R. 2001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL SUPPORT OF STATE DEFENSE FORCES.

(a) IN GENERAL.—(1) Title 32, United States Code, is amended by adding at the end of the following new chapter:

"CHAPTER 9—STATE DEFENSE FORCES

"Sec.

"901. Definitions.

"902. General policy.

"903. Membership.

"904. Arms and equipment.

"905. Uniforms: sale and wear.

"906. Training assistance.

"907. Federal coordination.

"908. Non-Federal status.

"909. Security clearances; criminal history information.

"§ 901. Definitions

"In this chapter:

"(1) The term 'State defense force' means a military force of defense force organized by a State to serve as a State military reserve force that would train to become actively operational when the State National Guard forces are federalized or otherwise not available in or adequate to the needs of the State. A State defense force need not be so named by the State to be a State defense force for purposes of this chapter.

"(2) The term 'State' includes the District of Columbia and any territory or commonwealth that has an organized National Guard.

"(3) The term 'national emergency' means an emergency declared by the President or the Congress.

"§ 902. General policy

(a) State defense forces are considered to be in the national interest as a reserve force of the several States—

"(1) to maintain public safety and order;

"(2) to protect essential resources and facilities; and

"(3) to perform essential services when National Guard forces are federalized or otherwise not available or adequate to the State.

"(b) State defense forces meet an essential need of the Nation and are in the interest of national security.

"§ 903. Membership

"(a) Qualifications for membership in a State defense force shall be determined by the State sponsoring the defense force. A member of the armed forces may not be a member of a State defense force. Membership in a State defense force does not exempt any person from the provisions of the Military Selective Service Act.

"(b) A State may require an oath of allegiance to a chief executive of a State before a person becomes a member in the State defense force of that State. Any such oath shall include an affirmation of support for the Constitution of the United States.

"(c) Membership in a State defense force may not by itself limit a person from enlistment or appointment in an armed force.

"§ 904. Arms and equipment

"(a) The Secretary of a military department may issue or loan to a State, upon request of the chief executive officer of the State, such equipment, small arms, and uniforms as may be necessary for its State defense force to train and perform such functions as may be designated by the Governor. The issue of any such items may be made on a reimbursable basis if determined appropriate by the Secretary concerned. Items issued or loaned under this subsection may only be made from items that are excess or obsolete for the needs of the military department concerned.

"(b) The Secretary of Defense shall prescribe policies and procedures to carry out subsection (a). Such policies and procedures shall—

"(1) ensure that items specified in subsection (a) may not be issued or loaned if to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

do so would affect adversely the readiness of active or reserve forces; and

"(2) provide that when any property issued or loaned is no longer needed by a State defense force, it shall be reported to the Secretary of the military department concerned and that any subsequent disposal of such property shall be carried out in accordance with the Federal Property and Administrative Services Act of 1949.

§ 905. Uniforms: Sale and wear

"(a)(1) Notwithstanding chapter 45 of title 10, a member of a State defense force may, while performing duty or training (or traveling to and from such duty or training), wear a uniform prescribed by the State. Such a uniform—

"(A) shall be distinctive from uniforms normally prescribed for wear by members of an armed force;

"(B) shall include distinctive devices or accoutrements identifying it as a uniform of a State defense force; and

"(C) may not include a designation bearing the name of an armed force.

"(2) The Secretary of the military department concerned shall approve State regulations for the wear of such uniform. The Secretary's approval shall ensure that such regulations include provisions regarding the manner of wear of the uniform will not tend to discredit the armed forces.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may sell uniforms, items of uniforms, indicia of grade, and individual equipment to members of State defense forces.

"(c) A former member of the armed forces, a member of the Retired Reserve, or a regular member who is retired may wear such decorations and medals awarded for military service or valor on the uniform such person wears as a member of State defense force.

"§ 906. Training assistance

"(a) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may provide, upon the request of the chief executive officer of the State and on a reimbursable basis when appropriate, training and training assistance for State defense forces. Such training and assistance may include—

"(1) the provision or loan of training manuals and instructional materials, including training devices used for active and Reserve forces;

"(2) the use of Federal military training facilities; and

"(3) the services of active or Reserve members of the armed forces skilled in training.

"(b) Under regulations prescribed by the President, an executive department or an independent agency of the Federal Government may provide, upon the request of the chief executive of a State and on a reimbursable basis when appropriate, such training and training assistance to a State for the State defense forces of that State as in the interests of national security and not detrimental to the primary operational requirements of the department or agency concerned. Training under this subsection may be of the same quality as the training authorized by subsection (a) and shall be with the agreement of the Secretary of Defense.

"§ 907. Federal coordination

"The Chief of the National Guard Bureau shall serve as the means of communication between a State and the Federal Government on matters involving State defense forces.

"§ 908. Non-Federal status

"A member of a State defense force is not a member of the armed forces or an employee or agent of the United States for any purpose, including legal liability or legal defense. Any such member is responsible to the State sponsoring the defense force. A member of a State defense force who is injured or who dies while performing training or duties on behalf of the State defense force may not be provided military or federally sponsored health care, other than emergency care. Federally sponsored disability and death benefits may not be provided as a consequence of a person's status as a member of a State defense force.

"§ 909. Security clearances; criminal history information

"(a) The Secretary of a military department may conduct such background investigations as the Secretary determines necessary and appropriate as a condition to allowing access to classified information by a member of a State defense force.

"(b) A State sponsoring a State defense force may conduct such background investigations as the State determines necessary and appropriate as a condition to allowing access to classified information by a member of a State defense force.".

(2) The table of chapters at the beginning of such title is amended by adding at the end the following new item:

"9. State Defense Forces .... 901".

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of section 109 of title 32, United States Code, is amended to read as follows:

"(a) In time of peace, a State or territory, Puerto Rico, or the District of Columbia may maintain no troops other than those of its National Guard, a naval militia authorized by chapter 659 of title 10, and defense forces authorized by chapter 9 of this title.".

(2) Subsection (b) of such section is amended by striking out "by subsection (c)" and inserting in lieu thereof "by chapter 9 of this title".

(3) Subsections (c), (d), and (e) of such section are repealed.

RECOGNIZING THE SERVICE OF U.S. PERSONNEL INJURED IN THE PERSIAN GULF

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. PORTER. Mr. Speaker, the parades and rallies which have welcomed our servicemen and women home from the Persian Gulf have been inspiring experiences for us all—especially for those hundreds of thousands of volunteers who put their lives on the line when their country called. The importance of their contributions to the strength of our military and to preserving the peace cannot be overstated. But in our rush to demonstrate how much we appreciate their sacrifices, we may have forgotten to thank those who made some of the harshest and most lasting sacrifices of all—the Persian Gulf war's injured veterans. Thousands of Desert Storm heroes have returned to cheering crowds and lavish ceremonies; their fallen comrades have been honored with dignity and compassion. But the injured came home mostly to silence, shuttled to military hospitals where many still struggle to recuperate from their injuries in the line of duty.

In a recent edition of the Daily Herald, a daily newspaper published in my home State of Illinois, columnist Jack Mabley emphasized the meager attention paid to the war's wounded in a moving essay. Mr. Mabley makes a powerful argument for loosening the military privacy restrictions that surround hospitalized veterans and have unfortunately kept these courageous men and women from the public recognition they so richly deserve. We have seen the lists of those who gave their lives fighting Iraqi aggression; Mr. Mabley's article leads us to ask why no such list has been released of those severely injured and even disabled in the effort. We should help bring these largely unrecognized veterans to the attention of an appreciative American public.

Accordingly, Mr. Speaker, I submit for the RECORD Jack Mabley's account of a young soldier named Kevin Pollak, whose experiences in war and at home surely apply to many injured veterans who deserve our Nation's gratitude and appreciation.

"WELCOME HOMES" PASS OVER INJURED SOLDIERS

(By Jack Mabley)

Why does the U.S. government treat the hundreds of wounded gulf war veterans as if they didn't exist? They're getting good medical care in six army medical centers. But where is the recognition, or any appreciation for their sacrifices?

Kevin Pollak, 20, of Arizona, who grew up in the south suburbs, is one of them. Kevin's aunt, Jean Adamczyk of Mount Prospect, told us about Kevin, who is in Brooke Army Medical Center in Texas.

Kevin was in a Bradley vehicle hit by an Iraqi gound missile. Three of his buddies were killed. He suffered devastating injuries. Doctors amputated the tops of his ears and all of his fingers to the first joint, and he has undergone skin grafts for his face and much of his body.

Since we wrote about Kevin several weeks ago, he has received hundreds of letters and messages. I phoned again to ask how he's doing.

"Had a little setback," Kevin said. "I got appendicitis. Isn't that something . . . with all the stuff I have, I get appendicitis. They took out my appendix yesterday. It's kind of funny, really. The nurses had to laugh."

His father, Robert Pollak, told me the medics rigged up a device so Kevin could feed himself.

"Yep, they really know how to do things here. It's a thing they kind of strap to my arm with a spoon laying in my hand. The bandages are off my hands so they can get more air.

"It helps me be more independent. The hardest thing is losing my independence . . . especially for a soldier. I'm an infantryman. We're taught to be independent. I could do anything in the desert . . . make a cook stove from scratch.

"They're going to make hooks for my hands so I can do better. They'll be temporary."

In our previous conversation I asked Kevin if he felt the suffering and sacrifice he's going through was worth the cause.

"You wrote that I said, 'I guess so.' That doesn't sound like me. I believe in our cause, and I think that what we did was right.

"But I wonder if the government cares. I was watching the welcome home salute to veterans on TV, with all the troops coming home and the flags waving and the singing . . . and then they listed the dead, and I saw the names of four of my buddies. It was very hard for me." (Kevin didn't say so, but his dad said he wept.)

"The wounded weren't mentioned at all," Kevin continued. "We did see guys getting off the planes with Band-Aids or their arms in a sling, but . . .

"I want to see a list of the injured. I want to know what happened to my friends. We weren't all close, but some of us were just like family.

"It's not the people who have forgotten us. Look at all that mail. But the government . . . I even had to ask for my medal. In Germany a general came by and asked if he could do anything. I said yeah, get me my Purple Heart. he brought it to me that night."

Kevin is an avid White Sox fan. He has gotten pictures from the Bulls and Bears but nothing from the Sox. While we were talking, the Sox were getting beat, 16 to 0. Is there a message there?

The Defense Department talks about "privacy restrictions" to justify not identifying the injured.

With Kevin's experience, does it sound like he wants privacy restrictions?

Hundreds have sent him heartening letters. Some send money. Some give their phone numbers and tell him to call if they can help. People care, deeply.

Two other desert war veterans are in the burn unit with Kevin, both suffering horrible burns from fuel explosions. Robert Pollak said, "But they won't get Purple Hearts because the injuries weren't in combat. It's terrible . . . tragic."

Hundreds of soldiers and sailors are suffering in virtual anonymity in military hospitals. It's time we did a little more than stage huge parades and lavish TV shows for the veterans who are lucky enough to come home in one piece.

FATHER OTTO PISONI CELEBRATES 50TH YEAR OF HIS ORDINATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 1, 1991

Mr. CLINGER. Mr. Speaker, it is my pleasure to take this opportunity to recognize Father Otto Pisoni, who will be celebrating his 50th anniversary of ordination in the priesthood on May 22, 1991.

Currently the pastor of Holy Cross Parish in Brandy Camp, PA, Father Pisoni is also the diocesan spiritual director of the Blue Army, the U.S. delegate to the International Apostolate of Our Lady of Fatima, and serves on the executive board of the National Blue Army.

He is a native of Brockway, PA, and attributes his vocation to his mother, who stressed saying a family rosary every day. In each of the seven parishes in which he served, Father Pisoni took a special interest in the youth programs, working with the church youth to encourage them to develop their skills and pursue their ambitions.

He was trained for the priesthood at Saint Vincent College and Seminary in Latrobe, PA, and was ordained on May 22, 1941, by Archbishop John Mark Gannon. Father Pisoni's leadership was recognized by the late Bishop Alfred M. Watson, who at one time appointed him to a 5-year term as the dean of Elk, Cameron, and Potter Counties.

Indeed, Father Pisoni has distinguished himself as a true leader over the past 50 years of public service to his community. Wherever he has been, he has profoundly touched those around him and affected the lives with which he has come in contact.

I join my constituents in thanking Father Pisoni for his selfless years of service and in congratulating him on the 50th anniversary of his ordination.

WAVERLY STUDENT WINS FLAG DESIGN CONTEST

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. SUNDQUIST. Mr. Speaker, I ask my colleagues to join me in saluting a young man from my district who was recently honored in connection with National Youth Art Month. Alan Sholes of Waverly, TN, won the flag design contest sponsored by the Council for Art Education and joined the winners of other State contests for the flag-raising ceremony here in Washington.

Alan is a talented young man. He represents well the sort of talented young person this program is designed to recognize and encourage. I know my colleagues will join me in wishing him well as he furthers his education. And I commend those in Tennessee, like Youth Art Month Chair Christina Campbell, and elsehewere for their support of this very worthwhile program. I look forward to working with them in the future to encourage the creative talent of more bright young Americans.

SALUTE TO TIDEWATER CHAPTER OF THE NATIONAL NAVAL OFFICERS ASSOCIATION

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. PICKETT. Mr. Speaker, I rise to salute the Tidewater chapter of the National Naval Officers Association [NNOA] for its continuing efforts to promote education in southeastern Virginia.

The NNOA, which has chapters throughout the United States, is an organization comprised largely of black naval and Coast Guard officers. Formed in 1971 to promote the recruitment and retention of minorities in the military, the NNOA has grown to become one of our Nation's leading associations of military members.

The Tidewater chapter of the NNOA has approximately 80 members, two-thirds of whom were recently deployed as a part of Operation Desert Storm. This large deployment did not stop the Tidewater chapter from continuing the many outstanding activities in which it is engaged in our community.

These men and women have, for example, adopted the class of 1993 at Booker T. Washington High School in Norfolk. By adopting this class, they have taken it upon themselves to support class functions, tutor, and counsel students who are having trouble, and serve generally as role models. The chapter's members were also active last fall in helping to ensure that Laborfest at Virginia Beach was successful.

Last month, the NNOA renewed a tradition it began 12 years ago when it joined with Norfolk State University and Old Dominion University in awarding scholarships to three deserving students in Hampton Roads. These and other activities led to the association being named a Community Point of Light last year by the Urban League of Greater Hampton Roads.

Mr. Speaker, throughout American history, black men and women have made an enormous contribution to our Armed Forces, and they continue this tradition today. In southeastern Virginia, we are fortunate to have this great organization of black naval officers who are willing to give of their time and effort to help others. Not only do they serve their country with distinction, but they bring this same skill and dedication to helping in community activities as well.

I know that everyone in southeastern Virginia joins me in thanking them for a job well done.

TRIBUTE TO JACQUELYNNE CAPLAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleagues attention the work of an outstanding educator and educational administrator, Ms. Jacquelynne Caplan, who is retiring this evening after 38 years of service.

Ms. Caplan was educated in New York and began her teaching career in 1953. She moved to Sacramento in 1960 where she began a long association with the Sacramento City Unified School District. She moved up to the administrative ranks in 1977 when she became the vice principal of California Middle School. Since then, she has been the director of curriculum services and alternative education and finally the administrator of curriculum, and staff development for the Sacramento City Unified School District.

She has spent her career devoted to improving the educational opportunities for youngsters in our community. This in itself is something to be overwhelmingly thankful for. However, on top of these efforts through the workplace, she has been involved in many professional teacher-administrators organizations trying to create even better administration and delivery of education.

Mr. Speaker, I know that my colleagues join me in thanking Ms. Caplan for her long and extremely successful career and in wishing her continued happiness and health in her retirement.

VFW DISTRICT SIX LOYALTY DAY PARADES IN THREE COMMUNITIES

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, May 5, 1991, District Six of the Veterans of Foreign Wars will hold its 34th annual Loyalty Day Parade through the New Jersey communities of Asbury Park, Bradley Beach, and Neptune Township. This year's parade is particularly dedicated to showing support for America's Armed Forces involved in Operation Desert Storm.

Mr. Speaker, I believe that the recent victory of our forces over the tyrannical and aggressive Iraqi regime has brought out a renewed sense of pride and patriotism among the American people. While our Nation's patriotism is always near the surface, sometimes it takes a major crisis for us to remember how much our freedoms here at home, as well as the fostering of peace and human rights in other parts of the globe, depends upon the vigilance of our Armed Forces.

Now that the hostilities are ending and our troops are returning home, Americans are taking renewed pride in how well our country handles the difficult role of leadership of the free world. It is a burden that America has borne for much of this century, and once again, in 1991, through the heroic efforts of our troops, we have triumphed over the forces of despotism.

Therefore, this year's Loyalty Day Parade will be an extra special event—full of all the color and pageantry of a small town parade but with an extra dose of pride in the exceptional American men and women who sacrificed so much in the cause of freedom that our Nation stands for.

STATEMENT UPON INTRODUCTION OF THE COMMUNITY LIFE AMENDMENT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DANNEMEYER. Mr. Speaker, a considerable decline in standards and morals can be demonstrated regarding the standing of youth in our society. Any number of social and educational indicators point this out. It does not matter if you examine scholastic aptitude test [SAT] scores, premarital sexual activity, pregnancies to unwed teenagers, teen suicide rates, sexually transmitted disease prevalence, juvenile crime record, and so forth, the story is the same. American kids are taking it on the chin by and large.

Is there a central cause to these problems? Are these problems mutually exclusive? And why is it that the more prosperous we seem to be as a nation, these problems only get worse?

Mr. Speaker, I hold to the admonition that no success can compensate for failure in the home. The home is where we should begin our search for answers to these problems. Here we will find answers to a large part of our woes. Complementing the social and educational declines of youth are the deteriorating conditions of their parents. Divorce is an epidemic today. Female-headed single parent households, negligent husbands avoiding financial and moral responsibilities, and the resulting economic strain are too much for the remaining familial structure to bear. This stress leads to physical, emotional, and substance abuse. Pretty soon, the term "family" as we know it has ceased.

Unfortunately, there is little that Congress or any other coercive instrument can do to implant the backbone of moral value necessary to prevent dysfunctional families. But moral value is what is needed. Don't get me wrong. Congress tries to help, but the help is sadistic, almost as if tax dollars were going to the Marquis himself to provide therapy to individuals suffering from an inattention disorder. Congressional response to date has only indemnified familial dysfunction.

One area of public policy where Congress has some leverage is education. From 6 to 8 hours per day, 5 days a week, public schoolchildren are open to concentrated influence outside of home and church. Mr. Speaker, I will not spend the time here to catalog the infusion of secular humanism into public education that began, for all intents and purposes, in the 1930's. This influence has been widely broadcast both for good and bad.

But, Mr. Speaker, I do feel compelled at this time to comment on what secular humanism has replaced: Normative moral values based on the Judeo-Christian ethic. Up until 1962, these values were unquestioned as a positive influence in public education. Kids were taught to recognize the moral and historical value of their inalienable rights. The precepts embodied in the Ten Commandments were the mortar that held our laws together, gave them weight, and that fueled individual self-government. The consummate benefit to society, to our moral safety net, was that the concept of a creator or higher authority was reinforced in the minds of public school kids.

Far from being an establishment of religion, formally recognizing a creator as part of the schoolday affirmed no more than the concept that some things in life transcend man. Our Founders called these things "life, liberty, and the pursuit of happiness." Evidently, such verities are no longer important for public school kids to understand.

Should we then wonder why our youth are in such disarray. Should we then wonder why our ability to govern a nation parallels our relative ability to govern ourselves? Would Congress run such massive debts if each Member was instilled with the normative wisdom of the proper role of Government, with frugality, with prudence? Would a citizenry elect unwise rulers if a majority of citizens held these values high in their own lives, if they voluntarily cared for the poor, old, and sick among them? Under these conditions, would we really need an all-encompassing state to use its coercive powers to compel us to do what we ought to be doing voluntarily?

Big Government, high crime, illiterate kids, and dysfunctional families are ultimately a result of moral negligence and a denial of a creator. We have allowed moral values and a creator to be kicked out of public schools, and because most kids attend public school, we are paying a high price.

Imagine a public schoolroom where a child is taught that stealing is wrong, not because some adult arbitrarily imposes this opinion, but because the law of the land, given to this student by a creator, says that the child has an inalienable right "to the pursuit of happiness" and therefore frowns disapprovingly on one person taking something that belongs to another person.

Under what circumstances would the child better learn this lesson: (A) where a teacher arbitrarily opines the belief that stealing is bad even though the child has friends who have found great utility in stealing; or (B) where a teacher reinforces home and the religious community of the family to say, regardless of utility, stealing is wrong because the Creator of your rights, rights that could be trampled in a climate of theft, has judged it to be wrong.

Unfortunately, Mr. Speaker, were you to choose (B), schools would not be able to implement programs sufficient to meet this goal. The U.S. Supreme Court has told us so. They have said that to do so is a violation of the first amendment's establishment clause, that to allow class time to be used by students to formally recognize the Creator who gave them their inalienable rights is a contractual breach never intended by the same Founders who insisted that we have such transcendent rights.

I, like many other Americans, believe that the Supreme Court has missed both the juris and the prudence of this issue. To correct this deficiency I am introducing the community life amendment. The amendment says simply:

> Nothing in this Constitution shall prohibit the inclusion of voluntary prayer in any public school program or activity. Neither the United States nor any State shall prescribe the content of any such prayer.

The community life amendment reaffirms the inherent constitutional right all Americans have to acknowledge the Creator who gave them their inalienable rights. This constitutional amendment would allow local communities to determine for themselves the matter of voluntary prayer in public school. It says that the Federal Government has no positive role to play in determining these issues.

I commend this measure to all of my colleagues. With this submission, I am also creating a discharge petition. All Members are invited to sign this petition. Once we reach 218 signatures, we will have the pleasure and opportunity to debate this issue on the floor and give the American people something to go on—an up or down recorded vote on voluntary school prayer.

TRIBUTE TO GILBERT RAYMOND ADAMS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. TORRES. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Gilbert Raymond Adams. Mr. Adams is being recognized by the Instrumental Music Club of Wilson High School in Hacienda Heights, CA, at their 25th annual awards banquet, for his exemplary service to the school, its students, and to the community.

Music has always been a part of Mr. Adams' life. While attending high school in Santa Barbara he was senior soloist in the school band, and a member of the All-California High School Symphony for 3 years. Even though he received three scholarships to the Music Academy of the West, he chose to enlist in the Navy after graduation from high school in 1952. Soon after, Mr. Adams was selected to attend the U.S. Naval School of Music, here in Washington, DC. He served 4 years as naval musician, reaching the rank of first class musician. While in the Navy he toured the Far East. Later, in Texas, Mr. Adams played with the Corpus Christi Symphony under Jacques Singer.

Mr. Adams attended U.C. Santa Barbara from 1957–60, obtaining a bachelor of arts degree in music and a life diploma in music as well. He was a member of the University Symphony, the Santa Barbara Symphony, and the Municipal Symphony, while playing in many dance and jazz bands. He has a master of arts degree in education from Whittier College.

Mr. Adams has been the director of instrumental music at Wilson High School since September 1966.

Under Mr. Adams superb leadership, the Wilson High School Band has won numerous honors. It was selected as the L.A. Dodgers "Battle of the Bands" Champions for 1981, 1984, 1985, 1986, and 1987. The Wilson High School Band also participated in the 1978, 1981, and 1986 Pasadena Tournament of Roses Parade. In 1985, this splendid band was chosen as the California representative to the second inaugural for President Ronald Reagan in Washington, DC. They also played for Vice President DAN QUAYLE in September 1990, and at a victory celebration for Gov. Pete Wilson this past January.

Club members ardently believe that Mr. Adams has had an extraordinary influence on the students of Wilson High School. His inspirational leadership and his outstanding moral character has list the way for many musical careers. Nor are they the only ones to feel this way. In 1975, Mr. Adams was named the Hacienda-La Puente Unified School District Teacher of the Year. In 1984, he received the Meritorious Service Award from the Southern California School Bands and Orchestra Association. The association also honored Mr. Adams with the Gold Seal of Recognition in 1989. Also in 1989, he was named Honor Band Conductor for the Fullerton District. This year, he has been chosen as one of the nominees for the Bravo Award for outstanding music teachers of Southern California.

Mr. Adams has stated that he has enjoyed many honors, but his most admirable accomplishment has been to provide the best possible musical education for the hundreds of students that he has taught over the past 30 years.

No finer example of this can be shown than the recent poll taken at Wilson High School. Students were surveyed as to who their 10 top heroes are, Mr. Adams placed fourth—after mom, dad, and God. Truly no higher tribute could be bestowed on any teacher than the love and admiration of his students.

I urge my colleagues to join me in congratulating Mr. Gilbert Raymond Adams for his exemplary service.

SUPPORT INDIVIDUAL SOCIAL SECURITY RETIREMENT ACCOUNTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. PORTER. Mr. Speaker, the 1972 Social Security amendments enacted a series of payroll tax increases—ostensibly to build a reserve for baby-boomer retirement. A good idea in theory, but in practice the biggest display of congressional profligacy ever perpetrated. As Congress squanders these reserves on deficit spending, the American people are bracing themselves because they know they will be taxed in future years in order to pay themselves back.

Today I ask my colleagues to put an end to this horror show. Last year I proposed refunding the Social Security reserve annually into Individual Social Security Retirement Accounts [ISSRA's] for every American worker. Now this approach to preventing Congress from stealing the Social Security reserve has been drawn into legislation.

My plan cuts the Social Security tax by 1 percent for both employer and employee and places these funds into IRA-type accounts for each worker. This would protect the estimated $3 trillion reserve from the congressional shell game and put it where it can be really saved—by real workers—in real dollars. I ask my colleagues to cosponsor this important measure.

TRIBUTE TO PAUL W. HOUCK

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 1, 1991

Mr. CLINGER. Mr. Speaker, I rise today to recognize Mr. Paul W. Houck of State College, PA, on the occasion of his retirement from Penn State University. Mr. Houck is currently the information coordinator for the Pennsylvania Technical Assistance Program [Penntap] at Penn State. Prior to joining Penn State, he served the people of our area for almost 30 years as a newspaper executive.

A native of Bellefonte, PA, Mr. Houck began his journalism career in the sports department of the Centre Daily Times while in high school. After serving overseas in the Navy during World War II, he became a general news reporter and then city editor of the Times. Over the next three decades, he worked in a variety of posts throughout western Pennsylvania including 7 years as the executive editor of the Pennsylvania Mirror. Under his stewardship, the Mirror won three Keystone Press Sweepstakes Awards and was a close contender on two other occasions.

Throughout his career as a journalist, Mr. Houck won numerous other awards both personally and through his staff. In 1953, he shared with the late Jack H. Yeager, a national award presented by the Associated Press Managing Editors Association to the Centre Daily Times for coverage of prison riots at Rockview State prison.

Since joining Penn State University, Mr. Houck has been active in the National Association of Management and Technical Assistance Centers [NAMTAC]. In a special Penntap project, he coordinated and edited an economic study covering five States, entitled "The Status of Small Business in Region III."

He has long impacted the economic development of our area and was one of four individuals selected to establish and begin operation of Penn State's Ben Franklin Advanced Technology Center in 1983. During this assignment he was instrumental in establishing the Matternville Business and Technology Center, one of the first small business incubators in Pennsylvania. Since then we've seen that these types of incubators are very helpful in helping rural areas attract new businesses and create jobs.

Mr. Houck was also active community affairs and was one of the founders of the Back the Lions organization in 1969. For our national bicentennial in 1976, he wrote and edited a history of Bellefonte which was published in magazine format and titled "Fountain of Governors."

He was a former chairman of the administrative board of the Homestead Park United Methodist Church and has been a member of the board of St. Paul's United Methodist Church and a chairman of its staff-parish relations committee.

It is with great pleasure that I join Mr. Houck in celebrating his retirement from over four decades of service to the people of Pennsylvania. I wish Paul and his wife Marilyn the best of luck and happiness in their future endeavors.

TRIBUTE TO DR. EDWARD E. BRICKELL

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. PICKETT. Mr. Speaker, on May 15, 1991, the B'nai B'rith Foundation of the United States will present its Great American Tradition Award to Dr. Edward E. Brickell, the President of the Medical College of Hampton Roads.

This award is a great honor for Dr. Brickell, and all of us from eastern Virginia are very proud of him. Recipients of this award are part of a select group of people who—through their life's work—serve as role models for young people.

Dr. Brickell is a natural for this award. He has devoted his entire professional life to education, either as a teacher or an administrator. A graduate of the College of William and Mary and a former rector of that great institution, Dr. Brickell served as the superintendent of the Virginia Beach public schools for almost 20 years.

He oversaw the system as it grew and flourished into one of Virginia's biggest and best school systems. He was twice named in the "Top 100 School Administrators in North America" by the Executive Educator. His list of achievements and contributions to the lives of young Virginians is too lengthy to include here.

Today, Dr. Brickell is overseeing the impressive growth and development of the Medical College of Hampton Roads, one of the largest teaching facilities of its kind in Virginia.

B'nai B'rith has made a wise and perceptive choice for this Great American Traditions Award. I know that all Virginians join me in congratulating Dr. Brickell on a job well done.

TRIBUTE TO BEVERLY YIP

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an American who has devoted the last 17 years to serving others in her community; Beverly Yip, founder and executive director of the Union of Pan Asian Communities [UPAC] in San Diego, CA.

When Beverly Yip founded UPAC in 1974, San Diego was home to only a few Asian immigrants from China, Japan, Korea, Samoa, Guam, and the Philippines. However, the need for cooperation and unity within the Asian community soon became urgent as refugees and immigrants from Southeast Asia swelled the number of needy Asians in the San Diego area. What began as a small organization serving a limited community now was faced with the challenge of providing service to thousands.

Under Beverly Yip's leadership, UPAC rose to the challenge. Its members carried UPAC's message to municipal, county, regional, State, and Federal offices and into the conference rooms of community agencies. With public and private funds, and with skilled bilingual staff, UPAC helped its clients achieve access to standard community services. UPAC also developed culturally and linguistically appropriate programs to meet the special needs of San Diego's diverse Pan Asian population. Today, UPAC administers a $1.6 million budget, employs a staff of 69, and serves more than 13,000 Pan Asians annually.

The tremendous success of UPAC is largely a result of the efforts of Beverly Yip. When Beverly graduated from San Francisco's Galileo High School in 1950, she was already a recognized and honored scholar. In 1954 her achievements were again recognized when she graduated from the University of California at Berkeley as a Phi Beta Kappa scholar. Later, she went on to receive her master of social work degree from San Diego State University. It was not surprising then when Beverly founded the Union of Pan Asian Communities and provided thousands of less fortunate people the benefit of her knowledge, energy, compassion, and service to the community.

Mr. Speaker, I ask that my colleagues join with me in saluting the many accomplishments of Beverly Yip. Her achievements are truly worthy of praise and I wish her good luck in all her future endeavors.

ANNUAL LEGISLATIVE BREAKFAST OF THE JEWISH WAR VETERANS OF THE UNITED STATES

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, May 5, 1991, the Jewish War Veterans of the United States, Department of New Jersey, Inc., a congressionally chartered veterans organization, and the ladies auxiliary, will hold its 10th Annual Legislative Breakfast in Eatontown, NJ.

Sunday's event will be an especially notable occasion as the guest of honor is our distinguished U.S. Senator from New Jersey, the Honorable FRANK R. LAUTENBERG. Senator LAUTENBERG has been selected as the Legislator of the Year by the New Jersey Jewish War Veterans in tribute to his strong advocacy for veterans' concerns and his excellent work on the Senate Appropriations Committee.

The theme of this year's breakfast will be the celebration of the 200th anniversary of the Bill of Rights, with a special recognition for the men and women who served in Operation Desert Storm. As my good friend Stanley J. Wides, executive director of the New Jersey Jewish War Veterans, said of our American troops, their "gallant efforts epitomize America's finest commitment to freedom and democracy."

Mr. Speaker, it is always a pleasure for me to participate in the events of the New Jersey Jewish War Veterans and to work on behalf of their agenda for those men and women who sacrificed so much to safeguard our freedoms here at home and to make the world a safer and freer place. It is also an honor to participate in any tribute to our distinguished colleague from the other Chamber, Senator LAUTENBERG.

JURIS WITHOUT PRUDENCE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DANNEMEYER. Mr. Speaker, the first draft of the first amendment to the U.S. Constitution was offered to Congress by James Madison on June 7, 1789. The draft read:

> The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the equal rights of conscience be in any manner, nor on any pretext infringed.

The House select committee reworked Madison's proposal into, "No religion shall be established by law, nor shall the equal rights of conscience be infringed." The full House opted for language endorsed by Fisher Ames of Massachusetts to the effect, "Congress shall make no laws touching religion, or infringing the rights of conscience."

On September 9 the Senate returned language back to the House that, "Congress shall make no law establishing articles of faith or a mode of worship, or prohibiting the free exercise of religion." It was a conference committee that determined that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," the primary clauses of what we now call the first amendment.

The debate enjoined over the last 30 years by civil libertarians and separationists to suggest that the amendment provides freedom from religion rather than freedom of religion is an ensign for the rejection of original intent and the vision of our Founding Fathers.

In the Declaration of Independence, Thomas Jefferson wrote of man's inalienable rights that, "Whenever any form of government becomes destructive of these ends, it is the right of the people to alter it." Let me share with you a short history of a government that has become destructive to certain of these ends. I am speaking of how an un-elected body, the Supreme Court, with the timid consent of Congress, has disallowed through a series of judicial decisions the free exercise of religion and the right of rising generations to formally acknowlege their Creator in public settings.

By way of background, there are many ways I could begin this history of judicial turpitude. I could begin on a positive note by affirming the spiritual nature of our society. History is replete with facts detailing how the pursuit of religious freedom spawned the original 13 Colonies.

I could discuss the faith of our Founding Fathers. That out of the 55 men who drafted the Constitution, all but 3 were orthodox members of one of the established Christian communions: approximately 29 Anglicans, 16 to 18 Calvinists, 5 Roman Catholics, 2 Methodists, 2 Lutherans, 1 lapsed Quaker and sometime-Anglican, and one open deist.

I could also talk about the philosophical and legal traditions of men schooled in the Judeo-Christian ethic, each relied upon by our Founding Fathers. Men like Algernon Sidney and John Locke, the French philosopher Montesquieu, William Blackstone, and Hugo Grotius.

Or I could cite all the many references to our Creator in ancillary documents to our founding such as the Northwest Ordinance of 1787 and all 50 State constitutions.

But I will not submit to this great temptation. Most of us are familiar with these details. Although I will preface my remarks regarding the free exercise of religion as it relates to prayer in public settings by saying, particularly, that children will not allow us, their adult keepers, to get away with duplicity. If recognition of a Creator is good enough for home, the religious community of the family, and as the underpinning of our inalienable rights, then it is good enough for the school room.

Relegating this recognition to its proper place is not enough to effectively influence the active minds of children who spend most of their days away from both home and religion and in an environment that unhesitatingly proclaims that such instruction is antithetical to reasoned thought and intellectual stimulation.

Yet, this is what we have come to in society. The good that breathes life into our western culture is to manifest itself only in its proper place.

The judicial activism of the Supreme Court began toward this end in 1962. The case of Engel versus Vitale centered on a State-imposed prayer that was recited daily in the public schools of New York. The beginning of the day would start with:

> Almightly God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.

The Court held that:

> The constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.

And further, the first amendment's,

> Prohibition against governmental establishment of religion, as reinforced by provisions of the Fourteenth Amendment, government in this country, be it State or Federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.

One year later, on June 17, 1963, the Court addressed other matters of free exercise and establishment directly and indirectly, in Abington School District versus Schempp.

Each morning at Abington Senior High School selected students would read 10 verses of the Holy Bible over the schools' intercommunications system. Readings were followed by the recitation of the Lord's Prayer with all students being asked to stand and repeat the prayer in unison. These exercises were closed with a flag salute and the Pledge of Allegiance.

Participation in these activities was left to the discretion of the student and students could either refrain or leave the room entirely until completion of the exercise. In ruling against Abington, as with its forerunner Engel, the Court ruled that such exercises were a violation of the establishment clause as applied to the States under the 14th amendment.

By 1980 the Court had worked its way up to denying the Ten Commandments from being posted on a school room wall. In Stone versus Graham, the Court reviewed a case where a 1978 Kentucky statute required a copy of the Ten Commandments to be posted in each public school room in the State.

Also to appear in small print following the 10th Commandment was the wording:

> The secular application of the Ten Commandments is clearly seen in its adoption as the fundamental legal code of western civilization and the common law of the United States.

A Kentucky trial court as well as the State supreme court upheld the statute as constitutional, but a majority of the distinguished nine men in Washington, DC, felt different. By the way, now Chief Justice Rehnquist authored the dissenting opinion. The Court majority ruled that:

> The pre-eminent purpose for posting the Ten Commandments on school room walls is plainly religious in nature. The Ten Commandents is undeniably a sacred text in the Jewish and Christian faiths, and no legislative recitation of supposed secular purpose can blind us to that fact.

A last major court decision I will mention concerned a Louisiana law passed by the State legislature in 1982 which said that any time the theories of creation or evolution are taught, independent of each other, the other theory must be taught as well. The 7-to-2 decision of Edwards versus Aguillard held that:

> The act continues the battle of William Jennings Bryant carried to the grave. The act's intended effect is to discredit evolution by counterbalancing its teaching at every turn with the teaching of creationism, a religious belief. The statute therefore is a law respecting a particular religious belief.

Each of the four decisions rested on the notion that the 14th amendment incorporates the establishment clause of the first amendment. The 1940 case of Cantwell versus Connecticut was the seminal decision on this aspect of incorporation. The Court stated:

> The fundamental concept of liberty embodied in [the Fourteenth] Amendment embraces the liberties guaranteed by the First Amendment * * *. The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws.

Of course, underlying this interpretation is the Court's rejection of the contention that the establishment clause forbids only governmental preference of one religion over another. The Court took care of this notion in 1947's Everson versus Board of Education. By the time the Abington case rolled around, the Court was content to brush aside contentions favoring original intent as "entirely untenable and of value only as academic exercises."

Mr. Speaker, for the Supreme Court of the United States to dismiss the original intent of the Constitution as an academic exercise is beyond reason. This judicial sleight of hand to control constitutional nomenclature can legitimately be deemed the sophistry of political activists. As the legislative branch does with extreme effectiveness, the Court has chosen to ignore the past—inasmuch as it detracts from their argument—and has invoked a new constitutional order based on revisionist history that, in this case, did not commence until 1940.

In a concurring opinion to Abington, Justice William Brennan wrote that "a too literal quest for the advice of the founding fathers * * * seems to me futile and misdirected * * *." He then offered four reasons why he believes this.

First, Justice Brennan believes that "the historical record is at best ambiguous" surrounding the framers intent of the first amendment. Second, he claims that "American education has greatly changed" since 1791 when the amendment was adopted. Third, Brennan suggests that time has created a religious community in America "vastly more diverse" than originally. And fourth, "free public education" is driven from our religious diversity.

Each point is arguable; certain ones more than others. The first point, regarding the historical record, is the most arguable. Constitutional scholar and law professor Raoul Berger has written that:

> The paramount consideration is to ascertain the intention of the legislature. That intention may be evidenced by statements of leading proponents, and, if found, is to be regarded as good as written into enactment: "the intention of the lawmaker is the law".

Writing that the "invocation of the Bill of Rights against the States is of fairly recent origin" Professor Barger continues that at our founding:

> It was not fear of State misgovernment but distrust of the remote federal newcomer that fueled the demand for a federal Bill of Rights which would supply the same protection against the federal government that State Constitutions already provided against States.

Oddly enough, the Court is selectively incorporating. Nowhere to be found in any of these decisions is the incorporation of the free exercise clause, only the establishment clause is so honored.

The irony of incorporation in this case is that the Bill of Rights, was designed to leave the States free to do as they will. Now, the Bill of Rights has become a restriction on their autonomy.

An equal irony is that the original Engel decision prohibited the use of Government written or authorized prayers. Yet today, governments from city councils to Congress tell private citizens what they can and cannot say or do at public functions. This happened in Tustin, CA, where the mayor and his legal counsel, attempting to live up to the spirit of relevant Court decisions, decided that the name Jesus Christ could not be mentioned during invocations at city council meeetings. Either government can or cannot place prescriptions on religious activities at public meetings.

So where does this leave our children in public schools? The primary, secular purpose for allowing prayer back in public schools is to reinforce in the minds of our children the declaratory edict from the founding of our Nation that all people are endowed by their Creator with inalienable rights.

A formal recognition of the Creator can serve as a daily reminder to students that they have a few liberties and responsibilities that are not delegated to the governments of men and, hence, cannot be taken away by men.

Today, I have introduced the community life amendment to these ends.

IN HONOR OF MAY 8, 1991, THE DAY OF THE TEACHER, LITTLE LAKE SCHOOL DISTRICT, SANTA FE SPRINGS, CA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. TORRES. Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring the 1991 Teacher of the Year for Little Lake School District.

On May 8, 1991, the Little Lake School District will hold a celebration in honor of the Day of the Teacher. This day has been set aside to pay tribute to the many current and retired teachers of the Little Lake School District who have committed their lives to the instruction and growth of our youth.

On this day, the school district will pay special recognition to the 1990–91 Teacher of the Year, Wanda Shaffer. The Teacher of the Year Award is given to a teacher who has demonstrated outstanding teaching and has gone above and beyond the call of duty. Mrs. Shaffer is such a person. She is a teacher who understands the complexities that go into the learning process. More importantly, she understands children. To quote Mrs. Shaffer:

> I've made a difference in students' lives and have fostered a love for science and learning. I've often stated that although pay raises are sweet, and awards are nice, the best recognitions of my teaching ability are the invitations I receive from past students for graduations, weddings, Eagle Scout Awards, mitzvahs, and baby showers. I've now reached that enjoyable stage of teaching when a new 7th grader will say, "My dad says to say hello to you and that this class will be neat."

Dr. John V. Pulice, superintendent for Little Lake City School District states:

> Wanda Shaffer is an outstanding teacher, loved by her students and respected by her peers. She has the ability to inspire all those with whom she comes into contact. She has my highest endorsement and best wishes as she begins her year as Little Lake's representative.

Mr. Speaker, the Little Lake School District is one of the finest school districts in the State of California. I ask my colleagues to join me in a salute to all the teachers of the Little Lake City and especially to the 1991 Little Lake School District's Teacher of the Year, Wanda Shaffer.

TENNESSEE RESPECTEEN WINNER

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. SUNDQUIST. Mr. Speaker, recently I was privileged to host Katie Helms and her family, from Memphis, TN. Katie is my State's winner of the Speak for Yourself Program, a part of the RespecTeen Program.

My colleagues, I'm sure, are familiar with the RespecTeen Program. It is a nationwide effort sponsored by the Lutheran Brotherhood.

Katie won the Tennessee competition with a thoughtful letter about energy conservation and the need to lessen our dependence on fossil fuels. I was greatly impressed with this bright and thoughtful young woman. It speaks well of her, her family, her teachers, and those involved in the RespecTeen Program in Memphis that her essay has been selected the State's best. Katie and the other State winners represent some of America's best and most conscientious young citizens, by whose leadership and service our Nation will be well served in the not too distant future.

I believe my colleagues will find Katie's letter of interest, as I did, and I offer it now for publication in the CONGRESSIONAL RECORD:

> I am very concerned about the dependency of our country and the rest of the world on fossil fuels, and believe that it is necessary for us to start conserving and researching for new sources of energy. Please consider giving your support to, and working toward the research of new energy sources.
>
> I have learned that ninety-five percent of the world's energy is supplied from coal, petroleum, and natural gas, and that the United States depends on these three fuels for eighty percent of its energy. World fossil fuel consumption doubles every twenty years, and since there is a limited supply of them, they will someday run out. At this rate, petroleum will be very scarce in the early 21st century, followed by natural gas, which will be depleted not long after petroleum.
>
> There are many alternatives to fossil fuels for energy in the future. Hydroelectric power is one of the more widely used alternatives, although it only supplies two percent of the world's power. Nuclear energy is another source of power for the world, along with solar power, wind energy, and tidal power. I understand that the production of these sources is difficult and expensive, and that you must be in or near a favorable location to use many of them. That is why I am asking for your support of research on improvement of the production of these sources.
>
> The conservation of energy could also relieve the consumption of fuels. There are many things that can be done to conserve energy. At home, people could form carpools to reduce the use of petroleum. Better insulation in homes and other buildings could greatly reduce the amount of fuel used for heating and air conditioning. However, many people are not aware of the need for energy conservation. I believe that simple advertisements or pamphlets telling about this will help the problem.
>
> I am aware that scientists are studying the possibilities of new energy sources, and that many other people are helping also. Thank you for your consideration of this important subject.
>
> Sincerely,
>
> KATIE HELMS.

A "STAR" LEAVES THE JOURNAL

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. MICHEL. Mr. Speaker, oftentimes we come across people in our lives who, through service to their community, enrich not only that community, but enrich and inspire others as well. Thomas F. Driscoll is such a person.

Thomas Driscoll, executive editor of the Journal Star retired recently after 41 years. His tenure at the Journal Star has been an exemplary one, marked with professionalism and integrity. In a time where declining circulation affects literally every newspaper in the country, Tom's leadership and insight has continuously provided central Illinois with an accurate reflection of our community and the world in which we live.

At this point in the RECORD, I would like to insert a recent article which appeared in, appropriately, the Peoria Journal Star, "JS Executive Editor To Retire."

JS EXECUTIVE EDITOR TO RETIRE

(By Sally McKee)

After 41 years with the Journal Star, Executive Editor Thomas F. Driscoll is retiring from his editorial duties, but plans to remain a member of the corporation's board of directors.

His retirement is effective Friday.

Describing himself as an "aging idealist," Driscoll, 65, said he has never become jaded to the basic function of the press: to inform the public in a fair and impartial manner.

Despite declining circulation at the Journal Star and at many papers throughout the country, Driscoll said he does not believe newspapers are dying. But he said he is concerned that people do not believe they need the newspaper to make informed decisions.

"It bothers me that people are satisfied with the coverage they get from other media," he said. "If they really want to know what is going on, they need to know more than what is given in a brief newscast."

The veteran journalist joined the Journal Star as a reporter in 1949 with a bachelor's and master's degree from Northwestern University's Medill School of Journalism.

His promotions at the Journal include: assistant city editor, 1955; city editor, 1956; assistant managing editor, 1970; managing editor, 1973; editor, 1979; and executive editor, 1984. He was elected to the board of directors and trustee of the Employee Stock Ownership Plans in 1987.

John T. McConnell, president and publisher of Peoria Journal Star Inc., said Driscoll's leadership has been invaluable both for the newspaper and the corporation.

"He is one of the brightest, most realistic people I've ever met," McConnell said. "That has translated itself into our producing one of the best news vehicles available—in my opinion—for a market our size."

Driscoll praised former publisher Henry P. Slane's decision to put the newspaper's ownership in the hands of its employees. Slane asked Driscoll to visit the Milwaukee Journal before his decision and see how well the plan worked there.

Not only does the ESOP plan benefit the employees, but local ownership of the newspaper keeps it in the hands of people who care about the community and its needs, Driscoll said.

In his most recent role as executive editor, Driscoll's responsibilities have included the editorial page along with control of the entire newsroom operation. Upon his retirement, his responsibilities will be divided between Jack Brimeyer, managing editor, and Barb Mantz Drake, editorial page editor.

Peoria issues that continue to concern Driscoll include the lack of development along the riverfront and lack of cooperation among local governments.

Although he has written about both these issues many times on the editorial page, Driscoll said he still hopes the community will take advantage of its riverfront.

"It has always amazed me that Peoria has let its riverfront deteriorate and has never exploited it," Driscoll said. "We take this beautiful natural resource and junk it up."

Journalistically, Driscoll's most rewarding job at the newspaper was the position of city editor, he said. The city editor has a hand in every local story written by the city desk, including deciding which stories to cover.

"That was the best for a hard news journalist," he said.

He and his wife, Margaret, live in Germantown Hills. They have 10 children.

RECOGNIZING LT. JIM HURLEY, A DEDICATED PUBLIC SERVANT

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. HEFNER. Mr. Speaker, there are many examples to be found of individuals who unselfishly dedicate themselves to public service. Some become well known to us and are rewarded for their efforts with some measure of praise and recognition, but most are those who quietly devote themselves to the greater good and find their reward in the work itself.

Today I rise to pay tribute to just a man, Lt. James L. "Jim" Hurley, who officially retires today from the police department in Salisbury, NC, after over 30 years of service.

It was Jim Hurley's dream to become a police officer, and with hard work and perseverance that dream came true for him on January 21, 1961. For the next 30 years, he would serve on the police force with the kind of honor and unselfish dedication that would earn him the respect and admiration of his fellow officers, and of the community he served.

Mr. Speaker, Jim Hurley is a true public servant, and today, I would like to pay tribute to him by having the article written about him in his hometown newspaper, the Salisbury Post, entered into the RECORD.

[From the Salisbury Post, Apr. 1, 1991]

"OLD-TIME OFFICER"—LT. HURLEY ABOUT TO HANG UP GUN, BADGE

(By Martha Yates)

He was a 26-year-old high school dropout slinging hamburgers for a living when he decided to swap his apron for a badge and a gun.

With that decision, James Leonard Hurley, also known as "Jim," "Jimmy" or "Cabbage Head," also determined to meet head-on the challenges it would bring.

First, he had to get his high school diploma. He couldn't be a cop without it.

"I bugged Chief Dave Shuler about becoming an officer," says Hurley (no relation to the Post publisher of the same name). "I talked with the officers that came in Blackwelder's Barbecue every day. I wanted to do what they did."

He passed his high school testing on a Monday after attending classes for about a year at Spencer YMCA. On Tuesday morning, he was in Shuler's office. "He said he'd let me know," Hurley says.

"The next day, I hadn't heard from him, so I went back to see him. On Friday, I still hadn't heard, so I went back again. He told me to pick up my uniform and come in Saturday night."

Hurley bought a Navy-surplus gun and borrowed four rounds of ammunition from an officer. He worked at Blackwelder's until 10 p.m., then went home and got ready for his first night as a police officer.

He was a proud young officer that first night on the Square.

That was Jan. 21, 1961, more than 30 years ago. Now he's thinking about retirement before the long hot summer sets in.

"I've never missed a paycheck from the police department," Hurley says.

Times have changed over his 30 years on the force.

"Back then, everybody in the department knew everybody," Hurley says. "We knew each other's families. Everybody stayed with the job. Now, the work hours are different, there's a lot more turnover in personnel and the paperwork will choke you.

"The biggest thing we find now is dope. The same laws are being broken. It's just a different group of people breaking them. Some of the people I'm arresting now are the children of people I arrested years ago."

He has a lot of stories tucked away to tell his four grandchildren—two girls and identical twin grandsons. Their photographs fill a bookcase along a wall in his small office.

Once he was walking a beat in a dark downtown alley and he heard a noise. He was armed with a flashlight and a whistle. Police didn't have portable two-way radios back then. The next thing he knew something attacked him. When he recovered from the surprise, he discovered that a cat had jumped on his shoulders.

When he went to work at the police department, everyone started on third shift. Officers got to move to another shift if somebody died or quit. That didn't happen often.

And the downtown foot patrol had to know each business, the number of windows and doors in the building, where the safe was, who owned it, how many people worked there and what hours it was open. Officers also knew each owner's family.

It's quite a different story these days. "There's no official foot patrol downtown," he says.

Then there are memories of how he and his longtime sidekick, Don Whitley, lost only one case in court during their entire career together.

"Whitley was as good a detective as I've ever seen," Hurley says of his former partner. "He was taken out of the detective division and put into downtown walking a beat. It was one of the worse miscarriages of justice I have ever seen."

That's his only criticism of the department he's served for so long.

Hurley was one of the first K-9 handlers in the city. The dogs were trained much as they are today except for drug searches.

"We didn't have that then," he says. His dog, Rick, lived with the Hurley family on Fairmont Avenue.

"The only time that dog ever growled at me was when I'd correct my daughters, Vickie and Mitzi," he says.

People who have worked with Hurley over the years admire the courage it took for him to get where he is today. One of them in Glenn Parks, who retired in 1982 as police chief.

"He wanted to be a policeman so bad that he pestered Shuler until he got on," Parks says. "He's not scared of work. There's not a lazy bone in him. Not only does he work at the police department, he's out doing something else after he gets off. He's real good at working on air conditioners.

Parks says Hurley's case clearance record is one of the best in the department. "He has the natural inquisitiveness needed to be a detective," Parks says. "He's been in the right field."

Hurley is described by Lt. Tommie Wood of the Rowan County Sheriff's Office, a former police officer, as among the last of the originals on the Salisbury Police Department. Two other officers, Capt. Wayne Whitman and Lt. Price Brown, follow Hurley on the "originals list."

Chief Jeff Jacobs agrees. "He's in many ways one of the old-time police officers who can relate and deal with people. That's his strongest attribute.

"I have found him to be a strength within the department. He's a strong supporter for me and a loyal employee. Most of all, though, I have found him to be a friend."

Hurley credits his wife, Libby, for her devotion that carried him through 30 successful years as a police officer as he followed his dream.

"You've got to have a good wife and she sure has been," he says of his wife of 39 years. "You've to to have that support."

Mrs. Hurley says her husband's retirement is as special to her as the day he went to work for the police.

"I am proud of my husband's accomplishments over the years and have enjoyed the friends his career has brought into our lives," she says.

"I will never forget the words Jimmy told me over 30 years ago: 'Honey, I want to become a police officer.'"

The rest is history.

PROUD TO BE AN AMERICAN DAY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, May 5, 1991, a "Welcome Home Veterans" rally will take place on the boardwalk in Seaside Heights, NJ. The event is scheduled as part of "Proud To Be an American Day," sponsored by the Ocean County Mayors Association, the Ocean County Board of Freeholders, and the First National Bank of Toms River.

At the same location on February 3 of this year, at least 100,000 people—as many as 150,000 by many estimates—turned out for a "Support Our Troops in the Persian Gulf Day." During those early days of the war, when the outcome was not at all clear, many prayers and fervent hopes were offered for the safe return of the troops. On Sunday, the Jersey shore will have an opportunity to express its joy over the safe return of our victorious forces and to offer its collective gratitude and admiration for a job performed brilliantly and professionally.

Mr. Speaker, my district, like the rest of America, was united to an almost unanimous degree behind our troops and in support of their just mission. From the decorations of flags and yellow ribbons on homes and businesses to the individual acts of support and assistance that were provided to the families of servicemen and servicewomen, the Jersey shore showed its true patriotic colors during the duration of the crisis.

After February's event, the mayor of Island Heights, NJ, David Siddons, received a letter from President Bush with a handwritten postscript reading "I am so proud of our troops." I can say with confidence that those are the sentiments of almost every American citizen, and certainly of the people who live on the Jersey shore.

THE NATIONAL ENDOWMENT FOR DEMOCRACY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. SMITH of New Jersey. Mr. Speaker, in mid-April the National Endowment for Democracy held its Third International Conference on Democracy in Washington, DC, and brought together many of the leading democratic activists from around the world. Leaders of the nascent prodemocracy movement in China, President Violeta Chamorro of Nicaragua, Romanian student activist and leader Marian Munteanu, recently elected parliamentarians, representatives from the newly elected central European governments, and economists and political analysts from aspiring democratic movements in politically closed societies joined for seminars, lectures and the sharing of ideas.

One participant was Ukrainian Mykhaylo Horyn, deputy chairman of RUKH, the Ukrainian Popular Movement. His election to the Ukrainian SSR Supreme Soviet in March 1990 followed decades of political dissidence. In fact, having been an active member of the Ukrainian Helsinki Monitoring Group, he spent 6 years in a special labor camp and was finally pardoned in 1987.

Mr. Horyn presented to the NED conference his thoughts on Ukraine's progress toward independence. He suggests that Ukraine can play an important role in the collapse of the Soviet empire, saying:

> The empire can exist without the Baltic states, but not without Ukraine, because Ukraine is a major producer of industrial goods and agricultural commodities.

Mr. Speaker, I ask that Mr. Horyn's statement be printed in full so that my colleagues may have the benefit of his analysis of the current situation in Ukraine and the progress of the democratic community in that Soviet Republic.

THE UKRAINIAN PATH TO INDEPENDENCE

(Presentation by Mykhaylo Horyn)

Mr. Chairman, Ladies and Gentlemen: Yesterday, Dr. Zbigniew Brzezinski commented that the peoples of Eastern Europe, having freed themselves from the control of the U.S.S.R., are seeking their own approaches to solving the complex problems of democracy building. Ukraine is among those colonies of the Soviet Empire that are taking their first steps on the road to freedom.

Ukraine's subjugated status is not limited to the 70-year period of communist terror. In the 17th Century, as a free Kozak republic, it found itself within the confines of the empire of the Russian czars; within 120 years it had lost its independence and its democratic system and was transformed into a colony. An attempt to establish an independent state during the revolution of 1917–20 was crushed by Bolshevik armies sent to Ukraine by Lenin.

During its stay in the U.S.S.R. Ukraine has suffered two mass famines. The more recent one, orchestrated by the Communists in 1932–33 in order to crush for good our people's resistance to the regime, took the lives of approximately seven million victims. As a result of such purposeful genocide, the number of Ukrainians did not increase during the sixty-year rule of the Bolsheviks; in 1979 it was at the 1917 level—35 million.

Our losses, however, haven't been limited to this. Due to deliberate anti-Ukrainian policies, large areas of Ukraine (the South, the Southeast and the North) are severely Russified. In cities with populations of a million or more there was not a single Ukrainian school. Ukrainian churches—the Ukrainian Autocephalous Orthodox Church and the Byzantine-Catholic Church—were banned, their clergy shot or exiled to Siberia.

In the March 1990 elections the democratic forces united and formed the Democratic Bloc, which won 120 seats in the Supreme Rada of Ukraine (some 26% of the total) and became the opposition to the Party majority in Parliament. The opposition, which took the name the People's Rada, has had some success. Due to its initiative, the Parliament passed the Declaration on the State Sovereignty of Ukraine, the law on the economic independence of Ukraine, the law on a Ukrainian national bank and the resolution that youth should do their military service on the territory of Ukraine. All these documents form the legal foundations for the future independence of Ukraine. But the Communist Party's majority in the Supreme Rada and the Party's servant, the Council of Ministers, interfere with the implementation of these laws and resolutions. Rallies, demonstrations, last Autumn's student strikes and this year's miners' strikes have all pressed the demands that these laws be put into effect. The opposition in the Supreme Rada enjoys wide support among workers and students.

The democratic bloc has come to power in three regions of Western Ukraine, which have become a bastion from which the idea of nationhood is propagated all over Ukraine. Consequently, in these areas of Ukraine the Communist Party is now the opposition, finding itself, for the first time, out of power. The city councils of some cities along the Dnieper River are also in the hands of the democratic bloc. While this is a great achievement of the democrats, it also causes significant difficulties, inasmuch as it demands the formulation of a specifically regional, rather than a general, approach vis-a-vis the ruling Communist Party, which is insisting on the preservation of the Soviet Union as a unitary state. Pressed by the national liberation movement the Communist Party is resorting to a policy of exacerbating relations between nationalities. However, it wasn't able to create Inter-fronts in Ukraine only because Rukh and leading parties, in their potlitical platforms, made clear that in a future Ukrainian state all citizens, irrespective of national affiliation, would enjoy equal rights under the law. Still, the Party succeeded in creating a Crimean Autonomous Republic and conducts propaganda for the creation of a "New Russian" Autonomous Republic in southern Ukraine.

The Ukrainian democratic community has significant problems because of interdenominational misunderstandings, which are being inflamed by party authorities.

Ukraine faces the issue of the new Union treaty. The opposition is against the creation of a new U.S.S.R. Any new version of the U.S.S.R. carries with it the risk of reverting to principles of empire. Even Solzhenitsyn's proposal about the creation of a Slav federation is nothing but a version of an empire on a smaller scale. Ukraine has a key role to play in the collapse of the empire. The empire can exist without the Baltic states, but not without Ukraine, because Ukraine is a major producer of industrial goods and agricultural commodities. Another key factor is Russia, which has also suffered from communist experiments. If Russian patriots truly pursue the idea of creating a Russian state, our own road to freedom will be easier and shorter.

Unfortunately, the West, especially the U.S. government, has not freed itself from the spell of Gorbachev and still believes that he wants to democratize the U.S.S.R. But the U.S.S.R. and democracy are a contradiction in terms. A human being cannot be free while his people are enslaved.

I wish to thank the National Endowment for Democracy, which through its noble work supports democratic movements in totalitarian countries.

HISTORIC CHURCH, FIRST BAPTIST OF SARATOGA SPRINGS, NY, PLANS BICENTENNIAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. SOLOMON. Mr. Speaker, the 24th Congressional District is saturated in the history of Colonial America. From the times of the earliest settlements, churches were among the first structures built by our brave and pious colonists.

By the time of the mid-19th century, a visiting Frenchman by the name of Alexis d'Touqueville observed that religion was at the center of American life. Americans have always been a church-going people. It's one of the sources of our strength.

That's why I take special pride in bringing to your attention plans to celebrate the 200th anniversary of an historic church in our district.

The First Baptist Church of Saratoga Springs will celebrate its bicentennial in 1993. It was in 1793 when 10 members of the Kayderosseras area Baptist church in Beemis Heights in Stillwater formed a branch in Saratoga Springs.

Those who have worshipped at First Baptist in Saratoga Springs comprise a virtual "Who's Who" in the area. The history of the church is intimately involved in the history of the Northeast. Today, the congregation is as forward looking as it has always been. The future of the church is as bright as its past.

Mr. Speaker, it is my pleasure to enter in today's RECORD a feature story on this historic church published last Sunday, April 28, in the Glenns Falls Post-Star, my hometown newspaper.

FIRST BAPTIST CHURCH PREPARES TO CELEBRATE ITS 200TH ANNIVERSARY

(By Betty French)

SARATOGA SPRINGS.—One of the earliest churches in Saratoga Springs, the First Baptist Church, will be celebrating its 200th anniversary in 1993.

Church members are now planning a yearlong celebration to commemorate the move by 10 members of the Kayderosseras area Baptist church in Beemis Heights, Stillwater, to form a branch in Saratoga Springs in 1793.

Don Mercer, a member of the church's Pastor Relations Committee and a director of the Saratoga Springs Preservation Foundation, has delved into the history of the church.

Mercer said though 12 more members joined that early congregation, the original group continued to meet in homes and a local schoolhouse for a few years. For the first 10 years, the church had lay preachers.

The Rev. M. de Forest Lowen is a retired pastor who was raised in Saratoga Springs. He also has become very involved in the history of the First Baptist Church.

By 1795, Lowen said, the First Baptist congregation members had decided they needed to build a church.

Every third week of the month, the members took up a special collection to raise money. According to early records, Lowen said, it was called a "liquor collection."

In those days, church members and their friends would gather to build the church. Each would be assigned a special job, and the group would continue to work until the structure was complete.

When the church was finished, they could all celebrate by drinking liquor bought with the liquor collection, Mercer said.

It evidentally took them time to raise enough money to purchase the land near Geyser Park, since the church was not built until 1808.

In 1820, Saratoga Springs leader Gideon Putnam died without a will, but it was known that he had expressed a willingness to donate land for a religious building.

Learning this, the parishioners voted to incorporate as the Baptist church meeting house. William Waterbury was trustee. Deacon John Waterbury was president and Francis Wayland was pastor.

All this prepared them to get the land from the Putnam estate. The congregation then sold the Geyser Park meeting house and agreed to build a 50-foot by 38-foot building, according to Putnam's wish. The present church is still on that spot.

The Geyser Park meeting house was moved and became part of the old United States Hotel on Broadway.

This first two-story church was built for $2,500, but by 1844 it was too small, and it was demolished to make way for the larger present structure. A parsonage building constructed in 1844 burned down in 1886.

The present church, built in 1855, could seat 1,000 people and cost $18,000. Lowen said it also had a clock tower and a bell. That clock was the official timekeeper for the town until the present city hall was built in 1870 with a clock.

The church is especially notable because it is purely American construction, wrote James Kettlewell, a Skidmore College professor whose book "Saratoga Springs—An Architectural History" will be released soon. The church does not follow the traditional English style of church design like almost all other churches do.

The main worship center of the church is on the second floor, which is unusual. The interior is trim, almost severe, with tall stained glass windows. A Tiffany-style window faces worshipers, while another is above the front entrance. The church presently seats 600 people and the congregation now totals 275.

The church has had its share of historically notable people. Back in 1820, a son of pastor Wayland, Francis Wayland Jr., became president of Brown University, Lowen said.

Another, more contemporary Wayland, George Wayland Carpenter, who died 12 years ago, graduated from Union College as an engineer, but decided to become a missionary.

Carpenter helped build a hydroelectric dam and other plants in the Belgian Congo. Eventually, he became director of all Baptist missionaries in Leopoldville during World War II and executive secretary of the World Council of Churches for Africa. He was also a consultant to the United Nations and American presidents during those years, Lowen said.

The Waterbury name was also closely involved with the church. Norman Waterbury was very active in the Baptist missionary efforts and served in India during the 1890s. Another family member, Etta Waterbury, also wanted to be a missionary, but she had poor health. After her death, the family donated funds in her name to construct the Etta Waterbury Memorial Hospital in Nellore province, southern India, which is still run by the Baptist Churches in the U.S.A.

The pastor hired when the present building was completed also had a famous name. The Rev. Luther Beecher, who had been serving in Albany, was a relative of Henry Ward Beecher, a famous reformist in those days, and Henry's sister Harriet Beecher Stowe, who wrote "Uncle Tom's Cabin," the anti-slavery booklet that helped start the Civil War.

Luther Beecher was a very important asset to the church, Lowen said, and the congregation grew to almost 1,000 members. But Beecher didn't stay at the church for long. He retired in 1861 to pursue a longtime goal. He founded a school for girls called Temple Grove Seminary, at Circular and Spring streets. That main building became known as Skidmore Hall.

The seminary was not successful, though, and after Beecher died, the school was sold to Charles Dowd. It continued until 1898. Then, in 1902, the place was purchased by Lucy Scribner Skidmore for her Young Women's Industrial Club, which eventually became Skidmore College.

The present pastor, Jim Sinclair, said the church today draws many first-time worshipers, in addition to its regular members.

"We seem to fill the congregation's needs with a middle-of-the-road philosophy," Sinclair said.

The church council will soon meet to talk about goals for the future, which will then be presented to the members for their input, Sinclair said. The church also supports international and national missions.

Locally, the church holds a Thursday morning thrift shop, which is open to the public. And, among other activities, it has a theater group, The First Baptist Players, who offer about three plays a year free to the public.

Sinclair said his private goal is to encourage continued growth in the congregation and to help parishioners develop ministry skills that could be used in other aspects of their daily life.

FARM GROUPS OPPOSE "FAST TRACK"

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, American farmers expect us to represent their interests when an international trade agreement is being proposed. They don't expect us to abandon our responsibilities to them, putting trade agreements on a legislative fast track that prohibits Congress from correcting problems with a proposed trade agreement before approving them.

Farmers are serious about this. In fact, here is a list of 137 farm organizations that have gone on record as opposed to a fast track for trade agreements:

AGRICULTURE GROUPS OPPOSING "FAST TRACK"

Ag Price, Inc.
Alabama Peanut Producers.
American Agriculture Movement Canadian Arm.
American Agriculture Movement, Inc.
American Corn Growers Association.
American Sheep Industry.
American Sheep Industry Association.
American Sugar Cane League.
American Sugarbeet Growers.
American Sugarbeet Growers Association.
Arizona Cotton Growers Association.
Arkansas American Agriculture Movement.
Arkansas Farmers Union.
Associated Milk Producers, Inc.
Atlantic Sugar Association.
Big Horn Basin Sugarbeet Growers, Wyoming.
Big Horn County Sugarbeet Growers Association, Montana.
Blissfield Sugarbeet Growers Association.
Blissfield Sugarbeet Growers Association, Michigan.
California Action Network.
California American Agriculture Movement.
California Association of Family Farmers.
California Cotton Growers.
California Sugarbeet Growers Association.
Colorado American Agriculture Movement.
Colorado Sugarbeet Growers Association.
Committee on Rural Affairs (N.Y.).
Community Farm Alliance of Kentucky.
Cotton and Grain Producers of the Lower Rio Grande Valley.
Dakota Resource Council, North Dakota.
Dakota Rural Action, South Dakota.
Delta Council.
Elwyhea Sugarbeet Growers Association, Idaho.
Empire State Farm Alliance.
Family Farm Organizing Res. Ctr. (Minn.).
Farm Alliance of Rural Missouri.
Federation of Southern Cooperative.
Findley Sugarbeet Growers Association.
Florida & Texas Sugarcane Growers.
Florida American Agriculture Movement.
Florida Peanut Producers.
Florida Sugar Cane League.
Fremont Sugarbeet Growers Association.
Georgia Peanut Commission.
GFA Peanut Association.
Goshen County Sugarbeet Growers, Wyoming.
Great Lakes Sugarbeet Growers Association.
Groundswell, Inc. of Minnesota.
Hawaiian Sugar Planters, Association.
Idaho American Agriculture Movement.
Idaho Rural Council.
Idaho Sugarbeet Association.
Illinois American Agriculture Movement.
Illinois Farmers Union.
Illinois Stewardship Alliance.
Indiana Farmers Union.
Iowa American Agriculture Movement.
Iowa Farm Unity Coalition.
Iowa Farmers Union.
Kansas American Agriculture Movement.
Kansas Farmers Union.
Land Loss Prevention Project (N.C.).
League of Rural Voters.
Louisiana American Agriculture Movement.
Michigan American Agriculture Movement.

Michigan Farm Unity Coalition.
Michigan Farmers Union.
Mid-American Dairymen, Inc.
Min-Dak Farmers Cooperative, North Dakota.
Minn-Dak Farmers Cooperative, Minnesota.
Minnesota COACT.
Minnesota Farmers Union.
Mississippi American Agriculture Movement.
Missouri American Agriculture Movement.
Missouri Rural Crisis Center.
Monitor Sugarbeet Growers Association, Michigan.
Montana Farmers Union.
Montana-Dakota Beet Growers Association, Montana.
Montana-Dakota Sugarbeet Growers, Association, N.D.
Mountain States Beet Growers Association of Montana.
N.C. Coalition of Farm & Rural Families.
National Cotton Council.
National Cotton Ginners Association.
National Family Farm Coalition.
National Farm Organization.
National Farmers Union.
National Milk Producers Federation.
National Peanut Growers Group.
Nebraska American Agriculture Movement.
Nebraska Farmers Union.
Nebraska League of Rural Voters.
Nebraska Non-Stick Cooperative.
New Mexico Peanut Growers Association.
North American Farm Alliance.
North Carolina Peanut Growers Association.
North Dakota Farmers Union.
Northern Indiana Farm Task Force Pacific.
Northern Ohio Sugarbeet Growers Association.
Northern Plains Resource Council (Mont.).
Northwest Farmers Union.
Nyssa-Nampa Sugarbeet Growers Association, Idaho.
Nyssa-Nampa Sugarbeet Growers, Wyoming.
Ohio Farm Alliance.
Ohio Farmers Union.
Okealanta Corporation.
Oklahoma Ag-Link.
Oklahoma American Agriculture Movement.
Oklahoma Farmers Union.
Oklahoma Peanut Growers Association.
Oklahoma Wheat Growers Association.
Oregon American Agriculture Movement.
Oregon Common Ground.
Oscaola Farms Company.
Peanut Growers Cooperative Marketing Association.
Pennsylvania American Agriculture Movement.
Pennsylvania Farmers Union.
Plains Cotton Growers.
Powder River Basin Resource Council (Wyo.).
Prairiefire Rural Action (Iowa).
Red River Balley Sugarbeet Growers Association, Minnesota.
Red River Balley Sugarbeet Growers Association, N.D.
Rio Grande Valley Sugar Growers, Texas.
Rocky Mountain Farmers Union.
Rural Advancement Fund (N.C., S.C.).
South Carolina Peanut Board.
South Dakota American Agriculture Movement.
South Dakota Farmers Union.
Southern Cotton Growers.
Southern Minnesota Sugar Cooperative, Minnesota.
Southwestern Peanut Grower's.
Sugar Can Growers Cooperative of Florida.
Tennessee American Agriculture Movement.
Texas American Agriculture Movement.
Texas Corn Growers.
Texas Farmers Union.
Texas Sugarbeet Growers Association.

A TRIBUTE TO DR. MONROE D. SENTER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DUNCAN. Mr. Speaker, Dr. Monroe D. Senter has played a major role in Knoxville's education system for many years.

Dr. Senter, although officially retired since 1973, remains active in serving the community. He is a great asset and has been a positive influence on many students through the years.

This gentleman went through school in Knoxville himself, graduating from Knoxville College in 1926. He has always shown keen interest in improving educational opportunities—such as vocational education—in the community. However, he not only was concerned, but he put his concern into action.

Today, Dr. Senter serves on the Knoxville Civic Coliseum Board, the Beck Cultural Center Board, and the Knoxville YMCA Board, among others.

It is my pleasure to be able to call Dr. Senter one of my constituents. People like Dr. Senter do not come along often, and when they do, they always give back to the community more than they receive from it.

I commend Dr. Senter for his devotion to education and the community for all these years, and I wish him the best in the years to come.

I also ask that a column by Robert Booker which was recently published in the Knoxville Journal appear in the RECORD.

[From the Knoxville Journal, Apr. 12, 1991]

PRINCIPAL'S RETIREMENT A TIME OF PUBLIC SERVICE

(By Robert Booker)

For years his students tried to guess what the "D" stands for in his middle name. He wouldn't say. I just knew it stood for "Doctrine," but I was wrong. When I saw a copy of the graduation program of the Knoxville Colored High School class of 1919, I found the answer. There it was—Monroe Deaderick Senter.

It wasn't that the dapper, beloved principal of Beardsley Junior High School was ashamed of his middle name; he appreciated the students' curiosity and allowed them to use their own devices to get the answer. Being curious was a part of his own educational process, and he realized its importance.

Although I was never one of his students, I heard them talk about the mystery of his name, and I became curious, too.

At Knoxville Colored High School, Senter was a top-notch student. He was president of his class, played football, and won the Boyd Brothers Medal for highest scholarship in the class. As was customary with many young men of the time, after graduation he decided to work a while before entering Knoxville College, where he graduated in 1926.

As a junior at KC, he was business manager for the 1925 yearbook, corresponding secretary of the YMCA, president of the Triple "C" (City College Club), and played guard on the winning football team with Alonzo "Jake" Gaither. The yearbook says his main hobby was "listening to 'Mamie Smith's' original orchestra" in 1926, he was president of his graduation class.

In 1930, Senter began an interim period of study at the University of Cincinnati. He also accepted a teaching position at Austin High School that year. He also later studied at the University of Michigan at Ann Arbor. In 1937, he joined the faculty of Beardsley when it opened that year. In 1939 he was appointed principal. He received his master's degree from the University of Minnesota in 1946.

Senter was elected president of the Tennessee Education Congress in 1954. He also served as president of Knoxville Education Association, East Tennessee Teachers Association, American Teachers Association Region II, Knoxville Teachers Federal Credit Union, Knoxville Principals Association, State Principals Council, Knoxville Chapter of KC Alumni, and Alpha Phi Alpha Fraternity.

For his outstanding achievement in education, Knoxville College conferred upon him an honorary doctor of humanities degree. He has served as chairman of the council on ministries at Lennon-Seney United Methodist Church, where he is a member.

Senter retired from Beardsley in 1973, but that only meant he would have more time for community service. He can be spotted any morning walking smartly along Magnolia or McCalla avenues to a group or committee meeting—he says he walks until the bus catches up with him. It almost never does.

That same agile gentleman can be seen taking the same route home in late evening. After a full day of meetings, church and civic activities, he appears as fresh and affable as he was when he left home. One is taken by his infectious smile and polite manner.

I am sure his 34 years on the job at Beardsley were much less hectic than the schedule he keeps today. He is one of the senior members of the Knoxville Civic Coliseum board, he is very active with the Berk Cultural Center board, and other groups too numerous to mention.

One of his greatest loves is the YMCA, which goes back to his college days. He has served on the Knoxville YMCA board of directors, and was given the Red Triangle Award, the Y's highest honor. He even served as president from 1983 to 1985.

Senter also served as state director of a national project in vocational education and guidance. He took a year's leave of absence from the Knoxville school system to set up his office in Nashville. He supervised the activities for coordinators from school systems across the state.

This national project was directed by Ambrose Caliver, a 1911 graduate of Austin High School, who was serving as assistant commissioner in the United States Department of Education. Caliver had graduated from Knoxville College in 1915.

So the cat is out of the bag. For those students, and others, who have wondered all these years about the man's middle name, now it is known. I hope Dr. Senter won't mind my telling, but it is public record. And a great public record it is.

IN HONOR OF JODY SIMS AND MARY ELLEN HAMILTON

HON. BILL LOWERY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 1, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to honor a team who have inspired the women of San Diego to achieve and to compete effectively in today's business world.

Ms. Jody Sims took here expert knowledge in graphic design and combined it with the business acumen of Ms. Mary Ellen Hamilton to create and publish a newspaper, Women Times. It is a conduit for networking and for the kind of information and exchange of ideas that can turn a business around.

In addition, the two have put together an invaluable resource, the San Diego Women's Directory. It contains the names of contacts in a diverse number of fields who can be helpful to women just starting in business or changing jobs or fields. With both publications, Ms. Sims and Ms. Hamilton have contributed to creating success and opportunity for others. In keeping with their goal of advancing women in business, the two have launched a continous stream of projects such as Think Tanks, Wonder Women 2000, and a number of local challenges.

Because of their teamwork, their caring and their commitment to success for others, both Jody Sims and Mary Ellen Hamilton have been selected for Women in Business Advocate of the Year.

Mr. Speaker, please join me and all of San Diego in honoring this truly dynamic pair.

DOMESTIC SPENDING AND THE FEDERAL BUDGET

HON. PHILIP M. CRANE

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 1, 1991

Mr. CRANE. Mr. Speaker, the debate over the 1990 budget deal still continues. It is unfortunate, however, that sufficient attention has not been paid to the real numbers behind the deficit reduction agreement. What proponents of last year's budget deal would have us believe is that Federal spending on the whole will increase at a slower rate than inflation. Specifically, they claim that Federal spending will only increase at a 2.6-percent rate. Unfortunately, these figures are cooked and under the agreement domestic spending will actually increase dramatically in the coming years. The following article written by Mr. Scott Hodge and recently published in the Wall Street Journal of March 28, 1991, reveals this sad reality and illustrates once again that Congress has yet to make a serious effort to control Federal spending.

THE BUSH ADMINISTRATION'S BUDGET SHELL GAME

(By Scott Hodge)

President George Bush just two years ago told the nation that America "has the will, but not the wallet" to tackle all of its domestic spending spree that makes Lyndon Johnson seem like a tightwad.

Though budget director Richard Darman publicly insists that government spending will increase far less than the projected 4.3% rate of inflation, the real increase will be about 25% higher than that—and domestic spending will increase by nearly twice the projected rate of inflation.

Mr. Bush's first term will see domestic spending increasing an inflation-adjusted average of $29 billion a year-outspending presidents John F. Kennedy, Lyndon Johnson, Richard Nixon, Jimmy Carter and Ronald Reagan. In inflation-adjusted dollars, Mr. Bush's domestic spending spree will be twice as costly as President Kennedy's "New Frontier" increases, nearly double President Johnson's "Great Society" budgets, easily top President Nixon's, outdo President Carter's by one-and-a-half times, and will be a staggering five times greater than President Reagan's.

Yet, with a nearly, straight face, Mr. Darman insists that the administration is holding spending increases to 2.6%.

Mr. Darman's numbers are crooked. Perhaps the most pernicious of the administration's tricks is the inclusion of the widely fluctuating savings and loan bailout costs in the federal spending totals. Since the fiscal 1992 budget was released, administration officials have said repeatedly—often in the same breath—that total federal spending growth will be kept below the inflation rate and that the costs of the S&L bailout are "off-budget."

While it is true that the S&L costs are technically off-budget, these costs nevertheless have been included in aggregate federal spending. It is only by including these costs in the total that the administration can claim to be holding spending growth to 2.6%. Stripping these costs away paints a very different picture of federal spending growth.

The deception has two parts. First, the S&L bailout is a one-time expense; when the job's done, the costs end. Moreover, these costs are very high right now, but will decline over time. In the current fiscal year, the S&L bailout will set taxpayers back an estimated $111.5 billion. Next year in fiscal 1992, costs are expected to drop to about $88 billion; and in fiscal 1993 it will drop still more, to about $44 billion.

In the Darman budget, the very high upfront costs sends aggregate fiscal 1991 spending levels through the roof. But, as the S&L costs shrink in subsequent years, so too will the aggregate growth rate of federal spending, even though domestic spending accounts will be increasing rapidly.

According to the budget, total spending in fiscal 1992 will increase "just" $36.5 billion from 1991 levels, from approximately $1.4 trillion to $1.45 trillion. Yet the actual increase, excluding the S&L bailout costs, is $60 billion—from $1.3 trillion to $1.36 trillion (see chart). The additional $23.5 billion—hidden in the budget mumbo-jumbo—is the difference between the 1991 and '92 S&L bailout costs.

Likewise, in fiscal 1993, a $52 billion jump in total federal spending is made to look like a modest $8 billion increase.

That's not the end of the scam, however. As part of the S&L bailout, the government will own considerable real estate and other assets, which will be sold to the private sector. These sales are expected to generate about $38 billion in revenues in fiscal 1994 and $42 billion in 1995. Using some very peculiar accounting methods, these "profits" will not appear in the income column of the federal ledger. Instead, they will be recorded on the expenditure side as "negative outlays."

In plain English: Money from the sale of these assets will be used—on paper—to make huge increases in federal spending look considerably smaller. In fiscal 1994, for instance, total spending is shown in the budget to decline by $27 billion from fiscal 1993 levels. Remove the S&L gimmick, and fiscal 1994 spending is revealed to be $55 billion higher than in fiscal 1993.

Mr. Darman plays a similar game with the money trimmed from the defense budget. As a result of last year's budget deal, defense spending will decrease by roughly $10 billion over the next several years, from $299.6 billion in fiscal 1991 (excluding the costs of Operations Desert Shield and Desert Storm) to $289 billion in fiscal 1995. However, these small annual reductions account for much more in Washington parlance. Because defense spending had been projected to grow to $351 billion by 1995, a cumulative increase of $176 billion over the levels agreed to by the negotiators, Mr. Darman can claim massive spending restraint. But the money saved will not be used to reduce the deficit, nor will it be returned to the taxpayers in the form of tax relief. Instead, these defense savings are being used to further the appearance that aggregate spending growth is slowing when, in fact, non-defense spending is rising at an unprecedented rate.

When these gimmicks are exposed, we see overall federal spending increasing during the next five years at nearly double the rate being touted by Mr. Darman, an average annual increase of 5% instead of 2.6%. And domestic spending will increase at an even higher rate, 7.6%.

The record-high tax increase included in last year's budget "compromise" already has been squandered. In fact, for every dollar raised in new taxes, domestic spending was increased by more than $1.80 through 1995. The result: A deficit that continues to go up, not down.

THE HOUSE BUDGET RESOLUTION

HON. LEE H. HAMILTON

OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 1, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 24, 1991, into the CONGRESSIONAL RECORD:

THE HOUSE BUDGET RESOLUTION

Last week the House passed, with my support, the 1992 budget resolution, the major budget bill of the year. The Senate is considering a similar plan. The House resolution keeps to the discipline of the deficit reduction agreement reached last November, and makes relatively few modifications in the budget proposed by President Bush in February. The House put greater emphasis on education, health, and investments in the future.

Outlines of Budget: The budget resolution is the Congress' blueprint that will guide spending and revenue decisions for the coming year. The House plan provides for $1.212 trillion in on-budget spending and $850 billion in revenues, leaving an on-budget deficit of $362 billion. Adding in off-budget spending, primarily Social Security, boosts total spending to $1.46 trillion.

Under the House plan, entitlements—programs like Medicare and Social Security in which anyone who meets the eligibility criteria gets the benefits—would grow the fastest. In 1992 they would cost $680 billion, up from $630 billion. National defense would be $295 billion, slightly less than in 1991, and foreign aid would remain at $19 billion. Domestic discretionary spending—for everything from student loans to highway construction—would be $216 billion, up from $200 billion. Net interest on the national debt would be $210 billion.

Constraints of 1990 Law: The House budget is remarkably similar to the President's proposal. Out of total spending of more than $1.46 trillion, the two plans differed over only about $10 billion—less than 1% of the total. Restrictions and procedural changes made by last year's deficit reduction agreement left little room for policymakers to maneuver.

Several changes made by the 1990 law were important. First, while the law immediately made deep cuts in entitlements, it put future entitlement spending on automatic pilot. Entitlements, which now make up the bulk of federal spending, would be allowed to grow through normal expansion (such as through inflation or increased eligibility as the population ages); only program changes would be constrained. That greatly lessened pressures to make entitlement cuts this year. Second, the 1990 law set overall spending ceilings for discretionary spending over the next three years, with separate ceilings for defense, foreign aid, and domestic programs. Both the President's budget and the House budget kept within the ceilings. Third, the law set up firewalls between categories of discretionary spending. Cuts in spending in one category, such as defense, could no longer be used to finance increases in another, such as domestic programs. That eliminated a perennial source of contention between the Congress and the President. Finally, the 1990 law said that the Congress will not have to make cuts to reach certain deficit targets if the deficit rises due to factors beyond its control, such as the current recession. That significantly eased pressures to make controversial new cuts this year.

These changes were intended to ease the annual budget battles, and so far they certainly have.

Differences from Bush Budget: Although the House budget is quite similar in broad outlines to the President's, there are some significant differences.

The House made several changes in domestic discretionary spending. The budget would boost funds in areas aimed at helping working families and meeting our country's economic challenges. Included were increases for education, Head Start, child nutrition and immunization, anti-drug abuse programs, energy security, and transportation. The increases would be paid for by smaller increases than the President wanted for space programs, larger cuts in postal subsidies, and across-the-board cuts in a variety of programs and departments, including the Congress.

The House budget rejected all the President's revenue-raising and revenue-losing proposals, including his proposals to cut the capital gains tax and to extend the Medicare tax to certain state and local employees. The resolution stated that any new tax reductions or entitlement expansions would have to be financed on a "pay-as-you-go" basis.

The House did not go along with the President's proposal to make additional cuts in entitlements on top of those adopted last fall. In particular, it rejected the President's call to target student loans and federally subsidized school lunches more to lower-income families, and recommended further study of his plan to end farm income supports for producers with more than $125,000 of non-farm income and to require higher Medicare premiums of retirees with incomes over $125,000.

While I generally supported the priorities in the House budget, I felt it should have more strongly endorsed the targeting of federal programs. In an era of ever tightening budgets, programs should be cut back for the well-to-do. In 1989, more than $25 billion in government benefits went to households in the top 20% of income.

The Deficit: The projected on-budget deficit of $362 billion is clearly enormous and unacceptable. However, for the first time it excludes the Social Security surplus, reflecting a change enacted in last year's budget agreement. If the deficit were instead measured on the traditional basis, it would be $290 billion. In addition, removing the large part of the deficit due to temporary factors—the savings-and-loan-bailout and the recession—brings the underlying "structural" deficit down to $129 billion in 1992. That compares to $149 billion in 1990 and $130 billion in 1991.

The deficit is still too large, yet we should not try to squeeze major new budget cuts out of the economy during a recession. That could cause additional hardship and further weaken the economy. We should revisit the deficit once the economy rebounds. In the meantime, we must keep to the discipline of last year's deficit reduction agreement. That means that the Congress and the President should not consider every new spending need an "emergency", which is exempt from the constraints of the deficit reduction agreement. And it means sticking to the pay-as-you-go requirements for tax reductions and entitlement expansions. Keeping to the agreement and reducing the deficit will lessen the government's drain on national savings. That will allow the Federal Reserve to continue to ease interest rates, which will help pull our economy out of recession.

TRIBUTE TO ROGER CHIVERS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to call the attention of my colleagues in the House to the heroism of Roger Chivers. Aviation Survivalman First Class [ASM–1] Chivers serves with great distinction in the U.S. Coast Guard.

He recently was awarded the Association of Naval Aviation's Outstanding Achievement Award for Helicopter Aviation for an undeniably brave and selfless act. At great risk to himself, Roger Chivers saved the lives of three people in turbulent seas and terrible weather. His dedication to the oath he took as a member of the Coast Guard should stand as an inspiration to all of us.

The Association of Naval Aviation recognized Roger Chivers' acomplishments in the following citation:

> At 1407 on 7 December 1990, a rescue helicopter was launched from the U.S. Coast Guard Air Station Sitka, Alaska to assist merchant vessel *Norsal* which was taking on water 280 miles southeast of Sitka. Enroute time to the area was five hours and eleven minutes in poor weather, with visibility at times down to less than 100 yards in heavy rain and wind gusts in excess of 50 knots. It was a black, no horizon night when the *Helo* arrived on scene and discovered that the ship's three crewmembers had taken to a life raft. Six foot waves were breaking on top of 22 foot swells.
>
> The initial rescue was attempted by lowering a trail-line and basket. However, the wildly pitching life raft prevented any safe approach, and it was decided that the rescue swimmer, Petty Officer Chivers, had to be lowered into the churning sea to assist the survivors. He fought his way to the raft, took one of the survivors, a 34 year old woman, swam clear of the raft and placed her into the basket. At that moment, a huge wave broke over the basket and the swimmer lost his grasp. The basket was swept 30 yards away. Petty Officer Chivers fought his way back to the basket only to have another massive wave crash over it, knocking him clear and washing the survivor out into the dark sea. By this time, 20 minutes since the swimmer entered the water, the *Helo* had lost all visual reference for hoisting, the raft had blown 150 yards downwind, and the initial set of market flares had burned out. Petty Officer Chivers relocated the woman and after additioal flares were deployed, the *Helo* crew was finally able to hoist the basket aboard with the swimmer and the woman. Petty Officer Chivers reentered the violent seas and performed the rescue two more times.
>
> Petty Officer Chivers spent a total of 50 minutes in the dark, churning, frigid waters, unselfishly thinking of only doing his duty, disregarding his own safety to save others. His dogged determination, his herculean efforts, and his boundless courage are most worthy of our praise and gratitude and are in keeping with the highest traditions of naval aviation and the U.S. Coast Guard.

Mr. Speaker, I know that my colleagues in the House join me in saluting the accomplishments and bravery of Roger Chivers. The Coast Guard's outstanding reputation is in no small part due to the accomplishments of men and women like him. We are all fortunate to have him in our Nation's service.

A GREAT LEADER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Ms. OAKAR. Mr. Speaker, it is my honor and pleasure to stand before the House today to honor a man who truly embodies service to the great State of Ohio: Speaker Vern Riffe. Since he was first elected to be the State Representative of Ohio's 89th House District in 1958, Mr. Riffe's career has been distinguished by achievements that have genuinely benefited all Ohioans. In January of this year, Mr. Riffe took office for his 17th consecutive 2-year term; a record in my home State of Ohio. Indeed, Mr. Riffe holds the record for serving as speaker of the Ohio House of Representatives longer than any other speaker in Ohio's history. I am proud to commend Speaker Riffe and to celebrate his ninth term as speaker this year.

Vern Riffe often cites his father, Vernal Riffe, Sr., as his role model in both politics and life. For more than 20 years, Vernal Riffe, Sr., served his community of New Boston, OH, as mayor. It was during these years that Vernal, Jr. learned the true value of serving and working with his fellow man. It is evident that this training in public life has helped make Speaker Riffe the distinguished man he is today.

In the Ohio House of Representatives, Vern Riffe has brought an untiring work ethic and sense of fairness to the speaker's chair. As chairman of the rules committee, he has demonstrated uncommon leadership in advancing key legislation which has helped literally millions of Ohioans. Speaker Riffe has a proven track record of operating closely with all State representatives and officials in Ohio, regardless of party affiliation. His extraordinary ability to work with his colleagues earned him a citation by Republican Gov. James Rhodes, in 1980, as "One of the leaders who gets things done in Ohio." As the leader of the Ohio State House's majority party, Speaker Riffe has toiled selflessly for all Democrats throughout the State. On the national level, he is presently serving as a member of the Democratic National Committee. Democrats in Ohio and across the Nation—myself included—look to Speaker Riffe for his expertise and guidance on the critical issues facing our State and country.

The number of accolades that have been deservedly accorded Speaker Riffe over his distinguished career are almost too numerous to mention. Fittingly, the groups who have chosen to honor him are as varied and diverse as Ohio itself. He has been named Legislator of the Year by the Disabled American Veterans, Ohio Sportsmen, State Press Corps, Ohio Association of Local School Superintendents, and Community Mental Health and Retardation Association, just to name a few. Other groups which have honored Speaker Riffe for his commitment to Ohio include the AFL–CIO, Veterans of Foreign Wars, Prosecuting Attorneys Association, Public Relations Society, National Conference of State Legislatures, Jewish National Fund, Ohio Farm Bureau, and literally scores of others. He has received honorary degrees from distinguished educational institutions in Ohio such as Ohio University, the Ohio State University, Rio Grande College, University of Akron, Kent State University, Miami University, Central State University, University of Cincinnati, and Shawnee State University. The list could truly go on and on.

At home, Vern Riffe and his loving wife Thelma have been married for 43 years. They are blessed with four outstanding children—Cathy, Verna Kay, Mary Beth, and Skip (Vernal III)—and seven grandchildren. A lifelong resident of Scioto County, Speaker Riffe is still active in his local community. In New Boston, OH, he acts as president of the Riffe and Bennett Insurance Agency. He is a member of the Portsmouth Area Chamber of Commerce, Kiwanis Club, American Legion, Veterans of Foreign Wars, Shriners, and other vital community organizations.

On May 16, 1991, ceremonies will be held in Columbus, OH, to dedicate a bust of Vern Riffe. Speaker Riffe is one of those rare people in public service who are true living legends. While the bust of Speaker Riffe will stand as a symbol of his accomplishments and his deserved place in Ohio's history, it is only prologue. For Speaker Riffe and all Ohioans, the future holds promises of even greater achievements.

I am pleased to be able to stand before this House and mark the occasion of this dedication. Speaker Riffe's judgment and experience is unmatched in the Ohio House, and his presence continues to pay dividends for all citizens of Ohio. As we honor Vern Riffe's career and contributions to our great State of Ohio, I look forward to his continuing excellent public service to our great State and to the Nation.

IN HONOR OF LISA RICHARDS

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. LOWERY of California. Mr. Speaker, it is with great pleasure that I rise today to honor a woman of extraordinary drive and talent, someone who has overcome the challenges of starting a small business in the true spirit of entrepreneurship.

Success in business requires much more than a good idea and a dream of prosperity. Lisa Richards, founder of four southern California firms and an outstanding leader in her community, has succeeded because she works tirelessly and understands people and markets. In each of her ventures, beginning with Picnic People Inc., Ms. Richards has posted remarkable growth in total sales, net income, and people employed each year. Perhaps more importantly, she has maintained an open-door policy with her employees and consulted frequently with fellow small business owners.

Not surprisingly, Ms. Richard's dynamic business career parallels a long-term commitment of the community of San Diego. She devotes time to professional organizations like the Greater San Diego Chamber of Commerce, Center City Association, the Convention and Visitor's Bureau, and Industrial Recreation Council, and also actively supports the American Cancer Society, the American Multiple Sclerosis Society, and the March of Dimes. She reminds us that American business works best when it takes an active role in American society.

Mr. Speaker, please join me and all of San Diego in honoring our Small Business Person of the Year, Ms. Lisa Richards.

THE PRESIDENT'S EDUCATION PLAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 1, 1991, into the CONGRESSIONAL RECORD:

THE PRESIDENT'S EDUCATION PLAN

Earlier this month President Bush unveiled "America 2000," a long-term strategy for improving American schools. The policy comes in response to growing public concern about the quality of our nation's schools. In a recent nationwide poll, 70% of Americans said that the nation is not making enough progress on improving public schools. There is good reason for such widespread concern. The quality of our educational system has a direct bearing on the health of our economy, our ability to remain competitive in the world market, and our quality of life.

The President's plan is significant in that it recognizes that the federal government has an important role to play in education strategy. Traditionally, state and local governments have taken the lead in elementary and secondary education. Federal involvement—accounting for only 7% of the national education budget—has been primarily limited to programs for the disadvantaged and the disabled. The President's proposal aims to focus national attention on education, without increasing federal funding for education or challenging local control over schools.

The President's Plan: "America 2000" contains several innovative proposals, including urging school districts to grant merit pay to teachers (but providing no federal money to do so), awarding merit-based grants to exemplary schools, and encouraging business and labor to become more involved in education. Three basic components of the President's plan have attracted the most attention: parent choice, national testing, and model schools.

First, the President encourages local school systems to allow parents to send their children to the school of their choosing. The plan advocates changing the way $6 billion in federal Chapter 1 funds are distributed. Currently, these funds go to schools with a large proportion of economically-disadvantaged students. The President proposes that Chapter 1 money be allocated not to schools, but to students—who could, in turn, use these funds to attend the public, private, or parochial school of their choice.

Second, the President has called for the establishment of a National Education Goals Panel to develop standards for what students should know in five subjects: math, science, history, geography, and English. A system of national examinations, the American Achievement Tests, would be developed to assess how well students in the fourth, eighth, and twelfth grades are meeting these standards. The tests would contain a variety of assessment methods. States would choose whether to administer the test to their students, and could use the results to issue annual report cards on the performance of local schools. Colleges and businesses would be encouraged to use the test scores when evaluating candidates for admission or for employment.

Third, the President's plan includes $550 million to create 535 new, experimental schools—at least one in each congressional district. These "New American Schools" would use innovative and creative teaching methods and materials, and serve as models for other schools. Governors and the Secretary of Education would review community-developed plans to decide which communities would receive $1 million start-up grants for these schools. The business community would provide additional financial support.

Assessment: The innovations in the President's plan have drawn mixed reviews. The President contends that parental choice will both improve schools, which will have to compete with one another for students, and benefit students, including those from poor families, who will have more options. However, critics respond that poor families will not have the resources or skills to work the system to their advantage. I share the view that poor students are least likely to be able to transfer to schools farther from home, and may be forced to attend their neighborhood school. Students in rural areas face a similar problem. A choice system could end up segragating students by income or race. Schools could end up selecting students rather than parents selecting schools. In addition, the President's proposal to use public tax money to educate children in parochial schools could violate the Constitution's separation of church and state requirement.

The President's idea to forge a national consensus on what children should know and what they should be able to accomplish has been widely praised. But testing students to see if they have reached these standards is more controversial. Proponents of testing argue that there can be no meaningful education reform without a clear sense of where our students stand. Others assert that measurement by itself will not cause improvement—that more tests will no more help a student than taking a patient's temperature will help him get well. There are other criticism of national testing. The tests would be expensive. Deciding what to include on the test would be a lengthy and contentious process. Instructors might teach, and students study, only for what appears on the test.

The President's plan has also been criticized for failing to address several issues, such as preparing children to start school, reducing the dropout rate, and ridding our schools of drugs. Others question the President's commitment to education reform given the limited size of his education budget. His proposal offers little assistance to state and local governments now struggling to maintain current education spending. Further, the President's plan says virtually nothing about helping classroom teachers. I believe good teaching is the key to good education, and teachers must be compensated adequately. I am also concerned that the plan does nothing to reduce vast disparities in educational spending in rich and poor school districts. His proposed changes in the Chapter 1 program could hurt public schools with many poor children.

Conclusion: It's too early to tell whether the President's plan is the boldest educational initiative ever to come from the White House, as some contend. My view is that no policy planned in Washington can quickly raise education standards. But the President is right to focus attention on one of the country's most serious problems, and pose a challenge to educators, parents and students. The President's plan has real potential, and I believe that his proposals, including parent choice, should be carefully explored. The test is whether "America 2000" transforms schools across the country.

CENTENNIAL SALUTE TO THE CALIFORNIA INSTITUTE OF TECHNOLOGY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. MOORHEAD. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues in the House of Representatives the 100th anniversary of the California Institute of Technology in Pasadena, CA.

In 1891, Amos G. Throop, a Pasadena businessman, founded a modest school of arts and crafts, named Throop University. Shortly after the turn of the century, Throop trustee and noted astronomer George Ellery Hale changed the focus of the school to the training of outstanding scientists and engineers.

In 1920, Throop was renamed the California Institute of Technology. A year later, the distinguished physicist Robert A. Millikan became the institute's first administrative head. This event began one of the most rapid rises to prominence of any institution in the country. Two years later, Millikan was awarded the Nobel Prize for his work determining the charge on the electron.

Also in the 1920's, the seismological laboratory was established. This was an instrumental part of the development of seismology into the international science of detecting, measuring, studying earthquakes. In the 1930's, Charles F. Richter and Beno Gutenberg invented the Richter scale for measuring quake energy. In the 1960's, modern earthquake engineering also merged as a field at CalTech. George Housner and his coworkers developed methods that have helped in creating codes for earthquake-resistant tall buildings, in Los Angeles and other seismically active areas. Today, the seismological laboratory continues to be one of the premier centers for earthquake study.

In 1926, CalTech established the Guggenheim Graduate School of Aeronautics. In 1930, Theodore, von Karman joined the CalTech faculty and, under his direction, researchers developed the principles of flight that helped launch the aircraft industry in California.

These are only a few examples that demonstrate the extent of accomplishment that has occurred at CalTech. Countless others exist.

CalTech is small in size, but its impact has been immense. Students who have studied there hold leadership positions in scientific fields all over the world. The daily vitamins we take to keep our bodies healthy, the unleaded gasoline we use to reduce lead pollution in the atmosphere, and the jets in which we fly around the world all owe their existence, in large part, to work carried out at this small university in Pasadena, CA.

Over the years, 21 Nobel Prizes have been awarded to CalTech faculty members and alumni. Thirty-three have received the National Medal of Science, the Nation's highest scientific honor, and three have won the National Medal of Technology.

But even these statistics do not tell the whole story. It is the innovative thinking and farsighted research behind them that has shaped CalTech and contributed immeasurably to the growth of scientific research and endeavor in the United States.

Since its founding 100 years ago, this remarkable research and teaching institution has compiled a record of achievement and innovation in science and engineering that is second to none. Its faculty, its students, and its graduates have made breakthroughs that have helped to shape the modern world and to transform the way we humans think about ourselves, our planet, and our place in the universe. And this remarkable record of accomplishment continues today. Whether it is building the world's largest telescope or helping to design the world's most powerful computer, searching for planets outside the solar system or hunting for clues to human diseases and behavioral patterns hidden deep within the gene, CalTech remains where it has been since the day it was founded: at the frontier of science, of exploration, and of discovery.

Mr. Speaker, I ask you to join me in recognizing the outstanding achievements of this great American institution, the California Institute of Technology, on its 100th anniversary.

For me representing this magnificent university in the Congress of the United States has been a profound pleasure. I am constantly in awe of its achievements; continually grateful for its contributions; repeatedly proud of its image and reputation, and enthralled by its potential. I have great confidence that CalTech's next 100 years will be as fruitful and inspiring as its first century.

Mr. Speaker, it is, therefore, not surprising that I am delighted to recognize the California Institute of Technology on its 100th birthday and to extol its myriad virtues before my colleagues in the House of Representatives.

TRIBUTE TO JEAN FOLEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Jean Foley, a retiring cafeteria manager at Chaney High School of my 17th Congressional District of Ohio. Jean Foley was first employed as a cook at Chaney High School in 1954, and was promoted to the position of cook-manager in 1959. Mrs. Foley is now in her 36th year of dedicated service in the employ of the Youngstown Board of Education and has rightly earned the title " Mrs. Chaney" for her many contributions to the faculty and students of Chaney High School.

Jean Foley has shown loyalty and dedication to Chaney, both in school and out. In the past 36 years, Mrs. Foley has missed only two basketball games and two football games and rarely has she missed an assembly or a performance. But her giving extends far beyond her attendance of weekly events. Over the years, Jean Foley has befriended and mothered all those who have stepped foot in her kitchen. From keeping track of everyone's dietary preferences and calling the students by name as they go through the food line, to clipping articles for students when their achievements appear in the local newspaper and making sure that football players get an extra helping on the day of the big game, Jean Foley has made Chaney a home away from home.

It is said that her house is decorated in school colors and her closet is filled with red clothing. And when the day arrives that Mrs. Foley retires to her reclining chair of red and gray, who will go the extra yard to send cards when teachers' children have the flu, or send care packages home to sick students? Jean

Foley is truly an irreplaceable and special part of Chaney High School memoirs.

Mr. Speaker, I would like to take this opportunity to recognize Jean Foley for the outstanding service and heartwarming gifts she has given to Chaney High School over the past 36 years. By example, she has educated our upcoming leaders on the joy of giving. It is truly an honor to represent this remarkable woman.

INTRODUCTION OF TWO BILLS TO IMPROVE U.S. COAST GUARD OBJECTIVES AND MANAGEMENT

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DAVIS. Mr. Speaker, today I am introducing two bills to increase the effectiveness of the U.S. Coast Guard. The Coast Guard Management and Law Enforcement Act of 1991 consists of four titles dealing with Coast Guard vessel acquisition and renovation, law enforcement, management and administration, and recreational boating safety. This bill will enhance the Coast Guard's ability to meet its responsibilities in these areas, and benefit those who depend upon an effective, responsive Coast Guard. The other bill I am introducing establishes a definition of "United States vessel" for the United States Code, and makes other technical changes in the Code to conform existing statutory language to the new definition.

COAST GUARD MANAGEMENT AND LAW ENFORCEMENT ACT OF 1991

Title I of this bill deals with Coast Guard vessel acquisitions and renovations. Section 101 authorizes $14 million to renovate and modernize the Coast Guard Cutter *Mackinaw,* in line with the findings of a Coast Guard survey conducted last year. These renovations will take place over a 5-year time period and extend the useful life of the *Mackinaw* at least 15 years.

Icebreaking on the Great Lakes is an essential Coast Guard service that is necessary to keep the shipping lanes open on the Great Lakes. I believe that the additional investment in the *Mackinaw* is small compared to the benefits realized from the operation of this vessel on the Great Lakes.

Section 102 of this bill authorizes $500,000 for the Coast Guard to implement the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. This act deals with the major problem of controlling the spread and repairing the damage caused by the tiny zebra mussel in the Great Lakes region. Under the Aquatic Nuisance Prevention Act, the Coast Guard is required to develop ballast water management guidelines for the Great Lakes and Saint Lawrence River to become mandatory 6 months following enactment. The Coast Guard is also required by the act to determine the extent of shipping as a pathway for introduction of nonindigenous species into water other than the Great Lakes and to assess alternate methods for controlling introduction and dispersal of nonindigenous species. The sums necessary to fund Coast Guard implementation of this important piece of legislation are small yet vital to interrupt the cycle of damage in the Great Lakes caused by the zebra mussel.

Section 103 of this bill authorizes the Secretary of Transportation to acquire vessels for use by the Coast Guard by purchase, lease, lease-purchase, or otherwise under multiyear contracts. I think that the Secretary should have the broadest possible authority to acquire additional vessels for the Coast Guard, subject to reasonable conditions. I am aware that certain budgetary limitations may restrict the use of this type of acquisition arrangement, but I believe that we should give the Secretary the authority to use different types of financial arrangements if necessary.

Title II of this bill broadens the Coast Guard's authority to act as the primary U.S. law enforcement agency on the water. Subtitle A of title II contains several sections to implement a new force-down authority for Federal law enforcement officers to order aircraft suspected of drug smuggling to land. This new authority is a vital law enforcement tool for use against drug smugglers, and was proposed by the President as part of the 1990 and 1991 national drug control strategies. This language is identical to the language contained in H.R. 681, introduced earlier this year by my colleague, Representative LARRY COUGHLIN, ranking minority member of the Select Committee on Narcotics Abuse and Control.

Section 201 of this bill establishes a criminal penalty for failure to obey an order of a Federal law enforcement officer who is enforcing the controlled substances laws. Section 202 requires revocation of the registration of an aircraft when the pilot of the aircraft fails to obey an order to land. Section 203 clarifies the Coast Guard's authority to issue orders and take all other lawful actions to enforce U.S. laws against aircraft over the high seas or waters subject to U.S. jurisdiction. Section 204 establishes a civil penalty for the operator of a vessel or aircraft who intentionally fails to comply with an order of a Coast Guard officer to stop. Section 205 deals with the definition of the term "authorized place" under the Tariff Act of 1930. Section 206 establishes a civil penalty for the pilot or operator of an aircraft who intentionally fails to obey the order of a customs officer to land.

Subtitle B, section 207 of the bill requires the Secretary of Transportation, in consultation with the Secretary of State, to submit a report to Congress with recommendations on which laws currently enforced by the Coast Guard in the territorial seas should be extended in application to the new 12-mile territorial sea limit established by Presidential proclamation last December. This report is necessary to enable Congress to thoroughly review the U.S. laws applicable in the territorial seas and make decisions on which laws should be extended in application to 12 nautical miles.

Title III of this bill contains several sections related to Coast Guard management and administration. Section 301 establishes a Merchant Marine Reserve within the Coast Guard Reserve. It is critical to maintain an adequate number of qualified, available merchant mariners to man the merchant fleet during war or national emergency. Recent studies predicted a shortfall of certain merchant marine personnel, and our recent experience in the Desert Shield and Desert Storm operations proved these predictions to be accurate. To remedy this problem, we must develop a pool of merchant marine reservists ready to serve when needed.

Section 302 clarifies that the Secretary of Transportation would retain the authority to execute the functions of the Secretary under title 46, United States Code, even if the Coast Guard is transferred to the Navy in time of war or national emergency. The functions of the Secretary under title 46 are peacetime functions, and it would not be appropriate or advisable to transfer them to the Secretary of the Navy along with Coast Guard military functions in time of war or national emergency.

Section 303 makes certain technical changes to conform the description of documented vessels with Great Lakes endorsements to recent changes in the vessel documentation laws under chapter 121 of title 46, United States Code.

Title IV of this bill enhances receational boating safety. Section 401 of this bill extends the expiration date of the National Boating Safety Advisory Council until September 30, 1996. This group provides valuable advise to the Secretary of Transportation on boating safety matters and should be allowed to continue to serve this valuable function.

UNIFORM U.S VESSEL DEFINITION ACT

This bill is a continuation of the work begun in the Ship Mortgage Act codification, Public Law 100–710. In the act, for the purposes of chapter 313 of title 46, United States Code, a vessel of the United States was defined to include vessels titled under the law of a State, in addition to vessels documented or numbered under the laws of the United States. This bill includes this definition among those applicable to the entire United States Code, and changes the defined term from "vessel of the United States" to the more manageable "United States vessel." Section 3 of the bill makes the conforming changes necessary throughout the code.

Mr. Speaker, I look forward to working with my colleagues on the Merchant Marine and Fisheries Committee to enact the provisions of this bill.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. MILLER of California. Mr. Speaker, I am pleased to join my colleague, Ms. SLAUGHTER of New York, in introducing today a House joint resolution to designate October as "National Domestic Violence Awareness Month." This resolution will help focus the attention of lawmakers and the public on this national tragedy.

I want to thank Ms. SLAUGHTER for her continuing leadership on behalf of women in this country who are subjected to violence in the one place they ought to be able to find peace—their own homes.

A Washington, DC, area, women was recently shot to death by her estranged husband—on the very same day that he was served with a notice from the courts to stay away from her. Unfortunately, this story is repeated far too often in virtually every community throughout the United States. Isn't it time to say enough is enough?

Domestic violence is not just a women's problem, or a family's problem, or even a community's problem. It is a national problem that deserves our attention, our concern, and our concerted efforts to abolish it. I wish I could stand here before you and say that last year's effort to promote National Domestic Violence Awareness Month was sufficient and that we don't need to make this effort again this year. But the sad fact of the matter is that domestic violence remains a national tragedy. At least 3 million women are beaten by their husbands, ex-husbands, or boyfriends each year. One in twelve is beaten while pregnant. About one-third of female homicides can be attributed to domestic violence.

Domestic violence means that women are not safe in their own homes. And, as the incident I referred to earlier demonstrates, they can't even escape the effects of domestic violence when they go to work. In fact, the most frequent injury that women suffer in the workplace is violent trauma, and frequently that trauma is the result of domestic violence that has simply moved to another site.

According to the statistics available from the National Coalition Against Domestic Violence, more than 2 million telephone calls were made to state domestic violence hotlines in 1987. In that same year, approximately 375,000 women and their children, all victims of domestic violence, were provided shelter. Yet nearly 40 percent of those seeking shelter are turned away for a lack of space.

In designating October "Domestic Violence Awareness Month," we are also paying tribute to the countless workers and volunteers who give their time and energy to help the victims of domestic violence through the 1,300 shelters nationwide that provide a safe haven for these women and their children.

Domestic violence shelters do more than just provide temporary shelter for victims. They also address the critical medical, housing, employment, and legal needs of battered women. In most instances, the shelters try to help women get back on their feet both emotionally and economically.

The only shelter in my district in California, battered women's alternative, is typical of the programs throughout the country that provide these services. This shelter handled more than 35,000 in just 1 year. It sheltered more than 300 women and their 400 children during 1989–90. In addition, it provided job search assistance and legal assistance.

Federal support for these efforts is inexcusably meager—roughly $8 million.

Legal protection for battered women is also woefully inadequate. Police are reluctant to get involved in family disputes and frequently don't take them seriously. Only a handful of States have mandatory arrest laws for domestic violence, in spite of the fact that date indicates that such laws are the most effective way to break the cycle of violence. In Alexandria, VA, during the first 2 years of its program, 14 percent of its convicted spouse abusers were arrested again, compared with a national rate of 41 percent. In 1987, Alexandria had four domestic violence homicides. From 1988 to 1990, there was only one.

By declaring October "National Domestic Violence Awareness Month," we have the opportunity to bring this problem out into the open so that we may better assist its victims. and ultimately, prevent its occurrence.

I urge my colleagues to join with me to help spread the word that we, as a nation, will no longer tolerate this violence against our Nation's families.

IN HONOR OF CONSTANCE BAHAR

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to salute Ms. Constance Bahar of San Diego, CA, a woman who has dedicated herself and her business career to helping others.

As founder and president of U.S. Business Communications, a San Diego-based publications and information service company for growing businesses, Ms. Bahar is editor and publisher of her company's magazine New Business Guide. This free publication has often been described as the "small business person's bible" and has no doubt played an important role in creating opportunity and economic growth for the people of San Diego. In addition, Ms. Bahar and her company serve as an informal information and counseling resource for new and young businesses in San Diego County.

After graduating with high distinction from Harvard Business School, Ms. Bahar worked her way up the corporate ladder to vice president of strategic business development for a Fortune 500 company. This experience left her with the skill and confidence to strike out on her own and led her to her current position.

More recently, Ms. Bahar has initiated a series of seminars to provide practical information directly to owners and managers of small businesses. She is an outstanding role model for young entrepreneurs, women in business, and all members of our San Diego business community. Much of her free time is spent volunteering in activities with the chamber of commerce, SCORE, and several local colleges, ultimately trying to improve business management and create more jobs.

Mr. Speaker I hope you and all of our colleagues will join me and San Diego in honoring this year's "Small Business Advocate of the Year," Ms. Constance Bahar.

A CONSTITUTIONAL LESSON FROM DAVY CROCKETT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. CRANE. Mr. Speaker, recently, a friend of mine, Dr. John Shea, who is a world renown otolaryngologist from Memphis, TN, brought to my attention a reproduction of a little story that I had not heard or seen in some time. The story was told on the House floor by Davy Crockett who was then serving as a U.S. Representative from Tennessee. His story concerns two votes on spending bills and how those votes were interpreted by one of his constituent's. The story is an excellent lesson in the principles of the Constitution. In light of the obvious inability of Congress to resist the temptation to irresponsibly spend money that is not their own, I hope that my colleagues will read the following reproduction of Davy Crockett's floor speech and grasp its significance and vote accordingly.

EVERY CONGRESSMAN NEEDS DAVY CROCKETT'S GREAT SPEECH AGAINST THE WELFARE STATE

One day in the House of Representatives, a bill was brought up to appropriate money for the benefit of the widow of a distinguished naval officer. Several beautiful speeches had been made in its support. The Speaker was just about to put the question to a vote when Colonel David Crockett arose:

"Mr. Speaker, I have as much respect for the memory of the deceased, and as much sympathy for the sufferings of the living, as any man in this House. But we must not permit our respect for the dead or our sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will not go into an argument to prove that Congress has no power to appropriate this money as an act of charity. Every member upon this floor knows it.

"We have the right, as individuals, to give away as much of our own money as we please in charity; but as members of Congress we have no right to so appropriate a dollar of the public money. Some eloquent appeals have been made to us upon the ground that it is a debt due the deceased. Mr. Speaker, the deceased lived long after the close of the war; he was in office to the day of his death, and I have never heard that the government was in arrears to him.

"Every man in this House knows it is not a debt. We cannot, without the grossest corruption, appropriate this money as the payment of a debt. We have not the semblance of authority to appropriate it as a charity. Mr. Speaker, I have said we have the right to give as much money of our own as we please. I am the poorest man on this floor. I cannot vote for this bill, but I will give one week's pay to the object, and if every member of Congress will do the same, it will amount to more than the bills asks."

He took his seat. Nobody replied. The bill was put upon its passage and, instead of passing unanimously, as was generally supposed and as, no doubt, it would but for that speech, it received but few votes and was lost.

Later, when asked by a friend why he had opposed the appropriation, Crockett gave this explanation:

"Several years ago I was one evening standing on the steps of the Capitol with some other members of Congress, when our attention was attracted by a great light over in Georgetown. It was evidently a large fire. We jumped into a hack and drove over as fast as we could. In spite of all that could be done, many houses were burned and many families made homeless and, besides, some of them had lost all but the clothes they had on.

"The weather was very cold and, when I saw so many women and children suffering, I felt that something ought to be done for them. The next morning a bill was introduced, appropriating $20,000 for their relief. We put aside all other business and rushed it through as soon as it could be done.

"The next summer, when it began to be time to think about the election, I concluded I would take a scout around among the boys of my district. I had no opposition there but, as the election was some time off, I did not know what might turn up. When riding one day in a part of my district in which I was more of a stranger than in any other, I saw a man in a field plowing and coming toward the road.

"I gauged my gait so that we should meet as he came to the fence. As he came up, I spoke to the man. He replied politely, but, as I thought, rather coldly.

"I began: 'Well, friend, I am one of those unfortunate beings called candidates, and——'

"'Yes, I know you; you are Colonel Crockett. I have seen you once before, and voted for you the last time you were elected. I suppose you are out electioneering now, but you had better not waste your time or mine. I shall not vote for you again.'

"This was a sockdolager. . . . I begged him to tell me what was the matter.

"'Well, Colonel, it is hardly worthwhile to waste time or words upon it. I do not see how it can be mended, but you gave a vote last winter which shows that either you have not the capacity to understand the Constitution, or that you are wanting in the honesty and firmness to be guided by it. In either case, you are not the man to represent me. But I beg your pardon for expressing it in that way. I did not intend to avail myself of the privilege of the constituent to speak plainly to a candidate for the purpose of insulting or wounding you. I intend by it only to say that your understanding of the Constitution is very different from mine.

"'I will say to you what, but for my rudeness I should not have said, that I believe you to be honest. But an understanding of the Constitution different from mine I cannot overlook, because the Constitution, to be worth anything, must be held sacred, and rigidly observed in all its provisions. The man who wields power and misinterprets it is the more dangerous the more honest he is.'

"I said, 'I admit the truth of all you say, but there must be some mistake about it, for I do not remember that I gave any vote last winter upon any Constitutional question.'

"'No, Colonel, there's no mistake. Though I live here in the backwoods and seldom go from home, I take the papers from Washington and read very carefully all proceedings of Congress. My papers say that last winter you voted for a bill to appropriate $20,000 to some sufferers by a fire in Georgetown. Is that true?"

"'Well, my friend, I may as well own up. You have got me there. But certainly nobody will complain that a great and rich country like ours should give the insignificant sum of $20,000 to relieve its suffering women and children, particularly with a full and overflowing treasury, and I am sure, if you had been there, you would have done just as I did.'

"'It is not the amount, Colonel, that I complain of; it is the principle. In the first place, the government ought to have in the treasury no more money than enough for its legitimate purposes. But that has nothing to do with the question. The power of collecting and disbursing money at pleasure is the most dangerous power that can be intrusted to man, particularly under our system of collecting revenue by a tariff, which reaches every man in the country, no matter how poor he may be, and the poorer he is the more he pays in proportion to his means.

"'What is worse, it presses upon him without his knowledge where the weight centers, for there is not a man in the United States who can ever guess how many thousands are worse off than he. If you had the right to give anything, the amount was simply a matter of discretion with you, and you had as much right to give $20,000,000 as $20,000.

"'If you have the right to give to one, you have the right to give to all; and, as the Constitution neither defines charity nor stipulates the amount, you are at liberty to give to any and everything which you may believe, or profess to believe, is a charity, and to any amount you may think proper. You will very easily perceive what a wide door this would open for fraud and corruption and favoritism, on the one hand, and for robbing the people on the other.

"'No, Colonel, Congress has no right to give charity. Individual members may give as much of their own money as they please, but they have no right to touch a dollar of the public money for that purpose. If twice as many houses had been burned in this county as in Georgetown, neither you nor any other Member of Congress would have thought of appropriating a dollar for our relief. There are about two hundred and forty Members of Congress. If they had shown their sympathy for the sufferers by contributing each one week's pay, it would have made over $13,000. There are plenty of wealthy men in and around Washington who could have given $20,000 without depriving themselves of even a luxury of life.

"'The Congressmen chose to keep their own money which, if reports be true, some of them spend not very creditably; and the people of Washington, no doubt, applauded you for relieving them from the necessity of giving by giving what was not yours to give. The people have delegated to Congress, by the Constitution, the power to do certain things. To do these, it is authorized to collect and pay moneys, and for nothing else. Everything beyond this is stipulation, and a violation of the Constitution.

"'So you see, Colonel, you have violated the Constitution in what I consider a vital point. It is a precedent fraught with danger to the country, for when Congress once begins to stretch its power beyond the limits of the Constitution, there is no limit to it, and no security for the people. I have no doubt you acted honestly, but that does not make it any better, except as far as you are personally concerned, and you see that I cannot vote for you.'

"NOT YOURS TO GIVE"

"I tell you, I felt streaked. I saw if I should have opposition, and this man should go to talking, he would set others to talking, and in that district I was a gone fawn-skin. I could not answer him, and the fact is, I was so fully convinced that he was right, I did not want to. But I must satisfy him, and I said to him:

"'Well, my friend, you hit the nail upon the head when you said I had not sense enough to understand the Constitution. I intended to be guided by it, and thought I had studied it fully. I have heard many speeches in Congress about the powers of Congress, but what you have said here at your plow has got more hard, sound sense in it than all the fine speeches I ever heard.

"'If I had ever taken the view of it that you have, I would have put my head into the fire before I would have given that vote; and if you will forgive me and vote for me again, if I ever vote for another unconstitutional law I wish I may be shot.'

"He laughingly replied: 'Yes, Colonel, you have sworn to that once before, but I will trust you again on one condition. You say that you are convinced that your vote was wrong. Your acknowledgment of it will do more good than beating you for it. If, as you go around the district, you will tell people about this vote, and that you are satisfied it was wrong, I will not only vote for you, but will do what I can to keep down opposition, and, perhaps, I may exert some little influence in that way.'

"'If I don't,' said I, 'I wish I may be shot; and, to convince you that I am in earnest in what I say, I will come back this way in a week or ten days, and if you will get up a gathering of the people, I will make a speech to them. Get up a barbecue, and I will pay for it.'

"'No, Colonel, we are not rich people in this section, but we have plenty of provisions to contribute for a barbecue, and some to spare for those who have none. The push of crops will be over in a few days, and we can then afford a day for a barbecue. This is Thursday; I will see to getting it up on Saturday week. Come to my house on Friday, and we will go together, and I promise you a very respectable crowd to see and hear you.'

"'Well, I will be here. But, one thing more before I say goodbye. I must know your name.'

"'My name is Bunce.'

"'Well, Mr. Bunce, I never saw you before, though you say you have seen me, but I know you very well. I am glad I have met you, and very proud that I may hope to have you for my friend.

"It was one of the luckiest hits of my life that I met him. He mingled but little with the public, but was widely known for his remarkable intelligence and incorruptible integrity, and for a heart brimful and running over with kindness and benevolence, which showed themselves not only in words, but in act. He was the oracle of the whole country around him, and his fame had extended far beyond the circle of his immediate acquaintances.

"Though I had never met him before, I had heard of him, and but for this meeting it is very likely I should have had opposition and been beaten. One thing is certain, no man could now stand up in that district under such a vote.

"At the appointed time I was at his house, having told our conversation to every crowd I had met, and to every man I stayed all night with, and I found that it gave the people an interest and a confidence in me stronger than I had ever seen manifested before.

"Though I was considerably fatigued when I reached his house, and under ordinary circumstances, should have gone early to bed, I kept him up until midnight, talking about the principles and affairs of government, and got more true knowledge of them than I had got all my life before.

"I have known and seen much of him since, for I respect him—no, that is not the word—I reverence and love him more than any living man. I got to see him two or three times every year; and I will tell you, sir, if everyone who professes to be a Christian lived and acted and enjoyed it as he does, the religion of Christ would take the world by storm.

"But to return to my story. The next morning we went to the barbecue and, to my surprise, found about a thousand men there.

I met a good many whom I have not known before, and they and my friend introduced me around until I had got pretty well acquainted—at least, they all knew me.

"In due time notice was given that I would speak to them. They gathered up around a stand that had been erected. I opened my speech by saying:

"'Fellow citizens, I present myself before you today feeling like a new man. My eyes have lately been opened to truths which ignorance or prejudice, or both, had heretofore hidden from my view. I feel that I can today offer you the ability to render you more valuable service than I have ever been able to render before. I am here today more for the purpose of acknowledging my error than to seek your votes. That I should make this acknowledgment is due to myself as well as to you. Whether you will vote for me is a matter for your consideration.'

"I went on to tell them about the fire and my vote for the appropriation and then told them that I was satisfied it was wrong. I closed by saying:

"'And now, it remains for me to tell you that the most of the speech you have listened to with so much interest was simply a repetition of the arguments which your neighbor, Mr. Bunce, convinced me of my error.

"'It is the best speech I ever made in my life, but he is entitled to credit for it. And now I hope he is satisfied with this convert and that he will get up here and tell you so.'

"He came up on the stand and said:

"'Fellow citizens, it affords me great pleasure to comply with the request of Colonel Crockett. I have always considered him a thoroughly honest man, and I am satisfied that he will faithfully perform all that he has promised you today.'

"He went down, and there went up from the crowd such a shout for Davy Crockett as his name never called forth before.

"I am not much given to tears, but I was taken with a choking then and felt some drops rolling down my cheeks. I tell you, the remembrance of those few words spoken by such a man, and the honest, hearty shout they produced, is worth more to me than all the honors I have received and all the reputation I have made as a Member of Congress.

"Now, sir," concluded Crockett, "you know why I made that speech yesterday.

"There is one thing to which I will call your attention. You remember that I proposed to give a week's pay. There are in that House many very wealthy men—men who think nothing of spending a week's pay for a dinner or a wine party when they have something to accomplish by it. Some of those same men made beautiful speeches upon the great debt of gratitude owed the deceased—a debt which could not be paid by money—and the insignificance and worthlessness of money, particularly so insignificant a sum as $10,000, when weighted against the honor of the nation. Yet not one of them responded to my proposition. Money with them is nothing but trash when it is to come out of the people. But is the one great thing for which most of them are striving, and many of them sacrifice honor, integrity, and justice to obtain it."

A TRIBUTE TO THE RODDY FAMILY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DUNCAN. Mr. Speaker, the Roddy family of Knoxville has probably done more for east Tennessee than any other single family.

This family has made it a tradition to serve the community. For four generations, the Roddys have given of themselves to help others, starting with the J.P. "Pat" Roddy, Sr.

The Roddys have always taken the Tennessee volunteer spirit to heart. I am very pleased to serve people like them in Congress and to be able to claim them as constituents.

They have been chosen to receive the 1991 Brotherhood/Sisterhood Award from the National Conference of Christians and Jews, Inc. I commend the Roddy family upon their being recognized in this way.

Mr. Speaker, the Knoxville Journal recently printed a story about the Roddys and their contribution to the community. The article was entitled "All in the Family."

I would ask that this article be printed in the RECORD.

ALL IN THE FAMILY—FOR THE RODDYS, COMMUNITY SERVICE IS A TIME-HONORED TRADITION

(By Jennifer C. Worth)

The hiss of the machines and the rattle of conveyors fills the sun-filled front room of the Roddy Coca-Cola bottling plant. The speedy forklifts and walls of soft drink bottles don't faze, J.P. "Pat" Roddy Jr., natty in his trademark red Coke sweater. After more than 65 years in the business his father founded, he knows his way around the plant.

Since 1902, "Roddy" has become synonymous with Coca-Cola in East Tennessee. The Roddys aren't your average family business hierarchy, however. They are about as diverse a group as ever shared a name, but they all have one thing in common—service to the community.

"They have really set a tradition of community contribution over the generations," said Virginia Anagnost, director of the National Conference of Christians and Jews Inc., which chose the Roddys for its 1991 Brotherhood/Sisterhood Award.

The award includes four generations, going back to the company's roots with the late J.P. "Pat" Roddy Sr., who started the family tradition of service as he did the family business.

"Granddad did a lot of work very quietly, I think," said J.P. "Pat" Roddy III, president and chief executive officer of Roddy Coca Cola.

The Roddy patriarch didn't spend much money on himself; Sis Mitchell recalled Jim and Will Hall of the Halls Clothing Store trying, without success, to dude her grandfather up. Nonetheless, "He was a very giving person," said Jess Mitchell, Sis' husband and executive vice president of Roddy Coca Cola.

It was Pat Roddy Sr.'s understated generosity that subtly inspired his grandchildren in their various styles of giving. Said Tommy Roddy, his younger grandson, "There were some quiet things that were planted there, some seeds that I didn't know about. I think they (Pat Roddy Jr. and Sr.) went about doing a lot of good."

Tommy Roddy founded and heads the Atlanta Resource Foundation, which coordinates charitable projects, uniting people in need and the people who can help them.

"The resource really is people," said his wife Sandy.

"The central issue in society right now is divisions," Tommy Roddy said. The lines are drawn for all kinds of reasons, such as race, religion and class.

"Unless we have a way to cross those barriers, the world will be in chaos," he added.

Tommy and Sandy Roddy spent 3½ years as missionaries in Brazil. The experience taught them to see this society "in quite a different light," Tommy Roddy said.

"Probably the biggest change that happened to us was we moved from a more pietistic, individualistic faith to saying we do have to address systems that oppress," Sandy Roddy said.

"We used to think it was either/or, and now we see that we need both the individual message of salvation, and we also need the social message of addressing the systems that will make a difference in peoples's lives."

Their work has helped them appreciate the family's diversity. "We in this generation are seeking to make that diversity really acceptable," Tommy Roddy said.

Over the past few years, the family has grown closer, and "We're really thankful," he added. The Atlanta Roddys visit Knoxville once a month or so.

The Roddy name carries weight in Knoxville, but getting away from that can be a relief. "When I call people up, I almost always have to spell my name," Tommy Roddy said with a laugh.

Church is also central in the lives of Sis and William J. "Jess" Mitchell. Both have served as deacons at Sequoyah Hills Presbyterian, and Jess is an elder and chair of the church Outreach Committee.

Like his father-in-law, Jess Mitchell prefers to stay in the background, but his service roster includes the boards of the Girls Club of Greater Knoxville, the Better Business Bureau and the Greater Knoxville Beautification Board.

Sis points out her husband's achievements and laughs delightedly at mention of her latest project, Bible School Circle, a citywide ecumenical ministry.

She teaches Bible stories to 2- and 3-year-olds. "I just love it to death! . . . For teaching, to try to refine it down to a simple level you have to understand what you think, and that process is so interesting."

In addition to a bevy of church and charity activities, her main project is Habitat for Humanity, of which she's a board member and past president. She first found out about the group—which provides affordable housing for low-income people—on a visit to Atlanta.

"They were moving some old homes that were going to be destroyed into another neighborhood, and I was so impressed that when there was a little squib in the paper that (Habitat for Humanity) were going to have an organizational meeting here I dragged Jess and another couple of people," she recalled.

"It's grown so much since then," she said.

"Sis has been really involved in service organizations and has worked very diligently with that group, whatever it might be," Jess Mitchell said. "When she takes on a task, that's it."

Although she currently serves on several boards (such as Maryville College, Fort Sanders Hospital Foundation, American Red

Cross), "I'd rather be an Indian than a chief," she said.

"I really prefer being in where you're doing the hands-on work."

The Mitchells, like the rest of the family, believe that contributing to the community can take many forms. "There are different ways of giving, and some people are more high profile and some people prefer to do things sort of quietly," Sis Mitchell said.

"It's really important that people know that, because a lot of people are doing a lot of giving. You don't want people to be on a guilt trip. They can think, 'Wait a minute—I do this or that. Yes, I am doing a community service. I'm doing something to help.' That's the main thing, doing *something* to help," she added.

As the active head of the company, Pat Roddy III doesn't get to be understated very often. He doesn't fit the image of big business executive, however.

His wife, real estate broker Dottie Roddy, called him "a Peter Pan type. . . . For his age and socioeconomic class, he is completely out of step."

Like the rest of his family, Roddy believes that community service is both good business and good citizenship. He remembers sitting in on a coffee conversation of a group of Knoxville's prominent businessmen. "They were talking about some project that the community was interested in, . . . (and) they began naming off the number of prominent citizens who did their part in the community, and then they named off a few who could but didn't.

"I remember thinking if they've got a list of those people that do their part, I sure as hell want to be on it!" he said. "Hearing from outside people how important it was to be a part of the community made quite an impression on me."

Under the auspices of Roddy Coca-Cola, he has assisted most of Knoxville's major civic projects, from the World's Fair to Children's Hospital to the Knoxville Museum of Art. He remains on nearly a dozen boards.

"The better our area does, the more things we can do as a company and as a family, the more things we can do to make East Tennessee a better place to live and improve the lifestyle of East Tennessee, the better we're going to do because we're going to attract people from other parts of the country, and so that cycle continues," Roddy said.

"I think from a business standpoint and for personal fulfillment it's important to do things that are going to improve the lifestyle of the East Tennessee community, and that's the rock that I stand on and preach from." he added. All Roddy employees are expected to be active in the community in some way.

Dottie Roddy, vice-president of Commercial Development and Directing Broker for Partners and Associates Inc., has also helped get some of Knoxville's most prestigious buildings off the ground, literally. Partners' projects have included the Knoxville Museum of Act, the Weisgarber Medical Park and Endoscopy Center and the St. Mary's Residential Treatment Center.

She believes that her family's position comes with a load of responsibility. "When you've been given as much as we have, you really have to give back," she said.

Her own community commitment include the boards of Lamar House-Bijou Theater, Helen Ross McNabb Mental Health Foundation, Senior Citizens Home Assistance. St. Mary's Hospital Foundation, Knoxville Heritage and the Finance Board of the Catholic Diocese of Knoxville.

The daughter of a prominent lawyer, she "wasn't the least bit intimidated" by marrying into the Roddy family. "I have the greatest respect for Jess (Mitchell) and Sandy (Roddy) for taking the leap," she said.

In a photo session, she jokes "I'm being Mrs. Pat Roddy today. . . . Is my tiara on straight?" But when it come down to her family, she doesn't kid around.

"People ask me what my training for this job was," she said. Her answer is always the same. "Four children, four schools, three car pools in 13 years—you learn organization, you learn detail, and you learn people."

H.R. 2071

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. MOORHEAD. Mr. Speaker, along with my colleagues from California, Messrs. LOWERY, PACKARD, and GALLEGLY, I am reintroducing H.R. 2071, legislation to authorize additional appropriations to increase Border Patrol personnel to 6,600 by the end of fiscal year 1994. This number reflects a continuation of the 50 percent increase that was enacted under the Immigration Reform and Control Act of 1986 [IRCA] for fiscal year 1987 and 1988. Many of us hoped that IRCA would have addressed the problem of illegal immigration. However, illegal entries are once again reaching record levels along our Southern border, and it is even more troubling that for every alien apprehended, at least three enter the United States successfully. The Office of National Drug Control Policy has designated the Border Patrol as the primary agency for narcotics interdiction between the ports of entry, in addition to being responsible for preventing the smuggling and illegal entry of aliens into the United States. Along the Southwest border, 4,000 drug seizures were made in fiscal year 1990, a six-fold increase over fiscal year 1985. Alien apprehensions were 23 percent higher in 1990 than in fiscal year 1989. Yet, since 1988, the number of staff has declined by 9 percent, according to a recent GAO report, and the proportion of agent time devoted to border control activities has decreased from 71 to 60 percent.

The percentage of authorized positions filled fell from 94 percent in fiscal year 1985 to 87 percent in fiscal year 1990. It is estimated it will take two to three times the number of agents currently on board to become an effective deterrent to the problems at the border.

In the past 2 fiscal years, the border patrol has seized narcotics valued at well over $2 billion. In fiscal year 1990, the Immigration and Naturalization Service seized 23,077 conveyances, valued at $70 million, representing a 60 percent increase over fiscal year 1989. The Border Patrol alone seized over $8 million in cash in fiscal year 1990 and received back $2 million from the asset forfeiture fund. It seems only fair and appropriate that some of this return should be designated to increase our border security. By the end of last fiscal year, the asset forfeiture fund had accumulated $460,000,000. That included forfeited cash as well as proceeds from the sale of forfeited properties. Thirteen million dollars remained in the fund as a carryover to this fiscal year. My legislation would make available amounts from the proceeds of asset forfeiture to be directed to fund additional Border Patrol personnel.

The volume of drugs coming across the United States-Mexican border has exploded. Since 1987 the Border Patrol has reported an increase in assaults against its agents who continue to put their lives on the line on a daily basis. We have a relatively small force of dedicated and talented law enforcement personnel performing a nearly impossible task in policing our land borders. In today's climate, where the volume of drugs coming across the United States-Mexican border has exploded, and the flood of illegal aliens seems endless, it is critical that we provide the necessary resources and support personnel to enable our Border Patrol force to continue to perform the difficult task of protecting our borders.

COMMUNITY LIFE AMENDMENT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DANNEMEYER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following on the Community Life Amendment:

QUESTIONS AND ANSWERS ABOUT THE COMMUNITY LIFE AMENDMENT

[Charts Not Reproducible in the RECORD]

Q. What is the Community Life Amendment?

A. The Community Life Amendment is a joint resolution to amend the U.S. Constitution to allow voluntary prayer in public schools.

Q. Why is this amendment needed?

A. Because a series of Supreme Court decisions, beginning in 1962, have held that formal recognition of a Creator is unconstitutional in public schools. These decisions include: Engel (1962—Regent's prayer), Abington (1963—Lord's prayer and Bible reading), Stone (1980—posting the Ten Commandments), and Edwards (1987—teaching the creation of the earth equally with evolution).

Q. What is meant by voluntary prayer?

A. The legislative intent of this bill is to allow in public schools the formal recognition of the Creator of our inalienable rights as stated in the Declaration of Independence. If vocal, prayer must originate from a student, be extemporaneous, and unconstrained in form and content by any governmental or administrative authority. Local communities are left to decide standards dictating a proper time or place in public school settings.

Q. But aren't kids allowed now to say silent prayers whenever they choose?

A. Yes. What is not allowed is a formal recognition of a Creator.

Q. Shouldn't we leave parents and the religious communities of families to teach children these fundamental concepts?

A. Relegating the formal recognition of a Creator to its proper place is not enough to effectively influence the active minds of children who spend most of their days away from both home and religion and in an environment that unhesitatingly proclaims that such instruction is antithetical to reasoned thought and intellectual stimulation.

Humanism, by definition, will fail to effectively instruct kids that a Creator is the source of their civic and personal liberties. In fact, the moral relativism of humanism will adversely indoctrinate children by teaching them that utility is the only standard whereby actions should be judged. Socialist, Communist, and authoritarian regimes have provided ample evidence of where moral relativism leads a nation.

Q. Would this amendment effect Court rulings on prayers at school graduations or athletic events?

A. Yes. Local communities would be free to allow or disallow such prayers. The format would be the same as in the school room—student initiated and extemporaneous.

Q. How would voluntary prayer in public schools help society?

A. The best answer to this question is to examine the direction of society from the time school prayer was deemed unconstitutional. Mr. David Barton has done his best to study the correlation, if any, between the removal of school prayer and societal decline.

Mr. Barton, in his book *America: To Pray or Not to Pray*, has measured several social indices. For instance, the scholastic aptitude test [SAT] is an academic test measuring the developed verbal and math reasoning skills of students preparing to enter college. These results are used widely to gain admission to colleges and universities. The SAT has been administered to high school seniors since 1926. A scale was established in 1941 to allow comparison of scores from year to year.

The dramatic decline in scores at the time of the initial Court decision prohibiting State-sponored prayers. A high of 980 in 1963 down to the 1986 level of 905.

School dropout rates are difficult to document. It is hard to track individual students to know if they have actually dropped out, have moved out of the State or country, or if they are suffering an extended sickness or illness.

Fortunately, one aspect of school dropouts has been recorded. The general education development [GED] test provides an equivalency diploma for successful students who did not receive a regular high school diploma. The test has been used since 1918.

Another example in pregnancies of unwed women between the ages of 15 and 19. Figures were reported that 1 million adolescent girls become pregnant each year. Eighty percent of teenage girls who are pregnant are unmarried.

Other indices mirror these. Tell Mr. Barton that other factors are responsible for these tragedies. Tell him it is due to insufficient social spending or social justice. Tell him it was the adverse effects of the Vietnam war or the advent of television. Just don't tell him 1962 and 1963 were not pivotal years in our social existence.

Q. Don't you really want to push us back to the point of State mandated and written prayers?

A. No. The Community Life Amendment contains the provision that, "Neither the United States nor any State shall prescribe the content of any such prayer." It does not matter what anybody else wants or thinks on the subject—the amendment as passed would prohibit a return to State written and mandated prayers.

INTRODUCTION OF LONG-TERM CARE LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mrs. KENNELLY. Mr. Speaker, the time has come for the Congress to enact long-term care legislation. This is an idea we have talked about for years. It is time to do something other than talk.

Today, I am introducing the Partnership for Long-Term Care Act of 1991 which does three things. The first, and the cornerstone, is a Medicaid asset—waiver program. It is premised on individuals, young and old, taking some responsibility for their own long-term care needs. To the extent that a certified insurance policy pays for long-term care services, these payments are subtracted from covered assets for Medicaid eligibility purposes.

For example, assume individuals A, B, & C all purchase long-term care insurance. Individual A has $25,000 of insurance and $25,000 of assets. To the extent that $25,000 of long-term care expenses are paid out by the insurance company, A becomes eligible for Medicaid long-term care services and is allowed to retain $25,000 of assets.

Individual B has $25,000 of insurance and $100,000 of assets. To the extent that $25,000 of long-term care expenses are paid out by the insurance company, B only has to spend the difference between $75,000 and the State Medicaid eligibility level—about $2,000—to be Medicaid eligible and is allowed to retain $25,000 worth of assets.

Individual C has $25,000 of assets and $35,000 of insurance. To the extent that $35,000 of long-term care expenses are paid out by the insurance company, C becomes Medicaid eligible and retains $25,000 of assets.

Now the computer modeling my State of Connecticut has done, indicates that the insurance is most likely to be purchased by middle income individuals and that these individuals are mostly likely to avail themselves of option C. This may seem trivial, however it has important fiscal policy implications. To the extent that individuals elect option C, Medicaid saves the difference—the extent to which insurance protection exceeds assets.

The second component of my bill assures that our scarce public resources are targeted to those who need assistance. Some States have set Medicaid eligibility levels as low as 25 percent of poverty. Therefore, I would require States to establish a medically needy program for individuals below the poverty line. I would also provide a Federal premium subsidy for those who cannot otherwise afford private long-term care insurance—that is the difference between the cost of insurance and 5 percent of gross income.

Although the market for private long-term care insurance is now in its second and third generation of policies, the market has grown dramatically in the past few years. Therefore, the third component would clarify Federal tax law in several areas to encourage individuals to purchase long-term care policies, employers to offer employees long-term care insurance, and clarify the treatment of long-term care insurance reserves.

Over the coming months many new ideas may emerge that we should consider as people begin to focus more intently on the broad issue long-term care. That is good, but my bill is clearly an important approach to this end and I would urge my colleagues support.

KENNELLY LONG-TERM CARE FACT SHEET

PART I—MEDICAID ASSET-WAIVER

The Medicaid asset-waiver is premised on individuals, young and old, taking some responsibility for their own long-term care needs. To the extent that a certified insurance policy pays for long-term care services, these payments are subtracted from covered assets for Medicaid eligibility purposes. For example, assume individuals A, B, & C all purchase long-term care insurance.

Individual A has $25,000 of insurance and $25,000 of assets. To the extent that $25,000 of long-term care expenses are paid out by the insurance company, A becomes eligible for Medicaid long-term care services and is allowed to retain $25,000 of assets.

Individual B has $25,000 of insurance and $100,000 of assets. To the extent that $25,000 of long-term care expenses are paid out by the insurance company, B only has to spend the difference between $75,000 and the state Medicaid eligibility level (about $2,000) to be Medicaid eligible and is allowed to retain $25,000 worth of assets.

Individual C has $25,000 of assets and $35,000 of insurance. To the extent that $35,000 of long-term care expenses are paid out by the insurance company, C becomes Medicaid eligible and retains $25,000 of assets.

The Connecticut Office of Policy and Management developed the asset waiver model. Their computer modelling my State of Connecticut has done, indicates that the insurance is most likely to be purchased by middle income individuals and that these individuals are most likely to avail themselves of option C. This may seem trivial, however it has important fiscal policy implications. To the extent that individuals elect option C, Medicaid saves the difference—the extent to which insurance protection exceeds assets.

PART II—LOW INCOME PROTECTION

Some States set Medicaid eligibility levels as low as 25% of poverty. The bill would require States to establish a medically needy program for individuals below the poverty line. It would also provide a federal premium subsidy for those who cannot otherwise afford private long-term care insurance—that is the difference between the cost of insurance and 5% of gross income. The Brookings Institute has calculated that a person who must spend more than 5% of his/her income on this insurance, cannot afford it.

PART III—TAX INCENTIVES

Would treat long-term care insurance as health insurance thereby excluding from income employer-provided coverage and any benefits paid pursuant to such a policy and deferring earnings on life insurance reserves.

Would treat long-term care expenses as medical expenses. Therefore, employee-paid premiums would be considered a deductible medical expense, subject to the 7.5% floor. Taxpayer expenditures for long-term care expenses would also be treated as a medical expense, subject to the 7.5% floor.

Would clarify that long-term insurance is not deferred compensation therefore allowing employers current year deductions for benefits provided. This would also allow cafeteria plans to include long-term care insurance.

Would allow withdrawals from IRAs to be used to acquire long-term care insurance or fund long-term care expenses, the early withdrawal penalty is waived.

REPETITIVE STRESS INJURIES: THE NEW THREAT TO WORKER HEALTH AND SAFETY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. LAFALCE. Mr. Speaker, I rise today to salute the thousands of Americans around the country who observed the third Workers Memorial Day this past weekend, honoring and remembering the millions of American workers who have been killed or injured on the job. While our Nation has committed itself to reducing risks to its workers through the passage of such legislation as the Occupation Safety and Health Act, an estimated 10,000 workers are killed and another 6.6 million are injured each year on the job. These unacceptable statistics indicate that our job is far from complete.

Repetitive stress injuries are the newest and most prevalent workplace injuries from which American employees are suffering—injuries that demand the attention of Congress, businesses, and labor. The U.S. Department of Labor estimates that these injuries make up 48 percent of all recordable industrial workplace illnesses. These types of illnesses, which were largely unknown as a workplace problem a decade ago, occur when a worker repeats the same, typically awkward, task for an extended period of time. Carpal tunnel syndrome, radial tunnel syndrome, De Quervain's disease, cubital tunnel syndrome are the most common repetitive stress injuries. Computer operators and workers in the meat packing industry, who because of the repetitive nature of their work are at particular risk for repetitive stress injuries. The proliferation of keyboard jobs in our fast-growing communications and information sector has been linked to the high prevalence of carpal tunnel syndrome, an injury that affects the wrist.

While repetitive stress injuries may be treated, long-term care typically is dependent on long-term change in employment. The injuries themselves are painful and debilitating and typically prevent afflicted workers from assuming their former duties. Doctors may advise light duty and immobilize the affected area, and in extreme cases doctors may prescribe anti-inflammatory drugs or perform surgery. Nevertheless, the most important treatment is the reduction or elimination of the repetitive strain. However, as Dr. James S. Thompson points out in the December 1990 issue of Postgraduate Medicine, this solution may not be amenable to employees, who may face reduced earnings, or to employers losing an employee.

Thus, prevention and treatment of repetitive stress injuries are contingent on awareness. In many instances, repetitive stress injuries can be prevented or avoided by simple adjustments to a worker's seat or work station. And in terms of the long-term cost of worker's compensation and a company's loss of investment in an injured employees's training, such a simple change is very cost-effective. In other cases, more aggressive and costly strategies may be necessary to adequately reduce the threat of repetitive stress injuries. It is absolutely critical that employees feel secure in bringing their concerns to their employer. Employers should welcome the information about a particular job function that puts them at risk for repetitive motion injuries. Likewise, it is in the best interest of employers to analyze their workplace for potential sources of repetitive stress injuries and to utilize health care professionals in preventing and treating these injuries.

We have long encouraged and supported the idea that American workers have a right to work in safety. We hold this idea to be true because we are a humane society. We do not place profit before the value of human lives. In the case of repetitive stress injuries and most other occupational illnesses, we are now seeing that the profit motive and worker safety are intertwined. While worker protection may drive the cost of labor up in the short run, the long-term benefits of a healthy, stable, and productive work force far outweigh other costs.

Mr. Speaker, I again draw attention to the observance of Worker's Memorial Day to the Congress and the general public. Let us remember the injuries and deaths of our workers and redouble our efforts to improve the workplaces of America.

YOUTHS PROGRESSING IN PUBLIC HOUSING—PLANS FOR THE FUTURE AND THE COMMUNITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, earlier in our session I spoke of one of our President's "thousand points of light," namely, Ms. Dorothy Perry of Youth Progressing in Public Housing, who has brought so much compassion to the Miami area's youth. Now, I am pleased to submit the goals and objectives of this organization so that we may all more clearly understand the direction in which this beacon shines:

(1) To provide a safe haven within the community to shelter abused and displaced young people until the family can be reunited, or other arrangements can be made. A safe haven will consist of (a) a place to live while the parent(s) undergo treatment, or if incarcerated until the parent(s) are released; (b) a home away from home with a wholesome Christian atmosphere, where the youth will be taught family values, how to cope with family problems and peer pressure, and how to love, care and share as an extension to their daily school classes.

(2) To better educate said youths against the dangers of drugs, alcohol, teen-pregnancy, and social disease by exploring the possibility of using professionals to help counsel low-income families.

(3) To promote the development of youth leadership in public housing and low-income communities by (a) encouraging local business leaders to hire the youth of public housing, giving them the opportunity to prove that they can do something positive and constructive, while learning responsibility and independence; (b) offering money management classes so that they might learn to secure a better future for themselves with their new-found financial resources; (c) providing business and political leaders as alternative role models to the ones they might otherwise acquire on the street.

(4) To promote a self-help jobs program within the community to build its confidence in the youths abilities, focusing on tasks the teenagers could be trained to handle including lawn service, graffiti prevention, painting of residential units, flower and vegetable gardening, and a community snack shop.

(5) To provide educational and recreational field trips for the adults and teens, serving to add to the rewards of hard work, which include self-esteem and a greater sense of worthiness, and affording them the opportunity to experience different places and cultures.

(6) The implementation of a day care center within the community for working mothers that cannot afford standard day care centers, so to prevent them from falling back into the welfare trap. This center should accept children on a sliding pay scale based upon the mother's salary.

(7) To serve as a vehicle for venting concerns of the community through open monthly forums with representation from youths, parents, community leaders, and all concerned residents.

(8) To never loose basic focus of this program as it expands, as outlined in (1).

Once again, Ms. Dorothy Perry should be recognized for her vision and compassion. She has taken her dreams and put them into a plan of action by which the whole community will benefit by a better tomorrow.

IN SALUTE OF URBAN MIYARES

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. LOWERY of California. Mr. Speaker, I am honored to rise today to pay tribute to a man of remarkable will and spirit.

Urban Miyares returned from the Vietnam war to face diabetes, severe nerve damage, and eventually total blindness. This courageous veteran, however, took control of his life, challenged himself, and has become a successful small business owner in San Diego, CA.

Mr. Miyares is cofounder and vice president of the Nuvenco Group. This San Diego business and project management company is active in education, research, new product evaluation and distribution, and electronics. The Nuvenco Group has become a crucial resource for inventors in their efforts to see their dreams come true.

Needless to say, Mr. Miyares is a strong and persuasive advocate for self-employment opportunities for other disabled veterans. He takes time every week to volunteer at the Veterans Administration regional office to encourage and educate others. He also edits the bimonthly Disabled Businessperson Advisor and heads the national pilot program on self-employment of disabled veterans.

Mr. Miyares' contributions to his community and fellow veterans are difficult to measure. He works with the Greater San Diego Chamber of Commerce, Mira Mesa/Scripps Ranch Chamber of Commerce, and the Vietnam Veterans of San Diego. And somehow he manages to find time to help larger organizations like the World Trade Association, the Blinded Veterans Association, and the Disabled American Veterans.

Mr. Speaker, this man's drive and accomplishments stagger the imagination and should inspire every American. Please join me and all of San Diego in honoring Urban Miyares as Veteran Small Business Advocate of the Year.

A TRIBUTE TO FOSTER D. ARNETT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DUNCAN. Mr. Speaker, one of the finest lawyers I know, and certainly one of the best in the State of Tennessee, is Foster D. Arnett.

Mr. Arnett has practiced law in Knoxville for 42 years. He has distinguished himself among his peers and is widely respected for his skill and ability. He has been a role model for young lawyers just starting out. In 1989, he received the Board of Governors' Award from the Knoxville Bar Association.

He served heroically as a paratrooper during World War II in New Guinea and the Philippines.

I have known Foster Arnett for many years and think highly of him. I commend his achievements and wish him the very best as he continues to serve the community in the future.

Recently, the Knoxville News-Sentinel featured a story about Mr. Arnett's achievements. I would ask that it be reprinted in the RECORD.

FOSTER ARNETT FOUND SUCCESS IN OPPORTUNITIES SEIZED

(By Amy McRary)

Foster D. Arnett grew up poor in North Knoxville, guided by his mother's words.

"There's nothing wrong with being poor—unless you let it dominate you," Edna Deaver Arnett told him. "You can go as far as your talents will take you."

Arnett's talents have taken him to a corner office on Plaza Tower's 23rd floor as one of Knoxville's most well-known attorneys. His resume of more than four pages lists awards and honors starting with his days as a University of Tennessee undergraduate.

His World War II service as a paratrooper brought him the Silver Star, Purple Heart, Bronze Star and Japanese shrapnel he still carriers in his right arm.

He belongs to the four elite trial organizations whose limited number of members can join only by invitation. Arnett is president-elect of one, the International Academy of Trial Lawyers. This country has more than 700,000 lawyers; IATL limits its membership to 500.

In 1989, Arnett received the Board of Governor's Award from the Knoxville Bar Association. "Only because I'm old," he says dryly. "Everybody else had died." He is former president of the local bar association and the Tennessee Bar Association.

Not one to engage in self-analysis, the hard-driven, energetic Arnett has felt gifted "only in terms of being lucky."

"The only thing that I have ever asked for is an opportunity .... I don't want anybody to give me anything.

"That's all I prayed for when I was a little boy and a youngster—give me an opportunity. And if I mess it up, that's my fault. But just give me the opportunity."

Molded by the Great Depression and World War II, he says many good things happened to him because of others' inspiration and efforts.

He is admittedly impatient and too judgmental. Possessing a good measure of common sense, he has a gift for storytelling accented by memories and details.

Loyal, he will "go to hell for a friend." He is outspoken if he dislikes or disrespects someone. "I'm many things. But I'm no hypocrite."

Attorney and staunch Democrat Charles Susano has faced Arnett in the courtroom and bet against the longtime Republican on political races. Susano praises Arnett's trial preparation and his countroom tenaciousness. "Foster's a wonderful person. You just have to overlook certain things—like he's never met a Republican he didn't like."

Knoxville attorney Art Byrne met Arnett in the '40s. His first impression was "hyperthyroid. And that's a compliment. He's totally charged with energy; remarkable and unique."

At 70, the pipe-smoking, white-haired Arnett looks and acts at least 10 years younger. "I just hope I don't live beyond my usefulness," he says without sentiment. "I would much, much, much rather die in six months from now or three months from now as opposed to being put up on the shelf at age 85 or 90 or whatever."

He doesn't pause to reflect on how far he has come from selling magazines as a child or practicing law at $100 a month. "I think there is an opportunity to do a lot more in the future than I've done in the past."

He admits he may sound corny and old-fashioned. But words like opportunity and honor come naturally to Foster Arnett.

He promises young lawyers entering his firm just two things—"opportunity and a fair shake. If that ain't enough, then, what they ought to do is go with another firm."

As a boy, he wanted to be a soldier.

Then a man named Curtis Gentry dashed a child's dream of going to West Point.

Arnett was a fourth-grader at McCampbell Elementary School when his mother took him to see the vocational counselor. Gentry's tests showed that Arnett was too weak in math to get in West Point.

Edna Arnett asked: "If not West Point, what is he suited to do?"

"Well, I think he would make a good lawyer," Gentry replied.

Foster Arnett remembers: "From that point on, I dreamed and prayed to go to law school."

That must have seemed no more than a dream. He was 9 when the Great Depression crippled America. "I was very poor—but I didn't know I was poor until 35 years later."

At 7, he sold magazines on the streets. He carried newspapers. He worked as a men's store clerk, a dry-cleaning delivery man and an assistant parking-lot attendant. As a college student, he ran a short-order stand one summer at Norris Lake.

His father, Foster Greenwood Arnett, was a traveling salesman and "a big guy, a terrific guy. But mother was the one with steel in her."

Among the family photos in Arnett's office is a small black-and-white team taken outside of Gatlinburg in February of 1945. Arnett and his brother, William S., are in military uniform. Their mother sits between her sons. Their father, who would die the following July, smiles proudly into the camera.

"That's the last picture taken of our family. If someone said, 'I give you $50,000 for it and won't report you to the IRS,' I wouldn't take it."

If Charles Gentry changed the course of Arnett's life, World War II swerved its direction.

The 1939 Knoxville High School graduate left his UT undergraduate studies in December 1942 to enlist. "I was dreadfully afraid that they were going to win the war without my magnificent efforts," he says with dry sarcasm.

A parachute infantry officer, Arnett saw action in New Guinea and the Philippines. "The second airplane I ever flew in I jumped out of."

The Japanese launched a violent Banzai attack Dec. 12, 1944, on the Philippine island of Leyte. From his position. Arnett saw some 15 fellow soldiers withdrawing from the perimeter. Rallying the retreating men to turn and fight, he charged forward alone.

Retired Col. Robert S. Beightler called his fellow paratrooper's act "probably the single most courageous act I was privileged to witness during the war .... It was an inspiring sight." Today, Arnett is much more matter-of-fact. "Somebody had to do it."

The charge ended the war for the 24-year-old. Enemy fire seriously injured his right arm, which is two inches shorter than his left and still contains shrapnel fragments. So it is surprising to hear Arnett call the injury "a marvelous thing."

The military benefits the injured veteran received enabled him to attend the prestigious University of Virginia Law School after completing his UT undergraduate degree. UVa would have been beyond his financial means, he says.

Arnett was making just $100 a month practicing law when he likely surprised some government guys in Washington.

He had graduated from law school at age 28. His first government disability check, for his war wounds, arrived. Arnett mailed it back. He didn't want it and told the government: Don't send the next one.

A puzzled official replied. The letter asked Arnett not to be hasty; his case would be re-evaluated. The government thought the veteran wanted more money.

Arnett wrote back to explain he was waiving his disability. He said, "This country has been marvelous to me, enabling me to go to a very, very fine law school. And it was not my head bone, it was my arm bone that I lost."

By then, he was courting the woman who would become his wife. He and Jean Medlin met in 1946 and married in 1951. He fondly calls her "my Jean" or "my 4-foot-10-inch wife."

"One of the reasons we didn't get married until then was because I didn't have any money. And I knew I could survive, but I wasn't going to put her through the wringer."

Their son, Foster Jr., is the Knoxville police information director and is married to the former Dottie Palmer. Their daughter, Melissa, lives on Lookout Mountain with her lawyer husband, Michael R. Campbell, and their sons, Ransom Whitaker, 5, and Hunter Alexander, 3. The youngsters call their proud grandfather "Sir"; he fondly calls them "the little guys."

Jean Arnett can burst any balloon of self-importance her husband floats. Once, he was elaborately introduced at an event where he spoke. Driving home, he asked his wife, "How many *truly* great men do you think we have in Tennessee?"

Jean Arnett answered: "Darling, I don't know. But there's one less than you think there is."

The young lawyer couldn't afford a car, so he rode the streetcar to meet his first important client. Two blocks before reaching Hoover Motor Express' University Avenue offices, Arnett would hop off and walk. "I didn't want them to know I didn't have a car."

In 1954, he founded the firm that is now Arnett, Draper and Hagood. Arnett and the firm focus on civil litigation.

The Republican has been involved in politics, although never as a candidate. "I enjoyed living better than politics would permit me to live," he says frankly. "The first, most important reason was because ever since I was in the fourth grade, I had wanted to try to be a good lawyer."

He has served on boards of groups like the Knox Children's Foundation and Boy's Club of Knoxville. "It's the payback theory. I'm not the product of Foster Arnett. I'm a product of so many people who have contributed to make good things happen."

Fellow attorney Byrne says Arnett has "got an absolute determination to do what's right and proper—professionally, usefully, community-wide.

"That covers a lot of ground. Foster covers a lot of ground."

Since 1985, Arnett has been president of the Knoxville News-Sentinel Charities which oversees the Empty Stocking Fund and the Mercy Fund. That work carries on his mother's tradition. She was the Empty Stocking Fund's official grocery buyer and guiding dynamo for two decades.

He wants to "pay back" professionally. He hopes to instill in young attorneys an excitement in their craft rather than thinking often of the "unholy dollar."

"I think even after 43 years, for gosh sakes, the biggest thrill I get is when someone calls me or comes in and says, 'Hey, I want you to be my lawyer.' Because they want me. They want to put their lives, their fortunes and their sacred honor within my responsibility.

"I think the law is a very, very noble profession. But it's a gift to cherish and enhance. You can't just put it on a shelf, you gotta work at it."

THE YELLOW RIBBON

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. CRANE. Mr. Speaker, throughout the past several months Americans have expressed their support for our troops by draping yellow ribbons around trees, tacking them on doors, and pinning them to lapels. These displays have had a profound effect on our country and their importance cannot be underscored enough. Although the war is over, it is important that we continue to show our gratitude to the hundreds of thousands of fine men and women who have yet to return from the Middle East.

At a support the troops rally, which was held in my district during the height of the gulf conflict, Cook County Commissioner Carl R. Hansen delivered the following statement outlining the significance of the yellow ribbon. I commend it to my colleagues' attention.

THE YELLOW RIBBON

(By Carl R. Hansen)

Nothing better symbolizes the fears, the anguish in our hearts today than a little strip of yellow cloth. Come home safely, our young men and women, come home safely from those desert sands so far away, it says.

We are here today to say that our hearts are with our servicemen and women. That we believe in them like they must believe in themselves. That belief means, ineluctably, in the necessity of victory, for troops who do not believe in their cause do not return.

If we do not support these young Americans in their battles, we invite another national defeat like Vietnam. Our troops fought bravely in battle and won, but our nation was defeated. Why? For Vietnam, we ignored our troops dying in the fetid swamps. For Vietnam, we played politics as usual and lost the souls of an entire young generation in the throes of the next election. For Vietnam, we wallowed in news media sensation which catered to the enemy while American uniforms were falling blood-spattered to the ground. For Vietnam, we declared business as usual as we at home sought material comfort while death was in the veins of our nation.

War is never without problems. Look at the Civil War, with Americans killing Americans. War is not just the extension of diplomacy, as Calusewitz said. It is in reality its utter failure. But just as war is a terrible price to ask of a nation, it is sometimes the price which must be paid for freedom. The self-determination of peoples described so well in the Atlantic Charter is part of that freedom. World War II itself might have been averted if the totalitarianism of Hitler had been confronted in the Rhineland. Here, in contrast, the United Nations has said the Iraqi dictatorship must be stopped, for it threatens—with nuclear saber-rattling—the peace of the entire world.

Be proud of our troops, and of their mission. Support them! Tell them: "I believe in you, and what you are doing." It is the only way to make a reality of the yellow ribbon, even if it is flecked with blood.

In my military alma mater, the Infantry School, the motto is "Follow Me"! We cannot lead our young men and women into battle, but we can lead them in spirit. If we do, the yellow ribbon will work its charms, attached to a pole flying the red, the white and the blue.

INTRODUCTION OF A BILL TO AUTHORIZE CONSTRUCTION OF A TUNNEL IN FORT LAUDERDALE, FL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. SHAW. Mr. Speaker, today I am introducing a bill to authorize the Secretary of Transportation to carry out a highway demonstration project for construction of a tunnel to replace the 17th Street Causeway Bridge in Fort Lauderdale, FL. I am pleased to be joined in introducing this legislation by two of my esteemed Florida colleagues, Representatives LARRY SMITH and PETE PETERSON.

Presently, there is a drawbridge that spans the Intracoastal Waterway [ICWW]; however, this bridge is old, requires costly repairs and experiences frequent openings each day. In 1986, this bridge opened an average of 43 times a day, and today it opens as often as every 15 minutes. This has resulted in frequent long lines of vehicular traffic averaging well over a half mile in length in both the eastbound and westbound directions, as well as an alarmingly high accident rate in this area. The accident ratio of 1.87 accidents per million vehicles using the facility was above the statewide average of 1.28 for similar facilities. The 17th Street Bridge is the most heavily traveled bridge in Broward County, and is only getting worse.

Such conditions also have a severe impact on response times to locations east of the ICWW for the Broward County Emergency Medical Services [EMS], whose ambulance and emergency vehicles use the crossing an average of 12 times a day. A free flow facility, such as the proposed tunnel, would greatly improve response times and medical care to the oceanside community.

In addition to vehicular traffic, water vessel traffic has also been inconvenienced by the bridge openings. Water vessels are required to wait a minimum of 15 minutes between bridge openings, causing long lines along the ICWW and creating navigational problems for Port Everglades and its associated shipping traffic. Since the drawbridge is the busiest entry and exit point for the Intracoastal Waterway in Fort Lauderdale, both water and vehicular traffic will continue to suffer.

Added burdens will be created by Port Everglades expansion as well as a new convention center which is now under construction and due to open in the fall of 1991. Situated on 33 acres at the northern end of Port Everglades, the convention center is bordered by the Intracoastal Waterway, the 17th Street Bridge, and Eisenhower Boulevard.

The cost of maintaining the status quo of the existing bridge in terms of total delay and accident costs is $29 million (1987 dollars) over a 50-year period. In addition, the bridge will soon be functionally obsolete (cannot carry the traffic demands), due to a projected 2.5 percent annual increase in bridge openings and a 1.5 percent projected annual increase in traffic volume.

During 1990, the present 17th Street Bridge experienced 51 breakdowns. This figure rated the 17th Street Bridge the worst in breakdowns among the other 13 drawbridges which span the ICWW in Broward County. These 51 breakdowns caused the bridge to close for 42 hours, ranking it third worst among all bridges in the county. Furthermore, the 17th Street Bridge received a 52.5 inspection rating during March 1990, barely above the Department of Transportation's 50-point minimum standard.

Of course, when the bridge is open, or inoperative, both of which are frequent occurrences, vehicles are left waiting in traffic, wasting fuel and spewing exhaust. The tempers of stalled drivers can often grow hot. The following is an excerpt of a Miami Herald article dated November 18, 1990, documenting the frustration of one motorist:

In May, when the 17th Street Bridge broke down, bridge tender, Ron Hickman, left his control shack to direct traffic. A furious driver got out of his vehicle, threw Hickman against the truck and pummeled him with punches.

Clearly, a sizable amount of money and anguish could be saved by replacing the bridge with a free flow alternative. A tunnel under the ICWW would be the most efficient and viable alternative. A new bridge would still have to be a drawbridge in order to accommodate high mast vessels. In addition, the approach roads and ramps to this bridge would have to be built so high that the surrounding property values would be destroyed.

This project has broad local support, which I consider crucial to the eventual success of the project. The city of Fort Lauderdale, Broward County, and the State of Florida have each committed to provide funds for this project. Last year Congress appropriated a total of $3.69 million for this project as part of the fiscal year 1991 Transportation appropriations bill. The State of Florida additionally appropriated $1 million last fiscal year. In a related vein, I testified today before the House Transportation Appropriations Subcommittee in support of funding for this worthy project for fiscal year 1992.

Mr. Speaker, this project is very important to me and to my constituents. As the demographics clearly show, south Florida is growing by leaps and bounds. The 17th Street Bridge was built in 1956, when Fort Lauderdale and the surrounding area was a sleepy beach community. In the 35 years that has passed, this area has changed greatly. Fort Lauderdale is now a sprawling, bustling metropolis, with new transportation challenges that demand to be met. Authorization of this project would greatly help to relieve Broward County's increasing traffic congestion problems. I look forward to working with Representatives MINETA and SHUSTER to bring this crucial project to fruition.

INTRODUCTION OF THE COOPERATIVE LARGE RIVERS FISHERIES RESEARCH AND RESTORATION ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. GUNDERSON. Mr. Speaker, today, I am introducing the Cooperative Large Rivers Fisheries Research and Restoration Act. Following is an explanation of the intent of the legislation, a copy of the legislation, and a summary of the bill's major provisions:

THE COOPERATIVE LARGE RIVERS FISHERIES RESEARCH AND RESTORATION ACT

The inland rivers of the United States have historically played an important role in the development of our Nation's economy. The heartland of this country is fed by the navigation network supported by our rivers; power is produced through water-dependent facilities stretched across many systems; farm and industry production and many of our homes depend on the water supplied by these rivers. Beyond these uses, rivers support valued commercial and recreational fisheries that directly contribute to the economy of the thousands of communities along their borders—benefits that disperse widely through the Nation's economy and touch every citizen. In fact, it is estimated that one in every four Americans fish in this country. However, maintenance of the fishery component of this economically significant multiple use is threatened by dredging, sedimentation, barge traffic, water level manipulations, and other byproducts of river management. Consequently, fish stocks of most inland river systems of the United States face depletion, some to the point of endangerment. Loss of these stocks imperils not only the fish themselves, but the economies along inland rivers.

The management of fisheries in the Nation's large rivers is severely hampered by a lack of knowledge of fish populations and river dynamics. Only fragments of some riverine fisheries are managed, and these are often managed as isolated units instead of part of a much larger river system. A strong Federal role is vital in coordinating and conducting fisheries research associated with large multi-state river systems, but it must not replace or preclude active involvement by state agencies. The lack of information on which to base management decisions is most severe in the large river systems which do not have anadromous fisheries (for example salmon). Research and management programs have been established for a long time to address anadromous fisheries of the large coastal rivers. In contrast, fishery resources of our large inland rivers have not received the same level of attention nor the management necessary to protect these resources for future generations.

I propose the establishment of a cooperative fisheries research and restoration program on large inland river systems to provide the information required by our state and Federal agencies for proper management of these valuable renewable resources. This research program would follow the recommendations of a comprehensive study of fishery research, management, and restoration needs of selected large rivers and would be cooperative in the sense that it would provide Federal cost sharing to state fish and game departments to undertake fisheries research.

To obtain the full use and benefit of the information derived from research conducted on large rivers, I also propose the establishment of an information transfer component to insure that research products are provided to both state and Federal fishery agencies in a timely manner.

Over the years, restoration of fisheries in our large inland river systems has proven difficult. The Mississippi River, for example, flows through the jurisdiction of ten states; consequently, one fish can easily fall under the management of four or more states in a single day's travel. This interjurisdictional nature of river fisheries makes coordinated management of fish populations a critical and high priority need. Therefore, I propose the establishment of Federal fisheries assistance offices to serve as coordination points for the state and Federal agencies to jointly identify system-wide information needs, and to develop restoration and enhancement strategies to complement and support existing state management of riverine fisheries.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cooperative Large Rivers Fisheries Research and Restoration Act."

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Management of fisheries in the large rivers of the United States is severely hampered by a lack of knowledge of fish populations and river dynamics affecting fish habitats.

(2) Natural resource agencies of individual States have difficulty managing these fisheries because the interjurisdictional nature of river systems hampers scientific investigations and development of management strategies of a scale and scope sufficient to address problems.

(3) A strong Federal role is vital in coordinating and conducting cooperative research associated with large river systems because, among other reasons, many fishery management problems are caused by federally regulated or constructed projects and activities, including dams, navigation facilities, and point and nonpoint pollution.

(4) In some rivers, the once rich assemblages of fish fauna and diverse habitats has been lost and formerly abundant native fish now exist only as endangered or depleted populations. Without positive management actions, native species will continue to decline, fostering even greater conflicts among water users.

(5) Waterway developments, including navigation, flood control, water level fluctuation, power generation, irrigation, and general water depletion are accelerating and increasingly degrading large river ecosystems nationwide.

(6) The American public will face reduced opportunities for recreational, commercial, subsistence, and aesthetic uses of river systems without demonstrable change in management strategies in the near future.

(7) Many of our Nation's public water impoundments and small rivers currently support near maximum recreational and aesthetic uses. State agencies, in response to growing public demands, must increasingly turn their attention to better management of large river ecosystems.

(8) The United States Fish and Wildlife Service is responsible for—

(A) facilitating restoration of depleted, nationally significant interjurisdictional fishery resources;

(B) seeking and providing for mitigation of fishery resrouces impaired by Federal water-related development; and

(C) maintaining a Federal leadership role in scientifically based management of fishery resources.

(b) PURPOSES.—The purposes of this Act are to require the Director of the United States Fish and Wildlife Service to—

(1) carry out a comprehensive study of the status, and the research, management, and restoration needs, of the fishery resources of large inland river systems;

(2) undertake activities which implement recommendations resulting from that study; and

(3) consult and carry out coordinated efforts with States and other interested parties regarding conservation and restoration of the fishery resources of large inland river systems.

SEC. 3. LARGE RIVERS FISHERY RESEARCH STUDY.

(a) IN GENERAL.—The Director, in consultation with appropriate State agencies and Indian tribes, shall conduct a comprehensive study of existing data related to the status of and the research, management, and restoration needs of the fishery resources of large inland river systems.

(b) CONTENT OF STUDY.—A study under this section shall include, but not be limited to—

(1) identifying and describing each of the large river systems and their fishery resources and fish habitat;

(2) identifying, describing, and providing information on the impacts of navigation, flood control, power generation, irrigation, and municipal water supplies on fishery resources, including the impacts of dredging, channel maintenance, water level management, sediment and contaminant transport, vessel traffic, water withdrawal, and changes in salinity and various hydrologic conditions;

(3) analyzing fishery resource data with regard to regional depletion of fish stocks and the potential for their restoration;

(4) developing recommendations regarding the scope, schedule, and regional priorities for undertaking research projects and data under section 4; and

(5) developing a plan for the restoration and enhancement of depleted, nationally significant fish stocks, including lake sturgeon, paddlefish, walleye, and other nonanadromous species.

(c) COMPLETION AND REPORT.—Not later than 30 months after the date of the enactment of an Act making appropriations to carry out this section, the Director shall complete the study under this section and submit to the Congress a report on the findings and recommendations of that study.

SEC. 4. FISHERY RESTORATION AND ENHANCEMENT PROGRAM.

(a) IN GENERAL.—The Director shall establish a cooperative fishery research, restoration, and enhancement program for depleted, nationally significant fish stocks in large inland river systems.

(b) CONTENT.—The fishery research, restoration, and enhancement program under this section shall be based on the findings and recommendations of the study conducted under section 3, and shall include—

(1) conducting continuing research regarding the status of fishery resources in large inland river systems;

(2) implementation of the plan developed under section 3(b)(5) for restoration and enhancement of depleted, nationally significant fish stocks; and

(3) development and implementation of such additional plans for restoration and enhancement of depleted, nationally significant fish stocks as may be appropriate.

(c) PARTICIPATION.—

(1) IN GENERAL.—The Director shall invite appropriate State agencies, Indian tribes, and Federal agencies (including the Army Corps of Engineers, the Bureau of Reclamation, and the Tennessee Valley Authority) to participate in activities conducted under a program under this section which are of special interest to those States, tribes, or Federal agencies.

(2) MEMORANDA OF UNDERSTANDING.—The Director shall enter into a memorandum of understanding with each State agency, Indian tribe, and Federal agency which participates in an activity pursuant to this subsection. Each memorandum of understanding shall describe the responsibilities and authorities of each party to the memorandum of understanding for conducting the activity.

(d) COST SHARING.—The Federal share of the cost of conducting any activity under a program under this section shall not exceed 80 percent of the total cost of that activity.

(e) COORDINATION WITH ENVIRONMENTAL MANAGEMENT PROGRAM.—The Director shall, to the extent possible, coordinate activities carreid out under this section with the Environmental Management Program implemented on the upper Mississippi River system under section 1103 of the Water Resources Development Act of 1986 (Public Law 99-662).

SEC. 5. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE RELATED TO FISHERY RESOURCES OF LARGE INLAND RIVER SYSTEMS.

In administering programs of the United States Fish and Wildlife Service related to large inland river systems, the Director shall seek to achieve the following goals:

(1) Restore and maintain self-sustaining fishery resource populations.

(2) Minimize the impacts of contaminants of fisherly resources.

(3) Protect, maintain, and, where degraded or destroyed, restore fish habitat, including the enhancement and creation of fish spawning and nursery areas.

(4) Restore threatened and endangered species to viable, self-sustaining levels.

SEC. 6. ESTABLISHMENT OF FISHERY RESEARCH OFFICES AND FACILITIES.

(a) OFFICES.—After completion of the research study under section 3, the Director shall establish the following offices for research, restoration, and enhancement under section 4:

(1) A center for large rivers research, in a United States Fish and Wildlife Service fisheries research facility having appropriate field stations to conduct fisheries research under section 4.

(2) An office or coordination mechanism for transferring scientific information to the States, Indian tribes, and other Federal agencies.

(3) Such fishery assistance offices as may be necessary for each large inland river system for the implementation of fish restoration and enhancement projects and for the coordination of interjurisdictional management activities. Each office shall be centrally located on the large river system and provided with necessary administrative and support services.

(b) FACILITIES.—The Director may establish such facilities ass may be necessary for conducting research, restoration, and enhancement under section 4.

SEC. 7. REPORTS.

(a) ANNUAL REPORTS.—Not later than December 31 of the year in which a program is established under section 4, and of each of the 3 years thereafter, the Director shall submit to the Congress a report describing the activities carried out under section 4 during the period covered by the report. The Director shall submit to each agency and each Indian tribe participating in activities under section 4 a copy of each such report covering those activities.

(b) PROGRAM EVALUATION REPORT.—The Director shall include in the last report required under section (a) an evaluation of the program conducted under section 4 that is adequate to enable the Congress to determine whether the program should be expanded, continued, redirected, or terminated.

SEC. 8. DEFINITIONS.

In this Act—

(1) the term "Director" means the Director of the United States Fish and Wildlife Service;

(2) the term "fish stock" means—

(a) a taxonomically distinct species or subspecies of fish; or

(B) any other aggregation of fish that are geographically, ecologically, behaviorally, or otherwise limited from breeding with individuals from other groups of fish and are suitable for management as a unit;

(3) the term "interjurisdictional management" means management of fisheries which occur in any river that serve as a border between 2 states or is subject to management by 3 or more fishery management authorities; and

(4) the term "large inland river systems" means the systems of the Colorado, Mississippi, Missouri, Ohio, and Tennessee rivers.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director—

(1) for conducting a study under section 3, not more than $12,500,000; and

(2) for conducting a fishery research, restoration, and enhancement program under section 4, not more than $15,000,000 for each of 5 fiscal years.

SUMMARY OF PROPOSED LARGE RIVERS FISHERIES RESEARCH AND RESTORATION BILL

Purpose: To conduct a study of the research, management and restoration needs of the fishery resources of the Nation's large inland river systems and to undertake research and management to meet those needs.

Large Rivers Fishery Research Study:

Director, FWS to conduct study, with State and tribal participation, of the research, management and restoration needs of fishery resources of large inland river systems.

Systems included are Colorado, Mississippi, Missouri, Ohio and Tennessee Rivers.

Study time—30 months.

Content:

Identifying and describing research needs for riverine management of fishery resources and their habitats, as affected by navigation, flood control, power, generation, irrigation and municipal water supply.

Analyzing fishery resource data with regard to regional depletion of fish stocks and potential restoration.

Developing recommendations on the:

Scope, schedule of regional priorities for establising a fisheries research program to meet research needs; and

Specific riverine fisheries or habitats in need of restoration or enhancement.

Fisheries Research Program:

To be defined by research study.

Coordination to be accomplished with States and other Federal agencies through memoranda of understanding.

State participation in fishery research projects can be cost shared up to 80 percent.

FWS Goals for Fishery Resources:

Restoring and maintaining self-sustaining fish populations, including threatened and endangered species.

Protecting, restoring and enhancing fish spawning and nursery habitat.

Establishment of Fishery Research Facilities and Offices:

Large rivers fisheries research center to be established with satellite field stations representative of the fisheries research program.

Information transfer or coordination mechanism to be established for providing research findings to FWS components, other Federal agencies, States and tribes.

Fisheries assistance offices to be established on each large inland river system to assist in the implementation of fisheries restoration and enhancement projects and for coordination of interjurisdictional fisheries management activities.

FIRST ANNIVERSARY OF THE HUBBLE SPACE TELESCOPE DEPLOYMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. BROWN. Mr. Speaker, 1 year ago, on April 25, 1990, the Hubble space telescope was lifted from the space shuttle *Discovery's* cargo bay and placed into orbit. That event marked the beginning of the era of the great observatories—an era that is likely to revolutionize our understanding of the universe. Earlier this month, the second of the great observatories—the Gamma Ray Observatory—was successfully launched and appears to be performing as planned. The third—the Advanced X-Ray Astrophysics Facility—is in development. A fourth observatory, the Space Infrared Telescope Facility, is currently being planned.

When completed, the four observatories will provide coverage of a large fraction of the electromagnetic spectrum, including regions inaccessible to ground-based astronomers. Astronomers will be able to address fundamental questions and investigate exciting phenomena with tools previously unavailable.

The Hubble space telescope, which operates in the visible and ultraviolet parts of the spectrum, will be looking both at distant stars and galaxies and at the planets of our own solar system. The giant planets of Jupiter and Saturn as well as Pluto, the icy and most remote planet circling our Sun will be examined. Hubble has already made important discoveries related to Supernova 1987A, including the discovery of a gaseous ring around the supernova.

I must acknowledge the disappointment we all experienced following the news that the Hubble primary mirror exhibited a defect that was introduced during the manufacturing process. While the Hubble space telescope is still capable of supporting significant research activities, it will not be able, at least over the near term, to achieve all of its planned objectives. This is a setback for a number of dedicated scientists who had hoped to use Hubble. I intend to work very hard to ensure that we learn from the Hubble experience.

Hubble space telescope is considered big science by many people, and by many standards it is. Yet, as the National Academy of Sciences noted in the report of the Astronomy and Astrophysics Survey Committee, "the great observatories embody the ideal of 'small science' made possible by large facilities; they allow individual investigators or small groups of investigators to carry out frontier research programs." Indeed, investigators from 200 different universities and research institutions had been awarded observing time on Hubble for the first year of its operations.

While the Hubble program has encountered setbacks, I am enthusiastic about the scientific yield from the mission to date and believe that much more of value will be realized in the months and years to come.

On this first anniversary of the Hubble's deployment, I want to offer my congratulations to the many individuals in government, industry, and academia who have helped to make this telescope a reality.

I look forward to the enormous contributions this facility will make to science in the future.

TRIBUTE TO GEORGE HANDLER

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute to George Handler, successful businessman and community leader. Mr. Handler is being honored at a dinner May 7, 1991, in Newburgh, NY, by the Anti-Defamation League of B'nai B'rith with its Americanism award for his many years of service on behalf of the people of the Hudson Valley of New York.

I join his many friends and admirers and compliment George Handler on being selected to receive this award. Throughout his life, he has displayed an intensity and resolve to enhance the quality of life in his community that has been matched only be the perseverance he has demonstrated in his impressive record of professional successes.

In addition to running his own business, Handler Consultants, Inc., a firm specializing in employee benefit planning, George serves as a senior sales consultant for the Guardian Life Insurance Co. of America. A member of the Million Dollar Round Table and other prestigious associations such as Top of the Table and Forum, George has distinguished himself as program chairman of the President's Council and is a charter member and a former president of the Guardian Leaders Club. In the Hudson Valley. He has assumed professional responsibilities which have included: Serving as former first vice president of the Orange County Life Underwriters and past president of the Mid-Hudson Society C.L.U. and ChFC. George has also been a frequent speaker and lecturer to various life underwriters associations professional socieities.

A devoted husband and father of two, George has always found time for his community. He served as president of the Jewish Federation of Orange County, the Jewish Community Center, and the Optimist Club. He is a former Man of the Year and chairman of the United Jewish charities and is an honoree for Israel Bonds. His exemplary record of service has included membership on the board of the Community Chest, the Newburgh Youth Bureau, Occupations, Inc., and Hospice of Orange County.

George has been a sports enthusiast since high school. Somehow he finds the energy and stamina to serve as a coach in not one but two demanding sports—baseball and basketball. He has led his teams to six state championships and one national title. George was a recipient of a testimonial by the Jewish Community Center in which the center's gymnasium was named in his honor.

Mr. Speaker, I am well aware that the outstanding contributions that George Handler has made over the years have greatly benefited the citizens of Newburgh and Orange County. I am pleased to call him my friend. I am confident that he will continue to provide invaluable service to the community and the impact he has had on the Hudson Valley will be felt for years to come.

IN OBSERVANCE OF WORKERS MEMORIAL DAY

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. PERKINS. Mr. Speaker, April 28 marked the third observance of Workers Memorial Day, a day set aside to remember American workers killed and injured on the job.

Twenty years have passed since passage of the Occupational Safety and Health Act [OSHA] and in those 20 years 245,000 workers have been killed at the workplace, over 100 million have suffered work-related injuries, and up to 2 million have died from occupational diseases.

Although the number of workplace fatalities and injuries have been reduced since the early 1970's, we still see each year more than 10,000 workers killed, 6.6 million injured, and 60,000 premanently disabled. Government statistics point to the mining, agriculture, and construction industries as most deadly with over 2,200 construction workers killed each year and occupational injuries in construction numbering 100,000 more in recent years than 20 years ago. In addition, the long-term effects of occupational disease account for as many as 100,000 deaths per year.

Mr. Speaker, all of us know of the work-related accidents experienced by our own constituents. While we mourn for those who have lost their lives while on the job, and for their families, let us not forget the living—let us strive to better protect the health and safety of the worker.

OSHA's programs of regulation and enforcement sorely need updating to address the hazards of today and the Congress must lead in this effort for reform. We cannot delay while so many American lives are at stake.

Mr. Speaker, I urge my colleagues to join me in supporting both comprehensive OSHA reform needed to change employers' safety and health practices to reduce the risks of death and injury, and the Construction Safety, Health and Education Improvement Act (H.R. 1063), to address the special hazards of that industry.

THE NATIONAL FLOOD INSURANCE AMENDMENTS (H.R. 1236)

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. FASCELL. Mr. Speaker, I would like to take this opportunity to voice my strong support for H.R. 1236, the national flood insurance amendments, which would provide flood insurance for properties located in flood-prone areas, and provide a more cost-efficient alternative to Federal disaster assistance by encouraging communities to take preventive measures to reduce flood losses. I urge our colleagues to support this important bill.

Our colleague, Congressman BEN ERDREICH, chairman of the Subcommittee on Policy Research and Insurance of the House Banking, Finance and Urban Affairs Committee, has done an outstanding job in steering this measure through the legislative process by holding timely hearings and soliciting the cooperation and input of those Members whose districts are most affected by floodplain management and insurance issues.

I am pleased to note that H.R. 1236 contains many of the proposals which I believe are crucial to improve the administration of the programs of the Federal Insurance Administration [FIA] of the Federal Emergency Management Agency [FEMA]: noting the regional differences among flood-prone communities; establishing loans for low-income people needing assistance; and providing increased information and communication with local officials.

I strongly believe that the Federal Flood Insurance Program can be useful as a tool to ensure the protection of unique coastal areas and natural resources such as the Florida Keys, and am pleased to see that the bill and report language strongly stress the importance of the FIA's recognizing immense regional differences in communities through the Mitigation Assistance Program.

Mr. Speaker, as you know, the Florida Keys are topographically a unique coastal area—a chain of solid rock land formations which are not subject to a regular cycle of flooding as other coastal areas are. The flood-plain management policies which may work for the Outer Banks and Mississippi Delta will not work in the Florida Keys unless they are applied with caution and flexibility. The Federal Government has a commitment to the thousands of residents of the Florida Keys to provide this flood insurance to all of those who comply in good faith with the regulations.

Many aspects of this bill—compliance and increased participation in the Flood Insurance Program, the authorizing of a community rating system, mitigation of flood and erosion risks, and the flood insurance task force—go a long way toward reaching the compromise we all sought to achieve a fair and balanced flood insurance program for homeowners while establishing a new program to reduce coastal erosion hazards.

Again, I thank the chairman for his leadership and commitment, and urge our colleagues to vote in favor of H.R. 1236.

LOUISVILLE ARTS COMMUNITY RECEIVES NATIONAL PRAISE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. MAZZOLI. Mr. Speaker, the Louisville and Jefferson County community has had a long and vibrant performing arts history, and it continues today. Recently, Actors Theater of Louisville and the Louisville Ballet have garnered national acclaim for their current productions.

For the past 15 years during the spring, theater critics from across the country have flocked to Louisville for the Humana Festival of New American Plays, a 3-day showcase of new plays held at Actors Theater. The Humana Festival is under the able direction of Jon Jory of Actors Theater, and many of these new plays go on to national audiences, and, in some instances, critical and public acclaim on Broadway. According to this year's reviews, the Humana Festival was another critical success.

The Louisville Ballet was founded in 1952 and has flourished in recent years under the artistic direction of Alun Jones. The Louisville Ballet holds the distinction of being the only regional company with which Mikhail Baryshnikov has performed in its repertory productions. The Louisville Ballet took its full length production of "Swan Lake" to New York on April 6, and I commend to the attention of our colleagues, Mr. Speaker, the following review from the April 8 New York Times which was extremely positive.

Mr. Speaker, I also commend to the attention of our colleagues two articles on the recent Humana Festival of New American plays: The April 11 Washington Times review by Hap Erstein and the April 10 New York Times commentary by Mel Gussow. I believe all the reviews are proof positive that the performing arts in Louisville and Jefferson County are alive and well.

[From the New York Times, Apr. 10, 1991]

A CATHARSIS FOR FORGOTTEN WOMEN OF VIETNAM AT LOUISVILLE FESTIVAL

(By Mel Gussow)

LOUISVILLE, KY, April 7.—As the lights came up on a reproduction of the Vietnam Veterans Memorial in Washington, women who served in that war placed mementoes of their experience as if they were flowers on a grave. The reaction of the audience at the Actors Theater of Louisville was palpable. Sobs filled the house in a crescendo that became a group lamentation. This final scene in Shirley Lauro's new play, "A Piece of My Heart," is a catharsis as well as a coup de théâtre. The women in the play are the most forgotten among all those who have been forgotten in Vietnam.

The play itself was the climax of the 15th annual Humana Festival of New American Plays, seen this weekend in a marathon of seven full-length works and two one-acts. In previous years, the festival (under the artistic direction of Jon Jory) has reached individual heights (with plays from Beth Henley's "Crimes of the Heart" to last season's "2" by Romulus Linney) and collective depths in a period in which Mr. Jory commissioned plays from celebrities.

This year was an on-season for Actors Theater, as the company resoundingly expressed its valuable purpose, to encourage playwrights to challenge themselves and the hundreds of theatergoers who converge on Louisville for the annual spring festival. Gone was the pretentious symbolism of plays in which metaphorical hounds of hell seemed to bark at the door of every drama. Instead there were tangible and meaningful plays by three theater artists. Theater offered a striking study of revolutionary Cuba by Eduardo Machado and, as an audience rouser, a dark comedy about a troupe of female wrestlers, written by Jane Martin, the first full-length play with interacting characters by this pseudonymous Louisvillian.

Through these plays and others of varying interest ran the festival's primary theme: the violence, psychological and physical, suffered by women, and their valiant attempts at self-assertion. These views ranged from the journey into madness of a lonely shopkeeper (in Shem Bitterman's evocative but attenuated interior monologue, "Night-Side") to the serial killer who regards the murder of women as an extension of seduction (Lee Blessing's disappointing "Down the Road").

In Ms. Lauro's "Piece of My Heart" (based on Keith Walker's oral history of the same title), six women, most of them nurses, fly to Vietnam on a wave of innocence and idealism—almost immediately replaced by panic. They are insufficiently trained and totally unprepared for the maimed bodies, the river of blood that flows through the hospital after it is bombed and the illogic of the war itself. In the second act, back home, we see the full nightmare of the war and its aftermath.

There have been a number of plays dealing with Vietnam (most recently Steve Tesich's "Speed of Darkness") but none with the direct emotional impact of Ms. Lauro's work. It is, on one level, a model of the art of the dramatic collage. The playwright has taken true stories and crossthreaded them so that the monologous nature is completely concealed. In collaboration with the director, Allen R. Belknap, and a symbiotic company of actresses (one actor plays all the male roles), Ms. Lauro has turned firsthand impressions into a disturbing drama that evokes empathy for survivors as victims, especially the women in the war zone, whose only weapons are their hearts.

With equal perceptiveness, three of the talented actresses in Ms. Lauro's play have totally disparate roles in Ms. Martin's "Cementville," directed by Mr. Jory. The title (pronounced "seementville") is a fictional Tennessee town with a sports arena that once housed greats like Jake LaMotta but has now fallen on seedy times. Mock wrestling matches are staged for the rabble, sports descended to the depths of show business.

In a fiercely funny first act, a border state reversal of David Storey's "Changing Room," female wrestlers are in a dingy locker room preparing for the evening's show. As she did in "Talking With," Ms. Martin creates a panoply of individualized characters, but, in contrast to that earlier anthology of monologues, these people become an interwoven ensemble.

In the second act, the play spins into an outbreak of locker bashing violence, which unwisely makes explicit things more effectively encountered as offstage emanations. But the ending itself knits the play together in a moment of ruefulness. "Cementville" offers additional confirmation of Ms. Martin's gift for dialogue, as she captures the local colorfulness of obsessive characters. There is also a knowing sense of our times, as in one character's prediction that fantasy entertainment is the growth industry of the 90's.

For Mr. Machado, "In the Eye of the Hurricane" is a long awaited realization of the playwright's early promise. The success is shared equally with the director, Anne Bogart, whose visually arresting production offers a tangoesque view of a Cuban family and Cuba itself (in 1960) in the throes of radical change. Emotions seethe and flare, as the playwright and the director orchestrate a symphony of contradictions.

The stage echoes with love-hate, along with outlandish humor akin to that of Mario Vargas Llosa. When the family's bus line is about to be nationalized by Castro, relatives agree to lie down in front of the buses in order to safeguard the vehicles. The confident head of the household takes his prone position in front of a giant tire, awaiting vindication or death, and then, as the bus pulls away, realizes that he has forgotten the alternative of reverse gear.

"We are what they want to throw away," he says in reference to the new regime. This is a disposable nouveaux riche society and to a great extent the characters have brought about their own downfall with their chicanery and guile. Feminism emerges in the portrait of the matriarch, still demanding in her old age (a fesity Lynn Cohen) but a woman submerged in a male hierarch. The most stylish performance is given by Christopher McCann as the serpentine son, for whom compromise becomes a condition of survival.

The other plays included "A Passenger Train of 61 Coaches" by Paul Walker, a Story Theater style exercise about Anthony Comstock's crusade for censorship. The work is surprisingly enervating considering the renewed timeliness of the subject.

"The Death of Zukasky" by Richard Strand brings the repression of women into the board room, with a funny cartoon about corporate politics and backstabbing behind the infrastructure. In it, a woman executive becomes the unwitting foil of the company's con artist. In sitcom fashion, "Zukasky" provides laughs, but it is the memory of plays by Ms. Lauro, Mr. Machado and Ms. Martin that theatergoers will take home from Louisville this year.

[From the Washington Times, Apr. 11, 1991]

HUMANA STILL SETS STAGE FOR NEW, DARING DRAMA

Jon Jory, the producing director of Actors Theatre of Louisville, long has wanted the American theater to take on the big issues of the day. And the Humana Festival of New American Plays, the premier showcase and marketplace of new stage work in this country, reflects Mr. Jory's tastes at least as much as it signals trends in the theater.

This year's 15th annual festival, a monthlong rotating repertory of nine new or nearly new plays and play fragments that continues through this weekend, has not lacked for hard-hitting subjects. Scripts tackled Vietnam and its aftermath, serial killers and media exploitation, religiously motivated censorship zealots and the effects on Cubans as communism and Fidel Castro came to power.

But Mr. Jory also seems to want to ensure that situation comedies don't perish from the American theater scene. Alongside the tough and demanding offerings are gag-stuffed comedies, some of which could be television series pilots that got misdirected by Federal Express on their way to Hollywood.

The plays of the Humana Festival are nothing if not eclectic—in stylistic approaches, thematic intent and, unfortunately, quality.

Still, last wekend, as it has for a decade and a half, Actors Theatre became the center of the theater world for 72 hours. Hundreds of representatives from the non-profit theater network, commercial producers, literary agents and international drama critics descended upon this Tony Award-winning regional company for a marathon play-shopping and schmoozing session.

Presumably, they were all looking for the next "Gin Game," "Agnes of God" or "Tales of the Lost Formicians," all plays that premiered at past Humana Festivals and went on to wider aclaim.

As is typical, the menu was a smorgasbord of the terrifc and the terrible, and judging by the convivial jousting and jawboning at the bar within the two-theater complex, there was more than a little disagreement as to which was which.

Most likely to resurface beyond Louisville from this year's crop is Shirley Lauro's "A Piece of My Heart," a remarkable, moving account of combat nurses in Vietnam, the hell they went through and the difficulties they had coming home and adjusting to postwar hostilities stateside.

Miss Lauro adapted Keith Walker's book of interviews with women who went to Vietnam only to have the veil of innocence lifted from their eyes. With short, effective strokes, she takes them beyond types (the Army brat, the Junior Leaguer, the country and western entertainer, the anti-war hippie, etc.) to fully dimensional characters.

Why we were in Vietnam is a question that remains outside the realm of the play. The war is a fact: Maimed bodies are what these women have to deal with, patch up and send back out to fight. If the first act is relatively apolitical, however, after intermission the real nightmare of that war begins for the nurses as they return home.

"We are now beginning our descent," says the pilot innocuously, foreshadowing the downward pull to the nurses' self-esteem as they face career and adjustment hurdles.

Founding Kennedy Center Chairman Roger Stevens optioned the play and reportedly still is interested in producing it. Judging from the sniffling and the standing ovation from a generally jaded professional audience, its emotional impact was confirmed.

The Humana Festival has widened its aims in recent years to encompass second productions of plays that were not completely realized in premier engagements elsewhere. That described "Down the Road," by Lee Blessing, a writer of substantial talent and versatility who has had three previous Humana Festival plays produced.

"Down the Road" examines a man who killed 19 women, and the husband-wife journalist team trying to interview him for a book. It looks like Mr. Blesing still is at least one draft away from his goal, but the subject is worth the effort.

Mr. Blessing wants to consider the stress on the married couple when they try to capture on tape the thoughts of prisoner Bill Reach, convicted murderer and mainstay of the tabloids. Their intervew is a skirmish as Reach refuses to answer the crucial "why" questions. The couple's conflicts in a generic motel room are flat and strain credibility, however. "Down the Road" is consciously subdued and clinical, but there are too many logic jumps.

Still, it is further along than "A Passenger Train of Sixty-One Coaches," a fine idea waiting for a play to be written. This is the history of Anthony Comstock, the 19th-century Puritan who devoted his life to attacking obscenity and imposing his morality on society at large.

Comstock lobbied for and later helped to enforce a law against the mailing of obscene materials. He tried to save the public from such smut as George Bernard Shaw's "Mrs. Warren's Profession." The "Train" title refers to a boastful Comstock quote about a vehicle that large being needed to hold all the people he had gotten convicted of crimes against decency.

"Train" is written and directed by Paul Walker, a theater games specialist who directed "Conquest of the South Pole" at Arena Stage. No wonder then that it unfolds with shared narration and a playful tone full of aggressively non-traditionally cast caricatures in a quirky historical pageant. All of this might have worked if the play were not so paper-thin.

Still, Mr. Walker cannot blame his director, which is the case with Eduardo Machado's "In the Eye of the Hurricane." His play is staged and pummeled to within an inch of its life by Anne Bogart.

Miss Bogart, former artistic director of Trinity Rep Company, is a kindred spirit of aging wunderkind Peter Sellars. Both tend toward a heavy-handed, postmodern, deconstructionist stamp, regardless of its appropriateness.

Mr. Machado has written a moment-in-time snapshot play of 1960 Cuba, when Castro was confiscating and nationalizing the wealth of his island's upper class. "Hurricane" looks at an exceedingly greedy family whose empire was built on ownership of a bus company, and how they react to its imment loss. Our sympathies quickly wane as the family's panicky responses grow increasingly self-centered.

If this Humana Festival is only middlingly successful with political plays beyond Miss Lauro's drama, it fares better with some forays into short forms. A name on most lips by the end of the weekend was Shem Bitterman, author of a one-hour, one-act, one-performer play called "Night-Side."

This breathtaking work is as far from standard monodrama as a symphony is from tissue paper and comb. Sara, a Boston flower shop clerk, shares her thoughts as she stares out the store window at the garden park across the street. She has uncanny powers of observation and a way of perceiving the thoughts of others.

Gradually it becomes apparent that we are listening to the paranoid ravings of a deeply disturbed young lady. Mr. Bitterman is a master of creating tension and apprehension. He is aided not a little by a tour de force performance from Pamela Gien, an actress of rare delicacy, precise focus and harrowing intensity.

"Night-Side" is at once uncomfortable and exhilarating. Though I suspect its chances of having a commercial afterlife are slim, we have not heard the last from Mr. Bitterman or Miss Gien.

For impatient playgoers, Actors Theatre now sponsors a contest for the best 10-minute plays. Winners this year were showcased in the Humana Festival—John Glore's "What She Found There" and Neal Bell's "Out the Window."

The former is a fantastical bit of whimsy by a former Arena Stage literary manager. He imagines that when Alice went through the looking glass, her mirror image came through into our world.

Called Celia (for anagrammatic reasons), she is 130 years old but looks 13. We first see her in bed with a trucker, who learns postcoitally that she is a literary creation whose customs are the reverse of ours.

With so many plays crumbling in the second act or merely growing repetitive, it's refreshing to encounter one that you actually want to see expanded.

Less fun but still intriguing is Mr. Bell's sketch. When a man in disheveled formal wear wakes up with a hangover in a wheelchair atop a kitchen table and has no idea how he got there, there is certainly enough mystery to last 10 minutes. Fortunately, Mr.

Bell has something on his mind and a lot on the ball, as "Out the Window" develops into a metaphor about hope.

Although the Humana Festival is devoted to producing theatrical works of stories best told on a stage, somehow each year they get around to an out-and-out TV sitcom.

This year it's "The Death of Zukasky" by Richard Strand. It begins with the demise of the title character, a middle manager in a huge, unspecified corporation. This triggers a power struggle for his job. Mr. Strand has a knack for mechanical gags and his characters soon lose their tenuous hold on reality.

A far more intriguing comedy comes from the pseudonymous playwright Jane Martin. Most veteran attendees accept the prevailing guess that "her" identity is in fact Mr. Jory. What's important is she can write a funny line, and she ties it to character to take us to new worlds. The world of "Cementville," for instance, is that of third-rate arenas and the desperation pseudosport of wrestling, female division.

However seamy these gladiatresses, they are held in awe by the fans.

On the whole, Louisville this year is not offering as many finished, polished, completely satisfying plays as it has in the recent past. But neither are there as many plays that defy justification.

At 15, the Humana Festival may be showing its age, having lost a step or two in its momentum. Yet it still remains as prolific and as dedicated to the precarious job of finding and developing new plays as any theater in the nation.

[From the New York Times, Apr. 9, 1991]

KENTUCKY TROUPE BRINGS NEW IDEAS TO "SWAN LAKE"

(By Anna Kisselgoff)

The Louisville Ballet made its New York City debut in 1985 with several mixed bills that created more than a good impression. The Kentucky company's revival "La Fête Étrange," a poetic dramatic ballet created in 1940 by the English choreographer Andréé Howard, was nothing short of outstanding. Yet for all the enterprising repertory that Alun Jones has attempted since 1978, when he became the troupe's artistic director, he obviously needs to meet the demands made on virtually all regional ballet companies in America. That is, he has had to stage a full-length 19th-century classic.

It was, moreover, at the request of the Colden Center for the Arts of the Queens College that the Louisville Ballet presented its 1988 version of "Swan Lake" on Saturday afternoon. Another mixed program might have been better suited to the dancers' abilities, but there is no doubt that this production was true to the essence of "Swan Lake" and incorporated many interesting new ideas.

Mr. Jones and his wife, Helen Starr, the troupe's associate artistic director, who danced Odette, staged this "Swan Lake," inspired by their own experiences in Britain. Mr. Jones, a former member of the London Festival Ballet, was openly influenced here by a landmark "Swan Lake" staged for that troupe by the Soviet choreographer Vladimir Bourmeister.

Mr. Jones's own ideas, however, did much to sharpen the dramatic conflict between good and evil inherent in the ballet. This viewer has never seen both Odette and her double, Odile, actually confront each other in the ballroom scene. Usually Odette is seen here as a fleeting vision behind a scrim. But Diane Downes, a dancer with, uncannily, the same physique as Miss Starr, entered to reproach Prince Siegfried. Even the audience, not to speak of the hero, could be confused by two dancers in identical white tutus who looked so much alike.

Most of the novelties were in this ballroom scene in Act III, in which passages from Tchaikovsky's score for the original 1877 production (not the 1895 standard version by Petipa and Ivanov) were restored. Thus the Grand Pas de Financées was not a brief waltz for six prospective brides. Each had a classical solo. The usual pas de deux was now seen in choreography attributed to Bourmeister's version. A key moment occurred when Keith Kimmel, as Rothbart, the magician, scooped up a feather that Odette had previously given the prince.

The choreography was hardly as dazzling as the standard Petipa pas de deux in this scene, but oddly, the dramatic suspense was real. One waited to see what would come next.

In Act I, Joy Williams Bell carried off a cameo exceedingly well as a pal of a queen mother who, unusually, joined Siegfried in a drink and mocked her own sternness. The traditional pas de trois was augmented by a second couple. The women—Elizabeth Hartwell, Rose Marie Wurzer and especially Jennifer Glaze—were more classically polished than the men, Clark Reid and David Goud.

In Act II, in the first lakeside scene, Miss Starr danced Odette's solo before the adagio with Charles Flachs's Siegfried. Her performance had more of a studied correctness than an affecting passion, but the point was that it was accurate and Mr. Flachs's good partnering was impressively keyed to the drama of the moment.

The final lakeside scene, drastically cut, ended with an effective moment for the corps in a deep curtsy. Bereft of Julia Tevelyan Oman's sets (acquired from a discarded Boston Ballet production) which cannot be taken on tour, thus "Swan Lake" could hardly look definitive. If the soloists were uneven, the corps was excellently rehearsed.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL

HON. MIKE KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. KOPETSKI. Mr. Speaker, today, I rise to join my colleagues in support of the Congressional Call to Conscience Vigil. This vigil, in support of Soviet refusniks, has been taking place on this floor for 15 years. For 15 years, Members have spoken out for freedom, human rights, and for the right of Soviet Jews to emigrate. I commend the Members of this body for taking such a strong stand in the name of human rights and urge all Members to join the Call to Conscience Vigil.

Today, I would like to focus attention on Andrie Andreev, a refusnik from Leningrad. In November of 1989, Andrei was denied the right to emigrate to Israel on the basis of his former army service. Andrei was discharged from the army in 1986, 5 years ago. Further complicating this case, Andrei's wife and her parents were given permission to emigrate in November of 1989. The entire family remains in the Soviet Union, awaiting approval for Andrei to emigrate.

Mr. Speaker, in the last several years we have seen remarkable changes take place throughout the world. The Soviet Union has itself experienced many of these changes. In Central America, Germany, Eastern Europe, and the Persian Gulf we have seen changes, changes so dramatic that they really put one person's request to emigrate from the Soviet Union to Israel in the proper perspective. Andrie Andreev and his family only seek the right to practice their religion. I do commend the Soviet Union for allowing increased numbers of refusniks to emigrate. But it is not enough. The Soviet Union can and should allow more refusniks to emigrate. This debate is not about world change; it is about the rights of individuals to practice their religion of choice, free from restriction and harassment.

I urge the Soviet Union, in the strongest terms, to reconsider the case of Andrie Andreev. Further, I urge my colleagues to continue this vigil and to follow the Andreev case as well as the plights of thousands of other Soviet Jews who seek the right to emigrate from the Soviet Union.

A TRIBUTE TO MS. ANITA KING

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DYMALLY. Mr. Speaker, I rise to commend Ms. Anita King, a member of the Los Angeles Commission on Women, and more recently a Presidential appointee to the U.N. Commission of the Status of Women. Ms. King, who is California's black Republican State chair, served as an alternate delegate to Ambassador Juliette Clagett McLennan during the Commission's February and March sessions in Vienna, Austria.

Ms. King has been a member of the Los Angeles County Commission on Women for the past 6 years, and an active business leader. She serves as the California Governor's appointee to the Colorado River Board of California and has been active in a variety of community organizations.

Ms. King, as part of the U.S. delegation, participated in submission of a resolution calling for interregional consultation of women in public life. This resolution noted the need for including nongovernment organizations together with governments in deciding political action agenda that will help mobilize women into active participation in the political process.

It should be noted that only through the contributions of leading women such as Ms. King who strove all their lives to improve the quality of life for their neighborhoods, and communities, that the standard of life would improve for all our citizens. It is through active women who devoted their lives to advance the case of full equality for women at all levels of government that women will at long last be integrated into the highest levels of our Government.

Mr. Speaker, once we listen carefully to the message brought to us by capable women such as Ms. Anita King and integrate women into all levels of policymaking, then we would have tapped a great force which would propel us into a safer and better world.

IN RECOGNITION OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS OF STOCKTON, CA, BRANCH 213

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. LEHMAN of California. Mr. Speaker, I rise before my colleagues to recognize the contributions made to our community by the Letter Carriers of Stockton, CA. For the past 100 years these men and women have carried on a proud tradition of public service to the individuals and businesses in our community. In carrying out their daily responsibilities, they have exhibited a devotion to duty which is unique and admirable.

Branch 213 is composed of dedicated men and women who brighten the days of many by delivering a letter from a friend, relative, or grandchild. In addition, these men and women volunteer many hours of service to raise money for such nonprofit organizations as the Muscular Dystrophy Association, the American Cancer Society, Children's Home, and Little League all as a matter of daily activity, many times without recognition.

It is with this in mind that I would like to express my sincere congratulations and appreciation for the past 100 years of dedicated service that each and every member of Branch 213 has brought to the community.

RESOLUTION TO DECLARE OCTOBER 1991 AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, for the past 2 years, October has been commemorated as "National Domestic Violence Awareness Month." Today I am once again introducing, with my distinguished colleague Mr. MILLER of California, a resolution which would make this important designation.

Domestic violence is a national crime. Its pain reaches every member of the family and its effects impact future generations. It is an outrage that 95 percent of the victims of this battering are women. And yet, behind closed doors, the violence rages. Our sisters, our mothers, our wives often keep the pain hidden.

Normally when we speak of violent criminals our thoughts turn to those lurking in dark alleys, crouching behind trees in the late hours of the night, and watching our homes in preparation of entering. The sad truth, however, is that the violent criminal battering of 3 to 4 million women a year in America wears the face of a husband, a brother, a boyfriend. Often, he is not called to answer for his brutality, but rather lives in relative comfort next to his victim, preparing to strike again.

Mr. Speaker, the statistics are staggering.

Domestic violence is the single largest cause of injury to women. Close to half of all incidents of domestic violence against women are not reported to police for fear of reprisal, the feeling that battering is a personal matter, and a lack of shelter space.

Battering tends to escalate in severity over time and can often be fatal. It is horrifying to confront the fact that 30 percent of female homicide victims were killed by their husbands or boyfriends in 1986.

And, in 50 percent of families where the wife is being abused, the children are abused as well. The cycle continues, as the abused children often grow up to themselves abuse.

Domestic Violence Awareness Month offers the opportunity to support victims in their efforts to break the cycle of violence. It recognizes the hard work and invaluable achievements of those who work and volunteer their time to help these victims. It asserts that abuse and violation of another human being under any circumstance is unacceptable.

Mr. Speaker, I urge every Member of this House to join me, Mr. MILLER, and 87 original cosponsors in supporting National Domestic Violence Awareness Month.

STOP THE MASSACRE OF ARMENIANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. BONIOR. Mr. Speaker, I am outraged by reports that Azerbaijani and Soviet Interior Ministry troops have invaded the Armenian-populated villages of Getashen and Martunashen. Once again, the Armenian people have been subjected to the horrors of oppression. At least 20 Armenian villagers have been killed. Some reports put the death toll at over 60, many of them women and children.

For the past few years, we have seen a pattern of Azerbaijani aggression against Armenian villages with the apparent sanction of, if not direct aid from Moscow. Since 1988, Armenians have been massacred and forced out of their homes in the towns of Sumgait, Girovabad, and Baku.

Azerbaijan has used naked aggression in an effort to forcefully remove Armenians from Nagorno-Karabagh, uprooting them from villages and lands that have been their home for many generations. This forced removal has resulted in hundreds of deaths and created hundreds of thousands of Armenian refugees.

Such violence must end. Instead of aiding Azerbaijani aggression, Moscow must play an active role in protecting Armenian villages from attacks. Moscow must know that the use of force to suppress democracy movements and terrorize innocent civilians will arouse the outrage of the world. I urge my colleagues to speak out against these terrible abuses being inflicted upon the Armenian people.

THE FAIRNESS IN CAMPAIGN FINANCE ACT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. SMITH of Texas. Mr. Speaker, campaign finance reform is the most critical issue confronting representative Government today.

Such reform is crucial to restoring and maintaining the integrity of our representative form of Government, a Government that increasingly is perceived to be in the grasp of the special interests.

Today I am introducing legislation, the Fairness in Campaign Finance Act, that would draw a clear line to limit PAC contributions to one-third of a candidate's total contributions.

Such a percentage limitation will tell all Americans that individual contributions are the main financial force behind every congressional race.

If we are to restore confidence in Congress as the people's branch of Government, we must prove to citizens that their influence outweighs that of special interests.

THE 200TH ANNIVERSARY OF POLAND'S CONSTITUTION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. KANJORSKI. Mr. Speaker, I want to call to you attention the fact that May 3, 1991 is the 200th anniversary of Poland's Constitution.

One of the oldest of such documents, second only to our U.S. Constitution, the Polish Constitution balances individual rights and the good of the whole society.

Longevity is not the only similarity to the U.S. Constitution. The Polish Constitution also established three separate branches of government, religious freedoms, and representational government.

In setting out to establish a working Polish Government, the authors of the Constitution hoped to free the country of foreign intervention. The King was committed to reform, although members of the nobility were opposed to change for they saw it as an infringement on their rights.

But, the authors persevered and the Sejm ratified the new Constitution on May 3, 1791, as a bold, new means of preserving Poland's nationhood.

The Polish Constitution was very liberal for its time and those in opposition decided to join together to overturn the act.

These groups contacted Russia to intervene, and Russia, afraid of what a democratic movement in Poland might do to the stability of their own country, invaded Poland in May 1792. Prussia and Austria soon followed. For the next 100 years, Poland ceased to exist. Finally, in 1915 after World War I, Poland became a free nation.

Democracy was interrupted once again during World War II and then by the Communist occupation. However, now Poland is finally free to establish democracy again.

The fact that today we are celebrating the 200th anniversary of the Polish Constitution is proof of how significant a document it is. For it to have survived this long and through such adversity is a testament to its importance.

We commemorate this day for the sacrifices that were made in the past, for the bravery of those who strove for change, and we look ahead to the great advances and opportunities that lie ahead for the people of Poland today.

I know this government of the people will continue for at least 200 years to come.

Mr. Speaker, I want to take this opportunity to recognize the people of Poland, past and present, for their sacrifices, and those of Polish ancestry for their commitment to democracy.

OLDER AMERICANS MONTH

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. ROYBAL. Mr. Speaker, each year, the month of May is designated by the President as "Older Americans Month." This is an excellent opportunity for public officials, community leaders, and persons of all ages to get to know the elderly services of their community and to discuss the well-being of today's elderly population, as well as tomorrow's. Older Americans are an active and conscientious group of citizens whose sense of public organization has enriched and strengthened our great Nation. Therefore, it is fitting that we set this time aside to honor and to ensure that all older Americans will have the dignity and quality of life that will make their later years rewarding and meaningful.

Growing old in America must be a concern of the young, as well as the old, the rich, the poor, in urban and rural America, in government and private sector regardless of ethnic or cultural background. We already know that far too many of our elderly are poor, isolated, homeless, ill-housed, and in need of a variety of services.

While my fellow colleagues can look back with pride on the many measures passed to aid our senior citizens, we must also look ahead and respond to the many unsolved problems and challenges facing the elderly today and in the future. In a few weeks we will be challenged once again to look at these problems with the reauthorization of the Older Americans Act. Let us renew our determination to ensure that every individual over the age of 60, regardless of their income, has accessibility to all the programs in the Older American Act. In the coming decades, meeting this goal will be increasingly important and more challenging.

Our own views of the aging process affect our decisions regarding the many social programs and institutions that the elderly have come to depend upon. For this reason, as chairman of the Select Committee on Aging, I ask that you continue your involvement with the aging network. Your active participation ensures that older Americans will continue to receive the care and attention that they so well deserve.

CONGRATULATING KGGM-TV

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. RICHARDSON. Mr. Speaker, too often the broadcast industry is criticized for not doing enough in the public service area. In my home State of New Mexico, we have a very involved broadcast industry committed to serving the public good. One example is KGGM-TV in Albuquerque.

Beginning next week, KGGM-TV will begin airing a series of reports about teenagers and the difficult decisions they face growing up. The Teenagers and Tough Decisions project deals with many of the issues that confront our youth. Each night, the station will broadcast test questions which will help teens and adults find out how much they know about drug abuse, teen stress, and career planning. KGGM-TV will also offer specific ideas on how teens can make the tough decisions facing them.

Teenagers and Tough Decisions won't tell teens what to do. Rather, it will give them the tools and information they need to arrive at the right decision on their own.

I commend KGGM-TV's public service commitment and urge other stations nationwide to follow KGGM's suit and develop creative public service programs. I urge my colleagues to join me in applauding KGGM and encouraging them and other stations to continue this fine work.

EMMA PENDLETON BRADLEY HOSPITAL CELEBRATES 60 YEARS OF COMMUNITY SERVICE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. REED. Mr. Speaker, I rise today in recognition of Emma Pendleton Bradley Hospital in East Providence, RI.

Bradley Hospital, a psychiatric center for children, adolescents, and their families, celebrates its 60th year of service in the Rhode Island community.

As Bradley Hospital enters its sixth decade, the staff has been looking forward as well as back, tracing its history as well as charting its future. The Federal Government has recognized Bradley's commitment to excellence, and has awarded Bradley researchers more than $14 million in grants to continue studies in areas such as fetal cocaine syndrome, affective disorders and adolescent sleep disorders.

The hospital has recently published "Out of Sorrow and Into Hope: The History of the Emma Pendleton Bradley Hospital," written by Michelle Dally Johnson. This insightful and touching history reveals the commitment to quality and creative care for those people most in need. As our society becomes more complex, Bradley's role within the community assumes greater importance.

I applaud Bradley's history of commitment and success, and I look forward to working closely with its talented and dedicated staff.

COL. GEORGE W. CASEY, JR.

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. HUTTO. Mr. Speaker, George W. Casey, Jr., U.S. Army, was promoted today from the rank of lieutenant colonel to colonel. Colonel Casey graduated from Georgetown University in 1970 and was commissioned a second lieutenant in the infantry. After serving in a variety of command and staff positions in Germany, Italy, Israel, and the United States, in 1985 Colonel Casey was selected to command the 1st Battalion, 10th Infantry in Ft. Carson, CO. Subsequently, Colonel Casey has served as a senior fellow at the Atlantic Council of the United States, as a congressional liaison officer in the Army Secretariat, and as a special assistant to the Chief of Staff of the U.S. Army.

During his time as legislative liaison, Colonel Casey worked extensively with the House Armed Services Committee. His performance was truly outstanding and his promotion is well deserved. The House Armed Services Committee wishes George well in all his future endeavors and believes he will go far in his Army career. His performance over time has truly reflected favorably on the Army and its officer corps.

Colonel Casey is married to the former Sheila Lynch of Eastchester, NY. They have two sons, Sean, currently attending Syracuse University, and Ryan, a freshman at East Carolina University.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DWYER of New Jersey. Mr. Speaker, it has been my privilege to participate in the congressional call to conscience vigil since my election to the House in 1980. I have believed that is important to keep the plight of Soviet Jews in front of the Congress and the public so that they are not forgotten. By selecting individual cases, we have an opportunity to humanize the difficulties these people face in their fight to leave the Soviet Union.

One such person is Valery Smirnov of Turbina who was arrested in April 1982. Mr. Smirnov had been a Soviet representative in the Norway Trade Office. Through that position he was able to visit the United States, where he requested and received political asylum.

He received assurances from the Soviet Government that he would be able to return to see his wife and children. However, upon his return he was arrested and convicted of treason. He was sentenced to 10 years in prison and is scheduled to be released next year.

Some of our colleagues have met with Mr. Smirnov and report that he is doing well in confinement. And, even though the case of espionage against him was fabricated, it is becoming more difficult for Mr. Smirnov to keep up his energy for his fight for release.

Mr. Smirnov is a computer specialist and was a candidate of physics and mathematics. He was aware of the workings of the Soviet asylum. He knew the hardships that his family would face if his request for asylum was granted. He also knew that in order to free his family from the hostage life the Soviet Government would impose upon them, the cost would be his freedom.

Valery Smirnov's crime was to escape from the Soviet Union. His punishment for choosing freedom has been severe and he will not emerge from the labor camp unaffected.

While many things have changed in the Soviet Union, regrettably, many things have stayed the same. Mr. Smirnov's case should be kept before Soviet authorities in the hope that his sentence will be commuted.

JURY TRIALS IN WRONGFUL DEATH CASES

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. SMITH of Florida. Mr. Speaker, today I am reintroducing legislation from the 101st Congress to allow jury trials in tort actions against the United States in cases involving death or serious bodily injury.

For centuries, the sovereign was above the law and could not be brought before the bar of justice, no matter how culpable the sovereign might be.

Less than 50 years ago, the United States Code became progressive with the passage of the Federal Tort Claims Act. Now under the law, if the sovereign chooses to be sued, the sovereign determines grounds and procedures, absent a constitutional imperative.

The basic law says no jury trials in wrongful death actions. I find this unfair. Several years ago, one of my constituents learned of the unfortunate death in a Federal prison of his son. I will not go into the details of why the young man was in jail or the circumstances that led to his death. Suffice it to say that the father felt that the current law, which has a judge determine culpability of Government officials, needed amending. After hearing my constituent's complaint, I had drafted the bill that I am reintroducing.

I hope that my colleagues will consider supporting this legislation.

A CONGRESSIONAL SALUTE TO ELEANOR R. MONTANO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a woman who has served her community with great distinction. I would like to take this opportunity to acknowledge the outstanding achievements of Mrs. Eleanor R. Montano.

A native of Long Beach, CA, Eleanor attended elementary school in both Wilmington and Long Beach, and went on to graduate from Phineas Banning High School in Wilmington. On September 2, 1941, she became Mrs. Emilio R. Montano. The couple will be celebrating their 50th anniversary this year. The Montano's have raised five children; Ricardo, Marina, Loretta, Mario, and Jamie, who have given them five grandchildren.

A crime prevention specialist for the Los Angeles Police Department [LAPD], Eleanor is also a member of the LAPD's Directed patrol committee, the Gang Alternative Program, and Mothers Against Gangs Support. Mrs. Montano also shows her devotion to providing the area's youth with healthy alternatives to gang involvement by serving on the board of directors for the Wilmington, Harbor City/Gateway, and Carson Boys and Girls Clubs. With this vast expertise, she has often been called upon to present programs on gangs for southern California school districts and law enforcement agencies.

In addition, Eleanor has a record of community service and involvement that is unmatched. Her amazing array of activities range from the California Border Violence Project Delegation and the Community Youth Gang Services Task Force, to the Retail Bakers of America and the Fancy Frosters Cake Club. Her generosity with her time and her seemingly boundless energy have had a tremendous positive impact on the communities of the greater Long Beach area.

In recognition of these contributions, Eleanor has been honored by numerous groups, including the city of Los Angeles Human Relations Commission, the California PTA, and U.S. Department of Justice. In 1982, she was made the honorable mayor of Wilmington for her outstanding work on behalf of the citizens there. On May 5 of this year, Eleanor Montano is being honored as the first "Community Citizen of the Year" by the South Bay Area's Zonta Club. This club, founded in Buffalo, NY, in 1919, is a worldwide organization of professional men and women devoted to promoting the equality and status of women. They have chosen Eleanor as their first South Bay recipient of this prestigious award, and I commend the Zonta Club for picking such a stellar example of community spirit and involvement.

Mr. Speaker, my wife Lee joins me in extending this congressional salute to Eleanor Montano. We wish her all the best in the years to come.

BELL PARK GARDENS GOES PRIVATE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. SCHEUER. Mr. Speaker, I take great pleasure in announcing that the first ever all-veterans housing cooperative in the United States, the United Veterans Mutual Housing No. 2 Corp., also known as Bell Park Gardens, is going private.

Bell Park Gardens has a proud, 42-year history of providing affordable housing to this Nation's brave veterans. The cooperative has an outstanding reputation for service at the lowest possible rental cost. It serves as a sterling example for veterans cooperatives around the Nation.

Those who have been a part of Bell Park Gardens can take great pride in their accomplishment. No longer will Bell Park Gardens be under the supervision of the New York State Division of Housing. In peacetime as in war, these veterans have truly upheld American ideals.

I congratulate and I salute the United Veterans Mutual No. 2 Corp.

FRUMPKIN, SHRALOW & CERULLO CELEBRATES 30TH ANNIVERSARY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. YATRON. Mr. Speaker, I rise today to congratulate the law firm of Frumpkin, Shralow & Cerullo on the occasion of their 30th anniversary. Frumpkin, Shralow & Cerullo have offices in Philadelphia and Pottsville, PA, and the firm has been actively involved in a wide array of matters which have benefited the citizens of Pennsylvania's Sixth District.

Frumpkin, Shralow & Cerullo provide general legal representation in commercial matters, taxation, real estate, energy, environment, dispute resolution, and litigation. In additon to the forementioned, the firm was also instrumental in bringing jobs to Schuylkill County. Frumpkin, Shralow & Cerullo played a key role in the effort to bring the new Federal prison to Minersville, PA, and the firm also helped to bring the first cogeneration plant to Schuylkill County. The firm's success is a testament to the hard work of its partners and associates—the firm started out as a one-man operation just over 30 years ago and it now has close to 40 employees.

Mr. Speaker, it is a great honor for me to recognize Frumpkin, Shralow & Cerullo before you and my colleagues here in the House of Representatives. As the firm marks its 30th anniversary on Sunday, May 5, 1991, let me applaud the partners and associates and extend my best wishes for another 30 years of good fortune and success.

ANNUNZIO DEMANDS WITHDRAWAL OF SOVIET ARMED FORCES FROM ARMENIAN VILLAGES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. ANNUNZIO. Mr. Speaker, I rise today to speak out against the unprovoked and brutal invasion of the Armenian villages of Getashen and Martunashen by Soviet Internal Ministry and Azerbaijani forces.

Although our view of the events behind the information blockade imposed on the region by Soviet and Azerbaijani authorities is often unclear, we have received many reports of deaths, injuries, and extensive damage to homes and property. Reuters reports 22 Armenians dead, a CNN report indicated 60, the Financial Times included a report of over 20 fatalities. Sources in Armenia and Karabagh have reported to the Armenian National Committee of America that over 35 have been killed, scores wounded, and more than 75 Armenians taken hostage.

The invasion of these villages, located to the north of Nagorno Karabagh, represents yet another episode in the Azerbaijani government's campaign to uproot the historic Armenian populations of Karabagh and Azerbaijan.

Since February 1988, when Azerbaijani forces rampaged through Sumgait, killing more than 30 Armenians and casting the rest out, we have seen this pattern repeated in Girovabad, Baku, Azat, Kamo, and countless other Armenian towns and villages.

I am especially distressed by this most recent atrocity because of the apparent complicity, if not leadership, of the Soviet Central Government. The Soviet forces acted on the orders of Interior Minister Pugo and Interior Ministry Security Forces Commander Shatalin. The Soviet Central Government must accept responsibility for the actions of its Armed Forces and call off this offensive operation at once.

SOCIAL SECURITY PROCEDURAL IMPROVEMENTS ACT OF 1991

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. ARCHER. Mr. Speaker, today I am introducing H.R. 2159, the Social Security Procedural Improvements Act of 1991, a bill I have introduced in the past three Congresses. It is apparent that the Social Security appeals process needs to be streamlined in order to make it more responsive to the public and to ensure greater uniformity in a national program.

Essentially this is the same bill I first introduced in March 1986. I am convinced that the three main provisions of this bill are necessary. Those three provisions would: First, liberalize the criteria under which the Secretary of Health and Human Services could federalize State agencies which make disability determinations for Social Security; second, eliminate the appeals council and the review performed by it; and third, create a Social Security Court, a proposal first advanced by my colleague JAKE PICKLE.

Let me expand on these provisions. The first would permit the Secretary of HHS to federalize State agencies at any time to assure the effective, equitable, and uniform administration of the program. This differs from current law which obligates the Secretary to show that the State agency has substantially failed to make decisions in accord with laws and regulations. This assures that the Secretary has the authority to federalize the disability determination process whenever federalization would better serve the program.

The States were initially given this responsibility because of their closer links to the medical community—from which reports would be needed—and because of the State link with vocational rehabilitation. Both rationales have been overtaken by program history and are no longer as relevant or important as the ensuring of effective, equitable, and uniform national administration of the disability program.

Let me assure that this bill provides for fair and equitable treatment of the State employees who may be federalized. The disability determination process requires their continued expertise, and this bill provides an orderly and fair transition to Federal employment, with protections to ensure pay, leave, and pension benefits reasonably equivalent to Federal employees of comparable status.

As an aside, let me explain that SSA already absorbs the State agencies' costs, including retirement contributions for these employees, so federalizing certain State agencies can be done in a cost-effective manner.

Second, it eliminates the appeals council, and the review performed by it, which is the third and final administrative appeal. This provision is intended to streamline the entire appeals process by eliminating a paper review of the decisions of administrative law judges. I believe applicants will benefit by quicker access to the new Social Security Court.

Finally the bill would create a Social Security Court, modeled after the Tax Court. At the end of fiscal 1989, approximately 100 class action suits and 25,000 individual cases were pending in court. This number has remained constant over time, and tends to clog the court dockets with cases that would benefit from more expert and uniform decisions. I would ask that you consider the merits of a Social Security Court. In this context, the bill further provides that all appeals from this court would be channeled to the U.S. Court of Appeals for the Federal Circuit, again eliminating the potential for multiple and contradictory court decisions on a variety of highly technical program issues. I think it is important to note that the intent of this provision is not so much to stifle legal interpretation of statutory and regulatory requirements as to quantify those interpretations, so that the issues and costs can be resolved more speedily by the administration and Congress. The bill contains an adequate transitional period and mechanism to process pipeline cases, so those applicants caught in the transition should not be affected adversely.

SSA does not anticipate any immediate costs for this bill, and cannot project a long-term impact on the program. Personally, I believe national uniformity would produce slight program savings and more accurate payments, as well as administrative savings, when compared to the current practice of administering divergent standards among differing circuit courts.

I commend these measures to all of my colleagues, and urge those on the Ways and Means Committee to consider H.R. 2159 as expeditiously as possible.

A TRIBUTE TO SUSANNE CZUKER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to Susanne Czuker who will be honored on May 7, by the Golda Meir Club of State of Israel Bonds, for her tireless efforts on behalf of Jewish education, the perpetuation of our Jewish heritage, and the survival of the State of Israel.

Susanne survived the Holocaust as a young girl in Eastern Europe. After the war, she came to America and graduated from Hunter College in New York. She married Jan Czuker and together raised two sons, Edward and Mark. The family moved to Los Angeles and it is here that Susanne's devotion to traditional Judaism and the upbuilding of the Jewish State flourished.

Among the many organizations and causes that have been touched and enriched by her deep commitment are: State of Israel Bonds, where she is a member of the prime Minister's Club, the Golda Meir Club, and a charter member of the Founders Circle: Beth Jacob Congregation; Hillel Hebrew Academy; the Simon Wiesenthal Center and the United Holocaust Museum in Washington, DC.

Suzanne is also involved on many levels with the Jewish Federation Council, where she is on the board of directors of the Women's Conference and the advisory board of the Community Relations Committee and member of the United Jewish Fund's Hineni Society, as well as the Chai Committee. She is also active in the Women's Alliance for Israel and AIPAC.

Susanne Czuker is truly an Ayshes Chayil, a "Woman of Valor," and it is a pleasure to ask my colleagues in the House of Representatives to join me in saluting this remarkable woman and to thank her for all that she has done on behalf of the Jewish people.

VLADIVOSTOK VISIT FIRST BY ELECTED U.S. OFFICIAL SINCE 1974

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. COX of California. Mr. Speaker, I recently returned from an 8-day trip to the Baltics and the Soviet Union, where I met with many public officials ranging from the democratic elements fighting for reform to the Communist hardliners now running the Kremlin.

The last leg of my travels took me to Vladivostok, the principal seaport in the Soviet Far East and, even now, a closed city where travel by citizens of the Soviet Union and foreigners alike is severely restricted. Indeed, I was the first American elected official to visit Vladivostok since President Gerald Ford's meeting there with Brezhnev in 1974.

The purpose of my visit to Vladivostok was to speak at DESIGN USA, an exhibition sponsored by the U.S. Information Agency. DESIGN USA has toured eight cities within the Soviet Empire over the last year and a half, bringing to the public the wonders of American design and technological innovation.

The exhibit begins with a message of welcome from President Bush and a tribute to Thomas Jefferson, the first American designer, which includes photos of Monticello, Jefferson's draft of the Declaration of Independence, and Jefferson's writing chair.

From here, a dazzling array of exhibits display the cutting edge of American architectural, graphic, and product design. Visitors are taken on a visual tour of six U.S. cities, as architectural highlights and scenes of Americans shopping, dining, and commuting are projected on a 20-foot wall. An interactive design-a-chair computer program offers visitors a chance to balance artistic creativity with ergonomic necessity by constructing a chair piece by piece as the computer displays the three-dimensional final product. Finally, a "Communications in Print" section highlights the role of graphic design in publishing, emphasizing America's free press and mass media publications.

Mr. Speaker, I would like to salute the U.S. Information Agency for its hard work and professionalism in mounting such a fine exhibit. DESIGN USA has offered the long-suffering peoples of the Soviet Union a glimpse at the fruits of free enterprise and democracy. We may all look forward to the day when the many peoples and nations of the Soviet Empire will work and prosper and truly enjoy life in a society as free and democratic as our own.

INFANT MORTALITY AWARENESS DAY

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. BLILEY. Mr. Speaker, I rise today in support of House Joint Resolution 194 which designates May 12, 1991, as Infant Mortality Awareness Day. How fitting that on this Mothers Day we choose to further heighten the public's awareness of this pernicious problem. I come to report, though, that this problem is not without solutions. We know how to lower this rate. It's up to the Congress to take action.

Out of the nearly 40,000 babies born every year in this country that do not live to see their first birthday, 25 percent can be avoided by providing adequate prenatal care and nutrition services. Low birthweight babies account for 7 percent of all babies born in the United States but 60 percent of those who died. By making prenatal and nutrition services readily available to pregnant women, we can ameliorate the incidence of low birthweight babies, thus lowering our infant mortality rate.

The solution I offer, the consolidated Maternal and Child Health Services Act of 1919—H.R. 1968—will do just this. My bill tears down the walls of administrations, regulations, and bureaucracies and instead directs more money toward services. Currently, in order to receive family planning, prenatal care, inoculations, food stamps, and other services related to pregnancy, a pregnant woman must deal with countless agencies, fill out different forms, abide by different regulations, and encounter countless hassles so that she can take care of her unborn child. The current system serves as a hindrance and a barrier to the pregnant woman. Instead of continuing to fund this broken system, we must change vehicles.

My vehicle is better because it mandates one-stop shopping. All services must be made available at the same place and at the same time. A major problem the indigent pregnant woman faces is that the agencies that currently regulate services quite possibly are at the different ends of the city or county. This fragmented system acts as a deterrent to the indigent pregnant woman because transportation is a huge problem for the needy. Many can't find the time or the means to show up at these far away places. It keeps them from getting the help they so desparately need. It's tragic, but it's true.

I've been saying for years that one-stop shopping is the wave of the future. Just recently the bipartisan National Commission To Prevent Infant Mortality came out and endorsed this concept as well. Everyone agrees, so let's not dally while babies are dying. Saving infants should not be a partisan issue.

Under my bill, the Federal Government would still provide the more than $7 billion to support a block grant, by combining the resources of existing programs, including WIC, parts of Medicaid, the maternal and child health block grant, and the Title X Program. It has always been my contention that States, and not the Federal Government, know what's best for them. This gives the States the freedom to determine how to best utilize the resources. Furthermore, States would determine the providers and the eligibility for the program.

States would be required to maintain existing spending levels—currently totaling over $3 billion yearly—in order to qualify and participate in the block grant program. Additionally, due to the one-stop shopping component, subsequent administrative savings from the eliminated programs would be passed onto the States.

We are at a critical juncture: We can either continue to fund a broken vehicle or we can unveil a newer, better model. I urge you to cosponsor H.R. 1968 with me. The lives of tens of thousands of unborn babies depend on you.

TRIBUTE TO FLORENCE M. RICE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to pay tribute to my constituent, Florence M. Rice, who will be honored at the New York Urban League's 26th Annual Frederick Douglass Awards Dinner on May 2, 1991, in New York City.

Florence Rice is renowned for her efforts to ensure the rights of minority consumers by forcing businesses to change their often racist procedures. Consistent with her goal, Mrs. Rice founded the Harlem Consumer Education Council. Since its creation in 1963, the council has investigated over 100,000 complaints by lower- and middle-income minority consumers and has educated those individuals as to their rights as consumers. Mrs. Rice was recently appointed a special consultant to the Consumer Advisory Council of the Federal Reserve Board which advises on the Board's responsibilities in the field of consumer credit protection laws. In addition, Mrs. Rice holds workshops, lectures, seminars, and until recently, taught consumer education at Malcolm-King College

As an individual who was reared in foster homes and orphanages, it is extraordinary that Florence Rice has become a champion against discrimination and exploitation. I should like to join my colleagues in extending a hearty congratulations to Florence as a recipient of a Frederick Douglass Award from the New York Urban League in recognition of her struggle to ensure equal opportunity.

A TRIBUTE TO ALEXANDER, "AL" REIS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. FAZIO. Mr. Speaker, I rise today to honor my constituent, Alexander, "Al" Reis, who retires on April 30 of this year as executive director of the Benicia, CA, Housing Authority.

Mr. Reis joined the Benicia Housing Authority in February of 1978, and he has spent 13 years working to increase the quality and availability of low-rent and senior housing facilities in Benicia. He was responsible for establishing Department of Housing and Urban Development section 8 housing assistance programs in Benicia. He oversaw the modernization of Benicia's Capitol Heights low-rent housing project and directed the development of Benicia's Casa Vilarrasa 80-unit senior housing complex. Mr. Reis has also initiated expansion plans to double the number of low-rent housing units in Benicia. Through his work with the housing authority, there has been a sixfold increase in the number of families being assisted by the agency.

Mr. Reis brought a long and distinguished Federal and State public service record to his position at the Benicia Housing Authority. He held high-level positions in both the U.S. Department of Labor and the California Department of Agriculture. A veteran, he served as a merchant marine officer in World War II and as an Army intelligence officer in the Korean war. He graduated from the University of California, Berkeley, in 1955 with a bachelor of arts in sociology.

In addition to his many public service accomplishments, Mr. Reis has been a member of the National Association of Housing and Redevelopment Officials and the Benicia Lions Club.

He has been an important part of the Benicia community, and I am honored to have the opportunity to recognize his efforts. I join my colleagues today in wishing Al Reis and his wife Dee a happy and fulfilling retirement.

LOIS HARTEL RECEIVES JOSEPH A. BEIRNE COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize a fine person, Lois Hartel, for her service and dedication to her community and to congratulate her for being selected as a Joseph A. Beirne Community Service Award winner.

Lois Hartel's involvement with the United Way has been very strong. She has participated in eight different areas of United Way volunteer service alone. Lois has served as the first chairperson of the venture grant-dedicated gifts committee, a committee member of the Volunteer Involvement Program and a member of the board and executive committee, just to name a few.

In addition to her exemplary work with the United Way, Lois was a Big Sister and continues to raise funds for the organization. She serves as secretary-treasurer of the Greater Wilkes-Barre Labor Council and was instrumental in creating the Luzerne County Commission for Women in 1988.

In 1980, Lois Hartel was named one of the "Women To Watch in the 1980's" by Ms. magazine and from her list of achievements, we can expect she is still worth watching throughout the 1990's as well.

I cannot think of an event or cause that Lois does not enthusiastically involve herself. She is receptive to new ideas and is always willing to pitch in to complete the work that needs to be done. All of her work results in success and in the betterment for all those involved.

The Joseph A. Beirne Community Service Award honors outstanding volunteer service by an individual. If any one individual could be listed in the dictionary under the word "volunteer," it would be Lois Hartel. For she has all the qualities one needs—dedication, leadership, creativity, and impact—to define the word.

NORTHERN MICHIGAN UNIVERSITY'S FIRST NCAA DIVISION I HOCKEY CHAMPIONSHIP

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. DAVIS. Mr. Speaker, I rise today in recognition of Northern Michigan University's first NCAA Division I National Hockey Championship. Michigan's Upper Peninsula is justifiably proud of the team and each of the individuals behind the Wildcats' success.

In northern Michigan, hockey is more important than football or baseball. Throughout our long winters people of all ages can be seen on ice rinks and frozen lakes playing the game they love, and this dedication extends to the great hockey traditions of area colleges, high schools, and independent teams. Needless to say, NMU's victory, its first national championship, has caused a tremendous sense of pride to sweep through Michigan's Upper Peninsula.

Adding to the thrill was the game itself, which many are describing as one of the most exciting college finals in history. The 8–7 triple overtime victory required everything that makes hockey great, including a potent offense, tenacious defense, hard checking, and, most importantly, tremendous sportsmanship. The players gave it their all, and hockey fans will remember this game for years.

Behind this remarkable team is their coach of 15 years, Rick Comley. Rick's leadership and dedication to the game were recently recognized when he was named Coach of the Year by the American Hockey Coaches Association. One of only nineteen coaches to win over 300 games at 1 school, Rick has built a team that Sports Illustrated recently described as made up of "kids who fall through the recruiting cracks, the ones who are not outstanding professional prospects but who develop into fine college players over four seasons." Certainly the Wildcats' success is proving those recruiters wrong, and is sending a message to all amateur athletes that hard work and dedication can put you on top.

I am extremely pleased that these fine players will be received by the President in recognition of their efforts, and I am sure my colleagues join me in congratulating the entire team on their hard-fought victory and fantastic season.

ITT EMPLOYEES SHOULD BE PROUD

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Ms. LONG. Mr. Speaker, we have heard about the success of the Patriot missile system, but I want to alert my colleagues in the House of another critical piece of equipment that contributed to the success of our Armed Forces in the Persian Gulf. The SINCGARS [Single Channel Ground and Airborne Radio System] radio, built by employees in northeastern Indiana of ITT Defense in Fort Wayne, provided field commanders with a reliable combat net radio [CNR] for command and control.

SINCGARS radios are truly world-class American technology at its best. Designed to provide secure communications on a modern battlefield, SINCGARS is the most advanced radio system ever deployed. Over 22,000 units have been delivered to the Army and Marines since the system was first approved for production in January 1988. The SINCGARS family of radios includes various portable and vehicular units, as well airborne models, all of which can effectively counter enemy jamming efforts.

SINCGARS units have proven invaluable to American troops in Panama and the demilitarized zone in Korea. Most recently, our men and women fighting to liberate Kuwait used SINCGARS. These important battlefield radios were used in tandem with our Patriot missile batteries. Preliminary battlefield reports on SINCGARS reliability indicate that the system experienced over 7,000 hours mean-time between failures, significantly higher than the Army requirement of 1,250 hours. So satisfied with the radio system are the troops that, in fact, commanders who were offered brandnew tanks refused them unless SINCGARS radios were installed.

Mr. Speaker, the employees of ITT in Fort Wayne, IN, in my congressional district can be proud of their contribution to the success of our troops in the Persian Gulf. Their commitment to quality has helped to assure a safe and speedy return from the desert for our troops. Furthermore, their dedication has helped to restore the feeling of confidence in products stamped "Made in America."

THE ENVIRONMENTAL INFRASTRUCTURE ACT OF 1991

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. GUARINI. Mr. Speaker, I rise today to introduce the Environmental Infrastructure Act of 1991. This legislation will encourage capital investments that will directly benefit the environment. It will do so by exempting certain environmental projects from State volume caps, which have limited the availability of tax-exempt financing for these important endeavors.

Sewage, solid waste and hazardous waste facilities, water supply systems and mass commuting facilities are eligible for tax-exempt financing under current law, subject to the volume cap. My legislation adds recycling facilities to the list of private activity bonds eligible for tax-exempt financing.

This legislation removes all these projects from the volume cap, notwithstanding private sector participation. It also makes a number of technical changes to enable state and local governments to obtain tax-exempt financing for environmental infrastructure projects as simply and efficiently as possible. This legislation will provide them with various options regarding the ownership and operation of facilities providing services to the general public. It will also encourage public-private partnerships and innovative joint ventures to meet our environmental challenges. Measures enacted in 1986 to prevent abusive transactions in the area of tax-exempt financing are preserved in full.

I. BACKGROUND AND GENERAL EXPLANATION OF CURRENT LAW

State and local governments often issue bonds for projects that have both public and private sector participation. In 1986, Congress limited the availability of tax-exempt financing for projects having more than de minimus private sector participation—more than 10 percent. Private activity bonds that do qualify for tax-exempt financing are subject to numerous restrictions that do not apply to governmental bonds, including a statewide annual limit on the amount of bonds that can be issued.

A number of "exempt facilities," that is, facilities that fail the private activity test, can still qualify for tax-exempt financing, subject to state volume cap limitations. Private participation does not destroy the essentially "public" nature of these "exempt" projects, which include airports, mass commuting facilities, sewer and solid waste disposal facilities, etc.

The purpose of limiting the volume of tax-exempt private activity bonds for exempt facilities is, quite simply, to save the Federal government money. To some extent, this goal has been accomplished, but not without significant cost to the environment and state and local government. As the January 30, 1991 draft report of the EPA's Environmental Financial Advisory Board states:

> Tax-exempt bonds remain the basic instrument used by state and local goverments to finance environmental facilities. However, the 1986 Tax Reform Act significantly restricted the ability of these governments to raise funds at low-cost, tax-exempt interest rates. * * * [T]ax reform in 1986 increased the cost of financing public-purpose environmental facilities. Under the provisions of the 1986 Act, for example, some improvements in public-purpose environmental facilities will have to be financed through taxable bonds. * * * Had the issue been tax-exempt, these funds could have been used to reduce the cost of environmental improvements.

II. EFFECT OF THE VOLUME CAP ON ENVIRONMENTAL FACILITIES

No one seriously disputes that these environmental infrastructure projects serve a public interest. Yet, state and local governments are now seriously limited in their ability to finance such projects, in large measure because of the volume cap.

Presently, a State's volume cap is equal to the greater of $50 per capita or $150 million. As a result of volume cap restrictions, my State of New Jersey has lost 58 percent of its pre-1986 private activity bonding capacity. Nationwide, states have lost about 56 percent—no small cutback, especially at a time when environmental demands are multiplying. And since the volume cap is not indexed, as construction and other costs rise, the cap is effectively reduced.

The volume cap has resulted in denials of allocations and project delays. Allocations are often based on a first-come, first-served basis. According to a 1990 study by the Advisory Council on Intergovernmental Relations [ACIR], The Volume Cap for Tax-Exempt Private Activity Bonds: State and Local Experience in 1989, 29 States exhausted their volume caps in 1989. For example, demand exceeded the California cap by over $1 billion in 1988 and 1989, and about $1.5 billion in 1990. In Texas and Illinois, demand has exceeded the cap every year since the Tax Reform Act was enacted in 1986.

State officials surveyed expressed concern that they were unable to make adequate investments in environmental and conservation projects. The ACIR reports "substantial backlogs of projects in the environmental area," and that this "backlog is expected to grow at a rapid rate." For example, the amount of bonds issued for sewage and waste disposal projects in 1989 was 49.4 percent lower than the annual average from 1984 to 1986.

The ACIR data also confirm that environmental projects are being short-changed. Only about 16 percent of all bonds issued under state volume caps are for environmental projects. Data from 27 States regarding requests for volume cap allocations that had to be denied or delayed due to unavailability under the volume cap show $2.109 billion for solid waste disposal, $157.1 million for water supply, $8 million for hazardous waste and $112.3 million for sewage disposal.

It is not surprising that the volume cap seems to be hitting environmental projects particularly hard. These projects are quite expensive. A major solid waste disposal facility could exhaust a State's entire annual volume cap. As a result, such major projects are often set aside, often permanently.

Alternatively, some environmental projects must be financed through taxable bonds. Indeed, the State Treasurer of California, Kathleen Brown, has informed my office that her state recently was required to use taxable financing for vitally needed hazardous waste projects. Not only was this considerably more expensive, but California has had difficulty marketing these taxable bonds. This situation cannot continue if we are to meet the environmental demands of the next decade.

III. THE DEMAND FOR ENVIRONMENTAL PROJECTS

According to EPA, just to maintain our current levels of environmental quality, we will have to increase our investment in environmental infrastructure by about 40 percent of $15.6 billion between 1987 and 2000. The EPA estimates that capital expenditures for environmental projects are estimated to reach between $47 to $51 billion per year by the end of the decade. According to EPA, by the year 2000 total pollution costs in 1986 dollars will be $160 billion per year. About 85 percent of these expenditures will be financed from private, state or local sources. Even more investment may be needed to meet new Federal mandates, of which there are many. Here are a few.

Water Supply: The Safe Drinking Water Act Amendments of 1986 imposed nationwide standards for drinking water. By the year 2000, the EPA projects $22 billion in annual capital expenditures will be required to maintain 1987 levels of water quality, a 45-percent increase in real terms over 1981 spending levels. If we are to go beyond simply maintaining current levels of water quality and actually meet these new environmental standards, an additional $830 million per year in capital investment will be needed during the 1990's. This estimate is, I believe, rather conservative. New York City alone will have to spend $7.5 billion to modernize its water supply system.

Clean Water: The situation is no better with respect to wastewater treatment facilities. Over 400 cities and towns have yet to meet the secondary treatment standards required under the Clean Water Act. EPA estimates about $84 billion will be needed through the year 2000, just to bring the country's wastewater treatment facilities up to current environmental standards. Other estimates are that it will take over $100 billion in new investment to comply with the Clean Water Act. A recent study by EPA, Environmental Investments: The Cost of a Clean Environment, projected total annual water pollution control costs to reach about $58 billion per year by the year 2000. Additional investment may be required to meet new mandates likely to be adopted when the Clean Water Act is reauthorized.

Solid Waste/Recycling: We also need to greatly expand our efforts in dealing with solid waste. Each year, municipalities generate about 160 million tons of waste, an amount expected to grow in less than a decade to 190 million tons annually. State and local governments spend $5 to $6 billion annually on solid waste disposal and this figure should rise to $10 billion by the year 2000. EPA estimates that by the year 2000 annual solid waste costs will reach almost $40 billion. Pollution control costs for hazardous waste are expected to be around $12 billion annually, again according to EPA.

We need to do more to encourage recycling. Solid waste disposal facilities, including landfills and incinerators, both of which have major environmental problems of their own, are currently classified as "exempt facilities" eligible for tax-exempt financing within volume cap limitations. While in some instances recycling facilities may receive tax-exempt financing under the definition of a "solid waste" facility, there is a good deal of uncertainty regarding this subject. This legislation clarifies the law and puts recycling facilities on an equal footing with these other solid waste disposal options.

Mass Transit Facilities: We also need increased support for mass transit if we are to achieve our clean air goals. Automobiles produce 90 percent of the carbon monoxide and 50 percent of the ozone that fouls our air. Increased automobile traffic has and will continue to offset the benefits of improved pollution control. The only answer is fewer cars on the road.

The American Public Transit Association estimates that over $4 billion per year in new investment is needed to maintain the Nation's mass transit system. Yet, the dollar volume of mass transit bond issues peaked in 1986 at $2.5 billion and only $1.4 billion in transit bonds were issued in 1988. Most of these bonds were public purpose bonds not subject to the volume cap. However, if we want to expand the use of mass transit, we need to encourage more public-private partnerships in this area. Exempting mass commuting facilities from the volume cap is a right step in this direction.

IV. BENEFITS OF THE ENVIRONMENTAL INFRASTRUCTURE ACT

This legislation responds to these environmental concerns by providing a private-activity volume cap exception for environmental facilities that are generally available to the public and are used to furnish water; treat sewage; dispose solid waste; clean up hazardous waste; recycle waste; and provide mass commuting facilities.

Qualified recycling facilities represent a new addition to the list of exempt facilities eligible for tax-exempt financing through private-activity bonds. Under current law, some recycling activities are permitted to be financed as part of solid waste disposal facilities. However, Treasury regulations permit tax-exempt financing only if at least 65 percent of the waste processed at the facility has no market value. By including qualified recycling facilities as one of the exempt facilities, we eliminate the uncertainty regarding questions of value that have permeated the financing of solid waste recycling facilities.

V. EQUAL TAX TREATMENT FOR ENVIRONMENTAL BONDS

In addition to providing volume cap relief to environmental facilities, the legislation makes several other changes in the code that would reduce borrowing costs for and provide needed flexibility to State and local governments by applying to environmental bonds the same rules that apply to governmental bonds.

Alternative Minimum Tax: Since 1986, tax-exempt interest on private-activity bonds has been subject to the full corporate and individual alternative minimum tax [AMT]. Because the market factors in the cost of the AMT, State and local governments must pay between 25 and 30 basis points in added interest expenses.

Under this legislation, interest on exempted private activity bonds used to finance environmental projects will not be subject to the corporate or personal AMT. The cost of exempting environmental bonds from the AMT is likely to be de minimis. Conversely, State and local governments will save millions of dollars in borrowing costs.

Arbitrage Rebate Requirements: The arbitrage rebate requirements have imposed tremendous recordkeeping burdens on State and local governments. In 1989, Congressman ANTHONY led the way in obtaining some arbitrage relief for certain issuers who could spend their bond proceeds according to a specified spend-out schedule. This rebate relief provision was available to issuers of bonds, used for construction expenditures for property owned by a governmental unit or a nonprofit organization.

This legislation would make these same sensible arbitrage provisions applicable to environmental infrastructure bonds. It would also remove the unnecessary distinction between construction and acquisition expenditures in order to qualify for the 2-year arbitrage rebate exception. Many large financings are fungible in nature and do not specify the particular contracts being financed. This change will also enable major equipment acquisitions, in addition to construction projects, to benefit from this rule.

Advance Refundings: The 1986 Tax Reform Act allows governmental bonds issued after December 31, 1985, to be advance refunded once, permits two advance refundings of pre-1986 governmental bonds and prohibits advance refunding for all private-activity bonds. Advance refundings which are arbitrage-motivated are no longer tax exempt.

Advance refunding allows State and local governments to take advantage of lower interest rates or to eliminate restrictive covenants required in the original bond issue. The less tax-exempt interest income paid to borrowers, the smaller the impact on Federal revenues. This legislation allows environmental infrastructure bonds to be advance refunded under the same terms and conditions as public purpose general obligation bonds.

Cost of Issuance Limits: No more than 2 percent of the proceeds of private activity bonds can be used to pay issuance expenses. This limitation was imposed to prevent the payment of extraordinary fees to outside bond counsel, underwriters, and the like.

The 2-percent limitation impacts especially hard on large environmental projects, which, by their very nature, incur large issuance expenses, particularly for engineering services. There is no reason to treat issuance expenses for these environmental projects any differently than those incurred in connection with the issuance of any general obligation bonds.

Acquisition of Existing Property: Private activity bonds may not be used to finance the acquisition of existing property. In many cases, the use of existing property can actually lower the cost of building an environmental facility, converting an abandoned factory to a solid waste facility, for example. This legislation removes this restriction and allows the proceeds of private activity bonds to be used to acquire existing property, as is permitted with governmental bonds.

VI. NO FEDERAL FINANCIAL SUPPORT

The demand for environmental infrastructure investment is enormous. But State and local governments cannot look to the Federal Government for help in meeting the environmental needs of the nineties. Since 1980, direct Federal assistance to State and local governments has dwindled. In the late seventies, Federal grants provided 25 percent of State and local budgets; now it is 17 percent. This cutback has been most keenly felt in the environmental area, where, for example, EPA's Wastewater Contruction Grant Program has been greatly pared back and will soon be completely eliminated.

While Federal support is dwindling, Federal mandates continue to grow. How, then, are we to finance our environmental infrastructure investment?

VII. MORE FLEXIBILITY FOR STATE AND LOCAL GOVERNMENTS

Governments cannot, nor should they be expected to, undertake all the investments necessary to promote a clean environment. With direct Federal support dwindling, Federal environmental mandates increasing, and State and local governments hard pressed financially, more emphasis needs to be placed on involving the private sector in environmental matters.

Facilitating tax-exempt financing for certain specific public-private partnerships can produce tremendous environmental dividends. The Private Sector Advisory Panel on Infrastructure Financing has observed that:

> The narrow focus on tax-exempt bonds as a drain on Federal revenue, rather than as a means by which state and local governments conduct their financial affairs and provide essential public services, has led to provisions that go far beyond any necessary correction of abuses. These provisions impose restrictions that greatly constrain state and local autonomy and threaten the loss of financing for projects whose function is clearly to serve the general public.

From 1984 to 1988, State and local governments issued, on average, $137.2 billion annually in municipal bonds. If these 5 years of bonds had been taxable, the added burden by the end of the century to State and local governments would have been $283 billion.

The Advisory Commission on Intergovernmental Relations in its July 1990 report on "The Volume Cap for Tax-Exempt Private Activity Bonds: State and Local Experience in 1989." stated:

> The major concern in this area is investment for environmental and conservation purposes. Many states believe that such activities as solid waste disposal, hazardous waste disposal, sewage treatment plants, and similar facilities, which are not governmentally owned, should not be included in the volume cap because they have a large component of public consumption no matter what their form of ownership.

I agree completely. If we expect State and local governments to meet the environmental challenges that lie ahead, we must give them the flexibility to forge partnerships with the private sector and not make these efforts any more costly than they already are. This legislation will accomplish both these objectives.

ORIOLE BRANCH NO. 176, NATIONAL ASSOCIATION OF LETTER CARRIERS CELEBRATES 100TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, it is with great pleasure that I congratulate the Oriole Branch No. 176 of the National Association of Letter Carriers in Baltimore, MD, on the occasion of their 100th anniversary.

On May 5, 1991, Oriole Branch No. 176 will hold a centennial celebration to commemorate its creation in 1891 at a time when many of the aspects of a normal work day today were unheard of. To insure better working conditions, letter carriers throughout the United States joined together to increase their strength.

Today, Oriole Branch No. 176 has grown to over 2,900 active and retired members from all areas of the great city of Baltimore. For 100 years, they have worked to provide exemplary mail service to all the citizens of Baltimore and surrounding areas of Maryland regardless of weather and conditions.

Perhaps most impressive is their "desire to provide the world's best communication network." Although we often take for granted our mail service, we must remember that the service we enjoy today because of the hard work and dedication of countless individuals, such as Oriole Branch No. 176 of the National Association of Letter Carriers.

It is with great respect and admiration that I commend them on the occasion of their 100th anniversary. From its humble beginning of six letter carriers who met on February 13, 1891, Oriole Branch No. 176 has personified the dedication of letter carriers in Baltimore as well as those throughout the Nation.

Again, I congratulate Oriole Branch No. 176 on their 100th anniversary and extend to them my best wishes for another century of continued success.

THE HIGH-RISK RESEARCH AND DEVELOPMENT CONTRACT ADMINISTRATION ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. BROWN. Mr. Speaker, today I am introducing a bill with my colleague, Mr. SCHUMER, which addresses concerns that have been raised with respect to certain contract provisions in Government-funded high-risk research projects. The bill, High-Risk Research and Development Contract Administration Act, addresses the use of standard procurement provisions which require the Government to reimburse contractors for the cost of repairing or replacing defective goods, even where the defect was caused by the contractor's own negligence.

On the one hand, the goal of such provisions is understandable. It is in the very nature of experiments on the leading edge of science and technology that some will fail. Despite best efforts by scientists and engineers, technical constraints may prevent a project from reaching its intended goal. Whether it is the development of new weapon systems or weather satellites, it is important to try to push the frontiers of technology. In such circumstances, it is appropriate for the Government to enter into cost-reimbursable contracts under which contractors are paid for work even if the work ultimately does not meet the goals originally envisioned. Without such assurances, contractors would either not be willing to conduct the research at all or would have to charge such a high price to cover the potential risks that it might be beyond the ability of the Government to pay for it.

On the other hand, recent events, including the circumstances surrounding the procurement of the defective Hubble Space Telescope, have raised concerns about Government contracts which require contractors to be paid for repairing defects caused by their own negligence. Under current Governmentwide procurement regulations, Government agencies are required to include provisions in most R&D contracts which require them to pay contractors for repairing defects caused by the contractor's own negligence. The specter of the Government paying contractors for goods that do not work because of the contractors own negligence is hard for taxpayers to understand.

The bill I am introducing today would restrict the use of such contract provisions by the National Aeronautics and Space Administration [NASA], as well as requiring a Governmentwide study of the effect of such clauses. Under the bill, the NASA administrator would not be permitted to use such clauses, unless, prior to entering into the contract, he makes a specific determination that, due to the inherent risks in the project, no contractor is likely to bid on the project without such a clause, and that the use of such clause is likely to significantly lower the cost to the Government. Further, the NASA administrator is required to report to Congress on the use of such clauses. To ensure that the determinations are being made appropriately, the Comptroller General of the Government Accounting Office will annually review the administrator's determinations and report to Congress. Instead of being required to use such clauses, which is the present situation, the bill will shift the burden to the NASA administrator to NASA to justify, for each contract, the use of such clauses.

Since the clauses are used throughout the Government, the bill also directs GAO to conduct a study of the effects of these clauses on prices charged to the Government for high-risk research and development contracts.

The bill represents an initial attempt to frame a response to the emerging recognition of problems in the government contracting process for high-risk R&D projects. Revamping the Government procurement process, particularly in areas relating to liability, is clearly a complex issue with potentially wide ramifications. For that reason, the Committee on Science, Space, and Technology intends to hold hearings on this bill and related contract management problems at NASA and other agencies under the committee's jurisdiction during the coming year. These hearings will help to develop a thorough record and a sound basis for the committee to consider this bill or other legislation that may be needed to ensure that Government agencies are not wasting scarce funds.

In addition, I look forward to working with Chairman CONYERS of the Government Operations Committee in addressing the broader scale implications of the procurement regulations which currently require the use of such clauses throughout the Government. Beyond the civilian science agencies which are under the jurisdiction of the Committee on Science, Space, and Technology, such clauses may also have significant implications for other Government agencies, particularly with respect to defense R&D procurement. We hope to work with the Government Operations Committee to ensure a thorough review and understanding of the need for procurement contract reform in these areas.

A NATIONAL ENERGY-ENVIRONMENT STRATEGY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. MCEWEN. Mr. Speaker, on January 29, 1991, during his State of the Union Address to the American people, President Bush renewed his call for a comprehensive energy strategy. That strategy, he told the Nation, must include policies for energy conservation and efficiency, and to increase the development and use of alternative fuels. Today, we know that energy cannot be addressed without also addressing the environment.

While the present crisis in the Middle East has prompted repeated cries for achieving greater energy independence, we cannot afford to overlook the potential environmental impact that increased domestic energy production may bring to the American landscape. To meet our Nation's emerging energy needs, while simultaneously being sensitive to the environment, I have introducted H.R. 138—the "National Energy and Environmental Strategy Act" and I invite the support of my colleagues.

H.R. 138 requires that each year, on the date on which the President delivers his budget to Congress, the President shall also transmit to Congress a detailed and comprehensive written report on the national energy and environmental strategy of the United States. The report would not only define national priorities in both the energy and environment arenas, but will be detailed enough to help Congress in allocating funds necessary to support all of the energy-related and environment-related policies and programs of the Federal Government.

With respect to the environment, the purpose of the report is to include a comprehensive discussion of the following national and global concerns: indoor and outdoor air pollution, water pollution, atmospheric changes, stratospherc ozone depletion, damage to terrestrial systems, deforestation, regulation of pesticides and toxic substances, solid and hazardous waste management, ecosystem protection—wetlands, estuaries, ground water, and the sea—population growth, preservation of animal and plant species, and soil erosion. The long-term objectives of policies and programs of Federal departments and agencies responsible for the above environmental issues would also be examined.

At the same time, the report requires a comprehensive description and assessment effort by the Federal Government to integrate effectively its national energy and environmental strategy with current endeavors in energy related fields. Reducing energy demand, improving energy efficiency and conservation, fuel switching, using safe nuclear power reactors, employing clean coal technology, promoting renewable energy sources, promoting research and development of alternative fuels, promoting biomass research, promoting energy research and development in general, and advancing international energy cooperation are examples to begin with.

To promote greater public participation and awareness of key energy and environmental issues, H.R. 138 also calls for examining the Federal Government's actions to integrate the strategy with existing domestic and international education objectives already supported by the Federal Government. An integral part of the success of the strategy is keeping the general public informed of what Washington is doing to bring energy and the environment into accord.

Finally, from a standpoint of enhancing the national security, the report will also assess how the national energy and environmental strategy will be integrated with established national security objectives.

A bold national strategy of this type is not unprecedented. Five years ago, motivated by a strong sense that America's long-term security was a vital national priority, I wrote the "National Security Strategy Act." The act became law and required the President to articulate our strategic defense requirements before proposing policies that would meet those requirements.

Let us be equally thankful 5 years in the future that we began the critical decade of the 1990's with a comprehensive blueprint for meeting our national energy and environmental priorities and enabling America to become both stronger and cleaner for the benefit of future generations.

INTRODUCTION OF THE WORKERS OPTION ACT OF 1991

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. ARCHER. Mr. Speaker, today I am introducing H.R. 2158, the Workers Option Act of 1991. Essentially it updates legislation which I first introduced in 1989. It would eliminate the Social Security earnings limitation for workers who have attained the normal retirement age in 1992, and later. That age, now 65, is scheduled to phase up to 67 after the turn of this century.

Mr. Speaker, I have introduced and strongly supported such legislation for 20 years. it is long overdue. While my preference remains the outright across-the-board repeal, as proposed by my earlier bill, H.R. 249, I am mindful of the costs, and am willing to support this more modest compromise.

In addition to eliminating the retirement earnings limit for workers 65 to 69, this bill includes two features from the bill I introduced in the last Congress. It would, first, accelerate the scheduled increase in the delayed retirement credit, which is paid to workers who delay filing until after age 65, and second, eliminate from the computation the benefit of any earnings after the initial year of entitlement to retirement benefits. These provisions are intended to give older workers an incentive to delay filing for benefits by increasing the benefit for those who do.

Further, the bill has one new provision designed to improve benefits for workers who have had second thoughts about early retirement. Current law provides a 20-percent reduction for those who file at age 62. That 20 percent is prorated month-by-month between ages 62 to 65 to accommodate workers who retire at any point in between. Under current law, the worker who returns to work and forfeits benefits will have his or her benefit recalculated at age 65 to adjust for any months not paid. Payments are not retroactive.

This bill would provide an annual recalculation, so that workers who have the opportunity for part time or seasonal work wouldn't have to wait until age 65 for the added benefits.

It is a provision entirely consistent with the spirit of the Worker's Option Act; that is, to retain all the choices in current law but add to the incentives for work.

One provision is missing from last year's bill and that was the elimination of certain reduced retroactive benefits. It was intended to offset the costs of my 1989 bill. It suffered the same fate as the Senate provision, which paid for a generous increase in the Social Security earnings limitation threshold limits by expanding coverage to certain State and local employees. Both provisions were, so to speak, hijacked by the leadership in conference and used to pay for other provisions in the Omnibus Budget Reconciliation Act of 1990 [OBRA]. It should be noted that not all of those provisions benefited the Social Security Program and none of the revenues were used to liberalize the retirement earnings limit.

I must admit that this makes me somewhat cynical about attempting to offset the costs of this bill. There are, of course, significant short-range costs, about $21 billion over 5 years. I'm confident that the necessary votes exist in both Houses to overcome the "firewall."

I would not set the precedent, except for one very important consideration. SSA's Office of the Actuary estimates the long-term savings of this bill are 0.03 percent of long-term payroll. Based on today's payroll tax receipts, that represents a savings of approximately $750 million a year in terms of 1991 dollars. I would stress that the projected savings reflect the same static model CBO uses and does not assume an increase in the average retirement age.

I'm confident that, given the demographics of the workplace, employers will—in increasing numbers—reach out to older, skilled workers and the trend to early retirement will be reversed over time. The Workers Option Act offers us an opportunity to help older Americans who wish to work and to help the trust funds as well as our national economy.

I urge its enactment.

TRIBUTE TO THE WHIRLPOOL CORP.

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. GILLMOR. Mr. Speaker, at a time when national crime statistics paint a sometimes alarming picture, I want to call to the attention of the House some Americans who have struck a blow for the cause of law enforcement and the war on drugs.

Clyde, OH, in my district, is the setting for a remarkable story of cooperation and resolve in the fight against the scourge of drugs. The Whirlpool Corp. of Clyde teamed up with local police forces for a 22-month drug investigation that yielded 71 indictments in March. Whirlpool funded the entire investigation, investing up to $500,000 in the successful effort.

The investigation, which started at the Whirlpool plant and then probed drug activity in the rest of Sandusky County, should be held up as a fine example of conscientious corporate citizenship. Whirlpool obviously believes that they do not just have a responsibility to make a profit but also an obligation to contribute to the safety of their community.

Mr. Speaker, I salute Whirlpool for two reasons. First of all, they are now accomplished warriors against the evil of drugs, an evil that poisons bodies, deteriorates minds, and hurts innocent people. Second, they have illustrated that not all the answers to our great challenges come from Washington, DC, but from capable, hard-working people with a noble goal and the will to achieve it.

That is why I have taken this opportunity to offer Whirlpool the special praise and recognition they so richly deserve.

DETERIORATING SITUATION IN SOVIET ARMENIA

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. ROHRABACHER. Mr. Speaker, I rise today in the interest of bringing to the attention of my colleagues the deteriorating situation in Soviet Armenia.

On Tuesday of this week, Soviet internal ministry forces, assisted by Azerbaijani troops, invaded and massacred Armenians in the Getashen and Martunashen villages of Azerbaijan. Reuters has reported 22 Armenian deaths, and CNN reports indicate a death toll of over 60 persons.

These villages, located to the north of Nagorno Karabagh, have been Armenian for centuries. Despite being blockaded by Azerbaijan since 1988, the Armenians in these villages have not abandoned their homes. For the past 3 years, Soviet forces have stood by as Azerbaijan has tried to depopulate this region of Armenians.

The Armenian villagers of Getashen and Martunashen have avoided the fate of hundreds of thousands of Armenians in Sumgait, Girovabad, Baku, Azat, and Kamo who through massacre and deportation were either killed or exiled from their homes.

This cycle of suffering must end. The Soviet Central Government must see to it that its forces cease their attacks on Getashen and Martunashen and reign in the Azerbaijani troops. Perhaps then, we will see some stability in this already volatile area of the world.

DIPLOMATIC DOUBLE STANDARD

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. BURTON of Indiana. Mr. Speaker, when are we going to understand the real core of the Arab-Israeli conflict? For over 40 years the problem has remained the same: The Arab refusal to accept Israel's existence. If there is to be a chance for peace, the international community must make it clear to the Arab countries that they must recognize Israel. Before

Israel occupied the West Bank, Gaza, and the Golan Heights—in a war of self-defense—there was no peace, because the Arab States were trying to destroy the State of Israel. The only obstacle to peace is Arab obstinacy.

I commend to the attention of my colleagues this outstanding article by Mona Charen, which appeared in the April 29 edition of the Washington Times. As Ms. Charen points out:

> The trouble is that neither the Arab States nor the Palestinians has ever offered true peace. They continue to lay claim to all "occupied territories", which, in Arab vernacular, means Tel Aviv and Haifa every bit as much as Ramallah and Hebron.

[From the Washington Times, Apr. 29, 1991]

DIPLOMATIC DOUBLE STANDARD

(By Mona Charen)

Secretary of State James A. Baker doesn't impress people as a battler for lost causes. His reputation, when he served as chief of staff in the first Reagan White House, was that of a "pragmatist." Whenever President Reagan would muse about elevating the issue of abortion, Mr. Baker would lean across the table and say in his Texas drawl, "It's an 80-20 issue, Mr. President, 80-20."

So it's strange that Mr. Baker has decided that "solving" the Arab/Israeli conflict should become the No. 1 diplomatic priority of the United States. Irving Kristol has written, "Those whom the Gods would destroy they first tempt to resolve the Arab/Israeli conflict."

It's also strange that Mr. Baker should pick this particular moment in history to pressure the Israelis. We have just finished coming to the rescue of several important Arab countries and Israel. All were threatened by Saddam Hussein. Yet the attitude of the State Department seems to be that we owe the Arab states something for their "cooperation," while the Israelis owe us.

The payoffs for Arab participation in the anti-Saddam coalition began long before Desert Storm. Egypt's $7 billion dollar debt was forgiven with the stroke of a pen. We permitted the Saudi Arabians to impose quite humiliating restrictions upon our soldiers, extending even to the public display of crosses or Stars of David. And we stood silently by while Syria used the distraction of Desert Shield to solidify control over Lebanon—massacring hundreds of Lebanese in the process.

The payoffs are continuing as Mr. Baker applies an unrelenting double standard to the region. When some Israeli hard-liners erected a new settlement on the West Bank, the secretary of state offered: "It is easier to obstruct peace than to promote it."

Yet earlier, when the Saudi Arabians had rejected the idea that they cease participating in the boycott against Israel, there were no scolding words from the secretary of state. As for Syria, the State Department's new despotic darling, the secretary described his talks with Hafez al-Assad as "constructive." This, about the leader who, according to the Wall Street Journal, used the cover of the Gulf war to import 24 new Scud missiles.

Let's not forget that during the Gulf war, the great fear among the president's top advisers was that if Israel so much as lifted a finger in her own defense when Scud missiles rained down, the Arab members of the coalition were going to switch sides. In other words, the assumption was that Arab hatred for Israel is so deep and pathological that the Arab states would prefer to commit suicide than to find themselves on the same side with her.

Yet now, in the postwar world, when nothing material has changed in Arab attitudes toward Israel, it is urged that Israel is the obstacle to peace. This view is crystalized in the formulation "land for peace."

If Israel would only part with land in exchange for peace, goes the argument, all would be well in the land of milk and honey. But land isn't, and has never been, the issue. Israel willingly gave up the largest (and lest vexing) part of her 1967 conquest in return for a cold peace with Egypt. Today, a majority of Israelis would part with the West Bank and Gaza if they were offered true peace in return. (There are some Israelis who believe in holding on to every inch of land promised to Abraham in the Bible, and ABC News has perfected the technique of broadcasting this group's views as representative, but in fact they are a minority.)

The trouble is that neither the Arab states nor the Palestinians has ever offered true peace. They continue to lay claim to all "occupied territories," which, in Arab vernacular, means Tel Aviv and Haifa every bit as much as Ramallah and Hebron.

The secretary of state, who prides himself as a deal-maker, fumes at Israel in frustration. But the Middle East isn't Texas or Washington. A lesson of the Gulf war—that Israel dare not let down her guard in that neighborhood—is lost on him.

IN HONOR OF DR. NORMA J. LEVINGSTON, PRESIDENT-ELECT OF THE NATIONAL OPTOMETRIC ASSOCIATION

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1991

Mr. ESPY. Mr. Speaker, today I want to pay tribute to Dr. Norma J. Levingston. On July 13, 1991, Dr. Levingston will be installed as president of the National Optometric Association. She will become the 13th president of this organization and the first female to be so honored. In fact, she will be the first female president of any organization of optometrists on a national level.

The National Optometric Association [NOA] was founded in 1969. It is a professional association of predominantly minority optometrists with a primary objective and concern for the delivery of vision/eye health care to the minority community. I know personally how vital the work of NOA is to our Nation.

Since its founding, the NOA has been working to: Recruit minority students into schools and colleges of optometry; provide assistance to new graduates as well as established minority optometrists to enhance their knowledge, skills, and professional practice; assist optometry students to secure financial aid; provide assistance to all established organizations of optometry toward the advancement of the art, science, and practice of professional optometry; and to establish better delivery of primary optometric and health care services to humanity.

President-elect Dr. Norma Levingston received her B.S. degree in optometry in 1971 from the University of California, Berkeley and her O.D. degree in 1973, also from Berkeley. She served as staff optometrist at the West Oakland Health Center in Oakland, CA, until 1977, and opened her private practice in San Jose, CA, in 1978, where she currently practices.

In 1987, she was named Optometrist of the Year by the National Optometric Association. She also received the Dedication in Medicine Award from the National Council of Negro Women in 1981.

Prior to her recent selection as president-elect, Dr. Levingston served as regional trustee, secretary-treasurer, and vice president of the NOA. She also serves on the board of trustees of the Santa Clara County Optometric Society and is a member of the American Optometric Association and the California Optometric Association. Her other memberships include the Santa Clara County National Chapter of the National Council of Negro Women. Previously, she has served on the governing boards of the Santa Clara County Health Systems Agency and the Business and Professional Women's Club.

Mr. Speaker, I am certain that under the inspired leadership of Dr. Norma Levingston, the National Optometric Association will continue to make important contributions to the practice of optometry. I look forward to working with her, and the NOA, on issues which are vital to the health of our Nation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 2, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 3

9:30 a.m.

Joint Economic

To hold hearings to review the employment-unemployment situation for April.

SD-628

MAY 6

10:00 a.m.

Small Business

To hold hearings to examine microloan programs for new and growing small businesses.

SR-428A

MAY 7

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings to examine insurance company insolvency.

SR-253

10:00 a.m.

Judiciary

To resume hearings on legislative proposals to strengthen crime control, focusing on habeas corpus reform.

SD-226

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.

SD-192

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Lawrence B. Lindsey, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System.

SD-538

MAY 8

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for certain defense programs, focusing on A-12 follow-on issues.

Room to be announced

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.

SD-138

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Permanent Subcommittee on Investigations

To hold oversight hearings to examine the U.S. trade policy with Japan.

SD-342

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review the extension of fast track procedures for international trade negotiations as related to the Uruguay Round of the General Agreement on Tariffs and Trade, the North American Free Trade area, and the Enterprise for the Americas Initiative.

SR-332

Foreign Relations

To hold hearings to review Kurdish refugee relief efforts.

SD-419

2:00 p.m.

Armed Services

To hold a briefing on the conduct of ground operations by members of the 1st Marine Division during Operation Desert Shield/Desert Storm.

SH-216

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, California.

SD-366

Environment and Public Works

To resume joint hearings with the Committee on Labor and Human Resources' Subcommittee on Labor to examine the environmental and economic implications of a free trade agreement with Mexico.

SD-430

Small Business

To hold oversight hearings on small business procurement in the dredging industry.

SR-428A

Select on Indian Affairs

To hold oversight hearings on the impact of the Supreme Court's ruling in Duro v. Reina on the administration of justice in Indian country and on proposed legislation to reaffirm the authority of tribal governments to exercise criminal jurisdiction over all Indian people on reservation lands.

SR-485

2:15 p.m.

Environment and Public Works

Superfund, Ocean and Water Protection Subcommittee

To hold hearings on S. 791, to require certain information relating to radon to be made available in connection with certain real estate transactions, and to require that radon testing devices offered for sale be tested by the EPA, S. 792, to authorize funds for programs of the Indoor Radon Abatement Act of 1988, S. 779, to authorize funds for and to revise the Indoor Radon Abatement Act, S. 575, to require local educational agencies to test for and remediate radon in school buildings, and S. 455, to establish a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

SD-406

2:30 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1992 for foreign assistance, focusing on Asia.

SD-419

MAY 9

9:00 a.m.

Armed Services

To hold a briefing on the conduct of ground operations by members of the 24th Infantry Division in their tactical area of responsibility during Operation Desert Shield/Desert Storm.

SR-222

Veterans' Affairs

To hold hearings on proposed legislation providing for veterans education and reemployment rights.

SR-418

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.

SD-138

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to review the current situation in the Middle East, focusing on prospects for democratization.

SH-216

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Joint Economic

To hold hearings to review the Federal Reserve, monetary policy and credit conditions.

SD-628

2:00 p.m.

Commerce, Science, and Transportation

To resume hearings to examine insurance company insolvency.

SR-253

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 395, to establish the Department of Energy's Fast Flux Test Facility (FFTF) in the State of Washington as a research and development center to be known as the Research Reactor User Complex.

SD-366

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To continue hearings to review the current situation in the Middle East, focusing on regional economic issues.

SH-216

MAY 10

10:00 a.m.

Environment and Public Works

Environmental Protection Subcommittee

Superfund, Ocean and Water Protection Subcommittee

To hold joint hearings to examine and evaluate the Department of the Interior's report and recommendation to the Congress and final legislative environmental impact statement concerning the coastal plain of the Arctic National Wildlife Refuge in Alaska.

SD-406

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To continue hearings on the current situation in the Middle East, focusing on the role of the United Nations.

SH-216

MAY 13

10:00 a.m.

Energy and Natural Resources

To hold hearings on S. 570, to implement a national energy strategy, focusing on subtitle B of Title V, provisions relating to nuclear waste management.

SD-366

MAY 14

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs.

S-128, Capitol

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Select on Indian Affairs
To hold hearings on proposed legislation authorizing funds for programs of the Native American Programs Act.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art.
SD-116

Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on the views of officials in the law enforcement field.
SD-226

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on pipeline safety.
SR-253

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 586 and S. 711, bills to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and H.R. 355, to revise the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior.
SD-366

MAY 16

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 775, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans, H.R. 153, to repeal certain provisions of the Veterans Judicial Review Act relating to veterans' benefits, and sections 111 through 113 of S. 127, relating to radiation compensation.
SR-418

Select on Indian Affairs
To hold hearings on S. 668, to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian reservations.
SR-485

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Minerals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services.
SD-116

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

Finance
To hold hearings to examine restoration of traditional individual retirement accounts (IRAs) in an effort to stimulate economic growth for Americans and the nation, focusing on S. 612, to encourage savings and investment through individual retirement accounts.
SD-215

Rules and Administration
Business meeting, to receive a report from the Architect of the Capitol on current projects, and to consider other pending administrative business.
SR-301

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 21

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on enforcement of antidumping and countervailing duties.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
SD-138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
SD-138

MAY 22

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on Department of Energy environmental restoration and waste management programs.
SR-222

MAY 23

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 290, to authorize funds for certain programs of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
SR-485

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
SD-138

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on Indian libraries, archives and information services.
SR-485

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 5

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.
S-128, Capitol

Select on Indian Affairs
To hold hearings on S. 667, to provide support for and assist the development of tribal judicial systems.
SR-485

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 106, to revise the Federal Power Act to prohibit the granting of a Federal license for a hydroelectric project unless the applicant complies with all substantive and procedural requirements of the affected State in which the project is located with respect to water acquisition and use.
SD-366

JUNE 6

9:00 a.m.
Veterans' Affairs
Business meeting, to mark up pending legislation.
SR-418

JUNE 18

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for rail safety programs.

SR-253

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.

SD-342

JUNE 26

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.

SD-342

CANCELLATIONS

MAY 7

1:00 p.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.

SD-138

HOUSE OF REPRESENTATIVES—*Thursday, May 2, 1991*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God our help in ages past, our hope for years to come, may Your gracious Spirit be with us and may Your blessing be upon us.

On this National Day of Prayer, when people of so many backgrounds and traditions call upon Your name, we express our thanksgiving and gratitude and praise for Your bountiful gifts to us:

For the gifts of family and friends;

For the gifts of work and responsibility;

For the gifts of a land of liberty and the freedom of worship;

For the gifts of faith and hope and love; and

For the gift of life itself.

Teach us, O God, to use the gifts that You have freely given that we will be the people You would have us be and do those good things that honor You and serve people in their needs. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. MCNULTY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADMINISTRATION CALLS ECONOMIC INDICATORS "NO BIG DEAL"

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the statistics are coming in. They are really no secret to the businesses of America, to the small business person, to the working person, to the unemployed and not working person. We are in a recession. Treasury Secretary Brady last December said, "It is no big deal."

Well, that is part of the problem. It has not been a big deal. Nine months into a recession, and it goes on and on. And I know that some will say, "92 months of a postwar recovery, the longest ever period." The only problem is, have you ever seen a recovery that lasted so long, where so many people are not as well off as they were when it started? Americans' wages have been dropping. You are worse off today than you were 10 years ago. You are worse off today in terms of construction starts, in terms of auto sales, in terms of so many other areas that are important to people.

It is time to address the problems of trade, of education, and this administration wants to say it is no big deal and let us go on the way we have.

We cannot go on any longer in the area of trade, of education, of health care, of investment, of research and development, of doing those things that are so necessary to build a strong economy.

Mr. Speaker, this recession is a symptom of an underlying problem in this economy. The American people know it is here. It is time for the administration to recognize it also.

ANOTHER NO-HITTER BY NOLAN RYAN

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, what do the numbers 7, 16, 5,361 have in common? They are all numbers that represent records by the legend of baseball, Nolan Ryan. Going into the game last night, Ryan said that he felt old today. His back was hurting, his feet were hurting. And he "did not feel all that great."

Well, so much for getting rest. Nolan Ryan, the 24-year veteran of the big leagues, a 44-year-old man, hurled 96-mile-per-hour fastballs, mind-bending curveballs and changeups through nine innings last night for a record seventh no-hit game, three more than the next best pitcher, the legendary Sandy Koufax.

Last night he tied a team record, a record that he set, with 16 strikeouts. Nolan has also had, by the way, 12 one-hit games. Through last evening, Nolan Ryan has fanned an ongoing record of 5,361 batters, but the most important thing about Nolan Ryan is that he is an American hero.

He is a man of high moral values, a man that gives back a lot to his community because he has a heart of gold, a man that loves his kids and loves his wife, a real role model for the youth of this country, a true American hero. And I am extremely honored to represent Nolan Ryan.

I hope that the good Lord willing, he will continue to break records and set the pace in the game of baseball for many years to come.

DERAIL FAST TRACK NOW

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, we must derail fast track authority. Without the input of Congress, the Mexican Free-Trade Agreement could spell disaster for thousands of American workers. My home State of West Virginia cannot stand to lose any more jobs to foreign competition.

I am opposed to the extension of fast track for the simplest of reasons. I believe that any trade agreement with Mexico, or any other nation, should be open for debate by the U.S. Congress. By extending fast track, Congress gives up the right to amend international trade agreements, and I cannot support such a proposal.

If Congress does not act, cold-hearted negotiators will automatically be given clearance to push through a trade agreement that will not address Mexico's neglect to enforce lax child labor and environmental laws.

The President may propose job retraining programs belatedly, but if no American workers and companies remain in the United States, who are we going to retrain, and for what jobs?

If Congress allows fast track to be extended, and we in turn vote to implement a free-trade agreement with Mexico, the damage that will be done to the American worker will be irreversible. How can American workers compete with their Mexican counterparts, when Mexican workers must work for very little pay under deplorable conditions just to feed their families. It is no secret that countless Mexican children quit school at a very young age to work in unsafe factories out of sheer necessity. If the free-trade agreement is approved under fast track, American jobs will be lost to Mexico where the workers are exploited and no one cares

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

where chemical waste is dumped. We must take steps to see that a harmful trade agreement is not approved. The best way to stop such an agreement is to derail fast track. I urge my colleagues to join with me and say no to the extension of fast track and no to a harmful trade agreement which Congress will not have the opportunity to amend.

INCOME-DEPENDENT EDUCATION ASSISTANCE ACT (IDEA)

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, in the near future I will introduce my Income-Dependent Education Assistance Act—known as IDEA for short.

For both students and taxpayers, the IDEA Program would be a better deal than current student loan programs.

There are four sources of savings in IDEA that correspond to four sources of waste in current student loan programs.

First, the IDEA Program will virtually eliminate student loan defaults.

Under IDEA, the rate at which you repay your loan varies with your income. If your income increases, you repay faster. If it drops, your loan is automatically stretched out. So IDEA loans will always be affordable. There's no reason to default.

Further, the loan repayments are defined as income taxes. Evading repayment will be tax evasion. So there's no opportunity to default.

Second, the cost of loan capital under IDEA will be lower. This is because IDEA will use direct government capital rather than bank capital which, under current programs, comes with a politically negotiated high interest rate.

Third, loan subsidies under the IDEA Program are targeted precisely to those who need them, and to the extent of their need. These subsidies are balanced by premium payments from high income graduates.

Fourth, and finally, IDEA will be much simpler to administer—with no family needs analyses at the beginning, and then collection by the IRS as a part of income taxes.

Mr. Speaker, I welcome cosponsorships.

□ 1110

COMMON FEDERAL FORM NEEDED

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, what do you do when the President is late with what Congress has asked him to do? If a library book is late, you have to pay a fine each day. We all know what to do to deliver services more efficiently. Over and over, hearing after hearing, people have said, "Get one Federal form that applies across the board." So in Congress in 1989, the Congress passed such a mandate, asking the President to have it up here 1 year later, in November of 1990.

November of 1990 came, and there was no one form. In January, many distinguished Members of this House wrote the administration saying, "Please, couldn't you have it up here by April 30 of 1991?" Well, that has come and that has gone, and there is still no answer.

It is very frustrating to know how this should be done, to deliver the services, and yet not be able to get the President to get the agencies together to come up with this common form. I really hope we can move on this fairly fast. I think Americans are fed up with paperwork, and we know how wasteful it is.

TIME TO PASS THE CRIME BILL

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, the Good Book tells us that ye shall know them by their fruits. This is certainly relevant to the congressional work product. What we produce in this body is the most accurate reflection of our true priorities.

If we are serious about stopping violent crime in America we will produce serious legislation. The President is serious about crime, and he has sent a very tough crime bill to us for action.

The challenge posed to this body was to pass this bill within 100 days. If we truly believe that violent crime poses a crisis, 100 days is not unreasonable. On the other hand, inaction would also convey a message to the American people as well. If the clock runs out on the President's 100-day challenge, it is an indication of our priorities. It is an indication that other things were more important to us than stopping violent crime. It is an indication that we do not consider violent crime to be a crisis. The American people will be able to look at our calendar and judge for themselves what we deem to be most important.

The President has offered leadership on the crime issue and the ball is in our court. It is time to pass the crime bill.

SEND VICE PRESIDENT ON FAST-TRACK FLIGHT AROUND WORLD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, some people are questioning Vice President DAN QUAYLE's trip to Georgia. Now the White House has come out with an official statement, and they said, "There was no official business conducted."

Mr. Speaker, I find that hard to believe. Are they trying to tell us that the American taxpayers spent $27,000 to send the Vice President to Augusta, GA, to play golf, with five bodyguards? There has got to be some Communists involved somewhere. If not, I suggest officially sending the Vice President and some of his free trading partners to Japan and Korea. In 6 months they will blow their economies, and maybe our taxpayers and workers will get something out of all of this fact-track flight all around the world.

H.R. 5, THE STRIKER REPLACEMENT BILL

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the Boehlert-Williams amendment to H.R. 5 destroys one of the basic foundations of Federal labor law. It creates for the first time a different set of rights for union and nonunion workers.

H.R. 5, as originally drafted, overturned the MacKay decision. MacKay drew the distinction between participation in an economic strike and an unfair labor practice strike. H.R. 5, as amended by Boehlert-Williams, overturns MacKay, but exempts nonunion employees. By exempting nonunion workers, it appears that under H.R. 5, nonunion workers can be replaced, without reinstatement rights, in any kind of strike. In effect, H.R. 5 reserves the right to strike exclusively for union members.

Mr. Speaker, H.R. 5 was put forward as a way to protect workers who are replaced in an economic strike. Now, it removes the right to strike from 86 percent of America's workers who choose not to join a union. It is obvious that this bill has nothing to do with protecting workers rights and everything to do with increasing union control of the workplace. Please join me in opposing H.R. 5.

SUNUNU SHOULD APOLOGIZE TO TAXPAYERS

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Mr. Speaker, in the last 28 months, I have not been critical of the administration on this floor. I have tried to take a bipartisan stand on most issues, but I find that I cannot, in good conscience, be silent when Mr. Sununu becomes very flip about spending a half million dollars on Government transportation.

The minority whip in this House has stated that Congress should tread lightly on this matter since we cannot remove ourselves from a glass house. I challenge him or anyone in Congress to identify a colleague who has taken a Government plane home to have his teeth cleaned.

Mr. Sununu tries to deflect criticism by making a joke of the fact that he has flown more than the Iraqi Air Force. I am not amused and the American people should not be amused. The money that he has spent on airplanes would provide prenatal care to 992 Medicaid mothers, it would provide immunization for measles, mumps, and rubella for over 35,000 children, and would provide Meals on Wheels to approximately 150,000 senior citizens.

Mr. Speaker, Mr. Sununu should apologize to the taxpayers of the country.

BRADY HANDGUN VIOLENCE PREVENTION ACT

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, will the Brady bill stop violent crime? No, of course not. In State after State where a waiting period is in effect, the crime rate is much higher than non-waiting period States. Will the Brady bill prevent crimes of passion? No, of course not.

What about those who already possess firearms, Hinckley had possessed his firearm for weeks. Purdy had completed a 15-day waiting period.

What will the Brady bill do?

It will cause every firearms dealer in America to refuse legitimate sales to any honest, law-abiding sportsman because he has not received a sign-off from a chief of law enforcement.

Ask yourself one question. Do we want to consult with Darrell Gates and his gang of four before we can secure a permit to protect ourselves?

SUPPORT URGED FOR BRADY BILL

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Mr. Speaker, last year, I was held up at gunpoint two blocks from this very spot. Directly in front of the Supreme Court Building in one of the most heavily policed areas in the country, a man pointed a gun at my chest and demanded my wallet.

Would the Brady bill have stopped this man from getting a pistol? I don't know. But with each day, violent crime is becoming more arbitrary—more senseless. The Brady bill is a chance to cut the odds and give honest people a little bit more chance against the randomness of violent crime—a better chance of surviving a nighttime walk around the block.

Next week we will have the rare opportunity to save lives. We don't know who—we do not know where, but if we pass the Brady bill lives will be saved.

Let's give law-abiding citizens everywhere a break. Resist the NRA and support the Brady bill.

□ 1110

FEDERAL AGENCIES GROSSLY UNDERESTIMATING COST OF PROGRAMS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the biggest shell game, the biggest con game going on in this country today is being done by Federal agencies which grossly underestimate the cost of some programs so they can be approved. Then the cost overruns and expenses in future years are just unbelieveable.

Yesterday the Washington Post reported that NASA is understating the cost of building the space station by $10 billion, and the cost of operating it by $24 billion, according to a General Accounting Office report. The GAO report estimates that what we really have is $118 billion program.

A subcommittee of the Government Operations Committee estimates the ultimate cost will be $180 billion, not counting inflation, and the average citizen will see almost no benefit from this. The only people who will really benefit will be the bureaucrats at NASA and a few fat cat government contractors.

Today we will vote on a NASA authorization bill with a big increase over last year. It will pass by an overwhelming margin. It contains over $2 billion in early space station funding.

What we should do is send a message to NASA and to others. We need to tell them we have too many poor people who need help in this country and too many unmet needs, and what we really need to do is stop sending so many billions and billions of dollars overseas and so many billions into outer space and help our people here at home.

SUPPORT FOR THE BRADY BILL

(Mr. BRYANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT. Mr. Speaker, I rise today in support of H.R. 7, the Brady bill. The passage of this bill is long overdue.

Last Sunday the FBI released statistics on violent crime in the United States for 1990. Nationwide, murders, robberies, and aggravated assaults increased 10 percent from 1989. In Dallas the number of these crimes soared to new records. Dallas ranked eighth in the Nation last year in number of homicides—up to 447 in 1990, from 351 in 1989. We have the obligation in this House to do what we can to stop the flood of killings and violence, and start saving lives right now—not 5 years and $1 billion from now, which is the time and estimated cost to create the nationwide instant identification system which is the basis for the Staggers amendment that will be offered to the bill.

Mr. Speaker, we cannot wait 5 more years before background checks are undertaken and convicted felons, the mentally incompetent, and drug addicts are prevented from buying handguns. We have a responsibility to our families and our communities to stop the senseless killings today. Over 9,500 people were murdered by handguns in the United States last year. If present trends continue, almost 50,000 more Americans will be needlessly murdered by handguns before the Staggers instant check system can be implemented if it is substituted for the Brady bill.

In my district, the Brady bill has been endorsed by Dallas Police Chief William Rathburn, the Dallas Police Association, the Dallas City Council, and the Dallas Morning News. It is also supported by virtually every major law enforcement organization in this Nation, because the experience in many States has unequivocally demonstrated that waiting periods successfully prevent illegal handgun sales.

The Brady bill's 7-day waiting period is not a panacea for keeping guns out of the hands of criminals and eliminating violent crime. But, as Dallas Police Chief Rathburn said recently in a letter to me, "the Brady bill is an important first step in making our communities safer. It represents a responsible approach to preventing needless death and injury while preserving basic second amendment rights."

I strongly urge my colleagues to vote for the Brady bill and join me in keeping handguns out of the hands of criminals now.

FEDERAL FACILITIES COMPLIANCE ACT OF 1991

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, I rise to express my support for the Federal Facilities Compliance Act of 1991, which was introduced by Mr. ECKART and Mr. SCHAEFER today.

Simply stated, this bill would require that Federal agencies, including the Department of Energy and Department of Defense, comply with the same Federal and State environmental laws that everyone else does. To restate a common phrase, what's good for the goose is good for the gander.

We in Colorado are painfully aware of environmental shortcomings at Federal facilities. I have often smiled about the good fortune that allowed me to have the Solar Energy Research Institute in my district, and Rocky Flats in that of my colleague, Mr. SKAGGS.

Rocky Flats was a product of the late 1940's when we were convinced that the atom was our friend and that world war III was an eyeblink away. The Nation's defense was paramount and Rocky Flats was welcomed, even courted, as a boon to the economy. Environmental concerns were pushed to a back burner and few minded because almost everybody felt the same way.

But times have changed. Deterrence works and the result has been a world where fears of nuclear holocaust is not what it was in the 1950's. This new world has allowed us time to think about other things, among them the environment.

I believe we still have a need for nuclear capabilities. I know, however, that the public will no longer give environmental carte blanche to any agency. Production of nuclear weapons will continue but it will continue in a manner that minimizes danger to its employees and nearby residents. In the past, the Energy Department has claimed this can be done. The public will accept no less.

This bill has been built upon the experience we have had at places like Rocky Flats. I would urge you to join me in cosponsoring this legislation.

EXPRESSION OF OUTRAGE AT CONTINUED VIOLENCE IN COLOMBIA

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, on Tuesday evening Enrique Low Murtra—the distinguished former Justice Minister of Colombia—was assassinated by two gunmen as he was leaving his university classroom in Bogota. There is no doubt in my mind these two were henchmen of the notorious international drug cartels, which also murdered another Justice Minister, 7 years ago to the day.

I rise this morning to express the outrage of the people of this country at the continuing violence against the institutions of democracy and justice in Colombia, and express once again to the people of Colombia the resolve of this Congress to stand with them against such intimidation. This assasination is a reminder to us that the people of Latin America and their leaders are engaged in a bitter struggle against a ruthless and determined enemy. We in the United States must do our part to help them through favorable trade agreements, economic and military assistance, and unwavering moral and political support.

Mr. Speaker, while many Americans "just-say-no" to drugs, make no mistake that there are many of us here who also—resoundingly—say yes to the fearless courage of those such as Senor Low Murta who are risking everything to rid our hemisphere of this scourge.

ANGOLA: A CEASE-FIRE AND POLITICAL SETTLEMENT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEREUTER. Mr. Speaker, in recent weeks some dramatic events have quietly take place regarding the war-torn African nation of Angola. They culminated in Lisbon last night by a cease-fire agreement and political settlement.

Angola has been plagued by a 15-year civil war between the Marxist MPLA and the rebel forces of UNITA. This conflict, prolonged by the presence of tens of thousands of Cuban mercenaries and Soviet advisers, has resulted in over 200,000 casualties, produced some 20,000 orphans, and devastated the national infrastructure. As Angola, which is rich in natural resources, is a nation wracked by disease, misery, and starvation.

But yesterday, after long and difficult negotiations, the warring factions agreed to terms for a cease-fire and political settlement. The accord that was signed yesterday sets the stage for an internationally monitored cease-fire, multiparty elections in 1992, and a politically neutral national armed force.

Mr. Speaker, over the spring recess this Member traveled to Angola and had the opportunity to meet with UNITA's leader, Dr. Jonas Savimbi. I was clear from these meetings that Dr. Savimbi's commitment to the peace process and to prompt, free, and fair elections is genuine, and that he is dedicated to the rebuilding Angola.

Enormous difficulties still lay ahead. The ethnic rivalries and political hatreds will not easily fade away. But the first and most important steps have been made, and the reconciliation process has begun.

The Government of Angola and the UNITA forces are to be commended for their constructive efforts to reach a settlement. In addition, this cease-fire would have been impossible had it not been for the extraordinary efforts of the Bush administration, Soviet President Mikhail Gorbachev, and the United Nations. We should all be tentatively pleased at this major international success story, and as indicated in the editorial in the morning Washington Post, which follows the participants in the accord "deserve not just congratulations but generous support, and particularly from nations that contributed to their causes separately in war."

[From the Washington Post, May 2, 1991]

FINALLY, AN ANGOLA SETTLEMENT

The peace process Ronald Reagan undertook in southern Africa is on the verge of a crowning achievement in Angola. The process envisaged engaging the cooperation of a reformist Soviet Union, peeling off the foreign military intervenors; in this case Cuba and South Africa, and then inducing the local combatants to face up to domestic imperatives. The initialing of an Angolan agreement for an internationally monitored cease-fire and multi-party elections finally makes it possible to anticipate the end, after 16 years, of one of the world's most costly and painful wars.

On the occasion of an earlier diplomatic success, South Africa's granting of independence to Namibia in 1990, a happy meeting of minds took place. Secretary of State James Baker and Soviet Foreign Minister Eduard Shevardnadze were eager to do more Third World business and—especially Moscow—to lighten their respective Angolan obligations. With them was Portugal's Secretary of state for foreign affairs, Durao Barroso, whose country, having ignited the Angolan civil war by the cynical manner of its departure in 1975, was not ready to help. This is just what happened. A Soviet-American team did the joint papers: The Soviet government in this instance made sure the Shevardnadze "new thinking" survived its patron's ouster, and the American government kept the negotiation going by maintaining aid to the insurgents. Portugal hosted and mediated eight arduous rounds of talks among the Angolans and carried off the conclusion unfolding now.

There is no underestimating the difficulties that lie ahead as the two principal parties attempt to put aside partisan hatreds, ethnic rivalries and deep habits of autocratic control and to build a new society, politics and economic system—the works—out of the rubble. But President Jose Eduardo dos Santos of the erstwhile Marxist MPLA and rebel leader Jonas Savimbi of UNITA, combatants turned partners, have already come a long way. In peace they deserve not just congratulation but generous support, and particularly from nations that contributed to their causes separately in war.

CHILDREN'S HEALTH PLAN LEGISLATION

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, millions of families across the United States are continuing to gamble with their children's health. Not because they want to—but because they have little choice. Faced with tight budgets, it often comes down to buying food for the family or paying for a measles vaccination for a preschooler; paying the electric bill or buying medicine to cure a child's earache. These families are gambling with the health of their loved ones because they are caught in the middle of the health care crisis—they make too much to qualify for Federal programs but not enough to afford private insurance.

Fortunately, many parents from my home State of Minnesota no longer have to gamble with their children's health. Minnesota has in place a preventative health care program for children. Now it is time to do more to help the rest of America's children. And that is why I am proposing the children's health plan, based on Minnesota's successful program, to provide health care access for millions of American children whose parents are members of the working poor.

The United States spends more on health care than any other country in the world, nearly $700 billion this year. Yet, just a fraction of this goes toward preventative care. The children's health plan is devoted solely to preventative care.

By focusing on prevention, the children's health plan will allow us to take a giant stride toward the goal of keeping America's children healthy.

SUPPORT FOR THE STAGGERS BILL

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, my colleague from Massachusetts stated that he had been held up. All of us look over our shoulder here in Washington. My colleague from California said that the FBI stated that crime rates have gone up. I agree with both of those statements.

Mr. Speaker, I have been shot at over 1,000 times and I have been hit twice, once in combat and once as a civilian, and I can tell you that there is no one who hates weapons illegally owned more than myself.

California has a 15-day waiting period in place and crime has gone up 178 percent. We used to have a Minuteman in this country, and now those who work in the majority want a 7-day man.

Criminals, crack dealers, do not buy their guns in gun shops, they buy them on the streets. H.R. 7 will not address that problem.

□ 1130

The Brady bill will not affect California. Our laws are already in place. H.R. 1412, the Staggers bill, can work. It is already working in Virginia.

Sarah Brady supports the Virginia system. For 2 years, the Department of Justice has been working to implement this kind of a program, and it works.

INTRODUCTION OF LEGISLATION GUARANTEEING HEALTH CARE FOR ALL

(Mr. SANDERS asked and was given permission to address the House for 1 minute.)

Mr. SANDERS. Mr. Speaker, the American health care system is disintegrating before our eyes; 37 million Americans have no health insurance, another 50 million are inadequately insured, elderly citizens are unable to afford prescription drugs, and the United States today has one of the highest infant mortality rates in the world.

All of this and the cost of health insurance in this country is zooming upward 15 to 20 percent a year, and we spend far more per capita than any other nation on Earth.

Yesterday a study was released by several Harvard physicians including Dr. Steffie Woolhandler, who is a member of my staff, which shows very clearly that if this Nation moves toward a Canadian-style national health care system we can save over $100 billion a year by doing away with the bureaucracy and paperwork inherent in our current system, which has 1,500 separate health insurance companies.

In my own State of Vermont, we can save approximately $200 million a year on paperwork and put that money into health care for the people.

Mr. Speaker, within the next several weeks I will be presenting legislation to this body which finally will guarantee health care for every man, woman, and child without out-of-pocket expense and, Mr. Speaker, we can have this plan without spending one penny more than the $700 billion we are presently spending.

THE ASSASSINATION OF COLOMBIA'S FORMER MINISTER OF JUSTICE

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, on April 30, 1984, Colombia's Minister of Justice Rodrigo Lara Bonialla was assassinated. Two days ago, on the anniversary of his tragic date, Colombian drug traffickers struck again, assassinating former Justice Minister Enrique Low Murta.

In August 1989, then Colombian President Barco declared war on the drug trafficking organization, that had been systematically executing and kidnapping officials throughout the Andean nation. That valiant crusade to rid Colombia of the narco-killers has been continued by Colombia's current president, Cesar Gaviria. While we laud this continued effort; in light of the recent tragic murder of former Justice Murta, it is important to point out a very disturbing component in Colombia's struggle.

Colombia's judicial system appears to be crippled by the corruption, intimidation, and assassinations that are systematically carried out by the Colombian drug cartels. No major narcotics cases have been tried in Colombia since the 1987 extradition of Carlos Lehder Rivas to the United States. Furthermore, last September President Gaviria declared that he would stop extraditing drug traffickers.

A reliable judicial system that is capable of a fair, expeditious administration of justice is an indispensable element to any government's ability to exercise authority in presenting law and order. The Colombian system is tested every day by inhuman vigilantism on the part of drug traffickers. Last year, 500 policemen and 600 citizens including public officials and judges were killed by drug traffickers. No judicial system can be expected to effectively function under such conditions. Accordingly, I urge my colleagues when providing assistance to Colombia, we should direct our efforts to reinforcing their fragile judicial system, and in pressing for an extradition treaty.

THE BUSH RECESSION: TRICKLE-DOWN REVISITED?

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, a strong economy has always been this Nation's best social policy. Together with fair tax laws and investment in our people and infrastructure, economic growth offers the best way to help Americans achieve their dreams.

But for the past few years, even while people thought times were good, these dreams have slipped away for many working and middle-income Americans. Housing costs making home ownership impossible for many; education costs forcing many parents to choose which child, if any, to send to college; medical costs are pushing many family budgets to the breaking point.

When the Bush administration finally admitted that there's a recession, they claimed it would be short and mild. It is becoming clear these were vain hopes and nothing more, that this recession is much worse than they promised.

During the first 7 months of this recession, more payroll jobs were lost than in the first 7 months of the 1981–82 recession, which was hardly short and hardly mild. And this week we learned that every single part of our economy declined during the first 3 months of 1991. Tomorrow will bring the latest and worst unemployment numbers.

Unfortunately, the recession is here for a while, and it is going to continue to hurt. And every day we wait for the administration to do something about the recession, more Americans lose jobs, the educations of more Americans are disrupted, fewer homes are bought, fewer dreams are achieved.

The facts of the Bush recession call for new action and approaches, but we are getting only more of the same from George Bush. The President thinks that if we cut the capital gains tax for the wealthy, things would brighten up. But we have tried the Republican trickle-down theory, and it does not work.

The fact is that tax cuts for the rich are not going to pay tuition bills or mortgage payments, they are not going to relieve millions of Americans from the impossible burden of health costs, and they are not going to help the children of today's middle-class live at least as good a life as their parents.

The recession makes it clear: We need new thinking in this country that first addresses the aspirations of the great American middle class, not the avarice of the wealthy.

SUPPORT OF FEDERAL FACILITIES COMPLIANCE ACT

(Mr. SCHAEFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, every now and then, a legislative proposal comes across our desks that makes such good sense or corrects so serious an inequity that party lines seem not to matter. The Federal Facilities Compliance Act, which I am pleased to join Congressman ECKART in introducing today, undoubtedly fits that category.

The legislation merely clarifies that existing enforcement authority which States and EPA currently use against private RCRA violators apply to Federal facilities as well. In other words, Federal agencies—just like their private counterparts—would now be subject to State-assessed fines and penalties for failure to comply with the Nation's waste disposal laws. Environmental contamination doesn't differentiate between Federal and private causes; neither should the law.

Last Congress, on two occasions, we in the House overwhelmingly supported this commonsense principle. Now, with the other body prepared to follow our lead, it is critical that we once again demonstrate our bipartisan commitment to environmental compliance. I ask you to join me and nearly 140 of our colleagues as cosponsors of the Federal Facilities Compliance Act.

USE COMMON SENSE: SUPPORT THE BRADY BILL

(Mr. ANDREWS of Maine asked and was given permission to address the House for 1 minute.)

Mr. ANDREWS of Maine. Mr. Speaker, we have heard that the American people simply cannot wait 7 days to buy a handgun, that basic constitutional rights will be violated.

Before we get carried away on our debate on the Brady bill, I suggest we apply a bit of common sense to this issue. We wait 7 days to have our telephones installed. We wait 7 days to have our cable television hooked up. Somehow the world goes on. Somehow we cope. Somehow the Constitution manages to survive.

What is so different about handguns? We have heard from those people who put their lives on the line every single day to protect us that the Brady bill will make a difference. It will save lives.

Mr. Speaker, if a person cannot wait 7 days to buy a handgun, then I suggest he should not have one in the first place, and when it takes as long to buy a handgun in this country as it does to have your telephone installed, then our streets will be safer.

I suggest we use a little common sense on this issue and support the Brady bill.

SUPPORT THE B-2 BOMBER

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, there has been much misinformation lately concerning the cost of the B-2 Stealth bomber. There is no doubt that it is an expensive aircraft. Any defense system with its capabilities is necessarily costly, but we have to keep this cost in perspective.

If we compare the cost of the B-2 against other weapons systems as a percentage of our gross national product—which is the only meaningful way to make such comparisons—we find that the Stealth bomber is actually cheaper than earlier bombers. It is even cheaper in relative terms than B-17 Flying Fortresses of World War II.

Some figures.

The B-52 during its procurement stage absorbed .136 percent of our GNP.

The B-1B bomber took .129 percent of our GNP during its procurement.

But the B-2 will cost only .058 percent of our GNP once procurement begins.

Mr. Speaker, the B-2 gives us an essential military capability at a cost which, on examination, is quite reasonable. I urge my colleagues to support the bomber.

□ 1140

BANI-SADR'S TURN TO SPEAK

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the State Department has reportedly declined to give former Iranian President Bani-Sadr a visa to visit the United States to promote his new book, "My Turn to Speak," a book which alleges that high-level operatives of the Reagan-Bush Presidential campaign negotiated with Iran to delay the release of American hostages in 1980 and 1981 in return for arm sales by the United States Government when Reagan took office.

Perhaps the State Department is not trying to silence the former Iranian President, but in light of the controversy surrounding the alleged secret deals between the Reagan-Bush campaign and the Government of Iran, the Department's attempt to exclude Bani-Sadr certainly looks suspicious, especially since Bani-Sadr was publicly opposed to the hostage-taking.

Mr. Speaker, these allegations by Bani-Sadr and others are grave and far-reaching. Since the principal alleged participant is no longer able to speak for himself, we should not close off the opportunity to learn more about the event from others who were involved.

Maybe Bani-Sadr's account of the events is untrue. Maybe it is not reliable, but we will never know until we hear him out. Efforts by the State Department to prevent him from visiting the United States only serve to cast greater suspicion on the role of current members of the Bush administration.

PRESIDENT'S CRIME CONTROL PACKAGE DESERVES ACTION

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, earlier this week the Federal Bureau of Investigation reported that the violent crime rate jumped 10 percent in the United States in 1990. According to preliminary FBI statistics, murder and aggravated assault each increased by 10 percent, robbery by 11 percent, and rape by 9 percent last year. This upsurge, in brutal, personal crimes against Americans is absolutely unacceptable.

Last year, this body overwhelmingly passed strong law enforcement legislation. It included habeas corpus reform, expansion of the Federal death penalty, liberalization of the exclusionary rule, and mandatory victim's restitution. The other body approved corresponding provisions. These were truly tough anticrime bills, and they reflected the will of the American people, as evidenced by the lopsided votes in their favor. And yet somehow, many of the most useful provisions were scuttled in conference committee.

Soon, this House will vote on a handgun waiting period. But while I support it, a waiting period, by itself, will do little to reduce violent crime. The American people demand a comprehensive response. The time has come to act on the President's crime-control package.

TRIBUTE TO SPEAKER THOMAS P. O'NEILL, JR.

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOAKLEY. Mr. Speaker, it is with great pleasure that I rise today to share with you an inspirational article written about my good friend and former colleague, Speaker Thomas P. O'Neill, Jr.

Many of us saw Tip as he walked the corridors of the Capitol last week. His familiar greeting of "Hi ya old pal" brought back many fond memories.

Throughout his 50 years of public service, the Speaker was a champion for the causes of the needy. His staunch commitment to helping those who are less fortunate has not diminished since his retirement. In fact, his passion is as strong as ever.

Last week, Speaker O'Neill testified before the Senate Labor Committee to speak in support of additional funding for cancer research. He discussed his own battle with cancer, and that of our close friend, Sil Conte. His 20-year battle to promote cancer research stems from his deep desire to see an end to this deadly disease that has touched the lives of many Americans.

Speaker O'Neill has fought this battle for cancer research with dignity, compassion, and clear sense for what is right.

Mike Barnicle, a columnist with the Boston Globe, best captures the Speaker's commitment to public service and the needy. I respectfully submit the following news column for the RECORD:

[From the Boston Globe, Apr. 28, 1991]

A RARE MAN, CAST IN FIRM BELIEFS

(By Mike Barnicle)

When he came on TV the other night, talking about the need to allot more money for cancer research, I found myself thinking about all the lost years beyond retrieval and the fact that the man on the screen, Thomas P. O'Neill Jr., is the best big guy I ever met in my whole life. Now, he is 78 and I guess the poison is back in his system but, for once, it would be nice to write something pleasant in the present tense about a politician, even a retired one, so here we go.

Tip O'Neill is a success because he is a nice man, likes people and has a deeply rooted, quite firm set of beliefs. All three ingredients make him different from most public people today who whine about how hard their jobs are, insulate themselves with consultants and shrink from ever planting any flag of belief in the landscape for fear they might offend some special interest or, worse, lose an election.

I first met him in 1966. At the time, my day job was running an elevator in a congressional office building, a young guy on the way up. My night job was in a downtown hotel, cleaning floors after dark. I didn't know anybody and didn't know any better, but I was happy for the work because there were then a couple small kids at home who had a bad habit of eating.

O'Neill was a seven-term congressman, wired too because he had been thick with Sam Rayburn and was closer still to John McCormack, who held the speaker's gavel after death took it from Rayburn. Even then, Tip O'Neill was one of the men who moved the House. He had clout.

But he treated elevator operators the same as he treated Lyndon Johnson, the top nun at a parochial school, the president of Harvard or the cashier at Pimlico's $50 window; With respect, kindness, humor and, always, an open hand and open heart. And he has never changed.

Politics was a more honorable and certainly a more honest profession 25 years ago. A lot was happening in the country and to the country. There was a war raging, one that was dividing the nation, killing its soul. People were dying at a clip of about a hundred a week in Vietnam. And people here were fighting for decency because men, women and children were being denied dignity due to the color of their skin. O'Neill was big in both bouts.

He was always on the correct side of important issues because he relied on his gut and common sense. His conscience outweighed the caution that freezes so many who fake their way into office.

And he is human. Oh God, is he ever. He cannot keep a secret, would tell you about practically anything that was taking place within the corridors of power. He loved his job and he loves his wife, his family, his grandchildren, Ted Williams, the Red Sox, poker, slow horses, old fighters, great stories, sentiment, New England boiled dinners, any golf course and almost everyone he has ever come into contact with. Other than Ronald Reagan and Donald Regan, whom he figured for fakers, I never heard him badmouth a single person. Plus, he's the King of Favors, enjoys picking up the phone to help others.

And if all those whom he assisted stood single-file, the line would stretch from O'Neill's old house on Russell Street all the way to Seattle. It would not matter if you were a millionaire or a mill worker, the old man made the same effort for everyone.

He was shaped by the Depression and FDR. He thinks politics is about poeple and government is about caring for those who are unable to take care of themselves. Politicians today would regard him as quaint or old-fashioned because O'Neill has values that go beyond the next election.

Once, I saw him posing for a picture with this important Boston banker and the banker's son. A woman from O'Neill's district had worked for years for the bank but had been laid off because she was too old. As the House photographer asked everyone to smile, the speaker told the banker it would be a shame if this woman was dismissed because, "If she and I took a walk from Porter Square to Harvard Square some Saturday morning and people found out she lost her job, I bet you'd lose yourself a couple hundred accounts." She stayed.

He can keep you up all night with stories about James Michael Curley and Jack Kennedy, about losses at the track, the Super Bowl and the World Series, too. He remembers Ellis Kinder's earned run average and the expression on Carl Albert's face when O'Neill told him that Richard Nixon was going to be impeached and the votes were there to do the job. He is history and he is real, He is just a flat-out good guy, the greatest, because he has remained true to himself.

Years ago when Kenny O'Donnell died, the late Junior Carr, another old pal of O'Neill's said something about Kenny, who ran the White House under Kennedy, that absolutely must be said of Thomas P. O'Neill Jr. this morning:

STATEMENT ON BOAT TAX

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, last year, they called it tax fairness. It was a plan meant to soak the rich by slapping a luxury tax on pleasure boats. Well, it is not fair for boat manufacturers, and it is not fair for those losing jobs. Once again we have learned the hard way that higher taxes hurt working men and women by distorting the marketplace and driving customers away.

The people who are reaching for life preservers are blue-collar workers who used to build boats before taxes sank our domestic sales. Those who can afford boats buy elsewhere—where boat taxes have been lowered to attract American customers who used to do business here at home.

While we drive our manufacturers under, 19,000 boating industry jobs will be lost in 1 year alone, hurting families who want to work. And that's not fair.

Let us face it: Congress went overboard with this tax, and the only way we can keep our boating industry from sinking is to repeal it.

H.R. 7, THE BRADY BILL

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, as I stated yesterday, we have had computerized criminal records in Virginia since 1966 and it still took us more than 6 months to implement an instantaneous background check. The Office of Technology Assessment has recently concluded that it would take the FBI 5 to 10 years to develop a central criminal record file and only then could we begin to implement the nationwide system called for in the Staggers bill.

I support the Virginia instantaneous background check system and I strongly support the Attorney General's efforts to implement a nationwide background check system already provided for in the 1988 McCollum amendment. But I do not support an unrealistic unattainable bill that would once again keep this Congress from enacting reasonable gun control legislation.

The Brady bill is an important interim measure that would sunset once individual States and the Nation implement an instantaneous background check like we have in Virginia.

I urge my colleagues to vote "no" on H.R. 1412 and "yes" to the Brady bill, H.R. 7.

BRADY BILL DESERVES SUPPORT

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, I rise today in strong support of H.R. 7, the Brady bill. The House is expected to vote on this important and controversial issue within the next week.

Ironically, opponents of this bill claim that the Brady bill's prime flaw is that it does not mandate a background check. However, Mr. Speaker, it does allow for a background check, and realistically, it encourages a background check. It will, in the appropriate cases, stop the deadly sale of a handgun.

There is no magic with this bill, no cure-all, but the Brady bill offers hope, hope that has been realized in life, in States that have waiting periods, with cooperating border States.

Perhaps I am here today out of a parochial concern because I represent New York City. It was just realized that New York City in 1990 had over 2,245 homicides, making it the highest in the Nation. As violent crime continues to rage out of control, 96 percent of the crimes committed with the legally obtained handguns in New York were obtained from out of State. Short of establishing border guards, this importation will not stop.

We in New York are desperate for solutions, solutions that do not penalize citizens legitimately seeking a gun, solutions that will help citizens take a step in the right direction to curb the violence on our streets in America today. Not 5 or 10 years from now as the Staggers bills suggests.

I urge my colleagues to support the Brady bill when the House considers it next week. It is important toward ensuring neighbor security. It is essential toward saving a life.

TRADE AGREEMENT MEANS LOSS OF U.S. JOBS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, yesterday the Bush administration released its response to congressional concerns regarding the proposal United States-Mexico Free-Trade Agreement going forward under the so-called "fast track." The President's letter is largely rhetorical. It has no guarantees that our congressional concerns will be incorporated in the body of the trade agreement itself. None of our specific concerns about adjustment policies in both nations, workers rights, and fair labor standards, the enforcement of Mexican labor and environmental laws, would be included as a part of this agreement.

Instead, the President said that he will try to focus on these concerns through promises of working closely with Mexico in parallel agreements, at best, memorandum of understanding, and good will efforts.

However, I ask, who will really enforce any agreement that we would be able to reach? Recently, at California State University, a study was done on Ohio-based firms that are currently operating in Mexico. For the record, I would like to show Ohio has already lost over 100,000 jobs to Mexico, where the average wage is between $5 and $10 a day. This trade agreement means a loss of jobs for our country, and someone ought to pay attention to that.

ULTIMATE POLITICAL WITCH HUNT

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. RIGGS. Mr. Speaker, I rise today because yesterday was day 50 of the President's 100-day challenge to this body to pass this comprehensive crime package, and the day after the FBI released their annual crime report indicating that violent crimes were up 10 percent over last year.

Also yesterday, the Washington Post ran an article headlined, "Probe of 1980 Reagan Campaign, House Democrats Study Allegations of Delay of Hostage Release."

□ 1150

Well, excuse me, but what is going on here? Reagan-bashing, which is becoming pretty popular around here, judging from the recent budget debate, is being taken to a new extreme. It seems that there are certain people who want to conduct a witch hunt aimed at pinning blame on the late CIA Director, William Casey, for negotiating a deal for the sale of arms to Iran in exchange for the immediate release of American hostages after the November 1980, election.

Well, Mr. Speaker, this is in fact the ultimate political witch hunt, since we all know that dead men tell no lies; but if the Democrats want to revisit the circumstances of the 1980 election in the hopes that it will give them an edge in next year's Presidential election, so be it, because there are some of us who recall doubt-digit unemployment, double-digit inflation, the stagnation, malaise, and despair that gripped this land in 1980.

But instead of the usual partisan rancor, let me suggest a better way. Let us put aside our differences and show the American people some true leadership, and specifically to my colleagues on the Judiciary Committee, let us get busy. Heed the President's 100-day challenge and give us an opportunity to debate and act on his tough crime package.

THE PLIGHT OF THE AMERICAN AUTOMOBILE INDUSTRY

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the Michigan delegation to this House and the three great automobile companies invited Members of the House to visit Detroit last Thursday and Friday to see the perilous state of the industry. We did. We had enormous admiration for their product, and we were impressed by their statements of deep concern, backed up by the facts.

Just yesterday and today we read that the automobile industry had by far the worst quarter in terms of losses in their history.

Mr. Speaker, they account for one out of seven jobs in America and we have to take horrendously difficult and important steps to save the industry.

Every single major player in Detroit—Ford, General Motors, and Chrysler—has a Japanese partner, is in a joint venture with Japanese automobile makers to design and produce better cars. The one group that they are not involved in joint ventures with is with each other. They cannot pool their own talents. They cannot pool their own ability to raise capital, their own design talents, their own manufacturing talents.

They are down-scaling. They are closing plants. They are consolidating plants, but they are doing it within each firm and not industrywide to achieve maximum utilization of resources.

It is the antitrust law that prevents that. We have got to take the shackles off the automobile industry so that where there is already bitter intense competition from foreign car manufacturers in any given field, like the small cars, the medium cars, that the domestic automobile industry can do its best, consolidate resources and join forces and compete more successfully than they have been able to do so far.

AUTHORITATIVE STUDY AMENDMENT TO NASA AUTHORIZATION

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, today I will offer an amendment to the NASA authorization bill that will provide for a study of how we can best achieve the planned scientific objectives of space station Freedom in the most cost-effective way.

A space station should not be an end unto itself. It can be justified only if the scientific research it enables is worth its price tag; that price tag is now estimated by NASA at $30 billion and by the GAO at $40 billion or more. For that kind of money we should be purchasing more than a status symbol in space. We ought to be purchasing the most cost-effective scientific research available.

This is not an antispace amendment, and antispace station amendment. It is simply a matter of fiscal accountability.

Given the radically reduced capabilities of the scaled down space station and the growing concern about its affordability, the time is right for the authoritative study my amendment will mandate.

IN SUPPORT OF THE FEDERAL FACILITIES COMPLIANCE ACT

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, the Federal Facilities Compliance Act of 1991 takes away the Federal Government's incentive to litigate rather than remediate the environmental calamities it has created at Federal facilities. As a member of the Armed Services Committee, I can tell you that much time is spent reviewing the operations and consequences of day-to-day activities at our Nation's Federal facilities.

Policymakers need to encourage the path to environmental restoration. The toxic legacy of the military constitutes the largest and most serious environmental threat this country has ever faced. Presently the Federal Government is operating at health and environmental standards well below the standards which private firms are mandated to comply with.

As a new decade begins, a national consensus exists on the need to provide all Americans with a clean, safe, and healthful environment. Virtually every State has within its borders federally owned or operated facilities with environmental violations and compliance problems. All States therefore share the complex problems associated with these facilities. All States are hopeful for swift solutions to these problems.

The Nation can ill afford to sacrifice the protection of the environment and public health to allow the Federal Government special status to pollute. Please cosponsor the Eckart-Schaefer Federal Facilities Compliance Act of 1991.

IN SUPPORT OF THE FEDERAL FACILITIES COMPLIANCE ACT

(Mr. KLUG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUG. Mr. Speaker, I rise today, as my colleague just before me, to ask your support for the Federal Facilities Compliance Act. If I can, let me give you an example from my home State of Wisconsin why this legislation is necessary.

In 1977, as part of an assessment of military facilities across the country, the U.S. Army indicated there might be problems on what was a prominent ammunition site in World War II. Ten years later, the Army finally got around to testing the facility and assured everyone in the neighborhood that the facility was fine and no pollution was on site.

Now several years later, we find ourselves with wells contaminated on nearby farms and homes. We also discover that the company which was hired by the Federal Government to do much of the assessment has now pleaded guilty to charges of filing fraudulent testing on that site itself, so the problem may be much worse than we ever expected it was; but now the State of Wisconsin, like States around the rest of the country, cannot do anything to force the Federal Government to clean up the site. It cannot even force the Federal Government to expedite the hiring of a new firm to test that site once again and cannot even force the Federal Government to pay the same kind of fines it can force private industry to do.

Mr. Speaker, the Federal Government should be a model for the cleanup of hazardous waste sites around the country, and instead we find it is a model for the way that sites should not be cleaned up. So I urge my colleagues to support the Federal Facilities Compliance Act, H.R. 1056.

ANOTHER PLEASURE TRIP AT TAXPAYERS' EXPENSE

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Well, Mr. Speaker, the taxpayers got screwed again. The Vice President of the United States took a weekend golf trip to Augusta, GA, and the taxpayers got stuck with the bill, $27,000, and he went after his boss promised a full-scale investigation into taxpayer-financed travel. This was after his Chief of Staff, John Sununu, got caught taking ski trips at taxpayers' expense.

Mr. Speaker, what a bummer. These things should be looked into. Look, there are plenty of golf courses around Washington, DC, that if he wants to go golfing he can go and golf and if he does not get it free, it is only going to cost green fees and a golf cart, but not $27,000.

Hurry up, Mr. President, with your investigation. The taxpayers cannot afford any more delays.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are reminded to address their remarks to the Chair.

□ 1200

THE FEDERAL FACILITIES COMPLIANCE ACT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, today, I join over 100 of my House colleagues in introducing the Federal Facilities Compliance Act. This bill clarifies that States have the authority to assess civil fines and penalties against Federal facilities for noncompliance with the Resource Conservation and Recovery Act. Last Congress, the legislation was overwhelmingly approved by the House.

During consideration of the bill, I offered an amendment, which was approved unanimously, that was designed to ensure that States use the fines collected against Federal facilities only for environmental projects or enforcement. My amendment simply required that when States collect fines from a Federal facility for violation of RCRA that those moneys must be used for environmentally related efforts.

I feel strongly that if tax dollars are used to pay environmental penalties it is only right that those moneys be used for further environmental purposes. I am pleased that this provision was included in this year's Federal Facilities Compliance Act and I plan to work with my colleagues for swift consideration and passage of the bill.

BAD NEWS FROM OUR NATION'S AUTO MAKERS

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, there is bad news from our Nation's auto makers. In just the first 90 days of this year, GM and Ford lost a combined total of $2 billion. The heartbeat of Detroit is weak, and it might well grow weaker. Some want to teach Detroit a lesson. So they buy their cars from the Germans and the Japanese. Their idea of fulfilling their patriotic duty is to tie a flag and a yellow ribbon to the antenna of their BMW. Then they will say, "I'll do what's best for me, and Detroit be damned."

Well, it is time that we set straight what our patriotic duty is as Americans and what it includes. It includes more. It includes buying good products made by the good and decent people of our country. It includes thinking, every time we buy a car or a television set or an article of clothing, about to whom we would like our dollars to go to, American families or people overseas. That does not mean that we should buy second-rate goods. But our Ford Tauruses and Jeep Cherokees are every bit as solid as the Honda Prelude or the Range Rover.

Mr. Speaker, we should resist the notion from Wall Street that all Detroit needs is a few quick plant closings. Being an American means more than exercising the right to buy a BMW and a pair of Vuarnet sunglasses.

Let us recommit ourselves to buying from our fellow Americans when they make a product as good as a foreign one. Let us eliminate the trade deficit without taxes, and let us look out for one another.

ENCOURAGING TRADE WITH NEW DEMOCRACIES OF EASTERN EUROPE

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, since the fall of the Berlin Wall and the end of the Warsaw Pact, several countries in Eastern Europe have reached out to the West and especially to the United States in the hope of joining our better economic and political systems. The United States, as the leader of democracy and free market economies, has to extend our welcome and make a stronger effort to incorporate these countries into a trade alliance. I have just returned from a private sector-sponsored trip to Poland and Czechoslovakia where I led a New Hampshire trade delegation seeking to establish ties to these newly emerged democracies in Eastern Europe. While there, we were able to sign most-favored-state treaties with both nations whereby they would open up opportunities for small businesses and corporations from New Hampshire. The governments in Poland and Czechoslovakia will make the effort to enable our businesses to market the goods and services that will modernize Eastern Europe at a more rapid rate. They have been trapped behind the Iron Curtain for almost 50 years and now that they are free they want to experience the benefits of liberty, democracy, and choice. As a country, we have an opportunity to make a concerted effort to provide these people with the education and technology resources that are needed to enable them to make the transition to a free market economy. I urge my fellow Members of Congress to open up your States economies and encourage trade with the new democracies of Eastern Europe particularly in Poland where much progress and sacrifice has already been made. This country needs our leadership now and we cannot desert them. As their economy becomes more successful, they can become the model of the free world. It is time that we stand up and be counted.

BRADY BILL SUPPORTED BY THOUSANDS OF POLICE OFFICERS

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, I recognize the second amendment right of all Americans to bear arms. However, a decent and orderly society requires reasonable restraints on firearms in order to truly make people free, free from the growing menace of random violence that now engulfs our society.

In Rhode Island we have a law that mandates a 7-day waiting period before the purchase of a handgun. Rhode Island's Brady bill has worked well and that is why the police chief from my hometown of Cranston asked me to support the Brady bill here in Congress.

Indeed, the most compelling testimony in support of the Brady bill comes from the thousands of police officers across the country who really are on the firing line.

If the vote on this issue were put to police officers, I have no doubt that they would vote overwhelmingly in favor of the Brady bill. For them this isn't political—it is quite literally a matter of life and death.

The Staggers alternative is not an alternative to the Brady bill. It is the legislative equivalent of firing blanks. If the Congress passes the Staggers bill we will make a lot of noise, but it will not mean anything.

The Staggers bill offers up an instant-check system that even the Attorney General has said would take years to develop. The instant check system is a myth. Those States that are supporters of the Staggers bill offer as an example—Florida, Delaware, and Virginia—all provide longer than 24 hours to perform the background check.

Forty States do not have completely automated criminal history record files. Three States don't have any records on computer. Some States do not require courts to report felony dispositions and even where the courts are required to report this information, it takes an average of 48 days.

The supporters of the Staggers bill speak of a person's right to purchase a gun. But under this legislation, anyone could buy a $10 gun dealers license and access confidential records. Those who support the Staggers bill are willing to overlook fundamental concerns about privacy to facilitate the sale of guns.

We need real gun control. I ask my colleagues to support the Brady bill.

WE SHOULD SUPPORT U.S. AUTO INDUSTRY.

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, yesterday I called attention on this floor to the warehousing of automobiles by the Japanese auto industry in every available storage area in this country so that at the right time in our economy these cars could be dumped on the United States market.

Last week, 41 Members of this body visited the Big Three American plants in Detroit. We were all stunned by the revelation of the dire conditions of these important manufacturers.

This loss goes beyond what we called Detroit. The auto industry also includes 20,000 small suppliers to the industry which are going bankrupt at a rate of 1½ a day. We all must share the blame for this decline.

When Lee Iacocca, chairman of Chrysler, asked for Government relief from the Japanese, he was told by the administration the Japanese have a right to a portion of the United States market. But, Mr. Speaker, Japan does not allow the United States to have the slightest portion of its market. Yes, we all must share the blame for the decline.

A friendly and informal poll at National Airport VIP lot for Congress found that foreign cars outnumbered American cars by almost 20 to 1. The least we can do as lawmakers is to support the American auto industry, and the American people should not fall for the Japanese line that we should support their industry. Don't support the dumping program.

CONGRESS SHOULD PASS THE BRADY BILL

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, I am proud of the swift action on the Brady bill by the full Committee on the Judiciary, and by the Crime and Criminal Justice Subcommittee. I understand that the bill should come to the floor for a vote next week.

We have debated the issue of acting to keep guns out of the hands of criminals and the mentally ill long enough. The Brady bill provides for a short waiting period prior to completing the sale of a handgun to allow law enforcement officials to check criminal and mental health records. Seven days. No more than the time most people wait for approval on renting an apartment, or to pick up their dry cleaning.

Health and Human Services Secretary Louis Sullivan noted a telling statistic that should influence Congress to pass this bill rapidly—more teenage boys die from gunshots than from all natural causes combined. Between 1984 and 1988, the firearm death rate among teenagers increased by more than 40 percent. A total of 1,641 Americans age 15 to 19 years were victims of homicide by firearms in 1988 alone. Since the Brady bill was defeated in this House in 1988, 50,000 Americans have died from handguns.

Congress can and must act swiftly to enact this measure to help save lives. Last week Congress proved that it can move with all deliberate speed when it held hearings, introduced and passed a joint resolution to end a nationwide railway strike all within 1 day. Congress acted so quickly then because a prolonged nationwide railway strike could cripple our Nation's economy.

Congress should act just as quickly to help keep handguns away from those who cannot handle them responsibly—to prevent more Americans from being crippled, or killed, unnecessarily.

THE CIVIL RIGHTS BILL FOR 1991: A POLITICAL RATHER THAN A LEGISLATIVE SOLUTION

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, this House will apparently very soon consider the civil rights legislation for 1991. I regret to inform my colleagues that I think both sides have decided they would rather have a political issue than a legislative solution to the debate.

But I also inform my colleagues that you are going to hear a lot of discussion about whether the bill is a quota bill and whether or not it is a bonanza for trial lawyers.

I will go so far as to suggest that H.R. 1, the Democrats' civil rights bill, is not a quota bill in and of itself. Unfortunately, however, the impact of H.R. 1 will be quotas.

□ 1210

Mr. Speaker, every business in America looking at that legislation will make the decision to hire by a numerical basis in order to protect themselves from potential litigation. If my colleagues on the other side of the aisle really want to eliminate the possibility of a lawyers' bonanza, I plead with them to bring a bill to the floor that will eliminate section 9, because section 9 of H.R. 1 says that in every case of civil rights ever filed after the passage of this bill, no consent decree can ever be entered into between the plaintiff and the defendant unless the trial lawyer certifies to the court that any reduction in his legal fees has been approved prior to that by himself. Think of that.

ENCOURAGING COLOMBIAN GOVERNMENT TO CONTINUE STRUGGLE WITH DRUG CARTEL

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, it has been 7 years since the Colombian Minister of Justice, Rodrigo Laura Bonilla, was assassinated. At the time of his assassination, I was speaking in the National Palace with the President, Belisario Betancur. When the news of this assassination of the Minister of Justice came to the Palace, the President turned to me and said that his country was "a hostage to the drug cartel." The criminal organization that has the wealth and power of a nation.

Since that time, action has been taken by courageous Colombian officials of the Government to make war on the cartel. And there are signs of progress, but there are also signs of discouragement.

We would say to our friends in Colombia that they should keep up the war against the drug cartel; they should continue the struggle because the power of a free people is more powerful than the guns of the cartel.

We know that the price of freedom is high, but there is no greater gift to any nation than for its people to be free. We support the people of Colombia in their struggle for freedom.

THOUGHTS ABOUT ONGOING AGONY IN MIDDLE EAST

(Mr. DORNAN of California asked for permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I rise this morning to pass on a few thoughts about the ongoing agony in the Middle East. But before I do, just a quick prologue.

A month and a day ago today, on April 1, I had my right hip removed and replaced. And I just wanted to say that I will do a special order about the wonders of modern American medical science. Even with all the problems we have with the cost of medical care and medical insurance, we are certainly lucky to be Americans in the end of the 20th century. What American medicine can do for us when everything is working right, is absolutely incredible.

But about the Middle East. I was lying there in my bed, a few days back, at home recuperating from surgery, and I saw something that made me think I was dreaming.

It was the national orchestra, it would be stretching it to call it a philharmonic, of Iraq at Saddam Hussein's—the world's greatest first degree mass murderer—birthday celebration. They were playing for him Frank Sinatra's big hit, "I did it my way." At the same time Iraq is asking the world permission to pump a billion dollars' worth of its oil, while 560 oil wells are still burning in Kuwait. It is simply unbelievable that he brags that he did it his way.

The world must rid itself of this killer.

INTRODUCTION OF RESOLUTION SUPPORTING FEDERAL EMPLOYEES WHO PLAYED ROLE IN PERSIAN GULF WAR

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, we have lavished much praise on our men and women in uniform who valiantly served this Nation during the last year in the Persian Gulf. That praise is richly deserved and cannot be overstated. But there is another group of Americans who played an emormously important role in this war and that's those men and women of the civilian Federal work force that supplied vital support to our Persian Gulf efforts.

When President Bush sent the first troops to the desert on August 3 of last year, nearly every Federal agency had a job to perform in support of that deployment. Many of my constituents who live in suburban Maryland, yet work in the Federal Government here in Washington, burned the midnight oil in long hours, keeping the food lines supplied, transporting materials overseas, or helping out the families of those soldiers who were sent to the gulf.

Mr. Speaker, today a resolution will be introduced by members of the Federal Government Service Task Force which commends the performance of our civilian Federal employees in their role in the Persian Gulf war. As we wave our American flags to the troops as they march by us this Fourth of July, let us not forget the hundreds of thousands of Federal employees who also played a vital role in our victory in the Persian Gulf.

CONSEQUENCES OF CIVIL WAR IN ANGOLA

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, the civil war in Angola has rarely been the focus of our Nation's attention. Angola is a distant country, and the war between the MPLA government and the UNITA resistance was often lost in the murky politics of Soviet expansionism in the Third World.

But as chairman of the House Task Force on Angola, I am pleased to inform my colleagues that, after 16 years of bloody civil war, the Government of Angola and the UNITA resistance yesterday initialed a document which will bring peace and democracy to that war-torn country. The President of Angola and the President of UNITA, Jonas Savimbi, later this month will sign a formal cease-fire and peace agreement that includes provisions for free elections next year.

Mr. Speaker, the end of this conflict is of enormous consequence for the people of Angola. They have seen their country ruined by war and Socialist economics. They saw their independence from Portugal hijacked by the presence of 50,000 Cuban troops. They have been the victims of a senseless attempt to impose a one-part, Marxist system which, as we have seen, has failed everywhere it has been tried.

But with this agreement, the people of Angola will soon have the opportunity to determine their own destiny through free, multiparty elections. They will have a government that will be held accountable and responsible for its actions. The process of creating and consolidating democratic institutions and a market economy promises, as it has been in Eastern Europe, to be difficult. Moreover, in a democratic Angola, both the MPLA and UNITA will be forced to explain their conduct throughout the war. But there is reason to believe that Angola, given its potential wealth, can serve as a catalyst for those democrats elsewhere in Africa who are seeking to bring democracy to their countries.

Mr. Speaker, American resolve and the power of the democratic idea helped to make this agreement a reality. Now, as the MPLA, UNITA, and the people of Angola begin the process of rebuilding their country, I hope we will demonstrate similar resolve to assist them in that process.

BRADY BILL WILL HELP FIGHT CRIME

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, next week, the Members of this body will have an opportunity to vote on H.R. 7, the so-called Brady bill, which will require a minimum 7-day waiting period for the purchase of a handgun.

Unlike many other anticrime proposals we've heard about which sound a lot tougher than they really are, the Brady bill is substantive legislation which can make a real difference in saving lives.

A 7-day waiting period is not going to restrict the ability or privilege of law-abiding citizens to purchase handguns.

It will merely give the police a reasonable opportunity to conduct a background check of prospective purchasers, to determine if they have a criminal or mental history or if they are otherwise disqualified from receiving a handgun.

Some 20 States already have waiting period laws in effect, including my home State of New Jersey, and we know from their experience that waiting periods are effective in preventing thousands of handgun sales each year to unqualified persons.

Mr. Speaker, I do not take a back seat to anyone when it comes to fighting crime.

The fact is, we can't have an effective, national anticrime strategy without addressing the problem of the easy access to handguns and the proliferation of handgun-related crime across our country.

If you're really serious about passing meaningful anticrime legislation, I hope you will join me in voting for the Brady bill and against the Staggers substitute, which would do nothing more than gut the bill.

A waiting period will not be a panacea, but it will keep some handguns out of the wrong hands and help save lives. That is surely worthwhile.

BASEBALL'S OLD GLORY

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I stand today to salute old glory, not our beloved flag, but baseball's old glory, Nolan Ryan. In an age when baseball has become a cash and carry business, one player reminds us that neither greed nor time can take its toll on greatness.

Last night, 44-year-old Nolan Ryan gave hope to all of us in our midforties and pitched the seventh no-hit game of his 25-year career. This ageless Texas pitcher is baseball's all-time strikeout king, has pitched three more no-hitters than anyone in the history of the game, and he is still pitching.

So add another star to our old red, white, and blue for baseball's old glory, Nolan Ryan.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1991

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 137 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 137

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1988) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, and research and program management, and Inspector General, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space and Technology, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Science, Space and Technology now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of section 302(f) of the Congressional Budget Act and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1220

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] for purposes of debate only, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 137 is an open rule providing for the consideration of H.R. 1988, the National Aeronautics and Space Administration Multiyear Authorization Act of 1991. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Techology.

The rule also makes in order the Science, Space, and Technology Committee amendment in the nature of a substitute now printed in the bill as an original text for the purpose of amendment under the 5-minute rule. Each section in the substitute shall be considered as having been read.

In addition, the rule waives all points of order against the substitute for failure to comply with the provisions of section 302(f) of the Congressional

Budget Act. Mr. Speaker, this waiver is necessary because the substitute as drafted provides new authority in excess of the committee's appropriate section 302(b) allocations. The rule also waives all points of order against the substitute for failure to comply with clause 5(a) of rule XXI prohibiting appropriations in a legislative bill.

While these two waivers were necessary in order to bring the bill to the House floor today, I understand the chairman of the Committee on Science, Space, and Technology will be offering technical amendments to bring the bill in compliance with the Budget Act and House Rules. The section of the bill which requires waivers sets up a scholarship program for teaching degrees in the field of science, with funds from the trust fund established in the memory of the crew of the *Challenger*.

Finally, the rule provides for one motion to recommit, with or without instruction.

Mr. Speaker, H.R. 1988 provides multiyear authorizations for programs under the jurisdiction of the National Aeronautics and Space Administration [NASA] and related agencies. The bill also sets forth policy provisions and authorities in order to carry out the activities of the Civil Space Program.

I want to commend the gentleman from California, Chairman BROWN, and my colleagues on the Science and Space Committee, for the excellent job they have done in bringing this bill to the House floor. In particular, I want to express my support for the funds included for the National Aerospace Plane Program.

The bill authorizes NASA funds at a level of $72 million in fiscal year 1992, $120 million in fiscal year 1993, and $145 million in fiscal year 1994 for the national aerospace plane, a joint project with the Department of Defense. The National Aerospace Plane Program is developing technology to make possible the first flight of a hypersonic aircraft that can take off from a runway and fly into orbit in space.

I am proud to say that the office coordinating this project is located at Wright-Patterson Air Force Base in the Dayton, OH, area. Nearly 100 years ago, Dayton's Wright brothers ushered in the era of flight. Now, the national aerospace plane promises to be a leader in the development of the technology for the next century of flight.

Mr. Speaker, H.R. 1988 is the result of hearings and careful consultations. I am pleased that we have an open rule which received unanimous support in the House Rules Committee. I urge my colleagues to adopt it.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule, which I applaud very much. Incidentally, this is the earliest House consideration of a NASA authorization bill in several years. During the current fiscal crisis, the task of allocating national priorities for the space program has become all the more difficult. I wish to commend the gentleman from California [Mr. BROWN], the chairman, and the ranking minority member, the gentleman from Pennsylvania [Mr. WALKER], of the Committee on Science, Space, and Technology, for their work in crafting this legislation.

Mr. Speaker, in the past few years NASA has suffered a number of setbacks such as cost overruns in the space station and the malfunctioning of the Hubble space telescope. These problems have eroded confidence in the agency and have raised questions about its ability to pursue an aggressive space exploration program. However, we must also remember that our Nation's space program has been successful over the years. This open rule will allow us to examine the programs under NASA and to debate its future direction.

H.R. 1988 provides budget authority for NASA's space and aeronautics activities and for the space activities of the Department of Commerce, the National Space Council, and the Department of Transportation. The fiscal year 1992 authorization level is set at $15 billion, which is $488 million below the President's request. The administration, however, opposed enactment of the bill unless amended to more closely reflect its request.

The bill authorizes $2 billion for the space station Freedom in fiscal year 1992. This is the same amount requested by the administration. When completed, the space station will be a manned, orbiting outpost for conducting scientific activities. The $128.9 million increase over fiscal year 1991 will be provided upon the submission of a National Academy of Science report which is to include a restructuring plan for the space station. Emphasis has again been placed on the space station as the next logical step in expanding space exploration.

Mr. Speaker, this rule protects the rights of the minority by giving us an opportunity to offer a motion to recommit with or without instructions. I strongly support the rule, and I urge its adoption.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me also commend the Committee on Science, Space, and Technology for requesting an open rule on this important bill. I am sure we all offer our congratulations to our good friend, GEORGE BROWN, on his assuming the chairmanship of that committee, as well as our good friend, the gentleman from Pennsylvania [Mr. WALKER], the ranking Republican, for bringing this bill to us at this early date.

Mr. Speaker, H.R. 1988 makes 49 billion dollars' worth of authorizations for the National Aeronautics and Space Administration for the next 3 fiscal years. That is a lot of money, but this bill is fiscally responsible and it meets the challenge our country faces as the leader in space exploration.

I understand that there is a minor problem in the bill relating to a trust fund that provides support for fellowships or scholarships in the aeronautical and space sciences. However, Chairman BROWN assured the Rules Committee that he will offer an amendment that will bring this provision of the bill into conformity with the requirements of the deficit-reduction plan that is now in effect, that this House must abide by if we are going to try to get the fiscal house in order.

Mr. Speaker, John F. Kennedy, a great American, a great Democrat, said that outer space is the new ocean, and America must sail on it.

Just as America has been the leader in space exploration since the 1960's, this bill, I believe, as a fiscal conservative, will assure American leadership during the 1990's and beyond.

Mr. Speaker, let me just say I will be offering two amendments, as I did yesterday to the intelligence authorization bill. One deals with random drug testing of all employees of NASA. The other deals with prehire drug testing of all NASA employees under the same procedures that are presently in place for all Federal Justice Department employee applicants. I will not get into the debate on it now. We will do that during the regular time when the bill is under consideration.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of this rule, and I want to thank the gentleman from Ohio [Mr. HALL] for giving me this opportunity to use this time to address the issue of the space station.

Mr. Speaker, yesterday the Subcommittee on Governmental Activities and Transportation, which I chair, held an oversight hearing on the costs and justifications for NASA's space station project. As we begin deliberations over NASA's reauthorization, I want to share with Members some of the information brought to light at yesterday's hearing.

As a result of this hearing, I hope that Members of Congress will join me in a letter to NASA asking for an independent audit of the Space Station Program. I also believe it is very important to support the Zimmer amendment, which is coming before us today, that would require the National Academy of Sciences to report on whether the goals of the Space Station Program can be accomplished by alternative means at a lower cost to the taxpayer, just so we know what it is we are doing here.

□ 1230

The Zimmer amendment is a fine one. I understand that Chairman BROWN will be accepting that amendment, and I am very pleased about that.

At yesterday's hearing the subcommittee ascertained that while NASA has offered an estimate for the cost of the space station of $30 billion, the true cost of the program over its lifetime, without inflation, will actually be between $118 billion and $180 billion. The NASA figure of $30 billion accounts only for some of the costs incurred to achieve permanent occupancy. In other words, for $30 billion what we will have is an empty garage in space with nothing happening within it or around it.

However, NASA's estimates that it would cost $40 billion, not $30 billion to achieve permanent occupancy, and my subcommittee staff comes up with an estimate of almost $52 billion. So, even for this initial phase, NASA cost estimates for the station do not include costs of the crew return vehicle, which is crucial. NASA admits that they did not include it, or full transportation costs for shuttle flights that will be needed to assemble and equip the station and the cost of the microgravity research and life sciences equipment that will be placed aboard the station.

Remember, the station is a 30-year program, so says NASA. Subcommittee staff calculate that the operations and transportation costs over the life of the program will result in a total 30-year cost of $180 billion, plus inflation.

GAO derived the lower estimate of $118 billion because GAO accounts only for the marginal costs, not the full costs of the shuttle flights as the Subcommittee had done. So again, there are astronomical differences, if you will, between NASA estimates and the more objective estimates of the GAO and my subcommittee.

Yesterday marked the first time the GAO's Comptroller General has testified on NASA. However, GAO has been critical of NASA cost reporting practices for years. Here are some examples.

In 1981 GAO said:

> NASA has underestimated the cost for some of its major projects. Generally the Congress does not routinely receive information on the total project cost or changes in cost, for all NASA projects.

In 1988 GAO said:

> NASA does not typically report the full cost of its projects to the Congress."

On March 1, 1991, GAO again said:

> Current reports on the cost of the space station do not include adequate information.

That is the GAO, the General Accounting Office, Congress's fiscal watchdog, and we should listen to them. I beleive that Members of Congress are entitled to know the full costs of the space station, as are the taxpayers. That is why I have asked NASA to cooperate with an independent audit to be performed by the National Academy of Public Administration, a congressionally chartered audit group with which NASA has cooperated in the past. Again, I hope Members will join me in a letter to NASA in support of this independent audit. When I asked Admiral Truly, let me just say, he did not seem particularly enthusiastic about the prospects. So I hope if we send him a letter he might move in our direction.

Also, again I hope today we will support the Zimmer amendment. In the days and months ahead we will recommend further steps from our subcommittee. Chairman CONYERS will be making a statement about this later. Given our duty to the taxpayers who sent us here, we can do no less.

Again, I thank the gentleman for yielding me this time.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time. I did want to make a couple of comments relative to what we just heard with regard to the cost of the space station.

First of all, in reading the Zimmer amendment, I think the committee may have no problem in accepting the amendment, because we do not see this as in any way impacting on the ability to go forward with space station Freedom. In fact, the amendment specifically says it will have no impact on proceeding ahead with space station Freedom, and we think, therefore, studying some of the technologies which are emerging as a result of the work we are doing probably is not outside the scope of what the committee thinks should be done.

With regard to some of the costs, I am anxiously looking forward to seeing the GAO study. GAO has a reputation, at least among some of us, of doing the work that committee chairman ask it to do rather then doing work which is completely accurate in its connotation.

We have asked the gentlewoman's subcommittee for a copy of the study. So far we have not been able to get it, so it would be very useful. In fact, Admiral Truly asked for a copy of the study so that when he came up to testify he would have something in hand and understand what it was, and he was turned down from having a copy of the study beforehand, which strikes me as being a little strange way to proceed, that you bring a guy into an adversary proceeding but you do not give him a copy of what he is testifying about before he comes in. That struck me particularly since it was given in the newspapers. I mean, Admiral Truly's best information about what was in the study had to come because it was leaked to the newspapers before the admiral had it.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentlewoman from California.

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Speaker, the GAO study is under the control of the GAO. We did not have a copy of the GAO study.

Mr. WALKER. The GAO did not give it to us either.

Mrs. BOXER. What I am suggesting is that they worked on their own timeframe, and it is their study. We now have it. It was made public at the hearing, and the subcommittee staff does not even agree with the GAO. We think the GAO is too conservative on the cost.

Mr. WALKER. The point being that if we are going to hold hearings, and we are going to bring people like Admiral Truly in, it would be useful for him to have the ability to look at what the conclusions are and maybe be able to come up and truly counter some of the figures, because in looking at least at the newspaper accounts, understanding I have not been able to get a copy of the study yet either, the newspaper accounts lead me to believe that GAO has used some kind of funny numbers here. I mean when we start talking about the outyear costs, and we project costs out into the year 2027, it is a little hard for us to understand what costs in the year 2027 are. We have a hard time here in the Congress figuring out what the costs of the budget are going to be for the next 6 months.

So when we start throwing around some of these funny numbers, it in fact leads one to some conclusions that maybe we do not have wholly accurate information before us.

To decide not to proceed ahead with technology based upon what it is going to cost to pay the crew to live aboard the station it seems to me is terrible foolishness. The fact is the space program in this country has paid back at a 9-to-1 ratio. Every investment dollar that we have made in the space program over the last two decades has paid back to the GNP at a 9-to-1 ratio. So, therefore, if the GAO study does not include in it some of the payback costs that are going to be from the technological development, it is in fact a study that also is lacking. And if we are going to project salary cost in the year 2027, we ought to be looking at payback cost by the year 2027 too, which would give an entirely different story.

If we take the $30 billion figure and figure that at 9 to 1, that is $180 billion or better, it is $270 billion payback that it has made. So in fact it has paid back far more than what the costs would be. But I do hear that is in the GAO study.

My understanding is that the GAO did not look at those kinds of issues because they were not instructed to look in that direction. That disappoints me.

The Zimmer amendment I think will be an improvement, and the committee understands that. But I certainly think that it is very, very important that we do proceed ahead with the space station without the interruption of more accountants and more people looking at it. We have had plenty of study now of the space station. We do not need a lot of delays. The fact is this Congress has delayed the space station now for a decade. Congress has done it, not the administration. This Congress has delayed the space station for a decade. We have piled up the costs as a result of those delays, and we are now paying the penalty of a station that will be less capable than it could have been because Congress could not get its act together and give us the kind of station originally proposed.

I thank the gentleman for yielding the time.

□ 1240

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I would like to respond to some of the statements my friend, the gentleman from Pennsylvania, just made.

He talked about funny numbers. I think the funniest number is NASA's number. I mean, that is the really funny number, because they absolutely admitted that all you would get for that number is the construction of the station. That is it. In other words, an empty garage, and GAO and the subcommittee staff believe that, even that is underestimated.

No one is here today suggesting at all, and I guess the gentleman is reading something here that is not here, that we stop moving forward with the space station. No one is here suggesting that at all.

What the gentleman is suggesting is that a GAO audit is not a fair audit. I would take strong exception to that. The GAO interviewed many, many scientists and, as a matter of fact, the vast majority of those scientists believe that we could do far better without the space station. That happens to be the truth.

But, Admiral Truly said, "Let us not talk to the scientists. Let us just move forward." I think the Zimmer amendment is a good amendment. In addition I think we ought to have an audit so that we know what it is going to cost.

I hope the gentleman will join me in looking at an audit. I think it would help the taxpayers.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I cannot let the words of the gentlewoman from California [Mrs. BOXER] go unanswered.

I have served on the Science Committee for over 10 years, and I have heard an awful lot of scientists come before the committee, and basically the bottom line of all of their testimony is that, "If the program funds my program, I am for it, and if the program funds somebody else's program, I am against it." So you can get a whole lot of scientists coming and saying they are against the space station because they do not get any money out of it.

It is our job here in this Congress to balance out the priorities and to set what is an appropriate national priority. The time has come to do that with the space station.

Second, I agree with the gentleman from Pennsylvania [Mr. WALKER] relative to the GAO study. The GAO study attempts to include the operational costs of the space station over its useful life of 27 years past permanent manned capability. We do not add the operational costs of any other Government capital construction project into the equation when we decide whether or not to go ahead with funding it. For example, if we are asked to fund a $200,000 homeless shelter in San Francisco, the bill is $200,000. It does not include 30 years' worth of salaries and meals and medical care for the people who go into the homeless shelter over its useful life. We have never described the cost of a veterans' hospital, for example, as the sum of all the years' maintenance, salaries, and operating costs over the useful life of the building.

It seems dishonest to start using a different standard for the cost of constructing the space station than we do with other capital construction costs. The GAO answered the question that was put to them. We all know how to get GAO studies to fortify our own political positions, and that is to ask the GAO a question where the answer will come back with what we want to hear with all kinds of supporting data.

It is the same thing as putting a question on a postcard poll that we send to our constituents. Very few of us are going to put questions on those kinds of polls where we know our constituents will answer in a way different than we are going to vote on that issue, so the postcard poll is framed in the same way.

Let us be up front and let us be honest and let us level the playing field. Let us debate the space station on the merits, and on the merits and on the priorities, the downscope space station that was mandated as a result of an appropriation bill which I believe the gentlewoman from California voted for is what is before us today.

We ought to make up our minds and go ahead, because any further delay and any further clouding of the issue is just going to run up the cost more, and then there is nobody to blame but ourselves.

Mr. QUILLEN. Mr. Speaker, I urge the adoption of the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 137 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1988.

□ 1244

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1988) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, with Mr. MCCLOSKEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. BROWN] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1988, the multiyear authorization for the National Aeronautics and Space Administration. This bill is essential to maintaining a robust and vital Space and Aeronautics Program during an era of fiscal restraint.

I want to commend several of my colleagues on the Science, Space, and Technology Committee for their hard work in developing this legislation and for their efforts to bring this bill to the floor in a timely fashion. I want to recognize the gentleman from Texas [Mr. HALL], chairman of the Subcommittee on Space, and the gentleman from Wisconsin [Mr. SENSENBRENNER], ranking Republican of that subcommittee for their special leadership in crafting a balanced and visionary piece of legislation for the space program.

I also want to recognize the gentleman from North Carolina, [Mr. VALENTINE], chairman of the Subcommittee on Technology and Competitiveness and the gentleman from Florida [Mr. LEWIS], ranking Republican of that subcommittee, for their work in developing the aeronautics portion of this bill.

Finally, and very importantly, I want to recognize the valuable contributions of my colleague, the gentleman from Pennsylvania [Mr. WALKER], ranking Republican of the committee and I want to commend him for his important role in bringing this bill to the floor today.

Mr. Chairman, over the past 30 years, the Space Program has had many successes, and also its share of setbacks. This year we have directly confronted one of the major questions that has arisen regarding the Space Program since the culmination of the Apollo period, that is, what should be the role of the Space Program in the 21st century?

At the close of last year, the public was justifiably concerned over a variety of reports of technical problems with the space telescope, the space station, and the space shuttle. At the request of the Vice President, a blue ribbon panel of recognized experts was convened to examine the goals and management of the Space Program and to recommend a future course of action that would guide us into the next century. The report of the advisory committee on the future of the U.S. Space Program has provided an important reference point for our work on the NASA bill this year.

Most importantly, the advisory committee recommended that we establish some long term budget stability for the Space Program. This recommendation recognized the special nature of high risk, high cost scientific research and development programs in which annual budget uncertainties and shifting priorities provided a very difficult working environment.

The advisory committee recommended, based on the past several years of congressional appropriations, that we establish a commitment of a 10-percent annual real growth until we reach a level of about half what we provided during the Apollo Program in terms of percent GNP. I believe that this is a prudent and reasonable growth but one which will become increasingly difficult to accommodate in this budget environment.

The bill which we have brought to the floor today does not provide this recommended growth. In fact it is only about half of this recommended growth. We took great pains to identify every conceivable area in which funding could be deferred or eliminated. We reduced the President's request by over $488 million. We did this because we recognized that the Nation's budgetary deficit situation is probably the worst that we have ever seen.

H.R. 1988 therefore contains what I consider to be the minimum we should provide for the Space Program in fiscal year 1992. We have taken this approach in identifying the minimum budget requirements in view of the fact that the Appropriations Subcommittees will be acting under enormous pressure this year to reduce the budget and it is important that we find a consensus on agency budget needs. Any further overall reductions to the NASA request would, I believe, be counterproductive and more costly in the long run. We would still hope to achieve the Augustine Commission's recommended growth rates, and its goal of a steady State budget of about 0.4 percent of GNP—½ of the 1970 Apollo peak budget—at some reasonable time in the future.

Mr. Chairman, I would like to address one other issue that has been central to the debate over the Space Program this year. That is, can we afford the space station and is it still worth the investment that we are planning? Our decision on space station this year has benefited from a variety of inputs and sources of new thinking.

First, the advisory committee on the future of the U.S. Space Program has verified once again that the station is the linchpin for all of our future plans in space—it is absolutely essential if we plan to maintain our world leadership position in space.

Second, NASA has been directed to reduce the size and scope of the station and they have made a very admirable start. The cost of the station has been reduced by some $8 billion from its previous estimate.

Third, we have examined two reports—one from the National Research Council and one from the President's Science Adviser—which suggest that we need to do a better job of equipping the station to meet scientific needs, particularly in the life sciences.

Our authorization for the space station meets the President's request for a 6- to 7-percent increase over last year. However, we have coupled our request with a requirement to look further at the scientific uses of the station and to independently review the cost estimates.

Mr. Chairman, it is important to keep in mind that permanent habitation of space is a concept still in its infancy. We do not have all the answers yet. Although our memories are sometimes selective, history tells us that such pioneering efforts are always beset by problems. In the 1800's we built railroads in all the wrong places—yet rail travel became crucial to our economic development. Our first automobiles were not Cadillacs. They were Model T's with many features that now seem ridiculous.

The point is that, with any pioneering effort, we must learn how to do things. They do not come naturally and they do not now seem obvious. The station is the first step in this process and we can certainly expect to make mistakes—in cost, technical design, judgment, and in every conceivable way. Yet this first step is crucial, without it we will never take another step. We must continue to strongly support the station in this bill and in the appropriations bill.

Mr. Chairman, I would like to briefly summarize some of the important featues of H.R. 1988.

The bill provides $14.938 billion for the Space and Aeronautics Program and represents a reduction from the President's request for $488 million.

The bill provides slightly over 20 percent of the overall budget for science in accordance with the recommendations of the advisory committee on the future of the U.S. Space Program.

The bill provides over 3 percent of the overall budget for advanced space technology, a healthy increase over the fiscal year 1991 level of 2.5 percent. Again, this increase is in accordance with the recommendations of the advisory committee on the future of the U.S. Space Program.

One area in which we were not able to fully follow the recommendations of the advisory committee was in providing funds for a new launch system. Although this may be a valid program, specific plans and budgets for a new launch system have not yet been developed and we have deferred a decision on this until next year.

For the space station, the bill provides $2.029 billion reflecting the overall request level. However, we have held $129 million of this amount back until a full review of the restructured space station is carried out by the National Research Council. We would like to have a clearer concept of the potential to serve the needs of the science community and the ability of the station to evolve past its initial phase.

The bill reduces the level of funding for the Earth observing system in view of the ongoing technical review that is now being carried out on its scope and approach. We have provided increased funding for the Earth probes in order to gain quicker results, albeit not as scientifically comprehensive, if the larger Earth observing system cannot be funded.

The bill includes several questions to address the long range role of Landsat in the global change program. We have included funding for the purchase of Landsat data by NASA and we have also included some funding for the procurement of long lead parts for a follow on to Landsat 6. We would like for the administration to make a timely decision on this issue and such long lead parts may materially assist in ensuring that there is no gap in Landsat coverage.

We have provided full funding for the Advanced Solid Rocket Motor Program and rectified a shortfall in the budget request for this program.

The bill contains a new initiative for a program of component technology development to assist the commercial expendable launch vehicle industry and help it to keep pace with foreign competitors.

The bill establishes a NASA endeavor teacher trust fund to provide fellowships for students entering the educational field.

The bill provides funding for other civilian agencies having a role in the Space Program including the Department of Transportation Office of Commercial Space Transportation, the Department of Commerce Office of Space Commerce, and the National Space Council.

I would like to submit for the RECORD a copy of the cost estimate provided by the Congressional Budget Office which was not available at the time we filed the report on H.R. 1988.

Mr. Chairman, this concludes my statement on the NASA multiyear authorization bill. I would like to reemphasize that the authorizing committee has had to make some difficult decisions to develop a bill that best serves our national interest and one that reflects the budget realities that Congress must live within. It is our hope to begin the process of forging a consensus on overall priorities and funding levels for the Space and Aeronautics Program. We will look forward to working with our colleagues on the Appropriations Committee and our counterparts in the other body in the months ahead.

Mr. Chairman, I urge the support of all my colleagues for the legislation which I believe to be a prudent and responsible plan to support continued U.S. space development.

The cost estimate follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 30, 1991.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1988, the National Aeronautics and Space Administration Multiyear Authorization Act of 1991. The enactment of H.R. 1988 would create new direct spending authority. Nevertheless, CBO estimates that there would be no outlays associated with the new authority for the time period covered by this cost estimate and that pay-as-you-go scoring would be zero for each year.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

1. Bill Number: H.R. 1988.

2. Bill Title: National Aeronautics and Space Administration Multiyear Authorization Act of 1991.

3. Bill Status: As ordered reported by the House Committee on Science, Space, and Technology on April 25, 1991.

4. Bill Purpose: H.R. 1988 would authorize appropriations for 1992 through 1994 to the National Aeronautics and Space Administration (NASA), and for 1992 to the Office of Space Commerce in the Department of Commerce, the Office of Commercial Space Transportation (OCST) in the Department of Transportation, and the National Space Council in the Executive Office of the President.

5. Estimated cost to the Federal Government

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995	1996
Direct Spending:						
Teacher fellowship trust fund	(1)	(1)	(1)	(1)	(1)	(1)
Estimated budget authority						
Estimated outlays						
Authorization of Appropriations:						
NASA		14,938	10,774	11,022		
OCST		5				
Office of Space Commerce		(1)				
National Space Council		1				
Total authorization		14,945	10,774	11,022		
Estimated outlays		9,399	11,021	11,124	4,313	884

[1] Less than $500,000.

The costs of this bill would be in budget functions 250, 370, 400, and 800.

The fiscal year 1991 appropriation for NASA is $14.0 billion, and the President has requested $15.7 billion for fiscal year 1992. Including outlays from prior year appropriations, total outlays for NASA would be $14.4 billion in 1992 if the full amount authorized were appropriated.

BASIS OF ESTIMATE

The bill establishes the NASA Endeavor Teacher Fellowship Trust Fund out of donations currently held in the NASA Gifts and Donations Trust Fund. Unlike the current fund, the new investment trust fund would accrue interest, which would be used to make fellowship awards in the NASA Endeavor Teacher Fellowship Program. By establishing a new investment trust fund and providing authority to NASA to spend the interest, the bill would create new direct spending budget authority in the amount of the interest earnings, around $20,000 per year. NASA already has the authority to spend the principal amount in the fund, but no interest can be credited under current law. CBO estimates that outlays over the 1991–1996 period would not be affected by the bill, though additional spending would be possible in later years because of this provision.

For this estimate, we have assumed that the full amounts authorized would be appropriated for fiscal years 1992, 1993, and 1994. The estimated outlays are based on historical spending patterns. Detailed estimates for NASA programs are shown in the table below.

The bill would provide authorizations for 1992 through 1994 for research and development programs (except for the space station), for space flight, control, and data communications programs, and for the Office of the Inspector General. NASA's other programs—the space station, construction of facilities, and research and program management—would be authorized for 1992 only.

AUTHORIZATIONS FOR NASA PROGRAMS PROVIDED BY H.R. 1988

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Research and Development:					
Authorization level	6,505	5,158	5,462		
Estimated outlays	3,428	5,203	5,440	2,556	497
Space Flight Control and Data Communications:					
Authorization level	5,566	5,601	5,545		
Estimated outlays	3,852	5,223	5,560	1,712	366
Construction of Facilities:					
Authorization level	430				
Estimated outlays	43	215	108	43	22
Research and Program Management:					
Authorization level	2,422				
Estimated outlays	2,059	363			
Office of the Inspector General:					
Authorization level	15	15	16		
Estimated outlays	12	15	16	2	
Total, NASA Authorizations:					
Authorization level	14,938	10,774	11,022		
Estimated outlays	9,394	11,019	11,124	4,313	884

6. Pay-as-you-go Considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. While the enactment of H.R. 1988 would create new direct spending authority, CBO estimates that there will be no outlays associated with the new authority for the time period covered by this cost estimate.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: David Hull (226–2860).

11. Estimate approved by: C. G. Nuckols, (for James L. Blum, Assistant Director for Budget Analysis.)

CONGRESSIONAL BUDGET OFFICE ESTIMATE [1]

The applicable cost estimate of this act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Change in outlays	0	0	0	0	0
Change in receipts	(2)	(2)	(2)	(2)	(2)

[1] An estimate of H.R. 1988 as ordered reported by the House Committee on Science, Space, and Technology on April 25, 1991. This estimate was transmitted by the Congressional Budget Office on April 30, 1991.

[2] Not applicable.

□ 1250

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume. First of all, I did want to recognize the fact that this is the first bill the Committee on Science, Space, and Technology has brought to the floor under the leadership of my colleague, the gentleman from California [Mr. BROWN]. It is indeed, I think, a tribute to his leadership that we are on the floor so early with one of the major pieces of legislation that our committee works on. It was his goal at the beginning to make certain that this committee was fully into the process of authorization so that as appropriations follow on, that we will have provided some guidance. So I certainly do congratulate the gentleman for the leadership that has been shown by the fact that we are on the floor today with an important piece of legislation.

I also want to join in thanking the gentleman from Texas [Mr. HALL], the

chairman of the subcommittee, for the work that he and his ranking Republican member, the gentleman from Wisconsin [Mr. SENSENBRENNER] did in preparing this bill and moving it expeditiously so that we could get it before the full committee and onto the floor. Also, I join the chairman in thanking the chairman, the gentleman from North Carolina [Mr. VALENTINE] and the gentleman from Florida [Mr. LEWIS] for the work they did on the aeronautics section of the bill.

It is a good bill, and one that I am pleased to be able to support on the floor today. As I stated at the committee markup of the bill, I would have preferred to be here today with a bill that authorizes NASA at the President's full request. I realize the budget and appropriations realities are something that we have to face, and I believe that the difficult choices the committee has made can be supported and should be fully funded by the Committee on Appropriations.

In particular, I am pleased that we are fully funding Space Station Freedom at the requested level of $2,029,000,000, the minimum amount required to build a bare-bones station undergoing an excruciating scrub that reduced costs by almost $7 billion, but at the time has reduced its capabilities.

H.R. 1988 contains language allocating $30 million for generic propulsion technologies and $20 million for the development of other launch technologies, including single stage to orbit vehicles. Since there has been no mission identified for the new launch system, it makes more sense to devote our resources to developing alternative technologies that will be useful when our launch needs for the next few decades are clear. This language does not preclude NASA from conducting research on the new space transportation main engine, but simply suggests that the agency explore other technologies as well, such as the promising new concept of smaller but more frequent space trips using single stage or orbit vehicles.

The committee also welcomes and fully endorses the administration's strong support for national aerospace plane. The objective is to develop and then demonstrate the technology required to permit the Nation to develop reusable, single stage to orbit vehicles with air breathing propulsion and horizontal takeoff and landing. This will make any destination, here on Earth or in near space, minutes away. OSTP, NASA, and DOD testimony confirmed that the program is a top national priority, with both civilian and military applications, and calls for full funding through phase 3 in which two prototype vehicles will be manufactured and flown, with the first flight in 1997. The administration approved a joint teaming arrangement with all the major contractors currently working on the project last year.

During the markup the committee elected to restore funding with offsets in 1992 for the advanced x ray astrophysics facility, one of the four great observatories to prove and investigate the mysteries of the universe. This is a complex project, but we on the committee will continue to closely monitor the project.

Concern has been expressed about the $75 million cut to the Earth Observing System Program. I emphasize that this cut has been made not with prejudice, but with prudence, pending the completion of the upcoming technical review, and that we are committed to a strong and viable EOS Program.

Finally, the chairman, the gentleman from California [Mr. BROWN], has agreed to accept two amendments assuring the development of solar dynamic power capability and restoring the President's request for exploration activities at almost full levels. With that agreement, I am very happy to support the legislation.

Mr. BROWN. Mr. Chairman, I yield the balance of my time to the distinguished chairman of the subcommittee, the gentleman from Texas [Mr. HALL], who will manage the time for our side.

Again, I want to commend him for the splendid work that he has done as chairman of the subcommittee.

Mr. HALL of Texas. Mr. Chairman, I will have a list of the Members who will seek time in the order that they appear, and I will yield to them the time requested, as far as the time goes.

Mr. Chairman, let me just say to this body and to the chairman of our committee, the gentleman from California [Mr. BROWN] and to the ranking minority, that it has been a great pleasure to work with these men and women, and NASA Multiyear Authorization Act of 1991.

I think it is a good bill. It is the first year I have had the privilege of chairing the Subcommittee on Space Science and Applications with the initial responsibility for drafting this legislation. In this capacity, it has been very easy to work under the able leadership of the full committee chairman, the gentleman from California [Mr. BROWN] and to labor side by side with my friend from Pennsylvania [Mr. WALKER] and with the gentleman from Wisconsin [Mr. SENSENBRENNER], the ranking member on the subcommittee.

Actually, we have had total cooperation from all Members, including our meetings with Vice President QUAYLE, with our counterpart in the other body, Mr. GORE.

Mr. Chairman, all Members have personal desires and wishes for this program. We hope to accommodate all those wishes. My personal wish is that we have some success in the medical aspect of space. A small but very important step, I think, similar to the Scuds, when the Patriots knocked them out, a light came on in the minds of all Americans, that that is where our tax money has gone, and it is protecting the Treasury here and Desert Storm. We are proud. That is the type of thing that this committee and this chairman and the chairman of the full committee has tried to evoke from the Space Program.

A lot of work has gone into the legislation. To date, we have a total of about 9 days of hearings at which we took verbal testimony from 29 witnesses and written testimony from many more. In crafting the legislation we have really and truly tried to balance many competing needs.

□ 1300

The most compelling of these needs, I think, has been to come to grips with the overall budget situation that will have to be faced by the Congress and to anticipate the duty of other committees who have to make some tough decisions, just as we have made them.

Mr. Chairman, this year shows all the signs of being yet another in a continuing series of tough budget years. So recognizing this fact, we have attempted to craft a bill that reflects fiscal reality. This authorization bill does cut funding from almost every element of the President's budget request for NASA, and I must say it was not easy, because it was a very reasonable NASA request.

For fiscal year 1992, we are recommending cuts that total $488 million, as the committee chairman, the gentleman from California [Mr. BROWN] has reported. In subsequent years, Mr. Chairman, we have recommended even greater cuts, specifically $629 million in cuts for fiscal year 1993, and a little over a billion dollars in cuts for fiscal year 1994.

The point of this, Mr. Chairman, is that we have been meticulous in our scrutiny of the NASA budget request. I think in every instance when we discovered areas where activities could be reduced or deferred without doing any serious harm to the core mission of the Space Program, we made cuts to bring about these reductions and deferrals. Likewise, whenever we discovered areas where ongoing activities could be done more efficiently and thus produce savings, we made cuts, assuming that those savings would be realized.

So actually, let me just sum up, this bill reflects the flip side of this important coin as well, funding authorization is provided for all key areas of the NASA program. This includes authorization for each of the following: the space station, science and research, environment, education, and the continued use of the space shuttle to help realize the many research, foreign policy, and national image, goals of the administration and certainly of the Congress.

Mr. Chairman, it has been estimated by economists that every dollar that has been invested in the civil space program of the United States has provided benefits to our economy ranging between $7 and $14, and that is quite a return.

So clearly, NASA and the activities that it pursues have been a good investment in the past and I hope they will continue to be so in the future.

However, as I indicated earlier and as has been indicated earlier, fiscal realities demand that these activities be kept in balance with the other financial needs of the country.

I think H.R. 1988 strikes this balance and does so very well.

Accordingly, Mr. Chairman, I urge all my colleagues to give this chairman their support to the passage of this important piece of legislation.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I thank the chairman of the subcommittee and the chairman, the gentleman from California [Mr. BROWN] for arranging for me to have this short time to speak on this very important legislation.

I rise to express my strong support for this legislation. My remarks will be directed mainly toward the aeronautics and transatmospheric authorizations in the bill which were the responsibility of our Subcommittee on Technology and Competitiveness.

I need not remind this body of the size of the aeronautical industry that reaches into every home in America and of the $25 billion favorable trade balance that our international leadership produces. Our air transport carries twice the U.S. population annually in the domestic system. Aviation employs a million American workers.

We believe the aeronautical R&D appropriation for fiscal year 1992 of $591 million to be absolutely essential as well as the $72 million for transatmospheric research, which is the national aerospace plane. Continued R&D in these areas is essential to the maintenance of our trade balances and leadership in the future.

Our transonic and supersonic research provides civil and military equipment manufacturers with the design tools so essential to the vitality of our civil and military operations that are the envy of the world. The many parts of aviation that joined to make Desert Shield and Desert Storm a showcase of American technology were no accident. This success is a result of the years of Congress' dedication to aeronautical excellence through our support of research leading to new technologies.

The National Aerospace Plane Program is designed to make sure that we do not deprive the future of the tools to keep this American advantage. Without the widespread scope of technology being developed in the NASP Program, we would make a gift of that future to our overseas competitors. In fact, the investment of the Government and industry in NASP technologies has already been returned in the marketplace.

Some of the most productive investments in the U.S. Congress for the benefit of industry and trade have been those for aeronautical research and technology.

Mr. Chairman, I am pleased to have had some small part in the development of this legislation. I would like to conclude my remarks by expressing my sincere appreciation to the ranking member of our subcommittee, the distinguished gentleman from Florida [Mr. LEWIS] and my thanks to other members of our subcommittee. We have approached this proposition not as Democrats or Republicans, but as Americans.

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the very distinguished ranking Republican member of the Subcommittee on Space Science and Applications.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of H.R. 1988, the National Aeronautics and Space Administration Multiyear Authorization Act of 1991.

The chairmen of the Subcommittee on Space and the Committee on Science, Space, and Technology are to be commended for taking a hard look at what can realistically be accomplished by NASA during the current fiscal crisis, and bringing before the House an authorization bill that reaches for the sky while keeping our feet firmly on the ground.

Mr. Chairman, while at the same time the committee has prudently and thoughtfully reduced the President's request by $488 million, I wish to emphasize that full funding for space station Freedom is an essential focus of NASA's near- and long-term goals.

H.R. 1988 fully authorizes the space station. In other words, we authorize the space station configuration that we in this House took an active part designing. This space station is a political compromise in many ways, but it should not be a political science project.

The time has come for Congress to stop wringing its hands and scratching its head over just how big or how bold this essential first step into the future should be. The issue is whether to step or not. For too long, our colleagues have mistaken the space station for a destination and not the destiny it represents. Space station Freedom is not an end-point, it is only a beginning.

The committee is under no illusions as to what space station Freedom will accomplish. Each of us has, from time to time, been oversold on the station's planned capabilities. And the anger that comes with such disappointment is understandable.

We are getting less than we were promised. Crew size has been reduced from 8 to 4, and the modules have been reduced from 40 feet long to about 27 feet long. But space station Freedom is not, nor was it ever intended to be, the orbital version of the Waldorf Astoria.

A space station is serious business. The most overlooked capacity of space station Freedom is that it is to be a permanently manned station. It is being built in the 1990's to serve into the next century.

The presence of Americans in space, working with European, Canadian, and Japanese scientists, is of supreme international consequence. For us to conceive of a new world order—one in which the rule of law governs above all else—demands that the keepers of such a new world order remain leaders in each succeeding frontier of human conquest.

Indeed, the Soviets have the Mir space station. While we intend to fully pursue avenues of cooperation with the Soviets on Mir, that cooperation will not result in the necessary foundation for a long-term future in space. Of all things the United States can take to space, the most important are the values by which we live on Earth.

There can be no substitute for our values, Mr. Chairman. I submit to my colleagues that a permanent human presence in outer space—a presence that is worthy of our species—depends immeasurably on space station Freedom and the international cooperation it represents.

Mr. Chairman, another dimension to space station Freedom must also come before us today. That is the overall future of our Space Program. The future of the U.S. Space Program was the very subject examined in depth by the Presidential committee headed by Mr. Norman Augustine. We have used the report of that committee as a framework for setting priorities. We have not, however, used it as a blueprint.

In a serious look at NASA, one cannot escape the importance of space station Freedom in terms of planning for NASA's future programs and capabilities. The Augustine Committee identifies the space station as part of an exploration initiative needing further definition. I take issue with such an assertion if it leads to a delay in the Space Station Program.

The fact is, NASA's ability to conduct continuous manned space flight depends on two things: a compelling reason—and thereby adequate funding—to do it, and an appropriate place for such activities. As alluded to earlier, America has sufficient compelling reason to pursue a manned space program; space station Freedom provides us the place.

In concluding, Mr. Chairman, I believe the actions of our committee will not only give America a space station it can afford, we have done so without sacrificing NASA's flight rate or its important science and educational pursuits. In fact, science funding is at a record-high level for the agency and represents a full 20 percent of NASA's budget.

I would like to commend the gentleman from California, chairman of the Committee on Science, Space, and Technology, and the gentleman from Texas, chairman of the Subcommittee on Space, for bringing this matter to the floor promptly. I urge my colleagues to support H.R. 1988, the NASA Multiyear Authorization Act of 1991.

□ 1310

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS], the ranking Republican of the Subcommittee on Transportation, Aviation, and Materials.

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong support of the NASA Multiyear Authorization Act of 1991, H.R. 1988. The aeronautics portions of this bill reflects a bipartisan effort that passed the Technology and Competitiveness Subcommittee unanimously.

I want to thank Subcommittee Chairman VALENTINE for his hard work in forging the bipartisan legislation on the aeronautics portion of H.R. 1988. I also want to thank Chairman BROWN and Ranking Member WALKER for their leadership and support in bringing this legislation before the House in such a timely fashion.

The NASA aeronautics research section has one of the world's best high performance computing programs underway and a preeminent long-term aviation safety program. Many of the advances in aviation technology, such as nondestructive testing of aging aircraft, are the result of NASA's research.

It is widely known that the largest positive balance of trade in any U.S. business sector is in aeronautics. In 1990, for example, the positive balance of trade is estimated to be $25 billion. Credit of the aeronautical technology advantage is due, to a large part, to the long-term, high-risk research program at NASA.

Another important program is the national aerospace plane [NASP]. The project, conducted jointly with the Air Force has made major advances in management with the innovative teaming of contractors, materials in new heat resistant carbon-carbon products, propulsion with advanced computers and wind tunnel tests and on and on.

NASP type research programs will insure U.S. technology leadership into the next century.

H.R. 1988 also contains two other initiatives to help our Nation remain in front in space. The first will allow for the improvement of our Nation's commercial space infrastructure. This is an important step toward making the United States competitive in commercial space.

I am pleased to work with my committee colleague, the gentleman from Florida [Mr. BACCHUS], on this issue.

The second initiative, which I had the honor of cosponsoring with Chairman BROWN, will earmark funds for the Endeavour Teacher Fellowship Program. This program will provide fellowships to individuals who pursue teaching careers in math and science.

I urge my colleagues to support H.R. 1988.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BACCHUS] who represents the Cape Kennedy area and does that very well.

Mr. BACCHUS. I thank the chairman for yielding.

Mr. Chairman, I did go to grade school in Texas, and I know the gentleman from Texas [Mr. HALL] appreciates that. But I am from Florida.

Mr. Chairman, I rise today to speak in very strong support of H.R. 1988, the NASA authorization bill. I want to especially congratulate the gentleman from California, Chairman BROWN, the gentleman from Texas, Mr. HALL, for their excellence and their dispatch and their leadership in our committee and subcommittee. We are all very proud of how hard we have worked and what we have accomplished.

Ideally I would be spending even more on space, science, and exploration than we are authorizing in this budget, and even more than the President recommended. The benefits of an aggressive space program are significant.

U.S. achievement in space has advanced American technology in many, many areas, improved our Nation's competitive position in the world marketplace. The future is in space. The future is where America must be.

Space and aerospace are among the very few important areas in which we continue clearly to lead the world; we must continue to lead.

Likewise space-related technology has been applied to a vast array of products and procedures in our domestic economy, creating a better life for all Americans.

Nine dollars have been returned to our gross national product for every $1 we have invested in space. There are literally thousands of spinoffs and commercial products from investments in space exploration. Among them, rechargeable, programmable pacemakers, low-temperature lasers for cardiac surgery, cleanroom technology for hospitals, programmable implants for diabetics, lightweight fireproof fabrics for firefighters, microminiaturized electronic products, many, many more ranging from Velcro to communications satellites.

A critical part of our space program is Space Station Freedom.

For the past decade Congress has ensnared NASA in a catch-22 situation with its schizophrenia over the space station. When NASA presents us with a space station that can do all the scientific research that we want, some in this chamber say it is too expensive. When NASA presents us, in contrast, with a space station we can afford, some say it does not do enough, it does not do enough research.

We see evidence of this tendency once more today.

I believe that the restructured space station NASA has put forward is a good-faith effort to be both affordable and scientifically productive. Like many others, I wish we could do more science sooner aboard the station. We do all we can afford in the near term.

But the restructured station also allows for incremental expansion that I believe will eventually produce the opportunities to fully conduct life sciences and microgravity research.

As the chairman has said today, the space station is absolutely essential to maintaining our international leadership in space.

That is the issue.

We must build this station if we are serious about maintaining American leadership in space and if we are serious about moving on to the next phase of space exploration, mission from planet Earth, that will take us back to the Moon and on to Mars. There is simply no other way to conduct the necessary life sciences research that will provide data on the impact on human beings of long-term exposure to a zero-gravity environment. The choice we face on the station is clear: Do we want the United States to remain the international leader in space exploration, or do we want to let the Europeans, the Japanese and the Russians take that lead? I want us to be first, and that is why I support the space station and the entire NASA authorization bill.

Mr. Chairman, one good thing that has always characterized the space program is bipartisanship. I am happy to see today that once more Republicans and Democrats alike are standing up for the space program. But I would like to say something to my colleagues on the Democratic side, in conclusion: How can we say that we support a competitive America if we do not support significant advances in science and space?

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD] who has been a leader in many space-related efforts.

Mr. PACKARD. Mr. Chairman, I thank the gentleman for the time.

Mr. Chairman, I want to stand here primarily to thank the chairman and ranking minority members of both the full committee and subcommittee which have jurisdiction over this important piece of legislation.

□ 1320

Their efforts have produced a bill which is bipartisan and well balanced. We have pulled together as a committee to bring this bill in at a level below the President's request. Given the present fiscal constraints, I think the committee has worked diligently to trim the budget and I hope that these reductions will not have an unduly negative impact on the NASA Program.

I would like to take this opportunity to thank the chairman of the Space Subcommittee who, during the subcommittee markup on this bill, altered the cuts in the commercial use of space category so that they would not be near as deep as orginally planned. The commercial space industry is still an infant industry and as such it desperately needs the commitment of Congress and the administration to promote and facilitate its global competitiveness.

The space transportation needs of the Nation have become fierce. An aggressive, competitive U.S. commercial launch industry must be encouraged for not only U.S. Government procurement of launch services, but also procurement of launch services by foreign customers.

While I am an enthusiastic supporter of the commercialization of space, I also support the exploration and development of space. I understand that an amendment to be offered by Mr. WALKER will bring the funding for exploration back up to the President's request. I fully support this effort because I believe that human exploration of space remains the cornerstone of the entire Space Program. It inspires the imagination of the citizens of this Nation; it enhances our position internationally, and it empowers America's long-range economic superiority.

The space station manifests this desire to expand human presence in space. It represents a unique opportunity to pursue a spirit of cooperation in space exploration with our international partners.

In conclusion, Mr. Chairman, I support this authorization bill which embraces the goals that will take this Nation's Space Program into the 21st century. I thank the chairman of the committee for his leadership in developing a consensus of support for the bill and for bringing it to the floor in a very timely manner.

Mr. HALL of Texas. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Ohio [Ms. OAKAR].

(Ms. OAKAR asked and was given permission to revise and extend her remarks.)

Ms. OAKAR. Mr. Chairman, I rise in strong support of H.R. 1988, the NASA authorization bill before us today.

I want to commend Chairman BROWN for his steadfast efforts to bring this bill to the floor. I also want to congratulate the ranking minority member, Mr. WALKER, for his work on this bill. It is also important to recognize the contributions of the chairman of the Subcommittee on Space, Mr. RALPH HALL for his hard work on this measure. Together, you and the committee have done a great job in furthering the cause of knowledge through the space and aeronautics research conducted by the National Aeronautics and Space Administration.

The bill before us today authorizes NASA Programs through fiscal year 1994. This multiyear authorization approach is an important method for authorizing complex projects involving technically demanding science and technology development projects. A total of $14.9 billion is authorized for NASA Programs for 1992. More specifically, I am pleased to see that the bill authorizes $6.5 billion for research and development for fiscal year 1992, and $5.6 billion for space flight operations including the Space Shuttle Program. This is important work for the continued leadership of our Nation in the area of space science and human exploration.

Mr. Chairman, last year was a challenging year for NASA. During the first part of 1990, several problems seemed to crop up all at once. However, NASA responded quickly and responsibly by participating in the formation of the so-called Augustine Commission which suggested several ways in which to improve NASA operations. I am pleased to see that NASA has followed up the suggestions of the Augustine Commission with such enthusiasm and good intent by implementing the Augustine Commission's recommendations. We must all keep in mind that NASA's responsible actions should serve as a model for other parts of our Government that may run into temporary difficulties. As a result of NASA's diligence and dedication to quality, I am certain NASA's program will produce results even more impressive than in its glorious past.

One area of NASA operations in which I am particularly interested is the space station Freedom. The solar power generation system which will provide electricity for the space station is being designed and produced at the NASA Lewis research facility celebrating its 50th year located in my hometown of Cleveland, OH. The space station is one of the most crucial projects in NASA's inventory of programs. The redesigned space station will provide an important space-based laboratory for micro-gravity experiments that can't be conducted on Earth. These experiments will produce new materials and compounds which will provide new products for U.S. industries. This, in turn, will allow U.S. companies to compete more effectively against other nation's industries.

In addition, the space station will support human habitation of durations much longer than we can currently accommodate. Extended time in space will allow NASA to conduct extensive research into the human body. Through this research, we will gain new and important insights into how the human body will adapt and adjust to the weightlessness of space. For example, NASA scientists and medical doctors need to learn more about the loss of calcium in human bones and other potentially debilitating problems produced by prolonged exposure to space. This is critical knowledge for when we eventually send people to the Moon or to Mars. However, much closer to Earth, I am confident the space station human experiments will contribute to finding a cure for osteoporosis or other health care problems which afflict us during our Earth-bound lives.

NASA projects have always produced spinoff technologies which have greatly benefitted our quality of life and our economy. We all have heard about the enormous contributions the Apollo project made to our computer, communications and material science industries and technologies. But many other NASA spinoffs are not as well known. For example, NASA is also concerned about the environment and is working on its Mission to Planet Earth which utilizes space-based remote sensing satellites to examine the potential greenhouse effect, the loss of stratospheric ozone and the destruction of the rain forest. In addition, NASA has pioneered the use of thermal imaging systems for remote sensing satellites which can also be used by medical doctors to detect uneven heat dissipation through the human skin which pinpoints areas of poor circulation in the human body. Another spinoff is the photovoltaic solar power systems which power not only sophisticated satellites, but also buoys dropped off by the coast guard to mark shipping lanes in the oceans, the Great Lakes and other waterways.

In general, it is clear that NASA and the programs it manages is critical to the continued scientific and economic well-being of our Nation. We must continue to invest in the programs which will keep our economy strong and which will improve the quality of our lives. The science and technology programs of NASA are one of the best examples I can imagine which accomplish these goals. However, it is important to remember that we cannot drop our guard and allow funding for these critical programs to languish. If we do, our international competitors will not be far behind. As a result, today's bill must be endorsed by all Members.

Mr. Chairman, I urge all Members to strongly support H.R. 1988, the NASA authorization legislation.

Mr. WALKER. Mr. Chairman, I yield the balance of our time, for purposes of yielding to others, to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I have enjoyed working with my three chairmen, the gentleman from California [Mr. BROWN], the gentleman from Texas [Mr. HALL], and the gentleman from North Carolina [Mr. VALENTINE] in preparing this bill, and I appreciate the leadership that they provided on that side of the aisle, as well as the leadership on our side of the aisle, in putting together a good piece of legislation.

Mr. Chairman, this bill contains, among other things, as we have heard, the authorization for the NASA portion of the National Aerospace Plane Program. That is NASP. This bill funds the NASP at its full level requested by the administration, and I applaud this.

For those of my colleagues who do not know what the National Aerospace Plane Program is: The United States for several years has been involved in a major research project which will result in a craft that will be able to take off from a runway like a regular airplane and fly into low Earth orbit, literally fly into outer space without the need of these disposable rockets and the very expensive process that we have relied on in these last 4 decades. This will dramatically bring down the cost of utilizing space. It is literally the next step in space exploration utilization, and it will also permit the United States to build a craft that could take passengers and cargo anyplace in the world in less than an hour. It will keep America on the cutting edge of aerospace technology.

Mr. Chairman, I take this opportunity to note that the administration strongly supports the NASA aerospace plane, and in testimony this year before the Technology and Competitiveness Subcommittee we have also heard witnesses from the Department of Defense, as well as the President's science adviser, and also witnesses from the Air Force, who unanimously support the national aerospace plane and state that it is a top priority, and that it has both civil and military application and that it should be built and flown.

Mr. Chairman, I am in full agreement with the experts from the Air Force and the Department of Defense witnesses, as well as the other witnesses that we heard, that the United States should build an experimental craft, the X-30, and move forth with a national aerospace program.

□ 1330

Mr. Chairman, this program has already developed new materials that will keep other airplanes and other aircraft that American manufacturers build competitive in the world marketplace in the years ahead. The National Aerospace Plane Program is perhaps one of the most exciting programs in the budget. I wholeheartedly support it, and I would like to express my appreciation for the support it has received from the leadership of this committee.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, this is a proud day for the Committee on Science, Space, and Technology, because we have before us a bill, H.R. 1988, which is truly bipartisan legislation, with strong bipartisan support.

Not only that, it is a balanced bill. As has been said before, authorizations for all the NASA Programs in this bill are very well balanced.

It has been a long time since we have seen this type of legislation before this body, and I, too, wish to join other Members who have spoken to commend the chairman of the committee, the gentleman from California [Mr. BROWN] and ranking minority member, the gentleman from Pennsylvania [Mr. WALKER], and also the gentleman from Wisconsin [Mr. SENSENBRENNER]. And in particular I wish to take time to commend the gentleman from Texas [Mr. HALL], the subcommittee chairman.

This is his first NASA bill, and his work in leading the subcommittee to this place where we have this type of legislation is to be commended. He has shown that his leadership in providing this balance of this legislation is to be commended by all.

I wish to say that it has been a long time, too, that we have had that leadership in the subcommittee.

Today it appears that the lightning rod focusing on this legislation has to do with something that is most important or the most important part of this bill, as far as the future of this country in space, and that lightning rod is on the space station.

I say to those nay-sayers that they do not have the foresight that is needed for the future of space for this country and for our participation in the International Space Program.

There were nay-sayers back at the time of 1492, when Christopher Columbus wanted to move to find a new trade route overseas through the Indies to India, a lot of nay-sayers. He scattered all over, and he finally found someone who would provide a way. And lo and behold, here we are.

Are the nay-sayers today also afraid of the future? There is no other way to do the life sciences and microgravity research that needs to be done for the future. So I say to those nay-sayers, do not fear the future. Look forward to all of the knowledge yet to be known because of what we are going to learn from the operation of the space station and other space programs in the future.

I rise in strong support, Mr. Chairman, of H.R. 1988 and again commend our leadership for this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, it is a great privilege to have been appointed to serve on the Space Subcommittee of the Science, Space, and Technology Committee, and to serve under Chairman BROWN and Chairman HALL and with the two ranking minority members, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Wisconsin [Mr. SENSENBRENNER].

I have learned a lot in my 4 months on that committee about science, space, and technology, and a lot about how this institution works. And I am very grateful for the experience.

I am delighted that this committee has gotten ahead of the curve and is performing its appropriate function in setting policy on space matters for the Federal Government. And I believe that it is absolutely essential for this Nation to pursue vigorously our exploration of space and our research in space.

This is a bill that promotes those objectives. It is a good bill, and I voted for its passage in subcommittee and in the full committee. I intend to vote for it on the floor today.

I will be proposing an amendment which I believe will make a good bill even better, and that amendment would call for an assessment of how best to conduct the research currently planned for the space station.

It will be an evaluation of all our options for conducting space-based research, and it will confirm whether the space station as currently conceived is the best and most cost-effective approach.

One important aspect of this study is to identify ways in which we can complement and supplement the scientific research that is going on, that is going to be going on aboard the space station. It will not require any new hardware be developed, but only the use of existing hardware, which would be identified and would make it possible for us to get our space science research off the dime before the space station becomes fully manned at the turn of the century.

Mr. Chairman, this amendment, which I will discuss at greater length when the appropriate time comes, I believe is a constructive complement to this legislation that is before us today. I believe it will enhance our ability to use the taxpayers' dollars most effectively to achieve the research that we can accomplish in space, and that is why I hope when the time comes that Members from both side of the aisle, those who are very much in favor of the space station and those who may be skeptical of the space station, will be able to support this legislation.

The CHAIRMAN. The Chair will state the gentleman from Texas [Mr. HALL] has 3½ minutes remaining.

Mr. HALL of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of this bill, H.R. 1988, the National Aeronautics and Space Administration Multiyear Authorization Act of 1991.

America's civil space program is of vital interest to our country as we start looking toward the 21st century and the role we will play in it. Utilizing our scarce resources to continue the manned exploration of space is a worthy pursuit. There is no substitute for the presence of humans in space as we continue to expand our knowledge of the universe.

The NASA Authorization Act reported by committee is an excellent bill that fully supports our goals in space. We will continue our manned exploration of space by the vigorous continuation of the shuttle program and will maintain a balanced civil space science program which is funded at a very healthy level.

I am particularly pleased that the Space Station Freedom Program is fully funded for this fiscal year. The space station is the flagship of our civil space program and achieving its permanent manned capability by the end of this decade will help ensure this Nation's continued leadership in space. The space station is an important first step toward our returning to the Moon and the human exploration of Mars. We will gain invaluable information and experience relating to the needs and requirements of lengthy manned visits to space. The space station as currently structured may be expanded in scope in the future to help further these goals.

The space station will also provide us with scientific and research opportunities not available on Earth. This facility will allow unparalleled microgravity and life science research for a variety of users.

The space station is truly an international project. Our partners include the European Space Agency, Japan, and Canada. All of these partners have reviewed the restructure of the station and support it. International involvement on a project of this magnitude reflects our commitment to cooperation among nations, especially in the important areas of exploration and scientific research.

The advanced solid rocket motor is being developed to replace the redesigned solid rocket motor. The ASRM will improve safety and reliability of the present system and increase the payload capacity of the space shuttle by about 12,000 pounds. The ASRM is presently scheduled to support deployment of space station Freedom in late 1996. I support the ASRM Program and feel that its development and utilization as presently scheduled is vital to our timely deployment of space station Freedom.

The administration's fiscal year 1992 budget request severely reduced the funding level of the ASRM. This request would have delayed significantly the ability of ASRM to support the deployment of the space station. I am pleased that our bill has authorized full funding for the ASRM Program and that these safer, more reliable and more powerful motors will stay on target to support the space station in 1996.

The third of the four great observatories, the Advanced X-Ray Astrophysics Facility, is fully supported by this authorization bill, although it is less than the administration's request. Our support for all of these valuable science projects should be maintained in the future.

I am a new member of the Science, Space, and Technology Committee and its Space Subcommittee. I would like to thank both Chairman BROWN and Chairman HALL for their full and continuing support for our civil space programs, especially in this time of severe budgetary constraint. Their leadership in championing the space initiatives so vital to this country has led to a meaningful and important bill that will help fund and direct the space program into the 21st century. I look forward to continuing to work with them in the coming years.

I strongly urge my colleagues to support this authorization bill.

The CHAIRMAN. The Chair will state that the gentleman from Wisconsin [Mr. SENSENBRENNER] has 10 minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield one minute to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I rise to speak in strong support of H.R. 1988, the NASA reauthorization bill. This is an extremely important piece of legislation and deserves our full support.

The Science, Space, and Technology Committee has worked hard to put together a bill and bring it to the floor today. As a member of the Space Subcommittee, I want to commend the committee for its leadership and vision in crafting this legislation. This has truly been a bipartisan effort.

Earlier this year, the committee held several hearings on the future of the U.S. space program. A special Advisory Committee, chaired by Norman Augustine, outlined several concerns and recommendations for the space program.

I believe that this bill is responsive to the issues raised by the Augustine panel. Furthermore, it represents a balanced set of funding priorities and recognizes the difficult budget environment facing the Nation.

This bill does not provide all of the money the President asked for. In fact, the legislation contains $488 million less than the administration request.

Our space program is at a critical crossroads. The country must prepare for a new decade of challenge and leadership. As Congress is faced with many difficult decisions, it is essential that we provide sufficient financial support of NASA which allows the space program to proceed in a stable budget environment.

Even through I do not have any NASA facilities in my district, I serve on the Space Subcommittee because of my interest in and concern for the future of our space program.

The space program touches our lives in many different ways. It has enhanced our quality of life, improved our technological competitiveness, and produced many important scientific benefits.

I urge my colleagues to support passage of this important legislation.

□ 1340

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, as a strong supporter of the President's commitment to the exploration of space, I want to take this opportunity to comment on a pending decision by NASA regarding the Space Station Freedom [SSF] Program Management Office in Reston, VA.

The Reston office was established upon recommendations made in 1986 by an independent panel chaired by former Apollo Program Director Gen. Samuel Phillips in the wake of the shuttle *Challenger* accident. The panel recommended that the program office be removed from the NASA centers in order to avoid inter-center rivalry and assure independent systems engineering capability. The recommendation was subsequently affirmed by an independent panel chaired by L.J. Ross in October 1986 and a 1987 report to the White House by the National Research Council.

Under the current management team at Reston, the program has finally achieved progress and stability. Substantial progress by the Reston office was noted by NASA Administrator Richard Truly, who commented that "1990 marked the most productive year in the history of the Space Station Freedom Program."

Despite the recent record of the Reston team, some at NASA are considering relocating the program office. Such a move at this point would prove costly and endanger the success of the entire Space Station Freedom Program. From a budgetary and production schedule perspective, moving the office could result in significant delays in the Space

Station Program. And this delay would occur during the crucial development period where costs to the program are estimated to average $200 million per month. In addition there would be signficant employee-related expenses including severance pay and employee replacement and retraining costs. Other costs of a move would be employee relocation allowances; equipment relocation costs, potential construction costs at the new location; lease and other contract penalties; additional travel expenditures to headquarters in the future; as well as incidental costs.

The uncertainty caused by a move would also affect the participation of our international partners in Canada, Japan, and Europe. My understanding is that these countries may reconsider their involvement if there are additional delays, and it seems as though that would occur with a move

Most importantly, I am concerned about the effects of relocation on employees and their families. A move would cripple morale at the Reston office. Many of the employees would not relocate. NASA has a dedicated and productive work force that can make the difference between the success and failure of the space program. They are involved in community service groups, have joined places of worship, and have children enrolled in local schools. And given the current state of the economy and northern Virginia's sluggish real estate market, a move would exert tremendous pressure on these families.

For these and many other reasons, I am hopeful that NASA will conclude that the best course for the Space Station Freedom Program office is the one that ensures stability and continued performance—allowing the Reston team to continue their work developing the space station Freedom. This is a decision that involves hundreds of millions of dollars, and the very success of the Space Station Program, so it is one that many in Congress will be watching very closely.

I rise in support of the H.R. 1988 to provide NASA with funding needed to continue this Nation's space program including space station Freedom.

Mr. HALL of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise today in strong support of H.R. 1988, the NASA 1991 multiyear authorization bill. I congratulate my colleagues Mr. BROWN of California and Mr. HALL of Texas for their hard work on this legislation.

Mr. Chairman, space exploration has served as a vehicle for investment in technology, bolstered our economy, enhanced our world competitiveness, and improved our national security.

It is no coincidence that the growth and expansion of our Nation's high-technology industries have paralleled the years of NASA's greatest activity and accomplishment.

I believe that Congress must continue to support our civilian space program if that program is to reach its full potential.

The duty of Congress, as drafters of the Nation's space policy, is to establish a realistic, long-term plan that will benefit the American people.

I believe there is simply no substitute for making tough choices about our space program and then moving ahead to make those choices work in our national interest.

A cohesive space program that recognizes the imperatives of competing with Europe, Japan, the Soviet Union, and others is in the fundamental economic interests of the United States.

The truth is that our space program is not a luxury.

In the days of the Apollo Program, the drive to explore space and reach the Moon was partly a result of the space race between the United States and the Soviet Union.

Today, the space race is one of economic and scientific competition—and not one with geopolitical or even military overtones.

The Augustine Commission report released earlier this year has afforded us a golden opportunity to crystalize public attention and support behind a reinvigorated space program.

Mr. Chairman, this bill represents a very serious attempt to reflect the recommendations in the Augustine report. This bill allows for growth and provides funding for a restructured space station that is in line with fiscal realities.

The bill targets more money for life sciences and puts higher priority on space science to rebuild our ailing space infrastructure, much of which is 30 years old. The bill also supports the mission to planet Earth and the mission from planet Earth, but it keeps its support to a level of growth that is realistic given current fiscal constraints.

Mr. Chairman, no matter where our space efforts are focused—toward Earth, toward our solar system, or toward the universe beyond—we must never forget that the ultimate goals of the space program must be to improve the human condition.

And perhaps it is this point which needs the most reinforcement.

Our improved quality of medicine, manufacturing, education, communications, and so much more just through space-related technological advances easily erases any doubts about the benefits of the space program.

How can we even consider short-changing future generations of Americans by ignoring the vast opportunities of space exploration?

The answer, Mr. Chairman, is I don't believe we can.

Mr. HALL of Texas. Mr. Chairman, might I inquire as to how much time we have remaining?

The CHAIRMAN. The gentleman from Texas [Mr. HALL] has 30 seconds remaining and the gentleman from Wisconsin [Mr. SENSENBRENNER] has 10 minutes remaining.

Mr. HALL of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I rise in support of H.R. 1988, the NASA Multiyear Authorization Act of 1991.

As NASA begins its important work on global climate change research and the Earth-observing system, it is important to note that this legislation before us today recognizes the critical role of our Landsat satellites in that effort.

Mr. Chairman, the Landsat Program was originally established in NASA in the early 1970's as a research and development program. After launching three satellites, the Government's basic R&D work at NASA was completed and the program was deemed operational.

In 1979, the National Oceanic and Atmospheric Administration was given the responsibility for the operation and eventual transfer of Landsat to the private sector.

Mr. Chairman, land remote-sensing satellites have been used to provide information on: Oil and mineral deposits, hydrological patterns, vegetation patterns for agricultural applications and forest management, wildlife habitat analysis, coastal zone management, global climate change research, environmental monitoring, and information on other renewable and nonrenewable resources.

In recent years, Landsat data has also been increasingly useful in the defense and intelligence communities.

In fact, civilian land remote-sensing photographs have played an important role in the Persian Gulf in recent months.

Landsat will continue to play an important role in monitoring the environmental impact of the terrible oil fires that continue to blight the region.

Mr. Chairman, hearings held by the Committee on Science, Space, and Technology have demonstrated that a continued Landsat Program—involving a strong commitment to Landsat 6 and 7—is important to the Nation in a number of ways, not the least of which are national security and technology competitiveness.

I would like to commend the chairman of the committee, the gentleman from California, for including $5 million in this legislation for long lead-time parts for Landsat 7. This money is critical if we are to preserve the continuity of Landsat data so critical to global climate change research.

Mr. Chairman, I urge my colleagues to support the Landsat Program and to vote for H.R. 1988.

Ms. HORN. Mr. Speaker, today we are voting on a bill which will determine the direction of our Nation's space program, not only for the next few years, but for the next decade or more.

Although this bill authorizes most NASA programs for fiscal years 1992, 1993, and 1994, due to the long lead times for space programs it also sets the course of NASA projects for years to come. Any goal we wish to accomplish in space in this decade must be addressed this year or in the next few years. Large projects for the early years of the next century must also be started soon.

This bill, although not perfect, sets modest and reasonable goals in space within a fiscally constrained environment. It balances the need for a dynamic space program, and its technological, scientific, and national prestige benefits, with the necessity to focus on some Earth-based problems such as global climate change and life sciences research.

In addition, it contains modest funding for planetary exploration in the form of unmanned probes. These probes provide a relatively low cost method of obtaining new and fundamental scientific data on the solar system. This data can help us determine not only how the other planets evolve and change, but also how planetary processes affect Earth. This bill also continues the manned space program through the shuttle and the space station, while providing that some money not be spent on the space station until studies reviewing this program have been completed.

In conclusion, while this bill does not propose to do everything that NASA could do, nor everything we would like to do if the money were available, it represents a good compromise of priorities within the constraints under which the committee was forced to work. It has my support and I urge my colleagues to give it their support.

Mr. McMILLEN of Maryland. Mr. Chairman, I commend the leadership of the Science Committee for the expeditious way in which they have worked to bring the NASA multiyear authorization to the House floor. I believe that this is the earliest date that we have scheduled a floor vote on the NASA bill since I entered Congress in 1987. Timely consideration of this bill will allow us to establish important spending priorities for the $14.9 billion budget of this Federal executive agency. Money has been allotted for the continuation of such critical programs as Landsat, EOS, and space station. Importantly, because of its multiyear time horizon, HR 1988 establishes spending patterns for projects with long lead times and long time lines. This type of forward planning is sure to save many dollars in development and implementation costs.

One program that I was especially happy to see fully funded was the Landsat Program. Administered by NOAA in conjunction with the private sector, NASA has been given the responsibility of developing and refining the next generation of remote sensing satellite technology. This bill before us today includes $5 million for work needed for the follow-on satellite to Landsat 6, the mission that is currently planned for launch in 1992.

Landsat imagery data has proven to be a great asset to scientists and planners. Most recently, during the Persian Gulf conflict, remote sensing data of Persian Gulf topography helped military strategists to plan our troop movements and to understand the enemy's. Plans are underway for Landsat data to be used to complement data culled from the EOS mission, the Earth observation system. The EOS system will be composed of large platforms that circle the Earth, monitoring ecological changes. Further, there is talk that Landsat data will be used in the U.S. Global Climate Change Program, the comprehensive American effort to ascertain the extent of global warming trends worldwide.

Landsat is just one example of state-of-the-art NASA technology that serves a variety of purposes, and serves man by providing information and knowledge to aid us in improving our world. No better rationale than this exist to justify the money we spend each year on NASA projects. Mr. Chairman, I look forward to today's floor action and urge the adoption of H.R. 1988.

Mr. SENSENBRENNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "National Aeronautics and Space Administration Multiyear Authorization Act of 1991".

Mr. BROWN. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) the report of the Advisory Committee on the Future of the United States Space Program has provided a framework within which a consensus on the goals of the space program can be developed;

(2) a balanced civil space science program should be funded at a level of at least 20 percent of the aggregate amount in the budget of the National Aeronautics and Space Administration for "research and development" and "space flight, control, and data communications";

(3) development of an adequate data base for life sciences in space will be greatly enhanced through closer scientific cooperation with the Soviet Union, including active use of manned Soviet space stations;

(4) the space program can make substantial contributions to health-related research and should be an integral part of the Nation's health research and development program;

(5) Landsat data and the continuation of the Landsat system beyond Landsat 6 are essential to the Mission to Planet Earth and other long-term environmental research programs;

(6) increased use of defense-related remote sensing data and data technology by civilian agencies and the scientific community can benefit national environmental study and monitoring programs;

(7) the generation of trained scientists and engineers through educational initiatives and academic research programs outside of the National Aeronautics and Space Administration is essential to carrying out a long-term Space Exploration Initiative;

(8) policies which restrict the use of foreign launch capabilities for United States Government satellites should apply only where adequate United States launch capabilities exist;

(9) the strengthening and expansion of the Nation's space transportation infrastructure, including the enhancement of launch sites and launch site support facilities, is essential to support the full range of the Nation's space-related activities;

(10) the aeronautical program contributes to the Nation's technological competitive advantage, and it has been a key factor in maintaining preeminence in aviation over many decades; and

(11) the National Aero Space Plane program can have benefits to the military and civilian aviation programs from the new and innovative technologies developed in propulsion systems, aerodynamics, and control systems that could be enormous, especially for high-speed aeronautical and space flight.

SEC. 3. POLICY.

It is the policy of the United States that—

(1) the Administrator of the National Aeronautics and Space Administration, in planning for national programs in environmental study and human space flight and exploration, should ensure the resiliency of the space infrastructure;

(2) a stable and balanced program of civil space science should be planned to minimize future year funding requirements in order to accommodate a steady stream of new initiatives;

(3) any new launch system undertaken or jointly undertaken by the National Aeronautics and Space Administration should be based on defined mission and program requirements or national policies established by Congress;

(4) in fulfilling the mission of the National Aeronautics and Space Administration to improve the usefulness, performance, speed, safety, and efficiency of space vehicles, the Administrator should establish a program of research and development to enhance the competitiveness and cost effectiveness of commercial expendable launch vehicles; and

(5) the National Aeronautics and Space Administration should promote and support efforts to advance scientific understanding by conducting or otherwise providing for research on environmental problems, including global change, ozone depletion, acid precipitation, deforestation, and smog.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration the following amounts:

(1) For "research and development", for the following programs:

(A) United States International Space Station Freedom, $1,900,000,000 for fiscal year 1992, of which $25,000,000 shall be for the development of an Assured Crew Return Vehicle, with an additional $128,900,000 authorized upon the submission of a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on an independent engineering review of the Space Station restructuring by the Aeronautics and

Space Engineering Board of the National Research Council.

(B) Space transportation capability development, $679,800,000 for fiscal year 1992, $799,800,000 for fiscal year 1993, and $847,400,000 for fiscal year 1994. Of such amounts authorized for fiscal year 1992, $30,000,000 shall be made available for propulsion technology development, and $20,000,000 shall be made available for technology development of other launch technologies, including single stage to orbit vehicles.

(C) Physics and astronomy, $1,096,600,000 for fiscal year 1992, of which $6,000,000 shall be made available for carrying out scientific programs which have otherwise been eliminated from the Space Station, $1,321,400,000 for fiscal year 1993, and $1,308,500,000 for fiscal year 1994.

(D) Life sciences, $183,900,000 for fiscal year 1992, $224,000,000 for fiscal year 1993, and $246,100,000 for fiscal year 1994.

(E) Planetary exploration, $299,300,000 for fiscal year 1992, $251,900,000 for fiscal year 1993, and $263,400,000 for fiscal year 1994.

(F) Earth science and applications—

(i) $725,600,000 for fiscal year 1992, of which—

(I) $5,000,000 shall be made available only for the purchase of Landsat data for global change research;

(II) $5,000,000 shall be made available for the purchase of long-lead parts for a follow-on to Landsat 6; and

(III) $1,000,000 shall be made available for remote sensing data conversion; and

(ii) $830,000,000 for fiscal year 1993; and

(iii) $950,500,000 for fiscal year 1994.

(G) Materials processing in space, $115,800,000 for fiscal year 1992, $201,400,000 for fiscal year 1993, and $233,600,000 for fiscal year 1994.

(H) Communications, $39,400,000 for fiscal year 1992, $34,700,000 for fiscal year 1993, and $31,100,000 for fiscal year 1994.

(I) Information systems, $42,000,000 for fiscal year 1992.

(J) Technology utilization, $27,000,000 for fiscal year 1992, $29,700,000 for fiscal year 1993, and $33,000,000 for fiscal year 1994.

(K) Commercial use of space, $107,000,000 for fiscal year 1992, $138,200,000 for fiscal year 1993, and $134,400,000 for fiscal year 1994.

(L) Aeronautical research and technology, $591,200,000 for fiscal year 1992, $670,500,000 for fiscal year 1993, and $716,000,000 for fiscal year 1994.

(M) Transatmospheric research and technology, $72,000,000 for fiscal year 1992, $120,000,000 for fiscal year 1993, and $145,000,000 for fiscal year 1994.

(N) Space research and technology, $314,800,000 for fiscal year 1992, $321,700,000 for fiscal year 1993, and $317,200,000 for fiscal year 1994.

(O) Exploration activities, $61,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, and $102,400,000 for fiscal year 1994.

(P) Safety, reliability, and quality assurance, $33,600,000 for fiscal year 1992, $32,500,000 for fiscal year 1993, and $34,000,000 for fiscal year 1994.

(Q) University Space Science and Technology Academic Program, $64,600,000 for fiscal year 1992, $70,500,000 for fiscal year 1993, and $74,500,000 for fiscal year 1994.

(R) Tracking and data advanced systems, $22,000,000 for fiscal year 1992, $23,200,000 for fiscal year 1993, and $24,600,000 for fiscal year 1994.

(2) For "space flight, control, and data communications" for the following programs:

(A) Space Shuttle Production and Operational Capability, $1,358,900,000 for fiscal year 1992, of which $375,000,000 shall be made available for the Advanced Solid Rocket Motor program, $1,277,000,000 for fiscal year 1993, and $1,210,500,000 for fiscal year 1994.

(B) Space Shuttle Operations, $2,970,600,000 for fiscal year 1992, $2,968,800,000 for fiscal year 1993, and $2,897,200,000 for fiscal year 1994.

(C) Launch Services, $315,900,000 for fiscal year 1992, $289,000,000 for fiscal year 1993, and $359,800,000 for fiscal year 1994. Of such amounts, $10,000,000 in fiscal year 1992, $30,000,000 in fiscal year 1993, and $50,000,000 in fiscal year 1994 shall be made available for carrying out a program of component technology development, validation, and demonstration directed at commercial launch vehicle competitiveness.

(D) Space and ground networks, communications, and data systems, $920,873,000 for fiscal year 1992, $1,066,000,000 for fiscal year 1993, and $1,077,500,000 for fiscal year 1994.

(3) For "construction of facilities", including land acquisition, for fiscal year 1992 as follows:

(A) Construction of Space Station Processing Facility, Kennedy Space Center, $35,000,000.

(B) Modification for Earthquake Protection, Downey/Palmdale, CA, Johnson Space Center, $4,400,000.

(C) Modifications for Safe Haven, Vehicle Assembly Building, High-Bay 2, Kennedy Space Center, $7,500,000.

(D) Rehabilitation of Crawlerway, Kennedy Space Center, $3,000,000.

(E) Restoration of Shuttle Landing Facility Shoulders, Kennedy Space Center, $4,000,000.

(F) Restoration of the High Pressure Gas Facility, Stennis Space Center, $6,500,000.

(G) Construction of Addition for Flight Training and Operations, Johnson Space Center, $13,000,000.

(H) Construction of Advanced Solid Rocket Motor Program Facilities (various locations), $100,000,000.

(I) Modernization of Industrial Area Chilled Water System, Kennedy Space Center, $4,000,000.

(J) Rehabilitation and Expansion of Communications Duct Banks, Kennedy Space Center, $1,400,000.

(K) Replace 15 KV Load Break Switches, Kennedy Space Center, $1,300,000.

(L) Repair Site Water System, White Sands Test Facility, $1,300,000.

(M) Replace Central Plant Chillers and Boiler, Johnson Space Center, $5,700,000.

(N) Modifications to X-Ray Calibration Facility (XRCF), Marshall Space Flight Center, $5,200,000.

(O) Restoration and Modernization of High Voltage Distribution System, Goddard Space Flight Center, $7,000,000.

(P) Construction of Earth Observing System Data Information System Facility, Goddard Space Flight Center, $17,000,000.

(Q) Modernization of Main Electrical Substation, Jet Propulsion Laboratory, $5,500,000.

(R) Restoration of Utilities, Wallops Flight Facility, $3,500,000.

(S) Construction of Data Interface Facility, White Sands Test Facility, $4,000,000.

(T) Rehabilitation of Tracking and Data Relay Satellite System (TDRSS) Ground Terminal, White Sands Test Facility, $5,700,000.

(U) Repair of facilities at various locations, not to exceed $1,000,000 per project, $31,700,000.

(V) Rehabilitation and modification of facilities at various locations, not to exceed $1,000,000 per project, $34,800,000.

(W) Minor construction of new facilities and additions to existing facilities at various locations, not to exceed $750,000 per project, $12,900,000.

(X) Environmental compliance and restoration, $36,000,000.

(Y) Facility planning and design, not otherwise provided for, $34,000,000.

(Z) Repair and modernization of the 12-foot Pressure Wind Tunnel, Ames Research Center, $25,000,000.

(AA) Upgrade of Outdoor Aerodynamic Research Facility, Ames Research Center, $3,300,000.

(BB) Modernization of 16-foot Transonic Tunnel, Langley Research Center, $3,400,000.

(CC) Modifications to the High Pressure Air System, Langley Research Center, $11,700,000.

(DD) Rehabilitation of Central Air System, Lewis Research Center, $5,600,000.

(EE) Rehabilitation of Icing Research Tunnel, Lewis Research Center, $2,600,000.

Notwithstanding the amounts authorized in subparagraphs (A) through (EE), the total amount authorized by this paragraph shall not exceed $430,300,000.

(4) For "research and program management", $2,422,300,000 for fiscal year 1992.

(5) For "Inspector General", $14,600,000 for fiscal year 1992, $15,300,000 for fiscal year 1993, and $15,700,000 for fiscal year 1994.

(b) LIMITATIONS.—(1)(A) Notwithstanding paragraph (4), appropriations authorized under this section for "research and development" and "space flight, control, and data communications" may be used—

(i) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the National Aeronautics and Space Administration for the performance of research and development contracts; and

(ii) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conducting of scientific research, for purchase or construction of additional research facilities.

Title to facilities described in clause (ii) shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant.

(B) None of the appropriations authorized under this section for "research and development" and "space flight, control, and data communications" may be used in accordance with this paragraph for the construction of any facility, the estimated cost of which, including collateral equipment, exceeds $750,000, unless the Administrator has notified the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(2) Appropriations authorized under this section for "research and development", for "space flight, control, and data communications", or for "construction of facilities" may remain available until expended. Appropriations authorized under this section for "research and program management" for maintenance and operation of facilities, and for other services, shall remain available through the next fiscal year after the fiscal year for which such amount is appropriated.

(3) Not to exceed $35,000 of appropriations authorized under this section for "research and program management" may be used for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(4)(A) Except as provided in paragraph (1)(A), appropriations authorized under this section for "research and development", "space flight, control, and data communications", or "research and program management" may be used for the

construction of new facilities and additions to, or repair, rehabilitation, or modification of existing facilities, but only if the cost of each such project, including collateral equipment, does not exceed $200,000.

(B) Except as provided in paragraph (1)(A), appropriations authorized under this section for "research and development" or "space flight, control, and data communications" may be used for unforeseen programmatic facility project needs, but only if the cost of each such project need, including collateral equipment, does not exceed $750,000.

(C) Appropriations authorized under this section for "research and program management" may be used for repair, rehabilitation, or modification of existing facilities controlled by the General Services Administration, but only if the cost of each such project, including collateral equipment, does not exceed $500,000.

SEC. 5. CONSTRUCTION OF FACILITIES REPROGRAMMING.

Appropriations authorized under section 4(a)(3)(A) through (EE)—

(1) may be varied upward 10 percent, in the discretion of the Administrator or the Administrator's designee; or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the particular circumstances, may be varied upward 25 percent to meet unusual cost variations.

The total amount of appropriations authorized under section 4(a)(3)(A) through (EE) shall not be increased as a result of actions taken under paragraphs (1) and (2) of this section.

SEC. 6. SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities; the Administrator may transfer not to exceed one-half of 1 percent of the funds appropriated pursuant to section 4(a)(1) or (2) to the "construction of facilities" appropriation for such purposes. The Administrator may also use up to $10,000,000 of the amounts authorized under section 4(a)(3) for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report describing the nature of the construction, its cost, and the reasons therefor.

SEC. 7. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests of the Administrator as originally made to either the Committee on Science, Space, and Technology of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by section 4(a)(1), (2), and (4); and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented by the Administrator to either such committee,

unless a period of 30 days has passed after the receipt by each such committee of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 8. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

The Administrator may utilize up to 5 percent of the funds provided for the Small Business Innovation Research Program pursuant to section 4(f) of the Small Business Innovation Development Act of 1982, for program management and promotional activities.

SEC. 9. OFFICE OF FACILITIES MAINTENANCE.

The Administrator shall create an Office of Facilities Maintenance, which shall have complete authority to plan and direct facilities maintenance management for all National Aeronautics and Space Administration sites.

SEC. 10. COMMERCIAL SPACE LAUNCH ACT AMENDMENT.

Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended by adding at the end thereof the following: "There are authorized to be appropriated to the Secretary to carry out this Act $5,104,000 and such additional sums as may be necessary, not to exceed $20,000,000, to ensure the resiliency of the Nation's space infrastructure, for fiscal year 1992.".

SEC. 11. NATIONAL SPACE COUNCIL AUTHORIZATION.

(a) There are authorized to be appropriated to carry out the activities of the National Space Council established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471), $1,491,000 for fiscal year 1992, of which not more than $1,000 shall be available for official reception and representation expenses. The National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

(b) It is the sense of Congress that the National Space Council, in coordination with the Committee on Earth and Environmental Sciences, should, by October 1, 1991, establish policy recommendations for carrying out the President's commitment to maintaining the continuity of Landsat data, including plans and programs for a successor to Landsat 6, organizational options and recommendations for acquiring Landsat data for global change research, national security, environmental management, and other governmental purposes, and options and recommendations for encouraging the use of Landsat data by commercial firms and development of the commercial market for such data.

SEC. 12. OFFICE OF SPACE COMMERCE AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Commerce for the Office of Space Commerce $491,000 for fiscal year 1992.

SEC. 13. AMENDMENT OF PUBLIC LAW 100-147.

Section 107(a) of the National Aeronautics and Space Administration Authorization Act of 1988 (P.L. 100–147) is amended—

(1) by inserting ", in both then year and constant dollars," after "estimated cost";

(2) by inserting "assembly (including related costs);" after "construction of facilities;"; and

(3) by adding at the end the following new sentence: "Each such plan shall also include the estimated cost, in both then year and constant dollars, of operations for at least the first full year of steady operations of the space station.".

SEC. 14. MULTIYEAR CONTRACTING.

Along with submission to Congress of the National Aeronautics and Space Administration fiscal year 1993 budget request, the Administrator shall—

(1) present a study which assesses the usefulness of granting similar authority as under section 2306(h) of title 10, United States Code, to the National Aeronautics and Space Administration; and

(2) recommend no less than 5 candidate programs to be considered by Congress for multiyear contracting.

SEC. 15. BUY AMERICA PROVISIONS.

(a) RESTRICTIONS ON CONTRACT AWARDS.—No contract or subcontract made with funds authorized under this Act may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses, as identified by the President pursuant to subsection (g)(1)(A) of section 305 of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(A)). Any such determination shall be made in accordance with such section 305.

(b) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or an inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract from the National Aeronautics and Space Administration, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

(c) BUY AMERICAN REQUIREMENT.—(1) The Administrator is authorized to award to a domestic firm a contract for the purchase of goods that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(A) the final product of the domestic firm will be completely assembled in the United States;

(B) when completely assembled, more than 50 percent of the final product of the domestic firm will be domestically produced; and

(C) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(2) This subsection shall not apply to the extent to which—

(A) in the opinion of the Administrator, after taking into consideration international obligations and trade relations, such applicability would not be in the public interest;

(B) in the opinion of the Administrator, after consultation with the Secretary of Defense, compelling national security considerations require otherwise; or

(C) the President determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(3) This subsection shall apply only to contracts made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(4) The Administrator, before January 1, 1993, shall report to the Congress on contracts covered under this subsection—

(A) entered into with foreign firms pursuant to a determination made under paragraph (2) of this subsection; and

(B) awarded to domestic firms pursuant to paragraph (1) of this subsection, in fiscal years 1991 and 1992.

(5) For the purposes of this subsection—

(A) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(B) the term "foreign firm" means a business entity not described in subparagraph (A).

SEC. 16. QUALITY ASSURANCE PERSONNEL.

(a) EXCLUSION OF NASA PERSONNEL.—A person providing articles to the National Aeronautics and Space Administration under a contract entered into after the date of enactment of this Act may not exclude National Aeronautics and Space Administration quality assurance personnel from work sites except as provided in a contract provision described in subsection (b).

(b) CONTRACT PROVISIONS.—The National Aeronautics and Space Administration shall not enter into any contract which permits the exclusion of National Aeronautics and Space Administration quality assurance personnel from work sites unless the Administrator has submitted a copy of the provision permitting such exclusion to the Congress at least 60 days before entering into such contract.

SEC. 17. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENDEAVOR TEACHER FELLOWSHIP TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States, in tribute to the dedicated crew of the Space Shuttle Challenger, a trust fund to be known as the "National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund" (hereafter in this section referred to as the "Trust Fund"). The Trust Fund shall consist of gifts and donations accepted by the National Aeronautics and Space Administration pursuant to section 208 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476b), as well as other amounts which may from time to time, at the discretion of the Administrator, be transferred from the National Aeronautics and Space Administration Gifts and Donations Trust Fund.

(b) INVESTMENT OF TRUST FUND.—The Administrator shall direct the Secretary of the Treasury to invest and reinvest funds in the Trust Fund in public debt securities with maturities suitable for the needs of the Trust Fund, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Interest earned shall be credited to the Trust Fund.

(c) PURPOSE.—Income accruing from the Trust Fund principal shall be used to create the National Aeronautics and Space Administration Endeavor Teacher Fellowship Program. Such program shall award fellowships to selected United States nationals who are undergraduate students pursuing a course of study leading to certified teaching degrees in elementary education or in secondary education in mathematics, science, or technology disciplines. Awards shall be made pursuant to standards established for the fellowship program by the Administrator.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I have some pro forma amendments, but I will defer them for a moment and allow the gentleman from New Jersey [Mr. TORRICELLI] to offer an amendment.

AMENDMENT OFFERED BY MR. TORRICELLI

Mr. TORRICELLI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TORRICELLI: Page 3 Lines 16 through 19, strike paragraph (8), and insert in lieu thereof, the following paragraph:

(8) the United States should maintain the current policies which prohibit the use of foreign launch capabilities for United States Government satellites, and require a waiver from the President to exempt a launch from this policy. Such exemptions should only be granted upon a Presidential finding that the following two conditions are met: (i) the needed launch capabilities do not exist in the United States and United States industry would not be harmed, and (ii) program benefits would accrue. Where foreign launchers are used, their use should be conditional on reciprocity from the foreign government in willingness to use United States launchers;

Add the following new paragraph (9):

(9) the United States should attain the capability to launch medium-sized payloads in the 10,000- to 15,000-pound range into polar orbit from the West Coast;

Redesignate subsequent paragraphs accordingly.

Mr. TORRICELLI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TORRICELLI. Mr. Chairman, after the tragic loss of the *Challenger*, this Congress led in making a decision that we would restore in the United States a commercial launching capability. A variety of American corporations invested millions of dollars to create that capability, to allow private industry to participate in exploring the unknown and in making the exploration and use of space commercially viable. They followed our leadership.

Mr. Chairman, an important component of their private judgment was that the work of putting U.S. Government satellites into orbit would be reserved for American corporations. Indeed, that has been the policy since that day. It was recently affirmed by the U.S. Trade Representative.

Mr. Chairman, when the Europeans suggested that we begin to negotiate opening up business to allow other countries to bid on doing work for the U.S. Government, the administration affirmed our view, that while we want free, fair, and open trade on the questions of private launches, the issue of U.S. Government satellites is not on the table. That has been the Bush administration's view, as it was that of the Reagan administration before it.

Mr. Chairman, the amendment that I offer today is consistent with this view and consistent with existing policy. It would remove provisions which would have individual heads of agencies have the power to contract with foreign firms to launch U.S. Government satellites, and instead would reserve that for private American companies, unless the President were to certify that an American capability did not exist, that the domestic industry would not be harmed, and that that country who would do work for us will give us reciprocity in trade. If those conditions are not met, then current law would continue and U.S. Government satellites would be launched by U.S. firms.

Mr. Chairman, this is, in my judgment, good national security. We should not be designing U.S. Government satellities consistent with foreign launch capabilities and should not be placing them in the hands of others.

It is good trade policy, because indeed, recognizing that only American private firms are privately funded, and others are subsidized by their governments, only the reserve of this area of the industry for American companies will allow them to raise the capital and be competitive internationally.

Mostly, it is consistent. We made a judgment. We asked stockholders, board members, and corporations to invest, and they did.

Mr. Chairman, the future in space, the future of launch capabilities, belongs to free enterprise. They accepted our invitation. But if we are to change the rules now, it will be an invitation for American companies to leave this business. If they do, and unless this Congress is prepared to reverse its decision and have the U.S. Government provide that capability, there would be enormous consequences for America's access to space.

Mr. Chairman, I urge Members to accept this amendment, and hope we can do so without division, so that it is clear that American policy remains. We will negotiate with anyone. We want free, fair, open trade in private business, but this one section of the business remains off the table.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I would be happy to yield to the gentleman from Wisconsin.

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Mr. SENSENBRENNER. I thank the gentleman from New Jersey for yielding. Let me associate myself with his remarks relative to the trade and waiver issue. This is supported by the administration. The U.S. Trade Representative thinks this is an improvement in the legislation and will help strengthen her hand in these negotiations.

I do have one question, however. In a copy of the amendment that is at the minority table, there is an additional paragraph 9 which says that the United States should attain the capability to launch medium-sized payloads in the 10,000- to 15,000-pound range into polar orbit from the west coast. Is that language still in the gentleman's amendment?

Mr. TORRICELLI. It is.

Mr. SENSENBRENNER. Would the gentleman please enlighten the committee on whether he anticipates the money to fund obtaining this capability should come out of the NASA budget or the Department of Defense budget?

Mr. TORRICELLI. In my judgment, since it is a facility which is used extensively by the Defense Department, and this would have advantages for the Defense Department, I would hope they would have the sense of responsibility and the good judgment to contribute to this effort.

Mr. SENSENBRENNER. I concur with the gentleman's sentiments. I thank the gentleman for yielding.

Mr. TORRICELLI. I thank the gentleman for his support and hope as well that representatives of European governments now negotiating with the United States will understand the sense of common purpose we have had here, that we do hope they allow free-fair competition in this business of nongovernment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, when this subject matter came up before the full committee the gentleman had an amendment that went to the same subject but in a little different form. I have had an opportunity to review the new amendment and I think it does contribute at this point to moving in the direction that the Nation should go.

My concern at the full committee was that we were perhaps coming up with an absolute ban on the use of foreign launchers for U.S. satellites. That would be something that I think could have ramifications downstream that would be detrimental.

In this particular case what the gentleman has done is outlined a policy that I think is in line with where we have been and where the domestic industry needs to go. So I think that this is a good amendment and one that is supportable.

I might also say with regard to the new paragraph that is being added with regard to launches into polar orbit from the west coast, it is also my understanding that the cost of that facility can probably be recovered in a few flights, based upon the ability to do commercial loads, and that the cost recovery on that will be fairly quick. So that is another reason for Defense to go ahead, give us the capability and probably be able to attain repayment in a fairly short timeframe.

With that, I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I would like to ask the gentleman from New Jersey, to be sure that I understand it, he supports the policy of the administration for the requirement that the President approve if we exempt a launch, but the gentleman from New Jersey sets out some guidelines?

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I would respond to the gentleman from Texas that we do. We wanted to make clear that this is consistent with current policy, that the President has the authority to waive this if it is in the national interest to do so. But of course, we want him to be able to cite this will not harm the domestic industry, and indeed that the nation which would receive this contract would give a reciprocal right of our own companies to bid on their government work.

Mr. HALL of Texas. We thank the gentleman for working with the committee. We think the requirements are compatible with the committee report language and the intent of the original finding, and we have no objection to the amendment.

Mr. TORRICELLI. I thank the gentleman for his cooperation and his leadership.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI].

The amendment was agreed to.

Mr. WOLPE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 1988, the NASA Multiyear Authorization Act of 1991.

Mr. Chairman, I commend the work that the gentleman from California [Mr. BROWN] and the gentleman from Texas [Mr. HALL] have done in bringing the NASA bill before us today. Despite the fact that the State of Michigan has no NASA facilities or large aerospace contractors, I am a strong supporter of NASA's programs, for the simple reason that NASA's work has been, and continues to be, good for the country as a whole. At the same time, because of the constrained budgetary climate, this Congress must begin to do a better job of ensuring that the $14 or $15 billion in taxpayers' dollars that are spent on NASA programs are contributing their proportionate share to the scientific, technological, and educational development of this country.

I have concerns in two specific areas. First, NASA programs—particularly the largest programs—must be forced to pass a test of scientific credibility. I continue to doubt whether the space station passes that test, and I will support the amendment of the gentleman from New Jersey [Mr. ZIMMER] to assess alternative designs for meeting the scientific goals of the Space Station Program. The reason for imposing a scientific relevance test on all such large projects as the station is obvious, and was succinctly stated in the recently released report of the Office of Technology Assessment of "Federally Funded Research": "Not all [science megaprojects] may be supportable without eroding funding for the science base."

My second general concern about the NASA budget relates to the issues of whether appropriated funds are well spent and whether the agency's management systems are under control. The Augustine Commission and others have documented the fact that NASA has had a poor record in these areas over the past decade. In an environment of $300–$400 billion annual budget deficits, we simply do not have the luxury of supporting programs that lack effective cost controls, contractors who perform shoddy work, or spokespersons who consistently provide the Congress with unrealistically low cost estimates.

As chairman of the Investigations and Oversight Subcommittee of the Science, Space, and Technology Committee, I look forward to working closely with the gentleman from Texas [Mr. HALL] during this Congress to strengthen cost account ability throughout NASA.

Mr. Chairman, although I support the bill before us today, we must be mindful that these same NASA programs will be reviewed again on the floor within the next 2 months as part of the HUD/independent agencies appropriations bill. The HUD/IA bill includes a wide variety of programs in a large number of agencies—effectively pitting space programs against pressing national needs for veterans, for housing and urban development, and for the environment. We will need to review these space programs again at that time to reassess our priorities. If we are not confident that NASA's programs are scientifically strong and financially credible, then they will not survive intact in an appropriations process which pits space against these other pressing national needs.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to my distinguished chairman.

Mr. BROWN of California. Mr. Chairman, let me thank the gentleman for yielding, and let me also thank him for his comments. I think some people, as in my own case, who are very much identified as supporters of the space program, might feel that the gentleman was applying an unduly objective scrutiny to the NASA programs. I merely want to indicate that I feel that the views that the gentleman from Michigan has expressed are sound. He comes to his position as chairman of the oversight committee with a keen analytical view, and as he has already indicated, he has no vested interest for his State or district in these programs. He is acting only on behalf of the national interest.

I want to commend the gentleman from Michigan for that. I think that the knowledge that the gentleman from Michigan is expressing this point of view, that he as chairman of the oversight committee can act on these points of view, should give some reassurance to all Members that this program is going to be conducted in the soundest possible way for the benefit of the people of this country.

Mr. WOLPE. I thank the gentleman for his comments and I simply want to reaffirm that I want NASA to succeed. I am convinced that the more careful the scrutiny, the greater will be public confidence in the agency and its credibility. Taxpayers must be assured that tax dollars are being well spent. That is the ultimate goal.

Mr. ROEMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would first like to commend the Science, Space, and Technology Committee for the outstanding work that they have done in putting this legislation together. The gentleman from Texas [Mr. HALL], the gentleman from Wisconsin [Mr. SENSENBRENNER], and the gentleman from Pennsylvania [Mr. WALKER] have done a fantastic job. Our chairman, the gentleman from California [Mr. BROWN], is one of the best leaders this committee has ever had. I am lucky as a freshman to be on this committee. His leadership is thoughtful, thorough, and considerate. We are lucky to have him.

□ 1400

Mr. Chairman, I must rise today in very reluctant opposition to the NASA reauthorization bill before us today. I cannot in good conscience support a measure that rapidly increases spending at this time on our space program while the programs for our children such as Head Start are going begging. Seven out of 10 children in my district are begging for Head Start.

Mr. Chairman, I do no oppose the space program. It is important for us to be doing. The discoveries made by scientists of NASA will benefit mankind for centuries to come, but if we do not start concentrating our limited resources on our children, soon there will be no astronauts, soon there will be no technicians or professors to teach them.

Mr. Chairman, it is extraordinarily frustrating to be a freshman Member of this body trying to represent the folks back home in Indiana while being bound and gagged by a budget agreement passed before I ever had a vote here. Many of us would like to see some of the increase given to NASA allocated to the budget for education, not to throw money at the education problem, but to support some of the President's ideas for reform and creative new schools. But this budget agreement simply will not allow it.

Mr. Chairman, I find myself in the unenviable position of opposing a bill that I would prefer to support. But, Mr. Chairman, as long as teachers in my district are getting pink-slipped, as long as child nutrition programs are being cut back, as long as tens of thousands of American children do not receive necessary measles and mumps inoculations, as long as Head Start does not reach children who need it and qualify for it, as long as deserving youth are denied the opportunity to attend college in our country, I am going to stand in opposition to spending these amounts of money for NASA.

Mr. Chairman, we were talking about a $30 billion program for the space station, and $80 to $100 billion in the long run. Clearly, reforming education is our best investment in our work force, in our future, in our competitiveness, and it should be, ladies and gentlemen, our highest priority.

Mr. Chairman, to conclude, as we build the pipeline to space, we need to focus on our education pipeline that creates a fountain of talented and productive workers. Right now, Mr. Chairman, the pipeline is cracked and leaking. It is leaking and drowning our children, their aspirations, and our international competitiveness.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened carefully to the remarks that the gentleman just made.

I think it is well to point out that NASA is one of the principal contributors in the Federal Government to the educational programs of this country. Many, many millions of dollars are spent by NASA to assure quality education is going on.

The time I spend in the classroom tells me that one of the things that young students are most excited by is our space program. One of the ways in which you can get them interested in science and technology and in pursuing goals for the future is to interest them in the space program.

The Challenger Center that has been developed over the last several years that is building centers across the country involves NASA in helping young students understand the potentials that are there for them in space and gives them the opportunity to work hands-on with technology. It is one of the most exciting concepts we have supported, in part with private and foundation money, but in part with the cooperation of NASA and the agency.

I think to suggest that somehow there is money that can be transferred out of NASA programs into education programs in a way that would benefit the students more than some of what is now going on is to suggest something which cannot and should not be done. We, I think, have a great role to play with the space program in education. I think we are moving in the right direction.

I would also suggest to the gentleman that if we want to invest in the future and we want to ensure, as those children come through the education system and they have the opportunity to go to work, that the best way to assure that the jobs of the future are going to be there for those kids is to invest in the NASA programs.

As has been mentioned a couple of times in debate today, NASA pays back to the GNP $9 for every $1 invested in it. That is a figure which assures that we are going to produce the jobs, the high-tech jobs, of the future that these children will need to have in order to assure a national economy.

So I think the gentleman expresses a concern that many Americans have, but I think that it is wrong to express that concern with regard to this budget. This budget is, in fact, very, very cognizant of the need to develop educational issues and very much in line with establishing the future goals that students have to be deeply involved in.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think it is also fair to point out not only that this program in its entirety is very cost-effective but that we have, under the academic programs, increased it from $55 to $64 million, which is a $9 million increase, and that that does go for outreach programs, educational programs, and certainly in support of the people who the gentleman very seriously and thoughtfully and conscientiously wants to support. He is supporting it when he votes for this bill.

Mr. WALKER. I might follow up on that, that among other things that NASA does in education are the teacher resource centers which are funded in this bill, the women and minority internships which are funded in this bill, the graduate student research program which is funded in this bill, research projects that involve students, and one that got a lot of attention a few months back was when we took tomato seeds into space, and we literally involved thousands of elementary schools in that particular project. We have, I think, inspired many young students to look toward science, and then we have, of course, the Teacher-in-Space Program, which is ongoing despite the fact of the tragedy of *Challenger* where we lost Christa McAuliffe. We have, in fact, used the teacher-in-space people as spokesmen across this country for science and space issues, and so there is a lot that is going on within this agency that helps in our educational enterprises.

Mr. HALL of Texas. If the gentleman will yield further, probably as the gentleman knows, the academic programs with an excess of a 20-percent increase is a substantial increase.

Mr. WALKER. I thank the gentleman for that.

AMENDMENTS OFFERED BY MR. BROWN

Mr. BROWN. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. BROWN: Page 5, beginning on line 22, strike all through Page 6, line 9, and insert in lieu thereof the following:

(A) United States International Space Station Freedom, $1,900,000,000 for fiscal year 1992, of which $25,000,000 shall be for the development of an Assured Crew Return Vehicle, with an additional $128,900,000 authorized upon the submission of a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on an independent engineering review of the Space Station restructuring by the Aeronautics and Space Engineering Board of the National Research Council. The Administrator is further directed—

(i) to immediately submit the report required under section 103(a)(1)(A)(ii) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(ii) to expend the entire $10,000,000 appropriated for solar dynamic power research under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 for that purpose.

On page 9, line 3, strike "$61,000,000" and insert in lieu thereof "$66,500,000".

On page 10, line 2, strike "$2,970,600,000" and insert in lieu thereof "$2,965,100,000".

Page 20, lines 9 through 15, amend section 8 to read as follows:

SEC. 8. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

The Administrator may utilize up to 1 percent of the funds provided for the Small Business Innovation Research Program in fiscal year 1992, pursuant to section 4(f) of the Small Business Innovation Development Act of 1982, for program management.

Page 27, line 24, strike "Program. Such program shall" and insert in lieu thereof "Program, to the extent provided in advance in appropriation Acts. The Administrator is authorized to use such funds to".

Mr. BROWN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN. Mr. Chairman, these are technical amendments which have been discussed by the leadership on both sides. I can explain them very briefly.

The amendments to sections 8 and 17 make our bill comply with the rules of the House and to address the concerns of other committees. Section 8 provides that a small portion of the funds set aside for the Small Business Innovation Research Program be allowed for management of the program. The amendment here would reduce the amount that is in the bill from 5 percent to 1 percent, which is our estimate of what actually might be needed.

Section 17 establishes a small trust fund using gifts and donations that were received by NASA following the *Challenger* accident. Because this section, as written, provides direct spending authority to NASA in the amount of $20,000, it is technically in violation of section 302(f). The committee amendment would make such expenditures subject to advanced appropriations and would cure that defect.

The other two amendments are amendments reached by agreement between myself and the gentleman from Pennsylvania [Mr. WALKER] pertaining to certain proposals that were discussed in the committee markup. I want to commend the gentleman from Pennsylvania [Mr. WALKER] for his cooperation and willingness to address the concerns raised during the markup.

Mr. Chairman, I urge support of all of these amendments.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I certainly want to rise in support of the amendments and say to the chairman that I appreciate his cooperation in working out a couple of items there.

In one case what we are doing is coming back to close to full funding for the SCI Program which is a high priority of the administration, and also his cooperation in working on the solar dynamic work which the gentleman from Arizona [Mr. RHODES] has worked so closely with me on. I think that we have a good amendment here, and I am very happy to support it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. BROWN].

The amendments were agreed to.

□ 1410

Mr. KYL. Mr. Chairman, I move to strike the last word.

As I said, I would like to engage with the gentleman from Pennsylvania [Mr. WALKER] in a colloquy with respect to the committee's decision to defer the development of the multifunction electronic display system, known as MEDS.

MEDS function is part of the assured shuttle availability. The committee has reduced NASA's request for the MEDS Program from $14.8 million to $4.8 million. MEDS is informally known as the glass cockpit. It would replace the existing shuttle cockpits with electronic displays such as the flat panel displays developed for commercial and military aircraft.

MEDS will increase shuttle reliability and flight safety and reduce operating costs.

I would ask my colleague if it is the intent of the committee that the MEDS Program be discontinued?

Mr. WALKER. If the gentleman will yield, I say to the gentleman that it would not, no.

Mr. KYL. I further ask my colleague, was the decision to reduce MEDS funding reached because the program had technical problems?

Mr. WALKER. If the gentleman will continue to yield, no, the decision was based primarily on fiscal restraints.

Mr. KYL. If other funding sources are identified in conference with the Senate, would the gentleman consider restoring the MEDS Program?

Mr. WALKER. If the gentleman will continue to yield, yes, we will see what we can do in conference.

Mr. KYL. Mr. Chairman, I appreciate that very much, Mr. WALKER. I believe the MEDS Program deserves a very high priority in the assured shuttle availability program and I look forward to working with the gentleman, the chairman and others to pursue this issue with the Senate.

Mr. Chairman, I yield to my colleague from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I appreciate the gentleman taking the time to raise this issue and agree it needs further consideration.

I ask unanimous consent to include my written statement at this point in the RECORD and yield back the balance of my time.

Multifunctional electronic display system [MEDS] funding is part of assured shuttle availability, which was requested at $122.3 million for 1992. H.R. 1988 calls for a $10 million reduction to the MEDS Program stating it is not a flight safety issue.

MEDS is a solution to the increasing number of failures associated with the existing electromechanical flight instruments.

Industry's ability to support the existing shuttle cockpit has been diminished due to both parts and technical skills obsolescence.

MEDS will incorporate state-of-the-art technology such as flat panel displays developed for commercial and military airframes, and is a technical solution that can be supported by industry well into the 21st century.

The MEDS development/integration schedule has been defined as a 5-year program.

Hardware maintenance will be a serious problem within 5 years as: The failure rates are already higher than predicted due to aging of instruments, repair time and repair costs are increasing, and parts and skills obsolescence prevents access to future spare parts and repairs.

I believe the House language deferring MEDS development should be reconsidered prior to enactment, so that NASA can use its own discretion to decide on how best to assure shuttle availability.

Mr. KYL. Mr. Chairman, I yield to my friend, the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, I simply want to say that I share with Members the concern about the MEDS Program. I think it is extremely important for shuttle availability and the advancement of that concept.

I certainly hope that something can be worked out in conference that would permit this program to go forward.

AMENDMENT OFFERED BY MR. ZIMMER

Mr. ZIMMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIMMER: Page 28, after line 5, insert the following new section:

SEC. 18. SPACE-BASED RESEARCH ASSESSMENT.

(a) NATIONAL ACADEMY OF SCIENCES CONTRACT.—The Administrator shall, to the extent provided in advance in appropriations Acts, enter into a contract with the National Academy of Sciences for the conduct of the assessments described in this section.

(b) RESEARCH OPPORTUNITIES ASSESSMENT.—The contract entered into under subsection (a) shall provide for an assessment of methods for maximizing, based on a variety of prospective funding levels, the quantity and quality of opportunities for space-based life sciences and microgravity research on existing and proposed space vehicles and platforms. Such assessment shall focus on the 5-year period after the date of enactment of this Act, and on each of the two subsequent 5-year periods. Such assessment shall address opportunities in connection with domestic or foreign space vehicles and platforms, whether publicly or privately funded.

(c) SPACE INFRASTRUCTURE ASSESSMENT.—The contract entered into under subsection (a) shall also provide for an assessment of methods of establishing a space-based life sciences and microgravity research infrastructure, based on a variety of prospective funding levels, using existing and proposed space vehicles and platforms, or other space vehicles and platforms constructed specifically for such purposes. Such assessment shall address the transferability of systems developed for use on the Space Station Freedom to such alternative or complementary space vehicles and platforms. Such assessment shall also address opportunities in connection with domestic or foreign space vehicles and platforms, whether publicly or privately funded.

(d) REPORT TO CONGRESS.—The Administrator shall, by June 30, 1992, submit to Congress a report containing the results of the assessments conducted under this section.

(e) SPACE STATION FREEDOM ACTIVITIES.—Nothing in this section shall be construed to prevent otherwise authorized activities with respect to the Space Station Freedom from going forward.

Mr. ZIMMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words. We do not accept this amendment because we have any doubts about the space program. Probably the amendment will be accepted because the gentleman from New Jersey has been very conscientious, has worked hard, as has both majority and minority.

I have some real deep feelings I think I must express about it because this will be reconsidered, I am sure, when it hits conference and when it hits the other body. Actually, there is an alternative to the amendment, and that is, we could simply write a letter to the Office of Technology Assessment, and ask them to provide the committee with an updating of the study they made in 1985. I know the gentleman is aware of that, and aware that this does cost some money. We are not just sure what it costs because I have not seen any figures other than several hundred thousand dollars.

I think with the assurance of the gentleman that he will continue to work with Members, and that though it goes into a contract with the National Academy of Sciences, that it will not be relegated only to the Space Studies Board who issued an unfavorable study for a manned study and manned continuation of that thrust.

With that, and with our thanks to the entire committee, I think we accept this, and we accept the amendment and ask it be adopted.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words. I just want to point out to the gentleman from Texas, it has done a couple of things about this amendment. So there can be no doubt. I rise as a firm supporter of space station, and I do not have a problem with the amendment in its present form. Let me give Members a couple of reasons why.

First of all, any Member who reads through this amendment will now understand that this amendment is drafted in a way in what we are basically doing is studying upgraded technologies and seeing whether or not there are any of them that have more adaptability for our space future. This is a good amendment from that standpoint. We also ought to be looking at what science is giving the United States in terms of developing alternatives for the future. That is what this amendment now says.

I see no problem with that at all as a supporter of space station. The other thing that I think is very important to understand about this amendment is something that the gentleman from New Jersey referred to, but needs to be reemphasized, I think.

□ 1420

New language in this bill, section (e) says specifically:

(e) SPACE STATION FREEDOM ACTIVITIES.—Nothing in this section shall be construed to prevent otherwise authorized activities with respect to the Space Station Freedom from going forward.

In other words, this is not a delay amendment whatsoever. This is simply a study to find out in many ways how you can have complementary activities of the station going forward; so this amendment does not anticipate any changes to space station Freedom. It does not anticipate any changes to the schedule, so therefore I think is totally acceptable.

Mr. SCHUMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to offer an amendment because the committee has obviated the need for that.

I want to recognize the excellent leadership of Chairman BROWN and Chairman HALL and the ranking members in bringing this NASA authorization before us today.

No bill can be all things to all people, but I think most of us can agree that this legislation is well crafted and a thorough response to the challenge our Nation faces in space.

I would like to recognize the outstanding contributions of the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] and their committees have made to this legislation.

When Congress convened in January, I introduced the NASA Quality Assurance in Contracting Reform Act, which addressed two concerns I had about NASA. These concerns were focused on the Agency's contracting procedures and some of the glaring problems that plagued it. I am pleased that one of the reforms that I proposed, which I will describe in a moment, has been incorporated into the NASA authorization bill we are considering, and I want to thank Chairman BROWN and Chairman HALL for assisting me on this matter.

The Hubble telescope disaster revealed that NASA's quality control procedures had a major flaw. Under NASA's current system, contractors can ban with impunity NASA's quality control inspectors from work sites, can simply tell the NASA inspectors to get off the lot. That is exactly what happened with the Hubble telescope while that was under construction at the eventual cost of billions of taxpayers' dollars.

The quality control language in the original proposal, now incorporated in H.R. 1988, will bring this practice to an end. If the provision is signed into law, NASA's quality control personnel will have unlimited access to the work sites of companies building products for NASA to ensure that debacles like the Hubble incident will not happen again.

Yesterday Chairman BROWN and I introduced legislation which incorporated the second of the two reforms originally proposed in H.R. 672, reform of NASA liability policy.

I am gratified that the chairman has again demonstrated tremendous leadership on this issue and hope that the House will soon have an opportunity to consider this important legislation.

I have often been a critic of NASA, that is no secret, because I believe that the enormous amounts of money we are spending on projects like the space station might be better spent on other things, but I rise today, however, to support the passage of the authorization bill under consideration, because it takes a first important step toward the elimination of the acquisition problems which have plagued NASA for decades, and again I want to thank both chairmen and both ranking members for their help on this issue.

Mr. PENNY. Mr. Chairman, the amendment offered by my colleague, Mr. ZIMMER, is a lesson in common sense.

Recent reports from the GAO as well as the Committee on Science, Space, and Technology have made it very clear that the Space Station Program is in need of further review.

Despite calls from those who say we need to get the ball rolling now, increased costs, combined with three structural changes and decreased capabilities, puts into question the purpose and cost of this program.

We face serious budget constraints, and therefore cannot afford to dish out billions of dollars to any program which has not been completely researched or tested. The taxpayers need to know their money is going for a program which is both worthwhile and well researched.

Mr. Chairman, we would not invest in a house that had no floor plan. We would not take a trip on a plane which had no flight plan. So why should we appropriate billions of tax dollars to a program that has not clearly demonstrated its objectives in design or mission? Simple common sense tells us we shouldn't.

The Zimmer amendment institutes an objective study about the purpose of and alternatives to the space station.

We should not ask American taxpayers to fork over upward of $40 billion without first conducting a thorough study of options which may cost less.

Support the Zimmer amendment.

Mr. WOLPE. Mr. Chairman, I rise in support of the amendment.

In recent weeks, both the National Academy of Sciences' Space Studies Board and the President's Office of Science and Technology Policy have questioned the scientific justification for space station Freedom. Personally, I am skeptical about supporting any large-scale project when its primary users are not satisfied with the investment being made on their behalf.

The first goal of our Space Station Program should be the advancement of life sciences, so that we may make a knowledgable decision on the ability of humans to work in space for extended periods of time. A secondary goal is the establishment of leadership in microgravity research. NASA claims that space station Freedom is the best means available for achieving these goals. Unfortunately, after $4 billion of expenditures and a plethora of studies, we still have no way of assessing the credibility of NASA's claims.

The reason for this uncertainty is simple. We have never had a comprehensive comparison of alternative designs based on actual mission requirements. Only in the past few weeks, as a result of studies by the Augustine Commission and others, have we had a clear idea of the rationale for a space station. If the requirements have changed, then the design should change as well. Unfortunately, the current redesign simply scales down a space station originally designed for multiple functions. Since the time of that original design, Earth observation capability has been removed. Spacecraft servicing capability has been removed. Microgravity processing facilities have been removed. What is left is life sciences—by default, not by design.

Is Freedom the answer to our current requirements for space science? Is it the best use of the resources we intend to make available? With the information we have in hand, no one can say. If the Space Studies Board is correct in its conclusion that this space station does not do the job, what will?

The study mandated by this amendment will allow us to answer this question, and to answer it in a timely manner. I know that the argument will be made that the results of this study will come too late to affect the space station debate. I strongly disagree. To date we have spent less than 15 percent of the total funding needed to complete the space station. When the report mandated by this amendment is available, we will have spent only 20 percent of the total funding necessary for completion. If the Academy study produces cost-effective alternatives for conducting the essential missions of the space station, we should debate those alternatives next year on the floor and make the appropriate decision on space station development.

An informed decision by the Congress will require knowledge of the spectrum of opportunities available to us and the cost and schedule for each. An informed decision requires a "yes" vote on the Zimmer amendment.

Mr. CONYERS. Mr. Chairman, the Committee on Government Operations has had an ongoing interest in NASA programs. The committee has reviewed and continues to review issues relating to NASA's procurement, planning, and reporting practices. In furtherance of these activities, the Subcommittee on Government Activities and Transportation requested that the U.S. General Accounting Office conduct a review to determine the costs, feasibility, and justification of the Space Station Freedom Program.

Yesterday, the Subcommittee on Government Activities and Transportation, chaired by Representative BARBARA BOXER, held a hearing that, for the first time, brought to light the full costs of the Space Station Program. Both the subcommittee and GAO have found that Congress has not been apprised of the full costs of this 30-year program.

NASA claims that it will cost $30 billion to bring the station to permanently manned capability in 1999. In fact GAO puts the cost at $40 billion, and the subcommittee puts the cost at $51 billion. Looking at the 30-year life of the program, GAO puts the total cost at $118 billion and the subcommittee puts the total cost at $180 billion. Thus far, NASA has successfully avoided the question of the total cost to be incurred by the taxpayers for this project.

Serious questions were raised at yesterday's hearing as to whether the space station is essential for the scientific research for which it ostensibly is intended. Indeed, many of the Nation's most renowned scientists have gone on the record to say the space station's scientific capabilities have little merit in relation to the cost. Given these questions, as well as the extraordinary costs, I urge you to support the Zimmer amendment.

The Zimmer amendment calls upon the National Academy of Sciences to identify existing spacecraft to carry out projects intended for the space station and identify cost-effective alternatives to the space station design. Given a budget deficit that is choking off badly needed investment in our people, the Zimmer amendment is a sensible and prudent measure. I urge my colleagues to support the Zimmer amendment.

Mr. SWETT. Mr. Chairman, I rise in support of the amendment to H.R. 1988 offered by my colleague from New Jersey.

Mr. Chairman, I am an architect by training, and architects are taught to be process oriented, to keep our minds open to new ideas. Architects frequently have to advise clients about all the options available to them since sometimes, there is no perfect option and the client has to make a decision based upon the pros and cons of every possibility available. Likewise, budget constraints often require greater creativity in problem solving, not less. So I am always skeptical when somebody tells me that no options are available that are worth examining.

It was quite a surprise, then, when I arrived in Congress and participated in my first hearing about NASA. We are about to spend billions of dollars on a space station, and nobody to my knowledge has taken the time to lay out all our options in this project. Nobody has taken the time to assess each possibility's advantages and disadvantages. I am not saying that the current plan is not the best. But NASA has yet to convince me it is.

Mr. Chairman, in these tight budgetary times, we should be particularly supportive of this amendment. Probably every Member of this body has been frustrated by seeing programs that they care about not getting the funding they deserve. I certainly have had that experience. But this is a time for us to be responsible, and I can't believe that in this climate we are about to write a blank check to NASA when less expensive, better options might exist.

Mr. Chairman, I believe my questions can be resoved easily, without much expense and through a basic process that will lay out our options. In the building industry, we call this process value engineering, but it is just a sophisticated and systematic way of making a list that explores the pros and cons of every possibility. It is unbelievable to me that this simple process, a process I urge my 8-year-old daughter to follow when she is trying to find the solution to a problem, just hasn't been done. This amendment will not kill the space station program. This amendment does not even delay the progress of the Space Station Program. If anything, it will make for a better program. My experience in architecture has taught me that it always helps to look at additional possibilities, even if the process ultimately convinces me to go with my original plan. And we might well decide to continue on our current path. But let's get the facts before us first.

Mr. Chairman, I believe this is a responsible, reasonable amendment and I sincerely hope it passes. The amendment will not increase the budget at all, in fact it might produce significant savings. In short, the process of value engineering is a necessity in these times when we need to be tightening our belts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ZIMMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: At the end of the bill, insert the following new section:

SEC. 18. DRUG TESTING.

(a) FINDINGS.—The Congress finds that—

(1) the illegal sale, possession and use of drugs pose a pervasive and substantial threat to the social, educational, and economic health of the United States;

(2) the impact of drug abuse is reflected in the criminal violence that it causes and in the disintegration of families, schools, neighborhoods, and workplace safety and efficiency;

(3) the effects of rampant illegal drug trafficking are amply illustrated by national crime statistics and prosecutions across the United States of persons at all economic and social levels, including prominent government leaders;

(4) the chronic problem of drug abuse has contributed to declining productivity levels, escalating health care costs, and the increasing inability of domestic industry to compete in the world market; and

(5) reasonable suspicion exists that the mission of the government to preserve the public health and safety, protect the national security, and maintain an effective drug interdiction program for the United States is being subverted by the prossession, sale, and use of drugs by Federal personnel at all levels of government.

(6) RANDOM DRUG TESTING.—The Administrator of the National Aeronautics and Space Administration shall require random drug testing of officers and employees of the National Aeronautics and Space Administration.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "drug" or "drugs" means any controlled substance as defined by the Controlled Substances Act; and

(2) the term "employee" means an employee of the National Aeronautics and Space Administration.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, at the outset let me just say what I said in the Rules Committee when Chairman BROWN and Subcommittee Chairman HALL, along with ranking member WALKER, came before our committee. I had admiration and commendation for Chairman BROWN as the new chairman for the job he has done and for the entire committee.

Mr. Chairman, I do have two amendments, one dealing with random drug testing for current present employees of NASA, which is the same amendment that I have offered to all authorizing bills, just yesterday with the CIA.

The other amendment which deals with drug testing of applicants for jobs with NASA, today I am calling that amendment up right now. That is amendment No. 1.

Mr. Chairman, yesterday when the House passed my amendment requiring random drug testing for CIA employees, I called attention to the fact that statistics released by the FBI earlier this week showed that violent crime was up across the United States by 10 percent, and much of violent crime is certainly drug related, and that violent crime is now spreading into our suburban areas.

A Rand Corp. study entitled, "Money From Crime: A Study of the Economics of Drug Dealing in Washington, DC" showed that 78 percent of the cocaine purchased in the District of Columbia is actually used in the suburbs around this great Capitol of ours.

It comes as no surprise that the Justice Department has stated that drug trafficking and the murders associated with it are quickly spreading like cancer throughout the suburban areas across this country.

Much of the legislation that I have introduced has taken the approach that we absolutely no longer can view casual drug users as innocent victims of this problem. They have a very large bearing on the illegal drug market and they must be held accountable in this deadly and ever-increasing violent crime.

If we condition Federal privileges to remaining drug free, we can begin to send the message to illegal drug users that they are no longer immune and that we are no longer going to tolerate the illegal drug use.

In the last Congress I introduced legislation to condition the privilege of driving with the responsibility of remaining drug free. That measure was included in the fiscal year 1991 Department of Transportation appropriations bill, and it became law.

My amendment today continues to condition Federal benefits to the responsibility of remaining drug free by requiring that an applicant to NASA must be drug tested as a condition of being hired for their positions. In other words, taking a drug test is a condition of employment. It is a part of your duty.

As you may be aware, the courts have already upheld testing applicants in the Justice Department across the board, not just safety and sensitivity, but across the board. This is why I intend to offer this amendment to every authorization bill during this Congress and we must continue to show that we are serious about dealing with this problem. The courts have upheld this proposal and I would like to urge your support today so that we can begin a campaign of user accountability so that we can prove once and for all that we are committed to ending this violent and tragic plague.

Mr. BROWN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say that I have discussed the amendment of the gentleman from New York, and I am in a peculiar situation. In my previous humble role as a mere Member of this House and this committee, for ideological reasons having to do with civil rights and the Constitution, I would have bitterly opposed his amendment; but in my new more exalted position I find remarkable merit in the gentleman's amendment.

Mr. Chairman, as far as our side is concerned, I am going to be willing to accept it. It does pose certain problems of which the gentleman is aware and I will not belabor those, but I think the mood in the House and in the Congress in general is to take active steps against the menace of the drug problem. I know and respect the position that the gentleman from New York [Mr. SOLOMON] takes with regard to that. As I say, from our standpoint, we will be willing to accept the amendment.

Mr. HALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am happy to yield to the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, as the gentleman has also pointed out on other occasions and as the gentleman well knows, NASA already has a drug testing program for critical personnel. I think what the gentleman is agreeing to is that the constitutionality of preemployment and random drug testing is an important subject and one that probably needs a test case. I think that is the thrust of the gentleman's amendment. For that reason, Mr. Chairman, with that understanding we do accept it.

□ 1430

For that reason it is my understanding we do accept it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I simply rise to say from the minority side we accept the gentleman's amendment, as well.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: At the end of the bill add the following new section:

SEC. 18. DRUG TESTING REQUIRED AS A CONDITION OF NEW EMPLOYMENT WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) PREEMPLOYMENT TESTING.—No person may be hired by the National Aeronautics and Space Administration unless that person undergoes preemployment drug testing in accordance with this section.

(b) REGULATIONS.—The Administrator of the National Aeronautics and Space Administration shall issue regulations to carry out subsection (a). Such regulations shall be issued not later than 90 days after the date of the enactment of this Act.

(c) DEFINITION.—As used in this section, the term "preemployment drug testing" means testing before employment for the use of a controlled substance (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

(d) EFFECTIVE DATE.—This section applies with respect to the hiring of employees by the National Aeronautics and Space Administration after the date on which regulations are first issued under subsection (b).

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, illegal drug use is our No. 1 domestic problem. And as long as there is a market for illegal drugs, there will be those who wish to profit from them.

That is why I believe we must continue to shift our focus in the war against drugs to include casual drug users. Demand plays an important role in the drug business and the days of viewing casual drug users as victims are over. Illegal drug users come from all walks of life and at some point make the very conscious decision of whether or not to use drugs.

They are a contributing factor to the drug problem and must be held accountable.

Mr. Chairman, if we condition Federal benefits to the responsibility of remaining drug free, we are sending the message to the so-called casual drug users that we are going to hold them accountable for their actions.

The amendment I am offering today is similar to the amendment I offered to the fiscal year 1990 NASA reauthorization bill which was adopted in the House. It requires random drug testing of all NASA employees.

Random drug testing is not a new concept and it works. For proof of that just look at what happened in our military when random drug testing was put into effect. In 1982, 27 percent of our entire U.S. Armed Forces were on drugs by their own admission. Yet, by 1988, after the implementation of random drug testing programs, drug use in the military dropped to 4.5 percent. That's an 82-percent reduction.

Illegal drug use is seriously impairing America's work force, resulting in the loss of billions of dollars and thousands of lives each year.

The Federal Government has an obligation and a compelling interest as the Nation's largest employer to set an example for the private sector by maintaining a drug-free workplace.

As you know, the courts have ruled that it is within the bounds of constitutionality to drug test sensitive and security-related positions. As a result of these rulings some would argue that random testing is unconstitutional. This is not true. Under no circumstances have the courts ruled out drug testing in nonsensitive positions.

My amendment has been drafted by the American law division of the Congressional Research Service to withstand a court challenge and I strongly feel it should be used as a test case.

Just ask yourself, can we afford to have engineers and scientists working on the space shuttle using cocaine? Can we afford to have any personnel involved with our space program using illegal drugs? Can we afford to continue to allow casual drug users to walk away from this problem scot-free?

I think you know the answers to these questions. And now, more than ever, the United States cannot back down from its commitment to put an end to this terrible crisis.

Mr. Chairman, if we could reduce illegal drug use by Federal employees by 82 percent—if we could reduce illegal drug use by employees of State and local governments by 82 percent—and then, if we could reduce illegal drug use throughout private sector employment by 82 percent, drug use would be reduced to a minimum and the demand for illegal drugs would disappear.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. BROWN. I thank the gentleman for yielding.

Mr. Chairman, in the interest of time I would stipulate that we accept the second amendment offered by the gentleman from New York [Mr. SOLOMON] as well as the first.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, the same here; we accept the amendment.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman from California and the gentleman from Pennsylvania, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to very briefly say a word or two about the NASA authorization and to rise in support of it and commend the chairman, the gentleman from California [Mr. BROWN], and the ranking member, the gentleman from Pennsylvania [Mr. WALKER], and all the members of the committee for the work they have done on it. I think most of us recognize that this represents a transitional period for the space program in the United States, in this decade, this last decade of the 20th century.

I am excited about the opportunities, the challenges that are presented by the new space initiatives, many of which are discussed and included in this authorization. With a $15.3 billion NASA authorization, an increase of 10 percent over the fiscal year 1991, I think we can see the prospect for some new and exciting programs. Many of them are in the area of science and research, and many of them are ones that have come about as a result of the work of the Augustine Commission, a commission report which I strongly support.

However, there are some other programs that do not get authorized here, some that I think are of high priority.

One that particularly concerns me is the new launch system, or the NLS, as it is called. Clearly, our current launch system is an ancient one. NLS will provide an opportunity for significant long-term benefits for the commercial launch industry. I think, very clearly, incentives have to be provided to encourage additional privatization of our space industry.

I know the chairman has worked very hard on this issue. It is not possible for NASA to do what has to be done, given the limitations we have in our budget. If we are going to maintain a lead in space as we have done in years past, we are going to have to involve the private sector and private capital. The NLS, the new launch system, is an integral part of this move toward increased commercialization. Tight budgets are going to be reflected in the NASA budgets in the future. As a member of the Committee on Appropriations, I am well aware of the constraints that we are going to be operating under when we get the 302(b) allocation from the Committee on the Budget.

That is going to mean less resources to do some of these programs. We have to have increased space commercialization so that Government resources are not tied up in projects which can be and should be carried on by the private sector.

The increased commercialization means that NASA can focus on those programs which it must do, those basic science and research programs which only Government and Government alone can best do. I hope that as we go forward with this program in this last decade of the 20th century, that we will have greater emphasis on commercialization and that both appropriations and authorizing committees will give attention to that.

The CHAIRMAN. Are there other amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. McCLOSKEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1988) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, pursuant to House Resolution 137, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the quesiton is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 36, not voting 34, as follows:

[Roll No. 76]

YEAS—361

Abercrombie
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murtha
Nagle
Natcher
Nichols
Nowak
Oakar
Olin
Ortiz
Orton
Owens (UT)
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Rowland
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vento
Volkmer
Walker
Walsh
Waxman
Weber
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—36

Andrews (ME)
Beilenson
Conyers
DeFazio
Dellums
Donnelly
Duncan
Durbin
Frank (MA)
Hancock
Hayes (IL)
Hertel
Jacobs
Johnston
Luken
Miller (CA)
Neal (MA)
Neal (NC)
Nussle
Obey
Owens (NY)
Payne (NJ)
Penny
Quillen
Roemer
Roukema
Russo
Savage
Sikorski
Studds
Stump
Unsoeld
Visclosky
Weiss
Williams
Yates

NOT VOTING—34

Ackerman
Boxer
Clay
Coleman (MO)
Dymally
Edwards (OK)
Gallo
Gingrich
Gray
Holloway
Hopkins
Houghton
Hubbard
Ireland
Lehman (FL)
Levine (CA)
Mazzoli
Michel
Miller (OH)
Murphy
Myers
Oberstar
Oxley
Panetta
Rose
Roybal
Shaw
Stark
Stokes
Thomas (WY)
Udall
Vucanovich
Washington
Waters

□ 1459

The Clerk announced the following pair:

On this vote:

Mr. Lehman of Florida for, with Mrs. Boxer against.

Messrs. STUDDS, SIKORSKI, and HAYES of Illinois changed their vote from "yea" to "nay."

Messrs. SHARP, CAMPBELL of California, and HOAGLAND, and Mrs. COLLINS of Michigan changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1500

GENERAL LEAVE

Mr. BROWN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1988, the bill just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent for rollcall vote No. 76, concerning final passage of H.R. 1988, National Aeronautics and Space Administration [NASA] authorization. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 173

Mr. OLIN. Mr. Speaker, I ask unanimous consent that the name of the gentlewoman from New York [Mrs. LOWEY] be removed as a cosponsor of H.R. 173.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I ask for this time to engage in a colloquy with the majority leader as to the schedule for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Votes are finished for today. On Monday, May 6, the House will meet at noon, but there will be no legislative business.

On Tuesday, May 7, the House will meet at noon to consider three bills under suspension, but recorded votes on suspensions will be postponed until Wednesday, May 8, 1991.

Mr. Speaker, the three bills to be considered on Tuesday are:

H.R. 479, to amend the National Trail System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System

H.R. 1143, to authorize a study of nationally significant places in American labor history; and

H.R. 904, to direct the Secretary of the Interior to prepare a national historic landmark theme study on African-American History.

On Wednesday, May 8, the House will meet at 2 p.m. The House will meet at 11 a.m. on Thursday, and possibly Friday. We will be taking up again the votes, if there are votes, on the suspensions from Wednesday, and then H.R. 7, the Brady Handgun Violence Prevention Act, subject to a rule. Then we will possibly take up a House resolution providing supplemental appropriations for Kurdish refugees and other purposes, subject to a rule.

Conference reports may be brought up at any time. Any further program would be announced later.

Mr. SOLOMON. If I could continue to yield to the majority leader, I would just note that the votes that are going to be laid over from suspensions on Tuesday until Wednesday, will those votes possibly come before the debate on the Brady bill, or after?

Mr. GEPHARDT. If the gentleman will continue to yield, the votes will be before.

Mr. SOLOMON. They definitely will come before. Can the majority leader enlighten us as to the potential scheduling for the civil rights legislation?

Mr. GEPHARDT. No decision has been made. We are hoping and thinking it may come the next week, but we are not sure at this point.

Mr. SOLOMON. There is also the budget out there. Is there any idea when we might go to conference with the Senate?

Mr. GEPHARDT. We will be consulting with the gentleman and the leadership on the other side, and will be trying to find the best time to do that. It may be next week, maybe on Thursday.

Mr. SOLOMON. Many Members on our side and yours have seen the tentative schedule calling for a possible session on Friday. Could the gentleman enlighten us as to how likely that might be?

Mr. GEPHARDT. The only reason that we would have a meeting on Friday and votes would be if the Kurdish refugee supplemental is not able to be processed here on Wednesday or Thursday. We hope it can be. But, if for some reason it cannot be, and it is important to get it done next week, we would ask Members to stay on Friday to do that. Again, we are hoping to finish business on Thursday.

Mr. SOLOMON. Mr. Speaker, I certainly thank the majority leader. I would just call the attention of Members to the special order that is going to be held for our good friend, the gentleman from Arizona [Mr. UDALL], this evening. It will be appreciated if Members would stick around for it.

ADJOURNMENT TO MONDAY, MAY 6, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday, May 6, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EMERGENCY MEDICAL SERVICES WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 109) designating the week beginning May 12, 1991, as "Emergency Medical Services Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to yield to the gentleman from New York [Mr. MANTON], the chief sponsor of this legislation.

Mr. MANTON. Mr. Speaker, I rise today in support of House Joint Resolution 109, legislation I introduced to designate the week beginning May 12, 1991, and the week beginning May 10, 1992, as Emergency Medical Services Week. I want to thank the gentleman from Ohio [Mr. SAWYER], chairman of the Subcommittee on Census and Population for his support of House Joint Resolution 109 and his help in bringing this legislation to the floor.

Since its inception in 1986, Emergency Medical Services Week has afforded the public with an important opportunity to learn about the lifesaving benefits of emergency medical care. The American Hospital Association estimates there were 92 million emergency department visits last year. However, while demand for emergency medical services is increasing, our Nation's health care system is facing great challenges. Increasing costs have forced many rural and urban hospitals and trauma centers across the Nation to close. Also, many emergency departments are having difficulty recruiting and retaining health care professionals. Despite these problems, recent advances in emergency medical technologies are enabling EMS providers to save more lives than ever before. Therefore it is appropriate for Congress to recognize them for their important contributions to society.

Mr. Speaker, this resolution has the strong support of many national health care organizations including the American College of Emergency Medical Physicians, the International Association of Firechiefs, the National Association of Emergency Medical Technicians, the American Ambulance Association, the Association of Air Medical Services, the Emergency Nurses Association, the National Association of State EMS Directors and the National Council of State EMS Training Coordinators.

Mr. Speaker, every year during Emergency Medical Services Week these groups and communities around the Nation sponsor special events designed to increase awareness and promote prevention of medical emergencies. Emergency Medical Services Week programming has included a variety of health safety topics such as instruction in CPR, alcohol and drug abuse prevention and treatment, child safety, bicycle safety, and school-based educational programs in emergency medicine.

Again, I want to thank Chairman SAWYER for his help in bringing this resolution to the floor and I urge its immediate passage.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 109

Whereas the members of emergency medical services teams devote their lives to saving the lives of others;

Whereas emergency medical services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators, and administrators;

Whereas the people of the United States benefit daily from the knowledge and skill of these trained individuals;

Whereas advances in emergency medical care increase the number of lives saved every year;

Whereas the professional organizations of providers of emergency medical services promote research to improve emergency medical care;

Whereas the members of emergency medical services teams work together to improve and adapt their skills as new methods of emergency treatment are developed;

Whereas the members of emergency medical services teams encourage national standardization of training and testing of emergency medical personnel and reciprocal recognition of training and credentials by the States;

Whereas the designation of Emergency Medical Services Week will serve to educate the people of the United States about accident prevention and what to do when confronted with a medical emergency; and

Whereas it is appropriate to recognize the value and the accomplishments of emergency medical services teams by designating Emergency Medical Services Week: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 12, 1991, is designated as "Emergency Medical Services Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 2, line 3, strike out "the week beginning May 12, 1991" and insert in lieu thereof "each of the weeks beginning May 12, 1991, and May 10, 1992".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

There was no objection.

The amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Designating each of the weeks beginning May 12, 1991, and May 10, 1992, as 'Emergency Medical Services Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 120) to designate May 1991 as "National Physical Fitness and Sports Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

□ 1510

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to acknowledge the work of the gentleman from California [Mr. LEWIS], who is the chief sponsor of this joint resolution.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, let me just say that for those of us who have worked long and hard in the vineyards of national physical fitness, it has been with a great deal of pride and pleasure that we have seen the attention that has been shown by the administration, starting with the President and Mrs. Bush this week, along with the work that Arnold Schwarzenegger has done to bring forward to the young people in our school system the importance of national physical fitness.

Mr. RIDGE. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ANDREWS of New Jersey). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 120

Whereas the number of adults in the United States who regularly participate in physical exercise and sports has increased rapidly, particularly since the 1970's;

Whereas there is much awareness of the importance of daily physical exercise for adolescents and children in the United States, regardless of their physical capabilities or limitations;

Whereas the level of physical activity of senior citizens in the United States has increased, thereby enhancing their enjoyment and quality of life;

Whereas physical activity is recognized as an important part of the daily life of all people of the United States;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas physical fitness and sports programs strengthen the body and refresh the spirit; and

Whereas it is essential that physical fitness and sports programs are available in the schools, at the workplace, and during leisure time, so that all people of the United States can enjoy the benefits of physical fitness and sports: Now, therfore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1991 is designated as "National Physical Fitness and Sports Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INFANT MORTALITY AWARENESS DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 194) designating May 12, 1991, as "Infant Mortality Awareness Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so certainly to support this effort.

Mr. Speaker, continuing my reservation of objection, I wish to acknowledge the good work of my colleague, the gentleman from Alabama [Mr. HARRIS], and I yield to the gentleman from Alabama, who is the chief sponsor of this joint resolution.

Mr. HARRIS. Mr. Speaker, as chief sponsor of House Joint Resolution 194, I am pleased to be given this opportunity to address the House.

House Joint Resolution 194 designated May 12, 1991 as "Infant Mortality Awareness Day." This designation is part of my efforts to educate more Americans about our Nation's deplorable infant mortality rate. In the past year, our national rate of infant mortality has improved. According to the preliminary data prepared by the National Commission on Infant Mortality, there were 9.1 deaths per 1,000 live births in 1990 and 9.7 deaths per 1,000 live births in 1989. It is my hope that this year, our Nation will continue this steady progress.

I am, however, mindful that each death of a child represents not only a personal tragedy for a family, but also the loss of the potential achievement of that individual for our Nation. No one wants their child to die. Early, regularly scheduled prenatal care is one of the easiest methods to lower the incidence of infant mortality. It is always better to encourage pregnant women to seek prenatal care, than to care for prematurely born infants in a hospital setting.

In my home State, Alabama, we have one of the highest infant mortality rates in our country. In fact, during the past 5 years, the rate in Alabama has exceeded that of many Third World nations. It is my hope that this measure will encourage more individuals in my State and elsewhere to dedicate themselves to saving infants and their mothers. In a nation of such immense wealth, it is disturbing that so many babies continue to die needlessly.

I also want to take this opportunity to express my sincere gratitude to several Members of Congress who contributed to the success of this project. Chairman SAWYER of the Subcommittee on Census and Population was instrumental in obtaining expedited review of the legislation. Congressman J. ROY ROWLAND and MICHAEL BILIRAKIS, cochairmen of the Task Force on Infant Mortality in the Sun Belt Caucus, dedicated personal time to this effort. With their help, the goal of more than 218 cosponsors was achieved within several legislative days. I would also like to thank the staff of the Sun Belt Caucus for their assistance.

It is my hope that passage of this measure will remind us all of what must be done to ensure the birth of healthy babies to healthy mothers. During this year's Mother's Day, I hope more people will be mindful of how important the birth of healthy babies should be to all of us.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

HOUR OF MEETING ON WEDNESDAY, MAY 8, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 7, 1991, it adjourn to meet at noon on Wednesday, May 8, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I would like to acknowledge the good work of our friend and colleague, the gentleman from Florida [Mr. BILIRAKIS], on this resolution.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I appreciate the gentleman from Pennsylvania [Mr. RIDGE] yielding to me, and of course the gentleman from Ohio [Mr. SAWYER] is always right there any time we have needed him regarding these resolutions, and of course I thank the gentleman from Alabama [Mr. HARRIS] for introducing this piece of legislation.

Mr. Speaker, I am pleased to join my colleagues in supporting House Joint Resolution 194 which would designate May 12, Mother Day, as Infant Mortality Awareness Day. Since 1989, I have served as the co-chairman of the Congressional Sun Belt Caucus Task Force on Infant Mortality and just recently, I became a member of the Select Committee on Children, Youth and Families. I am actively involved with both because I am personally committed to lowering our Nation's dismal infant mortality statistics.

In my home State of Florida, the infant mortality rate is disturbingly high. During 1987, almost 11 infants died before their first birthday out of every 1,000 babies born. In fact, the Sun Belt region has the highest infant mortality rate in the Nation. I feel it is the duty of Congress to raise public awareness and encourage solutions at all levels of government: Federal, State and local.

We can begin by making prenatal and nutrition services accessible to all pregnant women. Some are intimidated by the numerous forms they are required to fill out or the many offices they must visit. I believe centralizing these services through programs such as one-stop shopping would be the answer for those pregnant women desiring assistance but not knowing where to begin.

Unfortunately, there are expectant mothers who do not seek out these services: women addicted to drugs, who abuse alcohol or those who do not understand the importance of prenatal and postnatal care. How do we solve this problem?

That is a difficult question to answer. I feel women need to understand the importance of adequate health care, not only to them, but to the health of their babies. In the past month, I have read two editorials that suggest infant mortality is not a result of malnutrition but is caused, instead, by behavior patterns. There is an element of truth to that statement, but I continue to believe that programs like the WIC Program have been quite successful in enhancing the lives of many children.

Unfortunately, our Government can put all the money it can into programs designed specifically for pregnant women but unless women want these services, we will not be successful. Once again, how do we solve this problem? I believe the first step is education: educating all persons, but especially our young people about the dangers of smoking, excessive alcohol use, and drug abuse. And it is not the sole responsibility of the school system, churches, families, and local leaders need to become involved as well.

If we could encourage these women, through education, to utilize these programs, not only will we have healthier babies but we will also have healthier mothers. Mother's day is an appropriate time to reflect on our Nation's infant mortality rate. Hopefully, discussion of this bill will send a message to all Americans on the importance of this issue to Members of Congress.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to my colleague and friend, the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I rise today in support of House Joint Resolution 194, which will recognize Mother's Day, May 12, as National Infant Mortality Awareness Day. I, along with other members of the Congressional Sun Belt Caucus Task Force on Infant Mortality, hope this day will heighten the awareness of this pressing health issue, one which we can and must do something about.

I commend our colleague CLAUDE HARRIS for his leadership in authoring this resolution.

In the South infant mortality rates are especially high. In my home State of North Carolina, for example, almost 13 of every 1,000 babies die before their first birthday. This is why I and other members of the task force have taken this opportunity to join together to ask our colleagues and the citizens of this Nation to use this Mother's Day to reflect upon the tragedy which infant mortality represents and to help us in our effort to ensure our babies a healthier start in life.

The Congress took a significant step toward improving the health of newborns in this country with the passage of the Healthy Birth Act last year. This legislation, sponsored by Representative ROY ROWLAND, cochairman of the Task Force on Infant Mortality, has increased the access to health care services of low-income pregnant women and their children. In addition, Chairman JAMIE WHITTEN and other members of the House Appropriations Committee worked with us last year to expand child nutrition and WIC supplemental food programs. We also increased Medicaid coverage for pregnant women and children and revitalized the National Health Service Corps to get doctors into underserved areas.

As the 102d Congress got underway, the administration proposed to cut maternal and child health programs by $34 million to finance a new infant mortality initiative serving only 10 urban areas across this Nation. Infant mortality is a national problem, not a problem specific to the big cities, a fact we well know in the South. Therefore, I was especially pleased to see my colleagues agree to a $26 million increase in funding for Federal maternal and child health programs as a part of the House budget resolution which passed a few weeks ago. Also in this package, we agreed to triple the President's budget proposal for the WIC Supplemental Food Program, which has increased the birthweights of its participants by more than 50 percent and has saved this country millions of dollars each year in Medicaid costs.

The maternal and child health block grants, WIC, and other programs have played a significant role in improving the health of our children, but unfortunately, despite increases in support, these programs are still not operating at their full potential. The Maternal and Child Health budget, for example, is $100 million below its authorization level. This is an estimated $600 million short of the funding level necessary to support new initiatives for infant mortality prevention—like home visits and rural projects—that will bring better health care services to medically underserved communities. WIC, the program which saves this country up to $3.90 for every dollar spent in prenatal care services for newborns, has an operating budget so low that it can only serve slightly more than half of the pregnant women and children who are eligible for the program.

Now is the time to get our priorities in order, especially those affecting our children. This resolution will help us do that, and I am proud to support it.

Mr. RIDGE. Mr. Speaker, 10 out of every 1,000 children born, it is a horrible statistic, but that is the infant mortality rate in this country, 10 out of every 1,000. Sadly, inexcusably, we rank 21st among the countries of the world with regard to our infant mortality.

□ 1520

Mr. Speaker, I certainly appreciate the leadership of my colleagues, the gentleman from Alabama [Mr. HARRIS] and the gentleman from Florida [Mr. BILIRAKIS], for bringing this measure to the floor.

This is and has got to be an unacceptable level given the quality of medical technology and the knowhow we have in this country, and I certainly applaud and appreciate their leadership on this very, very important issue.

Mr. ROWLAND. Mr. Speaker, nothing is more important than awareness in our efforts to reduce infant mortality.

Too many expectant mothers are unaware of the care they need or how to obtain that care. This is a principal reason why our country continues to have the highest infant mortality rate among the world's industrialized nations.

With stronger educational and public awareness efforts, many thousands of infants could be saved or spared lifetimes of physical, and mental disabilities.

This is why it is so important for all of us to join together in supporting "Infant Mortality Awareness Day"—which is appropriately observed on May 12, Mother's Day.

It is another effort, Mr. Speaker, to encourage our churches, businesses, educational systems, health professionals, community and State governments, and every citizen to help promote healthy births and a lower infant mortality rate.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ANDREWS of New Jersey). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 194

Whereas in 1988 the infant mortality rate in the United States decreased from 10.1 to 10 infant deaths per 1,000 live births, while the United States international ranking in infant mortality improved from 22nd to 21st;

Whereas, although our Nation has made progress against infant mortality, more than 38,000 babies will die in 1991 before their first birthday;

Whereas in 1991 approximately 375,000 babies will be born exposed to drugs, and an estimated 100,000 of those babies will be born addicted to crack cocaine;

Whereas hospital costs for a drug exposed infant can be four times that of an infant with no indication of drug exposure; and

Whereas in 1991 approximately 2,000 babies will be infected by the Human Immunodeficiency Virus (AIDS), and between 1989 and 1990 there has been a 24 percent increase in overall pediatric AIDS cases compared to a 15 percent increase among adult AIDS cases: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the level of infant mortality is still too high and designates May 12, 1991, as "Infant Mortality Awareness Day", and the President is authorized and requested to issue a proclamation encouraging the people of the United States to work toward the birth of healthy babies.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SENIOR NUTRITION WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 141) designating the week beginning May 13, 1991, as "National Senior Nutrition Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the work of our colleague, the gentleman from New York [Mr. DOWNEY], who is the chief sponsor of this joint resolution.

I have no requests for time to speak on this joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 141

Whereas in fiscal year 1991 over 145,000,000 meals will be served in congregate settings to approximately 2,700,000 Americans age 60 and over, meeting the needs of both good nutrition and fellowship;

Whereas in fiscal year 1991 over 115,000,000 home-delivered meals will also be served to approximately 728,000 Americans age 60 and over;

Whereas the dedication of staff and volunteers in helping older people receive hot nutritious meals each day ensures the continued well-being and independence of so many older Americans;

Whereas community-based congregate and home-delivered meal programs make possible the joint use of public and private funds and resources to serve older people; and

Whereas since 1963 the month of May has been designated as "Older Americans Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 13, 1991, is designated as "National Senior Nutrition Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ORDER OF BUSINESS

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that the six special orders of 1-hour duration preceding mine and that of Mr. MILLER of California be delayed until after ours. They have all consented to permit this special tribute to our colleague, MO UDALL.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as Chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1991. This is the fourth report of the 1st session of the 102d Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the conference report to accompany the budget resolution for fiscal year 1991—House Concurrent Resolution 310. The 302(a) allocations to House committees made pursuant to the conference report were printed in the CONGRESSIONAL RECORD on October 10, 1990, page H9280.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985—House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99–177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 310, on October 9, 1990. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level, reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 1, 1991.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under H. Con. Res. 310, the Concurrent Resolution on the Budget for fiscal year 1991.

In the House of Representatives, the procedural situation for fiscal year 1991 with regard to the spending ceilings (total new budget authority and total outlays) and the revenue floor is affected by section 311 of the Congressional Budget Act of 1974, as amended by P.L. 99–177. Section 311(a) prohibits the consideration of a spending or revenue measure which would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause total revenues to be less than the appropriate level set in the budget resolution. Section 311(b) provides an exception to the 311(a) point of order for measures which breach the ceilings on total spending in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of new discretionary budget authority or new entitlement authority under section 302(a) of the Budget Act.

The intent of section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—new discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control.

The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 310 were printed in the Congressional Record on October 10, 1990, page H. 9280.

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1991 budget resolution, H. Con. Res. 310.

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1991 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 310

REFLECTING COMPLETED ACTION AS OF APR. 30, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,485,600	1,236,900	1,172,900
Current level	1,482,806	1,237,086	1,176,177
Amount under ceilings	2,794		
Amount over ceilings		186	
Amount over floor			3,277

BUDGET AUTHORITY

Any measure which provides budget or entitlement authority and which is not included in the current level estimate and that exceeds $2,794 million in budget authority for fiscal year 1991, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 310 to be exceeded.

OUTLAYS

Any measure which increases outlays and which is not included in the current level estimate for fiscal 1991, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 310 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level revenue estimate and that exceeds $3,277 million in revenues for fiscal year 1991, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 310.

FISCAL YEAR 1991 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority
House committee:	
Agriculture	−742
Appropriations[1]	−469
Armed Services	+57
Banking, Finance, and Urban Affairs	−32
District of Columbia	
Education and Labor	
Energy and Commerce	−14
Foreign Affairs	
Government Operations	
House Administration	
Interior and Insular Affairs	+74
Judiciary	+3
Merchant Marine and Fisheries	−5
Post Office and Civil Service	+869
Public Works and Transportation	
Science and Technology	+1
Small Business	
Veterans' Affairs	−94
Ways and Means	−2,354

[1] See next table for detail.

Note.—Committees are over (+) or under (−) their 302(a) allocation for "discretionary action."

FISCAL YEAR 1991 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority	Direct loans	Primary loan guarantees
House Appropriations Subcommittee:			
Commerce, State, Justice	+90	−11	−184
Defense	+88		
District of Columbia	+98		
Energy and Water	−127		
Foreign Operations		−17	−1
Interior			
Labor, HHS, Education	−359	−1	
Legislative Branch	−63		
Military Construction	−136		
Rural Development and Agriculture	+64	−112	−49
Transportation	−1		
Treasury, Postal Service	−4		
VA/HUD/Independent Agencies	−119	−198	
Total	−469	−339	−234

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions for "discretionary action."

FISCAL YEAR 1991 ALLOCATION OF NEW ENTITLEMENT AUTHORITY [NEA] PURSUANT TO SEC. 302

[In millions of dollars]

Committee	Allocation	Reported[1]	Enacted[2]	Enacted over (+) under (−) allocation
Agriculture	+53	+1,309	−566	−619
Appropriations		+2,253	+2,253	+2,253
Armed Services		+2,209	+2,270	+2,270
Education and Labor	−120		+4	+125
Energy and Commerce	+305		+1	−304
Judiciary		+2	+2	+2
Post Office and Civil Service	−1,230		−1,390	−160
Veterans' Affairs	−65	+2	+182	+247
Ways and Means	−4,200		−3,182	+1,018

[1] These figures are used for 401(b)(2) of the Budget Act.

[2] These figures are used for 302(f) points of order.

Note.—The figures for the Armed Services and Appropriations Committees represent the full costs of the January 4.1-percent pay raise for Federal military and civilian personnel respectively. The pay raise was assumed in the budget resolution, but the new entitlement authority [NEA] was not allocated to any committee because the budget resolution assumed that the pay raise would be achieved through administrative actions.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 1, 1991.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the 1991 Concurrent Resolution on the Budget (H. Con. Res. 310). This report, for fiscal year 1991, is tabulated as of close of business April 30, 1991 and is summarized in the following table.

[In millions of dollars]

	Current level	Budget resolution H. Con. Res. 310	Current level +/− resolution
Budget authority	1,482,806	1,485,600	−2,794
Outlays	1,237,086	1,236,900	186
Revenues	1,176,177	1,172,900	3,277
Direct loans	20,607	21,000	−393
Guaranteed loans	106,940	106,800	140

Since my last report, dated April 10, 1991, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 102D CONG., 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1991, AS OF CLOSE OF BUSINESS APR. 30, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,176,178
Permanent appropriations and trust funds	1,066,350	801,618	
Other legislation	664,057	676,371	
Offsetting receipts	−242,564	−242,564	
Total enacted in previous sessions	1,487,843	1,235,425	1,176,178
II. Enacted this session:			
Extending IRS Deadline for Desert Storm Troops (P.L. 102–2)			−1
Veterans' Education, Employment and Training Amendments (P.L. 102–16)	(1)	(1)	
Dire Emergency Supplemental Appropriations for 1991 (H.R. 1281, P.L. 102–27)	3,773	1,361	
Higher Education Technical Amendments (H.R. 1285, P.L. 102–26)		3	
Total enacted this session	3,773	1,364	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution	−8,811	297	
Total current level[2]	1,482,806	1,237,086	1,176,177
1991 budget resolution (H. Con. Res. 310)	1,485,600	1,236,900	1,172,900
Amount remaining:			
Over budget resolution		186	3,277
Under budget resolution	2,794		

[1] Less than $500,000.

[2] In accordance with section 606(D)(2) of the Budget Enforcement Act of 1990 (title XIII of P.L. 101–508) and in consultation with the Budget Committee, current level excludes $45,661 in budget authority and $34,987 in outlays for designated emergencies including Operation Desert Shield/Desert Storm, Debt Forgiveness for Egypt and Poland, and Internal Revenue Service funding above the June 1990 baseline level. In addition, current level outlays include a savings of $1,100 million for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (P.L 101–508) and revenues include the Office of Management and Budget's estimate of $3,037 million for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (P.L. 101–509).

Note.—Detail may not add due to rounding.

LIMIT TAXPAYER FDIC LIABILITY: CLOSE THE FOREIGN DEPOSITS LOOPHOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, I am today introducing, along with 14 of our colleagues, legislation which would close a loophole in current law which allows very large banks to pay less than their fair share in deposit insurance premiums to the Federal Deposit Insurance Fund Bank Insurance Fund [BIF].

This legislation, the Federal Deposit Insurance Fair Assessment Act, would limit potential taxpayer liability in the event of a taxpayer bailout of the BIF—a possibility which is more likely than not—by including foreign deposits and certain nondeposit liabilities in the BIF premium assessment base.

Only domestic deposits are now included for purposes of BIF assessments. This means that banks with substantial foreign deposits received de facto insurance coverage for those deposits. As a result, the Federal safety net now extends to those who simply don't pay their way.

We can't afford it. This legislation, which is strongly supported by the Independent Bankers Association of America, closes that loophole and allows the FDIC to include certain nondeposit liabilities, such as promissory notes, bankers acceptances, and bank notes, in the assessment base.

When BIF premiums rise from 19.5 cents per $100 of insured assets to 23 cents on July 1, smaller banks will pay that increase based on nearly all of their deposit base. Very large banks with substantial foreign deposits will pay the increase on a relatively small part of their base—unless the law is changed.

Let me explain what this means in practice. As of March 31 of last year, Citibank had $43.9 billion in domestic deposits, and $71.5 billion in foreign deposits. It paid deposit insurance premiums on the domestic deposits only, even though the FDIC provides effective protection of foreign as well as domestic deposit. Meanwhile, most American banks, which have few, if any, foreign deposits, pay premiums on virtually all of their deposits.

This discriminates against not only smaller banks, but against healthy and growing regional banks as well. According to a recent study by Mellon Bank, which can be considered a "super-regional bank," a group of super-regional banks with the same level of deposits as the nine major money center banks, institutions with substantial unassessed foreign deposits, paid $862 million in premiums, while the nine money center banks paid only $465 million.

The arguments against assessment of foreign deposits, when examined closely, do not stand up.

Some opponents maintain that these deposits are advantageous since they raise money from foreign sources, and therefore should not be assessed. It should be noted that the initial growth in foreign deposits in American banks was spurred by institutions seeking to get around the Regulation Q ceilings which limited interest rates which could be paid on domestic, but not foreign, deposits. The Treasury study on deposit insurance suggested that at one point as much as 25 percent of foreign branch deposits came from U.S. residents, a startling statistic when one considers these depositors receive protection under the Federal deposit insurance safety net, even though the institution pays nothing to the FDIC on those deposits.

Others maintain that the thinness of spreads on loans to international commercial borrowers, loans financed by the foreign deposits, is such that the imposition of a deposit insurance assessment would make such activity uncompetitive. The Mellon Bank study makes an apt observation in this regard. It concludes: However, the very thinness of margins on these loans indicates this lending diverts resources from more optimal uses. Perhaps banks that compete for these low margin loans without the subsidy of costless de facto insurance on deposits should look elsewhere for investment opportunities.

There is an even stronger argument for this legislation: New funds for the BIF, which the GAO has reported is close to insolvency, can come from a source other than the taxpayer. The Congressional Budget Office estimates BIF income from foreign deposits alone would be $1.5 billion over 5 years. This amount would be even greater under the new 23 basis point assessment. According to some estimates, broadening the base to include certain nondeposit liabilities could bring BIF a comparable amount of new income.

Mr. Speaker, I am joined today by Mr. SANDERS, Mr. PENNY, Mr. DORGAN, Mr. PETRI, Mr. DEFAZIO, Mr. MORAN, Mr. VENTO, Mr. OBEY, Mr. JONTZ, Mr. SENSENBRENNER, Mr. KLUG, Mr. MOODY, Mr. COLLIN PETERSON, and Mr. LANCASTER in introducing this bill. I urge other colleagues to join us as sponsors of this attempt to establish equity in our deposit insurance system while bringing in much needed funds to the BIF.

At this point, I include in the RECORD the text of the bill and related material.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Deposit Insurance Fair Assessment Act".

SEC. 2. FOREIGN DEPOSITS AND CERTAIN NONDEPOSIT LIABILITIES INCLUDED IN THE ASSESSMENT BASE.

Section 7(b)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(5)) is amended to read as follows:

"(5) ASSESSMENT BASE ADDITIONS DEFINED.—For purposes of this subsection, the term 'assessment base additions' means—

"(A) any uninvested trust funds required to be separately stated in the insured depository institution's report of condition;

"(B) any deposits, and any obligations which would constitute deposits as defined in section 3(l) but for subparagraphs (A) and (B) of section 3(l)(5), received in any office of any insured depository institution (other than a foreign branch of a foreign bank (as such term is defined in section 1(b)(7) of the International Banking Act)) which have not been included in the reported amount of deposits in the report of condition; and

"(C) any obligation or other liability of any depository institution which—

"(i) is not a deposit or an obligation of the institution to any Federal Reserve bank or Federal home loan bank in connection with an extension of credit from any such bank to the institution; and

"(ii) the Board of Directors determines, after consulting with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the Board of Governors of the Federal Reserve System, is treated or accounted for in the same manner as a deposit in the general usage of depository institutions.".

[From the Washington Post, Oct. 2, 1990]

FDIC SAYS IT WILL INSURE DEPOSITS IN BRANCHES OF U.S. BANKS ABROAD

(By Jerry Knight)

Government bank regulators have proclaimed a new policy extending deposit insurance to $300 billion kept in overseas branches of U.S. banks, although the coverage is not authorized by law and banks do not pay for the insurance.

The Federal Deposit Insurance Corp., spelling out explicitly what had been an informal policy of insuring offshore deposits, said the strategy is necessary to protect the competitive position of the nation's big banks. The nine largest U.S. banks, according to the FDIC, have 51 percent of their deposits in offshore branches.

The new policy, taken without consultation with Congress or the Treasury Department, has already split the banking industry and sparked criticism from Congress, which is considering an overhaul of the federal bank insurance programs in the wake of a costly cleanup of the savings and loan industry.

The FDIC position was detailed in a letter written last week by Paul G. Fritts, director of supervision, explaining why the agency bailed out depositors who had $37 million in accounts in a Nassau branch of National Bank of Washington. Pointing to the heavy reliance of big banks on overseas deposits, Fritts said, "it was believed that negative repercussions would have been felt by these money center banks if the Nassau deposits were not included in the NBW transaction, because of the confusion in the international markets that would have been created by such a decision."

International business is becoming increasingly important for big U.S. banks, which have huge operations in financial centers like London and Tokyo. Although most other nations do not have elaborate deposit insurance systems like that of the United States, their governments have promised to stand behind banks and protect depositors when banks fail. U.S. bankers contend they must be able to offer the same kind of protections to compete with their foreign rivals.

The deposit insurance system created by Congress in the 1930s does not authorize the FDIC to insure depositors in foreign branches of U.S. banks, but the FDIC has found ways to protect offshore accounts indirectly.

In most cases, the FDIC finds it cheaper to sell a failed bank to some other financial institution rather than simply pay off depositors. When the bank is sold, all deposits are transferred to the new owner—in effect saying to the foreign depositors that the new bank will honor their accounts.

FDIC officials say bank rescue deals that protect foreign depositors are both justified and legal, so long as the cost to the taxpayers is less than paying off the depositors directly. Foreign depositors have been made whole in all bank failures for several years. FDIC officials said. In the case of NBW, the branch in the Bahamas was sold to Riggs National Bank, which took over the entire NBW operation.

The FDIC policy spelled out in the NBW case is likely to add to the pressure in Congress to revamp the deposit insurance system. There is already widespread bipartisan support in both houses of Congress to change the way overseas accounts are handled.

One solution—advocated by Senate Banking Committee Chairman Donald W. Riegle Jr. (D-Mich.)—is to renounce the FDIC policy and specifically forbid the FDIC from protecting offshore depositors in any way.

An alternative plan would require banks to pay for deposit insurance on their overseas deposits, as proposed by a number of legislators, including House Banking Committee Chairman Henry B. Gonzalez (D-Tex.), Senate Minority Leader Robert J. Dole (R-Kan.) Sen. Charles E. Grassley (R-Iowa) and Sen. Jim Sasser (D-Tenn.). The FDIC now has no legal power to make banks pay insurance premiums on their overseas accounts, since those accounts are not covered by law.

The banking industry is sharply divided on the issue. The American Bankers Association backs the Riegle proposal to deny deposit insurance coverage on foreign accounts while the Independent Bankers Association of America endorses charging banks for insurance on overseas accounts.

The FDIC could collect an additional $600 million a year to bolster the beleaguered deposit insurance fund if banks were charged premiums on their overseas deposits, said Kenneth Guenther, executive vice president of the Independent Bankers, which represents small banks that don't have foreign branches.

The FDIC policy was spelled out in a letter to Guenther, who described it as "an unusual letter. They're almost calling attention to the inequities in the whole system." Guenther and many members of Congress contend the FDIC policy is unfair to little banks, which must pay for federal insurance on all their deposits while the big banks get insurance on their foreign deposits.

ELIMINATE DRUG VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. GUARINI] is recognized for 5 minutes.

Mr. GUARINI. Mr. Speaker, 2 days ago in Bogota, Colombia, an assassination took place that sent a chilling message.

To the citizens of Colombia it said that, despite their courageous efforts to stand up to the drug traffickers, these senseless killings will continue as long as there is a demand for drugs.

To Americans, this brutal murder said that every time you use drugs and continue to create the demand for drugs—Colombians suffer the consequences.

Enrique Low Murta was the former Minister of Justice whose commitment to winning the drug war cost him his life. His commitment to fighting the drug problem was clear and unequivocable.

What makes this assassination even more troubling is the fact that it took place exactly 7 years after another Minister of Justice, Rodrigo Lara Bonilla, was murdered. I had the privilege of meeting Mr. Lara some years ago on a trip to Colombia with our colleague, CHARLES RANGEL. Mr. Lara was a courageous man who acted on the strength of his convictions. He lost his life in the fight against drugs.

We all know people die every day because of drugs right here on the streets of the Nation's Capital. We all know that the murders in Colombia will continue every day because of the demand for drugs that we create.

We cannot continue to expect the Government of Colombia to fight this scourge alone. The people and the leaders of Colombia are in a life and death struggle to save their democracy. We must help them for their sake as well as ours.

What happened there can happen here and threaten our own democratic system.

To those who do not support the death penalty, I say that there are circumstances that warrant its use. We must eliminate drug violence now or face a time in the future that our own survival is at risk.

TRIBUTE TO MO UDALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of Utah. Mr. Speaker, we are met this afternoon in this extraordinary special order to pay tribute upon his retirement this coming weekend of our colleague and close friend, MORRIS K. UDALL, MO, who will retire from the House after 30 years of distinguished service.

GENERAL LEAVE

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent and general leave that Members may have 20 days in which to revise and extend and insert remarks of tribute to MO UDALL, and that all such remarks and any delivered in the other body be compiled, printed, and made available to Members for their distribution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

TRIBUTE TO MO UDALL

Mr. OWENS of Utah. Mr. Speaker, MO UDALL was first elected to this body 30 years ago today. So we are met, first, to celebrate the anniversary of that election.

How is it possible that a man could serve in this body for 30 years, be a crusading and controversial idealogue who challenged its systems and perks, yet became one of its most productive and creative legislators, and finished his service without any enemy, thousands of devoted friends, and millions of admirers?

It doesn't explain the phenomenon of MO UDALL to say that he was a brilliant wit of unchallenged integrity who understood both man's frailties and mankinds's potential. All that it true, of course, but like everything else written and spoken, seems inadequate.

We are met this afternoon in this extraordinary special order, also to pay tribute upon his retirement, this weekend, of our colleague and friend MORRIS K. UDALL, "MO", who will retire from this house after 30 years of distinguished service.

I ask that Members be forgiven for exaggerations and inordinate use of superlative adjectives and phrases which they will use in describing MORRIS KING UDALL, pointing out that many such apparent exaggerations will, in fact, be accurate. And I ask Mo's forgiveness on behalf of his many colleagues for exaggerations of their closeness to him; such should not be taken as efforts of self aggrandizement so much as expression of admiration and because each one of us does feel special closeness to this great man.

I also ask that words not otherwise normally used in House proceedings may be used in limited circumstances today, where such are required in retelling anecdotes attributed to him, because otherwise the real spirit and genius of his humor may not be communicated.

We are all genuinely sorrowful that the object of our remarks cannot be present today because of his injury. If he were here, he would complain about being forced to be present at a funeral while still very much alive, and he would tell self-deprecating stories, and would be uncomfortable at ours. Though he wouldn't take our praise seriously, he would love it, and I wish with all my heart that it were possible for him.

We all share the sincere hope that Mo's convalescence will continue, and that he will have a fruitful retirement. A rich contribution is still to be made by him if it is given for him to be able to write and to speak and to share his remarkable insight into government and policy, and his unmatched wit, and we all join in hoping and praying that such will be possible.

MO UDALL called me his bishop, as well as his friend. Our common Mormon heritage and small town upbringing did provide a unique bond, I suppose, but in a much larger sense so did our common political philosophy. And I flatter myself by believing that I share some of his gentle politics and love of life.

No higher honor ever came to me than the opportunity to help officiate, 2 years ago, when MO married Norma Gilbert, sharing that responsibility with Dr. James Ford, the House Chaplain.

Some of MO's family and friends have encouraged him to retire over the last couple of years as his Parkinson's disease worsened and made his performance here as a Member difficult. Until very recently, I did not share that belief, and I have encouraged him to continue. Some 2 years ago, MO sat down by me on the floor, and I offered encouragement for him to continue, after which he said he didn't want to hang on if it became impossible for him to carry his own weight.

I assured him then that if conditions ever came to that point, that he should be reassured that I would find the way to communicate that information. His own decision to retire next year, then his accident in January and decision to leave now, made that painful obligation unnecessary, but his sensitive concern about perpetuating himself beyond usefulness reflected his love and respect for the institution of the House.

Everyone has a favorite Mo Udall story. Mine has no point whatever, except that it illustrates the depth of this special man's wit. Its retelling on the floor of the House may challenge established rules, but if it does, so be it, because it will thereby, coincidentally, illustrate Mo's belief that House rules should be periodically challenged and tested and improved.

Upon his entry into Congress 30 years ago, Mo was assigned to the Post Office and Civil Service Committee, and he was immediately assigned the issue of whether children fathered outside marriage by a Federal employee should be allowed benefits upon the employee's death. Mo introduced and achieved passage of legislation conferring such benefits on illegitimate children of Federal employees and was invited to the White House for a formal signing ceremony. In an affectionate gesture, Mo called it his poor bastard's bill.

Shortly thereafter, campaigning in a small town near his own hometown, a service station operator complained to him: "When are you big boys in Washington going to do something for the poor bastards of the world?" Mo's response to him was: "Sir, we took care of you just last week."

I first met Mo Udall in 1968, when I was Western State coordinator in the Presidential campaign of Senator Robert Kennedy, and Mo was in his seventh year in the House and already recognized as a leader here. Four years later I ran for Congress myself, and Mo responded to my request to help me. He was to come to Utah to campaign for me in every election I have run, including losing races for Senator and Governor, except for last year when he was physically unable to do so.

From that relationship came a comparable one with Mo's brother Stewart, with whom I associated in the practice of law for several years, principally sharing representation of cancer and leukemia victims of uranium, mining, and fallout from America's atomic bomb testing of the 1950's and 1960's. No two brothers in the history of this country have shared greater love between them, and more selfless commitment to public service than Morris Udall and his brother Stewart—from close association with both I can so testify.

Stewart chaired Mo's campaign for President in 1976, and history will record that had 15,000 voters in 5 primary States voted for Mo rather than Jimmy Carter, the history of this country and, indeed, of the world could have been very different.

A side benefit from Mo's candidacy, incidentally, was that he first made Presidential candidacy by a House Member credible.

Senator Ted Kennedy commended, early on during Mo's campaign for President, that:

> Mo Udall should have been Speaker of the House. Having failed in that, he may yet become President of the United States.

But for his illness, Mo would probably have run for President in 1984, and in this Member's view, would have been a formidable candidate. The disease which he believes had already begun to work on him when he first ran in 1976 denied the followup effort which might have succeeded.

So our country lost the challenge and integrity and leadership which a Udall Presidency would have given us, and today we express our gratitude that we had 30 years of Mo Udall's work in the House. All in all, his has been a formidable and unsurpassed contribution to our national well-being, and all his friends—and that's everyone in the House and the Senate—wish him well in his retirement years.

Mr. Speaker, I am inserting in the Record a historical account of Mo Udall's legislative accomplishments taken from the Phoenix Gazette of Saturday, April 20, as well as a selection of editorials and stories about him taken from various newsletters and newspapers.

MO UDALL'S MONUMENTS

(By Mark Shields)

To see the prodigious legacy of Rep. Morris K. Udall (D-Ariz.), one need only look about the nation he so passionately loved and so ably served—at American hills rescued from the strip miners' scars by his legislative leadership. His public monuments endure: more than 100 million acres protected by the Alaskan Wilderness bill; a campaign finance law which, beginning in 1976, went a long way toward freeing our presidential elections from the millionaires' auction block; civil rights laws and civil service reform.

Mo Udall has been a gentle giant with laughter in his soul and integrity in his bones. He is that rarest of political liberals, a man who loves both humankind and real people, too. Those of us lucky enough to have been part of the 1976 Udall presidential campaign (with seven second-place primary finishes behind Jimmy Carter) will always remember the joy and never forget the frustrations. The easy going Udall led a campaign more notable for its high spirits and abrupt changes of manager than for its competence and direction. To his credit as a person, but to his detriment as a presidential candidate. Mo lacked that all-consuming conviction that the fate, fortune and future of the planet depended upon his being elected.

How else to explain that year's Wisconsin presidential primary, when, after being declared a winner over Jimmy Carter by both NBC and ABC, Udall woke up the next morning to final returns which left him one-half a percentage point behind the Georgian? Masking the hurt and with the kind of perspective we so desperately need in a president, Mo, pointing to a reporter's notebook, had this to say to the press: "I'd like to ask each of you to take those statements I made last night and in every instance where you find the word 'win' strike it out and insert the word 'lose.'"

"Humor," according to Udall, remained "the best antidote for the politicians' occupational disease: an inflated, overweening, suffocating sense of self-importance," of which there was never so much as a trace in the rangy Arizonan.

But Mo Udall will always be more than a roster of his greatest stories or a list of his legislative victories. He was a genuine political leader. To read the congressional newsletters he wrote to his Tucson constituents is to understand just how highly he valued the instincts and the intellect of the people he represented.

To his fellow citizens in the election year of 1966, he urged this response to increased federal spending: "Let's do it by tax increase and not by inflation." In 1967 his position on Vietnam was "to say as plainly as I can that I was wrong two years ago, and I firmly believe President Johnson's advisers are wrong today." To him the political leaders' first responsibility was always to lead.

That kind of politics is not much in vogue in 1991. Rep. David Obey, the Wisconsin Democrat, believes what mattered to his close friend, Udall, was "how a great democracy goes about making up its mind and how its elected political leaders help the country frame those choices." Obey finds irony in the almost simultaneous departure from the political scene of the late GOP chairman Lee Atwater and Democrat Mo Udall. "Their approach to politics was mutually exclusive," he says. "One was slash and scorched-earth, build up your opponent's negatives, and the other said: 'Let's try and raise people's awareness, while remaining friends with our opponents and never suggesting that everybody on the other side is a threat to national security or public safety.'"

There could be no more fitting tribute to the career of Mo Udall than to ask ourselves which kind of politics best serves our children's future and which kind we as voters will reward.

UDALL'S STYLE DESERVES RESPECT

(By Joseph M. Bauman)

Rep. Wayne Ownes, D-Utah, had a haunting comment: What would have happened if 15,000 more citizens had voted for Morris Udall in the 1976 presidential primaries?

"What a lot of people don't know is that with a change of 15,000 votes in five primaries in 1976, he would have won those five primaries. . . . Those were the key primaries. He ran a razor-thin second in each of five primaries," Owens said.

It's always fun to speculate about what might have been, and in this case, it's rumination on a gargantuan scale. If Udall's campaign had pushed just a little harder; if a few more environmental groups had worked for him; if, if, if. As it happened, Udall was the last opponent of Jimmy Carter to drop out of the Democratic primaries.

If the Arizona congressman had won those critical five races, and assuming he then collected the nomination and went on to defeat Gerald Ford, the world certainly would be different today.

For one thing, Udall had political savvy, while Carter was deficient in that department, leading to this century's only turnover in a president's re-election bid.

So much for what ifs. What really happened is that Udall classically fit John F. Kennedy's definition of courage: grace under pressure.

In the past few years, he has been tormented by Parkinson's disease, deteriorating more fearsomely all the time, until last week his family was forced to announce he was retiring from the House of Representatives.

Throughout a decade and a half of increasing pain and disability, he bravely went about his business, chairing the House Interior Committee with his trademark skill and good humor.

I remember seeing him when he arrived in Salt Lake City for a hearing on the proposal to build a high-level nuclear waste repository on the doorsteps of Canyonlands National Park, around 1982. Udall had just flown over the site. (He had a special interest in Canyonlands, beyond his usual efforts to protect national parks, because his brother, the great conservationist Stewart Udall, was instrumental in establishing Canyonlands.)

Morris Udall exited the plane and shuffled into the airport, and I was shocked by his pained, weary expression and stiff gait. It was terrible to see how he was wracked. He headed for the men's room, not looking right or left.

But as Terri Martin, Utah representative of the National Parks and Conservation Association, said, he then "chaired this hearing with command, humor, direction and clarity."

Brant Calkin, now the director of the Southern Utah Wilderness Alliance, Cedar City, ran for state land commissioner in New Mexico several years ago. Udall took time to speak at a fund-raising function in Santa Fe, after working all day.

When he arrived, Udall was clearly suffering from fatigue and the effects of Parkinson's disease, but he still held a press conference for Calkin. Reporters seemed interested in talking to the representative all night, although Udall was getting extremely tired.

So when a reporter asked Calkin something, and Calkin answered, Udall took the opportunity to close the press conference, saying—as is traditional at the end of a White House meeting with reporters—"Thank you, Mr. President."

Udall had difficulty putting on his jacket because it required reaching painfully behind himself. He chatted about this, perfectly candid.

"Even though he was very ill, if you asked him about it he didn't shy away and he didn't seek any particular pity. He just told how he dealt with it," Calkin said.

Roland Robison, now regional director of the U.S. Bureau of Reclamation, knew Udall when Robison worked on the staff of another congressman, and later as an official with the BLM and then Reclamation.

"Morris Udall always livened up committee meetings," he said. "He always had something witty to say, but it was never mean. It was frequently directed toward himself.

"His humor was the type that made people laugh, but at the same time made them feel good."

Udall used humor to turn aside anger, soothe ruffled feathers, throw light on an issue. "Even though he was totally substantive, he used humor as a tool, and had the quickest wit of anybody that I've ever known," Owens said.

"I'm using superlatives, but it's hard to talk in any other terms."

Although Udall could turn almost any situation into a telling quip, he was totally substantive, Owens said. In difficult mark-up sessions, when everybody was getting hot and bothered over the wording of some bill, "inevitably he would come up with the language that solved all the problems."

"He was the most creative legislator I ever knew. He saw legislative opportunity and was able to cast chaff aside. . . . He was really not only unsurpassed, he was really unequaled in the House."

"We held the guy in the highest esteem," said George Nickas of the Utah Wilderness Association. "We had our differences on policy issues at times with Mo Udall. He was always a very strong supporter of the mining interests and the 1872 Mining Law, for example."

He also was an especially strong advocate of the Central Arizona Project, a monstrously big water project in that state. He watched out like a hawk for his constituents, miners, small ranchers, other public-land users.

"Even though he was supporting some things that we environmentalists didn't agree with, you always knew he would deal fairly with you on the issue—and that he was always concerned about the environment," Nickas said.

Let that ideal serve as a beacon in our rough-and-tumble environmental debates; deal fairly and openly, state positions honestly. A clean fighter, regardless of which side he espouses, should win the respect of all.

[From the Phoenix Gazette, Apr. 20, 1991]

MORRIS K. UDALL

JUNE 15, 1922

Born in St. Johns to Levi Stewart and Louise Lee Udall. Morris was the fourth child in a pioneer Mormon family of three boys and three girls. His father became a chief justice of the Arizona Supreme Court; his mother was active in civic affairs and wrote a book, "Me and Mine," about the life of a Hopi woman.

1929

Loses his right eye after being cut with a knife while playing with another boy. An alcoholic physician botches treatment, causing an infection that almost causes Udall to lose both eyes.

1931

Contracts a nearly fatal case of spinal meningitis.

1938–40

Udall is co-captain of the St. Johns High School Redskins basketball team. He also quarterbacks the football team, acts the lead in the school play, edits the yearbook, plays trumpet in the school band and serves as student body president and valedictorian.

During this time, Udall develops a passion for politics, history and international affairs, and writes a column for the Apache County Independent News.

1940

Enters the University of Arizona on a basketball scholarship.

1942

Drafted and assigned to a limited service, non-combat support unit in Fort Douglas, Utah, for those with physical handicaps. He is assigned to Lake Charles, La., where he spent nearly two years.

With only two years of prelaw training, Udall defends a black airman accused of killing a white guard while attempting to escape from a stockade. Six white officers sentence the man to death; Udall later writes, "The case still haunts me."

1945

Shipped to Iwo Jima, he arives on "D-Day plus 155" with a piano and sporting equipment to entertain troops.

1946

Receives an honorable discharge with the rank of captain. He returns to the UofA.

1947–48

Student body president, co-captain of a Border Conference championship basketball team and a full-time law student.

1949

Graduates with a bachelor of law degree from the UofA with credits from the University of Denver, where he played professional basketball for the old Denver Nuggets.

He has the highest score on the state bar exam in 1949. That same year, he forms a law partnership with his brother, Stewart.

1950

Named chief deputy Pima County attorney.

1952

At age 30, Udall is elected county attorney.

1954

Loses a bid for Superior Court judge.

1960

Publishes his first book, Arizona Law of Evidence, later referred to as the Arizona trial lawyer's bible.

1961

On May 2, Udall wins a special election to Congress by a narrow margin over Republican Mac Matheson to fill a seat left open after Stewart Udall is named interior secretary. Udall is sworn into office May 17.

Udall is named to the Interior Committee and the Committee on Post Office and Civil Service.

1965

Udall's first wife, Pat, with whom he had six children, calls him at his Tucson office and tells him she wants a divorce.

Also that year, Udall irritates labor by voting Arizona's way on right-to-work legislation.

1967

Udall faces voters in Tucson to announce his opposition to the Vietnam War. The speech makes headlines from the Nogales Herald to The New York Times.

1968

Challenges House Speaker John McCormack, who was then 77, and loses in the Democratic Caucus.

That same year, Udall marries Ella Royston, who was a staff member on the post office panel.

Publishes "The Job of the Congressman," considered a must-read for new members of Congress.

1970

Udall runs against Hale Boggs for the post of majority leader. The vote in the Democratic Caucus: Boggs, 140; Udall, 88, and a conservative candidate, 17. Udall turns his "Mo" button upside down so it read "Ow" and considers returning to private law practice.

1972

Publishes "Education of a Congressman."

1974

On Nov. 23, 1974, Udall announces in New Hampshire he is a candidate for president.

1976

Udall enters—and loses—22 primaries.

Later, Udall falls off a ladder, breaking both arms. He contracts viral pneumonia, suffers a burst appendix, get peritonitis and shows sign of Parkinson's disease.

1977

Udall is named chairman of the Interior Committee, becoming Arizona's first House committee chairman since 1952.

1979

Udall is diagnosed as having Parkinson's disease, and incurable and debilitating nerve disorder.

1980

Delivers keynote address at the Democratic National Convention in New York.

1982

Udall and his Tucson Democratic allies threaten to take the Arizona Legislature to court over its redistricting plan, which Udall contends unfairly splinters the Hispanic vote. Lawmakers compromise and place more of Tucson in the 2nd Congressional District; Udall runs for re-election there and wins easily.

1984

Announces that he will not seek the Democratic presidential nomination, saying the campaign would become a forum on Parkinson's disease.

1988

Udall finds the body of his wife, Ella, in the garage of their Virginia home. The death is ruled a suicide.

Later, publishes "Too Funny to be President."

1989

Udall marries his third wife, Norma Gilbert, a former Interior Committee aide.

1990

Announced his re-election bid will be his last.

1991

Jan. 6, Udall falls in his Arlington, Va., home, breaking four ribs, a shoulder blade and a collarbone. Udall is transfered to a nursing home at the Veterans Administration Medical Center.

Jan. 24, the House votes to name California Democrat George Miller as acting chairman of the Interior Committee.

April 5, Udall's wife, Norma, sends a letter to Foley saying her husband may have to resign unless his health makes a "marked improvement."

April 19: Udall's office announces he will resign.

MO IN CONGRESS

1964

Acts as floor whip for civil rights legislation.

1965

The legislative fight begins for the Central Arizona Project, and Udall joins an effort to build two dams in the Grand Canyon as part of the massive water project. Two years later, after environmentalists balk at the idea, Udall realizes the CAP will never become a reality with dams in the Grand Canyon.

1967

Challenges archaic House seniority system by successfully spearheading an effort to strip Adam Clayton Powell of his chairmanship of the House Committee on Education and Labor.

1968

The CAP bill is signed into law by President Johnson.

1969

Sparks an inquiry that flushes out the secret of the massacre of civilians at My Lai, a Vietnamese hamlet.

1970

Gains passage of the Postal Reform Act, which makes the Postal Service a semiprivate corporation.

1971

Is chief sponsor of the 1971 Campaign Reform Act, which made the first real national rules for campaign finance, limiting expenditures and contributions and providing for voluminous disclosure.

1972

Introduces legislation to put more than 100 million acres of federal land in Alaska into new national parks, wildlife refuges and national forests.

1977

President Carter signs Udall's strip-mining legislation, which for the first time provides direction to the mining industry for reclaiming and restoring coal stip mine land.

1978

Sponsors Indian Child Welfare Act that establishes standards for placement of Indian children in foster or adoptive homes.

Also, plays a major role in passage of Carter's civil service reforms.

1979

Udall's Archaeological Research Protection Act passes, setting up a system for safeguarding Indian artifacts and other archaeological resources from vandalism and theft from public lands.

1980

President Carter signs the Alaska Lands bill into law. The bill doubles the size of the national park system, doubling the size of the national refuge system and tripling the size of the national wilderness system.

1984

Arizona Wilderness Act of 1984 passes, protecting more than 1 million acres of state land.

1987

Sponsors amendment to the Price-Anderson provisions of the Atomic Energy Act of 1954 to provide additional money to compensate the public in the event of a nuclear accident.

1989

Wins passage of an Indian gaming act that provides for the first time minimum federal regulations for gaming activities on reservations.

1990

Wins passage of the Arizona Desert Wilderness Act, which protects more than 2 million acres of federal land from development. Cosponsors legislation to protect the Grand Canyon from the effects of water flows from Glen Canyon Dam.

Plays a key role in passage of the Tongass Timber Reform Act, ending huge federal subsidies to two pulp mills that were cutting down the ancient forest in south-east Alaska. The bill also protects more than 1 million acres from logging and road building.

Mr. OWENS of Utah. Members will all have stories, and that is just to get us started in a special spirit of tribute.

Mo is still very much alive and with us, and we are very grateful for that.

Initially I am delighted to yield to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I thank the gentleman very much for yielding to me.

I appreciate the efforts of the Members of this House in setting aside this special time to express our deeply felt feelings about our colleague, MO UDALL.

□ 1530

While I have just recently returned to this Chamber, I would like to say that I served here from 1965 until 1977. I remember so vividly the warm and cordial reception that I received as a nervous freshman from Hawaii, and the wise counsel that he continued to offer me, and our special relationship grew as I served under him in the Committee on Interior and Insular Affairs.

We had some very complex problems that affected the people out in the Pacific. I became more or less a personal ambassador to the interests of the people of the Trust Territory. MO's constant and wonderful advice that he offered me during those years made it possible for me to advance the cause of the people of the Pacific. Therefore, today, in special recognition and as a representative of the people of the Pacific, I want to say to MO if he is watching the telecast of the special order, that we think of you as really one of the great champions of the people of that part of the world. You shall always be remembered in that context.

I have had the remarkable opportunity, also, I would like to say, to serve on the Committee on Interior and Insular Affairs, and eventually because of my tenure on that committee, to become the chair of the Subcommittee on Mining and Natural Resources. I was harassed to a point of almost delirium in undertaking the responsibility of writing and marking up the Surface Mining and Reclamation Act. I was harassed constantly because Members said that there was no coal in Hawaii, how could I possibly understand what it was like, to understand what it is like to mine it, to understand the economic conditions that States have to undergo in this very, very complex industry. However, I endured, and it was only possible for me as the chairman of that subcommittee to come up with the bill, to mark it up, and to report it to the full committee, under the chairmanship of MO, because of his constant guidance and endurance and reassurance and support that he gave. It is today one of the most remarkable pieces of legislation in which I have had the privilege of being connected.

I am ever so proud of the leadership that he has provided on so many like issues affecting scores and scores of communities across the country. His deep abiding understanding of the aspirations and feelings in these countries, and what national legislation in that regard meant. So it is with a very special, warm sense of Aloha, as we say in Hawaii, that I want to say to MO that you will be missed, and I shall always remember the leadership and guidance and warm feeling of association that we had during the years of our tenure. I wish you well, and I want you to know we will be thinking of you and holding your words of wisdom constantly to our heart as we continue to do our best for the people, for the resources, and for the environment of this Nation, in your memory. Thank you.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Speaker, it is a little hard for me to put into words the deep affection I have for MORRIS UDALL. I met him in 1975 when I was a candidate for the County Legislature in Monroe County, NY. He was just doing exploratory work to be a candidate for President in 1976. My county was headed heavily toward Jimmy Carter because the great Midge Costanza lived there. As I usually had done, I was going a different way and I decided after meeting MO that I would very much like to run his Presidential campaign in two congressional districts. Scoop Jackson was running that year, and they had lots of money and resources, and MO was only able to give me $5,000 for two congressional districts. I often said that was the only Presidential primary that has ever been won by word of mouth. We did very well.

He earned affection and love in my county that will exist forever. We also said if we had just been lucky enough to elect MO UDALL President, we would surely have had another Lincoln. To show Members the kind of man he was, when I ran for reelection again to the county legislature, MO came all the way up from Washington to campaign for me. We had a strong friendship throughout all the years. Whenever I had an opportunity to come to Washington, he always made time for me and always called me "Lady Lou," and every now and then he would write a note to see how I was doing. He always cared so deeply, and so grateful for everything that people had done. I think he was surprised how well we had done with our word of mouth Presidential campaign too.

I remember telling him once how pleased I was that a man who had come from a State that had only ossified forests, and was basically covered with Kitty Litter, could have so much feeling for my part of the country, where I was born, where strip mining was killing the State. I apologize to all Arizonans for having said that, but it was typical of MO, even though it was not the kind of land he grew up in, he cared enough about the country from one end of it to another. When he saw environmental degradation taking place, MO was the person who led the fight to stop it. I think he set a standard for everyone of intelligence and integrity and courage throughout his time in this House. The words that he said on this floor, and the bills that he has passed, and like most people who serve here in this Congress, hundreds of thousands and even millions of people in this country who will never know his name benefit from the work that he did here. He knew a thing or two about friendship. He always was there to give a little advice and a little help and to cheer everyone up with a little joke,

We serve with many giants in this House, and we look out on the marble steps we go up and down, and the footprints that have worn down those steps, and we know the kinds of people that have served here over the years, but no one looms larger, leaves such footprints, and leaves such a space here, and yet so fills our hearts, as MORRIS UDALL. I miss him, and I do not hesitate to say that I love that man.

Mr. OWENS of Utah. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to one of the finest colleagues I have ever had the privilege to serve with. MO UDALL has been one of my closest friends in Congress, despite the fact that he borrowed my mule joke. I won't tell it here, but just remember that it's my joke when you do hear it.

MO UDALL is retiring from Congress with one of the most outstanding records of anyone who has ever walked these Halls. Generations from now, people will remember what he did for this Nation by setting aside vast wilderness areas to be preserved for posterity.

As chairman of the House Interior Committee, MO UDALL dedicated himself to producing a wide range of environmental and wilderness-protection legislation. It is to his credit that so much of the splendid wilderness in Alaska has been preserved. He also tackled environmental issues such as strip mining reclamation and nuclear waste disposal.

For almost 30 years, MO UDALL has served in Congress with dignity and statesmanship. He has been one of the best-loved and most widely respected Members of Congress.

He has been one of those unique public servants who can focus on the broad, national issues, while doing an excellent job serving his constituents at home in Arizona.

I had the privilege of working with him on the monumental Central Arizona Project. He worked tenaciously to obtain the funding for that water project and it was quite an accomplishment.

In closing, I would like to say that I will miss having MO here. I will miss his good humor and great spirit.

It has been a genuine pleasure to know him and work with him, even if he did borrow my joke. I'm sure I'll borrow some of his one day. I just wish I could tell them as well as he does.

All in all, his has been a formidable and unsurpassed contribution to our national well-being, and all his friends—and that's everyone in the House and the Senate—wish him well in his retirement years.

Mr. OWENS of Utah. Mr. Speaker, I am pleased to yield to the gentleman from Arizona [Mr. KOLBE], a colleague of MO's.

Mr. KOLBE. Mr. Speaker, I want to thank the gentleman from Utah for yielding. Let me say at the outset that the Members of the Arizona delegation will also have a special order next week in which we will pay tribute to our colleague. I know that some other Members who were not able to be here today will want to join at that time.

Arizona clearly has been blessed, as this Nation has been blessed, as this House has been blessed, by the presence of MO UDALL and what he has given to this Nation. But those Members that come from Arizona have perhaps seen it first and seen it longest, and have the strongest sense of what he has given to the United States, representing that part of the State that MO UDALL also represented before, before the last change in districts, representing that part of the State has been represented by MO UDALL for nearly 40 years in Congress.

☐ 1540

I know the strong impact the Udalls have had on our State, both sides of the Udall family, Republicans and Democrats; not too many people perhaps in this body realize that at least half the Udall family, a very strong half of the Udall family in Arizona are Republicans; in fact, the Chief Justice of the Supreme Court in Arizona was a Udall, an uncle of MO's, was a Republican.

You know, it is true that MO and Barry Goldwater and others who have served in this body and in the Congress of the United States from Arizona, and I think of Carl Hayden, John Rhodes, the Republican leader, and Barry Goldwater and MO UDALL, many of them have left such a strong imprint, and two of them at least, MO UDALL and Barry Goldwater, were candidates for President.

MO UDALL sometimes liked to say that Arizona is the only State where mothers cannot raise their children to grow up and say, "You can run for President someday," because in Arizona it does not seem to work; but that is OK, because Arizona has been blessed by the fact that Barry Goldwater and MO UDALL stayed in the Congress of the United States and we had their strong leadership in this body and in the Senate.

The achievements of MO UDALL for our State and for our Nation are almost too many to enumerate. Certainly one thinks in terms of land and the very special things MO UDALL has done to preserve land, perhaps nationally the Alaskan National Wildlife Refuge will go down as the greatest achievement that MO UDALL left legislatively in this body.

I think just last year of the wilderness bill, the first BLM wilderness bill to be passed in this Nation which we got through because of the leadership that MO UDALL was able to provide and to bring the Arizona delegation to a consensus, a very difficult, hard-fought consensus to bring about, and that MO UDALL was able to achieve that; the central Arizona project, its authorization nearly 20 years ago, now coming close to its completion, the political reforms that he brought about in this House, the campaign finance reform legislation that he enacted.

I think, too, in Arizona of the Indian water settlements which have been so vital to Arizona's future. Without those Indian water settlements, facing years and years of litigation, Arizona would not have had the opportunity to grow into the kind of State that it is today, so it is in a very quiet way those complex, difficult Indian water settlements have been vital to the future of Arizona.

But most important, what MO UDALL has brought to this body is the grace, the wit and the integrity that we like to think characterizes this body. There is no Member who has strode across the halls of this Congress and left such an imprint as he has. It is by virtue of the personality, of the integrity and the character of the man himself, rather than the legislative achievements that he has done so much.

I am privileged to represent a part of Arizona that he has represented. He and I did not agree on lots of national issues. In fact, we probably disagreed on a lot more than we ever agreed on, but when it came to things that affected the future of our State, the future of the West, MO UDALL, JIM KOLBE and the other Members of the delegation, whether they were Republicans or Democrats, did agree.

We will miss him. We will miss him in this body. I will miss him personally. The State of Arizona will miss him, and we all wish him well. We want him to get well quickly. We want to see the wit that he has brought so much to this House grace the Nation as he gets better.

Mr. OWENS of Utah. Mr. Speaker, I am pleased now to yield to the gentlewoman from Colorado [Mrs. SCHROEDER], and then to the gentleman from Florida [Mr. BENNETT].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Utah for yielding to me.

I must say, it is a great honor to come down here in the well. As I was listening to the speeches, I am thinking that if Mo is watching this, he is probably about to gag at this point, and he certainly has a great twinkle in his eye as he listens to all this; but I must say, Mo, we really mean it, and I mean, we really do mean it, because here we are standing in a city where people take themselves so seriously. Part of the charm and the attraction and the warmth of MO UDALL was he came here and he did not lose his western reality. He did not lose his humanity and he did not take himself so seriously. He took his job very seriously. I do not think any of us who will take this well will have the legislative achievements that he has had, that we could ever, even match; but he never really bought into this whole ego center of America that is Washington, DC. You remember Harry Truman who said if you want a friend in Washington, get a dog. Well, Harry Truman was partially right, but I guess he did not know MO UDALL, because if you know MO UDALL, you would not have needed a dog.

Now, those of us who are environmentalists always look to MO UDALL as the great leader of the Tree Hugger Caucus, and he really was one of those who taught us all what being an environmentalist really meant. He was not there whether it dealt with water, whether it dealt with wilderness, whether it dealt with protection of Federal lands, any of these things, there was nobody who could ever match that.

I always wondered why he was so big in this area. I suppose if you grew up in an area where there was nothing around you but cactus and you tried to hug a cactus, a tree would look very soft and cuddly by comparison, so maybe that is where he came from.

Nevertheless, he has always been a great role model for every one of us in respect for other creatures, other than just bulldozers, and saying that we need a balance here and that America must always be the lungs of the world, a place where people can go and breathe and still have open space.

He also had a great, unique contribution to my State of Colorado where he started out as a one-eyed basketball player, and believe me, that is one tough job. It is hard enough to be a basketball player, but with one eye, that is really hard. Of course, we in Colorado feel very fortunate because we have some of the Udall offspring there, so we really hope that great heritage and those great genes that they have inherited will go on and continue to benefit the West and, in particular, our State of Colorado.

On a serious note, I must say, this is a time where public service and those who are public servants, I think, all feel a little bit like they are fireplugs and the whole rest of the world is made up of male dogs.

I really think that the one thing that MO UDALL was to people was that he showed the great dignity that public servants could have. He showed what integrity really meant. He showed what having character meant was so important and having the respect of your peers was so important.

When you think of the range of things he dealt with, he dealt with public financing and political campaigns. That scandal is still around. Had we taken what Mo was out preaching earlier on, we would not have so many scandals probably circulating and people still trying very hard to get big money out of big government.

We look at some of the issues we have in Washington. I remember as a young Member he helped me with the whole House fair employment thing. He said we must practice what we preach here and we must live by the same rules that we impose on others.

Of course, we had great fun working on civil service issues, civil service reform and trying to make public service a great honor, a career that it was supposed to be rather than what it has sadly become in the last few years.

But Mo knew that to work for this great Federal Government you wanted people's toes to tingle. You wanted them to be excited about Federal service. He wanted them to be out there really trying to solve the problems that needed to be solved so desperately by the world and by young Americans coming in; so he was a great role model for the young Americans coming in. He was a great role model for Congressmen coming in and Congresswomen coming in. He really was the best of what public service is all about.

So Mo, I want to tell you, hurry up and get better. We need you over here. We need your presence over here. We need your ideas continuing to go forward and we thank you very much for the great service that you have rendered, but now come back and schmooz with us, so we hope that the twinkle in your eye over there can come back over here and you can say you have seen it all before and you are going to straighten us out one way or another.

□ 1550

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, today I have the profession of being a legislator. Years ago I was a lawyer.

We have an expression in the legal profession that some lawyers are lawyers' lawyers, meaning that they are people to whom lawyers go for advice about legal matters.

Mr. Speaker, it seems to me that MO UDALL was a legislators' legislator in the sense that he was a man of wisdom and good judgment and gave advice when asked for it, always good advice, and therefore this country is richer and better in every respect because of him.

Not all people in Congress are able to look around and see the results of the good work that has been done in the lifetime of service to your country. Luckily for all of us, MO UDALL produced a lot of things which are going to be here for thousands of years to come. He preserved a lot of the beautiful land and buildings and animals and flora and fauna. He did all this with great joy in his life. He was a man of tremendous competence, very great confidence, a strange anomaly, you might say. Here this man of such great competence, also probably the most humble man in the House of Representatives. Maybe that is because he had self-confidence.

He knew he did not need to brag about anything. Most of us have to strut a little bit to impress our constituents and lead them to think we are better people than we are.

I am sure I have had to do that. I do not think MO ever had to do that because he obviously was a man of tremendous ability.

So he approached life in a very humble way, and I guess best illustrated by the fact that he knew how to laugh at himself.

Lots of people can tell jokes, but most people's jokes are directed at other people, at embarrassing situations which they create, shocking in a way, humorous in a way, but they do not look to the inner spaces of the person who is talking about himself.

MO UDALL had the humility, the kindness and the ability to have humor directed at himself in a way which he did not exactly run himself down but laughed at himself, at the foibles he had in his life, that we all have.

I would like to conclude by an illustration that happened one time to me. I was before a very large audience, and a lady in Jacksonville, which I represent, a black lady introduced me to an audience of many thousands of people. I had just not voted the way she wanted me to on some program. She said, "Now I am going to introduce Congressman CHARLIE BENNETT. Congressman CHARLIE BENNETT is a friend and the definition of a friend is somebody you know all about and you still love."

Well, MO UDALL shared his life with all of us. The fact that he shared his life with us in such a warm way, and still does as far as that is concerned—I hope he gets well and comes back—he shared his life in a way which makes us feel there is really a true friend there, a man of competence, a man of humility, a man of humor, a man who is forward-looking in the things that made so much for our country and for the world.

We are all much, much greater and much better off because of MO UDALL being with us.

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from Florida [Mr. BENNETT] and I also thank the gentlewoman from Colorado [Mrs. SCHROEDER] for her remarks.

Mr. Speaker, I am delighted to yield to our colleague, the gentleman from California [Mr. MINETA].

Mr. MINETA. I thank the gentleman for yielding.

Mr. Speaker, I would like to thank you, the majority leader, the minority leader, and the gentleman from Utah [Mr. OWENS], for requesting this time in tribute to our good friend and colleague from Arizona, MO UDALL.

I am going to resist the temptation to tell a funny story about MO UDALL, or repeat one of his often repeated jokes, because I know what I'm up against in MO's wit and wisdom.

What I'd like to do instead is talk about family. And the family I have in mind is the American family—but the family member I have in mind is MO UDALL.

MO UDALL is cousin to us all. His ordinary humanity with its extraordinary grace makes us wish we could spend all the more time in his company.

This makes his retirement this Saturday from this family, the House of Representatives, all the greater loss.

In MO UDALL, we have a man who is not afraid to lead and to speak his mind plainly with a congenital flair for humor.

We have seen in MO UDALL a man unafraid to change his mind in public when gripped by an innate sense of right and wrong in private. The Vietnam war was such an occasion.

MO UDALL opposed the war before many others in this Chamber had begun to question it. What makes that important is not the position he took, but his intellectual and personal honesty that made no other course possible.

Throughout his career in public life, MO UDALL has actively encouraged that level of debate about who we are as Americans. And as a Member of this Chamber, MO has been particularly concerned about what that debate should mean to the officials elected to mind the people's store.

Here again, MO UDALL brought his eloquence to bear for a larger purpose.

MO UDALL's work to reform the committee system and House procedures was ahead of its time.

The new members caucus I had the privilege to chair in 1975—the so-called Watergate class—often receives credit for spearheading efforts to make the Congress more accountable to its Members and to the public.

The caucus did in fact help reshape the House of Representatives, but this new sunshine and accessibility would have been impossible to achieve without more senior Members like MO UDALL who had already staked out that terrain of reform.

Mr. Speaker, we will all miss MO UDALL for his humor, his legislative skill, and his conviction.

We will continue to be inspired by a man who has fought the good fight all his life—for decency, for human values, and for ordinary people.

And in that, Mr. Speaker, MO UDALL will hardly be allowed to retire from this Chamber.

So, we wish MO and Norma well, we wish him to recover and regain his good health, and we wish them Godspeed.

Mr. OWENS of Utah. I thank the gentleman from California for his remarks.

Mr. Speaker, I yield to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. I thank the gentleman from Utah for yielding to me.

Mr. Speaker, I am awfully proud and happy to be able to speak tonight regarding MO UDALL. Let me tell a little story. I do not have any deep things here. It is a story about my first project with MO.

I came here in the 98th Congress, not knowing anything about a legislature at all, having been in business most of my life.

Well, it did not take long before I began to get some people in my district asking, "How come we don't have any wildernesses in Virginia?" They said, "We would like to have that."

So RICK BOUCHER and I, who both have national forests in our districts—we have most of the national forests in Virginia—began to look into it. We went over to MO and said, "MO, how do you go about this?" He said, "Well, we do it all the time. Here is our staff, here is John Seiberling over here. He runs the subcommittee. We will tell you how to put together a bill. You have to decide what you want, what your people want. When you get ready to put in a bill, let me know, and I think we can get it through." Well, it took us quite a while to get this bill put together. We had a lot of support for it in Virginia. We had some opposition. There was one big industry that really felt this might be some kind of an impediment to them, and they got the chamber of commerce in Virginia to set a line up and see whether they could not keep this bill from going through.

We let MO know about it. He said, "Well, I think we can help you with that. You wait until you get the bill ready, and then when you are ready to turn it in, let me know."

We finally got the bill put in in the spring of 1984, and he said, "You know, in a situation like this, you don't want this bill to be around too long. It would be nice if we can get it to the floor fairly quickly." I said, "What do you have in mind?" He said, "John can probably have a hearing on the next week, we can get it out of the subcommittee, and it shouldn't take us long to move it out of the full committee."

So, this occurred. And I do not know, I forget exactly how it was. It was not long. Then it came to the floor.

□ 1600

I wondered what in the world was going to happen because several of the Members here had been tipped off that they were supposed to stand in the way of this bill, and object to everything possible that could be objected to and hold it up. Well, MO ran the thing, and he did a beautiful job, and it turned out that Manny Lujan was the ranking Republican, and he thought it was a good idea, and he supported the bill, and somebody asked for a recorded vote after we had had a little debate, and it was a recorded vote, and, by gosh, if I remember it right, MO was able to get a vote of 360 to 20. Well, that put that bill on a pretty good path. Took us longer to get it through the Senate, and MO stuck with us, and it was not until the very last day of the 98th Congress; I can remember October whatever it was, some day in October, we finished it, the very last day we were able to get the conference with the Senate worked out, and the bill was sent up to the President, but MO stuck with it all that time.

Mr. Speaker, I know he has done this for so many States. Virginia would not have a wilderness system of 15 nice wilderness areas had it not been for MO UDALL, had he not helped us get that bill through, and both RICK and I got to be very close with MO. We have enjoyed him all the rest of the time he was with us here, and it just was an awfully nice experience for a new Member to have. He knew how important it was to us to get that bill passed after we made all the noise about it in the district that we did, and it was just a nice thing for him to do, and I think it was very typical of the kind of thing that he has been doing for people all of his life, and he keeps on doing them.

Mr. Speaker, I say, "MO, if you're listening to this, we wish you the best. We hope you get well, and get a little bit more active again and keep on doing these fine things you've done for us and so many others."

Mr. OWENS of Utah. Mr. Speaker, I am going to yield to three close friends of the chairman from his beloved Interior Committee: the gentleman from Minnesota [Mr. VENTO], the gentleman from Montana [Mr. WILLIAMS], and the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. VENTO. Mr. Speaker, I thank the gentleman from Utah [Mr. OWENS].

I think all of us have mixed emotions about rising to speak about MO UDALL. It is an honor to certainly recognize his work and to say a few words of appreciation for the leadership, the character, of Congressman MO UDALL as provided during his work in the people's House during the past three decades, but it is also of course with a heavy heart when we look at that record and the fact that these circumstances have occurred, but I think that he has been a winner all of his life in terms of facing a lot of problems, and I know that each of us feel that he is a winner and will be a winner for whatever endeavors he is involved in. He really is a Representative's Representative, Mr. Speaker.

My personal service in the U.S. Congress began in the mid-seventies. It coincided with MO UDALL's assuming the chairmanship of the Interior Committee, and frankly, as my colleagues know, I think in the process of his work there he has obviously won the hearts and certainly the love of many Americans, and in the process he has probably saved the souls of a lot of Members of Congress by forcing us and bringing us to the decision making in terms of our roles and issues that we had to face up to.

Clearly, Mr. Speaker, Chairman MO UDALL had of course aspired to House leadership posts, and the Democrats had a chance to say no to him in this House a number of times, and I think he probably made this House a lot better and the leaders that were elected a lot better.

MO UDALL was never afraid of risk. I think his motto was that, when someone is all done with taking chances or taking risks, they are all done, but he was not afraid to face the consequences of perhaps not being successful, and he bucked a lot and proposed a lot of reforms around here.

Of course when he in the mid-seventies, when he assumed the chairmanship in 1976, he had, of course, aspired in that historic 1976 campaign for the Presidency, and when he took the chairmanship, he had perhaps many reasons to be disappointed in a sense or, as my colleagues know, bitter, but he never looked back. He has never looked back, and I think that is one of the hallmarks of why he has had the success that he had. Rather he dug in with all of his might; the Mighty MO I might say, and the fact is at that time coincidentally, when he assumed the chairmanship, he had two broken wrists suffered from his handyman antics and chores, working on a home in Virginia, but that did not hold him back. He took over, and he has led the Interior Committee and the Congress on environmental and social issues for the past 15 years that I served with him, and frankly much of the framework in environmental law, the generic provisions, were really work that he constructed under often adverse conditions when the rules of the House, the leadership in some of those committees, were not exactly neutral or fair, I might say, or sympathetic to MO UDALL's outlook as regards those issues.

However, Mr. Speaker, adversity was not something that held MO UDALL back. He came out of an environment, out of a political environment in the West, obviously that was less than happy about someone that was an environmentalist, but again he won the hearts and minds of the people of Arizona because of his fairness, his temperament, his humor, because of his ability, and most of all because he was often right about these issues. I mean MO UDALL set the stage of what is today conservation and environmental political views in this country. I think today it is almost a preconceived notion. Anyone who runs for the Presidency has to be an environmentalist, and one of the reasons is because of a guy by the name of MO UDALL.

Often when we hear the name Udall we think of the great Secretary of the Interior in the 1960's, but where he left off in the House of Representatives, MO UDALL picked up three decades ago, and while Stewart served well and did good things as the Secretary of the Interior, believe me, without the carry-through that is associated with a Member of the House, MO UDALL, we would not be the Nation we are today in terms of many of our public policies.

I think many of my colleagues know the record of his work on the Wilderness Act, the Wild and Scenic Rivers Act, the very generic laws in which the entire foundation of land use planning in this country is taking place. It is the handiwork of MO UDALL. Most notable of course is his work with the Alaska lands, that odyssey that went on for many, many years, starting out with ANCSA, ANILCA, working its way through of course along with his strong righthand worker, Congressman John Seiberling from Ohio, and of course many of us cannot do anything without a majority, and MO is fond of telling the story of Adlai Stevenson who was approached by a campaign worker in Iowa when he was running for the Presidency, and the woman said, "You have of course the vote of every thinking man and woman in this community," and of course Governor Stevenson said, "It's not enough. You need a majority."

Mr. Speaker, that is the key. One needs a majority, and MO UDALL knew how to put that majority together and get people to work together whether they were Republicans, Democrats, liberals, conservatives, wherever they came from in this country and in this

Congress, and, believe me, getting 435 Members of this House to move all in the same direction is no easy task, but MO UDALL showed us and demonstrated how to do that.

Land use questions and debate, of course, engender very strong emotions. Very often the Interior Committee has been divided concerning measures before the committee, and it is especially in such an environment that MO UDALL brought out and brought to our deliberations a character of civility and consideration, good humor, and at such time he gained again and again the respect of all of us, which I think demonstrates the love and affection that is an outpouring of which is demonstrated on this floor today.

As chairman of one of the subcommittees, of course, I benefited from MO UDALL'S counsel the last several years, an example. We have all benefited from his leadership, and I am proud to have been able to work beside him for these past 15 years in the committee.

Mr. Speaker, I would like to continue longer in expressing my affection and respect for MO UDALL and my sincere regret that our committee, that the Congress, the Nation, will be denied his continued service here in the House of Representatives, but I know that others should speak today. So, I will simply end by expressing my personal hope that MO UDALL'S health will continue to improve, that America will once again be the beneficiary of his talents, and his example of leadership for the Nation's good in whatever endeavors MO UDALL may pursue. I wish him a good experience in the future with his spouse Norma and the wonderful Udall family.

□ 1610

Mr. Speaker, for inclusion in the RECORD I am attaching to my statement a letter from my predecessor as chairman of the Subcommittee on National Parks and Public Lands, our former colleague from Ohio, John F. Seiberling.

John Seiberling, of course, worked closely with Chairman UDALL on the Alaska Lands Act and other matters, and I concur completely in his remarks when he says, "MORRIS UDALL stands head and shoulders above all" of the outstanding leaders here in the House in our times.

AKRON, OH, *April 30, 1991*.

MR. SPEAKER: One of the lasting satisfactions of service in the House of Representatives comes from the opportunity of knowing and working with many exceptionally fine people and some truly great leaders. But among the outstanding Members whom I encountered in sixteen years in the House, Morris Udall stands head and shoulders above all, in every sense of those words.

I doubt that there is anything I can say about "Mo" Udall, the legislative leader, that has not already been said many times. His career in the House is truly legendary. His contributions to the Nation's laws, and particularly those directed to preserving our land and its wildlife, are literally monumental. So I will simply offer a few personal words.

It has been my good fortune to have worked closely with Mo in some of his major undertakings—such as the six-year struggle that produced the Surface Mining Control and Reclamation Act of 1977 and the decade-long campaign that gave us the magnificent Alaska National Interest Lands Conservation Act of 1980. I remember not only the late night strategy sessions but the far-flung field trips—hanging out of open helicopters over mining areas in the Mountains of Appalachia and the plains of Wyoming, and camping out on the shores of pristine lakes in the glorious splendor of Alaska's arctic mountains.

Without Mo's generous support, I would not have been a subcommittee chairman on the Interior Committee, and without his wise counsel I would have been a less successful chairman.

Above all, I think of our colleague Mo, as I am sure many of us do, as a leader who helped us raise our own sights and as a warm, generous, ever patient, ever humorous friend. If there is anyone in the Congress who comes close to practicing the teachings of the Sermon on the Mount, surely it is Mo Udall. If there is anyone whose presence always seemed to uplift the spirits of his associates, it is Mo Udall.

And so it is another rare privilege to be able to join with you and your colleagues in honoring our dear friend Mo for the many years he has given us of his friendship and his inspiring leadership.

JOHN F. SEIBERLING.

A philosopher once said that, "We stand on the shoulders of those that came before us." And in standing on those shoulders, those broad shoulders of MO UDALL, we can see further. We can accomplish a great deal more. But without the foundation, without the people like the MO UDALL's, the John Seiberlings, and many others that have contributed, I want to say that MO UDALL is one of those big building blocks in the 20th century, the effects of which and the work that he has done is going to carry through for a long time.

I am pleased to be here on the House floor today, pleased to have worked with him and work in the future based on that effort.

Mr. OWENS of Utah. I yield to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman from Utah for reserving time for me. MO UDALL is our hero. One of the pleasant things about serving in the Congress is serving with your hero. It was not only fun to serve with MO UDALL, but it was a lesson. It was informative.

MO UDALL is a teacher, and as we work with MO, we find that we not only are successfully able to craft and pass legislation but in the process, we learn as well. And not just those of us who were fortunate enough to serve with him in this body, but I believe all Americans, including, of course, MO's constituents in Arizona, learned from him.

One of MO's greatest lessons was that a person's civility could bring extraordinary reason to bear, even on the most contentious and polarized of issues. MO UDALL has great civility, great moderation, and reason. And he has always been able to bring together opposing forces to compromise.

MO was willing to compromise up to that point, of course, where his principles would be compromised. And then he was willing, in the most reasonable of ways, to stand and fight. So he taught us about civility.

He is an extraordinarily successful politician, even though he did not achieve one of his goals, and that was to be President. But in failing to reach that goal, MO taught us something as well, and that is that sometimes we may come across a Presidential candidate who is a little too funny, who is a little too lanky, who does not look just quite right on television, whose speech pattern is either too slow or too fast.

MO's failure to gain the White House might serve to all of us a lesson that perhaps we should put this thing called charisma or this matter of being photogenic on television aside when we choose our Presidents, and give a bit more consideration, than perhaps we have in our recent history, to the candidate's wisdom, moderation, and ability to sort through to the marrow of the issue and truly understand it.

Finally, let me say to my colleagues and to MO and his family that one of the greatest things he taught us and continues to teach us is the use of wit. MO used it, I suspect, purposely and extraordinarily well.

Let me close by telling you a story that MO used to like to tell on himself. It is one of those wonderful self-effacing Udall tales.

About 10 years ago, MO, as chairman of the Interior Committee, was willing to accompany me as an almost new Member of this body out to Montana, where we conducted a hearing on the proposal to put the RARE II matter behind us in Montana and pass a statewide omnibus wilderness bill. By the way, tragically, Montana a decade later still has not accomplished that important and necessary task.

MO and I were traveling from here to a nice little town out in Montana called Dillon, MT. Dillon has an airport, but it does not handle the kind of commercial traffic that MO and I took from National Airport. So we landed in Billings, MT, and we were picked up by a private twin-engine airplane. And as MO got on that airplane, he did what he so often does. He said hello to everybody in sight, and he pulled back the curtain into the cockpit to be sure there was not anyone in there that he ought to say hello to, and sure enough, there was a pilot and a copilot preparing for the takeoff.

And Mo said to them, "Hi, fellows. I am Mo Udall. You know, I am a single-engine pilot myself."

And the pilot, barely moving, turned his head and said over his shoulder, "Well, that is fine, Congressman. Now, you go back there and strap yourself in, and if we lose one of these engines, we will call you."

Mo immediately went back, sat down and strapped himself in, looked at me and said, "Boy, we all need a little of that once in a while."

Mo Udall, you are our hero.

Mr. OWENS of Utah. Mr. Speaker, I yield to the gentleman from Samoa [Mr. Faleomavaega].

Mr. FALEOMAVAEGA. Mr. Speaker, I met Mo Udall when I worked as a staff attorney on the Interior Committee in the 1970's. He was at his prime then, and as a leader in the House on the Interior Committee, he was a marvel to watch.

Mr. Speaker, as the Representative of our Pacific region, I can say without hesitation that Mo Udall's name is synonymous with the Pacific. He and his brother, the former Secretary of the Interior, Stewart Udall, were responsible for providing many needed Federal programs for the insular areas.

Mr. Speaker, I regret very much the fact that the presence of this great son of Arizona is not going to grace us with his tremendous humor and great nature.

Mr. Speaker, Mo Udall represents to us all the real spirit of America, his love for his fellow man, his love for our Nation's environmental needs. Mr. Speaker, someone once said that, "Evil triumphs when good men do nothing." Mo Udall is a great exception to that axiom.

Mo Udall was a workaholic, spending 16 to 17 hours per day in the office, meeting with constituents, packaging important pieces of legislation affecting our Nation's well-being, a trait very much characteristic of Mo Udall's work ethic.

☐ 1620

Mr. Speaker, Mo Udall's legislative achievements have been detailed by several other Members, but I, too, feel compelled to say again that his work in the areas of nuclear energy, public lands, national parks, and Indian affairs are unequaled I believe in the history of this great Chamber.

Mr. Speaker, in conclusion, I can say that I have considered Mo Udall a personal friend for over 10 years. Through his guidance he has provided our Nation with a legislative agenda that will carry us well into the next century. So while he may be retiring from active service with the House, his work will remain with us for many years to come.

Mr. OWENS of Utah. Mr. Speaker, I am now pleased to yield to three colleagues and close friends of Mo's, initially the gentleman from Wisconsin [Mr. Obey], then the gentleman from Oklahoma [Mr. Edwards], and Mo's colleague from Arizona [Mr. Kyl].

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

I frankly do not know quite what to say about Mo Udall's retirement, because we have known him and worked with him and loved him for so long that it is very difficult to imagine that he will no longer be a Member of this House.

But as I said last week in a Capitol ceremony to celebrate the life of Dick Bolling, our former colleague who passed away a week ago, in a sense it is sort of fitting that the memories of Dick Bolling which we talked about last week, and the honor that we do Mo Udall this week, come very close in time. Because in the years I have served here, I have always viewed Dick Bolling and Mo Udall as sort of the way people of Mo's generation viewed the old football team that used to play for West Point, Doc Blanchard and Glenn Davis, Blanchard being the fullback and Davis being the halfback on some of those famous West Point teams. Davis and Blanchard were known as Mr. Inside and Mr. Outside, and I think in a sense that Dick Bolling and Mo Udall played those same roles for us in the House and in the Democratic caucus over the years, Mo with his lighter style, and Dick Bolling with his fullback charge-ahead style.

They both made a tremendous team, whether you were talking about congressional reform, or whether you were talking about public financing of campaigns, or any one of a dozen issues that dealt with the integrity of the political process or the welfare of the American people.

I think that Mo Udall, really for an entire generation in this House, gave us hope, gave us the expectation that this institution would match the needs of the times, when we took what some considered to be a chaotic approach and ran against John McCormick for Speaker back in the sixties. That run was necessary to try to energize our caucus, to try to energize this House. Mo's race, even though he paid an eternal price for it for years, his race was a key event in reforming this institution, to bring it closer to the ideals that the American people have a right to expect. I think our generation in this House will always be grateful to him for that.

On the issues, whether you were talking about the environment, or the economy, or peace, Mo Udall was absolutely crucial in defining progress all across the board. Mo Udall was really synonymous for almost all of his career with progress toward a clean environment.

In the economy, Jack Kennedy called Mo Udall's newsletters in the early sixties about economics the best of their kind. In fact, if you took a look at Mo Udall's newsletters across the board, they were the best of their kind, and I think remain today the best that have ever been written by any Member of this House.

It was Mo Udall who in 1967, I believe, went back to Arizona and wrote a newsletter to his constituents, appeared in Arizona, and said, "Folks, I have been wrong about the Vietnam war, and I want to tell you why." It was his conversion that led the way for all kinds of politicians to see the same truths that he saw, including yours truly, and we will be forever grateful to Mo for that.

In 1976, Henry Reuss and I approached Mo Udall over in the fourth row of this Chamber and said, "Mo, you know, we have had a lot of turkeys run for President all of these years. It would be nice if we had a swan." We suggested that he ought to take a look at running, and we signed up an awful lot of our Members.

In those years it was unheard of for a House Member to run for President. If we did not have the title "Senator" or if you were not a Governor, you were not considered.

Mo changed that, for the better. I felt highly privileged to campaign in 17 States for Mo during that campaign. Let me tell you, he sometimes did not give you easy jobs.

I remember we were up in Boston, campaigning all day up there, and Mo came to me about 4 o'clock in the afternoon and said, "I have got a chance to be on "Issues and Answers" on ABC tomorrow, Sunday. Would you fill in for me in a speech I have tomorrow morning?"

I said, "Sure, I will take the assignment. What is it?"

Well, I was supposed to explain Mo Udall's pro choice position to the Knights of Columbus in Boston, MA. And I did not fully agree with Mo's position myself. But that was a very tough job, and I cannot say that I enjoyed it. But I took it on.

He also asked me in Pittsburgh if I would go to a black Baptist church to explain what Mo Udall was all about. I had never been in a black Baptist church in my life. I had never been in a Baptist church in my life. But I said surely I would, and I went. I discovered at that point that the task was a little bit tougher than the one that I thought I had been given, because Jimmy Carter, who was himself a Baptist, had been in that very church the Sunday before.

So, Mo sometimes played tricks on his friends. But we enjoyed it nonetheless, and loved him for everything.

I think more than issues, more than the leadership he provided on issues, was the leadership he provided this Nation in defining what kind of politics fit America, what kind of politics were indeed respectable to practice.

As I said, MO really wrote the best newsletters that I think have ever been written by a Member of the House. He was passionately devoted to institutional reform.

I find it kind of ironic that 12 of us today have introduced a new major campaign finance reform bill, an issue which MO took the lead on for years and years in this place. It is fitting that we introduce a new effort to deal with that same problem on the day that we talk about MO's accomplishments and our affection for him.

I think there are a couple of quotes that really sum up to me the kind of politics that MO UDALL has brought this country. Oliver Wendell Holmes said once, and it is a very famous quote: "I think," he said, "as life is action and passion, it is required of a man that he should share the passion and action of his time, at the peril of being judged not to have lived."

Certainly MO UDALL entered into the political process with passion. He understood that political death was not defeat in an election. He understood that political death is really having the ability to do something good for people, having the power to do good in the system, and not fully using that power. That is the true definition of political death, and MO UDALL always understood that and always demonstrated that belief.

Mr. Speaker, there is another quote that reminds me of MO UDALL. Adlai Stevenson, another one of my heroes, said this: "The hardest challenge in politics is to win without proving that you are unworthy of winning." I think that is what distinguishes MO UDALL's career from a good many other practitioners of the art of politics in our country today.

There are really two kinds of politics being practiced in this country. One is the slash and burn kind, the kind that says bring the dialog down to whatever level you have to bring it in order for us to win.

Then you have the UDALL kind of politics, which says let us bring the dialog up. Let us bring the public understanding up to the level that is required to win.

To me, that, more than any other question, divides politicians in this country today, and MO UDALL was always on the right side when it came to that question.

□ 1630

He personified ethics. He could fight with passion and still have affection for those with whom he disagreed, and I think that is the essence of any truly class act in political life.

And so I just want to say that I tremendously regret the fact that MO will be leaving this institution, but we continue to respect him, we continue to love him. We wish him well. We wish him a speedy recovery.

And I want to promise MO one thing. As MO was for so many years in his career, I want to promise MO that we will try to continue, MO, in the tradition of cutting through the goom-wah.

TRIBUTE TO MO UDALL

The SPEAKER pro tempore (Mr. ANDREWS of New Jersey). Under a previous order of the House, the gentleman from Pennsylvania [Mr. KOSTMAYER] is recognized for 60 minutes.

Mr. KOSTMAYER. Mr. Speaker, I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this institution is losing an honorable and distinguished colleague in MO UDALL. But, my State of Arizona is losing something more: the dean of our delegation. That's why, Mr. Speaker, the Governor of Arizona has declared today, "Mo Udall Day."

Though the Republicans in our delegation have not always agreed with MO UDALL's political philosophy, we have all admired him for his sense of humor, his integrity, and always his willingness to be helpful to more junior members. Those are important qualities from the perspective of those of us in the minority.

However, partisan interests rarely, if ever, became a factor when Arizona's interests were at stake. Our delegation also always stood united.

MO retires from the House having left an unforgettable imprint on Arizona and the rest of the Nation. Millions of acres of land will forever be protected as wilderness. The central Arizona project is finally delivering water to arid central and southern Arizona. The quality of life of native Americans has improved, though by no means enough to declare victory.

Mr. Speaker, Arizona has produced a number of political giants since statehood less than 80 years ago: Carl Hayden, Paul Fannin, Barry Goldwater, John Rhodes. And to that list the name of another giant: MO UDALL.

MO, we're going to miss you, and we wish you all the best.

Mr. KOSTMAYER. Mr. Speaker, I yield to the gentleman from Guam [Mr. BLAZ].

Mr. BLAZ. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding me the time.

In this House of extraordinary men and women, one would think that it would be extremely difficult to single out a Member, and indeed it would be unless his name is MO UDALL.

For those of us from outside the continental United States who have long looked for a champion for our cause, many years ago we discovered that MO UDALL was going to be that champion. He seemed to excel in championing the causes of minorities, the Native Americans and in our case the Americans from the territories.

I could go for an awful long time talking about MO. But let me just cite an example of why he meant so much to us in the territories and to me in particular. When I came to the House as a freshman I became a member of his committee. In a particularly difficult vote he asked me to join him. It was on nuclear energy. I had no difficulty giving him my word for my sense of the matter was compatible with his. But I had no idea that as the most junior member that by the time they got to me, the vote would be 22 to 22 and I was to cast the final vote.

The Members of my party, the leadership of my party were hovering over me, saying nice things about me, and I looked at MO. I looked at my Members of my party, and I finally cast my vote with MO. Then I left the room quickly, went to my office, locked myself in, and the phone rang.

He said, "BEN, this is MO." I said, "Hello, Mr. Chairman.

He said, "BEN, this is MO." I said, "Hello, Mr. Chairman."

He said, "Dammit, BEN, this is MO." I said, "Hello, Chairman MO."

He said, "I watched you today. I would have understood if you had not kept your word, for the pressure was great and you are just a freshman." He said, "I have a lesson for you, sir. Around here a Member is judged by his word. Welcome to the Congress." And he hung up.

Oh, how I wanted to continue the conversation, but there was nothing for me to say. The man had welcomed me to the Congress.

Many years ago, in honor of his brother, the Virgin Islands named the eastern-most portion of the United States Udall Point. Several years ago, I invited MO and other Members to come to Guam, and in his honor we named a western-most portion of the United States Udall Point in the Territory of Guam. In our own magnificent song, "Sea to Shining Sea," we replaced it with Udall Point to Udall Point, and fittingly so, for if you think of MO you think of the length and breadth of all of America. And for those who wonder what an American looks like if you were not born in America, when you see MO you say, "Well, that's what an American looks like."

MO UDALL is my personal hero in this Chamber. MO UDALL is my mentor. MO UDALL is also my tormentor at times, a man of wit, but above all, a man of true grit.

I thank the gentleman for the opportunity to say these words about my friend, MO UDALL.

Mr. KOSTMAYER. Mr. Speaker, I yield to the distinguished gentleman from Arkansas [Mr. Alexander].

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding and for taking this time today for us to honor our friend and colleague, Mo Udall. It is a tribute that I make today to a friend and neighbor. His office is just down the hall from mine in the Cannon Office Building. I have known him since the day I arrived here 23 years ago, and of course all of us know Mo Udall for his wit and for his wisdom.

It was just 2 weeks ago that Mo said to several of us that on down the line, after he recovers, and on further, when he passes on, that he wants to be buried in Chicago so that he can stay active in politics.

□ 1640

Mo's wit is legendary, even during his time, and, indeed, he has been active in politics during the time that he has served here.

My colleagues before me have described his efforts to reform this institution. It was during my first term in 1970 when he led the first legislative reform act that occurred in this institution since the 1920's before then, and my recollection is 1924. That was the preview of coming attractions in 1974 which, of course, reorganized the power structure within the House of Representatives that opened up the process of power for all of those less than the rank of chairman that hold power today, positions of responsibility today.

We all admire his legislative efforts for he led many, many initiatives on this floor that resulted in such laws being enacted as the establishment of the Wilderness Act. It was Mo and those who voted with him that represented the public interest. It is easy to represent the private interests, the special interests, the interests that we all know ebb and flow in the Halls of Congress, but to stand up and represent the birds and the bees and the fishes in the sea is, indeed, admirable, especially during these times when during the decade of the 1980's it is said by most observers that greed became a national virtue.

So Mo, you got here just in time to provide some good laws and some good legislation for the public interest before the decade of the 1980's set in.

During his candidacy for President in 1976, I worked for him. I volunteered right off just like all who knew him, and he managed to attract the largest crowd of attendees to a political event ever before assembled in the First Congressional District in 1976. Thousands of people came out to hear Mo Udall for President.

One person who knows him well and who knows Congress well that has observed political comings and goings in Washington for a long time observed that if Mo Udall had been elected President that America would be a much, much better nation because of it, and that is because he did address the public interest during his time. He addressed issues that are important to the Nation, issues that needed to be resolved.

As we know, there are many, many, many issues that are begging for leadership and for resolution that languish because of the lack of national leadership to address those concerns that beset this Nation and concern those of us who are concerned about these issues.

Many times when people retire, people go on to say that, "Well, his time had come, and that time was enough," but I would say to Mo Udall that 30 years is not enough. I regret his retirement, but I wish him well. I wish Mo and his family good health and Godspeed. We all love you. Please keep in touch with us, and we will be keeping in touch with you.

Mr. KOSTMAYER. Mr. Speaker, I yield to the distinguished gentleman from Nevada [Mr. Bilbray].

Mr. BILBRAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, when I came to Congress just a few years ago in 1987, I took my oath of office, and, you know, we go into a Democratic caucus, and in that Democratic caucus we elect the chairman of all the committees, and one thing that I noticed was a lot of chairmen received votes against them. You cannot serve around here very much without making some people a little angry at you. But when the votes came down for chairman of the Committee on Interior and Insular Affairs, it was unanimous. Not one person cast a vote against Mo Udall as chairman of that committee. That impressed me, as a freshman.

As I worked with Mo over these last 5 years, I became more impressed. I had become first acquainted with Mo Udall in 1972 when I managed to beat a Democratic incumbent in the Democratic primary and was the nominee of my party. I was assigned by then Speaker Carl Albert, Mo Udall as my big brother, and he advised me from long distance from both Washington and Arizona in Nevada about my campaign. Unfortunately, that campaign did not work out too well, and I did not get here until 1987, a long campaign.

But Mo Udall was always cooperative, was always available to not only those Congressmen who had been here for 5, 10, 15 terms; he was also available to those who were here just for a few days. He was always there for advice.

When I had constituents from my district who would call up and say they were coming out on public-lands matters and matters that involved the Committee on Interior and Insular Affairs, you could never worry that Mo Udall would not find time to talk to them. He would sit them in that office with all his Indian paraphernalia all around him, and he would generally start telling them stories. Most of my constituents left never asking the question they came to ask because they were so enthralled with the stories Mo Udall had to tell them. After they got out in the Hall, they said, "Gee, we never got to the point we came for." But they were always impressed by his willingness to listen to their problems and to relate with them and try to cooperate in the many things they did.

As my good friend, the gentleman from Arizona [Mr. Kyl], has stated, you know, many States do not have truly great people. Arizona seems to produce some of those greatest ones, from Carl Hayden, Barry Goldwater, Jay Rhodes, Paul Fannin, as he mentioned, but none in the history of that State will ever be the equal of our chairman, and I call him Chairman Udall and I will always call him that forever. The greatness of Mo Udall will stand out as a bright, shining story in the State of Arizona and the United States of America and in this House.

Mr. KOSTMAYER. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. Moakley].

Mr. MOAKLEY. Mr. Speaker, all of us here today are familiar with the enormous accomplishments of Congressman Mo Udall. We have all heard of his outstanding intelligence his quick, self-depreciating wit, his earnestness as a public interest politician and his dedication to the House of Representatives. Some of us were lucky enough to experience Mo's strength of character firsthand dealing with him as he forged the Nation's agenda for protecting wildlife or just being lucky enough to be in his presence as he told one of his famous jokes.

While it was impossible not to be impressed as he towered over you from 6 feet 4 inches it was the power of this intellect and sincerity of his vision that really made Mo awe-inspiring. It was that sincerity, earnestness, and instinct-to-lead that inspired Mo to stand tall in the Wrangell Mountains 20 years ago looking over 100 million acres of wildernesss and exclaim, "I want it all!" He took that spirit to Washington and fought for it all every day he was here sometimes succeeding sometimes not but always changing this institution and this country, and for the better.

His most visible and publicized successes were his actions as chairman of the Interior and Insular Affairs Committee. But Mo did even more. Before coming to Congress he played pro basketball having overcome the handicap of losing an eye in his childhood. Less than 10 years after arriving here in Washington he boldly contested the seniority system of the House and in one fell swoop changed the apparatus by which we elect our party leaders. That brave manuever yielded him no official position and certainly rubbed many powerful people the wrong way. But, today, I and all the other Members of Congress benefit from those selfless actions of Mo Udall. He was tireless at doing what was right.

Mo Udall served a distinguished career, one that should be a role model for present and future Members of Congress. He had the audacity to try the foresight to lead, and a sense of humor that allowed him to move through difficult times with elegance and grace.

I will miss Mo Udall, and I hope that we continue to honor him beyond today, by continuing to follow his lead, and emulating his outstanding example.

Mr. KOSTMAYER. Mr. Speaker, I yield to the gentleman from New York [Mr. McHugh].

Mr. McHUGH. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, for yielding and for taking this time so that we can honor our dear friend and colleague, Mo Udall.

□ 1650

We all recognize that when the definitive history of Congress is written and the careers of great legislators are recounted, Mo Udall will be prominently featured.

Many others have referred to his extraordinary legislative leadership in this House for over 30 years on issues such as environmental protection, energy, civil service reform, and many others. In my early years in Congress I had the opportunity to serve on the Committee on Interior and Insular Affairs. Mo was serving as chairman at that time, and was a great learning experience for me.

One of my fondest memories as a young Member of Congress is of serving on the subcommittee dealing with Alaska lands. Mo Udall, John Seiberling, Don Young, I and others took a trip to Alaska in the summer of 1977 to make some determinations as to how some of the difficult issues relating to Alaska would be resolved. This was the largest public land issue in the history of our country; over 100 million acres of unspoiled land in Alaska would have to be allocated for different purposes. It was one of those issues which brought out disparate interests who fought very hard for their particular concerns. Mo Udall, although he was chairman, involved himself deeply in that fight and, in those complex issues. He was able to reconcile many of those disparate interests in a fair and balanced way, which was reflective of how he operated as a Member of Congress and as an individual.

As others have said, he was one of the original institutional reformers. I came to Congress in the Watergate class of 1974, and we took great pride in our efforts to reform and open up the House of Representatives. There was a certain arrogance, perhaps, in that class, because we were naively of the view that we were the first reformers. The truth is that there were people here before us who had fought under much more difficult circumstances with less political consensus behind them in the country, for the kind of reforms which we promoted when we arrived.

Most prominent of those early reformers was Mo Udall. He was an inspiration and a hero to many Members when we got here.

As all Members realize, there was much more to Mo Udall than his legislative craftsmanship and leadership. He was a very special person. He has an extraordinary blend of human qualities. He is not just an intelligent man with fine political skills. He has a sense of our country as a whole, a sense of our national community, what might be called a vision, a vision that recognizes the diversity of our people, but one that is also sensitive to those values and aspirations which bind our citizens together as a nation. We saw this most dramatically and effectively in his Presidential campaign.

Like others, I was privileged to have the opportunity to campaign for Mo, because I knew him, his qualities and his vision, and I believed that they would serve our country most effectively. He ran a very fine campaign. He had the second largest number of delegates in the 1976 Democratic race. He would have been an extraordinary President. When his quest for the Presidency did not succeed, he returned to this House with the same extraordinary qualities, vision, and leadership which we celebrate today.

Mo Udall is a thoroughly decent person, a person who has genuine concern for the most vulnerable people in our society. It was for those people that he fought most strongly in this House. He is a thoroughly honest man, a model of ethics in this institution.

Of course, as others have said, he was and is a genuinely warm and humorous person. How many Members have approached Mo when they had to give a speech at home, and were looking for the appropriate story to tell? Mo always seemed to have one. He wrote a book incorporating just a fraction of the stories which he shared with us, and I know it occupies a place of honor on our shelves and is often consulted.

Mo Udall has been an example and an inspiration for Members, for those Members especially who have had the privilege to serve with him. He has been an example as a legislator, as a friend, and as a warm and decent human being. Even in recent years, when he has been suffering so deeply from his illness, he provided inspiration and example because of the dignity with which he coped with his debilitating disease.

We are sorry to see Mo leave this House. We understand the reasons why he is retiring. In extending our love to him, we will always cherish his contributions, his career, and, most especially, his warm personal friendship.

Mr. KOSTMAYER. Mr. Speaker, I yield to the gentleman from Washington [Mr. Foley].

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding. I wish to take this opportunity to join with others in expressing our admiration for the service of Mo Udall. His 30 years in the House of Representatives have distinguished this body and distinguished the profession of public service. Those who have had a chance, as I have, to know him and to serve with him have a sense of great gratitude to Mo. More than any other Member I have served with, Mo has brought grace, affection, and humor to a political process that is often sorely lacking in all three.

From his election on May 2, 1961, to replace his brother, Stewart, who had been appointed Secretary of the Interior by President Kennedy, Mo served as a Congressman from Arizona's Second District. He served in a way that gave all Members who served with him a sense of pride, satisfaction, and appreciation.

He has overcome more than his share of individual personal problems. In his career in the House there were also many disappointments. He ran for Speaker of the House and lost in 1969. He ran for majority leader in 1972, and again was disappointed. He ran for the Democratic Party's nomination for President in 1976 and, as has been mentioned many times on the floor tonight, ran second in seven consecutive primaries, to the eventual nominee and President, Jimmy Carter.

It is, of course, interesting to speculate as to what would have happened if a few votes had changed in those primaries and Mo has become the nominee and President of the United States. Certainly Mo Udall would have been a great credit to our party, as President Carter was. He would have had an opportunity as President to rebut the suggestion of James Kilpatrick that he was too funny to be President. His political wit and wisdom were always used to disarm, and usually to kindly disarm his adversaries and opponents. He would have had the opportunity to press forward with his values and principles. He would have had an opportunity, perhaps, in a greater way than almost any President in recent memory may have had, to advance with humor and wit and grace those values which were dear to his heart and close to his commitment in public life.

Those were values of peace and concern for average citizens and their lives, their struggles; a concern for the protection of the physical environment; a concern with reform in Government. He was an early reformer of this House, as the gentleman from New York [Mr. McHugh] has just noted. He was, as Members who worked with him know, glad for the contributions of the gentleman from Pennsylvania [Mr. Kostmayer] and the gentleman from New York and others in that famous class of 1974. And I will not comment on the suggestion of Mr. McHugh that his own class was guilty of arrogance. They were certainly welcome, in their numbers, in following Mo's lead toward reform and renewal of this institution. We will have the obligation to look back with a sense of indebtedness to Mo for this, too.

Mo used his assignment on the Committee on Interior and Insular Affairs to make himself the House's most prolific author of environmental legislation. However, that, too, was sometimes a difficult and frustrating process. The House passed three strip-mining bills, and twice failed to override vetoes, until the bill finally become law in 1977. It took 4 years to enact legislation to divide Alaska lands between development and wilderness areas.

□ 1700

In recent years he helped enact the Nuclear Waste Act, a major wilderness act and many others.

It will be difficult to adequately express the obligation of the country for the contributions of Mo Udall in the environmental field. Literally hundreds and hundreds of millions of acres in the United States will be preserved for generations ahead, because of the efforts of Mo Udall.

He overcame personal handicaps. As a young boy, he lost an eye. Despite that handicap, he excelled in athletics. He overcame defeat and disappointment on many occasions in the House to be one of the finest and most effective Members to serve in this body.

His physical health is turning out to be the most difficult of all of his struggles. Except for that, he would continue for many, many years to grace this institution and to ennoble our public life.

He leaves here with the gratitude of not only those on this side, but all those who have had an opportunity to serve with him. He leaves with the respect and admiration of the constituents he served so well in a 30-year period.

He has above his desk that famous quotation from Will Rogers which says, "We are here for just a spell and then pass on. So get a few laughs and do the best you can. Live your life so that whenever you lose, you are ahead."

After 30 years, Mo Udall leaves this institution in honorable retirement and very much ahead. And Mr. Speaker, the country and the House is far ahead, too.

We pay our respects tonight not only to Mo but to the family, his wife, Norma, his brother, and his children. They have worked in recent weeks to see that Mo's service concluded with the respect and admiration of all of the citizens he has represented and all of those with whom he served.

I hope in this small way tonight we are contributing to that recognition. His service was so great it cannot be summed up in a few words or a few speeches. But I think it will be summed up by the legacy that he leaves behind: A fairer society, a more honorable Nation, a physical inheritance of great wealth and beauty to future generations, and most of all, a symbol of grace and humor and honor that was and is Mo Udall's testament to this House.

Mr. KOSTMAYER. Mr. Speaker, I yield to my friend, the gentleman from Connecticut [Mr. Gejdenson].

Mr. GEJDENSON. Mr. Speaker, I am privileged to join the Speaker and so many of my colleagues.

There are not many people, especially today, but I guess ever, who are assessed as heroes in the American Congress. Many of us are only known in our own districts or in a small segment of society that has an interest in the particular legislation in which we are involved. If we work in exports, the people in the export area may know you. If you are on the Judiciary Committee, a few folks interested in the courts and judiciary issues may know you. So most of us work in relative anonymity for a body that is constantly on television. There are so many of us, there are 435 plus our delegates, that it is very difficult to penetrate the public consciousness; but Mo Udall was somebody who as a result of his merit, his effort, his wit and his accomplishments in the Congress was someone known across the country. There are not many people that you can bring in to your own congressional district and have your constituents feel that it is not just another person in public office, but somebody very special coming in to join you.

Mo Udall with his wit and humor, with his incredible accomplishments in the Congress, his books, particularly his last book, "Too Funny To Be President," something that I think has given him a place maybe up there with Will Rogers in America, a politician on the inside, a humorist on the inside with the kind of wit and charm that never put the institution down, but showed America that we in elective office with all we do could have some humor and wit about us.

I want to talk about one small part of what Mo Udall did, not the grand national parks, not his efforts in Alaska and clean water and reform of government, trying to make our system more representative, less controlled by a mad chase for money, his impact on Presidential campaigns forcing other candidates to discuss issues they might have ignored, but I would like to take one moment and place in the Record a letter from the Society for American Archaeology, and also on my own behalf, my own interest in archeology, that it is an issue with not a broad constituency. As we talk about special interests in America, it is not one that gets you great political benefit to be out there fighting for archeological sites and archeological interests. You probably make more enemies trying to protect a site than helping people; but Mo Udall led this Nation in establishing some archeological legislation that protected the historic and ancient sites in this land. As we develop these sites, as we take the time to gain knowledge about our ancestors, we will learn about ourselves and present some valuable information to our children and our grandchildren.

Without Mo Udall, we would be in a position in archeological presentation comparative to the dark ages. His efforts in the Congress as chairman of the Interior Committee moved us forward.

So I will place that statement in the Record with my own appreciation for his efforts, and close with this, that I came to this Congress 11 years ago. One of the reasons I sought to be on the Interior Committee was because Mo Udall was chairman of that committee. He set an ethical standard for conduct and a commitment for working for the people in this country that every legislator can use as a model. We can only hope to achieve just a little bit of the humor that he used to get us through all those tough days in committee and then through the floor.

We will miss Mo. We wish him a speedy recovery and hope to see him again as a friend here and in Arizona.

Mr. Speaker, I include the letter from the Society for American Archaeology, as follows:

Society for American Archaeology,
Office of Government Relations,
Washington, DC, May 2, 1991.

Hon. Morris K. Udall,
Care of the Honorable Sam Gejdenson,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

Dear Representative Udall: On behalf of the members and officers of the Society for American Archaeology (SAA), I would like to thank you for all of your contributions to furthering the needs and goals of archaeology and historic preservation through the legislative process. As Chairman of the House Committee on Interior and Insular Affairs, your contribution to archaeology and historic preservation on public lands and national parks has been measureless. Therefore, as you retire on May 4, 1991, the Society for American Archaeology would like to extend its heartfelt thanks to you for your commitment to archaeology and historic preservation and for your efforts to promote and protect the Nation's natural and cultural heritage.

The archaeological and historic preservation legislation which you have spearheaded has helped to shape and guide the way which archaeology and historic preservation activities are conducted in the United States today. For example, your sponsorship and leadership in the House of Representatives of the Archaeological Resources Protection Act of 1979 and later amendments have helped to protect irreplaceable archaeological resources on Federal lands from destruction by development and looting and vandalism. Through the years, your valuable leadership in Congress has guided the passage of vital legislation such as the National Historic Preservation Act, the Alaska National Interest Lands Conservation Act (ANILCA), the Federal Lands Policy and Management Act of 1976, the Surface Mining Control and Reclamation Act of 1977 and the Native American Graves Protection and Repatriation Act of 1990. You have also been a staunch supporter of yearly appropriations which are crucial to the fields of archaeology and historic preservation.

In addition to all of these accomplishments, you have also taken the time to personally meet with members of the archaeological profession to discuss issues of concern and countless times have offered your valuable advice and guidance.

Last year the Society for American Archaeology awarded you its highest honor to a non-archaeologist, the SAA Public Service Award. Today we are pleased to join others in recognizing you as you retire from the House of Representatives. We want to send our warmest good wishes for your retirement.

Sincerely,

PRUDENCE RICE, Ph.D.,
President.

Mr. KOSTMAYER. Mr. Speaker, I yield to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I rise to congratulate MO UDALL for his service in the House of Representatives and to congratulate him on his retirement. MO is a statesman of the first order, and regardless of whether you are on the same side or on the opposite side of an issue with MO UDALL, you have to like the man. He has a quality of endearment that is hard to match. MO you might say is a Congressman's Congressman. He will be as well-respected by just about everyone in and out of Congress.

We have heard here today about many of his accomplishments as well as his personal attributes. America is truly better for the service of MO UDALL. He will be greatly missed in this body.

So MO, may God richly bless you and your family.

Mr. KOSTMAYER. Mr. Speaker, I yield to the gentleman from the Virgin Islands [Mr. DE LUGO].

□ 1710

Mr. DE LUGO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, when I first came to this Congress and went on the Committee on Interior and Insular Affairs, I remember there sitting at the top dais was MO UDALL, TOM FOLEY, and Phil Burton and a lot of other outstanding Members of this House. MO UDALL is a special American. You go into the committee room of the Committee on Interior and Insular Affairs, and you will see a picture of MO before he became ill, and you see this vigorous, great American. He epitomizes what we would like to think our country stands for. He stood for it. That is the type of man he is. MO is a man of vision, persistence, patience, compassion and, of course, as you have heard so many times here today, a great American with warm humor.

Few who achieve the influence that he did during 30 years of extraordinary service to this country retain such warmth, such a sense of humor and so much humility. He was not only loved and beloved, but he was an astute leader.

You would always approach MO UDALL to ask for help, to ask for his advise, and so forth. This man was responsible for some of the great legislation enacted during the 1970's and 1980's. But he had a great sense of humor.

So perhaps you will forgive me if I remind the House that he also played a role in setting up the postal system as we know it today. So MO was also human; everything was not perfect.

We all kidded him about that many times.

But America would not be America as we know it today without MO UDALL. He brought into it and preserved so much of this country, the Alaska lands bill that you have heard so much about today, and other legislation.

When MO UDALL ran for President back in 1976, his vision, his candor, his honesty won him the admiration of many who appreciated his straightforward, down-to-Earth approach to the issues. Yet, even in the pitched battles for the State primaries, he never lost sight that it was the people with whom and for whom he was working.

During my years as a member of the Committee on Interior and Insular Affairs, MO was a teacher, a scholar, a friend who was never too busy, and as the gentleman from Florida [Mr. HUTTO] just said, he was always the stateman to all of us in this House.

Mr. Speaker, many of the achievements we have made in the offshore areas could not have been accomplished without the guidance, the support and the leadership of MO UDALL.

It is indeed fitting that the easternmost and westernmost points of the United States, Guam and the Virgin Islands—my home—are named after the Udall brothers, Stewart and MO. These points look out to the rest of the world, named after a gentleman who indeed in many ways seemed to symbolize much that is America, its genius, its temperance, its leadership and the hard-earned, well-deserved respect of their fellow Americans.

Mr. Speaker, I believe that MO UDALL stands as a giant in this Nation's history. MO UDALL is on a par with the greatest of the gentlemen who have achieved fame in these Halls.

Mr. Speaker, we will miss him, we will miss his wisdom, we will miss his humor and we will miss his comradeship and remember him always.

Mr. Speaker, I salute MO UDALL upon the occasion of his retirement. No man deserves it more.

I wish him swift recovery.

I would also like to add that in these difficult times he has been fortunate to have a loyal and a loving and wonderful human being by his side, his wife, Norma, to help him through these difficult days.

Mr. KOSTMAYER. Mr. Speaker, I yield to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Speaker, I rise to support MO UDALL'S contribution to this body, to his State of Arizona and to his country, including the State of Indiana. As a freshman Congressman, I had not had much time in the last 3 or 4 months to know MO UDALL very well, but I would like to talk about three different things very briefly that have most indelibly impressed me about MO UDALL.

Mr. Speaker, for 4 years I worked on the staff of the senior Senator from Arizona, Senator DENNIS DECONCINI. Staff members, Mr. Speaker, I guess it is inevitable, always talk about other Members. We did a lot of work with MO UDALL and his staff. MO UDALL always took the time, when we were working with him, to ask not only how the Senator was but to ask how the staff people were and to pat somebody on the back or on the shoulder when they did a nice job.

MO UDALL cared about everybody, not just other Members.

As a colleague, as a nervous freshman coming into this body for a caucus for one of the first times, this is a busy place and some people scoot by you rather quickly. MO UDALL was not feeling well. You could tell that the struggles with his health were affecting him to some degree. But he still took the time to sit down and tell me a joke. That meant a lot to me, and it is something I will never forget, and it is something that touched me.

He is alive with humor, and this place will be alive with humor for a long time, remembering MO UDALL.

Last, as a Member of this institution, sometimes we struggle with our pride in this institution when we have town meetings and people are not very pleased with the job that Congress is doing. Well, MO UDALL brought respect to this body. It is something that I will continue to work at, to bring respect here. I have learned that from MO and other distinguished Members in this body. And even as a freshman Member, having been here for 3 months, MO UDALL has taught me much about politics, about public service, about laughter and about caring about people.

Thank you, MO, and God speed and God bless your family.

Mr. KOSTMAYER. Mr. Speaker, I yield to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. I thank my good friend from Pennsylvania for yielding to me.

I would like to take a few moments to share with the people here today my fondness and my recollection about that wonderful man, MO UDALL.

I am the proud owner, incidentally, of five copies of that great book, "Too Funny to be President." I went to the signing and was able to get there early and got those copies signed one day. I treasure them very much. I presented one to my father, who has since deceased. He enjoyed it very much. Then one to my father-in-law and others, very special members of my family. I was able to help share the wisdom of MO UDALL and his wit as well to my family members who had never had the distinct honor and pleasure of knowing MO.

MO had a lot of jokes. MO believed that once he told a joke, it belonged to the public domain.

I was never shy about using MO UDALL's jokes, no matter what circumstances I happened to be in.

One night I was in Athens, GA, and was introducing coach Vince Dooley, a very famous coach and athletic director at the University of Georgia. Coach Dooley is a good man, a pretty serious fellow. His wife, Barbara, was sitting next to him as well.

I told an old story that MO used to tell that politicians and football coaches are very similar. In fact, here is how they are similar: One is, they have to be smart enough to know the players to get by, and they have to be dumb enough to think that what they are doing is important. Coach Dooley did not appreciate that comparison between politicians and football coaches. But his wife burst with laughter. So, I could tell that she is the one with the sense of humor and perhaps it was not he.

But in any event, what MO UDALL taught us so many, many times is that we can take ourselves entirely too seriously. He perfected the art, I have heard said many, many times here today, that you take the job seriously but do not take yourselves seriously. That is how he was so effective.

I want to recall before this body one personal experience I had with MO UDALL. One thing that I saw that I do not believe anybody else had the opportunity to see. That occurred just this past October.

□ 1720

Everybody here and everybody, I think, in the sound of my voice probably went through the misery we all went through last October when we tried to adjourn. This was not Congress' finest hour, incidentally, when we grappled over the budget, and we had sessions through the weekend, and many of us could not go back to our districts to finish our campaign because we simply had to stay up here and be in session. I think Speaker FOLEY quite wisely made us stay in session until we finished our business, even though the elections were only about a week away.

Mr. Speaker, the final night we were in session, after being up here for about 3 weekends straight, and many of my colleagues recall we stayed up all night Saturday night, and then until Sunday morning, and fortunately our proceedings are broadcast here on TV because I do not think my wife would have ever believed that I was up all Saturday night attending a session of Congress and voting, but we in fact were. And as most everyone here recalls, we spent the night in our offices waiting for the bells to ring and waiting to make that final vote.

Mr. Speaker, I was feeling like many Members of the House might have felt that day, somewhat perturbed and upset with, not only the performance of Congress, but really looking at myself and wondering is this what I really want to do? I really want to keep on doing this and putting up with the harassment we are getting from the folks back home and at the same time the inconvenience and the long, long sessions we were having up here? And I was frankly feeling a little sorry for myself about 7 o'clock in the morning as I had cast that last vote, and I was going over to my office to get a cab to take an early flight out to Atlanta, where I had to go and be at a church service where I was speaking at about 10 or 11 o'clock later on that morning.

Mr. Speaker, I was feeling somewhat sorry for myself. I was working too hard. Is it really worth it? What is this all about anyway?

When I came down to the basement and was about to go to the Cannon Building about 7 o'clock in the morning as the last vote was being cast, I saw MO UDALL from a distance walking over to cast that last vote to pass that last budget, and we all know it took him quite a while to get from his office over in Cannon to over here on the floor. But as I approached him and as I came one step closer and one step closer, I thought to myself: Here am I feeling sorry for myself. Here I am wondering what it is all about. And here is MO UDALL, crippled, tired. He has been up all night, a man 25 years older than I am, and he is hardly able to walk, but still coming through to cast that last vote.

Since that time I reflect back on that, and I have told the story many times, and I really have not felt sorry for myself anymore in the discharge of my duties.

It was a real pleasure to know, and to work with and to love MO UDALL, and we shall miss him, and his heritage is one that will never be forgotten here at the House of Representatives.

Mr. KOSTMAYER. Mr. Speaker, I yield to my good friend, the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. KOSTMAYER] for yielding.

Mr. Speaker, I was watching this testimony to a gentleman that I have known for 18 years, probably longer than anybody that spoke, and I was in my office doing my work, and I decided I had to come over and speak about a House Member that I have served with that long and watched him over the years be my greatest adversary next to John Seiberling. But out of that adversarial role we became very good friends.

And many people talk about MO UDALL's wit, and it is the thing that kept us together. I am not going to be able to recite his wit, but my colleagues know how it is to sit in a room in a committee where the chairman of the committee and subcommittee chairmen are taking away what we believe our rights are in the State of Alaska.

However, Mr. Speaker, MO had a way of telling me that what he was doing he believed in, and that I deeply respected. He always, as many people have mentioned, was straightforward. He was always generous to me, he was always warm, and, if he beat me, he always told me when he was going to beat me. That I deeply respected also.

Mr. Speaker, I beat him twice in his committee with him being the majority. He took it both times very graciously and turned around and beat me on the House floor, and that again is a great trait of a great leader.

Now in my State of Alaska everybody knows Stewart Udall. He locked up the State, and then MO UDALL made it into many parks and made it wilderness. We do not know whether he was right. I am not sure if he will be right. But he believed in what he was doing, and only time will tell.

I do know this, that as time goes by, even in Alaska there is a great more appreciation of what he was able to do.

In speaking about MO, and I hope that he will be able to hear me, I say I will miss him tremendously. We have a new chairman. He is a good man. He will be a good friend. But being with someone over a period of 18 years, and watching him come up through the subcommittee ranks, and then to the full committee chairmanship, and becoming the senior member on my side, and working with somebody side by side, it is a relationship that I will cherish for the rest of my life, and I hope MO will cherish the friendship that I feel toward him. I say, "MO, I can tell you one thing, that as this year goes by, and the next year, and the year after, watch what we do, and let us know. Even then I will listen to what you have to say. God bless you."

Mr. KOSTMAYER. Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I was vey delighted to let the special orders that I had reserved be pushed back in order to allow this tribute to that wonderful American, MO UDALL.

Mr. Speaker, I did not serve on any of his committees, but I listened about him from all of the other Members, the Members on our side who served with him. They always had the greatest respect for him.

What I remember most about him is his pleasance. He is just so pleasant. Every time I saw him, even though it was difficult for him to move, he had a smile on his face, and he always had a hello, and a very nice hello.

Mr. Speaker, he certainly will be missed in this body because he was just such a very, very nice human being, and I do want to commend the gentleman from Pennsylvania [Mr. KOSTMAYER] and the gentleman from Utah [Mr. OWENS] who took this special time to pay tribute to this great American while he can watch what everybody is saying about him.

Mr. KOSTMAYER. Mr. Speaker, I came here in 1977, having been elected in 1976. The year 1976, of course, was the year that Congressman UDALL was a candidate for the nomination of our party, and I voted for MO UDALL in the Democratic primary in Pennsylvania in 1976, and we shared a campaign headquarters in the Eighth Congressional District. I never met him, but I knew his work and admired his positions, and I have a special admiration for the strong positions he took on the environment.

And then I came here in 1977, in January of that year, having been elected from Pennsylvania, and I joined the Interior Committee on which I have served continuously since 1976 except for one term when I was defeated. I came back in 1982 and got back on the Interior Committee.

And there is a great deal which has been said about MO UDALL today, and I really do not have very much to add except for a couple of things, one of which someone who spoke earlier said, and that is that this is an institution which is pretty badly beaten up in the country these days. Sometimes it is justifiable, but most often, I think, not justifiable.

Mr. Speaker, the presence of Congressman UDALL as a Member of the House has, I think, enhanced the stature of this institution. I think his membership reflected well on the institution, and I think that is very, very important. We remember him for many things, and most of those things have already been spoken of more eloquently than I can speak of them, for challenging this institution in instances when it needed to be challenged, for his hard work in preserving and protecting the natural beauty of the American landscape, for his integrity, for his humor.

However, Mr. Speaker, I remember most of all his personal kindness, and, having voted for him in 1976, not knowing him, and then getting to know him, I was glad I voted for him because I think very often in politics, as I suppose in other professions, people are not always what they seem to be. MO UDALL was what he seemed to be.

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He seemed to be superficially kind and gentle and sensitive and understanding, and when you got to know him, you found out that it was not superficial, that he really was that way.

I think that in our lives there are a great many things that we regret, but we never regret being kind to other people. And that will always be, I think, one of his most outstanding features, his personal kindness.

So while we regret his departure from the House, we wish him Godspeed, we wish him a speedy recovery. He will always be in our hearts.

Mr. MILLER of California. Mr. Speaker, with the resignation of our colleague MO UDALL from the House of Representatives last Friday, we have all lost a national treasure.

MO has been a close friend and mentor since I first came to the Congress in 1975. For many Members of Congress, he served as a peerless role model: A leader of unassailable integrity, matchless wit, real compassion, and a determination to always do the right thing.

There have been so many landmarks in MO's career, it is difficult to know where to begin to recount them.

He was a leader in the reform of Congress at a time when such efforts were not appreciated by Members or the public. He was an early critic of the Vietnam war, and he fought tirelessly on behalf of civil rights.

But it is his record as chairman of the Interior Committee where MO has left his greatest mark. He has had no peer in our lifetime for placing and keeping environmental protection on the front burner of American public policy. Indeed, he joins a small pantheon of Americans—Theodore Roosevelt, Harold Ickes, John Muir, Phillip Burton—who have shaped the modern conservation and environmental movements.

Every day, somewhere in the United States, someone is rafting, canoeing, fishing, hiking, or camping on land that was, in one way or another, touched by MO UDALL.

Somewhere in the United States, there is wilderness or wildlands that have been preserved for this and future generations by MO UDALL.

Our National Park System is today twice as big as it was because MO UDALL made it happen.

He cared greatly, and worked hard, on behalf of American Indians and the people of America's territories. MO fought on their behalf for improved education, health, and welfare.

For nearly 30 years, MO was in the middle of virtually every major legislative battle that faced the Congress and the Nation. War and peace, civil unrest, civil rights, ethics, campaign reform, health care, gun control, immigration, nuclear energy, and of course, the environment. His effectiveness, his integrity, and his leadership won him the admiration of Members on both sides of the aisle, and throughout America.

Future generations will talk about what a Member of Congress should be—how they should conduct themselves, how they should approach an issue, how they should deal with their colleagues, how they should serve their constituents, how they can do the best for their State and their country. Those future generations need only point to MO UDALL and say, "That's how it should be done."

Perhaps MO's greatest legacy will be the legacy of laughter. In an institution and profession not reknowned for self-deprecation and genuine humor, MO never lost his wit or his optimism.

MO kept a quotation from Will Rogers on his office wall. More than anything, it summed up his career as a public servant and his philosophy.

"We come here for just a spell and then pass on," Rogers wrote. "So get a few laughs and do the best you can. Live your life so that when you lose, your are ahead."

For those of us who served with him on the Interior Committee, who worked with him in the Congress, and who supported his campaign for President in 1976, his career has set an extraordinary standard for public service, for commitment to ideals, and for effectiveness.

I will deeply miss MO's advice and counsel on a daily basis in the Congress. I know that every Member of this body joins me in wishing MO improved health and much happiness in retirement, and in thanking him for his innumerable contributions to making Congress and America better by having served with us and inspired us to carry on his legacy.

Ms. PELOSI. Mr. Speaker, I join with my colleagues in celebrating MORRIS K. UDALL and the 30 years that he has devoted to this institution, an institution whose stature has grown because of his leadership.

We are fortunate, here in the House of Representatives, to have been graced with a long list of outstanding, effective, and capable leaders whose commitment to public service has benefited the entire Nation. MO UDALL leads this list. His tireless efforts to improve the House as an institution, to serve his constituents, and to define, shape, and demand honesty and integrity in national policy debates set an exemplary standard for us all. Think of what this Nation could be if we all had the fortitude, the moral conviction, and the sheer courage of MO UDALL.

When I think of MO, so many wonderful images come to mind. He is probably best known for his work on preserving our Nation's wilderness. The name MO UDALL is now synonymous with wilderness. Because of MO, thousands of acres of our Nation's natural heritage are preserved for the enjoyment of future generations. His resolute stand on Alaska symbolizes the strength of his convictions. Against all odds and some very formidable opponents, MO UDALL has never wavered from his commitment to Alaska.

While the environment has been top on the list of MO UDALL'S accomplishments, it is by no means his only interest. MO has dedicated his energy to many other national issues from campaign finance reform to civil service reform, and to other areas of concern for the Second District of Arizona.

I remember, after my election and before I was formally sworn into office, I visited the Interior Committee where a bill to create the San Francisco Maritime Park was being considered. MO UDALL left his committee post to welcome me to Congress and to express his support for what would become a new National Park unit in San Francisco. MO's work is enjoyed and appreciated every day in my city. Given his energetic commitment over three decades in Congress, I believe that his work is being similarly enjoyed and appreciated in every congressional district in this country.

I cherish MO's friendship, his unassuming way, his gracious manner, and his unmatchable wit. We have all benefited from his work, we will all miss him now that he is retiring. MO UDALL can proudly look on his congressional career knowing that he has made a real difference in the lives of the American people and that he has done it with grace, with style, with humor, and with integrity. He embodies the best of the public servant, the best of this institution, and the best of the American tradition.

Mr. ROE. Mr. Speaker, I wish to pay tribute to a man who has been an inspiration to all of the Members of the House and to everyone who has known him. Representative MORRIS K. UDALL deserves the profound and appreciative thanks of the Nation for three decades of oustanding public service.

I was touched by the Udall magic from the moment I arrived in Washington. After my election to Congress in the only special held in 1969, MO UDALL was the first Member to greet me. He was in his fifth term at the time, and he provided me with more than 2 hours of wisdom about Congress, Washington, and the world.

MO UDALL's resignation from the House becomes effective on May 4, but his achievements will be enduring. His accomplishments extend from the inner workings of the House to national politics to the Democratic Party to major environmental legislation, especially for the West which he has cherished so much. He will be long remembered for his insight, his wisdom, his understanding, and his enormous impact on our Nation.

MO UDALL is unmatched in the grace, dignity, and good humor with which he has lived his life, whether in good times or in adversity. He has confronted an illness which would have destroyed lesser men and not yielded an inch for more than a decade.

For several years, we worked closely together on issues relating to water resources. As always, he demonstrated remarkable knowledge of the issues, as well as a notable dedication to the preservation of our natural resources.

As chairman of the Committee on Interior and Insular Affairs for 14 years, he left his mark on America. He was the moving force on legislation to protect wilderness areas, to protect Alaskan lands, to regulate the disposal of nuclear waste, and to restrict strip-mining.

More than that was his enormous impact on an entire generation of Members in the House. It was not only through his forward-looking leadership on issues such as environmental protection, campaign reforms, and even foreign policy.

It was through the force of his personality. MO UDALL came to Congress to make a difference—and he showed the Members of the House how it could be done.

Since I came to the House 22 years ago, there have been vast changes in the way this House works. MO UDALL was responsible, directly and indirectly, for many of those changes.

The House and the Nation are vastly different—and better—places because of the tireless work of MO UDALL. I am proud to have MO UDALL as a friend and colleague. I regret that he has made the decision to leave the House. I wish MO, his wife, Norma, and the rest of the Udall family all the best in the coming years.

Mrs. VUCANOVICH. Mr. Speaker, it is with great sadness that I rise today to say goodbye to my good friend and colleague MO UDALL. It was my honor to serve with him as a member of the Interior and Insular Affairs Committee since first coming to Congress in 1983.

While MO and I did not always agree on the issues, I knew that I could always count on fair treatment and would be afforded an opportunity to make my case.

I had the opportunity to work closely with MO on the nuclear waste issue, and despite the ultimate outcome MO always dealt fairly with me and my constituents. He was the guiding force behind the original legislation to deal with the intractable problem of disposal of the Nation's high level nuclear waste. His work to craft a law that was palatable to all interests was a testament to his abilities as a legislator.

MO always understood that other Members had constituents and interests to represent equal to his own. And because of his understanding of why we are all here he understood how to make the system work for us all.

MO UDALL was a gentleman with a gentle touch and I will miss him greatly.

Mr. NEAL of Massachusetts. Mr. Speaker, it is an honor to take part in this special order for our friend and colleague, MORRIS K. UDALL. I thank you, Mr. Speaker, and Congressman OWENS for reserving this time for a man who richly deserves not only our thanks, but the thanks of all Americans. Although MO UDALL will retire from this Chamber in a few days, his legacy and his influence will not soon pass.

To my mind there are several "Mo Udalls" known to us here and people around the country. There is MO UDALL, the 16-term Congressman from Arizona who often proudly held the flag of progressive ideas in an area that has grown increasingly conservative. There is MO UDALL, the ardent environmentalist, who warned of the dangers our Earth faced long before anyone heard of "Earth Day." There is MO UDALL, the chairman of the Interior Committee, one of the best friends our national parks have ever had. There is MO UDALL, champion of the rights of native Americans, again well before Indian matters had the attention of this Congress.

There is MO UDALL, the 1976 Presidential candidate who brought such honest debate of important issues to that campaign. We all miss those days, before 30-second "attack ads," when MO UDALL and other candidates would have real debates on the national agenda. There is MO UDALL, the great humorist who always had a great line on the pressing matter of the day. His humor, often suffused with a large dose of truth, made the serious debates of this House a bit easier. MO UDALL is the spiritual descendant of Will Rogers and Adlai Stevenson, a man he often quotes, and he continues to add to the great American tradition of political humor. MO titled his autobiography "Too Funny to be President," but he was never too funny to be effective. We need his light touch around here more than ever. MO UDALL's message is always worth hearing and humor is often his vehicle for effectively delivering that message.

Finally, there is MO UDALL, a man of tremendous character. His biography, right from his youth, is studded with health problems, that would have knocked a lesser person out of the game. These problems; the loss of an eye, spinal meningitis, a burst appendix, peritonitis, and Parkinson's disease, did not stop MO UDALL, in fact, he often found humor in his health problems. It is regrettable that MO's Parkinson's disease has caused him to go into retirement. However, we can all learn from his courageous battle against this disease and we all wish him a speedy recovery from his current problems, associated with the fall he took at home.

Mr. Speaker, I have only had the honor of serving a little more than 2 years with MO UDALL, but I feel that he has taught me a great deal about serving in Congress. Democrats and Republicans alike love to recount MO UDALL stories"—they have become part of the lore of the Congress. We will all continue to look to MO for advice and inspiration. I join my colleagues in wishing MO, his wife Norma, and everyone in his family the best in the years ahead.

Mr. MILLER of Ohio. Mr. Speaker, I want to join with my House colleagues today on this special occasion to honor the dedicated service of our good friend, MO UDALL of Arizona. As we all know, MO will be retiring this Saturday, May 4, 1991, from the House of Representatives after nearly 30 years of outstanding service to this Nation as a Member of Congress.

He will be greatly missed. A great deal will be said here today in fitting tribute to a man of immense integrity and absolute honor, but it can all be boiled down to the simple fact that he, and his exceptional leadership, humor, and work ethic, will be greatly missed. We will rightly praise his legislative contributions and his astute ability to look ahead with regard to legislation of great benefit to the Nation. In the end, our collective praise will add up to how much we will miss MO—after we fully realize how much MO has given us all.

It has been reported that MO kept a plaque near his desk containing a quote from Will Rogers. The quote read:

> We come here for just a spell and then pass on. So get a few laughs and do the best you can. Live your life so that whenever you lose, you are ahead.

MO UDALL was always ahead. His legislative achievements are as monumental as they are legendary and long lasting. His preservation efforts for America's wilderness, especially Alaskan territory, have assured generations of Americans access to treasured park and wilderness lands for years to come. More than 100 million acres of Alaskan wilderness have been preserved and protected as a direct result of his leadership. We have scenic rivers and outstanding parks all across this great Nation, thanks to MO UDALL—Chairman UDALL. And, always, in the pursuit of his legislative agenda, he exemplified grace, good humor, and vision. We, his House friends and associates, were the immediate recipients of his skill and friendship.

I commend those responsible for this special occasion today. In reality, our appreciation for MO will extend far beyond this time and place. We wish MO the very best in retirement. As I noted at the beginning of my remarks, and reiterate now: He will be greatly missed.

Mr. MRAZEK. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to one of the great conservationists of our time, MO UDALL.

I had the distinct honor to travel to Alaska with Chairman UDALL in 1987. We visited small fishing villages in southeast Alaska as well as much of the arctic region, from Prudhoe Bay to the coastal plain. At every stop we made, MO UDALL received a hero's welcome, as if he had represented the State for years.

In essence, he has. MO UDALL has championed the preservation of Alaska's wildlands for over 2 decades. He spearheaded the passage of the Alaska Lands Act [ANILCA] and provided the necessary leadership to enable Congress to pass the Tongass Timber Reform Act last year. In addition, he has been the undisputed leader on wilderness designations, legislation to settle historic Indian water rights claims, as well as the Central Arizona Project.

I am sure no one will quite fill the void that MO UDALL's retirement will leave. His unparalleled sense of humor and commitment to public service is virtually unmatched in this body. He has garnered the respect of the American people as an outstanding voice for the protection of public lands and has served his Arizona constituents well. And, of course, his effort to obtain the Democratic Presidential nomination in 1976 further enhanced his national reputation.

I am truly honored to have served in the House with MO UDALL. His compassion and gift for compromise has taught me a great deal. In addition, I would like to acknowledge MO's dedicated staff, who among them have decades of experience, and who have been most helpful to me with regard to my efforts in Alaska.

This week, I introduced the MORRIS K. UDALL Wilderness Act of 1991 (H.J. Res. 239) as a tribute to MO's conservation leadership and his tireless work on behalf of the wilderness of Alaska. House Joint Resolution 239 would designate the arctic coastal plain as wilderness. As we are all aware, MO has worked for years to maintain this area in its natural, pristine condition in perpetuity. It would certainly be an appropriate tribute to MO UDALL to pass this legislation in his honor.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank my colleagues for arranging this special order today so that we may honor our colleague, MO UDALL, and celebrate his contributions to our Nation and this institution.

In "Markings," Dag Hammarskjold writes:

> Never look down to test the ground before taking your next step; only he who keeps his eye on the far horizon will find his right road.

MO UDALL's resignation from this body marks the end of a 30-year journey to discover his "right road"—a journey of learning, of growth, of disappointment and, most important, of renewed purpose.

Many of my colleagues have served longer with MO than I have. Many of you have worked more closely with him. Yet, it is my sense that MO was transformed by his journey—moving from an upstart reformer pressing for changes in the House seniority system to a little known Presidential candidate to a respected legislator and much admired senior Member of this institution.

Unarguably, MO has put his imprint on a wide range of environmental bills, working long before it was fashionable to preserve America's wilderness areas for future generations and to protect the unique environment and wildlife of Alaska.

I, however, will always cherish the special demeanor that MO possessed: the grace with which he conducted himself, his disarming humor, especially his ability to poke fun at himself—something that's often missing these days from this institution, and his courage and spirit.

Looking back, MO appears to have found his "right road," to the benefit of this body and the Nation.

Mr. NAGLE. Mr. Speaker, I would like to join my colleagues in paying tribute to the long years of distinguished service and leadership of our colleague, Mr. UDALL of Arizona.

Others have spoken of the legislative monuments he leaves behind as he closes that distinguished career. Those monuments, like Mr. UDALL himself, are, indeed, towering. His legislative achievements have been of historic proportions and will long be remembered by a grateful nation.

Today, however, I want to talk about some other monuments, some different kinds of monuments, Mr. UDALL fashioned over the years.

As you know, my home State, Iowa begins the Presidential delegate selection process every 4 years. In 1976, when Mr. UDALL sought the Democratic Presidential nomination, Iowans came to know him well as he campaigned across our State.

Even though that campaign was 15 years ago, I can tell you today, there are few national political figures held in higher esteem, and frankly, few more loved by Democratic Party activists in Iowa than Mr. UDALL.

In my State, we will long remember his many accomplishments on behalf of our environment and natural resources, but the monuments we will cherish the most are the warm and lasting friendships so many of us in Iowa were able to form with one of the true legislative giants of our time.

Mr. SHARP. Mr. Speaker, when MO UDALL retires from the House tomorrow, this institution will have lost one of its greatest resources.

MO is much more than a good friend to us. He has been a source of leadership. New Members as well as those who have spent years in the House could always count on MO to be a source of advice and counsel. Knowledgeable in not only the technical ways of the Congress but in its human dimensions, MO was always accessible, helpful, and insightful.

His sense of humor is legendary. Few of us have worked in this intense and at times difficult environment for so long and been able to retain that special sense of balance that allows us—on good days and rough ones—to smile at the end of the day. No matter how pitched the legislative battle, MO could always find inner peace and put things into perspective—a perspective that frequently brought former legislative adversaries together in laughter. His demeanor has been a source of inspiration for us.

When Chairman UDALL retires tomorrow, his retirement will have a profound impact on us, the Interior Committee he led so well, the Congress, and the Nation. A tireless worker for a better environment and maintaining the pristine quality of our national parks and public lands even when environmentalism was a neglected word, this Congress and the Nation owes a huge debt to MO UDALL. He is one of a kind, a unique and compassionate leader—and he is my very good friend. We will miss him greatly.

Mr. GUARINI. Mr. Speaker, I rise today to bid farewell to a friend and colleague, Congressman MORRIS UDALL. His tenure will long be remembered by those who love this institution, for he was truly a giant of a man. Congress is losing one of its best, a man whose career as a lawmaker is marked by the highest degree of excellence, achievement, and integrity.

Throughout his career, MO dedicated his efforts to one of the most pressing areas of national concern: preserving our precious environment. As chairman of the Interior Committee, MO UDALL led the fight for the Alaska lands bill, legislation that is considered by many to be the most significant conservation measure of this century. He was also responsible for writing the Strip-Mining Reclamation Act of 1977, and guiding the landmark Nuclear Waste Management Policy Act to law in 1982. Americans owe a great debt to this man who worked so hard to protect America's wilderness and ensure the preservation of the environment.

MO's achievements in the area of campaign finance reform have helped promote the quality and integrity of our form of Government. MO was the chief sponsor of the historic Campaign Finance Reform Act of 1974, and he continued to be an active participant in campaign reform discussions, keeping a watchful eye on changes in American politics. Campaign finance reform is an issue filled with controversy. But controversy never stopped MO UDALL from following through with what he believed in. Our political process is better today than yesterday thanks to his tireless work.

In these and many other ways, Mo Udall has served and helped the people of the Second District of Arizona, the citizens of the United States, and his fellow Members of Congress. I join all his friends in wishing Mo well.

A lot has been said about Mo's humor and everyone has their favorite story or joke that was told to them by Mo Udall. He once wrote a book entitled "Too Funny To Be President." But he had more than just a sense of humor. He had style to go along with his wit and he will be sorely missed.

Mo Udall is one of America's outstanding heros, a great credit to the Nation and this institution. Our lives have all been enriched because they were touched by Mo Udall.

Mr. JACOBS. Mr. Speaker, eloquent David Rhon wrote this Indianapolis News editorial. Good for him.

The song says, "From this valley they say you are going * * *"

We might well say to Mo, "From this hill they say you are going. We shall miss your bright eyes (sic) and sweet smile."

I don't believe it extravagant to suggest that Mo Udall is the closest thing to Lincoln since Lincoln.

How sad it is that America has been denied his Presidency.

[From the Indianapolis News, Apr. 17, 1991]

LOSING THE UDALL LEGEND

In the 1976 Democratic presidential primary, Oklahoma's Sen. Fred Harris, something of a political populist, quipped that he lost his bid for the presidency because his supporters, the little people, were too short to reach the voting lever.

Harris, however, siphoned off enough votes in four primaries—New Hampshire. Massachusetts, Wisconsin and Michigan—to deny Rep. Morris "Mo" Udall, D-Ariz., the nomination. Jimmy Carter was the winner, and the rest, as they say, is history.

It is hard to say what would have happened had Udall been the nominee instead of Carter.

But one can argue that Udall is one of the most capable politicians never to have been president. He is certainly one of the funniest. He even made fun of his glass eye, describing himself as a "one-eyed Mormon Democrat from conservative Arizona—and you can't have a higher handicap than that."

Campaigning the depressed Farm Belt during the presidential primary, he would rhetorically ask his rural farm audiences if they knew the difference between a pigeon and an Iowa farmer. "The pigeon," he explained, "can still make a deposit on a tractor."

Udall narrowly failed to become the first candidate since James Garfield to go directly from the House of Representatives to the White House. Nevertheless, in three decades on Capitol Hill he accomplished about as much as anyone, authoring the Alaska lands act, the strip mining reclamation act, the nuclear waste act, the federal wilderness act and the campaign reform act of 1974. He also authored a delightful book titled "Too Funny to be President".

Now comes word that Udall, who has been suffering from Parkinson's disease and who was injured in a fall last January, probably is resigning his House seat.

Rep. George Miller, D-Calif., remarked on hearing the news, "Mo" Udall is one of the legends in Congress. The guy's a hero to all of us who came after him. If he leaves, it will be a major, major loss."

As columnist George Will once observed. "All wit rests on a cheerful awareness of life's incongruities. It is a gentling awareness, and no politician without it should be allowed near power."

By that measure alone, Morris K. Udall should have been in the White House, but has served the nation admirably in Congress.

Mr. LAGOMARSINO. Mr. Speaker, they say you can tell a lot about a man by his friends. In Mo Udall's case, that says it all, because his friends are legion.

Few people in the public eye have more friends than Mo. His vast repository of friends ranges from presidents to pages, cowboys to kings. They inhabit igloos and teepees, castles and condominiums. He is universally liked and admired.

Over the many years and countless hours that I've spent with Mo in 1324 Longworth—the Interior Committee hearing room, with its ornate ceiling and wonderfully evocative paintings of Plains Indians and buffaloes—I have grown to admire Mo's legislative acumen, his fairness, and unfailing sense of humor, and most of all, his boundless humanity.

He is a man who was spared the burdens of the Presidency, but in the process of running made millions of new friends and admirers. The White House's loss was the House's gain, in my view. I might add that it was Arizona's gain, and California's gain, and Alaska's gain as well—every State and person who cares about the great outdoors.

Mo has done as much to promote the sensible stewardship of our Nation's abundant natural resources as any Member of this body. His name is synonymous with the Alaska National Lands Act, the Strip Mine Control Act and dozens of other landmark measures. His skills as a negotiator, his ability to hammer out workable compromises with competing interests, are testimony to his all-encompassing point of view. Mo sees the merit in every argument and every man. It was probably this reasonableness which cost him the Presidency.

Although we are of differing parties, I have never regarded Mo as a partisan politician. He is an American, a Westerner, and a man of his word—and that's good enough for me. I regard him as a true friend.

Mr. Speaker, few men leave as memorable a mark on this House as Mo Udall. I know that every time I sit in 1324 Longworth and glance at Mo's portrait on the back wall, I will think of him, doing what he loved best, doing the business of the people. I can think of no finer tribute. Thank you, Mo, from all your friends. And Mo, all the best for the future for you, your wife, Norma, and all of your family.

Mr. SOLOMON. Mr. Speaker, we are taking this time today to honor one of the greatest and most esteemed Members to ever serve in this great House. But, in a very real sense, I think it has been Mo Udall who has honored us all these past 30 years. His career of service touched and enriched the life of this institution in a way that has been equaled by few other people in history.

I first met Mo in Albany, NY, in 1976. He was campaigning for President, and he stopped by the New York State Capitol Building to address the State assembly. Mo was representing the opposite political party, of course, but I came away from that meeting immensely impressed by his integrity, his candor, and, of course, his wit.

Two-and-a-half years later, I came to Washington as a freshman Member of Congress, and I had the opportunity to get better acquainted with Mo. All of us who know him will always remember his fairness and his willingness to go the extra mile in helping any Member achieve something worthwhile for our country.

I mentioned a moment ago that Mo comes from the other party from mine, but the elder statesman of my party, Barry Goldwater—"Mr. Republican," "Mr. Conservative"—has said many times that Mo Udall is the finest man he has ever met in public life. I am sure that we all can say that.

And so we meet today, not to offer a eulogy, but to express our thanks. Thank you, Mo, for your life of service which has brought such dignity to the craft of politics. Yours has been an uncommon example of courage, honesty, and adherence to principle. We should all hold ourselves to that high standard.

Good luck, Mo, and thanks for all you did for America.

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to join with my colleagues in honoring a man who served this House so nobly for decades, and who is retiring this week. The Honorable Mo Udall resigned from the House of Representatives this week after nearly 30 years of service. I had the good fortune to know Mo in another capacity, both he and I were former professional basketball players. Along with Jack Kemp, Jim Bunning, and Bill Bradley, we formed the unofficial jock caucus on Capitol Hill. Not many people know that Mo was an accomplished player in the 1950's, before he hung up his sneakers for the world of public service.

There are very few people who worked in these buildings during the last three decades who did not know of his remarkable charm and legendary wit. But, behind this sense of humor, was an incredibly dedicated, hard working, and compassionate public servant. We all know of vital environmental legislation Mo pushed through the Congress, protecting the lands, the lakes, and the streams of the Nation.

Mo was fond of quotes, and often turned to Will Rogers for an appropriate line. In that vein, I'd like to note something that Rogers said in his autobiography:

> Shrewdness in Public Life all of the World is always honored, while honesty in Public Men is generally attributed to Dumbness and is seldom rewarded.

Mo Udall proved that wrong. He was a man who wore his honesty on his sleeve, no matter what the political consequences or personal sacrifice was required.

I am sure we will all miss Mo Udall's presence in these Halls. More than that, the citizens of Arizona and the United States will miss this advocate of great and noble causes.

Ms. Oakar. Mr. Speaker, 2 days from today, a giant of Congress will bid it adieu. Morris King (Mo) Udall will, because of failing health, step aside after honorably serving the House of Representatives and the constituents of the Second Congressional District of the State of Arizona for 30 years.

We are gathered here this afternoon to bring forth our own fond remembrances of this gentle giant. There are many. MO UDALL was a man who touched the hearts and minds of everyone with whom he came in contact. MO has the great distinction of having literally thousands of friends. I think it is safe to say that he has 435 in this body alone.

I had the privilege of participating in a special tribute for MO at the 1988 Democratic National Convention. Given the Democrats celebrated penchant for fighting and bickering, it was the one thing we all could unanimously agree on. We loved MO.

It was not the first time this great human being was honored by his party or his colleagues. In 1984, he was honored by his colleagues as the most respected and most effective Member in the House of Representatives. I am pleased to say that great honor has not been tarnished one bit after 30 years of service to his country.

In a way this country is his country. MO UDALL literally was a lone voice crying in the wilderness when he passionately championed his environmental programs. But, because of his vision and his tenacity, untold generations will be able to enjoy the beauty and grandeur of vast expanses of wilderness, protected from the interests who would despoil nature's wonders. I think there could be no finer way to remember MO UDALL than to name one of our national parks after this gifted human being.

At the 1988 Democratic National Convention, in introducing MO to the delegates, I referred to him as "perhaps the greatest lawmaker of our time." Today, the only change I would make in that introduction would be to eliminate the word "perhaps."

To the greatest lawmaker of our time, MO UDALL, I wish God's speed. His example embodies everything that is honorable and decent and good about this body. His legacy will be here long after all of us have gone our divergent ways. And that is the way it should be.

Mr. FORD of Michigan. Mr. Speaker, I am honored to join my distinguished colleagues in paying tribute to one of the legislative giants of our time—MO UDALL. Everything about MO is big—his stature, his wisdom, his wit, his heart.

Many will best remember MO for his work on environmental issues. As chairman of the Interior Committee, MO was deeply involved with legislation affecting public lands, national parks, and Indian affairs. Among his proudest achievements was the passage of the Alaska lands bill designating 104 million acres as national wilderness.

But I will remember MO for our work on the Post Office and Civil Service Committee and the Franking Commission. MO served on the Post Office and Civil Service Committee his entire 30 years in Congress and as the only chairman of the Franking Commission since its creation in 1974. I served on the Post Office and Civil Service Committee from 1967 to 1991, becoming chairman in 1981, and served on the Franking Commission since 1981.

MO and I found ourselves on opposite sides on some of the major legislative proposals pending before the committee. We both played key roles in legislation to create the U.S. Postal Service and the Civil Service Reform Act. While we didn't see eye to eye—by any stretch of the imagination—on all of the issues, we were able to produce legislation that we could both support on the floor of the House.

Mr. Speaker, it has accurately been said that MO UDALL is one of Arizona's most valuable natural resources. For 30 years, MO truly was one of the House of Representatives most valuable Members. I will miss him.

Mr. WEISS. Mr. Speaker, 2 weeks ago we learned something that we had long feared. MORRIS K. UDALL, Representative of the Second District of Arizona for 30 years, is resigning from the House of Representatives.

It is testament to MO UDALL's political acumen, his self-deprecating sense of humor and kindness as a friend that the House of Representatives takes time today to honor him. I am privileged to participate in this special session.

Of course, those of us in the House who have served with MO UDALL over the years are well aware of his political achievements and warmth as an individual. They stand as tall in our eyes as his 6-foot-5-inch frame does.

As a liberal activist in the Democratic Party, he was a leader on environmental issues and a reformer of campaign finance. As chairman of the Interior Committee, he developed that committee into a champion of conservation and environmental causes.

But MO UDALL is more than a politician. Almost everyone who knows MO UDALL has a funny story to tell about him or have had an exchange with him that left a favorable impression.

But what's indeed admirable about MO UDALL—what should really leave an impression—is that he was not afraid to be a leader and, more importantly, not afraid to fail. He ran for the Democratic Presidential nominee in 1976 and lost in a close race. He ran for majority leader in the House and failed to gain that position.

Despite those setbacks, and personal setbacks, MO never lost his sense of humor, he never lost sight of who he was, or what he was about. That's the mark of a great leader.

For those of us honoring him today, we should recall that characteristic.

But MORRIS UDALL is not resigning from the House because his work is done here. Everyone who knows MO knows he is a fighter. He is resigning because a personal illness no longer permits him to serve. Although I am saddened that the House will be losing his leadership and wit, I wish him well in a speedy recovery. Suffice it to say it will be impossible to fill his large shoes.

In honoring MORRIS K. UDALL, I think it is appropriate to remember a bit of his outlook on life. That outlook is expressed well in quote by Will Rogers that is kept near his desk.

> We are here for just a spell and then pass on. So get a few laughs and do the best you can. Live your life so that whenever you lose you are ahead.

Mr. SMITH of Florida. Mr. Speaker, starting this week, the House will laugh a bit less because MO UDALL is resigning.

As a 30-year Member of this body, MO has led the House of Representatives and the Nation with his self-effacing humor and his strong convictions. He was a leader in opposing the Vietnam war before it was popular to do so. He became a leader in raising the ethical standards of Government ethics before it was a political necessity. He led the fight for the preservation of our environment before Earth Day was a televised event. MO always seemed to know what was best for America even before America, leading instead of being lead.

What will I remember most about MO? Clearly, the direction he gave this body as chairman of the Interior and Insular Affairs Committee cannot be forgotten. The unifying role he provided the Democratic Party as keynote speaker at the 1980 Democratic Convention will also stand tall in my memory. However, what I will remember most about MO is not the proud, intelligent legislative record he leaves behind, but his warm friendship and his shining humor.

Perhaps my favorite story he told me deals with a little girl who is saying her prayers before moving. The girl says:

"Now I lay me down to sleep, I pray the Lord my soul to keep. God bless Mommy, Daddy, Grandma, and sister * * *. And now, good-bye God * * * we're going to Washington."

We are all very lucky MO UDALL came to Washington. He was certainly funny, but not too funny to be one of the best legislators our Nation has ever had. He will be sorely missed.

Mr. COLEMAN of Texas. Mr. Speaker, I would like to add my thoughts in tribute of a good friend and southwestern neighbor, MO UDALL. Representative UDALL took me under his wing during my freshman term, teaching me the ins and outs of Capitol Hill.

I will remember Representative UDALL as a strong supporter of United States-Mexico relations, and I know he will miss the opportunity to vote on our future trading relationship with Mexico. In 1983, he helped in the formation of the border caucus, and has been an active member during the last 8 years.

He is rightly championed as a dedicated conservationist, who will be remembered for his leadership of the Interior Committee, which, through the years, has tried to remain true to the Earth. MO is a noted authority on the United States' land and energy resources and is deeply involved with legislation affecting nuclear energy, public lands, national parks, and Indian affairs. This year, for example, Representative UDALL introduced legislation to expand Alaskan wilderness areas.

His legacy will include his leadership in the Alaska lands bill, probably the most important conservation measure of the century and the 1977 Strip-Mining Reclamation Act. In 1984, he wrote the law which designated over 1 million acres of land in Arizona as wilderness. He loves the outdoors, something those of us from the desert Southwest share.

The environment has not been his only interests, however. He has served as a member of the Foreign Affairs Committee and the Post Office and Civil Service Committee. He has been a leader of the Democratic Party, sponsoring the 1974 Campaign Finance Reform Act and in 1984 served on the Hunt Commission.

The most important thing that MO UDALL taught me, however, was how to retain a sense of humor while the wolves are pounding at the door. His wit will remain with all of us;

after all, how many of us could write a book entitled "Too Funny To Be President?" That was not the only book he wrote, we will remember him as the author of "Education of a Congressman" and "The Job of the Congressman" the unofficial primer on the inner workings of Congress.

I am sorry to see my friend, my neighbor, and mentor leave his seat in the U.S. Congress, but I know I will be able to cherish the few years I was able to share his wit, enthusiasm and knowledge.

Mr. YATES. MO UDALL is one of the great, good men of this House and his retirement is a sad event. We have been close friends for many years and I can only say that I will miss him very, very much.

MO makes us proud to be citizens of this country and those of us who participate in public life take particular pride in his life and career. Every citizen of the United States has benefited from the dedication, wisdom, and hard work of this remarkable human being. He has brought joy to our hearts and from the day he arrived from Arizona, he has been a bright, progressive force in the Nation's public policy. I thank him for all those things and I want him to know I treasure his friendship.

Mr. HORTON. Mr. Speaker, I rise to join my colleagues in paying tribute to MORRIS K. UDALL—a man who has dedicated over 30 years of his life to public service. It has been my distinct honor and indeed a personal privilege to serve with MO for all of my 29 years in the Congress. He is one of the finest individuals I have ever known and, indeed, one of the all-time giants of the U.S. House of Representatives.

As a member of the House Interior Committee since coming to the Congress in 1961 and chairman since 1977, MO has placed his personal imprint on virtually all environmental legislation of the past 30 years; and he may, in fact, be the most prolific author of environmental legislation that this body has ever seen. Today, the millions of acres of wilderness across the country, which are now safeguarded from development, stand in affirmation of MO'S steadfast commitment to protecting our Nation's vital natural resources.

Since his early years in Congress, MO has used his leadership abilities to successfully advocate many reforms of both the Congress itself and the American election system. In 1971, he was the author of ground-breaking legislation that established the first natiional campaign finance guidelines.

I have had the opportunity to serve with MO on the Post Office and Civil Service Committee. As the chairman of the Franking Commission, MO has exhibited the highest degree of integrity and fairness. As a member of the Committee, MO has also worked to reform the Federal pay system. He is a friend of civil servants throughout America, and they will sorely miss him.

In recent years, I have come to rely on MO for guidance and advice as several counties that I represent are affected by an ongoing Indian land claim. MO'S knowledge and insight have been invaluable to me as I have worked to develop an agreeable solution to this claim which clouds the title of thousands of landowners and threatens to disrupt the local economies. The loss of MO'S expertise makes the prospect of successfully concluding this issue all the more difficult.

I would like to extend the best wishes of my wife Nancy and myself to MO and his family, friends, and staff. Throughout his lifetime, he has overcome adversity time and time again; let us all hope and pray that his tremendous will and courage will prevail one more time.

For the past 30 years, MO UDALL has represented the people of Arizona's Second District with honor, dignity, and the utmost distinction. His retirement is a loss not only to the people of Tucson, Phoenix, and Yuma, but the entire State of Arizona and the Nation as a whole. We will miss his leadership and his ever present wit, and I am afraid that the House of Representatives will be forever diminished by his absence.

Mr. HUGHES. Mr. Speaker, I rise today to join my colleagues in honoring one of the great men to have served in the House of Representatives, Congressman MORRIS K. UDALL. On Saturday May 4, 1991, MO UDALL will officially retire from Congress.

Our country missed a great opportunity with MO UDALL. He would have been an outstanding president. He is unquestionably one of the most respected Members to ever serve in the Congress. MO also had a quick wit and wonderful sense of humor.

For 30 years, MO has represented the people of Arizona's Second Congressional District. Throughout his distinguished career in Congress, he has earned great respect from his colleagues as a talented legislator and a statesman. Since 1977, he has served as chairman of the Committee on Interior and Insular Affairs. His legislative achievements are numerous including: the Alaska lands bill, the 1977 Surface Mine Reclamation Act, and the 1982 Nuclear Waste Management Policy Act—just to name a few. He is one of the foremost experts on energy and land issues in the Congress.

MO UDALL is also a leader in campaign reform. He sponsored the 1974 Campaign Finance Reform Act and served on the Hunt Commission which wrote new rules for the 1984 national elections.

MO has served the people of Arizona and this Nation with dignity, honor, and integrity. His legendary sense of humor brightened the Halls of Congress. His expertise, leadership, and humor will surely be missed in this Chamber.

Mr. QUILLEN. Mr. Speaker, today I join with my colleagues to honor my close and personal friend, MO UDALL. MO, I will miss you personally, and the whole Nation will miss your legendary leadership in the House. Your retirement will leave a void that will be impossible to fill.

In my 29 years in Congress, I have enjoyed my association with you and found you to always be considerate and a gentleman.

I remember so well when the bill creating a Cabinet level Department of Education was before the Rules Committee and you needed votes to get it reported to the floor. I voted to support it, and you wrote a letter telling my constituents that it was my vote which actually was responsible for the measure reaching the floor. You did this for a Republican, even though you are a dedicated Democrat. It just goes to show how thoughtful and considerate you are. You haven't forgotten. However, the National Education Association's memory is not as good as yours.

Your commendation for my assistance in passing the Alaskan wildlife bill also meant a great deal to me personally.

I could go on and on about your skill and legislative abilities and recognition for those who would help you in getting legislation passed. No one can equal your skilled legislative performance and accomplishments.

I salute you as you leave—you will always have a warm spot, not only in my heart, but in the hearts of all those with whom you have served and those whom you have helped all during your career.

Mr. MONTGOMERY. Mr. Speaker, I want to join you and so many of our colleagues on both sides of the aisle to pay tribute to our friend, MO UDALL. Like all who have known and worked with MO over the years, I am very fond of him. Everyone in Washington is well aware of his famous wit. He would have been a big success in the entertainment industry, but MO chose a career of public service. And those 34 years of service to the people of Arizona and to this Nation have been outstanding. He will be greatly missed in this Chamber.

I always found MO to be very easy-going and a pleasure to work with, and his record of achievement is a reflection of his ability to get along with Members on both sides of the political aisle. We are here today to honor MO UDALL, the man, as well as to honor his very effective record of legislative achievement in this Congress. He deserves recognition on both counts and I am proud to take part in this special order today.

I want to salute MO UDALL for a job well done and wish him all the best.

Mr. FASCELL. Mr. Speaker, I rise today to honor the 30 years of service of one of our finest colleagues, MORRIS K. UDALL. In MO'S last week of service in the House of Representatives, I would like to take the opportunity to salute our colleague and friend. It has been an honor to have served with a man so dedicated and devoted to public service.

MO came to this body in 1961 to be heard and to make a difference. He won with dignity and lost with grace, but he never gave up on the fights he lost. MO fought to make our Nation fairer, our environment cleaner, and our Government more accountable. He may not have gotten everything done that he wanted to, but his record is still very impressive.

Regardless of whether you supported his position or opposed it, to work with MO was always a pleasure. He constantly demonstrated that laughter is not only therapeutic, but also a very effective way to make a point. MO eased tension with a story or a joke and, at the same time, would drive his position home. He may have been "too funny to be President," but we know that he was a serious legislator committed to improving our Nation.

During his tenure as chairman of the House Committee on Interior and Insular Affairs, he was responsible for reshaping our national perspective toward the environment. He thoughtfully encouraged greater emphasis on conservation ideals to the stewardship of public lands and this legacy will endure. Future generations which use our public lands and national parks may never know of MO, but they will enjoy the fruits of his labor.

A partial list of accomplishments include protecting the Grand Canyon, reforming the campaign finance system, preserving our last frontiers in Alaska, working to stop strip mining, and revising the civil service system. MO has also helped protect countless resources of ecological and historical value in communities across the country. The focus of his career was to leave our environment cleaner than when he found it and to make our Government more effective than when he found it. Judging from the respect and affection we have for MO, I believe he has been successful.

One of MO's most important contributions to our Nation is the reforms he advocated in this institution. These reforms brought more Members into the process and allowed the Congress to benefit from their expertise and diversity. These reforms changed this institution and will allow it to continue to address the changing needs of our Nation and our world.

MO has also been a valuable member of the Foreign Affairs Committee, and of the Arms Control, International Security and Science Subcommittee, which I chair, since 1985. We have appreciated his contributions to the committee, particularly his expertise on international environmental issues.

We have been fortunate to have served and worked with MO UDALL. He leaves the Congress with a list of accomplishments that demands respect, and he leaves his colleagues with many marvelous memories of the special person he is.

Jeanne-Marie and I wish MO continued progress with his recovery so that he and his family will enjoy a well-earned retirement.

Mr. ANNUNZIO. Mr. Speaker, I'm honored to have served with Congressman MO UDALL during my 26 years in the House of Representatives. I'm sure all the Members of this body will miss MO's congeniality, wit, and commitment to making this country a better place to live.

When MO UDALL came to this Congress in 1961 he brought with him the values that have characterized the Democratic Party for generations. These include a commitment to equal opportunity for all and a desire to give working Americans a chance at a better life than their parents and grandparents before them.

But beyond that, when MO UDALL came to this House he brought with him a special knack for drafting and promoting legislation of interest to his Arizona constituents and people across this Nation.

One key area where MO put these skills to work is in the field of environmental law. As chairman of the House Committee on Interior and Insular Affairs since 1977, MO helped enact more bills to protect the environment than anyone in this House. History will credit him for his bold efforts to save wilderness areas, including nearly 100 million acres of unspoiled land in Alaska. And despite the tragedy of MO's recent illness, he's kept right on fighting to safeguard these areas by opposing oil and gas drilling in the Alaskan wilderness and elsewhere.

Everyone knows MO as an effective Congressman, but his dedication to public concerns has never caused him to lose his easygoing congeniality, whether he was on the Presidential campaign trail or the floor of the House of Representatives.

I'll always remember MO's smiling face and his friendly hello when I'd see him on the floor during rollcall votes. In this age of increasingly negative political discourse, we can all benefit from MO's example as a man who never lost his sense of humor when dealing with politics or the Federal Government.

Finally, as he now enters retirement, I want to offer my best wishes to MO, his wife Norma, and their entire family.

Mr. GALLEGLY. Mr. Speaker, I am proud to join today in honoring a legislative giant as he concludes 30 years of service to this House and to our country.

The Honorable MORRIS UDALL leaves behind a legacy that few other Members can match. From his uphill fight to reform House rules to his desire to preserve our Nation's natural beauty to his valiant struggle against the disease that finally is forcing him to retire from the House he loves so much, MO UDALL has been an inspiration.

I have been honored to serve for more than 4 years on the Interior and Insular Affairs Committee under Chairman UDALL. As my fellow committee members would agree, there is perhaps no fairer and more even-handed chairman in the House today, and certainly no member with the wit and good humor that MO has consistently shown throughout his career.

The House will be a poorer place without MO UDALL. He may have been, as his book suggests, too funny to be President, but he will be remembered as a gifted and hard-working lawmaker who accomplished much for his beloved Arizona and for his Nation.

Mr. APPLEGATE. Mr. Speaker, in his book, "Too Funny To Be President," our dear friend and colleague, MO UDALL, thought of each and every one of us when he said, "This book is dedicated to the 3,000 Members of Congress, living and dead, with whom I served for nearly three decades."

Well MO, everyone in this Chamber, and everyone in the other Chamber, all wish to join together in returning the favor by dedicating this day to you. As for the rest of those 3,000 who can't join us today, well, MO, I'm sure you'll think of something to say about them when it's appropriate.

If anyone really wants to know what American politics is all about, if they really want to fathom their way through the nuances of our representative democracy, then one need not go any further than to read MO's exquisite writings on America's two favorite pastimes: Politics and Humor.

To really gauge the honest views and concerns of Americans, to really get at the core of what the voters think about their elected officials, I can only recall the story that MO tells in his book, to quote:

> A stuffy Senator goes to an Indian village for a fourth of July parade. The Chief asks the Senator if he would like to ride in the parade.
>
> "Okay," says the Senator, "If I can ride that big white stallion I rode last year."
>
> "I'm sorry," says the Chief, "we don't have a white stallion."
>
> "Sure you do," says the Senator. "I can see him over there in the corral."
>
> The two go over to look. Reaching the fence, the Senator points to a big white horse and says, "There he is, that's the same one I rode last year."
>
> "But that's not a stallion, it's a mare," says the Chief. "She's one of our best horses."
>
> "Well, okay," says the Senator. "Throw a saddle on her and I'll ride her. But I know there's some mistake. I can distinctly remember riding through the streets and hearing people say, 'Look at that big . . . look at that big . . .'" Well, Mo, you know how the story goes . . . "'Look at that big "You-know-what" on that white horse.'"

If anyone wants to know the rest of the story, they'll just have to read your book.

MO, your 30 years in this Chamber will go down as probably some of the most important 30 years ever put in by any of those 3,000 Members with whom you've served.

But MO, let me just say, and as you quote in your book, as Will Rogers once said: "Live your life so that whenever you lose, you are ahead."

MO, just because you always seemed to come in second way back in 1976, let me assure you that you were never a loser at anything. And, most of all MO, as far as coming out ahead of the game, let me just say that you're way, way ahead of your many colleagues who have had the great pleasure of serving along with you.

You should have been President, MO, and I really don't care if those guys in that barber shop in New Hampshire were laughing about it.

MO, we thank you for moving America ahead on the important issues of our environment, our public lands, and our natural resources.

There is not a Member with whom you've served who has not felt your presence, nor will those in future generations not feel the impact of what you have done to make America a better place in which to live.

Betty and I extend our very best wishes and very best hopes to you and Norma and your family for many years of happiness together.

Goodbye, MO, and God bless you.

Mr. STUMP. Mr. Speaker, MO and I go back a good many years, and his leaving the House truly is the end of an era in the history of Arizona, the House, and the country.

MO is among this institution's most highly respected Members. He earned that respect through decades of public service marked by selfless concern and action on behalf of his native State, his country, and this Congress.

The UDALL legacy is diverse and one which will touch many people for years to come. And as important as the tangible successes of his career, so too is the intangible means he went about achieving his goals. MO employed just the right mix of determination, wit, and humility to build coalitions to resolve issues, no matter how great or how small. It is a formula from which we could all learn.

MO's retirement is a tremendous loss of a leader in the House and Arizona, and to his many friends throughout the country. Although we didn't always agree on the issues, we've worked well together over the past 14 years, and I feel fortunate to be among those to have had the opportunity to work with him and to call him a friend.

Mo and the family are in my thoughts and prayers. I thank him for an outstanding career, and wish him well.

Mr. CONDIT. Mr. Speaker, I rise today to pay tribute to one of this institution's greatest Members, our beloved Morris Udall of Arizona, who has decided to retire after 30 years of service.

Mo Udall cared about this country, and he cared about how we left it to our descendents. More than anyone else in this Congress, Mo Udall was instrumental in protecting the environment and the natural beauty of our vast areas of wilderness. He was a tireless worker for causes that would make a difference in the quality of life for our citizens.

He loved this place. He enjoyed being a Member of the House of Representatives, and it showed. It can sometimes get frustrating and disillusioning here, but it was always an inspiration to watch and hear Mo Udall talk about this institution, exhorting his colleagues to do the right thing, whether you agreed with him or not on the issue at hand. His humor was always a great outlet for the tension that can build around the work that we do here.

His shoes will be hard to fill, but Mo Udall's presence will always be felt here and in the natural resources that he was so instrumental preserving. I wish him and his wife Norma well. We are all praying that his health improves, and he is able to resume an active life.

Mr. DURBIN. Mr. Speaker, I rise today to pay tribute to an extraordinary Member of Congress. Mo Udall may retire this week, but he will long be remembered for his outstanding work as a Member of Congress and will always be loved by those who knew and worked with him.

Mo took his job seriously, but not himself. When I came to Congress in 1983, Mo had already served for 20 years. His great knowledge of the legislative and political process as well as his sense of humor and loyalty to this institution inspired me from the beginning.

Mo is well known for his work to preserve our Nation's wilderness areas and National Park System. As chairman of the House Interior Committee, he left a legacy of beauty across our country. Mo was also instrumental in enacting reforms in the House in the late 1970's. Our current system of government would not be what it is today without Mo's hard work.

Mo made friends every where he went. I hope he realizes that he will be sorely missed in Congress. I wish Mo and his lovely wife Norma all the best and many happy times in the coming years.

Mr. FUSTER. Mr. Speaker, I rise today to add my praise for Mo Udall. We in Puerto Rico owe a special debt of gratitude to the retiring chairman of the Interior and Insular Affairs Commitee. He is a most distinguished Member of this body who has a special knowledge of Puerto Rico, and somehow it won't be the same without his presence in Congress.

Mo Udall has served in the House for 15 terms, and he has certainly left his mark. His record of decency, competence, and sheer dedication to the magnitude of his responsibilities has set standards by which we all aspire to, and his presence will be missed. We all know the wide respect and affection he had from his colleagues. The 3.6 million American citizens in Puerto Rico share that respect and affection. He has certainly left his imprint on legislation affecting us in Puerto Rico, and he will long be remembered.

His constituents in the Second Congressional District of Arizona, a great many of them Hispanic, have every reason to be proud of their giant of a Congressman. When the history books are written about the U.S. House of Representatives in the second half of this century, the name of Morris K. Udall will be writ large, and I am proud to have counted him as my friend and colleague on the Interior Committee. I wish him well as he continues to battle the health problems that have caused his unfortunate resignation from the Congress.

Mr. de la GARZA. Mr. Speaker, for over two centuries Congress has been a living force in the American system of government, a dynamic embodiment of our millions of citizens. The will of the people emerges through the agreements and disagreements that develop as each of us as Congressman attempt to reflect the views and desires of our own constituencies. Yet, some members go beyond the confines of their own districts, representing and striving to achieve the goals of a far broader constituency—a majority of the body politic. And when such Members of Congress retire, not only we, their colleagues, or their individual constituents feel the loss, but the whole system suffers.

Today we are here to honor such a man, Morris Udall, as he ends what has been a more than distinguished congressional career. As we gather, I try and think what exactly it is that makes him such an institution among us. Is it his legislative achievements with which we are all well acquainted? No question they are legend. Is it the exemplary manner in which he has served this Nation? Certainly his sound judgment and honest concern has always been evident. Is it the integrity, conviction, and dedication he has displayed these past three decades? Truly he is a shining example of representative government, his actions reflecting the needs of those who sent him here to Washington, his accessibility proving to his constituency that they had certainly made the right choice. Personally, I think it is all this and more becaue to put it quite simply, Morris Udall is a great man—one whose impact has been profound and whose legacy will indeed be lasting.

It is never easy to say goodbye to one of our own, and today as we stand here I truly feel a loss that one who has added so much vitality to this Chamber will tomorrow no longer stand in our midst. What is nice, however, is that we all know we can continue to call on Morris Udall for his invaluable expertise and counsel.

Mo, for the honor of having had the privilege of working beside you these many years let me say thank you. I will miss you. We will all miss you. You are indeed our hero.

Mr. RAHALL. Mr. Speaker, I would join my colleagues today in paying tribute to Mo Udall.

There are those today who will speak about Mo Udall, the gentleman from Arizona. Mo Udall, the Presidential candidate. Mo Udall, the powerful chairman of the Committee on Interior and Insular Affairs and his vast legislative accomplishments. Mo Udall, the man.

I share the sentiments of my colleagues in these matters. As a freshman Member of Congress I began serving on the Interior Committee in 1977, the year Mo became its chairman. Under Mo's leadership, the years that followed were extremely productive for the committee. Many of Mo's legislative initiatives were enacted into law, such as the Alaskan Lands Act. Under Mo Udall's guidance the committee produced a legendary amount of wilderness and park legislation that will stand as testimony to the will and foresight of this great man.

Others will speak to those issues. I will speak to but one of Mo Udall's legislative achievements; one that left its mark on the lives of every citizen of this Nation's coalfields: The landmark Surface Mining Control and Reclamation Act of 1977.

Mr. Speaker, for many years leading up to the enactment of this law, the gentleman from Arizona saw what was occurring in the Appalachian coalfields of this Nation due to unregulated surface coal mining. By the 1970's, it became increasingly clear that the proliferation of acidified streams, highwalls, refuse piles, open mine shafts, and other hazards associated with past coal mining practices could not be ignored.

It was on February 26, 1972, that a coal waste dam located on Buffalo Creek in Logan County, WV, collapsed causing a flood of truly horrible proportions in loss of life, injuries, property damage, and people left homeless.

This disaster, coupled with mounting concerns over the failure of several States to properly regulate mining, ensure reclamation and the development of surface coal mining in the semiarid West for the first time raised the level of public attention to the plight of coalfield citizens adversely affected by certain coal mining practices from a local, to a truly national, level.

The congressional debates of the mid-1970's, and bills passed only to be vetoed, set the stage for Mo Udall's introduction of H.R. 2 on the opening day of the 95th Congress in 1977.

As a newly elected Representative from West Virginia, I was honored to serve on the Interior Committee at this time, at the very time when Mo Udall took the leadership reigns of the committee, at the very time when after years of struggle it looked likely that a Federal Strip Mining Act would pass muster. I was given a great compliment when Mo Udall chose this freshman Member from West Virginia to serve on the House-Senate conference committee on H.R. 2, and stood in the Rose Garden with President Carter and Mo Udall when the bill was signed into law as the Surface Mining Control and Reclamation Act of 1977.

This law has served the people of the Appalachian coalfields well. It has made the coalfields of this Nation a much better place in which to live. The vast majority of the coal industry is in compliance with the law, and countless acres of old abandoned coal mine lands have been reclaimed under the special fund established by the act.

Mo Udall's original insight and foresight have proven correct and we are very much indebted to him. When God made the mountains of my home State of West Virginia, he made a special breed of people to preside over them. We are born of the mountains and hollows of our rugged terrain. Our State motto is "mountani semper liberi"—mountaineers are always free. Although MO UDALL is from the Southwest, from Arizona, he understood us. He understood the true beauty of our hills and hollers. He is, in my mind, an honorary West Virginian. And his years of diligence in not only gaining the enactment of the 1977 law, but in pursuing its implementation, will be long remembered by all West Virginians.

Now, if MO was here, I can imagine what he would say. He would tell the story about a young man at a banquet. This young man was getting an award and he was flustered and he said, "I sure don't appreciate it, but I really do deserve it."

MO turned over responsibility on the committee for the Surface Mining Act to this gentleman from West Virginia, his chairman of the Subcommittee on Mining and Natural Resources. As I undertake my duties in this regard, the words MO spoke on the 10-year anniversary of the enactment of the 1977 law ring in my ears: "The act was, and is, more than a piece of legislation. It is a vehicle of hope for those who live and who will live in America's coalfields." MO left some big shoes to fill.

Mr. Speaker, I cannot conclude without making note of one other mining initiative. MO understood what was occurring in the coalfields. But he also understood the abuses that took place in the West, in hardrock mining for copper, gold, silver, and other such minerals under the mining law of 1872.

It was also in 1977 that the effort to reform the mining law of 1872 came to a head. MO UDALL, a reform supporter, however, found that the press of committee business and other considerations would cause this particular iniiative to be shelved for the time being.

Ten years later, in 1987, as his MIning Subcommittee chairman I resurrected the issue and today, mining law reform legislation is being actively considered by the Congress. MO, I will do my best to use the same judgment, same humor, you would bring to the debte. MO UDALL, this one piece of unfinished business, once completed, is for you.

God bless you, MO UDALL.

Mr. WAXMAN. Mr. Speaker, Mo Udall, one of the best loved figures of the House of Representatives, retired last week. In the 16 years I have been in Congress, I cannot recall the loss of a Member that moved the House more deeply than Mo's resignation.

Those of us who have had the privilege of serving with Mo know what a delightfully unusual politician he is. He is one of just a few American politicians known and respected more for his unwavering principles than for his political views. He has taken on powerful interests and enormous legislative challenges, and he has compiled an astounding record of solid legislative achievements. And when he has not won, as in his run for the Presidency in 1976, he has been more gracious in defeat than most politicians are in victory.

Mo is unviersally loved for his self-effacing, but powerful, wit. His dry sophisticated humor is remarkably similar to that of his comedic hero, Will Rogers. His humor has always put people at ease and has allowed them to put the conflict and tensions of the moment in perspective. Somehow, Mo has managed to be a serious Congressman without ever taking himself too seriously.

Everyone in this body cherishes a favorite anecdote or joke of Mo's. One of my fondest is a story he used to tell to make light of politicians who form their opinions only after raising their fingers and gauging the winds of popularity.

> This politician went to this little town to make his speech. "Well, ladies and gentlemen," he concluded, "them's my views, and if you don't like them—well, then, I'll change 'em!"

Mr. Speaker, few men and women have brought to Congress the wit, grace, dignity, and depth of conviction as my good friend Mo Udall. He is literally irreplaceable.

Mr. WHITTEN. Mr. Speaker, MO UDALL is one in a million—active, able, with a sense of humor that is unsurpassed.

There have been thousands of Members of Congress since we became a nation—many outstanding men and women have served their district, State, and Nation, but none has enjoyed more support, more appreciation for his service than has MO. His effective service, will continue to be a measure by which other Members may be judged.

The Nation will miss his services, and we will miss his presence.

Mr. STOKES. Mr. Speaker, I want to thank my colleagues for reserving this time to pay tribute to our dear friend and colleague, MORRIS K. UDALL. The resignation of this great leader brings to a close 30 years of distinguished service to his constituency and the Nation. I am proud to join in this special order honoring my good friend.

Mr. Speaker, it is difficult to surmise the feelings of many who serve in this body at the departure of this extraordinary individual. For many of us, MO UDALL has been an inspirational leader, counselor, and close friend. This institution has benefited over the years from his insight and strong leadership. MORRIS UDALL is hailed as one of the true giants in the history of the Congress, and he is certainly well deserving of this esteemed honor.

The terms "reformer" and "trailblazer" accurately depict the character of MO UDALL. It is MORRIS UDALL who will be remembered for challenging the House seniority system and reforming the distribution of committee assignments. It is MO UDALL who was in the forefront of revamping the committee markup procedure and responsible for making committee meetings accessible to the public. And, it is MORRIS UDALL who fought for the establishment of a committee which would ensure the integrity of the legislative branch of Government. I am proud to serve today as the chairman of the Ethics Committee which owes its creation to MO UDALL.

MO UDALL, as chairman of the Interior Committee, heightened the public's awareness of environmental issues, pushing these concerns to the forefront of the political arena. His crafting of the Alaska Lands Act, his creation of the Arizona Wilderness Act, and his unchallenged influence on water rights issues represent his extensive work on the environmental agenda. MO once said, "A nation that does not love and respect its land does not respect itself." Such words clearly illustrate that MO UDALL will forever be a champion of our environment.

Mr. Speaker, generations of politicians will look to MO UDALL as an example of a pioneering legislator. His tenure in the House has left an indelible mark on the American political system.

I can recall in 1969 when I first arrived on Capitol Hill that it was MO UDALL who I, along with many of the freshman Members, chose to emulate. We welcomed his invested interest in the new Members. His charismatic persona, unrivaled wit, and stance on civic-minded reform truly attested to the fact that he was a genuine political leader. He is a remarkable individual whom I will always admire and respect.

Mr. Speaker, we are deeply saddened at the departure of MO UDALL from the Halls of Congress. However, we know that his influence in this body will extend over generations of politicians yet to arrive in Washington. MO UDALL will always be praised for his numerous legislative accomplishments and fondly remembered as a political giant and one of our greatest leaders. We wish MO the very best. He is forever in our prayers.

Mr. MAZZOLI. Mr. Speaker, spring is the traditional time for graduations, for ceremonies marked by much pomp and circumstance, and joy and pride.

We do not gather today for a graduation, but we do gather in joy and pride to pay tribute to out dear friend and colleague, MO UDALL, of Arizona's Second Congressional District.

I thank the Members of the Arizona congressional delegation for arranging this special order to honor MO and to show our admiration and respect for him and for what he accomplished during his long and productive career in the House of Representatives.

MO'S renowned wit, humor, good cheer, decency, and wisdom, over the years, delighted his friends and allies, skewered his opponents, punctured many inflated egos in this town and enabled MO to compile a legislative record which is legendary.

MO did all this with humility, self-deprecation and, occasionally, by making himself the butt of his own humor. In his sincere, good-natured and folksy way, MO UDALL effectively illuminated simple truths—easily understandable and very persuasive—on whatever subject or issue was being debated or discussed. MO'S style—at home in both salon and saloon—has never been equaled and never will be. MO is unique, in the dictionary sense of that word; one of a kind. Peerless.

Mr. Speaker, MO UDALL has long been regarded as one of the most humorous men in Washington. In his inimitable way, MO has exposed the frailties of government, the pomposities of its institutions and its people. All of the while, he has made the Congress and the political arena a more sensible, sensitive, responsive partner of the American people in trying to protect the environment, and put aside for future generations precious and irreplaceable forests, rivers, land—in sum, its natural resources.

A Member of the House of Representatives for 30 years, Mo Udall's career in Congress has been marked with significant legislative achievements in areas ranging from the environment to institutional reform. Mo has been a trailblazing leader in the ongoing fight for campaign finance reform.

On whatever subject, Mo Udall has always raised the level of debate with his intellect, humility, and humor. His contributions are many and enduring.

Mr. Speaker, Mo Udall has always been a fighter, a battler, but no more so than today as he battles to regain his health following a serious fall which compounded his earlier illness. Mo is a gutsy guy and, if anyone can come back, Mo's that person.

Mo Udall is a great man, a talented legislator, but, more than anything, a good friend to all of us with whom he has served. We will all miss him as he retires from this House.

God bless you, Mo. You are the greatest.

Mr. RANGEL. Mr. Speaker, I wish to take this opportunity to pay tribute to an outstanding Member of Congress who has recently resigned due to health problems, the Honorable Morris K. Udall of Arizona.

Mark Twain once remarked:

> It could probably be shown by facts and figures that there is no distinctly native American criminal class except Congress.

Many events today in this august body might go far to confirm Twain's wry observation. Someone sure to chuckle at Twain's joke would be Mo Udall. But judging by his legislative and personal career, Mo Udall is the antithesis of the puffed-up, pretentious politician that so many abhor. Congress could certainly hold its head high and say that for these past 30 years which represent Mo's career, there was at least one Member who tried, to the very best of his ability, to do the right as he saw it.

A life in politics was not an unexpected choice for Morris Udall since his paternal grandfather was a town founder, his father the Arizona Supreme Court chief justice, his brother, Stewart, Interior Secretary under President Kennedy, and his mother a locally well-known Democratic activist, all made their mark in this very public arena.

Mo Udall was subject to life's hard knocks despite his distinguished family ties. He overcame the loss of an eye as a child to go on to play college basketball, spend a year as part of an NBA team, get his law degree and serve as a noncombat pilot in the World War II Pacific theatre. He entered a law practice with his brother, Stewart, in 1949 and this association eventually led him to office when, in a special May 1961 election, Mo Udall succeeded his brother, Stewart, as representative to Arizona's Second District.

Mo Udall's 30-year stay on the Hill is marked by a kind of legislative leadership that has literally changed forever the face of the Nation he so selflessly sought to serve. When I review his contribution to the greater order of things, the Alaskan wilderness bill comes to mind—a law which doubled the National Park System and tripled the Wilderness Preservation System. He enacted regulations controlling strip mining; campaign finance law; civil rights; and civil service reform laws.

A reformer from the first, Udall took on the House seniority system by mounting challenges to the Speaker's leadership in both 1969 and 1971. In October 1967 he was among the first Members of Congress to oppose the war in Vietnam and redefine himself as distinct from the Johnson administration.

It was not blind ambition but rather a cleareyed desire to serve that led Mo into the Presidential fray in 1976 and although the nomination went to Jimmy Carter, the campaign of Mo Udall demonstrated that to show the voter a human face was not taboo. To break the rules for the right reason, to have an honest change in your point of view may not have been the way to win elections, but was certainly the way to win the voters' respect, and Morris Udall still has that respect today, not only of the voters, but also of his colleagues.

Morris Udall came to Congress to represent his constituents with integrity. He has done that in an admirable and honest fashion. He came to Congress to fight the numbing effects of legislative inertia. He did that by poking gentle fun at the institution and himself with obvious relish and delight. He came to offer the spirit of reconciliation to his colleagues. He did that, too, with the unfailing kind word and with a courtesy and respect given graciously to everyone he encountered.

The Honorable Morris Udall. For many elected officials, that title is a simple courtesy. In the case of Morris Udall it is a one-word commentary on his life and service. I respectfully salute my colleague, Morris Udall, the honorable.

Mr. WHEAT. Mr. Speaker, I am proud to join my colleagues in saluting one of the most talented and beloved legislators to ever grace the Halls of Congress as he retires after 30 years of distinguished service to the House of Representatives and the people of the Second District of Arizona.

Many of my colleagues have already praised Mo Udall's legislative prowess, his efforts to protect and expand our Nation's natural heritage, his sharp wit and his gentle humor. Today I would like to speak of another quality he possesses in abundance.

If one of the measures of a man is how he treats others, then Mo Udall stands tall indeed. I first learned of his generosity of spirit in my earliest days as a Member of this body, when I passed the legendary Mo Udall on my way to the Capitol and he greeted me by name.

It is hard to describe what a tremendous impact this small act of recognition had on a green and callow freshman with few allies who was overwhelmed by the enormity of his new job. In one brief moment, I felt welcome and accepted as a Member of Congress because Mo Udall knew my name.

I later learned that Mo regularly memorized the names of one or two freshmen a week and made it a point to let them know he knew who they were. His strategy was based on the sure knowledge that if he made an ally of a freshman, he had a friend for life—a purposeful strategy but no less welcome to a new Member of this institution.

It was an unusual coincidence that in the same week, two legendary figures took their leave from politics. First came the reports of Mo Udall's retirement, then the sad news of the death of Dick Bolling, whose parliamentary skills guided nearly every major piece of legislation to come out of Congress in the last three decades.

While very different in temperament, their careers took a number of parallel paths over the years. Both played early and active roles in civil rights legislation, both successfully challenged institutional procedures such as the seniority system and both sought and won reforms to the campaign finance system. Like Dick Bolling, Mo Udall made an indelible mark on this institution and left it a better place than he found it.

We regret that Mo Udall will be absent from these marble Halls and Chambers but we do not have to look far to see the thriving wilderness regions, scenic rivers, and national parks that serve as a constant reminder of his careful and loving stewardship of our land.

Mo Udall taught us many lessons but above all, he showed us how to be good legislators without taking ourselves too seriously. If we can carry on the work of this body with dedication, with good humor and with kindness, then we will truly honor the legacy of Mo Udall.

Mr. PANETTA. Mr. Speaker, I would like to take a moment to pay tribute to Mo Udall.

It is hard to think of Mo as a former colleague. He was already an idol for many of us when I arrived here in 1977, and in the years since then, he has been such an essential part of this institution that it is hard to imagine the House of Representatives without him.

Mo is a man of such integrity, intelligence, and grace, it is difficult to know where to start in praising him.

His leadership abilities were unsurpassed. He was, first, a leader of the effort to democratize the House of Representatives. Because of his efforts and those of a few others, the system was made far more responsive to the will of the Members—and therefore to the people. In addition, Mo's record of accomplishment as chairman of the Interior Committee is enormous. Not only did he lead the way in providing protection to Alaska and numerous other pristine areas around the Nation but he helped limit the damage when the Reagan administration sought to reverse years of national consensus on environmental protection policies.

Mo was also one of the strongest advocates of reform in our system of financing political campaigns. His own sense of integrity and fair play led him to work on behalf of the reforms that were adopted in the 1970's and to pursue further reforms in later years which unfortunately still elude us.

In some ways, Mo Udall's greatest contribution not only to this institution but to the Nation's political life has been his personality. It is already a cliche to talk about his self-deprecating sense of humor. But that sense of humor has always meant more than just an ability to make people laugh. Mo has a sense of perspective about himself and about politics. He has always known that our institutions and our political system never depend on one individual, no matter how important that individual may be. And that was a message that needed to be conveyed to the country and to those of us here in Washington.

Mr. Speaker, we all miss MO a great deal. We pray for a swift recovery from his recent injuries and for the kind of long and enjoyable retirement that he truly deserves.

WE ARE RUINING AMERICA'S PATENT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, today, I want to alert the American people and my colleagues that our patent system is being undermined by the American Government. Our policymakers have not understood fully the importance of the role of patents in developing the U.S. industrial might, or today they would not be tampering with the system.

U.S. patents have been the generator of the American way of life, and are the principal reason the United States has been called "the land of opportunity." Our patents have resulted directly in new products and industries, which have employed millions of Americans. Today, 48 percent of the patents filed are of foreign origin and Japan filed 21 percent of all of the foreign origin patents.

The U.S. Government virtually is destroying the vitality of our patent system by making it benefit only the rich and powerful corporations, and not the small inventor. Outrageous fees are being charged for patents in an attempt to make the system pay for a futuristic computer system which already has cost $300 million. There are some difficulties with the automated search system computer project and will require more designing and funds to make it work. I question this policy.

From the time of its inception over 200 years ago, the American patent system was never intended to serve as a fountain of money, nor as a business enterprise for the Federal Government. The patent system is to protect and provide the ideas and ultimate products to furnish employment for other Americans.

The Federal Government has raised the fees for patents in just 9 years from $65 for an initial filing fee and total costs of $177 for a 17-year patent to a 4-year grant of $1,405 with initial filing fees of $315. By paying additional fees, you may as an individual obtain a 17-year grant for $3,095.

Now the Federal Government is planning to increase small entity applicant fees by 86 percent. For your information, individuals and small companies employing fewer than 500 people are considered small entities. Those small entities file 44 percent of patent applications of U.S. origin and 34 percent of all applications.

In 1982, Congress was concerned about raising the fees, but in 1990 it was a different story. The 69-percent increase in patent user fees was buried in last October's budget reconciliation bill, which I did not support. That bill reversed the statutory prohibition of using patent fees for the computer automation program at the Patent Office.

The user fee increase in fiscal year 1992 is $315,000,000 and for fiscal year 1993 it is an additional $100,000,000.

The increase in fees is a real financial obstacle for the small inventor. Even Government patents are affected. Over 50 percent of the Government patents, and 40 percent of the patents filed in 1986 by the inventing public have not been maintained with the 4-year initial filing period instead of a 17-year patent. This current struggle over fees is not news. When the fees become prohibitive—the patents are not maintained. The little guy and the Government give up their patents because of the cost and the patents then are available for the foreigners. It means we literally are giving the patents to the foreigner.

The fee changes mean that the little guy with an idea will have a very tough time being able to afford to patent his or her idea. Many of the little guys simply will drop out of the system. The risk is too great. Remember, only 1 in 10 inventions is produced and only 1 in 100 ever makes money.

In the 1960's we had much the same fight over fees with the Government and the Patent Office won that time. Then the patent fees were raised from $30 to $65. A letter to the editor of Product Engineer in 1964 provided some answers on why the fees should not be increased.

The writer stated "it's obvious that our economy has gained more from patented ideas than the Patent Office has cost." He said, "if the economy has gained more than the cost of the Patent Office, does not this, in effect, make the Patent Office self-supporting?"

And he added, "incidentally, the expense of operating the Patent Office is peanuts compared to the cost of some agencies which do not make comparable returns, if any, to the economy." I thought this letter could have been written for today's patent fee crisis. The irony is that our stiffest business competitors are the ones benefiting from the ill-conceived Government actions. The Japanese understand the importance of the American patent system.

At the turn of the century a Japanese official, Korekiyo Takahasi, reported after being sent to the United States that:

> We have looked about to see what nations are the greatest, so that we can be like them. We asked ourselves "what is it that makes the United States such a great nation," and we investigated and found that it was patents, and we will have patents.

Just 10 years ago the Japanese conducted a series of seminars before concluding that the patent system is the key to America's industrial might.

Historically, patents have been treated by societies as important. I would like to quote from a speech by David Banner which was published in the Patent Provision, the official publication of the Patent and Trademark Office Society, but I will leave the entire text for the record.

Earlier examples of the granting of patents include that, in 1474, Venice adopted a patent system—and in 1594 Galileo received a patent for raising water and irrigating land.

Patent policy played an important role in making possible England's 14th-century cloth manufacturing industry. The Massachusetts Bay Colony granted the first American patent in 1641 to Samuel Winslow for a "Method of Making Salt" just 21 years after the Pilgrims landed in America.

Our system served us well until now.

Included in Mr. Banner's 1964 speech was testimony to the importance of the patent system by Edwin Land, founder of Polaroid. He said, "I must emphasize that the kind of company I believe in cannot come into being and cannot continue its existence except with the full support of the patent system." Commenting on the American system, Mr. Land also stated, "the only thing that keeps us alive is our brilliance. The only way to protect our brilliance is our patents."

His statements echo earlier comments recognizing the genius of the American system.

□ 1740

In 1891, the London Times carried a story quoting Charles Leade that "American genius is at this moment ahead of all nations in mechanical inventions." Mr. Leade noted that "Americans patented new products at a faster rate than the British and were selling abroad very many of the products they invented."

Mr. Leade's own shirt was sewn on a Singer machine from America, most of his newspapers were printed on American presses, and Charles Leade walked on the Liverpool docks and inquired about the nationality of the smartest appearing ships, the reply always came back "Yankee, Sir—Yankee."

That certainly does not happen now. If we're lucky, it may be made in America, but who owns the company, and who patented the product? An American or a foreigner? And how was it shipped? By the year 2000 there will be not American bottoms to ship our products—and we are supposed to be a maritime nation.

Most everything we make or use in the United States has a patent whether it is pencils, cars, locks or combs. Now large American companies are causing the American patent system to be weakened even more by moving their research and development [R&D] out of the country—to Japan. R&D can be a bonanza for patents, so it is important to properly protect that research.

There are many complaints of Japan's filing around a product with a number of patents so the original product or design becomes useless to the inventor. Japan is known for making incremental changes in a product and then claiming it as its own.

The Japanese treatment of Allied Signal's patent for Metglas, an amorphous metal alloy used in the cores of electronic transformers, is really a case to be studied. For some 11 years, Japan was the only country in the world that did not allow Allied Signal to file its patent. Then, finally, after 11 years it said, "You can file." It took more than 1½ additional years for that patent to be accepted. But even after it was accepted, Japan would not allow its electrical companies to buy Metglas from Allied Signal. It also had been pressuring other foreign countries not to buy from the United States, pointing out to them that in another 3 years the patent will have expired, and we have the product.

In other words, what they were doing, they were licensing their own technology, preparing for the day that the Metglas patent would be out, and then they could manufacture the product and sell it abroad.

Another American company, Therma-Systems Corp., received rough treatment at the hands of the Japanese. Therma-Systems is a manufacturer of ovenable and microwaveable containers and is a major manufacturer and distributor of hospital patient meal systems.

Edgar Otto, chief executive officer of Therma-Systems stated in testimony that he "was surprised to find the Japanese to be far behind the United States by at least 20 years, in assembling and delivering foods to patients."

Mr. Otto aligned his company with the Mitsui Co., hired a patent attorney and thought he was in business. Business with the Japanese seemed to be fine. Then one day, 5 years later, he received a phone call from his partner in Japan telling Mr. Otto the Japanese would not "be able to import Therma-Systems products through the Mitsui Co."

Mr. Otto was told the quality of his product was declining. The American company was replaced with a Japanese company which had been studying the American technology and infringing on Therma's patents. The experiences like this of American companies do not seem to bother other American companies.

Now IBM is moving its R&D to Japan and, according to newspaper accounts, many IBM employees are unhappy. Other large American companies also are considering the move.

Creativity goes with R&D—and even patents. Will any American innovations be patented in Japan? Who will own them? In Japan patent information is not protected but is laid open to public scrutiny for the first 18 months. In the United States that information is protected.

The moves of American companies for R&D is a psychological blow to the United States and an economic threat as well. We have been the world leader in patents—but Japan's Clarion call to be the world center of Research and Development is being answered by American companies.

If the Japanese center attracts, as Japan hopes, the best brains in research—then our patent system will receive another serious blow.

It is time for our Government to realize that the "right to patent" is fundamental. Our Founding Fathers recognize the importance of patents and trademarks. Only inventors as a class were protected in the Constitutional Convention documents.

The second session of the First Congress passed H.R. 41 which was an "act to promote the progress of the useful arts." It was signed by George Washington on April 10, 1790, 201 years ago. With that signing the U.S. Patent Office was created. Our patent system has been the secret of America's success in trade.

Our companies and government leaders need to realize that patents are the economic life blood of America's industry and our economy. Patents create jobs, and they are not just for the rich or big corporations. God did not ordain that only the rich are creative—talent is distributed throughout our society.

The American people have had enough of this nonsense. It is time to stop the dismantling of our economy under the guise of free trade.

Restoring the patent system for all Americans and not the privileged few is the place to start. The patent system must work for Americans and we must not give away our basic lives to the foreigners.

Mr. Speaker, I am including for the RECORD the articles referred to in this special order.

AN UNANTICIPATED, NONOBVIOUS, ENABLING PORTION OF THE CONSTITUTION: THE PATENT PROVISION—THE BEST MODE

(By Donald W. Banner)

We celebrate today the creation of our Constitution, a document defining a system of government which has lasted for two centuries; similar documents in scores of other countries have fallen into the scrap heap during that period. Our Constitution's durability stems from its inherent wisdom and its practical adaptability. Particularly, we today celebrate one phase of that document and the role it played in the past two hundred years.

To understand the unique group of men who created what was later called "The Miracle at Philadelphia," it is necessary to look at the circumstances in which they met. They gathered in the State House at Philadelphia. It is appropriate that Philadelphia was chosen as the site of their meeting for it was the largest city in America with a population of approximately 40,000. They worked in the very room where the framers of the Declaration of Independence had met.

Their mood was not happy, for their country was troubled. The states were in conflict over borders and shooting incidents had actually occurred; the country's ability to compete in the world economy was clearly inadequate. There was a growing threat of a popular revolt, symbolized by the recent rebellion led by former Revolutionary War captain, Daniel Shays. The New England farmers who participated in that rebellion were in despair over their indebtedness; they feared that their farms would be taken from them. They had taken up arms, shut down courts, and terrorized merchants. Something, obviously, had to be done.

The situation was particularly poignant because of the high hopes so recently held by all Americans. It was less than seven years before that the French fleet of Admiral DeGrasse had encountered the English ships of war off Yorktown. There, those rival navies competed in a struggle whose portent was beyond imagination. As Michener said in his book, *Chesapeake*, that naval engagement became "a battle without a name, a triumph without a celebration. It accomplished nothing but the freedom of America, the establishment of a new system of government against which all others would eventually compare themselves and a revision of the theory of empire." On the morning of September 6, 1781, the great ships of the English line turned slowly north in retreat; they never came back.

Despite the subsequent British surrender at Yorktown, and the ensuing Treaty of Paris giving freedom to the United States, the exciting dreams of Americans for a great country had not come to fruition. Indeed, in that twelfth year of their independence, and their fourth year under the Articles of Confederation, heads were not high. The proud hopes for government by free men were not realized because the United States had merely become a loose confederation of thirteen feuding entities. People, for the most part, spoke of the United States in the plural, saying, "the United States are" rather than "the United States is." So these delegates—fifty-five in number, but never present as more than thirty-five—met in the Philadelphia State House, now Independence Hall.

They met there for four hot months, except for a single break of eleven days. At that time George Washington's trip from his home in Mount Vernon to Philadelphia took four days.

Who were these fifty-five delegates? Over thirty of them were lawyers. At least thirty of them had participated in the drafting of various State Constitutions. Many of the delegates were well acquainted with one another. Nine were graduates of Princeton, eight had signed the Declaration of Independence in 1776, eleven were business associates of fellow delegate Robert Morris. Elbridge Gerry had served in Congress, at different times, with thirty-two of the delegates. Eight of the delegates had been together at Valley Forge. They ranged in age from twenty-six to eighty-one. It is interesting to note that in the years following the Constitutional Convention, two delegates became President of the United States (Washington and Madison); one became Vice President (Elbridge Gerry); four became cabinet officers; fourteen became U.S. Senators; and eight served in the House of Representatives. Five of the delegates served in both the House and Senate, twelve were elected state governors, and five were named to the Supreme Court. (It is also interesting that two were subsequently killed in duels—Alexander Hamilton and Richard Spaight.) They obviously were all members of the country's established property class. Indeed, it is fair to say that they also represented the nation's intelligentsia.

As far as patent systems were concerned, they were not writing on a clean slate. Such systems has been operative, in one way or another for several centuries. For example, as early as the middle of the fourteenth century Venice had established a special fund from which payments were made to inventors who qualified under criteria set by a "General Welfare Board" which was responsible for examining certain types of technical improvements.[1] In 1474, Venice had adopted a Patent Act (preceding the English Statute of Monopolies by about 200 years) which provided, in part:

"Every person who shall build any new and ingenious device . . . shall give notice of it to our General Welfare Board when it has been reduced to perfection so that it can be used and operated; it being forbidden to every other person . . . to make any device conforming with and similar to said one, without the consent and license of the author."[2]

The great Galileo received a patent under that statute in 1594. The petition of Galileo stated that he had invented a machine for raising water and irrigating land and set forth the proposition that it was not "fit that this invention, which is my own, discovered by me with great labor and much expense be made the common property of everybody."[3] Indeed, in England, Edward III had encouraged the importation of new arts from abroad by granting letters of protection to foreigners such as John Kempe and his company of Flemish weavers, in 1331. The rise of the cloth industry in the 14th Century in England, giving to that country its first considerable manufacturing industry, is attributed to that policy.[4]

The assembled delegates were undoubtedly familiar with at least some of this history as well as with the English common law and its abhorrence of "monopoly." Sir Edward Coke had defined "monopoly" as a grant by the King to any person "for the sole buying, selling, making, working, or using anything; whereby any person or persons . . . are sought to be restrained of any freedom or liberty that they had before, or hindered in their lawful trade." (emphasis added)[5]

They undoubtedly knew that, in England, monopolies—so defined—had not been limited to those rising out of inventions. In the well-known case involving playing cards, for example, a royal patent had been granted to Edward Darcy giving him the sole right of importing, making and selling playing cards. A London haberdasher, Allen, infringed the patent and suit was brought by Darcy. The defense argued that if the Queen could not take a penny from a subject without an Act of Parliament, she could not take any moderate recreation from her subjects without similar authority. The defendant admitted to only one expression to the common law rule against monopolies and that was where "any man by his own charge and industry or by his own wit and invention, thus bring any new trade into the realm or any engine lending to the furtherance of a trade that never was used before; and that for the good of the realm; in such cases the King may grant to him a monopoly patent for a reasonable time until the subjects may learn the same, in consideration of the good that he does by his invention to the Commonwealth. . . ."

The patent to Darcy was held to be invalid. It was also declared that the Queen had been "deceived" in granting the patent in that it was contrary to the common law. (This, undoubtedly, was the first case of "fraud on the Patent Office.")

Some 20 years later (in 1694) the Parliament passed the Statute of Monopolies. It declared all monopolies invalid except that any such prohibition "shall not extend to any letters patent . . . to the true and first inventor. . . ." It should be noted, however, that under this Statute an inventor did not have a right to a patent, for the Statute did not confer any such right upon him. He was still in the position of a humble petitioner to the King.

The delegates undoubtedly were aware also that patents had been granted on the continent of North America for well over a century. The General Court of the Massachusetts Bay Colony granted the very first patent on this continent in 1641 to Samuel Winslow for a "Method of Making Salt;" the patent included a prohibition against others "for making this article except in a manner different from his."[6] It should be noted that the Winslow patent was granted only 21 years after the date on which the Pilgrims landed.

In that same year the General Court had adopted a rule that "there shall be no monopolies granted or allowed among us, but for new inventions that are profitable to the country, and only for a short time." Connecticut adopted a similar law in 1672. In 1646 the first patent granted in America for machinery was also given by the Massachusetts General Court. That patent was to Joseph Jenkes for the construciton of a certain type of mill. In his petition he asked for the right to exclude others for a period of 14 years "lest after your petitioner have expended his estate, study, and labor, and have brought things to perfection, another would he seeth it, maketh the like; and so I loose the benefit of that I have studied for many years before; which will tend to my great damage if not utter undoing. . . ."

Others of the colonies had similarly granted patents by special petition. In addition, British patents were recognized in the colonies.[8] Not surprisingly, after the revolution various states also had granted patents by special petition. The only state which had general patent legislation was South Carolina. In its Act providing for copyrights, it was stated that "the inventors of useful machines shall have a like exclusive privilege of making or vending their machines for the like term of fourteen years. . . ."[9] In practice, this section operated only as an invitation for inventors to request the legislature to grant patents, as was the case in other states.

Interesting state patents were those to James Rumsey for steamship who secured a patent for his invention in Virginia in 1784 and in Pennsylvania in 1785. Mr. Rumsey exhibited a model of his boat to George Washington who wrote a letter of recommendation saying that he had "been an eye witness to an actual experiment." He concluded that, "This discovery is of vast importance, it may be of the greatest usefulness in our inland navigation; and if it succeeds, in which I have no doubt, . . . the value of it has greatly enhanced by the simplicity of the works. . . ." (This letter was apparently the forerunner of affidavits under Rule 132.)

About the same time, John Fitch obtained a patent in Pennsylvania, one in New Jersey (in 3 days—record time for the grant of a patent), in Delaware, and in New York. His steamboat invention was successfully "reduced to practice" in August of 1787 when it travelled at 8 miles per hour in the Delaware River near Philadelphia. The delegates to the Convention were at that time in Philadelphia engaged in the formation of the Constitution. Many of those delegates actually observed the successful test of Fitch's steamboat.[10]

It was in this setting that the delegates met. Thomas Jefferson—who at that time was serving his country as Ambassador to France and therefore did not participate in the convention—later described it as "an assembly of demi-gods." There is much wisdom in that description, for there is little doubt that the delegates assembled at the Constitutional Convention formed the most outstanding deliberative body ever operated on our soil—or anyone else's. Theirs was a singularly difficult task. For more than a century and a half—some 167 years since the Pilgrims landed—Americans had lived in separate units; originally "colonies" and then, after 1776, "states" each of which had its own traditions, economy and government. Each state and each region, therefore, had its own ax to grind and its own long rooted biases to be satisfied. Such roots can run deep in 167 years; that is the length of time between the adoption of the Constitution and the presidency of Dwight Eisenhower.

On the day on which George Washington was elected—unanimously—the Chairman of this Constitutional Convention, he made a short speech. It concluded with the words "Let us raise a standard to which the wise and honest can repair. The event is in the hands of God."

The delegates faced the formidable task of turning thirteen very independent states into one lasting nation, while at the same time preserving the integrity of the original thirteen. They met in secrecy. Before they were finished they had rejected many more proposals than they accepted, including one by Benjamin Franklin, who suggested that practicing lawyers should choose the Justices of the Supreme Court. He said they will always select "the ablest of the profession in order to get rid of him and share his practice among themselves." It is obvious that Franklin's suggestion was one of those which was rejected.

The document they eventually produced was magnificent, even though not perfect. Its greatest deficiency, of course, was the omission of a Bill of Rights. The supporters of the Constitution had to promise, in order to get the Constitution ratified by the States, that the Bill of Rights would be added by the new government; that is exactly what happened. It is clear, therefore, that all of the delegates did not personally endorse the Constitution. For that reason, we find that while the Declaration of Independence had been boldly subscribed with the words "We mutually pledge to each other our lives, our fortunes and our sacred honor"—in contrast—the delegates to the Constitutional Convention signed the final document only to attest to the unanimity of the State delegations.

By minor historical coincidence it is almost exactly 200 years ago today—namely, August 18, 1787—that James Madison of Virginia and Charles Pinckney of South Carolina submitted individual recommendations to the Convention which were the first ones relating to the powers of Congress respecting copyrights and patents. Madison suggested that Congress should have the power:

"To secure to literacy authors, their copyrights for a limited time.

"To encourage by premiums and provisions, the advancement of useful knowledge and discoveries."

Pickney's suggestion was that Congress have the power:

"To grant patents for useful inventions.

"To secure to authors exclusive rights for a certain time."

There is no recorded debate concerning those suggestions, and on September 5, 1787, the Committee on Detail reported to the Convention that Congress should have the power:

"To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

That recommendation was unanimously adopted, once again without recorded debate, and the provision was incorporated into the final draft of the Constitution.

It should be noted that the recommendations of both Madison and Pinckney used the words "to secure." These words were also used in the Constitution. That Constitutional provision was, therefore, the first substantive law in history which affirmatively recognized property rights in the result of those mental acts which produce invention. The words "to secure" meant that there were rights that the inventor inherently possessed and which the Congress had the power to recognize and "secure." This is the same concept which we find, for example, in the Declaration of Independence, which states that men have certain inalienable rights and "among these are life, liberty and the pursuit of happiness: that *to secure* those rights, governments are instituted among men. . . ." Similarly, in the preamble of the Constitution, we find the words "to promote the general welfare and *secure* the blessings of liberty to ourselves and to our prosperity. . . ."[11]

Writing later in *The Federalist*, James Madison stated: "The utility of this power will scarcely be questioned. The copyright of authors have been solemnly adjudged in Great Britain to be a right of common law. The right to useful inventions seems with equal reason to belong to the inventors. The public good fully coincides in both cases with the claims of individuals."[12]

This concept of *securing* a right to the inventor was reflected in the debate subsequently on the adoption of the patent law of 1793. The Congressman from Maryland, William Murray, speaking for the patent bill pending before the House of Representatives said that there was a distinct feature distinguishing patents in England from those in the United States. He said that the English "patents had derived from the grace of the Monarch, not so much a right inherent as it is a privilege bestowed (by the King). Here, on the contrary, a citizen has a *right* in the inventions he may make. . . ." Thomas Ewbank, Commissioner of Patents, in his Report for 1849 also distinguished inventions in this country from those in England by saying that "Inventors abroad still pray for and accept patents as 'special acts of the sovereign's grace.' With us this insulting and debasing proposition is effectually ignored. Not subjects, but free men, inventors here claim and receive patents of right—their own right."

That Constitutional clause is highly unusual in that it instructs the Congress how to promote the progress of the useful arts—namely, by securing to inventors the exclusive rights to their discoveries. It is even more unusual in that nowhere else in the Constitution is there any provision for an exclusive right to be granted to any individual or group of individuals; only authors and inventors are so blessed.

It should also be noted that the provision constitutes an excellent example of 18th century balanced sentence construction in that it establishes the copyright power in the Congress by relating "science," "authors," and "writings" while at the same time establishing the patent power by relating "useful arts," "inventors," and "discoveries."

Several Supreme Court cases have described the patent grant as a "monopoly."[13] That suggests a possible lack of understanding of the Constitutional provision. The framers of the Constitution were knowledgeable of the English common law which found monopolies "odious." Since *Darcy* v. *Allen* and the Statute of Monopolies in 1624, monopolies had been anathema to the common law and certainly were to the framers of our Constitution. Earlier Supreme Court cases reflected a vastly different view.[14] For example, in *Seymour* v. *Osbourne*,[15] the Court placed the patent right in its appropriate perspective. It stated, "Letters Patent are not to be regarded as monopolies . . ." The Federal Circuit has adopted this more historically sound view.[16]

While Alexander Hamilton and James Madison preferred to encourage inventors by granting them prizes or funds—provisions subsequently adopted in France and much later in the Soviet Union—the Patent Laws in the United States since the outset utilize a different approach; namely, the right to exclude others from using the invention during the patent term without license.

The 1st Congress under the new Constitution opened on March 4, 1789. Almost immediately it was presented with petitions for copyrights and patents. The House of Representatives ordered that bills be brought in making "a general provision for securing to authors and inventors the exclusive right to their respective writings and discoveries." Thereafter all such individual petitions were tabled until the second session of the first Congress; it opened on January 4, 1790. In his address to the joint meeting of Congress on January 8, 1790, President Washington urged the passage of legislation which would give "effectual encouragement as well to the introduction of new and useful inventions from abroad as to the assertions of skill and genius in producing them at home." As a result, our First Congress in its second session passed a bill known as H.R. 41, an "Act to Promote the Progress of Useful Arts." President Washington signed it on April 10, 1790. The United States patent system was thereby created.

Under that legislation the Secretary of State, the Secretary of War and the Attorney General—or any two of them—were authorized to grant a patent for an invention which would have a lifespan "not exceeding 14 years," provided that the invention was not known or used before and that the invention was "sufficiently useful and important." President Washington's Secretary of State was Thomas Jefferson; his Secretary of War was Henry Knox; and his Attorney General was Edmund Randolph. These officials referred to themselves as the "Commissioners for the Promotion of Useful Arts." The patents granted by them were signed by President Washington. The first of these was issued to Samuel Hopkins on July 31, 1790. It covered "A Process of Making Pot Ash and Pearl Ash." Shortly after the enactment of this legislation, Thomas Jefferson wrote "An act of Congress authorizing the issuing of patents for new discoveries has given a spring to invention beyond my conception." He continued: "Many of them indeed are trivial, but there [are] some of great consequence which have been proved by practice, and others, which if they stand the same proof would produce great effect."[17]

Inasmuch as the patent statute required high officials of the federal government to determine whether the inventions presented to them were "sufficiently useful and important," this procedure was slow and rapidly became unsatisfactory. As a result, in 1793 a "registration system" was adopted so that no inspection of the inventions was required and patents were merely administratively granted.[18] During the next 43 years this created many difficulties. In the meantime, however, a "Patent Office" was created in the Department of State. In 1802 James Madison, then the Secretary of State, appointed Dr. William Thornton, the original designer of the U.S. Capitol, to the office of "Superintendent of Patents." Dr. Thornton was Mr. Madison's neighbor in Georgetown.

On July 4, 1836, the federal patent system was reorganized. A new Patent Office building was provided for, and that building—which is now the National Portrait Gallery and the National Museum of American Art—served as the Patent Office for over ninety years. Under the 1836 Act, the Patent Office was raised to a separate bureau in the Department of State. The new patent statute created the office of "Commissioner of Patents" and reinstated the requirement that patent applications be examined. The Act provided that if the Commissioner deemed an invention "to be sufficiently useful and important, it shall be his duty to issue a patent therefor." The Commissioner was further directed to display a collection of patent models in a gallery open to the public in the new building. The normal patent term was 14 years, but it could be extended for 7 more years under certain circumstances. (In 1861 Congress passed an act forbidding such extension, but increased the patent term to the present 17 years from the date of issuance.)

By the Act of 1839 the Commissioner was granted funds to collect agricultural statistics; this was the beginning of the United States Department of Agriculture. Seeds distributed to farmers were purchased by money from the patent fund for many years.

Also in 1839, the Patent Office was transferred from the Department of State to the then newly created Department of the Interior. Within 2 years after the Patent Office was placed under the jurisdiction of the Department of Interior, a complaint was made that the Patent Office had no logical connection with that department, and the recommendation was made that it be an independent bureau.[19] Shortly thereafter the copyright records and functions, previously maintained by the Department of State, were transferred to the Patent Office and placed under the supervision of the Commissioner of Patents. In 1870, the granting of copyrights was transferred from the Patent Office to the Library of Congress, which discharges this function today. In 1842, designs were made patentable.

On July 8, 1870, an act was passed codifying the various patent laws in existence at that time. In that act the Commissioner of Patents, subject to the approval of the Secretary of the Interior, was given power to establish regulations not inconsistent with law for the conduct of proceedings in the Patent Office; this was the genesis of the present Rules of Practice. That act contained a provision for caveats. The purpose of a caveat was to secure to the inventor, who was not ready to file his application, the right to be heard before the Patent Office would grant a patent for the same invention to some other person. It was a full description of the invention and it was kept secret. The caveat remained in force for one year, but could be renewed from year to year. In case a rival inventor filed an application on the same invention, and that invention was found to be patentable, all action on the application of the rival inventor was suspended. The owner of the caveat was notified to file his application within three months if he desired to contest priority and institute an interference. Caveats were abolished in 1910.

On May 23, 1930, President Hoover signed the act providing for plant patents. To be patentable under that act, a plant invention must have been asexually reproduced and not tuber-propagated.

In 1952 the patent laws were revised and codified again; that Act, as amended, is applicable today.

Did it work? Did the constitutional provision, as implemented by the Congress, promote the progress of the useful arts? Did our country's technological position improve because of it, and did our economic and military strength benefit thereby?

Probably the first international recognition of the eminence of American invention came at the Crystal Palace Exhibition in London in 1851. The London Times said, "It is beyond all denial that every practical success of the season belongs to the Americans." Later, the English author, Charles Leade, echoed that opinion with the statement that "American genius is at this moment ahead of all nations in mechanical inventions." Americans, he noted patented new products at a faster rate than the British and were selling abroad very many of the products they invented. Indeed, he pointed out, his own shirt was sewn on a Singer machine from America, most of his newspapers were printed on American presses, and when he walked on the Liverpool docks and inquired about the nationality of the smartest appearing ships, the reply alwaly came back "Yankee, Sir—Yankee."[20] By the close of the American Civil War, only seventy-five years after the first U.S. patent act, the prodigious productive capabilities of the U.S.—both in the civil and in the military sense—were widely recognized. Its industrial capabilities were providing jobs for millions of people, not only those born in this country but also for the sea of immigrants who entered what all the world saw as "the golden door."[21]

At the Patent Centennial Celebration, in 1891, the Honorable Charles Mitchel, Commissioner of Patents, spoke on the subject of "Birth and Growth of the American Patent System." He noted that "It is invention which has brought the Pacific Ocean to the Alleghenys. It is invention which, fostered by a single sentence of their immortal work, has made it possible for a flag of one republic to carry more than 40 symbolic stars." Senator Platt speaking on "Invention and Advancement" at that Congress said "How little we have realized the progress of the century; how silent its footsteps have been, and how little we have stopped to analyze or appreciate its cause,"[22] And about the turn of the century, a Japanese official, Korekiyo Takahashi, was sent to the United States; he subsequently reported "We have looked about to see what nations are the greatest, so that we can be like them. We asked ourselves 'What is it that makes the United States such a great nation?' and we investigated and found that it was patents, and we will have patents."[23]

Nevertheless, one economist after studying the patent system said that if we did not have a patent system, it would be irresponsible to create one, but now that we do have a patent system, it would be irresponsible to destroy it.[24] The same thing would probably be said by some for the political system called representative democracy or, indeed, the institution of marriage.[25] Of course, the patent system may not be useful to some large companies in monopolistic or quasi-monopolistic positions. For example, the President of Bell Telephone Laboratories, Inc., once testified "While patents are still of very great importance to us . . . they have become less vital to the business than they were at the start. . . . The result of it is that I think I am safe in saying that not non-hundredth of one percent of the research and development work in the Bell Telephone Laboratories . . . is done with the idea of getting patents."[26] This, however, is not a common view of individual inventors of small innovative companies nor of large companies faced with very substantial research investment risks. As stated by Gustav Drews,[27] "Except for the patent right, men of limited means would be hopeless in negotiating with the large corporation. Without the patent right, if he did not have sufficient funds to market the invention himself, he would be compelled to submit his invention to financiers. If these financiers should decline to make a fair deal with the inventor and the inventor refused to accept a deal considered unfair, they would ignore him and proceed to market the invention without his consent and he would be helpless to stop them." This point was emphasized by the Commissioner of Patents when testifying at the TNEC hearings. He said, "A patent should function as a leveler whereby an individual or company of small means may be able to hold his or its rights of property against the pressure of the strongest adversary. It should have a protective character like that of a high powered rifle in the hands of a puny man beset by a wildly charging bull elephant."[28]

The importance of the individual and small company to our innovative strength should not be overlooked. For example, in the Report entitled *Technological Innovation: Its Environment and Management*,[29] the conclusion was that "independent inventors (including inventor-entrepreneurs) and small technologically based companies are responsible for a remarkable percentage of the important inventions and innovations of this century." The Report pointed out that Professor Jewkes had studied sixty-one of the most important inventions and innovations of the 20th century, finding that over half of them stemmed from independent inventors or small firms. Further, Professor Daniel Hamburg of the University of Maryland studied major inventions made during the period 1946 to 1955, and found that over two-thirds of them resulted from the work of independent inventors and small companies. The work of Professor Merton Peck of Harvard was also reported; he had studied 149 inventions in the aluminum industry; major producers accounted for only one of seven important inventions. Professor John Enos of the Massachusetts Institute of Technology had studied seven major inventions in the refining and cracking of petroleum—all seven were made by independent inventors.

Several well known independent inventors have commented on the role of the patent system in their efforts and the importance they see in it. For example, Chester Carlson, the inventor of xerography, said "The time scale of inventions is a long one. Results do not come quickly. Inventive developments have to be measured in decades rather than years. It takes patience to stay with an idea through such a long period. In my case, I am sure I would not have done so if it were not for the hope of the eventual reward through the incentives offered by the patent system."[30] Similarly, Edwin Land, inventor and founder of Polaroid, said "I must emphasize that the kind of company I believe in cannot come into being and cannot continue its existence except with the full support of the patent system."[31] He later said, "The only thing that keeps us alive is our brilliance. The only way to protect our brilliance is our patents."

Of course it is not only the independent inventors and small companies that have expressed such opinions; when the risks are great, even the biggest companies find the patent system important. For example Irving Shapiro, Chairman of the DuPont Company, said that Dupont had worked on the development of nylon for twelve years and had spent almost twenty-seven million dollars in research. The basic patents were developed by Wallace Caruthers. Mr. Shapiro said, "More than 3 million people have jobs in the production of nylon textile and plastic products, and all of this traces back to a handful of key patents behind the invention and development of this one product."[32]

Dayton H. Clewell, Vice President of Mobil Oil, said, "Since the first patents issued (on catalytic cracking) this technology has saved American refiners more than 4 billion dollars through reduced crude runs and increased the product yields to about a billion dollars in reduced operating costs. It has also saved U.S. refiners more than 500 million dollars in savings in capital costs which otherwise would have been necessary but for the new catalysts. Most important, this Mobil developed technology has effectively and appreciably increased the U.S.'s petroleum reserves. It has resulted in savings of more than 7 billion gallons of petroleum per year. . . . An important element in our decision to proceed with the costly R&D effort that produced this catalyst development was the expectation that patent protection would give us a fair return on our investment."[33]

The President of Smith, Kline and French Laboratories, Walter A. Munns, discussing development work on a life-saving drug that took over five years to develop and cost well over two million dollars in research, said, "We could never have justified this speculation without the exclusivity provided by a patent."[34]

And, as a final matter, the patent system has played a vitally important role in stimulating competitive technological invention. As was said in the *March Corporation* case, "The patent system encourages invention, not only in that it rewards the inventor with a patent, but it spurs the competitors to put forth their mightiest effort to produce a product as good, yet different, from the patent's . . . "[35] This is supported by the testimony of William S. Knudsen, President of General Motors Corporation, reported in part II, TNEC hearings, page 339.[36] Mr. Knudsen had been asked what General Motors would do if it were faced with a revolutionary patent in the automotive industry. He said, if such a thing were possible "we certainly would all either make a deal for license under this revolutionary patent or you will see a lot of people working seven nights a week until we found something."

Earlier in this paper reference was made to the hope expressed by George Washington at the beginning of the Constitutional Convention that the delegates would "raise a standard to which the wise and honest could repair." The delegates, in fact, did just that. Of course, being the work of human beings, it was not perfect. As delegate Benjamin Franklin expressed it at the Convention's close:

"When you assemble a number of men to have advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests and their selfish views. From such an assembly can a perfect production be expected? . . . I consent, Sir, to this Constitution because I expect no better, and because I am not sure that it is not the best."

It is fair to say, however, that the Constitution, together with its subsequent Bill of Rights, created the legal basis for a nation which was beyond even the dreams of those founding fathers. Abraham Linclon referred to that nation a half a century later as "the last, best hope of earth." In our day it is no less significant, for there is no doubt that it is now the bulwark of free men everywhere. Our governmental system is the standard against which all other nations must be compared.

George Washington expressed the hope that the Convention would create something noble, something truly great, something beyond itself. The patent system has played an important role in making that come to pass. By stimulating and encouraging both inventors and investors, it has brought new economic opportunities to our nation, new products to our people, and increased strength to our arms. The technological revolution which it fostered has made us the richest people in the history of the world.

When George Washington ended his address to his fellow delegates at the beginning of the Constitutional Convention, he said, "The event is in the hands of God." He was, of course, implicitly imploring divine protection for his country in the hope that he and his colleagues could pass on to their successors a nation which was even better, stronger, fairer, and more prosperous than the one he and his colleagues had inherited. We, too, share such a hope. We, too, know that "The event is in the hands of God."

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I certify that the statements made by me above are correct and complete.

ROLF HILLE, *Business Manager*.

FOOTNOTES

[1] Prager, "The History of Intellectual Property from 1545 to 1787," 26 J. Pat. Off. Soc'y 711 (1941).

[2] Prager, "The Early Growth and Influence of Intellectual Property." 34 J. Pat. Off. Society 106 (1952).

[3] *See* note 2. *supra*.

[4] Federico, "Origin and Early History of Patents." II J. Pat. Off. Soc'y 292 (1929).

[5] I *Deller's Walker on Patents*. §3, p. 9 (1937).

[6] Ramsey, "The Historical Background of Patents," 18 J. Pat. Off. Soc'y 6 (1936).

[7] *Id*. at 38–39.

[8] *See* note 6. *supra*.

[9] Federico. "State Patents," 13 J. Pat. Off. Soc'y 166 (1931).

[10] *Id., see also*. James McGregor Burns, *The Vineyard of Liberty*. p. 41 (Vintage Books 1933).

[11] Fenning. "The Origin of the Patent and Copyright Clause of the Constitution," 17 Georgetown Law Journal 109–17 (1929).

[12] *The Federation*, No. 43 at 267.

[13] *See* Motion Picture Patents Co. v. Universal Film Mfg. Co., 243 U.S. 502 (1917); Ethyl Gasoline Corp. v. United States, 309 US. 436 (1950); United States v. Line Material Co., 333 U.S. 287 (1948); and Mercoid Corp. v. Mid-Continent Inv. Co., 320 U.S. 661, 665 (1944).

[14] *See I Deller's Walker on Patents* 25–28 (1937).

[15] 78 U.S. 516, 533 (1870).

[16] Schenck v. Norton Corp., 713 F.2d 782, 786 n. 6 (Fed. Cir. 1983).

[17] In Vol. 3 of the *Shaping of America* by Page Smith at page 348, the author notes that one of these early inventions. Eli Whitney's cotton gin, could gin 1000 pounds of cotton a day—the output of almost a thousand slaves working by hand. The great English historian. Thomas Babington Macaulay, wrote "What Peter the Great did to make Russia dominant, Eli Whitney's invention of the cotton gin has more than equaled in its relation to the power and progress of the United States."

[18] Bugbee, *The Genesis of American Patent and Copyright Law*, Public Affairs Pres. 1967.

[19] The Section of Patent, Trademarks and Copyright Law of the American Bar Association recommended that the Patent and Trademark Office become independent in 1979.

[20] "The History of American Business and Industry," *American Heritage and Business Week*, page 135.

[21] Even Karl Marx was fascinated with American productive genius; he credited the bourgeoise with freeing productive forces, accomplishing "wonders far surpassing the Egyptian pyramids, Roman acqueducts, and Gothic cathedrals. "American railroads especially impressed Marx. *The Workshop of Democracy*. James MacGregor Burns, p. 76 (Knopf. 1985).

[22] *Patent Centennial Celebration, Proceedings and Addresses*. page 47 (1891).

[23] Congressional Record, page 901, Jaunary 20, 1962.

[24] Machlup, *An Economic Reveiw of the Patent System*. U.S. Senate Study, No. 15, Committee on the Judiciary, Subcommittee on Patents. Trademarks and Copyrights, p. 80 (1958).

[25] One is reminded of Harry Truman's remark that he was going to hire only one-armed economists because he was tired of having economists tell him that on the one hand something else would happen but on the other hand something else would happen.

[26] Frank B. Jewell. President, Bell Telephone Laboratories, Inc., TNEC hearings, Part III, pages 857–858 (1939).

[27] *The Patent Right in the National Economy of the United States*, page 140 (1952).

[28] Commissioner Coe. TNEC Hearings, Part III, page 856 (1939).

[29] The United States Department of Commerce Technical Advisory Board. 1967.

[30] Address upon receiving the Inventor of the Year Award. 1965.

[31] Address upon receiving the Kettering Award. 1965.

[32] Remarks before the Economic Club of Detroit. 1979.

[33] Meeting of the U.S. Energy Research and Development Administration Jan. 12, 1979.

[34] Testimony before the Subcommittee on Patents. Trademark and Copyrights of the Committee on the Judiciary, United States Senate, Aug. 19, 1965.

[35] James P. Marsh Corporation v. United States Gage Co., 129 F.2d 161, 165 (7th Cir. 1942).

[36] *See* Frost, "The Patent In The Modern Economy" Study No. 2, 84 Cong. 2nd Sess., Part 1, "The Patent System As A Stimulus to Competitive Effort in Research and Development."

PATENT OFFICE COST IS PEANUTS

To the Editor:

I am very much interested in the questions raised in your editorial in the May 25, 1964, issue of PRODUCT ENGINEERING which just came to my attention. I agree entirely with your suggestion that the entire approach in the matter of Patent Office fees is wrong.

The sentence, "It's obvious that our economy has gained far more from patented ideas than the Patent Office has cost," suggests additional questions;

1. If the economy has gained more than the cost of the Patent Office, does not this, in effect, make the Patent Office self-supporting?

2. Why should inventors who make these contributions to the economy with the assistance of the Patent Office also have to support the Patent Office by their fees?

3. How many other Government agencies which are not self-supporting have contributed as much to the economy as the Patent Office? For example, does the Department of Agricultrue charge a fee to farmers for advising them how many pigs not to raise or how much wheat not to produce? On the contrary, the farmer is paid for following its advice.

Patent Office fees should be nominal and should have no direct relation to the cost of operation of the Patent Office. Because the entire nation benefits from the services of the Patent Office, it should, through the Government, pay the greater part of the expense of providing this service. Incidentally, the expense of operating the Patent Office is peanuts compared to the cost of some agencies which do not make comparable returns, if any to the economy.

HUGH N. ROCKS,
Waynesboro, PA.

TAF SPECIAL REPORT—ALL TECHNOLOGIES

[Patent activity (January 1963 to June 1990) by date of patent grant]

	1963–76	1990	Total
Total	926,833	47,429	1,862,961
U.S. origin	675,702	24,830	1,206,938
Foreign origin	251,131	22,599	656,023
Japan	43,567	10,093	194,441
West Germany	63,450	4,043	149,391
United Kingdom	38,982	1,530	72,381
France	25,148	1,557	56,281
Canada	14,727	1,012	32,156
Switzerland	15,416	684	32,070
Italy	8,194	669	20,270

TAF SPECIAL REPORT—ALL TECHNOLOGIES—Continued

[Patent activity (January 1963 to June 1990) by date of patent grant]

	1963–76	1990	Total
Sweden	9,521	416	20,097
Netherlands	7,917	487	17,838
Austria	2,798	208	6,799
Belgium	3,248	166	6,733
Australia	2,266	217	6,619
U.S.S.R.	3,136	78	6,493
Denmark	1,806	90	3,952
Finland	762	168	3,053
Israel	804	161	3,040
China (Taiwan)	52	354	2,696
Norway	968	63	2,249
South Africa	840	56	2,039
Spain	859	69	2,003
Czechoslovakia	1,307	19	1,979
Hungary	507	54	1,873
Mexico	890	16	1,402
New Zealand	258	35	885
South Korea	51	92	675
East Germany	53	19	675
Poland	290	9	581
Ireland	186	31	574
Brazil	219	17	569
Argentina	309	10	568
Hong Kong	140	26	504
Luxembourg	105	9	432
Bulgaria	117	15	428
Liechtenstein	207	10	398
Romania	255	1	342
Other (92)	1,776	115	3,537

TRIBUTE TO DOWNED WARRIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 30 minutes.

Mr. HUTTO. Mr. Speaker, The impact of Desert Storm hit home hard in northwest Florida when an AC-130H gunship went down on a combat mission in southeastern Kuwait on January 31. The 14 members of the crew were listed as missing in action. The aircraft was found in the Persian Gulf after the coalition victory. On Friday, March 15, I attended a memorial service held for the crew at Hurlburt Field. It was a beautiful service in honor of these heroes.

The following statement was made by Maj. Gen. Thomas Eggers, commander of the Air Force Special Operations Command:

Today we gather to honor the men of Spirit 03 and to recognize the ultimate price for freedom a commando will be asked to pay. Air Commandos have an extremely proud heritage, starting with the vision of men like General Hap Arnold. With missions like Desert One—the guts to try; just cause—those who cared and those who dared; and then Desert Storm giving yet another country and its people a chance for freedom. The men we remember, the appreciation we show to them here today, touches our heart but also leaves us saddened and stunned.

When we depart from this place, let's reflect and say that these men, these Air Commandos had the courage and the sense of personal duty which made them face up to the tough tasks of each day. Each possessed an unfailing formula for accomplishing the mission; those key elements of patriotism, self-respect, discipline and self-confidence. Men with very different backgrounds, yet bound together by a sense of mission and a spirit of teamwork that only those who have served their country in a special way can hope to know.

We could ask, what did our Air Commandos think was so important and what inspired them to serve this great country?

The answer may lie buried in our feelings and hidden in our emotions. If ever you have stood alone and watched from along the sound, the shadows of the setting sun deepen and change the western sky, then you know the great beauty they sought. If ever you have walked a lonely sea shore and felt the chill of salt air that the evening wind sends to the shore, you have felt the peace they yearned for.

If ever you have watched a seagull soar silently through clear blue skies, then you have known the freedom they sought.

If ever you remember the security and love you felt, when as a young child you were rocked softly to sleep, then you know the tremendous trust they had in one another.

If ever you have watched the stars and stripes dip and tug at the lanyard, while from somewhere deep within you a shiver of pride welled up within your chest, then you know the endless love they had for God, for country, and for the brotherhood of free men everywhere.

These dedicated military professionals—these quiet professionals met the demands of the United States of America in its finest tradition. Their courage and sacrifice will stand the test of time, because we will make sure that it does.

These men who gave their lives were called home by a loving creator. We believe and we know that their spirits live on, and that the spirit that bound them together lives on in each of us present here today.

In times like this, we think of the words of our Lord, from the prophet Isaiah * * * "Be strong and of good courage. Be not afraid, neither be thou dismayed. They that wait upon the Lord shall renew their strength. They shall mount up with wings as eagles, they shall run, and not be weary."

And now, I ask each of you * * * every time you hear words like—"God Bless America, land that I love," and "I'm proud to be an American where at least I know I'm free," to think of these Air Commandos that we honor here today and the cause that they found for and believed in. And remember that Air Commandos will continue to answer a call for help "any time—any place," in the cause of freedom. These were the words of General Eggers.

The following statement was delivered by Col. George Gray, commander of the First Special Operations Wing:

These 14 airmen came to Hurlburt for one primary reason—they wanted to serve their country. You never had to ask them to go defend freedom for millions of Panamanians or Kuwaitis—they were always ready and eager to support our country's national policy. They were magnificent!

These people and this squadron have built a trust and confidence in our ground forces that make them a particularly effective member of our Country's Armed Forces.

I remember last year at the Squadron Christmas party, Barbara and I were hosting some good friends at our home. His name was Colonel Joe Hunt, the Third Ranger Battalion Commander. When I mentioned the 16th was having their Christmas party that evening, he asked if he could go and talk to the Squadron. We, of course, went. Joe had two messages: Thanks for saving the lives of my troops at Rio Hato and just as importantly, thanks for letting them sleep. They had been up for two days and engaged in combat for 24 hours. Most of his troops had never seen combat before and were too scared to sleep. But when they saw Spectre overhead, they knew someone they trusted was watching over them and they slept like babies.

The morning of January 31 wasn't much different. Our Marines were engaged with a large Iraqi force during the first major incursion of the war. The first two had destroyed numerous enemy APC's and trucks. Spirit 03 was almost at the end of their block of time of 0600. It was starting to get light, but the Marines were extremely concerned about a Frog missile battery which had moved into position several miles south of the Kuwait border. They knew heavy Triple A was in the area and they also knew the Frog missile was capable of delivering chemical munitions on our Marines. Despite the known risks, Spirit 03 elected to engage and destroy this major threat to our Marines. They were where they were supposed to be—they knew that they had to do and nobody could support our ground forces when they were in trouble better than they could.

Today we remember these heroes.

Today is also the beginning of the healing process for the Wing and the Squadron and the families. The Wing and the Squadron will heal quickly since we know we will be called on again soon to defend freedom. We only pray that healing process for our families will be a quick one. These were the words of Colonel Gray.

The following comments were made by Lt. Col. Donn P. Kegel, commander of the 16th Special Operations Squadron:

As I flew back to the States on Saturday, I wondered what I could say or do to lessen the pain many of you have today. I realized, however, that there was no way I could take away the hurt and loss you as family and friends would suffer. I do hope today's ceremony can bring some comfort—some consolation into your lives.

A soldier always looks for peaceful solutions before any hostilities begin. When the time comes, however, a commander's duty is to order men into battle. As commanders, we also eulogize these same men when they do not return.

The heroes of Spirit 03 were good men and good soldiers. Their actions speak of the very finest qualities in men: loyalty, courage, and devotion to duty. When called to fight, they did so willingly, I could even say eagerly, with the knowledge that their cause was just. They were selflessly serving the cause of peace and freedom in a historic and unprecedented United Nation's effort. They fought for freedom and fulfilled their duty with what Abraham Lincoln called, "The last full measure of devotion." They were what good men aspire to be. Our memory of them will forever be that of men who stepped to the front—who answered the call of duty and made the ultimate sacrifice.

Major Paul Weaver, the pilot, was dedicated to the Air Force mission. He was a quiet fellow, with determination in his heart to always do the best for his Country—his unit. The Air Force was not a job to Paul, it was his life, his call to duty.

First Lieutenant Cliff Bland, the copilot. I remember my first acquaintance with Cliff as Vice at last year's dining in. A witty fellow with a sparkling smile, he made people happy. As many members of the Squadron, he wanted to fly at every opportunity. You didn't put this guy behind a desk and not hear about it.

Staff Sergeant Damon Kanuha, the Flight Engineer. A very pleasant, energetic, can-do person—always a polite man. He kept the hub of Squadron operations moving working at the mission control center—give him a task and it would be done. He was professional in every aspect.

Captain William Grimm, the Navigator, was a man of few words. I can remember first meeting him, when he made it very clear that he was William and not Bill. He spoke with authority and was respected in the Squadron for his airmanship ability.

Captain Art Galvan, the Fire Control Officer, one of the Squadron's key planners in setting up operations. A former combat control team member, he understood the ground commander's problem in war. He was instrumental in training people on how to effectively use the gunship's capability in wartime as a member of the Wing's OFFOR team.

Captain Dixon Walters, the Electronic Warfare Officer. A determined officer with tenacity. He left civilian life to find increased challenges in the Air Force. He spent many long hours as an executive officer to make formal functions such as retirements, a first class event. Always studying the capability of the enemy, he was smart at applying his technical knowledge to the electronic combat surroundings.

Senior Master Sergeant Paul Buege, the Television Operation, with ten years experience in the gunships. Paul was the First Sergeant when I first met him—always concerned for his people and willing to take on the extra tough jobs. He was always thorough in his duties and dedicated to the Air Force way of life.

Staff Sergeant John Blessinger, the Infrared Sensor Operator. He was a conscientious fellow always looking for the extra things to be done in the Squadron. He wanted the best for this section and the guys he worked with daily. He worked hard at self improvement in his professional flying duties. He was very, very good and always strove to be the best.

Staff Sergeant Mark Schmauss was the Illuminator Operator on Spirit 03. He was an outstanding airman very dedicated to his job, his fellow aircrew members, and friends. Whenever there was a job to be done he was always ready and willing to volunteer to ensure success of the mission. A former crew chief working on gunships, he had several interviews with former commanders to come and fly gunships. He never gave up in his pursuit of flying—he was always volunteering for any mission.

The next five men were a Gunner Team. Our gunner teams are strong and Technical Sergeant Bob Hodges was one of the best lead and instructor gunners in the Squadron. He was very active in Squadron and section sports programs. He'll be remembered as the one guy to establish a gunner section basketball league to unify gun crews.

Master Sergeant Jim May was our best flight chief in our gunner section. He was a lead and instructor gunner with extensive knowledge of the gunship weapons and related systems. He always had a smile on his face and a friendly hello with an easygoing manner and close interpersonal relationships with his subordinates and supervisors. A true leader among NCOs—active in the Unit's Top 3 Council.

Staff Sergeant John Oelschlager was truly an all American winner in the Americanism Award while attending the NCO Leadership School. I relied on his expertise in our reports section and could always count on a flawless product. He was a stickler for detail no matter how small the task as was evident in our Squadron's revised program which improved accountability of tools used on the airplanes.

Staff Sergeant Tim Harrison one of the few staff sergeants upgraded for Instructor Duty. He was best known for his outgoing personality. Tim was a good solid performer and as one of our supply sergeants always kept the books balanced and critical supplies on hand. He loved to fly and volunteered to be included in any mission at any TDY location.

Sergeant Barry Clark was a solid team player always willing to help the Squadron accomplish its mission. He worked long hours in supporting me and former commanders in the awards and decorations program. His words on many award packages benefit many people sitting here today. Barry was active in sports programs and always the first to volunteer for any special project in the Squadron.

In memory of these 14 heroes I would like to dedicate the following poem by John Gillespie Magee, Jr. which is titled High Flight:

Oh, I have slipped the surly
Bonds of earth
And danced the skies on
Laughter-silvered wings;
Sunward I've climbed, and
Joined the tumbling mirth
Of sun-split clouds—
And done a hundred things
You have not dreamed of—
Wheeled and soared and swung
High in the sunlit silence.
Hovering there, I've chased the
Shouting wind along, and flung
My eager craft through
Footless halls of air.
Up, up the long, delirious,
Burning blue,
I've topped the windswept
Heights with easy grace
Where never lark, or even
Eagle flew
And, while with silent,
Lifting mind I've trod
The high untrespassed sanctity of space,
Put out my hand, and touched
The face of God.

On behalf of all the men and women on the 16th Special Operations Squadron, who share in your grief, I remind you that you are not alone—we and a grateful Nation, pray with you and for you. The words of Lt. Col. Dann Kegel.

In closing, I say to the loved ones of these brave men—you can be proud. The crew of Spirit of 03 paid the supreme sacrifice for a cause—that is the cause of freedom. They were heroes who gave their all for our great Nation. We remember and pay tribute to all of them for this sacrifice. America continues as a strong nation because of their service.

□ 1800

KISSINGER ASSOCIATES, BNL, AND IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, during a special order last week, I revealed that Henry Kissinger was a paid member of the Banca Nazionale del Lavoro Consulting Board for International Policy. Mr. Kissinger held this position during the height of the biggest banking scandal in United States history—$4 billion in unreported loans to Iraq by the Atlanta branch of BNL. This week I will reveal some new information regarding Mr. Kissinger and his relationship with BNL. I will also include in the RECORD a detailed list of Mr. Brent Scowcroft's stock holdings.

MORE ON KISSINGER AND BNL

In order to learn more about Mr. Kissinger's role at BNL, committee investigators contacted an attorney representing BNL in the United States and asked him to contact BNL in Rome. The BNL employee in Rome told BNL's attorney the following:

> Mr. Kissinger has been a member of the BNL International Advisory Board since 1985. Mr. Kissinger is paid $10,000 for appearing at an Advisory Board meeting and he is paid extra for speaking at BNL functions. It is important to bring these facts out because BNL is owned by the Italian government. In effect, Mr. Kissinger's fees are indirectly paid for with Italian taxpayer money.

Banking Committee investigators were also told that Mr. Kissinger may still be a member of BNL Advisory Board. His term does not expire until next month. This information conflicts with what Mr. Kissinger was quoted as stating in a Financial Times article on April 26. In that article Mr. Kissinger stated that he resigned from BNL's advisory board on February 22, 1991. I will write BNL and Mr. Kissinger in order to clear up this discrepancy.

Mr. Kissinger went on to state in the same Financial Times article:

> I resigned earlier this year because I don't want to be connected, I don't want to be asked about this sort of thing.

But it should be noted that Mr. Kissinger supposedly did not resign his BNL post until over 18 months after the BNL scandal became public in August 1989.

Another interesting point to note is the timing of Mr. Kissinger's supposed resignation from BNL on February 22, 1991. That date is just days before the Justice Department announced a 347-count indictment against the former employees of BNL after an exhaustive 18-month investigation. This is quite a coincidence.

BNL ACTUALLY A CLIENT OF KISSINGER ASSOCIATES

BNL was actually a client of Kissinger Associates at the same time BNL's former employees in Atlanta were providing Iraq with billions in unreported loans. This solidifies Mr. Kissinger's link to BNL and raises the question of whether Mr. Kissinger had knowledge of the BNL loans to Iraq.

As I stated last week, many Kissinger Associates clients were doing business with the Iraqis as a direct result of the unreported $4 billion in BNL loans to Iraq. Volvo, whose chairman serves on the Kissinger Associates board of directors, was doing big business in Iraq and it was the beneficiary of BNL loans.

BNL was also the largest participant in the $5.5 billion CCC program for

Iraq. Between $800 and $900 million in BNL loans to Iraq were guaranteed by the CCC. BNL was also the second largest participant in the Export-Import [Eximbank] program for Iraq. Over $50 million in BNL loans to Iraq were guaranteed by Eximbank. Through these programs it became common knowledge in the export community that BNL was Iraq's prime banker in the United States.

I also reported last week that Mr. Lawrence Eagleburger had ties to BNL. While he was serving as president of Kissinger Associates, Eagleburger was a board member of a Yugoslavian bank that had a substantial and even incestuous relationship with BNL. BNL was a main factor in the growth of that Yugoslavian bank's operations in the United States.

Despite the many linkages between Kissinger Associates and BNL, Mr. Kissinger still maintains that he had no knowledge of the $4 billion in BNL loans to Iraq.

The fact that BNL was a client of Kissinger Associates also solidifies the link between BNL and two very high ranking Bush administration employees, NSC Director Brent Scowcroft and Deputy Secretary of State Lawrence Eagleburger. Mr. Lawrence Eagleburger and Mr. Brent Scowcroft were both high ranking employees of Kissinger Associates during the period BNL was a client of Kissinger Associates. In other words, part of their paychecks was derived from fees paid by BNL.

The fact that BNL was a client of Kissinger Associates also raises the question of how Mr. Eagleburger and Mr. Scowcroft reacted to the BNL scandal once it became known to them in the fall of 1989. I wonder if either thought it necessary to recuse himself from making decisions on Iraq once the BNL scandal was uncovered?

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, May 2, 1991.

Hon. GEORGE BUSH,
President of the United States,
Washington, DC

DEAR MR. PRESIDENT: The House Banking Committee is conducting an investigation into over $4 billion in unreported loans the former employees of the Atlanta branch of Banca Nazionale del Lavoro (BNL) provided to the government of Iraq between 1985 and 1990. The Committee's investigation has uncovered the fact that Henry Kissinger was on the International Advisory Board of BNL during that same time period and that BNL was a client of Kissinger Associates.

As you are aware, Mr. Brent Scowcroft and Mr. Lawrence Eagleburger were high ranking officials of Kissinger Associates—Mr. Scowcroft as Vice Chairman and Mr. Eagleburger as President. Kissinger Associates represents many large multinational companies involved in various aspects of international trade, including the arms business. Since these firms sell their wares worldwide, they often are the beneficiaries of U.S. policy towards foreign countries. I am deeply concerned over the potential influence Mr. Kissinger may exert over the decisions and actions of Mr. Scowcroft and Mr. Eagleburger, and am especially troubled by a potential conflict of interest involving Mr. Scowcroft.

The National Security Advisor is in a position to strongly influence our national security and foreign policies, including the U.S. export licensing process. These policies often have a direct influence on individual corporations doing business abroad. Until October 4, 1990, Mr. Scowcroft owned stock in approximately 40 U.S. corporations, many of which were doing business in Iraq. Those companies received more than one out of every eight U.S. export licenses for exports to Iraq. Several of the companies were also clients of Kissinger Associates while Mr. Scowcroft was Vice Chairman of that firm.

Mr. Scowcroft's stock holdings, particularly in corporations that are clients of Kissinger Associates, present the potential for serious conflicts of interest and cause one to question whether or not his decisions as National Security Advisor are completely disassociated from the interests of his former boss and longtime colleague.

Mr. Eagleburger, the current Deputy Secretary of State, as well as Mr. Scowcroft, may also be involved in a conflict of interest related to their role in promoting military sales abroad. The Legal Times recently reported that Mr. Eagleburger and Mr. Scowcroft (a lifelong Air Force Officer) are strong advocates of using $1 billion in Export-Import Bank resources to finance the sale of U.S. military articles overseas. The Legal Times also reported that Mr. Eagleburger actually sent a classified memorandum to all U.S. Embassies urging that U.S. defense firms be given more help selling weapons abroad. Many corporations, including Mr. Eagleburger's past employer, the ITT Corporation, stand to benefit if the U.S. foreign service is forced to take a greater role in selling U.S. military articles abroad. For your information, I have attached a copy of the Legal Times article referring to Mr. Eagleburger's and Mr. Scowcroft's roles in expanding military sales abroad. I am concerned that their attempts to use the foreign service and the Export-Import Bank to assist corporations in financing military sales abroad may have been prejudiced by their past associations.

Mr. Scowcroft's and Mr. Eagleburger's actions seem out of step at a time when the U.S. should be leading a worldwide effort to limit arms proliferation. The positions held by these men are of the utmost importance to the national security of the United States. Persons filling such important positions must be independent from past associations which could cloud their judgment.

I trust you will consider the issues I have raised in this letter and, if necessary, take appropriate action to ensure that potential conflicts are eliminated.

Thank you for your time and consideration. With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

SCOWCROFT STOCK OWNERSHIP

The BNL scandal is not the only instance of Kissinger Associates affiliations having had the potential of placing Mr. Scowcroft in a potential conflict of interest situation involving U.S. national security and foreign policy.

Last week I noted that Brent Scowcroft joined Mr. Kissinger in setting up Kissinger Associates in 1982. Mr. Scowcroft served as vice chairman of Kissinger Associates until being appointed as National Security Advisor to President Bush in January 1989. In that position, Mr. Scowcroft advises the President on matters involving national security including export control policies.

I also revealed last week that Mr. Scowcroft owned stock in approximately 40 companies while acting in those capacities for President Bush. These stocks were valued at well over $1 million.

The chart is pretty much self-explanatory. As the chart indicates, on October 4, 1990, the Office of Government Ethics required Mr. Scowcroft to divest some of his stock holdings. But that was almost 2 years after he took office and several months after the Iraqi invasion of Kuwait.

MANY LARGE DEFENSE CONTRACTORS

Many of the companies Mr. Scowcroft owned stock in are large defense contractors. The Department of Defense recently released a list of the top 100 prime defense contractors. Mr. Scowcroft owned stock in 11 of these companies including General Electric, General Motors, ITT, and Lockheed while acting as the President's National Security Adviser.

Several of the companies Mr. Scowcroft owned stock in are reported clients of Kissinger Associates. These connections raise the question of Kissinger Associates' influence over the decisions of Mr. Scowcroft as well as the issue of whether or not Mr. Scowcroft can remain independent from the interests of his former boss and longtime colleague Henry Kissinger.

I am deeply concerned by Mr. Scowcroft's stockholdings, particularly those in corporations that are clients of Kissinger Associates. Given the position of Mr. Scowcroft, his stockholdings present the potential for serious conflicts of interest.

As an example consider that together, the companies he owned stock in received over one in every eight United States export licenses for sales to Iraq. No doubt these companies benefited from United States policy toward Iraq. Mr. Scowcroft was instrumental in setting and carrying out that policy and, at the same time, owned stock in companies benefiting directly from that same policy. Can Mr. Scowcroft be providing the President with independent judgment given those circumstances?

BACKGROUND ON NATIONAL SECURITY COUNCIL [NSC]

In order to better understand these issues it would help to learn more about the role Mr. Scowcroft plays in setting, coordinating, and carrying out the national security and foreign policies of the United States. As we will see, the NSC can have considerable influence over an individual company's ability to obtain an export license to sell goods abroad.

During his tenure at Kissinger Associates, Mr. Scowcroft was appointed by President Reagan to various special commissions on national security issues. One such appointment was to the President's Special Review Board. The President directed the Board to examine the proper role of the National Security Council staff in the development, coordination, and conduct of foreign and national security policy following the Iran-Contra scandal. The following background on the NSC is taken from that report.

The National Security Council was established by the National Security Act of 1947. The NSC functions as an advisory body to the President on national security issues and to improve coordination between the military services and other executive departments. The President is the head of the NSC with other members being the Vice President, the Secretary of State, and the Secretary of Defense.

Statutory advisers to the NSC include the Chairman of the Joint chiefs of Staff, the Director of the Central Intelligence Agency, and the Director of the Arms Control and Disarmament Agency. Other members of executive branch agencies may serve as de facto members of the NSC at the invitation of the President. All members are supposed to provide their best advice to the President, not merely serve as advocates for their own bureaucracies.

Perhaps the greatest misconception regarding the NSC is that the Assistant to the President for National Security Affairs, commonly referred to as the National Security Adviser, is not a formal member of the NSC. There is no legislative provision for Mr. Scowcroft's present position.

Originally, under President Eisenhower, the National Security Adviser served as the executive secretary of the NSC—setting the agenda, briefing the President, and supervising staff. It was not until President Kennedy, with McGeorge Bundy, and also President Nixon, with Henry Kissinger, that the National Security Adviser took on its current role. Bundy and Kissinger transformed the position from one of coordinator and administrator to one of policy advocate, personal adviser, spokesman and negotiator for national security issues.

The National Security Act also established a National Security Staff. The role and size of the staff has changed considerably since 1947, but has come to serve the dual role of coordinating and monitoring the implementation of national security policy as well as providing independent advice, options, and ideas to the President. Mr. Scowcroft is the current Director of the NSC staff. The role of the NSC staff received its greatest notoriety from the actions of felonious staff member Oliver North.

NSC INFLUENCE OVER EXPORT LICENSING FOR IRAQ

One of the responsibilities of the NSC is to ensure that the national security decision directives issued by the President are properly carried out. Take for example the case of Iraq. Both Presidents Bush and Reagan were determined to improve relations with Iraq, and both considered the best way to achieve that goal was to expand trade with Iraq. Since trade was the foundation on which improved relations were to be achieved, increased importance was placed on the export licensing process.

The export licensing process controls the export of U.S. goods and technical data in order to achieve certain national security and foreign policy goals. For example, in order to protect our national security, the export licensing process is used to limit the export of sophisticated United States computer technology to the Soviet Union that could be used to improve weapons systems. In the case of export licensing, the National Security Act of 1947 and subsequent legislation, provide the President, through the National Security Council [NSC], with ample authority to establish policies on export controls.

To get a feel for the NSC's role in achieving the President's objective regarding Iraq, we can look to the comments of Paul Freedenberg. He was the chief export licensing official at the Commerce Department during the latter half of the Reagan years and the beginning of the Bush administration.

Mr. Freedenberg recently testified that Iraqi use of poison gas against the Kurds, as well as the Iranians, did not suppress the zeal of the NSC to approve technology transfers to Iraq. In testimony before Congress, he stated:

> In the summer of 1988, a number of licenses were pending with regard to technology transfer to Iraq. I asked for official guidance with regard to what the licensing policy would be towards Iraq since by that time there was credible evidence of the use of poison gas by the Iraqis against their own people and also against the Iranians. I suggested that the imposition of foreign policy controls be considered as a way of justifying the denial of export licenses to Iraq. I was told by the National Security Council that the licensing policy with regard to Iraq was that of normal trade and that under normal circumstances and that I should clear the licenses that were pending. I passed that information on to my licensing officers and the few dozen licenses that were pending at that time were approved and licenses were issued for exports to Iraq.

This provides clear insight into the power of the NSC and points to the influence it can have over the export licensing process. Yet another example is provided by Dr. Stephen D. Bryen, former Deputy Under Secretary of Defense for Trade Security Policy and Director of Trade Technology Security Administration [DTSA]. DTSA helps review export licenses to determine if exports should be denied because of their potential military applications.

While testifying before the Banking Committee, Dr. Bryen stated:

> Generally speaking, the Defense Department's strongest objections for Iraq concerned the potential use of exported goods for Iraq's nuclear program, for missile testing and construction, and for chemical and biological weapons development. In most cases when we raised these issues we ran into strong opposition from the State and Commerce Departments. In July 1987, at the urging of the State Department, the National Security Council directed DTSA to be "more forthcoming" with respect to Iraq. The NSC singled out a number of cases DTSA held up, and urged us to revisit them. We decided, in all but two or three cases identified by NSC to stick by our guns and not give in because we had evidence the technology was going into strategic military programs.

While Mr. Scowcroft was not the NSC Director at the time of the above incidents, you can get a feel for the enormous influence the NSC can exercise over individual export licensing decisions.

The NSC provides crucial input into the President's foreign policy and national security decisions. These decisions often affect trade between the United States and foreign nations, which in turn affects a corporation's ability to sell its goods overseas. As the Iraq example illustrates, the NSC can exercise considerable sway over export licensing decisions that directly determine whether or not a corporation's export license is approved. This is one of the prime reasons Mr. Scowcroft's stock ownership presents the potential for a conflict of interest.

Mr. Scowcroft's past affiliation with Kissinger Associates also raises the question as to whether or not Mr. Scowcroft can truly provide independent advice to the President in matters of national security or foreign policy when those policies can run against the interest of corporations that he owns stock in or that are affiliated with Kissinger Associates.

SCOWCROFT AND EXIMBANK MILITARY SALES

Last week I placed in the RECORD a Legal Times article that illustrated how Mr. Scowcroft and Mr. Lawrence Eagleburger have been instrumental in formulating the recent administration proposal to use $1 billion in Export-Import Bank credits to sell defense articles overseas. This week I revealed that Mr. Scowcroft until very recently owned stock in many of our largest defense contractors. The fact that Mr. Scowcroft was even involved in a decision to promote military sales while he owned stock in several huge defense contractors strikes me as being a conflict of interest.

The President's proposal to use the Export-Import Bank to finance military sales is an example of a policy decision that has the potential to directly benefit corporations Mr. Scowcroft owns stock in or that are affiliated with Kissinger Associates.

CONCLUSION

To summarize, I am deeply concurned that Mr. Scowcroft's stockholdings, particularly in corporations that are clients of Kissinger Associates, present the potential for serious conflicts of interest. These stock-holdings also raise the question of Kissinger Associates influence over the decisions of Mr. Scowcroft and whether or not Mr. Scowcroft can remain independent from the interests of his former boss and longtime colleague. I will be writing President Bush to express my concern over these issues.

[From the Financial Times, Apr. 26, 1991]

CONGRESSIONAL INQUIRY: KISSINGER'S FIRM LINKED TO BNL

(By Alan Friedman and Lionel Barber)

WASHINGTON.—Mr. Henry Kissinger, the former US secretary of state who heads the international consulting firm Kissinger Associates, had business links with Banca Nazionale del Lavoro (BNL), the Italian bank whose branch in Atlanta, Georgia made $4bn in unauthorized loans to Iraq, according to the chairman of the US House banking committee.

BNL's activities in the US are at the center of a wideranging congressional inquiry into how its funds were used to buy militarily useful US technology and equipment until as late as June 1990, a few weeks before the invasion of Kuwait.

Mr. Kissinger last night denied knowledge of the improper Iraqi loans. He confirmed, however, that he served until early this year as a paid member of BNL's international advisory board.

He resigned the BNL position on February 22, 1991 because of the BNL Atlanta scandal. Mr. Kissinger said last night: "I didn't have any idea of what BNL was doing in Iraq. All I knew was what I read in the papers. I resigned earlier this year because I don't want to be connected, I don't want to be asked about this sort of question".

Congressman Henry Gonzalez, the Texan Democrat who is investigating the BNL affair, also claimed that Kissinger Associates advised US companies exporting to Iraq, several of which were BNL-financed.

Kissinger Associates is an international consultancy with blue-chip clients, advising on political and commercial risk. Among its early recruits were Mr. Brent Scowcroft, currently President George Bush's national security adviser, as well as Mr. Lawrence Eagleburger, a veteran diplomat, who currently serves as deputy US secretary of state. Both resigned on taking office.

In a lengthy statement on the floor of the House of Representatives, Mr. Henry Gonzalez—chairman of the banking committee—described how Mr. Alan Stoga, a Kissinger Associates executive, met Mr. Saddam Hussein in Baghdad in June 1989.

At the meeting, Mr. Saddam apparently expressed interest in expanding commercial relations with the US. "Many Kissinger Associates clients received US export licenses for exports to Iraq. Several were also the beneficiaries of BNL loans to Iraq," said Mr. Gonzalez.

In response, Mr. Kissinger said his firm "derived no income from Iraq". To his knowledge, Mr. Stoga did not advise Iraq on any financial matters, but he recalled that Mr. Stoga told him that he was identified at the Saddam meeting "as an expert on debt and could advise."

Mr. Kissinger, who has rarely spoken about his clients or his business, said his firm would not have interceded with the US government to secure export licenses for clients, but that "it is possible that somebody may have advised a client on how to get a license."

In his congressional statement Mr. Gonzalez said Mr. Eagleburger, who worked for Kissinger Associates until two years ago, served on the board of Ljubljanksa Bank (LBS), the Yugoslav bank.

Mr. Gonzalez said he wished to make clear that he was not accusing anyone of any illegalities.

Stock Holdings of National Security Director Brent Scowcroft

Stocks	*Value of stock*[3]
Advanced Display Technology	B
Allegran, Inc.	B
Allied Signal, Inc.[1]	B
ARMCO, Inc.	C
AT&T[1,2]	D
Bank America Corp.[1]	C
CSX Corp.	A
DBA Systems, Inc.[1]	F
E.I. Dupont[1]	D
First Security Corp.	D
General Motors Corp.[1]	B
General Electric Co.[1]	G
Great Atl. & Pac. Tea Co.	B
Great American Communications	B
Halliburton Company	C
Hanson PLC Sponsored ADR	E
Hewlett Packard Co.[1]	D
IBM[1,2]	D
Intergraph Corp.[1]	E
International Paper Company	B
ITT Corp.[1,2]	B
Kimberly Clark[1]	B
Lehman Corp.	D
Lockheed Corp.	A
McKessen, Inc.	B
MCN Corp.	B
Merck & Co.[1]	D
Minnesota MNG MFG[1,2]	B
Mobil Oil Company[1]	B
Monsanto Company	C
PacificCorp	C
Phillips Petroleum Co.	B
Pfizer, Inc.[1]	D
Primark Corp.	B
Questar Corp.	C
Reynolds Metals[2]	B
Storage Technology CP[1]	C
Shell TRNS & TR[1,2]	D
SmithKline Beackman Corp[2]	A
Weyerhaeuser Co.[1]	D
Westinghouse Electric[1]	B
Wicor, Inc	B
Xerox Corp.[1]	D
Washington BanCorp.	F

Notes:

[1] On October 4, 1990, the Office of Government Ethics required divestiture of these stocks.

[2] Held by Spouse.

[3] Value of Holding: A=under $1,001, B=$1.001–5,000, C=$5,001–15,000, D=$15,001–50,000, E=50,001–100,000, F=$100,001–250,000, G=over $250,000.

Source: Brent Scowcroft Financial Disclose Report Office of Government Ethics (202) 523-5757.

☐ 1820

TRIBUTE TO LT. THOMAS CLIFFORD BLAND, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BYRON] is recognized for 10 minutes.

Mrs. BYRON. Mr. Speaker, I would like to commend the gentleman from Florida [Mr. HUTTO] for the special order that he took this evening in addressing those 14 young men in the AC-130 which were a part of our Operation Desert Storm and Desert Shield. The gentleman from Florida [Mr. HUTTO] talked about the quality of the young people that we have. I would like to join him in his special order.

One of those young individuals was a constituent of mine from near Washington, Darnestown, MD, a young man just 26 years of age; 1st. Lt. Thomas Clifford Bland, Jr., was the copilot of that aircraft. It is interesting to note that the friends of his from his high school days as a 1982 graduate of Seneca High School, spearheaded by Pat McGrath, one of his classmates, have taken it upon themselves to perpetuate his memory in a scholarship. It is one that will be awarded shortly on May 19.

His community also has rallied behind him as a pilot. We all know how much it means to a community when someone leaves and goes off, but his community will not forget him because of the dedication of the Darnestown Regional Park will be changed in its name on May 19 and it will become the Clifford Bland Memorial Park.

☐ 1830

So I think we will probably find a large gathering of young people that once again have been touched by Operation Desert Storm, who will be gathering that Sunday afternoon to remember a spark in their community, a young man who volunteered to put on the uniform, went off and did what his dream was, that was to join the Air Force and learn to fly. His mother, Dede McMahan, is also a pilot. So his love of flying came from within his family.

So although he is gone from us, that scholarship fund in his memory will continue in his community to educate those young individuals who are coming behind.

I think as we look, as Congressman HUTTO did, to those individuals who were constituents of his and had taken off from his Florida base, we know this Nation, across the board, has been affected by that loss. I think we are also finding the memory of him, of those young people, will be enriched by a scholarship fund and a local park for the young people to come to play ball, the little ones to play on the equipment.

Although Thomas Clifford Bland is gone, his memory is not going to be forgotten.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 5 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Ms. SLAUGHTER of New York) to revise and extend their remarks and include extraneous material:)

Mr. GEREN of Texas, for 5 minutes, today.

Mr. ECKART, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, on May 7.

Mr. DEFAZIO, for 60 minutes each day, on May 8, 15, 22, and 29.

Mr. GONZALEZ, for 60 minutes, on May 7.

(The following Member (at the request of Mr. KOSTMAYER) to revise and extend his remarks and include extraneous material:)

Mr. GUARINI, for 5 minutes, today.

(The following Member, at her own request, to revise and extend her remarks and include extraneous material:)

Mrs. BYRON, for 10 minutes, today.

(The following Members (at the request of Mrs. BYRON) to revise and extend their remarks and include extraneous material:)

Mr. DICKS, for 60 minutes, on May 6.

Mr. FALEOMAVAEGA, for 30 minutes, on May 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. YATES, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,864.

Mr. PENNY, during debate on Zimmer amendment to H.R. 1988, in Committee of the Whole, today.

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. MACHTLEY in nine instances.

Mr. SAXTON in two instances.

Mr. SENSENBRENNER.

Mr. VANDER JAGT.

Mrs. BENTLEY in two instances.

Mr. HUNTER.

Mr. GINGRICH.

Mr. GRANDY.

Mr. SOLOMON.

Mr. DREIER of California.

Mr. BROOMFIELD.

Mr. GALLEGLY in three instances.

Mr. GEKAS in three instances.

Mr. THOMAS of California in two instances.

Mr. RHODES.

Mr. DORNAN of California.

Mr. JAMES in four instances.

Mr. BLILEY.

Mr. CAMP.

Mr. CUNNINGHAM.

Mr. COUGHLIN.

(The following Members (at the request of Ms. SLAUGHTER of New York) and to include extraneous matter:)

Mr. REED.

Mr. ATKINS.

Mr. VISCLOSKY.

Mr. LANTOS.

Mr. JONTZ.

Mr. SCHEUER.

Mr. CARDIN.

Mr. PALLONE.

Mr. ECKART.

Mr. LEVINE of California.

Mr. MILLER of California.

Mr. KENNELLY.

Mr. MANTON.

Mr. JACOBS in two instances.

Mr. BONIOR.

Mr. ORTIZ.

Mr. SWETT.

Mr. BRUCE.

Mr. COLEMAN of Texas in two instances.

Mr. NEAL of Massachusetts.

ADJOURNMENT

Mrs. BYRON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Monday, May 6, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1199. A letter from the Chief, Office of Legislative Liaison, Department of Army, transmitting an initial decision to retain the Directorate of Logistics at Fort Rucker, AL, as an in-house operation, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1200. A letter from the Chief, Office of Legislative Liaison, Department of Army, transmitting an initial decision to retain the commissary storage and issue function at Fort Ruker, AL, as an in-house operation, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1201. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Mint for fiscal years 1992 and 1993; to the Committee on Banking, Finance and Urban Affairs.

1202. A letter from the Secretary of Education, transmitting a summary of the administration's legislative proposals for reauthorization of the Higher Education Act of 1965; to the Committee on Education and Labor.

1203. A letter from the Director, Office of Management and Budget, transmitting a report on the implementation of section 7507 of the Single Audit Act, pursuant to 31 U.S.C. 7507(b); to the Committee on Government Operations.

1204. A letter from the Chairman, U.S. Sentencing Commission, transmitting a report of amendments to the sentencing guidelines together with the reasons for these amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

1205. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State certification required under section 609(b) of Public Law 101-162, pursuant to Public Law 101-162, section 609(a)(5)(C) (103 Stat. 1038); jointly, to the Committees on Appropriations and Merchant Marine and Fisheries.

1206. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes; jointly, to the Committees on Armed Services and Post Office and Civil Service.

1207. A letter from the Director, Central Intelligence Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; jointly, to the Committees on Intelligence (Permanent Select), Armed Services, Post Office and Civil Service, Energy and Commerce, Ways and Means, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 7. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun; with an amendment (Rept. 102-47). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ECKART (for himself, Mr. SCHAEFER, Mr. SWIFT, Mr. BLILEY, Mr. GEPHARDT, Mr. BILIRAKIS, Mr. DINGELL, Mr. RINALDO, Mr. SLATTERY, Mr. SOLOMON, Mr. WAXMAN, Mr. SHARP, Mr. MARKEY, Mr. HORTON, Mrs. COLLINS of Illinois, Mr. SYNAR, Mr. PORTER, Mr. TAUZIN, Mr. WYDEN, Mr. RICHARDSON, Mr. SIKORSKI, Mr. BRYANT, Mr. BOUCHER, Mr. COOPER, Mr. BRUCE, Mr. HEFLEY, Mr. ROWLAND, Mr. MANTON, Mr. STUDDS, Mr. FAWELL, Ms. SLAUGHTER of New York, Mr. BILBRAY, Mr. BENNETT, Ms. MOLINARI, Mr. MACHTLEY, Mr. DELLUMS, Mr. FOGLIETTA, Mr. HERTEL, Mr. KLUG, Mr. BUSTAMANTE, Mr. HOCHBRUECKNER, Mr. EVANS, Mrs. BOXER, Mr. MILLER of Washington, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. ROE, Mr. BROWN, Mr. LAFALCE, Mr. JONES of North Carolina, Mr. CONYERS, Mr. FAZIO, Mr. GEJDENson, Mr. AuCoin, Mr. Mineta, Mr. Jenkins, Mr. Hamilton, Mr. Oberstar, Mr. Obey, Mr. Mavroules, Mr. Sanders, Mr. Frank of Massachusetts, Mr. Wolpe, Mr. McDermott, Mr. Gallo, Mr. Guarini, Ms. Pelosi, Mr. Ackerman, Mr. Serrano, Mr. Zimmer, Mr. Zeliff, Mr. Ravenel, Mr. Payne of Virginia, Mr. Pease, Ms. Kaptur, Mr. Lewis of Florida, Mr. Lantos, Mr. Skaggs, Mr. Dwyer of New Jersey, Mr. Valentine, Mr. Moody, Mr. Henry, Mr. Berman, Mr. Jefferson, Mr. Vento, Mr. Payne of New Jersey, Mr. Neal of Massachusetts, Mr. Olin, Mrs. Patterson, Mr. Sangmeister, Mrs. Unsoeld, Mr. Davis, Mr. Yates, Mr. Sabo, Mr. Levine of California, Mr. Kennedy, Mr. Pallone, Ms. Norton, Mr. Fish, Mr. Stokes, Mr. Scheuer, Mr. Bacchus, Mr. Walsh, Mr. Harris, Mr. Torres, Mrs. Lowey of New York, Mr. Kolbe, Mr. Nagle, Mr. DeFazio, Mr. Moran, Mr. Lehman of Florida, Mr. Owens of Utah, Mr. Thomas of Georgia, Mr. Espy, Mr. Kolter, Mr. Stallings, Mr. Williams, Mr. Swett, Mr. Johnston of Florida, Mr. Jones of Georgia, Mr. Cardin, Ms. DeLauro, Mr. Coleman of Texas, Mr. Jontz, Mrs. Meyers of Kansas, Mr. Tallon, Mr. Campbell of Colorado, Mr. Gillmor, Mr. Sawyer, Mr. Engel, Mr. Schiff, Mr. LaRocco, Mr. Feighan, Mr. Roemer, Mr. Luken, Mr. Mrazek, Mr. Kopetski, Mr. Andrews of Texas, Mr. Pickle, Mr. Allard, and Mr. Baker):

H.R. 2194. A bill to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities; to the Committee on Energy and Commerce.

By Mrs. BENTLEY:

H.R. 2195. A bill to amend the Shipping Act of 1984 to provide for equitable treatment of U.S. ocean freight forwarders by ocean carrier conferences; to the Committee on Merchant Marine and Fisheries.

By Mr. BROOKS:

H.R. 2196. A bill to modify the flood control project for Clear Creek, TX, to direct the Secretary of the Army to remove a railroad bridge, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CONDIT:

H.R. 2197. A bill to require military bases which are scheduled to be closed and which are on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to be cleaned up completely not later than 2 years after they are closed or after substantial reductions in their operations have occurred; jointly, to the Committees on Armed Services and Energy and Commerce.

By Mr. DOOLEY:

H.R. 2198. A bill to amend the Immigration and Nationality Act to suspend the ban on public assistance for legalized aliens during a federally declared national emergency; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota (for himself, Mr. Bilirakis, Mr. Penny, Mr. Paxon, Mr. Panetta, and Mr. Lehman of Florida):

H.R. 2199. A bill to direct the Secretary of Veterans Affairs to conduct a pilot program to provide hospice care for terminally ill veterans; to the Committee on Veterans' Affairs.

By Mr. DORNAN of California:

H.R. 2200. A bill to amend title 10, United States Code, to revise the rules relating to the payment of retired pay of retired members of the Armed Forces to former spouses pursuant to court orders; to the Committee on Armed Services.

By Mr. DWYER of New Jersey:

H.R. 2201. A bill to amend the Hazardous Liquid Pipeline Safety Act of 1979 to require the Secretary of Transportation to issue regulations to ensure the safety of underwater hazardous liquid pipelines, to identify chronic violators of hazardous liquid pipeline regulations, to enhance inspection, monitoring, and enforcement activities, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. GALLEGLY:

H.R. 2202. A bill to amend title 11 of the United States Code with respect to the interest of the debtor as a tenant under a month-to-month rental of residential real property; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 2203. A bill to amend title 18, United States Code, respecting the use in undercover operations of official representatives that property is stolen or counterfeit; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 2204. A bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes; to the Committee on Education and Labor.

H.R. 2205. A bill to amend the Internal Revenue Code of 1986 to restore the prior law exclusion for scholarships and fellowships and to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

H.R. 2206. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. Sanders, Mr. Penny, Mr. Dorgan of North Dakota, Mr. Petri, Mr. DeFazio, Mr. Moran, Mr. Vento, Mr. Obey, Mr. Jontz, Mr. Sensenbrenner, Mr. Klug, Mr. Moody, Mr. Peterson of Minnesota, and Mr. Lancaster):

H.R. 2207. A bill to amend the Federal Deposit Insurance Act to include foreign deposits and certain nondeposit liabilities in the assessment base for purposes of determining deposit insurance premium payments; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LAGOMARSINO (for himself, Mr. Michel, Mr. Solarz, and Mr. Evans):

H.R. 2208. A bill to amend titles 5 and 37, United States Code, to provide procedural due process in determining the status of members of the uniformed services and Federal employees listed in a missing status and to require the Secretary of Defense to review procedures regarding the determination and resolution of that status; jointly to the Committees on Post Office and Civil Service and Armed Services.

By Mr. LEVINE of California (for himself and Mr. Berman):

H.R. 2209. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and pursuant to the reclamation laws, to participate in the design, planning, and construction of reclamation and reuse projects in Los Angeles and El Segundo, CA; to the Committee on Interior and Insular Affairs.

By Ms. OAKAR:

H.R. 2210. A bill to establish an additional authorization of appropriations for fiscal year 1992 for basic and clinical research on breast cancer; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 2211. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act) to provide that the requirements of that act shall apply to contracts for construction, alteration, repair, renovation, rehabilitation, or reconstruction of a facility under lease to the United States or the District of Columbia; to the Committee on Education and Labor.

By Ms. PELOSI (for herself, Mr. Solomon, Mr. Russo, Mr. Stark, Mr. Barton of Texas, Mr. Wolf, Mr. Porter, Mr. Miller of Washington, Mr. Gephardt, Mr. Abercrombie, Mr. Ackerman, Mr. Bacchus, Mr. Beilenson, Mr. Berman, Mrs. Boxer, Mr. Bryant, Mr. Burton of Indiana, Mr. Dellums, Mr. Derrick, Mr. Durbin, Mr. Edwards of California, Mr. Erdreich, Mr. Fazio, Mr. Frank of Massachusetts, Mr. Feighan, Mr. Foglietta, Mr. Frost, Mr. Green of New York, Mr. Herger, Mr. Horton, Mr. Jefferson, Mr. Kennedy, Mr. Lantos, Mr. Lewis of Georgia, Mrs. Lloyd, Mr. McNulty, Mr. Martinez, Mr. Markey, Mr. Miller of California, Mr. Mineta, Mrs. Mink, Mr. Moran, Ms. Oakar, Mr. Panetta, Mr. Payne of New Jersey, Mr. Richardson, Mr. Ritter, Mr. Rose, Mr. Scheuer, Mrs. Schroeder, Mr. Sikorski, Ms. Slaughter of New York, Mr. Smith of New Jersey, Mr. Smith of Florida, Mr. Spratt, Mrs. Unsoeld, Mr. Valentine, Ms. Waters, Mr. Waxman, Mr. Weiss, Mr. Yatron, and Mr. Swett):

H.R. 2212. A bill regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes; to the Committee on Ways and Means.

By Mr. PENNY (for himself, Mr. Oberstar, Mr. Vento, Mr. Sabo, Mr. Sikorski, and Mr. Peterson of Minnesota):

H.R. 2213. A bill to amend title XIX of the Social Security Act to provide for a child health program in each State to assure the provision of basic outpatient services to needy children; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ROBERTS:

H.R. 2214. A bill to amend the Internal Revenue Code of 1986 to prevent recapture of the special estate tax valuation benefit when a qualified heir rents on a net cash basis to another family member; to the Committee on Ways and Means.

By Mr. SAWYER (for himself, Mr. Lewis of Georgia, Mr. Regula, Mr. Towns, Mr. Wheat, Mr. Berman, Mr. Bilbray, Mr. Bryant, Mr. de Lugo, Mr. Dymally, Mr. Edwards of California, Mr. Espy, Mr. Engel, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Fuster, Mr. Gray, Mr. Hayes of Illinois, Mr. Kildee, Mr. McDermott, Mrs. Morella, Mr. Owens of New York, Mr. Rangel, Mr. Richardson, and Mr. Weiss):

H.R. 2215. A bill amending the law relating to the Martin Luther King, Jr., Federal Holiday Commission; to the Committee on Post Office and Civil Service.

By Mr. SPRATT:

H.R. 2216. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to impose sanctions on any State that does not have, or is in violation of, a capacity assurance plan under that act, and to amend the Solid Waste Disposal Act to give certain States authority to deny permits for hazardous waste facilities which provide unneeded capacity and to impose restrictions on the interstate transportation of waste; to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.R. 2217. A bill to withhold a portion of law enforcement Federal financial assistance to States that do not have in effect a law that permits imposition of the death penalty, and requires imposition of the death penalty or life imprisonment without parole, for any conviction of premeditated murder and for any conviction of murdering a law enforcement officer under certain circumstances; to the Committee on the Judiciary.

By Mr. VANDER JAGT (for himself and Mr. JACOBS):

H.R. 2218. A bill to amend the Internal Revenue Code of 1986 to promote savings for qualified higher education expenses; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 2219. A bill to direct the Secretary of Defense to issue a special identification card to each member of the Armed Forces who was deployed in the Persian Gulf theater of operation, or was ordered to active duty, in connection with the Persian Gulf conflict; to the Committee on Armed Services.

By Mr. ATKINS (for himself, Mr. BILIRAKIS, Mr. MARKEY, Mr. PANETTA, Mr. SCHEUER, and Mr. STUDDS):

H.R. 2220. A bill to amend the Energy Policy and Conservation Act to provide for Federal energy conservation standards for showerheads and faucets, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DICKS:

H.R. 2221. A bill to amend the Federal Water Pollution Control Act relating to the water quality of Puget Sound; to the Committee on Public Works and Transportation.

By Mr. FEIGHAN (for himself, Mr. HYDE, Mr. BRYANT, Mr. BERMAN, Mr. GOSS, Mr. LEHMAN of Florida, Mr. ACKERMAN, Mr. DORNAN of California, Mr. COBLE, Mr. HORTON, Mr. APPLEGATE, Mr. LAFALCE, Mr. HUGHES, Ms. KAPTUR, Mr. LENT, Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, Mr. DANNEMEYER, Mr. MCNULTY, Mr. STARK, Mr. HERTEL, Mr. KENNEDY, Mr. SOLOMON, Mr. BEREUTER, Mr. KLUG, Mr. LAGOMARSINO, Mr. HANSEN, Mr. PACKARD, Mr. HERGER, Mr. GLICKMAN, Mr. SMITH of Florida, and Mr. BILBRAY):

H.R. 2222. A bill to provide a new civil cause of action in Federal law for international terrorism that provides extraterritorial jurisdiction over terrorist acts abroad against U.S. nationals; to the Committee on the Judiciary.

By Mr. KILDEE (for himself and Mr. CLAY):

H.R. 2223. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes; to the Committee on Education and Labor.

By Mr. MARKEY (for himself, Mr. MOORHEAD, Mr. BOUCHER, Mr. DANNEMEYER, and Mr. STUDDS):

H.R. 2224. A bill to amend the Federal Power Act to provide more equitable access to electric transmission services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBEY (for himself, Mr. AUCOIN, Mr. CARDIN, Mr. ECKART, Mr. FRANK of Massachusetts, Mr. FROST, Mr. MAZZOLI, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. PRICE, Mr. SABO, Mr. TORRES, and Mr. WHEAT):

H.R. 2225. A bill to strengthen public confidence in the integrity of the legislative process and reform campaign practices for elections to the House of Representatives by providing for a voluntary system of spending limits, reducing the allowable contributions by political action committees, establishing tax credits for individual campaign contributions, requiring a maintenance fee for political action committees, and the creation of a public fund, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Post Office and Civil Service.

By Mr. TAUZIN:

H.R. 2226. A bill to transfer the ownership of the Ship Shoal Lighthouse to the city of Berwick; to the Committee on Merchant Marine and Fisheries.

By Mr. BILIRAKIS (for himself, Mr. BLILEY, Mr. DORNAN of California, Mr. ESPY, Mr. CLEMENT, Mr. TRAXLER, Mr. HORTON, Mr. WILSON, Mr. COSTELLO, Mr. POSHARD, Mr. OWENS of Utah, Mr. PERKINS, Mr. SKEEN, Mr. MRAZEK, Mrs. MINK, Mr. HUGHES, Mr. BROWN, Mr. SMITH of Florida, Mr. LENT, Mr. RANGEL, Mr. ACKERMAN, Mr. BORSKI, Mr. BOUCHER, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. DE LUGO, Mr. DICKS, Mr. MILLER of Washington, Mr. WOLF, Mrs. VUCANOVICH, Mr. GUARINI, Mr. LIPINSKI, Mr. PAXON, Mr. EVANS, Mr. SOLOMON, Mr. MINETA, Mr. FUSTER, Mr. ERDREICH, Mr. LAGOMARSINO, Mr. SISISKY, Mr. SERRANO, Mrs. LLOYD, Mr. MCNULTY, Mr. TAYLOR of Mississippi, Mr. QUILLEN, Mr. LEWIS of Florida, Mr. ROE, Ms. PELOSI, Mr. ANDERSON, Mr. RAMSTAD, Mr. MCEWEN, Mr. BATEMAN, Mr. CAMP, Mr. GONZALEZ, Mr. HAYES of Louisiana, Mr. HOCHBRUECKNER, Mr. DERRICK, Mr. SANGMEISTER, Ms. SLAUGHTER of New York, Mrs. COLLINS of Illinois, Mr. JONTZ, Mr. KASICH, Mr. MCDADE, Mr. OWENS of New York, Mr. MCDERMOTT, Mr. MONTGOMERY, Mr. SCHEUER, Mr. MCGRATH, Mr. STOKES, Mr. KOLTER, Mr. FISH, Mr. ROYBAL, Mr. WALSH, Mr. HARRIS, Mr. HAMMERSCHMIDT, Mr. ABERCROMBIE, Mr. REGULA, Mr. MILLER of California, Mr. HYDE, Mr. IRELAND, Mr. JONES of North Carolina, Mr. MARTIN, Mr. RINALDO, Mr. LANCASTER, and Mr. DICKINSON):

H.J. Res. 242. Joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. MFUME:

H.J. Res. 243. Joint resolution designating the week beginning April 19, 1992, as "Big Brothers/Big Sisters Appreciation Week"; to the Committee on Post Office and Civil Service.

By Mr. SERRANO (for himself, Mr. OWENS of New York, Mr. MILLER of California, Mr. PAYNE of New Jersey, Mr. TORRES, Mrs. UNSOELD, Mr. MARTINEZ, Mr. DE LA GARZA, Mr. HAYES of Illinois, Mr. RICHARDSON, Mr. DE LUGO, Mr. FORD of Michigan, Mr. ORTIZ, Mr. ROYBAL, Mr. BLAZ, Mr. BUSTAMANTE, and Mr. FUSTER):

H.J. Res. 244. Joint resolution to designate May 1992 as "American Hispanic Literature Month" in celebration of the Hispanic writers of the United States; to the Committee on Post Office and Civil Service.

By Mr. MARLENEE (for himself, Mr. STUMP, and Mr. WILSON):

H.J. Res. 245. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. RITTER (for himself, Mr. HERTEL, Mr. FEIGHAN, Mr. COX of California, Mr. ROHRABACHER, and Mr. MCCOLLUM):

H. Res. 142. Resolution to express the sense of the House of Representatives that the United States should recognize the Government of the Republic of Lithuania; to the Committee on Foreign Affairs.

H. Res. 143. Resolution to express the sense of the House of Representatives that the United States should recognize the Government of the Republic of Lithuania; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

98. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to the recommendations proposing the scaling down of military operations at Fort Dix; to the Committee on Armed Services.

99. Also, memorial of the Legislature of the State of Kansas, relative to the Native American Library services; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. GONZALEZ introduced a bill (H.R. 2227) for the relief of Manuel Bojorques-Pico; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 1 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 53: Mr. DICKS, Mr. SWETT, Mr. CHAPMAN, Mr. PORTER, Mr. TRAXLER, Mr. HERTEL, and Mr. GILMAN.

H.R. 187: Mr. LANCASTER.

H.R. 193: Mr. MILLER of Washington.

H.R. 200: Mr. GUARINI, Mr. ABERCROMBIE, Mrs. JOHNSON of Connecticut, Mr. COX of California, Mr. STALLINGS, Mr. PALLONE, Mr. BUNNING, Mr. SUNDQUIST, Mr. DANNEMEYER, and Mrs. KENNELLY.

H.R. 310: Mr. FISH, Mr. COX of California, Mr. THOMAS of Wyoming, and Mr. JAMES.

H.R. 311: Mr. DOOLITTLE.

H.R. 328: Mr. ERDREICH.

H.R. 330: Mr. GUARINI.

H.R. 344: Mr. ENGEL and Mr. ECKART.

H.R. 381: Mr. FEIGHAN and Mr. RAMSTAD.

H.R. 382: Mr. FEIGHAN.

H.R. 385: Mr. ENGEL.

H.R. 413: Mr. BEVILL, Mr. CLEMENT, Mr. DONNELLY, Mr. CAMP, Mr. BROOMFIELD, Mr. DURBIN, Mr. DE LUGO, Ms. NORTON, and Mr. TAYLOR of Mississippi.

H.R. 479: Mrs. VUCANOVICH.

H.R. 543: Mr. DIXON.

H.R. 553: Mr. FALEOMAVAEGA.

H.R. 560: Mr. SKAGGS.

H.R. 561: Mr. ECKART.

H.R. 565: Mr. DONNELLY and Mr. DURBIN.

H.R. 573: Mr. SERRANO, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. BILBRAY, Ms. KAPTUR, Mr. LANCASTER, Mr. MARTINEZ, Mr. EMERSON, and Mr. STARK.

H.R. 574: Mr. ENGEL.

H.R. 576: Mr. MACHTLEY, Mr. ROSE, Mr. EDWARDS of California, Mr. GONZALEZ, Mr. DWYER of New Jersey, Mrs. UNSOELD, Mr. PICKETT, Mr. GIBBONS, and Mrs. BYRON.

H.R. 610: Mr. FRANK of Massachusetts, Mr. KOPETSKI, Mr. ABERCROMBIE, Mr. JEFFERSON, Mr. GORDON, and Mr. WILSON.

H.R. 637: Mr. GRANDY, Mr. SANTORUM, and Mr. ENGEL.

H.R. 652: Mr. OWENS of New York and Mr. BILBRAY.

H.R. 673: Mr. WISE, Mr. MAVROULES, Mr. HOCHBRUECKNER, and Mr. ESPY.

H.R. 680: Mr. ENGEL and Mr. MFUME.

H.R. 701: Mr. HUNTER.

H.R. 713: Mr. BEVILL, Mr. HERTEL, Mr. NEAL of Massachusetts, and Mr. LEWIS of Georgia.

H.R. 765: Mr. SLATTERY, Mr. ENGEL, and Mrs. LOWEY of New York.

H.R. 784: Mr. DOOLITTLE, Mr. ROSE, Ms. SLAUGHTER of New York, Mr. SCHIFF, Mr. MCDADE, Mr. YATRON, and Mr. MURPHY.

H.R. 825: Mr. DE LUGO.

H.R. 828: Mr. DERRICK, Mr. JEFFERSON, and Mr. REED.

H.R. 841: Mr. GONZALEZ and Mr. STUDDS.

H.R. 945: Mr. ROE, Mrs. LLOYD, Mr. ENGEL, Mr. MACHTLEY, Mr. ERDREICH, Mr. MILLER of Ohio, Mr. DE LUGO, Mr. OXLEY, Mr. SKEEN, Mr. PURSELL, Mr. HEFNER, Mr. SABO, Mr. BROOMFIELD, Mr. SARPALIUS, Mr. RAY, Mr. STUMP, and Mr. PAYNE of Virginia.

H.R. 1000: Mr. FROST, Mr. ENGEL, Mr. GONZALEZ, and Mr. FEIGHAN.

H.R. 1004: Mr. OLIN, Mr. LEACH, Mr. COUGHLIN, and Mrs. MEYERS of Kansas.

H.R. 1063: Mr. BORSKI, Mr. LAFALCE, Ms. OAKAR, and Mr. EDWARDS of California.

H.R. 1084: Mrs. LLOYD, Mr. JEFFERSON, Mr. ESPY, Mr. HYDE, and Mr. CAMP.

H.R. 1089: Mr. THOMAS of Wyoming.

H.R. 1137: Ms. NORTON.

H.R. 1146: Mr. DYMALLY, Mr. ESPY, Mr. RAMSTAD, Mr. ECKART, Mr. BENNETT, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Mr. ENGEL, Mrs. MEYERS of Kansas, and Mr. SAVAGE.

H.R. 1184: Mr. PAYNE of Virginia, Mr. COBLE, Mr. SMITH of Texas, Mr. PICKETT, Mr. TAUZIN, and Mr. RAVENEL.

H.R. 1235: Mr. KOLTER, Mr. FISH, Mr. SWETT, and Mr. BORSKI.

H.R. 1241: Mr. ARMEY, Mr. GOSS, Mr. HERGER, Mrs. MEYERS of Kansas, Mr. OWENS of Utah, and Mr. RAMSTAD.

H.R. 1242: Mrs. LOWEY of New York.

H.R. 1263: Mr. HERTEL and Mr. FEIGHAN.

H.R. 1264: Mr. HERTEL and Mr. FEIGHAN.

H.R. 1292: Mr. GALLEGLY and Mr. LAROCCO.

H.R. 1322: Mr. BEREUTER.

H.R. 1341: Mr. MINETA, Ms. SLAUGHTER of New York, Mr. ANDERSON, Mr. HORTON, and Mr. EMERSON.

H.R. 1375: Mr. BLAZ.

H.R. 1380: Mrs. UNSOELD.

H.R. 1396: Mr. CONDIT and Mr. HUNTER.

H.R. 1398: Mrs. BOXER, Mr. ACKERMAN, Mr. EVANS, Mr. LEWIS of Georgia, Mr. WASHINGTON, Mr. FORD of Tennessee, Mrs. LOWEY of New York, Ms. DELAURO, and Mr. JACOBS.

H.R. 1400: Mr. BLAZ, Mr. MCEWEN, Mr. GALLO, and Mr. KOLBE.

H.R. 1406: Mr. SCHAEFER, Mr. HYDE, Mr. ANDERSON, Mr. SCHUMER, Mr. COX of California, Mr. DICKS, Mr. VALENTINE, Mr. CAMPBELL of California, Mr. MILLER of Washington, Mr. BURTON of Indiana, Mr. MOLLOHAN, Mr. GALLO, Mr. LAFALCE, Mr. ANDREWS of Maine, Mr. MCDADE, Mr. LUKEN, Mr. LEWIS of Georgia, Mr. WILLIAMS, Mr. RITTER, Mr. RINALDO, Mr. HUNTER, Mr. LANTOS, Mr. LEVINE of California, Mr. MCCLOSKEY, Mr. FRANKS of Connecticut, Mr. MARTIN, and Mr. MCNULTY.

H.R. 1414: Mr. MORRISON, Mr. RAMSTAD, Mr. LANTOS, Mr. ZELIFF, Mr. SWIFT, Mr. RITTER, Mr. RINALDO, Mr. JAMES, Mr. ROSE, Mr. MINETA, Mr. NEAL of Massachusetts, Mr. FRANKS of Connecticut, Mr. LEVINE of California, Mr. KASICH, Mr. HAMILTON, and Mr. MAVROULES.

H.R. 1422: Mr. LANCASTER, Mr. FLAKE, Ms. NORTON, Mr. BRYANT, and Mrs. VUCANOVICH.

H.R. 1450: Mr. HATCHER, Mr. MAZZOLI, Mr. ROEMER, Mr. LEACH, Mr. EDWARDS of Oklahoma, Mr. SOLOMON, and Mr. DORNAN of California.

H.R. 1454: Mr. FROST, Mr. BATEMAN, Mr. TRAXLER, Mr. DURBIN, Mr. POSHARD, Mr. RUSSO, Mr. LUKEN, and Mr. HUGHES.

H.R. 1456: Mr. SCHAEFER, Mr. GLICKMAN, Mr. RAMSTAD, Mr. COMBEST, Mr. LEWIS of Florida, and Mr. STUMP.

H.R. 1472: Mr. HEFLEY, Mr. OLIN, Mr. ROGERS, Mr. LAUGHLIN, Mr. RAMSTAD, and Mr. MCNULTY.

H.R. 1473: Mr. SLAUGHTER of Virginia, Mr. MACHTLEY, Mr. GLICKMAN, Mr. ENGLISH, Mrs. VUCANOVICH, and Mr. WYDEN.

H.R. 1474: Mr. LEWIS of Georgia.

H.R. 1551: Mr. FRANK of Massachusetts.

H.R. 1552: Mr. HORTON, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. ESPY, and Mr. SMITH of Florida.

H.R. 1598: Mr. COLEMAN of Texas, Mr. NOWAK, Mr. FISH, Mr. MAVROULES, Mr. LAFALCE, Mr. PETERSON of Minnesota, Mr. EVANS, Mr. DWYER of New Jersey, Mr. RINALDO, Mr. DE LA GARZA, Mr. MARKEY, Mr. BLILEY, and Mr. KOSTMAYER.

H.R. 1618: Mr. BURTON of Indiana, Mr. MCCLOSKEY, Mr. TOWNS, Mr. CAMPBELL of California, Mr. ROWLAND, and Mr. RAMSTAD.

H.R. 1635: Mr. OLIN, Mr. WISE, Mr. SIKORSKI, Mr. TORRES, Mr. ROYBAL, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. BRYANT, and Mr. HAMILTON.

H.R. 1658: Mr. HEFNER, Mr. BEVILL, Mr. SMITH of Oregon, Mr. WOLF, and Mr. WILSON.

H.R. 1669: Ms. SLAUGHTER of New York and Ms. WATERS.

H.R. 1718: Mr. ROBERTS and Mr. BURTON of Indiana.

H.R. 1719: Mrs. BYRON, Mr. COX of California, Mr. DUNCAN, Mr. DURBIN, Mr. ESPY, Mr. FAWELL, Mr. KLUG, Mr. KOLBE, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Mr. OXLEY, Mrs. PATTERSON, Mr. SERRANO, Mr. THOMAS of Wyoming, Mr. VALENTINE, Mr. WILSON, and Mr. ZIMMER.

H.R. 1745: Mr. SMITH of Florida.

H.R. 1791: Mr. FRANK of Massachusetts and Mr. NEAL of Massachusetts.

H.R. 1795: Mr. MACHTLEY and Mr. SCHEUER.

H.R. 1800: Mr. SMITH of Texas, Mr. RIGGS, Mr. SHAYS, Mr. KLUG, and Mr. ZELIFF.

H.R. 1816: Mr. MANTON, Mr. KOPETSKI, Mr. HORTON, Mr. PAXON, Mr. LEWIS of Florida, Mr. BOEHNER, Mr. GOSS, Mr. BEREUTER, Mr. HERTEL, Mr. LIPINSKI, Mr. GILCHREST, and Ms. MOLINARI.

H.R. 1860: Mr. PENNY, Mr. COOPER, Mr. VOLKMER, Mr. EMERSON, Mr. LANCASTER, Mr. DARDEN, Mr. STENHOLM, Mr. HARRIS, Mr. ROGERS, and Mr. COMBEST.

H.R. 1918: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BLAZ, Mrs. BOXER, Mr. BROOMFIELD, Mr. BRUCE, Mr. BRYANT, Mr. COSTELLO, Mr. CUNNINGHAM, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DIXON, Mr. DYMALLY, Mr. EMERSON, Mr. ENGEL, Mr. EVANS, Mr. FASCELL, Mr. FISH, Mr. FROST, Mr. GALLEGLY, Mr. GINGRICH, Mr. HALL of Texas, Mr. HUBBARD, Mr. HUGHES, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LLOYD, Mr. MCNULTY, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MOORHEAD, Mr. NATCHER, Ms. OAKAR, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PALLONE, Mr. PERKINS, Mr. PETERSON of Minnesota, Mr. QUILLEN, Mr. RANGEL, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROBERTS, Mr. SCHEUER, Mr. SHAW, Mr. SMITH of Florida, Mr. SOLOMON, Mr. SPENCE, Mr. TOWNS, Mr. TRAFICANT, Mrs. UNSOELD, Mr. VANDER JAGT, Mr. WALSH, Mr. WAXMAN, Mr. WISE, Mr. WOLPE, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, and Mrs. MEYERS of Kansas.

H.R. 1920: Mr. ANDERSON.

H.R. 1921: Mr. ANDERSON.

H.R. 1970: Mr. SAXTON, Mr. DURBIN, Mr. CONDIT, Mr. SABO, Mr. FOGLIETTA, Mr. YATES, and Mr. ANDREWS of Maine.

H.R. 2027: Mr. RANGEL and Mr. VALENTINE.

H.R. 2072: Mr. HAMILTON and Mr. ROGERS.

H.R. 2098: Mr. DE LUGO, Mr. SKAGGS, and Mrs. UNSOELD.

H.R. 2157: Mr. BILBRAY, Mr. MCMILLEN of Maryland, Mr. FLAKE, Mrs. VUCANOVICH, Mr. DIXON, Mr. WHEAT, Mr. ESPY, Mr. COLEMAN of Texas, Mr. MARTINEZ, Mr. CHAPMAN, Mr. OWENS of New York, Mr. DYMALLY, Mr. MFUME, Mr. LEWIS of Georgia, Mr. LEVIN of Michigan, Mr. MCCLOSKEY, Mr. DELLUMS, Mr. KENNEDY, Mr. ALEXANDER, Mr. TORRES, Mr. HUBBARD, Mr. LEVINE of California, Mr. DURBIN, Mr. LEHMAN of California, Mr. CAMPBELL of Colorado, Mr. BERMAN, Mr. MINETA, and Mr. ROYBAL.

H.J. Res. 56: Mr. THOMAS of Georgia, Mr. SAXTON, Mr. WEBER, Mr. IRELAND, Mr. MRAZEK, Mr. YATRON, Mr. SAWYER, Mr. WYLIE, Ms. WATERS, Mrs. ROUKEMA, Mr. FASCELL, Mr. WASHINGTON, Mr. GILMAN, Mr. WAXMAN, Mr. SOLARZ, Mr. STAGGERS, Mr. VANDER JAGT, Mr. WILSON, Mr. JENKINS, Mr. DYMALLY, Mr. CARPER, Mr. DOOLITTLE, Mr. DELLUMS, Mr. NICHOLS, Mr. ESPY, Mr. CALLAHAN, Mr. BORSKI, Mr. HENRY, Mr. FRANK of Massachusetts, Mr. SANGMEISTER, Mr. WOLPE, Mr. WELDON, Mr. VALENTINE, Mrs. UNSOELD, Mr. SKELTON, Mr. VOLKMER, Mr. TAUZIN, Mr. CONYERS, Mr. HASTERT, Mr. HALL of Texas, Mr. DICKS, Mr. DIXON, Mr. DE LUGO, Mr. NOWAK, and Mr. SLATTERY.

H.J. Res. 72: Mr. MOODY, Mr. ERDREICH, Mr. BATEMAN, Mrs. BENTLEY, Mr. BUNNING, Mr. CUNNINGHAM, Mr. GALLO, Mr. GUNDERSON, Mr. HENRY, Mr. HERGER, Mr. HUNTER, Mr. KYL, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LOWERY of California, Mr. TAUZIN, Mr. SARPALIUS, Mr. LEVINE of California, Mr. RIGGS, Mr. ECKART, Mr. FISH, Mr. TORRICELLI, Mr. MANTON, Mr. KANJORSKI, Mr. LEWIS of Florida, Mr. MILLER of Ohio, Mr. FOGLIETTA, Mr. ALEXANDER, Mr. BROOMFIELD, Mr. REED, Ms. MOLINARI, Ms. HORN, Mr. KLUG, Mr. MCCOLLUM, Mr. MAZZOLI, Mr. ASPIN, Mr. BRYANT, Mr. PAYNE of New Jersey, Mr. WELDON, Mrs. VUCANOVICH, Mr. NOWAK, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Mr. SKEEN, Mr. HERTEL, Mr. WILson, Mr. Moorhead, Mr. Wise, Mr. Hefner, Mr. Downey, Mr. Inhofe, and Mr. Weiss.

H.J. Res. 140: Mr. Traficant, Mr. Yatron, Mr. Riggs, Mr. Jones of North Carolina, Mr. Mfume, Mr. Hertel, Mr. McDermott, Mr. Annunzio, Mr. Moran, Mr. Hobson, Mr. Wilson, Mr. Johnson of South Dakota, Mr. Downey, Mr. Price, and Mr. Owens of Utah.

H.J. Res. 143: Mr. Marlenee and Mr. Solomon.

H.J. Res. 179: Mr. Volkmer, Mr. Dornan of California, Ms. DeLauro, Mr. Kleczka, Mr. Abercrombie, Mr. Waxman, Mr. Lagomarsino, Mr. Bruce, Mr. Horton, Mr. Wolf, Mrs. Mink, Ms. Snowe, Mr. Frank of Massachusetts, Mr. Penny, Mr. Porter, Mr. Gordon, Mr. Grandy, Mr. Richardson, and Mr. Weldon.

H.J. Res. 185: Mr. Durbin, Mr. Faleomavaega, Mr. Shuster, Mr. Rowland, Mr. Valentine, Mr. Shaw, and Mr. Carper.

H.J. Res. 195: Mr. Markey, Mr. Kolbe, and Mr. Matsui.

H.J. Res. 199: Ms. Pelosi, Mr. Hyde, Mrs. Kennelly, Mr. Hertel, Mr. Martinez, Mr. Gallo, Mr. Fish, and Mr. Moorhead.

H.J. Res. 200: Mr. Swett.

H.J. Res. 211: Mr. McDermott, Mr. Lipinski, Mr. Moorhead, Mrs. Collins of Illinois, Mrs. Roukema, Mr. McGrath, Mr. Clement, Mr. Skelton, Mr. Lewis of California, Mr. Smith of Florida, Mr. Hansen, Mr. Rangel, Mr. Houghton, Mr. Riggs, Mr. Fuster, Mr. Martinez, Mr. Quillen, Mr. Spence, Mr. Walsh, Mr. Wilson, Mr. Serrano, Mr. Schiff, Mr. Jefferson, Mr. Owens of Utah, Mr. Vento, Mr. Poshard, Mr. LaFalce, Mr. Espy, Mr. Savage, and Mr. Lancaster.

H.J. Res. 228: Mr. Jefferson, Mr. Espy, Mr. Clement, Mr. Dellums, Mr. Horton, Mrs. McDermott, Mrs. Vucanovich, Mr. Wolf, Mr. Dornan of California, Mr. Harris, Mr. Hastert, Mrs. Roukema, Mr. Rangel, Mr. Panetta, Mr. Dwyer of New Jersey, Mr. Lipinski, Mr. Serrano, Mr. Ackerman, Mr. Markey, Mr. Aspin, Mr. Poshard, Mr. Hughes, Ms. Norton, Mr. McGrath, Mr. Ramstad, and Mr. Lancaster.

H.J. Res. 231: Mr. Traficant, Mr. Chandler, Mr. McDade, Mr. Dornan of California, Mr. Riggs, Mr. Saxton, Mr. Sawyer, Mr. Skeen, Mr. Gunderson, Mr. Wyden, Mr. Taylor of Mississippi, Mr. Bruce, Mr. Scheuer, Mr. Murphy, Mr. Spratt, Mr. Skelton, Mr. Tanner, Mr. McGrath, Mr. Ramstad, Mr. Bevill, Mr. Neal of North Carolina, Mr. Durbin, Mr. Bilbray, Mr. Staggers, Mr. Stark, Mr. Jones of Georgia, Mr. Mollohan, Mr. Hammerschmidt, Ms. Pelosi, Mr. Fish, Ms. DeLauro, Mr. Engel, Mr. Moody, Mr. Ford of Michigan, Mr. Brewster, Mr. Valentine, Mr. Ballenger, Mr. Boehlert, Mr. Cox of California, Mr. Costello, Mr. Kolter, Mr. Inhofe, Mr. Hobson, Ms. Horn, Mr. Rahall, Mr. Nowak, Mr. Mineta, Ms. Molinari, Mr. Clinger, Mr. Shaw, Ms. Long, Mrs. Lloyd, Mr. Hoyer, Mr. Kanjorski, Mr. Payne of Virginia, Mrs. Lowey of New York, Mr. Martin, Mr. Moran, Mr. Sisisky, Mr. Stump, Mr. Swift, Mr. Towns, Ms. Waters, Mr. Wise, Mr. Bunning, Mrs. Byron, Mr. Emerson, Mr. Flake, Mr. Harris, Mr. Henry, Mr. Dicks, Mr. Feighan, Mr. Coble, Mr. Neal of Massachusetts, Mr. Schiff, Mr. Fawell, Mr. Dreier of California, Mr. McNulty, Mr. Young of Alaska, Mr. Pickett, Mr. Carper, Mr. Bateman, Mr. Nagle, Mr. English, Mr. Hastert, Mr. Hoagland, Mr. Lightfoot, Mr. Manton, Mr. Smith of Florida, Mr. Dorgan of North Dakota, Mr. Dooley, Mrs. Bentley, Mr. Andrews of Maine, Mr. Andrews of New Jersey, Mr. de la Garza, Mr. Gallegly, Mr. DeLay, Mr. Gephardt, Mr. Gillmor, Mr. Hall of Ohio, Mr. Levin of Michigan, Mr. McEwen, Mr. Owens of New York, Mr. Owens of Utah, Ms. Ros-Lehtinen, Mr. Schulze, Mr. Torricelli, Mr. Solarz, Mr. Barton of Texas, Mr. Browder, Mr. Goss, Mr. Grandy, Mrs. Kennelly, Mr. Archer, Mr. Hatcher, Mr. Lent, Mr. Machtley, and Mr. Hunter.

H.J. Res. 233: Mr. Lewis of California and Mr. Wolpe.

H. Con. Res. 42: Mr. Faleomavaega.

H. Con. Res. 101: Mr. Kolter, Mr. Engel, and Mrs. Lowey of New York.

H. Con. Res. 105: Mr. Carper, Mr. Jontz, Mr. Lewis of Florida, Mr. Mavroules, Mrs. Kennelly, Mr. Bereuter, Mr. Lagomarsino, Mr. Weiss, and Mr. Hyde.

H. Con. Res. 111: Mr. Valentine, Mrs. Bentley, Mr. Riggs, Mr. de Lugo, Mr. Horton, Mr. McMillen of Maryland, Mr. Quillen, Mr. Mrazek, Mr. Lewis of Florida, Mr. Kleczka, Mr. Torres, Mr. Peterson of Florida, Mr. Poshard, Mr. Fascell, and Mr. Skaggs.

H. Con. Res. 118: Mr. Smith of Florida, Mr. Glickman, Mr. Wolf, Ms. Molinari, Mr. Smith of Texas, Mr. Spratt, and Mr. Swett.

H. Con. Res. 124: Mr. Levine of California and Mr. Abercrombie.

H. Con. Res. 130: Mr. De Fazio, Mr. Volkmer, Mr. Traficant, Mr. Pease, Mr. Brewster, Mr. Gaydos, Ms. Norton, Mr. Bevill, Mr. Roe, Mr. Machtley, Mr. Jefferson, Mr. Fuster, Mr. Costello, Mr. Huckaby, and Mr. Ritter.

H. Res. 99: Mr. Emerson.

H. Res. 101: Mr. Staggers, Mr. Foglietta, Mr. Thomas of Georgia, Mr. McNulty, Mrs. Mink, Mr. Ackerman, Mr. Flake, Mr. Towns, Ms. Norton, and Ms. Oakar.

H. Res. 116: Mr. Reed, Mr. Bryant, Mr. Waxman, Mr. Panetta, and Mr. Frost.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 173: Mrs. Lowey of New York.

EXTENSIONS OF REMARKS

ROSTENKOWSKI URGES YOUNG PEOPLE TO GET INVOLVED IN POLITICS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. CARDIN. Mr. Speaker, we serve in the Congress at a time when politics as a profession, never high in the public's regard, is viewed with greater than usual public cynicism. Not surprisingly, confidence in Government's ability to address the many serious problems facing our country is at a low ebb.

I would like to bring to the attention of my colleagues a recent speech by the chairman of the Ways and Means Committee. The speech was prepared for delivery to the Latin School in Chicago, and its theme was the importance of politics and government in American life.

The chairman advances his belief that "however imperfect it is, the political system is the only mechanism we have to deal with many of our community problems * * * and that government can solve people's problems."

It's a message of optimism, determination, and faith in the American system. I commend the speech to my colleagues:

SPEECH BY HON. DAN ROSTENKOWSKI

I welcome this opportunity to be with you today and return a favor. Back when I was in school, assembly was one of my favorite subjects. If they had awarded a letter for assemblies, I would have won one. Frankly, I don't remember exactly what happened at any of the assemblies. But I do know that they forced us to skip our normal classes, a sacrifice I always made graciously, perhaps even entusiastically.

So I appear before you today repaying a debt to the people who spoke at assemblies back in the olden days when I went to school.

Let me state my theme clearly at the start. I believe that politics is an important and exciting line of work. I won't be doing it forever. So I'd suggest that some of you who are wondering about career choices think about politics. To steal a slogan, your government needs a few good men and women. There are worse things you could do. Some of them are even legal. So I'm here on a recruiting mission.

That probably strikes some of you as a bit odd. After all, politics is the Rodney Dangerfield of professions. Politicians get no respect. They're viewed as crooked or stupid or both. And some are, if the truth be told.

The working conditions are less than ideal. You have obligations in two cities. The work is seasonal. There are months when very little is accomplished. And then there are weeks when you work round the clock.

You are part of a system where compromise is a way of life. There are so many participants that most legislators can only have influence at the margins. It is surprising how many hard-working career politicians there are whose accomplishments defy summary. They were just there, helping get the job done.

And while there are always those who will carp at Congressional salaries, the fact is that anyone who is smart enough to do well in Congress can make a lot more money in the private sector. In addition, you get to be a punching bag for members of the press who believe you have an obligation to entertain them.

The payoff is often subtle—it is a belief, a sense that you are helping create a better nation for your fellow citizens. A belief that government can solve people's problems. And a hope that those solutions will be a little bit better because you were there. Somebody once said that all that's ncessary for evil to triumph is for good men to do nothing. That's one reason I'm in politics. I want to do something. And I hope what I'm doing is right.

Nearly four months ago I faced one of the toughest votes in my congressional career when I voted to give the President the power to go to war in the Persian Gulf. Had I known then what we know now, that would have been an easy decision. But we didn't know then.

Everyone agreed that Saddam Hussein was a bad actor who should be resisted or even removed. But the strategy for achieving that goal was less than obvious.

I'm not an expert on foreign policy. While I had a chance to visit Saudi Arabia last fall, I am not a student of the region. I don't speak Arabic or understand the politics of the region, if indeed they can be understood. Is Syria America's friend or enemy? What about Iran?

The President was telling me about atrocities committed by Saddam's army. He was deeply offended and I was too. On the other hand, my colleagues were arguing for continuing sanctions that could conceivably ultimately strangle the Iraqi economy.

I voted for war, deciding to spend billions of dollars that could be very well spent on social problems here in this country. I was fully aware that my vote could result in bloodshed. Americans. Chicagoans. Friends from my own Congressional district could be killed in combat as a result of my vote.

It wasn't an easy decision. But there are few decisions more important to our society than whether to go to war. And I was proud to be one of those who had an opportunity to make that decision.

Last year I promoted the so-called Rostenkowski Challenge, a budget proposal designed to convince the President that there was no way to solve our budget problems unless we embraced tax increases.

Six years ago I invested more hours than I can count in creating a new income tax system for America. Despite the usual overpromising that leaves Americans so cynical, that bill made some major positive steps.

It removed more than six million poor taxpayers from the tax system completely. It simplified or eliminated many complex issues that had frustrated taxpayers for years. It nearly ended a government bias toward certain types of businesses.

There were some highs in the process. I went on television in response to the President and asked people to "Write Rosty" for tax reform. Getting more than 70-thousand letters does wonders for your ego. Especially if you don't have to answer them personally.

There were some low moments. Like the time the members of my own committee—a group which I am alleged to have total control over—rejected my suggestion that we lower the boom on banks and decided instead to give them a more liberal tax break than they already had.

And there were the totally outrageous moments, like when the Time Magazine photographer got to me early in the morning after about three hours of sleep and me to jump like a cheerleader with the capitol in the background to symbolize our victory. I didn't jump. And didn't make the cover of Time either.

When it was all over, I was tired and happy. I felt I had helped lead the nation forward. Of course, legislation is a bit like a sand castle. People have been nibbling away at the tax code ever since in an effort to reinstate their special privileges. And some have succeeded, despite my best efforts.

One of the biggest failures of tax reform was that it didn't raise additional revenues to reduce our federal budget deficit.

If working to enact tax reform was the best of times, service in Congress generally during the Reagan years was the worst of times. Here we had a President—the man who symbolizes our government—telling the American people that the government was their enemy.

There were years of wandering in the wilderness, trying to come up with a strategy that would make the President—and the American people face reality. In 1982, when you were just beginning your schooling, we had the worst depression this country has seen during my adult lifetime. No one seemed to care.

There were two very disturbing trends occurring simultaneously. The first was that the rich were getting richer while the poor sunk more deeply into poverty. The second was that the rich came to believe they had no obligation to help the less fortunate members of our society.

For years, we collected statistics and I made speeches about the polarization of our society. There was no visible response until, as the Reagan years came to a close, people began to get the message.

Now we at least say we're concerned about the plight of the poor, although we seldom manage to bestir ourselves to actually do anything about it. Translating that commitment into meaningful action will be a big job.

My purpose here is not to entertain you with stories on the lifestyle of the allegedly powerful. Rather it is to suggest that decisions made by politicians have an impact on every one of you. And the best way to assure that stupid decisions aren't made is to make them yourself by running for elected office. The second best way is to be an active voter who demands a role in the process.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The message is the same regardless of what level of government is involved. If Mayor Daley's efforts to build a third major airport in Chicago succeed, the entire area will prosper.

If Dick Phelan succeeds in rebuilding Cook County Hospital as an institution where the quality of care reflects the heroic efforts made by the staff there, we will all live in a more humane community.

All of these decisions are important. None of them are made by one person alone, but one person can make a real difference.

I don't know what they're teaching you in American history here and whether that lesson would support my view. There are some historians who believe that the story of our past is a tale of trends that are too sweeping to be significantly influenced by any one individual.

If George Washington hadn't been available to become father of our country, someone else equally good would have been found. If Abraham Lincoln hadn't freed the slaves, someone else would have done it eventually. That's what they say.

While there are historical trends that only a fool would dare to buck, I strongly disagree with that perspective on history. Without Lyndon Johnson, there would have been no war on poverty. Perhaps there wouldn't have been a war in Vietnam either.

Ideally the political system is what holds our community together. It adjudicates differences between groups and searches for priorities that are shared by all.

Most of you come from fairly comfortable families. A few miles from here there is a community so different than your environment that it could be on another planet. In a recent book, reporter Alex Kotlowitz describes the life at Henry Horner homes. It is called There Are No Children Here and tells the sad tale of kids who are more concerned with staying alive than getting into college.

Yet they are from Chicago just as you are. Despite your differences, there is a need for mechanisms that allow you and them to realize that you come from the same community.

That is the basis of the Chicago political organization that I grew up in. There was a sense that everyone was represented. If you lost today, you could win tomorrow. It was an inclusive rather than exclusive group. It took a while for the Irish to share power with the Poles in Chicago, and a bit longer before blacks were included, but the important thing to remember is not the wait, but that these groups were ultimately included in the power structure.

Unfortunately, that sort of politics doesn't translate to the national level very well. In fact, it doesn't work here the way it used to. You can criticize the old organization all you want—and lord knows, it had plenty of warts—but it was ultimately an organization that allowed us to avoid the interest group politics that now nearly paralyze government at all levels.

The decline of our political parties and the rise of narrow interest groups is one of the greatest problems now faced by government. Note that I said narrow, rather than special interests. I think narrow interests are often legitimate. The term special interests sounds corrupt, but that's not the problem.

The real problem is an inability to view things broadly and compromise. The citizen action groups that promise disruption if their priority isn't put at the top of the list are perverting the process. The political action groups that try to defeat a Member of Congress because he or she voted wrong on a single issue are an impediment to the political process.

Once I get started, I could go on for hours about what's wrong with our political system. It certainly has its share of flaws, but that's not my point today.

However imperfect it is, the political system is the only mechanism we have to deal with many of our community problems. If we become cynical and reject the political process because we consider it dirty, we assign ourselves to the sidelines of community life.

Some say Chicago is the second city. When it comes to politics, though, our city is clearly number one. It is our only all-weather sport. If Chicago truly is the city that works—and I believe it is, relatively speaking—then we must acknowledge that it is only as good as its political system.

That system is not a perpetual motion machine. Invest your interest, perhaps even a part of your life in politics. It will pay ample dividends to us all.

TRIBUTE TO ROY AND FRED JASWELL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate Roy and Fred Jaswell, of Jaswell Drill Corp. from Greenville, R.I., for being selected as the Rhode Island Small Business Persons of the Year by the Small Business Administration. As Rhode Island winners, the Jaswell's have been invited to Washington, DC, for special ceremonies saluting the Nation's 20 million small businesses.

Jaswell Drill Corp. was founded in 1927 by Roy Jaswell, Sr. They began with drilling operations exclusively in Rhode Island. However, today they are accessing markets worldwide. Jaswell Drill's foreign sales amount to 65 percent of the companie's business. These markets are primarily in Korea, however, they are beginning to expand into other areas such as Chile, Mexico, and the Soviet Union. Because of the companies global business philosophy, they aim to further expand in the global marketplace.

Jaswell Drill began and remains a family-oriented business. Roy and Fred Jaswell are shining examples of Rhode Island's small business persons. I wish them and Jaswell Drill the best of luck in all their future endeavors.

E. ROBERT GOODKIND: A DISTINGUISHED LEADER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mrs. LOWEY of New York. Mr. Speaker, tonight the American Jewish Committee will honor E. Robert Goodkind with their National Distinguished Leadership Award. There is no doubt that Bob Goodkind's leadership has made a significant contribution to more people than we will ever know. For 30 years, he has provided the Jewish community with truly thoughtful and dedicated service.

His leadership has been tireless. He has served the AJC as its national treasurer, Westchester County chapter president, chair of the Jewish Communal Affairs Commission, of the advisory board of the William Petschek National Jewish Family Center, of the Family Policy Task Force, and the South Africa Task Force. Currently, he serves as a member of the board of governors and board of trustees, of the administrative board on American Jewish-Israeli relations, and of the executive committee of the National Polish American-Jewish American Council.

In addition to his efforts for the AJC, Bob is the president of the Foundation for Christian Rescuers of the Anti-Defamation League of B'nai B'rith. He is a trustee of the Jewish Museum, chairman of the board of trustees of the American Academy of Dramatic Arts, a director of the International Center for Peace in the Middle East, and a trustee of MAZON, a Jewish Response to Hunger.

No description of Bob Goodkind would be complete without taking note of his commitment to the community in which he lives, and to making a difference at the local level. He served for a decade on the board of trustees of the YMHA–YWHA's of greater New York, and for 15 years on the board of Community Synagogue of Rye. In addition, he has been a cochairman of the Rye JUA-Federation Campaign twice, and has consistently been an active participant in Rye's Israel Bond effort.

In addition to his extensive community service, Bob Goodkind always finds time for his very special family. With his wife, Barbara, he has three wonderful children, Elisa, John, and Peter. He is devoted to them and their support has been instrumental to his unceasing ability to serve others in a multitude of ways.

His family and friends, the American Jewish Committee, and all of the other worthwhile organizations that benefit from the affectionate, generous, and distinguished service of Bob Goodkind are indeed fortunate. They, and all of us, are truly lucky to have this wonderful man, with all of his energy and talent, dedicating himself to making the world a better place. I'm sure that all of my colleagues join me in offering our warmest congratulations on this well deserved honor.

BONNET HOUSE: A STERLING EXAMPLE OF THE HISTORIC PRESERVATION FUND IN ACTION

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SHAW. Mr. Speaker, I rise today in support of an increase in funding for the historic preservation fund [HPF], a program which benefits all Americans by preserving our Nation's cultural heritage. This issue is currently being debated by the House Interior Appropriations Subcommittee, and I urge the subcommittee to fully fund this worthy program.

In Florida, due to a concerned State government and the activism of many Floridians, the State has taken the lead in restoring and rehabilitating many of Florida's historic sites. An adequately funded HPF could make the difference in saving the structures which preserve America's history for future generations.

One such project, which was partially funded by the HPF, is Bonnet House, located in Fort Lauderdale, FL. Bonnet House is a plantation style house that was built in 1921, when cypress trees and mangroves were abundant in Fort Lauderdale. The house and the surrounding area have a long and varied history. Archeological finds indicate that native Americans roamed and camped there, probably because of a freshwater spring that feeds a lagoon nearby. Remains of European explorers from the 17th century have also been found, and the lagoon was also reportedly a watering hole for pirates.

Bonnet House, which is now a museum, is situated on 35 acres, complete with large gardens of orchids, wild monkeys, and parrots. Nestled among a subtropical forest with an ocean view, Bonnet House is a break from the busy metropolis that is now Fort Lauderdale. It offers the visitor a step back in time that Florida will sadly never see again. I have been to Bonnet House many times, and I never fail to leave the estate uplifted in spirit. I consider Bonnet House but one small example of the good work the HPF can accomplish when properly utilized.

Additionally, I would like to share with my colleagues some observatioins I made last year during a stay in England for a NATO conference. While there, I gained a new appreciation for historic preservation. Many hamlets and small towns had beautifully restored buildings, homes, and churches, many dating back several centuries. Entire towns were testaments to the values of proper historic preservation, with the benefits being increased tourism or an enhanced quality of life. Haphazard development, which is seemingly so common in America, was practically nonexistent, mainly because of strict zoning laws. I feel our Nation can learn something about this approach from the English, who zealously guard their nation's long and colorful history.

Mr. Speaker, President Bush included a $35.8 million request in his budget for fiscal year 1992. I am glad the President recognizes the importance of historic preservation, but I urge this subcommittee to do even more, if the budget permits.

CHRISTOPHER GARRETT RECEIVES EAGLE SCOUT

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. JAMES. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating a fine young man from San Mateo, FL.

Christopher Garrett recently joined an elite group of individuals when he earned the Eagle Scout, the highest and most prestigious honor in the Boy Scouts of America. Christopher is a member of Troop 223 in San Mateo.

Christopher joined the Scouts in September 1982. During the past 9 years, one thing stands clear: Christopher is a doer and a leader.

He has attended camps at Camp Shands and Daniel Boone in North Carolina. He also took trips down the Santa Fe and Suwannee Rivers.

Christopher was elected into the Order of Arrow in 1988, he has completed the mile swim, attained the 50-miler award, the Arrow of Flight Award, and the God and Country Award. Christopher is a sophomore at Palatka High School where he is active in the choral department.

A local business and community service organization have also been impressed with Christopher's leadership capabilities. In 1989, he received the American Legion School Award and the Georgia Pacific Certificate of Achievement for top scholars in Putnam County. He is also a member of San Mateo Presbyterian Church where he is the Sunday school treasurer.

For his Eagle Scout project, Christopher cleaned and painted the fellowship hall at his local church.

Mr. Speaker, as you can see, Christopher is well deserving of the rank of Eagle Scout. He's made a difference in his community, in his church, and at school. He is a fine young man.

I join Christopher's family and his friends in congratulating him on a job well done, and wish him the best of luck in all of his future endeavors.

SALUTE TO THE FREEDOM TREE ORGANIZATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a group of residents from my hometown of Simi Valley, CA, as they launch an ambitious salute to our Armed Forces.

The Freedom Tree Organization hopes to plant or dedicate 500,000 trees—10,000 in each State—as permanent markers dedicated to past, present, and future members of the Armed Forces. Each tree would have a plaque commemorating it as a freedom tree.

The group, led by Mary C. McCurdy, will formally begin its efforts on May 11 with the dedication of the first 50 trees at a park in Simi Valley, and hopes to soon expand to other areas. Among those areas is Kuwait, where group members hope to soon plant 50 trees.

Mr. Speaker, these volunteers have launched an ambitious plan, but one that with public and corporate support can become a reality—freedom trees standing proud, constant reminders of the men and women who have fought for freedon for more than 200 years.

I ask my colleagues to join me in saluting the Freedom Tree Organization as it begins its work, and in wishing its members success in reaching their goal.

SACRED HEART ALUMNAE ASSOCIATION OF CUBA ANNUAL SCHOLARSHIP LUNCHEON

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on Saturday, November 23, 1991, the Sacred Heart Alumnae Association of Cuba will hold its annual luncheon at the Radisson Hotel in Miami, FL, to raise funds for its scholarship fund and other worthy causes.

The scholarship will be given to Carrollton School, the Miami School of the Sacred Heart, to give a deserving young girl a good start in life.

The Society of the Sacred Heart was founded in France by Madeleine Sophie Barat, RSCJ, on November 21, 1800. Since then, the school has been committed to the education of girls in the elementary and high school level. The absence of Christian education after the French Revolution was the force that stimulated the foundation of the Society of the Sacred Heart, so that the students could take part in the renewal of faith.

Mother Barat's aim for the society was the perfection of its members and the salvation of others through education in both boarding and day schools and schools for the poor. She focused on the value of the individual and individual training, worth of character, strength of principles, and an anchorage in faith. Mother Barat believed that these young women should be able to judge wisely of persons and things in questions of literature, art, taste, conduct, and manners.

Her mission was carried to the New World in 1817 by Phillipine Duchesne, RSCJ, and South America by Mother du Rousier, RSCJ, both of whom have been canonized.

Strong ties exist between the girls of Sacred Heart and their mentors. An apparent family likeness develops, evident among all nationalities, with the variety of expression which is proper to each.

Recognition must go out to Mrs. Tensy Gimenez, president of the Delegacion de Antiguas Alumnas del Sagrado Corazon de Cuba, for keeping those important ties alive and well. The Sacred Heart Schools produce women which become valuable assets to the community.

CONGRESSMAN KILDEE PAYS TRIBUTE TO NURSES OF FLINT OSTEOPATHIC HOSPITAL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the dedicated nursing professionals of Flint Osteophathic Hospital in my hometown of Flint, MI.

The nurses of Flint Osteopathic Hospital never forget that the most important part of nursing is the patient. They are responsible for the patient's care from the initial assessment to developing the care plan to planning the discharge. They are committed to treating the patient and the patient's family with compassion. Nurses strengthen communication between the patient and the physician. They treat every patient with dignity, oftentimes in the midst of overwhelming, heartbreaking crises. As a group, the nurses of Flint Osteopathic Hospital evaluate and care for every patient with ethical integrity.

These nurses never forget that they practice their profession within a larger community. They understand that nursing extends far beyond the bedside. They have accepted the awesome responsibility of providing care to the physically and emotionally traumatized with compassion and commitment. Their dedication has immeasurably enriched the Flint area.

Nurses are valuable and essential part of the health-care provider community. They meet the challenge of working in a sophisticated medical environment every day. In an atmosphere of fast changing ideas and procedures, nurses have consistently remained at the center of quality patient care.

Mr. Speaker, as we celebrate National Nurse Week, I would like to take this opportunity to thank these dedicated professionals for the work they do. Their commitment is an inspiration to everyone who serves the public and they deserve our gratitude.

TRIBUTE TO ALAYNA E. PAQUETTE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Alayna E. Paquette, of Portsmouth, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Portsmouth High School, in Portsmouth, RI.

This award is presented to the student chosen by Portsmouth High School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Alayna Paquette has certainly filled this criteria. She is graduating with a grade point average of 3.8, which is especially impressive on account of her rigorous course load. She also was a member of the Spanish, Rhode Island, and National Honor Societies. She participated on the track team and was the team captain of the soccer team. In addition, Alayna has been director of the Rhode Island Students Protecting Our Environment.

I commend Alayna Paquette for her outstanding achievements and wish her all the best in her future endeavors.

UNITED COMMERCIAL TRAVELERS OF AMERICA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to the United Commercial Travelers of America for their outstanding charitable efforts that project their caring and giving heritage.

United Commercial Travelers of America has a laudable Ten Star Outreach Program, that includes being proud sponsors of local, grand, and International Special Olympics. In fact, UCT of America contributed a quarter of a million dollars to the 1987 International Special Olympics.

UCT is involved in scholarship programs, junior golf competitions, drug-free awareness programs, cancer projects, safety programs, and stresses the family as the most important resource in our society for happiness and peace.

I want to salute the Pennsylvania chapter of United Commercial Travelers of America, and I am very glad that they are able to host UCT's 88th Annual Grand Session in Williamsport, PA, from May 8 through 11.

The supreme counselor of UCT of America, Peter Sworin, should also be commended for making UCT's theme this year "Reach for a Star," in keeping with President Bush's Thousand Points of Light Program.

I ask my colleagues to join me in paying tribute to United Commercial Travelers of America for all their efforts in helping to make our world a better place to live.

TRIBUTE FOR THE REDEDICATION OF THE SHIAWASSEE COUNTY COURTHOUSE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. CAMP. Mr. Speaker, I rise today in honor of the rededication of the Shiawassee County Courthouse in Corunna, MI. The people of the Shiawassee County community are to be commended for their time, effort, and perseverance in making this dream become a reality.

The courthouse, first dedicated on May 4, 1904, has been restored to its original condition at the time of its construction 87 years ago. However, the elements of time began to take their toll on this monumental structure and a few years ago, the Shiawassee County Courthouse Preservation Committee was formed. Its members, the Honorable Gerald Lostracco, George Hoddy, Kaye Seward, Barb Clatterbaugh, and Arnold Dunchock, have toiled many hours on this project. They are joined by many in the community who have contributed their time and money to make this project happen.

Mr. Speaker, it is with a great sense of pride that I am able to recognize all these men and women who have made this courthouse what it is today. Long from now, this courthouse will stand as a symbol for future generations to look back to and share in the pride and commitment their ancestors displayed for their community.

GORHAM HIGH SCHOOL WINS NEW HAMPSHIRE BICENTENNIAL COMPETITION

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SWETT. Mr. Speaker, I take great pride in announcing that Gorham High School, located in Gorham, NH, is the New Hampshire State winner of the We the People * * * National Bicentennial Competition on the Constitution and the Bill of Rights.

The national bicentennial competition is an outstanding education program developed by the Center for Civic Education, and cosponsored by the Commission on the Bicentennial of the U.S. Constitution. This advanced program provides high school students with a course of instruction on the development of our Constitution and the basic principles of a constitutional democracy. In both the instructional and the competitive segments of the program, students work together to strengthen their understanding of the American constitutional system.

I would like to commend Ray Neeland, who is responsible for implementing and supervising the national bicentennial competition in my district. Also deserving of recognition is the State coordinator, Carter Hart, Jr., who is responsible for the administration of the program at the State level.

I especially want to congratulate the teacher, Mike Brosnan, who did an outstanding job of working with these students to prepare them for this competition.

The names of the outstanding winning class from Gorham High School are:

Kristen Boucher, Jennifer Burill, Marcia Chamberlin, Patrick Cloutier, Emily Danforth, Sean Gilligan, Adam Henne, Nathan Lavertue, Jacqueline Metz, Daniel Pake, Kyle Parent, Christine Partenope, Christie Rainville, Angie Reichert, Lynda Renes, Brien Riff, Jennifer Terew, Catherine Toth, and Pamela Wintturi.

This class from Gorham just completed a national competition held here in Washington, DC. They displayed a strong understanding of our Government and its foundation and performed admirably against difficult competition. As I spoke with these students on the Capitol steps on May 1, 1991, I found them to be extremely knowledgeable and impressive.

Mr. Speaker, the instructional materials developed by the Center for Civic Education which prepare students for the competition are being used throughout our Nation. While the competitive part of the program advances the winning teams at various levels, the benefits of this excellent educational project are extended to every student who participates. In this respect all the students are winners, because they gain valuable civic and intellectual skills enabling them to make informed and reasoned political decisions in today's society.

APPOINTMENT OF LARRY J. WILKER, CHIEF OPERATING OFFICER, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Ms. OAKAR. Mr. Speaker, it is my distinct honor and privilege to announce to my colleagues the appointment of Mr. Larry J. Wilker as chief operating officer of the John F. Kennedy Center for the Peforming Arts. Presently, Mr. Wilker serves as president and chief operating officer of Playhouse Square Foundation in my district, Cleveland, OH. He will assume his new position on July 1, 1991.

Even though the Cleveland arts and business community will be losing a valued and trusted friend, the Kennedy Center, our national cultural center, will be gaining an individual ready to create, nurture, and present the best in performing arts.

With an undergraduate degree in economics, a master's degree in acting and directing, and a Ph.D. with a major in theater and an emphasis on theater administration, Larry joined the Playhouse Square Foundation in 1982. In this capacity, he was responsible for the largest theater restoration project in the world. Mr. Wilker was instrumental in helping to raise $40 million to finance this construction and renovation. Due in large part to Mr. Wilker's selfless determination to see this project succeed, the performing arts experienced a renaissance in the Cleveland community.

Managed by Larry Wilker, Playhouse Square Foundation owns and operates three theaters with a seating capacity of more than 7,000 seats and 750,000 annual patrons. The theaters host and/or produce more than 500 performances annually, covering music, opera, ballet, and theater. The foundation has had great success with its musical incubator program, which develops and produces new American musical theater works and the revival of lesser known works. In fact, two of them, "The Secret Garden" and "Song of Singapore" are currently in major production in New York. The annual operating budget for the theater is $10 billion of which 87 percent is derived from box office, shops, parking, and concessions.

Additionally, Mr. Wilker has been responsible for implementing the vision for the Playhouse Square Foundation, which was developed by civic and business leaders in Cleveland. Mr. Speaker, it is obvious that Mr. Wilker is an outstanding professional in the performing arts field.

Larry Wilker spent the first years of his career at the University of Delaware in various capacities, including that of assistant professor. During his tenure there, he managed and directed a touring company for children and was also responsible for organizing and managing a statewide festival of theater, dance, and music.

From 1971 through 1977, he was executive director of the Grand Opera House in Wilmington, DE. He was instrumental in saving and restoring this historic theater, which subsequently became the Delaware Center for the Performing Arts.

From 1977 to 1980, Mr. Wilker served as vice president of the Eugene O'Neill Memorial Theater Foundation, which supported a variety of performing arts institutions and projects throughout the United States.

Prior to joining the Playhouse Square Foundation, he spent 2 years with the Shubert Organization as director of properties, responsible for all facilities, which included 23 theaters and extensive commercial real estate holdings in six cities across the United States.

Mr. Speaker, let me conclude by saying we all wish Mr. Larry Wilker success, and the best of luck in his future endeavors at the John F. Kennedy Center for the Performing Arts.

TRIBUTE TO DAVID WILLIAM DAME

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate David William Dame, of Pawtucket RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Charles E. Shea Senior High School, in Pawtucket, RI.

This award is presented to the student chosen by Shea High School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

David William Dame has certainly met these criteria. He has consistently performed well academically, including first place in the National Mathematics League in geometry. He has also participated all 4 years on the basketball team and the baseball team, which he captained his senior year. In addition, David has been an Evening Times Honor Carrier and participated in In-Site Rhode Island.

I commend David William Dame for his outstanding achievements and wish him all the best in his future endeavors.

A TRIBUTE TO THE KEY WOMEN OF MOUNT VERNON

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mrs. LOWEY of New York. Mr. Speaker, the Key Women of Mount Vernon, part of a nationwide network of women concerned about children and senior citizens, are holding their annual scholarship and awards luncheon this Saturday. I would like to take this opportunity to congratulate this marvelous organization and the individuals who they are recognizing.

The Key Women provide a number of exemplary services that have been very important to the Mount Vernon community. Under the leadership of Blanche Woodley, their current president, they continue a long history of service. Every year, they give two $1,000 scholarships to graduates of the Mount Vernon school system and send five local children to summer camp for 2 weeks. In addition, they provide Thanksgiving baskets for senior citizens and host a seniors Christmas party at the Doles Center in Mount Vernon. Last year, over 200 people attended that festive event.

At the awards luncheon on Saturday, the guest speaker will be a man who has seen close up the good work that the Key Women do. Andrew Jones is a product of the Mount Vernon public school system. Now he is its high school principal. He knows the importance of commitment to the community, the kind of commitment that both he and the Key Women bring to bear in making their city a better place to grow up in.

Another man who has done a great deal for Mount Vernon youth will be present on Saturday. Edward Williams is retired now, but for years he was a stalwart of the Mount Vernon school system, teaching its children both in the classroom and out. This weekend he will receive the Key Women's Humanitarian Award. Receiving the Community Service Award will be two members of the Key Women: Margaret Gant and Araminta Miller. Without their tireless efforts, none of the wonderful programs that the Key Women provide could happen. The city of Mount Vernon is indeed fortunate to count these women among its citizens.

Perhaps the most fortunate award recipients on Saturday are the two Mount Vernon High School graduates who are receiving the Key Women's annual scholarships. Cleveland Pearce and Nicole Grant have earned their scholarships through hard work and dedication, and deserve every bit of praise that can be given them. The same is true of Karen Baker, a Mount Vernon student who is receiving the Louise Richardson Award, given by the Key Women in memory of the mother of one of their members.

Mr. Speaker, community service is one of the highest values of our society. The Key Women of Mount Vernon, and all of the people that they are honoring, know that well. For that, they deserve our sincere and lasting appreciation.

PRESS SALUTED BY NEARBY FRATERNAL CONGRESS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mrs. BENTLEY. Mr. Speaker, on Saturday, May 18, 1991, at the Sheraton Inn in Hagerstown, MD, the Maryland-District of Columbia Fraternal Congress will be holding its 84th annual session.

The Maryland-District of Columbia Fraternal Congress is composed of over 30 fraternal societies which have a long and distinguished record of charitable and benevolent works. Over the years, more than one-third of the presidents of the Maryland-District of Columbia Fraternal Congress have been women so in one sense, the congress is inconsistent in using the term "fraternal"—but what's in a name when it comes to helping others and avoiding sexual biases in selecting officers?

Throughout the years, the congress has sponsored programs designed to upgrade family living standards, prevent the spread of diseases, aid victims of disaster, help the indigent, and to assure good practices in regulating the insurance industry in Maryland and the District of Columbia.

This year, under the leadership of Paul Fenchak, a director of the congress and a lifelong scholar of cultural groups in America, the congress is sponsoring an innovative program, "Salute to the Ethnic Press." As fraternal associations are among the leading publishers of ethnic newspapers, journals, and books, the congress is drawing upon two long-time ethnic publishers: The First Catholic Slovak Union of the United States and Canada and the Ukrainian National Association, Inc.

The Slovak Jednota (Union), a weekly newspaper in both Slovak and English, is celebrating 100 years of publication during 1991 while the Ukrainian language daily Svoboda (Liberty) has appeared for 94 years and is complemented by the Ukrainian Weekly in English.

Dr. Edward Tuleya, curator/archivist of the Slovak Museum and Archives in Middletown, PA, and emeritus professor of history at Millersville University of Pennsylvania will describe this fraternal's publishing endeavors while Ukrainian activities will be related by Eugene Iwanciw, supreme adviser and director of the Washington office of the Ukrainian National Association, Inc. Both fraternals will be recognized for their various publications and the congress plans to recognize two more ethnic presses next year.

Many of the 900-plus ethnic newspapers and journals in the United States are sponsored by fraternal groups and serve as a kind of nervous system of the world in writing and disseminating ethnic analyses. The ethnic press in often ahead of the general press in explaining world affairs.

In promoting expanded cultural, religious, and historical awarness among its members the congress concurrently helps to preserve values central to the development and strength of our Nation. Over the years, the following groups have been affiliated with the maryland-district of Columbia Fraternal Congress: Aid Association for Lutherans, Artisans Order of Mutual Protection, Ben Hur Life Association, Catholic Family Life Insurance, Catholic Knights of St. George, Catholic Order of Foresters, Croatian Fraternal Union of America, CSA Fraternal Life, First Catholic Slovak Union of the United States and Canada, Greater Beneficial Union of Pittsburgh, Greek Catholic Union of the U.S.A. Hungarian Reformed Federation of America, Independent Order of Foresters, Knights of Columbus, Life Insurance Society of America, Loyal Christian Benefit Association, Lutheran Brotherhood, Modern Woodmen of America, Mutual Beneficial Association of Rail Transportation Employees, National Fraternal Society for the Deaf, North American Benefit Association, North American Union Life Assurance Society, Polish Beneficial Association, Polish Roman Catholic Union, Polish Women's Alliance of America, Royal Arcanum, Royal Neighbors of Amereica, Sons of Norway, Travelers Protestive Association of America, Ukrainian National Association, Inc. United Transportation Union Insurance Association, William Penn Association, Woodmen of the World, and the Workmen's Benefit Fund of the U.S.A.

Mr. Speaker, my fellow colleagues, I request that you join me in congratulating the Maryland-District of Columbia Fraternal Congress on the occasion of its 84th session, and in commending their loyalties and contributions to America and to their prticular communities as they deliberate and plan for the future under the leadership of President William Harris of the Aid Association for Lutherans.

THE ELECTRIC POWER FAIR ACCESS ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MARKEY. Mr. Speaker, I am pleased to- day to introduce, along with Representatives MOORHEAD, BOUCHER, STUDDS, and DANNEMEYER, the Electric Power Fair Access Act of 1991. This important legislation will help promote competition in the $170 billion-a-year electric power industry, providing enormous potential benefits for consumers nationwide.

In the past decade competition has grown tremendously in the generation of electricity, already providing lower rates for consumers. But, despite this heightened competition in the generation sector, in the electric industry monopolistic power is maintained through the control of transmission lines. Transmission is the highway—the rail line—the pipeline of electric flows and of competitive opportunities. But transmission lines have too often remained in monopoly hands, with utilities often using the lines in an anticompetitive manner.

The Electric Power Fair Access Act of 1991 will improve the competitiveness of our electric utility system by providing for more equitable access to transmission lines and transmission services by electric utilities, independent power producers, and others. As the Nation continues to reduce dependence on imported oil, renewable energy resources such as wind, solar, geothermal, biomass, and hydropower, which are available only at fixed sites, need to be encouraged through better access to markets. In order to economically exploit these resources, as well as other independently developed powerplants, their developers must have access to transmission facilities to more the power to utilities that most need additional sources of power.

The current situation has led many participants and observers in the electric industry to conclude that the transmission system needs reform. President Bush's national energy strategy states that "although competition is developing in electricity generation, electricity transmission remains a monopoly service." The NES also states that "greater access to transmission facilities also would increase competition in wholesale markets and ensure that the Nation's industries, shops, and residences have access to electricity at the lowest reasonable cost." Moreover, the "Annual Report of the Council of Economic Advisors," in the 1991 Economic Report of the President recommends that "steps should be taken to ensure that access to the high-voltage transmission networks in not controlled in a manner that restricts competition."

But, unfortunately, neither the Federal Energy Regulatory Commission [FERC] nor any other Federal agency has authority to require utilities to provide fair access to the companies' transmission systems. FERC has made some modest progress recently to encourage utilities to provide greater access to their transmission systems. But FERC can only do so when a utility comes to FERC asking for something else that requires Federal approval—such as a merger or permisison for special market-based rates.

The Electric Power Fair Access Act of 1991 takes a two-tiered approach to clarify FERC's authority and codify the recent FERC decisions in this area. First, this bill will give FERC the authority to order transmission, on a case-by-case basis. Second, the bill will establish a new standard: If a utility chooses to sell power at market-based rates that are above its own regular rates, or, if a utility voluntarily enters into certain mergers or acquisitions, then that utility must provide transmission services to all qualified applicants, on a nondiscriminatory basis. In all cases, the owners of the transmission facilities will be fully compensated for the use of their lines.

In issuing transmission orders under this legislation, FERC must be certain not to impair system reliability or to economically disadvantage the transmitting utility's customers. Furthermore, the bill authorizes FERC to require the enlargement of transmission facilities, subject to environmental approvals, and encourages FERC, the Department of Energy, and the States to conduct interstate transmission planning.

It is important to note that this bill will allow for transmission for wholesale transactions only—it will not allow retail wheeling. Unlike wholesale transmission activities, the wheeling of electric power directly for retail customers can lead to undue uncertainty in the planning for generation facilities and in some cases to stranded utility investments.

It is also important to note what the bill is not. This bill is not an open access bill, that would require all utility companies to transmit power for all comers. Additionally, this bill does not call for the joint ownership of transmission lines, but only for greater contractual access to utility lines. Instead of major changes in the regulation of utility companies, this bill builds on recent FERC decisions and activities in the electric utility industry to promote evolutionary progress for the industry as a whole.

I would also like to point out that this bill amends only the Federal Power Act. As such it does not address issues associated with the administration's proposal to rewrite the Public Utility Holding Company Act [PUHCA]. During the consideration of any legislation to reform PUHCA, the issue of transmission access will be at the forefront, and transmission policy will be addressed again in that setting.

Consumers nationwide—from homeowner to the largest industrial firms—will benefit from the Electric Power Fair Access Act of 1991. I encourage other Members of the House to joint us in cosponsoring this important legislation.

ELECTRIC POWER FAIR ACCESS ACT OF 1991

(Amendments to the Federal Power Act)

1. Short Title (Sec. 1) and Findings (Sec. 2).

2. FERC Authority to Order Interconnections or Transmission on a Case-by-Case Basis (Sec. 3-4).

Amends Sections 210 and 211 of the Federal Power Act to clairfy FERC's authority with respect to interconnections and transmission services, establishing the following authority:

FERC can order transmission and provide for compensation, on a case-by-case basis, for wholesale transactions only, in cases meeting certain specified standards. In exercising this authority, FERC may order the filing of general transmission tariffs and/or may order the enlargement of transmission capacity.

3. Voluntary Provision of Transmission Access by Utilities (Sec. 5).

This section establishes the following standard:

IF a utility (or its affiliate) chooses to sell power on a non-cost-of-service basis, of, IF a utility enters certain mergers or acquisitions:

THEN that utility shall file a general tariff providing rates, terms and conditions for transmission services for wholesale transactions (meeting the standards described in #4 below).

Participating in this section is up to each utility company; this provision provides FERC no authority to mandate transmission access nor to rquire that this section is used.

4. Standards for Transmission Tariffs and Orders (Sec. 5).

Any general transmission order (#2) or transmission tariff (#3) shall meet the following standards:

a. Transmission access only when it does not impair system reliability, does not impair adequate service to customers, and does not economically disadvantage ratepayers of the host utility.

b. Transmission rates shall be based upon the cost of providing the transmission services.

c. Retail wheeling may not be ordered under this bill.

5. Additional Provisions.

a. Filing of an access to information about transmission capacity. (Sec 6).

b. Encouragement of inter-state transmission planning. (Sec. 7).

H.R. 2224—ELECTRIC POWER FAIR ACCESS ACT OF 1991

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MOORHEAD. Mr. Speaker, I am pleased to cosponsor the Electric Power Fair Access Act. This bill clarifies and assures the Federal Energy Regulatory Commission's jurisdiction over transmission, an important step for Congress to take in ensuring that competition in the electricity industry advances efficiently and fairly.

Increased transmission access for wholesale electricity sellers and buyers will enhance competition in several ways. It will facilitate efficient use of existing power plants by providing larger markets for low/cost power suppliers. It will also provide additional supply options for wholesale buyers. A vigorously competitive wholesale market will force utilities to compete more strenuously not only to retain their current wholesale customers but also to expand their sales to other wholesale buyers. Over time, regional wholesale power prices will be driven down by this competition.

Additionally, increased transmission access will encourage construction of the best combination of new generating units. Access will enhance competition in bidding solicitations for new generating capacity, because a utility seeking additional capacity will not be limited to prospective suppliers located in its service territory. Potential suppliers will be able to locate power plants at the overall best locations in a large region, rather than just the local utility's service area. More open transmission service will also enable independent power producers to sell to several utility buyers. By doing so, IPP's can build larger plants and take advantage of economies of scale, thereby lowering the cost per kilowatt of new capacity.

CONGRESSMAN KILDEE HONORS MS. AILENE BUTLER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to an outstanding individual in my hometown of Flint, MI, Ms. Ailene Butler.

Ailene Butler was born in Americus, GA, and moved to Flint as a child. She is a graduate of Flint Northern High School, Sienna Heights College, and obtained a degree in mortuary science from Wayne State University. As Flint's first female funeral director, she was also the first female to own and operate her own funeral home. She has been awarded the Annual Business Award from the Flint Club of the National Association of Negro Business Professional Women as the outstanding Business Woman of the Year. She has also received the Women of Wayne Headliner Award and the Zeta Phi Beta Sorority Woman of the Year Award. She has received recognition from the Governor of the State of Michigan, the common council of the city of Detroit, the Michigan Department of Education, Mott Community College, the Internal Institute, the Genesee Area Skill Center as well as a special tribute from the Michigan House of Representatives.

Ailene Butler has been a pioneer for the African-American community in Flint, MI. She was the first, and only, African-American female elected to the Flint City Council. Elected to office in November 1973, Ailene was chairperson of the social programs committee. Through her tireless efforts on this committee she was able to obtain assistance for day care centers, the Opportunities Industrialization Center, and the Urban League On-The-Job Training Program among others. She was on the forefront of leading the effort to combat drugs and crime, long before the current efforts were undertaken. She was appointed to the original Flint mayor's advisory committee which established the Flint Human Relations Commission. Ms. Butler helped establish and was elected first chairperson of the open occupancy committee whose work made Flint the first city in the United States to pass a fair housing law by popular vote. She was founder and first chairperson of the National Black Women's Political Leadership Caucus of the State of Michigan.

Ailene Butler was also the first African-American Girl Scout leader and helped to integrate the Flint Young Womens Christian Association Summer Camp. She was the first woman elected as vice president and board member of the Flint chapter of the National Association for the Advancement of Colored People and assisted in the creation of the NAACP Credit Union as well as serving as the first loan officer.

Ms. Butler was also affiliated with many public service-oriented organizations such as the Flint Branch of Child and Family Services of Michigan, Genesee County Funeral Director's Association as well as many, many other fine organizations. There is no question that Ailene Butler has been one of the most inspirational leaders of the Flint community. She has left an indelible imprint on the citizens of this community.

Mr. Speaker, it is indeed an honor and a pleasure to rise before my colleagues in this august house to pay tribute to a pioneer, Ailene Butler. Ailene Butler has served as an inspiration to me and to other elected officials in Michigan. She is truly unique and is deserving of all the tributes that may come her way. I pay tribute to her and wish her continued success.

A GREAT LEADER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Ms. OAKAR. Mr. Speaker, it is my honor and pleasure to stand before the House today to honor a man who truly embodies service to the great State of Ohio: Speaker Vern Riffe. Since he was first elected to be the State Representative of Ohio's 89th House District in 1958, Mr. Riffe's career has been distinguished by achievements that have genuinely benefited all Ohioans. In January of this year, Mr. Riffe took office for his 17th consecutive 2-year term; a record in my home State of Ohio. Indeed, Mr. Riffe holds the record for serving as speaker of the Ohio House of Representatives longer than any other speaker in Ohio's history. I am proud to commend Speaker Riffe and to celebrate his ninth term as speaker this year.

Vern Riffe often cites his father, Vernal Riffe, Sr., as his role model in both politics and life. For more than 20 years, Vernal Riffe, Sr., served his community of New Boston, OH, as mayor. It was during these years that Vernal, Jr. learned the true value of serving and working with his fellow man. It is evident that this training in public life has helped make Speaker Riffe the distinguished man he is today.

In the Ohio House of Representatives, Vern Riffe has brought an untiring work ethic and sense of fairness to the speaker's chair. As chairman of the rules committee, he has demonstrated uncommon leadership in advancing key legislation which has helped literally millions of Ohioans. Speaker Riffe has a proven track record of operating closely with all State representatives and officials in Ohio, regardless of party affiliation. His extraordinary ability to work with his colleagues earned him a citation by Republican Gov. James Rhodes, in 1980, as "One of the leaders who gets things done in Ohio." As the leader of the Ohio State House's majority party, Speaker Riffe has toiled selflessly for all Democrats throughout the State. On the national level, he is presently serving as a member of the Democratic National Committee. Democrats in Ohio and across the Nation—myself included—look to Speaker Riffe for his expertise and guidance on the critical issues facing our State and country.

The number of accolades that have been deservedly accorded Speaker Riffe over his distinguished career are almost too numerous to mention. Fittingly, the groups who have chosen to honor him are as varied and diverse as Ohio itself. He has been named Legislator of the Year by the Disabled American Veterans, Ohio Sportsmen, State Press Corps, Ohio Association of Local School Superintendents, and Community Mental Health and Retardation Association, just to name a few. Other groups which have honored Speaker Riffe for his commitment to Ohio include the AFL–CIO, Veterans of Foreign Wars, Prosecuting Attorneys Association, Public Relations Society, National Conference of State Legislatures, Jewish National Fund, Ohio Farm Bureau, and literally scores of others. He has received honorary degrees from distinguished educational institutions in Ohio such as Ohio University, the Ohio State University, Rio Grande College, University of Akron, Kent State University, Miami University, Central State University, University of Cincinnati, and Shawnee State University. The list could truly go on and on.

At home, Vern Riffe and his loving wife Thelma have been married for 43 years. They are blessed with four outstanding children—Cathy, Verna Kay, Mary Beth, and Skip (Vernal III)—and seven grandchildren. A lifelong resident of Scioto County, Speaker Riffe is still active in his local community. In New Boston, OH, he acts as president of the Riffe and Bennett Insurance Agency. He is a member of the Portsmouth Area Chamber of Commerce, Kiwanis Club, American Legion, Veterans of Foreign Wars, Shriners, and other vital community organizations.

On May 16, 1991, ceremonies will be held in Columbus, OH, to dedicate a bust of Vern Riffe. Speaker Riffe is one of those rare people in public service who are true living legends. While the bust of Speaker Riffe will stand as a symbol of his accomplishments and his deserved place in Ohio's history, it is only prologue. For Speaker Riffe and all Ohioans, the future holds promises of even greater achievements.

I am pleased to be able to stand before this House and mark the occasion of this dedication. Speaker Riffe's judgment and experience is unmatched in the Ohio House, and his presence continues to pay dividends for all citizens of Ohio. As we honor Vern Riffe's career and contributions to our great State of Ohio, I look forward to his continuing excellent public service to our great State and to the Nation.

TRIBUTE TO JENNIFER WALKER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jennifer Walker, of Pawtucket, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Bishop Keough Regional High School, in Pawtucket, RI.

This award is presented to the student, chosen by Biship Keough High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jennifer Walker has more than fulfilled this criteria. She is a National Honor Student and a member of the Rhode Island Honor Society. She also participated 3 years on the tennis team and 4 years on the softball team. In addition, Jennifer is her school's yearbook editor and her classmates elected her junior class president.

I commend Jennifer Walker for her outstanding achievements and wish her all the best in her future endeavors.

THE EARTH OBSERVING SYSTEM AND ITS IMPORTANCE TO GLOBAL CHANGE RESEARCH PROGRAM

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. RHODES. Mr. Speaker, The complex issues of global change will not disappear overnight or even in the lifetime of the current generation of scientists. Among these are a diminishing supply of water of adequate quality, a greenhouse effect caused by increasing concentrations of atmospheric trace gases, reduction in the stratosphere's ozone concentration, and feedbacks in the biosphere that perhaps reduce its ability to help cleanse the atmosphere of trace gases.

Policy measures are required today, so that we may adapt to or mitigate environmental changes at extensive regional and global scales. These require improving our understanding of the dynamics of the Earth system. NASA's Earth observing system [EOS] will advance the Global Change Research Program through the study of global-scale problems and global environmental change in an integrated, interdisciplinary approach covering the atmosphere, oceans, snow and ice masses, terrestrial vegetation, smaller water bodies, and the solid Earth. EOS supports investigations of the Earth system with four distinct mission objectives:

Creation of an integrated scientific research program that will support the study of the Earth's climate system, hydrologic cycle, and biogeochemical cycles, requiring observations of the atmosphere, oceans, land surface, snow and ice masses, and solid Earth;

Acquisitions and assembly of a global data base of established quality and reliability, mainly from remote sensing measurements, over a 15-year period to support the research program;

Development of a comprehensive data and information system to serve the needs of scientists from a variety of disciplines studying planet Earth; and

Improvements of our predictive models of the Earth system that involve interaction of system componets—such as air-sea coupling or biological effects on climate—a longer-term goal only attainable if the other objectives are successfully achieved.

The U.S. Global Change Research Program will not succeed unless there is a working and vital EOS at its core. The global measurements of the Earth that can only be provided by satellite observations are absolutely essential to understanding the Earth's environment and predicting its future course. Without the continuous, distributed measurements and the coordinated scientific interpretation of those measurements that EOS is designed to give, the U.S. commitment to global-change research, including components such as hydrology and biogeochemistry that are of particular importance to the arid western United States, will be sorely lacking.

Global-change research in the United States, Europe, and Japan addresses critical questions on the interconnected processes of the Earth systems, rather than simply focusing on the issue of whether or not global warming is occurring. For example, in the western United States where our water resources facilities have been designed based on historical, stationary climatic conditions. At this point, we lack a sufficient understanding of how the relevant hydrologic and biogeochemical processes work, severely limiting our ability to evaluate future modifications to our infrastructure and management practices. EOS will provide us information needed to do solid, physically based assessments that are global and regional as well as local in scale.

The Mission to Planet Earth, with EOS at its core, and other agencies' global-change research programs are not undertaken to satisfy our intellectual curiosities; rather, they are cohesive elements designed to enable informed, reasoned decisionmaking regarding the future of our global environment and our lives in it. We must make every effort to ensure that NASA's EOS Program remains a vital element of our Nation's global-change research.

Mr. Speaker, in summary, I urge Members of this body as well as those on the Commerce, Science, and Transportation Committee in the other body to carefully examine the importance of NASA's EOS Program in light of its role in our national global-change research. The result of such an evaluation will inevitably lead to a recognition of EOS's importance to the Global Change Research Program.

THE RETIREMENT OF CHESTER CASE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MILLER of California. Mr. Speaker, at the conclusion of the 1991 academic year Los Medanos Community College in Antioch, CA, will say goodbye to its president, Chester "Chet" Harold Case after 6 years of strong leadership and dedication to the school and student body. I would like to take this time to share with you the remarkable accomplishments of Mr. Case during his 37-year career in education.

After receiving his general secondary credential from the University of California, Berkeley, in 1954, Mr. Case undertook his first position at Sacramento High School in Sacramento, CA, teaching history, government, and English. Realizing a desire to achieve excellence in teaching and to further his education and studies to higher degrees, Mr. Case obtained both his masters in history and doctorate in higher education from the University of California, Berkeley. Meanwhile, Mr. Case continued to teach history and social sciences, from 1956–62 at Los Lomas High School in Walnut Creek, CA, and 1963–69 at Chabot Community College in Hayward, CA, and devoted 4 years to director and supervisor positions in community college education at University of California, Berkeley, before joining the staff at Los Medanos College.

In 1973, Mr. Case began what would evolve into two decades of commitment and contribution to Los Medanos College. During his time with the college, and as its president, Mr. Case demonstrated innovative ideas for the student community. Mr. Case was always in the forefront of promoting a healthy and well-rounded evnrionment by encouraging faculty and student involvement in campus and community affairs.

Mr. Speaker, on May 10, 1991, the faculty and students of Los Medanos College will join with Mr. Case's family and friends to pay tribute to the many achievements that dominate his career. Mr. Case will be missed by his staff and students as he is so much a part of the college. I know that they join me and my colleagues in the House of Representatives in wishing him well in his retirement.

AMERICAN HISPANIC LITERATURE MONTH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SERRANO. Mr. Speaker, I rise today to introduce a joint resolution to designate the month of May 1992 as "American Hispanic Literature Month" in celebration of the Hispanic writers of the United States.

Among the earliest explorers and settlers of the United States, Hispanics have greatly contributed to the literary heritage of this Nation, in folklore, travel memoirs, and epic poetry. In addition, with an understanding of the recent 1990 census, we see that Hispanic-Americans in the United States, now numbering 25 million, are an increasingly powerful voice in our Nation. As this population continues to grow, fertile ground for a new generation of American literature is created. These authors add to the canon of American literature by merging Latin American themes—diverse in thought, culture, ideas and religion—with North American settings.

Mr. Speaker, during the past 25 years, the popularity of many Latin American writers, such as Gabriel Garcia Marquez, Mario Vargas Llosa, and Carlos Fuentes has been firmly established in the United States. Major publishers successfully offer the works of such authors to the general public. However, unlike their Latin American counterparts, Hispanic writers in the United States have not achieved such success outside their own communities.

For example, how many of us are aware that Oscar Hijuelos, a Cuban-American, won the 1990 Pulitzer Prize for fiction for his work "The Mambo Kings Play Songs of Love?" This truly is an accomplishment worthy of congressional recognition. Mr. Speaker, this resolution serves to recognize all the Hispanic authors of the United States who have so eloquently created a vision of the American way of life through words.

Having just celebrated National Library Week it is appropriate to emphasize the importance of the written word and the strength of its power on our society. The written word is powerful because of its evolution over time through a host of mediums such as the theater, literature, and even closer to home, the press. Literature is used not only to educate our youth but also to reach out to our neighbors to express thought and understanding and to speak out for our rights. The forefathers of this great democracy eloquently and forcefully affirmed, through the first amendment, the significance of not only that which is spoken, but that which is written as well.

Mr. Speaker, I think it important that this Congress encourage the broadening of all horizons of this great Nation and its multicultural citizens by recognizing and lauding the Hispanic writers of the United States and their everlasting contribution to our society.

A TRIBUTE TO DR. PHYLLIS A. PENNEY

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. JAMES. Mr. Speaker, I rise today to congratulate Dr. Phyllis A. Penney for being selected to receive a 1991 Cable in the Classroom Educator Award. Dr. Penney is a teacher at the Douglas Anderson School of the Arts in Jacksonville, FL.

Dr. Penney is receiving this award because of her efforts to bring life to yesterday's world by utilizing today's technology. In her classroom, Dr. Penney used an Arts & Entertainment Network presentation, "The Tribal Eye: Sweat of the Sun," to develop a history-social studies lesson using the arts.

With Dr. Penney's guidance, 32 students took the different art forms of dance, traditional folk music, and visual arts, and used them to develop an expressive dance piece based on the Aztec-Inca culture. The students designed costumes and stage props reflecting the motif of animal totems.

Using A&E's programming as a catalyst, the students expanded their knowledge of history, developed new choreography skills, and experienced a keener understanding and appreciation of the Aztec-Inca culture.

Dr. Penney's innovative teaching methods, and commitment to excellence deserve to be recognized by the U.S. Congress. She is the kind of teacher that every parent wants teaching their children.

IN HONOR OF ELIZABETH ROSSELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to honor an outstanding constituent of the Seventh Congressional District, Elizabeth Rossell of Flushing, MI, who will be recognized next week by the International Institute of Flint in my hometown.

On Tuesday, May 7, the institute will be conferring on Elizabeth Rossell the Golden Door Award. This coveted award honors a foreign-born citizen who has made a significant contribution to bettering the life for others through educational, cultural and community work designed to assimilate those of different racial and cultural backgrounds into the democratic life enjoyed by American-born citizens.

Mr. Speaker, I can think of no one who is more deserving of this award. Elizabeth Rossell has initiated a number of innovative programs in my community that have helped the International Institute to help others. She has volunteered untold hours, days, and years to the institute and has served in numerous official capacities with it, including president of the board of directors.

As a teacher, she also has been a strong, influential proponent of education as a continuing commitment not only for our youth but for adults.

Elizabeth Rossell was born in Italy. Today, she resides with her husband Ralph and children Lisa and Nicholas in Flushing. She has been and continues to be a tremendous inspiration to many, and a credit to the International Institute and its work.

Mr. Speaker, it is a pleasure to honor someone who has done so much to improve the quality of life for the residents of the 7th District. Elizabeth Rossell has upheld the highest tradition of civic service and I urge my colleagues in the U.S. House of Representatives to join me in congratulating her for her tireless devotion to the betterment of her community.

TRIBUTE TO SHANNON FECTEAU

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to rise today and congratulate Shannon Fecteau, of Seekonk, MA, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for St. Mary Academy Bay View, in Riverside, RI.

This award is presented to the student chosen by St. Mary Academy Bay View who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Shannon Fecteau has more than fulfilled this criteria. Despite being afflicted with a serious illness, she has maintained high academic standing. In addition, Shannon has been a great asset to St. Mary Academy Bay View's tutoring program. She serves as an inspiration to many.

I commend Shannon Fecteau on her outstanding achievements and wish her all the best in her future endeavors.

ANTI-CROATION TERRORIST ACTIVITIES MUST CEASE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SWETT. Mr. Speaker, the United States has always stood firmly in support of democracy; however, often times we have been caught "behind the eight ball" as events on the ground out pace the U.S. willingness to lend a helping hand.

In this instance, I fear that the fledgling democracies of Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia will be subjugated by the insidious tactics of the Communist's determination to maintain their strong centrist government. Just this morning I received disturbing news that anti-Croation terrorists groups have killed two Croation policemen and engaged throughout Croatia in bombings of civilian buildings, machine gun fire upon civilian buildings, and heightened activities of like nature.

Mr. Speaker, the United States needs to strongly condemn such terrorist activities. We must be seen as promoting dialog and peace. It is not the United States role to unwittingly see its tri-partite policy of democracy, peace and unity in Yugoslavia being utilized by the Communists to support a strong centrist government at any cost.

If the United States does not act swiftly and with certainty, we can be assured that the events in Yugoslavia will deteriorate to a point where it may be unlikely that democracy can survive.

Mr. Speaker, I urge the Members of the House of Representatives to join me in strongly condemning these terrorist activities. I urge the Secretary of State and the President to convey to appropriate officials throughout Yugoslavia our condemnation of these acts, and I urge the State Department to provide whatever assistance might be appropriate to apprehend and punish those responsible.

SALUTE TO GEORGE MONTGOMERY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GALLEGLY. Mr. Speaker, I rise to honor the latest inductee into the Walk of Western Stars in Newhall, CA.

On June 22, noted actor George Montgomery will be honored for his contributions to our western heritage. This genial leading man, former boxer, stuntman, and World War II veteran has had a long career in the entertainment industry, and has established himself as a maker of fine furniture and as a sculptor.

Beginning in 1939 with "The Cisco Kid and the Lady," he has starred in more than 70 movies, including "The Gentleman from West Point," "Belle Starr's Daughter," "Dakota Lil," "Davy Crockett—Indian Scout," "The toughest Gun in Tombstone," and "The Daredevil."

In addition, he started a successful fine furniture business and has become a well-known sculptor, with works including "The Golden Boot," created for the motion picture industry.

Mr. Speaker, the reality and the myth of the Old West helped shape our Nation, and that heritage is worth celebrating. I ask my colleagues to join me in saluting George Montgomery for his contributions to that heritage as he is inducted into the Walk of Western Stars.

URGING THE INTERIOR APPROPRIATIONS SUBCOMMITTEE TO CONTINUE TO PROTECT FLORIDA'S COASTS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SHAW. Mr. Speaker, I would like to bring to my colleagues' attention an issue that the House Interior Appropriations Subcommittee will be considering, which is of particular importance to me and my constituents. The issue I refer to is oil and gas drilling off of Florida's coasts.

As many members may be aware, the entire Florida delegation is extremely concerned over the renewed possibility of offshore oil and gas drilling off of Florida's coasts. In the past, the Interior Appropriations Subcommittee has responded to the Florida delegation's requests and assisted us in this effort. Last year, President Bush wisely declared the area south of 26 degrees north latitude off limits until the year 2000 for oil and gas exploration. I commend the President for this decision and leadership in this area. However, it would be highly desirable for the Interior Appropriations Subcommittee to again include a 1-year moratorium on oil and gas leasing and drilling in that area.

Additionally, to further protect our coasts and marine environment, I believe that the Interior Appropriations Subcommittee should also impose a 1-year ban for Sale 137 and Sale 151 in the eastern Gulf of Mexico, and a ban on the issuance of drilling permits for any existing leases in that area.

Since Congress has banned oil drilling only in certain areas off of Florida's coasts, I also think it is time to substitute this piecemeal approach and consider instituting a 100-mile buffer zone around the State of Florida.

Although this issue has been extensively studied and documented, one need not be an expert in the field to support a ban on offshore drilling off of Florida's coasts. After seeing photographs of the oil spilled in the Persian Gulf deliberately by the madman Saddam Hussein, and imagining what an oil spill even a tenth the size of that one would do to south Florida's fragile ecosystem—an ecosystem irreplaceable and unique to our hemisphere—the only prudent and logical conclusion is a complete ban. What price does one put on the mangroves, the beds of seagrasses, or the only living coral reef in North America? Is destroying these environmental wonders worth paying the price for the estimated fifteen days of energy such oil and gas fields might yield? I say the price is too high.

Mr. Speaker, I was born and reared in south Florida. I have raised my family in south Florida. My family swims in the blue waters off of Florida's coasts and we enjoy hiking through the Everglades—the very places at risk from offshore drilling. I urge the Interior Appropriations Subcommittee to continue to protect Florida's coasts from the dangers of oil drilling.

A TRIBUTE TO THE PROFESSIONAL PHOTOGRAPHERS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, when photography was discovered in 1835, it opened new horizons in the human mind. Photography created a new profession and has become a necessity for society and modern science. To honor this tremendous discovery, the Florida Professional Photographers and the Professional Photographer's Guild of Florida has designated August 19 as "Professional Photographer's Day" in the State of Florida.

Within time, photography became an art form but many felt that it did not receive the proper recognition as the established arts did. Many felt that photography received little, if any artistic quality, but always shone in the greatest moments, capturing important times in history.

Many historical events, for example, are vivid in our minds because of photographs taken at these critical times. The image of the members of the Armed Forces raising the U.S. flag at Iwo Jima will always be remembered as capturing the essence of battle and the wave of patriotism during World War II. The little Vietnamese girl hysterically running after an attack of napalm is a photograph that is forever etched in our minds as a reminder of the brutality of war. The shot of the solitary young man standing in front of the huge tanks in Tiananmen Square reminds us of the strength of the human quest for freedom. Without photography, these stirring memories may fade from our consciousness.

Realizing that photography records today's events for the future, the Florida Professional Photographers and the Professional Photographer's Guild of Florida began working on the idea to have a national day proclaimed to honor those who have dedicated their lives to the photographic profession. It was August 19, 1835, in France, that Louis Dagerre presented his new discovery.

With the cooperation of the Hialeah City Government, Mayor Julio Martinez, and support from other Florida cities, August 19 has been declared "Professional Photographer's Day" in the State of Florida. The city of Hialeah has approved the construction of Professional Photographer's Park to be located in there. The park will be dedicated with the unveiling of a 20-foot statue honoring the professional photographer by sculptor Rafael Consuegra.

I congratulate Nestor Pino, Alex Gort, Jesus Cabrera, Adria Cabreara, and all the citizens involved in taking the time to create this worthy cause. I wish them much success as to seeing Professional Photographer's Day become a reality.

THE EARTH OBSERVING SYSTEM AND ITS IMPORTANCE TO GLOBAL CHANGE RESEARCH PROGRAM

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. RHODES. Mr. Speaker, the complex issues of global change will not disappear overnight or even in the lifetime of the current generation of scientists. Policy measures are required today, so that we may adapt to or mitigate environment changes at extensive regional and global scales.

NASA's Earth Observing System [EOS] will advance the Global Change Research Program through the study of global scale problems and global environmental change in an integrated, interdisciplinary approach covering the atmosphere, oceans, and solid earth.

The U.S. Global Change Research Program will not succeed unless there is a working and vital EOS at its core. The global measurements of the Earth that can only be provided by satelite observations are important to understanding the Earth's environment and predicting its future courses.

Mr. Speaker, I am particularly proud of the contributions the State of Arizona is making to this effort. The University of Arizona in Tucson now has the biggest concentration of non-NASA scientists involved in EOS anywhere in the United States. The level of expertise there represents real depth of research involvement in the Office of Space Science and Application's [OSSA] programs.

In summary, Mr. Speaker, it is regrettable that the cuts this Committee had to make in its authorization resulted in a $75 million cut from the EOS program. Several other important programs requested by the President were subject to severe budget pressures and unfortunately also cut. I urge Members of this body to carefully examine the long-term importance of NASA's EOS program in light of its role in our national global change research. The result of such an evaluation will inevitably lead to a recognition of EOS's continuing importance to global change research.

AUDUBON PRESIDENT PRAISES UDALL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MILLER of California. Mr. Speaker, on May 1, 1991, the president of the National Audubon Society, Peter Berle, wrote a fitting tribute to the work of Mo Udall.

He pointed out that under Mo's leadership, the Interior Committee became an engine for a series of environmental accomplishments. He said:

> We at Audubon will always be grateful for Mo's openness, for his deep concern for the environment, and for his intense love for our land.

I would like to insert Mr. Berle's remarks in the Record at this point:

Mo Udall—Lawmaker for the Environment

(Remarks of Peter Berle)

It can be said, of Mo Udall's 30-year career in the U.S. Congress, that he not only preserved many of America's most treasured natural resources, but that, through his efforts, the United States is a more beautiful and healthful nation.

Mo has set a new standard for national environmental leadership, and he has done so with grace, a compassionate heart, and a wry humor. All his political efforts have been characterized by a commitment to fair play, which led him to look always for the possibility of accomodating the legitimate needs of adversaries, and thus to bring them into the fold. Yet, when the chips were down, this fairness has also been Mo's greatest source of strength. The historic victories he has won—to save Alaska's wildlands, to force coal stripminers to reclaim the land they exploit, to block the give-away policies of Interior Secretary James Watt, to preserve wilderness and parklands in virtually every state in the Union—did not come easily. These battles required courage, risk-taking, and fortitude. But he took them on, and he prevailed.

Under Mo's leadership, the House Committee on Interior and Insular Affairs has been the engine of many of the modern Congress's most significant environmental accomplishments. Over the years, of course, Mo has had invaluable help from other leaders on the Committee, including Phil Burton, John Seiberling, and George Miller, who will succeed Mo as Chairman. Without the team effort that Mo led, the enactment of complex and far reaching laws such as the Surface Mining Act of 1977, the Federal Coal Leasing Amendments, the Alaska National Interest Lands Act, and a multitude of Park and Wilderness Acts would never have happened.

We at Audubon will always be grateful for Mo's openness, for his deep concern for the environment, and for his intense love for our land. We are dedicated to the achievement of what is perhaps the single piece of unfinished conservation work most dear to him—the protection of the coastal plain of the Arctic National Wildlife Refuge as wilderness. We celebrate his achievements, and will miss his leadership. We wish him well.

SID McLESTER NAMED HISTORIAN OF THE YEAR

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. JAMES. Mr. Speaker, I rise today to congratulate a fellow member of my home community for being named the 1991 Historian of the Year by the Volusia County Historical Commission.

Thousands of people in Volusia County have seen Sid's work—his specialty is slide shows—but not many people know the master behind the art.

Sid is a full-time power company professional and family business owner, so he rarely has time to meet with the people who enjoy his work. That's why I'm so honored to be able to list his accomplishments for the Record.

Without Sid, efforts to record history in DeLand and surrounding areas would be severely hampered. He has taken all of us back in time by copying thousands of old photographs of pioneer life in Volusia County for use in books and slide shows.

In the Daytona Beach News-Journal, West Volusia Historical Society president, Bill Dreggors, said, "I can't think of anybody more deserving of this honor than Sid. Without what he did for us, there would be no books, period. There would be no slide programs. None of it would exist except for Sid."

Sid first arrived in DeLand in 1963. For more than 10 years, he and Mr. Dreggors have worked together once or twice a week, to find old photos for two local hardback books, "Volusia: The West Side," and "A Pictorial History of West Volusia County, 1870–1940."

Finding and copying old photographs isn't all that Sid has done, however. He helped restore the DeLand House, a turn of the century building that houses the historical society. He crafted the building's screen doors, frames for its cut glass, and the plaque that recognizes project supporters.

Mr. Speaker, Sid McLester is a poignant reminder that in towns and neighborhoods throughout America, people are working together to make their communities better places to live, work, and raise families.

Like Sid's family and friends, I am both thankful and proud of his work for DeLand. And I'm honored to be able to recognize him here today in front of my colleagues.

LOU BREVETTI: HARD WORK AND CHARACTER IN AMERICA'S SERVICE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mrs. LOWEY of New York. Mr. Speaker, I would like to pay tribute today to a man who has lived the American dream. Lou Brevetti is a tribute to the fact that all one needs to succeed in this country is strength of character and a willingness to work hard. He has both of these in abundance.

Lou came to this country with his parents at the age of 6. He learned from them that hard work woud pay off in this country, and he learned that lesson well. Shining shoes, pressing clothes, and waiting tables, he put himself through college and then law school. His indefatigable efforts have helped to build an immensely successful law firm—Scolari, Brevetti, Goldsmith & Weiss.

It would have been understandable if, after working so hard to establish himself, he had chosen to live a life of ease. But that is not in Lou Brevetti's nature. He knows that the country that had allowed him to move ahead deserves and needs his service. He has carried out that mission with a passion.

A colonel in the New York State Guard, former counsel to the State legislature, and a delegate to the State Constitutional Convention of 1967, Lou Brevetti has helped our State to fulfill its motto: "Ever higher." All who live in New York State have benefited from Lou's wisdom and commitment. We have been able to rely on Lou's sage advice, steady counsel, and engaging wit to see us through even the most difficult times.

Those of us who know him well are confident Lou's energy and commitment will never fail us. His vision offers immense hope for all of us, and he will always be a role model for young Americans striving for a better future.

INTRODUCTION OF LEGISLATION TO FACILITATE UNDERCOVER STING OPERATIONS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GEKAS. Mr. Speaker, I am today introducing legislation at the request of the Department of Justice that will facilitate law enforcement in undercover sting operations involving traffickers and receivers of stolen and counterfeited property.

Currently, several Federal statutes exist that punish persons who traffic in or receive stolen and counterfeited goods, but the law enforcement in these crimes is complicated by the fact that such statutes require proof that the defendant knew that the property was stolen or counterfeited. As a result, law enforcement officers cannot merely represent to a suspected fence—a dealer in stolen goods—that an item is stolen—it must actually have been stolen. Some cases have even been lost because items that were, in fact, stolen were subsequently recovered by authorities prior to arranging a controlled delivery to the fence, which some courts have ruled erases the stolen status of the goods.

In the Antidrug Abuse Act of 1988, Congress faced a similar problem with respect to money-laundering investigations by creating an offense of engaging in a financial transaction with money represented as having been the proceeds of unlawful activity, even though it may not have been. This bill builds upon that approach.

Clearly, an individual who willingly receives property that is represented as stolen is equally as culpable as one who receives property that, in fact, has been stolen and many States have already recognized this fact. This legislation should help law enforcement where society sorely needs help and that is taking the profit out of crime.

TRIBUTE TO JILL A. CROZIER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jill A. Crozier, of Cumberland, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Cumberland High School, in Cumberland, RI.

This award is presented to the student chosen by Cumberland High School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jill A. Crozier has certainly fulfilled this criteria. She is an honor student and is a member of the Rhode Island Honor Society. She also participated on the basketball and track teams. In addition, Jill has worked on behalf of SADD and was a volunteer library worker.

I commend Jill A. Crozier for her outstanding achievements and wish her all the best in her future endeavors.

TRIBUTE TO HART HIGH SCHOOL ACADEMIC TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GALLEGLY. Mr. Speaker, I am proud to rise today to inform my colleagues of the academic accomplishments of an outstanding group of high school students from my district.

The academic team from Wm. S. Hart High School in Newhall, CA, has finished 10th in the Nation in competition against similar teams from around the country, and will participate next weekend as 1 of just 16 teams in the Stars 2000 High School Academic Competition in Lexington, KY.

Besides advancing to the "sweet 16," the academic team also will represent California in the prestigious National Tournament of Academic Excellence in Florida on June 16 to 21.

Mr. Speaker, every day, the media bombard us with horror stories about the state of education in this Nation. Sadly, many of these stories are true. But I firmly believe that we need to recognize the vast majority of our students who work hard at their studies and don't get into trouble. Clearly, our school systems are turning out many high-quality students, and these fine youngsters from Wm. S. Hart High are among the best anywhere.

These students meet every day at 7 a.m. and again at lunch to study and prepare for academic competitions. They compete in the academic decathlon, computer quiz bowls, live quiz bowls, speech contests, and essay contests. And that hard work and commitment has paid off.

I ask my colleagues to join me in congratulating these fine scholars for their accomplishments, and in wishing them well in the Stars 2000 Competition and in the national tournament next month.

CIVIL RIGHTS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SERRANO. Mr. Speaker, it appears from recent news stories that the Republican administration is afraid of a compromise on the civil rights bill. Historic talks between civil rights leaders and the Business Roundtable, a group of CEO's of large corporations, are seen as a threat by the White House.

The big business community and the civil rights community have been fiercely opposed on issues critical to enactment of civil rights legislation. These two communities are seeking to come together to reach an agreement, and the administration does not want them to. What kind of sense does this make?

To those of us who truly want to see the longtime goal of equal employment opportunity for minorities and women become a reality, it doesn't make sense. To those of us who dream of a day when we won't be divided by racial hatred and discrimination, it doesn't make sense. To those of us who believe that business issues and minority issues do not have to be diametrically opposed, it doesn't make sense.

But to a Republican administration that seeks to convert racial hatred into votes, to accuse Democrats of being antibusiness and proquotas it apparently makes perfect sense.

When the President vetoed the civil rights bill last year, it was presumably to protect big business. Well, if the business community is seeking a compromise on civil rights, on whose behalf does the White House object to the talks? Whose interests are they serving, other than the Republican Party? Did the Founding Fathers of this great Nation, the inventors of the best system of government in the world, envision the White House as a huge campaign headquarters?

The talks between the Business Roundtable and the civil rights community are an illustration of the American political process at work. Compromise is at the heart of that process. It is my understanding that the main issue under negotiation is whether there should be a cap on damages that could be awarded to plaintiffs in discrimination suits. I am sure there is strong feeling on both sides, and I see nothing inappropriate in the two groups discussing their viewpoints and working through their arguments.

Does the White House have a better way to come up with an acceptable solution to the acknowledged problem of race- and gender-based discrimination in the workplace? These two groups of concerned citizens are fulfilling their civil and social responsibility by seeking compromise on important issues affecting them. These talks should be encouraged.

Yet the Bush White House would rather prevent these people from reaching an agreement. I guess the Republican administration's solution to the problems of employment discrimination and racial tension is to encourage bitter divisions between people, and block negotiation and compromise. It seems our President would rather have a bill to veto than a bill to sign.

INTRODUCTION OF H.R. 2218, THE HIGHER EDUCATION SAVINGS PLAN ACT OF 1991

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. VANDER JAGT. Mr. Speaker, I am today introducing H.R. 2218, the Higher Education Savings Plan Act of 1991. I am pleased that my friend and colleague on the Committee on Ways and Means, Congressman Andrew Jacobs, is joining me in introducing this important legislation. This legislation is intended to make a modest step in the direction of assisting parents to save for the staggering costs of their children's higher education expenses.

The compelling need for this legislation is now more apparent than ever. The cost of sending a child to a private university for 4 years now averages more than $50,000, while the cost of a 4-year public university education averages $18,000. By the year 2007, the Department of Education estimates the total cost to attend a private university will increase to $200,000 and to $60,000 for a public university. These statistics spotlight a major financial problem facing parents.

Accumulating the funds necessary to cover these costs will be very difficult with after tax dollars for most, if not all, middle-income parents. With the stress on higher education by the Federal Government and the need for accumulating the funds to cover the escalating cost, middle-income taxpayers should receive some tax assistance to enable them to meet the future costs.

Under H.R. 2218, assistance would be made available by providing that when a taxpayer purchases a predesignated annuity for the child to cover qualified higher education costs, the withdrawal of funds from the annuity to pay such education costs would be exempt from the 10-percent penalty for premature distributions from annuity contracts under Internal Revenue Code section 72(q). Safeguards would be provided by requiring that the annuity be designated for education costs at time of purchase. Qualified higher education costs are defined to include only undergraduate expenses incurred at institutions of higher education. Finally, under the terms of the legislation, the annuity premium payments to cover the education costs would not count against the gift tax annual exclusion.

Other code sections provide direct benefit to taxpayers financing the costs of higher education. Section 135 allows income from U.S. savings bonds to be excluded from income under certain circumstances if the income is used to pay educational costs. Section 2503 generally allows an unlimited gift tax annual exclusion for gifts which pay higher education tuition costs. H.R. 2218 would provide a mechanism to directly address the needs of middle-income taxpayers facing higher education costs of their children which will be financially overwhelming.

Since the proposal would only apply to predesignated annuities issued under enactment, it would not have a material effect on current Federal revenues. I strongly encourage my colleagues to cosponsor this important legislation along with Mr. Jacobs and me and to work for its prompt enactment.

PAUL BECKWITH RECEIVES EAGLE SCOUT

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. JAMES. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating a fine young man from Palatka, FL.

Stephen Paul Beckwith recently joined an elite group of individuals when Troop 62 of Palatka selected him to be their 101st Eagle Scout, the highest and most prestigious honor in the Boy Scouts of America.

Paul joined the Scouts in 1986 and has been a leader ever since. He has attended summer camp at Rainey Mountain in north Georgia and Daniel Boone in South Carolina. He attended the national Jamboree in 1989 and went diving in the Florida Keys with the troop in 1990.

He has served as patrol leader, quartermaster and currently serves as an instructor in Troop 62. He is also a brotherhood member of Echockotee Lodge of the Order of the Arrow.

Outside Troop 62, Paul is just as determined to touch others. He is also very busy. Paul is active in his church where he is a member of the youth choir and serves as secretary of the Young Mens Association.

At Palatka High School, Paul is a three-sport athlete. He played on the offensive and defensive lines for the freshman football team, is a wrestler and is also a member of the school weight-lifting team.

For his Eagle Scout project, Paul led an effort to clear and prepare an overgrown vacant lot in order for it to be used for parking by the members of his church, First Baptist of Palatka.

Mr. Speaker, as you can see, Paul is well-deserving of the rank of Eagle Scout. He is a leader among his fellow Scouts, is active in the local community and is a fine student. This is one young man who is committed to making a difference during his lifetime.

I join his family and friends in saying that I am proud of his accomplishments and wish him the best of luck in the future.

POET AUTUMN ADAIR'S TRIBUTE TO THE TROOPS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. CAMP. Mr. Speaker, the daughter of one of my constituents was so touched by the spirit of dedication and commitment to freedom expressed by our troops during the Persian Gulf war, that she was moved to describe those feelings quite eloquently in a poem called "Reasons." The poet, Autumn Adair of Fowlerville, MI, felt so strongly about the conflict that she took pen in hand to describe her feelings, which were shared by many Americans. This is a tribute to all the brave men and women who served the world so bravely, and it is appropriate that this poem be part of the Congressional Record as a testimony to those noble men and women who served our Nation and the cause of liberty, with a debt of gratitude to the poet.

REASONS

The boys are on the beach again,
  Some ask, "Why are they there?"
They watch the silver birds fly by,
  With gold and raven hair.

And on this Beach there is no sea.
  No cool, refreshing bath,
The Fire still flies overhead;
  There's no well-traveled path.

They dream of Home across the sea,
  And people that they Love;
They dream of peaceful sleep at night,
  And the cooing of a dove.

We know you as our sons and friends,
  We know you as our brother;
We know, on you we can depend—
  You're our knights in shining armor.

Alas, your courage and your smiles;
  Sweet boys, we love you so,
And we'll try to send a little Light
  To help you as you go.

They're there because the world has asked;
  They're there for glory's hue;
They're there to set things right again;
  They're there for me and you.

INTRODUCTION OF THE UNDERWATER HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1991

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. DWYER of New Jersey. Mr. Speaker, today I am introducing legislation entitled the Underwater Hazardous Liquid Pipeline Safety Act of 1991 and I would like to invite my colleagues to become cosponsors of this bill.

On January 1, 1990, an estimated 567,000 gallons of oil spilled into a waterway bordering the Sixth Congressional District in New Jersey, closing one of the world's busiest shipping lanes to traffic for several days and threatening one of the most unique wildlife habitats on the east coast.

It is widely believed that this spill could have been limited to a fraction of the amount spilled had a pipeline monitoring and control system functioned properly. Its leak-detection system, however, had been emitting false and erratic signals for approximately 12 years prior to the accident. As a result, the leak—one of the worst ever in the New York-New Jersey area—continued unnoticed for 6 hours.

In recent months, accidents involving hazardous liquid pipelines have occurred in Tacoma, WA, and Grand Rapids, MN, discharging 210,000 gallons and 650,000 gallons of oil respectively.

The Underwater Hazardous Liquid Pipeline Safety Act of 1991 focuses on three areas: information, prevention, and enforcement. In brief, this legislation would require the Secretary of Transportation:

First, to issue regulations requiring the operator of a hazardous liquid pipeline facility to submit annual reports containing detailed information about the pipeline facility under his control;

Second, to collect information regarding an operator's inspection and enforcement history, to identify chronic violators of pipeline safety regulations, and to use such information to set priorities for inspection, monitoring and rulemaking;

Third, to establish and maintain a data base, accessible by computer telecommunications, containing the information outlined above;

Fourth, to report to the Congress on the department's actions to ensure that its enforcement policies and procedures are consistent throughout the Hazardous Liquid Pipeline Safety Program; and

Fifth, to issue regulations requiring the use of remotely controlled emergency flow restricting devices and to study the effectiveness of automatic emergency flow restricting devices.

Mr. Speaker, below please find the complete text of the bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Underwater Hazardous Liquid Pipeline Safety Act of 1991".

SEC. 2. UNDERWATER PIPELINE FACILITIES.

(a) Amendment.—The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.) is amended by adding at the end the following new section:

"SEC. 220. UNDERWATER PIPELINE FACILITIES.

"(a) Reporting Requirements.—

"(1) Notification.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations requiring that, in the case of operators of underwater pipeline facilities, information provided under section 203(i) after the expiration of 6 months after the effective date of such regulations shall include—

"(A) the location, size of diameter, and length of each such underwater pipeline facility;

"(B) the date of installation, type, and manufacturer of each such underwater pipeline facility;

"(C) the date on which significant repairs were made to each such underwater pipeline facility, and any date on which each such underwater pipeline facility was replaced;

"(D) the nature of the repair or replacement, or both;

"(E) an assessment by the operator of the susceptibility of each such underwater pipeline facility to corrosion and outside force damage;

"(F) an assessment by the operator whether each such underwater pipeline facility may be inspected with internal inspection devices; and

"(G) such other information as the Secretary may require.

"(2) Revision of information in a timely manner.—The regulations issued under paragraph (1) shall require each operator of underwater pipeline facilities to report to the Secretary any changes in the information submitted under paragraph (1) in each subsequent calendar year. In the event that there are no changes in the information submitted in the previous calendar year, the Secretary shall require written notification of that fact.

"(3) Reports to congress.—The Secretary shall issue annual reports to Congress summarizing the information obtained under paragraphs (1) and (2), and under section 3(b)(1) of the Underwater Hazardous Liquid Pipeline Safety Act of 1991, not later than 1 year after the date on which such information is required to be submitted under those provisions. The Secretary shall make copies of such reports available for public inspection and purchase.

"(b) Management of Data.—The Secretary shall establish and maintain in a computer data base a hazardous liquid pipeline facility inventory incorporating, at a minimum, the data submitted to the Secretary under subsection (a) and the data collected under section 3(b)(1) of the Underwater Hazardous Liquid Pipeline Safety Act of 1991. The Secretary shall make this data accessible by computer telecommunication and any other appropriate means to any person at a fair and reasonable cost. Such data and services shall be provided without charge to States and municipalities.

"(c) Reports.—

"(1) Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with other appropriate officials, shall submit to the Congress a report describing the steps taken by the Secretary to implement subsection (b).

"(2) Not later than 1 year after the date on which the computer telecommunication system required under subsection (b) is first put into operation, the Secretary, in consultation with other appropriate officials, shall submit to the Congress a report—

"(A) describing the extent to which the information collected under such system has been used by the Department of Transportation, the Environmental Protection Agency, other Federal agencies, the States, and the public;

"(B) describing the purposes for which such information has been used; and

"(C) identifying and evaluating the options for modifying the requirements of (a) and (b) of this section, and of section 3(b)(1) of the Hazardous Liquid Pipeline Safety Enhancement Act of 1991, for the purpose of making information collected under such provisions more useful.

"(d) Additional Requirements for Underwater Pipeline Facilities.—

"(1) Inspection and testing by instrumented internal inspection devices.—(A) Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations requiring all underwater pipeline facilities which can accommodate the passage, without significant alterations, of instrumented internal inspection devices (commonly referred to as 'smart pigs') to be inspected with such devices.

"(B) Inspections required under subparagraph (A) shall be conducted on at least an annual basis, unless the Secretary determines that less frequent inspections do not diminish the value of such inspections in preventing releases.

"(2) Emergency flow restricting devices.—(A) Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations requiring the use of remotely controlled emergency flow restricting devices on all underwater pipeline facilities. The regulations shall address the spacing of such devices, taking into account generally accepted industry standards and the need to minimize pollution or other damages from releases in environmentally sensitive areas and significant commercial water routes. The regulations shall also require the annual inspection of such devices and the review of any operational procedures and training guidelines associated with the use of such devices.

"(B)(i) Not later than 6 months after the date of enactment of this section, the Secretary, in consultation and cooperation with the Administrator of the Environmental Protection Agency, shall study the benefits of automatic emergency flow restricting devices on underwater pipeline facilities in preventing releases into environmentally sensitive areas or significant commercial water routes. The Secretary may examine the costs associated with such devices.

"(ii) Upon completion of such study, the Secretary shall issue to the Congress a report that summarizes the results of the study and makes recommendations that the Secretary considers appropriate.

"(e) Definitions.—For the purposes of this section—

"(1) the term 'environmentally sensitive area' means an area, designated by the Secretary in accordance with guidelines that the Secretary shall establish by regulation (in consultation and cooperation with the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration), in which a release could reasonably be expected to result in significant damage to a habitat essential for the breeding, spawning, nesting, migration, wintering, or survival of migratory and resident fish, wildlife, and wild plants; including migratory birds, endangered species, commercially and recreationally important finfish, shellfish, and other aquatic organisms, and other species and communities of wildlife and wild plants;

"(2) the term 'release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a hazardous liquid from a pipeline facility, whether intentional or not;

"(3) the term 'significant commercial water route' means any port, harbor, or other body of navigable water significant to the producing, storing, handling, transferring, processing, or transporting of products, goods, or other commercial or trading activities; and

"(4) the term 'underwater pipeline facility' means any pipeline facility which—

"(A) is composed of pipe of an interior diameter greater than or equal to 8 inches; or

"(B) the Secretary determines has the capability (as measured by the potential of the pipeline facility in the event of the failure of release prevention devices and procedures) to release more than 20,000 gallons of a hazardous liquid in a 1 hour period of time,

and which is under water or adjacent to a body of water.".

"(b) TABLE OF CONTENTS.—The table of contents of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by adding at the end the following new item:

"Sec. 220. Underwater pipeline facilities.".

SEC. 3. ENFORCEMENT.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Congress a report describing Department of Transportation actions to ensure that its enforcement policies and procedures pertaining to the hazardous liquid pipeline safety program are consistent throughout the program. This report shall include, at a minimum—

(1) the extent to which the Department has implemented procedures to coordinate the enforcement activities of its hazardous liquid pipeline safety field inspection staff with headquarters enforcement and legal staff;

(2) the extent to which the Department has implemented written guidelines regarding procedures for the adequate documentation of cases;

(3) the extent to which the Department has implemented written guidelines delineating the type and severity of sanctions that should be applied to violators of pipeline safety regulations; and

(4) the extent to which guidelines pertaining to sanctions incorporate an operator's enforcement history, including the extent to which such guidelines require the levying of more severe sanctions on chronic violators of hazardous liquid pipeline safety regulations.

(b) USE OF DATA TO STRENGTHEN ENFORCEMENT ACTIVITIES.—

(1) INFORMATION COLLECTION.—The Secretary of Transportation shall collect information regarding each hazardous liquid pipeline facility operator's inspection and enforcement history in order to—

(A) determine whether there is evidence of chronic violations of hazardous liquid pipeline safety regulations by such operator; and

(B) set priorities for inspection, increased monitoring, rulemaking, and, in the event that widespread deficiencies are discovered in the hazardous liquid pipeline safety program, remedial efforts to correct those deficiencies.

(2) AVAILABILITY OF INFORMATION.—Information pertaining to operators possessing a record of chronic violations of hazardous liquid pipeline safety regulations shall be made available to other government agencies and officials on the Federal, State, and local levels, and shall be made available to the public upon written request.

SEC. 4. GRANTS-IN-AID.

Section 17(d)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(d)(1)) is amended—

(1) by striking "5 percent" and inserting in lieu thereof "20 percent"; and

(2) by striking "1985" and inserting in lieu thereof "1991".

THE VANGUARD OF FREEDOM

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. BRUCE. Mr. Speaker, I rise today to share one of my constituent's thoughts on democracy. John Frederick Schomberg from Urbana, IL, wrote a winning essay for the Veterans of Foreign Wars of the United States and its Ladies Auxiliary's Voice of Democracy contest.

The recent war in the Middle East has reminded all Americans of their precious right to a democratic society. John's essay reinforces the thought that democracy is a treasure we must work to keep. I ask that his essay be included in the RECORD.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By John Schomberg Illinois winner)

My father and I walked among the pale white tombstones that stood at attention in their respective rows. The markers looked cold to the touch and seemed to stretch on forever along the freshly mown lawn. At the time, I only came up to my father's hip and had to crane my neck in an effort to make eye contact. "Why did they all die, Dad?" My father took a deep breath, searching for simple words to answer this complicated question. He began by using words like liberty, freedom, and democracy. After he had finished his reply, he looked down at my blank stare and was forced to look for an answer that would hit closer to home.

Stroking his beard, he continued. "They died so your grandfather could farm his own land. They died so when you grow older you'll have a part in choosing the next President. They died so you and I can say what we believe in without any punishment." "Why is that so important? We've always been able to do those things." "I know, son, but they died to guarantee that you always will." As a child, I didn't quite understand how I could be better off than anyone else in the world. I was only allowed to have one dessert, had restricted television privileges, and had to be in bed by 8 o'clock. I thought I had it pretty rough.

I still think as that child I remember the images from history books and television: the East Berliner hurling herself through a barbed wire fence in the midst of gunfire; the television cameras zooming in on the latest defector from the Eastern Bloc; and the student protesters in Biejing running from the gunfire of their own armies. In these three cases, people chanced imprisonment, separation from their families, and the loss of their lives so they might enjoy the freedoms that I'd taken for granted all my life.

In attempting to gain an appreciation for the value of freedom, I looked at not only the history and governments of other countries, but also the past of our own United States. In the American Revolution, in addition to desiring separation and freedom from Great Britain, we wanted a government "by the people, for the people." We created a democracy.

Democracy is a freedom and a right outlined in the Constitution and first acted upon through the drafting of the Bill of Rights. The Bill of Rights created freedom of speech, religion, and due process: rights that are still a vital part of American society today.

So how is democracy a vanguard of freedom? Flipping through my dad's old and well-worn Random House Dictionary, I read the second definition of vanguard: the forefront of any movement or activity. Translating this into my own words, I found vanguard to mean a leader by example.

The United States has been a leader by example in its establishment and preservation of freedoms. In the past few years, the United States' example has played a big part in bringing down the Berlin Wall. Democracies around the world have provided an example for the Eastern Bloc countries to emulate as they begin to realize what Winston Churchill said years ago, "Democracy is the worst form of government, except all the others that have been tried." As other countries realize the benefits of giving power to the people, those images from history of the East Berliner, the defector, and the Beijing students can become images of the past instead of problems of the present.

It's incredible that a single example of democracy can bring change to the rest of the world, but it has. Democracy helped change the lives of our forefathers and it's helping change the lives of the oppressed around the world, but what does it do for us today? In a word: everything. Let's not fail to realize that every action we take is in some way a product of our freedoms that have been created by democracy, whether it be going to the church of our choice, voting for the county clerk, or expressing what we believe through a VFW essay.

Franklin Delano Roosevelt once said, "Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them." I guess that's what my Dad meant in the cemetery. I never realized that someone could stop my grandfather from farming, I'd always taken it for granted that I would get to vote when I got older, and it seemed absurd that I could ever be persecuted for what I believe in. Our forefathers remembered those privileges . . . the oppressed pray for them . . . soldiers fight for them. Thinking back to those long rows of pale white tombstones, I now see a different face and story behind each one of them. If those soldiers could die for those privileges, at least we could learn to appreciate them.

MARTIN LEVITIN AND B'NAI B'RITH SERVING OUR YOUTH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mrs. LOWEY of New York. Mr. Speaker, one of the most important tasks facing any society is bringing up its young people with the values and skills that will enable them to take up the reins of leadership. This is a task that has been embraced in Westchester County by the Tom Paine-New Rochelle Unit of B'nai B'rith and by Martin A. Levitin, the recipient of the Unit's Person-of-the-Year Youth Services Award.

Through its youth organization, B'nai B'rith provides young people of the Jewish faith with an opportunity to seek learning and fellowship in an environment that helps them to better appreciate and understand the importance of their Jewish heritage. This is truly a worthwhile goal, and the Tom Paine-New Rochelle Unit of B'nai B'rith, in conjunction with Beth El Synagogue Center, does an admirable job of fulfilling it.

Marty Levitin's contributions to Beth El and the B'nai B'rith are myriad. He has held every vice president's post and chairmanship involved with the Tom Paine Unit, and was its co-president for two terms. His B'nai B'rith service extends beyond New Rochelle as well. He is active on the Westchester-Putnam Council and serves on the Board of Governors of the district which covers all of New York State and New England. In addition, Marty serves on Beth El Synagogue's Board of Trustees and is active in support of the important work of the Anti-Defamation League and the Westchester Israel Bonds Campaign.

But the contributions of this outstanding individual are not limited to community leadership. He is also a successful attorney and dedicated family man. Marty is a partner in the Manhattan law firm of Bryan, Levitin, Franzino & Rosenberg. His wife, Elaine, is a teacher of learning disabled children, who in that capacity has made a remarkable difference in their lives. Together they have raised four children: Two lawyers, a doctor, and a chiropractor. Marty and Elaine are now enjoying their first grandchild.

B'nai B'rith will present Martin Levitin with its Youth Service Award this weekend. I am certain that my colleagues agree with me that he is a most deserving recipient. He serves the youth of his community not only by helping to provide them with the excellent programs B'nai B'rith organizes, but also by being an outstanding role model.

THE 50TH ANNIVERSARY OF THE PENNSYLVANIA CIVIL SERVICE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to the Pennsylvania Civil Service Commission on its 50th anniversary.

The commission was established in 1941 by the Civil Service Act of Pennsylvania, which created a merit system, whereby persons are appointed or promoted to positions on the basis of merit and fitness. The merit system has contributed to the efficiency and economy of government administration in the Commonwealth of Pennsylvania by being responsive to the needs of the Commonwealth and its residents.

The merit system has resulted in the Commonwealth's ability to attract qualified and competent people to State and local government, and has developed guidelines for the selection, development, advancement, and retention of career employees in accordance with established merit principles.

Currently, there are 60,000 civil servants in the merit system working in 36 State agencies, and another 7,000 in local government working in one of 298 local government agencies.

Mr. Speaker, I ask that all my colleagues join me in honoring 50 years of proof that the merit system works. To all the fine men and women who have worked hard and been part of the Pennsylvania State Civil Service Commission and the merit system, I say congratulations and good luck in the next 50 years.

TRIBUTE TO STACIA MEDINA

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Stacia Medina, of Warren, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Warren Senior High School in Warren, RI.

This award is presented to the student chosen by Warren High School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Stacia Medina has more than fulfilled this criteria. She is graduating first in her class with a grade point average of 96.43. She also participated all 4 years on the soccer, basketball, and softball teams. She was named team captain on both the soccer and softball teams. In addition Stacia's classmates elected her the homecoming queen.

I commend Stacia Medina for her outstanding achievements and wish her all the best in her future endeavors.

CONGRESSMAN KILDEE HONORS MR. C. FREDERICK ROBINSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Mr. C. Frederick Robinson, a man who will be honored at a banquet on May 9, 1991, for his devotion and dedication to the cause of equal justice for all in my hometown of Flint, MI.

Mr. C. Frederick Robinson has been a practicing attorney in my hometown of Flint since 1956. He is a member of the Christ Fellowship Baptist Church, the National and Michigan Bar Associations, Omen Temple No. 72, the American Civil Liberties Union and is a life member of the National Association for the Advancement of Colored People. Membership in these outstanding organizations clearly indicates that Mr. Robinson is a man whose life embodies a commitment to civil rights, liberty, and the rule of law.

As a leader of the civil rights movement in Flint, C. Frederick Robinson brought a greater measure of justice to our community. Because of his hard work, Flint became the very first city in the Nation to enact an open housing ordinance by referendum. He helped spearhead the election of the first African-American to the Flint Board of Education; assisted in the election of the first African-American municipal judge in Flint; advocated for the hiring of minorities in the banking industry and skilled trades; and drafted the ordinance which created the city of Flint's outstanding Human Relations Commission. Finally, Mr. Robinson initiated a lawsuit to end the illegal practice of barring African-Americans from burial in the all-white Flint cemeteries.

One of my most vivid memories in the fight for civil rights in Flint was the effort to integrate housing in our community. C. Frederick Robinson was a leader in that cause and I can recall the times when Mr. Robinson and I volunteered to do some "bigot sitting" at the home of Jerry Beatty, an African-American who moved into an all-white neighborhood near Flint. Much has changed for the better because of Mr. Robinson. Much more needs to be done. Justice has a friend in Fred Robinson.

Mr. Speaker, Flint is a better community because of C. Frederick Robinson. We are the beneficiaries of his power to envision, his decison to challenge, his goal to change. Fred Robinson is a model citizen for all to emulate and I urge my colleagues in the U.S. House of Representatives to join me in honoring him for all he has done to promote justice and liberty.

BUDGET TALK MAKES SENSE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. REED. Mr. Speaker, our colleague, BARNEY FRANK of Massachusetts, was honored this week by the Pawtucket, RI Evening Times. The Evening Times commended FRANK for his plan to cut excessive defense spending. I'm sure many of our colleagues here in the House read Mr. FRANK'S op-ed in yesterday's New York Times in which he explained his reasoning, a piece titled "So Call it a Victory Dividend."

Mr. FRANK, a member of the House Budget Committee, has been working for years to bring these ideas to the attention of the Congress and the people.

His op-ed in the New York Times lays out a strong argument for reducing defense spending by one-third in order to make the investment in people and capital that our country so critically needs.

He makes the point that the commonly used term "peace dividend" should be replaced by "victory dividend," to make it clear that we can shift this funding because we can win without it. We shouldn't have to wait until the world has no more "bad guys" before we reconsider our spending priorities.

Our national economy is in trouble. We can't afford to continue spending billions of dollars on high tech toys when children are hungry and uneducated. To quote Mr. FRANK, "the choice of reducing our deficit, inoculating our children against disease, and repairing our bridges and roads versus spending large sums to subsidize Japan and Europe should be an easy one."

I urge all of my colleagues to read these pieces, which follow here, and take Mr. FRANK'S advice to heart:

[From the Pawtucket, RI Evening Times, Apr. 30, 1991]

REPRESENTATIVE FRANK'S BUDGET TALK MAKES SENSE

Schools across the country are either closing or struggling to offer students the basics. State governments are periodically suspending all but essential services. Thousands of people are filing for unemployment benefits. Others are wondering if they will ever receive those or other benefits. The state of the Union stinks, and so does the fact that more politicians are not on the same wave length as U.S. Rep. Barney Frank when it comes to the federal budget.

During a recent taping of the Attleboro-based Inland Cable's "Inside Look," the Massachusetts Democrat said the country could take billions of dollars from the Defense Department, invest it in domestic problems and "still remain the strongest nation in the world by far."

According to Frank, the United States demonstrated its military dominance during the Persian Gulf War, and such dominance can be maintained with conventional weapons. We agree with the representatives and wish the powers that be would eliminate appropriations for costly weapons and defense systems. Two examples cited by Frank are the Stealth bomber, which played no role in the war against Iraq, and the Strategic Defense Initiative (SDI).

We are not calling for an end to defense spending. That would be foolish. But we do argue that appropriating billions of dollars on items such as the Stealth and Star Wars is foolish when states and muncipalities are struggling to deliver decent services. It is no secret improvements are needed in our education system, and the recently released FBI statistics on crime demonstrate the country must attack the myriad of problems that lead people to break the law.

Granted, cutbacks are being made on defense spending, but even more money could be slashed to help reduce the federal deficit and fund research to find cures for the country's ailing economy. And if defense spending is to be cut, more than lip service has to be paid to the idea of retooling industries dependent on Defense Department contracts.

And of course, there are those pork-barrel appropriations and infamous research projects into pressing issues we all stay awake at night and wonder about. We are sure more than a few hours of sleep have been lost because people want to know the negative environmental effects of cows passing gas.

The boys and girls in Washington have to realize the Cold War is over, and that the time has passed for them to stop wasteful government spending. If they don't, the country will remain on the brink of self-destruction.

[From the New York Times, May 1, 1991]

SO CALL IT A "VICTORY DIVIDEND"

(By Barney Frank)

WASHINGTON.—What's in a name?

Sometimes, hundreds of billions of dollars.

In 1989, with the Russian empire crumbling, some of us in Washington argued that the time had come to begin a shift of America's resources from the worldwide military competition, which we are winning decisively, to the global civilian area where we are lagging. It make no sense, we said, to spend two to six times as much of our gross national product on the military as do our wealthy allies while they outsell America. It is poor policy, we argued, to spend more than $100 billion a year defending Western Europe from the defunct Warsaw Pact while our deficit expands and our infrastructure decays.

Our mistake was calling this a "peace dividend." The phrase suggested that its advocates were naive about the world, apologetic about America's role in it, or both.

Consequently, when repression persisted in Russia, and America went to war in the gulf, the peace dividend was pronounced dead. Had the case for it depended on Mikhail Gorbachev becoming head of Amnesty International and Saddam Hussein being as reasonable as the Bush Administration thought he was before Aug. 2, it would deserve its demise.

But it didn't. And doesn't. Given the drastic weakening of the Communist military, the great increase in industrial strength of our allies and America's proven military superiority over any likely adversary, a military budget that is less than two-thirds of our current expenditure would more than suffice to keep us the strongest power in the world.

What taxpayers are entitled to after 45 years of carrying a grossly disproportionate share of the non-Communist world's military burden is a "victory dividend." It is a dividend, because it is more than $100 billion a year that we can use for health care, deficit reduction, education or any other purpose. It is a victory dividend because it has been made possible by our success in the cold war and the increased self-defense capacity of our allies.

It is not a call to disarm. We should retain the ability to deter nuclear war, to deploy air, sea and land power rapidly around the globe when our vital interests are at stake, and to reassure weak nations threatened by belligerent neighbors. The consensus to keep such a force is overwhelming in Congress and the country.

In fact, the weapons used by the U.S. in the gulf were not the controversial ones of the 80's. The MX and Midgetman missiles, the B–1 and B–2 bombers, anti-satellite weapons, and Strategic Defense Initiative were irrelevant to victory in Iraq and will be to future conflicts of this sort. (The effort to claim the Patriot for the S.D.I. program is one of the great acts of intellectual piracy of our time.)

We demonstrably do not need a huge land force in Europe and a $5 billion a year subsidy for Japan in the form of American forces stationed there. Nor do we need to add tens of billions of dollars to a nuclear deterrent already more than sufficient to its task.

The victory dividend can also be used for foreign policy objectives not achievable through military strength. If we took a small part of the money we spend on NATO and applied it to debt reduction in Latin America, we would be better off morally and from the standpoint of national security.

There will be debate over how much of our victory dividend should be used to reduce the deficit, how much should go to meet social needs, and how much should be spent to avoid war. But properly understood—as a recognition of West's great success, rather than as a declaration that the world is now safe for pacifism—the case for a phased-in reduction of military spending should not be controversial.

In fact, the choice of reducing our deficit, inoculating our children against disease, and repairing our bridges and roads versus sending large sums to subsidize Japan and Europe should be an easy one.

MIKE WALSH: A NEW VOICE FOR AAR

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MANTON. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the Washington Post recently on Union Pacific Railroad chairman Michael A. Walsh. In addition to his chores as head of the Union Pacific Railroad, Mike Walsh currently performs double duty as chairman of the American Association of Railroads. I am a member of the Energy and Commerce Subcommittee on Transportation and Hazardous Materials, which has jurisdiction over our Nation's railroads. In that capacity, I have been fortunate to get to know and work with Mike on a number of occasions. Mike clearly has proven to be an aggressive spokesman for the interests of his industry. Furthermore Mike, who has not spent much time previously on Capitol Hill, has shown himself to be a quick study and a good student of the legislative process in Washington.

Mr. Speaker Mike's management style and his political skill has caught the attention of many of us on Capitol Hill. The Washington Post's recent story is simply confirmation that Mike Walsh is a force to be reckoned with whenever matters involving the railroad industry are considered. Even Mike's adversaries will agree that he is indeed a worthy opponent. As long as Mike Walsh is at the helm as head of the American Association of Railroads no one will say this is a staid or passive industry.

Mr. Speaker, I commend this article to my colleagues and I ask that it be reprinted in the RECORD at this point:

[From the Washington Post, April 26, 1991]

RAIL INDUSTRY'S NEW SPOKESMAN SEEKS TO BE AN ENGINE OF CHANGE—A KEY FIGURE IN STRIKE, WALSH IS VIEWED WITH ADMIRATION AND WARINESS

(By Don Phillips)

When trains were halted nationwide by a strike last week, the key player from the railroad industry was a newcomer to Washington. But Union Pacific Railroad Chairman Michael H. Walsh appears to be a name and a face that congressional and administration circles will get to know.

By most accounts, Walsh is an unlikely railroad man. He is a Democrat hired by a Republican, heading a company known for being the first transcontinental railroad, a company with Washington connections when it was run by the late ambassador W. Averell Harriman and his father E.H. Harriman.

Walsh, a graduate of Stanford University and Yale Law School, was recruited by Drew Lewis, chairman of the railroad's parent, the Union Pacific Corp., and a transportation secretary in the Reagan administration.

Walsh acknowledges he hardly knew a thing about the business when Lewis approached him in 1986, just six years after his first venture into the business world at the Cummins Engine Co. But this year he was named "Railroader of the Year" by Modern Railroads Magazine, based on five years of continuous revenue growth and a dedication to quality that has shown up in reduced costs from derailments and employee claims.

Walsh has shaken his railroad to its foundations, challenging old ways on a railroad that was already highly successful.

Now Walsh, with Lewis's backing, has essentially seized control of the Association of American Railroads (AAR). With the AAR goes the industry's political and public policy apparatus, which Walsh considered moribund and unfocused.

"I was appalled when I first went on the AAR board because nothing happened," Walsh said. The chairmen or presidents of the major railroads, who comprise the AAR board, often showed up for meetings ill-prepared, he said, defending their narrow interests and failing to articulate a national railroad political and public strategy.

"We were basically pretty reactive," he said. "The result frequently was the lowest common denominator."

The AAR has a large staff of lobbyists, economists, researchers and technicians in Washington and at the railroad research center in Pueblo, Colo.

Walsh said his Washington odyssey began when his frustrations came blurting out at an AAR board meeting in Montreal last July 27, where he said he called himself "downright irresponsible" for not doing more and said the board "ought to fish or cut bait."

"I think that struck a real responsive chord," Walsh said. There was already trouble in the industry, with a possible strike on the horizon. Dissatisfaction ran so deep with labor strategy that one of the big seven lines, Burlington Northern, later publicly threatened to withdraw from national negotiations and cut its own deal with the unions.

The Montreal meeting led to a dinner of top brass at Washington's Metropolitan Club on Oct. 2 and a get-together at Norfolk Southern Railway's North Carolina resort, the Forest, on Dec. 3, where a new strategy unfolded to remake the AAR and to set new labor strategy.

The board members, many of them old-line railroads, decided to put the rookie in charge. They appointed Walsh chairman of the AAR, pushing long-time chairman William Dempsy into a new No. 2 spot, and made Walsh spokesman for the industry.

Where to go from here is the question. "My view of the AAR and the industry's future is that we've played defensive too long, but that needn't be so," he said.

Walsh, 49, a daily jogger and a football player in college, exudes energy. He is a former White House fellow, a former assistant dean at Stanford University, a former U.S. attorney for the southern district of California, an original board member of the citizen lobby Common Cause, and former executive vice president at Cummins Engine.

He is not without his critics, who dislike his hard-charging ways, although none would speak on the record.

"He's the sort of person who if he got in your car and the radio was on, he'd turn it off, or if it was off, he'd turn it on," said one railroad official. "He's got to immediately assert himself as the one in control."

A railroad union leader called Walsh and Lewis a dangerous pair for organized labor. "Drew Lewis has too much influence with the White House," he said. "Mike Walsh is an extension of that."

Another union official, who said Walsh "has demonstrated a tremendous amount of ability," said he believed that Lewis is the real power and Walsh just a front man.

Walsh, however, has many defenders and supporters, some of whom would like to push him for political office or a Cabinet post.

"He should be a player on the national stage," said Sen. Timothy E. Wirth (D-Colo.), who said they met when Walsh was at Stanford and Wirth held a similar post at Harvard. "We've just been pals ever since."

"He's one of the three or four most extraordinary and energetic leaders I've met in my lifetime," said Rep. Peter Hoagland (D-Neb.), who said he has known Walsh since 1962. "He clearly has the instincts of a mainline Democrat. He views government as something that should actively improve people's lives."

"I must say, he's a grower," said John Gardner, founder of Common Cause and an early Walsh mentor. "He continues to grow, and I think quite remarkably in this last job."

But Gardner said Walsh "never struck me as a politician. He's a guy who has a sense of what goal he's going after, and he goes after it with a lot of energy, a lot of drive, a lot of purposefulness, not always with the patience and the detour behavior of the politician."

His work on Capitol Hill during the railroad strike won a good review from Rep. Al Swift (D-Wash.), chairman of the subcommittee that wrote the strike-ending legislation. "He's a pro at that kind of thing," Swift said.

However, one of Walsh's chief Washington opponents, Thomas J. Donohue of the American Trucking Associations Inc., said while his presence and the more active role of other railroad officials may be good for the AAR in the short run, "in the long run, it may be more difficult.

"It's very hard to be a CEO in an association of competitors . . . particularly when your experience and training is in the management of public, for-profit companies. I think Mike will find it very interesting."

UNIFORMED SERVICES FORMER SPOUSES PROTECTION ACT FAIRNESS AMENDMENTS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. DORNAN of California. Mr. Speaker, today I introduced the Uniformed Services Former Spouses Protection Act Fairness Amendments which will correct several of the inequities of the 1982 Uniformed Services Former Spouse Protection Act, Public Law 97-252.

This legislation is similar to legislation I introduced in the last Congress: H.R. 572, H.R. 2277, and H.R. 2300. After the April 4, 1990 hearings held by the HASC Subcommittee on Personnel and Compensation, I took the opportunity to re-examine all the relevant issues. The result is the improved legislation that I introduced today.

Mr. Speaker, I have prepared a section-by-section analysis of my legislation which I would like to share with my colleagues. I urge that all Members read this important legislation and support my efforts to restore equality and fairness to our military retirees, their former spouses, and their second families.

UNIFORMED SERVICES FORMER SPOUSES PROTECTION ACT FAIRNESS AMENDMENTS OF 1991

SECTION 1

Purpose: Identifies the legislation as the "Uniformed Services Former Spouses Protection Act Fairness Amendments of 1991."

SECTION 2

Purpose: (1) Terminates payments of retired pay upon remarriage of former spouses. (2) Current payments to remarried former spouses would end 180 days from enactment. (3) Defines "remarriage."

Problem: Since its enactment in 1982, the Uniformed Services Former Spouses Protection Act (FSPA) has contained no provision terminating payments of retired pay to former spouses despite the remarriage of those former spouses. This is unfair to retired military members for the following reasons:

1) It discriminates against retired military members in that it is inconsistent with the treatment of former spouses under other federal government retirement and survivor benefit systems:

A. Retirement Annuities

Foreign Service—Under both the Foreign Service Retirement and Disability System (FSRDS), covering employees who began service before January 1, 1984, and the Foreign Service Pension System (FSPS), covering employees who began service after January 1, 1984, payments of retirement annuities to former spouses and upon remarriage of the former spouse before age 55. FSRDS, 22 U.S.C. 4068; FSPS, 22 U.S.C. §4071j(b)(3).

Central Intelligence Agency—Annuities payable to former spouses are terminated upon remarriage of the former spouse before age 60. 50 U.S.C. §403 note, Section 222(a)(2), Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

B. Survivor Benefits

Military—Under the Survivor Benefit Plan (SBP) applicable to all military members, annuities to widows, widowers or former spouses terminate if the recipient remarries before age 55. Payments may resume if the remarriage ends by death, divorce or annulment. However, if the recipient is also entitled to an annuity under the terminated remarriage, he or she must elect which one to receive. 10 U.S.C. 1450(b).

Civil Service.—Under both the Civil Service Retirement System (CSRS), covering employees who began service before January 1, 1984, and the Federal Employees' Retirement System (FERS), covering federal employees who began service after January 1, 1984, survivor benefits to former spouses are terminated upon remarriage before age 55. CSRS, 5 U.S.C. §8341(h)(3)(B); FERS, 5 U.S.C. §8445(c)(2).

Social Security—Under the Social Security system, benefits for former spouses terminate upon remarriage of the former spouse. 42 U.S.C. §402 (b)(1)(H) and (c)(1)(H).

Foreign Service—For the foreign service, remarriage prior to age 55 terminates survivor benefits. FSRDS, 22 U.S.C. §4054(b)(3), 4068; FSPS, §4071j(b)(1), 4071(a).

Central Intelligence Agency—For the CIA, survivor annuities also end if the former spouse remarries before age 55. 50 U.S.C. §403 note, Section 224, Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

2) Continuation of payments beyond remarriage of former spouses overrides any aspect of financial need. Usually, remarried former spouses attain financial security by virtue of (i) the income of their new mar-

riage partner or (ii) the combination of their own income and that of the new marriage partner. By contrast, a large majority of retired military members whose pay has been divided need to support second families. The inequitable result is that a remarried retired member, most often in great need of his or her retired pay, must continue making payments to a remarried former spouse, who generally no longer needs those payments for financial security.

3) As currently written, FSPA is inconsistent with customary notions of spousal support in U.S. domestic relations law. An obligation to pay alimony as support for a former spouse generally ceases upon remarriage of the former spouse. This has been standard legal doctrine since the founding of this country, based on the rationale that in a remarriage there is a transfer of spousal support responsibility to the new spouse.

4) Currently under FSPA, a former spouse can acquire more than one payment of retired pay by divorcing after a remarriage and remarrying again. Not only is this unfair to the retired member(s) whose pay is being divided on behalf of the former spouse, but it is a situation that encourages divorce.

Example #1: After 24 years of marriage, the wife of an Army colonel deserted her husband and three children to marry another Army officer. The colonel and that officer have subsequently retired. As part of a divorce proceeding, the former spouse was awarded 40 percent of her former husband's retired pay. The former spouse and her current husband—both civil service employees—have good incomes, plus the current husband's retired pay. Yet, the retired colonel is obligated to pay 40 percent of his retired pay to the former spouse for the remainder of his or her life.

Example #2: An Air Force officer and foreign service officer are both divorced at age 48 and retire at age 53. Pursuant to divorce settlements, each must pay his former spouse one third of the pay received in retirement. The foreign officer's former spouse remarries at age 54, relieving the retired foreign service office of the obligation to continue payments. The former spouse of the military member also remarries at age 54 but the member must continue payments regardless of the former spouse's or member's financial conditions.

SECTION 3

Purpose: (1) Restricts awards under FSPA to an amount or percentage of the member's retired pay based on pay grade/length of service at time of divorce, not retirement. (2) Ensures former spouses would receive increases based on cumulative percentage increases in retired pay between the divorce and member's retirement. (3) Current payments would be adjusted starting 180 days from enactment.

Problem: Under FSPA, former spouses are entitled to a percentage or dollar amount of a member's retired pay calculated *at the time of retirement.* This is true even though the divorce may have taken place long before the member's retirement, when the member was at a lower pay grade. Thus, former spouses often receive "windfall benefits," that is, a share in the additional monies earned by the military member based on continued promotions and additional lengths of service beyond the divorce. This is so despite the fact that the former spouse contributed nothing to the member's career after the divorce.

Example #1≦ A female Air Force officer and her husband were divorced in 1981 when the officer was a major with a base pay of $1,810 per month. The officer retired as a colonel in 1991 with a base pay of $5,260 per month. One week after the officer's retirement, a New Mexico court ordered her to pay 45 percent of her retired pay to her former spouse. The amount that must be paid is 45 percent of the retired pay of a colonel with 28 years of service, despite the fact that the former spouse had nothing to do with the officer's career after 1981.

Example #2≦ A Navy lieutenant commander and his spouse were divorced in 1975. A California court reserved jurisdiction to divide the officer's retired pay as community property. In 1991 he retired as a rear admiral. The retired pay of a lieutenant commander is $2,243 per month. The retired pay of a rear admiral with 30 years of service is $4,490 per month. Upon the officer's retirement, the former spouse went back to the California courts and received a court order giving her one-third of $4,490 per month rather than one-third of $2,243. This was allowable under FSPA despite the fact that she contributed nothing toward the $2,247 per month increase in retired pay earned by the officer in the final 16 years of his career.

SECTION 4

Purpose: Would reduce from two years to one year the period during which payments must continue pursuant to prior retroactive reopenings of divorces.

Problem: In 1990, the 101st Congress amended FSPA to prohibit certain retroactive reopenings of divorces finalized prior to June 25, 1981. The conference report stated that Congress never intended FSPA to apply retroactively. However, the amendment stipulated that payments currently being made pursuant to such retroactively reopened divorces must continue for two years from the date of enactment, i.e., until November 5, 1992. It is patently unfair to require two more years of payments that never should have been required at all. Military members now making FSPA payments were never accorded a similar grace period.

Example: In 1966, a California court found the wife of a Navy officer to be "unfit" and awarded him custody of the couple's five children. The officer subsequently retired as a commander. Following enactment of FSPA, the former spouse sought and eventually was awarded a share of the officer's retired pay, *retroactive to 1966* (approximately $80,000) plus prospective monthly payments. Although Congress has said it never intended for FSPA to apply retroactively, the retired officer must continue payments to his former spouse until November 1992. *Casas* v. *Thompson*, 42 Cal. 3d 131, 720 P.2d 921, cert. denied 479 U.S. 1012 (1986).

SECTION 5

Purpose: (1) Establishes a statute of limitations giving former spouses two years from the date of a final divorce to seek a division of retired pay under FSPA. (2) Requires that in actions to divide retired pay not previously divided in a final divorce decree, jurisdiction of the court must be established independently of the jurisdiction of the court at the time of the original divorce proceeding.

Problem #1: Under the current law, there is no limitation on the time during which former spouses may seek division of a member's retired pay. Therefore, divorced military members who may be subject to FSPA claims must live under a shadow of uncertainty about their retired pay during the lifetime of their former spouse. Not only is this unfair to retired members, but it is inconsistent with common legal practice. Almost every action of law, civil or criminal, has a statutory time beyond which the action may not be brought. Moreover, a statute of limitations is provided under other federal government retirement systems:

1) Foreign Service—To be recognized as valid under the Foreign Service Retirement and Disability System (FSRDS), a court order directing payment of an annuity to a former spouse must be issued within 24 months of the date of the final divorce. 22 U.S.C. §4054(a)(4).

2) Central Intelligence Agency—Court orders giving payments from a retirement annuity to former spouses must be issued within 12 months after the divorce becomes final. 50 U.S.C. §403 note, section 222(a)(7), Central Intelligence Agency Retirement Act of 164 for Certain Employees.

Problem #2: Under FSPA, courts may not divide a member's retired pay unless the court has jurisdiction over the member by virtue of (i) the member's residence, other than because of military assignment, in the court's territorial jurisdiction, (ii) the member's domicile within the court's jurisdiction, or (iii) the member's consent to the court's jurisdiction. However, it is not clear from the statute whether these jurisdictional requirements apply only in original divorce actions or, where retired pay was not considered in the original divorce and a later partition action is brought, whether jurisdiction must be independently established for the partition action. State courts have been inconsistent in their interpretation. In many states, courts have retained jurisdiction over subseqent partition actions solely on the basis of their jurisdiction in the original proceeding, despite the absence of any express reservation of jurisdiction.

Example #1: An Army enlisted member and his spouse were divorced in 1982 in an Arizona court. The member, who has never lived or resided in Arizona, was overseas at the time. He did not contest the proceeding and accepted service of the divorce decree. No mention was made of his retired pay. In 1989, the former spouse initiated an action in Arizona to divide the anticipated retired pay of the member, who was still on active duty.

Counsel for the military member made a special appearance in Arizona courts and argued that the court lacked jurisdiction to divide his retired pay. However, the Arizona court granted the former spouse half of the member's retired pay upon his retirement. The court's rationale was that by accepting service the member consented to the court's jurisdiction in the original divorce action, and that jurisdiction continued at the time of the partition.

Counsel for the member petitioned the Department of the Army not to recognize the court order based on improper jurisdiction, under FSPA. The petition was denied by the chief of the legal office, Defense Finance and Accounting Service (Indianapolis Center), who wrote: "It has long been our policy that when a court obtains jurisdiction over a party in a divorce or separation proceeding that jurisdiction continues for any ancillary proceeding to distribute community property since the latter action is within the scope of the jurisdiction originally conferred."

Thus, the military member was impacted by a law (FSPA) not yet in effect when he was divorced—and which might well have influenced his appraisal of the jurisdictional issues at the time of his divorce.

Example #2: An opposite view has been taken in California. An Air Force officer and his wife were divorced in 1971 in California, with no mention made of the officer's retired benefits. In 1983 the former spouse filed an action to partition the omitted asset. The retired member, then residing in Maryland, made a special appearance in California to contest the jurisdiction of the California court in the partition proceeding. The former spouse argued that the court's jurisdiction continued unabated from the 1971 divorce proceeding.

The court ruled that the former spouse's action for division of community property is a "separate and independent action" for which jurisdiction must be newly acquired. Citing the jurisdictional requirements of FSPA, the court further held that since the retired member neither consented to California's jurisdiction nor resided in the state, jurisdiction was lacking. *Tarvin v. Tarvin*, 187 Cal. App.3d 56 (1986).

SECTION 6

Purpose: Make more specific the current prohibition on division of veterans' disability compensation.

Problem: Since its enactment, FSPA has excluded veterans' disability compensation from the definition of "disposable retired pay" subject to division as property. This position has been upheld by the U.S. Supreme Court, which held that FSPA does not give state courts the power to treat, as property divisible upon divorce, military retired pay that has been waived to receive veterans disability benefits. *Mansell v. Mansell*, 109 S. Ct. 2023 (May 30, 1989). However, numerous state courts have ignored both FSPA and the Supreme Court on this issue and continue to issue orders dividing disability pay.

Example #1: In the *Mansell* case, Air Force Major Gerald Mansell in 1983 sought modification of a property settlement agreement in which he had agreed (at the time of the divorce in 1979) to pay his former spouse half of his disability benefits in addition to half of his retired pay. After losing in the California courts, Maj. Mansell appealed to the U.S. Supreme Court and won. The matter was remanded to the California courts for further proceedings consistent with the U.S. Supreme Court decision. However, on jurisdictional grounds, the California Court of Appeal reinstated the community property division of the disability pay. The California Supreme Court denied review. Counsel for Maj. Mansell has had to petition the U.S. Supreme Court for a writ of mandamus or for direct entry of judgment.

Example #2: In 1987 in New Mexico—10 years after a couple were divorced—the former spouse sought to divide the retired member's previously undivided military retired pay, including disability pay. A trial court granted, and appeals court affirmed, the division of disability pay. Following the *Mansell* decision, the member sought to modify the trial court's decision. Both at the trial level and on subsequent appeal, the New Mexico courts refused to give retroactive application to *Mansell* despite the fact that the FSPA prohibition on including disability pay as part of divisible retired pay had been in effect four years before the former spouse commenced her action to divide the member's retired pay. *Toupal v. Toupal*, 109 NM 774, 790 P.2d 1055 (1990).

SECTION 7

Purpose: (1) Prohibits courts from ordering any payments under FSPA from active duty pay. (2) Prohibits courts from ordering any pre-retirement payments equivalent to amounts a member could be required to pay under FSPA had the member retired and began receiving retired pay. (3) Prohibits courts from ordering retired members recalled to active duty to make payments resulting from a FSPA division while on active duty.

Problem #1: Courts in some states have ordered active duty members to begin paying former spouses amounts equivalent to the former spouse's share of the member's anticipated retired pay. Such courts have reasoned that if military retired pay is divisible property, it is possible to calculate a current value of the former spouse's portion. As a result of such decisions, many members have decided to retire early or leave the service before qualifying for retirement.

Example: A Navy captain and physician—a department head at a major Navy hospital—had 23 years of service when a California court ordered him to pay part of his active duty pay to his former spouse as "current value" retirement benefits. He had been planning to spend 30 years in the Navy. But under the strain of the premature payments, he retired early, depriving the Navy of a highly skilled and trained asset.

Problem #2: Numerous retirees were recalled to active duty during Operation Desert Shield/Storm. In many cases, former spouses receiving FSPA payments petitioned for the continuation of payments out of active duty pay. The military finance center refused to do this. However, some members who have been making FSPA payments were forced to comply with court orders requiring them to continue paying the same amount from active duty pay. All FSPA payments should cease upon recall, since the member no longer is in receipt of retired pay. (FSPA payments begin again upon the member's departure from active duty.) The proposed amendment would prevent courts from ordering recalled members to make payments based on a FSPA award while in receipt of active duty pay.

MUNICIPAL CLERKS' WEEK

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. JONTZ. Mr. Speaker, I would like to have the following proclamation which the Cedar Lake Town Council recently passed to recognize the important contributions of our Nation's municipal clerks printed in the CONGRESSIONAL RECORD.

PROCLAMATION: MUNICIPAL CLERKS' WEEK: MAY 5 THROUGH MAY 11, 1991

Whereas, it is imperative to the democratic process that a well-informed citizenry participate in the operation of their local government; and

Whereas, the Office of Municipal Clerk provides the communication link between the citizen, the local government legislative body and administrative departments, and agencies of government at other levels; and

Whereas, the Municipal Clerks serve as the information center on the functions of their local government by making available the records of local government, distribution of published materials and reports, presentations before community and school groups, and answering questions on the government activities and programs; and

Whereas, the Municipal Clerks and their staff have upon their own initiative participated in education programs, seminars, workshops and the annual meetings of their state, province, and international professional organizations which not only improved the operation of their office but through their achievements and awards have brought favorable publicity to the communities that they serve.

Now, Therefore, I Robert H. Carnahan, President of the Cedar Lake Town Council, Cedar Lake, Indiana, do recognize the week of May 5 through May 11, 1991, as Municipal Clerks' Week, and further extend appreciation to our Municipal Clerk, Geraldine H. Kortokrax, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

TRIBUTE TO KENNETH GILBERT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Kenneth Gilbert, of Central Falls, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Central Falls High School, in Central Falls, RI.

This award is presented to the student chosen by Central Falls High School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Kenneth Gilbert has more than fulfilled this criteria. He is a member of the National Honor Society and shares top rank in his graduating class. He also has participated on the soccer team and in the school band. In addition, he was a leader in the school model legislature and received a second grant at the Rhode Island State Science Fair. He has also received the Hugh O'Brian Youth Leadership Award for school leadership and excellence in social studies.

I commend Kenneth Gilbert for his outstanding achievements and wish him all the best in his future endeavors.

INTRODUCTION OF A BILL TO PROVIDE FOR CLEAN UP OF HARZARDOUS MATERIALS AT MILITARY BASES SCHEDULED TO CLOSE

HON. GARY CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. CONDIT. Mr. Speaker, I rise today to introduce legislation that addresses a very serious problem facing a community in my congressional district and other communities around the country. As you know, the Department of Defense recently announced a list of military bases proposed for closure as part of the military build down mandated under the Defense Base Closures and Realignments Act.

Castle Air Force Base, located in my congressional district, is among those bases proposed by the Defense Department to be closed. While I have some doubts about the criteria used to determine which bases should be closed, the legislation that I am introducing today addresses a problem that will face the community of Atwater should the Defense Base Closure and Realignment Commission decide that Castle should indeed close.

Castle Air Force Base is on the national priorities list developed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This so-called Superfund site has 36 identified hazardous waste sites. The contamination includes trichloroethylene (TCE), benzene, tetrachloroethylene (PCE), cis 1,2-Dichloroethylene, chloroform, 1,22-dichloroethane, vinyl chloride, carbon tetrachloride, and chloromethane. All of these substances are contaminating the soil and water in and around Castle Air Force Base.

Under the 1980 law, if Castle AFB is closed and the contamination not cleaned up, the existing buildings at Castle AFB could be rented or leased to businesses or industry. However, no new construction could take place and none of the land could be sold. Obviously, these restrictions would only add to the economic turmoil in the community. There is no doubt that the closing of a military base brings economic trouble to a community. However, I believe that it is our responsibility to ensure that these communities are given every opportunity to convert their economies and attract industry to maintain viability. In the case of Castle AFB the availability of the land and facilities for other purposes will be instrumental in the ability of the community to rebound from the impact of the base closure.

In addition to the economic problems facing the community there are some very serious health considerations that must be kept in mind. The water supply for the city of Atwater has already been contaminated by substances used on the base. In fact in 1987 the Air Force gave the city nearly $1 million to build a well for the city because the city's well had been contaminated. While the current water supply is still usable, the ground water supply is quickly being tainted and eventually this new well will also be contaminated. Clearly, this is a situation that must be addressed.

Mr. Speaker, this legislation will ensure that the Federal Government fulfills its responsibility to those communities that lose military bases and are left with contaminated unusable land. Specifically, the bill requires that 75 percent of the clean up activity be completed before the base closes or a substantial reduction in force and operations occurs. The bill then requires that the remaining 25 percent be completed within the following 2 years. Without this legislation these areas could become vast wastelands. My bill gives communities facing the loss of their economic base the opportunity to rebuild and revitalize by ensuring a timely clean up of hazardous waste. I urge my colleagues to join me in supporting this important legislation.

A copy of the legislation follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLEANUP SCHEDULE FOR CERTAIN BASES ON SUPERFUND NATIONAL PRIORITIES LIST.

(a) CLEANUP SCHEDULE FOR CERTAIN BASES ON NATIONAL PRIORITIES LIST.—With respect to each military installation described in subsection (b)—

(1) before the installation is closed or substantial reductions in its operations have occurred, at least 75 percent of the remedial action required on the installation pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) shall be completed; and

(2) not later than two years after the installation is closed or substantial reductions in its operations have occurred, all of the remedial action required on the installation pursuant to such Act shall be completed.

(b) APPLICABILITY.—This Act applies to each military installation—

(1) which is on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(2) which is to be closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510), or otherwise by the Department of Defense.

(c) DEFINITIONS.—In this Act:

(1) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department.

(2) The term "remedial action" has the meaning given that term by section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (41 U.S.C. 9601).

INTRODUCTION OF LEGISLATION SUSPENDING BAN ON PUBLIC ASSISTANCE FOR LEGALIZED ALIENS IN TIMES OF NATIONAL EMERGENCY

HON. CALVIN DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. DOOLEY. Mr. Speaker, today I have introduced legislation that would make legalized aliens eligible to receive public assistance in times of federally declared national emergency.

The need for this legislation was made abundantly clear in my district in central California when a deep freeze struck in late December, wiping out citrus and other cold-sensitive crops and sending a devastating shiver through the farm-based economy of the region.

An excellent account of the effects of the freeze is a story that appeared in the New York Times on April 8, which I am entering into the RECORD.

Most of the 15,000 people put out of work by the freeze were farm workers, many of whom are legalized aliens through the Immigration Reform and Control Act of 1986 [IRCA].

In a span of 2 chilling weeks, many of these farm worker families lost their sole means of support. They suddenly were in desperate need of items like food—including infant formula—and required help in making rent and mortgage payments and paying utility bills.

The problem is, IRCA prohibits legalized aliens from receiving many forms of public assistance for a 5-year period.

So when President Bush declared on February 11 that an emergency existed in freeze-ravaged California counties, many of these families—in the United States legally through IRCA—were not eligible for available emergency help.

My bill would lift that ban in time of a federally declared emergency, such as exists now in California.

I understand and support the reasoning behind the 5-year ban required through IRCA. However, in times of emergency it's only right that people be allowed to receive help. My bill makes that help available only in cases of emergency declared by the President and only for the prescribed length of the emergency.

Another extremely frustrating component of the crop freeze is that immigration status is not a criterion for some publicly available assistance, but many families have stayed away from getting help for fear of reprisal.

Compounding this problem, the Immigration and Naturalization Service has been unwilling or unable to issue a clear directive on this issue.

This lack of a clear signal has had a chilling effect on many farm workers and their families in need who for all intents and purposes have stayed in hiding.

My bill sends that clear signal. It tells legal aliens in need that during times of disaster they can get public assistance with no strings attached.

There will be no reprisal. Their immigration status won't be jeopardized. Their families won't go hungry. They won't be turned out of their homes.

We in the United States have a moral obligation to assist people within our borders in times of crisis. Here is an opportunity to do that.

I urge my colleagues to join me in supporting this legislation.

[From the New York Times, Apr. 8, 1991]

IN FREEZE'S WAKE, DESPERATION FOR CITRUS WORKERS

(By Robert Reinhold)

EXETER, CALIF., April 5.—Since they were youngsters, Jose and Delia Ayon toiled under the California sun to pick and pack the fruits and vegetables that fill American supermarkets. Now they cannot get enough food for their seven children, and they face losing the small house they built with their own hands.

The Ayons and thousands of other farm workers in similar straits are part of a human calamity that is unfolding across the San Joaquin Valley in central California as a result of the freeze in December that destroyed the orange and lemon crops, and put thousands out of work.

Eviction notices, foreclosures, desperation, shame and hunger are sweeping through communities like this, overwhelming relief workers.

"I have never seen anything like this before," said Lali Moheno, a community services aide who has spent 22 years working with migrant farm workers. "This is the first time I've wanted to quit work. We are physically worn out. None of us have ever experienced such a disaster."

Unlike earthquakes, floods and other such disasters, the citrus freeze has inflicted its devastation slowly. It is only now, as workers run out of savings and realize there will be little work for another year or more, that the enormity of the misfortune has begun to sink in.

Families, almost entirely Mexicans and Mexican-Americans, line up at a food bank here, one of 50 in Tulare County. They are so hungry that they can often be seen breaking open the weekly rations as they leave.

Leaders of FoodLink, the not-for-profit agency that supplies the banks, estimate they provide only one-third of the food that is needed, and they say infants are lacking adequate nourishment because their mothers use dried milk instead of formula, which is out of their financial reach.

Particularly poignant is the plight of the thousands of Mexican families who, under terms of the amnesty granted under immigration law, are barred from applying for public assistance, including welfare and food stamps, for five years. Faced with hungry children, many have risked applying anyway, or have returned to Mexico.

The crisis has produced a level of cooperation between employers and workers that people on both sides say is without parallel in California agriculture in the last half-century. Within days of the freeze, an Agricultural Workers Freeze Relief Task Force was formed; it now includes 80 people representing 52 organizations and businesses in Tulare County. Owners of closed packing houses have solicited food donations throughout the state, and trucking companies have provided trucks to distribute it.

Help from the Federal Government has been slow, but now appears to be forthcoming. At the request of Gov. Pete Wilson, President Bush has declared a state of emergency in 33 counties, and officials here say that on Monday or Tuesday the President is expected to sign an order authorizing emergency housing aid for up to a year from the Federal Emergency Management Agency.

Housing has become the most critical issue, as families are forced to double and triple up and landlords face foreclosures on loans.

Graphic reminders of the freeze that hit from Dec. 21 to 25 are everywhere. Millions of navel and Valencia oranges lie rotting in the groves throughout Tulare, Fresno and Kern Counties, the center of the citrus industry. The loss to the growers was $500 million, and packers and shippers lost $500 million, said Curtis D. Lynn, Tulare County director for the University of California Cooperative Extension in Visalia.

He estimates that the freeze killed 52 million cartons of navel oranges, 46 million cartons of valencia oranges and 5 million cartons of lemons. Mr. Lynn said there also was extensive damage to other crops, including avocados, olives, pistachios, sugar beets and winter vegetables.

More than 15,000 pickers and packers were laid off almost immediately, and the ripple effect has been ruinous for groceries, restaurants, clothing stores and countless other businesses in Exeter and nearby towns, including Lindsay, Tulare and Visalia, the county seat. Unemployment in Tulare County was 21.7 percent in February, compared to 12.3 percent a year ago.

That statistic includes Delia and Jose Ayon.

WATCHING GAINS DISAPPEAR

After years of deprivation, living in migrant camps and tiny, cramped apartments, the Ayons found a measure of dignity when they built their own house three years ago with help from a Government program for low-income people. Normally, this would be the busiest time of the year for Mr. Ayon, who used to earn about $300 a week plucking navel oranges from October until May, when the Valencias start.

But since Mr. Ayon was laid off in January, the family has relied on unemployment insurance and Aid to Families with Dependent Children, a Government program for low-income people. They are a month behind on paying the mortgage, $313 a month including taxes and insurance, and they talk of closing the house, pulling the children out of school and going to Oregon and Washington to pick cherries and apples this summer and fall.

"We don't want to lose this house," said Mrs. Ayons, as six of her seven children listened in their small living room, decorated with family pictures. "Who will rent to seven kids? This place was like a palace for us. We were making it O.K."

Mrs. Ayon has taken to making her own tortillas, and the children have had to forsake after-school snacks.

Saving families like the Ayons from homelessness has become the top priority for United Way and other social-service agencies. "It has reached the breaking point," said Cathi Lamp, an economist and nutritionist at the cooperative extension and president of the FoodLink board. "Rent and utilities are the first priority; food is a close second. It's cheaper to keep them in their homes than to get back on their feet if they're homeless."

Carolyn Rose, executive director of Community Services and Employment Training, a private not-for-profit community action organization that operates in Tulare County, said that more than 2,700 families had requested help with housing and utility payments and that the agency could help only 200. She said landlords and lenders had been extraordinarily lenient, but were close to exhausting their capacity.

In addition, utility companies have been quite generous, she said. The Pacific Gas and Electric Company, for example, has set up a special $25,000 fund to forgive the bills of the unemployed. She said the Federal emergency housing aid was desperately needed.

HELP APPROACHES ITS LIMIT

As for food, Sandy Beals, executive director of FoodLink for Tulare County, said the not-for-profit agency was stretched to the limit. "The typical family comes in and says it has no food," she said. "They get a 35-pound food basket for a week. For a family of eight, that does not last long. Children are going to school hungry."

Worker advocates have been moved at the response to the workers' troubles by employers like Sunkist Growers, LoBue Brothers and Shropshire Trucking, and by the Farm Bureau Federation, which represents growers. Relations between the bureau, as a representative of the employers, and labor representing the workers have often been bitter in previous years.

In all this, one group remains in limbo—the thousands of Mexican families who claimed amnesty after the 1987 immigration law was enacted. They jeopardize their status here if they apply for many public assistance programs to cope with the freeze.

Soledad and Herminio Cruz from Oaxaca state in southeastern Mexico, for example, have lived in Exeter for eight years, picking fruit. They took amnesty and two years ago bought a small house behind a chain-link fence on the edge of town, where they live with their four children, ages 15 months to 10 years. Mrs. Cruz is pregnant with a fifth child.

Given their immigration status, the Cruzes hesitated to apply for food stamps. But with no savings and a family of crying mouths, they risked it. The family is trying to decide whether to sell the house and return to Mexico for now.

Little relief is in sight.

Given the damage to the citrus trees, only 60 percent to 70 percent of the usual crop is expected to be harvested later this year and next. This means that unemployment and deprivation will be the norm here long after the sun has warmed the orange and lemon groves of central California.

MARY VANNESS OF GLENS FALLS, NY: ELKS "MOTHER OF THE YEAR"

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SOLOMON. Mr. Speaker, mothers have always been at the heart of American families.

There is no more important human relationship than the one everyone has with his mother. It's why we put so much importance on Mothers' Day in America, and that's why we have popular songs celebrating love and affection for mothers.

And that is why I am proud to bring to your attention Mrs. Mary VanNess, Glens Falls Elks Lodge Number 81 Mother of the Year. She will be honored at a public reception this Sunday.

Mr. Speaker, a book could be written about the adversity Mrs. VanNess overcame, about the personal sacrifices she made, and about the strength and compassion she displayed when those qualities were needed most.

The proudest jewels on her crown are her children. The health and well-being of her sons William and Tom and daughter Gail have always been her greatest rewards. She has never sought praise for herself. Nevertheless, Mr. Speaker, I ask you and everyone in this Congress to join me in paying tribute to Mrs. Mary VanNess, Glens Falls Elks Mother of the Year.

I will be pleased to place in today's RECORD an article on Mrs. VanNess by my local newspaper, the Glens Falls Post-Star.

MARY VANNESS CHOSEN ELKS' MOTHER-OF-THE-YEAR

Glens Falls Elks Lodge No. 81 has chosen its annual mother-of-the-year candidate, Mrs. Mary VanNess of Glens Falls, to be honored at a public reception at 2 p.m., Sunday, May 5.

In the words of her children, "She hasn't been only the 'best mom in the world,' but also the best friend, dad and whatever else our needs have been, not only to her family but to everyone else."

A living testimony to this mother's determination and influence is the success of her children. Her oldest son, William VanNess, is an investigator for the Warren County Sheriff's Department. Her younger son, Tom, is employed by the Town of Queensbury Highway Department and her daughter, Gail, is a work leader at C.R. Bard on Bay Road.

The reception is open to the public and anyone wishing to attend and honor VanNess is welcome.

THE 200TH ANNIVERSARY OF THE POLISH CONSTITUTION

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mrs. BENTLEY. Mr. Speaker, I would like to take this time to commemorate the 200th anniversary of the Polish Constitution. Tomorrow is a time to recognize the Polish heritage of commitment to freedom, justice, and equality.

This constitution, second in history only to our own, was to be the sole catalyst that helped initiate profound change and social progress in Eastern Europe. Poland desired the same liberties for their country as we in the United States-democracy. The Polish document of freedom, similar to our Declaration of Independence, envisioned all the ideals of democracy that we hold dear:

"All power in civil society is derived from the will of the people."

On this day in May, the Polish Sejm, or national legislature, adopted the procedure of maintaining control through checks and balances by dividing the Polish Government into three separate and equal authorities: legislative, executive, and judicial. The most remarkable achievement of the Polish Constitution, proved to be the ability to nonviolently reform the existing government.

The concept of modern democracy, which included all ranks and classes of society, quickly became established in Poland. Economic and social restrictions which discriminated against the rights of the middle-class and peasantry, were loosened. Eventually, they were given full civil rights through Kosciuszko's proclamation, "Uniwersal Polaniecki."

On May 3, 1791, this constitution enabled Poland to enjoy freedom from an oligarchic rule. Unfortunately, there independence was short lived. Only 1 year later, hostile foreign aggressors began partitioning Poland. The country actually disappeared from the map, but not from the hearts of those who believed Poland would again one day be an independent nation.

While the Constitution lasted for only 1 year, the independence it guaranteed influenced their lives for centuries. After years of foreign dominance and martial law, the Poles are finally making strives towards autonomy. In the spirit of this Constitution, the desire for freedom, and pride in the Polish nationality, modern Poland is now progressing towards their dream of democracy.

The people of Poland have waited a long time to see their country take the necessary steps toward economic, political, and religious stability. The belief that they would one day be able to reestablish these freedoms through their constitution, sustained them through the darkest hours of their history.

The celebration of the 3d of May Constitution in 1991, represents the bravery of millions of Poles who fought for democracy and freedom. We must take the time to give Poland our support, and let them know that the entire free world is watching and praying for their success.

Mr. Speaker, I am honored to join the people of Polish ancestry in my district, as well as throughout our country in paying tribute to the Polish Constitution Day. I can only hope that this struggle for independence will prove to be permanent and longlasting.

MICHAEL FISCHER ON THE ENVIRONMENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. JACOBS. Mr. Speaker, I place in the RECORD a speech given in Indianapolis by Michael Fischer, executive director of the Sierra Club.

Mr. Fischer speaks plainly, logically, alarmingly and—if the Nation will only awaken—hopefully.

ADDRESS BY MICHAEL FISCHER, EXECUTIVE DIRECTOR, SIERRA CLUB, EDWARD A. BLOCK FORUM SERIES, APRIL 14, 1991

I. INTRODUCTION

Mr. Chairman, ladies and gentlemen, good evening.

I come to you tonight with two news items regarding America's energy policy, one surprising and one sad.

First the surprise. Groups who have been traditional adversaries in the energy debate—the environmental community and the present administration—say that their goals for the nation's energy supplies are identical: independence, affordability, long-term security, and compatibility with a clean environment.

The sad part is that only one group means it—and we're not the group writing energy policy.

The National Energy Strategy proposed by the President's advisers in February has three elements:

1. Drain America dry;
2. Blow it out our tailpipes; and
3. To hell with our kids.

A fourth element is the resurrection of the technologically and economically bankrupt nuclear energy industry. I admit this last element is a shot in the arm for the Three Mile Island Chamber of Commerce and the Chernobyl Ministry of Tourism, but I wonder if we, as a society, really want to take this risk again.

The so-called National Energy "Strategy" emphasizes exactly those sources of energy that are the least cost-efficient, the most subject to political disruption, the most polluting, and that are absolutely guaranteed to begin running out during the lifetimes of our children.

Two quantifiable examples of American energy supply and use symbolize the thinking about energy manifest in this incredible document.

The first example concerns opening the Outer Continental Shelf to oil drilling, one of the Strategy's recommendations. The forecast contained in the National Energy Strategy for production from the Outer Continental Shelf is 0.1 million barrels per day by the year 2010, plateauing at 0.4 million barrels per day by 2015. These are the government's own numbers.

But let's put that in perspective. The United States uses approximately 17 million barrels of oil per day right now. In 1991. If by some miracle our oil consumption were to stay constant, we would recover slightly more than one- half of one percent of our daily requirements from the Outer Continental Shelf by 2010, slightly more than two percent by 2015.

For that, are we going to litter the coasts of America with hundreds of submarine toxic waste sites and major oil spills waiting to happen?

The second example is worse. The Strategy also recommends opening the Arctic National Wildlife Refuge to drilling. This vast and as-yet-unspoiled ecosystem has been rightly called the American Serengeti. It is the calving ground for 180,000 caribou. It is the habitat for dozens of rare Arctic species. It is the repository of an incredibly diverse gene pool. In short, it is a part of our natural heritage, a national treasure, a living remembrance of times when humans were just one factor in Nature—not the dominant factor.

The Department of the Interior's own estimates for the total capacity of the Arctic National Wildlife Refuge is 3.57 billion barrels of oil. Total.

That amount would supply the country's needs for 210.5 days. That's 30 weeks. Seven months. A bit over half a year.

And the Interior Department pegs the chances of actually finding economically recoverable oil there at 46 percent. Less than one in two.

And for that, are we going to turn the last remaining pristine Arctic ecosystem protected by law into Houston North? For seven months worth of oil that we may actually never see?

In short, this is not a National Energy Strategy but a National Energy Tragedy. And reaction to it has been an almost universal condemnation.

The environmental community is unanimous in deploring the strategy's arrogant irrationality and obvious pandering to the oil, automobile, and nuclear energy special interests. But we are not alone.

The energy research and consulting community has expressed mystification about why it ignores the largest opportunities for an improved energy future.

The nation's largest utilities have decried its shortsightedness and neglect of obvious opportunities for improved economic performance.

And even the administration itself cannot present a unified front on this one. Secretary of Energy James Watkins, hardly an environmental poster child, is reported to have said that this absurd document cannot even pass the environmental "Laugh Test."

The policy as it now stands is a monument to selfishness, greed, poor stewardship, and the deification of the status quo. But if it were only that, it would still be, as environmental assaults go, unremarkable.

No, the thing that sets this effort apart is that it represents an active and purposeful attempt to prevent us from developing the two major energy resources we have that actually will help us achieve our energy goals. If energy independence and environmentally sustainable economic development are the desired ends, then conservation and renewable resources are by far the most rational means of achieving them.

Yet if you look for any shadow of a subtantive commitment to these two in the National Energy Strategy, you will look in vain.

II. CONSERVATION AND RENEWABLES

The argument for renewable sources of energy is obvious. The Natural Resources Defense Council's report on "Looking for Oil in

All the Wrong Places" calculates that the total available energy supply in the U.S. from renewable resources is the equivalent of 9.6 billion barrels of oil.

The total U.S. consumption of oil now stands at 6.2 billion barrels per year. In other words, we could clearly meet a substantial portion of our energy needs using renewables if we would only make the commitment.

And this is not just a theoretical argument. In testimony before the Senate Committee on Energy and Natural Resources, a vice president at a major California utility made the following statement:

> The contribution [renewables] could make to solving energy problems is substantially underestimated. We have found, for example, that the solar thermal generation technology existing today, if concentrated in one relatively small and remote desert valley in California, could technically supply all of the electrical needs for the state.

For the entire state. For the world's thirteenth-largest economy. This is an astounding piece of news.

Yet there is no substantial commitment to renewable resources anywhere to be found in the National Energy Strategy.

The conservation argument can be summed up simply. It is time to stop choosing the expensive, risky, and environmental malignant option of drilling for new supplies of oil. It is time to start drilling the enormous oil fields that exist under Detroit, and under every commercial and residential building in America.

The advantages of drilling these conservation oil fields are obvious.

First, we know exactly where they are and how big they are. The expensive and time-consuming process of looking for economically recoverable oil actually in the ground out there can be avoided.

Second, we know exactly how much it will cost to exploit these conservation oil fields, and that these costs will go down over time. For actual oil exploration and conventional power generation, on the other hand, the costs vary significantly. And they are, on average, increasing with time as supplies dwindle.

Third, we know that drilling Detroit yields tremendous economic benefits in terms of reduced costs for each unit of GNP and the formation of major, long-term export markets for the technologies of energy efficiency. We don't hamstring the rest of the economy for the benefit of the oil, auto, and nuclear lobbies.

Fourth, we know exactly what kind of environmental damage we will do exploiting them: zero. We don't have to mount a concerted assault on Mother Earth, to do everything we can to make our biological lives increasingly toxic and dangerous, meanwhile mouthing platitudes about maintaining our economic quality of life.

And Fifth, we know that drilling Detroit and its subsidiary formations actually achieves the goals that the National Energy Tragedy espouses, but in fact places forever beyond our reach.

Let's take these in order.

1. We Know Where and How Big The Oil Fields Are

First, we know exactly where conservation oil fields are, and how big they are.

And the biggest one sits under Detroit. The relationship of Detroit to fuel efficiency reminds me of the relationship between some kids and spinach: it's good for them, but they hate it.

In the 1950s and '60s, when Americas energy horizons appeared to be limitless, the automakers were perfectly happy turning out gas-guzzling brontosaurs. Fuel was cheap, and the determining factor in sales success had more to do with styling than with the engineering prowess.

In the '70s, the oil shocks gave the U.S. auto industry its first dose of spinach. Congress, alarmed at the cars lining up at gas stations nationwide proposed legislation in 1974 that would double the Corporate Auto Fuel Economy or CAFE standards, essentially on average miles per gallon requirement for an entire fleet.

The auto industry said it was technically impossible. Achieving a 27.5 miles per gallon CAFE standard by the year 1985—a 100 percent improvement in 10 years—was not feasible. A Ford spokesperson said:

> "[It] would require a Ford product line consisting of either all sub-Pinto-sized vehicles, or some mix of vehicles ranging from a sub-sub-compact to perhaps a Maverick."

History has shown how false and self-interested that testimony was. And as soon as the oil pressure was off, advances in fuel efficiency stagnated.

Today, the pressure is increasing again. Yet when the industry is asked to raise CAFE standards to 40 miles per gallon—a 40 percent increase, not 100 percent—we heard the same old song. They claim it is not technically feasible by the year 2000, which is the target date set by Nevada Senator Richard Bryan's Vehicle Fuel Efficiency Act.

But that is worse than disingenuous. Today—even * * * as * * * we * * * speak—prototype automobiles exist that get between twice and three times that figure. Toyota has produced a five passenger vehicle that gets 98 miles per gallon. Renault has a car that gets 121 miles per gallon. And Volkswagen has produced an auto that gets 128 miles per gallon.

These are not plans or concepts. They are functioning cars made out of steel and composites and rubber wheeling around test tracks in foreign countries.

And the U.S. auto industry can't manage 40 miles per gallon?

Other conservation oil fields exist, of course. They exist under factories, under houses, under public and commercial buildings, and almost anywhere energy is used. And this brings us to an interesting 50/50 rule being used in the National Energy Strategy.

It is estimated that about 50 percent of all the energy used in the United States is wasted, through transmission, through inefficient motors, through poorly insulated walls and windows, and so on. Yet the present administration offered Congress a budget request that cuts the Federal energy conservation program by 50 percent.

The program that could save us 50 percent of all the energy we use has been cut by 50 percent. 50/50. Does that make sense to you?

The Natural Resources Defense Council has shown the relative performance of conservation and efficiency versus drilling for new domestic oil reserves. Their analysis assumes that the largest estimate of the amount of oil is true, and it assumes that energy services will be provided on a least-cost basis.

Their message is clear. By the year 2020, when the oil in the Outer Continental Shelf and the Arctic National Wildlife Refuge will run out in the most optimistic scenario, efficiency and conservation would be saving us 9.25 million barrels of oil every day.

And the administration wants to cut the conservation budget by 50 percent?

The so-called National Energy Strategy commits us to lives of increasing consumption. But that means that when supplies start to dwindle or increase in cost, we will find ourselves very much behind—behind more efficient competitors; behind in research and development for a less energy intensive economy; behind in our implicit commitment to ur families to leave them a world they can live in; firmly behind the eight ball.

2. We Know How Much Conservation Costs

Second, we know exactly how much it will cost to exploit these conservation oil fields.

In a recent Op-Ed piece in The New York Times, Amory and Hunter Lovins sketched a picture of how we might rationally improve the energy efficiency of our economy. Given the tremendous savings achievable through energy efficient cars, industrial processes, and buildings, they state categorically that the U.S. economy could be run at its present level of productivity on 20 percent of the oil it now consumes.

And that the cost of saving that oil would be five dollars per barrel. Think about it. Is that a good trade, to spend 25 percent more per barrel of oil, but to use 80 pecent less oil? Sounds good to me.

3. We See Other Economic Benefits

The Third advantage to conservation is that it encourages the development of new technologies that could help America develop and sustain new, long-term export markets that will make us a stronger world trading partner.

The former West Germany has shown how this can work. For various reasons, the West German economy uses a lot of coal for energy. As the consequences of polluting their atmosphere with the byproducts of coal combustion became clear, they started an intensive program to develop smokestack "scrubbers" that removed these toxins.

It was a significant investment. But today, Germany is the world's leading exporter of those scrubbers. And they find themselves firmly in the diver's seat in a market that can do nothing but grow as air pollution standards become stricter.

Effective conservation requires all kinds of other technologies. Superefficient electric motors used in industrial processes. Continuously Variable Transmissions for vehicles. High-mileage power plants for cars and trucks. Economical jet engines for commercial aviation. Insulation technologies for building construction. High-output photovoltaic cells and new wind-turbine designs for electrical generation. Super windows with insulation values similar to those of walls * * *

The list goes on and on. And European and Japanese companies are already beginning to cash in on this development bonanza.

But why should we forfeit these markets—markets which bear every promise of creating thousands of new jobs and helping our balance of trade—to countries that are our economic competitors? Why should we hamstring an economic future of prolonged and genuine growth so that the oil, automobile, and nuclear industries can enjoy a brief and artificially subsidized moment of prosperity?

I can't think of any reasons for pursuing this foolish policy. And I certainly cannot find any rational arguments inside the National Energy Strategy itself.

4. We Know The Environmental Costs

The Fourth reason for drilling Detroit is that the cost of doing so—measured in either dollars or environmental degradation—is so low.

First the dollars. If you look at the amount of energy provided by various methods of generation, and then divide those amounts by the dollars of federal subsidy, you obtain an interesting snapshot of how we are wasting our monetary resources to subsidize the waste of our energy resources.

The methods can be ranked in terms of the dollars spent for each one million BTUs. These are the figures from 1984, which are the latest available from the Department of Energy.

At the bottom of the list is Nuclear electric generation, which yields 0.1 million BTUs for every dollar of federal support. Yet the National Energy Strategy is committed to speeding up the licensing process and paring down the regulation of this monument to State subsidy.

Slightly more believable is Fossil electric, at 0.8 million BTUs per dollar. Yet for this kind of return—and for slightly more than a half-year's supply—the administration's domestic advisors are willing to rape the Arctic and trash the outer continental shelf.

These are the economic Walking Wounded. But are there any sources of energy that yield a better return? Of course there are.

At the top of this list, you don't find a method of generation at all. You find Efficiency, which yields 13 million BTUs for every dollar of federal subsidy. This is a use of federal money one hundred and thirty times more efficient than Nuclear electric, and 16 times more efficient than Fossil electric.

As a society, we are paying up to 130 times as much as we have to for power generation. And we are doing it in a time of recession, austerity, increasing federal deficits, and rising unemployment.

The monetary costs of efficiency are clearly low. But what about the environmental costs?

There the story is even stronger, because the environmental costs of conservation and increased efficiency are zero.

In fact, energy conservation and increased efficiency yield tremendous benefits.

They will slow down the greenhouse effect. For every improvement of one mile per gallon in CAFE standards, America would save 4.28 billion gallons of gasoline used by household vehicles alone. And that would prevent the discharge of 43 million short tons of CO2 into the atmosphere.

They will improve our balance of trade. Passage of the Bryan Bill will save 2.5 million barrels of oil every day. That is more than we imported from Saudi Arabia, Kuwait, and Iraq combined before the Gulf War. At $20 per barrel, that's about $2 billion every year that we could spend on jobs, housing, health, education, or any of a number of pressing domestic issues facing us today.

They will strengthen our political position with regard to oil producing states in unstable regions of the globe.

And most important of all, they will allow us to fulfill an implicit commitment that each generation makes to the one following: The planet we received from our parents, we are passing it on to you in a condition that will allow you to live a better life than the lives we have enjoyed. If we follow the National Energy Strategy, we won't be passing the planet on to our kids. We will be borrowing the planet they have to live in tomorrow for our use right now.

Is that what you want to do?

5. We Know We'll Achieve Our Energy Goals

The Fifth reason for embracing conservation and efficiency is that by doing so, we know we will achieve the goals for our energy supply that the National Energy Strategy claims to support, but in fact makes impossible.

There are four of goals that the administration espouses for our energy supplies: independence, affordability, long-term security, and compatibility with a clean environment. Let's take them one by one.

Independence. We have seen how the National Energy Strategy commits the nation to ever increasing consumption of nonrenewable energy resources. We have seen how America's supply of oil is projected to be gone within 20 years, thus ensuring that we will have to import every-increasing amounts from our "friends"—and I use the word advisedly—in the Middle East. Meanwhile, the Strategy neglects conservation, efficiency, and renewables, three ways to guarantee our autonomy.

Now tell me again—this is energy independence?

Affordability. We have seen how the National Energy Strategy emphasizes oil and nuclear power to the practical exclusion of all other methods of generation—and to the absolute exclusion of conservation, renewables, and increased efficiency. We have seen how the two methods of generation that waste the most federal monies are oil and nuclear power, being one-sixteenth and one-one-hundred-and-thirtieth as cost-effective as conservation and efficiency. We have seen how this commits the nation to be pistol-whipped by Adam Smith's "invisible hand" in a future of ever-increasing demand for ever-dwindling supplies.

Now tell me again—this is energy affordability?

Long-Term Security. We have seen the administration's domestic advisors throw their support without moderation behind nonrenewable resources that their own technicians in the departments of Energy and Interior project will be gone well within our children's lifetimes. They are thus committing the next generation to, at best, a round of "resource diplomacy," and at worst a round of resource wars, to secure a lifestyle based on unmodulated consumption.

Now tell me again—this is long-term energy security?

And finally, Compatibility with a Clean Environment. We have seen the National Energy Strategy's desire to dot the Arctic National Wildlife Refuge and the Outer Continental Shelf with oil rigs and the statistical certainty of major spills, major toxic waste releases, major habitat destruction. We know of the thousands of tons completely avoidable CO2 that will be spewed into our air. We fear the "streamlined" approval process for nuclear power plants that could put the next Chernobyl in any one of our back yards. We see the increasing degradation of air, land, and water based on the shortsightedness and greed of politicians and energy suppliers, all fostered by our National Energy Strategy.

Now tell me again—this is compatibility with a clean environment?

III. CONCLUSION

In discussing the National Energy Tragedy, we have discussed economics, politics, physical science, and plain common sense, and how they all point to an inevitable conclusion about what our National Energy Strategy should be.

So now it's time to stand up and be counted on this issue.

The Senate will be voting on the Bryan Bill within the next two weeks.

On your way out, you will find a handout that lists the names and phone numbers of Indiana Senators Coats and Lugar.

I want you to pick up that list, take it home with you or to your office, and phone them tomorrow, telling them you support the Bryan bill on vehicle fuel efficiency. Last September both Senators voted against this bill. Let them know what you think.

And I also want to give you a phone number you can call to have an effect on all public policy matters. It is the White House public comment line, and a phone call there has a disproportionately large impact.

Here's the number: 202-456-1111. That's 202-456-1111. Let the Executive Branch know how you feel about being treated like cannon fodder for fossil fuel lobby.

The energy decisons we are about to make as a society will affect literally every aspect of your world, your lives, and the lives of your children.

Don't you think you ought to participate? I think so. And not just because of all of the economic, political, and scientific reasons we have advanced tonight. Because there is more to environmentalism than strict pragmatism and real politik.

In "Walden," Henry David Thoreau wrote that "Heaven is under our feet as well as over our heads." In other words, it is possible to glimpse something much larger than a warehouse full of natural resources when we gaze on Nature's face.

Or, to put it another way, trees not cut, deserts not tracked, oceans not buoyed, prairies not plowed, rivers not dammed, a world not trammeled—these are all natural resources, too, and every bit as important for a complete life as oil, natural gas, and pitchblende.

This is one of the decisions we will have to make soon. Will we preserve the last vestiges of this kind of world for our children, or will we sacrifice it all for the next half-percentage point, the next quarterly earnings report, the next 52-week market high?

I think you know the answer to these questions. And I know you can do something about it.

Thank you very much.

TERTIARY TREATMENT FACILITIES FOR BENEFICIAL REUSE OF WATER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. LEVINE of California. Mr. Speaker, today I am introducing legislation to authorize the Bureau of Reclamation to participate with the West Basin Municipal Water District and the City of Los Angeles to build tertiary treatment facilities and related infrastructure for the treatment and subsequent beneficial reuse of sewage effluent.

This bill will literally transform polluted water into one of the most sought after resources in southern California.

For this reason, the legislation has the support of the city of Los Angeles, El Segundo, the West Basin Municipal Water District, Heal the Bay, the Mono Lake Committee, the National Wildlife Federation, and Friends of the Earth, among others.

In the near-term the projects authorized by the bill could provide drought-sensitive southern California with as much as 120,000 acre/feet of dependable water annually—enough water to support the water needs of 600,000 people.

Not only will this legislation create an important new source of water, it will significantly reduce a major source of water pollution in Santa Monica Bay. Over 380 million gallons of sewage is treated at LA's Hyperion sewage treatment plant and is poured into Santa Monica Bay each day. This bill will facilitate recycling 62.5 million gallons of this effluent and 44 million gallons of effluent from the Tillman Water Reclamation Plant for industrial use, landscape irrigation and municipal uses each day, instead of polluting the ocean.

Importantly, this new source of water will also offset some of the demand for water that now is or in the futrure will be met from other sources. A reduced demand for imported water in the LA area will make more imported water available to other areas in southern California. Or this new source of water could be used to replace water from environmentally sensitive projects such as the water diversions near Mono Lake or other projects which may be proposed to meet southern California's future water needs.

This bill is a landmark proposal because, for perhaps the first time, a bill of this type includes stringent requirements to safeguard human health for using reclaimed wastewater as ground water recharge.

Both the West Basin Municipal Water District and the city of Los Angeles have begun development of water reclamation projects.

My bill authorizes a 25 percent Federal contribution for financing these projects. State funding sources may include low-interest loans and California Assembly bill 444, which authorized $65 million for water conservation and quality projects, including development of a replacement water supply for the Mono Lake diversions.

West Basin is now in the planning stages of a new state-of-the-art tertiary treatment facility that would receive funding under the legislation.

Due to the innovative nature of this project, West Basin estimates that they can develop a competitively priced source of new water with a cost share of 25 percent Federal, 25 percent State, and 50 percent West Basin contributions for development and construction of the treatment facilities and infrastructure. West Basin plans to use its bonding capabilities to finance some portion of its share. The actual cost of the project is projected to be $175 million to $200 million.

Currently, West Basin is negotiating with the city of Los Angeles to divert 62.5 million gallons per day of secondary-treated effluent from LA's Hyperion sewage treatment plant to its new tertiary treatment facility. This will be the largest water reclamation project of this sort in the United States.

West Basin plans to build this new treatment plant in El Segundo. The communities which would be served by this project include El Segundo, Los Angeles, Inglewood, Hawthorne, Lawndale, Manhattan Beach, Hermosa Beach, Redondo Beach. In addition, Santa Monica and Torrance may also receive water.

Construction is expected to be completed and the reclaimed water available for use in 1994.

West Basin plans allocate the 70,000 acre-feet of water per year the new plant will produce to three purposes: First, West Basin plans to allocate 23,000 acre-feet per year for nonpotable industrial use. Specifically, two local refineries—Chevron in El Segundo and Mobil in Torrance—would primarily use the reclaimed water for their cooling towers, but could also use it for boilers and landscape irrigation.

Second, West Basin plans to allocate 17,000 acre-feet per year for irrigation. Potential irrigation customers include CalTrans, golf courses, parks, school grounds, a race track, and a cemetery.

Third, West Basin plans to use 30,000 acre-feet per year for the West Coast Basin barrier project. This project, developed in the 1950's, controls salt water intrusion into coastal aquifers in Los Angeles County by establishing a buffer between these aquifers and the Pacific Ocean. The project is operated by the city of Los Angeles Public Works Department. Presently, water provided by the metropolitan water district is delivered to roughly 150 injection wells. These coastal aquifers are a major source of water for coastal communities.

Because these coastal aquifers are a source of local drinking water, it is critical to insure that the reclaimed water will not present any long-term health risk to the public. For this reason the bill requires that the water reclaimed under this bill not be used for groundwater recharge unless (a) an environmental impact statement is completed, (b) all State and Federal drinking water standards and health advisories, as tested at the wellhead, are not exceeded, (c) monthly toxicity bioassays demonstrates no adverse health effects on a variety of organisms, and (d) a National Academy of Sciences monitoring program is established to evaluate the effects of the reclaimed water on the aquifer.

The West Basin Municipal Water District serves 850,000 people over 186 square miles in the cities of: Carson, Culver City, El Segundo, Gardena, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Manhattan Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Malibu, and West Hollywood; and the unincorporated areas of: Alondra Park, Angeles Mesa, Del Aire, El Nido-Clifton, Howard, Ladera Heights, Lennox, Marina Del Rey, Point Dume, Ross-Sexton, Topanga Canyon, Victor, View Park, West Athens, West Carson, Westmont, Windsor Hills and the National Military Home.

The city of Los Angeles also plans to develop additional reclamation infrastructure under this legislation. LA is still in the preliminary planning stages of developing the East Valley and Hyperion water reclamation projects. Through these two projects together, LA plans to reclaim at least 50,000 acre-feet of water per year.

The East Valley water reclamation project will use water from the city's Tillman plant, which is currently undergoing construction to double its treatment capacity to 80 million gallons per day. Effluent from the plant is currently discharged into the Los Angeles River.

LA's Department of Water and Power currently plans to build the infrastructure necessary to reuse as much as 50 million gallons per day of Tillman's effluent for beneficial purposes. LA plans to use this water, as West Basin does, for industrial use, irrigation, and ground water recharge. The legislation will provide 25 percent Federal funding for LADWP to build pumps and pipelines necessary to move Tillman's reclaimed water to the sites of reuse. Construction is expected to be completed in 1993.

LA plans primarily to move the reclaimed water to four spreading basins in the Sun Valley area. Through these spreading basins, the reclaimed water will recharge the San Fernando Valley groundwater basin. The same stringent requirements the West Basin project will have to meet to protect human health will be applied here as well.

Along the pipeline route, LADWP plans to deliver water to industrial and irrigation customers. The Valley Generating Station, located in the Sun Valley area, will use 2,000 acre-feet per year for its cooling towers. In the future, LADWP plans to expand the pipeline to provide the Hansen Recreation Area with 2,500 acre-feet for various purposes.

The city of LA has also proposed bringing additional tertiary treatment facilities on line for Hyperions secondary effluent. Federal 25 percent matching funds for this would also be available under my bill.

To put the importance of these projects in perspective, consider that today, California produces roughly 3.4 million acre-feet of treated municipal wastewater per year. According to the State Water Conservation Coalition draft report, however, the State only uses 325,000 acre-feet per year of this in reclamation projects. The reclamation projects in southern California account for roughly 160,000 acre-feet per year.

I urge my colleagues to review this legislation and lend their support to it.

TERRORISTS IN YUGOSLAVIA UNDERMINE DEMOCRACY THERE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. BROOMFIELD. Mr. Speaker, the winds of change that swept through Eastern Europe in 1989 were welcomed by all of us in Congress. Many countries bravely set sail on the rising tide of democracy and are moving forward.

The flame of freedom in Yugoslavia, however, is in danger of being snuffed out. Determined Communists, who urge others to use terrorist-like tactics, are being mobilized against the forces of democracy in that country. It is time for our Government to reevaluate its policy toward Yugoslavia and actively nurture the flame of liberty there. We must clearly tell the federal authorities in Belgrade and the Yugoslav National Army that America will not ignore the plight of those who seek democracy and self-determination in Yugoslavia. We must not have "business as usual" with repressive governments.

I am disturbed by recent unconfirmed reports that anti-Croatian terrorist groups killed two Croatian policemen, engaged in bombing of buildings, and randomly fired at other civilian structures in Croatia. It is assumed that the terrorists are ethnic Serbians who live in the Republic of Croatia. Traditionally, relations between the Serbian minority and the Croatian majority in that republic have been good. Recently, however, Communists in Yugoslavia have felt threatened by the growth of democracy in some of the republics and have urged the Serbian minority to declare its independence from Croatia. As part of this Communist encounter-offensive, they have urged the ethnic Serbs in Croatia to conduct acts of sabotage and terrorism.

In particular, the President of the Serbian Republic, Slobodan Milosevic, a Stalinist hardliner, is trying to stage a "confrontation" that will require the mobilization of the Yugoslav National Army, a modern military organization that already has garrisons in Croatia. Yugoslavia's Minister of Defense, General Veljko Kadijevic, has threatened to use military force against the fledgling democracies of Slovenia, Croatia, Bosnia-Herzegovina and Macedonia in the event of ethnic fighting. His attitude toward the changing political landscape in the country are obvious. He once described socialism as "one of the greatest achievements of contemporary civilization." I fear that these republics will be subjugated by the devious tactics of pro-Communist elements in Yugoslavia who are determined to maintain their strong centrist government.

It is ironic that Croatia, a democratic republic with a pro-American orientation and free-market economic policies, should be threatened by proponents of a dying ideology that is being debunked all over the world.

The United States must strongly condemn these "staged" terrorist attacks. Political stability in Yugoslavia will not come through the barrel of a gun. America must promote dialogue and peace, not repression. We must not let our official policy of democracy, peace and unity in Yugoslavia be utilized by the Communists to support a strong centrist government. If we fail to act swiftly and forcefully, we can be assured that the political situation in Yugoslavia will deteriorate to a point where democracy may not survive.

I urge my colleagues to carefully monitor these disturbing political developments in Yugoslavia.

RECOGNITION OF THE CHAMPIONSHIP HILO HIGH SCHOOL VIKINGS BASKETBALL TEAM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mrs. MINK. Mr. Speaker, I rise in recognition of the Hilo High School basketball team from the island of Hawaii in the Second Congressional District of the State of Hawaii. The Hilo High School team, the Vikings, won the State high school basketball championship on the evening of March 9, 1991, over the formidable Kalaheo High School basketball team, the Mustangs. In gaining the championship, the Vikings became the first Neighbor Island team to win the title since another Viking team did it in 1964.

Hilo's victory over Kalaheo followed two consecutive evenings of what the Honolulu Star-Bulletin described as "down-to-the-buzzer struggles" against the relentless Kahuku High School Red Raiders and the talented Kamehameha High School Warriors. Throughout the course of the 35th annual State high school basketball tournament, the Vikings demonstrated skillful team play and unfaltering teamwork.

Mr. Speaker, I salute the young men of all the teams who participated in the State high school basketball tournament for their skill and dedication. All of them demonstrated their commitment to the ideal of good sportsmanship. I applaud their efforts and I congratulate the Hilo High School Vikings on their hard-earned victory.

Allow me to recognize the members of the 1991 State of Hawaii high school basketball championship team, the Hilo High School Vikings:

Shon Malani, Paul Lee, Jr., Herman Medeiros, Benjamin Pana, Donald De Sa, Wilmer Castillo, Kaulana Pakele, Grant Baclig, Robert Medeiros, Seth Gardner, Steven Idemoto, Chad Alameda, Mokoifonua Pousima, Solomon Wakita, Clayton Kaneshiro, Tod Bello, and Theodore Ireland.

Their head coach: Lawrence Manliguis.

Their assistant coaches: Roy Kobayashi, Edward Kalima, Jr., Wayne Kaneshiro, John Walter Ah Hee, and Kelly Lerma.

Their athletic director: Ronald Furukawa.

Their manager: Froilan Gacusan.

Their team statisticians: Roanne Okunami, Brandy Allen, Pearl Arakaki, Tanya Belledo, Stacie Mandaloniz, Sue Ann Ah Heong, and Lisa Pana.

And their principal: Mrs. Donna Saiki.

FREE TRADERS IGNORE GRIM REALITY IN MEXICO

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. HUNTER. Mr. Speaker, as we debate the merits of approving the extension of fast-track negotiating authority for the administration, we must examine every facet of the possible effects on our economy and our workers of a free-trade agreement with Mexico. I urge my colleagues to give serious thought to the issues raised in a letter from the May 1, 1991, Wall Street Journal.

FREE TRADERS IGNORE GRIM REALITY IN MEXICO

Rudiger Dornbusch is but the latest in a long procession of wishful thinkers—government officials, economists and business leaders—who proclaim that free trade with Mexico somehow will bring our older brothers to the South to accept the liberal notions of democracy and the rule of law ("If Mexico Prospers, So Will We," editorial page, April 11). He accepts that "Democracy, workers' rights, safety and environmental issues" are part of the debate, but neglects to mention that in Mexico such concerns are subjugated to the economic interests of that country's corrupt ruling party.

"Free trade" with Mexico is not about commerce, but about politics; it is a deliberate effort by the Bush administration to divert attention from the financial woes of the most oppressive, authoritarian regime in this hemisphere after Cuba, and to support the Salinas government with increased flows of foreign capital. The fact that the World Bank is the largest external source of support for the "Mexican miracle" is conveniently omitted from the discussion.

Free-trade zealots forget that Mexico remains a badly managed Third World country that is not comparable with real success stories such as Chile or the Asian "tigers" such as Korea. Talking about the relative level of wages in Mexico today is irrelevant given the fact that the country is still largely using new loans and direct investment to fund enormous trade and current-account deficits, which in turn are driven by subsidies for Mexico's enormously costly state sector. If American labor unions think low Mexican wages pose a threat now, at 3,000 pesos per dollar, imagine how they will yowl when the peso is readjusted to something approaching purchasing power parity with the U.S.—roughly 4,000 pesos per dollar.

While it is obvious that a free-trade agreement is in the interest of both countries, the kind of progress predicted by Mr. Dornbusch requires the fertile soil of freedom—of the press, to win and hold public office, to run a business, or to worship—in order to flourish truly. Advocates of a free-trade agreement who believe political and human-rights concerns can be separated from commercial interests have not been paying attention to the struggle for progress in Eastern Europe.

If we really want to see North America prosper in a united economic and perhaps someday even political union, all of the participants must be committed equally to the basic principles of economic and political liberty that have made North America's prosperity possible. When will these die-hard "free traders" also come to support free elections with equal vigor?—Christopher Whalen, Washington.

SDI ARGUMENTS STILL RELEVANT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues an article entitled, "SDI Insurance Against Nuclear Mishap," which was written by James P. Litsey, a former Titan II missile commander. Although this article first appeared in the Wichita Eagle-Beacon in 1985, its arguments are still relevant to the current debate over SDI. For this reason, I would like to reprint the article in the CONGRESSIONAL RECORD, to remind my colleagues of this important message.

[From the Wichita Eagle-Beacon, Oct. 13, 1985]

SDI INSURANCE AGAINST NUCLEAR MISHAP

(By James P. Litsey)

Probably one of the most important and yet least discussed issues facing us today revolves around the quality of safety and security found in the "fail-safe" systems of the world's intercontinental ballistic missiles and other nuclear weaponry. The term "fail-safe" was popularized in the 1960s by a novel of the same name, which involved a B-52 bomber that headed for Moscow when it received an erroneous "go" signal. The bomber pilot could not turn back, even though the president made a personal appeal for him to do so. When all joint efforts to down the bomber failed, the president ultimately was forced to bomb New York City in an attempt to stave off a wave of Russian retaliation.

Where "fail-safe" dealt with an earth-shaking fictional crisis and decisions made over a period of hours, today we could well face a similar crisis of significantly greater magnitude—with a window of only a few minutes available in which to correct the error and defuse escalating tensions, or face catastrophic destruction. This is a situation that at best does not lend itself to controlled and rational decision-making, especially in light of the constraints: less than one-half hour between launch and warhead detonation, and the lack of a worldwide operationally reliable antimissile defense system that could be directed against an accidentally launched missile successfully. Rather, it encourages frenzied decision-making by the president and his advisers as they scramble for airborne command posts and underground bunkers. Certainly, the actions and reactions of Soviet leader Mikhail Gorbachev and his comrades could not be expected to be any different as they, too, scramble for their own lives.

It is not a question of whether an accidental launch could happen; it is an indisputable fact that an unauthorized launch could occur. Unclassified documents detail the existence of "Unauthorized Launch Studies." The classified details of those documents, if released, would reveal a variety of ways the actual launch of a given ICBM system could be accomplished without presidential authorization.

Recently, syndicated columnist Edwin Yoder made the point that nuclear weapons in and of themselves will not take matters into their own hands simply because they have grown impatient with disuse. But don't try to convince the Titan II ICBM crew in Arkansas on duty one August day in 1974 of that. They had "pushed the buttons" to test the launchability of their machine, only to end the exercise by pulling every component drawer they could get their hands on in an attempt to shut the monster down, less than nine seconds before liftoff. This is not to say there remains no controversy as to whether the missile would really have launched (obviously, it did not). Reportedly, someone forget to shut off a critical circuit-breaker at the appropriate step, and the machine—a nuclear weapons—did the rest.

Given the weaknesses in our own weapons systems, one must be even more concerned about analogous and much greater weaknesses found throughout the world in the nuclear systems of the Soviet Union, France, China, England . . . India, South Africa, Israel, Brazil, Libya, Pakistan, Argentina, Iraq and God-knows-who-else.

Even Secretary of Defense Caspar Weinberger commented specifically on this issue in a recent article discussing President Reagan's Strategic Defense Initiative. He stated that a reliable defensive system would give us the hope of gaining several benefits, among which was probably the most-overlooked, least-understood and, therefore, the least-discussed benefit: "Protection against accidents. Strategic defense could be an additional 'insurance policy' against the accidental launching of a missile against us." This marked the first time a Cabinet-level official of any administration publicly made such an open and candid statement with reference to the possibilities of nuclear war.

More recently, another Washington-based columnist, David Broder, asserted that President Reagan keeps bumping into himself as he defends SDI. Broder calls for somebody to give President Reagan "a better argument to use in Geneva, or better yet, a more plausible position to defend." The old school of chessmanship holds that sometimes the best defense is a strong offense. As such, does not the offensively oriented argument that bases the need for SDI on an overriding concern for preventing an accidental nuclear war become the basis of a more plausible position to defend—that is, one which genuinely has the welfare of the entire world at heart?

If Mikhail Gorbachev is really the "smoothy" Mr. Broder says he is, it would not come as a surprise if he took President Reagan up on his suggestion the Soviets and Americans work together to achieve a peaceful space through which no nuclear weapons would be allowed to pass. Surely both the proponents and opponents of SDI can agree that even some minimum threshold of implementation for SDI should afford the world protection against one, 10, 50 or 100 accidentally launched nuclear missiles.

Many conservatives' jaws hit the table when President Reagan initially suggested the possibility of sharing SDI, but in view of the alternatives, maybe he's right. This isn't to say such a move would not be fraught with monumental diplomatic and security obstacles. But these challenges help clarify and reduce to proper perspective the realtive ease with which satellite hardware and non-nuclear explosive components could be assembled into an effective system, using non-exotic, known technology.

Robert Jastrow, in his "How to Make Nuclear Weapons Obsolete," notes that one group of SDI opponents, the Union of Concerned Scientists, originally placed the precise number of American satellites required to make SDI operational at 2,400. They have since admitted the presence of errors in their assumptions and revised the number down three times. Their current projections show a need for 162 satellites—not too far out of line with Livermore Laboratory's total of 90, assuming a high-altitude orbit, or 45 if placed in low-altitude orbit.

Jastrow makes the case for a non-nuclear, non-exotic SDI system using known technology; approximately 100 interceptor satellites in conjunction with 14 support satellites. That could pave the way for a meeting of the minds of both proponents and opponents of SDI.

There must be a point of common ground, a focal point, if we are to bring the relentless debate under control and move forward in a productive, responsible and reasonable manner. To fail to do so challenges the measure of grace we thus far have been given, for tomorrow we might awaken to quite a different world.

THE ANTI-TERRORISM ACT OF 1991

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. FEIGHAN. Mr. Speaker, today I join over 30 of my colleagues in introducing the Anti-Terrorism Act of 1991. This legislation will allow American victims of terrorism to bring civil suits in U.S. Federal court.

The need for this legislation couldn't be clearer. While Congress has passed laws providing for the criminal prosecution of terrorists, victims of terrorism face incredibly difficult legal hurdles in pursuing claims against terrorists. The recent case of the Klinghoffer family is a glaring example of this gap in our efforts to develop a comprehensive legal response to international terrorism.

Leon Klinghoffer, a passenger on the *Achille Lauro* cruiseliner, was executed and thrown overboard during the 1985 terrorist attack. His widow, Marilyn Klinghoffer, and family took their case to the courts in their home State of New York. Only by virtue of the fact that the attack violated certain admiralty laws and that the organization involved—the Palestine Liberation Organization—had assets and carried on activities in New York, was the court able to establish jurisdiction over the case. A similar attack occurring on an airplane or in some other locale might not have been subject to civil action. The Anti-Terrorism Act of 1991 would fill in this gap in our laws.

The Senate unanimously passed the ATA last year and passed it again just last month. Under the leadership of Senators GRASSLEY and HEFLIN, the ATA has drawn strong, bipartisan support in the Senate and we have similar broad support among our original cosponsors. We hope to move this legislation through the committee and into the House floor just as soon as possible. The ATA will be an important and timely addition to our arsenal aimed at ending the scourge of international terrorism. I ask that a copy of the bill appear following my statement.

KINGSTON, GA, HONORS CIVIL WAR VETERANS EACH APRIL 23

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. DARDEN. Mr. Speaker, today I would like to share with my distinguished colleagues a story about the unique community of Kingston, GA, which lies at the foothills of the Appalachian Trail in northwest Georgia. Although small in number, the townspeople of Kingston are, nevertheless, big in character and tradition.

Since 1865, Kingston has traditionally recognized and practiced the oldest Memorial Day in the country. Each April 23, these residents gather together for a special service to honor those who gave their lives in the Civil War. I know of no such other celebration exclusively recognizing veterans of the Civil War on this day, and believe it to be unique to the country.

As part of the ceremonies, bouquets of spring flowers are placed on the graves of 249 Confederate soldiers and two Union soldiers. Afterward, elder members of the community share stories about their parents and grandparents during this turbulent turning point in the history of our country.

Toward the end of the Civil War and during the time of the Georgia campaign, Kingston maintained an army hospital. Thusly, many brave soldiers who lost their lives are buried in the surrounding area. The majority of the graves are unmarked and the soldiers' names unknown, but still they are not forgotten.

The passage of time has not distanced the hearts of the people of Kingston in remembering those who fought so valiantly in the War Between the States. Mr. Speaker, these people should be commended for their thoughtfulness and dedication, as well as for setting a precedent in recognizing and honoring heroes of wars past—no matter how long ago.

THE PASSING OF MARGARET "MAMA" MARKS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. FAZIO. Mr. Speaker, I rise to mourn the passing of a dear friend and wonderful individual, Margaret "Mama" Marks. Her death was felt so strongly in the Sacramento community because her life was such a strong part of our community. For over 20 years, Mama Marks fed the poor through her home in Del Paso Heights, known as the Arms of Mercy. Those arms not only embraced the poor, but reached out to touch the hearts of everyone in Sacramento.

Mama was a native of Louisiana and first came to California in the 1940's, to work in the shipyards in Oakland. In her spare time, she taught Sunday school and worked with the church auxiliary. In the mid-1950's Mama came to Sacramento, joining the Women's Civic Improvement Club, Del Paso Heights Project Area Committee, and the PTA. Making her home in the Del Paso area, she formed their summer lunch program. It is immediately apparent that the less fortunate, and especially children, were a priority with Mama. Over the years, she cared for more than 50 foster children.

It was, in part, from that experience that she became known simply as Mama Marks. "Mama" was not only her title, but perhaps her best description. More than simply feeding the poor, she wore with the simplest of pride and fulfilled with the greatest of glory. She felt that the destiny of caring for the poor was handed to her from God in a dream. Everyday of her life was living the fulfillment of that dream. She would say, "you can't out-give God because I've tried, and the more I give away the more he sends down."

That simple belief that God would provide was the foundation of the Arms of Mercy. The kitchen was run strictly by Mama and God; she would have no government assistance, no bureaucracy, no fund raisers. All was provided by Mama or by donation. She fed nearly 100 people every day and 500 to 600 on holidays. All the food was prepared by Mama, usually Southern specialties from her native home of Louisiana. Nothing was ever served without her approval. She was Mama, and this was Mama's kitchen.

Too often, we see things in our everyday life that disturb us, like homelessness, hunger, neglect, and abuse, which stir strong emotions within us. Often, we are not so much afraid of becoming involved but afraid of caring. Mama was fearless as only a mother could be; she was not afraid to care. She embraced the very things from which we turn our faces. Mama realized that people, who have little, hunger for more than just a meal; they hunger for the touch of human kindness and compassion. Throwing some change at a person does not satisfy the loneliness of being on the streets and the emptiness of knowing that no one cares. Mama not only satisfied the physical, but also the emotional and spiritual hunger of the less fortunate. She cared—to them it was Mama, and she was all they had.

All Sacramentans are in mourning for having lost Mama Marks. One of the most tragic things in life, for rich or for poor, is to lose your mother, particularly when you have no one else.

THE 100TH ANNIVERSARY OF OUR LADY OF THE ANGELS

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Ms. MOLINARI. Mr. Speaker, I take the opportunity today to observe a milestone in the community of Bay Ridge.

Our Lady of Angels Parish, Fourth Avenue and 74th Street, celebrates its 100th anniversary this year. Tomorrow night, its parishioners will gather to celebrate not only the century past, but the century ahead.

I am proud of the traditions exemplified by Our Lady of Angels. Such a church inspires a sense of community that is a vital link between people in an often chaotic world.

The church also has a school, which has served as a pillar of fine education for many young people. The parish also serves the community with activities for seniors, a youth ministry, an Alcoholics Anonymous chapter, Al Anon, and a human service center providing food for the needy.

Our Lady of Angels has seen many changes. When the church was built in the late years of the 19th century, Bay Ridge was a pastoral suburb of the city of Brooklyn. From being surrounded by farms, the church has become surrounded by the frantic pace of the city. It remains a mainstay for the community and its people.

Mr. Speaker, I am proud to take this opportunity to congratulate Our Lady of Angels for 100 years of service well-performed, and to offer my best wishes for the 100 years to come.

GOVERNMENT SPONSORED ENTERPRISES

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mrs. KENNELLY. Mr. Speaker, I rise today to commend the Treasury for their excellent report on reforming the Government-sponsored enterprises.

While the Treasury maintains that these entities do not immediately pose risk to the Federal Government, the sheer magnitude of the collective debt of these entities, some $981 billion, means that we ignore their safety, soundness, and regulatory structures at our own peril.

The Treasury outlines four governing principles: that financial safety and soundness should be given primacy over other public policy considerations; that regulators should have sufficient stature to avoid capture by special interests; that private market risk assessment mechanisms be used, and that financial safety and soundness standards be consistent across all GSE's. These principals are sound.

One Treasury recommendation, however, doesn't make sense in light of these principles, that is the Treasury would generally leave regulatory authority with existing agencies. Although the Treasury would instruct these agencies that financial safety and soundness be given primacy over other public policy considerations, a fundamental conflict still exists.

It is expected that the GAO will recommend that the Department of the Treasury assume the responsibility for the financial safety and soundness of all GSE's. This approach makes much more sense and would remove the fundamental tension between the constituencies of the GSE's and risk to the potential risk to the Federal Government.

ADDRESS BY HON. JOHN BRADEMAS

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. YATES. Mr. Speaker, on March 20, our former colleague and my dear friend, John Brademas, gave the Fourth Annual American Council for the Arts Nancy Hanks Lecture on Arts and Public Policy. It was a most excellent lecture and I want to share it with the House. I urge everyone to take a few moments to read the speech.

The speech follows:

ADDRESS BY JOHN BRADEMAS BEFORE FOURTH ANNUAL COUNCIL FOR THE ARTS

I am honored to have been invited to deliver the Fourth Annual Nancy Hanks Lecture on Arts and Public Policy, and I'm for several reasons glad to be here.

First, I want to salute the American Council for the Arts, on whose board I am proud to sit, for spearheading 1991 National Cultural Advocacy Day. I commend the champions of the arts from throughout the country who have come to Washington this week to press our case. And I thank ACA leaders Gerald Blatherwick and Milton Rhodes for asking me to share my thoughts with you.

It is a special honor to be introduced tonight by my old and valued friend, Congressman Sidney Yates of Illinois, chairman of the House Appropriations Subcommittee with jurisdiction over the National Endowment for the Arts and other cultural agencies, and one of the most stalwart advocates of the arts in the United States.

I have often compared Sid Yates to the Dutch boy with his finger in the dike, for he more than any other single person in recent years has defended the arts and humanities against repeated attacks. The American people owe more to the vision and determination of Sidney Yates than they will ever know.

At this time and in this place, it seems fitting that we pay tribute to the memory of a person whose efforts also contributed immeasurably to the cultural life of our country.

It was in 1969, when she became Chairperson of the National Endowment for the Arts, that I first became acquainted with Nancy Hanks. As chairman of the subcommittee of the House of Representatives with jurisdiction over the legislation that authorized the Endowment, I had countless opportunities over the succeeding eight years to observe firsthand the legendary combination of Hanks intelligence, tenacity, courage and charm—the qualities that made her such a formidable leader of the NEA.

As you all know, the Arts Endowment bloomed and flourished during her tenure.

Recalling those years of optimism and growth, I thought I might best salute the accomplishments of Nancy Hanks by reflecting, in this darker hour, on what those who care deeply about the arts must do to renew the nation's commitment to their support.

I speak to you from several perspectives. As a Member of Congress for 22 years, I took an active part in writing most of the legislation enacted between 1959 and 1981 to assist institutions of learning and culture, including schools, colleges and universities, libraries and museums, the arts and humanities.

If during my time in Congress, I was a champion of education and the arts, I have continued to be preoccupied with both as president since 1981 of New York University.

As you know, the main campus of New York University is located in Greenwich Village, right next to Soho—in all, a thriving community for artists and the arts.

Beyond the wonderful neighborhood in which it lives, NYU is blessed with outstanding programs in the arts . . . of every kind.

NYU's Tisch School of the Arts is one of the nation's foremost centers for education in the performing and communications arts; Tisch film, drama and television graduates are setting a fast and highly successful pace in both Hollywood and New York. Spike Lee, Susan Seidelman, Martin Scorsese, Oliver Stone—all alumni—make my point.

New York University's Institute of Fine Arts is the premier center in this country, perhaps the world, for graduate study of art history and conservation. And NYU's undergraduate department of fine arts is one of the finest in the nation.

Our Grey Art Gallery on Washington Square is as impressive a place for the exhibition of serious art as can be found at any university in the United States.

And our School of Education, Health, Nursing and Arts Professions offers a wide range of arts education courses and a graduate program in museum studies and is home to the National Arts Education Research Center.

I must note, too, that my right arm during my years as chairman of the House Subcommittee, of which he was counsel and staff director, Jack Duncan, continues to be active in arts advocacy as special counsel to the ACA; and that another former top associate, Tom Wolanin, is now staff director of the House Subcommittee on Postsecondary Education, where he serves one of the ablest legislators in Congress, William D. Ford of Michigan, the new chairman of the House Education and Labor Committee and of that Subcommittee.

Finally, I speak to you from the perspective of having last year served as co-chairman, with Leonard Garment, of the Independent Commission, mandated by Congress to study the operation of the National Endowment for the Arts.

Tonight I want to discuss the role of the Federal government in supporting the arts; review that relationship over the past 24 months, with particular attention to the work of the Independent Commission; and consider ways of reinvigorating the National Endowment for the Arts.

At the outset, I must warn you that I intend to be as candid as I like to think I was on Capitol Hill!

A FEDERAL COMMITMENT TO THE ARTS

For more than two-and-a-half decades, Federal funds have served in significant ways to encourage individual artists and arts organizations in the United States.

During my own years in Washington, Congress passed several laws to help the arts. I was one of the sponsors of the legislation that created the National Endowment for the Arts, and as I have said, for ten years chaired the House subcommittee with responsibility for the NEA, the National Endowment for the Humanities and other programs to support cultural activities.

Indeed, the NEA is not the only Federal agency that supports art and culture in the United States. The National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution and the National Gallery of Art, which this year celebrates its 50th anniversary—are all central to our commitment as a people to enriching culture.

Here I want to make special mention of two other initiatives, which I co-authored with my friend and distinguished Senate colleague, Clairborne Pell of Rhode Island, that opened new doors to the arts.

One, the Museum Services Act, makes available through the Institute of Museum Services, modest but invaluable grants, up to $75,000, for general operating support and conservation activities, to museums of every kind—art, history, science and technology—and to zoos and botantical gardens. In fiscal 1990, IMS made nearly one thousand grants, totaling an estimated $21 million. Institutions as diverse as the Sacramento Zoo, the Nebraska State Historical Society, the Field Museum of Natural History in Chicago and the Laumeier Scultpture Park in St. Louis have received assistance from the IMS.

The second measure of which I claim joint parenthood with Senator Pell, the Arts and Artifacts Indemnity Act, provides indemnification by the federal government to protect art and artifacts loaned by other countries for exhibit in American museums. The ceiling on indemnification was recently increased from $125 million to $300 million per exhibition, with an aggregate limit on all outstanding indemnities, formerly $1.2 billion, now $3 billion. Since its enactment in 1975, the Indemnity Act has been used in some 360 exibits—including Tutankhamun, the Vatican, Alexander the Great and the Treasure Houses of Britain—with almost no claims for loss or damage. Most recently, the Indemnity Act helped make possible the Mexico and Malevich exhibitions at the Metropolitan Museum of Art and the Frans Hals and Titian exhibits at the National Gallery.

THE NEA RECORD

The law establishing the National Endowment for the Arts and its sister agency, NEH, puts the case for the use of Federal tax dollars for the arts in succinct terms:

"It is necessary and appropriate for the Federal government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry but also the material conditions facilitating the release of this creative talent."

From the beginning, two principles governed the operation of the National Endowment for the Arts—freedom of expression and accountability for the use of public monies.

To guard against political interference, the Senate committee report on the bill establishing the two Endowments used straightforward language:

"It is the intent of the committee that in the administration of this act there be given the fullest attention to freedom of artistic and humanistic expression."

To insure that the Endowment expend its funds wisely, Congress provided for an elaborate structure of accountability. The Chairperson of the NEA and the 26 rotating members of the advisory National Council on the Arts are nominated by the President and subject to Senate confirmation. Central to the grant selection process are advisory panels, made up of persons with special expertise who are chosen by the Chairperson to judge grant applications. The Chairperson, according to the original statute, would have the final say.

The law also makes clear that private initiatives are to be the principal source of money for the arts in this country; all grants to organizations must be matched by non-Federal monies on at least a one-to-one basis.

This matching formula has proved highly effective in attracting private support for, and in stimulating public interest in, the arts in the United States. When the Endowment was created in 1965, there were relatively few professional non-profit performing arts organizations in our country. There were 58 orchestras, 22 professional theaters, 37 dance companies and 27 opera companies. Private support for the arts had been flat for a decade, at approximately $250 million a year. Only seven states had arts agencies.

By 1990, however, there were in the United States 230 orchestras, 420 theaters, 250 dance companies and 120 opera companies. Private giving to the arts is now estimated at $6 billion annually. And today every state in the Union has an arts agency.

The range of activities that have benefited from Endowment assistance is impressive. The agency has been indispensable, for example, to television programming in the arts, to regional theater and dance. As one of the few sources of funds for both folk art and emerging art forms, the Endowment has helped preserve and advance America's cultural heritage.

All four Pulitzer Prize winners in 1990—for music, fiction, poetry and playwriting—received, at critical points in their careers, grants from the NEA. The Alexander Calder sculpture in Grand Rapids, Michigan; the Vietnam War Memorial in Washington, D.C.; the Dance Theater of Harlem—all might not exist had each not received support from the NEA.

Despite its highly successful record and wide bipartisan support in Congress, the Endowment has at times provoked sharp controversy. The controversial incidents have been rare. Of some 83,000 grants awarded by the NEA over the past quarter of a century, only 20 have raised significant questions.

In the past a mixture of astute leadership by the heads of the NEA, Presidential and Congressional willingness to strengthen the arts, effective lobbying by arts advocates and widespread public support combined to diffuse attacks on the Endowment and sustain it.

The situation that arose two years ago, however, was far different. There was, above all, a virtual vacuum of leadership for the arts at the highest levels of government. The harsh years of Ronald Reagan, with their initial hostile and later, stagnant budgets for the arts, paved the way for George Bush, who seems to want to keep the troubled Arts Endowment at arm's length.

If Mr. Bush has had little to say to defend the agency, his has not been the only silence. Indeed, as I shall illustrate, in the past two years, key elements that had helped repel earlier assaults on the NEA were weakened or missing.

In consequence, as we have seen, when determined opponents unleashed an unprecedented attack against the National Endowment for the Arts, they would succeed not only in radically altering the legislation governing the agency but threatening its existence.

Let me, in light of these observations, now turn to the events of the past 24 months, and the work of the Independent Commission.

THE NEA UNDER ATTACK

As you all know, in 1989, a firestorm was sparked by two exhibits assisted by NEA grants. One show, presented by the Southeastern Center of Contemporary Art in Winston-Salem, North Carolina, contained a photograph by Andres Serrano of a crucifix in urine; the other, at the Institute of Contemporary Art in Philadelphia, included some photographs by the late Robert Mapplethorpe of homoerotic activities and nude children.

In April 1989, the Serrano piece triggered the formidable machine of the religious right. Orchestrated by the Reverend Donald Wildmon and his American Family Association, letters attacking the artist poured into Congress; incensed legislators denounced both Serrano's work and Mapplethorpe's as "morally reprehensible trash." In June, the Corcoran Gallery of Art in Washington, D.C., canceled a scheduled Mapplethorpe show.

The dispute leapt onto the pages of leading newspapers and magazines. Rival coalitions mobilized on the issue, with accusations of "blasphemy" and "pornography" from one side, "censorship" and "thought control" from the other.

The debate in Congress produced proposals to alter the criteria the agency had used for nearly 25 years to judge grant applications. The most radical change, introduced by Senator Jesse Helms of North Carolina, was a legislative prohibition on grants for the promotion, dissemination or production of material deemed obscene, offensive or denigrating to religions or peoples. Helms amendment proponents sought to frame the issue for Congress in this fashion: "If you vote 'No' against 'censorship,' you're voting in favor of 'pornography.' " That is to say, if you defend freedom of speech and support for the arts, you can expect campaign attacks back home.

Given the gritty realities of modern American politics, supporters of the National Endowment for the Arts on Capitol Hill struggled to find a compromise. To stave off more onerous alternatives, they reluctantly accepted a provision in the appropriations bill for fiscal 1990 intended to draw on the 1973 *Miller vs. California* Supreme Court decision on pornography.

The new language prohibited the NEA from promoting, disseminating or producing materials which "may be considered obscene, including but not limited to, depictions of sadomasochism, homoeroticism, sexual exploitation of children, or individuals engaged in sex acts, which, when taken as a whole, do not have serious literary, artistic, political or scientific value."

For the first time in the history of the National Endowment for the Arts, the criteria for judging applications had been changed and the Endowment placed on a collision course with the Bill of Rights.

THE CREATION OF THE INDEPENDENT COMMISSION

Congressman Yates, however, acted to protect the Endowment by adding a provision to the appropriations bill calling for the creation of a "temporary Independent Commission." The Commission, by law to expire on September 30, 1990, was charged with reviewing the grant-making procedures of the National Endowment for the Arts, including those of its panel system; and considering whether the standard for publicly funded art should differ from the standard for privately funded art.

The Commission would be composed of twelve members, all to be appointed by President Bush, four on the recommendation of Speaker of the House of Representatives Thomas Foley in consultation with House Minority Leader Robert Michel, four on the recommendation of the President pro tempore of the Senate Robert Byrd in consultation with Senate Minority Leader Robert Dole, and four by the President himself.

Although Congress asked the Independent Commission for its report by April 23, 1990, White House tardiness in nominating its four members—the President did not, for reasons never explained, name his four choices until May 16, seven months after enactment of the appropriations act—prevented my colleagues and me from being sworn in until June 6, 1990, six weeks after the statutory deadline for the report!

A NEW ERA OF CENSORSHIP

During these months of delay, the controversy about the Endowment became still more acrimonious. As leaders of the religious right and crusading politicians continued to pound the agency, they were joined by a number of conservative art critics and intellectuals, lending the attack a patina of respectability. Fresh targets such as performance artist Karen Finley drew particular wrath.

Meanwhile, the Endowment found itself battling not only this band of opponents but its own beneficiaries. When the new Chairperson, John Frohnmayer, issued regulations requiring grantees to sign an anti-obscenity pledge, dozens of them refused to do so and three—a university, a dance company and a museum—took the NEA to court.

A new atmosphere of censorship appeared in some parts of the land. Local police stormed the Contemporary Arts Center in Cincinnati and, for exhibiting Mapplethorpe photographs, its director was indicted on obscenity charges. A prosecutor in Florida indicted the rap group 2 Live Crew for obscenity. And Republicans in Congress—supported by President Bush—pressed a constitutional amendment to ban flag burning.

It was in this deteriorating environment that Senators and Representatives began the process of reauthorizing the NEA. By the summer of 1990, their chances of crafting a bill free of so-called content restrictions—legislative limitations on the viewpoint expressed in a work of art—seemed increasingly remote. "There aren't many issues left and NEA is potentially a big one," said National Republican Congressional Committee Co-Chairman Ed Rollins, a warning to incumbent legislators seeking re-election in November.

THE INDEPENDENT COMMISSION MEETS

It was against such a backdrop that the 12 members of the Independent Commission held their first meeting in early June 1990, in Washington. Let me here salute them. They were a dedicated, hard-working group. Nominated by the House of Representatives were David E. Connor, president of David E. Connor and Associates of Peoria, Illinois; Joan Harris, former Commissioner of the Department of Cultural Affairs of Chicago; Kitty Carlisle Hart, chairman of the New York State Council on the Arts; and I.

Members recommended by the Senate were Marcia Laing Golden, past president of the Association of Community Arts Agencies of Kansas; Kay Huffman Goodwin, a former chairman of the West Virginia Arts and Humanities Commission; Peter Kyros of California, a former White House aide on the arts and humanities; and also of California, Rosalind Wyman, a former member of the National Council on the Arts.

Mr. Bush's choices were John Agresto, president of St. John's College in Santa Fe, New Mexico, and former deputy chairman of NEH; Theresa Elmore Behrendt of New York, a former White House liaison to the arts and humanities; Leonard Garment, of the law firm of Dickstein, Shapiro & Morin in Washington, D.C. and former assistant to President Richard Nixon; and Charles K. McWhorter of New York, a lawyer and former legislative assistant to Vice President Nixon.

Let me tell you about what we did.

The Independent Commission made several key decisions on the first day we met. The Commission elected not one chair but two *co*-chairs—Leonard Garment and me. Far from prompting a deadlock, the co-chairmenship and a personal friendship that developed between Leonard Garment and me proved indispensable to the work of the Commission and its ultimate success. Indeed, for me one of the great pleasures of serving on the Independent Commission was the opportunity to engage wits, cross swords and fashion agreements with one of the country's leading lawyers. Leonard is a man of both passion and intellect. I was exposed in our deliberations to both qualities!

I remind you, too, that six Commissioners were chosen by Democratic elected officials and six by Republicans. With co-chairmen, every member would be assured that his or her voice would be heard.

Another crucial determination: After considerable discussion, the Commission agreed not to ask Congress to extend its life for another year or more but instead to move quickly and produce a report by the date the Commission would statutorily go out of business—September 30, 1990.

Mr. Garment who, as you know, delivered the Nancy Hanks Lecture two years ago, and I immediately appointed a staff director, Dr. Margaret Jane Wyszomirski, a respected scholar specializing in public policy for the arts. Only last week, I am pleased to note, Dr. Wyszomirski was named director of the NEA's Office of Policy and Planning.

Leonard and I felt it imperative that the Commission's work be characterized by—and be seen to have—three qualities: balance, independence and a striving for consensus. During six days of public hearings, the Commission sought to elicit the broadest array of opinions. We took testimony from top Endowment officials, peer review panelists, policy analysts, foundation supporters of the arts, artists and critics of the NEA.

Because Leonard Garment and I realized that the issues the Commission had been charged with considering entailed First Amendment questions, we convened a Legal Task Force of six constitutional lawyers—Leonard chose three and I chose three—selected on the basis of their outstanding reputations and the diversity of their views.

Members of the Task Force both testified before the Commission and drafted a consensus statement. A particularly significant conclusion, widely cited in the press, in the legal scholars' statement, was this: ". . . [W]hile Congress has broad powers as to how to spend public funds, it may not do so in a way that the Supreme Court has said is 'aimed at the suppression of dangerous ideas.'"

I think it here important to note that all six lawyers, conservatives and liberals, opposed the requirement that NEA grant recipients certify that their work would not be obscene.

By the time, last August, that the Commissioners began negotiations on our recommendations, it was clear that our philosophical differences meant that each of us would have to compromise. A divided Commission, Leonard and I reminded our colleagues, would carry little weight in Congress.

That the Commission's final report, issued on September 11, 1990, was unanimous was an achievement in which Leonard, our fellow Commissioners and I took—and take—great pride.

RECOMMENDATIONS OF THE INDEPENDENT COMMISSION

Let me here summarize some of our chief recommendations.

First, the Commission declared that "to assure that the NEA operate in a manner accountable to the President, Congress and the American people, the Endowment's procedures for scrutiny and evaluation of applications for grants must be reformed."

In pressing for reform, the Commission urged that the sole authority of the NEA Chairperson to decide on grants be made explicit in legislation and that he or she be given more choices. Our Commission also called for the reestablishment of "Committees" of National Council members to assure another opportunity for review between, on the one hand, grant advisory panels, and, on the other, the full Council and the Chairperson.

We said that recommendations of specific amounts of grant awards should be set by Endowment staff after consultation with panelists. We also said that the panels and National Council should recommend a larger number of grants than funds available for them, thereby giving the Chairperson a genuine choice in making awards.

In addition, the Commission urged steps to diminish conflicts of interest on panels. Panelists, we said, should not be permitted to serve on a panel considering applications from organizations with which they are affiliated. And the pool of panelists should be expanded to include persons knowledgeable about the arts but who do not earn their living in them.

In light of subsequent developments in Congress, I think it important to point out that one change the Independent Commission carefully considered and roundly rejected was alteration in the percentage of Endowment funds directed to state arts agencies.

Moreover, although the Commission urged reforms in the grantmaking procedures of the NEA, we unanimously recommended "against legislative changes to impose specific restrictions on the content of works of art supported by the Endowment."

In my view, this recommendation—that the government not tell artists how to produce their art—and that it won unanimous support represented the single most important conclusion of the Independent Commission. For when a 12-person Commission, created by Congressional mandate, the members of which were selected by George Bush, Tom Foley, Bob Michel, Bob Byrd and Bob Dole, can reject content restrictions, such a decision sends a powerful bipartisan signal about the appropriate relationship between the National Endowment for the Arts and the freedom of expression of artists.

You well may ask why Commissioners with such diverse political perspectives decided to oppose legislative limitations on the content of art funded by the NEA. The answer, in the words of our report: "Content restrictions may raise serious constitutional issues, would be inherently ambiguous and would almost certainly involve the Endowment and the Department of Justice in costly and unproductive lawsuits."

Although the Commission recognized that "obscenity is not protected speech and that the National Endowment for the Arts is prohibited from funding the production of works which are obscene or otherwise illegal," we asserted that the NEA "is an inappropriate tribunal for the legal determination of obscenity. The nature and structure of the Endowment are not such that it can make the necessary due process findings of fact and conclusions of law involved in these determinations. . . . [T]he appropriate forum for the formal determination of obscenity is the courts."

The Commission also urged that the Endowment rescind its certification requirement.

Finally, to communicate the spirit that motivated much of our work, the Independent Commission proposed that Congress add to the "Declaration of Purpose," or preamble, of the legislation authorizing the NEA several hortatory statements such as language making clear that "The arts and humanities belong to all the people of the United States."

The overwhelmingly positive reception the report received indicated that most public officials, journalists and arts policy analysts agreed with our conclusions. An editorial in *The Washington Post*, "Cooler Heads on the Arts," captured the most common response. The item commended the Commission for debunking "the idea that accountability without content restrictions is impossible."

Now I have described the controversy which led to the creation of the Independent Commission, how we proceeded and what we found.

Did the Commission make a difference?

As I speak to you more than six months after the release of our report, I draw these conclusions about the impact of our work.

THE NEA IS REAUTHORIZED

I believe that in the short term, the report of the Independent Commission helped prevent the destruction of the National Endowment for the Arts. After months of bitter wrangling, the House of Representatives hammered out a compromise passed by Congress in late October, 1990.

Although the legislation continues the life of the National Endowment for the Arts for three more years, the measure contains what, in my view, are two unfortunate provisions.

One will increase the percentage of the total NEA appropriation to be channeled to the states from 20 to 35 percent by fiscal year 1993, a change I believe is precipitous and can only weaken the NEA's program. I speak, may I add, as the author of the 1975 amendment mandating that one-fifth of all appropriations to the NEA go to the states.

The witnesses, conservatives and liberals, who testified on this subject before the Commission were emphatic and unanimous in their view that the existing formula not be altered at this time. Any future change in the ratio, our report concluded, should be preceded by a careful, Congressionally mandated study of the impact of the modification on Federal, State, and local funding.

Under the new reallocation formula, Mr. Frohnmayer faces the difficult task this year of coring the Endowment's budget, cutting out, in order to give the states their windfall, an additional $12 million. To do so, the NEA must pare individual grants and kill some programs. The initiative, for example, to give money to museums to purchase the work of living American artists, is disappearing—just the sort of effort my colleagues and I who founded the NEA would have sought to encourage.

With many states in deficit, their own support of the arts has for the first time in years fallen overall by 10 percent from fiscal 1990 to 1991. There is a danger that states may use their increased allocations of Endowment money as an excuse to trim arts budgets still further.

I need not remind this audience of arts advocates of the fault lines and bitter feelings this change in the law has created within your own ranks.

Of course, the other troubling aspect of the new legislation is the language that requires the NEA Chairperson to ensure that grants are made "taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public."

Professor Kathleen Sullivan of the Harvard Law School, a member of the Commission's Legal Task Force, said of this language, "It's both better and worse than the old law. Better, in that it contains no enforceable content restriction. Worse, in the sense that artists may steer too clear of what they think the public might find indecent, which is a far broader category than obscenity."

As you know, Mr. Frohnmayer has said that when applying the "decency" standard, he will not impose his own judgment but will defer to that of the grant review panels and National Council.

As the Chairperson explained in Congressional hearings last month, ". . . [N]o one individual is wise enought to be able to consider general standards of decency. . . all by him- or herself."

Both Mr. Frohnmayer and the National Council appear to have concluded that because of their diverse makeup, grant review panels would apply "general standards of decency" as a matter of course.

But as Professor Sullivan sees it—and I agree—these ominous words in the law "lie around like a loaded weapon," or in the description of National Council member, State Senator Roy Goodman of New York, "a booby trap."

Although not yet required to certify that what they produce will be "decent," some NEA grant recipients are, once again, rejecting their grants. Only this week, a group of artists in a California lawsuit against the Endowment challenged the constitutionality of the "decency" standard.

Commenting on the new legislation, one of the acting program directors of the agency said, "A year ago, even mention of restrictions would have caused an ourtage. Now the bill looks pretty good compared with what we were threatened with. I'd like to feel relief because it has been so tragic around here for a year, but to be honest, I don't."

THE CONTROVERSY COOLS DOWN

Nonetheless, in the months since Congress placed new limits on grantmaking, the arts controversy has appeared to cool down. I like to believe that the Independent Commission has contributed to the calming.

Columnists and commentators, for example, are no longer belaboring the issue of obscenity and the arts.

Attempts to censor artists, performers and arts groups have not fared well in the courts. The rap group 2 Live Crew and Cincinnati art gallery director were cleared of all criminal charges.

And two months ago, supporters of freedom of speech and artistic expression celebrated a significant victory in a Federal court in Los Angeles. The court ruled that the requirement that NEA grant recipients in fiscal 1990 sign an anti-obscenity pledge is "unconstitutionally vague because it leaves the determination of obscenity in the hands of the NEA." The court declared, "This is the type of obstacle in the path of the exercise of fundamental speech rights that the Constitution will not tolerate."

In the wake of this ruling, Mr. Frohnmayer at long last retracted the troublesome pledge, a move prompting the dismissal of another lawsuit against the Endowment in New York.

With the reauthorization of the National Endowment for the Arts completed, some lawsuits settled and the certification requirement revoked, champions of the arts may be tempted to believe that the worst days for the Endowment and the arts are now behind us.

Let me say, however, as bluntly as I can: It would be foolish to think that the controversy that has shaken the National Endowment for the Arts has run its course. You and I must continue to be vigilant.

THREATS TO THE ARTS

Why do I say this?

It seems clear that the religious and political right, having achieved significant change in the legislation governing the National Endowment for the Arts, sees the issue of censorship of art as a political winner.

Although the legislation reauthorizing the NEA will not be up for discussion until 1993, advocates of the arts should not think the year ahead a time to relax. You will recall that to launch their first strike against the agency, Senator Helms and other opponents of the NEA used an appropriations bill.

Indeed, the renewal of efforts by fundamentalist organizations and by politicians to clean up the NEA are described in a recent issue of the conservative weekly *Human Events*. Quoting Senator Helms' warning, "You ain't seen nothing yet," the magazine notes, "Helms' warning, "You ain't seen nothing yet," the magazine notes, "Helms watchers know well that empty bluffs are not his style."

Indicative of right wing activism is a new broadside, entitled, "The National Endowment for the Arts: Misusing Taxpayers' Money," produced by The Heritage Foundation. This document achieves the same standards of objectivity, sweet reason and intellectual rigor that we have come to expect from extremist enemies of the Endowment.

If we must be on the lookout for new assaults from the right, I think we must also heed the signals from the White House.

In his budget proposal for fiscal 1992, Mr. Bush seeks no increase in funds for the National Endowment for the Arts and, for the first time in history, the Arts Endowment would receive less money than its sister, NEH.

Testifying before Congress, Office of Management and Budget Director Richard Darman took credit for this move. The NEA, he explained, would attract too much Congressional attention if its budget were raised above current levels.

Nor is there reason to expect, in a time of economic constraint, that state and local governments or private philanthropy will be more generous to the arts.

In New York state, for example, Governor Mario Cuomo proposes in fiscal 1992 to slash funds for the New York State Arts Council by 57 percent. Neighboring New Jersey would reduce state money for the arts by 40 percent Massachusetts wants to cut its arts budget by 28 percent.

Beyond these developments, experts anticipate that corporate contributions to the arts will, for the first time since 1967, decline this year. According to a survey cited in the *Wall Street Journal*, the faltering economy means that nearly one-third of charitable donors are giving less to all causes this year.

Indeed, although I have mentioned flat budgets for the Arts Endowment, I must also remind you of the harmful Federal tax policies of recent years.

The Tax Reform Act of 1986 posed new hurdles for the arts, among them changes that would discourage contributions. I cite the elimination of the charitable deduction for non-itemizers as well as the imposition of a minimum tax on major gifts of appreciated property. Although Congress acted last year to lift the latter provision regarding gifts of appreciated property to museums, it did so for only one year.

Even more troubling than the prospect of reduced giving is the possibility that, following the lead of the Federal government, other funders will be more cautious about the artists they support.

* * * * *

Now I have spoken to you this evening about the founding of the National Endowment for the Arts, the years of its success and the months of controversy.

Despite all that I have said, as I look to the future, I am far from pessimistic. I believe there are some directions in which we should—and can—be moving as we seek to reaffirm the commitment to the arts built up over the past two-and-a-half decades. Let me state them.

AN AGENDA FOR THE ARTS: THE PRESIDENT AND CHAIRPERSON

My first exhortation is a challenge to the Commander-In-Chief in the White House to act to preserve and encourage the arts.

We meet only weeks after the end of the war in the Persian Gulf and a military victory for which President Bush deserves significant credit. Americans are feeling better about themselves than they have in some years, and Mr. Bush is basking in extraordinary popularity.

For all his brilliant handling of the Gulf war, however, Mr. Bush has not given similar leadership to the nation on the home front.

You and I know that when the Scuds were fired at the NEA, no Patriots were fired from the White House.

And you and I know that the triumph over Saddam Hussein will balance no budget; cure no recession; reduce no crime; reform no school; provide no health care; build no house or highway; make no contribution to America's competitiveness in the global economy.

Indeed, much of our national politics during the next two years will focus on this so-called domestic agenda.

Will the arts be part of that agenda? For President Bush? For Congress? For governors and mayors?

The answer depends at least in part on how creative arts advocates are in finding and supporting vigorous leaders for the arts both in and outside government. Such leaders can press the President and others in key positions to pay serious attention, in considering the nation's needs, to the arts.

And here my second admonition is to the person who holds the most visible post in the arts in the country—Mr. Frohnmayer. It will be up to the Chairperson of the NEA to articulate a sense—yes, a vision—of what the National Endowment for the Arts can do for the nation and then help mobilize public support in pursuit of those goals.

And if the agency he heads is to cope effectively with the challenges that confront it, he must work with the friends of the Endowment and turn back its enemies with the truth. In this regard, I invoke the spirit of Nancy Hanks.

AN EXHORTATION TO CONGRESS

My third exhortation: Members of Congress should keep the National Endowment for the Arts free of onerous restrictions and provide the agency the resources it needs to be effective.

Here let me praise those members of Congress of both political parties who have so valiantly championed the arts. I pay my particular respects once again to Sidney Yates and to Congressman Pat Williams of Montana, who have worked to protect the Endowment from those who seemed intent on destroying it.

I cite, too, for his tireless leadership from the beginning, Senator Claiborne Pell. I believe Senator Orrin Hatch of Utah deserves special mention for his courageous and principled stance. May his example fortify his colleagues!

IMPROVING THE COALITION

Fourth, I think it imperative that we expand and improve the coalition working for the arts. Let me linger on this matter for a moment.

I am well aware that the battle to save the National Endowment for the Arts has produced points of serious friction among arts advocates, with some organizations determined to pursue an agenda separate from and even antithetical to the interests of others.

As one who has lived much of his life in the arena of political combat, I must warn you that if arts advocates float warring agendas, your oponents will perceive your weakness and exploit it, and policymakers will play you off one against another.

For coalitions to succeed—whether minorities pressing to win civil rights or environmentalists to repel a hostile Secretary of the Interior—members must settle their differences before they come to Congress and seek to present a united front.

So it is most encouraging to me that you are taking steps to achieve consensus, including the formation of the Legislative Coalition that I know has been meeting in Washington. Keep at it!

Moreover, for your advocacy to be most effective, I urge you to broaden your coalition to embrace those whose interests in significant ways coincide with your own—educators, scholars, performers, art collectors and dealers, business and civic leaders, among others.

In this regard, as a university president, I must tell you that I have been frankly disappointed by the relative absence these past two years of scholars willing to defend freedom of expression in the arts. Freedom endangered anywhere is freedom endangered everywhere.

ARTS EDUCATION AND ACCESS

Fifth, I believe we must much more effectively teach children to appreciate the arts and to respect artists. The arts can play an indispensable role in a child's learning.

I am proud in this connection that the New York University School of Education, Health, Nursing and Arts Professions houses the National Arts Education Research Center. This center, supported by the National Endowment for the Arts and the U.S. Department of Education, is studying the most effective ways to improve arts instruction in elementary and secondary schools.

I also commend the members of Congress who in the reauthorization bill for the Arts Endowment last fall acted to include new spending authority for access to the arts through support of education.

Indeed, although arts education was not on our agenda, members of the Independent Commission felt so strongly about the subject that we recommended that the NEA "collaborate to a greater extent with state and local arts agencies and with other sectors of society to advance arts education."

We added: "Recognizing that contributions to arts education can be made by several federal agencies, the Commission believes that the National Endowment for the Arts should lead this effort."

Although the Commission drew particular attention to arts education for children, which I wholeheartedly support, I think it also imperative to encourage arts education in our colleges and universities, in community institutions and in lifelong learning programs.

Sixth, and as I speak of enhancing knowledge and understanding of the arts, I think it important, too, to find ways to enable more Americans to enjoy more art.

Let me give you an example of what I'm talking about.

I have in mind a new dimension of the Arts and Artifacts Indemnity Act, of which I spoke earlier. I propose that Congress now consider providing indemnification by the Federal government to protect art and artifacts housed in museums *in the United States* for exhibit throughout our own country. Because the cost of insuring materials loaned to other museums can be prohibitively expensive, many Americans cannot see great works of art housed in American museums. Through such a program, to illustrate, the Snite Museum at the University of Notre Dame, in my hometown, could show treasurers of the Metropolitan Museum of Art to South Benders. Or Asian masterpieces from Kansas City or Cleveland might travel to the West Coast where large populations of Asian-Americans, and others, could see them. Hispanic-Americans in Florida and New York might have the chance to look at Latin-American art from museums in the Southwest.

MAKING THE CASE FOR THE ARTS

I have one final observation, and it is this: You and I must continue to make the case for the arts with our elected representatives here in Washington, D.C.

And what is the case? It is that the arts are essential; the arts are not something to be thrown a bone after everything else is taken care of because everyting else will never be taken care of.

And it will be up to each of you to make clear that the arts matter.

It will be up to each of you to press both for more generous support of the arts by the Federal government and for the removal of harmful tax policies that discourage giving to the arts by private benefactors.

It will be up to each of you to help replace the distorted image of the National Endowment for the Arts peddled by its enemies.

All of us, you and I, msut remind people of the close connection between support for the arts and the greater public interests that are served. For you and I know the immense difference that the arts and artists make to enriching our lives as individual persons and to building a culture that illumines and ennobles.

In recent weeks, you and I have been reflecting on the fundamental values that characterize us as Americans—the willingness to risk life for a cause we believe in, a love of country no one can take from us, a belief in the sanctity of individual freedom. Proud as we are of the engine of our economy or of our military might, we know, too, that the more enduring legacy of our wealth as a people is in the canvases of our painters, the songs of our composers and the words of our poets.

Here I recall some of the most eloquent testimony I heard in all my years of sitting in Congressional hearings. The witness was the distinguished American artist, Robert Motherwell, who was testifying in 1970 in support of legislation I had introduced to encourage education about the environment. This is what Motherwell said:

I am sure that scientists have or will testify to the relevant facts here and know them far better than I. I speak only as an artist. But to speak as an artist is no small thing. Most people ignorantly suppose that artists are the decorators of our human existence, the esthetes to whom the cultivated may turn when the real business of the day is done. But actually what an artist is, is a person skilled in expressing human feeling . . . Far from being merely decorative, the artist's awareness . . . is one . . . of the few guardians of the inherent sanity and equilibrium of the human spirit that we have.

For my part, I believe that proponents of Federal support of the arts, support unfettered by restrictions imposed by government, will continue to find encouragement in the report my colleagues and I on the Independent Commission prepared last year. I hope that legislators and other public officials will resist the impulse to censor, remembering the admonition of our group that "Maintaining the principle of an open society requires all of us, at times, to put up with much we do not like but the bargain has proved in the long run a good one."

For what I think should be obvious from the record of the National Endowment for the Arts and other Federal programs to support culture is that our national government, with modest amounts of money, without stifling bureaucratic control and without unwarranted intervention, can provide support for the arts in ways that greatly enhance the quality of American life.

As I conclude these remarks, I recall for you the words of Nancy Hanks just 17 years ago when she replied to some who even then were attempting to impose censorship on the Endowment. Said Nancy, in words as powerful for 1991 as when she wrote them, in 1974:

For an artist to create what society needs, he or she must be given the opportunity to try . . . Nurturing the broad range of the nation's creativity is far more important than the few tempests that arise. I say that because of my conviction that the cornerstone of any culture is the nurtured talent of its creative artists.

You and I then must strive to ensure that we nurture the talent of our creative artists so that art—beautiful, ugly; ordered, unruly; free-spirited, controlled . . . but indispensable—continues to nurture the creativity of our nation.

CHILDREN'S HEALTH PLAN

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. PENNY. Mr. Speaker, today, along with my Minnesota colleagues, Messrs. OBERSTAR, VENTO, SABO, SIKORSKI, and COLLIN PETERSON, I am introducing a national children's health plan [CHP], based on the already successful Minnesota Children's Health Plan. The premise of this legislation is simple: Preventive outpatient care for children is a sound investment in the lives and futures of young Americans. The bill provides federally paid outpatient care for children ages 1 through 18 whose parents' income is between 133 and 185 percent of the Federal poverty line and who choose, via an enrollment fee, to participate in the program.

In many places and in many ways, the need for improved preventive and primary care for children has already been demonstrated. Just yesterday, an editorial in the Washington Post called for Congress to see to it that "every toddler gets the vaccines he or she needs." Children's health plan would help meet that need.

Here's how the plan works: A family qualifies for CHP if the parents earn between 133 and 185 percent of the poverty line and don't already have health insurance. If they choose to enroll in CHP, they complete a simple application form—about four pages long and available by mail—and pay a $40 annual fee for each child, up to a family yearly maximum of $200. The completed application and fee are mailed to the State office and, in return, each child receives a CHP membership card. When outpatient services are needed, the card is presented to physicians and clinics who provide a variety of services including prescription drugs, immunizations, mental health evaluations, vision care, and annual checkups. Providers bill the central CHP billing office—in Minnesota this service is provided by contract through the medical assistance office. States then receive 100 percent Federal payment for all medical services rendered. Families can receive covered services from any health care provider who is enrolled in the Medical Assistance Program and reimbursement is based on those policies and rates. Since many children will qualify for both CHP and medical assistance at different periods within the same year, families are allowed to move back and forth between the two programs and the CHP fee is not charged a second time within the year to re-enroll.

What makes this program different from Medicaid? The obvious difference is that this program is financed 100 percent by Federal dollars, without requiring matching State funds. This removes any State disincentive to participate in the program. Admirable as our passage last year in Omnibus Budget Reconciliation Act of 1990 of the requirement that States gradually expand Medicaid coverage to children within this same group, States still must cover their costs. More significant, however, is the fact that families pay to participate in this program, just as they buy into other insurance programs. This is a distinction with a difference. Program officials in the Minnesota program have consistently found that families prefer to buy this insurance rather than to take what they see as a government handout. It allows them to actually invest in their children's care and makes them active participants in seeing that necessary care is given. Further, the program is easily accessible through a simple, mail-in application form—about 4 pages long compared to the Medicaid application which runs to 37 pages. Families are not required to go to county welfare offices or other social services agencies to enroll which saves them time, trouble and, for many, embarrassment.

Additionally, States which already provide Medicaid benefits up to 185 percent of the poverty line will still receive a percentage of CHP Federal funding, which will be based on estimates of needy children within that State. That would allow States to serve other health care needs. For instance, a medical assistance office could allocate this money to a catastrophic fund for children needing such things as transplants, cancer treatments, and so forth. A child qualify for this fund based on a lack of insurance coverage, the severity of the illness, and the cost of treatment.

The initial cost of the CHP would be about $3 billion annually, which would be financed by removing the cap on the maximum amount of income subject to the Medicare hospital insurance payroll tax. This means applying the 1.45-percent payroll tax to incomes above $125,000.

This plan is workable and achievable. The costs are considerably less than most of the other health plans now being offered on Capitol Hill. If we cannot afford to provide this modest health plan for our children, we're kidding ourselves to think that we can find funding for a health plan for all Americans. By focusing on prevention, the children's health plan will allow us to take a giant stride toward the goal of keeping America's children healthy. I urge my colleagues to join me in cosponsoring this vital legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Health Program Act of 1991".

SEC. 2. CHILD HEALTH PROGRAM.

(a) ELIGIBILITY.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), as amended by section 4601(a)(1)(A) of the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) by striking "or" at the end of subclause, (VI),

(2) by striking the semicolon at the end of subclause (VII) and inserting ", or", and

(3) by adding at the end the following new subclause:

"(VIII) who are under 19 years of age, whose family income (as determined under subsection (l)(3)(E)) does not exceed 185 percent of the income official poverty line (referred to in subsection (l)(2)(A)(i)) for a family of the size involved, and who are not otherwise eligible for medical assistance for the same amount, duration, and scope of services as individuals described in subclause (VI);".

(b) SCOPE OF BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by sections 4402(d)(1) and 4713(a)(1)(D) of the Omnibus Budget Reconciliation Act of 1990, is amended, in the matter following subparagraph (f)—

(1) by striking "; and (XI)" and inserting ", (XI)",

(2) by striking ", and (XI)" and inserting ", (XII)", and

(3) by inserting before the semicolon at the end the following: ", and (XIII) the medical assistance made available to an individual described in subparagraph (A)(i)(VIII) shall not include medical assistance for items and services described in paragraphs (1), (8), (15), (16), (18), (19) and (24) of section 1905(a) or for orthodontics and shall be limited, in the case of mental health services (including diagnosis, assessment, and treatment), to payment of not more than $1,500 for any individual for any year".

(c) EXPANSION OF OUTREACH AND STATEWIDE ENROLLMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396(a)) is amended—

(1) by striking "and" at the end of paragraph (54);

(2) in the paragraph (55) inserted by section 4602(a)(3) of the Omnibus Budget Reconciliation Act of 1990—

(A) by inserting "(a)(10)(A)(i)(VIII)," after "(a)(10)(A)(i)(VII),", and

(B) by striking the period at the end and inserting a semicolon;

(3) by redesignating the paragraph (55) inserted by section 4604(b)(3) of the Omnibus Budget Reconciliation Act of 1990 as paragraph (56), by transferring and inserting it after the paragraph (55) inserted by section 4602(a)(3) of such Act, and by striking the period at the end and inserting a semicolon;

(4) by placing paragraphs (57) and (58), inserted by section 4751(a)(1)(C) of the Omnibus Budget Reconciliation Act of 1990, immediately after paragraph (56), as redesignated by paragraph (3);

(5) in the paragraph (58) inserted by section 4751(a)(1)(C) of the Omnibus Budget Reconciliation Act of 1990, by striking the period at the end and inserting a semicolon;

(6) by redesignating the paragraph (58) inserted by section 4752(c)(1)(C) of the Omnibus Budget Reconciliation Act of 1990 as paragraph (59), by transferring and inserting it after the paragraph (58) inserted by section 4751(a)(1)(C) of such Act, and by striking the period at the end and inserting "; and"; and

(7) by inserting after paragraph (59), as so redesignated, the following new paragraph:

"(60) provide for a simple, uniform, statewide mail application process for individuals seeking entitlement to medical assistance under paragraph (10)(A)(i)(VIII).".

(d) ANNUAL ENROLLMENT FEE.—Section 1916(c) of such Act (42 U.S.C. 1396o(c)) is amended by adding at the end the following new paragraph:

"(5) The State plan shall provide for an annual enrollment fee of $40 for each child seeking medical assistance pursuant to section 1902(a)(10)(A)(i)(VIII), except that, in the case of children in a family, the annual enrollment fee shall not exceed $200 for the enrollment of all the eligible children in the same family.".

(e) 100 PERCENT FEDERAL FINANCIAL PARTICIPATION.—

(1) MEDICAL ASSISTANCE.—The last sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by inserting before the period at the end the following: "or expended as medical assistance for individuals entitled to medical assistance under section 1902(a)(10)(A)(i)(VIII)".

(2) ADMINISTRATIVE EXPENSES.—Section 1903(a) of such Act (42 U.S.C. 1396b(a)) is amended—

(A) by striking "plus" at the end of paragraph (6),

(B) by redesignating paragraph (7) as paragraph (8), and

(C) by inserting after paragraph (6) the following new paragraph:

"(7) an amount equal to 100 percent of the amounts expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan with respect to individuals entitled to medical assistance under section 1902(a)(10)(A)(i)(VIII); plus".

(f) FINANCING THROUGH PAYROLL TAX.—

(1) ELIMINATION OF CAP ON WAGES SUBJECT TO HOSPITAL INSURANCE TAX.—Subparagraph (B) of section 3121(x)(2) of the Internal Revenue Code of 1986 (relating to applicable contribution base) is amended to read as follows:

"(B) for any calendar year after 1991, an unlimited amount."

(2) ADDITIONAL REVENUES NOT DEPOSITED IN FEDERAL HOSPITAL INSURANCE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended by adding at the end the following new sentence: "Notwithstanding the previous provisions of this subsection, whenever in this subsection a reference is made to the taxes imposed by section 3101(b), 3111(b), or 1401(b) of the Internal Revenue Code of 1986 with respect to wages or self-employment income, the reference shall not include taxes imposed as a result of the amendments made by section 2(e) of the Child Health Program Act of 1991."

(3) CONFORMING AMENDMENT.—Subclause (II) of section 3231(e)(2)(B)(i) of the Internal Revenue Code of 1986 (defining applicable base for purposes of railroad retirement tax) is amended by striking "for any calendar year the applicable contribution base determined under section 3121(x)(2) for such calendar year" and inserting the following: "$125,000 for calendar year 1991, and for any calendar year after 1991 the applicable base for the preceding year adjusted in the same manner as is used in adjusting the contribution and benefit base under section 230(b) of the Social Security Act".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to renumeration paid after December 31, 1991, and with respect to earnings from self-employment attributable to taxable years beginning after such date.

(g) MAINTENANCE OF EFFORT FOR INFANTS.—Section 1902(1)(2)(A) of the Social Security Act is amended—

"(1) in clause (ii)(II), by inserting "or clause (v)" after "clause (iv)", and

"(2) by adding at the end the following new clause:

"(v) In the case of a State which, as of the date of the enactment of this clause, has established under clause (i), or has enacted legislation authorizing, or appropriating fund, to provide for, a percentage (of the income official poverty line) that is greater than 133 percent, the percentage provided under clause (ii) for medical assistance on or after October 1, 1992, shall not be less than—

"(I) the percentage specified by the State in an amendment to its State plan (whether approved or not) as of the date of the enactment of this clause, or

"(II) if no such percentage is specified as of the date of the enactment of this clause, the percentage established under the State's authorizing legislation or provided for under the State's appropriations.".

(h) TREATMENT OF CERTAIN STATES AND TERRITORIES.—Section 1902(1)(4) of such Act (42 U.S.C. 1396a(1)(4)), as amended by section 4601(a)(1)(C) of the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) in subparagraph (A), by inserting "or subsection (a)(10)(A)(i)(VIII)" after "(a)(10)(A)(i)(VII)",

(2) in subparagraph (B), by striking "or (a)(10)(A)(i)(VII)" and inserting "(a)(10)(A)(i)(VII), or (a)(10)(A)(i)(VIII)", and

(3) by adding at the end the following new subparagraph:

"(C) In the case of a State which is not one of the 50 States or the District of Columbia, instead of '185 percent' specified in subsection (a)(10(A)(i)(VIII), the State (if under subparagraph (B) it elects such provision to apply) shall substitute a percent which does not exceed 100 percent.".

(i) EFFECTIVE DATE.—The amendments made by this section apply (except as provided in subsection (f)(4)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after October 1, 1992, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

TRIBUTE TO G. FRANCIS BRENNAN

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. FRANKS of Connecticut. Mr. Speaker, on behalf of myself, Congresswoman NANCY JOHNSON, and Congressman CHRISTOPHER SHAYS of Connecticut, we wish to acknowledge the contribution of G. Francis Brennan of Waterbury, CT.

On April 20, members of the Connecticut Republican Party honored Mr. Brennan, a man with a long record of accomplishment in civic and political life.

At the annual Prescott Bush dinner, Mr. Brennan was presented with the Pat Futner Award—given to a member of the Connecticut Republican Party who has worked long and hard for the political process.

Mr. Brennan is what public service and good politics is all about, regardless of political party.

True to form, Mr. Brennan gave an eloquent acceptance speech, which we believe, touches on what makes our political process special.

Enclosed are his remarks to his fellow Republicans.

REMARKS BY G. FRANCIS BRENNAN

The people of politics: honorable and uncommon. As the calendar moves, they work the time of seasons: Caucus, convention, primary, election—victory or defeat—the next day, another year. The people of politics—unglamorous, untitled, unpaid—walk the nation's ways as a movable feast—never tasting the cake of despair from MacArthur's Park. They know no fatigue, only the toil of doing a great giving thing: they refresh our national spirit with the gift of loyalty. Life and Liberty are dormant birthrights until mingled with loyalty. Then the three become an American Trinity: a spirit of one and democracy flourishes.

The people of politics work the work of many. The work is much—and the workers few. For so many, politics has not been tried and found wanting; politics has been found too hard and left untried. But the people of politics and their work never stop.

The best measurement of loyalties harvest and the quality of its yield are by the chronicles of times past. In the "old country" of our memories, a General returned from Normandy with a promise of peace and prosperity. His victory was great. Loyalty was easy. But soon, harder times, and a voice from the right and the frontier spoke his heart. He spoke the truth. Some had forgotten. He reminded us. "The defense of Liberty is no vice." His defeat was hard. But the people of politics and their loyalty were harder still. Then victory again—precious victory—with expectations that went beyond horizons—and his fall so sudden, swift—so steep. And the people of politics endured ridicule from without and heart pain from within. It was a silent hurt that could only be shared by the people of politics. Then quickly the new man, so brief, so much a common man and loyalty sustained. The constitution worked.

A decade ago the first distant calls of our next century, turned two men toward a national vision of new order. And great world walls began to fall at democracy's feet. The New Country begins. We were proud again! The work of loyalty continues uninterrupted; and the quality of the yield is good.

So for the people of politics, their fidelities and their labors we search for a proper Song of Praise. And only the word/mix reserved for poets of heroes and romances will satisfy. Then their anthem will be fulfilled.

And the words will speak;
Once more, into the breach,
Once more, for the country they go.
They are the few,
They are the gallant few,
They are a giving and courageous few;
They are a loyal and happy few.
From where do we get such,
These, our band of brothers.
From democracy's country they come.

GREATER SUPPORT FOR OUR NATION'S CULTURAL AGENCIES

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. WEISS. Mr. Speaker, today I had the honor of testifying before the Interior Appropriations Subcommittee on the fiscal year 1992 budgets of the Federal arts agencies—the first time doing so as chairman of the Congressional Arts Caucus.

The agencies—the National Endowments for the Arts and Humanities and the Institute of Museum Services—have supported the best of American artistic activities and, in doing so, have utterly changed our Nation's cultural landscape. Certainly, they are deserving of our continued and increased support.

I insert the statement I made before the subcommittee printed in the RECORD:

REMARKS OF HON. TED WEISS

Mr. Chairman and members of the subcommittee, I am grateful for this opportunity to testify on the fiscal year 1992 budgets of our Nation's Federal arts agencies and their continued viability. I must begin by expressing my great admiration and respect for the commitment which the chairman and subcommittee have shown in protecting and promoting the arts in our Nation for nearly two decades. It is in no small measure due to your sensitivity and wisdom that the arts have been able to flourish throughout the country during this time and that the agencies have been able to fundamentally change the country's cultural landscape.

Mr. Chairman, today the Nation's cultural community is at risk of losing theatres, dance companies, opera companies, and a multitude of arts organizations. Economic downturn and the assault on the arts which took place last year have already begun to take their toll. Certainly, the administration's proposed freeze in the budget of the NEA at $174 million only exacerbates the situation.

With the aid of the NEA, NEH and IMS, arts groups have proliferated, bringing with their artistic excellence a great diversity of programming and outreach activities which have educated and motivated our children, touched our adults and have had a significant effect on the lives of our citizens.

We are all aware of the realities of a downturn in the economy. But what we must be aware of is the devastating effect which a tightening of resources, pullback of contributions and shrinking Federal percentage has had on the artistic community: 42 percent of nonprofit theatres ended their seasons with operating deficits, while seven theatres—ceased operations in 1990 due to financial adversity; 24 of 50 dance companies surveyed by Dance/USA posted deficits while six of the Nation's finest companies came dangerously close to the brink of financial disaster this year; 47 percent of recently surveyed opera companies surveyed had losses; and, of the 40 largest orchestras in the U.S., 27 posted operating deficits at the close of the 1989-90 season.

Meanwhile, as a result of last year's reauthorization legislation, five NEA program categories have been eliminated and $12 million shifted form the program discipline grants—moneys already spread extremely thin—to the States. The NEA had already been struggling to fulfill its mandate of increasing access to the arts and awarding organizations and individuals of outstanding merit; now it is asked to do so with even less program money.

Last year's attacks on the NEA and on the very essence of artistic creativity had an especially damaging effect. The Federal Government is now viewed by many as considering the arts as trivial, as perhaps too controversial and as something less than a priority. As the new chairman of the Congressional Arts Caucus, I shudder to think that the Congress could be viewed as abandoning a commitment to that which is so intrinsic to our national identity. A tragedy in itself, this perception, combined with the realities of economic conditions, has had severe repercussions at State and local levels and in the philanthropic world.

For the first time in thirteen years, State arts appropriations and State per capita spending on the arts have decreased. Due to fiscal woes, State governments are slashing budgets. While arts groups realize that these are difficult times and are willing to carry their load, they have been targeted for disproportionate cuts, not only in New York, but also in Virginia, Missouri, Michigan and other States.

Those who oppose Government funding of the arts by alleging that the private sector and private contributions will absorb any pullback or dissolution of Federal and other government funding are simply not in touch with reality. Their argument could not be further from the truth. One corporate representative of the philanthropic community made the point very succinctly: "If the Government feels that the arts are an important priority, we're going to follow suit. If it cuts back, we're also going to think twice." Simply put, where the Federal Government leads, State local governments and other sectors of the country follow.

While the Federal attitude towards arts funding affects the amount of funding which other sectors of society are willing to give, it also sets the tone for the type of funding. Last year's misinformation campaign caused other damage, that of potentially choosing projects to fund that are "safe," non-controversial or simply more traditional. This is a subject which this subcommittee and this Congress must weigh as well, for it goes to the very heart of what constitutes a free society and what role a National Endowment for the Arts should have in a society that is multi-faceted, multi-racial, and completely diverse. I might add that Congress has seen the result of cases which have been brought against the NEA regarding limitations on the content of grants. It is somewhat easy for this Congress to simply add language to a bill in an attempt to avoid that which some, perhaps even many, would find disturbing. It is much more difficult to do this and still maintain the principles of the Constitution.

I ask the subcommittee to seriously weigh what is gained by freezing the funding of the Federal arts agencies or pulling money away from the program disciplines against what is gained by these catalytic and effective funds. For FY '91, NEA program grants totaling approximately $122.4 million generated $1.47 billion in non-federal funds. That is a greater than 10:1 impact and a wallop of an effect.

To bring the NEA's discipline programs up to levels comparable to FY 1981—the last time there was significant increase in the NEA's budget—while taking into account inflation and the funding of the initiatives mandated in last year's reauthorization legislation, would require $255 million. I believe that that is a fair amount to ask for the NEA and would mark a real commitment to preserving and developing our national culture.

Mr. Chairman, I would also like to praise the many and fine activities of the NEH and IMS, which, through aid to museums and other humanities organizations, help educate and engage our citizens.

SO CALL IT A VICTORY DIVIDEND

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. BEILENSON. Mr. Speaker, the New York Times yesterday published an article by our colleague from Massachusetts, Mr. FRANK, that deserves wide circulation. Titled "So Call It a 'Victory Dividend,'" he argues that we can indeed reduce our military spending by a greater amount than agreed to in last year's budget summit, and use the dividend to reduce the deficit and to fund social needs here at home.

Mr. FRANK's article is beautifully written and well worth reading.

[From the New York Times, May 1, 1991]

So Call It a "Victory Dividend"

(By Barney Frank)

WASHINGTON.—What's in a name? Sometimes, hundreds of billions of dollars.

In 1989, with the Russian empire crumbling, some of us in Washington argued that the time had come to begin a shift of America's resources from the worldwide military competition, which we are winning decisively, to the global civilian area where we are lagging. It makes no sense, we said, to spend two to six times as much of our gross national product on the military as do our wealthy allies while they outsell America. It is poor policy, we argued, to spend more than $100 billion a year defending Western Europe from the defunct Warsaw Pact while our deficit expands and our infrastructure decays.

Our mistake was calling this a "peace dividend." The phrase suggested that its advocates were naive about the world, apologetic about America's role in it, or both.

Consequently, when repression persisted in Russia, and America went to war in the gulf, the peace dividend was pronounced dead. Had the case for it depended on Mikhail Gorbachev becoming head of Amnesty International and Saddam Hussein being as reasonable as the Bush Administration thought he was before Aug. 2, it would deserve its demise.

But it didn't. And doesn't. Given the drastic weakening of the Communist military the great increase in industrial strength of our allies and America's proven military superiority over any likely adversary, a military budget that is less than two-thirds of our current expenditure would more than suffice to keep us the strongest power in the world.

What taxpayers are entitled to after 45 years of carrying a grossly disproportionate share of the non-Communist world's military burden is a "victory dividend." It is a dividend, because it is more than $100 billion a year that we can use for health care, deficit reduction, education or any other purpose. It is a victory dividend because it has been made possible by our success in the cold war and the increased self-defense capability of our allies.

It is not a call to disarm. We should retain the ability to deter nuclear war, to deploy air, sea and land power rapidly around the globe when our vital interests are at stake, and to reassure weak nations threatened by belligerent neighbors. The consensus to keep such a force is overwhelming in Congress and the country.

In fact, the weapons used by the U.S. in the gulf were not the controversial ones of the 80's. The MX and Midgetman missiles, the B-1 and B-2 bombers, anti-satellite weapons, and Strategic Defense Initiative were irrelevant to victory in Iraq and will be to future conflicts of this sort. (The effort to claim the Patriot for the S.D.I. program is one of the great acts of intellectual piracy of our time.)

We demonstrably do not need a huge land force in Europe and a $5 billion a year subsidy for Japan in the form of American forces stationed there. Nor do we need to add tens of billions of dollars to a nuclear deterrent already more than sufficient to its task.

The victory dividend can also be used for foreign policy objectives not achievable through military strength. If we took a small part of the money we spend on NATO and applied it to debt reduction in Latin America, we would be better off morally and from the standpoint of national security.

There will be debate over how much of our victory dividend should be used to reduce the deficit, how much should go to meet social needs, and how much should be spent to avoid war. But properly understood—as a recognition of West's great success, rather than as a declaration that the world is now safe for pacifism—the case for a phased-in reduction of military spending should not be controversial.

In fact, the choice of reducing our deficit, inoculating our children against disease, and repairing our bridges and roads versus sending large sums to subsidize Japan and Europe should be an easy one.

FINANCIAL STATEMENT OF F. JAMES SENSENBRENNER, JR.

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1991, a matter of public record. I have filed similar statements for each of the 12 preceding years I have served in the Congress.

ASSETS

Real property	Value
Single family residence at 609 Fort Williams Parkway, city of Alexandria, VA, at assessed valuation. (Assessed at $651,800.00 Ratio of assessed to market value: 100 percent.) (Encumbered)	$651,800.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, WI, at assessor's estimated market value. (Unencumbered)	73,400.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, WI, at 25/44ths of assessor's estimated market value of $274,400.00. (Unencumbered)	155,909.09
Total real property	881,109.09

PERSONAL PROPERTY

No. of shares	Common and preferred stocks	Value
338	Firstar Corp. at $31.375	$10,604.75
467,216	American Telephone & Telegraph at $34.25	16,002.15
558	Idaho Power Corp. at $26.625	14,856.75
22	Ogden Projects Corp. at $20.50	451.00
450	First Interstate Bancorp. at $33.375	15,018.75
146,877	American Information Technologies at $67.00	9,840.76
193,145	Bell Atlantic Corp. at $51.375	9,922.82
218,786	Bell South Corp. at $53.25	11,650.35
100,337	NYNEX, Inc. at $72.50	7,274.43
148	Pacific Telesis, Inc. at $43.00	6,364.00
151,279	Southwest Bell, Inc. at $56.125	8,490.54
199,542	US West, Inc. at $39.125	7,807.08
649,438	Tenneco Corp. at $42.375	27,519.94
580	Nevada Power Co. at $21.50	12,470.00
838	Newell Corp. at $32.00	26,816.00
1,440	General Mills, Inc. at $57.00	82,080.00
800	Kellogg Corp. at $93.375	74,700.00
2,000	Dunn & Bradstreet, Inc. at $47.00	94,000.00
1,000	Halliburton Co. at $46.25	46,250.00
18,176	Kimberly-Clark Corp. at $87.75	1,594,944.00
500	Minnesota Mining & Manufacturing at $88.50	44,250.00
100	Rank Organization ADR at $12.625	1,262.50
2,132	Exxon Corp. at $58.50	124,722.00
1,162	Amoco Corp. at $52.50	61,005.00
1,080	Eastman Kodak Co. at $43.625	47,115.00
1,075	General Electric Co. at $69.625	74,846.88
408	General Motors Corp. at $37.75	15,402.00
20	General Motors Corp., series H at $19.25	385.00
5,213	Merck & Co., Inc. at $105.50	549,971.50
952	Warner Lambert Co. at $74.50	70,924.00
700	Continental Corp. at $29.25	20,475.00
200	Sears Roebuck & Co. at $35.00	7,000.00
910	Ogden Corp. at $20.00	18,200.00
455	OMI Corp. at $6.75	3,071.25
418	International Business Machines, Inc. at $113.875.	44,599.75

PERSONAL PROPERTY—Continued

No. of shares	Common and preferred stocks	Value
26	Sandusky Voting Trust at $123.00	3,198.00
1,422	Monsanto Corp. at $58.00	82,476.00
450	E.I. Du Pont de Nemours Corp. at $37.125	16,706.25
450	Houston Industries, Inc. at $36.125	16,256.25
525	Pacific Gas & Electric, Inc. at $26.125	13,715.63
512	Wisconsin Energy Corp. at $34.25	17,536.00
1,800	Abbot Laboratories, Inc. at $48.00	86,400.00
1,410	Banc One Corp. at $35.75	50,407.50
127	Premark International, Inc. at $21.75	2,762.25
100	Unisys, Inc., preferred at $10.00	1,000.00
33	Benton County Mining Co. at no value	Nil
	Total common and preferred stocks	$3,450,751.08

LIFE INSURANCE POLICIES

Face amount		Cash surrender value
$12,000	Northwestern Mutual—No. 4378000	$20,378.83
30,000	Northwestern Mutual—No. 4574061	48,597.81
10,000	Massachusetts Mutual—No. 416575	4,423.84
100,000	Massachusetts Mutual—No. 4228344	85,460.47
175,000	Old Line Life Insurance Co.	16,275.74
	Total life insurance policies	170,136.69

BANK & SAVINGS & LOAN ACCOUNTS

	Amount
Bank One, Milwaukee, N.A.: Checking account No. 0046–2366	$7,886.02
Bank One, Milwaukee, N.A.: Preferred savings account No. 4158–8070	18,954.54
Bank One, Milwaukee, N.A.: Regular savings account No. 497–525	641.40
Sergeant at Arms, U.S. House of Representatives: Checking account No. 7484	245.44
Valley Bank, N.A. of Hartland, WI: Checking account No. 03056664–06	121.28
Valley Bank of Hartland, WI: Savings account No. 03056544–11	539.92
Burke & Herbert Bank of Alexandria, VA: Checking account No. 601–301–5	577.37
Federated Bank, FSB of Butler, WI: Individual retirement accounts	32,710.03
Total bank and savings and loan accounts	61,676.00

MISCELLANEOUS

	Amount
1985 Pontiac 6000 automobile (at Blue Book retail value)	$3,025.00
Office furniture and equipment (estimated)	1,000.00
Furniture, clothing and personal property (estimated)	125,000.00
Stamp collection (estimated)	28,000.00
Interest in Wisconsin Retirement Fund	34,036.24
Deposits in Congressional Retirement Fund	62,877.93
Value of deposits in Federal Thrift Savings Plan	22,939.47
Traveller's checks	6,650.00
20 foot Manitou pontoon boat and 35 HP Force Outboard motor (estimated)	5,500.00
Total miscellaneous	289,028.64
Total assets	4,852,701.50

LIABILITIES

	Amount
Sovran Mortgage Co. of Richmond, VA (amount due on mortgage on Alexandria, VA, residence) Loan No. 564377	$175,062.81
Miscellaneous charge accounts (estimated)	2,000.00
Total liabilities	177,062.81
Net worth	4,675,638.69

STATEMENT OF 1990 TAXES PAID

	Amount
Federal income tax	$47,441.00
Wisconsin income tax	14,663.00
Menomonee Falls, WI, property tax	2,142.00
Chenequa, WI, property tax	7,537.00
Alexandria, VA, property tax	6,762.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner III and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of our sons and also are custodians of accounts established for the benefit of each son under the Uniform Gifts to Minors Act.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other State or foreign country.

COLOMBIA LOSES ANOTHER LEADER IN THE WAR ON DRUGS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. RAMSTAD. Mr. Speaker, on Tuesday, former Colombian Minister of Justice, Enrique Low Murta, was assassinated by two unidentified men. Low's assassination occurred on the day the Colombians were remembering the assassination of another Colombian Minister of Justice, Rodrigo Lara Bonilla, who was killed 7 years ago.

From 1987 to 1989, Minister Low championed for the extradition of drug traffickers to the United States and helped coordinate Colombia's successful antidrug crackdown initiated by President Barco. While serving in the Barco administration, Minister Low publicly called for the arrest of Pablo Escobar, Jose Gonzalo Rodriguez Gacha, and Jorge Luis Ochoa even though it meant putting his life in danger. Minister Low was not afraid to take the lead in ending the drug cartels' reign in Colombia. We in Congress must also continue to work to end the reign of drug dealers and drug traffickers here in the United States.

Currently, the Colombian assembly is rewriting Colombia's Constitution. I hope the Colombian assembly is not intimidated by what appears to be the drug traffickers' latest show of violence in the Government of Colombia. Colombia must continue to strengthen their justice institutions so crimes like the assassination of Minister Low do not go unpunished. Here in the United States and Colombia, the message to drug traffickers must remain clear—you will pay for your crimes.

TRIBUTE TO ARDY SHAW

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to one of San Diego's foremost community leaders, Ardy Shaw. Ardy is going to be honored on Friday, May 10, at a gala dinner to benefit YMCA services. It is fitting that Ardy Shaw is the focus of this event, as she has long taken a leading role in programs to benefit the children of San Diego.

Ardy Shaw is something of a rarity, in that she is a native San Diegan. But equally rare is her commitment to giving something back to her community. She is an inspiration to those whose lives she touches, and I am proud to call her a friend.

Ardy chose journalism as a career. For 13 years, she has worked for the San Diego Union, in a variety of roles, but always in positions with great contact with the community. Beginning in 1978, when she joined the newspaper, she has been tapped as a sort of ambassador at large for the Union. Since 1985, Ardy Shaw has served as executive assistant to the editor, with special responsibilities for community relations. Among other projects, Ardy has been active in working in our public schools, and community organizations such as the responsible hospitality committee, the Literacy Council, and the United Way.

She is also well known in the San Diego area for her 10 years as producer and host of talk radio programs on KSDO–AM and KPBS–FM. Later, she served as a commentator for KSDO radio, as well. Here again, Ardy provided a vital link for the San Diego area, illuminating problems and helping to find solutions.

Ardy has chosen to make a difference in the quality of life in San Diego, most especially through her involvement with the YMCA. As vice chair for the board of management of YMCA's human development services, Ardy Shaw has helped an organization that touches the lives of thousands of San Diegans each year. YMCA's human development services provides shelter and counseling for abused children, troubled families, and teenagers in crisis. Their leadership in the prevention and treatment of child abuse, alcohol and drug abuse has quite literally saved lives.

The YMCA human development services benefit honoring Ardy Shaw will raise funds needed to support 7 YMCA services. I salute them for their efforts in the San Diego community and I also salute my friend, Ardy Shaw. Mr. Speaker, I know my colleagues join me in recognizing Ardy Shaw, one of the true heroes of San Diego.

FEDERAL FACILITIES COMPLIANCE ACT OF 1991

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GEPHARDT. Mr. Speaker, I am proud to join with the gentleman from Ohio [Mr. ECKART] as an original cosponsor of the Federal Facilities Compliance Act of 1991. This legislation, twice approved overwhelmingly in the last Congress, deserves enactment without delay.

Some of our Nation's worst polluters are not fly-by-night companies, but Federal agencies. The Departments of Energy and Defense together generate over 20 million tons of hazardous and radioactive wastes per year. For years, these and other agencies have mismanaged their handling of these hazardous, radioactive, and mixed wastes, badly contaminating the air, soils, and waters of many communities.

Places like Rocky Flats, Hanford, Fernald, and Savannah River have garnered most of the attention—but the fact is that agency pollution has endangered human health and the environment across the country.

The Congress passed the Resource Conservation and Recovery Act precisely to require the proper handling and disposal of solid and hazardous wastes. The RCRA law gave the Environmental Protection Agency and the States the leading role in cleaning up hazardous waste sites. Unfortuntely, several of our Federal agencies have resisted EPA and State cleanup efforts, contending that they cannot be compelled to take action, even if they previously might have agreed to do so.

This legislation has one simple goal: To require that these Federal Agencies abide by our environmental laws. There should be no double standards. Local and State governments and private companies must abide by these laws; certainly the Federal Government must do the same.

The EPA and the States, if they are to be given the responsibility for environmental protection, must have the authority to enforce the law. In spite of extremely tight overall budget constraints, the Congress has consistently provided more funds for the defense facility cleanups than the amounts requested by the administration. The administration needs to demonstrate its seriousness and address this issue.

The Federal Facilities Compliance Act means a lot to the citizens of St. Louis. The St. Louis Airport storage site, used to dump radioactive wastes dating back to the Manhattan project, has contaminated some areas with significant amounts of radioactive materials. The Department of Energy must be required to abide by the law and the obligations it has to our community. This legislation can help ensure this.

The good intentions of Federal agencies must be backed up by meaningful action and enforceable agreements. I urge my colleagues to join me in insisting that the Federal Government meet its responsibility to be a good steward of our environment, and a guardian of the public health.

DESTINATION: PEORIA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MICHEL. Mr. Speaker, it has been widely reported that Americans today, unlike those of a few decades ago, are now leaving the metropolis in search of smaller cities. Reasons for this exodus include the desire to live in a community where there are fewer traffic hassles, less crime, and an overall improvement in the quality of life, while at the same time offering all the benefits of a large infrastructure. Peoria, IL, is such a city.

Peoria offers diversity—in businesses and in technology. Peoria can boast—along with being the three-time recipient of the All-America City Award—of its Northern Regional Research Center, the second largest laboratory of the U.S. Department of Agriculture, and businesses such as Caterpillar, Inc., Keystone Steel & Wire, Centel, and Archer-Daniel Midland—just to name a few.

"Will it play in Peoria?" isn't just a phase anymore. It has become the standard that other cities will strive to live up to.

At this point in the RECORD, I would like to insert four articles which appeared recently in the United Express Airlines magazine. Destinations: "Peoria Ascendant," "Profiling Peoria Business," At the Frontiers of Biotechnology," and Pursuing the Muse in Peoria."

PEORIA ASCENDANT

Since the turn of the century when more than half of America's people lived on farms and small towns, there has been a steady migration of population to major cities to the point that more than 85 percent of all Americans live in cities of 1 million or more and fewer than 3 percent live on working farms and ranches. Now this trend is ending.

There are any number of dissertations on the reasons for the general exodus of industry and people from the big cities.

Largely, it is because these cities have outgrown their charters and now spill across city, county, and even state boundaries, into such a welter overlapping and redundant jurisdictions that they are ungovernable. And because they cannot be governed, traffic cannot be managed, crime cannot be controlled, the environment cannot be protected, their infrastructures are crumbling beyond repair, and excellence in anything is seldom attained in spite of exorbitant taxes.

Those leaving Megalopolis and Gotham are not going back to put up hay on Grampa's farm or to cut stovepipe in Dad's Own Hardware Store in Boonieville. They're citified, they like the best the city has to offer, and they are finding it in what demographers and sociologists call "the second-tier" cities, that range from as small as 75,000 to upwards of 1 million population.

These are the places that are governable, and where those doing the governing are visible and thus accountable to those being governed.

The second-tier cities are the new boomtowns of America. They have all of the metropolitan assets, but little crime, no traffic gridlocks, good schools solid infrastucture, and affordable housing. In short, they're better placed to live—as an individual or as a corporation.

Over the past several years, Peoria at 350,000 population has become an exemplar of the best of the second-tier cities, and this message has been played to world through international news services through international news services like Reuters, through international business magazines like The Economist, through national newsweeklies and network television, and—perhaps most importantly—through the word-of-mouth of executives of Peoria-based corporations that do business around the globe.

Peoria is indeed "playing to the world." Don't, however, make the mistake of thinking that Peoria is typical. It ain't.

Situated midway between Chicago and St. Louis, Peoria was once sort of a vest pocket version of each: maker of beer and whiskey, of steel and heavy machinery; a Corn Belt river port where bargemen and railroaders loaded out coal and ore and loaded in the cases and kegs and big yellow tractors and the corn and hogs and cattle from rich farms surrounding Peoria and from its sprawling stockyards. "Blue collar" summed it up precisely and Peoria was proud of it. "Yes, but will it play in Peoria?" was never a pejorative as it was a kind of litmus test of the core value of an idea.

Emerson's essay on "the uses of adversity" has its case in point in Peoria.

Martin Mini, executive director of the highly-professional Peoria Economic Development Council, says that up until 1980 three out of four area jobs were blue collar. "Now it's one out of two," he observes, adding that, "it was the heavy decline in blue collar employment that led us to diversity."

Telecommunications, insurance, direct marketing, aerospace, automotive aftermarket, electronics, medical specialties, bio-technology, graphic arts, publishing, warehousing and distribution, regional and national headquarters, government, conventions and tourism, education, government . . . Peoria has diversified with might and main.

While the brewery and distillery that closed down during the decline are likely gone forever, Caterpillar and Keystone Steel have stanched their wounds and are now growing vigorously again, competitive in global markets because of stream-lined organization and the latest in production equipment and facilities.

Mini is highly optimistic that more companies will find Peoria as a place to do business and that those already established there will prosper.

"Peoria and the other second-tier cities have all been doing well in the face of a recession," he states. "We are not to go overboard on growth just for its own sake, but believe all parts of the equation are there for us to make solid progress to the turn of the century and beyond."

He is particularly sanguine about trade agreements that will begin to manifest their benefits in the coming decade.

Since 1970, the volume of world trade has increased by some 240 percent, and trade between the U.S. and Asia now exceeds that between the U.S. and Europe. Over the past 15 years, the U.S. has gone from being the world's largest creditor nation to world's largest debtor nation, and balance-of-trade deficits still plague the U.S.

In 1987, an agreement was signed between the U.S. and Canada that will eliminate all tariffs and trade barriers between the two nations. One phase of tariff reductions has been made; another reduction will take place in 1992, and the final reduction is to take place in the year 2000. Canada is the largest trading partner of the U.S., at approximately $70 billion a year.

A similar agreement between Mexico and the U.S. is just in the beginning discussion stages.

In 1992, the European Economic Community will come into being, and it will eliminate trade barriers among 12—and possibly more—European nations. The EEC will become an enormous market—324 million people and an aggregate "GNP" of $4.7 trillion (vs. 249 million people an a GNP of $3.8 trillion for the U.S.).

The disintegration of the Eastern Bloc, and the shift of the Communist countries from planned to market economies may also create vast trade opportunities in Eastern Europe and the Soviet Union.

What makes Mini so optimistic that Peoria will play a significant role in global trade are a number of factors, key among them that many Peoria-based companies are strong exporters with long experience of doing business overseas as part of their corporate cultures.

"Global communications is one factor. So is air service that makes it possible to connect through Chicago or St. Louis within an hour, and from them to go nonstop to principal markets of Canada, Mexico, Europe, South America, the Pacific Rim, and Asia within the same day. So is low-cost water transportation, and a number of other things," he states. "But almost none of the other second-tier cities are headquarters to companies like Caterpillar, that does 60 percent of its total sales as export."

There's no intention of ignoring possibilities closer to home. "One of the appeals for U.S. companies that Peoria has the most affordable housing in America," Mini notes. "Also, we have a very strong story to tell about productivity."

Plentiful clean water, reasonable utility rates, competitive construction cost, clean and efficient government with a high return of services per tax dollar, are other inducements.

The Peoria EDC has the area's attributes catalogued in complete and current detail.

"Because we had our slump just at the beginning of the 1980s when other more-diversified places were going strong, Peoria didn't get overextended in offices or apartments or homes," Mini says.

"That was sort of luck in a way, but now we're solid in every way and we intend to stay that way."

"Does it play in Peoria?" The real question is for an expansion-minded company to decide whether it's good enough to play in Peoria.

PROFILING PEORIA BUSINESS

Historians correctly observe that Peoria was a melting pot of cultures and races long before the idea occurred to other parts of America. The same amalgam of corporate cultures, management techniques, and new technologies has been taking place in Peoria for nearly a decade, and the result is that almost everyone is thriving in the face of a national recession and in spite of aggressive foreign competition . . . and newcomers big and small have been coming to Peoria in increasing numbers.

As a consequence, the patten of business in Peoria is so diversified that there is almost no pattern whatever except for that of success.

Caterpillar came to Peoria in 1925, and its big yellow tractors, bulldozers, scrapers, and graders revolutionized earth-moving. If Ford put America on wheels, it was Cat that made the highways for the wheels to run on, and made possible the construction of the airports and the huge dams built in America during the decades of the 1930s through the 1960s.

Its domestic market softened by major completion of the Interstate Highway System, Caterpillar was also pounded hard by exports to the extent it sustained a billion-dollar loss and had to cut its work force by more than half in the early 1980s. Cat dug in, modernized, and fought back so successfully that its payroll is growing again and that now approximately 60% of its total sales are from exports. With some 21,000 employees in its Peoria-area facilities, Cat is by far Peoria's largest employer.

Ironically, the Japanese heavy-equipment company of Komatsu which marched away with so many of Cat's customers during the late 1950s and early 1980s, also discovered Peoria, and in a joint venture with Dresser, formed the Komatus-Dresser Company Haulpak Division. Haulpaks are the gigantic 100-yard capacity dump trucks used in continuous strip-mining and other operations where high-speed, high-volume hauling of overburden, coal, or ores is essential. K-DC has about 900 employees in Peoria.

Keystone Steel & Wire, which suffered simultaneously with Cat from many of the same problems, also emerged very successfully from its trial and is the second largest manufacturing employer in Peoria, with a workforce of over 1,500.

In the non-manufacturing sector, medicine and education are the largest employers. St. Francis Medical Center has 3,300 employees, Methodist Medical Center has 2,500, Peoria School District has some 2,100, Bradley University has 1,200, Illinois Central College has 1,100, and Proctor Community Hospital has about 1,000.

Centel is a strong voice within the Greater Peoria area—literally.

The telecommunications leader provides regular phone service in Pekin and through Centel Cellular—phone service for the entire Greater Peoria area. At Chicago's O'Hare International, Centel has a unique equipment system for United Airlines' reservations, providing all-digital and fiber optic redundant systems which are virtually foolproof. Centel is similarly a positive force in other communities within its nine-state service area.

Fleming-Potter Company, Inc., not exactly a household word even in Peoria, is nonetheless a manufacturer whose products are frequently on everyone's lips. The company makes perforations and printing and manufactures seals—by the hundreds of millions. You and I encounter F-PC products when we affix a stamp to subscribe to a magazine and thereby try for a sweepstakes prize, open a carton or bottle of a fresh fruit juice or ponder the label of a bottle of wine, or remove the seal from any of the hundreds of products we encounter daily. Fleming-Potter, the name that's just on the tip of your tongue, employs about 550 people.

Two other Peoria companies, largely unknown except in the world of advertising, are Multi-Aid Services, Inc. (312 employees) and Dynamic Graphics, Inc. (150 employees), whose products are likely before your eyes many times a day. They design advertising and ad components such as illustrations, cartoons, and borders which they supply to ad agencies, newspapers, book publishers, and printers. Books of "slicks" or "clip art" and their monthly supplements are still a substantial part of the business, but increasingly the images are transmitted computer-to-computer via modem or compact discs.

Peoria has a substantial and growing community of direct marketing companies: Foster & Gallagher with 900 employees, Ruppman Marketing Services with over 400, and Customer Development Company with 380. The newest addition is a new direct mail center for Mail Tech Enterprises, Inc. with a 72,000-square foot facility from which it operates as a direct mail distributor, service such clients as Publishers Clearing House, the American Lung Association, and a number of Fortune 500 corporations.

Financial institutions are also important factors in the economic life of the Peoria area. Pekin Insurance with 600 employees, First of America Bank Illinois NA with over 425, RLI Corporation (specialty insurance) with about 350, Construction Equipment Federal Credit Union with 300, and Illinois Mutual Life & Casualty Company with 200 are major players in this arena.

In addition to what's already mentioned, here's some more of the diversity of companies operating in the Peoria area:

Morton Buildings, steel and wood buildings for commercial, industrial, and agricultural purposes. UNR-Rohn, Inc., microwave towers. Sherex Chemicals, industrial chemicals. International Paper, paper products. B.F. Goodrich, vinyl, other plastics, and rubber. DMI, Inc., farm equipment. L.R. Nelson, lawn irrigation equipment. Pekin Energy, fuel-grade ethanol. Archer-Daniel Midland, grain processing. Libby (Carnation), pumpkin processing.

Other recent newcomers to the area accentuate the breadth of the spectrum of companies that have determined Peoria is the best place for them.

TransTechnology Electronics, Inc. has consolidated its $200 million-dollar-a-year high-tech engineering and manufacturing operations for aerospace, defense, and industrial products in Peoria.

Union Sangyo America, Inc., a Japanese-Korean-American enterprise, manufactures over 24 million automotive filters a year in its new $20 million plant in Peoria County.

Preco, Inc. has completed a 10,000-square foot building in Peoria to manufacture electronic backup alarms used on fork lifts and other industrial and construction equipment.

Brown Moulding Company, Inc. recently opened a national distribution center in Peoria. The company is the nation's largest supplier of unfinished wood millwork, serving major do-it-yourself building centers and wholesale builder supplies for contractors.

Each new ingredient in the melting pot is adding to the zest of prosperity.

AT THE FRONTIERS OF BIOTECHNOLOGY

The Northern Regional Research Center at Peoria is the second largest laboratory of the U.S. Department of Agriculture, and most communities in possession of a facility like that would happily bask in the reflected glory of the pioneering work accomplished at that lab.

Peoria, though, believes not only in gilding the lily, but in making ten lilies grow where only one grew before, in adapting it to equatorial and polar climates, in learning how to process it for industrial solvents and fuel, make it cure a wide spectrum of diseases, and in providing a basis for exports that will overcome the troublesome balance-of-trade deficits and bring roses to the cheeks of all those ashy pale Federal Reserve Board governors.

Well, we do exaggerate. But only a little.

As prestigious as the USDA Center is, the relatively-new Biotechnology Research & Development Center (BRDC) housed there has wide-ranging goals that—if successful—will multiply the efficiency of American agriculture many times over, make existing businesses grow, and create entire new industries.

BRDC is a unique hybrid, focusing research efforts in bio-technology and genetic engineering by federal and state government agencies, private industry, and academia.

Its matter-of-fact approach to tomorrow is one that virtually insures steady progress and may well yield major scientific breakthroughs.

Most remarkably, BRDC is no superbureaucracy, but has a total staff of what Executive Director Grant Brewen describes as "three and a half people."

The body may be small, but it has musices all over it. BRDC's seven shareholders include Amoco Technology, American Cyanamid, Dow Chemical, Hewlitt-Packard, ECOGEN, Inc., INCERA Group Inc., and the Peoria Economic Development Council and CILCORP as a joint venture.

The annual $4 million budget currently includes 55 research contracts with 11 universities and five agricultural research organizations. More contracts with additional universities are contemplated for the near future.

Six principal areas of research are now under investigation:

Plant and molecular biology.

Bio-catalysis to identify micro-organisms that perform uniform chemical conversions vital to metabolic pathways.

Natural products that include a variety of natural pesticides, fungicides, herbicides, and mildewicides; and delivery technologies for crop protection and animal care.

Animal health care.

Fermentation processes to control systems and to develop and monitor batch processes, oxygen tensions, and other factors that affect high-value pharmaceuticals, such as insulin and ethanol production dependent on yeasts and other fermentation agents.

Basic molecular biology and genetic engineering.

Some of the research is being conducted by the University of Illinois at Urbana, the National Center for Crop Utilization Research at Peoria, Northern Illinois University at Dekalb, Northwestern University at Evanston, Iowa State at Ames, Johns-Hopkins University at Baltimore, the University of Iowa at Mason City, New York University at Sunnybrook, and . . . well, you get the idea . . . the powers who know how to make things grow and how to make things out of the things that grow.

The thing to keep in mind is that many of the things that will keep you feeling better, looking better, more comfortable, living longer, having more conveniences, and enjoying a good job are first going to play in Peoria.

PURSUING THE MUSE IN PEORIA

Somewhere it sticks in your mind that Fibber McGee and Molly of the crashing closet who played a gentle spoof of domesticity on Tuesday night radio during the 1940s were from Peoria even though they said it was Wistful Vista.

That leaves you grandly unprepared for what you actually find.

Begin with the gleaming $64 million Civic Center on a manicured 20-acre site. This convention and entertainment complex has an 12,000-seat arena and a 2,200-seat theater, and is home to some of the finest cultural aggregations ever to rosin a bow or step into a tutu.

The Peoria Symphony Orchestra, one of 10 oldest in the United States, has played at the prestigious Bodensee Festival in Germany, and the Peoria Ballet has performed at the equally prestigious Edinburgh Festival in Scotland. The Peoria Players Theater is the fourth oldest in the U.S. There are also the highly-regarded Peoria Civic Opera, the Peoria Area Civic Chorale, the Broadway Theater Series, the Children's Theater, the Lakeview Museum of the Arts/Sciences, and numerous other university-affiliated and community theatrical and musical groups.

If something a bit more on the casual order is your preference, there's the Peoria Municipal Band, and there's spontaneous jazz at the Fulton Plaza downtown, where—if music is not enough to satisfy the inner person—there are hot dogs, sausages, grilled pork chops, and Chinese, Lebanese, and Italian offerings from the colorful pushcarts that cater to music lovers, office workers, shoppers, strollers, and visitors.

Bill and Carol DeBoard, emigres from the corporate life, launched Peoria's first pushcart in 1980, and since, pushcart vending has become something of a local industry, albeit more charmingly picturesque than most enterprises.

Paddle-driven steamboats once played an important part of Peoria's economic life, and you can catch an authentic glimpse of those days at Jumer's Boatworks, where there is The Belle Reynolds, a floating maritime museum built inside a operable 170-feet tugboat, and The Katie Hooper, a floating restaurant and lounge, and where—if you feel inclined to go cruisin' down the river on a Sunday afternoon—you can board The Spirit of Peoria, a 125-foot excursion paddlewheeler, and do just that.

Should paddlewheelers stimulate you to play the riverboat gambler as did the darkly-handsome Howard Keel so memorably in the movie, you can do that, too, come April, when riverboat casino gambling comes to Peoria and East Peoria in the form of a new three-deck vessel that can carry 1,200 passengers.

The Illinois Gaming Board has authorized only five such licenses for floating casinos on the Illinois River from Chicago down to East St. Louis where the Illinois flows into the Mississippi.

You can hold your ace-queen full-house close to your embroidered vest or bet red or black or shoot craps in luxuriant ease, because the boat will have a staff of 800 for three-shift-a-day operation.

Over 50 hours a week of live thoroughbred and harness racing is shown via 175 television monitors at an off-track betting facility named Arlington-in-Peoria.

Team sports are popular, and both the Braves, Bradley University's perennial powerhouse basketball team, and the Rivermen, a farm team of the St. Louis Blues professional hockey team, play at Carver Arena in the Peoria Civic Center. The Peoria Chiefs are the Class A farm team of the Chicago Cubs, and play their 70-game home schedule at Meinen Field. The Peoria Polo Club also provides thundering action each Saturday during its July-September schedule.

There are nearly a dozen public golf courses in the Peoria area, and most of the area country clubs offer reciprocal playing rights to members of clubs elsewhere. Organized leagues for rugby, soccer, volleyball, lacrosse, swimming, tennis, softball, archery, karate, and golf flourish in Peoria.

Not including the privately-owned 1,850-acre Wildlife Prairie Park, there are more than 12,000 acres of public parks and recreation areas in the area.

Peoria's 1991–92 Tricentennial observances will crowd an already full calendar of events. One of the centerpieces is Steamboat Days, which will observe its 20th anniversary in 1991 and expected to attract far beyond the 100,000 people it normally draws. The Steamboat Days Classic Foot Race, a 15K ranked as one of the top races in the United States, the Steamboat Classic NRRA Road Race, and steamboat races begin the summer season; the Taste of Peoria and the "Rib Bib Cookoff" bring throngs in August; and the spectacular pre-Christmas "Parade of Lights" in East Peoria caps the year.

What's your pleasure? Peoria has it.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SAWYER. Mr. Speaker, today I am pleased to introduce legislation, along with 24 of my colleagues, to amend the Martin Luther King, Jr. Federal Holiday Commission Extension Act.

The Commission was established in 1984 to encourage appropriate ceremonies and activities relating to the observance of the Federal legal holiday in honor of Dr. King. When the Commission first began its work, only 17 States observed the holiday. Today, all but 2 States have made Dr. King's birthday a paid holiday, and over 100 foreign countries celebrate the occasion, as well.

Because the Commission received no Federal funding prior to 1990, and has had difficulty developing a successful fundraising program, it is apparent that its annual appropriation of $300,000 is not sufficient to retain qualified staff and carry out the wide range of activities that the Commission has planned. A key factor relating to the Commission's inability to raise enough funds from outside sources is that it competes for private donations with the Martin Luther King, Jr. Center for Nonviolent Social Change.

I want to point out that the missions of the Commission and the King Center greatly differ in scope and in kind. The Commission provides guidance to State and local holiday commissions, responds to thousands of inquiries, and distributes educational materials in conjunction with the celebration of the King holiday. The King Center, a memorial to Dr. King, promotes Dr. King's philosophy and strategy of nonviolence through seminars, workshops, and training programs for youths, teachers, community leaders, administrators, and others. The Commission's authorizing legislation expressly prohibits the Commission from expending any funds for the purpose of organizing campaigns to protest social conditions or promote civil disobedience.

The legislation that I am introducing today would do the following: First, increase the Commission's annual appropriations to $500,000 in fiscal year 1992, and $700,000 in fiscal year 1993; second, increase the staffing positions from five to eight; third, increase the at-large membership from 23 to 30; and fourth, increase the rate of maximum pay for Commission staff from GS–13 to GS–15.

Aside from increasing the Commission's annual appropriation, the amendments would result in no additional costs. Actually, amendments No. 2 and No. 3 could not be carried out without increasing the Commission's annual appropriation. There is no cost associated with amendment No. 4.

During his lifetime, Martin Luther King, Jr., represented hope to millions of Americans. Today, with the critical problem of drug abuse, and high dropout and unemployment rates among minority youth, I believe that these amendments will assist the Martin Luther King, Jr. Federal Holiday Commission as it continues Dr. King's legacy of bringing hope to many young people who have lost sight of the dream.

HOSPICE CARE PROGRAM FOR VETERANS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing legislation with my colleagues Mr. BILIRAKIS, Mr. PENNY, Mr. PAXON, Mr. PANETTA, and Mr. LEHMAN of Florida that would establish a hospice care pilot program for terminally ill veterans. Under this legislation, the Veterans Administration would establish at least 30 pilot hospice care programs in VA facilities throughout the country for the purpose of providing hospice care. This legislation authorizes VA facilities to contract with hospice programs that are currently certified with the Medicare Program to provide home-based hospice care for terminally ill patients who would rather be cared for at home in their final days as an alternative to institutionalized care.

Hospice care is an alternative way of caring for those who are terminally ill. In the unfortunate situation when a veteran is disagnosed with terminal illness, it is more unfortunate when he or she has no option to receive care in the comfortable, familiar setting of their home. Hospice is a home-based form of care that nurses not only the physical pain of terminal illness but the emotional, psychological, and spiritual challenges of dying. Many individuals would rather stay at home in a setting they are more comfortable with than spend their final days in an institution.

For several years, the Medicare Program has recognized the importance of hospice care. Not only does hospice provide patients with a quality alternative to institutionalized care in a terminal situation but hospice does so in a cost-effective fashion. Institutionalized care is expensive, whether it is in a private sector hospital or in a veterans' facility. Hospice provides an alternative way to care for the terminally ill at home with lower cost and quality care. The Medicare Program has covered hospice services for the terminally ill for several years now and I strongly believe that this is one of Medicare's biggest success stories. I believe that veterans and the VA health care system would equally benefit if hospice care was utilized to a greater extent than it is currently.

It is my understanding that currently, the VA has some hospice programs in VA facilities. I think that this is wonderful but it seems to me that the VA ought to provide more opportunities for terminally ill veterans to receive hospice care. For some VA facilities, establishing their own hospice care program is not feasible. A shortage of resources—both financial and professional—prohibit the VA from offering hospice care to terminally ill veterans. It seems to me that the VA could contract for hospice services and offer hospice care as an option with hospice providers that the Federal Government has already certified and is currently using to treat patients covered in Federal programs like Medicare and Medicaid. Veterans organizations such as the American Veterans of World War II, Korea and Vietnam [AMVETS], the Disabled American Veterans [DAV], the Paralyzed Veterans of America [PAV], and the Veterans of Foreign Wars [VFW] recognize the importance of hospice care and have recommended that hospice programs be established in every VA medical center in the country.

That is why I have proposed this legislation. This bill would authorize the VA to establish a pilot program with Medicare certified hospice programs which would care for veterans who are receiving care in a VA facility and are diagnosed as terminal, that is, they have been given less than 6 months to live. The services covered under this program as well as the per diem rate paid to the hospice program for providing services would be the same as provided under the Medicare Program. In short, the VA would use the Medicare Hospice Program as a model to provide hospice care to more veterans.

Similar to the provisions under the Medicare Program, the pilot program suggested in this legislation would allow terminally ill veterans to elect hospice care as an alternative to receiving care in the institution. Upon election of the hospice benefit, the veteran would waive his or her coverage in a VA facility for services related to their terminal illness—thereby substituting home care for institutional care. The home care services would include physician services, nursing care, physical, occupational, or speech therapy, social services, homemaker services, medical supplies, counseling, and short-term inpatient care if needed.

I firmly believe that this pilot program will not only enhance the lives of terminally ill veterans but it would also benefit the VA health care system. This legislation requires the VA to conduct a study of this pilot program and to report to Congress on the quality of care provided and the feasibility and cost-effectiveness of the hospice care pilot project. I am confident that the results of this study will reveal that providing the option for hospice care to veterans is positive for patients in VA facilities and the system as a whole.

It is my understanding that Senator JOHN MCCAIN intends to introduce this bill in the U.S. Senate in the near future.

I urge my colleagues to support this legislation.

VIOLATION OF HUMAN RIGHTS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. MOORHEAD. Mr. Speaker, less than 2 weeks ago, many of my colleagues and I spoke from this same podium to remember the Armenian genocide of 1915 to 1923. We hope in remembering, that such atrocities will never happen again. But history has been a cruel teacher, showing us that gross inhumanity has not perished from this Earth.

Today, I rise not to speak of genocide, but of naked violence being perpetrated against the Armenian people in the villages of Getashen and Martunashen, two Armenian subdistricts in Soviet Armenia's neighboring republic of Azerbaijan.

According to eyewitness accounts, I am saddened to report that not only Azerbaijani forces, but Soviet forces as well moved into these villages on April 30, killing at least 35 Armenians, injuring countless others, and taking 75 people hostage.

This invasion magnifies even further the disintegation of President Gorbachev's democratic reforms and the desperate economic situation that has led him to capitulate to the military hardliners in his country.

While I was dismayed to hear that so many Armenians, including women and children, had been killed, I cannot say I was surprised. Over the past 3 years, the world has witnessed Azerbaijan steadily increase its pattern of massacre and deportation against the Armenians in and around Karabagh, an overwhelmingly Armenian enclave inside Azerbaijan.

The incidents in Getashen and Martunashen are simply the latest expression of Azerbaijan's desire to rid the entire region of Armenians.

Through its complicity in this invasion, the Soviet Central Government sanctions the racist schemes of the Azerbaijani Government. Those Soviet officials who gave the orders for the invasion, has effectively become partners in this brutal and unconscionable action.

The Soviet Government should immediately give the order to reverse the offensive nature of its forces and have them assume their proper function in protecting the region's residents from Azerbaijani aggression.

I urge my collegues to join me in speaking out on this violation of human rights.

POLISH CONSTITUTION DAY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. ATKINS. Mr. Speaker, I rise today to commemorate the 200th anniversary of the first democratic Polish Constitution, which was adopted only a few years after our own Constitution on May 3, 1791. Mr. Speaker, the adoption of the Polish Constitution was a truly significant achievement which allowed for a peaceful transformation from a repressive autocratic government into a representative government of all the people. The extraordinary Polish Constitution reflected many of our own country's values, such as majority rule, elections by secret ballot, religious tolerance, and equal justice under the law. The Polish Constitution marked the beginning of democracy in Eastern and Central Europe.

Tragically, before the Poles had the opportunity to fully enjoy the benefits of their new remarkable Constitution, their homeland was divided among the autocrats of Austria, Prussia, and Russia. And, with the exception of a brief period after World War I, the Polish people continued to live under repressive regimes until the recent extraordinary blossoming of freedom there.

In recognizing today the anniversary of the Polish Constitution, one not only recognizes those who created it, but also those who have devoted their lives to the principles expressed by the Constitution. These people include individuals such as Thaddeus Kosciuszko and Lech Walesa, and the 10,000 Polish officers and intellectuals who were massacred in the forests of Katyn. In addition, we pay tribute to hard working Polish-Americans here in the United States who have never given up the cause of freedom in their native land.

ANTI-CROATIAN TERRORIST ACTIVITIES

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. KOLTER. Mr. Speaker, just today I have received distressing news of army-backed terrorist anti-Croatian actions escalating in Croatia. Just today two policemen were murdered by these roving bands of terrorists in Bibinje, a Croatian town outside of Zadar, and a town near Vokovar, which is quite a distance away from the first town.

These insidious and systematic unprovoked attacks by the terrorists are all the more alarming because of the news that the army, rather than playing a peacekeeping and moderating role, has reportedly armed the terrorists in an effort to incite a Croatian response and thereby offer the army an alibi to install martial law.

The increased level of terrorist and army activity since January 24 and 25 have, according to Croatian governmental sources, increased both terrorist and army activities as the May 15, 1991, date approaches. May 15 is the date when the Communist President of Yugoslavia, Mr. Jovic, will be replaced by the democrat from Croatia, Mr. Stipe Mesic.

Mr. Speaker, the United States must at the very least come out against these terrorist activities and state that we support a dialog and not violence.

I fear that unless the United States immediately comes out with such a stand that we may unwittingly promote a civil war.

CALUMET REGION MONTESSORI SCHOOL CELEBRATES 25TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. VISCLOSKY. Mr. Speaker, It is my pleasure to pay tribute to the Calumet Region Montessori School of Hobart, IN on the occasion of its 25th anniversary.

The Calumet Region Montessori School, CRMS, was founded in 1966 with a belief and a dream. The belief was in the philosophy of Dr. Maria Montessori and the dream was to establish a Montessori school in northwest Indiana. In September 1966, two preschool classes began in the Glen Park section of Gary. Various subsequent locations housed classes until 1968 when land was purchased in Hobart. The school, at 2109 East 57th Avenue, was designed from the ground up as a Montessori school. Classes started in March 1969. In time, an elementary program, parent-toddler classes and new wings were added. Today, children from 18 months to 12 years of age attend the school.

As CRMS begins its second 25 years, we all owe a debt of gratitude to the many parents, staff, and friends who have kept the dream alive.

Special recognition goes to the following people who gave freely of their time, talents and money in the early years. Arthur and Anne Collins, two of the original four founders of CRMS. Arthur was also an incorporator and the first president of the board; Richard Meyer, board president and parents group president; Pay Meyer, board member and administrator; Eugene Haller, board president and member; Rev. John P. Jackson, first headmaster and director; Judy Jackson, school secretary and parents group president; Marvin Syren, first parents group president; Karen Syren, school secretary; Lewis Ciminillo, president of the board; Maxine Ciminillo; Rosie Gulassa-LePell, first directress, head directress and administrator; David McAfee; Nancy McAfee, president of the board and accountant; James Newman; Mary Alice Newman, board member and founder of the school site; Peter Wilke; Martha Wilke, board member; Richard E. Kirscher, board member; Dorothy Kirscher; Dr. George and Helen Volan; William Conjelko, board member; Charlotte Conjelko, business administrator and parents group president.

Later, many dedicated themselves to enhancing CRMS. They include: Bruce Haller, board president; Bettie Haller; Oyidal Isakson, bookkeeper 1977–89; Stanley Christianson, board member; Elin Christianson; Lee Strawhun, board president; Velma Strawhun; Dr. Koppolu and Shakuntala Sarma; Violet Potts, staff; Dr. Vidyadhar and Suhasini Gandra; Sandi Zeigler, directress; Dr. Derek Dawson; Jacqueline Dawson, parents group president; Dr. and Mrs. P.R. Unni; Dr. K.V. Pillay, Girija Pillay; board member; Dena Yuriga, parents group officer, Dr. David and Claire-Lynn Chube, Dr. David and Ruth Ross, Rudy Schneider, Renate Schneider, board president; Bob Smith; Rita Smith, board member; Mamom Powers; Cynthia Powers, board president; Karen Rake, board member; Jane Barnes, staff; Jo Ann Wozniak, board president, parents group president, acting head administrator; Daniel Wozniak; Dick Rossi, Dr. Veera and Sharon Porapaiboon; John Siroky, board member; Michelle Siroky, parents group president; Dr. Sunchai and Sayumporn Senasu.

CRMS exists as a center for learning and caring. Special tribute must be paid to the current staff. Sue Rossi, administrator; Carol Sistanich, secretary; Iris Fogarassy; directress; Marianne Lind, head teacher; Lyn Ochs-Manchak; Jean O'Neill; Mary Ann Pimental; Carole Rowe. Paraprofessionals include: Ruby Barnes; Claudia Graham; DeLoise Johnson; Patricia Mikaitis; Joyce Miracle; Lorraine Pimentel; Sandra Will, and Brenda Jones. Margaret Medina; Molly Miller-Bartrom. Carolyn Dalrymple and Joy Staff comprise the support staff.

Marianne Lind, toddler directress, celebrates her 24th year at CRMS. Marianne's loving and caring has instilled a love of learning in countless children.

The persons currently setting policy for CRMS as members of the board of directors are: Judy Haller, president; Frank Lazzaro, vice president; Bobbie Cobbs, secretary; Steve Bolanowski, treasurer; Susan Cohen, Jane Ellis, Debra Fleeger, Johnny'e Ford; Glenn Gintert; Paul Kern; Bert Owens; Madhukar Ranade.

Parents who are active at the school include: Phyllis Allen; Lynn Bolanowski; Shirley Brigewater; Linda Chary; Debra Cheema; Greg Engelien; Peggy Gatlin; Robin Gintert; Colleen Greichunos; Dolly Harris; Julie Hudson; Paula Johnston; Cheryl Keller; Laura Hannon; Pattie Maggie; Rick and Teresa Markle; Marielle Martin; Mary Ann McNiece; Bernadette Monda; Georgiann Pangere; Karen Ranade; Kamini Sawlani; Randy and Pamela Strapon; Dennis and Cynthia Svilar; Susan Wright.

I have utmost respect for each and every one of these individuals who has given of himself or herself for the cause of education and the advancement of our children. To recognize Calumet Region Montessori School of Hobart during this critical period for education in our country is indeed an honor.

PARTNERSHIPS FOR THE ENVIRONMENT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SAXTON. Mr. Speaker, over the past 2 years, I have been involved with an important effort to reevaluate the way Government organizes, prioritizes, and manages environmental research and development. Last year, many of you joined me in this effort by supporting a study to be conducted by the National Academy of Sciences to investigate the concept of establishing a National Institutes for the Environment—the NIE—patterned after the National Institutes of Health. That study is about to commence and will gather together scientists from across the board to objectively investigate the multifaceted issues surrounding the environment and the need for competitive and aggressive research and development into the solutions we so desperately need.

In many of my discussions with scientists around the Nation and neighboring countries, the problem of adequately funding competitive research has been an issue of serious concern. The need to encourage more support and involvement from the private sector in these matters is essential if our country is going to continue taking the lead on matters of environmental stewardship and technological innovations for solutions to the many aspects of pollution, contamination and resource recovery.

I am pleased to bring to the attention of the House a program, financed by a company in the private sector, that will help educate the environmental leaders of tomorrow and provide resources vital to the support of environmental science.

Called the Partnership for Environmental Education, it is being undertaken by Times Mirror Magazines and was unveiled on May 1, 1991, with the support of Administrator William Reilly, head of the Environmental Protection Agency, and Frank Bracken, Deputy Secretary of the Interior.

Times Mirror Magazines is a media company with 10 national magazines with more than 30 million readers. Publications include Field & Stream, Outdoor Life, and Popular Science. Currently, Times Mirror Magazines carries a quarterly editorial on key conservation issues in all 10 magazines simultaneously, something I understand to be unique in the magazine industry.

In addition, the company started the Times Mirror Magazine Conservation Council to use their communicative strengths to address conservation issues.

To encourage its advertisers to also try and increase public awareness of environmental problems and their solutions, Times Mirror Magazines decided to initiate the Partnership for Environmental Education. This program takes 2.5 percent of the revenues from advertisements containing messages about environmental problems and solutions and invests those funds in environmental education and science programs.

Besides helping to educate the environmental managers and scientists of tomorrow, the program also is a dramatic shift from the traditional method of supporting environmental research through public mechanisms only. The use of public/private initiatives to support competitive research and development is vital for meeting the challenges of environmental restoration, conservation, and stewardship. I hope this is the beginning of what will emerge as an expanding trend.

At the May 1 launch, an initial $10,000 donation was made to the National Environmental Education and Training Foundation. We created this Foundation last Congress to use public and private dollars to improve environmental education. Times Mirror Magazines was the first company in the private sector to make a donation. However, the partnership is expected to raise hundreds of thousands of dollars for environmental science and education into perpetuity, some of which will be donated to the National Foundation, and some which will be invested in other worthwhile projects.

I believe we all recognize that the solutions to environmental problems, and the successful integration of economic growth with environmental protection, is dependent on public-private partnerships. Only through the efforts of the private sector can comprehensive public education be successful in changing the many behaviors which have harmed our environment and natural resources. And only through the involvement and support of the private sector can we stimulate the competitive entrepreneurism necessary for developing future solutions to our inherited problems from the past.

Historically, support for the environmental sciences has been dependent on political mood-swing—at the mercy of whatever new winds may blow over Capitol Hill. It is high time the environment be given an equal footing in the economic agenda of this country. Creative, non-traditional initiatives such as this must be encouraged, particularly at a time when budget constraints often allow only the more "sexy" environmental topics to compete for scarce funding.

I applaud Times Mirror Magazines and hope this is just the beginning of an emerging trend toward public/private partnerships in environmental education, research, and development.

UNITED STATES INTENDS TO TAKE WAR ON DRUGS SERIOUSLY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. ORTIZ. Mr. Speaker, I rise today to bring attention to the horrible travesty that occurred Tuesday in Bogota, Colombia. On Tuesday Enrique Low Mitura, a former Colombian Minister of Justice was assassinated by two unidentified gunmen. Mitura was a strong supporter of extraditing drug criminals to the United States. This assassination took place on the seventh anniversary of the murder of Colombia's Minister of Justice, Rodrigo Lara Bonilla. This unfortunate incident clearly demonstrates what dangers statesmen in the Andean countries face by standing up against drug traffickers. This incident sends a strong message to the leaders of our country that we must continue to support efforts to combat drug traffickers in Colombia and other Andean countries. We must continue to demonstrate that the United States intends to take its war on drugs seriously. I urge my colleagues to join me in supporting the valid efforts of men such as Enrique Low Mitura.

SOVIET INVASION OF ARMENIAN VILLAGES

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. LEHMAN of California. Mr. Speaker, I rise today to speak of the troubling situation in the Soviet Republic of Azerbaijan. A week ago, Soviet internal ministry troops, joined by Azerbaijani forces, surrounded and bombarded the Armenian villages of Getashen and Martunashen, located to the north of Karabagh. Two days ago, they broke through the resistance offered by the villagers and swept into the towns, killing more than 22 Armenians, leaving scores wounded, and taking 75 hostages.

The leadership of the Azerbaijani Republic's government has for the last 3 years, pursued a brutal policy of harassment, intimidation, and terror intended to drive out the Armenian residents of Karabagh and Azerbaijan.

Sadly, the Azerbaijani government has been largely successful in their efforts. Since 1988, massacres and local deportations in Sumgait, Girovabad, Baku, Azat, Kamo, and throughout Azerbaijan have taken hundreds of lives and made refugees of hundreds of thousands of Armenians.

While it is too early to determine exactly who is responsible for this massacre, it is clear that the Soviet forces should not be involved in the invasion of Armenian villages and the killing of civilians, including many women and children.

Mr. Speaker, the Soviet forces should withdraw at once. If Moscow seeks a role in the region, it should be as a peacemaker, not as a tool of the Azerbaijani government.

H.R. 1

HON. FRED GRANDY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GRANDY. Mr. Speaker, today I rise to shed light on one facet of H.R. 1, the Civil Rights Act of 1991. H.R. 1 provides for unlimited money damage awards to be levied by juries. The bill specifically authorizes juries to award both punitive and compensatory damages, for example tort-like pain and suffering damages, without placing any limitations on the size of these awards. This brings to the forefront a major question—whose interests are ultimately being served by this legislation. Testimony on this is extensive and succinct—lawyers.

This is not some prediction conveniently manufactured by opponents of this legislation. This fact has been repeatedly echoed in court decisions discussing the impact of punitive and compensatory damages.

Currently, employment law remedies include backpay, reinstatement, injunctive relief, and attorneys fees, remedies known as make whole relief. Also, trials take place before a judge, not a jury. H.R. 1 would completely revise the nature of title VII.

I believe the awarding of punitive and compensatory damages in section VII and section VIII cases would encourage litigants to bypass the EEOC settlement process and go directly to Federal court. This approach would encourage confrontation and litigation, as well as lengthy judicial proceedings. Our present system demonstrates that such incentives create new jobs for lawyers but not increased civil rights for Americans. I encourage Members to oppose this change in our current law.

SENSELESS MURDER OF ARMENIANS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. PALLONE. Mr. Speaker, I rise today to express my outrage over the senseless murder of Armenians in Getashen and Martunashen. Just this Tuesday, Armenian residents of these villages in Azerbaijan were overrun by Soviet and Azerbaijani forces. More than 60 men, women, and children in these villages were murdered for no other reason than the desire of the Azerbaijani Government to eliminate the Armenian minority within its borders.

Late last week, Soviet troops, assisted by Azerbaijani forces, surrounded, blockaded, and then bombarded the Armenian populated villages of the Getashen and Martunashen subdistricts of Azerbaijan, located just to the north of Nagorno-Karabagh. Tuesday morning, acting on orders from Soviet Interior Minister Pugo and Internal Security Forces Commander Shatalin, these combined forces overran the Armenian villages defending Getashen and, armed with tanks, armored vehicles, and artillery, forced their way into the villages. The Armenian population, left defenseless against violent searches, beatings, and indiscriminate killings, suffered more than 60 deaths, scores of injuries and 75 hostages, according to Armenian National Committee of America sources and CNN reports. Like so many instances of this brutality, many of the victims of this assault were children.

For more than 3 years, since February 1988, Armenians living in Nagorno-Karabagh and Azerbaijan have been the target of an unrelenting campaign of violence and intimidation, aimed at driving them from their homes. The history of these past 3 years in the Caucasus has been one atrocity after another.

In February 1988, Armenians were massacred and eventually forced from the city of Sumgait; again in September of that same year we witnessed the same pattern of violence in Girovabad. In January of last year, the world protested the outbreak of anti-Armenian violence in Baku, which left more than 70 dead, and led to the exodus of hundreds of thousands of Armenian refugees, most of whom, to this day, are without homes and jobs. Late last year the Armenian towns of Azat and Gamo, having been issued an ultimatum by the Azerbaijani leadership demanding that they leave, were forcibly emptied by Azerbaijani forces.

This most recent outbreak of anti-Armenian violence ought to be condemned. The Soviet Central Government, if it is to have any claim of governance, must at the very least protect the lives and rights of its citizens. The continued use of force, the continued massacre of innocent people, the continued brutality in its relations with the Republics will lead only to Moscow's isolation from the Republics and from the rest of the world.

HONORING DR. JOHN D. RANDALL, MOUNT SAN ANTONIO COMMUNITY COLLEGE DISTRICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual, Dr. John D. Randall, superintendent/president of Mount San Antonio Community College, CA. Dr. Randall is retiring as president of the college and will be honored at a retirement celebration on Saturday, August 24, 1991.

Dr. Randall served as superintendent/president of the Mount San Antonio Community College for 14 years and 32 years in the community college system.

Dr. Randall was born on April 11, 1931, in Denver, CO, and his family moved to California when he was 9-months old. In 1958, he graduated from the University of California, Los Angeles with a bachelor of arts degree, and the following year he obtained his master of arts from California State University at Long Beach. He later received his doctorate's degree from the University of Southern California.

He met and married the former Barbara French and together they have two children, Linda Mitchell and Mark Randall. Additionally, they have two step-grandchildren.

Dr. Randall has dedicated his career to the field of education. After serving over an 18-year period as a mathematics instructor, division chairman, dean, and vice president of instruction at Cerritos College, Dr. Randall moved to Mount San Antonio College as its superintendent/president. President Randall earned a local reputation as a strong leader in the wake of proposition 13 and budgetary cuts in the late 1970's and early 1980's. He later earned statewide recognition, serving as president of the Chief Executive Officers of the California Community Colleges and as interim chancellor of the 107-community college system.

Dr. Randall and his wife are former residents of West Covina and currently reside in San Dimas, CA. Randall states, "I'd like to think I'm a good communicator. Being honest, straightforward, and telling things as they are help in the communication process and enhance credibility."

Mr. Speaker, the board of trustees and the community will host a brilliant gala on Saturday, August 24, 1991, at the Biltmore Hotel in Los Angeles to honor Dr. John D. Randall for his tremendous contributions in the field of education. I ask my colleagues to join me in saluting Dr. Randall for his outstanding record of educational service to the California Community College System.

IN RECOGNITION OF THE ACCOMPLISHMENTS OF ROYAL FURGESON, JR.

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to honor an outstanding citizen of El Paso and Texas, a great American, Mr. Royal Furgeson, Jr., on his being named recipient of the University of Texas School of Law 1991 Alumni Award for Distinguished Service.

Mr. Furgeson has been an important asset to the El Paso legal community since moving to west Texas in 1970. Mr. Furgeson received his doctor of jurisprudence from the University of Texas School of Law in 1967, after which he served in Vietnam in the United States Army. He has also been active in many civic endeavors throughout the community. He has served as president of the El Paso Bar Association in 1983 and president of the west Texas chapter of the Federal Bar Association 4 years later. He has been active in Keep El Paso Beautiful, Leadership El Paso, and the Cathedral High School Parent-Teacher Association, just to name a few of his volunteer commitments.

Because of his work, Mr. Furgeson has received various State and local awards which illustrate the community's appreciation for his concern and commitment.

Royal has been a legal colleague and a supporter, but more importantly, a friend to whom I know I can call on for wisdom and guidance.

Mr. Speaker, I laud Royal Furgeson's commitment and service to El Paso, and congratulate him on receiving this honor from the University of Texas. I ask my colleagues to join me in wishing him well in all his endeavors.

THE LONG ISLAND CENTER FOR BUSINESS AND PROFESSIONAL WOMEN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SCHEUER. Mr. Speaker, there is an organization in my district of Nassau County, NY, which is opening doors for women in the business world. The Long Island Center for Business and Professional Women provides a much needed resource for these aspiring entrepreneurs. On May 9, this group is holding its 12th Annual Achievers' Awards dinner honoring seven outstanding citizens from Long Island. I would like to pay tribute to these women, and to the center itself.

The 1991 honorees have displayed distinction in a variety of fields. The award for excellence in business goes to Susan L. Farrell, the territorial sales manager for Allstate Insurance. In education, Virginia Dunlap Ettrick is honored for her work at Edmund W. Miles Junior High School in Amityville, NY. Jane S. Gitlin, the publisher of The Women's Record, is cited as entrepreneur of the year. In health care, the honoree is Dr. Virginia F. Sendor, M.S., the founder and executive director of Long Island Foundation for Hospice Care & Research, Inc. In law, Helen Carroll Schofield, Esq., is cited for her work as the legal counsel to the Nassau County Coalition Against Domestic Violence. The award for excellence in medicine goes to Dr. Karen M. Kostroff, M.D., a breast surgeon at the Long Island Jewish Medical Center and North Shore University Hospital. Last, the center is honoring Winifred S. Freund with a special award for her work as a consultant for Corporate Child Care.

These honorees reflect the increasing numbers of women who have earned distinction in the professional world. Unfortunately, women still encounter obstacles which can hinder their professional development, particularly to the management level. The Long Island Center for Business and Professional Women is important because it helps women break through these barriers. We should congratulate the center, and these distinguished women, for a job well done.

TRIBUTE TO THE NEW YORK SOCIETY FOR THE DEAF

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize the New York Society for the Deaf [NYSD] which will celebrate its 80th anniversary with a reception in New York City on May 9, 1991.

All proceeds from the NYSD's anniversary reception will fund a renovation of the special facilities in the Tanya Towers Apartment Complex located in my congressional district. The Tanya Towers Apartments provide affordable independent apartment living for older deaf and deaf-blind people as well as other disabled individuals.

I especially should like to commend Mr. Joseph G. Blum, who will be honored by the NYSD at the reception, for his commitment to the plight of severely disabled individuals. Mr. Blum has demonstrated his dedication by working with the New York Society for the Deaf for the past 60 years as an active member, counsel, president, and now as chairman of the board.

I join my colleagues in extending thanks and congratulations to the New York Society for the Deaf upon its landmark anniversary. It is my hope that the NYSD continues its efforts to reach out to disabled individuals in need.

THE 200TH ANNIVERSARY OF THE POLISH CONSTITUTION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. BONIOR. Mr. Speaker, Friday, May 3, 1991, marks the 200th anniversary of the Polish Constitution of 1791. On that day, the first constitution in Europe was approved by the Polish Diet. This landmark document embodied the dedication of the Polish people to the principles of freedom, justice, and individual liberty.

One of our Founding Fathers, George Washington, wrote, "Poland, by the public papers appears to have made large and unexpected strides toward liberty, which, if true reflects great honor on the present King, who seems to have been the principle promoter of the business." The public papers were true. In fact, the Polish Constitution expressed the philosophy of our own Constitution and Declaration of Independence.

Unfortunately, neighboring Russia did not like the strides being taken in Poland. Within a year, Russian troops invaded, and Poland was subjected to further partition among its hostile neighbors. For the better part of two centuries, the Polish people suffered repression from one source or another. Throughout this extremely difficult time, the Polish people retained an unswerving dedication to freedom and democracy.

It is no accident that the tide of freedom sweeping across Eastern Europe began in Poland. The Polish people approved the first European constitution in 1791, and they were the first to throw down the shackles of communism in 1989. Thanks to the courage of the Polish people, Eastern Europe has entered a new era of freedom and hope. It is fitting that last year May 3 was reinstated as a national holiday in Poland after being abolished by the Communist government in 1945.

In America, Polish-Americans have made tremendous contributions to this country. Michigan is blessed with a large and very active Polish community. Polish-American arts and veterans groups are sponsoring a number of events to celebrate this important historical event.

Mr. Speaker, in conclusion, I'd like to join the Polish-American Congress, Michigan Division, The American Polish Cultural Center, and people across this Nation and around the world in celebrating the 200th anniversary of the Polish Constitution.

USTA SUPPORTS H.R. 1527

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. TAUZIN. Mr. Speaker, I want to publicly recognize the strong support of the United States Telephone Association [USTA] for H.R. 1527, the Telecommunications Equipment Research and Manufacturing Competition Act of 1991. This legislation, introduced by my colleague from Kansas, Mr. SLATTERY, and me in March, would permit the regional Bell operating companies [RBOC] to manufacture telecommunications equipment in the United States subject to specific regulatory safeguards. H.R. 1527 is virtually identical to S. 173, the RBOC manufacturing relief bill introduced by my good friend from South Carolina, Senator FRITZ HOLLINGS. This bill is pending full Senate approval after being reported out of the Senate Commerce Committee by a vote of 18 to 1.

The support of the USTA for both bills is especially significant because it reflects a consensus view of the Nation's local exchange carrier industry as a whole. USTA represents over 1,100 local exchange carriers, ranging from the very largest to the very smallest, which provide local telephone service to virtually the entire U.S. population. Consequently, USTA support for removal of the manufacturing restriction on the RBOC's is affirmation that the proposed legislation, H.R. 1527, is good public policy.

As drawn from the USTA position statement, RBOC entry into manufacturing will give advantages to other local exchange carriers because of their shared interests in the development of advanced local network equipment and the maintenance of a seamless nationwide network. The USTA position statement also alludes to the potential contribution of RBOC manufacturing to building the Nation's telecommunications infrastructure and extending that infrastructure to encompass the Nation's rural areas.

Mr. Speaker, H.R. 1527 now has the endorsement of the local exchange carrier industry as represented by USTA and the industry's major union as represented by the Communications Workers of America, among numerous other public interest groups. The recent addition of the USTA, however, adds momentum to the support effort and increases the possibility that a RBOC manufacturing relief bill will pass in the 102d Congress.

UPON THE RETIREMENT OF CAROL W. GUTHRIE

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. THOMAS of California. Mr. Speaker, I want to recognize Ms. Carol W. Guthrie on her retirement from Federal service after a 37-year career in financial management with the Department of Defense. For the past 14 years, Ms. Guthrie has served as deputy comptroller and senior financial manager of the Air Force Flight Test Center at Edwards Air Force Base in California, and has distinguished herself during that period as an astute manager of resources. She is respected throughout the Department of Defense for her creative thinking, strategic vision, and effective leadership.

Ms. Guthrie has distinguished herself as a pioneer in the field of resource management during her service as deputy comptroller and senior financial manager for the Air Force Flight Test Center. Through her advanced planning and forecasting and ability to apply advanced technical concepts and management techniques, she has placed the Air Force Flight Test Center in a position to meet the challenges of the future. Ms. Guthrie has played a major role in the planning, provisioning, and testing of many Air Force programs, including the F–15, Advanced Tactical Fighter, and the B–2. She has provided the commander, his staff, and the test program managers timely and accurate information, insight, and recommendations on how to best meet mission objectives by maximizing their financial resources in a limited and declining funding environment.

Mr. Speaker, I thank my colleagues for allowing me this opportunity to honor Carol W. Guthrie on her retirement. She has been a great friend to the Air Force Flight Test Center.

THE FEDERAL FACILITIES COMPLIANCE ACT OF 1991

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. BLILEY. Mr. Speaker, I rise in strong support of the Federal Facilities Compliance Act of 1991. Each year, Federal facilities generate millions of tons of hazardous waste. I find it unconscionable that some of the most horrifying stories of noncompliance with our hazardous waste laws deal with Federal facilities. This legislation correctly recognizes the fact that this Nation's ground water cannot tell the difference between Federal pollution and the rest of the country's pollution.

This amendment clarifies the existing waiver of sovereign immunity in section 6001 of the Resource Conservation and Recovery Act [RCRA] to provide that Federal facilities are subject to the same enforcement sanctions, including civil penalties, that apply to State and local governments and private companies. It also restores the Environmental Protection Agency's ability to use administrative orders to resolve regulatory violations at Federal facilities. For too long, Federal facilities have been like the coach's son—not forced to do the drills like the rest of the team. Well, this bill puts an end to favoritism. It tells the Federal facilities: Practice what you preach.

This is not a radical concept. Congress has clearly waived sovereign immunity under the Clean Air Act, the Safe Drinking Water Act, and the Medical Waste Tracking Act. Under these laws States have shown reasonable, responsible behavior. I expect no different under this legislation. Of course, the best way of preventing any problems would be for the Federal facilities to be in compliance with the laws from the start.

Last Congress, the House passed similar language on two separate occasions. Unfortunately, the August body across the Capitol, the U.S. Senate does not feel that this is a priority. They have chosen to ignore this environmental double standard. So today we start anew in the 102d Congress, hoping the House will show its earlier wisdom by quickly acting on this bill.

This bill is a much needed tool to work for enforcement of our hazardous waste laws. I urge my colleagues to vote for fair play and a healthy environment. I urge their support of the Federal Facilities Compliance Act of 1991.

CENTENNIAL OF THE MACDUFFIE SCHOOL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, today I am honored to pay tribute to the 100th anniversary of the MacDuffie School for Girls in Springfield, MA, a school I am proud to represent in my congressional district.

The MacDuffie School was founded in 1890 by Harvard alumnus John MacDuffie and his wife, Abby Parsons MacDuffie, a member of the first class to graduate from Radcliffe College. The MacDuffies were committed to furthering academic reform in the education of women and established their school as a model for other schools to follow. By the early part of this century, the MacDuffie School's commitment to education had earned it a strong reputation in the Springfield area.

The MacDuffie family served as heads of the school until 1941 when Ralph D. Rutenber and Cleminette Downing Rutenber began their 30-year tenure. During the Rutenber years, the MacDuffie School's reputation was solidified locally and extended across the Nation as well as abroad. Founded in the historic Bowles House, which was the former home of Springfield Republican newspaper owner Samuel Bowles, MacDuffie moved across Maple Street and acquired most of its current property between 1956 and 1968. The school also purchased and was given several beautiful old estates.

Today, MacDuffie's academically rigorous courses emphasize intellectual growth as well as character growth. The MacDuffie School is committed to creating a well-rounded young woman who has the confidence to excel in all of her endeavors. The school offers advanced placement courses, independent study courses, and the opportunity to engage in almost 30 afterschool activities. The current headmaster, Michael L. Cornog, has 20 years experience in leading independent schools in New England. MacDuffie has 140 students, 60 boarding and 80 day, in grades 6–12, who are taught in small classes by about 20 faculty members. The student body is diversified, representing 13 countries from throughout the world. Starting in the fall of 1991, the school will admit boys as day students for the first time.

Over the course of the past 100 years, MacDuffie has edcuated more than 2,000 young women. When asked about their memories of MacDuffie, alumnae recall such time-honored traditions as mountain day, international dinners and diversity day, the candlelight ceremony, and morning assembles. For the past century, the role of women in our society has changed significantly. However, MacDuffie has always been and continues to be a small, supportive, academically sound school, which focuses on the growth of the entire student, where developing one's intellect and character are one in the same.

HAZARDOUS WASTE DISPOSAL

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. SPRATT. Mr. Speaker, I am introducing a bill today which attempts to restore some fairness to existing Federal laws governing interstate hazardous waste disposal.

Current Federal laws are hard on States like South Carolina which have disposal facilities and lax on States like North Carolina which have none and refuse to permit any. South Carolina is forced to be the burial ground for States which flout RCRA, by refusing to permit waste disposal within their own borders, while dumping it on our doorsteps and protesting any countermeasures we propose.

Last year, South Carolina took in thousands of tons of hazardous waste which we did not generate, we do not want, and from which we derive no benefit. This waste, much of which remains toxic for centuries, is a dangerous legacy for generations to come. While we take in this waste, several waste exporting States, including North Carolina, refuse to permit even one commercial landfill or incinerator to open within their borders.

A few statistics show the magnitude of the problem. Between 1985 and 1989, South Carolina accepted 627,000 more tons of hazardous waste than we exported. In 1989 alone, South Carolina accepted for treatment, storage, or disposal a net total of 148,000 tons of out of State; almost one-fourth of that came from North Carolina alone. South Carolina has one hazardous waste landfill and three commercial incinerators, one of which burns medical waste. My district hosts both an incinerator owned by ThermalKem in York County and a landfill owned by GSX in Sumter County, which is the second largest hazardous waste landfill in the Southeast. The owners of these facilities tout their operations as state of the art. But as members of this committee know, the art is in a very basic State. The ThermalKem facility has experienced three explosions in 4 years, including one last month, while the GSX landfill has suffered a series of tears in its liner. In 1988, over 90 percent of the waste burned by ThermalKem and 65 percent of the waste dumped in the landfill came from outside South Carolina. Seventeen percent of all the waste disposed of under the Superfund Program between 1984 and 1989 was sent to the GSX landfill in my district. Some of these sites were in our State; I have four NPL sites in my district, one of which is a wasteland of paint residues from the North Carolina furniture industry.

While South Carolina takes waste from 40 States, our largest single source is North Carolina. Between 1985–89, South Carolina accepted a total of 257,000 tons of hazardous waste from North Carolina. In 1987, the last year data is available, 65 percent of the total waste exported by North Carolina came to South Carolina.

Each time South Carolina tries to slow down the volume of imported waste, the Federal courts and EPA stop us. They tell us that we are violating the Constitution's commerce clause which treats the shipment of garbage and waste as interstate commerce under New Jersey versus Philadelphia. In 1989, for example, our State legislature approved a rule banning waste from any State which would not accept our waste—a simple rule of equity. A Federal judge overturned it as unconstitutional. The State has also tried to prevent existing facilities from expanding, since the lion's share of their waste comes from out of State, and we have more than enough capacity to serve South Carolina. This sort of limit would not discriminate against out-of-State waste, but even it has been blocked. On the other hand, when the North Carolina Legislature passed a law effectively preventing any commercial waste facility from opening, the Federal Government sat on its hands. Clearly, EPA and the Federal courts have been tougher on waste-importing States with existing facilities than on those States which have no disposal facilities, and are content to go on exporting their waste with a beggar-my-neighbor attitude.

In 1986, Congress began to recognize the need for fairness in interstate waste disposal by adding the requirement of capacity assurance plans [CAP's] to CERCLA. This requires every State to develop a 20-year plan assuring adequate capacity to manage the hazardous waste it generates. Those States which don't develop a plan, or which violate the plan they develop, lose their Superfund cleanup funds. This law should have led more States to develop the capacity to dispose of their own waste, but so far it has not been very effective. What is lacking? We need effective sanctions and an EPA willing to enforce them.

Every State met the deadline for submitting a CAP, but three States, including North Carolina, have already failed to keep pledges made in their CAP's. North Carolina, for example, promised to select a site for a hazardous waste facility by December 31, 1990. But we are now 4 months past the deadline, and North Carolina still has not chosen a site and every effort Governor Martin has made to site a facility has been blocked. Yet EPA has failed to act. I would like to offer for the record a letter to Administrator Reilly signed by the South Carolina delegation calling on EPA to enforce the CAP requirement by suspending North Carolina's Superfund money. I would also like to offer the letter written by Administrator Reilly to Governor Martin, with some stiff warnings; but those threats have yet to be acted upon.

Since the existing laws have not worked, Congress needs to adopt stronger laws. Today, I am introducing a bill that I think will contribute to the solution. My bill gives EPA tougher sanctions to enforce the CAP requirement. It also gives States which are complying with the CAP requirement more control over waste entering their borders.

My bill has three parts. The first part provides broader sanctions against States violating the CAP requirement. The measure would require EPA to withdraw RCRA and HSWA delegated authority to any State not complying with the CAP requirement. States would not want to lose this authority, especially because withdrawal would mean the loss of Federal funds the States receive to enforce RCRA. In addition, the bill would allow EPA to suspend Superfund money gradually over a 1-year period rather than requiring an immediate cutoff. EPA has been unwilling to impose an immediate funding cutoff, and my hope is that this flexibility will increase the chances of EPA's taking at least some action against recalcitrant States.

The second part of my bill would allow those States with approved CAP's to reject permits for new or expanded waste facilities if the States do not need the additional capacity. At present, States like South Carolina can't reject permit applications for expanded facilities even if in-State disposal capacity far exceeds in-State generation. It is not fair for EPA to force States that are complying with the law and have permitted facilities in the past to accept larger and larger waste disposal facilities when many States have no facilities at all.

Third, the bill would allow a State complying with the CAP requirement to restrict imported waste so long as the restriction does not violate the State's CAP. One of the major weaknesses of the existing law is that states must "assure" a 20-year capacity even though they do not have the authority to control waste imports. As a result, they cannot be certain that the capacity they anticipate will not be consumed by other states' wastes. When Congress adopted the Low-Level Nuclear Waste Act, we gave States the authority to exclude waste from States outside their compact. It is only fair to allow a similar provision for hazardous waste.

I am not asking Congress to allow States to build walls around their borders to exclude waste imports. Obviously, States need—and should be encouraged—to cooperate in disposing of waste. And that is exactly what the CAP requirement contemplates by allowing interstate agreements.

In the long run, CAPs are only a partial solution to hazardous waste. We need incentives to minimize and recycle waste. And we need to continue rigorous regulation. I tell my constituents who live near hazardous waste facilities that they cannot expect these facilities to be closed down overnight; but they have every right to expect that the government which permitted these facilities is watching over them with a wary eye. In addition to the bill I am filing this week, I will be introducing separate legislation shortly which will impose tougher rules on waste facilities and thereby provide better protection to the public.

I have dwelt on the problem of interstate hazardous waste, but interstate solid waste is also a serious problem which calls for congressional attention. In my district, a Florida-based company is now trying to build what some believe may be the largest incinerator in the world. It would burn 8.24 million tons of municipal waste per year, the overwhelming majority of which would come from out of South Carolina. I think you would share my concern if such a facility were underway in your district; South Carolina should be able to say whether such a facility will be located within its borders.

To respond to the problem of solid waste, I am a cosponsor of H.R. 724, introduced by our colleague, Congressman BEN ERDREICH. This bill would require States to develop 20-year solid waste CAPs similar to the CAP's already required for hazardous waste. H.R. 724 would also authorize those States with approved CAP's to prohibit out-of-State waste if the State's CAP justify the limitation because of inadequate capacity. In this regard, H.R. 724 tracks similar provisions included in Congressman LUKEN's bill for reauthorizing RCRA, which he filed in the last Congress.

I urge the House Energy and Commerce Committee and the full House to consider the Erdreich bill and my bill and the burden borne by States like South Carolina and Alabama that have complied with RCRA. I believe our bills will restore some equity to interstate waste disposal, and I hope it will be included in the new RCRA.

SUPPORT SECRETARY KEMP'S AFFORDABLE HOUSING INITIATIVES

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1991

Mr. DREIER of California. Mr. Speaker, on April 9, the Los Angeles Times published an article from the Rev. Jesse Jackson that is unjustifiably critical of Secretary Kemp's efforts to provide homeownership opportunities for low-income families. I would like to submit to the RECORD Rev. Jackson's article, along with Secretary Kemp's "Letter to the Editor," which highlights a number of the inaccurate statements made by Rev. Jackson.

In addition to Secretary Kemp's response, I would like to draw attention to Rev. Jackson's statement that, after the Republicans gutted the housing budget, they "had a feeding frenzy on what little was left."

These accusations are ironic in light of public information about how one of Rev. Jackson's top fundraisers, A. Bruce Rozet, used his influence to earn for himself, his close associates and wealthy investors, millions of dollars from tax breaks and Federal housing subsidies at the expense of poor families and the taxpayers. As noted in the Washington Post article submitted below, Rev. Jackson benefitted handsomely as well.

[From the Los Angeles Times, Apr. 9, 1991]

LOVELY WORDS FROM KEMP—HOUSE NO ONE

(By Jesse Jackson)

You tell a tree, the Scripture instructs, not by the bark it wears but by the fruit it bears. A fig tree may look good, but if it bears no fruit at blossoming time, all you are left with is a fig leaf. Remember this wise lesson when you think about the right to affordable housing in this country.

Housing and Urban Development Secretary Jack Kemp, who speaks about the urban crisis with more passion than most Democrats, argues forcefully about the benefits of home ownership for poor people. Home ownership, he says, will provide a sense of accomplishment, of pride, a taste of the American dream. It is a lovely speech, but it bears no fruit.

Every month, Kemp's department forecloses on more than 7,000 homes, taking them from families who have fallen behind on their mortgages. In the current recession, many working people are losing their jobs through no fault of their own. But strict HUD regulations keep most of them ineligible for the forbearance that the law provides to prevent foreclosures among those suffering from hard times.

As a result, HUD owns about 50,000 single-family homes nationwide. What it does with those homes is shameful. According to the research of Assn. of Community Organizations for Reform Now, a nationwide group of low-income people, HUD's houses often remain vacant for three years or more. This costs taxpayers an estimated $8,000 per house per year, but costs the neighborhoods even more. Boarded-up homes become dens for drug dealers, safe houses for criminals, havens for runaways. They breed the crime and blight that drag the neighborhood down.

It doesn't get better when HUD unloads its properties. Does it set aside housing for the homeless? No. Less than 1% of the properties go to programs designed to house homeless families.

Does it help low-income working people gain home onwership, through a rent-to-buy program or with discount prices or mortgages that make the housing affordable? No. More than 50% of HUD's homes are sold to private speculators; in the District of Columbia, speculators buy 70% of the properties.

Speculators with cash in a recession can turn a fast buck, while families working to make ends meet can't find the financing they need. Now that speculators have sacked the savings and loans that were set up to provide mortgages for working people, the problem is worse than ever.

Kemp's housing program bears so little fruit in part because its roots have been so damaged. Remember the history of HUD over the past decade of conservative rule. Ronald Reagan came in and gutted the housing budget, cutting it from $30 billion in 1979 to $7 billion in 1988. Then, the political piranhas of the Republican Party—consultants, donors—had a feeding frenzy on what little was left.

Former Interior Secretary James Watt got $300,000 for making a phone call, what Washington lobbyists considers heavy lifting. Paul Manafort, partner to the President's campaign manager, collected $326,000 for selling a useless New Jersey project. Sen. Alfonse D'Amato of New York even copped a swimming pool for his neighbors. In the end, an estimated $3 billion was squandered.

When Jack Kemp and the kinder and gentler crowd came in, they began to clean up the mess—by calling a halt to the programs. Kemp cut off three programs completely. He lobbied against the National Affordable Housing Act. And he has not gotten around to changing programs that just don't make sense.

The law says that every American has the right to a decent and affordable home. We devote significant federal resources to housing—but little of it goes to the working poor. Four times as much tax money—in the form of homeowner deductions—goes to subsidize middle- and upper-income American homeowners than to low-income or poor working people seeking the same dream. Then HUD gives speculators the inside track on the few units that could be purchased by low-income people.

The Administration has no plan for adequate housing, offers not even the promise of a plan to rebuild the cities. Last week I walked through Philadelphia where whole blocks are lined with boarded-up and burned-out houses, pockmarked with vacant lots of rubble and garbage. Today, parts of Kuwait city look worse than those neighborhoods. But two years from now, Kuwait city will blossom and bear fruit. Philadelphia will remain barren. There is a plan to rebuild Kuwait city, but no plan to rebuild our cities or revive our rural towns. Isn't that a crisis worthy of presidential attention?

[From the Los Angeles Times, Apr. 26, 1991]

AFFORDABLE HOUSING

(By Jack Kemp)

Jesse Jackson's column (April 9) is so absurd that I have to believe he neither wrote the article himself nor saw it before it was published.

Jackson claims that "HUD's houses often remain vacant for three years or more" and that "less than 1%" are used to help the homeless. The facts are a little different: the average HUD home stays vacant for only six months, and up to 10% are used to help homeless Americans. The majority of houses must be resold to maintain the financial health of the Federal Housing Administration (FHA) fund, which provides housing opportunities for millions of low- and moderate-income families.

To suggest that the Bush Administration "has no plan for adequate housing" and that I "lobbied against the National Affordable Housing Act" is extremely irresponsible for a shadow senator in Congress. As Jackson must know, the Administration's hope and home initiatives form the cornerstone of the National Affordable Housing Act. Far from lobbying against it, President Bush and I urged the Democrats in Congress to fund the program this year, instead of waiting until 1992.

Unfortunately, the Democrats denied our request, opting instead to continue the failed programs of the past.

Perhaps if Jackson put as much effort into persuading his Democratic colleagues to fund President Bush's housing initiatives as he does waging *ad hominem* attacks on me, we might make some real progress in helping low-income families have access to decent, safe, affordable housing.

[From the Washington Post]

L.A. HOTEL WROTE OFF JACKSON CAMPAIGN DEBT

(By Susan Schmidt)

Jesse L. Jackson's 1988 presidential campaign was released from a $30,000 debt by a Los Angeles hotel party owned by a major Jackson political supporter, housing project owner A. Bruce Rozet, according to former hotel employees. The debt was not reported to the Federal Election Commission as required under the election laws.

Former hotel employees said that the Hollywood Roosevelt Hotel also sent an undetermined amount of additional bills incurred by the Jackson campaign to a housing company owned by Rozet, who specializes in government-subsidized housing for low-income tenants.

Federal election laws require public disclosure of any contributions, whether in the form of cash or goods and services, and of all debts and debt settlements. No disclosure was made in Federal Election Commission reports. In addition, the law bars corporations from making contributions and limits the amount any individual may contribute to $1,000 per election.

Rozet, whose relationship with Jackson was forged in the 1970s through their mutual interest in low-cost housing, has been a major fund-raiser for Jackson's presidential campaigns. His housing firm, the giant Los Angeles-based Associated Financial Corp., controls 45,000 government-subsidized housing units, many of which have been in severe disrepair, including the much publicized Tyler House in the District and Glenarden apartments in Prince George's County. Since the campaign, Jackson considering a run for mayor of the District, has tried to help Rozet settle a dispute with a highly critical Department of Housing and Urban Development.

Last spring, Jackson brought Rozet along when he made a courtesy call on newly installed HUD Secretary Jack Kemp, appeared at a Rozet-sponsored rally at Glenarden and wrote twice to Kemp seeking a meeting between top HUD officials and Rozet representatives. Associated Financial Corp. and Rozet have since been termed "slumlords" by HUD Undersecretary Alfred DelliBovi. Yesterday, HUD temporarily barred AFC and its affiliates from receiving further federal contracts while the department investigates the firms' activities.

A hotel employee sent to Jackson headquarters in Chicago in late 1988 to try to collect the $75,000 in outstanding campaign bills reported in a memo to his superiors that the director of the campaign's finance committee balked at paying, asserting that the expenses were "a gift" from Rozet, according to two former employees who knew the contents of the memo. The Jackson aide, Cirilo McSween, said he could not recall making such a comment.

The former hotel employee, financial consultant Vincent Moteleone, confirmed that he personally drafted a letter from the hotel in late 1988 freeing the Jackson campaign of responsibility for $30,000 in outstanding bills.

Five other ex-employees of the hotel, including the former controller and the former assistant general manager, recounted how some campaign expenses were billed to Associated Financial or written off as bad debts.

"I know a lot of it was billed to Associated or to [Rozet] personally," said Jane Pulsinelli, who was controller of the Hollywood Roosevelt in early 1988. "In the springtime, when Jackson was campaigning . . . bills were sent to AFC. . . . It was Rozet's personal thing—he's the one who was supporting Jackson."

Rozet, half-owner of Wilshire Investments Corp., operating general partner of the Hollywood Roosevelt, denied that AFC was billed directly for Jackson campaign expenses incurred there. He said he instructed his hotel manager to settle accounts with the campaign when a dispute arose over the bill, but he has said he was not a party to those negotiations and knows nothing about debts being written off. The hotel manager also denied that Jackson bills were sent to Associated Financial, and when asked whether debts were written off, declined to discuss the campaign's expenses.

Jackson said he was not informed about matters pertaining to hotel bills and was unaware of Rozet helping out with any hotel expenses. "Absolutely not" he said. "First off, we didn't need that kind of favor, and second, it would have been illegal. That was never discussed and it was not required." He referred inquiries about the bills to campaign officials.

National campaign treasurer Howard Renzi denied that Rozet took care of bills at the hotel. He said the campaign had refused to pay some bills—contending they were not authorized by the campaign—and had not reported any debt because for a time it was uncertain there actually was one.

James Hewitt, a lawyer for the Jackson campaign, acknowledged that the campaign violated federal election regulations by failing to report that it was running up debts at the hotel. "It should have been listed as a debt," he said declining to answer further questions.

The hotel was used frequently by the Jackson campaign in the months leading up to the June 1988 California primary. Some aides stayed there for weeks at a time, and it was the setting for a number of Jackson campaign events.

Associated Financial Corp. was billed for some of those costs, principally catering charges, according to former hotel employees. The $30,000 written off as bad debt was part of $75,000 in charges billed to the campaign, ex-employees said.

The Jackson campaign reported only the expenditure of $45,500 at the Roosevelt. Campaign reports to the Federal Election Commission did not list any debt to the hotel throughout the campaign, as required by law. Nor is there a record of the campaign reporting that the bill was in dispute or that it was settled for less than its full amount, also required under election law.

Presidential campaigns often have chronic cash-flow problems and are frequently tardy in paying bills. The Jackson campaign was particularly disorganized.

Former employees said a dispute arose over the Jackson bills between Rozet and some of the hotel's other owners and managers, who wanted to collect.

As the campaign ran up bills, its failure to pay became a bitter joke among employees, some of whose paychecks were bouncing because of cash-flow problems, according to Pulsinelli. At one point, someone in the hotel's accounting office posted a photograph of Jackson and drew in a cartoon-style bubble with the words "I'll never pay" coming from Jackson's lips.

Despite repeated efforts on the part of the hotel to collect on the mounting bills, the campaign made only one $500 payment during the primary campaign, according to two former hotel employees. That payment, made by the California Jackson committee on May 20, 1988, came in only after a hotel official called Chris Hammond, manager of Jackson's California campaign, and threatened to lock one of Jackson's sons out of his room at the hotel. Hammond declined to be interviewed.

One former hotel employee who said he tried to get the bills paid said, "Quite often, when I would make a call, they [Jackson campaign aides] would say, 'Have you talked to Mr. Rozet about this?' "One Jackson aide, he said, "looked at me and said, 'Didn't Mr. Rozet talk to you? It's all been taken care of.'"

Sources said Monteleone, in his memo in the fall of 1988, reported telling McSween, the Jackson aide, that non-payment would violate campaign laws, and that he would contact the FEC if the bill was not paid. Within days, sources said, the hotel received a $25,000 payment from the campaign. Later—after Monteleone threatened to go public with the problem—an additional $20,000 arrived, in exchange for an agreement signed by general manager Bruno Fava forgiving the campaign for the remaining debt—$30,000. Questioned about the memo, Monteleone said, "Yes, there was a memo."

McSween, who is currently handling the campaign's responses to an ongoing FEC audit, said in an interview that there was never a dispute about the hotel bill. Asked if he had claimed Rozet would pick up the expenses as a "gift," he said, "I cannot seem to recollect that."

Under federal law, a debt settlement—anything less than a full dollar for dollar payment of bills—must be formally approved by the FEC. The regulation is designed to prevent back-door contributions by corporations or individuals. FEC records reflect no request for approval of any debt settlement by the Jackson campaign. The campaign has until the end of the audit period to ask for permission to settle, but it must record any bills in dispute or settlements that have been made on reports filed regularly with the FEC. The campaign has not done that.

According to former hotel employees, certain other bills were sent directly to Associated Financial. Glen Crowell, controller and assistant general manager of the hotel until late 1987, said a secretary at AFC sometimes made Jackson's reservations at the hotel and that on those occasions, the corporation arranged to be billed for the expenses.

If Jackson's arrival "was impromptu, he would pay," Cromwell said. "If AFC made the arrangements, AFC would pay."

The campaign also put on a number of events at the hotel, including two fund-raisers: a cocktail party for several hundred and a dinner for about 100. Those bills were sent to Associated Financial, according to the former sales and catering employee who helped put them on.

Asked whether Rozet or AFC picked up some of the expenses billed to the campaign, Vivian Dixon, an accountant who handled the payments to the Roosevelt and is now controller of Jackson's national Rainbow Coalition, said, "That might be. I don't know whether they gave us rooms gratis or whatever the case might be. That would be the only thing they gave."

It was not possible to obtain a reliable figure from the campaign on what it spent at the hotel. Dixon said the national campaign had paid $70,000 to $80,000. "That's how much the bill was," she said.

She could not explain why records filed by the campaign with the Federal Election Commission show total payments to the hotel of $45,500.

Asked if Rozet or Associated Financial picked up Jackson's campaign expenses, Fava, the hotel's general manager, said, "That's not true." He declined to discuss the matter further.

Rozet said he knew little about the campaign bills. Hotel managers "called me and said we have an outstanding bill and who do we deal with. I think that was at the tail end or right after the campaign was over. I said 'Deal with whoever you dealt with during the campaign.'"

Rozet said he picked up the tab for Jackson at some events at the hotel unrelated to the campaign. He threw a birthday party there for Jackson in October 1987, he said, and paid Jackson's room charges when he attended a few unspecified charity events at the hotel.

He said, however, that he had not promised the Jackson campaign free use of the hotel.

Rozet got to know Jackson about 12 years ago when Rozet began acquiring troubled housing projects from inner-city churches and turning them into government-subsidized tax shelters for investors. Jackson was then deeply involved in public housing issues. By Rozet's account, he has raised hundreds of thousands of dollars for Jackson's efforts to win the presidency. He was a Jackson delegate at the Democratic National Convention and is on the board of the National Rainbow Coalition.

In May 1989, the Roosevelt sought reorganization under Chapter 11 of the federal Bankruptcy Code. The hotel, which has undergone $50 million in renovations in recent years, remains open and continues to be operated by Rozet's Wilshire Investments Corp.

AFC, Rozet's housing firm, has been controversial in the Washington area because of poor conditions in the past at several of its local projects, including Glenarden, Tyler House and Sursum Corda apartments. HUD officials have contended that Rozet and his partners have not put enough money into those and other projects.

Jackson confirmed that he contacted HUD on Rozet's behalf last spring, but said he was unaware at the time that the agency took such a dim view of Rozet's company.

HUD was threatening to deny Associated Financial future contracts to operate subsidized housing in Oklahoma. Jackson's efforts did not change HUD's position on Associated Financial; in fact, Kemp has publicly criticized Rozet and the corporation, saying they profited from national housing programs at the expense of the poor.

Rozet said he knew nothing about Jackson writing to Kemp about the Oklahoma projects. "We never requested Jesse to do anything for us in housing," said Rozet. "Jackson has never intervened at HUD for me."

In an interview, Jackson said he was asked by Rozet and by tenants in Tulsa to talk to Kemp about the projects there. "The people in Oklahoma were asking us to help them and Bruce was part of that. They made the appeal to me and Bruce made the appeal to me," he said.

Jackson said he did not know details about the rehabilitation funds Rozet and the tenants were asking HUD to provide.

The first letter to Kemp, dated March 27, 1989, and obtained under the Freedom of Information Act, reads in part, "Dear Jack: I think we have an opportunity to turn a problem housing situation into a positive model for your housing philosophy . . . . The owners . . . deserve an opportunity to be heard. Could we arrange a meeting between you and/or your staff, the owners, and representatives of the tenants to discuss their plan."

In a follow-up letter dated May 16, Jackson again sought a meeting between Rozet company representatives and Kemp's staff. "Could that meeting be scheduled? I believe their plan represents the best in public-private tenant participation."

HOUSE OF REPRESENTATIVES—*Monday, May 6, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
May 6, 1991.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we face the decisions that so affect our lives, we pray, gracious God, that we will weigh our judgments in the light of Your spirit and Your truth. We know that beliefs point in the direction of justice and our faith can point to the values that make life purposeful. So teach us to see our decisions with the light from Your spirit so we may receive Your guidance and strength in all we do. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will recognize the gentleman from Ohio [Mr. GILLMOR] to lead us in the Pledge of Allegiance.

Mr. GILLMOR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE WORKING FAMILY TAX RELIEF ACT OF 1991

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, the past decade has not been a good one for America's working families. For middle-income families, it was a time of retrenchment and of worrying about how they can afford to provide a better life for their children. For the working poor, the last 10 years brought real hardship in the struggle simply to survive and to remain independent. For children, the past decade made them the innocent victims of the fragile economic condition of their families and it made poverty more of a reality for many.

It is not difficult to find the reason for this bad news. At the same time that America's working families were being squeezed and squeezed hard, the party begun by the Reagan administration was going strong. This exclusive gathering allowed the wealthiest Americans to sit at the table, while working families were forced to stand. It provided the few with a bounty of riches by taking something away from everyone else.

What about the working American families who were not even invited to this party? Their situation worsened as they were forced to pay the bill with a substantial increase in taxes and a real loss of income. As a result, they've had to find ways to survive on less.

I am here today to announce that the Reagan party is over. Working families should not have to struggle to survive and they should not have to bear a disproportionate share of America's tax burden. They are the backbone of our Nation and they deserve tax relief. That is why, along with Senator AL GORE, Congressmen GEORGE MILLER and DAVID OBEY, I am introducing the Working Family Tax Relief Act of 1991. I invite you to examine this proposal and look forward to your comments.

THE WORKING FAMILY TAX RELIEF ACT OF 1991

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, today Senator AL GORE, the gentleman from New York [Mr. DOWNEY], the gentleman from Wisconsin [Mr. OBEY], and I, introduced legislation called the Working Family Tax Relief Act of 1991.

This act challenges the blatantly inequitable income policies of the 1980's and sets a new course that rewards families for working.

Without increasing the Federal budget deficit or violating the budget agreement, the Working Family Tax Relief Act puts more money directly into the pockets of working families with children—the millions of families who go to work every day only to come home to bills they cannot afford for expenses they cannot avoid, like child care, health care, and payments on their homes.

This legislation is a direct response to the phenomena of the 1980's: The failure of the economic expansion to benefit all Americans, and the dramatic increase in the number of mothers who work outside the home and the number of parents who work but remain poor.

For more than a decade, the rich have gotten richer, and the poor have gotten poorer. Between 1977 and 1992, according to Congressional Budget Office estimates, the income of the richest 1 percent of Americans grew by 113 percent, while the income of America's poorest decreased by more than 10 percent. During the 1980's, the richest 1 percent of Americans received nearly as much income after taxes as the poorest 40 percent.

For moderate-income families, the tax system has become even more unfair despite the rhetoric of lower taxes. Between 1977 and 1990, Federal tax rates for the top 1 percent of taxpayers decreased 15 percent while they increased 2 percent for moderate-income families. In 1990, Federal, State, local, and Social Security taxes accounted for 25 percent of median-family income compared with 14 percent in 1960.

Our bill seeks to provide the financial security to families with children that the economic expansion of the 1980's failed to deliver.

Our bill reduces taxes for 35 million American families with children, representing some 134 million people. It does not introduce new taxes, but it does reintroduce the concept of tax fairness for all families.

GREAT MAJORITY OF AMERICANS BETTER OFF OVER LAST DECADE

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, a previous speaker talked about a party that had been going on in the 1980's. Actually, there has been a party going on in this country much longer than that. It has been going on for several decades. It has been a party in Washington, the party of unrestrained

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

spending, and that party has been paid for by the average American worker.

In 1948, the average American making a median income paid 2 percent of his salary to the Federal Government in taxes. Today that average American, after several decades of the Democratic majority in Congress, is paying over 23 percent of his income to the Federal Government.

One of the previous speakers talked about the Reagan years. I would simply point out that they started with double digit inflation, with double digit unemployment, and ended with one of the lowest levels of inflation in American history, one of the lowest levels of unemployment, and with a great majority of Americans better off.

□ 1210

ORDER OF BUSINESS

Mr. DICKS. Mr. Speaker, I ask unanimous consent that my special order today and that of the gentleman from Texas [Mr. GONZALEZ] be reversed.

The SPEAKER pro tempore (Mr. CRAMER). Is there objection to the request of the gentleman from Washington?

There was no objection.

DE VALLS BLUFF BRIDGE REPLACEMENT DEMONSTRATION PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, tomorrow, I will be introducing legislation to address a dangerous and longstanding problem faced by the citizens in Prairie and Monroe Counties in my district.

On January 7, 1988, the tugboat *Amy Ross*, pushing four large barges down the White River, struck a pier of the U.S. Highway 70 Bridge at De Valls Bluff, AR.

The impact, according to one eyewitness, was of such magnitude that the bridge swayed 6 to 8 feet.

For the 8 months, it took to make repairs, the bridge had to be closed to traffic—making what had been a 4-mile trip into De Valls Bluff from communities across the White River a 20-mile trip.

Not only was this inconvenient, but costly. Regional commerce was severely depressed by this loss of access.

In fact, Mr. Speaker, the economic damage to the economy has not been fully calculated.

Moreover, the bridge plays a vital role as an alternate White River crossing point in the event traffic must be rerouted off nearby Interstate 40.

The bridge at De Valls Bluff was built in 1922 and was rated functionally obsolete in 1988. It has been closed twice for extended periods since 1972.

It has deteriorated to the point where it is a threat to the lives and property of those who have no choice but to use it and is not cost effective to maintain and repair.

Therefore, it makes sense from both an economic and public safety standpoint to replace it.

Mr. Speaker, so often on the floor of this House we make our case for projects such as the De Valls Bluff bridge by citing policy, using statistics and proclaiming that a high national purpose will be served by their construction.

Recently, however, I received a letter from a young Boy Scout in my district, Kevin Simpson, who cut through to the people perspective involved here.

He expressed concern about a 61-year-old bridge which crosses the White River in his hometown of Clarendon.

Why? Because his grandparents live within 25 feet of the bridge and his family drives over it daily.

Kevin worries that if the bridge is not safe, his family is not safe.

Mr. Speaker, that in a nutshell is why we must invest more in America's roads and bridges—so we can tell Kevin that the bridge near his grandparents' home, the one his family drives over daily, is safe—that it won't collapse and fall into the river.

I want to tell Kevin that Congress is doing what it can to improve America, to make our roads and bridges safer.

The bill I am introducing authorizes an appropriation of $7.1 million from the highway trust fund for fiscal year 1992 to build a new bridge at De Valls Bluff. While Federal-aid bridge replacement funds can be used for this purpose, the 1987 Federal-Aid Highway Act substantially reduced the allocation to Arkansas for this program. Accordingly, special action is needed—and warranted—by the urgency of the situation at De Valls Bluff.

My understanding is that there is in excess of $5 billion in unobligated money in the highway trust fund which is available for projects like this one. Surely, $7.1 million of this amount is not too much to ask to provide for the safety and economic health of the people in east Arkansas.

And, there are other bridges—such as the one at Clarendon Kevin Simpson wrote about—that also need attention. In fact, the Federal Highway Administration has reported that more than 260,000 bridges in the United States are functionally obsolete. Another 3,600 are so decayed and dangerous that they have been closed to traffic.

The 1980's have rightly been called the "decade of disinvestment" in America. We have let our infrastructure deteriorate to the point that our ability to compete is jeopardized.

And, until we face this problem, Kevin will have to continue to worry about the bridge near his grandparents' house—the one other members of his family drive over daily.

It should not be this way.

I come here today on behalf of Kevin Simpson and the other people I represent to support assistance for a worthy endeavor which is long overdue.

I also come here asking that this generation face up to the problem of our decaying infrastructure so that Kevin Simpson's generation won't inherit that problem.

Yes, we do have a Federal budget deficit which must be dealt with.

But, I believe that we can live within our means and still build a new bridge at De Valls Bluff and replace the old bridge near Kevin Simpson's grandparents' home by reordering our priorities and putting America first.

Only recently, we forgave billions of dollars in debt owned the United States by Egypt. That amount of money would certainly solve the infrastructure problems in my district.

We have to invest more at home and less overseas.

Perhaps if our allies paid more of the bill for their own defense instead of depending on Uncle Sam to bear the load, we could trim the budget deficit and still make badly needed infrastructure improvements in Arkansas and the other 49 States.

I believe that by reordering our priorities, we can do a better job of meeting our needs at home and still reduce the deficit.

It should also be noted that money spent on new roads and bridges is an investment—which returns more than it costs. In fact, it has been estimated that $2.40 comes back for every dollar spent.

Kevin Simpson does not want his grandparents living near a dangerous bridge or other members of his family having to cross it daily.

And, they do not have to.

It is up to us.

NATIONAL ASIAN PACIFIC HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, today marks the sixth day of National Asian/Pacific American Heritage Month. As we begin this celebration, I wish to extend my warmest wishes and abiding respect to all Americans of Asian and Pacific Island descent.

Mr. Speaker, it is interesting to note also that just yesterday on May 5, is a very special day to all Hispanic communities throughout America. On May 5, 1862, a full-blooded Indian from the Zapotec Tribe, Mr. Benito Juarez—through his leadership and opposition to French rule in Mexico—rallied the Mexican people to take to arms to fight for their freedom, and in so doing, soundly defeated the French army in the city of Puebla.

As Mexico's first president in 1860, Benito Juarez has also been likened to our Abraham Lincoln in many respects. Benito Juarez became an orphan at age 3, and was taken care of by his uncle, Bernardino. Without knowing a word of the Spanish language, he was sent to live with his sister, who at the time was a chief cook for the family of Don Antonio Maza, who earlier emigrated from Italy. The Maza family took a deep interest and liking for the young Zapotec Indian youth, who had a burning desire to learn and to obtain an education.

Unfortunately in those days, the Mexican-Indians were always placed at the bottom of the social ladder, even below Creoles. Nevertheless, Juarez persevered and eventually completed his studies in law, practiced law, and got into the political arena.

Not more than 5 feet in height, Benito Juarez later became Governor of the Mexican State of Oaxaca. A period of tremendous unrest in Mexico resulted in Juarez's arrest and confinement in jail, and eventual exile from his country and family.

Upon his return in 1855, Juarez quickly rose within the ranks among the political leaders of Mexico and in 1860 became the first President of Mexico through national elections.

With the beginning of the United States Civil War in 1861, with Mexico's inability to make payments on its foreign debts, and with the suspension of such payments for a 2-year period—Britain, France, and Spain established an alliance in October 1861 to intervene supposedly for the purpose of collecting the money Mexico owed them. Even our Government was invited to join this unholy alliance, and President Lincoln graciously declined.

Actually, the British wanted only to get its money back and to keep track of her traditional adversaries. Spain also proved honorable with no intentions to intervene, but Napoleon III decided to use the opportunity to send French troops to occupy Mexico, and later assigned Archduke Maximilian of Austria and his wife Carlota as the new Monarch of Mexico.

The reaction from Washington was simple and straight forward. When asked about the presence of the French Army in Mexico, President Lincoln replied:

> I don't like the looks of the thing. * * * If we get well out of our present difficulties [meaning the civil war] and restore the Union, I propose to notify Louis Napoleon that it is about time to take his army out of Mexico. When that army is gone, the Mexicans will take care of Maximilian.

For some 4 years, Mexico's opposition and struggle against French rule was a bitter one. Despite its small army and resources, Juarez was more determined that ever to continue the struggle, and the Mexican people were all supportive of the cause.

Maximilian even took the extreme route by issuing a decree for summary executions of anyone found bearing arms against the Europeans.

At the end of the United States Civil War, President Johnson issued an ultimatum to Napoleon to take his troops out of Mexico. In the process, some 100,000 United States troops were on the Mexican border ready to assist Juarez' little army. Napoleon got the message and ordered withdrawal of French troops out of Mexico.

Maximilian surrendered and was later executed. The Mexican Government was reestablished and Juarez was again reelected President.

Mr. Speaker, I wanted to share this bit of history with my colleagues because it is important not only in our historical relationship with Mexico, but that Cinco de Mayo—the 5th of May—is forever enshrined in the hearts of the Mexican people as a day to remember in their struggle for freedom and against oppression.

And ironically it was a full-blooded Zapotec Mexican-Indian named Benito Juarez who inspired the Mexican people and gave them leadership at their darkest hour when he said:

> We must now prove to France and to the entire world that we are worthy to be free. The moment has come to act.

Mr. Speaker, may I also convey my best wishes to our Hispanic congressional delegation and to all of us here in this Chamber—a happy celebration of Cinco de Mayo.

THE 43D ANNIVERSARY OF THE STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO], is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today freedom loving people around the world celebrate the anniversary of the State of Israel. On May 14, 1948—or the fifth day of Iyar 5708 under the Jewish calendar—the British mandate of Palestine came to an end, and Israel was born. More precisely, it is not the birth of Israel that we celebrate today, but its rebirth.

For centuries, Israel was a nation. It was guided by the courage of David, the wisdom of Solomon, and the devotion of its people symbolized by the martyrs of Massada in their final heroic stand against the Romans in 73 A.D. For the next 1,875 years, Israel lived only in the hearts of the Jewish people dispersed throughout the world during the Diaspora—but unified by the hope and prayer of some day being brought together in the promised land once again.

That prayer was fulfilled 43 years ago today, and for 43 years Israel has not only survived and endured, but it has prevailed against considerable odds. Its independence in 1948 was hard fought and won from hostile Arab neighbors, who refused to recognize Israel's right to exist then as they do now. Its survival was again threatened in 1956, 1967, and 1973, by numerically superior forces.

The threat of annihilation is never distant in Israel. The blood of the innocents which ran in the streets of Tel Aviv after Saddam's Scud missile attacks during Israel's 42d year reminds us so vividly of this threat. Israel's Arab neighbors have 4 times as many fighter planes, 4.5 times as many tanks, and have spent 13 times more on new weapons since the 1973 Yom Kippur war.

Thus, as we celebrate this day in history, I offer a prayer for the people of Israel, a prayer which I know is shared by the Israeli people.

The prayer is for peace—that during Israel's 43d year, not a single drop of Israeli blood is shed at the hands of her enemies, and not a drop of her enemies' blood is shed in an attempt to destroy Israel. This prayer burns in the heart of peace-loving people in Israel and around the world, just as the prayer for the reunification of the Jewish people did during the Diaspora.

I share the joy of the Israeli people on this historic day. May the courage of David, the wisdom of Solomon, and the devotion of the martyrs of Massada be with the Israeli people not only as they face the challenges of the upcoming year, but always.

THE FUTURE OF OUR STRATEGIC BOMBER FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. DICKS] is recognized for 60 minutes.

Mr. DICKS. Mr. Speaker, today I wanted to take this special order because I believe the House of Representatives at this crucial moment is going to take up an issue of extraordinary concern to our country, to President Bush, to Dick Cheney, and to the Joint Chiefs, an issue, I think, that is crucially important to the American people. And that is the future of our strategic bomber force and the modernization of that bomber force.

I have been a member of the Defense Appropriations Subcommittee for the last 13 years, and during that time, we started this program, the B-2 program. It was started under President Carter.

I can remember the great significance and importance of this program, when we were briefed by Secretary Harold Brown and the Joint Chiefs at that time regarding the importance of stealth technology and how crucial stealth technology might be.

During much of the 1980's, during the Reagan administration, this program, which was a very classified program, went ahead and development proceeded. Last year, of course, the program was taken out of the black world, the world of classified programs, and was presented to the American people.

The program, as all of us know, has been slowed down. We have, in essence, been doing the R&D on the program and preparing production. We are in production. A lot of times people do not realize that we are in production of the B-2. And the crucial point has been that we have slowed the program down in order to make certain that we have a good program.

I wanted to report to the House of Representatives today and to the American people that the initial flight testing on the B-2 bomber has gone extraordinarily well. And now we have done some of the basic work on the stealthiness of, the low observable testing of the B-2, and it has gone very, very well in that respect. So I think I can report to the American people and to the Congress that we are not going to have the same kind of problems on the B-2 that we have had on the B-1. I think we are going to have an extraordinarily good airplane, an airplane that will do the job out in the future.

Now, much has been made by the critics of this program about its costs.

□ 1220

It is a very significant program in terms of cost. We are talking about a program in the range of $60 to $70 billion in total costs. I think it is the cost issue itself that, when you think about it, makes the best case for the B–2.

Over this last decade as we developed this aircraft that we have now tested, we have spent somewhere between $30 and $35 billion for 15 aircraft. These are the planes that we have been testing. These are the planes you have seen on television. These are the planes that are being flown against the radars in order to test it for low observability.

Not all of those 15 planes are constructed, but we have several that we are running through that testing program.

We made that investment, that sunk-cost investment. We have paid for over half of this entire program, and not to finish, to get what Secretary Cheney has called a very formidable force of 75 B–2 bombers, and as you may remember, we were talking about 132 bombers; in order to get 75, we need to buy 60 more, and we can get that 60 more for somewhere between $28 and $30 billion.

Crucial to that is ramping up the cost, or ramping up the production rate, not ramping up the cost. The cost is significant enough. As we ramp up the production rate, it will drive down the unit cost, and we can get a bomber force of 75.

Now, when you couple that with the 97 B–1B's and our B–52's, which are basically used for cruise-missile carrying, the B–1's for penetration, and the B–2's we would have a very formidable bomber force for the future. In fact, the Rand Corp. has done a study which I would place in the RECORD today that clearly outlines that this kind of bomber force would be extraordinarily good, that it would have great capability, that you would have the older B–52's to carry cruise missiles, you's have the B–2's to penetrate Soviet air defenses, you'd have the B–1's to play that same role of penetration, possibly a cruise-missile carrier at a later date, and you wouild have the B–2 which could not only penetrate Soviet air defenses but it could also be used conventionally much as the F–117 Stealth fighter was used in the gulf war.

So the key point that we want to make today is that it is time to make a decision. It is time to move this program forward. We have gone through the testing, and the testing has been very, very good.

The opponents of this program say, "Let us kill it at 15. Let us end it at 15." I asked at a hearing this week, or last week actually, at a hearing that was held before the Defense Appropriations Subcommittee, I asked Lee Butler, the head of the Strategic Air Command, "What could you do if the advocates of actually killing the B–2 actually killed it, could you use 15 aircraft? Would it be meaningful militarily?"

His unequivocal answer was that 15 B–2's simply did not make any sense. It was not a force that we could use.

I mean, obviously I would love to see the full 75, and I think the analysis shows that you need 75 if you are going to use them both in the conventional and strategic sense, but clearly 15 and killing the program, this simply does not make sense.

If you did kill the B–2 bomber because it is so expensive, what would happen? The Air Force would immediately be told by the President to go out and build another bomber, go out and start all over. That would be totally ridiculous. We would have invested $35 billion of the American people's money, their hard-earned wealth, and gotten very little for it.

The head of the Strategic Air Command, Mr. Butler, was asked a question, "Do you think it is out of line to spend $28 billion to $30 billion to get those additional 60 planes?" And he answered back and said, "It would be a great investment, because then we would have a bomber that could be used as a hedge against the failure of our ICBM leg or SLBM leg, and we would also have a bomber that we could use in the conventional role."

Now think about it. Let us assume that President Bush had had the B–2 bomber and we had it deployed at Whiteman Air Force Base in Missouri, and Saddam was on the border of Kuwait and Iraq ready to invade Saudi Arabia, if the President had had a B–2 bomber, he could have ordered it into action, and with one aerial refueling off the coast of Spain, the B–2 could have attacked Baghdad against the same kind of targets that the F–117 went against, those surface-to-air missiles, their radars, the nuclear, biological, and chemical facilities, the leadership. They could have gone against all of those same targets that the F–117 attacked, and could have done it with complete surprise, complete impunity, and at the same time another squadron of B–2's could have attacked the forces, the Republican Guards, that were massing on the border of Iraq and Kuwait, and they could have attacked those tanks with conventional weapons that are being developed. So it gives the President an enormous option that he does not have with the B–1 and B–52.

And why is that? The B–1 and the B–52 can both be seen by enemy radars. If you flew them into Baghdad, they would have been shot down. We would have lost the crews. We would have had a failed mission, and the President would have had to wait until air supremacy was achieved in order to use those existing heavy bombers.

So what we have learned from the gulf is that stealth technology works, and when you compare the F–117 with the B–2, the B–2 carries 10 times as much ordnance and ammunition and weapons, and it flies 5 times as far. It is a much more capable asset.

Frankly, the F–117's have to be used in a situation like we had where we had airfields in Saudi Arabia, and you could fly from those airfields in Saudi Arabia and attack, and even then it has to have heavy tankering, because it has range limitations.

So what the B–2 does, it gives you legs. It gives you distance. And it gives the President of the United States a very powerful option. He can use the B–2 in any kind of a situation with the Soviet Union as a deterrent weapon, and we do not expect to have a problem there, but we have to be careful and protect that option.

But, more importantly, and the kind of contingencies we have seen in Panama, in Grenada, in Libya, in the gulf, he would have the capability to have an asset that, with one refueling, could reach any crisis area around the world.

That is why President Bush, Dick Cheney, Don Rice, Larry McPeak, our top military commanders, have made the B–2 bomber their No. 1 priority this year.

As I was trying to get to, if we did not do this, the Air Force would have to go out and buy something else.

My good friend, the gentleman from Washington [Mr. CHANDLER] is here. Let us say that they went out and bought some of those 747's that we produce at Everett, WA, and they had to militarize those 747's, and they threw every cruise missile we could on them, and that would probably cost somewhere between $400 and $500 million per airplane, but it would not be stealthy, and that is the point. We have got the B–52's to do that mission.

So I think killing this program at this time, now that we know we have got a good program, it would be a mistake of historic proportions, and that is why I have taken this special order today to urge my colleagues on the Committee on Armed Services to take another look at this program, to look at what happened with stealth technology in the gulf, to look and see where we are on the B–2 program, that it has gone through its testing, that it is going to be stealthier than we thought it was going to be.

□ 1230

That it can be used not only in a strategic deterrent role to hedge against the failure of our own ICBM's, we were talking about mobility. We were talking about rail garrison. We were talking about Midgetman. Both of those programs have been slowed down, and what we have done is put our chips on that B-2. We have said that this is our highest strategic priority.

That is why I feel it is so important for the committee leadership, particularly the chairman of the committee, to make this evidence known to the Members, to show them the Rand study, which clearly says that having a bomber force with a B-2 in it makes sense, to look at the testing, and to look at the testimony by General Horner. General Horner presented some very impressive testimony before our committee. In case Members have forgotten, General Horner was the person that ran the air war out in the gulf. He showed the various packages of aircraft that they used in the gulf. This is focusing more on the F-117. In one situation that they were faced with there was a plant up in the north that they wanted to attack. In order to do that, he had to put together 67 airplanes. He had to have the bomb-dropping airplanes. He had to have fighters to escort those bomb droppers. He had to have jammers up there to jam their electronics. He had to have a whole host of tankers. The package of aircraft, 67 airplanes in that package, and would Members like to know what happened? The air defense in Iraq, and everyone thinks this was a piece of cake. It was not a piece of cake. Members ought to talk to the pilots who flew the F-117, but this group of aircraft led by some of our advanced technology planes, none of them stealthy, they could not get the job done.

So the next day, do Members know what they did? They went back and said they would take 8 F-117's and 2 tankers, and they will fly up there and see what they can do. They went up at the dead of night, came in and hit them with complete and total surprise. They never knew they were there because of their stealth. They destroyed this facility and they got the job done.

Now the comparison is important. The costs of that standard package of 67 aircraft that could not get the job done, procurement costs in 20-year O&S cost, totaled $6.5 billion. The costs to those 8 F-117's and the 2 tankers is $1.5 billion. Stealth saves, No. 1; but more importantly than that, stealth saves lives. The lives of our pilots, young men and women whom we are sending in harm's way in combat. If they are in a stealthy plane that the enemy radars cannot see, they will have a better chance of surviving, to fight another day.

We did not lose one single F-117 in this war. It was the fact that we had stealth and precision munitions, together, that gave the United States that tremendous conventional capability. Think about it. We will have the B-2 bomber that is just as stealthy, if not more so, than the F-117. We have newer technology in the B-2 bomber, and it can go 5 times as far, with 10 times the payload. That is why I think it would be criminal, literally criminal, if we allowed this plane to be killed at this point in time. That is why I have taken this special order today.

I notice that two of my colleagues are here. I will want to yield to them, and I appreciate very much their coming over. I think the case is so strong, and not only are we going to save lives and save money, but we will have a weapons system that will give the United States the technological advantage over all of our adversaries for the next 40 years. That is what has made America's military capability so great. We have always had technological superiority. We have always been one step ahead of our principal adversaries. The world is not going to get less dangerous. We have instability in the Soviet Union. We have Third World countries that have very sophisticated surface-to-air missiles that will shoot our kids down unless we put in the next generation of weapons, stealth technology. That is why if they say kill the B-2 and go to something else, we have to ask them, how much will that cost? Is it stealthy? Will it survive? The answer, clearly, is that something that is not stealthy cannot go in harm's way without a heck of a lot of cost. It is so crucial, those F-117's being able to go in and kill those surface-to-air missiles, instantly. It got the U.S. air supremacy. Once we got air supremacy, Saddam could not get his planes up. As General Horner said, they were faced with either putting their fighters in shelters, or flying them to Iran. There was no other option because we had total air superiority. Then we could bring in the B-52's that were not stealthy, and we bombed the Republican Guards into submission. That made the ground war easier. That made the United States able to win that ground war in less than 100 hours, and to win it decisively. However, it all goes back to the technological advantage we had with stealth. Stealth gave the United States the edge. It saved lives. It saved money. It won a great victory for this country.

Now I will yield to the gentleman from Washington [Mr. CHANDLER], and after that I will yield to the gentleman from California [Mr. LEWIS]. The gentleman from Washington is a leading expert on aviation, and a valued colleague of mine who I have served with for a number of years in the House of Representatives. The gentleman is an expert on stealth and on our bomber force.

Mr. CHANDLER. Mr. Speaker, my colleagues in Washington and I attended a session of some people from home the other day. He had to leave, but I made some remarks that I would like to repeat now.

I think it is important that people understand that when we went to war in the desert, we did not have a choice but to face down what was essentially a threat to the stability of the entire world. The reason that we prevailed was in no small part because we had superior weaponry with superior people operating those weapons, weapons that were available, weapons that worked. I want to say that my colleague from the State of Washington [Mr. DICKS] is to a great deal responsible for that fact, because at times out here on the floor of this House and in the Committee on Appropriations when those votes were mighty tough, in days when no Member saw anything like Desert Storm coming, my colleagues, the gentleman from Washington [Mr. DICKS] was there. He did take those tough votes. I credit him with leadership in helping to bring about what was a victory in Desert Storm and in which there was minimal loss of life, which we are all grateful for.

I think much has been said by my colleagues, and I would like to simply make several points here as we look at the future. My guess is that the next conflict, and we all pray that there is not one, but this is an unstable world. There are interests in the United States and in our allies around the world that have to be protected. With that in mind, it seems to me that we have to ask ourselves three fundamental questions about whatever program it is that we are considering.

No. 1, is the program necessary? No. 2, does the program perform to specifications? No. 3, is it cost effective?

I want to answer those three questions about the B-2 bomber. One, is the B-2 bomber needed? As my colleague says, absolutely yes. Without the B-2 bomber, we have no effective penetrating bomber by the end of this decade, and there is no substitute, Mr. Speaker, for manned bombers. It would be wonderful if there were, but there is not. Therefore, we need a manned bomber. With the cancellation of the A-12, the B-2, and the F-117A will be the only operational Stealth aircraft.

With the reduction of forces worldwide, and reduced access to bases abroad, we for example, do not know yet what will happen in the Philippines in our ability to use the bases there. We need not only the F-117A, which is a short-range tanker-dependent fighter jet, fighter-bomber, but we need the longer range, great capacity of the B-2. We need both.

I have heard people say that if the V-117A worked so well in the Persian Gulf, why do we not just go with that? I have just given Members the answer, because as my colleague points out, that is a short-range tanker-dependent aircraft, tankers which are not stealthy at all, and they are and can be because of that vulnerability.

□ 1240

The second question. Does the B-2 work? Again, absolutely yes. The combat results in Desert Storm show us the effectiveness of stealth technology. We saw the high-target kills, the number of sorties necessary to bring about those kills, and at the same time with no Stealth losses and no loss of U.S. pilots' lives.

The F-117A's represented only 2½ percent of the coalition aircraft assets, but covered 31 percent of the targets in the first 24 hours of that war.

Now, the important point here is we not only were able to take out surface-to-air missiles, but we were also able to take out radar.

I have heard some of the B-2 critics say, yes, I have heard some of the B-2 critics say, "Yes, but you can still see a B-2 on radar."

Well, it may well be, but it looks like a sparrow hawk or a goose or some other bird, if you can see it at all.

Mr. DICKS. Mr. Speaker, will the gentleman yield on that point?

Mr. CHANDLER. Yes. The gentleman has the time.

Mr. DICKS. The crucial point, and I want to make sure everyone hears this, it is one thing to get a glimpse briefly of the B-2 on radar. That may have happened out in the gulf. Some of the other planes said they might have seen it, but that does not shoot it down. You have to be able to send a plane to attack it or to vector a surface-to-air missile to engage it. They cannot do that.

Mr. CHANDLER. That is right.

Mr. DICKS. We have a red team at MIT that looks into all these so-called theories about overcoming stealth and so far thank God none of it is proven. None of it works. The case in the gulf is proof in itself. We sent them in there. They flew all the tough missions. They had the toughest highly defended targets. None of them were shot down. That is the proof.

Mr. CHANDLER. And you also cannot see a Stealth or any other kind of bomber with radar that does not exist. One of the chief missions of the B-2 bomber would be to take out those radars in the early hours of a war.

Another point that I think is worth making here is because of stealth technology and because of the ability to gain air superiority, we can manage to fight an air war, as we did in the gulf, with regrettably some, but at the same time minimal civilian casualties.

One of the things we and our leaders set out to do early in the war was to minimize casualties, and we did.

The final question to ask and to answer, is the B-2 affordable? Again, the answer is yes. It is affordable in terms of our present ability to pay and it is a good investment in terms of military capability for money invested. In terms of remaining costs, more than half of the cost of the program has already been paid.

I could cite some other evidence. I will simply submit that for the RECORD, Mr. Speaker, and simply conclude by saying, as my colleague did, I did not want to vote to send any American to war, but on January 16 I took that vote because I felt that our interest as a Nation, the interests of our allies were threatened.

With that vote, one that was the single most difficult that I have ever taken in the Congress of the United States, I put at risk the sons and daughters of men and women in this country in my State and in my district.

I may well have to take that vote again. I pray to God that I do not, but if I do, I want to know that those young men and women who go to war are in the best possible equipment that we can provide, and the B-2 bomber is one very important element in providing that security for our country, for our allies and for those young men and women.

Again my compliments and thanks to the gentleman for taking this special order.

Mr. DICKS. Mr. Speaker, I appreciate the gentleman from Washington being here. This is a Monday and a lot of Members are not here who wanted to participate. We have a stealth caucus in the House, of which the gentleman is an active member. I just complimented the gentleman on his statement. It is a good statement. It makes sense. I just hope that our colleagues on the Armed Services Committee when they make their markups in the next couple days will pay heed to the wise counsel that he has given them.

Now I yield to the gentleman from California [Mr. LEWIS], a new member of the Defense Appropriations Subcommittee, but a veteran in this House of Representatives, one of the most respected Members of the Republican minority, who has been a good friend of mine and someone who has great judgment, part of the leadership on the Republican side. I just want to say that I am pleased the gentleman is here. I yield to the gentleman at this point so that he can further discuss one of America's important defense priorities.

Mr. LEWIS of California. Mr. Speaker, I thank my colleagues from Washington for this opportunity to participate in this discussion regarding American technology. Indeed, it is important to discuss our future ability to provide leadership in the world not only for our national defense, but also for the defense of freedom. I believe that the B-2 and stealth technology will provide the kind of leadership that allows a sustainable peace for all peoples of the world.

This Member has generally been a supporter of our military spending through the 1980's. My support for national defense is in no small part because my district in California probably has as many, if not more, military installations than any district in the country.

It has been relatively easy for me philosophically to reflect the attitude of my district; but from time to time I have had doubts about ever-escalating defense budgets and I have questioned some of those programs that were on the edge of technology.

Indeed, when the debates had taken place in the past regarding the B-2 bomber and people talked about costs that might push half-a-billion dollars per plane, I scratched my head, along with the American people, and said, "Wait a minute," even though, in the final analysis, I was a supporter of stealth technology and the B-2.

Once I became a member of the subcommittee on which the gentleman so ably serves, I could not help but face the reality that this new position meant my vote might make more of a difference on some of the most significant expenditures in the DOD budget. That forced me to take a different kind of look at this specific technology; that is, stealth and the B-2. I spent much of the last 2 months on in-depth briefings and analyses of this program, and it is because of this extensive effort that I have come to join with the gentleman today in this discussion of the B-2.

The opportunity for me to participate in that kind of analysis and effort, coming almost in confluence with this incredible experience in the Middle East, offers a distinct and unique chance to view the B-2 in a different kind of way.

The American people are proud of our country's recent success in the Middle East. There is little doubt that our tremendous success results from the efforts of our defense workers in delivering and producing the goods. There is a sense of pride in this country about our ability to defend ourselves that I have not seen since World War II.

In that context, I think it is very important to focus upon why we were so successful. We won because our taxpayers were willing to commit huge dollars to keep us on the cutting edge of technology. In every sphere of effort in the Middle East, those who helped produce the technology led the way. This allowed our service men and women to be successful.

Incredibly, the Stealth F-117 was on the battlefield. They were used in this war and in the first 2 days, flew between 2 and 3 percent of the missions—

Mr. DICKS. Two or three percent of our total assets, 31 percent of the missions.

Mr. LEWIS of California. Yes. The F-117's were 2 to 3 percent of the assets and yet delivered on target almost 40 percent of the important hits.

Mr. DICKS. That is right.

Mr. LEWIS of California. They delivered those hits on Baghdad while facing levels of ground-to-air defense that only can be matched in Eastern European countries—a very, very tremendous achievement.

□ 1250

Mr. DICKS. The gentleman is absolutely correct. The facts are absolutely there as the gentleman stated.

Mr. LEWIS of California. As my colleague stated, he has a chart. The gentleman has beside him a chart which he has not had a chance to talk about yet, but it might be good for us to have an exchange regarding that because it makes my point relative to the, first, the technology of the F-117 Stealth fighter-bombers and their potential value, leading to a discussion of the real value of the B-2 technology. The red portion of that chart shows an absolute mission flown, 75 planes in that armada, and the need for the fighter-bombers themselves, a need for airplanes that can disrupt the enemy's ability to target those planes that are actually going to deliver those bombs or armament. There are behind the planes to be in the business of refueling that whole armada. Literally what we have there is a huge set of assets that cost a huge amount of money being put to risk in a military theater where there is action taking place.

Mr. DICKS. That standard package of aircraft, they failed in that particular mission.

Mr. LEWIS of California. That is correct.

Mr. DICKS. And then if we look at the second one, the precision weapons, where we have smart weapons on those planes, that is another big cost. What they finally had to do was to get those eight F-117's, two tankers at a cost of $1.5 billion over 20 years, versus the standard package which had a procurement cost in 20-year cost of $6.5 billion. This one—indicating—got the job done, and we did not lose any pilots. They all came back to fly another mission the next day. These people in the standard package had to turn back because the air defenses were so heavy.

So I think this shows it better than anything what the value of Stealth really is in terms of real combat. Then to think about this, the B-2 could have done the same mission either from Saudi Arabia or, with one air refueling, from the United States of America at the President's request. They could have flown a B-2, if we had it, over there and accomplished that same mission at the cost of $1.3 billion.

Mr. LEWIS of California. That chart dramatically makes the point that flying standard missions with stealth technology saves a great deal of money because so much less valuable equipment is put at risk. More importantly, Stealth saves lives. When you fly fewer planes and put fewer crews at risk, you can make an important difference. Substantually fewer people could do the job and actually accomplish the mission. Clearly, we should think about the value of that technology.

Mr. DICKS. The gentleman is absolutely correct. Not only does it save lives, it gets the job done and it gets it done more rapidly. As you remember, it was those first few days when we used the 117's to go in and take on those most difficult targets, and if we had not been able to do that, we would have been flying standard packages like this in there and we would have lost a lot of airplanes, a lot of kids would have lost their lives needlessly.

So, what we need for the future is the ability with Stealth, both the 117's, the B-2's, the ATF advanced tactical fighter and, hopefully some day, the A-12, to have enough of this kind of capability so that in any combat situation we go in with our stealth airplanes first, we devastate the opponent, gain air superiority, and then we can go back and use those standard aircraft very effectively once we have air superiority. And that is the way we are going to operate in the future.

So, I appreciate very much the input of the gentleman into this and his terribly important role on the committee.

I wish more of our Members, I say to the gentleman from California, would go out and see the bomber, go out to Edwards Air Force Base or out to Norfolk and actually see the plane, talk to the people.

A lot was made, as the gentleman knows, that this program was in trouble. But we have got that thing straightened out. The F-117 was in trouble, the M-1 tank was in trouble, the Bradley fighting vehicle was in trouble; these programs, when you are out there at the edge of technology, doing something no one has ever done before, it is not easy.

You are going to hear in the press that they have had problems, sure. I have been on this committee for 13 years. One thing I have learned is you stay with it because if you kill it, the cost, $35 billion down the toilet, gone. And it is done, we have invested it. Now it is time to get the reward, the return on investment. Now we get 60 planes for less than $35 billion, somewhere around $28 to $30 billion, for 60 additional aircraft. And they have proven themselves in the gulf, that this kind of technology works.

So, I think it would be ludicrous. Then we would have to start over and try to build something else.

Mr. LEWIS of California. Of course. The gentleman's chart presents to us another chapter of this whole discussion. It seems to me, that while the gentleman has made the point, it could be made in another way.

The American public was extremely proud of our men and women and the results they achieved in the Middle East. One of the reasons for that success involves Saddam Hussein and his fundamental mistake. Who would have believed that George Bush could almost overnight, move 200,000 of our troops to the Middle East? Just think what might have occurred if we had not had, almost 5 months to get ready.

Mr. DICKS. Right.

Mr. LEWIS of California. Saddam Hussein might have, attacked Saudi Arabia immediately after he went into Kuwait. If he had done that, the challenge to our troops would have been fundamentally different.

Mr. DICKS. The gentleman is absolutely on target here.

I was out there visiting General Schwarzkopf before the gentleman was on that committee. In the first 4 or 5 weeks we finally got the 82d out there. We had a Marine expeditionary force.

He was terrified that they would invade, that they would see this coming and figure it is better to attack now and take them on now. Frankly, we would have not had in theater the capability to defend those kids. We could have had a devastating defeat.

Mr. LEWIS of California. It could have been very devastating.

Mr. DICKS. And think about it, if we had had the B-2, the President of the United States, if he had seen that they were going to attack into Saudi Arabia, he could have flown that B-2 out of Whiteman Air Force Base with one refueling to attack not only those troops massed on the border of Iraq and Kuwait, but also he could have attacked Baghdad. He could have gone right to Baghdad, gone after the command and control, gone after Saddam Hussein, gone after all his forces, nuclear, biological, chemical, and the suface-to-air missiles. He could have gone directly there to attack with one squadron, and he could also have gone down there and defended our kids.

He did not have the other aircraft out there; it took a while to get those planes out there.

Mr. LEWIS of California. It took a while.

Mr. DICKS. It was a point of vulnerability. We were very, very fortunate. The gentleman makes a very important contribution to this debate by pointing that out.

Mr. LEWIS of California. It seems to me the B-2 has global presence. It could have taken off here, or it could have taken off from Diego Garcia. As the chart indicates, two B-2's, with no support behind them, could have accomplished the mission that was involved here. More significantly, they could have provided protection for those troops at a critical moment, if indeed, Saddam Hussein had crossed the border.

The B-2 has the capacity to reach around the globe, the capacity to carry tremendous levels of ordnance, deliver it where needed, and deliver it in conventional kinds of warfare.

Mr. DICKS. Right. The point the gentleman makes, I want to make sure the

American people know what we are talking about here today; we are talking about a bomber, we are not talking about nuclear weapons, we are talking about a bomber where we can use conventional ordnance, the same basic ordnance that the B-52 has. We are just going to smarten it up, we are going to make it precision-guided munitions in the next generation so you can fly a plane with stealth into the heaviest areas, use the smart weapons to get to the targets that are crucial and get them there early.

What we are going to do is smarten up this bomber and make it even a better conventional weapon. And at the same time, if we can get 75, we will have enough of these bombers to have some on alert as a deterrent against the kind of uncertainty that we face in the Soviet Union in the traditional Strategic Air Command responsibility of having a strategic deterrent, a nuclear deterrent.

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So, in essence I think this is one of the greatest investments American people can get in defense. We get our No. 1 priority; we get a weapon that we can use conventionally in situations like the gulf. We also have it during the time, and we do not want to be at war ever, but when we are at peace, it can be part of our deterrent force, and, if called upon, it can penetrate into the heart of the Soviet Union, and I must say that I hope we have great peace with the Soviet Union.

Mr. Speaker, I believe in détente, I believe in arms control, and I want to talk about that in a minute, but I also see great uncertainty in the Soviet Union. I see the republics rising up against the central government. Mr. Gorbachev is having trouble with the economy. There is great uncertainty there, and they still posses 31,000 nuclear weapons, and we do not know who is going to wind up in charge of all those nuclear weapons. And so at a time when, as the gentleman knows, we have stopped everything else in strategic modernization; we have said, "18 Tridents; that's the end," we are saying only D-5's on the Atlantic Tridents. We are holding up on the Peacekeeper rail garrison, and we are holding up on Midgetman. So, this is really the only area in strategic modernization.

Mr. Speaker, we used to get 13 percent of the strategic budget that went to these kinds of weapons for deterrence, and now it is down to about 6.5 percent.

Mr. LEWIS of California. Mr. Speaker, the gentleman from Washington [Mr. DICKS] has very neatly taken me to the next point I want to make regarding the B-2 in this debate.

Critics of the B-2 have suggested that there is no longer a need for us to worry about the Soviet Union and their nuclear threat. They say that this airplane, which was designed largely for deterrence in terms of the nuclear threat, is not necessary, and that we cannot justify the expenditure.

There are two points I would like to make in connection with that, one of which the gentleman made already very well in another way. It is very clear that the Soviet Union currently is in a very, very volatile condition. Her politics are horrid. Her economy is worse than our economy has been in the worst time in our history, during the years of the Great Depression. We do not know what the circumstances are going to be near term in the Soviet Union, and indeed changes could take place that could be very theatening to world peace.

Mr. Speaker, as the gentleman has indicated, the Soviet Union continues to build her nuclear base. She has ICBM capability that literally could destroy the free world, if given a free hand. The nuclear deterrence potential of 75 Stealth bombers that can reach around the globe, does affect people in the Soviet Union. They better be very cautious before dismissing that challenge.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield.

Mr. DICKS. See, it is the synergistic relationship of each leg of the triad. Our submarines at sea, stealthy; that is where we first learned about Stealth; they are highly survivable. Our land-based leg of the triad, our ICBM's, are in fixed silos. They could be targeted. So, it is crucial in the air breathing, with our B-1's, our B-52's and the B-2, that we have in essence two different important capabilities. We have a penetrater, an assured penetrater, with the B-2 that can go in against all those heavily defended targets, just like the ones around Baghdad, the ones that the Soviets have that are heavily defended.

Mr. LEWIS of California. Correct.

Mr. DICKS. And you also have cruise-missile-carrying B-52's, and later the B-1, that can stand off and shoot cruise missiles in. Therefore the Soviets, and I must say to the gentleman that I am amazed with their economy that they do what they do, but they are still building ICBM's, SLBM's. They are still building air defenses. They have the thickest, most difficult air defenses with surface-to-air missiles and fighters that can go out and attack incoming bombers, and, if we have a one dimensional system, a one dimensional U.S. air-breathing leg that could not penetrate, and there is good evidence that the B-52's and the B-1's later on will not be able to penetrate, then they can bring their fighters and their SU AWACS out to the periphery and stop our cruise missile carriers from getting close enough to attack targets in the Soviet Union. Therefore they do not have coverage, but they cannot do that if at the same time there is a penetrating bomber, a B-2 that can go in with Stealth to the heart of the country. They then have to defend against both, and it makes the challenge for them so great that I do not think they would ever risk nuclear war.

So, we never want these systems for war fighting, but, if we have to, we of course would use them. What we want them for is to deter anyone from ever considering attacking the United States.

And we have to remember the Soviet Union still possesses the capability to devastate America within 30 minutes, and that is why—and it has worked ever since after World War II—that it is so important to have a highly credible deterrent, and that is why I think in this situation we get a weapon that is a first-class penetrater, an asset of crucial importance to our strategic range, that triad of systems, and also we get a penetrater that could be used in a conventional setting.

Mr. LEWIS of California. The gentleman is correct.

Mr. DICKS. And we put that together, and in essence what we are giving the American people are two bombers for the price of one, and we have invested a lot of their money in it, and to walk away from it at this point, I think I cannot think of a mistake of more historic proportions of showing we have lost our will and resolve to stay at the forefront of technology than doing this deed.

I am surprised by some of the people in fact who are supporting doing this because I think, if they will just look at this new evidence, they will see that the case here makes incredibly good sense.

Mr. LEWIS of California. I must say that my colleagues provide a tremendous service here today. Many of our colleagues are looking several ways at this technological expenditure. Suddenly, there is a new environment, and they are willing to look again, regarding the value of B-2 and its potential.

But let me mention this. Our critics suggest that we really cannot afford the expenditure simply for nuclear deterrence. I think we have set that aside in this discussion. It is important to note this. When we take a look at the purpose of B-2, we discover defense leaders in 1981 who were calling for the creation of an advanced strategic penetrating aircraft, now known as the B-2. Their original mission statement said,

> This aircraft shall provide a capability across a total range of international confrontations and be effective in both nuclear and conventional weapons delivery missions.

It was meant as well as to be a conventional system. The B-2 will probably become the most significant breakthrough in terms of conventional warfare and our ability to defend ourselves in the history of our defense effort.

Mr. DICKS. Will the gentleman yield?

Mr. LEWIS of California. Happy to yield.

Mr. DICKS. Yesterday I was up in Boston, and I saw the future, the sensor fused weapons system. This is going to be a new conventional weapon: smart.

Mr. LEWIS of California. Correct.

Mr. DICKS. It can literally be carried on the B-2. Thousands of them may be carried, and they have the capability of destroying tanks in the field because they hit them from the top. With that kind of a smart conventional weapon and the B-2 stealthiness, I mean we could have a future conventional weapon—the gentleman is absolutely correct—that we have never even conceived of in terms of the devastation it could present to a whole column of, say, hundreds, if not thousands, of enemy tanks, if they are clustered together. I mean we could come in with B-2's and attack them conventionally in a way that we have never been able to do before.

So, it seems to me that the case is solid.

Now I want to say the cost. The gentleman brought up cost, and I want to say another point. There are a lot of people out there saying that we better rather spend the money on education, or housing, or transportation, and I have to tell the gentleman that I support those priorities. I want to spend money on those things.

Mr. LEWIS of California. Of course.

Mr. DICKS. But we have reached a budget agreement with the administration in which we have said basically that we are going to cut defense—between 1985 and 1996 defense spending will have declined in real terms by 34 percent. We are taking the defense budget down to the lowest level since World War II. Some think it is dangerously low, but we have said, "Mr. President, we will go with you for $290 billion in defense, some of which goes to the Department of Energy."

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But that money, if you do not spend it on the B-2, what the opponents are going to do is take the money and put it into a lot of other defense priorities, because that amount of money has to be spent on defense. You cannot take it away from there and put it in these other priorities, because we have reached this agreement. We said to the President that we are going to spend $290 billion. So what we are going to do is allow the committee, if it does what it is maybe planning on doing, to take that money and put it into a lot of special projects that Members want.

Mr. Speaker, I understand that. I have special projects that I support. We are talking about America's No. 1 defense priority. The President has sent a letter to Chairman NUNN saying that this is his top priority, and he has made it clear that it is his top priority. So we should not be doing that.

What we should be doing is giving support for this, because I think the case has been made. We ought to stay with the President, and stay with Dick Cheney. They steered a pretty solid course through this war. I did not agree with every step and turn, but when you look back on it, they did a pretty decent job for our country. They said we need this for the next time we are out there facing danger. Our kids need it to save their lives and get the job done.

Mr. LEWIS of California. The gentleman made a point regarding costs that I think deserves some emphasis. Not only is this the President's and Secretary Cheney's No. 1 priority in terms of our future defense needs, but we have already spent $30.8 billion on the development of this technology. It will produce 15 B-2 aircraft, that the generals say would be insufficient for their total defense systems.

If we are willing to spend another $35 billion, we will be able to produce 60 additional aircraft, for a total of 75.

Mr. DICKS. One other point; this is now in the President's 6-year budget. The President has set aside money over the next 6 years.

Mr. LEWIS of California. The gentleman is correct. I do want to make the point that the American public knows the tremendous significance to our economy that the development of the automobile had. Let us presume that Henry Ford had developed the technology and created the assembly line to produce the first few of those rickety old cars and we suddenly cut him off. Would the expenditure have been worthwhile? The cost per car would have been outrageous.

Now we are talking about the B-2, and the fundamental point is that the technology has worked. The B-2 is on the assembly line. Now we want to cut if off and waste that $30 billion.

Mr. DICKS. The war proves another example. What if the critics of the Patriot missile had prevailed? We would not have had the Patriot out there to defend Israel and our kids in the gulf. That would have been a disaster as well.

This is the same kind of decision. We have invested in this. This is bipartisan. I want to emphasize that. This program started under Jimmy Carter. Ronald Reagan supported it, George Bush supported it, and all of the Secretaries of Defense during that time frame, Harold Brown, Cap Weinberger, Frank Carlucci, Dick Cheney, they all supported this program.

I just hope that because of the new evidence that lives can be saved and money and precious resources can be preserved and protected, not losing planes, because they are stealthy, I hope that it will be taken into account in this debate.

Mr. LEWIS of California. I must say the gentleman has been more than generous with his time. I appreciate his allowing me to participate in this discussion.

Mr. DICKS. I look forward to participating with the gentleman from California over the next years serving on the Defense Subcommittee. Hopefully together we can see this through and get the job done for the American people that needs to be done. This system is not going to be an embarrassment to the American people. When it goes out, it will do its job.

Mr. LEWIS of California. If the gentleman will let me make one more point that I think is significant here. My review has constantly taken me back to one question that the critics of the B-2 suggest is important. They say that the B-2 essentially will not work, that in the final analysis, it will not deliver the goods.

The testing is unbelievable on this program. We have seen that the F-117 works. As a practical fact of life, the B-2 has flown. In the hours of testing, it has demonstrated at every point that it works at least as good as those people who developed it hoped for. In most cases it has worked better. It is a technology that has proven itself in the air.

The bottom line is it will not only save money, it will also save American lives.

Mr. DICKS. The gentleman knows that the gentleman from Washington has always been at the forefront of arms control since my tenure in the House of Representatives, offering amendments to keep us within the terms of SALT II, to not abrogate our ABM agreement, et cetera.

The President's entire START strategy has been to move our country, our deterrent weapons force, away from, as Ronald Reagan used to say, the fast fliers, the missiles that get there in 30 minutes, to second strike systems like bombers.

So we have advantages built into the START agreement that a bomber, even though it carries a whole load of weapons, only counts as one.

What we tried to do is create incentives for the Soviets to rely on bombers and for us to rely on bombers, because they are recallable. You have got men and women in the loop. They are systems that are slow flying. They take a while to get there, so you have a chance to rethink.

So for strategic stability reasons, we need the B-2 as well. What this really does is serve as a hedge against the fact that we do have a vulnerable land-based leg. Somebody out there someplace might break through and find a way to find those SLBM's, those submarines, and then we would be in a real mess, because we would be vulnerable.

I hope we remember what we have done in START. We have crafted an agreement based around the bomber. If we do not go forward with the B-2, we are going to have undermined our position out there. I serve as an unofficial observer in those talks for the House of Representatives, and we are going to undermine this administration's ability to in good conscience get a START agreement, and I wonder whether the Joint Chiefs would be able to support a START agreement if this Congress does not go forward and do the B-2.

Mr. LEWIS of California. Mr. Speaker, I would like to thank and congratulate the gentleman for taking this time. There is little doubt that the work he has done on this committee has laid the foundation for peace, not only for our country, but for the world. A key to that may very well be our going forward with this stealth technology.

Mr. DICKS. Mr. Speaker, I appreciate the participation of the gentleman from California, and hope that members on the Committee on Armed Services will take a careful look at the new evidence.

SECURING U.S. INTERESTS IN THE FUTURE: THE ROLES OF STRATEGIC BOMBERS IN U.S. STRATEGY

Over the past several years, RAND has conducted a broad range of analyses that bear on the question of the future of the U.S bomber force. One of these studies focused specifically on the issue of structuring the bomber force. Others were concerned with acquisition policies involving the B-2 and other systems, top-down planning for U.S. military forces, and the future national security environment. This paper provides an integrated summary of that work. This is an independent assessment: The views and judgments expressed here do not necessarily reflect those of RAND's sponsoring agencies.

This paper makes several major points:

The post-Cold War world will present a wide range of challenges to the security and well-being of Americans. The United States will require effective military capabilities—including strategic bombers—to deal with many of these challenges.

Long-range bomber aircraft, if properly equipped, can play important and unique roles. A modernized bomber force would allow us to maintain a well-hedged deterrent against nuclear attack for many years to come. It would also underwrite an ability to deter and defeat regional aggression, greatly reducing our vulnerability to strategic and operational surprise in regional conflicts.

The existing bomber force will be expensive to operate and maintain (about $40 billion over the next 15 years), yet it has serious shortcomings in performing conventional operations, and will have declining effectiveness in performing nuclear missions.

The incremental cost of a highly capable bomber force that includes a sizable number of B-2 aircraft is relatively modest in comparison with the cost of simply maintaining the far less capable force we already have. Forces built around the B-2 are also preferred to those that rely on cruise missiles, even when costs are held roughly equal.

EVOLVING CHALLENGES TO U.S. NATIONAL SECURITY

As we enter the 1990s, American policymakers and strategists are faced with the need to reexamine long-standing and widely held premises underlying national security strategy and force planning. We are now less concerned about the prospect of Soviet expansionism. Yet a growing number of problems—the spread of weapons of mass destruction, access to critical raw materials, changing regional power balances, international terrorism, and global environmental deterioration, to name but a few—will have a direct bearing on Americans. It is therefore incumbent upon America's leaders to maintain and augment instruments of U.S. influence: Our nation must have the ability to persuade and to dissuade decisionmakers around the world. Among other things, this means that the United States must have the kind of military capabilities that convey both an ability and a willingness to intervene in defense of important interests. If we are to persuade nations in critical regions to align themselves with us, they must be confident that they are choosing a capable and reliable partner.

This should not be taken to mean that the United States can or should be the "world's policeman." Indeed, a primary goal of U.S. strategy has long been to foster the growth of a community of like-minded states capable of effective collective action in the face of a common threat. But for now and for some time to come, much of the world will look to the United States for leadership in the defense of common values and interests.

This paper focuses on two important objectives that will be assigned to U.S. military forces in the future: deterring and defeating attacks against allied and friendly states, and deterring or preventing attacks on the United States with weapons of mass destruction.

Regional Aggression: Iraq's attack on Kuwait provides a vivid illustration of the first of these problems. While military planners had recognized the possibility of such an attack prior to August 1990, the circumstances that might surround Iraqi aggression were not clearly foreseen. Baghdad's pre-war diplomacy made it more difficult to assess accurately Iraq's intentions and reinforced political diffidence in the region toward precautionary deployments of U.S. forces.

We must expect comparable challenges to important U.S. interests in the future. History shows that strategic and operational surprise must be considered to be the norm, not the exception.[1] In general, irreducible uncertainties about the timing, locale, and circumstances of future threats, coupled with budget-driven reductions in our overseas military presence, will pose a number of problems for U.S. security planners:

Often there will be little or no time for advance deployments of forces into the region at risk.

Likewise, U.S. surveillance assets may not be focused on the region. Thus, our understanding of the situation and our ability to precisely locate the adversary's forces and assets may be less than we would like, particularly at the outset of a crisis.

Insufficient "military infrastructure" to support deploying forces—airfields, ports, fuel, munitions, etc.—may constrain the rate at which the United States and its allies can reinforce a threatened nation.

The continuing spread of advanced weapons will demand that we bring highly capable forces to bear in response to regional threats.

In many instances, it will be necessary to form ad hoc coalitions to oppose the aggressor. This will take precious time during which access to bases—both in the region and en route to it—may be serverely limited.

In short, we must expect emergencies in which the critical opening days will be characterized by delay, improvisation, and some confusion on our part, while the aggressor unfolds his attack, hoping to succeed quickly and confront the world with a fait accompli.[2]

Attacks on the United States: Protecting the lives of Americans from foreign threats is one of the most important responsibilities of the federal government. The possibility of a nuclear attack by the Soviet Union—either deliberate or unauthorized—still cannot be ruled out. Likewise, one can foresee the time when U.S. territory will fall within range of weapons of mass destruction controlled by hostile third countries as well. Many nations already have stocks of lethal chemical or biological agents. Capabilities for producing nuclear weapons and long-range delivery systems continue to proliferate slowly but steadily.[3] The United States will want to have first-class capabilities to deter such attacks or, if possible, to prevent them.

THE ROLES OF BOMBER AIRCRAFT

Rand has examined the bomber force's contributions to deterrence of large-scale Soviet aggression (in particular, a nuclear attack on the United States), to deterrence of third country attacks, and to global power projection with conventional weapons. The United States has long structured its bomber force primarily with the first of these objectives in mind. One implication of the geopolitical changes outlined above is that our decisions to buy weapon systems today should give greater weight than in the past to the power projection role.

Deterring Attacks on the United States: For forty years we have relied on strategic forces to deter the leaders of the Soviet Union from attacking the United States or its forces by posing the threat of devastating retaliation to any such attack. A deliberate Soviet attack is probably less likely now than at any time over the past forty years. Nevertheless, the incalculable costs of a failure of deterrence have prompted great caution in this area. Thus, we have long deployed a triad of strategic systems—bombers, ICBMs and SLBMs—in part to hedge against the failure of one or two types of system.

It now appears unlikely that the United States will deploy a mobile ICBM. While silo-based missiles continue to bring many important qualities to our deterrent posture at low cost, they cannot provide an assured second-strike capability. We are left, then, with a posture in which the bombers must hedge against the failure of the SLBMs and the SLBMs must hedge against the failure of the bombers.

In order to provide a truly independent hedge, the bombers must be able to penetrate Soviet airspace without the benefit of a prior attack by ballistic missiles and to deliver weapons against a significant fraction of the Soviets' most important assets. The current U.S. force of bombers and nuclear cruise missiles is challenged by on-going improvements in Soviet air defenses. Even when the electronic countermeasures on the B-1B are fixed, the aircraft will eventually be unable to penetrate with high confidence the most densely defended regions of the Soviet Union—the areas that contain the most valuable targets.

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[1] Footnotes at end of article.

The most capable Soviet surface-to-air missiles (SAMs) can intercept the currently deployed air launched cruise missile (the ALCM-B). The Advanced Cruise Missile (ACM), which is now being deployed, will be more survivable and have greater range. We believe that advanced nuclear cruise missiles, by themselves, will be able to cover a large number of targets in the Soviet Union for many years to come, although attacking some important classes of targets with ACMS will become problematic. If the Soviets continue to deploy improved SAMs, we will have less confidence in the ACM across the board.

Adding the B-2 to the force would provide an ability to attack the most important, most heavily defended targets. On the basis of detailed, quantitative simulations, we conclude that the B-2 can penetrate area defenses, such as airborne radars and interceptors, and that high-performance short-range attack missiles can effectively attack well-defended targets. Moreover, the B-2's ability to defeat air defenses can be sustained for many years to come even in the face of foreseeable Soviet modernization efforts. If the United States should one day face the threat of nuclear attack from a smaller country, the B-2 would be the best available weapon for neutralizing such threats with conventional weapons alone.

Deterring and Defeating Regional Aggression: As suggested above, rather large scale attacks on U.S. friends and allies in key regions can arise with little "actionable" warning. If we are to better deter such attacks and reassure allies, it is essential that we be able to respond promptly so that we can limit the scope, duration, and destruction of the aggression. If Iraq's forces had not stopped at the Kuwait-Saudi border in August of 1990, an effective long-range attack capability would have been indispensable to preventing the loss of large pieces of Saudi territory and important economic assets.

Such a capability will not come easily. In cases of large-scale aggression, successful defense will require that we:

Project effective firepower almost immediately (within hours).

Project massive firepower soon thereafter (within days).

Deploy highly capable ground forces within days or weeks.

Sustain high-intensity combat operations for as long as necessary.

These requirements will demand improvements in our conventional forces across all services. Properly equipped, the bomber force can be particularly effective in the first two phases of a defensive effort.

In the opening phase, bombers may be the only forces available to augment indigenous forces and stem the tide of aggression while other forces are readied and transported to the theater. Unlike other means of delivering non-nuclear weapons, long-range bombers based on U.S. territory can reach targets anywhere on the globe within hours of being tasked. Further, their range makes it possible for bombers to reach their targets without having to rely on foreign bases and with minimal overflight rights.

Early on in such a conflict, we will need to delay and disrupt the invasion to the maximum possible degree while a more coherent defense is organized. Our forces will have the following objectives:

Halt or delay the invasion by attacking the ground forces themselves, along with bridges, lines of communications, fuel supplies, and other assets.

Disconnect the invasion force from its central command.

Deny the enemy his "eyes" by destroying his reconnaissance assets and his air surveillance and defense radars.

Lay a basis for sustained, large-scale air attacks by suppressing and destroying other air defense assets.

Neutralize such critical threats as ballistic missiles and attack aircraft, which could be configured for delivery of weapons of mass destruction.

Punish the aggression with focused attacks on strategic assets deep in the rear.

In prosecuting such a campaign, it will be politically and militarily imperative that U.S. forces be able to conduct their operations with minimal losses.

Of course, land-based and naval tactical aircraft can attack these targets effectively. But not always in a timely manner. It can take several days before land-based aircraft can deploy and commence high intensity combat operations. Moreover, these aircraft must have access to suitable facilities with range of their targets. Two to three weeks could be required to assemble a force of several aircraft carriers. B-52s and B-1s with current munitions can reach the battle promptly, but they cannot be expected to survive exposure to advanced air defenses; they would have to await the arrival of fighters and other assets needed to achieve air superiority.

Existing bombers, submarines, and surface ships can employ long-range cruise missiles. But mission planners would need detailed and accurate data on the location of enemy air defenses and on the nature of each fixed target before cruise missiles could be effectively launched. It is far from clear that such data would be readily available in short-warning scenarios. Attacking mobile targets, such as moving columns of vehicles, with a long-range standoff weapon is more problematical: Bomber crews would have to rely on information from surveillance platforms that may not be available early in the conflict. Even if such information is available in near-real time, the target may have moved before the missile arrives. Analysis also shows that because of their limited payloads, large numbers of these expensive missiles would be required.

We believe that the B-2, properly equipped and supported, can be both timely and effective. The impressive performance of the F-117 in the Gulf War demonstrated the distinct advantages of stealth. Like the F-117, the B-2 will be able to operate over enemy territory and forces. If procured in significant numbers, it can perform the task outlined above with high confidence. For example, the programmed force of B-2s with munitions derived from existing anti-armor weapons could provide enough sorties in a single day to destroy more than half an armored division's worth of vehicles. Losses of this scale would blunt a multi-divisional attack. Moreover, the B-2 could achieve these results without relying on other surveillance platforms to provide it with target data.

Munitions for the B-2 would be relatively simple and inexpensive, in part because they would need to be accurate only over short distances.[4] The shorter range of such weapons also provides payload efficiencies. None of the B-2's carriage capacity would be taken up by the large airframes and fuel loads of long-range cruise missiles.

COST COMPARISONS

Given the choices for modernizing the bombers, what are the comparative attributes and costs of possible alternative forces?

The current bomber force provides a benchmark for cost and capabilty. At present, the U.S. has just over 300 heavy bombers. Simply operating and maintaining those aircraft for the next 15 years and making minimal improvements would cost about $40 billion (FY 90 constant dollars). This force cannot effectively attack enemy targets until tactical air forces won air superiority. And its ability to penetrate Soviet airspace will continue to decline.

Figure 1 shows three possible modernized bomber force structures: (1) the currently programmed force, built around the planned buy of 75 B-2s; (2) a force that consists solely of nuclear and conventional cruise missile carriers; and (3) a force of roughly equal cost that includes a smaller number of B-2s.[5]

Force I—The currently programmed bomber force is represented by Force I in the figure below. It includes 75 B-2 bombers, all of which are equipped for both nuclear and conventional operations; 97 B-1s would retain their primary role of nuclear penetrating bombers, with an additional 100 B-52H bombers to carry nuclear-armed ACMs. We estimate that this force would cost about $80 billion, a figure that includes the cost to develop and acquire specialized conventional weapons for the B-2; to complete research and development on the B-2; and to acquire, maintain, and operate the entire fleet for 15 years. Force I would be capable of the entire spectrum of conventional missions. This force would provide a robust complement to the SLBM force as well, being less vulnerable to defensive counters than either a force of cruise missiles alone or one that relied on B-1s to penetrate.

Force II—If no B-2s are procured, the programmed bomber force would consist solely of around 100 B-52H and 97 B-1B aircraft. All of these could be equipped to carry cruise missiles, but START would permit only around 100 to carry nuclear-armed cruise missiles. To make this force effective against Soviet air defenses, the United States would have to purchase a sizable number of nuclear ACMs beyond the planned buy. To make the force effective in conventional operations without depending on tactical forces to first win air superiority, we would have to develop and procure several thousand new long-range conventional cruise missiles. We estimate that the cost to maintain this force of 200 bombers and to acquire and maintain their weapons for 15 years would be around $51 billion.[6] The development and deployment of 5,000 conventional cruise missiles, as well as a sizable number of shorter-range improved conventional munitions, would account for nearly one-half of this cost.[7]

Force II would be very capable against fixed targets in both conventional and, for some years to come, nuclear operations. However, because it would allow the Soviets to optimize their air defenses against a one-dimensional cruise missile threat, Force II would be hard to keep viable as an independent hedge. This force would also be less responsive in regional crises than a B-2 force because of its heavy dependence on surveillance systems for targeting information. Even with such data, Force II would be less effective against columns of moving vehicles and other mobile targets. Finally, this force—half of which presumably would be comprised of the 30-year-old B-52H—would be increasingly difficult and expensive to maintain simply because of airframe age. A new cruise missile carrying aircraft could be developed using an existing airframe. While this would address the problem of airframe age, it would cost more than the $51 billion figure cited above.

Force III—For approximately the same cost as Force II, the United States could have a much more capable force by procuring 50 B-2 bombers and retaining 100 current bombers armed with ACMs for the nuclear role.[8] As with Force I, all 50 B-2s would be equipped for both nuclear and conventional operations. We estimate the 15-year cost of this force to be approximately $57 billion. This exceeds by $6 billion the estimated cost of Force II. However, when one adds to Force II's cost the likely expense of cancelling the B-2 contract and the cost of airframe modernization, we believe that the costs of the two options are essentially the same.

Force III, however, would have real shortcomings: By reducing the B-2 buy from 75 to 50, SAC would probably not be able to keep any B-2s on nuclear alert while largescale conventional operations were in progress. A force of 50 total B-2s would also have little or no margin against the accidental loss of aircraft over the lifetime of the B-2, and an inadequate cushion to account for the usual maintenance, training, and test requirements that can keep aircraft temporarily offline. One could rectify many of these shortfalls by procuring the full 75 B-2s. We estimate that the 15-year cost of a force of 75 B-2s and around 100 cruise missile carrying bombers would be approximately $68 billion.

PROGRAMMATIC CONSIDERATIONS

RAND's assessment of the B-2's development program—part of a study on acquisition practices—supports a conclusion that the program has taken a conservative approach, with systematic attention to identifying and reducing technical risks at each step before proceeding on to the next.

The program's extended period of low-rate production has allowed time for extensive testing. Drawing on experience in analyzing other aircraft development programs, we see no technical basis for further delay in authorizing high-rate production of the B-2. While the test program is certainly not complete, and there will likely be some difficulties revealed in future tests, there is a high probability that the cost of correcting those problems will be substantially less than the cost of further delaying the production program.

If it is decided not to acquire the B-2, the United States should immediately begin research and development of an air-launched conventional cruise missile.[9] Given the large number of missiles needed, a primary focus of the program should be the development of low cost guidance with terminal homing sensors, which are major elements of the system's total cost.

CONCLUSION

The end of the Cold War notwithstanding, continued investments are warranted in capabilities to deter attacks on the United States and its allies and friends abroad. A modernized bomber force can underwrite these objectives by ensuring an ability to penetrate Soviet airspace and by providing invaluable capabilities to react promptly to armed aggression without dependence of strategic warning and access to foreign bases early in a crisis.

Our analyses of future U.S. security needs, of capabilities and costs of alternative bomber forces, and of the B-2 program itself support the judgment that this is an attractive system. The B-2's unique combination of long range, low observability, and man-in-the-loop target acquisition and guidance give it unparalleled flexibility and responsiveness in power projection operations. When equipped with short range attack missiles, the B-2 also provides a high-confidence, long-term means of penetrating Soviet airspace, which other options do not.

The principal argument against the B-2 has been its high unit cost. However, much of the B-2's cost is now behind us and the costs of maintaining and equipping the current bomber force will be high if the B-2 is not procured. Our analysis convinces us that when one compares the effectiveness of approximately equal cost forces with and without the B-2, the B-2 force is clearly superior.

In light of this, we believe that the United States should begin high-rate production of the B-2. The total number of B-2s to procure need not be decided now.

FOOTNOTES

[1] The attacks on Pearl Harbor and on South Korea are other examples.

[2] The Iraqi example shows that regional aggressors can win the opening battle but lose the war. On the other hand, if Saddam Hussein had been even a moderately deft bargainer, he might well have staved off an attack and held onto some of his gains.

[3] India, Israel, Pakistan, and South Africa have either deployed nuclear weapons or could do so within months of a decision to do so. Argentina, Brazil, Iran, Iraq, Libya, North Korea, and Taiwan all have or have had sizable nuclear weapons development programs. See Hearings Before the Committee on Governmental Affairs (S. Hrg. 101-562), U.S. Senate, May 18, 1989, p. 89.

[4] Some of these munitions have already been developed for the fighter force and were proven in combat during Operation Desert Storm. Others would need to be developed and procured for the B-2.

[5] Costs shown for each force include development, acquisition, operation, and support costs for the next fifteen years. Costs for equipping each force with weapons are included as well, with conventional weapons costs shown below the horizontal line. The cost of the tanker force, which supports much more than just the bomber force, has not been included. For purposes of comparison, it is assumed that all of the aircraft and weapons are phased in instantaneously at the beginning of the fifteen-year period. Note that this is not the same as costs over the next 15 years. Nevertheless, the "instantaneous phase in" approach does offer a reasonable basis for comparison among options.

[6] In addition, one would have to add to this the considerable cost of cancelling the B-2 contract.

[7] 5000 conventional cruise missiles are the equivalent of approximately one-third of the precision-guided munitions dropped in Operation Desert Storm.

[8] Because of START's generous counting rule for penetrating bombers, Force III would be able to carry approximately 50% more warheads than the all-cruise missile force (Force II). Force I, with 75 B-2s, would do even better.

[9] Other measures would be required as well in order to ensure the survivability of existing bombers.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GILLMOR) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes, on May 8.

Mr. ARMEY, for 60 minutes, on May 7.

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous matter:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GILLMOR) and to include extraneous matter:)

Ms. ROS-LEHTINEN.

Mr. SPENCE.

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. LANTOS.

Mr. SCHEUER.

Mr. MAZZOLI in two instances.

ADJOURNMENT

Mr. DICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 7, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1208. A letter from the Acting Under Secretary of Defense (Acquisitions), transmitting notification that major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1209. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1210. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1211. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-19, "Illegal Dumping and Operating An Open Dump Fine Increase Temporary Amendment Act of 1991", pursuant to D.C. Code Sec. 1-233(c)(1); to the Committee on the District of Columbia.

1212. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-20, "District of Columbia Paternity Establishment Temporary Act of 1991", pursuant to D.C. Code Sec. 1-233(c)(1); to the Committee on the District of Columbia.

1213. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-21, "Citizens Energy Advisory Committee Extension Temporary Amendment Act of 1991", pursuant to D.C. Code Sec. 1-233(c)(1); to the Committee on the District of Columbia.

1214. A letter from the Acting Secretary of Defense, transmitting the 10th report on the activities of the Multinational Force and Observers [MFO] and certain financial information concerning U.S. Government participation in that organization for the period ending January 15, 1991, pursuant to 22 U.S.C. 3425; to the Committee on Foreign Affairs.

1215. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Portugal (Transmittal No. DTC-26-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1216. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as danger pay locations for Riyadh and the Eastern Province of Saudi Arabia, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

1217. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1218. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1219. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1220. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1221. A letter from the Secretary of Health and Human Services, transmitting the Department's 1991 Social Security Annual Report including financial statements, pursuant to 42 U.S.C. 904; 30 U.S.C. 936(b); 42 U.S.C. 1382(e)(3)(B); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 479. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; with an amendment (Rept. 102-48). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 904. A bill to direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history. (Rept. 102-49). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 1143. A bill to authorize a study of nationally significant places in American labor history. (Rept. 102-50). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FALEOMAVAEGA:

H.R. 2228. A bill to include the Territory of American Samoa in the program of aid to the aged, blind, or disabled; to the Committee on Ways and Means.

By Mr. GREEN of New York (for himself, Mr. SERRANO, Mr. SOLARZ, Mr. SCHUMER, Mr. FLAKE, Mr. SCHEUER, Mr. MARTIN, Mr. MCGRATH, Mr. GILMAN, Mr. BOEHLERT, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. LENT, Mr. MCNULTY, Mr. PAXON, Mr. ACKERMAN, Mr. LAFALCE, Mr. TOWNS, Mr. OWENS of New York, Mrs. LOWEY of New York, Mr. WALSH, Mr. FISH, and Mr. MCHUGH):

H. Con. Res. 143. Concurrent resolution congratulating the people of the State of New York on the occasion of the tricentennial of the establishment of the Supreme Court of New York; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 112: Mr. DAVIS, Mr. LEWIS of Florida, Mr. MFUME, Mr. QUILLEN, and Mr. COX of California.

H.R. 179: Mr. ANDERSON, Mr. MCCLOSKEY, Mr. HOCHBRUECKNER, and Mrs. MINK.

H.R. 328: Mr. LAFALCE.

H.R. 525: Mr. MORAN.

H.R. 661: Mr. TRAFICANT, Mr. FAWELL, and Mr. JAMES.

H.R. 676: Mr. MINETA, Mr. BROWN, Mrs. BOXER, Mr. FOGLIETTA, Mr. BOUCHER, Mrs. COLLINS of Illinois, Mr. STEARNS, Mr. BEREUTER, Mr. BREWSTER, Mr. DONNELLY, Mr. EMERSON, Mr. SERRANO, Mr. DELLUMS, Mr. BONIOR, Ms. SLAUGHTER of New York, Mr. OBERSTAR, Mr. ESPY, Mr. MARKEY, and Mr. CAMP.

H.R. 784: Mr. LIGHTFOOT and Mr. CAMP.

H.R. 1110: Mr. YATES, Mrs. COLLINS of Michigan, and Mr. AUCOIN.

H.R. 1130: Mr. OWENS of Utah, Mr. ECKART, Mr. PETERSON of Minnesota, and Mr. SMITH of Florida.

H.R. 1367: Mr. ANDREWS of New Jersey, Mr. LAFALCE, Mr. FORD of Michigan, Mrs. LOWEY of New York, Mr. FOGLIETTA, and Mr. MURTHA.

H.R. 1472: Mr. CHANDLER, Mr. JEFFERSON, Mr. FROST, Mr. GEREN of Texas, Mr. HOBSON, and Mr. SANTORUM.

H.R. 1490: Mr. CAMP, Mr. LUKEN, and Mr. ROBERTS.

H.R. 1506: Mr. BACCHUS, Mr. MARTINEZ, Mr. SCHEUER, Mr. JEFFERSON, Mr. BRYANT, Mr. LANCASTER, Mr. MORAN, Mr. HAMMERSCHMIDT, Mr. PENNY, Mr. SUNDQUIST, and Mr. DYMALLY.

H.R. 1510: Mrs. COLLINS of Michigan and Mr. DELLUMS.

H.R. 1511: Mr. DELLUMS.

H.R. 1557: Mr. SWETT and Mr. PICKETT.

H.R. 1583: Mr. MARKEY and Mr. GOSS.

H.R. 1651: Mr. DICKINSON.

H.R. 1749: Mr. IRELAND and Mr. BORSKI.

H.R. 1794: Mr. ECKART and Mr. ROE.

H.R. 1795: Mr. ROE.

H.R. 1860: Mr. SUNDQUIST, Mr. CLEMENT, and Mr. QUILLEN.

H.R. 1970: Mr. GOODLING, Mrs. UNSOELD, Mr. MARKEY, Mr. COSTELLO, Mr. DWYER of New Jersey, and Mr. BERMAN.

H.R. 2089: Mr. FORD of Tennessee, Mr. GUARINI, Mr. MCGRATH, Mr. LIPINSKI, and Mr. FROST.

H.J. Res. 51: Mr. LEVINE of California, Mr. DREIER of California, Mr. LEWIS of Florida, Mr. COUGHLIN, Mr. DONNELLY, Mr. MILLER of Washington, Mr. ANDERSON, Mr. ENGEL, Mr. DAVIS, Mr. ROBERTS, Mr. KOLTER, Mr. DE LA GARZA, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. UPTON, Mr. LOWERY of California, Mr. BARNARD, Mr. SPRATT, Mr. DIXON, Mr. FORD of Tennessee, Mr. DICKINSON, Mr. LEWIS of California, Mr. TAUZIN, Mr. TRAXLER, Mr. STUMP, Mr. ERDREICH, Mr. PURSELL, Mr. SMITH of Florida, Mr. OBERSTAR, Mr. MCHUGH, Mr. NATCHER, Mr. BERMAN, Mr. MILLER of Ohio, Mr. VALENTINE, Mr. TRAFICANT, Mr. HUTTO, Mr. SCHUMER, Mr. BURTON of Indiana, Mr. STALLINGS, Mr. BUSTAMANTE, Mr. LEHMAN of Florida, Mr. FAWELL, Mr. MURPHY, Mr. OWENS of New York, Mr. MAVROULES, Mr. CARPER, Mr. MRAZEK, Mr. LANTOS, Mr. BORSKI, Mr. COSTELLO, Mr. DUNCAN, Mr. CONYERS, Mr. SOLOMON, Mr. MOODY, Mr. ACKERMAN, Mr. BATEMAN, Mr. DYMALLY, Mr. VENTO, Mr. JONTZ, Mr. STEARNS, Mr. SMITH of Texas, Mr. HENRY, Mr. KILDEE, Mr. ORTIZ, Mr. DEFAZIO, Mr. LEVIN of Michigan, Mr. COBLE, Mr. DORNAN of California, and Mr. GINGRICH.

H. Con. Res. 133: Mr. BILBRAY.

H. Res. 101: Mrs. UNSOELD, Mr. CLAY, Mr. MCCLOSKEY, Mr. CAMPBELL of Colorado, Mr. HOCHBRUECKNER, and Mr. NEAL of Massachusetts.

SENATE—*Monday, May 6, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Assistant to the Chaplain, the Reverend John E. Stait, offered the following prayer:

Let us pray:

I will lift up mine eyes unto the hills, from whence cometh my help, My help cometh from the Lord, which made heaven and earth. He will not suffer thy foot to be moved: he that keepth thee will not slumber.—Psalm 121:1-3.

Jehovah—Rapha, the Lord our healer, we are grateful that our President is recovering and expected to return to full service. Thank you.

We are also thankful that our Chaplain is recovering well from his mild heart attack last week and is expected at this point to be back with us soon. Help him, Lord, the man who constantly intercedes for us.

Lord, we are not ready to let these people go but we are reminded that our loved ones are like library books on loan and with due dates that are unknown.

The Lord bless you, and keep you: The Lord make His face to shine upon you, and be gracious unto you: The Lord lift up His countenance upon you, and give you peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE SCHEDULE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for morning business, not to extend beyond 2 o'clock p.m., with Senators permitted to speak therein for up to 5 minutes each.

At 2 p.m. today, the Senate will begin debate on the motion to proceed to S. 429, the retail price maintenance bill. Cloture has been filed on the motion to proceed, and the vote on invoking cloture will occur tomorrow, Tuesday, immediately upon conclusion of another rollcall vote ordered to occur at 2:13 p.m. Therefore, Mr. President, the cloture vote will occur tomorrow some time shortly after 2:30 p.m.

There will be no rollcall votes today.

PRESIDENT BUSH'S HEALTH

Mr. MITCHELL. Mr. President, I express my relief and that of all of my colleagues at the good reports this morning of President Bush's health. His return to the White House and resumption of normal activities indicate that the incident of irregular heart rhythm he experienced this weekend was a minor and correctable condition which need not imply longer term health problems.

The President's condition has evidently stabilized and we are advised the outlook for a good recovery is excellent.

All of us who know President Bush personally have been impressed with his physical stamina and his high level of energy; his consistent good health reports have reflected the condition of a man who keeps fit and is physically active.

The health of any President is naturally of interest to the Nation as it is to his immediate family. It is not surprising that all Americans were concerned and many a little alarmed at the news of his hospitalization on Saturday. So it was a relief to learn that the condition for which he was observed is both relatively common and easily treatable. I have no doubt that the excellent care President Bush will receive will ensure that every possible effort is made to restore him to his customary excellent condition of health.

I congratulate the President and his administration on the forthcoming, open, and prompt public information which was made available to all Americans by the White House. The policy of complete and prompt disclosure did much to allay concern, and it is exactly what I and other Members of the Senate would expect of President Bush in this respect.

All of us hope and pray for his complete recovery from this incident, and we know not only the Members of the Senate, but all Americans join in that hope. Mrs. Bush and the President's family have our best wishes and prayers as well.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time. I reserve all of the time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 o'clock p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Michigan [Mr. LEVIN] is recognized for not to exceed 5 minutes.

Mr. LEVIN. I thank the Chair.

KURDISH REFUGEES

Mr. LEVIN. Mr. President, every American who has seen the pictures of the Kurdish refugees clinging to the sides of mountains has been moved and enraged. Squalid conditions, diarrhea, malnourishment, and disease have brought the Kurds the death and devastation they sought to escape when they fled Saddam Hussein's army.

But, Mr. President, some Americans are expressing emotions of a different sort. Let me quote, from this morning's Washington Post, the words of Army Reserve Lt. Patricia Lessor. She spoke of her worries from a United States-built tent camp near Zakhu, Iraq, as she processed Kurdish refugees.

Said Lieutenant Lessor:

> I feel good about what I'm doing here, but I also feel like I'm leading lambs to the slaughter. We're taking care of them and everything's fine for now, but what happens when we go?

That is the question of the hour for the Kurds and for our military. It is a question Saddam Hussein would like the world to leave unanswered. But it is a question that can no longer be avoided.

I have just returned from visiting the border areas of Turkey and Iraq, with Senators EXON and ROBB where we witnessed first-hand the tragedy of the Kurdish people.

We stood in a makeshift graveyard below one camp and watched a family dig an infant daughter's grave. We visited a Dutch hospital tent where dying babies lay motionless next to their mothers. Despite his failure in war, these are the signs of success for Saddam Hussein in this effort to destroy the Kurdish people once and for all.

Amid the appalling tragedy there are heroic efforts to ease the suffering of the Kurds. We witnessed the awesome logistical might of the U.S. military and its lifesaving results. When finally ordered to the task of saving Kurdish lives, the U.S. military brought rations, water, blankets, and tents with impressive efficiency.

Huge tent cities are being built quickly. Tens of thousands of people will be saved from a slow death caused by malnutrition and disease, by harsh elements of cold and snow and, later heat and drought.

The death rate is now dropping, but the potential for devastating epidemics remains.

To escape the vengeance of Saddam Hussein, over a million Kurds left their cities and villages for the harsh uncertainties of the high country. Right now, to save lives, the primary goal of our military lifesavers and the international community is to convince the Kurds to leave the mountains.

And the Kurds are now coming off the mountains to these tent-cities for one reason: They trust the United States to protect them from Saddam Hussein's retribution. That was the message given to us over and over again by the refugees.

But a great uncertainty remains: will the Kurds use the tent cities as temporary homes as they hope? Can they ever find permanent safety in their own hometowns?

In Friday's New York Times, a young man newly returned to his village under the protection of U.S. troops was asked, "Do you feel safe now?" Given the permanent state of war that Saddam Hussein has maintained with the Kurds, his answer was predictable: "If you want the truth, no. We are scared they will do something to us."

Our Government has not yet said how long the Kurds will be protected by U.S. and allied forces. The tent cities' internal administration is being turned over to the United Nations. But the U.N. unit is a civilian operation rather than a protective military unit.

Clearly, it is vital to maintain military security in the refugee camps and the zones surrounding them. There are two ways to guarantee this security: keep allied and U.S. forces in place, or work to authorize an unprecedented U.N. military presence.

The United Nations has not sent protective forces to a nation without a request from that country. But the circumstances in Iraq demand some new approaches in the United Nations. It is necessary to begin shaping new principles of law.

These new principles should allow protection of refugees on the sovereign soil of a country, even without its agreement: First, by a U.N. protective force that is an adjunct to the civilian refugee administration; and second, where that refugee problem has been created as the result of a U.N. resolution authorizing the use of force against that country.

If there is to be a new world order, it should begin in this place and at this time, along the Iraq-Turkey border with or without the agreement of Saddam Hussein.

After too long a delay, the United States and the allied forces responded in an appropriate manner intervening to alleviate the massive suffering of the Kurdish people.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LEVIN. I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

The PRESIDENT pro tempore. There being no objection, the Senator is recognized for 2 additional minutes.

Mr. LEVIN. I thank the Chair.

Decency, compassion, and a sense of moral responsibility demanded that we do so. It is now time for the United Nations to establish a precedent and take an important step toward achieving an orderly and peaceful world. The civilized world, through the United Nations, should guarantee the safety and security of the Kurds from Saddam Hussein.

It is important for U.S. forces to withdraw as early and as quickly as possible. Our troops want to come home and I do not blame them. For this to happen, however, the United Nations will have to fill the military role now being played by the United States and allied forces in protection of the refugee enclaves.

President Harry Truman presided over this Nation in the difficult early years between the end of World War II and the beginning of the United Nations. In 1946 he said, "We are convinced that the preservation of peace between nations requires the United Nations Organization composed of all the peace-loving nations of the world who are willing jointly to use force, if necessary, to ensure peace."

Mr. President, the necessity of international force remains, and so must the willingness to deploy these U.N. protective forces if we are in fact going to carry out that responsibility which we have now undertaken along the Turkish and Iraqi border.

I thank the Chair. I yield the floor.

I note the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been observed. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO LAUREN SUTTON AND AUDRA SZCZERBINSKI

Mr. ROCKEFELLER. Mr. President, it is with great pleasure and pride that I rise to recognize two outstanding West Virginians, Lauren Sutton and Audra Szczerbinski. Lauren and Audra are 2 of the 100 selected winners in the 1990–91 Young Writers Contest. This international competition received 18,000 entries submitted by first through eighth graders. The competition is designed to complement the ongoing classroom writing program and to develop in the students a higher standard of excellence with language skills.

As chairman of the National Commission on Children, I have been given the opportunity to see the potential of our youth and I have tremendous faith in their abilities. It is truly inspiring for me to see these accomplishments commended. By recognizing these students, we must also acknowledge the valuable contributions of the educators who have provided support and guidance in this endeavor.

Nine-year-old Lauren is in the third grade at Emerson Elementary School in Parkersburg, WV. Along with achieving academic excellence, Lauren possesses a passion for sports and is actively involved in Girl Scouts. Audra, age 13, attends Sacred Heart of Mary in Weirton, WV. In addition to school activities, she participates in numerous sporting events. Both of these girls symbolize the confidence we have in our youth of today in the pursuit of high standards and personal goals.

I am sure that my colleagues and my fellow West Virginians join me in congratulating Lauren and Audra on this outstanding achievement.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,242d day that Terry Anderson has been held captive in Lebanon.

Last Friday Thomas Sutherland celebrated his 60th birthday—in captivity. To honor him, the Beirut newspaper An-Nahar printed a hopeful message from his wife. Mr. President, I ask unanimous consent that an Associated Press article that includes excerpts from this message be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WIFE OF U.S. EDUCATOR SENDS BIRTHDAY MESSAGE TO HIM IN CAPTIVITY

(By Donna Abu-Nasr)

BEIRUT, LEBANON.—American hostage Thomas Sutherland turned 60 today, and his wife sent birthday greetings to the educator kidnapped by a pro-Iranian group nearly six years ago.

"For this extra-special day this year we sent our gifts to reach you as they can," said

Jean Sutherland's message, published today in the prestigious Beirut daily An-Nahar.

"From us all our love, strength, loyalty, hope, faith, hearts, minds, spirits and works," said her note. "We exist in health and well-being but do not live without you.

"Know that your families and friends everywhere honor you and are constant in their prayer for peace and release," the message said. "May we two in June find each other on our mountain to celebrate as one again our extra-special anniversary."

Mrs. Sutherland was in the United States, where she is spending time with her family. The Sutherlands have three daughters who live and work in the United States.

Mrs. Sutherland spends most of her time in Lebanon, where she does volunteer teaching.

The Scottish-born Sutherland, of Fort Collins, Colo., has been held longer than any Western hostage except American journalist Terry Anderson.

Sutherland was dean of agriculture and food sciences at the American University of Beirut when he was kidnapped June 9, 1985.

Islamic Jihad, or Islamic Holy War, the pro-Iranian Shiite Muslim faction admits holding him.

The same faction also claims to hold Anderson, 43, of Lorain, Ohio.

Anderson, chief Middle East correspondent for The AP, is the longest-held Western hostage. He was kidnapped in Beirut on March 16, 1985.

In addition to Sutherland and Anderson, 11 other Westerners are missing in Lebanon. They include four Americans, four Britons, two Germans and an Italian.

The last word on Sutherland's welfare came from former U.S. hostage Frank Reed, who was freed April 30, 1990, after being held captive by Shiite militants for 3 years.

Shortly after his release, Reed said he had spent "the good part of two years" with Sutherland and Anderson. He said he last saw Sutherland in February 1989.

Sutherland's birthday comes a few days after Iranian President Hashemi Rafsanjani wound up a visit to Syria, where sources said he discussed the Western hostages with Syrian President Hafez Assad.

Both Syria and Iran have been instrumental in obtaining the release of some of the former hostages.

Iran, which disclaims any role in the kidnappings, has close ties with the militant Hezbollah, or Party of God, which is believed to be the parent group of the Lebanese extremist factions holding most of the hostages.

Syria, with 40,000 troops in Lebanon, is the main powerbroker in the country.

But Iranian sources close to Rafsanjani's delegation indicated the hostages would not be freed until Israel releases an estimated 300 Shiite prisoners it holds.

The prisoners include Hezbollah activist Sheik Abdul-Karim Obeid, who was kidnapped by helicopter-borne Israeli paratroopers from his village of Jibsheet in south Lebanon in July 1987.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, morning business is closed.

THE CONSUMER PROTECTION AGAINST PRICE-FIXING ACT OF 1991—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, debate will resume on the motion to proceed to the consideration of S. 429, the bill to amend the Sherman Act regarding retail competition.

The Senate resumed consideration of the motion to proceed.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, is it my understanding that we are now on the motion to proceed to S. 429?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. Mr. President, I rise to urge my colleagues to invoke cloture on the motion to proceed to the Consumer Protection Against Price Fixing Act of 1991, a bill which Senators RUDMAN, GORTON, and I have cosponsored with 30 of our colleagues.

This legislation is the most important consumer bill the Senate will consider this Congress. It comes to the floor following years of careful study and numerous changes and amendments which have improved the bill. The Senate Judiciary Committee voted 10 to 4 to send this bill to the floor, without recommendation, for the consideration of the entire body.

Let me make it clear. We are not today debating the question of the merits or lack of merits of the bill. We are actually debating whether or not the Senate ought to have a right to vote on this bill. I hope that the Senate will see fit to invoke cloture so that we will indeed get on to discuss the bill itself. But I hope in this opening statement to make it clear what the bill does do and also to make clear to my colleagues what it does not do.

S. 429 has a simple purpose. It would make clear, in the antitrust laws, that the prices consumers pay for goods should be set by free and open competition in the marketplace, not by conspiracies to fix high prices.

I was very pleased to see that our President—who, I might say parenthetically, I hope is recovering and will soon be back on the job. I am sure I speak for all Members of the Senate when I say that we wish him well and we wish him a speedy recovery. I was pleased that our President, before he became ill, in making a speech at the University of Michigan, chose the subject of the power of free enterprise when he addressed that graduating class. He noted how important it is that people be able to pursue their economic goals free from restraint.

That is what this bill is all about, the right of a discounter to sell his or her product at whatever price he or she decides it is to be sold.

I agree completely that people ought to be able to pursue their economic goals free from restraint, and that is what this legislation is all about: free enterprise, the right to buy and sell in a free marketplace. In our economic system, we believe businesses ought to be free to decide how they will do business, how they will sell a product, how they will price a product. Price fixing is antithetical to the free market. Price fixing undermines competition and hurts everyone, especially consumers.

It is an interesting fact of life and the reality of the U.S. Senate that some who will oppose this bill are the very same Members of this body who will make the greatest speeches back home about the free enterprise system. This bill, if you believe in the free enterprise system, should become the law of the land because all it does is says that a discounter, a merchant, may sell the product at whatever price he or she wants to and can raise the price or lower the price and the Government is not going to intervene.

It has been estimated that price fixing has cost American consumers $20 billion a year for everything from cameras and VCR's and TV sets and radios to clothes. Much of the clothes that are being sold in the marketplace these days have a set price because the manufacture is setting the price and will not permit the discounters to sell at a lower price. Some discounters have lost the product because a competitor complained and the manufacture withdrew the product from the discounter.

I remember when we had this bill before us in the past, some furniture merchants from North Carolina came to me and said, "Senator, please get this legislation through. Without it, we will not be able to survive." We were unsuccessful in getting it through. And some of those same furniture stores that were trying to make a living selling at a discount, I am told, are no longer in business.

This bill would stop manufacturers and high-priced retailers from forcing discounters to raise their prices or lose a product line. I am sure many of us in this body a week ago Sunday noon saw on national TV where a man in business in California selling tennis rackets at some very modest discount was told by the manufacture Prince that he was being cut off and would no longer have a supply because he was selling his tennis rackets at a price lower than that which they had set.

This bill, without raising taxes, without adding to the deficit, without creating a new bureaucracy, will save

American consumers $20 billion a year. In these inflationary times, when every day we find food prices and clothing prices and automobile prices and TV set prices and everything else we buy going up and up and up, this is our chance in the U.S. Senate to say we are on the side of consumers. This bill will save $20 billion a year.

We should move quickly to enact the most important consumer rights bill of this session. This critical proconsumer bill has overwhelming support. Legislation virtually identical to S. 429 passed the House by a large majority in each of the last two Congresses. It has had the support of a majority of this body for years.

In the Senate, those who support this bill come from both sides of the aisle and from every region. This is not a Democratic bill. This is not a Republican bill. This is not a bill of the Northeast or the Southeast or the Northwest. This is a bill that speaks for every region of the country, from Senators GORTON, and CRANSTON, and MURKOWSKI in the West to Senators BIDEN, D'AMATO, and KENNEDY in the East; from Senators BENSTEN, SASSER, and SHELBY in the South, to Senators EXON, KOHL, and SIMON in the Midwest. This broad support reflects the importance of this legislation to the wellbeing of America and all American consumers.

I have, for the RECORD, letters from the American Association of Retired People [AARP]; the National Council of Senior Citizens; the Consumer Federation of America; Public Citizen; and Consumers Union. All urge this Senate to move this bill. I also have a letter signed by the attorneys general of 46 States, Republicans and Democrats alike, wholeheartedly endorsing S. 429. We hardly ever get a piece of legislation where 46 out of 50 politically elected attorneys general of the United States have sent letters endorsing the legislation. I have a list of over 100 businesses, some large, but most of them small, demanding this legislation—demanding the right to sell at a discount. And yet Mr, President, some Members of this body support the anticonsumer position and say the Senate should not have a right to vote on it.

Mr. President, I ask unanimous consent that all of the letters that I previously mentioned be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Mr. President, who opposes this bill? Manufacturers who do not want strong antitrust laws. I was on some TV program this morning with a representative of the National Association of Manufacturers and I thought what a farce it is, here is this man standing here saying defeating this bill would be good for the consumer. It would probably be historic if the NAM ever came out for anything to protect the consumers of this country. Methinks when he says defeating it would help the consumers, that he is attempting to beguile the American public.

The National Association of Manufacturers do not want this bill. The U.S. Chamber of Commerce does not want this bill. The Business Roundtable does not want this bill. They talk free enterprise, but they oppose the right of a store owner to sell his or her products at whatever price he or she feels is fair. That is free enterprise. That is what free enterprise is all about. Controlling prices is exactly the opposite of free enterprise.

Give me one good reason why anyone should be precluded from selling products at whatever price the merchant feels is right. If I, as a merchant, want to sell at half the profit as my competitor and sell maybe three times as much, is there any reason why the Government of the United States should say that I cannot do that? Is there any reason why the Congress of the United States should not stand squarely behind the right of the consumer to buy at that lower price? I think not.

These big companies have the audacity to argue that this legislation is not needed and even that it will hurt consumers. That, to me, is totally unbelievable.

Is there any question who is on the side of the consumer? Between the NAM, the chamber of commerce, the Business Roundtable and such groups as the Consumer Federation of America and the Consumers Union, AARP, who should we believe about what is needed for strong antitrust enforcement; the U.S. Chamber or the bipartisan State attorneys general? For me and the American people I think those answers are easy.

It is now time we enact this important bill into law. For years, this body has repeatedly reaffirmed the right of consumers to free and open markets, unfettered by price-fixing conspiracies which distort and undermine true competition. In the 1970's, Congress enacted the Consumer Goods Pricing Act, which repealed antitrust exemptions for State antitrust laws. These fair trade laws permitted manufacturers to fix minimum prices.

In the 1980's Congress repeatedly added to the Justice Department appropriation bill, a restriction prohibiting the Justice Department from attacking the longstanding court rule that price-fixing conspiracies between a manufacturer and its dealers are automatically illegal under the antitrust laws.

Now in the 1990's we are called upon to resurrect the antitrust prohibition on vertical price fixing, which can no longer be enforced by private litigants because of recent hostile Supreme Court decisions.

No Member of this body would question the need to ensure that consumers continue to have open access to a vibrant and competitive retail system. Yet there seems to be some question about whether price fixing hurts competition, and some question as to whether the entire Senate ought to have the right to vote on this important piece of proconsumer legislation.

The business interests who oppose this bill claim that price fixing is not a problem. They even argue price fixing is a good thing because manufacturers need to be able to set high prices in order to be able to assure full service to customers. That argument is totally absurd. It is fallacious. If the goal is really better service, the manufacturer can require, either before or after the passage of this bill, that the retailer provide such service as a condition for selling the product to the retailer. The manufacturer can actually require by contract that service or warranties or even clean showrooms are necessary conditions for the sale of the product. They can do it now and they would be able to do it after the passage of this law.

What kind of service is needed by a consumer wanting to buy clothes? When the mother or father goes into that store to buy clothes for the child and gets a discount on the pants or on the jumper suit or on the baby carriage or whatever it may be—what kind of service is needed? Or on toys? Or a tennis racket for the child? The extra service argument is fallacious, it is specious; it is a phony argument.

I would say further, try to get service today from any store regardless of the price you pay. I have tried. I know. First, you will be lucky if you get your telephone call answered. I have tried with the finest retailers. They tell me, oh, yes, they will service the TV set. Just bring it back to the store—all 120 pounds of it—and we will take care of it for you when you bring it back. The service issue is a phony issue.

Try selling that argument to a college student buying a computer or a stereo. Big business argues that this bill is unnecessary because price fixing is not a problem. I would like to see them sell that argument to millions of Americans who read that in the last 6 weeks, the State attorneys general settled two huge price-fixing cases. In March, the attorneys general forced Mitsubishi to disgorge $7.95 million, almost $8 million in overcharges and pay them back to consumers. The next month, 50 attorneys general announced that Nintendo agreed to pay up to $25 million to consumers who brought home video consoles at fixed minimum prices. Nintendo also had to pay $5 million in damages. Nor are these the only big successes at the State level.

In 1989, the attorneys general recovered $16 million in overcharges from Panasonic for fixing prices on a variety of consumer electronics products. And the AG's also had similar success against Minolta for fixing prices on cameras.

No one should believe the manufacturers when they say price fixing is not happening. And no one should believe them when they say price fixing is a good thing. It is evil; it hurts everyone of us; it is un-American and is contrary to every concept of free enterprise that this Nation has ever had.

America is famous for its robust retailing networks. In fact the administration is busy right now negotiating with Japan to bring our brand of retail competition to Japanese consumers as part of the structural impediments initiative. President Bush believes a more competitive market in Japan will create greater opportunities for American products there. I think this initiative makes a great deal of sense, both for American business and for Japanese consumers.

All consumers deserve discount prices, if the merchant is willing to offer them instead of fixed prices. While I agree that one of the greatest things we could export to Japan is our retailing system, we must first be sure to protect it here at home. We cannot let price fixing undermine the ability of the marketplace to set prices. We must care at least as much about our own consumers.

This legislation would protect our retailing system and American consumers in three ways. First, it would codify the well-established principle that resale price-fixing agreements are, per se, unlawful. This principle, long endorsed by the courts and by Congress, is based on the obvious fact that price fixing is harmful to competition.

Second, the bill would clarify the evidentiary standard for jury consideration of certain price-fixing agreements between manufacturers and their retailers. The current standard which has developed since the Supreme Court decision in Monsanto has made it virtually impossible for a victim of a price-fixing conspiracy to prove his or her case.

The evidentiary standard in the bill would make clear what constitutes sufficient evidence of a conspiracy for a case to survive summary judgment. The bill says that a jury should be able to consider the facts of a case where the plaintiff shows, one, that its supplier received a request from one of plaintiff's competitors that the supplier eliminate the discounter. Let me repeat that. The bill says that a jury can consider the facts of a case where the plaintiff shows that its supplier received a request from one of plaintiff's competitors that the supplier eliminate the discounter. The competition's competitive store calls or writes a letter and complains about the discount.

Second, that because of such repquest, the supplier terminated the plaintiff. And finally, the bill would make it clear that an agreement between a manufacturer and a retailer to terminate another retailer in order to eliminate price competition is illegal and you should not have to prove that a specific price or price level was agreed upon.

That is pretty elementary stuff. I do not think you would have to be a college graduate, a law school graduate, or a professor in order to understand the elementary provisions of this bill. The facts in those instances about which we speak actually speak louder than the words. The dealer has been cut off because he or she cut prices. Ofter the discount retailer is the only price competition for the high-priced retailer. Once that competition is gone, there is no need for a separate agreement on a price or price level; prices just naturally go up.

A lot has been said by opponents about what this bill does. I think I should respond by clarifying exactly what this bill does not do. It would not change the law on agreements between a manufacturer and its retailers which do not have to do with price.

Let me explain that to my colleagues. In other words, agreements about service or warranties or how clean to keep the floors would not be prohibited after enactment of this bill. Such agreements are reviewed by the courts under a more lenient so-called rule-of-reason test and would unaffected by this bill. More specifically, the bill would not limit the manufacturer's ability to require a dealer to comply with certain service, warranty, or other nonprice obligations, and the manufacturer could terminate a dealer who failed to do so.

In other words, to make it clear, that even after the passage of this bill, the manufacturer could require the dealer to provide service, the quality of service the manufacturer wants; the manufacturer can provide a warranty or any other kind of nonprice obligation, and that would not be illegal.

Manufacturers also continue to have the right to establish regional territories, exclusive contracts, and other forms of distributional arrangements that they desire. The bill also makes it clear that it would not apply to maximum resale price agreements. Supreme Court decisions have held that these agreements to fix low prices are, per se, illegal. S. 429, while writing into law the per se rule for minimum price fixing, would leave to the courts the question of whether maximum price fixing agreements should instead be treated under a rule-of-reason analysis.

The bill also does nothing to change the holding in the 1919 Supreme Court opinion of United States versus Colgate and Co. that unilateral conduct by the manufacturer is not actionable. Under Colgate, a manufacturer may suggest a retail price and may even terminate a dealer for not following that price. Let me repeat that. Under the Colgate decision, which we are not changing, a manufacturer may suggest a retail price and may even terminate a dealer for not following that price. The manufacturer and the retailer may not, however, enter into an agreement as to a price.

It is the agreement that violates the antitrust laws, and it is the agreement that this bill is aimed at. So long as the manufacturer acts alone, and so long as the retailer is free to charge the suggested price or not charge that price, there is no violation of the law.

To make this clear, section 4 reiterates the present law that a violation can ony be found upon the determination that the defendant entered into an illegal contract, combination, or conspiracy. The bill also does not overrule the Monsanto decision, but instead seeks to clarify what the Supreme Court said in that case.

Monsanto dealt with the appropriate evidentiary standard for finding a price-fixing conspiracy. The Court in Monsanto stated that—

> Permitting an agreement to be inferred merely from the existence of complaints, or even from the fact that termination came about "in response" to complaints, could deter or penalize perfectly legitimate conduct.

Instead, said the Court:

> There must be evidence that tends to exclude the possibility that the manufacturer or nonterminated distributors were acting independently.

Lower courts have read this language to put a tremendous burden on the plaintiff. These courts have misapplied this test to grant summary judgment to defendants even if there is substantial, credible evidence of a conspiracy to eliminate price competition.

Take, for example, the case of Garment District, Inc. versus Belk Stores Services, Inc., decided in 1986, in which the manufacturer received repeated claims from Belk, its full-price retailer, about Garment, a competing discount retailer. The court found that Belk, in fact, pressured the manufacturer "in order to eliminate a discount competitor," and that Garment was "terminated because of the pressure exerted by Belk."

There was even a letter from the manufacturer to Belk acknowledging the manufacturer's decision to terminate and thanking Belk for "bringing this problem to my attention," according to the words of the letter.

The court, relying on Monsanto, held that this case should not go to a jury and upheld the directed verdict for the defendant. It is hard to see how the court could prevent the jury from considering this case, but that case is a

classic example of how lower courts are applying Monsanto. Even a letter acknowledging the manufacturer's acquiescence to the full-priced retailer's demands is not enough to overcome these interpretations of the language in Monsanto.

Nor is this case unique. Courts are regularly dismissing such cases and depriving plaintiffs of the opportunity to have a jury consider the facts. This legislation would not dictate the result the jury must reach. It is intended to make sure that the jury is allowed to review all the facts and determine whether a conspiracy exists, once the evidentiary standards provided in the bill are met.

If the plaintiff can show that its supplier received a request from one of plaintiff's competitors that the supplier eliminate price competition, and because of such request the supplier terminated the plaintiff, there is sufficient evidence for a jury to get the case. Let me be clear. There must be a causal link between the competitor's request to terminate and the termination. It is not an easy causal link to satisfy. The communication must be the major cause of the termination.

The bill before us should not engender fear and loathing from the manufacturing community. It will not hurt their ability to control their dealer networks, nor will it embroil them in frivolous suits. It merely tries to breathe life back into an important antitrust law supporting the consumer's right to buy at discount. That law is now virtually moribund. Without effective enforcement of the laws against price fixing, everyone is harmed—consumers and manufacturers, retailers and their competitors. All these parties benefit from competition in the marketplace, and this legislation is desperately needed to guarantee that competition.

Unfortunately, there are those who would have this bill die on the vine. Opponents would prevent the Senate from ever considering the merits of this bill. The Senate must not, and I trust will not, tell millions of American consumers that we refuse to consider a bill to lower the prices they pay every day. I urge every Senator to vote for the cloture motion so that we can move quickly to debate this bill, to amend it if necessary, and then to pass this important piece of legislation.

I yield the floor.

EXHIBIT 1

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, April 30, 1991.

DEAR SENATOR: The undersigned Attorneys General are writing to urge your support of S. 429, the "Consumer Protection Against Price-Fixing Act of 1991".

In 1911, the Supreme Court established vertical price fixing as a per se violation of the antitrust laws, *Dr. Miles Medical Co.* v. *Park & Sons Co.* 220 U.S. 373 (1911). The Court therein held that ". . . agreements . . . having for the sole purpose the destruction of competition and the fixing of prices, are injurious to the public interest and void. . . . The complainant [a manufacturer] having sold its product at prices satisfactory to itself, the public is entitled to whatever advantage may be derived from competition in the subsequent traffic." Id. at 408–09. The continuing vitality of this principle however, has been jeopardized by two recent Supreme Court decisions. S. 429 would remedy that trend and restore to enforcement officials the ability to protect competition from vertical price fixing conspiracies.

In *Monsanto Co.* v. *Spray-Rite Service Corp.*, 465 U.S. 752 (1984) the Court imposed on plaintiffs alleging a price fixing conspiracy a two-fold burden. First, the plaintiff must prove the existence of a conspiracy to fix prices between a manufacturer and retailer. In addition, the plaintiff must also introduce evidence that would tend to exclude the possibility that the manufacturer and retailer were acting independently. Id. at 764. The decision spawned substantial confusion among the lower courts. In 1988, the Court decided *Business Electronics Corp.* v. *Sharp Electronics Corp.*, 485 U.S. 717 (1988) in which it added the requirement that the conspiring parties also be shown to have agreed to some price or price level. Id. at 735–36. The aggregate effect of these two decisions is that legitimate complaints concerning the abuse of market power by full price retailers to cause the termination of discounters are no longer actionable.

An example of the likely legacy of these cases is the District Court opinion in *Toys 'R' Us,* v. *R. H. Macy & Co., Inc.* 728 F. Supp 230 (S.D.N.Y. 1990). In that case, under pressure from Macy's, two children's swimwear manufacturers terminated their account with Kids 'R' Us, a children's clothing discounter. It was clear from the facts that Macy's had sought the termination so it could continue to see its line of identical swimwear at "keystone", the standard industry markup of 100%. The court denied Toys 'R' Us motion for summary judgment citing the decisions in *Monsanto* and *Sharp.*

Congress has repeatedly expressed support for price competition free from vertical price restraints. In 1975, Congress repealed the 'fair trade laws' which had authorized the states to permit vertical price fixing and prices, on average, dropped. In 1985, Congress passed a resolution condemning the Department of Justice's Vertical Restraints Guidelines which were viewed as an effort by the Department to influence courts to abandon the per se rule as it applied to vertical price restraints. Action by Congress is again necessary to restore aggressive price competition to the marketplace. This can be accomplished through the passage of S. 429.

S. 429 will revitalize price competition while preserving the rights of manufacturers to deal with whom they choose. *United States* v. *Colgate & Co.*, 250 U.S. 300 (1919), *United States* v. *Parke, Davis & Co.*, 362 U.S. 29 (1960). If we or our antitrust staff can be of assistance to you in considering the important issues raised by these bills, please do not hesitate to call at the numbers which appear next to our names.

Sincerely,

CHRISTINE T. MILLIKEN,
Executive Director,
on behalf of:

Jimmy Evans, Attorney General of Alabama, Marc Givhan, Assistant Attorney General; Charles Cole, Attorney General of Alaska, James Forbes, Assistant Attorney General; Grant Woods, Attorney General of Arizona, Helen Hall, Assistant Attorney General; Winston Bryant, Attorney General of Arkansas, Jeffrey Bell, Assistant Attorney General; Richard Blumenthal, Attorney General of Connecticut, Robert M. Langer, Assistant Attorney General; Charles M. Oberly, III, Attorney General of Delaware, John J. Polk, Assistant Attorney General; John Payton, Corporation Counsel of the District of Columbia, Doreen Thompson, Chief, Antitrust Section; Robert Butterworth, Attorney General of Florida, Jerome Hoffman, Assistant Attorney General; Michael J. Bowers, Attorney General of Georgia, George Shingler, Senior Assistant Attorney General; Warren Price, III, Attorney General of Hawaii, Robert Marks, Supervising Deputy Attorney General; Larry Echohawk, Attorney General of Idaho, Brett DeLange, Deputy Attorney General.

Roland W. Burris, Attorney General of Illinois, Christine H. Rosso, Senior Assistant Attorney General; Linley E. Pearson, Attorney General of Indiana, Donna Nichols, Deputy Attorney General; Bonnie Campbell, Attorney General of Iowa, John Perkins, Deputy Attorney General; Robert T. Stephan, Attorney General of Kansas, Mary Ann Heckman, Assistant Attorney General; Frederic J. Cowan, Attorney General of Kentucky, Ann M. Sheadel, Assistant Attorney General; William J. Guste, Jr., Attorney General of Louisiana, Anne F. Benoit, Assistant Attorney General; Michael E. Carpenter, Attorney General of Maine, Stephen L. Wessler, Deputy Attorney General; J. Joseph Curran, Jr., Attorney General of Maryland, Ronald N. McDonald, Assistant Attorney General; Scott Harsbarger, Attorney General of Massachusetts, George Weber, Assistant Attorney General.

Frank J. Kelley, Attorney General of Michigan, Robert Ward, Assistant Attorney General; Hubert H. Humphrey, III, Attorney General of Minnesota, Thomas Pursell, Assistant Attorney General; Mike Moore, Attorney General of Mississippi, Jim Steele, Special Assistant Attorney General; William L. Webster, Attorney General of Missouri, Clay Friedman, Assistant Attorney General; Frankie Sue Del Papa, Attorney General of Nevada, Brooke Nielsen, Deputy Attorney General; John P. Arnold, Attorney General of New Hampshire, Terry L. Robertson, Senior Assistant Attorney General; Robert J. Del Tufo, Attorney General of New Jersey, Laurel A. Price, Deputy Attorney General; Tom Udall, Attorney General of New Mexico, Dan Pearlman, Assistant Attorney General; Robert Abrams, Attorney General of New York, George Sampson, Assistant Attorney General.

Lacy H. Thornburg, Attorney General of North Carolina, Kip Sturgis, Assistant Attorney General; Nicholas J. Spaeth, Attorney General of North Dakota, David Huey, Assistant Attorney General; Lee Fisher, Attorney General of Ohio, Doreen Johnson, Assistant Attorney General; Robert H. Henry, Attorney General of Oklahoma, Jane Wheeler, Assistant Attorney General; Dave Frohnmayer, Attorney General of Oregon, Andy Aubertine, Deputy Attorney General, Financial Fraud Section;

Ernest D. Preate, Jr., Attorney General of Pennsylvania, Eugene F. Waye, Deputy Attorney General; James E. O'Neil, Attorney General of Rhode Island, Edmund Murray, Jr., Special Assistant Attorney General; T. Travis Medlock, Attorney General of South Carolina, Wilbur Johnson, Assistant Attorney General; Mark Bennett, Attorney General of South Dakota, Jeffrey Hallem, Assistant Attorney General.

Charles W. Burson, Attorney General of Tennessee, Perry Craft, Deputy Attorney General; Dan Morales, Attorney General of Texas, Allene Evans, Assistant Attorney General; Paul Van Dam, Attorney General of Utah, Arthur M. Strong, Assistant Attorney General; Jeffrey L. Amestoy, Attorney General of Vermont, Geoffrey A. Yudien, Assistant Attorney General; Rosalie S. Ballentine, Attorney General of Virgin Islands, Richard O. Baker, Assistant Attorney General; Mary Sue Terry, Attorney General of Virginia, Frank Seales, Assistant Attorney General; Kenneth O. Eikenberry, Attorney General of Washington, John R. Ellis, Chief, Antitrust Section; Mario J. Palumbo, Attorney General of West Virginia, Robert W. Schulenberg, Deputy Attorney General; James E. Doyle, Attorney General of Wisconsin, Kevin O'Connor, Assistant Attorney General.

NATIONAL COUNCIL
OF SENIOR CITIZENS,
Washington, DC, May 3, 1991.

Hon. HOWARD M. METZENBAUM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR METZENBAUM: The National Council of Senior Citizens (NCSC) has endorsed the Consumer Protection Against Price-Fixing Act, S. 429. NCSC believe that senior citizens, indeed all consumers, should be able to buy products or services at the best possible prices—at full-price stores or in discount stores at lower prices. This ability to stretch our money is threatened without passage of these bills.

Over the past few years, we have seen a growing number of discount stores closing their doors or offering fewer goods because of price-fixing agreements between manufacturing and higher priced, competing retail outlets. The discount retailer loses access to desirable name-brand merchandise. The next thing you know, all of us are paying higher prices because the check of competitive forces is gone. Without this legislation, manufacturers will continue to terminate discount retailers in favor of full-price retailers.

The trend has already begun, and if it is not stopped, American consumers may one day face a situation where the only price on a product is the one set by the manufacturer. This is a development that threatens senior citizens' pocketbooks that are already stretched too thin. It is a threat we urge the Senate to oppose.

S. 429 would make it much more difficult for this price fixing to take place. We ask for the support of you and your colleagues to vote for cloture and against any weakening amendment to this important legislation.

Sincerely,

DANIEL J. SCHULDER,
Director of Legislation.

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
May 3, 1991.

DEAR SENATOR: The Senate is scheduled to vote Tuesday, May 7 on legislation to protect consumers from vertical price-fixing. S. 429, the Consumer Protection Against Price-Fixing Act, is a moderate, bipartisan bill that will save consumers billions of dollars each year by increasing the variety and amount of goods available at discount prices. We urge you to vote to limit debate and to support S. 429 and oppose any weakening amendments.

Vertical price-fixing occurs when a high-priced retailer conspires with a supplier to discontinue the supply of goods to a discounter in an effort to drive price competition from the marketplace. In 1911, the Supreme Court determined that such actions are inherently anticompetitive and lacking in any countervailing competitive benefits and thus constitute a per se, or automatic, violation of antitrust laws. Over the past decade, two anti-consumer Supreme Court decisions and a laissez-faire approach to antitrust enforcement at the Department of Justice have seriously undermined the ability of both discount retailers and law enforcement to fight this anti-competitive behavior.

The result for consumers is higher prices and less choice. Low income consumers and older persons who live on fixed incomes are particularly hard hit. Denied access to goods at discount prices, too often they are forced to do without.

S. 429 takes a three-step approach to restore the protections for price competition intended by Congress.

It codifies the Supreme Court's ruling that verticle price-fixing is a per se violation of antitrust laws.

It clearly sets forth what facts a plaintiff must present to get his case to a jury, including: that a dealer made a request, demand, or threat to a manufacturer that the supplier take steps to curtail or eliminate price competition; that, as a result, the supplier terminated or refused to continue to supply goods to a competitor of the dealer; and, that the request, demand, or threat was the major cause of that action.

It overturns the Supreme Court's 1988 ruling that, in order to find a per se illegal price fixing agreement, a second agreement must take place setting a specific price or price level to be charged by the remaining retailer following the termination of the discounter.

By restoring the remedy for verticle price-fixing, S. 429 will help to insure vigorous price competition in the marketplace. We urge you to support this vital consumer pocket-book legislation.

Consumer Federation
of America, AARP.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, this bill, S. 429, the Consumer Protection Against Price Fixing Act of 1991, is before the full Senate only because of an agreement that was reached at the end of the last Congress to ensure passage of the Judicial Improvements Act of 1990, and other legislation. As my colleagues may recall, the Judicial Improvements Act provided for an additional 85 Federal judges. I signed this agreement, along with Senator BIDEN and Senator METZENBAUM, because I believed that adding 85 judges to the Federal judiciary was of the utmost importance.

Pursuant to the agreement, S. 429 was voted on by the Judiciary Committee, where it was defeated by a vote of 8 to 6. Nevertheless, and because of the agreement, it was reported to the Senate without recommendation by a vote of 10 to 4.

Mr. President, I believe it is very important to point out to my colleagues, that this legislation has been before the Judiciary Committee three times, and each time, it has lost support. The first vote, taken on legislation very similar to S. 429, was in the 100th Congress, where it was approved by the committee by voice vote. In the 101st Congress, S. 865 was favorably reported by a margin of 7 to 6. And in this Congress, as I just mentioned, the bill was defeated by 8 to 6. It is perfectly clear, Mr. President, that the more my distinguished colleagues understand this legislation, and the more they come to fully appreciate its ramifications, the less they like it.

Mr. President, my opposition to this legislation has not changed over the last 4 years. In fact, given the strength of competition in the retail industry, my opposition is stronger than ever. As always, I want to be clear that I am vigorously opposed to vertical price fixing. The state of the law is settled that resale price maintenance is a per se violation of the Sherman Act. However, this legislation is not about the legality of resale price maintenance. It is about the kind of evidence which forms the basis for a jury to conclude the existence of a resale price-fixing agreement, and the types of practices that constitute resale price fixing.

I am not alone in my opposition. S. 429 is opposed by a wide array of antitrust experts, by the American Bar Association, the Justice Department and the Federal Trade Commission. The administration opposes this bill. In addition, this legislation is opposed by literally dozens of business trade associations and companies, including the American Textile Manufacturers Institute, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the American Paper Institute.

S. 429, if enacted, would have a very real, and negative effect, on American business. It would inhibit communication between manufacturers and their distributors, it would interfere with the right of a manufacturer to unilaterally decide who will distribute its products, and it would make it difficult for manufacturers to require their distributors to provide product expertise and service.

American business thrives on the free flow of information between manufacturers and consumers. Such communication informs manufacturers about consumer needs with respect to existing products, and provides insight into unmet consumer needs for future products. S. 429 chills this communication by making communications between a retailer and a manufacturer the operative vehicle for presuming that the sender and the recipient were engaged in a price-fixing conspiracy. It thus weakens American business by unnecessarily creating fear that innocent and laudable behavior will subsequently be misconstrued in a court of law and exposed to costly treble damage penalties. An American business beset with such concerns is ill-equipped to compete in the global marketplace against foreign competitors.

S. 429 would also interfere with the long established freedom of a manufacturer to decide unilaterally whether to distribute its product through a given dealer. This right is an essential part of our free enterprise system, and has a solid foundation in settled antitrust law. S. 429 would allow an inference of an illegal conspiracy where a manufacturer has done no more than exercise this right, subjecting the manufacturer to treble damages.

Finally, product expertise and product service directly benefit consumers. Manufacturers should be able to terminate distributors who do not provide such benefits. S. 429 could make this illegal.

S. 429 would also upset a long line of established antitrust principles. Most immediately, it would do three things: overrule the Supreme Court's 1984 decision in Monsanto versus Spray-Rite Service Corp.; overrule the Supreme Court's 1988 decision in Business Electronics Corp. versus Sharp Electronics Corp.; and codify the per se standard of illegality for vertical price fixing. In addition, enactment of this legislation would seriously jeopardize the protection of unilateral conduct as set forth in the Colgate case, and would blur the distinction between vertical price agreements and vertical nonprice agreements, thus undermining the holding in the GTE Sylvania case that nonprice vertical restraints are subject to the rule of reason. S. 429 would also dramatically alter and improperly expand the law of conspiracy. Finally, contrary to claims that S. 429 would benefit consumers, it will inevitably result in higher consumer prices, as manufacturers and distributors adjust their costs to account for the increased costs of litigation that will assuredly result.

S. 429 would also codify the per se rule against resale price maintenance. Although I believe that resale price maintenance should be per se illegal, codifying this rule is neither useful nor effective. In recent years, there has been increasing criticism of the per se nature of the Dr. Miles rule against resale price maintenance. Without elaborating on the various arguments that have been made, such as "free rider" concerns, this hardly seems the time to be locking in the per se rule against resale price maintenance. The courts should not be hamstrug this way.

In conclusion, Mr. President, I would like to make one last, but very important point. It was not by accident that the antitrust laws were framed broadly rather than containing a long and detailed laundry list of proscribed activities. The drafters of the Sherman Act intended to draft a general statute, to be amplified as necessary through judicial reasoning and by experience over time, including changing circumstances. Senator Sherman himself remarked that:

> It is difficult to define in legal language the precise line between lawful and unlawful combinations. This must be left for the courts to determine in each particular case.

The courts have made determinations, and I say that this particular bill will overrule those Supreme Court decisions.

Statutory rules phrased in terms of specific practices rather than in terms of competitive purpose or effect, lack the flexibility needed for optimum antitrust enforcement. Sound antitrust rules are simply not amenable to fixed, detailed, articulation. Not every court decision is well conceived, and even some decisions that are correct when issued, appear later to be based on weak findings and logic. The common law process can correct this. Legislation along the lines of S. 429 raises the specter of far more serious problems, which would be far more difficult to correct.

Mr. President, I urge all my colleagues to carefully consider the harm that this legislation will do to American business and to a long line of antitrust cases, and to balance that harm against the failure of the proponents to demonstrate any legitimate need for this legislation. I am sure that after careful consideration, each of my colleagues will decide, as I have, to vote against S. 429.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA) The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I know my colleague from North Carolina is waiting for the floor. I will be very brief.

I wish to respond to my friend from South Carolina to correct one portion of the representation that he made.

This bill does not limit—does not limit—the ability of a manufacturer to choose the person with whom he or she will do business. It does not require and does not prevent the manufacturer from choosing x, y, or z, or anybody else that he wants to do business with. And it does not—unequivocally does not—undermine the Colgate case.

Second, I want to point out another fact that I think my colleague is confused about. That is, that under this bill, when we pass it, the manufacturer will still be able to terminate any dealer for nonprice reasons, such as poor service. I mentioned poor service, and I mentioned any one of a host of reasons he might want to terminate.

What this bill prevents is when one dealer calls the manufacturer and raises Cain about the other dealer discounting, and then the discounter is terminated; that would be stopped. But if the manufacturer wants to cut off a dealer for failure to give good service, or any one of a number of other reasons, the manufacturer would not be precluded from doing so, and there would be no penalties, and no suit would lie.

Mr. RUDMAN. Mr. President, I rise in strong support of S. 429, the Consumer Protection Against Price Fixing Act of 1991. I cannot recall any piece of legislation in recent years that is more important to the consumers of America. Passage of the bill this year is essential to support a free-market economy, and the principle that competition in pricing is the best and most efficient way to ensure the best products at the least price.

It cannot be seriously disputed that price fixing, by which manufacturers set the retail prices charged, is a bad policy for consumers. Numerous studies show that price restraints result only in higher prices for consumers. This bill will reaffirm the well-established principle that manufacturers are not allowed to set resale prices for their dealers.

There is no reason why manufacturers should be allowed to set minimum prices for their retailers. Opponents contend that manufacturers need to set minimum retail prices to ensure that stores can afford to provide good service. But, as Business Week recently noted, those who believe that higher prices mean better service have not been shopping lately. Higher prices simply do not ensure better service.

Passage of this bill will not preclude manufacturers from contracting with dealers concerning the marketing of their products, including training, servicing and advertising agreements. Manufacturers will continue to be able to select those dealers with whom they do business, to raise the price at which they sell to dealers, and to unilaterally terminate a dealer for any reason. The bill allows manufacturers great flexibility to contract as they see fit, so long as they do not enter into an agreement to fix prices with their dealers.

Critics of the bill raise the so-called free-rider problem, alleging that consumers may shop at specialty stores that provide greater product expertise and services, and then purchase the same product at the local discount store. But, as I have just pointed out, the bill does not interfere with a manufacturer's ability to set the nonprice standards for service and display that retailers would have to meet.

My use of the term "alleged" is deliberate, for there is no evidence that the free-rider problem actually exists. Over the last decade, the Federal Trade Commission has studied the free-rider theory and has concluded that there is little evidence that resale prices are imposed to prevent free-riding on product-specific services. This is not surprising: most products subject to resale price maintenance are not products that require significant service and display.

Critics of the bill cite growth among discount retailers such as Wal-Mart as evidence that there is no retail price fixing problem. The discount industry has, in fact, experienced its share of business failures and serious financial difficulties. Moreover, the fact that certain segments of the industry are doing well does not serve as a justification for price fixing or indicate that price fixing does not exist.

Opponents of the bill also state that a renewed aggressiveness in seeking out and prosecuting resale price maintenance conspiracies provides less justification for this legislation. Although there have been successful price fixing cases, most recently the Mitsubishi case in March, the difficulty in prosecuting these cases is the reason that 46 State attorneys general have signed a letter strongly endorsing this legislation. What these few successful prosecutions do tell us is that price fixing involving millions of dollars in consumer overcharges is a very real and serious problem. It is notable that Consumers Union, which publishes Consumer Reports and virtually never endorses specific legislation, has recognized this problem by coming out in support of this bill. The House of Representatives also has recognized the problem by overwhelmingly passing similar legislation in the 101st and 100th Congresses.

The legislation before us would accomplish three basic objectives. First, it codifies the well-established principle that resale price fixing is a per se violation of antitrust laws.

Second, it clarifies the current law on the evidentiary standards necessary to avoid summary judgment against plaintiffs. In Monsanto Co. versus Spray-Rite Service Co., the Supreme Court held that the plaintiff had to virtually have a written agreement to fix prices to avoid summary dismissal. These insurmountable evidentiary standards has made winning a RPM case extremely difficult and has been an invitation to crime. Third, this legislation makes it clear that an agreement between a manufacturer and a retailer to prevent price competition by another retailer is unlawful. This is in response to the case of Business Electronics Corp. versus Sharp Electronics Corp., where the Court somehow managed to hold that no per se price fixing restraint can be found unless a price fixing conspiracy, even if one is found, mentions specific price levels. This decision in essence allows people to conspire all they want as long as they do not write a specific price down on paper. The basic impact on the marketplace is to legalize price fixing.

In today's economy, where every penny counts, we owe more to our constituents than lipservice on remedies for higher prices and fewer choices. Simply put, price fixing hurts consumers and corrupts the free enterprise system. S. 429 preserves the consumer's ability to choose the best prices by maintaining an open, free, and competitive American marketplace.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. HELMS. Mr. President, in Federalist Paper No. 62, James Madison declared:

> No government * * * will long be respected without being truly respectable, nor be truly respectable without possessing a certain portion of order and stability.

The application of Mr. Madison's counsel to the U.S. Senate can be boiled down to a very few words: Do not bend the rules, and let no Senator or group of Senators design to usurp the rights of other Senators by making shotgun deals that amount to scarcely more than blackmail.

Mr. President, the American people probably will never know why a few of us are objecting today to the procedure being used to force a vote on S. 429. As battles go in the U.S. Senate, this particular one may not seem important. But it is important, because there has been a flagrant usurpation of the rights and prerogatives of the vast majority of the Members of the Senate, and it was done to placate and accommodate one Senator.

Mr. President, it is not my purpose today to discuss the pros and cons of S. 429, which is being railroaded to consideration by the Senate. The pros and cons will be discussed at length as days go by. The Senator from South Carolina has already stated many of the objections that I have to S. 429.

Rather, my purpose this afternoon is to sound the tocsin that the U.S. Senate became unique among all legislative bodies in history, because down through the more than 200 years of the Senate's existence, there has been a faithfulness to the Senate's rules and a fidelity to the principle that all Senators' rights should and would be respected and protected.

I would not be here this afternoon making these remarks if S. 429 had reached the Senate Calendar by the implementation of the well-known and respectable rule that any Senator can utilize to bypass committee consideration.

I am talking about rule XIV of the U.S. Senate. Here is the way it works, and every Senator knows it or is supposed to know it. The Senator gets up and sends a bill to the desk and he asks for first reading. The clerk reads the bill by title for the first reading. Then the Senator says, Mr. President, I ask for second reading of the bill; whereupon, the majority leader or his designee objects. Then the bill lies over for its second reading on the next legislative day and after that it automatically goes on the calender. If this bill were on the calendar by that method, I would not be here. But, that is not the way it happened.

Rule XIV is a rule that I have used myself on occasion. Other Senators have used it as well. It is a well-established and respected rule of the Senate. It is a rule of the Senate and all Senators understand their right to use it.

But that is not the way S. 429 made its way to the Senate Calendar. No, Mr. President, we are at this point because a deal was made last year, on October 26, 1990, about 9 or 10 o'clock at night. One Senator blocked consideration of several pieces of legislation that were deemed to be vital. There was no known doubt about the necessity of these three pieces of important legislation. Bear in mind, this was hours before the U.S. Senate and the Congress of the United States adjourned for the year.

So a deal was cut. Some say it was a back room deal. I do not know where it happened. What is important is that it did happen. But it should not have happened, because as Mr. Madison put it, this destroys "a certain portion of order and stability."

Mr. President, I realize that my remarks here this afternoon will be ignored, much like a ship passing in the night, but I am obliged to state my case and describe the circumstances just for the record. I hope this sort of thing never happens again. I think too much of the Senate for this kind of ex parte deal to occur.

Mr. President, on October 26, 1990, in the closing hours of the 101st Congress the Senator from Ohio blocked consideration of several bills and nominations. I have blocked a few myself in my career in the Senate, but I have never tried to bind a future Congress. Interestingly enough, one of those bills that he blocked was introduced by the chairman of the Senate Judiciary Committee, Mr. BIDEN. It was legislation to streamline the judicial process. As Senator THURMOND said earlier. It authorized the appointment, of 85 additional judges. It was generally agreed that these 85 additional judges were essential in order to speed up the prosecution of criminals, thereby decreasing the backlog of cases. But, no, one Senator said, it is not going to happen unless we made a deal.

To secure Senate approval of these bills and nominations, the ranking member of the Judiciary Committee felt obligated—and I understand that—to enter into an agreement with the Senator from Ohio providing for the consideration of the resale price maintenance bill, S. 429, by June 1, 1991. The agreement was detailed; the agreement was specific. Let me state for you the main portions of the shotgun deal.

First, the bill "will be voted on by the Judiciary Committee on or before April 1, 1991. Regardless"—and I emphasize the word "regardless"—"regardless of the outcome of the vote, the bill will be reported to the floor"—meaning the Senate floor—"without recommendation."

Second, the bill "will be called up on the Senate floor on or before June 1, 1991. The Senate will proceed to consideration of the bill without objection. Following up to 2 days of debate, the first vote on the bill will be a vote to invoke cloture on the bill."

Bear in mind I am quoting from the text of the agreement—an ex parte agreement by three Senators last October 26, hours before the Senate adjourned sine die.

Mr. President, obvious questions arise. How can a handful of Senators presume to speak for all 100 Members of a future Congress? It is not supposed to happen. But it did. Now they will say, well, this was an informal agreement. But it put the Senators who were forced to make the deal in an uncompromising spot—it became a matter of honor. They had to live up to the agreement even though everybody knows that one Congress cannot bind a future Congress. How can they bind a future Congress simply by agreeing among themsevles? Under the rules they could not and they should not.

Mr. President, I am unalterably persuaded that this type of agreement, sets an exceedingly bad precedent, and I hope it never happens again. If I sound a little bit emotional, it is because I love the Senate. I do not like to see business conducted this way in contravention of the rules of the U.S. Senate.

It is true that the Senate often enters into unanimous-consent agreements. That is provided for by the Senate's rules, and we all have copies of the Senate's rules right here on our desks. But with unanimous-consent agreements, every Senator has an opportunity to express his or her opinion and to objection to the proposed agreement if they do not want it entered.

But the word "unanimous," Mr. President, in the phrase unanimous-consent agreement, means unanimous. It does not mean a backroom, ex parte deal made by a handful of Senators when the clock is running toward the adjournment sine die of the Congress of the United States. A backroom deal is not a unanimous-consent agreement. I know of no place in the Senate rules approving such a deal. This kind of deal abrogates the checks and balances provided by the rules of the U.S. Senate.

Mr. President, as I said at the outset, the U.S. Senate has a long history of protecting the rights of each and every Senator, and when you protect the right of each Senator, you are protecting the rights of his constituents, the people of his State.

The Founding Fathers purposefully set up the Senate as the more deliberative body. Mr. Madison, in his Federalist Paper No. 62, explained the function of the Senate in this way. Mr. Madison said:

> The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions and to be seduced by factious leaders into intemperate and pernicious resolutions.

Calvin Coolidge put it another way. He said:

> It may seem that [senatorial] debate is endless, but * * * the power to compel consideration is the distinguishing mark of a deliberative body.

Mr. President, Madison and Coolidge understood the need for checks and balances in a democratic system. That is the reason we have a tripartite Government. That is the reason we have rules in the U.S. Senate. That is the reason the U.S. Senate is respected and has been respected down through history as being unique among all of the legislative bodies in the history of this world.

So is it not all-advised to tamper with the tradition and the rules of the Senate of the United States? My answer to that is, "yes."

Furthermore, as every Senator knows, each new Congress is unique in its composition. Since 1914, when Senators were first directly elected by the people instead of by the State legislatures, new Senators have been elected to every new Congress, without exception.

Quite often there are substantial changes from one Congress to the next. In 1980, for example, the control of the Senate switched from the Democrats to the Republicans. In 1986 it switched back, the Democrats regained control of the Senate.

Those of us who have been around this place for a while can testify that new Senators bring with them different philosophies and different objectives; philosophies and objectives which are entitled to be heard and considered and not abrogated by secret deals. If the Senate allows backroom deals to deprive new Members of their rights to participate in a Democratic process, the Senate will risk ultimately subverting the will of the people.

So obviously, Mr. President, I am troubled by the manner in which this bill was brought to the floor of the Senate.

The agreement stated that "regardless of the outcome of the vote in committee"—meaning the Senate Judiciary Committee—"the bill will be reported to the floor without recommendation." That was the deal that was struck last October 26, at 9 or 10 o'clock at night. The clock was running; everybody under pressure; and three bills were being held up.

Finally, Mr. President, S. 429 was defeated this year in the Judiciary Committee by a vote of 8 to 6. Despite that negative vote, the agreement made last year during another Congress, required that the bill be reported without a recommendation. They knew it was going to be defeated by the Judiciary Committee.

What a peculiar way to report a bill. When a bill is defeated in committee, it dies in committee, or at least that is the way it is supposed to be. I have had plenty of bills to die in committee. You take your lumps. You win some, you lose some. And once in a while you get one rained out. In rare cases, a defeated bill is reported with a negative recommendation. But that did not happen here. Since a majority of the committee voted against S. 429, it seems to me that the committee does have a recommendation. That recommendation being: do not pass this bill on the Senate floor.

Mr. President, I trust that nobody will try to argue that this agreement binds only the three Senators who signed it and therefore it is, harmless. The facts indicate to the contrary.

Per the agreement of October 26, 1990, this bill was voted on in committee before April 1. Despite the fact that the bill was defeated in committee, the bill was nevertheless reported without recommendation, as stipulated by this agreement of last October 26. Several Senators who voted against the bill changed their votes and voted to report the bill "without recommendation." They did this in order to live up to an agreement that ought not to have been made in the first place.

As per the agreement, the bill was called up on the Senate floor before the June 1 date stipulated in that agreement of last October 26. This is no way to do business, if we believe in the fundamental principles of the Senate.

Mr. President, the facts indicate that the Senate now is presuming that this agreement is binding. I do not think it should be and I hope this legislative history demonstrates why these types of agreements set bad precedents. This agreement is not binding even though it has been treated as if it were binding.

But it is a blatant invasion of the rights of a vast majority of Senators who never approved, or even knew about, the backroom ex parte power play that occurred in the closing hours of the 101st Congress.

Mr. President, with all due respect, this agreement should have no standing, in this, the 102d Congress.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I would like to have permission of the Chair, as well as the manager and, I guess, the other side here, to have up to 10 minutes on another subject matter.

Mr. METZENBAUM. I would have to object at this point, although I do not have any intention of keeping the Senator. I do wish to respond to the Senator from North Carolina promptly while he is still on the floor and while he is still in earshot. I will not be long.

Mr. DECONCINI. Mr. President, I have the floor, is that correct?

The PRESIDING OFFICER. The Senator from Arizona has been recognized.

Mr. DECONCINI. Mr. President, I will only add that I do not want to be cantankerous with my friend from Ohio. Would he please let me know how long that will take? I can go ahead and talk anyway.

Mr. METZENBAUM. Not more than 10 minutes, probably less. But I did indicate to my good friend and colleague that I would not object to his interrupting the debate on this bill in order that he might speak.

Mr. DECONCINI. Mr. President, if the Senator will yield, I have the right to the floor. I have been waiting around. Though he can object to me entering this in someplace else, I can talk here if I want to.

Mr. METZENBAUM. Of course.

Mr. DECONCINI. I only ask you to give me some kind of time limits—

Mr. METZENBAUM. You mean time for myself?

Mr. DECONCINI. Yes, sir.

Mr. METZENBAUM. Ten minutes?

Mr. DECONCINI. Mr. President, I ask unanimous consent I can follow the Senator from Ohio for a period of not to exceed 10 minutes in morning business, after the Senator has spoken for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I want to express my appreciation to the Senator from Arizona. I did not mean to interrupt him. I did indicate I was willing to have him speak but I thought some of the comments of the Senator from North Carolina should be answered while it was timely.

I think it is rather good that he spoke because I think in every debate there ought to be a certain amount of levity and I think it is a real joke. We had the Senator from North Carolina who has tied up this body, time and time and time again with some off-the-wall idea that he has had, and he wants to put on some bill having to do with child care, or with education, or with jobs, while it was something to do with Korea or Taiwan or some other idea of his.

So I think it is rather interesting that he thinks we ought to just follow the words of, I think he said Madison, if I remember correctly, that "no government will long be respected without being respectable." I think we ought to think about that 365 days a year. And I think it is fair to point out that on more than one occasion, my colleague from North Carolina has seen fit to use the rules of the Senate. Yes, indeed, this Senator is proud of the fact that I am more concerned about the people who appear before the courts than I was about whether we get some new members to sit on those courts. And I had tried and tried and tried to bring the resale price maintenance bill to the floor. It was out of committee for months. But I could not get it to the floor because there was an objection. I do not know whose objection it was, and I am not asking. It was within the rules of the Senate.

When my colleague talks about the rules being pushed due to placate one Senator, what a joke that is. If there was ever one Senator in this body who pushes the rules to placate himself, it is my friend over there from North Carolina, and I could imagine 98 other Senators in this body making the speech that he made, and maybe I would be able to understand it a little bit better. But I cannot very well follow that about which he was speaking.

When he talks about some back room deal being made by three Members of the Senate, let me say I will not speak for myself but I resent it on the part of my distinguished colleague who was a party to that agreement, the senior Member of the U.S. Senate who was a party to this deal. He was anxious to do it and he would not be a party to any deal that was inappropriate or improper.

He made it very clear in the Judiciary Committee that no Member of the Senate was bound by any agreement that he had entered into. But he was doing what he wanted to do when he entered into this agreement, and I was doing what I thought I should do, to represent the people that I represent.

But the Senator from South Carolina, who is a man of honor and a man of integrity, entered into an agreement not to bind the Senate but to make all necessary efforts to assure that the following things occur. And that is the matter that was agreed to. Nobody was bound except to make all necessary efforts. And in all candor he made all necessary efforts, and indeed the bill did come to the floor.

We had had this bill on the floor several times previously and never could get it to a vote. Take a situation of the pot calling the kettle black, about using the rules, no one in this body has a right to make that issue less than the gentleman who has—saw fit to criticize the procedure by which we are considering this bill.

Mr. HELMS. Mr. President, that is a personal attack. I ask the Chair rule. Make him cite when I have abused the rules of the Senate.

Mr. METZENBAUM. I did not say any Senator has abused the rules.

Mr. HELMS. Yes, you did. We will read the record back.

The PRESIDING OFFICER. Is the Senator from North Carolina asking that the reporter read the record back?

Mr. HELMS. No. I know what the record will show. If the Senator wants to change it and retract what he said—because I have never abused a rule of the U.S. Senate.

Mr. METZENBAUM. The Senator from Ohio has not suggested that the Senator from North Carolina has abused the rules of the Senate. The Senator from Ohio does make the point that the Senator from North Carolina has, as has the Senator from Ohio, used the rules of the Senate in order to make his point on many occasions.

Mr. HELMS. I accept that as a retraction.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Pardon?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. Mr. President, let me make it clear that this bill—that this agreement provided that it was to be considered by a date certain. Nobody had to vote for it or against it. And, by a vote of 10 to 4, the Judiciary Committee said that this bill should be considered by the entire Senate. The issue being debated, and which has been suggested by the Senator from North Carolina, is that once a matter is defeated in committee it should not be on the floor of the Senate. Let me point out that the controversial nomination of Judge Bork to be a Justice of the Supreme Court was defeated in committee but we sent it to the floor, notwithstanding that fact.

I am proud of the fact that this bill is on the floor. I am proud of the fact Members of this Senate are going to have an opportunity to vote on it. I want to point out to my colleague from North Carolina how this bill affects the North Carolina furniture industry. An entire industry in the State of North Carolina has been decimated by reason of the failure to be able to permit retail furniture dealers to market their products.

Mr. President, I am shocked at the comments of my colleague from North Carolina. He seems not to care about the potential demise of an entire industry in his own State of North Carolina. The North Carolina furniture retailers, especially those belonging to the North Carolina Retailers Association, had been nationally recognized by shoppers across this fine land of ours for providing extremely competitive prices in higher end home furnishings. Hundreds of millions of dollars were brought into the economy of North Carolina and consumers saved dollars in buying goods from these retailers. These retailers in North Carolina recently employed thousands. Today the furniture retail industry in North Carolina is a shambles.

In the last 6 months companies like Thornton Furniture and Furniture House, which visited with many Senators to share their plight, have gone under and closed their doors forever. They have been joined by other of their members. Nearly 25 percent of the retailers are on the verge of bankruptcy due to termination of their supply lines. An additional 40 percent of the members are in trouble, once again because of terminations by major manufacturers such as Pennsylvania House, Thomasville, Bernhardt, Henredon, Knob Creek, Century, Drexel Heritage, Labarge, Harden, et cetera, to name a few. These were major lines to these retailers. Workers in factories have not benefited because of the elimination of these price competitors. Thomasville and others are on a short work week.

To the Senator from North Carolina, I point out that they are making less money than if they were working full time. Less days means a smaller paycheck for these factory workers.

Let me also share with my colleagues examples of two other discount companies in North Carolina that have suffered pressure from full price retailers. Performance, Inc., located in Chapel Hill, for 9 years has provided cycling products to cycling enthusiasts across the United States. The last 2 years they have lost major vendors such as Cannondale Corp. and Specialized, both of whom tried to force Performance, Inc., to sell at higher prices because of complaints from full price competitors.

The Nation's largest cataloguer of water sporting goods, Overton's, with three showrooms in North Carolina, has experienced tremendous problems with vendors like Connelly Water Skis. They ran into trouble for selling a pair of skis that sell for over $200, 5 cents to 0 low. Can you imagine for 5 cents Overton's ran into trouble and the wrath of full price retailers complaining to common suppliers. I'm shocked that a Senator from North Carolina could be opposed to this important legislation which helps preserve price competition and the ability of many of his own retailers to continue to compete in the marketplace. Surely the gentleman from North Carolina doesn't believe that his home State should not have the benefits which a viable retail market brings to the economic health of his State.

Mr. President, let me conclude by saying I am proud of the fact that this bill is on the floor of the Senate. I am proud of the fact that the Members of this Senate are going to have an opportunity to vote or it, and the issue is going to be whether or not we move forward and bring the matter to issue; whether or not we vote up or down on the bill.

I hope that all Members of this Senate will recognize that this bill is before us; it is a consumer bill; it is a bill that, if you are concerned about the consumers of this country—and yes, in the case of the retail furniture dealers in North Carolina and so many others who have discounted prices—if you are concerned about the jobs in those industries then I hope all Members of the Senate will see fit to vote "yes" and vote cloture so we can get on to the merits of the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. METZENBAUM. I thank the Senator from Arizona.

Mr. DECONCINI. I am glad to accommodate the Senator from Ohio. I thank him also.

PEACE MAY FINALLY BE AT HAND IN ANGOLA

Mr. DECONCINI. I am pleased to join the Senator from Kansas, I see Senator KASSEBAUM here, today, to mark an event which I think all of us have long awaited and discussed many, many times on the floor here. It was announced last week that months of tedious and detailed negotiations between UNITA and the Government of Angola appear to have resulted in an agreement on two long sought after details—a date for a verifiable cease-fire between the parties, and a date for free and fair internationally monitored elections in Angola.

With the achievement of these twin goals, the killing and famine which have long plagued the people of Angola may finally be coming to an end. We are not there yet. After more than 15 years of civil war and decades of anticolonial fighting, animosity and distrust between UNITA and MPLA runs deep. There will undoubtedly be problems along the way.

Angola is a vast country and the accords will not be easy to implement, but both sides have a vested interest in ensuring that the accords are fully complied with. The people—who have suffered for far too long—will be certain to hold their leaders accountable for ensuring that peace is finally achieved.

First, however, Dr. Savimbi and President Dos Santos must sign the cease-fire accords. I am confident that Dr. Savimbi is eager to sign the document, having talked to him myself, now that a date has finally been confirmed. UNITA, under his leadership, has been calling for free and fair elections for a number of years. His tenacity in adhering to this goal is a mark of his willingness to compromise with the Angolan Government and be a good partner in the peace process.

I am hopeful that Dr. Dos Santos, who has demonstrated increased flexibility in the negotiations in recent months, will also be ready to sign this important document. Instead of a hastily convened photo opportunity for a handshake, as was experienced in the summer of 1989, these accords have been fully hammered out after considerable debate between the negotiators and among the rank and file of each party.

President Dos Santos' stewardship of the MPLA has helped, and I must say so publicly, to bring Angola to this point. It is now up to everyone involved on all sides of the issue to ensure that the momentum which we have gained thus far will continue.

I am hopeful that the cease-fire takes hold. As the preparations for multiparty elections continue, we in this country can move our rhetoric away from the polarized views that have so enraptured some groups in this country. Our initial policy toward Angola was a desire to end Soviet and Cuban military involvement in Angola and to allow the people of that country to freely choose what form of government they wanted themselves. Is that asking too much?

This policy was partially achieved when the implementation of the Tripartite accords, among Angola, Cuba, and South Africa in 1988 were signed. With the signing of the Angola cease-fire, which also ensures multiparty elections, this process will be completed.

Some people, however, believe that supports for UNITA was also support for South Africa and its form of government. I want to state as clearly as this Senator can that that is not the case with this Senator nor, I believe, with most of the Members of Congress who have supported UNITA.

I voted to override President Reagan's veto of the South African sanction bill, and I continue to hope that that process begun by President de Klerk will result in true democracy in South Africa. I want the same for Angola: A government chosen through free and fair multiparty democratic elections. We witnessed this achievement in Namibia. We also want this for South Africa and Angola, and we want to see it come about under the terms of this agreement.

So to say that Africa is not ready for democracy is condescending at best and, dare I say it racist at worst. Our goal for every country in Africa, from South Africa to Angola, from Kenya to Zaire, should be the same as it is for every country in Eastern Europe, every country in Latin America, and every country in the Middle East: A freely chosen democratic government. It is also important to recognize the work of those who have helped keep the process on track.

The Soviet willingness to end its delivery of massive military aid, combined with the thaw in United States-Soviet relations under the able leadership of former Soviet Foreign Minister Eduard Shevardnadze, was essential in reaching this stage. We also owe a debt of gratitude to the Portuguese Government for using its good offices to conduct the negotiations and for choosing Don Barroso to lead the talks.

I might also add, going back to the Soviet Union, President Gorbachev also played a role in this by designating Mr. Shevardnadze to find a solution to this particular problem and to agree to reduce the amount of arms shipped to Angola.

Secretary of State James Baker deserves our commendation for steadfastly maintaining the United States policy of support for UNITA and for bringing the Soviets along in the peace process.

Finally, I want to express to the Senate my thanks and appreciation to Assistant Secretary Hank Cohen for his tenacity and vision to urge, cajole, and prod both UNITA and the MPLA to the negotiating table. Also to his predecessor, Chester Crocker, who also demonstrated that you can achieve something if your principle is right and you are willing to take the time and persist and prod each side time and time again. Both these gentlemen did that and they did it—and I thank them for it—in consultation with a number of us here in the Congress of the United States through trying to maintain our support for our commitment of assistance to UNITA.

Much more must be accomplished in order to successfully complete this process and will not be easy.

To further this process, I am going to introduce a resolution supporting the peace process congratulating the parties involved for their willingness to compromise and calling for appropriate humanitarian assistance. This assistance is designed to help end the suffering of the people of Angola and to encourage them to maintain the course for peace. We must recognize that just as the United States played a role in Angola's civil war, so will it play a constructive role in Angola's peace and national reconciliation.

I thank the Chair.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas [Mrs. KASSEBAUM].

PROGRESS TOWARD ENDING THE ANGOLAN CIVIL CONFLICT

Mrs. KASSEBAUM. Mr. President, I am pleased to be able to join with the Senator from Arizona [Mr. DECONCINI] and also the Senator from Illinois who is now on the floor, Mr. SIMON, who played a critical role through the years in following the revolution in Angola; particularly, Senator DECONCINI who has followed so closely the events taking place there, particularly, the work of Dr. Savimbi.

On May 1, after nearly a month of nonstop negotiations, top Angolan Government and Unita officials initiated agreements on a cease-fire and political issues. This event marks a dramatic and very important step toward ending the tragic civil conflict in Angola.

The initialed accords set forth a framework for the peaceful resolution of Angolan civil war. Under the settlement, by May 15, after consultations, both sides should formally agree to the documents. At that time, a de facto cease-fire goes into effect until the formal cease-fire signing remony takes place in late May. In June, U.N. observer groups assume responsibility for monitoring the cease-fire and assisting with the integration of a national army. As the cease-fire goes into effect, all outside lethal assistance ceases. The process then calls for multiparty elections, scheduled between September and November 1992.

Mr. President, this settlement was the outcome of complex and very difficult negotiations over fundamental issues about the future of the Angolan nation. The positive outcome of these talks illustrates the tremendous flexibility shown by both the Angolan Government and Unita.

The agreement in Lisbon also symbolizes the new relationship between the Soviet Union and the United States. For many years, Washington and Moscow fought the cold war through their respective Angolan clients. Now the Soviets and Americans are working in a constructive way—to end the tragic suffering in Angola.

Assistant Secretary of State for African Affairs Herman Cohen and Secretary of State James Baker have played very important and constructive roles in the progress attained to this date. I commend their efforts.

I also commend the efforts of the Portuguese mediators, particularly Secretary of State for Foreign Affairs Dr. Barroso, whose forbearance and determination kept the talks on track even in difficult times.

As we recognize this most recent step toward peace in southern Africa, we should acknowledge the tremendous contributions of former Assistant Secretary Chet Crocker to the resolution of the Angolan conflict. Dr. Crocker worked patiently for 8 long years, negotiating the independence of Namibia and the withdrawal of Cuban troops from Angola. His dedicated efforts set the stage for the progress achieved last week in Lisbon.

Mr. President, while we recognize the important steps toward peace in Angola, many roadblocks still stand in the way of a lasting settlement. A national army must be constructed out of the two conflicting factions, demobilizing thousands of soldiers. The Angolan Government must reform its statist economy while campaigning for the 1992 elections. Age-old rivalries and tensions must be transformed into trusting relationships. The peace process is fraught with many risks.

Just as the United States, the Soviet Union, and Portugal have invested much time and effort into reaching the settlement in Lisbon, the three nations must remain focused on Angola in the coming months—working with both the Angolan Government and Unita to ensure that the principles in the settlement are implemented. This is a unique opportunity for peace in Angola, one which must be seized—or perhaps lost forever.

We in Congress should continue to focus on promoting peace, democracy, and development in Angola. Many hours have been spent on this floor debating the direction of United States policy toward Angola. I would hope that this level of interest would not subside—that we will be just as concerned about a peaceful and democratic Angola, as we have been in a divided and embattled one.

Mr. President, the potential ending of the conflict in Angola is an important event for all of Africa. Angola is a nation of temendous economic resources. Combined with the dramatic changes in South Africa—where apartheid appears to be in its final stages—southern Africa now has the potential to emerge as an economic powerhouse. And a vibrant, peaceful, and democratic southern Africa can serve as an engine of growth for all of Africa.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I join my colleagues in welcoming the developments in Angola. I join in commending all of those who had anything to do with the developments there. Assistant Secretary of State Herman Cohen, better known as Hank Cohen, has been particularly instrumental in this whole field.

I differed with my colleague, Senator DECONCINI, on the wisdom of our assistance to the Savimbi side of things. I felt we should not get involved in the civil war situation. But that is history now.

I cannot help but contrast our very active assistance to Savimbi against the Government there and our unwillingness to do almost anything to help the people who are struggling against Mr. Saddam Hussein in Iraq. There is some slight inconsistency, in terms of our policy.

But now we have moved to the point where the sides have come together. I have not seen the language of the legislation of my colleague from Arizona, Senator DECONCINI, but knowing his restraint I assume that is language to which I can agree. If it is general language of commendation, I would like to be listed as a cosponsor.

Mr. DECONCINI. I can assure the Senator it is.

Mr. SIMON. With that assurance of my colleague from Arizona, I ask unanimous consent to be added as a cosponsor, Mr. President.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

Mr. SIMON. In ways we cannot know, we are all one people all over the world. We have just recently experienced the death of Norman Cousins, a remarkable man. But he said what is fascinating about the human equation is you can take the smallest particle of any human being and it is absolutely distinctive from every other human being on the face of the Earth, that DNA gene we have, and yet there is so much we have in common. How achieving peace in Angola is going to help that 15-month-old granddaughter I now have I cannot tell you, but I know instinctively in same way it is going to help that grandchild of mine.

This is good news for the people of Angola. It is good news for the people of that region of Africa. But it is good news for all of humanity. I join Senator KASSEBAUM and Senator DECONCINI in welcoming this development.

Mr. President, I yield the floor. If no one seeks the floor, Mr. President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I want to assure my colleague from Alabama, who was just about to take the floor, I will be taking just a few minutes.

THE CONSUMER PROTECTION AGAINST PRICE-FIXING ACT OF 1991—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. SIMON. Mr. President, I rise in support of S. 429. I am pleased to be a cosponsor of this particular piece of legislation. What it does is to protect the consumers of this country. That is simply all it does. It asks we let the free enterprise system function, that we not tolerate monopolistic tendencies.

The bill, as I understand it, does three things. It reaffirms that vertical price fixing is a per se violation of the antitrust laws. I do not think there is great disagreement on that, although to those who want to have the law protect their business interests and not have competition, I suppose there is objection to that.

The second section—and I think this is important—deals with the Monsanto case in the U.S. Supreme Court that makes it very difficult for an individual to file on the price-fixing matter.

The third thing it does is it reverses the Sharp decision of the Court and simply provides that an agreement between a manufacturer and one of his dealers to terminate another competing dealer because of a competing dealer's pricing policies is per se or automatically unlawful, whether or not a specific price or price level is agreed upon.

It hardly seems we are asking too much in those three things. That is what the bill does.

I ask unanimous consent, Mr. President, to insert in the RECORD an excellent letter to the editor which appeared in the New York Times from Attorney General Robert Abrams of the State of New York.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 18, 1991]

PRICE FIXING ALWAYS VICTIMIZES THE CONSUMER

To the Editor:

In the course of "Price Fixing Isn't Always Gouging" (editorial, April 1), your apologia for vertical price fixing, you assert that illegal conspiracies to boost the retail price of a product between manufacturers and their retailers "aren't common." This is particularly ill-timed.

Just a week earlier, all 50 state attorneys general ended one of the largest vertical price-fixing cases in the history of antitrust enforcement with an $8 million settlement against the Japanese electronics giant Mitsubishi for an illegal scheme that cheated more than 260,000 United States purchasers of televisions.

A week after your editorial, 40 states, led by New York, joined the Federal Trade Commission in a case in which Nintendo, a company with $4 billion in United States sales last year, illegally conspired to boost the price of its video game consoles to nine million consumers.

These cases are but the latest in a line that includes a 49-state settlement with Panasonic in 1989 and a 37-state settlement with Minolta in 1986. These cases involved millions of dollars in overcharging by vertical conspiracies. Of local interest to New Yorkers were cases we brought in 1981 in which 47 milk distributors pleaded guilty to criminal charges in a vertical price fixing scheme that inflated consumer prices.

The real issue is not whether or not illegal vertical price fixing exists: it's endemic. The real issue is whether or not antitrust enforcers have the tools to find and prosecute these conspiracies. The two recent Supreme Court decisions you praised put extraordinary roadblocks in our way. These decisions did not, as you state, redefine if or when vertical price fixing is illegal. Rather, the Court adopted absurdly restrictive burden of proof requirements that makes it easy for companies to disguise their behavior so that illegal conspiracies cannot be brought to court by government enforcers or by the discount stores that are victimized by these practices.

Indeed, Terry Calvani, former Federal Trade Commissioner, said the Supreme Court's rulings left such big loopholes that a corporate officer would have to have "an I.Q. two points lower than a carrot" to get caught. Antitrust enforcers can recount scores of tales of retailers calling our officers too scared to give their names, telling of coercion and intimidation by manufacturers' representatives and rival dealers because their prices were too low. Under the Supreme Court's rules we would have little chance of making a case.

The effect of the bill sponsored by Senator Howard Metzenbaum, which you now oppose after years of consistent support for tough antitrust enforcement, would simply be to overturn these burden of proof requirements, so that vertical price fixing cases could go before juries. It would put teeth back into a statute that has been rendered virtually unenforceable, and 45 state attorneys general support it for that reason.

As to the economic effect of vertical price fixing, you pass it off as a generally benign process designed to "encourage better service to consumers." The reality is quite different. If manufacturers want better service, there are dozens of legal ways to require it directly, short of price fixing and raising retail prices. The true effect of vertical price fixing is exactly what one would expect: if you increase prices to consumers, you increase profits for the retailers and for the manufacturers.

The Federal Trade Commission found vertical price fixing inflates prices to consumers 10 percent to 23 percent.

ROBERT ABRAMS,
New York State Attorney General.

NEW YORK, *April 12, 1991.*

Mr. SIMON. I hope we will provide the 60 votes for the cloture vote, we will in this body stand up strongly and firmly for the consumers of this Nation. I think we have an obligation to do that, and I am pleased to stand up and support this piece of legislation.

I yield the floor.

Mr. HEFLIN. Mr. President, I appreciate the opportunity to rise and discuss this important piece of legislation. The subject of illegal price fixing is a significant issue facing today's marketplace. However, unlike the proponents of this bill, I do not believe that this issue and the surrounding law has reached a point which warrants congressional action. Therefore, I strongly oppose this bill and urge my colleagues to join me in seeing that this legislation is defeated.

This bill was voted down by a vote in the Judiciary Committee of 8 to 6. The reason we are here today is due to an unusual arrangement which was entered into by the chairman and ranking member of the Judiciary Committee with the chief proponent of this bill. I recognize that the leadership of the Judiciary Committee had strong reasons for entering into this agreement; namely, to ensure the passage of a number of important pieces of legislation which were pending during the closing days of the 101st Congress. I recognize the critical and devoted leadership that heads the Judiciary Committee, and I am not criticizing what they did. However, I voted against this legislation moving forward under the expedited procedures which were contained in this committee leadership agreement with Senator METZENBAUM. However, the vote to report the bill to the floor was by a 10-to-4 vote, but it was a vote to report it without recommendation.

This bill purports to do three things. It will codify the per se rule against vertical price restraints. That is already in the law. It is the law, and it adds nothing to the body of the law in regard to the per se rule.

Second, the bill provides for a change in the evidentiary standard necessary for a vertical price-fixing case to reach the jury. This is my major complaint about the proposed legislation.

Third, the bill substantially changes the antitrust laws to provide an agreement between a supplier and one of the supplier's purchasers to terminate another competing purchaser because his policy is per se unlawful, whether or not price or a price level has been agreed upon.

Let me note that I clearly believe that vertical constraints on price or price levels are and should be illegal. This is a longstanding part of the antitrust laws and one which should not be changed. However, I also believe that the case has not yet been made for substantially altering existing law, and further, for legislatively overturning the Supreme Court decisions in Monsanto versus Spray-Rite, and Business Electronics versus Sharp Electronics.

The Monsanto case was the opinion of the unanimous Supreme Court. I note that Justice Brennan, Justice Marshall, and all of the Justices voted for the Monsanto opinion. In that case, the Court went to great lengths to try to describe the evidentiary standards necessary for a vertical price-fixing case to reach a jury. This case followed the longstanding precedent of the United States versus Colgate Co. case, which held that to have a vertical price-fixing case there must be some type of conspiracy between the players, and that the independent and unilateral action of a distributor to terminate a retailer does not give rise to an antitrust violation.

This proposed bill totally abrogates the history and tradition of the antitrust laws. The first sentence of the Sherman Act states:

> Every contract, combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal.

This bill does violence to this statement and to the longstanding interpretation of the Sherman Act.

The bill generally overturns the Monsanto decision and provides, in order for an antitrust case to reach a jury, there merely needs to be, one, a complaint; second, a subsequent termination. First, a complaint by a retailer to a distributor about unfair price competition; and second, a subsequent termination of a competing retailer by the distributor.

Such a lenient standard is contrary to the whole notion of the antitrust laws that there be some type of conspiracy or agreement between the participants in the marketplace. As a result, if this legislation is enacted, there will be a substantial chilling effect on business communication. Retailers and distributors will simply cease to have open and frank business communications for fear that their talks may someday give rise to an antitrust lawsuit.

I think this is a very complicated matter, a matter that a great number of people will not understand. It deals with evidentiary standards to prove a conspiracy or to prove an agreement relative to price fixing. I think the analogy can be given in criminal law as to the effect that if a person that is charged was at the scene of the crime and there was a weapon there and a deceased person, that is about all that is necessary to say that the accused was guilty of murder, or of a homicide, or at least it could go to the jury.

When we look and see about this matter, it appears to me that the courts are better equipped to make the determination in regard to an evidentiary standard. Actually, the author of the Sherman Act aptly expressed this sentiment over 100 years ago in what he said the way he thought these cases ought to be determined. He said:

> It is difficult to define in legal language the precise line between lawful and unlawful combinations. This must be left for the courts to determine in each particular case. All that we as lawmakers can do is declare general principles, and we can be assured that the courts will apply them so as to carry out the meaning of the law, as the courts of England and the United States have done for centuries.

This was stated in 1889. I think it is still applicable today.

We are at a stage where we are dealing with a summary judgment. I would guess there are many Members of the Senate that are not familiar with court proceedings and do not understand what is a summary judgment. Without going into all of the details, it seems to me that the determination of the evidentiary standard ought to be made by the courts rather than by Congress in this instance.

In addition to overturning the unanimous Supreme Court in Monsanto, the proponents of this bill are seeking to overturn a 6–2 decision of the Court in Business Electronics Corp. versus Sharp Electronics Corp. It is interesting to see that the two dissenters were Justice White and Justice Stevens. Justice Brennan and Justice Marshall voted with the majority in the Sharp case.

I do not think there were any two members of the Supreme Court who were more consumer minded than Justice Brennan was when he was on the Court, and Justice Marshall. Nevertheless, they felt that the evidentiary standards established by the Court in Monsanto were correct for consumers and that they were correct for business.

There has to be a balance in regard to court cases, and there has to be a balance in regard to evidentiary standards. In Sharp, the Court held that "a vertical price restraint is not illegal per se, unless it includes some agreement on price or price levels."

This statement of the Court needs some background and explanation. The antitrust laws provide two standards for determining whether some action is illegal. The first is the per se rule. That is, when you have the proof that there is an agreement, or a combination, or conspiracy, then automatically it is illegal, and it is a violation of the law.

The antitrust laws provide another standard in some instances. The first, as I mentioned, was the per se rule. This rule generally provides that actions which are undertaken by the parties who are accused of wrongdoing are generally assumed to be illegal. This is a very high and a very harsh, but proper, standard and is only used in cases which are especially harmful to the marketplace.

The other standard by which antitrust cases are measured is known as the "rule of reason" test. This standard is lower than the per se rule and generally provides that the factfinder, after all of the evidence is in, must decide that the alleged actions are more harmful than helpful to the marketplace.

Given this context, what the Court was basically saying in the Sharp decision is that if this very high per se rule is going to be used to judge the illegality of the anticompetitive actions, there must have been some agreement between the parties as to price or price levels. Further, even if the anticompetitive action never resulted in an agreement as to price or price level, then a "rule of reason" analysis will still apply in such a case.

The proponents of this bill want to abolish this important standard and relax the standards which are necessary in order to be able to use the per se rule. By suggesting such a course of action, the proponents are not realistically looking at the business marketplace, because by suggesting a lower threshold for using this per se rule, they are simply inviting the floodgates of litigation to overwhelm the Federal courts by relaxing the standards necessary to prove an antitrust lawsuit.

In conclusion, I note that over the years, as the Judiciary Committee has reviewed this legislation, there has been a substantial change of opinion. The Judiciary Committee has progressed over 4 years from strongly supporting this bill, to barely reporting out the bill during the last Congress, to taking a position in opposition to this legislation. Given time to examine the issues surrounding this bill and the application of these Supreme Court precedents, the committee has reached the conclusion that this legislation is simply not necessary. In fact, it will be affirmatively harmful to American business and American consumers. I say "to consumers" because I think it will chill communications. Communications between business people, the distributor, and the retailer is extremely important in ascertaining many aspects dealing with merchandise. During my tenure in the Senate, I have fought hard for consumers and working men and women both in Alabama and throughout the United States. I believe if this legislation is enacted, it will potentially have a serious chilling effect on communications between manufacturers and dealers and thereby impact on the overall quality and service available to consumers. Therefore, this legislation should be rejected.

I urge my colleagues to join with me in opposing this needless legislation and continue to leave it up to the courts on these very complicated and technical matters, rather than Congress getting itself involved in such.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF ICELAND—MESSAGE FROM THE PRESIDENT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1823, was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith the Agreement between the Government of the United States of America and the Government of the Republic of Iceland Amending and Extending the Agreement of September 21, 1984, Concerning Fisheries off the Coasts of the United States, as amended and extended. The agreement, which was effected by exchange of notes at Washington on February 11 and April 5, 1991, copies of which are attached, extends the 1984 agreement for an additional 2 years and 6 months, from July 1, 1991, to December 31, 1993. The exchange of notes together with the 1984 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act. The exchange of notes also amends the 1984 agreement to incorporate the latest changes in U.S. law and policy into the agreement.

I urge that the Congress give favorable consideration to this agreement at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *May 6, 1991.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate on January 3, 1991, the Secretary of the Senate, on April 30, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 173. Joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

Under the authority of the order of the Senate on January 3, 1991, the enrolled joint resolution was signed on May 6, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 1:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 258. A bill to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1236. An act to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes;

H.R. 1455. An act to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 1988. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes;

H.R. 2122. An act to authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict;

H.J. Res. 109. Joint resolution designating each of the weeks beginning May 12, 1991, and May 10, 1992, as "Emergency Medical Services Week";

H.J. Res. 120. Joint resolution to designate May 1991 as "National Physical Fitness and Sports Month";

H.J. Res. 141. Joint resolution designating the week beginning May 13, 1991, as "National Senior Nutrition Week";

H.J. Res. 194. Joint resolution designating May 12, 1991, as "Infant Mortality Awareness Day"; and

H.J. Res. 214. Joint resolution recognizing the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 109. A concurrent resolution commemorating the thirtieth anniversary of the ratification and entry into force of the Antarctic Treaty on June 23, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals development and related activities for at least 99 years at the current meeting of the parties to the Antarctic Treaty in Madrid, Spain.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1236. An act to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1988. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.J. Res. 109. Joint resolution designating each of the weeks beginning May 12, 1991, and May 10, 1992, as "Emergency Medical Services Week"; to the Committee on the Judiciary.

H.J. Res. 120. Joint resolution to designate May 1991 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

H.J. Res. 141. Joint resolution designating the week beginning May 13, 1991, as "National Senior Nutrition Week"; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated;

H. Con. Res. 109. A concurrent resolution commemorating the thirtieth anniversary of the ratification and entry into force of the Antarctic Treaty on June 23, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals development and related activities for at least 99 years at the current meeting of the parties to the Antarctic Treaty in Madrid, Spain; to the Committee on Foreign Relations.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on April 26, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 98. Joint resolution to express appreciation for the benefit brought to the Nation by Amtrak during its twenty years of existence; and

S.J. Res. 102. Joint resolution designating the second week in May 1991 as "National Tourism Week."

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of April 23, 1991, the following reports of committees were submitted on May 2, 1991, during the recess of the Senate:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

S. 676. A bill to provide for testing for the use, in violation of law or Federal regulation, of alcohol or controlled substances by persons who operate aircraft, trains, and commercial motor vehicles, and for other purposes (Rept. No. 102-54).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1031. A communication from the General Sales Manager and Associate Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, modification to agricultural commodities and quantities available for programming under Public Law 480 during fiscal year 1991; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1032. A communication from the Administrator of the Rural Electrification Administration, transmitting, pursuant to law, a report entitled "Return to the Mission"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1033. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated April 1, 1991; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1034. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Remanufacturing Study"; to the Committee on Armed Services.

EC-1035. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Office of the Chief of Legislative Liaison, Department of the Army, transmitting, pursuant to law, a report on the decision to retain the Commissary Storage and Issue function at Fort Jackson, South Carolina, as an in-house operation; to the Committee on Armed Services.

EC-1036. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 159 of title 10, United States Code, to authorize the Secretary of Defense, or his designee, to acquire leasehold interests in real property in support of special operations forces and activities; to the Committee on Armed Services.

EC-1037. A communication from the Assistant Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to create a Physician Assistant Section within the Army Medical Specialist Corps; to the Committee on Armed Services.

EC-1038. A communication from the Assistant Secretary of Energy (Defense Programs), transmitting, pursuant to law, notice of a delay in the submission of the report on remanufacture of nuclear stockpile weapons; to the Committee on Armed Services.

EC-1039. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report on applications for delays of notice and customer challenges under provisions of the Right of Financial Privacy Act for calendar year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-1040. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, pursuant to law, the annual report on enforcement activities relating to the Equal Credit Opportunity Act for calendar year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-1041. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board of Governors of the Federal Reserve System for calendar year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-1042. A communication from the Acting Assistant Secretary of the Treasury (Legislative Affairs), transmitting, pursuant to law, guidelines issued by financial regulators to clarify certain regulatory and accounting policies; to the Committee on Banking, Housing, and Urban Affairs.

EC-1043. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the interim report on the property disposition strategies of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC-1044. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving United States exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1045. A communication from the President of the Oversight Board, and the Executive Director of the Resolution Trust Corporation, transmitting, pursuant to law, the semiannual reports on the activities and efforts of the RTC, the Federal Deposit Insurance Corporation, and the Oversight Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-1046. A communication from the Secretary of Housing, and Urban Affairs, transmitting, pursuant to law, a report entitled "Radon in HUD Assisted Multifamily Housing: Policy Recommendations to Congress"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1047. A communication from the Secretary of Housing, and Urban Development, transmitting, pursuant to law, a report on barriers to resident management in public housing; to the Committee on Banking, Housing, and Urban Affairs.

EC-1048. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit-resolution Trust Corporation's 1989 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC-1049. A communication from the Acting Chairman of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, purusant to law, a report entitled "Personal Property Appraisal Study"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1050. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit-Resolution Funding Corporation's 1989 Financial Statements"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1051. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, notification that the growth of the real Gross National Product during the first calendar quarter of 1991 indicated that growth was less that 1.0

percent during that quarter and the preceding quarter; to the Committee on the Budget.

EC–1052. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a "Pay-as-you-go" report; to the Committee on the Budget.

EC–1053. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1054. A communication from the Principal Deputy Secretary of Defense (Production and Logistics), transmitting, pursuant to law, a report on the Department of Defense Metric Transition Program for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC–1055. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on the status of actions taken to reduce adverse impact from aircraft overflights of National Park units; to the Committee on Commerce, Science, and Transportation.

EC–1056. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual technology transfer report for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC–1057. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Emergency Flow Restricting Devices Study"; to the Committee on Commerce, Science, and Transportation.

EC–1058. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Improved Brake Systems for Commercial Motor Vehicles"; to the Committee on Commerce, Science, and Transportation.

EC–1059. A communication from the Assistant Secretary of Commerce (Tourism Marketing), transmitting, pursuant to law, a marketing plan for fiscal year 1992 designed to stimulate and encourage travel to the United States from nations abroad; to the Committee on Commerce, Science, and Transportation.

EC–1060. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to withdraw certain public lands in Eddy County, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

EC–1061. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on activities carried out under the Youth Conservation Corps Act for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC–1062. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report stating that it is necessary to construct modifications to the Verde River dams (Bartlett and Horeshoe Dams), Salt River Project, Arizona; to the Committee on Energy and Natural Resources.

EC–1063. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1064. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

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EC–1066. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1067. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1068. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1069. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the text of the long-term timber sale contracts in Alaska; to the Committee on Energy and Natural Resources.

EC–1070. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on operating, statistical, and financial information about the Government's helium program for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC–1071. A communication from the Assistant Secretary of Conservation and Renewable Energy of the Department of Energy, transmitting, pursuant to law, a quarterly report on expenditures and enforcement actions during the first quarter of fiscal year 1991; to the Committee on Energy and Natural Resources.

EC–1072. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1990 annual report for the Interior Department's Office of Surface Mining Reclamation and Enforcement; to the Committee on Energy and Natural Resources.

EC–1073. A communication from the Assistant Secretary of Conservation and Renewable Energy, transmitting, pursuant to law, an annual report on the use of alcohol in fuels; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 986. A bill to amend title 28, United States Code, to expand the original jurisdiction of Federal district courts in certain civil actions; to the Committee on the Judiciary.

By Mr. MITCHELL:

S.J. Res. 137. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985. A joint resolution; to the Committee on the Budget, pursuant to the order of section 258(a)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985.

By Mr. SPECTER:

S.J. Res. 138. A joint resolution designating August 6, 1991 as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred, or acted upon, as indicated:

By Mr. RIEGLE:

S. Res. 119. A resolution to express the sense of the Senate that the United States should recognize the Government of the Republic of Lithuania; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL:

S.J. Res. 137. Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; pursuant to section 258(a)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to the Committee on the Budget.

SUSPENSION OF CERTAIN PROVISIONS OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that a letter from Mr. Reischauer of CBO, relating to the resolution just introduced, be placed in the RECORD following the text of the joint resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 137

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that the conditions specified in section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met, and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 30, 1991.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Under section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Congressional Budget Office must notify the Congress in the event of an economic slowdown. The section reads in part:

(j) Low-growth report.—At any time, CBO shall notify the Congress if—

(2) the most recent of the Department of Commerce's advance preliminary or final report of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediate preceding quarter is less than one percent.

This letter serves to notify the Congress that on April 26, 1991, the Department of Commerce's advance report on the growth of real Gross National Product during the first calendar quarter of 1991 indicated that growth was less than 1.0 percent during that quarter and the preceding quarter.

Sincerely,

ROBERT D. REISCHAUER,
Director.

By Mr. SPECTER:

S.J. Res. 138. Joint resolution designating August 6, 1991 as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. SPECTER. Mr. President, today I introduce a joint resolution which commends the Nation's Neighborhood Crime Watch groups and designates August 6, 1991, as "National Neighborhood Crime Watch Day."

One such group, the National Association of Town Watch [NATW] has made significant contributions in helping neighborhoods throughout the country in their fight against crime. The association's seventh annual national night out crime prevention project, which was held August 7, 1990, involved citizens and police in 8,140 communities in all 50 States, U.S. territories, Canadian cities, and military bases around the world. Three years ago, I joined then-Vice President Bush and NATW's executive director, Matt Peskin, for the kickoff ceremony in Philadelphia. Two years ago, the kickoff ceremony was hosted by the Federal Bureau of Investigation [FBI] and its Director William Sessions here in Washington, DC.

During national night out, residents in neighborhoods across the Nation will sit on lighted porches, enjoy visits from local police, and participate in a variety of special events such as block parties, cookouts, and parades.

Nationally, 20.8 million Americans participated in national night out in 1990. This unique anticrime effort heightens crime prevention awareness and reunites communities and local law enforcement agencies.

The theme for national night out 1991 is "Give Neighborhood Crime and Drugs a Going Away Party." This theme represents an important message: That neighborhood crime watch groups make a valuable contribution to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers.

The National Association of Town Watch is a unique organization, serving as liaison among thousands of communities involved in crime prevention programs and representing the entire spectrum of programs concerned with the serious problem of crime in our neighborhoods. As such, it helps coordinate the anticrime efforts of, and provides information and assistance to, the many communities involved in organized crime prevention programs.

Under the leadership of Mr. Matt Peskin, NATW received the prestigious National Constituency Organization Award in 1986 and 1988, presented by the Crime Prevention Council, the Crime Prevention Coalition, and the U.S. Department of Justice, for the association's extraordinary efforts in fighting crime.

In association with other anticrime organizations, NATW works to reduce the neighborhood crime rate and to enhance the police-community relationship. Nearly obsolete in the 1960's and 1970's, the notion of the police and community cooperating with each other now is being institutionalized. No longer are people as afraid to call the police, and law enforcement organizations now recognize the citizens' role in fighting crime.

In correspondence with my office, the U.S. Department of Justice noted that "NATW has done exemplary work and has made significant contributions to the overall national crime prevention effort." The Department also indicated that "national night out is an excellent program and should be continued."

As a former district attorney, current member of the Senate Judiciary Committee and cochairman of the congressional crime caucus, I have actively pursued initiatives to fight street crime. Accordingly, I commend the efforts of NATW and all the participants in national night out.

Mr. President, I urge my colleagues to join in supporting this important resolution to recognize the active involvement of neighborhood organizations in the ongoing fight against crime and designate August 6, 1991, as National Neighbordood Crime Watch Day.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 138

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness of, and participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the national war on drugs by helping to prevent their communities from becoming markets for drug dealers;

Whereas citizens across the United States will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 10 o'clock p.m. on August 6, 1991, with their neighbors in front of their homes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 6, 1991, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe National Neighborhood Crime Watch Day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DODD, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 5, a bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

S. 108

At the request of Mr. PRESSLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 108, a bill to make a technical amendment to the Mount Rushmore Commemorative Coin Act to conform to the intent of Congress.

S. 200

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 200, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions from broker reporting requirements, and to make certain clarifications relating to such requirements.

S. 202

At the request of Mr. COCHRAN, the name of the Senator from Nevada [Mr. REID] was withdrawn as a cosponsor of S. 202, a bill to amend the Fair Labor Standards Act of 1938 to exempt from such act certain individuals involved in model garment programs, and for other purposes.

S. 240

At the request of Mrs. KASSEBAUM, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 279

At the request of Mr. BRYAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 279, a bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes.

S. 327

At the request of Mr. BOREN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 358

At the request of Mr. INOUYE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 358, a bill to establish a temporary program under which perental diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer, and for other purposes.

S. 433

At the request of Mr. BUMPERS, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 433, a bill to provide for the disposition of certain minerals on Federal lands, and for other purposes.

S. 463

At the request of Mr. HATFIELD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 463, a bill to establish within the Department of Education an Office of Community Colleges.

S. 466

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 466, a bill to amend the Internal Revenue Code of 1986 to provide for a renewable energy production credit, and for other purposes.

S. 511

At the request of Mr. DODD, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. GLENN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 511, a bill to establish programs to improve foreign instruction and to amend the Higher Education Act of 1965 in order to promote equal access to opportunities to study abroad, and for other purposes.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition—under a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927—and related beneficiaries—and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 602

At the requrest of Mr. SASSER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 602, a bill to improve the food stamp and nutrition programs, and for other purposes.

S. 651

At the request of Mr. GARN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 673

At the request of Mr. DODD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 673, a bill to amend the Occupational Safety and Health Act of 1970 to establish an Office of Construction Safety, Health, and Education, to improve inspections, investigation, reporting, and recordkeeping on construction sites, to require the designation of project constructors who have overall responsibility for safety and health on construction sites, to require project constructors to establish safety and health plans, to require construction employers to establish safety and health programs, and for other purposes.

S. 715

At the request of Mr. BURNS, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 717

At the request of Mr. SYMMS, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 717, a bill to amend title XVIII of the Social Security Act to provide for the exclusion of all rural areas from Medicare payment reductions for the services of new physicians provided in such areas.

S. 810

At the request of Mr. HARKIN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 810, a bill to improve counseling services for elementary school children.

S. 843

At the request of Mr. BREAUX, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 844

At the request of Mr. DOMENICI, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Dakota [Mr. BURDICK], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 844, a bill to provide for the minting and circulation of one dollar coins.

S. 845

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 845, a bill to direct the Secretary of State to seek an agreement from the Arab countries to end certain passport and visa policies and for other purposes.

S. 847

At the request of Mr. BURNS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 847, a bill to limit spending increases for fiscal years 1992 through 1995 to 4 percent.

S. 856

At the request of Mr. MACK, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 856, a bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the medicaid program, and for other purposes.

S. 860

At the request of Mr. DOLE, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 860, a bill to support democracy and self-determination in the Baltic States and the republics within the Soviet Union.

S. 878

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

S. 909

At the request of Mr. LEAHY, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 909, a bill to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

S. 914

At the request of Mr. GLENN, the names of the Senator from Kentucky [Mr. FORD], the Senator from Maryland [Mr. SARBANES], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 941

At the request of Mr. INOUYE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 941, a bill to provide for the establishment of a National Center for Youth Development within the Cooperative Extension Service to conduct activities to improve community-based adolescent health promotion and education in rural areas, and for other purposes.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Maine [Mr. COHEN], the Senator from Colorado [Mr. BROWN], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 82

At the request of Mr. SPECTER, the names of the Senator from Illinois [Mr. SIMON], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. RIEGLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Washington [Mr. ADAMS], the Senator from California [Mr. SEYMOUR], the Senator from Alaska [Mr. STEVENS], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 82, a joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week."

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Illinois [Mr. DIXON], and the Senator from Utah [Mr. GARN], were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE JOINT RESOLUTION 120

At the request of Mr. INOUYE, the names of the Senator from Virginia [Mr. ROBB], the Senator from Tennessee [Mr. GORE], the Senator from Kansas [Mr. DOLE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington [Mr. ADAMS], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Ohio [Mr. GLENN], were added as cosponsors of Senate Joint Resolution 120, a joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

SENATE JOINT RESOLUTION 127

At the request of Mrs. KASSEBAUM, the names of the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. MCCAIN], the Senator from Texas [Mr. BENTSEN], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. SHELBY], the Senator from Washington [Mr. ADAMS], and the Senator from Indiana [Mr. LUGAR], were added as cosponsors of Senate Joint Resolution 127, a joint resolution to designate the month of May 1991, as "National Huntington's Disease Awareness Month."

SENATE JOINT RESOLUTION 130

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 130, a joint resolution to designate the second week in June as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 133

At the request of Mr. HOLLINGS, the names of the Senator from Florida [Mr. MACK], the Senator from Maryland [Mr. SARBANES], the Senator from Utah [Mr. HATCH], the Senator from Alaska [Mr. STEVENS], the Senator from Delaware [Mr. BIDEN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 133, a joint resolution in recognition of the 20th anniversary of the National Cancer Act of 1971 and the over 7 million survivors of cancer alive today because of cancer research.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LAUTENBERG, the names of the Senator from Iowa [Mr. HARKIN], and the Senator from Washington [Mr. GORTON], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. GRAHAM], the Senator from Colorado [Mr. BROWN], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes.

SENATE RESOLUTION 72

At the request of Mr. KASTEN, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Resolution 72, a resolution to express the sense of the Senate that American small businesses should be involved in rebuilding Kuwait.

SENATE RESOLUTION 119—URGING RECOGNITION OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA

Mr. RIEGLE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 119

Whereas the statehood and Government of the Republic of Lithuania were recognized, de facto, by Germany, Norway, Finland, France and Poland in 1919 and 1920 at a time when Lithuanian territory was effectively occupied by hostile foreign military forces;

Whereas the United States maintained a Commissioner in the Baltic states from 1919 to 1922, with the title of Minister, at a time when the United States Government had not yet recognized the statehood of Estonia, Latvia, and Lithuania;

Whereas the Republic of Lithuania was admitted to the League of Nations on September 22, 1921;

Whereas the statehood of Lithuania was recognized de jure on July 13, 1922, by Great Britain, France and Italy;

Whereas the Republic of Lithuania was recognized de jure by the United States on July 28, 1922, and subsequently concluded numerous binding international agreements with the United States;

Whereas the territory of the Republic of Lithuania was invaded and occupied by the armed forces of the Soviet Union on June 14, 1940, in contravention of the Charter of the League of Nations, the General Treaty for the Renunciation of War of 1928, the Lithuanian-Soviet Peace Treaty of 1920, the Lithuania-Soviet Non-Aggression Treaty of 1926, the Conventions for the Definition of Aggression of 1933, the Lithuanian-Soviet Mutual Assistance Pact of 1939, and generally-recognized principles of international law;

Whereas the annexation of the territory of the Republic of Lithuania was prospectively agreed to in certain secret protocols to a treaty of non-aggression concluded between the Government of the Soviet Union and the German Reich on August 23, 1939;

Whereas the United States Government has repeatedly indicated its refusal to recognize the annexation of the Republic of Lithuania;

Whereas the Governments of the United Kingdom, Canada, France, the Federal Republic of Germany, Norway, Iceland, Belgium, Switzerland, Luxembourg, Australia, the Holy See, Denmark, Ireland and Spain and many other states have refused to accord recognition to the 1940 annexation of Lithuania by the Soviet Union;

Whereas the Government of the United Kingdom, the Soviet Union and the United States are parties to the Atlantic Charter of August 14, 1941, in which the signatories declared their "desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned", affirmed their respect for "right of all peoples to choose the form of government under which they will live", and stated their wish "to see sovereign rights and self-government restored to those who have been forcibly deprived of them" during the course of the Second World War;

Whereas the state continuity and identity of the Republic of Lithuania has not been affected by the Soviet occupation of Lithuanian territory;

Whereas the United States Government has indicated its recognition of the de jure continuity of the Republic of Lithuania by the continued accreditation of the Legation and Consulates General of the Republic of Lithuania in the United States as well as Department of State declarations that Lithuanian state treaties with the United States remain "in force";

Whereas on February 24, 1990, the Lithuanian people were able to vote in free and fair elections for deputies to the Lithuanian Supreme Council;

Whereas on March 11, 1990, the freely-elected deputies of the Supreme Council of Lithuania declared the reestablishment of an independent government of the Republic;

Whereas the people of Lithuania have indicated overwhelming support for the Government of the Republic in spite of a 78-day Soviet economic blockade, hostile military maneuvers, the beating and deportation of young Lithuanian men by the Soviet army, the violent seizure of Lithuanian press and governmental buildings, and the massacre of Lithuanian civilians guarding the state television and broadcast center by Soviet troops;

Whereas over 90 percent of the voters who participated in the February 9, 1991 nationwide plebiscite voted for the independence of Lithuania;

Whereas Lithuania's governmental institutions, including the police, courts, judges, procurators, and civil administration, remain loyal to the Government of the Republic and exercise effective control over most of Lithuania's territory;

Whereas the United States has repeatedly stressed its support for the right of the Baltic peoples to self-determination and independence;

Whereas the people and Supreme Council of the Republic of Lithuania have appealed to the United States for recognition of the Government of the Republic of Lithuania;

Whereas there is no international legal impediment to the granting of de facto recognition to the Government of the Republic of Lithuania in that recognition of a government constitutes primarily a political act;

Whereas the United States Government has as a matter of diplomatic practice recognized numerous governments that have exercised less than full control over their state territory including the governments of Poland, Norway, France, Belgium, the Netherlands, Greece, Yugoslavia, and Czechoslovakia (1940–1945), the government of the Republic of China (1913–1979), the government of the Republic of Panama (1988–1989), and the government of Kuwait (1990–1991); and

Whereas de facto recognition is a provisional form of governmental recognition which does not necessarily imply the establishment of full state-of-state diplomatic relations: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should—

(1) immediately recognize the government of the Republic of Lithuania de facto and issue a statement to that effect;

(2) should enter into discussions with the charge d'affaires of the Republic of Lithuania resident in Washington, District of Columbia, with a view to the upgrading of the status of the Lithuanian legation in Washington to that of an embassy;

(3) immediately enter into negotiations with representatives of the Government of the Republic of Lithuania with a view to the establishment of an official United States Representative Office in the Lithuanian capital, Vilnius, such representative office to be headed by a citizen of the United States, not a member of the diplomatic corps, with the title of Commissioner; and

(4) enter into negotiations with representatives of the Government of the Republic of Lithuania and private United States corporate and philanthropic entities, with a view to the establishment and funding of a United States Foundation for Lithuania, with offices in Vilnius, Kaunas, and Klaipeda, to provide, *inter alia*, library facilities, language courses (including instruction in the Lithuanian language for non-Lithuanian speakers) and economic and fundamental business and municipal management instruction for Lithuanian citizens and residents so as to assist the population of Lithuania with respect to a peaceful and orderly transition to a free market economy and democracy;

(5) enter into negotiations with representatives of the Government of the Republic of Lithuania and interested third-party states, with a view to: (i) the provision of direct assistance to the government of the Republic of Lithuania, and (ii) the establishment of a Baltic Bank of Reconstruction and Development, the primary goal of which would be assistance to private entrepeneurs and farmers in the three Baltic states so as to assist citizens and residents of the Baltic states with respect to the pending transition to a free market economy; and

(6) in such negotiations regarding the proposed United States Foundation for Lithuania and the proposed Baltic Bank for Reconstruction and Development stress that the services of such institutions will be made available to Baltic citizens and residents (other than members of the army or state security services of the Soviet Union and governmental representatives or officials of the Soviet Union) without regard to any particular linguistic ability, sex, race, or ethnicity.

ADDITIONAL STATEMENTS

FEDERAL FUNDING FOR BASIC SCIENCE RESEARCH

• Mr. ADAMS. Mr. President, one of the most important issues facing our country today is the inadequate level of Federal funding for basic science research. This issue is important to our future as a nation and, as many university researchers are struggling just to maintain subsistence funding levels, deserves our attention.

Recently, I received a letter from a constituent, Mr. Len Pagliaro, Ph.D., acting assistant professor at the University of Washington. Mr. Pagliaro expressed grave concerns about insufficient funding for scientific research, and about the potentially deleterious effect of that insufficiency on our internationally recognized role as leaders in the field. Along with his letter, he included a booklet titled "Science: The End of the Frontier?" This booklet, which contains insightful information about the problems faced by the scientific community, concludes with an overview of the state of American scientific research and some suggestions for improving it. I believe these suggestions are very valuable and, by placing the conclusion to "Science: The End of the Frontier?" in the CONGRESSIONAL RECORD, would like to share these insights with my colleagues. I ask that the conclusion to "Science: The End of the Frontier?" be printed in the RECORD.

The material follows:

AN END TO THE FRONTIER?

The warning in the AAAS survey is clear. American science shows signs of extreme stress. Morale is declining, students are turning away from science, and American leadership in scientific research, as measured by published papers and Nobel prizes, is threatening to go the way of the automotive, tire, machine tool, and consumer electronics industries.[1]

The implications of the loss of such leadership are immense. Just as the "brain drain" drew talented scientists from Europe and the Third World to the United States in the 1950s and 1960s, so too will some American scientists (and potential immigrants) follow the frontiers of their fields to Europe, the Pacific Rim, or wherever they might be in the future. The pipeline of new research that has nourished our high-tech industry will dry up, crippling our ability to compete in a world where science and technology play an ever more important role.

We can already see ominous signs in economic trends. In 1986, for the first time in history, the United States imported more high-tech manufactured products than it exported. Residents of foreign countries now receive almost half of the patents granted by the U.S. Patent Office. And the three corporations registering the most U.S. patents last year were Canon, Toshiba and Hitachi.

Finally, we should not neglect to mention the more subtle, less quantifiable but nonetheless profound influence that science has upon society. We are a great nation which must value the culture that the success of science engenders. This success permeates society, generates self-confidence, inspires our youth, creates a sense of endless frontiers of the human mind and of human aspirations which would otherwise become increasingly confined in an ever-shrinking world. The loss of this scientific and technological exuberance would be another heavy price to pay, perhaps even the greatest penalty in the long run, for the decline of the research system.

The full effects of the impoverishment of basic research will not be felt next year or the year after. We have been living on our accumulated scientific capital for a while, and we will probably be able to do so for a while longer. But if we persist on this course, we can expect to see America's position in the world gradually weaken. We will watch as our technology-based products become less and less competitive in world markets. By then, of course, it will be too late.

It is the long-term nature of the enterprise that makes the issue so dangerous. Once we begin to weaken, there are many feedback forces that tend to accelerate the decline. The best people move on to other activities. Students are no longer attracted. The stream of immigrants diminishes. The essential influx of young investigators dries up. Within the range of possible outcomes are both acceptable and unacceptable consequences. Yet to wait rather than take action now is to invite a situation that will be difficult and very time-consuming to reverse.

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[1] It is worth noting that the bulk of U.S. Nobel prizes in recent years have been based on work done before 1970.

CONCLUSIONS AND RECOMMENDATIONS

A large-scale anecdotal survey of some of the most capable and productive U.S. academic scientists has been carried out. The results are a clear warning that all is far from well in the laboratories of our research universities. The depressed state of the academic scientific community is attributed to a failure of our system of science funding to recognize and maintain the essential needs of a healthy infrastructure.

Science funding has increased steadily in the past several years, yet it is apparent that current levels are far below what is required for healthy, even lean, science. Perhaps this may give some policymakers a sense of frustration at the "ungrateful and insatiable scientists." Yet we are not alone in seeing this problem. Warnings have been creeping up everywhere. Almost five years ago, the Packard-Bromley report documented an obsolescence of university research equipment and evaluated the cost of renovation at $10 billion. Since becoming the President's Science Advisor in 1989, Allan Bromley has continued to speak out about underinvestment in research, as has Frank Press, the President of the National Academy of Sciences. There is an emerging consensus among science policy leaders that we are not making the long-term investment in research required to restore our economic and scientific leadership.

The United States today finds itself slipping in its ability to compete with dynamic societies abroad. The new Europe, Japan and the Pacific Rim nations are increasing their investment in research, having already surpassed us in the various activities needed to convert research results to economic benefit. It is up to us as a nation to decide whether the U.S. will remain a major player in world science and science-based technology or whether we will continue to slide.

One could argue that since the results of basic research are globally available, we need maintain only the ability to read the scientific literature in order to compete in technology. However, the current large increases in European and Japanese investments in basic research and the dignity of a great nation argue against this. Looking over and above the economic factors are the complex issues of ecology, energy, and natural resources in a world which must, in the next century, see vast development in the South. Such development cannot be sustained without research to create the technologies which are required to reduce the uncertainties in environmental predictions and to solve the energy-ecology problem.

What would it take to relieve the acute problems in academic research and restore U.S. science to its pre-1968 excellence? Let us consider this question independently of "practical" constraints dictated by current events. My analysis of the complexity factor, the growth of new areas, and the increasing costs of research indicate that we should be spending at least twice as much as we were in 1968 (in constant dollars) if we are to approach the conditions of the golden age. Indications from NSF, NIH and DOE tend to confirm the pressure for a doubling of the current level of funding for academic science, which amounts to about $10 billion a year. This huge sum could, I believe, be effectively deployed in two or three fiscal years.

Beyond this, in future years, I would argue that the growth of four percent per year in the number of academic scientists and the complexity factor growth estimate of five percent per year imply that a sustained flourishing of academic research requires annual real growth of eight to ten percent. It has been estimated that this kind of growth would move the proposal success rate in NSF and NIH closer to 50 percent from the present much lower levels. Such an increment may sound substantial in our current climate, but as the economy responds, academic research would remain only a tiny fraction of total federal spending for many decades. Furthermore, even with such increases, it would be a decade or two before our level of nondefense research expenditure proportional to GNP would equal the 1989 levels of Japan or West Germany.

Can we afford this kind of money? In 1980, the President of the United States convinced the Congress and the American people that we must double the defense budget to $300 billion a year. This was done and somehow the nation was able to absorb the cost. In 1990, the threat to the security of the nation lies in an endangered scientific infrastructure. The required sums are substantially smaller. The danger is long term but the longer we wait, the more difficult will be the remediation.

Let us for the moment accept that this investment in science funding is in fact required. How shall we proceed? In the present climate of deficits and escalating demands on the federal budget, there arises a fundamental policy dilemma. The federal deficit, the savings and loan bailout, the Persian Gulf crisis are real and immediate. The crisis of American science, no matter how serious, is a long-term affair—it is for our children and our children's children. Given the characteristic short-term philosophy that has dominated American policy for the past several decades, we have no illusions as to the probable fate of our recommendation.

Nevertheless, strong efforts must be made immediately to strengthen federal funding for research. Appropriations of NSF, NIH, DOE, and other federal agencies that support academic research should be increased sharply as soon as possible. Beyond this, however, in order to alleviate the dilemma of short-term priorities and long-term problems, I recommend that serious efforts be made to find innovative ways to fund academic research on a national scale *outside* of the regular federal budget. One approach might be to establish a trust fund supported by special taxes on high technology consumer products that benefit from basic research. Another possibility is to form a partnership between the government and the investment community. One can contemplate government bonds, designated for research, with interest keyed to the returns on that research.

To investigate such possibilities and others, I am recommending that a Commission be established consisting of representatives from the Executive and Legislative Branches of the federal government, industry, the financial community, and the academic community. AAAS should take the initiative in promoting and organizing such a Commission.

In addition to examining funding mechanisms, the Commission could also look at ways of improving the efficiency and the strategic planning of research funding and ways of assuring that academic research serves the nation most effectively. An assortment of problems we have not been able to address in this report cry for attention. I am, of course, aware that academic science is not the only component of higher education, and that the health of academia as a whole must be addressed. University issues such as graduate student support, the effect of new tax policies on philanthropy, student stipends and the ability of institutions to raise capital should be examined where relevant to the research environment. The contentious issues of balance between big science projects and individual investigator research, and the role of centers versus project grants also demand attention. It seems entirely appropriate for AAAS, in collaboration with other organizations, to foster creation of a Commission to make a broad study of what it will take to make U.S. science whole again and to design an appropriate strategy. I stress that the time in short and the issues are urgent.

In concentrating on funding, I am aware that there is much we must do in those crucial activities which connect research results to economic utility. These involve subtleties of technology transfer, tax laws, marketing and other functions which the academic community has traditionally ignored, but with which it must learn to interface more gracefully. The Commission should include this important area in its charge.

Apart from establishing the Commission, the AAAS Board should make the communication of the precarious state of U.S. science a high priority. The best efforts of the Association must be applied to create an environment where the health of American science is widely perceived to be essential to the future of our nation. To that end, AAAS must provide leadership in rallying all segments of our society to the cause of rescuing U.S. science.

I conclude this report with an excerpt from Vannevar Bush's landmark report, *Science, the Endless Frontier*, which in 1945, set the nation on a course that has had profound consequences for its well being:

"It has been basic United States policy that Government should foster the opening of new frontiers. It opened the seas to clipper ships and furnished land for pioneers. Although these frontiers have more or less disappeared, the frontier of science remains. It is in keeping with the American tradition—one which has made the United States great—that new frontiers shall be made accessible for development by all American citizens.

"Moreover, since health, well-being, and security are proper concerns of Government, scientific progress is, and must be, of vital interest to Government. Without scientific progress the national health would deteriorate; without scientific progress we could not hope for improvement in our standard of living or for an increased number of jobs for our citizens; and without scientific progress we could not have maintained our liberties against tyranny."•

CEDAR VALLEY FOOD BANK

• Mr. GRASSLEY. Mr. President, I would like, at this time, to recognize a remarkable organization—the Cedar Valley Food Bank of Waterloo, IA.

The Cedar Valley Food Bank is celebrating 10 years of service in the Waterloo area. The food bank had a meager beginning, being born in a partitioned-off section of an abandoned school building, with no heat and no water. Electric and kerosene heaters were used to prevent the food and the volunteers from freezing. Later, the food bank space expanded to cover five floors in this old structure, which meant the volunteers had to constantly navigate multiple flights of stairs attempting to distribute food to those in need.

In early 1988, the food bank volunteers and staff, working together, held a successful capital fund drive for relocation, remodeling, and equipment. Their goal of $575,000 was more than surpassed, raising a total of $650,000. This has enabled them to pay off the mortgage and purchase a new van. Also with the money raised, the food bank was able to buy a computer network as well as finance other capital improvements.

The food bank has expanded its services immensely in the past 10 years. They now provide meals for close to 27,000 people, a far cry from the modest 351 people served in 1981. This enormous effort would not be possible were it not for the men and women who give their time and talents for the service to others.

Mr. President, I would indeed like to salute and thank the Cedar Valley Food Bank, and its volunteers, for their efforts over the past 10 years, and wish them all the best in the future.•

FLORIDA'S APPRECIATION FOR AFRICAN-AMERICAN ART

• Mr. GRAHAM. Mr. President, African-Americans have culturally, and educationally enriched our Nation; yet, they have often been denied the recognition that their contributions deserve. These contributions include a wealth of artistic work. As a society, we need to cultivate a stronger appreciation for African-American art.

The State of Florida recently purchased the Barnett-Aden African-American art collection, the oldest chartered collection of classical African-American art in the country. It was acquired by the Florida Endowment Fund for Higher Education in their commitment to providing educational opportunities for African-Americans and other socially disadvantaged minorities. This collection will be a vital tool for the community to learn about and experience the artistic contributions of African-Americans.

The museum, which opened on April 9, 1991, is the first of its kind in the State of Florida and only 1 of 10 in the entire Nation. It is the first to ever start with an entire collection intact.

I would like to encourage other communities to sponsor similar exhibitions. Such a museum offers a valuable educational experience to all its visitors, not to mention the potential to draw thousands of visitors into an area annually. The Florida Endowment Fund is to be commended for the acquisition and promotion of this collection and its advancement of African-American art appreciation.•

REV. WALTER BRUNKAN

• Mr. GRASSLEY. I wish to note the achievements of an incredible man—Rev. Walter Brunkan. For many residents of the Waterloo, IA, area it is difficult to think of Columbus High School or Cedar Valley Catholic education without envisioning the Reverend Walter Brunkan.

Unfortunately for Black Hawk County, Father Brunkan, Columbus principal and executive coordinator for the Catholic community of eight metro area parishes, six grade schools and the high school, has been reassigned to a small parish in northeast Iowa.

Father Brunkan, who could be found mowing the yard or fixing something in the boiler room at Columbus, as well as being a school administrator and adviser to students, will be missed.

He was named principal of Columbus in 1968. Benefiting from the unassuming, cheerful manner that is his trademark, as well as an insightful intellect, he has been able to steer Columbus on a steady course in good times and bad. Columbus was not only known for academic achievement, but also excelled in sports while he was principal.

Former students have called Father Brunkan a perfect role model. And they showed their appreciation in many ways. His students twice led fundraising efforts to buy their principal and friend a new car. They also helped raise funds to send him to Rome and the Holy Land.

In his 32 years, Father Brunkan was almost as much a part of the secular community as he was a leader in Catholic education. He was named by the Waterloo Chamber of Commerce as Citizen of the Year in 1989. In 1985, he was awarded the Book of Golden Deeds by the Exchange Club of Waterloo. The Sertoma Service Club honored him with the Service to Mankind Award in 1983. He won the Amvets Post 19 Signal Award in 1977. And the list goes on and on.

The community, especially its younger people, are going to miss Father Brunkan. But as Father Brunkan said in a 1987 interview, "God has a way of seeing that you get where you belong."

Mr. President, I salute the Reverend Walter Brunkan and wish him all the luck in the future.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Nicholas Altree, a member of the staff of Senator WARNER, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 27 to May 5, 1991.

The committee has determined that participation by Mr. Altree in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Jared Kotler, a member of the staff of Senator BIDEN, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, from April 26–27, 1991.

The committee has determined that participation by Mr. Kotler in the program in Mexico, at the expense of the Mexican Business Coordinating Council, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Tim Todreas, a member of the staff of Senator KERRY, to participate in a program in Mexico sponsored by the Mexican Business Coordinating Council, from April 26 to April 27, 1991.

The committee has determined that participation by Mr. Todreas in the program in Mexico, at the expense of the Mexican Business Coordinating Council, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Ms. Sally Yozell, a member of the staff of Senator KERRY, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, from April 26 to April 27, 1991.

The committee has determined that participation by Ms. Yozell in the program in Mexico, at the expense of the Mexican Business Coordinating Council, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Adam Anthony, a member of the staff of Senator ROBB, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, from April 28 to May 1, 1991.

The committee has determined that participation by Mr. Anthony in the program in Mexico, at the expense of the Mexican Business Coordinating Council, is in the interest of the Senate and the United States.•

BILL OF RIGHTS COMPETITION

• Mr. SANFORD. Mr. President, the National Bicentennial Competition on the Constitution and the Bill of Rights provides a forum from which the youth of America might explore the framework of our great country. It is a nationwide program, free of prejudice or partisanship, designed to enhance the knowledge and interest of those will one day step forward to accept the privilege and responsibility of leadership.

"We the People * * *" bicentennial programs are available to all young people through elementary and secondary schools, both public and private. These programs have received overwhelming business and community support, and are rightfully funded by an act of Congress. The programs provide students with a course of instruction on the development of our Constitution and the basic principals of constitutional democracy. In both the instructional and competitive segments of the program, students work together cooperatively to deepen their understanding of the American constitutional system.

It is my distinct pleasure to honor Cape Fear High School as the North Carolina State winner of the "We the People * * *" National Bicentennial Competition on the Constitution and the Bill of Rights.

The members of the North Carolina team are: Troy Cain, Demisha Cogdell, Edwin Evans, Marianne Fink, Wendy Fulcher, Paulette Locke, Regina Maxwell, Chinita Monroe, Miriam Levy, Kimberly Owens, Christian Pace, Shannon Reich, Michael Thrash, Lauri Weeks, and Frederick Wright.

I commend the members of this team, along with their teacher, Christiana Damron, State coordinator Don Bohlen, and district coordinator Jackie Sherrod. These young scholars have exhibited exceptional knowledge of constitutional principles, along with the ability to apply these principles to historical and contemporary issues. I am proud to have them represent North Carolina in the national finals of the competition.

Programs such as the "We the People * * *" bicentennial competition, which has involved over 4,500,000 students in the study of American history and constitutional democracy, are of paramount importance to the education of our youth. The spirit of academic growth and civic responsibility inherent in such a program provides an excellent environment in which to foster productive, lifelong habits.

I again commend all those involved with this fine program, and especially the young scholars from Cape Fear High School who have represented the State of North Carolina in such a fine manner.•

HONORING RACINE SMALL BUSINESS DEVELOPMENT CENTER AND LEWISAN PRODUCTS

• Mr. KASTEN. Mr. President, the small businesses of Wisconsin are the powerhouse of our State's enconomic growth. Over 62 percent of the new jobs created are directly attributable to these small businesses—ventures on the cutting edge of society, creating the products and services the American people desire.

I recently had the privilege of touring a number of successful small businesses in Wisconsin that have been assisted by small business development centers [SBDC's]. These SBDC's are excellent incubators of small business growth—and I would like to draw my colleagues' attention to the achievement of one of these centers today.

On April 4, I visited Lewisan Products of Racine, WI—a family-run, do-it-yourself plumbing business. With only 13 employees, Lewisan has established a tradition of excellence in supplying quality plumbing products to the Racine community.

Lewisan has been a sole supplier of Craftsman plumbing cleaning tools to Sears and Roebuck for 45 years.

Lewisan is a thriving company, and most of the credit goes to Diane and Paul Kaye. But the Lewisan success story would not have been possible without the assistance and counsel of SBDC director Patricia Deutsch. At a time when some are proposing drastic cuts in the Federal budget for SBDC's, it is important to note successes like that experienced by Lewisan Products.

Let's keep this system of small business incubators alive—by supporting full funding for SBDC's.•

TRIBUTE TO ABRAHAM A. LOW, M.D.

• Mr. SANFORD. Mr. President, I rise today in honor of the late Abraham A. Low, M.D., a pioneer in the treatment of individuals suffering from mental and nervous disorders and in the self-help movement. Dr. Low distinguished himself in his efforts to emancipate the patient from the stigma associated with mental health disorders. Dr. Low's Recovery, Inc., program has been active for 3 years in my home area of Raleigh/Durham, NC. I pay tribute to this gentleman who enabled countless numbers to apply self-help techniques as part of their recovery process.•

HONORING SCHNEIDER COMMUNICATIONS

• Mr. KASTEN. Mr. President, I rise today to honor a significant milestone in the history of Wisconsin's Schneider Communications, Inc.

Dedication to excellence has made Schneider Communications the No. 2 business-to-business long-distance company in Wisconsin. This small business has been serving the long-distance communication needs of Wisconsin companies since 1982.

Schneider Communications has now reached the milestone of providing its customers more than 1 million minutes of long-distance service every day. This company is helping Wisconsin's business sector stay in touch with a fiercely competitive national and global marketplace—and they deserve our praise for the great work they do.•

ORDERS FOR TOMORROW

Mr. METZENBAUM. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m., Tuesday, May 7; that following the prayer, the Journal of Proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that on Tuesday the Senate stand in recess from 12:30 to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. METZENBAUM. Mr. President, for the information of the Senate, on tomorrow beginning at 9:30 a.m. there will be 3 hours of debate on Senate Resolution 117, regarding agriculture export credit guarantees, with an hour each under the control of Senator DOLE, Senator DECONCINI, and Senator BRADLEY. A vote on or in relation to the resolution will occur at 2:15 p.m., Tuesday, to be followed immediately by a vote on the motion to involve cloture on the motion to proceed to S. 429, the retail price maintenance bill.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE ASTRONAUTS MEMORIAL AT THE JOHN F. KENNEDY SPACE CENTER

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 214, to designate the Astronauts Memorial at the John F. Kennedy Space Center just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 214) recognizing the Astronauts Memorial at the John F.

Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GARN. Mr. President, I recently introduced legislation to recognize the Astronauts Memorial at John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty. Similar legislation introduced by Congressman BACCHUS has been passed by the House. The dedication of the memorial is this Thursday, May 9. For this reason, I hope the Senate will expeditiously consider and give its approval to the legislation.

The Astronauts Memorial will recognize the 15 astronauts who have died in the line of duty. Seven of those astronauts are those individuals who died in the explosion of the space shuttle *Challenger* in January 1986, of which we are all familiar. Four of the fourteen are individuals who died in accidents while flying aboard T–38 training aircraft. Three of the astronauts died when a fire started on the launch pad while they were conducting a ground test aboard the *Apollo 1* spacecraft. The most recent of the 15 astronauts died in the crash of a commuter aircraft on April 5, 1991, while on official duty for NASA. All of these astronauts paid the ultimate sacrifice, giving one's life for the benefit of mankind.

The purpose of the U.S. space program is to promote the peaceful exploration of space for the benefit of all human beings. In the numerous years since the inception of the space program, more information has been gathered about the universe than in all the centuries before; we have sent unmanned spacecraft on missions extending to the far reaches of the solar system; we have measured the winds of Mars; we have counted the rings of Saturn; we have landed men on the Moon; we have sent men and women aloft to explore space beyond the Earth's atmosphere, to deploy satellites, and to conduct experiments in the purity of zero gravity and have returned them to Earth in the same reusable spacecraft. We have explored uncharted territory, and have opened new horizons for the future development of mankind.

We have been very successful in our endeavors to explore space and to observe Earth from space. Unfortunately, we have lost human lives along the way, but not our spirit of exploration. That pioneering spirit has a long tradition. It moved our ancestors to settle in a new country and later spawned the exploration and settlement of the west. We need to maintain that spirit and vision, and renew it in the aftermath of a tragedy, but we must never lose it.

Just a few weeks ago, April 12, was the 10th anniversary of the first space shuttle flight, a remarkable achievement. I feel it is fitting that while we recognize and celebrate the accomplishments of today's space program, we also remember the sacrifices made, the lives lost that brought us to where we are today. It is that sacrifice, that dedication, and that unwavering spirit to the space program that moves it forward.

The exploration of space is not safe, nor is the preparation or training to get there. Unfortunately, accidents will happen and lives will be lost. The Astronauts Memorial is a very fitting way to remember those individuals who gave the ultimate, their life, in benefiting mankind, and in furthering the U.S. Space Program.

Mr. President, I wish to thank the members of the Senate Commerce Committee and their staffs for giving this legislation their very timely and generous attention. Since the date of the memorial dedication is so close, getting the committee to clear this legislation took efficiency and quickness. That was displayed.

I thank the Senate for its prompt consideration of this measure.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 214) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL 9:30 TOMORROW

Mr. METZENBAUM. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as under the previous order until 9:30 a.m., Tuesday, May 7, 1991.

There being no objection, the Senate, at 4:57 p.m., recessed until Tuesday, May 7, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1991:

DEPARTMENT OF STATE

SALLY G. COWAL, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TRINIDAD AND TOBAGO.

JOHN THOMAS MCCARTHY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

NICHOLAS PLATT, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

GORDON S. BROWN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

CORPORATION FOR PUBLIC BROADCASTING

CAROLYN R. BACON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING MARCH 26, 1996, VICE ARCHIE C. PURVIS, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

CHRISTOPHER D. COURSEN, OF MARYLAND, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 1993, VICE JOSE A. COSTA, JR., TERM EXPIRED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

VELMA MONTOYA, OF CALIFORNIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 1997. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218 AND 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. EARL A. ALER, JR. [redacted] AIR FORCE RESERVE.
BRIG. GEN. JOHN H. BURRIS, [redacted] AIR FORCE RESERVE.
BRIG. GEN. RODNEY L. LINKOUS, [redacted] AIR FORCE RESERVE.
BRIG. GEN. ROBERT A. MCINTOSH [redacted] AIR FORCE RESERVE.
BRIG. GEN. CLARK O. OLANDER [redacted] AIR FORCE RESERVE.
BRIG. GEN. JOHN P. VAN BLOIS, [redacted] AIR FORCE RESERVE.

To be brigadier general

COL. WAYNE W. BARKMEIER, [redacted] AIR FORCE RESERVE.
COL. MARCIA F. CLARK, [redacted] AIR FORCE RESERVE.
COL. JOHN J. COSTANZI, [redacted] AIR FORCE RESERVE.
COL. LOUIS A. CRIGLER, [redacted] AIR FORCE RESERVE.
COL. TERRENCE L. DAKE, [redacted] AIR FORCE RESERVE.
COL. ANDREW P. GROSE, [redacted] AIR FORCE RESERVE.
COL. JAMES W. LUCAS, [redacted] AIR FORCE RESERVE.
COL. CHARLES R. LUTHER, [redacted] AIR FORCE RESERVE.
COL. MICHAEL W. MCCARTHY, [redacted] AIR FORCE RESERVE.
COL. JOHN M. MILLER, [redacted] AIR FORCE RESERVE.
COL. SAMUEL P. MITCHELL, JR. [redacted] AIR FORCE RESERVE.
COL. MICHAEL J. PETERS, [redacted] AIR FORCE RESERVE.
COL. ROBERT E. PFISTER, [redacted] AIR FORCE RESERVE.
COL. TERRY G. WHITNELL, [redacted] AIR FORCE RESERVE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. RICHARD G GRAVES [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. HORACE G. TAYLOR [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE,

To be Vice Admiral

VICE ADM. JIMMY PAPPAS, U.S. NAVY [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 4333(B):

COL. CHARLES F. BROWER, IV [redacted]

EXTENSIONS OF REMARKS

A NEW WASHINGTON MONUMENT: COACH WES UNSELD OF THE WASHINGTON BULLETS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. MAZZOLI. Mr. Speaker, everyone knows this city has a Washington Monument made of stone and marble which dominates the area's skyline. But, there is another Washington monument not made of stone or marble but which also dominates the area's skyline—its sports skyline.

This new Washington monument is Louisville's own Wes Unseld, the head coach of the National Basketball Association's Washington Bullets.

Wes was born and reared in my hometown—Louisville, Jefferson County, KY—and was a star basketball player at Seneca High School. He then went to the University of Louisville where he played three all-America seasons. In fact, his old uniform number at the University of Louisville, No. 31, has been retired because of the near-peerless performances West gave as a Cardinal basketballer.

Professionally, West began his career with the old Baltimore Bullets. The franchise move to Washington in 1973. In 1969, Wes became only the second player to be named NBA Rookie of the Year and Most Valuable Player in the same season. Ten years later, he was named the Most Valuable Player in the 1978 NBA championship series won by the Bullets.

Wes was a ferocious and tenacious rebounder who could throw a length-of-the-court outlet pass with a flick of his wrists and do it with pinpoint accuracy. He was tough under the basket and more than held his own against taller players by the subtle—and sometimes not-so-subtle—use of his strength, power, and quickness.

For the past two seasons, Wes has been the head basketball coach of the Washington Bullets. Wes is held in high esteem as a person, a motivator, and as a courtside tactician. While the team is still trying to regain its earlier, loftier rankings in the league under Wes, the Bullets have progressed toward their goal of another NBA championship season.

Wes comes from a large, loving, and accomplished family in which his parents, Mr. and Mrs. Charles Unseld, asked much of each of their seven children and each responded by achieving in the classroom and in sports competition.

Mr. Speaker, all Louisvillians and all Jefferson Countians are proud of the accomplishments of "our" West Unseld. Wes represents the best of our community as a great coach, a loving husband and father, and a great professional.

I commend to the attention of our colleagues the following article from the April 18 Washington Post which profiles Coach Wes Unseld:

UNSELD "WILL WEAR YOU DOWN—AND CATCH YOU"

(By Ken Denlinger)

The scene that best illustrates Wes Unseld occurred about a year after his retirement as a player in 1981. In the no-frills gym at Bowie State University where the Washington Bullets practice, impish newcomer Frank Johnson playfully bounced a ball off Unseld's head and started a can't catch-me dance several yards away. Unseld in a suit and tie was even less mobile than he'd been during 13 NBA seasons, as perhaps the only modern-era player to make the basketball Hall of Fame without ever rising more than an inch or so off a basketball floor.

Still, Unseld's reaction was enough to make Johnson nervous.

"The difference between you and me," Unseld said, "is that I have perseverance. You're faster, but I'll have them lock the gym. Eventually, I will wear you down—and catch you."

That was Unseld's style as a player. As he frequently said: "I wanted to make sure that when it came down to the latter stages of the fourth quarter my man was so physically tired he couldn't do what he wanted to do."

That is Unseld's style as the Bullet's once reluctant coach, who, nearing the end of his third full season, clearly enjoys the job. And even though his career record is 36 games below .500, his work has been almost universally praised. The consensus judgment: When Wes gets players, he'll win.

"His guys come out to play every night," said 76ers Coach Jimmy Lynam. "I don't know what more you can ask of a coach than to have his team ready to play and to have them play hard."

"He has an incredible ability to go to war with less than the opposition," said Bullets General Manager John Nash, "and somehow make it work."

There was some support for Unseld to be an assistant to Detroit's Chuck Daly as coach for the U.S. team in the 1992 Olympics, a spot that went to Cleveland's Lenny Wilkens.

Unseld "is young enough [at 45] to be around and be the Olympic head coach someday," said New Jersey Coach Bill Fitch.

The night before being eliminated from playoff contention this month included a first for Unseld: being thrown out of a game, in his 292nd as a coach. Some who have watched Unseld for a long time were surprised it took that long, because Unseld the player fussed about almost all of his 3,133 regular season and playoff fouls.

No one understands the importance of dominant players and how to get them better than Unseld and the Bullets. As their top choice—and the second player chosen—in the 1968 draft, rookie Unseld helped the Bullets go from 10 games below .500 to 32 games above .500.

Deep down, he knows that the draft lottery, weighted as it is toward teams with even worse records than Washington's, is the way to get a franchise-turning player. Still, he insists:

"Once you accept that attitude, I don't think it's easy to recuperate. There's not any leeway. You can't say: 'Okay, we'll accept losing and try to win' [through the lottery]. I think it's too easy to lose."

Ever candid, Unseld evaluated some players in whom the Bullets have invested heavily and around whom the future may—or may not—be built:

Pervis Ellison. "We gave up a lot [Jeff Malone], but it might be the best trade since Elvin Hayes. . . . A great attitude. Wants to learn. I was surprised at how much he didn't know. That really shocked me. He's going to be good because he wants to be good. He's going to be a player."

Tom Hammonds. "I don't know. I say that only in the sense that I don't know if Tommy likes to play enough. You've got to like to compete, mix it up. I don't know if he likes the game well enough. I think he'd rather be hunting and fishing. A lot depends on how much time he's willing to put in during the summer. As yet, he hasn't done that. Last year, he went back to school. Which is very admirable. Now, he's got to go to NBA school, I think, Get that degree, Next season will be his third. If you don't know at the end of three years, it's time to cut your losses and go on someplace else."

John Williams, "A very talented, very nice individual. Maybe too nice, too giving. I thought he had a versatility that not a lot of people have. I wonder sometimes what his mobility is going to be like" after his knee injury and weight gain. "Last year, before he got hurt, he was in great shape and, for the first time, understood that if he was going to be a great player he had to show it. Then he got hurt."

THE DIRECT APPROACH

Unseld the player always hated coaches who created scapegoats in the locker room, who chose to avoid confrontations with star players, who spoke to the team rather than the specific offender.

"He doesn't pick on the 12th man," said guard Darrell Walker. "He starts with me and Bernard [King] and works his way down. A lot of coaches would yell at A.J. English—and he's not playing. I respect that a whole lot. He makes his point, makes it quick and then it's over with."

Mostly.

Not long after he replaced Kevin Loughery as Bullets coach early in the 1987-88 season, Unseld and Manute Bol nearly fought at half-time in Chicago. Before the game Unseld had reminded the 7-foot-6 Bol about bringing the ball down where mortal-sized players could swipe it away; twice Bol did exactly that—and the ball was stolen by Michael Jordan each time. Unseld benched him after the second offense.

At halftime, "I usually stay out of the locker room two or three minutes, so the players can say whatever among themselves," Unseld said. "I go in and Manute's still ranting and raving. I tell him to calm down. I have a rule: Do it right or shut me up, I've been hit before. Manute stood up to shut me up."

Witnesses say that while Bol was talking fight. Unseld was the one moving toward one, swatting aside a table that separated one extraordinarily tall man from one extraordinarily wide man. Unseld had Bol by

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the jersey when some players separated them.

"Manute swears I traded him because of that," Unseld said.

Did he?

Unseld checked and said: "No. Manute was a model citizen after that. He played the best basketball he played for us all year."

NO SURPRISES, PLEASE

On the morning between games on consecutive nights, Unseld was doing a series of back-to-back-to-back clinics.

He was a more than willing participant because he knew, from six years in the front office, how difficult selling a mediocre team can be. On display was the gentle/gruff Unseld his players see.

No one was excluded. The coach almost went into the stands to coax onto the court a woman in a pink warm-up outfit. When he said "down" the second time, everybody plopped. When he demonstrated chest passes by whipping some three-quarters of the court, savvy fans realized his exceptional strength.

Fortunately, he set no picks. Only his players know how unsettling that can be.

"Greg Foster didn't set one correctly once in training camp," Hammonds recalled. "Wes got a little fed up. He said there were two things he did as a player: set picks and rebound. He demonstrated—on me. A crushing pick. Seemed like every bone in my body crumbled. I didn't hit the floor, but came close. Had to go down on my knees."

Not always obvious, even to players, is Unseld's penchant for order and detail. He favors a particular brand of pen and a particular kind of note pad. He has two calendars, one of which he carries around in a suitcoat pocket. His signature pointing-at-the-stands gesture after home games is toward his wife, Connie. It's a thank-you for enduring his pregame habits.

What he did on the court might not seen complicated, but he concentrated—hard and long—on how to make it work. At 1 o'clock, he would prop up his legs and listen to classical music. Mellow Mozart got him ready to bang with Willis Reed. At 4, it was time to warm his perpetually aching knees with a long bath.

Unseld's game-day routine as a coach is different. He rises early and watches a first-half tape of that night's opponent. Later, he watches more tape for "tendencies, what might help us break down a particular individual." He tries to eat before 1 and rest between 1:30 and 3. With his knees no longer a factor, he takes a 4 p.m. shower.

For Capital Centre games, Unseld always drives the same route from home in his Chevy Blazer, althougth the music in the tape deck is now what he calls "street-corner stuff." Mint Julep instead of Mozart. Also, he must hear the 5 o'clock news.

"I don't like surprises," he said.

Neither does Unseld like for his players to be surprised. They are given notes on each of the several players they might be matched against the night; they are quizzed shortly before tipoff.

"That's why when you get up and holler at a guy for letting his man go by him who can only score if he goes right, there's some justification," Unseld said. "If he hasn't been told, you have no reason to be upset. If a guy beats you going left, that's different. Sometimes, that's going to happen."

All too often this season, what has happened is some vital Bullet getting hurt. Bernard King here, Harvey Grant there. Sometimes, both guards. Even at full strength, the Bullets often are undermanned.

BEST-LAID PLANS . . .

"You go into a game," said Unseld, watching a tape, "and you can't find a way to win. That's frustrating. That's no fun. I can accept losing. I've had to. But to go into a game and not have a way of winning is really frustrating as hell.

"We've gone through periods like that. We couldn't score. You take [King's] 30 points out of our lineup, you take [Grant's] 19 points out of our lineup, we're in the 70s. That's what we score; 70, 80 points a game. We still held teams under what they usually get. We still did the other aspects. But we couldn't score."

Frequently this season, Unseld has had this succinct scouting report: "They're so physical, we're so skinny."

Still, Unseld wants to persevere. His contract runs out in June; he and owner Abe Pollin have put off talks until after the season. Given their uniquely close relationship, the big-picture issue seemed resolved after this exchange between a reporter and Unseld:

"Do you want to be back with the Bullets?"

"Yeah."

Unseld added: "I like it. The whole thing is enjoyable. I'm working with a pretty good group of kids. I mean men. They give you their best."

Said Walker, 30: "I would like, two years from now, to still be here. Maybe as the third or fourth guard, sit back and see the young guys develop. We would never leave till we're back winning."

Said Unseld, "I'd like to get it right one time."

WES UNSELD AND THE BULLETS AS A PLAYER

Season	Games	Field goals percentage	Rebounds	Average points
1968–69	82	0.476	18.2	13.8
1969–70	82	.518	16.7	16.2
1970–71	74	.501	17.0	14.1
1971–72	76	.498	17.6	13.0
1972–73	79	.493	15.9	12.5
1973–74	56	.438	9.2	5.9
1974–75	73	.502	14.8	9.2
1975–76	78	.561	13.3	9.6
1976–77	82	.490	10.7	7.8
1977–78	80	.523	11.9	7.6
1978–79	77	.577	10.8	10.9
1979–80	82	.513	13.3	9.7
1980–81	63	.524	10.7	8.0
Totals	984	.509	14.0	10.8

AS THE COACH

Season	Record	Percentage	Average points	Opponents points
1987–88 [1]	30–25	0.545	105.5	106.3
1988–89	40–42	.488	108.3	110.4
1989–90	31–51	.378	107.7	109.9
1990–91 [2]	30–49	.380	101.5	106.5
Totals	131–167	.434	105.8	108.3

[1] Replaced Kevin Loughery as head coach, Jan. 3, 1988.

[2] Through Tuesday's game.

TRIBUTE TO LOIS GRABOYS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. REED. Mr. Speaker, I today wish to recognize Lois Graboys, the executive director and founder of the Volunteers Services for Animals [VSA] in Providence, RI. Ms. Graboys is retiring from her position at VSA, but not before implementing many programs that significantly improved the treatment of animals, and raised awareness of animal rights in Rhode Island.

The programs she organized through the VSA encompassed all aspects of animal rights. She has organized programs that directly benefited animals, such as reuniting lost animals with their owners, finding homes for strays, and fighting against cases of cruelty and animal abuse.

Lois Graboys recognized that before any significant advances could be made to curb animal abuse in Rhode Island, the public had to be made aware of problems that animals face. As a result, she organized programs for the concerned public, involving training and counseling for animal control officers, adoption education seminars, and community health care programs.

Lois Graboys has spent the past 12 years in her position at the Volunteer Services for Animals, unselfishly improving the lives of countless animals, and educating the public to do the same. She has laid a solid and creative foundation that will continue to flourish in the future. It is with great pleasure and gratitude that I salute Lois Graboys on her accomplishments and wish her continued success in her new artistic endeavors.

ADDRESS BY HIS HOLINESS THE DALAI LAMA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. LANTOS. Mr. Speaker, as you know, His Holiness, the Dalai Lama, addressed Members of Congress and the public in a rare appearance at the U.S. Capitol rotunda on April 18, 1991. A number of our colleagues in both the House and Senate were in attendance, and I was delighted to be among them.

The Dalai Lama, the revered spiritual and temporal leader of the Tibetan people and an honored Buddhist religious leader who received the Nobel Peace Prize in 1989, prepared remarks for delivery on this occasion. But rather than using his prepared text, he spoke from the heart.

Mr. Speaker, His Holiness' prepared statement is an excellent presentation of his concern for human rights and the welfare of the Tibetan people and of all mankind. I ask that these remarks be placed in the RECORD. They reflect the indomitable spirit and soul of this great man.

ADDRESS BY HIS HOLINESS THE DALAI LAMA OF TIBET TO MEMBERS OF THE U.S. CONGRESS AT THE U.S. CAPITOL ROTUNDA; APRIL 18, 1991

Mr. Speaker, Senator Mitchell, Representative Gephardt, Senator Dole and Representative Michel, Senators, Congressmen and other distinguished guests, and Brothers and Sisters:

When I was a small boy living in Tibet, President Roosevelt sent me a gift: a gold watch showing phases of the moon and the days of the week. I marvelled at the distant land which could make such a practical object so beautiful. But what truly inspired me were your ideals of freedom and democracy. I felt that your principles were identical to my own, the Buddhist beliefs in fundamental human rights—freedom, equality, tolerance and compassion for all.

Today, I am honored to stand under this great dome and speak to you. I do so as a simple Buddhist monk: someone who tries to follow the Buddha's teaching of love and compassion, who believes, as you do, that all of us have the right to pursue happiness and avoid suffering. I always pray that the good core of our human character—which cherishes truth, peace and freedom—will prevail.

Our generation has arrived at the threshold of a new era in human history; the birth of a global community. Modern communications, trade and international relations as well as the security and environment dilemmas we all face make us increasingly interdependent. No one can live in isolation. Thus, whether we like it or not, our vast and diverse human family must finally learn to live together. Individually and collectively we must assume a greater sense of universal responsibility.

I also stand here as a free spokesperson for the people of Tibet.

While your soldiers were fighting Communist Chinese troops in Korea, China invaded Tibet. Almost nine years later, in March 1959—during the suppression of a nation-wide revolt against Chinese occupation—I was forced to flee to India. Eventually, many thousands of my compatriots followed me. Since then, Tibetan refugees have lived in exile. We were heartened in 1959, 1961 and 1965 by three United Nations Resolutions recognizing the Tibetan people's fundamental rights, including the right to self-determination. Your government supported and voted for these resolutions.

China, however, ignored the views of the world community. For almost three decades, Tibet was sealed from the outside world. In that time, as a result of China's efforts to remake our society, 1.2 million Tibetans—one fifth of the population—perished. More than 6,000 of our monasteries and temples were destroyed. Our natural resources were devoured. And in a few short decades the artistic, literary and scientific legacy of our ancient civilization was virtually erased.

In the face of this tragedy, we have tried to save our national identity. We have fought for our country's freedom peacefully. We have refused to adopt terrorism. We have adhered to our Buddhist faith in non-violence. And we have engaged in a vigorous democratic experiment in the exile community as a model for a future free Tibet.

Tibet today continues to suffer harsh oppression. The unending cycle of imprisonment, torture, and executions continues unabated. I am particularly concerned about China's long term policy of population transfer onto the Tibetan plateau.

Tibet is being colonized by waves of Chinese immigrants. We are becoming a minority in our own country. The new Chinese settlers have created an alternate society: a Chinese apartheid which, denying Tibetans equal social and economic status in our own land, threatens to finally overwhelm and absorb us. The immediate result has been a round of unrest and reprisal. In the face of this critical situation, I have made two proposals in recent years.

In September of 1987, here on Capitol Hill, I presented a Five Point Peace Plan. In it, I called for negotiations between Tibet and China, and spoke of my firm resolve that soon Tibet will once again become a Zone of Peace; a neutral, demilitarized sanctuary where humanity and nature live in harmony. In June of 1988, at the European Parliament in Strasbourg, I elaborated on my call for negotiations, and made personal suggestions which would protect the territorial integrity of the whole of Tibet, as well as restore the Tibetan people's right to govern themselves. I also suggested that China could retain overall responsibility for the conduct of Tibet's foreign relations.

It has been almost three years since the Strasbourg Proposal. In that time, many Tibetans have expressed profound misgivings over my stand for being too conciliatory. Beijing did respond: but the response was negative. The Chinese government, it is clear, is unwilling to engage in meaningful dialogue. As recent events in China itself indicate, the Communist leadership refuses even to acknowledge the wishes of its own people. I regret that my sincere efforts to find a mutually beneficial solution have not produced meaningful dialogue. Nevertheless, I continue to believe in a negotiated solution. Many governments and parliaments, as well as the U.S. Congress, support this effort.

For the sake of the people of China as well as Tibet, a stronger stand is needed towards the government of the People's Republic of China. The policy of "constructive engagement;" as a means to encourage moderation, can have no concrete effect unless the democracies of the world clearly stand by their principles. Linking bilateral relations to human rights and democracy is not merely a matter of appeasing one's own conscience. It is a proven, peaceful and effective means to encourage genuine change. If the world truly hopes to see a reduction of tyranny in China, it must not appease China's leaders.

Linking bilateral relations to respect for basic rights will significantly decrease the present regime's readiness to resort to further violence, while increasing the strength of the moderate forces which still hope for a peaceful transition to a more open society. These efforts should be viewed not as an attempt to isolate China but as a helping hand to bring her into the mainstream of the world community.

In the future, I envision Tibet as an anchor of peace and stability at the heart of Asia: A Zone of non-violence where humanity and nature live in harmony. For hundreds of years the Tibetan plateau was a vital buffer between Asia's great powers: Russia, China and India. Until Tibet is once more demilitarized and restored to its historical neutrality, there can be no firm foundation for peace in Asia. The first step is to recognize the truth of my country's status; that of a nation under foreign occupation.

Recently, the United States has led the international community in freeing a small country from a cruel occupation. I am happy for the people of Kuwait. Sadly, all small nations cannot expect similar support for their rights and freedoms. However, I believe that a "new world order" cannot truly emerge unless it is matched by a "new world freedom." Order without freedom is repression. Freedom without order is anarchy. We need both a new world order that prohibits aggression and a new world freedom that supports the liberty individuals and nations.

I would like to conclude by recalling a recent and moving experience. On my last trip to the United States, I was taken to Independence Hall in Philadelphia. I was profoundingly inspired to stand in the chamber from which your Declaration of Independence and Constitution came. I was then shown to the main floor before the Liberty Bell. My guide explained that two hundred years ago this bell pealed forth to proclaim liberty throughout the land. On examining it, however, I couldn't help noticing the crack in the bell. That crack, I feel, is a reminder to the American people who enjoy so much freedom, while people in other parts of the world, such as Tibet, have no freedom. The Liberty Bell is a reminder that you cannot be truly free until people everywhere are free. I believe that this reminder is alive, and that your great strength continues to come from your deep principles.

Finally, my main task here today is to thank you—the Congress of the United States—on behalf of six million Tibetans for your invaluable support in a critical time of our struggle. The Congressional bills and resolutions you have passed over the last five years have given Tibetan people renewed hope.

I offer you my prayers and thanks, and I appeal to you to continue working for the cause of liberty.

TRIBUTE TO DR. MORRIS J. HELDMAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Dr. Morris J. Heldman, founding president of West Los Angeles College [WLAC], in Culver City.

Dr. Heldman's devotion to the Los Angeles Community College District has been demonstrated through 38 years of service, in teaching, academic administration and now as a member of the board of directors for WLAC.

A research chemist, Dr. Heldman began his career in academia in 1953 as a chemistry instructor at East Los Angeles College. From teaching, he moved into an administrative capacity as assistant dean and later, as dean. In 1968, Dr. Heldman was named founding president of the newly established West Los Angeles College in my congressional district.

During his tenure as president, the permanent West Los Angeles campus was funded, and almost all of the buildings were funded, designed and contracted for construction. One of Dr. Heldman's last projects was the Learning Resources Center, the college's library.

In honor of Dr. Heldman's outstanding contributions in the field of science and administration, on May 15 the Learning Resources Center will be dedicated and renamed the Heldman Learning Resources Center.

Mr. Speaker, I ask my colleagues in the House to join me in saluting Dr. Heldman on the occasion of the dedication of the Heldman Learning Resources Center in his honor, and thank him for his steadfast years of service to the Los Angeles Community College District.

THE UNFINISHED REVOLUTION

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. McCURDY. Mr. Speaker, "The Unfinished Revolution" was the theme of the National Endowment for Democracy's third international conference on the state of democracy around the world. Held on April 15–16 in the wake of the revolutionary democratic events of the past 2 years, the conference brought together leading democratic activists from Latin America, Africa, Asia, and the Soviet Union to address the challenges and concerns facing those working to further the cause of democracy.

At the concluding dinner, the endowment presented its 1991 democracy awards to President Violeta B. de Chamorro of Nicaragua and President Vaclav Havel of the Czech and Slovak Republic. These awards are a recognition of the heroic efforts of Presidents Chamorro and Havel to bring democracy to their countries.

Therefore, I insert President Chamorro's speech at the awards ceremony in the RECORD:

REMARKS BY HER EXCELLENCY VIOLETA B. DE CHAMORRO

Member of the Board of Directors of the National Endowment for Democracy, Mr. Carl Gershman, President of the National Endowment for Democracy, Participating Members in the World Conference on Democracy, Special Invitees, Ladies and Gentlemen, Friends: It has been several years since I visited the NED for the first time, when I was a newspaper editor. At the time, the paper I was working for had just recently reopened after being closed for over a year. The former government in Nicaragua, who was not very concerned with the rights of the people, censored the paper and caused it to close down.

This newspaper was stripped of its materials and equipment—left without paper or the means to advertise and most of the staff were exiled.

On my trip to the NED, I was accompanied by representatives of the Nicaraguan unions, private enterprises and owners of small radio stations—all the groups who the Sandinista regime was trying to suffocate in their attempt to eradicate the last traces of a civil society.

I later returned as a presidential candidate for a coalition of democratic political parties who opposed this totalitarian government.

There were very few people who believed that this coalition and this candidacy would be successful.

On both trips, the NED opened its doors to me, offered assistance and above all, giving me friendship.

Now I return as President of my country.

And today, I am greeted with the same open doors, and friendship—and also the great honor of receiving the Democracy Award that is presented by the NED to representatives of different countries of the world for their contribution towards Democracy.

The 1991 Democracy Award is an honor, as much because of the prestige of the institution that is giving it to me, as for the cause that it represents. For me the latter is the most noble—so noble that my biggest desire since my husband died for this flag and bequeathed it to me, is to fight for democracy. The prestige becomes more prestigious and the honor becomes even more honorable because I share this award with Vaclav Havel, the President of Czechoslovakia.

Democracy is what unites a city in Europe and a city in Central America—despite historic differences.

In my homeland, the advent of Democracy did not occur through violence or force—it took place solely through free elections.

For the first time in the history of the 20th century, the result of a vote ended a totalitarian dictatorship and the two civil war opponents agreed on peace—not because of the victory of one group, but because of the conviction of both.

Democracy was born in Nicaragua patriotically—it was born democratically.

The characteristics of its birth are those which confirm my belief in democracy and encourage me to spread its ideals to others, with patience. For me, patience is the key for promoting peace—I don't believe in using force for any reason, and while I try to maintain due respect for other's viewpoints, I am always trying to convince them of mine.

I have even been attacked by both the national and foreign press, because I don't personify the image that the world has of a typical Latin government leader who pounds the table with their fist. I govern as a woman and as a woman, I don't believe that violence or force can win anyone over.

Those who govern a country have to be the first democrats, so that democracy can exist. Government leaders and the way that they govern, provide the best examples of democracy for the people.

In Nicaragua, dialogue is what turned our economy around. We did this by having conferences that cost us both time and patience, but through planting the seeds of dialogue, we have harvested both peace and understanding.

Another basic requirement, especially in Latin American countries, is that the development of democracy diverges from militaristic ideals. For this reason, from the first day I was elected as President of Nicaragua, I have not stopped fighting for disarming, both morally and physically—not just in Nicaragua, but in all of Central America.

I made a decision to bury tons of military arms in Nicaragua—to pull out the roots of military ideals in a country that has thwarted democracy so many times. Each gun signified at least one human life that would be stricken down. Instead of burying our children, I wanted to bury these arms forever, as a symbol of the new Republic.

This country's battle is a difficult one. But true democracy will only happen when we rid the people of the mentality that war and violence present solutions to our problems. Whatever problem arises, it can be resolved democratically. War never brings the answer—it only presents new problems.

Finally, I have to make one last demand before the democratic world:

New democracies need normal and effective solidarity. We need help from all of you so that the disastrous economic situation that we inherited from the mistakes of the previous regime, do not affect or handicap the development of our growing democracy.

Let us be victorious in all of our battles for Freedom!

Let us achieve solidarity of all free people—the most beautiful conquest for democracy in this century.

INCLUSION OF AMERICAN SAMOA IN THE PROGRAM OF AID TO THE AGED, BLIND, OR DISABLED

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. FALEOMAVAEGA. Mr. Speaker, today I am introducing legislation to amend the Social Security Act to include the territory of American Samoa in the program of "Aid to the Aged, Blind, or Disabled." This program will provide basic assistance for the 1,600 aged, blind and severely disabled individuals residing in American Samoa.

The poverty-level elderly and disabled individuals I seek to help are without benefit of family or public assistance of any kind. These individuals are not able to participate in Social Security because when Social Security went into effect in the territory they were too old to contribute long enough to qualify for minimum benefits. The territorial retirement system did not begin until 1971, and this, too, was implemented too late in their working lives for them to qualify for retirement benefits. There are no local programs that provide benefits to these people and unless the program of aid to the aged, blind or disabled can be extended to American Samoa, they will continue to exist in a condition of poverty.

Mr. Speaker, the only insular areas currently participating in the program for the aged, blind, or disabled are Puerto Rico, Guam, and the Virgin Islands. The Commonwealth of the Northern Mariana Islands is included in a similar program under the Social Security Act, the Supplemental Security Income Program. Furthermore, Puerto Rico at this time participates in the aid to families with dependent children [AFDC] and the nutrition assistance program [NAP]. Guam and the Virgin Islands have AFDC and the food stamp programs. American Samoa, however, has none of the abovementioned Federal assistance programs.

Mr. Speaker, the 1,600 elderly and severely disabled individuals in American Samoa have no place to turn. There are no local or Federal support programs to address the income support needs of this vulnerable population, and our territorial government is facing critical financial difficulties at this time.

I believe this measure will help relieve the critical needs of these elderly, blind and severely disabled individuals who are living in American Samoa. I urge my colleagues to support this important legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF THE TERRITORY OF AMERICAN SAMOA IN THE PROGRAM OF AID TO THE AGED, BLIND OR DISABLED

(a) IN GENERAL.—The 5th sentence of section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended by striking "and Guam" each place such term appears and inserting "Guam, and American Samoa".

(b) PROGRAM PAYMENTS.—Sections 3(a)(2), 1003(a)(2), 1403(a)(2), and 1603(a)(2) of such Act (42 U.S.C. 303(a)(2), 1203(a)(2), 1353(a)(2), and 1383 note) are each amended by striking "and

Guam" and inserting "Guam, and American Samoa".

(c) LIMITATION ON PAYMENTS.—Section 1108(a) of such Act (42 U.S.C. 1308(a)) is amended—

(1) in paragraph (3), by striking the period and inserting "; and" ; and

(2) by inserting after and below paragraph (3) the following:

"(4) for payment to American Samoa shall not exceed—

"(A) $1,000,000 with respect to the fiscal year 1992, or

"(B) $1,000,000 with respect to the fiscal year 1993.".

(d) ALTERNATIVE FEDERAL PAYMENT AUTHORITY.—Section 1118 of such Act (42 U.S.C. 1318) is amended by striking "and Guam," and all that follows and inserting "Guam, and American Samoa, mean 75 percent.".

(e) EFFECTIVE DATE.—The amendments made by this Act shall take effect on October 1, 1992.

TRICENTENNIAL OF THE NEW YORK STATE SUPREME COURT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. GREEN of New York. Mr. Speaker, today I rise with my colleagues from the New York delegation to commemorate the tricentennial of the Supreme Court of New York. On May 6, 1991, the provincial legislature established the Supreme Court of New York to provide the people of New York with proper and just means for securing and recovering their rights and demands.

The Supreme Court of New York, which is the oldest sitting trial court in the United States, has rendered many precedential decisions that have affected both Federal and State laws as well as the rights of the American people. For example, in 1735 the landmark case of John Peter Zenger was instrumental in upholding freedom of the press in colonial New York. Outstanding jurists such as John Jay, Henry Brockholst Livingston, and Benjamin N. Cardozo all presided over the Supreme Court of New York and eventually served on the U.S. Supreme Court.

Today, I commemorate the tricentennial of our Nation's oldest sitting trial court and congratulate the people of New York State on this historic occasion. I have introduced a resolution to commemorate this event, and encourage my colleagues to give it every consideration.

AFT REPORT ON EDUCATION SPENDING

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. FORD of Michigan. Mr. Speaker, I would like to call the attention of my colleagues to a recently published study by the American Federation of Teachers that compares education spending of 15 economically advanced nations, including the United States. The results of this study are disheartening because, according to virtually every standard of measurement, the U.S. ranks lower than its economic rivals. Not only did the U.S. rank 11th in public spending for elementary and secondary education, but it also ranked 9th in public spending for higher education.

I would be the last to argue that money alone will solve our education crisis. But I am equally convinced that these problems cannot be solved without greater investment. According to AFT's "International Comparison of Public Spending on Education," the U.S. ranks 12th among nations, spending 4.7 percent of its income on public and private education.

This study is extremely well conceived and methodologically sound. Its implications for education policy and education reform cannot be overestimated.

Mr. Speaker, I insert a short summary of the study into the RECORD. And I commend Al Shanker, president of the American Federation of Teachers, and Jewell Gould, AFT's research director, for their fine work.

HIGHLIGHTS

The public educational spending effort of the United States ranked in the bottom third of industrialized nations in 1987. Even public spending effort on the vast U.S. higher education enterprise fell below average. Despite the highest standard of living in the world in 1987, five other nations spent more per pupil at the elementary and secondary level, and four nations spent more per capita. The per capita and per pupil expenditure figures represent disparities in real resource utilization, and not differences in effort or resource utilization relative to national income.

In 1987, compared to 15 economically advanced economies belonging to the Organization for Economic Development and Cooperation (OECD):

The U.S. ranked 12th according to percentage of the nation's Gross Domestic Product (GDP) devoted to public spending on current educational costs at 4.7 percent of GDP, compared to the comparison-country average of 5.4 percent.

With 3.7 percent of the GDP devoted exclusively to public spending on elementary and secondary education, the U.S. ranked 11th, while the 15-country average was 4.2 percent.

At 1.0 percent of the GDP, public expenditure effort on higher education ranked only 9th among the countries studied in spite of the highest higher education enrollment rate in the world.

Despite having the highest standard of living in the world when converting currencies with Purchasing Power Parities (PPP's), the U.S. spent only $860 per person in public monies for current education spending, which ranked the U.S. behind four other nations.

Spending $3,398 per pupil in public funds for elementary and secondary education (currency conversions based on Purchasing Power Parities), the U.S. ranked 6th among the 15 countries.

The U.S. ranked 12th according to the ratio of per pupil expenditures to per capita GDP.

Despite mediocre public resource commitments to education, the U.S. has a relatively high need for education. The U.S. has:

The 2nd highest percentage of the population enrolled in precollegiate schooling behind France.

The highest percentage of the population enrolled in higher education programs—double the 15-country average.

The 2nd highest total fertility rate behind Australia.

The 2nd highest percentage of 4–15 year old children in the population behind Australia.

Some factors contribute to lower public spending on education. The U.S. possessed:

The 4th highest pupil-teacher ratio of 18.7 students per teacher compared to the average of 15.8 among the 15 nations studied.

The second largest average school size for elementary schools at 352 pupils per school, well above the 15-country average of 186.

The 6th largest private school population.

Among nine countries with comparable teacher salary data:

Only the United Kingdom, Sweden and Japan pay less than the U.S.

Ranked by the ratio of teachers' salary to per capita GDP, the U.S. ranked second to last.

Compared to the average manufacturing worker teachers receive less pay in the U.S. than in any other country except Sweden.

With 71.1 percent of its teachers female, the U.S. easily ranked as the most feminized teaching force among the 15 economically advanced nations, which averaged 58.9 percent female.

DADE COUNTY SCHOOL KIDZ WELCOME THE TROOPS HOME

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Michelle Sanchez and the Dade County School Kidz have sung much deserved praises to our homeward bound troops. Under the direction of Cathy Ellis, this chorus of south Florida school children perform an original composition of Ms. Ellis, "We, the Children of America." Michelle Sanchez, the soloist, and the Dade County School Kidz have received an enthusiastic reception wherever they perform their exclusive welcome home to the brave men and women of America's Armed Forces.

The chorus has sung at many area churches, for Operation Home Front, the Dade County School Board, and the South Florida-wide, "We Are One, Say No to Drugs Rally." They have also produced a professional-quality video of their performance which has aired on local television stations. The music and lyrics of "We, the Children of America" are by Ms. Ellis. She is an important part of the Ellis Family Music Co., Inc., which does music arranging, teaching, performing and producing.

These talented young performers are from local elementary schools. The chorus includes: Jennifer Jewett, Melody Jewett, Jonathan Jewett, Christi Martin, Bethany Martin, Sharon Martin and Anna Martin which are part of [PATH], Parents Association for Teaching at Home. Also in the group are: Venessa Greco, Valerie Greco, Gabe Greco, Eva Greco from the Carrollton Schools, Jasmine Dominguez, Jonathan Torres and Angela Jackson from Rainbow Park Elementary, Marcus Farmer from Myrtle Grove Elementary, Paul Hoyo and George Scopetta from Key Biscayne Elementary, Ruth Ann Barr, Angela Barr, Simon White and Norman White from Perrine Elementary, and Paul Scopetta from St. Thomas Elementary.

Mr. Speaker, we are all exceedingly proud of our brave troops. It is a special pleasure to me that the children of south Florida have chosen to revere the soldiers in this way. The words of this stirring piece aptly express their feelings, "We lift our voices in this song, wanting you to know that the children of America stand strong with you * * * We, the children of America are so proud of you." I am pleased that their wonderful young voices are raised with ours in celebrating our Nation's victory.

BETTY DUFFIE: A WOMAN FOR ALL SEASONS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. SPENCE. Mr. Speaker, on Friday, May 10, 1991, citizens from throughout South Carolina will gather to honor one of the most remarkable people I have ever known, Mrs. Mary L. "Betty" Duffie. On this date, Betty will officially retire as founder and president of the Babcock Center in Columbia, SC. The Babcock Center is recognized nationwide as a conduit for the dissemination and delivery of services to the mentally handicapped.

Betty Duffie is truly the counterpart to Sir Thomas More, whose exemplary life was the subject of award-winning dramas and films entitled "A Man For All Seasons." In south Carolina, she is the "Woman For All Seasons." Her accomplishments stagger the imagination, and her zeal and enthusiasm in championing the cause of the mentally retarded are without parallel.

Our State motto in South Carolina is "While I breathe, I hope." It is also the motto of Betty Duffie. As a pioneer in the development of community-based programs for the handicapped, she founded the Babcock Center in Columbia 25 years ago with virtually no budget. Since then, the Babcock Center has grown from a handful of children in the basement of a church to a comprehensive network of services with a budget of $15 million per annum. From its austere beginning, the program now serves over 700 clients daily. In fact, the Babcock Center is the largest provider of community residential services in South Carolina.

Among her many achievements include the founding and organization of the first special Olympics program in South Carolina. For over 10 years, Mary served as volunteer executive director of the South Carolina Special Olympics, and her work has been recognized nationwide in making special Olympics such a huge success. One of her greatest honors was to be awarded the Order of the Palmetto, the single greatest recognition that a citizen can receive from the State of South Carolina.

Mr. Speaker, because of wonderful people like Betty Duffie, the world is a far better place. She is the epitome of model citizenship, and her career serves as a reminder that one person can make a difference.

BIG MAC ATTACK ON WASTE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. SCHEUER. Last month the McDonald's Corp., the Nation's largest fast-food chain, announced a major new program to reduce waste at all of its restaurants and facilities.

Each day the 8,500 McDonald's restaurants and 34 distribution centers in the United States produce over 2 million pounds of waste. Recognizing this problem, McDonald's has taken it upon itself to reduce its waste output by 80 percent over the next few years.

Working with the Environmental Defense Fund [EDF], McDonald's has developed 42 separate initiatives to reduce waste. They include switching from styrofoam food containers to paper wrappers, requiring suppliers to use packaging material that is recyclable, using starched-based utensils which can be recycled as opposed to traditional plastic utensils which cannot, and testing reusable materials instead of relying completely on disposables. They are also spending over $100 million on their own recycling efforts.

McDonald's serves over 18 million people daily. They recognize that they are a major market power and are using this power to benefit the environment. When McDonald's talks, suppliers will listen. When McDonald's tells suppliers to use recyclable materials, suppliers will use recyclable materials.

The cooperation between McDonald's and EDF was truly unique. McDonald's gave EDF full access to its books and operations. For its part, EDF took the time to understand McDonald's operation and did not charge anything for its consulting services. Working together they developed a sensible plan, one that made a major dent in the waste problem and did not unduly interfere with McDonald's business operations.

I applaud the efforts of McDonald's and the EDF. They have done this country a great service. It is my hope that other companies, both in the fast-food industry and in other fields, will follow their example.

The next time I am in the mood for a burger, some fries, and a milk shake, I am going to the Golden Arches. I will satisfy my hunger and help the environment at the same time.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 7, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 8

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for defense programs, focusing on A-12 follow-on issues.

SD-192

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Aeronautics and Space Administration.

SD-138

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine virtual reality, a new development in advanced interactive computer technology.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Permanent Subcommittee on Investigations

To hold oversight hearings to examine the U.S. trade policy with Japan.

SD-342

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review the extension of fast track procedures for international trade negotiations as related to the Uruguay Round of the General Agreement on Tariffs and Trade, the North American Free Trade area, and the Enterprise for the Americas Initiative.

SR-332

Banking, Housing, and Urban Affairs

To continue hearings on proposals to reform the Federal deposit insurance system, protect the deposit insurance funds, and improve supervision and regulation of and disclosure relating to federally insured depository institutions.

SD-538

Environment and Public Works

Superfund, Ocean and Water Protection Subcommittee

To hold hearings on S. 791, to require certain information relating to radon to be made available in connection with certain real estate transactions, and to require that radon testing devices offered for sale be tested by the EPA, S. 792, to authorize funds for programs of the Indoor Radon Abatement Act of 1988, S. 779, to authorize funds for and to revise the Indoor Radon Abatement Act, S. 575, to require local educational agencies to test for and remediate radon in school buildings, and S. 455, to establish a national program to reduce the threat to human health posed by

exposure to contaminants in the air indoors.
SD–406

Foreign Relations
To hold hearings to review Kurdish refugee relief efforts.
SD–419

Labor and Human Resources
To hold hearings to examine the need to promote comprehensive social services for youth.
SD–430

2:00 p.m.

Armed Services
To hold a briefing on the conduct of ground operations by members of the 1st Marine Division during Operation Desert Shield/Desert Storm.
SH–216

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, California.
SD–366

Environment and Public Works
To resume joint hearings with the Committee on Labor and Human Resources' Subcommittee on Labor to examine the environmental and economic implications of a free trade agreement with Mexico.
SD–430

Labor and Human Resources
Labor Subcommittee
To resume joint hearings with the Committee on Environment and Public Works to examine the environmental and economic implications of a free trade agreement with Mexico.
SD–430

Small Business
To hold oversight hearings on small business procurement in the dredging industry.
SR–428A

Select on Indian Affairs
To hold oversight hearings on the impact of the Supreme Court's ruling in Duro v. Reina on the administration of justice in Indian country and on proposed legislation to reaffirm the authority of tribal governments to exercise criminal jurisdiction over all Indian people on reservation lands.
SR–485

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

2:30 p.m.

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1992 for foreign assistance, focusing on Asia.
SD–419

MAY 9

9:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for defense programs, focusing on NATO issues.
SD–192

Armed Services
To hold a briefing on the conduct of ground operations by members of the 24th Infantry Division in their tactical area of responsibility during Operation Desert Shield/Desert Storm.
SD–G–50

9:30 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings on issues relating to the use and application of lawn care chemicals.
SD–406

Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings to examine issues relating to the census of the homeless.
SD–342

Labor and Human Resources
To hold hearings on the nominations of David T. Kearns, of Connecticut, to be Deputy Secretary of Education.
SD–430

10:00 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD–138

Banking, Housing, and Urban Affairs
To continue hearings on proposals to reform the Federal deposit insurance system, protect the deposit insurance funds, and improve supervision and regulation of and disclosure relating to federally insured depository institutions.
SD–538

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to review the current situation in the Middle East, focusing on prospects for democratization.
SH–216

Judiciary
Business meeting, to consider pending calendar business.
SD–226

Joint Economic
To hold hearings to review the Federal Reserve, monetary policy and credit conditions.
SD–628

10:45 a.m.

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

2:00 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the U.S. Army Corps of Engineers.
SD–192

Commerce, Science, and Transportation
To resume hearings on the failure of the Executive Life Insurance Company of California and Executive Life of New York.
SR–253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 395, to establish the Department of Energy's Fast Flux Test Facility (FFTF) in the State of Washington as a research and development center to be known as the Research Reactor User Complex.
SD–366

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To continue hearings to review the current situation in the Middle East, focusing on regional economic issues.
SH–216

Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings to examine the refugee situation in the Persian Gulf.
SD–226

2:15 p.m.

Banking, Housing, and Urban Affairs
To continue hearings on proposals to reform the Federal deposit insurance system, protect the deposit insurance funds, and improve supervision and regulation of and disclosure relating to federally insured depository institutions.
SD–538

MAY 10

10:00 a.m.

Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation to insure the safety and soundness of government sponsored enterprises.
SD–538

Environment and Public Works
Environmental Protection Subcommittee
Superfund, Ocean and Water Protection Subcommittee
To hold joint hearings to examine and evaluate the Department of the Interior's report and recommendation to the Congress and final legislative environmental impact statement concerning the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD–406

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold closed hearings to review Moscow Embassy construction plans.
S–116, Capitol

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To continue hearings on the current situation in the Middle East, focusing on the role of the United Nations.
SH–216

MAY 13

9:00 a.m.

Environment and Public Works
To hold hearings to examine various truck issues, including S. 823, to authorize funds for the improvement of highways to further international competitiveness of the U.S., and S. 965, to improve the efficiency of the existing surface transportation system.
SD–406

10:00 a.m.

Energy and Natural Resources
To hold hearings on S. 570, to implement a national energy strategy, focusing on

subtitle B of Title V, provisions relating to nuclear waste management.
SD-366

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine Arctic and Antarctic monitoring.
SR-253

MAY 14

9:00 a.m.
Environment and Public Works
To resume hearings to examine various truck issues, including S. 823, to authorize funds for the improvement of highways to further international competitiveness of the U.S., and S. 965, to improve the efficiency of the existing surface transportation system.
SD-406

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs.
S-128, Capitol

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the Tennessee Valley Authority.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Select on Indian Affairs
To hold hearings on proposed legislation authorizing funds for programs of the Native American Programs Act.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art.
SD-116

Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on the progress being made by the Department of Defense in supporting science, mathematics and technical education at all levels.
SR-222

Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on the views of officials in the law enforcement field.
SD-226

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on pipeline safety.
SR-253

Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings to examine the President's initiative for improving economic statistics.
SD-342

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 586 and S. 711, bills to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and H.R. 355, to revise the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior.
SD-366

MAY 16

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 668, to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian reservations.
SR-485

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Veterans' Affairs
To hold hearings on proposals to improve educational assistance benefits for members of the Selected Reserve of the Armed Forces who served on active duty during the Persian Gulf War, including S. 868, and on H.R. 153, to repeal certain provisions of the Veterans Judicial Review Act relating to veterans benefits.
SR-418

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Minerals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services.
SD-116

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

Finance
To hold hearings to examine restoration of traditional individual retirement accounts (IRAs) in an effort to stimulate economic growth for Americans and the nation, focusing on S. 612, to encourage savings and investment through individual retirement accounts.
SD-215

Rules and Administration
Business meeting, to receive a report from the Architect of the Capitol on current projects, and to consider other pending administrative business.
SR-301

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on environmental restoration and waste management (defense and non-defense) and the Civilian Nuclear Waste Fund of the Department of Energy.
SD-192

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John A. Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board.
SR-253

MAY 17

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

1:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Veterans Affairs, Department of Housing and Urban Development, and independent agencies.
SD-138

MAY 21

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy.
S-128, Capitol

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the Office of Energy Research, solar and renewables research and development, and nuclear energy research and development of the Department of Energy.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
SD-138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
SD-138

MAY 22

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on Department of Energy environmental restoration and waste management programs.
SR-222

MAY 23

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 290, to authorize funds for certain programs of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
SR-485

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the Department of Energy.
SD-192

Select on Indian Affairs
To hold oversight hearings on Indian libraries, archives and information services.
SR-485

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 5

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.
S-128, Capitol

Select on Indian Affairs
To hold hearings on S. 667, to provide support for and assist the development of tribal judicial systems.
SR-485

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Housing and Urban Development.
SD-138

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 106, to revise the Federal Power Act to prohibit the granting of a Federal license for a hydroelectric project unless the applicant complies with all substantive and procedural requirements of the affected State in which the project is located with respect to water acquisition and use.
SD-366

JUNE 6

9:00 a.m.
Veterans' Affairs
Business meeting, to mark up pending legislation.
SR-418

JUNE 18

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

JUNE 26

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

JULY 16

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

CANCELLATIONS

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.
SD-138

POSTPONEMENTS

MAY 21

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on enforcement of antidumping and countervailing duties.
SD-342

HOUSE OF REPRESENTATIVES—*Tuesday, May 7, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

You have promised, O gracious God, that You are with us in all the circumstances of life and that Your healing power is greater even than our understanding and Your restoring energy is more powerful than our comprehension. We pray that Your presence will be with those who call upon You for strength and may our hearts and minds be open and receptive to Your abiding love and care. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Kentucky [Mr. MAZZOLI] to please come forward and lead the House in the Pledge of Allegiance.

Mr. MAZZOLI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 214. Joint Resolution recognizing the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

SUPPORT BRADY BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. MAZZOLI. Mr. Speaker, I have requested permission to have put in the CONGRESSIONAL RECORD following my brief remarks a letter which I received the other day from Dr. Joe Casey, a physician in Louisville, KY, in behalf of the Brady bill, which the House will vote on tomorrow.

Dr. Casey is president of the Kentucky chapter of Handgun Control, so he would likely be in favor of the Brady bill. But his support comes from a far more important factor. His own brother, who also happened to be a physician, Dr. John Patrick Casey, was killed by a gunman in his medical office last year.

Mr. Speaker, Dr. Joseph Casey's letter is very important, because it strikes a balance. He says that he is not asking for retribution or vengeance by reason of his brother's death, but would like to have on the laws of this land a balanced piece of legislation protecting the rights of honest people to own handguns, and, at the same time, keeping those self-same handguns out of the hands of the wrong people.

Mr. Speaker, I believe that the Brady bill does exactly that. I intend to support it tomorrow, and hope the House does.

The letter follows:

KENTUCKY CHAPTER FOR
HANDGUN CONTROL,
Prospect, KY.

DEAR CONGRESSMEN: My life has been changed forever since the day Jack Billings walked into my brother's medical office, put a gun to his head and pulled the trigger. In our family, there is no joy, no happiness. There is only sorrow, anger, and bitterness. Now I find myself appearing on television, giving speeches before groups, writing politicians, organizing meetings all for the purpose of telling people that there must be something we can do to help stop the slaughter of our people.

The tragedies that make the headlines are but a fraction of what takes place every day. People in opposition to gun control are concerned for their freedom. It is their right to own a firearm. The communist governments in China, Cuba, Russia have taken away guns and oppressed the people. Guns are not the problem, it's the people pulling the trigger. Gun control measures will never stop violence, people will always find a way to kill. The real purpose of gun control is to take all the guns away from all the people and give government total control.

We say "wake up." Get real. This problem comes from poverty, ignorance, drinking, mental disorders, and drugs. There must be things we can do, at all levels, that could help stop the killings and still insure freedom for the people. Couldn't we have safety courses, better care for the mentally ill, better education, better opportunity for the poor, stiffer penalties for criminals? In our state, anyone can walk into a gun shop and walk out with a weapon. Can't we do something to stop giving away guns to criminals, drug addicts, and the mentally deranged without compromising the freedom of the honest person? No, a measure like that won't stop all crime but it doesn't make sense to give the guns away. We ask our leaders to enact legislation that makes sense. Protect our freedom, and help us protect ourselves. Don't take our guns away but stop giving the guns to the wrong people.

All of you will be asked to consider the passage of the Brady Bill. We ask that you consider this bill on its own merit. Remove it from the framework of PAC money, subversive plots to undermine our freedom, its very small part in a huge problem. It makes sense. You don't smoke on planes, you don't drink at NCAA tournaments, and as a people we are still free.

With highest regards,

JOE CASEY,
President.

VOTE AGAINST QUOTA BILL

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the American people are opposed to quotas. A 1988 Media General poll published in USA Today showed that. When asked, "Do you think minorities should receive preference in hiring," 79 percent "no," and 15 percent said "yes."

H.R. 1, the quota bill, would encourage Main Street businesses to hire by the numbers. This practice would become law under the guise of civil rights. Vote against the quota bill.

PRESIDENT DOES NOT PROVIDE LEADERSHIP ON CIVIL RIGHTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, another tragic night of violence in this Nation's Capital only shows how sad it is that the President of the United States does not have the vision and the courage to provide the leadership he needs and this country needs in civil rights.

I think when one looks back historically, it has been very difficult to pass civil rights bills, even when there was a President in the White House who was for them. These are very divisive issues. We hear words about quotas and we hear words about all of these things.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, that is not what is the civil rights bill. This civil rights bill is about continuing the American dream to all people, so the values of integrity, hard work, and ability are what counts, and not race, religion, sex, or national origin.

Mr. Speaker, the day we close off the American dream to segments of this society, we will see what happens, as we are seeing in the District of Columbia with the riots, to a community who feels left out. I would hope the President would have the vision to pull us all together so we can work together to get this economy back on track. I am sorry he does not seem to want to provide that leadership.

QUOTA BILL SHOULD BE REJECTED

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, last month I sent out my annual questionnaire asking for my constituents' input on some of the major issues facing Congress this year.

About 16,000 of them responded, and the results are pretty interesting. It is not a scientific poll by any means but still it does provide some insight into what the people are thinking.

One of the things that does stand out in my poll's results is the fact—a very clear and simple fact—that they do not like the idea of quotas one little bit.

By an 8-to-1 margin—82 to 10 percent—the people in my district think that quotas are a rotten idea.

And there is simply no way around it, H.R. 1 will result in quotas. If this bill is enacted, small business men and women will have no alternative other than to go straight by the numbers when they hire and when they promote employees, just to protect themselves from hordes of lawyers and hassles of lawsuits, and that means quotas.

Small business does not need quotas. The American people do not want quotas, and that is what H.R. 1 is all about—quotas. This bill should be rejected.

□ 1210

PERMISSION FOR SPEAKER TO DECLARE RECESS ON WEDNESDAY, MAY 8, 1991

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, May 8, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of welcoming Gen. H. Norman Schwarzkopf, commander in chief, U.S. Central Command.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 231

Mr. GOSS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Joint Resolution 231.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

H.R. 1 ENCOURAGES UNFAIR PREFERENTIAL TREATMENT

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the quota bill, H.R. 1, encourages unfair preferential treatment for women and minorities. The bill would downplay a job applicant's ability and test score.

A 1989 Gallup Poll showed that most Americans do not like preferential treatment. As the chart to my left illustrates, polls taken in 1977, 1980, 1984, and 1989 consistently reveal the overwhelmingly strong rejection of unfair preferential treatment for women and minorities.

Over 80 percent of Americans believe that a person's ability and test scores should be the primary focus for gaining admission to college or for being considered for a job. Americans know a bad business practice when they see one. This bill seeks to solve the civil rights issue by introducing the quota problem as a solution. H.R. 1 should be rejected.

SMALL BUSINESS FORCED TO HIRE BY QUOTA, NOT MERIT, UNDER H.R. 1

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, of course proponents of H.R. 1 will argue that this legislation will not mean quotas in employment practices. But reality in the business world argues that they are mistaken.

H.R. 1, from a real world, small business perspective, imposes a tort-like system in employment law. The remedies scheme envisioned by H.R. 1 will further clog an already burdened court system and result in a bonanza for plaintiff lawyers. Claimants will, under this legislation, bypass the Equal Employment Opportunity Commission [EEOC] in the hope of landing a jury trial and big money award. The average jury award is $646,000, according to a 1988 Rand Corp. study.

Faced with the probability of a $646,000 judgment against a small business, the Main Street business owner's only protection will be statistical demographic evidence—quotas—to stay out of court. This will be the real world effect of enactment of H.R. 1.

Don't punish the employees of your Main Street businesses by supporting H.R. 1. It will mean racial, ethnic, sexual, and religious quotas in employment practices.

VOTE AGAINST THE BRADY BILL

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, would you like to be the first Congressman to vote for regulation and registration of firearms?

Does the Brady bill start us down that road? The answer is yes.

Make no mistake about it. Asking for a permit to buy a handgun is regulation.

Do you think any licensed firearms dealer in his right mind would want the liability of selling you a handgun if you did not have a permit?

Do you think a law enforcement officer wants the liability of issuing a permit if he doesn't have all the information base? It's much safer to not respond and shift the liability to the dealer.

Is the Brady bill registration? It does require police to destroy all records of approved sales—however, a big however, it provides no penalty if they retain the information.

Vote against the Brady bill.

WETLANDS—REGULATORY SWAMPLAND

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, I rise today to continue a series of speeches regarding the fair campaign, the fight against intrusive regulations. Today's example of burdensome regulations is the marshy mayhem resulting from wetlands protection.

Recently, numerous constituents and groups including homebuilders, farmers, realtors, bankers, and petroleum groups have been in my office all with the same priority: relief from wetlands regulations.

The source of the misery is the wetlands bible, The Federal Delineation Manual. This manual was enacted without any public discussion and without going through any official rulemaking procedures.

This manual has resulted in the overzealous prosecution by bureaucrats of farmers, homebuilders, and small business owners. I have heard incredible horror stories of individuals having their land devalued by 50 percent because of a puddle of water in a field being classified as a wetland.

It seems only reasonable to expect Federal policies that have a significant effect on the public to be reviewed in the light of day. As a member of the fair campaign, I have cosponsored H.R. 1330, a bill which I believe will bring some common sense back into wetlands regulation. I encourage my colleagues who have not done so, to join in support of H.R. 1330 and to join the fair campaign and bring sanity back to the regulatory process.

COMMON SENSE NEEDED ON GUN LEGISLATION

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, in the past few weeks, I have risen to speak in support of common sense, and this body's need for more common sense in its deliberations.

As the House prepares to consider H.R. 7—the Brady bill—it becomes all the more apparent the Congress is in desperate need of that common sense.

After all, if we want to prevent crime, if we want to protect victims, we should act and act strongly. But by imposing a waiting period for the purchase of firearms, we are not punishing the criminal. Instead, we are punishing the law-abiding citizen who wants to exercise his or her rights under the second amendment to the U.S. Constitution.

That is not common sense. That's nonsense.

And it is not common sense when supporters of H.R. 7 tell us that there is no constitutional right to bear arms. Unless they have forgotten about the second amendment—or worse, have decided to ignore it—that is lacking in common sense too.

Some of the supporters of H.R. 7 are some of the strongest advocates of the constitutional rights of others. I hope they will support the constitutional right for honest citizens to keep and bear arms as well and in doing so support the Staggers alternative.

The American people deserve that protection. Common sense demands nothing less.

WIDESPREAD SUPPORT FOR BRADY BILL

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the Brady bill. I would like to share with my colleagues the depth and breadth of support for this vital, commonsense legislation. From the State attorneys general to the cop on the beat, the men and women who make crime control their lifes' calling all are united in their support for Brady.

As a matter of fact, every legitimate law enforcement organization has endorsed this common sense, 7-day, waiting period: the Fraternal Order of Police, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, and the International Association of Chiefs of Police are just a few of the many law enforcement agencies to endorse a national waiting period.

More impressive, however, is the grassroots enthusiasm for this bill from our men and women in the field. On a visit home, I was visiting a local police station, when a voice called to me from the policemen's back office: "Congresswoman, Congresswoman." I turned around, and running toward me was a burly sergeant, who looked like he'd been pounding the street for 30 years. "Congresswoman Roukema," he said, "I just want to shake the hand of the woman who has guts enough to vote for the Brady bill. Keep it up, Mrs. Roukema—don't let us down." What more can we ask as proof positive of the need for this bill?

The experience in my own State of New Jersey is instructive, a background check has stopped more than 18,000 purchases, and resulted in more than 10,000 arrests. This law has been in effect for 20 years, and I have seen no evidence that it has led to infringement of constitutional guarantees. The Constitution stands, and sportsmen are still getting their guns.

Mr. Speaker, I say to my colleagues that a 7-day waiting period for a handgun purchase is simple common sense: Any one who needs a gun right now needs a waiting period. Period. I urge each of my colleagues to give our law enforcement officers what they need and want, and support the Brady bill.

□ 1220

INTRODUCTION OF THE COMMONSENSE BUDGET ACT OF 1991

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, suppose that a bicycle shop which had been selling a particular bicycle for $100 raised its price to $110 and then advertised that the same bicycle was on sale because the shop used $130 as the comparison price. The Federal Trade Commission along with appropriate State consumer protection agencies would quickly bring civil or criminal action against the shop's owners for false advertising.

Yet, Congress engages in similar deceptive advertising by requiring all spending and tax proposals in the President's budget documents and Congress' budget resolutions be compared to the current services baseline. The current services baseline is a projection of Federal spending and receipts that incorporates the effects of various economic, demographic, and policy changes.

The current services baseline is very misleading to the public. If either the President or the Congress proposes funding levels that are below baseline, these levels are reported as a spending cut even though the dollar amount may be greater than the previous year's outlays. Likewise, a reduction in tax rates is considered a tax cut even though total receipts may be $80 billion higher than the previous year. As a result, many voters are incorrectly convinced that Federal spending and taxes were slashed in the last decade when both outlays and revenues almost doubled.

Abolishing the current services baseline would make Federal budgeting more understandable to the American people. Therefore, I am introducing The Commonsense Budget Act of 1991 today to require proposed outlays and revenues be compared to last year's spending and receipts rather than the current services baseline. This bill has attracted 30 cosponsors, reflecting broad bipartisan support across the ideological spectrum. I urge its rapid adoption.

COMPREHENSIVE VIOLENT CRIME CONTROL BILL

(Mr. KYL asked and was given permission to address the House for 1 minute.)

Mr. KYL. Mr. Speaker, this week we are going to be voting on gun control legislation on the theory that it will reduce crime. Unfortunately, we know that bills like the Brady bill will do little, if anything, to reduce crime.

Does anyone, for example, really believe that criminals will not get guns if the Brady bill passes? If we really want to do something to deter the criminal use of guns, we should provide very stiff penalties for crimes committed with guns.

President George Bush has unveiled his comprehensive violent crime control legislation March 11. It includes major reforms in sentencing for crimes committed with firearms as well as reforms in postconviction appeals process, the death penalty and evidence-gathering rules.

We, in Congress, have been challenged to approve this legislation in 100 days. Mr. Speaker, today is the 63d day, and yet we have not seen this crime control bill on the floor. Let us get down to the business of fighting criminals.

The President's bill deserves our full support. Let us get it to the floor so we can vote on it.

SALUTE TO THE PEOPLE OF GIRARD, KS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, today I would like to salute the people of Girard, KS, and the American Legion Post for a great patriotic celebration this past weekend.

On Saturday afternoon, several thousand people including Senator DOLE and myself were on hand for the unfurling of a new flag. This flag is not your ordinary flag. This flag is 30 by 50 feet and flies in the Kansas breeze from a gigantic flag pole.

In addition to the big flag, a beautiful veterans monument—bearing the names of veterans of all wars was dedicated.

As John Spurling, the master of ceremonies, put it,

> This special day is the culmination of a dream. A dream of Dennis Gillard, Rob Hill and Randy Geier. It was their dream that 1 day a great flag would fly over our community and a beautiful monument inscribed with names of veterans would rest in its shadows.

The flag and monument stand as a living tribute to the courageous men and women who have served in the Armed Forces of our country!

This gigantic flag is equaled in size only by the spirit of these Kansas patriots.

SUPPORT REPEAL OF BOAT REGISTRATION TAX

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, in the middle of the night in the dying moments of the last Congress, this body did something both unexpected and unfair. We adopted a budget which penalized boat owners by taxing them with a new registration labeled a user fee. Amounts involved range from $25 for 16-foot boats to $100 for boats 40 feet or longer.

The Coast Guard is now mandated to collect these moneys from any of the 4.1 million boaters across our country in the country's waters anyplace where the Coast Guard has a presence in navigable waterways. The problem is the moneys they collect do not go to the Coast Guard to provide better service for the boaters who are paying these fees. The problem is that these moneys go to reduce the deficit, which is a worthy objective, but surely one that is too great for just the boaters of our Nation to take on alone.

Mr. Speaker, I have just come from my district and had informal public hearings on this. When the American people there heard these points and these discussions, they came away unanimously with the idea that this tax on boaters is unfair. It is going to hurt the Coast Guard by adding an extra mission without paying its way, more to deter the Coast Guard from doing what we count on them to do, which is the drug war, safety and rescue and so forth.

Most of all, the people are upset about the abuse of the budget process.

Mr. Speaker, I ask my colleagues to help me in supporting H.R. 534, which would repeal this tax.

DO NOT MAKE FALSE ASSUMPTIONS ABOUT VICE PRESIDENT QUAYLE

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker and Members, I know I join everyone in this House and everyone in America in being proud and pleased and happy that our President has recovered, that he is back on the job and that his health is moving certainly in the right direction.

But I could not help but be struck over the weekend about the discussion not about Mr. Bush but what if something happened to Mr. Bush, then what, of course, would happen with the new Commander in Chief, Vice President QUAYLE? Everyone raised all kinds of alarms and concerns.

I could not help but be reminded that everyone was happy with George Bush as Commander in Chief today and concerned that something might happen to him. Is not this the same George Bush everyone accused of being a wimp only 3 or 4 years ago?

I think there is a message in that to each and everyone of us. It is easy for anybody to look good and have respect when you are No. 1, the Commander in Chief.

Let us not make any false assumptions about Vice President QUAYLE. He has got a record in this House, a record in the U.S. Senate, and even Bob Woodward on the NBC Today Show said he did a darn good job during the gulf war.

WHEN DO AMERICAN WORKERS AND BUSINESSMEN GET A BREAK?

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, Japan has a stranglehold on American trade, but then so does everybody else, Taiwan, Europe, Korea.

You know, the thing about it is when they protect their markets against American imports, they call that smart business practices, but when we do it, it is called protectionism. This has been done with a vehicle called fast-track, and that is what the administration wants to continue to do right now.

Frankly, that scares me to death, because the people have absolutely no voice in this whatsoever through their representatives, and I say that the people should have a right to be able to voice at least some concerns.

The President now wants to allow Mexico, which does not have any workers' rights, has no environmental policies, they want them to have a piece of the American pie. When does the American worker and when does the American businessman get a break?

How about a little less foreign aid and a little bit more domestic aid?

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Clerk of the House of Representatives:

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 2:35 p.m. on Monday, May 6, 1991 and said to contain a message from the President whereby he transmits the Agreement between the Government of the United States of America and the Government of the Republic of Iceland Amending and Extending the Agreement of September 21, 1984, Concerning Fisheries off the Coast of the United States, as amended and extended.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF ICELAND—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries: and

(For message, see proceedings of the Senate of Monday, May 6, 1991, at page S5350.)

□ 1230

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE ARTS, FISCAL YEAR 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Tuesday, May 7, 1991.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 8.

CALIFORNIA NATIONAL HISTORIC TRAIL AND PONY EXPRESS NATIONAL HISTORIC TRAIL

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 479) to amend the National Trails System Act to designate the California Historic Trail and Pony Express National Historic Trail as components of the National Trails System, as amended.

The Clerk read as follows:

H.R. 479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF TRAILS.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraphs at the end thereof:

"( ) The California National Historic Trail, a route of approximately five thousand seven hundred miles, including all routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment' and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof.

"( ) The Pony Express National Historic Trail, a route of approximately one thousand nine hundred miles, including the original route and subsequent route changes, extending from Saint Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment', and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.".

SEC. 2. STUDY PROVISIONS.

The Secretary of the Interior (hereinafter referred to as the Secretary) shall undertake a study of the land and water route used to carry mail from Sacramento to San Francisco, California, to determine the feasibility and suitability of designation of such route as a component of the Pony Express National Historic Trail designated by section 1 of this Act. Upon completion of the study, if the Secretary determines such route is a feasible and suitable addition to the Pony Express National Historic Trail, the Secretary shall designate the route as a component of the Pony Express National Historic Trail. The Secretary shall publish notice of such designation in the Federal Register and shall submit the study along with his findings to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO.]

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 479, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure, H.R. 479, was introduced by the gentleman from Nebraska [Mr. BEREUTER], and designates the National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System. The gentleman from Nebraska [Mr. BEREUTER] has developed strong bipartisan support for this, as a number of sponsors have joined him as well as other measures that were similar to it that were introduced.

This measure passed the House and Senate in the 101st Congress, and did pass the Senate but differences in the legislation were not resolved prior to adjournment.

It is an enormously important measure, Mr. Speaker. The California Trail is the route of the greatest mass migration in American history, starting from points along the Missouri River to the California Trail, and was used by settlers and prospectors in their emigration west during the mid-1880's. The trail is 5,665 miles long, and the trail ruts and traces can still be seen on about 20 percent of the trail.

Parts of the California Trail also are similar to an area that has also been designated, known as the Oregon and Mormon National Historic Trails, but nevertheless this does represent a designation of 3,800 new miles of California Trail that have not been recognized but for this legislation.

In addition to this, this measure includes the Pony Express Trail, another major link between the East and the California frontier. Although it was only in use for 18 months, the Pony Express proved that correspondence could be delivered to the west coast in an average of 10 days. Riders became legendary because of the bravery they displayed while riding through hostile territory and during all sorts of weather. During its operations riders made 318 individual trips, covering over 600,000 miles. While delivering nearly 35,000 letters, the mail was only lost once. The Pony Express played an important role in aligning California with the Union at the onset of the Civil War.

Both the Pony Express and the California Trails were studied by the National Park Service and found to be nationally significant and eligible for designation as a National Historic Trail. Members of Congress, the administration, and public witnesses have testified in favor of national designation of these two trails.

An amendment to the bill was adopted in subcommittee for further study of a route between Sacramento and San Francisco, CA, for possible inclusion in the Pony Express National Historic Trail. If the Secretary finds this segment to be a feasible and suitable addition based on the study, it will be added to the Pony Express National Historic Trail.

Mr. Speaker, the California and Pony Express Trails played a significant role in the history of the West and of the Nation as a whole. I urge the House to support this legislation to give these trails the recognition they deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 479, a bill to establish the California and Pony Express National Historic Trails. This is an important bill, offered separately by my colleagues Mr. BEREUTER of Nebraska and Mr. DOOLITTLE of California. Mr. Speaker, these two trails personify the settlement of the west in the 19th century and represent the ideals of the national historic trail as envisioned when we created this concept.

The California Trail has been called the route of the greatest mass migration in American history and was extensively used by a variety of settlers to reach the west coast. Likewise, the Pony Express Trail, while only in use for 18 months, evokes visions of the young riders and saddle horses crossing the 1,800 mile length of the trail in less than 10 days.

The strong suppport from the western cosponsors, including myself, attests to the importance of these trails. However, their strong support relates directly to the concept for management and interpretation as set forth in the administration. This concept relies on limiting land acquisition to certain high value segments of the trail. In fact, Federal acquisition of lands outside the boundary of previously designated areas would be precluded without the consent of the owners. The issue of trail corridor width was also raised, but clarified by the administration during the hearing for historic trails, the corridor width is to be no wider than the actual trail. In some cases, that may be no wider than a single covered wagon.

I would like to express the appreciation of the western members to the subcommittee chairman, Mr. VENTO, for expediting the completion of this measure this Congress.

Mr. VENTO. Mr. Speaker, I have no further requests for time. I know others who have worked on this are interested in speaking.

I neglected in my earlier remarks to point out that Mr. SHUMWAY, who served in the 101st Congress, was a principal architect of this, and put a lot of work in it, and it of course has been picked up by the gentleman from Nebraska and the gentleman from California [Mr. DOOLITTLE] who are working on it in this session of Congress, along with, as I said, a lot of Members from the Midwest and throughout the West that are extremely interested in seeing this become a reality in terms of the designation of Historic Trails.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I want to add my thanks also to our former colleague from California [Mr. SHUMWAY] for his work on this measure in past Congresses.

Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Mr. Speaker, I rise today in support of H.R. 479, legislation to designate the California and Pony Express Historic Trails as components of the National Trails System.

I'm an original cosponsor of H.R. 479, not only because in my State, and my district, you will find major segments of these trails, but also because I think this is the kind of legislation that can do something good for America.

The California, Oregon, and Mormon Trails are known to many as routes that carried people to new lives in the West. But there were also those whom I personally regard as the wiser among them those who knew good land when they saw it and settled in States such as Nebraska.

These were the people who turned the so-called Great American Desert into our Great American Breadbasket. Today, their descendants are working to preserve the heritage of the trails, working to identify, restore, and make available to the public the many significant remains of the trails.

In Nebraska you will find major segments of not only the Mormon, Oregon, and Lewis and Clark Trails, which are already included in the National Trails System, but also the California, Overland, Ox Bow, Deadwood, Texas, and Pony Express Trails.

We are not only rich in trails in Nebraska but also in the culture and history that goes with them, from Rock Creek Pony Express Station, near Endicott, which has the honor of being the site where Wild Bill Hickock shot his first man, to Scotts Bluff National Monument, where the towering 800-foot bluff told travelers they had come 500 miles in a journey that was just barely underway.

Along the way you will find Fort Kearney, the first Army post established on the Mormon Trail, which provided protection for those passing west, as well as the area Pony Express Stations.

In Cheyenne County the Nebraska State Historical Society operates a museum and memorial at the Mud Springs Pony Express, Stage, and Telegraph Station.

In Dawson County, where I call home, there are two Pony Express Stations to visit, and to draw knowledge about our heritage. There are also the remains of the 30 Mile Creek Station in Adams County, and Oak Creek Station is in Nuckolls County.

In Keith County, where the Pony Express, CA, Mormon, Oregon Trails, and northernmost stop of the Texas Trail come together, there are sites such as the Diamond Springs Pony Express Station and the Beauvais Ranch, which served as a trading post, housed a military garrison, and was the site of a river crossing for the California Trail.

The Keith County Trails Museum Association is now working hard, in what will be a privately financed endeavor, to establish the Nebraska National Trails Museum, a project that has as much ambition as it has potential.

These are just a few of the many sites along the trails that have been, or are being developed, in Nebraska. There are many opportunities for local, State, and Federal entities to cooperate in restoration and preservation efforts that in turn can mean expanded tourism, educational opportunities, and economic development for the State and region.

H.R. 479 would not only provide an added boost to these efforts, it would also provide a little recognition to those who have worked so hard to preserve the heritage of the Pony Express, and other trails.

Mr. Speaker, I ask for the Members' support for this legislation.

Mr. DOOLITTLE. Mr. Speaker, I rise before my colleagues in support of H.R. 479, an act to amend the National Trail System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System.

Spanning 2,000 miles, the Pony Express Trail ran from Saint Joseph, MO, to Sacramento, CA during the mid-1800's. The trail played a significant role in both the settlement and development of the Central and Western United States. Other States crossed by the two trails include Nebraska, Kansas, Colorado, Wyoming, Utah, and Nevada.

The Pony Express and California Trails are an important part of our national heritage. Although the Pony Express venture was not a financial success, it was an important step in the development of the West.

H.R. 479 enjoys bipartisan support from the neighboring States along the proposed routes.

Mr. Speaker, I urge my colleagues in the House of Representatives and the Senate to support H.R. 479 so that no further delay will occur in passing this historically important legislation.

Mr. SLATTERY. Mr. Speaker, I rise today in support of H.R. 479, the California and Pony Express National Historic Trails Act of 1991.

Representative VENTO, chairman of the Interior Subcommittee on Parks and Public Lands, deserves credit for his leadership on this important piece of legislation, as do my colleagues, Representative DOUG BEREUTER of Nebraska and Representative JOHN DOOLITTLE of California.

I am especially pleased that this legislation is being approved after it was stalled last year at the very end of the 101st Congress.

H.R. 479 will add the 2,000-mile Pony Express Trail and the overlapping California Trail of approximately 5,700 miles to the National Trails System.

During its 18-month existence from April 1860, to October 1861, the Pony Express served as a vital link between the Eastern United States and California. During the Civil War, it played a crucial role in connecting California with the Union.

The 2,000-mile route stretched from St. Joseph, MO, to Sacramento, CA, and the riders made the trip in 8 to 12 days. The first inaugural address of President Abraham Lincoln was carried to California in 7 days and 17 hours. In all, the Pony Express made 318 runs in each direction. The mail was lost only once.

The California Trail, stretching from points along the Missouri River westward to California, was heavily traveled by settlers and prospectors during the mid-1800's. More than 125,000 people plied the trail in 1818 alone.

Use of the trail, actually a collection of routes following the Oregon and Mormon pioneer trails, peaked with the California Gold Rush in 1848. After crossing the Western prairies along the same path followed by the Pony Express riders, the trail broke off near Idaho's Raft River, turned south to Humboldt Sink in Nevada, and then followed several routes and cutoffs, depending on the traveler's final destination in California.

The addition of other trails to the National Trails System officially recognizes the important roles both trails played in our Nation's history.

Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD the testimony of Mr. Ken Martin, past national president of the National Pony Express Association. Mr. Martin testified in support of this legislation before the House Interior Subcommittee on National Parks and Public Land on April 11, 1991.

The testimony follows:

TESTIMONY OF MR. KEN MARTIN

Mr. Chairman and members of this subcommittee, it is an honor and a privilege to be here and testify on behalf of the National Pony Express Association. The N.P.E.A. is a non-profit educational organization that is working hard to preserve the history and the trail of the Pony Express. The greatest challenge we have today is to have the original Pony Express Trail recognized and protected by the National Trails System Act. Therefore, we are fully supportive of current legislation that would make the Pony Express and California Trails components of the National Trails System.

Congressmen, you and I have read about, or heard how the Pony Express Fast Mail Relay System provided an important communication link between the eastern states and the western frontier, and how the California Trail brought thousands of settlers and supplies to this same frontier. These two trails played an important part in the expansion and development of the western part of our country.

The Pony Express Trail is the only Historic Trail that is used on an annual basis for its original purpose. Each year in June, over 600 of our members relay educational commemorative letters over the entire Pony Express Route.

People from around the world like to hike or ride on these trails and visit the sites that still exist. We often hear comments about the feeling they get when they visit these sites. One of the most frequent remarks we hear is, "I hope we don't lose this before our grandchildren get a chance to see this".

Tourism plays an important part in many communities. This was very evident during our annual re-ride in 1990. We had people from all over the United States, England, East and West Germany, and Czechoslovakia visiting the eight states where the Pony Express Trail crosses to participate in this exciting event. This was our first International Ride, "A Ride for Peace and Unity Among Nations".

After the re-ride was completed in the United States, we flew the mail to Prague, Czechoslovakia. Words cannot describe the feeling we had when we arrived at the airport in Prague. More than 50 people were on hand to greet us and they were all waving American flags. The women were transported in a horse drawn stagecoach and the men rode horses down to the Postal Museum for the welcoming ceremonies. To them the spirit of the American "Old West" is a symbol of freedom. They told us that we were the first American ambassadors to hand carry them a message of peace.

In the 1800's these two trails bound our great country together through communication and transportation. Today they are drawing countries together, through friendship and a love for the American "Old West".

We want to make it clear that the use and protection of the Pony Express Trail does not restrict resource development, grazing rights or infringe upon a landowner's use of private property.

In conclusion, we are grateful for this committee's attention to this matter, and will be glad to answer any questions now, or later in writing or over the telephone. Thanks to all of you for your participation and support.

Mr. COLEMAN of Texas. Mr. Speaker, I rise today in support of H.R. 479, a bill to designate the Pony Express Trail and the California Trail as historic components of our National Trails System.

The Pony Express Trail, which has come to symbolize the spirit of westward expansion, stretches 2,000 miles from St. Joseph, MO, to Sacramento, CA. Pony Express service began in April 1860 and continued through October 1861, when the first transcontinental telegraph line was completed.

During that time, the trail served as a vital communications link between the widely separated eastern and western regions of the Nation. Pony Express riders completed 318 runs each way for a total of some 600,000 miles, meeting the demand for fast transcontinental communications just before the break of the Civil War, and carrying such important documents as the first inaugural address of President Abraham Lincoln.

The bill also provides historic designation of the California Trail, which served as a major emigration artery to the west coast. In 1818 alone, over 125,000 people traveled on this trail to settle in the West or prospect for gold in Oregon and California. Clearly both trails capture a spirit that is symbolic of America.

Mr. Speaker, we must continue with the established precedent of honoring our Nation's heritage by preserving the remnants and trails blazed by our ancestors. As the home of the Pony Express, H.R. 479 has special significance for St. Joseph, MO, and for Missouri's Sixth District as a whole. I urge my colleagues here in Congress to support this bill.

Mr. HOAGLAND. Mr. Speaker, I want to give my support to H.R. 479, a bill to designate the California and Pony Express National Historic Trails as components of the National Trails System, introduced by my colleague from Nebraska, Mr. BEREUTER. I am proud to be an original cosponsor, along with my other fellow Nebraskan, Mr. BARRETT. The bill would recognize the nearly 7,600 total miles of trail that make up the California and Pony Express National Historic Trails.

The California and Pony Express Trails are deserving of designation. Everyone who has grown up in this country has heard and read stories of the legendary teenage Pony Express riders who risked life and limb to deliver mail across the frontier. Although it was in existence for only 18 months during 1860 and 1861, the Pony Express provided a vital and improved communication link between the widely separated eastern and western segments of our country with what was at that time a speedy 8 to 12 days delivery of their packages.

In my State of Nebraska, the trail runs almost the entire east-west length of the State. There are three Pony Express station sites in Nebraska—Rock Creek Station near Fairbury; an original Pony Express stop building near Gothenbury; and the Mud Springs Pony Express, Stagecoach, and Telegraph Station near Bridgeport.

Likewise, the California Trail was a vital link between East and West as a emigration route for thousands of settlers and prospectors moving west from points along the Missouri River to the west coast during the mid-1800's. This bill will be another vehicle recognizing the historical significance of the westward expansion of our country.

I commend my colleagues from Nebraska for supporting this bill and for Chairman VENTO's and Chairman MILLER's work on bringing this bill to the floor. I urge my colleagues to support this important piece of legislation.

Mr. MILLER of California. Mr. Speaker, I am pleased to express my support for H.R. 479, legislation to include the California Historic Trail and Pony Express Historic Trail in the National Trails System. I commend Subcommittee Chairman VENTO for bringing this bill quickly to the floor, and encourage my colleagues to support this legislation.

H.R. 479 is nearly identical to legislation which passed the House last year. The California Historic Trail follows the route of the greatest mass migration in American history from Missouri and Iowa to various points in California and Oregon.

The Pony Express mail system was the Nation's most direct means of communication between the east and west coasts from 1860–1861. The legislation designates the 1,833-mile Pony Express trail from St. Joseph, MO, to Sacramento.

The bill also includes a provision directing the Secretary of the Interior to study the trail extending from Sacramento to San Francisco. If the segment meets the criteria for historic trail designation, it will be included within the Pony Express Trail.

This provision was included at my request. The San Francisco-Sacramento segment was not addressed in the National Park Service's study of the Pony Express Trail. However, according to historical records brought to my attention by the Contra Costa Historical Society, the Pony Express riders traveled overland at least eight times between Secramento and San Francisco during the Pony Express' 18-month history. While mail service between Sacramento and San Francisco usually went by steamer along the Sacramento River, overland service also occurred on those occasions when steamer connections were not made.

Mr. Speaker, I would like to thank a number of individuals who significantly contributed to this legislation. In particular, George Cardinet was extremely helpful. I'd also like to thank Roy Bloss, Betty Maffei, the Contra Costa Historical Society, and others for their contributions.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 479.

Mr. Speaker, this Member would begin by commending the distinguished gentleman from California [Mr. MILLER], the vice chairman of the Committee on Interior and Insular Affairs, as well as the distinguished gentleman from Alaska [Mr. YOUNG], the ranking member of the committee, for their assistance in expediting this legislation.

Appropriate commendations are also directed to the distinguished gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee, and the distinguished gentleman from Montana [Mr. MARLENEE] and the distinguished gentleman from California [Mr. LAGOMARSINO], the ranking members of the subcommittee.

This Member would also like to thank the original cosponsors of this bill, my distinguished colleagues from Nebraska [Mr. BARRETT and Mr. HOAGLAND]. Additional cosponsors include the distinguished gentleman from Missouri [Mr. COLEMAN], the distinguished gentleman from Colorado [Mr. HEFLEY], the distinguished gentleman from California [Mr. DOOLITTLE], the distinguished gentleman from California [Mr. HUNTER], the distinguished gentleman from Utah [Mr. OWENS], the distinguished gentleman from Wyoming [Mr. THOMAS], the distinguished gentleman from California [Mr. LAGOMARSINO], and the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

This Member would like to commend the distinguished gentleman from California [Mr. DOOLITTLE] for his interest in this matter and recognize him for introducing similar legislation, H.R. 1229.

This Member would also like to give recognition to our former colleague, Norm Shumway, who introduced such legislation in the previous Congress which this Member had the privilege of cosponsoring. The bill passed the House last year and similar legislation passed the Senate, but unfortunately, it was not conferenced.

H.R. 479 is a straightforward bill which simply adds the California Trail and the Pony Express Trail to the National Trails System. This inclusion will provide Federal protection for the trails' natural, recreational, and scenic resources. It is also important to note that this bill makes it clear that the acquisition of any land or land interest outside the boundaries of federally administered areas will be only on a willing-seller basis. In addition, the subcommittee approved an amendment directing the National Park Service to study an extension of the Pony Express Trail between Sacramento and San Francisco, CA, for possible inclusion in the trails system.

This Member believes both of these trails meet the qualifications necessary for inclusion in the National Trails System. A National Park Service study authorized in 1984 concluded that both trails were of national significance and eligible for addition to the National Trails System as National Historic Trails. The Pony Express Trail, which extends almost 2,000 miles westward from St. Joseph, MO to Sacramento, CA, has tremendous historical significance to the development of the Great Plains and West. Pony Express service began in April 1860, and continued until October 1861 when the first transcontinental telegraph line was completed. During the year and a half, the renowned Pony Express operated, 318 runs were made each way across the 2,000-mile route. The mail was lost only once.

The Pony Express ran day and night and in all kinds of weather. However, unlike the modern pay Postal Service, the rate charged by the Pony Express actually fell. Initially, it cost $5 to send half an ounce of mail. The rate was later reduced to $1 for half an ounce.

Although financially disastrous for the firm which operated it, the Pony Express generated a wealth of lore surrounding the enterprise and its courageous riders. In its 18-month existence, more than 200 riders were associated with the Pony Express, including "Buffalo Bill" Cody and "Wild Bill" Hickock. While risking their lives, these riders provided an essential link between the Eastern United States and California.

This legislation is a significant effort which will help preserve a fascinating part of our national heritage. Along the route are interesting sites and structures that ought to be preserved, enhanced, and interpreted. To give you a couple of examples, this Member would like to mention two such sites in Nebraska. Rock Creek Station near Fairbury, which became famous as the site of a Western shootout by Wild Bill Hickock, is now the site of a beautiful and very informative Nebraska historical interpretation center which is today run by the Nebraska Game and Parks Commission. Also, an existing log building which was the original Pony Express stop near Gothenburg has been designated as a historic site. A great many similar sites exist in other States along the route. Americans should have the opportunity to discover and learn about these historic sites of the Old West.

The California Trail is equally deserving of designation as a component of the National Trails System. This trail, which consists of about 5,700 miles of routes, originated at points along the Missouri River and extended westward into California. The California Trail provided an important means of migration for thousands of pioneers who made their way to a new life in the West.

The trail also played an especially important role in the California Gold Rush in the mid-1800's. In 1849 alone, the trail was traveled by about 22,500 people, at least 21,000 of whom reached California.

Although the California Trail and the Pony Express Trail served different purposes, they share significant similarities. Most notably, the two trails follow the same path through much of the Great Plains area. Also, both trails, while filling important needs at the time, fell victim to more competitive modes. The Pony Express mail service was terminated when the transcontinental telegraph was completed while the California Trail declined in significance with the completion of the intercontinental railroad. More important, though, is the special place these two trails occupy in American history and the folklore and tales of pioneer days and "The Old West." The commemorated California Trail and the Pony Express Trail will continue to serve as important symbols of the adventurous spirit of the American people.

H.R. 479 is straightforward. It serves to recognize these two trails which are a crucial part of our Nation's history of westward expansion. A meaningful part of our Nation's past can be preserved, enhanced, and interpreted for all future generations by including these two trails in the National Trails System.

This Member urges his colleagues to give this legislation their unanimous support.

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Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 479, as amended.

The question was taken.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING STUDY OF NATIONALLY SIGNIFICANT PLACES IN AMERICAN LABOR HISTORY

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1143) to authorize a study of nationally significant places in American labor history.

The Clerk read as follows:

H.R. 1143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THEME STUDY

Within 3 years after enactment of this Act, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall prepare and transmit to the Congress a National Historic Landmark Theme Study on American Labor History (hereafter in this Act referred to as the "Theme Study"). The Theme Study shall be prepared in consultation with the Secretary of Labor and pursuant to the guidelines prepared under section 2. The purpose of the Theme Study shall be to identify the key sites in American labor history, including the history of workers and their work, of organizing, unions and strikes, of the impacts of industrial and technological change, and of the contributions of American labor to American history. The Theme Study shall identify, evaluate, and nominate as national historic landmarks those districts, sites, buildings, and structures that best illustrate or commemorate American labor history in its fullest variety. On the basis of the Theme Study, the Secretary shall identify possible new park units appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites. The list shall include a discussion of the feasibility and suitability of such sites.

SEC. 2. CONSULTATION.

The Secretary shall consult with workers, workers' representatives, scholars of labor history, and historic preservationists for technical assistance and for the preparation of guidelines for the Theme Study.

SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary shall enter into cooperative agreements with one or more major scholarly and public historic organizations knowledgeable of American labor history to prepare the Theme Study and ensure that the Theme Study meets scholarly standards.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $250,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1143, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Nation was built with the labor of millions of men and women who toiled in its fields, factories, homes, and offices. Without their labor, both organized and unorganized, we would not be the Nation we have become. It is most fitting that we identify the historic sites where people have labored and preserve them as national historic landmarks so that present and future generations will know this history.

H.R. 1143, introduced by Congressman MICHAEL MCNULTY, directs the Secretary of the Interior to prepare a national historic landmark theme study on labor history. This is the same labor history study bill that passed the House last year, but was not acted on in the Senate. I want to add that the bill in this form was carefully negotiated with the Secretary of the Interior Manuel Lujan and that several key changes were made to it at his request. The bill is designed to ensure that the history of work and workers in this country is appropriately identified for preservation and interpretation efforts. The definition of "labor" includes both organized and unorganized labor—in short, the history of work and workers.

By directing the Secretary to enter into a cooperative agreement with major scholarly and public history organizations to prepare the theme study, we will all benefit from the expertise that exists on this important subject. I look forward to receiving this landmark theme study and having the benefit of that study to help preserve and intepret the national historic landmarks in labor history. Mr. Speaker, I endorse this legislation and urge its adoption by the House.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to be recognized on H.R. 1143, a bill to direct the National Park Service to conduct a theme study of American labor history. Mr. Speaker, while I support the concept of conducting history studies under a broad thematic framework, as outlined in this bill, there are a number of concerns with this measure.

Before I enumerate these concerns, let me first recognize the efforts of the subcommittee chairman, Mr. VENTO, to work with us to resolve our most significant concerns during the last Congress. I would also note that the concerns raised by the administration as well as members on this side of the aisle are relatively minor and primarily technical in nature. It is therefore, unfortunate that none of the concerns which were identified in the hearing process have been addressed in this final measure. I note in the statement of administration policy of their intention to work in the Senate to resolve their concerns. It is unclear to me why these concerns, could not have been resolved by this body.

I am especially concerned about those portions of the bill which imply that this study will somehow substitute for a formal new area study. I am strongly opposed to the linkage of theme studies and new areas studies. I believe that recent experience confirms that when we have established new areas without benefit of a detailed new area study, there is increased potential to add units not worthy of inclusion in the National Park System.

For these reasons, I cannot support the measure before us today.

Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I want to thank and commend the ranking Republican, the gentleman from California [Mr. LAGOMARSINO] and the chairman for their fine work on the legislation, H.R. 479, as well as on the legislation and the one bill that is subsequently coming before us, and I thank the gentleman for yielding me this time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MCNULTY], the sponsor of the measure.

I might say that he has worked hard on this measure and worked with myself and with others who have been interested, and I think has accommodated a lot of those concerns. We initially had brought in legislation to provide for a designation of an area within his State, but I think he was very responsive to stepping back and doing a broad thematic study of this nature and then working on the basis of that framework to develop a future designation, so I want to commend the gentleman for that.

Mr. MCNULTY. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs for yielding me this time.

Mr. Speaker, I rise today to encourage my colleagues to support H.R. 1143, a bill Authorizing a Study of Nationally Significant Places in American Labor History.

The contribution that American worker has made to the industrial, economic, and military strength of the United States is enormous. This was no more evident than in the recent war in the Persian Gulf. The U.S. technological and logistical superiority in that engagement is testament to those contributions.

In addition, American labor has been a model upon which many other nations and cultures have based their industrial and economic practices. Many of the nations of Eastern Europe, which have only recently enjoyed a rebirth of democracy, are using the United States as their model.

Mr. Speaker, we owe it to our early workers to preserve the knowledge gained from their experiences. Future generations can only benefit from the continued exploration of the contributions made to American society and culture by the American labor movement.

Many of the benefits in the workplace which American workers have come to take for granted are a direct result of organized labor's efforts. The 8-hour workday, employee pensions, sick leave, and health insurance all are a direct result of collective bargaining and negotiation between management and organized labor.

Today contributions are still being made to our industrial and economic strength by workers and management in communities all across the country.

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As you know, Mr. Speaker, this legislation was debated and passed last year. Through the efforts of the gentleman from Minnesota [Mr. VENTO] and his very able staff, and the support of Interior Secretary Lujan and the National Park Service, Representative DON YOUNG, and former Interior Committee chairman Udall, we again have a bill that has the support of the administration and which gives the Members of this body an opportunity to recognize American workers and their contribution to our quality of life.

Mr. Speaker, for many years we have been recognizing politicans, movie stars and sports heroes. I think it is high time that we recognize the people who built this country with their hands—men and women of the American labor movement.

I urge my colleagues to support this legislation.

Mr. HAYES of Illinois. Mr. Speaker, I wish to congratulate the managers of this bill. Both Mr. VENTO and LAGOMARSINO are to be congratulated for putting together this study.

The history of labor is the untold story of the struggle for dignity for all working people. My own city of Chicago has been crucial to that development. From the meatpacking houses and steel mills to the stockyards and office buildings, Chicagoans have made labor history. Probably the single most significant contribution to the history of labor by the American labor movement was the struggle for the 8-hour day. Chicago is the home of that movement. But there are very few monuments to our history. I was fortunate to have a building named after me in the location where Joe Louis fought his first fight and George Johnson, an African-American businessman, got his start.

Today, however, I wish to address the larger issue of labor education. Schools in many other countries devote part of their history studies to labor and its role in the development of society. Unfortunately, that is not usually the case in the United States. Children have lost the personal identity with the history of their parents.

As a Member of Congress and former trade union officer, often I go into Chicago-area schools and discuss the role of labor in building this country's industrial and agricultural foundation. I tell the children how the hands of labor changed this country from a wilderness to the most powerful Nation on Earth. They are eager to know their history. By dedicating certain memorials to labor, I hope your bill helps to bridge the education gap.

Often overlooked is the history of African-Americans in labor. Brother A. Phillip Randolph, whose statue is in Union Station, founded and led the Brotherhood of Sleeping Car Porters Union to greatness. As is typical in the case of African-American labor leaders, our struggle for equal wages was also a struggle for equal rights. Our fight for dignity for all working people was the fight for equality for all Americans.

That struggle is just as important today. The history of labor and the African-American community is still linked. We need to look no futher than the life of Rev. Martin Luther King. His last speech, where declared that he had "been to the mountain-top" and did not fear the bigots and would not bow to their threats, was spoken to a labor gathering in Memphis.

So, I wish to thank the sponsors of this bill. We need to educate the young. We need to have pride in labor's role in society.

I urge my colleagues to support this bill.

Mr. SOLOMON. Mr. Speaker, as one who represents an area which proudly claims to be the birthplace of the American Industrial Revolution—the Hudson-Mohawk region of upstate New York—I have a very special interest in the history of the laborers who powered that revolution and all of the incredible economic expansion of this Nation ever since.

From the time when early industrialists first harnessed the power of New York's rivers to operate sawmills and flour mills, to the construction of the great Erie and Champlain Canals, which opened our frontiers and fostered vast new industries of all kinds, at all of the incredible American enterprises of the 1800's such as iron and railroads and textiles, right up to the high technology and service industries of today, the miracle of American enterprise which has changed the world has been built upon the able labors of working men and women.

Indeed, the story of these workers, their organization and their advancement is truly the story of the American dream—of immigrants risking all to seek something better for their children, of canals and railroads opening up new markets and tapping tremendous resources, and of the struggle of workers to better their lot and to share in the benefits of the prosperity they helped to create.

Several years ago, the localities of the Hudson-Mohawk region joined together to form a commission to study, commemorate, and present the story of these workers who laid the rails, operated the looms, stoked the furnaces, and forged the iron during the early decades of our industrialization. And it is that effort which has helped to give birth to the bill now before us; namely, a national commitment to record and preserve the very special history of American labor and to see that the full story of their work, trails, advances, and setbacks is never forgotten.

America is a great nation, and unlike some perhaps, I believe even greater days lie ahead for it. But while we work to secure our country's future, a truly great nation can never afford to forget the basis of its greatness. The basis of America's greatness has always been its people, and it is their story and their legacy which is at stake in this proposal.

These working men and women built our Nation, our economy, and our communities. And they endowed us with much of what we view today as traditional American values, such as hard work, family, Yankee ingenuity, and striving together for a better life and a better land.

Let's make certain these hardworking and forward looking Americans are duly remembered and recognized. Let's move ahead with this long-needed labor history study and, hopefully, an eventual National Center of Labor History which, incidentially, would be warmly welcomed in the Hudson-Mohawk region, which was such a key site in the development of American labor and the labor movement.

I commend my neighbor, Congressman MIKE MCNULTY, for his efforts in bringing this legislation to the floor of the House of Representatives, and I urge unanimous suport for it.

Mr. KANJORSKI. Mr. Speaker, I rise in strong support of H.R. 1143, legislation to authorize a study of significant sites in American labor history.

As we all know, the men and women who have worked together to build this country, both under the auspices of organized labor and prior to the days of the established unions, played an important role to make our Nation strong and great.

Americans today, as well as generations past and future, owe a tremendous debt to our ancestors who were associated with the labor movement. Not only are we indebted to those who helped to build this country, but also those who helped to build the organizations that today work so tirelessly to protect the rights of laborers.

It is easy for us to forget, however, that on a number of occasions, these brave men and women risked death or injury in support of their cause.

One of the earliest instances in which a group of laborers attempted to secure fair wages and working conditions occurred at the Lattimer Mines, just outside of Hazleton, PA. It was at this site that on September 10, 1897, 18 miners were killed and twice that number wounded by a group of over-zealous sheriff's deputies who were attempting to stop the miners from marching on the mine.

Almost 400 miners were in the group that marched on the Lattimer Mines that day, with many of the men having just joined the newly organized United Mine Workers the night before.

As soon as word of the massacre at Lattimer Mines began to spread, the Governor sent the National Guard to the area to restore peace. Messages of outrage and condolences poured into Hazleton from around the country, and many other fledgling unions were quick to show their support with offers of money for the families of the victims.

Perhaps most importantly, the 1,500 other employees of the Lattimer Mines parent company, the Lattimer Colliery, quit work in a body to back the demands of the miners who had marched.

Unfortunately, the miners' movement at the time was poorly organized and within 2 weeks other miners had broken the strike to the point that many of the mines were back in full operation.

Mr. Speaker, it is important that events such as the Lattimer Mines massacre are preserved for future generations so that they can recall the struggles that preceded today's organized labor, and perhaps appreciate the sacrifices of their ancestors.

There are two gentlemen in my area that have worked hard to see that the lessons learned at the Lattimer Mines massacre are not forgotten. I am sure that these men, Mr. Walter Kraska and Mr. Charlie McGlynn, as well as the numerous others who know of and appreciate the legacy of the Lattimer Mines, appreciate the actions we take here today.

I was pleased to see that the committee report for H.R. 1143 specifically listed the history of mining in Pennsylvania as one area to be studied. I also look forward to working further with the subcommittee chairman, Mr. VENTO, as well as the Department of the Interior, to see that the Lattimer Mines massacre receives the full recognition it is due.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise in support of H.R. 1143, legislation authorizing a theme study of historically significant sites nationwide that helped to foster the growth of the United States labor movement. Of the 1898 locations currently designated as National Historical Landmarks, very few reflect the contributions made throughout our country's history by the American worker.

Enactment of H.R. 1143 will direct the Secretary of the Interior, in consultation with workers, labor representatives, and historic preservationists, to prepare a study identifying appropriate sites for inclusion in this theme study. These sites can then be used as educational tools, instructing, and reminding each of us about the many achievements that labor has made.

During the latter part of the 19th century, reformers in my home State of New York made great gains to protect the welfare of tens of thousands of children working in the textile, tobacco, and other manufacturing industries. These advocates created the impetus for legislation that would save the lives of children who were being burned to death or being torn apart by machinery due to the unsafe conditions in which they worked. What motivated these advocates was their recognition that these children desperately needed an education. In 1874, New York State passed its first compulsory education law, marking the beginning of a reform movement that is still active today.

It is the people, the buildings, and the events that have been crucial to the advancement of labor standards that this theme study would identify. If it wasn't for people like Charles Loring Brace of the Children's Aid Society of New York City and Elbridge Gerry of the Society for the Prevention of Cruelty to Children, our children could have been hurt physically and deprived both educationally and emotionally for many more years to come. These are the kind of efforts that are in need of commemoration.

Over the past two centuries, American workers have contributed not only the products of their labor but have led the fight for a safe, secure, and protected work environment. These achievements continue to inspire and teach not only United States citizens but other countries as well about the tremendous need for worker protections.

I am pleased to be a cosponsor of H.R. 1143, and I urge my colleagues to support this legislation as it is considered by the House of Representatives. American workers deserve the acknowledgement of their heritage that this legislation will provide.

Mr. RAHALL. Mr. Speaker, the pending legislation, H.R. 1143, seeks to address what I believe to be a pressing need for us to identify and preserve sites of nationally significant places in American labor history.

From the perspective of this gentleman from West Virginia, the history of American labor has left a great mark on the people of this Nation. Moreover, in the southern West Virginia coalfields which I have the honor of representing in the House, our very culture was shaped to a large degree by the epic struggles and adversities faced by the men and women who worked in the coal mines during the early part of this century, and their efforts toward unionization.

"They felt, rather than knew, their history," wrote Lon Savage in his book about the West Virginia mine wars of the early 1920's, entitled "Thunder in the Mountains." "Their lore was bloody: they had been crushed and killed on their jobs and fired from them when they tried to organize a union that could articulate their needs. They had been evicted from their company homes and machinegunned in their union tents. Periodically they had risen in fury."

The coal mining history of southern West Virginia is indeed a story of struggle, of human sacrifice and of occurrences which have left their mark on the history of the Nation as a whole. A central element in this history is, of course, the role of the men and women who worked in the mines and their efforts toward unionization. In 1890, West Virginia's coal production was 6.3 million tons. Ten years later it rose to 21.5 million tons and the age of the coal barons such as James Otis Watson, Joseph Beury, and Isaac T. Mann had begun. Company stores and housing and payment by script became a way of life for many. The native population became integrated with southern blacks and immigrants from Italy and other countries. Mary "Mother" Jones became a frequent visitor to the State and many mines were unionized by 1902.

However, a great deal more history was to be made as represented by the subsequent labor disturbances on Paint Creek and Cabin Creek in 1912 and 1913, Matewan in 1920 and the battle at Blair Mountain the following year; a battle in which an army of 10,000 coal miners took up arms and threatened to overthrow the governments of two counties in West Virginia. Marching to open the southern coalfields to the union and to avenge the assassination of Sid Hatfield, hero of the Matewan Massacre, the miners were met by sheriff's deputies and Baldwin Felts agents under the control of nonunion coal operators and a division from the U.S. Army, equipped with airplanes, bombs, and poison gas.

These were the days of the West Virginia mine wars. The events which took place are part of West Virginia's heritage, and a part of America's heritage. A history that played not only an essential role in the formation of our culture and values, but to the industrialization of the United States.

For it was at places like Matewan and Blair Mountain that the "line in the sand" was drawn. Where the demand that human dignity, and decency, be recognized. As PBS noted in its television show, "Even the Heavens Weep," about the Battle of Blair Mountain:

"What happened here in 1921 needs to be remembered, for it was a turning point for America. It was one of those rare moments when history itself seemed to hold its breath. Those at the top of the mountain, were not just defending Logan and Mingo Counties. They were defending the 19th century belief that those with wealth and power had a right to the destiny of those who toiled. Those who marched to the mountain, were bringing with them the new century's conviction that there were limits to what humans could do to one another for the sake of profit and power. The mountain's shame, is that it became a symbol for the violence of an era. It's glory, is that so many came to insist that the new age begin."

Today, there are few physical vestiges of this era remaining. I believe it is incumbent upon this generation to ensure that what does remain is not lost to further decay. For these old mining camps, company stores, tipples and related structures are an integral and important part of our heritage and the lessons learned from them should not be forgotten or lost to future generations.

As the National Park Service prepares the national historic landmark theme study on American labor required by this legislation, I would expect that due consideration be given to the United Mine Workers of America and those sites and points of interests involving their efforts to unionize the southern West Virginia coalfields. This is, after all, the union which was the pioneer advocate of the passage of such significant legislation as the prohibition of child labor, the 8-hour workday, workers' compensation and the right to organize and bargain collectively.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1143.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AFRICAN-AMERICAN HISTORY LANDMARK THEME STUDY ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 904) to direct the Secretary of the Interior to prepare a national historic landmark theme study on African-American history.

The Clerk read as follows:

H.R. 904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African American History Landmark Theme Study Act".

SEC. 2. THEME STUDY.

(a) Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall prepare and transmit to the Congress a national historic landmark theme study on African American history (hereafter in this Act referred to as the "theme study").

(b) The purpose of the theme study shall be to identify the key sites in the history and experience of those Americans who trace their origins to Africa so that all Americans will gain better understanding of American history.

(c) In the theme study, the Secretary shall identify, evaluate, and nominate as national historic landmarks the districts, sites, buildings, and structures and landscapes that illustrate or commemorate African American history.

(d) On the basis of the theme study, the Secretary shall—

(1) identify possible new park units appropriate to the theme of African American history; and

(2) prepare a list of the most appropriate sites, including a discussion of the feasibility and suitability of their inclusion in the National Park System.

SEC. 3. CONSULTATION.

The Secretary shall prepare the theme study in consultation with scholars of African American history and historic preservationists.

SEC. 4. COOPERATIVE AGREEMENT.

(a) The Secretary shall enter into a cooperative agreement with one or more scholarly and public historic organizations to—

(1) prepare the theme study; and

(2) ensure that the theme study is prepared in accordance with generally accepted scholarly standards.

(b) The scholarly and public historic organization or organizations described in subsection (a) shall be—

(1) knowledgeable of African American history; and

(2) recognized in the scholarly community as adhering to generally accepted scholarly standards.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $500,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure, H.R. 904.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we cannot claim to understand American history if we do not adequately understand the African-American history that has played such a major role in forming and shaping this Nation. H.R. 904, introduced by our good friend Congressman JOHN LEWIS, directs the Secretary of the Interior to prepare a national historic landmark theme study on African-American history. This study will help identify resources in our history that should have been recognized decades ago. I was dismayed to learn that a 1970's study of African-American history completely ignored slavery which was a fundamental economic and social institution in this Nation's history that had, as we all know, dire political consequences in helping to precipitate the Civil War.

This new study must reflect the past 20 years of increased understanding and scholarship in African-American history. By directing the Secretary to enter into a cooperative agreement with major scholarly and public history organizations to prepare the theme study, we will all benefit from the expertise that exists on this important subject. I look forward to receiving this landmark theme study and to using it to help preserve and interpret African-American national historic landmarks. Mr. Speaker, I endorse this legislation and recommend its enactment by the House.

Mr. Speaker, I reserve the balance of my time time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to be recognized on H.R. 904, a bill to direct the National Park Service to conduct a theme study of African-American history. Mr. Speaker, while I support the concept of conducting history studies under a broad thematic framework, as outlined in this bill, there are a number of specific concerns which have been raised in regard to this measure.

I note that in addition to the concerns raised by the administrator, there were also a number of perfecting changes suggested by Members on our side of the aisle. It is unfortunate that none of the concerns which were raised through the hearing process have been addressed in this final measure. I note in the statement of administration policy of their intention to work in the Senate to resolve their concerns. It is unclear to me why these concerns could not have been resolved by this body.

I am especially concerned about those portions of the bill which imply that this study will somehow substitute for a formal new area study. I am strongly opposed to the linkage of theme studies and new areas studies. I believe that recent experience confirms that when we have established new areas without benefit of a detailed new area study there is increased potential to add units not worthy of inclusion in the park system.

For this reason, I cannot support the measure before us today.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from Georgia, Mr. JOHN LEWIS.

Mr. Speaker, the gentleman from Georgia has been really, I think, very dedicated in pursuing this particular topic in, I think, a professional manner, and has written a good bill. Mr. Speaker, I commend it to the House.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to thank Chairman VENTO, for his commitment in helping to bring the African-American Landmark theme legislation, H.R. 904, before the full House.

In 1935, the National Historic Landmarks Program was established by an act of Congress. The purpose of the program is to identify and commemorate sites of national significance. Since that time, nearly 2,000 sites have been designated as National Historic Landmarks.

The number of National Historic Landmarks, which commemorate the history and culture of African-Americans is small. Only 88 of 1,967 commemorate African-Americans. Of units of the National Park Service, only 2 percent of 357 sites are related to African-American history.

We need to increase the number of sites commemorating African-American history and culture. It is time that the whole story of American history be told. Passage of the African-American Landmark theme study would move us in that direction.

A better understanding has the power to inspire and uplift present and future generations of Americans. Our history is a precious resource. We should do all that we can to preserve it, and to ensure its accuracy by including the history of all Americans.

Again, I want to thank the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO].

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today in support of H.R. 904, which has been introduced as the African American History Landmark Theme Study Act.

As a current cosponsor of H.R. 904, I want to thank my good friend and colleague from Georgia for introducing this very important piece of legislation. The importance of this act was reinforced in my mind when I went looking for African American history landmarks in my district.

I was appalled, and also saddened, by the fact that in my own hometown on Newark, NJ, mostly all of the African American historical landmarks were either torn down, closed down, or burned down. I found very few preserved landmarks that reflected in any way the history of African Americans in the 10th Congressional District of New Jersey. However, one of the sites still standing is State Street School of Newark. State Street School was the first school for African Americans in the city of Newark. It was founded by Mr. William Baxter, who was the first African American to head a school in Newark. In addition to his duties as principal of State Street School, which ran from 1869–1873, Mr. Baxter was responsible for integrating African American children into the main school system.

The building now serves as the Newark Board of Education's Art and Music Division.

Some may say that the lack of effort to preserve African American historical landmarks is due to the low population of African Americans in the area. This is not a valid excuse, especially in my district. In Essex County, which encompasses most of the 10th district had a total population of 17,785 in 1790; of which only 1,331 were African Americans.

This is a percentage of 7.5, as opposed to 1980 when the percentage of African Americans in Essex County had risen to 37.2. It was 316,440 out of a total of 851,116.

Mr. Speaker, I do not think that I can emphasize enough to you, or my distinguished colleagues, the relevance of H.R. 904. This bill directs the Interior Department to conduct a study of these tangible parts of African-American Heritage for inclusion in the National Park System. This is our lineage, we must preserve it.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 904.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXEMPTION FOR HAWAII FROM THE MILK PRICE SUPPORT PROGRAM

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, today I have introduced legislation to remove Hawaii from the Milk Price Support Program. Traditionally, Hawaii has not participated in this program, yet under the Omnibus Budget Reconciliation Act of 1990, Hawaii's milk producers must comply with a 5-cent price reduction to offset the cost of the program. This 5-cent reduction in producers prices amounts to nothing more than a tax, a tax which unfairly penalizes the milk producers in my State.

Under the Omnibus Budget Reconciliation Act of 1990, milk producers are assessed 5 cents per hundredweight of milk in 1991 and 11.25 cents in each calendar year from 1992 through 1995. The purpose of the assessment is to offset the cost of the Milk Price Support Program and also to discourage the overproduction of milk by providing a refund of the assessment for only those producers who do not increase their milk production from the previous year's level.

Since 1983, the Congress has recognized the inequity of imposing this assessment on Hawaii's milk producers because Hawaii does not add to the national dairy surplus nor benefit from the Milk Price Support Program.

Hawaii is strictly a fresh fluid milk market, with production being controlled through the State's Fresh Milk Control Act. A quota system administered by the State has been in place for years, in which prices are set by the State milk control board and are based upon annual cost-of-production data. This rigid system of milk control results in a level of production that prevents any surplus.

In effect, our milk control system that balances production and market factors precludes Hawaii from contributing to the dairy surplus of the mainland United States.

In addition, Hawaii's cost of production is considerably higher due to geography and climate. All feed for dairy cows must be shipped from the mainland United States which results in extremely high feed costs.

For these reasons, Hawaii does not and never has participated in any Government milk surplus or support program.

Mr. Speaker, why should the milk producers in the State of Hawaii be assessed for a program that it does not participate in nor benefit from? The inequities are clear—the 5-cent milk assessment penalizes the milk producers of my State. Similar situations exist for the State of Alaska, and the territories of Puerto Rico, and the Virgin Islands. Therefore, I have introduced legislation today to confine the Milk Price Support Program to the 48 contiguous States that participate in and benefit from the program.

I ask my colleagues to help correct this blatant inequity in the law and support the legislation I have introduced today.

□ 1300

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7, BRADY HANDGUN VIOLENCE PREVENTION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-52) on the resolution (H. Res. 144) providing for the consideration of the bill (H.R. 7) to amend title 18, United States Code, to require a waiting period before the purchase of a handgun, which was referred to the House Calendar and ordered to be printed.

THE 43D ANNIVERSARY OF THE STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on May 14, freedom-loving people around the world celebrate the anniversary of the State of Israel. On May 14, 1948—or the fifth day of year 5708 under the Jewish calendar—the British mandate of Palestine came to an end, and Israel was born. More precisely, it is not the birth of Israel that we celebrate, but its rebirth.

For centuries, Israel was a nation. It was guided by the courage of David, the wisdom of Solomon, and the devotion of its people symbolized by the martyrs of Massada in their final heroic stand against the Romans in 73 A.D. For the next 1,875 years, Israel lived only in the hearts of the Jewish people dispersed throughout the world during the Diaspora—but unified by the hope and prayer of some day being brought together in the promised land once again.

That prayer was fulfilled 43 years ago, and for 43 years Israel has not only survived and endured, but it has prevailed against considerable odds. Its independence in 1948 was hard fought and won from hostile Arab neighbors, who refused to recognize Israel's right to exist then as they do now. Its survival was again threatened in 1956, 1967, and 1973, by numerically superior forces.

The threat of annihilation is never distant in Israel. The blood of the innocents which ran in the streets of Tel Aviv after Saddam's Scud missile attacks during Israel's 42d year reminds us so vividly of this threat. Israel's Arab neighbors have 4 times as many fighter planes, 4.5 times as many tanks, and have spent 13 times more on new weapons since the 1973 Yom Kippur war.

Thus, as we celebrate this day in history, I offer a prayer for the people of Israel, a prayer which I know is shared by the Israeli people.

The prayer is for peace—that during Israel's 43d year, not a single drop of Israeli blood is shed at the hands of her enemies, and not a of drop of her enemies' blood is shed in an attempt to destroy Israel. This prayer burns in the heart of peace loving people in Israel and around the world, just as the prayer for the reunification of the Jewish people did during the Diaspora.

I share the joy of the Israeli people on this anniversary. May the courage of David, the wisdom of Solomon, and the devotion of the martyrs of Massada be with the Israeli people not only as they face the challenges of the upcoming year, but always.

WHAT THE AMERICAN PEOPLE WANT FROM LEGISLATION RESTRICTING PURCHASES OF HANDGUNS

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, this week the House of Representatives will have a chance to vote for something that most Americans want. Most Americans have seen the damage that handguns have done to many people, many young children in this Nation, over the years. Most Americans are of kind of a mixed feeling about whether or not we should outlaw handguns, whether or not there should be very, very severe restrictions placed on the ability to purchase weapons of that character. They have reservations about other weapons, certainly assault rifles and the like, because it bothers them that people die when these things are used, and that they have no place in our society and are yet freely available. But still they are not ready to say, "They need to be outlawed completely. You can't buy any weapons."

But on the issue of handguns and on the issue of impediments to purchase by people who are felons, or people who have a history of mental competence, or those otherwise disabled under the law, most Americans have no illusions, nor do they have disagreements. They want some impediment. They want, poll after poll, indicates, some restriction, not a taking away, not a denial of rights, not a complete abandonment of what has been the history of this country, but some impediment on the ability to obtain a handgun at point of sale, going to a counter in a Woolworth's, or a Kmart or a sporting goods store or anywhere else, laying down $50 or $100 for the cheap weapons, or $300 or $400 for the better weapons, handguns, and being able to walk out of the store with them. People do not like that a Hinckley can buy a gun and shoot the President of the United States.

People do not like that children die day after day, hundreds and thousands of them, day after day in this country, because of accidents. They do not like it that too many people can buy weapons without being able to have any record or trace of them with a lie. On the report right now, the form that they sign, they are out the door with the weapon, and no one knows.

□ 1310

The argument that you can have a point of sale check today is ludicrous. It does not exist. Our own Attorney General and the Justice Department say that 40 out of 50 States have no records that are organized, computerized, or capable right now of being searched immediately when a person applies for that weapon. The Justice Department says so, and it is not possible at the moment. It might be someday. We might be able to computerize all those records.

But remember, even if it were possible, those records only indicate felony convictions. Those records do not indicate people who are mentally incompetent, because if you have been adjudged mentally incompetent in a civil proceeding, which many mental incompetency cases are, they are civil in nature and in origin, that does not go on any record that the police would have. So you would never be able to find those people either.

So, the reality of the point of sale is that someday it may be—someday—it may be important, but right now it is no substitute for what the American people want, and that is the Brady bill. They want a waiting period, so that people who go into a store to buy a weapon, a handgun which kills people, will have some check made and some reasonable time to do it as valid as it can be done right at the moment.

If you are 30 years old and you have never owned a handgun in your life and now all of a sudden you walk into a shop and decide you want one, is it so unreasonable to say you have waited 30 years, you can wait 7 days longer so we can check to see whether you are entitled to own one under the law? It is not unreasonable at all.

Mr. Speaker, I would urge Members to think long and hard, long and hard. The American people have spoken on this issue. Over 90 percent of them want some reasonable restriction on the availability of a handgun immediately upon purchase.

I would urge Members to vote against the Staggers substitute, and vote for the Brady bill. Not for Jim Brady alone, not for their own families alone, but for the hundreds and thousands of young children in this country who every year are killed by handguns that are indiscriminatorily purchased by people who should not own one.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, events have poured in on us. We live in a day and time when events of 3 months ago have telescoped into ancient history, and our historical memories are not too good. In fact, I have always said that one of the continuing dilemmas I think history will write about our country is that if it had one, it certainly did not show any evidence of retaining historical memory after World War II. So in effect, we have reached a point in our developmental history in which great events, great issues, great forces impact upon us, some emanating and coming up from the hurly-burly of our daily lives in our society, in our great country, with the diversity of peoples and backgrounds and activities that is symbolizes, but also now impacted by events and forces external to our shores over which we no longer have any control.

Mr. Speaker, it is that which I wish to discuss in a broad, panoramic manner, in order to in a way bring up to date some of the special orders that I have addressed to the House and Members over the course of years, and some by way of summing up where we are on one of the most critical of the current domestic fronts, and that is the crisis involving our financial institutional activities in our country of every kind, but mostly predicated on a basic law in parliamentary life that I first saw very succinctly stated after I was first sworn in 30 years ago to the U.S. House of Representatives.

It used to be that here to my right off the House floor, what we call the House floor, there used to be a little library. Instead, today we have sort of a phone and small lounge room, obviously to permit Members to go in and make hurried calls during the course of a session.

At that time, and up until a few years ago when the change was made, there was a small library there, so that during slow days I would venture into the library. I came across a book that was there on the shelves entitled "Congress" by Robert Lucy. The book's date must have been 1950 or 1960.

It was sort of a manual, a combination of manual and historical treaties on the U.S. Congress. The first thing that struck my eye was what he had in bold print, and I was going to quote:

> Lawmakers must themselves be governed by law, else they would in confusion worst confounded quickly come to grief.

I came here 30 years ago. It is true, the era was a different paced one, even though by the time I got here, which was the first year of John F. Kennedy's administration, some of those that had been here for many years seemed to think that things were happening and that events since the Sputnik in October of 1957 had changed the way and the methods of the Congress.

However, even at that time the House was known as the Tuesday and Thursday House. That is, if there was any business, it would either be on Tuesday, Wednesday, or Thursday, but nothing on Monday or Friday.

Then came the unhappy day, I think one that clearly should have revealed to us where our country had gotten, and that was the assassination of President John Kennedy.

It so happened I was with President Kennedy at the time he was shot. I was in the automobile right behind the Vice President and his wife, and on that occasion Senator Yarborough. In other words, I was in the car known as No. 4.

I heard clearly, because we had come to a stop by that time, distinctly, the shots. I was the first, and subsequently and during the confusion and pandemonium that resulted at Parkland Hospital, to say that it was rifle fire, and that in my opinion it was not more than 75 yards from the place where the car had stopped.

□ 1320

In effect and in truth, if indeed the shots were fired from the building, it would have been 75 yards from our car. And if, as others have alleged, shots came from other concentric points, it would have been also at another difference not too much more than 75 yards. But I had no opinions, and I formed no conclusions and certainly no conspiratorial theories, though I did have questions. My mind simply does not work in a conspiratorial way or in what is known in the study of law as a deductive.

I studied engineering before I studied law because of my passion for knowledge of mathematics, which to this day I still enjoy. And so my thinking processes actually are a combination. And at the time no conclusions were reached and immediately after that, I was interviewed by a couple of individuals that had already formed conspiratorial theories. But I would not give either credence or comfort to anybody thinking along those lines.

We were also innocents. There were factors that I did not factor into this equation of events that were beginning to transpire in the country until 1973 and the Vice President, Spiro Agnew, incident. That is ancient history today. Who even remembers Spiro Agnew? Who remembers his Vice Presidency? Who remembers the circumstances of his coming to the House of Representatives one September afternoon and, believe it or not, my colleagues, as ridiculed as I am for taking these special orders on occasions, I have been taking special orders since the second week I came to the Congress.

Why? Because I am a product of our legislative representatives' institutions from the local to the State to the national. In the Senate of Texas, which was the birthplace of the unlimited debate rule, I was able to discover that I had the ability to hold the floor, standing up, and talking for as long as 30 hours at a stretch. And that gave me leverage, which I really needed in the context of that experience. And so I discovered that there was a privilege known as the privilege of asking unanimous consent to address the House after all legislative business had been completed and after any other preceding special order requests for up to 1 hour.

Now, my critics, who seldom have bothered to either listen or read in the RECORD are prompt to say that I am accustomed to speaking to an empty Chamber for hours. Well, that is impossible under the rules. The most you can talk is 1 hour. So that I did, immediately, because I was elected to represent the 20th Congressional District of the State of Texas to the U.S. House of Representatives, and all one has really is a voice and a vote. And that is what I have done since I have been here.

I came here to legislate. I did not come here seeking power or politicking for position or jockeying around and conspiring to gain power in the House, any more than I have done in the ranks of the party that I belonged to all along.

The people in my area, eligible to vote, gave me all I have ever asked for and that was to serve in a representative capacity, first on the city council of the city of San Antonio, my birthplace, 3 years, and then in the State Senate of Texas, 5 years, and here now 30 years.

I am very conscious of this privilege and fully cognizant of the fact that were it not for law, the Constitution, I would not have been given those privileges. And there was on the occasion of my election, that is, nomination to the State senate in 1956, where had it not been for the law and voting machines, I would not be here today. So I have sworn fealty and faithfulness and undying devotion to this system, which I unfortunately see is taken so for granted. And therefore, these words appearing in this book, a lawmaker must himself be governed by law.

Now, I go beyond that and I say we have to be governed by law of conscience. If any human being or anyone elected with a public trust has no moorings of conscience to tie to, it does no good to say that you will simply comply with the hard letter of the written law. For it is the spirit of the law as much as its letter, and sometimes perhaps more so, that is the vital thing. So that in these 30 years, the RECORD will show that my voting record shows that I was present 99.9 percent of the time, 100 percent on all A&A's, and that one-half or so or one-tenth of 1 percent was when my mother was dying in a coma in San Antonio, and no power on Earth would keep me from her side.

The other is that I made use of my voice, because the purpose for special orders was originally intended, and I think always should have been, that a Member would be given an opportunity to enlarge on some particular subject matter of legislation that he would not have an opportunity, in the course of limited debate, which of a necessity must govern the proceedings of a multiple-member house, such as the U.S. House of Representatives. And so I did that.

There were no TV cameras. And in fact, for years, it was not even necessary to come to the House floor to physically utter the special order. You could just merely write it out and submit it. And then came abuses. Again, there we go. When some Members complained that speeches had been entered into the RECORD without their consent or knowledge, we then had the reform that obligated those of us that wished to submit them in writing to sign our names up on top. And that is where this custom started, my colleagues of more recent arrival, the membership to this House.

But the central issue is and always will be that our counsel will be confused, our thinking will be clouded, our debates will be insufficient and inadequate, as long as we do not adhere to the basic principles that should govern and have governed since the First Congress, the proceedings and deliberations of this body.

□ 1330

It was for this reason that I spoke out all during the Vietnam war. As a matter of fact, if any care to look at the record, and I doubt anybody would bother, and see that when the draft act came up for extension in 1967 in August, I took the floor and tried to get really what was a superfluous amendment saying that no President had the constitutional right to conscript and compel an unwilling American to be sent outside of the continental United States into an undeclared war unless a declaration of war by the Congress or expressly provided so by the Congress. That, of course, made some members of the President Johnson circle quite upset with me.

I will say this, the President never told me to my face, but there was no question that there were some reactions now and then, and particularly when we entered that period after 1965 where, again, the people who ultimately and actually always see through things, they may not be informed and, therefore, our system may have faltered and fallen down in that respect, because as the men who wrote the Constitution said time after time, it was vital and imperative that there be an informed citizenry if this system were to endure.

So today we stand poised at a moment in which it seems almost fateful and ironic. We have always proudly boasted that out Nation was predicated on freedom. In the words of the Declaration of Independence, every person, every man is born equal, and with an inalienable right to freedom, pursuit of happiness, but how shocking it will be to those of my fellow Americans and even fellow Members who are ignorant or unaware or maybe do not want to be as to how we have strayed from that, how we no longer can hold ourselves up as that free country symbolizing democracy and humanity to the world, for we have been guilty of doing no more, no less than what hateful men in recent history have done.

We proudly boasted; in fact, yesterday I heard a long extension of boasting of certain weaponry and how the wizardry of the electronic age had perfected weaponry to the point where we would have this machine that would be unbeatable and with which conceivably we could conquer the world. But how are those instruments used, my colleagues? How many of you are aware of the hundreds of blinded, crippled, maimed children, old men and women in Panama right now that our Stealth bomber destroyed? Has anybody here ever bothered to try to find out as I attempted through a resolution of inquiry as to exactly how many Panamanians died, were incinerated, how many mass graves did our own soldiers dig and bury unnamed Panamanians? Is that a boast we should be proud of?

Is there any motion in this House at any time to even provide $500 worth of reparations for the damage? Instead, here is what we have: In the name of democracy, we imposed a regime by swearing in the present regime in our military base in Panama, and we still have over 15,000 of our troops, and that is two-thirds of the most we had at the height of the invasion, who are governing Panama.

The government we installed that we say is civilian would not last 1 day if we were to remove our troops.

Let me tell the Members, my colleagues, there will not be one American life safe if we remove those troops. Is that victory?

What about the capture, and the imprisonment in our country, of the leader of that country, whether we liked him or not, Noriega? Is he a prisoner of war? What war? There was no war declared.

This is why it was unbelievable when, on August 5 or thereabouts, the President announced that he was committed to sending a quarter of a million troops to Saudi Arabia. I could not believe it. The Congress had just adjourned for the summer, for August. We had just come out of one of the most confusing periods. I know in all the 30 years I have been here, never in an election year had we been in session as late as we were last year—October 28—right before the eve of an election. What has not been much reported other than the announcement of the troops that Monday after the Camp David meeting were the Executive orders the President signed. By virtue of those Executive orders plus some going all the way back to 1974 and President Nixon, the President can suspend elections. He can have troops quartered in any city and hamlet of our country under his definition of what an emergency would be.

So you say we are not in a precarious situation in our country? I say time is awasting. We had better wake up. We had better be willing to live up to the principle upon which the Constitution predicates the coequality, the independence, and the separation of this branch of the Government.

So when the 250,000-troop contingent was announced, I then wrote a letter to our Speaker and said:

> Mr. Speaker, when has a President accounted to the Congress? May I suggest that you get together with the Senate majority leader, Senator MITCHELL, and call the Congress back into session?

Now, this was in August. It was not in January or December or November.

I imagine that one little Member like myself should not expect to get a reply, and I have not. But I did not do it because I thought it was either frivolous or any kind of a scheme much less partisan.

If there is any President that on a personal basis I have learned to have great affection for, it certainly is President Bush, whom I have known since he was in the House and whom I have gotten to know more, believe it or not, over in the House gym over the course of the years, than anywhere else.

I cannot think of any President with the exception of the first President I served, President Kennedy, I knew better or have any greater affection for.

However, my feeling in these matters is so strong, it is so rooted in my essence of being and marrow of bone that if the President were my brother, I would do the same thing I have done. I would say the same, the same thing I have been saying, and I do not blame the President. For if one branch of the Government abdicates willingly its responsibilities, should we blame the other?

□ 1340

Look, I served with, not under, and there is a mistake. People say, how many Presidents have you served under? We do not serve under Presidents. They are not superior. They are coequals and apart, and they are in article II of the Constitution, not article I. However, I served with seven different Presidents, and I have been a keen observer of the personalities, the methods, the processes, of evaluative judgmentmaking process. It has been educational to the extent that I have been able to find it. After all, I cannot say I have had great privity of a personal nature, but I have been an observer. All the Presidents want a rubberstamp Congress. However, I will tell Members this: The members, the media past, and this Congress have come the closest to being a rubberstamp Congress than any I have seen in the 30 years I have been here, even at the high tide of President Johnson's popularity, at the time of his full term election in 1964. That is not good when we are here celebrating just about 201 years of our existence under the Constitution, whose 200th anniversary we celebrated just 3 or 4 years ago.

We have not had that much experience in government to say that it is self-enacting and self-perpetuating. We have got to work at it. Part of working at it is doing that which only we can do, and that is to speak and register to vote. Most of all, speak. For if we do not, we become merely as representatives of the people automations, merely voicing, the herd. Now, that may sound as if I am taking a goody-goody position. I do not mean it that way. I am just saying that for me this work, and no position has ever become an altar at which I worship. Only God takes that place. We do have higher laws that we must be obedient to.

The occurrences within the last 6, 7 months, clearly show that we as representatives of the people should be witnesses to the fact that the people themselves can be and are no more, no less manipulated in America in the 1980's than the Germans were under Herr Goebbels. This sounds harsh, does it? I do not have the time to give specifics, but any person who has followed events and has even a minimal idea of the history of our system should know. That is why I said a while ago that we should have known that upon the death of President Kennedy and the succeeding 10 years of violence in which national leaders were assassinated in turn, and two or three others were attempted to be, that every post in the Congress to evaluate, that is the reason I introduced a legislation on February 14, 1975, after 6 months of evaluation, which meant after the occurrences of Vice President Spiro Agnew and the departure of President Nixon, and for the first time in our history, the thing that the men who wrote the Constitution feared the most, an unelected President and two unelected Vice Presidents. I hold to this, my colleagues, that we are still suffering from that experience, that our development processes are in just as much danger and perhaps irreparably so as anybody could fathom at the time of Weimar Republic in Germany. The parallels are too awesome.

No history allows us to say that we can make out and out comparisons, but we can evaluate. So what we have today are not Presidents. If a person can say today, "I am going to send half a million armed service personnel to Korea, to Europe, to Africa," and then, "by the way, I will consult with Congress," we have no Constitution, and we do not have Presidents. We have Caesars.

What is the difference? Has anybody bothered to read history? The Caesars were not dictators in the way we consider the modern-day, 20th century totalitarian rulers, Stalin, Mussolini, Hitler. They were not that way. They were popular guys. They catered to the public. They wanted to be loved by the public. When one of them, Augustus, wanted to be democratic, the people of Rome would not let him be. They wanted a Caesar. They wanted a savior. I think the disturbing facts and forces are there where we should, my fellow Americans, be asking ourselves, if in having forsaken the heritage, have we not then traded our inheritance, sold it indeed, for a mess of pottage.

We are now the most indebted nation in the world: privately, corporately, and governmentally. In this last excursion, with an expeditionary force larger than the peak point at any time in Vietnam, in the sands of the Persian area, or Araby, as they say, how many are still there? Did we not lose, also, for the first time, in an open, unequivocal manner, a great freedom? Freedom of the press, freedom of the people to know the horrors, that have been made to look as if it was so mechanical, it was all pleasant. In the words of the son-in-law of Mussolini, Count Ciano, when he went as a show horse to see the Italian forces apparently conquer the poor Ethiopians, he said, "Oh, yes, the bombing? It was like watching a beautiful flower unfold." Is that what we have come to? Have we not been told the slaughter that we committed of civilians? Over 100,000 of conscript Iraqi soldiers, fleeing away, gunned by helicopter cannons, chopped in half as they were fleeing, wanting to surrender. They were conscripts. Have we seen those? No, of course not.

All during Vietnam, yes, we saw the body bags coming over in San Francisco or maybe at Dover Beach. Not this time. All of what was controlled, and there was not a whimper from the so-called free press of America, nor from the Congress. Can we say that God's plumb line is anywhere except in the middle of the people? As the Prophet Amos said, no different from today, what is the difference morally speaking? None. Do we know how many of our female soldiers died, labeled as having died in combat? No. Not playing that up. Do we know how many female soldiers we had in the sands of Araby out of that total 500,000 plus? At least 59,000. How many of that contingent have returned to the United States?

□ 1350

What was the military objective to begin with? This is the question I asked, so that when it was not answered on September 5 last year after we came back from the Labor Day recess, I introduced a resolution, because unlike the Vietnam period, we have a War Powers Limitation Act.

President Bush has said that in his opinion it is unconstitutional. Well, if we have reached a point where the President is going to decide what laws he will faithfully obey according to his oath of office and which he says is unconstitutional, my friends, I repeat, we do not have constitutional government. We do not even have Presidential government. We have Caesarism, bald and plain and simple.

And for how long can we hold on? The world is a broad expanse. If the Middle East is no different in its pattern as Panama, how long are our troops going to still have to be in the sands of Araby? How long will some of these kings be able to hold on to their own support, and if so, what happens? What happens to the oil lines that we said at first was the crucial element?

No, I am afraid that history will show that since the declared war known as World War II, we have had no perception, other than a misperception, of the world out there or much less a perception of ourselves as that world perceives us.

My friends, what do you think is the perception in that part of the world known as the Middle East and in most of Europe of the role of the United States in the Middle East? I will tell you the way they think in the Middle East, because that is the way their so-called authors and poets and thinkers and intellectuals say, the United States has merely stepped into the shoes of the two departed colonial powers known as France and England.

Then our soldiers were what? They were hired hands, mercenaries.

To do what? Save democracy? Where? In Kuwait? In Iraq? In Saudi Arabia?

What about Panama? Remember, it was supposed to be all over with there months ago. I do not see any newspaper reporter writing about how our military are governing almost every single civilian action that is taken by that government in Panama. We are occupying Panama and we are governing Panama militarily. Is that democracy?

These are things that we better start thinking about in a more focused way, for having strayed from the law, are we not in confusion, worse compounded and very quickly coming to grief?

A FURTHER TRIBUTE TO THE HONORABLE MORRIS K. UDALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. RHODES] is recognized for 60 minutes.

Mr. RHODES. Mr. Speaker, I have asked for this time today for the purpose of adding my voice to those that were raised in this Chamber last Thursday in honor of our colleague, Mo Udall.

His departure from the House is untimely. It is sad, and yet at the same time I think we can view our experiences here with him with great joy, and I think we can be happy. We can be happy that we had the opportunity, be it long or be it short, to have been associated with the gentleman from Arizona, the chairman of the Committee on Interior and Insular Affairs, and our friend, Mo Udall.

My fortune in serving with Mo was really only about 2½ terms, about 5 years. Of course, I had known him for many, many years before that. My father had the great privilege of serving with Mo here for 20-some years before my dad retired in 1982. Knowing both of them, each of them would say if they had the privilege of serving with each other, for while their philosophical and political differences were monumental, their friendship was likewise, and their ability to work together when it came to the interests of the State of Arizona was legendary. Their ability to shepherd through this House of Congress the authorization in 1968 of the central Arizona project is well-known in Arizona and throughout the West and well-known to those who were here in the House at that time.

Then their ability to translate that authorization into a continuing stream of appropriations so that this huge project, this largest reclamation project ever conceived, is 98 percent complete and by this time next year will be actually delivering water to Mo's home town of Tucson, AZ.

Mo so respected my father that just a few short years ago he shepherded through legislation in this House to rename a portion of that project after my father and after the late Senator Carl Hayden. It will be my hope, now that Mo is no longer a Member of the House, that I can join with my colleagues from Arizona and my colleagues on both sides of the aisle in legislation which will likewise honor the contributions of Morris Udall to the State of Arizona, to the West and to all of us as American citizens, by renaming a portion of the mammoth project after Morris K. Udall.

I would like to read to you a statement that was made by the actor Cliff Robertson on the occasion of the dedication of the Udall Center in Tucson, on November 10, 1990.

He said:

> Over the years I have had occasion to be at a few dedications: on Broadway they call them "Opening Nights" in Hollywood: "World Premieres" and in Washington: "Promises."
>
> These "dedications" usually reflect the nature and character of the event. On Broadway there is a body of First Nighters in formal attire. In Hollywood bevys of blondes, beards and ballyhoo. In Washington politicians, photos and the press.
>
> It's appropriate that today at this dedication there is a small body of family and friends, devoid of glitz and hype. No pretense, but promise: that this Center will represent in its simplicity the greatness of an uncommon man.

□ 1400

I think that is the way all of us see Mo, greatness and uncommonness in simplicity.

One of his long-time associates, the counselor to the House Committee on Interior and Insular Affairs for Indian Matters, Frank Ducheneaux wrote on the occasion of Congressman Udall's retirement:

> Mo leaves the House after 31 years of service and leaves behind a positive record in Indian affairs unequaled in its history. But he does not leave behind the love and admiration of those Indian people for whom he so strongly fought and labored. I think that I can say for all Indians and Alaska Natives that we will miss him, perhaps more than any of the others, and that our hopes and prayers go with him as he leaves public service.

Mr. Speaker, that paragraph is part of a longer tribute which I place in the record at this time.

The material referred to is as follows:

FROM THE FIRST AMERICANS TO A GREAT AMERICAN

(By Frank Ducheneaux, Cheyenne River Sioux)

"Dear Mr. Speaker: I hereby resign the office of Representative for the Second Congressional District of Arizona, effective May 4, 1991. Morris K. Udall."

Those few, simple words bring to a close a most remarkable political career of a most remarkable man—a man I am privileged to know, to have worked for, and, I hope that I am not presumptuous, to call a friend. To paraphrase a great Indian philosopher and humorist, Will Rogers, I don't think Mo Udall ever met a person who didn't wind up either liking or respecting him, usually both.

So greatly is he loved, respected, and admired, that the accolades and tributes which followed him all his public life will now reach a crescendo. The great, the near-great, and the not-so-great will acclaim him as their own and extol his record in protection of the environment, in campaign reform, in opening the secret rooms of power in the House of Representatives, in the creation of wilderness areas for future generations, and in many other fields of endeavor and concern. As I write, the House of Representatives, in which he served so honorably and well for thirty-one years, has set aside time for members to address the House in tribute to their departing colleague. The list of speakers will be lengthy and will span the political spectrum. The remarks will be honest and sincere.

I would like to offer this one little small voice on behalf of the Native people of this land—for the Indians and Alaska Natives—the people many are pleased to call the First Americans, but who are content to let them remain the last Americans. Not Mo Udall. Mo didn't often use words like "First American" unless some staff person like myself tried to put the words in his mouth in some speech. He simply went about the task of trying to ensure that the American Dream was a possibility, to say nothing of a reality, for Indian people.

Next year, in 1992, Indian tribes and people can be said to have survived 500 years of the harsh, unrelenting, often cruel, onslaught of the non-Indian culture and society. We have survived massacres and intolerance, racism and rapacity, altruism and benign neglect. That survival has often been with the help of many non-Indian friends. And, sadly, we have survived the departure of those friends. But I can think of no friend of the Indians, past or present, whose helping hand and heart we will miss more than Mo Udall as he closes his public life.

The public record of Mo's devotion to the interests and well-being of Indian tribes and Native people is easy to find. Go to the United States Statutes at Large and you will find law after law furthering or protecting the rights of Indians which were sponsored by, or bear the lasting imprint of, Mo Udall. In his 31 years of service on the House Committee on Interior and Insular Affairs which has jurisdiction over Indian issues—fifteen as Chairman, Mo has been directly involved in the enactment into law of nearly 200 bills beneficial to Indian tribes. Let's just name a few of the major achievements: the Alaska Native Claims Settlement Act; the Indian Financing Act; the Indian Self-Determination Act; the American Indian Policy Review Commission Act; the Indian Health Care Improvement Act: the American Indian Religious Freedom Act; the Indian Child Welfare Act; the Indian Alcohol and Substance Abuse Prevention and Treatment Act; the Native American Grave Protection and Repatriation Act; and the Indian Child Protection and Family Violence Prevention Act.

Mo worked long and hard on those measures, but it is relatively easy for a politician to support those kind of measures. A program and money to save the lives and future of little Indian kids or support for measures to prevent the scourge of Indian alcoholism and alcohol abuse. Money for Indian economic development and some kind words for Indian religious practices. Mom and apple pie stuff. Even politicians representing anti-Indian constituents would find it hard to oppose such legislation.

Mo's advocacy of Indian rights went well beyond, however. Bills introduced to strike at the heart of Indian treaty and other rights never saw the light of day during Mo's chairmanship. Mo likes to quote a former Rules Committee Chairman who, when asked where he stood on a certain bill he opposed, replied, "I don't stand on it. I sit on it." Mo sat on those anti-Indian bills, often in the face of heavy pressure from some of his colleagues to move on them. Mo stood up to those, in and out of the Congress, who fought and maneuvered to further erode the few remaining rights of Indian tribes and 'just said no', generally with humor and good grace.

After four years as Counsel on Indian Affairs with the Subcommittee on Indian Affairs of the Committee, I accepted Mo's offer to be the Committee Counsel on Indian Affairs. While I had watched Mo as a member of the Committee during my four years, I didn't know him personally and really didn't know his philosophy, if he had one, on Indian matters. After a little snag, I accepted his offer, but asked him if he would be willing to share with me that philosophy and his position on Indian affairs.

Some weeks later, he and I sat in his sparsely furnished apartment in Tucson, Arizona, and discussed Indian affairs over a beer. After about 45 minutes of a wide-ranging discussion, I timidly pressed him on where he would come down in a conflict between Indian and non-Indian interests. Mo looked directly at me and said, "Ducheneaux, I will be with you at least 80% of the time". End of discussion. But what did it mean?

I first looked at it negatively. Twenty percent of the time he might go against Indians. As an Indian, I could not work under those conditions. But, working for Indian causes is like politics, it is often the art of the possible in the face of a fearsome, powerful majority. On the positive side, Mo had implied that it was possible he would be with the Indians 100% of the time.

In December of last year, I closed nearly 18 years of service as Counsel on Indian Affairs to the Committee, 14 of those years as Mo Udall's staff person. In the scores upon scores of times that I made a recommendation to Mo to support an Indian position in the face of a powerful alternative not favorable to Indian interests, I can recall to mind only two or three times when his ultimate decision may have been less than favorable for the Indian interest.

You won't easily find the record of Mo's fight against the rising tide of anti-Indian sentiment spread on the public record like the positive laws for which he is largely responsible. You might, if you went to the National Archives and looked in the records of the Interior Committee, find the files on some bills which would have been disastrous to Indian interests which contain only a bill and the notation: "Referred to the Committee on Interior and Insular Affairs. No further action taken".

Where you will find that record is in the love and respect which leaders, members of Indian tribes and organizations have for Mo. You can see it in his office, lined with plaques, certificates, testaments, and Indian artifacts given to him in recognition of his support, friendship and help.

Mo leaves the House after 31 years of service and leaves behind a positive record in Indian affairs unequaled in its history. But he does not leave behind the love and admiration of those Indian people for whom he so strongly fought and labored. I think that I can say for all Indians and Alaska Natives that we will miss him, perhaps more than any of the others, and that our hopes and prayers go with him as he leaves public service.

Mr. RHODES. Mo's contributions were well known in several areas, certainly of course in the environment, certainly of course in Indian affairs, certainly of course in the affairs of this House. Many of the open hearings, the open meetings and the openness of this House is a direct result of the work of Morris Udall, who fought so hard to change the seniority system and to change the way the business of this House is conducted so that the public could see what we are about.

I am sure many times many of us wished that were not the case, but that is the case and it is for the better that this institution operates and for the good of the people of this country that they have the opportunity to see how their elected Representatives work.

Mo will be remembered for a lot of other things as well. One of them is perhaps not so widely recognized, but certainly well known to those of us who worked with him in Arizona and those of us who worked with him in the committee from the minority side of the aisle. That was not just his willingness but his great desire to see to it that everybody's view were heard, that everybody had an opportunity to participate, that everybody had a chance to express himself and to see to it that the views of the Representative and the Representative's constituents were known and were taken into account.

My first and probably most personal experience with that particular quality came early in my tenure here, when we began work in Arizona on what became known as the Public Lands Wilderness Act. That started early in 1987 when Mo asked for a meeting of the members of the delegation, both House and Senate, and announced to us that he intended to proceed with establishing a Public Lands Wilderness Act in the State of Arizona and that he intended to follow a particular timetable and that it was his intention to have that legislation passed within 18 months to 2 years and that it was his intention to see to it that each and every one of us participated and that at the end all of us would be able to cosponsor that legislation.

We began work on a very public process in Arizona of involving all interested parties in trying to determine what the extent of the Arizona Public Lands Wilderness Act would be. There was a lot of fight about it, a lot of unhappiness; a lot of people who wanted more wilderness were dissatisfied because certain areas were not included and a lot of people who wanted less wilderness were dissatisfied because areas that they thought were not suitable were included.

Mo's timetables came, and we went back to him and we said, "Mo, we are not ready. We cannot represent to you that there is consensus either at home or amongst us, and we need more time." Mo agreed. He extended his deadlines again; then he had to do it again. But his goal was to see to it that everybody was heard, everybody's concerns were taken into account, that we come as close as we possibly could to agreeing amongst all of us that we could support legislation that ultimately came through, and that was the ultimate result.

That Public Lands Wilderness Act was passed in 1989 overwhelmingly in both the House and the Senate, and with the full support of the Arizona delegation and with most of our constituents at home. That was typical; that was the way he worked; that was the way he wanted things done. I saw him do that over and over again. I think that is probably his greatest legacy to all of us. We should follow that example. We should be sure in our interactions with our colleagues that nobody gets cut off, that everybody has a chance to be heard, that everybody's viewpoint has a chance to be presented and considered; not accepted, but presented and considered. And if Mo's legacy to this House is anything, it is the lesson that we are all here for one purpose: We all got here the same way, by being elected to represent our people at home, and if their voices cannot be heard, then this is not a representative body.

That is a lesson that I hope everybody, on both sides of the aisle, backbenchers like the gentleman from California and myself, and leaders, will reflect on and will remember.

Finally, just one last vignette. Back in the mid to late seventies, Mo began working on a bill that related to Alaska. The net result of that bill was the addition of some 1.2 or 1.3 million acres of land in Alaska to the wilderness system. Now, as Mo is leaving the House, that Alaska Lands Act is being touted by many, if not practically everybody, as being one of Mr. Udall's greatest contributions. But I can assure you that while 1.3 million acres of wilderness in Alaska may have been wildly applauded by people here in the lower 48 States, it was greeted with somewhat a smaller degree of enthusiasm by those who reside in Alaska. And if you ever wish to see a grown man break down in apoplectic tears, just simply mention that particular piece of legislation to the gentleman from Alaska [Mr. YOUNG], who went through that experience back in the 1970's. But anyway, about the time of the passage of the act, Mo went to Alaska. And as I gather it, not having been there of course, but as I gather it, his reception in Alaska was probably as chilly as the Alaskan winter weather is up around the circle. As a matter of fact, legend has it that his public appearances generated a lot of light and heat and hostility directed toward the chairman.

The bill passed. Ten years passed. Mo went back to Alaska. I happened to go with him on this particular trip. He spoke to the chamber of commerce in Anchorage. He was very warmly received, to the extent of a standing ovation.

In his opening remarks he said:

> Things are a lot different here in Alaska than they were 10 years ago. Most people out there still think that my name is "that damned Udall." But now when they wave, at least they use all five fingers.

That is the way he was; most of his jokes were directed at himself. His humor was self-deprecating, his humility was great, his leadership was wonderful, and his friendship still is.

As I reflect on Mo in the times I have known him and in the time so many people have spent with him, it would be easy to say I was proud to know Mo Udall, and I certainly do say that, and I know we all do, but I also think, in retrospect, that Mo in fact, "We hardly knew you at all, and we are certainly going to miss you, miss you very much."

Mr. Speaker, I yield to my friend and colleague from Arizona [Mr. KOLBE].

Mr. KOLBE. I appreciate my friend yielding to me and for taking this special order to say some words on behalf of our colleague, the Honorable Mo Udall.

I had an opportunity to say a few words last week during a special order that was held prior to his departure from Congress. But I think it is appropriate today that Members of the Arizona delegation take this opportunity to talk very specifically about what Mo Udall has meant to each and every one of us.

Mo Udall has been a very special person from the State of Arizona, he has been a very special person for me personally. I guess, growing up in Arizona, I can hardly think of Congress without a Udall in it. A Udall has represented me or a part of my district, part of the area that I grew up in, since I was just 10 years old.

☐ 1410

His brother, Stewart, of course, first came to Congress in 1952, elected representing all of the State of Arizona, except that part which in that year my colleague's father took the seat representing central Arizona, Phoenix and Maricopa County, but all the rest of the State was represented by Stewart Udall. In 1961, when Stewart Udall was appointed Secretary of the Interior, his brother, Mo, ran for the seat. I remember it well. I was in college. It was a spirited, active campaign. I worked hard on behalf of—even though from a long distance and during the time that I was home—I worked on behalf of an individual who I had known for years, my family had known, a rancher by the name of Jack Specon who ran for that seat. He was not successful, and of course Mo took the seat, and the rest is in a sense history.

Mr. Speaker, Mo represented that seat for 30 years, from 1961 to 1991, continuing a legacy started by his brother, continuing a legacy started really before that time with the Udall family in Arizona. Arizona's history is intertwined with the Udall family. There are, I think, few States that have this kind of relationship where a few families have been so dominant in the history of the political history of our State, and certainly the case of Mo Udall is one of those. The Udall family has been an integral part of the history of our State, and, interestingly enough, for some who are not aware from outside the State, it has not been all one-sided from a political, from a partisan, standpoint. Indeed at least half of the Udall family are staunch Republicans. The family divided a couple of generations back, and one branch went Republican, and one branch went Democratic. Indeed Mo's uncle served as Chief Justice of the Supreme Court. He was a very loyal Republican for the many years which he served in that capacity.

So, Mr. Speaker, this is a family that has Republicans and Democrats which have been very active in the history of our State.

The importance of Mo Udall as a Member of Congress is hard to overestimate. I think every one of us in this body owes a great debt of gratitude to him, a debt of gratitude for, not only the wit which he brought to this body, but the dignity that he brought to this body, the sense of purpose that he brought here, his vision of government as it could be by the very best of people. He has perhaps done more than any single individual that I know that has served in this body to raise the public's expectations, as well as their understanding, of what our Congress can be and should be, and for that I think each one of us should be grateful.

We are also, of course, very grateful for the achievements that Mo Udall has accomplished. There are many of his achievements that might be ones that I would disagree with, and certainly many of his votes on national issues are ones that he and I were on opposite sides of and, before I was here, would have been on opposite sides had I been serving in the Congress at that time, but Mo Udall has been an individual who has done much to protect public lands in this country, to protect the heritage and the environment of this country for future generations.

It is often said that perhaps the most important legacy of Mo Udall is the Alaska National Wildlife Refuge, and it certainly is one of the more significant legislative accomplishments of Congressman Udall. But I also think of many other things, what he did in this body to reform this body in terms of the changes that he brought about of making it possible for younger Members to have more say in the body earlier on and not have to rely on the seniority system. I think about the changes that he made in terms of political reforms, campaign reforms that have been so important to this country and for Arizona. I think about the many, many things that he did from the beginning with his role in helping to bring about the authorization of the central Arizona project back in the 1960's, to his efforts through the decades since that time to fund the central Arizona project to be sure that it got to fruition. In addition I think of the efforts that he made just a few years ago to be sure that, when we ran into the problems we did with the Cliff Dam problem, that we were able to find some kind of a compromise that enabled us to be sure that the central Arizona project did not get off track, that indeed it could be finished and, as it is now today, brought to completion.

So, Mo Udall's legacy for our State is one that is very important. We just completed this last fall action on a wilderness bill, the Bureau of Land Management wilderness, dealing with land owned by and managed by the Bureau of Land Management. It is the first BLM wilderness bill in the United States, and I think it is not only a tribute to Mo Udall, but it is illustrative of how Mo Udall operated. This bill, despite the obvious contentious provisions in it at the outset, the obvious disagreements that the interest groups in Arizona had over that; it was because of his influence that the groups were kept together in a room, in a sense their feet to the fire, to bring about the kind of agreement that ultimately we achieved. Without his influence in this process I am not sure we could have accomplished that. But Mo Udall has done that kind of thing and in the process has kept Arizona and Arizonans together.

Lastly, Mr. Speaker, I think of one of the, I think, very important things that he has done that gets little credit because it is hard to get a handle on, it is hard to understand, but it is important for Arizona, but cannot be underestimated, and that is the Indian water settlement legislation. Arizona has numerous problems and issues dealing with water rights belonging to native Americans in our State. If we were to have litigation on those issues, we could find ourselves in litigation for decades with a cloud hanging over the future of our State. It has been the clear direction that Mo Udall has brought to those issues to keep us moving for settlement of those issues.

Mr. Speaker, I wish he were going to be here in the 102d Congress to see the completion of this. We will have completed the last two major Indian water settlements, I believe, in this Congress, and then truly that will be the capstone of Mo Udall's legislative history.

But the man does not need to be remembered only for the legislation which he accomplished. I remember very well coming to Congress in 1984-85, when I was sworn in. I had taken the seat from an individual who had been the closest friend of Mo Udall, had campaigned for him, had been his campaign manager, actually been on opposite sides when they were in school together at the University of Arizona, but had been fast friends from the days of college. No two people were closer than Mo Udall and Jim McNulty, and, when I took that seat, it would have been understandable if Mo Udall had been bitter about that, if he had not been welcoming when I arrived here, but that was not the case. Mo Udall and Mo Udall's staff met me at the front of the Capitol when I came here, figuratively speaking, with open arms, and they have never treated me or my staff any differently since that time, and I shall always be grateful for that, not only for the insights he gave to me about the way that Congress operates, but for the welcome that he gave to me and an extended hand.

That was the way Mo Udall was. That is the way Mo Udall is. He is not somebody who carries a grudge, he is not somebody who is going to be bitter. He knows that there will be political differences, but the issues of the State and the issues of our Nation are far more important than any of those and that, in the end, it is what is best for our country and what is best for the State of Arizona that has always guided Mo Udall in his work here in the House of Representatives.

That is what makes each and every one of us, I think, so proud of him, and that is what makes each and every one of us so proud to have been associated with Mo Udall, and though he may be gone from the Halls of this House of Representatives, though we may not see him again here working legislation, casting his vote, telling his stories or his jokes here on the floor of the House of Representatives, the legacy of Mo Udall will be here forever because he has made this a better place for each and every one of us.

☐ 1420

We shall miss him, but we are better for having had his service here.

Mr. Speaker, I thank the gentleman for yielding to me and for the time he has taken for this special order.

Mr. RHODES. Mr. Speaker, I thank the gentleman for taking part in this presentation and for his very generous words about our friend.

Mr. Speaker, I now yield to another of our friends, the gentleman from Arizona [Mr. KYL], whose father likewise had the opportunity to serve with Congressman Udall when the senior Mr. Kyl was representing the State of Iowa.

Mr. KYL. Mr. Speaker, I thank my colleague for yielding, and I appreciate his creating this special order in honor of our comrade, Mo Udall.

Mr. Speaker, much of what has been said here reminds me of things that I wanted to say as well, starting with the comment of my colleague, the gentleman from Arizona, [Mr. JAY RHODES], about my father's service with Mr. Udall on the Interior Committee when my father served in the Congress. I guess I should say that in much of what I say reflecting on Mo Udall's career, I would speak for my father as well, because they did serve together on the committee.

I think I first really became aware of Mo Udall when I won the moot court competition in law school and I won a copy of "Udall on Evidence," which at that time was the law book one used to learn the law of evidence if one wanted to practice in the courts of Arizona, because Mo Udall had been a trial lawyer. And as a matter of fact, I was able to listen to some tapes of his and aspired to be as eloquent and as convincing as Mo Udall was that day when he was in court and I heard him argue an automobile case.

So Mo's abilities were significant before he came to the Halls of Congress, even though that is, of course, what we are reminded of here.

I thought that some of the comments from our colleague, the gentleman from Arizona, [Mr. JIM KOLBE], were pertinent when he talked about the Udall family having its roots or, one might even say, tentacles grasped around all of us. In one way or another we are all connected with that ubiquitous family, Republicans and Democrats. One of my former law partners, Nick Udall, tried to explain to me his relationship with Mo. He said they were cousins, but once he went beyond that, I got very confused about how all these Udalls fit together. They were a family, however, Republicans or Democrats, liberal or conservative, which stuck together, and they are one of Arizona's great families. Mo Udall will be remembered in that way as well, again not just for his service in Congress but for having been one of that great pioneer family of Udalls, and I am sure their name will continue to live on for a long time.

As a matter of fact, I guess I should blush to say that my campaign chairman from the beginning of my service in Congress as a Republican is Dick Udall, another one of Mo's cousins, and I am sure Mo is chuckling at that today. I suspect also that Mo would be chuckling at some of the accolades he received the other day and perhaps even today that almost seemed to refer to him in the past tense. Of course, we were speaking of his past accomplishments. But as my colleague, JIM KOLBE, just said, I suspect that from his armchair he will continue to observe what we are doing and may even provide a little advice and counsel to us from time to time, as he has done all during his service.

I think probably the thing that I will miss most of all about Mo, since his political philosophy and mine are not consistent and since our votes canceled each other on most occasions, is the way he would use humor to great good advantage, not just to enthrall an audience but in times when it was difficult to reach an agreement on something and perhaps tempers were getting a little bit near the boiling point and tensions existed and there needed to be something to break that tension and get us back focused on achieving the objective at hand, Mo would usually break in with one of his patented stories, and inevitably and invariably it enabled us to break that tension and to refocus on the fact that we were Arizonans in a small delegation that needed to get back together as one to pursue our common interests, which for the most part we did and in which, I am sure to the chagrin of some of our colleagues from California, enabled us to be somewhat successful in some of those early water battles and in other areas in which we were able to cooperate. Mo was able to keep us together, and as I said, it was frequently because of the use of his good humor.

I know his humor has been alluded to in the past here. Probably the most famous of all his jokes is the one in his famous book about announcing his candidacy for the Presidency in a barber shop in New Hampshire: "Hi, I'm Mo Udall. I am running for President," to which the response was: "Yes, we were just laughing about that this morning."

Mo, of course, can tell that joke on himself. In that regard, he was very humble, and I think he taught all of us the benefits of humor and humbleness in this institution.

As has been noted, Mo is part of a legacy of great statesmen from Arizona. It might be wondered by some of our colleagues how a State as sparsely populated as Arizona has seemed to send so many of the giants to this body—people like Barry Goldwater, John Rhodes, the father of our colleague, JAY RHODES, who served as minority leader here, Paul Fannin, Carl Hayden, and others. Mo Udall certainly deserves to be included in that illustrious group of Arizonans who really do stand very tall in the institution of the U.S. Congress.

A few years ago, when concern over his health was becoming a subject of conversation, Mo Udall was asked how he would like to be remembered. I would like to quote to the Members what he said. He said:

> I would hope that in Arizona people would think of me as somebody who cared about the land deeply, who left a legacy of national parks and wilderness areas and resource policies that give future generations some idea of what kind of love of the land and environment that I've always felt.

I cannot think of a greater tribute to a man, particularly who accomplished so much to achieve those goals, than to say that Mo Udall will indeed be remembered for that, and as we acknowledge his efforts in those areas today, future generations will not only remember him for his successes in that area but will be able to enjoy the benefits of those successes.

The Arizona Republic, the primary newspaper in the State of Arizona, a newspaper that frequently disagreed with Mo Udall on a lot of policies, editorialized not too long ago about Mo Udall, and here is how they concluded an editorial about "the end of an era," as they described it: "Clearly Mr. Udall achieved that and more," speaking of the legacy that he wished to be remembered for. "His distinguished example in gentle word and historic deed set a standard for public service. In riding into the sunset, Mr. Udall carries the heartfelt admiration of all Arizonans. We wish him Godspeed."

Mr. Speaker, we, too, wish him Godspeed.

Mr. RHODES. Mr. Speaker, I thank the gentleman again for his remarks and for joining us here today.

Mr. Speaker, in closing, let me just say, probably in contravention of House rules, because I am not supposed to address somebody directly, but I will take my chances, "Mo, don't forget us, because we certainly will not forget you."

Mr. KLECZKA. Mr. Speaker, the retirement of Morris Udall is a change that will not only affect the people of Arizona's Second District, but a change that will have a long-lasting effect on the institution of the House of Representatives.

Very few individuals in the history of this Nation have amassed such an impressive record of public service as Mo. He has led battles for campaign finance reform, civil service reform, and has been one of the foremost protectors of the environment.

Despite frail health and personal hardships, Mo will always be remembered in this Chamber as a man with a joke, a funny story, or a smile for his colleagues. Few Members of Congress can claim to have as many friends—both Democrat and Republican—as Mr. Udall. And few Members can claim to have consistently risen above petty politics for the ultimate good of the Nation as Mr. Udall.

When such a revered Member leaves office, I feel it is appropriate that younger Members, such as myself, look at the legacy he has left and try to learn from it. Clearly, some important lessons can be learned from Mr. Udall. These include the lesson that your opponent one day can be your ally the next; that humor can bring us together, even in the most trying of times; and perhaps most importantly, that people, their needs, and this Earth we live on, should come before partisan bickering.

Mr. Speaker, in 1968 the easternmost point in St. Croix, Virgin Islands, was named Udall Point in honor of Mo's brother Stewart, who also served in this Chamber and as Secretary of the Interior. In 1989, the westernmost point in Guam was named "Udall Point" in honor of Mo. I can think of no more fitting tribute to a man who has dedicated so much time and energy to preserving the beauty and wilderness of our Nation, than to have its two most distant points bear his family name. His relentless efforts to protect the environment have had an impact on each park, forest, and wetland in between.

The people of Arizona are fortunate, Mr. Speaker, to have had such a brilliant and dedicated public servant as Mr. Udall. And we are fortunate for having the opportunity to serve with Mo and have his model as a legislator to emulate.

Mr. GILMAN. Mr. Speaker, I rise today to join our colleagues in paying tribute to a devoted and beloved public servant, and a dear personal friend, Representative Morris Udall.

When future historians examine the history of Congress during the mid to late 20th century period, Mo Udall will be remembered for his significant impact on the Congress. He was a giant of a legislator.

Morris Udall was an effective legislator who overcame many physical hardships in order to serve his Nation. Mo never failed to be farsighted in his policies. Mo's continuous and vigorous support for environmental conservation is well known. Mo Udall is responsible for the preservation of huge tracts of land which will be available for future generations. Friends of the environment will long lament the resignation of this environmental champion.

Mo's career has been marked with several other legislative accomplishments. He was a pivotal force in passing the 1974 campaign finance law and the Civil Service Reform of 1978. Mo also ran a fine campaign for the Presidency in 1976. Although Mo failed to be nominated, he returned to the House to vigorously pursue his already impressive career in Congress.

As wonderful a legislator as Mo was, he is much more than a legislator. Mo remains a friendly, charming man whose warmth is unforgettable. We will all remember his quick wit and funny stories. It is a tribute in itself that Mo was able to remain jovial even after contracting Parkinsons disease. He fought against great odds to remain a productive Member of Congress, and there is no question that he was one of the most effective Members in recent memory. His 30 years of service will never be forgotten. Mo was and remains, even today, a leader. A man who has always been able to inspire others in both his thoughts and actions, Mo Udall has impacted all of us who have had the pleasure of serving beside him. I am saddened to say goodbye. Thank you, Mo, for 30 fine years of dedicated service. We will all miss you.

Mr. STUMP. Mr. Speaker, Mo and I go back a good many years, and his leaving the House truly is the end of an era in the history of Arizona, the House, and the country.

Mo is among this institution's most highly respected Members. He earned that respect through decades of public service marked by selfless concern and action on behalf of his native State, his country, and this Congress.

The Udall legacy is diverse and one which will touch many people for years to come. And as important as the tangible successes of his career, so too is the intangible means he went about achieving his goals. Mo employed just the right mix of determination, wit, and humility to build coalitions to resolve issues, no matter how great or how small. It is a formula from which we could all learn.

Mo's retirement is a tremendous loss of a leader in the House and Arizona and to his many friends throughout the country. Although we didn't always agree on the issues, we've worked well together over the past 14 years, and I feel fortunate to be among those to have had the opportunity to work with him and to call him a friend.

Mo and the family are in my thoughts and prayers. I thank him for an outstanding career and wish him well.

GENERAL LEAVE

Mr. RHODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order, the life, character and public service of Morris K. Udall.

The SPEAKER pro tempore (Mr. POSHARD). Is there objection to the request of the gentleman from Arizona?

There was no objection.

SAFETY, RESPECT, AND JUSTICE FOR THE POLICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CAMPBELL] is recognized for 5 minutes.

Mr. CAMPBELL of California. Mr. Speaker, I rise to speak on a different topic, but it is appropriate to begin my remarks following that tribute to our colleague, Mo Udall, by adding my own words, that it has been an honor to have him as a colleague, and to say that the first gift given to me by my predecessor was a copy of Mo Udall's book, "The Job of a Congressman." He will be missed.

Mr. Speaker, I rise, however, to speak on a different topic, and that is the question of safety, respect, and justice for the men and women who serve us as police officers in the United States and in my State of California. I want to speak to this topic in three categories because there are bills before this Congress that deal with these three topics—safety, respect, and justice.

Safety: When we send our police men and women out on the line to defend all our interests, to protect us from harm, the least we can do, it seems to me, is to take from the criminals they are facing the most dangerous weapons that are used against them. I urge my colleagues, therefore, to support the Brady bill, H.R. 7. It is a sensibile approach whose time has come.

The Brady bill has received significant support, and I would like to draw the attention of my colleagues to one in particular who has supported it, Dewey Stokes, the national president of the Fraternal Order of Police. He has been acting not only on behalf of his own organization but on behalf of all those who every day are on the streets fighting crime, putting their own lives at risk for us.

□ 1430

I quote from Mr. Stokes' letter:

> Let there be no mistake as to what the position of responsible law enforcement organizations is: H.R. 7 will save the lives of both civilians and police, and will provide the cop on the street with yet another important tool with which to fight crime.

Mr. Speaker, I include for the RECORD the full text of Mr. Stokes' letter to me.

FRATERNAL ORDER OF POLICE,
Columbus, OH, April 30, 1991.

Hon. TOM CAMPBELL,
House of Representatives,
Washington, DC.

DEAR TOM CAMPBELL: On behalf of the 221,000 members of the National Fraternal Order of Police (NFOP), the largest organization of law enforcement professionals in the United States, I am contacting you to urge your support for HR 7, the so-called "Brady Bill."

Police organizations such as the NFOP have long been strong advocates of federal legislation requiring reasonable amounts of time for the conducting of background checks on prospective purchasers of handguns. States where similar requirements are in effect have consistently demonstrated that there is a substantial crime deterrent inherent in the implementation of these statutes. Although enactment of the Brady legislation would not be the complete answer to keeping handguns away from the criminal element, let there be no mistake as to what the position of responsible law enforcement organizations is: HR 7 will save the lives of both civilians and police, and will provide the cop on the street with yet another important tool with which to fight crime.

On a related point, let me also reiterate the belief of the NFOP that there are important issues in the context of criminal law reform that require the attention of Congress. Chief among these is the need to streamline the current habeas corpus appeals process along the lines of the Powell Commission recommendations, a re-examination of the federal exclusionary rule, the provision of additional funding for state and local police agencies, the consideration of alternative methods of incarceration ("boot camps"), the provision of educational opportunities for working police officers, and increased attention to the problems posed by juvenile gangs.

Omnibus crime control packages have been traditionally placed on the Congressional agenda only during election years. It is certainly heartening to see a serious review of criminal law reforms so early in the legislative session and I hope that such a development bodes well for the eventual enactment of these changes.

If I can provide additional materials or if you require clarification of any of the points mentioned herein, please do not hesitate to contact me directly.

With kind regards, I remain
Sincerely,

DEWEY R. STOKES,
National President, Grande Lodge, FOP.

Mr. Speaker, we have to pass this bill out of fairness and out of respect for the safety of the police men and women of our country.

I also spoke of respect. Let me speak of respect for the police officer who, in the functioning of his or her duty, obtains evidence—evidence that shows the guilt of an individual criminal, evidence that was obtained in good faith by a police officer trying to do his or her job, evidence that, nevertheless, because of a technicality, is kept from being used in the trial and conviction of that criminal.

Where a police officer has made a mistake in good faith, there seems to me no reason why the evidence that person has obtained ought to be excluded from the conviction of the criminal defendant, unless it be that the evidence itself is not trustworthy. So I also rise in strong support of a revision by statute of our so-called exclusionary rule, so that where evidence is obtained, for example in the instance of an officer who does not obtain a warrant because he or she thought in good faith that there were the appropriate exigent circumstances, or where a warrant having been obtained had a technical flaw in it, that that evidence be allowed in as well.

Mr. Speaker, I stand strongly for civil liberties, but we are not here speaking about an intentional wrongdoing on the part of one of our police officers. Where the error was inadvertent, it seems to me nothing is served, except to let a guilty person free, and, hence, we should reverse the application of the exclusionary rule.

The third topic I spoke of was justice. Our police officers have undertaken this job, and it is a difficult one, because they have an abiding commitment to justice. Lord knows it is not for the pay. We do not pay our police officers half enough for the type of work they do. But they are engaged in protecting us and in seeing that justice is done.

They are the first and the most important link in our scheme of criminal justice in this country. Justice involves consideration for the victims of crime as well as for the criminals themselves.

Mr. Speaker, I conclude with one example, the case of Robert Alton Harris. This case is from my State of California.

Mr. Speaker, let me read the facts of this case as presented to me by the U.S. Department of Justice.

In 1978, while on parole from a jail sentence for voluntary manslaughter, Robert Alton Harris decided to steak a getaway car to use in a bank robbery. He and his brother approached two teenage boys, ages 15 and 16, who were sitting in a car eating hamburgers. They forced them at gunpoint to drive to a rural area.

When they arrived, Harris told both boys he wouldn't hurt them if they walked away from the car and agreed not to identify him. As they walked away, Harris shot one boy repeatedly in the back. After a chase Harris found the other boy crouching and screaming in the underbrush, begging for his life. He shot this boy four times, returned to the first boy, shot him several more times, then returned to the car, ate the dead boys' hamburgers, chided his brother for not having the stomach to do this dirty work, and proceeded to rob a bank later that day.

Harris and his brother were arrested soon after. Both men confessed repeatedly. Both men were convicted.

Mr. Speaker, Robert Alton Harris had a jury trial. Ten years have now passed since he was convicted and sentenced to die. Twelve habea corpus petitions have been taken.

Mr. Speaker, justice requires speedy justice, standing up for the rights of those who put their lives on the line protecting us, the police officers, and the victims of crimes and their families as well.

TAX FREEDOM DAY

The SPEAKER pro tempore (Mr. POSHARD). Under a previous order of the House, the gentleman from Pennsylvania [Mr. SANTORUM] is recognized for 60 minutes.

Mr. SANTORUM. Mr. Speaker, I rise today to speak up for the taxpayers of this country. Tomorrow has been designated by the National Tax Foundation as National Tax Freedom Day. I am wearing a button that says "May 8." That is the date on which prior to that date every single dollar that individuals in this country earn in income goes directly to pay Federal and State and local taxes. It is only after May 8 that we start earning money to provide for our own needs.

Mr. Speaker, this is the latest day in the history of the United States. It was 3 days ago last year, May 5.

Mr. Speaker, in 1929 people worked 52 minutes out of an 8-hour day to pay their taxes; in 1940, they worked 1 hour and 29 minutes out of an 8-hour day to pay their taxes; in 1950, 2 hours 2 minutes; in 1960, 2 hours 22 minutes; in 1970, 2 hours 34 minutes; in 1980, 2 hours 39 minutes; and in 1990, they worked 2 hours 44 minutes out of an 8-hour day just to pay their taxes.

In 1990 and 1991 that does not count all the expenditures that Government made. That 2 hours and 44 minutes only counts the actual revenues collected, because that is the taxes we pay. It does not count the close to $400 billion deficit that we are going to have this year. That bill is going to be paid much later by myself and my children and your children.

So if one looks over the past couple of decades, while we have only increased since 1970 to 1980 a matter of 10 minutes out of the 8-hour day, that number is really dramatically much more. In fact, if you threw in that extra amount, I am sure we would be well over 3 hours, working just to pay for government and government services.

Mr. Speaker, the average American will work 121 days to satisfy his government's appetite. Mississippi had the earliest date. It was April 24, which was 114 days. New York and the District of Columbia have the latest date, May 26. If one lives in those areas, that is your Tax Freedom Day, 146 days out of the year.

Today is Pennsylvania's Tax Freedom Day, May 7, the State I hail from. That will quickly go up as we face a close to $2 to $3 billion deficit in the State of Pennsylvania. Our taxes are scheduled to go up and will go up, and I am sure we will be ranked right up there with the top States for paying taxes.

Out of that 2 hours and 44 minutes, 1 hour and 50 minutes is taken to pay just Federal taxes. State and local taxes run around 59 minutes on average.

Mr. Speaker, the reason I bring this up is that it points out that we in government are not doing a very good job at what we all campaigned for, and that is for responsible government, for a balanced budget, for lower taxes, for cutting spending. The reason that Taxpayer Freedom Day is 3 days later than it was last year was because we passed a budget last year that increased taxes dramatically on all of us, and, as a result, we have to work for 3 more days.

Mr. Speaker, what happened with that tax increase? Did the budget deficit go down? No. Did it stay the same? No. It went up, for every dollar that we took in, we spent even more, thus keeping in synchronization with what we have done every single time in American history that we have raised taxes. Every single time we in the Federal Government have raised taxes, we have spent even more than what we received in the tax increase.

□ 1440

The answer is obvious to the American public. We must cut and curb our spending appetites. I rise on the floor today to bring that to the attention of the Members and of the public that the budget deal last year did not solve the problem. It, in fact, illustrated that the problem is still here and will continue until we have people in the Congress who are willing to stand up and say no. We cannot afford to mortgage our children's future, but that we are going to stand up for the future and start doing something about deficit reduction.

I serve on the Budget Committee. I came here as a first term Member in January and asked to serve on that committee because I wanted to do something about the Federal budget. I was the only freshman Member appointed to the Budget Committee.

I can say sadly that I did not have a whole lot of impact in that process. We passed a budget out of that committee that, in fact, as I said earlier, calls for well over $300 million, close to $400 million in deficit spending.

Now, I fought against that and I lost. I will fight it again next year and the year after, if I am here.

It is important to do that. It is important to stand up and fight for what I think American public wants. What I had proposed in the Budget Committee is not just to fight and stand up against deficit spending but to have the Budget Committee take a serious look at the entire budget, to start debating the real issues, the spending priorities of this country, to start analyzing the programs. That was what the Budget Committee was put in place to do, was to look at the big picture, was to assess what this country's needs are and what its priorities are and then put them in order, not fund them all and run deficit spending, but to put them in priority and put them in order as to what is the important thing for this country, given the revenues that we have coming in.

I am going to push that debate very hard, that we, as a budget committee, take up the responsibility of handling the budget and not just rubber stamping what has been going on here for the past decade and just continuing on with the large deficits and the spending programs. We do not want to cut anything. We are afraid to cut anything. My goodness, someone might not vote for us if we cut something.

We need to stand up and say, these are the priorities that face this country and this is what we are going to spend our money on and, as a result, we cannot spend money on what may be a worthy program but, frankly, does not match up in comparison to what this other program is. We have to start doing that.

The only way you can make those decisions, other than with a purely political basis, is to get the information in that committee, become professionalized and start dealing with the level of debate that is necessary in that committee to make it happen. I made that proposal then; I will continue to make it, that we, as a budget committee, cannot continue to abdicate our responsibility of setting the national goals and priorities.

I see my friend, the gentleman from Colorado [Mr. ALLARD] is here, and I will be happy to yield to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I would like to thank the gentleman from Pennsylvania for yielding me some of his time so that I might rise to speak in support of Tax Freedom Day.

The continuous increase in spending by our Government should be a concern to all of us. It is outrageous that the greatest Nation in the world has no better control over its own spending. Currently, the average American worker is paying greater than 35 percent of their total income each year in taxes. The Congress must work harder to stop the runaway spending that has placed a burden on every American.

As a cosponsor of Tax Freedom Day I am showing my commitment to bringing taxes under control. I believe that many don't know that the average American worker has only one-eighth of their income left for savings after a 40-hour workweek.

If we want increased savings and continued economic growth we need to take a long hard look at the tax burden placed on each individual American. We need to look more seriously at the way Congress does business and pass a line-item veto and a balanced budget amendment. If we do not get spending under control—today—future generations will be faced with an increased tax burden.

We also need to stop the pork barrel spending habits that have occurred in the past. Quarterly spending adjustments, a constitutional balanced budget amendment, and granting the President the power of the line-item veto all will serve as a means to effectively stop the monumental taxation problem that our Nation faces.

Our Nation can no longer afford all of the wants of the many special interests we have in America. We must fight to stop the irresponsible use of American tax dollars, and the continuous increases in taxes.

I find it ironic that this is also Small Business Week. Small business is the driving force of America's economy, but also the most sensitive of all areas to tax increases. It is very difficult for a small business to be competitive in the marketplace when they are continually faced with tax increases—this limits their ability to make capital investments and improvements in their quality of service.

America's greatest asset is its entrepreneurial spirit—we must protect it by lessening the tax burden on the champions of the American dream—small businesses.

Tax Freedom Day for 1991 is May 8. This means in 1991 that every cent earned by the average worker in America from the first day of the year to today will go to satisfy all Federal, State, and local taxes. I note for the record that this is the latest date ever, signifying an ever-increasing burden on every working American. I believe it is time to start moving in the direction of fewer taxes.

Mr. SANTORUM. Mr. Speaker, what I would like to say is to echo the sentiments of my colleague from Colorado in saying that I, too, hope that this is the latest national freedom day that we will see in this country, at least for quite some time. My sense is that that is a wish and a prayer.

We must begin to address the problem of deficit spending. Otherwise, May will soon pass us by and June will start to be our beckon.

Mr. Speaker, I now yield to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding. As I listen to the discussion this afternoon, I am reminded that all of the money that we, as Americans, have earned all year goes to the cost of government. Certainly, I think that is a scary thought, and a thought that we all should dwell upon, but it is not nearly as scary as the prospect that I see in America today.

Think about the local political subdivision that you live in. It is broke. Think about the local school district that your kids go to school in. It is broke. Or the country that you live in. It is broke. Certainly, there are not any States among the 50 that are flush with cash and the Federal Government is more than broke. And I am looking for the line of taxpayers putting up their hands saying, "Raise my taxes. I am not paying enough."

Well, the fact of the matter is, we are on a collision course, government at all levels and the taxpayers, and I am beginning to wonder where we are going with this.

As we look at this, the decision is simple in my mind. Either we give government more money, the money that they need, the money that they want, they are looking for all types of ways to raise revenue, every trick and gimmick in the book, or we can leave the money with taxpayers to save and invest as they want, to help rebuild the national capital, to spend as they want, to help rebuild our economy.

□ 1450

As I look at those two alternative sets of goups, I think that the money ought to stay with the taxpayers to save and invest, to spend as they please, to help our economy. As I look at what is going on in Eastern Europe, where the Soviet Union is tearing down its centralized government, we in America in government at all levels are trying to harness more of the Nation's resources in trying to continue and expand a command economy, and I think that the more that we can do to leave money back at home with the people who earn it and who know best how to invest it and spend it, the better off we will be an Americans.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman.

Mr. HASTERT. Mr. Speaker, tomorrow is Tax Freedom Day, the day of the year when American taxpayers start to keep the money they work for instead of giving it to the tax collect.

Tax Freedom Day in 1991 comes 128 days into the year, meaning that the average American will work 128 days, from January 1 until tomorrow, May 8, just to satisfy all Federal, State, and local tax obligations, with every penny earned from the beginning of the year going to the tax collectors.

This year's Tax Freedom Day is the latest in history, coming 4 days later than last year's. Never have Americans had to work so long and so hard just to see the day when they could begin go work for themselves and their families.

The Tax Foundation, a nonprofit, nonpartisan research and educational organization, has tracked the trends in tax burdens on Americans since 1937. And nearly every year since then, American taxpayers have had to work longer just to pay their taxes.

In 1929, for example, taxpayers had fulfilled their tax responsibilities by February 9. Now, in 1991, Tax Freedom Day comes nearly 3 months later. In daily terms, the American worker must toil 2 hours and 49 minutes of an 8-hour day to satisfy tax obligations—5 minutes longer than last year.

In light of this, it would seem that the Federal budget deficit would be shrinking, because the Government is taking in more revenue. But the deficit continues to balloon because Congress' spending habits are out of control. The American people are not undertaxed; the Government simply overspends.

The time to bring some fiscal sanity to the budget process is long overdue. Congress owes it to the American public to make the tough choices about spending that fiscal responsibility demands. Cutting wasteful Government spending programs by adopting the balanced budget amendment and the Presidential line-item veto are simple, effective tools we can use to begin to bring back some accountability to Federal spending.

The American people work too hard for their money to have to wait until May to use it. I look forward to a time when Tax Freedom Day will be coming earlier, rather than later, each year.

GENERAL LEAVE

Mr. SANTORUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order on today.

The SPEAKER pro tempore (Mr. POSHARD).Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WHAT GLOBALIZATION MEANS TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, there are so many new buzzwords in today's trade vocabulary that it is difficult to know just exactly what they mean. In fact, some of them are in the process of being defined. Our actions in Congress will help in defining these terms.

The new world order is part of the new language, although new order implies a total system of trade, duties and relationships with other countries. The implication of the phrase goes beyond trade.

Another term is the borderless state which is also a title of a book by Kenichi Ohmae. Roughly translated it means that the consumer is king and decides the standards for the marketplace. Nationalism is not important in the world of the borderless state. Nations are not important and Congress will exist as a housekeeping exercise to work out trade negotiations.

Still another term is globalization of markets. The definition is obvious that the modern company will do business world wide. Parts may be shipped from one country, assembled in another country, designed and marketed in still another country.

The combinations are many of what can happen to move a product to market.

Under all these definitions the role of the American worker will change. Harvard's Prof. Robert Reich says that only 20 percent of our population will have a good income and the other 80 percent which are blue collar and pink collar workers, will have a tough time. They will have to compete with lower paid workers in other countries and in Third World countries.

In his analogy it is not important who owns the company, but the fact that Americans work on a Japanese car or Japanese camera.

Professor Reich further explained it is difficult to define an American company and that the term "America" will be redefined in coming years.

I mention these terms to you today because a friend was kind enough to send an interesting article that explains exactly the end results of policies of a borderless state, or any of the other terms I mentioned which are synonymous with the borderless state.

The article by Hembree Brandon about transnational companies is from the Southeast Farm Press and Delta Press in Clarksville, MS.

FEW COMPANIES CONTROL LARGE AGRICULTURAL SHARES

Everyone's heard the Golden Rule of Economics: He who has the gold rule.

Nowhere is that truer, according to 2 University of Missouri-Columbia rural sociologists, than in the megabucks world of international trade.

You thought, for example, the Japanese were rolling in bucks chiefly from their mastery of auto, electronics and other high tech fields?

El wrongo. On the international scene, say UMC researchers Rob Floyd and William Hefferman, 6 of the top 10 transnational companies are Japanese, and "most of the top 10 have extensive holdings in food production and processing."

Japanese firms with large agricultural holdings include Mitsubishi, Sumitomo, Mitsui, C. Itoh, Marubeni, and Nissho Iwai.

In looking at the overall arena of international agricultural business involving transnational companies, the Floyd-Hefferman study also finds:

A small number of companies control major shares of the food and agriculture industries in the U.S. and the world, "putting them in the position to highly influence prices and control governments."

Laws to control monopolistic tendencies of such businesses are "either fuzzy or non-existent, especially at the global level."

In the U.S., for example, 5 companies account for 69 percent of the feed cattle slaughtered, and 87 percent of the processed beef sold to stores and restaurants. Just 1.4 percent of the feedlots feed 71 percent of the cattle. Four companies produce 45 percent of the chickens sold as broilers, and 4 companies account for 45 percent of the pork slaughtered.

"The economic impact of these large corporations is truly astounding," Floyd said. "The largest firms are often in a position to dictate prices, limit industry, and effectively conceal their profit margins, if and when they wish. These same institutions are able to pursue their own interests, at the expense of producers from any single country, and without regard to national concerns."

Further, he says, "It seems the companies now have the ability to decide matters of basic morality and social policy." The companies have become so large and powerful, he notes, "the possibility exists they can drive small companies out of business."

Floyd and Hefferman point to the grain industry in noting how a few companies can dominate a market. They cite a report from Feedstuffs magazine, showing that 55 percent of the world's grain storage capacity is controlled by 10 firms, and 76.4 percent of the soybean processing is done by only 5 firms. Only 2 companies, Cargill and Continental, control about 50 percent of global grain trade.

Cargill, Floyd says, is the Number 1 grain trader in the world, and is also the U.S.'s second largest soybean crusher, fourth largest cattle feeder, and third largest flour miller. It also maintains top positions in turkeys, feed, meat, seed, orange juice, canola seed, and wheat breeding.

In other agricultural/food industries, Floyd and Hefferman note, there is "a definite trend" toward dominance by a few firms. As an example, 153 firms controlled 95 percent of the U.S. broiler industry in 1981, but by 1990 only 50 firms were left, and the 4 largest controlled nearly half of all U.S. broiler production.

"The poultry sector has been transformed from independent growers and processors to contract broiler farms and transnational companies," Hefferman said. "These companies control not only poultry production, but all the processing and marketing efforts that go with that production."

Today, Floyd said, "it is almost impossible to raise poultry without contracting with large firms, or to sell grain for the world market without using transnational marketing. It is also nearly impossible to apply fertilizer or pesticides not made by a subsidiary of a multicompany conglomerate."

Hefferman said the giant agricultural firms are narrowing production to fewer areas of the world and, in time, "only the low cost producing areas of the globe will be used for mass production." For example, he noted, it is much cheaper to produce poultry in Thailand or Indonesia than in Japan, the U.S., or the United Kindgom. Likewise, it is much cheaper to produce beef in Argentina and Peru than in U.S. or Australian feedlots.

"It is much more profitable for a transnational company to pay $2 or $3 a day for workers in Malaysia than to pay $7 or $8 an hour for workers in the U.S."

As these large firms gain more control over all phases of the food systems, Floyd and Hefferman say, independent producers will have to become formally tied to the larger system. And, they say, laws to protect small firms against transnational companies are not effective, or are inconsistent. "In some countries, monopoly laws don't exist or are abritrary," Floyd said.

While the emergence of these transnational companies is "the ultimate sign of free trade," Floyd said, "we do not know how to deal with them, or the social ramifications."

The transnational company may be the ultimate of free trade, but it also has a direct affect on the culture of the country. The transnationals now account for over 20 percent of all advertising and their percentage is growing.

They not only can set their own morality, but they can define our culture through the power of advertising, gifts in charity, influence in legislations, and the list goes on.

It is in America's best interest to note that 6 of the top 10 transnationals are Japanese. We must then ask what are the values of those powerful companies and what effect will they have on America's moral principles. As a result of the transnational trade policies are we entering an age where only a few Americans will prosper? These are some of the questions we must ask in serving the American people in this current trade climate.

The strength of America has been and will always be that American's hold out their hand to help one another. It will not be as Mr. Yoshio Tersawa, the ranking Japanese member of the World Bank Group stated in Manhattan, Inc. Magazine.

In replying to the question of how well the Japanese would do in the United States he said:

> We are not a religious people, so we have no transcendent precepts or principles that bar us from taking whatever action is necessary. We can be terribly immoral if necessary.

He continued:

> Now, in order to make more money and be more competitive, Japanese businessmen will do anything they have to. There are no limits. They may talk about Americanizing their companies to please their American employees, but that is not what they really do. Big Japanese corporations are going to

acquire big American corporations and let them run things so that the Japanese owners will not be visible.

The implications of these remarks are almost overwhelming. Americans must be vigilant that we do not lose our culture and that under the onslaught of these companies we must maintain our American values.

The American people are polite, friendly people. They have an extraordinary sense of fairness, but if pushed too far they will fight back.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HAYES of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. RHODES) to revise and extend their remarks and include extraneous material:)

Mr. CAMPBELL of California, for 5 minutes each day, on today and May 8.

Mr. GINGRICH, for 60 minutes each day, on May 13, 14, 15, 16, 21, 22, and 23.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PEASE, for 30 minutes each day, on May 7, 8, 9, 10, 13, 14, 15, 16, and 17.

Mr. ANDREWS of New Jersey, for 5 minutes, on May 8.

(The following Member (at the request of Mr. RHODES) to revise and extend his remarks and include extraneous material:)

Mr. EDWARDS of Oklahoma, for 60 minutes, on May 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BEREUTER, on H.R. 479, in the House today.

Mr. SOLOMON, on H.R. 1143, in the House today.

(The following Members (at the request of Mr. RHODES) and to include extraneous matter:)

Mr. VANDER JAGT in two instances.

Mr. MICHEL.

Mr. LENT in two instances.

Mr. LAGOMARSINO in two instances.

Mr. ROHRABACHER.

Mr. SCHAEFER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ROSE.

Mr. ATKINS.

Mr. ENGEL.

Mr. EDWARDS of California.

Mr. LAFALCE.

Mr. BILBRAY.

Mr. DE LA GARZA.

Mr. SKELTON.

Mr. KANJORSKI.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On May 6, 1991:

H.J. Res. 173. Joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 5 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, May 8, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1222. A letter from the Assistant Secretary of Defense (Force Management and Personnel), transmitting the annual report on adequacy of pay and allowances for members of the uniformed services, pursuant to 37 U.S.C. 1008(a), 1009(f); to the Committee on Armed Services.

1223. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to allow the commanders of the unified and specified combatant commands to pay for, or authorize payment for, deployment of certain forces assigned to their commands for training, and training with, the military and other security forces of friendly countries, and for other purposes; to the Committee on Armed Services.

1224. A letter from the General Counsel of the Department of Defense, transmitting to repeal sections 2464 and 2466 of title 10, United States Code, to remove restrictions on contracting out core logistics functions and certain depot maintenance workload competition; to the Committee on Armed Services.

1225. A letter from the Secretary, Department of the Interior, transmitting the annual report on bidding systems to be used and tracts offered for each OCS lands lease sale for fiscal years 1988 and 1989, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

1226. A letter from the Secretary of Transportation, transmitting the ninth annual report of accomplishments under the Airport Improvement Program for the fiscal year ending September 30, 1990, pursuant to 49 U.S.C. app. 2203(b)(2); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 144. Resolution providing for the consideration of H.R. 7, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun. (Rept. 102-52). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 248. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes; referred to the Committee on Merchant Marine and Fisheries for a period ending not later than May 8, 1991, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X (Rept. 102-51, Pt.1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROWLAND (for himself, Mr. STENHOLM, Mr. ROBERTS, Mr. ENGLISH, Mr. PENNY, Mr. SLATTERY, Mr. POSHARD, Mr. SYNAR, Mr. WILSON, Mr. MCCLOSKEY, Mr. KLUG, Mr. SKELTON, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. CLINGER, Mr. BOUCHER, Mr. BARRETT, Mr. ORTIZ, Mr. BEREUTER, Mr. EMERSON, Mr. MOLLOHAN, Mr. VANDER JAGT, Mr. KOPETSKI, Mr. ALEXANDER, Mr. HALL of Texas, Mr. ROGERS, Mrs. BYRON, Mr. THOMAS of Wyoming, Mr. DORGAN of North Dakota, Mr. LANCASTER, Mr. COMBEST, and Mr. WILLIAMS):

H.R. 2229. A bill to reduce infant mortality in rural, underserved areas by improving access to needed health care services by pregnant women; to the Committee on Energy and Commerce.

By Mr. ROWLAND (for himself, Mr. STENHOLM, Mr. ROBERTS, Mr. PENNY, Mr. ENGLISH, Mr. SLATTERY, Mr. POSHARD, Mr. GUNDERSON, Mr. SYNAR, Mr. MCCLOSKEY, Mr. KLUG, Mr. BRUCE, Mr. JOHNSON of South Dakota, Mr. EVANS, Mrs. VUCANOVICH, Mr. BOUCHER, Mr. BARRETT, Mr. ORTIZ, Mr. BEREUTER, Mr. EMERSON, Mr. SKELTON, Mr. WILSON, Mr. KOPETSKI, Mr. SWETT, Mr. ALEXANDER, Mr. HALL of Texas, Mr. ROGERS, Mrs. BYRON, Mr. THOMAS of Wyoming, Mr. DORGAN of North Dakota, Mr. LANCASTER, Mr. SMITH of Texas, Mr. NUSSLE, Mr. COMBEST, and Mr. WILLIAMS):

H.R. 2230. A bill to provide incentives for physicians to practice in rural areas and in rural, medically underserved areas; jointly, to the Committees on Ways and Means Energy and Commerce, and Education and Labor.

By Mr. COOPER (for himself, Mr. ROWLAND, Mr. ENGLISH, Mr. JOHNSON of South Dakota, Mr. SYNAR, Mr. MCCLOSKEY, Mr. KLUG, Mr. STENHOLM, Mr. WILSON, Mr. POSHARD, Mr. EVANS, Mr. BOUCHER, Mr. THOMAS of Wyoming, Mr. PENNY, Mr. EMERSON, Mr. ROBERTS, Mr. BARRETT, Mr. GUNDERSON, Mr. SLATTERY, Mr. SWETT, Mrs. BYRON, Mr. SMITH of Texas, Mr. BEREUTER, Mr. HALL of Texas, Mr. WILLIAMS, and Mr. PAYNE of Virginia):

H.R. 2231. A bill to amend the Public Health Service Act to establish, in the program of grants regarding training in general internal medicine and general pediatrics, certain requirements regarding training in family medicine; to the Committee on Energy and Commerce.

By Mr. ENGLISH (for himself, Mr. MOLLOHAN, Mr. STENHOLM, Mr. POSHARD, Mr. THOMAS of Wyoming, Mr. SYNAR, Mr. WILSON, Mr. MCCLOSKEY, Mr. BRUCE, Mr. EVANS, Mr. JOHNSON of South Dakota, Mr. ROWLAND, Mr. PENNY, Mr. BOUCHER, Mr. EMERSON, Mr. ROBERTS, Mr. BEREUTER, Mr. BARRETT, Mr. SKELTON, Mr. KOPETSKI, Mr. COLEMAN of Missouri, Mr. ROGERS, Mrs. BYRON, Mr. COMBEST, Mr. LANCASTER, Mr. SLATTERY, and Mr. HALL of Texas):

H.R. 2232. A bill to authorize a grant program to permit rural health care providers to obtain access to telecommunications systems used to provide medical information and education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STENHOLM (for himself, Mr. ALEXANDER, Mr. BARRETT, Mr. BEREUTER, Mr. BRUCE, Mrs. BYRON, Mr. COLEMAN of Missouri, Mr. COMBEST, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS, Mr. GUNDERSON, Mr. HALL of Texas, Mr. KOPETSKI, Mr. LANCASTER, Mr. MCCLOSKEY, Mr. ROBERTS, Mr. ROGERS, Mr. ROWLAND, Mr. SKELTON, Mr. SLATTERY, Mr. SWETT, Mr. SYNAR, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WILLIAMS, Mr. WILSON, Mr. BOUCHER, and Mr. PAYNE of Virginia):

H.R. 2233. A bill to amend section 4038 of the Omnibus Budget Reconciliation Act of 1987 to permit rural health medical education demonstration projects to be conducted by a consortium including a rural hospital and to authorize appropriations for expenses of such projects not reimbursed under the medicare program; to the Committee on Energy and Commerce.

By Mr. ROBERTS (for himself, Mrs. VUCANOVICH, Mr. MCCLOSKEY, Mr. WILSON, Mr. SYNAR, Mr. THOMAS of Wyoming, Mr. POSHARD, Mr. ENGLISH, Mr. BRUCE, Mr. EVANS, Mr. JOHNSON of South Dakota, Mr. ROWLAND, Mr. EMERSON, Mr. BEREUTER, Mr. NICHOLS, Mr. VANDER JAGT, Mr. BARRETT, Mrs. MINK, Mr. GUNDERSON, Mr. SKELTON, Mr. KOPETSKI, Mr. ROGERS, Mr. COLEMAN of Missouri, Mrs. BYRON, Mr. DORGAN of North Dakota, Mr. SLATTERY, Mr. LANCASTER, and Mr. WILLIAMS):

H.R. 2234. A bill to amend the Public Health Service Act to provide grants to States for the creation or enhancement of systems for the air transport of rural victims of medical emergencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS of Wyoming (for himself, Mr. STENHOLM, Mr. ROBERTS, Mr. SLATTERY, Mr. SYNAR, Mr. HALL of Texas, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WILSON, Mr. BEREUTER, Mr. POSHARD, Mr. EMERSON, Mr. ENGLISH, Mr. MCCLOSKEY, Mr. JOHNSON of South Dakota, Mr. GUNDERSON, Mr. PENNY, Mr. ALEXANDER, Mr. BARRETT, Mrs. BYRON, Mr. DORGAN of North Dakota, Mr. EVANS, and Mr. LANCASTER).

H.R. 2235. A bill to amend the Public Health Service Act to modify the requirement that, in expending amounts received under the program of block grants regarding alcohol and drug abuse, States expend a specified percentage for certain purposes relating to the treatment of intravenous drug abuse; to the Committee on Energy and Commerce.

By Mr. ENGLISH (for himself, Mr. MOLLOHAN, Mr. STENHOLM, Mr. THOMAS of Wyoming, Mr. POSHARD, Mr. SYNAR, Mr. WILSON, Mr. MCCLOSKEY, Mr. BRUCE, Mr. EVANS, Mr. JOHNSON of South Dakota, Mr. ROWLAND, Mr. PENNY, Mr. BOUCHER, Mr. EMERSON, Mr. BARRETT, Mr. SKELTON, Mr. ALEXANDER, Mr. COMBEST, Mr. SLATTERY, Mr. HALL of Texas, Mr. LANCASTER, and Mr. WILLIAMS).

H.R. 2236. A bill to amend the Rural Development Act of 1972 to provide for the establishment of rural health leadership education programs; to the Committee on Agriculture.

By Mr. POSHARD (for himself, Mr. STENHOLM, Mr. BARRETT, Mr. BEREUTER, Mr. BOUCHER, Mr. BRUCE, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS, Mr. JOHNSON of South Dakota, Mr. KOPETSKI, Mr. MCCLOSKEY, Mr. MOLLOHAN, Mr. PENNY, Mr. ROWLAND, Mr. SYNAR, Mr. THOMAS of Wyoming, Mr. WILSON, Mr. LANCASTER, Mr. SLATTERY, and Mr. PAYNE of Virginia):

H.R. 2237. A bill to amend the Public Health Service Act to establish an Office of Rural Mental Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH (for himself, Mrs. VUCANOVICH, Mr. MOLLOHAN, Mr. STENHOLM, Mr. POSHARD, Mr. THOMAS of Wyoming, Mr. SYNAR, Mr. WILSON, Mr. MCCLOSKEY, Mr. BRUCE, Mr. EVANS, Mr. JOHNSON of South Dakota, Mr. ROWLAND, Mr. PENNY, Mr. EMERSON, Mr. BEREUTER, Mr. ORTIZ, Mr. BARRETT, Mr. SKELTON, Mr. KOPETSKI, Mr. SWETT, Mr. ROGERS, Mr. SLATTERY, Mr. HALL of Texas, Mr. DORGAN of North Dakota, Mr. LANCASTER, and Mrs. BYRON):

H.R. 2238. A bill to amend the Public Health Service Act to require that, in the report required in section 308 regarding the health of the nation's people, the Secretary shall include a description and analysis by urban and rural area of certain health statistics; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. ENGLISH, Mr. MCDERMOTT, Mr. ROWLAND, Mr. SKELTON, Mr. STENHOLM, and Mrs. BYRON):

H.R. 2239. A bill to amend the Public Health Service Act to provide protections from legal liability for certain health care professionals providing services pursuant to such Act; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. STENHOLM (for himself, Mr. BRUCE, Mr. HALL of Texas, Mr. PENNY, Mr. POSHARD, Mr. ROWLAND, Mr. SLATTERY, Mr. THOMAS of Wyoming, and Mr. LANCASTER):

H.R. 2240. A bill to amend title XVIII of the Social Security Act to require States conducting certifications for providers of services under the medicare program to provide due process protections to institutions subject to such certifications, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DANNEMEYER (for himself, Mr. BALLENGER, Mr. BATEMAN, Mr. BOEHNER, Mr. BUNNING, Mr. COBLE, Mr. COX of California, Mr. CRANE, Mr. DELAY, Mr. DORNAN of California, Mr. FAWELL, Mr. GREEN of New York, Mr. HENRY, Mr. HERGER, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. KOLBE, Mr. LIVINGSTON, Mr. MOORHEAD, Mr. PACKARD, Mr. PENNY, Mr. PORTER, Mr. RAMSTAD, Mr. SCHULZE, Mr. SMITH of Texas, Mr. SUNDQUIST, Mr. ZELIFF, Mr. ZIMMER, Mr. GALLO, and Mr. JAMES):

H.R. 2241. A bill to require the Congress and the President to use the spending levels for the current fiscal year (without adjustment for inflation) in the preparation of the budget for each new fiscal year in order to clearly identify spending increases from one fiscal year to the next fiscal year; jointly, to the Committees on Government Operations and Rules.

By Mr. DOWNEY (for himself, Mr. MILLER of California, Mr. OBEY, Mr. STARK, and Mr. DE LUGO):

H.R. 2242. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for working families by providing a refundable credit in lieu of the deduction for personal exemptions for children and by increasing the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Mr. DYMALLY:

H.R. 2243. A bill to establish the National Commission on Intercollegiate Athletics; to the Committee on Education and Labor.

By Mr. ENGEL (for himself, Mr. SCHEUER, Mr. WEISS, Mr. SERRANO, Mr. GREEN of New York, Mr. SOLARZ, Mr. MANTON, Mr. STARK, Mr. DELLUMS, Mr. FROST, Mr. OWENS of New York, Mr. SCHUMER, Mr. PAYNE of New Jersey, Mr. ROE, Mr. TORRICELLI, Mr. VENTO, and Mr. BUSTAMANTE):

H.R. 2244. A bill to amend the Federal Home Loan Bank Act to limit the authority of the Resolution Trust Corporation to abrogate residential tenant contracts and leases; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GOODLING:

H.R. 2245. A bill to amend certain Federal laws to provide the same rights and privileges to individuals with disabilities who depend on trained animals other than seeing-eye dogs as are provided to individuals with disabilities who depend on seeing-eye dogs, and for other purposes; jointly, to the Committees on Veterans' Affairs and Public Works and Transportation.

By Mr. GORDON:

H.R. 2246. A bill to amend the Higher Education Act of 1965 to strengthen the oversight by the Secretary of Education of the functioning of college accrediting agencies, and for other purposes; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. YOUNG of Alaska, and Mr. DE LUGO):

H.R. 2247. A bill to amend the Agricultural Act of 1949 to limit the milk price support program to the 48 contiguous States in the continental United States; to the Committee on Agriculture.

By Mr. MONTGOMERY (by request):

H.R. 2248. A bill to authorize the award of the Purple Heart to former prisoners of war of World War I, World War II, and the Korean war for injuries received during captivity; to the Committee on Armed Services.

By Mr. DANNEMEYER:

H.R. 2249. A bill to reduce social security taxes, to repeal the outside earnings limitation with respect to receiving Social Security benefits, and to provide an inflation adjustment to the income thresholds applicable to the income taxation of Social Security benefits; jointly, to the Committees on Ways and Means and Rules.

By Mr. STARK:

H.R. 2250. A bill to amend titles 5 and 10, United States Code, to provide that any child who is ineligible for survivor annuity, life insurance, or health benefits coverage under such titles because of being married may qualify for such coverage if that marriage is terminated by reason of death, annulment, or divorce; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. FAZIO:

H.J. Res. 246. Joint resolution proposing an amendment to the Constitution of the United States to permit certain naturalized citizens of the United States to hold the offices of President and Vice President; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN:

H.J. Res. 247. Joint resolution proposing an amendment to the Constitution of the United States to safeguard crime victims' rights; to the Committee on the Judiciary.

By Mr. COUGHLIN (for himself and Mr. BORSKI):

H. Con. Res. 144. Concurrent resolution to express the sense of Congress that, in any Act of Congress authorizing appropriations for Federal-aid highways and highway safety construction programs and for urban mass transportation programs for fiscal years 1992, 1993, 1994, 1995, and 1996, the ratio of funding for urban mass transportation programs to Federal-aid highway and highway safety construction projects should be not less than $1 to $4; to the Committee on Public Works and Transportation.

By Mr. GILMAN (for himself, Mr. ROSE, Mr. BROOMFIELD, and Mr. SOLOMON):

H. Con. Res. 145. Concurrent resolution to express the sense of the Congress that Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Qinghai, is an occupied country under established principles of international law whose true representatives are the Dalai Lama and the Tibetan Government in Exile as recognized by the Tibetan people; to the Committee on Foreign Affairs.

By Mr. PENNY (for himself, Mr. ROWLAND, Mrs. VUCANOVICH, Mr. SYNAR, Mr. WILSON, Mr. MCCLOSKEY, Mr. POSHARD, Mr. JOHNSON of South Dakota, Mr. ENGLISH, Mr. BOUCHER, Mr. COOPER, Mr. EMERSON, Mr. NICHOLS, Mr. EVANS, Mr. VANDER JAGT, Mr. BARRETT, Mr. GUNDERSON, Mr. THOMAS of Wyoming, Mr. KOPETSKI, Mrs. BYRON, Mr. SLATTERY, Mr. BEREUTER, Mr. DORGAN of North Dakota, Mr. STENHOLM, Mr. NUSSLE, Mr. HALL of Texas, and Mr. PAYNE of Virginia):

H. Con. Res. 146. Concurrent resolution expressing the sense of the Congress that the Departments of Veterans Affairs and Health and Human Services should further explore and expand options for shared services; jointly, to the Committees on Energy and Commerce and Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

100. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to raw sewage; to the Committee on Foreign Affairs.

101. Also, memorial of the Legislature of the State of Colorado, relative to economic benefits provided to the Soviet Union; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Mr. DANNEMEYER, Mr. BURTON of Indiana, Mr. PETERSON of Florida, Mr. HOCHBRUECKNER, Mr. VANDER JAGT, Mr. MCNULTY, Mrs. MINK, and Mr. JOHNSTON of Florida.

H.R. 108: Mr. MCMILLEN of Maryland and Mr. RAVENEL.

H.R. 110: Mr. MAZZOLI, Mr. EMERSON, and Mr. JONES of North Carolina.

H.R. 217: Mr. COX of California.

H.R. 300: Mr. FAZIO.

H.R. 325: Mr. WISE, Mr. STALLINGS, and Mr. TRAXLER.

H.R. 386: Mr. DERRICK and Mr. FOGLIETTA.

H.R. 418: Mr. STUDDS and Ms. SNOWE.

H.R. 543: Mrs. COLLINS of Michigan, Mr. ROE, and Mr. ACKERMAN.

H.R. 614: Mrs. BOXER.

H.R. 652: Mrs. COLLINS of Michigan.

H.R. 681: Mr. OXLEY, Mr. HORTON, Mr. MFUME, Mr. DANNEMEYER, Mr. JEFFERSON, Mr. WELDON, Mr. INHOFE, Mr. RINALDO, Mr. HERGER, Mr. ECKART, Mr. FIELDS, Mr. CUNNINGHAM, Mr. SKEEN, Mr. GILMAN, Mr. SHAYS, and Mrs. MEYERS of Kansas.

H.R. 702: Mr. COX of California and Mr. ZIMMER.

H.R. 706: Mr. MARLENEE.

H.R. 710: Mr. TAUZIN, Mr. ORTIZ, Mr. SHAW, Mr. DE LUGO, and Mr. BLAZ.

H.R. 785: Mr. ACKERMAN, Mr. WEISS, Mr. MFUME, Mr. SANGMEISTER, and Mr. MCGRATH.

H.R. 793: Mr. BAKER, Mr. FEIGHAN, Ms. OAKAR, Mr. PANETTA, Mr. QUILLEN, Mr. PAYNE of New Jersey, Mrs. SCHROEDER, and Mr. TORRICELLI.

H.R. 830: Mrs. COLLINS of Michigan and Mr. DOWNEY.

H.R. 960: Mr. MARLENEE.

H.R. 967: Mr. NICHOLS.

H.R. 975: Mr. VENTO.

H.R. 1081: Mrs. COLLINS of Michigan and Mr. ABERCROMBIE.

H.R. 1134: Mr. HYDE.

H.R. 1155: Mr. DAVIS, Mr. MOORHEAD, Mr. ROHRABACHER, Mr. MARTINEZ, Mr. FRANKS of Connecticut, Mr. HERGER, and Mr. DELLUMS.

H.R. 1196: Mr. ECKART and Mr. GOSS.

H.R. 1277: Mr. COMBEST, Mr. MARLENEE, Mr. SMITH of New Jersey, Mr. BALLENGER, Mr. GUNDERSON, Mr. FRANKS of Connecticut, Mr. EMERSON, Mr. BURTON of Indiana, Ms. HORN, Mr. SIKORSKI, Mr. ECKART, Mr. UPTON, Mr. RHODES, Mr. SCHIFF, Mr. ZIMMER, Mr. MOORHEAD, Mr. RITTER, Mr. SMITH of Florida, Mrs. COLLINS of Michigan, Mr. RINALDO, Mr. KASICH, Mrs. LLOYD, Mr. MCCOLLUM, Mr. YATES, Mr. HOBSON, Mr. GLICKMAN, Mr. LUKEN, Mrs. VUCANOVICH, Mr. STUMP, Mr. MONTGOMERY, Mr. HEFNER, and Mr. PERKINS.

H.R. 1300: Mr. GEJDENSON.

H.R. 1308: Mr. SISISKY.

H.R. 1363: Mr. MACHTLEY and Mr. PANETTA.

H.R. 1387: Mr. MINETA, Mr. MFUME, and Mr. MORAN.

H.R. 1388: Mr. MINETA and Mr. MORAN.

H.R. 1408: Ms. NORTON and Mr. DELLUMS.

H.R. 1414: Mr. ROEMER, Mr. KOPETSKI, and Mr. RHODES.

H.R. 1454: Mr. KOSTMAYER and Mr. COSTELLO.

H.R. 1497: Mr. CUNNINGHAM, Mr. FALEOMAVAEGA, Mr. ZIMMER, and Mr. MARLENEE.

H.R. 1503: Mr. MARTINEZ, Mr. ROSE, Mr. FROST, Mr. DE LUGO Ms. NORTON, Mr. VALENTINE, Mr. DYMALLY, and Mr. OWENS of New York.

H.R. 1504: Mr. DELLUMS and Mr. MCMILLEN of Maryland.

H.R. 1528: Mr. FROST and Mr. MCMILLEN of Maryland.

H.R. 1572: Mr. IRELAND, Mr. GEREN of Texas, Mr. SLATTERY, Mr. HARRIS, Mr. SMITH of Texas, Mr. BARRETT, Mr. DOOLITTLE, Mr. PACKARD, Mr. RHODES, Mr. KYL, Mr. BUNNING, Mr. BURTON of Indiana, Mr. LOWERY of California, Mr. YATRON, Mr. CHANDLER, Mr. QUILLEN, Mr. CHAPMAN, and Mr. SCHIFF.

H.R. 1633: Mrs. JOHNSON of Connecticut, Mr. MILLER of California, Mrs. BYRON, Mr. BILBRAY, Mr. BONIOR, Mr. SAWYER, Mr. DE LUGO, Mr. EVANS, Ms. SLAUGHTER of New York, Mr. HUGHES, Mr. FROST, Mr. OWENS of Utah, Mr. RINALDO, Mr. KLUG, Mr. ESPY, Mr. WILSON, Mr. PANETTA, Mr. MINETA, Mr. SPENCE, Mr. ROE, and Mrs. MORELLA.

H.R. 1648: Mr. PAYNE of Virginia and Mr. PAXON.

H.R. 1663: Mr. WILSON.

H.R. 1691: Mr. SLATTERY, Mr. SERRANO, Mr. FROST, Mr. GILMAN, Mr. HORTON, Mr. HOCHBRUECKNER, Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, Mr. MARTIN, Mr. SCHUMER, and Mr. CAMP.

H.R. 1704: Mr. ROHRABACHER, Mr. APPLEGATE, Mr. HERGER, Mr. SMITH of Florida, and Mr. GALLEGLY.

H.R. 1718: Mr. PARKER, Mr. WEBER, and Mr. RIGGS.

H.R. 1722: Ms. DELAURO, Mr. MARTINEZ, and Mr. HOAGLAND.

H.R. 1744: Mr. WOLF, Mr. FALEOMAVAEGA, Mr. PANETTA, and Mr. SLATTERY.

H.R. 1746: Mr. JAMES, Mrs. VUCANOVICH, Mr. HYDE, Mr. ROTH, and Mr. FAZIO.

H.R. 1753: Mr. TAUZIN, Mr. WELDON, Mr. DOOLITTLE, Mr. FRANK of Massachusetts, Mr. KYL, and Mr. LOWERY of California.

H.R. 1775: Mr. HUGHES.

H.R. 1776: Mr. HUGHES.

H.R. 1801: Mr. MFUME.

H.R. 1809: Mr. BUNNING, Mr. HERGER, Mr. FROST, Mr. MACHTLEY, Mr. FRANK of Massachusetts, Mr. Espy, Mr. Petri, Mr. McGrath, Mr. Traficant, Mr. Sundquist, Mr. Lipinski, Mr. Coleman of Missouri, Mr. Armey, and Mr. Zimmer.

H.R. 1970: Ms. Kaptur and Mr. Dellums.

H.R. 2027: Mr. DeFazio.

H.R. 2145: Mr. Bereuter.

H.J. Res. 95: Mr. Leach, Mr. Ritter, Mr. Ramstad, Mr. Engel, Mr. Bilirakis, and Mr. Traxler.

H.J. Res. 171: Mr. Evans, Mr. Wylie, Mr. Fuster, Mr. Synar, and Mr. Fields.

H.J. Res. 174: Mr. Emerson.

H.J. Res. 217: Mr. Kopetski, Mr. Vento, Mr. Sisisky, Mr. Zimmer, Mr. Quillen, Mr. de la Garza, Mr. Fawell, Mr. Gekas, Mr. Hayes of Louisiana, Mr. Hefner, Mr. Roe, and Mr. Mfume.

H.J. Res. 220: Mr. Herger, Mr. Gingrich, Mr. Hunter, Mr. Klug, Mr. Nichols, Mr. Gilchrest, Mr. Sundquist, Mr. Paxon, Mr. Zimmer, Mr. Gallo, Mr. Smith of New Jersey, Mr. Hayes of Louisiana, Mr. Gekas, Mr. Machtley, Mr. Nussle, Mr. Barton of Texas, and Mr. Hyde.

H.J. Res. 235: Mr. Reed, Mr. Murtha, Mr. Shaw, Ms. Slaughter of New York, Mr. Clinger, Mr. Mineta, Mr. LaFalce, Mr. Moakley, Mr. Green of New York, Mrs. DeLauro, Mr. Thomas of Georgia, Mr. Bacchus, Mr. Fascell, Mr. Wolf, Mr. Manton, Mr. Rangel, and Mr. Borski.

H. Con. Res. 56: Mr. Johnston of Florida.

H. Con. Res. 88: Mr. Wolpe, Mr. Skaggs, Mr. Dooley, and Mrs. Collins of Michigan.

H. Con. Res. 114: Mr. Lewis of Georgia, Mr. Herger, Mr. Jontz, Mr. Campbell of California, Mr. Andrews of Maine, Mr. Miller of Washington, Mr. Abercrombie, Mr. Dellums, Mr. Scheuer, Mr. Martinez, and Mr. Santorum.

H. Con. Res. 118: Mr. Borski, Mr. Bacchus, Mr. Vento, and Mr. Zeliff.

H. Con. Res. 126: Mr. Cardin, Mr. Ford of Tennessee, Mr. Stokes, Mr. Gephardt, Mr. Washington, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Feighan, Mr. Evans, Mr. Bruce, and Mr. Roybal.

H. Res. 113: Mr. Fish, Mr. Eckart, and Mr. Engel.

H. Res. 130: Mr. Valentine, Mr. Torres, Mr. Edwards of California, Ms. Kaptur, Mr. Spratt, Mr. Sikorski, and Mr. Faleomavaega.

H. Res. 133: Mr. Schiff, Mr. Erdreich, Mr. Fascell, Mr. Glickman, Mr. AuCoin, Mr. Klug, Mr. Smith of Florida, Mr. Jefferson, Mr. Sabo, Mr. Bonior, Mr. Costello, Mr. Kopetski, Mr. Vento, Mr. Eckart, Mr. Smith of Oregon, Mr. Roe, and Mr. Levine of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 231: Mr. Goss.

SENATE—*Tuesday, May 7, 1991*

(Legislative day of Thursday, April 25, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Assistant to the Chaplain, the Reverend John E. Stait, offered the following prayer:

Let us pray:

And it shall come to pass, if thou shalt hearken diligently unto the voice of the Lord thy God, to observe and to do all his commandments which I command thee this day, that the Lord thy God will set thee on high above all the nations of the Earth: And all these blessings shall come on thee, and overtake thee, if thou shalt harken unto the voice of the Lord thy God.—Deuteronomy 28:1-2.

Almighty God, forgive us for our lack of diligence in listening to Your voice. We so easily stray away from true righteousness in our efforts to balance rights, legal technicalities, and political expediency. Help us to see the consequences of compromise with the pragmatic.

You have blessed us with blessings beyond what we have rightfully earned or merited. Help those in the Senate who labor to legislate what is right. Help them to hear and to harken unto the Lord thy God, that we and our beloved children might experience and thankfully appreciate future blessings rather than the consequences.

In the name of Him who is the only wise God, be blessing forever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC., May 7, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE SCHEDULE

Mr. MITCHELL. Mr. President, under a unanimous-consent agreement entered 12 days ago, at 9:30 this morning the Senate is to proceed to the consideration of Senate Resolution 117, a sense-of-the-Senate resolution relating to agricultural export credit guarantees to the Soviet Union. The sponsor of the resolution is Senator DOLE. Interest in the matter was expressed by Senator DECONCINI and Senator BRADLEY, both in opposition to the resolution.

Under the unanimous-consent agreement, no amendments to the resolution are in order. Three hours of debate are scheduled, with 1 hour under the control each of Senator DOLE, Senator DECONCINI and Senator BRADLEY, and a vote on or in relation to the resolution is scheduled to occur at 2:15 p.m.

Immediately following that vote, a vote is scheduled to occur on the motion to invoke cloture on the motion to proceed to S. 429; that is the retail price maintenance legislation, offered by Senator METZENBAUM.

Mr. President, none of the principals with respect to Senate Resolution 117 are on the floor at this time, and, accordingly, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of Senate Resolution 117, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 117) to express the sense of the Senate that the administration should expeditiously and prudently act upon the Soviet Union's request for agricultural export credit guarantees from the United States.

The Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Senator from Maine suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TWO STRICKEN LEADERS

Mr. BYRD. Mr. President, all of us were duly concerned this past weekend to learn that President Bush had experienced "atrial fibrillation," a sudden surge of the electrical impulses in the upper heart chambers that regulate the heartbeat itself.

The physicians' initial prognoses for the President's full recovery of a normal heartbeat rate are good, and for that we are all thankful. President Bush's return yesterday to the White House was a good portent, and we are all heartened to see him resume part of his normal schedule of responsibilities.

Similarly, I know that our colleagues join me in praying for the full recovery of our beloved Senate Chaplain, Dr. Richard C. Halverson, who has suffered a heart attack.

In the years that Dr. Halverson has served as our Chaplain, he has made lasting impressions on hundreds of people who are members of the larger Senate family. Through his unassuming, selfless attitude and his buoyant spirit, Dr. Halverson has positively affected the esprit de corps of the United States Senate. More than a pastor to us, Dr. Halverson has been our friend, and for that and all of his contributions to our community life, we are grateful and thankful. May Dr. Halverson likewise mend fully and resume quickly his place among us.

I miss him.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The President pro tempore of the Senate, the Senator from West Virginia [Mr. BYRD] suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

PROJECT 88/ROUND II

Mr. WIRTH. Mr. President, 3 years ago, the late Senator John Heinz and I worked together for the better part of a year producing a major study entitled "Project 88: Harnessing Market Forces To Protect Our Environment, Initiatives for the New President."

The purpose of Project 88 was to attempt to examine ways in which we might use forces of the marketplace to help us solve environmental problems. Senator Heinz and I believe that we had unleased marketplace forces on a whole variety of other issues in the country, and there was no reason not to do so on the environment.

We went out and raised a good deal of money and retained a group led by Rob Stavins a very distinguished assistant professor at the Harvard Kennedy School, and out of that, working with some 150 environmental and economic leaders from around the country, produced Project 88.

The results of Project 88 have not only been heartening but strikingly so. Perhaps, its greatest single accomplishment was the development of a tradable permit system, which was used by President Bush in the introduction of the Clean Air Act and credited by many with breaking the logjam that had for so long plagued the revision of the Clean Air Act. We had enormous difficulties coming up with an equitable way in which utilities in the Middle West, which were more polluting utilities, older, could be brought to a cleaner state in a way that would be economically viable and fair to them.

The tradable permit system, outlined in Project 88, became the key for breaking this logjam, and it was credited for doing so by President Bush when he introduced the Clean Air Act in the summer of 1989 at the White House.

There had been a variety of other initiatives and marketplace incentive approaches that came out of the initial Project 88. Bill Reilly, the Director of the EPA, has set up an economic incentive working group. Similar groups have been set up by most of the Common Market countries. And the approach of attempting to look at economics and the environment together has been broadly accepted, after being greeted with a great deal of skepticism when we first introduced this set of ideas.

I am pleased today to release Project 88/Round II, a second iteration of the ideas that Senator Heinz and I started 3 years ago in which we followed a very similar pattern. Obviously, Senator Heinz is not with us, but I think we can all be very proud of the work which he did, and this volume which is dedicated to him.

This is entitled "Project 88/Round II." I might add, Mr. President, the purpose of naming it Project 88 was to develop various models for whoever might become President in 1988. This is called Project 88/Round II: Incentives for Action: Designing Market-Based Environmental Strategies.

Senator Heinz and I, again, raised the funds, and Professor Stavins was, for the second time, the coordinator of the Project 88/Round II Program. We worked with some 140 environmental leaders, people in Government and the private sector and nongovernmental organizations in coming out with Project 88/Round II, which I am releasing today and which is dedicated to Senator Heinz.

As the first Project 88 was taking a broad sweep across some 36 environmental issues, what we have done in Round II is to pick three: solid and hazardous waste disposal recycling, public lands, and global warming. We have focused in some detail on various approaches that can be used to begin to solve, in a more economic way, these programs, these major projects that exist in the solid waste area, in the public lands area, and in global warming.

Let me give a few examples of the kinds of things we might do. Senator Heinz and I together introduced four bills related to solid waste disposal; one on newspaper recycling, one on tire recycling, one on lead acid batteries, and a fourth one on used oil. In each one of these areas, Mr. President, we have attempted to design how you can create markets for these products.

It does not do any good for us to put our newspapers on the curbside and have them picked up separately if, in fact, they end up going into the same landfill because there is no market for recycled paper. Legislation which we have introduced tries to develop and figure out ways in which we can develop a market.

Public policy says there should be a certain percentage of recyclable paper, just as we said with acid rain we are going to reduce sulfur dioxide by a certain amount and public policy sets the goal, and there are various economic ways of better achieving that goal. There is a similar approach for used oil. To create a market for this, we have been working with the oil industry.

About 80 percent of lead acid batteries are recycled, but we have an enormous waste stream going into landfills which are dangerous with lead.

There are some 200 million tires put into the waste stream every year. How might we go about using the barrel or two of oil that is available in fueling powerplants and recycling those in various materials?

So we have taken on a series of issues. Those are just four examples. Others are related to how waste treatment might be eliminated, what kind of incentive programs might be set up in the public sector to make sure our waste dumps are not filled up rapidly, incentives to have smaller packaging, and for people to be very careful what they put in the waste streams. That in turn backs up to get manufacturers and packagers to be more careful about the products they use.

The first part of Project 88/Round II relates to municipal and solid waste. The second part of it focuses on the public land in which I think most observers of our national use of the public lands understand there are some major changes that have to be made in the way in which we manage our public resources. We focus, in this, particularly on two of those, Mr. President. My colleagues have heard me talk extensively about these and we have attempted various legislative initiatives. One of those is related to the Timber Program.

Senator FOWLER and I last year and the year before had legislation to lower the amount of public money going into what are called below cost timber sales in which the taxpayers are effectively subsidizing the timber industry and the timber industry in turn is probably doing a great deal of damage beyond the economic return to many of our public forests in areas where timbering is not economically viable.

We have various models in here as to how that might change and how we might ameliorate the impacts on affected communities that are currently dependent on the timber industry; as the timber industry changes, how might those impacts be limited.

Second, we look at water projects and the use of water in the West where the prior appropriations doctrine makes it very difficult for people using water to, in effect, conserve that water. If they conserve that water and do not use it, it goes downstream to the next user. Are there ways in which we can create better cooperative arrangements between municipalities to help pay agricultural communities for using their water more efficiently, the municipality gets the water that is used, and we do not have situations like we have in most of the West? Probably the most favorite example is the Chinatown example from the movie in which the Owens Valley was dried up in Los Angeles.

Similar things are happening in the State of Colorado.

We see the Arkansas River valley being dried up as municipalities are buying all the water and transferring it into municipal water systems. There are ways of doing this in a more cooperative fashion so we have water from municipalities and also can, through much more effective use of that water in agricultural areas, keep those areas in agricultural production.

So the public lands area demands a great deal of attention. We still have a lot more work to be done, but we have developed a number of ways of beginning to think differently about the public land in Project 88/Round II.

The third broad area we focus on, Mr. President, is global warming, an issue that is coming out very rapidly in the globe. Despite the protestations of Mr. Sununu and Mr. Darman in the White House, the problem is very real and the scientific community around the world is deeply alarmed by this, as illustrated by the report out about a month ago from the National Academy of Sciences chaired by former Senator Dan Evans in which we had a very distinguished group of scientists from across the country looking at the issue of global warming.

In June 1992, there is going to be the most important international conference on the environment ever held in the world, to be held in Brazil. At that conference, we will see major leaders from around the world, and we hope this administration chooses to send more than a deputy assistant secretary and that we are well represented there. There will be heads of state from all over the world in Brazil in the summer of 1992.

One of the major issues that will be focused on is the question of greenhouse gas emissions. The chances are, coming out of that will be great pressure to develop an agreement on greenhouse gas emissions overall, not only carbon dioxide but the other gases that are greenhouse forcing; that if that agreement comes about, we have developed a template in Project 88/Round II for how emissions trading and technical transfer might occur between the developed nations and the developing nations. It is a very important concept, a terribly, terribly important sharing of technology between the developed and the developing world, and something we must do.

We have brought up a number of other strategies for how the developing world and the developed world might get together and come to agreement once the political goal is set that we want to limit greenhouse gases. We hope that happens. Once that decision is made, how do we go about doing it in the most cost-effective fashion?

We also developed in here, Mr. President, a program for dealing with carbon dioxide. It may well be that in the not distant future there will be an international agreement as well on carbon dioxide emissions, much as there was in the Montreal protocol on the emissions of chlorofluorocarbons.

At the Montreal protocol, a lot of nations got together and agreed on the limitation program. That may happen in the area of carbon dioxide. We have developed in Project 88/Round II a number of mechanisms by which we could in the most cost-effective and equitable fashion reach the goal of limiting emissions of carbon dioxide internationally.

Mr. President, Project 88/Round II is dedicated to Senator Heinz, who was a deep believer in the process of taking the disciplines of economics and the signals of the marketplace and focusing them on various environmental problems. I am very proud to be able to release that report today.

This issue of economic incentives has very broad credibility across this administration. A number of people in OMB and the White House, Department of the Interior, at the Justice Department and, of course, at the EPA have become great fans in this.

We have involved in this a number of people from EPA who helped us put this together. We have a lot of environmental groups. Many who were skeptical in Project 88/Round I are now involved in this.

A special thanks go to the people from environmental defense fund who have been particularly helpful and innovative in working through a variety of innovative strategies.

I ask unanimous consent to print in the RECORD a summary of the Project 88 in the form of a press release, a brief description of Project 88 and, finally, a copy of the foreword and the executive summary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WIRTH UNVEILS PROJECT 88/ROUND II: INCENTIVES FOR ACTION: DESIGNING MARKET-BASED ENVIRONMENTAL STRATEGIES

WASHINGTON, DC.—Senator Tim Wirth (D-Colo.), on behalf of himself and the late Senator John Heinz (R-Pa.), today released a new in-depth study of market-based environmental protection strategies to prevent global warming, address solid and hazardous waste problems, and manage public lands.

Project 88—Round II, Incentives for Action: Designing Market-Based Environmental Strategies is the product of more than 100 contributors working through Harvard University's John F. Kennedy School of Government, under the sponsorship of the two Senators.

"This report is an attempt to put a 'green thumb on Adam Smith's invisible hand,'" said Wirth, who is a member of the Senate Energy Committee and is the author of a comprehensive national energy policy bill. "It looks in depth at new approaches to dealing with three urgent environmental problems which have eluded solution by traditional policy measures."

The report is dedicated to Senator Heinz, who was tragically killed in an airplane accident on April 4, 1991. "This report is the fruit of his work and a memorial to his contribution to environmental protection," Wirth said. "John Heinz was dedicated to the task of finding better ways to tackle our nation's—and the world's—environmental problems."

The original *Project 88: Harnessing Market Forces to Protect Our Environment*, released in December 1988 by Wirth and Heinz, laid out new ideas to harness the powers of the marketplace to apply to 13 environmental and natural resource challenges. The report's recommendations were addressed to the incoming Bush Administration and are credited with helping the President resolve the long-standing debate on how to allocate responsibility for cleaning up emissions that cause acid rain. When introducing his Clean Air proposals at the White House on June 12, 1989, President Bush said, "Let me commend Project 88 and groups like the Environmental Defense Fund for bringing creative solutions to long-standing problems, for not only breaking the mold, but helping to build a new one."

"*Project 88* was enormously successful," Wirth said. "The report's impact can be seen in the Clean Air Act President Bush signed last year, in the incentives task force set up by Bill Reilly at EPA, and in the tremendous interest in market-oriented pollution strategies shown by leaders in Canada, Great Britain, and both Western and Eastern Europe."

Where *Project 88* was a broad, conceptual examination of market-based environmental strategies, *Project 88—Round II* examines three pressing environmental challenges in depth. The current study looks closely at designing and implementing effective market-based environmental strategies to address these issues.

Project 88—Round II involved more than 100 experts from private industry, academia, environmental organizations, and government agencies. Under the direction of Dr. Robert N. Stavins, an economist and professor of public policy at Harvard University's John F. Kennedy School of Government, this team participated in this year-long effort to produce a comprehensive examination of market-based strategies to fight global warming, improve solid and hazardous waste management, and improve natural resource management by the federal government. Many of these same persons worked with Dr. Stavins on the first *Project 88* report under the leadership of Senators Wirth and Heinz.

GLOBAL WARMING

International trading program.—The report concludes that an international trading program in greenhouse gases would be an effective way of allocating the costs of global warming prevention among nations. Under an international trading regime, nations would be given individual targets and allowed to achieve them by reducing emissions or purchasing credits from others who could more economically reduce them.

The report finds that this approach would ensure that reductions would be achieved at the least total cost and would help ensure that no nation or group of nations was unduly burdened by the costs of emission reduction.

Broad-based energy charges.—The report examines the pros and cons of broad-based energy charges, such as carbon and British Thermal Unit (BTU) charges, as a means to reduce emissions of greenhouse gases.

Comprehensive environmental least-cost bidding.—The report concludes that comprehensive least-cost bidding to supply energy services, including both supply and demand side energy resources, could also greatly aid the cost-effectiveness of efforts to reduce greenhouse gas emissions.

SOLID AND HAZARDOUS WASTE MANAGEMENT

Unit-pricing for waste collection.—The report describes programs that charge residents and businesses by the volume of waste generated to more accurately reflect the costs of waste collection and disposal. Such unit pricing programs provide consumers and businesses with an economic incentive to reduce their trash disposal by recycling and other means. Unit pricing programs are in place in Seattle and Tacoma, Washington, as well as Perkasie, Pennsylvania.

Retail disposal charges.—The report examines the use of retail disposal charges, which would levy a fee at the point of product purchase to cover the costs of waste disposal. Such programs can be used where curbside collection programs are impractical or where the full costs of disposal are not reflected by the product's volume.

Virgin material charges.—A third strategy for soild waste management is the imposition of virgin material charges at the point of production. This strategy would impose the costs of disposal up front to encourage firms and consumers to switch to materials and products with lower disposal costs.

Recycling credit programs.—Recognizing that ambitious recycling collection programs are dependent on markets for used products, the report recommends recycling credit programs that set recycled content goals for industry and allow the private sector to determine the least-cost approach for meeting the goal. The report examines programs for newsprint, used oil, and lead batteries, under which firms could trade and sell credits to reach overall industry recycling goals.

Deposit-refund programs.—These programs are explored as a mechanism for reducing litter and illegal dumping. These programs would impose a deposit on hazardous products to be refunded after the product has been turned in for recycling or proper disposal. Recognizing the current use of this approach in "bottle bills" in nine states, the report investigates potential applications for lead-acid batteries, used oil and industrial solvents.

Local referenda to site waste facilities.—Given the enormous difficulty in siting solid and hazardous waste facilities, the report suggests state use of binding local referenda to approve or reject planned waste handling or disposal facilities. This proposal would allow the compensation and mitigation terms to be known in advance and prevent time-consuming and costly delays in siting waste facilities.

NATURAL RESOURCE MANAGEMENT

Implementing water markets.—The report recommends removing insitutional barriers to water marketing which interfere with economically sensible water conservation and environmental protection, and prevent voluntary exchanges of water among urban and agricultural users.

Elimination below-cost timber sales.—The report recommends decentralizing management of the national forests to allow local foresters to generate revenues from recreational and other uses of forest lands. Below-cost timber sales cost the federal treasury millions of dollars per year while providing perverse incentives for excessive logging on public lands. The report recommends that as below-cost sales are phased down, counties be paid a fixed share of total Forest Service receipts—linking payments to counties for foregone tax revenues to all forest uses, not just timber sales.

TALKING POINTS

Project 88 was developed by John Heinz and me to find new ways of meeting our environmental goals. This report, like the original one, was not intended to set those goals, but rather to look at the most cost-effective and economically sound ways of meeting those goals.

Project 88 was enormously successful. It was widely discussed in the media. It was embraced conceptually by the Administration. Soon after our report was released, we were talking with Bill Reilly and Boyden Gray about it and looking for applications. The Administration picked up on these ideas and developed a credit trading proposal for acid rain precursors that instantly tore down the opposition to acid rain legislation.

Bill Reilly has established an incentives task force at EPA and they are looking at these ideas. Interestingly enough, the Administration, which has largely ducked the global warming issue, is looking at an international trading program to reduce greenhouse gas emissions.

Finally, the ideas in the report have been picked up throughout Europe, most interestingly in Eastern Europe.

After Project 88 was released, we hosted with Harvard a major conference on market-based environmental strategies. At that conference, it became clear that three areas were particularly well suited for market-based solutions: global warming, waste management and the public lands. Therefore, Senator Heinz and I, together with Rob Stavins, initiated a new round of the project looking at those issues.

Substantively, the report looks at the design and implementation issues associated with market-based solutions in each of these areas. That means, again, that we did not try to determine if global warming should be addressed and if so at what level. Rather, the report suggests least-cost strategies for national and subnational government.

GLOBAL WARMING

First the report recommends the use of an international trading program to ensure that any global efforts to reduce greenhouse gas emissions are cost-effective and equitable. We recognize that responding to this issue is an enormous task. To reach our goals economically, we should be allowing firms and individuals to find reductions in Bombay as well as Boston. The effects of the problem are global, the causes of the problem are global, therefore the solution to the problem can be global. An individual who reduces carbon dioxide emissions by halting deforestation or planting trees in Brazil should be able to generate credits to offset emissions elsewhere around the world. This will ensure that the cheapest control strategies are found.

Second, we looked at broad-based energy taxes, such as carbon charges. The carbon charge is very controversial and probably is not sufficiently mature to implement at this time. I know that I would like to see some additional analysis. Nonetheless, the report finds that broad-based energy taxes, as we all know, are effective and efficient means of influencing emissions by encouraging the use of less polluting fuels (natural gas emits about half the CO_2 compared to coal, and petroleum emits about three-fourths as much).

One of the most interesting proposals in this section is the idea of shifting taxes away from socially desirable activities such as labor, capital formation and corporate activity and toward socially undesirable activity like pollution and energy use. Because a broad-based energy tax generates such enormous revenue, it is possible to craft a carbon charge that can be used to reduce payroll taxes (which tax us for working), Social Security taxes, and corporate taxes. This kind of revenue-neutral approach has promise for offsetting some of the economic impact associated with a carbon charge.

But we also have to recognize that this kind of an approach has very real implications for certain regions and segments of the country. The coal industry has every right to fear these proposals. And clearly if we were going to impose a carbon charge, we would have to develop a retraining and compensation package for displaced workers—you can bet that Senator Byrd will ask for it and so would I.

Finally, the report looks at comprehensive least-cost bidding. This idea is ripe for implementation right now. We are finding more and more evidence that there is no difference between investments in energy supply additions and energy demand reductions. Indeed, investments in energy efficiency has a number of benefits for the environment. Unfortunately, our laws and regulations tend to discourage energy efficiency investments. We are working on removing some of those disincentives in the Senate Energy Committee. And this report urges states to do the same by allowing energy efficiency to compete in the auctions many states are using to acquire new energy resources. There is no reason to exclude them, in fact there are economic and environmental reasons why they should and must be included.

SOLID AND HAZARDOUS WASTE

This is one of the most perplexing problems we face. There is a great deal of activity at the state and national level on solid and hazardous waste management. Unfortunately, so much of that work continues to focus on traditional command and control approaches. At the same time, these efforts never get at the problem—the demand side of the equation. We have got to send the right signals to the marketplace.

When you or I put out our garbage every week, for example, we have no idea what it costs to dispose of. We know what it costs to buy a disposal camera, for example, but not what it costs to throw it away. No signal is being sent that would influence our behavior. One of the things we recommend in this report is the use of unit-pricing programs where households would pay for disposal based on the volume of waste they generate. If you generate 30 gallons a week, you pay $5—60 gallons costs $10 and so on. These programs have been used in the State of Washington and in Perkasie, Pennsylvania and have reduced curbside collection by upwards of 60 percent. People have an incentive to recycle and reduce waste.

Another approach for products that are not picked up curbside or that are particularly hazardous is to impose a disposal charge at the point of purchase.

Finally, virgin materials charges can be levied to send the right signal to the marketplace up-front. In this way, we can direct the marketplace to recycled materials and ensure that products more accurately reflect their true costs.

Next the report looks at recycling credit programs. These are ideas picked up in a bill Senator Heinz and I introduced earlier this year. Essentially, these programs set recycling goals and allow industry to buy, sell and trade credits among themselves to reach that goal.

On the issue of hazardous waste, we have to look less at recycling and reuse and be concerned with safe disposal. The report recommends the use of deposit-refund systems which would ensure that the purchaser of a hazardous waste has an incentive to dispose of that product safely and legally. That would be the only way to get your deposit back. It also encourages efficiency in the system by discouraging waste. Finally, it would probably have the effect of speeding up the search for substitutes.

PUBLIC LANDS

This report looks at two key issues in public resource management that could be very important to the future of the west.

The first issue is the potential use of water trades to get more out of the water resources we have already developed in the west.

The report points out that if we can get federal and state institutions to make some changes in how they deal with water transactions, we can create win-win situations where we can increase the amount of water available for productive use from existing projects, increase the efficiency of agricultural water use (which uses 75% of the water in the west) and perhaps even increase returns to the Treasury at the same time.

The classic example of this is where cities—which are willing and able to pay $600 or more for an acre-foot of water—pay for improvements in agricultural water use that save water, and are given water in exchange.

This enables farmers to install improvements such as lining canals to stop leakage and installing super-efficient irrigation systems that use less water, which they couldn't make pay on their own (both because they can't afford to pay that much for water, and because they risk losing title to any part of their water that they don't put on the ground).

Cities get water for less than they would pay to build environmentally damaging new water projects; farmers farm more efficiently and earn money from the cities; and the farmland is better off because using less water helps slow salinization of soils.

The second issue involves how we use our national forests. The U.S. Forest Service sells timber even when it costs them money, and it costs them plenty.

The Forest Service actually lost a million dollars a day last year on timber sales, mostly because they sold so much timber in remote, difficult to access areas that required expensive roads to be built to reach them.

Project 88 looks at this problem and suggests that we have to stop this sort of abuse of the taxpayers' money, which also takes a serious environmental toll. The Forest Service has built 343,000 miles of roads—a system 8 times larger than our Interstate Highway System, and more than a mile of road for every square mile of forest.

The study goes further, though, by looking at some possible ways of turning the economic pressures that drive this crazy process around, by focusing more attention on net revenues than on gross receipts, and also looks at some ways to address the real economic impacts of a reduced timber program on rural communities in the west.

FOREWORD

(By Senator Timothy E. Wirth)

Two years ago, the first phase of Project 88 was developed to explore the potential for market-based incentives for environmental protection. Project 88 was based on the premise that innovative new strategies were essential to the success of domestic and international efforts to address a rapidly emerging national and global environmental agenda. That report, like this one, was one of many joint projects I had the pleasure to undertake with Senator John Heinz.

Tragically, Senator Heinz was killed on April 4, 1991, just prior to completion of this report. As Pennsylvania, the United States Senate, and the nation mourn his death, we celebrate his life. This report is the fruit of his work and a memorial to his contribution to environmental protection.

A veteran of environmental policy making for almost two decades—with a truly unique environmental and private sector perspective—John knew well the limits of traditional command and control, predominantly regulatory attempts to protect the environment. Courageously, he helped develop Project 88 because he believed that it was possible to unleash the powers of the marketplace in service of our environmental goals.

As we discussed this report with leaders from business, government, and the environmental community, three themes emerged to frame the second round of this nonpartisan effort. There was widespread agreement that three of our greatest environmental challenges—global climate change, solid and hazardous waste management, and natural resource management—are well-suited for market-based solutions. Project 88—Round II demonstrates both the promise and hurdles for market-oriented environmental strategies. While this phase of the report examines the application of market mechanisms to three specific environmental challenges, it also illuminates the broad design and implementation issues that must be considered for a variety of market-based environmental strategies.

As with the first phase, this report is the product of a staff effort led by Dr. Robert Stavins, an economist and professor of public policy at Harvard University's John F. Kennedy School of Government, and a senior research associate of its Center for Science and International Affairs. Dr. Stavins worked with an outstanding team of experts on enviornmental and natural resource policy from across the country. The thorough examination of the issues in this report is a result of their excellent work. We are indebted to all of these participants, as well as the reviewers from industry, academia, environmental organizations, and government agencies. In particular, Dr. Stavins deserves our thanks and praise. The honest and comprehensive examination of market-based environmental strategies in this report is attributable largely to his dedication and wisdom.

Global warming, waste management, and public land management are at once urgent yet elusive environmental challenges. Project 88—Round II seeks to make the solutions to these problems less elusive and more imminent. In this way, it resembles closely the environmental legacy of John Heinz. The Project 88 reports could not have been done without the full commitment of Senator Heinz. We dedicate this report to his leadership and the memory of his extraordinary vision for new ideas to protect the environment for our children and future generations.

CHAPTER 1—ENVIRONMENTAL POLICY FOR THE 1990'S

In may ways, Earth Day 1970 signaled the beginning of the modern era of environmentalism. By Earth Day 1990, the United States and other nations had enacted a host of environmental laws and regulations, and had made substantial gains in environmental protection. In some spheres, the environment is cleaner today than it was before. But significant domestic and global environmental challenges remain—both ongoing problems, such as solid and hazardous waste management, and newly recognized problems, including the threat of global climate change. At the same time, the costs of environmental protection continue to increase. We now spend over $100 billion annually in the U.S. to comply with Federal environmental laws and regulations.[1]

As we enter the 1990's, political leaders are giving greater attention to a promising set of new environmental policies which recognize market forces, not only as part of the problem, but also as a potential part of the solution. An opportunity now exists to enter a new era of enlightened environmental policy by mobilizing market forces to complement traditional regulatory strategies. An outline for such a dramatic new thrust in environmental policy was provided two years ago in this report's predecessor, *Project 88: Harnessing Market Forces to Protect Our Environment.*[2] That report dovetailed with interest within the Administration, the Congress, the environmental community, and private industry, by proposing thirty-six policy recommendations that would enlist market forces to prevent pollution and reduce waste of natural resources.

Over the past two years, the nature and tone of political debate on environmental issues has evolved rapidly, as illustrated by the enactment, late in 1990, of a major overhaul of the Clean Air Act to include a market-oriented approach to controlling acid rain. Many factors contributed to this rapid evolution of policy prescriptions, including strong interest within the Executive Office of the President; aggressive participation by some segments of the environmental community;[3] and bipartisan support in the Congress, including the release, in December 1988 of the first Project 88 report.[4]

There is a growing consensus in the policy community that market-oriented or incentive-based[5] approaches should be considered as part of our overall portfolio of environmental-protection strategies. If Round I of Project 88 helped to introduce these "good ideas" into policy deliberations, the question which must now be addressed is whether these are indeed "good ideas that work." We must move from general concepts to the design of effective and practical incentive-based policy mechanisms for improved environmental protection and natural resource management. As part of the effort, this report focuses on design issues associated with incentive-based policies for three problem areas of particular importance: global climate change due to the greenhouse effect; generation and disposal of solid and hazardous waste; and management of natural resources.

The changing political landscape of environmental policy

Environmental quality has been a pressing issue on the American agenda for at least two decades,[6] but has attracted unprecedented attention in the last two years. Private industry has responded to this burgeoning interest in environmental affairs,[7] which has included substantial attention to incentive-based policy approaches.[8] In the past, economic-incentive approaches were often characterized as "licenses to pollute" or dismissed as completely impractial. President Lyndon Johnson's proposal for effluent fees was never given serious consideration, nor were President Richard Nixon's recommendations for a tax on lead in gasoline

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Footnotes at end of article.

and a sulfur-dioxide emission fee. Now, however, economic-incentive policies for enhancing environmental quality have moved to center stage in Washington and a number of state capitals.[9]

Actual policy mechanisms for specific environmental problems are now being examined within the Administration and in Congress. The Administrator of the U.S. Environmental Protection Agency (EPA), William K. Reilly, partly in response to the first Project 88 report, established an Economic Incentives Task Force to investigate the potential application of market-oriented policies throughout EPA's jurisdiction.[10] More dramatically, the tradeable-permit system for acid-rain control, which was recommended by Project 88, was adopted by the Administration,[11] and then included in the Clean Air amendments approved in 1990 by the Congress. In addition, the Congress is considering bills that would apply economic-incentive mechanisms to problems as diverse as water pollution and hazardous waste management,[12] and the Administration has examined incentive-based policies to address the threat of global climate change.[13] In Canada, active interest in market-oriented approaches to environmental protection has also increased dramatically over the past two years at both the national and provincial levels.[14]

In the United Kingdom, the Thatcher government embraced a study recommending increased reliance on economic-incentive mechanisms for a variety of resource and environmental problems.[15] Major incentive-based programs have been initiated in Belgium and Italy, and the approach is gaining ground elsewhere in Europe, as well. Perhaps most striking, as massive political and economic changes have gripped the Soviet Union and Eastern Europe, several of these nations have expressed interest in market-oriented environmental policies. Within the Soviet Union, the Central Institute of Mathematics and Economics of the Academy of Sciences has advocated the use of pollution taxes, while Polish and Czechoslovakian government officials have endorsed a variety of market-oriented approaches to air and water pollution problems.

Within the U.S., these changes in the political landscape of environmental policy represent a significant departure from long-term trends. Only a few years ago, serious consideration of market-oriented environmental-protection policies was restricted to economists and others at research institutions.[16] But late in the 1980's, a new breed of environmentalism emerged that began to embrace these innovative approaches,[17] which are now winning support among major environmental advocacy groups.[18]

Market-based environmental policies: What they are and how they work

Why all this emphasis on market forces, in the first place? The answer is purely practical. Selective and careful use of economic incentives can enable us to achieve greater levels of environmental protection at lower overall cost to society. A central principle is that as consumers and as producers, each and every one of us needs to weigh the full social costs and consequences of our decisions before acting. This principle applies, for example, to our decisions as consumers to use products such as lead-acid batteries and to dispose of them at municipal landfills, where the lead can eventually contaminate ground water aquifers. It also applies to producers' decisions to generate electricity in ways that may inject sulfur dioxide into the atmosphere, causing acid rain in downwind locations.

Market-based environmental policy mechanisms provide various ways to make consumers and producers recognize that social costs and consequences, and thus provide incentives for environmental protection. The creativity and power of the market—the awesome strength of millions of decentralized decision-makers—can be deployed on behalf of environmental protection, instead of against it. Incentive-based approaches can also encourage firms to develop and implement more effective and efficient pollution-control technologies and strategies.

Incentive-based mechanisms are not appropriate for all environmental and resource problems, however.[19] To identify appropriate applications, we need to understand both the merits of the limitations of these market-oriented policy mechanisms. By way of background, it is useful to review the approach most often applied to environmental regulation in the United States and other countries: command-and-control.[20] Pollution-control problems provide good examples.

Conventional Command-and-Regulatory Mechanisms

With conventional approaches to pollution control, the government either specifies the technology that must be used for this purpose (a technology-based standard)[21] or sets an emission-rate cap that all sources must meet (a uniform performance standard). In the first case, government in effect specifies the equipment that must be used to control pollution. An electrical utility, for example, may (in effect) be required to install flue-gas scrubbers to control sulfur dioxide emissions or electrostatic precipitators to control particulate matter. Greater flexibility is provided by performance standards, which allow firms to decide how they will meet the specified goal (for example, a maximum allowable level of pollutant emitted per unit of product output).

These conventional policy approaches can be effective in achieving environmental goals, but they tend to impose relatively high costs on society, because some unnecessarily expensive means of controlling pollution will be used. The costs of controlling emissions vary greatly from one source to another. For certain pollutants, the cost per unit controlled may vary by a factor of 100 or more,[22] depending upon the age and location of plants and the technologies at their disposal. To control total pollution to a given level at the lowest possible cost, all firms must control at the same incremental or marginal cost (as opposed to the same emission or control level). Otherwise, the same aggregate level of pollution abatement could be achieved at lower total cost by increasing the control exercised by low-cost controllers and decreasing control by high-cost controllers.

To achieve a cost-effective allocation of the pollution-control burden, the government could force all sources to control at the same marginal control cost. This would ensure that low-cost controllers control more, and high-cost controllers control less. But the government would need detailed information about the costs faced by each individual source, which could be obtained only at very great cost, if at all. Fortunately there is a way out of this impasse. Economic-incentive systems lead firms to undertake pollution-control efforts that allocate the control burden appropriately. By making it costly for firms to increase their pollution, the government encourages them to clean up in a cost-effective manner: the invisible hand of the market is brought to bear on behalf of the environment. Incentive-based approaches fall into five major categories: pollution charges; tradeable permits; deposit-refund systems; market-barrier reductions; and government-subsidy elimination.

Pollution Charges

Producers of pollution may be charged a fee or tax on the amount of pollution they generate (not simply on their pollution-generating activities).[23] It will then be worth their while to reduce pollution up to the point at which their (marginal) cost of control is equal to the pollution-tax rate. As a result, firms will control to different degrees, with high-cost controllers controlling less, and low-cost controllers controlling more. An effective charge system minimizes the aggregate costs of pollution control and gives firms ongong incentives to develop and adopt newer and better pollution-control technologies.

An effective pollution charge system can impose a significant monitoring burden on government, however. Also it is difficult to estimate in advance how large a charge will be required to obtain a desired level of pollution reduction, and it may be difficult—in a political context—to establish charges large enough to achieve given environmental objectives.

Although air and water pollution charges have been adopted in France, The Netherlands, Sweden, Norway, Denmark, Finland, Italy, and West Germany,[24] these charge schemes have been designed primarily as revenue-raising devices, rather than as serious incentive-based environmental policy instruments.[25] Several European nations remain interested in imposing further "green taxes." This study investigates various policy mechanisms that apply the pollution-charge concept, including a CO_2 (carbon or BTU) charge to help combat global climate change; "environmental costing" at electrical utilities; and unit charges for pickup and disposal of municipal solid waste.

Tradeable Permit Systems

Unlike a charge system, a system of tradeable permits allows the government to specify an overall level of pollution that will be tolerated. This total quantity is alloted in the form of permits among polluters (firms). Firms that keep their emission levels below the alloted level may sell or lease their surplus allotments to other firms, or use them to offset excess emissions in other parts of their own facilities. Such a system will tend to minimize the total societal cost of achieving a given level of pollution control.[26] It is important to note that both charges and permit systems can be used to improve environmental quality, not just to maintain the status quo.

A disadvantage of tradeable permit systems is that the total cost of control is not known in advance. Also, if the number of regulated sources of emissions is great, the administrative (transaction) costs of these systems can be very high. On the other hand, if very few sources are involved, problems of concentration in the permit and product markets may arise, with consequent inefficiencies introduced by noncompetitive behavior.[27] Finally, regulators must decide how to allocate permits among sources: should they be given away as an endowment, or should they be sold through an auction? If they are distributed free of charge, what criteria should be used in the allocation?

Tradeable permit mechanisms have been applied primarily in the U.S., under EPA's

Emissions Trading Program,[28] the nationwide phasedown of lead in automotive fuel,[29] and chlorofluorocarbon (CFC) reduction. As mentioned above, Congress had enacted a tradeable-permit system for acid-rain control. Other potential areas of application include: local, "criteria" air-pollution control; point- and nonpoint-source water-pollution control; control of global climate change through international trading in greenhouse gas permits,[30] and recycling credits, whereby recycling targets are combined with tradeable permits. The last two mechanisms are investigated in Chapters 2 and 3, respectively, of this study.

Deposit-Refund Systems

Nine states of the U.S., several Canadian provinces, and a number of European nations have enacted "bottle bills" to reduce littering with beverage containers. In effect, purchasers of potentially polluting products pay a surcharge, which is refunded to them when they return the product to an approved center for recycling or proper disposal. Such deposit-refund systems could be used for containerizable hazardous waste and for some other forms of solid waste, as we discuss in Chapter 3. Lead-acid batteries, motor vehicle oil, and industrial solvents are potential candidates. Rhode Island and Maine have enacted deposit-refund systems for automobile batteries, and Maine has a system for commercial-size pesticide containers. Denmark has such a plan for mercury and cadmium batteries, and Norway and Sweden have implemented deposit-refund systems for car bodies.

Removing Government Barriers to Market Activity

In some case, environmental protection can be improved simply by removing existing government-mandated barriers to market activity. For example, measures that facilitate the voluntary exchange of water rights can promote more efficient allocation and use of scarce water supplies, while curbing the need for expensive and environmentally disruptive new water supply projects. We examine this policy approach in detail in Chapter 4. Similarly, comprehensive least-cost bidding at electrical utilities would promote economically rational energy generation and consumption. This option is examined in Chapter 2, in the context of policies to combat global climate change.

Eliminating Government Subsidies

Many government subsidies promote economically inefficient and environmentally unsound development. A major example is the U.S. Forest Service's "below-cost timber sales," which recover less than the cost of making timber available. The result has been inefficient timber cutting on government lands, which has led to substantial losses of habitat and damages to watersheds. We consider alternative means of eliminating these below-cost timber sales in Chapter 4. Other examples of programs that may be both economically inefficient and environmentally disruptive include certain U.S. Army Corps of Engineers flood-control projects[31] and certain U.S. Bureau of Reclamation projects.

Comparing Market-Based Approaches with Conventional Policies

In many cases economic-incentive approaches will allow a given level of environmental protection to be achieved at lower total cost than would be possible with conventional policy approaches. Rather than set rigid technology-based standards, incentive-based systems impose a cost on pollution-causing activities, allowing individual firms to decide how they will achieve the required level of environmental protection. In a competitive market economy, market forces will then tend to drive these decisions toward least-cost solutions. The resulting savings in production costs and consequent increases in productivity are especially valuable at a time of substantial concern regarding the United States' international competitiveness. It has been estimated, for example, that the market-based approach to acid-rain reduction could save $1 billion per year over a dictated technological solution.[32]

Incentive-based policies can also stimulate the private sector to develop new pollution-control technologies and expertise. Because investments in pollution control can improve firms' profits under incentive-based systems, firms will be encouraged to adopt superior pollution-control technologies, which in turn creates incentives for research and development of cheaper and better pollution-abatement techniques. Incentive-based approaches have the additional benefit of making the environmental debate more understandable to the general public. Attention can focus directly on what our environmental goals should be, rather than on difficult technical questions concerning alternative means of reaching those goals. Also, incentive-based approaches need not be any more expensive for the government to administer than conventional methods. But no program of controls can be effective without a government commitment to monitoring and enforcement, and that will inevitably mean significant government expenditures.

In any event, market-oriented policies will certainly not fit every problem. Whereas incentive-based approaches seem virtually tailor-made for problems of aggregate pollution levels over a large area (for example, acid rain), some environmental problems involve highly localized effects and threshold damages. In such cases, concern focuses on the level of pollution emitted by individual sources, and a command-and-control approach, such as a source-specific emission limit, may represent the preferred policy.

In some situations, moreover, practical problems may make it impossible to implement incentive-based environmental policies successfully, even if they are appropriate on theoretical grounds. Such implementation problems can render even the best policy idea quite useless. To design improved policies, it will be necessary to adapt, not abandon, present programs and build step-by-step on previous initiatives with market-based methods.

Designing market-based environmental policies

The original Project 88 report provided a comprehensive examination of thirteen environmental and natural resource problems facing the U.S.,[33] and recommended thirty-six policies for dealing with those problems. Because of the scope of that effort, the policy recommendations were necessarily broad and conceptual; relatively little attention was given to specifics of program design. The current study helps fill this gap by focusing on a much smaller set of problem areas and providing more intensive analyses of policy design issues.

Throughout the study, we ask whether the policy mechanisms being investigated will result in real improvements over existing or alternative policies. In particular, we keep in mind that following criteria for improved environmental and resource policy:[34]

Will the policy achieve our environmental goals?

Will the policy approach be cost-effective? That is, will it achieve environmental goals at least cost to society at large?

Will the strategy provide government agencies and private decisions makers with needed information?

Will monitoring and enforcement costs be reasonable?

Will the policy be flexible in the face of changes in tastes, technology, or resource use?

Will the policy give industry incentives to develop new environment-saving technologies, or will it encourage firms to retain existing inefficient plants?

Will the effects of the policy be equitably distributed, and will any inequities be resolvable through government action?

Will the purpose and nature of the policy be broadly understandable to the general public?

Will the policy be truly feasible, in terms of both enactment by the Congress and implementation by the appropriate departments or agencies?

As we enter the 1990's, three environmental issues stand out, because of their magnitude and timeliness, and the applicability of incentive-based approaches. Specific policy mechanisms to address these major problem areas—global climate change due to the greenhouse effect; the generation, storage, and disposal of hazardous and solid waste; and management of natural resources—are investigated in Chapters 2, 3, and 4, respectively. The following sections of this chapter provide a very brief overview of the policy mechanisms we investigate.

Global Climate Change

The possibility of global climate change due to the greenhouse effect is potentially one of the most important—and certainly one of the most controversial—environmental threats we currently face. Scientific evidence suggests that global mean temperatures may increase by 2 to 5 degrees Fahrenheit in the next century, because of increasing atmospheric concentrations of carbon dioxide and other gases. Given the high degree of uncertainty still prevailing within the scientific community, this report makes no attempt to draw conclusions regarding the likely magnitude of damages induced by global warming or the level of appropriate controls (if any). Instead, we focus on the policy questions that will have to be faced should various levels of government decide that action is warranted. Three policy proposals are offered:

International trading among nations in greenhouse gas source/sink permits should be part of any effort to allocate greenhouse targets among nations. Such a mechanism can simultaneously address issues of cost-effectiveness and equity.

Revenue-neutral CO_2 (carbon or BTU) charges can be a practical mechanism for reaching domestic emissions targets that arise from international negotiations. Such charges would cost less than most alternative measures, and their potential effects on competitiveness could be mitigated through reductions in distortionary taxes.

Comprehensive least-cost utility bidding and planning can be used, even in the absence of international agreements, to increase efficiency of electricity generation and use, and thus reduce CO_2 emissions. Auctions for new power sources would incorporate environmental impacts into cost estimates and would allow for bids based upon demand-side reductions through conservation.

Solid and Hazardous Waste Management

Solid and hazardous waste problems have become ubiquitous throughout the United States and much of the industrialized world. The issues are diverse. For some wastes, space is the principal issue, as old landfills close and it becomes increasingly difficult to find sites for new landfills or incinerators. For other wastes, the problem is one of improper disposal, with effects ranging from the aesthetic consequences of litter to potential health and ecological damages from toxic materials. Since waste management represents a broad range of challenges rather than a single policy problem, and since disposal economics can vary dramatically across geographic areas, a portfolio of policies tailored to local conditions is required. While the Federal government may plan an important role in promoting certain actions, much of the activity must occur at the municipal and state levels. Several market-based policies should be included in the regulator's tool kit:

Unit pricing of municipal solid waste collection and disposal ought to be considered the first line of attack. Much of the municipal solid waste problem arises because consumers and producers fail to recognize the real costs of the wastes they generate. Better price signals can reflect the real incremental costs of waste generation and disposal. Local conditions will determine which instrument is most appropriate.

Retail disposal charges may supplement or substitute for unit pricing in situations where unit pricing is impractical or where certain products have especially high disposal costs relative to their volume.

Virgin materials charges, which can incorporate material disposal costs into product economics, can also help to reduce the flow of municipal wastes.

Recycling credits—recycling targets combined with tradable permits—can be a cost-effective means for achieving recycling-content goals.

Deposit-refund systems can be an attractive option for wastes that pose health, ecological, or aesthetic effects when improperly disposed of.

Local binding referenda linked with negotiated mitigation packages can help ease the NIMBY ("not in my backyard") problem (which plagues the siting of new facilities) by reducing incentives for intransigence and more accurately addressing concerns of local citizens.

Natural Resource Management

The management of our endowment of natural resources remains one of the most contentious areas of environmental concern. Our use of water supplies is hotly debated, particularly in the West, where supplies are especially scarce. Great concern also focuses on the management of other public lands and resources. Economically inefficient, heavily subsidized timber cutting on public lands, for example, has led to loss of habitat, damage to watersheds, and a diminution of recreational opportunities. To address these resource management concerns, this report proposes that:

Water markets for voluntary exchanges should be facilitated by Federal and state agencies to improve economic efficiency and create incentives for greater conservation and environmental protection.

Below-cost timber sales on national forests should be eliminated by decentralizing forest management, incorporating the economic values of all forest uses, and improving payment mechanisms to localities.

The importance of equity considerations

Throughout this study and the original Project 88 report, we focus attention on policies that will achieve environmental goals at least overall cost to society. But efficiency (or cost-effectiveness) constitutes only one of several criteria that need to be considered when evaluating public policies. A particularly prominent concern is fairness or equity.

Market-oriented environmental policies bring some good news and some bad news. The good news is that environmental goals can be achieved at lower (often much lower) total cost to society than with conventional command-and-control approaches. Thus, society as a whole is better off than it would otherwise be. The bad news is that some individuals may be worse off. In other words, while the aggregate benefits of a policy may greatly exceed its aggregate costs, some individuals or firms may bear costs that are higher than the benefits they receive. This liability, however, is common to all policies, conventional or market-based.

The tension between efficiency and equity is brought into focus, although not created, by market mechanisms. Because of the important ethical concerns surrounding these issues and because of their great importance in the real world of environmental politics, these tradeoffs cannot be ignored. We must ask ourselves whether and under what circumstances we should modify our proposals for cost-effective reforms to mitigate outcomes perceived to be inequitable. If such adjustments are called for, what form should they take?

A pragmatic approach, which merits consideration in the context of specific policies, is to include equity-enhancing measures in policies chosen because they are cost-effective. Where merited, such efforts shoud be linked to the nature of the harm done. That is, if jobs are lost as a result of a policy change, it is preferable to provide compensation in the form of new job opportunities, as opposed to simple monetary payments. Inevitably, the strength of the case for some form of compensation or mitigation depends on the specific policy approach and problem being considered. General rules are of little use; instead, each specific policy mechanism must be investigated within its setting to determine whether the overall policy package should include provision for adjustment, mitigation, or compensation.

Prognosis for change: An environmental agenda for the 1990's

Governments, corporations, and individuals around the world have never paid more attention to environmental and natural resource issues than they do today. During the past two years they have focused increasingly on a new breed of policies intended to harness market forces to protect the environment. Round I of Project 88 helped to introduce such ideas into high-level policy deliberations. The question we face now is how to transform these good ideas into policies that work. As we move from general concepts to the design of effective and practical market-based environmental strategies, we seek policies that are not only technically sound, but also politically realistic.

Creative thinking can allow us to design effective, efficient, equitable, and truly feasible policies and programs. The first Project 88 report emphasized that selective use of incentive-based policies could enable us to achieve greater levels of environmental protection at lower overall cost to society, but that market-based policies were not necessarily appropriate for all problem areas. Project 88/Round II reinforces that message: no single policy approach—whether market-based or command-and-control—can be a panacea for the diverse environmental and natural resource problems we face. The real challenge is to choose the right policy for each job.

The political landscape of environmental policy has changed dramatically over the past two years, as environmentalists, legislators, bureaucrats, business persons, and citizens have begun to recognize that market-based approaches belong in our portfolio of environmental and natural resource policies. So far, however, we have taken only the first steps toward improved environmental policy. The steps that remain will be not only more important, but also more difficult. The real work of detailed design and implementation lies ahead. We now have an opportunity—created by a receptive mood at the Federal and state levels and internationally—to take up this challenge and begin to make real progress.

FOOTNOTES

[1] See: U.S. Environmental Protection Agency. *Environmental Investments: The Cost of a Clean Environment.* Report of the Administrator to the Congress of the United States. Washington, D.C., December 1990. This estimate excludes environmental activities not directly associated with pollution control or clean-up, such as wildlife conservation and land management. The $100 billion estimate covers spending by private business (63.0%), local governments (22.5%), the Federal government (11.0%), and state governments (3.5%).

[2] See: Stavins, Robert N., ed. *Project 88: Harnessing Market Forces to Protect Our Environment—Initiatives for the New President.* A Public Policy Study sponsored by Senator Timothy E. Wirth, Colorado, and Senator John Heinz, Pennsylvania. Washington, D.C., December 1988.

[3] When introducing his Clean Air proposals at the White House on June 12, 1989, President Bush said: "Let me commend Project 88 and groups like the Environmental Defense Fund for bringing creative solutions to long-standing problems, for not only breaking the mold, but helping to build a new one.

[4] Several other studies followed the Project 88 report, including: Moore, John L., *et al. Using Incentives for Environmental Protection: An Overview.* Washington, D.C.: Congressional Research Service, June 1989; and Anderson, Robert C., Lisa A. Hofmann, and Michael Rusin, *The Use of Economic Incentive Mechanisms in Environmental Management.* Washington, D.C.: American Petroleum Institute, June 1990.

[5] These policies are described within the policy community as "economic incentive approaches," "market-based." "market-oriented," or "incentive-based." In any case, both (positive and disincentives are included.

[6] See: Ladd, E. C. "Clearing the Air: Public Opinion and Public Policy on the Environment," *Public Opinion*, February/March 1982, pp. 16–20.

[7] See: Main, Jeremy. "Here Comes the Big New Cleanup." *Fortune*, November 21, 1988. pp. 102–118: Smith, Emily T. and Vicki Cahan. "The Greening of Corporate America." *Business Week*, April 23, 1990. pp. 96–103; and Jacobs, Deborah L. "Business Takes on a Green Hue." *New York Times*, September 2, 1990, p. 25.

[8] See: Passell, Peter, "Private Incentives As Pollution Curb." *New York Times*, October 19, 1988. p. D2: "The Greening of the Invisible Hand." *The Economist*, December 24, 1988, p. 107; Cairncross, Frances. "Costing the Earth." *The Economist*, September 2, 1989, pp. 1–18; and Morgenson, Gretchen and Gale Eisenstock. "Market-Driven Environmentalism." *Forbes*, March 5, 1990, pp. 94–100.

[9] For an analysis of why these changes have occurred, see: Hahn, Robert W. and Robert N. Stavins. "Market-Based Environmental Regulation: A New Era From An Old Idea? *Ecology Law Quarterly*, volume 18, number 1, forthcoming 1991.

[10] See: U.S. Environmental Protection Agency. *Economic Incentives: Options for Environmental Protection.* Office of Policy, Planning, and Evaluation, Economic Incentives Task Force, 21P–2001. Washington, D.C., March 1991.

[11] On June 12, 1989, President Bush announced the tradable-permit system for acid-rain control as part of the Administration's Clean Air Act amendments. This proposal was sent to Congress on July 21, 1989.

[12] More than 100 bills characterized by EPA as using economic incentives were introduced in the 101st Congress. See: U.S. Environmental Protection Agency. *Economic Incentives in Pending Environmental Legislation*. Office of Policy, Planning, and Evaluation. Washington, D.C., July 1990.

[13] Although the Administration has maintained that it is still too soon to establish greenhouse goals and standards, it has also suggested that when and if such standards or goals are established, consideration should be given to cost-effective, market-based policy instruments. See Chapter 2 of this study.

[14] See, for example: Nichols, Albert L. and David Harrison, Jr. *Using Emissions Trading to Reduce Ground-Level Ozone in Canada: A Feasibility Analysis*. Final Report Prepared for Environment Canada. Cambridge, Massachusetts: National Economic Research Associated, Inc., November 1990.

[15] See: Pearce, David, Anil Markandya, and Edward B. Barbier. *Blueprint for a Green Economy*. London: Earthscan Publications, 1989.

[16] Legal scholars and practicing attorneys have been among the most eloquent supporters of these strategies. See, for example: Stewart, Richard B. "Controlling Environmental Risks Through Economic Incentives." *Columbia Journal of Environmental Law* 13(1988):153–169; Krier, James E. "Marketlike Approaches: Their Past, Present, and Probable Future." LeRoy Graymer and Frederick Thompson, eds., *Reforming Social Regulation*, pp. 151–158. Beverly Hills: Sage Publications, 1982; and Levin, Michael H. "New Directions in Environmental Policy: The Case for Environmental Incentives." Proceedings of Annual Midwinter Meeting, American Bar Association, Section of Natural Resource Law. Keyston, Colorado, March 18–20, 1988.

[17] See: Krupp, Frederic D. "New Environmentalism Factors in Economic Needs." *Wall Street Journal*, November 20, 1986, p. 34.

[18] The Environmental Defense Fund, the Wilderness Society, the National Audubon Society, the National Wildlife Federation, the Sierra Club, the Natural Resources Defense Council, and the Conservation Law Foundation have all come to support *selective* use of economic-incentive mechanisms.

[19] Also, most incentive-based policy mechanisms actually rely upon an underlying conventional regulatory structure, a point that will be illustrated throughout this study.

[20] This part of the chapter draws, in part, on: Stavins, Robert N. "Innovative Policies for Sustainable Development: The Role of Economic Incentives for Environmental Protection." *Harvard Public Policy Review*, volume 7, number 1, pp. 13–25, Spring 1990; and Hahn and Stavins, *op. cit.*

[21] Usually, regulations do not explicitly specify the technology, but establish standards on the basis of a particular technology. In situations where monitoring problems are particularly severe, however, technologies *are* specified.

[22] Numerical examples of the variance of incremental costs of air pollution control are provided by: Crandall, Robert W. "The Political Economy of Clean Air: Practical Constraints on White House Review." *Environmental Policy Under Reagan's Executive Order: The Role of Benefit-Cost Analysis*, ed. V. Kerry Smith, pp. 205–225. Chapel Hill: The University of North Carolina Press, 1984.

[23] For example, a pollution charge might take the form of a charge per unit of sulfur dioxide emissions, not a charge per unit of electricity generated. The choice of whether to tax pollution quantities, activities preceding discharge, inputs to those activities, or actual damages will depend upon tradeoffs between costs of abatement, mitigation, damages, and program administration, including monitoring and enforcement.

[24] Opschoor, J. B. and Hans B. Vos. *Economic Instruments for Environmental Protection*. Paris: Organization for Economic Cooperation and Development, 1989.

[25] Whatever their motivation, properly designed pollution charges will have the effect of discouraging fundamentally undesirable activities (pollution), whereas conventional taxes tend to discourage fundamentally desirable activities, namely labor and the generation of capital.

[26] See: Hahn, Robert and Roger Noll. "Designing a Market for Tradeable Permits," *Reform of Environmental Regulation*, ed. Wesley Magat, pp. 119–146. Cambridge: Ballinger, 1982.

[27] These and other concerns are discussed in detail in Chapter 3 in the context of our investigation of a specific tradeable permit program, recycling credits.

[28] Firms have generally not made extensive use of the components of the Emissions Trading Program—bubbles, offsets, netting, and banking—partly because states are not required to use them, and partly because of uncertainties about the future course of the programs. Nevertheless, companies such as Armco, Du Pont, USX, and 3M have traded emissions credits; even this limited degree of trading has resulted in more than $4 billion in savings in control costs, with no adverse effect on air quality. See: Dudek, Daniel J., and John Palmisano. "Emissions Trading: Why Is This Thoroughbred Hobbled?" *Columbia Journal of Environmental Law* 13 (1988): 217–256; and Liroff, Richard A. Reforming Air Pollution Regulations: *The Toil and Trouble of EPA's Bubble*. Washington, D.C.: The Conservation Foundation, 1986.

[29] From 1982 through 1987, during EPA's phasedown of the leaded content of gasoline, refiners could create credits by producing gasoline with a lower lead content than required by law. Savings due to the lead trading program were about $200 million annually. See: U.S. Environmental Protection Agency. *Costs and Benefits of Reducing Lead in Gasoline, Final Regulatory Impact Analysis*. Washington, D.C., February, 1985. The Netherlands accomplished its own leaded-gasoline phasedown (over a period of two years) through a tax differential of 8¢/gallon.

[30] All of these options were examined in the Project 88/Round I report.

[31] See Chapter 6 of Round I of Project 88. Also, see: Stavins, Robert N. and Adam B. Jaffe. "Unintended Impacts of Public Investments on Private Decisions: The Depletion of Forested Wetlands." *American Economic Review* 80 (1990): 337–352; and Stavins, Robert N. "Alternative Renewable Resource Strategies: A Simulation of Optimal Use." *Journal of Environmental Economics and Management 19(1990): 143–159.*

[32] ICF Resources, Inc. *Analysis of Six and Eight Million Ton 30-Year/NSPS and 30-Year/1.2 Pound Sulfur Dioxide Emission Reduction Cases. Washington, D.C., February 1986.*

[33] The thirteen areas were: the greenhouse effect and climate change; stratospheric ozone depletion; local air pollution; acid rain; indoor radon pollution; threats to energy security and environmental quality; inefficient use and allocation of water supplies; degradation of surface and ground water supplies; management of public lands; depletion of wetland resources; solid waste management; presence of toxic substances in the environment; and management of toxic and infectious waste.

[33] See: Bohm, Peter and Clifford S. Russell. "Comparative Analysis of Alternative Policy Instruments." *Handbook of Natural Resource and Energy Economics, Volume I*, eds. Allen V. Knesse and James L. Sweeney, pp. 395–460. Amsterdam, North-Holland, 1985.

Mr. WIRTH. I thank you, Mr. President, and I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The Senate continued with the consideration of the resolution.

Mr. BURNS. Mr. President, I rise today in support of Senate Resolution 117, which would direct the administration to make credit guarantees available to the U.S.S.R. after certain conditions have been met.

Mr. President, the Soviet Union is at a critical stage in its history. Reforms that were initiated by Mr. Gorbachev and his contemporary, Boris Yeltsin, are now stalled, and the Soviet Union could move ahead or it could slide back into the heavy-handed central authority, similar to what we saw occur in China just after Tiananmen Square.

We have an opportunity to play a part in the course of history in the U.S.S.R. today. Soviet food stores are empty. We have seen the pictures of long lines. The old guard would like to turn back the clock, force workers into the fields, and get the peasants back on collective farms.

Look at their system and compare it to the United States. It is like night and day—the most well-fed society on the face of the Earth, not even similar to the system that exists today in the U.S.S.R. but trying to move that way. Famine or the potential for famine or serious food shortages could stop the reforms that have been taking place in the Soviet Union.

Mr. President, I do not think there is any argument about it. We are the breadbasket of the world. Farmers in the United States stand ready to sell food and grains and virtually anything else to the Soviet Union. In the past, we have always demanded hard currency from the Soviets, but that is not the way the world works today. We understand that. It runs on credit. That is what is at issue today.

The Soviets want to buy from us, the best and most reliable supplier in quality and quantity of grains, but they want to buy it on credit—if not from us, then from someone else. That is what is at issue. We should allow our producers to make these sales, and, acting prudently, the administration should guarantee the loans because they are needed and it is time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. I thank the Chair.

UNITED STATES-MEXICO FREE-TRADE AGREEMENT

ENVIRONMENTAL CONCERNS

Mr. WIRTH. Mr. President, I wanted to comment in some detailed fashion about the United States-Mexico Free-Trade Agreement and some of the environmental concerns that a number of other Senators and I have expressed to the administration.

Mr. President, I have read with interest the administration's proposed action plan for addressing a variety of issues as part of the United States-Mexico Free-Trade Agreement.

At the outset, let me say, Mr. President, that I have long been convinced that the United States should be looking to the north and the south for future trade opportunities. In the Pacific, the Japanese and several emerging nations have a hold on trade. Similarly, our ability to compete in Europe is constrained by the free-trade agreements among the Western democracies. It appears that our greatest opportunities in the future will lie with the large markets of North and South America. And we should be doing everything we can to encourage cooperative agreements with our neighbors in the Western Hemisphere.

Having said that, I also believe that good economic policy must be, and can be, good environmental policy. With this in mind, I read with particular interest the administration's action plan for addressing environmental issues. And I spoke with Bill Riley, the head of EPA, who called me to outline what they had done.

I am pleased that the administration recognizes the importance of crafting an agreement that integrates environmental issues. The action plan is a good first step, and I applaud the administration's effort to address environmental concerns related to Mexico. Unfortunately, after reviewing the proposal, I have a number of questions about the administration's plan.

The rhetoric and the direction of the proposed action plan is clearly in the right direction. The administration's commitment to undertake an environmental review, look at enforcement issues, enhance public participation, and maintain U.S. environmental standards is very encouraging. However, it is unclear how the administration intends to proceed in these areas, because the environmental section of the plan lacks the key details and firm commitments that are contained in other areas of the document.

On April 23, along with a number of other Senators, I wrote Ambassador Carla Hills to suggest four vital steps necessary to address environmental impacts. The current action plan addresses, in part, three of these issues, and ignores one of them.

First, I suggested that the USTR, in cooperation with the President's Council on Environmental Quality, undertake an environmental assessment in the spirit of the National Environmental Policy Act [NEPA]. While the administration envisions a review that looks at the possible environmental effects of a free-trade agreement, a NEPA-type review would involve investigating and developing scenarios to determine the least environmentally harmful alternatives. Only with this information in hand can we negotiate an environmentally sound free-trade agreement.

In addition, a review in the spirit of NEPA would involve the public in the process. The administration suggests that it will "consult with interested members of the public." How? Will the public be invited to submit ideas for consideration during the review? Will the public be allowed to comment on drafts of the review as it is prepared? Will the review be updated as the negotiations proceed? These are legitimate questions. In fact, if these steps are not taken, I fear that we may find the review under attack, which could predispose Members of Congress to vote against the final agreement.

So I believe it is in the administration's interest to set up just exactly this sort of process. Being open and out in the public will help to strengthen their hand and arguments as they bring the free-trade treaty back to the Congress.

Second, considering the need for an ongoing environmental review, it seems to me that the administration needs to go further than including a nongovernmental representative on the Advisory Committee on Trade Policy and Negotiations and several other advisory committees. This suggestion in the plan strikes me as a suggestion that environmental concerns are a special interest, a secondary issue. As you know, increasingly, policymakers are learning that this attitude is flawed. We are learning that the costs of corrective actions are far greater than the costs of preventive actions.

We must integrate environmental, energy, and economic policymaking. Therefore, it is imperative that a cross-sectoral working group be established. Participation by environmental representatives on trade advisory committees is a step in the right direction, and I thank the administration for doing that, but it is no substitute for a formal mechanism for fully incorporating environmental issues in the NAFTA negotiations.

Third, the administration's proposed plan for enhancing enforcement capabilities are noncommittal at best. I find very puzzling the statement that the enforcement process would "provide the opportunity for the public to submit data to appropriate national authorities on alleged noncompliance." Is that not a right of all citizens in a democratic society? What does this language mean? There is no question but that the ability to enforce environmental standards is a question of resources. Given our budget constraints, it will be very difficult for the United States to commit significant resources to this effort. Nonetheless, we certainly should try.

I would be much more comfortable if the action plan contained specific commitments to provide Mexico with help in the enforcement area and to vigorously enforce environmental standards to ensure that United States companies do not use free trade to skirt environmental regulations because of lax Mexican enforcement. That is not sound economic policy, nor is it sound environmental policy. The history of the "maquiladora" program suggests a case in point.

Finally, and perhaps most importantly, the plan fails to sufficiently address concerns related to the harmonization of environmental standards. The plan states that "the United States will not agree to weaken U.S. environmental and health laws or regulations as part of the FTA." However, additional language in the plan is contradictory and implies that our laws and regulations could be opened up for attack as nontariff trade barriers.

On page 10 of the plan, the administration commits to maintaining "our rights to prohibit the entry of goods that do not meet our health * * * and environmental regulations, so long as such regulations are based on sound science." This is an issue that I raised with Ambassador Hills last year with respect to the GATT negotiations. It is the right of the U.S. Government, as well as State and local units of government to determine health and safety standards for its citizens. What mechanism does the administration envision to determine regulations that are based on sound science.

Who makes that up? What are the definitions and the parameters of this going to mean? Does this mean science is made up by Mr. Sununu behind his small White House computer as he made up "sound science," sound science on global warming? He is way out of the mainstream on that issue. Does this mean it will be Sununu's science that determines whether or not we are going to enforce environmental regulations? I hope not. But that is not clear.

Necessarily, some environmental laws are enacted in the face of some uncertainty. The administration's plan says nothing about who would determine the legitimacy of a regulation if it were challenged. We should not, under any circumstances, put our environmental out for international review. If we had done so vis-a-vis European automobile standards, as an example, our efforts to clean up polluted urban air would be 10 years behind. If we waited for the Europeans, we would not have removed lead from gasoline, and we would not have the efficient process of cleaning up our automobiles that we have today. So our standards have to be maintained and enforced.

Mr. President, I very much want to support the free-trade agreement with Mexico. I believe trade liberalization can provide significant social and economic benefits to citizens throughout North America. However, the administration's delivery has fallen short of its rhetoric on a variety of environmental issues, including this one. I believe there are some further commitments the administration can and should make to ensure that our negotiating team will produce an environmentally sound agreement. As I prepare to make my final decision on fast-track authority, I hope the administration will provide us with further details of its plans for environmental protection. And I urge all of my colleagues to join me in working with the administration to craft a plan that gives the assurances we need to grant fast-track authority.

I appreciate the forthcoming of Mr. Reilly on this issue. I have talked to Carla Hills about this and will continue to do so. I think there are some pieces of this that can be pinned down much more tightly, and there is no reason not to.

There is no reason that, going into this free-trade agreement, we have to compromise our hard-fought environmental standards in this country. That would be a mistake. I do not think the administration intends to do that. There may be some who do. But I think overall the administration does not intend to do that. I cannot imagine the American public, in order to get a free-trade agreement with Mexico, is going to be willing to have our environmental standards, which protect the health and safety of the American public, compromised in any way.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADMINISTRATION'S ACTION PLAN FOR THE NAFTA NEGOTIATIONS

Mr. BAUCUS. Mr. President, I congratulate the President, Ambassador Carla Hills, and the rest of the administration on the action plan recently submitted to Congress.

The action plan for the free-trade negotiations with Mexico is an impressive document. It is an example of how the fast-track negotiating process is intended to work—as a cooperative venture between the Congress and the administration. Under the fast track, the Congress commits to vote up or down on trade agreements negotiated by the administration. In return, the administration works with Congress to establish jointly a plan for the negotiations.

At times in the past, the administration has been short on the consultations with Congress during trade negotiations. But clearly that is not the case for the free-trade negotiations with Mexico. The Congress laid out its concerns in three major areas—the wage disparity between the United States and Mexico, Mexican labor standards, and Mexican enforcement of environmental laws. In the action plan, the administration addresses each of these issues.

THE WAGE DISPARTIY

The action plan commits the administration to address the wage disparity issue by taking a series of measures to minimize negative impacts on import sensitive industries. Specifically, the administration commits to tight rules of origin, safeguard measures—including tariff snap-backs, and long phase-out periods for tariffs.

The administration also commits to developing with Congress a retraining program for workers displaced by imports. I was disappointed that a specific commitment was not made to expanding trade adjustment assistance. But I am confident that a strong worker retraining and adjustment program can be incorporated into the implementing legislation for a North American Free-Trade Agreement.

LABOR STANDARDS

In the area of labor standards, the United States and Mexico are now prepared to sign a memorandum of understanding on many key labor issues, including labor standards and enforcement. Clearly, this will not settle all of our concerns about labor standards in Mexico, but it is a major step forward. Certainly, it represents a real improvement over the status quo.

ENVIRONMENTAL PROTECTION

The most impressive and far reaching section of the action plan addresses environmental protection.

I have been quite concerned that the combination of lax Mexican enforcement of environmental laws and a free-trade agreement could create serious environmental problems. An incentive could be created for United States business to move to Mexico to avoid United States environmental regulations. Such a migration could cost the United States jobs and spawn pollution. I am happy to say that the action plan largely addresses this concern.

Five major commitments are made on the environment:

First, the administration agreed to appoint leading environmentalists to its trade policy advisory panels. This will build-in environmental review of all key trade policy decisions.

Second, a commitment is made to ensure that all products imported into the United States meet our health and safety standards, and that the free-trade agreement will in no way undermine U.S. environmental protection laws.

Third, there is a commitment to develop a joint plan to control all forms of pollution in the border area.

Fourth, there is a commitment to a complete binational review of environmental laws to be completed before the trade agreement.

Fifth, there is a commitment to a much strengthened binational effort on enforcement of environmental regulations. I should note in this regard, that Mexico's long dormant environmental enforcement program has sprung to life in recent months. In the past 3 weeks alone, 70 Mexican businesses have been shut down because of noncompliance with environmental laws.

Taken as a whole, those environmental commitments are a historic first step toward integrating trade and environmental concerns. With the action plan, there can be little doubt that a NAFTA will improve environmental protection in Mexico. Conversely, pulling out of the negotiations at this point will set back environmental protection in Mexico. It is no wonder that a number of America's leading environmental groups, including the National Audubon Society and the Natural Resources Defense Council, have responded very favorably to the action plan.

The one major weakness in the environmental action plan is the lack of a specific enforcement plan. Before the NAFTA is approved by Congress I will insist on a mechanism to monitor and enforce these environmental commitments.

CONCLUSION

In sum, we have the outline of a solution to the critical issues of the wage disparity, labor standards, and environmental protection. It is time for Congress to extend fast-track negotiating and allow the free-trade negotiations with Mexico to commence.

Of course, the commitments in the action plan must be implemented. But we need not take the administration's commitments on faith. Congress should insist that the action plan is fully implemented before we approve the eventual agreement.

We should keep in mind that in many ways the United States already has a free-trade agreement with Mexico—a one-way free-trade agreement. Most United States barriers to Mexican exports are already quite low. The major barriers are U.S. tariffs which average about 4 percent. Mexico, on the other hand, retains substantial trade barriers. Mexican tariff rates are two and a half times higher than United States rates and could be raised as high as 50 percent. Mexico also maintains import licenses and a variety of other trade barriers that block United States exports. If Mexico eliminates its trade barriers, substantial increases in United States exports are possible.

The free-trade negotiations with Mexico hold out a rare opportunity. With the action plan, they are an opportunity for the United States to expand exports and create jobs while promoting environmental protection and observance of labor standards in Mexico.

Mr. President, I yield the floor.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: The Senator from Nevada [Mr. REID], from the Committee on Appropriations; the Senator from New York [Mr. D'AMATO], from the Committee on Appropriations; the Senator from Alabama [Mr. SHELBY], from the Committee on Armed Services; and the Senator from Montana [Mr. BURNS], at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: The Senator from Maryland [Ms. MIKULSKI], from the Committee on Appropriations; the Senator from Oregon [Mr. HATFIELD], from the Committee on Appropriations; the Senator from Arizona [Mr. MCCAIN], from the Committee on Armed Services; and the Senator from Maryland [Mr. SARBANES], at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S Air Force Academy: The Senator from Colorado [Mr. WIRTH], from the Committee on Armed Services; the Senator from Mississippi [Mr. COCHRAN], from the Committee on Appropriations; the Senator from Arizona [Mr. DECONCINI], at large; and the Senator from New Mexico [Mr. DOMENICI], from the Committee on Appropriations.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the majority leader the appointment of the Senator from West Virginia [Mr. BYRD] as the chairman of the Senate delegation to the British-American Parliamentary Group during the 102d Congress.

APPOINTMENT BY THE PRESIDING OFFICER

The PRESIDING OFFICER (Mr. REID). The Chair, pursuant to Executive Order 12131, as amended, and Executive Order 12692, appoints the following Senators to the President's Export Council:

The Senator from Missouri [Mr. DANFORTH]; and

The Senator from Montana [Mr. BURNS].

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The Senate continued with the consideration of the resolution.

Mr. BRADLEY. Mr. President, the resolution that we are considering at this moment was introduced on the last day before the recess, on April 25. It is a resolution that would extend an additional $1.5 billion of credit guarantees to the Soviet Union. Mr. President, at that time, when the distinguished minority leader sought to consider the resolution, I objected to taking this step without thorough debate. That evening, it was concluded, was insufficient time for a thorough debate, and the result was allocating 3 hours this morning to be divided between Senator DECONCINI against the resolution, Senator DOLE for the resolution, and I, also against the resolution.

About 2½ hours of that time has been used. No one has come to the floor to support the resolution. Time is running out, and I thought it only appropriate, before time ran out or another agreement was entered into for a debate at a future time, to come to the floor and discuss Senate Resolution 117.

Mr. President, I think that this resolution is a serious mistake. I do not think that we should extend an additional $1.5 billion of credits to the Soviet Union. I do not think that anything has transpired since December, when our Government extended to them $1 billion in credit guarantees, that would make it good policy to extend further credit guarantees. In fact, Mr. President, a number of things have happened since December that make in extending credit guarantees an even worse idea now than it was in December.

In January, there were dozens of people killed in the Baltic States by Soviet military and security forces. Those forces ruthlessly occupied buildings and territory in the Baltic States, killing dozens of people and wounding hundreds more. That was just one of several examples of the Soviet central government cracking down ruthlessly on fledgling independence and democracy movements.

Also, since the December extension of $1 billion in additional credits to the Soviet Union, the Foreign Minister, Mr. Shevardnadze, resigned, saying that dictatorship in the Soviet Union was gaining ground. Since that time, a number of Mr. Gorbachev's advisers who were viewed as being more amenable to move toward a market mechanism in the Soviet Union and to a broader democratically based economic reform, have been sacked or resigned.

Since December, we have seen the ominous return of faceless bureaucrats of the security system in high positions of power and sitting at the right hand of Mr. Gorbachev. One of the most blatant affronts in this regard occurred when all of us saw on our television sets here in the United States the use of force by Soviet personnel in the Baltics against unarmed Lithuanian citizens and then discovered that the next night in the Soviet Union, the new head of the Interior Ministry, Mr. Boris Pugo, got on national television and stated that this action was taken in self-defense, even though all of us saw with our own eyes the Soviet security forces were acting against defenseless, unarmed citizens.

So, Mr. President, since December, on the political front, what we have seen in the Soviet Union is an ominous turn toward a more repressive regime that is intent on breaking the independence movements and the democratic movements in the Soviet republics.

There have also been a number of developments on the economic front since that time, the Soviet Union's movement toward a more market-oriented system, one in which there were prices that allocated resources, one in which supply and demand were met through the price mechanism, one in which there was a banking system that functioned more or less openly, one in which there were enterprises which were controlled by individuals and not the state, this has been brought to an absolute, screeching halt.

It is also important to note, since this is a credit guarantee of $1.5 billion that the Soviet foreign currency reserves are shrinking. In other words, they reserve that they would use to repay the loans that have been extended to them, and that this Government by this action will be guaranteeing, have shrunk. Therefore, their ability to repay has been decreasing.

In addition to that, the arrears to private firms that have been engaging in trade with the Soviet Union have been going up. In other words, American, European, and Japanese firms have engaged in trade with the Soviet Union and incurred payments due but the Soviets are not making those payments.

As a result of the shrinking of foreign currency reserves, the arrears in trade debt, the mushrooming budget deficit in the Soviet Union, Soviet creditworthiness is dropping like a rock. Exports fell 12 percent from 1989 to 1990. The balance of payments deficit is $14 billion. Gold sales have gone up because they cannot sell anything else that people want to buy.

You have foreign indebtedness rising dramatically; debt service up to as much as $14 billion this year, maybe $17 billion next year. The creditworthiness of the Soviet Union is plummeting, and yet precisely at the time when the Soviet Union's ability to repay loans is decreasing, this resolution propose extending credit guarantees for another $1.5 billion.

Mr. President, I hope that we would not take this action. I can appreciate why it is coming at this time. As you know, last December when $1 billion was extended to the Soviet Union in credit guarantees, there was also a waiver of the Jackson-Vanik amendment.

The Jackson-Vanik amendment says there will be special trade or credit status for the Soviet Union in their dealings with the United States as long as emigration numbers from the Soviet Union, Jewish emigration, other emigration from the Soviet Union is not fair and free.

Mr. President, in December the President exercised his right to waive the Jackson-Vanik amendment's provisions. This waiver expires on June 3, 1991. So what I see is an attempt by those who would like to extend further credit to the Soviet Union to try to get their resolution passed before the June 3 deadline, because after the June 3 deadline, in order to extend more credit guarantees to the Soviet Union, they would have to not only to get the Senate to agree to guarantee credit for a country that is becoming less and less creditworthy with each passing day and to a country that is becoming more and more repressive but it would also require that the President waive the Jackson-Vanik amendment again. So rather than face a two-stage development where you have to improve the increase in credit and you have to waive the Jackson-Vanik amendment, the proponents of this resolution seek to now rush through a resolution prior to the expiration of the waiver of Jackson-Vanik. So the motivation at this time is quite clear.

I happen to think this is not the time to take that step if for no other reason than what is happening in the Baltics, and what continues to happen at the political level in the Soviet Union. It is a real irony that this resolution was introduced on April 25, precisely at the time that Soviet paratroopers were seizing 10 facilities and several Lithuanian officials reported that Soviet officials denied all knowledge or responsibility for these actions. So once again the pattern was set: Soviet paratroopers, Soviet forces take action in the Baltic, occupying buildings, killing people, wounding people, and the Soviet central Government denies any knowledge that this happened.

Mr. President, one might ask who ordered the paratroopers to occupy the buildings? If it was not Mr. Gorbachev, who was it? If Mr. Gorbachev does not know who ordered them, that should be troubling to all of us because it implies a rogue military operation or a rogue security operation. If it was Mr. Gorbachev who ordered it, then the pretense of sensitivity to independent movements or democracy movements on his part is totally unmasked. Mr. President, this is not the time to do this.

April 25, as I say, was the precise day these buildings were occupied by Soviet paratroopers, later to be denied by Soviet authorities. Today, Mr. President, when we again debate this resolution, is the exact day that the Helsinki Commission is meeting, and testifying there is President Landsbergis of Lithuania. On the exact day that President Landsbergis and other Baltic State members are clearly stating that the repression of the Soviet Union has not decreased, the Senate is considering whether we should extend another $1.5 billion in credit guarantees to the Soviet Union. There could not be a more inappropriate time to consider this.

If we want to have change in the Soviet Union, the political leadership of the Soviet Union must understand that they have to make their own country hospitable to foreign investment; that you cannot cut a political deal between the leader of one country and the leader of another country and get the business people of the private sector in the West to invest money in the Soviet Union and lose it for political purposes. That is not the way our system works.

I continue to believe there is a fundamental misunderstanding on the part of the Soviet leaders; they continue to miss that unless a business person believes he or she can make money by investing in the Soviet Union because there has been market reform, a market mechanism, banking system, reasonable tax system, they are simply not going to invest. And no matter what the President of the United States or the Senate says, that investment will not be made by us stepping in and saying, well, here is a little credit guarantee; we want to help you for political purposes. We are conveying to the world, and specifically to the leadership of the Soviet Union, that they can continue to count on United States subsidies irrespective of changes in their economic structure and that the tough decisions with regard to market mechanism they do not have to make because we will continue to subsidize them.

Mr. President, that does not promote a higher standard of living for the people of the Soviet Union. It continues to support a centralized system that suffocates economic initiative and higher standards of living.

So, Mr. President, I hope we would not move on this resolution today. As I said, this is not without some cost. The cost to the taxpayers of this kind of subsidy is anywhere between $200 and $500 million. What can we do with $200 to $500 million, Mr. President?

Well, $200 million would mean about 60,000 more kids in the Head Start program. It would mean about 400,000 more children in the Women, Infants and Children Feeding Program getting better nutrition.

How do we want to spend our money? We have a big budget deficit. Do we want to spend our money subsidizing a centralized repressive regime in the Soviet Union that is not willing to confront the basic problem facing their country—the need to revitalize their economy—and which has lapsed back into a repressive apparatus that is destroying freedom and liberty once again in a very obvious way in the Baltic States and elsewhere?

Or, do we want to stand clearly for a point of view that says the world is an open capital market? If you want investment, you have to change. If you change, you will have a flood of investment. If you do not change, you will not have it. You really never get free democratic reform if you do not democratize because the people do not want to bear the burden of that reform unless they choose to do so. That is the basic question.

If we hedge around the edge and refuse to pose that for the Soviets on a continuing basis at the highest levels of government, we will not see the kind of changes that we want in the Soviet Union—frankly, that the Soviet people deserve, because I believe the Soviet people deserve a higher standard of living, and a more secure life. I believe all people do. I believe the people of the Baltics, Lithuania, Latvia, Estonia, deserve freedom, independence and democracy, and a number of other republics as well.

We will not get it with this kind of subsidizing of a system that continues to deny the basic freedoms to its own citizens and wastes its colossal resources through a massive blundering centralized economic apparatus.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I have been advised that there is no objection if I ask that the recess at 12:30 be postponed an additional 10 minutes. I make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I rise in opposition to Senate Resolution 117. The sponsors of this resolution are urging the President to expeditiously complete his administration's review of the Soviet request for $1.5 billion in additional agricultural credit guarantees.

This seems mild enough on the face of it, but the real question at issue here is: should the United States put the American taxpayers' dollars at risk to bail out the Soviet Union's Government when its own leaders, time and time again, have refused to fundamentally reform the economic system within the Soviet Union?

We all want to help the American farmer. That really is not the issue here. We want to reduce our deficit, and that is really not the issue here. I believe, however, that the overall risk and tradeoffs involved in the proposed resolution to help Gorbachev are not worth the risk. In the long run, it could end up hurting the American taxpayers substantially. These risks far outweigh the possible short-term benefits that the credit guarantees will give to the Gorbachev regime. At this time, it is not even worth it to the farmers, because it would be a short-term gain, and they will pay for it later, in my opinion.

Senate Resolution 117 is predicated on a set of "binding assurances"—and I think a modification will be asked to be approved here by the Republican leader—which, if combined with the extension of credit guarantees on an installment basis, the sponsors believe would adequately safeguard against the risk of the default, and the misuse of these particular credits.

But before discussing the specific assurances cited in the resolution, and its potential modification, let us think about the credibility of any assurance we might receive from President Gorbachev at this time. I am not here to bash President Gorbachev. Yesterday I made a statement complimenting him on his involvement with the peace process in Angola. I am here to point out the reality of what I think is occurring and what many others feel is occurring in the Soviet Union today.

In my numerous meetings with Baltic and Soviet Republic leaders, I am told repeatedly that President Gorbachev is no longer relevant to the process of democratization. We have all been watching the power struggle going on in the Kremlin for the past several months. I submit that Gorbachev is not in a position at this time to assure anyone of anything, even the assurances proposed for modification of this resolution.

For argument's sake, let us assume that he is. I wonder how many times the Soviet leadership's actions have to fly in the face of its assurances before we begin to question the wisdom of wasteful symbolic gestures of support for Mr. Gorbachev? Let us review the records of some of his assurances in the past. One which comes quickly to mind is related to the events in the Baltics earlier this year. My colleague from New Jersey went over that this morning.

None of us will forget the tragic bloodshed which occurred in Vilnius on January 13 of this year. Innocent people were gunned down who were peacefully pursuing their rightful independence through the democratic process that Gorbachev himself set in motion. Despite assurances to the contrary, the slaughter was repeated a week later in Riga. Moreover, the Vilnius TV tower is still being illegally occupied by Soviet troops. And, even more chilling, just 2 weeks ago the Soviet military continued their intimidation and seized several government buildings and airfields in Lithuania.

If my distinguished colleagues can stand here in this Chamber and define Mr. Gorbachev's assurances as credible, then I would like to see the dictionary they are using to define that word. Perhaps they are reassured by the word "binding," but given the Soviet Union's record to date of keeping promises, I do not think the American people will be reassured. The Soviet people certainly do not seem to be demonstrating any confidence in the Kremlin's leadership.

What are these binding assurances that would merit the United States Government extending to the Soviets guarantees of $1.5 billion of American taxpayers' money? Make no mistake, this is an obligation the American taxpayer will have to pay if there is a default. A key assurance which this resolution would require is that the credit guarantees be repaid. Naturally, we want that. I would agree that this assurance should be on the top of the list. But how can we responsibly assume that will occur when the Soviet economy is in a free fall at this time, and the Kremlin leadership refuses to take the necessary steps to reform that economy?

The 1990 agricultural bill passed by the Congress and signed into law by President Bush specifically states that the Department of Agriculture must determine the credit worthiness of each recipient country. In the case of the Soviet Union, the administration should be able to make that determination very quickly. But if the administration does not trust its own instincts, it should take into consideration how the financial institutions in other countries view the Soviet Union's credit worthiness. The European banking community does not believe the Soviet Union is a good risk. For the first time in modern history, it recently took the unusual step of declaring the Soviet Union uncreditworthy.

While the French and Canadian Governments have just put together a grain credit guarantee package, it should be noted that a bank's assessment of creditworthiness is made independently from its country's political agenda. This assessment can and should stand alone as a valid measure of appraisal.

In April, French bankers refused loans to the Soviets even though the French Government offered to guarantee 95 percent of those loans. Germany, Japan, and Great Britain all await repayment from the Soviets on hundreds of millions in overdue loans. Even Japan, Mr. President, even Japan, which is notorious for providing billions in unsecured loans to many countries with potentially lucrative markets, rebuffed Mr. Gorbachev when he asked for that country's help in bailing out his failing economy.

I would also point out that the EC credit guarantee package of $750 million which is under review does not include creditworthiness as a criteria. European political leaders who choose to ignore their bankers' evaluations do so for political reasons and not necessarily on the basis of sound fiscal policy. But we are bound by law to use creditworthiness as a criteria in order to protect our American taxpayer.

I assume the sponsors of Senate Resolution 117 agree this is a prudent approach, especially in light of our escalating budgetary problems.

Another assurance the resolution requires is that the credit guarantees be used to feed the population and not go to support military institutions or the party apparatus and the people connected thereto.

Let us assume that an efficient and verifiable distribution system could be established so that the grain actually did go to areas in the Soviet Union where the population is most in need. Giving the Soviets agricultural guarantees simply enables them to continue their high levels of military spending. On the other hand, paying for grain in cash would force them to choose between competing economic priorities, as we have to do in this country as we lower our defense expenditures. American taxpayer dollars should not be put at risk because the Soviet Government refuses to make the hard choices needed to genuinely reorder its domestic spending priorities.

As for the assurance that the guarantees not be used to apply coercive pressure to the Baltics or any of the Republics, that needs little discussion. The continued occupation of the Vilnius TV tower by the Soviet military and their outrageous acts of intimidation in several Lithuanian cities in the past few weeks, make a mockery of this assurance.

Senate Resolution 117 further proposes that the $1.5 billion be "tranched"—that is kind of a new word to this Senate—in three installments so that Soviet compliance with the assurances can be evaluated before each apportionment of credit guarantees is authorized for additional release. In December of last year, I reluctantly went along with President Bush's decision to extend $1 billion of credits to the Soviets for humanitarian purposes.

Today, I think we have to ask ourselves, if the above assurances had been in place at that time, would Soviet actions since then justify tranching more credits. I do not see how the answer could be anything but a resounding "no."

In my view, if we are going to risk the taxpayer's money on the Kremlin's assurances, we at least should wait until the first interest payment on the $1 billion in credits the Soviets drew in January.

Comes due in July. Why not wait and see if the Kremlin keeps its obligation to pay the $31 million it will owe us at that time?

Furthermore, why should we put our taxpayer's money at risk to provide grain when there are substantial stores of grain in the Soveit Union that Soviet farmers themselves will not put into the marketplace because they mistrust their own Government's policies?

What makes this all so ironic is that Gorbachev is the former Minister of Agriculture. He spent much of his career in agricultural related jobs and yet he lacks credibility within the Soviet farming community. If his own farmers do not trust him, why should we?

We also hear the supporters of credit guarantees talk about famine in the U.S.S.R., but most intelligence sources report that a famine is not likely to occur this year. However, if food shortages should become absolutely critical, the Soviet Government has gold reserves valued at over $20 billion, $20 billion, Mr. President. Yet some are willing to put U.S. taxpayers' dollars at risk so the Kremlin does not have to spend its own money or even worse, reform its economic system.

The resolution urges the President to include in his negotiations with the Soviets a "strong admonition that the only long-term solution is fundamental free market reform." I would simply observe that reform should not be a long-term goal; it must begin now. Furthermore, I think Gorbachev has made it very plain what he thinks about free market reform, just 2 weeks ago he stated that he preferred the "Socialist choice."

We all know what socialism has done for the Soviet Union. Should we continue to let Gorbachev rely on the West to shore up his failed Socialist economy? I think the answer is, we should not.

President Bush has understandably expressed serious reservations about extending these additional guarantees. I agree with the President. As I mentioned earlier, we all support the American farmer, but to quote a Washington Times editorial of May 3:

> Subsidizing the failed economy of the Soviet Union only forestalls the day when Mr. Gorbachev—or whoever may be in power—must make the changes necessary to become an economically and agriculturally self-sufficient nation. * * * American subsidies for Mr. Gorbachev's bankrupt State must end.

The Soviet Union was once one of the world's major producers and exporters of grain.

Tragically, its leaders have now been reduced to publicly pleading for foreign aid because they can no longer feed even their own people. No, Mr. President, credits will help neither the Soviet people nor the American taxpayer; only the Soviet Government, in a genuine democratic partnership with its own citizens, can accomplish the changes that need to be accomplished.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I commend my colleague from Arizona. I think he very cogently put forth the reasons that the United States should not be in favor of extending loan guarantees to the Soviet Union and to the administration of Mikhail Gorbachev, but why indeed we are talking about United States taxpayers bellying up to put forth their hard-earned dollars for an administration that talks about human rights but does everything in its power to crush them when and if their own authoritarian regime may be at stake.

Although it has become fashionable to think of the Soviets as our friend and to sneer at those who not long ago referred to the Soviet Union as the evil empire, with gorbymania still existing in many quarters throughout our country, I think it is important that we look at the record and speak to the people who know. Speak to the recent emigres from the Soviet Union—the Balts, the Jews, the Ukranians—and the perspective is a very different one. They know Gorbachev for what he is: simply the latest inheritor of a Leninist mantle. He and his minions have engaged in systematic intimidation and violence in a desperate hope that terror can hold their crumbling empire together.

They have sought to crush the fragile flower of independence wherever it dared to bloom. The Balts, the Georgians, even the Russians, have faced Moscow's challenge with courage but their cries for help have gone unanswered. I am embarrassed to say that in the name of major power politics we have done to those seeking freedom in the Soviet Union what the world powers of another time did to the Czechs. We do not even have the courage to set up an information center in the Baltics, depending, rather, on the Soviet propaganda minister for insight.

Now we are being asked to support another grain sale. Is the world market for grain so poor that we would sell it to the devil himself if he knocked on our door? I cannot believe that it was just this last spring and summer when we debated Iraqi sanctions. My colleagues were all aflutter because sanctions would endanger grain sales to Saddam Hussein.

Have we not learned our lesson? New York has its share of farmers, though admittedly not grain farmers. If I had opposed sanctions to sell apples, or wine, or duck, or dairy to the Butcher of Baghdad, I believe the farmers of New York would have run me out on a rail. Can the farmers of the great Midwest be any different?

There must be and there are other markets. Let us find them, rather than continue to feed those who oppress the people. Let us open up opportunities in the Republics. Let us deal with them. Let us deal with those who represent freedom and not those who represent the forces of tyranny.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I rise today to express my strong support for Senate Resolution 117. The extension of agricultural export credit guarantees to the Soviet Union supports United States goals, both domestic and international.

From an economic standpoint, the extension of export credits is good for American farmers and improves the U.S. trade balance. Hard hit by depressed prices, producers of wheat, corn, and soybeans need access to new markets. Export credits provide an inroad to the Soviet market, one of the largest in the world.

Regardless of our policy toward the Soviet Union, instability caused by food shortages and hunger is never in our interest. Former Foreign Secretary Eduard Shevardnadze, himself a strong critic of Soviet moves away from reform, made exactly that point in his meeting yesterday with President Bush. Mr. Shevardnadze made a strong case for extending export credits.

I urge the adoption of Senate Resolution 117. Agricultural export credits are a mechanism that provides simultaneous benefits to both our domestic economy and our international interests.

Mr. WALLOP. Mr. President, I rise today to speak against Senate Resolution 117, a resolution supporting Soviet agricultural export credit guarantees. While I have great concern for the plight of citizens within the Soviet Union, I cannot support a resolution which has the effect of wasting scarce taxpayer dollars and which will not do anything to help the average person in the Soviet Union.

Maybe some of us have forgotten, or have chosen to overlook it. Moscow is broke. Just 4 months ago, on December 12, 1990, President Bush extended $1.3 billion in agricultural credits and export guarantees to Moscow. At that time, the President did not express reservations about the Soviet Union's creditworthiness or the low probability that these loans would actually be repaid. In fact, this transaction was made possible by the President's decision to waive the Jackson-Vanik amendment which statutorily linked preferential trade status to respect for human rights.

But Moscow had not yet even enacted legislation guaranteeing what Scoop Jackson called the touchstone of all such rights: the right of free emigration. It is still unclear whether the Soviet Government will permit genuinely free emigration. Although an oft-postponed vote on such legislation is currently scheduled for May 7, today, Soviet central authorities continue to signal great reluctance to grant their citizens the opportunity to vote with their feet as their East German counterparts did in 1989, with catastrophic results for Moscow's friend Eric Honecker.

Today, with those funds nearly exhausted, the situation in the Soviet Union is no better, and a new Soviet request for a further $1.5 billion in Commodity Credit Corporation credits, the President is expressing serious concern about Moscow center's credit rating.

He said:

> [The Soviets have] got to move forward to be creditworthy if we're going to [extend additional agricultural export credits].

But concerns about Soviet creditworthiness were every bit as justified last December as they are today. A major IMF-led study commissioned by the G–7 nations at last year's Houston economic summit revealed that the Soviet Union was a basketcase economically and would remain so in the absence of wholesale structural reforms. Apparently, no rigorous assessments were made in December. If they had been, they most certainly would have arrived at the same conclusion that the President came to last week.

But perhaps more important, Mr. President, is this. Over the past several months of meeting with parliamentarians from various republics—Georgia, Estonia, and so on—I have heard repeated comments from them regarding the actual fate of U.S. humanitarian aid and supplies. When the United States sent medical supplies, food, and clothing to aid the victims of the earthquake in Armenia in 1989, those items were seen 2 days later on the black market in Estonia. The bulk of it, however, did not get past the senior members of the Soviet military and well-connected apparatchik.

Finally, Mr. President, the idea that the United States would agree to extend additional credit to the Soviets is made still more preposterous by the U.S.S.R.'s present economic situation. Given the insolvency of the Soviet Central Government, such assistance would actually amount to providing Moscow not with American loans, but with outright grants, irretreivable gifts from the American taxpayer. I don't think they want to join Western companies who now find themselves part of the U.S.S.R's current $6 billion in payment arrearages. If any of us have doubts about their ability to repay, let us remember back several weeks ago when the Italian Government was forced to seize Soviet freighters as a desperate attempt to retrieve moneys owed them.

I understand that the total credit amount would be divided in three parts, and that additional amounts would be provided contingent upon the acceptable distribution and/or repayment of previous credits. But even this approach would ensure that half a billion worth of credits would be squandered. Moreover, the language does not assure this Senator that the remaining billion would actually be denied Moscow.

We must be firm and we must be clear. There cannot be further United States aid to Moscow without fundamental economic reform. We must tie additional credits following, not prior to, the adoption of wholesale political and economic reforms. Like any United States taxpayer applying for a loan, the Soviets should be required to secure United States credit with collateral, real collateral and not promises of future deliveries. Moreover, we must be prepared to monitor the physical delivery of grain and other foodstuffs to republic capitals. There is no reason to accept assurances from Moscow that there will be an equitable distribution.

Mr. President, to vote in favor of this resolution is to say "yes" to Gorbachev and the repressive regime in Moscow and to say, in effect, "no" to genuine reform and the democratically elected leaders of the republics which must prevail over the long term. I cannot do that.

Thank you, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon at 12:41 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONSUMER PROTECTION AGAINST PRICE-FIXING ACT OF 1991—MOTION TO PROCEED

UNANIMOUS-CONSENT AGREEMENT—CLOTURE VOTE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 429 occur at 2:30 p.m. today, and that the mandatory live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mr. CRANSTON. Mr. President, I rise today to echo the statements of my colleagues who have spoken in support of S. 429, the Consumer Protection Against Price-Fixing Act of 1991.

Retail price fixing or vertical price fixing exists when a supplier of a product and one of its high-price retailers conspire to shut out another retailer that sells the supplier's product at a discount. Despite these complicated sounding terms, one need not be an economist or an attorney to realize that when discount sellers are run out of business or forced to sell their products at a higher price, the consumer is the one who loses.

Mr. President, unfortunately, recent Supreme Court decisions have made it more difficult for discount retailers who have been terminated to prove that their termination was the result of illegal price fixing—even though many price-fixing activities are, as described by one attorney, based on winks and nods.

S. 429 is significant because it addresses the illegality of conspiracies between manufacturers and retailers which are intended to curtail competition. It strikes the appropriate balance by protecting the consumer and discounter while maintaining business competitiveness. I urge my colleagues to reinstate the legal protection that price competition once had and to arrest the antidiscounter and anticonsumer trend that has been unleashed.

Mr. GRASSLEY. Mr. President, yesterday we started debate on the retail price maintenance legislation, and as the debate we already heard yesterday suggests, we have been going round and round on retail price maintenance for quite some time. The issue is a very complex one involving, as it does, the many dimensions of modern retailing in the free marketplace.

Most assuredly, the issue is not one defined by whether or not we are for or against consumers or lower prices. Everybody—let me emphasize, everybody I know—is for lower prices for consumers. We are all for greater value in the marketplace and no one in this body or outside this body favors price fixing.

Vertical price fixing has been against the law since 1911 and nobody proposes a change now, least of all this Senator. The question is whether this bill, as currently drafted, will benefit consumers, and the answer I wish was clear, but it is far from clear.

Consumer welfare is the goal of antitrust law, and it ought to be the goal of our antitrust policy as well. There is no doubt that American consumers have greatly benefited from the growth of discount retailing. My own family shops at discounters, and we enjoy bargains just like any other family. Indeed, the Grassley family motto is "never pay retail." But there substantial doubt about the benefits of this bill before us to the consumers of America. Indeed, about the only point on which there is no doubt is that there will be a great deal more antitrust litigation if S. 429 does become law. Unfortunately, more litigation will do nothing to help consumers get the lowest price possible, though it surely will fatten the wallets of lawyers. Indeed, lawyers may be the only type of consumer truly benefited by S. 429.

Mr. President, I have set out my views in detail on this bill in the committee report on S. 429. I also wrote separate views on last year's bill, S. 865, a bill that is identical to this year's version. I will not state the arguments at this point but will defer giving those arguments until a later time.

Let me simply say at this point to the managers of this bill—and all of these managers I have the greatest respect for—I hope there is room for accommodation of the codification of the per se rule and modification of the so-called Monsanto rule without the added baggage of the rest of the bill.

Mr. President, I am ready to try to assist in this effort. I remain very sympathetic to the plight of discount retailers. Unfortunately, the bill before us is a product of a very unconventional agreement which has actually prevented it being improved by the committee process.

Our committee has simply thrown this bill over the transom, so to speak, leaving it to be fixed on the floor of the Senate even after we voted it down in committee by an 8-to-6 margin. Most bills under those circumstances would never be discussed on the floor of this Senate.

In fact, our committee history on this bill shows that it is actually getting less and less attractive. Two Congresses ago, 4 years ago, a compromise I worked on with the Senator from Ohio and others passed the committee without objection. Last year, a different version passed out of committee by a mere 7-to-6 vote. And now that very same bill, the one before us today and yesterday, has lost by an 8-to-6 margin, and yet here we are debating this bill as if it had been approved by the Senate Judiciary Committee. This Senator finds this very odd, to say the least.

I again remind my colleagues that we once had a consensus on this issue, and surely if we have had a consensus on this issue before we can have a consensus again, not a bill being discussed in this Chamber that was defeated in committee by 89-to-6 vote but a bill that would be before us, as 4 years ago, that was voted out automatically.

So I hope that we do not squander perhaps forever the fact that consensus is possible on this subject. Let us do what we can, when we can, in this very complex area of law.

I thank the Chair. I observe the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator from Iowa delay the request so that the Chair may state the pending business of the Senate?

Mr. GRASSLEY. I will withhold my request.

Mr. SHELBY. Mr. President, I rise today in support of S. 429, the Consumer Protection Against Price-Fixing Act of 1991—a bill to benefit American consumers by encouraging the widest possible selection of goods and services at the lowest prices. This legislation is expected to save American consumers $20 billion a year, and it does so without raising taxes or increasing the Federal deficit.

Simply stated, S. 429 would restore the 80-year-old principle that resale price maintenance agreements are a restraint of trade and are automatically unlawful. An example of a resale price maintenance agreement is a binding understanding between a manufacturer and retailers requiring the retailers not to sell the manufacturer's goods below a specified price. These agreements reduce competition and increase the cost of goods and services to American consumers by forcing discounters out of the marketplace.

In the landmark case, *Dr. Miles Medical Co.* v. *John D. Parks & Sons Co.*, 220 U.S. 373 (1911), the Supreme Court held that resale price maintenance agreements are per se illegal under the Sherman Antitrust Act. Recent Supreme Court decisions, however, have threatened the holding in Miles. Two major cases, *Monsanto Co.* v. *Spray-Rite Corp.*, 465 U.S. 752 (1984), and *Business Electronics Corp.* v. *Sharp Electronics Corp.*, 108 S. Ct. 1515 (1988), have narrowed the circumstances in which a court or jury can find resale price fixing.

In the Monsanto case, the per se rule was not overturned; however, the Court held that there must be evidence that "tends to exclude" the possibility that the supplier acted independently. In other words, there must be direct or circumstantial evidence that tends to prove that a supplier and a nonterminated dealer had a conscious commitment to terminate a competing dealer to curtail price competition.

The Sharp decision was even more detrimental than Monsanto because the Supreme Court modified the per se rule. In Sharp, the Court ruled that in order to find a per se illegal price fixing agreement, there must be a second agreement on a specific price or price level to be charged by the remaining retailer following termination of the discounter.

Monsanto and Sharp effectively stifle competition and increase the price of brand-name consumer goods. Discounters are driven from the marketplace and have little recourse against suppliers and remaining dealers who have conspired against them for selling cheaply. The real losers, however are the low- and middle-income Americans and those on fixed incomes who depend on discount stores to help them make ends meet.

Congress must intervene again to keep competition in the marketplace. I say again because this is not a new issue for Congress. In 1975, Congress repealed the fair trade laws which allowed States to permit retail price maintenance. Two Department of Justice studies in 1969 and 1975 respectively, documented the harm caused to consumers by vertical price fixing. In the first study, Justice Department data indicated that consumers would save $1.2 billion a year if fair trade laws were eliminated. The second study estimated that prices of consumer goods in States allowing vertical price fixing were 18- to 25-percent higher than in States prohibiting the practice.

Congress must continue to work to protect consumer welfare by ensuring vigorous price competition in the marketplace with the passage of S. 429. The bill has three components. First, it would codify the well established principle that resale price-fixing agreements are per se unlawful. Second, it would clarify the evidentiary standard for jury consideration of certain vertical price-fixing cases. Specifically, the bill would require a plaintiff to show that:

A dealer made a request, demand or threat to a manufacturer that the supplier take steps to curtail or eliminate price competition;

Because of such request, demand or threat, the supplier terminated or refused to continue to supply goods to a competitor of the dealer; and

The request, demand or threat is the major cause of termination or refusal to continue to supply.

Finally, the bill would make clear that an agreement between a manufacturer and a retailer to terminate another retailer in order to eliminate price competition is illegal, whether or not a specific price or price level is agreed upon. This would overrule the Sharp decision.

I urge you to support this proconsumer legislation not only because more competition is always better than less competition, but also because increasing concentration of wealth in our society is inconsistent with the values of the Founders of our Nation. I also urge you to support this legislation because it should increase consumer confidence in our economy which is so badly needed to lessen the impact of the deepening recession in which we find ourselves.

Thank you, Mr. President. I yield back the balance of my time.

Mr. DURENBERGER. Mr. President, I am going to cast my vote against invoking cloture at this time. That is because I believe further debate is needed on this bill because of the overblown rhetoric surrounding this legislation.

Supporters of S. 429 suggest that this is a bill which will only serve to encourage further discount pricing of retail merchandise throughout the country by discouraging manufacturers from engaging in vertical price-fixing arrangements. Opponents contend that this legislation will make it impossible for a manufacturer to legitimately discontinue a retail distributorship without the threat of prolonged and expensive antitrust litigation. Somewhere in between lies the truth, and I believe we should have a full and complete exposition of these issues before we vote on this bill.

Mr. President, since 1911, the Supreme Court has developed a long line of antitrust cases concerning vertical —manufacturer-wholesaler-retailer— price-fixing agreements. The rule has always been, and remains today, that it is per se a violation of the antitrust laws for a manufacturer to conspire with his dealers to fix the price of goods sold to the public. It is also well settled that a manufacturer's termination of one of its dealers as part of a conspiracy to fix prices, is a per se violation of the antitrust laws.

It is also well settled that a manufacturer has the right to sell his product to whomever he wants to do business with, and that a manufacturer can unilaterally terminate a dealer without violating the antitrust laws. The principal distinction in these cases is that as long as the manufacturer's actions are unilateral, and not pursuant to any agreement with other distributors, the antitrust laws are not violated.

Mr. President, S. 429 will not change the substantive law against price fixing. What this bill will do is to overturn two Supreme Court decisions that address the question of the degree of proof necessary to establish illegal concerted activity. This is a bill about burdens of proof; it is a bill about the nuances of evidence that must be presented to a court in an antitrust case.

Mr. President, discounting is thriving in America. More than $160 billion was spent in discount and mail-order operations last year. Full-priced merchandising is truly becoming a retail dinosaur. If I believed that there was a real threat to the growth of discount merchandisers, I would surely back this bill. But I am not convinced that this amendment to the Sherman Act is called for.

Mr. President, the way this bill is currently structured, I believe that manufacturers will surely think twice before they discontinue doing business with any retailer. This bill will make it easier for terminated merchandisers to threaten expensive and time-consuming antitrust litigation. Many manufacturers will probably have to enter into expensive settlements just to avoid prolonged litigation. Those costs will surely be passed on to consumers.

Mr. President, there are legitimate nonprice reasons that manufacturers choose to stop doing business with certain retailers. Many manufacturers demand a high level of service quality from their dealers. Some discounters and nondiscounters may choose not to provide such service. Manufacturers surely have the right not to continue business relationships with these retailers and should not fear the threat of a frivolous antitrust suit if they terminate their relationship. I believe this bill tilts too far in favor of the retailer.

Mr. President, I hope that both sides—consumer advocates and business groups—can now come together to fashion compromise legislation. I am not satisfied with the standards enunciated in the Sharp Electronics case and believe that if we could craft a compromise the best interests of consumers, retailers, and manufacturers can be satisfied.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The Senate continued with the consideration of the resolution.

Mr. GRASSLEY. Mr. President, the discussion today on the sale of grain to the Soviet Union is very important to my State. More importantly, it is important to the entire country. Of course, it is a very thorny issue because it involves trade with the Soviet Union, a country that has not always been friendly with the United States and some people may not even think friendly today. But Senate Resolution 117, which I support, will allow the Senate to be on record in support of extending export credits to the Soviet Union providing certain conditions are met by the Soviets.

At first glance, the proposition of extending export credits to the Soviets may seem questionable. There is no doubt that the Soviet economy is presently struggling. This is in part because they have not been vigorous enough with their free-market reforms. Their economy also suffers because of the political upheaval over the centalization versus confederation.

Furthermore—and this is why we are debating this resolution—the 1990 farm bill includes specific creditworthiness requirements that must be considered before providing any nation export credits. We must remember the legislative history surrounding these new provisions. In short, one of the primary catalysts for the creditworthiness section was our recent experience with Iraq. But in view of Iraq's huge oil revenues, who could have argued that they were not creditworthy before they invaded Kuwait? Iraq proved to be far more a political problem than an economic problem.

Could the Soviets once again fall into the hands of aggressive, antagonistic leadership, leadership that refuses to honor its commitment to repay credit? Of course, that is possible. Is it conceivable that the Soviet economy could collapse, foreclosing their ability to repay? Of course, that is a possibility.

By extending these credits to help feed the Soviet people, would the United States help prevent antagonistic leadership from taking control or help prevent the Soviet economy from collapsing? I believe it would help to some degree. This is why I believe that we must consider the extension of credit to the Soviets, at this critical crossroad in history, as an investment for a safer, better world.

I believe it might be most helpful to consider giving these credits as an investment. We are advancing credits to the Soviets so that people can eat. This strikes me as an admirable goal. The Soviets are experiencing food shortages. As the Soviets move further from communism's command economy and slowly toward a market system, such disruptions in the supply of food and other goods will occur. For instance, some Soviet farmers withheld crops from the marketplace last year because of uncertainty over whether they would be paid. Such actions hurt Gorbachev's ability to make reforms.

In today's paper, it is reported that former Soviet Foreign Minister Shevardnadze, who has been on the Hill today, told President Bush and Secretary of State Baker that no less than the fate of reform and democracy in the Soviet Union hang in the balance. I think that most of us in this body would consider Mr. Shevardnadze to be a credible proponent of democratic institutions within the Soviet Union. Given his statements, we must therefore weigh the real costs of credit guarantees: Will the Soviets fall back into the control of the hard-line, cold war regime while the United States stands idly by? Or will the United States open its huge stocks of wheat and feed grains and cast our lot with those who are willing and moving toward a more open society?

As I stated earlier, the supporters of this resolution have no intention of being left holding the bag, and we do not believe that any credit guarantees made by the United States will be followed by guarantees from the Soviets that those who need any food purchased will in fact receive distributions in an equitable manner. There have been rumors that the Soviet government used credits extended last November to coerce republics into supporting the union treaty. There were also rumors that the Baltic Republics were denied food because of their independence movements. I would note that the Soviets have provided distribution tables to refute these claims. I think that Senate Resolution 117 correctly addresses this issue by explicitly stating that the Soviets must guarantee and detail where purchased commodities will be sent. Mr. President, we want to sell them food, but we are wary. Senate Resolution 117 makes it clear that this is not a blank check in terms of aid or money.

We should be clear what exactly Senate Resolution 117 is about. This resolution does not say that we should blindly agree to back any loans the Soviets need to purchase goods. This resolution says that the administration should work expeditiously to evaluate whether the Soviets are creditworthy—as directed by the 1990 farm bill—and if so, that the Soviets should meet certain other criteria, some of which have already been spelled out. This resolution provides direction to the President, but it does not mandate credit guarantees be made.

Mr. President, being able to provide credits to the Soviets once again shows the superiority of the free market system to command economies of Socialist nations. The Soviet's system is strained just moving its harvest to market while in the United States we have to restrain our farmers from producing too much. At the same time, when our bins are bulging with grain, we should seek innovative ways to move our excess supplies. I want to believe the Soviet system is changing, and that it represents an important market that will be of great interest to us for the foreseeable future. If credits are guaranteed, we can feed the Soviet people and we help the American farmer. These are two admirable goals, and with the directives provided for in this bill, we can meet them. I hope my colleagues will support adoption of Senate Resolution 117.

The PRESIDING OFFICER. The Chair states that there are two pending orders, one on Senate Resolution 117, and the second on the cloture motion, on the motion to proceed.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Members of the Senate, there were originally scheduled to commence at 2:15 today two votes, the first one on Senate Resolution 117 introduced by Senator DOLE, to be followed immediately by a vote on the motion to invoke cloture on the motion to proceed to S. 429, the legislation dealing with consumer protection and retail price discounts.

We have already obtained a unanimous-consent agreement for the cloture vote—that is, the second one just described by me—to occur beginning at 2:30 p.m. There has been an agreement worked out to delay proceeding to the Dole resolution until later this afternoon and I will at the earliest opportunity seek unanimous consent for that unanimous-consent agreement to be propounded and agreed to.

I inquire of the Chair. Am I correct that unless some agreement is reached with respect to the Dole resolution prior to the vote on the cloture petition that the vote on the Dole resolution would occur first as under the previous order?

The PRESIDING OFFICER. The vote would occur on or in relation to that.

Mr. MITCHELL. Prior to the vote on the cloture motion.

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. Mr. President, I am going to suggest the absence of a quorum to permit the presence of Senators who are participants in the agreement on the Dole resolution in hopes that we can momentarily get that, and then proceed immediately thereafter to the vote on the cloture motion.

Mr. President, I suggest the absence of a quorum.

Mr. EXON. Mr. President, will the leader withhold that for a question that I would like to pose?

Mr. MITCHELL. Certainly.

Mr. EXON. If I understand what the majority leader just said, if an agreement can be worked out on the Dole resolution, which I believe is Senate Resolution 117, that we would have a vote up or down on that resolution as amended very shortly. Is that the plan?

Mr. MITCHELL. The agreement which I intend to propound calls for commencing debate on that resolution at 4:15 p.m., with 75 minutes of debate, with a vote then to occur at 5:30 if all of the time is used, or at an earlier time if some of the time is yielded back.

Mr. EXON. And it would require asking unanimous consent of the Senate to accomplish what the leader has just suggested.

Mr. MITCHELL. That is correct.

Mr. EXON. I say I have some reservations on the resolution as submitted, that I intend to be talking to Mr. DOLE, and the Senator from Oklahoma, and others about it with regard to some kind of a barter arrangement. Can the majority leader tell me whether or not Senate Resolution 117 is amendable between now and when we would have the cloture vote in the approximate time area that the majority leader has outlined?

Mr. MITCHELL. If there is no agreement to the contrary—and I emphasize that I intend to propound an agreement—but if there is no agreement to the contrary then the resolution may not be modified, and the vote will occur immediately. As part of the agreement I intend to propose that Senator DOLE be permitted to modify the resolution between now or between the time in which the agreement is reached, and the time it is presented to the Senate for consideration at 4:30 p.m.

Mr. EXON. Let me ask this question: If I understood what the leader just said, it would be up to Senator DOLE to provide modification of the amendment. Could other Senators provide an amendment to the Dole resolution?

Mr. MITCHELL. Under the proposed agreement no amendments or motions would be in order once the modified resolution has been introduced by Senator DOLE.

Mr. EXON. I may have an objection to that but possibly we can work something out.

Mr. NUNN. Mr. President, will the leader yield?

Mr. MITCHELL. Yes.

Mr. NUNN. I share some of the same sentiments of the Senator from Nebraska. I would like to be able to work constructively with the Senator from Kansas on a couple of what I think are very essential amendments to his resolution including some explicit directions to the administration to give the American taxpayer some protection here on this credit by taking back some form of barter agreement or arranging for some sort of barter agreement with the oil and gas resources being security.

I would also like to at least discuss seriously the possibility of an amendment that would require the Republicans, at least the Republicans that met with the President of the Soviet Union about a week ago, to be part of this agreement because they are the ones with the resources. Increasingly they are going to have the resources, and we will have to look to them for credit.

In addition I think that by doing that we would be fostering the federation approach in strengthening the decentralization there.

So my question really is, and perhaps the Senator from Kansas could address this, will we have an opportunity to either amend this or work with the Senator from Kansas constructively to modify this resolution?

I think the Senator makes some good points in the resolution but a number of us I think were not aware of any agreement—could have been; I am sure I was out of town—to preclude amendments.

So I ask the majority leader and the Senator from Kansas, would they be willing to allow us either to work with the Senator from Kansas in seeking some amendments, or to be able to propose certain amendments along that line?

Mr. MITCHELL. Mr. President, if I might respond—and then I will yield to the distinguished Republican leader, the author of the resolution, unless we get an agreement now there can under the previous agreement be no modification or amendment, and a vote will occur instantly. The agreement which I will shortly propound will permit Senator DOLE to modify the resolution, a right which he does not now have, and then bring forward the modified resolution at 4:30, 4:15 and then have a vote on it later.

So I will now yield to him. I assume he would be perfectly willing to entertain suggestions by the Senators who may be inclined to support the resolution in that manner.

Mr. DOLE. Mr. President, if the Senator will yield, we were having a discussion, as he was speaking on the floor, with the Secretary of Agriculture in my office and with the Senator from Oklahoma [Mr. BOREN], who I guess had a discussion in the Democratic caucus and with the ranking Republican on the Senate Agriculture Committee, Senator LUGAR, because there have been a number of concerns—I think all of us want to make as certain as we can—about whether we are going to be repaid.

Nobody wants to make it a gift of $1.5 billion. Plus we want to protect the interests of the various republics. That is made clear in the resolution that we offered and even clearer in the modification.

So what we have been discussing in there, it might be in an effort to accommodate the Senator from Georgia and the Senator from Nebraska on the question about barter, and maybe other questions, if we can agree that we might have the resolution referred to the Senate Agriculture Committee where they can have a hearing and take up various changes, trying to accommodate the concerns of a number of Senators.

I am going to go back to that discussion. I would like to have an open discussion on amendments. We did enter into an agreement—whenever it was—so we would not hold up the budget resolution. Maybe we could have held up the budget resolution, as I look back.

I would be willing to accommodate the Senator from Georgia and, thus far, the Senator from New Jersey and the Senator from Arizona have been most willing to let us modify the amendment. But I do not see how we are going to be able to do that between now and 4:30.

I say to the majority leader that, first, we might postpone consideration until later this week, or, second, send it to the Agriculture Committee, get the administration up to testify, if that might be agreeable with the Senator from Arizona and the Senator from New Jersey.

Mr. DODD. Mr. President, I wonder if we might as well—and I do not see Senator PELL on the floor.

I totally agree with the point that the Senator from Georgia raised, particularly about the Baltic States and the other republics and their right to be able to exercise independence here; and because of the foreign policy it may be some joint referral, so that the Foreign Relations Committee might look at those aspects and determine the implication of a provision such as the one suggested by the Senator from Georgia before it comes back to the full Senate consideration.

Mr. DOLE. Mr. President, we have discussed the joint referral, too, because there are foreign policy considerations, as well as the creditworthiness law that was put in the 1990 farm bill. As far as I am concerned, it is a pretty good provision.

If we are going to be called upon to pick up the guarantees, then we want to make certain. There is some feeling that the creditworthiness law is drawn so tightly that even in a matter of national interest, the President has no flexibility. But I think if we can have a time limit on it, maybe we can come back.

We met this morning with Mr. Shevardnadze, the former Soviet Foreign Minister, who has great credibility. He thinks we are making a great mistake if we do not approve the export credits. He does not understand any objection to the Baltic States. I guess he has a lot of creditability in this Chamber and elsewhere.

I raise some of the problems that we have because troops landing in Armenia yesterday did not help much, and the fact that the three prime ministers are here from the Baltic States, saying that they prefer not to extend credit, has not been particularly helpful either. I will meet with them later this afternoon.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I yield to Senator LEAHY.

Mr. LEAHY. Mr. President, the suggestion was raised as to the Agriculture Committee as one of the referrals. Of course, I will leave it to the Chair where it goes. If it goes before the Agriculture Committee, naturally, as a courtesy to the sponsors of it, we will try to expedite hearings.

Having said that, I wonder if I might ask the majority leader, when are we going to vote on the cloture motion? I have a hearing underway, and I want to tell the witnesses whether we will be there or not.

Mr. MITCHELL. Mr. President, one of the problems we have is that unless we reach agreement on the disposition of the Dole resolution—under the prior agreement entered into by unanimous consent 12 days ago, that vote will occur immediately prior to the cloture vote. We are already 15 minutes over on the cloture vote and 30 minutes over on the vote on the Dole resolution.

I see the Senator from New Jersey here, and I would like to inquire of him and of the distinguished Republican leader whether there is any objection to a referral of the Dole resolution jointly to the Agriculture and Foreign Relations Committees. If we can get unanimous consent on that, I am going to inquire of the Chair momentarily that that then permit us to dispose of this matter and proceed to the cloture vote, if we obtain unanimous consent to vitiate the vote on the Dole resolution and refer it to the Agriculture and Foreign Relations Committees.

The PRESIDING OFFICER. If that agreement is reached, then the vote would occur on the cloture motion.

Mr. MITCHELL. Mr. President, I ask the Senator from New Jersey that question.

Mr. BRADLEY. Mr. President, I say to the majority leader that I have no objection to the Dole resolution being submitted to the Agriculture and Foreign Relations Committees to be reported back on June 15. I would have no objection to that—on June 15 or after June 15. I have no objection to that whatsoever.

I do not know if I can speak for Senator DECONCINI, the distinguished Senator from Arizona, but I have no objection.

Mr. EXON. Will the majority leader yield?

Mr. MITCHELL. Yes, sir.

Mr. EXON. Mr. President, I hope that maybe we can get an agreement to do what has just been suggested, make referral of this to the committee of jurisdiction, because I think probably something at least could be worked out that we could come to a vote on. However, I retain my right to object to the unanimous-consent agreement that is being proposed, unless something like that can be worked out.

Mr. BUMPERS. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. BUMPERS. Is it not possible to change the resolution so we can vote on cloture now and resolve the Dole problem later?

Mr. MITCHELL. I am about to propound that, because Senator DECONCINI is not here, and Senator BRADLEY is not able to speak for him, as he has indicated.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. MITCHELL. Yes.

Mr. LEAHY. Mr. President, I do not want to mislead, in any way, the distinguished leaders on the question of referral. This is within the jurisdiction of the Agriculture Committee. If we are going to have referral to two committees, I suggest that it be sequential, first, to the Agriculture Committee which really wrote the credit part and has jurisdiction over the credit part and is the one that has to make the determination on that.

The distinguished ranking member of the Agriculture Committee, Mr. LUGAR, is on the floor. If there is going to be referral to more than the Agriculture Committee, I suggest it be sequential, and it would probably be more appropriate under the rules.

Mr. MITCHELL. Mr. President, it seems to be that there are a number of Senators here anticipating a vote, and it would be most efficient and least inconvenient to the larger number of Senators if we can proceed to have the vote on the cloture motion now and then attempt to resolve the manner in which the Dole resolution would be handled.

I, therefore, ask unanimous consent that the Senate proceed to the cloture vote on the motion to proceed to S. 429.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 429, a bill to amend the Sherman Act regarding retail competition:

Herb Kohl, D.K. Inouye, J. Lieberman, Carl Levin, Claiborne Pell, Paul Simon, Alan Cranston, Bob Graham, Chuck Robb, Howard Metzenbaum, Bill Bradley, Tom Harkin, J.J. Exon, Slade Gorton, Warren B. Rudman, Alfonse D'Amato.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 429, the Price Fixing Act of 1991, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 61, nays 37, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—61

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Byrd
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dodd
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatfield
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wirth

NAYS—37

Bond
Boren
Burns
Chafee
Coats
Cochran
Craig
Danforth
Dixon
Dole
Domenici
Durenberger
Garn
Gramm
Hatch
Heflin
Helms
Johnston
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Nickles
Pressler
Roth
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Pryor

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The Senate continued with the consideration of the resolution.

Mr. BRADLEY. Mr. President, I will ask unanimous consent that selected documentation of human rights violations committed by the Soviet Union in the Republic of Lithuania from January to April 1991, be printed in the RECORD in full.

Mr. President, the documents include an address of the Supreme Council of the Republic of Lithuania; a statement to the United Nations Human Rights Committee with respect to the end of human rights violations following the intensifying of U.S.S.R. aggression in the Republic of Lithuania; conclusions of the independent military experts of the public organization "Shield" on the events in Vilnius January 11–13; chronicle of offenses committed by U.S.S.R. Armed Forces on the territory of the Republic of Lithuania; eyewitness accounts of the Soviet attack on Lithuania broadcasting facilities in Vilnius on January 13, 1991; information on the victims of the Armed Forces of the U.S.S.R. April 30, 1991; list of injured as a result of Soviet military actions; documents from the department of statistics under the Cabinet of Ministers of the Republic of Lithuania; and a document related to the Supreme Council of the Republic of Lithuania Bureau of Information, dealing with events on January 25, 1991.

I ask unanimous consent that all these documents be printed in the RECORD and available for all Senators to peruse and study in preparation for the resolution when and if it comes to the floor.

There being no objection, the documentation was ordered to be printed in the RECORD, as follows:

SUPREME COUNCIL OF THE REPUBLIC OF LITHUANIA ADDRESS TO THE U.N. SECRETARY-GENERAL AND SIGNATORIES TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Stating that one year ago, on 11 March 1990, Lithuania re-established State Independence and that despite the crimes that are being committed bythe U.S.S.R. Military Forces, the Government of the Republic of Lithuania is in control of the Republic's territory and of the situation in the country;

Emphasizing that the 9 February 1991 plebiscite once again indicated the will of Lithuania's people to live in an independent democratic state of Lithuania,

Reminding that many democratic countries of the World have not recognized the forcible incorporation of Lithuania into the U.S.S.R. in 1940;

Expecting that the U.S.S.R. will also change its attitude toward Lithuania's annexation;

Respecting and appreciating the actions of the UNO members, Iceland and Denmark, toward re-establishment of diplomatic relations with the Republic of Lithuania;

Emphasizing adherence to the Universal Declaration of Human Rights;

Pledging itself to cooperate with the United Nations Organization and to ensure universal and true observance of human rights and fundamental freedoms in the Republic of Lithuania,

Accordingly addresses the Secretary General of the United Nations Organization and the signatories to the International Covenant on Civil and Political Rights and requests:

1. To appeal to the UN Commission on Human Rights to investigate the flagrant violation of human rights committed by the U.S.S.R. armed forces in Lithuania on 11–13 January 1991 which is still continuing.

2. To discuss the situation in Lithuania and in the Baltics at the forthcoming plenary session of the UN General Assembly under article 35 or the United Nations Charter, the obligations provided wherein are assumed by the Republic of Lithuania.

3. To condemn the actions of the U.S.S.R. against the independent state of Lithuania, the people of Lithuania and its legally elected Government that violate paragraphs 3 and 4 of article 2 and paragraph 1 of article 33 of the United Nations Charter.

4. To act as a mediator in speeding up the start of the inter-state negotiations between the U.S.S.R. and the Republic of Lithuania, with the participation of observers from the United Nations Organization, contributing in this way to the elimination of threat to international peace and security in the Baltics.

VYTAUTAS LANDSBERGIS,
President, Supreme Council of the Republic of Lithuania.

VILNIUS, *12 March 1991.*

STATEMENT TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE WITH THE REQUEST TO END HUMAN RIGHTS VIOLATIONS FOLLOWING THE INTENSIFYING U.S.S.R. AGGRESSION IN THE REPUBLIC OF LITHUANIA

The Supreme Council of the Republic of Lithuania, which was democratically elected in February of 1990, restored the statehood of the Republic of Lithuania, which has been occupied by the Soviet Union since 1940, by proclaiming on March 11, 1990, the Act of Independence. The will of the people was demonstrated in the Baltic Way protest (the joining of hands from Vilnius to Tallinn) against Soviet occupation on August 23, 1989. At that time, 1,576,569 signatures (59.4% of the population) were collected in Lithuania demanding the departure of the occupying Soviet military forces. On February 9, 1991, in a plebiscite vote, 90.47% (or 76.47% of the voting population) voted in favor of a democratic and independent Republic of Lithuania.

The majority of the nations of the world do not recognize the forceful incorporation of Lithuania, a former member of the League of Nations, into the U.S.S.R. The leadership of the Republic of Lithuania, in fulfilling the free will of the people of Lithuania, has sought through peaceful means, which include political negotiations, to come to agreement with the U.S.S.R. on the restoration of statehood as well as normal interstate relations between Lithuania and other states.

Unfortunately, since the declaration of the independence of the Republic of Lithuania in 1990, the U.S.S.R. has sought and continues to seek the restoration of an occupational regime in Lithuania through various means, such as the use of military force, the slaughter of peaceful inhabitants and the undermining of independent political structures. These acts of Soviet aggression are supported and consolidated by anticonstitutional organizations active in Lithuania. These organizations represent the occupational regime of the U.S.S.R. which has systematically and brutally violated all documents for the defense of universal human rights. On January 11–13, 1991, special armed forces and other U.S.S.R. military divisions, with the use of tanks, armored vehicles and other military equipment, attacked the peaceful inhabitants of Vilnius in seeking to assist the leaders of the Communist Party of the Soviet Union (CPSU) in Lithuania to forcefully overthrow the constitutionally elected government of the Republic of Lithuania against the will of the inhabitants.

The U.S.S.R. violates the human rights in the Republic of Lithuania with the intent to destabilize the political situation in Lithuania.

It attempts to once again force a comprised Soviet regime upon the inhabitants of the Republic of Lithuania through the use of the most horrible means of U.S.S.R. military terror;

Draft-age men are being taken from Lithuania and forcefully drafted into the Soviet army ;

The right of the people of Lithuania to objective information is being denied as access to the state mass media facilities of the Republic of Lithuania is given exclusively to the representatives of the Lithuanian local division CPSU through the use of the occupied state television, radio stations and publishing houses;

Soviet military treat journalists with brutality, breaking cameras and often detaining reporters;

Disinformation is being spread in the Republic of Lithuania and on an international level through the seized media of mass communications;

Ecological diversions and ecological blackmail such as threats to cut off energy supplies or even to blow up the Ignalina nuclear power plant are widely spread as extremistic diversions to intimidate the inhabitants of Lithuania;

The economic blockade of the Republic of Lithuania is being intensified;

The blocking and restrictions of the general use of transportation (train, air and sea transports) for Lithuanian importing and exporting to and from Russia, the Ukraine, Moldavia and other Republics of the Soviet Union;

A state of martial law is being imposed throughout Lithuania through the imposition of U.S.S.R. military rule and military patrols;

State and public buildings of the Republic of Lithuania are being occupied and ransacked;

Archives of Lithuanian history, culture and the press are being destroyed;

Border posts of the Republic of Lithuania are being demolished and the inviolability of the state borders of Lithuania are not being respected;

Peaceful inhabitants of the Republic of Lithuania are being terrorized. Soviet soldiers are breaking into private flats without any Procurator's sanction. The people are being beaten and mutilated (only in January, 1991, 13 people arrested beaten and mutilated (only in January, 1991, 13 people arrested by the military patrols of the Soviet Army were badly injured, 9 were hospitalized with brain traumas or skull fractures, and 2 were shot);

National discord is being sown both in the Republic of Lithuania and beyond it; specially trained agents of the CPSU and KGB are being sent to the Republic of Lithuania to this end;

Institutions of the U.S.S.R. are using the intellectual property of the Republic of Lithuania and its citizens, without the compensation and without the permission of the rightful authors, for the specific intent to support the functions of the occupationary regime;

The blocking of the opportunity and means for foreign diplomatic representatives to travel to the Republic of Lithuania, thereby prohibiting them from establishing foreign consulates and other facilities in Lithuania as well as interfering with attempts by foreign representatives to participate in international meetings and other conferences and symposiums held in Lithuania. (For this reason, it was impossible to convene the Second International Human Rights Conference in Vilnius in spring of 1990, international conference on privatization in Vilnius in January of 1991 and many others);

Normal trade, postal and international health service relations are being blocked; in certain cases, medical aid and International Red Cross efforts to assist those suffering from injuries as a result of Soviet military actions are being blocked by the occupationary institutions of the U.S.S.R.

All of the above attest to the terror and blackmail being conducted by the U.S.S.R. against the Republic of Lithuania and its inhabitants. Below, certain cases and consequences of the U.S.S.R. aggression against the inhabitants of the Republic of Lithuania and other people in its territory are examined in greater detail.

The thread of these aggressions to the security and cooperation in Europe for the most part was not well taken into account at the United Nations' Human Rights Commission 47th session in Geneva in February of 1991, when discussing the human rights violations by Soviet militaries. Representatives from the U.S.S.R. were only obliged to refere to Commission about purposes of these violations. However, as it is known the leadership of the U.S.S.R. falsified facts about similar incidents of soviet military aggression in Tbilisi, Baku and Fergana.

I. SOVIET AGGRESSION

In using military force against the political independence and sovereignty of the Republic of Lithuania, the U.S.S.R. committed an act of aggression as defined by the December 14, 1974 UN General Assembly in Chapter 3, article (a).

The U.S.S.R. is utilizing various political methods (e.g., resolutions of U.S.S.R. Congress of People's Deputies, decrees of the U.S.S.R. President, ultimative appeals from the CPSU, etc.) in seeking to impose its own laws on Lithuania. The U.S.S.R. is interfering in the execution of the laws passed by the Supreme Council of the Republic of Lithuania in expressing the will of the inhabitants of Lithuania. Citizens of the Republic of Lithuania are being barred from adhering to legitimate national constitutional rights such as not serving in the occupational U.S.S.R. army, choosing alternative service, etc.

The primary goal of the Soviet Union's political, economic and ecological aggression was and still is to destabilize and overthrow the legitimate, constitutionally elected leadership of the Republic of Lithuania. In this way the rights of the citizens of Lithuania to free self-determination and choice of political power are being grossly violated.

The U.S.S.R. is refusing to withdraw the Soviet army from the territory of the Republic of Lithuania, despite the fact that 1.6 million inhabitants of Lithuania (over ⅗ of the adult population) signed such a request in the summer of 1989. Furthermore, additional units of the Soviet army and special forces have been deployed in Lithuania after December 1990. Violent "recruiting" of draft-age men into military service has been continuing in Lithuania. Persons having left the Soviet armed forces of their own free will are being hunted down and forcibly returned. From March 11, 1990 to February 1, 1991, 24 young Lithuanians serving in the Soviet armed forces have been killed and some of them committed suicide. Army supervision is taking place in all of Lithuania on the pretext of searching for draftage men or "deserters". Soviet soldiers are terrorizing Lithuanian state deputies, breaking into private flats, injuring, threatening and intimidating inhabitants.

The "state of emergency" has been attempted to be introduced in Vilnius and other locales of Lithuania by the Soviet military forces in January and February of 1991. Only the Supreme Council of the Republic of Lithuania can declare a state of emergency in Lithuania. Besides, Article 4 of the Internatonal Pact on civil and political rights (as well as Article 17 of the U.S.S.R. Law on the Legal Regime of the State of Emergency) requires informing the UN General Secretary about the introduction of such a state. This was not done by Soviet officials.

On January 11, 1991, Soviet paratroopers seized the press house, the Department of National Defence building, buildings belonging to the Hunter and Fishermen's Society, and the Nemecine television retransmission tower. On January 12, the Soviet paratroopers seized the Defence Department's border post on the Pariece-Druskininkai road, blocked the telephone communications of the Lithuanian State News Agency and other information agencies, and seized the dispatch station of the Vilnius railroad center. Important republican buildings being guarded voluntarily by unarmed inhabitants were surrounded and attacked.

On the night from January 12 to January 13, 1991, Soviet paratroops, together with heavy tanks and combat armored vehicles, stormed and seized the Vilnius Television Tower as well as the television and radio administrative buildings. A representative of the anonymous "National Salvation Committee" declared through mass communication media to inhabitants that the Lithuanian Supreme Council ended its activity and that this committee was seizing power and that a "curfew" was being introduced in the republic. Sometime later the international telephone and telegraph station was seized. In the months of March and April attempts again were made to seize various republican buildings of communications, banks. Technical school in Vilnius and Lithuanian paper warehouses were seized by special Soviet militsia contingents. On April 19 the Lithuanian border posts near Medininkai were destroyed.

Anti-constitutional utilization of Soviet military units. The January 11–13 Soviet military unit violence resulted in 702 casualties. Seventeen persons died those of which 11 were shot, 3 were crushed by tank treads, and 2 killed from explosions. Soviet paratroops demonstrated extreme cruelty against the unarmed defenders of the Lithuanian radio and television buildings. Victims were crushed by tank treads that had been using spotlights to blind them. Special Soviet military units used dum-dum bullets (whose use is prohibited by international law), beat people with rifle butts and kicked those who had fallen. 52 persons were injured by bullets, 136 are recovering from stab wounds and lacerations, and 10 are suffering from burns. 416 persons suffered ear injuries as a result of close-range cannon shots. The windows of flats in the surrounding neighborhood were shattered by acoustic waves. In the month of April, 153 victims of these military agressions are still being held and cared for in hospitals.

Anti-constitutional activities of the anonymous "National Salvation Committee", founded by the CPSU

To justify the military coup d'etat of the legitimate authority of the Republic of Lithuania, the Soviet occupational bodies and collaborators used the excuse for the alleged "division" of the CPSU property. The "division" was to be executed not in court but by Soviet military forces representing the interests of the Soviet empire. That was affirmed by independent U.S.S.R. military experts Shield ("Schit") including U.S.S.R. deputies of different levels (their conclusions are attached to this statement).

II. ECOLOGICAL DAMAGE

The environmental pollution of Lithuania and anthropogenic degradation has reached critical limits. The main Lithuanian rivers have been so severely polluted that they no longer can be safely used for drinking or recreation. The Lithuanian coast of the Baltic Sea is particularly the worst polluted area. The damage done to the Lithuanian economy by the Soviet imperial policy exceeds 350 million rubles every year. The damage is increasing from 3% to 5% annually. Far more important and greater damage occuring to Lithuania and neighboring countries are caused by the deformations of the genetic structure which are a result of backward technologies and their wrong use and the negative influence on people's health, fauna and flora is not taken into account.

The structure of Lithuanian economy enforced by the Soviet imperial system and deformed by one-sided specialization inevitably led to the ecological catastrophe of our country, which means gradual dying out of the small Lithuanian nation. The impoverishment of Lithuanian nature and ruined landscape is one of the greatest irreparable damages of compulsory incorporation of Lithuania into the U.S.S.R.

The South Lithuania's inhabitants have suffered losses inflicted upon them by the Chernobyl accident. Greater obstacles created by the blackmail of the conservative forces of the great Soviet empire threaten the very survival of the Baltic States. As Soviet troops pull out of Eastern Europe and are moved to the Republic of Lithuania and forced to dwell in bad conditions, aggressive military extremists threaten to blow up the Ignalina nuclear power plant and other key structures which would endanger the ecological system of the entire Baltic region.

III. ECONOMIC BLOCKADE

The Soviet economy blockade imposed on the Republic of Lithuania from April 18 to July 1, 1990, interferred with the normal functioning of the economy and the meeting of peoples needs. The total losses of the Republic of Lithuania including the preliminary loss of potential profit amount approximately to 1.5 million rubles.

As a result of the economic blockade, the supply of the main natural resources, specifically fuel, to Lithuania under contracts was cut short. The Soviet government blockaded rail shipment and set back the development of the Lithuania national economy at the time when she was making attempts to overcome irrational territorial distribution of the economy and colonial specialization. Fodder contracts which had been broken forced the killing of cattle.

Only within 3 months of 1990 Soviet Union forced Lithuanian industrial enterprises to lose 415.5 million rubles in unproduced goods. The production of consumer goods was cut in half, while only 1/10 of fuels stocks were available and transportation was down by 1/3. The Soviet government used the savings of the Lithuanian people for its own interests (6.7 billion rubles) as well as credit stocks of the Lithuanian enterprises and organizations.

The Republic of Lithuania statistics department reports that the total amount of goods illegally seized by the Soviet military during the months of January and February, 1991, reach approximately to 74.9 million. General medical expenses have reached 6 million rubles, of them the treatment of traumas 1.1 mln, rubles. From the seized radio and television centers alone damage amounts to 45.7 million rubles, with technical equipment reaching 18.7 million rubles in damage and the seized film equipment worth over 21.7 million rubles.

IV. VIOLATIONS OF HUMAN RIGHTS

The U.S.S.R. is grossly violating fundamental human rights of the Lithuanian people as defined in the 1966 International Covenant on Civil and Political Rights. Civilians were killed during military attacks (violation of the Convenant, Article 6), civilians were shot dead, tortured, assaulted (violation of Article 7), and they were arbitrarily detained and arrested (violation of Article 9). At the same time the Soviet troops violated the 1984 Convention Against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment (violation of Articles 1 and 2). The freedom of expression of the Lithuanian people is being grossly violated, the main mass media buildings of Lithuania were seized (violation of International Covenant On Civil and Political Rights, Article 19). The Soviet Union by all these actions also violated its obligations under the Final Act of the Coppenhagen Conference and the Paris Charter For New Europe in which the freedom of expression of opinion, as well as the ban of arbitrary detention and arrest, cruel, inhuman or degrading treatment.

The Soviet occupational army without any right has been recruiting conscripts by force, secretly taking them away from Lithuania and subjecting them to army service. In 1990, 24 young men were captured and taken away from Lithuania. 17 Lithuanian soldiers who have refused to serve have been framed and sentenced.

The communist organizers of the Soviet military coup d'état in Lithuania backed by the military are still running the national TV and radio networks. The Press Center, seized by the military, housed 14 Lithuanian newspaper and magazine offices and the printing plant in which almost all national Lithuanian periodicals were printed. 1,500 journalists and printers lost their jobs. About 2,000 journalists and technicians were thrown out of the Lithuanian Radio and TV Centre. The main thing is that irreparable and inestimable damage has been inflicted upon Lithuanian culture, publication of books, magazines and newspapers, radio and TV programmes. The press laws of the Republic of Lithuania are being ignored. The freedom of expression and speech of journalists, writers and composers is being violated. The exclusive right of copyright is being violated: directors, writers, actors and other cultural workers are protesting the broadcasting (of videotape recordings, etc.) of their works on television and radio station controlled by the Soviet military personnel, yet these protests are being ignored.

V. INCITEMENT OF NATIONAL DISCORD AMONG ETHNIC GROUPS

The Soviet mass media ("Vremia" and "Pravda") reports of the events in January that the Soviet army brutality against Lithuanian inhabitants was displayed as a fight between supporters of Lithuanian sovereignty and reactionary forces faithful to the imperial policy of the Soviet Union. In fact, ⅔ of Lithuania's Russians and Poles support a democratically independent Lithuania as was demonstrated in the February 1991 plebiscite results. The anticonstitutional hostility to Lithuanian independence propaganda on the Lithuanian TV and radio seized by the military and on the Soviet military radio station should be treated as the CPSU infringement on the right of the Lithuanian people to impartial information. Slander, lies and misinformation are being used in order to create an illusion of national discord among Lithuanians, Russians and Poles. Moreover, censorship has been imposed on the Soviet mass media. Miscauses and consequences of the Soviet aggression against the Republic of Lithuania is being spread in the Soviet Union and all over the world. People are being intimidated and misinformed in Lithuania and outside her borders. High tension is being created especially in Lithuania which is being produced not only by the Soviet mass media. Day and night, tanks and armored cars patrol the streets of Vilnius and other cities to create a atmosphere of danger to human lives. There have been cases when Soviet tanks have crushed cars filled with people.

In the light of the conditions mentioned above and in behalf of 438,214 inhabitants of Lithuania we appeal to the United Nations Human Rights Committee requiring to:

1. Deliberate and condemn the on-going acts of aggression by the U.S.S.R. against the human rights of Baltic nations;

2. Propose to the United Nations Security Council to convene a special session for deliberation on the consequences of the U.S.S.R. aggression against Lithuania, Latvia and Soviet Georgia the dangers it poses for international security and peace;

3. Use all possible means to ensure that the aggressive acts committed by the President and Government of the USSR against democracy and the peaceful inhabitants of the Republic of Lithuania would be restrained, and the situation in the Baltic republics would be controlled according to procedures outlined by international organizations and agreements of the Conference on Security and Cooperation in Europe;

4. Invite specialists in the areas of international legal procedures, as well as international constitutional and political law for impartial evaluation of the consequences of the USSR's aggressive acts in Lithuania and human rights violations;

5. Mediate and assist in the restoration of the status of the Republic of Lithuania in international organizations with account of its priorities as former member of the League of Nations.

The copies of signatures will to be attached later so as signing of the appeal to Committee is still continued after sending this Statement.

The Chairman, Lithuanian Association for the Protection of Human Rights (LAPHR), Antanas Buracas.

The Chairman, Council of Independence Party, Commission on Human Rights and National Minorities, Supreme Council of Republic of Lithuania, Virgilijus Cepaitis.

Honorary Chairman, LAPHR, Founding Member of Lithuanian Helsinki Group, Viktoras Petkus.

The Chairman, Lithuanian Sajudis Council, Juozas Tumelis.

CONCLUSIONS OF THE INDEPENDENT MILITARY EXPERTS OF THE PUBLIC ORGANISATION "SHIELD" ON THE EVENTS IN VILNIUS, JANUARY 11–13, 1991

At the invitation of the State Commission of the Republic of Lithuania created to investigate the event of January 11–13, 1991 (Chairman, Prime Minister G. Vagnorius), a commission of independent military experts, including a captain of first rank in the reserves of the U.S.S.R. Army, A. A. Yevstigneyev (Commission Chairman and People's Deputy of the RSFSR, Ph.D. in engineering); a lieutenant-colonel in the reserves of the U.S.S.R. Army, I. V. Bychkov; a colonel of the U.S.S.R. Army, S. M. Kudinov (People's Deputy of the RSFSR); a captain of the second rank in the reserves of the USSR Army, G. M. Melkov (doctor of law, professor of law); and a major in the reserves of the U.S.S.R. Army, N. M. Moskovchenko, conducted the following investigation from February 3 to 12, 1991:

(a) studied the documents made available to the commission, reviewed three video films of the events of January 11–13, studied the tapes of radio intercepts of conversations of the military, studied the documents and conclusions of legal-medical experts, as well as the notes and affidavits of medical and auxiliary personnel in hospitals and the morgue, and reviewed statements given to the press by various government, military, Party, and public officials, and other relevant documents;

(b) held detailed discussions with members of the Government of the Republic of Lithuania, with members of the Lithuanian Procuracy [prosecuting authorities], with heads of departments, and other officials;

(c) had meetings and detailed discussions with members of the Communist Party of Lithuania (Secretary of the CPL Central Committee Jarmalavicius—the main contact for the CPL and the National Salvation Committee; Secretary of the CPL Central Committee General Naudziunas and a member of the National Salvation Committee according TASS reports in "Izvestia"; Secretary of the CPL City Committee Khadunkin; member of the CPL Central Committee Shurupov; and others); with the [Soviet] Procurator General of the "Lithuanian SSR" Petrauskas; with the representative of the USSR KGB, Ruksenas; and with managers of the Vilnius radio factory;

(d) had discussions with the vice chairmen of the Democratic Labor Party, V. Gerzonas and V. Beriozovas;

(e) had meetings and discussions with soldiers and officers of the Vilnius garrison and their family members, and with Vilnius residents of various ages and ethnic backgrounds; and

(f) [had a telephone discussion with] the military commander of the Vilnius garrison, Major-General Uschopchik, who refused to have an official meeting, saying that he did not recognize the Government of the Republic of Lithuania, and stated "your official mission means nothing to me."

The Military Commander of the Vilnuis garrison, Colonel Byelous, refused to meet, maintaining that all available documents had already been handed over to the investigator.

The head of the garrison's political department, Colonel Smokarev, refused to have a meeting. Repeated attempts to establish contact with him and others were fruitless.

A discussion with the head of the political department of the Military Commissariat for the Republic of Lithuania, Lieutenant-Colonel Golubev, was held, in which he asserted that he did not recognize the Government and the laws of the Republic of Lithuania.

President Landsbergis and Prime Minister Vagnorius received the commission members.

THE SITUATION IN VILNIUS UP TO JANUARY 11 AND THE REASONS WHICH CAUSED ITS WORSENING

The Supreme Council led by Vytautas Landsbergis came to power as a result of free and democratic elections and on March 11, 1991, passed the Act of the restoration of the independent Lithuanian State and moved in the direction of practical realisation of its total sovereignty.

The CP of Lithuania was split. The greater majority of the communists (about 90%) formed the Democratic Labour Party (chairman A. Brazauskas), and the rest—the CPL on the platform of the CPSU (chairman M. Burokevicius). The property of the Lithuanian communists hasn't been divided between the parties in question, although it's evident that the CPL has rights to only one tenth of the property. In the result of the first legislative acts the CPL practically lost not only economic, but, what is important, political power. Lithuania was the first republic, in which the CPL (CPSU) lost faith not only of the people but of the greater majority of the communists themselves and became no more than one of the social organisations of the Republic. At the same time Lithuania was the first of the Republics of the USSR which declared that an independent way of development had been chosen in full accordance with the international Pacts on Human Rights of 1966, Final Act of 1975 and Paris Charter of 1990.

It should be said, however, that by striving to strengthen the independent statehood under the conditions of factual economic blockade by the Centre as quickly as possible, the Supreme Council of the Republic of Lithuania passed a number of laws (i.e. on language, citizenship, which to a certain extent violate the rights and interests of non-Lithuanians and military servicemen and their families: picketing of cantonements and worsening of life conditions of the military servicemen have been observed.

The discontent of the population has been increased by the January 7, 1991 Decreee of the Government on many-fold price increases. On January 8 a rally was held outside the Parliament building, attended by workers of all nationalities (Lithuanians, Russians, Byelorussians, Poles etc.) which raised political and economic issues. Under the pressure of the people the Parliament suspended the Government Decree on the price increases while the K. Prunskiene-led Government resigned.

Making expert use of the natural discontent of the population with the ever deteriorating standard of living (in fact, these standards are deteriorating all over the USSR) and under conditions of full absence of any inter-national conflict, the CPL, aimed at the reestablishment of its power, allegedly on behalf of the workers and peasants, and assisted by the Armed Forces, forces of the Ministry of Internal Affairs and KGB of the USSR.

CHRONOLOGY OF ORGANISATIONAL AND POLITICAL ACTIVITIES OF THE CENTRE, THE CPL AND THE MILITARY SERVICEMEN PRECEDING THE EVENTS OF JANUARY 11–13, 1991

August 29, 1990 Decree of the Secretariate of the Central Committee of the CPSU Article 4/5, secretly signed by the Deputy General Secretary of Central Committee of CPSU Ivashko "On the results of meetings and talks with party activists, communists and workers of the Lithuanian SSR":

"Paragraph 7. The State—Legal Department of the CC CPSU with the help of the country should organize measures in bringing to trial leaders of various nationalist and anti-Soviet social organisations, extremist and deserters violating Soviet law, for criminal and administrative activities.

The activities of the USSR Ministry of Internal Affairs of the USSR, the KGB of the USSR, and the Supreme Court of the USSR should be coordinated for these purposes and an operational-investigator group should be sent to Lithuania. Together with the KGB of the USSR to analyse the request of the CC of the CPL (Burokevicius) to include the communists of military units located in Lithuania into the lists of the republican communist organisation. . . .

Paragraph 10. Social-economic and agricultural departments of the CC CPSU should organize a series of measures in support of Lithuanian peasants, protesting against the agrarian policy of the Supreme Council of the Lithuanian SSR (Independent Gazette, January 29, 1991).

November, 1990. Plenary meeting of the Central Committee and the Central Committee of the Russian Federation. Said Polozkov: ". . . the idea of forming the NSC and the defence of socialism is ripe in many places. . . . it would be fine if party committees together with deputy-communists were the initiators of the given cause."

December 1, 1991.—Decree of the President of the USSR on using military units in the republics to ensure the adequate joining of the Armed Forces of the USSR.

Decrees of the President of the USSR on relieving Bakatin of his post of Minister of Internal Affairs and appointing Pugo to the post in question, and General Gromov, the former commander of the 40th Army in Afganistan, to the post of Deputy Minister of Internal Affairs of the USSR.

All-union organisation of the deputies of all levels of "Soyuz" held the constituent assembly. It required to impose direct presidential rule in "all rebellious republics" without any further delays;

December, 1990. The supporters of KPL united their forces into Congress of Democratic forces.

December, 20, 1990. E. Shevarnadze declared his resignation from his post because he did not want to participate in the process of building up dictatorship in the country.

A joint decree N. 492/791 by Defence Minister Yazov and Chairman of State Radio and TV Committee (Gostelradio) Kravchenko "On creating of a new Creative-Industrial TV and Radio Society "Radar" (announced in mass media on February 7, 1991) was signed.

December 30, 1990. Commander of the paratrooper Armies Colonel-General Atchalov, who supervised the redislocation of paratrooper units in Moscow in September of 1990, was appointed the Deputy Minister of Defence and Major-General Grachev was appointed the commander of the paratrooper armies.

January 8, 1991. Defence Minister Yazov issues a decree to introduce paratrooper units into 7 Union Republics, first and foremost into the Baltic States, allegedly to catch all persons avoiding military service in the Armed Forces of the USSR.

Paratrooper units from the Pskov division started arriving in Lithuania. These units, however, have not been used to ensure the joining of the Soviet Army, and the Commisariates of Lithuania didn't get any orders to that effect, because the paratrooper units had to fulfill quite different tasks.

Independent military experts came to the conclusion that the decision to use military force in Vilnius aimed at carrying out a coup was made not later than on January 7.

The commander of the paratrooper armies Major-General Grachev, who was in the Baltic states at that time, made a statement that the military forces under his supervision should not take part in the political processes of the Baltic states. Following this statement he was recalled to Moscow at once.

On January 9, 1991, in Moscow, Nishanov and Oleinik, authorized by the President of the USSR, met "a group of representatives of social-political organisations of the Lithuanian SSR" who informed the leadership of the country about anti-constitutional, anti-Soviet actions of the Lithuanian authorities".

January 10, 1991. The President of the USSR accused the Supreme Council of the Republic of Lithuania of striving to restore the bourgeois regime and suggested that all earlier adopted anti-constitutional acts should be recalled and drew attention to the fact that the people require the imposition of presidential rule in Lithuania.

Satellite-communication with the Moscow post is formed in the North cantonement in Vilnius.

January 11, 1991. Member of the Central Committee of CPL Jarmalavicius announces that the Congress of Democratic Forces formed the National Salvation Committee, which empowers itself with responsibility for the fate of the Republic.

The same day paratrooper units occupied the Press Center, DOSAAF (Volunteer Society to Support the Army and Navy), Country Defense Department and Archives and thus the use of the military force and firearms started.

The first victim was the student of the Vilnius Technical School V. Lukshys, who was wounded in the head. The given operation was supervised by Colonel Kustriuk.

January 12, 1991. Deputy Minister of Defence General Achalov arrived in Vilnius to supervise the actions of the army.

The Provisional Defence Committee (PDC) was formed by the Supreme Council of the Republic of Lithuania in response to the use of military force. This committee supervises the military, political and informational defence aimed at stopping the assaults and the war waged by the USSR against Lithuania.

January 11–12. On behalf of the Supreme Council and its President citizens were urged to defend Government buildings. The population responded to the urge and thousands of people went into the streets and surrounded the Government buildings. The biggest crowds assembled by the TV tower and the Parliament of the Republic.

At 10 p.m. CPL reserve member Colonel Shurupov, at the city Party committee, instructed about 400 representatives of fighters from "Worker" squads, who were brought by buses given at the request of the managing department of the CPL.

At about 12 p.m. representatives of the NSC brought a petition to the Supreme Council of the Republic of Lithuania, in which it demanded the resignation of the Supreme Council and the imposition of presidential rule. At the same time the NSC decided to take the Radio and TV Centre and the TV tower under their control. To support and defend the fighters of worker squads from the armed fighters of the State Defence Department (there were about 1500 of them in the Tower and they were armed with cold weapons and firearms as well as incendiary mixture bottles). The committee appealed for help to the Head of the Vilnius garrison. This help was granted. (Information agency of the Central Committee of CPL, January 14, 1991, Soviet Lithuania (Litva Sovietskaja), January 19, 1991).

We, the independent military experts, take all the responsibility for stating, that the above mentioned insinuations of the NSC-CPL are abominable lies. For paratrooper armies, internal forces of the Ministry of Internal Affairs of the USSR and the KGB of the USSR to start action by making use of the 1st group tanks resolution of the President of the USSR is obligatory.

January 13, 1991, 2 a.m. Buildings of the Committee and the TV tower were occupied. Recordings, made in advance by Jarmalavicius, were being broadcast from the tanks standing by the TV tower and the armored personnel carriers patrolling in the city, informing that the NSC was taking power into its hands.

It has also been announced that on behalf of the NSC a curfew was imposed from 6:30 on January 13 and that the Head of Vilnius Garrison Major-General Uschopchik had been appointed the military commandant of Vilnius.

On the same day when the military operation was over deputy Minister of Defense Colonel-General Varennikov arrived in Vilnius.

On the basis of the event chronology investigation, documents at our disposal, publications and materials, including the secret Decree of the Secretariat of the Central Committee of the CPSU, Article 4/5, dated August 29, 1990 and signed by the Deputy General Secretary of the CC of the CPSU Ivashko "On the results of meetings and discussions with Party activists, communists and workers of the Lithuanian SSR, we, military experts have to come to the following conclusions:

1. The National Salvation Committee (NSC) is a non-registered and actually existing social organisation which had been formed long before the events of January 11–13, 1991. The leaders of the NSC are people forming the nucleus of the CC of CPL and Commanders of Vilnius Garrison. It was namely this fact that allowed the regiment commander Lieutenant-Colonel Astachov to declare: I knew many of them personally, had "meetings with them. Top guys." (Moscow News, January 27, 1990 N. 4).

Thus, the leaders of the NSC and the leading nucleus of the CC of the CPL are one and the same people although now they do their best to deny it. The same conclusion can be arrived at by analysing "The Appeal of the NSC of the USSR dated January 15, 1991 and juxtaposing it with the "Chronicle of political crisis in Lithuania" prepared by the Information Agency of the CC of the CPL dated January 14, 1991 (Litva Sovietskaja, January 19, 1991).

2. The NSC having arbitrarily usurped the functions of the Supreme power body in the Republic of Lithuania, on January 13, assisted by the military forces of the USSR to carry out a coup d'etat aimed at overthrowing the legally elected government.

This attempt, which resulted in many deaths of people and material and moral harm, failed. The most important reasons which prevented the successful carrying out of the coup are the following:

Self-sacrifice of the Lithuanian people, irrespective of their nationality, who rose to defend their legally elected government and sacrifice, if necessary, their lives defending freedom and the independence of the Republic of Lithuania;

Urgent visit of the Chairman of the Supreme Council of the Russian Federation B. Yeltsin of the Baltic States and his joint activities with the leaders of the Baltic States aimed at stabilizing the political situation in the area. Having signed the treaty with the Government of Lithuania, the Government of Russia was empowered to defend the legal rights and interests of the Russian people in Lithuania;

The negative response of the people of the world and governments of foreign countries.

3. The NSC which attempted to carry out a military coup at the expense of a great number of human lives, committed a grave state crime and therefore should be considered to be a criminal organisation.

The leaders and members of the NSC should be brought to trial for committing a grave state crime.

The analysis of documents, situation information level and actions enable to assume, that the leading nucleus of the NSC were the following persons: the 1st secretary of the CC of the CPL Burokevicius, secretary of the CC of the CPL Jarmalavicius, secretary of the CC of the CPL Major-General Naudziunas, Head of the Department of the CPL Reserve-Colonel Shurupov, 1st secretary of the CC of the Vilnius CP Committee of the CPL Lazutka, 2nd secretary of the Vilnius CP Committee of the CPL Chadunkin, secretary of the Party Committee of Radio Measurement Device Plant Dostal, and Head of Vilnius Garrison Major-General Uschopchik.

The fact that the leading nucleus of the CC of the CPL are the leaders of the NSC allows to state that on the basis of the Law of the Republic of Lithuania on political parties, the activists of the CPL should be suspended till the end of the investigation.

4. What is most appalling is the ignorance, distortion of facts and the downright lies of the NSC members—CC of the CPL manifest in the NSC appeals and the information presented by the Information Agency of the CC of the CPL.

A quotation from the NSC appeal: "The Soviet Army officer who accompanied the parliamentarians of the worker squads sent to the TV tower building . . . was shot in his back by a fighter who used an automatic gun."

A quotation from a statement made by the Information Agency of the CC of the CPL; "at the moment when the administration of the TV centre was handed the ultimatum, the officer of the parliamentarian guards was shot in the back."

And the most appalling thing is that all of this "wild" evidence was concocted by one and the same author and included into the same issue of the newspaper "Litva Sovietskaja" dated January 19, 1991.

In fact, Lieutenant Shatshich, the officer of the special units of the 7th Department of the KGB of the USSR, was sent to assist the carrying out of the coup and was quite by chance wounded by his own people during the assault on the Radio and TV Committee.

Abusive attacks and threats to the legal authorities and leaders of the Republic of Lithuania (V.Landsbergis—murderer N. 1, fascist regime etc.) published in the CPL newspaper "Litva Sovietskaja" are aimed at escalating the political instability and impossibility of a dialogue and it points not only to the lack of respect of its readers—ordinary communists and military servicemen—but at the same time it shows that the ideas defended by the CPL are doomed to failure.

The degree of worker respect for the authorities of today's Republic of Lithuania was manifested during the opinion poll (plebiscite) on February 9, 1991.

ARMY ACTIVITIES IN PREPARING THE ASSAULT AND TAKING OVER OF THE RADIO AND TV COMMITTEE AND THE TV TOWER

Radio interception data allows us to state that Vilnius Garrison tank units were ready for action and fulfilling the tasks set by the Centre, and were waiting for a special signal. It proves that the actions of the army were planned and coordinated in advance.

It goes without saying that the Head of the special department of the division, Rizov, was aware of the plans to use motorized division N. 107 (it is his direct duty to know it because he has immediate contacts with the territorial organs of the KGB of the USSR, headed in the meantime by Major-General Chaplin. Thus the information quite naturally had to be submitted to the Chairman of the KGB of the USSR, Kriuchkov and from him to the president. There are no doubts that the Head of the political department of the division, Colonel Smokarev, who organized the expedient training of the soldiers for carrying out the operation, informed the member of the Military Council, Head of the military-political Department of the Baltic military region Lieutenant-General Novikov, who in his turn had to inform the Head of the General Military political Department of the North Army and Navy Colonel-General Shliage. The information had to be furthered by to the Defence Minister and General Secretary of the Central Committee of the CPSU. Feedback is quite natural here too.

Units of paratrooper division N. 76, dislocated in Pskov, supported by tank units of motorized division N. 107, dislocated in Vilnius, assisted by the special unit of Department N. 7 of the KGB of the USSR, occupied the buildings of the TV and Radio Committee and the TV tower in accordance with the plan worked out in advance. The total operation was supervised by the Deputy Defence Minister of the USSR Colonel-General Atchalov, while the actions of the tank units were supervised by Major-General Uschopchik. (The general map-plan of the army actions at the TV tower and deciphered radio-interception of the motorized unit department is supplemented).

No resistance by shooting from the civil population and the technicians who were in the tower was observed. Fire was opened only by the attacking army.

As a result, 13 people were killed; 12 of them are civilians and one, a lieutenant of the KGB of the USSR. Investigating authorities informed that the army didn't arrest a single fighter possessing a firearm. No weapons stored there were found.

Statement made by the CC of the CPL information agency dated January 14, 1991 (newspaper "Litva Sovietskaja", January 19, 1991) to the effect that "already on the way to the TV tower the worker squads and the military servicemen were attacked by the people shooting from various sorts of firearms including automatic guns and grenades", is nothing more than invention and brutal disinformation that should be brought to trial in accordance with Article 36 of the Law on Press.

To raise panic and to disperse the crowd tanks were firing dummy cartridges, causing accoustic traumas to people. As is seen from the deciphered radio interceptions, tanks went on shooting even after repeated orders from the commander to stop fire.

Wounds caused by the firearms turned out to be made by 5.45 calibre bullets. Forensic medical examination shows that the 5.45 calibre bullets have structural peculiarities—their shells can split up into small fractions while their cores are separated from the shells. The fragment of the bullet was extracted from V. Vaitkus body—from the right pleural cavity; fragments of the bullet shell were extracted from P. Juknevicius's thigh; fragments of the bullet were extracted from the body of Lieutenant Shatskich; blind bullet wound was found in V. Maciulevicius' body. Entrance aperture is on the skin of his left cheek, the wound canal proceeds along the lower jaw mouth diaphragm, left inner upper arteria carotica, left part of the left lung, the 6th-7th neck vertebra, and the back brain canal. The wounds contained fragments of the bullet.

When the occupation raid was over paratrooper units were substituted by units of interior forces of the Ministry of Internal Affairs of the USSR and the Vilnius garrison, which are still guarding the occupied buildings up to now. Much harm was done to buildings, equipment, inventory and the adjoining territories. Material property and personal belongings of the staff were stolen.

After the operation the President of the USSR issued a decree dated February 4, 1991 "on conferring the Ministry of Internal Affairs of the USSR Pugo the military rank of Colonel-General. Chief-commander of land forces Varennikov issued one more decree in which he extended his gratitude to the fighters of motorized division N. 107 for "brave and resolute actions. Their behavior should set an example to all soldiers of the land forces."

FRAGMENTS OF RADIO INTERCEPTION ON JANUARY 12–12 (WORD FOR WORD TEXT)

January 12. 3.50.a.m.

"Zenit 22", it's "Zarevo 11". Over.

"Zenit 22" wants to talk to the very senior. Understood.

"Zarevo 11" I'm "Zenit 22" still waiting at the apparatus. Over.

January 13. 1.55.a.m.

"Uspech 19", I'm "Zenit 22", contact the neighbour, contact the neighbour.

Understood. Understood. Shall we make noise?

Yes, yes. We were allowed, it's me "Zenit 22".

"Zenit 22", its me "Plainer 17, "Bronia 2" is at the location, started the actions. . .

"Uspech 19", it's "Zenit 22", stop shooting.

It's me, "Zenit 22", who fired now? Stop shooting.

"Uspech 19", it's "Zenit 22". Stop shooting from the big boxes.

It's me, "Zenit 22". I insist on stopping fire from the tanks.

It's me, "Zenit 22". That's all. Go ahead! No shots from tanks.

Stand still. Then, when you speak on the radio—slow down, say it once again slowly.

"Zenit 22", it's "Barkasa 28". I'm in the park, I'm in the park. Wait for your orders.

"Fara 16". People aren't leaving the location, they surrounded the BTR,s (armored personnel carriers).

"Zenit 22". Understood, stand still, close the hatches, go on observing and so on. Be ready to receive orders, stand still.

"Uspech 19", report the situation, in short, it's me, "Zenit 22". Over.

Haven't you got anybody under the treads? Over.

The answer is inaudible.

Understand. Start the vehicle and at slow speed move to the cantonment. Clear?

"Uspech"' it's me "Zenit". Switch on the headlights, just to see far away and slowly, slowly so as not to crush anybody, ahead!

"Zenit 22" answers to "Uspech 19".

O.K., O.K. So you go to the parking-lot, stand in the same fighting trim, shut off the vehicles, let them doze, only the motors must be shut off, be ready, you may get one more order. . .

The full text of radio interception is in the General procecutor's of the Republic of Lithuania.

VICTIMS OF THE ATTEMPTED COUP

According to official data submitted by the Health ministry of the Republic of Lithuania dated January 13, 1991, 13 people were killed:

9 people (8 civilians and 1 KGB lieutenant dressed in paratrooper uniform)—from 5.45 bullet injuries.

1 person—run over by tank treads (Loreta Asanaviciute, born 1967)

2 persons—run over by the armored personnel carriers wheels.

1 person—injured by an explosive.

In all cases statements of forensic medicine examinations were drawn up in full accordance with the existing jurisdiction.

Ill-intentioned statements to the effect that all bullet wounds were made specifically on already dead bodies are denied by statements of forensic medical service who made the post-mortem examination (witnessed by the prosecutors). The wound was not mortal. Had Shatskich been taken to the hospital in good time, his life could have been rescued.

There were no bullet wounds from the snipers, because 5.45 calibre bullets are not used in sniper-guns due to unstable ballistics of the bullets.

All in all 604 people have been wounded—438 men and 166 women. Among them: 49 people—bullet wounds, 342 people—accoustic traumas (eardrum injuries due to dummy cartridge shots from the tanks); 10 people—burns; 20 people—combined traumas; sundry wounds—99 people, etc. On January 30, 30 people were still in hospitals.

LEGAL ESTIMATION OF THE JANUARY 11–13 EVENTS

1. Anticonstitutional, criminal activities of the NSC (National Salvation Committee), in fact, of the Central Committee of CPL directly violate articles 137 and 148 of the Constitution of the USSR. Formation of the NSC violate the Constitution of the USSR, Article 7, Part 2. According to the article in question, the NSC must be disbanded without further delay by the authorities of the Republic of Lithuania or those of the USSR and its members should be brought to trial for their criminal activities.

2. Activities of Defence Minister Jazov, Interior Minister Pugo and Chairman of the KGB Kriutschov, who facilitated the use of the Soviet Army, military units of the Ministry of Internal affairs of the USSR and the KGB against unarmed citizens of the Republic of Lithuania at request of the unconstitutional criminal social organization are criminal. They were able to stop the activities of the NSC at any moment because satellite communication was set for direct reports to the Government of the USSR.

3. Activities of Achalov, Uschopchik, Kustriuk and Astachov who supervised their respective armed units in effecting the criminal schemes of the NSC-Central Committee of CPL are criminal.

Soldiers, sergeants and officers who fired at peaceful people should be brought to trial as well.

Besides, Major-general Uschopcik, who was appointed the military commandant of the Vilnius garrison by the NSC must be brought to trial for the illegal imposition of curfew and the use of firearms by patrols which caused the death of J. Tautkus on January 29.

4. The President of the USSR ignored the resolution of the Federation Council unanimously adopted on the very eve of the tragedy, which prohibited the use of armed force in setting the political conflicts. Thus the principles so persistently advocated by the President—respect for law and constitutional governments—have been violated.

The President of the USSR in spite of the requirements of the Constitution of the USSR, (Article 127, Part 4,) didn't prevent the anti-constitutional activities of the Defense Minister of the USSR, the Interior Minister of the USSR and the Chairman of the KGB of the USSR, who gave permission to their subordinates to carry out the coup in the Republic of Lithuania.

The President of the USSR, having heard the reports of Pugo and Jazov in the session of the Supreme Council of the USSR, had to disavow such statements constitutionally and legally, and without further delay to discharge them from the posts they hold. The President did not do that. More than that, he issued a decree to confer to Pugo the military rank of Colonel-General.

The President of the USSR didn't stop anticonstitutional activities of the NSC at the moment of its formation and its first steps in preparing a coup in the Republic of Lithuania.

The President of the USSR didn't prove to be a "Guarantor of adhering to the rights of freedoms of Soviet citizens, the Constitution and the Law of the USSR".

Following the presumption that the Republic of Lithuania constitutes a part of the USSR, the President of the USSR didn't fulfill his direct constitutional duty during the attempted coup in Vilnius.

Following the assumption that the Republic of Lithuania does not constitute a part of the USSR, the use of the Armed Forces of the USSR in the Republic of Lithuania on January 11–13 should be considered an act of aggression against the state in question in accordance with the definition of aggression adopted by the General Assembly of the UN in 1974.

Independent military experts estimate the activities of the NSC in line with the Constitution of the USSR, because the NSC and the CPL recognize only the Constitution of the USSR and do not recognize the Laws of the Republic of Lithuania.

CONCLUSIONS AND RECOMMENDATIONS

On the basis of the investigation, the Independent Military Experts arrived at the following conclusions:

1. On January 11–13, in Vilnius, an attempt was made to stage a coup d'etat with the aid of the armed forces, the internal troops of the USSR Ministry of Internal Affairs and of the KGB with the aim of restoring the political power of the CPSU as represented by its constituent part—the CPL.

The USSR President cannot claim ignorance of the planned joint actions by the Soviet Armed Forces, the internal troops of the USSR Ministry of Internal Affairs and of the USSR KGB. Such actions could not be carried out without his personal permission.

2. The participation of USSR military units in the coup d'etat had been planned, coordinated and approved by the Centre.

3. The organiser of the coup d'etat was the CPL Central Committee.

4. For carrying out its designs, the CPL Central Committee established the so-called "National Salvation Committee" whose membership and leaders are being kept secret so that in the event of failure they could evade responsibility. Secretary of the CPL Central Committee Jarmalavicius, authorised to maintain contact between the National Salvation Committee and the Vilnius garrison, is the only officially known person linked to the National Salvation Committee.

The Independent Military Experts consider that the following persons constituted the nucleus of the National Salvation Committee: first secretary of the CPL CC Burokevicius, Secretary of the CPL CC Jarmalavicius, Secretary of the CPL Major-General Naudziunas, head of the department of the CPL CC and colonel in the reserves of the USSR Army Shurupov, First Secretary of the Vilnius City Committee of the CPL Lazutka, Second Secretary of the Vilnius City Committee of the CPL Khadunkin, Secretary of the CPL primary organisation of the Vilnius radio factory Dostal, and military commander of the Vilnius garrison Major-General Uskhopchik.

5. The National Salvation Committee and the CPL had counted on the support of the people dissatisfied with deteriorating living conditions, as well as the Russian-speaking population and the military, whose rights had been curtailed by certain laws of the Republic of Lithuania. With this aim in view, members of the CPL had carried out deliberate agitation and ideological propaganda. Political bodies and CPSU organisations had carried out analogous propaganda in military units and among family members of the military.

In this way an atmosphere of ill-will and animosity was artificially created between the native population and the army. At the present time the Government of the Republic of Lithuania is using all its energies to improve relations with the army units stationed on the territory of the Republic, and to normalise the situation. However, military commanders categorically refuse to establish contact.

6. Convinced of its victory and impunity, the National Salvation Committee, relying upon military units of the Vilnius garrison, units of the USSR Ministry of Internal Affairs and the KGB sent to Lithuania by the Centre, attempted to stage a coup d'etat, which caused great casualties among civilians and significant material damage.

7. There is no evidence to indicate the usage of arms on the part of civilians and guards of public buildings. Shots were fired only by the military. As a result, 13 people were killed and 604 injured. All the victims were civilians. Among 13 killed was a lieutenant of the USSR KGB who was accidentally wounded by his own men and died because the military did not render him timely qualified medical aid.

8. The military used 5.45 calibre dum-dum bullets that greatly increase the sufferings of the wounded and are banned under international conventions.

9. The coup d'etat was aborted by the people of Lithuania who rose in defense of their lawfully elected government. The results of the population poll held on February 9, 1991 emphatically and convincingly testified to the choice of the people of the Republic of Lithuania.

10. Responsible for the attempt to stage the coup d'etat, and for the numerous victims and material damage are:

(1) The USSR President, who failed to perform his constitutional duty;

(2) Minister of Defense Yazov, Minister of Internal Affairs Pugo, and Chairman of the

USSR KGB Kryuchkov who gave permission to use the military forces under their command in pursuing anticonstitutional, criminal goals;

(3) Deputy Minister of Defense Colonel-General Atchalov, military commander of the Vilnius garrison Major-General Uskhopchik, regiment commander of the Paratrooper Forces Colonel Kustriuk, regiment commander of the 107th Motorized Rifle Division Colonel Astakhov, who directed the actions of the troops under their command in carring out the criminal designs of the National Salvation Committee and CPL Central Committee;

(4) Soldiers, sergeants and officers who shot at civilians.

11. The USSR President, the USSR Ministry of Defense, the USSR Ministry of Internal Affairs, the USSR KGB and the CPL are responsible for the material damage caused to the Republic of Lithuania, its state institutions, as well as to legal and natural people of the Republic.

12. The National Salvation Committee is an unconstitutional, criminal organisation, the activities of which must be banned, and proceedings must be instituted against its members for having committed an especially grave crime against the state.

13. Taking into account direct contact between the members of the National Salvation Committee and the CPL in carrying out the coup d'etat, the activity of the CPL must be suspended until the end of the investigation.

14. Central newspapers, radio and Central Television gave a biased interpretation of the January 11–13 events in Vilnius, adhering to the stand of the CPSU and CPL.

15. It would be expedient to repeal the laws restricting the rights of the Russian-speaking population, of the military and of their family members.

16. Taking into account the current political situation, when the laws of the USSR are not being enforced on the territory of the Republic of Lithuania, whereas the laws adopted by the legislative body of the Republic run counter to the laws of the USSR, it is necessary to work out a special provisional legal document protecting the rights, honour, dignity and property of the military and their family members until an appropriate agreement between the USSR and the Republic of Lithuania is concluded.

17. For the coordination of efforts between republics aimed at protecting their sovereignty, political and economic independence from the dictate of the Centre, and for the coordination of joint actions in situations analogous to the January 11–13 events in Lithuania, horizontal agreements between the republics enabling them to resist this dictate should be concluded.

18. In order to maintain state sovereignty and to enforce law and order, it is necessary to form national guard units in the republics.

19. The Supreme Councils of the republics must adopt legislation defining the notion of a "criminal order" and establishing that legal proceedings may be instituted for executing such an order.

20. The events in Vilnius rank with other cases when the Soviet Army was used against its own people: in Novocherkask in 1962, in Tbilisi in 1989, in Baku in 1990.

21. The events of January 11–13 are not related to any international conflicts and are of a purely political character. The events showed that:

The Party leadership is striving to turn the Soviet Army into a hostage of its criminal political designs and its soldiers into mindless and submissive executors;

Depolitisation of the Armed Forces, the Ministry of Internal Affairs, and the KGB of the USSR is an objective necessity, and must be carred out without delay;

All nationalities are equally endangered by the plot hatched by the party and military leadership who are striving to retain power by all possible means, impudently violating laws and condemning people to poverty, hunger and death.

The Independent Military Experts deem it their duty to bring these conclusions to the notice of the People's Deputies of the USSR and of the RSFSR, other republics and the world community, governments of foreign states and the United Nations Organisation.

INDEPENDENT MILITARY EXPERTS

Captain of 1st rank in the reserves of the Army of the USSR, Ph.D. (Engineering), People's Deputy, A. Yevstigneyev.

Lieutenant-colonel in the reserves of the USSR Army, I. Bychkov.

Colonel, People's Deputy, S. Kudinov.

Captain of the 2nd rank in the reserves, doctor of law, professor of Law, G. Melkov.

Major in the reserves of the USSR Army, N. Moskovchenko.

VILNIUS, REPUBLIC OF LITHUANIA, *February 11, 1991.*

Chronicle of Offences Committee by U.S.S.R. Armed Forces on the Territory of the Republic of Lithuania, 7 January–25 April 1991

(Office of the President, Supreme Council of the Republic of Lithuania, May 1991)

The following document is a chronicle of recorded instances of Soviet military actions in the Republic of Lithuania, 7 January through 25 April 1991, which resulted in material damages, injuries, and loss of human life. The chronicle is based on reports submitted to the Supreme Council of the Republic of Lithuania by the Procuracy General of Lithuania under the leadership of Procurator General Arturas Paulauskas, official news releases of the Supreme Council Bureau of Information, reports from the Ministry of Health of the Republic of Lithuania, and information provided by the Lithuanian Television and Radio Committee.

This chronicle is an informal report on Soviet military action, and is published at this time to provide practical information in English on these actions until detailed conclusions are released by investigators of the Procuracy General. Certain reports which have not produced more substantial evidence have been excluded from this chronicle. Updates will be published as new information is made available.

1991

7 January

Bureau of Information release: At 14:30 today, President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, acquired information by telephone from the Commander of the USSR Military Forces deployed in the Baltic States, General Fyodor Kuzmin, that, in accordance with orders issued by USSR Defense Minister Dmitri Yazov, conscription of youths by force into the Soviet Army is beginning in Lithuania. A special division of paratroopers will be used to execute this order.

8 January

At approximately 17:30, a green ambulance with 6 men in civilian clothes (one of whom spoke Lithuanian) arrived at Simonys village (Kupiskis district), and abducted Linas Cerniauskas (born 1970), who had left service in the Soviet Army. Mr. Cerniauskas had voluntarily entered the Soviet Army in July, 1990, but, after his mother had taken ill, returned home. Mr. Cerniauskas later returned to service once more, but later ended his term in the army voluntarily. A criminal case regarding the abduction of Mr. Cerniauskas has been opened by the Kupiskis municipal procuracy. (Article 131, Lithuanian Criminal Code).

11 January

Soviet military attacks and occupies the Lithuanian Press House, a facility which publishes and prints the greater majority of newspapers currently in circulation. Large crowds gathered in defense of the building witness the assault. Several civilians are beaten, and one man is shot in the face. (see Procuracy reports below)

Bureau of Information release no. 016: At 11:50, Director of the National Defence Department, Mr. Audrius Butkevicious, informed the Bureau of Information that the National Defence Department building in Virsuliskes (suburb of Vilnius) was taken over by armed forces of the Soviet military. Shots were fired at employees. No one was injured as the employees were fired upon and ejected from the building. According to reports by the Procuracy General, representatives from the investigations department of the Ministry of Internal Affairs of the Republic of Lithuania were not allowed to examine the building. All materials and information regarding this matter are conveyed to the office of the Procurator General.

The National Defense Department is located at Kostiuskos Street 36.

Procuracy General official information: On 11 January, at approximately 12:15 p.m., on Kosmonautu Prospect in Vilnius, during the seizure of the Press House, V. Luksys and Kvickauskas received gunshot wounds to the face, A. Vaitiukas received a gunshot wound in the leg, and assaulted was J. Kaziniauskas, who in hospital was diagnosed as having suffered a brain concussion.

On January 11, at approximately 12:55 p.m., in the intersection of Zalgirio and Rinktines streets in Vilnius, Soviet army tank No. 511 entered the oncoming traffic lane and collided with a ZIL–130 truck, driven by J. Zaunys. Zaunys suffered broken bones and was put in hosptial.

12 January

Bureau of Information release No. 027: At approximately 01:00 this morning, paratroopers broke the windows of the main National Defence Department building in Vilnius, stormed in, and soon left with the Department's paperwork. The two employees who were inside were beaten with riot sticks, though they are not hurt badly. The offices inside are almost completely demolished, there is evidence of explosions.

Bureau of Information release No. 028: A military driving school on the outskirts of Vilnius was stormed by paratroopers and demolished inside at approximately 02:00 this morning. There is no apparent reason for this action.

Bureau of Information release No. 030: At approximately 03:00 a special unit of the Lithuanian police on the outskirts of Vilnius (in Valakampiai) was taken over by special Soviet paratroops. About twenty armored vehicles surrounded the building, special unit soldiers stormed into the yard and sliced telephone wires, cutting off all communications. Four officers out of about forty were able to escape through a window.

Vilnius municipal IAD receives written complaint from a Mr. Kvicauskas, stating that, during the military attack on the Press House, he was wounded in the face by a plastic bullet.

Vilnius municipal IAD receives written complaint from a Mr. A. Vaiciukas, stating that during the military attack on the Press House, he was wounded in the foot.

Vilnius municipal IAD receives written complaint from a Mr. V. Luksys, stating that, during the military attack on the Press House, he received a bullet wound to the face.

Vilnius municipal IAD receives written complaint from a Mr. J. Kariniauskas, stating that he was beaten on 11 January during the military attack on the Press House.

At 11:10, on the Druskininkai-Pariece highway, Varena district, armed soldiers attack a National Defence Department guardpost, confiscating equipment and the guardpost trailer. Damages amount to eight thousand rubles. The Druskiniankai municipal procuracy opens a criminal case on 25 January 1991 (Art. 92, LCC).

At 17:40, uniformed soldiers enter the offices of the Hunting and Fishing Association in Vilnius (Stikliai St. 6-8), and, wielding machine guns, break into the society's weapons storage closet and steal eight hunting rifles as well as a list of society's members. Criminal case opened by the Vilnius municipal procuracy.

Soviet army soldiers attack and occupy the former Central Committee building of the Voluntary Association for the Support of the [Soviet] Army, Air Force and Navy (DOSAAF in Russian) in Vilnius (Basanaviciaus St. 15), which was being used by Lithuanian Government agencies as a storage facility. Representatives of the Vilnius municipal Internal Affairs Department are not allowed to examine the scene. All materials and information regarding this case are conveyed to the office of the Procurator General.

A Soviet army tank, having blatantly violated traffic regulations, runs into and crushes a ZIL-130 truck (corner of Tuskulenai and Zalgirinio Streets), and severely injures the truck's driver. Criminal case opened by the Vilnius municipal IAD (Art. 246, paragraph 2, LCC).

Vilnius municipal IAD receives compliant from Mr. V. Palkevicius, stating that his VAZ-2109 automobile had been stolen. Further investigation reveals that the theft was committed by Soviet army soldier V. B. Mackevich (unit no. 71464), born 1971. Criminal case opened by the Vilnius municipal IAD (Art. 250, paragraph 1, LCC).

Procuracy General official information: On 12 January, at approximately 2:00 p.m., in Ziberto street in Kaunas, a GAZ-66 automobile from military unit No. 10999, in violation of traffic regulations, was unable to avoid a collision with an automobile being driven by L. Gerulis. One civilian death and injuries to three others resulted.

13 January

Soviet army tanks units, violating traffic regulations, damage automobiles and state-owned transportation vehicles along Suderve Street, in Vilnius: a car belonging to the Trakai municipal highway patrol (make: IAZ-27-15, license no. 8216 LLU)—damages=1,525 rbl.; 5 automobiles belonging to the Vilnius special automobile factory (make: ZIL-130 and GAZ-51)—damages=10 thousand rbl.; an automobile belonging to the Vilnius municipal IAD (make: VAZ-2108)—damages=8,300 rbl.; a private car belonging to Mr. J. Juskauskas, damages=2,000 rbl.; and a private car belonging to Mr. V. Ravaitis (make: Moskvich-412)—damages unknown. Total number of vehicles damaged=nine. Total damages=approx. 11,825 rbl.

Vilnius municipal IAD opens criminal case on 13 January (Art. 99, paragraph 2, LCC).

Soviet army soldiers attack and occupy a branch of the Police Academy training center of the Republic of Lithuania, in Valakampiai (suburb of Vilnius). Criminal case opened (Art. 234, paragraph 1, LCC). Investigation is conducted by the Criminal Investigations Department of the Procuracy General of the Republic of Lithuania.

At approximately 01:30, a military column of tanks and armored vehicles departs the Northern Barracks military base. The caravan divides, with one column moving toward the Vilnius television tower in the suburb of Karoliniskes, the other heading for the Lithuanian Radio and Television Committee building (Konarskio Street, central Vilnius). Paratrooper divisions are dispatched from the armored troop carriers, and, with the support of tanks and armored vehicles, begin shooting and assaulting the television buildings, where employees of Lithuanian television were still working. Large crowds of unarmed civilians had gathered at both buildings to defend them against a possible Soviet attack. Advancing on the tower with tanks and a shower of bullets, the soldiers kill thirteen civilians. During the time of the attack on the tower, a Soviet soldier is almost mortally wounded from "friendly fire." Many are wounded during the military take-over of the Radio and Television Committee building as well.

The following is a list of casualties provided by the Procuracy General of the Republic of Lithuania:

1. Algimantas Petras Kavoliukas, 51, resident of Vilnius, employed as a butcher in a Vilnius suburb grocery store. First to die during the attack on the television tower. Mr. Kavoliukas was killed on Suderve street, as he tried to block a moving tank. The tank hit Mr. Kavoliukas, and drove him into a nearby sand container. On 11 January 1991, Mr. Kavoliukas was among the civilians defending the Press House against a similar Soviet assault. During the attack he received wounds from a blow to the head by a rubber truncheon. According to reports from his spouse, Mr. Kavoliukas was determined to go to the television tower, as he was convinced that the tanks would not attack unarmed civilians. Mr. Kavoliukas was the father of three children. The oldest, Gintaras, had returned from service in the Soviet army on 13 January 1991, hours after the death of his father.

2. Loreta Asanaviciute, 23, resident of Vilnius, employed as a seamstress in the "Dovana" souvenir company. Died from severe injuries after she fell under an advancing tank. Ms. Assanaviciute was accompanied by her friend, Ms. L. Trucilauskaite, who also suffered severe injuries after she was caught under the same tank treads.

3. Rolandas Jankauskas, 22, resident of Vilnius. Mr. Jankauskas had returned from service in the Soviet army one month prior to his death. Death from severe injuries after falling under an advancing tank. Mr. Jankauskas came to the tower with his brother and Ms. Grazina Veikutyte. According to Ms. Veikutyte, she and Mr. Jankauskas fell to the ground after hearing tank fire, and seconds later she said she felt a tank roll by them.

4. Alvydas Kanapinskas, 38, resident of Kedainiai, employed in the Kedainiai "Progresas" factory. According to paramedics, Mr. Kanapinskas died near the television tower at 02:10. Death from bullet wounds to the lungs.

5. Vytautas Vaitkus, 47, resident of Vilnius, employed as a plumber in a Vilnius meat plant. Death from bullet wounds to the heart and lungs received at the television tower.

6. Darius Gerbutavicius, 17, resident of Vilnius, high school student. Death from bullet wounds to the right lung, right thigh and lower leg.

7. Vidas Maciulevicius, 24, resident of Vilnius, locksmith. Death from bullet wounds to the face, neck and spine.

8. Apolinaras Juozas Povilaitis, 53, resident of Vilnius, locksmith. Death from bullet wounds to the heart, right lung, upper arm, and thigh.

9. Virginijus Druskis, 21, resident of Vilnius, university student. Death from bullet wounds to the heart and lungs.

10. Ignas Simulionis, 17, resident of Vilnius, high school student. Died alongside Darius Gerbutavicius, from bullet wounds to the head.

11. Titas Masiulis, 28, resident of Kaunas. Friends report having seen Mr. Masiulis trying to wave off an advancing tank. Death from bullet wounds to the heart and lungs.

12. Rimantas Juknevicius, 24, university student. Severe injuries from bullet wounds and severe burns, resulting in death several hours later in hospital. Accompanied to the tower by friends from the Kaunas University of Technology, who witnessed the attack.

13. Alvydas Matulka, 35, death from heart attack after witnessing the assault on the tower.

14. Soviet soldier Viktor Viktorovich Shatskikh, 30, death from bullet wounds.

According to the Procuracy General of the Republic of Lithuania, over six hundred persons suffered from a wide range of injuries as a result of the Soviet assault on the television tower and TV and Radio Committee building. Injuries ranged from bullet wounds, broken bones, and acoustic trauma for persons standing near tanks as they shot blanks to disperse crowds. Some injuries also resulted from the detonation of canisters containing an unidentified gas. Many persons were reported missing by friends and relatives in the first forty-eight hours after the assault. After several days, all but two of the missing had been accounted for.

As a result of the Soviet occupation of the main television facilities, more than 400 radio and television employees remain without normal working conditions. A temporary television facility was established at the Lithuanian parliament building, with a broadcast radius encompassing the city of Vilnius and its environs. Smaller television stations in major cities throughout Lithuania began transmission in January, and continue to rebroadcast Vilnius transmissions as well as local programming to all points in the country.

Recently, a group of evicted radio and television employees began a hunger-strike outside the Soviet-occupied Radio and Television Committee building, petitioning for its return to the Lithuanian government. The strike continues to this day.

Procuracy General official information: On 13 January, at approximately 2:00 p.m., on the Vilnius-Kaunas road in the Trakai Region, during the course of filming a moving column of military armoured vehicles, A. Zrelskis received a gunshot wound, and an automobile belonging to A. Bublaitis was damaged by gunfire.

14 January

Bureau of Information release no. 034: This morning at 11:45, paratroopers barged into the local radio communications building at Gedimino Ave. 34 (central Vilnius), ordering all employees to leave. The building is presently surrounded by soldiers.

Vilnius municipal procuracy begins official criminal investigation proceedings concerning the occupation of the Press House (Article 274, LCC). The investigation is led by procurator Levickas, Criminal Investigations Department, Vilnius municipal procuracy. Complaints regarding injuries from the attack are also included in this investigation.

Procurary General receives report that, at approximately 14:00 on 13 January, Mr. A. Zrelskis received a bullet wound to the foot while he was attempting to film a moving column of armed vehicles on the Vilnius-Kaunas highway. A car belonging to Mr. A. Bublaitis (VAZ-21011) was also shot at in the same military caravan.

15 January

Vilnius municipal procuracy receives written complaint from Mr. A. Fedoseyev, stating that, on 14 January 1991, Soviet army soldiers, armed with machine guns, attacked him near the electricity net facility at Gedimino Ave. 36, and stole a BETA-CAM SR video camera belonging to the French television company TF-1, which had been filming in Vilnius from 10 January. Criminal case opened by the Vilnius municipal IAD (Art 148, paragraph 2, LCC).

16 January

Vilnius municipal procuracy receives written complaint from Mr. R. Dubickas, stating that on 14 January 1991, he was abducted by Soviet soldiers on Seskine Street in Vilnius, taken to military command, beaten, and held for forty-eight hours. On 16 January 1991, Mr. Dubickas was blindfolded, tied and driven out of Vilnius, and later was thrown out of a car along the Vilnius-Kaunas highway. Mr. Dubickas suffered severe injuries. Dubickas later tells procuracy officials that fourteen more people were held under arrest at the military command at that time, and were also beaten and driven outside of Vilnius. Criminal case open-raised on 21 January 1991 by the Vilnius municipal procuracy (Art. 111, paragraph 1, LCC). Investigation conducted by R. Savickas.

At 18:00, in the Ulmerge suburb of Pasile, Soviet military armored vehicles block the road to a passing highway patrol car. Soldiers disarm the militia inside the car, confiscate their identification cards, and destroy the car's short-wave radio. Criminal case opened by the Ukmerge district procuracy on 25 January 1991 (Art. 214, LCC).

17 January

Bureau of Information release no. 051: The National Defence Department of the Republic of Lithuania informed the Bureau of Information that at "17:30 today military personnel began a violent, mass hunt for youths (who have either used their rights as Lithuanian citizens to leave service of a foreign army, or have not answered the Soviet draft)." According to the National Defence Department, at least eleven kidnapings of youths [have occurred] in Vilnius alone today.

18 January

Bureau of Information release no. 059: Yesterday a car of the Supreme Council of the Republic of Lithuania, [transporting member of parliament Vidmantas Povilionis], was stopped by an armed military patrol. Deputy Povilionis issued the following statement to the Procurator General of the Republic of Lithuania: "On 17 January 1991, at about 22:10, on the Vilnius-Kaunas highway, a car of the Supreme Council was stopped near the Gariunai intersection. In violation of immunity [accorded all parliamentarians], I was threatened with a weapon, forced to get out of the car and was detained for about 2.5 hours, together with my driver and a few highway patrol officers, in the cold with our hands held up behind our heads. . . . We were brutally brought onto the floor of a military truck and taken to military headquarters, where we were interrogated and eventually released."

24 January

Vilnius municipal procuracy receives written statement from Ms. L. Liaudanskaite, stating that, at 03:40 on 22 January 1991, on Giedraiciu Street in Vilnius, Soviet soldiers abducted two draft-age men. Investigation begun by Vilnius municipal IAD.

Vilnius municipal IAD receives written complaint from Mr. A. Bakzenas, stating that on that same day, at approximately 17:40, Soviet soldiers stopped him as he was driving along Savanoriu Avenue. The soldiers checked Mr. Bakzenas' documents, and allowed him to drive on. Having driven one hundred meters, the driver saw an armored vehicle driving alongside, which began to fire at Mr. Bakzenas' automobile. Damage was done to the automobile. Criminal case opened by the Vilnius municipal procuracy on 25 January 1991 (Art. 75, LCC). Investigation conducted by K. Betingas.

25 January

Three members of the Supreme Council Security Department are arrested as they try to retrieve an automobile damaged earlier in a shooting incident. S. Steponavicius, D. Matulaitis and G. Macenas have been taken and detained at the Northern Barracks military base.

Bureau of Information release no. 073: After 01:00, the Bureau of Information received reports that foreign correspondents who had been on their way to [cover Soviet actions near the Northern Barracks] were abducted by the Soviet military. This was confirmed when at approximately 02:00 the Bureau received a call from Brian Killon, "Reuters" correspondent based in Moscow, saying that he had just returned from the Northern Barracks base where he was held with Marcus Warren of the London Daily Telegraph and Anatol Lieven of the London Times, as well as other Lithuanians. The three correspondents had found two people to drive them to the scene of [earlier] shootings, but before they actually reached the [site], they were stopped by military personnel, ejected from their automobiles at gunpoint, and loaded onto a military truck. According to the correspondents, there were already three people inside the truck, a few of which they recognized as having seen before in the parliament building. The correspondents and the three men (later identified as the arrested Supreme Council Security department personnel) were interrogated. The journalists reported that the Supreme Council Security department personnel were severely beaten.

Vilnius municipal IAD receives written complaint from Mr. M. Pleckavicius, stating that, at 17:30 on 24 January 1991, he was stopped by soldiers on Savanoriu Avenue, beaten, and driven to military command. He was later released. This case is included in the investigation of similar events of 24 January (see above).

Vilnius municipal IAD receives written complaint from Soviet APN Novosti press agency correspondent Mr. N. Baranauskas, stating that, at 22:45 on 24 January 1991, on Gelezinio Vilko Street, he was stopped by Soviet soldiers, beaten, and his Nikon FM-2 camera was stolen. Investigation begun by the Vilnius municipal IAD.

Vilnius municipal IAD registers complaint from a Mr. Baikstis, manager of the "Spauda" publishing company's central warehouse, stating that, at 13:30 on 23 January 1991, approximately twenty armed soldiers entered the warehouse (Kirtimu St. 55), and occupied the building. Militia arriving on the scene were not permitted to enter the warehouse territory. Criminal case opened by the Vilnius municipal IAD on 28 January 1991 (Art. 178, paragraph 2, LCC).

26 January

Vilnius municipal procuracy receives written complaint from Mr. R. Vaitkevicius, stating that, on 24 January 1991, as he and two other men (Steponavicius and Balnis) attempted to retrieve an automobile belonging to the Supreme Council Security department damaged by Soviet soldiers, they were stopped by soldiers, beaten, and taken to the Northern Barracks military base. Later, they were driven to military command and released only on 25 January.

Similar complaints of violent acts by Soviet soldiers on this day were received from Mr. S. Steponavicius, Mr. J. Balnis, Mr. Z. Slusnys, Mr. Matuliauskas, Mr. G. Terleckas, Mr. R. Aukstuolis, and Mr. S. Skiudulas. Mr. Slusnys later told procuracy officials that, while being held at the Northern Barracks base, a Soviet general demanded that he confess to shooting at a military caravan, and that this confession would be filmed by journalists from the Soviet television program "Vremya." After Mr. Slusnys refused to comply, his hands were tied and he was driven to the military command, where he was held until 26 January 1991. Slusnys suffered severe injuries, and remained in critical condition for some time after the incident.

These events are included in a general investigation of events of 24 January 1991 (see above).

After the events of January 24, 1991, when six men were captured by soldiers of the Soviet military unit in Vilnius, three employees of the Supreme Council Security department and a driver are still in the hospital. Following is the medical data on their conditions:

Matulaitis Darius, driver—Brought into the hospital at 3:50 p.m.

1. Light degree cerebral trauma
2. Fractured nasal bones
3. Multiple face and head bruises
4. Bruises of the back and the thorax

Steponavicius Saulius—Brought into the hospital 3:50 p.m.

1. Medium degree cerebral trauma
2. Fractured left side of the skull base (suspected)
3. Blood outpouring under the covers of the Cerebrum (suspected)
4. Multiple head and face bruises
5. Laceration of the back of the nose (patient received stitches)
6. Traumatic tear of the left eardrum and bruise on the left ear
7. Beating of the right thorax, beating of the left thigh, bruises and lacerations of the left shin

Macenas Gintaras—Brought into the hospital at 8:30 p.m.

1. Medium degree cerebral trauma
2. Fractured left side of the skull base

3. Laceration of the lower lip
4. Multiple head and face bruises
5. Traumatic tear of the right eardrum

27 January

Vilnius municipal IAD receives written complaint from Mr. A. Salkinas, stating that, at 01:00 on that same day, as he was driving along the Vilnius-Kaunas highway near the town of Gariunai, he was stopped by soldiers who checked his documents, and then began shooting a series of bullets into the pavement. Mr. Salkinas was wounded in the foot by a stray bullet. Investigation conducted by the Vilnius municipal procuracy.

At approximately 19:20, ten men, armed with automatic weapons and dressed in black uniforms, attack the Lithuanian customs post at the border town of Lavoriskiai (Lithuanian-Byelorussian border). The men search the customs officers, beat three of them, and destroy equipment in the past booth. Criminal case opened on 28 January 1991 by the Vilnius municipal procuracy (Art. 203, paragraph 2, LCC).

At approximately 20:30, ten men in two UAZ automobiles attack the Lithuanian customs post in Medininkai (Lithuanian-Byelorussian border). Two customs officers are beaten, and damages are done to equipment. Criminal case opened on 28 January 1991 by the Vilnius district procuracy (Art. 203, paragraph 2, LCC).

28 January

Vilnius municipal procuracy receives written complaint from Mr. R. Brazevich and Mr. V. Brazevich, stating that at approximately 20:20 on 26 January 1991 on Savanoriu Ave., they were stopped by soldiers wielding weapons, forced to lie on the ground, and were beaten with rifle butts and kicked repeatedly for no apparent reason. The injured were then driven to military command, were held over night, and only released the next morning. V. Brazevich suffered from serious injuries. Investigations being conducted by the Vilnius municipal procuracy.

29 January

Bureau of Information release No. 088: At 02:15, Mr. Jonas Tautkus (born 1970, a resident of Vilnius), was brought to the hospital from the Vilnius-Kaunas highway with a bullet wound to the back of the head. Dr. Alvydas Pauliukevicius performed surgery on Tautkus, but did not retrieve the bullet from the brain. Ms. Danguole Kaladiene, head of the intensive care department, later told the Bureau of Information that Tautkus "has no chance of survival."

According to a report by the Procuracy General, several witnesses who had brought Mr. Tautkus to the hospital explained that he had been shot by soldiers near the Gariunai (Vilnius suburb) gasoline station. An investigation into the incident has begun.

Bureau of Information release No. 091: The following report was issued today by the Ministry of Health of the Republican of Lithuania: [To date], 580 people had reported to hospitals and clinics for injuries [received during the Soviet military assault on the television tower and Radio and Television Committee building], 152 of these women. The hearing of 312 was impaired, 122 suffered from multiple injuries, 46 were injured by bullets, 10 were burn victims. One hundred and ten were treated in hospitals, 31 are still hospitalized, and the condition of one is still critical. From 20 January to today, thirteen injured men have reported to hospitals and clinics [as a result of continuing Soviet assaults on civilians—ed.]. Two of these men suffer from bullet wounds. Nine are still being treated in hospitals for serious head injuries, one [Jonas Tautkus—ed.] is in critical condition.

Procuracy General official information: On 29 January at 12:50 a.m. near the Gariuani bridge in Vilnius, soldiers opened fire on an automobile owned by G. Ziura. The automobile suffered four bullet holes. There were no injuries.

30 January

Bureau of Information release No. 095: The Ministry of Health reports that at 14:25 today Jonas Tautkus died in the First Clinical Hospital in Vilnius of a bullet lodged in the brain.

2 February

According to a Ministry of Health statement, on 1 February 1991 Valdas Puzinas, 22, was beaten by four soldiers in Lukiskiu square. On requesting him to produce documents, the soldiers began beating him on the head with automatic rifle butts. He lost consciousness and when he came back to himself, they were gone. The youth was taken to the Red Cross hospital and diagnosed as suffering from dislocated jaw-bone and a fractured brow-bone.

Procuracy General official information: On 2 February at approximately 10:00 p.m. at the Manto Street bus stop in Klaipeda, five soldiers assaulted D. Ubartaite, V. Ubartas and V. Loktevas.

16 February

Procuracy General official information: At about 6:00 a.m. on the road near the town of Druskininkai, Soviet Army soldiers shot up an automobile belonging to A. Pauza. The front windshield of the automobile was damaged. There were no injuries.

18 February

The Ministry of Health reports that at 05:15, Mr. Vytautas Koncevcius, from Kedainiai, suffering from bullet wounds received during the Soviet military assault on the television tower, died in hospital, bringing the death toll from Soviet attacks to sixteen.

26 February

Procuracy General official information: On 26 February at about 9:30 p.m. Soviet Army soldiers conducted an illegal search of the television retransmission tower in Plunge. Having found nothing, they cut telephone lines and left. The soldiers claimed they were searching for weapons.

8 March

Bureau of Information release No. 154: On 7 March at approximately 1 a.m., two employees of the State Intelligence Department of the Republic of Lithuania, Kestutis Mickus and Vitoldas Petravicius, were stopped in their Department car by Soviet special militia while driving near the Lithuanian special police building, presently occupied by the USSR military. They were accused of not stopping to the blink of car headlights, supposedly shown to them by the Soviets. After being held in Military headquarters of Vilnius they both were released at approximately 4 p.m. today. At the headquarters Mickus and Petravicius were interrogated many times and searched separately. The Department car still remains in the yard of the headquarters.

9 March

At about 5:00 a.m. shots were heard in Basanavicius Street in Vilnius. A foreign correspondent living nearby heard the shots and went outside to investigate. He saw three Soviet soldiers; one was shooting into the air. When the correspondent approached him, the soldier struck him on the jaw.

Procuracy General official information: On 9 March [at approximately 5:00 a.m.] intoxicated Soviet soldiers arbitrarily detained Meilunas, Charitonovas and Jasiulionis in the vicinity of Basanaviciaus Street 15. Meilunas and Jasiulionis were assaulted; taken were cash, a watch, and an audio cassette. The above individuals were made to lie in the street, were struck with rifle butts, were mocked, and obscene curses were aimed at them.

11 March

Last night six Lithuanian policemen and an employee of the National Defense Department were detained by Soviet Special Militia in Vilnius.

Yesterday at approximately 9 p.m. National Defense Department employee Arturas Merkys were detained by the SSM while bringing furniture for the Department in a department automobile. The furniture and the car are still in the possession of the Soviet Military.

At approximately 2:30 a.m. a car of Lithuanian Police with four policemen on board was stopped by the SSM. They were stopped by a military car standing across the street. The Soviets said that they will speak to none lower than the "Minister" and took all four Lithuanians to the same Police Academy. Later in the day the policemen were released without their automatic weapons.

At about the same time two sergeants of the Lithuanian Police were stopped in their private car, again, by the SSM. The Policemen were accused of driving while under the influence, even though these were not traffic officers. The Soviets took away the sergeant's pistols and let them go.

14 March

Procuracy General official information: On 14 March at approximately noon, at the former DOSAAF facility in the Virsuliskes [area of Vilnius], a Soviet Army soldier, when acting negligently with his weapons, shot in the head A. Oskolkov (born 1976).

15 March

The headquarters' employee, Major Zaichenko, informed the Lithuanian authorities that on March 14, at approximately 11 p.m. an unrecognized young man was shot dead in the building of the National Defense Department of the Republic of Lithuania (the building presently occupied by the USSR military).

Later today an investigation group of the Lithuanian Ministry of Internal Affairs, which went to the mentioned building, was not allowed inside. The body of the young man is in the morgue at the moment and his identity is still being established.

18 March

At approximately 12:45 a.m., Deputy of the Supreme Council and Director of the National Defence Department of the Republic of Lithuania Audrius Butkevicius and his driver Vaclovas Jezerskas were abducted by Soviet military personnel. They were threatened by automatic weapons carried by four men in civilian clothes. It was only after Deputy Prime Minister Zigmas Vaisvila and Prosecutor General Arturas Paulauskas undertook negotiations with Soviet Internal Affairs officials both in Vilnius and in Moscow that Audrius Butkevicius and later Vaclovas Jezerskas were released.

20 March

At approximately 7 p.m. seven officers of the National Defence Department of Lithuania border patrol in a bus were stopped in Pylimo Street, Vilnius by Soviet OMON jeeps blocking their way and as they did not stop, the jeeps chased, shooting at them. Five succeeded in escaping, four of them were not wounded, one is in hospital with a bullet wound in the thigh near the groin; two wounded were being held at the Soviet military commander's headquarters in Vilnius. After long negotiations between Lithuanian Government officials and officials at the commander's headquarters, Lithuania's Minister of Health, Juozas Oleka, and an official from the Ministry of Internal Affairs were allowed into the building where the two National Defence Department employees were being held. According to Minister Oleka, who was not able to make a close examination, one had slight wounds, the other was wounded in the skull and chest, and needed immediate medical attention, possibly surgery. Medical attention had not, as yet, been allowed.

At approximately 2:15 a.m. the two National Defence Department employees were released from military headquarters, one was given first aid treatment and sent home, the other was taken to the hospital with what seems to be head wounds and a broken rib. Both received their injuries while being dragged out of the bus at the scene of the shooting.

27 March

At 12:56 p.m. the Soviet army detained E. Zvinklys at the house 51, Gedimino Street, Vilnius, by aiming automatic weapons at him. He was taken away to an unknown destination.

28 March

Soviet army men, at 12:30 p.m. at 216-9 Taikos av., Klaipeda, broke into the flat of M. Zuravliova, as they searched for her son, who deserted the Soviet army.

3 April

At 11:30 a.m. in Jovaru Street, Kaunas Soviet army men took Mindaugas Gedmintas out of his car by force put him military lorry and drove him to an unknown destination. M. Gedmintas deserted from the Soviet army.

9 April

At approximately 9 a.m. the automobile drivers' school in Plytines Street in Vilnius was seized. The action was carried out by armed soldiers in camouflage type uniforms and bullet proof vests.

19 April

At approximately 14:00 p.m. today Soviet military forces from an as yet unidentified unit surrounded and forcibly occupied a customs post in the border town of Medininkai, 60 km east of Vilnius, on the Vilnius-Minsk highway.

Having evicted the Lithuanian customs officials from the post, the military disconnected all communications lines to the facility. Customs officials were ordered to leave the area.

24 April

At approximately 11:00 a.m. a group of Soviet soldiers surrounded and entered a building in Naujoji Vilnia housing two banks: a branch of the Agricultural Bank of the Republic of Lithuania and a Commercial Bank which is registered as a subdivision of the USSR Gosbank. The soldiers reported that they acted upon the order of Boris Pugo, USSR Minister of Internal Affairs.

25 April

During the night technical schools in Kaunas, Marijampole, Alytus, Siauliai, Klaipeda, Panevezys, an aviation factory in Prienai, the Hotel "Signalas" in Alytus, an aeroclub in Kyviskes, an aerosports club in Birzai and a gliding club in Palukne (both close to Vilnius, and belonging to the Aeroclub of Lithuania) were assaulted and occupied. The military have confiscated technical equipment, building materials, inventory and cars from the schools.

Soldiers in the hotel in Alytus broke into guest rooms and disconnected telephone lines. Other buildings remain fully occupied.

At 2:45 p.m. on the territory of the occupied Lithuanian Radio and Television Committee a shot was heard. An ambulance which arrived at 3:15 p.m. found a dead soldier with a bullet wound to the skull. The dead soldier was identified as a Mr. Achmedeev. USSR military procuracy officials based in Vilnius informed Lithuanian police officers that Achmedeev was shot dead accidentally due to unsafe use of a firearm.

EYEWITNESS ACCOUNTS OF THE SOVIET ATTACK ON LITHUANIAN BROADCASTING FACILITIES IN VILNIUS ON JANUARY 13, 1991

Vaclovas Krisciunas, Vilnius:

When I turned to face the roaring tank right next to me, I saw three people under its treads. They were shouting, screaming incredibly, moaning. We jumped to help them. We pulled one out quickly. But we couldn't pull out the other two women because their legs were still pinned under the treads. The tank wasn't moving. We leaned on the front of the tank and gestured to the tank driver to not drive forward, to go in reverse. After a few minutes we heard the sound of the engine, and the tank pulled back about a meter and released the legs of the two women. They weren't moaning or screaming. They had probably lost consciousness because of the unbearable pain. We picked them up and carried them to Suderve St. After carrying them for a bit, I ran to look for an ambulance because I couldn't see one anywhere. At last I saw an ambulance in the distance. I ran up to it and saw a man who had been shot in the chest lying in it (he was stripped to the waist, and his chest was bandaged). He was pale and lying still. A young woman in a dark coat and who was pale in the face was lying by his side. She also wasn't moving.

Nerimantas Markevicius, Medical assistant of the First Aid Station, student:

As soon as we got to the TV tower, the first person I saw was a man walking in our direction; his head was cut open. His head was injured so severely that even his skull was fractured, and the pulsation of the cerebral cortex could be felt. I bandaged him. I heard people shouting from the hill that there were many injured. I climbed up the hill slipping, and it seems to me that for some time I was petrified by the sight there. I saw people standing. Then the tank fired, and three or four of them fell as if they had been hit. At that moment a man came up to me with cut face and a ruptured eardrum. I told him to go to the ambulance. Then I saw that people were carrying in my direction an adolescent boy shot in the leg. Only when I took the wounded to the Red Cross Hospital did I fully realize what was going on. The corridor was full of wounded people; doctors were stitching wounds right in the corridor since all the operating rooms were occupied.

Loreta Trucilauskaite, Vilnius:

When the shooting started I didn't feel any fear. Just my friend Loreta became very frightened. I told her, "Pull yourself together; pray; everything will be all right; there are so many people here; there's a whole crowd here, not just a few people, they won't do us any harm." Then window panes started falling. We pulled back from the tower. We chanted "Lie-tu-va!" We were pulling back as the tanks were approaching. Only now I remember that Loreta said, "Give me your hand." I was stretching out my hand to her but slipped and somebody fell on top of me. I didn't understand what was going on. I saw the cannon of the tank above me and suddenly felt that something was pressing on my legs. I heard somebody scream. I remember through a haze that somebody was lying next to me, but I couldn't understand if it was my friend or not. I managed to pull one leg out, but my other leg was under the treads of the tank. I also remember men waving and shouting something to the soldiers sitting on the tank. I hear rumours that supposedly the Lithuanians themselves were pushing girls under the tanks. That's sheer nonsense. We were retreating when the tank was pushing us. But I slipped and wasn't quick enough to get up. . . . When I remember that horrible night, I really think that I wouldn't be afraid to defend the tower again if it were necessary. I have no feeling of revenge for the tank operator who injured me. But I can't understand how he could drive over people, even if he had been given such an order. This is inhuman, terrible. . . .

Sigitas Lenkevicius, Plunge District, Gegrenai:

People sang and danced by the tower till 1:30 in the morning. Then the siren wailed. The tanks started to move towards the tower. People encircled the tower. The tanks began to shoot. It was terrifying. People were singing hymns. A vehicle came after the tanks; soldiers jumped out, and all hell broke loose. . . . The soldiers would hit people on the head with machine-gun butts; it didn't matter if they were attacking a woman or a child. Shots were cracking all around. And the crowd chanted: "Lietuva, Lietuva!". . .

Vidas Janaudis, Vilnius:

I was part of the group of medical personnel allowed to enter the TV tower seized by the paratroopers. The troops were calm, they were smoking, some of them were slightly bruised. Looking at them you got the impression they were people resting after an ordinary day's work. One of them tried to explain: "It was more terrifying in Baku!" Then he fell silent and went on as if trying to justify himself, "Why are people getting in the way of tanks for no reason? If we're given an order, we will occupy [the building] at any cost! Once we've gotten in here, the people had better get out of the way. Later the authorities will have it out among themselves."

Igoris Braslavskis, Physician, intensive care team of the first aid station:

When we were called to the Television Committee building, the first thing I saw there was a man on a stretcher next to an ambulance. One glance was enough to conclude that he was already dead. Many people were willing to help, and I asked to bring all the wounded people to the car. A man ran up and told me that he had seen a burnt man in the enclosure by the Television and Radio Committee building where armored personnel carriers were already standing. Together we went to the enclosure, and I tried to squeeze inside through an opening between the booth and the fence, but the troops spotted me and opened fire, although I was wearing a white doctor's smock. A young man with a burnt face was walking about in the enclosure shouting that he didn't know which direction to go. Having stepped back, I started to shout commands for him to come in the direction of my voice. He oriented himself and came up to me. His whole face was burnt; his eyes were swollen; blood was oozing from his nose and mouth. He could speak, and still knew where he was, and what was going on. He said he was a student from Silute. He was worried that his parents would find out that he had been wounded and asked me not to tell them anything. While in the ambulance, we diagnosed burns in the respiratory tract, possible external and internal trauma of the thorax resulting from an explosion. Most probably, it had been an exploding cannon shot. Later we also heard these kinds of explosives exploding in the crowd. The young man's face was swelling; tiny particles of powder had stuck in the skin; his face was black, and we couldn't make out his eyes. The agony of death started. We were in a hurry to bring him to a hospital as quickly as possible. When we were driving off from the Television Committee building, a shot was fired above the ambulance. When we recovered from the shock, we looked through the window and saw a tank five metres away from the ambulance.

Romualdas Burba, Assistant professor, Cand. Sc. (Medical Sciences), Head of the Traumatology Department, Vilnius Clinic No. 1:

I have been working as a surgeon for thirty years. I have never seen such severe injuries. The character of the wounds was quite obvious; in most cases it was bullet wounds and wounds resulting from people being crushed by tanks and armored personnel carriers. Those were obvious cases of field surgery. We were in a hurry to sort out the injured persons so we could make sure who had to be operated on without delay, whose condition was not so critical, and who had to be X-rayed. Already in the course of the first operations performed by surgeons, bullets and splinters, including plastic splinters, were extracted from wounds. The type of bullets was also quite obvious—dum-dum bullets possessed only by professional military and prohibited under Geneva conventions even during wartime.

Vaclovas Buzas, Kupiskis district, Simoniai:

The tanks stopped, and paratroopers jumped out one after another. They fired several blank shots and then started throwing explosives. One fell close to me; I kicked it back. A second explosive was thrown at us. I grabbed it and threw it back. At that moment I was hit; and that was that. A shot from a machine-gun. I thought my leg had been cut off; I couldn't move it. I was pulled out by a Japanese journalist; I would have been trampled otherwise. Then another man ran up to me and pulled me to an ambulance; from there I was taken directly to the operating table.

Algirdas Sukys, Vilnius:

We held hands as we stood in front of a huge moving tank which crawled by quite close to us. Hardly had I managed to pull my leg away from its treads when on the left, almost beside me, I heard a scream. Turning, I saw a woman or a girl lying on her back (in the shade of the tank it was hard to see her face distinctly, but I noticed that she had a light-coloured kerchief or a cap on her head, and was wearing a light-coloured scarf and a dark or grey coat). Her legs were under the treads of the tank. Men tried to push the tank back, to pull the victim out, but they could not budge such a heavy object (it was a heavy tank, not an armored personnel carrier). I began to hit the top of the tank with my fists, screaming in Russian that there was a woman under the tank. Then, cursing furiously, a soldier jumped up to me, gave me a poke in the back, kicked me in the stomach and pushed me from the tank. The tank drove backwards, but before forward, it pulled back a bit and ran over the woman once more. Several men took the injured woman and carried her off. At the same time on the right side shots were heard. One soldier wearing a helmet shot at a man who fell down and who was also taken away from the tower into the darkness. A young, well-built man in a soldier's uniform and with medals on his chest, standing among us, jumped in front of the tank and fell down, shouting, "What are you doing! You're shooting at your own people! I served together with you in the army. Even in Afghanistan we didn't act like this. Crush me, too!" A soldier ran up to him. I don't think he managed to kick the man lying on the ground because our men pulled him to where we were. He stood and cried. Big tears were rolling down his checks. We joined our hands and began to chant, "Lithuania! Lithuania! Lithuania will be free!"

Helde Aivars, Latvia:

But another rocket was fired, and they began shooting. They pretended to be shooting in the air, but people fell all around. Searchlights blinded us. I tried to go, but then a tank fired and a piece of concrete, which split off from the tower, hit me on the shoulder, while a man standing next to me was hit in the eye. Luckily, I had opened my mouth because a girl standing near by clutched her ears and started to shout. Her boy friend was holding her, and it looked as if she was going out of her mind. A body was dropped down from the tower; I'm not sure from which floor. When a tank fired I saw a man thrown up into the air and then drop to the ground as if he were an empty sack. At that moment I became scared. I realized how meaningless and helpless my body was; I felt as if I were separated from it. I just wanted to see everything, everything that was going on, because I realized that the real essence of the communist empire was unfolding in front of my eyes; I was seeing its real face . . . Then the paratroopers really turned brutal. They weren't shooting into the air anymore, but into the ground quite close to the feet or even directly in the legs. A soldier hit a man with the butt of his gun, and then hit him again on the head with a truncheon. The tanks were approaching, people panicked, but they didn't run. Bullets were flying around and shouts were heard. I saw a Japanese journalist behind the fence and having come up to him I started telling him what was going on. Ambulances were standing at the bottom of the hill. The first person killed was lying on a stretcher. Photographers had surrounded him like flies. Back up on the hill tanks were chasing people like crazy. People could only get away by jumping the fence or getting under the tank. The soldiers kept beating them and shooting them in the legs. It seems they had been given an order to disperse them from that area. A drunken voice shouted from a megaphone, "Go home, your grandmas and grandpas are waiting for you." Then another man started speaking in a more normal voice, first in Russian, then in Lithuanian, "Your resistence is senseless. The committee for national salvation is taking all power into its hands. This is the power of workers and peasants. Our aim is humanism . . .", while at the same time paratroopers were still shooting people in the legs. I saw an elderly man fall . . .

Stasys Ivanauskas, Nida:

Trying to keep warm, we were dancing and singing. I myself was playing the accordion and was happy that so many people were joining in. I want to stress that neither our songs nor our words contained anything insulting to people of other nationalities. Somebody made fun of use of force. We were singing mostly patriotic songs and were chanting. That was the only weapon we had. . . . After breaking through the barriers below, the tanks surrounded the TV tower. A powerful searchlight was turned on and directed at us. As soon as the tanks halted, the soldiers started shooting with live ammunition and throwing explosives. Window-panes were shattered by bullets and the shock of noise. Paratroopers, clearing their way with the butts of their guns and with truncheons, attacked the people. I saw a tank driving over a woman who had fallen down. We dispersed. Women's moans and children's screams were heard everywhere. Men were shouting "Fascists!" . . .

INFORMATION ON THE VICTIMS OF THE ARMED FORCES OF THE U.S.S.R., APRIL 30, 1991

On January 11 and 13, 1991, the units of the Soviet Army occupied the buildings of the Press Palace, the Radio and Television Committee and TV Tower using tanks and armored carriers, blank cannon cartridges, automatic weapons and bullets. Weaponless people, who wanted to protect free press and free word, were gathered at these buildings. Soviet soldiers beat the people with gun butts and other hard objects, crushed them under wheels of armored carriers and caterpillars of tanks. People at the TV Tower and Radio and Television Committee received inhumane treatment. 11 persons were killed there, two people died of wounds in hospitals. We do not possess exact information on the total number of the victims, because the military men did not allow the First Aid doctors to the site of events after the attacks.

Data of the killed and the injured are presented below. Up to March 15, 718 injured people appealed for medical aid, 198 women among them. 416 persons were inflicted hearing injuries; 150 suffered from different combined wounds (crushed, lacerated, cut, etc.); 54 persons have fire shot injuries, 11 persons suffered from burns. 169 persons were treated in hospitals.

Since January 20, the aggression has become more active. From January 20 to March 15, 15 injured men appealed for medical help, two of them with fire shot wounds. Nine persons are treated in hospitals due to complicated cerebral traumas: one person, Tautkus Jonas, died on January 30, from fire shot injury of the cerebrum. Kancevičius Vytautas died on February 18, from fire shot injury of abdomen.

VICTIMS OF ACTIONS OF THE SOVIET ARMY CARRIED OUT IN VILNIUS, JANAURY—FEBRUARY, 1991

	Type of injury												
	Missing	Combined wounds	Combined traumas	Acoustic traumas	Gunshot wounds	Burns	Toxic injury	Other injuries	Missing	Ambulatory	Hospitalization	Killed or died in hospital	Total
Sex													

VICTIMS OF ACTIONS OF THE SOVIET ARMY CARRIED OUT IN VILNIUS, JANAURY—FEBRUARY, 1991—Continued

	Type of injury												
	Missing	Combined wounds	Combined traumas	Acoustic traumas	Gunshot wounds	Burns	Toxic injury	Other injuries	Missing	Ambulatory	Hospitalization	Killed or died in hospital	Total
Missing													
Male	33	120	16	283	46	9	4	7	3	366	135	14	518
Female	15	29	5	133	8	2	2	4	1	162	34	1	198
Total	49	150	21	416	54	11	6	11	4	530	169	15	718

Unfortuantely, the Soviet Army's aggressive actions against peaceful population of Lithuania continue. Men are detained in streets, cars are stopped, their passengers are forced to get out and stay outside with their hands up, while their cars are being searched. There have been cases, when ambulance cars have been detained. Besides, soldiers beat people and shot at them from automatic weapons. Military men take men to commandant's headquarters or to the barracks resorting to violence; they inflict physical abuse on people ignoring even their poor state of health (e.g., a young man with his arm in plaster cast was severally beaten in Kaunas).

We kindly request you to spread this information as broadly as possible, because official mass media of the USSR either suppress it or present it distorted.

Ministry of Health sincerely thanks everybody who sympathized with us, who helped us and is still rendering material help to the Lithuanian medicine.

JUOZAS OLEKAS, M.D.,
Minister of Health of Lithuanian Republic.

LIST OF INJURED AS A RESULT OF SOVIET MILITARY ACTIONS

(Data provided by the Ministry of Health of the Republic of Lithuania, January 1991)

Name, year of birth, residence, diagnosis

Adamonis, M.M., 1935, Vilnius, acoustic trauma.

Aksamitauskas, Ceslovas, 1947, Vilnius, acoustic trauma.

Alekna, Edmundas, 1955, Vilnius, acoustic trauma.

Aleksandravicius, Kestutis, 1934, Kedainiai, head lacerations.

Aleksejunaite, Jadvyga (f), 1974, Vilnius, acoustic trauma.

Alinkonis, Stanislovas, 1953, Vilnius, acoustic trauma.

Alisauskas, Albinas, 1968, Kaunas district, nose contusions.

Alisauskas, Alvydas, 1964, Vilnius, acoustic trauma.

Alkovikas, Martynas, 1923, Kaunas, acoustic trauma.

Andrijauskasa, Irtautas, 1969, Vilnius, acoustic trauma.

Andriuskevicius, V.J., 1935, Vilnius, n/a.

Antul, Virginijus, 1967, Vilnius, acoustic trauma.

Anuzyte, Lina (f), 1972, Plunge, calf wounds.

Arbaciauska, Liudvikas, 1953, Vilnuis, acoustic trauma.

Asanavicius, Gintautas, 1963, Kaunas, head wounds.

Asanaviciute, Loreta (f), 1967, Vilnius, multiple injuries (dead).

Astrauskaite, Lina (f), 1972, Vilnius, acoustic trauma.

Auguliene, Nijole (f), 1948, Vilnius, acoustic trauma.

Augustinaviciute, Regina (f), 1942, Vilnius, acoustic trauma.

Aukstikalnis, Vytautas, 1961, Kupiskis, acoustic trauma.

Aukstuolis, Rimantas, 1954, Ukmerge, concussion.

Babickas, Jonas, 1943, Kupiskis district, broken ribs.

Babravicius, Juozas, 1963, Sirvintos, acoustic trauma.

Baghdonas, Petras, 1949, Kaunas, n/a.

Bagdonas, Ceslovas, 1946, Kaunas, acoustic trauma.

Bajoras, Mindaugas, 1971, vilnius, bullet wound to the back.

Bajoriunas, Alvydas, 1968, Panevezys, forearm fracture.

Baleviciene, Vida (f), 1947, Vilnius, acoustic trauma.

Baliukevich, V.J., 1952, Vilnius, jaw fracture.

Baliukevicius, Stasys, 1959, Vilnius, stab wound to the back.

Balkevich, Miroslav, 1971, Vilnius, bullet wound to the foot.

Baltrukonis, Leonardas, 1931, Vilnius, acoustic trauma.

Baltrukonis, Tomas, 1969, Vilnius, acoustic trauma.

Balvocius, Arunas, 1972 Vilnius, acoustic trauma.

Balcinskas, Sarunas, 1959, Kaunas, concussion.

Balciunas, Albinas, 1941, Kaunas, calf and heel wounds.

Balciunas, Auturas, 1969, Vilnius, acoustic trauma.

Banelis, Mindaugas, 1973, Vilnius, head contusions.

Banevicius, J.J., 1956, Vilnius, n/a.

Banevicius, Julius, 1951, Vilnius, acoustic trauma.

Banevicius, Pranas, 1954, Vilnius, acoustic trauma.

Baronas, Vladislovas, 1936, Vilnius, acoustic trauma.

Bartlingas, Jonas, 1969, Vilnius, acoustic trauma.

Bartulis, Rytis Jonas, 1944, Kupiskis district, chest contusions.

Barysas, A., 1936, Vilnius, acoustic trauma.

Barysas, Vaclovas, 1940, Vilnius, acoustic trauma.

Bazys, Sarunas, 1963, Vilnius, hand and chest contusions.

Baciulis, Vladislovas, 1967, Vilnius, retinal damage.

Bekeviciene, Virginija (f), 1955, Kupiskis, chemical facial burns.

Belinkevich, A., 1935, Vilnius, n/a.

Bendorius, Tomas, 1971, Vilnius, forearm fracture.

Beresneviciene, Irena (f), 1938, Vilnius, acoustic trauma.

Bernadickiene, Laima (f), 1951, Kupiskis, head wound.

Bernotas, Vaclovas, 1969, Vilnius, upper arm, shoulder wounds.

Berzanskis, Arturas, 1972, Vilnius, acoustic trauma.

Bezaras, Pranas, 1951, Kupiskis, bullet wound to the calf.

Bezeriene, Gene (f), 1945, Panevezys, eye contusion.

Becius, A., 1937, Vilnius, acoustic trauma.

Bieliauskaite, Rasa (f), 1963, Vilnius, acoustic trauma.

Bikmanas, Tomas, 1973, Vilnius, head wounds.

Bilksiene, Stefa (f), 1928, Varena, acoustic trauma.

Binkauskas, Vytautas, 1933, Vilnius, head wounds.

Birzaniene, Grazina (f), 1939, Vilnius, acoustic trauma.

Bisikorskas, Pranas, 1936, Vilnius, broken ribs.

Bicikovas, Sergejus, 1965, Vilnius, bullet wound to the foot.

Blazevicius, V., 1947, Vilnius, concussion.

Bliovas, A., 1941, Vilnius, acoustic trauma.

Bloze, Zenonas, 1930, Kedainiai district, head wound.

Blediene, Dange (f), 1966, Vilnius, acoustic trauma.

Bogociunas, Arnas, 1969, Vilnius, acoustic trauma.

Bosevicius, Valdas, 1969, Vilnius, concussion.

Bradauskas, Saulius, 1959, Vilnius, acoustic trauma.

Bradavicius, Saulius, 1959, Vilnius, acoustic trauma.

Brazevich, Valentin, 1965, Vilnius, concussion.

Bridzius, Juozas, 1933, Kedainiai, head wound.

Bridzius, Saulius, 1973, Vilnius, acoustic trauma.

Briedelis, Kestutis, 1971, Vilnius, head and lung contusions.

Brunziene, Janina (f), 1945, Vilnius, concussion.

Bukucinskas, Jones, 1938, Vilnius, acoustic trauma.

Buoltaite, Giedre (f), 1947, Vilnius, acoustic trauma.

Bulovas, Zilvinias, 1965, Vilnius, acoustic trauma.

Burneika, Karolis, 1972, Vilnius, acoustic trauma.

Buta, Justinas, 1955, Sirvintos district, concussion.

Buta, Kristijonas, 1971, Vilnius, Acoustic trauma.

Buda, Vytautas, 1928, Vilnius, acoustic trauma.

Butiene, Kazimiera (f), 1930, Plunge, concussion.

Chadakevicius, Henrikas, 1956, Vilnius, n/a.

Chmieliauskas, Igoris, 1966, Panevezys, calf and heel wounds.

Cibauskas, Edvinas, Vilnius, acoustic trauma.

Cibulskiene, Virginija (f), 1934, Vilnius, retinal damage.

Ciceniene, Emilija (f), 1925, Ignalina district, shoulder wounds.

Citrinavicius, Mindaugas, 1948, Alytus, bullet wound to the foot.

Cvirka, Kestutis, 1939, Vilnius, acoustic trauma.

Calka, Alfonsas, 1931, Vilnius, retinal damage.

Capkauskiene, Kristina (f), 1959, Kaunas, bullet wound to the foot.

Ceginskaite, Vilija (f), 1964, Vilnius, acoustic trauma.

Cekanauskas, Vygandas, 1967, Vilnius, eye contusions.

Celutka, Gintautas, 1962, Vilnius, acoustic trauma.

Cepele, Anicetas, 1923, Subacius, bullet wound to the thigh.

Cepkauskas, Simonas, 1923, Kaunas, head contusions.

Cerikiene, Ona (f), 1949, Vilnius, concussion.

Cernavicius, Vytas Petras, 1937, Vilnius, acoustic trauma.

Cerneckas, Gintaras, 1953, Vilnius, head contusions.

Cerniauskas, Arunas, 1973, Vilnius, head contusions.

Cerniauskas, Saulius, 1966, Vilnius, bullet wound to the foot.

Cernius, Mindaugas, 1973, Vilnius, bullet wound to the foot.

Ciurlys, Eugenijus, 1952, Kupiskis, acoustic trauma.

Dainauskas, Juozas, 1938, Vilnius, acoustic trauma.

Dambrauskaite, Laima, 1958, Kaunas, acoustic trauma.

Dambrauskas, Jonas, 1971, Vilnius, acoustic trauma.

Dambrauskas, Rimantas, 1952, Vilnius, acoustic trauma.

Dapkus, Aidas, 1969, Vilnius, contusions to the nose.

Daugelavicius, Rimantas, 1957, Vilnius, head wound.

Daunoravicius, R., 1952, Vilnius, acoustic trauma.

Dautartaite, Jurate (f), 1975, Vilnius, acoustic trauma.

Dautartas, Gintaras, 1973, Vilnius, acoustic trauma.

Daskevicius, Romas, 1947, Vilnius, acoustic trauma.

Debronevsky, Igor, 1965, Vilnius, acoustic trauma.

Deksnys, Gintaras Jonas, 1962, Sirvintos district, concussion.

Deksnyte, Ausra (f), 1966, Vilnius, acoustic trauma.

Dergintinene, Ilona (f), 1964, Vilnius, acoustic trauma.

Deventinas, Vytas, 1953, Klaipeda, tear gas poisoning.

Dindiene, Veronika (f), 1943, Sirvintos, acoustic trauma.

Dragunaite, Ruta (f), 1971, Vilnius, acoustic trauma.

Draguniene, Aldona (f), 1942, Vilnius, acoustic trauma.

Druskis, Virginijus, 1969, Vilnius, bullet wound, chest (dead).

Dubickas, Ricardas, 1969, Vilnius, concussion.

Dubietiene, Stase (f), 1939, Vilnius, acoustic trauma.

Dubinskas, Remigijus, 1968, Vilnius, retinal damage.

Dulevicius, Vytautas, 1940, Kaunas, head wound.

Dunajevas, Jonas, 1948, Vilnius, acoustic trauma.

Dzindzevicius, Stasys, 1962, Vilnius, n/a.

Eidukaitis, Arunas, 1975, Vilnius, torn ligaments.

Gabalis, Rolandas, 1961, Vilnius, head wounds.

Gaidelis, Gintautas, 1965, Vilnius, acoustic trauma.

Gaizutyte, Asta (f), 1975, Vilnius, acoustic trauma.

Galdikas, Grazvydas, 1967, Vilnius, broken nose.

Galeckas, Audrius, 1969, Kaunas district, chest wounds.

Galkus, A., 1941, Vilnius, concussion.

Galkus, Adomas M., 1949, Vilnius, n/a.

Galvele, Vytautas, 1951, Vilnius, acoustic trauma.

Galciuniene, Marijona, 1948, Vilnius, acoustic trauma.

Galciute, Daiva (f), 1972, Vilnius, acoustic trauma.

Garniene, Dalia (f), 1945, Kaunas, chemical damage to eyes.

Gavrilov, Yevgeny, 1962, Pskov, bullet wound to the foot.

Gavenaitis, Rimantas, 1957, Kaunas, head wound.

Gedminiene, Elena, 1948, Vilnius, acoustic trauma.

Gedrimaite, Rita (f), 1961, Klaipeda, acoustic trauma.

Gembi, Jokubas, 1943, n/a, n/a.

Genys, Eugenijus, 1949, Kedainiai, chest wounds.

Gerbutavicius, Darius, 1973, Vilnius, bullet wounds, chest (dead).

Geruliene, Lida (f), 1948, Kauans, n/a.

Gerulis, Liudvikas, 1943, Kaunas, concussion.

Geryba, Vytautas, 1943, Vilnius, acoustic trauma.

Geciene, Ona (f), 1941, Vilnius, acoustic trauma.

Geciene, Vanda (f), 1928, Vilnius, acoustic trauma.

Gecys, Sigitas, 1960, Vilnius, acoustic trauma.

Gildutyte, Vlada (f), 1918, Vilnius, acoustic trauma.

Girdauskas, Augustinas, 1942, Vilnius, acoustic trauma.

Girdenis, Jonas, 1966, Vilnius, concussion.

Girdvainiene, Liucija (f), 1945, Vilnius, concussion.

Giriencikas, Juozas, 1932, Vilnius, acoustic trauma.

Girulskis, Igoris, 1964, Vilnius, head lacerations.

Giunter, Vladimir, 1949, Vilnius, n/a.

Gliaudelis, Boleslovas, 1932, Vilnius, damage to the eyes.

Glusauskas, Vikoras, 1953, Kaunas district, acoustic trauma.

Gnezdovas, Piotras, 1952, Vilnius, broken ribs.

Goga, Juozapas, 1937, Marijampole district, burns.

Gradauskas, Robertas, 1969, Kaunas, bullet wounds to the feet.

Grasys, Bronius, 1940, Vilnius, acoustic trauma.

Grigaite, Laima (f), 1968, Vilnius, acoustic trauma.

Grigas, Juozas, 1936, Vilnius, acoustic trauma.

Grigonis, Algirdas, 1946, Vilnius, acoustic trauma.

Grincevicius, Ivanas, 1955, Vilnius, broken ribs.

Brybauskiene, G. (f), 1950, Vilnius, foot contusions.

Grustas, Gintaras, 1967, Vilnius, acoustic trauma.

Gubenas, R., 1964, Vilnius, acoustic trauma.

Gudaitiene, Dalia (f), 1961, Byciu village, acoustic trauma.

Guntyte, Daiva (f), 1961, Vilnius, acoustic trauma.

Guogas, Leonas Vytauto, 1933, Vilnius, acoustic trauma.

Guokas, L.M., 1933, Vilnius, acoustic trauma.

Gustaitis, Matas, 1945, Vilnius, acoustic trauma.

Guzauskiene, Skaiste (f), 1939, Vilnius, acoustic trauma.

Gedziunaite, Estera (f), 1975, Kupiskis, acoustic trauma.

Ignataviciute, Egle (f), 1970, Vilnius, acoustic trauma.

Ileniene, Grazina (f), 1955, Vilnius, acoustic trauma.

Ilkiv, Nikolai, 1953, Vilkaviskis, acoustic trauma.

Ilko, Leonid, 1965, Vilnius, acoustic trauma.

Imbrasiene, Birute (f), 1947, Vilnius, acoustic trauma.

Indriunas, Darius, 1968, Vilnius, acoustic trauma.

Ivanauskaite, Regina (f), 1967, Vilnius, n/a.

Ivanauskas, Liudvikas, 1937, Kaunas, broken ribs.

Ivanovas, Georgijus, 1955, Vilnius, acoustic trauma.

Ivanovas, Olegas, 1968, Vilnius, acoustic trauma.

Ivasko, Vitold, 1936, Vilnius, acoustic trauma.

Ivoska, Ceslovas, 1947, Vilnius, n/a.

Jagminas, R., 1967, Vilnius, n/a.

Jakavoniene, Laima (f), 1940, Vilnius, acoustic trauma.

Jakucionis, Stasys, 1948, Vilnius, acoustic trauma.

Jakstiene, Rima (f), 1959 Vilnius, acoustic trauma.

Jakstiene, Viktorija (f), 1955, Vilnius, n/a.

Janaviciene, Bronislava (f), 1929, Vilnius, acoustic trauma.

Janikas, Vilius, 1970, Vilnius, head wounds.

Jankauskaite, Genute (f), 1959, Vilnius, acoustic trauma.

Jankauskas, Alvydas, 1967, Vilnius, nose wounds.

Jankauskas, M., 1971, Vilnius, acoustic trauma.

Jankauskas, Rolandas, 1969, Vilnius, multiple injuries (dead).

Jankauskiene, Jadvyga (f), 1933, Kedainiai, acoustic trauma.

Jankeviciene, Vida (f), 1946, Vilnius, acoustic trauma.

Janonis, Vladas, 1954, Kretinga, acoustic trauma.

Januskauskiene, Ilona (f), 1942, Kaunas, chemical damage to the eyes.

Janciauskiene, Birute (f), Kaunas, tear gas poisoning.

Jaramaitiene, Jura (f), 1949, Vilnius, acoustic trauma.

Jasiulevicius, Vincentas, 1947, Vilnius, upper arm wounds.

Jazbutis, Jonas, 1971, Vilnius, acoustic trauma.

Jazuciuniene, Regina (f), Vilnius, Contusions, lacerations.

Jekeleviciene, Ona (f), 1922, Varena, concussion.

Jukna, Zigmantas, 1958, Vilnius, head wound.

Juknevicius, Rimantas, 1966, Marijampole, bullet wound, stomach (dead).

Juodgalvis, Jonas, 1929, Vilnius, acoustic trauma.

Juodkazis, Alekas, 1940, Vilnius, acoustic trauma.

Juodrys, Marius, 1975, Vilnius district, acoustic trauma.

Jurgaityte, Ruta (f), Kaunas, head contusions.

Jurgutis, Algimants, 1956, Vilnius, acoustic trauma.

Jurkevicius, Vytautas, 1970, Kaunas, concussion.

Jursenas, Vytautas, 1959, Vilnius, acoustic trauma.

Jusis, Petras, 1933, Vilnius, head contusions.

Juskevicius, Bronius, 1968, Vilnius, upper arm, shoulder wounds.

Kairiene, Liudmila (f), 1957, Marijampole, broken hand.

Kairys, Marius, 1968, Vilnius, acoustic trauma.

Kalasauskas, Kestutis, 1948, Kaunas district, acoustic trauma.

Kalesinskas, Romas, 1950, Kaunas, acoustic trauma.

Kalinauskiene, Verute (f), 1946, Vilnius, acoustic trauma.

Kalpokas, Rimvydas, 1959, Vilnius, acoustic trauma.

Kaluskeviciene, Regina (f), 1938, Vilnius, lacerations to the femur.

Kalvaityte, Egle (f), 1974, Kedainiai, bullet wound in the foot.

Kalvelis, Aleksandras, 1938, Kupiskis, acoustic trauma.

Kanapinskas, Alvydas, 1952, Kedainiai, bullet wound, chest (dead).

Kancevicius, Vytautas, 1941, Kedainiai, bullet wound, stomach (dead).

Kandelis, Romualdas, 1973, Vilnius, acoustic trauma.

Kariniauskas, Aloyzas, 1938, Vilnius, acoustic trauma.

Kariniauskas, Jonas, 1957, Vilnius, head wounds.

Karosas, Algis, 1942, Vilnius, acoustic trauma.

Karpavicius, Gintautas, 1960, Vilnius, bullet wound to the foot.

Karpuchinas, Arturas, 1961, Kaunas, minor shock trauma.

Karsokas, Juozas, 1947, Vilnius, acoustic trauma.

Kartavicius, Gintas, 1967, Prienai district, elbow contusions.

Karulis, Vytautas, 1948, Vilnius, acoustic trauma.

Kaseliene, Vida (f), 1949, Ukmerge, acoustic trauma.

Kaselyte, Birute (f), 1972, Ukmerge, acoustic trauma.

Kasiulis, Jonas, 1943, Vilnius, n/a.

Kasperaviciene, Danute (f), 1934, Kaunas district, acoustic trauma.

Katilius, Edvinas, 1969, Vilnius, acoustic trauma.

Katilius, Evaldas, 1974, Vilnius, acoustic trauma.

Katinas, Edvardas, 1931, Vilnius, acoustic trauma.

Kauleryte, ?. 1972, Vilnius, acoustic trauma.

Kausinis, Vidmantas, 1944, Vilnius, acoustic trauma.

Kavaliauskaite, Albina (f), 1961, Vilnius, acoustic trauma.

Kavaliunas, Albinas, 1960, Marijampole, spine contusions.

Kavoliukas, Algimantas Petras, 1938, Vilnius, upper body crushed (dead).

Kazakevicius, Gintaras, 1955, Vilnius, n/a.

Kazakevicius, Ceslovas, 1957, Vilnius, bullet wound to the foot.

Kazlauskaite, Daiva (f), 1966, Kaunas, eye damage.

Kazlauskaite, Elena (f), 1938, Vilnius, acoustic trauma.

Kacerauskiene, Grazina, (f), 1935, Kaunas, acoustic trauma.

Kasupa, Gintaras, 1955, Vilnius, acoustic trauma.

Kemes, Rimas, 1956, Vilnius, n/a.

Kersulis, Darius, 1971, Vilnius, n/a.

Kezys, Aleksandras, 1930, Vilnius, chemical damage to eyes.

Keziene, Salomeja (f), 1945, Vilnius, acoustic trauma.

Kiaulevicius, Darius, 1970, Vilnius, acoustic trauma.

Kicanas, Jonas, 1943, Vilnius, acoustic trauma.

Kiecius, Saulius, 1974, Vilnius, acoustic trauma.

Kiliene, Elena (f), 1924, Vilnius, acoustic trauma.

Kinsky, Vytautas, 1957, Kupiskis district, acoustic trauma.

Kirdeikiene, Janina (f), 1960, Siauliai, n/a.

Kirkutis, Romualdas, 1968, Vilnius, acoustic trauma.

Kirsnauskas, Vidmantas, 1959, Panevezys district, head wound.

Kirulis, Satsys, 1943, Vilnius, acoustic trauma.

Kiziliauskas, 1968, Vilnius, acoustic trauma.

Klariene, Eugande (f), 1962, Vilnius, acoustic trauma.

Kledariene, Jadvyga (f), 1935, Kedainiai, shattered knee cap.

Klickauskas, Alvydas, 1963, Vilnius, bullet wound.

Kluseviciene, Valerija (f), 1940, Vilnius, acoustic trauma.

Knyviene, Daina (f), 1965, Vilnius, acoustic trauma.

Kondrotas, Rimantas, 1960, Vilnius, acoustic trauma.

Kostautas, Stasys, 1950, Kedainiai, head wound.

Krievys, Antanas, 1942, Vilnius, acoustic trauma.

Krevas, Jonas, 1931, Vilnius, acoustic trauma.

Kudabiene, Marijona (f), 1930, Vilnius, acoustic trauma.

Kukenis, Ricardas, 1962, Kupiskis, concussion.

Kulkys, Vytautas, 1945, Kaunas, acoustic trauma.

Kupey, Pranas, 1961, Vilnius, acoustic trauma.

Kunkish, Stasys, 1949, Vilnius, n/a.

Kuncinene, Milda (f), 1941, Vilnius, acoustic trauma.

Kuralavicius, Arvydas, 1953, Vilnius, acoustic trauma.

Kurliukas, Egidijus 1967, Vilnius, lacerations to the hand.

Kurmis, Vytautas 1961, Kupiskis, chest contusions.

Kutcailyte, Ingrida (f) 1968, Jonava, lower leg fracture.

Kuzlaitis, Romualdas, 1968, Vilnius, acoustic trauma.

Kusnys, Eugenijus, 1954, Marijampole, n/a.

Kuzuliene, Danute (f), 1951, Vilnius, acoustic trauma.

Kvaraciejute, Maryte (f), 1952, Vilnius, acoustic trauma.

Kvedara, P., 1939, Vilnius, acoustic trauma.

Kvedaravicius, Algimantas, 1942, Vilnius, acoustic trauma.

Lakutenaite, Audrone (f), 1970, Vilnius, n/a.

Landsbergiene, E. (f), 1935, Vilnius, n/a.

Lankevicius, — Vilnius, n/a.

Lankewicute, Giedre (f), 1970, Vilnius, n/a.

Lancys, Vytautas, 1943, Vilnius, n/a.

Lapienis, Petras, 1949, Kedainiai, kidney lacerations.

Lapinskas, Saulius, 1969, Vilnius, n/a.

Laranskas, Laimonas, 1969, Vilnius, acoustic trauma.

Larcenko, Danute (f), 1941, Vilnius, acoustic trauma.

Lasionis, Ramunas, 1969, Vilnius, acoustic trauma.

Laurelis, Virgilijus, 1928, Vilnius, acoustic trauma.

Laurinaviciute, Giedre (f), 1921, Vilnius, acoustic trauma.

Lazakevicius, Gintaras, 1955, Vilnius, n/a.

Lazauskas, V., 1914, Vilnius, n/a.

Lasinis, A., 1944, Vilnius, n/a.

Laskys, Regimantas, 1922, Vilnius, acoustic trauma.

Lazinskas, Ricardas, 1973, Vilnius, shoulder wounds.

Lekaite, Ausra (f), 1970, Vilnius, acoustic trauma.

Leleiva, Gediminas, 1960, Vilnius, acoustic trauma.

Lilionis, Dainius, 1973, Kaunas, acoustic trauma.

Linkevicius, V., 1954, Vilnius, n/a.

Linkeviciute, Regina (f), 1961, Kaunas, bullet wound to the foot.

Lisicinas, V., 1946, Vilnius, fractured wrist.

Litvinas, Rimas, 1965, Vilnius, concussion.

Litviniene, Danute (f), 1951, Vilnius, acoustic trauma.

Liutvinas, Antanas, 1950, Vilnius, acoustic trauma.

Lorecas, Rimas, 1952, Vilnius, acoustic trauma.

Lukosevicius, Zydrunas, 1973, Kedainiai, bullet wound to the calf.

Lukosiute, Aurika, 1972, Vilnius, acoustic trauma.

Luksiene, Irena (f), 1942, Vilnius, acoustic trauma.

Luksys, Vytautas, 1972, Vilnius, head wound.

Lynkas, Helmutas, 1964, Kaunas, acoustic trauma.

Lelys, Pranas, 1935, Kaunas, acoustic trauma.

Maciulevicius, Vidas, 1966, Vilnius, bullet wounds (dead).

Mackevicius, Jurgis, 1934, Vilnius, head wounds.

Maknys, Arvydas, 1962, Vilnius, acoustic trauma.

Maknys, Kestutis, 1970, Vilnius, acoustic trauma.

Makutinas, Vytautas, 1925, Kupiskis district, head wound.

Malinauskas, Kostas, 1942, Vilnius, acoustic trauma.

Malinauskiene, L. (f), 1962, Vilnius, acoustic trauma.

Malunavicius, Algimantas, n/a, Vilnius, concussion.

Maminskas, Jonas, 1933, Vilnius, acoustic trauma.

Marcinkevicius, Raimondas, 1955, Kupiskis, hand and chest wounds.

Marcun, Vaclova (f), 1938, Vilnius, acoustic trauma.

Margeviciute, Lina (f), 1972, Vilnius, acoustic trauma.

Markauskas, Genadijus, 1959, Vilnius, acoustic trauma.

Markevicius, Juozas, 1944, Vilnius, acoustic trauma.

Markoviene, Valerija (f), 1953, Vilnius, acoustic trauma.

Markovsky, Romualdas, 1947, Vilnius, upper arm fracture.

Martinka, Gintaras, 1965, Kupiskis, acoustic trauma.

Martinkus, Robertas, 1944, Vilnius, acoustic trauma.

Martisauskas, V., 1946, Vilnius, concussion.

Martishevsky, Bronislav, 1948, Vilnius, fractured forearm.

Martutailis, Danielius, 1946, Vilnius, acoustic trauma.

Marys, Edvardas, 1940, Vilnius, acoustic trauma.

Masevicius, Andrejus, 1969, Vilnius, acoustic trauma.

Masiokas, Eugenijus, 1965, Kedainiai, bullet wound to the chest.

Masiulis, Titas, 1962, Kaunas, bullet wounds (dead).

Masenas, Tadas, 1937, Kaunas, acoustic trauma.

Maseiniene, Birute (f), 1937, Kaunas, acoustic trauma.

Matuiza, Gediminas, 1956, Vilnius, acoustic trauma.

Matukaitis, Juozas, 1930, Vilnius, acoustic trauma.

Matukas, Audrius, 1962, Kaunas, acoustic trauma.

Matulaitis, Darius, 1966, Lazdijai district, concussion.

Mazelis, Darius, 1961, Vilnius, acoustic trauma.

Mazura, Marius, 1970, Vilnius, n/a.

Macioniene, Irena (f), 1947, Vilnius, acoustic trauma.

Maciulis, Kestutis, 1955, Vilnius, fractured hand.

Macenas, Gintaras, 1967, Vilnius, concussion.

Mazeika, Dainius, 1964, Vilnius, acoustic trauma.

Mazuolyte, Rasa (f), 1963, Vilnius, acoustic trauma.

Mecinskas, Mykolas, 1924, Vilnius, acoustic trauma.

Meilutis, Marius, 1975, Vilnius, acoustic trauma.

Meile, Igoris, 1967, Vilnius, concussion.

Mekzenas, Antanas, 1941, Vilnius, acoustic trauma.

Meskauskas, Jonas, 1944, Vilnius, acoustic trauma.

Meskutavicius, Juozas, 1952, Vilnius, acoustic trauma.

Meskenas, S., n/a, Vilnius, n/a.

Mickevicius, Almantas, 1972, Vilnius, n/a.

Miezelis, Darius, 1966, Vilnius, retinal damage.

Mikalajunaite, Kristina (f), 1971, Panevezys district, acoustic trauma.

Mikas, Stepas, 1957, Vilnius, acoustic trauma.

Mikel, Aregi, 1940, Moscow (Spanish TV), head wounds.

Mikna, Romualdas, 1964, Vilnius, acoustic trauma.

Mikolaitis, Sigitas, 1965, Kupskis, acoustic trauma.

Mikulskiene, A. (f), 1938, Vilnius, concussion.

Mikuleniene, Brone (f), 1926, Kaunas, acoustic trauma.

Mileviciene, Violeta (f), 1951, Kaunas district, acoustic trauma.

Milevicius, Antanas, 1949, Kaunas district, acoustic trauma.

Milinavicius, Jonas, 1933, Vilnius, broken ribs.

Miliukstiene, Lilija (f), 1938, Vilnius, acoustic trauma.

Milius, Gintas, 1966, Vilnius, acoustic trauma.

Miliuviene, Eleonora (f), 1928, Vilnius, acoustic trauma.

Minius, Gintas, 1966, Vilnius, acoustic trauma.

Mireckaite, Romute (f), 1961, Vilnius, acoustic trauma.

Mitkiene, Virginija (f), 1945, Kaunas, acoustic trauma.

Mitkus, Ignas, 1941, Kaunas, acoustic trauma.

Mitkute, Erika (f), 1970, Vilnius, concussion.

Mituzas, Audrius, 1972, Vilnius, acoustic trauma.

Molnikiene, Gene (f), 1933, Vilnius, acoustic trauma.

Monkevicius, Jonas, 1942, Vilnius, acoustic trauma.

Montvidas, Algirdas, 1955, Vilnius, acoustic trauma.

Montvidiene, Genovaite (f), 1956, Plunge district, n/a.

Morozovas, Petras, 1955, Vilnius, head wounds.

Motiejunaite, Milda (f), 1948, Vilnius, acoustic trauma.

Mulevicius, Vitoldas, 1930, Ukmerge, acoustic trauma.

Muntrimas, Mindaugas, 1936, Kupiskis, multiple injuries.

Musauskaite, Sigita (f), 1971, Radviliskis, hand and chest wounds.

Nailvaikiene, Ramute (f), 1963, Vilnius, acoustic trauma.

Narijauskas, Povilas, 1974, Vilnius, acoustic trauma.

Navinskiene, O. (f), 1944, Vilnius, tear gas poisoning.

Nekrasiene, Liudmila (f), 1957, Vilnius, acoustic trauma.

Nekrasius, Jonas, 1950, Vilnius, acoustic trauma.

Nekrosevicius, Algimantas, 1958, Traku Voke, acoustic trauma.

Nikitaravicius, Jonas, 1950, Vilnius, acoustic trauma.

Niuklys, Algirdas, 1960, Vilnius, acoustic trauma.

Norkevicius, Arunas, 1959, Grigiskes, acoustic trauma.

Norkunas, Adolfas, 1961, Vilnius, acoustic trauma.

Olsinskas, Rimantas, 1960, Vilnius, bullet wound to the foot.

Orechovas, Viktoras, n/a, Vilnius, chest contusions.

Orlauskiene, Vida (f), 1968, Vilnius, acoustic trauma.

Pabejunas, Dziugas, 1968, Vilnius, acoustic trauma.

Pacipavicius, Jonas, 1949, Vilnius, acoustic trauma.

Paladyte, Angele (f), n/a, n/a, n/a.

Paleviciene, Gene (f), 1942, Vilnius, acoustic trauma.

Palevicius, P., 1935, Vilnius, acoustic trauma.

Paleviciute, Nijole (f), 1969, Vilnius, head lacerations.

Panovas, Darius, 1971, n/a, chest contusions.

Paukste, Dainius, 1961, Vilnius, acoustic trauma.

Paulauskas, Algis, 1944, Vilnius, acoustic trauma.

Paulauskiene, L. (f), 1961, Vilnius, contusions, lacerations.

Paskauskiene, Aldona (f), 1942, Kaunas, hand and chest contusions.

Paskeviciene, Jadvyga (f), 1938, Vilnius, acoustic trauma.

Paskevicius, Algirdas, 1939, Kedainiai, acoustic trauma.

Pelakyte, Laima (f), 1959, Vilnius, acoustic trauma.

Petkevicius, Ceslovas, 1931, Vilnius, acoustic trauma.

Petraitiene, Nijole (f), n/a, Panevezys, elbow contusions.

Petrauskas, Antanas, 1936, Vilnius, acoustic trauma.

Petrauskas, Tomas, 1971, Vilnius, chest contusions.

Petravicius, Antanas, 1949, Kaunas, n/a.

Petrikas, Gintaras, 1958, Kupiskis district, concussion.

Petrokiene, Angele (f), 1931, Vilnius, acoustic trauma.

Petruskevicius, Vytautas, 1934, Vilnius, acoustic trauma.

Petukas, Gintaras, 1959, n/a, n/a.

Peciukonis, Vytautas, 1952, Vilnius, acoustic trauma.

Peciukieniene, Nomeda (f), 1963, Vilnius, n/a.

Peciulis, Gediminas, 1964, Vilnius, acoustic trauma.

Pilipavicius, Vytautas, 1973, Vilnius, acoustic trauma.

Pilkauskas, Sigitas, 1966, Gargzdai, bullet wound to the foot.

Pilsudskis, Ramunas, 1972, Kedainiai, retinal damage.

Pinkevicius, Petras, 1927, Vilnius, broken ribs.

Pladyte, Angele (f), 1942, Vilnius, foot contusions.

Pleckevicius, Mindaugas, 1923, Vilnius, concussion.

Pocius, Alfonsas, 1920, Vilnius, acoustic trauma.

Pocius, Egidijus, 1972, Vilnius, tear gas poisoning.

Pocius, Vilius, 1954, Vilnius, acoustic trauma.

Podgornas, Petras, 1949, Kaunas, upper arm contusions.

Povilaitis, Apolinaras, 1937, Vilnius, bullet wounds, chest (dead).

Povilenas, Rimas, 1971, Vilnius, acoustic trauma.

Pozeliene, Birute (f), 1952, Vilnius, acoustic trauma.

Pozeraite, Ausrine (f), 1970, Vilnius, acoustic trauma.

Pozeraite, Ramune (f), 1971, Vilnius, acoustic trauma.

Pranskaitis, Romualdas, 1942, Kaunas, acoustic trauma.

Prietkiene, Elvyra (f), 1940, Vilnius, acoustic trauma.

Protosov, Vladimir, 1951, Vilnius, acoustic trauma.

Puodziunaite, Daiva (f), 1971, Vilnius, fractured wrist.

Purlys, Mykolas, 1963, Vilnius, acoustic trauma.

Pusvaskyte, Janina (f), 1931, Vilnius, acoustic trauma.

Putys, Juozas Vytautas, 1936, Vilnius, acoustic trauma.

Puzinas, Juozas, 1925, Vilnius, n/a.

Puzonas, Algis, 1937, Vilnius, concussion.

Pucius, Stanislovas, 1931, Kaunas, acoustic trauma.

Radetsky, Yuri, 1954, Vilnius, head wounds, concussion.

Radzevicius, Rolandas, 1971, Vilnius, bullet wound to the foot.

Rageleviciene, Grazina (f), 1942, Vilnius, acoustic trauma.

Ragelevicius, Liudas, 1926, Vilnius, acoustic trauma.

Ralyte, Rima (f), 1965, Kupiskis, bullet wound to the foot.

Ramanauskaite, Daina (f), 1967, Vilnius, acoustic trauma.

Ramanauskiene, One (f), 1939, Kaunas, acoustic trauma.

Ramanavicius, Arunas, 1966, Vilnius, multiple injuries.

Ramaneckas, Gintaras, 1963, Vilnius, bullet wound to the thigh.

Ramaska, Algis, 1956, Vilnius, acoustic trauma.

Ramoskis, Antanas, 1933, Vilnius, concussion.

Rasanoriov, Aleksei, 1965, Leningrad, head contusions.

Raslanas, J., 1942, Vilnius, contusions, lacerations.

Ratkeviciene, Galina (f), 1962, Vilnius, acoustic trauma.

Ratkevicius, Saulius, 1959, Vilnius, acoustic trauma.

Raulickyte, Ausra, 1970, Vilnius, acoustic trauma.

Ravaitiene, Elena (f), 1929, Vilnius, acoustic trauma.

Ravicius, Gintaras, 1963, Kaunas, multiple injuries.

Rackauskas, Alfredas, 1939, Vilnius, acoustic trauma.

Rascius, Arturas, 1969, Panevezys, splintered teeth.

Reinertiene, Albina (f), 1937, Kaunas, torn knee ligaments.

Riliskis, Kazys, 1945, Vilnius, acoustic trauma.

Rimasauskas, Vytautas, 1943, Vilnius, n/a.

Rimkevicius, Mindaugas, 1971, Vilnius, acoustic trauma.

Rudokaite, J., 1972, Vilnius, acoustic trauma.

Ruginis, Antanas, 1949, Kaunas, acoustic trauma.

Sabas, Kestutis Vincentas, 1934, Vilnius, acoustic trauma.

Sagaitis, Vytautas, 1938, Vilnius, concussion.

Sakalauskas, Antanas, 1952, Vilnius, bullet wound to the foot.

Salnik, Vincas, 1939, Vilnius, acoustic trauma.

Sanovaitis, Gintas, 1965, Vilnius, retinal damage.

Sateikiene, Emilija (f), 1949, Kupiskis, n/a.

Sauliene, Rita (f), 1959, Vilnius, acoustic trauma.

Saulis, Kestutis, 1956, Vilnius, acoustic trauma.

Saulius, Leonas, 1941, Vilnius, acoustic trauma.

Sauliunas, Algirdas, 1958, Jonava, acoustic trauma.

Savickas, Petras, 1947, Kupiskis, bullet wound to the thigh.

Sefirldaite, Ruta (f), 1949, Kaunas, head contusions.

Shamkin, Andrei, 1965, Vilnius,. bullet would to the thigh.

Shatskikh, Viktor, 1970, Pskov, bullet wound, back (dead).

Shovje, Sidzhea, 1957, Moscow (Spanish TV), head contusions.

Shukyorov, Faniul, 1950, Vilnius, acoustic trauma.

Shulsky, N., 1975, Vilnius, head contusions.

Sidoravicius, Jonas, 1937, Vilnius, head contusions.

Simokaityte, Nijole (f), 1955, Kaunas, bullet wound to the mouth.

Sinkevicius, Jonas, 1937, Vilnius, contusions to the waist area.

Sinkevicius, Vytas, 1956, Kaunas district, shock.

Sipas, Linas, 1968, Vilnius, acoustic trauma.

Skabeikiene, Daiva (f), 1963, Vilnius, acoustic trauma.

Skaukauskiene, Danute (f), 1941, Vilnius, acoustic trauma.

Skukauskas, Gintaras, 1963, Vilnius, hand and chest contusions.

Skuodiene, Laima (f), n/a, Kaunas, acoustic trauma.

Skucas, Sarunas, 1971, Vilnius, acoustic trauma.

Slavinskaite, Loreta (f), 1971, Vilnius, acoustic trauma.

Slusnys, Zigmas, 1959, Vilnius, concussion.

Smaigys, Vidmantas, 1961, Vilnius, acoustic trauma.

Sparnauskas, Algimantas, n/a, Kaunas, acoustic trauma.

Spruogis, Rimantas, 1962, Vilnius, acoustic trauma.

Stagniunas, Elmuntas, 1950, Vilnius, acoustic trauma.

Satisiuniene, Antanina (f), 1934, Vilnius, acoustic trauma.

Stalgys, Algimantas, 1956, Vilnius, acoustic trauma.

Staneviciene, Terese (f), 1952, Vilnius, acoustic trauma.

Staniulis, Algimantas, 1936, Vilnius, acoustic trauma.

Stankauskas, Virginijus, 1964, Kupiskis, foot and hand contusions.

Stankevicius, Arunas, 1974, Vilnius, acoustic trauma.

Stankevicius, Juozas, 1934, Vilnius, bullet wound to the chest.

Stankevicius, Stasys, 1934, Kaunas, heel contusions.

Stankus, Antanas, 1953, Silale, head contusions.

Starkus, Vytautus, 1975, Vilnius, acoustic trauma.

Stasiulionis, Bronius, 1960, Kaunas, acoustic trauma.

Stasiunas, Alfonsas, 1942, Vilnius, n/a.

Stasiunas, Algirdas, 1972, Vilnius, concussion.

Stasiunas, Vaclovas, 1928, Vilnius, acoustic trauma.

Stasiuniene, Eugenija (f), 1937, Vilnius district, acoustic trauma.

Stasiunas, Vaclovas, 1925, Vilnius, acoustic trauma.

Steikunas, Andrius, 1973, Vilnius, acoustic trauma.

Steponaitis, Zigmas, 1943, Vilnius, acoustic trauma.

Steponavicius, Saulius, 1963, Vilnius, concussion.

Stipinas, A., 1972, Pagiriai, acoustic trauma.

Stogevicius, Rolandas, 1970, Vilnius, acoustic trauma.

Stoskus, Albertas, 1967, Vilnius, acoustic trauma.

Straukas, Evaldas, 1968, Vilnius, bullet wounds.

Strikauskas, Antanas, 1938, Vilnius, acoustic trauma.

Stropus, Evaldas, 1968, Vilnius, n/a.

Struna, Romualdas, 1951, Vilnius, acoustic trauma.

Stuknys, Arunas, 1965, Kaunas, chemical facial burns.

Subac, S., 1972, Vilnius, n/a.

Subacius, Andrius, 1970, Kaunas, acoustic trauma.

Suraucius, Jurgis, 1938, Vilnius, acoustic trauma.

Surinevicius, Romualdas, 1949, Vilnius, acoustic trauma.

Suziedelis, A.P., 1957, Vilnius, acoustic trauma.

Svarolavicius, Ricardas, 1974, Vilnius, acoustic trauma.

Svilas, Bronius, 1936, Vilnius, acoustic trauma.

Sabalinskas, Giedrius, 1965, Vilnius, acoustic trauma.

Sakaliene, Maryte (f), 1941, Vilnius, acoustic trauma.

Saltmeris, Juozas, 1939, Pakruojis district, acoustic trauma.

Saltmeris, Vladas, 1940, Vilnius, acoustic trauma.

Sapaliene, Regina (f), 1953, Vilnius, acoustic trauma.

Sapoka, A., 1933, Vilnius, acoustic trauma.

Sapokiene, R., 1953, Vilnius, acoustic trauma.

Sarakauskas, Zygimantas, n/a, Kaunas, shock.

Sarakauskiene, Dalia (f), 1958, Kaunas, shock.

Sateika, Alydas, 1940, Subacius, head wound, concussion.

Sateika, Valdas, 1974, Subacius, acoustic trauma.

Sateikiene, Eugenija (f), 1949, Subacius, head wound, concussion.

Satnagis, Jonas, 1964, Vilnius, acoustic trauma.

Scerba, Ricardas, 1968, Vilnius, concussion.

Sciukaite, Leta (f), 1975, Kupiskis, foot and hand contusions.

Sefer, R., 1958, Vilnius, multiple injuries.

Seikys, Liudas, 1941, Vilnius, thigh and heel wounds.

Sereika, Jaunutis, 1958, Vilnius, acoustic trauma.

Sikas, Algis, 1961, Vilnius, ruptured spleen.

Sildagyte, Jurate (f), 1973, n/a, n/a.

Silingas, Vincas, 1938, Vilnius, acoustic trauma.

Simas, Antanas, 1943, Siauliai, acoustic trauma.

Simulionis, Ignas, 1973, Vilnius, bullet wound, chest (dead).

Simulyte, Naste (f), 1973, Vilnius, acoustic trauma.

Simenas, Vytautas, 1939, Vilnius, bullet wound to the mouth.

Sipila, Linas, 1974, Vilnius, acoustic trauma.

Sklenikaite, Danguole (f), 1974, Vilnius, acoustic trauma.

Slekiene, Valerija (f), 1952, Kaunas, concussion.

Sor, E.D., 1967, Vilnius, n/a.

Spokauskiene, Aldona (f), 1944, Vilnius, acoustic trauma.

Sukaitiene, Sofija (f), 1913, Vilnius, bullet wound to the chest.

Sukstenis, Arvydas, 1955, Vilnius, acoustic trauma.

Sukys, Algirdas, 1930, Vilnius, acoustic trauma.

Sulcas, J., 1969, n/a, n/a.

Sutkuviene, Vida (f), 1940, Vilnius, acoustic trauma.

Svedas, Jonas, 1942, Vilnius, acoustic trauma.

Sveikauskas, Kazimieras, 1943, Vilnius, acoustic trauma.

Talutis, Ignas, 1948, Vilnius, hand and chest contusions.

Tamutis, Vytautas, 1925, Vilnius, acoustic trauma.

Tarasonis, Vytautas, 1925, Vilnius, acoustic trauma.

Taraskeviciene, Irena (f), 1932, Kaunas, head wound, concussion.

Tautkus, Jonas, 1970, Vilnius, bullet wound, head (dead).

Tautkute, Egle (f), 1967, Vilnius, acoustic trauma.

Tekutis, Valius, 1948, Kedainiai, bullet wound to the foot.

Tikhonova, Erika (f), 1970, Jonava, acoustic trauma.

Tomkevicius, Juozas, 1944, Vilnius, chemical eye damage.

Truska, Liudas, 1937, Vilnius, head wound.

Truciliauskaite, Loreta (f), 1966, Vilnius, fractured upper arm.

Tumas, Gintaras, 1968, Silute district, n/a.

Tumas, Gintaras, 1966, Panevezys district, thigh and calf wounds.

Tumosa, Saulius, 1967, Vilnius, acoustic trauma.

Tundorakis, 1957, Vilnius district, concussion.

Tutkus, Jonas, 1947, Vilnius, acoustic trauma.

Tvarijonas, Ramunas, 1969, Vilnius, acoustic trauma.

Ubartas, Virgilijus, 1970, Klaipeda, broken nose.

Urbanovich, Yuri, 1967, Vilnius, acoustic trauma.

Urbonas, Raimondas, 1952, Vilnius, acoustic trauma.

Urbonas, Vaidotas, 1958, Sakiai, acoustic trauma.

Urbonavicius, Petras, 1927, Vilnius, acoustic trauma.

Urbonavicius, Vaidotas, 1970, Vilnius, concussion.

Uzpalyte, Rusanda (f), 1972, Vilnius, acoustic trauma.

Vagonis, Aurimas, 1973, Vilnius, acoustic trauma.

Vaicechovskis, G, 1962, Vilnius, concussion.

Vaicekauskiene, Elena (f), 1937, Vilnius, acoustic trauma.

Vaiciukas, Algis, 1961, Vilnius, bullet wound to the thigh.

Vaikutyte, Grazina (f), 1972, Vilnius, acoustic trauma.

Vaitaitis, Algirdas, 1960, Vilnius, acoustic trauma.

Vaitkevicius, Alfredas, 1955, Vilnius, acoustic trauma.

Vaitkevicius, Robertas, 1956, Vilnius, head contusions.

Vaitkus, Vytautas, 1971, Vilnius, concussion.

Vaitkus, Vytautas, 1943, Vilnius, bullet wound, chest (dead).

Vaitkunas, Raimondas, 1958, Vilnius, acoustic trauma.

Vaitukiene, Joana (f), 1955, Vilnius, acoustic trauma.

Vaicaitis, Vaidotas, 1969, Vilnius, acoustic trauma.

Valantinaviciene, Stanislava (f), 1945, Kaunas, hand wounds.

Valungevicius, Tomas, 1921, Vilnius, acoustic trauma.

Valuskeviciene, Regina (f), 1938, Vilnius, bullet wound to the foot.

Vangelis, Algimantas, 1952, Salcininkai, n/a.

Vanilaitiene, Sofija (f), 1928, Vilnius, n/a.

Varkauskaite, Aurelija (f), 1960, Vilnius, acoustic trauma.

Varkauskas, Feliksas, 1923, Vilnius, acoustic trauma.

Vasiliauskas, Audrius, 1967, Vilnius, acoustic trauma.

Vasiliauskas, Petras, 1946, Vilnius, eye damage.

Vasiliauskas, Vladas, 1945, Vilnius, acoustic trauma.

Vasiliauskiene, Bornadeta (f), 1950, Vilnius, acoustic trauma.

Vaskelis, Arnoldas, 1968, Vilnius, acoustic trauma.

Velicka, Gintas, 1968, Druskininkai, acoustic trauma.

Velickiene, B., 1956, Svencionys, n/a.

Verkelyte, Emilija (f), 1935, Vilnius, acoustic trauma.

Vilbrikas, Virginius, 1964, Vilnius, acoustic trauma.

Vilkaitis, Romas, 1941, Vilnius, acoustic trauma.

Vilkisius, Kestutis, 1967, Vilnius, acoustic trauma.

Viltrakis, Arunas, 1961, Vilnius district, acoustic trauma.

Viluckis, Adomas, 1946, Vilnius, concussion.

Vinkeviciene, Nijole (f), 1937, Vilnius, acoustic trauma.

Virsacaite, Grazina (f), 1972, Vilnius, acoustic trauma.

Vitkeviciute, Grazina (f), 1949, Vilnius, acoustic trauma.

Visomirskis, Robertas, 1963, Vilnius, acoustic trauma.

Volynecas, Andrejus, 1972, Vilnius, acoustic trauma.

Vosilius, Vytautas, 1962, Vilnius, acoustic trauma.

Vytas, Arunas, 1965, Kaunas, acoustic trauma.

Vysniauskas, Paulius, 1978, Vilnius, acoustic trauma.

Vebra, Ernestas, 1932, Kaunas, head lacerations.

Velyvis, Stasys, 1938, Vilnius, tear gas poisoning.

Ycas, Vilius, 1943, Vilnius, acoustic trauma.

Yezevich, Marius, 1941, n/a, torn ligaments.

Zabarauskas, Aleksandras, 1938, Vilnius, acoustic trauma.

Zapulis, Stanislovas, 1939, Vilnius, acoustic trauma.

Zagorskas, Edvardas Algis, 1945, Kedainiai, acoustic trauma.

Zagorskas, Rolandas, 1968, Vilnius, acoustic trauma.

Zagorskas, Valdas, 1963, Vilnius, acoustic trauma.

Zagurskas, Edvardas, 1945, Kaunas, acoustic trauma.

Zailskas, Algimantas, 1942, Vilnius, acoustic trauma.

Zakarevicius, Mindaugas, 1969, Vilnius, acoustic trauma.

Zaliauskas, Stasys, 1964, Vilnius, acoustic trauma.

Ziliunas, Giedrius, 1963, Vilnius, head contusions.

Zubauskas, Albinas, 1945, Vilnius, acoustic trauma.

Zubenko, Mikhail, 1953, Vilnius, hand and chest contusions.

Zujus, Gintaras, 1969, Kaunas, concussion.

Zvicaviciene, Janina (f), 1951, Vilnius, acoustic trauma.

Zalgevicius, Zilvinas, 1971, Vilnius, concussion.

Zemaitis, Valentinas, 1952, Panevezys, acoustic trauma.

Ziaunys, Jonas, 1923, Panevezys, pelvic fracture.

Zilaitis, Virginijus, 1962, Vilnius, shock.

Zilionis, Dainius, 1973, Kaunas, acoustic trauma.

Ziupsnys, Steponas, 1945, Vilnius, acoustic trauma.

Zizyte, Rugile (f), 1973, Vilnius, acoustic trauma.

Zostautas, Vidas, 1966, Vilnius, acoustic trauma.

Zukauskas, A., 1939, Vilnius, acoustic trauma.

Zukauskas, Julius, 1948, Vilnius, acoustic trauma.

Zukauskiene, Janina (f), 1937, Vilnius, acoustic trauma.

Zukiene, Aldona (f), 1945, Vilnius, acoustic trauma.

Zukiene, Ruta (f), 1947, Vilnius, acoustic trauma.

Zvybas, Albertas, 1947, Vilnius, acoustic trauma.

Zygas, Gintautas, 1953, Vilnius, acoustic trauma.

DEPARTMENT OF STATISTICS UNDER THE CABINET OF MINISTERS OF THE REPUBLIC OF LITHUANIA

VILNIUS, *March 29, 1991.*

To: Vytautas Landsbergis, President, Supreme Council, Republic of Lithuania.

In compliance with the resolution of the Government of the Republic, the Department of Statistics has obtained from enterprises, organizations, offices and farms data about the damages sustained by them and citizens due to the attack of the army of occupation. The losses suffered by the economy and the citizens of the Republic are evidenced by the following data:

DAMAGES CAUSED TO THE ECONOMY OF THE REPUBLIC BY THE ARMY OF OCCUPATION IN JANUARY—FEBRUARY 1991

Kind of damage	Rubles in thousands	Of the total damage (in percentage)
Total amount of damage	74,917,000	100
Net value of the destroyed (occupied) property (minus depreciation)	69,292,300	92.5
Costs of repair (rebuilding) of damaged property	672,100	.9
Lost financial resources and securities (seized, destroyed)	30,800	.04
Losses in production, construction and services	2,718,000	3.6
Destroyed (seized), damaged equipment, resources, raw materials	2,335,400	3.1
Due to security of vital buildings against the invasion of the army of occupation	382,600	.5
Losses in profit	512,200	.8
Due to destroyed (seized), damaged equipment, resources, raw materials	415,100	.6
Due to security of vital buildings against the invasion of the army of occupation	97,000	.2
Compensations, benefits for forcible loss of jobs	159,600	.2
Damages due to injuries sustained by the population	1,061,4	....
Expenses for security of vital buildings against the invasion of the army of occupation	470,600	.5

The largest share of losses—74,34,200 rubles (99.2 percent of the total sum of losses) has been sustained by towns, and 576,800 rubles (0.8 percent) by districts. Vilnius has suffered most of all: its losses amount 74,176,300 rubles. The losses of Kaunas amount to 44,300 rubles, losses of Panevézys—36,000 rubles, Siauliai—20,000 rubles, of Alytus—1,700 rubles, of Marijampolé—61,900 rubles. Among the districts, the losses of Siluté district amount to 116,200 rubles, of the Kaunas district—98,200 rubles, of the Kelmé district—37,300 rubles, of the Kédainiai district—36,400 rubles.

Owing to the actions of the army of occupation the heaviest damage has been done to telecommunications: losses amount to 48,303,100 rubles—64.5 percent of the total sum of losses. Out of this sum 45,715,700 rubles worth of damage has been done to Lithuanian Radio and Television. The greatest damage has been done to the television film depository (21,665,000 ruble loss) and the technical centre (186,661,300 ruble loss). The lossess of industrial firms amount to 95,500 rubles, of construction organizations—426,100 rubles, transport companies—335,800 rubles, farms—198,900 rubles, other branches of economy—25,557,600 rubles.

V. JANKAUSKAS,
Director General.

[Supreme Council of the Republic of Lithuania, Bureau of Information]

JANUARY 25, 1991.

BULLETIN: LITHUANIAN PARLIAMENT PRESIDENT REACTS TO NIGHT'S SHOOTINGS AND NABBINGS BY THE SOVIET MILITARY IN LITHUANIA

After last night's shootings and abductions of people by the Soviet military (details in releases No. 072 and No. 073), President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, told the Bureau of Information that the "Vilnius garrison is becoming a mob of bandits."

"Possibly the aim is to force us to ask for assistance from the Ministry of the Interior of the USSR, as was the strategy used both in Georgia and Moldova," Mr. Landsbergis continued. "A similar case was that of Latvia, when Latvian Supreme Council President Anatolijs Gorbunovs asked for the assistance of Minister of Internal Affairs Pugo. Then it turns out that we are asking for their help, and Moscow comes to the rescue to save its children."

"If they are not being released because they are employees of the Parliament," said the Lithuanian Parliament President, "then they are being treated as prisoners of war."

The Lithuanian Government has tried to reach military officers at the "North Town" military base, where the Lithuanians are being held constantly throughout the night, to no avail. Either no one answers, or lower-ranking soldiers refuse to connect the Government with their officers.

This morning Mr. Landsbergis finally got through to Vilnius garrison head General Uschopchik. When the Parliament President expressed protest that people are being held at the military base, as well as being beaten, General Uschopchik denied that there was any form of maltreatment, even though foreign correspondents in the room, who have been since released, are witnesses to the beatings. In the shuffle of the release of the foreign correspondents, belongings which were taken by the military were returned in frazzled heaps, among them were some pieces of identification and belongings of the people still being retained at the military base. Upon their release the correspondents gave these things over to the Parliament Bureau of Information, and they are now in the possession of the Procurator General of the Republic of Lithuania.

Mr. Landsbergis also demanded to know where the people being held at the military base are at present, and that they be released immediately. Mr. Uschopchik said that they are "where they should be, are undergoing interrogation, and will be released when they are ready." The Parliament President also warned the General that one of the Parliament Security employees is a diabetic and may need medical attention, and that he should "stop telling fairy tales". The General asserted that the Lithuanian Parliament Security shot at the soldiers first. The only employee of the Parliament who was armed was the driver of the first car, which was taking Parliament Security funds from Vilnius to Kaunas. A car with two other Security personnel had observed the shooting, and stated firmly that no gunfire came from the automobile with the Parliament Security employees.

Mr. Landsbergis also contacted Assistant to the USSR General Staff in Moscow, General Bronislav Omelichev, and described the situation. General Omelichev asserted that no such events could have taken place, that soldiers would not fire for no reason. He stated that he would take Mr. Landsbergis's information into account and check."

City Procurator Donatas Sodeika informed Supreme Council President Vytautas Landsbergis that a criminal lawsuit has been brought against the military in Vilnius, based on the article called "banditry."

[Supreme Council of the Republic of
Lithuania, Bureau of Information]

JANUARY 25, 1991.

BULLETIN: THE SITUATION IN THE VILNIUS GARRISON IS GETTING OUT OF CONTROL

President of the Supreme Council of the Republic of Lithuania received a Protest today from the Commander of the Vilnius Garrison, General-Major V. Uschopchik. In the Protest he claims that the Lithuanian Police is not carrying out its duties in guaranteeing the public order and security. Although he does not mention the facts of "detaining and disarming the employes of the Ministry of Interior" (see release No. 061). As a result of that, he warns, "the situation in the Vilnius Garrison is getting more and more out of control."

[Supreme Council of the Republic of
Lithuania, Bureau of Information]

JANUARY 28, 1991.

BULLETIN: LITHUANIAN PARLIAMENT PRESIDENT REACTS TO SUMMIT POSTPONEMENT

Supreme Council President Vytautas Landsbergis, in referring to the United States' position that the issue of the Baltic States was not a factor in today's decision to postpone the summit which was to take place in Moscow, said: "I hope that such a formulation will not encourage the Soviet militarists to take new aggressive action, for example, that promised by the Order of Ministers Yazov and Pugo."

In a press conference today U.S. Secretary of State James Baker had been quoted as saying that President Gorbachev is "wrestling with a number of problems" and he is "coping with them to the best of his ability." In reaction to this, Mr. Landsbergis said:

"President Gorbachev has many problems not only in his own country. The problems are made up by actions of his army in other countries—Poland, Lithuania, Latvia and Estonia."

"As for his 'ability' (referring to the above quote by Baker)," Mr. Landsbergis continued, "either it is not large and President Gorbachev is not capable of stopping evil, or else he has enough ability to do evil, and no one is taking his ability away."

[Supreme Council of the Republic of
Lithuania, Bureau of Information]

FEBRUARY 7, 1991.

BULLETIN: LITHUANIAN STATEMENT CONCERNING ANNOUNCEMENT OF SOVIET MILITARY MANEUVERS

The following is a statement issued by President of the Supreme Council Vytautas Landsbergis and Prime Minister Gediminas Vagnorius:

With the approach of the universal opinion poll-plebiscite of the population of Lithuania, we declare the impermissible interference of USSR military forces. Leaflets are being dropped from military helicopters, whereby an unknown "citizens' committee" is agitating for nonparticipation in the plebiscite, even though the USSR army deployed on Lithuanian territory has no right to assist such actions of unnamed individuals. The USSR military patrols of Lithuanian cities and roads have yet to be called off, while the start of military maneuvers has been announced for February 10, when the votes will be counted. These and other military actions are impermissible pressure intimidating citizens. A great obstacle for information is the still continuing occupation of the television and radio buildings and press building, for which the army of the USSR Internal Affairs Ministry currently bears complete responsibility. In addition, this occupation in being used for disinformation, agitation of an intimidating nature against the free expression of citizens' will. Television and radio stations of USSR military units deployed in Luthuania are undertaking similar impermissible actions. The goal of all this is to negatively influence the results of the plebiscite. Protesting against such actions of the USSR armed forces, we direct the attention of the General Procuracy of the Republic of Lithuania as well as international legal organizations to the mentioned actions and suggest that they receive a proper legal evaluation.

[Supreme Council of the Republic of
Lithuania Bureau of Information]

FEBRUARY 8, 1991.

BULLETIN: LITHUANIAN PARLIAMENT PRESIDENT RECEIVES INFORMATION ON MILITARY MANEUVERS

The following is an official letter received by Lithuanian Parliament President Vytautas Landsbergis late last night from the commander of the Baltic military district, General-Colonel F. Kuzmin:

I inform you that in the territories of Latvia, Lithuania and Estonia, from February 10 to 20, team-staff instruction according to the soldier preparatory plan of the Baltic military district will take place in areas, with the participation of soldiers.

Chief of the District Staff, General-Lieutenant Chaus Piotr Grigorjevich, has been delegated head of instruction.

[Supreme Council of the Republic of
Lithuania, Bureau of Information]

FEBRUARY 24, 1991.

BULLETIN: SUPREME COUNCIL PRESIDENT MAKES STATEMENT

The President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, gave a statement to the Bureau of Information today regarding military actions on land for the liberation of the Kuwaiti state. The text is as follows:

We sincerely hope that the liberation of Kuwait will be successful and will not take long to achieve, and that the government of Kuwait will once again control its entire territory, and that no one—neither Iraq nor any one of its supporters—will hesitate in their recognition of Kuwaiti independence.

We also hope that the events in the Persian Gulf will not lessen the significance of events in the "Baltic Gulf" for Europe and the world. The Soviet war against the Baltic States, begun in 1940 and pursued in various different forms up to and including the murderous actions of January 1991, must be brought to an end through the signing of a new Peace Treaty and the full restoration of the independence of Lithuania, Latvia, and Estonia. Democratic nations of the world are acclaimed for their consistent, not two-faced, foreign policy.

[Supreme Council of the Republic of
Lithuania, Bureau of Information]

MARCH 3, 1991.

BULLETIN: PARLIAMENT PRESIDENT COMMENTS ON STATEMENT OF U.N. HUMAN RIGHTS COMMISSION CHAIRMAN

On February 26, 1991 the Chairman of the 47th session of the U.N. Commission on Human Rights, Mr. Enrique Bernales Ballesteros, read a statement noting the positive development in the Soviet Union, and expressing concern over the violations of human rights in Latvia and Lithuania in mid January. The Commission on Human Rights "welcomed the announced decision of the Government of the Soviet Union to conduct a thorough investigation of these events and to bring to justice those responsible; noted the readiness of the Government of the Soviet Union to communicate without delay to the Chairman of the Commission the results of this investigation . . ."

The Commission statement was a consensus text communicated to the Chairman by various delegations, including the USSR, with the agreement that no debate will follow.

The President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, gave his comments on the Human Rights Commission Statement.

"It is unfortunate," said Mr. Landsbergis, "that once again interested parties succeeded in having the issue of the Baltics enveloped in a general statement, without allowing discussion. The same type of statements were heard from the Soviet Government after the tragic events in Tblisi and Baku," noted Mr. Landsbergis. "As far as I know, not a single person responsible was brought to justice. I conclude that the Commission statement only took the Soviet position into consideration. Then the fact that the Commission statement was one of consensus reaffirms an observation made long ago—that consensus with the Soviets means the Sovietization of politics and policy. In this case the only positive aspect is a promise that has not been fulfilled yet—that those guilty will be brought to justice.

"Since the USSR Government has stated its willingness to communicate the results of an investigation on the events in Lithuania and Latvia," Mr. Landsbergis continued, "we can only hope that the Commission on Human Rights will not forget this promise. It may even be fitting to request a report on the progress of the investigation. The Soviet Government cannot say that it has no foundation for beginning its work, since the indepenent organization of Soviet military personnel, 'Shield,' has already made its own investigation and has provided a long list of names of who, by its deduction, are directly guilty of the military action taken in mid January," said Mr. Landsbergis.

"With the assistance of international organizations like the United Nations, I believe those killed in Latvia and Lithuania will be remembered not only through emotion, but through justice," he concluded.

[Supreme Council of the Republic of Lithuania, Bureau of Information]

APRIL 9, 1991.

BULLETIN: SOVIET MILITARY AGAINST POSSIBILITY OF NEGOTIATIONS BETWEEN LITHUANIA AND THE USSR

On April 9, 1991 at approximately 9 a.m. another building belonging to the Government of the Republic of Lithuania—automobile driver's school on Plytines street in Vilnius—was seized. The action was carried out by armed soldiers in camouflage uniforms and bullet proof vests under the command of a Soviet Army Major who refused to identify himself or present his documents. Algimantas Norvilas, a Deputy of the Supreme Council and General Director of the Sport and Technical Association "Vytis" which supervises the drivers school, vehemently protested to the soldiers but was threatened with a gun and chased away. Employees also left the school which is presently occupied by the Soviet Military.

The President of the Supreme Council, Vytautas Landsbergis, gave his comments on the event:

"We will soon find out the gravity and the dimension of this provocation from the reaction of the Government of the USSR. If an order for the soldiers to immediately withdraw will not be given from Moscow, we will consider this the start of a new escalation of provocative actions against Lithuania. It may be in connection with a planned trip of USSR President Mikhail Gorbachev to Japan, because specifically when he is absent or supposedly unaware the greatest blows are carried out. Another possible version—an attempt by the conservative CPSU and Military Forces to torpedo starting negotiations between the USSR and Lithuania. Therefore, either the political leadership of the USSR is being mocked, or else the Leadership itself is being hypocritical. From the point of view of Lithuania it is a new act of Soviet military aggression, a strange response to 'generals' to the attempts of the Lithuanian Government to improve conditions of life for the Soviet soldiers here."

A member of the Lithuanian State Delegation for Negotiations with the USSR, General Director of the National Security Department of the Republic of Lithuania, Audrius Butkevicius, called this action "a response of the military to the protocol adopted during the official meeting of the Delegations of the USSR and Lithuania on April 4, 1991 in Moscow. The following principles, among others, are fixed in this protocol: "impermissibility of illegal forms of influence on the part of either Party" and "respect for other universally acknowledged principles of law".

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I ask unanimous consent that I be able to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. GORE. I thank the Chair.

(The remarks of Mr. GORE pertaining to the introduction of S. 995 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

The Chair recognizes the majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senate Resolution 117 be temporarily laid aside pending the disposition of S. 429; that the Senate proceed to the immediate consideration of S. 429; that the cloture motion that I will now send to the desk be voted on at 6 p.m. on Wednesday, May 8, with the mandatory live quorum being waived; that first-degree amendments may be filed until 1 p.m. on Wednesday; and that Senator BROWN be recognized to offer a substitute amendment today, modifying the evidentiary standard included in the bill; that for the remainder of today's session action on the bill be limited for debate only; that when the Senate recesses today, it stand in recess until 12 noon on Wednesday, May 8; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 1 p.m. with Senators permitted to speak therein; that the time from 12 noon to 12:45 p.m. be under the control of the Republican leader or his designee; that from 1 p.m. to 3 p.m., and from 4:30 p.m. to 6 p.m. the time be equally divided between Senators METZENBAUM and THURMOND for debate only; and that the Senate stand in recess from 3 p.m. to 4:30 p.m. so that Senators may attend a classified briefing by the Secretary of State; that should cloture be invoked, with the Brown substitute amendment pending, Senator THURMOND be recognized to offer an amendment, and Senator METZENBAUM or his designee be recognized to offer an amendment to the Thurmond amendment.

The PRESIDING OFFICER. Is there objection?

The Chair recognizes the Senator from Colorado.

Mr. BROWN. Mr. President, this has been cleared by the minority. There is no objection.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

CONSUMER PROTECTION AGAINST PRICE-FIXING ACT

The PRESIDING OFFICER. The clerk will now report S. 429.

The legislative clerk read as follows:

A bill (S. 429) to amend the Sherman Act regarding retail competition.

The Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 429, a bill to amend the Sherman Act regarding retail competition:

Herb Kohl, D.K. Inouye, J. Lieberman, Carl Levin, Claiborne Pell, Paul

Simon, Alan Cranston, Bob Graham, Chuck Robb, Howard Metzenbaum, Bill Bradley, Tom Harkin, J.J. Exon, Slade Gorton, Warren B. Rudman, Alfonse D'Amato.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is now to be recognized.

AMENDMENT NO. 90

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 90.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as "The Consumer Protection Against Price-Fixing Act of 1991".

SEC. 2. The Congress finds that—

(1) consumer welfare is greatly enhanced by an ability to purchase goods and services at lower prices as a result of vigorous price competition;

(2) vertical price restraints generally have an adverse impact on competition that results in higher consumer prices;

(3) recent court decisions have so narrowly construed the laws against vertical price restraints that consumer welfare has been put in jeopardy; and

(4) It is necessary to enact legislation that protects the interests of consumers in vigorous price competition while recognizing the needs of manufacturers and others to maintain reasonable service, quality and safety standards.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser or a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

PROGRAM

Mr. MITCHELL. Mr. President and Members of the Senate, it has taken several hours of negotiations by several of the interested parties to reach this agreement on proceeding for the next 24 hours.

So that Senators may fully comprehend what it is we have agreed to: First, the resolution by Senator DOLE regarding export credits to the Soviet Union, Senate Resolution 117, has been temporarily laid aside pending the disposition of S. 429; that is the retail price-fixing bill on which cloture was obtained on the motion to proceed earlier today.

Since the opponents of that legislation made clear that they would not permit consideration of the bill absent the invocation of cloture, a cloture motion has now been filed on the bill itself. A vote on that cloture motion will occur at 6 p.m. tomorrow; that is, a vote on the cloture motion on the bill itself.

Senator BROWN, under the agreement, has been recognized to offer a substitute amendment modifying the evidentiary standard in the bill and that amendment is pending. Under the agreement, that amendment will not be voted on prior to the cloture vote, but it will be the pending business at that time.

If cloture is invoked, the Brown substitute amendment will be pending. At that time, Senator THURMOND will be recognized to offer an amendment and Senator METZENBAUM, or his designee, will then be permitted to offer an amendment to the Thurmond amendment.

So, that is where we stand now. There will, therefore, be no rollcall vote tomorrow prior to 6 p.m. But at 6 p.m. there will be a vote on the motion to invoke cloture on the bill and there may be further action in the Senate thereafter, depending of course on the outcome of that vote.

In any event, the Dole resolution, Senate Resolution 117, which has been now temporarily laid aside pursuant to this agreement, is laid aside only until the disposition of S. 429 at whatever time and by whatever means that occurs. It is my hope that we can complete action on both measures this week, but that will depend, of course, in part, on the result of the cloture vote tomorrow at 6.

Mr. President, I am momentarily going to yield the floor so that the Senator from Colorado may address his amendment if he chooses to do so, and the distinguished Senator from Ohio may address the amendment or the bill, as he chooses to do so.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). Who seeks recognition?

The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, the amendment that will be in order tomorrow, at least for consideration, will be an amendment that comes from deliberation in the Judiciary Committee. It is one that is meant to address the major concerns brought up about the Metzenbaum-Rudman bill, and they are measures that I believe will ease the concerns of Members of this body.

I think valid concerns were brought up that the bill and the standards were not as clear as they might be. The amendment addresses that and I think straightens those out.

I think a valid concern was brought up with regard to the evidentiary standard required. The amendment makes it clear that the cause of action can only be found because action was taken in dismissing the distributor because he had been involved in a price conspiracy and agreement. It restored the vital element of conspiracy, an agreement for price fixing, to the evidentiary standard. It does a number of other things. But the tone of the amendment is to improve on the standards involved in the bill to make sure that businessmen and women are treated fairly and to make sure also that true cases of price fixing do receive the proper consideration and adjudication by the court.

I believe this perfecting amendment is one that will merit the support of this body; I believe of Senators from both sides. I think it is one that attempts to deal with business people fairly and I believe the result of the bill will be a far more competitive environment, one that will benefit both consumers in this country as well as a competitive environment for our business people.

Mr. President, at this point I will yield to the distinguished Senator from Ohio, who is the sponsor of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, let me rise to commend the Senator from Colorado for his sponsorship of this amendment.

I am frank to say I am not that enthused about the amendment. I cannot say it is something I would have sponsored myself. But I recognize the strength and conviction of the Senator from Colorado and recognize he has been working in the direction of making the bill a better bill, not an effort to destroy the bill.

I know, as a matter of fact, the Senator from Colorado has put in a lot of time developing this amendment. He is an astute lawyer, a good lawyer, and he has not just looked at it in a summary manner. He has dug into it; he studied the law; he studied case law and he has come forward with this amendment.

I make no bones about it. I think I would have been happier without the amendment. But I believe the Senator is not trying to destroy the bill. It does not destroy the bill. In his opinion, it makes it a better bill. I am not sure I totally agree with that.

But the legislative process is one of give and take. There is not one of us who comes to the floor and knows all the answers of what should be in any particular piece of legislation. Probably some of the greatest legislative matters that have been passed in this body and the House, as well as the Constitution's Bill of Rights, did not just happen because one man or one woman proposed it and everybody stood up and applauded it.

I recognized we have here the efforts of an able, conscientious Member of this body. I feel we can live with the amendment. I feel it will continue to protect the consumers and those who want to buy at a discount. And I think he feels it will provide additional protection for the merchants who will be affected by this bill.

I join the Senator in my concern for the merchants, as well as the consumers. So at an appropriate point, I am prepared to accept the amendment, it being my understanding that the Senator from South Carolina has some reservations. Until such time, of course, there will be no effort to accept it. I commend him for the diligent effort he made in this respect. I am prepared to accept the amendment when and if others in this body see fit to permit me to do this.

Mr. BROWN. I want to thank the distinguished Senator from Ohio for his kind remarks and simply observe that all of us believe in a competitive America. We believe strong competition is what makes this country a winner. I believe with these amendments we have come up with something that will help make America stronger through the competition that has been so helpful to us in the past.

I yield, Mr. President.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEADLINE FOR THE FILING OF FINANCIAL DISCLOSURE REPORTS

Financial disclosure reports required by the Ethics in Government Act of 1978 and Senate Rule 34 must be filed no later than close of business on Wednesday, May 15, 1991. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings. Written acknowledgment will be provided automatically for Senators' reports, and upon request, for staff members. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 14. Advance requests for copies of full sets of 100 Senators' reports are now being accepted by the Public Records Office. Any questions regarding the availability of reports of their purchase should be directed to that office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

TRIBUTE TO SENATOR JOHN HEINZ BY THEODORE E. STEBBINS, JR.

Mr. KENNEDY. Mr. President, many of us were privileged to attend the funeral service in Pittsburgh last month for our colleague and friend, Senator John Heinz, who was killed in a tragic airplane accident on April 4. One of the most eloquent tributes at the service was delivered by Theodore E. Stebbins, Jr., a lifelong friend of Senator Heinz who is the John Moors Cabot Curator of American Paintings at the Museum of Fine Arts in Boston.

In recent weeks, other eloquent tributes at the service for Senator Heinz have been printed in the RECORD. I believe that all Members of the Senate will appreciate the chance to see Dr. Stebbins' remarks as well, and I ask unanimous consent that they may be printed at this point in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO SENATOR JOHN HEINZ BY THEODORE E. STEBBINS, JR., HEINZ MEMORIAL CHAPEL, PITTSBURGH, APRIL 10, 1991

John loved this beautiful place, the Heinz Chapel. I remember the joyous day that he and Teresa were married here, and the sad one just a few years ago when John spoke here at his own father's funeral. He would have been so proud to have heard Chris and Andre and John speak today, at this service, and he would have been pleased and grateful that all of you—inside and outside the chapel—came here to honor him today.

No one can speak for all the friends of John Heinz; we are too many and too varied for that. We are every age and every color;

we are rich and poor; we live in Etna and Oakdale, in Los Angeles and Washington and New York. We knew him, and we loved him, in myriad ways. For his wonderful wife, he was the best, the most caring, the most devoted of husbands. For his mother and for Captain McCauley, for his late father and for Drue, and for millions of older people across the nation, he was the most splendid and compassionate of sons. For Chris and Andre and John, for his youthful staff, and for all the young people whose lives he affected, he was a magnificent father. And for those men and women of his own generation, who knew him at work or play, who battled with him on the tennis court or worked with him in the Senate of the United States, he was the brother we always dreamed of—challenging us to do our best, teaching us, learning from us; always concerned, always loyal, always there when we needed him.

From the time I first knew John in the ninth grade, the essence of the man never changed. The boyish innocence, the honesty, the perseverance, were always there. From the beginning, he had an extraordinary decency about him. Beginning in school, he picked his friends on the basis of their talents and their enthusiasms, not their names or backgrounds. Throughout his life, John didn't know the meaning of the word "snob", and prejudice was absent from his character.

John always relished sports and the outdoors. He skied with grace, he played superb tennis, he loved to fish in the mountain rivers of Idaho, in the chalk streams of Pennsylvania, in the waters around Nantucket. He had an adventurous, joyful spirit; he loved to explore the world, as he did when he rode his motorcycle to Mexico during college, or when he flew his own tiny plane across Africa just after graduation. Equally, he valued exploring with his mind and his senses. He read widely and voraciously; he was so curious, and such a quick study, and he mastered many fields, from the problems of the aging to art history. In everything he did, he drove himself to excellence, and made his own, independent judgments of quality and rightness. He lived life to the fullest; he made use of every hour of every day. He would come home drained from a long day on the road or in the Senate, and within moments he would be entertaining guests, opening wine, completely relaxed and happy with friends and family. John had a wonderful, playful side, particularly with his beloved Teresa. He laughed easily, he enjoyed a funny story, and he loved to phone his friends to relate the latest jokes from the floor of the Senate.

John found his true course after he entered politics. He won his first primary on the basis of his charm and his promise. He won his first congressional election because he plunged into factory lines, spoke at every coffee klatch, and shook every hand from Sharpsburg to McKees Rocks. He won his first Senate campaign with sheer grit and courage, with great stamina and unbelievably long hours of work: he stubbornly refused to accept what seemed like inevitable defeat. And he won the admiration and the love of the people of Pittsburgh, and all Pennsylvania, because he listened to them, because he served them, because he cherished them.

In the words of the Stephen Spender poem:

> I think continually of those who were truly great—the names of those who—in their lives—fought for life, who wore at their hearts the fire's center.
> Born of the Sun, they travelled a short while towards the sun, and left the vivid air signed with their honour."

For me, as for so many of you, Jack was a perfect friend. He had a fundamental belief in the power and the value of friendship, and he worked at his friendships as he worked at everything else, with energy and understanding. If you were thoughtless toward him, he would forgive it; if you were somehow too busy, he would write or phone; if you were grieving, he would comfort you. He was so generous with the truly important currencies, with his time and his compassion. To be with him was such a pleasure: to do even the most mundane errand together was a joy. His energy, his cheerfulness, his love of life, were contagious. He was always growing, always learning. When he listened to you with that warm, earnest look, you felt a special light shining in your universe. When John first saw you, he would welcome you with his remarkable, luminous smile, and he said goodbye in the same way.

"Yes, all men are dust, but some are dust of gold."

TRIBUTE TO RETIRED COL. JAY ZEAMER, JR.

Mr. LAUTENBERG. Mr. President, I rise today to join the citizens of Orange, NJ, in paying tribute to retired Col. Jay Zeamer, Jr., a distinguished war veteran and recipient of the Congressional Medal of Honor. On May 31, 1991, he will be honored by the Orange Chamber of Commerce for his heroic service to the Nation.

Colonel Zeamer is most deserving of this tribute. He was born in Pennsylvania and at the age of 2, moved to Orange, NJ. It was there that Colonel Zeamer grew into young manhood and where he developed the values and sense of patriotism that spurred him to acts of courage and heroism.

On June 16, 1943, Colonel Zeamer, then a captain in the Air Corps in the U.S. Army, demonstrated his outstanding bravery by volunteering to be a pilot on a bomber airplane. His mission was to pilot the craft in order to photograph the area in the vicinity of Buka, Solomon Islands. The area however, was formidably defended and as his plane mapped out the region his crew observed many enemy fighters on the field and many of them taking off. While aware of the immediate danger, Colonel Zeamer continued on the mapping run as originally ordered. His dedication persisted even as his bomber was being attacked. In the ensuing engagement, Colonel Zeamer sustained gunshot wounds in both arms and legs, one leg being broken.

Despite his severe injuries and loss of blood, Colonel Zeamer was able to maneuver his airplane so skillfully that he was able to fight off the enemy for 40 minutes, destroying at least five hostile airplanes; one of which was shot down by Colonel Zeamer himself. After the courageous air fight, he began to lapse in and out of consciousness. He turned over the controls but continued to exercise command and successfully continued to direct the flight to a base 580 miles from the scene of the air fight.

To this day retired Colonel Zeamer still lives with the shrapnel that he sustained on that day. He is truly an American hero.

Loved and admired by family, friends, and colleagues, it is an honor to recognize this outstanding individual. I join in extending to retired Colonel Zeamer my heartiest congratulations as he is honored by his hometown of Orange, and my warmest wishes for good health and happiness in the future.

BICENTENNIAL OF THE POLISH CONSTITUTION

Mr. KERRY. Mr. President, last Friday, May 3, marked the bicentennial of the Polish Constitution. The Polish Constitution, written a mere 2 years after our own remarkable Constitution was adopted, shares many traits of our own Constitution. Both documents radically reordered the status quo and have served as models for every government which followed. Both were products of the Enlightenment, launched by Copernicus' discovery that the Earth revolved around the Sun. This revelation led to an intellectual flowering which continued into the next century. John Locke and Charles Montesquieu reshaped the theories of proper and effective government by stressing the limited power of the state and the natural rights of man, theories put into practice in both our Constitution and the Polish Constitution.

These cherished documents embodied a radical concept, that government derived its power from the people, that the people are the true monarchs. Each guarantees the freedom of religion, of speech, and of assembly. Their authors recognized the need to create a charter that was flexible enough to adapt to the passage of time. Both documents applied Montesquieu's tenet of division with bicameral legislatures with the power of the purse resting in the lower house. Each has an elaborate set of checks and balances to prevent abuses of power.

These sacred documents capture the potential of mankind and stand as beacons of hopes to all. Now, 200 years after the Polish Constitution was drafted, the dream of its authors are now finally being realized. This struggle for democracy in Poland should stand as a reminder to us all that merely having a document as valuable as our Constitution will not guarantee freedom and democracy. We must jealously guard our liberty; it is a fragile and precious gift from our ancestors, entrusted to us for posterity. We have been given the mandate of freedom. We must foster democracy throughout the world and must oppose nondemocratic forces throughout the world. We must help the Polish people, and all others who yearn for freedom, realize their goal of a secure democracy. In doing so, we secure liberty and democracy for our own children.

COMMENDING OUR TROOPS IN OPERATION DESERT STORM

Mr. KERRY. Mr. President, I rise today to commend our troops for their valor and their sacrifice in the gulf. In particular, I would like to single out the devotion of the native sons and daughters of Massachusetts, who were represented by units from throughout the Commonwealth and who serve in every branch of our Armed Forces.

The people of Massachusetts are renown for their willingness to fight for freedom; from Lexington and Concord to the sands of Kuwait, they have willingly risked their lives to defend the unalienable rights of all. Their remains are honored in every local cemetery and in every farflung corner of the world. I would like to place special emphasis on the valor of all the men and women of Massachusetts who sacrificed their lives in the gulf. Our hearts go out to their families whose lives have been shattered by the loss of a loved one.

I am proud to represent these brave men and women who embody the promise of America. They have shown us the greatness of this Nation through their commitment to freedom, honor, and duty. During Operation Desert Storm, just as in earlier conflicts, our troops have displayed what sets America apart from the rest of the world: Our love for freedom, our willingness to defend those who cannot defend themselves, and the remarkable idealism which has secured our position as the defender of freedom and democracy in the world.

I ask my colleagues to reflect on the valor, accomplishment, and professionalism of our troops as they return home.

REMEMBERING JOHN HEINZ

Mr. KERRY. Mr. President, John Heinz shared a great deal with everyone he met. He gave to the Senate, to his constituents, to his country, and especially to his family. I never knew him not to enjoy what he was doing. He had a special zest for life.

He had vigor and youth, youth that remained even after 20 years of service in the Congress. He approached everything with unending youthful energy and enthusiasm.

He had charm, good looks, and a family who adored him, and which he in turn adored.

And yes, he had family wealth and privilege—privilege which he saw only as obligation and responsibility.

John Heinz chose to dedicate and ultimately give his life to serving others. Sometimes, regrettably, the Senate is characterized as one of the world's most exclusive clubs. But for John Heinz, who could have belonged to practically any club anywhere in the world he wished, it was anything but a club. It was simply a vehicle to help people.

Much has been said about John Heinz's dedication to children, to families, to the elderly, to the unemployed, and the dispossessed. In truth, John was a man who clearly had decided early in life that being given so much, he had the opportunity to give back even more, and he would use that opportunity to be a force for remaking the world into something better than it had been before.

Like Robert Kennedy before him, John Heinz identified with those who had not been given all his advantages, and insisted that a way be found to broaden America's promise to include the dispossessed and those in need.

On the Banking Committee, where we served together, I found John a thoughtful and caring colleague, open to new ideas and determined to find a way to restore integrity to our Nation's financial system. Whether fighting to protect children from having both parents taken from them by war, to supporting arms control measures aimed at making the world safer, John was willing to take risks on behalf of what he believed was right.

John's style, spirit, and commitment will long be remembered here in Washington, at home in Pennsylvania, and in the heart of every person who had the pleasure of sharing part of his graceful life.

At the memorial ceremony at National Cathedral, a close friend of John's, Sam Grossman, captured perhaps better than anyone the essence of John Heinz. With unanimous consent, I include his comments in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE GIVEN BY SAMUEL M. GROSSMAN

We navigated the rugged terrain and edged toward the highest peak—11,000 feet. The bird rose—then flew as we stood and gazed at the horizon.

Unmatched grandeur in every direction.

Just a few days ago, during Easter vacation, we prepared for what was to be one of the truly perfect powder skiing days of our lives and, for the next six hours, we carved tracks in mountains of pure crystal, beyond bright snow. Semi-Senior Citizens—hollering, screaming, laughing like high school kids—with unmitigated joy. Not a cloud standing in attendance, crisp climate and champagne powder bubbling around our faces with every turn. At the end of one spectacular run, Jack smiled his hundred-mile wide smile and said to me, "Sambo—if there's anything better than this—I don't know what it is."

So for almost the past 25 years, as time permitted, Jack and I skied the majestic Monashee Range of the Canadian Rockies—not exactly terrain for the faint of heart. For Jack—just a walk in the park. We traversed the lovely, rolling back country of the Sawtooths. And just those few days ago, the beautiful Ruby Mountains of Nevada.

There are only a very few who understand the exhilaration, the excitement and the enhancement of this experience. Jack gathered enormous energy from the elements. A few weeks earlier, Teresa was so proud (and I a little jealous) when Jack and Chris together won the Wells Cup—a unique accomplishment considering the decidedly tough competition—I might add Jack beat me by ½ second at which time our 11 year-old son exclaimed "Jack must have had a lousy run, Dad." The last three days of our Easter vacation, Teresa skied better, and enjoyed it more than ever and for the last day, Teresa, Jack, Peggy, and I cruised down Baldy, another one of those special days, attempting to avoid our collective kids who were bombing down the hill at Mach 1, enjoying and laughing and inwardly capturing the beauty of nature in all its shapes and fabulous designs.

Two years ago, Jack and Teresa restored a lovely old English barn into a beautiful home on the Wood River in Sun Valley—A home of warmth and charm and love. A home of quiet dinners by the fire, great wine, wonderful conversation—usually peppered with biting wit, practical jokes and absolute total irreverence. Amid these surroundings—these special moments—Johnny, Andre, Chris, Teresa, and Jack—together—beauty and serenity—the loveliness of a small mountain community where they could see the world through a dazzling prism of authentic imagination.

Jack enjoyed an extraordinary talent—that of totally embracing his friends with complete love and loyalty, bringing them into his extended family. His friends became our friends. Our pals—his pals. So I speak today for them. (tho' their words are far better than mine)—We uniquely share an impenetrable bond. Jack wrapped his arms around us all.

Yesterday was for you, Jack.

Today and tomorrow is for dearest, dearest Teresa and the boys—especially the boys. It's time for them to claim their inheritance.

Johnny, Andre, and Chris—how fortunate you are.

From your Dad comes remarkable courage, compassion, and unmatched strength. And from your Mom, a magnificence of goodness, and depth of soul . . . delicate and giving. Teresa, a classic silhouette of a lady in cameo.

Everytime Jack picked up his tennis racquet, cast his fly rod, put on his skis, he rediscovered the Fountain of Youth.

With the qualities of Renaissance, your Dad was the ultimate outdoorsman, a fiercely competitive sportsman, a great and gifted athlete—A true champion.

He was a man to match the majesty of the mountains he so loved.

This is Jack's story.
It is just one of many.
Nothing is missing.
Everything is missing.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,243 day that Terry Anderson has been held captive in Lebanon.

RECOGNITION OF ROBERT A. MOYER, JR., KENTUCKY SMALL BUSINESS PERSON OF THE YEAR

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Robert A. Moyer, Jr., of Ashland, KY, who has been named Kentucky Small Business Person of the Year by the Small Business Administration. He will be honored in Washington along with those other individuals who have been recognized from across the Nation during Small Business Week, May 5 through May 11, 1991.

Robert Moyer is currently president and chief executive officer of RAM Technologies, Inc., a telecommunications company in the Kentucky-Ohio-West Virginia tristate area of Ashland, KY. Utilizing skills he acquired in the U.S. Air Force, he purchased the company for which he had worked for 8 years and led it into the expanding world of telecommunications.

Prompted by changing technologies in the telecommunications industry, Mr. Moyer expanded RAM Technologies from a 1-person shop at startup to 50 employees today. RAM has been on the cutting edge of the industry responding to its customers demands by offering an alternative long distance service, Long Distance Telephone Savers, known locally as LDTS. Mr. Moyer recognized the opportunity to offer long distance service at a lower cost than competitors, and quickly established a market for LDTS.

Long Distance Telephone Savers and other divisions have brought RAM Technologies to annual sales of $6.5 million. The firm was named to the Inc. 500 fastest growing privately held companies in the United States and the only one from Kentucky last year so named.

Mr. Moyer has also demonstrated strong leadership for the business community and a commitment to the economic growth of the Ashland area. His dedication clearly transcended his interest in the development of his own business. Robert Moyer serves on the board of directors of the area's Economic Development Corp., donates generously to the Paramount Arts program and heads the Leukemia Society's 1991 Annual Celebrity Waiters' Luncheon. He was also named by the General Electric Co. advisory board for its mobile communications division.

Mr. President, Robert Moyer's leadership, dedication, integrity, and innovation have made him a role model for small business persons across my State. In being named Kentucky Small Business Person of the Year, I believe he now can be recognized as a fine example for aspiring entrepreneurs nationwide.

Although it has been said many times, it is still quite true that small business is the backbone of our economy. And with the efforts of individuals like Robert A. Moyer, Jr., this will continue to be the case in my State for some time into the future.

As we continue Small Business Week, I rise to recognize and congratulate Robert Moyer and the other State Small Business Persons of the Year for their distinguished achievements.

POULTRY CREDIT GUARANTEES FOR SOVIET TRADE

Mr. FOWLER. Mr. President, I rise today to support the request to extend additional agricultural credit guarantees to the Soviet Union. They have asked for another $1.5 billion on top of the $1 billion approved in the original Jackson-Vanik waiver.

As we all know, they are desperate for the food. The political situation there is very uncertain. We are rightly quite dubious of the actions and intentions of the Soviet Central Government. But the simple and unquestioned fact that the people need the food in the worst way seems to transcend other political questions right now.

We do have an important and long-term stake in the future of the Soviet Union. We want more stability in their reforms. We want to see those reforms move ahead in a more orderly process. Right now the very real food shortages in the Soviet Union are unlikely to bring anything constructive to change in that country.

If the administration finds that this credit extension is within its purview of administering the Commodity Credit Corporation programs in our national interests, if we come to an agreement, I would urge the President to fashion a package that fairly represents all U.S. products.

I have a very serious concern that in $1 billion in credits already extended only $25 million of that has been for poultry products.

That is an oversight that must be corrected. There is great demand for these products in the Soviet Union. The Soviets have been buying an average of more than 12,000 metric tons of frozen chicken products monthly since 1989. Soviet buyers have signed a frame agreement to purchase a total of 200,000 metric tons of United States poultry products in 1991.

Those transactions cannot take place if the credit is not made available for them. The Soviets have asked for 200 million dollars worth of poultry products to meet immediate needs. Given this background, I think the poultry industry has made a very reasonable request in asking that a minimum of $50 million, in any additional credits extended, be allocated for their products.

It only makes good business sense to sell the Soviets what they want. The administration has so far preferred to sell grain almost exclusively. There is nothing wrong with selling them grain, but we need a more balanced package, that includes more poultry, pork, beef, and other U.S. export products.

In fact, it is better for our own economy if we do so. Poultry has more value added than grain. When we sell poultry we are stimulating more jobs in production, processing, and distribution. It is also worth pointing out that those chickens are fed grain, so a healthy poultry industry helps support a healthy grain industry. Most important for the Soviets, these value-added products are easily converted for immediate use by the consumer allowing them to fulfill more rapidly the nutritional needs of their countrymen.

So, Mr. President, if we are going to expand agricultural sales to the Soviet Union, let's not sacrifice established export markets. Let's develop a package that fairly represents all U.S. producers.

I ask unanimous consent to have printed in the RECORD the text of a telex message from Alexander Krivenko, president of the U.S.S.R. foreign trade firm VVO Prodinatorg to Simon Chilewich, president of Chilewich International Corp., White Plains, NY. Chilewich is an international trading company involved in agricultural trade with the Soviet Union for over 60 years and has handled all United States poultry sales to date to the Soviet Union.

This telex makes the point that our poultry trade with the Soviets will be terminated at the end of this month unless credit is available. It also illustrates the want and need of the Soviets to purchase United States poultry products.

There being no objection, the text of the telex is ordered to be printed in the RECORD, as follows:

Dear Sirs: As you are well aware, our current poultry program covered under the GSM guarantee program will be completed by the end of May. In order for us to continue the purchase of these food products, further credit will be required. In addition to leg quarters being an excellent nutritional value, they are a product very well known by Soviet consumers and positively identified with United States.

We urge you to do everything possible to increase our line of credit under GSM so that we can continue this program which we feel is beneficial to both the U.S.A. poultry and feedgrains industries as well as an important step in meeting the urgent needs of the Soviet consumer.

Regards,

President of VVO Prodintorg A.K. Krivenko.

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT—PM 47

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)), I transmit herewith the Annual Report of the National Endowment for the Arts for Fiscal Year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *May 7, 1991.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SASSER, from the Committee on the Budget, unfavorably without amendment:

S.J. Res. 137: Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Con. Res. 26: Concurrent resolution calling for the United States to support a new agreement among the Antarctic Treaty Consultative Parties which would provide comprehensive environmental protection of Antarctica and would prohibit indefinitely commercial mineral development and related activities in Antarctica.

By Mr. BURDICK, from the Commmittee on Environment and Public Works:

Special Report on the Activities of the Committee on Environment and Public Works for the One Hundred First Congress (Rept. No. 102-55).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

William G. Curran, of New York, to be U.S. Director of the European Bank for Reconstruction and Development;

Ann Brown Sloan, of New York, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 1996;

Henry E. Catto, of Texas, to be Director of the U.S. Information Agency;

Robert B. Zoellick, of the District of Columbia, to be Under Secretary of State for Economic and Agricultural Affairs;

Robert B. Zoellick, of the District of Columbia, to be U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term of 5 years; U.S. Alternate Governor of the African Development Bank for a term of 5 years; U.S. Alternate Governor of the African Development Fund; and U.S. Alternate Governor of the Asian Development Bank, Richard Thomas McCormack; and to be U.S. Alternate Governor of the European Bank for Reconstruction and Development. (New Position)

David Floyd Lambertson, of Kansas, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: David Lambertson.

Post: Bangkok.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, $20.00, 10/3/90, Harvey Gantt, N.

3. Children and spouses names Jennifer Hall, David Hall (Elizabeth, W.), Dan Hall, none.

4. Parents names Alonzo and Ruth Lambertson, none.

5. Grandparents names (deceased), none.

6. Brothers and spouses names Bill and Nancy Lambertson, Giles and Linda Lambertson, none.

7. Sisters and spouses names Floy and Peter Shaeffer, none.

EX. K, 88-1. The Convention Concerning the Abolition of Forced Labor (Exec. Rept. No. 102-7).

TEXT OF RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Concerning the Abolition of Forced Labor (Convention No. 105), adopted by the International Labor Conference at its 40th Session, Geneva, June 25, 1957, subject to the following understandings:

1. The United States understands the meaning and scope of Convention No. 105, having taken into account the conclusions and practice of the Committee of Exports on the Application of Conventions and Recommendations existing prior to ratification, which conclusions and practice, in any event, are not legally binding on the United States and have no force and effect on courts in the United States; and

2. The United States understands that Convention No. 105 does not limit the contempt powers of courts under Federal and State law.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM:

S. 987. A bill to amend the Home Owners' Loan Act to improve the qualified thrift lender test, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG:

S. 988. A bill to authorize the promulgation of a model building code to enhance recycling, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. KASSEBAUM:

S. 989. A bill entitled the "Cavalry Forts of the Old West: The Historic Kansas Frontier Forts Study Act of 1991; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 990. A bill to authorize appropriations for railroad relocation and demonstration program; to the Committee on Environment and Public Works.

By Mr. DIXON:

S. 991. A bill to extend the effective period of a production incentive certificate; to the Committee on Finance.

By Mr. REID:

S. 992. A bill to provide for the reimbursement of certain travel and relocation expenses under title 5, United States Code, for Jane E. Denne of Henderson, Nevada; to the Committee on Governmental Affairs.

By Mr. CRANSTON (by request):

S. 993. A bill to amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities; to the Committee on Veterans Affairs.

By Mr. MCCAIN:

S. 994. A bill entitled the "Veterans Hospice Benefit Act of 1991"; to the Committee on Veterans Affairs.

By Mr. GORE:

S. 995. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for working families by providing a refundable credit in lieu of the deduction for personal exemptions for children and by increasing the earned income credit, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS:

S. 996. A bill to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KASTEN:

S. 997. A bill to impose duties on golf carts imported from South Korea equal to the duties and taxes imposed by South Korea on golf carts manufactured in the United States; to the Committee on Finance.

By Mr. SHELBY (for himself, Mr. KASTEN, Mr. DOMENICI, and Mr. HATCH):

S. 998. A bill to prohibit the Appraisal Subcommittee of the Federal Financial Institutions Examination Council from requiring or recommending the inclusion of an experience requirement in a State's procedures for the licensing of real estate appraisers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself and Mr. DURENBERGER):

S. 999. A bill to authorize a Federal program to promote the development and implementation of Intelligent Vehicle-Highway Systems; to the Committee on Environment and Public Works.

By Ms. MIKULSKI:

S. 1000. A bill to ensure that the recommendations of the Commission on the Consolidation and Conversion of Defense Research and Development Laboratories are available for consideration before any action is taken to close or realign Department of Defense laboratories pursuant to the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

S. 1001. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Relations.

By Mr. THURMOND:

S.J. Res. 139. Joint resolution to designate October 1991, as "National Lock-In-Safety Month"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. DECONCINI, Mr. GLENN, Mr. INOUYE, Mr. COCHRAN, and Mr. ROBB):

S.J. Res. 140. Joint resolution to designate the week of July 27 through August 2, 1991, as "National Invent America! Week"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. MURKOWSKI, Mr. INOUYE, Mr. CONRAD, Mr. SHELBY, Mr. STEVENS, and Mr. HOLLINGS):

S.J. Res. 141. Joint resolution to designate the week beginning July 21, 1991, as "Korean

War Veterans Remembrance Week"; to the Committee on the Jucidiary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S. Res. 120. Resolution to commend the Kansas State University Debate Team; considered and agreed to.

By Mr. DECONCINI:

S. Res. 121. Resolution supporting the breakthrough for peace in Angola, and for other purposes; to the Committee on Foreign Relations.

By Mr. D'AMATO:

S. Con. Res. 34. Concurrent resolution authorizing the 1991 Special Olympic Torch Relay to be run through the Capital Grounds; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM:

S. 987. A bill to amend the Home Owners' Loan Act to improve the qualified thrift lender test, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

QUALIFIED THRIFT LENDER TEST ACT

• Mrs. KASSEBAUM. Mr. President, I rise today to introduce legislation to adjust the new qualified thrift lender [QTL] test which will go into effect on July 1. Failure of a thrift to comply with the new QTL test will result in significant and substantial restrictions.

This bill will not change the requirement that 70-percent of the qualified thrift's assets be invested in housing-related investments. Rather, this bill would adjust the component parts of the 70-percent test. Specifically, this bill would increase liquidity from 10 to 20 percent; allow counting of Federal Home Loan Bank, Federal Home Loan Mortgage Corporation, and Federal National Mortgage Association stock, and increase consumer lending by 5 percent. The proposal would also replace the daily calculations required under the new QTL test with a monthly calculation.

An identical bill has been introduced in the House by Congressman RICHARD BAKER. It is my hope the measures can be included in the recapitalization package that is expected to be on the Senate floor before the July 1 effective date.•

By Mr. LAUTENBERG:

S. 988. A bill to authorize the promulgation of a model building code to enhance recycling, and for other purposes; to the Committee on Environment and Public Works.

THE RECYCLING BUILDING CODE ACT OF 1991

• Mr. LAUTENBERG. Mr. President, I rise to introduce the Recycling Building Code Act of 1991. The bill would require the Environmental Protection Agency to develop model construction standards providing suitable space for the separation, collection, and temporary storage of recycled materials in new multiunit and multifamily office and residential buildings.

As a nation, we are generating more trash than ever before. Because of our imposing national waste crisis, recycling has become an integral part of waste management programs across the Nation. But while many communities are beginning recycling programs, most local building codes do not currently make provisions for recycling systems in multiunit and multifamily buildings.

Every multiunit or multifamily building constructed today is expected to last well into the 21st century. Most of these buildings will have internal waste management systems that address the needs and priorities of the 1950's. They have designs that made sense when their purpose was to remove garbage from a building as efficiently as possible. However, these designs, with their undersized garbage rooms and their single-chute garbage disposal systems, become serious impediments to the implementation of high-rise source separation and multimaterial recycling programs. By continuing to design and build outdated waste disposal systems in these buildings, developers are creating a lasting barrier to the widespread implementation of recycling programs.

Recycling programs have enormous potential in multiunit and multifamily buildings. Because these buildings generate a large volume of recyclable material in a small amount of space, it is possible to recycle in an efficient and profitable manner. In urban areas, materials such as paper accumulate quickly in large office buildings and apartment complexes. Collection can be far more efficient than in geographically extended curbside collection.

Unfortunately, unique obstacles confront recycling in office and residential multiunit buildings when recycling systems are not considered in the initial building design. Because the collection of recycling materials requires more space than does normal trash collection, many efforts to implement recycling programs are hindered by a lack of adequate space. Lack of collection space in these buildings can make it impossible to recycle bulk recyclables, can limit the types of materials that can be collected, and can make large-scale programs unprofitable.

Without some basic building design characteristics, recycling in multiunit and multifamily buildings may prove unworkable. Multiunit buildings must have adequate space for the storage and handling of recyclable materials which is in proximity to a loading dock or trash area that is easily accessed by a scrap dealer. Sprinklers must be installed near paper storage areas to reduce fire threats. In multiple story buildings recyclables must somehow get from the top to the bottom. Buildings such as rest homes or apartment complexes, with their characteristic long narrow hallways, must have space for collection containers that do not interfere with fire exits or fire regulations.

That's why this is so important. It begins the process of planning ahead. It will require the EPA to develop model construction standards with the assistance of organizations involved in establishing national building construction standards. The EPA will then work to ensure that authorities which regulate building construction within States and localities adopt the Agency's model standards.

This bill would be particularly valuable for new Federal buildings. Although it has been mandatory since April 1976, that Federal facilities with more than 100 office workers separate high-grade paper from other wastes for recycling, a GAO report released in December of 1989 showed that very few Federal agencies are actually recycling. The report pointed to the lack of adequate storage space as one of the problems impeding compliance. This bill would require that all new Federal buildings and public housing comply with the EPA standards. Because of the design changes, recycling will be more profitable and more feasible in these new buildings.

This bill has been endorsed by the National Recycling Coalition, which represents organizations implementing recycling programs throughout the Nation. The bill responds to a resolution adopted by the coalition this past December.

The coalition's support is not surprising. State and local governments are recognizing the problem of recycling in buildings. Santa Monica, Minnesota, and Wisconsin have already changed their building codes for multitenant residences and offices for this reason. The Santa Monica ordinance requires an on-site recycling space standard for all new residential and commercial buildings. Residential buildings of over 10 units are required to have 100 square feet for the first 10 units and 5 square feet for each additional unit while commercial buildings over 10,000 square feet are required to have 100 square feet. The State of Minnesota has recently amended the State building code to require suitable space for the separation, collection, and temporary storage of recyclable materials within new or significantly modeled buildings, and has a task force that is presently developing standards for this suitable space requirement.

Mr. President, if we want to make strides toward mitigating our present solid waste disposal problems, we must plan ahead. Buildings built today with outdated waste disposal systems will impede our progress in recycling tomorrow. This legislation will help ensure that we construct buildings with recycling in mind.

I urge my colleagues to support this legislation. I ask unanimous consent that a copy of the bill, a letter of support from the National Recycling Coalition, and the coalition's resolution on recycling in buildings be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 988

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this act may be cited as the Recycling Building Code Act of 1991.

SEC. 2. FINDINGS

The Congress finds and declares that—

(1) Communities are establishing recycling programs to manage their solid waste which recognize the need to include materials generated multi-family and multi-unit buildings.

(2) Residences, office, retail, and institutional multi-family and multi-unit buildings pose unique obstacles in the implementation of and compliance with local recycling efforts in densely populated urban areas including but not limited to issues of storage space, access, enforcement and education.

(3) Most local building codes do not currently make provisions for recycling systems.

(4) The Federal Government should foster efforts to revise building codes to provide for recycling and should play a leadership role in implementing such building codes.

SEC. 3. RECYCLING BUILDING CODE

Subtitle D of the Solid Waste Disposal Act is amended by adding the following new section.

"SEC. 4011. RECYCLING BUILDING CODE.—

"(a) MODEL CONSTRUCTION STANDARD.—(1) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Housing and Urban Development, shall develop model construction standards providing suitable space for the separation, collection and temporary storage of material for recycling in new building construction and major renovation of multifamily and commercial developments.

"(2) Such standards shall be consistent with the safety, health, and well-being of building occupants and shall provide for recycling as an integral component of the building's waste management systems.

"(3) To the maximum extent possible, these standards should be developed with the assistance of organizations involved in establishing national building construction standards and with authorities which regulate building construction within states or political subdivisions within states.

"(4) The Administrator shall make a draft of the document containing the model standards available for public review and comment. The Administrator shall make final model standards and techniques available to the public within two years of the enactment of this act.

"(5) The Administrator shall work to ensure that organizations responsible for developing national model building codes, and authorities which regulate building construction within States or political subdivisions within States, adopt the Agency's model standards.

"(b) Federal Buildings.—The head of each Federal agency shall adopt such procedures as may be necessary to assure that the construction of any new Federal building or any new building built with federal financial assistance meets or exceeds the requirements of the recycling construction standards promulgated under subsection (a).

"(c) Public Housing.—Effective three years after the enactment of this section, the Secretary of Housing and Urban Development shall adopt such procedures as may be necessary to assure that any newly constructed public housing units meets or exceeds the requirements of the recycling construction standards promulgated under subsection (a).

"(d) Construction of Provisions As Not Prohibiting More Stringent State or Local Requirements.—Nothing in this title shall be construed or interpreted as preempting a State or Locality from establishing any liability or more stringent requirements with respect to construction standards for recycling.

NATIONAL RECYCLING COALITION, INC.,
Washington, DC, April 9, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: The National Recycling Coalition is pleased to learn of your interest in the subject of a model building code which can enhance community recycling efforts. In 1990, our Board of Directors adopted a Policy Resolution calling for enactment of new building codes consistent with local recycling programs. The language of "The Recycling Building Code Act of 1991" embraces in proposed legislation an important solution to the problem NRC's Policy Resolution addresses.

NRC's membership consists of the people on the front line in implementing recycling programs at the city, county, state, national and international levels. In areas with high density real estate development, whether it be homes, stores, institutions or offices, our members are challenged to find workable approaches for recycling programs based on collection of separated recyclables. It will be a great aid in achieving our ever-increasing recycling goals if we can act now to create building codes that allow for improved access and storage in high-density structures.

NRC agrees with your approach: federal legislation on this subject should not be overly specific. Local materials markets, waste generation patterns, collection providers (public vs. private), and collection materials and services will vary.

We are enclosing a number of recent reports that detail both the promise and the obstacles associated with recycling in high-density structures. We think these reports demonstrate the need for the proposed legislation. Lack of storage space is continually identified as an obstacle, whether the would-be recyclers are located in a federal office building, an urban apartment building or a college dormitory. The barrier to greater participation is storage.

Two subject that are not directly considered in the bill are 1) existing structures and 2) current pro-recycling building codes. While we recognize that making the transition to a more recycling-friendly accommodation in an existing building poses different issues than designing for the future, NRC would be pleased to work with building owner associations and the engineering and architectural community to achieve agreement on what improvements can be achieved when renovating.

Since the purpose of the legislation is to aid recycling, we anticipate that you would be receptive to the idea of adding legislative language that would allow governmental units to adopt codes with an even more positive effect on recycling than the model developed federally. That is, the federal model code would not preempt a more recycling-oriented local code.

We strongly encourage you to go forward with legislation addressing the need for new building codes that enhance recycling. The Recycling Advisory Council (Sponsored by the Environmental Protection Agency and administered by NRC) and various other solid waste advisory boards are considering the need for building code revisions to promote recycling.

Again, thank you for your recognition of the importance of building codes to recycling.

Sincerely,

DEBRA R. LEVIN,
Chairman, NRC Policy Committee.

NRC RESOLUTION ON BUILDING CODES AND RECYCLING PROVISIONS

Whereas, recycling is increasingly becoming an integral component of the nation's waste management system; and

Whereas, communities are particularly affected by the waste disposal crisis; and

Whereas, many communities have enacted or are considering the enactment of recycling programs to help offset their disposal crisis; and

Whereas, residences, commercial (public & private) and institutional multi-family & multi-unit buildings pose unique obstacles in the implementation of and compliance with local recycling efforts in densely populated urban areas including but not limited to issues of storage space, access, enforcement and education; and

Whereas, most local building codes do not currently make provisions for recycling systems;

Now, therefore be it resolved, that it is the policy of the National Recycling Coalition that municipal governments should direct and assist their Building Departments to develop codes and guidelines for the implementation of recycling programs that are consistent with the safety, health and well-being of the building's residents;

Be it further resolved, that local building codes should require new building construction and major renovations to explicitly provide for recycling systems as an integral component of the building's waste management system; and

Be it further resolved, that specific building codes be developed jointly by the appropriate agencies administering local recycling programs and by all other pertinent local agencies to ensure that specific requirements of building codes are consistent with local recycling programs and maintain the highest standards of health and safety of building residents in their implementation; and

Be it further resolved, that the national Uniform Building Code should be modified to conform with these considerations.●

By Mrs. KASSEBAUM:

S. 989. A bill to authorize the study of eight frontier cavalry forts in Kansas; to the Committee on Energy and Natural Resources.

THE HISTORIC KANSAS FRONTIER FORTS STUDY ACT OF 1991

• Mrs. KASSEBAUM. Mr. President, I rise today to introduce legislation that will guide us in preserving a vital link between our Nation's present and its past. Cavalry Forts of the Old West: The Historic Kansas Forts Study Act of 1991 would authorize the study of eight frontier cavalry forts in Kansas—forts that are integral parts of the history of the Old West.

During the 19th century, the Army operated nearly 20 forts in Kansas. These outposts assisted pioneers as the Nation's frontier pushed westward. Some provided support for the military during the Mexican War and the Civil War. Many were occupied by the most famous figures of the Old West, including Generals Philip Sheridan, Winfield Scott Hancock, and George Custer; scouts Wild Bill Hickock and Buffalo Bill Cody; and Indian Chiefs Satanta, Black Kettle, and Dull Knife.

The Buffalo Soldiers, those African-American regiments formed in the wake of the Civil War, used many of these forts as bases. Countless other soldiers, whose names are lost in history but whose day-to-day experiences are fundamental parts of the American past, fought heat, drought, and boredom at these outposts on the lonely Great Plains. It is a legacy that deserves preservation.

Today, there is great disparity among the conditions of these forts. Harsh weather, coupled with neglect, has reduced some to existing only in history books. The sod walls of Fort Jewell, for example, long ago melted back into the prairie. At the other extreme lie Fort Riley and Fort Leavenworth, which remain active military posts.

Fortunately, several of these frontier forts have been preserved through a variety of local, State and national initiatives. Buildings from Fort Hays have become part of Fort Hays State University. The remains of Fort Dodge now form part of the State soldiers' home. Fort Larned and Fort Scott are national historic sites. The guardhouse at Fort Harker is a museum.

Kansas is fortunate so many of its historic forts have been preserved. But our frontier heritage is not those old buildings themselves—it is the story they tell. I believe we should make every reasonable effort to make that story accessible, coherent, and poignant to as many Americans as possible.

History does not occur as snippetts, but as a continuum. However, I believe that too often we have preserved fragments of our history without any unifying theme. The result is a disjointed picture of our past, which can be confusing and almost certainly fails to bring historical periods into sharp focus.

That is why I believe we should conduct a study of the historic frontier cavalry forts. These properties are national assets, and it is important that we ensure not only their proper preservation but their proper historic interpretation of our frontier past.

During the days of the frontier, these forts did not exist in isolation. They were part of the network of military installations stretching throughout the West, joined by a web of little-known military trails. Yet today, we too often are preserving them in isolation. Taken alone, the histories of each of these forts are merely a collection of local stories. But taken in aggregate, they form the story of the American West. I believe that story constitutes a compelling national interest in comprehensive preservation of these frontier forts.

This bill would direct the Secretary of the Interior to conduct a 1-year study of these cavalry forts. The study would determine how best to collectively preserve these historic properties, as well as how best to proceed with efforts to communicate their common role in the overall story of our 19th century frontier history.

This study would focus on eight important frontier cavalry forts. These eight forts encompass much of the history of the Old West on the Great Plains:

Fort Dodge served to protect travelers on the Santa Fe Trail. It occupied a key location at the intersection of the overland and river routes of the Santa Fe Trail and between two points where Indians frequently crossed the Arkansas River. It was occupied from 1865 until 1882.

Fort Hays guarded employees of the Kansas Pacific Railway as it reached westward. This fort recently received national attention in the Academy Award winning film "Dances with Wolves." Those of you who saw the movie will recall that Kevin Costner was assigned to Fort Hays at the end of the Civil War but was quickly banished to a lone outpost on the plains by a deranged and vindictive general. It was active from 1865 until 1889.

Fort Harker initially offered protection to frontier settlements and later protected construction crews of the Kansas Pacific Railway. In 1867, the fort hosted a 3-day peace conference attended by the leading chiefs and warriors of most of the Great Plains tribes, army generals, and top railroad officials. Unfortunately, the conference did not end the hostilities. The original fort guardhouse still stands where the great chief Satanta was once held. It should be noted that Satanta was not held too long at the fort. He somehow managed to escape by removing two of the steel bars covering the guardhouse window. As a tribute to Satanta, the bars, to this day, have never been replaced.

Fort Larned was one of a series of forts built to protect the Santa Fe Trail. In addition, it served for several years as the agency for the Cheyenne and Arapaho Indians. In 1868, the U.S. Superintendent of Indian Affairs met at the fort with Indian Agent E. W. Wyncoop to confer about the terms of the historic Treaty of Medicine Lodge. It was active from 1859 until 1878.

Fort Wallace was the center of the hostilities between the native Indians and the U.S. Army in the mid-1860's. The vivid descriptions of the battles which took place there were published in Harper's Weekly and focused the Nation's attention on the conflict. The fort served as host to the 7th Cavalry and the 5th Cavalry.

Fort Scott was designed to protect the military road between Fort Gibson, OK, and Fort Leavenworth. For several years, this road marked the westernmost limits of the United States. The fort was used by the dragoons in the Mexican War, played an active role in the Civil War, as well as the frontier cavalry expeditions that followed.

Fort Riley served as headquarters of the 7th Cavalry and later as the headquarters of the Army's horse cavalry until it was dismantled on the eve of World War II.

Fort Leavenworth, which is the oldest post established by the United States west of the Mississippi River, was the general depot from which all supplies were sent to other frontier military forts.

I believe there is growing interest in the history of the Old West—the true history, not merely the caricatures so prevalent in popular culture. Renewed interest in the Old West has brought sharp increases in the number of visitors not only from other States but from other nations as well. Most of these visitors are interested in the frontier heritage of the Great Plains, and I believe we can develop that heritage by unifying the fragments of history we have preserved.

State efforts already are underway. Local efforts are underway. But I believe protecting and highlighting these relics of our past can best be accomplished through cooperative efforts of National, State, and local governments, as well as private citizens. Many caring people, devoted to the cultural heritage of the Great Plains, already have the vision and desire to build an historic network. This study would provide them a blueprint.

Mr. President, I ask unanimous consent that the text of the bill be entered at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cavalry Forts of the Old West: The Historic Kansas Frontier Forts Study Act of 1991."

SEC. 2. FINDINGS.

The Congress finds that—

(1) Many of the historic frontier cavalry forts in Kansas have been preserved to various degrees through private, state, and federal initiatives and are now national treasures; and

(2) These historic frontier cavalry forts should not be viewed as isolated treasures but, rather, as a comprehensive network of military installations which collectively tell the history, folklore, legend, controversies, hardships, and turmoil associated with the Old West; and

(3) In light of the vast potential these historic frontier cavalry forts collectively present in terms of providing a better and more accurate interpretation and understanding regarding the American frontier and the Old West, it is necessary to determine, through a comprehensive study, the appropriate means to restore and interpret these sites not only individually but also as a collective and coherent historical network.

SEC. 3. STUDY AND REPORT BY THE BUREAU OF LAND MANAGEMENT AND THE NATIONAL PARK SERVICE.

(a) STUDY.—The Secretary of the Interior, acting through the director of the National Park Service, shall conduct a study of the following historic frontier cavalry forts in the State of Kansas.

(1) Fort Dodge;
(2) Fort Harker;
(3) Fort Hays;
(4) Fort Larned;
(5) Fort Leavenworth;
(6) Fort Riley;
(7) Fort Scott;
(8) Fort Wallace.

(b) REPORT.—Not later than one year from the date that funds are made available for the study referred to in subsection (a), the Secretary shall transmit the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(c) STUDY CONTENT.—The study shall develop alternative means of collectively preserving and interpreting the forts referred to in subsection (a) including—

(1) The study of restoring or recreating damaged or lost historic period properties on the fort sites;

(2) The feasibility of establishing collective tours which may encompass common themes and link appropriate sites;

(3) The study of related historic properties, accessible to the public that could also contribute or better link the sites and common themes; and

(4) Such other information as the Secretary may deem necessary.

SEC. 4. APPROPRIATION AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.•

By Mr. LUGAR:

S. 990. A bill to authorize appropriations for a railroad relocation and demonstration program; to the Committee on Environment and Public Works.

RAILROAD RELOCATION AND DEMONSTRATION ACT

• Mr. LUGAR. Mr. President, today I am pleased to introduce legislation to reauthorize the Railroad Relocation Demonstration Program. First authorized in the Federal Aid Highway Act of 1973, this program was created to eliminate particularly dangerous rail-highway grade crossings in 19 cities across the United States.

Many American communities originally developed around early rail corridors. As communities grew, these rail corridors often became liabilities, hindering vehicular traffic, stymieing the delivery of goods, obstructing emergency vehicles, and in too many instances, causing death and injury.

Of the original 19 projects, many have been completed and only four remain active today. These projects are located in the communities of Lafayette, IN; Brownsville, TX; Augusta, GA; and Springfield, IL.

In Lafayette, significant portions of the Lafayette Railroad Relocation Project are under construction at this time. Phase one of the project is completed, phase two is under construction and phase 3 and 4 are soon to begin construction. Only phase 5 remains. Upon completion, this project will eliminate 24 rail/highway grade crossings which have killed and injured a number of my constituents over the years. One only has to drive down Fifth Street and confront an Amtrak locomotive head-on to realize the importance of completing this project.

The legislation I have introduced will simply extend the existing program, which expires on September 30, for an additional 5-year period with no changes in its structure or authorization levels.

Mr. President, I ask unanimous consent that the full text of my legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR RAILROAD RELOCATION AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Section 163(p) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended by striking out "$15,000,000 for the fiscal year ending June 30, 1974" and all that follows through "and 1991," and inserting in lieu thereof "$15,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1991.•

By Mr. DIXON:

S. 991. A bill to extend the effective period of a production incentive certificate; to the Committee on Finance.

EXTENSION OF THE EXPIRATION DATE ON A PRODUCTION INCENTIVE CERTIFICATE

Mr. DIXON. Mr. President, this is a very simple bill. It merely assists a small Illinois company which was severely damaged during Hurricane Hugo. Because of damage sustained from Hurricane Hugo, Hampden Watch Co. was unable to use their certificate exempting them from duties on certain watch parts.

These production incentive certificates are designed to encourage American businesses to set up operations in the U.S. Virgin Islands and to offset the cost of doing this by exempting them from certain duties.

According to the International Trade Administration [ITA], which implements the program, Hampden Watch Co. was issued a production incentive certificate for 1989. However, because of damage sustained from Hurricane Hugo, Hampden Watch Co. failed to use that certificate. The certificate was worth approximately $130,000.

I realize this is a small amount, but it is vital to this small Illinois company. Hampden cannot continue operations without the small amount provided for in the production incentive certificates. The funds had already been budgeted by the ITA to be used by Hampden. Hampden simply was unable to use it, because of damage sustained by Hurricane Hugo.

Hampden's contributions to the development of the U.S. Virgin Islands since its establishment there is a record to be noted and appreciated both by the insular and Federal governments. According to Hampden, they account for 10 percent of the watch industry employment in the U.S. Virgin Islands.

The International Trade Administration has the authority to issue these certificates and has been very helpful in this matter. Unfortunately, the ITA has not been granted the administrative discretion to extend the expiration date in case of a natural disaster.

This bill simply allows Hampden to receive the duty exemption that was granted to them. I think we have a good case for extending the expiration date in these special circumstances. The bill would do this on a one time only basis. This extension simply allows Hampden to make use of the certificate as both the Government and the company intended.

Mr. President, this is a meritorious bill. I urge its adoption by the Senate.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF PRODUCTION INCENTIVE CERTIFICATE.

The production incentive certificate, number PIC–EV–89, issued jointly by the Secretary of Commerce and the Secretary of the Interior to the Hampden Watch Company, Inc., pursuant to paragraph (h)(1)(B) of Additional U.S. Note 5 to Chapter 91 of the Harmonized Tariff Schedule of the United States

(19 U.S.C. 3007) (formerly paragraph (h)(i)(II) of headnote 6 of schedule 7, part 2, subpart E of the Tariff Schedules of the United States), shall be deemed to have been reissued on November 1, 1991, in the amount of its balance remaining on that date, and shall expire on October 31, 1992.

By Mr. REID:

S. 992. A bill to provide for the reimbursement of certain travel and relocation expenses under title 5, United States Code, for Jane E. Denne, of Henderson, NV; to the Committee on Governmental Affairs.

REIMBURSEMENT FOR JANE E. DENNE, OF HENDERSON, NV

• Mr. REID. Mr. President, I rise today in order to introduce legislation to offer relief to my fellow Nevadan, Ms. Jane E. Denne. In 1986 Ms. Denne moved from Lawrence, KS, to Las Vegas, NV, at the behest of the Environmental Protection Agency. Today, almost 5 years later, she still waits to be reimbursed for that relocation. The U.S. Government owes her in excess of $5,000.

Mr. President, when Ms. Denne was living in Kansas, the EPA offered her a position in Las Vegas, NV. The EPA was trying to fill a manpower shortage position in the silver state and asked Ms. Denne to consider the appointment.

In weighing this offer, Ms. Denne was advised by EPA personnel that she would be reimbursed in full for her travel and moving expenses. This misinformation was reiterated in the travel authorization that the EPA issued to her.

Mr. President, Ms. Denne accepted the appointment. She moved to Nevada with the understanding and with the expectation that she would be reimbursed in full for her move.

After applying for reimbursement, however, the EPA discovered a serious error: The travel authorization contained erroneous information. The Agency learned that it was not—in contradiction to what Ms. Denne had been advised—authorized to reimburse her in full for her travel and travel-related expenses. Thus, because she unknowingly accepted the false claims made by the EPA, she was left to foot a bill in excess of $5,000.

I would like to underscore, Mr. President, that Ms. Denne accepted the manpower shortage position and made the move to Nevada in good faith that the Agency's claims were legitimate. It is my feeling that the expenses were such that, had she known that she was not entitled to reimbursement, Ms. Denne may not have accepted that position.

Nor should it be overlooked that Ms. Denne has sought a resolution to this grievance for almost 5 years. The Comptroller General of the U.S. Government has recognized the unjust nature of this situation. The Comptroller General cannot, however, remedy this situation without the help of Congress; according to current law, the Comptroller General may not permit this reimbursement.

The Comptroller General has appealed to this body for help, recommending that the Congress enact legislation to correct this injustice. I would like, at this time, Mr. President, to submit the letter written by the Comptroller General for the RECORD.

I urge you, Mr. President, to take speedy action on this legislation. Ms. Denne has acted in good faith, and now we should act in good conscience. Let my colleagues and I relieve Ms. Denne of this undeserved debt.

At this time, I would ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of sections 5724 and 5724a of title 5, United States Code, Jane E. Denne of Henderson, Nevada is deemed to be an employee transferred by the Environmental Protection Agency from one official station to another for permanent duty in the interest of the Government without a break in service for travel by such employee from Lawrence, Kansas to Las Vegas, Nevada in December 1986.•

By Mr. CRANSTON:

S. 993. A bill to amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

CHILD CARE CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 993, a bill to amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities. The Secretary of Veterans Affairs submitted this legislation by letter dated April 12, 1991, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 12, 1991, transmittal letter and the enclosed analysis of the proposed bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 4209(c) is amended as follows:

(a) by amending paragraph (2) to read as follows:

"(2) may convert space furnished under clause (1) of this subsection for use as the child care center without reimbursement;".

(b) by inserting after paragraph (2) the following:

"(3) may provide, on a reimbursable basis, other items necessary for the operation of the center, including furniture, office machines and equipment, and telephone service, except that the Secretary may furnish basic telephone service and surplus furniture and equipment without reimbursement;".

(c) by redesignating paragraphs (3), (4), and (5) as (4), (5), and (6), respectively.

ANALYSIS OF BILL

The draft bill would amend section 4209 of title 38, which authorizes VA to establish, under the Veterans Canteen Service, child care centers at VA medical centers. It would specifically amend subsection (c) to authorize medical centers to convert space at their facility for child care purposes without requiring reimbursement for the cost of conversion from the Veterans Canteen Service. This provision would cost an estimated $1.2 million a year for a 5-year cost of $6 million.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, April 2, 1991.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT, There is transmitted herewith, a draft bill "To amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities." We request that it be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would facilitate efforts to establish child care centers at VA medical facilities. The availability of child care services at our medical centers is important, particularly in recruiting and retaining qualified medical personnel. Congress provided the Secretary with authority in Public Law No. 100-322 to establish child care centers at VA facilities through the Veterans Canteen Service. This law directs VA to provide the Veterans Canteen Service with existing space in VA facilities for use as child care centers and to give those centers custodial support, utilities, and certain services and amenities needed for the children's health and safety.

VA facilities may also pay the costs of converting the space into a child care center, but the Canteen Service must reimburse the facility for the cost of the conversion. This reimbursement may not be repaid over a multi-year period. This would be a heavy financial burden because it may take a long time for the Canteen Service to recoup this expense from the revenues it receives in providing child care. As a result, the Canteen

Service's ability to establish child care centers would be severely limited.

This proposal would help alleviate this problem by permitting medical centers to pay for the conversion costs without requiring Canteen Service reimbursement. Permitting medical centers to fund these conversions would greatly enhance VA's ability to establish child care centers.

VA estimates that the cost of conversions would be between $50,000 and $400,000 per center if they are to meet the State and local child care standards, as required by law. Based on the renovation of ten VA facilities per year, we estimate the cost of this provision to be $1.2 million a year, for a five-year estimated cost of $6 million.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.•

By Mr. McCAIN:

S. 994. A bill to establish a hospice care pilot program for terminally ill veterans; to the Committee on Veterans' Affairs.

VETERANS HOSPICE CARE BENEFIT ACT OF 1991

• Mr. McCAIN. Mr. President, I rise today to introduce the Veterans Hospice Care Benefit Act of 1991. This is the companion to legislation introduced in the House on May 3, by Congressman DORGAN.

This legislation would establish a hospice care pilot program for terminally ill veterans. The Veterans' Administration will be given the authority to establish a hospice care pilot program consisting of at least 30 pilot projects throughout the country for the purpose of making hospice benefits available to terminally ill veterans. The benefit would be provided through a contractual relationship between the VA and existing Medicare certified hospice providers.

Hospice care is a critical benefit for the terminally ill. It is unfortunate when a veteran is diagnosed with a terminal illness. It is more unfortunate, however, when he or she does not have the option of receiving care in their final days at home, surrounded by loved ones in familiar surroundings. The hospice program has been an invaluable benefit for our Nation's Medicare beneficiaries. Yet, currently, it is not available to those who have sacrificed in service to their country—our Nation's veterans. This bill will change that.

Not only does the hospice program provide patients with a quality alternative to institutionalized care, it does so in a cost effective manner. Institutionally provided care is very expensive—whether it is provided in a private sector, community or veterans facility. What I have found is that people, whenever possible, prefer to receive care at home as opposed to in an institution. This bill would permit the VA to explore whether it would be a good idea to provide our Nation's veterans with the same access to this critical benefit as is provided to Medicare beneficiaries.

Several major veterans organizations—the American Veterans of World War II, Korea and Vietnam, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars have long been calling for the creation of a hospice program in the VA. This legislation will provide the keys to make that dream a reality. I firmly believe that putting a hospice benefit in place for the VA will not only enhance the remaining days of terminally ill veterans and their families, but that the VA system will benefit in the long run. I am confident that this experiment will be a success and that, if this legislation is adopted, we will soon see the VA able to offer all terminally ill veterans a hospice benefit—just as Medicare currently does for its beneficiaries.

In introducing this bill today, I acknowledge that there may be alternative approaches to ensuring that our Nation's veterans have access to hospice care. While I look forward to working with those of my colleagues who also wish to see terminally ill veterans eligible for hospice care, I do believe it is important to begin the discussion and debate. And, it is with that intention that I offer this legislation today. It is time that we start providing our Nation's veterans with access to this critical benefit.

Mr. President, I hope that my colleagues will examine this bill and consider joining in the effort to ensure that our Nation's terminally ill veterans have access to hospice care.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 994

Be it enacted in the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act shall be known as the Veterans Hospice Benefit Act of 1991.

SEC. 2. PILOT PROGRAM OF HOSPICE CARE FOR TERMINALLY ILL VETERANS.

(a) AUTHORITY FOR PROGRAM.—

(1) At not less than 30 Department facilities, the Secretary of Veterans' Affairs (hereafter referred to as the "Secretary") shall conduct a pilot program to provide hospice care to veterans to whom the Secretary is furnishing hospital care or nursing home care under Section 610 or section 620 of title 38, United States Code.

(2) The Secretary shall conduct the program authorized by this section through contracts with entities that are hospice programs for purposes of title XVIII of the Social Security Act and that are non-Department facilities.

(3) In selecting Department facilities for participation in the pilot program authorized by this section, the Secretary shall take into account the need to provide access to hospice care under the program for veterans receiving hospital care or nursing home care from the Secretary in urban and rural areas and in various geographic regions of the United States.

(b) DURATION OF CARE.—

(1) The Secretary shall provide hospice care to an individual under the progam authorized by this section only during two periods of 90 days each, a subsequent period of 30 days, and a subsequent extension period during the individual's lifetime and only, with respect to each such period, if—

(A) the individual makes an election under this paragraph to receive hospice care provided by, or under arrangements made by, a particular hospice program instead of certain other benefits under chapter 17 of title 38, United States Code;

(B) in the case of hospice care provided to an individual—

(i) in the first 90-day period, the Secretary (acting through a physician employed by or under contract to the Secretary) and the medical director (or physician member of the interdisciplinary group described in section 1861(dd)(2)(B) of the Social Security Act) of the hospice program providing (or arranging for) the care each certify that the individual is terminally ill (as defined in subsection (e)(2)),

(ii) in a subsequent 90 or 30 day period, the medical director (or physician member) described in clause (i) recertifies at the beginning of the period that the individual is terminally ill and submits a report to the Secretary on the individual's condition before the expiration of the period, and

(iii) in a subsequent extension period, the medical director (or physician member) described in clause (i) recertifies at the beginning of the period that the individual is terminally ill and submits a report to the Secretary on the individual's condition before the expiration of the period;

(C) a written plan for providing hospice care with respect to the individual has been established (before such care is provided by, or under arrangements made by, that hospice program) and is periodically reviewed by the Secretary and by the medical director (and the interdisciplinary group described in section 1861(dd)(2)(B)) of the hospice program, and

(D) such care is being or was provided pursuant to such plan of care.

(2)(A) Except as provided in subparagraphs (B) and (C) and except in such exceptional and unusual circumstances as the Secretary may provide, if an individual makes such an election for a period with respect to a particular hospice program, the individual shall be deemed to have waived all rights to payment made under chapter 17 of title 38, United States Code, with respect to—

(i) hospice care provided by another hospice program (other than under arrangements made by the particular hospice program) during the period; and

(ii) services furnished during the period that are determined (in accordance with guidelines of the Secretary) to be equivalent to (or duplicative of) hospice care, except that this clause shall not apply to services provided by (or under arrangements made by) the hospice program.

(B) After an individual makes such an election with respect to a 90 or 30 day period or a subsequent extension period, the individual may revoke the election during the period, in which case—

(i) the revocation shall act as a waiver of the right to have hospice care furnished under the pilot program authorized by this section for the remaining time in such period and (for purposes of subparagraph (A)) the individual shall be deemed to have been provided such care during such entire period, and

(ii) the individual may at any time after the revocation execute a new election for a subsequent period, if the individual otherwise is entitled to hospice care benefits with respect to such a period.

(C) An individual may, once in such period, change the hospice program with respect to which the election is made and such change shall not be considered a revocation of an election under subparagraph (B).

(D) For purposes of this subsection, an individual's election with respect to a hospice program shall no longer be considered to be in effect with respect to that hospice program after the date the individual's revocation or change of election with respect to that election takes place.

(c) AMOUNT OF PAYMENTS TO HOSPICE PROGRAMS.—To the extent that amounts are made available in appropriations Acts, the amounts paid to a hospice program with respect to hospice care provided under the pilot program authorized by this section shall be equal to the amount that would have been paid to the program under section 1814(i) of the Social Security Act (other than paragraph (2) of such section) if the care was hospice care for which payment may be made under Part A of title XVIII of such Act.

(d) NOTICE TO VETERANS.—The Secretary shall notify each terminally ill veteran who is eligible to receive care under section 610 of title 38, United States Code, that hospice care may be furnished to the veteran under the pilot program authorized by this section.

(e) DEFINITIONS.—

(1) The term "hospice care" means the following items and services provided to a terminally ill individual by, or by others under arrangements made by, a hospice program under a written plan (for providing such care to such individual) established and periodically reviewed by the Secretary and by the medical director (and by the interdisciplinary group described in section 1861(dd)(2)(B) of the Social Security Act) or the program—

(A) nursing care provided by or under the provision of a registered nurse,

(B) physical or occupational therapy or speech-language pathology,

(C) medical social services under the direction of a physician,

(D)(i) services of a home health aide who has successfully completed a training program approved by the Secretary and

(ii) homemaker services,

(E) medical supplies (including drugs and biologicals) and use of medical appliances, while under such plan,

(F) physicians services,

(G) short-term inpatient care (including both respite care and procedures necessary for pain control and acute and chronic symptom management) in an inpatient facility, but such respite care may be provided only on an intermittent, nonroutinem and occasional basis and may not be provided consecutively over longer than 5 days, and

(H) counseling (including dietary counseling) with respect to care of the terminally ill individual and adjustment to the individual's death.

(2) The care and services described in subparagraphs (A) and (D) may be provided on a 24-hour, continuous basis only during periods of crisis (meeting criteria established by the Secretary of Health and Human Services for hospice care under the Medicare program) and only as necessary to maintain the terminally ill at home.

(3) For purposes of this section, an individual is considered to be terminally ill if the individual has a medical prognosis that the individual's life expectancy is 6 months or less.

(4) The term "physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such function or action.

(5) The term "Department facilities" has the meaning given the term "Veterans' Administration facilities" under section 601(4) of title 38, United States Code, and the term "non-Department facilities" has the meaning given the term "non-Veterans' Administration facilities" under 601(9) of such title.

(f) REPORT.—Not later than three years after the beginning of the pilot program authorized by this section, the Secretary shall submit a report to Congress on the program, and shall include in the report an analysis of the quality of care provided under this program and of the feasibility and cost-effectiveness of providing hospice care to all terminally ill veterans electing to receive such care.●

By Mr. GORE:

S. 995. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for working families by providing a refundable credit in lieu of the deduction for personal exemptions for children and by increasing the earned income credit, and for other purposes; to the Committee on Finance.

WORKING FAMILY TAX RELIEF ACT OF 1991

Mr. GORE. Mr. President, today I rise to introduce the Working Family Tax Relief Act of 1991. An identical bill is being introduced in the other body today by Congressman TOM DOWNEY of New York, who is joined by Congressman DAVID OBEY and Congressman GEORGE MILLER. This bill will strengthen American families by providing meaningful tax cuts to working and middle-income families. It is designed to ease the tax burden on families, which have been paying more than their fair share, with an innovative approach that pays for itself and makes existing tax rates more progressive. It encourages working poor families, families that are now struggling to maintain their independence, to choose work over welfare.

The Working Family Tax Relief Act will increase the tax benefit for children by providing a tax credit of $800 per child, up to age 18, rather than a limited personal exemption. For some middle and lower income families, this credit would more than double the real tax value of the existing exemption. This tax credit would be in addition to the current child care credit.

For working poor families, this bill expands the earned income tax credit [EITC] by adding a third tier to increase the credit and to make that credit more sensitive to family size. By expanding the EITC, the bill provides critical support to families struggling to stay off welfare and encourages these families to keep working.

Mr. President, the bill would meet the pay-as-you-go requirement of existing budget agreements by creating a new rate structure of 15-28-32-35 percent and by adding an 11-percent surcharge on those with adjusted gross incomes of more than $250,000 per year. At the same time it would restore to top bracket taxpayers the ability to fully deduct State and local taxes and charitable contributions and their ability to claim a full personal exemption. The bill also increases the alternative minimum tax rate to 29 percent.

For too long, working and middle-income families have been paying more than their fair share of America's bills. Working and middle-income families are telling us that even with two paychecks and full-time jobs they cannot make ends meet. They do not have any more to give and we should not be asking them. We should be giving tax relief where it is needed, for a change.

These families represent the engine that drives our country. They are the people who create the wealth and the jobs. America's leaders have to stand up for work and for the people who work for a living. That is what this bill does. It provides tax cuts for those who need them.

Mr. President, in the United States of America, one child in every five lives in poverty. At the same time, in this country, the richest 1 percent of Americans has more income than the poorest 100 million Americans. To make the gap between rich and poor even wider, the taxes of the top 1 percent of the population with the highest income have decreased from about 35 percent of income in 1977, to about 29 percent of income today. It is way past time to help America's children and their families by shifting the tax burden in this country from middle and lower income families somewhat toward those who can most afford to pay. That is what this bill will do.

The Working Family Tax Relief Act of 1991 will reduce taxes for 35 million families with children; this represents 134 million Americans in all who will get tax relief from this measure. It will remove 2 million families—some 9½ million individuals—from the Federal income tax rolls. It will lift 600,000 families—2½ million people—out of poverty. It does this by raising taxes on only 6 million families—15 million individuals—who are in the top 10 percent of income earners.

Mr. President, it is time we started listening to what America's families are telling us. They do not need the Government to tell them that they have less money to spend to feed and clothe and educate their children. Their pocketbooks tell them that every day. Their children feel the pressure themselves. It is time we let American families know we understand the financial strain they face and that we are on their side.

We drew a line in the sand in Saudi Arabia. It is time we draw a line down Main Street and fight for American families who are in financial difficulty, with tax relief where it is needed for a change.

Mr. President, I will include, with unanimous consent, informational and explanatory material, along with the full text of this legislative provision.

I might say that my cosponsor in the other body and I have worked on this measure very carefully and assiduously for almost 6 months. As I hope my colleagues and their staffs will see from the accompanying explanatory material and the very detailed tables and documents accompanying the bill, this is not a matter that has been put together overnight. It has been very carefully thought through. It has the support of many tax reform experts who have spent their lifetimes in this particular policy area. More importantly, it has the strong support of many advocates for America's children.

I personally believe, Mr. President, that it is wrong for this country to stand by and ignore the fact that one out of every five American children lives in poverty today. If we are going to build for the future of this country, we have to understand the implications of that harsh fact. This piece of legislation is the single most effective step we could take to address that problem.

At this point, I do ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Working Family Tax Relief Act of 1991”.

TITLE I—REFUNDABLE CREDIT FOR CHILDREN

SEC. 101. REFUNDABLE CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

“SEC. 35. TAX CREDIT FOR CHILDREN.

“(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to $800 multiplied by the number of qualified personal exemptions of the taxpayer for the taxable year.

“(b) LIMITATION ON CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed the greater of—

“(1) $400, or

“(2) 20 percent of the sum of—

“(A) the earned income (as defined in section 32(c)) of the taxpayer for the taxable year, and

“(B) the amount received in cash by the taxpayer during the taxable year for the support of children of the taxpayer from any individual required to support such children pursuant to a child support decree or agreement.

“(c) QUALIFIED PERSONAL EXEMPTION.—For purposes of this section, the term ‘qualified personal exemption’ means any personal exemption which (but for section 151(d)(3)) would be allowed to the taxpayer under section 151 for a child of the taxpayer (as defined in section 151(c)) who has not attained age 18 at the close of the calendar year in which the taxable year of the taxpayer begins.

“(d) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1992, each dollar amount contained in subsection (a) or (b) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting ‘calendar year 1991’ for ‘calendar year 1989’ in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10 (or if such increase is a multiple of $5, such increase shall be rounded to the next highest multiple of $10).

“(e) COORDINATION WITH MEANS-TESTED PROGRAMS.—Any refund made by reason of this section, and any payment made under section 7524, shall be treated in the same manner as refunds made by reason of section 32 and payments made under 3507 for purposes of—

“(1) sections 402, 1612, and 1613 of the Social Security Act and title XIX of such Act, and

“(2) the laws referred to in paragraphs (1) through (5) of section 32(j).”

(b) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—Section 151(d) of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—The exemption amount for any qualified personal exemption (as defined in section 35(c)) shall be zero.”

(c) TECHNICAL AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “or from section 35 of such Code”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

“Sec. 35. Tax credit for children.

“Sec. 36. Overpayments of tax.”

TITLE II—CHANGES IN INDIVIDUAL INCOME TAX RATE STRUCTURES

SEC. 201. INCREASE IN INCOME TAX RATES FOR HIGHER INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by striking subsections (a) through (e) and inserting the following:

“(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

“(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

“(2) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

“If taxable income is:	The tax is:
Not over $32,450	15% of taxable income.
Over $32,450 but not over $78,400.	$4,867.50, plus 28% of the excess over $32,450.
Over $78,400 but not over $110,000.	$17,733.50, plus 32% of the excess over $78,400.
Over $110,000	$27,845.50, plus 35% of the excess over $300,000.

“(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

“If taxable income is:	The tax is:
Not over $26,050	15% of taxable income.
Over $26,050 but not over $67,200.	$3,907.50, plus 28% of the excess over $26,050.
Over $67,200 but not over $94,000.	$15,429.50, plus 32% of the excess over $67,200.
Over $94,000	$24,005.50, plus 35% of the excess over $94,000.

“(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

“If taxable income is:	The tax is:
Not over $19,450	15% of taxable income.
Over $19,450 but not over $47,050.	$2,917.50, plus 28% of the excess over $19,450.
Over $47,050 but not over $66,000.	$10,645.50, plus 32% of the excess over $47,050.
Over $66,000	$16,709.50, plus 35% of the excess over $66,000.

“(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

“If taxable income is:	The tax is:
Not over $16,225	15% of taxable income.
Over $16,225 but not over $39,200.	$2,433.75, plus 28% of the excess over $16,225.
Over $39,200 but not over $55,000.	$8,866.75, plus 32% of the excess over $39,200.
Over $55,000	$13,922.75, plus 35% of the excess over $55,000.

“(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

“(1) every estate, and

“(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

“If taxable income is:	The tax is:
Not over $3,300	15% of taxable income.
Over $3,300 but not over $9,900.	$495, plus 28% of the excess over $3,300.
Over $9,900 but not over $13,200.	$2,313, plus 32% of the excess over $9,900.
Over $13,200	$3,369, plus 35% of the excess over $13,200.

(b) TECHNICAL AMENDMENT.—Section 541 of such Code is amended by striking “28 percent” and inserting “35 percent”.

SEC. 202. SURTAX ON HIGHER INCOME INDIVIDUALS.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

“PART VIII—SURTAX ON HIGHER INCOME INDIVIDUALS.

“Sec. 59B. Surtax on section 1 tax.

“Sec. 59C. Surtax on minimum tax.

“Sec. 59D. Special rules.

“SEC. 59B. SURTAX ON SECTION 1 TAX.

“In the case of an individual who has adjusted gross income for the taxable year in excess of the threshold amount, the amount of the tax imposed under section 1 for such taxable year shall be increased by 11 percent of the amount which bears the same ratio to the tax imposed under section 1 (determined without regard to this section) as—

"(1) the amount by which the adjusted gross income of such individual for such taxable year exceeds the threshold amount, bears to

"(2) the total amount of such individual's adjusted gross income for such taxable year.

"SEC. 59C. SURTAX ON MINIMUM TAX.

"(a) In General.—In the case of an individual who has adjusted alternative minimum taxable income for the taxable year in excess of the threshold amount, the amount of the tentative minimum tax determined under section 55 for such taxable year shall be increased by 3.19 percent of the amount by which the adjusted alternative minimum taxable income of such taxpayer for the taxable year exceeds the threshold amount.

"(b) Adjusted Alternative Minimum Taxable Income.—For purposes of this section, the term 'adjusted alternative minimum taxble income' means alternative minimum taxable income determined without regard to any itemized deductions.

"SEC. 59D. DEFINITION AND SPECIAL RULES.

"(a) Threshold Amounts.—For purposes of this part, the term 'threshold amount' means—

"(1) $250,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

"(2) $200,000 in the case of a head of a household (as defined in section 2(b)),

"(3) $125,000 in the case of a married individual (as defined in section 7703) who files a separate return, and

"(4) $150,000 in any other case.

"(b) Surtax to Apply to Estates and Trusts.—For purposes of this part, the term 'individual' includes any estate or trust taxable under section 1.

"(c) Coordination With Other Provisions.—The provisions of this part—

"(1) shall be applied after the application of section 1(h), but

"(2) before the application of any other provision of this title which refers to the amount of tax imposed by section 1 or 55, as the case may be."

(b) Clerical Amendment.—The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Part VIII. Surtax on higher income individuals."

SEC. 203. INCREASE IN RATE OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) In General.—Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to tentative minimum tax) is amended by striking "24 percent" and inserting "29 percent".

(b) Technical Amendment.—Paragraph (2) of section 897(a) of such Code is amended—

(1) by striking "21 percent" in the text and inserting "29 percent", and

(2) by striking "21-PERCENT" in the heading and inserting "29-PERCENT".

SEC. 204. REPEAL OF LIMITATION ON ITEMIZED DEDUCTIONS AND PHASEOUT OF PERSONAL EXEMPTIONS.

(a) Repeal of Overall Limitation on Itemized Deductions.—

(1) In general.—Section 68 of the Internal Revenue Code of 1986 is hereby repealed.

(2) Conforming amendments.—

(A) Paragraph (1) of section 56(b) of such Code is amended by striking subparagraph (F).

(B) Subparagraph (A) of section 1(f)(6) of such Code is amended by striking "section 68(b)(2)".

(C) The table of sections for part I of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 68.

(b) Repeal of Phaseout of Personal Exemptions.—

(1) In general.—Subsection (d) of section 151 of such Code is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Conforming amendment.—Paragraph (4) of section 151(d) of such Code, as redesignated by paragraph (1), is amended to read as follows:

"(4) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 1989, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1988' for 'calendar year 1989' in subparagraph (B) thereof."

TITLE III—INCREASED EARNED INCOME CREDIT

SEC. 301. INCREASED EARNED INCOME CREDIT.

(a) In General.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) are amended to read as follows:

"(a) Allowance of Credit.—

"(1) In general.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed $5,714.

"(2) Limitation.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $5,714, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(b) Percentages.—For purposes of this section—

"(1) In general.—Except as provided in paragraph (2), the percentages shall be determined as follows:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	22	17
2 qualifying children	27	17
3 or more qualifying children	32	17

"(2) Transition percentages.—

"(A) For taxable years beginning in 1992, the percentages are:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	18	13
2 qualifying children	20	13
3 or more qualifying children	22	13

"(B) For taxable years beginning in 1993:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	19	15
2 qualifying children	22	15
3 or more qualifying children	25	15

(b) Technical Amendments.—

(1) Subparagraph (B) of section 32(i)(2) of such Code is amended by striking "subsection (b)(1)" and inserting "subsection (a)(1)" and by striking "subsection (b)(1)(B)(ii)" and inserting "subsection (a)(2)".

(2) Paragraph (3) of section 162(l) of such Code is amended to read as follows:

"(3) Coordination with medical deduction.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(3) Section 213 of such Code is amended by striking subsection (f).

(4) Subparagraph (B) of section 3507(c)(2) of such Code is amended—

(A) by striking "section 32(b)(1) (without regard to subparagraph (D) thereof)" in clause (i) and inserting "section 32(b)",

(B) by striking "section 32(b)(1)(B)(ii)" in clause (ii) and inserting "section 32(a)", and

(C) by striking "section 32(a)(1)" each place it appears and inserting "section 32(a)".

TITLE IV—ADVANCE PAYMENTS FROM SECRETARY OF THE TREASURY OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN

SEC. 401. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

(a) In General.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7524. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

"(a) General Rule.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of sections 32 and 35.

"(b) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if—

"(1) the taxpayer elects during the preceding taxable year to receive payments under this section during the taxable year and declares his intention not to receive payments under section 3507 for the taxable year,

"(2) the taxpayer furnishes, as such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(A) determine whether the taxpayer will be entitled to a refund by reason of sections 32 and 35 for the taxable year, and

"(B) estimate the amount of such refund, and

"(3) the Secretary determines that the taxpayer will be so entitled and the estimated amount of such refund (without regard to this section).

"(c) Timing and Amount of Payments.—

"(1) Aggregate payments.—The aggregate payments made by the Secretary under this section to a taxpayer for the taxable year shall equal approximately 80 percent of the Secretary's estimate under subsection (b)(3).

"(2) Quarterly payments.—The Secretary shall make the payments under this section on a quarterly basis in approximately equal amounts.

"(d) OTHER PROVISIONS.—

"(1) PROCEDURES TO ASSURE PAYMENTS TO INDIVIDUALS HAVING ADJUSTED GROSS INCOMES OF $12,000 OR LESS.—If a taxpayer has an adjusted gross income of $12,000 or less for any taxable year and the Secretary accepts a taxpayer's certification that he reasonably expects that his income tax return for the following taxable year will be substantially similar to his income tax return for the taxable year, the Secretary shall make all reasonable efforts to make payments under this section to such taxpayer for such following taxable year.

"(2) CHANGES IN ESTIMATED REFUND.—If, at any time, the Secretary changes his estimate under subsection (b)(3) for any taxable year, the Secretary may adjust subsequent payments under this section for such taxable year to reflect the new estimate.

"(3) COORDINATION OF PAYMENTS WITH CREDITS.—

"(A) IN GENERAL.—If any payment is made by the Secretary under this section to any taxpayer for a taxable year, then the taxpayer's tax imposed by chapter 1 for such taxable year shall be increased by the aggregate of such payments.

"(B) RECONCILIATION.—Any increase in tax under subparagraph (A) shall not be treated as a tax imposed by chapter 1 for purposes of determining the amount of any credit allowable under subpart C of part IV of subchapter A of chapter 1 other than the credits allowed by sections 32 and 35."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end thereof the following new item:

"Sec. 7524. Advance payments of earned income credit and credit for children."

TITLE V—EFFECTIVE DATE

H4 SEC. 501. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1991. Section 15 of the Internal Revenue Code of 1986 shall not apply to any amendment made by this Act.

THE WORKING FAMILY TAX RELIEF ACT OF 1991—FACTSHEET ON FAMILY INCOMES AND TAX BURDENS AND THE IMPACT OF THE PROPOSAL

The bill reduces taxes for 35 million American families with children; some 134 million Americans.

Overall, the bill cuts taxes for working families with children with incomes between $10,000 and $75,000 by more than $20 billion per year.

The bill removes more than two million families (9.5 million individuals) from the Federal income tax rolls.

The bill moves 600,000 families (2.5 million individuals) out of poverty, on an after-tax income basis (when income is defined to also include cash benefits, food stamps and housing benefits).

The bill is budget neutral and complies fully with the pay-as-you-go requirements of the Budget Enforcement Act of 1990.

In 1977, Federal taxes for the richest one percent of the population were slightly more than 35 percent of income. Today, the same income class pays roughly 29 percent.

CBO has estimated that federal taxes have increased by $13 billion per year for middle income families between 1977 and 1992, while taxes on the richest one percent have been lowered by $65 billion.

Only six million families (15 million individuals) in the top 10 percent of the income distribution will face a tax increase. The average family in the top one percent of the population with an average after-tax income of $478,000 will receive a $22,000 increase in its tax bill.

The one percent of the population with the highest income has received a total real relative gain in pre-tax income of $271 billion since 1977, while individuals in the bottom 80 percent of the distribution have experienced significant losses in income relative to the average increase in income.

The richest one percent of the population has more income today than the poorest 100 million Americans.

Single parent families have been discouraged from working because of marginal tax rates well above 50 percent. For every dollar they earn, the reduction in Federal benefits or tax increases exceeds 0.50 cents and often approaches $1.00.

Overall, young families with children have experienced real income losses of over 13 percent between 1979 and 1989; the middle 20 percent of young families has experienced a real income deterioration of 7 percent over the same period.

The poverty rate for children has increased from 14.4 percent in 1973 to 19.6 percent in 1989. Currently one child in five is poor.

AFDC benefits have declined in real terms by almost 40 percent since the early 1970s.

The number of families who are poor, yet have someone who works full-time, year-round increased by more than 46 percent between 1979 and 1989.

The bill reduces Federal taxes by 8.1 percent for a four person family with income between $35,000 and $50,000.

Chart 1 compares the income effects of the Working Family Tax Relief Act with the revenue and entitlement provisions of the Administration's 1992 budget proposals. Under the Administration's proposal, families in the top one percent of the distribution would see an increase in their after-tax income of 1.2 percent. This gain at the top is due primarily to the reduction in the capital gains tax rate that is included among the Administration's budget proposals. Alternatively, the Working Family Tax Relief Act would decrease the after-tax income of the top one percent of families by 4.6 percent, while increasing the income of those families in the middle income range by 1.1 percent.

THE WORKING FAMILY TAX RELIEF ACT OF 1991—FULL EXPLANATION OF PROVISIONS

STRENGTHENING FAMILIES WITH CHILDREN

The Working Family Tax Relief Act of 1991 will strengthen American families by providing meaningful tax cuts to working and middle class families.

The Working Family Tax Relief Act of 1991 eases the tax burden on families which have been paying more than their fair share with an innovative approach that pays for itself and makes existing tax rates more progressive.

The Working Family Tax Relief Act of 1991 encourages working poor families, now struggling to maintain their independence, to continue to choose work over welfare.

The facts make clear the urgent need for our country to focus more of its resources on families with children, to strengthen American families and their ability to compete in a global marketplace.

The Working Family Tax Relief Act of 1991 increases tax benefits for children by providing an $800 credit per child, up to age 18, in place of the personal exemption. In 1992, the personal exemption will be worth a deduction of $2,300. The taxpayer may currently deduct one personal exemption for each dependent. As table 1 illustrates, the $800 refundable credit is preferable to the personal exemption. This child credit would, for example, more than double the value of the personal exemption for working families in the 15 percent bracket from the current $2,300 per child to $5,333 per child. For families in the 28 percent bracket, the value of the exemption would increase to $2,857.

Families with children in the 15 percent Federal tax bracket would have reduced taxes of $455 per child. The $455 is the difference between a credit of $800 per child under this bill and the tax benefit of the personal exemption under current law. A $2,300 personal exemption is equivalent to a $345 credit ($2,300 times 15 percent). Families in the 28 percent tax bracket would save $156 in taxes per child.

Under current law, the $2,300 personal exemption is indexed for inflation. Similarly, the $800 refundable child credit will be adjusted annually for inflation.

The credit is similar to the family and child allowance used widely throughout all Western industrialized countries. The benefit is a refundable credit paid through the tax system to families at all income levels. For example, if the amount of the credit exceeds the taxpayer's Federal income tax liability, the excess is payable to the taxpayer. However, for low-income families, the benefit is limited to the larger of $400 per family or 20 percent of the amount of earned income or child support received up to $800 per child. The payment will not be counted as income when determining public income-transfers such as AFDC, food stamps and low-income housing assistance. Certain low-income families may also elect to receive payments quarterly from the IRS.

For working poor families, The Working Family Tax Relief Act of 1991 also expands the Earned Income Tax Credit (EITC) by adding a third tier to increase the credit and to make that credit more sensitive to family size. By expanding the EITC, this bill provides critical support to families struggling to stay off welfare, encouraging these families to keep working.

The EITC is a refundable credit that provides an income supplement to low-income workers. Eligibility for the credit is restricted to households with earned income who have children. Under the Omnibus Budget Reconciliation Act of 1990, the EITC was adjusted for two or more children (see table 2). In 1992, the EITC would equal 17.6 percent of the first $7,570 of earned income for a one-child family. The credit would be phased out at a rate of 12.57 percent of the amount of adjusted gross income in excess of $11,920. The maximum credit amount for 1992 would be $1,332.

Under the proposed bill, a new credit for a family with three or more qualifying children would be provided. By 1994, the three tiers of the EITC would be phased-in at increasing rates of 22, 27 and 32 percent respectively. All benefits would be phased-out at a 17 percent rate for one, two, and three or more children. When fully phased in, the maximum credit is projected to be $1,665 in 1992 dollars for taxpayers with one qualifying child, $2,044 for taxpayers with two qualifying children, and $2,422 for taxpayers with three or more qualifying children.

Currently, there are two additional credits that are part of the EITC: a supplemental young child credit available for taxpayers with qualifying children under the age of one year old and a supplemental young child health insurance credit. Both of these credits will be eliminated under the new proposal. The increases in the new child tax credit and the EITC in this bill will more than offset the loss of these credits.

PROGRESSIVE TAX CHANGES

The Working Family Tax Relief Act proposes a new rate structure for the wealthiest taxpayers. Under OBRA of 1990, the top statutory marginal rate was set at 31 percent, eliminating the 33-percent rate bubble. This, for years beginning in 1991, three marginal rates apply to individual income: 15, 28, and 31 percent. The ending income levels for the tax rates under current law are shown in table 2. For example, a couple filing a joint return with taxable income between $35,800 and $86,550 would be subject to a 28 percent marginal tax rate. Taxable income is adjusted gross income less the standard deduction or itemized deductions, less personal exemptions.

Under the proposed change, the new rate structure further divides the top tax rate, creating four marginal rates that apply to individual income: 15, 28, 32, 35 percent. The ending income levels for the new 32 percent rate are shown in table 2. The taxable income levels for the 15 and 28 percent brackets are unchanged. For example, a family filing a joint return with a combined income between $86,550 and $110,000 would be subject to the 32 percent marginal tax rate, approximately the same rate they would be paying under existing law. Likewise, a similar family with taxable income above $110,000 would be taxed at the top rate of 35 percent.

In addition, the phase-out of personal exemptions for high-income taxpayers is eliminated. Created under OBRA of 1990, the phaseout of personal exemptions raised the taxpayer's marginal rate—that is, created a new bubble—by approximately 0.5 percent for each personal exemption for adjusted gross incomes between $150,000 and $275,000. In calculating tax liability, high-income taxpayers would calculate the reduction in their personal exemptions and then apply the 31-percent top rate. Under this bill, these taxpayers will be able to take full personal exemptions and the bill's new child tax credit.

The bill would also restore to high income taxpayers the ability to fully deduct state and local taxes and charitable contributions. Beginning in 1991 under OBRA of 1990, itemized deductions were reduced by an amount equal to three percent of the excess of taxable income over $100,000. The effect of the disallowance of itemized deductions is to increase the marginal tax rate of affected taxpayers. The marginal rate increase is 0.93 percent for income in the 31-percent marginal rate bracket. This bill would remove this existing limit on itemized deductions.

The Working Family Tax Relief Act also imposes an 11 percent surtax on both ordinary and capital gains for families with adjusted gross incomes above $250,000. The proposal also increases the alternative minimum tax (AMT) from 24 to 29 percent. The minimum tax requires an alternative tax computation for taxpayers who make excessive use of deductions and exclusions.

The bill will be scored by the Joint Committee on Taxation at a later date. The parameters may change slightly to ensure that the bill is budget neutral.

All changes proposed in the bill are effective on January 1, 1992 and apply to calendar year 1992.

TABLE 1.—EXPLANATION OF CREDITS VERSUS REDUCTIONS

[1992 examples]

Federal tax rate	Current Law		Proposal	
	Personal exemption	Tax credit value of personal exemption	Tax credit	Equivalent value of personal exemption [1]
0	2,300	0	[2]800	....
0.15	2,300	345	800	5,333
.28	2,300	644	800	2,857
.31	2,300	713	800	2,581

[1] The equivalent value of the personal exemption equals tax credit/tax rate.

[2] Limited to the larger of $400 per family or 20 percent of the amount of earned income or child support received.

Note.—$2,300 is the projected personal exemption amount in 1992 under CBO assumptions.

TABLE 2.—EARNED INCOME TAX PARAMETERS

	1992	1993	1994
Current law:			
1 child:			
Credit rate (percent)	17.6	18.5	23.0
Phaseout rate (percent)	12.57	13.21	16.43
Maximum credit	1,332	1,450	1,868
2 or more children:			
Credit rate (percent)	18.4	19.5	25.0
Phaseout rate (percent)	13.14	13.93	17.86
Maximum credit	1,393	1,529	2,030
Proposal:			
1 child:			
Credit rate (percent)	18	19	22
Phaseout rate (percent)	13	15	17
Maximum credit	1,363	1,490	1,786
2 children:			
Credit rate (percent)	20	22	27
Phaseout rate (percent)	13	15	17
Maximum credit	1,514	1,725	2,192
3 or more children			
Credit rate (percent)	22	25	32
Phaseout rate (percent)	13	15	17
Maximum credit	1,665	1,960	2,598

TAXABLE INCOME LEVELS—1992

	Ending income levels for tax rates:		
	15 percent	28 percent	32 percent
Current law:			
Joint return	35,800	86,550	NA
Single return	21,450	51,950	NA
Head of household	28,750	74,200	NA
Proposal:			
Joint return	35,800	86,550	110,000
Single return	21,450	51,950	66,000
Head of household	28,750	74,200	94,000

Source: Congressional Budget Office Tax Simulation Model.

TABLE 3.—INCENTIVES TO WORK FOR A SINGLE MOTHER WITH TWO CHILDREN

Source of income	Current law			Proposal		
	Unemployed (no wages)	Wages at poverty level	Change due to work	Unemployed (no wages)	Wages at poverty level	Change due to work
Earnings	0	10,419	10,419	0	10,419	10,419
AFDC	4,801	154	4,647	4,801	154	−4,647
Food stamps	2,426	1,868	−558	2,426	1,868	−558
Child care expenses	0	−1,912	−1,912	0	−1,912	−1,912
EITC	0	1,703	1,703	0	1,839	1,839
Federal income taxes	0	0	0	0	0	0
Federal payroll taxes	0	−797	−797	0	−797	−797
Child tax credit	NA	NA	NA	400	1,600	1,200
Net income	7,227	11,435	+4,208	7,627	13,171	+5,544

Note.—AFDC is calculated as a weighted (by population) average across states. Both current law and the proposal assume a fully phased-in EITC.

Source: Ways and Means Committee staff based upon Congressional Research Service AFDC state benefit levels.

TABLE 4.—THE WORKING FAMILY TAX RELIEF ACT OF 1991—FAMILIES WITH CHILDREN

	Average dollar change in after-tax income	Total dollar change in after-tax income (billions)	Percent change in after-tax income
Families with children—by income group:			
Lowest quintile	910	7.5	9.2
2d quintile	870	7.0	3.9
Middle quintile	749	5.7	2.2
4th quintile	410	2.8	.9
81 to 90 percent	173	.5	.3
Top 10 percent	−3,573	−7.5	−2.2
Overall	445	16.2	1.2
By dollar range of income:			
Less than $10,000	622	2.8	10.8

TABLE 4.—THE WORKING FAMILY TAX RELIEF ACT OF 1991—FAMILIES WITH CHILDREN—Continued

	Average dollar change in after-tax income	Total dollar change in after-tax income (billions)	Percent change in after-tax income
$10,000 to $20,000	919	5.1	6.2
$20,000 to $30,000	878	5.0	4.0
$30,000 to $40,000	791	3.9	2.7
$40,000 to $50,000	786	3.3	2.1
$50,000 to $75,000	441	3.0	.9
$75,000 to $100,000	221	.5	.3
$100,000 to $200,000	−64	−.1	−.1
$200,000 or more	−16,589	−8.3	−3.9
Overall	445	16.2	1.2

Source: Congressional Budget Office Tax Simulation Model.

TABLE 5.—TOTAL FEDERAL EFFECTIVE TAX RATES

	1977	Current law	With proposal
Families with children (by income group):			
Lowest quintile	10.2	5.8	−2.9
2d quintile	17.3	17.2	14.0
Middle quintile	20.7	21.7	19.9
4th quintile	22.5	23.7	23.0
5th quintile	26.8	27.5	28.5
81 to 90 percent	NA	25.7	25.5
91 to 100 percent	NA	28.4	29.9
Overall	22.2	23.4	22.5
All families (by income group):			
Lowest quintile	9.3	7.6	3.2
2d quintile	15.4	15.4	13.7
Middle quintile	19.5	19.7	18.8
Fourth quintile	21.8	22.2	21.9
81 to 90 percent	24.0	24.7	24.6

TABLE 5.—TOTAL FEDERAL EFFECTIVE TAX RATES—Continued

	1977	Current law	With proposal
91 to 95 percent	25.2	26.1	26.1
96 to 99 percent	27.0	27.1	27.5
Top 1 percent	35.5	29.3	32.5
Overall	22.8	23.2	23.2
5th quintile	27.2	26.8	27.8
Top 10 percent	28.8	27.7	29.1

Source: Congressional Budget Office Tax Simulation Model.

TABLE 6.—CHANGE IN INCOME, 1977 TO 1992

[Dollar amounts in billions]

All families (by income group)	Percent change in pretax income 1977–92	Change in 1992 income relative to 1977	Dollar change in income with proposal	Total 1992 pretax income: 1992 shares	Total 1992 pretax income: 1977 shares
Lowest Quintile	−10.1	−$59.3	$7.5	$168.1	227.4
2d quintile	−3.1	−79.0	7.0	413.8	492.8
Middle quintile	2.8	−65.3	5.7	664.4	729.8
4th quintile	8.4	−69.0	2.8	977.1	1,046.0
81 to 90 percent	12.7	−37.2	0.5	698.6	735.7
91 to 95 percent	16.0	−3.6	0.0	470.9	474.5
96 to 99 percent	28.5	46.1	−2.4	599.9	553.8
Top 1 percent	113.0	271.4	−22.0	677.3	406.3
Overall	16.1	0.0	−0.7	4,653.3	4,653.3
5th quintile	33.1	276.8	−24.0	2,447.1	2,170.3
Top 10 percent	42.7	313.9	−24.5	1,748.6	1,434.6

Note.—The last column illustrates the amount of money each income group would have received if 1992 pretax income is distributed according to the 1977 shares of income.

Source: Congressional Budget Office Tax Simulation Model.

TABLE 7.—INCOME DATA AND POVERTY THRESHOLDS FOR FAMILY GROUPS OF VARIOUS SIZES

	AFI	Family size: 1	2	3	4	6
Poverty thresholds (for 1991)		6,415	8,208	10,047	12,883	17,199
All families (1992) (by income group):						
Lowest	1.47	9,423	12,058	14,759	18,925	25,265
2d	2.67	17,101	26,786	26,786	34,346	45,851
Middle	3.99	25,613	32,776	40,118	51,441	68,674
4th	6.03	38,667	49,481	60,564	77,658	103,673
81 to 90 percent	8.10	52,983	66,521	81,422	104,403	139,377
91 to 95 percent	10.65	68,314	87,420	107,002	137,203	183,164
96 to 99 percent	26.35	169,022	216,293	264,742	339,464	453,181

Note.—AFI is adjusted family income—family income divided by the poverty level. This table illustrates how a family's quintile ranking is determined based upon income and family size. The income of families in the lowest quintile is below 147 percent of the poverty threshold. A family of 4 in the middle quintile has income between $34,347 and $51,441.

Source: Congressional Budget Office Tax Simulation Model.

THE WORKING FAMILY TAX RELIEF ACT OF 1991— EXAMPLES

The following analysis provides five examples of federal tax liabilities in 1992 under the Working Family Tax Relief Act of 1991 as compared with current law. The examples represent five different income groups and family situations: a married couple with two children and a combined income of $40,000; a young, working couple with two young children and an income of $20,000; a married couple with two children who itemize and have a combined income of $60,000; and two examples of working, single mothers with two young children. A minus sign denotes tax liability.

Example 1: The first example shows a married couple with two children. Together, their earnings total $40,000. They do not have child care expenses. Under current law, the family pays taxes of $6,780. Under the proposal, the family pays $5,870 in taxes, meaning the family saves $910 in taxes.

	Current law	Proposal
Federal income tax	−$3,720	−$4,410
Child tax credit		1,600
Payroll taxes (Social Security)	−3,060	−3,060
Total	−6,780	−5,870

Example 2: The second example shows a young couple with two children. Both parents work with a combined income of $20,000. The family has annual child care expenses of $3,000. Under current law, this young family pays $1,199 in Federal taxes. Under the proposal, the family pays $126 Federal taxes, realizing a tax cut of $1,073.

	Current law	Proposal
Federal income tax	−$720	−$1,410
Child care credit	720	750
EITC	331	464
Child tax credit		1,600
Payroll taxes (Social Security)	−1,530	−1,530
Total	−1,199	−126

Example 3: The third example illustrates a married couple with two children. Both parents work, together earning $60,000. The family itemizes instead of taking the standard deduction. Under the proposal the family saves $312 in taxes.

	Current law	Proposal
Federal income tax	−$6,210	−$7,498
Child tax credit		1,600
Payroll taxes (Social Security)	−4,590	−4,590
Total	−10,800	−10,488

Example 4: The fourth example shows a single mother with two children under the age of 12. The mother works at minimum wage earning a yearly salary of $8,500. Child care expenses amount to $2,500. Under current law, this family receives a refund of $743. Under the proposal, the family would receive $1,721 more, amount to a net payment of $2,464.

	Current law	Proposal
Federal income tax	0	−$135
Child care credit	0	135
EITC	$1,393	1,514
Child tax credit		1,600
Payroll taxes (Social Security)	−650	−650
Total	743	2,464

Example 5: The fifth example shows a single mother with two children. The mother earns an annual salary of $14,500. Child care expenses total $4,000. Under current law, this family has a tax liability of $55. Under the proposal, the family would receive $1,725 more, amount to a net payment of $1,670.

	Current law	Proposal
Federal income tax	−$345	−$1,035
Child care credit	345	1,035
EITC	1,054	1,179
Child tax credit		1,600
Payroll taxes (Social Security)	−1,109	−1,109
Total	−55	1,670

THE WORKING FAMILY TAX RELIEF ACT OF 1991—STRENGTHENING WORK INCENTIVES

One of the primary aims of this proposal is to help working poor families escape from poverty and to increase the economic benefits of working. Many poor children today live in single parent families. Under current law, many of these families lack an incentive to work, because working does not leave them better off.

Consider the following examples for 1990. Compare a mother with two children with no earnings to a mother with two children with earnings at the poverty level ($10,419). (See Table 3).

A mother with no earnings would receive $7,227 in benefits. (This represents a decline in benefits of 26 percent since 1972 and a 7.5 percent decline since 1980.) If this same mother goes to work full-time and earns $10,419 (earnings equal to poverty and slightly above the minimum wage), and has child care expenses of $1,912, her disposable income would increase to $11,435. (This represents an average tax rate of 60 percent). For this family, the payoff from work is $4,208 ($11,435–$7,227) a year, or approximately $2 per hour.

Under the Working Family Tax Relief Act, the same mother with two children who is not working would experience an increase in income of $400 for a total of $7,627. However, her incentive to work has significantly increased. The mother's disposable income would increase by $5,544 ($13,171–$7,627), a 32 percent increase in the payoff to work.

By Mr. BUMPERS:

S. 996. A bill to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes; to the Committee on Energy and Natural Resources.

BILL FOR THE RELIEF OF HAROLD AND MARGARET HEDGES

• Mr. BUMPERS. Mr. President I am pleased today to introduce legislation to provide for the relief of Harold and Margaret Hedges of Harrison, AR. This bill will allow for an equitable solution to a very tragic problem.

In 1979, the National Park Service purchased Mr. and Mrs. Hedges' home and 711 acres of land for addition to the Buffalo National River. At the time of the purchase, Mr. and Mrs. Hedges retained a 25-year reservation of use and occupancy to continue living in their home and to use 45 acres of land for agricultural purposes.

The purchase price paid to the Hedges was discounted to reflect the rental value of the property used by Mr. and Mrs. Hedges during the term of the reservation. In essence, at the time of sale, Mr. and Mrs. Hedges paid in advance the full cost of the reservation fee.

On January 1, 1991, the Hedges home was completely destroyed by a fire, apparently caused by arson. The Park Service has issued a $5,000 reward for information leading to the arrest of the arsonist, although unfortunately the case remains unsolved. Although the Hedges' permit to live in their home will not expire until 2004, they are no longer able to enjoy the use of the remaining 13 years of the reservation term.

This legislation simply directs the Secretary of the Interior to terminate the reservation and to refund to the Hedges, on a pro-rata basis, the unused portion of the reservation fee. I believe this legislation represents a fair resolution for both Mr. and Mrs. Hedges and the National Park Service and I hope the Senate is able to swiftly pass this bill.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) In 1979 Harold and Margaret Hedges conveyed approximately 711 acres, including a homesite, to the National Park Service for addition to the Buffalo National River;

(2) Mr. and Mrs. Hedges retained a reservation of use and occupancy for a term of 25 years for use of their home and approximately 42 acres of adjacent land;

(3) On January 1, 1991, the house was destroyed by fire, apparently caused by arson;

(4) Mr. and Mrs. Hedges are now unable to use the remaining term of their use and occupancy reservation, without incurring extraordinary costs and expenses; and

(5) the most equitable resolution is to provide for the termination of their use and occupancy reservation, with an appropriate refund of the unused portion of the value of the reservation.

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "reservation" or "reservation of use and occupancy" means the reservation of use and occupancy retained by Harold and Margaret Hedges, pursuant to Buffalo National River Deed 922, including Tracts 66–104, 66–111, and 66–112, executed on October 25, 1979, and valued at $19,148;

(2) "Secretary" means the Secretary of the Interior; and

(3) "unused term" means the period of time between January 1, 1991, and October 25, 2004, inclusive.

SEC. 3. TERMINATION OF RESERVATION OF USE AND OCCUPANCY.

(a) IN GENERAL.—Upon application by Harold and Margaret Hedges of Harrison, Arkansas, the Secretary is authorized and directed to terminate the reservation of use and occupancy at the Buffalo National River described in section 2.

(b) REFUND.—Upon termination of such reservation, the Secretary shall, notwithstanding any other provision of law, refund the value of the unused term of such reservation, determined on a pro rata basis.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.•

By Mr. KASTEN:

S. 997. A bill to impose duties on golf carts imported from South Korea equal to the duties and taxes imposed by South Korea on golf carts manufactured in the United States; to the Committee on Finance.

ADDITIONAL DUTIES ON KOREAN GOLF CARTS

• Mr. KASTEN. Mr. President, I rise today to introduce legislation that will impose duties on golf carts imported from South Korea equal to the duties and taxes imposed by South Korea on golf carts manufactured in the United States.

My legislation is in response to the unfair competition created by a series of discriminatory Korean tariffs and taxes on American golf carts that total over 52 percent. The Korean tariffs and taxes compare to United States duty on imported golf carts of 2.5 percent. This is a simple issue of fairness.

The golf cart manufacturing business is not a big industry by any measure. However, the Congressional Research Service has identified 28 U.S. golf cart manufacturers, mostly small firms, operating in 18 States. There are thousands of employees associated with these businesses.

On several occasions I have urged the U.S. Trade Representative to work for 0–0 tariffication for golf carts, but trade negotiations continue at a snail's pace and results appear uncertain. In the interim, U.S. golf cart companies go out of business and American workers lose their jobs. We cannot afford to wait any longer.

Unfair trade practices from overseas competitors can no longer be ignored. I urge my colleagues to join me in this legislation that not only will help protect American jobs from unfair competition but also will signal the rest of the world that the United States is serious about achieving trade reform.

I am a firm believer that free trade is vital to both American and world economic growth. But, until free trade is achieved, we cannot, and should not, accept trade practices that discriminate against American products.•

By Mr. SHELBY (for himself, Mr. KASTEN, Mr. DOMENICI, and Mr. HATCH):

S. 998. A bill to prohibit the Appraisal Subcommittee of the Federal Financial Institutions Examination Council from requiring or recommending the inclusion of an experience requirement in a State's procedures for the licensing of real estate appraisers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

REAL ESTATE APPRAISAL AMENDMENTS ACT

• Mr. SHELBY. Mr. President, the distinguished Senator from Wisconsin, [Mr. KASTEN] and I are pleased to introduce legislation to prevent disruptions in the housing and real estate markets. We are very pleased that Senators HATCH and DOMENICI have joined us as original cosponsors.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] required that States establish separate agencies for the purpose of licensing, certifying, and disciplining real estate appraisers. FIRREA also established the Appraisal Subcommittee as part of the Federal Financial Institutions Examination Council to monitor the State Appraisal certification and licensing programs.

While many States have made considerable progress toward establishing their licensing and certification systems, I am concerned that confusion resulting from contradictory guidelines published by the Appraisal Subcommittee may make the current deadline of July 1, 1991 unrealistic. Requiring that real estate appraisers be licensed or certified before July 1, 1991 when the criteria for licensure and certification have not even been finalized in some States, could substantially increase costs to home-buyers and create unneccessary delays in closing for even the most basic of real estate transactions.

For this reason, we propose to extend the deadline by 1 year, to July 1, 1992. This will allow the Appraisal Subcommittee time to clarify its guidelines and the States time to ensure compliance.

This legislation will also prohibit the Appraisal Subcommittee from requiring experience as a criteria for licensure. The Appraisal Subcommittee has urged States to require 2,000 hours of experience for a licensed appraiser. It would seem that 2,000 hours of experience for individuals that appraise single family homes may well be excessive in many areas. It is my view that States should have the flexibility to determine whether an experience requirement is necessary, and if so, then what length of service is appropriate.

I hope that my colleagues will join me in sponsoring the Real Estate Appraisal Amendments Act of 1991.•

• Mr. KASTEN. Mr. President, I join with my colleague, the distinguished Senator from Alabama, in introducing critical legislation that will prevent disruptions in the housing and real estate markets.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] requires States establish separate agencies for the purpose of licensing, certifying, and disciplining real estate appraisers. FIRREA established the appraisal subcommittee as part of the Federal financial institutions examination council to monitor the State appraisal certification and licensing programs.

Many States have made considerable progress toward establishing their licensing and certification systems. However, I am very concerned that confusion resulting from contradictory guidelines published by the Appraisal Subcommittee may make the current deadline of July 1, 1991, unrealistic.

Mr. President, requiring that real estate appraisers be licensed or certified before July 1, 1991, when the criteria for licensing and certification have not even been finalized in some States, could produce a nationwide shortage of licensed real estate appraisers. This shortage will result in substantial cost increases for consumers of single-family home appraisals and extraordinary delays in closing the most basic housing transactions. Further, the anticipated increased activity in home mortgage financings caused by lower interest rates will exacerbate these problems.

The legislation that Senator SHELBY and I propose will extend the deadline by 1 year, to July 1, 1992. This will allow the necessary time needed for Appraisal Subcommittees to clarify its guidelines and the States time to ensure compliance.

I hope that my colleagues will join me in cosponsoring this important piece of legislation.•

By Mr. LAUTENBERG (for himself and Mr. DURENBERGER):

S. 999. A bill to authorize a Federal program to promote the development and implementation of intelligent vehicle-highway systems; to the Committee on Environment and Public Works.

INTELLIGENT VEHICLE-HIGHWAY SYSTEMS

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation to authorize a comprehensive program to promote the development and use of technology to improve the safety and efficiency of our highway systems.

Such technologies, known as intelligent vehicle-highway systems, or IVHS, should be an integral part of the highways of today, and the future. The realities of growing populations and environmental concerns mean that we can't just keep building more roads. We need to provide alternatives, such as mass transit. And, we need to make better use of the roads we have now.

In New Jersey, and throughout the country, traffic congestion is a serious problem. It is estimated that, collectively, Americans waste 2 billion hours and more than 1 billion gallons of fuel stuck in traffic each year. That congestion also contributes to worsened air quality, lost productivity, and takes people away from families, jobs, and leisure time.

The General Accounting Office has projected that congestion in metropolitan areas could worsen by 300 to 400 percent over the next 15 years, unless significant changes are made. However, we cannot just pave our way out of this problem. More and more roads are not the answer. One part of the solution is to make more efficient use of existing roads, bridges, and tunnels. That is the goal of IVHS, and of this bill.

For the benefit of my colleagues, let me explain briefly what IVHS, also known as smart cars and smart highways, is all about. As defined in my legislation, it is the development or application of electronics, communications, or information processing used to improve safety and efficiency on our roads.

It ranges from the use of off-the-shelf technology, such as variable message signs to alert drivers to traffic problems ahead, and suggest alternative routes; to the development or application of new technologies to allow individual automobiles to communicate with external systems, such as electronic toll collection, or in-dashboard displays that would provide information, even including maps, to drivers.

A GAO review that I requested of field and analytical tests of IVHS indicates the tremendous promise it holds: Reduction of travel times in congested areas by as much as 50 percent; reduction of fuel consumption, through the elimination of delays and stops, of 10 percent or more; and reductions of 15 percent in the emission of pollutants from automobiles.

The GAO's findings are being released today. I ask unanimous consent that a copy of the executive summary of the GAO report on IVHS entitled, "Smart Highways: An Assessment of Their Potential To Improve Travel" be included in the RECORD at the conclusion of my remarks.

IVHS is being tested in various areas, including in northern New Jersey and New York. As chairman of the Transportation Appropriations Subcommittee, I've earmarked $5 million for TRANSCOM, a consortium of New Jersey, New York, and Connecticut transportation agencies, for the implementation of traffic management IVHS. The funds are being used for several efforts, including: upgrading and maintenance of variable message signs at key gateways, where timely and accurate traffic information can allow motorists to alter their routes to avoid problems; installation and monitoring of remote camera systems at intersections with high accident rates, to allow police to identify and respond to accidents more quickly, avoiding extensive traffic backups; and more extensive use of electronic toll collection, to include individual passenger cars.

This bill would help promote and expand these important efforts, and see that they are initiated in other congested areas throughout the country.

The legislation has two broad goals: to support research and the development of intelligent vehicles and highway systems; and to provide support to States to apply IVHS technologies in the most congested highway corridors in our Nation. Further, it would make it clear that the development and use of IVHS on our national highway system is in the national interest, and should be under the jurisdiction of the Department of Transportation.

The research program would provide support to academic and industrial institutions engaged in the development of smart cars and highways. Mr. President, the Japanese and the Europeans are already investing hundreds of millions of dollars in these technologies. They have the potential to transform the vehicles and highways that we use everyday. The advent of IVHS will create new opportunities not just for automobile and truck manufacturers, but also for the electronics, computer, and construction industries. The United States needs to stay competitive in these areas.

The bill would also give the Secretary of Transportation the authority and direction to set standards, to assure that IVHS systems are compatible with one another.

The program of grants for the most congested corridors would be designed to apply and test IVHS now. For areas like northern New Jersey, IVHS holds out the promise of reducing delays without the need for construction of new roads. And when delays and congestion are reduced, so is the pollution that prevents that area from meeting clean air goals.

IVHS may not be the answer to all of our traffic problems, but it can help address many of them. It can reduce traffic congestion, improve air quality, help maintain productivity, and enhance the quality of life of commuters throughout the country.

It's important to note that IVHS is not some pie-in-the-sky plan. IVHS can, in the near term, provide meaningful relief to frustrated and delayed drivers all over this country. It can mean no more fumbling for change as you wait in line to pay your toll. It can mean the end of stopping at red light after red light because the signals don't adjust to traffic patterns. It can mean not having to wait at a traffic light when there's no one else coming the other way. It can mean no more getting stuck in traffic because you didn't know there had been an accident, or a way to avoid it.

Traffic congestion is robbing us of time, productivity, and a healthier environment. The widespread use of IVHS can help us get some of that back.

This legislation offers a sound plan for promoting the development and use of IVHS in this country. I encourage my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds and declares that—

(1) Traffic congestion has significant economic and social costs, estimated to account for $42 billion annually in the nation's largest metropolitan areas;

(2) Americans are estimated to spend two billion hours annually delayed in traffic congestion;

(3) traffic congestion in metropolitan areas is projected to increase by as much as 300–400 percent over the next 15 years:

(4) environmental concerns and economics will make new highway construction increasingly more difficult in the future:

(5) additional efforts must be made to more efficiently utilize existing highway capacity;

(6) increases in the numbers of older drivers and likely to require changes in the operation of automobiles and highway systems in order to meet the special needs of older drivers;

(7) Intelligent Vehicle-Highway Systems (IVHS) have the potential to improve highway efficiency and safety and contribute to efforts to improve environmental conditions and energy efficiency through the use of technology

(8) advances in electronics and associated technologies make implementation of Intelligent Vehicle-Highway Systems feasible;

(9) Japan has already invested considerable funds in the development and application of Intelligent Vehicle-Highway Systems, and the European Community is investing approximately $6 billion in a multi-year effort to implement such systems in Europe;

(10) reductions in traffic congestion can have significant societal and economic benefits;

(11) reductions in traffic congestion can have significant environmental benefits; and

(12) the United States Government should play a role in fostering the development, implementation, and coordination of Intelligent Vehicle-Highway Systems efforts in the United States, including the promotion of competitive emerging technologies and the applications of those technologies.

SEC. 2. PURPOSE AND SCOPE

(a) ESTABLISHMENT OF PROGRAM—The Administrator of the Federal Highway Administration (hereinafter referred to as the "Administrator") shall conduct a program to promote and facilitate the implementation of Intelligent Vehicle-Highway Systems as a component of the Federal-aid highway system. The goals of such program shall include, but not be limited to—

(1) the widespread implementation of Intelligent Vehicle-Highway Systems to enhance the capacity, efficiency, and safety of the Federal-aid highway system, including as an alternative to the construction of additional physical capacity of that system;

(2) the enhancement, through more efficient use of the Federal-aid highway system, of the efforts of the several States to attain air quality goals, as established by the Administrator of the Environmental Protection Agency pursuant to the Clean Air Act Amendments of 1990 (104 Stat. 2399 et seq.);

(3) the enhancement of the safe and efficient operation of the Nation's highways;

(4) the development and promotion of Intelligent Vehicle-Highway Systems and an Intelligent Vehicle-Highway Systems industry in the United States, utilizing authority provided under 23 U.S.C. 307;

(5) the reduction of societal, economic, and environmental costs associated with traffic congestion; and

(6) the enhancement of United States industrial and economic competitiveness, by improving the free flow of people and commerce, and by establishing a significant United States presence in an emerging field of technology.

(b) COORDINATION.—The Administrator shall lead and coordinate an Intelligent Vehicle-Highway Systems program and shall foster its use as a key component of the surface transportation systems of the United States. As appropriate, the Administrator shall consult with the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies, in carrying out the purposes of this Act. The Administrator shall strive to transfer federally owned or patented technology to State and local governments and to the United States private sector. As appropriate, the Administrator shall maximize the involvement of the private sector, colleges and universities, and State and local governments in aspects of such programs, including design, conduct (including operations and maintenance), evaluation, and financial or in-kind participation.

(c) STANDARDS.—The Administrator shall develop and implement standards and protocols to promote the widespread use and evaluation of Intelligent Vehicle-Highway Systems technology as a component of the Federal-aid highway system. To the extent practicable, such standards and protocols shall promote compatibility among Intelligent Vehicle-Highway Systems technologies implemented throughout the Several States. The Administrator is authorized to make use of existing standards-setting organizations as he determines appropriate.

(d) EVALUATION.—The Administrator shall establish guidelines and requirements for the evaluation of field and related operational tests.

(e) INFORMATION CLEARINGHOUSE.—The Administrator shall establish a repository for technical and safety data collected as a result of federally sponsored projects pursuant to this Act, and shall make such information readily available, upon request, at an appropriate cost to all users, except for proprietary information and data. In carrying out the requirements of this subsection, the Administrator may delegate this responsibility, with continuing oversight by the Administrator, to an appropriate entity not within the Department of Transportation. For the purposes of carrying out the requirements of this subsection, such entity would be eligible for Federal aid, as specified in this Act.

SEC. 3. ADVISORY COMMITTEE.

The Administrator is authorized to utilize one or more advisory committees in carrying out his responsibilities under this Act. Any advisory committee so utilized shall be subject to the Federal Advisory Committee Act, and funding provided for any such committee shall be available from monies appropriated for advisory committees as specified in relevant appropriations Acts, and from funds allocated for activities in connection with the Intelligent Vehicle-Highway Systems program under this Act.

SEC. 4. STRATEGIC PLAN, IMPLEMENTATION REPORTS, AND REPORT TO CONGRESS.

(a) STRATEGIC PLAN.—

(1) STRATEGIC PLAN.—Not later than 12 months following the date of the enactment into law of this Act, the Administrator shall formulate, and submit to Congress, a strategic plan for the Intelligent Vehicle-Highway Systems program under this Act.

(2) SCOPE OF STRATEGIC PLAN.—In preparing such plan, the Administrator shall—

(A) specify the goals, objectives, milestones of such program and how specific projects relate to these, including consideration of the 5-, 10-, and 20-year timeframes for specified goals and objectives.

(B) detail the status and challenges and nontechnical constraints facing the program;

(C) chart a course of action necessary to achieve these goals and objectives;

(D) provide for the development of standards and protocols to promote and ensure compatability in the implementation of Intellegent Vehicle-Highway Systems technologies; and

(E) provide for the accelerated use of advanced technology to reduce traffic congestion along heavily populated and traveled corridors.

(b) IMPLEMENTATION REPORTS.—

(1) Not later than 24 months after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Congress a report on the implementation of the strategic plan required in subsection (a) of this section.

(2) Scope of implementation reports.—In preparing such report, the Administrator shall—

(A) analyze the possible and demonstrated accomplishments of IVHS projects in achieving congestion, safety, environmental, and energy conservation goals, as described in the Act;

(B) specify cost-sharing arrangements made, including the scope and nature of Federal investment, in any research, development, or demonstration project under such program;

(C) access nontechnical problems and constraints identified as a result of each such demonstration project; and

(D) include, if appropriate, any recommendations for legislation or modification to the strategic plan required in subsection (a) of this section.

(c) Report to Congress.—

(1) Report to congress.—In cooperation with the Attorney General and the Secretary of Commerce, the Administrator shall prepare and submit, within 24 months following the date of the enactment of this Act, a report to Congress addressing the nontechnical constraints and barriers to all aspects of the innovation of such program under this Act.

(2) Scope of report to congress.—In preparing such report, the Administrator shall—

(A) address antitrust, privacy, educational and staffing needs, liability, standards and other constraints, barriers, or concerns relevant to such program;

(B) recommend legislation and other administrative action necessary to further the Intelligent Vehicle-Highway Systems program under this Act; and

(C) address ways to further promote industry and State and local government involvement in such program.

(3) Update of report.—Within 5 years following such date of enactment, the Administrator shall prepare an update of such report.

SEC. 5. ASSISTANCE TO STATES.

(a) Technical Assistance and Information.—The Administrator is authorized to provide planning and technical assistance and information to State and local governments seeking to demonstrate, use, and evaluate Intelligent Vehicle-Highway Systems technologies. In doing so, the Administrator shall assist State and local officials in developing provisions for implementing areawide traffic management control centers, necessary laws to advance such systems, the infrastructure for such existing and evolving systems, and other necessary activities to carry out the Intelligent Vehicle-Highway Systems Program under this Act.

(b) Planning Grants.—Subject to the availability of funds, the Administrator is authorized to make grants for feasibility and planning studies to be conducted by State and local governments. Such grants shall be made at such time, in such amounts, and subject to such conditions as the Administrator may determine.

(c) Traffic Management Systems.—Any interagency traffic and incident management entity, including independent public authorities or agencies, contracted to a State department of transportation for the implementation of traffic management systems of designated corridors is eligible to receive Federal transportation funds under this Act through the appropriate State department of transportation.

(d) Funding of Projects.—In deciding which demonstrations or operational tests to fund, the Administrator shall—

(1) give the highest priority to those projects that contribute to the national goals and objectives specified in the Intelligent Vehicle-Highway Systems program, minimize the relative percentage of Federal contributions to total project costs, but not including Federal aid funds, and contribute to the national goals and objectives specified in the program's strategic plan required by the Act.

(2) seek to fund operational tests that advance the current state of knowledge and, where appropriate, build on successes achieved in previously funded work involving such programs; and

(3) require that operational tests utilizing Federal funds pursuant to this Act have a written evaluation of the IVHS technologies investigated and key outcomes of the investigation, consistent with the guidelines developed pursuant to section 2(d) of this Act.

(e) Authority To Use Funds.—Each State and eligible local entity is authorized to use Federal aid highway construction and maintenance funds for demonstration and implementation purposes in connection with the Intelligent Vehicle-Highway Systems' program.

SEC. 6. APPLICATIONS OF TECHNOLOGY.

(a) Congested Corridors Program.—The Administrator shall designate transportation corridors in which application of Intelligent Vehicle-Highway Systems will have particular benefit and, through financial and technical assistance, shall assist in the implementation of such systems. In designating such corridors, the Administrator shall focus on automatic vehicle identification, electronic toll collection, highway advisory radio, variable message signage, advanced traveller information systems, and other steps that would reduce congestion and promote a smoother flow of traffic throughout the corridors.

(b) Priorities.—In designating and providing funding for such corridors, the Administrator shall allocate not less than 50 percent of the funds appropriated pursuant to this section to eligible State or local entities for application in not less than 3 but not more than 10 corridors with the following characteristics:

(1) traffic density (as a measure of vehicle miles travelled per road mile) at least 1.5 times the national average;

(2) severe or extreme nonattainment for ozone, as determined by the Administrator of the Environmental Protection Agency pursuant to the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (104 Stat. 2399 et seq.);

(3) a variety of types of surface transportation facilities, such as highways, bridges, tunnels, toll and non-toll;

(4) inability to significantly expand existing surface transportation facilities;

(5) a significant mix of passenger, public transportation, and commercial motor carrier traffic;

(6) complexity of traffic patterns; and

(7) potential contribution to the implementation of the Administrator's strategic plan developed pursuant to section 4 of this Act.

(c) Additional Funding.—The balance of funds provided under this section shall be allocated to eligible State or local entities for application in corridors with a significant number of the characteristics listed in subsection (a) of this section.

SEC. 7. AUTHORIZATIONS.

(a) Congested Corridors Program.—For the congested corridors program under section 6, there is authorized to be appropriated for fiscal year 1992, and each of the next following 4 fiscal years, from the Highway Trust Fund, $150,000,000.

(b) General Authorization.—For carrying out the provisions of this Act, other than section 6, there is authorized to be appropriated for fiscal year 1992, and each of the next following 4 fiscal years, from the Highway Trust Fund, $100,000,000.

(c) Exemption.—Funds provided pursuant to subsection (a) and (b) of this section shall be exempted from any limitation on obligations for Federal aid highways, and highway safety construction programs, and shall remain available until expended.

(d) Reservation of Funds.—Of the funds provided pursuant to subsections (a) and (b) of this section, not less than 5 percent shall be reserved for innovative, high-risk operational or analytical tests that do not attract substantial non-Federal commitments but are determined by the Administrator as having significant potential to help accomplish long-term goals established by the strategic plan prepared pursuant to section 4 of this Act.

(e) Federal Share Payable.—The Federal share payable on account of activities authorized pursuant to this Act shall not exceed 80 percent of the cost. The Administrator may waive this restriction for projects undertaken pursuant to subsection (d) of this section.

SEC. 8. DEFINITIONS.

For the purposes of this Act, the term—

(1) "Intelligent Vehicle-Highway Systems" means the development or application of electronics, communications, or information processing, including, but not limited to, advanced traffic management systems, advanced traveller information systems, and advanced vehicle communications systems, used singly or in combination to improve the efficiency and safety of surface transportation systems; and

(2) "corridor" means any major transportation route which includes some combination of closely parallel limited access highways, major arterials, or transit lines; and, with regard to traffic incident management, it may also refer to more distant transportation routes that can serve as viable options to each other in the event of traffic incidents.

[U.S. General Accounting Office]

Smart Highways: An Assessment of Their Potential To Improve Travel

(Report to the Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. Senate, May 1991)

EXECUTIVE SUMMARY

Purpose

The nation's highways, streets, and transit systems provide a basic source of mobility for the citizens of this country. However, congestion problems from the growth of automobile ownership and use now threaten this mobility. Experts estimate that delays from congestion alone result in productivity losses of up to $100 billion annually. Other negative effects include accident-related fatalities, increased air polution, and inefficient fuel consumption. In a previous report, GAO noted several possible areas for federal action aimed at reducing traffic congestion.[1] One such approach involves the development and application of intelligent vehicle and highway systems (IVHS), more commonly known as smart highways. The goal of IVHS is to provide technology-based approaches that enhance the overall effectiveness of the nation's surface transportation system.

Over the next few years, the Congress will have the opportunity to consider the appropriateness of federal support for IVHS through both surface transportation appropriations and reauthorization legislation. This study, conducted for the Senate Appropriations Subcommittee on Transportation, is aimed at assisting in such deliberations. Specifically, this review provides a detailed examination of both the potential of these technologies to improve traveling conditions and the obstacles that may prevent full realization of this potential.

To achieve this objective, the study addressed the following questions:

What have the major studies concluded about the potential effects of IVHS, and to what extent are these findings empirically based?

What additional information can be learned from IVHS field tests under way?

What major obstacles could impede the realization of transportation benefits possible through IVHS technologies?

Background

Advances in computer and related technologies are now unfolding new possibilities for improving the nature and quality of travel. There are three general clusters of IVHS technologies with application to commuter mobility: advanced traffic management systems, advanced traveler information systems, and advanced vehicle control systems. These technologies involve a spectrum of configurations and capabilities ranging from centralized traffic control centers to driver information systems located in the vehicle to fully automated freeways.

Compared to efforts made by other nations, U.S. support for IVHS, as measured by funding, has been relatively low but is increasing. In fiscal year 1990, the Department of Transportation (DOT) devoted about $2.3 million to IVHS research. Funding in this area grew to $20 million for fiscal year 1991. Planning efforts are now under way to consider a substantially enhanced federal IVHS program as part of the 1991 Surface Transporation Act reauthorization, which could total over $100 million annually by fiscal year 1994.

Results in brief

From its review of 38 major studies completed over the last decade, GAO found that the empirical basis for judging the effects of IVHS is limited but nonetheless positive and promising. The major studies have a high degree of consensus that these technologies can not only improve mobility but, under certain configurations, could also achieve other policy goals of economic benefits, improved safety, energy conservation, and air quality. An additional examination of nine IVHS operational tests under way further revealed an important federal role in ensuring sound evaluations as new IVHS technologies are tested in field settings.

GAO identified three types of barriers—cost, institutional, and technological—that could be critical to the overall success of a domestic IVHS program. In particular, the proper mix of burden-sharing among private sector interests and federal, state, and local governments for the costs of IVHS—both developmental and operational—must be found. Inappropriate distribution of costs could prevent full realization of the IVHS potential. Further, the ability of various levels of government to work together—and to work in an integrated way with the private sector—represents a key element to the success of an IVHS program.

Principal findings

Potential Effects

A broad research consensus exists that IVHS can have noteworthy transportation effects, although the empirical basis for this consensus is limited. The most examined effect was on traffic congestion; 36 of the 38 IVHS studies GAO reviewed examined this effect, and all 36 noted positive congestion benefits likely from IVHS. However, only 4 of the studies provided results based on direct field testing, while the other results were based on either analytical projections (19 studies) or expert opinion (17 studies).

Findings were most reported on the congestion effects attributable to near-term technologies (for example, advanced traffic management systems and advanced traveler information systems), and these results indicated that a wide range of moderate gains are possible—such as a 2-percent to 50-percent improvement in travel time—depending on the circumstances surrounding the technologies' deployment. Conversely, while less empirical support exists on the possible effects of long-term options (namely, automated freeway systems), one major simulation study of advanced vehicle control systems found dramatic possibilities in terms of capacity and safety improvements, such as a doubling of freeway capacity. This report did, however, caution about the potentially travel-inducing aspects of these systems, which could counteract some of the capacity gains.

While other effects were less frequently assessed than congestion, several studies did provide preliminary indications of effects possible in the areas of economic benefits, human safety, fuel savings, and environmental quality. Empirical examination of these other effects were similarly positive, although notes of caution were raised as well. For example, while simulation studies in Europe have found a potential reduction in accidents from IVHS, other authors have nonetheless warned of potentially adverse safety effects of having screens located in the vehicles.

Field Test Evaluations

Several operational tests are under way around the country to gain a better understanding of IVHS technologies. These will produce additional evaluative information, mostly on near-term advanced traffic management systems, although some operational tests involve advanced traveler information and automated freeway control. A review of these projects' evaluation designs reveals how important the role of the federal government is in ensuring that sound information is gathered from both major field tests and locally orchestrated projects. The Pathfinder and TRAVTEK projects provide examples of the conduct and evaluation of major field tests to gain empirical data on IVHS.

Barriers to Deployment

GAO found that three types of barriers will need to be overcome to ensure full realization of IVHS benefits. One critical obstacle is the possible lack of the needed resources to finance the deployment of IVHS technologies. This barrier encompasses cost burdens associated with the anticipated federal involvement, resource limitations at the state and local level, an uncertain consumer market, and possible liability problems. While initial funding for research and testing has been forthcoming, a more detailed analysis is needed of the costs and benefits of IVHS before each party (federal, local, and private) can be expected to commit to the $34 billion investment estimated for IVHS over the next 20 years.

The difficulty of integrating and coordinating the myriad systems, resources, and initiatives needed to plan and implement IVHS is another likely barrier. Indeed, the ability of the various institutions to work together is crucial to success. For example, DOT will have to execute the complex and sensitive work of technically guiding an integrated national program while encouraging decentralized private sector research. Further, both the government (federal, state, and local) and private sector will have to develop interorganizational agreements that allow for cooperation.

The third obstacle to an effective IVHS program is the arduousness of setting technological standards. Since there is general agreement in the field that IVHS does not depend on any major technological breakthroughs, the critical technological barrier is that of standard-setting. As with institutional barriers, resolving a lack of consensus related to standards will require cooperation and coordination among participants.

Recommendations

GAO concludes that IVHS technologies hold promise for improving the nation's surface transportation system. However, while some empirical evidence of their effectiveness exists, there are numerous uncertainties regarding the likely success of a domestic IVHS program. For this reason, GAO supports an aggressive research and testing program over the course of the Surface Transportation Act reauthorization period (1992–96) in order to gain a firmer understanding of the potential of IVHS before major deployment decisions are made. GAO makes three legislative recommendations aimed at ensuring that important considerations are addressed during this crucial research and testing period.

First, IVHS legislation should explicitly note the goals of improvement in the areas of congestion, safety, the economy, energy, and the environment, and DOT should be required to develop and execute research aimed at determining the role of IVHS technologies in achieving these goals. Second, IVHS legislation should require DOT to select, design, and evaluate high-priority operational field tests in accordance with a strategic IVHS research plan. Third, IVHS legislation should require an analysis of optimal funding options for achieving desired IVHS benefits, and such analysis should include a consideration of alternative federal, local, and private partnership arrangements.

The next few years will offer an opportunity to find answers to some core questions regarding the application of IVHS technologies to the nation's highways. Consequently, federal policy should be aimed at guiding the development of evaluative information that will allow for, among other benefits, knowledgeable decisions about the appropriate federal investment in IVHS and how best to target it.

Agency comments

At the request of the committee, GAO did not obtain formal agency comments on this report.●

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[1] U.S. General Accounting Office, *Traffic Congestion: Federal Efforts to Improve Mobility*, GAO/PEMD-90-2 (Washington, DC.: December, 1989).

• Mr. DURENBERGER. Mr. President, I would like to commend Senator MOYNIHAN, the leadership of the Environment and Public Works Committee, and the administration for placing a greater emphasis on intelligent vehicle-highway systems [IVHS] in their proposals for the upcoming surface transportation reauthorization. However, I firmly believe that we need a stronger Federal commitment to advance IVHS technology. In order to one day fully realize the benefits this technology has to offer our travelers, we must first commit ourselves to the advancement of the technology, its practical use in field testing, and an evaluation process that allows us to learn the benefits and any possible drawbacks before major deployment decisions are made.

As we finish building our Interstate System, we find that we can no longer build our way out of congestion. However, the technology currently exists in the area of intelligent vehicle-highway systems [IVHS] that can contribute substantially to reducing congestion, while promoting increased safety and capacity, environmental concerns, and air quality. Therefore, today, Senator LAUTENBERG and I are introducing legislation which would insure adequate funding for research, development, and testing of IVHS technology.

Currently, the United States lags far behind Europe and Japan in its efforts. It will take substantial investment to match those initiatives and begin to realize the safety and efficiency benefits of IVHS in this country.

Minnesota has already taken a bold step forward to play a leading role in the implementation of IVHS technology with its Guidestar Program. The goals of the Guidestar Program are to utilize advanced technology to combat growing congestion and to improve safety on all Guidestar corridors. Minnesota has been successfully using advanced technology in traffic management programs for several years. The results of these efforts show accident reductions of 30 percent and speed increases of 25 percent for specific freeways. Overall, Minnesota has had the lowest fatality rate in the Nation for several years and will continue to promote a further reduction in Minnesota fatalities with new Guidestar initiatives. Because of Minnesota's commitment to IVHS technology, the country will reap the rewards of studying a complete application of IVHS technology in a metropolitan area within the next few years.

Real life implementation is the key to realizing how we can all benefit from IVHS technology. To best achieve well-informed decisions in the future application of this technology, we must encourage and facilitate more projects such as Minnesota's Guide-star Program. Therefore, a clear Federal role is imperative to ensure that an integrated system ultimately emerges.

The Lautenberg-Durenberger bill offers the needed funding for an aggressive research and testing program over the course of the Surface Transportation Act reauthorization period. I encourage my colleagues to take that first step toward addressing the problems inherent to our highway system in its current form.•

By Ms. MIKULSKI:

S. 1000. A bill to ensure that the recommendations of the Commission on the Consolidation and Conversion of Defense Research and Development Laboratories are available for consideration before any action is taken to close or realign Department of Defense laboratories pursuant to the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

DEFENSE RESEARCH INSTALLATIONS

• Ms. MIKULSKI. Mr. President, today I am introducing legislation that would prohibit any action on the closing or consolidation of defense research installations until the Commission on the Consolidation and Conversion of Defense Research and Development Laboratories issues its report.

This is in no way an effort to thwart the base and lab consolidation effort of the Department of Defense. We need to cut defense spending by closing bases and to increase efficiency through consolidation of operations. These are tough decisions, but they need to be made.

I want to be sure, however, that the process outlined by the Congress in the fiscal year 1991 defense authorization bill is followed and that all decisions be thoroughly researched and well informed. This legislation simply requires the appropriate decisionmaking process.•

By Ms. MIKULSKI:

S. 1001. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Relations.

INTEGRATION OF WOMEN IN THE DEVELOPMENT PROCESS IN DEVELOPING COUNTRIES

• Ms. MIKULSKI. Mr. President, today I am introducing legislation to increase the participation of women in Third World economic development programs. The bill is similar to legislation I introduced in 1989, elements of which have been included in the fiscal years 1989–91 foreign operations appropriations bills. The current provisions will expire with the appropriations bill.

In view of the very stringent budget limits we are facing, we need to make sure that every tax dollar is spent to best advantage. This is especially true in our foreign assistance programs, which have an extremely broad mission and are usually the first target of budget cuts.

There are two basic reasons for directing more of our assistance toward women. One is simple fairness. Tradition and legal restrictions make it difficult in many countries for women to improve their living conditions. Women are the poorest, hardest working, least educated, and unhealthiest people in the Third World, yet they receive less assistance than men.

Second, if we are to get the most from our assistance dollars, particularly in agricultural programs, it is clear that we must direct our aid at the people who are doing most of the work—women. The U.S. Agency for International Development's own research has shown that the greater the involvement of women, the more successful the assistance project.

Women are responsible for 80 to 90 percent of food production in Africa, but in AID-funded training programs in Africa in the late 1980's, only 21 percent of the participants were women. The figures in Asia and Latin America are similar.

In Third World countries women not only handle the household chores but also earn an income to provide for their families' basic needs. Generally, women work from 10 to 12 hours per day—2 to 4 hours more than men—walking several miles to find water and fuel, weeding, planting, hoeing, marketing food and other goods, caring for children, preparing food, and doing many other jobs.

Dollar for dollar, aid directed to women will bring a greater return than other aid programs, and the assistance we provide has a ripple effect on local society which goes far beyond simple economics.

For example, take the case of a weaving project in Kenya that was funded at a modest $10,000. In addition to teaching marketable skills and providing extra income for women employees and their families, the weaving job is so important to these women that they will do whatever they can to keep from having more children and jeopardizing that job. Since Kenya has one of the highest birth rates in the world, this byproduct of the weaving project is extremely significant. The weaving center has also become a focal point for health care. Volunteer doctors visit the factory regularly, an ambulance comes to the plant for group innoculations, and villagers not employed at the plant gather there to take advantage of these services. Finally, employment at the factory has created enough self-confidence among the workers that several have run for local council posts.

AID officials have instituted new efforts—some unilateral, some as a result of requirements in appropriations legislation. AID deserves credit for its actions to date, but much more needs to be done.

The legislation I am introducing today funds women in development activities through AID and two U.N. agencies. It also sets forth policy goals and guidelines for AID to follow in order to increase the integration of women into its development programs. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women in Development Act of 1991".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Women in developing countries play multiple and vital roles in economic development, but in many development activities their roles have been overlooked, ignored, or displaced.

(2) The full participation of women in, and the full contribution of women to, the development process are essential to achieving growth, a more equitable distribution of resources and services to meet basic needs, a higher quality of life in developing countries, and sustainable development.

(3) In developing countries, the income earned by women is crucial to their individual self-reliance, to raising the standard of living of their families, to the overall development of their community and society, and to strengthening national economies.

(4) Achievement of development goals is being retarded by the failure to effectively integrate women in development activities.

(5) Research shows that when women's participation in development activities is high, project success and sustainability tend to be high; when participation is low, project success and sustainability tend to be moderate or low. Therefore, the cost-effectiveness and efficiency of United States bilateral and multilateral development assistance can be increased by improving the integration of women in all stages of the development process.

(6) In food production, low-resource women farmers provide the critical labor and offer the best hope for increasing food supplies in many developing countries; however, their contributions have been limited by a lack of access to appropriate extension, credit, and marketing services.

(7) A serious deficiency now exists in United States and other international development programs; that is, a lack of basic education, vocational training and health instruction for girls in the approximate age group of five to fifteen years.

(8) Women are a major source of entrepreneurial talent in the informal sectors of development countries and, with access to training, credit, and other forms of assistance, are expected to account for much of the growth in the private sector.

(9) United States and indigenous private and voluntary organizations have demonstrated effectiveness in strengthening women's organizations in developing countries through the development of managerial and analytical capabilities.

(10) The Agency for International Development states that its policy is to promote full involvement of women as participants and beneficiaries in all of the projects, institutions, and development processes supported by the Agency. Although the Agency issued a policy paper in 1982 which provided guidelines for increasing the participation of women in the development process, in actual practice the integration of women received low priority in relation to other mandates. Beginning in 1988, however, the Agency increased its efforts to involve women in its development programs.

(11) The Agency for International Development lacks adequate accountability or management mechanisms to ensure that the women in development policy is in fact being fully implemented.

(12) In order to improve integration of women in the Agency's development activities, the Agency must continue to increase training to recognize the essential economic roles of women and to develop strategies to incorporate women into all development programs. This training should be extended to all Washington and mission-based policy, program, and project staff who would provide guidance on strategies affecting the goal of involving women in the planning, design, implementation, management, and evaluation of the Agency's development activities, and made available to universities participating in Agency programs, to other United States Government agencies, and to contractors involved in carrying out programs administered by the Agency. In 1988 the Agency began an expanded training program, with encouraging results.

(13) Training programs held in host countries or the United States for project participants are important components of most development projects and reflect the development objectives and strategies of the Agency for International Development. The low representation of women in these training programs impedes their integration in their national economies, limits their current and future productive roles, reduces the effectiveness of United States programs, and constrains overall economic development.

(14) Among United Nations organizations, the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW) have demonstrated that greater support for the productive activities of women can improve the well-being of communities and national economies. The United Nations Development Fund for Women plays a unique and valuable role by developing and replicating projects and ensuring the appropriate involvement of women in mainstream development activities. The International Research and Training Institute for the Advancement of Women serves as a catalytic force within the United Nations to ensure that research and data collection of all United Nations agencies identify women's economic and social roles and potential.

(15) Research has established the value of fully integrating women and the poor in the development process, especially in designing, implementing, and evaluating development projects. Such agencies as the Inter-American Foundation, the African Development Foundation, and the International Fund for Agricultural Development have carried out programs which have achieved a reasonable measure of success in carrying out these objectives.

SEC. 3. STEPS TO BE TAKEN BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) STRENGTHENING WOMEN IN DEVELOPMENT POLICY.—The Administrator of the Agency for International Development shall take the following steps to strengthen the Agency's women in development policy:

(1) Ensure that the Agency seek to incorporate the active participation of local women and local women's organizations in its development activities (including their involvement in the planning, design, implementation, management, monitoring, and evaluation of the activities) in approximate proportion to their traditional participation in the targeted activities or their proportion of the population, whichever is higher.

(2) Instruct Agency staff and contractors to collect sex-disaggregated data for, and include such data in, every country development strategy statement, project identification document, project paper, program assistance identification proposal, program assistance approval document, and policy inventory, as well as all relevant research projects.

(3) Instruct Agency staff and contractors to seek to ensure that country strategies, projects, and programs are designed so that the percentage of women who receive assistance is in approximate proportion to either their traditional participation in the targeted activities or their proportion of the population, whichever is higher.

(4) Instruct Agency staff and contractors that, if a country strategy, program, or project is not designed so that assistance will reach women in the proportion specified in paragraph (3), they must identify in the appropriate document referred to in paragraph (2)—

(A) what the obstacles are to achieving that goal;

(B) what steps are being taken to remove or overcome those obstacles; and

(C) to the extent that steps are not being taken to remove or overcome those obstacles, why they are not being taken.

(5) Ensure that project and program evaluations include an assessment of the extent to which the project integrates women in the development process and of the impact of the project or program on women, including both positive and negative implications of the project or program in enhancing the self-reliance of women and improving their incomes.

(6) Instruct Agency staff and contractors to ensure that country strategies, projects, and programs identify and take advantage of opportunities to assist women in activities that are of critical significance to their self-reliance and development, including (A) appropriate extension and related services to low-resource women who are engaged in subsistence or cash crop production, and (B) training, technical assistance, credit, and other services to strengthen the managerial skills and capabilities of women, with special attention to women's institutions and women entrepreneurs.

(7) Develop and implement a plan to provide training for all Washington and mission-based professional staff that provides guidance on strategies affecting the goal of incorporating women in the planning, design, implementation, management, and evaluation of the Agency's development activities; and require universities participating in programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961, other agencies of the United States Government, and contractors involved in carrying out programs administered by the Agency to develop and implement plans to achieve that goal.

(8) In the case of education or training provided in the host country or the United States for project participants, increase training opportunities for women and make every necessary provision for addressing the specific needs of women.

(9) Ensure that the necessary steps are taken so that each of the preceding paragraphs of this subsection will be fully implemented as soon as possible but no later than by the end of fiscal year 1995, except that the following targets shall be set for implementing paragraph (9): a minimum of 40 per centum of the trainees should be women by the year 1992, and a minimum of 50 per centum of the trainees should be women by the year 1993.

(10) Increase the participation of young girls in education and training programs, use incentives to encourage host countries to include girls in their programs and consider withholding assistance for programs which do not include girls as equal participants. If the Agency is unable to fulfill this directive, it must report to the Congress on the reasons why this policy cannot be carried out.

(11) In order to get the greatest benefit from United States aid dollars and avoid duplication of effort, instruct Agency staff to make the maximum use of data, program design, and management structure already established by multilateral institutions or other national agencies.

(12) Establish within the Agency a permanent task force on women in development. The task force shall consist of the director of the Women in Development office and senior-level staff from each of the regional and technical bureaus who are in decisionmaking positions regarding the integration of women in the operations of their bureau. The task force shall be responsible for—

(A) overseeing the implementation of this Act,

(B) assisting Agency missions in developing strategies to overcome the obstacles to integration of women in the development process that have been identified by the missions, by indigenous people and organizations, and by other evaluations of Agency programs;

(C) designing means for ensuring that staff at all levels of the Agency are subject to appropriate accountability for achieving the goals of incorporating women in the development process; and

(D) establishing specific criteria for measuring and evaluating the Agency's performance in incorporating women in development activities, and developing ways to institutionalize learning within the Agency on women in development activities.

(b) FUNDING FOR WOMEN IN DEVELOPMENT ACTIVITIES.—Section 113(b)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Up to $10,000,000" and inserting in lieu thereof "Not less than $10,000,000";

(2) by inserting "and section 667(a)" after "this chapter"; and

(3) by adding at the end the following: "Beginning in fiscal year 1992, not less than $3,000,000 of the funds used each fiscal year pursuant to this subsection shall be made available as matching funds to support those activities of the missions of the agency which demonstrate potential for integrating women into the programs of those missions.".

(c) REPORTS TO CONGRESS.—Not later than March 1, 1993, and every second year thereafter, the Administrator of the Agency for International Development shall report to the Congress on—

(1) the specific steps taken as of the time of the report in implementing each paragraph of subsection (a);

(2) the additional steps to be taken to implement each such paragraph; and

(3) the use of funds pursuant to the amendments made by subsection (b).

SEC. 4. FUNDING FOR CERTAIN UNITED NATIONS ORGANIZATIONS.

In addition to amounts otherwise authorized to be appropriated to carry out chapter 3 of part I of the Foreign Assistance Act of 1961 (relating to international organizations and programs), there is authorized to be appropriated, without fiscal year limitation, $5,000,000. Of the amounts appropriated pursuant to this section, 80 per centum shall be available only for the United Nations Development Fund for Women and 20 per centum shall be available only for the United Nations International Research and Training Institute for the Advancement of Women.●

By Mr. THURMOND:

S.J. Res. 139. A resolution to designate October 1991 as "National Lock-in-Safety Month"; to the Committee on the Judiciary.

NATIONAL LOCK-IN-SAFETY MONTH

● Mr. THURMOND. Mr. President, I am pleased to introduce today a joint resolution designating the month of October 1991 as "National Lock-in-Safety Month."

Burglary and unlawful entry are two of the most prevalent types of criminal activities that have a serious impact on our communities. The value of property stolen each year was estimated in 1989 by the FBI at $3.4 billion, affecting over 3.1 million homes. The average loss by a homeowner or small business averages $1,060. Case studies show that criminals are reluctant to enter the premises protected by locks and alarm systems, but unfortunately too many homeowners and small businessmen still don't know that even the simplest of measures can be taken to prevent these burglaries from occurring. Therefore by installing locks and other security devices, homeowners, as well as small businesses, can cut back on this large loss and affect crime statistics as well as the cost associated with this type of criminal activity.

It is for this very reason that the Associated Locksmiths of America [ALOA] has undertaken an industry promotional campaign to designate October as "Lock-in-Safety Month." This campaign will target all citizens around the country to use locks for safety in their homes. Organized community action when in cooperation with local law enforcement officials, and the business community can effectuate positive change. By mobilizing our citizens in an all out effort can help eradicate crime from our homes and our neighborhoods.

ALOA, which was founded in 1956, represents locksmiths in all 50 States and 35 countries around the globe. It is a diverse group representing every facet of the security industry from traditional locksmithing to institutional and corporate security. Seventy-six percent of ALOA members own their own businesses and can help in the promotion of National Lock-in-Safety Month by informing the public about their security options, including automotive, master keying, safes/vaults, electronic access control, and high security for all types of structures.

Mr. President, it is my hope that "Lock-in-Safety Month will further highlight the current crime prevention efforts in our communities and help promote a productive relationship between our safety experts, law enforcement agencies, and local residents and businesses.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 139

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas professional locksmiths meet the security needs of all segments of society and take pride in their contributions to a safe environment;

Whereas throughout history locksmithing has been a profession that requires continuing education to keep pace with an evolving technology;

Whereas the demands of physical security in residential, commercial, industrial, and institutional settings require dedicated professionals who work by a code of high ethical standards to provide the best security available;

Whereas professional locksmiths continue to provide a wide range of security products and services, including automotive products, master-keying products and services, safes and vaults, electronic access control products, and high-security products and services for all types of structures;

Whereas professional locksmiths in the United States are represented by the Associated Locksmiths of America, Inc. (ALOA); and

Whereas "National Lock-In-Safety Month" will celebrate the long-standing locksmith profession and salute those locksmith professionals who accept the challenges of providing individuals and organizations with the security necessary to protect their property and give them peace of mind as they go about their daily activities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991, is designated as "National Lock-in-Safety Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

By Mr. WARNER (for himself, Mr. DECONCINI, Mr. GLENN, Mr. INOUYE, Mr. COCHRAN, and Mr. ROBB):

S.J. Res. 140. A resolution to designate the week of July 27 through August 2, 1991, as "National Invent America! Week"; to the Committee on the Judiciary.

NATIONAL INVENT AMERICA! WEEK

● Mr. WARNER. Mr. President, in celebration of the soaring spirit of pride in the youth of America and in the wake of our noble success in Desert Storm, I am proud to introduce legislation today to designate July 27 through August 2, 1991 "National Invent America! Week."

I can think of no finer hour to introduce this legislation to my colleagues and the Nation than now, as many of America's best and brightest are returning from the Persian Gulf as heroes of the war and of the American can-do spirit.

At the very heart of America's greatness is its inventive and independent spirit. This spirit allowed our first Americans the freedom to forge a new nation that has gone on to lead the world in technology, innovation, and invention. Our Nation's leadership ability and economic vigor throughout the last two centuries has characterized the "never say never" drive of America's inventors and innovators who dared to challenge the unknown and to fight for a better world for all of us.

That very spirit that helped found our Nation can be seen in each young face returning from the Persian Gulf. Because of the Invent America! Program, our young people have been given the opportunity to nurture their entrepreneurial spirit. It is precisely that spirit that allows our Nation to continue to lead the way for others.

As President Bush recently said, "We hear so often about our young people in turmoil; how our children fall short; how our schools fail us; how American products and workers are second class. The America we saw in Desert Storm was first class talent * * * They did it using America's state-of-the-art technology."

It is perhaps impossible to know exactly how many of our young soldiers serving in the gulf participated directly in the Invent America! Program in their schools. But I do know that Invent America! has touched the lives of millions of students in grades kindergarten through eighth grade each year since being launched by President Bush in 1987. Invent America! is now recognized internationally as one of the most successful public-private partnerships expanding student knowledge and innovation.

As testimony to Invent America!'s international recognition, two winners in the program, Brad Bolerjack of Lockport, IL and Katherine Szudy of Parma, OH, have been awarded highest honors in the Japanese Institute of Invention and Innovation's Fourth World Competition and exhibition of Young People's Inventions in Tokyo.

These bright young American students' inventions were selected from more than 200 entries from 30 nations as 2 of 11 world class winners invited by the Japanese to receive their awards in Tokyo. I salute Brad and Katherine and Invent America! for a job well done.

Today President Bush serves as honorary chairman for the Invent America! Program which is available to all of our Nation's 31 million children through this critical public-private sector partnership. The Invent America! Program is designed and administered by the nonprofit U.S. Patent Model Foundation located in Alexandria, VA. Funding for Invent America! is provided by corporations such as; K-mart, Pepsi-Cola, and Polaroid.

This summer, Invent America! will host its 45 regional finalists in the 1991 Invent America! Competition during a week-long celebration in our Nation's Capital. The highlight of Invent America! Week is the annual Congressional Ice Cream Social and the National Awards Ceremony announcing the nine best student inventors in America.

It is a pleasure to take this opportunity to honor our Nation's young people and to urge my colleagues to join with me in designating the week of July 27 through August 2, 1991 as National Invent America! Week.•

By Mr. WARNER (for himself, Mr. MURKOWSKI, Mr. INOUYE, Mr. CONRAD, Mr. SHELBY, Mr. STEVENS, and Mr. HOLLINGS):

S.J. Res. 141. Joint resolution to designate the week beginning July 21, 1991, as "Korean War Veterans Remembrance Week"; to the Committee on the Judiciary.

KOREAN WAR VETERANS REMEMBRANCE WEEK

• Mr. WARNER. Mr. President, I rise today not only as a Senator but also as a Korean war veteran to introduce legislation to commemorate the week beginning July 21, 1991, as "Korean War Veterans Remembrance Week."

In June 1950, the United States took prompt action to add its Armed Forces to those of the Republic of Korea in order to counter the attack by North Korea. A total of 20 members of the United Nations would eventually ban together to preserve the liberty of the Republic of Korea.

After 3 years of bitter hostilities, hampered by freezing temperatures and arduous terrain, the freedom and independence of the Republic of Korea was ensured. During this time, more than 5,700,000 U.S. service members had been involved in the war. American casualties totaled 54,246 dead, 103,284 wounded, 8,177 listed as missing in action or prisoners of war.

I introduce this legislation just 1 day after the ceremony of the striking of the first Korean War Memorial Coin. This was undertaken in Philadelphia by the chairman of the Korean War Veterans Memorial Advisory Board, Gen. Richard G. Stilwell. He was joined by representatives of the National Veteran Service organizations as well as representatives of the Republic of Korea. Proceeds from the sale of these commemorative coins will fund the Korean War Veterans Memorial, which will be erected opposite the Vietnam Memorial on the Mall.

The last day of the commemorative week, July 27, will mark the 38th anniversary of the cease-fire agreement between the United Nations and the Communist forces.

Mr. President, American citizens have had much cause to celebrate the victory of the allied forces in the Persian Gulf, of which our own Armed Forces were the leaders. We must remember that the devotion of the American soldier displayed so clearly in this most recent conflict is not unprecedented. The service members of today are fulfilling the legacy left them by earlier generations. It is fitting that we should pause to pay tribute to the heroes of an earlier conflict.

The Korean war is often known as the "Forgotten War" because it followed the jubilant victory of World War II and preceded the protracted and divisive conflict in Vietnam. But we are taught to revere history and to learn from it. The bitterness of the conflict and extent of sacrifice must not be forgotten. The Korean war veteran must not be forgotten.•

ADDITIONAL COSPONSORS

S. 100

At the request of Mr. DECONCINI, his name was added as a cosponsor of S. 100, a bill to set forth United States policy toward Central America and to assist the economic recovery and development of that region.

S. 129

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 129, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer.

S. 140

At the request of Mr. WIRTH, the names of the Senator from Washington [Mr. ADAMS] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 152

At the request of Mr. COATS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000.

S. 257

At the request of Mr. METZENBAUM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 257, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 284

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 315

At the request of Mr. KASTEN, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 315, a bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals.

S. 449

At the request of Mr. D'AMATO, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 449, a bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland.

S. 518

At the request of Mr. GRAHAM, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 518, a bill to amend title XVIII of the Social Security Act to expedite the payment of claims under such title by increasing the level of interest paid on late payments to providers under such title, and for other purposes.

S. 583

At the request of Mr. ROTH, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 583, a bill to amend the Internal Revenue Code of 1986 to require the recapture of certain losses of savings and loan associations, to clarify the treatment of certain Federal financial assistance to savings and loan associations, and for other purposes.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 615, a bill entitled the "Environmental Marketing Claims Act of 1991."

S. 701

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for the dependent children under age 18 to $3,500, and for other purposes.

S. 730

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 730, a bill to provide for the reduction of metals in packaging.

S. 832

At the request of Mr. GORTON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 832, a bill to authorize the Secretary of Commerce to develop and expand new national markets for recycled paper and other commodities; and to carry out a program requiring Federal departments to procure and use recycled paper and paper products in carrying out their functions.

S. 843

At the request of Mr. BREAUX, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 869

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 869, a bill to amend title 38, United States Code, to improve the availability of treatment of veterans for post-traumatic stress disorder; and for other purposes.

S. 874

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 874, a bill to amend the Public Health Service Act to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations, and for other purposes.

S. 878

At the request of Mr. DODD, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 878, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children, and for other purposes.

S. 882

At the request of Mr. SARBANES, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 882, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 to mandate a 4-year grant cycle and to require adequate notice of the success or failure of grant applications.

S. 890

At the request of Mr. KENNEDY, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Dakota [Mr. BURDICK], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 890, a bill to reauthorize the Star Schools Program Assistance Act, and for other purposes.

S. 897

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 897, a bill to amend the Indian Health Care Improvement Act, the Public Health Service Act, and the Social Security Act to provide for the establishment of nursing school clinics to provide primary health care services in medically underserved rural areas and to Native Americans, and for other purposes.

S. 902

At the request of Mr. BRADLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the medicaid program.

S. 964

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 964, a bill to establish a Social Security Notch Fairness Investigatory Commission.

S. 971

At the request of Mr. DECONCINI, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 971, a bill to promote the development of microenterprises in developing countries.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from California [Mr. SEYMOUR], the Senator from Tennessee [Mr. SASSER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from Nevada [Mr. BRYAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Nevada [Mr. REID], the Senator from North Carolina [Mr. HELMS], and the Senator from Georgia [Mr. FOWLER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May 1991, as "National Foster Care Month."

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the names of the Senator from Florida [Mr. MACK], the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. SANFORD], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 67

At the request of Mr. THURMOND, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 67, a joint resolution to recognize and commemorate the centennial of the Immigration and Naturalization Service.

SENATE JOINT RESOLUTION 89

At the request of Mr. LUGAR, his name was added as a cosponsor of Senate Joint Resolution 89, a joint resolution expanding United States support for the Baltic States.

SENATE JOINT RESOLUTION 94

At the request of Mr. BROWN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 94, a joint resolution relative to Iraq.

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 111

At the request of Mr. BRADLEY, the names of the Senator from Florida [Mr. MACK], the Senator from Alabama [Mr. SHELBY], and the Senator from New York [Mr. MOYNIHAN], were added as cosponsors of Senate Joint Resolution 111, a joint resolution marking the 75th anniversary of chartering by act of Congress of the Boy Scouts of America.

SENATE JOINT RESOLUTION 114

At the request of Mr. GARN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CRAIG], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Utah [Mr. HATCH], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], and the Senator from South Carolina [Mr. THURMOND], were added as cosponsors of Senate Joint Resolution 114, a joint resolution to designate May 1991 as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 117

At the request of Mr. LAUTENBERG, the names of the Senator from Colorado [Mr. BROWN], the Senator from North Dakota [Mr. BURDICK], the Senator from Ohio [Mr. GLENN], the Senator from Florida [Mr. GRAHAM], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. PRYOR], the Senator from Alabama [Mr. SHELBY], and the Senator from Pennsylvania [Mr. SPECTER], were added as cosponsors of Senate Joint Resolution 117, a joint resolution to designate December 7, 1991, as "National Pearl Harbor Remembrance Day," on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the names of the Senator from Virginia [Mr. ROBB], the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. GARN], the Senator from Maine [Mr. MITCHELL], and the Senator from Georgia [Mr. FOWLER], were added as cosponsors of Senate Joint Resolution 121, a joint resolution designating September 12, 1991, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 124

At the request of Mr. BRADLEY, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Maine [Mr. COHEN], the Senator from Utah [Mr. GARN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from California [Mr. CRANSTON], were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate "National Visiting Nurse Associations Week," for 1992.

SENATE JOINT RESOLUTION 130

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia [Mr. NUNN], and the Senator from Nebraska [Mr. EXON], were added as cosponsors of Senate Joint Resolution 130, a joint resolution to designate the second week in June as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 132

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa [Mr. GRASSLEY], was added as a cosponsor of Senate Joint Resolution 132, a joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. BENTSEN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. AKAKA], the Senator from Nevada [Mr. REID], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mr. GRAMM], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], the Senator from Kentucky [Mr. FORD], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. SASSER], the Senator from Tennessee [Mr. GORE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alabama [Mr. SHELBY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alaska [Mr. STEVENS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Michigan [Mr. LEVIN], the Senator from Delaware [Mr. ROTH], the Senator from California [Mr. SEYMOUR], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. SANFORD], the Senator from Georgia [Mr. NUNN], the Senator from Florida [Mr. GRAHAM], the Senator from Wisconsin [Mr. KOHL], the Senator from Wyoming [Mr. SIMPSON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Rhode Island [Mr. PELL], the Senator from Iowa [Mr. GRASSLEY], the Senator from Maine [Mr. MITCHELL], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Arizona [Mr. MCCAIN], the Senator from Montana [Mr. BURNS], the Senator from Nevada [Mr. BRYAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 134, a joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. CRAIG, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Concurrent Resolution 24, a concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. KERRY, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution calling for the United States to support a new agreement among the Antarctic Treaty Consultative Parties which would provide comprehensive environmental protection of Antarctica and would prohibit indefinitely commercial mineral development and related activities in Antarctica.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LAUTENBERG, the names of the Senator from Indiana [Mr. COATS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DIXON, the names of the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mr. GRAMM], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Arizona [Mr. MCCAIN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Resolution 103, a resolution relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

SENATE CONCURRENT RESOLUTION 34—AUTHORIZING THE SPECIAL OLYMPICS TORCH RELAY THROUGH THE CAPITOL GROUNDS

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 34

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 17, 1991, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1991 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics spring games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

SENATE RESOLUTION 120—COMMENDING THE KANSAS STATE UNIVERSITY DEBATE TEAM

Mr. DOLE (for himself and Mrs. KASSEBAUM) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas all Kansans can take pride in the achievements of the Kansas State University debate team—thirteen of the fourteen team members are Kansas residents who have graduated from Kansas high schools.

Whereas the undefeated team of Richard McCollum and David Filippi won the national title by defeating the University of California at Los Angeles in the final round of the National Cross Examination Debate Association.

Whereas the team set the national record for the highest total wins at individual tournaments during the season.

Whereas six teams were successful in qualifying for the elimination rounds.

Whereas Martin Horn and Dan Molden were selected for the roster of the top ten individual speakers during the tournament, along with Richard McCollum and David Filippi.

Whereas this championship is one in a long line of recent accomplishments for the students at Kansas State University.

Whereas Kansas State ranks in the top 1 percent of all U.S. universities, public or private, in the number of students to receive Rhodes scholarships.

Whereas Kansas State is the only public university to have two Rhodes scholars in 1990 and two Marshall scholars in 1991.

Whereas Kansas State is also first in the Big Eight in the number of Marshall scholars over the past 10 years and tied for first place for the highest number of Truman scholars.

Whereas Kansas, and the Nation, will continue to benefit from the continued commitment to excellence at Kansas State University: Therefore, be it

Resolved, That today the United States Senate pays tribute to the Kansas State University debate team, winners of this year's national debate championship.

SENATE RESOLUTION 121—RELATIVE TO PEACE IN ANGOLA

Mr. DECONCINI submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 121

Whereas the people of Angola have never enjoyed the right to select their own government through free and fair elections;

Whereas on May 1, 1991, representatives of the Government of the People's Republic of Angola and the National Union for the Total Independence of Angola (UNITA) initialed an agreement establishing a permanent ceasefire in May 1991 and the holding of free and fair elections during the period of September and October 1991;

Whereas the agreement would not have been achieved without the effective mediation of the Government of Portugal and the participation of the governments of the United States and the Soviet Union; and

Whereas it is the bipartisan support of the United States Congress which enabled the President effectively to encourage dialogue and compromise with the Soviet Union, the Government of the People's Republic of Angola, and UNITA: Now, therefore, be it

Resolved, That (a) the Senate supports the historic transition to multiparty democracy in Angola.

(b) It is the sense of the Senate that such support should continue to be bipartisan and be dedicated to implementing the cease-fire in Angola and ensuring a free and fair election in that country, including—

(1) support for United Nations Peacekeeping Forces, handling of the census, voter education, democratic institution-building, and election monitoring; and

(2) humanitarian support to the civilian population in Angola.

(c) It is further the sense of the Senate that, upon the completion and validation of free and fair elections, the President should, on behalf of the United States, recognize and establish full diplomatic relations with the duly elected Government of Angola.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

AMENDMENTS SUBMITTED

CONSUMER PROTECTION AGAINST PRICE-FIXING ACT

BROWN AMENDMENT NO. 90

Mr. BROWN proposed an amendment to the bill (S. 429) to amend the Sherman Act regarding retail competition, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as "The Consumer Protection Against Price-Fixing Act of 1991".

SEC. 2. The Congress finds that—

(1) consumer welfare is greatly enhanced by an ability to purchase goods and services at lower prices as a result of vigorous price competition;

(2) vertical price restraints generally have an adverse impact on competition that results in higher consumer prices;

(3) recent court decisions have so narrowly construed the laws against vertical price restraints that consumer welfare has been put in jeopardy; and

(4) it is necessary to enact legislation that protects the interests of consumers in vigorous price competition while recognizing the needs of manufacturers and others to maintain reasonable service, quality and safety standards.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical locations, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or services in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of nonprice vertical restraints.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a bill has been added to the hearing before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources scheduled to take place Wednesday, May 15, 1991, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building, Washington, DC. In addition to the three bills previously announced—S. 586, S. 711, and H.R. 355—the subcommittee will also receive testimony on S. 404, a bill to amend the Warren Act.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224–2366.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 21, 1991, beginning at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following measures currently pending before the subcommittee. The bills are:

S. 52 and H.R. 1143, to direct the Secretary of the Interior to prepare a national historic landmark theme study on American labor history;

S. 550, to amend the act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes;

S. 638 and H.R. 749, to authorize the Secretary of the Interior to accept a donation of land for addition to the Ocumulgee National Monument in the State of Georgia;

S. 639 and H.R. 904, to direct the Secretary of the Interior to prepare a national historic landmark theme study on African-American history;

S. 663, to amend the act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, ID, to use certain lands for a correctional facility for women, and for other purposes;

S. 749, to rename and expand the boundaries of the Mound City Group National Monument in Ohio;

S. 996, to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River; and for other purposes;

H.R. 427, to disclaim any interests of the United States in certain lands on San Juan Island, WA, and for other purposes; and

H.R. 690, to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 7, 1991, at 10 a.m., to hold a hearing on habeas corpus reform

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, May 7, 1991, at 10 a.m. to conduct a hearing on legislation to reform the deposit insurance system and the commercial banking system.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet on Tuesday, May 7, 1991, at 3 p.m., to review and evaluate modernization requirements and acquisition plans for Navy carrier aviation in review of the fiscal years 1992–93 national defense authorization requests.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 7, 1991, at 2 p.m. to hold a hearing on President Bush's response to issues concerning the proposed free-trade agreement with Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, May 7, 1991, at 2:30 p.m. to conduct a hearing on the nomination of Lawrence Lindsey to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet in open session on Tuesday, May 7, 1991, at 9:30 a.m., to receive testimony on the defense critical technologies plan, in review of the fiscal years 1992–93 national defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 7, 1991, at 9:30 a.m. on the failure of Executive Life Insurance Co.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS, AND ALCOHOLISM

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, May 7, 1991, at 9:30 a.m., for a hearing on coordination of childrens's services and the HHS reorganization plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 7, at 2:45 p.m. or immediately after the cloture vote in relation to S. 429, to vote on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GOVERNOR THOMPSON AND THE WISCONSIN EXAMPLE

• Mr. KASTEN. Mr. President, all Wisconsinites can be proud of the achievement of Gov. Tommy Thompson. He has brought our State back to economic basics, reducing taxes and extending a warm welcome to workers and businesses who want to pursue a future of growth and prosperity in the Badger State.

Governor Thompson knows that economic growth is the key to social progress and the building of a compassionate community. In a recent interview in the periodical Policy Review, he outlined his ideas and achievements.

This article provides an excellent model for other States, and a challenge for our National Government. I recommend it to all my colleagues, and therefore ask that it be included in the RECORD at this point. I also ask that an important article about Governor Thompson by Paul Gigot of the Wall Street Journal be included in the RECORD.

The articles follow:

LAND OF MILK AND MONEY—GOV. TOMMY THOMPSON'S WISCONSIN SHOWCASE

(An interview by Adam Meyerson)

One of the ironies of modern politics is that the state of Wisconsin, earlier this century the shrine of Progressivism, is today the showcase of conservative policy ideas. Under Republican Tommy Thompson, Wisconsin has combined economic dynamism with a boldly experimental approach to education and welfare reform. Wisconsin is the only state in the nation whose welfare rolls declined last year. And while public school choice is sweeping many states, Wisconsin, with a pilot program in Milwaukee, is a pioneer in offering vouchers that students can use at private as well as public schools.

Thompson's policies seem to be popular. A conservative Republican in a state with a strong liberal tradition, Thompson last November was reelected to his second four-year term with 58 percent of the vote. He carried 67 of 72 counties, and picked up 25 percent of the black vote. Thompson has also attracted attention through his unusual coalition on school vouchers with State Representative Polly Williams, who was Jesse Jackson's state chairman and has close ties with militant black separatists in Milwaukee.

Thompson was interviewed in January 1991 in his Madison office by Policy Review editor Adam Meyerson.

Policy Review: With unemployment at slightly over 4 percent, a relatively untroubled real estate market and banking system, and a boom in industrial exports, Wisconsin has recently enjoyed one of the strongest state economies in the nation; and, like most of the Midwest, your state has so far been less affected by recession than other sections of the country. What changes in national economic policy have contributed most to the turnaround of the Wisconsin economy? What changes in state policy have been most important?

THOMPSON: The most helpful change in national policy has been the declining value of the dollar. We're one of nine states now that have a trade surplus of at least a half billion dollars. A lower dollar helped our export industries be more competitive.

The most important changes for Wisconsin, though, have been in state policy. We've gone from a business-bashing bashing state to a very friendly place to do business. I ran for governor on a pro-business platform—against the advice of people who said you can't win in Wisconsin doing that. And I twice proved them wrong.

One of my main priorities has been to make our tax structure more competitive. We've reduced income taxes so we're no longer in the top 10. We've reduced corporation taxes. We're one of only seven states with a 60 percent exemption for capital gains taxes. We're phasing out the inheritance tax. We've cut the unemployment compensation tax three times, and now have a $1.2 billion surplus in our unemployment compensation fund. We have one of the lowest workers' compensation rates in the country.

Another change has been a more aggressive effort to sell Wisconsin as a good place to do business. I spend a lot of my time pounding on business doors, often flying out of state, to try to convince companies with expansion plans that they should locate in Wisconsin.

P.R.: How have tax cuts benefitted your economy?

THOMPSON: Lower taxes make it more profitable for business to locate and expand their operations here. They also have an important effect on perceptions of business climate. I find it significant that the new governors of Minnesota and Michigan, Arne Carlson and John Engler, both publicly said they couldn't raise taxes in their states or they would risk losing more businesses and more jobs to Wisconsin.

Our 60 percent exemption for capital gains has been a very good selling point in attracting business. In fact, based on our experience, I would strongly recommend cutting capital gains taxes at the national level. Keeping down taxes on capital gains encourages entrepreneurs to take risks. It gives them the incentive to invest, to expand their operations, and in the process put more people to work. A cut in these taxes is not a break for the rich. It's an inducement for growth and ingenuity.

Our phaseout of inheritance taxes has been especially important. For many years, we suffered a terrible drain as people who really energized the state, the movers and the shakers, were leaving Wisconsin to go to the Sunbelt because of our high inheritance taxes. We were losing both their money and their talents. Phasing out these taxes has turned this around.

P.R.: Wisconsin is one of the few states east of the Mississippi not to confront a serious budget deficit this year. Do you attribute your good fortune mostly to economic growth in the state, or to restrictions on state spending?

THOMPSON: Both. But you can't have economic growth without restrictions on spending.

I used the line-item veto over 600 times in my first four years, and was able to cut over $200 million in spending. Without those cuts, we would now face a deficit. It has helped me that Wisconsin gives its governor the strongest line-item veto power of any state in the nation. I not only can reduce the spending level for any line item, I can even change some of the wording of legislation as I sign it.

As I use my veto power, I ask four questions about every program. Will this program work? Is it needed? Can we run it a different way to make it more efficient? And can we afford it, given our current financial situation, which I track monthly? If we can't afford it this month or year, then we can wait.

P.R.: New England and Middle Atlantic states are now suffering the kinds of economic problems that seven or eight years ago were associated with Wisconsin and other "Rust Belt" states. What advice would you give their governors about preparing their states for recovery?

THOMPSON: You have to be able to communicate to the business community that the state is going to be their partner instead of their enemy. When I look at Massachusetts, New York, and other Northeastern states that continue to spend and tax, I can understand why many businesses feel they have to take on not only their local, national, and global competitors, but also their state governments. That attitude has to change.

The governors also have to get involved in international trade. This is where the future growth is. We can no longer sit back in Wisconsin or Minnesota or Massachusetts and hope that we'll be able to create enough markets in our respective states and regions to be able to compete. We have to be able to compete globally with companies from the Far East and the European Community. And that requires governors travelling overseas, and getting business executives to travel with them, to make sure we make the most of export markets.

P.R.: Do last year's federal tax increases make life more difficult for you and other governors?

THOMPSON: They hurt the overall economy, but otherwise don't have a direct effect on the states. A greater difficulty comes from the unfunded spending mandates imposed by Congress. Thanks to a requirement by Congress, Wisconsin has had to spend over $100 million more on Medicaid for the last two years than we needed to. That's more than $100 million that we have had to take away from programs to help the poor, or minorities, or even other ways to help the medically needy.

Unfunded mandates stifle initiative and experimentation in the states, our most important laboratories of democracy. Spending $100 million more on Medicaid may not be what Wisconsin or Michigan or Georgia needs. But they decide in their infinite wisdom, out there on the Potomac River, that they know best. They take the credit for the grandiose bills they pass, and we end up having to pick up the tab.

P.R.: While parental choice in public schools is sweeping the nation, Wisconsin has been a pioneer in experimenting with vouchers that parents can take to private schools. Can you explain how you formed your coalition with State Representative Polly Williams that led to a voucher program for low-income Milwaukee families?

THOMPSON: The most important way to make schools work better is to get parents more involved in their children's education. After all, if parents aren't interested in their children's education, why would the children be interested? I see choice as a way to stimulate more parental involvement and attention.

In my 1988 annual budget, I introduced a parental choice proposal that would have provided vouchers to both sectarian and nonsectarian private schools in Milwaukee. The legislature wouldn't even consider it, so I realized that I was too ambitious and was scaring too many people off.

Meanwhile, Polly Williams and other minority leaders in Milwaukee were proposing a separate black school district in their city. They weren't about to get their proposal through the legislature either. So I met with them, and suggested that they think about choice as a way of achieving their objectives—better schools for their children. We agreed to push for a pilot program for 1,000 students in nonsectarian private schools in the central city of Milwaukee. We needed a Democrat to push for the proposal in our legislature, and Polly Williams became principal sponsor and chief spokesman. The Assembly Minority Leader, Betty Jo Nelsen, a Republican who is now an official in President Bush's Department of Agriculture, rounded up support from our party. Through this unusual coalition of Republicans and inner-city Democrats, we got our pilot program through the legislature.

The families in the program like it. Former Secretary of Education Lauro Cavazos visited the independent schools and said he couldn't believe how well-adjusted and interested the students were. Vice President Quayle had the same reaction.

One thing I like about the program is that parents have to spend time in the schools. They either have to serve on a committee, or they have to come in and work with the students, including their own children. The parents are happier because they have a real choice of improving the education quality for their children. And the end product, I think, is going to show academic improvement for students who took advantage of this experiment.

P.R.: As Jesse Jackson's state chairman in Wisconsin, and as a woman with strong connections to militant black separatists in Milwaukee, Polly Williams has been an unusual coalition partner for a conservative Republican governor. What are the prospects for conservatives to form similar coalitions in other states?

THOMPSON: The prospect for such coalition is good. What conservatives first have to do is find people who are dissatisfied with the status quo and are willing to talk about radical reform. Then, even if they come out of a political tradition that is not conservative, you explore whether they can meet some of their objectives through conservative ideas.

Polly Williams was so frustrated with the public school system in Milwaukee that she was willing to try anything different. The choice program doesn't go as far as she wants with a separate black district, but she was willing to try it. And unlike the education establishment and the liberal Democrats who were fighting her all the way, we put together a coalition of Repubicans and moderate Democrats and independents who wanted to try something new to see if it would work.

There are a lot of people in other States and other communities who realy want to change the educational scene. They don't know how to do it, and they don't know whom to talk with. Choice has given us a good sounding board, an issue to talk about and form a relationship that we might be able to build on.

I've made it clear that I don't agree with all of Polly Williams' positions. And she has been less suportive of my welfare reforms than of my education reforms. But I'm glad that we've been able to work togther to improve schools for Milwaukee children.

P.R.: Did you have problems with your Republican or conservative supporters as a result of dealing with someone from Williams' background.

THOMPSON: Absolutely not. I spend a lot of time talking with people in the central city, in the labor halls, asking them how they would solve problems. I hear a lot of good ideas. And Republicans appreciate that this approach has paid off at election time. I'm the first Republican to carry Milwaukee County since 1946. I carried 67 of 72 counties last year, and won 25 percent of the black vote as a conservative Republican. So when Republicans saw that my approach was successful, instead of opposing me, they've joined me.

P.R.: How attractive are public school choice and vounchers to politicans looking to build political support? For example, Governor Perpich's championing of choice did not win him reelection in Minnesota.

THOMPSON: The politican who supports choice or vouchers has to be willing to buck one of the most powerful special interests in our society. The teachers' unions have so much influence on state legislative elections that they have been able to paralyze and suffocate almost very effort at educational reform.

There is a great deal of support for choice from individual citizens, but the educational community is definitely opposed. The teachers are opposed, the superintendents are opposed, the principals are opposed, the school boards are opposed. These special interest groups like the status quo. and don't want to see anybody rock the boat. This makes it very difficult for politicans to stand up and take a position on educational issues.

The greatest support for choice will come from individual citizens, especially poor black parents, who are locked into a mediocre system. You make your headway with people who say, "We want to improve our school system, and choice gives us an avenue to do that, an avenue to deliver better educational quality to our children."

P.R.: Do you think school choice played a big part in your reelections?

THOMPSON: No. my support for school choice helped me in the minority community, but that's only about 5 percent of our population. It didn't hurt me. Overall I don't think it had a tremendous impact on whether I won or lost. The state of the economy was probably much more important.

P.R.: In welfare, as in education, Wisconsin stands out as one of the nation's most interesting laboratories for policy experimentation. How did you prepare the political groundwork for your Learnfare experiment, under which parents whose teen-age children are persistently absent from school lose come of their welfare benefits?

THOMPSON: I pushed for Learnfare as a way to keep teen-agers in school and a way to make welfare recipients more responsible parents. We know that school dropouts stand a 50-percent better chance of ending up on welfare than those with a high school education. It is simple common sense to hold welfare recipients accountable for their kids going to school.

The major opposition has come from the more liberal legislators from Madison and Milwaukee. They think it's unfair to penalize the rest of the family because Johnny or Suzie doesn't want to go to school. My answer is that it is the parents' responsibility to get Johnny and Suzie to school, and that they should lose some of their benefits if they don't live up to their obligation. I call the policy "tough love," and it works. The parents feel more responsible and accountable. More of the children stay in school. Hopefully they will get a high school or vocational education, and then go on to further their training at the university or on the job.

P.R.: Wisconsin was the only state in the country whose welfare rolls went down last year—and indeed, welfare rolls in the state have fallen by over 60,000 over the past four years. Do you attribute this falling caseload primarily to the booming economy, or the changes you're made in your welfare system?

THOMPSON: Both. Obviously the economy is important, and this year as our economy is slowing down a little, our welfare rolls are starting to stabilize. But we're also the leading state for welfare reform. In addition to Learnfare, we have a work experience and job training program that gives welfare recipients the skills necessary to enter the work force, and has become a national model.

To fund some of these pilot programs, I reduced the level of AFDC payments by 6 percent. They were way out of line with other states. Wisconsin was paying 40 percent more than what the same family would receive in Illinois. We're still seeing an in-migration of welfare families into Wisconsin, but not nearly as many as before I was elected governor.

Wisconsin's welfare reform will continue into my second term. We've been granted a federal waiver from a rule that prohibits the head of a family on welfare from working more than 100 hours a month. My budget also includes initiatives to encourage fathers to become financially and emotionally involved in their children's lives.

As it now stands, the federal welfare system discourages teen-age parents from marrying. If teen-age parents want to get married, but neither has work experience, the entire family is ineligible for AFDC. That's ridiculous. Wisconsin will seek a federal waiver to remove this barrier.

My budget also contains a provision that would require unmarried minor mothers to live at home or in an adult-supervised setting. Too often we see 14- and 15-year-olds, still children themselves, attempting to raise their babies without guidance. This proposal brings those young parents back into a family setting so they can learn how to be parents.

I want Wisconsin's welfare system to be more of a transition from public assistance to the work force. That's why I proposed capping the AFDC cash benefit for each family. If the family has another child, additional medical assistance and food stamps would be provided, but the cash grant would not increase. In the working world, families don't receive raises because they have additional children; salaries go up when you put in more hours at work and you're more productive.

Another program that promotes responsibility is the Children First program. This program requires that noncustodial fathers pay their court-ordered child support or participate in our Community Work Experience Program. Children First has worked well as a pilot project in two countries, and I want to expand it statewide.

Additionally I want to expand the Learnfare program to include children ages 6 to 12. There is no reason for a six-year-old to skip school. We should try to instill the value of education and foster the good habit of attending school in young children so that problems can be avoided when they become teen-agers.

P.R.: Wisconsin was at the forefront of Progressivism earlier this century. Do you consider your welfare and education reforms to be consistent with, or in opposition to, the spirit of La Follette and other Wisconsin Progressives from the 1910s and 1920s?

THOMPSON: The Progressive movement was essentially a middle-class movement to make government work. I think our state's middle class today believes our welfare and education reforms are working.

I consider myself a pragmatic conservative who wants to solve problems. I looked at the welfare rolls and saw that we weren't encouraging people to work or stay in school. I came up with Learnfare and Workfare in order to solve those problems. I wanted to improve educational quality in the central city, so I came up with a choiced program. I think that's being pragmatic and coming up with commonsense solutions to urgent problems.

P.R.: Milwaukee, like many American cities, has been seeing a major crime wave, especially for homicide. What do you think are the major reasons for this crime wave—are we seeing primarily a cultural or spiritual crisis? And what are the most important functions government can play in protecting its citizens?

THOMPSON: Unemployment is high in the central city, and joblessness leads to drugs and crime. We need to rebuild the institutions that hold our neighborhoods together and reinforce values—community groups, small businesses, and schools. We need to stimulate the economy in the central city, and attract more businesses there. This is why I have been a strong proponent of enterprise zones and of minority business programs. Over the long run I think our welfare and education reforms will lower crime figures. But right now we have to address crime by increasing penalties for criminals.

P.R.: You've been chairman of the National Governors Association's committee on international trade. Are you worried by the growth of protectionism here and abroad?

THOMPSON: You cannot develop a country or a state based upon protectionism. You have to be able to trade freely and fairly. You have to be willing to get involved in the international marketplace or you're not going to survive, either as a state, as a business, or as a country. And those people who think that they're going to be able to turn back the calendar and go back to the "good old days" by developing protectionist rules and tariffs are sadly mistaken.

I have been a strong supporter of a free-trade agreement with Mexico, and in fact I suggested one to President Salinas when I met with him in his office in November 1989. He told me that the politics were not correct at that time to consider it, but shortly afterwards he and President Bush issued a joint statement calling for such an agreement.

I was deeply involved in the free-trade agreement with Canada. Now I'd like to see a North American free-trade agreement, with Canada, Mexico, and the United States all joining together. We have to be able to compete with the European Community. One of the best ways is to have a North American trade bloc in place by 1992.

P.R.: What do you see as the most important goals of foreign policy in the post-Cold War period?

THOMPSON: After the Middle East crisis, the most important thing that the Congress and the president can do for future generations is to encourage the free-enterprise system and a fair and free-trade atmosphere in as many countries as possible, especially in the Soviet Union and Eastern Europe. Fair and free trade is the best way to stimulate world peace. Trade opens opportunities not only to expand your businesses, but to learn from each other and to expand your cultures.

P.R.: Who are your political heroes?

THOMPSON: Barry Goldwater got me involved in politics. In my heart I still know he's right. He was cantankerous, but he was direct. He told you exactly what he thought. I try to pattern myself after him in that way.

Abraham Lincoln saved the Union, and started the Republican Party. He had a patriotic spirit, a belief in his country, that was second to none. He believed in the unity of his country and the need to maintain its strength.

My father was just a county board supervisor, but he had more common sense than just about everybody I've ever met. He used to tell me, "Tommy, you have two ears and one month. Use them in that proportion and you'll get along just fine."

[From the Wall Street Journal, Apr. 26, 1991]

A REPUBLICAN WHO'S UNAFRAID TO EXPERIMENT

(By Paul A. Gigot)

It's spring in Wisconsin so two things are running: walleyed pike on the Wolf River and GOP Gov. Tommy Thompson in Madison. Democrats know they'll have better luck catching fish.

Wisconsin was the founding place of Progessivism in 1900 (Fighting Bob LaFollette), but the irony of 1991 is that the state's leading progressive now is a conservative. Mr. Thompson, a 49-year-old life-long veteran of government, is succeeding politically with a "reform" agenda. In a state that voted for Michael Dukakis in 1988, Mr. Thompson won a second four-year term in 1990 with 58 percent of the vote. He's the first Republican to carry Milwaukee County since 1946.

It's a cliche to say that states are "laboratories," but with Washington stuck in intellectual gridlock states have also become the main outlet for political daring. Tommy Thompson is a disarmingly down-to-earth rabble-rouser who symbolizes the conservative opportunity to rethink government.

"Most Republicans are too timid to go out and try something," says Gov. Thompson, a native of Elroy, Wis. (pop. 1,500), who looks and talks like a friendly, rumpled uncle. "They should think of it as a chance to reform the system." That system is the barnacled, rusting state created by interest-group liberalism. Mr. Thompson says he sat in the legislative minority for 16 years, watching Democrats "have only one answer: Spend more money. But nothing changed. I thought, 'There has to be a better way.' "

He began by paring back the income tax, phasing out inheritance taxes and preserving a 60 percent capital-gains exclusion. Other governors spent their mid-1980s' surpluses into today's huge deficits. Mr. Thompson passed it back in tax cuts, which stimulated growth and helped keep his budget in balance. He also fought Democratic legislative majorities on spending, using his line-item veto 683(!) times. He's failed to pass much property-tax relief, though he's trying again this year.

Mr. Thompson's most intriguing moves have come on social-policy ground—welfare and education—rarely trod by Republicans. Evan Zeppos, a Milwuakee Democrats, credits Mr. Thompson with understanding that, "There's a policy void out there, to be polite about it." Many liberal Democrats had stopped thinking.

On education, he's led the nation in promoting "choice," even for private schools. His now-famous alliance with Polly Williams, the black Milwaukee Democrat, helped push a pilot plan through the legislature (though unions have since tied it up in court). Now he wants to break up the hidebound, Milwaukee school district into four smaller, more reformable units.

Mr. Thompson has been even bolder in welfare reform. His Learnfare program required that teen-agers attend school or parents could lose their benefits. This year he wants to extend Learnfare to children ages 6–12. He also wants to refuse to increase benefits to parents who have a second child while on welfare, and to let teenage parents marry without losing welfare (as they do now), among other reforms.

"We're trying to reinforce behavior that leads to success—school, work, families," says Scott Jensen, the governor's chief of staff. Results are a long way from in, but Wisconsin was the only state whose welfare caseload actually fell last year.

Some liberals deride all of this as "bridefare," but the proposals build on two political insights. One is that the public thinks welfare requires some personal responsibility. The other is that conservatives can gain by changing the debate about government from inputs (spending) to outcomes (how many families leave welfare, or school dropout rates).

Part of Mr. Thompson's success so far has come from forging unusual alliances, such as with black Democrats. He won early good will by intervening to settle a Milwaukee school-desegregation dispute. His latest welfare reform is the creation of a black political appointee, Eloise Anderson. In last year's election, such outreach paid off as he won an astonishing 20 percent of the black vote, up from 6 percent in 1986.

Mr. Thompson's popularity leads to questions about other ambitions, such as a 1994 challenge to grocery-store magnate and liberal Democrat, Sen. Herb Kohl. But the governor claims not to have Potomac fever. "Why would I want to give up being a governor, where you can be an executive and actually accomplish something," he says, "to go to Disneyland East over there to be one of 100, where you don't do anything?" Good question.

Civil-rights postscript: In last week's column, I reported that AT&T Chairman Robert Allen belonged to the Baltusrol Golf Club, in Springfield, N.J., which had no black members. An AT&T spokesman later told other reporters the club has at least one black member. An especially gullible writer for U.S. News & World Report attributed my story to "rumors" spread by "business lobbyists."

Mr. Allen's membership in Baltusrol is not a rumor; it's listed in Who's Who. I called the club last week and was referred to Richard Miller, a club vice president, who told me again this week that, although the club does not discriminate, "As of now, we have no black members." I did misunderstand the club's policy toward women; Mr. Miller says it has one woman "equity" member with voting rights.•

SPRING AND MOTORCYCLING

• Mr. McCONNELL. Mr. President, April showers have brought May flowers, and as each morning greets us with new reminders of spring, the cold days of winter seem to swiftly become memories.

Just as we take note of spring's presence, so must we take note of changes on our roads and highways. As every motorcycle enthusiast knows, spring marks the beginning of a new motorcycling season.

Although I am not a motorcyclist myself, I have noticed an increase of riders on our roads and highways during the past few weeks. As one member of my staff who often rides his motorcycle to work remarked, too few automobile drivers seem to notice the increased number of riders on the road.

Mr. President, for the benefit of Kentucky's motorcyclists—and those across America—let me make two brief suggestions. The first is directed to automobile and truck drivers: Please be alert for motorcyclists. Check your mirrors and look over your shoulder before changing lanes. When you make a left turn, please be sure no motorcyclists are in oncoming traffic.

My second suggestion is for the benefit of motorcyclists: Remember to think safety. Dress appropriately for the road, and anticipate the potential hazards of traffic. Let us make this a safe riding season for everyone.•

• Mr. KASTEN. Mr. President, at a time when education has jumped to the forefront of our national agenda, it is important that we honor Americans who have pointed the way to success in this field.

It is this that I seek to do today—by honoring the achievement of Merlin A. Johnson, superintendent of the Grantsburg School District in Grantsburg, WI.

For over three decades, Merlin Johnson has been an education leader in his community. As a math teacher, as a coach, as administrator of the Nelson School, and finally as superintendent of the school district, Merlin made a difference for the better in countless young lives.

Merlin Johnson helped build the next generation of young Americans. He did a great job—and I ask my Senate colleagues to join me in wishing him well on his well-deserved retirement.•

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 6, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through April 25, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 23, 1991, there has been no action that affects the current level of spending of revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102d CONG., 1st SESS., AS OF APR. 25, 1991

[In billions of dollars]

	Revised on-budget aggregates [1]	Current level [2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues:			
1991	805.4	805.4	[3]
1991–95	4,690.3	4,690.3	[3]
Maximum deficit amount	327.0	326.6	−.4
Direct loan obligations	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,351.5	−793.5
Off-budget:			
Social Security Outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS APR. 25, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted to previous sessions:			
Revenues			834,910
Permanent appropriations and trust funds	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session			
Extending IRS deadline for Desert Storm Troops (H.R. Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	
Dire emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS APR. 25, 1991—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total enacted this session	3,828	1,406	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	
VI. Economic and technical assumption used by Committee for budget enforcement act estimated	15,000	31,300	−29,500
On-budget current level	1,188,802	1,132,016	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	413	380	1

Note.—Numbers may not add due to rounding.●

OUTSTANDING VOLUNTEER PERFORMANCE BY BROWARD COUNTY SENIORS

● Mr. GRAHAM. Mr. President, today I am delighted to have the opportunity to salute the 1991 electees to the Dr. Nan S. Hitchison Broward Senior Hall of Fame. These outstanding volunteers have contributed their time, talents, and love toward benefiting the residents of Broward County.

On May 15, 1990, 10 new members, selected for this prestigious honor, will be at ceremonies celebrating their election, and their names will be added to a commemorative plaque housed in the Broward County government building. The following Floridians will receive awards:

James McColloch has been donating his energy and care to the Wingate Oaks Center School for Retarded and Special Education Students for 8 years. Although Mr. McColloch has suffered several strokes and is handicapped as a result, he continues to serve his church and his fellow man every day of the year.

Sarah Jencks delivers Meals-on-Wheels and is a Cancer Society volunteer and a worker on behalf of Memorial Hospital.

Shirley Adler Silverman is a dedicated member of the area Agency on Aging's Advisory Council, a Medicare counselor, and fundraiser for a mobile medical project known as MediVan.

Evelyn Smith-Gooden has been a volunteer for many years in activities on behalf of the Florida's Ladies' Ministry, Holy Cross Hospital, and alcohol and drug abuse prevention programs.

Sidney Permission is a community activist who has contributed his energy and talents to benefit the physically handicapped, as well as other social and legislative issues.

Jack R. Chasin volunteers for the cancer hotline and has been a support counselor and board member working daily to respond to the needs of cancer patients and their families.

Lorraine Heller devotes many hours weekly to serve the Areawide Council on Aging Board of Directors, B'nai B'rith Youth, the Girl Scouts, and MediVan.

Hester Lee Bellamy Nelson volunteers at the Northwest Federated Women's Club senior centers, Jack and Jill Nursery School, and other facilities designed to meet human needs.

Rachel Postal offers her abilities to assist frail elders in the Southwest Focal Point senior day care project, as well as the Henderson Clinic and the Jewish Guild for the Blind.

Tillie Rothstein gives of herself to advocacy on behalf of the area Agency on Aging, and continually strives to make life better for all Broward residents through her role as a highly respected leader among local, State, and nationwide legislative entities.

Since May is Older Americans Month, and therefore a time to recognize the pioneers who have helped to build and perpetuate the American dream, I wish to congratulate these 10 magnificent men and women who exemplify one of the Nation's most valuable natural resources, our senior citizens.●

MILLION MINUTES READING CELEBRATION

● Mr. KASTEN. Mr. President, I rise today to honor the students of Owen-Withee Elementary School in Owen, WI, for reaching their 1 million minute reading goal.

With an enrollment of only 397 students in grades kindergarten through grade 6, each student at Owen-Withee had to read an average of nearly 2,500 minutes outside of their school work. This is a tremendous accomplishment and these students deserve to be recognized for their hard work and dedication.

By encouraging America's youth to read, America can only gain in its fight against illiteracy. Mr. President, I am proud of the exemplary students of Owen-Withee Elementary School—and hope that more students will follow their example.●

IN RECOGNITION OF THE ROSWELL HISPANO CHAMBER OF COMMERCE

● Mr. BINGAMAN. Mr. President, I ask my colleagues to join me in recognizing and honoring the efforts of the Roswell Hispano Chamber of Commerce in its commitment to the education of our youth and in particular their efforts in promoting, honoring, and recognizing the significant contributions of role models from the community.

Today, Flora Vista Elementary School in Roswell, NM, is being renamed Nancy Lopez Elementary School, in honor of the professional golfer who had attend the school as a child. The impact on the minority children who readily identify with Ms. Lopez is very powerful. Many pupils note that this special person completed school and went on to college, and the children report that they, too, would like to take a similar road to success.

The Roswell Hispano Chamber of Commerce has used this opportunity to enhance the economic development of the community and emphasize the importance that education plays in developing economic growth. Keeping the children in school so they may get the skills necessary to join the work force has become a high priority of the organization. Having Nancy Lopez, a PGA World Golf Hall of Famer, recognized for her academic as well as athletic success is a step the chamber took to emphasize the value of education for the community.

Mr. President, this is such a simple gesture of thanks, recognition, and motivation, yet it can play an important role in the growth and development of a community. It is with that thought in mind that I ask my colleagues to join with me in praising the leadership efforts of the Roswell Hispano Chamber of Commerce.●

TRIBUTE TO JOHN WIEBENSON

● Ms. MIKULSKI. Mr. President, the Federal City of Washington is home to our Nation's Capital and a remarkable assemblage of American talent.

One of the true originals is John Wiebenson, one of the first faculty members at the University of Maryland's architecture school. Mr. Wiebenson has made enormous contributions to this city. I want to share with my colleagues a recent article on Mr. Wiebenson, which summarizes well this man of great talent, whimsy, and commitment.

The article follows:

[From Museum & Arts, Washington, April–May 1991]

ARCHI-ANGEL

(By Iris Krasnow)

John Wiebenson removes his round tortoise-shell glasses and sits back in his chair, a flimsy fold-up model. The miniature peglegged conference table that holds a toy rocket and cement mixer looks like it belongs in a kindergarten. Rusty chains are strewn inexplicably across the dusty, unfinished wood floor; thirsty plants are perched on a fragment of wall relief near his office window that fronts Connecticut Avenue. Instead of gold lettering, he has written his name on a piece of paper and taped it to the door.

He checks his black plastic watch, mumbles something about a deadline, then leaps up from his seat. As he stretches his six-foot-two-inch body, his olive green T-shirt crawls up his back, revealing the waistband of blue boxer shorts. After clacking off a note on an old electric typewriter, Wiebenson rifles through piles of clutter in search of his glasses. Several minutes later, he discovers them in his pocket. Grinning impishly he says, "Well, how can you expect me to find my glasses without my glasses?"

This is a product of Harvard's school of architecture? A former visiting lecturer at Yale? This is the man who led the fight to save some of Washington's most glorious buildings—the Old Post Office, the Williard Hotel, the National Theatre, the Hotel Washington? You think of a scatterbrained scientist, an aging Beat: the thinning white hair, the broad, weathered face, the khaki jacket, the worn-out sneakers, the stocking cap, the "okey-dokeys" he doles out in his soft, hoarse voice—the residue of a longtime Chesterfield habit he has since quit. But no, this is the Wieb, the 58-year-old pillar of the city's architectural underground, the man who chaired the committee to design Resurrection City for Martin Luther King, Jr.'s "Poor People's Campaign" in 1968, the advocate of "moral architecture."

Moral architecture?

"Bright and shiny new buildings have been pushing us around too long" Wiebenson wrote in 1975. "They knock down our houses. . . . They break up pleasant places to shop and eat and walk. . . . They either grow larger, crowding us even more densely and abrasively together, or, posing as new towns, they pull us too far apart from one another for a real community to form.

"No wonder Ayn Rand had her hero blow up a big new building in 'The Fountainhead.'"

So what type of buildings does he like?

"Barns, in my mind, and industrial buildings for that matter, are very elegant." He laughs abruptly and takes a swig from a bottle of Dominion Lager beer.

According to Mark McInturff, who worked in Wiebenson's office for 10 years before setting up his own practice in 1986, Wiebenson's loose-cannon demeanor masks a tightly orchestrated personality. "This is not the absent-minded professor you think you are getting," says McInturff. "There may be a sense of disarray about the office or about Wieb himself, but don't let that mislead you. He is very, very precise about his words and about his actions—there is an integrity about Wieb that anchors everything around him. Yet the irony of his career is that here is somebody who has had an enormous influence on the city's architecture—you can trace it up and down Connecticut Avenue and Pennsylvania Avenue—but not that many people know him."

People who do know him claim that he walks right past them.

"It drives people crazy because he doesn't recognize anybody on the street except for his wife, children, or the dog," laughs Abigail Wiebenson, his wife of 22 years and the director of the Lowell School, a private nursery and grade school on 16th Street. "They think he's rude. But Wieb isn't walking along thinking, 'Oh gee, am I going to see someone I know and socialize.' He tells me, 'Well, I'm thinking. Abigail. I'm concentrating on other things.' More than anyone else I know, he just has a very rich inner life. I mean this is a guy who reads everything from GI Joe to Aristotle."

Digging through John Wiebenson's 24 years in Washington uncovers how this free and electric spirit has shaped the cityscape. In the '70s, when the Pennsylvania Avenue planners were calling for the demolition of city landmarks like the Old Post Office, Wiebenson was the key architectural counterforce pressing for their survival. As principal adviser to Don't Tear It Down, the nation's first urban preservation organization, he testified before Congress, compiled a series of studies of the area, and showed them to any decision makers who would let him in the door. He wrote dozens of articles and planted them in local newspapers and professional journals, tweaking the city's emerging old-is-beautiful consciousness.

"Most architects, by the time they die, hope to have made one really good building, just one. To be primarily responsible for saving the Old Post Office is more than most architects accomplish in a lifetime", says Stephen Muse, a former student of Wiebenson's at the University of Maryland and now a partner in Muse Wiedemann.

During the '70s Wiebenson also created "Archihorse," a comic strip that ran in the DC Gazette (now The Progressive Review) depicting a talking horse who expounded on the problems of Washington's planning, or in Wiebenson's words, "projects that would promote Federal pomp at the expense of the city's life." Archihorse was the symbol of his counter-plan to restore "life-giving structures" from Pennsylvania to Massachusetts Avenues and turn those blocks into a residential stretch, rather than put up more concrete egg crates like the FBI building. "But [the planners] were so imbued with visual things they failed to get involved in the social responsibility to that area," says Wiebenson. "It's one thing to throw away social opportunity and community interaction for a thing of beauty, but all they came up with is shiny, now hardware."

While he succeeded in helping to save some famous beauties from the wrecking ball, when it came down to the actual restoration work the lucrative commission and credit went elsewhere. In the case of the Old Post Office, what Wiebenson sowed in a pro bono mission, others reaped in bucks and publicity.

"He never got proper recognition, and the Old Post Office wouldn't be there today if it weren't for Wieb," says art historian and former vice president of Don't Tear It Down, Gretchen Fox. "He would go and testify again and again to the Fine Arts Commission and to the Historic Preservation Review Board. He was someone our organization turned to all the time. And I don't think his name was even mentioned at the dedication ceremony of the building."

Arthur Cotton Moore ultimately got the job, the hefty commission, and the publicity after his own extensive lobbying efforts to save the building.

"I don't really have a sense about John Wiebenson as an architect," offers Moore, when asked his opinion. "I don't know his work other than the amusing things he's written. That's basically what I know about him, other than he's a very nice fellow."

Wiebenson's mark is equally pervasive in Dupont Circle, the quirky pocket of characters and kitsch where he has lived and worked since moving to town from San Francisco in 1967. On the block that has housed his office for 20 years, Connecticut Avenue between R and S, he has helped ward off developers from crushing vintage jewels. Down the street toward P, he was a leader in the fight to block Metro's original plan to knock down a clump of small neoclassical stores adjacent to the Riggs Bank in order to build an elevator down to the station. His most visible foray on the avenue is his most recent, the $1 million-plus retail building he designed to stand on the rubble of the Junkanoo, an old West Indian bar and restaurant.

"Wieb gives a sense of strength to the neighborhood," says Julia Heflin, a member of the Dupont Circle Conservancy. "There is an Abraham Lincoln quality to him. He's a very modest man, but a very principled man who goes out on a limb for what he believes in. I remember him literally taking me by the hand on a cold, cold night to get a stop order when an addition on a neighboring house would have made my house more vulnerable to break-ins."

When Wiebenson presented his model for the Junkanoo site to Heflin's preservation group many felt it seemed out of place for the area. He was nearly turned down. "A lot of people said it didn't fit into the character of the neighborhood," says Heflin. "I say thank God it didn't. It's such a relief to see this enchanted, airy, almost fairytale structure right in the middle of the urban humdrum."

Wiebenson feels his whimsical building fits right into the neighborhood. "It's a building designed as an entrance rather than a wall—cheerful and buoyant. It fits right in with its neighbors in terms of basic geometery rather than in terms of superficial stylizations. It's like improvisational jazz, picking up the beat of that block without being a superficial copy."

Wiebenson's vision of design that is more space than materials harkens back to the days when he was a gangly kid loping around the fields of Colorado. His father was an "itinerant entrepreneur" whose longest stopover was outside Denver in Jefferson County where he built greenhouses, married a wrangler named Carla Haley, and had three children, John and his two sisters. Haley's father was a rancher. "I like to think of my forefathers as being gunslinging, wild West types," Wiebenson laughs.

His mother died when he was three. His father, who didn't remarry until Wiebenson was in college, ran a flexible home geared toward fostering his children's independence. "If we wanted to study, that was good or if we wanted to do something else, that was fine too," Wiebenson says. "He was just sort of sympathetic with whatever our own personal interests were." Wiebenson's interests veered toward tractors and chickens and turkeys, and helping his grandfather put up hay with horse-drawn sleds. He used to weld, too: giant Calder-like steel sculptures with an acetylene torch in the old barn on his grandfather's property. He loved that barn, the sight of raw beams and the cavernous rooms.

"You see the whole space, but you also see the pieces that break the space down. Barns speak of what they're made of, and that very act of construction is stimulating to the eyes and the brain. They're just very honest—the act of construction is the design.

"That's what's so poor about so much of this 20th-century East Coast architecture. By the time it's complete, all the inside structure is hidden."

Wiebenson was sent to high school at a small Colorado military school because the curriculum was more worldly than the local public school. There he reveled in taking jumps on horseback and stabbing dummies with sabers—old warfare practices then taught to military students. He also developed a passion for physics: "Oh yea, I discovered that solving problems and puzzling over the relationships of physical objects is just a lot of fun. But I soon discovered that to be a physicist you have to do an awful lot of fiddling with things in a very prissy way that I don't find easy to do. It's the difference between, say, rough carpentry and fine cabinetmaking. I'm afraid I'm more of a rough carpenter."

Between horsy games and beating around the Colorado hills in his 1936 Ford roadster, Wiebenson managed to ace his classes and get accepted at Harvard. He says making the decision to go there was easy: "I looked at a map and saw that one of the furthest places you could get from Colorado was Massachusetts. It was almost a whole continent away." After a boyhood spent in a dry and desolate landscape, Wiebenson was captivated by East Coast cities crammed with people, the rhythm of rowhouses, and a climate thick with damp air. "I couldn't get over the idea of a city," Wiebenson says, his eye popping out like a child at show-and-tell. "That you could go to a movie or you could go for a walk and there would be lights and there would be dense rowhouses alive with bustle and activity."

McInturff relays that the one-time country boy became the quintessential urban animal. "When you go for a walk with Wieb, you don't walk in the street, you walk in the alleys. He likes the backs of buildings. He says it's a livelier sort of visual stimulus. He doesn't subscribe to a newspaper because he believes in the ritual of going out to get a newpaper. The city is at the core of his existence; he uses the city in probably the most complete way of anybody I know.

"You know, he hasn't changed one bit since when I first met him in 1968—the way he dresses or the way he is. There's something historically hip about Wieb."

After college, he was drafted into the U.S. Army and sent to a base near Monterey. He hated the army, but spent that formative period of his youth hitchhiking along the California coast and mingling with the colorful tribes of San Francisco and Berkeley. Those were the pre-hippie days of the Beats.

Was the Wieb a Beat?

He cracks up. "No, I was a GI. I couldn't be walking around in a raggedy sweatshirt, I had to wear a uniform and polish my boots. The army was awful. I had this terrible fear—supposing I died and then maybe my family would think that they should bury me in my uniform and I would have to be in it forever." As soon as his term was over, he headed back to Cambridge and enrolled in Harvard's architecture program in the Graduate School of Design. "I really like college towns," he says. "They're a high point of civilization.

Armed with a master's degree in architecture, he again got a hankering to "travel to the furthest point in the country from where I was." So he ping-ponged back to the Bay Area, and over the next several years Wiebenson worked for about a dozen different firms, some big and fancy such as Skidmore Owings & Merrill, and others small and fancy such as Charles Moore. At one point, he started up his own partnership specializing in houses. In the spectacular terrain surrounding San Francisco, his small firm called Agora—Portuguese for "space"—did things like redwood tower houses wedged between trees. He became entrenched in the California school of wrapping architecture around nature. Wiebenson calls Moore, the 1991 American Institute of Architects Gold Medal recipient for outstanding contributions to the profession, a mentor: "Because he looked at architecture as an expression of cheerfulness and joy."

By 1967, when the Bay Area rocked with protests, Wiebenson was recruited by John Hill, the founding dean of the University of Maryland architecture school, to become one of its first faculty members. He got more action than he could have ever imagined. As his first major project in town, Wiebenson headed up a team of architects as the master designer and planner of Martin Luther King, Jr.'s Resurrection City. It was the last stop of King's Poor People's Campaign, just weeks after his assassination.

King had a plan that he hoped would force the federal government to take notice of the nation's poverty. He brought poor people from across America to Washington to set up temporary housing on the Mall, smack in Congress' backyard. For Wiebenson, working with the carpenters, plumbers, and electricians on the construction of plywood tents for some 2,800 inhabitants was a logistical nightmare. But, as he says, "I loved the turmoil of putting a city on the Mall and doing it for a higher purpose."

Former students at the University of Maryland say Wiebenson's role at Resurrection City and his commitment to social architecture greatly enlarged their view of the profession. They remember that this laid-back "even slightly ratty looking" character who drove around campus in an old Volkswagen and wore tiny John Lennon glasses taught them to be motivated by the integrity of a project, not the size of commissions.

It was during the height of political ferment in Washington that he married Abigail Bayles, the daughter of proper Episcopalians from Pittsburgh. A Smith College graduate, Abigail had been teaching school outside San Francisco. Their first encounter was unforgettable: "I thought he was the most peculiar man I had ever met," says Abigail, an effusive, striking woman with sculpted cheekbones and a rich contralto voice. "He got out this National Geographic, and he was telling me how he hadn't traveled much. He would turn a page and say 'I want to go there,' turn the next page and say, 'I want to go there.'" She erupts in a great gale of laughter. "He really was odd, but there was something appealing about him."

On her way back to California, she stopped in Washington at Wiebenson's invitation. Having seen her only three times before in his life, he proposed. That was August, and they were married in October. She was 28, and he was 36.

One tradition that has sprung up over the years gives an example of their nonconformist family life. "Wild Man Night" is a primitive feast that has taken place with the regularity of a Sabbath ritual. When his three boys were very young and turned off to table manners, Wiebenson initiated a policy that on Friday nights all etiquette rules would be shoved aside. He would grill steaks and potatoes, and the boys could eat everything with their hands. "The boys' friends used to live to be invited to our house for Wild Man Night," says Abigail.

"Wieb is absolutely idiosyncratically Wieb and the world has to adjust to him. He certainly is not going to adjust to the world. The only hard part comes when you just sort of say to him 'God, Wieb, couldn't you just be normal for once?'"

The uncompromising steak can make him challenging to work with, remembers Gretchen Fox of the Don't Tear It Down days. "I don't think Wieb has ever compromised on anything in his life that he believes in strongly, and as a result, he can be very hard to work with."

His unwillingness to conform has even cost him jobs. Ken Jadin, an architecture professor at Howard University who served as vice-chairman of the Resurrection City planning committee, tells this story of the big fish that got away: "During the '70s Wieb and I were asked to do a proposal for an urban design contract out in Greenbelt," Jadin starts out. "Wieb wrote the proposal, and he has a very unpretentious vocabulary, very simple. Well, the head of planning for this project said our proposal didn't have the professional image he was after. We asked him what that meant and he said 'You say things like, we're going to go and talk to people and find out what they want and need. And all the other firms said we are going to engage in professional dialogue and arrive at a formulation of goals and strategies.'" Jadin cracks up laughing. "When he told Wieb this on the phone, Wieb just said, 'Okeydokey' and he hung up."

Wiebenson explains that refusing to bend to others' expectations provides a buffer to potential problem clients. "The rustic office and my informal dress, this is how I'm the most comfortable and the most honest to myself. And I wouldn't want to dress up just to try and fool people into thinking I'm someone else."

As McInturff puts it: "He knows he deserves major commissions but he's unwilling to do what in this town would result in those commissions. He's not a club member. He's not a networker. He's not a schmoozer."

In the wake of his long-running Old Post Office-Pennsylvania Avenue crusade, Wiebenson was asked to be part of a team tapped to design the Takoma School, a D.C. public grade school facility in Takoma Park. Wiebenson was instrumental in saving existing trees and pioneering new building concepts. The school's large exterior tiles of suns and globes and animals are Wiebenson's invention. So was the huge snake coiled in bright colors on the Horace Mann School playground. He is currently working on new buildings for the Langley High School in McLean where, following Thomas Jefferson's layout for the University of Virginia, he has utilized canopies to shelter the walkways between buildings.

His longest running project is his own S Street home, a virtual indoor treehouse of Douglas Fir posts with a threestory atrium. This house he's been working on for 17 years is a mirror of Wiebenson himself—playful and full of eccentric surprises. The tiniest of bathrooms is wedged under the narrow stairs leading to rough cross beams perched above the living room like something out of Robinson Crusoe. Closets cantilever over the clerestory space, the roof garden is overgrown with raspberries, grapevines, and wisteria. Funky Wieb memorabilia is everywhere—an old cane collection in the corner of the master bedroom, a horse collar tacked near the fireplace, pictures of the strapping Wiebenson sons, now ages 18, 17, and 12, decked out in Davy Crockett gear. "The concept of this house and the atmosphere he creates here—that's really the most important thing in his life," says Abigail.

Early in their marriage, Abigail was baffled by his refusal to play the corporate game that would have expedited his ascent. One night, she finally demanded to know what guided his professional strategy: "He said, 'The only thing I really care about is having enough work that I can make money to take care of my family, and having the kinds of jobs where the second one isn't the same as the first.'"

Wiebenson's philosophy hasn't changed much over the 20-odd years since he made those remarks. He still likes the anonymity, and he's proud of not being an architect of the Washington name-brand variety.

"I think it's sufficient that I know what's mine. I'd rather go down the street as just another human being without being disturbed by people saying, 'There goes John Wiebenson, who did that building.' I think all to often you pay a penalty for that kind of stuff. I should be mature enough to enjoy the accomplishment without having the adulation. Right? Shouldn't architects be able to do that?"•

HONORING BROOKS STEVENS

• Mr. KASTEN. Mr. President, all of Wisconsin joins me in wishing a happy 80th birthday to one of our most distinguished citizens—Brooks Stevens of Milwaukee.

For the past half century, the inspired vision of Brooks Stevens of the Milwaukee Institute of Art and Design has enriched Wisconsin's image and reputation as a worldwide leader in business and industrial innovation.

Let me say how proud we all are of Brooks and his achievement. He has made the lives of millions more exciting.

I share the hope of countless Wisconsinites that the Brooks Stevens Design Center will continue his excellent work—and join in sending my warm regards on Brooks's 80th birthday.•

LANGUAGE BARRIERS

• Mr. SIMON. Mr. President, there is a growing realization in the business community that American education is going to have to pay more attention to foreign languages.

But the needs are in a variety of areas, as I have pointed out before on this floor.

One of these are highlighted in a story in USA Today written by Sharon Donovan with the heading: "Language Barriers Hinder Health Care."

What her article says is that, literally, lives are at stake because people cannot communicate.

We ought to be assisting those who live in our country who cannot speak English to learn the language, but we also ought to be assisting Americans to become fluent in other languages so that we can communicate for business reasons, for security reasons, for cultural reasons and, as this article illustrates, for health reasons.

I ask that Sharon Donovan's article be printed in the CONGRESSIONAL RECORD.

The article follows:

LANGUAGE BARRIERS HINDER HEALTH CARE

(By Sharon Donovan)

NEW ORLEANS.—U.S. hospitals are being flooded with immigrants who can't speak English well enough to communicate what's wrong with them and aren't getting adequate treatment, doctors reported at a weekend meeting.

"Without getting an accurate reading, doctors are shooting in the dark and relying on batteries of tests," says Dr. Eric Hardt, Boston City Hospital. This delays treatment and adds to costs, says Hardt, who spoke at the meeting of the American College of Physicians.

Dr. Robert Putsch, University of Washington, agrees. "Words English-speaking patients throw around to describe conditions, like hypertension or allergies, often do not have equivalents in languages such as Vietnamese."

Census figures show the U.S. population grew by 24 million from 1980 to 1990, including 8 million immigrants, two thirds from Latin America and Asia. No data exist on how many hospitals provide interpreters, Hardt says, but in 1990, his hospital used interpreters 17,600 times for 24 languages.

The Joint Commission on Accreditation of Hospitals also recently adopted rules requiring help for patients with language barriers.

Hardt says more hospitals must recruit bilingual and bicultural staff and provide interpreters trained in cultural issues. Also, he says, costs should be reimbursable and covered by insurance.•

RULES OF PROCEDURE OF COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

• Mr. BURDICK. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate I submit the rules of procedure for the Committee on Environment and Public Works for the 102d Congress.

The rules follow:

RULES OF PROCEDURE OF THE COMMITTEE

Rule 1. Regular Meeting Days: The regular meeting day of the committee shall be the first and third Thursday of each month at 10:00 A.M., except that if there be no business before the committee, the regular meeting shall be omitted.

Rule 2. Committee Meetings: Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman, after consultation with the ranking minority member. Subcommittee meetings shall be called by the chairman of the respective subcommittee, after consultation with the ranking minority member. Notice of a meeting and the agenda of business to be discussed by the committee will be provided to all members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking minority member. Such 24-hour notice may be waived in an emergency by the chairman, with the concurrence of the ranking minority member.

Rule 3. Open Committee Meetings and Legislative Mark-up Sessions: Meetings of the committee, including hearings and legislative mark-ups, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of rule XXVI of the Standing Rules of the Senate (as amended by Senate Resolution 9, 94th Congress).

Rule 4. Presiding Officer: (a) The chairman shall preside at all meetings and hearings of the committee except that in the absence of the chairman the ranking majority member who is present at the meeting shall preside.

(b) Subcommittee chairmen shall preside at all meetings and hearings of their respective subcommittees, except that in the absence of the subcommittee chairman, the ranking majority member of the subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed by subsections (a) and (b), any member of the committee may preside over the conduct of a hearing.

Rule 5. Quorums: (a) Except as provided in subsections (b) and (d), five members, two of whom shall be members of the minority party, shall constitute a quorum for the conduct of business, except for the purpose of reporting any measure or matter.

(b) Quorums for the conduct of business by the subcommittees shall be a simple majority of the membership of the subcommittees with at least one minority member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business, the committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 6. Proxy Voting: (a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the committee or any subcommittees. Any member who is unable to attend the meeting may submit a vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent committee member has been informed of the matter on which the vote is being recorded and has affirmatively requested that such vote be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the chairman, after consultation with the ranking minority member, members who are unable to be present and whose vote has not been cast by proxy may have their positions recorded on any vote on the same business day so long as the vote will not change the outcome.

Rule 7. Public Announcement of Vote: Whenever the committee, by rollcall vote, reports any measure or matter, or acts upon any measure or amendments thereto, the report of the committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

Rule 8. Announcement of Hearing: The committee, or any subcommittee thereof, shall make public announcement and provide notice to members of the date, place, time, and subject matter of any hearings to be conducted on any measure or matter, at least one week in advance of such hearing, unless the committee chairman, or subcommittee chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin such hearing at an earlier date in which event not less than twenty-four hours notice shall be given.

Rule 9. Statements of Witnesses at Hearings: (a) Each witness who is scheduled to testify at any hearing of the committee, or any subcommittee thereof, shall file a written statement of proposed testimony not later than noon of the last business day preceding the day on which such witness is scheduled to appear. At the time of appearance, each witness shall supply for the use of the committee or subcommittee, 25 copies of any prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness confine any oral presentation to a summary of a written statement.

Rule 10. Regularly Established Subcommittees: The committee shall have five regularly established Subcommittees as follows:

Subcommittee on Water Resources, Transportation, and Infrastructure

Subcommittee on Environmental Protection

Subcommittee on Superfund, Ocean and Water Protection

Subcommittee on Nuclear Regulation

Subcommittee on Toxic Substances, Environmental Oversight, Research and Development

Rule 11. Subcommittee Membership: Following consultation with the Majority Members and the Ranking Minority Member of the Committee, the chairman shall announce selections for membership of the subcommittees referred to in Rule 10.

Rule 12. Environmental Impact Statements: No project or legislation proposed by the Administration shall be approved or other action taken on such project or legislation unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

Rule 13. Project Approvals: (a) Whenever the committee authorizes a project, under Public Law 89-298, Rivers and Harbors Act of 1965, Public Law 83-566, Watershed Protection and Flood Prevention Act, or Public Law 86-249, Public Buildings Act of 1959, as amended, the chairman shall submit for printing in the Congressional Record, and the Committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(b) Proponents of committee resolutions shall submit appropriate evidence showing need for review or reports on river and harbor and flood control projects.

Rule 14. Naming of Public Facilities: No building, structure or facility authorized by the committee, shall be named for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

Rule 15. Building Prospectuses: (a) The committee shall act on all prospectuses for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition submitted by the General Services Administration in accordance with section 7(a) of the Public Buildings Act of 1959, as amended, and such action shall be completed by the date of May 15 during the same session in which such prospectuses are submitted to Congress. The committee may consider prospectuses submitted for alterations or repairs necessitated by emergency building conditions at any time during the same session of the Congress in which they are submitted. Prospectuses rejected by majority vote of the committee or not contained in any bill reported to the Senate shall be returned to the GSA and must then be resubmitted in order to be considered for action by the committee during the next session of the Congress.

(b) Reports of building project surveys submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, shall not be considered by the committee as being prospectuses subject to approval by committee resolution in accordance with section 7(a) of that Act. Projects described in such survey reports shall be considered for committee action only if they are submitted as prospectuses in accordance with section 7(a) and they shall be subject to the provisions of subsection (a) of this rule.

Rule 16. Broadcasting of Hearings: Public hearings of the committee, or any subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the chairman through the chief clerk. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or staff on the dias, nor with the orderly process of the hearing.

Rule 17. Amendment of Rules: The rules may be added to, modified, amended, or suspended by a majority of the Committee Membership.•

NUREMBERG REUNION

• Mr. BOND. Mr. President, I rise today to recognize the former members of the staff of the United States for the prosecution of the major German war criminals before the International Military Tribunal and the 12 subsequent trials at Nuremberg, Germany, at the end of World War II. This group recently held their reunion in Washington, DC, at which time they drafted a resolution outlining the action they felt should be taken against Saddam Hussein and his associates in the invasion of Kuwait.

Mr. President, I ask that the resolution as drafted by the following members: Smith W. Brookhart, Nicholas Doman, Daniel F. Margolies, Charles A. Horsky, Walter J. Rockler, Henry T. King, Jr., Benjamin B. Ferencz, Walter E. Brudno, and Whitney R. Harris, be printed in the RECORD.

The resolution follows:

RESOLUTION

Recalling, that the Charter and Judgment of the International Military Tribunal declared that individuals found guilty of crimes against peace, war crimes or crimes against humanity are punishable regardless of their official positions, and noting that the General Assembly of the United Nations, of which Iraq is a member, has affirmed unanimously the principles of International Law recognized the Charter and Judgment of the International Military Tribunal, and

Noting, that the Geneva Conventions of August, 1949, to which Iraq is a signatory, set forth explicit restrictions upon, and requirements for treatment by, belligerents of prisoners of war, hostages and civilians and prohibit destruction of property not justified by military necessity, and

Believing, that there is substantial credible evidence that the leaders of Iraq have planned, initiated and waged Aggressive War against Kuwait and that, in the course of that war, they and numerous individuals have committed acts declared to be crimes under principles of International Law, have violated the provisions of the Geneva Conventions and have breached obligations imposed upon them as members of the United Nations,

Convinced, that failure to investigate, prosecute and punish the perpetrators of these crimes would seriously diminish the stature of the United Nations and undermine International Law as a force for prevention of Aggressive War and related crimes,

Urge, that the United Nations, the United States and its coalition partners and all peace-loving nations take all appropriate action to investigate, indict, prosecute and punish those Iraqi nationals who have planned and prosecuted an Aggressive War against Kuwait or committed War Crimes or Crimes Against Humanity in the course of that war in violation of the Nuremberg Principles, the United Nations Charter, the Security Council Resolutions or International Conventions of which Iraq is a signatory.

Adopted at a reunion held in Washington, DC, March 23, 1991.•

EUROPEAN COOPERATION—A SECOND OPPORTUNITY FOR THE UNITED STATES

• Mr. SIMON. Mr. President, one of the most thoughtful members that I served with in my 17 years in Congress was Henry S. Reuss, the Congressman from Wisconsin who chaired the House Committee on Banking, Finance and Urban Affairs. At one point, he also was chairman of the Joint Economic Committee.

Recently, he gave a talk before the American Society of International Law, which was meeting on the general topic of regionalism. His suggestion of using the Conference on Security and Cooperation in Europe [CSCE] much more, so that we involve Eastern Europe in the process of establishing a world of greater stability, makes much sense.

Our colleague, Senator JOE BIDEN, has suggested much the same.

The former Congressman also suggests merging the Organization for Economic Cooperation Development [OECD] into the CSCE.

Once again, not to anyone's surprise who has known Henry Reuss, he comes up with a very practical device to inch us in the right direction.

I urge my colleagues to read the Reuss remarks, which I ask to have printed in the RECORD.

The remarks follow:

EUROPEAN COOPERATION—A SECOND OPPORTUNITY FOR THE UNITED STATES?

(Remarks of Henry S. Reuss at American Society of International Law, Mayflower Hotel, Washington, DC, April 16, 1991)

Globalism and regionalism, says the title of this conference, which horse should we back? In fact, we've currently got bets on both. What could be more global than a revived UN and a New World Order? What more regional than free trade area agreements, in esse with Canada and in posse with Mexico?

The truth is that we should not be compelled to choose between globalism and regionalism. Instead, we should seek opportunities where elements of both can be combined to work toward a peaceful and cooperative world order in which trade and investment can thrive.

Such an opportunity, I believe, is now presented by the possibility of new institution-building in Europe, both West and East. Here, in this century, was the scene of two World Wars and a Cold War, and of our backing of the Marshall Plan, NATO, and the European Community. Here, today, is turbulence—in the West, a united Germany and an accelerated movement toward unity; in the East, disentegration in the Soviet Union and Yugoslavia and perhaps elsewhere, birth pangs of democracy everywhere, the economic strains of transition to free markets, ethnic turmoil.

The United States, preoccupied since last August by the War in the Gulf, has seen its European influence and interest at its lowest level in 50 years. Of course our predominant role of earlier decades is not needed or wanted. But modesty does not require us to become irrelevant. We have done too little to build an institution that could help to keep burning the liberating flame lighted in Eastern Europe in 1989.

Happily, such an institution lies ready at hand in the Conference on Security and Cooperation in Europe, founded at Helsinki in 1975 and made up of the 32 countries of west and east Europe, plus ourselves and Canada. The Paris summit meeting of CSCE in November, 1990, modestly upgraded the organization, giving it a non-elected parliamentary assembly (whose 245 members have just held their first session in Madrid). There will shortly be a CSCE secretariat in Prague, an election-monitoring office in Warsaw, a cooperative venture in human rights with the Council of Europe in Strasbourg, and a conflict-prevention center in Vienna.

But the Administration is reluctant to breathe additional life into CSCE. This derives not only from our preoccupation with the Middle East but from our nostalgic hope that a U.S.-led NATO, for 40 years the container of Soviet aggression in Europe, will somehow find a new mission—much as the March of Dimes kept right on going after the collapse of polio.

We would be much better off if we forgot about U.S. hegemony in Europe, let NATO recede to its diminished role, and used the existing CSCE building-blocks to transform CSCE into an effective instrument. A U.S. scenario for strengthening CSCE might include two central points:

1. For economics, merge the Organization for Economic Cooperation and Development into CSCE. The 30-year-old Paris-based OECD has done good work, but without membership from the East it misses the chance for the greatest venture in cooperation since the Marshall Plan. For its part, the CSCE, if it is to carry out its economic mission, needs the aid, advice, and coordination which OECD is uniquely equipped to give. To complete the Marshall Plan analogy, the wealthier OECD countries would provide the coordinated aid which the U.S. alone was able to offer in the Marshall Plan; and the poorer Eastern European countries would be asked to plan their economic futures jointly, as the war-ravaged Western European countries were asked to do in 1949. It should be remembered that General Marshall asked the countries of Eastern Europe also to participate in the Plan, and that they were in the act of accepting when Stalin intervened. Now is our second opportunity, and we should not miss it.

Merger of OECD into CSCE offers two additional advantages. It would bring into the Helsinki group the Pacific democracies of Japan and Australia/New Zealand, long-time OECD members. A CSCE concerned with a Europe stretching from Iceland to Vladivostock needs outriggers not just in a U.S./Canada Atlantic but in a Pacific equally able to provide examples in economics and democracy. Eastern Europe, commendably, does not want to live by bread alone; but it does need bread, and Japan, defensive about its modest role in the War in the Gulf, is in a good position to give it.

A second advantage of an OECD-CSCE merger would be to lessen the bureaucratic duplication and turf-fighting inherent in two organizations with the same economic mission, as is the case today.

2. For democratic participation, make the new CSCE parliamentary assembly directly elected. The new 34-nation "legislature" of government appointees set up by the Paris summit is doomed to fatuity unless it is altered so that the representatives are chosen by the people themselves. Only when the European Community's Parliament was changed from a bureaucracy into an elected parliament ten years ago did the Community begin to move. Powers of such an elected CSCE assembly could initially be simply over the organization's budget, but could be expanded as experience justified. Popular election to the CSCE assembly would bring special benefits to the people of the Eastern European countries—a standard of democratic electoral procedure, and an incentive to look outward from narrow national borders.

With its secretariat in Prague, its conflict-prevention center in Vienna, its elections office in Warsaw, its human rights monitor in Strasbourg, its economic office in Paris, and its elected parliament rotating for the time being, the Organization (no longer just Conference) on Security and Cooperation in Europe would be ready for real business. And the U.S. would be placing its bets for a New World Order not on obsolescing NATO but on a coalescing CSCE.•

THE KANSAS STATE UNIVERSITY DEBATE TEAM

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 120, a resolution commending the Kansas State University debate team, submitted earlier today by Senators DOLE and KASSEBAUM.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 120) to commend the Kansas State University debate team.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 120

Whereas all Kansans can take pride in the achievements of the Kansas State University debate team—thirteen of the fourteen team members are Kansas residents who have graduated from Kansas high schools.

Whereas the undefeated team of Richard McCollum and David Filippi won the national title by defeating the University of California at Los Angeles in the final round of the National Cross Examination Debate Association.

Whereas the team set the national record for the highest total wins at individual tournaments during the season.

Whereas six teams were successful in qualifying for the elimination rounds.

Whereas Martin Horn and Dan Molden were selected for the roster of the top ten individual speakers during the tournament, along with Richard McCollum and David Filippi.

Whereas this championship is one in a long line of recent accomplishments for the students at Kansas State University.

Whereas Kansas State ranks in the top 1 percent of all U.S. universities, public or private, in the number of students to receive Rhodes scholarships.

Whereas Kansas State is the only public university to have two Rhodes scholars in 1990 and two Marshall scholars in 1991.

Whereas Kansas State is also first in the Big Eight in the number of Marshall scholars over the past 10 years and tied for first place for the highest number of Truman scholars.

Whereas Kansas, and the Nation, will continue to benefit from the continued commitment to excellence at Kansas State University: Therefore, be it

Resolved, That today the United States Senate pays tribute to the Kansas State University debate team, winners of this year's national debate championship.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INFANT MORTALITY AWARENESS DAY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 194, a joint resolution designating May 12, 1991, as "Infant Mortality Awareness Day," just received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 194) designating May 12, 1991, as "Infant Mortality Awareness Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SHELBY. Mr. President, I rise today to support legislation regarding the Nation's infant mortality rate. I am pleased that my colleague from Alabama, Mr. HARRIS, has introduced this legislation in the House of Representatives.

This legislation will designate Mother's Day, May 12, 1991, as "Infant Mortality Awareness Day." It is my hope that this legislation will make more Americans aware of our Nation's deplorable infant mortality rate. I believe that our educational efforts are helping. In the past year, our national rate of infant mortality has improved. It is my hope that this year, our Nation will continue this progress.

My home State of Alabama has consistently been one of the States with the highest infant mortality rates in the Nation. I am troubled by the fact that in the past 5 years the infant mortality rate in Alabama has exceeded that of many Third World nations. It is my hope that the passage of this measure will encourage more individuals in my State and elsewhere to dedicate themselves to saving infants and their mothers. It is alarming that so many babies continue to die needlessly in a Nation of such immense wealth. On Mother's Day this year, I would like for more people to be mindful of the importance of the birth of healthy babies to healthy mothers.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 194) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. METZENBAUM. I move to reconsider the vote.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STAR PRINT OF S. 279

Mr. METZENBAUM. Mr. President, I ask unanimous consent that S. 279 be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican leader, pursuant to section 2553 of Public Law 101-647, appoints Mr. Neal S. McCoy, of Virginia, to the National Commission on Financial Institution Reform, Recovery, and Enforcement.

RECESS UNTIL TOMORROW

Mr. METZENBAUM. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as under previous order until 12 noon, Wednesday, May 8.

There being no objection, the Senate, at 6:16 p.m., recessed until Wednesday, May 8, 1991.

EXTENSIONS OF REMARKS

ANALYSIS OF THE PROBLEMS FACING THE MEXICO-UNITED STATES-CANADA FREE TRADE AGREEMENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RICHARDSON. Mr. Speaker, the free-trade agreement with Mexico will have a significant impact on the economy of New Mexico. I have been closely monitoring the proposed talks, and fully support fast track procedures for negotiating the United States-Mexico-Canada accord. However, there have been concerns expressed to me about issues which are not on the negotiating agenda, such as energy. Mr. Ron Merrett, director of the Office of Interstate Natural Gas Markets for the New Mexico Department of Energy, Minerals, and Natural Resources testified before the Ways and Means Subcommittee on Trade last month. In his testimony, Mr. Merrett outlines the energy issues of concern. I urge my colleagues to carefully review Mr. Merrett's testimony as the United States negotiating positions are formulated in both the executive and legislative branches.

STATEMENT OF MR. RONALD H. MERRETT

Mr. Chairman and Members of the Committee my name is Ronald H. Merrett. I am the Director of the Office of Interstate Natural Gas Markets of the New Mexico Department of Energy, Minerals and Natural Resources. I would like to thank you for the opportunity to present the views of DEMNR on the negotiation of a free trade agreement between the United States and Mexico.

The DEMNR has regulatory authority over oil and natural gas drilling and production in the State of New Mexico. The Secretary of the DEMNR is appointed by the Governor and serves as a member of the Governor's cabinet. The DEMNR promotes production of New Mexico's energy resources and supports measures which enhance the wise use and balanced conservation of those resources. New Mexico is a major producer of clean, domestic natural gas, and production from the state serves distribution companies, consumers and industrial markets in California, and throughout the southwest and midwest regions of the United States.

A free trade agreement with Mexico will have a significant impact on the economy of New Mexico. This impact is especially critical for the energy sector of the State's economy. Not only will an FTA directly affect energy production in New Mexico—especially oil and natural gas—but, energy consumption patterns could be altered substantially as other industrial sectors expand or contract their domestic operations as a result of marketing opportunities, or lost markets, under an FTA. These implications for the economic welfare of the state of New Mexico energy industries warrant the full consideration of energy issues at the earliest stage of negotiations for an FTA.

We understand that no decision has been made regarding the inclusion of energy as an issue for consideration or negotiation in the talks between the U.S. and Mexico. The DEMNR urges the immediate inclusion of energy issues in the talks. We also urge the establishment of a formal task group comprised of U.S. energy producers, pipelines, marketers, local distribution companies, refiners, state regulatory agencies and others to works directly with U.S. negotiators to ensure full consideration of vital energy issues in the FTA process. We need only to review the history of the U.S./Canada FTA to realize that energy must be on the table now.

In the talks leading to the U.S./Canada FTA, energy was largely ignored until the very final stages of the negotiations. Even then, energy was treated, as an editorial in the January 17, 1990 issue of Natural Gas week describes, as a "Johnny-come-lately" issue. I ask that a copy of this editorial be included in the record of this hearing. The result, of course, is that many U.S. natural gas producers feel that they got the short end of the stick on energy trade provisions. The bad feeling over the mistreatment of energy issues in the U.S./Canada FTA process still lingers, causing needless friction and controversy. In fact, the continued and growing controversy over rates for transportation of Canadian natural gas to U.S. markets threatens both U.S. and Canadian producers and continues to be a thorn in the side of U.S./Canadian relations.

The impact of a U.S./Mexico FTA on energy is too large to ignore energy issues in its negotiation. A number of critical issues must be addressed. Foremost is the issue of subsidies and unfair price discrimination. The government of Mexico provides deep subsidies to its natural gas producers. U.S. producers could be placed at a major disadvantage if this issue is not addressed in the FTA. New Mexico, which sells 80 percent of its natural gas into the California market, is deeply concerned that unless addressed this issue could stimulate bitter acrimony between the U.S. and Mexico.

Similarly, under Mexico's two tier pricing system, Mexico's energy monopoly, Pemex, sells natural gas domestically at prices far below the world market. We are concerned that artificially low priced natural gas could lure U.S. customers to Mexico and away from current U.S. suppliers. Today 80 percent of the gas produced in New Mexico is sold in the California market, much of which could be vulnerable to Mexican competition. We cannot ignore the imbalance that could result if U.S. producers, subject to world market competition, are suddenly exposed through the FTA to artificially low priced competition.

This issue of pricing discrepancies cannot be ignored. Also important is whether the FTA will address the current Mexican prohibition against foreign investment in Mexico's domestic energy industry. Joint ventures and long-term leases are just two of the approaches that can be taken consistent with Mexican energy security and the legitimate interests and expertise of U.S. investors and companies. The FTA talks must address this issue or opportunities for fair and truly free energy trade will be lost.

As mentioned previously, the DEMNR recommends that producers, pipeline, marketers, local distribution companies, refineries, and state regulatory agencies should be invited to become active participants in the FTA talks. We further recommend that the following issues be placed on the table for immediate discussion:

Mexican restrictions on foreign investment in Mexico's energy sector and whether joint ventures, long-term leases and similar mechanisms will be permitted so that the expertise and financial resources of U.S. investors can be brought to bear to stimulate untapped potential.

Whether U.S./Mexican energy trade will take place in the context of competitive markets or unfair subsidies.

A dispute resolution mechanism must be developed which clearly states which segment of the United States federal government will resolve any disputes arising between the U.S. and Mexico related to energy issues. The failure to make such a designation has been a source of problems between the United States and Canada.

We urge the Congress to support these policy objectives. The war in the Mid-East has again forced us to focus on issues related to U.S. national energy security. We have an unprecedented opportunity to structure a North American energy market which would provide major benefits to the U.S., Canada and Mexico. We could very well forfeit this opportunity if the current talks continue to exclude energy issues.

Thank you for the opportunity to present our views. I will be happy to answer any questions.

NEW MEXICO WANTS ENERGY IN TRADE TALKS

(By John H. Jennrich)

When the U.S.-Canada Free Trade Agreement (FTA) surfaced in 1988, it was presented to Congress on a fast-track basis that required an up-or-down vote with no line-item alterations.

Although the FTA had been in negotiations before then, private interest groups were not privy to much of this discussion. And when the treaty agreement became better known, it was too late for substantive changes. One result: Some U.S. natural gas producers felt they got the short end of the stick on the energy trade provisions.

Now, at least one state—New Mexico—has taken action to see that its producers won't be caught in the same trap in the U.S.-Mexico FTA talks. Pipeline manufacturers also have put in their bits, and so have two environmental groups.

The background is short and simple: Last Sept. 9, Mexico's President Salinas formally requested that the U.S. and Mexico begin negotiations on a Free Trade Agreement. Twenty days later, President Bush notified Congress of his intent to enter into trade negotiations with Mexico.

At the same time, the House Ways and Means Committee and the Senate Finance Committee asked the U.S. International Trade Commission (ITC) for information on the implications of this FTA. On Oct. 17, the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ITC published a *Federal Register* notice seeking comments with a deadline of Nov. 26, later extended to Dec. 11. The ITC report to Congress is due Feb. 1.

More than 100 comments were filed, nearly all on non-energy subjects such as trade in agricultural and glass products and color televisions. Only three seemed directly to touch on natural gas and oil trade, and only the comments of New Mexico's Department of Energy, Minerals and Natural Resources specifically sought to include natural gas trade and projects in the negotiations.

As it stands now, the Mexican constitution prohibits foreign investment in petroleum operations. Thus far, the Mexican government has said that energy issues will not be on the bargaining table.

However, Ronald H. Merrett, director of the New Mexico energy department's Office of Interstate Natural Gas Markets, told me that his group had heard from "private individuals" that "maybe the Mexican [petroleum] industry was not totally set against energy coverage in the agreement."

Thus, Merrett says, "we felt it appropriate to raise this issue [because] we have a great deal to gain, or there could be certain risks."

The bottom line, he says, is that New Mexico wants to "get in on the ground floor" in the U.S.-Mexico talks, unlike its Johnny-come-lately position on the Canadian negotiations.

While Merrett has some areas of concern, he says he has not formed specific bargaining positions, in part because a new State administration comes in on January 1 and in part because his purpose now is to just get a place at the negotiating table.

As with Canada, New Mexicans are worried that less-expensive Mexican gas will come into the United States. He says the Mexican government's subsidies insulate Mexican natural gas from the rigors of the market, and that U.S. gas buyers could turn to supplies from south of the border. Merrett notes that 80% of New Mexico's natural gas goes to California, which shares a border with Mexico as does New Mexico. In addition, he worries that industrial buyers of New Mexico's gas could migrate to Mexico. Merrett also favors allowing New Mexico's petroleum industry an opportunity to do business in Mexico.

New Mexico's comments to the ITC were prepared and filed by law firm Katten Muchin Zavis & Dombroff and its affiliated Legislative Strategies Inc., which had advised Merrett to get in on the process as early as possible.

In the formal submission, New Mexico's energy department says that the U.S. should "not agree" to excluding energy from the talks, calling such an exclusion "short-sighted."

New Mexico also says that manufacturers in Mexico "enjoy a pricing mechanism" in which Pemex, the government oil and gas monopoly, sells energy for domestic use at prices below the world market. Merrett says a "fundamental issue arises" in how to address the pricing discrepancies between the U.S. and Mexico. "Unless the Mexican government's subsidized pricing scheme is addressed in a straight-forward manner," says Merrett, "United States energy producers will be unduly disadvantaged as their industrial markets relocate."

Merrett also suggests joint ventures in energy projects, perhaps as a way "to recognize Mexico's fundamental policy of protecting ownership of its valuable natural resources and at the same time open the Mexican oil and natural gas industry to the expertise, equipment and capital available in the United States." He says the FTA talks should include "[d]evices other than foreign ownership, such as joint ventures and long-term lease arrangements."

In the U.S.-Canada talks, energy was not a big issue overall for the negotiators. But in talks with Mexico, says Merrett, the U.S. team "should include individuals with a broad, in-depth understanding of the economic forces driving the domestic natural gas and oil industry." He adds that "producers, pipelines, marketers, local distribution companies, refineries, [and] state regulatory agencies . . . should be invited to become active participants with federal government officials" in the FTA talks.

In other comments, the Committee on Pipe and Tube Imports, represented by lawyer Roger B. Schagrin, seeks immediate elimination of tariffs on all pipe and tube products rather than phased-out tariffs as agreed to with Canada. It also would eliminate "restrictive Mexican government procurement laws and practices" to "ensure U.S. goods equal access to all Mexican markets, including State-owned companies." Behind this is the fact that Pemex is the largest purchaser of pipe in Mexico.

Finally, Friends of the Earth filed comments by the National Wildlife Federation (NWF) opposed to including energy in the trade talks. The groups say that while the U.S. "is willing to go to war for oil," it has refused to reduce its oil dependence by actions such as the Senate's rejection of a bill to boost automobile fuel efficiency. NWF notes that "many" U.S. and Mexican economic analysts "say that Pemex eventually will go to the table," but NWF opposes energy talks because "Secure access to foreign oil would reduce incentives for the U.S. to lower its fossil fuel consumption."

UNITED METHODIST CHURCH IN ARGYLE, NY, IS RICH IN HISTORY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SOLOMON. Mr. Speaker, the 24th District of New York is saturated in the early history of this Nation. The district is dotted with old church structures which serve as monuments or museums to that history.

Every one of those churches has a story, and I'd like to mention one of them, because it's one of my favorites.

The United Methodist Church of Argyle is a charming masterpiece of Gothic and Romanesque architecture. Methodist preachers played a key role in the settling of this Nation, and the church in Argyle is no less rich in history.

But I could not tell the story better than it was in a recent feature article in the Post-Star, my hometown newspaper. The story of the United Methodist Church of Argyle reads like a page of American history.

Mr. Speaker, I proudly place the article in today's RECORD.

[From Glens Falls (NY) Post-Star, May 5, 1991]

ECHOES OF WESLEY IN ARGYLE—METHODIST CONGREGATION FREQUENTLY PLAYED HOST TO TRAVELING PREACHERS

(By Hope Ferguson)

ARGYLE.—The smallish red brick building with its 106-foot corner spire, stone detailing, and Gothic and Romanesque architecture is just a stone's throw from the center of the village.

Home to Argyle's only Methodist congregation, it is also an enduring monument to a movement that started thousands of miles away and more than 250 years ago, and that radically altered church history.

The place was Oxford University, the man, John Wesley, the time, 1726. Wesley, then a teaching fellow, was part of a small "holy club" at the university.

The small group, which included Wesley's brother, Charles, began as an earnest group of standard-bearers of Orthodox Christianity on the Oxford campus, where Deism, a philosophy which gave an intellectual assent to belief in a deity, but which excluded a personal God and supernatural revelation, was in vogue.

The Wesleys' small Christian cell, which emphasized holy living, Bible reading and prayer, was derisively nick-named, among other things, the "methodists."

Later, Wesley's preaching, though not fiery, ignited a new wave of renewal among Christians, and especially appealed to the poor and laboring classes. Instead of the wrathful God of the Calvinists, who predestined some to be saved and others for hell, Wesley preached the message of God's mercy and grace and His desire to see all come to repentance.

After a powerful revival that swept England and her American colonies during the mid-1700s, Wesley unintentionally caused a rift within the Church of England which eventually gave rise to a new denomination—the Methodists.

The message of grace and mercy appealed just as much to the Argyle settlers as it did to the coal miners who heard it in the open fields of England.

Argyle was part of the Cambridge circuit, according to an early history written by the Rev. J.W. Presby, who was pastor of the church from 1884–86.

"Late in the autumn of 1769 or about the beginning of 1770," he wrote, "Philip Embury came from New York City and settled in Washington County, about seven miles from Ashgrove. Between that date and 1773, Embury, in company with Barbara Heck, made an evangelistic tour through this region, holding meetings in almost every neighborhood."

Presby wrote that Methodism spread very quickly after that, and instructional classes in the faith were begun wherever 10 or even fewer Methodists were gathered.

Very early on, there was a Methodist preacher named Richard Jacobs who lived in the town. His son, Stephen, born in Argyle, also later became a preacher. These were reportedly the first preachers of any denomination to reside in Argyle, and were probably itinerant, as the church for many years had no official building nor installed pastor, but was host to many traveling ministers.

Initially, meetings were held in homes, barns and J.C. Rouse's Tavern. Because Argyle was "comparatively close to Ashgrove, the headquarters of Methodism at that time for all the country north of New York City," it was host to many of the traveling preachers.

One of these was Lorenzo Dow, frequently referred to as "crazy Lorenzo Dow" or the "eccentric Lorenzo Dow," though the reasons for this purported craziness were apparently not documented.

One Sunday in 1823, it is said that Dow first attended the United Presbyterian Church services, since it was against his custom to preach while another church service was in progress. That afternoon, after church was dismissed, standing on a pile of dry good boxes from Rouse's Tavern, the "crazy" Dow conducted an outdoor service near the site of the present Marine Midland bank.

He preached his sermon from the text of Ezekiel 33:11: "As I live, says the Lord God, I have no pleasure in the death of the wicked, but that the wicked turn from his way and live." That verse was an apt summation of Methodist theology.

Another noted preacher on the circuit was George Brown, described as "a colored preacher" who preached in the hall of J.C. Rouse's Tavern.

On Jan. 16, 1815, the first Methodist Episcopal Church in Argyle was organized in the home of Ichabod Davis, who lived on the Hartford Road, in a hamlet still known as "the Hook."

There was no installed pastor, but the Rev. Gershom Pierce, a circuit preacher, was chosen as chairman of the meeting. (The church's official name is now the United Methodist Church, a reflection of the merger of various Methodist groups in 1940.)

The first building the Methodists worshiped in was the Old Dutch Reformed Church, which was purchased in 1840 at a cost of $386 from Ransom Stiles, who himself has purchased it at a sheriff's sale.

It was a "plain wood frame building" across from the cemetery entrance, and later was to be used as a private home.

By 1836, according to an excerpt from a newspaper article quoted in the church's centennial history, because of a "powerful revival . . . it was necessary to have a resident pastor to take care of the increased flock."

That man was the Rev. Elijah B. Hubbard. The same article quotes an elder, the Rev. John M. Weaver, saying of Hubbard:

"I have a young preacher up in the woods, who, I think, is just the man for you. He wears grey pants, is good looking, quite prepossessing, and is a good preacher. The girls will all be after him, but he won't have anything to do with them."

After that time, Argyle was no longer part of the Cambridge circuit, but was made an appointment with Hebron. In 1837, Daniel Brayton was appointed pastor. For many years thereafter, pastors served terms of one, or at the most, two or three years, following a Methodist practice of frequently reassigning their ministers.

In 1859, with the Methodist church apparently prospering, the Old Dutch Church was renovated at a cost of $2,000.

In 1877, a church conference voted to build a new brick church because the old one could no longer be repaired. The Presbyterians had completed a very large structure of a similar style to the planned church just a year earlier. The Old Dutch church was subsequently sold.

In a newspaper article from the Washington County Post, it was reported the "Methodist people" were temporarily worshiping in the town hall until the completion of their new church.

On Sept. 7, 1877, the same paper reported that "despite forbidding weather, there was a fair assemblage of people at the laying of the cornerstone." A time capsule was inserted into the cornerstone, including newspaper clippings, a short church history, a list of pastors and a U.S. postal card.

Recently, while repairing the cornerstone, the capsule was retrieved. New items such as coins and newspaper articles from today will be added, and the time capsule will be put back in the cornerstone this spring.

The new brick church building was dedicated on April 10, 1878.

The Methodists in Argyle, along with the Presbyterians, were quite involved in the issue of temperance.

In the spring of 1877, it was reported in several local papers that some vandals had sheared the horses of the Rev. Mr. Kane and the Rev. Mr. Hall.

This shearing, supposedly in response to the efforts on the part of the two pasters on behalf of temperance, was termed "an outrage upon their respective horses" and a "rascally act."

The perpetrators were identified as "the whiskey ring," and the Granville Sentinel noted, "no arrests as yet have been made, but the affair is receiving active attention, and there is little doubt but what the scalawags will receive their just desserts."

As it turned out, activities of the "whiskey ring" were in vain. To this day, Argyle is a dry town.

Today, the church's pastor is the Rev. Steven Smith. The church consists of a small tightly woven group of families whose membership is part of their family tradition.

The Argyle congregation, Smith said, is more conservative than the United Methodist Church at large. It has 200 members, though perhaps only 55 are in attendance on a given Sunday.

For many years, Smith said, the "unifying" role that the church has historically played in town has been gradually taken over by the school. Lately, however, he has noticed a change.

"The church seems to be on an upswing right now. That's encouraging; there seems to be renewed interest at this point."

Smith said he and others have sensed a spiritual revival in this region, which has seen those who had perhaps fallen away from the church, or become apathetic, returning—especially the younger families with children.

Although Smith said the church has no formal evangelistic activities, many members embark on evangelism on their own.

The church as a whole serves the community through allowing the Sheridan Fellowship Hall to be used by different local groups. The United Methodist Women's Group will often be asked to prepare and serve the meals for many of the meetings held there.

Renovations have recently been completed on the parsonage, the bell tower, and the church's ceiling. Also in the last year, a new organ was purchased that is now rigged to the church's chimes.

Although Smith himself will be leaving to pursue a master's degree in pastoral counseling this June, he feels this small traditional church will chart a steady course in the future, as it seeks to bring more into its fold and minister to those already there.

"Maintaining the status quo," he said, "has been a goal for a lot of them."

A TRIBUTE TO JOHN H. COSTELLO, SR.

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ATKINS. Mr. Speaker, sadly, I rise today to inform my colleagues of the passing of John H. Costello, Sr. John was a good and honorable man. He was a man of rare integrity and generosity. The loss to Lowell, MA, the community he loved and nurtured, is incalculable.

John was the publisher of the Sun, one of the oldest family-based newspapers in the country. The newspaper was founded by John's grandfather in 1878 and has been entrusted to succeeding generations ever since. John's legacy is now with his children who have trained a lifetime with their father for the responsible jobs they now fill at the Sun.

John established some remarkable standards for his newspaper in an era when keen competition in the media business has caused lesser men to cut corners for financial gain. He insisted that reporters have all the resources that a regional newspaper could reasonably provide. Given an option to enhance revenue by diminishing news coverage and increasing advertising space, John refused to sacrifice the space dedicated to news articles. Many reporters and editors have long remained loyal to the Sun, giving the newspaper many fruitful years under John's leadership. Others who went on to new pursuits in journalism did well in large measure because of the very personal, yet rigorous, training that was provided them by this small, high-caliber newspaper.

This is a time when impersonal corporate entities dominate the news business. So many communities have lost their local newspapers, and thus have lost a knowledgeable and fervent advocate for local concerns. Not so in Lowell, MA. Because of the commitment of John and his family, Lowell enjoys a newspaper that reflects the rich and varied texture of the community it serves.

John was a man of many accomplishments, even as a young man. He attended Lowell High School and Dartmouth College. Before returning to Lowell to begin his career with the Sun, he spent some years in the Navy and as a professional hockey player with the Boston Olympics. I can tell you he never lost his early love for his country nor did he ever lose his passion for sports. Both topics were liberally included in his spirited conversations and personal interests.

But, John, was truly a man of his community. He was a philanthropist, in an old fashioned way. Before committing his resources to a project, he asked only whether it was good for the community. It was a simple, but a precise standard. He did not require feasibility studies, charts, or grand designs; he relied on the integrity of the people involved and was guided by his keen understanding of the community that had absorbed his interest and concern for so many years.

Lowell, MA is a city that has changed so much over the years. As it is modernized to reflect new economic demands, it has also retained the rich heritage unique to Massachusetts mill cities. At present, the Lowell National Park stands side by side with the Lowell plan and a network of private interests and nonprofit groups, an alliance that is attributable to the energies of John and the dedication of his newspaper.

John was also a man of great personal appeal. He had many, many friends with whom he could share his prodigious interests: including sports, politics, business, community. But, for John there were two over arching and abiding interests and these were his family and his faith. He was an ardent family man. This was borne out of love and devotion and also out of sense of responsibility because he had a sacred trust to pass on to his children, the newspaper that had once been so lovingly entrusted to him by prior generations. And, there was his faith, deeply held and unmarred by time or adversity.

Mr. Speaker, my condolences go to his family and friends who, I am sure, can temper their sadness with the knowledge that John's accomplishments and achievements will long be remembered.

I wanted very much to express my own thoughts and reminiscences about John, but I am also eager to have my colleagues take note of the Sun's own poignant portrait of its publisher. It reads as follows:

JOHN H. COSTELLO, 1914–91: THE PUBLISHER

John H. Costello Sr. was a man of a few simple but fervent passions.

He loved God, and his religion drew the unwavering faith that sustained his quiet but deeply spiritual life.

He loved his wife and family, and from them drew the pride and happiness that sustained his rich and colorful personal life.

And he loved his hometown newspaper, and from The Sun drew the commitment that sustained his professional devotion to the city in which he was born, in which he is buried, and in which he spent his entire life.

John Costello's allegiance to The Sun was not something he acquired through his professional involvement as its publisher and president.

John Costello inherited ownership of The Sun from his mother, Mary Harrington, who in turn inherited the newspaper from her father, John H. Harrington, the founder of The Sun in 1878. As a result of the commitment of his ancestors to both Lowell and The Sun—which were inseparable in his eyes—John Costello did not look upon his role at the newspaper as an avocation or a profession. It was much more than that. He believed the work of the Harrington and Costello families at The Sun to be nothing less than the fulfillment of a sacred trust—a trust that was passed on in faith to him from his mother, and that he passed on in faith to his own children.

At The Sun, those three basic values—his faith, his family and his love of community—came together in perfect symmetry to shape the simple conviction with which he conducted his life.

If in doubt, John Costello would always fall back upon his faith, his family and The Sun as the moral rudders upon which he relied to decide the right thing to do.

And more often than not, what was right for John Costello was right for The Sun and for Lowell.

Many of John Costello's contributions to the city of Lowell can be readily measured. Under his direction, The Sun actively pursued an outspoken editorial and significant financial stake in the community. When The Lowell Plan was formed, The Sun was there with its written support and a substantial donation. When the city needed a new YMCA or a new Boys Club, The Sun pitched in. And whenever he perceived what he believed to be a worthy cause, John Costello would point to Lowell Sun Charities in the right direction.

On the other hand, John Costello's contributions to The Sun cannot be measured in such tangible terms. He did not write columns or editorials, he did not make the daily management decisions, he did not oversee the production of the newspaper.

His gift was far more valuable than that.

More than anyone else, John Costello embodied the literal heart and soul of The Sun, and his contribution as such was immeasurable, and will be sorely missed.

Yet like his mother before him, and his grandfather before her, John Costello succeeded in passing on to his own children the ardent devotion to newspaper and community that formed the foundation of his own life.

There is much in John Costello's life in which he could take great pride.

He was a wonderful husband and father, a terrific athlete, a successful businessman, a generous philanthropist, and erudite student of the arts, and as witnessed by the heartfelt turnout at his wake and funeral, he was a beloved friend of many, many, many people.

But there is little doubt that the achievement in which he would take the greatest satisfaction is that he admirably fulfilled the sacred trust with which he was charged at birth, which he performed so well for 76 years, and which he has instilled so firmly in his own family.

The sacred trust of The Sun has been passed, and will be carried on by his children.

And that is John Costello's most precious legacy to the city he loved.

Those who knew and loved John Costello miss him dearly.

Those who did not know him have no idea what they missed.

GRADING BUSH'S EDUCATIONAL REFORMS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to call attention to an article which recently appeared in the San Diego Union. Dr. Thomas W. Payzant, the superintendent of the San Diego School District, has written a thoughtful commentary on President Bush's proposals for revamping and reinvigorating America's schools.

Dr. Payzant and I agree that the general thrust of "America 2000: An Education Strategy" is sound and encouraging. But clearly, additional resources will be needed to help support our Nation's schools.

It is one thing for us to debate educational priorities here in Washington, but we lack firsthand knowledge of the problems and challenges facing American schools today. For this reason, I know that Members will find Dr. Payzant's opinions helpful.

Mr. Speaker, at this point in the RECORD, I would like to submit Dr. Payzant's article, "Grading Bush's Educational Reforms." I highly commend it to my colleagues:

GRADING BUSH'S EDUCATIONAL REFORMS

(By Thomas W. Payzant)

President Bush and his new education secretary, Lamar Alexander, took an important step forward for public education April 18 when they unveiled their four-part program. *America 2000: An Education Strategy.* A little over a year ago the President and the governors ended their historic meeting in Charlottesville, NC., with the announcement of an agreement on six ambitious national education goals to be achieved by the year 2000.

America 2000 is a strategy to achieve them.

Never in our history has it been more important to have an education president. A president who can rise above partisan politics and lead the nation in mustering the will to make America's schools the best in the world and to enable all of America's children to excel.

Leaders must have a vision for what can be and a strategy that will become a catalyst for action.

I have no quarrel with the President's vision. Who will argue about the need for better and more accountable schools; a new generation of American schools; a nation of students who are lifelong learners; and communities where learning can happen? I certainly want all children ready to learn when they start school, a high school graduation rate of at least 90 percent, students who meet vigorous subject matter standards in English, mathematics, science, history, and geography, and can think, solve problems, and make the decisions required of responsible citizens and productive employees.

But what are the strengths and weaknesses in the President's strategy? There certainly are some of each.

I support his New World Standards in the five core subjects, but what about the arts? The next time the President invites an artist to the White House, I hope he will think about adding fine arts as a sixth core subject. Basic skills and minimum standards of literacy, while essential, are not by themselves sufficient for young people to succeed in today's world.

The President is right to encourage the development of a voluntary nationwide examination system to help America understand what its young people know and can do. The danger is that too many people will be quick to praise or condemn based on the results of multiple-choice tests that measure minimum basic skills but cannot provide what the President envisions.

There are, however, thoughtful proposals for a curriculum-based national assessment system under consideration by the National Education Goals Panel which includes six governors and representatives from Congress and the administration. It will take time and money to develop a nationwide examination system that will promote school improvement and the student achievement we all desire, but it is a job I believe we must undertake.

The President cites six examples of excellent school projects he believes are the precursors of high performance schools. Two of these projects already exist in several San Diego Schools—Linda Vista Elementary is an RJR Nabisco Next Century School and other city schools are using the James Comer School Development Program. Do we really need to create 535-plus new American School prototypes as the President suggests? And must we use a new research and development corporation funded by business which would bypass the existing federally financed research and development effort directed by Secretary Alexander?

A new $150 million-$200 million research and development structure is not the needed catalyst. We need venture capital far exceeding those modest amounts. We must support creative entrepreneurs like those who have begun dramatic reform efforts in schools such as our Linda Vista, Hamilton, and O'Farrell, and similar programs in schools in other districts across the country.

While several elements of the President's plan are fresh and new, his advocacy for parental choice of schools was predictable and potentially divisive. I am not afraid of choice and the competition it may stimulate for school improvement. In fact, considerable parental choice already exists in our district, and we encourage it as much as possible. However, I am tired of being told that I will have to compete against others who are not subject to the same public policies I must follow.

I believe that most public school educators are more than willing to be accountable and compare their performance with others. But at the same time, rules and regulations governing such things as student access and admission to schools, racial balance, programs for students with special needs, levels of funding, how teachers and principals are hired, and student discipline must be the same for all.

I support schools that want to be free from these rules and from public accountability. They play an important role and have a right to call themselves independent, but they have no justifiable claim to receive public tax dollars.

The President's plan for improving adult literacy, for encouraging life-long learning, and for paying more attention to the transition that people make from school-to-work are sensible. His challenge to create and sustain healthy communities and communities where education really happens based on the efforts of individuals, families, and groups is welcomed. His vision of communities that nurture children and provide them with people and places to which they can turn for help, for role models, and for guidance is excellent.

The President must continue to take the lead and convince the American people that dramatic improvements in our public schools and in student achievement are fundamental to the nation's survival. He must show the way by insisting that America can no longer be the only industrialized nation in the West without a thoughtful policy and action plan for universal prenatal care and for the first five years of a child's life.

He must convince the nation that America can no longer tolerate more than 20 percent of its children living below the poverty line. He must offer the hope that all of our children can meet world-class standards. He must insist that America can no longer allow government agencies that serve children, youth, and families to work isolated from one another. And he must make it clear that America can no longer ignore the old truism that an ounce of prevention is worth a pound of cure.

But exhortation alone is not enough. The President must do more. What other important effort supported by an American president has been denied major venture capital and dollars for action? Not defense, not the space program, not American industry. America's children deserve no less, and we cannot merely pass all of the responsibilities for action to the already overburdened states and local school districts. Additional federal support is essential. I think one good place to begin would be to fully fund two existing federal programs that have worked well for children. They are the Head Start program and Chapter I, which provides special funding for economically underprivileged children.

Last week, I was scheduled to be in Washington at a meeting of the Large City School Superintendents. The group was invited to the White House for a briefing on America 2000. I wonder if the President would understand why I had to cancel my Washington trip?

I had to stay in San Diego to continue work on ways to cut $37 million from the budget of the schools of the nation's sixth largest city. Cuts that had to be made without hurting children or lowering the morale and productivity of the thousands of teachers, principals, and others who want San Diego's schools to be the first to have their 121,000 students aspire to and reach the President's New World Standards.

CLAMSHELLS PERFORM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to recognize and congratulate a small business in my district that, like many businesses in the United States, supported the Allied presence in the Persian Gulf.

We have all read about the ingenious way in which our troops protected their equipment from the powder-like sand in the Saudi desert. Fewer of us have read about the superb—to use the accolades of AVSCOM—aviation maintenance shelters supplied by Clamshell Buildings of Santa Barbara.

These shelters are ingeniously designed to be easily erected and dismantled—and they can be used again. The ends can open and shut, much like a clamshell. The Army was able to erect these structures in the Saudi desert with very little site preparation and shield Apache helicopters, with their blades on, from the Sun and sand while maintenance work was performed. The protective covering was especially colored to fade into the sand and the Army reported that from 700 meters, these structures were virtually invisible.

On February 5, the Army Aviation Association of America honored Clamshell Buildings by presenting it with a Special Small Business Award, not only for the technical attributes of their shelters, but for their quick and competent response to an urgent Army request for a large number of shelters in a short space of time.

I am certain that my colleagues join me in extending our congratulations and thanks for Clamshell for its fine performance and contribution to our aircraft readiness in the Persian Gulf.

A VERY SPECIAL SALUTE TO REV. BOB C. NELSON

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. VANDER JAGT. Mr. Speaker, 50 years ago this year, in September 1941, a dedicated, idealistic young man entered Bible Holiness Seminary in Owosso, MI, to train for service to his fellow man. We often celebrate graduations, and ordinations, and the significance of completing tasks.

In a special way, the very embarking on the road of service by the Reverend Bob C. Nelson, of Owosso, MI, was the sign of his total commitment—of the completion of his dedication to a future of faith and family, of service and struggle, of the triumph of spirit. It is fitting, then, that we take a moment to recognize the achievements, the contributions, the special "Point of Light" that the Reverend Bob Nelson represents to the seven communities he served as pastor, to the family he shared and nurtured, to the Nation for which he interrupted his clerical studies to risk his life in pursuit of the right of man to live free and worship the God to whom he was dedicated.

The break in his studies for service during World War II meant that Reverend Nelson was not ordained until 1948—but he began his active ministry as early as 1946, while still in school. As a minister of the Pilgrim Holiness Church Reverend Nelson was known as a "pioneer minister" in recognition of the fact that four of his seven pastorates were new churches planted in communities where the denomination did not yet have a church. Under the direction and support of the Pilgrim Holiness Church's District Conference Reverend Nelson went into Lapeer, Sterling, Sparlingville, and Holland, MI, establishing congregations.

Having married the former Thelma L. House in June 1946, these efforts represented great self-sacrifice and loving dedication on the part of the family, which eventually included three children, Gladys, Bob W., and Dan. In those moments when Reverend Nelson can be coaxed to recall his ministry's demands rather than its opportunities, he will remember a Sunday in his early ministry when the dollar he placed in the collection plate turned out to be the sum of that week's offering. He, and his caring and sharing family, made do.

In a special blend of the sacred and secular, the four churches he pioneered made of Reverend Nelson an architect, contractor, and carpenter. His efforts gave a special meaning to total involvement in the work of the church—and to congregational and community leadership. By his example he demonstrated to the flock he served the meaning of reaching out and providing comfort and assistance in every possible way.

In addition to Reverend Nelson's pastoral ministry in his own congregations, he involved himself in serving his denomination and its advancement. His great interest in supporting overseas missionary efforts was demonstrated in personal missionary endeavors in Jamaica, Haiti, and Mexico. He served as secretary of missions for the West Michigan Conference of the Pilgrim Holiness Church and later for the Wesleyan Church following the denominations' merger in 1968.

Throughout his pastoral ministry, Reverend Nelson made time for community service. In our own Ninth Congressional District he served as secretary of the Holland/Zeeland Ministerial Association in support of community ecumenical activities, in PTA organizations and service clubs including the Holland Optimist Club. In this special way, Reverend Nelson demonstrated what he preached, service to family, to fellow man, to community.

After serving pastorates in Lapeer, 1946–51; Hope, 1951–53; Sterling, 1953–59; Sparlingville, 1959–64; Holland, 1964–81; Owosso, 1981–83; and Ithaca, 1984–87; Reverend Nelson retired to continue to serve his community in unofficial, itinerant, and prayerful missionary ways.

All too often we overlook the efforts of those who toil in our midst, who make great sacrifices, great contributions in small ways, who lead by their very lives. For the 17 years he served in our Ninth District, for his 40 years of ministry, and in recognition of the 50th year of his commitment to that life of devotion to family, church, and Nation, I hope my colleagues will share in my heartfelt gratitude and good wishes to the Reverend Bob C. Nelson.

EDUCATION AND HEALTH: EQUALLY IMPORTANT—BUT WHAT IF WE PAID FOR EDUCATION THE WAY WE PAY FOR HEALTH?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, in Lisbeth Schorr's thought-provoking book, "Within our Reach: Breaking the Cycle of Disadvantage," there is a great section entitled "The Bizarre World of Health Care Financing."

It is worth repeating:

> How health services are paid for determines, more than anything else, how the health system operates—what services are available, who provides them, and who receives them.
>
> One way of understanding the peculiar impact of financing arrangements on our health system is to visualize what schools would look like if they were financed the same way—that is, through fees for individual services, paid for directly by families and through insurance.
>
> Most families would pay for most of their children's basic schooling out of their pockets. Children whose families lacked private means or insurance, but were poor enough to meet their states' criteria as to income, assets, and family composition, would qualify for school payment assistance from public funds. Only about half of all poor children would qualify for such help, and only certain kinds of schooling would be paid for. The specific services covered would be defined differently by each state. Some children would never go to school, because their parents couldn't pay and didn't qualify for public assistance. Some children would go to school sporadically, because they would be eligible for public support for part of the year, or for one year and not the next.
>
> Teachers and schools would naturally be drawn to areas with high concentrations of families able to pay. Inner city areas and many rural counties would simply have no schools or teachers. Since market forces would also shape the curriculum, the ability to teach young children who enter school ill prepared, as many low-income children do, would receive scant attention in teacher training institutions or in practice. English composition would cease to be taught entirely, as teachers found that correcting written work was unprofitably time-consuming.
>
> With college-bound children dominating the private market and public reimbursement set at lower rates, courses other than college preparatory would be uneconomic. Foundations might fund some demonstration programs in vocational education, but there would be few teachers with skills to teach them. Soon even private support would dry up when it became evident that schools could not make these courses self-supporting in the long run.
>
> What may seem like an absurdity when applied to education is a reality in our increasingly market-oriented health system. The real-life effects of bizarre financial incentives are apparent everywhere.

TRIBUTE TO RUTH MOLLO

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LENT. Mr. Speaker, as a Member of this House, I have had the pleasure of befriending outstanding individuals in communities throughout my district on Long Island. One such individual is Mrs. Ruth Mollo of Oceanside, NY.

I am pleased to say that I have known Ruth since my first congressional campaign in 1970. I can attest to her outstanding work as a volunteer, community leader, and, most of all, parent. In fact, during a time when the American family is seemingly under attack from all sides, Ruth Mollo has given of herself to be a devoted mother and loving wife.

Recently, Ruth announced her intention not to seek re-election as trustee to the Oceanside Board of Education. Her presence on this panel will be deeply missed. During her tenure, she worked to ensure that the quality and diversity of the district's programs as well as its fiscal integrity were preserved. Ruth should take great pride in knowing that her high standards, style of management, and record of accomplishment will remain as a model to her successor in Oceanside and to other school districts.

In addition to the Oceanside School Board, Ruth Mollo has served as the PTA council president, copresident of Special Education PTA, vice president of Boardman Junior High School PTA, chairman of the PTA Council Curriculum Committee, assistant director of Nassau District PTA, vice president of the Oceanside High School Band Parents Association. She has also been active as a member of committees dealing with the Oceanside public schools disposition and reorganization study and the Oceanside school bond issue. In recognition of her tireless efforts on behalf of education, Ruth Mollo received the New York State PTA Life Membership Award.

Ruth has worked with the Oceanside chapter of the American Cancer Society, the Oceanside Blood Drive, Oceanside Hadassah, B'nai B'rith, Kiwaniannes of Oceanside, Girl Scouts of America, Oceanside Civic Association, and the Oceanside Counseling Center.

Mr. Speaker, Ruth Mollo's community service epitomizes the national spirit of voluntarism that President Bush has referred to as America's "Thousand Points of Light." It is fitting that on May 13, 1991, the Oceanside community will come together to honor Mrs. Ruth Mollo. I join with her family, friends, and neighbors, in offering my sincere congratulations and thanks.

CHARLIE CROWDER MAY SOON SEE HIS LONG-AWAITED DREAM FINALLY COME TRUE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RICHARDSON. Mr. Speaker, Mr. Charles Crowder is the moving force behind the planning of the Eastern-most land crossing on the United States-Mexico border in Santa Teresa, NM. The project is the first and only binational master-planned community along the United States-Mexico border. Mr. Crowder has worked tirelessly to make this program commercially successfully by focusing on quality of life issues such as housing, schools, and medical facilities. In light of the pending free-trade agreement with Mexico, it is important that we recognize the possibilities of productive, long-term cooperation between our two countries.

ON THE HORIZON: PORT OF ENTRY AT SANTA TERESA, NM

(By Ken Flynn)

> Developers of the new port of entry at Santa Teresa, N.M. are predicting a soon-to-be-opened crossing facility will herald unprecedented growth for the town.
>
> But Santa Teresa will always be a good place to live and will not take on any of the characteristics of a shabby, dusty border town, vows Charlie Crowder, 58, mastermind behind the planning of the eastern-most land crossing on the U.S.-Mexico border.
>
> The U.S. Government has already set aside $6.1 million to eventually construct permanent inspection facilities at the new port, he said.
>
> Diplomatic notes have established the Santa Teresa land mass as a port of entry, Crowder said. Crossing facilities will be temporary at first followed by permanent structures.
>
> Crowder predicted the new port of entry will be opened in a few months, bringing the first traffic from Old Mexico just west of the Texas-New Mexico line. The new port of entry will connect with the Casas Grandes Highway south of Juarez. The road has been compacted, sub-graded and stabilized with private funds and is ready for paving he said.
>
> Low-cost housing, based on an attainable market price, not produced by the government to meet demands, is a key to the orderly construction of "infrastructure" on the Mexican side of the crossing, Crowder said.

Santa Teresa is a community of 2,000 located on the U.S.-Mexico border across the New Mexico state line just west of the El Paso Country Club area. It is a 15-minute drive to downtown El Paso, 18 minutes by car to Ciudad Juarez, Mexico.

The community boasts hospital facilities, a bank, offices, shops, two 18-hole golf courses, the Santa Teresa Country Club, swanky residential developments, an airport with runways long enough to accommodate 737-type jets, housing for a variety of budgets, paved roads, an adequate underground water supply and lots of wide-open spaces.

Craig Paton, developer of El Mirador, a heavily-covenanted residential area, said the international port of entry would bring more prosperity to Santa Teresa but the crossing is not the only reason the town will grow.

He rattled off a litany of reasons why land and homes in the New Mexico community are more advantageous than those in the Country Club area of neighboring El Paso.

"Taxes are lower in New Mexico," he said. "There is no pollution here. Most of the pollution in El Paso settles to the east. Crime in Santa Teresa is almost non existent. Homes are covered by private security arrangements."

A water supply estimated to last 500 years, tennis, golf and swimming at affordable prices and beautiful views of the desert from all sides are also being touted to lure homeowners from Texas and other parts of the country, he said.

"The desert here is beautiful," Paton said. "We plan to enhance the beauty of the desert by building and landscaping to blend into the Southwest."

El Mirador, he said, has been patterned after the Southwestern desert communities of Scottsdale and Phoenix in Arizona.

Preserving the beauty of the residential areas of Santa Teresa is not the only concern of the community. John Dillon, development manager of the Santa Teresa Land Company, said the esthetics of a proposed industrial park at the Santa Teresa Airport should become a model for all such operations in the United States.

The airport industrial park is being developed on 220 acres of land that will be fully master planned. The engineering work, laying out of streets, site specific engineering, utilities, etc., is being supervised by two prestigious developers, John O'Donnell of Irvine, Calif., and Marshall Bennett of Chicago, Ill., who are the owners of the park. Bennett was a former senior partner in the firm of Bennett and Kahnweiler, one of the largest developers in the Chicago area. O'Donnell has developed 18 million square feet of industrial property on the West Coast.

"We have placed covenants on the industrial park to insure that the property will be a quality development," Dillon said. "We are conscious of the environment and esthetics is very much a part of our operation."

Industrial facilities will be built to suit the needs of the tenants, Dillon said.

"The El Paso area is absorbing 2 million square feet of industrial space a year and we expect to get our fair share," he said. "We expect to attract manufacturing and warehouse facilities, especially those businesses associated with the 'maquiladora' industry."

Dillon said the Santa Teresa industrial park will be patterned after the Irvine Ranch, an 80,000-acre industrial development that has been hailed as the best in southern California.

While developers are anticipating a boom when traffic begins to flow through the port of entry, industrial development efforts have already begun. Dillon said sites are now available at the airport industrial park. The Santa Teresa Land Company has already opened an office at 1212 Country Club Road, Suite B-1.

Santa Teresa is only 20-25 minutes away from El Paso International Airport, he said, and only 10 minutes from downtown El Paso, giving residents the best of both worlds—a small desert community next to the 1.7 million El Paso-Juarez international metroplex.

The town is already host to Charter Hospital, a psychiatric facility, Santa Teresa Immediate Care Center, one of two medical centers for immediate care, and Rio Valle Recovery Center providing a unique cultural alcohol and substance abuse program. A 24-hour care facility is scheduled to open some time in 1991.

The First National Bank of Dona Ana County has a branch in Santa Teresa. Developers say a second bank from Albuquerque is considering setting up a branch in the town.

Future plans call for development of a horse-oriented residential development in the near future, Paton said.

Crowder, who is president and Chief Executive Officer of Santa Teresa International, Inc., gives the credit for development of Santa Teresa to a former president of Mexico, Adolfo Lopez Mateos, who suggested to him that the New Mexico desert west of El Paso be developed as a port of entry.

Lopez Mateos had the vision that is now becoming a reality," he said. "It has taken a long time to get to where we are now."

Crowder first acquired land in the Santa Teresa area in 1970, built a country club with two 18-hole golf courses in 1974 and sold it to golf great Lee Trevino, who opened it in 1975.

Trevino, beset with financial problems, sold the club back to Crowder in 1979.

The effort to buy federal land adjoining the border was finalized in 1985 when Crowder acquired 21,000 acres of Bureau of Land Management land contiguous to his country club and the international border.

"If I'd have known it was going to take me that long to acquire the land I would have quit," he quipped.

Santa Teresa's location is a quirk in the geography of the border. When the crossing is opened it will be the easternmost land crossing along the 2,000-mile U.S.-Mexico border.

The Rio Grande flows south from the highlands of Central New Mexico, intersecting the state, and turns southeast downstream at El Paso. From the westernmost tip of Texas for the next 1,200 miles to the Gulf of Mexico, the Rio Grande is the border between Mexico and the United States.

But at Santa Teresa, the only boundary between the two countries is an imaginary line in the desert.

Crowder said he envisions a palm-lined port of entry with a population on both sides supported by industry.

A Harvard group headed by Professors Charles W. Harris and Jonathan S. Lane reported in 1989 that the Santa Teresa development plan was the first and only binational master-planned community along the U.S.-Mexico border.

Consultants say the population of Santa Teresa has the capability of expanding to 225,000 residents over the next 10 years.

The success of Santa Teresa will hinge on continued progress in the "maquiladora" or twin-plant industry.

Under the "maquiladora" plan U.S. industries provide raw materials and unfinished goods to factories they own in Mexico. The products are assembled in Mexico and sent back to the United States for sale. U.S. tariffs are charged only on that portion of the product improved or assembled in Mexico.

Americans profit from Mexico's low wages, which are now about $4 a day. Most of the work is labor intensive.

Crowder said he was concerned with the rapid development of communities along the border, where thousands of people have flocked, creating problems of housing, water and sewage.

"The key to prevent these kinds of problems is to provide housing at prices that can be afforded by Mexican workers," he said. "We propose to build low-cost housing in village clusters near industries so that workers will be able to walk to work."

Moderate-income housing for workers will also be developed in the 28,000-acre community on the U.S. side of the border, he said.

Crowder envisions the development of low-cost housing that could be purchased by factory workers and paid off in five years. He said the housing would establish a stable labor pool in Santa Teresa.

Barron's National Business and Financial Weekly pointed out in a recent article that Santa Teresa's master-planned residential, industrial and commercial development could become the prototype of all projects involving the development of infrastructure in border communities.

Santa Teresa International Inc. is not only building infrastructure but also will improve transportation between the two countries. The Southern Pacific rail system, a major east-west line, goes directly through the community.

Crowder said he is concentrating on the quality of life issues such as housing, schools and medical facilities. Plans are on the drawing boards to dedicate land in Santa Teresa for a high school, when the population warrants it, he said.

New Mexico has a good public school system, he said, with a high percentage of students who are accepted in college. Residents of Santa Teresa are close to the University of Texas at El Paso, just a few minutes away, and New Mexico State University in Las Cruces, 50 miles north.

Developers say the construction of buildings on both sides of the border at Santa Teresa in the years to come could exceed $1 billion.

The community already boasts a $10 million fiber optics plant built by U.S. West, a Foamex plant, Griffith Miro Sciences, Acme Mills, Prepared Foods and the oil-well division of USX.

Developers also agree a key factor to the successful development of Santa Teresa is the continued popularity of the "maquiladora" or twin-plant industry.

International planners say the "maquiladora" industry will flourish, even though the United States and Mexico are headed for a free-trade agreement which will lower tariffs.

Juarez has witnessed a tremendous growth as a result of the industry. The city has 300 plants, hiring 140,000 workers.

Nationwide, the industry has become the third largest producer of foreign capital, behind the oil industry and tourism. There are 1,750 "maquiladora" plants in Mexico, employing more than 450,000 workers. Within the next five years planners in Mexico forecast an increase to 2,600 plants, employing 625,000 workers.

Crowder insists that the proper social infrastructure for Santa Teresa to successfully capture its share of that predicted increase must include meeting the needs of low-income workers in order for any border community to succeed.

"The social infrastructure must accommodate the least affluent," he said. "We must offer housing at cost-driven prices, not demand-driven. We don't want to build a company town—this is not welfare. It's an investment in human capital. We must enable workers to provide a decent life for their families."

Crowder said the plans for development of the Mexican side of Santa Teresa take into consideration the needs of a 1-year-old infant and an 85-year-old grandmother.

"There's an old saying, 'don't step on people on your way up because you may meet them on the way down,'' he said. "We have to recognize the real people of the world and they don't buy $100,000 homes."

Crowder said the development of Santa Teresa will be sensitive to the environment and will protect what they can.

"Money is attracted to attractive communities," he said.

Crowder said he believes the most important element of U.S. relations with Mexico is the investment of human capital.

"Mexico's ability to raise the standard of living for its population will determine to what degree and at what time it becomes an equal trading partner with the United States," he said.

IN MEMORIAM TO A DEDICATED PUBLIC SERVANT: BENJAMIN FRANKLIN BAER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. MICHEL. Mr. Speaker, on April 9 we lost a great public servant and I want to say a few words about Benjamin Franklin Baer for several reasons.

He was a cousin of mine and as young boys we spent a great deal of time together, working on his father's nursery farm, raising carnations primarily, for shipment to the big cities.

He got his undergraduate degree from San Diego State University and received a master's degree in social work from the University of Southern California. He began his corrections career in 1942 as director of a Los Angeles County probation camp. From 1954 to 1960 he was associate warden of San Quentin prison. Other posts included service as Iowa's corrections director and as Minnesota youth commissioner. He joined the Federal Government and the Parole Commission in California in 1974, and became the Chairman of the U.S. Parole Commission in 1982.

The Commission is an independent agency within the Justice Department with the power to deny or approve parole applications, issue regulations and create regional offices.

In addition to being Chairman of the Commission, he was also a member of the U.S. Sentencing Commission. He also had served on President Kennedy's Juvenile Delinquency Commission.

Obviously, my cousin Ben was apolitical, and dedicated to public service. His contributions in the field of corrections were enormous.

At this point, I would like to include the cover page of the April 15 issue of Monday Morning Highlights, U.S. Department of Justice, Federal Prison System, for it covers in brief both the sentiments of the Department and myself, and feel it appropriate to have it inserted at this point in the CONGRESSIONAL RECORD.

IN MEMORIAM: BENJAMIN F. BAER

On April 9, Benjamin F. Baer, Chairman of the U.S. Parole Commission, passed away following heart surgery. Chairman Baer was renowned in the field of corrections for his many contributions over the past half-century, and was an especially close friend of the Bureau.

Mr. Baer was appointed to the Parole Commission in January 1982 by President Reagan, and was designated Chairman in March of that year. He was an ex officio member of the U.S. Sentencing Commission, a member of the National Institute of Corrections Advisory Board, and a former member of the Board of Directors of the American Correctional Association and the National Council on Crime and Delinquency. Mr. Baer began his career as a probation officer in 1942. He was Iowa's first director of corrections, served in the Minnesota and California departments of corrections, and was a Federal parole hearing examiner.

Director Quinlan said, "Benjamin Baer's contribution to the field of corrections has been enormous. His philosophy and ideas concerning corrections, and especially intermediate sanctions and community supervision, have met with worldwide acceptance. The Chairman's untimely death is a tremendous loss to the field of corrections and the Federal law enforcement community. Together with Ben's innumerable friends in the Bureau of Prisons and corrections internationally, I will miss him dearly."

A committed proponent regarding the need for intermediate community punishments, Mr. Baer implemented a number of intermediate sanction projects now being used as models for the Federal system. For example, he pioneered the use of home confinement with electronic monitoring for Federal offenders in parole status. In testimony before the House Appropriations Committee, he strongly supported the allocation of additional resources for supervision of offenders in the community. He wrote numerous articles and gave presentations worldwide in support of community supervision; an article entitled "When Prison Isn't Punishment Enough" will appear in the spring issue of the American Bar Association magazine Criminal Justice.

In 1988, Mr. Baer initiated the National Committee on Community Corrections—a group of criminal justice professionals, academicians, and individuals from the public and private sectors—to promote an effective system of community corrections nationally for criminal behavior. In 1989, he served as a delegate in the People to People Citizen Ambassador Program, and met with counterparts in the Soviet criminal justice system.

Mr. Baer is survived by his wife Frances and three children. Cards may be sent to the family at 10925 Wickshire Way, Rockville, MD 20852.

THE WORKING FAMILY TAX RELIEF ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. DOWNEY. Mr. Speaker, today, along with my colleagues Messrs. GEORGE MILLER, DAVID OBEY, PETE STARK, and RON DE LUGO, I am introducing The Working Family Tax Relief Act of 1991. Restoring tax fairness to America and providing greater assistance to working families with children are the main themes behind this legislation. Identical legislation is being introduced in the Senate by Senator AL GORE. The printed text of the legislation follows:

H.R. 2242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Family Tax Relief Act of 1991".

TITLE I—REFUNDABLE CREDIT FOR CHILDREN

SEC. 101. REFUNDABLE CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. TAX CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to $800 multiplied by the number of qualified personal exemptions of the taxpayer for the taxable year.

"(b) LIMITATION ON CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed the greater of—

"(1) $400, or

"(2) 20 percent of the sum of—

"(A) the earned income (as defined in section 32(c)) of the taxpayer for the taxable year, and

"(B) the amount received in cash by the taxpayer during the taxable year for the support of children of the taxpayer from any individual required to support such children pursuant to a child support decree or agreement.

"(c) QUALIFIED PERSONAL EXEMPTION.—For purposes of this section, the term 'qualified personal exemption' means any personal exemption which (but for section 151(d)(3)) would be allowed to the taxpayer under section 151 for a child of the taxpayer (as defined in section 151(c)) who has not attained age 18 at the close of the calendar year in which the taxable year of the taxpayer begins.

"(d) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1992, each dollar amount contained in subsection (a) or (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting 'calendar year 1991' for 'calendar year 1989' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10 (or if such increase is a multiple of $5, such increase shall be rounded to the next highest multiple of $10).

"(e) COORDINATION WITH MEANS-TESTED PROGRAMS.—Any refund made by reason of this section, and any payment made under section 7524, shall be treated in the same manner as refunds made by reason of section 32 and payments made under 3507 for purposes of—

"(1) sections 402, 1612, and 1613 of the Social Security Act and title XIX of such Act, and

"(2) the laws referred to in paragraphs (1) through (5) of section 32(j)."

(b) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—Section 151(d) of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) DENIAL OF DEDUCTION FOR PERSONAL EXEMPTIONS FOR WHICH CREDIT ALLOWED.—The exemption amount for any qualified personal exemption (as defined in section 35(c)) shall be zero."

(c) TECHNICAL AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 35 of such Code".

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 35. Tax credit for children.
"Sec. 36. Overpayments of tax."

TITLE II—CHANGES IN INDIVIDUAL INCOME TAX RATE STRUCTURES

SEC. 201. INCREASE IN INCOME TAX RATES FOR HIGHER INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by striking subsections (a) through (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $32,450	15% of taxable income.
Over $32,450 but not over $78,400.	$4,867.50, plus 28% of the excess over $32,450.
Over $78,400 but not over $110,000.	$17,733.50, plus 32% of the excess over $78,400.
Over $110,000	$27,845.50, plus 35% of the excess over $300,000.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $26,050	15% of taxable income.
Over $26,050 but not over $67,200.	$3,907.50, plus 28% of the excess over $26,050.
Over $67,200 but not over $94,000.	$15,429.50, plus 32% of the excess over $67,200.
Over $94,000	$24,005.50, plus 35% of the excess over $94,000.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $19,450	15% of taxable income.
Over $19,450 but not over $47,050.	$2,917.50, plus 28% of the excess over $19,450.
Over $47,050 but not over $66,000.	$10,645.50, plus 32% of the excess over $47,050.
Over $66,000	$16,709.50, plus 35% of the excess over $66,000.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $16,225	15% of taxable income.
Over $16,225 but not over $39,200.	$2,433.75, plus 28% of the excess over $16,225.
Over $39,200 but not over $55,000.	$8,866.75, plus 32% of the excess over $39,200.
Over $55,000	$13,922.75, plus 35% of the excess over $55,000.

"(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $3,300	15% of taxable income.
Over $3,300 but not over $9,900.	$495, plus 28% of the excess over $3,300.
Over $9,900 but not over $13,200.	$2,313, plus 32% of the excess over $9,900.
Over $13,200	$3,369, plus 35% of the excess over $13,200."

(b) TECHNICAL AMENDMENT.—Section 541 of such Code is amended by striking "28 percent" and inserting "35 percent".

SEC. 202. SURTAX ON HIGHER INCOME INDIVIDUALS.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VIII—SURTAX ON HIGHER INCOME INDIVIDUALS.

"Sec. 59B. Surtax on section 1 tax.
"Sec. 59C. Surtax on minimum tax.
"Sec. 59D. Special rules.

"SEC. 59B. SURTAX ON SECTION 1 TAX.

"In the case of an individual who has adjusted gross income for the taxable year in excess of the threshold amount, the amount of the tax imposed under section 1 for such taxable year shall be increased by 11 percent of the amount which bears the same ratio to the tax imposed under section 1 (determined without regard to this section) as—

"(1) the amount by which the adjusted gross income of such individual for such taxable year exceeds the threshold amount, bears to

"(2) the total amount of such individual's adjusted gross income for such taxable year.

"SEC. 59C. SURTAX ON MINIMUM TAX.

"(a) IN GENERAL.—In the case of an individual who has adjusted alternative minimum taxable income for the taxable year in excess of the threshold amount, the amount of the tentative minimum tax determined under section 55 for such taxable year shall be increased by 3.19 percent of the amount by which the adjusted alternative minimum taxable income of such taxpayer for the taxable year exceeds the threshold amount.

"(b) ADJUSTED ALTERNATIVE MINIMUM TAXABLE INCOME.—For purposes of this section, the term 'adjusted alternative minimum taxable income' means alternative minimum taxable income determined without regard to any itemized deductions.

"SEC. 59D. DEFINITION AND SPECIAL RULES.

"(a) THRESHOLD AMOUNTS.—For purposes of this part, the term 'threshold amount' means—

"(1) $250,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

"(2) $200,000 in the case of a head of a household (as defined in section 2(b)),

"(3) $125,000 in the case of a married individual (as defined in section 7703) who files a separate return, and

"(4) $150,000 in any other case.

"(b) SURTAX TO APPLY TO ESTATES AND TRUSTS.—For purposes of this part, the term 'individual' includes any estate or trust taxable under section 1.

"(c) COORDINATION WITH OTHER PROVISIONS.—The provisions of this part—

"(1) shall be applied after the application of section 1(h), but

"(2) before the application of any other provision of this title which refers to the amount of tax imposed by section 1 or 55, as the case may be."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Part VIII. Surtax on higher income individuals."

SEC. 203. INCREASE IN RATE OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to tentative minimum tax) is amended by striking "24 percent" and inserting "29 percent".

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 897(a) of such Code is amended—

(1) by striking "21 percent" in the text and inserting "29 percent", and

(2) by striking "21-PERCENT" in the heading and inserting "29-PERCENT".

SEC. 204. REPEAL OF LIMITATION ON ITEMIZED DEDUCTIONS AND PHASEOUT OF PERSONAL EXEMPTIONS.

(a) REPEAL OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—

(1) IN GENERAL.—Section 68 of the Internal Revenue Code of 1986 is hereby repealed.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 56(b) of such Code is amended by striking subparagraph (F).

(B) Subparagraph (A) of section 1(f)(6) of such Code is amended by striking "section 68(b)(2)".

(C) The table of sections for part I of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 68.

(b) REPEAL OF PHASEOUT OF PERSONAL EXEMPTIONS.—

(1) IN GENERAL.—Subsection (d) of section 151 of such Code is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 151(d) of such Code, as redesignated by paragraph (1), is amended to read as follows:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1989, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1988' for 'calendar year 1989' in subparagraph (B) thereof."

TITLE III—INCREASED EARNED INCOME CREDIT

SEC. 301. INCREASED EARNED INCOME CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed $5,714.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $5,714, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(b) PERCENTAGES.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the percentages shall be determined as follows:

In the case of an eligible individual with:	The credit percentage is:	The phase-out percentage is:
1 qualifying child	22	17
2 qualifying children .	27	17
3 or more qualifying children	32	17.

"(2) TRANSITION PERCENTAGES.—

"(A) For taxable years beginning in 1992, the percentages are:

In the case of an eligible individual with:	The credit percentage is:	The phase-out percentage is:
1 qualifying child	18	13
2 qualifying children .	20	13
3 or more qualifying children	22	13.

"(B) For taxable years beginning in 1993:

In the case of an eligible individual with:	The credit percentage is:	The phase-out percentage is:
1 qualifying child	19	15
2 qualifying children .	22	15
3 or more qualifying children	25	15.

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 32(i)(2) of such Code is amended by striking "subsection (b)(1)" and inserting "subsection (a)(1)" and by striking "subsection (b)(1)(B)(ii)" and inserting "subsection (a)(2)".

(2) Paragraph (3) of section 162(l) of such Code is amended to read as follows:

"(3) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(3) Section 213 of such Code is amended by striking subsection (f).

(4) Subparagraph (B) of section 3507(c)(2) of such Code is amended—

(A) by striking "section 32(b)(1) (without regard to subparagraph (D) thereof)" in clause (i) and inserting "section 32(b)",

(B) by striking "section 32(b)(1)(B)(ii)" in clause (ii) and inserting "section 32(a)", and

(C) by striking "section 32(a)(1)" each place it appears and inserting "section 32(a)".

TITLE IV—ADVANCE PAYMENTS FROM SECRETARY OF THE TREASURY OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN

SEC. 401. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7524. ADVANCE PAYMENTS OF EARNED INCOME CREDIT AND CREDIT FOR CHILDREN.

"(a) GENERAL RULE.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of sections 32 and 35.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if—

"(1) the taxpayer elects during the preceding taxable year to receive payments under this section during the taxable year and declares his intention not to receive payments under section 3507 for the taxable year,

"(2) the taxpayer furnishes, as such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(A) determine whether the taxpayer will be entitled to a refund by reason of sections 32 and 35 for the taxable year, and

"(B) estimate the amount of such refund, and

"(3) the Secretary determines that the taxpayer will be so entitled and the estimated amount of such refund (without regard to this section).

"(c) TIMING AND AMOUNT OF PAYMENTS.—

"(1) AGGREGATE PAYMENTS.—The aggregate payments made by the Secretary under this section to a taxpayer for the taxable year shall equal approximately 80 percent of the Secretary's estimate under subsection (b)(3).

"(2) QUARTERLY PAYMENTS.—The Secretary shall make the payments under this section on a quarterly basis in approximately equal amounts.

"(d) OTHER PROVISIONS.—

"(1) PROCEDURES TO ASSURE PAYMENTS TO INDIVIDUALS HAVING ADJUSTED GROSS INCOMES OF $12,000 OR LESS.—If a taxpayer has an adjusted gross income of $12,000 or less for any taxable year and the Secretary accepts a taxpayer's certification that he reasonably expects that his income tax return for the following taxable year will be substantially similar to his income tax return for the taxable year, the Secretary shall make all reasonable efforts to make payments under this section to such taxpayer for such following taxable year.

"(2) CHANGES IN ESTIMATED REFUND.—If, at any time, the Secretary changes his estimate under subsection (b)(3) for any taxable year, the Secretary may adjust subsequent payments under this section for such taxable year to reflect the new estimate.

"(3) COORDINATION OF PAYMENTS WITH CREDITS.—

"(A) IN GENERAL.—If any payment is made by the Secretary under this section to any taxpayer for a taxable year, then the taxpayer's tax imposed by chapter 1 for such taxable year shall be increased by the aggregate of such payments.

"(B) RECONCILIATION.—Any increase in tax under subparagraph (A) shall not be treated as a tax imposed by chapter 1 for purposes of determining the amount of any credit allowable under subpart C of part IV of subchapter A of chapter 1 other than the credits allowed by sections 32 and 35."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end thereof the following new item:

"Sec. 7524. Advance payments of earned income credit and credit for children."

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1991. Section 15 of the Internal Revenue Code of 1986 shall not apply to any amendment made by this Act.

CARMEN LASAR: THE CITY OF ALAMEDA'S 1991 WOMAN OF THE YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, I am proud to rise today to pay tribute to Ms. Carmen Lasar, who was recently voted the "1991 Woman of the Year" by the city of Alameda in California's Ninth Congressional District.

Ms. Lasar was born in Burnett, WA, and moved to the area in 1957 where she became active in a number of organizations such as the PTA, and the Robin Hood Chapter Children's Society. In 1970, she joined the board of the Oakland SPCA.

She has also been involved in animal organizations for decades. However, it was in 1973 that she became truly involved. A neighbor, Nina Franck, who had tried to get help from authorities to rescue a duck from a lagoon called Ms. Lasar. They rescued the injured duck, took it to the local animal shelter and found the shelter a mess. Instead of complaining to the authorities, Ms. Franck and Ms. Lasar started their own organization, the Alameda Rescue and Control—which later became the Humane Society. With their first fund-raiser, the organization raised enough money to purchase a pressure cleaner for the kennels. The organization is now 300 members strong.

Ms. Lasar still goes to the shelter at least twice a week and sometimes daily. She does everything from walking dogs to washing dishes to transporting animals to finding them homes. She also helps people get animals spayed and neutered and, if an animal comes in injured, she makes sure it is treated so it becomes adoptable. Ms. Lasar also writes a weekly column in the Alameda Times-Star which describes homeless animals at the shelter and gives animal care tips.

Mr. Speaker, I would like to take this opportunity to congratulate Ms. Lasar on being chosen by the city of Alameda as their "1991 Woman of the Year." Her compassion and dedication serve as an example to us all.

TRIBUTE TO DETECTIVE SGT. PAUL MURRAY—ONE OF NASSAU COUNTY'S FINEST

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LENT. Mr. Speaker, it is a pleasure for me to take the floor and inform my distinguished colleagues of the accomplishments of one of my constituents. On this occasion, I rise to recognize and pay special tribute to Detective Sgt. Paul Murray of the Nassau County, New York Police Department. Detective Murray currently resides in Farmingdate and he is a lifelong resident of Nassau County.

Yesterday, April 29, 1991, marked Detective Sergeant Murray's 25th anniversary with the NCPD and, I have been informed, the continuation of an extraordinary record of devotion and service. During his quarter century with Nassau County's finest, Paul Murray has compiled a perfect work attendance record, having never taken even one sick day.

Detective Murray's complete dedication to his law enforcement responsibilities has been an inspiration to friends, family, and brother officers. For the last 10 years, he has been doing an outstanding job with the NCPD's Juvenile Aid Bureau and has served as the supervisor of the juvenile aid activities of four south shore precincts.

Mr. Speaker, it is a privilege and an honor to represent outstanding individuals like Detective Sgt. Paul Murray in this House. While working with troubled youngsters is an extremely difficult and demanding job, Paul Murray's selfless devotion has helped to ensure that it is done right in Nassau County. I offer him every best wish for continued good health and extend the congratulations and thanks of the people of the Fourth Congressional District.

JANE KINGSLEY COSSEY: 102 YEARS YOUNG

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SOLOMON. Mr. Speaker, soon I am going to have the pleasure of visiting a very special lady. Jane Kingsley Cossey of Glens Falls, NY is 102 years young. And the amazing thing is that one of her three sisters is even older. But that is only part of the story I would like to bring to your attention.

A year ago, a Warrensburg mother of teenagers met Janey, as she is called, in Glens Falls Hospital, was as charmed as everyone else that knows her, and decided to take her home.

It is a heart-warming story, and I would like all of you to read about it. That is why I am proud to place in today's RECORD an article on this remarkable lady in a recent edition of my hometown newspaper, the Glens Falls Post-Star:

A VERY SPECIAL FAMILY MEMBER—WARRENSBURG FAMILY ADOPTS 102-YEAR-OLD GRANDMOTHER

(By Janet Marvel)

WARRENSBURG.—This is a love story. It began only last May. The players are Jane Kingsley Cossey, who is 102 years old, and the multi-generational York family, which includes a 6-month-old baby, assorted teenagers and a managerie of pets.

It is a story of affection and warmth, in which the Cheryl and Bud York family opened its heart and its Warrensburg home to Cossey for the past year. Cossey is no relation, by blood or marriage, but by now is, and will remain, an integral member of the household.

The Yorks will honor their adopted member on Mother's Day, May 12, at an open house to celebrate Cossey's 103rd birthday. The celebration will run from 1 to 5 p.m. at the York home at 57 Library Ave. in Warrensburg.

This particular story began last summer, when Cheryl and Cossey shared a patient room at Glens Falls Hospital.

"Jane was in for a broken left hip last May and came in the day before I did," Cheryl said. "I fell in love with her. I can't explain it. I went home and promised to come back to see her. I did. She was there for 61 days, and she was going downhill. I proposed the idea to people that I bring her home, and I got a lot of flak."

In the end, though, Cheryl told Bud what she was going to do, and he said, "Fine."

Cossey's new life certainly agrees with her. She came to the York home weighing 72 pounds, Cheryl said; she now weighs 95 pounds.

One thing Cossey has brought to the household is a sense of humor.

"When I was bringing Janey home from the hospital," Cheryl said, "she said her nosed itched. I said that meant she would kiss a fool. Janey said, 'Hand me the mirror.' "

"One day," she continued, "Bud was talking to Janey and holding her hand. He said how soft Janey's hands were. 'They should be,' Janey told him, 'I don't do anything here.' Bud laughed."

Cossey joins Jude Burke, 11, Reigan Burke, 15, Tiffany Burke, 20, Carrie York, 14, and Tiffany's son, 6-month-old Zachary Harrison. The family is rounded out with eight birds, two cats, three ducks, a dozen chickens and a horse.

"I love to live here," Cossey said. "The kids do so many nice things for me. They wait on me so much and give me drinks of juice and water. I enjoy everything about it. . . . The bird gets on my shoulder and bites my ear. The cat plays with my finger."

Cossey enjoys a special relationship with Jude, whom Cheryl calls "openly affectionate" to Cossey.

Coming home from school with her backpack in hand, Jude sat on the arm of the stuffed chair where Cossey sat in stylish white slacks, white sweater and dark green silk blouse. She warmly greeted the lady she calls Janey, and took her hand. "You look very pretty today," she told her. "Your nails look nice."

"Janey is the sweetest thing," Jude said with a smile. "I've never felt comfortable around older people, but I feel she is my age. She's real neat to talk to. Sometimes I tell her what I did at my friend's house. Or I ask her questions about her life; that's real interesting."

Jude said she recorded on tape some of their conversations.

"Jude taped things I remembered," Cossey said "I lived on a farm in the town of Horicon. We raised vegetables, and I helped my mother. We had sheep and two pigs. We had chickens, but I was a bit afraid of them."

Sometimes, Jude styles Cossey's hair or does her nails. Once, Cossey said, Jude "fussed" with her hair, putting it into different shapes with a variety of clips and barrettes.

"She looked like a young kid or a clown. Jane had a lot of fun, and we did a lot of laughing that day," Cheryl said.

Cossey agreed: "They had a nice time, and so did I."

One of nine children, Cossey was born May 11, 1889, to Melvin and Evangeline Kingsley. Her great-grandfather came to this country from England, she recalled.

About age 20 she moved to Glens Falls, where she lived until four or five years ago. She married Irving Cossey, a plumber in the Lake George-Glens Falls area, who died 27 years ago.

Cossey lived alone until she was 101, when she moved to the Adirondack Manor nursing home in Queensbury. When she broke her hip in May, she entered Glens Falls Hospital, where she met Cheryl.

Occasionally, Cossey visits with her three sisters, who also live in the area. She chats by phone with her 103-year-old sister, Lena Pratt, in Saratoga, and talks to 84-year-old Leota McKinstry of Ticonderoga and 98-year-old Hattie Hagard of Pottersville.

Last November Cheryl invited the three sisters to her Warrensburg home for Hagard's birthday.

"It was amazing, a 101-year-old had three living sisters, and one who is older," Cheryl said. "The four women sat here and laughed. They were a scream. They all have that dry sense of humor."

When people ask how Cossey and Cheryl are related, Cossey has an answer:

"I tell them Cheryl is my mother, and usually they laugh," she said with a grin.

"Cheryl is supposed to say, "I look good for my age.'"

A GRAND AND GLORIOUS SETTING FOR THE GRAND HOTEL OF MACKINAC ISLAND

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. VANDER JAGT. Mr. Speaker, the great State of Michigan, the Ninth District of which I have the honor to represent in the Congress, is justly famed for the contributions it has made to America's industrial revolution. The legacy of Henry Ford and the modern revitalization of the automobile industry in response to changing demands in the marketplace demonstrate both an industrial heritage and a solid future.

But the people of our great State have also long celebrated its beauty as a respite from the labors of the field and factory. The State motto: "If you seek a pleasant peninsula, look around you, is a testament to the founding fathers of the State and their sense of pride in its beauty." I am especially pleased that the Ninth District, on the western side of the State, is the site of so many of the beauties and recreational opportunities which Michigan offers.

There is a special place in Michigan, however, where it is truly possible to "look around you" and to see the State's unique beauty—and find tranquillity in being protected from the intrusion of the fruits of our industrial labors. The Grand Hotel on Mackinac Island—aptly named and, in the past several years lovingly reestablished as the proudest lady of Michigan's recreational tradition—is a testament to the vision of its owner, R. Daniel Musser. As an employee of the hotel during less elegant times he dared dream of restoring Michigan's preeminent escape from its preeminent industry to its former glory. He has done so faithfully and magnificently in the finest tradition of a truly grand old lady.

Len Barnes, editor in chief of Michigan Living magazine, wrote of the tradition of the Grand Hotel on the occasion of its centenary 4 years ago. In addition to its unique site on a bluff, on an island, offering a special opportunity to look around the Grand is blessed by the island's prohibition against motor vehicles. But the outstanding dedication of Dan Musser, and the grand lady speak best—and I commend Mr. Barnes' telling of their story to your attention:

MACKINAC ISLAND'S GRAND HOTEL TURNS 100

(By Len Barnes)

"It's a big white elephant," the Petoskey Independent Democrat called Grand Hotel on Mackinac Island in 1893, only seven years after it opened. A two-month season (July-August) and undependable weather made it a big money loser after its completion to stimulate passenger traffic on a railroad and a ship from Chicago. Lowering room rates of $4 and $5 (including three meals) didn't help much.

"It's an aged wooden frame building, held together by more coats of white paint than one can count."

That's how Charles Wagoner, the travel editor of the late Detroit Times, accurately described Grand Hotel when I first visited it with him in the early 1950's. It had received little maintenance for years.

Many rooms had two floor levels and only a bare light bulb hanging from a cord for illumination. Rooms were painted a stark, plain white. I stayed in a room that required getting down on my knees to use the wash basin, because the room floor had been raised, but the plumbing had not.

A sign beside the registration desk in the lobby reminded "This Hotel is closed 82 percent of the year."

"That's so people will understand why we have to charge so much," its crusty, elegantly dressed late owner W. Stewart Woodfill, explained, he took pride in showing us his private office, pointing out that his desk was elevated several feet above the single guest chair (nailed to the floor).

"Gives me a psychological advantage in dealing with complaints," Woodfill chuckled. Present owner R. Daniel Musser was a bar cashier to whom Woodfill didn't introduce us.

And while Woodfill saved the Grand from bankruptcy several times in the 1930's depression and kept it afloat through World War II, he was adamantly opposed to spending much money updating it. So when he died, Musser had two choices:

Spend a little on maintenance and keep it open only three months a year. He knew he faced increasing competition from many new resorts plus a changing vacation lifestyle from spending two weeks in a place to driving trips where a family stays only one night in each place.

Or Musser could begin a complete renovation, spending big dollars, borrowing many of them, with the hope that he could extend the season by attracting meetings and conventions in May, September and October.

He chose the later, and in the last 10 years has poured $12 million into a complete renovation of the Grand.

It is good that he did. For July 10, the Grand becomes 100 years old. As a result of Musser's successful gamble, it has never lived up to its name more, even on the day it opened and attracted the cream of Chicago and St. Louis society.

The Grand now rates Four Diamonds, with only 51 hotels in North America, none of them closed anytime in the year, rated above it at Five Diamonds. It perches proudly on a bluff 100 feet above Mackinac Straits on 500 acres of manicured and sculptured greenery. There Lakes Huron and Michigan meet in a dark blue, often whitecapped waterscape which produces fresh, clean breezes to cool guests from hot cities in summer, and to offer views of ships from all nations passing.

To supervise the renovation, Musser hired Carleton Varney, famed for bringing the Greenbrier Resort in West Virginia into the 20th century, along with giving a special touch to homes of many movie stars. With Varney's help, he and wife Amelia made a bold choice in theme of public rooms.

It is enunciated in black wall-to-wall carpet with large scarlet geraniums woven into it for the main lobby. The design mirrors the 2,500 geraniums in outdoor platings, edging the front porch and lining the Geranium Bar. The geranium design is repeated in needlepoint chairs, wall hangings and headboards in many guest rooms.

Renovation of the original 255 rooms received assistance from Ameilia Musser, whose daughter Mimi's paintings complement the decor. They used warm summery colors lavishly on walls, carpets and even ceilings—lime and other shades of green, sun yellows, reds, pinks, peach and shades of blue. No more drab white. Almost every room has some special touches. All rooms have showers, many have baths and porches. Four years ago the west wing and half the back side rooms were completely rebuilt, with many enlarged 13 feet into the courtyard to increase square footage.

Varney decorated 17 suites, each completely different, giving them descriptive names (Musser seems to favor Republican Presidents): Lincoln, Jefferson, Eisenhower, Madison, Carleton Varney, Woodfill, Versailles, Lord Astor, Lady Astor, Presidential, Royal, Governor's, Wicker, Summer Place.

One of the most unusual is the very macho "The Lodge of Teddy Roosevelt." Dark wood paneled walls are hung with animal heads and mounted fish. The larger than king size bed is of massive dark mahogany, prompting Boston Globe Travel Editor Bill Davis to say when he arose in that room that he should shout "Bully!"

"I dreamed of the 1950's," Glamour Magazine Associate Travel Editor Anita Cotter said after spending the night in the Eisenhower suite. Carol Barrington, a Houston travel writer, must have slept in the Dolly Madison Room.

"It was so full of floral fabrics, flounces and ruffles, so redolent with cuteness, that I had to resist going to sleep with my thumb in my mouth," Barrington said.

Some suites have canopied beds that one almost needs a ladder to get into, plus sitting rooms with wet bars large enough to accommodate 100 or more for cocktails.

During filming of "Somewhere In Time" in 1979 at the Grand, Universal Studios redecorated two rooms, and one, the Pontiac Room on far end of the main lounge, remains as it appeared in the movie.

Those who visited the Grand as recently as last year will find changes. There are 11 new guest rooms on the fourth floor with unique birdseye views. And the tower in center of the Hotel's roof has become the Cupola Bar, a two story lounge seating 80. Upper story is completely glassed in to afford a panoramic view of the Straits, with light entertainment featured.

This year the Woodfill Conference Center opens in the Grand. The Theater has been gutted, extended, rebuilt with three new meeting rooms and three others redone, increasing the Grand's ability to meet convention needs.

The Grand cannot exactly duplicate its grand opening. Just-introduced railroad sleeping cars and steamships from Chicago brought the cream of midwest society plus captains of industry and politicans, the women in long-gowned, plume-hatted finery, men in top hats with walking sticks.

Mark Twain registered as Samuel Clemens, Chicago's society queen Mrs. Potter Palmer held court on the front porch, Commodore Cornelius Vanderbilt and railroad builder James Hill talked with George Pullman for whom railway sleeping cars are named. Chicagoans Marshall Fields, the Armours, Swifts and Cudahys, the Adolph Busch family from St. Louis were present along with U.S. Senator Chauchey Depew and Francis Stockbridge.

After the inaugural dinner, guests began a tradition which continues today—demitasse and after-dinner drinks in the soaring-ceilinged, chandeliered lounge, listening to a musical recital and then promenading the length of the porch before retiring. Since five-mile long Big Mac Bridge which connects Michigan's two peninsulas over Lake Huron was lighted at night 25 years ago, getting a glimpse of it after dinner is an added attraction.

THE LOSS OF CAPT. JOHN V. NOEL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RICHARDSON. Mr. Speaker, it is with deep regret that I bring to the attention of my colleagues in the House of Representatives the loss of a courageous, loyal, and dedicated sailor, Capt. John V. Noel of the U.S. Navy.

Captain Noel had a long and distinguished career in the Navy before he settled in my district with his wife Mary in Santa Fe, NM. Although he had many military accomplishments, some of his most outstanding accomplishments were in the literary field. They include his authorship of books on seamanship and moral leadership that have been essential to the training of midshipmen at the Naval Academy in Annapolis, MD.

Captain Noel will be missed by his colleagues, his wife, Mary, and all of us who depend on the qualities of readiness and leadership he espoused.

FACTS FOR HACKS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. MICHEL. Mr. Speaker, I call to the attention of my colleagues an excellent article that appeared in the New Republic of May 20, 1991. Written by Mickey Kaus, it shows how statistics can be manipulated to back up almost any argument.

We all should cast a skeptical eye toward those who use statistics to paint a certain picture of America. The world that these numbers convey may not be the world that we really live in. Those of us in political life cannot avoid using statistics, but we can try to use them to clarify public policy issues, and not to promote a point of view at the expense of oversimplifying—or totally ignoring—the complexities of economic and social reality.

Mr. Speaker, at this point I wish to insert in the RECORD "Facts for Hacks."

FACTS FOR HACKS

(By Mickey Kaus)

In presidential campaigns, the "message" comes first. Then speechwriters insert the facts to back it up, preferably startling facts. This process does not lend itself to scrupulous accuracy. Ronald Reagan set the modern standard here, which is lax.

Even as you read this, Democratic hacks and young idealists eager to serve the party's 1992 candidates are loading up the savegeet keys on their computers with statistics from groups like the Children's Defense Fund and the Center on Budget and Policy Priorities. Some of these facts will be right. But some will be misleading in ways that reveal deep gaps between the Democratic message and the real world. Until a few years ago, for example, Democrats routinely argued that "the average length of stay on welfare is only two years." Then David Ellwood of Harvard discovered it was 6.6 years. Could this help explain why Democratic rhetoric on welfare failed to resonate with voters?

Once the 1992 campaign is under way, popular Democratic "facts" will become unassailable matters of faith. That means the time for Democrats to get their facts—and, maybe, their message—straight is now, before the campaign begins. Even when the statistics are unrevealing clichés, stacked up like bricks in the middle paragraphs of stump speeches, they might as well be right. What the hell. In that spirit, here is a brief critical guide to the potential Democratic stat-bites of 1992.

1. "Due to lack of funding, the Head Start preschool education program reaches only 20 percent of the eligible children in this country. . ." Obsolete. The old rallying cry of the Children's Defense Fund was indeed that Head Start served only a fifth of poor preschool kids aged 3, 4, and 5. But funding increases have now raised the CDF number to 35 percent. And of the remaining 65 percent, some kids are in state preschool programs, some are in private programs, some are scattered in rural areas that are difficult to serve, and some wouldn't want to use Head Start. Head Start doesn't reach enough poor children, but the shortfall isn't close to 65 percent. CDF now urges more spending to improve programs (e.g., coverting half-day programs to all day) rather than simply to cover "eligible" kids. "The focus on numbers isn't the issue," says CDF's Helen Blank. Now they tell us.

2. ". . . and, despite President Bush's promises, the Women Infants and Children (WIC) nutrition program reaches only about half those eligible." True, but misleading. WIC serves lower-income women who are pregnant or have children under 6. Pregnant women get priority; 70 to 85 percent of them are already receiving WIC. Also, eligibility for WIC extends way above the poverty line, to families of four with incomes of $24,000. You could easily cover all remaining poor mothers who wanted the program without doubling it.

3. "A startling number of American children [are] in danger of starving. . . . One out of eight American children under the age of 12 is going hungry tonight." Dan Rather said that. It's crap. Rather misreports a "study" by the Food Research and Action Center, a Washington organization that lobbies for government food aid. The study did not measure malnutrition, much less starvation. It purports to identify children whose families were strapped for cash to buy food at any time over the previous year (not each night). Low-income people were asked eight "key questions," some of which might draw affirmative responses from Donald Trump (e.g.: "Do your children ever say they are hungry because there is not enough food in the house?"). Those who said yes to five of the eight questions were pronounced "hungry." Those who gave even one "yes" were deemed "at risk" of hunger. The results of seven small, unrepresentative surveys then were transformed, somehow, into a national number. The surveys were conducted by local advocacy groups with an interest in getting "yes" answers (e.g., the Alabama Coalition Against Hunger). They were financed by Kraft General Foods, a major corporate beneficiary of federal food subsidies. The whole project oozes phoniness.

4. "Average weekly earnings in America today are lower than they were in the last week that Dwight Eisenhower was president." If this stat-bite from Senator Daniel Patrick Moynihan is true, the country's really gone to hell. But it isn't true. Moynihan uses data from the Bureau of Labor Statistics for "production and nonsupervisory workers." The BLS survey is screwy, in part because it has been measuring a smaller and smaller segment of the labor force as the economy shifts to white-collar work. Figures for the entire work force, from more reliable Social Security records, show an average 30 percent gain since Ike's day.

5. "Real, after-tax income fell for most American families in the '80s." Nope. Like Moynihan's, this statistic (used by William Raspberry and Time, among others) is a bit too bad to be true. One problem comes in measuring income by "families." Families are getting smaller. A couple with one child living on $30,000 in 1990 is a lot better off financially than a family of six trying to make do on the same real income in 1950. When the Congressional Budget Office corrects for these shifts, the bottom 40 percent (not "most") of the population has lost ground since 1977. But significantly (for Democrats, anyway) the bulk of the damage occurred before 1980. In the much-maligned '80s, the top 70 percent of families gained, with or without the CBO adjustments. Sorry.

6. "Since 1980 the share of after-tax household income has fallen for everyone except the richest 20 percent." Correct. Even when most Americans gained, those in the middle didn't gain nearly as much as those at the top. Inequality of income has grown. This stat-bite is probably accurate even if you count government "non-cash" benefits like food stamps. It's also true that "inequality is now at the highest level since World War II." But are Republicans to blame? This brings us to . . .

7. "[S]ome two-thirds of that shift in after-tax income toward the top I percent can be attributed to the supply-side tax changes of 1977 and, especially, 1981 . . ." An interesting, but dubious, statistic from Robert S. McIntyre of Citizens for Tax Justice. Most people who've studied the subject conclude that tax cuts played only a small role in the inequality of the '80s. Changes in the underlying economy caused the rich to earn more before taxes. But McIntyre argues that the rich invested their tax cuts, and the earnings on that investment showed up later as a rise in pretax income. His calculation requires some peculiar assumptions, though. For example, he measures his "tax cuts" not from the tax code as it was in 1977 before the cuts, but from a hypothetical code he assumes would have been constantly changed to preserve progressivity. Nor is it clear the rich invested, rather than consumed, their tax windfalls. Even McIntyre concedes that inequality would still have risen without the tax changes. It's safer to stick with Kevin Phillips's fudged formulation: tax shifts "go a long way to explain" rising inequality. Who's going to argue about what a "long way" is?

8. "Some 375,000 drug-exposed babies are born each year, 11 percent of all births." Handle with care. The National Association for Perinatal Addiction Research and Education sent out a questionnaire to hospitals. Some had conducted detailed interviews of new mothers for drug exposure. Some hadn't NAPARE concluded, according to a spokesperson, that 11 percent of newborns or "as many as" 375,000 babies "may have been affected" by drugs because their mothers took them at one point during pregnancy. "Drugs" includes alcohol as well as illegal substances. There are not 375,000 drug-ad-

dicted babies. There are not 375,000 cocaine-exposed babies or anywhere near 375,000 "crack babies."

9. ". . . and it's disgrace that 3 million Americans are homeless each night." The 3 million number was promoted by homeless advocates in the mid-'80s. Not even they bother to defend it anymore. What's the right number? Clearly higher than the 250,000 homeless the Census actually counted one day last year. A 1988 study by Martha Burt of the Urban Institute came up with 600,000 as a maximum estimate. Any number between 250,000 and 600,000 is defensible, and still a disgrace.

10. "Fewer than 10 percent of families today fit the old 'Ozzie and Harriet' model of homemaker mother and breadwinner father." Representative Pat Schroeder's favorite factoid is misleading. It's concocted either by counting only families with exactly two kids, or by inflating the number of non-Ozzie "families" by including seniors, roommates, couples without children, and single people living alone. If you look at only households with children, about 25 percent fit the traditional model. About 45 percent of mothers work fulltime. That's still a huge shift from the 1950s.

11. "Between now and the year 2000, most new entrants into the work force will be minorities." A "net" vs "gross" scam is at work here. As Lawrence Mishel and Ruy Teixeira note in a recent paper, white non-Hispanics will still make up the vast majority (66.8 percent) of people entering the work force. But because they will also be the vast majority of people leaving the work force, their contribution of "net"—or "new"—workers will be less than 50 percent. The work force will become a bit less white. But its majority won't be minority anytime soon, if ever.

12. "Approximately 64 percent of all poor children—or nearly two of every three—live in families with one or more workers." This stat-bite from the Center on Budget and Policy Priorities is designed to shock voters who think the poor don't work. But it counts someone as a "worker" even if they work only a day or two a year. Unfortunately, many people don't work much more than that. Less than half of poor families with children field even a quarter-time worker. Fully 40 percent do no work at all. Only 25 percent are families where the total work effort adds up to 35 hours a week.

13. "The popular idea of a so-called black underclass is mistaken. Blacks made up only 45 percent of all welfare recipients in 1969. That percentage actually fell to 40 percent in 1987." Contrarian liberals are starting to produce numbers that dispute the notion of a black underclass. Don't buy them. Yes, blacks are about 40 percent of welfare recipients (as are whites; the Hispanic share has grown to 16 percent). But a majority of families who are on welfare for a long period of time are black—including 63 percent of people who got most of their income from welfare in at least eight of the ten years from 1975–84 (according to Michigan University's Panel Study of Income Dynamics). If you define the underclass as urban neighborhoods with extreme poverty, it is 68 percent black. If you define it as neighborhoods with extreme social problems, it is 58 percent black.

14. "72 percent of black children born from 1967 through 1969 had spent at least a year on welfare by the time they reached age 18." Another bizarre statistic promoted by Moynihan that, if accurate, would show the country to be in terrible trouble. There is a difference, though. This statistic startles not by confounding the crude, popular wisdom but by confirming it. There's another difference: the statistic is accurate.

LETTERS OF SUPPORT FOR H.R. 1444 EXPANDING MEDICARE TO UNDER AGE 65

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, on March 14, I introduced the Medicare Eligibility Expansion Act of 1991, an act which would expand Medicare coverage to include certain people between the ages of 62 and 64. In order to emphasize the necessity of this bill, I would like to bring to your attention several letters that were sent to my office.

In one letter, a widow in Illinois who retired at 62, had been dropped from her employer's medical insurance. Because of previous health problems, she could not get health insurance for less than $621 per month. This money had to come from her IRA.

In another letter, a man in Wisconsin who was forced to retire at 55 due to multiple sclerosis, described how he had to sell his house in order to keep up with private medical insurance payments. His own words are that he and his wife "* * * fell right into the crack in the Health Insurance System."

A third letter from a 57-year-old California man details how his company went bankrupt. He has the option to continue his old insurance policy, but he cannot afford the premiums.

All of these people are from different states, but they have one problem in common—they have fallen through the cracks in the health care system. H.R. 1444 will help to fill in those cracks and stop tragedies like this from happening in the future.

TRIBUTE TO ANDY WINDERS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ATKINS. Mr. Speaker, there have been many great basketball players to take to the parquet floors of the Boston Garden, from Cousy and Russell to Bird and Parish. Recently, however, a player as inspiring as any Celtic great that graced that famous floor has come to my attention. That player is Andy Winders.

Andy is a senior at Acton-Boxboro Regional High School, and captain of their boys basketball team. As their captain, Andy led the team to the division 2 State championship game. Unfortunately, Acton-Boxboro's remarkable season did not end on a positive note. They lost a 76 to 74 heartbreaker to the opposing team from Sharon.

What was impressive about Acton-Boxboro, and in particular, Andy Winders, was not the way they played the game itself, it was not the 35 points Andy scored, it was not the fact that 25 of them came in the second half and it was not the fact that he made 3-pointer after 3-pointer in the waning minutes of play. It was the fact that he did all of this while suffering from cystic fibrosis.

The disease and the accompanying nagging cough have afflicted Andy since birth, but he has not let this adversity hinder him in any way—on or off the court. He is president of Acton-Boxboro's chapter of the National Honor Society and is highly respected by his peers, teachers, and coaches.

Mr. Speaker, Andy should be an inspiration to us all. It is possible, no matter how great the adversity, to perform magnificently if the will and the drive are there. Andy is blessed with both.

FUTURE OF NAVAL AVIATION

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to call my colleagues' attention to a letter which has been sent to the naval institute's magazine, Proceedings. Lt. Steven E. Harfst, USNR, of Fighter Squadron 111 at NAS Miramar has written a timely and thought-provoking article on the future of naval aviation.

Lieutenant Harfst's article was accompanied by a letter signed by 58 Navy pilots. These aviator feel strongly enough about naval aviation to get involved in the process, and I commend them for their interest and efforts.

Naval aviation played a critical role in the war in the Persian Gulf, but we could conceivably lose that edge unless we move rapidly and decisively to beef up naval aviation. In this former naval aviator's mind, the need for the F–14D is clear. While other aircraft can and should be used in different roles, the F–14D is central to naval aviation. As a superior all-weather, night, medium attack and long-range air-to air fighter, it is the right plane for the mission.

Mr. Speaker, the F–14D is an airplane which can fly today. The taxpayers have already paid for much of the R & D costs. If we are truly concerned about preserving the United States' overwhelming superiority in this field, then I hope my colleagues will carefully review this article.

The letter follows:

> The recent decision by the Office of the Secretary of Defense (O.S.D.) to cancel the F–14D program in favor of an updated version of the F/A–18 has caused a great deal of concern within the Navy's fighter community.
>
> It has been recognized for some time that a replacement is needed for the aging A–6 Intruder. The Persian Gulf war has shown the importance of the medium attack role for the Battle Group Commander as well as highlighting the need for a precision weapons delivery capability in the Carrier Air Wing.
>
> With the cancellation of the A–12 program and the apparent massive reduction of the F–14D Super Tomcat program, the war fighting capability of the Carrier Air Wing is in jeopardy. By opposing the Pentagon and reinstating fiscal year 1991 funding for the F–

14D, Congress has taken a step in the right direction. Yet serious, practical decisions need to be dedicated to the needs of the Carrier Air Wing as it approaches the 21st century.

The proposal by the O.S.D. for an all F/A-18E/F air wing is not the answer to the problems of power projection in the future. The F/A-18 was originally envisioned as the low end of a highcost-lowcost mix of aircraft on the carrier, a mix that has proved to be not only cost effective but tactically effective as well. However, the Hornet will never be an adequate replacement for either the A-6 or the F-14, and falls considerably short of the mark as a replacement for both.

Until a long term, cost effective alternative to the A-12 can be found, and until the extent of the Navy's involvement in the ATF program is decided upon, relying on a short range attack aircraft with a limited air-to-air capability cannot be the answer. The best hope of the Carrier Air Wing of the future exists today in the form of the F-14D Super Tomcat performing the all-weather, night, medium attack and long range air-to-air fighter mission.

By exploiting the full air-to-ground potential of the Super Tomcat, the Navy would have a long range, all-weather strike-fighter with capabilities comparable to those of the F-15E Strike Eagle. HARM, Harpoon and the ability to carry a multitude of existing and new generation air-to-ground weapons is already a reality in the F-14D. With the current strength and the future growth potential of the F-14D we have the best solution to the problems of power projection into the 21st century without giving up any of its proven air-to-air capabilities.

Apparenty there are forces at work in Washington D.C. which are against any future for the F-14. The problem should not be the choice of one aircraft over another, but the proper mix of aircraft that allows superiority to be maintained in every tactical arena. The Hornet, or any other single aircraft, will never meet all the requirements of the Carrier Air Wing. The F-14D Super Tomcat is more capable than the proposed F/A-18E/F, is here now, and should be utilized to its full potential.

The F/A-18E/F will never match the air-to-air capabilities of the Super Tomcat. Even with the addition of the developing AMRAAM technology, the limitations of the Hornet's weapons system cannot match the performance that the Tomcat possesses today with its Phoenix missiles and powerful, large aperture radar. While the Tomcat will carry AMRAAM when it becomes available, the Hornet will never carry the Phoenix missile and is still waiting for a multi-shot capability.

The key to success in aerial combat is the ability to locate and prosecute the enemy in a heavy electronic counter-measures (ECM)/stealth environment while gaining the first shot, first kill advantage. The Super Tomcat's powerful APG-71 radar coupled with its advanced weapons control system gives it this capability.

It is true that the F-14 has a large radar cross-section, but this is not a major tactical disadvantage. The radar cross-section of the F-14d is roughly equivalent to the F-15E which has had proven combat success in the Persian Gulf. While it would be difficult to make the Tomcat smaller, it can benefit from current stealth technology to reduce its radar cross-section.

A fighter aircraft in the interceptor role must have the ability to detect aircraft employing stealth technology. This ability is crucial and is directly related to a given radar's power-aperture product. The Hornet's low power-aperture product, a limitation caused by its small radome, results in short detection ranges and a weak capability against stealth targets.

In contrast, the F-14D possesses a robust counter-stealth capability due to its large aperture, high power out radar. The Tomcat's radar far exceeds that of the Hornet in both passive and active detection ranges. The Tomcat will always have the first-shot advantage over the Hornet. The long range, multi-shot, first shot capability is one that the Carrier Battle Group Commander cannot do without.

Long wave infrared search and track is a proven counter-stealth capability and the IRST system currently on the F-14D is a quantum leap over any other passive detection system in the world. The ability to passively detect, track and destroy enemy aircraft will be a crucial advantage in future aerial combat. Aircraft employing low observable/stealth technology cannot hide from the proven combination of the IRST and the APG-71 radar. Only the F-14D Super Tomcat can accomplish this today!

The combination of the new F-14D powerplant and the advantages of variable geometry wingsweep, gives the Super Tomcat the advantage in maneuverability. The variable engine inlets in the F-14 give it the speed necessary for survival in combat. The size of the F-14 engine nacelle's will allow it to carry new generation engines, such as those designed for the ATF, giving it a "super cruise" capability.

Fighter and attack pilots have a saying that "Speed is life". The inability of an aircraft to detach from an engagement or to egress from a target area because of a speed disadvantage will be fatal. The fixed engine inlets of the Hornet are a liability by limiting its ability to achieve those speeds necessary for survival. The variable engine inlets of the F-14 allows the flexibility to achieve higher airspeeds and increase survivability.

Given similar loadouts, the Tomcat enjoys an approximate 200 knot advantage in either a high speed ingress or egress to or from a target area. This is a recognized liability for the Hornet and is directly related to aircrew survivability. Clearly the Hornet 2000 would be seriously underpowered in many situations.

The Hornet has an acknowledged range problem. External fuel tanks can help to alleviate this problem, but they severely degrade many of the Hornet's tactical advantages. The F/A-18 cruise configuration (two wing tanks plus a centerline tank) results in a radically different aircraft in terms of maneuvering capabilities compared to a "clean" Hornet. In this configuration, the Hornet's combat range is still extremely limited, the amount of ordnance, it can carry is drastically reduced, its air-to-air capabilities are extremely limited and it still requires extensive tanker support. Long combat range and the ability to take bombs across the beach is crucial to the Battle Group Commander.

The necessity to plan around the short range limitation of the Hornet is a hindrance to the rest of the battle group by monopolizing airwing tanking assets and often requiring the coordination of non-organic tanking assets as well. The F-14D represents over twice the combat range capability and possesses significant advantages in on-station time compared to the Hornet, and when external tanks are carried by the Tomcat, they do not degrade its ordnance loadout.

The F-14 is the only air wing asset capable of carrying four two-thousand pound bombs, along with its air-to-air armament, while maintaining its ability to recover back aboard the carrier without expending its ordnance. The Hornet cannot even taxi with that kind of ordnance load. Once airborne, the Tomcat can carry its heavier payload twice as far, stay longer and retire faster than the Hornet.

The size of the F-14 also equates to growth potential. Options exist to increase internal fuel carriage by 20%. The relatively small size of the Hornet has lead some to believe that an Air Wing Commander can put more of them on the deck of his carrier. This is not necessarily true. Because of its landing gear design, much of the Tomcat can be placed over the water when it is parked along the deck edge of the carrier.

As evident during recent testimony on Capitol Hill, the Hornet requires major modifications including fuselage plugs and larger wings to perform the mission it will be tasked with. In reality, this will result in a completely new, unproven, untested aircraft requiring extensive flight testing before it will become operational.

The fleet needs an aircraft with advanced technology and capabilities today; not in the undetermined future. A simpler and far more cost effective alternative would be minor changes in the existing, proven and tested F-14D. Software developments adding the air-to-ground capability to the F-14D are already paid for and are due for introduction in 1993 Why throw away a proven, carrier capable platform which can meet the fighter and medium attack requirements well into the 21st century?

It is not only unreasonable National Strategy to discontinue the F-14, a move which would severely impact our industrial base, but unsound policy to forego the present use and future development of the F-14D and await the development of a new aircraft. Will the ATF contract winner really be able to carrierize the F-22/23? How long will we have to wait? And while we wait, how many antiquated aircraft will we be forced into combat with in the interim?

Surely the cost of research and development for the F/A-18E/F will far exceed that needed for upgrades to the F-14D that are already available. Why should we be forced to await the arrival of the proposed F/A-18E/F when we could be training and fighting with the very technology (the F-14D) that the new Hornet is projected to provide?

It is my sincere belief that the best, most sensible course of action is to continue to produce and develop advanced versions of the F-14, while continuing to exploit the relative advantages a mix of different aircraft affords. An intelligent mix of F-14 variants covering the medium all-weather/night attack role and the all-weather fighter role alongside a compliment of less expensive F/A-18 aircraft to cover the traditional day-attack and point defense fighter roles is the most effective use of taxpayer dollars. It is irrational to wait for the introduction of an aircraft which could be 50% more expensive and possess less capabilities than the F-14D. The Super Tomcat is here today, not a proposal on a design sheet. It is my hope that every consideration will be given to continuing the F-14D program.

ONE HUNDRED YEARS AND GROWING

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LAGOMARSINO. Mr. Speaker, in June of 1891, a group of citizens in the Santa Maria Valley of California circulated a petition to unite 22 local school districts into a new Santa Maria Union High School District.

The petition was circulated under the provisions of the Union High School Act, enacted by the California Legislature the preceding March. Thus, following the successful consolidation election August 1 of that year, Santa Maria Union High School District became the first union high school district in the State, on August 22, 1891.

In the century since that landmark day, untold thousands of students have been sent forth, enriching the valley and the world with their knowledge.

On May 17 to 19, the community has planned a centennial celebration in Santa Maria. Thousands of returning graduates, teachers, and administrators will be on hand to commemorate the creation of one of the pivotal institutions of the greater Santa Maria community.

So it is with great pride and honor, Mr. Speaker, that I extend to the students, teachers, graduates, staff, administrators, trustees—and taxpayers—of the Santa Maria Joint Union High School District, on behalf of the U.S. House of Representatives, our most sincere congratulations and best wishes on this milestone in the history of the Santa Maria Valley and the State of California. Wait until you see what they have got planned for the second century.

NATIONAL SMALL BUSINESS SUBCONTRACTOR OF THE YEAR

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RICHARDSON. Mr. Speaker, I am proud to announce that Merrick & Co., an engineering firm located in Los Alamos, NM, was presented the "National Small Business Subcontractor of the Year Award" by the President today.

Merrick was presented the subcontractor award for its full service engineering capability specializing in process and equipment design and mechanical engineering services for the Special Nuclear Materials Research and Development Laboratory at the Los Alamos National Laboratory. Merrick is also listed among the top 500 design firms in the country by Engineering News Record. I want to personally commend Merrick & Co. for receiving such a prestigious award and for providing New Mexico and the Nation with critical engineering services.

SUMMARY OF NOMINATION FOR NATIONAL SMALL BUSINESS SUBCONTRACTOR OF THE YEAR

Nominated By: Phillip Warnock, Contract Administrator, Special Nuclear Materials Laboratory, Los Alamos National Laboratory, Los Alamos, New Mexico.

CONTRACT

$12,142,650 for full service engineering capability specializing in process and equipment design and mechanical engineering services for the Special Nuclear Materials Research and Development Laboratory at the Los Alamos National Laboratory.

MANAGEMENT AND STAFFING

Merrick's first contract from LANL was awarded in 1985. The company established a 30-person, multi-discipline office at Los Alamos to provide services under the contract for facilities engineering. Based on excellent ratings, this contract was extended in 1988. Also in 1988, Merrick was awarded the contract for the work on the Special Nuclear Materials Research and Development Laboratory by LANL, which is the contract on which the nomination is based. Merrick organized a separate, dedicated on-site project office of 50 professionals on to provide services on the second contract.

Merrick relocated engineers from its Denver headquarters, including a corporate vice president as general manager, and recruited local professionals to make up the office staff. The company has actively recruited graduate engineers at the University of New Mexico through on-campus interviews the past two years and also has a summer intern program. More than 25 percent of the Merrick's employees are minorities, as a result of an active Affirmative Action Plan.

FINANCIAL CONTROLS

Merrick integrated its accounting and invoicing system with its subcontractors to provide a comprehensive and well documented invoice and audit trail that exceeded LANL requirements. The company also implemented a microcomputer based project controls system for scheduling, budgeting, collecting and reporting costs and progress for each task on the project. All reporting requirements have been met in an accurate, timely and reliable manner.

EMPLOYEE PERFORMANCE

Merrick is a 100 percent employee owned business. Employee relations with management are good because the employees are the stockholders. In addition, they are highly motivated to perform each project successfully since they benefit directly from the success of the company.

In addition to responding to the contract by establishing and staffing a local office for the contract, Merrick took an active role in the community. Merrick employees participate in numerous local group activities including the Special Olympics, a softball league, food drives and various local charity sponsorships. The company is taking an active role in the Los Alamos Chamber of Commerce, Rio Grande Minority Purchasing Council, local job fairs and trade shows, various local community programs, and professional societies.

TECHNICAL PERFORMANCE

Merrick has repeatedly demonstrated the ability to solve complex problems, develop innovative designs, and manage large quantities of data. The firm has taken on high visibility, high pressure jobs on short notice and produced exceptional quality. Merrick has developed many standard designs, made optimal use of CADD menus to recall standard designs, developed an extensive computer database with more than 15,000 records, established procurement plans and qualifications for vendors, and instituted many other design efficiency improvements. In developing the system, the company solicited local small businesses for programming support services and used a local disadvantaged woman-owned business to assist in programming and source code documentation.

COST PERFORMANCE

Merrick established labor rates reflective of the local market and controls to match the required skill levels with the tasks to avoid higher paid personnel when a lesser skill is adequate. The company establishes teams of seven to ten people with a balanced mix of senior and junior personnel to provide close-knit relationships among staff for maximum cost-effective performance on each task. This also results in rapid project execution.

A great deal of effort is made by Merrick to ensure the lowest design cost, the lowest construction cost and the shortest schedule path to program completion. With the local office, the staff also can make use of government furnished equipment as much as possible avoiding such costs as computer rental. Merrick's cost/performance ratio is very good, contributing to the overall success experienced on the project.

DELIVERY PERFORMANCE

Merrick's ability to deliver a requested product on time and within budget has been repeatedly demonstrated during the project. Complex assignments with short deadlines also have been produced on time and at a cost less than estimated.

QUALITY PERFORMANCE

The firm has successfully passed all internal and external audits and has set the pace for several similar programs, policies and procedures since developed in other areas of the project. Merrick has readily interacted with its contractor to ensure that the end product meets expectations.

DEFEAT THE BRADY BILL

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ROHRABACHER. Mr. Speaker, some of the supporters of the so-called Brady bill actually believe that its passage will take guns from the hands of criminals. Other advocates however, are not so naive. They view the Brady bill as a first step toward the outright banning of handguns. Pete Shields, the chairman of Handgun Control, Inc., the main supporter of the Brady bill has said:

> We're going to have to take one step at a time, and the first step is necessarily—given the political realities—going to be very modest * * * Our ultimate goal—total control of handguns in the United States—is going to take time * * * The first problem is to slow down the increasing number of handguns being produced and sold in this country. The second problem is to get all handguns registered. And the final problem is to make the possession of all handguns and all handgun ammunition—except for military, police, licensed security guards, licensed sporting clubs, and licensed gun collectors—to be totally illegal.

Even Mrs. Brady, who has now become the antigun movement's foremost spokesman, aided the effort to ban the Saturday night specials back in the early 1970's.

But whether the liberals want to admit it or not, our Founding Fathers provided a fundamental constitutional right to own a firearm. Our constitutional framers pointed to other nations which failed to "trust the people with arms" Federalist No. 46. They were proud of our Constitution's difference in approving an already armed populace.

When James Madison proposed the Bill of Rights he included what has become the second amendment to the Constitution of the United States. Both the wording of his text and his speech proposing the language on gun ownership clearly indicate that this right was intended as an individual right and not a collective right. This concept, central to the understanding of limited government, was thoughtfully summarized by Representative Fisher Ames of Massachusetts who at the time wrote, "The rights of conscience, of bearing arms, of changing the government, are declared to be inherent in the people." Thomas Jefferson's model constitution for Virginia declared, "No freeman shall be debarred the use of arms in his own lands or tenements." Jefferson's colleague John Adams spoke for "arms in the hands of citizens, to be used at individual discretion * * * in private self-defense."

We begin to see the wisdom of our Founding Fathers in the need of law-abiding citizens to defend themselves in our ever increasingly violent society. With crime on the rampage, it is critical that citizens whose lives and property are threatened have the means to defend themselves and their families. How can we ask our citizens to remain defenseless at the same time so many cities and towns are forced to cut their law enforcement budgets? Last year alone, 645,000 Americans used a gun to prevent a crime.

America's crime problems are getting worse. Yet some continue to pursue the same discredited policies which have failed in the past. New York City, a prime example, had more murders than any other city in America: 2,190, an average of 6 a day. Los Angeles witnessed 983 murders and Chicago saw 850. Washington, DC, had an ever higher murder rate per capita.

What do these cities have in common besides their tragic and sobering murder rates? They all share the distinction of having the most restrictive gun control laws in the Nation. California already has a waiting period longer than what the Brady bill mandates. Has that stopped crime?

While more should be done to bolster our police, the liberals always end up putting handcuffs on the cops instead of the robbers. The Brady bill, a program which was called useless by the Justice Department, will cost police departments tens of millions of dollars.

Supporters of the Brady bill claim it merely requires gun dealers to notify local law enforcement of an intended handgun purchase, then wait 7 days before delivering a gun. Under H.R. 7, local police can, but are not required, to perform a background check. So what happens if a police department does not investigate the background of the gun buyer and that person turns around and hurts somebody? The answer is simple: Under H.R. 7, the police department will be sued and held liable. Handgun Control has already pledged to "sue a municipality for its negligence in not carefully screening handgun applicants." They added that they will show local governments they "mean business." You can rest assured that it will be the taxpayers that end up paying in the end.

And what about the law-abiding citizens who need firearms for immediate protection, but will be forced to wait 7 days? Will they end up like the woman in Wisconsin, one Bonnie Elmasri, who needed a gun because her estranged husband had threatened her and her children? She asked about the law governing the purchase of a handgun and was told she had to wait 48 hours. The next day her estranged husband burst into the house and murdered her and their two children.

Some will claim that the Brady bill is not real gun control. They suggest that the bill if passed would only delay our second amendment rights for 7 days. I would like to know how many Members would suggest that our first amendment rights should be delayed; but more importantly, this hurdle, nuisance, or whatever we call it, is aimed at honest citizens. Drug dealers and murderers do not purchase their handguns from stores. That is why the Brady bill is effectively useless in preventing gun violence.

Mr. Speaker, we can all sympathize with the tragedy that the Brady family has endured. I worked in the White House when President Reagan and his Press Secretary were shot. But let us not kid ourselves, even if the Brady bill had been on the books, it would not have prevented John Hinckley from obtaining his handgun.

To conclude, Mr. Speaker, I would just like to read from America's most critical document, the Constitution: "A well regulated militia, being necessary for the security of a free State, the right of the people to keep and bear arms shall not be infringed." The private right of individuals to own and use arms was thereby guaranteed. "Militia" did not refer to men in uniform but every person capable of carrying a weapon. Alexander Hamilton himself spoke of the "whole nation" or the "population at large" as the militia—Federalist No. 28. Mr. Speaker, it is my humble opinion that the second amendment is first and foremost a reaffirmation of the ultimate sovereignty of the people.

Mr. Speaker, let us uphold the second amendment as we do the first. Let us defeat the Brady bill and work for real crime control.

NATIONAL LOCK-IN SAFETY MONTH

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ROSE. Mr. Speaker, last week I introduced a joint resolution designating the month of October 1991 as "National Lock-In Safety Month."

Burglary and unlawful entry are two of the most prevalent types of criminal activities that have a serious impact on our communities. The value of property stolen each year was estimated in 1989 by the FBI at $3.4 billion, affecting over 3.1 million homes. The average loss by a homeowner or small business averages $1,060. Case studies show that criminals are reluctant to enter the premises protected by locks and alarm systems, but unfortunately too many homeowners and small businessmen still do not know that even the simplest of measures can be taken to prevent these burglaries from occuring. Therefore, by installing locks and other security devices, homeowners, as well as small businesses, can cut back on this large loss and affect crime statistics as well as the cost associated with this type of criminal activity.

It is for this reason that the Associated Locksmiths of America [ALOA] have undertaken an industry promotional campaign to designate October as "Lock-In Safety Month." This campaign will target all citizens around the country to use locks for safety in their homes. Organized community action in cooperation with local law enforcement officials, and the business community can effutuate positive change. By mobilizing our citizens in an all out effort can help eradicate crime from our homes and our neighborhoods.

ALOA, which was founded in 1956, represents locksmiths in all 50 States and 35 countries around the globe. It is a diverse group representing every facet of the security industry from traditional locksmithing to institutional and corporate security. Seventy-six percent of ALOA members own their own businesses and can help in the promotion of "National Lock-In Safety Month" by informing the public about their security options, including automotive, master keying, safes/vaults, a electronic access control, and high security for all types of structures.

Mr. Speaker, it is my hope that "Lock-In Safety Month" will be an adjunct to "Crime Prevention Month" which will further highlight the current crime prevention efforts in our communities and help promote a productive relationship between our safety experts, law enforcement agencies and local residents and businesses.

Mr. Speaker, I insert the text of the joint resolution in the RECORD:

H.J. Res. —

Whereas professional locksmiths meet the security needs of all segments of society and take pride in their contributions to a safe environment;

Whereas throughout history locksmithing has been a profession that requires continuing education to keep pace with an evolving technology;

Whereas the demands of physical security in residential, commercial, industrial, and institutional settings require dedicated professionals who work by a code of high ethical standards to provide the best security available;

Whereas professional locksmiths continue to provide a wide range of security products and services, including automotive products, master-keying products and services, safes and vaults, electronic access control products, and high-security products and services for all types of structures;

Whereas professional locksmiths in the United States are represented by the Associated Locksmiths of America, Inc. (ALOA); and

Whereas "National Lock-In-Safety Month" will celebrate the longstanding locksmith profession and salute those locksmith professionals who accept the challenges of providing individuals and organizations with the security necessary to protect their property and give them peace of mind as they go about their daily activities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991, is designated as "National Lock-In-Safety Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

CHAMPIONING THE POOR AND UNPOPULAR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. EDWARDS of California. Mr. Speaker, Ramsey Clark was the Attorney General of the United States from 1967 to 1969. He was appointed by President Lyndon B. Johnson, whose vision of an American Great Society gave direction to the great flowering of Federal initiatives that surely was the proudest era of our history.

Ramsey Clark was LBJ's partner in many of these visionary steps. The 1964 Omnibus Civil Rights Bill and the 1965 Voting Rights Bill sent signals worldwide that America was on the march towards decency and fairness to all. Ramsey Clark worked with us in fashioning the legislative milestones. He provided encouragement when racism and bigotry said "never".

In the years since Ramsey Clark left the U.S. Justice Department he has continued to make important contributions to the efforts of men and women of good will who seek a just American and world society.

T.T. Nhu writes about Ramsey's important work in a recent column in the San Jose Mercury News, which is printed below.

[From the San Jose Mercury News, Apr. 26, 1991]

CHAMPIONING THE POOR AND UNPOPULAR

(By T.T. Nhu)

Lyndon Johnson once said that appointing Ramsey Clark attorney general in 1965 was one of the worst mistakes he ever made. "Who would have guessed that Tom Clark could have raised such a boy," LBJ later wondered. His chagrin was because Ramsey Clark upheld his oath as the nation's top law enforcement officer all too vigorously, defending the constitutional rights of antiwar and civil rights protesters, supporting the Miranda rule and opposing the death penalty.

Despite his good-old-boy background, Clark became the fervent champion of the poor, disenfranchised and unpopular. He is fond of quoting Albert Camus: "I should like to be able to love my country and still love justice."

Now in private practice, he has devoted his life to defending the rights of the powerless.

In 1977 my husband and I traveled to the Philippines with Clark on one of these missions. Bay Area Filipino anti-Marcos, activists had asked Clark and other American lawyers to go to Manila. They wanted to embarrass the Marcos dictatorship, which was sponsoring an international "human rights" conference, with incontrovertible evidence of torturing the opposition.

Clark held a news conference and invited reporters to accompany him to a military torture house. The next morning, only two reporters from Japan were brave enough to show up. Clark, accompanied by my husband, burst through a secret door in a walled military compound one of Marcos' victims had mapped out for him, and confronted the torturers.

"You've got to let (them) know you're watching," he said afterward. Lanky, down-home, with a honeyed Texas drawl, Clark has a way of disarming his critics with his unshakable decency.

After the invasion of Panama, which Clark termed "a drug bust with stealth bombers," he went to investigate the deaths of several thousand civilians there.

On Feb. 2, a couple weeks after allied bombardment began in Iraq, Ramsey Clark went on a mission to Iraq to determine the extent of casualties and damage to civilians.

"The assault on life in Iraq has to be made known to the world. It's absolutely essential," said Clark to a Bay Area audience on Monday.

He traveled 2,000 miles by car throughout Iraq, with documentary film makers Jon Alpert and Maryanne DeLeo, whose horrifying 28-minute film "Nowhere to Hide" glimpses at the civilian devastation inflicted by allied bombing.

Although Emmy-winning Alpert had a 12-year relationship with NBC, network news President Michael Gartner refused to air any of his footage. Gartner reportedly said that he didn't want NBC to be associated with Ramsey Clark.

Alpert took the film to Tom Bettag, the executive producer of CBS News. Bettag was fired the night before it was scheduled to be aired, and the segment was canceled.

(Those interested in the film may contact the Emergency Committee, 2489 Mission St. No. 28, San Francisco, 94110; telephone (415) 821-6545.)

Iraqi officials did not escort Clark's entourage, he said. The crew was free to film what they wanted.

"Going into the country most closely approximated a Road Warrior movie, with a lot of vehicular carnage on the side of the road; trucks were still on fire when we passed," said Alpert.

The American public, which Clark characterizes as "seduced to celebrate slaughter" by the bloodless images of aerial victory, rarely saw the horror wreaked by allied bombing. Had some photos or footage of the suffering been shown, perhaps America might not have been so euphoric.

"Looking at Iraq is painful," said Clark, "but the calamity must be made known. As we sat in the distance, raining death with the latest technology, we sytematically destroyed Iraq day by day."

While President Bush has declared the "Vietnam syndrome" vanquished, Clark sees it as something not to be kicked, but to be remembered as "the conscience of America."

Clark has formed an international tribunal to investigate what he says are U.S. war crimes in the gulf. He is traveling around the country and the world to hold hearings and gather evidence which he hopes will be presented at the World Court in the Hague late this year.

It's an audacious and perhaps Sisyphean task for one man to accuse his government of war crimes, especially now that public attention is focused on the crimes of Saddam Hussein against Kuwaitis, Shiites and Kurds. But thank heaven Ramsey Clark continues to remind America of its conscience.

JAPANESE UNFAIR TRADE PRACTICES IN THE CONSTRUCTION INDUSTRY: WHY H.R. 2129 SHOULD BE PASSED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, the Japanese have access to our construction markets—both public and private.

Despite agreements to open up the public construction market in Japan, the United States has had almost no success due to the cartel-type—in Japanese, dango—nature of their industry.

Therefore, U.S. negotiators are threatening to deny access to public works construction projects in the United States.

But that is not where the action is. It is the private sector market where the big bucks are. Since the Japanese dango system keeps us out of their private market, we should apply similar treatment to them. I have introduced H.R. 2129 to deny tax breaks on private buildings built by Japanese contractors.

Mr. Speaker, this is not protectionism—it is national treatment. We will afford Japan the same construction rights in the United States that they provide us in Japan. If they want to open up their public and private markets to competition from American contractors, we can repeal the legislation. No big deal: just equal treatment.

Following are portions of a New York Times article of April 27, 1991 which describes why we should be looking at access to the private construction market, not the public one:

WASHINGTON PRESSES JAPAN TO OPEN CONSTRUCTION JOBS

(By Keith Bradsher)

WASHINGTON.—After several years of diplomatic fencing, Japan and the United States traded harsher jabs today over American access to the Japanese construction market.

The United States trade representative, Carla A. Hills, began a legal process that could result in Japanese companies being barred from many Federal and federally funded construction projects in the United States, beginning on June 1.

A Japanese negotiator who insisted on anonymity said that if the sanctions go into effect, Japan will retaliate by suspending its current program of giving preferential treatment to foreign companies on 17 big public works projects. But he said considerable progress had been made recently in negotiations and insisted that the American sanctions would probably never go into effect.

Today's move was partly symbolic, because Japanese companies do little work on Federal and federally funded projects in the

United States. In 1989, Japanese companies won contracts worth $2.8 billion in an American market worth $435 billion, said Elizabeth Dugan, a spokeswoman for the Commerce Department.

But Federal projects accounted for only $14 billion of the market, and Japanese companies won only $100 million worth of contracts for these projects, she said.

By comparison, the Japanese construction market is variously estimated at $300 billion to $550 billion, with American companies claiming only $300 million a year.

The proposed regulation would bar Japanese companies from public works projects that receive money from the Energy, Transportation and Defense Departments and from the Bureau of Reclamation in the Interior Department. Appropriations for these projects amount to at least $21 billion this fiscal year, Mrs. Hills said.

PROBLEMS IN EUROPE

The procurement practices of the European Community and three of its members—Germany, France and Italy—are also causing concern and are now the subject of negotiations, Mrs. Hills said.

John R. Tucker, president of AEG Westinghouse Transportation Systems Inc., a Pittsburgh-based maker of mass transit equipment, said Japan had raised a series of obstacles to American construction companies. Japanese criticisms of American safety and tidiness practices, he said, are only the latest in a series of smokescreens thrown up to obscure a refusal to do business with American companies.

POISONING THE BORDER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. HUNTER. Mr. Speaker, in light of the proposed free-trade agreement, I urge my colleagues to read the following summarization of "Poisoning the Border" from the May 6 U.S. News & World Report. It is important that Congress keep the horrible working and environmental conditions at Mexico's maquiladora plants in mind while considering the FTA.

POISONING THE BORDER

(By Michael Satchell)

Close to 2,000 plants employing about half a million people are now strung along the 2,000 miles of border from Matamoros in the East to Tijuana in the West. Here, the industrial dynamism of the First World and the poverty of the Third dovetail in what is widely viewed as a mutually beneficial arrangement. U.S. companies enjoy cheap labor and generous tax breaks from both nations; Mexican workers get steady jobs and the chance to improve their lives. The program last year pumped $3.5 billion in foreign exchange into the Mexican economy—second only to the $9 billion from oil exports. Says Alfred Rich, president of the Western Maquila Trade Association: "This is a program in which everyone benefits."

But that portrait is incomplete. The border region is paying a growing environmental price for allowing the Mexican-based firms to operate beyond the restraints of the U.S. Environmental Protection Agency and the Occupational Safety and Health Administration. Some companies admit they have moved south to avoid expensive U.S. environmental requirements. The result: They are creating more pollution there than they would in the United States. And while Mexico enacted tough new cleanup laws in 1988, scant resources have been made available to enforce them.

As the Bush administration presses forward with plans for a free-trade pact with Mexico, critics in Congress and organized labor cite present environmental and social conditions as a reason to block the treaty. They point to a report last June by the American Medical Association, which described the region as a "a virtual cesspool and breeding ground for infectious disease." The AMA concluded. "Uncontrolled air and water pollution is rapidly deteriorating and seriously affecting the health and future economic vitality on both sides of the border." Treaty opponents argue that conditions will worsen if the border is fully opened. And these growing concerns about pollution have prompted several federal agencies to consider whether U.S. Trade Representative Carla Hills should order an environmental impact statement, which could delay the pact for years.

Advocates of a free-trade agreement argue that economic development, while inevitably creating some pollution, frequently spurs prospering nations to significantly improve their environmental enforcement and to enact more stringent workplace rules. In addition, President Carlos Salinas de Gortari is more determined than any predecessor to clean up pollution, suggesting a brighter future for workers and the environment. But a *U.S. News* survey of current conditions reveals.

Indiscriminate dumping or long-term storage of industrial garbage and hazardous wastes is trashing the landscape and poisoning the water and soil.

A slumgullion of chemical-laced industrial waste water and raw sewage pumped into canals and rivers is causing widespread gastrointestinal illness, hepatitis and other long-term health problems—including a suspected increase in mortality from certain cancers.

Massive discharges of toxic fumes have occurred in chemical plants and other factories. In the Matamoros-Reynosa region alone, seven major accidents since 1986 have sent more than 350 people to hospitals and forced thousands to flee their homes.

Maquiladora employees—most of them women, who sometimes start work as young as 13 years old—are exposed to toxic substances and other workplace health hazards without being given safety instructions or basic protection like masks and gloves. There is also evidence of severe birth defects suffered by infants born to workers.

The *maquiladoras*—or maquilas, as they are commonly known—have sustained explosive growth of 15 to 20 percent over the past five years. As a result, tens of thousands of workers are now packed into shantytown *colonias*, living in hovels built from cinder blocks, tin sheets, scrap lumber, plastic and cardboard without electricity, sewers or potable water.

Some of these conditions might be endurable if the prospect of upward economic mobility weren't so distant for most of the workers. Wages start at 82,000 pesos—$27—for a 49-hour week. The average weekly salary is about $47 in a border economy where food and other necessities often are as expensive as in the United States. The case of Yolanda Carrillo, who lives and works in the FINSA park, is typical. The 16-year-old began working at the Magne Tek lighting plant at the age of 14 and earns the peso equivalent of about $46 a week wiring electrical coils. Home is a wooden shack with a dirt floor, carboard covering the window holes and wind whistling through cracks in the walls. A *colonia* canal flows nearby, its milky water badly polluted by industrial wastes. "Even the goats won't drink it." says the young woman.

In the absence of tort laws or strictly enforced EPA- and OSHA-style regulations, U.S. companies in Mexico are under little more than a moral obligation to protect either their workers or the environment. Some corporations—Union Carbide for example—are lauded by activists for treating workers and the environment well. Others can't claim the same honors. And maquila owners say attempts to operate their plants up to EPA standards are sometimes stymied by the slovenly practices of workers. "There's a lot of ignorance on the shop floor and old habits die hard," says David Flowers, head of Pulse Engineering in Tijuana.

SEDUE is the acronym for the Mexican federal agency charged with enforcing the nation's environmental laws. René Altamirano, its director of pollution prevention, vows: "The border will never become a pollution haven for the United States." But dispite the best of intentions, Altamirano concedes, his agency is under severe handicaps. SEDUE has multiple responsibilities nationwide, including housing and parks, but its entire annual budget is just $10 million. While the United States will spend $24.40 per capita this year on environmental protection, Mexico can afford to spend only 48 cents—a major increase from the 8 cents it spent in 1989. Altamirano's financially strapped agency, for example, has only two inspectors in each of the six border states, to investigate and ferret out environmental scofflaws.

This inadequate supervision invities problems. Under a binational agreement, maquilas are required to ship their hazardous wastes back to the United States for disposal and to notify the EPA. But transportation and EPA-approved disposal of a single 55-gallon drum of hazardous waste can cost anything from $150 to $1,000. As a result, most maquila wastes are stockpiled, buried, dumped, flushed, burned or "donated" to charties for "recycling"—an environmental charade permissible under a loophole in Mexican law. In 1989, reports the EPA's Kathleen Shimmin, the agency received just 12 notifications of hazardous-waste shipments being returned to the United States across the California and Arizona borders. Last year, the total rose to 85. "That's a small drop in the bucket" Shimmin says. "Besides jawboning, we have no legal means to force these companies to comply."

Beyond the discharges, other practices by some U.S. firms also degrade the environment. Adjacent to the Reynosa industrial park that is home to several major corporations is a massive open dump that contains acre after acre of industrial detritus—plastic, metal, rubber, resins, paint sludge. Foul-smelling slime leaks from drums marked "Zenith Plant No. 12." Zenith Electronics Corp. spokesman John Taylor acknowledges that the company, which employs as many as 10,000 workers at its Reynosa facility, dumps its bathroom, kitchen, office and nonhazardous industrial trash here but says toxic wastes are returned to the United States. "This [site] is a SEDUE-licensed disposal facility and anything we do is in accordance with the law." Taylor says. "We are a good corporate citizen in Mexico." Both SEDUE and Reynosa municipal officials, however, say they have not authorized the area to be used as a dump.

The public-health threat from the kinds of solid wastes found at the Reynosa dump is generally confined to the local area. But polluted industrial effluent and untreated sewage from the exploding populations of the cities and colonias are migrating into the United States and creating serious waterborne health problems north of the border. In Tijuana, toxic effluent from the industrial park at Otay Mesa mixes with 12 million gallons of raw sewage discharged daily into the Tijuana River. The river then flows north before emptying into the Pacific Ocean at Imperial Beach, Calif., south of San Diego. Some 2.4 miles of shoreline are quarantined, and local officials estimate the closed beach and the area's befouled reputation cost more than $100 million a year in lost tourism and recreation opportunities.

California officials described the New River, some 120 miles east of San Diego, as the filthiest waterway in the state—if not the entire United States. It flows north out of Mexicali, a booming maquila city, and into the Salton Sea, a large lake southeast of Palm Springs. Tests show the New River contains some 100 different industrial chemicals and 15 viruses capable of causing outbreaks of polio, dysentery, cholera, typhoid, meningitis and hepatitis.

Continuing east, the pattern is repeated. Up to 30 million gallons of untreated sewage flow out of Nogales each day and into Arizona's Santa Cruz River. An underground plume of carcinogenic solvents—including trichloroethylene—along with chromium, lead, manganese, cadmium, arsenic and mercury has badly polluted an aquifer that provides drinking water for thousands of colonia residents. The plume has migrated 10 miles beneath the border, forcing the closing of at least 12 wells on the U.S. side. In Texas, more than 100 million gallons of raw sewage laced with solvents, heavy metals and pesticides empty each day into the Rio Grande from Ciudad Juárez, Nuevo Laredo, Reynosa and other cities. Tissues of fish caught in the river show high levels of copper, selenium and mercury, and untreated human wastes turn the Rio Grande—literally—into the nation's biggest open sewer.

"This is a public-health disaster waiting to happen," says Dr. Reynaldo Godines, president of the Tri-County Medical Society in Laredo, Texas. The incidence of hepatitis between Brownsville and El Paso, he points out, is already six times the national average. In the El Paso *colonia* of San Elizario, 35 percent of children 8 years old and under are infected with hepatitis A, and 85 to 90 percent of adults contract the disease by the age of 35. At the University of Texas Health Science Center at Houston, epidemiological studies by Dr. Irina Cech reveal significantly elevated liver and gall bladder cancer mortality rates in the 33 counties along the Rio Grande that get their drinking water from the river. Dr. Cech suspects a combination of factors is responsible, including poor living conditions, high levels of fecal pollution in the water and toxic chemicals from the maquilas.

HEADING SOUTH

One fear of free-trade opponents—industries fleeing south to avoid U.S. environmental laws and the skyrocketing costs of waste disposal—has already been validated. Between 40 and 50 furniture manufacturers, unable to meet Southern California's air quality standards, have relocated in Mexico. Joseph Haring, director of the Pasadena Research Institute, monitors the trend and says furniture-industry employment in Southern California has shrunk from 85,000 workers in 1987 to 55,000 today. Over the next five years, he predicts, half of the region's 125,000 metal-finishing jobs will be lost to Mexico. "These industries can operate down there with fewer precautions and, in fact, create pollution," Haring says. "Almost to a man, that's what happens." Analysts say other industries that generate large amounts of toxic garbage—metal plating, chemicals, plastics, fiberglass, and electronics—are also migrating south.

What are the prospects for change? Observers like Roberto Sánchez of El Colegio de la Frontera Norte believe the Mexican government, eager to foster industrialization, will never lean hard on the plants unless forced to by massive environmental tragedy. There is some possibility, though, that the Bush administration will promise a more serious and comprehensive crackdown on polluters. Trade Representative Hills will unveil a proposal this week, designed to win the backing of Democrats for her trade talks with Mexico, that is expected to seek stronger bilateral enforcement of pollution standards and suggest that U.S. assistance might be available for environmental programs in Mexico.

The Bush administration is also being pressured by critics like the Coalition for Justice in the Maquiladoras—an umbrella lobbying group—to find ways to improve wages and conditions for the Mexican workers. And American companies are coming under increasing fire from liberal lobbying groups. For industry and the Bush administration, the challenge from opponents is clear: Find ways to clean up the *maquiladora* mess, or the prospects for a free-trade agreement will get worse.

ADMINISTRATION STILL WIMPISH IN PROSECUTION OF S&L CROOKS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. OWENS of New York. Mr. Speaker, late last year, U.S. Attorney General Richard Thornburgh, who had been quite soft on the savings and loan investigations and prosecutions, announced that he was revisiting his previous position of light sentences for white collar crooks. This year he claims that he is taking a much tougher approach to white collar crime, but figures related to the indictments, prosecutions and convictions for S&L crooks indicate that there has been no change in the lack of zeal of the FBI and the Justice Department.

This January, Attorney General Thornburgh submitted a 2-year report to President Bush and the Congress on the accomplishments of the Justice Department in prosecuting fraud in the thrift industry. The report covers the period from October 1, 1988 to December 31, 1990; the statistics for charges, convictions, and sentences were updated in March of this year. The Justice Department says that 693 defendants have been charged for S&L fraud; 495 have been convicted; 18 were acquitted; 298 were sentenced to prison; 129 are awaiting sentence; and 77 have received suspended sentences. Among the chairpersons of boards, directors, officers, and chief executive officers arrested for S&L fraud, 204 were charged, 161 were convicted, and 9 were acquitted. The Justice Department and the FBI claim that they do not have a clue as to how many of these individuals who were sentenced to prison are actually serving time, or how many have paid the nearly $8 million in fines of the $259 million in restitution. A spokesperson in the Justice Department's Public Affairs Office offered a guestimate that less than 2 percent of those sentenced have paid either fines or restitution.

It is more likely that many of these individuals, especially former S&L officials, are still enjoying their freedom. One example is former American Continental Corp. chairman Charles Keating, who has gotten away with what amounts to a legal wrist-slap. Despite the enormity of Keating's crimes the only thing that our wimpish Federal law enforcement operation has done is file a civil suit against Keating for selling securities based on false and misleading financial information. Another such individual is Don Dixon, an officer of the Vernon Savings and Loan in Texas, who used his S&L's assets to finance personal expenses, including trips to three-star restaurants in France, a multimillion dollar art collection, and a $2.6 million yacht. Convicted on 23 counts of fraud, which should have earned him a 120-year prison sentence and $5.6 million in fines, he instead received only a 5-year prison sentence, restitution in the amount of $600,000, and 500 hours of community service. He will be eligible for parole in December, 1992. Mr. Speaker, I would like to submit a Washington Post editorial, "Short Sentence for a High Flier" for publication in the CONGRESSIONAL RECORD.

The Justice Department's fines and restitutions for the S&L crooks are a mere drop in the bucket compared to the estimated $500 billion, or half a trillion dollars the bailout will cost us before it is over. The individuals convicted in S&L cases are only paying a pittance considering their participation in the wholesale rip-off of S&L depositors and the American public at large.

In summary, Mr. Speaker, this Nation's top law enforcement agencies are still not willing to treat the old boy network as criminals. The following rap poem goes to the heart of this scandal:

The FBI Is Living a Lie

The FBI is living a lie
When it puts bank robbers away
Treat them all equal
The way they treat Charles Keating
And let all the thieves stay.
For Keating they made a law
That is brand new
This kingpin can stay free
All Wimp Thornburgh wants to do
Is go to court and sue.
The FBI is living a lie
As long as it lets Keating talk tough
This suspect is a widow mugger
Who ought to be treated real rough.
The FBI must apologize
To bank robber Willie Sutton's children
Or put Charles Keating in the pen
This is America
Bank robbers are all equal men.
Keating—the punk who took the most—
Deserves the tightest knot
On his golden upright noose
The FBI is living a lie
As long as it lets Keating run loose.
Keating stole millions
He's clearly an enemy of the State
So why does Wimp Thornburgh

Continue to discriminate?
All Thornburgh wants to do is sue
Why not equal justice
They should have sued
Slick Willie Sutton too.
Just because Willie robbed banks
Was no reason to go to jail
Look at all the S and L crooks
Not even putting up bail.
The FBI is living a lie
Under Thornburgh's wimpish rule
Being soft on S and L thugs
Makes our great nation
Look like a silly damn fool.

[From the Washington Post, Apr. 13, 1991]

SHORT SENTENCE FOR A HIGH FLIER

The Government has prosecuted more than 400 savings and loan officials in connection with the scandal that is going to cost the taxpayer hundreds of billions of dollars, but according to Attorney General Dick Thornburg, "Don Dixon was the highest of the high fliers among [these] crooks." His "excessive lifestyle and illegal management practices stood as a symbol of the wrongdoing in our national thrift industry," said the attorney general. So naturally, when he was convicted in December on 23 counts of fraud, which could have put him in prison for 120 years and forced him to pay fines up to $5.6 million, everyone was expecting a stiff sentence. Instead, those who had followed the case were flabbergasted when U.S. District Court Judge A. Joe Fish imposed a penalty of five years imprisonment, restitution in the amount of $600,000 and 500 hours of community service. Mr. Dixon will be eligible for parole in December 1992.

Why was this case thought by federal prosecutors to be the most egregious in this sordid set? For one thing, the defendant's Texas institution, Vernon Savings and Loan, is one of the few failed thrifts that will cost the taxpayers more than $1 billion. For another, his fraudulent use of the depositors' money was flagrant. He used the S&L's assets as if they were his own personal funds. He entertained lavishly—10-day trips to three-star restaurants in France, for example—and charged everything to the S&L. He elaborately redecorated a mansion in San Diego, accumulated a multimillion-dollar art collection and bought a $2.6 million yacht, a Rolls-Royce and a Ferarri dealership with Vernon's money. And he spent tens of thousands of dollars hiring prostitutes to entertain Vernon's directors and clients. All the while, he paid himself a salary of $1 million a year.

The crimes for which Mr. Dixon was convicted do not account for all of Vernon's losses, of course. His mismanagement played a part, and he may yet face new charges in that area. But the fraud was massive. A small-time crook who steals one percent of the amount he took would surely have to spend more than a couple of years in prison. But even if his offenses are considered to be in a different category from violent crimes like bank robbery, his penalty is far out of line with those imposed on other S&L offenders, some of whom have received as much as 40 years for similar offenses.

The fact that Mr. Dixon's sentence was such a small fraction of the penalty that might have been given, and that it varies so widely from that meted out to others convicted of similar crimes, is an illustration of the injustice of sentence disparity that recent reforms seek to address. In the case of offenses committed after 1987—Mr. Dixon's were before that date—judges must follow sentencing guidelines, and penalties outside those guidelines can be appealed by either side. If that discipline had been used in this case, Mr. Dixon's sentence would have been tougher, and rightly so. But in spite of this setback, one judge's leniency should not discourage the government from proceeding against every last one of the savings and loan crooks and seeking the stiff penalties they deserve.

THE TENANT PROTECTION ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. ENGEL. Mr. Speaker, I am pleased to announce that I am reintroducing the Tenant Protection Act of 1991. This bill is very similar to H.R. 320, the original Tenant Protection Act, which I introduced earlier this year and identical to the language included in the Gonzalez amendment to the RTC funding bill.

Specifically, the Tenant Protection Act requires the RTC to act like any other landlord when dealing with occupied residential properties by forcing it to obey State and local tenant protection laws when attempting to abrogate leases. This provision protects tenants around the Nation from wrongful evictions.

The Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] created the Resolution Trust Corporation [RTC] to close insolvent savings and loans and to manage properties previously held by insolvent institutions. The RTC has interpreted FIRREA to allow the agency to cancel all contracts, including residential leases, even if the tenants are paying rent and abiding by State and local laws.

The RTC is currently attempting to cancel existing leases in New York City in order to sell the apartments as co-ops or condominiums. The RTC has also been attempting to use the similar practices on people living in section 8 housing. In performing these evictions, the RTC would be overriding existing State and local laws designed to maintain affordable housing and protect tenants from unjust evictions.

The people being affected by the RTC's actions are low and middle income. These apartments are occupied by hard working Americans who scrape together the rent every month and try to do the best for their families. Throwing them out of their houses so that the RTC can sell or rent the apartment for a little more money is an outrage. This policy will lead to an increase in homelessness because many of the people who will lose their homes will have a hard time finding new ones at reasonable rents.

There is more at stake than just the protection of tenants. If the RTC is allowed to continue with this practice, its actions could have broad implications on the sanctity of State and local laws.

Allowing the RTC to continue its current residential lease abrogation policies is extremely dangerous. It will not only cause innocent people to lose their residences, it could create a situation where the RTC and other Federal agencies are dictating land use policies to States and localities.

Mr. Speaker, it is important for us to uphold the sanctity of State and local laws and to protect law abiding tenants from arbitrary and wrongful eviction by a government agency. The Tenant Protection Act will accomplish this goal by removing the agency's right to override State or local tenant protection laws. I urge my colleagues to support this important legislation.

GEN. CARL D. WALLACE: GUIDED GUARDSMEN THROUGH HISTORY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to a friend and colleague who is part soldier, part administrator, an innovator and an educator, a politican and a born leader, a commander. On May 31, 1991, Adj. Gen. Carl Wallace will retire from the Tennessee Guard and the position he has held longer than any person in Tennessee history.

There are many ways to measure a military commander, but I believe a commander's concern for the welfare of the men and women under his command is the ultimate test of his worth. When Gen. Carl Wallace watched men and women under his command leave for Operation Desert Shield, and later Operation Desert Storm, he gave each of them a commemorative coin.

After thousands of members of the Tennessee National Guard began returning from duty in the Persian Gulf, he was on hand to personally welcome them home. Many soldiers told General Wallace that the commemorative coin he gave them served as a good luck piece during their tour of duty.

Tennessee is known as the Volunteer State. Tennessee again earned its nickname during the Persian Gulf crisis when more than a third of the 19,000 men and women in the Tennessee Guard were activated to serve. Gen. Carl Wallace was responsible for overseeing the first callup of Guard and Reserve troops for a modern-day military operation. Tennessee Guard troops served admirably, exhibiting professionalism and preparedness, and reflecting the excellent job General Wallace and the Tennessee Guard had done preparing for such an eventuality.

The Associated Press story I have included for the RECORD reveals a lot about the character of General Wallace. I ask my colleagues to share this story which focuses on a truly great American and a man whose contributions to the National Guard and the State of Tennessee are immeasurable.

I am pleased to note that General Wallace will soon assume a position at Cumberland University in Lebanon, TN. Just before my election to Congress, I served as the president of Cumberland University. General Wallace's addition to the Cumberland family will help ensure the success of the university into the next century.

I ask my colleagues today to join me, in remembering the accomplishments of a great man, a great soldier, and a great Tennessean.

WALLACE RETIRING AFTER 16 YEARS AS ADJUTANT GENERAL

(By Phil West)

NASHVILLE, TENN.—Maj. Gen. Carl Wallace is retiring May 31 after 16 years as Tennessee's adjutant general, but he says he'll still be on hand to greet National Guard members when they return from the Middle East.

"I sent them. And I'll be there when they come back," Wallace said.

Wallace, who turns 60 on May 20, is retiring at the end of the month after 16 years as Tennessee's adjutant general, nearly seven years longer than any commander in Tennessee history.

As the state's top military officer, Wallace is responsible for the Tennessee Army and Air National Guard, the Tennessee Emergency Management Agency, the War Records Bureau and the Tennessee Defense Force, a standby group of 1,300 members.

Nearly one-third of Tennessee's Army and Air Guard 19,000 members were activated because of Operation Desert Shield, later Operation Desert Storm. Wallace shook hands with them before they shipped out for duty in the Persian Gulf, and he has vowed to greet them all when they return.

"They feel good about themselves," Wallace said of the returning Guard members.

"They wondered, 'Can I do it? I'll be shot at. Do I have the training?' The usual butterflies."

Wallace was on hand at Fort Campbell, Ky., on Thursday to greet 58 returning members of the 1174th Transportation Cop. of Dresden, Tenn.,

Staff Sgt. Douglas Edwards marched up to Wallace, saluted smartly, then fished two worn coins from the pants of his desert fatigues uniform.

"These are my good luck charms," he told Wallace outside a hangar at Campbell Army Airfield.

"They all brought them back, except one, and I replaced that one," said Wallace, who gave all Tennessee National Guard members a commemorative coin as they shipped out for duty in the Middle East last fall.

A major shift in Pentagon thinking integrating Guard and Reserve units with regular active-duty outfits allowed Tennessee's citizen-soldiers to merge into combat and service units in the Persian Gulf War, Wallace said.

"We trained them to deploy. We trained them to fight. We trained them to survive," Wallace said.

"But most of all, we trained them to come home winners."

Such thinking, along with the All-Volunteer military concept, are the two biggest developments he witnessed during his tenure as adjutant general, Wallace said before flying to Fort Campbell.

During the 30-minute flight, Wallace reeled off other changes:

The Guard's total budget ballooned from $90 million a year in 1975 to more than $500 million today.

Its payroll will be $175 million to $180 million in the coming year.

The Guard's membership increased from 11,200 to more than 19,000.

Wallace beamed Thursday as 58 Guard members marched into a hangar at Campbell Army Airfield after their 20-hour flight from Saudi Arabia.

He hung back as Guard members embraced family and friends.

"What I try to do here is make myself as scarce as possible," he said.

"This is family time."

After a brief flight back, Wallace reflected on his tenure.

He was at work as editor of The Lebanon Democrat newspaper he was the Guard's command information officer at the time when he was asked to interview with a blue ribbon panel helping Ray Blanton assemble his Cabinet.

"I didn't know if I wanted to do it," he said.

Wallace was named adjutant general in January 1975 and served governors Blanton, Lamar Alexander and Ned McWherter.

Now, he says, it's time to move on to another career. He is being considered for a fund-raising position at Cumberland University in Lebanon.

University President Thomas Mills said a decision will be made on the job by Thursday.

Wallace will be succeeded by Col. Jerry Wyatt, now serving as the Army's chief property and fiscal officer for Tennessee.

A general officers selection board is expected to decide by the end of May whether Wyatt will be promoted to brigadier general.

In the meantime, Wallace said McWherter has granted him senior military status so he can be around to greet the last returning Tennessee guardsmen.

VOLUNTEERS: THE SOUL OF VA HEALTH CARE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. MONTGOMERY. Mr. Speaker, the war in the Persian Gulf caused a great deal of attention to be focused on the Nation's veterans' health care system and its readiness as a backup to military hospitals in treating casualties. Many Americans probably were not aware that this is a crucial component of the VA mission. Taken into account with the VA's role as health provider to millions of indigent and service-disabled veterans annually, we can easily see that VA medicine is a vital organ of American health care. The very heart of this system is the thousands of dedicated professionals who provide compassionate, quality care to our veterans in VA hospitals, outpatient clinics, nursing homes, and domiciliaries nationwide. And if they are the heart of the system, then the thousands of volunteers who complement this work are its soul. Frankly, we could not run our veterans' hospitals without the volunteers who so selflessly give their time and energy in seeing to the comfort and care of hospitalized veterans and their families.

The number of volunteers at VA medical facilities has risen each year for the past 11 years, from 79,000 in 1979 to more than 87,000 in 1990. The trend is expected to continue with increased offers of support as a result of the Persian Gulf war.

In the history of VA's Voluntary Service Program, currently headed by Mr. Edward Rose, volunteers have contributed more than 13.3 million hours of service to America's veterans, an accomplishment recently recognized by VA during National Volunteer Week, April 21–27. More than 300 volunteers have contributed 20,000-plus hours of service to hospitalized veterans; seven individuals have provided more than 50,000 hours.

Though local volunteer aid to VA medical facilities started well before World War II, support grew in the 1940's and, in 1946, VA established the Voluntary Service National Advisory Committee with representatives of major veterans' groups. Today, 58 national veterans' service, civic, religious, and fraternal organizations serve on the committee, giving direction for the recruitment, training, and placement of volunteers in VA medical centers.

VA volunteers perform a variety of duties, ranging from traditional ones such as escorting patients and reading to and writing letters for them, to creative activities such as teaching crafts.

Mr. Speaker, it is my pleasure to bring to the attention of my colleagues an especially successful volunteer effort, the model program at the Bay Pines, FL, VA Medical Center. This outstanding veterans' hospital recently honored over 600 of its nearly 1,800 community volunteers who contributed approximately 300,000 hours in service to hospitalized veterans during 1990. Each of the 600 honorees served at least 100 hours.

Special tribute was paid to Mrs. Edna Lott, 90, an American Red Cross volunteer at the medical center, who received VA's highest volunteer award, given by Secretary of Veterans Affairs Ed Derwinski. Mrs. Lott has contributed over 45 years of service and an amazing 22,148 hours to the Nation's hospitalized veterans.

The following special awards also were presented:

Soll Lieberman—Jewish War Veterans, 10,000 hours.

Raymond Lindberg—Veterans of Foreign Wars, 15,000 hours.

LaVerne Maxwell—Hospice Volunteers, 15,000 hours.

Harold Cook—Pearl Harbor Survivors Assn., 15,000 hours.

Ramon Batiato—Disabled American Veterans, 15,000 hours.

Lucille Cook—Pearl Harbor Survivors Assn., 20,000 hours.

Additional awards were presented to Pete Radichio of the Disabled American Veterans for traveling the greatest distance to serve as a volunteer; to Mollie Avery of the Jewish War Veterans Auxiliary for serving as a volunteer for 29 years; to Abby and Hewitt Dunn of the Veterans of Foreign Wars for their over 43 years of volunteer service; and to William German of the Archdiocese for the Military Services for his 2,449 hours contributed in the last year alone.

John Vogel, director of the Bay Pines VA Medical Center, said that volunteers are an important element in the quality of care at the hospital. In his words:

> They do a great deal of the little things that mean so much to our veteran patients but that our staff just doesn't have the time to do. Almost everything done by the volunteers here directly impacts on patient care. We couldn't meet all the patients' needs without their assistance.

Mr. Speaker, I know my colleagues will want to join with me in commending the exemplary volunteer program at the Bay Pines veterans' hospital and the very generous and caring people who have made it so successful. Veterans at Bay Pines and throughout the VA health care delivery system are very fortunate to have such considerate and giving individuals looking out for their best interests and helping them to recover. I am proud of what these people do, and I hope many more will join their ranks. I encourage anyone who is interested in volunteering at a VA medical center to contact its Chief of Voluntary Service.

GEORGE GUNN: THE CITY OF ALAMEDA'S 1991 MAN OF THE YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. STARK. Mr. Speaker, I would like to take this opportunity today to pay tribute to Mr. George Gunn, who was recently voted the "1991 Man of the Year" by the city of Alameda in California's Ninth Congresssional District.

Mr. Gunn, a 45-year-old Oakland native has been the curator of the Alameda Historical Museum for the past 20 years and has become one of the foremost experts on Alameda history. He began working at the museum when a friend recruited him after noticing his interest in history and fine arts. The job had been vacant for several years since the previous curator had died in office. After taking over, Mr. Gunn turned the museum around—the museum has expanded its hours, tripled its collection and changed its focus to represent only the history of Alameda.

In his regular job, George Gunn teaches learning disabled fifth graders for the Oakland School District but, for the last two decades, he has spent almost every Saturday and several weekdays collecting and cataloging acquisitions. He can go through the thousands of acquisitions in the museum and identify each object.

He has also written two books on Victorian homes. For 12 years, he combed through the city's archives and walked the street for research. If you show him a picture of any Victorian in town, he can tell who built it, when it was built, and its ownership history.

This award comes at an opportune time for George Gunn and the Alameda Historical Museum because the museum has just moved to new quarters in the old Masonic Temple building and is being completely revamped. The new location's first exhibit, "Athletes, 1860–1986" is due to open on July 27.

Mr. Speaker, I would like to congratulate Mr. George Gunn on being chosen as the city of Alameda's "Man of the Year" and to commend him for his dedication to the community. Mr. Gunn has spent the past 20 years safeguarding Alameda's past for the enjoyment and benefit of everyone.

A TRIBUTE TO SNOWDEN McFALL—WINNER OF SBA AWARD

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Snowden McFall from Nashua, NH, who is being honored this week by the Small Business Administration. Ms. McFall, president and founder of Brightwork Advertising, Inc., has been named National Women in Business Advocate of the Year. I am proud to bring my colleagues' attention to such an outstanding member of my community.

After teaching junior high school for 5 years, Snowden left the field of education to work as a secretary for a Boston advertising agency. From Boston, Snowden moved to New Hampshire to work with O'Neil & Associates. Finally, she started her own full-service agency in 1983, entitled Brightwork Advertising, Inc.

Being aware of the unique challenges women face in starting a business, Ms. McFall not only began her own company, but also assisted in founding Success for Women Entrepreneurs, a State advocacy group devoted to creating more successful women business owners.

With typical understatement, Ms. McFall has likened her new life in the business world with her beginnings in education: "With teaching, you have a product you have to sell (U.S. history) to a market that doesn't want it, (ninth graders), and then you have to test the results. It's the same as in marketing, except you're playing with children instead of money." Whether in education or in business, it takes special qualities to be successful. And Ms. McFall has these qualities in abundance.

Mr. Speaker, I am proud to congratulate this most remarkable woman on her achievements. She has brought honor and prestige to our State, and I commend her display of ingenuity and initiative. Snowden McFall serves as an excellent role model for businesswomen in both my district and throughout the country.

AMERICA'S YOUTH TAKING THE LEAD

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to share with my fellow Members the future of our country. Too many times, the reports that one hears about our younger citizens, our teenagers, and young adults, is of drugs and gangs, killings and pregnancies. Today, I submit to you an example of what I believe to be the future leaders of our country.

Miss Jennifer Olson of Boulder City, NV, is such an example. Her idea for youth leadership within our States is innovation and refreshing. It will be leadership such as hers that will carry our country into the next century and beyond.

I submit her correspondence to my fellow Members, and encourage all to take the principles that lie within it to heart, involvement, commitment, and community service. These are all principles that brought my fellow Members and myself to Congress. I am proud to see that these principles lie in our future leaders, today's youth.

I hereby submit the text of Ms. Olson's letter for the RECORD:

BOULDER CITY, NV,
April 4, 1991.

Hon. JAMES H. BILBRAY,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR BILBRAY: My name is Jennifer Olson and I am a Senior at Boulder City High School. As a project in my government class I am required to submit to you an idea for a bill.

It has come to my attention in recent years that America today faces too many problems, with too little solutions.

It has also come to my attention that young Americans are trying to help find solutions, and find a way to get involved with American politics with fresh ideas.

My idea is to start a council, or cabinet either within each State or one which covered the entire U.S. made up of young adults 18 and older. They would be required to campaign for office just like any regular politician—and could tackle problems, that our own Government seems to find too small to find a solution for. I feel there are numerous amounts of brilliant minds across the States, who are eager to make changes for the environment, America's homeless, drug abuse, gang violence, etc. They just need to be given the right foundation and power to make a difference.

I would greatly appreciate it if you would consider my idea, and receive a response.

Thank you,

JENNIFER OLSON.

SUPPORT OF H.R. 1412

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SCHAEFER. Mr. Speaker, tomorrow we will attempt to end a long and contentious debate over two pieces of legislation noble in origin and purpose. Both the Staggers and Brady bills came about in response to the scourage of gun-related violent crime that plagues our Nation. But while each proposes a system designed to achieve the goal of keeping guns out of the hands of felons, only Staggers does so in a way that is not only more effective, but constitutionally sound as well.

There is general agreement that background checks would be an important step in preventing criminals from acquiring firearms through legal channels. But a background check is only as good as the quality of information available. Unlike the Brady bill, Staggers recognizes this fact by explicitly providing additional resources for States to improve their records. Mandated background checks of continually updated records are clearly preferable to the Brady system, which at best encourages a check of incomplete and often difficult to locate records.

If our goal is truly to implement a system which quickly identifies felons without imposing on law-abiding citizens, tomorrow's choice is evident. I urge my colleagues to join me in support of the Staggers amendment to H.R. 7.

AFRICAN-AMERICAN HISTORY LANDMARK THEME STUDY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. MFUME. Mr. Speaker, I rise in support of H.R. 904, the bill to authorize a landmark theme study for an African-American history and culture museum for the inclusion in the National Park System.

Mr. Speaker, the theme study and actual development of a future site would be a welcome gift to the African-American community and millions of other Americans whose ancestors contributed to the struggle for freedom and equality for all Americans.

This Congress, I have introduced House Joint Resolution 155, a bill to establish an African-American monument to promote history and culture on the Capitol Grounds or its environs. My legislation was drafted with the advice of several Baltimore constituents and members of Maryland's artistic community. We believe that it is vitally important to have some sort of African-American historical representation in the Capitol.

Such future representation will go a long way to bind this diverse Nation together through greater understanding and familiarity with our fellow country men and women.

Additionally, on Wednesday, May 8, 1991, I will introduce a bill that I have championed since the 100th Congress. My bill, the African-American Historical and Cultural Museums Week, seeks to highlight the important contributions that such museums make to preserving the history and culture of black America. This year's legislation will commemorate African-American Museums Week from September 23 through 27, 1991.

I wish to thank my good friends and colleagues Mr. LEWIS of Georgia and Mr. VENTO for their excellent job of guiding the landmark theme study legislation through the committee process and through the House Chamber. Your efforts will inevitably distinguish the African-American historical experience within the great American melting pot and serve to resurrect the dreams and aspirations of a community that has contributed so much to America's physical and social development.

The landmark theme study authorizes the appropriation of $500,000 for the Department of the Interior to identify a suitable location. It is my desire that the Department of the Interior will select a central cite that is easily accessible to all interested visitors.

A BILL TO AUTHORIZE A STUDY OF NATIONALLY SIGNIFICANT PLACES IN AMERICAN LABOR HISTORY

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. RIDGE. Mr. Speaker, it is a pleasure for me to take the floor today to express my strong support for H.R. 1143, legislation that will authorize the Secretary of the Interior to study and identify nationally significant places in American labor history.

It is unquestionable that one of this Nation's greatest assets is the work ethic of the men and women of America. Together, they have built this Nation, provided for their families, their communities, and, yes, even the entire world. Those achievements, however, did not come without a struggle to achieve even the most basic of freedoms, for we cannot forget nor neglect the fact that our workers, union and nonunion alike, have often suffered in the workplace. Their toil did not come without cost as their labors were not always properly rewarded and the needs of their families not always met. And while our children often hear of the triumph of the American workers, the pain and despair that often accompanied such advancements is all too often overlooked.

Today, we have the opportunity to recognize this rich heritage and to preserve it so that future generations may understand the significant contribution of workers to our history. Such an understanding is by no means trivial. It is the story of how Americans lived, worked and even perished to create and sustain the life we enjoy today. By virtue of tremendous perseverance, America's workers and our free enterprise system have become the standard upon which the world judges what is fair, what is just, and what is most productive.

Mr. MCNULTY and Mr. VENTO, both of whom have put a great deal of effort into this legislation, bring before us a bill that, I believe, deserves the support of this entire body. Let us join together to enhance the value of work in America as it relates to our Nation's history. I urge my colleagues to join me in supporting this legislation.

FAST TRACK AND MEXICO: THE CONSTITUTIONAL PERSPECTIVE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LAFALCE. Mr. Speaker, earlier today I addressed the Council of the Americas on the topic of United States-Mexico trade and the pending congressional vote on extension of fast-track authority. My remarks focused on the constitutional implications of the fast-track process, emphasizing why I believe fast-track guarantees are constitutionally unenforceable. I would like to share these remarks with the House:

AN ADDRESS BY HON. JOHN J. LAFALCE BEFORE THE COUNCIL OF THE AMERICAS

I am delighted to have this opportunity to appear before you today to discuss a number of concerns regarding the proposed United States-Mexico free trade agreement and the pending congressional vote on extension of fast-track negotiating authority.

As most of you are aware, President Bush sent to Congress last week a 70-page "action plan" outlining a variety of labor, health, and environmental concerns that would be addressed in negotiations with Mexico. While long on assurances, the plan falls short of providing measurable goals for the negotiations and fails to define specific actions to preserve U.S. jobs and wage levels.

By keeping its plans vague and offering only promises that key Congressional concerns will be taken into consideration, the President's statement illustrates what some observers now see as the central issue confronting Congress—Whether Congress trusts the Administration and its negotiators enough to give away its Constitutional powers on this issue?

While the focus on Constitutional power is right on track, I think the issue goes beyond a mere question of trust. It is crucial to understand, Congress does not have the authority to provide, nor can it provide, the type of negotiating freedom the President is seeking. In a letter to Members of Congress last week, President Bush urged support for extension of "unencumbered fast-track procedures." Just what this means was explained in White House statements that negotiations could not proceed unless a final agreement was given "immunity from Congressional amendment." I suggest to you today that this is something Congress will not provide, and can not provide, even if fast-track procedures are extended.

The Constitution is clear in separating the powers of the Congress from those of the Executive—Article I delegates powers to the Congress; Article II defines the powers of the President. Article I, Section 8 clearly states:

> "The *Congress* shall have Power—To lay and collect Duties, Imports and Excises . . . (and) To regulate Commerce with foreign Nations, and among the several States and with the Indian Tribes."

This clear allocation of authority in the area of foreign commerce, like the power to collect taxes, borrow money or declare war, is a matter of original jurisdiction to the Congress and a central feature of Congressional power. The Congress can not forfeit this power, nor should Congress reduce itself to a peripheral role in the exercise of this power, except under the most unusual and compelling circumstances.

Equally important, Congress can not be barred from exercising its power to regulate foreign commerce simply because an earlier Congress chose not to do so. Indeed, even the same Congress can not be constitutionally bound by its own prior actions with respect to rules. It can constitutionally change its mind and its rules any day of any year.

We witnessed a comparable situation earlier this year with regard to the Persian Gulf crisis. Although President Bush claimed authority to initiate military actions against Iraq, he was very careful not to take action until Congress approved a resolution authorizing the use of force. That Congress may have previously acquiesced in military initiatives by the President did not imply any forfeiture of Congress' power to declare war.

The constitutional problems of the fast-track procedure are not new arguments. They were strongly expressed by House

Members in 1973 when, in debating what became the Trade Act of 1974, the fast-track proposal was targeted for specific criticism as "the broadest sweep of authority yet granted to the President."

The first to raise these concerns was Mr. Rostenkowski's predecessor as Chairman of the Ways and Means Committee, Al Ullman, who then served as Chairman of the Trade Subcommittee, now chaired by Mr. Gibbons. Ullman objected to proposals requested by President Nixon for "delegating broad new powers to the Executive in carrying out trade agreements," and eloquently defined the problem that continues to confront Congress—

"The difficulty in our system of government, particularly in the field of trade, has been this balance of power between the Executive and legislative. I think you can always make an argument in the field of international affairs for more power in the hands of an executive and perhaps even unlimited power. It is certainly more effective in some respects.

"I think it is far more important, however, that we hold to the principles of separation of powers, and that we keep to our constitutional authority, than it is to get a temporary and immediate benefit in this field."

Another former chairman of the Trade Subcommittee, Charles Vanik, also raised strong constitutional arguments regarding the fast-track process and other proposals of the 1974 Act:

"The Congress should legislate trade policy—not abdicate responsibility. . . . This bill stakes out extensive authority for executive discretion—and this discretionary authority is carved out of the little that remains of the shattered and torn access of constitutional congressional authority and responsibility. If the Congress should pass this bill . . . it will move the Congress a considerable distance toward becoming an unnecessary branch of government. As far as trade is concerned, there will be little left for the Congress—but remorse for its own folly."

These and other arguments were persuasive in convincing 140 House Members to vote against the 1974 Trade Act, including the current Ways and Means Committee Chairman, Mr. Rostenkowski.

Although intended in the 1974 Act as a mechanism for preserving Congressional prerogatives in an uncertain forum of multilateral negotiation of non-tariff barriers, the fast-track process has become the means for limiting Congressional involvement in all trade agreements. Lingering constitutional concerns have been dismissed with arguments that fast-track offers the most efficient and convenient method for obtaining critical agreements from foreign nations and for facilitating prompt approval by Congress. But it is always more convenient, or more efficient, to circumvent the Constitution. As Justice Brandeis observed seventy-five years ago, the separation of powers doctrine "was not adopted for efficiency, but to preclude the exercise of arbitrary power."

I am not saying the fast-track process is unconstitutional. I am certain, however, that any fast-track approval process is constitutionally unenforceable.

That Congress can be bound in advance by any procedure that limits its deliberations or prevents it from adopting amendments is illusory. The whole concept of fast-track authority is ultra vires and nonbinding. Article I, Section 5 of the Constitution provides—

Each House may determine the Rules of its Proceedings.

This authority may not be impaired or controlled by the rules of any preceding House, or by any law passed by a prior Congress. Further, either House may change today's rules tomorrow. This is our constitutional prerogative. No congressional statute can waive that constitutional power *in futuro*.

Thus, whether the 100th Congress voted to extend the fast-track process in 1988, or whether Congress votes to extend fast track this month, there will still be no guarantee that a trade agreement will be considered without amendments. If commitments are not kept, or Congressional concerns are ignored, Congress can simply change its rules and amend an agreement. As Congress explained in the 1974 Act, and again in the 1988 extension, fast-track procedures are an "exercise in the rulemaking power" of each House and are enacted—

"With full recognition of the constitutional right to either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as any other rule of that House."

While this clause accounts for less than one percent of the wording explaining fast-track procedures, it is critically important. It acknowledges that Congress can not be bound by any specific rule of procedures and that it reserves the right to change its procedures at any time. Thus, fast-track is simply an expression of present intentions with respect to future action. It is hortative and in no way conclusive or binding.

Further, I think it is nonsense to say that a trade agreement cannot be pursued without fast-track guarantees. During the nearly 200 years from Washington's inauguration in 1789 until 1974, Presidents were able to conclude commerical agreements without fast-track. Indeed, Presidents have always had the choice of submitting a commerical agreement either as a treaty or an agreement. What determined this choice, in many instances, was whether a President through the agreement could obtain the two-thirds vote necessary for Senate ratification of a treaty. Fast-track now provides a President with the best of both options—a single yes-or-no vote without amendment used in treaty ratification, but with a simple majority vote of the regular legislation process.

I suggest that fast-track has become necessary for negotiating trade agreements not because foreign countries demand it, but because Presidents want it. Foreign governments have long accepted the necessity of dealing with both the President and the Congress. This is an understood difficulty of dealing with the United States. More than foreign governments, it is the President who dislikes Congressional interference. Even when acting as a delegate of Congressional authority, which he clearly is in this context, the President does not wish to see his efforts revised in any way.

In seeking "unencumbered" fast-track authority, President Bush is, in essence, seeking Congress' foreign commerce powers. Administration officials seek to define the goals and the focus of broad trade discussions with Mexico and also negotiate the substance of the trade agreement. Congress' entire role in the process is reduced to something akin to the Senate's role of advice and consent in political treaties. This may permit more effective negotiations, and it is clearly more convenient. But this is not what the Constitution requires.

Even with the failure of a motion to disapprove the extension of fast-track authority, it is not clear that a simple extension of the process would be applicable to an agreement deriving from the proposed North American free trade negotiations. Section 1103(b) of the 1988 Act authorizes use of fast-track procedures only in conjunction with two distinct types of trade agreements—(1) agreements involving the reduction or elimination of "nontariff barriers," and (2) "bilateral" agreements involving tariffs and non-tariff barriers. The President on March 4, 1991 formally requested extension of fast-track authority for purposes of initiating trilateral negotiations with Mexico and Canada to achieve a regional free trade agreement. Since this agreement would be trilateral rather than bilateral, and would involve both tariff and non-tariff barriers, it would not qualify under either standard for consideration under present fast-track procedures and would be subject to challenge on a point of order.

The House routinely employs a variety of procedures to restrict debate and amendments. Most typical is the "modified closed rule," which permits consideration of a bill with a limited number of amendments. This was the procedure used for passage of the 1974 Trade Act which prevented consideration of constitutional objections to fast-track and other procedures. Occasionally, we have even used a completely closed rule to exclude all amendments. But these rules are adopted by the House membership after the substance of the issue has been addressed in Committee and debated at length, not before. We do not vote on a rule months, and even years, in advance of discussing the substance of the issue, or of even knowing what issues are to be addressed.

A broad free trade agreement with Mexico is unprecedented in seeking to open the world's largest industrial economy to a nation with an economic and social structure that characterize, at best, a developing country. Given Mexico's huge and impoverished population and its proximity on the U.S. border, the agreement carries the potential to dislocate U.S. production and workers on a massive scale. An agreement would affect federal and state law in areas ranging from immigration to public health, as well as enforcement of codes and standards involving such things as product quality and environmental protection.

So pervasive is the potential impact of the agreement, the President's demand for fast-track authority is comparable, in my view, to the President's proposing a sweeping reform of the nation's tax codes and requesting a simple yes-or-no vote for whatever tax system he chooses to develop. This request would be unthinkable to Congress and to the public. And yet, this is not substantially different from the situation now facing Congress.

We are being asked to waive our right and our responsibility to offer amendments to any possible agreement; to accept on faith that our concerns will be addressed and that best possible agreement will be negotiated.

Further, we have already been told that Mexico has refused to put energy issues on the negotiating table. With oil accounting for 20 percent of U.S. imports from Mexico, how can this question be off the table! We also have little indication that negotiations will attempt to address the need for debt relief, or the problem of Mexico capital flight. Equally critical is the problem of subsidies, which was a key issue in negotiating the U.S.-Canada agreement. The Canadian negotiations simply deferred consideration of this question. Given the vastly more pervasive role of state subsidies in the Mexican economy, I would be surprised if this question is ever addressed with Mexico.

Supporters of the fast-track proposal argue that Congress is not being barred from considering these issues, and that it retains the ability to defeat any agreement it finds objectionable. Theoretically, this is true; practically speaking, this is false. Once a Mexican trade agreement is submitted, two major arguments will be raised. The first, by the President's supporters, arguing that the President's international credibility is at stake and defeat of the agreement would undermine the President's ability to conduct foreign affairs. The second, by the President himself, arguing that the agreement is critical to avoid political and economic revolution on our border.

This, I strongly suspect, is the basis of which most Members will ultimately vote on the issue, not on the specific merits of the final agreement. An emotionally-charged political debate will again preclude debate on substantive economic and policy issues. Therefore, it becomes all the more imperative to address these questions now, before fast-track is extended. A successful free trade arrangement with Mexico ultimately requires leadershp, not gimmickry.

I believe in liberalized trading arrangements. I have consistently supported our negotiating efforts in the Uruguay Round and have been the strongest advocate in Congress for the U.S.-Canada Free Trade Agreement. I also believe we should open our economy as much as reasonably possible to Mexico and to all of Latin America. I supported the Caribbean Basin Initiative and was the author of the International Debt Management Facility Act, which was the forerunner of the Brady Plan, for providing debt relief to Mexico and to other Latin American countries. Indeed, we must go much further.

And while I think the time has come to establish close trade relations with Mexico, trade negotiations must be placed in a broader context. Negotiations must seek to address Mexico's major problem of debt and its pressing need for debt relief. Equally urgent are policies to stem capital flight which robs Mexico of needed capital investment. If the wealthy of Mexico are unwilling to invest in their country's economic future, why should the United States?

Negotiations must also address the critical issues of wage disparities and state subsidies that make it virtually impossible for U.S. producers and workers to compete. And U.S. policy must also seek greater democratization of the economic process in Mexico to assure that Mexican workers gain an increasing share of the benefits of economic growth. Perhaps most important, free and open trade should not come until there are free and open elections. We should not even consider a free trade agreement with Mexico without a number of preconditions. One essential precondition being international supervision of the August 1991 federal elections for the Mexican Congress.

Without such efforts, I fear that opening the U.S. economy to Mexico will only encourage the transfer of U.S. production across the border, with little improvement in the glaring social, economic, environmental and political inequities of Mexico, and with little or no reciprocal benefit to the U.S. economy. American jobs would be sacrificed in a political agreement that benefits primarily the transnational corporations and Mexico's wealthy elite.

My greatest concern, however, is that Congress will be confronted with little option but to approve an agreement that encourages American producers to respond to international competition a low-wage option rather than a strategy of training and technological progress. Instead of improving conditions in Mexico, this may put the United States solidly on Mexico's current path toward lower wages, lower incomes and lower living standards.

THE AFRICAN-AMERICAN HISTORY LANDMARK THEME STUDY ACT OF 1991

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SLATTERY. Mr. Speaker, I rise today in support of H.R. 904, the African-American History Landmark Theme Study Act of 1991.

This important legislation directs the Interior Department to conduct a 3-year national historic landmark theme study to identify the key sites in the history and experience of African-Americans, and on the basis of the study, to prepare a list of the most appropriate sites for inclusion in the National Park System. The study would be carried out through cooperative agreements with scholarly and historical organizations.

We in Kansas are especially interested in this legislation because the sites associated with the U.S. Supreme Court decision in Brown versus Board of Education of Topeka are located in Topeka, KS.

The Monroe Elementary School was the school a little girl named Linda Brown was forced to attend in 1949 despite its 2-mile distance from her home because the school nearer her home, Sumner Elementary School, admitted only white children. Linda's father, Oliver Brown, agreed to participate in the class action suit that bore his name and led to the 1954 Supreme Court decision.

In 1987, the National Park Service conducted a theme study that resulted in national historic landmark designation for the Sumner Elementary School. The National Park Service is now reopening the study to include the Monroe School.

These sites are just two of the many key sites in the history and experience of African-Americans. It is my shared hope, along with thousands of Kansans and perhaps millions of Americans, that the Federal Government will build on this important first step to more fully recognize the important contributions African-Americans have made to our Nation's history.

TIBET'S LEGAL STATUS AND CHINA'S SOVEREIGNTY CLAIMS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. GILMAN. Mr. Speaker, today I am introducing House Concurrent Resolution 145 expressing the sense of Congress that Tibet is an occupied country under established principles of international law whose true representatives are his holiness the Dalai Lama and the Tibetan Government in exile as recognized by the Tibetan people.

In 1949–50 the People's Republic of China invaded Tibet. To this day the Communists claim that they "peacefully liberated" Tibet. What or whom did they liberate the Tibetan people from and was it done peacefully?

At the time of the invasion there were three Westerners living in Tibet. Was it from them that the Communists liberated Tibet? Two were Austrian mountain climbers who were fleeing British India during the Second World War. The other was a British subject working for the Tibetan Government. I had the pleasure to meet one of the Austrians 3 weeks ago, the other died some years ago, and I will be meeting the Englishman this week at the Smithsonian where he will be speaking about his years in free Tibet and then in a Chinese prison camp. I don't believe any of these gentleman were so powerful that they held Tibet in bondage.

So the question remains. What or whom did the Communist Chinese liberate Tibet from?

After the invasion the Chinese Communists centralized the Tibetan economy, communes were set up, a vast gulag was built and over 1.2 million Tibetans, a sixth of the population, met their deaths through execution, torture, starvation, and suicide.

The Chinese systematically destroyed and looted over 6,000 monasteries and temples: 80 percent during the "Democratic reforms" before 1966, and the remaining 20 percent during the cultural revolution. The practice of religion, to this day, is extremely restricted.

In 1983, a huge population transfer of Chinese into Tibet began. It is quickly reducing Tibetans into a small and insignificant minority in their own country.

Through a vast system of apartheid, Tibetans have become second rate citizens.

The answer is obvious.

The Communist Chinese are attempting to liberate Tibet from itself—its own national identity. They plunder its treasure, destroy its religious institutions, and now try to drown Tibet in a sea of Chinese.

None of this is "liberating" to Tibetans or very "peaceful".

On May 23 of this year, the Chinese Communist party will be celebrating their 40 years of rule over occupied Tibet. Tibetans fear the outbreak of further violence and feel resentment as the Chinese erect a 230-foot high monument in Lhasa, the capital of Tibet, commemorating the dreaded anniversary.

The celebration, expected to be the largest display of force since the Chinese invasion, will focus on May 23 because it is the 40th anniversary of the signing of a 1951 document between representatives of Tibet and China, known as the 17 point agreement. The Dalai Lama and his government repudiated the "surrender" document when they fled into exile 8 years later, stating that it was signed under duress.

Accordingly, Mr. Speaker, House Concurrent Resolution 145 is a timely initiative which I urge my colleagues to support.

Mr. Speaker, I request that a paper prepared by Congressman ROSE and myself, titled "Tibet's Legal Status and China's Sovereignty Claims," be inserted at this point in the RECORD. In addition, I am requesting that the full text of House Concurrent Resolution 145 be inserted at this point in the RECORD.

Tibet's Legal Status and China's Sovereignty Claims

(Prepared by the offices of Hon. Benjamin A. Gilman and Hon. Charles Rose)

CURRENT LEGAL STATUS

Tibet today is an independent country under illegal occupation by China.

Tibet was fully independent on the eve of the Chinese invasion in 1949/50.

Tibet possessed all the attributes of statehood as defined under international law, i.e., a defined territory, population, independent government, and ability to conduct international relations, at the time of the Chinese occupation. International Commission of Jurists, 1960.

The Head of State, the Dalai Lama, emphasized Tibet's independence externally in formal communications with foreign rulers, by issuing a proclamation reaffirming Tibet's independence, and by strengthening the country's defenses.

Tibet further maintained a postal system, issued passports, and had its own currency.

Independent status does not depend upon recognition by foreign governments; recognition can neither create nor extinguish a state.

Recognition only provides evidence that foreign governments are willing to treat a state as independent.

Throughout Tibet's history, several countries, including Mongolia, Bhutan, Nepal, British India and Czarist Russia recognized Tibet independent of any Chinese government.

Britain's 1904 expedition to Tibet was precipitated by its failure to obtain trading rights with Tibet, its concerns over Russian influence in the country, and its recognition that even though the Chinese claimed suzerainty over Tibet, they had no real power there.

The British attempted to correspond with the Tibetan Government in 1900 and 1901 and ultimately negotiated the Lhasa Convention of 1904 directly with the Tibetan Government.

The British refused to accept China's suzerainty claims or any other rights over Tibet unless China signed the 1914 Simla Convention with Britain and Tibet, which China never did.

The Nepalese executed a treaty with Tibet in 1856.

Nepal's recognition of Tibet was reaffirmed in 1949 in documents presented to the United Nations in support of Nepal's application for membership.

Delegates to the United Nations have explicitly recognized Tibet's independent status before China's invasion.

"Tibet was for two thousand years free and fully in control of its own affairs and a thousand times more free than many members of the U.N." Ambassador Aiken, Representative of Ireland to the United Nations, 1961.

"It is clear that on the eve of the invasion in 1950, Tibet was not under the rule of any foreign country." Representative of the Philippines to the UN, 1950.

The majority of states "refute the contention that Tibet is part of China." Representative of Thailand to the United Nations, 1950.

China's illegal occupation of Tibet can never be legitimized.

Under established principles of international law, territory cannot be acquired by the illegal use of force.

China's aggression against, and invasion of, Tibet's territorial integrity was condemned by virtually all states of the free world, including the United States. United Nations Resolution Nos. 1353, 1723, 2079, 1959–61.

The "17-Point Agreement for the Peaceful Liberation of Tibet," signed in 1951, purporting to legitimize China's occupation of Tibet, is void under international law.

The Agreement was executed under duress, with 40,000 Chinese troops already in Tibet and the threat of an immediate occupation of Lhasa and the total obliteration of Tibet in the offing if the Tibetans failed to sign.

The Dalai Lama repudiated the Agreement in 1959.

International law protects the independence of a state from attempts to destroy it.

Tibet need not prove its continued independence.

China is obligated to prove its rights over Tibet, showing at what precise moment and by what legal means it acquired them.

CHINA'S SOVEREIGNTY CLAIMS

Tibet was a sovereign state for over two thousand years with only two brief periods in its lengthy history in which it came under the influence of foreign powers, a record not rivaled by many of today's independent countries.

During Tibet's imperial age (5th to 10th centuries), Tibet was one of the most powerful nations in Asia. Its domain extended over present day Tibet, Western China, Upper Burma, Nepal, Bhutan, and Turkestan.

China's own historical records show that during this period Tibet was a strong state with whom China was forced to deal on a footing of equality.

China's claim to sovereignty over Tibet stem solely from short periods in the 13th and 18th centuries when neighboring empires exerted some influence over the country, although neither of these powers were Chinese.

In the 13th century, the Mongols, led by Kublai Khan, established an empire that included subjugation of the Chinese people, but created only a special, priest-patron relationship between the Mongols and the Tibetans.

Tibet was never a part of the Mongol Empire's domain.

The Khans never demanded or received tribute from the Tibetans, as they did from China.

The Khan viewed Tibet as the sovereign domain of the Church, its head as the Khan's spiritual advisor, the only equal he admitted in all of Asia.

The Tibetans broke off any relationship with the Mongols before the Chinese rejected Mongol rule and established their own Chinese dynasty, the Ming (1368–1644).

The Ming Dynasty had few ties with the Tibetans and no authority over Tibet.

In the 17th century, the Manchus overthrew the Chinese leaders of the Ming Dynasty and established the Qing Dynasty (1644–1911).

The only formal relationship between the Manchus and the Tibetans was again one of priest to patron, with the Dalai Lama acting as the Manchus' spiritual guide.

At the height of Manchu power, which lasted only a few decades, the Manchus exerted some influence over Tibet's foreign affairs.

Four times during the period 1720 to 1792, the Manchu emperors sent troops to Lhasa to protect the Dalai Lama from foreign invasion or internal unrest.

The situation is parallel to that exerted by a superpower over a neighboring satellite country or protectorate, and did not entail the legal extinction of the state.

The Manchu emperiors did not incorporate Tibet into their dynasty, much less into China.

Manchu influence was short-lived, rendered entirely ineffective by the time of the British expedition of 1904, and ceasing entirely with the overthrow of the Qing Dynasty and establishment of the Chinese Republic in 1911.

Whatever ties existed between the Tibetans and the Manchus were extinguished with the dissolution of the Manchu Dynasty.

China's claim that Tibet became a part of China as a result of its relationship to the Mongol or Manchu Dynasties is tantamount to saying that France is part of England because both countries were once part of the Roman Empire, or that Burma is a part of India because they were both once under the influence of the British.

H. Con. Res. 145

Whereas Tibet has maintained throughout its history a distinctive national, cultural, and religious identity, separate from that of China;

Whereas Chinese archival documents and traditional dynastic histories, including those pertaining to periods of Manchu and Mongol rule, never refer to Tibet as being made "an integral part" of China;

Whereas several countries, including Mongolia, Bhutan, Nepal, British India, and Czarist Russia recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese Government;

Whereas in 1949–50, China launched an armed invasion of Tibet in contravention of international law;

Whereas at the time of the Chinese occupation, Tibet possessed all the attributes of statehood under international law, including a defined territory, population, independent government, and the ability to conduct domestic affairs and independent international relations, as found in 1960 by the International Commission of Jurists;

Whereas in 1959, members of the Tibetan Government, including the head of state, the Dalai Lama, sought political asylum in India following a national uprising against the Chinese occupying forces, and established a government in exile which continues to operate today and is recognized by the Tibetan people as the only legitimate Government of Tibet;

Whereas it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another, and to condemn violations of international law, including the illegal occupation of one country by another;

Whereas in the 1950's and 1960's, the United States repeatedly condemned what is characterized as China's aggression against Tibet and actively supported the United Nations in both condemning China and calling for Tibet's right to self-determination in General Assembly Resolutions 1353 (1959), 1723 (1961), and 2079 (1965);

Whereas on December 16, 1961, at the United Nations, United States Ambassador Plimpton summarized the official United States position on Tibet, stating: "The United States believes that our objectives must include the restoration of human rights of the Tibetan people and their natural right of self-determination";

Whereas the United States should not condone aggression by accepting China's claim to sovereignty over Tibet; and

Whereas China's illegal occupation of Tibet continues to this day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Qinghai, is an occupied country under established principles of international law whose true representatives are the Dalai Lama and the Tibetan Government in Exile as recognized by the Tibetan people.

IN RECOGNITION OF REV. MSGR. RICHARD A. YOUTZ

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating an exceptional and dedicated individual from the 17th Congressional District of Pennsylvania.

On April 30, 1991, Rev. Msgr. Richard A. Youtz, J.C.L., V.F., celebrated the 25th anniversary of his ordination to the priesthood of the Diocese of Harrisburg. Monsignor Youtz is pastor of Saint Patrick Cathedral and dean of the Harrisburg Deanery.

Monsignor Youtz attended St. Charles College and St. Charles Borromeo Seminary. He furthered his studies at the Pontifical Gregorian University in Rome.

Prior to his assignment to the cathedral in 1984, Reverend Youtz served in parishes in Hershey, Shamokin, and Steelton, and in 1983 he was named monsignor.

Monsignor Youtz worked for 17 years in the Harrisburg Diocesan Marriage Tribunal. In 1975 he was appointed officialis of the tribunal and served in that position until 1990.

Mr. Speaker, the Reverend Monsignor Richard A. Youtz has served his parishioners and community faithfully and diligently. His hard work, perseverance and generosity are just a few of the fine qualities of this outstanding man, and I thank him for his selfless commitment to the people of the 17th Congressional District.

I join his family and friends in congratulating Monsignor Youtz on the 25th anniversary of his ordination to the priesthood. I wish him good health and good fortune as he continues his work within the Diocese of Harrisburg and among the people of central Pennsylvania.

COLOMBIA SAYS GOODBYE TO A PIONEER IN THE WAR ON DRUGS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. OXLEY. Mr. Speaker, drug violence has erupted in the streets of Colombia once again. This time claiming the life of Enrique Low Murtra, who served as Minister of Justice under President Barco. Low served as Colombia's Minister of Justice from 1987–1989 when he had to resign due to the numerous death threats he received.

Former Minister Low was a pioneer in the war on drugs. He openly supported the extradition of drug traffickers to the United States even though it meant putting his life in danger. The Colombian drug cartels will stop at nothing to retaliate against any government official who challenges their businesses. Seven years ago, the Minister of Justice at that time, Rodrigo Lara Bonilla was assassinated and his successor had to flee Colombia after serving in the same post. Government officials are not the only victims. Hundreds of journalists, judges and businessmen have been murdered by drug traffickers.

I hope Low's courage in fighting the drug traffickers in Colombia will not be forgotten. Colombian Government officials and citizens must make it clear that drug trafficking is not welcomed in their country. Colombia and the United States can not afford to lose another warrier in this battle.

Currently, the Colombian assembly is rewriting their Constitution. I hope that they are not intimidated by the drug cartels' latest show of violence and are able to stand firm in their decision not to ban the extradition of accused Colombian drug traffickers to the United States.

TRIBUTE TO DR. EDMOND GICEWICZ

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. PAXON. Mr. Speaker, I would like to take this opportunity to congratulate Dr. Edmond Gicewicz, a resident of the 31st Congressional District of New York and a longtime friend, for his outstanding leadership and unswerving commitment to education and community service.

A native of Buffalo, NY, and a graduate of the University of Buffalo undergraduate and medical programs, Dr. Gicewicz has served our community for many years as an eminent physician and active civil leader.

Dr. Gicewicz has returned much to our community through his role as an educator. At the University of Buffalo, he has served as the first medical director of the University Sports Medicine Center and as an assistant professor of clinical surgery in the school of medicine.

As a physician committed to the health and welfare of athletes, Dr. Gicewicz has devoted much professional and personal time serving local student, amateur, and professional athletic organizations, including the NFL's Buffalo Bills. In addition, Dr. Gicewicz has written and lectured extensively on sports medicine.

Dr. Gicewicz has demonstrated a consistent dedication to civic and charitable service. He has served as medical director for numerous local amateur athletic events including the Empire State Games and has been named as the medical director for the 1993 World University Games to be held in Buffalo, NY.

On May 10 and 11, 1991, the Medical Society of the State of New York will honor Dr. Gicewicz for his professional achievements and service to western New York.

Mr. Speaker and my colleagues in Congress, today we pay tribute to Dr. Gicewicz, a true community leader dedicated to education and service.

I extend my heartfelt congratulations and sincere best wishes to Dr. Gicewicz, his wife Connie, and their five children on the occasion of this great honor.

TAIWAN'S PRESIDENT LEE IS REACHING OUT TO THE MAINLAND

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. LIVINGSTON. Mr. Speaker, when President Chiang Ching-kuo passed away on January 13, 1988, Lee Teng-hui succeeded Chiang as head of state. On May 20, 1990, Lee was duly elected and inaugurated as the eighth President of the Republic of China.

In the last 3 years, Lee has continued with vigor the democratization process initiated by President Chiang. Taiwan is now a model of political progress and multiparty democracy.

Among President Lee's many accomplishments during the last 3 years, none inspires more admiration than the bold step he took in announcing an end to six decades of civil war with the Chinese Communists on April 30, 1991. Even though this declaration of an end to the state of war with mainland China does not mean reunification with the mainland is imminent, it does represent Lee's efforts in building diplomatic bridges to the mainland by easing political tensions and reinforcing mainland China's growing links with Taiwan's powerful economy.

A leader of vision, President Lee has always dreamed of achieving on Taiwan the world's first enduringly democratic society and he fervently hopes that this might help lead to freedom for his compatriots on the mainland.

Mr. Speaker, on the eve of President Lee's first anniversary in office, I wish to go on record in congratulating President Lee and in hoping that one day Taiwan and the mainland will be reunited under the principle of "free economics, democracy, and free elections."

TAX FREEDOM DAY—MAY 8

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. McGRATH. Mr. Speaker, tomorrow, May 8, 1991, is "Tax Freedom Day," which is both joyous and sad for American workers. Joyous because that is the day the average American worker could pay all his Federal, State, and local taxes if all of his pay were devoted to that cause from January 1, 1991. This is sad news as well, because "Tax Freedom Day" is not only 3 days later than last year, but it has gotten steadily later since these records have been kept.

I represent Nassau County on Long Island in New York. New York has the dubious distinction of being tied with the District of Columbia for having the latest "Tax Freedom Day" of all the States and D.C. While the average

American can celebrate "Tax Freedom Day" by May 8, New Yorkers must wait until May 26 before all their tax obligations would be paid. That is 146 days of work, nearly 5 full months, devoted solely to taxes.

I certainly realize that our Nation faces many serious domestic challenges which may require large increases in government spending. Education, worker training, health care, aid to poor children, and other causes are vital to the continued prosperity of the United States. Unfortunately, at the Federal, State, and local government level, budget deficits abound. We are at a crossroads of deciding which programs are most worthy of additional resources and those which must be cut or frozen at current levels.

No doubt many government leaders will say that tax increases are necessary to reduce government red ink and adequately fund our community priorities. However, when you consider that it takes longer every year for the average American worker to pay his or her tax bill, it strongly suggests that more revenue is being paid while less service is delivered. Rather than continue to soak middle class, working families of their hard-earned wages through more taxes, government should be looking first toward cutting burdensome bureaucracy and unnecessary programs.

Nationwide polls show a growing sentiment against tax increases. America is a nation of pragmatists. If a product or service is worthwhile, Americans will pay a reasonable price for it. When Americans feel they are getting a raw deal they act to change it. American taxpayers are no longer willing to stand idly watching their taxes rise unchecked while government services decline and bureaucracy grows.

At the Federal level, Congress needs to enact comprehensive budget reform which is set forth in Representative Chris Cox's bill, H.R. 298. Under this measure, Congress and the President would be forced to act more cooperatively in devising budget targets and any attempt to supersede these targets would require a two-thirds majority vote to pass. Fiscal responsibility is possible in Congress if the right procedures are in place to eliminate loopholes which allow wasteful spending to be hidden within large appropriation measures.

Although unlikely to shorten by next year, I am hopeful that Federal, State and local government leaders will take heed at the ever growing time it takes American families to pay their tax bills. "Tax Freedom Day" should be a day of celebration to Americans, not a day of mourning.

MORE EQUITABLE HIGHWAY PLAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. SKELTON. Mr. Speaker, Congressman HAROLD VOLKMER and I recently introduced a highway bill that brings equity back to the Federal-aid highway system.

Along with several others, my home State of Missouri has been a donor State in recent years, contributing more to the highway trust fund than it gets back. It is time for this unfairness to end, and our bill does just that.

Our highway bill requires highway trust fund money to be spent on highways and not used to hide the size of the budget deficit. It distributes funds to States based on the use of their roads, gives States the flexibility to use funds where they are needed most, and prioritizes increased funding for bridge repair and maintenance.

Better roads and bridges will make our roads safer, cut down on traffic congestion, and provide jobs and economic growth. I encourage all members and the Public Works and Transportation Committee to take a look at our plan.

HIALEAH CHAMBER OF COMMERCE AND INDUSTRIES SALUTES THOSE WHO SERVED IN THE PERSIAN GULF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to bring to your attention the Hialeah Chamber of Commerce and Industries Monthly Dinner which honored those in the Hialeah area who served in the Persian Gulf.

A chamber dinner is held every month to welcome new members and to give recognition to businessmen in the Hialeah area. This month the chamber also paid tribute to those in the Hialeah area who fought for freedom in the Persian Gulf. The chamber recognized two marines from Hialeah who just returned from Kuwait—Cpl. Guy Sanchez, Jr. and 1st Sgt. Gus Perze.

The chamber also recognized Leopoldo E. Rivero of the Rivero Funeral Home as Professional of the Month; Justo Betancourt of the La Milagrosa Residence as Businessman of the Month; Andres Fernandez of American Ammunition as Industrialist of the Month; Ernesto Liebster of Cellular One as Entrepreneur of the Month and Ivonne Mendez as Banker of the Month.

The Hialeah Chamber of Commerce and Industries is made up of over 1,000 businessmen who have united to help promote the Hialeah area. The chamber is involved in numerous civic and volunteer activities which make up this important community's contribution to the "thousand points of light" President Bush has often referred to.

I extend my sincere hope for the chamber's continued success, and special thanks to its president, Vicente P. Rodriguez and executive director, Herman Echevarria.

I would also like to take this opportunity to thank the following individuals on the chamber's 1991–93 board of directors: Luis Estrada, Jr., vice president; Lila E. Cruz, vice president; Rey Flores, vice president; Armando (Mandy) Llanes, vice president; Jorge Rivero, vice president; Manny Rodriguez, secretary; Jose Izquierdo, Treasurer; Luis Estrada, Sr., vice secretary; Orlando Dominguez, vice treasurer; Antonio Fernandez Conde, director international relations; Jose Caraballo, director; Dr. Alberto Rodriguez, director; Pedro Acosta, director; Luis Miguel Diaz, director; Heliodoro Duran, director; Arturo Suarez, director; Daniel Hernandez, director; Victor Benitez, director; Luis Rojas, legal assessor; Javier Vazquez, legal assessor; Carmelo S. Batallan, financial assessor; Sergio Campo, banker assessor and the many volunteers who have contributed their time and energy to the Hialeah Chamber of Commerce and Industries.

NATIONAL NURSES WEEK

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, on this National Nurses Week I ask my colleagues to join with me in recognizing the many contributions that nurses have made to the fields of medicine and health care, and to the betterment of our society.

In the past, when a health problem arose, the traditional response was to call for a doctor. However, today, in a growing number of situations, it makes sense to call for a nurse.

The nursing profession has changed tremendously over the last two decades. The growing number of graduate-level nursing programs, and the emergence of nurse-practitioners and other nurse-specialists with advanced degrees, have greatly expanded the scope of services that nurses are prepared to provide.

Nurses are certified as specialists in community health, nurse-midwifery, neonatal care, intensive care, medical-surgical nursing, psychiatric and mental health, and geriatric care. Two key trends in health care are making nurses even more important in the delivery of health care: The aging of our national population, and a growing emphasis on lowering the costs of health care. As the number of older citizens increases, and as hospital stays are shortened, the need for home care is likely to increase substantially.

Nurses are helping to meet the changing health care needs of our society. With increasingly specialized health care delivery systems in use, nurses have taken on a key role in maintaining ongoing relationships with patients and their families. They are in a unique position to provide education and counseling services before admission and following discharge from the hospital. They monitor progress and respond to problems before they become serious. And they refer patients to other health care professionals as needed.

It has often been lamented that modern medicine is becoming too technological and losing the human touch. As a society, we tend to identify technology as the solution to all our health care problems. Unfortunately, we are too often more receptive to funding the latest item in biomedical equipment than sponsoring a nurse or setting up a nursing scholarship fund for students entering the health care field. Undoubtedly, technology is an essential part of medicine. However, it is not the "be all and end all." Research has shown that close human contact may be as important as some of the machines that save lives.

We should all recognize the dedicated and compassionate manner in which nurses provide their vital services to those in need. We should also encourage others to follow their example and enter the very noble and rewarding field of nursing.

I hope that you will join with me in thanking nurses for their invaluable contribution to the health and well-being of our society, by recognizing May 6 through 10, 1991, as National Nurses Week.

A SALUTE TO PATRICK DOREN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1991

Mr. TOWNS. Mr. Speaker, I rise today to commend Patrick Doren. An outstanding citizen of Brooklyn, Mr. Doren's work is a testament to the community spirit that lives in Brooklyn. His actions have significantly contributed to the revitalization of Bedford Stuyvesant.

Patrick Doren is a lifelong resident of Brooklyn. In his new position as Bedford Stuyvesant development coordinator of the Neighborhood Housing Services [NHS], he will play a major role in overseeing the renovation and rehabilitation of this area. As a lifelong Brooklynite and an active volunteer within various community organizations, Mr. Doren is familiar with the needs of this community and with the dedicated resolve of the people to reclaim portions of this community lost to neglect and decay.

Neighborhood Housing Services, a nonprofit corporation, lends money for renovation to homeowners in New York neighborhoods. The funding for NHS is derived from a consortium of banks under the Community Reinvestment Act. Although these homeowners would be unable to acquire loans from conventional lenders, they are given an opportunity by NHS. This single action restores faith in homeowners.

In addition to revitalizing the spirit of the individual homeowner, these loans encourage a renewed sense of community involvement and neighborly concern. By providing loans for rehabilitation based on community input, the neighborhood actively participates in the decisionmaking.

However, the benefits of this magnificent program are not limited to individual homeowners who receive assistance under the auspices of the program. After seeing the incredible results of these home improvement loans and hearing of the positive experience with the people of the community, conventional lenders will be forced to reevaluate their skepticism toward the area and the people. These renovated properties may encourage other lenders to return to the community. In this way, rehabilitation loans will be made available for other local homeowners.

Under the direction of Mr. Doren, we can expect this program to be as successful as his previous endeavors. Mr. Doren's work is vital to creating positive change in Bedford Stuyvesant and throughout Brooklyn. I am proud to salute Patrick Doren and the Neighborhood Housing Service.

SENATE—*Wednesday, May 8, 1991*

(Legislative day of Thursday, April 25, 1991)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain, Rabbi Alvin K. Berkun, Tree of Life Congregation, Pittsburgh, PA.

PRAYER

Rabbi Alvin K. Berkun, Tree of Life Congregation, Pittsburgh, PA, offered the following prayer:

Let us pray:

Heavenly Father, as we begin our day of deliberations in this, the Senate of the United States, we pause to acknowledge You and to pray for peace. According to the 2,000-year-old volume written by the ancient rabbis, the Ethics of the Fathers, the world rests on three things: on truth, on justice, and on peace. All three are connected and intertwined. The goal of the first two is to bring about the third, peace. To the Jewish sages of old, peace was God's very name. Peace—Shalom—is the ideal toward which we must all strive.

In Jewish tradition, the word "Shalom," has a much wider meaning than does its English equivalent, peace. In the Hebrew context, the word peace touches on the work that is done here. It refers to the welfare of all: It implies a sense of security, of contentment, of sound health. The prophet Isaiah taught that Shalom would then be opposed to the dissatisfaction and the unrest that evil can cause.

May we be inspired by one of the greatest of the Jewish sages, a contemporary of Jesus, Rabbi Hillel, who said: "Love peace and pursue peace."

May the inspiration of our Judao-Christian civilization inspire all of us as we work together to make of our Nation a beacon of hope, a symbol of freedom, and a harbinger of peace for all. During these days of concern for our President, we join in prayer to the Lord our God and God of our ancestors, that our President, George Bush, be blessed with good health and well-being and that he continue to be endowed with vigor of body, mind, and spirit as we all say, Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 8, 1991.

To the Senate:

Under the provisions of Rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

THE PRAYER OF RABBI ALVIN K. BERKUN

Mr. SPECTER. Mr. President, I would like to take a moment to acknowledge the presence of Rabbi Alvin K. Berkun, who just delivered the Senate's prayer.

Rabbi Berkun is a Pennsylvanian. He has served as rabbi for the Tree of Life Congregation in Pittsburgh for the last 8 years. He is currently the Jewish chaplain for the Veterans' Administration in Pittsburgh, and was a U.S. Navy chaplain during the Vietnam era. He is married and has two daughters and one son. I am pleased to note his daughter, Elizabeth, has just completed an internship in my Washington, DC, office.

Rabbi Berkun is a very distinguished rabbi. Therefore, it is with a great deal of personal pleasure to have heard his opening prayer this morning. I welcome him to the Senate, thank him for his contribution to the body, and thank him for his contribution to the national Jewish community.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between 12 o'clock noon and 12:45 p.m. shall be under the control of the Republican leader or his designee.

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

ORDER OF PROCEDURE

Mr. COCHRAN. Mr. President, I ask unanimous consent that I be designated as the person to control the time on this side of the aisle under the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EDUCATION IN AMERICA

Mr. COCHRAN. Mr. President, this is an exciting time for education in America. Every newspaper in every town has had at least one front page article on education in the weeks following the unveiling of the President's historic strategy for improving the quality of education in our Nation's schools.

President Bush has asked all Americans to take part in "the crusade that counts most—the crusade to prepare our children and ourselves for the exciting future that looms ahead."

Last week I was able to spend some time in my State of Mississippi, meeting with education leaders to discuss this crusade, and I can tell the Senate they are ready to accept and meet the challenge. I feel confident that parents, teachers, and community leaders all across the country are also ready to get involved in this new emphasis on education and help implement the programs in America 2000.

In America we believe that education should give every individual the opportunity to rise to his ambition and achieve his goals. By doing a better job of educating children, we are preparing them for the future, empowering the people of this country, and ultimately empowering this country.

Even though our country has changed greatly since the days of the early settlers, community and family involvement that marked successful education in our Nation's infancy still work today; these timeless truths are reflected in America 2000. This plan will make schools more accountable, align our educational system for the future, help communities improve their schools, and make learning a bigger part of our lives.

The plan is far-reaching and ambitious, incorporating the best education concepts and ideas offered by experts

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

nationwide. President Bush's leadership and his tenacity in developing this plan truly establish this as the education Presidency.

More importantly, this plan will work, and it will make our education system what it ought to be—the best in the world.

President Bush promised to lead a nonpartisan, populist crusade to transform America's schools by the year 2000. Republican and Democratic Governors, who have the primary responsibility for education in their States, all across the country have enthusiastically given their support to these proposals and to these goals.

I am pleased that the Labor and Human Resources Committee is showing a willingness to consider the legislation being developed by the President and his Secretary of Education, Lamar Alexander, to implement the Federal initiatives included in the education strategy. I am hopeful that we will see bipartisan cooperation in bringing a bill to the floor in time to influence the appropriations process this year.

Our Federal responsibility is to promote a climate in America for opportunity, inventiveness and educational excellence. America 2000 provides the steps to reach these goals. I think we can make it happen. Our children and our country deserve no less.

Mr. President, may I inquire of the Chair how much time remains under the order previously entered?

The ACTING PRESIDENT pro tempore. The time between now and 12:45 is controlled by the Republican leader or his designee.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the Senator from Washington [Mr. GORTON].

Mr. BYRD. Mr. President, before the Senator yields, would he be able to yield me some time following the statement by the Senator from Washington?

Mr. COCHRAN. Mr. President, I am happy to accommodate the distinguished President pro tempore. We do have a list of speakers who have indicated an interest in speaking during this special order.

I hope that they will be able to keep the commitment that we have given to them to enjoy the benefit of speaking on the floor, but I do want to cooperate with the President pro tempore.

Mr. BYRD. Hearing the Senator speaking on excellence in education, I am a strong supporter of what he is saying. I want to get in a few words in that connection, hoping that I might call attention to the need for our schools to urge our young people to stop using the crutch expression, "you know." I think that it would be an indication, if we could do that and see an improvement throughout the country, that we are achieving some greater excellence in education than we are presently achieving.

So, at some point, I would like to say a few words on that subject.

Mr. COCHRAN. Certainly, we can accommodate that request; we will do everything we can to accommodate the request.

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON] is recognized.

THE PRESIDENT'S AMERICA 2000 PROGRAM

Mr. GORTON. Mr. President, the last few weeks have offered more promise for the cause of reform in education than we have seen in decades. The President's America 2000 Program, coupled with widespread interest in reform in the Congress, give us an opportunity we must not miss. I am inspired by the national goals the President has set and the course he has suggested to meet those goals.

These proposals are based on a call on all to do their part in reforming our system of education. It encourages students to achieve, teachers to challenge, parents to be involved, businesses to be creative, and communities to support the necessary changes in our educational system.

The first two goals of the President's program are particularly noteworthy.

First, creating better and more accountable schools for our students today; and

Second, creating a new generation of American schools for tomorrow's students.

ACCOUNTABILITY

The United States leads the world in providing a focus on opportunity for each individual. The ability to seize opportunity is a natural consequence of education. For the United States to be competitive in the 21st century, it is crucial that our students have the opportunities that are the result of proficiency in the basics of education: English, math, science, history, and geography.

The President's plan to create voluntary national examinations to evaluate the proficiency of students at the 4th, 8th, and 12th grade levels is key to measuring our success, to providing accountability for today's students.

The proposal to provide $200 million in education certificates to local school districts to experiment in parental choice is also central to accomplishing our overall goal of accountability. American citizens choose their spouses, careers, hometowns, churches, and community groups. It is only reasonable that they should also be enabled to choose schools of their liking for their children's future. It fits with the American way and the American dream.

CREATIVITY

The second major theme of the President's proposal is the creation of a new generation of American schools for tomorrow's students. The plan to involve business leaders in the creation of a series of research and development teams to help improve American education will draw on some of our best creative resources. Leadership at all levels will be encouraged, from Governors, business, principals, teachers, parents, and community leaders.

I also support the President's proposal that States provide for alternative means of certification for professionals who wish to teach in our schools. We have a shortage of teachers in a wide range of fields. Providing a means for attracting professionals in many areas, technical and otherwise, would expose our children to people with real world experience in those fields.

Mr. President, many school districts in Washington State have already accepted the challenge of providing a creative approach to the education of our children and youth.

Washougal School District in southwest Washington has begun a modified year-round school.

Bellevue's school district has a day care program and the Lake Washington district has an extended program for after school care.

Advanced technology is being incorporated into the school programs of Spokane and Moses Lake.

The Seattle, Snohomish, and Lake Washington school districts have taken up the challenge of causing business, industry, and State government to work together for more carefully focused educational programs.

Mr. President, it is through innovative approaches to education, combining the efforts of parents, educators, business and community leaders that we will cause a transformation of our childrens' lives and our Nation's future.

I commend the President for his efforts and Secretary Lamar Alexander for his leadership in working toward this most worthwhile goal. I look forward to joining together with them and dedicated Members of this Senate in the coming months to turn their plans into reality.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the distinguished Senator from South Carolina [Mr. THURMOND].

THE EDUCATION INITIATIVE OF PRESIDENT BUSH—AMERICA 2000

Mr. THURMOND. Mr. President, I am pleased to rise this morning to speak on behalf of the new education initiative, America 2000, unveiled last month by President Bush. His plan for reform of education in this country is exciting, innovative, and far-reaching. As we have read and heard, the framework for this new strategy involves four broad themes:

First, creating better and more accountable schools for today's students;

Second, creating a New Generation of American Schools for tomorrow's students;

Third, transforming America into a Nation of Students; and

Fourth, making our communities places where learning will happen.

This is the framework. It is now up to Congress to work with the administration, superintendents, teachers, board members, others in the education community, and all Americans to fill in the structure. As a member of the Subcommittee on Education of the Labor and Human Resources Committee, and as a former teacher, coach, and county superintendent of education, I look forward to working with the administration and my colleagues on this very important initiative. As Secretary of Education Lamar Alexander alluded to in the past, this is like a train leaving the station—there is plenty of room on board for give and take, as we work to move this Nation forward.

The education we provide to our children and future generations of children is no doubt one of the most important gifts we can give to them. With four children in school, I am keenly aware of this fact.

Yet, education is not just for young people. It is a lifelong process. I am pleased that one of the themes in the America 2000 strategy advances this lifelong learning process. It would do so by strengthening adult literacy programs, creating business and community skills clinics, and enhancing job training opportunities.

Finally, the President has focused on communities as "places where learning will happen." He is calling on communities to adopt the six national education goals as their own. These goals include: First, all children will start school ready to learn; second, the high school graduation rate will increase to at least 90 percent; third, American students will leave grades 4, 8, and 12 having demonstrated competency in English, math, science, history, and geography; fourth, U.S. students will be the first in the world in science and math; fifth, every adult American will be literate and possess the skills necessary to compete in a global economy; and sixth, every school will be drug-free.

In addition, communities would be encouraged to develop local strategies to meet the goals and produce report cards to measure results. As elected representatives, all of us know the value of active community involvement in bringing about change—change through the active participation of parents, teachers, school board members, and other citizens.

Mr. President, this broad-based reform strategy is bringing renewed vitality to education in this country. I look forward to working with the administration and my colleagues on this exciting plan for change—America 2000.

I commend our able President, George Bush, and the new Secretary of Education, Dr. Alexander, for their plans, and we should cooperate with them and do everything we can to promote education in this country.

I thank the able Senator.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COCHRAN. I yield such time as he may consume to the distinguished Senator from Alaska [Mr. MURKOWSKI].

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair and my distinguished colleague from Mississippi.

Mr. President, certainly everyone in this body agrees that the issues that we deal with day to day are for the benefit of our children, our greatest human resource. Our hope is that they will continue the careful stewardship of this country, and that can only be realized if those children are well educated.

We all agree that changes must be made in our education system if we are to achieve that goal. The startling statistics that come across our desks make change and reality associated with that all too self-evident.

We have spent 33 percent more per pupil in 1991 than we did in 1981. However, scholastic aptitude test scores have dropped steadily from a mean score of 948 in 1970 to 900 last year.

It is estimated that 15 million new jobs will have been created between 1985 and the year 2000. These require solid skills, skill in mathematics, reading, and writing, but only 22 percent of the workers entering the job market today appear to have the necessary skills for those jobs.

The Department of Education numbers show that 2,455,000 students graduated from high school in 1989. The bad news is that 948,000 students dropped out during the same year.

The list goes on.

So what do we do? I think the President has offered us a dynamic and viable strategy and alternative. The President's proposal builds on four related themes: Creating better and more accountable schools, creating a new generation of American schools, transforming America into a Nation of Students, and making our communities places where learning can happen.

The President's strategy includes a comprehensive plan to meet the four goals: The plan will include establishing world-class standards to ensure competency in five core subjects—English, mathematics, science, history, and geography. It will create a system of voluntary examinations that will monitor the progress of learning in the five core subjects and will be administered in the 4th, 8th, and 12th grades.

New Presidential academic awards will challenge students to develop better minds in the same way the Presidential fitness awards have urged students to build better bodies. Similar awards will reward outstanding teachers, not on tenure but on proficiency.

States and school districts will be encouraged to afford more flexibility to schools in exchange for better results, certainly a fair tradeoff. The President will make $40 million in new grants available to award school districts that show significant gains in student achievement in the areas of mathematics and science, and it will include Federal education programs and funds to encourage and support the parental choice programs.

The most important message here however is that this is a national challenge. The President has called upon all Americans to help create better and more accountable schools. He has encouraged all elements of our communities—families, businesses, unions, workplaces, places of worship, neighborhood organizations, and other voluntary associations—to work together to help the Nation achieve education excellence.

This is the beauty of the strategy and the message that I enjoin my colleagues to take back to their constituents. It is time to reaffirm such enduring values as personal responsibility and individual action.

Parents should encourage children to study more, learn more, and strive to meet higher academic standards, and they should take an active role in structuring an education system that meets the needs of their children and their community and our Nation. The interest is there. Thirty percent of adults polled in a recent Department of Education study think public schools were worse in 1980 than in 1985; 69 percent of our adults would give U.S. public schools a grade of C or D or some an F; an incredible 92 percent of the adults polled believe local school quality would be improved by more parental involvement in what is taught and the way the schools are run.

The businesses in our communities should be encouraged to embrace our President's strategy. They have a great incentive—preparing future generations to be successful and providing for a competent work force. They should take, if you will, the inspiring message and apply it to preparation and maintenance of a competent work force. It can be a profitable and innovative system to keep pace with our international competitors and the rapidly changing technological age that we are in.

Mr. President, schools and local districts will be given, in this proposal, the flexibility and the incentive to be creative. This is the increment in the policy chain that I think is most important. The administrators cannot tailor their schools to respond to input of the community if they themselves do not have the flexibility. Teachers cannot teach what they do not understand or believe in. The President's strategy builds on the intimate knowledge that these two groups have about their students. What do students face in their community upon graduation? What are the strengths in our school district? What are the limitations? Where do we need work? And how can we train to serve better? In concert with the business community and parents, administrators and teachers can fashion the system best suited for their students.

In conclusion, Mr. President, the concept is simple yet it has great potential. We are all responsible for the education of our children, so we must all be active participants in the process. I encourage my colleagues to do their part by encouraging their constituents to get involved in this process.

I certainly commend our President not only for his dynamic education strategy but for his choice of a Secretary of Education to implement America 2000, Lamar Alexander. Mr. Alexander is well respected among the Nation's Governors and educators and as a consequence, we look to him with the belief that the expectations which we want to see coming out of the educational system can become a reality. He is a seasoned policymaker, who will have no trouble meeting the high expectations we all hold for him. We wish him well and look forward to his success.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COCHRAN. I yield such time as he may consume to the distinguished Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, all Americans who care about this country's future should applaud the leadership and initiative shown by President Bush and Education Secretary Alexander in launching America 2000. I urge my colleagues to join me today in making a personal commitment to helping both the President and Secretary turn their bold vision for American education into reality.

Historically, the Federal Government has focused on assuring equal access to educational opportunity for every American. But, with this initiative, we are now seeing a much broader commitment, a commitment to provide national leadership and stimulus to improve not just access but to improve the quality of education for all Americans as well.

One of the reasons for my optimism about this initiative stems from my own experience in observing and supporting the education reform agenda that has emerged over the past several years in my own State of Minnesota and increasingly in a number of other States around the country. The experience in Minnesota shows that choice should not be a cause of anxiety or fear, nor should it be an issue that splits along partisan lines. In fact, choice in education in Minnesota was developed under a Democratic Governor and continues to find strong support from one of the most liberal State legislatures in America.

In the State of Minnesota, every student and parent now has a right to choose any public school in that State. More than 28,000 Minnesota students are now participating in a half dozen different interdistrict choice programs that Minnesota's public school districts offer.

While the number of students in these programs is growing, they still represent a relatively small percentage of Minnesota's school-age population. However, as we have seen in Minnesota the success of its public school choice programs is measured only partly by the number of students participating.

More important is the fact that dozens of school districts, in an effort to hold onto their students, have started or expanded new programs for students who might otherwise have left high school, who might have transferred to a different district, or who might have taken courses at a postsecondary institution. Dispelling the myth that students who choose not to change schools are left behind at a disadvantage in schools that have fewer resources and more students, parents, and educators who do not care as much about where they attend.

Minnesota's experience also helps dispel concerns that black, Hispanic, and other minority students will not benefit or may be hurt by the availability of choice. That is not true in practice. In its first 2 years, minority participation in Minnesota choice programs was at or above the percentage of minority students in the State's public schools. And in a recent national survey 72 percent of nonwhites favored school choice, compared to 60 percent of whites.

The President's plan should also be commended for incorporating the flexibility for logical next steps in educational reform by expanding the number of choices that parents and students have. In what is being called the most transforming of the four proposals, the President calls for a new generation of American schools.

My State of Minnesota is already moving forward in this area. Legislation now pending in the Minnesota Legislature creates new chartered or outcome-based public schools. This begins by redefining what constitutes a public school. Under Minnesota's proposed chartered schools legislation, public schools would no longer be defined strictly by ownership and location—by being owned and run by the resident public school board that has an exclusive franchise to own and run all public schools within a limited geographic boundary.

Instead, these new public schools would be defined by criteria that reflect the most fundamental public interests in education. Under this proposed legislation dos and don'ts and musts and mandates are kept to an absolute minimum—while still deferring to the most fundamental tenants of American public education. The schools must be nonsectarian and must meet health and safety requirements, as well as human rights and antidiscrimination laws established by the State.

But, once up and running, these new public schools would have flexibility to design their programs to meet their individual needs. In short, each of these schools would be different. They would be designed by those who know the most—teachers—and those who have the greatest stake—parents, students, and others in the community. And, they would be held strictly accountable for meeting the outcomes set forth in a written multiyear contract between the school and its sponsor.

All of these Minnesota initiatives—establishing the right to choose schools, expanding the number and range of choices, and placing much more emphasis on outcomes—run parallel to the America 2000 Program outlined by President Bush and Secretary Alexander.

I just wanted to take the time today to share the success of the Minnesota program to help better define what we mean when we say choice, what we mean when we say choices, for those who still do not seem to understand this concept called choice; and to respond to the criticisms that America 2000 cannot work because, Mr. President, out in the heartland of America, people, Republicans and Democrats alike, out there in the heartland, are responding with enthusiasm to the very types of reforms the President is advocating. It is time we board the train.

I would also, Mr. President, compliment the Washington Post, in its efforts to get educational reform, on its latest contribution in an op-ed piece by Kathy Stearns that appeared in this morning's edition of the Post.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 8, 1991]

FAST-FORWARD LEARNING

(By Kathryn Stearns)

The Roman Empire conquered Hollibrook Elementary in Houston last month. Third-, fourth- and fifth-graders began wearing togas, making viaducts, reading from Shakespeare's "Julius Caesar" and trying to calculate just how fast they would have to run in order to escape a steaming torrent of lava like the one that erupted from Mount Vesuvius one day in the year 79 A.D.

Pompeii is a long way from the places Hollibrook kids know, places where the eruptions tend to be political not geological, places like San Salvador and Managua. Hollibrook kids speak Spanish, and they get a free lunch. They walk into the classroom wearing invisible tags reading: "at risk." But at Hollibrook, the risk may be diminishing. Two years ago, fifth-graders were reading two years below grade level; now they are reading at grade level and their math scores are a year above.

Hollibrook has embarked, with the help of Stanford University, on an "accelerated schools" program geared for mixed-minority urban kids lacking in comforts and resources. The idea is to "reverse the pedagogy," as creator Henry Levin explains it. Remedial work is discarded for an enrichment program that borrows from the much vaunted "gifted and talented" programs. "Slowing down the kids isn't going to help," explains Levin.

And so at Hollibrook as at scores of other "accelerated" schools, teachers set forth not only the basics but also the embellishments by creating a language-rich environment where learning is said to take off. The children work in small mixed-age groups that engage in interdisciplinary inquiry. The parents are treated as crucial, the teachers as underutilized and the students as if they were "gifted."

The slogan, suggests Hollibrook principal Suzanne Still, is "Let my people go. . . ." So far, it seems to be working.

Hollibrook is a good contender for the New American Schools contest the administration hopes to wage. But how to get one of these schoolhouses that have imposed some pedagogic order out of chaos? It's anecdotal evidence such as this that both entices and frustrates beleaguered school board members, principals, parents and other would-be reformers. There is no factory issue.

But while everyone keeps insisting the model doesn't exist, there are some specifications common to the Levin accelerated schools and other initiatives Secretary of Education Lamar Alexander finds interesting enough to mention in his education strategy.

One specification is the common-sensical but often disregarded need for wiggle room—in short, flexibility. Teachers and students must be set free to pursue knowledge the way they find interesting, not the way the school board or the state finds interesting. The mixed-age, mixed-grade Roman Empire unit at Hollibrook is typical of what happens when people are "let go."

The Coalition of Essential Schools, founded by Ted Sizer of Brown University, also stresses the primacy of the classroom. Two of Sizer's imperatives for better schools are: "Give room to teachers and students to work and learn in their own, appropriate ways," and "Keep the structure simple and flexible." At the oldest "essential school," Central Park East Secondary in East Harlem, seventh- through 10th-graders concentrate on two "blocks"—humanities and math and science.

When the classroom transforms into a kind of gymnasium for the mind, some interesting things begin to happen. The 42-minute class period disappears, and so does the day that ends at 2 and the year that stops after 180 days. So do pen and pencil tests and report cards. "Performance portfolios," declamations, recitations and auditions have replaced multiple-choice tests. It's not that "drill-and-kill work sheet mess," as Hollibrook's principal puts it.

And once teachers and students are "let go," the shackles that restrained them have to be cut loose. This means granting waivers from collective bargaining agreements and curriculum mandates and other imposed policies that prescribe how many minutes and how many students a teacher can teach in a day. The principal of Central Park East has spent much of the past four years negotiating with Albany. The school couldn't pretend to conform to city and state regulations and still undergo meaningful reform, says the coordinator of New York's essential schools movement.

Similarly, a surprising number of schools across the country in receipt of multi-year state and corporate grants intend to use the money for just one purpose: to operate for more hours in the day or more days in the year and to pay their teachers accordingly. The legislation propping up Washington state's Schools for the 21st Century program is really just a waiver-granting mechanism.

Another specification is to make room for parents. James Comer, a Yale psychiatrist who jump-started New Haven's elementaries and whose developmental approach is followed in some Prince George's and District schools, probably led the way here. Comer schools employ "management teams" that include not just principals and teachers but parents as well. Other schools also demand parental participation that goes far beyond baking cookies for the PTA. The local parent-teacher councils in Chicago, shaken by court challenge, are perhaps the most dramatic example of parent empowerment. Likewise, Henry Levin insists an accelerated school cannot exist without willing and engaged parents. Hollibrook's principal sets out old textbooks in the school's "parents' center"—even though Texas law requires that they be burned—as a way of inviting parents to join their children's journey through school.

From these few specifications it's possible to construct a composite of what Secretary Alexander calls a "break-the-mold" school. Whether it's built on hollow trends or higher truths can't yet be determined. But many of the schools daring enough to experiment are having noted successes. For the people who seek innovation, the building blocks aren't impossible to get a hold of. What's missing is the instruction manual. And that has to be written by each community, over and over again.

Mr. DURENBERGER. I will just conclude, Mr. President, by saying this community in which we all work probably has the most prospects for real choice and real reform in education of any community in America, any community in the country. It is ideally suited for innovation, it is ideally suited for opportunity, and it is ideally suited for challenge, I suspect more so than any other capital in the world. The ability to focus on change by focusing on family, personal, and professional choice ought to be seized as soon as possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

Mr. President, during the last weekend on May 3 and 4, I had the honor and privilege of serving as host for the Eighth Annual Policy Conference of the Southern Republican Exchange. This was a meeting that was held in my State of Mississippi in Jackson. During the conference, we had several speakers including the Secretary of Education, Lamar Alexander and others; Governors Carroll Campbell of South Carolina and Buddy Roemer of Lousisiana spoke; Senator TRENT LOTT was on the program.

One of the best speeches on the subject of education, in my view, was given by Buddy Roemer. Lamar Alexander made a great speech, but I thought it was appropriate to bring the remarks made by Governor Roemer to the attention of the Senate because they give a perspective from the State government official that has responsibility in his State for administering education programs, and trying to improve and upgrade reform the education system to make it more responsive to the needs that we have in every State to improve competitiveness and excellence in our schools.

So I ask unanimous consent, Mr. President, that a copy of the excerpts that I have here from a speech to the Southern Republican Exchnage of the Honorable Buddy Roemer, Governor of the State of Louisiana, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM A SPEECH, BY GOV. BUDDY ROEMER, TO THE SOUTHERN REPUBLICAN EXCHANGE, JACKSON, MS, MAY 4, 1991

The issue for the Republican Party for this century ought to be education. Now, I will be blunt, as is my reputation. I'll try to be kind, but I will be blunt.

Now our armies are important and there are times of war when our armies are essential. But it's not our armies that make us great. The world has grown awfully small. When my granddaddy went to school, the competition was in the classroom. When my mother went to school, the competition was somewhere in the parish or in the town or in the state. When I went to school, the competition was somewhere between San Francisco and New York. My youngest son is ten; he goes to the public schools—fifth grade. And when Dakota goes to school the competition is somewhere between Frankfurt, Germany, and Tokyo. The world has grown smaller.

As we crowd into a smaller world, we have to grow larger personally. We have to be more tolerant, more understanding; and that requires education.

As competition increases, our workers have to become more skilled. We can't muscle our way into the twenty-first century—it won't happen. There will always be a Singapore—someplace where they'll make it for $.40 an hour. We can't be the cheapest. We can't be the toughest. We can't be the strongest. We don't want to be. We don't want to pay our workers $.40 an hour. We don't want our kids to be digging ditches.

Therefore, we have to be the smartest, the best trained. Education is the key to America.

A professor at Princeton said not long ago, when the Russians surrendered in the Cold War, "After 45 years' struggle, the Cold War is over. Japan won."

How did they win? Was it their army? They don't have one. Was it their television programs? Was it their oil and gas reserves? They don't have any.

They won in the first grade classroom. They won by lifting their children. They won by making the space between their ears fertile and open and focused.

The battle of the twenty-first century will be between Japan and the United States of America. Don't fool yourself. It will be a battle for about what this country is about—the ability to make choices. That's what's always been good about America; we have options.

A guy once told me—you've heard it before—he was from Alaska, and he said, "Remember Buddy, the scenery only changes for the lead dog."

Now America ought to be about the lead dog. That's who we are. And it's threatened. Look at the numbers—the top ten banks on Earth are all in Tokyo. Look at the numbers on trade. Look at the numbers on quality of products. Look at the numbers and then check your heart.

We're in a battle, and it is a good kind of battle; they're good competitors. I admire them greatly. It's the right kind of battle.

It's the one we ought to win. But we're not winning it now and we're no closer today than we were ten years ago, in my opinion.

It's time for some innovative approaches. We're trying them in our little state. And I'm so proud of President Bush and Lamar Alexander and others who are beginning to try them at the Washington scene. I set this up for the premise that unless we win this battle, my oldest son, who is a junior at Harvard, will be living in Osaka. Because that's were the future is.

I don't want it to happen. We've got to win the battle for our children.

Now we can do it and it ought to be our issue in this room to ask every American to join us. We're going to have to do some things differently:

Number 1: We're going to have to stop saying yes to the education establishment. Now let me tell you, I went to public schools in Bossier City, Louisiana. I graduated from high school when I was 16. I went to Harvard, the youngest kid in my class, studied economics. Stayed at Harvard and got a Master's Degree in economics and finance from the Business School. I have a little bit of education, but I'm not near as smart now as I was then.

I want you to understand that education is a lot of things; but the truth is that our educators, as good as they are, cannot be left with a monopoly in education. They must have a place. We must respect them.

Understand the picture I'm drawing? There must be a dialogue of respect. They are valuable people and their contributions are enormous. But we cannot leave education at the educators. We cannot. Parents have to be involved. We, as a party, must show Americans that there are some choices.

Now in Louisiana, we try to put some meat on those bones. You've heard about Pat Taylor and what he's done in higher education. You've heard that a youngster, black, white, male, female, born on a farm somewhere in Louisiana with a lot of ability and a lot of courage but with no money can go to college, can receive a degree—paid for by the citizens because we all know it's an investment in our future.

That's an innovative idea. It's one that will sweep this country. There are others. Teacher evaluation is one. I'm battling with the teacher unions in my state every day—I'm the no-goodest, lousiest . . . All we've done in Louisiana is give our teachers three consecutive years' pay raises—from 20 to 30 per cent. Spent half a billion dollars of extra tax money to pay our teachers. I love them. They are the key to our education system. But we ask in return that we find out who can teach. Is that a radical idea? Everybody's talking about the revolution in Louisiana. I don't consider that a revolution.

And we test our teachers in some unique ways, ways that you ought to know about. Subject matter—a math teacher ought to know math. Radical stuff, now we are pushing it.

Number 2: We find out how they value children. Should a teacher respect a child? Yes. We test that. We test and evaluate the way a teacher tells a child "no." We test and evaluate the way a teacher tells a child who gave the wrong answer, "You're wrong, but I love you anyway. There's a better answer." What a powerful test that is. We're finding that 26, 27, 28 per cent of our teachers are superior. They could teach anywhere on Earth. And we're giving them a 10 per cent pay raise again this year. We found that an additional 60 to 63 per cent of our teachers met our high standards. We gave a failure rate in the first year of somewhere between 8 and 9½ per cent. Doesn't sound like much. Statistically it's valid, within one standard deviation of a physics test. But that means that almost 10 per cent of our students are being taught by teachers who can't teach. We will spend the next year remediating our teachers, working with them to see if they have the skills to teach. Then we'll test them again. And, if they fail the second time, they will not be allowed to teach our children.

Now, Number 3: We've done teacher pay—classroom sizes. We believe in the grades K through 3, there should be no more than 14 students per teacher. When I took office three years ago, it was 29 to 1, today it is 20 to 1 and we're headed to 14. That's three tables here. Two and a half exactly. Can you imagine the power of a competent first grade teacher, well trained, walking into a class with only 14 students?

The fourth thing we are doing is grading our schools. Beginning last fall and extending for the next two years until we complete the cycle, we will grade every school in Louisiana and publicly release the scores, ABCD and F. So that the parents will know and can interact with their schools to change the scores. They'll know the grade and why they received the grade.

Finally, we will ask the legislature to approve choice for our parents. The power of choice is not to be ignored. When the G.I.s came home from World War II—I'm not that old, my daddy told me—they had the G.I. Bill. America said, "Thanks for defending America. And in return, we're going to let you go to college."

That bill was not restricted to a particular school or to public school. You could go to Notre Dame or to LSU. I mean, if you wanted to make a real bad choice, you don't have to go to LSU, but we let you make that decision.

The taxpayers of America paid for men and women on the G.I. Bill to go to private colleges, if that's what they wanted to do, if that met their college needs. Did it threaten public education in America? Did LSU close down? Did Michigan State disappear? No, they got better. They competed, and as a matter of fact, 71 per cent of all G.I.s went to state-run schools. Public schools as a matter of choice. We're not ready yet for choice in Louisiana. We don't have enough information to the parents, but we're close and we're going all the way.

Here's the way we do it. We'll begin with the F and D students and work up. We find that an A student will make an A no matter where you send her or him. But an F and D student might be helped by a change of venue, a change of scenery. An F student might be helped if he or she is the son or daughter of a single parent, a mother, and in our state now we're requiring AFDC recipients to be job-trained and take a job—that's called welfare reform. The son or the daughter of that single parent might be best helped if Mamma works at a plant and she has the optional choice of taking her children to a school close to the plant. She's a single parent and if something happens to John or to Buddy or to Mary or to Lawanda or to Cassandra, she could leave the workplace, go to the school next door and then go back to work.

That's what choice is all about. Choices about putting education into our lives and quit acting as if it's something artificial or to be left to teachers.

There's a lot we can do in education and my time is out. I can't touch on them all.

But, I came today to say I was proud to be a part of this Party. I look forward to working with you to build it. I think our issues in the next campaign ought to be law and order. It ought to be safe to walk in your own neighborhood. I know that's another revolutionary thought. It ought to be putting our children first; we ought to win this battle in education. It ought to be about competitiveness. Does America really want to compete? I think it does. And, it ought to be finally about inclusion. We need more people.

One story and I'll leave you alone. I went to the Harvard Business School. I've been trying to get over that for 25 years. I learned two things. I learned only two things there, but they were valuable. One was to buy low, sell high. I haven't gotten it right yet, but I know it's there. The other I learned from a businessman who came to the Business School; he was the richest guy in America.

Of course, we all wanted to be the richest in America so we invited him to see what the answer was. He came and talked about 40 minutes.

He didn't give the answer, so one of my classmates said, "What's the answer? How'd you get to be the richest? How'd you get to be so successful?"

He said, "Easy—two words. Right decisions."

My classmate raised his hand and said, "How do you make all these right decisions?"

He said, "Easy—one word. Experience."

So my classmate raised his hand again and said, "Well, how'd you get all this experience?"

He said, "It's easy—two words. Wrong decisions."

It's a great country. We've made some wrong decisions. But my guess is we'll use our experience to lift our children. Thank you.

Mr. COCHRAN. Mr. President, there are a number of other speakers who have indicated an interest in speaking before 12:45, but none are on the floor.

I am happy to yield to the distinguished President pro tempore and Chairman of the Appropriations Committee, if he would like to have some time at this point.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that the time I consume not be taken out of the time under the control of the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I compliment those Senators who have spoken on the subject of excellence in education. This is a subject which should be in the minds and hearts of all Americans. There is simply no room for mediocrity in education or in anything else. The standards ought to be that we achieve the utmost, and not only the children in our schools, but also the adults in our country, ought to strive to learn for learning's sake. We would have a much better country.

THE INANE EXPRESSION "YOU KNOW"

Mr. BYRD. Along that line, I had indicated that I wanted to address a few remarks to that inane expression, "you know," that seems to creep into most of the conversations that we hear. Increasingly on television I hear even the television commentators using the expression. I gather that a good many people feel that they are being fluent in their speaking of English if they can just fill in the gaps with "you know," "you know," "you know," "you know." But to the careful listener, it stands out as a weakness. And I cannot understand why the teachers in the public schools do not emphasize to their students the need for avoiding too much dependence upon any particular word or expression. Perhaps some of the teachers do emphasize this.

I have talked about it with some of the members of my staff. I think it has helped. They were not aware that they were using the expression. And my suggestion is, "Why don't you sit down and put on a tape recorder a conversation, and then go back and listen to your conversation, and they would be amazed at the times that they used the expression." Because, as I have often said to my staff, you will not always be on my staff. You will perhaps get employment elsewhere, someday, and I would like for you to feel, as you will have left Robert C. Byrd's staff, that you are a better person. And I would like for your next employer to feel that, when he employs you, Robert C. Byrd has some standards in his office.

One of my concerns is that I will hear it so much that I, too, shall inadvertently begin using that empty, useless expression.

A few years ago, here on the Senate floor, I called attention to the galloping overuse in American speech of the inane phrase, "you know."

At that time, a few commentators wondered why a United States Senator would be concerned enough about a seemingly innocuous phrase to bring the subject up here on the Senate floor.

As I said at that time, and as I repeat now, I am concerned about our culture. Among other elements, our culture is defined by the quality of our language and the caliber of education in self-expression and communication being provided to children in our country.

Interestingly, I have discovered that I am not alone in my concern about the abuse of the phrase "you know."

In his best-selling book "Strictly Speaking," former NBC newsman, commentator, and language analyst, Edwin Newman has said: "The prevalence of Y'know is one of the most far-reaching and depressing developments of our time, disfiguring conversation wherever you go."

Newman goes on to recount that in Britain, a "National Society for the Suppression of Y'know, Y'know, Y'know in the Diction of Broadcasters" was organized in 1969. This group then compiled a list of the "you know" offenders in British broadcasting, interviewed the most egregious "you-knowers," and presented them the evidence over the interviewees' objections.

You guessed it! Newman reported that nothing changed.

In his book, "Dictionary of Problem Words and Expressions," educator and grammarian, Harry Shaw states, "(You know) usually appears in conversation with no more meaning or purpose than 'uh' or any other pause that is merely a time-waster."

I think there can be an art in the use of a pause. And I find nothing wrong with a pause. It does not have to be filled in with "you know."

Alcibiades was one of the most eloquent speakers of his time. Plutarch tells us, on the authority of the prince of orators, Demosthenes, that Alcibiades often hesitated in the midst of a speech, not hitting upon the word he wanted, and stopped until it occurred to him.

Alcibiades is not exactly a paragon of good living. He was not a model of good morals. But I think we can take it on Plutarch's word that he was an eloquent speaker; a fine looking young man, very influential, exceedingly intelligent.

So, Alcibiades would pause until the right word came to him. Then why do we not do that as well, instead of attempting to fill in the gaps with the senseless, meaningless, inane, empty expression "you know?"

Across every level of education and class in this society—indeed, internationally wherever English is spoken—the prevalence of "you know" and its variants is a symptom of the widespread neglect of grammar, precision, clarity, and variety with which too many people are taught to master the English language.

Taken at a superficial level, "you know"—thrown again and again and again into a person's conversation—is an irritant.

But taken more analytically, "you know" betrays a mind whose thoughts are often so disorganized as to be unutterable—a mind in neutral gear coupled to a tongue stuck in overdrive.

A disillusioning experience is to watch a television interview, for example, in which a highly touted expert or a noted personality is featured, only to hear that individual punctuate his inarticulation, again and again, with a string of "you know, you know, you know, you know."

This inclination toward "you know" is a habit. That is what it becomes, a habit—a habit that sometimes results from a stunted vocabulary; not always. Increasingly in our society, as reading is neglected in favor of viewing television or listening to raucous music, young people are not learning the words that they need to know in order to share their thoughts with others. Growing into adulthood, too many of our youth find themselves crippled by an infantile vocabulary insufficient to match the mature experiences, complex procedures, adult emotions, and expanding information that confront them.

Perhaps I shall remain a voice crying in the wilderness. But as Americans, we do comprise the largest single concentration of people in the world for whom English is the primary language. At the same time, English is the world's most popular language, spoken by more people as their first or second language than any other on Earth. As native English speakers, we have a responsibility to maintain our tongue as a vigorous, vivid, exact tool of communication.

But, as I have implied, and stated explicitly earlier, contrary to that hope is the spread of "you know," and the spread of it internationally.

Like many of our colleagues, I never cease to be amazed at the English fluency that one can hear at many places in the world where American or British media interview nonnative English speakers on the streets of major world cities—Moscow, Paris, Berlin, New Delhi, Copenhagen, and so on. But again and again, one can pick up that irritating "you know" thrown in even by otherwise brilliantly fluent English speakers in foreign countries.

Not surprisingly, during recent televised interviews of Kuwaiti natives in their Iraqi-devastated homeland, English-speaking doctors, engineers, and local officials, not to mention semilliterate Kuwaitis, were heard seasoning their sentences with that ubiquitous "you know" irritant.

This is not a concern which can or ought to be legislated, of course. My hope and purpose are that people who speak and love the English language, and above all those who teach the English language in the schools—and do not forget that we parents have a responsibility to teach the English language in our homes, to our children and grandchildren—will become sensitive to the unconscious pollution that "you know" and its variants are producing in civilized conversation and public discourse. If enough Americans, British, Canadians, Australians, New Zealanders, Jamaicans, Senators, teachers, TV commentators and anchormen, and other English-speaking peoples become concerned about this problem, perhaps then the pesky, pestiferous "you know" will be banished forever from serious speech around the world.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SIMPSON. Mr. President, let me just comment briefly on the remarks of the senior Senator from West Virginia. They were very adroit and very understandable. It is something the Senator cares a great deal about and not only talks of it but lives it, because I asked him once what he had done during a recess period, and he said, "I finished 'Plutarch's Lives' and the dictionary." And I had been off dallying about. I was guilt ridden.

So I learned much from the Senator from West Virginia. But what I learned is his love of literature and art and the language, the mother tongue, and he speaks it beautifully and with great care and attention. We should heed his words.

I yield 5 minutes to the Senator from Missouri.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. I thank our distinguished Senator from Wyoming.

I would only add that I, too, enjoyed the comments of our President pro tempore. His distinguished discussion and discourse on the English language is most informative and he leads, in that pack of knowledgeable individuals, journalists like Edwin Newman and William Safire, who are trying to rescue the English language from the depths to which it falls.

I was once advised by the Ambassador to Great Britain that the greatest barriers between our two countries was our common language. With leadership such as we heard today, perhaps we will be able to use the language as a means of communication rather than as a blunt weapon.

I think it is very helpful for all of us to heed the admonitions offered by the distinguished President pro tempore.

PARENTS AS TEACHERS PROGRAM

Mr. BOND. I was pleased, Mr. President, to hear the President last month speak of his vision for America 2000. The proposal on education contained a number of excellent ideas to revamp the educational system in this country.

I want to highlight just one particular area that the President noted in his speech because it is something that is very near and dear to my heart.

During his speech, the President introduced Michelle Moore, a single parent from St. Louis who participated in Missouri's Parents as Teachers Program. She said she wants to be sure her 16-month-old son Austin enters school ready to learn.

The President, our Nation's Governors and we in Congress have focused increased attention on the first few years of life, before school even starts, as crucial in the development of a child's language skills, social skills, and personality.

We also know that parental involvement in the education of their children is key to long-term gains for youngsters. Parents are their children's first and most influential teachers. What parents do to help their children learn is more important to academic success than how well off the family is, where it lives, or what other advantages that family may have or even disadvantages.

With a limited Federal investment, we can help parents get their children's lives started in the right direction by exporting to other States the success of Missouri's Parents as Teachers Program.

I note what I read today that the Iowa Legislature just passed legislation to adopt a similar program. The Parents as Teachers Program is an all-in-one early intervention, parent education, and early childhood education program which addresses a variety of needs for young families.

The Parents as Teachers curriculum starts early in strengthening the foundations of later learning, language and intellectual development, curiosity and social skills. In addition, health screening is provided for participating preschool children to detect potential impairments early on.

An independent evaluation of the program in Missouri showed that children whose parents participated in the program consistently scored significantly higher on all measurable standards of intellectual achievement, auditory comprehension, verbal ability, and language ability than their peers who did not participate.

Parents participating in Parents as Teachers were shown in the same study to be no more knowledgeable about child-rearing practices and child development than comparison parents. Parents as Teachers' staff have been successful in my State in identifying and intervening at-risk situations and encouraging families to seek medical assistance or other specialized services. Many children receive no health screening between birth and the time they enter school, but through the early intervention and Parents as Teachers improved or corrected conditions often benefit the child before he reaches school.

The Parents as Teachers legislation is a great way for the Federal Government to work with the President and the Governors to meet the first of the very important educational goals, and that is that all children enter school ready to learn.

Briefly, our legislation would set up a $20 million competitive grant program for States who wish to begin or expand Parents as Teachers Program similar to the Missouri mode. We believe by providing seed money for each of 5 years to expand proven effective programs is an appropriate role for the Federal Government.

I envision down the road the States would be able to muster the political support they need for this great program, to sustain it by themselves and provide for a diminishing Federal share because the benefits will result in substantial savings.

Mr. President, I have a personal interest in the ongoing success of the program. The program started before I even became Governor of Missouri in 1973 on a limited basis as a Federal pilot project. But when our child Samuel was born, in the beginning of my second term, my wife and I utilized the information of the program and found out how effective it was for us and for our son. I commended the Legislature of Missouri for 4 straight years of passed legislation, and finally on the last hour of the last night of the last legislative session it was passed, signed into law, and over 50,000 Missouri students and families have participated in it.

I want to see every family in America have the same opportunity, and I will at the appropriate time offer the measure as an amendment, if it is not otherwise before the body, because I believe we can assist parents to maximize the intellectual and social development of their children.

Many of my colleagues, including the distinguished occupant of the chair, have already cosponsored the legislation, and I invite other colleagues to do so as well.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the time for morning business be extended 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SIMPSON. I now yield to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

AMERICA 2000

Mr. SEYMOUR. Mr. President, I rise today to commend President Bush and Secretary of Education Alexander for their efforts to set a new course for education in America's schools.

This new approach, America 2000, is a comprehensive master plan mobilizing all segments of society to constitute America as the world's leader in education.

However, the success or linchpin of America 2000 is predicated on a serious national commitment to education. Schools are not the only ones being asked to roll up their sleeves and get to work. Each community, its elected officials, industry, business, and of course, the parents must engage in this process and make education their top priority so that our children are in the best environment possible to foster educational excellence.

The most important participant in this strategy is the family. Students, be they young or old, need support in their endeavors. Their parents and guardians are the most important people in their lives—they are the role models whose examples and teachings lend so much to a child's development. If children see that education is important to their parents, then it becomes an important goal for them. Parents need to involve themselves in the day-to-day activities and accomplishments of their children. It is up to them to see that homework is done and that a young child's curiosity and yearning for the yet-unknown is not shunned.

One of the most critical ingredients to education's success is communication between parents and the teachers. That is why schools should be encouraged to develop and maximize strong parental involvement programs at all grade levels. Unless parents are aware and care, the education strategy will not work.

I am pleased to see the administration proposal places a special emphasis on skills for five core subjects; English, mathematics, science, history, and geography. The time has come for us to go back to the basics, and demand that graduation from an American school carries with it a guarantee of proficiency and knowledge. This is not to say that a national curriculum is warranted, because there are cultural and regional variances that need to be reflected in our educational system. Education is the means by which cultural mores are maintained. It is this diversity that goes to the very heart of our social fabric and makes the United States unique and strong.

And, in addition to the five core topics, we must insist upon mandatory drug and substance abuse education in elementary and secondary schools. We are reminded daily that the scourge of drugs reaches into every aspect of our society; in order to attack it, we must prevent its proliferation to future generations, we must educate our children to go beyond "Just Say No."

In tandem with a return to basics it is necessary to ensure that the educational plan is working. As with any experiment or business venture, periodic evaluations can stimulate adjustment and ensure effective results. American achievement tests will not only challenge the students and teachers to meet the standards prescribed for them, but it will also challenge entire communities to see that its future work force is a capable one; one that will have the higher order skills to be productive contributing members of the community.

One aspect that cannot be overlooked—the teacher—the key element of the system, must be addressed. I join with President Bush in strongly encouraging communities to implement merit pay for teachers. Incentives should be given to those who excel in teaching. I believe that these new educational plans will empower the teachers to meet the challenges set before them. We must recognize the outstanding job that good teachers do and treat the profession as one that deserves our respect and support.

I am confident that prospective teachers will be excited by the many new opportunities the education strategy offers them. Qualified and exceptional people must be encouraged to enter this profession, and I support the development of alternative certification programs for teachers and principals. So that professionals in other areas, those who have been frustrated previously by certification requirements, will opt for a second career in teaching. In most instances, second career teachers bring with them an additional perspective and a wealth of knowledge which can only enhance the student's educational experience.

In my mind, one of the most progressive components of the education strategy is school choice. It is here that we can best involve students and parents in educational decisionmaking, and give them the opportunity to decide which educational plan is best suited for the child. In tandem with the other improvements in the system, there will emerge new and different types of schools. These schools will be based on different philosophies, and different approaches to learning, but all will share the result of well educated students who will be prepared to meet the global challenges of the 21st century.

Choice is critical to the success of the new American schools. But it is not enough, Mr. President, that we improve the educational system. We must work more diligently to address other concerns that affect school performance. The schools themselves and the communities surrounding them must be made safer environments conducive to the learning process. America's schools must be free of drugs and violence. In conjunction with the President's crime package Congress must take a leadership role and promote safe schools, by encouraging States to adopt laws that will increase penalties for assaults that occur during school-related activities. Federal penalties on drug crimes, particularly those that involve minors must be stiffened.

Some have been quick to criticize America 2000, asserting that it lacks fully developed programs. I do not believe this to be true. The education strategy sets out a master plan, and it asks communities to adapt these guidelines and standards to be compatible with specific local needs. A program developed for Manhattan or San Francisco will, by all odds, be inconsistent with the needs of a school in the California Central Valley. Only a plan which offers flexibility will succeed.

The President has in this regard properly asked that the entire community become active participants in achieving the goal of educational excellence. All communities have been asked to adopt six goals set out by the President and the Nation's Governors.

By the year 2000:

First, all children in America will start school ready to learn.

Second, the high school graduation rate will increase to at least 90 percent.

Third, American students will leave grades 4, 8, and 12 having demonstrated competency in English, mathematics, science, history, and geography; students will learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

Fourth, U.S. students will be first in the world in science and mathematics achievement.

Fifth, every adult American will be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Sixth, every school in America will be free of drugs and violence, and will offer a disciplined environment that is conducive to learning.

This is but the beginning. Communities and their leaders must go far beyond this and we must help them. Community members must be education decisionmakers. Active participation is needed by all to implement those goals.

The private sector has a role as well: For example, another component of the strategy calls on the business community to fund the New American Schools Development Corporation whose mandate will be the awarding of contracts to experts in education who are willing to develop innovative methods for teaching. I applaud this effort to break free of the conventional models of education we have been using all these years. It is time for newer and more pragmatic approaches to restructure the way America learns.

Businesses of all sizes must be willing to demonstrate that excellence in education will lead to a brighter employment future. Their commitment must reach beyond financial support and exhibit a time commitment that begins at home. The business community must be the catalyst to change, showing America what is needed to be a successful global competitor. Using entrepreneurial spirit and good old American business know-how, we encourage students and demonstrate to them that there is a practical application for the skills they are learning in school. This is just one approach to ensure local coordination and collaboration on our education goals.

Once again, I commend the President for his comprehensive approach to this complicated problem and know this commitment is shared by all Senators. It will take years of hard work on the part of all citizens, but the effort is well worth it. The cornerstone to all social and economic success is education.

Our children are our greatest asset. We must not fail them. We must preserve their future opportunities to succeed and that of our free society.

Mr. President, I stand before this body today to strongly support President Bush's recently announced and Secretary Alexander's recently announced program to ensure high quality education for all American youngsters.

I speak as one who has spent 8 years as a State senator in the State of California, serving 8 years on the State of California Senate Education Committee, one who has supported year in and year out through those 8 years a continuing increase of funding for education. I am not sorry I did that. I think it has been necessary.

In fact, we have moved California in its funding per child, Mr. President, from ranking near the bottom of all the States in our Nation, relative to dollars invested per child, to up in midrange, and we have more to do.

I am also convinced, Mr. President, that just continuing to throw money at this issue and this problem will not resolve it. I look back over my shoulder and I ask what have California taxpayers received as a result of their continuing escalating financial commitment to the education of their youngsters?

I must say that they have not received a great deal. There has not been a tremendous improvement whatsoever in the SAT scores. There has not been an improvement in the dropout rate which, in California, runs somewhere between 25 and 30 percent of our youngsters not receiving a high school diploma.

Therefore, what I am suggesting is, despite our sincere efforts, despite our commitments to funding, there has to be more. That is why I am here to support President Bush and Secretary Alexander in their efforts—in particularly three areas that I think are absolutely critical—to improve the quality of education: First, accountability.

There must be accountability at the local level. We have one school district, Richmond School District to be specific, in the State of California, where the local board of education has bankrupted that school district, been totally fiscally irresponsible, but yet that school district has gone to court and said we know we may have bankrupted this district, but we want you to require the State to bail us out.

If we are going to have accountability at the local level, then that school board must be held accountable not only for its fiscal practices but must be held accountable for the quality of education of the youngsters who are attending their schools.

Accountability, yes, requires some form of measurement. The President suggests that form of measurement be testing. I know there are those who say testing does not do it all. I agree. But as a father of six children, I will tell you what I do when one of my children brings home their report card. I measure their performance based upon what is contained in that report card. I think the taxpayer has the right to also measure the performance of their schools and their school districts relative to the performance of testing.

Second, the President has suggested parents ought to have a choice in schools. I support that notion. I think a parent who cares enough to go down to their local school and say I am dissatisfied with the quality of education or the curriculum you are offering my child and therefore I choose to remove my child and place them in another public school which I believe will better serve my child's needs, it does two good things. First, they say to the school that is losing the child, you better do a better job. Second, they say to the public school receiving the child, you must be doing something right. But, most importantly, it says to the parent, you are in control; you are in charge.

That is the third element I support in President Bush's program, parental involvement. We cannot expect teachers to be solely responsible for the education of their children. Parents—even though we may be a one-parent household—must be involved, must know what is going on at the school, must know the courses and how their children are performing in school, and therefore to the degree we get them involved I suggest we will see a dramatic improvement in the quality of education of our youngsters.

Mr. President, I thank the Chair. That concludes my remarks. I yield the floor.

The PRESIDING OFFICER (Mr. GORE). The acting Republican leader, Mr. SIMPSON, is recognized.

Mr. SIMPSON. Mr. President, I thank our colleague from California. It is nice to have him as our newest Member.

Mr. President, I yield to myself 3 minutes and then yield the remainder of the time in extended morning business to the Senator from Delaware.

IMPROVEMENT OF THE EDUCATIONAL SYSTEM

Mr. SIMPSON. Mr. President, I, too, speak on the subject of the President's most recent proposals on reform and improvements in the American educational system.

In some ways, the problem of education reform is much like the old adage about the weather, everyone talks about it but nobody does anything about it.

Education is not exactly like that since so many things have been tried by past Congresses and Presidential administrations. But the adage does apply when it seems everyone agrees "something" has to be done.

There are deep flaws in our educational system, but effective prescriptions for dealing with them seem so very few. This proposal, which comes to us from the White House bearing the imprint of our remarkable new Secretary of Education, Lamar Alexander—I do not hesitate to put great strength and credence in what he is going to do. I am very high on this man. He is the most impressive person I have met in many years of public life. I knew that years ago when I met him through our former colleague, Howard Baker—will "do something about it" in defiance of that old adage.

What he will do is to seize upon the problems, which there is virtual unanimity in diagnosing, and suggest appropriate applications of resources, Federal and non-Federal, to correcting them.

We all know what those problems are. They have been outlined very well this morning. It is our purpose in this education bill to deal with them not just with money. We do that with everything, and we do it ineptly. If you want to believe it in the best way, then look at the health care system where we are spending $660 billion per year and have some serious, serious defects.

Fortunately, the U.S. Government is involved in only about 7 or 8 percent of the entire education budget, which is paid for by the taxpayers from the Federal Treasury. They pay for it through the counties and the cities and the school districts where 93 percent of the funding comes.

So I do want to commend Lamar Alexander. I look upon him as a great leader in this area. He will, indeed, not just make us believe George Bush is the "education President," which he has every credential to attain, but he will help him attain it and in the course he will be the "education Secretary" we will all know did something about it.

What are those problems? You hear them time and again. Children do not enter school today ready to learn; their home lives do not foster an emphasis on learning. Many of the communities in which they live are wracked by drugs and violence. Schools are not held accountable for the success of their students. Everyone says that teaching is a noble profession, yet teachers are underpaid, unrewarded, and are asked to act as social workers as much as instructors. While our postgraduate education is the envy of the world, we are not educating our students adequately at the primary and secondary level.

The President's plan looks each of these problems right square in the face and addresses them sensibly.

The plan does this because it recognizes the appropriate role for the Federal Government to play. Where there is a consensus about what the problems are, we have in the past argued among ourselves as to what the Federal Government can do, and how it should do it.

This has been the case, in my view, because so many of the standard Washington approaches to problem solving, simply do not work for education; that is money. It has taken a long time to recognize that, but our frustrations and failures in this area have now made it abundantly clear.

The stock solution to any societal problem here is to hurl Federal resources at it. That's what the Federal Government is—the collective resources resulting from the contributions of millions of taxpayers. Those resources can be put to effective use for a myriad of purposes. But in education, less than 10 percent of our national spending comes from the Federal Government. It would take a complete redistribution of education funding sources for Federal dollars to make anything but a peripheral difference.

The standard solutions also do not work because education problem-solving cannot be done in isolation. There is no single line item you can increase to alleviate the difficulties. The greatest school with the greatest teachers is not going to produce good students if those students must dodge drug peddlers on the way to school, if they fear violence during the time they are in school, or if their parents are wholly indifferent to their educational needs. Federal spending on education is wasted unless we improve these other areas, too.

One of the things the Federal Government can effectively do is to act as a coordinator—to improve communication between the different States and localities regarding education reform, and to establish a bottom line of quality which school districts should and can reach. The administration would have us do that. The Federal Government can contribute to educational quality by rewarding excellence and attacking failure. The administration's plan will do that, too. And the Federal Government can use its resources to attack those socioeconomic problems which make education reform such an uphill struggle. The administration's plan pays careful attention to that problem as well.

First, the administration would have us set standards, which our schools are to reach by the year 2000. We have forgotten too much about that—standards, accountability. Report cards for school districts, schools, States, and for the entire Nation. Children would be required to demonstrate proficiency in the five core subjects—and perhaps others—of english, history, geography, mathematics, and science.

While minimum standards must be set, excellence will be the ideal, and this plan would reward it. Presidential citations for educational excellence, honors for oustanding teachers in the five core course subjects, merit schools program to reward schools that move toward the goals, Governors' academies for school leaders.

Second, a new generation of American schools would be created using the most advanced knowledge available to us in the area of education. Our Governors would designate America 2000 communities in which would be established new American schools—these would be schools which would put in practice the knowledge gained by educational research and development teams. Some of the innovations would no doubt fail, but others would certainly pay off—get too grades—and we will all be better off for the chance to put new ideas into practice, and to abandon old prejudices about how things have to work.

Third, the plan would eliminate a great hypocrisy. We currently tell children that education is important, of great value to them. But too many of us give the lie to that in our own lives. The administration's plan would therefore create a national conference on education for adult Americans. The plan would also establish job-related skill standards and skill certificates. Let our children see that education and skill is valued in the adult world as well, and let them see their parents and relatives demonstrating the values which they wish to see adopted by children.

Perhaps most importantly, the administration's plan would seek to improve the environments in which school-age children live—by targeting programs which benefit at-risk children—such as Head Start, Even Start, and nutrition programs—and by also coordinating the efforts of those parts of the Federal Government whose functions directly impact education in this way. The Department of Labor and the HHS Department have both made clear that they will be contributing to this process.

I know it will be frustrating for some here that education cannot be reformed from above. We cannot control the process, and indeed we will not even provide the lion's share of the resources. That is the nature of the beast—the glory will largely go to others, innovators on the State and local level; but then—they are those who must do the hard tough—and sometimes unrewarding work in the trenches to make it possible for our children to learn. We must listen to what they are telling us—Governor Sullivan, the Democratic Governor of Wyoming, says that the new plan will fit hand in glove with Wyoming aims for improving its educational system. We need to listen to those voices, and we need to see that this plan is effected as promptly as is possible.

Mr. President, I yield the remainder of my time to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

EDUCATION

Mr. GRASSLEY. Mr. President, I, along with the rest of Congress and most of America, listened with great interest to the President's address on education. I share his excitement and commitment to putting education first on the Nation's agenda.

As Congress takes up the President's proposal, or other education bills, we must emphasize a partnership structure.

The Federal Government certainly does have a very important role in that partnership. That role has been and should remain, however, limited. True education reform and true education excellence can occur only at the State and local levels.

But the most important reform effort must take place in the children's own homes.

We, as national policymakers and opinion leaders, cannot and should not lure the public into believing that the Federal Government can, or will, provide all the answers, or all the money, for our education concerns.

I whole-heartedly agree with the President's statement that what happens in the Federal Government is not half as important as what happens in each school and in each home.

Congress must protect the time-honored authority of parents and locally elected school officials to put reform in place.

Students in education systems, such as in my home State of Iowa, excel because they care, their parents care, and their communities care about them and about their education.

I know that the task ahead is as complex, as it is crucial. It will require creative and courageous exploration of new approaches for delivering education. It will require bold vision for the future.

To recite from an ancient Chinese proverb:

> If you plan for a year, plant rice.
> If you plan for 10 years, plant trees.
> If you plan for 100 years, educate your children.

Our children must be educated for their future—not our pasts.

Their's will be a world which my generation cannot even imagine.

Our children need and deserve the best. So we have to make sure that we provide the best—without being hamstrung by old traditions—just because "it's always been done that way."

So, I especially applaud the President's plan to create a catalyst for invention and innovation.

Our country is known for its creativity.

And putting that creativity to work for education will provide new answers to the difficult questions and challenges facing our school systems.

Although new innovations are key to successful education reform, we cannot forget to provide sufficient resources to the good Federal programs we already have.

Tried and proven programs, such as Head Start, chapter 1, and school nutrition, cannot be left in the dust in the race to establish new programs.

The future house of education will not stand on window dressing if its walls and foundation are not solid.

That is why I supported the home front initiative in the Senate's 1992 fiscal year budget resolution. I urge my colleagues to retain that commitment to those existing programs which have proven themselves over and over again.

Mr. President, I applaud this renewed commitment to the future of our children. The responsibilities of Congress cannot end with adopting Federal legislation.

We must provide the leadership and the motivation to inspire families and communities to invest in their children's education. And we must do this—not only as the collective body of Congress—but also as individuals.

AMERICA'S PEANUT PROGRAM

Mr. ROTH. Mr. President, when I was a young boy growing up like any other young boy in America, I never imagined that one day I would be standing on the floor of the U.S. Senate speaking about peanut butter. Then again, in those idyllic days when my favorite lunch consisted of a peanut butter sandwich and glass of cold milk, I never imagined that I would see a time when such a staple product in a child's life would be threatened in America.

But due to unfair and archaic laws that benefit a few at the expense of many, that time has come. Our Nation's supply of peanuts and peanut products is threatened. Prices are skyrocketing out of reach for many hard-working Americans and dependent children. The time has come to lay aside special interests and do what is right to correct the gross inequities in America's Peanut Program.

Today each of us received a peanut butter sandwich for lunch, compliments of the nonprofit and nonpartisan Consumer Alert Advocate Fund. I advise you take a good long look at it before eating, because if recent trends are allowed to continue, it may be the last peanut butter sandwich you see for a long time. A poor domestic harvest and protectionist laws that forbid peanut imports have caused the price of peanuts to rise so high and so fast that already the Department of Agriculture has dropped peanut butter from the School Lunch Program and the Low-Income Food Supplement Program.

The irony of this should not be lost on any of us, by virtue of its own actions, the Federal Government has priced itself out of the market for a food item critical to its own programs.

The lack of peanuts for our U.S. processors is so great that 6 weeks ago the International Trade Commission recommended that at least 300 million pounds of peanuts be permitted to be imported. Unfortunately, certain special interest groups have persuaded some of our colleagues to place their protected status above the welfare of our children and families, especially limited-income families that rely on peanut products as a fundamental source of protein.

This is not right. Nothing can justify neglecting the needs of our children to protect what amounts to nothing more than peanut barons who control the land, quotas, and import regulations that restrict the availability of peanuts in America. It is ridiculous for Americans to be paying prices 50 percent above world levels. Consumers pay as much as $150 million to $369 million more for peanuts as a result of these restrictions.

Likewise, these restrictions are inconsistent and even hypocritical to our insistence that other nations open their borders to our exports. How can we encourage the Japanese to import our rice, if we are so intransigent in restricting the import of foreign peanuts? The answer is clear; the laws must eventually be changed.

It is a very complex system the peanut growers have devised, one that is based in archaic, feudalistic laws that restrict new farmers from growing peanuts for domestic use and limit the amounts of peanuts that are allowed to enter our borders.

Quota licenses are distributed on the basis of who was growing peanuts 50 years ago. It is commonplace for a person to own a quota solely because he inherited it from a family member who grew it 50 years ago. In fact, an owner may be a city dweller, who never sets foot in a peanut farm, but leases it out. Half the people who own quotas do this.

While, inevitably, the best way to remedy this problem—the best way to restore equity to the peanut program and safeguard our children—will be through fair and responsible legislation, at present there is not enough time for the long, drawn-out process such legislation would require. Consequently, I am encouraging my colleagues—as well as Americans everywhere—to join me in asking the President to accept the recommendation of the International Trade Commission and allow for the immediate importation of 300 million pounds of peanuts.

Mr. President, I ask unanimous consent that three editorials be printed in the RECORD. These editorials include the Washington Post, the New York Times, and the Richmond Times-Dispatch, all of which urge the President, as do I, to act swiftly.

I also ask unanimous consent, Mr. President, that a release by the Consumer Alert Advocate Fund likewise be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 1991]

LUNCH WITHOUT PEANUT BUTTER

Peanut prices have doubled in the U.S. since summer, driving up the price of peanut butter, candy and baked products. That has forced the Agriculture Department to drop peanut butter—an excellent cholesterol-free source of protein—from the school lunch program.

Most observers blame a production squeeze caused by severe drought and plant disease in the Southeast for the high prices. But nature is not the chief villian in this story; Congress is. Laws dating from the 1930's virtually ban imports of raw peanuts and prohibit farmers from expanding U.S. sales. The absurd system forces American shoppers to pay prices 50 percent above world levels: it's become cheaper for some companies to import processed peanut butter rather than manufacture it from home-grown peanuts.

The archaic regulations enrich 45,000 "farmers" who inherited or bought production licenses, most of which were issued during the Depression. Half of the current owners aren't poor farmers eking out subsistence from unforgiving land. They are absentee landlords renting their licenses for exorbitant fees.

This is a problem with a simple solution. The President could suspend the import ban, as the U.S. International Trade Commission recently recommended, allowing U.S. food processors to buy peanuts at low international prices. That would help millions of U.S. consumers. It would also help poor peanut growers in third world countries like Senegal and Ghana to earn a decent living. And it would let the Agriculture Department restore peanut butter to the lunch tables of schoolchildren.

[From the Washington Post, Apr. 25, 1991]

NUTS TO WHOM?

The peanut program contains no additives, artificial coloring or flavoring. It is 100 percent pure protectionism. Only a limited number of farmers whose grandfathers did it before them are permitted to produce for the U.S. market, and imports are virtually banned. The government props up prices by calibrating supply.

Last year a drought in the major southeastern producing states caused the system to go awry. There were plenty of peanuts in the world, but here a shortage drove up prices to such an extent that a group of peanut butter manufacturers and other processors petitioned the government for relief. A month ago the International Trade Commission, a government agency, recommended to the president over the growers' objections that he let in some foreign peanuts to satisfy demand. The president has yet to be heard from.

The symbolism of his decision will be more important than the substance. The current crop year is already two-thirds over. The proposed imports will scarcely have time to make a difference before the new crop will arrive and prices likely return to normal anyway. Meanwhile the government has suspended purchases of peanut butter in favor of cheese for the school lunch program, but the peanut butter and jelly sandwich probably remains about as much a staple of the American juvenile (and not so juvenile) diet as ever.

It is not so much that relief should be granted this year as that the entire program should be scrapped, along with a lot of other costly and anti-competitive practices not just in U.S. agriculture but worldwide. That is the stated goal of the Bush administration in the currently on-again world agricultural trade talks. It would presumably be a feature of the free trade agreement that the administration envisions with Mexico as well.

If the president doesn't follow the ITC's recommendation on peanuts, he risks looking as if he is practicing one thing on trade while preaching another. In fact that is what he would be doing. But if he does follow the recommendation, aides fear that he will incur the opposite risk of giving opponents of the two trade agreements an instant example to point to; this is what will happen if you denude your industry too.

From the tiny peanut a mighty precedent thus grows, if the president doesn't let more peanuts in, he'd better have a pretty good reason. There's more at stake than the temporary price of peanut butter.

[From the Richmond Times-Dispatch, Apr. 23, 1991]

FREE THE PEANUTS

Peanut butter lovers may have noticed a sharp increase in the price of the nutritious spread in recent months, about 22 percent in the first quarter of 1991 alone. But neither grocers nor packers are to blame. A government-created peanut shortage is what lies behind high prices.

The federal government closely regulates who grows peanuts for sale as food in the United States, and it almost completely bans the import of food peanuts. In order to grow food peanuts a farmer must have a federal license, and such licenses are hard to come by since they are distributed on the basis of who was growing peanuts half-a-century ago. As for imported peanuts, assault-rifle smugglers might have better luck. It is in fact easier to import a handgun than it is to import peanuts.

This Soviet-style regulation is intended to keep supplies short and prices high, and in that endeavor it is an overwhelming success. Peanut license holders get inflated prices for their crops and regulators are kept busy, but the lowly consumer just has to dig deeper in his wallet—about one-third deeper than his European counterpart. Considering the heavily regulated and subsidized nature of European farming, that takes some doing.

The federal International Trade Commission recently took a look at all of this and recommended that the ban on imported peanuts be lifted. The Bush administration is expected to make a quick decision.

We hope that the decision will not be left to the Department of Agriculture, which long ago was taken prisoner by farm interests. The department continues to insist on quotas and other programs that drive up food prices while at the same time handing out food stamps to the poor who suffer the most from its programs.

The time has come to abandon Soviet-style peanut regulation. Peanut butter is a staple in millions of households, and in many of them its protein substitutes for meat. But thanks to the ban on imported peanuts and domestic peanut quotas, a pound of peanut butter costs more than a pound of ground beef, and a pound of shell peanuts costs more than a pound of chicken.

Some peanut farmers would protest that they cannot make money at market prices, but even if true that would only indicate that at least some of them ought to be growing other crops. Peanut growers outside the United States manage to make a living at market prices, and we believe American farmers could, too. As long as people are willing to buy peanut butter, there is money to be made in peanuts.

CONSUMERS GIVE PEANUT BUTTER SANDWICHES TO EVERY MEMBER OF CONGRESS TO PROTEST SKYROCKETING PEANUT BUTTER PRICES

This morning, Consumer Alert Advocate, a national consumer organization, distributed peanut butter and jelly sandwiches to all members of the U.S. Senate and the U.S. House of Representatives to call attention to high peanut butter prices and the peanut import decision currently pending at the White House.

Senator William Roth of Delaware and Representative Richard Armey of Texas issued floor statements asking that the Administration allow in peanut imports to alleviate the shortage and bring down peanut butter prices.

Prices of raw peanuts doubled beginning last Fall as a result of a drought-caused domestic peanut shortage—from roughly .60 per pound to 1.25 per pound. This cost is being passed on to the consumer. Consumers are frustrated as they notice the price of peanut butter continually increasing—in some cases more than a dollar per jar in just a few short months.

Senator Roth told the Senators to take a good long look at the peanut butter and jelly sandwiches like the ones they received from Consumer Alert Advocate "because it may be the last peanut butter sandwich you see for a long time."

The cost of peanut butter is so high that the U.S. Department of Agriculture has actually stopped purchasing it for the school lunch program as well as for its food programs for low income families. Prices will continue to soar unless more peanuts can be imported to make up for the domestic shortage.

The shortage could be alleviated by imports, but U.S. Government policy actually restricts the supply of peanuts through limits on both the domestic supply and on imports. The current government quota only allows peanut imports of 1.7 million pounds—less than one-percent of current usage.

Consumer Alert Advocate has joined several other consumer groups in urging the Administration to lift the current restrictive peanut import quota. A majority of the International Trade Commission (ITC) has already recommended that the President lift the current import quota.

Mr. ROTH. Mr. President, I reserve the remainder of my time.

TENNESSEE AND JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

Mr. GORE. Mr. President, I am honored to recognize 14 high school students from across my home State of Tennessee who have written outstanding essays for the 1991 "Tennessee and Japan: Working Together Toward a New Century" Essay Contest sponsored by the Tennessean newspaper, Toshiba International Foundation, and Tennessee-Japan Friends in Commerce.

More than 2,000 Tennessee high school students submitted essays exploring the relationship forged between Tennessee and Japan. The contest helps students learn more about Japan's culture and economy. Students explore the ties between Tennessee and Japan by conducting research, touring Japanese plants in Tennessee, and talking with State government officials and officials from the Japan Center of Tennessee.

The business partnership between Tennessee and Japan has had a positive impact on my home State, resulting in educational and cultural programs such as this contest between the citizens of my State and the citizens of Japan.

These students are the future of Tennessee and of our country. It is with great pleasure that I recognize and commend these 14 winners of this essay contest: Gill Geldreich of Franklin High School in Franklin, Emily Flowers of Henry County High School in Paris, Kelly Powell of Page High School in Franklin, Sandra White of Martin Luther King Magnet High School in Nashville, Christine Harris of East Robertson High School in Cross Plains, Carla Strassle of White House High School in Tyree Springs, Jeremy Latimer of Henry County High School in Paris, Greg Profitt of Hermitage Springs School in Red Boiling Springs, Leigh Ann Curt of LaVergne High School in LaVergne, Jason Couch of McGavock High School in Nashville, Billy Copenhagen of Brentwood Senior High School in Brentwood, Billy Strasser of Montgomery Bell Academy in Nashville, Jason Holleman of John Overton High School in Nashville, and Lane Mullins of Lebanon High School in Lebanon. Congratulations to each of these talented young students. I wish them all the best.

I am pleased to submit the winning essays into the CONGRESSIONAL RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

FIRST PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Gill Geldreich, 10th grade, Franklin High School, Franklin, TN)

William Perry, a farm boy of thirty-four years from Portland, Tennessee, works at the Yamakawa Manufacturing Corporation, which manufactures parts for the Nissan Motor facility in Smyrna. William, nicknamed Junior, trained in Japan under Takehiko Mochzuki, nicknamed Mo, who is now a close friend and fellow employee here in Tennessee. This friendship is one of many that serve as examples of a new era of Japan-Tennessee business, political, and social relations. These new relations are based on exchanges of new ideas, old traditions, and ways of life.

Japanese executives come into the United States searching for wise investment opportunities and eager workers. They find them both in Tennessee. Tennesseans are willing to cooperate with, learn from, and share our good ways of life with others. Because these two factors exist, Japan and Tennessee will both symbiotically benefit from a close business and cultural relationship toward the Twenty-first century and beyond.

Japanese businessmen are constantly searching for new, potentially successful business opportunities in Tennessee. Ninety-five Japanese corporations have established centers of manufacture and/or distribution here, and the number is growing at a steady rate. It initially began in 1977, when the executives at Toshiba decided to locate a television factory in Lebanon, Tennessee, employing 650 people. They liked the climate, the topography, and the people. It felt like home. It also made good business sense. Seventy-six percent of the U.S. population located within 500 miles, excellent interstate transportation, and an industrious work force were supporting factors. Toshiba loved Tennessee, and other Japanese companies soon followed. In 1980, Nissan Motor Mfg. established an over $800 million operation in Smyrna, the largest single foreign investment ever by a Japanese company.

Also, Japanese businessmen are looking toward expanding current investments. When quality reports showed that the Nissan plant was producing trucks with quality equal to that of Japanese plants, cars began to be manufactured there in Smyrna. Bridgestone Tire, after its acquirement of Firestone, decided to locate its central headquarters in Nashville and expand a former Firestone plant in Lavergne to make a new line of passenger-car tires. The operation may someday employ more people than does Nissan. The Japanese are known for holding onto a good thing when they find it, and they seem to have found something in Tennessee.

Tennesseans are among the most ready and willing to work in the nation. Overall, Tennessee has an excellent worker attitude. That factor is a very major element of Japanese investment here. Also, Japanese employers demand that their employees be loyal and trustworthy. Before any new employee is hired, applications are studied under close scrutiny, and appliers may be interviewed several times. Education is an extemely important consideration. Most importantly, Japanese demand that all their relationships, business and personal, possess *amae*. Amae is complete trust and confidence. Without amae, relationships are worthless so say the Japanese. Say many Tennesseans the same. This is one major reason why Tennessee and Japan have joined forces smoothly to form a team, a team that can make products of which both Americans and Japanese can be proud.

Believe it or not, Tennessee and Japan have very much in common. Besides climate and topography, Tennesseans and Japanese have something that we both hold dear to our hearts: Tradition. However, rather than inflicting our traditions and culture upon each other, we show more of an interest in sharing them, and we both show a desire to learn of each others ways of life. A prime example involves the town of Maryville, Tennessee. The town of Maryville was in the process of preparing a proposal trying to convince Nippondenso, a Toyota affiliate, to locate a starter-and-generator plant there in Maryville. The proposal was running smoothly, except for one major problem: What should they serve the Japanese executive when the proposal is presented? Kumiko Franklin, the Japanese wife of a Maryville College English professor, suggested this: Serve Jack Daniel's whisky, fried catfish, hush puppies, and cold beer. Maryville town executives tried the suggestion, and later that same year, Nippondenso broke ground in Maryville for a $200 million operation employing 550 people. That's what it's all about.

Japanese love almost everything about Tennessee. Country music is extremely popular in Japan, and Southern cooking is cherished by the Japanese who find it. Tennesseans enjoy Japanese food as well, and Japanese history, civilization, and culture are studied very much. This is another main reason why Tennessee and Japan have bonded so well together in friendship.

Friendship, whatever the type or subjects, should be both beneficial and rewarding to both partners, not just one. Tennessee and Japan both possess a will to work together with one another for both benefit and reward. In the future the friendship, if *amae* is present, can only become more beneficial and more rewarding to both partners.

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SECOND PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Emily Flowers)

Kokusaika, a Japanese word meaning internationalization, is our future. In other words, internationalization is our ultimate goal: not the destruction of individual cultures reconstructed into one culture, but the interreacting of all nations and the education of all peoples about the customs and ways of others.

Tennessee and Japan are working together to produce this "kokusaika" by introducing the ways of the East in the West. Now Tennesseans do not have to travel to the other side of the world to learn about Japan and its people: the discovery can be made in their own communities, with the aid of Japanese companies who bring their industry to create economic opportunity and their culture to create understanding.

Economics is essential to human existence: when our economy fails, we fail. Japan is enjoying great economic success, and many of its companies are looking to expand by seeking new consumers. They have the products Americans want; however, Americans cannot continously purchase Japanese products when the money returns solely to Japan; therefore, Japan brings its factories here. Americans obtain employment and buy the favored products. The money remains circulating in the United States, and everyone is happy. Tennessee needs Japan, and Japan needs Tennessee. As we become "interdependent", we become internationalized, drawing nearer our goal.

Understanding between nations is the most important factor in the development of humanity and the construction of world peace. There are ways to accomplish this seemingly impossible feat, and Tennessee-Japan: Working Together is one of them, as it slowly narrows the gap between the two civilizations. When a Japanese company moves into Tennessee, they bring along their families, customs, language, religion, and food. They bring them to share with Tennesseans who, in return, share theirs. It's an exchange of lifestyles, and it is a benefit to everyone involved.

Many residents of the United States still hold resentment for the Japanese because of their part in World War II, and the reverse is probably also true. But both countries have changed since that time, and now there is no reason for these hostile feelings. A Japanese company in a Tennessee community creates a connection between the people of the two nations. As the employers and employees work together, they discover their differences and their similarities: lifting the prejudices as the truths are revealed. Thus, by "intermingling" we are internationalizing.

Breaking down the barriers and building the foundations of friendship—that is Tennessee-Japan: Working Together, working for a future which depends on internationalization. Presently there are 95 Japanese companies in Tennessee, and that number is continuously growing because this alliance works. Its economic success produces "interdependence" which causes "intermingling" which creates "internationalization—proof that the goal of kokusaika can be achieved.

What we must now do is expand this cooperative alliance, not only in Tennessee, but throughout the world. As Merlin pointed out to the young Arthur: when seen from above, the Earth has no boundaries. It is one solid mass: a big, beautiful ball of possibilities. But those possibilities diminish one by one with each boundary drawn. In this last decade of the twentieth century, with international relations becoming increasingly complicated, and events with world-wide effects occurring daily, it is apparent that our future lies with kokusaika. As long as we work together, our tomorrows will never end.

Third Place—Tennessee-Japan: Working Together Toward a New Century

(By Kelly Powell, 11th grade, Page High School, Franklin, TN)

On a pleasant day in Japan, a seed is planted. After many years of nourishment and growth, it matures into a healthy, young mulberry tree. It is one of the many mulberry trees which grow on about 400,000 acres of land inside Japan. Its leaves are fed to the silkworms. In turn, these silkworms produce silk threads and spin them into the form of a cocoon. The cocoons are then taken to the silk factories where the threads are unwound. Thus, the silk results in being used in the fabric which produces a beautiful and complete new garment of clothing.

This process seems to parallel the cycle of relations between Tennessee and Japan. Many seeds have recently been planted here in Tennessee in the form of Japanese-based businesses and factories, as well as by Japanese exchange students. Through this interaction, we learn from each other and then apply this knowledge to everyday circumstances in order to better both Tennessee and Japan alike. Thus, both countries have benefited from this profitable relationship.

Through the recent years, many Japanese-owned businesses have settled in the Tennessee area. They have grown and developed into highly successful firms employing many Tennesseans. They have not only helped improve economic conditions by creating new jobs, but they have also contributed to local school systems and other deserving projects. This interacting between the two cultures seems to weave a "cocoon" interlocking both Japan and Tennessee. This serves as the fuel for the people of Tennessee. Tennesseans, along with the Japanese, feed off of Tennessee's resources in order to produce highly valuable products, similar to the process of making silk.

The Japanese exchange students, in much the same way, have helped students here in Tennessee. Students share stories with each other to relate the two cultures of the countries. This enriches the minds and imaginations of all those involved. These images then blossom into beautiful cocoons of hopes and dreams for the future.

These efforts will continue to be beneficial to both countries. As we approach a new century, more Japanese businesses will continue to find homes in Tennessee. In return, more jobs will be created, and economy will be strengthened. Thus, creating a better environment for all those involved.

The relationship between Tennessee and Japan is an excellent example of a peaceful tie between two foreign countries. This should be noted by other countries around the world. It seems ironic that peace and war can exist at the same time. Tennessee is involved in a war in the Persian Gulf, and at the same time, we are strengthening our peaceful relations with our friends in Japan.

With both Tennessee and Japan working together, much progress can be made in the future also. Our relationships can be observed by other countries and perhaps set an example for peaceful relations. More countries should interact with each other in this way. Thus, Japan and Tennessee would not be the only beneficiaries. The whole world would gain a sense of unity, love, and most importantly, peace in the new century.

Fourth Place—Tennessee-Japan: Working Together Toward a New Century

(By Sandra White)

The relationship that has arisen between the Land of the Rising Sun and the Volunteer State is based upon similarities, and upon the doctrine of economic freedom and democracy, with the resulting system incorporating characteristics of both Japan and Tennessee. This bond has led to the enhancement of both areas and will continue to do so in the future.

In Japan there is a flowering cherry that resembles the Tennessean dogwood, so the Japanese feel at home in the rural setting that characterizes Tennessee. The weather and geography remind them of home, not to mention the very aura of Southern hospitality in the air that seems to welcome them. Perhaps the Japanese contemplated this when considering Tennessee for a partnership, or perhaps they felt that the lack of unions and relatively few jobs would provide fertile ground for the Japanese seeds of management.

Economic freedom is dependent on many things. A choice of jobs is one of these characteristics. In order for one to have his/her choice of jobs, whether the job is professional, technical, or otherwise, the least restrictive environment must be offered. The least restrictive environment includes an availability of jobs, training for those jobs, and an employer that trusts and values employees.

Japanese involvement in Tennessee has created over 15,000 jobs in professional and technical fields. The promise of these jobs has led to training in the skills needed to fill the positions. Japanese management, so very different from most management systems in America, is founded upon mutual trust and loyalty between workers and management.

Economic freedom relies upon the fact that participants are consumers, that they are willing and able to purchase goods and services. The availability of money through work completed and services rendered is very important in the American system. The entire concept of freely disposable income is tied into self-esteen.

The opening of Japanese businesses in Tennessee has created jobs, and higher consumption. Also, the movement of Japanese companies has opened the door for more manufacturing and technical companies to move into Tennessee.

Economic freedom is dependent upon the availability of products. The process of choosing is tied into the theory of democracy, that without a choice, that without being able to make the decision one's self, there is no freedom.

Japanese involvement in Tennessee has given that choice to the people. The availability of employees, consumers, and the prospect of a brighter future has led many companies to open a market in, or even to move to Tennessee.

Economic freedom is dependent upon the prospect of advancement, of upward mobility in the workplace. Until recently, advancement in the workplace has meant only one thing, higher pay, and while more money is appropriate, there are other things equally important.

Japanese business has taught Tennesseans that a job can be enjoyed, that the only reward is not money, and that the friendships that grow are a reward too. They have taught Tennesseans that if the product is the best that can be produced, that pride is carried into everyday life.

Since Japan has become involved in America, the long-lived concept of "keiretsu", buying only Japanese, is no longer dominant. Instead, a doctrine of buying only the best, no matter the source, has overtaken this nationalist policy. Because of this removal of the final restraint against full participation, Japan was free to join in a partnership with the best. The bond between Japan and Tennessee is only going to grow stronger, and in today's web of interdependent economies that bond shall surely bring Japan and Tennessee to the forefront of the new world order.

In the ever-growing patchwork quilt of American society, Japan's patch is growing rapidly and through the thread that connects it with Tennessee, it has caused Tennessee to expand also. The thread that joins these two patches will grow until indeed there is a new patch, entirely dedicated to the relationship between Japan and Tennessee.

Fourth Place—Tennessee-Japan: Working Together Toward a New Century

(By Christine Harris)

"It's not us against them," according to Tennessean William Perry of Portland, Tennessee's Yamakawa Manufacturing. As Japanese investors and businesses move into Tennessee, more and more native Tennesseans are becoming accustomed to our new neighbors. An exploration of this new-found relationship will reveal that these two cultures are indeed working together toward a new century.

Figures from the Tennessee Department of Economic and Community Development show that Japanese investors have contributed $3.8 billion in capital and investment to the state's economy. Through ninety-four operations (fifty-nine manufacturing, thirty-five sales and/or distribution), Japanese businesses employ nineteen thousand Tennesseans. Tennesseans working directly for Japanese firms and direct Japanese investments are not the only ways, however, that the Japanese are helping to boost the state's economy. Twenty thousand Tennesseans are employed by American firms which rely directly on Japanese businesses.

Another factor, other than the economy, that is affected by Japanese influence is the community. Tennesseans are learning from their Japanese counterparts as well as teaching them through cultural exchange. The Japan Center in Murfreesboro employs four professionals who act as emissaries for schools, companies, and individuals. Sovran Bank in Murfreesboro also held a seminar to acquaint Japanese women with the American checking system. According to Takehito Mochizuki who trains workers at Yamakawa Manufacturing, "The Americans are teaching us to be more spontaneous and outgoing."

Yet another influence of the Japanese on Tennessee can be seen in the labor force. Workers are becoming more open to new opportunities brought to Tennessee by Japanese industry. The relationship between both Japanese and Tennessean workers is one of optimism and acceptance. "They want you to feel that this is your company, not theirs, so that you're working for yourself, too," said William Perry. Working for Japanese firms has not made Tennessean workers lose sight of their American pride, according to Mary Green of Smyrna's Nissan plant. She says, "I know they make a lot of decisions back in Japan, but that's abstract. We don't see many Japanese. We're making the cars, and we're Americans.

As one can clearly see, Tennessee is greatly affected by the Japanese. What remains unseen to most Tennesseans, however, is Tennessee's influence on Japan. Japan is the third largest economic power in the world and is the United States' chief competitor. Japan's investment in Tennessee does not only aid the state's economy, but it also boosts Japan's economy in relation to the international market.

Through Tennessee's economy, community interaction, effects on the labor force, and Tennessee's effect on Japan's international influence, Japan and Tennessee have become partners working toward the common goal of prosperity through peaceful international relations. Tennesseans are learning more about foreign culture. The economy has been boosted through Japanese employment and investment. Workers are now working on an international scale. Takehiko Mochizuki of Yamakawa Manufacturing says, "The reward is not so much the money, it's also the friendships and the working relationships. We don't think so much about salary." The people of Japan view the corporation as something that belongs to them, not something they belong to. The feeling is relayed to Tennessean workers as well. Liberal Democratic Party elder Shin Kanemaru sums up the relationship by saying, "Japan would not exist without America." Evidently, Tennessee relies on Japan in much the same way.

FOURTH PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Carla Strassle)

Allies in World War I. Enemies in World War II. Where did America and Japan's path lead after the war? Why, to Tennessee!

Today, we have almost one-hundred Japanese companies located in Tennessee. There are many reasons why Japanese companies settle here. Our topography reminds them of home. The rolling countryside and small-town atmosphere of our communities gives the a sense of belonging. The climate of our state, the people who live here, and our culture here in Tennessee makes it an ideal place for the Japanese companies to locate.

Adjusting to our new partnership has taken some time and patience. Although there are some things between us that are similar, there are many ways in which Japan and Tennessee are very different. In America we enjoy a good night's sleep on a comfortable mattress, but in Japan, their "mattress" is a futon, bedding that is laid out on the floor at night and stored during the day. Another difference between us is the use of a bathtub. When we get in a bathtub, we take a bath to get clean, but in Japan, the bathtub is used to clear the mind and relax the body. Cleansing is done in a shower before they get into the clean water in the tub. Even the things we eat are different. We can both get a hamburger, but fruits and vegetables that make up a good part of our diet are delicacies to them. Their main staple foods are fish and rice, and although we can purchase those at any grocery store, we just can't seem to master the chopsticks that they eat with. Instead we opt for the silverware. All these things show us how different things are between us, and their focus on education is no exception. In America, teenagers have many privileges that are taken for granted. More often than not, school is the least of our worries, but in Japan this is not the case. Japanese teenagers study both in school and in juku, after-school tutorial classes. They go to school six days a week and as much as eleven hours a day. Japanese students attending schools in America like the shorter school days and week, the lighter homework load, and the other privileges that they have experienced during their stay in Tennessee, such as being able to receive a license at sixteen instead of eighteen. Working through our differences has helped us gain a better understanding of each other, and we continue to learn new things through them.

It is obvious that we are very different in many ways, so how do we manage to work together so effectively? Teamwork is the key. By finding similarities in our cultures, working through our differences, and learning with each other, we are facing the future together, as a team. The Japanese know that in our right-to-work state, employees are assured of employment without union pressures. They also know that the laws governing business practices are well established, and that our plentiful resources, central location and low level of taxation make it economical to run a business in Tennessee. While the business practices of Japan may differ from our own, in such ways as decision making and morning calisthentic exercises, we have compromised to form a partnership that is part of a global economy which consists of the worldwide manufacturing, distributing, and consuming of wealth. The companies located in Tennessee provide jobs for over 18,000 Tennesseans, as well as business for existing Tennessee firms, and for every manufacturing job that is created, other jobs are created in other industries. The salaries of the employees of these companies feed directly back into our state economy.

The Japanese companies located in Tennessee are often the largest private taxpayers in the area. Because of this, local goverments are able to improve schools, roads, and hospitals. The companies, however, do not stop there when it comes to enhancing our communities. They donate computers and televisions for our schools, sponsor homes for abused children, and sponsor trips to Japan so that we can experience Japan as they are experiencing Tennessee.

The partnership between Tennessee and Japan is strengthening every day as we learn to work together to accomplish our goals. As we progress into a new century, so does the world. This is not just a business relationship, it is a growing friendship and understanding of things and people who live half a globe away. In Portland, Tennessee, just twenty minutes from my house, the Yamakawa Manufacturing Corporation of America, a parts supplier for the Nissan plant in Smyrna, has made its home. I never knew Japan could be so close.

FOURTH PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Jeremy Latimer, 9th grade, Henry County High School, Paris, TN)

Tennessee and Japan are very involved today through Japanese industries and investments. The relationship actually began in the early 1970s, when Tennessee got it's name in the hat with Japanese companies that were beginning to look for sites in the United States to locate their factories. As Tennessee and Japan work together toward a new century, many areas will be affected: education, job quality, financial investments, communications and the cultures of the two countries.

Education in the United States will be influenced by the Japanese ideas. Japanese children are used to a longer school year than we are and three Tennessee cities, Memphis, Murfreesboro and Knoxville now offer "Saturday schools" for Japanese children. They take additional classes in language and math. The Japanese idea may eventually affect what is offered in American schools and the length of the school year. More schools may offer the Japanese language as a subject choice. This would make it easier for Tennesseans going to Japan to train for jobs. They could communicate better if they knew some of the language.

The Japanese are very strict about the quality of the products they produce. Job performance determines job security in factories operated by the Japanese. Their concern shows up first in their hiring process. An applicant may go through several interviews as well as unpaid pre-employment training sessions before being hired. They want to know about work habits and attitudes before they hire a person.

Not only are they very strict about the products they produce, they also are very particular about the parts and materials they buy from other companies. This forces their suppliers to work hard to meet the Japanese standards. It is often hard to obtain a contract with a Japanese company. For example, Plumley Companies in Paris, Tennessee, attempted for approximately four years, to provide fuel hoses to the Nissan Company. They finally signed a contract to supply the hoses.

The involvement of foreign countries such as Japan has changed the financial markets in our country. The Japanese have brought a lot of money into Tennessee as well as other states. They have spent billions of dollars buying land and building factories. Many Tennesseans own stock in these successful companies. Investors also now have the opportunity to invest in international funds that were not always available. Our investment opportunities are now international rather than limited to the United States.

The Tennessee-Japan relationship should also affect our communications future. The Japanese are a highly technical people, being very involved in electronics. They will continue to move ahead in the world of telephones, television and other communication equipment. In some Tennessee cities, a Tokyo newspaper is available on a daily basis. This proves that advances in communication and information have made the world much "smaller" than a few years ago.

The cultures of both Tennesseans and the Japanese are affected by their relationship. The Japanese have changed the work attitude of many Tennesseans. A job is no longer just a job. The Japanese promote pride in accomplishment and a loyalty to the company that many Tennesseans did not have. Workers now feel that they are a part of the company and that, in a sense, they work for themselves. There is a very low rate of workers being absent and workers are punctual, which is very important to the Japanese. Likewise, the Tennesseans have taught the Japanese to relax some and be a little more spontaneous.

The Japanese are also very neat in appearance, most having short hair and no beards. They have learned to accept Tennesseans with long hair and beards by looking to the inside of people not just to the outside appearance.

Tennesseans have learned to appreciate Japanese foods while the Japanese enjoy Jack Daniel's Whiskey (made in Tennessee) and fried catfish.

Tennessee and Japan are working together toward a new century. It takes compromise on both parts but it is a very beneficial relationship.

FOURTH PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Greg Proffitt, 11th grade, Hermitage Springs School, Red Boiling Springs, TN)

Each time that we pick up a newspaper or turn on a T.V., we are reminded that we are living in a troubled world. The past decade has witnessed an increasing crime rate, a struggling economy, and the alarming decline of the family unit. It was—and is—difficult for many to remain optimistic about the future, especially the new century which is so near at hand. If ever our country needed a friend, it is now, and Tennessee has been fortunate enough to find that friend—Japan.

Although Tennessee is noted for its beauty, warmth, and hospitality, it is not immune to the many problems facing our world. For example, economic instability has taken its toll on many a businessman in our state. The small, family owned and operated business is quickly becoming a thing of the past. Tennessee is also in the process of reassessing its educational system and evaluating reforms which it hopes will produce young adults better prepared for the future that lies ahead. It is obvious that these problems and many others are money-oriented to a certain extent, if not totally. It has been said that "money is the root of all evil." It would be more accurate to say that a lack of money is largely responsible for the many problems plaguing our nation.

However, Japan has helped Tennessee through these difficult times by introducing much needed industry into our state. As early as 1978, Japan began establishing companies throughout the state. Thanks to their interest and involvement, Tennessee now has 95 Japanese corporations employing some 18,000 people, mostly Tennesseans. As a result, salaries totaling $½ billion each year are now flowing into the state's economy. Too, many existing Tennessee firms in areas such as retail, construction, and education have benefited because of supplies or services needed by these Japanese corporations.

Yet, we must give Tennessee credit where credit is due. We live in a beautiful state, one in which the Japanese have recognized and learned to appreciate a landscape and climate very similar to theirs. They have also experienced Southern hospitality, which can be as simple as a friendly wave or even a smile.

There are also certain business traits characteristic of Tennessee which have drawn the Japanese to our state. First, they like the low level of taxation and government regulations. The Japanese also appreciate the fact that Tennessee does not allow unions to be ruling forces among its workers. Also, Tennessee, which is centrally located in the nation because of its extensive interstate system, is served by TVA, a provider of clean, affordable energy. Yes, Tennessee has much to offer Japan in their on-going partnership.

This partnership is now striving to improve the problem of the dissatisfied and disillusioned American worker. We have long been aware of the unique relationship between the Japanese employer and employee. Included in the formal decision-making process, the Japanese worker has a strong bond with his or her work, viewing it as a job for life. As a result, employees work harder because they have a tremendous sense of pride in themselves and their work. It is no secret that self-esteem, along with good pay and attractive benefits, is the key to a happy, productive worker.

In conclusion, if Tennessee is to become a part of the global economy, it must continue to be open-minded and willing to change that which has proven to be ineffective. It must look to the future, aware that "times are a-changing." Fortunately, Tennessee has a friend who will stand by it, working hard to see that future generations can enjoy a sense of security and well-being. Yes, Tennessee and Japan are working together to assure us that if the new century holds any surprises, they will be pleasant and welcome ones.

FOURTH PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Leigh Ann Curt)

The United States and Japan have had troubles since the turn of the century. Pearl Harbor and related events created much hostility between the peoples of these two nations. The relations have improved, but there still is a prejudice against the Japanese people. There is one state that has extensive interest in a positive relationship with Japan. With a firm partnership between Tennessee and Japan, we can mutually strive toward the expansion of high-tech industries, education, and well-being for our citizens for the upcoming century.

One might ask, "Why is Japan so interested in Tennessee?" Many factors contribute to the attraction. Japanese people feel comfortable here because of the similarities found here such as the landscape, climate, and culture. It is also economical to run a business here. Our state has a low level of taxation, plentiful and cheap energy resources, and a good location for access to other parts of the country. Japanese companies can far better serve the American people from one of its own states than it could from a plant in Japan.

Japan is bringing to Tennessee their industries while Tennessee provides the skilled labor and marketing techniques. Currently, there are 95 Japanese corporations that have opened manufacturing plants and/or distribution centers across the state. Products from these centers and plants can be found almost anywhere you find electronics and automobiles. Toshiba, Nissan, and Bridgestone are examples of Japanese based companies that produce and distribute goods in our state. Typewriters, computers, radios, cars, trucks, and tires are just a few of the products that are shipped from our state to the rest of the world by these 95 companies. Tennessee contributes marketing skills to this business. We have the information needed to enable the industries to compete with American companies for American consumers. With these two contrasting peoples working as one, there is the need to better educate our people about our respective ways of life so we can use this partnership to its fullest potential.

Tennessee and Japan share the common concern of education among our integrated children and the involvement in our respective cultures. Japanese children have a privilege of a more thorough education than that of our children. They study longer hours and also on Saturday. Some students who have been enrolled in both school systems say that Tennessee is definitely much easier. Because there are Japanese children in our schools, adults in our work force, and citizens in our community, we are learning first hand about their culture and they about our culture. Many of the previously mentioned companies have formed partnerships with our schools. They offer financial support, donate televisions, computers, and other needed items, and create "hands on" experience for the children. Bridgestone brought the Masterworks art exhibit to Nashville to share with our citizens. From education to culture, from sushi to hamburgers, we are sharing our ideas, our experiences, and our knowledge, therefore educating our people.

The citizens of Tennessee and Japan greatly benefit from this partnership. Both economies are expanding. Jobs for people of both lands are being created. Because of the competition formed by the number of new businesses, prices are going down. The educational opportunities are being opened for all people. Charitable functions such as the Toshiba boys home are being made available to our citizens. Together, this partnership is doing wonders for both parties involved. We are partners looking to build a better future for ourselves, for our children, and for generations to come.

FOURTH PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Jason Couch)

Nowhere else in our nation has the spirit of cooperation between the east and the west in the fields of industry and technology been felt more strongly than in Tennessee. Japan and Tennessee have been drawn together in an exchange of methods and ideas which are proving to be of mutual benefit.

The influx of Japanese companies into Tennessee has already created some highly visible benefits to Tennesseans in job opportunities and improved economics. Almost one hundred Japanese companies are now in Tennessee and close to twenty thousand jobs have been created. In addition Japanese firms have invested millions of dollars in Tennessee real estate. These same companies increased construction and building revenues for the state. The trickle down benefits have provided new revenue generating opportunities for many Tennessee owned and operated businesses. Japanese corporate dollars are being retained in the state. These monies in turn are used to strengthen the economy and attract additional businesses.

Japanese companies base themselves in Tennessee due to our abundance of natural resources, energy supplies, and work force. Low corporate and trade taxes are another added incentive.

In addition to the economic interaction there is also cultural interaction taking place. This interaction manifests itself in the areas of music, art, language, and cuisine. Tennesseans may not yet be eating their grits with chopsticks, but the impact of Japanese culture is being felt in a positive manner across the state. Tennesseans are learning to eat sushi while the Japanese are becoming great country music fans. In a recent extended showing, a Japanese corporation gave Tennesseans an opportunity to view its priceless European art collection. One Tennessee radio station now offers a daily news broadcast in Japanese. Hospitality and a sense of tradition is strongly woven into both cultures creating common denominators. Each culture enriches the other through exposure to new ideas and customs.

Tennessee and Japan must now look to a new century. It will be a century of rapidly expanding technology, and an era of adjustment to continued advances in automation. Corporations will find themselves in growingly competitive markets, while the work force will find a need to be flexible and resilient in the face of change. Tennesseans have learned the benefits of team spirit in the workplace from the Japanese. In return the Japanese have learned about old fashioned American ingenuity from Tennesseans. In the future there will be a growing awareness of the need to ultilize natural resources more efficiently, and to avoid the pollution of the planet. Japan has been forced to deal with limited natural resources for many years, and Tennessee will learn new ways to manage its resources from Japan's experience. Japan and Tennessee will need to continue to promote fair trade and business practices with each other.

The next century will bring its own set of problems but also new and exciting opportunities. Japan and Tennessee must continue to build a friendship based on mutual respect and understanding. It must be remembered that friends draw strength from one another and are interested in each other's welfare. The continued combining of unique strengths will enable Japan and Tennessee to face the challenges of the new century with confidence.

Source for corporation and employment figures: The Tennessean.

FOURTH PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Billy Copenhagen, 9th grade, Brentwood Senior High School, Brentwood, TN)

FOLLOW ME INTO THE NEXT CENTURY

As I pulled out of my driveway to go to my job at Yamawaki Industries, I waved to my neighbor Don Wati. I am driving in my Toyota on the left hand side of the road. I drive my car to the toll road. I don't mind paying a little extra to travel on the toll roads because 80% of the revenue made is given to the school system which has the best schools in the United States

As I pull up, I see Charlie the Robot. In his synthesized voice he asks me for my destination. I tell him downtown at the third exit. He gives me my card, and I am off. As I drive, ahead of me is the bluest sky, and to think it used to be a greenish-grey before it was cleaned up by Tatsunoco Enterprises.

I look at my office building, which can't be missed because it's 98 stories of high energy technology. Where am I, you ask? Although you may think I'm in Japan, I'm really in Nashville, Tennessee, about ten years from now.

You see, the Japanese came here to team up with Americans to improve and modify our techniques and skills. At the same time, we have Nashvillians in Japan helping them with their music and entertainment industry.

So you see that since we've teamed up with the Japanese, our productivity and quality has gone up considerably and is unlike that of any other state.

I leave the toll road and drive to my private parking spot underneath the mammoth building in which I work. I pull out my Emerson pocket recorder to make a note to my secretary as I enter the elevator and punch in my floor number. It takes only seconds to reach the eighty-eighth floor because of the technology of vacuum elevators which was another Japan/Nashville development.

I write myself a note to call the Nashville Stock Exchange to buy 25 shares of Eastern II, which is an exclusive airline rebuilt from the old Eastern Airline and moved to Nashville. In a realistically human voice the elevator tells me that I've reached my destination.

Our office is run in a different way than back in the early nineties. Each person is in charge of one thing, so there are no vice-presidents and no private offices. Because of this, there is no one stepping on anyone else, and there is no brown nosing. This is a very effective way to run a business, and because of it, we are 50% more efficient.

After some office work, I go to lunch with a buddy of mine. We take the levitating train to McDonalds Sushi Bar.

On the way back to work, we can't help but marvel at the fusion power plant, which was built as a joint Nashville/Oak Ridge/Japanese team project. I am glad that I don't have to worry about nuclear waste.

It is now the end of the working day, and it is time to unwind and take the required end of day relaxation on the eighty-ninth floor. Mr Yamawaki requires it because the more relaxed we are, the more productive we will be.

I leave the health spa around 7:00 and head home. I get home at about 7:30 thanks to the enhanced tollway system which provides more lanes during evening rush hour.

Ah! home sweet home. I punch in my code to disarm my alarm, and ask the house computer if anyone has called. I am really tired, so I think I'll watch some television on my American/Japanese made television. Of all the things that have changed over the years, I am sure glad that home life has remained simple and uncomplicated.

FOURTH PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Billy Strasser, 11th grade, Montgomery Bell Academy, Nashville, TN)

When one works by himself on a project, the project is tough. However, the project is made easier when two people work on it together. By working together, Tennessee and Japan can create a better future. There is much to be learned about the Japanese, such as their cultures and customs. Once we learn about the Japanese, we can apply this knowledge to our jobs in Tennessee. We can create a bright new future by working with Japan toward a new century.

Through the 4-H/LABO exchange program, I have hosted two Japanese exchange students in my home and I have traveled to Japan. I discovered that the Japanese culture is very different from the American culture. When I first arrived in Japan, everything seemed to be different. From food to language to taking your shoes off at the door, the Japanese are very different from us. However, there are similarities also. The hospitality with which they greeted me was much like our Southern hospitality. I also found that a smile crosses any language barrier, and I often had to smile when I tried to say something they could not understand. We developed a great friendship, and it is friendships like these that help us work together toward a great future.

In a global economy, goods and services are exchanged across national boundaries in a process known as international trade. It is evident that Tennessee is part of a global economy when one looks at the amount of Japanese businesses in Tennessee—Nissan, Bridgestone, Toyota, and Sharp. These are only four of the almost one hundred Japanese businesses in Tennessee. This certainly helps our economy: the Japanese businesses employ Tennessee workers and pay salaries to those workers, which puts more money into the Tennessee economy; it helps the problem of United States-Japan trade relations; and Japanese products are now made in the United States and shipped overseas. There is much to be gained economically by Tennessee-Japan partnerships in business.

What can we learn from the Japanese? Quite a bit. The Japanese and Tennesseans can learn from each other in many ways. Their education system is excellent, while ours is in need of reform. They are advanced in the field of technology, and we can learn from them. They have a very low crime rate, while this is certainly not the case in America. These are only three of the areas in which we can learn from the Japanese; there are many more benefits to be reaped as Tennessee and Japan work together toward a new century. Most recently, Tennessee has welcomed the Masterworks exhibit from the Bridgestone Museum of Art in Tokyo, Japan. The exhibit has never been to the United States before, and we are thankful to have had the exhibit here. The Japanese have much to share with us, and we should be receptive to this.

When I went to Japan, I was proud to be from Tennessee. Many Japanese seemed to know Tennessee. When I hosted two students from Japan, they liked Tennessee very much. The hills and countryside of Tennessee reminded them of home. We developed a friendship that will never be forgotten. Through these types of friendships, we can grow and learn together into the next century.

Thomas Jefferson once said: "I like the dreams of the future better than the history of the past." I like the dreams of the future too. Working together with the Japanese, we will have a better future. As long as we take advantage of friendships between Tennesseeans and the Japanese, we can work together toward a new century.

FOURTH PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Jason Holleman, 12th grade, John Overton High School, Nashville, TN)

Tennessee, the "Volunteer State," and Japan, the "land of the rising sun," are two cultures very different in history, but very alike in values. These two peoples are doing what the rest of the world must do. They are fighting their dilemmas with the weapons of trust, diplomacy, and ingenuity.

Japan is a nation of great technology, corporate structure, and global economic power. The rapid growth of Japan's population continues to crowd into its relatively small geographic area, an area lacking adequate supplies of raw materials. Tennessee is a land of plentiful natural resources, proud, eager workers, and American ingenuity. However, in Tennessee as well as most of the United States, people are distraught with the loss of jobs and income, partially due to the influx of Japanese-made products in both domestic and world markets. Thus, Tennessee and Japan have joined forces, and are combatting these problems by bringing Japanese manufacturing plants and distribution centers to Tennessee, using our raw materials, while boosting our economy. So, statistically these two seem to be a perfect match for any business endeavor.

Even more amazing than facts and figures, is the colloquial traits that draw this pair together. Japan and Tennessee lie upon the same longitudinal line, so their climates are very similar. Both cultures value honor, trust, etiquette, and tradition. If Japan is the tea brewed from the heritage of courageous shogun warriors, Buddhist philosophers, and Eastern empires, then Tennessee is the lemonade blended from its spirit of early pioneers, its brave volunteer soldiers, Bible-belt Christianity, and Southern gentility.

It is obvious to a knowledgeable observer that these two cultures complement each other in business and as well as in life. Tennessee has provided high worker productivity and low government regulation. They have laws that prevent workers from being forced into labor unions. Energy resources are cheap and abundant. The Tennessee Valley Authority is the largest electrical power producer in the country, and Tennessee's location makes it accessible to three-fourths of the United States population in a day's drive. Japanese companies have invested in local contractors and labourers for the construction of their plants, providing excellent jobs with many fringe benefits to Tennesseans. A Japanese company is often the largest private taxpayer in their surrounding Tennessee area, and they have boosted America's global economic status. However, these two cultures have aided one another outside of business. Tennesseans have given the Japanese Western music (There is one song that is known by every band in Tokyo, a song that makes every Southerner feel at home, the "Tennessee Waltz"—made popular there in the early 1950's.), Southern food delicacies, and clothing styles. Most notably, we have also introduced to them western hobbies and athletics, such as bowling, baseball, basketball, and golf. This introduction to American sporting events has given them a sense of our ideas of athletic competition and most importantly, individual creativity. Japan has shown us a superior educational system that promotes a strong curriculum and a well-structured school system. This influence is apparent, as Gov. Ned McWherter and Tennessee's state government and local school boards are presently striving towards drastic reforms in our educational system. They have also exposed us to their food and hobbies, and have shown us their loyalties to their jobs and their spirit of team effort.

So as the names Tennessee and Japan grow even more synonymous with the words quality, progress, and integrity, we feel certain that the ninety-five Japanese companies presently in Tennessee will continue to grow in size and number. We know that this relationship will foster the Volunteers into a new era, an era of "the land of the rising economy." And as we futher influence each other in the ideals and traditions that made our nations strong and developed them into world powers, may we continue to grow in this great task, not as a single unit, but as two, each preserving its individual heritages, while striving towards a common goal.

FOURTH PLACE—TENNESSEE-JAPAN: WORKING TOGETHER TOWARD A NEW CENTURY

(By Lane Mullins, 11th grade, Lebanon High School, Lebanon, TN)

Tennessee has opened its doors and its heart to a people whose love of simplicity and beauty truly make Tennessee a home away from home. Tennessee and Japan have formed a lasting friendship. Once enemies, we now share new ideas and technologies for the benefit of us all. What was once thought to be cultural differences have, in many cases, turned out to be similarities. Through mutual respect and understanding, the Tennessee-Japan alliance can boldly face the challenges of the twenty-first century.

Why do the Japanese like to operate in Tennessee? Tennessee has many features that are appealing to a Japanese manufacturer. First, it is centrally located—a day's drive in all directions encompasses three-fourths of the U.S. population. We have a largely non-union oriented labor supply with little government regulation. Tennessee and Japan have a similar climate, also. We are on the same latitude and have similar land features. We have space for building manufacturing facilities—a resource which has been exhauted on the crowded Japanese islands. Tennessee has low taxes, and shipping costs are greatly reduced. Tennessee also produces natural resources needed by the Japanese companies.

But the benefits are mutual. The Japanese companies create new jobs and more money in the economy. Each new Japanese plant creates the need for support businesses which in turn create more jobs. The payroll from Japanese companies is worth $500 million a year. If the local economy is strong, we will buy more goods, build more houses, and spend more on leisure activities. This increases sales for American companies in Tennessee as well.

The Japanese and American cultures appear so different that it was thought the people could not function in a working relationship. The Japanese are meticulous in their decisions and their lives. A new plan is scrutinized and redone until all the bugs are worked out. Only then is it put into action. The process is time-consuming, but leaves nothing to chance. Americans are less formal in both actions and appearance. They often speak first and think later. The success of Japanese manufacturing has forced American workers to regain our lost pride in workmanship and commitment to quality. Still, Japanese and American workers have successfully blended their talents into extremely successful joint ventures.

A Japanese employee is hired for life. A company expects to build a worker before it builds a product. A Japanese person works hard in high school in order to get into a good company. It is a great shame to be fired or quit your place of work. All company employees are considered equal. The men wear the same type suit and have the same benefits. The American system is a "climb-the-ladder" system to get to the top. Very often it is the labor side versus the management side. New emphasis by American companies on employee involvement, "quality circles," and the team concept are a direct result of Japanese influence.

In 1975 only one Japanese firm was established in Tennessee. A major breakthrough came in 1978 when Toshiba came to Lebanon. Bob Traeger was hired by Toshiba to create a television factory in America. He found 107 acres in Lebanon's Industrial Park for $374,000. He knew he had found the place. Toshiba is now an important part of Lebanon.

The largest investment in Tennessee by a Japanese company is the Nissan plant in Smyrna, which began in 1980 with an investment of $500 million. The Nissan plant spurred the opening of many smaller companies to supply their operation, both Japanese and American. Today almost 100 Japanese companies are scattered throughout the state.

The Japan Center of Tennessee, located on the campus of Middle Tennessee State University in Murfreesboro, is helping to inform Tennessee citizens about the culture and society of contemporary Japan. It also helps the Japanese to make the transition into Tennessee life. They offer programs and workshops to assist us in learning about Japanese culture and business practices. The Center is funded by the State of Tennessee and by Japanese and American companies.

It looks as if Japan is here to stay as long as Tennessee deals a dose of southern hospitality and the right atmosphere in which to work. The differences in our cultures are not that significant. We have come to learn that we all like southern music and fish, be it sushi or fried catfish. Tennessee and Japan are working together to make the future brighter for the world of tomorrow.

THE DISASTER IN BANGLADESH

Mr. KENNEDY. Mr. President, once again, a powerful natural disaster has devastated Bangladesh and brought new tragedy to the long-suffering Bangladeshi people. And once again, the lives of countless thousands of destitute men, women, and children are dependent upon the generosity and concern of the international community.

At least 125,000 Bangladeshis lost their lives in the latest monsoon cyclone and the final death toll may rise to 200,000. Most of those drowned were children. Nearly 3 million people have been left homeless by this catastrophe and the lives of over 10 million others have been affected. Economic and property damage exceeds $1.25 billion.

I am deeply concerned over this tragic loss of life in a country that has already borne far more than its share of natural and man-made disasters. In 1971, I visited Bangladesh, then—and still—one of the poorest countries in the world, shortly before its recognition by the United States as an independent nation. Since that time, Bangladesh has suffered almost annually from catastrophic droughts, floods, and cyclones, in addition to the multitude of problems wrought by poverty.

This disaster may be the worst yet. Thousands of acres of farmland have been devastated and much of the country's rice crop has been lost. There is little safe drinking water in places affected by the disaster and poor sanitation in these areas has raised serious concerns about an outbreak of cholera.

Humanitarian groups and international agencies have rushed food and medical aid to Bangladesh, but relief operations have been hampered by a shortage of helicopters and speed boats to reach remote areas. Relief operations have also been undermined by bad weather—a tornado and heavy thunderstorms have deluged large areas of the country.

By the end of this week, the United States will have contributed over $7 million in aid and medical supplies to Bangladesh. Yet initial estimates of the total assistance needed for emergency aid and to rebuild damaged infrastructure range from $500 million to over $1 billion—posing a major challenge for U.S. leadership of this international humanitarian issue.

It is my profound hope that the United States will accept this challenge and agree to provide a much more generous share of humanitarian and reconstruction assistance to Bangladesh as the people of this poor but proud country seek once again to rebuild their lives.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business has closed.

CONSUMER PROTECTION AGAINST PRICE-FIXING ACT

The PRESIDING OFFICER. Under the previous order, the time between 1:15 p.m. and 3 p.m, and between 4:30 p.m. and 6 p.m. shall be equally divided and controlled by the Senator from Ohio [Mr. METZENBAUM] and the Senator from South Carolina [Mr. THURMOND].

The clerk will report the pending bill.

The legislative clerk read as follows:

A bill (S. 429) to amend the Sherman Act regarding retail competition.

The Senate resumed consideration of the bill.

Pending:

Brown amendment No. 90, in the nature of a substitute.

The PRESIDING OFFICER. Who seeks time?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, am I correct we are on the bill at the moment?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. Mr. President, I rise to urge my colleagues to invoke cloture so that we can vote on the Consumer Protection Against Price Fixing Act of 1991. This is a critical vote for the American consumer. It is a vote to stop price fixing, and it is a vote for the free market and free enterprise.

Our President spoke just the other day at the University of Michigan to the commencement class and talked about free enterprise. There is no bill that this Congress will consider that is more in the concept and scheme of free enterprise than is this piece of legislation.

How can anyone argue that an individual, a merchant, who wants to sell his or her product at a lower price, should be prohibited from doing so, should be precluded from doing so, should have jeopardized his or her right to continue selling that product by having the manufacturer withdraw the product from the particular merchant?

This is not a Democratic or a Republican issue. Eleven Republicans voted to invoke cloture yesterday so that we might consider this vital legislation. It is not a conservative measure; it is not a liberal measure. Nor is it a conservative versus a liberal issue.

Many Members from both sides of the aisle who are hardly liberal, and some who are hardly conservative, support this legislation. This legislation has broad-based support.

S. 429, the Consumer Protection Against Price Fixing bill, has undergone many changes over the last three Congresses to try to accommodate legitimate business concerns. I told Senator BROWN I would accept an amendment in the nature of a substitute which he offered. This amendment addresses every single concern raised by those who oppose this bill. But addressing their substantive concerns does not seem to matter. Those who oppose consumers on this issue want this bill dead.

I say to my colleagues on the floor of the Senate, how can you be opposed to the right of the housewife or the head of the house who wants to go to the store, trying to eke out a living, trying to have enough money available to keep the family and home together, going into the store and buying something at a discount? What would cause you to come out here and oppose that?

You can use all the gobbledygook you want about the legal systems in connection with this bill, but when push comes to shove, and when you look at the bottom line, we are talking about the right of the American consumer to buy a product at a discount. Make all the legalistic arguments you want. Quote all the authorities you want. Give us all the legal mumbo jumbo you want. Pontificate as to the question of whether there might be some lawsuits. There can only be a lawsuit if a retailer complains about the fact that one of his competitors or her competitors is selling at less than the price set by the manufacturer.

Under this bill, the manufacturer has the right to set the price. As long as there is no intervention by a competing retailer, there is no problem. Even with the bill, the manufacturer has the right to set the price. The manufacturer has the right to set which area of territorial restraint to give exclusives in certain areas. Nothing would stop that. Nothing would change that.

But the fact is that some manufacturers want this bill dead at any cost. We looked at the Brown amendment. It was not everything that I thought it ought to be. It does not move in the direction of making this law tougher. As a matter of fact, the Brown amendment actually makes it more complicated to maintain a cause of action if there is a violation. But we accepted it, indicated our willingness to accept it, because we thought it was a reasonable approach to the problem.

But in spite of that, we will hear arguments here today against the Brown amendment. We will hear arguments against the basic bill. My colleagues, I just say that is outrageous.

Let me quote from the Philadelphia Inquirer editorial, "Retail Class Wars; Is K mart a Victim of Discrimination?" This is the editorial:

> Price-fixing hurts consumers and corrupts the free-enterprise system. But there's growing pressure on discount stores to raise prices on items ranging from furniture to clothes to computers. Manufacturers apply this pressure to please tonier stores that have higher markups.
>
> If this sounds illegal, well, it used to be. But in 1988 the Supreme Court diluted the law's protection for consumers and discounters. Under the new legal standard, it's not clear-cut price-fixing to cut off a discounter unless the manufacturer has dictated a specific, higher price for its product. Of course, that left suppliers with a host of phrases, gestures and expressions for telling stores that their prices are too low.
>
> Fortunately for consumers, a slew of organizations are pushing legislation that would restore the stronger standard against price-fixing. This coalition includes the National Association of Attorneys General, the Consumers Union and the American Association of Retired Persons. Still this strong backing didn't keep the anti-price fixing bill from dying in Senate last year.
>
> Many of the bill's opponents say that manufacturers need to be able to set minimum retail prices so that the stores can afford to provide good service. they say that otherwise, the customer will learn all about personal computers, say, at a specialty store, then buy the item at K mart. But as Business Week put it in endorsing this bill, anyone who believes that higher prices mean better service hasn't been shopping lately." The less-flippant rejoinder is that even under this bill, suppliers could insist that retail stores meet standards for service and support.
>
> Despite high-toned arguments from pricey stores and manufacturers, the fundamental problem is that some businesses don't really like competition. They seem aghast that many Americans shop at outlets where products sit in cardboard cartons and shoppers listen to the P.A. system for the latest special. But such choices should be decided by the free market, not by federal tolerance of price-fixing.

The Philadelphia Inquirer is not the only newspaper or magazine that editorialized on this subject, including Business Week, as I just mentioned. The Journal of Commerce of Friday, April 12, 1991, indicated its support for this legislation. The Boston Globe, in an editorial entitled "Curbing Price Fixers," editorialized in support of this legislation. The Patriot News of Harrisburg, PA, had an editorial, "Keep the Marketplace Free." The Arizona Daily Star had an editorial on March 13, "The Price is Right Bill Would Give Consumers Break on Cost and Choice."

Mr. President, this is one of the few times we can do something for the American consumer that will not cost the Government a penny. A vote for this cloture motion is a vote to stop price fixing. Price fixing raises prices for clothes, toys, TV's, luggage, stereos, perfume, skis, furniture, tennis rackets, cameras, shoes, and a host of other items that people buy every day. This is not about the fanciest stores in the world. They do not have plush carpets and fawning service. You will not see Zsa Zsa Gabor in these stores. Most of them just provide the consumers with the bare essentials: a solid product at a fair price. That means an awful lot to millions of Americans who are struggling to get by on weekly paychecks. Especially at a time when the economy is so weak, we must do something to help the average American.

When it comes to helping out these people, when it comes to trying to allow free and open competition, to lower prices for everyday goods, when it comes to the little guy, we are being asked by opponents to kill a bill dead, no matter how it reads, "do not let it come to a vote." There is no question that a majority of the Members of the U.S. Senate are for this legislation. The question is, can we cut off debate so we can get to a vote on the issue? There is not a doubt at all, and everyone concedes—the opponents as well as the proponents—that there are 51 Members of this Senate prepared to vote for this piece of legislation. Our only problem at the moment is that under the rules of the Senate, which I do not find fault with proponents using, we are engaged in a filibuster, and the only way you can cut off a filibuster is with cloture. So we need 60 votes, three-fifths of the U.S. Senate voting for it. I am frank to say to you that it does make our job more difficult that two of our Members are not able to be with us at this moment. We still need 60 votes; so that means they need 39 votes to defeat us with respect to this bill. That, I believe, they will not get. But I am not certain.

It is a tough thing that the U.S. Senate is being asked to do today. This body is about compromise, not killing bills no matter what they say. When the distinguished Senator from Colorado, a rather new Member of this body, came forth and said, "I am having difficulties with this bill in the committee," we said, "We will be happy to sit down and work with you." The distinguished Senator from Pennsylvania also gave the same indication. Both of them voted against the bill when it was originally proposed to the Judiciary Committee. We said, "we will work with you." When the bill came out to the floor on a 10 to 4 vote with our recommendation, and we have worked with the Senator from Colorado, and the Senator from Pennsylvania came in later and indicated that he had an interest in the amendment offered by the Senator from Colorado, and I am pleased both of them saw fit to vote for cloture yesterday. I make no bones about it that we are prepared to accept the proposal of the Senator from Colorado [Mr. BROWN] when and if we get to a vote on that subject.

If we invoke cloture on the Consumer Protection Against Price Fixing Act, we cannot only consider the Brown amendment, but we can consider all other legitimate amendments. I am and have been open to all and any legitimate changes necessary to make this bill work.

Mr. President, I believe that this is the most important piece of consumer legislation that will come before this body in this entire session. It is not fair to kill this bill by a filibuster. It is not right. I urge my colleagues to vote to break the filibuster.

I yield the floor and reserve the remainder of my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself about 3 or 4 minutes, and then I wish to yield to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in opposition to S. 429, the Consumer Protection Against Price Fixing Act of 1991, and to the substitute amendment which was offered last night by Senator BROWN. In the 100 years since the Sherman Act has been in existence, no legislation has posed as great a threat to well established antitrust principles and to American business, as these proposals.

Although Senator BROWN has offered his amendment as a compromise proposal, in fact, it is no compromise and it does nothing to solve the problems of the underlying legislation. If anything, it makes the original proposal worse.

At the outset, let me make clear to my distinguished colleagues that the administration and the Department of Justice are as adamantly opposed to the Brown amendment as they are to the Metzenbaum bill. The Assistant Attorney General for the Antitrust Division, James Rill, has written a letter setting forth their opposition, and has stated that the President's senior advisers would recommend a veto of S. 429, even if amended as proposed, if it reached the President's desk. I would like to read that letter because I believe it would be helpful to my distinguished colleagues in understanding the two proposals.

This letter is from Mr. James F. Rill, Assistant Attorney General for Antitrust:

DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Washington, DC, May 8, 1991.

Hon. STROM THURMOND,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate.

DEAR SENATOR THURMOND: This letter is in response to your request for the views of the Department of Justice on the amendment to S. 429 offered yesterday by Senator Hank Brown. This amendment, while making cosmetic changes, would still permit findings of conspiracy and price fixing where no one has conspired and prices have not been fixed. It thus does not resolve the Administration's serious concerns with this legislation. Therefore, as indicated in the Attorney General's letter to you of April 30, 1991, and in the Statement of Administration Policy on S. 429, the President's senior advisors would recommend a veto of S. 429, even if amended as proposed, if it reached the President's desk.

Our serious concerns with the bill, even if amended as proposed, remain as follows:

Notwithstanding the proposed amendment, S. 429 would allow an inference of an illegal conspiracy where a manufacturer has done no more than decide unilaterally how to distribute its products, subjecting the manufacturer to potential treble damages.

Manufacturers rely on feedback from their distributors to supply the goods and services that consumers desire. Notwithstanding the proposed amendment, S. 429 would hinder this important exchange of information.

Product expertise and product service directly benefit consumers. Manufacturers should be able to terminate distributors who do not provide such benefits, and to establish procompetitive exclusive distributorships or other arrangements to guarantee them. Notwithstanding the proposed amendment, S. 429 could make this illegal.

The Office of Management and Budget has advised us that there is no objection to the submission of this report and that enactment of S. 429, even if amended as proposed, would not be in accord with the program of the President.

Sincerely,

JAMES F. RILL,
Assistant Attorney General.

I just want to say the President is against this bill, the Attorney General is against this bill, the antitrust department is against this bill, the Federal Trade Commission is against this bill, the American Bar Association is against this bill and various experts on antitrust questions are against this bill. They say it will cost the consumers more if you pass this bill.

Mr. President, I now yield to the able Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah. How much time does the Senator from South Carolina yield?

Mr. THURMOND. Mr. President, I yield him 40 minutes, if he needs that long.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my good colleague from South Carolina.

Mr. President, I enjoyed listening to the distinguished Senator from Ohio. If there is anything manufacturers are worried about, it is going out of business; it is being sued interminably with the procedural rules stacked against them in the courts of law, that is precisely what this particular bill will do.

If they are afraid of anything, it is of any bill that is a litigation bonanza for lawyers. We have done that with regard to products liability and now many, many manfacturers have taken their products offshore and their manufacturing facilities, offshore because they cannot do it in the United States of America anymore.

I am not saying the products liability suits are not good; it is just that we made them too easy and consequently manufacturers all over this country are going through unjustified, frivolous products liability suits that they have to settle in order just to save some money, because of defense costs alone.

This bill goes even further. It goes even more into a litigation bonanza for attorneys than products liability, and it is packaged neatly under the idea that we are trying to help consumers. The New York Times thought that.

They thought this bill was good when they first reviewed it. They wrote editorials for it. I have to say the New York Times editorial writers, although I do not always agree with them, are very, very thorough in their approach toward some of these issues. I cite in particular an article and ask unanimous consent that a New York Times editorial, "Price Fixing Isn't Always Gouging," be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 1, 1991]

PRICE FIXING ISN'T ALWAYS GOUGING

Should a manufacturer ever be allowed to stop a retailer from cutting prices? No, said the Supreme Court in 1911, declaring any such attempts automatically illegal. No, say many consumers, fearing the demise of their favorite discounter.

But over the past decade many economists, and lately the Supreme Court, have come to a different conclusion: Minimum prices imposed by manufacturers—known as vertical price restraints—can sometimes help consumers by encouraging dealers to provide valuable information and services.

In two decisions during the 1980's, the Supreme Court ruled that efforts by manufacturers to prevent price cuts by dealers were not always illegal; in some circumstances, the question of whether the practice discriminated against the consumer was to be answered on a case-by-case basis.

Senator Howard Metzenbaum, the Ohio Democrat, is pushing a bill that would again make vertical price restraints illegal in virtually every case. At one time this page favored Mr. Metzenbaum's bill. But recent studies suggest that a blanket prohibition could be legislative overkill.

Vertical price restraints can be anti-consumer when rival dealers conspire to fix prices and use manufacturer-imposed price restraints to enforce the deal. Price restraints can also be used by rival manufacturers jointly to keep prices high. But these practices aren't common and would violate the antitrust laws with or without the Metzenbaum bill.

If manufacturers were trying to jack up prices, they wouldn't ordinarily use vertical price restraints. All they would need to do is charge all their dealers more. The purpose of vertical price restraints is to encourage better service to customers.

Buyers of products like computers and cameras need advice and information before making the purchase. Dealers who provide that service do so at considerable expense and risk. Consumers, educated for free, are then tempted to make the actual purchase, for a bare-bones price, from discounters who provide no such information. That can drive full-service dealers out of the market.

Manufacturers can help full-service dealers—to the extent the law allows—by prohibiting price cutting. That leaves dealers no other option than to compete for customers with better service. Yet not many manufacturers sell products that require extensive pre-sale services; most will continue to profit from sales to discount stores.

Mr. Metzenbaum argues for a blanket prohibition because a case-by-case review of vertical price restraints would be too impractical. Customers would not suffer, he claims, because the bill would not forbid manufacturers from requiring all dealers to provide information and marketing services. But case-by-case review of such non-price restraints would be every bit as difficult, probably harder.

Discounters have thrived despite the Supreme Court rulings. The system isn't broke; consumers aren't threatened. There are, however, circumstances when manufacturers have legitimate grounds for protecting full-service dealers. They should have the right.

Mr. HATCH. I would suggest that if the Philadelphia Inquirer and the other editorial writers that the distinguished Senator from Ohio has cited here would look at this matter as deeply as the New York Times has looked at it, they would conclude as the New York Times did. They said this: I will only read part of it:

> Senator Howard Metzenbaum, the Ohio Democrat, is pushing a bill that would again make vertical price restraints illegal in virtually every case. At one time this page favored Mr. Metzenbaum's bill. But recent studies suggest that a blanket prohibition could be legislative overkill.
>
> Vertical price restraints can be anti-consumer when rival dealers conspire to fix prices and use manufacturer-imposed price restraints to enforce the deal. Price restraints can also be used by rival manufacturers jointly to keep prices high. But these practices aren't common and would violate the antitrust laws with or without the Metzenbaum bill.

So what the distinguished Senator from Ohio is saying is that, my goodness we have to have this bill so we can do something we can already do under the law.

The only difference is that he stacks the case and stacks it against manufacturers, even with the Brown amendment, to the point manufacturers are going to be sued until they do not manufacture in this country anymore. Then where are the consumers going to be?

The New York Times continues:

> If manufacturers were trying to jack up prices, they wouldn't ordinarily use vertical price restraints. All they would need to do is charge all their dealers more. The purpose of vertical price restraints is to encourage better service to consumers.

That is a legitimate purpose.

Then they go on to say:

> Buyers of products like computers and cameras need advice and information before making the purchase. Dealers who provide that service do so at considerable expense and risk. Consumers, educated for free, are then tempted to make the actual purchase, for a bare-bones price, from discounters who provide no such information. That can drive full-service dealers out of the market.

It goes on to tell how manufacturers help their full-service dealers and how legitimate it is and how consumer oriented it is, how proconsumer it is.

Finally they wind up with this last paragraph:

> Discounters have thrived despite the Supreme Court rulings. The system isn't broke; consumers aren't threatened. There are, however, circumstances when manufacturers have legitimate grounds for protecting full-service dealers. They should have the right.

Mr. President, it is nice to come on this floor and say it is outrageous for people to be pointing these things out, but he is saying the New York Times is outrageous. I am submitting that if the Philadelphia Inquirer really looked at this carefully, they would realize that the New York Times was right.

Mr. President, I strongly favor vigorous retail price competition in the marketplace and low prices for the American consumer. I think every Senator favors that. For those reasons though, I have to express strong opposition to this legislation. I ask our colleagues to vote against cloture which is the way to defeat this legislation and save the American public time and money.

Simply stated, despite all of the concerns that are continually expressed before the Judiciary Committee and the Senate as a whole about the burdens being placed on our court systems, and the concerns that are being expressed about "lawyer relief" bills, this legislation has been written so as to ensure an increase in litigation. This bill imposes these burdens on American businesses at a time when these businesses find themselves in hot competition with foreign companies.

Even if the Senate adopted the pending Brown amendment, S. 429 is unnecessary and counterproductive. The Brown amendment solves none of the problems of S. 429, as introduced, and creates additional problems. I appreciate the hard work of my friend, the Senator from Colorado, but, in my view, the Brown amendment is no reason to vote for cloture.

The Brown amendment allows a case of an alleged agreement to fix resale prices to go to the jury under the per se rule based on wholly inadequate evidence that any agreement between a manufacturer and one or more of its dealers ever actually occurred. In doing so, it overturns an 8 to 0 Supreme Court decision on Monsanto.

Further, where an agreement between a manufacturer and a dealer to terminate a second, free-riding dealer can be shown, the Brown amendment virtually dictates a finding of a per se price violation of the antitrust laws without any need whatsoever to show that the manufacturer and the first dealer actually agreed on a price or to set prices at some level. This overturns a 6 to 2 decision of the Supreme Court, which spanned the Court's ideological spectrum from Scalia and Rehnquist to Marshall and Brennan—the Sharp decision.

As a consequence of the Brown amendment, a manufacturer's ability to undertake, and enforce, many proconsumer, procompetitive agreements with dealers is severely threatened, if not, as a practical matter, virtually eliminated. These include manufacturer requirements that dealers maintain a trained sales force, provide repair and warranty services, undertake advertising and promotion, and similar agreements that are currently governed under a rule of reason analysis. Under the pending amendment, in stark contrast, suppose a dealer complains to a manufacturer that another dealer is free-riding by not providing these types of services. Suppose the free-riding dealer refuses the manufacturer's request to provide the services. If the manufacturer then terminates the free-riding dealer, the manufacturer is very likely to lose a treble damage case to the terminated dealer, the free rider. This is so because once another dealer other than the free-rider dealer complains about the free-rider dealer's failure to provide these services, these complaints will readily be regarded as resulting in an agreement to terminate because of the cheaper dealer's discount pricing.

As the Supreme Court has made clear, any dealer's complaint about a cheaper dealer's failure to provide repair and warranty services, a trained sales force and the like, can be characterized as being a complaint about the cheaper dealer's price policies.

Litigation costs will go up under the proposed amendment, as defendants find it virtually impossible to obtain summary judgment in their favor. These costs will be passed onto hapless consumers, and America's ability to compete against foreign competition will naturally be eroded.

And I have to ask myself "why?" The Supreme Court was unanimous, 8 to 0, in the Monsanto case. It reached its decision in the Sharp case by a strong 6 to 2 majority. The bases for its decisions in these cases are well-founded and well-reasoned. Yet, these are the sound decisions that this legislation, even as amended by the Brown amendment, would overturn.

OVERTURNING MONSANTO

Some background is useful in considering the Supreme Court's Monsanto decision [*Monsanto* v. *Spray-Rite Service Corp.*, 465 U.S. 752 (1984)].

Our antitrust laws recognize the right of a manufacturer unilaterally to decide under what terms it will allow another business to sell its products. That is the way it is. I cite with particularity the U.S. versus Colgate case which was the landmark 1919 case that has been followed right up to today. Of course, it is only fair for a manufacturer to have the ability to set the terms as to how its products reach consumers, especially since the manufacturer's survival depends on garnering market share against domestic and foreign competitors.

Under the Sherman Antitrust Act, whether particular concerted action allegedly in restraint of trade violates the act is usually determined through case-by-case application of what we call the rule of reason. Under the rule of reason, a court analyzes whether an agreement, on balance, is more anticompetitive than procompetitive, that is, whether it is an unreasonable restraint on trade. This is because some concerted activity, like agreements whereby a manufacturer requires dealers to have a trained sales force, provide repair and warranty services, and advertising and promotions, serve legitimate, competitive purposes. Per se rules are appropriate only for conduct that is manifestly anticompetitive. Since 1911, the Supreme Court has held that manufacturers cannot conspire with their dealers to fix the price of their goods sold to the public. And that is the law and that ought to be the law. A manufacturer's termination of one of its dealers as part of a conspiracy to fix prices has been, and continues to be, a per se violation of Federal antitrust laws. Thus, proof of the existence of the agreement is all that is needed to establish an antitrust violation under the per se rule.

The carefully balanced Monsanto decision, an 8-to-0 Supreme Court holding, specifically reaffirmed the rule against price fixing. It also settled technical questions about what amount of evidence is necessary in order for a plaintiff to get to a jury to prove collusion in vertical pricing arrangements. Resale price cases usually arise when a manufacturer eliminates the supply of products to one retailer. The affected retailer inevitably asserts that the supplier's action was caused by a collusive agreement between the supplier and one or more other retailers.

In Monsanto, the Court of Appeals for the Seventh Circuit held that the termination of a price-cutting distributor in response to or following competitor complaints is sufficient to establish a conspiracy to fix prices. In its review, the Supreme Court pointed out that such evidence was "highly ambiguous" since it was equally consistent with independent action taken by the manufacturer. The Supreme Court held that the mere existence of price complaints from other retailers is not sufficient to create the inference of a price-fixing agreement. Thus, such a case should not go to the trier of fact and may be decided summarily in favor of the manufacturers or whoever the defendants may be. The Court said, "There must be evidence that tends to exclude the possibility that the manufacturer and nonterminated distributors were acting independently" [465 U.S. at 764], in order for the case to go to the jury.

The danger, the Court added, of permitting a jury to find a conspiracy based solely on action taken by a manufacturer in response to a competitor's pricing complaint, is that such a rule would seriously erode the manufacturer's right to take unilateral action, which has been unquestioned ever since the Supreme Court's decision in the Colgate case in 1919. It would also seriously erode a manufacturer's right to enforce legitimate nonprice restraints, which were held to be judged under the rule of reason in the Sylvania case in 1977. As the unanimous Monsanto Court said, in a well-reasoned opinion by Justice Powell:

> [T]he fact that a manufacturer and its distributors are in constant communication about prices and marketing strategy does not alone show that the distributors are not making independent pricing decisions. A manufacturer and its distributors have legitimate reasons to exchange information about the prices and the reception of their products in the market. Moreover, it is precisely in cases in which the manufacturer attempts to further a particular marketing strategy by means of agreements on often costly nonprice restrictions that it will have the most interest in the distributors' resale prices. The manufacturer often will want to ensure that its distributors earn sufficient profit to pay for programs such as hiring and training additional salesmen or demonstrating the technical features of the product, and will want to see that "free-riders" do not interfere. . . . Thus, the manufacturer's strongly felt concern about resale prices does not necessarily mean that it has done more than the Colgate doctrine allows.
>
> Nevertheless, it is of considerable importance that independent action by the manufacturer and concerted action on nonprice restrictions be distinguished from price-fixing agreements, since under present law the latter are subject to per se treatment and treble damages. On a claim of concerted price fixing, the antitrust plaintiff must present evidence sufficient to carry its burden of proving that there was such an agreement. If an inference of such an agreement may be drawn from highly ambiguous evidence, there is a considerable danger that the doctrines enunciated in Sylvania and Colgate will be seriously eroded.

In other words, the Court is saying, juries could find against defendants engaging in truly independent action or who have nonprice agreements that are also perfectly lawful.

That is what this bill will lead to even with the Brown language on it.

Justice Powell continued:

> The flaw in the evidentiary standard adopted by the Court of Appeals in this case is that it disregards this danger.
>
> Permitting an agreement to be inferred merely from the existence of complaints, or even from the fact that termination came about "in response to" complaints, could deter or penalize perfectly legitimate conduct. As Monsanto points out, complaints about price cutters "are natural—and from the manufacturer's perspective, unavoidable—reactions by distributors to the activities of their rivals." Such complaints, particularly where the manufacturer has imposed a costly set of nonprice restrictions, "arise in the normal course of business and do not indicate illegal concerted action." * * * Moreover, distributors are an important source of information for manufacturers. In order to assure an efficient distribution system, manufacturers and distributors constantly must coordinate their activities to assure that their product will reach the consumer persuasively and efficiently. To bar a manufacturer from acting solely because the information upon which it acts originated as a price complaint would create an irrational dislocation in the market. * * * In sum, "[t]o permit the inference

of concerted action on the basis of complaints alone and thus to expose the defendant to treble damage liability would both inhibit management's exercise of business judgment and emasculate the terms of the statute."

It should be noted, however, Mr. President, that while the court in Monsanto held that a termination in response to price complaints did not in itself a triable conspiracy make, it also held that if there is additional circumstantial evidence of conspiracy, the matter can go to the jury and the jury can indeed find that the defendant's conduct was per se unlawful.

That is exactly what happened in the Monsanto case, which the distinguished Senator from Ohio was trying to overturn. It was a just case where they found price fixing, but they found it on adequate evidence, more than some other retailer filing a mere complaint.

I have to say the Court found in the Monsanto case that there was sufficient evidence to sustain the jury's $3.5 million damage award, trebled to $10.5 million. So, the very case the Senator from Ohio and his supporters claim is a principal impetus to S. 429 and the pending amendment, the very case that is supposed to make it virtually impossible for terminated dealers or distributors to win resale price-fixing cases, resulted in a victory for plaintiff.

There is no justification for what they are trying to do here today. All it means is more expenses for consumers in the end and larger bank accounts for lawyers.

Monsanto is a sound decision. Plaintiff must prove, by direct or circumstantial evidence, the existence of a conspiracy to fix prices. The Brown amendment completely upsets this sound rule. It allows the case to go to the jury without sufficient evidence that an agreement was ever undertaken by the manufacturer and another dealer to set prices or to fix prices.

Let us take a look at the Brown amendment step by step.

It allows an alleged case conspiracy to fix prices to go to the jury if a manufacturer received from one dealer "an express or reasonably implied request or demand that the manufacturer take steps to curtail or eliminate price competition," by another dealer; the manufacturer terminated the other dealer; "and the first dealer's request or demand was the major cause of such demand or termination. * * *"

Mr. President, almost anything a dealer says about another cheaper dealer can be construed as an implied request or demand to take steps to curtail or eliminate price competition. A complaint that the cheaper dealer is free riding on services provided by the complaining dealer can be so construed. Saying that the implication of a request or demand is to curtail price competition must be reasonable solves nothing. Unreasonable implications would be impermissible even absent this amendment. Further, regardless of how a complaining dealer phrases its complaint, the issue is whether the manufacturer's decision to terminate another dealer is unilateral or part of an agreement. That is the continuing flaw in all of the attempted fixes in the Brown amendment. They simply do not require a plaintiff to present sufficient evidence of an actual agreement, the precondition of a price-fixing case before the case goes to the jury. It just sends the case to the jury on inadequate evidence, much to the detriment of the defendant manufacturer.

Next, the requirement that the complaint be the "major cause of the termination," has two serious flaws. First, if a complaint by one dealer about another dealer has been made and action is taken by the manufacturer consistent with that complaint, this is certainly some evidence that the complaint was the cause of the termination. How important a cause it is will be an issue of fact which will almost certainly have to be determined by a jury, thus, precluding summary judgment for the defendant. And whether the complaint was "major" or not, there may have been many other causes which justified the termination. But there is a much more fundamental flaw in this "major cause" language.

Let us assume, Mr. President, that the complaint was the major cause of a termination. It by no means follows that an agreement or understanding of any kind between the complaining dealer and the manufacturer, much less an agreement to fix prices, was entered into. A full service dealer may file a legitimate complaint that he cannot continue to afford to handle the products or provide services for a manufacturer who is also supplying the products to a free-riding discounter. This complaint may cause the manufacturer unilaterally to decide to terminate the discounter, which is permissible in the law. This is not evidence of a conspiracy, let alone a conspiracy to fix prices.

A manufacturer has the right under the Colgate decision since 1919 to consider the effect of one dealer's pricing or other practices on its overall retail network and make its own decisions about who to deal with. That a complaining dealer led a manufacturer to decide on its own to terminate a free-rider should not lead to treble damages, should not lead to an antitrust conspiracy case going to the jury as is the practical result of this pending amendment.

Next, the pending amendment says that in order for a complaint to be regarded as the major cause of the termination, there must be evidence that the manufacturer did one of two things. The evidence must show the purchaser "expressly or impliedly acquiesced to the request or demand." But the antitrust laws themselves require an agreement, a conspiracy, not acquiescence. Acquiescence could suggest an agreement to do what otherwise might not be done. But it could also mean the manufacturer took an action it otherwise was going to take on its own.

As for the term "impliedly acquiesced," in general, I am confident that while honest business people scratch their heads trying to figure out what that means in order to avoid treble damage awards, antitrust lawyers will be laughing all the way to the bank.

The alternative that must be met in order for a complaint to be deemed a major cause of the termination is evidence that the manufacturer "expressly or impliedly threatened or took actions in addition to the termination to curtail or eliminate price competition by the terminated dealer or others engaged in the resale of goods or services."

Thus, assume a manufacturer writes a letter to discount dealer No. 1 telling him to adhere to the manufacturer's service requirements or the manufacturer will reconsider its arrangement with him. Further assume the letter is not even generated by a complaint. Under this agreement, that is all that is necessary, together with a complaint about discount dealer No. 2, followed by termination of this second dealer, for a treble damage case to get to the jury. That is all you need. Yet, the fact that the manufacturer sent a letter to dealer No. 1 adds no probative evidence to the allegation of conspiracy with respect to the terminated dealer.

This provision is illogical. It allows evidence of some action or threat to another dealer wholly unrelated to the termination of the dealer bringing the antitrust case, an action or threat not even initiated by a receipt of an outside complaint, to be the basis of a conspiracy with respect to the terminated dealer. Far from curing this bill's fundamental failure to require evidence of an actual conspiracy before a case can go to the jury, this amendment makes the problem even worse.

Next, the pending amendment says that in determining whether a conspiracy exists, "The court shall consider evidence in rebuttal supporting any actual, bona fide nonprice business justification for the termination [of a dealer]."

This sounds good, but it is not. It completely misses the point about the underlying flaw of this portion of the bill. The question is not why a manuufacturer might have terminated a dealer, but whether its decision to do so was unilateral or part of an agreement or conspiracy to set prices.

No inference of an agreement, one that can result in ruinous treble damages, should be allowed on the basis of highly equivocal evidence equally consistent with proper unilateral action.

The problem with all of these attempted fixes is they readily continue to permit inferences of conspiracy on inadequate evidence. As a practical matter, under the Brown amendment, a manufacturer would risk antitrust liability almost any time it stopped doing business with a retailer or otherwise changed its relationship with such retailer. Retailers complain about each other and their price policies all the time. Manufacturers cannot prevent such complaints and should not be blackmailed on the basis of these complaints.

Often, manufacturers must alter their distribution agreements in order to ensure that consumers get proper service or to ensure that products are adequately advertised or for many other valid and beneficial reasons. The Brown amendment would endanger all of these protections that are consumer-oriented protections.

Under its provisions, an allegation of collusion would be permitted to go before the trier of fact or the jury, in this case, if a terminated retailer merely shows the manufacturer received complaints about its pricing from other retailers and acted against the retailer on the basis of those complaints in terminating or otherwise changing the retailer's relationship with the manufacturer.

Never mind that these other retailers could also be complaining about nonprice matters as well and that a manufacturer's decision to terminate a retailer is more likely based on these nonprice factors.

Moreover, I want to reiterate that acting pursuant to a complaint on pricing is not the same as agreeing to fix prices. It is price fixing, however, that is illegal.

As a practical matter, this bill lets a mere complaint about pricing, followed by a termination, go to the jury, when it should be, in many instances, summarily dismissed.

Mr. President, under the pending amendment, amazingly, a complaining dealer does not even have to mention price in order for a plaintiff to get to the jury. The term "price" or "price fixing" does not even have to be mentioned and the case goes to a jury, even though there was none and even though the retailer acted in totally good faith. This amendment says a complaining dealer need only have made an expressed or reasonably implied request that the manufacturer "take steps to curtail or eliminate price competition."

This language easily encompasses, for example, complaints about a competitor's failure to live up to its agreement with the manufacturer to provide advertising and repair services with respect to the manufacturer's product. After all, as the Supreme Court has correctly noted and as I will discuss further with regard to the Sharp decision, all nonprice vertical restraints can affect price.

Complaints regarding another dealer's failure to adhere to service requirements can easily be characterized as really motivated by the desire to terminate a price cut.

Simply stated, this amendment will shift the burden of proof from the complaining retailer, the plaintiff who under the current law would normally have to present evidence of collusion in setting prices; it would shift the burden of proof to the manufacturer and other dealers who would have the burden of showing collusion did not take place.

That is the new form of liberal law: Shift the burden of proof from the person making the complaint to begin with to the defendant to have to prove his or her innocence. That is not American jurisprudence. It should not be American jurisprudence. In this case, it just means more litigation, more legal costs, and more ultimate costs to the consumers.

The terminated retailer would not be required to present any evidence of actual collusion on setting prices prior to going before the trier of fact. This is not sound antitrust or economic policy.

Mr. President, I now wish to turn to this bill's override of the Sharp decision. This issue assumes an agreement between a manufacturer and the dealer does exist, and the question is, what kind of agreement constitutes a price fixing agreement subject to the per se rule?

In the case of Business Electronics versus Sharp Electronics, the Supreme Court held 6 to 2 that a vertical restraint of trade is not illegal per se under the Sherman Act unless it includes some agreement on price or price levels. Ordinarily, as I mentioned earlier, whether particular concerted action violates the act is determined through a case-by-case application of the rule of reason.

Per se rules are appropriate only for conduct that is manifestly anticompetitive. That is not the case here. The Supreme Court has found some nonprice vertical restraints, such as exclusive territorial agreements, serve legitimate purposes such as stimulating interbrand competition.

The pending amendment would make an agreement between a manufacturer and a dealer to terminate another dealer because of its discount pricing per se violation of the Sherman Act, event though a specific price or price level is not established as part of the agreement. Thus, in cases such as Sharp, where one dealer complains about another dealer's pricing policies and the manufacturer does enter into an agreement to terminate the second dealer, the pending amendment would find a per se violation of the Sherman Act, and this would be the case even though the dealer, who had complained about the terminated dealer, neither expressly nor impliedly agreed to set its prices at some level.

Under these circumstances, under current law, a rule of reason analysis applies and, in an appropriate case, will yield a judgment for the plaintiff.

As Justice Scalia wrote in the Sharp case in an opinion spanning the ideological wings of the Court, joined by Chief Justice Rehnquist, Justice O'Connor, as well as Justices Brennan and Blackmun:

> There is a rule-of-reason standard; * * * departure from that standard must be justified by demonstrable economic effect, such as the facilitation of cartelizing, rather than formalistic distinctions; that interbrand competition is the primary concern of the antitrust laws; and that rules in this area should be formulated with a view towards protecting the doctrine of [the Court's earlier caselaw]. These premises lead us to conclude that the line drawn by the fifth circuit is the most appropriate one.

The fifth circuit had ruled that for a vertical agreement between a manufacturer and a dealer to terminate a second dealer to be per se illegal, the first dealer must expressly or impliedly agree to set its prices at some level, though not necessarily a specific one. Justice Scalia went on to say:

> There has been no showing here that an agreement between a manufacturer and a dealer to terminate a "price cutter," without further agreement on the price or price levels to be charged by the remaining dealer, almost always tends to restrict competition and reduce output . . . .
>
> [If an agreement to terminate a price-cutter is made to be per se illegal], any agreement between a manufacturer and a dealer to terminate another dealer who happens to have charged lower prices can be alleged to have been directed against the terminated dealer's "price cutting." In the vast majority of cases, it will be extremely difficult for the manufacturer to convince a jury that its motivation was to ensure adequate services, since price cutting and some measure of service cutting usually go hand in hand. Accordingly . . . even a manufacturer that agrees with one dealer to terminate another for failure to provide contractually obligated servies, exposes itself to the highly plausible claim that its real motivation was to terminate a price cutter. Moreover, even vertical restraints that do not result in dealer termination, such as the . . . requirement that certain services be provided, can be attacked as designed to allow existing dealers to charge higher prices. Manufacturers would be likely to forgo legitimate and competitively useful conduct rather than risk treble damages and perhaps criminal penalties.
>
> We cannot avoid this difficulty by invalidating as illegal per se only those agreements imposing vertical restraints that contain the word "price," or that affect the "prices" charged by dealers. Such formalism was explicitly rejected in GTE Sylvania. As the above discussion indicates, all vertical restraints, including the exclusive territory agreement held not to be per se illegal in GTE Sylvania, have the potential to allow dealers to increase "prices" and can be characterized as intended to achieve just that. In

fact, vertical nonprice restraints only accomplish the benefits identified in GTE Sylvania because they reduce intrabrand price competition to the point where the dealer's profit margin permits provision of the desired services. As we described it in Monsanto, "The manufacturer often will want to ensure that its distributors earn sufficient profit to pay for programs such as hiring and training additional salesmen or demonstrating the technical features of the product, and will want to see that "free-riders" do not interfere."

By overturning Sharp, this bill will open a Pandora's box of costly and counterproductive litigation. While the lawyers will benefit from the overrule of this case and the Monsanto case, the costs of litigation will be passed along to American consumers.

One more part of the pending amendment also needs to be briefly addressed. Section 5 says that this bill does not affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints, "or the existing state of law with respect to other types of non-price vertical restraints."

Now, Mr. President, I am not sure if any two Senators would agree on precisely what that state of the law is. The Sherman Antitrust Act is applied to diverse fact patterns. Indeed, reasonable judges could come out differently on some of these cases. Moreover, the law in this area is a continuously evolving one. That is one of its strengths. The lower courts, guided by the general language of the underlying statute and by controlling Supreme Court precedent, have been free to consider these fact patterns without the convoluted gloss of language such as the pending amendment. The quoted language in section 5 seeks to freeze the law at a given point in time, and I believe that is unwise.

But, Mr. President, it is not only the vagueness of this provision and its interference with continued evolution of the law in this area that concerns me. As I mentioned earlier, the rest of the bill itself threatens the viability of legitimate, procompetitive, nonprice vertical restraints.

Suppose a manufacturer receives a complaint by one dealer concerning the failure of a discount dealer to provide a trained sales force and the same repair and warranty services he does. Suppose, further, that the manufacturer truly wishes unilaterally to enforce the provision of these services. The manufacturer will refrain from seeking to enforce these service, warranty, and similar requirements in order to avoid the likely treble damages that will arise if this pending amendment is adopted.

Moreover, as the Supreme Court has persuasively stated, the complaint by one dealer that a price cutting competitor is free-riding on the services provided by the complaining dealer will readily be construed as a complaint about price competition or discount pricing. Blurring the distinction between nonprice and price restraints in the operative provision of the bill renders any attempted savings clause a practical nullity.

CONCLUSION

Price-fixing is an issue that deserves our careful attention. But in its review of the matter, Congress should not pass a measure which would, as a practical matter, condemn perfectly legitimate conduct on the part of manufacturers. Monsanto and Sharp are eminently sound decisions. It would be a terrible mistake for Congress to overrule these decisions by adopting the pending amendment.

Why encourage a flood of unwarranted litigation? It is not as if there are no cases that are successfully filed and won under these court rulings. We have evidence that good plaintiffs' cases are readily successful under existing law. By making it too easy to allege an antitrust violation and get to a jury in the absence of actual evidence of a conspiracy, S. 429 would multiply litigation and "whipsaw" many companies into early settlement. Moreover, to the extent that more cases are likely to be assigned to a local jury in a trial against a distant manufacturer, plaintiffs are going to have incentives to file more suits on less evidence.

This bill has been touted as a consumer measure, but, in fact, it would impair the ability of manufacturers to ensure that their products are sold and serviced by retailers who are sensitive to consumer needs. It is not as if discount dealers are closing their doors right and left. They are doing well. Such was the point of a New York Times editorial on April 1, 1991, in which the editorial argued:

> Discounters have thrived despite the Supreme Court rulings. The system isn't broke; consumers aren't threatened. There are, however, circumstances when manufacturers have legitimate grounds for protecting full-service dealers. They should have the right.

In sum, the pending amendment harms competition. The pending amendment would encourage lawyers to file antitrust suits on slim evidence. This would tie up U.S. firms in litigation while foreign competitors are free to seek new channels of distribution and greater market flexibility. I urge its rejection, and I urge my colleagues to vote against cloture.

The PRESIDING OFFICER (Mr. ADAMS). The 40 minutes of the Senator has expired.

Mr. HATCH. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I wonder if my distinguished friend from Utah would be willing to remain on the floor for a few moments. Perhaps it would be helpful if we had an exchange of some views in a moment.

Mr. HATCH. I will be happy to, but I do need to get to the Labor Committee, where we are holding a hearing on the free-trade agreement.

The PRESIDING OFFICER. If the Senator from Pennsylvania will pause for a moment, we are under time limitations, and it will be necessary for the Senator from Pennsylvania to either receive time allocated to him by the Senator from South Carolina or the Senator from Ohio, or receive consent from one of them that that be done.

Mr. SPECTER. I am advised that I may receive time from the Senator from Ohio.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Does the Senator request a specific amount of time?

Mr. SPECTER. In the absence of any other Senator on the floor, I wish to take up to 15 minutes. But if another Senator comes, I will curtail my comments below that time.

The PRESIDING OFFICER. On that basis, the Senator is recognized for 15 minutes.

Mr. SPECTER. I thank the Chair. I have asked my distinguished colleague from Utah, Senator HATCH, if he would remain on the floor because it might be useful to have some discussion on these issues.

Mr. President, I am not satisfied with the current standards of the Monsanto and Sharp decisions as they apply the law on retail price fixing, but I do not believe that the present bill or the amendment offered by the distinguished Senator from Colorado [Mr. BROWN] establish an adequate standard.

I voted in favor of cloture yesterday on the motion to proceed because I felt the Senate ought at least to take up this bill and consider it. There is a vote pending on the cloture motion at 6 o'clock this evening, and it is my intention to vote in favor of that motion as well, even though I make no commitment in support of the bill. In its present form, even with the Brown amendment, I am not satisfied with it. It is my intention to oppose the bill unless there can be crafted language which meets the objectives which I am about to articulate.

Mr. President, there is no doubt that price fixing is against public policy and is illegal and ought not to be countenanced. But the issue which we confront in this legislation is what is the appropriate standard to submit a case to the jury, because just as it is plain that price fixing ought not to be countenanced, it is undesirable as a matter of public policy for unfounded lawsuits to be brought where there is enormous pressure on defendants to make settlements where there is no material issue of fact.

The reality in the courts is that if the case can be submitted to a jury on a complicated antitrust matter, then there are enormous costs and substantial sums may be paid even though there is not a meritorious case. So what we are really striving to do is to find an appropriate standard where we really recognize that meaningful case.

Mr. President, at the conclusion of my remarks, I ask unanimous consent that my views on S. 429 be included in the RECORD, because that will enable me to abbreviate my comments because other Senators are on the floor and I do wish to take a few minutes to discuss the issue with Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Let me then, Mr. President, at this point state the crux of the concern which I have about Monsanto and the crux of the concern which I have about Sharp, the concerns that I have about Senate Bill 429, and the amendment offered by Senator BROWN.

I think it would be appropriate for me to make it clear that I am not in support of the Brown amendment, even though there has been some representation made to the contrary.

Mr. President, in the Monsanto case, the following language appears:

> Something more than evidence of complaints is needed. There must be evidence that tends to exclude the possibility that the manufacturer and nonterminated distributors were acting independently.

I find it very difficult to see in a practical sense what a plaintiff can do to submit evidence to prove a negative, and even to exclude the possibility of a negative.

In common speech parlance, it is frequently said, "anything is possible." I had considered offering an amendment which would say to exclude the probability of independent action.

The Sharp case has the following language. I am simplifying it because of the brevity of time here:

> In sum, economic analysis supports the view—and no precedent opposes it—that a vertical restraint is not illegal per se unless it includes some agreement on price or price levels.

The difficulty with this language is that it has led courts to find no price fixing in a factual context where it seems to me the evidence was sufficient to get to a jury. Illustratively, the case of Toys 'R' Us versus R.H. Macy, where the U.S. District Court for the Southern District of New York found no evidence of a conspiracy to set prices at some level as required under the Sharp decision despite evidence that the defendants sought to maintain its keystone price, which was a phrase known throughout the clothing industry to show double the wholesale price.

Having recited these brief extracts from Monsanto and Sharp, this establishes my concern—and I have had some experience in the trial of these cases—that the standards of proof are unrealistically difficult. But as I have analyzed Senate bill 429—and there are amplifications of the reasons in the written portion which will be added—and as I analyze Senator BROWN'S amendment, I am not satisfied that the language in either the original bill or the amendment will clarify the law to preclude the submission of cases to juries where there really is not sufficiently evidence to take them to the jury because, in addition to the question about price, there are many other circumstances where a dealership may be terminated for valid reasons, such as failing to provide consumers with proper services, failing to provide appropriate warranties, failing to provide product information, or failing to comply with other contractual commitments to the manufacturer.

Those are circumstances where the manufacturer ought to have the freedom to terminate which are not related to price so that the focus of our attention has to be how do you bring the microscope right down to prices as the issue and sufficient proof.

I have consulted with a number of experts in the antitrust field to try to get language which would bridge and accommodate the interests discussed. I met on two occasions with the distinguished Assistant Attorney General, James Rill, the head of the Antitrust Division, to try to find language, and with the marvels of C-SPAN II, the considerable public interest in this issue, it maybe that lawyers around the country are listening to this debate, and can provide suggested language which would bridge this gap because I am vitally interested in finding an answer to meet the deficiencies which I see in Monsanto and Sharp. But I do not want to have a new law which is going to provide additional ambiguities which will cost a lot of money in court to test and have cases which will raise the jury issues submitted to juries, which is very expensive, and all of the expenses ultimately come back to the consumers of America.

So, if someone has a better idea, I again emphasize that I am interested, and with the fax machines and my telephone number is (202) 224-4254—some people have said, "You know what number" in a derisive way—I am asking for suggestions. My staff is going to love that, but we really are interested in getting some language.

EXHIBIT 1

While I am not satisfied with the current standard articulated by the Federal court decisions on what evidence is sufficient to constitute a jury question on resale price fixing, I do not believe that S. 429 established the proper standard. There is no doubt that price fixing is undesirable as a matter of public policy and is illegal under our present statutes. The difficulty arises in determining what evidence is sufficient to submit that issue to the jury. Aside from pricing, a retailer may be appropriately terminated for valid reasons such as failing to provide consumers with proper services, warranties and product information or failing to comply with other contractual commitments to the manufacturer.

As a threshold question, I believe that the legislative branch must be extremely careful in overturning judicial decisions which have been built up over years or even decades of carefully crafted case-by-case judgments. But, there are situations which require legislative clarification, and I agree with the sponsors of S. 429 that such clarification is necessary in the current context of existing Federal judicial decisions.

In order to establish a vertical price-fixing case, a plaintiff must show two things: (1) an agreement between a manufacturer and a complaining dealer to terminate a discounter and (2) that the agreement relates to price. The two Supreme Court decisions at issue in this bill sought to clarify the quantum of evidence necessary to meet these two prongs. *Monsanto Co.* v. *Spray-Rite Service Corp.*, 465 U.S. 752 (1984), attempted to set the standard for what constitutes evidence of an agreement, while *Business Electronics Corp.* v. *Sharp Electronics Corp.*, 485 U.S. 717 (1988), sought to define what constitutes an illegal agreement about resale price.

The unanimous Supreme Court decision in Monsanto addressed the quantum of evidence of agreement necessary to survive what is known as "summary judgment." Summary judgment under Rule 56 of the Federal Rules of Civil Procedure ensures that only cases where there are material facts in dispute will go to the jury. Because litigation costs are so high and defendants are frequently induced to settle an unmeritorious case because of litigation costs, summary judgment serves an important function in terminating unworthy cases where there is not sufficient evidence to go to a jury.

In Monsanto, The Supreme Court stated that "something more than evidence of complaints" by competitors about a terminated dealer's pricing was needed for a plaintiff to survive summary judgment. 465 U.S. at 764. In the case, the Court found the "something more" in evidence that, on at least two occasions after Spray-Rite was terminated, Monsanto advised price-cutting distributors that they would not receive adequate supplies if they did not maintain the suggested resale prices. After one of the distributors still did not comply, its parent company was informed of the situation and the parent company instructed its subsidiary to conform to the resale price. There was also a distributor newsletter which stated that "every effort will be made to maintain a minimum market price level." Id. at 765-66.

The concern about the Monsanto opinion is that it also suggests that the evidence of "something more" must "tend[] to exclude the possibility" that the supplier had acted independently. Id. at 764. This language suggests that plaintiffs must prove a negative, which may be unrealistic in many situations. Several lower courts have granted summary judgment to defendants in spite of evidence of "something more" precisely because of this language. See *Parkway Gallery Furniture* v. *Kittinger/Pennsylvania House Group, Inc.*, 878 F.2d 801, 806 and n. 4 (4th Cir. 1989) (evidence that defendant sought assurances from its dealers that they would comply with its new marketing policy); *The Jeanery, Inc.* v. *James Jeans, Inc.*, 849 F.2d 1148, 1158 (9th Cir. 1988) (manufacturer said he would "take care of things" when presented with dealer's complaints about plaintiff's price-cutting).

Other courts, however, have relied more on what the Supreme Court did in Monsanto rather than what it said and have found similar evidence sufficient to meet the Monsanto standard. See *Helicopter Support System, Inc.* v. *Hughes Helicopter, Inc.*, 818 F.2d 1530, 1535-36 (11th Cir. 1987) (evidence that manufacturer notified the complaining dealer that "corrective action has been taken" and requested that the dealer notify it of any further problems, when combined with the dealer's "thank you," met the *Monsanto* standard); *McCabe's Furniture, Inc.* v. *La-Z-Boy Chair Co.*, 798 F.2d 323, 328 (8th Cir. 1986), cert. denied, 486 U.S. 1005 (1988) (evidence that manufacturer had reported to dealer that "the problem had been taken care of" sufficient to meet *Monsanto* standard).

S. 429, however, does not merely clarify *Monsanto* along these lines. As currently drafted, it would allow a case to go to a jury where there is evidence that a complaint by another retailer to the manufacturer was the "major cause" of the manufacturer's termination of the retailer. But retailers are constantly complaining about other retailers and, not surprisingly, their complaints about competitors usually concern price. Indeed, a retailer is usually able to offer discount prices precisely because he is not offering customer services. And, consequently, complaints about discounting frequently may lead to decisions to terminate because the retailer is offering consumers poor services which would justify termination.

Given the current language in the bill, a unilateral decision by a manufacturer to terminate a retailer for legitimate nonprice reasons would go to a jury. This is because the determination of whether a complaint constitutes the "major cause" of the termination is inherently fact-based and, thus, any court constructing this language would refuse to grant summary judgment where there was any complaint about "price competition" and thus where there was a dispute concerning a *material* fact. See Fed. R. Civ. P. 56(c) (Summary judgment is only granted where "there is no genuine issue as to any *material* fact" and thus "the moving party is entitled to judgment as a matter of law") (emphasis added).

This conclusion is further reinforced by last year's committee report on this bill which provides an infinitely expandable, "only illustrative" universe of types of direct and circumstantial evidence which would suffice to show that the complaint was the major cause of the termination.[1] Moreover, the language in Sec. 8(a)(2) to the effect that a court should not make inferences which are implausible does nothing to cure this problem. Given the fact-bound nature of the "major cause" inquiry, the existence of one complaint about price in the files of the manufacturer could lead to a plausible inference that the complaint was the "major cause" of the termination so as to make summary judgment virtually impossible.

The *Sharp* decision sought to draw a line between price vertical restraints—which are per se illegal—and nonprice restraints—which are judged under the "rule of reason" standard and are thus lawful unless they would affect market prices (a difficult proposition to prove). I agree with the proponents of this bill that Justice Scalia, in drawing this line in *Sharp*, erred in excluding too many agreements which should legitimately be considered under the per se standard. In fact, his requirement that the complaining retailer and the manufacturer, in addition to agreeing to terminate a discounter because of his price cutting, have also agreed to set resale prices at some level is too difficult a standard for plaintiffs. For example, in the case of *Toys "R" Us, Inc.* v. *R.H. Macy & Co.*, 728 F. Supp. 230 (S.D.N.Y. 1990), the court found no evidence of a conspiracy to set prices at some level as required under Sharp despite evidence that the defendant sought to maintain its "Keystone" price, a phrase known throughout the clothing industry to indicate "double the wholesale price." Consequently, the portion of the bill which overturns Sharp is not nearly as troublesome as the language overturning Monsanto, although possible refinements in that language could assist in reaching an overall compromise on the bill.

Although an agreement between a manufacturer and a retailer to terminate a discounter results in artificially high prices for consumers, manufacturers' requirements that retailers provide certain services at point-of-sale—particularly in the area of high-tech goods like computers—are equally beneficial to consumers. The bill as presently drafted could force manufacturers, fearful of the possibility of treble damage lawsuits, to no longer require retailers to provide consumers with proper services, warranties and product information. Consequently, contrary to the arguments of its proponents, I do not believe S. 429 as presently drafted is a pro-consumer bill.

My staff and I have worked extensively with Senators who are proponents of the bill and their staffs, opponents of the proposed legislation, and Assistant Attorney General James F. Rill of the Antitrust Division and his staff. I personally met with Assistant Attorney General Rill on two occasions and had a series of lengthy telephone conversations in an effort to work out the appropriate statutory language. My staff and I intend to continue to work with the parties in interest to try to structure appropriate legislation.

Mr. SPECTER. Mr. President, let me now come to the question which I would like to discuss with my distinguished colleague from Utah. This is, to put it bluntly, tough stuff. It is not easy to try to craft this. Senator HATCH and I have not discussed this in advance so that is why I am asking him to be willing to have a discussion. The two of us have a lot of discussions, both on the Judiciary Committee and off. But this is my concern. Where the Supreme Court in Monsanto said: "There must be evidence that tends to exclude the possibility that the manufacturer and nonterminated distributors were acting independently," how can a plaintiff prove the existence of a negative, that there is no collaboration and even exclude a possibility?

Mr. HATCH. I think it is a good question. As usual, the distinguished Senator from Pennsylvania is an expert in the law and has had very, very great experience in the law. I think that what the Senator has done is quote a paragraph that indicates you have to disprove a negative. The fact of the matter is Monsanto, is a case where the plaintiffs did recover because they were able to prove the positive that there was, in fact, not only a termination but an agreement on fixed pricing. And the $10.5 million treble damages of the case stood.

There was additional evidence that there was literally an agreement to fix prices. That included direct evidence that the manufacturer agreed to terminate price cutters. In that case, they were able to show it.

The Monsanto case also said, as I recall, that you can prove price fixing and an agreement or conspiracy to fix prices under the antitrust laws by direct or circumstantial evidence, which is precisely what they did.

I think the distinguished Senator raises a very crucial issue; that is, how can we best serve customers in cases where it may be difficult to prove that there was, in fact, an agreement or price fixing to begin with? My experience in the law has been that if we have a dealer come in who wants to be a plaintiff and we want to bring a suit because they have been terminated and they know of a complaint that was filed by a competitor. And it looks to them like they have been unfairly dealt with under the antitrust laws, that there is, in fact, an agreement and a conspiracy to fix prices, that the way we have to do that is go in and try to find somebody within the organization of either the complainer or the manufacturer, find documents, letters, memoranda, and so forth through the discovery process, and try through inference and many times through circumstantial evidence to get a case that will go to the jury.

Mr. SPECTER. If I may interrupt my distinguished colleague just for the purpose of debating the issue, the difficulty in finding such documentary evidence is——

Mr. HATCH. It is difficult.

Mr. SPECTER. You do not have to be too sophisticated in the commercial business world not to put it in writing. When Senator HATCH referred to Monsanto and that there was a finding for the plaintiff, that is correct. But there was very substantial evidence in Monsanto. After Spray-Rite was terminated, Monsanto advised price-cutting distributors that they would not receive adequate supplies if they did not maintain the suggested resale prices. After one of the distributors still did not comply, its parent company was informed of the situation, and the parent company instructed its subsidiary to conform to the resale price, and there was also a distributor newsletter which stated that "every effort will be made to maintain a minimum market price level."

What Monsanto did was educate business people in ways not to get caught.

Mr. HATCH. With those documents, they were found out.

Mr. SPECTER. That is the point. The point is you are not going to find a contract made at high noon under seal.

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[1] *See* S. Rept. No. 101-251, p. 14.

But where there are forms, and as Senator HATCH and I know very well, having been practicing attorneys, where in the language of the Supreme Court decision there has to be some evidence to at least tend to exclude the possibility of unilateral action, this phrase is seized upon in the trial courts across this country and it establishes a burden which is impossible.

Mr. HATCH. If the Senator will yield, I think the Senator points out a good point. I do not think the courts are going to require the plaintiffs to prove a negative. That is a good point. On the other hand, I do not know anybody that can make the case under current law that discounters are suffering or that they cannot bring these cases in legitimate ways and recover today or that the law is not working.

I acknowledge that the Senator has raised a point that may be important. But from my experience, the law is working as it currently stands under Monsanto, Sharp, Colgate, and Sylvania. Let me make this one point. These are very difficult cases.

The PRESIDING OFFICER. The time of Senator SPECTER is up.

Mr. HATCH. Mr. President, I ask unanimous consent that we have 1 more minute.

The PRESIDING OFFICER. The time is extended 1 more minute from the time of Senator THURMOND.

Mr. SPECTER. Mr. President, I ask unanimous consent that we be permitted to continue this exchange for 5 more minutes, because I have a brief reply.

Mr. THURMOND. Mr. President, the time has been apportioned, and unless we can be guaranteed our proper time, I could not agree.

Mr. SPECTER. I see a gesture on the other side indicating acquiescence.

Mr. THURMOND. I would agree, if we can work it out.

The PRESIDING OFFICER. Without objection, Senator SPECTER shall have 5 minutes under the time of the Senator from Ohio [Mr. METZENBAUM].

Mr. SPECTER. There was an audible call at the line of scrimmage.

Mr. THURMOND. We get 5 more minutes, if I understand?

The PRESIDING OFFICER. No. The time will not be charged against the Senator from South Carolina at all. Five minutes will be charged against the Senator from Ohio for this exchange.

Mr. SPECTER. Mr. President, in view of the limited time, let me pose the other question to Senator HATCH, if he would be agreeable to that. I see him nodding in the affirmative.

Let me come back to Sharp, and I think this discussion may be useful, if someone can provide us with some information.

Justice Scalia talked about the vertical price is not illegal per se, unless it includes some agreement on price or price levels. And, as my distinguished colleague knows, in the Toys 'R' Us case, a district court found no evidence of conspiracy to set prices at some level, citing the Sharp doctrine, even though there was evidence that the defendant sought to maintain a keystone price, which was known throughout the clothing industry as double the wholesale price. My question is: should the interpretation of Sharp in Toys 'R' Us not be changed, can we find the appropriate language to overturn it without creating more problems than solutions?

Mr. HATCH. Let me try to answer. I am not as familiar with that case. But judges can differ on various sets of facts. What little I recall about that is that there was a difference on the facts themselves.

If what the Senator is raising is correct—and I presume it is, knowing my friend from Pennsylvania—then that does raise an issue that is serious. I am not arguing that every case will come out the way the Senator from Pennsylvania, or I would decide it, reasonable people can differ. But terminated dealers are able to get a jury today. Let me say that in the Sharp case, Sharp addresses the question that even when an agreement to terminate a price-cutting dealer is shown, what must that agreement include before it is subjected to the per se rule, rather than being subjected to the rule of reason? Sharp says, basically, that you have to have an agreement or prices at some level. I do not see where that is a difficult standard to use.

Mr. SPECTER. But the problem is that it is interpreted by the courts not only in Toys 'R' Us, but in other cases. And when you talk about a keystone level, which is known in the industry as twice the wholesale price, the language of Sharp, which asks for some specific price or price level, is interpreted to eliminate plaintiff's day in court, where as a realistic matter, the price fixing has been established.

That is the problem I see. These cases just go too far. But it is very difficult when you start, legislatively, to change in case law. The history of the common law for centuries has been that these cases are built one on top of another, with extremely careful analysis by the courts. It may not always be right. We may not always agree, but when we seek the legislative change, we have to be very cautious. I know the Senator from Utah agrees with me on that point.

Mr. HATCH. I am going to review that Toys 'R' Us case. Let me just say this: Even if that is so, this particular bill clearly overreaches, and I think that is why both the Senator and I are against the bill.

In Sharp, the court said there was enough evidence to find a price agreement. The case was reversed because of the erroneous jury instruction.

Let me read that case the Senator is referring to, and I will work with the distinguished Senator to try and resolve in the future some of these problems. I have to say today, if we pass this particular bill that the distinguished Senator from Ohio is advocating, and we vote for cloture today and somehow or another that bill passes, we are talking about putting a tremendous dent in consumer rights in this country.

Mr. SPECTER. I ask this question: When we talk about cloture—this is an important point—why should we require the supermajority? On the current bill, S. 429, and the Brown amendment, my intention is to vote against it, unless we can solve the problems which deal with Monsanto and Sharp.

We are not dealing with freedom of speech, we are dealing with the commercial issue. There will be no more time for more debate, if cloture is invoked. Senator HATCH and I and Senator THURMOND are the only Senators on the floor. If we need more time to debate, I think we ought to take it. On the structure of requiring a 60-vote majority, I just have a problem, and I think it is worth a brief discussion because people may not understand when we talk about cloture, requiring 60 votes. And I intend, as I said earlier, to vote in favor of cloture, to let the Senate work its will in a majority context. I would be interested in my distinguished colleagues' reaction to that.

Mr. HATCH. Mr. President, I think the very fact that the Senator is raising these issues is going to be observed by the courts of this country, because he has a reputation in the law that cannot be ignored.

On the other hand, we have not been able to come up with a resolution of those issues thus far, during at least three Congresses, and I am not sure we can on the floor. I think by going ahead and invoking cloture, it seems to me what we are going to do is allow the passage of this bill, which is very difficult to understand. Some of our colleagues are voting for it because it has been promoted as a consumer bill when, in fact, it is anticonsumer. There is a lot of pressure by certain discounting retailers—not the majority, but certain of them—who have been very active for them to vote this way.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPECTER. I thank my colleague, and I thank the Chair.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the Brown amendment, in essence, does no more than shuffle words around. The basic problem with the amendment and with the Metzenbaum bill is that it fails to recognize that the primary fact which must be established in order to show a vertical price-fixing violation under the Sherman Act, is the existence of an agreement to fix prices. The necessity to show that an agreement has been entered into, and that that agreement fixes prices, is the most basic fact in this whole debate, and it is continually ignored by those who have drafted this legislation and those who urge its adoption. As Mr. Rill has stated, "This amendment, while making cosmetic changes, would still permit findings of conspiracy and price fixing where no one has conspired and prices have not been fixed." There cannot be a vertical price-fixing violation under the Sherman Act unless there is an vertical agreement to fix prices. Both the Metzenbaum bill, and the Brown amendment, eliminate that requirement.

My distinguished colleague from Alabama, Senator HEFLIN, put it best the other day when he gave an example from criminal law to illustrate the point. Suppose I am found at the scene of a murder. On the ground is the victim, and next to the victim, is the weapon. Based on that evidence, am I guilty of murder? Of course not. My presence at the scene may be highly probative, but clearly more evidence than simply my presence would be required before I could be found guilty of murder.

The same is the case with establishing a price-fixing conspiracy. A complaint by a dealer about another dealer's pricing, even followed by termination, even if the termination were the major cause, may be probative of whether there is a price-fixing agreement, but standing alone, it simply is not enough. That is what Monsanto held, and that is why the Metzenbaum bill, and the Brown amendment, no matter what words they use, do not work. In both cases, the proposed legislation ignores the requirement of proving an agreement, and allows a jury to infer a conspiracy to fix prices based on inconclusive evidence.

Mr. President, S. 429 was defeated by the Judiciary Committee by a vote of 8 to 6. This is the third time this legislation has been before the Judiciary Committee, and each time, there have been fewer and fewer votes in support. Several years ago, it was reported favorably by voice vote. The second time, it narrowly won approval by a vote of 7 to 6. This last time, it was defeated. It goes without saying, Mr. President, that the more my distinguished colleagues study this bill, the more they understand that it is not sound antitrust legislation, and should not be enacted.

Again, I remind Senators that the head of the Antitrust Division in the Justice Department is strongly against this bill. And I have read his letter this afternoon. He is there enforcing antitrust and serving the people. He has no reason to do anything other than what is best for the consumer. That is why he is in the Antitrust Division. He takes the position this bill is unsound and should not pass.

The two Supreme Court cases which the Metzenbaum bill and the Brown amendment seek to overturn—the Monsanto and Sharp decisions—were both decided by overwhelming majorities. Monsanto was decided by a unanimous Court, with Justice White not participating. The decision in Sharp was 6 to 2, with Justice Kennedy not participating. Given these majorities, it does not appear that these decisions were the result of strong ideological differences as to antitrust law, the law of conspiracy, or the evidentiary requirements necessary to prove a conspiracy. On the contrary, the decisions are clear and straightforward on two issues: what kind of proof is necessary to prove a vertical price-fixing case; and, what kinds of agreements constitute vertical price-fixing agreements subject to the per se rule, rather than the rule of reason.

Mr. President, S. 429 and the Brown amendment will have a very real, and negative effect on American business. As I noted in my opening remarks on the motion to proceed to this legislation, S. 429 inhibits communication between manufacturers and their distributors, it interferes with the right of a manufacturer to unilaterally decide who will distribute its products, and it makes it difficult for manufacturers to require their distributors to provide product expertise and service.

Mr. President, this is very important because product expertise and service benefit the public. Unless the manufacturer can require the distributor to give proper service to the consumer, the consumer suffers, and that is the point that seems to be overlooked by people favoring this bill.

American business thrives on the free flow of information between manufacturers and consumers. Such communication informs manufacturers about consumer needs with respect to existing products, and provides insight into unmet consumer needs for future products. Both bills under consideration chill this communication by making communications between a retailer and a manufacturer the operative vehicle for presuming that the sender and the recipient were engaged in a price-fixing conspiracy. It thus weakens American business by unnecessarily creating fear that innocent and laudable behavior will subsequently be misconstrued in a court of law and exposed to costly treble damage penalties. An American business beset with such concerns is ill-equipped to compete in the global marketplace against foreign competitors.

Mr. President, these bills also interfere with the long established freedom of a manufacturer to decide unilaterally whether to distribute its product through a given dealer. This right is an essential part of our free enterprise system, and has a solid foundation in settled antitrust law. S. 429 and the Brown amendment allow an inference—I repeat, an inference—of an illegal conspiracy where a manufacturer has done no more than exercise this right, subjecting the manufacturer to treble damages. Finally, product expertise and product service directly benefit consumers. Manufacturers should be able to terminate distributors who do not provide such benefits, and should be able to enter into procompetitive distributorships to guarantee them. These bills could make this illegal.

This is a very important point, Mr. President, because the manufacturer wants to see that his distributor gives good service and this bill is going to prohibit that.

Of overriding concern, Mr. President, is that these results will occur against a backdrop of little, if any, proof that there is a need for this legislation in order to preserve the ability of consumers to buy at the lowest possible price, or from discounters. On the contrary, the fact of the matter is, that notwithstanding the Monsanto and Sharp decisions, consumers have an almost unlimited amount of choice in the marketplace, and low priced, discount stores are thriving as never before, many at the expense of full service retailers.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. THURMOND. I will quit, Mr. President. Thank you very much.

The time has expired now on both sides, I understand, until——

The PRESIDING OFFICER. There are approximately 13 minutes and some odd seconds remaining to the Senator from Ohio. The time between 4:30 and 6 will once again be equally divided between the Senator from South Carolina and the Senator from Ohio.

Mr. THURMOND. Mr. President, if my time is up I want to be sure when we come back at 4:30 we will have our proper time then. If there is no objection I can go on until Senator METZENBAUM comes back. As I understand it, that would be agreeable.

The PRESIDING OFFICER. Yes, it will take consent to do that if consent can be granted. Does the Senator so request?

Mr. THURMOND. Until Senator METZENBAUM comes in, or another person who wants to speak on his side comes in. If you notify me, I will immediately stop so they can take the floor.

The PRESIDING OFFICER. Without objection, the Chair will recognize the Senator from South Carolina under those terms.

The Senator from South Carolina is recognized.

Mr. THURMOND. Thank you, Mr. President.

In its 30th annual survey of the discount industry, published in June 1990, Discount Merchandiser, a discount trade publication, noted that dollar volume for the discount industry for the 1989 calendar year reached over $160 billion. This was a new record, and represented an increase of $13.1 billion, or 8.8 percent, over the previous year. The publication also noted that "the state of the industry as measured by the barometer of dollars and cents reveals a strong potential for continued overall growth." The effect of the discount industry on other retailers was also cited. "In one way or another, other retailers cannot help but measure their pricing standards against those of the discounters. * * * One retail expert's survey shows that 49 percent of the items consumers buy are price-slashed at their department store. The influence of discounting is like the Big Bang. The effect still continues."

In terms of sales, Wal-Mart and K mart, two leading discount companies, both reported annual sales in excess of $30 billion. According to recent news accounts, Wal-Mart reported annual sales for 1990 of $32.6 billion, while K mart reported annual sales of $32.07 billion. Both numbers represent substantial increases over 1989 annual sales, which were reported by Discount Merchandiser to be $20.9 billion and $24.4 billion respectively. In other words, despite the Monsanto and Sharp decisions, Wal-Mart and other discount stores continue to experience explosive growth.

It has been said that if this bill passes, it will put the discounters out of business. The discounters are making more money every year, as shown by these statistics.

Mr. President, I would now like to spend a few minutes giving some background on S. 429, and describing the apparent reasons for its creation.

The original impetus for S. 429 was to overrule the Supreme Court's 1984 decision in Monsanto versus Spray-Rite Service Corp. In that decision, which, as I have already indicated, was decided by a unanimous vote, the Supreme Court held that a conspiracy to set vertical prices, in violation of section 1 of the Sherman Act, is not established by proof that a manufacturer terminated a distributor following, or even in response to, price complaints by other dealers. The Court held that, "[s]omething more than evidence of price complaints is needed. There must be evidence which tends to exclude the possibility that the manufacturer and non-terminated distributors were acting independently." The Court stressed that, "it is of considerable importance that independent action by the manufacturer, and concerted action on nonprice restrictions, be distinguished from price-fixing agreements, since under present law the latter are subject to per se treatment and treble damages."

The proponents of S. 429 have argued that the evidentiary standard established by Monsanto is so difficult, that it is virtually impossible for a dealer termination case to reach the jury. Such an argument simply has no validity. In Monsanto itself, the Court found more than enough evidence to support the existence of a price-fixing agreement and termination of Spray-Rite pursuant to the agreement.

Spray-Rite was an authorized distributor of Monsanto herbicides from 1957 to 1968. In 1968, after Monsanto declined to renew Spray-Rite's distributorship, Spray-Rite brought an action against Monsanto under section 1 of the Sherman Act claiming that it was terminated pursuant to a conspiracy between Monsanto and some of its distributors to fix the resale prices of Monsanto herbicides. The jury found for Spray-Rite and awarded $3.5 million in damages before trebling. On appeal, the court of appeals affirmed, and stated that, "proof of termination following competitor complaints is sufficient to support an inference of concerted action."

The Supreme Court reversed the appellate holding, but found that Spray-Rite presented enough additional evidence to prove that it had been the victim of an illegal price fixing agreement. The Court found that there was direct evidence of resale price maintenance agreements from testimony by a Monsanto district manager that on at least two occasions after Spray-Rite was terminated, Monsanto advised price cutting distributors that they would not receive adequate supplies if they did not maintain the suggested resale prices. After one of the distributors still did not comply, its parent company was informed of the situation and the parent instructed its subsidiary to conform to the resale price. There was also a distributor newsletter, which the Court described as a "more ambiguous example", which stated that "every effort will be made to maintain a minimum market price level."

The Court also found that there was ample evidence to support an inference that Spray-Rite had been terminated pursuant to the price fixing agreements. In a meeting between Spray-Rite and Monsanto following the termination, one of the first things the Monsanto official referred to was the many complaints it had received concerning Spray-Rite's prices. In addition, there was evidence that Spray-Rite had never been informed of the alleged criteria which led to its termination, and that on several occasions from 1965 to 1966, Spray-Right had been approached by Monsanto officials, informed of complaints from other distributors, and asked to maintain its prices. Finally, Spray-Rite testified that Monsanto made explicit threats to terminate if Spray-Rite did not raise its prices.

Some claim that the language in Monsanto is ambiguous and has engendered considerable confusion in the lower courts concerning the application of evidentiary standards in vertical price fixing cases. Such is not the case, however. Monsanto clearly articulates the appropriate evidentiary standard applicable to dealer termination cases. If some lower courts have applied the Monsanto standards incorrectly in particular cases, the more appropriate way to correct the situation is through the judicial process, and not through legislation like S. 429, which is itself ambiguous and confusing.

Mr. President, if they want something corrected, they should do it through the courts and not through legislation, because that is not the proper channel.

In stark contrast to the fact that this legislation is not needed to clear up any confusing or ambiguous evidentiary standard in vertical price fixing cases, is the reality that S. 429 will wreak havoc with long established antitrust principles and will seriously undermine, if not effectively repeal, the longstanding Colgate doctrine and the law of conspiracy.

In United States versus Colgate & Co., the Supreme Court made clear that,

> In the absence of any purpose to create or maintain a monopoly, the [Sherman] act does not restrict the long recognized right of trader or manufacturer * * * freely to exercise his own independent discretion as to parties with whom he will deal.

In Monsanto, the Court underscored this point. In its effort to balance the right of a manufacturer to deal independently with whomever it wishes, and the right of a distributor to be free from illegal conspiracies, the Court stressed that,

> There must be evidence which tends to exclude the possibility that the manufacturer and nonterminated distributors were acting independently.

Because S. 429 sanctions the use of ambiguous evidence to provide the existence of a conspiracy, the line between independent and concerted activity will be unavoidably blurred, and independent, lawful activity will inevitably be condemned.

S. 429 also undermines a long list of antitrust and other cases dealing with conspiracy. In American Tobacco Co. versus United States, the Court defined a conspiracy as "a unity of purpose or a common design and understanding, or meeting of minds in an unlawful arrangement." The conspiracy can be proven either through an explicit agreement or an implicit understanding, but in any event it is necessary to prove that there was a "meeting of minds in an unlawful arrangement." S. 429 allows a jury to infer a conspiracy based on evidence which falls far short of the American Tobacco standard, and seriously jeopardizes the traditional law of conspiracy.

The following example is a good illustration of the difficulty which S. 429 presents. Suppose a small manufacturer of a high technology product, I will call it the "M Modem," sells this modem both to a full-service retailer and to a discounter. Suppose also, that the full service retailer has taken a real interest in selling the M Modem and provides valuable services in connection with the resale of such product. The discounter, on the other hand, sells a variety of modems competitive with the M Modem, and has little interest in pushing the M Modem, providing only limited services in connection with the sale of such product. The full service retailer eventually comes to the manufacturer and states that, while he would like to continue selling the M Modem, he may not be able to do so because he is continually undercut by the discounter, who is free riding on his services. Facing the possibility that it will lose the full service retailer as an extremely valuable dealer if it continues selling to the discounter, the manufacturer decides to terminate the discounter. No prices have been fixed, and no agreement has been entered into. Yet, since the conversation with the full service retailer could be viewed as an implied request to terminate the discounter, which was the major cause of the discounter's termination, the manufacturer could be found under S. 429 to have engaged in per se unlawful resale price fixing.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will stand in recess until the hour of 4:30 p.m.

Thereupon, at 3:01 p.m., the Senate recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FORD].

CONSUMER PROTECTION AGAINST PRICE-FIXING ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is the Brown amendment No. 90. The Senator from Alabama.

Mr. HEFLIN. How long does the Senator from Iowa wish to speak?

Mr. GRASSLEY. I think I told the Senator from South Carolina that it would take me about 18 to 20 minutes.

Mr. HEFLIN. I think I can get through in 5.

Mr. GRASSLEY. I thank the Senator.

Mr. HEFLIN. Mr. President, this issue is very complicated with language, with matters pertaining to Supreme Court decisions, with language like per se rule, like the rule of reason, like the issue pertaining to maximum price and minimum price, and a lot of different language that gets confusing and is complicated to the average person. But when you get down to it, this bill really is about circumstantial evidence.

Most people know something about circumstantial evidence. They have heard about the fact that maybe somebody is seen close to a cookie jar. Sometimes, on circumstantial evidence, I think of a homicide case where there is a deceased body, there is a gun close to the deceased body and the accused is somewhere in the vicinity, maybe 100 yards. None of us would say that that is enough evidence to charge a man, or that is enough evidence to go to a jury.

Basically, the Supreme Court in Monsanto in regards to this matter says there has to be more than just a complaint and a termination of a retailer's relationship with his distributor or manufacturer. The Supreme Court might say in a case involving a homicide that you have to show the fingerprints of the accused on the gun before you could charge a person or you could go to the jury.

Basically, we are talking about circumstantial evidence that is necessary to charge or to go to a jury or to withstand a summary judgment or to withstand a judgment notwithstanding the verdict, or a directed verdict, or other things of that nature.

Now, what the Supreme Court in the Monsanto case said, basically, was that there had to be additional evidence other than just the complaint and the termination. If we just have the complaint and termination, there could be many reasons why the termination occurred. The retailer who got terminated might be lazy. He might have his service department operating very ineffectively, and so on.

And so really the question is whether or not you are going to require certain evidentiary standards pertaining to circumstantial evidence to be efficient to bring a case and to allow the case to go to the jury.

To me, when we look at this matter, it is confused with consumer rights and everything else. But it really comes down to what degree of proof is necessary to go to a jury. That is what this bill is about. This bill would open the floodgates and you would not have to have sufficient proof, in my judgment, from a legal basis to justify bringing the lawsuit or any submission to the jury.

Cases over the years have been pretty much the same. Monsanto does not reverse anything. There is a Colgate case that goes back earlier and Monsanto follows that case. We are getting into an area where we attempt to define and micromanage the courts on matters pertaining to the quantum of proof, the sufficiency of evidence. That is best left to the courts.

If a person does not understand this, then where does he think we ought to be as the Senate and the Congress trying to say what exactly is the degree of circumstantial evidence, whether there ought to be fingerprints also found on the gun or whether or not there ought to be other evidence which would connect the accused with the crime. That is basically what we are talking about in this instance.

If there ever were consumer judges, they are Justice Marshall and Justice Brennan, who voted for the Monsanto case. They also voted for the Sharp case. I do not think you would say those Justices would be anticonsumer. We are standing in the same position; two very liberal, proconsumer jurists have already looked at this and come to the position that there ought to be some additional circumstantial evidence before a case goes to the jury.

That is what I think it is about.

I further note that at the outset of this debate the proponents of this bill were only able to get the initial votes to invoke cloture on the motion to proceed by stating their willingness to accept the pending amendment. I find that this amendment makes no improvements to this legislation and even creates some affirmative harm. I will be addressing some of the specifics of that amendment later in this speech, but I want to first spend some time discussing why there is no need for any legislation at all.

The rationale behind this bill is that the U.S. Supreme Court has made a mistake in two of its opinions in how to intepret the antitrust laws. These cases, namely the Monsanto and Sharp opinions, are good law and do not warrant this undeserved attention by the U.S. Congress.

The Monsanto opinion was a decision of a unanimous Supreme Court. Joining with the majority in outlining the evidentiary standards necessary for a vertical price-fixing case to reach a jury were Justices Brennan and Marshall. As I have previously noted, these distinguished jurists have never been known as having anticonsumer orientation to say the least. However, they agreed with the majority in outlining these antitrust standards when one business brings a lawsuit against another business. The view of the Court balanced the various competing interests, took into account the historical development of the antitrust laws, and articulated a proper and workable standard for establishing when a vertical price-fixing case should reach a jury.

In reaching its decision in Monsanto the Court recognized that, "There must be direct or circumstantial evidence that reasonably tends to prove that the manufacturer and others had a conscious commitment to a common scheme designed to achieve an unlawful objective." In practical terms, the Court was saying that merely the fact that there exists a retailer who was making complaints to a distributor and the fact that the distributor later terminated a competing retailer, does not make for a violation of the antitrust law without some evidence to the fact that there was an illegal conspiracy between the complaining retailer and the distributor to cut out the competition.

In addition to the Monsanto opinion, this legislation seeks to overturn the Supreme Court's 6-2 decision in the Sharp case. Again ruling with the majority in this case were Justices Brennan and Marshall. The Sharp decision is a case where the Supreme Court has provided guidance to the lower courts as to the proper threshold burdens necessary to show that an activity is per se illegal under the antitrust laws. The Court noted that in order to use this very high standard there must have been some evidence of an agreement as to price or price levels between the parties who are being accused of an antitrust violation, to support a finding that there was such an agreement as a prerequisite for submission to the jury. This opinion again shows the necessary balancing of competing business interests which was recognized by the Court.

Besides the wisdom and the overwhelming majorities which ruled in favor of these opinions, there is another reason why this legislation should not be enacted.

The entire field of business communications, which this legislation seeks to effect, has undergone significant changes and developments over the years. To enact this legislation will have the inevitable effect of chilling business communications thereby harm resulting improvements designed to help both consumers and business.

Before concluding, I want to briefly discuss the proposed amendment. I call it an amendment because to call it a compromise would simply be wrong. This amendment is not a compromise with the administration who have already indicated they will veto this bill. This amendment is not a compromise with the business community who are the very parties which both bring antitrust lawsuits and who are forced to defend antitrust lawsuits. Further, after hearing the reluctant views of the proponents of the underlying bill trying to muster the willpower to agreement to any changes, I suggest that this may not even be much of a compromise in their minds.

I know that Senators BROWN and SPECTER have devoted substantial time and attention to this proposal, however it still falls short. The evidentiary standards laid out in this amendment regarding the Monsanto case, still fall short of the Supreme Court's recognition that there must be some proof, either circumstantial or direct, of an actual agreement to cut out competition before an antitrust lawsuit can be proven. The language of this amendment speaks in terms of "implied acquiescence" or "impliedly threatening" in order to show a vertical price-fixing agreement. However, what those standards fail to achieve is establishing an evidentiary standard which will continue to mandate a showing of concerted action between the parties alleged to have entered an illegal price-fixing agreement, I appreciate the efforts to which my colleagues have gone, but I must still argue that their standard still falls short of the mark.

I want to conclude my remarks by reminding my colleagues of the age-old adage which clearly applies to this bill—if it ain't broke, don't fix it. The antitrust laws are not broken and don't need to be fixed.

I urge my colleagues to join with me in defeating this legislation.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. THURMOND. Mr. President, I yield 20 minutes to the able Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 minutes.

Mr. GRASSLEY. Mr. President, the history of this legislation is very interesting and this history may also suggest a compromise solution, one which will protect retail competition without the danger of transforming every dealer termination into a search for treble damages and also for attorneys fees.

Back in the 100th Congress, the Senator from Ohio [Mr. METZENBAUM], the Senator from Arizona [Mr. DECONCINI] and myself, and even a few others, worked very hard to produce a bill then that was numbered S. 430, and the title at that time was the Retail Competition Enforcement Act. This bill had an important, albeit modest, goal to codify the per se rule against vertical price fixing and to change the quantum proof needed to be offered by a terminated dealer/plaintiff to survive a manufacturer/defendant motion for summary judgment.

I was pleased to work on and cosponsor that compromise bill. That bill enjoyed wide support among discount retailers, and consumers. It even had the support of the manufacturers and the business community. We had a consensus. Obviously, that is a far cry from where we are today.

We were on our way to passage and enactment back in the 100th Congress when the Supreme Court Sharp decision came down. This case held that a decision by a manufacturer to terminate a discounter will be judged under the rule of reason unless there is some kind of an understanding on price.

The Supreme Court opinion in that Sharp case did not specify what evidence is required, but it is noteworthy that the opinion affirmed a fifth circuit decision that found it sufficient for liability if the manufacturer and the surviving dealer, and I quote, "expressly or impliedly agree to set the price at some level though not a specific one." That is really all that Sharp stands for, though it is sometimes hard to recall given all the harsh rhetoric that we hear about the end of discounting in America.

But, Mr. President, the sky is not falling. Drive down the street and you will see discounters flourishing everywhere, and if you have the facts to show an illegal price conspiracy, a discounter can still win a vertical price-fixing case.

It is simply an exaggeration to say that a plaintiff cannot today win a dealer termination case. What is true is that without some evidence of an understanding on resale prices or price levels, a dealer termination is not appropriate for per se treatment.

After Sharp, a terminated plaintiff need not show an ironclad agreement to set prices or even a price range. The illegal agreement can instead be implied by the facts uncovered during discovery. Indeed, the same evidence which shows the illegal conspiracy to terminate a dealer can also be used to show the agreement on price or price levels.

Thus Sharp does not require proof of two separate agreements as is often alleged. Sharp can be overcome in the appropriate case. In fact, as long as a plaintiff can get to a jury that jury may still find a conspiracy. This is why I continue to believe that the Monsanto case is the only one necessary or appropriate for legislative modification.

Mr. President, I would like to explain that and why. You see, denying that price was a motive for a termination, and denying that there was an agreement on price levels—usually those two go hand in hand—the manufacturer will claim to act on his own, or for legitimate nonprice reasons like maintaining service levels. The terminated dealer on the other hand will argue that the real motive was an agreement to fix or maintain prices. The jury that decides that the manufacturer is not telling the truth about the stated nonprice reasons probably will also believe the other testimony or will not believe the other testimony that it did not intend to set a price range.

So, Mr. President, I am much more comfortable leaving this question up to the jury than I am with the U.S. Senate deciding this question for the jury in advance.

I might also suggest that Sharp did not upset the established rule that agreements to maintain or stabilize prices as well as to set them are per se illegal. Thus terminated dealers can still win resale price maintenance cases but to do so they must be diligent in their search for evidence of price concerns. They must uncover evidence that the stated nonprice reasons for the termination are mere pretext.

Mr. President, I might mention here, and do this parenthetically, that the views of the Senator from Ohio [Mr. METZENBAUM] in the committee report seem to support what I just said. He writes at page 21 that "When a competitor is eliminated pursuant to a vertical agreement solely because of its pricing policies, the impact on competition and consumer welfare is clear."

I emphasize the word "solely" because this is consistent with the uncovering of pretext evidence that I just mentioned. Unfortunately, the statutory language of the Senator from Ohio as well as the language of the pending amendment do not speak in the language of solely or sole causes. Rather, it is much more ambiguous. It not only changes the evidentiary rule laid out in Monsanto, a move I continue to want to support, but its overruling of Sharp turns virtually every dealer termination into a spin of the antitrust wheel of treble damage liability. This I cannot support.

As I have stated before, I am troubled by certain post-Sharp cases such as the Jeanery case and the Toys 'R' Us case raised by the Senator from Pennsylvania and others. In fact, I spoke out against these two cases 2 years ago in the committee report on this very bill. If I could be sure we were simply voting to change the result in these cases, I would support S. 429, or the pending amendment, but we are not doing that here.

I say of course we are not. Rather we are making a major as well as controversial change in the law that will simply catch too many blameless, unwary suppliers and dealers in the treble damages web.

The amendment before us blurs the careful distinction drawn in the Colgate case between unlawful concerted activities and legitimate unilateral conduct by manufacturers or suppliers. I hope my colleagues were listening to the senior Senator from Utah when he very clearly made this point, because he is right on the mark with this key point.

The Colgate doctrine that a manufacturer is free to announce real sale prices or contract terms and enforce adherence to those prices or terms by terminating noncompliant distributors or dealers or by refusing to deal with distributors or dealers who violate those prices or terms is almost as venerable as the per se rule itself. This rule dates all the way back to the year 1919, and I see no reason why we should weaken it.

A manufacturer's decision to terminate or refuse to continue to supply a distributor because the manufacturer independently concludes that the distributor's pricing or other behavior does not meet the manufacturer's objectives has never been a per se violation of the antitrust laws unless it is the product of an illegal conspiracy to fix prices.

In contrast, an expressed or implied agreement between a manufacturer and his dealers or distributors to fix resale prices or price levels has long been considered a per se violation of the Sherman Act. This is the real holding in Sharp, and as such it is not terribly remarkable. Perhaps that is why Justice Scalia's 6 to 2 opinion for the Court was embraced by both so-called conservatives and liberals.

This is simply not a case where ideology matters.

Mr. President, let me illustrate, then, my concern about the blurring of the line between unilateral and concerted conduct with some real world examples.

In the real world of retailing, manufacturers necessarily have to rely on information from their distributor networks to help ensure that other dealers comply with price and nonprice contractual requirements. A rival full-price retailer may often complain to a manufacturer—the complaint may be about a lot of things, and some legitimate—for example, that another retailer is not living up to the terms of the contract and, thus, is undercutting the competitor's retail price. What if the manufacturer acts independently or unilaterally to terminate the noncomplying retailer? The sponsors of this amendment try to assure us that this action is protected by Colgate and specifically by section 4 of this amendment.

But what if the complaining retailer—perhaps one unskilled in antitrust hairsplitting—utters a smoking gun phrase during a communication, suggesting that the manufacturer simply take care of the discounter, or says something that may be benign but is later interpreted as being some sort of ultimatum? Here the pending amendment says that if the retailer is subsequently terminated, he will automatically win treble damages, as well as attorney fees.

Mr. President, how about this scenario: What if, alternatively, a full-price retailer, knowing he is in competition with discounters, asks his manufacturer for an exclusive sales territory instead? And what if the manufacturer agrees, resulting in the termination of the supply to the discounter?

Well, Mr. President, as I read the pending amendment, this is permissible under the bill, because new subsection 8(a)(1)(D) seeks to protect vertical territorial restraints—even where they are motivated by a discounter's pricing policies.

So what has this amendment done? It has unwittingly encouraged the spread of exclusive territory arrangements as a subterfuge to reduce price competition. This is hardly a proconsumer development in the evolution of this legislation.

Indeed, a particularly devastating byproduct to enactment of this amendment might well be a rise in vertical integration by manufacturers—company stores, if you will. These stores will lack the independence and creative enterprise that now is so typical among small business retailers. This would be a terrible development for consumers, as well as for small businesses. But it is a real solution for wary manufacturers.

Do you want to risk this bad, long-term result, simply to change the result in a couple of cases? I do not think it is worth the risk to consumer choice or to small business.

Mr. President, as these examples show—and there are dozens more I could show that I might mention to this body—this amendment will bring on potentially massive liability for those not familiar with antitrust nuances. We ought not to intentionally create a trap for the unwary, or impose treble damages as a result of some kind of word game, and we are in that sort of a game.

Confusion, ambiguity, obfuscation are, I realize, good for the profits of the antitrust bar, both plaintiffs, as well as defense. But I sincerely doubt that it is a good development for people trying to make good business judgments. And I know that it is not a good development for America's consumers, who will ultimately, at the end of the line, pay the tab for all of the litigation fun and games that I think are involved in this legislation, if we do not dramatically change it.

I yield the floor.

The PRESIDING OFFICER. For the information of Senators, the Senator from South Carolina has 21 minutes; the Senator from Ohio has 45 minutes.

Mr. METZENBAUM. Mr. President, I yield 7 minutes to the Senator from Washington.

Mr. GORTON. Mr. President, in 1911, the U.S. Supreme Court determined that vertical price fixing—agreements among different sellers along the distribution chain to maintain prices—is a per se, or automatic, violation of Federal antitrust laws. The benefits of that decision to consumers are obvious. It encourages price competition—the heart of a free market economy.

In the last decade, however, the per se rule has come under attack by both the executive and judicial branches of the Federal Government. The Department of Justice shifted from its former position and actively worked fundamentally to alter or overturn the per se rule. Congress repeatedly has responded by prohibiting the Department of Justice from spending funds to advance that position. At the same time, however, the Supreme Court has restricted the application of the per se rule to the degree that this once-powerful legal doctrine has little meaning today.

It is time to reaffirm our commitment to the American consumer by adopting legislation once again effectively to outlaw vertical price fixing.

S. 429 will codify and strengthen the principles underlying the original per se rule. It will clarify that Federal antitrust laws prohibit not only manufacturers and distributors from mandating prices to retailers, but also prohibit a powerful retailer from dictating to whom its suppliers may sell. In today's highly competitive market, manufacturers increasingly are being pressured by full-price retailers to terminate or limit sales of competing product lines to discounters.

Full-service retailers and discount warehouses fill different free market niches. Each should be permitted to operate without interference from the other. In a nation whose greatest strength is diversity, manufacturers have learned that one size does not fit all. The same lessons hold true for the distribution industry as well.

In the past two decades, the manufacturing sector of our economy has undergone a tremendous and positive change. In the face of increased competition from home and abroad, American manufacturers are being forced to tailor their products to the ever-changing demands of consumers. The buying public knows what it wants to buy and the price it is willing to pay. Manufacturers and advertising agencies no longer can shape the tastes of the American consumer to fit the commodities offered. As a result, each of us is able to purchase a broader range of better goods at more competitive prices.

In a similar fashion, the American consumer is more value-conscious than in the past. The high-flying 1980's—a time when nothing was too good and no price was too high—are over. The 1990's are characterized by a far more pragmatic attitude, which, for many Americans, is necessitated by their starting families in a slowing economy. Recent financial pressures have been compounded in many families and communities by the conflict in the Middle East and by military cutbacks.

This value consciousness cuts across all economic, social and geographic lines. A perfect example is Costco, a Washington-based chain of discount warehouses, a form of business that has seen steady growth in recent years. It is not uncommon to see brand-new Cadillacs, Mercedes, and BMW's parked next to battered and rusted hulks barely able to run. Businessmen clad in fresh suits and ties roam the aisles with painters, mechanics, and janitors wearing telltale signs of their professions. These customers and others are willing to sacrifice a degree of service, setting and other amenities in return for lower prices.

Discount warehouses do not appeal to everyone for all purposes, of course. You get only what you pay for. Most people still prefer at some time or another the comfort and convenience of shopping at full-service retail stores—and are perfectly willing to pay the additional expense. As a result of the increased competition from discount warehouses, catalog showrooms and other retailers, however, the quality of service at many stores has improved markedly. I find that gratifying.

Just as domestic manufacturers consistently have called for trade barriers to protect them from value-priced imports, full-service retailers likewise demand the right contractually to eliminate their lower priced competitors. The principles are the same; only the players have changed.

During my 12 years as attorney general for the State of Washington, one of my principal responsibilities was to protect the public against anticompetitive practices. That was a protective and vital part of that job. Fair competition is the life and hope of the free market society. It clearly has spurred modern industry to provide better goods and services and better value for your money.

By taking choice out of the hands of the American consumer, vertical price fixing drains the buying power primarily from lower- and middle-income families and senior citizens on fixed budgets. In these times when every penny counts—and when does it not—the needs and wishes of the consumer should be paramount. That interest is best served by the passage of S. 429.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. METZENBAUM. I yield to the Senator from New Hampshire 15 minutes.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from New Hampshire is recognized.

Mr. RUDMAN. I thank my friend from Ohio and thank the Chair.

Mr. President, first let's just comment on the excellent presentation by the distinguished Senator from Washington [Mr. GORTON]. I think he hit quite clearly the legal questions facing us today.

Mr. President, I really wonder why this has become such a contentious issue. It has taught me once again that powerful lobbies representing a very narrow base of America have enormous clout in the U.S. Congress.

The only people that seem to be opposed to this are those manufacturing companies and some huge conventional retail distributors that kind of like things the way they are. Since the decisions in Monsanto and Sharp, I guess if I were in their shoes I would like things the way they are.

But the American consumer, the small business man and woman, people like the American Association of Retired Persons, the National Council of Senior Citizens, the Consumers Union—which I would add parenthetically rarely endorses legislation—and many other groups, including 46 of the 50 State attorneys general, have endorsed this legislation.

Let me just spend a few moments in pointing out in the simplest of terms why this legislation is good for the consumer and why it is not the complex legal issue it has been made out to be on this floor.

This is not a very complicated issue. Let me start by clearing up what I guess is a popular misconception. Universally adopted unilateral price fixing is legal in America. Many people do not understand that. Under the present law, if a manufacturer says "I manufacture shoes and they are wonderful shoes; if you wish to sell those shoes you must get $175 a pair and if you do not sell them for $175 then I will not let you sell my shoes" and everybody is held to that standard, that is legal.

There is much confusion here. I have heard statements here on the floor by people who evidently do not understand that. That is fine.

Further, there are all sorts of standards which can be set, standards as to advertising; service, if it is a service product; certainly stocking of inventories; if the shoe manufacturers say you have to carry 100 dozen of each pair in three colors, that is OK.

What the Sherman Act never allowed was vertical agreements on pricing, and it comes about like this.

Let us take that same shoe manufacturer who has this policy and he is selling his shoes around the country, but the fact is that a number of people are not observing his suggested retail price and they are selling these shoes for, let us say, $140 a pair which is, of course, as the Senator from Washington pointed out, very good for people trying to save money and raising families. They would like to buy good products, name brand products, at minimal prices.

Let us assume the manufacturer says: "I am selling a lot of shoes. Since I am getting my price for the shoes, I do not care if these discounters out here are selling this pair for $35 less."

Now comes along a huge department store and it says to that manufacturer, "In my area of the country, John Smith, down the street, is selling the shoes for $140, and I am selling 20,000 pair a year, and unless you enforce that against John Smith, I am going to stop selling your product." And the manufacturer brings pressure on John Smith who says: "I have lower overhead; I have a different class of clientele. I like selling your shoes. People come and buy them by the hundreds. I want to sell them at $140."

The manufacturer says, "Unless you raise it to $175 I am going to take it away from you." That is the only reason. There is in fact a conspiracy between the manufacturer and the large retailer to prevent that from happening and it is carried out and it is terminated. That, until Monsanto and Sharp cases, was resale price maintenance and against the law.

Today it is not.

It is very interesting that the Monsanto case and the Sharp case changed what the antitrust bar believed to be the law up until that time, roughly 50 years.

I would say to my colleagues on this side of the aisle, with all due respect to my friend from Ohio, that the theory of antitrust came under a great Republican President, Theodore Roosevelt, who believed in free markets, in free competition, in the rights of small businesses, and the rights of the American consumers. Somehow I say to friends on this side of the aisle, we have been a bit corrupted lately when one looks at the rollcall vote. It seems to me if anybody in this Chamber ought to support it, it ought to be Republicans who sit on my side of the aisle.

The Senator from Ohio made a very interesting point the other day, and it is worth repeating. It is one I only know of in general terms, but he talked about it specifically, and it is in the May 6 CONGRESSIONAL RECORD. Let me just read verbatim what the Senator from Ohio [Mr. METZENBAUM] said about the Belk case, which is just a case in point and really wipes away all of this fancy legal rhetoric.

I enjoy flights of fancy legal rhetoric. My friend from Washington was a former State attorney general. The occupant of the Chair, the distinguished Senator from Connecticut [Mr. LIEBERMAN] was attorney general of his State and, as you know, I was attorney general of mine. We all enjoy flights of fancy legal rhetoric. But that is a great way to confuse and to confound. This is not very confusing, and the Senator from Ohio fixed on a case which just hits on point. Let me read you what he said on the floor a few days ago.

It was a case involving Garment District, Inc. versus Belk Stores, Belk being a large conventional retailer, Garment being a discounter. Here is the quote:

> Take, for example, the case of Garment District, Inc. versus Belk Stores Services, Inc., decided in 1936, in which the manufacturer received repeated claims from Belk, its full-price retailer, about Garment, a competing discount retailer. The court found that Belk, in fact, pressured the manufacturer "in order to eliminate a discount competitor," and that Garment was "terminated because of the pressure exerted by Belk."

This is a classic Sherman antitrust case.

There was even a letter from the manufacturer to Belk—talking about smoking guns, which the Senator from Iowa was talking about a few moments ago in opposing this bill—there was even a letter from the manufacturer to Belk acknowledging the manufacturer's decision to terminate and thanking Belk for "bringing this problem to my attention," according to the words of the letter.

The court, relying on Monsanto, held this case should not go to a jury and upheld the directed verdict for the defendant.

It is hard to see how the court could prevent the jury from considering this case. But that is a classic example of how lower courts are interpreting Monsanto.

What did the Monsanto case say? I have read it a number of times. I have talked to learned people who read it and I will make a statement as to what I believe it means. I think there is much support for what I am about to say.

It helped in the case that the plaintiff had to virtually have a written agreement to fix prices to avoid summary dismissal—in layman's terms, in order to get to the jury. Even to get to the jury you had to have a written agreement or some strong indication, a recording, documentary evidence, whatever.

This is insurmountable for anyone who has ever tried any kind of a case. It is not a standard we have in the criminal law or in any other part of the civil law I am aware of, but that is what they said in Monsanto and it has been almost impossible to win a case under that standard.

Let us go on to the next case. That was a case on standards. Let us talk about Business Electronics Corp. versus Sharp Electronics Corp.

In that case, the court held that unless an agreement, even if one is found, specifically mentions certain price levels, no per se price-fixing restraint can be found. The decision makes no sense. It allows people to conspire all they want to so long as they do not write it down on paper.

So what we have done with this legislation is that we looked at Monsanto and we looked at Sharp, and we tried to put the law back where it was for 50 years. Now we have gone a step beyond that. There have been allegations made by the opponents of this—the administration; the Justice Department—that somehow we are creating a presumption of a conspiracy. Well, I do not think we did that.

But Senator BROWN of Colorado came to Senator METZENBAUM and to this Senator and said: "I think we can clarify this to make the evidentiary standards even tighter to make sure that that could not be conceived of by anyone." I believe I am correct, I say to my friend from Ohio, that we have accepted that and that is part of the amendment that we would offer; is that correct?

Mr. METZENBAUM. We have indicated that we are prepared to accept it. There has been some objection to it, but we are prepared to accept it after the cloture vote.

Mr. RUDMAN. So after the cloture vote, if we are successful, it would be our intention to incorporate the Brown amendment which makes the bill crystal clear, if it was not already.

So that really is what this is all about. This is about saying to American consumers that we will give you the opportunity to buy brand-name products, quality products, many American-made products, which I think is important, at the lowest price that a retailer believes he can sell them to you and still make a profit.

That is what this is all about. That is why the Consumers Union, the AARP, and the others have endorsed this legislation.

Finally, Mr. President, let me just deal with a few items of mythology. I would say that the position paper I read from the Justice Department, I will classify politely as mythology. It lays forth a number of myths which this legislation definitely can rebut on its face. Let me just go through about three or four of them.

Myth No. 1: They have said that S. 429 could also render certain nonprice distribution agreements per se illegal, even though such agreements should be considered, instead, under the antitrust "rule of reason." (Statement of Position, May 2, 1991).

Mr. President, they know and we know on the plain face of this bill that S. 429 does not affect nonprice agreements in any way. The administration has made a statement about a section of the bill which makes illegal an agreement to "set, change, or maintain the resale price" of a product, "whether or not a specific price or price level is agreed upon."

Obviously, this section refers to price restraints, not to nonprice restraints, and it is crystal clear. How can anyone seriously argue the proposition that price-fixing conspiracies are acceptable as long as the conspirators do not write down a specific price?

Myth No. 2: Manufacturers rely on feedback from their distributors to supply the goods and services that consumers desire and that S. 429 could hinder this important exchange of information. (Thornburgh letter, April 30, 1991).

Well, Mr. President and my colleagues, that, on its face, is absurd. The only thing under this legislation that manufacturers and distributors could not talk about is the prices being charged by competitors. Period. And they know that at the Justice Department.

Myth No. 3: They claim in their position paper that the bill could do great harm in cases alleging unlawful resale price maintenance agreements by allowing a presumption of conspiracy from evidence that is equally consistent with unilateral decisionmaking.

All S. 429 will do is to permit a plaintiff to present to a jury circumstantial or, if you wish, inferential evidence from which criminal activity can be inferred.

The Justice Department and the U.S. attorneys around the country do this every day of the week in courts all over this country, as to State prosecutors and State attorneys general.

Mr. Rill testified—Mr. Rill, incidentally, is the head of the Antitrust Division in Justice—he said:

> The varying facts attending business conduct must drive the conclusion as to whether an agreement legitimately may be inferred on the basis of circumstantial evidence. No one fact is determinative.

We agree. But under the Justice Department position, the jury would never get to hear the evidence.

The same rules of evidence ought to apply for businesses engaging in antitrust conspiracies as exist for individual Americans who participate in garden-variety conspiracies in criminal and civil cases.

Mr. President, let me end where I started. This is not a very complex matter. There is an old saying amongst lawyers that I am sure the distinguished occupant of the Chair is familiar with. It goes something like this:

> If you don't have the facts, pound the law. If you don't have the law, pound the facts. If you have neither, pound the table.

What we have been hearing for the last day around here is a lot of table pounding. There is nothing in this legislation that will penalize a manufacturer who legitimately wants to make sure that his product is being properly sold at a price that he wishes to maintain so long as he does not engage in a conspiracy with a third party to the detriment of the American consumer.

That is what this bill is all about. It is no more complicated than that. I hope the Senate will vote cloture, and I thank the Chair.

Mr. METZENBAUM. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. RUDMAN. I am pleased to yield.

Mr. METZENBAUM. The Senator from New Hampshire spoke about the fact that President Roosevelt had been a Republican leader with respect to the whole issue of antitrust enforcement. Was he aware of the fact that John Sherman, of the Sherman antitrust law, was also a Republican?

Mr. RUDMAN. I thank my friend from Ohio for reminding me of that. I would only say the heritage of my party is strong in the area of consumer rights, and I am delighted that the other side has now joined us.

Mr. METZENBAUM. Mr. President, I yield 8 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

Mr. D'AMATO. Mr. President, let me ask a question. How many of us would be willing to go to our constituents and say that he or she would like to see our constituents pay higher prices for goods or services? I doubt if there would be very many of us. But in effect, that is what some of our colleagues are suggesting by opposing this legislation.

This bill grants protection to the buying public by guaranteeing that they will be given the opportunity to buy products at competitively based prices. Unfortunately, there currently exists the ability on the part of unscrupulous manufacturers and retailers to implicitly and, yes, to some extent, explicitly set prices on goods and services.

Every business should be allowed to determine with whom they do business. However, when the obvious and apparent motive behind discontinuation of one's business relationship is due to anticompetitive pricing, it is of concern to Congress.

In two key decisions—the 1984 Monsanto versus Spray Rite and the 1988 Sharp versus Business Electronics—the Supreme Court severely increased the evidentiary burdens for antitrust suits. In Monsanto, the Court ruled that a complaining discounter or retailer must show direct evidence that a manufacturer and another retailer had conspicuously decided to maintain a certain price level.

Under the Sharp decision, the Court went one further by saying that an agreement between a retailer and a supplier to terminate the contract of another retailer would be per se illegal only if it could be proven that a specific price was set between the two.

Mr. President, that is absolutely and totally impossible in most cases, even when there has been a conspiracy. That kind of burden of evidentiary proof makes it almost impossible to prove where there has been price fixing. And increasingly, the opportunity exists to pressure retailers to either fall into line or have their product yanked out from under them. Why are the companies engaging in such practices? Who are these companies? Well, more and more it seems it is our friends, the Japanese.

Many believe that as the Japanese do more business in the United States, they have been picking up on the practice of retail price maintenance. However, what most Americans do not know is that price maintenance is almost a way of life in Japan. And they are starting to export their brand of it here too.

As the Japanese become intertwined with our economy, American firms, eager to do business with successful Japanese companies are met with a rude awakening—the Japanese really do not want to do business with you. Why? Because many Japanese business operations revolve extensively around other Japanese businesses through a system of interlocking shareholders and directors. The net result of such domination exerts substantial influence over everything from supply to sales. This method of operation is known in Japan as keiretsu. We have another name for it. We call it cartels—which have been illegal in this country for over 100 years. The end result of this practice is that American firms have very little opportunity to compete effectively with Japanese businesses—even if the American firm can do it for less.

In the United States, there is growing concern that keiretsu is starting to occur in America at Japanese-owned plants. This is one Japanese export that we certainly do not need. The companies either rule out American suppliers altogether, or give them so much business that they become too reliant on the Japanese company. In the latter case, the company eventually can dictate terms—including prices—to the American firm—and they will submit because their business is overwhelmingly tied into the Japanese company.

T. Boone Pickens learned the hard way that you can not buck the Japanese cartel and compete in Japan. Toyota taught him the rules of the road. The secret to the Japanese economic miracle is simple—lock Americans out of Japanese markets while eliminating competitors in the United States. One result—during the last 2 years Japan exported more than $11 billion in auto parts while allowing only 640 million dollars' worth of United States parts into Japan.

At the retail level, many Japanese companies have set in place suggested retail prices. While suggesting a retail price for a product is not illegal, these prices are usually backed up with a threat of product withdrawal if a retailer does not agree to sell at the stated level. This was alleged in the recent Nintendo settlement.

Prior to that settlement, the FTC charged that Nintendo deliberately set a minimum price for its game board while threatening any retailer with discontinuation if they did not follow Nintendo's pricing. If you are a retailer, and the maker of the world's most popular game tells you to either shape up or ship out, you have a major decision to make. Do I silently acquiesce and continue to make money, or do I report it and lose a highly profitable Nintendo product?

Some complained and loud enough that the Federal Trade Commission and various States decided to investigate. They found a gross violation of antitrust law and have forced Nintendo to offer up to $25 million in rebates.

This is not the first Japanese company to agree to settlements. In March of this year, Mitsubishi paid a $8 million settlement for overcharging on 250,000 television sets sold in the United States. In 1989, Panasonic settled for $16 million for price fixing of audio and stereo products, and in 1986, Minolta settled for $7 million for a dispute involving two camera lines.

It would be amazing to note that these companies probably did not feel that what they were doing was wrong. Indeed, under current law, it would be hard to prove. But, as the electronics industry in our Nation moves toward total market domination by Japan, what is to stop them from entering into collusive agreements between not only their retailers but with one another as well? I do not want to say that it is only Japanese companies engaging in retail price maintenance, but recent experience has brought focus to how pervasive price fixing could become without steps to combat it.

What the issue before us boils down to is simple fair play. Do we allow the opportunity for any discount retailer to have access to a product, or do we continue to turn a blind eye as companies increasingly stipulate what price a certain commodity will command? We need commonsense legislation that says to anyone considering price fixing that it is not going to be that easy. This bill before us does just that.

The American consumer will continue to suffer if prices soar unchecked due not to market sources, but instead, to the malicious greed of collusive retailers and manufacturers. Indeed, according to the Federal Trade Commission, vertical price fixing forces consumers to pay an additional 10 to 23 percent. We have an opportunity to stop this inequity with the passage of this legislation.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield 10 minutes to the able Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOND] is recognized for 10 minutes.

Mr. BOND. Mr. President, I thank the distinguished Senator from South Carolina.

Mr. President, I have come to the floor today to speak in opposition to S. 429, a bill which carries the extremely misleading title "Consumer Protection Against Price Fixing Act of 1991." In fact, this bill will do little or nothing to protect consumers against price fixing. It is worth noting that price fixing is illegal under existing law. There is no defense to it. And it carries a penalty of triple damages.

I might note the examples cited here on the floor by my colleague from New York are instances where price fixing has been found to exist and where the remedies have been applied. The Monsanto case, which is often discussed, was a case in which an improper agreement was found.

What this bill would do simply is decrease communication between manufacturers and their suppliers. It will cause an explosion of antitrust cases before the courts. For that reason I think a more appropriate and better title for the bill would be The Lawyers Relief Act of 1991.

I apologize to my colleagues for not having been able to be present on Monday when we debated the motion to proceed on the bill, but pressing business in my State kept me away from Washington. I would, however, take a moment to discuss the procedure under which this bill has come before us today. This is the third time in the 4½ years I have been in the Senate that this bill or one substantially similar to it—has come before this body. Each time in the past we have properly elected not to pass it.

This year the bill has come to us after being rejected on a sound 8 to 6 vote by the Judiciary Committee. I am not a great Senate historian or scholar of Senate procedure and rules like many of my more senior colleagues in this body, but it seems pretty clear to me that the committee process was established to weed out the good from the bad—to save the Senate from wasting valuable time on misguided proposals.

This bill before us today was soundly rejected by the members of the Judiciary Committee and it is before us today solely due to an agreement by a few Members of the last Congress. It is inconceivable to me that this body should have to spend its precious time debating a bill that did not even have the support to get out of committee, solely because it was pushed out by agreements within the committee.

We have a tremendous amount of important work to do this year. We have before us major proposals on parental leave, civil rights and campaign finance, not to mention the appropriations bills and major authorizations that we have yet to address. I express my concern over the fact that we are wasting the time of 99 Senators today discussing a bill that should never have made it to the floor. I hope we can dispose of it quickly by sustaining the continued discussion of it and not invoking cloture.

As several of my colleagues have already discussed, this bill seeks to do three things. First, it would overturn the Supreme Court's unanimous decision in Monsanto versus Spray-Rite Service Corp. Second, it would overturn the Court's decision in Business Electronics Corp. versus Sharp Electronics Corp. And third, it would codify and most likely expand the per se rule of illegality for vertical price fixing. The impact of these changes would be negative for consumers, negative for American business and negative for our economy as a whole.

Let me focus my remarks on the impact of overturning Monsanto. In the Monsanto case, Monsanto refused to renew its distribution agreement with Spray-Rite, a wholesale distributor of agricultural chemicals and herbicides. Spray-Rite brought suit in Federal district court charging that Monsanto had conspired with some of its other distributors to fix the price of Monsanto's products, and that Monsanto had terminated its contract with Spray-Rite in furtherance of the conspiracy and did in fact terminate. The Supreme Court found that there was sufficient evidence that Monsanto had conspired to fix prices and, therefore, ruled in favor of Spray-Rite, awarding the company $10.5 million in damages. The Court, however, went on to point out the important distinction between concerted action to set prices, which is, of course, per se unlawful, and action on nonprice restrictions which is judged by the rule of reason. So the Court drew a very careful distinction between an agreement on price and agreements on other areas of distribution.

The Court said that permitting a price-fixing agreement to be inferred from the existence of complaints from other distributors, or even from the fact that termination came about in response to complaints, could deter or penalize perfectly legitimate conduct. Therefore, the Court said, the correct standard to use in these cases is that there must be evidence that tends to exclude the possibility that the manufacturer and the nonterminated distributors were acting independently. There must be more than simply evidence of complaints from a competing dealer, and a subsequent termination of the dealer about whom the complaint was made. Simply stated, for there to be an illegal price fixing, per se illegal conspiracy, there must be an agreement, not just a complaint from a dealer.

The proponents of this bill argue that the standard set forth by the Court is too harsh and that it must, therefore, be overturned.

They would erect a standard that if a plaintiff can produce sufficient evidence from which a trier of the fact can reasonably conclude that a price-related communication was the major cause of a termination of another dealer, then the plaintiff would be entitled to have the trier of fact consider whether the supplier and the complaining dealer engaged in a vertical price-fixing conspiracy.

The language of the bill muddles this issue even further by stating that the competing dealer need only make an implied request or demand to the supplier regarding the terminated dealer, a very broad umbrella to come under.

As one who spent some time in the practice of antitrust law, I assure my colleagues, in my view, the proposed standard will open the floodgates of litigation. The impact on many companies, especially manufacturers who sell their products through dealers, would be enormous. It is a fact of business that competing dealers will complain about each other's business practices: A competitor is not providing adequate service, is not advertising property, is selling outside its distribution area, for example.

I cannot imagine how many such complaints a large manufacturer might have from a nationwide network of dealers. Companies that immediately come to mind are huge: Ford, Chrysler, IBM, Xerox, for example. However, the companies that would be most affected by this legislation are the smaller manufacturers who do a major part, if not all, of their business through dealers.

These dealers are locked in fierce competition, as they should be. That is how the system works and that is what makes it work so well. It is simply common sense that in the regular course of business some of the fiercely competing dealers are going to complain to the manufacturer. It is also common sense that in the regular course of business a manufacturer is going to terminate some dealers for one reason or another; perhaps because the dealer is not doing a proper job of display. Certainly, until this legislation has been presented, there is no reason to think that they could not do so.

I will turn briefly to the underlying rationale for the bill; that unless we pass the bill the discount industry will be forced out of business. Mr. President, I am a person who shops at full-price retail stores and I shop at discount stores a lot. Stores like Wal-Mart are essential to residents of small towns like my hometown. Throughout our State, many people shop in those discount stores. They want to be able to get the prices available there. I think they should have that.

But it is essential for use to understand that we are not debating whether we want a discount industry in this country or not. We have one. It is a good thing. We are not debating whether or not we want our constituents to save $20 billion per year. They do, and we want them to. But what we are debating is whether or not we want to ease the standards of evidence in antitrust cases and flood the courts with unworthy litigation in the name of antitrust.

The discount industry is healthy. Since the Supreme Court's 1984 Monsanto decision, the bill's proponents would have us understand that the decision spelled the end of the discount industry. We have now had 7 years to test it. There is no question that the discount industry has prospered. Earlier this year, Wal-Mart became the largest retailer in the country. Its sales have grown over the past 10 years from $2.4 billion to $32.6 billion. K mart has also similar expanding sales.

According to Discount Merchandiser magazine, volume for the entire discount industry in 1989, the last year for which figures were available, was $160 billion, a new record, an 8.8-percent increase over the previous year. That sounds to me like an industry that is healthy and growing.

The clout that discount stores have in the marketplace and their ability to attract suppliers can be illustrated by a few items that have appeared in the press recently. For example, a November 12, 1990, story in Forbes notes that Burlington Coat Factory, a discount chain, stocks goods from 1,000 coat manufacturers and notes that "manufacturers are more eager than ever to do business" with Burlington. In another article in Discount Merchandiser, the company's chairman is quoted as saying he has no problems getting merchandise from manufacturers. In fact he says, "they are knocking on our doors."

I would simply say to my colleagues that these are not the words and numbers you see from a failing industry. And let me just add again that I am extremely pleased to see that because I believe a healthy discount industry is important not only to the consumers in my State, but to our economy as a whole.

In conclusion, I simply urge my colleagues to consider the facts on this issue, not just the rhetoric. We all are in favor of consumers—we are all consumers ourselves, as is everyone of our constituents. But this bill is not a consumers bill, it is a lawyers bill. And I feel confident that if you asked any of the people in your State, the majority would say they do not want to see us passing bills to increase lawsuits.

I urge my colleagues to reject this misguided bill and not support cloture and allow the Senate to move on to more pressing and responsible matters.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, I yield 4 minutes to the Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President, I want to briefly explain why I support the legislation introduced by Senator METZENBAUM, why I endorse the substitute offered by Senator BROWN and why I believe it is crucial that we invoke cloture.

Some of you know that I was a retailer before I came to the Senate. My family owned a chain of supermarkets and department stores in the Midwest, and I was the CEO. Our business started with a single grocery store and grew to more than a hundred food and department store outlets.

During this time, I learned that price competition is the backbone of our retail economy. For business, it spurs innovation, development, growth, and profit. And for consumers, it creates a myriad of shopping options: Americans can find a wider selection of goods at lower prices than any other people in the world.

When I was in business, I saw this competition from both sides. As a retailer, I sometimes undersold my competitors. But sometimes they undersold me. I appreciated this competition then, and I still appreciate it—even when I buy a pair of reading glasses at Wal-Mart.

But I have also experienced firsthand the kind of pressure that some manufacturers exert to keep prices high. On several occasions, my own company lost lines of merchandise because we tried to sell at a price lower than what the manufacturer—and our rival retailers—wanted. The sad truth is that illegal price fixing does exist in the real world, and that recent legal developments may undermine our competitive balance.

First, the executive branch has been far too lax in enforcing Federal antitrust laws. For more than 75 years, resale price maintenance has been per se illegal—and for a simple reason: When a manufacturer conspires to require its distributors to charge a fixed price, it raises costs for consumers.

Yet despite this widely held view, the Justice Department has virtually abandoned public enforcement of the RPM prohibition. It has not brought a single vertical price-fixing case since 1980. Even more troubling, the Department actively intervened on behalf of a number of defendant-manufacturers charged with vertical price fixing.

I believe that we would not be debating this bill today if the Justice Department had moved vigorously to combat vertical price fixing. Instead, it has been comatose. And that, as much as anything else, has necessitated this legislation.

Second, because there is so little public enforcement of the RPM prohibition, we have to look more toward private efforts to combat price fixing. In Monsanto, the Supreme Court established a difficult evidentiary standard for what plaintiffs must show to have their RPM cases heard by a jury. And in Sharp, the Court said that it would find violations only where conspirators set a specific price level.

It has always been difficult to win antitrust cases that aren't automatic violations. But combined with these decisions, unscrupulous manufacturers may have a green light to drop discounters—and violate the law.

Of course, the vast majority of suppliers has no interest in fixing prices. But this bill—particularly as Senator BROWN would amend it—would not allow manufacturers to be punished for their own unilateral pricing and marketing decisions. More than that, by making it easier to prove vertical price fixing, the measure makes it less likely that an honest producer will be caught between a rock and a hard place.

Mr. President, I do not suggest that this is a perfect piece of legislation. In the committee last year, I added an amendment to make the evidentiary standard clearer and less needlessly complex. But I do believe that S. 429—even as amended—will make a positive contribution to our economy and to our prosperity. And that we will not be doing our job unless we move to a debate on the merits.

I want to commend Senator METZENBAUM for his diligent work on behalf of this crucial legislation. I urge my colleagues to support it and to vote for cloture.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. BROWN. Mr. President, I thank the distinguished Senator from Ohio. I appreciate this opportunity to share with this body my concerns about this measure.

Mr. President, upon the first review in the Judiciary Committee, a number of major concerns were raised about the issue. I, along with my colleagues, reviewed the bill. I joined in voting against this measure, and I also voted against bringing it to the floor.

Since that time, in working with the sponsors of the bill, they have agreed to accept the amendment. Should this motion of cloture be agreed to, they have agreed to accept the amendment we offer.

Mr. President, this amendment is really what we have to face. In looking at the concerns that were expressed about this, we contacted the major industry groups that were concerned, we contacted the administration through the Department of Justice, and we reviewed in detail every single concern they have. I, myself, came to public service after being in business and specifically being a corporate counsel for a Fortune 500 company. And being a businessman whose job it was to set up a national distributing network, I believe I have some understanding of the basic issues from the business side.

The amendment that will be considered by this body is not antibusiness. It has been described that way. But, Mr. President, let me assure my colleagues that that is not the case. We have addressed every major concern. There has been discussion of the Monsanto case. The language that is in the amendment is basically a codification of the rules of Monsanto.

Let me repeat that. This does not destroy the Monsanto case. It is basically a codification. If there are concerns that this does indeed destroy it, I hope those people will come forward and be specific about it. We have researched it, looked at it, and reviewed the cases. The fact is, this is basically a codification.

Second, with regard to Sharp, does it change Sharp? Yes, it does. Let me suggest how it changes Sharp. It addresses specifically the Toys 'R' Us case. That is the change in this bill. I hope the Members of this body who look at the details of the Sharp decision, who review it, will come to us and tell us what is wrong in this measure. I believe every Member of this body who will review the details of the Toys 'R' Us case will reveal the sales discounters who are saving people money, who are competing. I believe they will come and say this is a wise change. It is not a frivolous change. It is a small change, but it is a change that I believe is very much in the spirit of competition.

Mr. President, I think many Members who are going to vote on this cloture motion are concerned that somehow we might do harm to legitimate business interests. As one who has some background in this area, let me assure you that is not the case. What is more important, I believe it is particularly valuable to a competitive enterprise system that this measure pass.

It is not just that we have dealt fairly with the issues. It is not just that it promotes competition. I think it stands at the fiber and the fabric of why America is a key competitor in this world. If you look at our competitiveness in manufacturing, and that is normally the way we judge how competitive America is, we found that many countries have emulated our great success, and their level of competitiveness, efficiency, and work productivity are approaching that level of America.

But there is an area where this Nation stands head and shoulders above any competitor in the world. That, interestingly, is an area that is dramatically larger than manufacturing. That is in the distribution sector, in the commercial sector. Our country is dramatically more efficient.

Let me suggest to you why. I believe it is because this country has been concerned about encouraging and stimulating competition. While other countries have believed in cartels, other countries have allowed monopolistic practices, America has said competition is the way we want to go. It shows through in a shining light. This country is the most productive, the most efficient in its retailing and distributing sector of any nation on Earth. It comes directly and distinctly from our commitment to competition.

To sum it up, Mr. President, the fact is this measure as amended is a small step but it is a step forward in promoting competition. It is not destructive to business interests. I believe it is responsible legislation.

When people come to us and say the way to deal with an issue is to simply kill it, that our responsibilities are as legislators not to deal with an issue but to stonewall it, I believe we have a responsibility to look into that issue. I believe the reason taxpayers pay us to come here is to examine those issues and try to come up with the best rules and legislation we can.

The real issue on which we will vote is whether or not we want to stonewall this issue rather than deal with it. I hope this body will speak loudly and clearly that we want to deal with this issue.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 4 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I thank the distinguished senior Republican member of the Judiciary Committee for yielding this time to me.

Mr. President, I think it is important for us to keep in perspective the vote we will be casting in a few minutes. This is not a vote, as I understand it, on the merits of the bill, necessarily. It is a vote on a cloture motion, a vote to cut off debate.

I am going to vote against cutting off debate because I believe this issue is so complex and so subject to misconstruction and misunderstanding that the Senate ought not rush to pass it.

First of all, the Judiciary Committee, after hearing testimony and reviewing this issue for the last few years, is very closely divided on the issue as to whether or not this bill is appropriate for the Senate to pass. A majority of the committee has voted against passing this bill.

Given the fact constituencies are confused as to the exact reason for pushing the legislation, I am suggesting, too, that even as to some Members of Congress and Senate there is confusion about the effects of this bill. I have received cards and letters from constituents, phone calls from retailers, urging me to vote one way or the other on this bill and citing reasons which are irrelevant to the actual purpose of this legislation.

This legislation is aimed at a standard of proof. This legislation tries to amend in effect the burden of going forward with certain kinds of evidence in order to establish that illegal price fixing has occurred in a relationship between a manufacturer and a retailer.

I do not know of any more complicated part of the law than antitrust, Mr. President. It seems to me the Senate's interest as an institution would be well served to more carefully and fully consider these issues.

As an example, one person called and said, "I do not want you to vote for this bill because, if you do, manufacturers are going to get to tell me what to charge for a product."

That is not what is at issue. that is not either legalized or prohibited in this legislation. We are talking about situations which involve nonprice agreements just as well as price agreements between manufacturers and suppliers and retailers.

For example, there is one electronics manufacturer in my State that wrote me when this issue was first before the Senate several years ago explaining to me the problem this would put him in as a manufacturer of electronic equipment; if he could not require the dealer to provide some service and information to customers, he was going to be serving those consumers in a very poor way. Part of his sales depend upon the followup and the service provided by the retailer. And so part of this requirement for being able to sell his equipment is that this service is provided. That is an issue, Mr. President, which could be interpreted adversely to my constituent if this bill is passed. That is just an example, and I hope the Senate will carefully consider the others as reasons to vote against this cloture motion.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I believe I have 8 minutes remaining. I yielding 3. I had 11.

I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator has approximately 6½ minutes remaining.

Mr. THURMOND. What is that?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mr. THURMOND. That is right, 7 minutes.

Mr. President, today I received another letter from Mr. James F. Rill, Assistant Attorney General, who is the chief of the Antitrust Division. This is the man who protects the consumers in this country. This is the man who prevents combinations and who sees that we have fair trade. I want to read this letter:

> You have requested a brief summary of antitrust law regarding agreements that set minimum resale prices. The law in this area is clear. A manufacturer may not agree with its dealers as to the minimum prices at which goods will be resold. Such agreements are per se unlawful; No proof beyond the agreement itself need be offered. For example, if a maker of clothing and a department store or other retail outlet agreed that the manufacturer's goods could be sold at no less than a certain price, the per se rule would apply.

In other words, be illegal.

> An agreement setting minimum resale prices need not be in writing in order to be held unlawful. Such an agreement may be found on the basis of a variety of evidence. For example, in the 1984 Monsanto case, which upheld a finding of a resale price maintenance agreement, there was evidence that the manufacturer had approached its dealers with the advice that they would not receive new supplies if they did not maintain prices and had complained to the parent company of a distributor, which then informed the manufacturer that it would charge the suggested price. Monsanto and other cases demonstrate that plaintiffs with sufficient evidence of actual agreements that set minimum resale prices can succeed under existing antitrust law.

As is the case with antitrust and other law generally, no one factual formula exists for finding or inferring an unlawful resale price maintenance agreement. Rather, all of the direct and circumstantial evidence is put in context and sound evidentiary legal principles are then applied. When those circumstances reveal the existence of an actual agreement that sets minimum resale prices or price levels, regardless of how formulated or how or whether explicitly expressed, an antitrust violation has occurred.

In other words, Mr. Rill is looking after the consumers of this country. He is making sure that we have competition. I want to be sure that was clear.

Mr. President, I would like to conclude my remarks by repeating a point I made in my opening statement, which, in my view, is so important that it bears repetition. The antitrust laws, and the Sherman Act in particular, work well because they have been drafted broadly, rather than as a list of proscribed activities. The authors of the Sherman Act intended to be a general statute, to be amplified as necessary through judicial reasoning, and by experience over time. Senator Sherman himself, remarked that, "It is difficult to define in legal language the precise line between lawful and unlawful combinations. This must be left for the courts to determine in each particular case."

Statutory rules phrased in terms of specific practices, rather than in terms of competitive purpose or effect, lack the flexibility needed for optimum antitrust enforcement. Sound antitrust rules are simply not amenable to fixed, detailed, articulation. Not every court decision is well conceived, and even some decisions that are correct when issued, appear later to be based on weak findings and logic. The common law process can correct this. Legislation along the lines of S. 429 raises the specter of far more serious problems, which would be far more difficult to correct.

Mr. President, I urge my colleagues, in considering how to vote on both the Metzenbaum bill and the Brown amendment, to carefully consider the impact of S. 429, especially the harm it does to American business and to the antitrust laws, and to weigh this harm against the failure by the proponents to show any legitimate need for this legislation. Clearly, both bills should be soundly defeated. I urge my colleagues to vote no on the motion to invoke cloture.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, my understanding is the Senator from Colorado wishes to insert some material in the RECORD. I yield to him such time as necessary to do that not to exceed a minute.

Mr. BROWN. Mr. President, I ask unanimous consent to insert in the RECORD a side-by-side analysis of our amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIDE-BY-SIDE ANALYSIS

S. 429's core problems	Core aspects of the compromise amendment
Page 3, lines 5-6. The references to "implied requests or demands" or "threats to discontinue an existing business arrangement" are overbroad. Thousands of such "implied" requests or threats are made in the business community everyday. For example, a communication about a non-price vertical restraint, e.g., an implied termination threat concerning invasion of an exclusive territory, could well form the basis of a price fixing conspiracy case under this bill.	Page 3, lines 5-6: This change ensures that only express or reasonably implied requests or demands will be considered under this bill.

SIDE-BY-SIDE ANALYSIS—Continued

S. 429's core problems	Core aspects of the compromise amendment
At the same time, many requests or demands can be reasonably inferred from the tenor of the request or demand. For example, a retailer may simply complain to a manufacturer about a discounter and then state something like, "It's him or me, you decide.", reasonably implying but not expressly stating that he was requesting the manufacturer to terminate the discounter. Accordingly, we deleted the reference to "threats" and instead referred to "express or reasonably implied" requests or demands. The term "reasonable" is intended to be an objective test, based on all the circumstances of the communication.	
In stark contrast to well-settled principles of antitrust law and the law of conspiracy, the bill requires no showing at the summary judgment stage of the lawsuit that the manufacturer and the full price retailer conspired to fix prices. Rather, the bill specifies only that the conspiracy must be proven at trial. Thus, a manufacturer could conceivably have to defend at trial charges of vertical price fixing without the discounter ever having had to establish any conspiracy whatsoever.	Page 3, line 12 to Page 4, line 8: This new section fulfills the key antitrust requirement that there be some evidence of agreement with the discounter's request or demand, or purposeful concerted activity on the manufacturer's part. It codifies several post-Monsanto cases which found such evidence sufficient to survive summary judgment, and overrules those post-*Monsanto* cases which found such evidence insufficient to survive summary judgment.
	This new language further allows the discounter to survive summary judgment by showing evidence that the manufacturer had threatened others with termination or had exhorted dealers to avoid price competition or had invited dealer complaints about price. These coercive tactics demonstrate that the manufacturer was acting in a purposeful manner and are thus indirect evidence of agreement or conspiracy. This alternative requirement is derived from examples of circumstantial evidence of conspiracy found in last year's House Report, H.R. Rep. No. 101–438 at p. 35 (Table of Illustrative Circumstantial Evidence).
	A further provision, subparagraph (D), makes it clear that this alternative showing of evidence of other coercive tactics cannot be met by evidence that the manufacturer was terminating others as part of a decision to alter its distribution policy by adopting exclusive distributor outlets or vertical location, customer or territorial clauses. Such unilateral activity, protected by the Colgate Doctrine, simply does not demonstrate the type of purposeful illegal activity suggstive of a price-fixing conspiracy.
	Page 4, lines 9–12: This addition makes explicit that the court must consider evidence in rebuttal that the manufacturer terminated the discounter for actual, bona fide non-price reasons such as providing poor customer services, inadequate warranties or dirty showrooms. The use of the phrase "actual, bona fide" is designed to address concerns that a non-price justification not be pretextual. A showing by the manufacturer of actual, bona fide non-price reasons will be sufficient to disprove that the request or demand was the "major cause" of the termination or refusal to continue to supply. Upon such a showing, summary judgment should be granted.
	Page 5, lines 6–10: This addition would explicitly adopt a rule of reason standard for maximum, vertical price-fixing agreements. The current common law treatment of maximum resale price agreements as per se, illegal has been roundly criticized by scholars ranging from Judge Robert Bork to Georgetown Law School Professor Robert Pitofsky. Maximum resale price agreements can prevent price gouging by retailers and allow the benefits of price discounts and reductions by manufacturers to be passed on to consumers without diversion or undue windfall to middlemen. Thus, this change is a completely pro-consumer provision which will directly benefit consumers by ensuring that they receive the discounted prices manufacturers want to offer them.
Page 5, lines 13–16: The phrase, "because of that purchaser's pricing policies", is vague and ambiguous. Moreover, courts historically have had difficulty defining what standard Congress intends when it uses "because of" language. The phrase "pricing policies" is also vague and ambiguous.	Page 5, lines 13–16: These changes delete the phrase, "because of that purchaser's pricing policies", and instead incorporate the same standard of "major cause" present in paragraph (a) of new Section 8. The new language also refers to "discount pricing" as a more precise term than the somewhat amorphous reference to "pricing policies" contained in the current version of the bill.

SIDE-BY-SIDE ANALYSIS—Continued

S. 429's core problems	Core aspects of the compromise amendment
Page 6, lines 1-2: Section 5 of the bill leaves unclear whether all forms of vertical non-price restraints, or only those non-price restraints mentioned in that section, are to be subject to rule of reason analysis.	Page 6, lines 1-2: Opponents of the bill have criticized this provision in the current bill because, by limiting the rule of reason standard to vertical location clauses or vertical territorial restraints, it implies that the bill will alter application of the rule of reason standard to other non-price vertical restraints. Because certain non-price vertical restraints sometimes fall under the per se standard, e.g., tie-in arrangements, a blanket statement to the effect that the rule of reason standard should apply to all non-price vertical restraints would undermine those court decisions. Consequently, a phrase has been added to Section 5 stating that nothing in this bill shall affect "the existing state of law with respect to other types of non-price vertical restraints. Thus, this addition makes clear that this bill is not intended to undermine present case law concerning application of the rule of reason standard in certain types of vertical non-price restraints.

SECTION-BY-SECTION ANALYSIS OF PROPOSED CHANGES TO S. 429

(1) Page 3, line 2. The word "sufficient" is both redundant and confusing as it is part of language defining what constitutes "sufficient evidence" necessary to survive pretrial dismissal. The word is therefore deleted.

(2) Page 3, lines 5-6. As presently worded, the bill's references to "implied requests or demands" or "threats to discontinue an existing business arrangement" are far too overboard. There are literally thousands of such "implied" requests or threats made in the business community every day. For example, a communication about a non-price vertical restraint, e.g., a communication concerning invasion of an exclusive territory, could, under this bill, form the basis of a price fixing conspiracy case. At the same time, many requests or demands can be reasonably inferred from the tenor of the request or demand. For example, a retailer may simply complain to a manufacturer about a discounter and then state something like "it's him or me, you decide," reasonably implying but not expressly stating that he was requesting the manufacturer to terminate the discounter. Accordingly, we deleted the reference to "threats" and instead referred to "express or reasonably implied" requests or demands. The term "reasonable" is intended to be an objective test, based on all the circumstances of the communication.

(3) From Page 3, line 12 to Page 4, line 8. This new section is designed to fulfill the requirement which is key to this area of antitrust law that there be some evidence of agreement with the complaining retailer's request or demand or purposeful concerted activity on the part of the defendant. This prong requires evidence either that the defendant have indicated express or implied acquiescence to the request or demand or that the defendant have threatened others with termination if they did not maintain resale prices (or threatened the claimant in addition to the actual termination at issue).

In effect, this section is designed to codify several post-Monsanto cases which found such evidence sufficient to survive summary judgment. See *Helicopter Support Systems, Inc.* v. *Hughes Helicopter, Inc.*, 818 F.2d 1530, 1535-36 (11th Cir. 1987) (evidence that manufacturer notified the complaining dealer that "corrective action has been taken" and requested that the dealer notify it of any further problems, when combined with the dealer's "thank you," met the Monsanto standard); *McCabe's Furniture, Inc.* v. *La-Z-Boy Chair Co.*, 798 F.2d 323, 328 (8th Cir. 1986), cert. denied, 486 U.S. 1005 (1988) (evidence that manufacturer had reported to dealer that "the problem had been taken care of" sufficient to meet Monsanto standard). It is also designed to overrule those post-Monsanto decisions which found such evidence insufficient to survive summary judgment. See *The Jeanery, Inc.* v. *James Jeans, Inc.*, 849 F.2d 1148, 1158 (9th Cir. 1988) (manufacturer said he would "take care of things" when presented with dealer's complaints about plaintiff's price-cutting).

As an alternative to evidence of acquiescence, the new language further allows plaintiff to survive summary judgment by showing evidence that the defendant had threatened others with termination or had exhorted dealers to avoid price competition or had invited dealer complaints about price. These coercive tactics demonstrate that the defendant was acting in a purposeful fashion and are thus indirect evidence of agreement, combination or conspiracy. This alternative requirement is derived from examples of circumstantial evidence found in last year's House Report, H.R. Rep. No. 101-438 at p. 35 (Table of Illustrative Circumstantial Evidence).

A further provision, subparagraph (D), makes it clear that this alternative showing of evidence of other coercive tactics by the defendant cannot be met by evidence that the manufacturer was terminating others as part of a decision to alter its distribution policy by adopting exclusive distributor outlets or vertical location, customer or territorial clauses. Such unilateral actions taken pursuant to a policy, lawful under *United States* v. *Colgate & Co.*, 250 U.S. 300 (1919), simply does not demonstrate the type of purposeful illegal activity suggestive of a price-fixing conspiracy, combination or agreement.

(4) Page 4, lines 9-12. This addition makes explicit that the court must consider evidence in rebuttal that the manufacturer terminated the plaintiff for actual, bona fide non-price business reasons such as providing poor customer services, inadequate warranties or dirty showrooms. The use of the phrase "actual, bona fide" is designed to address concerns that a non-price justification not be pretextual. A showing by the defendant of actual, bona fide non-price reasons will be sufficient to disprove that the request or demand was the "major cause" of the termination or refusal to continue to supply such that the defendant should be granted summary judgment.

(5) Page 4, lines 20-21; Page 5, line 12. The first addition is merely technical and is designed to parallel the provision on page 2 of the bill that this Act is meant to apply to actions brought by the United States or by a State attorney general as well as actions brought by private parties and the Federal Trade Commission. A second change is also technical and is meant only to parallel paragraph(a)'s language regarding refusals to supply that it only applies to refusals to continue to supply the claimant.

(6) Page 5, lines 6-10. This addition would explicitly adopt a rule of reason standard for maximum vertical price-fixing arrangements. The Supreme Court decision in *Albrecht* v. *Herald Co.*, 390 U.S. 145 (1968), which held that maximum price-fixing agreements are per se illegal, has been roundly criticized by scholars ranging from Judge Robert Bork to Georgetown Law School Professor Robert Pitofsky. Maximum resale price agreements can prevent price gouging by retailers and allow the benefits of price discounts and reductions by manufacturers to be passed on to consumers without diversion or undue windfall to middlemen. Indeed, without maximum price restrictions, there is no way manufacturers can assure that consumers are receiving the discounts they wish to offer them. This change is thus a completely pro-consumer provision which will directly benefit consumers by ensuring that they receive the discounted prices manufacturers want to offer them.

(7) Page 5, lines 13-16. These changes delete the phrase "because of that purchaser's pricing policies" and instead incorporates the same standard of "major cause" present in paragraph (a) of new Section 8. Courts have had some difficulty in defining what standard Congress intends when it uses "because of" language. For example, Title VII's phrase "because of race . . ." left the Supreme Court in considerable disagreement as to what standard of proof that phrase implied. See *Price Waterhouse* v. *Hopkins*, 109 S. Ct. 1775, 1785-1786 (1989). Thus, we felt it important to explicitly set forth in a standard of causation in the bill itself. As far as the best standard of causation to use, cases before Sharp had split over plaintiff's ultimate burden at trial as to whether the agreement concerned price and was thus *per se* illegal. In *Cernuto, Inc.* v. *United Cabinet Corp.*, 595 F. 2d 164, 170 (3d Cir. 1979), the Third Circuit had opined in dicta that the plaintiff had to show that the manufacturer was *solely* motivated by price factors in terminating the plaintiff. *Zidell Explorations, Inc.* v. *Conval Int'l. Ltd.*, 719 F.2d 1465, 1471 (9th Cir. 1983), disagreed with this standard and instead held that the *per se* rule would only apply to cases in which the supplier's primary motivation for its decision to terminate a retailer was price. Because "major cause" is the standard set forth in paragraph (a) for showing that the request or demand led to the termination, that standard was used here as well.

The new language also refers to "discount pricing" as a more precise term than the somewhat amorphous reference to "pricing policies" contained in the current version of the bill.

(8) Page 6, lines 1-2. Opponents of the bill have criticized this provision because, by limiting the rule of reason standard to vertical location clauses or vertical territorial restraints, it implies that the bill will alter application of the rule of reason standard to other non-price vertical restraints. Because certain non-price vertical restraints sometimes fall under the *per se* standard, for example "tie-in" arrangements, a blanket statement to the effect that the rule of reason standard should apply to all non-price vertical restraints would undermine those court decisions. Consequently, a phrase has been added to Section 5 stating that nothing in this Act shall affect "the existing state of law with respect to other types of non-price vertical restraints" therefore making clear that this Act is not intended to undermine present case law on application of the rule of reason standard in certain types of vertical non-price restraints.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair advises the Senator that the time of the quorum call will be charged to the Senator from Ohio unless he asks unanimous consent to do otherwise.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the quorum call be charged equally to both sides.

Mr. THURMOND. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. METZENBAUM. Mr. President, are we in a quorum call? We are not.

The PRESIDING OFFICER. Who yields time?

The Chair advises the managers of the bill that if no one yields time, the time will be charged equally to both sides.

Mr. THURMOND. Mr. President, I object to charging any time to us for a quorum.

The PRESIDING OFFICER. Objection is noted. The Senator's objection is noted.

Mr. METZENBAUM. Mr. President, is it not the fact that, notwithstanding the fact it is noted, the time will be charged to each of the parties respectively?

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. THURMOND. Mr. President, how much time do I have? And I yielded myself 5 minutes and reserved the rest. How much did I have before I yielded 5 minutes? I understood I had 8 or 7 minutes.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the Senator had 7 minutes remaining. He used 6 minutes. So the Senator has 1 minute remaining.

Mr. THURMOND. He should have called to my hand in 5 minutes. I told him I yielded myself 5 minutes. He did not call my hand on it. That is his responsibility.

Mr. METZENBAUM. Mr. President, if the Senator from South Carolina needs an additional minute, he may have it off my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I will just take about a minute then.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, in closing, I just want to say this, that this bill will reverse two Supreme Court decisions. The United States Members of the Supreme Court certainly thought they were doing, I think, what is best for the people of this country. I do not think they would have handed down those decisions if they had not thought so.

The bill is not about protecting consumers from resale price fixing. The resale price fixing is clearly illegal under the Sherman Act. The Attorney General of the United States who is to protect the consumers of this country, who is to present and who is to see that the law is enforced, is against this bill. He has written a strong decision here against it. The man in charge of the antitrust division, is chief of the Antitrust Division in the Justice Department, is against this bill. He thinks it is against consumers.

This idea about it will save consumers a lot of money—these experts are the Attorney General and the antitrust law chief who say that this is not in the best interests of the consumers.

I want to say that a lot of the institutions here are against it. The American Textile Manufacturers Institute is against it. The National Association of Manufacturers is against it. The Chamber of Commerce is against it. The American Paper Institute is against it. A wide array of antitrust experts are against it. The American Bar Association is against it. All of these organizations are interested in the consumer.

Mr. President, I just want to say that in my opinion President Bush would not permit his Government to foster a law and advocate a law that is against the consumers of this country. I have more confidence in President Bush than to feel he would do that. I have more confidence in the people of his administration than to feel he would do that.

Mr. President, I hope that this bill will be defeated and that cloture will not be voted.

Mr. LAUTENBERG. Mr. President, I rise to express my strong support of this legislation, which would provide important protections for consumers who shop at discount stores.

The fundamental goal of this bill, Mr. President, is straightforward: It's designed to protect competition. Its purpose is to ensure that prices for goods are set by a competitive free market, not by price-fixing conspirators.

Mr. President, over the past several years, consumers have benefited from a growing number of discount retailers. These stores sell a variety of brand name products at prices that are often far below those of standard retail outlets. The savings are particularly important for the elderly and others who must survive on limited or fixed incomes.

Mr. President, the continued availability of a broad selection of consumer goods at discount prices is threatened by vertical price fixing. Typically, vertical price fixing occurs when a higher priced distributor is facing unwanted competition from another distributor offering the same merchandise at lower prices. Instead of competing with the discounter by lowering prices, improving service, or through other legitimate means, the higher priced retailer then pressures the manufacturer to eliminate the competition, either by forcing the discounter to raise prices, or terminating the discounter altogether. Since the higher priced retailer is often larger and more important to the manufacturer than the discounter, the manufacturer agrees.

The result of these anticompetitive agreements is that the discounter is denied a fair chance to compete and consumers are denied the benefits of that price competition.

Terminated discounters now find themselves in a very difficult position. Proving the existence of a vertical price-fixing conspiracy is not easy. Direct evidence is often unavailable. In addition, the courts have established difficult standards for plaintiffs to overcome.

For example, under current judicially created standards, as interpreted by many legal experts, a plaintiff must not only establish an agreement to restrict price competition, but an agreement to set a specific price. Thus, if a manufacturer terminates the contract of a discounter because of a demand to do so from a competing retailer that is based on concern about the discounter's lower prices, but no specific fixed price was agreed upon, the terminated discounter may have little practical recourse.

This bill would change these evidentiary standards in a manner designed to provide more fairness to discounters and other plaintiffs who seek to establish the existence of a vertical price-fixing conspiracy.

Mr. President, I appreciate that some in the business community believe that this legislation could lead to excessive litigation. I believe this is unlikely.

For example, some argue that this bill would subject manufacturers to liability if they terminate a contract with a retailer for legitimate business reasons, such as the retailer's poor service record or inappropriate displays of a product.

As a former businessman, I believe strongly that a manufacturer should have the right to terminate distributors for such legitimate business reasons. This is particularly important in the case of high technology products that require expert, quality service.

I, therefore, want to emphasize that this bill does not impede the ability of manufacturers to terminate dealers for legitimate business reasons. So long as manufacturers act in a unilateral, lawful manner, they would remain free to terminate discounters. The bill effectively proscribes only one basis for termination: vertical price fixing.

I commend Senator METZENBAUM for his leadership on this legislation, and urge my colleagues to support the bill.

Mr. BIDEN. Mr. President, I rise in support of S. 429, the Consumer Protection Against Price-Fixing Act of 1991.

I am a cosponsor of S. 429, and I have been a strong proponent of its enactment since it was first introduced. I stand behind the legislation for one principle reason: I believe in free and open competition—and that means competition at every level of the product distribution chain.

I believe that price competition at the retail level among brand products and between brand products leads to the greatest number of choices and the lowest possible prices for consumers.

Retailers should be able to compete with one another openly and aggressively—without undue or unfair impediments imposed by manufacturers and suppliers.

S. 429 is an important clarification of antitrust law in the area of vertical price-fixing conspiracies. This clarification is necessary because of two recent Supreme Court decisions.

First, in 1984, the Court ruled in the Monsanto case that a discounter who was terminated in response to price-related complaints by a competitor dealer must present evidence that tends to exclude the possibility that the manufacturer had acted independently in order to avoid early dismissal of his case—in order to avoid what the lawyers call summary judgment.

In my view, this requirement is too severe. Under S. 429, a plaintiff will need only to show that complaints about his pricing policies were the major cause of his termination. He will not have to prove a negative, if you will, by showing that the manufacturer did not act independently. I believe that this is a necessary and appropriate clarification of the law.

Second, the bill would overturn the Sharp decision. There, the Supreme Court said that a plaintiff must show that conspiring parties had agreed on a price or price level for the relevant goods in order for the agreement to be per se illegal.

As a result of this ruling, discounting retailers who are terminated for their pricing policies have found it almost impossible to prove a vertical price-fixing conspiracy. I believe that the Sharp decision is a radical departure from prior resale price maintenance case law, and that it should be overturned.

Finally, the bill restates—plainly and unequivocally—that vertical price fixing is per se illegal under the antitrust laws. In codifying this absolute prohibition, Congress will make clear that efforts to qualify or dilute the per se rule are contrary to sound antitrust policy.

I want to commend Senator METZENBAUM and Senator BROWN for their efforts at developing compromise language that will result, hopefully, in Senate passage of this proconsumer bill. Senator BROWN's amendment imposes a tougher evidentiary standard on plaintiffs than that proposed by the original bill. Nonetheless, Senator METZENBAUM has indicated he will accept the Brown amendment in the interest of compromise. It is important we work together to find a proconsumer approach that a consensus will support, and I am pleased to see this compromise before us.

Now what do the opponents of this bill say?

They argue that competition solely on the manufacturing level is ultimately better for the consumer than competition on both the manufacturing and the retail level. They also say that the bill will constrain manufacturers in how they choose to market their products.

But as the bill makes amply clear, that would only be true under the legislation if the manufacturer chooses to market his product by restraining price competition between competing dealers. I believe that preventing that type of behavior by manufacturers is wise antitrust policy.

If a manufacturer acts to prevent price competition, he should be subject to the antitrust laws, and he should be subject to the per se standard. On the other hand, if a manufacturer chooses to change his marketing or distribution strategy for reasons other than restraining price competition, he should be able to. And the bill allows for exactly that.

Let me read from the Judiciary Committee's report, page 19, footnote 3:

> "In cases where there were multiple causes for a termination or refusal to supply, a court need not find that the threat or demand to curtail or eliminate price competition was the sole cause of the termination or refusal to supply. The court would have to find that the request, demand or threat was the major cause.
>
> Major causation would not automatically be established simply because a threat or demand was a link in a chain of events that led to termination or a refusal to supply. Where the weight of the evidence shows that other deficiencies by the dealer, such as maintaining a dirty showroom or failure to provide service were the reason for the termination or refusal to supply, a trier of fact could not conclude reasonably that "major" causation existed and the bill would not apply."

Opponents of the bill overreach when they claim that the bill would force manufacturers to allow dealers to sell their goods on whatever terms the dealer chooses.

What they really want is free reign by manufacturers to terminate discounters for their pricing policies. That may be good for some manufacturers, but it is not good for any consumer.

In closing, I believe—and consumers believe—that this bill is about fostering free and open competition among retailers. I commend Senator METZENBAUM for his diligence and hard work over the years in pursuit of this legislation, and I urge my colleagues to support it.

Mr. LIEBERMAN. Mr. President, I rise today in support of S. 429, the Consumer Protection Against Price-Fixing Act of 1991. I hope today we can bring to a close a battle that has been raging since 1988, when the Supreme Court decided the case of Business Electronics Corp. versus Sharp Electronics Corp. I fought that ruling at that time as one of 42 State attorneys general to oppose the position taken by the Supreme Court in Sharp. I believe that today we should heed the advice of 48 attorneys general, representing 46 States, the District of Columbia, and the Virgin Islands, and pass S. 429.

S. 429 is a good bill, Mr. President, not just because it is proconsumer—or prodiscounter—but because it is procompetition. This bill makes clear that the antitrust laws outlaw price fixing in any form, whether the price fixing is practiced between competitors or between a distributor and its retailers. Price fixing in any form stifles competition. By artificially raising prices, price fixing not only robs consumers, but it also removes the rod of vigorous price competition that spurs firms to become more efficient.

Some have argued that vertical price fixing—price fixing by a manufacturer trying to impose higher resale prices on retailers—is proconsumer because it encourages better customer service. I submit this argument is just plain wrong. The best way for a manufacturer to get a retailer to deliver better customer service is to put it in the contract.

Manufacturers or upstream distributors can and do require certain types of displays, point of sale information, or warranties. S. 429 preserves the ability to impose nonprice standards in a dealership agreement: What S. 429 bars is vertical price fixing.

Of course, if the only issue was whether vertical price fixing should be declared illegal, we would not be here today debating S. 429. The real issue is not whether vertical price fixing should be illegal—it is under current antitrust law—or, to quote New York

Attorney General Bob Abrams, "whether or not illegal vertical price-fixing exists: its endemic." As General Abrams aptly put it, "The real issue is whether or not antitrust enforcers have the tools to find and prosecute these conspiracies." Under current law, as former FTC Commissioner Terry Calvani has said, a corporate officer would have to have "an IQ two points lower than a carrot" to be caught price fixing. S. 429 clears the prosecutorial road of judge-made obstacles that stymie State law enforcement efforts.

If this were an omnibus crime bill and we were presented with an amendment to strengthen criminal law enforcement—antitrust violations are crimes—supported by the attorneys general of 46 of 50 States, we would no doubt be falling all over ourselves to enact that measure. We would do so with good reason: Our State attorneys general know from experience what artificial barriers stand in the way of effective law enforcement.

Mr. President, the time has come for this body to stand up for tough law enforcement in this area of vertical price fixing.

We can do so by promptly passing S. 429. I urge my colleagues to support S. 429.

Mr. BRADLEY. Mr. President, I rise today in support of legislation to ensure that customers get clothes, toys, and other goods at fair prices and that stores will be free to set prices and discounts. The ability to set prices in response to consumer needs is a cornerstone of the free market and America's antitrust laws. I am also a supporter of the compromise which was reached to accommodate some of the concerns that were raised about this legislation.

Some retailers have been able to stop manufacturers from selling their products to discount stores by threatening not to sell the manufacturer's products in their full price stores. This practice is clearly counter to the intent of laws protecting consumers from price fixing, and this legislation clarifies the standards under which the courts can prevent firms from unfairly setting prices.

For example, in the 1984 Monsanto case, the Court found that although there was adequate evidence in this case that a supplier had illegally terminated the plaintiff—a discounter—at the request of a competing dealer, the case raised questions about the standards of evidence that a plaintiff must submit to reach a jury trial.

In 1975, Congress made changes in the fair trade laws that ended the practice of setting minimum prices for consumer goods. The discount stores that now flourish around the country and have saved consumers billions of dollars were the direct result of these changes.

Mr. President, opponents of this measure have said that it will damage the ability of manufacturers to offer warranties and service contracts. In fact, it only offers consumers a choice between full service and lower prices. I do not believe that this choice should be made for consumers—either by the Government or by manufacturers and high-priced retailers.

I was an original cosponsor of last year's legislation, and was proud to cosponsor S. 429. I commend my colleagues on the Judiciary Committee for their hard work on this important issue and I urge all my colleagues to give this legislation their support.

Mr. SHELBY. Mr. President, I rise today in support of S. 429, the Consumer Protection Against Price-Fixing Act of 1991—a bill to benefit American consumers by encouraging the widest possible selection of goods and services at the lowest prices. This legislation is expected to save American consumers $20 billion a year, and it does so without raising taxes or increasing the Federal deficit.

Simply stated, S. 429 would restore the 80-year-old principle that resale price maintenance agreements are a restraint of trade and are automatically unlawful. An example of a resale price maintenance agreement is a binding understanding between a manufacturer and retailers requiring the retailers not to sell the manufacturer's goods below a specified price. These agreements reduce competition and increase the cost of goods and services to American consumers by forcing discounters out of the marketplace.

In the landmark case, *Dr. Miles Medical Co.* v. *John D. Parks & Sons Co.*, 220 U.S. 373 (1911), the Supreme Court held that resale price maintenance agreements are per se illegal under the Sherman Antitrust Act. Recent Supreme Court descisions, however, have threatened the holding in Miles. Two major cases, *Monsanto Co.* v. *Spray-Rite Corp.*, 465 U.S. 752 (1984), and *Business Electronics Corp.* v. *Sharp Electronics Corp.*, 108 S. Ct. 1515 (1988), have narrowed the circumstances in which a court or jury can find resale price fixing.

In the Monsanto case, the per se rule was not overturned; however, the Court held that there must be evidence that "tends to exclude" the possibility that the supplier acted independently. In other words, there must be direct or circumstantial evidence that tends to prove that a supplier and a nonterminated dealer had a conscious commitment to terminate a competing dealer to curtail price competition.

Before Monsanto, a plaintiff had to show only one level of price fixing. For example, manufacturer Motorola, and retailer Hecht Co., agree to terminate a business relationship with discounter Kmart. Monsanto held that "something more" than the one level of price fixing must be shown; however, Monsanto did not say what the "something more" should be, and left this issue unresolved. Consequently, lower courts have problems applying the correct standards of proof in vetical price fixing cases.

The Sharp case followed Monsanto and decided what the "something more" was. The "something more" was that the plaintiff discounter had to show the existence of a second level after showing the first level of price fixing where the manufacturer and the retailer agree to terminate a discounter to curtail competition.

The second level basically consists of discussions between a manufacturer and a retailer to effect a specific price or price level. If neither price nor price level is discussed, Sharp's holding would preclude a discounter from prevailing in a vertical price-fixing case.

For example, retailer Hecht Co. says to manufacturer Motorola that discounter Kmart is selling too cheaply and hurting his business. Retailer Hecht Co. tells manufacturer Motorola to stop selling to discounter Kmart. Retailer Hecht Co. has 20 stores and discounter Kmart has only two. The manufacturer subsequently terminates the discounter. Sharp would hold that the discounter's termination was not per se illegal because no price or price level was discussed.

The Sharp decision was even more detrimental than Monsanto because the Supreme Court modified the per se rule. In Sharp, the Court ruled that in order to find a per se illegal price-fixing agreement, that must be a second agreement on a specific price or price level to be charged by the remaining retailer following termination of the discounter.

Sharp was the precedent for *Toys 'R' Us, Inc.* v. *R.H. Macy and Co., Inc.*, (S.D.N.Y. 1990). In this case, two children's swimwear manufacturers terminated their account with Kids 'R' Us, a subsidiary of Toys 'R' Us, that sells discount children's clothing. Macy's had pressured the manufacturers to terminate the account, so it could continue to sell the identical swimwear at a much higher price. The court ruled against Toys 'R' Us because there was no showing of a second agreement setting prices or price levels as required by Sharp.

Monsanto and Sharp effectively stifle competition and increase the price of brand-name consumer goods. Discounters are driven from the marketplace and have little recourse against suppliers and remaining dealers who have conspired against them for selling cheaply. The real losers however, are the low- and middle-income Americans and those on fixed incomes who depend on discount stores to help them make ends meet.

Congress must intervene again to keep competition in the marketplace. I say again because this is not a new issue for Congress. In 1975, Congress repealed the fair trade laws which allowed States to permit retail price maintenance. Two Department of Justice studies in 1969 and 1975 respectively, documented the harm caused to consumers by vertical price fixing. In the first study, Justice Department data indicated that consumers would save $1.2 billion a year if fair trade laws were eliminated. The second study estimated that prices of consumer goods in States allowing vertical price fixing were 18 to 25 percent higher than in States prohibiting the practice.

Congress must continue to work to protect consumer welfare by ensuring vigorous price competition in the marketplace with passage of S. 429. The bill has three components. First, it would codify the well-established principle that resale price-fixing agreements are per se unlawful. Second, it would clarify the evidentiary standard for jury consideration of certain vertical price fixing cases. Specifically, the bill would require a plaintiff to show that:

A dealer made a request, demand or threat to a manufacturer that the supplier take steps to curtail or eliminate price competition;

Because of such request, demand or threat, the supplier terminated or refused to continue to supply goods to a competitor of the dealer; and

The request, demand or threat is the major cause of termination or refusal to continue to supply.

Finally, the bill would make clear that an agreement between a manufacturer and a retailer to terminate another retailer in order to eliminate price competition is illegal, whether or not a specific price or price level is agreed upon. This would overrule the Sharp decision.

S. 429 does not affect a manufacturer's unilateral action to terminate a dealer who is violating the terms of the contract. For example, if the terms of a contract between a manufacturer and a dealer call for a full showing of an item and the dealer fails to display the item, the manufacturer has the right to terminate the relationship.

Additionally, S. 429 does not affect agreements between manufacturers and retailers that do not involve price, such as service and warranty agreements. Thus, under the proposed legislation, manufacturers may still terminate a relationship with a retailer who does not live up to a service or warranty agreement.

S. 429 has been endorsed by so many groups who are concerned about the welfare of consumers—groups that believe consumers should have the opportunity to choose where they shop. I am especially pleased that S. 429 has been endorsed almost unanimously by the National Association of Attorneys General. Forty-eight of the fifty attorneys general have endorsed the legislation. This support is significant since the members of this group are charged with enforcing the laws of their States. Attorneys general must be sensitive to the concerns of consumers regarding the decline in the activity of discount retail stores and the resulting increase in prices. The attorneys general believe that the courts have gone too far in protecting the rights of manufacturers versus the rights of consumers. They want Congress to enact legislation to restore aggressive price competition to the marketplace.

Mr. President, I think that we have allowed our colleagues from the Chicago school to hold up this legislation for too long. We know that although higher prices may ensure better service, many American citizens with middle and low incomes cannot pay the higher prices for the luxury of more service. These hardworking individuals still want to be able to purchase goods and services.

We also know that manufacturers and dealers are still entering into resale price maintenance agreements. Just last month, the Federal Trade Commission [FTC] announced that Nintendo of America Inc., the giant of the video-game market and producers of Super Mario Brothers I & II, Teenage Mutant Ninja Turtles, and Ducktales to name a few, had entered into an agreement with some dealers and intimidated others to set minimum prices for the company's consoles. Now you understand why the Nintendo game pack cost $99.95 everywhere you went whether you were shopping at Toys 'R' Us, Kiddie City, Kay Bee Toys, or Juvenile Sales. It is also interesting to note that the case against Nintendo is only the second retail price-fixing case brought by the FTC in a decade.

I urge you to support this proconsumer legislation because more competition is always better than less competition. During this period of fiscal austerity, people should have the opportunity to get the most for their money. I also urge you to support this legislation because it should increase consumer confidence in our economy which is so badly needed to lessen the impact of the deepening recession in which we find ourselves.

Mr. ROTH. Mr. President, we have been debating resale price maintenance for 5 years in this body. While it appears to me that antitrust law could be improved to address certain problems facing discounters, S. 429, like its predecessors, fails to be an appropriate remedy.

Antitrust law is statutory law, not constitutional law. In enacting the Sherman Act in 1890 and the Clayton Act in 1914 with later amendments, Congress created a skeleton which has been fleshed out by scores of court decisions. Since these decisions are cases of statutory construction, it is well within our powers to do whatever is necessary to correct any errors in antitrust policy.

S. 429 raises the question of what kind of rule should govern a product's chain of distribution. In 1911 the Supreme Court held in Dr. Miles that it is a per se antitrust violation for a supplier of goods and the recipient of goods to agree on the resale price at which the recipient sells his goods. In 1977 the Court held in GTE Sylvania that the supplier has greater freedom regarding nonprice vertical restraints. Nonprice vertical restraints are to be judged under a rule of season, that is, all relevant factors are to be taken into account in determining whether the restraint is anticompetitive.

What the Supreme Court did in GTE Sylvania is to create a rebuttable presumption that a manufacturer in serious competition with other manufacturers can be trusted to take necessary and creative steps to maximize its own profits. Normally, this means offering the best products and the lowest prices.

In contrast to the treatment accorded vertical restraints, the Supreme Court has always frowned on horizontal restraints; that is, anticompetitive conduct of one competitor directed at another in the same level of distribution. The difficult question is what should be the law in a mixed vertical-horizontal situation when competitor A tries to use a common supplier to inflict harm on competitor B.

Since the law has—correctly, I believe—treated horizontal restraints harshly and vertical restraints more generously, what should be the rule? Recent decisions by the Federal courts, including the Supreme Court, have sought to protect the manufacturer's and supplier's right to regulate distribution of their products. This result, in legal terms, is consonant with the statutory requirement—rather difficult in this context—that there be an agreement between competitor A and the common supplier to restrain the trade of competitor B.

In the Sharp Electronics case, decided in May 1988, by the Supreme Court, competitor A was annoyed with the discounting practices of competitor B. So A went to the common supplier of A and B and threatened to quit distributing the common product unless B was terminated. The supplier, of course, had chosen both A and B to distribute its products. But now it was being economically coerced into dropping one of its two chosen dealers. When it dropped B, B sued, alleging as agreement between A and the supplier to fix prices in violation of Dr. Miles.

B found the Supreme Court unreceptive. The Supreme Court did not believe that the facts presented fit with the allegation of vertical price fixing. I must say that I agree. I can well understand why B—the discounter—felt aggrieved. But I equally understand why the supplier should not be held liable, except in a situation where he has clearly agreed to fix prices in violation of Dr. Miles.

The problem is that the current state of antitrust law focuses attention on which of two victims should bear the loss. While it is right to defend the supplier against liability in such situations, it is wrong to leave the other victim without a remedy.

Fortunately, as I said earlier, antitrust law is not constitutional law. Congress has a free hand to set the law straight.

S. 429, however, is not the answer for several reasons. First, it tries to place the onus of liability on the supplier—generally, an innocent victim. Second, it is expressly crafted to allow the jury to infer an agreement to fix prices in violation of Dr. Miles when the facts are merely that the supplier reasonably reacted to economic coercion. While a discussion of the fine points of S. 429 could get fairly arcane, it appears that S. 429 seeks to circumvent the statutory requirement for an agreement by allowing natural jury prejudices, inherent in any situation where a local discounter sues a large out-of-State manufacturer, to overcome the lack of agreement.

In short, S. 429 uses the wrong means to achieve the wrong end. Yet, it seems well-intentioned. If, in fact, there are retailers who are trying to undercut discount retailers' ability to compete and who have the market power to use economic coercion against a common manufacturer or supplier, Congress should act. But the discounter should be protected not by imposing liability on the coerced party but by imposing liability against the wrongdoer and only the wrongdoer.

The wrongdoer is, in effect, interfering with an advantageous economic relationship enjoyed equally by the discounter and the manufacturer or supplier. The wrongdoer, in seeking to cause the termination of the discounter, is depriving the manufacturer/supplier of its choice to use the discounter to market its products. Once this is recognized, it is clear that S. 429 would work a grave injustice.

In lieu of S. 429, antitrust law should be amended to create a new cause of action to allow the terminated discounter to recover against the competing retailer that caused the termination. When the termination—or failure to renew a contractual relationship—would not have occurred but for the threats or coercion of X, then X should be liable in treble damages to the terminated discounter.

S. 429 has two distinct problems. It is too weak a remedy from the discounter's viewpoint. It is too strong a remedy from the suppliers' viewpoint.

From the viewpoint of the discounters, the problem today is trying to fit the facts into a theory that generally doesn't work. In fact, terminations are generally unilateral. Section 1 of the Sherman Act, however, requires concerted action to establish a violation. S. 429 does not eliminate this requirement. It does not, by its terms, change substantive law. But there can be no effective remedy unless such a change is made. My proposal would do away with the requirement to prove concerted action or an agreement. In my opinion, you will not be able to provide effective relief for discounters until you face the reality that unilateral coercion by a competing retailer with market power followed by a unilateral decision by the supplier to terminate is difficult to equate with an agreement by the two parties to fix prices.

What S. 429 says is when the law doesn't work, let's make sure that the jury gets to decide the issue, since juries do not stop for legal niceties. The problem with providing juries with the opportunity to bend the law is that while juries may appreciate the wrong done to the discounter, they may be less understanding and less informed about the manufacturer or supplier that is the defendant in the case before them.

Present antitrust law accords such defendants the right to select and the right to terminate their dealers. This tenet of antitrust law is, in my opinion, correct. It is not only good antitrust law but a principle of economic liberty whose stamp is specially American.

In its misguided attempt to help discounters, S. 429 throws its dragnet over good and bad alike. If the defendant is a wrongdoer, S. 429 provides some remedy. If the defendant has done no wrong, S. 429 still provides a sanction. And that, of course, is the problem. It would ensnare the manufacturer or supplier that is unilaterally—not in concert—exercising its right to pick and choose its retailers.

In truth, manufacturers and suppliers that choose discounters to market their goods have little reason to terminate discounters because they are discounters. It is those in competition with discounters who wish to charge higher prices that have an interest in having discounters terminated. The culprit is not so likely to be the manufacturer or supplier that wants to have discounters sell its goods as it is the competitor-retailer that buys so much from the manufacturer or supplier that it can threaten to terminate itself unless the discounter is terminated.

In short, if we can trust our economic instincts, the troublemaker is not likely to be the manufacturer or supplier or even the mom-and-pop retailer. It is likely to be the big high-priced retailer who has market power and thus some control over the manufacturer and supplier.

S. 429 would allow suit to be brought against the competing retailer, it is true. But the plaintiff is still required to prove that the retailer and supplier agreed to fix prices and that, as a result of that agreement, the discounter was terminated. In contrast, my proposal would require the plaintiff to prove only what probably happened: that a high-priced retailer with market power coerced the supplier to terminate the discounter.

In addition, my proposal would have the merit of absolving the manufacturer and supplier from liability where the only fault was being coerced by a high-priced retailer with market power. S. 429, in contrast, would subject such manufacturer or supplier to the hazards of jury sentiment, allowing juries to infer vertical price fixing conspiracies from evidence of coercion to terminate. As I said before, S. 429 would, in practice, interfere with the recognized right of manufactures and suppliers to pick and choose their retailers.

My proposal, unlike S. 429, would not necessarily cause terminations to decline. My proposal would honor the teaching of GTE Sylvania by allowing the manufacturer/supplier to regulate the marketing of its products. Where a retailer fails to satisfy marketing requirements of the manufacturer/supplier, termination could ensue without fear of treble-damage reprisal. And that's how it should be. But if the termination is not the idea of the manufacturer/supplier but of a competing retailer, it would not offend GTE Sylvania to impose liability on such retailer, and it would allow the terminated party to recover against a wrongdoer rather than against a victim.

I commend this proposal to the attention of my colleagues. I believe that it would provide the appropriate resolution to this 5-year-long debate. This has been a lengthy and vigorous debate because both sides share the truth. Discounters may need statutory help. But S. 429 is not the answer. Nor is S. 429 with the Brown amendment, which merely fine-tunes the underlying bill.

I recognize that significant changes in antitrust law do not occur without the most thorough deliberation, discussion, and debate. It would be foolish for me to offer my proposal and ask for a vote today. That's not how antitrust statutes are written. I would hope that both sides would give this proposal some thought. It may be a basis on which the champions of discounters and the defenders of Colgate and GTE Sylvania can come together. I, myself, am partial to both sides.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio has 2 minutes remaining.

Mr. METZENBAUM. Mr. President, has the Senator from South Carolina used up all his time?

The PRESIDING OFFICER. The Senator from South Carolina has used all of his time.

Mr. METZENBAUM. Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. All time has been yielded back.

If there is no objection, the hour of 6 p.m. having arrived, under the previous order, the clerk will now report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 429, a bill to amend the Sherman Act regarding retail competition:

Herb Kohl, D.K. Inouye, J. Lieberman, Carl Levin, Claiborne Pell, Paul Simon, Alan Cranston, Bob Graham, Chuck Robb, Howard Metzenbaum, Bill Bradley, Tom Harkin, J.J. Exon, Slade Gorton, Warren B. Rudman, Alfonse D'Amato.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on S. 429, a bill to amend the Sherman Act regarding retail competition, shall be brought to a close?

The yeas and nays are required. The clerk, will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—63

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dodd
Domenici
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Warner
Wellstone
Wirth

NAYS—35

Bond
Boren
Burns
Coats
Cochran
Craig
Danforth
Dixon
Dole
Durenberger
Garn
Gramm
Grassley
Hatch
Heflin
Helms
Johnston
Kasten
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Nickles
Packwood
Pressler
Roth
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop

NOT VOTING—1

Pryor

The PRESIDING OFFICER (Mr. KOHL). On this vote, the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the Senator from South Carolina [Mr. THURMOND] is recognized to offer an amendment.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, if I might have the attention of the distinguished Senator from South Carolina, the former chairman of the Judiciary Committee, and the Republican leader? And, if I might through the Chair inquire, in view of the current status of this measure, whether the chairman and the leader anticipate that we might be able to complete action on this bill tomorrow, in timely fashion? And, if that is the case, then it would be my intention not to have any further action on the measure this evening.

Mr. DOLE. If the leader will yield, I have spoken with the distinguished Senator from South Carolina. He can speak for himself. It is my understanding that we probably can finish this at a fairly early time tomorrow. But I am certain the Senator from South Carolina could state whatever he thinks can be done.

Mr. THURMOND. Mr. President, I think it is clear how the Senate stands, and I do not want to put the Members in a position of having to wait here another day or two. I think it can be finished tomorrow.

Mr. MITCHELL. Mr. President, I thank my colleagues.

Mr. THURMOND. If the leader wishes to take it up early, if some of them want to get away, I think it is all right.

Mr. MITCHELL. I thank my colleagues very much, and the distinguished leader.

Accordingly, there will be no further rollcall votes this evening and we will return to this measure tomorrow in the expectation, based upon these assurances, that we will complete action on the measure tomorrow. And I will, during the morning tomorrow, be meeting with the distinguished Republican leader to consult on what measures the Senate will consider following disposition of this matter and the schedule for the next several days. And I hope to have an announcement in that regard sometime later during the day tomorrow.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. Mr. President, I would like to remind Members of the Senate that at 10:30 tomorrow morning, the newly appointed Senator from Pennsylvania, HARRIS WOFFORD, will be sworn in here in the Senate Chamber. I encourage as many of my colleagues as can do so to be present for that proceeding. It is my hope that we will, either shortly before that or shortly after, depending upon the convenience of the managers, be back on the bill and as previously stated be able to complete action during the day tomorrow.

Mr. President, I want to yield to the distinguished Republican leader to make certain he has no further comment?

Mr. DOLE. No.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1013 and S. 1014 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

(The remarks of Mr. PELL pertaining to the introduction of S. 1016 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

YOUNG WRITER BRINGS HONOR TO MONTANA

Mr. BAUCUS. Mr. President, the beauty and bounty of Montana's blue ribbon trout streams have attracted people from around the world to try their hand at catching the wily trout. Indeed, people have come by wader and by boat, by torn up sneakers and by the latest in fishing apparel by L.L. Bean, to stalk the trout in Montana's rivers, high mountain streams, and lakes.

Few people understand the call of the trout or why so many Montanans would endure scorching dry heat, mosquitoes, and deer flies while floating or standing in a river for hours, rarely breaking concentration—all for the sake of catching a fish.

It is a hard thing to explain to these uninitiated onlookers. But the draw is real.

I first learned to appreciate the rigors and skill of fishing as a boy growing up on my folks' ranch near Helena, MT. Though I seemed to catch precious few fish with my boyhood lures, I nevertheless caught the allure of fishing.

And in the time since then, I have recognized a few things—not the least of which is that the miles of line cast for trout over the years in such rivers as the Madison, Rock Creek, and the Big Hole are inversely proportional to the lengthy yarns spun about the fish that got away.

Indeed, I have never really quite been able to figure out why so many fish get away.

Well, Mr. President, during this past recess, a story by Seth Bloom provided me with at least part of the answer. Seth is a third grade writer in Corvallis, MT, who recently won the 1990–91 National Young Writer's Contest for his insightful story about how the rainbow trout got its rainbow.

According to Seth's account, the rainbow trout did not always have a rainbow. In fact, it used to get away from the otter because it was ugly and gray and hard to see beneath the water. It was the otter who devised a plan to make the fish more visible by sewing part of a rainbow down both sides. Unfortunately for the otter, however, the newly outfitted rainbow trout was still too fast to catch.

But at least I know now why I had a difficult time catching the ugly gray trout I could not see.

Mr. President, I encourage you and all my colleagues to read Seth's award-winning story about the rainbow trout. Montana has enjoyed a rich literary tradition marked by authors like A.B. Guthrie, Norman Maclean, and Dorothy Johnson. And even the tall tales and anecdotes of Charlie Russell.

I hope that aspiring young writers like Seth will carry on this tradition of Montana stories and folklore with the same expertise and vigor of the authors before them.

I ask unanimous consent that the full text of Seth Bloom's story be printed in the RECORD along with the articles about his accomplishment, which appeared in the Ravalli Republic on April 12 and the Bitterroot View on April 13.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOW THE RAINBOW TROUT GOT ITS RAINBOW

(By Seth Bloom)

Once the rainbow trout was only an ugly gray trout. This was back in the days when rainbows touched the earth at both ends and each end had a pot of gold. Not one pot was bigger than the other.

The otter loved to eat fish and the trout was so camouflaged he was hard to catch. The otter hated this. The trout didn't like his appearance either. He wanted a bright colorful coat like his cousin the salmon. The otter knew this so he tried to think of a way to get the fish brighter and easier to catch.

After a while he thought of a plan. He called the trout over to his house for tea. As they were talking the otter told the trout that he thought there was a way to get him a new coat. After the otter had explained part of his plan, the trout agreed. Just then it started raining.

"We won't have to wait very long now," said the trout.

Soon it stopped raining. A brilliant rainbow appeared in the east.

"Well, come on," said the otter. "This is what we were waiting for."

They headed for the nearest end of the rainbow.

When they got there they found a pot of gold.

The otter said, "You can have this pot. I will take the other one."

Then the fish took a scissors and climbed a tree right by the rainbow. He cut off as much of the rainbow as he could.

Then they went to the other end of the rainbow. The otter took the second pot of gold and gave the fish some scissors and a ladder.

"Now you climb up and cut off some more of the rainbow while I hold the ladder," he said to the trout.

The fish did as the otter told him. Then they went home.

All that night the fish sewed the pieces of rainbow into a very well-fitting suit.

The next day he went to show the otter.

The otter said, "Those are fine clothes. Why don't you take the scraps and make some more for your friends. I don't need one myself." So the trout did.

This was what the otter's plan had been. He had planned to make all the gray fish brightly colored. When he did they would be easier to see and catch.

But it didn't quite work the way he had planned because the trout moved fast and looked like rays of sunlight on the water. And the trout were no easier to catch than before.

[From the Ravalli Republic, Apr. 12, 1991]

CORVALLIS WRITER WINS NATIONAL RECOGNITION

Corvallis third grader, Seth Bloom, is the only Montana winner among the 100 finalists in the 1990–91 Young Writer's Contest sponsored by the Ronald McDonald Children's Charities.

In recognition of this award, Bloom and other contestant winners will have their original poems, stories and essays published in the 1991 Rainbow Collection. In addition, each winner's entry also will appear in America On My Mind, a publication to be produced by Falcon Press of Helena, and each winner's school will receive a $250 cash prize donated by McDonald charities and Falcon Press.

"Congratulations to Seth Bloom. This is quite an honor and we are pleased to have Montana represented by such a creative piece of writing," said Montana Governor Stan Stephens after receiving notification from the Young Writer's Contest Foundation. Another Corvallis student, Kasey Smith, was included in last year's publication. She was a second grader at the time. Bloom commented that the Corvalis Class of 2,000 is already making an impact.

Bloom's story, "How the Rainbow Trout Got Its Rainbow," involves an otter who wants to eat a fish. The fish overhears the otter's plan and cuts down a piece of rainbow to disguise itself.

A panel of literary specialist selected the winning compositions from 18,000 poems, essays and short stories submitted by students from all 50 states and U.S. territories; and from Department of Defense and American community schools abroad.

[From the Bitterroot View, Apr. 13, 1991]

HAMILTON YOUNGSTER WINS YOUNG WRITER'S CONTEST

HELENA.—Fourth-grade student-author Seth Bloom of Hamilton has been selected as a winner in the 1990–1991 Young Writer's Contest, Gov. Stan Stephens has announced.

Bloom's story, "How the Rainbow Trout Got Its Rainbow," is among about a hundred original writings by students from around the world that were selected.

In recognition of this award, Bloom and the others will have their poems, stories and essays published in the 1991 Rainbow Collection, an anthology of writings by contest winners, which is financed by the McDonald Children's Charities.

In addition, each winner's entry also will appear in American on My Mind, a publication to be produced by Falcon Press of Helena. Each winner's school will receive a $250 cash prize.

"Congratulations to Seth Bloom. This is quite an honor and we are pleased to have Montana represented by such a creative piece of writing," Stephens said.

The Young Writers contest attracted 18,000 entries from students in all 50 states, the District of Columbia, Guam, Puerto Rico, Mexico, Nigeria and from Americans attending Department of Defense and American Community schools around the world.

Bloom is the son of Dr. Marshall and Tonia Bloom of Hamilton.

Montana's 1989–90 Young Writer's Contest winner also was from the Bitterroot Valley. That was Kasey Smith of Corvallis.

NATIONAL NURSES WEEK

Mr. BYRD. Mr. President, this week, Americans are celebrating "National Nurses Week." National Nurses Week is a time to pay special recognition to the Nation's 2 million registered nurses—men and women—who care for Americans every day by providing high quality, cost-effective care.

Mr. President, in conjunction with the 1991 celebration of National Nurses Week, the American Nurses Association, and the State Nurses Associations sponsored a nationwide "search for excellence" on behalf of the nursing profession. In my State of West Virginia, Jane Trail, head nurse of the hemodialysis unit at the Veterans Affairs Medical Center in Beckley, WV, was chosen as the "Search for Excellence" winner by the West Virginia Nurses Association. Among her many accomplishments, Miss Trail was instrumental in establishing the renal clinic at the Beckley VA Medical Center. This outstanding women is to be congratulated for the skilled and compassionate care given to her patients, who must deal with the restrictions and lifestyle changes of renal failure.

In the days before hospitals, modern-day prescriptions, and patient monitors, nurses administered to the sick by watching at their bedside, dressing their wounds, and soothing patients' fevers. Those early-day nurses did not wear white uniforms, and neither do all the nurses of today. Today's nurse is very much dedicated to the health care needs of all Americans. Today's nurses serve in hospitals and hospices, military services, and veterans institutions, community clinics, and patient homes. They open independent practices and they work in schools and industry.

Today, because of nursing research, patient care has significantly improved. And today's nurse educators ensure that tomorrow's practitioners understand and implement both the science and the art of high-quality nursing practice.

This year, the theme for National Nurses Week is "Nurses Care for America." The nursing profession is an integral part of America's health care system and can be counted on to help us recuperate from illness or injury, help us cope and live with conditions that arise from trauma or disease, and help us prevent illnesses and maintain our good health. Nurses, indeed, care for America.

In this time of rising health-care costs and reductions in health-care services, the demand for nursing services is greater than ever before. The nursing profession has been a strong supporter of efforts to improve access to health-care services and enhance the quality of the Nation's health. We in Congress look forward to working with the nursing profession as we try to improve the Nation's health-care system.

During National Nurses Week, I hope that Americans everywhere will take the time to acknowledge the efforts of our Nation's nurses by participating in the many celebrations planned by the American Nurses Association throughout the country.

FOOD SALES TO THE SOVIET UNION

Mr. EXON. Mr. President, I rise to address the appropriate response to the Soviet request for grain credit.

The Soviet Union is a critical market for American farmers. Our Nation learned a valuable lesson in the 1970's when it found that using food as a weapon was a counterproductive measure which did not foster reform in the Soviet Union and unfairly punished the American farmer.

America can not afford to make the same mistake again.

Chaos in the Soviet Union, famine in the Soviet Union, unrest in the Soviet Union does not advance the forces of reform.

Former Minister Eduard Shevardnadze, who I met with about a month ago, warned that out of chaos could come the forces of dictatorship.

Given the economic situation in the Soviet Union, I understand the President's concerns about the credit worthiness of the Soviet Union. This difficulty is by no means insurmountable.

Last week, I sent the President a letter outlining my proposal for a "food for oil" arrangement between the U.S. and the U.S.S.R. I raised this proposal with the Soviet Ministers of Oil and Gas and Agriculture and received a warm response.

In short, barter is the key to opening the door to the Soviet market. It is the only realistic means to overcome the Soviet Union's lack of hard currency. In the short term, food credit could be secured with future soviet oil production or for that matter, any other valuable commodity such as gold, minerals or metals. Over the long term, I believe a food for oil agreement between the U.S. and the U.S.S.R. makes a great deal of sense.

Mr. President I ask unanimous consent that the text of my letter to the President be printed in the RECORD. The letter gives more detail to my proposal and is self-explanatory.

I urge my colleagues to support an appropriate grain credit resolution and give serious consideration to supporting a long-term food for oil arrangement with the Soviet Union.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 1, 1991.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I read yesterday with great interest your comments about granting agriculture credits to the Soviet Union and that nation's credit worthiness. I ask that you give serious consideration to an idea which may provide the answer to your present dilemma. Simply put, the idea is food for oil.

As you well know, the Soviet Union represents a significant export market for America's food producers. The potential loss of this imporcant market would have a devastating effect on American grain prices.

Having recently visited the Soviet Union, I understand your concerns about that nation's economic situation. The Soviet transition to a market economy has been an unsteady journey of half steps toward reform. In spite of several recent poor economic decisions, the Soviet Union remains a nation rich in natural resources.

You know that I have been a long time advocate of barter and countertrade as a means to expand U.S. exports. Barter and countertrade (the exchange of goods for goods) and other nontraditional means of finance can facilitate trade where there is a shortage of hard currency. The United States Congress went on record in support of using barter and countertrade to expand exports when it approved legislation I offered as part of the 1988 trade bill to create the Office of Barter in the United States Department of Commerce.

On September 12, and November 30, 1990, I wrote to you about investigating a "food for oil" arrangement with the Soviet Union. When I was in the Soviet Union, I explained this concept to Mr. Leonid Filmanov, the Soviet Minister of Oil and Gas and Mr. Vyacheslav Chernoivanov, the Soviet Minister of Agriculture. They were most receptive to the idea.

The Soviet Union holds the world's largest reserves of oil. The United States has a great supply of food and agriculture products and a need to diversify its supply of oil. In the new world order, these strengths and needs should be paired to advance the interests of both nations.

In the immediate term, new loans to the Soviet Union could be secured with future oil production. Over the long term, I urge your administration to explore an agreement with the Soviet Union which would facilitate the exchange of energy production technology and U.S. food for oil.

I have enclosed for your consideration transcriptions of the notes from my meetings with the Soviet Prime Minister of Oil and Gas and the Soviet Minister of Agriculture. Given your background in the oil and gas industry, I am certain that you will see that there are great energy resources in the Soviet Union which are untapped and in many cases simply wasted. I am convinced that a bit of creative thinking and yankee ingenuity can unlock the value of these and other resources to secure additional American food sales as well as a more productive relationship between our two nations.

Hunger in the Soviet Union is a real possibility. Several reports indicate that there will be poor harvest in the Soviet Union this year. Given the tension I observed in the Soviet Union, food shortages could unleash a series of reactions and emotions within the Soviet Union which could further undermine the road to reform. As I have long said, a hungry bear is a very dangerous thing.

Over the long term, the Soviet market provides a rich opportunity for the American farmer. The development of this market now will provide dividends in the future. Given the drastic cuts in farm programs over the last several years, our nation can not afford to let an important export opportunity like this slip from our grasp.

I ask that you give careful consideration to this suggestion. Simply put, a food for oil arrangement makes sense. I welcome an opportunity to work with you on this very important matter.

Best wishes.
Cordially,

JIM EXON,
U.S. Senator.

OBSERVATIONS ON THE SOVIET UNION

Mr. EXON. Mr. President, last month, I was privileged to represent the Senate Armed Services Committee as part of an official delegation to the Soviet Union and Eastern Europe headed by the chairman of the Senate Intelligence Committee Senator BOREN. This is the second of my reports on that interesting and enlightening trip. My earlier report focused on Eastern Europe. Today, I would like to discuss the political situation in the Soviet Union.

Our delegation arrived in Moscow on March 27, the eve of a major showdown between Soviet President Gorbachev and Russian President Boris Yeltsin. Upon arriving in Moscow, the delegation sensed a chilling tension in the air.

The current political landscape of the Soviet Union cannot be sketched in black and white terms. The situation is complex with several forces pulling at the political leadership of the nation. While the delegation was in Latvia, one of the Baltic Republics seeking freedom from the Soviet Union, we met Senator Mavriks Vulfsons, of the Latvian Parliament. He provided the delegation with a succinct summation of the nation's turmoil. When asked about Soviet politics, he prefaced his answers with the comment that "you must understand, this is the Soviet Union. Things are very complicated."

While the Gorbachev-Yeltsin controversy occupied center stage, it was obvious that there are several forces simultaneously at work in the Soviet Union including democratic forces, a restless labor movement, nationalist and secessionist movements, and the military industrial complex, the Communist Party and the Government bureaucracy all trying to define the new Soviet Union.

During our visit, political observers, including Eduard Shevardnadze, painted a portrait of President Gorbachev as that of a man alone. The Soviet President had alienated his early allies, the reformers and intellectuals and was in what appeared to be an uncomfortable alliance with the political hardliners, including the military and the KGB. The open question during our visit was whether Gorbachev was using this alliance as a means of survival or whether Gorbachev himself was being manipulated by the Soviet right wing.

Since 1919, the Communist Party and its ideology has been the glue that has held the vast Soviet Nation of diverse republics together. That glue is rapidly disintegrating. Communism has been discredited. The Soviet people have lost faith in the party. It presently appears that the Soviet Union lacks a coherent belief system. Unlike the new democracies of Eastern Europe where economic reforms have been real and dramatic, the movement from a command economy toward a market economy in the Soviet Union, has been thus far insufficient to engender the confidence, hope or support of the people. During the early phases of perestroika, the Soviet people were grateful to Gorbachev for glasnost. Today, the painful economic reforms have failed to convert the economy to efficiency and have turned the man on the street against Gorbachev. With the freedoms of glasnost citizens are able to voice their frustrations and they are.

With the exception of Boris Yeltsin, at this point, there appears to be no clear challenger or alternative to Gorbachev. The Communist Party presently has the advantage of organization and history. The delegation met with eloquent representatives of the reform movement including former Minister Schevardnadze, Leningrad Mayor Sobchak and representatives of the Baltic Republics. While both Schevardnadze and Sobchak have a commanding presence and a high level of respect, it is fair to say that the democratic alternative has not yet been organized. There is presently no coherent democratic platform, agenda, or leadership. Boris Yeltsin, the President of the Russian Republic, the Soviet Union's largest and most important republic is popular with the man on the street, but does not seem to be taken seriously by some of the reform leaders, intellectuals and United States analysts.

I believe that it would be a serious mistake, however, to underestimate Yeltsin's political skills. Upon our arrival to Moscow, Russian hardliners were preparing for a no-confidence vote to oust Yeltsin from the Russian Republic Presidency. Not only did Yeltsin prevent any such vote, he emerged from the Parliamentary session with enhanced powers to rule by decree until a new President is directly elected by the Russian people in June. It is widely expected that Boris Yeltsin will overwhelmingly win the popular vote. With a popular mandate from the Russian Republic, Yeltsin could gain a political authority superior to that of Gorbachev who serves with a vote of the Soviet Parliament. Most recently, Yeltsin was able to gain Republic control of the coal mines in Russia and there is speculation that similar transfers of authority from the center to the republics are forthcoming in other areas. While scholars are still examining the new all union treaty, early indications are that Yeltsin scored a significant breakthrough and is in part a testament to the political skills of both Yeltsin and Gorbachev.

While the new all union treaty may mark a cooling off period in the Gorbachev-Yeltsin drama, the tug of war between Gorbachev and Yeltsin is potentially dangerous. The delegation heard speculation that hardliners hope that each will politically destroy the other, leaving the military and party hierarchy to pick up the pieces and rule the Soviet Union with a much more repressive hand.

The vivid manifestation of the dangers of the Gorbachev-Yeltsin rivalry played out before the delegation's eyes on March 28 when Yeltsin forces organized a massive demonstration in central Moscow in defiance of a 3-week ban on demonstrations imposed by Gorbachev's central government. Part of the demonstration took place in front of the delegation's hotel.

On the evening of our arrival, Soviet authorities sealed off access to Red Square in anticipation of the Yeltsin demonstration. Throughout the day, Soviet troops were deployed into central Moscow in what Eduard Shevardnadze described in a meeting with the delegation as the largest deployment of troops into Moscow since the Second World War. Throughout the day, the delegation observed truckloads of troops stationed throughout the city. The tension in the city was palpable.

Upon the completion of an afternoon meeting with the Minister of Atomic Energy, Christopher McLean of my staff and our interpreter were unable to return to our hotel by car. It was necessary to make our way through several concentric rings of Soviet troops to return to the hotel. The military forces secured the central city and were allowing people to leave but very few to enter. Thanks to our interpreter we were able to negotiate our way back to the area of the hotel.

When the demonstration commenced, police armed with plexiglass shields and night clubs stood as a three-sided barrier to the demonstrators. Military personnel and trucks were positioned behind the police. The police methodically closed their ranks and pushed the demonstrators out of the main square. Members of the delegation observed about six to eight individuals pulled out of the demonstration and roughed up by plain clothed authorities as the demonstrators were brought to yellow Moscow-style paddy wagons.

Surprisingly, both police and demonstrators exhibited a degree of restraint and discipline. As officers banged their clubs against their shields a growing thunder filled the snowy night air. With the sound, the police closed their ranks to push the demonstrators out of the square, onto the terrace of the Bolshoi Ballet and out of the area.

The massive show of military force to the Yeltsin demonstration represented perhaps a warning as well as a response to the banned demonstration. The deployment provided an illustration of the fears of dictatorship outlined for the delegation by former Foreign Minister Eduard Shevardnadze. Given the building tension prior to the demonstration, a miscalculation on either side could have been disastrous. Emotions were high and danger was in the air. Fortunately, tragedy was averted. As soon as the demonstration ended, the troops evaporated out of central Moscow. I observed caravans of troops rapidly exiting the city. By midnight, there was little evidence of the confrontation. The next day, business seemingly returned to normal. Red Square was open to visitors. Most troops had left the city and several of the officials we met with that day had observed a noticeable but perhaps temporary release of pressure.

The very fact that the demonstration took place in defiance of the Gorbachev ban and in spite of the military presence, represented a strong show of force for Yeltsin and a testament to the level of frustration felt by many citizens.

ECONOMIC REFORM

The demonstration was in part a reflection of growing discontent with Soviet economic reforms which have been very painful to the average Soviet worker. The Communist system created a wage and price structure which bore no relation to reality. As long as the Communist system could remain closed and economically isolated between the central Soviet Union Government and its client states, the system could function and deliver basic necessities to the people.

The Soviet economy cannot remain closed in the modern world. The Communist economic system destroys individual initiative and creativity. The corruption of the Communist Party has engendered disdain from the Soviet citizenry and the glorious democratic revolutions in Eastern Europe, and Central America have disrupted the Communist international trading system.

The Soviet economy is on the edge of collapse. Reforms have been half measures which deliver only the painful half of the economic equation. The delegation arrived in the Soviet Union days before the imposition of massive price increases. We observed long lines in front of Soviet department stores as shoppers engaged in panic buying to beat the price increases. While the new prices will more closely resemble market prices, they were created by central planners and not market forces. To compensate workers for increased prices, supplementary pay packets were distributed to workers, although not enough to fully cover price increases. The price reform may marginally reduce the Soviet budget deficit. It is unlikely that absent more aggressive market reforms on the supply side and on private ownership rights that more goods will become available.

Unlike in Poland, Czechoslovakia, and Hungary, where economic reforms have been far more thorough, the reforms in the Soviet Union have not generated much faith among the people that there will be any long run benefits in exchange for short-term pain. Sooner or later, the Soviet Union must come to the realization that to be successful, the Soviet Union must forcefully address private ownership, freeing the factors of production from central planning on the supply and demand side and the convertability of the Soviet currency.

UNITED STATES-SOVIET RELATIONSHIP

It is clear that President Gorbachev's political future ebbs and flows on a rapidly changing sea. While Gorbachev has been a leader who the United States has been able to work with, American policy with regard to the Soviet Union should not be based solely on the political survival of one personality. Treaties, trade agreements, and exchange programs are between nations, not individual presidents. Our policy toward the Soviet Union should attempt to look beyond the horizon and beyond President Gorbachev. Our policies should also be cognizant of the political authority of Soviet Republics. In the future, it is clear that individual republics will come to wield more authority than the past.

As the representative of the Senate Armed Services Committee, I frequently raised my concern in meetings with Soviet political and government officials, including Aleksey Obuknov, the Deputy Foreign Minister that with the present glitch in the implementation of the Conventional Forces Europe [CFE] Treaty, the United States Senate will have difficulty placing its confidence in a START Treaty if it cannot have confidence in the CFE Treaty. I found United States Ambassador Matlock surprisingly optimistic about the chances of resolving CFE and START differences, and found the Soviets somewhat more fixed in their positions than portrayed by the United States Ambassador. In this regard, I believe that the delegation delivered an important and clear message to Soviet policymakers about the Senate's unease regarding the current complications on the CFE Treaty. Since our return, I have noticed some encouraging steps by the Soviets to resolve some of these concerns but believe that there is still a long journey toward a resolution to current difficulties over CFE and START.

America must continue to exercise caution in dealing with the Soviet Union and be certain that Soviet Government actions match the words of Soviet political leaders. President Reagan appropriately adopted as a motto for United States-Soviet military relations, "Trust but Verify." Overall, I was somewhat encouraged that from reformers and hardliners alike, there was no evidence of an interest in returning to the bad old days of the cold war.

America should make it clear that our Nation welcomes and supports the movement toward a free society and free market in the Soviet Union. It is in the interest of the United States, the Soviet Union, and the world that the United States/U.S.S.R. relationship continues to improve. Our delegation was encouraged at several stops, even from critics of President Gorbachev that regardless of who leads the Soviet Union that both the United States and the Soviet Union must continue to maintain good relations.

In this regard, positive political reforms within the Soviet Union certainly make the path toward even closer U.S./U.S.S.R. relations much smoother. I am pleased to report that there was surprisingly frank and seemingly accurate reporting of the demonstration witnessed by the delegation on the English service of Radio Moscow, an obvious new found religious freedom, and a previously unknown level of political debate within the Soviet Union. In addition, there is no doubt that the actions, or more accurately, the inactions of the Soviet Union during the liberation of Eastern Europe represented a turning point in world history. But just as Soviet restraint in Eastern Europe made better relations with the West possible, the Soviets must be made to understand if they return to oppression in dealing with the Baltics those warming relations could just as rapidly cool.

The Soviet Union is undergoing a profound identity crisis. The nation is attempting to transform its society, political system and economy simultaneously. In many regards, the very act of transformation represents an ideological victory for the values which America and the free world hold dear. After visiting the Soviet Union, I expect that the road to a reformed Soviet Union will be filled with bumps, twists and turns. I must report that I was pleased to hear Chairman Polozkov, of the Russian Communist Party, one of the recognized hardliners, tell our delegation that the party accepts a market economy as the final stage of reform. His caveat was that the reform must be gradual.

Since our return, there appears to be a new accommodation between Gorbachev and Yeltsin. In addition, the republics and the central government seem to be making progress in defining their relationship to each other under a new union treaty. Until this critical relationship and ownership rights throughout the Soviet Union are defined, full scale Western participation in the Soviet economy is unlikely. The present battle of laws between the central government and the republics makes it difficult, if not impossible, for business to risk investment or even know with whom in the Soviet Union to deal.

In conclusion Mr. President, it is a fascinating time. There is great hope that this time of transition can facilitate a more productive relationship between the United States and the Soviet Union. There is also a risk that the pains of transition within the Soviet Union, will resurrect a nostalgia for the old Communist order. America has provided a shining example for the Soviet Union and the world that the path to a better life is the path marked democracy and freedom.

Having discussed some of my observations about the political situation in the Soviet Union, I will describe in my next address areas where I believe that the United States and the Soviet Union can and should cooperate.

THE ROLE OF KGB CAPT. VIKTOR OREKHOV

Mr. MOYNIHAN. Mr. President, the Long Island Jewish World recently published a most remarkable article by Natan Shcharansky, the courageous Soviet Jewish dissident who now lives in Jerusalem. Mr. Shcharansky relates the crucial role of KGB Capt. Viktor Orekhov who risked his life to help warn the activists of plans to infiltrate their network and vitiate their campaign for religious freedom. This previously unidentified Soviet secret police officer was subsequently arrested and sent to prison for 8 years.

When a stunned Soviet Jewish leader asked Captain Orekhov why he helped them he replied "I am afraid my children will be ashamed of me." Certainly, Victor Orekhov's children, and all of us who value human freedom and integrity, have good reason to be proud of this brave man and his exceptional actions.

I ask unanimous consent that Natan Shcharansky's article about Victor Orekhov be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Jewish World, Apr. 19-25, 1991]

EVEN IN THE KGB, THERE WAS AT LEAST ONE DISSIDENT

(By Natan Shcharansky)

JERUSALEM.—If you have followed the Soviet press during the glasnost years and watched the Communist empire fall apart, it is difficult to be surprised by anything. Looking through the Russian papers the other day, I wasn't expecting any surprises—but when I came across a picture of Victor Orekhov, accompanied by an interview, my heart jumped. It was hours before I could return to my routine. The man and his name have haunted me for 15 years.

I never saw KGB Capt. Viktor Orekhov, and until that day I could not even say for sure that he existed at all. Nonetheless, I thought about him more often than I did about many others whom I knew much better. Somewhere in the bottom of my heart, I had always hoped that Orekhov was a flesh-and-blood person, not merely a creation of the KGB's evil genius.

At the end of 1976, just as a new wave of KGB oppression began, Moscow refusenik Mark Morozov came to us with sensational news: a senior KGB officer, whose name he naturally could not reveal, had decided to inform us of future actions against dissidents. Our reaction was almost unanimous—we believed it was a KGB provocation. But information about future arrests and searches soon began to reach us, and the information proved correct.

Morozov arrived one night, in December 1976, at the house of Zionist leader Vladimir Slepak with a warning: during the next few hours, Slepak's house would be searched. The search took place, and continued for almost 24 hours. We Jewish activists were not inclined to hide our activities, so the KGB took hundreds of different documents, mainly copies of our public statements, from Slepak's house.

But they did not find our notes on material help to Jews in various cities, so the warning saved tens, if not hundreds, of people from long, hard and potentially dangerous interrogations. Morozov's source continued to warn us of anticipated searches, and the leaders of the Moscow-Helsinki group, Yuri Orlov and Alexander Ginsburg, knew of their arrests in advance. Later, the same anonymous source revealed Orlov's sentence long before the trial began.

My turn came in March 1977. One night I received an urgent call from Morozov. My tails—the KGB men who followed me regularly, literally hanging on my shoulders in the last days before my arrest—came up to Morozov's apartment with me and remained by his door. Inside, Mark informed me that my arrest was imminent, and that a Jewish activist close to me was a KGB informer. He also said the KGB succeeded in taping a number of my conversations with foreign journalists by bugging my parka.

I left Morozov's house and grabbed a taxi. One of my tails came up to the driver and warned him: "We are from the criminal police, and we are following your car. Drive slowly and do not try to escape." This was clearly a new stage in KGB efforts to increase psychological pressure on me, and I decided Morozov's information was just part of the plan to frighten and demoralize me.

Several days later, however, an article appeared in the government-run *Isvestia*, signed by Sanya Lipavsky, a close comrade-in-arms of us refuseniks. Lipavsky, it turned out, was a longtime KGB informer: the article carried the gravest accusations against us. The article made it clear that we could not escape the worst. It also confirmed that, inside the great monolith that was the KGB, there was one person who dared try to help us.

Some years later, in prison, I met Mark Morozov. He told me the name of our KGB insider—Capt. Viktor Orekhov. In the year after my arrest, Orekhov continued to keep the dissidents informed, until he himself was taken into custody. Morozov was also arrested, and agreed to give testimony in return for an easy sentence in exile.

But Morozov violated the agreement by going public with his case. The KGB did not forgive him, and Mark was sentenced to eight years in prison. He was in poor health, and died in 1986 in the political prison at Chistopol. At the same time, we now know, Viktor Orekhov was finishing his own eight-year sentence in a special prison for former KGB and police officers. In the interview I saw, Orekhov, now in Moscow, told his interviewer his reasons for betraying the KGB and described in detail his methods of operation.

The KGB captains who interrogated us and sent us to prison have long ago become majors and colonels; the colonels have become generals. During the glasnost years, they have been actively involved in crafting a new party line, creating a new image for the KGB: "An institute of moderate and enlightened people who were always trying to neutralize the extremes of party bureaucrats." But the only KGB officer who dared to help us became what he inevitably had to become: a dissident himself.

Once, in response to Morozov's questions about why he helped us, Viktor Orekhov said, "I am afraid my children will be ashamed of me." Our world would greatly improve if all of us worried how our children would feel about us.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,244th day that Terry Anderson has been held captive in Lebanon.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 258. An act to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990;

H.J. Res. 194. Joint resolution designating May 12, 1991, as "Infant Mortality Awareness Day"; and

H.J. Res. 214. Joint resolution recognizing the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

The enrolled bill S. 258 and House Joint Resolution 194 were subsequently signed by the Acting President pro tempore [Mr. SHELBY].

The enrolled joint resolution, H.J. Res. 214, was subsequently signed by the Vice President.

At 4:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 904. An act to direct the Secretary of the Interior to prepare a national historic landmark theme study on African American History; and

H.R. 1143. An act to authorize a study of nationally significant places in American labor history.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 904. An act to direct the Secretary of the Interior to prepare a national historic landmark theme study on African American History; to the Committee on Energy and Natural Resources.

H.R. 1143. An act to authorize a study of nationally significant places in American labor history; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill, received from the House of Representatives for concurrence on May 6, 1991, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1455. An act to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 8, 1991, he had presented to the President of the United States the following enrolled bill:

S. 258. A bill to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1074. A communication from the Deputy Associate Director for Collection and Disbursement of the Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1075. A communication from the Deputy Associate Director for Collection and Disbursement of the Department of Interior, transmitting, pursuant to law, a report on certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1076. A communication from the Deputy Associate Director for Collection and Disbursement of the Department of Interior, transmitting, pursuant to law, a report on certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1077. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on expenditures and enforcement actions during the fourth quarter of fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-1078. A communication from the Chairman of the United States Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report for fiscal year 1990; to the Committee on Environment and Public Works.

EC-1079. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, copies of prospectuses; to the Committee on Environment and Public Works.

EC-1080. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "State Revolving Fund Interim Report to Congress"; to the Committee on Environment and Public Works.

EC-1081. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the fiscal year 1990 annual report; to the Committee on Environment and Public Works.

EC-1082. A communication from the Inspector General of the Department of the Interior, transmitting, pursuant to law, a copy of the audit report entitled "Accounting for Reimbursable Expenditures of the Environmental Protection Agency Superfund Money, Water Resources Division, U.S. Geological Survey"; to the Committee on Environment and Public Works.

EC-1083. A communication from the Inspector General of the Department of Interior, transmitting, pursuant to law, a final audit report entitled "Accounting for reimbursable Expenditures of Environmental Protection Agency Superfund Money for Fiscal Years 1987, 1988, and 1989, Bureau of Mines"; to the Committee on Environment and Public Works.

EC-1084. A communication from the Acting Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurances at licensed nuclear facilities for the fourth calender quarter of 1990; to the Committee on Environment and Public Works.

EC-1085. A communication from the President of the United States, transmitting, pursuant to law, reporting changes in the Generalized System of Preferences; to the Committee on Finance.

EC-1086. A communication from the Acting Chairman of the United States International Trade Commission, transmitting, pursuant to law, the sixty-fifty quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-1087. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on a study to develop a strategy for quality review and assurance for the Medicare program; to the Committee on Finance.

EC-1088. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, certain certifications required under the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1990; to the Committee on Foreign Relations.

EC-1089. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on the status of secondment with the United Nations by the Soviet Union and Soviet-bloc member nations for calendar year 1989; to the Committee on Foreign Relations.

EC-1090. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a certain report prepared by the Federal Bureau of Investigation; to the Committee on Foreign Relations.

EC-1091. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, a report on Women in Development for Fiscal Year 1989 through Fiscal Year 1990; to the Committee on Foreign Relations.

EC-1092. A communication from the Director of the Information Security Oversight Office, transmitting, pursuant to law, the annual report of the Office for 1990; to the Committee on Governmental Affairs.

EC-1093. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-1094. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office in March 1991; to the Committee on Governmental Affairs.

EC-1095. A communication from the Co-Chairman of the Franklin Delano Roosevelt Memorial Commission, pursuant to law, a report on the audit activities of the Commission for fiscal year 1990; to the Committee on Governmental Affairs.

EC-1096. A communication from the Special Counsel, United States Office of Special Counsel, transmitting a draft of proposed legislation to extend authorization of appropriations for the U.S. Office of Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

EC-1097. A communication from the Vice President of the Farm Credit Bank of Spokane (Human Resources and Planning), transmitting, pursuant to law, the annual report for calendar year 1989 for the Twelfth District Farm Credit Retirement Plan and Thrift Plan; to the Committee on Government Affairs.

EC-1098. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit—Congressional Award Foundation Financial Statements for 1989"; to the Committee on Governmental Affairs.

EC-1099. A communication from the Acting Secretary of the Postal Rate Commission, transmitting, pursuant to law, a revised page of a notice issued on March 28, 1991; to the Committee on Governmental Affairs.

EC-1100. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, adjusted National Credit Union Administration pay schedules; to the Committee on Governmental Affairs.

EC-1101. A communication from the Assistant Secretary for Finance and Administration of the Smithsonian Institution, transmitting, pursuant to law, the annual pension reports of the Smithsonian Institution, the Woodrow Wilson International Center for Scholars, and Reading is Fundamental for calendar year 1989; to the Committee on Governmental Affairs.

EC-1102. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-1103. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report on the private counsel debt collection pilot project for fiscal year 1990; to the Committee on Governmental Affairs.

EC-1104. A communication from the Acting Assistant Secretary of the Interior (Policy, Management and Budget), transmitting, pursuant to law, the progress report on the Tribal Self-Governance Demonstration Project for the period October 1990 to March 1991; to the Select Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-30. A concurrent resolution adopted by the Legislature of the State of North Dakota to the Committee on Appropriations.

"HOUSE CONCURRENT RESOLUTION NO. 3029

"Whereas, oil embargoes instituted by the organization of Petroleum Exporting Countries cartel during the mid 1970s held the entire industrialized world hostage to outrageous and predatory oil pricing; and

"Whereas, the recent invasion of Kuwait by Iraq has resulted in the disruption of world oil supplies, and the political instability of the Middle East has caused extreme volatility in world oil markets; and

"Whereas, the Food, Agriculture, Conservation, and Trade Act of 1990 falls far short of providing cost of production to the nation's agricultural producers; and

"Whereas, the market price for most major farm commodities is substantially below the cost of producing those commodities;

"Now, therefore, be it resolved by the House of Representatives of North Dakota, the Senate concurring therein:

"That the Fifty-second Legislative Assembly urges the President and the Congress of the United States to develop expenditiously a sound and comprehensive national energy policy utilizing renewable agricultural commodities, such as ethanol, in the production of energy and lubrication products; and

"Be it further resolved, that the Fifty-second legislative Assembly urges that the President request and that the Congress of the United States appropriate funds within the budgets of the Department of Defense and the Department of Agriculture to establish this sound and comprehensive energy program; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of Energy, the Secretary of Defense, the Secretary of Agriculture, the Speaker and the majority and minority leaders of the United States House of Representatives, the President and the majority and minority leaders of the United States Senate, and each member of the North Dakota Congressional Delegation."

POM-31. A petition from a citizen of Concord, New Hampshire relative to cutting funds for the Special Prosecutor in the Iran Contra Affair; to the Committee on Appropriations.

POM-32. A resolution adopted by the Assembly of the State of New Jersey; to the Committee on Armed Services.

"ASSEMBLY RESOLUTION CALLING ON THE COMMISSION ON BASE REALIGNMENT AND CLOSURE TO DROP FROM ITS RECOMMENDATIONS THE PROPOSED SCALING DOWN OF MILITARY OPERATIONS AT FORT DIX

"Whereas, On Friday, April 12, 1991, the Secretary of Defense announced that as part of a national plan to consolidate military facilities, Fort Dix, in southern New Jersey, would lose all regular Army functions and maintain only facilities and staff necessary to support Reserve and National Guard training requirements; and

"Whereas, This scaling down of military operations at Fort Dix comes on the heels of a controversial 1988 base closing order, under which the facility is to lose its entire basic training mission and other Army Operations and the overall workforce is to be cut by 2,760 personnel by 1994; and

"Whereas, Under the latest proposal, the base would lose an additional 500 civilian jobs and 309 military positions by the 1997 fiscal year; and

"Whereas, The proposal also provides that excess facilities and land at Fort Dix will be sold and projects that implementation of the plan will save the Department of Defense $116 million; and

"Whereas, The proposal is not in the best interests of our nation's defense because the ideal location of Fort Dix between New York and Philadelphia permits ease of access and departure for military personnel and the post has superior facilities, is contiguous with McGuire Air Force base and had a significant role in preparing men and material for victory in Operation 'Desert Storm'; and

"Whereas, It is obvious that the proposal does not take into account the serious negative economic impact that the downscaling will have on the south Jersey economy, especially, Ocean and Burlington counties; and

"Whereas, It is also obvious that the amount of money to be gained by selling off land at the facility is seriously overestimated, since the land is in an area of restricted development that is strictly regulated by the Pinelands Commission; and

"Whereas, Given these reasons, this House believes that the proposal to downscale Fort Dix should be dropped by the Commission on Base Realignment and Closure before it makes its recommendations on July 1st of this year and sends them to the President and the Congress for approval; now, therefore,

"Be it resolved by the General Assembly of the State of New Jersey:

"1. This House calls on the Commission on Base Realignment and Closure to drop from the recommendations it is to make to the President and the Congress the proposed scaling down of military operations at Fort Dix.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be sent to each member of the Commission on Base Realignment and Closure, the Secretary of Defense, the presiding officers of each House of Congress and each member of Congress from New Jersey.

"STATEMENT

"This Assembly resolution calls on the Commission on Base Realignment and Closure to drop from the recommendations it is to make to the President and the Congress the proposed scaling down of military operations at Fort Dix.

"VETERANS

"Calls on Commission on Base Realignment and Closure to drop from its recommendations the proposed scaling down of military operations at Fort Dix."

POM-33. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Armed Services:

"HOUSE CONCURRENT RESOLUTION 95

"Whereas, the liberation of Kuwait is complete and the forces of tyranny have been vanquished by the coalition troops of Operation Desert Storm; and

"Whereas, brave young men and women from throughout the State of Indiana answered their country's call and proudly served with the forces of Operation Desert Shield and Operation Desert Storm; and

"Whereas, while representing their country in the Persian Gulf, these dedicated Hoosiers exemplified the values of duty, courage, and unselfish devotion to service in ways that have brought honor upon them and upon all Hoosiers; and

"Whereas, these returning heroes have been the voice by which America has told the world that oppression of the weak will be tolerated no more; and

"Whereas, all Hoosiers join the families, friends and neighbors of these fine troops in welcoming home these dedicated servants of liberty; and

"Whereas, although we celebrate victory, that celebration is muted by the grief felt by all Americans for the tragic loss of those fine heroes who, when called, unhesitatingly made the ultimate sacrifice for their country and for the cause of freedom and liberty; and

"Whereas, the nation will be forever indebted to those few who, in the call of duty, willingly gave so much for their country; and

"Whereas, on behalf of the people of the State of Indiana, the Indiana General Assembly pays special tribute to these servicemen who gave their lives and to their families and loved ones who remain: PFC Jeffrey D. Reel, U.S. Army, Vincennes; Lance Corporal Brian L. Lane, U.S. Marine Corps, Bedford; PFC Mark Miller, U.S. Army, Cannelton; Spc. Brian K. Simpson, U.S. Army, Anderson; Spc. James R. Miller, Jr., U.S. Army, Decatur; PFC David M. Wieczorek, U.S. Army, Indianapolis; Spc. Jeffrey A. Septimi, U.S. Navy, Ft. Wayne; and Chief Warrant Officer Michael F. Anderson, U.S. Army, Frankfort; and

"Whereas, the Indiana General Assembly also honors U.S.A.F. Lt. Colonel David W. Eberly from Brazil, Indiana, who was held by Iraq as a prisoner of war, for his courage and strength through that experience; and

"Whereas, it is most appropriate at this time of honoring our returning service men and women, to also recall and honor those service personnel who fought so valiantly in the Korean and Vietnam Wars, especially remembering those veterans who lost their lives in Southeast Asia and the POWs and MIAs still remaining there.

"Now, therefore, be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"Section 1. That the Indiana General Assembly offers its gratitude and appreciation to the brave Hoosier veterans, especially the men and women of Operation Desert Storm and to the families and friends who stood behind these fine Americans.

"Section 2. That the Indiana General Assembly and all Hoosiers offer their deepest sympathy to the families and friends of those young men and women who gave their lives in the service of their country.

"Section 3. That the Indiana General Assembly offers its gratitude for the courage and leadership exemplified by Lt. Colonel Eberly while being held as prisoner of war.

"Section 4. That the Indiana General Assembly calls upon all Hoosiers to welcome home the troops of Operation Desert Shield and Operation Desert Storm with open arms and heartfelt thanks.

"Section 5. That certified copies of this Resolution be sent to the President of the United States, the United States Department of Defense, the presiding officer and the majority and minority leaders of both houses of the Congress of the United States, to the Indiana members of the United States Congress, to the commanding officers of Grisson Air Force Base and Fort Benjamin Harrison, to the Adjutant General of the Indiana National Guard and the Indiana Reserves, and to the families of PFC Jeffrey D. Reel, Lance Cpl. Brian L. Lane, PFC Mark Miller, Spc. Brian K. Simpson, Spc. James R. Miller, Jr., PFC David M. Wieczorek, Spc. Jeffrey A. Septimi, and Chief Warrant Officer Michael F. Anderson."

POM-34. A resolution adopted by the Legislature of Rockland County, New York seeking to increase the Coast Guard presence in the Hudson River; to the Committee on Commerce, Science, and Transportation.

POM-35. A joint resolution adopted by the Legislature of the State of Montana Committee on Energy and Natural Resources.

"JOINT RESOLUTION

"Whereas national forest lands are a significant source of high-quality water and clean air upon which Montanans depend; and

"Whereas national forest lands provide natural splendor, wildlife habitat, scenic beauty, and recreational opportunity that all Montanans enjoy; and

"Whereas the economic stability of communities in western Montana is dependent upon a regular and stable supply of timber; and

"Whereas unsustainable rates of timber harvest affect other multiple uses of national forest lands and disrupt and destabilize dependent communities.

"Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

"That the Montana Legislature formally request that the United States Congress conduct hearings in Montana to evaluate whether forest practices in Montana are affecting other multiple uses of national forests, including clean water and air, and the scenic qualities of forest lands.

"Be it further resolved, That the United States Congress also conduct these hearings to determine whether national forest lands are being managed on a sustainable basis and that the forest practices on these lands maximize timber growth for sustained-yield production.

"Be it further resolved, That the Secretary of State send copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Montana Congressional Delegation."

POM-36. A resolution adopted by the House of Representatives of the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources.

"RESOLUTION

"Whereas some members of the Armed Forces of the United States meet their military obligations even when this requires them to be separated from their minor children.

"Whereas some members of the Armed Forces of the United States who are separated from their minor children because of their military obligations are concerned about the welfare, care and stability of their minor children.

"Whereas military personnel have been deployed in the Persian Gulf conflict including spouses with minor children, which should be a reason for the Department of Defense to show concern in protecting the best interests of minor children of the members of the Armed Forces who are in this situation.

"Whereas the Persian Gulf war has caused anxiety and grief to thousands of families, but especially to those children who find themselves separated from their parents without knowing whether they will ever see them again.

"Whereas House bill 537 was introduced in the House of Representatives of the 102nd Congress of the United States on January 16, 1991, for the purpose of exempting one spouse of a married couple, or a single father or mother who have minor children, who are members of the Armed Forces, from being assigned to a region where there is an armed conflict or a region of imminent danger.

"Therefore: Be it resolved by the House of Representatives:

"Section 1.—To express the support and endorsement of this Legislative Body to House Bill 537, introduced in the House of Representatives of the 102nd Congress of the United States on January 16, 1991.

"Section 2.—To translate this Resolution into English and send a copy thereof to the Presidents of both bodies of the United States Congress, to the Members of Congress who introduced H.B. 537, to the President of the United States, and to the Secretary of Defense of the United States.

"Section 3.—To send a copy of this Resolution to the news media of the country for its diffusion."

POM-37. A resolution adopted by the House of Representatives of the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources.

"RESOLUTION

"When the members of the Armed Forces of the United States retire for years of service and return to civilian life, one of the benefits granted by the Federal government is the health plan designated "Civilian Health and Medical Program of the Uniformed Services" known commonly for its acronym "CHAMPUS".

"Contrary to the general belief of the veterans retired years of service, the CHAMPUS program is not for an indefinite time. Its coverage concludes if, in civilian life, the retired soldiers become disabled thus requiring continuous medical care for more than two years or when they attain 65 years of age. As of these two events, they are only covered by "Medicare" thus reducing the benefits comprised in the CHAMPUS program and reducing the economy of the household by having to defray a portion for health care, which, in some cases is substantial and unaffordable by the veterans. Another problem is that program CHAMPUS does not cover the veterans when they become ill in foreign countries.

"This House of Representatives of the Commonwealth of Puerto Rico considers that the program CHAMPUS should be in effect indefinitely, in recognition to the services rendered by the veterans of the Armed Forces of the United States of America who have retired for years of service.

"Be it resolved by the House of Representatives of Puerto Rico:

"Section 1.—To request the President of the United States of America, the Secretary of Defense of the United States of America, the Secretary of Veterans' Affairs of the United States of America, the President of the Senate and the Speaker of the House of Representatives of the United States of America, the Chairpersons of the Committees on Veterans' Affairs of the Senate and the House of Representatives, Senator Daniel Inouye, Representative José Serrano and the Resident Commissioner of Puerto Rico in Washington, to carry out the affirmative actions within their reach so that the veterans retired for years of service in the Armed Forces of the United States of America, be granted for indefinite time, the health benefits of the program Civilian Health and Medical Program of the Uniformed Services—"CHAMPUS" and that this program cover the soldiers retired for years of services when they become ill in any foreign country.

"Section 2.—A copy of this Resolution, translated into the English language, shall be delivered to each one of the officials mentioned in Section 1 of this Resolution.

"Section 3.—This Resolution shall take effect immediately after its approval."

POM-38. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works:

"HOUSE JOINT RESOLUTION NO. 335

"Whereas, the recently enacted Clean Air Act Amendments of 1990 impose increasingly stringent emissions standards on transit buses; and

"Whereas, while it may be possible to meet the short-term bus emissions standards imposed by this legislation through use of so-called "clean diesel" technology, meeting the more strigent long-term standards will probably require the use of alternative fuels by transit buses; and

"Whereas, in order to use alternative fuels, it will be necessary for transit systems either to convert the engines of existing buses or purchase new vehicles designed and built specifically to be operated on alternative fuels; and

"Whereas, whatever the impact of this technological change on the environment and the health of the population, the transition from diesel-fueled transit buses will impose an additional and considerable financial burden on transit systems and the state and local governments upon which these transit systems depend; and

"Whereas, particularly in the cases of Northern Virginia and Hampton Roads, Virginia, much of the need for and ridership of mass transit systems are caused by the presence in these areas of high concentrations of federal, military and civilian agencies; and

"Whereas, in the coming year, Congress will be debating legislation to reauthorize the federal highway program—legislation whose passage is vital to every state in the nation and every sector of the economy; and

"Whereas, it is imperative that the final version of this reauthorization legislation continue major federal financial participation in highway and transportation programs throughout the country; and

"Whereas, it is equally indispensable that the federal government make a greater financial commitment specifically to dealing with worsening urban and suburban traffic congestion, rising need for and costs of mass transit operations, and the variety of costs borne by state and local governments as the result of federal mandates such as those contained in the Clean Air Act Amendments of 1990; now, therefore be it

"Resolved by the House of Delegates, the Senate concurring, That the United States Congress is hereby memorialized to approve legislation to reauthorize the federal highway program and provide for meaningful federal financial participation in the costs of converting and replacing transit buses in order to operate on alternative fuels; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the General Assembly in this matter."

POM-39. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Finance.

"JOINT RESOLUTION

"Whereas, persons who are elderly or disabled desire to continue to live in their homes and remain in close association with their own communities; and

"Whereas, persons who are elderly or disabled often are in need of long-term medical care services; and

"Whereas, many persons who are elderly or disabled and receiving long-term medical care services are located away from their homes and communities; and

"Whereas, Medicaid home and community services have shown that many elderly or disabled persons in need of long-term medical care services may remain in their homes and communities if provided the appropriate supportive services; and

"Whereas, Medicaid home and community services show that quality long-term medical care can be provided at a savings over institutionally based, long-term medical care; and

"Whereas, persons who are elderly or disabled continue to be placed into long-term medical care situations that are away from their homes and communities because of the limits on the availability of services through Medicaid home and community services; and

"Whereas, the Legislature finds that Medicaid home and community services can provide an excellent alternative model for future Medicaid-funded, long-term medical care services.

"Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

"(1) That it is the state's policy that persons who are elderly or disabled in need of long-term medical care be provided Medicaid services in their homes and communities whenever appropriate.

"(2) That the state, acting through the Department of Social and Rehabilitation Services, expand Medicaid home and community services to the extent permitted by the federal government.

"(3) That the Congress of the United States be advised that the Medicaid program as a whole should be made more flexible and cost-effective and that these objectives can be realized through further funding, development, and expansion of home and community services and by applying the principles of home and community services to the Medicaid program as a whole.

"(4) That copies of this resolution be sent by the Secretary of State to each member of the United States Congress."

POM-40. A resolution adopted by the House of Representatives of the State of Iowa; to the Committee on Finance:

"HOUSE RESOLUTION NO. 11

"Whereas, Iowa occupies a preeminent position as this nation's supplier of agricultural products which also significantly contributes to reducing the United States trade deficit; and

"Whereas, Iowa during the twentieth century has led the nation in hog production, producing 25 percent of all hogs in the United States and producing more hogs than the next two leading hog production states combined; and

"Whereas, the pork industry represents the single largest segment of Iowa's agriculture-based economy, generating more than $3,000,000,000 in annual cash receipts from the marketing of hogs which has an economic impact of more than $6,000,000,000; and

"Whereas, approximately 70,000 Iowans are employed in positions related to the pork industry; and

"Whereas, the United States and Canada have entered into a free trade agreement built upon principles honoring free market competition undistorted by governmental policies; and

"Whereas, subsidies paid to Canadian pork producers distort market forces by providing an unfair advantage to Canadian producers; and

"Whereas, the United States Department of Commerce and the International Trade Commission have ruled that government payments to Canadian pork producers are subsidies to both hog and pork product shipments which pose a threat of material injury to Iowa and United States pork producers; and

"Whereas, the binational panel authorized under the United States and Canada Free Trade Agreement to review the countervailing duty on pork products shipments restricted the facts allowed to be considered by the International Trade Commission in its recent ruling on the duty; and

"Whereas, this improper restriction has forced the International Trade Commission to rule that countervailing duties can no longer be imposed on Canadian pork product imports; and

"Whereas, the United States and Canada Free Trade Agreement authorizes the formation of an extraordinary challenge committee to review actions of the binational panel when the panel departs from a fundamental rule of procedure; and

"Whereas, the countervailing duty remains in place on live hog imports from Canada, and the excessive delay in the calculation of countervailing duties by the United States Department of Commerce greatly reduces the effectiveness of the duty in equalizing hog trade between the United States and Canada; now therefore,

"Be it resolved by the House of Representatives, That the United States trade representatives should use the extraordinary challenge provision of the United States and Canada Free Trade Agreement to correct the actions of the binational panel which forced the International Trade Commission to reverse its opinion on the countervailing duty imposed on subsidized Canadian pork products; and

"Be it further resolved, That the President of the United States, the United States Congress, and the United States Department of Commerce should review the entire binational panel process to ensure such panels do not in the future ignore fundamental principles underpinning the United States and Canada Free Trade Agreement; and

"Be it further resolved, That the President of the United States, the United States Congress, and the United States Department of Commerce review the process by which countervailing duty levels are calculated with the goal of reducing the delay between subsidy payments to Canadian producers and the imposition of corresponding duties at the United States and Canadian border; and

"Be it further resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Commerce, and to members of Iowa's congressional delegation."

POM-41. A concurrent resolution adopted by the Legislature of the State of Florida; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION NO. 501

"Whereas, the economic uncertainty of the 1980's and early 1990's has resulted in a loss of American jobs, a strain on the American family and a restructuring of many of America's industrial corporations, and

"Whereas, one of the leading factors in the creation of economic problems in the United States has been the encroachment of foreign goods and products into the American marketplace, coupled with trade barriers abroad which discourage American exports, and

"Whereas, at the present time foreign manufacturers have encroached upon American markets, producing a great percentage of our electronic equipment, including televisions, microwave ovens, telephone equipment and radios, a great percentage of shoes, bicycles, stuffed toys, and luggage, and a great number of automobiles, and

"Whereas, each manufactured product sold in the United States and produced abroad contributes both to our trade deficit and to the domestic loss of American jobs, and

"Whereas, the citizens of Florida and of the United States could have a positive effect upon this corrosive problem by refusing to purchase imported products, and

"Whereas, it is fitting and appropriate that the Legislature of the State of Florida support American manufacturers in their efforts to overcome foreign imported products and preserve American jobs, Now, Therefore,

"Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

"That the Legislature of the State of Florida hereby declares the week of July 4th, 1991, as "Buy American Week" and urges all citizens of the State of Florida to participate by refraining from purchasing any imported goods during that week and instead urges them to purchase goods manufactured in the United States.

"Be it further resolved that copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-42. A resolution adopted by the Senate of the State of Michigan; to the Committee on Finance:

"SENATE RESOLUTION NO. 87

"Whereas, Mortgage Revenue Bonds and the Low Income Housing Tax Credit are important to financing affordable housing in the state of Michigan. Through Mortgage Revenue Bonds, the Michigan State Housing Development Authority provides low-cost mortgage loans and home improvement loans to moderate-income working families and senior citizens. The Low Income Housing Tax Credit has proved to be essential in encouraging investment in affordable rental housing for low-income people and senior citizens; and

"Whereas, In Michigan, over 40,000 families with average incomes under $22,000 have been able to purchase a home due to the availability of Mortgage Revenue Bonds. Moreover, Mortgage Revenue Bonds have financed 19,000 home improvement loans for homeowners with average incomes of approximately $11,000. These bonds have allowed individuals in every county of Michigan to buy or improve a home; and

"Whereas, Since 1987, more than 12,000 rental apartments have been constructed or maintained in Michigan because of Low Income Housing Tax Credits. These units were made available to families and senior citizens whose incomes were approximately half of the median income in the state; and

"Whereas, Due to the Omnibus Budget Reconciliation Act of 1990, Mortgage Revenue Bonds and the Low Income Housing Tax Credit cannot be used for housing after December 31, 1991. The members of this legislative body are deeply concerned by the potential loss of affordable financing for low and moderate income people, including our ever-increasing senior citizen population. Presently, legislation is pending in the United States Congress to extend the sunset on Mortgage Revenue Bonds and the Low Income Housing Tax Credit: S. 167 and H.R. 1067 would extend Mortgage Revenue Bonds and S. 308 and H.R. 413 would extend the Low Income Housing Tax Credit; now, therefore, be it

"Resolved by the Senate, That the members of this legislative body memorialize the Congress of the United States to pass legislation extending the sunset on Mortgage Revenue Bonds and the Low Income Housing Tax Credit; and be it further

"Resolved, That a copy of this legislation be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation."

POM-43. A resolution adopted by the City Council of Sweetwater, Florida urging Congress to cease all aid to Jordan and other countries which supported Iraq during Operations Desert Shield and Desert Storm; to the Committee on Foreign Relations.

POM-44. A resolution adopted by the City Council of Sweetwater, Florida favoring the issuance of commemorative postage stamps honoring the forces which served during Operations Desert Shield and Desert Storm; to the Committee on Governmental Affairs.

POM-45. A resolution adopted by the Senate of the State of Michigan; to the Committee on Governmental Affairs.

"SENATE RESOLUTION NO. 74

"Whereas, Due to our victory in the Persian Gulf War and the awaited triumphant return of our brave and patriotic fighting men and women, there is a renewed and justified sense of pride sweeping across our nation. Indeed, we are feeling far different about our country and our military might than we have since the Vietnam War. While our citizens certainly deserve the right to enjoy our victory and to forget about the negative aspects of the Vietnam War, we can never forget about those we left behind in Southeast Asia; and

"Whereas Seventy-three Michigan citizens are still considered Missing in Action (MIA) or Prisoners of War (POW) from the Vietnam War. The families of these POW/MIAs have been suffering for decades, always wondering and never knowing about their loved one. It is time to renew our commitment to find our POW/MIAs; and

"Whereas, Presently before the United States Congress are two bills that can help our POW/MIAs and their families. H.R. 1147, The Truth Bill, would require the United States government to make classified information available to the families of POW/MIAs. H.R. 1730, The Missing Service Personnel Act, would prohibit changing the status of a POW/MIA to Killed In Action (KIA) while there is still a possibility that the missing serviceman is a Prisoner of War; and

"Whereas, While these bills would greatly ease the burden of the families of POW/MIAs, only bringing them home will end their suffering. On behalf of the families of Michigan's seventy-three Vietnam POW/MIAs, we ask Congress to report on what has been done to locate our POW/MIAs, and to continue reporting until they are home. We also memorialize Congress to establish a Senate Select Committee to investigate the POW/MIA issue; now, therefore, be it

"Resolved, by the Senate, That we memorialize the Congress of the United States to report within sixty days to the Michigan Legislature what has been done to locate the seventy-three Michigan men still considered Prisoners of War or Missing in Action from the Vietnam War, followed by quarterly reports; and be it further

"Resolved, That we memorialize Congress to enact H.R. 1147, the Truth Bill, and H.R. 1730, The Missing Service Personnel Act, to help the families of POW/MIAs; and be it further

"Resolved, That we memorialize Congress to establish a Senate Select Committee to investigate the POW/MIA issue; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-46. A resolution adopted by the Senate of the State of Michigan; to the Committee on Governmental Affairs:

"SENATE CONCURRENT RESOLUTION NO. 109

"Whereas, Due to our victory in the Persian Gulf War and the awaited triumphant return of our brave and patriotic fighting men and women, there is a renewed and justified sense of pride sweeping across our nation. Indeed, we are feeling far different about our country and our military might than we have since the Vietnam War. While our citizens certainly deserve the right to enjoy our victory and to forget about the negative aspects of the Vietnam War, we can never forget about those we left behind in Southeast Asia; and

"Whereas, Seventy-three Michigan citizens are still considered Missing in Action (MIA) or Prisoners of War (POW) from the Vietnam War. The families of these POW/MIAs have been suffering for decades, always wondering and never knowing about their loved one. It is time to renew our commitment to find our POW/MIAs; and

"Whereas, Presently before the United States Congress are two bills that can help our POW/MIAs and their families. H.R. 1147, The Truth Bill, would require the United States government to make classified information available to the families of POW/MIAs. H.R. 1730, The Missing Service Personnel Act, would prohibit changing the status of a POW/MIA to Killed in Action (KIA) while there is still a possibility that the missing serviceman is a Prisoner of War; and

"Whereas, While these bills would greatly ease the burden of the families of POW/MIAs, only bringing them home will end their suffering. On behalf of the families of Michigan's seventy-three Vietnam POW/MIAs, we ask Congress to report on what has been done to locate our POW/MIAs, and to continue reporting until they are home. We also memorialize Congress to establish a Senate Select Committee to investigate the POW/MIA issue, now, therefore, be it

"Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to report within sixty days to the Michigan Legislature what has been done to locate the seventy-three Michigan men still considered Prisoners of War or Missing in Action from the Vietnam War, followed by quarterly reports; and be it further

"Resolved, That we memorialize Congress to enact H.R. 1147, The Truth Bill, and H.R. 1730, The Missing Service Personnel Act, to help the families of POW/MIAs; and be it further

"Resolved, That we memorialize Congress to establish a Senate Select Committee to investigate the POW/MIA issue; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-47. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Select Committee on Indian Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 5009

"Whereas, Native American populations need to have their heritage and cultural background well represented in the state's libraries, especially Haskell Indian Junior College, a federal school; and

"Whereas, The 1990 Kansas Governor's conference on libraries and information services, in its Resolution No. 21, requested that an appropriate state legislative or executive committee be established to develop methods for state and local governments to assist Haskell Indian Junior College and to establish and maintain Haskell's ability to serve the special needs of Native American populations; and

"Whereas, The Library Services and Construction Act (20 USCA 351 et seq.) as well as the Higher Education Act (20 USCA 1001 et seq.) take into consideration the unique status of Haskell Indian Junior College: Now, therefore,

"*Be it resolved by the House of Representatives of the State of Kansas The Senate concurring therein:* that we petition the United States Congress to designate Haskell Indian Junior College as a major research reference library for Native American literature, records, and historical data; to fund it as such; and to authorize Haskell Indian Junior College to be an official repository for Native American literature, records, and historical data, with all the powers and responsibilities that are implied by the designation; and

"*Be it further resolved:* That the Archivist of the United States be encouraged to lend all assistance in the establishment of the repository; and

"*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, each member of the Kansas delegation in the United States Congress; and President Bob Martin, Haskell Indian Junior College, Lawrence, Kansas 66046."

POM-48. A resolution adopted by the Legislature of Rockland County, New York urging the Attorney General to drop his appeal in a certain case; to the Committee on the Judiciary.

POM-49. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on the Judiciary.

"JOINT RESOLUTION

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on the expression in specific instances have long been recognized as a legitimate means of maintaining public safety and decency, as well as orderliness and the productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, the rights of expression, and the sacred values of others; and

"Whereas, there are symbols of our national soul, such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American flag, to this day, is the most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults and that remains the destination of millions of immigrants attracted by the universal power of American ideals; and

"Whereas, the law, as interpreted by the United States Supreme Court, no longer affords to the Stars and Strips that reverence, respect, and dignity befitting the banner of the most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency.

"Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

"That the Legislature of the State of Montana respectfully petition the Congress of the United States to consider an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states have the power to prohibit the physical desecration of the flag of the United States.

Be it further resolved, that the Secretary of State send copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate, and each member of Montana's Congressional Delegation."

POM-50. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 1612

"Whereas, The United States Supreme Court has held that the burning of the American Flag is a protected form of free speech under the First Amendment of the United States Constitution; and

"Whereas, The American Flag has served as a rallying force for American fighting men and women from Yorktown to the Sanh and the Persian Gulf; and

"Whereas, Millions of Americans hold the American Flag in deep reverence, as evidenced by the fact that Flag desecration was prohibited by an act of Congress and by the laws of 48 of the 50 states; and

"Whereas, The American Flag symbolizes the ideas of liberty and equality and what our nation is and what it values and further symbolizes the cherished constitutional rights Americans have fought and died for; and

"Whereas, Kansans strongly support, cherish and many proudly display the American Flag; and

"Whereas, Kansans have a long history of patriotism in support of the Constitution and the American Flag; and

"Whereas, In the early days of Statehood, Kansans were selective of a Constitution because of the slavery issue; and

"Whereas, Many Union Army veterans came to Kansas because of Kansas being a free state by popular vote prior to the Civil War; and

"Whereas, Kansans, in disproportionate numbers, have fought in the Spanish-American war, World War I, World War II, the Korean war and the Vietnam war. Kansas also sent critical units to the Persian Gulf in support of freedom; and

"Whereas, Kansans hold dear the right to effect peaceful change through political means, such as giving women the right to vote, an issue early decided in Kansas; and

"Whereas, Kansans are careful and deliberate people who possess a deep respect for human rights, freedom, the democratic process and our republican form of government with its built-in checks and balances; and

"Whereas, Kansans are deeply concerned and want Congress to protect the Constitution as well as our national symbols; and

"Whereas, Kansans have often taken a leadership role in working to preserve our form of government and the rights guaranteed to individuals therein; and

"Whereas, The framers of the Constitution created the First Amendment to discourage the oppression of the views expressed by unpopular minorities; and

"Whereas, No other American symbol has been as universally honored as the American Flag; and

"Whereas, Kansans find the desecration of the American Flag to be highly offensive; and

"Whereas, Kansans believe that the right to express displeasure with government is a cherished right protected by the First Amendment; however, the Flag represents the ideals and beliefs of the nation and Kansans believe that the desecration of the American Flag is an atrocious act which many feel should be prohibited; and

"Whereas, The Cross and other Religious Symbols represent the ultimate personal beliefs of members of many religious sects; and

"Whereas, Many citizens of this State regard the Cross or other Religious Symbols as sacred objects embodying a holy supreme being; and

"Whereas, The burning of a Cross or other Religious Symbols is often done to intimidate or harass members of racial, religious or ethnic minorities; and

"Whereas, The burning of Religious Symbols is abhorrent, whether intended as a display of disdain for others' religious beliefs or as an act of terrorism against American minority citizens, and should be prohibited; and

"Whereas, Several states have passed or are considering resolutions urging Congress to submit a constitutional amendment which would allow the Congress and States to punish as a crime desecration of the American Flag even though the controlling Supreme Court cases, United States v. Eichman and Texas v. Johnson, and the changes in the composition of the Supreme Court leave room for statutory approaches: Now, therefore,

"Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Legislature expresses strong support for the American Flag and the Cross and other Religious Symbols and urges the Congress of the United States, if it finds that existing means of combating desecration of the Flag and the Cross and other Religious Symbols are inadequate, to carefully balance the desires of many to protect the American Flag and the Cross and other Religious Symbols from desecration against the important freedoms of speech and religion guaranteed by the Constitution; and to not sacrifice central First Amendment principles, and to preserve the values and basic constitutional rights that the American people have long fought for under the American Flag; and

"Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and all members of the congressional delegation from the State of Kansas."

POM-51. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Labor and Human Resources:

"JOINT RESOLUTION

"Whereas, 37 million Americans are without health insurance coverage of any kind; and

"Whereas, costs of medical care are raising twice as fast as the rate of inflation; and

"Whereas, per capita health care costs in Montana are expected to increase from $2,059 in 1990 to $4,686 in 2000; and

"Whereas, 20% of all people in Montana have no health insurance, and an even larger percentage are underinsured; and

"Whereas, our current health care system in this country is a patchwork of private and government programs that are both expensive and inefficient, with 23 cents of every health care dollar spent for administration and bureaucracy; and

"Whereas, as health care costs raise, employers are less and less able to pay for health insurance for employees, resulting in negotiation deadlocks, strikes, and further restrictions on access to health insurance for America's working class citizens; and

"Whereas, the cost of employer health care raised by 18.6% in 1988 and by 20.4% in 1989; and

"Whereas, families are becoming impoverished paying for the costs of long-term care; and

"Whereas, prescription drug costs in the last decade have increased at more than triple the general rate of inflation; and

"Whereas, infant mortality rates are climbing in the United States, especially among poor people; and

"Whereas, poor people are being turned away from health care; and

"Whereas, preventable disease is on the rise in the United States, especially among the poor; and

"Whereas, preventable diseases, such as measles, mumps, rubella, whooping cough, and polio, are increasing among children because they lack access to medical care; and

"Whereas, the death rate from preventable causes is on the rise in the United States; and

"Whereas, a national health care program would provide quality, comprehensive health care to all citizens of the United States; and

"Whereas, all medically necessary services would be paid under a national health care program, eliminating the patchwork of existing private and government health care programs; and

"Whereas, under a national health care program, health care practitioners would maintain their private practice and patients would have the freedom to choose their own physician or hospital.

"Now therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

"That the Legislature of the State of Montana urge the United States Congress to enact legislation to provide a national health care program for all citizens of the United States.

"Be it further resolved, that Congress include in a national health care program:

"(1) a single-payer system for the payment of health care; and

"(2) coverage for basic health care, including long-term care.

"Be it further resolved, that the Secretary of State send a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Montana Congressional Delegation."

POM-52. A resolution adopted by the Board of Chosen Freeholders of the County of Monmouth, New Jersey urging the establishment of permanent medical care for a certain veteran and all combat wounded veterans; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 1002. A bill to impose a criminal penalty for flight to avoid payment of arrearages in child support; to the Committee on the Judiciary.

By Mr. GLENN (for himself and Mr. SPECTER):

S. 1003. A bill to provide for appointment by the President, by and with the advice and consent of the Senate, of certain officials of the Central Intelligence Agency; to the Select Committee on Intelligence.

By Mr. HOLLINGS:

S. 1004. A bill to authorize a certificate of documentation for the vessel *Billfish;* to the Committee on Commerce, Science, and Transportation.

S. 1005. A bill to authorize a certificate of documentation for the vessel *Marsh Grass III;* to the Committee on Commerce, Science, and Transportation.

S. 1006. A bill to authorize a certificate of documentation for the vessel *Miss Lelia;* to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSTON (by request):

S. 1007. A bill to withdraw certain public lands in Eddy County, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 1008. A bill to require State agencies to register all offenders convicted of any acts involving child abuse with the National Crime Information Center of the Department of Justice; to the Committee on the Judiciary.

By Mr. COATS:

S. 1009. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $4,000, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BOND, Mr. CRANSTON, and Ms. MIKULSKI):

S. 1010. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; to the Committee on Commerce, Science, and Transportation.

By Mr. KASTEN (for himself, Mr. BOND, Mr. JEFFORDS, Mr. KOHL, and Mr. DURENBERGER):

S. 1011. A bill to require the Secretary of Agriculture to make payments under the dairy export incentive program to promote the export of certain minimum quantities of nonfat dry milk and butter during fiscal year 1991, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRYAN (for himself, Mr. HOLLINGS, Mr. DANFORTH, Mr. GORTON, Mr. MCCAIN, and Mr. KERRY):

S. 1012. A bill to authorize appropriations for the activities and programs of the National Highway Traffic Safety Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. COATS):

S. 1013. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the earned income tax credit for individuals with young children; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1014. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption amount; to the Committee on Finance.

By Mr. MCCAIN:

S. 1015. A bill to amend the Communication Act of 1934 to require that the live television transmission of certain sporting events be available by broadcast over a national broadcast television network; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL:

S. 1016. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to develop comprehensive tests of academic excellence, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON:

S. 1017. A bill to amend title 11, United States Code, to provide that an automatic stay in certain bankruptcy proceedings shall not apply to State property taxes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 1002. A bill to impose a criminal penalty for flight to avoid payment of arrearages in child support; to the Committee on the Judiciary.

CRIMINAL PENALTY FOR FLIGHT TO AVOID PAYMENT OF CHILD SUPPORT

Mr. SHELBY. Mr. President, I rise today to introduce an important piece of legislation regarding child support enforcement. I am pleased that my colleague from Illinois, Mr. HYDE, has introduced the same legislation in the House of Representatives.

Nationwide, $18 billion in child support obligations remain uncollected. In 1985, 4,381,000 women were supposed to receive child support. Less than half of these women received full payment, while 1,138,000 received nothing at all. When looking at women and their children who live below the poverty line, these figures become even more alarming. Clearly, our society needs to take a stronger position on the abandonment of children. Our country needs to make the enforcement of child support a major priority.

Each State varies from another in laws and enforcement capabilities. Although, all 50 States have laws giving local authorities the right to garnish paychecks and seize property of a delinquent parent, these laws are of little help when a runaway spouse crosses a State line. Absent parents often avoid their child support responsibility by fleeing the State.

The legislation that I am introducing today will make it a Federal crime for a parent or legal guardian to cross a State line in order to avoid payment of child support. A first offense is punishable by fine or imprisonment of up to 6 months. Further offenses can be punished by up to 2 years of imprisonment. This legislation will crack down on State garnishment laws. The delinquent father will be less likely to flee a State to avoid child support payments when faced with the prospect of serving time in a Federal penitentiary.

Mr. President, nonpayment of child support is a national disgrace, a form of economic child abuse. Divorce and single-parenting are traumatic enough without leaving economic ruin in its wake. I urge my colleagues to give this measure serious consideration and join me in sending a strong signal to those parents in this country who have escaped court-ordered child support by simply moving to a new State. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FLIGHT TO AVOID PAYMENT OF ARREARAGES IN CHILD SUPPORT.

Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Flight to avoid payment of arrearages in child support

"(a)(1) Whoever, for the purpose of avoiding payment of an arrearage under a legal child support obligation, leaves or remains outside the State in which such obligation is imposed, shall be fined under this title or imprisoned not more than six months for the first offense and not more than two years for a second or subsequent offense.

"(2) An absence of six months without any payment of arrearage shall create a rebuttable presumption of intent to avoid arrearage payment under this section.

"(3) After serving a term of imprisonment for an offense under this section, the continued failure to pay an arrearage for six months shall constitute a second offense under this section.

"(b) As used in this section—

"(1) the term 'arrearage' means, with respect to a legal child support obligation, a judicially determined arrearage in payments under such obligation; and

"(2) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.".

SEC. 2. TECHNICAL AMENDMENT.

The table of sections for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"1075. Flight to avoid payment of arrearages in child support".

By Mr. GLENN (for himself and Mr. SPECTER):

S. 1003. A bill to provide for appointment by the President, by and with the advice and consent of the Senate, of certain officials of the Central Intelligence Agency; to the Select Committee on Intelligence.

APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT

Mr. GLENN. Mr. President, I rise to introduce legislation, on behalf of myself and Senator SPECTER, which would require Presidential nomination and Senate confirmation of the following six officials at the Central Intelligence Agency [CIA]: The Deputy Director for Operations; the Deputy Director for Intelligence; the Deputy Director for Science and Technology; the Deputy Director for Administration; the Deputy Director for Planning and Coordination; and the General Counsel.

Currently, the law mandates Presidential nomination and Senate confirmation of three officials at the CIA: the Director of Central Intelligence [DCI], the Deputy Director of Central Intelligence [DDCI], and the CIA Inspector General [IG].

President Bush announced this morning the impending departure of William Webster as Director of Central Intelligence. Judge Webster is a man of enormous integrity and has done a fine job as DCI. This summer, the Senate Select Committee on Intelligence will be holding a series of confirmation hearings on a nominee to replace Judge Webster as DCI. Today's announcement underscores the importance of the confirmation process.

Mr. President, I believe that this measure is needed for several reasons. The CIA general counsel and the five deputy directors have responsibilities that have significant and increasing importance for U.S. National Security. Requiring Presidential appointment and Senate confirmation of these positions would merely validate this standing.

As the Federal Government has expanded and become more complex since World War II, the Presidential nomination and Senate confirmation process has become an increasingly important means to ensure the accountability of senior level executive branch officials to the American people through their duly elected representatives in the Congress. In addition, the Senate confirmation process provides a second forum to assess the competence of an individual for a high-ranking post in the Federal Government—serving as a check against possible executive branch politicization of these positions.

Of the hundreds of positions requiring Senate confirmation, these six officials at the CIA are at least as high in rank and importance of their position as officials in similar roles in other agencies and departments. For example, there are over 40 positions at the Department of Defense requiring Senate confirmation; 20 positions at the Department of Energy; and nearly 30 positions requiring confirmation in the State Department—in addition to numerous ambassadorships.

As the CIA has grown over the years, its support for U.S. national security policies—which include intelligence collection and analysis as well as covert action—have broadened into many different areas. The individuals who hold these six positions advise the DCI and the DDCI about policy. The DCI and the DDCI are in turn responsible for providing leadership and direction not only to the CIA, but the entire U.S. intelligence community as well. Thus, the five CIA Deputy Directors and the CIA General Counsel play a significant role supporting the entire national security infrastructure of our country.

The CIA's Deputy Director for Operations, for example, has responsibility for human source intelligence collection and is responsible for extraordinarily sensitive and highly classified operations. In addition, the Deputy Director for Intelligence has responsibility for producing intelligence assessments in support of U.S. policymakers. These intelligence estimates form the foundation of our foreign policy and define the threat to U.S. national security that is the basis of our defense spending.

The CIA's General Counsel is responsible for providing legal advice to the DCI and the agency as a whole on all matters. (1 of the recommendations of the congressional committees investigating the Iran-Contra affair was that the General Counsel of the CIA be confirmed by the Senate). In addition, the Deputy Director for Planning and coordination is responsible for identifying intelligence collection and analysis priorities for the agency—a particularly important position considering today's rapidly evolving international security environment.

Mr. President, I believe that Senate confirmation of these positions could also serve to strengthen relations between the executive branch and the Congress. The confirmation process will reduce the likelihood of future problems resulting from unqualified individuals holding these positions. Hopefully, both the President and the DCI will consult the Senate Select Committee on Intelligence [SSCI]—which will have jurisdiction over these nominations—prior to formal nomination in order to solicit committee views.

The confirmation process can serve to create confidence and rapport between the nominee and the legislative branch. Through the record established during confirmation, the nominee and the SSCI could clarify and establish a common understanding of the position's role and responsibilities, develop a constructive working relationship, and define the appropriate constraints on CIA activities. I believe that this process will go a long way toward avoiding future problems as a result of misunderstandings, which in turn could lead to abuses of authority.

Some may argue that to require Presidential nomination and Senate confirmation of these individuals will somehow "politicize" these positions by bringing in inexperienced outsiders as senior personnel at the CIA.

Mr. President, I believe that this argument is unpersuasive. In fact, I am convinced that the Senate confirmation process will help to prevent the politicization of these positions by ensuring that only well qualified individuals serve in these posts. This will prevent the possibility of appointments made by DCIS which might be based on political factors or personal and business ties. Such appointments could ultimately be damaging to the CIA and its mission.

Indeed, I have addressed this concern in the legislation. Subsection (b) of the bill specifies that appointments "shall be made without regard to political affiliation and shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence, or, in the case of the general counsel, to persons either with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence or in a related area of the law."

Mr. President, I am second to no one in my support for a strong, effective, and responsible intelligence capability for our Nation. Nevertheless, the CIA, like any large bureaucracy, is capable of waste, abuse, mismanagement, and incompetence. Because the CIA is such a vast and secretive organization, it is essential that it be fully accountable for its actions.

Intelligence activities are consistent with democratic principles only when they are conducted in accordance with the law and in an accountable manner to the American people through their duly elected representatives. I believe that Presidential nomination and Senate confirmation of the CIA's general counsel and the five deputy directors will serve to strengthen the accountability of the CIA—and ultimately enhance the effectiveness of this important agency.

By Mr. HOLLINGS:

S. 1004. A bill to authorize a certificate of documentation for the vessel *Billfish*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "BILLFISH"

• Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *Billfish*, official number 920896, be accorded coastwise trading privileges and be issued a coastwise endorsement under 46 U.S.C. 12106.

The *Billfish* was constructed in Merrit Island, FL, in 1978 as a recreational vessel. It is 29.6 feet in length, 11.5 in breadth, has a depth of 6 feet, and is self-propelled.

The vessel was purchased on December 8, 1989, by Jay R. Johnson of Charleston, SC, who intended to employ it in a charter fishing business. When Mr. Johnson purchased the boat, it was documented with the U.S. Coast Guard, and he assumed that there were no restrictions on operating the boat as a passenger vessel carrying six or less passengers. However, due to certain vessel documentation laws, the vessel did not meet the requirements for a coastwise license endorsement that is required in the operation of a charter fishing business in the United States.

After an extensive investigation, the vessel's owner was able to submit proof of ownership of numerous prior owners of the boat. However, he was not able to meet the requisite demands of the Coast Guard that requires proof of U.S. citizenship of all prior owners of a vessel in order for that vessel to qualify for coastwise trading privileges. As as result, the vessel's owner has received documentation for the *Billfish* for recreational purposes, but not coastwise trade, thereby preventing him from using the boat for the purpose for which he purchased the vessel.

The owner of the *Billfish* is thus seeking a waiver of the existing law because he wishes to use the vessel for small fishing charters. His desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If he is granted this waiver, it is his intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Billfish* to engage in the coastwise trade and the fisheries of the United States.•

By Mr. HOLLINGS:

S. 1005. A bill to authorize a certificate of documentation for the vessel *Marsh Grass III*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "MARSH GRASS III"

• Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *Marsh Grass III*, official number 96316, be accorded coastwise trading privileges and be issued a coastwise endorsement under 46 U.S.C. 12106.

The *Marsh Grass III* is a fishing vessel that was built in Miami, FL for Chantiers France in 1962. It is 30.27 feet in length, 10.87 feet in breadth, and has a depth of 4.81 feet.

The vessel was purchased on April 26, 1990 by Marsha Hass of Charleston, SC to be used primarily as a fishing vessel. At the present time, the vessel is restricted from coastwise trade due to the fact that it has not been under continuous ownership by a U.S. citizen. The current owner was unaware at the time of the purchase of the *Marsh Grass III* that it had been built for a foreign entity. She also was unfamiliar with the laws restricting coastwise trade for vessels previously owned by foreign entities. Official U.S. documentation for the *Marsh Grass III* has since been received, and it has been inspected by the U.S. Coast Guard.

The owner of the *Marsh Grass III* is seeking a waiver of existing law because she wishes to use the vessel to carry passengers for small fishing charters. Her desired intentions for the vessel's use would not have a detrimental effect of the coastwise trade in U.S. waters. It is her desire to comply fully with U.S. documentation and safety requirements. The purpose the legislation I am introducing today is to allow the *Marsh Grass III* to engage in the coastwise trade and the fisheries of the United States.•

By Mr. HOLLINGS:

S. 1006. A bill to authorize a certificate of documentation for the vessel *Miss Lelia*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "MISS LELIA"

• Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the Vessel *Miss Lelia*, official number 577213, be accorded coastwise trading privileges and be issued a coastwise endorsement under 46 U.S.C. 12106.

The *Miss Lelia* was constructed in Fort Lauderdale, FL in 1976 as a fishing vessel. It is 34.1 feet in length, 13.6 feet in breadth, has a depth of 6.3 feet, and is self-propelled.

The vessel was purchased March 7, 1990, by J.R. Copeman and James W. Green of Rockville, SC, to be used primarily as a fishing vessel. The owners of this vessel also wish to use the *Miss Lelia* to carry passengers for hire—divers—which falls under the restrictions of coastwise trade.

At the present time, the vessel is restricted from coastwise trade due to its having been under foreign ownership in the past, of which the current owners were unware when they purchased the *Miss Lelia*. Official U.S. documentation for the *Miss Lelia* has since been received, however, and it has been inspected by the U.S. Coast Guard.

The owners of the *Miss Lelia* are seeking a waiver of existing law in order to carry passengers for hire. Their desired intentions for its use in no way will adversely affect coastwise trade in the U.S. coastal waters. It is their desire to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing today is to allow the *Miss Lelia* to operate in coastwise trade of the United States.•

By Mr. JOHNSTON (by request):

S. 1007. A bill to withdraw certain public lands in Eddy County, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT

• Mr. JOHNSTON. Mr. President, I am pleased to introduce today at the request of the administration legislation that would permanently withdraw the public land surrounding the waste isolation pilot plant in Carlsbad, NM. This legislation has been submitted by the Department of Energy. It is an important milestone in the Department's efforts to open the WIPP facility for a 5-year demonstration phase.

The Waste Isolation Pilot Plant is a research and development facility of the Department of Energy that was authorized by Public Law 96–164 for the purpose of demonstrating the safe disposal of transuranic radioactive waste generated by DOE's nuclear weapons production activities. The WIPP facility, built 2,000 feet below the surface in the Delaware salt basin in New Mexico, has been under construction since 1981. Construction of the facility is now completed, and the facility will soon be ready to begin the demonstration phase. During that phase, DOE will conduct a series of experiments to evaluate the facility's ability to comply with the environmental laws governing the safe storage and disposal of nuclear waste.

The WIPP site consists of 10,240 acres in Eddy County, NM, all of which is public land administered by the Bureau of Land Management. Currently, the land is utilized under an administrative land withdrawal issued by the Department of the Interior in June 1983. This administrative withdrawal is for a period of 8 years. However, it does not authorize use of the land for transportation, storage, or burial of any radioactive waste at the site.

The Department of the Interior has completed action on a modification of the existing land order that would allow use of radioactive waste at the site for testing purposes. However, the administration has agreed to defer its effective date until June to give Congress a chance to consider land withdrawal legislation.

The Department's legislation that I am introducing today would permanently withdraw this land from the public domain and transfer it to control by the Department of Energy. It would be possible to continue use of the land under the recently-approved modification of the existing land order, at least for the demonstration phase. However, both the Department of Energy and the State of New Mexico have indicated a preference to withdraw the land permanently through legislation.

DOE is seeking a permanent land withdrawal for several reasons. The environmental standards of the Environmental Protection Agency [EPA] for disposal of radioactive waste require that DOE exercise active institutional control over the disposal site for up to 100 years and passive control thereafter. Since DOE has statutory responsibility for managing radioactive waste, the agency should have permanent jurisdiction and control over the site. In addition, because the period of active use and institutional controls will exceed the maximum 20-year period for administrative land withdrawals, a statutory, permanent land withdrawal is desirable.

The target date for completion of activities leading to the opening of WIPP is now July 1991. The Department has been moving quickly toward completion of the tasks that remain prior to the opening of WIPP for the demonstration phase. I hope that we in Congress will do our part and move quickly on the land withdrawal legislation that has been submitted by the Department. It is important that we get started working on this legislation now so that the opening of this facility will not be delayed by the failure of the Congress to enact legislation.

Transuranic waste from our Nation's defense production activities is generated and stored at 10 DOE sites around the country. At some of these sites, we are running out of the limited temporary storage space. Therefore, opening of this facility will be an extremely important step in demonstrating that the defense waste cleanup is underway at DOE sites around the country.

The Committee on Energy and Natural Resources has been monitoring the progress of the WIPP facility for several years now. I am pleased that we have now reached the point that this important facility is almost ready to open. This is a major milestone in the Department's efforts to demonstrate that we have the technology necessary to store and dispose safely the byproducts of our Nation's nuclear weapons.

Mr. President, I ask unanimous consent that the transmittal letter from the Department of Energy, a section-by-section analysis, and the text of the bill be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 1007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Waste Isolation Pilot Plant Land Withdrawal Act."

SEC. 2. DEFINITIONS.

As used in this Act—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "Agreement" or "Agreement for Consultation and Cooperation" means the July 1, 1981, Agreement for Consultation and Cooperation, as amended by the November 30, 1984 "First Modification" and the August 4, 1987 "Second Modification," or as it is amended after the date of enactment of this Act, between the State of New Mexico and the United States Department of Energy as authorized by section 213(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Public Law 96-164);

(3) "EEG" means the Environmental Evaluation Group for the Waste Isolation Pilot Plant referred to in section 1433 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456).

(4) "Secretary" means the Secretary of Energy; and

(5) "WIPP" means the Waste Isolation Pilot Plant project authorized under section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 to demonstrate the safe disposal of radioactive waste materials generated by defense programs.

SEC. 3. LAND WITHDRAWAL AND RESERVATION FOR THE WIPP.

(a) WITHDRAWAL, JURISDICTION, AND RESERVATION.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the lands described in subsection (c) are withdrawn from all forms of entry, appropriation, and disposal under the general land laws (including without limitation the mineral leasing laws, the geothermal leasing laws, the material sale laws, except as provided in section 4(b)(2)(D) of this Act, and the mining laws). These lands shall be known as the "Waste Isolation Pilot Plant Withdrawal" (referred to in this Act as the "Withdrawal").

(2) Jurisdiction over the Withdrawal is transferred permanently from the Secretary of the Interior to the Secretary. The Withdrawal is permanently reserved for the use of the Secretary for the construction, operation, repair and maintenance, shutdown, monitoring, decommissioning, post-decommissioning control, and other authorized activities associated with, and limited by, the mission of the WIPP.

(b) REVOCATION OF PUBLIC LAND ORDERS.—Public Land Order 6403, of June 29, 1983, as modified by Public Land Order 6826 of January 28, 1991, and the memorandum of understanding accompanying Public Land Order 6826, are revoked.

(c) LAND DESCRIPTION.—(1) The boundaries depicted on the map issued by the Bureau of Land Management of the Department of the Interior, entitled "WIPP Withdrawal Site Map," dated October 9, 1990 and on file with the Bureau of Land Management, New Mexico State Office, are established as the boundaries of the Withdrawal.

(2) Within 30 days after the date of enactment of this Act, the Secretary of the Interior shall:

(A) publish in the Federal Register a notice containing a legal description of the Withdrawal; and

(B) file copies of the map and the legal description of the Withdrawal with the Committee on Energy and Natural Resources of the United States Senate, the Committee on Interior and Insular Affairs of the United States House of Representatives, the Secretary, the Governor of the State of New Mexico, and the Archivist of the United States.

(d) TECHNICAL CORRECTIONS.—The map and legal description referred to in subsection (c) have the same force and effect as if they were included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(e) WATER RIGHTS.—This Act does not establish a reservation to the United States with respect to any water or water rights on the Withdrawal. This Act does not authorize the appropriation of water on the Withdrawal by the United States after the date of enactment of this Act, except in accordance with the laws of the State of New Mexico. This Act does not affect water rights acquired by the United States before the date of enactment of this Act.

SEC. 4. ESTABLISHMENT OF MANAGEMENT RESPONSIBILITIES.

(a) GENERAL AUTHORITY.—The Secretary shall be responsible for the management of the Withdrawal and the WIPP, and shall consult with the State of New Mexico in discharging those responsibilities as well as any other reponsibility required by this Act.

(b) MANAGEMENT PLAN.—(1)(A) Within one year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and the State of New Mexico, shall develop a management plan for the use of the Withdrawal until such time as the decommissioning of the WIPP has been completed.

(B) Any use of the Withdrawal for activities not associated with the WIPP shall be subject to conditions and restrictions that may be necessary to permit the conduct of WIPP activities.

(2) The management plan shall address other uses of the Withdrawal, including, but not limited to, domestic livestock grazing, hunting and trapping, maintenance of wildlife habitat, the disposal of salt tailings remaining on the surface, and mining, in accordance with the following—

(A) GRAZING.—The Secretary shall permit grazing to continue where established before the date of enactment of this Act subject to regulations, policies, and practices that the Secretary determines necessary or appropriate. The management of grazing shall be conducted in accord with, among other authorities—

(i) the Act entitled "An Act to stop injury to public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," approved June 28, 1934 (43 U.S.C. 315 et seq., commonly referred to as the "Taylor Grazing Act");

(ii) title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.);

(iii) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902 et seq.); and

(iv) Executive Order 12548 (51 Fed. Reg. 5985).

(B) HUNTING AND TRAPPING.—The Secretary shall permit hunting and trapping within the Withdrawal in accordance with applicable laws and regulations of the United States and the State of New Mexico, except that the Secretary, after consultation with the State of New Mexico, may issue regulations designating zones where, and establishing periods when, no hunting or trapping is permitted for reasons of public safety, administration, or public use and enjoyment.

(C) WILDLIFE HABITAT.—In order to preserve the wildlife of the Withdrawal, the Secretary shall manage the Withdrawal so as to maintain the wildlife habitat.

(D) SALT TAILINGS.—Notwithstanding any other law, the Secretary shall dispose of salt tailings that are extracted from the Withdrawal and that are not needed for backfill at the WIPP. Disposition shall be made under sections two and three of the Act of July 31, 1947, as amended (30 U.S.C. 602, 603; commonly referred to as the "Materials Act of 1947").

(E) MINING.—Except for that mineral extraction permitted by the terms of certain leases existing below 6,000 feet in Section 31, Township 22 South, Range 31 East of the Withdrawal, more particularly described as Federal Oil and Gas Lease No. NMNM 02953 and Federal Oil and Gas Lease No. NMNM 02953C, which leases were granted prior to the date of enactment of this Act, surface or subsurface mining unrelated to the mission of the WIPP, including slant drilling under the Withdrawal from within or without the Withdrawal, shall not be permitted on or under the Withdrawal, before or after decommissioning.

(c) CLOSURE TO THE PUBLIC.—If the Secretary determines that the health and safety of the public or the common defense and security require the closure to the public use of any road, trail, or other portion of the Withdrawal, the Secretary may take whatever action the Secretary determines to be necessary or desirable to effect and maintain the closure.

(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements—

(1) with the Secretary of the Interior and the State of New Mexico for the administration of grazing within the Withdrawal; and

(2) with the State of New Mexico for the maintenance of the wildlife habitat of the Withdrawal.

(e) SUBMISSION OF PLAN.—Within one year after the date of enactment of this Act, the Secretary shall submit the management plan developed under subsection (b) to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Committee on Energy and Natural Resources of the United States Senate, and the State of New Mexico. Any amendments to the plan shall be submitted promptly to those Committees and the State of New Mexico.

SEC. 5. PERFORMANCE ASSESSMENT PLAN.

The Secretary, in consultation with the National Academy of Sciences, the Administrator, the Governor of the State of New Mexico, and the EEG, shall develop and update a performance assessment plan to include experiments that the Secretary considers to be necessary to assure the protection of the health and safety of the public, to determine the timing of experiments, to estimate the quantities and types of waste required for any of these experiments, and to identify the data required to assess compliance with applicable Environmental Protection Agency disposal standards for transuranic waste.

SEC. 6. AUTHORIZATIONS.

(a) PERFORMANCE ASSESSMENT PHASE.—The Secretary may place transuranic waste in WIPP to perform tests and experiments during the performance assessment phase.

(b) DISPOSAL OPERATIONS.—Upon completion of—

(1) the performance assessment phase;

(2) the Secretary's determination, after the Administrator's review under section 8(a), that WIPP complies with environmental standards for the disposal of transuranic wastes; and

(3) submittal to Congress of the Secretary's plans for decommissioning the WIPP and managing the Withdrawal after the decommissioning of the WIPP, the Secretary may dispose of up to 6.2 million cubic feet of contact handled transuranic waste and 250,000 cubic feet of remote handled transuranic waste in WIPP.

SEC. 7. ISSUANCE OF ENVIRONMENTAL PROTECTION AGENCY DISPOSAL STANDARDS FOR TRANSURANIC WASTE.

(a) ISSUANCE OF ENVIRONMENTAL PROTECTION AGENCY STANDARDS.—The Administrator, pursuant to authority under other provisions of law, shall—

(1) issue revised proposed environmental standards for disposal of transuranic wastes no later than 12 months after the date of enactment of this Act; and

(2) issue final environmental standards for disposal of transuranic wastes not later than two years after the date of enactment of this Act.

(b) COMPLIANCE WITH FUTURE STANDARDS.—If the Administrator is ordered by a court of law to repromulgate or reissue the standards required under subsection (a) or is enjoined from implementing the standards or is otherwise prevented from giving the standards full force and effect by a court of law, the Secretary shall demonstrate compliance with the standards required under subsection (a) notwithstanding any court order to the contrary, unless the court order expressly finds and orders that its injunction relates to substantive health and safety aspects of the standards directly applicable to the WIPP.

(c) FAILURE TO ISSUE.—If the Administrator fails to issue environmental standards for disposal of transuranic wastes under subsection (a), the Secretary shall demonstrate compliance with the environmental standards for the disposal of transuranic wastes as those regulations were in effect on November 18, 1985.

SEC. 8. COMPLIANCE WITH ENVIRONMENTAL PROTECTION AGENCY STANDARDS FOR TRANSURANIC WASTE.

(a) COMPLIANCE WITH ENVIRONMENTAL PROTECTION AGENCY STANDARDS.—(1) The WIPP is subject to generally applicable Environmental Protection Agency radiation standards that apply to management and storage of transuranic waste.

(2) Prior to the permanent disposal of transuranic waste at the WIPP—

(A) the Secretary, with respect to the WIPP, shall comply with the Environmental Protection Agency disposal standards for transuranic waste established under section 7; and

(B) the Secretary shall submit a determination of compliance with Environmental Protection Agency disposal standards for transuranic wastes and necessary supporting documents to the Administrator for review. Within six months, the Administrator shall review and provide comments on the determination of compliance to the Secretary. The Secretary, following review of the Administrator's comments, shall revise the determination of compliance as appropriate, and submit this determination to Congress.

(b) ENGINEERED BARRIERS.—The WIPP shall use both engineered and natural barriers to isolate transuranic waste after disposal to the extent necessary to comply with Environmental Protection Agency disposal standards for the waste. For purposes of this subsection, "engineered barriers" means the blackfill, room seals, and any other manmade barrier components of the disposal system.

SEC. 9. BAN ON HIGH-LEVEL RADIOACTIVE WASTE.

The Secretary shall not emplace or dispose of high-level radioactive waste as defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) in the WIPP.

SEC. 10. ECONOMIC ASSISTANCE.

(a) WIPP-RELATED BUSINESS AND EMPLOYMENT OPPORTUNITIES.—To the maximum extent practicable, the Secretary shall continue to encourage business and employment opportunities related to the WIPP that may be conducive to the economy of the State of New Mexico, especially Lea and Eddy counties, and report annually to the State of New Mexico on these activities.

(b) IMPACT ASSISTANCE PAYMENTS.—(1) The Secretary may provide payments to the State of New Mexico to assist the State and its affected units of local government in mitigating the potential environmental, social, transportation, economic and other impacts resulting from the WIPP. Upon initiation of the performance assessment phase, the Secretary may provide up to $20,000,000 in each fiscal year beginning in fiscal year 1992 and continuing throughout the performance assessment phase. If, at the end of this phase, the Secretary determines that the site is suitable to become a repository for the disposal of transuranic waste, the Secretary may provide up to $20,000,000 each fiscal year in which the repository is operated for disposal. Upon completion of disposal operations at the WIPP, the Secretary may provide up to $13,000,000 each fiscal year until decommissioning of the repository is completed. A portion of all payments received by the State of New Mexico under this section shall be provided directly to the affected units of local government in the vicinity of, and along the transportation routes to, the WIPP. The portion of payments provided to local governments, the identification of local governments to receive payments, and the share of the local government payment to each local government shall be based on a State assessment of needs, conducted in consultation with its affected units of local government and based upon the demonstration of local impacts by the affected local governments.

(2) If the Secretary determines that the WIPP does not meet either the technical or the legal requirements for a transuranic mixed waste disposal facility, payments under this subsection may be terminated only after this waste is removed from the WIPP site and the associated impacts resulting from the WIPP have been mitigated.

(c) PAYMENTS EQUIVALENT TO TAXES.—There is authorized to be appropriated to the Secretary such sums as are necessary to provide a payment each fiscal year to the State of New Mexico and each unit of local government in which the withdrawal is located. A payment under this subsection shall be determined by—

(1) calculating the amount the State of New Mexico and the unit of local govern-

ment would receive were they authorized to tax the development and operation of the WIPP, as the State of New Mexico and the unit of local government taxes the other comparable real property and industrial activities occurring within the State of New Mexico and the unit of local governing; and

(2) subtracting from the amount calculated under paragraph (1) any amount paid in the most recent fiscal year by the Department of Energy to reimburse WIPP contractors and subcontractors for taxes, fees, or other payments assessed by the State of New Mexico and any of its local governments for contractor and subcontractor activities attributable to WIPP in excess of the actual amount paid in fiscal year 1990 by the Department of Energy to reimburse WIPP contractors and subcontractors for taxes, fees, or other payments assessed by the State of New Mexico and any of its local governments for contractor and subcontractor activities attributable to WIPP.

Payments under this subsection shall continue until all activities related to the development and operation of the WIPP are terminated at the WIPP site.

(d) POTASH LEASE. —There is authorized to be appropriated to the Secretary such sums as may be necessary to acquire the 1,600 acre potash leasehold within the Withdrawal, comprising a portion of Federal Potash Lease No. NM0384584.

SEC. 11. DECOMMISSIONING OF THE WIPP.

(a) PLAN FOR WIPP DECOMMISSIONING.—Within five years after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services and Energy and Natural Resources of the United States Senate; the Committees on Armed Services, Energy and Commerce, and Interior and Insular Affairs of the United States House of Representatives; the State of New Mexico; the Secretary of the Interior; and the Administrator a plan for decommissioning the WIPP. In addition to activities required under the Agreement, the plan shall be consistent with the disposal standards for transuranic wastes established by the Administrator that apply to the WIPP at the time the plan is prepared. The Secretary shall consult with the Secretary of the Interior and the State of New Mexico in the preparation of this plan.

(b) MANAGEMENT PLAN FOR THE WITHDRAWAL AFTER DECOMMISSIONING.—Within five years after the date of enactment of this Act, the Secretary shall develop a plan for the management and use of the Withdrawal following the decommissioning of the WIPP. The Secretary shall consult with the Secretary of the Interior and the State of New Mexico in the preparation of this plan.

SECTION-BY-SECTION ANALYSIS OF THE WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT

SECTION 1. SHORT TITLE

Section 1 would cite this Act as the "Waste Isolation Pilot Plant Land Withdrawal Act".

SECTION 2. DEFINITIONS

Section 2 would provide definitions relevant to the Act.

SECTION 3. LAND WITHDRAWAL AND RESERVATION FOR THE WIPP

Section 3 would authorize the withdrawal of the land within the current boundaries of the WIPP site (the "Withdrawal"), comprised of some 10,240 acres, from all forms of entry, appropriation and disposal under the general land laws and the permanent transfer of jurisdiction over the Withdrawal to the Secretary of Energy (the "Secretary").

SECTION 4. ESTABLISHMENT OF MANAGEMENT RESPONSIBILITIES

Section 4 would make the Secretary responsible for the management of the WIPP. The Secretary would be required to develop a management plan, in consultation with the Secretary of the Interior and the State of New Mexico, within one year of the date of enactment. Grazing, hunting, and trapping would be permitted within the Withdrawal, but would be subject to necessary or appropriate regulation. New surface or subsurface mining, including slant drilling, would be prohibited. The Secretary would have the authority to close any or all of the Withdrawal to the public.

SECTION 5. PERFORMANCE ASSESSMENT PLAN

Section 5 would require the Secretary, in consultation with the National Academy of Sciences, the Administrator of the EPA, the State of New Mexico, and the Environmental Evaluation Group, to develop and update a WIPP performance assessment plan that describes experiments needed to assess compliance with EPA standards for disposal of transuranic waste and any other experiments that the Secretary considers necessary.

SECTION 6. AUTHORIZATIONS

Section 6 would allow the Secretary to place transuranic waste in the WIPP for the purposes of the performance assessment phase. After completion of the performance assessment phase, the Secretary may begin permanently disposing of transuranic waste if he determines, after a review by the Administrator of the EPA as specified in section 8(a), that the WIPP complies with relevant environmental standards and has submitted plans for decommissioning the WIPP and managing the Withdrawal after decommissioning to the Congress. EPA's No-Migration Determination only allows emplacement of transuranic waste for the purposes of the test phase. Under the Resource Conservation and Recovery Act, the EPA would have to make a new or amended No-Migration Determination before the Department of Energy could begin permanent disposal operations. EPA's Determination would be made with full opportunity for public comment.

SECTION 7. ISSUANCE OF ENVIRONMENTAL PROTECTION AGENCY DISPOSAL STANDARDS FOR TRANSURANIC WASTE

Section 7 would require the Administrator of the EPA to issue final standrds for disposal of transuranic wastes within two years after the date of enactment. The Secretary must demonstrate compliance with these standards notwithstanding any court order requiring the repromulgation or reissuance of the standards or any injunction preventing their enforcement, unless the court finds that its injunction relates to health and safety aspects of the standards applicable to the WIPP. If the Administrator fails to issue standards for waste disposal, the Secretary must demonstrate compliance with the environmental standards for transuranic waste disposal in effect on November 18, 1985.

SECTION 8. COMPLIANCE WITH ENVIRONMENTAL PROTECTION AGENCY STANDARDS FOR TRANSURANIC WASTE

Section 8 would make the WIPP subject to EPA management and storage standards applicable to transuranic waste. Before disposal of transuranic wastes at WIPP, the Secretary must comply with EPA standards for disposal, submit a determination of compliance to the Administrator of the EPA for review, revise the determination of compliance as appropriate, and submit the determination to the Congress. This section also would require the WIPP to use both engineered and natural barriers to isolate the transuranic waste to the extent necessary to comply with EPA disposal standards.

SECTION 9. BAN ON HIGH-LEVEL RADIOACTIVE WASTE

Section 9 would prohibit the Secretary from placing high-level radioactive waste in the WIPP.

SECTION 10. ECONOMIC ASSISTANCE

Subsection (a) would require the Secretary to encourage WIPP related business and employment opportunities within the State of New Mexico.

Subsection (b) would provide for payments to the State of New Mexico to assist in the mitigation of environmental, social, economic, and other impacts resulting from the WIPP. The Secretary could provide up to $20 million per fiscal year throughout the performance assessment phase and an additional $20 million for each year that the respository is operated for disposal. After completion of disposal operations, the Secretary could provide up to $13 million per fiscal year until decommissioning of the repository is completed. The State of New Mexico will determine how this money is to be distributed within the State. If the Secretary determines that the WIPP fails to meet necessary technical or legal requirements, payments to the State of New Mexico may not be terminated unless all waste is removed from the WIPP and any associated impacts have been mitigated.

Subsection (c) would authorize the Secretary to provide payments to the State of New Mexico, and each unit of local government in which the WIPP is located, equal to the amount those governments would have received were they authorized to tax the WIPP. Subsection (c) also contains an offset provision which would govern increases in payments, by Department of Energy contractors and subcontractors to the State, that are attributable to WIPP activities.

Subsection (d) would authorize such funds as may be necessary for the Secretary to complete the purchase of a Federal Potash Lease that is located on the WIPP site.

SECTION 11. DECOMMISSIONING OF THE WIPP

Section 11 would require the Secretary to submit a plan for decommissioning the WIPP to designate Senate and House committees, the State of New Mexico, the Secretary of the Interior, and the Administrator of the EPA, within five years of the date of enactment. The plan must be consistent with EPA standards for disposal of transuranic waste that apply to the WIPP at the time the plan is prepared. Within five years of enactment, the Secretary would also be required to develop a plan for the management and use of the Withdrawal following the decommissioning of the WIPP. The Secretary must consult with the State of New Mexico and the Secretary of the Interior in the preparation of the plans.

THE SECRETARY OF ENERGY,
Washington, DC, April 11, 1991.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is proposed legislation entitled the "Waste Isolation Pilot Plant Land Withdrawal Act." I strongly urge the Congress to enact this legislation. Its timely enactment would provide a statutory foundation for the important test programs to be conducted at the Waste Isolation Pilot Plant (WIPP) and remove the need for use of the current WIPP administrative land withdrawal.

The Congress authorized the WIPP project to demonstrate the safe disposal of radioactive waste generated by the Department's defense activities. The WIPP's development has proceeded in a phased manner, from site characterization and validation through facility construction. The facility is located deep underground in thick salt formations on public lands near Carlsbad, New Mexico.

The next step—a vital one—is the performance assessment phase during which experiments will be conducted on site to asses the facility's ability to perform safely and to obtain operational experience. Upon completion of this phase, a determination will be made as to whether to dispose of waste at the site permanently.

In my testimony before Congress and in numerous public statements, I have said that I will not permit WIPP to open until I am certain that it is safe and has met all prerequisites specified in the Department's "WIPP Decision Plan," which is regularly updated and released for public review and comment. I expect these prerequisites to be completed by early this summer. To promote safe operations at the facility and to ensure the protection of public health and safety, it is necessary to withdraw the lands around the WIPP site from public use. Permanent land withdrawal through legislative means is the option preferred by the Department to allow the performance assessment phase to move forward expeditiously, and, we believe, is in the best interests of the State of New Mexico. If legislation is not enacted in a timely manner, then we plan to proceed under the current administrative land order.

The enclosed legislative proposal includes a number of key provisions. These include: Quantitative limits on the amount of waste that could be emplaced at WIPP; a ban on high-level waste emplacement and disposal; independent review by the Environmental Protection Agency (EPA) Administrator of the Department's determination of compliance with the EPA disposal standards for transuranic waste; and essential provisions from the pending State of New Mexico-Department of Energy agreement for financial assistance to mitigate WIPP-related impacts in the State.

In addition, the proposal includes a number of other economic assistance provisions for the State of New Mexico. First, the Department would continue to encourage business and employment activities in the State of New Mexico. Second, the Department would provide payments to the State and units of local government in which the land withdrawal is located. Those payments would be equal to taxes that these jurisdictions would receive were they authorized to tax WIPP as an industrial facility. Third, when the land withdrawal takes effect under this proposal, the Department would be in a position to provide the State of New Mexico additional funds in the amount of $42,451,750.00, held in a special reserve account, for certain road projects.

This proposal also would require compliance with EPA standards for the management, storage, and disposal of transuranic waste. Under the Resource Conservation and Recovery Act, EPA issued to the Department a Final No-Migration Determination in November 1990. This Determination includes specific conditions that limit the scope of the performance assessment phase activities, the amount of waste to be used at WIPP for testing, and the time for testing with waste. The Department will fully comply with this Determination throughout the performance assessment phase. Under the Resource Conservation and Recovery Act, EPA will also be required to make another No-Migration Determination before initiation of the disposal phase.

The Office of Management and Budget has advised that there is no objection to the presentation of this legislative proposal to Congress, and its enactment would be in accord with the President's program.

I believe that this country must and can demonstrate the ability to manage and dispose of nuclear waste safely. The WIPP performance assessment phase is a vital step in that process.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).•

By Mr. McCONNELL:

S. 1008. A bill to require State agencies to register all offenders convicted of any acts involving child abuse with the National Crime Information Center of the Department of Justice; to the Committee on the Judiciary.

NATIONAL CHILD ABUSER REGISTRATION ACT

• Mr. McCONNELL. Mr. President, I rise today to introduce legislation to protect our Nation's children from repeat child abusers.

This bill, the National Child Abusers Registration Act, would require the registration of all convicted child abusers and sexual offenders with the National Crime Information Center of the Department of Justice.

Few crimes committed in the United States today affect one as deeply as the crime of child abuse and neglect. It has almost become a daily occurrence—news reports of a child being sexually or physically mistreated. According to the Department of Justice, in 1989 alone, there were 2.4 million reported cases of child abuse. Of those, 380,000 involved sexual abuse. In addition, ChildHelp USA estimates that one out of every six boys and one out of every three girls will be sexually abused or victimized before the age of 18. These appalling figures reveal the need for Federal, State, and local officials to become involved, to eliminate these affronts to human decency.

The horrifying facts and statistics do not stop there. According to the National Institute of Mental Health, the typical child sexual offender will molest an average of 117 youngsters in his/her lifetime and garner multiple child abuse convictions. These child abusers often do not fit the stereotype—they may be respected citizens, professionals, or even individuals entrusted to care for children in our community.

In 1985, a Maryland school psychologist was convicted of child molestation and received a probated sentence. He moved to Virginia, again was hired as a school psychologist, and was subsequently arrested for the molestation of 12 to 15 elementary schoolchildren. In 1986, a physician in Ohio was convicted of molestation. He moved to Washington, DC, resumed medical practice, and was arrested again in 1987, convicted for molesting children in a hospital.

In both of these instances, the States had no means of checking an individual's record to verify previous sexual violations against children. These States had no way to see if an individual had one or a hundred child abuse convictions in other parts of the country. Mr. President, convicted child sexual offenders in Washington State should not be able to move 3,000 miles to prey on children in Washington, DC, and vice versa.

The bill that I am proposing today will assist in combating this problem. By requiring States to register the names and other pertinent information about convicted child abusers with the National Crime Information Center, we can and will be able to clamp down on repeat offenders by having information available, and easily accessible for every children's organization in the United States.

Having this child abuser information will enable these organizations to conduct needed background checks on perspective employees. Therefore reassuring parents that their children are not easy prey for a convicted child molester.

The time has come for Congress to aggressively address the growing problem of repeat cases of child abuse in the country. I strongly urge my colleagues to join with me in safeguarding the lives of children by supporting the National Child Abuser Registration Act.•

By Mr. COATS:

S. 1009. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $4,000; to the Committee on Finance.

INCREASE IN PERSONAL EXEMPTION FOR CHILDREN

• Mr. COATS. Mr. President, for a number of months now I have been reinvigorating a public discussion on the failure of the personal exemption to keep up with the costs of living and raising children in today's economy.

As you are aware, a number of my colleagues and I were successful in including a doubling of the personal exemption in the Tax Reform Act of 1986. This was clearly a step in the right direction.

Despite this victory, however, and despite the concurrent initiation of an indexation of the personal exemption for inflation—a step which, by the way, should have been taken 40 years ago—the current level of the personal exemption still falls far short of where it needs to be to meet its original mission of accounting for the financial obligations of families.

I have been very pleased to note the growing awareness both on Capitol Hill and within the media of just how difficult it has become for an average

American family to make ends meet. Increased prices for basic fundamentals like food, housing, health care and education have, in many instances, forced second members of households into the job market. And they have often required a greater dependence on credit and debt.

Yet while a second income may help pay the bills, families are still finding their ability to adequately support their children a great challenge.

Rising living expenses are not the sole cause of the economic decline of the American family, however. The increasing and highly unfair tax burden on American families has been a major contributor to their woes. Because the personal exemption was not indexed for inflation from 1948 until the mid-1980's, it steadily lost its value. The failure of Congress to rectify this situation amounted, in essence, to an annual tax increase on Americans.

In fact, according to the Urban Institute, families earning one-half of the median income in 1948 paid only 2 percent of their income in total taxes. Today, in 1990, families with one-half of median income hand out about 23 percent of their paychecks to Federal, State, local, and Social Security taxes.

Mr. President, our Government has been digging too deeply into American family pockets for too long. As we continue to siphon off greater amounts of the family paycheck we see parents who must work longer hours at the expense of time with their children.

And we see a continued growing dependence on Government handout programs—programs which we cannot afford and which, in my estimation, often do little to strengthen or improve the family condition.

It is time to reverse this trend and restore the original value of the personal exemption. In fact, the current level of $2,150 should be tripled to account for the annual costs of raising a child. While budget realities inhibit our ability to triple the personal exemption, I believe we can and should at least double it to $4,000.

Last January I introduced a bill, S. 152, to do just that for all taxpayers and their dependents, and I have been very pleased with the interest and support that has been expressed by a number of my colleagues.

Today I rise to introduce another bill that more directly recognizes the sizable tax burden on families with children. This legislation will simply double the personal exemption for dependents under age 18 and index it thereafter for inflation.

While I would prefer to see the personal exemption increased for everyone, this new bill is another fine variation on that theme. Families with children have been feeling the brunt of the growing tax burden and are in need of the most immediate relief.

The heightened discussion on the need for profamily tax policy lends promise to success in this endeavor. With recent comments by Senators and Members from the other side of the aisle, I believe there is a general concensus that a reexamination of the priorities set forth in our Tax Code is needed with a greater focus on the needs of the American family. This view is shared by organizations from all ends of the political spectrum including the Family Research Council and the Progressive Policy Institute.

I intend to do everything I can to see that we continue to move forward with this goal and to press for a restoration of a fair personal exemption level. I invite my colleagues in the Senate to join me in cosponsoring this important legislation. We have relied on the good faith of the American family for too long. It is time to do the right thing and allow them to meet their own needs with their own hard earned dollars by reducing their tax burden.

Your support will be much appreciated.•

By Mr. INOUYE (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BOND, Mr. CRANSTON, and Ms. MIKULSKI):

S. 1010. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; to the Committee on Commerce, Science, and Transportation.

FLIGHT ATTENDANT DUTY TIME ACT

• Mr. INOUYE. Mr. President, on behalf of our Nation's flight attendants, I am introducing legislation that would amend the Federal Aviation Act to provide limitations on the duty-time hours for flight attendants.

As Members of Congress, we are required to travel more than the average person, and understand the fatigue which accompanies flight travel. To prevent fatigue and overwork which may threaten the ability of airline aviation professionals to perform effectively, the Federal Aviation Administration [FAA] rightfully regulates the hours of work for airline pilots, flight engineers, flight navigators, dispatchers, and air traffic control operators. Although Federal rules also regulate flight attendants for safety reasons, they have been unjustifiably excluded from these FAA work-time regulations. Thus, flight attendants average in excess of 15–20 duty-time hours per day.

Such fatigue and exhaustion compromise a flight attendant's ability to provide quality service to the flying public. In addition to providing the best possible service, airline flight attendants are trained as safety professionals. They perform routine safety procedures and must be continually alert and prepared throughout the flight for such emergencies as rapid depressurization, cabin fires, passenger illness, and terrorist attacks. Their job is physically demanding in a noisy, stressful, and poorly ventilated environment.

Since 1978, the FAA has promised and failed to issue flight-duty time for flight attendants. In addition, the Department of Transportation [DOT] states that there is no conclusive evidence to demonstrate a correlation between a flight attendant's fatigue and passenger safety. However, common sense dictates that if a flight attendant has not slept or rested for the last 18–24 hours, he or she will not be able to function in an alert and effective manner, let alone be able to respond to emergencies or other potential safety hazards that may occur on an airplane.

Mr. President, the DOT and the FAA have acknowledged many cases in which flight attendants have been required to work as many as 24 consecutive hours. A particularly alarming case is that of the accident involving Galaxy Airlines in Reno, NV in 1985. An investigation disclosed that at the time of the accident, two of the flight attendants had been on duty for over 18 hours and were scheduled to continue for another 7 hours.

Irrespective of the danger that overworked flight attendants pose to the safety of our airways, as well as themselves, the DOT has consistently refused to include them in its protective class of safety sensitive aviation employees which currently includes airline pilots, flight engineers and navigators, dispatchers, and air traffic controllers. Yet, the DOT has determined that flight attendants are safety sensitive employees for purposes of submitting to random drug and alcohol testing. The DOT's conflicting and inconsistent position—safety sensitive in one regard but not another—is not in the best interest of public safety.

Our bill mandates that the DOT promulgate final regulations within 8 months of enactment, and requires that it must establish duty-time limitations and rest requirements that are outlined in the bill. If the DOT fails to take action, the bill provides for backup duty-time limitations to be implemented. Thereafter, the Department may amend these limitations under its rulemaking authority.

Mr. President, we request unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flight Attendant Duty Time Act".

SEC. 2. AMENDMENT TO THE FEDERAL AVIATION ACT.

(a) IN GENERAL.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421–1433) is amended by adding at the end thereof the following new section:

"SEC. 614. DUTY TIME OF FLIGHT ATTENDANTS.

"(a) RULEMAKING PROCEEDING.—Not later than 60 days after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding for the purpose of establishing limitations on duty time for flight attendants, including minimum rest requirements.

"(b) FINAL REGULATIONS.—Except in any case in which the prohibitions referred to in subsection (c) take effect, the Secretary shall issue, not later than 240 days after the date of the enactment of this Act, final regulations establishing limitations on duty time for flight attendants, including minimum rest requirements as follows:

"(1) For domestic flights, a maximum of 14 hours of actual duty time and a minimum of at least 10 consecutive hours of rest after each duty period.

"(2) For international flights, a maximum of 16 hours of actual duty time and minimum of at least 12 consecutive hours of rest after each duty period.

"(3) for a long-range international nonstop flight, a maximum period of actual duty time no more than 4 hours greater than the scheduled duty time, with a maximum period of actual duty time no greater than 20 hours, and a minimum consecutive rest period (after such duty period) equal to at least twice the scheduled flight time.

"(4) For all flight attendants, a minimum of eight 24 consecutive hour periods of rest at their domicile per calendar month, including at least one 24 hour consecutive period of rest within every 7 calendar days.

"(5) For all flight attendants, at least a continuous 1 hour rest break in any flight or segment scheduled for 8 hours or more of flight time in a designated rest area.

"(c) MANDATED PROHIBITIONS.—If the Secretary does not initiate a rulemaking proceeding under subsection (a) before the 60th day following the date of the enactment of this Act or does not issue final regulations under subsection (b) before the 240th day following such date of enactment, no air carrier may after such date operate an aircraft using a flight attendant who has been on duty more hours, or who has had fewer hours of rest, than those required by paragraphs (1) through (5) of subsection (b).

"(d) MODIFICATION OF MANDATED PROHIBITIONS.—The Secretary may issue regulations modifying the prohibitions contained in paragraphs (1) through (5) of subsection (b) if the Secretary determines that such modifications are in the interest of safety and transmits a copy of the modifying regulations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The modifying regulations may not take effect until the expiration of the 90-day period beginning on the date of the transmittal of the modifying regulations to such committees.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIR CARRIER.—The term 'air carrier' means any air carrier which is subject to the provisions of part 121 or part 135 of title 14 of the Code of Federal Regulations.

"(2) DEBRIEFING TIME.—The term 'debriefing time' means a time period of at least 30 minutes for domestic flight and of at least 45 minutes for international flight after the block-in time of the last flight or segment of a flight.

"(3) DESIGNATED REST AREA.—The term 'designated rest area' means a passenger seat of an aircraft assigned for crew rest purposes.

"(4) DOMESTIC FLIGHT.—The term 'domestic flight' means any flight or segment of a flight worked by a flight attendant totally within the 48 contiguous States and the District of Columbia.

"(5) DUTY TIME.—The term 'duty time' means all time worked for an air carrier at any place and in any capacity and, with respect to flying, shall begin at the required report time and shall end at the conclusion of the debriefing time, or when released by the carrier, whichever is later. Duty time accrues until the crewmember is given a required rest period by the carrier. Time spent deadheading, either on an aircraft or by surface transportation, to or from an assignment by an air carrier, time spent ferrying, and time spent attending meetings and training shall also be considered duty time. Duty time continues—

"(A) throughout a rest period of a shorter duration than that contained in subsection (b)(1), (b)(2), or (b)(3), as the case may be; and

"(B) during in-flight rest periods contained in subsection (b)(5).

"(6) INTERNATIONAL FLIGHT.—The term 'international flight' means any flight or segment worked by a flight attendant for which a take off or landing is scheduled outside the 48 contiguous States and the District of Columbia.

"(7) LONG-RANGE INTERNATIONAL NONSTOP FLIGHT.—The term 'long-range international nonstop flight' means a single nonstop international flight scheduled for 8 hours or more of flight time.

"(8) REPORT TIME.—The term 'report time' means a time period of at least 30 minutes prior to the scheduled departure time of the first flight or segment of a flight in a flight attendant's duty period or the time the flight attendant is required to report to work, whichever is earlier.

"(9) REST.—The term 'rest' means uninterrupted time free from all duty.

"(10) SCHEDULED FLIGHT TIME.—The term 'scheduled flight time' means the elapsed time of a flight of an air carrier based on the times shown in schedules published for the air carrier.

"(11) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(f) TREATMENT OF DUTY PERIOD WITH DOMESTIC AND INTERNATIONAL FLIGHT SEGMENTS.—A duty period with both domestic and international flight segments shall be treated as international flying for the purpose of calculating duty and rest requirements under this section if the majority of the flight time during that duty period is on an international segment and domestic flying if the majority of the flight time during that duty period is on a domestic segment.".

(b) CONFORMING AMENDMENT.—The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title VI the following:

"Sec. 614. Duty time of flight attendants.
"(a) Rulemaking proceeding.
"(b) Final regulations.
"(c) Mandated prohibitions.
"(d) Modification of mandated prohibitions.
"(e) Definitions.
"(f) Treatment of duty period with domestic and international flight segments.".•

By Mr. KASTEN (for himself, Mr. BOND, Mr. JEFFORDS, Mr. KOHL, and Mr. DURENBERGER):

S. 1011. A bill to require the Secretary of Agriculture to make payments under the dairy export incentive program to promote the export of certain minimum quantities of nonfat dry milk and butter during fiscal year 1991, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EXPORTS OF NONFAT DRY MILK AND BUTTER

• Mr. KASTEN. Mr. President, I rise today to introduce legislation that will promote the export of certain quantities of nonfat dry milk and butter.

My bill is very simple. It would require the Department of Agriculture to export at least 100 million pounds of nonfat dry milk and 50 million pounds of butter during fiscal year 1991. These products will be exported under the Dairy Export Incentive Program [DEIP] established under the Food Security Act of 1985 and the 1990 farm bill.

This year the United States has exported some 22 million pounds of nonfat dry milk and butter under the DEIP. I believe that the goal we have set in this bill is very reasonable and will go a long way in helping the depressed milk market.

The Dairy Export Incentive Program helps U.S. exporters to meet prevailing world prices for targeted dairy products and destinations. The program offers U.S. exporters a bonus in the form of commodity certificates issued by the U.S. Department of Agriculture's [USDA] Commodity Credit Corporation [CCC] to help them meet competition from other subsidizing nations, especially the European Community.

Mr. President, dairy farmers in Wisconsin and across the Nation are barely surviving on the current low price of milk. By reducing the Government surplus, we will inevitably promote higher prices for milk.

The DEIP benefits U.S. dairy farmers, processors, manufacturers, and exporters by helping to provide access to foreign markets. The program makes possible sales of U.S. dairy products that would otherwise not have been made due to the subsidized prices offered by some U.S. competitors.

Mr. President, in simple terms, if we don't do something to help these desperately needy family farmers, we could end up putting some 4,000 of them out of business. Dairy farmers are crying out for help—so I hope my colleagues will join with me in providing this much-needed relief.•

• Mr. DURENBERGER. Mr. President, I rise today in support of legislation being introduced to direct the Secretary of Agriculture to make payments under the Dairy Export Incentive Program [DEIP] to promote the export of certain minimum quantities of nonfat dry milk and butter during the remaining portion of fiscal year 1991.

This legislation would direct the Secretary to promote the export of 100,000,000 pounds of nonfat dry milk and 50,000,000 pounds of butter during the next 5 months. On March 1, 1991, the Secretary of Agriculture announced new allocations under the Dairy Export Incentive Program that 70 countries were eligible for bonuses of 308,000,000 pounds of nonfat dry milk and 59 countries were eligible for 90,000,000 pounds of butter. Since that announcement, only a small portion of the possible allocation has actually been awarded to eligible nations. This legislation would require the Secretary to take appropriate action needed to move at least one-third of the possible nonfat dry milk allocation and slightly more than one-half of the eligible butter allocation.

On Friday, I will be hosting a meeting in my office with Secretary Madigan and leading Minnesota agricultural officials to discuss the current dairy situation and possible actions which can be taken to increase the price that farmers receive for milk. I know that one of the requests which will be made to Secretary Madigan will be for USDA assistance in substantially utilizing the available DEIP allocation. This bill will give the Secretary the authority to marshal the resources needed to promote the export of 100,000,000 pounds of dry milk and 50,000,000 pounds of butter.

The level of dairy stocks being required to be moved under this legislation is roughly equivalent to about 1.5 billion pounds of milk. Most experts suggest that the current overhang of surplus dairy production which is depressing milk prices is in the vicinity of 5 billion pounds. This measure removes about 30 percent of that overhang.

In closing, I would urge my colleagues to give this measure expeditious consideration and approval. While this measure is not a panacea to the existing dairy crisis, it is a component of a package of actions which can be used to stabilize and increase the price of milk which farmers receive.•

By Mr. BRYAN (for himself, Mr. HOLLINGS, Mr. DANFORTH, Mr. GORTON, Mr. MCCAIN, and Mr. KERRY):

S. 1012. A bill to authorize appropriations for the activities and programs of the National Highway Traffic Safety Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AUTHORIZATION ACT

• Mr. BRYAN. Mr. President, as chairman of the Consumer Subcommittee I am pleased to introduce this bill, which is a comprehensive reauthorization of the National Highway Traffic Safety Administration [NHTSA]. I am especially pleased to be joined in this effort by my Commerce Committee colleagues Senators HOLLINGS, DANFORTH, GORTON, KERRY, and MCCAIN, all of whom have distinguished records of hard work and experience in the area of highway safety.

NHTSA's responsibility can be simply stated—to save lives. Obviously, nothing could be of greater importance, or more deserving of our attention and efforts toward reauthorization.

NHTSA's primary responsibility is to improve the safety of our vehicles and our highways. Since the agency was created in 1966, progress has been made. However, about 45,000 people still are killed on our highways each year, and motor vehicle-related injuries are the leading cause of death for children over 1 year old. Motor vehicle crashes cost the U.S. economy $74 billion each year. There can be no doubt that NHTSA, and those of us who consider legislation in this area, still have our work cut out for us.

As everyone who works on highway safety issues is aware, the effort to reauthorize NHTSA has been strenuous, but as yet unsuccessful. The agency has been without an authorization since 1982, despite the fact that the Senate has passed three separate bills during this time. In the last Congress, in March 1989, I introduced S. 673, which was unanimously approved by the Commerce Committee, and passed by the Senate on a voice vote in August 1989. Despite the early Senate action, the bill was not enacted into law.

The authorization bill I am introducing today includes many of the provisions contained in S. 673. These issues include requirements that NHTSA complete rulemakings to improve the safety of passenger vehicles, including additional head injury protection and rollover protection.

I am pleased to note that there are some very important issues addressed in S. 673 that do not need to be addressed in this authorization bill because the rulemakings they would have required have been completed by NHTSA. These issues include improved side impact protection for passenger cars, and passive restraints and roof crush standards for light trucks.

In addition to issues addressed in earlier legislation, this bill includes rulemakings on some safety issues that have evolved since S. 673 was first drafted, including airbags and antilock brakes. As improved technology becomes available and proven, we want to insure that it is provided for all consumers, and not just those who can afford luxury cars. In particular, with respect to airbags, this bill will require that airbags be available in all cars and light trucks on a phased-in schedule. There now is general agreement that airbags with manual seatbelts offer occupants superior protection to any other system, yet NHTSA's current rules allow manufacturers to use either automatic seat belts or airbags. While most manufacturers are moving toward airbags on their own, this bill will insure that the installation of airbags will not vary from model to model, but will be available to all.

Additionally, this bill contains authorizations for NHTSA's operations and research, and its programs funded out of the highway trust fund, including programs established by sections 402 and 403 of title 23 United States Code, and impaired driving prevention grants to States. Section 402 provides funds to the States through a formula based on population and highway mileage to assist in highway safety through NHTSA-approved programs. Section 403 funds research in a number of safety areas, including intelligent vehicle-highway systems.

The operations and research funding and the section 403 program adopt the administration's requests for fiscal year 1992. The operations and research funding is increased by the inflation factor recommended by the Congressional Budget Office for fiscal years 1993 and 1994. The section 403 funding is the administration's request for fiscal year 1992, and identical amounts for four additional years. Since the administration's request for 1992 is a substantial increase over prior years' funding, no increases have been authorized for later years. The section 402 funding provides the 1991 authorized amount for fiscal year 1992, and increases this amount by the Congressional Budget Office inflation factor for an additional 4 years.

This bill also replaces the two current NHTSA-administered programs of impaired driving prevention grants—sections 408 and 410 of title 23 United States Code—with one new program to become effective upon the sunset of the earlier programs. The new program is structured in a manner identical to the current programs, but eliminates the overlap between the two, retains the most effective elements of each, and adds some additional measures that have been shown to be effective to prevent impaired driving. Incentive grants are provided to States to encourage such actions as: prompt suspension of drivers' licenses of impaired drivers; sobriety checkpoints; mandatory blood alcohol intoxication levels of 0.10, decreasing to 0.08 in later years; and mandatory minimum penalties for those convicted of impaired driving.

I believe this bill is comprehensive and will provide important authorization and direction to this vital agency. All parties working on highway safety share the common goal of saving lives and preventing injuries. This bill will advance that process, and go a long way toward achieving these goals. I urge my colleagues to support it.•

• Mr. HOLLINGS. Mr. President, as chairman of the Commerce Committee, I am pleased to join Senator BRYAN, chairman of the Consumer Subcommittee, and other colleagues in cosponsoring this legislation to reauthorize the National Highway Traffic Safety Administration [NHTSA]. It is obvious that this agency has the power to save lives. An agency with this kind of responsibility deserves our fullest oversight and support, and reauthorization legislation is an important part of the congressional assistance for these safety activities. However, despite the continual efforts of this committee and the Senate, including Senate passage of reauthorization legislation by voice vote early in the 101st Congress, NHTSA has not been reauthorized since 1982. I certainly will do everything I can to avoid a similar result this Congress.

The issues within NHTSA's responsibility deserve serious and immediate attention because they can provide vital improvements in the safety of the motor vehicles and highways of this country. Over 900 people are killed on our highways each week, so there can be no question that these issues are of the highest priority.

This legislation contains authorizations for a number of important operations, research activities, and State grant program which NHTSA administers. In my view, among the most important are the incentive grants provided to encourage States to more effectively address the issue of impaired driving. Close to 50 percent of all traffic fatalities are alcohol-related, so there is enormous potential for saving lives by addressing this issue. This authorization bill reorganizes, streamlines, and improves the two current incentive grant programs into one program that should effectively encourage States to take the particular measures believed to be most successful in preventing impaired driving, including a prompt license suspension for impaired drivers, mandatory minimum penalties for those convicted of impaired driving, use of sobriety checkpoints, and improved enforcement of "21 drinking age" laws.

The legislation also addresses a broad range of other safety measures, including vehicle manufacturing standards and accident avoidance research. I believe that its enactment will continue the progress we have seen since NHTSA's creation in 1966 in reducing highway deaths and injuries. I urge my colleagues to join me in supporting this important measure.•

• Mr. DANFORTH. Mr. President, today I am joining Senators BRYAN, HOLLINGS, GORTON, and MCCAIN in introducing the National Highway Traffic Safety Administration Reauthorization Act of 1991, designed to reduce highway death and injury. Each year, 45,000 Americans die in highway crashes and another 520,000 receive serious injuries. In my home State of Missouri, there were 1,096 highway deaths last year—a 4-percent increase over the previous year. According to the Department of Transportation [DOT], highway crashes cost the U.S. economy $75 billion annually.

Congress has given the National Highway Traffic Safety Administration [NHTSA] primary responsibility for solving highway safety problems. Despite the importance of NHTSA, no reauthorization has been enacted since 1982. In the last 9 years, the Senate has approved, without opposition, three reauthorization bills. The Senate and the House have been unable to reach agreement, however. I hope that, in this Congress, legislation will be enacted to address safety issues raised in previous NHTSA bills, promising new safety technologies, and impaired driving.

UNFINISHED BUSINESS

Each year 9,000 Americans are killed in side-impact crashes. In 1979, NHTSA opened a rulemaking to improve its side-impact standard, which was inadequate because it only called for a small door beam that did not protect occupants in vehicle-to-vehicle crashes.

Last September, NHTSA announced a modification to the passenger car side-impact protection standard designed to prevent pelvic and torso injuries. NHTSA has not completed a modification to the standard that would prevent head injuries from side impact. These injuries account for about one-half of side-impact deaths. The last four Senate-passed NHTSA bills required improved passenger car side-impact protection to prevent head, torso, and pelvic injuries. The bill we are introducing today requires NHTSA to conduct a rulemaking on reducing such head injuries.

Another important issue addressed in earlier bills is multipurpose vehicle [MPV] safety. MPV's, which include minivans, pickups, and four-wheel drive vehicles, currently account for about one-third of the light-duty vehicle market. In 1990, MPV sales increased to 5 million because these relatively inexpensive vehicles are being used as passenger cars. Although MPV's compete directly with passenger cars, NHTSA has exempted them from many of the passenger car safety standards. These exemptions have contributed to the annual toll of more than 8,500 MPV fatalities.

Recently, some of these exemptions have been eliminated. Our bill would complete the process by requiring an MPV rollover prevention standard. Many MPV's, particularly sport-utility vehicles, have high centers of gravity, which can cause them to roll over. For example, NHTSA reports that 64 percent of all single-vehicle accidents of the discontinued Suzuki Samurai involved rollover. The rollover rate for full-sized sedans in single-vehicle crashes is only 8 percent. Our legislation also includes a provision from earlier bills requiring the development of a side-impact protection standard for these vehicles.

Another piece of unfinished business is the need for a rulemaking on methods to reduce head injuries. Each year, between 400,000 and 500,000 Americans suffer head injuries in automobile crashes. The National Head Injury Foundation estimates that over 50,000 of these head injury victims are permanently disabled. An airbag can eliminate head injuries resulting from frontal crashes. Even if all cars are equipped with air bags, however, head injuries will still occur from rollover and side-impact crashes. The rulemaking would draw on NHTSA's research, which indicates that many of these head injuries can be prevented if additional padding is placed in the interior of the car where a crash victim's head is likely to hit.

Our legislation also contains language from last Congress' NHTSA bill to conduct a rulemaking on reducing pedestrian injuries resulting from vehicle design. Since 1981, NHTSA has done considerable research on reducing the annual toll of 8,000 pedestrian fatalities. It has identified sources of pedestrian injuries and vehicle design changes to minimize these injuries, but, to date, NHTSA has not conducted a rulemaking.

One final item of unfinished business involves automobile bumpers. Our bill contains language from previous bills to require NHTSA to raise the bumper collision standard to 5 miles per hour. In 1982, NHTSA lowered it standards for bumpers from 5 miles per hour to 2.5 miles per hour. This lower standard has been costly to consumers. A recent Insurance Institute for Highway Safety [IIHS] study tested the bumper strength of 34 different cars in a 5 miles per hour crash test. Damages to those vehicles ranged from $618 to $3,300. In the worst cases, the Hyundai Sonata and Subaru Legacy sustained damages totaling $3,300. Before the bumper standard was lowered, the 1981 Ford Escort sustained no damages from the same test.

AIRBAGS

Under DOT's passive restraint rule, a passenger vehicle must be equipped with either airbags or automatic seatbelts. Although either option is available to manufacturers, statistics prove that airbags provide better protection.

Automatic belts can be either manually operated or, in some cases, may have motorized shoulder harnesses. A 1989 IIHS study on nonmotorized automatic belts found that the automatic feature had been disabled on one or more belts in 95 percent of the new cars it surveyed in dealer showrooms. Motorized automatic belts provide an automatic shoulder harness, but require the driver or passenger to buckle the lapbelt. A University of North

Carolina study found that less than 30 percent of the occupants of cars with motorized belts connected their lapbelts. In addition, a German study found that, even with automatic belts, 30.4 percent of the drivers in frontal collisions suffered from skull-brain trauma.

On the other hand, evidence is accumulating on the effectiveness of airbags. Since May 1989, State Farm Insurance Co. has tracked the experience of its policyholders with airbag-equipped cars. In all but 3 out of 3,739 accidents in which the airbag deployed, the driver survived. In the State of Missouri, 143 State Farm policyholders have been saved from death or more serious injury by airbags. Our bill requires that all passenger cars manufactured on or after September 1, 1995, have both driver- and passenger-side airbags. In addition, MPV's manufactured after September 1, 1997, must have both driver- and passenger-side airbags.

NEW VEHICLE TECHNOLOGIES

Our legislation encourages new technologies to prevent accidents and relieve congestion. One such technology is a smart car/smart highway system. According to NHTSA, driver error contributes to more than 80 percent of all crashes. In advanced smart car/highway systems, automatic braking or steering is used to help overcome a driver's lapse in judgment or his inability to detect risks. These advanced systems will rely on computers and radio signals beamed up from the roadway to keep vehicles spaced safely and moving smoothly.

Less advanced systems might include safety improvements such as enhanced cruise control, which uses a radar technology to help maintain a safe following and leading distance. Another radar-related technology provides a driver with a warning if the attempts to switch lanes when there is a vehicle in his blind spot.

For fiscal year 1992, the Bush administration has requested $62 million for smart car/highway research with $8 million of this money scheduled to go to NHTSA. Our legislation would encourage DOT to develop a strategic plan to maximize the safety benefits of these systems.

Daytime running lights are another promising new technology. There is considerable evidence that equipping vehicles with these lights increases the visibility of vehicles and can reduce accidents. An IIHS study of a fleet of 2,000 cars equipped with such lights found that they had 7 percent fewer accidents than unlighted cars in the same fleet. In addition, a Finnish study showed that multivehicle accicents dropped 27 percent once daytime running lights were required. Moreover, Canada now requires that all new vehicles sold in that country have automatic daytime running lights. Our legislation requires a rulemaking on whether manufacturers should be permitted to equip vehicles with daytime running lights, notwithstanding any State law that affects the use of such lights. It also requires NHTSA to consider whether these lights should be standard equipment.

Antilock brake systems are another promising safety technology. These brakes greatly increase the ability of a vehicle to stop in a short distance and in a straight line. They are especially effective in wet, snowy, or icy conditions. Currently, antilock brakes are available on some pickup trucks and luxury models. Our bill requires NHTSA to conduct a rulemaking on whether antilock brakes should be mandated for passenger cars and MPV's.

Our bill also requires NHTSA to consider a new technology known as heads-up display systems. These displays can project speed, fuel, and other instrument readings onto the lower part of the windshield, enabling the driver to check readings without looking down, enhancing safety.

THE IMPAIRED DRIVING PREVENTION ACT OF 1991

Our bill also addresses the leading cause of highway death—drunk and drugged driving, an issue on which Congress has played a leadership role during the last decade.

In 1982, according to NHTSA, 25,170 Americans were killed in alcohol-related crashes. That year, Senator PELL and I authorized legislation, known as the 408 Program, providing States with incentive grants if they passed laws requiring prompt license suspension, a 0.10-percent blood alcohol content [BAC] per se intoxication standard, and minimum jail sentences or community service for repeat offenders. To date, 25 States have qualified for these grants by passing laws with the required provisions.

In 1984, Congress passed the National Minimum Drinking Age Act. Since enactment, all 50 States have adopted a minimum drinking age of 21. In 1988, Senator LAUTENBERG and I authorized the Drunk Driving Prevention Act. This act created the 410 program for grants to States which adopt antidrunk driving enforcement measures, such as administrative per se suspension of licenses and open container laws.

These efforts have made a small but measurable difference. NHTSA reports that there were 22, 415 drunk driving fatalities in 1989. The percentage of fatal crashes that are alcohol-related has also dropped from 57.2 percent to 49.2 percent.

NHTSA has proposed elimination of the 408 and 410 drunk driving programs. It has also proposed that, in the future, there be no distinct antidrunk driving program, but rather a safety bonus program whereby States could receive grants for enacting safety proposals, such as mandatory seatbelt and motorcycle helmet laws, as well as drunk driving prevention measures. Mothers Against Drunk Driving [MADD] and the National Association of Governors' highway safety representatives have testified before the Commerce Committee that drunk driving is still the leading cause of highway deaths and should remain the focus of a targeted program.

Our bill provides for sunsetting the 408 and 410 programs. It also creates a new impaired driving program to include a number of the most effective features of the 408 and 410 programs, as well as some additional promising impaired driving prevention initiatives.

One of the features of the program involves encouragement of increased use of sobriety checkpoints. These checkpoints have been endorsed as an effective tool to fight impaired driving by DOT Secretary Samuel K. Skinner and National Transportation Safety Board Chairman James Kolstad. In June 1989, the Supreme Court upheld the constitutionality of such checkpoints by a vote of 6 to 3. In a concurring opinion, Justice Blackmun called impaired driving a "tragic aspect of American life" and cited an earlier decision in which he noted that the "slaughter on our highways exceeds the death toll of all our wars."

Another requirement for receiving a grant under the new program involves efforts to videotape impaired drivers. Some local law enforcement officials are using video cameras to record the image of a weaving car and its incoherent driver. Aetna Life & Casualty and MADD have formed a partnership to purchase a limited number of video cameras for the police departments in cities such as Columbus, OH, and Kansas City, MO. Michael Creamer, a deputy sheriff in Columbus, explained the importance of the camera, "We'll show the judge, the jury and the courtroom how they really looked driving on the wrong side, falling down by the car, unable to walk or recite the alphabet." Creamer said all 17 drunk drivers that his department videotaped have pleaded guilty. Last May, the Supreme Court upheld the use of videotaping drunk drivers by an 8 to 1 margin.

Another requirement under the new program involves BAC levels. A State would have to establish a per se BAC standard of no more than 0.10 percent for the first 3 years. To qualify for the grant after that time, the State would have to have a 0.08 percent BAC standard. Virtually every major developed country has a standard lower than 0.10 percent BAC: Canada 0.08 percent BAC; Australia 0.05 percent BAC; Finland 0.05 percent BAC; Norway 0.05 percent BAC; Sweden 0.02 percent BAC; France 0.08 percent BAC; Spain 0.08 percent BAC; Japan 0.08 percent BAC; and U.K. 0.08 percent BAC. States with 0.08 percent BAC per se include Utah, Oregon, California, and Maine. The scientific community believes that 0.08 percent BAC is well above the level of driving impairment. To get above 0.08 percent, a 170-pound male must drink 4 drinks in 1 hour on an empty stomach. He will metabolize 0.015 percent, or about one drink an hour, so he must continue to drink to stay at 0.08 percent. Thirty-seven studies show impaired depth perception, vision, and judgment at levels at or below 0.04 percent BAC.

Two additional features of this new program merit discussion: First the progam endeavors to give States some flexibility by waiving one of the five basic criteria if they can show reduced alcohol-related fatalities over a 5-year period; and second the program provides a supplemental grant to States that create an effective drugged driving prevention program. A 1988 DOT review of drugged driving indicates between 10 percent and 22 percent of crash-involved drivers tested positive for drugs.

CONCLUSION

This legislation will reduce impaired driving, make vehicles more crashworthy, and help drivers avoid accidents. I urge my colleagues to support it.•

• Mr. GORTON. Mr. President, in the last few weeks, the tragic deaths of Senators HEINZ and TOWER have reminded the Senate of the importance of transportation safety. The most critical aspect of transportation safety is highway safety. Over 94 percent of those killed in transportation accidents die in highway crashes. If current trends continue over the next 10 years, these crashes will kill 450,000 Americans, force the hospitalization of over 5 million of our citizens, and cost our country more than $750 billion. Highway crashes are the leading cause of death for Americans under the age of 34.

Since 1982, the Senate has repeatedly passed legislation to reauthorize the Nation's leading highway safety agency—the National Highway Traffic Safety Administration [NHTSA]. Although these efforts have not been enacted into law, they have helped to move NHTSA forward on several important issues, including side-impact protection for passenger cars and the application of the passive restraint rule to light trucks.

I am pleased to be a cosponsor of this year's NHTSA reauthorization bill. If its recommendations were adopted, they would significantly reduce highway death and injury.

Much work remains to be done to improve passenger car and light truck safety. We must improve the safety of small trucks and minivans by making sure that they have basic safety protections as passenger cars, such as the side-impact protection standard. We must ensure that vehicles have sufficient stability so that they are not prone to roll over.

Another critical safety need is to ensure that all vehicles are equipped with airbags. The Department of Transportation has estimated that universal installation of airbags would save 8,000 lives a year. Our bill would require that, beginning on September 1, 1993, all federally purchased vehicles must have driver- and passenger-side airbags. More importantly, it would require that all newly manufactured passenger cars have full-front airbags by September 1, 1995, and that all light trucks have full-front airbags by September 1, 1997.

NHTSA also has a mandate to help those who purchase vehicles under the Motor Vehicle Information and Cost Savings Act. One of NHTSA's responsibilities under this act is the establishment of minimum standards for bumpers. In 1982, NHTSA lowered its bumper standard from 5 miles per hour to 2.5 miles per hour. At the time, it promised to develop a rating system to inform consumers about the strength of automobile bumpers, but it never developed such a system.

We never should have allowed the bumper standard to be lowered. Each year the Insurance Institute for Highway Safety [IIHS] conducts crash tests with bumpers. Several of the 1991 cars IIHS tested at 5 miles per hour had damages of over $3,000. The 2.5 miles per hour standard is unacceptable. With the ever increasing cost of automobile insurance and higher deductible levels, car owners cannot afford to drive vehicles equipped with tissue paper bumpers that offer no protection from low speed collisions.

We should address the bumper issue in two ways. First, it is time to return to its 1982 5 miles per hour bumper standard. Second, automakers should inform consumers of the maximum speed at which a vehicle's bumper can prevent damage to the vehicle.

Finally, this bill includes a title that would create a program to encourage States to take steps to prevent drunk and drugged driving. It includes incentives to enact proven preventive measures, such as administrative per se license suspension. It also encourages new techniques, such as videotaping, for evidentiary purposes, drunk drivers who are weaving and incoherent at the time of apprehension.

I look forward to working with the members of the committee in seeing that this bill is adopted into law. I urge all our colleagues to support this important safety legislation.•

By Mr. GRASSLEY (for himself and Mr. COATS):

S. 1013. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the earned income tax credit for individuals with young children; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1014. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption amount; to the Committee on Finance.

EMERGENCY TAX RELIEF FOR FAMILIES

Mr. GRASSLEY. Mr. President, today, I am introducing legislation in the form of two separate bills that addresses an increasing problem in America today, the unfair treatment of families through the Tax Code. My "emergency tax relief for families" legislation will make major strides toward accomplishing more tax fairness for families.

The first bill, which is cosponsored by Senator COATS, would expand the young child tax credit to up to $500 to families with adjusted gross income of under $50,000, and children under 5 years old. Congressman WOLF is sponsoring the companion bill in the House.

The current law is tied to the earned income tax credit and is only available to families with an AGI under $21,000 and children under 1 year old. In addition, the maximum credit under current law is only around $350.

My second bill would increase the dependent exemption from the current $2,100 to $7,000 by the year 2000. This is approximately the amount the exemption would be if it had kept up with inflation. The nearly $5,000 loss due to inflation only underscores the growing unfairness to families reflected in the Tax Code.

Mr. President, today is Tax Freedom Day, and I've introduced legislation to recognize the fact that, on this day, Americans stop working for the government and start working for themselves and their families. This Sunday is also Mothers' Day, when all Americans pay tribute to the women who helped bring life to them, and who continue to make great sacrifices for their families.

I can't think of a more appropriate way of commemorating both of these landmark occasions, than to bring tax relief to the working mothers and families of America.

Senator COATS and Congressman WOLF have taken the lead in expanding the personal exemption. Now, we want to strengthen this approach by expanding tax credits for young children, which will be a greater benefit for lower income working families.

I'm very pleased that others have begun to recognize the need to provide direct tax relief for families, rather than more spending for bloated bureaucracies. Two weeks ago, I offered an amendment to the budget resolution in committee that supported the notion that if taxes were raised on wealthy Americans, the revenue would be used to provide tax cuts to middle- and lower-income families, rather than for more spending programs. My amendment passed 20 to 1 in committee, and was included in the budget resolution passed in the Senate.

Yesterday, Congressman DOWNEY and Senator GORE introduced their proposal to offset tax cuts for families by increasing taxes on upper incomes. I commend my colleagues for their attempt to cut taxes, which a number of us have been pushing for a long time. Unfortunately, the cut is offset by raising taxes on others, which will be a sticking point.

Nevertheless, as a Republican, I take heart in the fact that some Democrats who advocate raising taxes actually want to cut taxes for others, rather than use the revenues for more wasted spending. This is certainly a major step in the right direction, and I congratulate these Democrats for being on the cutting edge.

I believe tax relief for families can and should be paid for by cutting spending in other areas. However, as I expressed in my budget resolution amendment, if taxes are raised on the wealthy, it's essential that the revenue be plowed back into tax relief for middle- and lower-income families, instead of new spending programs. There's just no more cost-effective way of helping families and children than through direct tax assistance.

Now that there is strong support and momentum on both sides of the aisle, and in both Houses of Congress for family tax relief, I'm very encouraged that we're going to finally see some results. I look forward to working with my colleagues in accomplishing this extremely important goal.

I ask unanimous consent that both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN EARNED INCOME TAX CREDIT.

(a) GENERAL RULE.—Subsection (a) of section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) in the case of a taxpayer with 1 or more young qualifying children, the supplemental young child credit."

(b) SUPPLEMENTAL YOUNG CHILD CREDIT.—

(1) Subsection (b) of section 32 of such Code is amended by adding at the end thereof the following new paragraph:

"(3) SUPPLEMENTAL YOUNG CHILD CREDIT.—

"(A) IN GENERAL.—The term 'supplemental young child credit' means the applicable percentage of so much of the taxpayer's earned income for the taxable year as does not exceed $10,000.

"(B) LIMITATION.—The amount of the supplemental young child credit allowable to a taxpayer for any taxable year shall not exceed the excess (if any) of

"(i) the applicable percentage of $10,000, over

"(ii) the applicable percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $50,000.

"(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph, the term 'applicable percentage' means 5 percent multiplied by the number of young qualifying children of the taxpayer for the taxable year.

"(D) YOUNG QUALIFYING CHILD.—For purposes of this section, the term 'young qualifying child' means any qualifying child who has not attained age 5 as of the close of the calendar year in which or with which the taxable year of the taxpayer ends. If the taxpayer elects to take a child into account under the preceding sentence, such child shall not be treated as a qualifying individual under section 21."

(2) Paragraph (1) of section 32(b) of such Code is amended by striking subparagraph (D).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 32(f) of such Code is amended by adding at the end thereof the following flush sentence:

"Separate tables shall be prescribed for purposes of determining the amount of the supplemental young child credit."

(2) Subsection (i) of section 32 of such Code is amended by adding at the end thereof the following new paragraph:

"(4) SUPPLEMENTAL YOUNG CHILD CREDIT.—In the case of any taxable year beginning after 1992, paragraph (1) shall also apply to the $10,000 and $50,000 amounts set forth in subsection (b)(3), except that 'calendar year 1990' shall be substituted for 'calendar year 1989' in subparagraph (B) of section 1(f)(3)."

(3) Clause (i) of section 3507(c)(2)(B) of such Code is amended by striking "(without regard to subparagraph (D) thereof)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

S. 1014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN EXEMPTION AMOUNT.

(a) IN GENERAL.—Section 151(d)(1) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended to read as follows:

"(1) GENERAL RULE.—

"(A) YEARS AFTER 1999.—Except as otherwise provided in this subsection, the exemption amount for taxable years beginning in a calendar year after 1999 shall be $7,000.

"(B) TRANSITION RULE.—In the case of any taxable year beginning in a calendar year after 1991 and before 2000, the exemption amount shall be determined in accordance with the following table:

"For taxable years beginning in:	The exemption amount is:
1992	$2,700
1993	3,200
1994	3,750
1995	4,300
1996	4,850
1997	5,400
1998	5,950
1999	6,500."

(b) CONFORMING AMENDMENT.—

(1) Section 151(d)(4)(A) of such Code (relating to inflation adjustments) is amended—

(A) by striking "calendar year after 1989" and inserting "calendar year after 2000", and

(B) by striking "paragraph (1)" and inserting "paragraph (1)(A)".

(2) Section 151(d)(4)(A)(ii) of such Code is amended by striking "calendar year 1988" and inserting "calendar year 1999".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

By Mr. McCAIN:

S. 1015. A bill to amend the Communications Act of 1934 to require that the live television transmission of certain sporting events be available by broadcast over a national broadcast television network; to the Committee on Commerce, Science, and Transportation.

PUBLIC ACCESS TO NATIONAL SPORTING EVENTS ACT

• Mr. McCAIN. Mr. President, sporting events in our country are not simply a matter of physical fitness and athletics. It involves something much deeper. Cheering for the home team reflects pride—pride in your hometown, pride in your State, and, most certainly, pride in your Nation.

Baseball and football are particularly embedded in our Nation's heritage. The first recorded baseball game ever in the United States took place on June 19, 1846, between the Knickerbockers and the New York Nine. Incidentally, the New York Nine won by a score of 23 to 1 in 4 innings.

Since then, baseball has been crowned as America's national pastime. Roaring, cheering fans have thrilled at the feats of such baseball greats as Babe Ruth, Ted Williams, Roberto Clemente, Ernie Banks, and such present day heroes as Ricky Henderson, and Nolan Ryan, who just recently pitched his seventh recordbreaking no-hitter.

These players are role models to our youth, and our Nation's pride.

Football has also enjoyed a grand history in the United States. The first football match most closely resembling the game as it is played today took place in Cambridge, MA, in May 1874, between Harvard University and McGill University of Montreal. Professional football dates back to 1895, and continued with the founding of what is known today as the National Football League in 1920.

America has since cheered such football greats as Johnny Unitas, Joe Namath, Bob Griese, Neil Lomax, Walter Payton, and Joe Montana.

The invention of television provided baseball and football with the perfect medium to draw an even larger audience to these ever popular games. The year 1939 was a momentous one for football, with the advent of the first televised football game between Fordham University and the College of Waynesburg. For the first time, a television audience shared the excitement with the crowds in the stands as Fordham defeated Waynesburg, 34 to 7.

Television became, and remains still, an integral component in the popularity of these sports, so much so that even the broadcast sports announcers have become famous personalities. Harry Caray, Howard Cosell, Joe Garagiola, and Al Michaels have all contributed greatly to the sport's popularity.

This is why it is greatly disturbing to see the growing trend toward making sports events available only through media other than live broadcast television. The growth of other media has brought many benefits to sports fans. Through subscription channels and pay-per-view programming, sports enthusiasts have continual access to their favorite sports. This is one of the greatest benefits subscription viewers enjoy.

Nonetheless, I believe that certain programs should remain available to all Americans through over-the-air broadcasts. Baseball and football are an integral part of our Nation's heritage, and the championship games for each of these sports, the World Series and the Super Bowl, are American traditions. these traditions should remain available to everyone, and not only to those who are able to pay for subscription television.

Mr. President, access to the World Series and the Super Bowl should not be determined by an income test. These traditions have always been available to all Americans, regardless of their income level. This access should remain unchanged.

The people have demonstrated their support and appreciation for what the baseball and football leagues have done for America. Through their representatives in Congress, and through the courts, these leagues have enjoyed the benefit of various antitrust exemptions. These benefits also bring a responsibility to the public the leagues serve. The leagues have given Americans two traditions which they have cherished since their inception.

These traditions should not be taken away.

For this reason, I am introducing the "Public Access to National Sporting Events Act." This bill would amend the Communications Act of 1934 to require that the live television transmission of certain sporting events be available by broadcast over a national broadcast television network.

Specifically, the bill stipulates that, regardless of any other agreements made between the sponsoring leagues and other media, the World Series and the Super Bowl will remain accessible to the public by live television transmission to be carried simultaneously by the broadcast stations affiliated with a national television broadcast network.

This bill guarantees that there is continued access to these championship games, which Americans enjoy and cherish as national traditions.

I am also concerned about the possibility of the Olympic games becoming available only by subscription. This bill does not address this concern. Nonetheless, it is my hope that this issue can be fleshed out through hearings in the coming weeks.

Mr. President, for all Americans, particularly those who love the World Series and the Super Bowl, as I do, this legislation is necessary for the preservation of two great national traditions.

I urge my colleagues to support this legislation.

Mr. President, I request that the full text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Access to National Sporting Events Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) there is a growing trend toward making sports events available only through media other than live broadcast television;

(2) access to these events is becoming increasingly costly to the consumer;

(3) as this trend develops, whether the consumer has access to sports events will be determined by the ability of the consumer to pay;

(4) many consumers have benefited from the constant availability of sports programming through subscription media;

(5) nonetheless, the access by members of the public to certain sports events should not be dependent upon their ability to pay for that access;

(6) in particular, the National Football League's annual championship game, known as the "Super Bowl", and the American League's and the National League's annual championship series, known as the "World Series", have enjoyed tremendous popularity and growth, in large part as a direct result of benefits which have been conferred upon their sponsoring leagues by the Congress and the Federal courts;

(7) the National Football League, the American League, and the National League benefit from antitrust exemptions which permit them to operate their franchises free of the restrictions of our antitrust laws.

(8) Such benefits have allowed those leagues to prosper to their advantage and to the advantage of the American public;

(9) however, this advantage to the public will soon become a disadvantage if the availability of certain events is limited only to those who can afford the subscription costs of media other than the national television broadcast networks;

(10) limited access to viewing the Super Bowl and the World Series would deprive citizens of the ability to enjoy these events which have become an American tradition, and which benefit from the antitrust exemptions conferred upon them by Congress and the Federal courts; and

(11) therefore, Congress should ensure that these American traditions remain available to the public via live broadcast television.

SEC. 3. Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following new section:

"TELEVISION TRANSMISSION OF CERTAIN CHAMPIONSHIP GAMES

"SEC. 714. (a) Any joint agreement by or among the professional football clubs of the National Football League in which the National Football League (or any successor league) sells or otherwise transfers all or any part of the rights of its member clubs in the live television transmission of its annual league championship game known as the 'Super Bowl' shall provide for such live television transmission to be carried simultaneously by the broadcast stations affiliated with a national television broadcast network.

"(b) Any joint agreement by or among the major legaue professional baseball clubs of the American League and National League in which the American League and National League (or any successor leagues) sell or otherwise transfer all or any part of the rights of their member clubs in the live television transmission of their annual championship series known as the 'World Series' shall provide for such live television transmission to be carried simultaneously by the broadcast stations affiliated with a national television broadcast network.

"(c) Nothing in this section shall be construed as prohibiting a community antenna television system or any other person from obtaining rights to the live television transmission of the Super Bowl or World Series.".●

By Mr. PELL:

S. 1016. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to develop comprehensive tests of academic excellence, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE TESTS OF ACADEMIC EXCELLENCE

Mr. PELL. Mr. President, I am today introducing legislation that would require the Secretary of Education to develop or have developed a national test or series of tests that would serve as a national test. This legislation differs from that which became law in 1988 in that it requires the Secretary to take this action and is silent on the question of whether or not the test should be mandatory.

My interest in a national test goes back more than 24 years to 1967 when Senator John Sherman Cooper and I joined forces to introduce the Quality in Education Act. That legislation sought to devise a method by which we might be able to compare secondary school education on a district-by-district basis throughout the Nation.

In the aftermath of the proposals set forth in "the Nation's Report Card" in 1987, I resurrected that idea, modified it, and introduced legislation that authorized the Secretary of Education to formulate The Optional Test of Academic Excellence. As I noted, that legislation became law in 1988. My understanding, however, is that little work has been done by the Department with respect to the optional test, something I consider most unfortunate in light of the national debate now going on in this area.

My idea is that the Secretary should approve a test or series of tests that would serve as a national test of academic excellence.

Unlike my previous legislation, there is no stipulation that the test be voluntary. I note that the administration in the education proposals unveiled last week has proposed that the test be a voluntary one. And, while we may reach that conclusion as we put the final legislation together, I thought it best not to limit the framework of the discussion from the outset by stipulating that the test would be voluntary.

My idea is that we have a national test that does not differ markedly from the New York regents test. Its purpose would be threefold. First, it would measure an individual's educational achievement.

Second, it would give a local education agency an indication of how its students compared with others. It would point out both strengths and weaknesses in the educational attainment of students on a district-by-district basis.

Third, it would award a certificate to each student who passed the examination, and, in that way, it would help identify talented students who might not otherwise be recognized. They could take the certificate to a college or to the workplace as an indication of their educational achievements and ability.

If enacted, the national test would inevitably raise questions regarding a national curriculum. And those are questions that must be addressed as we continue to debate the feasibility of a national test.

In some ways, we already have the elements of a national curriculum because of the dominance of a few States in the selection of textbooks. The requirements set by those States tend to establish a floor that all States adhere to because other options are not available. The question, therefore, may not be should we have a national curriculum, for indeed the basic elements may already be there. The real question may be: What elements do we want to be part of that national curriculum?

We have already had one hearing on the national test and national curriculum concerns within the context of the reauthorization. I would hope, Mr. President, that the legislation I am introducing today might be considered as an important part of the reauthorization of the Office of Educational Research and Improvement. In that regard, I look forward to working closely with the administration to arrive at legislation upon which we can agree and which we all believe is in the best interests of our Nation and its people.

I ask unanimous consent that the text of the proposed legislation appear in the RECORD in its entirety at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TESTS FOR ACADEMIC EXCELLENCE.

Section 4602 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3152) is amended to read as follows:

"SEC. 4602. TESTS FOR ACADEMIC EXCELLENCE.

"(a) TEST OF ACADEMIC EXCELLENCE AUTHORIZED.—The Secretary, after consultation with appropriate State and local educational agencies and public and private organizations, shall develop or approve comprehensive tests of academic excellence, to be administered to identify outstanding students who are in the eleventh grade of public and private secondary schools.

"(b) PREPARATION AND CONDUCT OF TESTS.—

"(1) The Secretary shall establish a program through consultation or arrangements with appropriate State educational agencies, local educational agencies, public and private secondary schools, and public and private organizations throughout the Nation, under which the tests of academic excellence prepared or approved under this part shall be given by such agencies or schools to students described in this section. The tests of academic excellence shall be tests of acquired skills and knowledge appropriate for the completion of a secondary school education.

"(2) The Secretary shall assure that the tests authorized by this section are conducted in a secure manner.

"(c) CERTIFICATE.—

"(1) The Secretary is authorized and directed to prepare a certificate, of such appropriate design as the Secretary shall prescribe, and in such numbers as are necessary, for issuance to students who have scored at a sufficiently high level, as determined by the Secretary, on a test of academic excellence prepared or approved under this subpart and given in accordance with arrangements made under this section. Each such student shall be awarded a certificate within 60 days following the date on which the student was given a test.

"(2) Each certificate awarded pursuant to this subsection shall be signed by the Secretary.

"(d) REPORT.—The Secretary shall prepare and submit to the Congress a report on the estimated costs of administering, scoring, and analyzing the tests of academic excellence prepared or approved under this section.".

By Mr. EXON:

S. 1017. A bill to amend title 11, United States Code, to provide that an automatic stay in certain bankruptcy proceedings shall not apply to State property taxes; to the Committee on the Judiciary.

BANKRUPTCY CODE AMENDMENT ACT

• Mr. EXON. Mr. President, in the 101st Congress I introduced a bill that was of vital importance to local governmental entities in Nebraska. Due to a ruling of Nebraska's bankruptcy court, those local governmental entities were having their efforts to assess and collect real estate taxes thwarted if the property in question was subject to a bankruptcy proceeding.

This was, and remains, a very serious problem for those governments as they rely substantially on ad valorem taxes as their base of income. The effect of a bankruptcy proceeding is that the property in question is effectively removed from the tax rolls during the time the property is subject to the bankruptcy proceeding.

When I introduced my previous bill on this subject I predicted that the Nebraska ruling would have a far reaching impact as other courts would begin adopting the same position. That has indeed been the case. A similar case with a similar holding, in re Parr Meadows Racing Association, Inc., has now been issued by the Second Circuit Court of Appeals. The U.S. Supreme Court declined an opportunity to review that ruling.

The National Association of Counties has recognized the importance of this decision and has adopted a resolution expressing their support for legislation amending our bankruptcy laws to preserve the priority of local tax claims and liens. I ask unanimous consent that a copy of a resolution passed by that association be placed in the RECORD following my remarks.

The legislation that I am introducing today is simple. It removes the process of assessing and levying ad valorem property taxes from the stay that is imposed by the filing of a bankruptcy. Doing so will allow our local governmental units to continue the process of assessing and levying such taxes without fear of violating the stay provisions of our current bankruptcy law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (10) by striking out "or" after the semicolon;

(2) in paragraph (14) (as added by section 102 of the Act entitled "An Act to amend title 11 of the United States Code regarding swap agreements and forward contracts.", approved June 25, 1990 (Public Law 101-311; 104 Stat. 267)) by striking out the period and inserting in lieu thereof a semicolon;

(3) by redesignating paragraphs (14), (15), and (16) (as added by section 3007 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508)) as paragraphs (15), (16), and (17), respectively;

(4) in paragraph (16) (as resdesignated under paragraph (3) of this section) by striking out "or" after the semicolon;

(5) in paragraph (17) (as redesignated by paragraph (3) of this section) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(6) by adding between paragraph (17) (as redesignated by paragraph (3) of this section)

and the matter following such paragraph the following:

"(18) under subsection (a) of this section, of the valuation, assessment, levy, or perfection of any lien under State law for any ad valorem property tax imposed by any political subdivision.".•

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 141

At the request of Mr. DASCHLE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 144

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 144, a bill to protect the natural and cultural resources of the Grand Canyon and Glen Canyon.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 397

At the request of Mr. WIRTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 397, a bill to amend the Solid Waste Disposal Act to require producers and importers of newsprint to recycle a certain percentage of newsprint each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such newsprint, and for other purposes.

S. 398

At the request of Mr. WIRTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 398, a bill to amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead-acid batteries.

S. 399

At the request of Mr. WIRTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 399, a bill to amend the Solid Waste Disposal Act to prohibit the Administrator of the Environmental Protection Agency from listing used oil and affiliated materials as a hazardous waste under that Act, to require producers and importers of lubricating oil to recycle a certain percentage of used oil each year, to require the Administrator to establish a recycling credit system for carrying out such recycling requirement, and for other purposes.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 540

At the request of Mr. BURNS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 540, a bill to amend title 23, United States Code, to assist in the development of an infrastructure to support the use of public lands for travel and tourism purposes, and for other purposes.

S. 583

At the request of Mr. ROTH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 583, a bill to amend the Internal Revenue Code of 1986 to require the recapture of certain losses of savings and loan associations, to clarify the treatment of certain Federal financial assistance to savings and loan associations, and for other purposes.

S. 602

At the request of Mr. SASSER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 602, a bill to improve the food stamp and nutrition programs, and for other purposes.

S. 659

At the request of Mr. GRAHAM, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 659, a bill to suspend temporarily certain bars to the furnishing of veterans benefits to certain former spouses of veterans and to suspend temporarily a bar to the recognition of certain married children of veterans for veterans benefits purposes.

S. 715

At the request of Mr. BURNS, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 722

At the request of Mr. ROTH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 with respect to the requirement that an S corporation have only 1 class of stock.

S. 778

At the request of Mr. GORE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 778, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and Inspecter General, and for other purposes.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 786

At the request of Mr. MOYNIHAN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 786, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

S. 821

At the request of Mr. LIEBERMAN, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. AKAKA], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 821, a bill to establish the Silvio Conte National Fish and Wildlife Refuge.

S. 844

At the request of Mr. DOMENICI, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 844, a bill to provide for the minting and circulation of one dollar coins.

S. 878

At the request of Mr. DODD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

S. 879

At the request of Mr. DASCHLE, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 883

At the request of Mr. BOND, the name of the Senator from Missouri [Mr. DAN-

FORTH] was added as a cosponsor of S. 883, a bill to authorize funds for the construction of highways and to authorize activities under chapters 1 and 2 of title 23, United States Code.

S. 884

At the request of Mr. PACKWOOD, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 884, a bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale driftnet fishing.

S. 890

At the request of Mr. KENNEDY, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 890, a bill to reauthorize the Star Schools Program Assistance Act, and for other purposes.

S. 899

At the request of Mr. LUGAR, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 899, a bill to amend the Older Americans Act of 1965 to recognize, support, and promote the use of volunteers to assist older Americans, to encourage older Americans to volunteer in local communities, and for other purposes.

S. 987

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 987, a bill to amend the Home Owners' Loan Act to improve the qualified thrift lender test, and for other purposes.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 40

At the request of Mr. THURMOND, the names of the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week."

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 78

At the request of Mr. BENTSEN, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from Rhode Island [Mr. PELL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Maryland [Mr. SARBANES], the Senator from Colorado [Mr. BROWN], the Senator from Utah [Mr. GARN], the Senator from California [Mr. CRANSTON], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month."

SENATE JOINT RESOLUTION 96

At the request of Mr. RIEGLE, the names of the Senator from Delaware [Mr. BIDEN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Texas [Mr. BENTSEN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 96, a joint resolution to designate November 19, 1991, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 110

At the request of Mr. MOYNIHAN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 110, a joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE JOINT RESOLUTION 127

At the request of Mr. PACKWOOD, his name was added as a cosponsor of Senate Joint Resolution 127, a joint resolution to designate the month of May 1991, as "National Huntington's Disease Awareness Month."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. CRAIG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the U.S. Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal.

AMENDMENTS SUBMITTED

CONSUMER PROTECTION AGAINST PRICE-FIXING ACT

DOLE AMENDMENT NO. 91

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 429) to amend the Sherman Act regarding retail competition, as follows:

At the end of section 3, add the following:

"( ) Notwithstanding sections 4 and 16 of the Clayton Act, in any action under this section, the plaintiff, shall recover actual damages sustained, interest calculated at the rate specified in section 1961 of title 28, United States Code, or at such other rate as the court finds to be fair to fully compensate such person for the injury sustained, on such actual damages for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit, including a reasonable attorney's fee."

DOLE AMENDMENT NO. 92

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to amendment No. 90 proposed by Mr. BROWN to the bill S. 429, supra, as follows:

On page 2, line 9, strike all through page 4, line 18.

DOLE AMENDMENT NO. 93

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill S. 429, supra, as follows:

Beginning on page 2, line 20, strike all through page 4, line 14.

THURMOND AMENDMENT NOS. 94 THROUGH 114

(Ordered to lie on the table.)

Mr. THURMOND submitted 21 amendments intended to be proposed by him to the bill S. 429, supra, as follows:

AMENDMENT NO. 94

On page 2, line 9, strike all through page 4, line 18.

AMENDMENT NO. 95

Beginning on page 4 of the Brown substitute amendment, line 19, delete all beginning with "including" through page 5, line 10, and ending with the word before "An".

AMENDMENT NO. 96

Beginning on page 5, line 21, delete all of section 5.

AMENDMENT NO. 97

On page 5, line 4, starting with the word "except" strike all through the word "agreement".

AMENDMENT NO. 98

Beginning on page 2, line 20, strike all through page 4, line 14.

AMENDMENT NO. 99

On page 4, line 23 delete all after the word "section" through the word "service".

AMENDMENT NO. 100

Beginning on page 4, line 16, delete all beginning with the word "including" through page 5, line 2 and ending with the word before "An".

AMENDMENT NO. 101

On page 5, delete lines 14-17.

AMENDMENT NO. 102

At the end of section 3, add the following: "( ) Notwithstanding sections 4 and 16 of the Clayton Act, in any action under this section, the plaintiff, shall recover damages sustained, interest calculated at the rate specified in section 1961 of title 28, United States Code, or at such other rate as the court finds to be fair to fully compensate such person for the injury sustained, on such actual damages for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit, including a reasonable attorney's fee."

AMENDMENT NO. 103

At the end of section 3, add the following: "( ) In any action under this section, the court shall award the cost of suit, including a reasonable attorney's fee, to a substantially prevailing defendant upon a finding that the plaintiff's conduct was frivolous, unreasonable, without foundation, or in bad faith."."

AMENDMENT NO. 104

At the end add the following:

"( ) The provisions of this Act shall apply to all actions commenced after the effective date of enactment of this Act."

AMENDMENT NO. 105

At the end add the following:

"( ) DEFENSE.—It shall be a defense to an action described in this Act that the defendant was so small in the relevant market as to lack market power."

AMENDMENT NO. 106

At the appropriate place, add the following:

"( ) The provisions of this Act shall apply to all actions commenced after the effective date of enactment of this Act."

AMENDMENT NO. 107

At the appropriate place, add the following:

"( ) Notwithstanding sections 4 and 16 of the Clayton Act, in any action under this section, the plaintiff, shall recover damages sustained, interest calculated at the rate specified in section 1961 of title 28, United States Code, or at such other rate as the court finds to be fair to fully compensate such person for the injury sustained, on such actual damages for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit, including a reasonable attorney's fee."

AMENDMENT NO. 108

At the appropriate place, add the following:

"( ) In any action under this section, the court shall award the cost of suit, including a reasonable attorney's fee, to a substantially prevailing defendant upon a finding that the plaintiff's conduct was frivolous, unreasonable, without foundation, or in bad faith."."

AMENDMENT NO. 109

At the appropriate place, add the following:

"( ) DEFENSE.—It shall be a defense to an action described in this Act that the defendant was so small in the relevant market as to lack power."

AMENDMENT NO. 110

On page 5, line 4 delete "section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement." and insert in lieu thereof "section."

AMENDMENT NO. 111

Beginning on page 5, delete all of section 5.

AMENDMENT NO. 112

In section 3, delete the following: SEC. 8(a)(1) (A), (B), (C), (D) and SEC. 8(a) (1), (2), (3).

AMENDMENT NO. 113

Beginning on page 4 of the Brown substitute amendment, line 19 delete all beginning with "including" through page 5, line 10, and ending with the word "An"; insert in lieu thereof "an".

AMENDMENT NO. 114

On page 4, line 23 delete "section, except that this section shall not apply when the agreement to set, change, or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service." and insert in lieu thereof "section."

METZENBAUM AMENDMENT NOS. 115 THROUGH 226

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 112 amendments intended to be proposed by him to the bill S. 429, supra, as follows:

AMENDMENT NO. 115

At the appropriate place, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 116

At the appropriate place, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 117

At the end, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 118

At the end, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 119

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 120

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 121

Strike all after the enacting clause and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy

to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 122

Strike all after the enacting clause and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 123

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 124

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 125

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 126

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 127

In lieu of the amendable matter, insert: "with instructions to report back forthwith with the following amendment:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one month after being signed by the President.

AMENDMENT NO. 128

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 129

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 130

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 131

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actuals bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 132

At the appropriate place, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted

action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actuals bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 133

At the appropriate place, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 134

At the end, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 135

At the end, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 136

At the appropriate place, insert the following: "Notwithstanding any other provision herein.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 137

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 138

In lieu of the amendable matter, insert: "with instructions to report back forthwith with the following amendment:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one month after being signed by the President.

AMENDMENT NO. 139

Strike all after the enacting clause and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 140

At the end, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 141

At the appropriate place, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 142

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 143

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 144

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 145

Strike all after the enacting clause and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 146

At the end, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 147

At the appropriate place, insert the following: "The foregoing provisions shall have no effect.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy

to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 148

At the appropriate place, insert the following: "Notwithstanding any other provision herein.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 149

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 150

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 151

In lieu of the amendable matter, insert: "with instructions to report back forthwith with the following amendment:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one month after being signed by the President.

AMENDMENT NO. 152

Strike all after the first word and insert in lieu thereof the following: "any action under this section, the court may award the cost of suit, including a reasonable attorney's fee, to a substantially prevailing defendant, upon a finding that the plaintiff's conduct was frivolous, unreasonable, without foundation, or in bad faith.".

AMENDMENT NO. 153

Strike all after the first word and insert in lieu thereof the following: "any action under this section, the court may award the cost of suit, including a reasonable attorney's fee, to a substantially prevailing defendant, upon a finding that the plaintiff's conduct was frivolous, unreasonable, without foundation, or in bad faith.".

AMENDMENT NO. 154

Strike all after the first word and insert in lieu thereof the following: "any action under this section, the court may award the cost of suit, including a reasonable attorney's fee, to a substantially prevailing defendant, upon a finding that the plaintiff's conduct was frivolous, unreasonable, without foundation, and in bad faith.".

AMENDMENT NO. 155

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 156

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 157

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 158

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 159

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 160

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 161

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(I) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(II) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(II), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(I) expressly or impliedly acquiesced to the request or demand, or

"(II) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(II).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 162

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 163

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 164

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 165

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 166

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted

action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 167

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 168

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 169

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the

agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective one week after being signed by the President.

AMENDMENT NO. 170

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 171

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such

goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 172

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 173

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 174

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 175

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted

action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 176

In lieu of the matter proposed to the stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 177

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 178

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the

agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 179

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

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SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 180

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such

goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 181

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 182

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 183

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 184

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted

action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 185

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(II), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(II).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 186

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 187

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the

agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 188

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 189

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such

goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 190

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 191

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 192

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 193

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted

action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 194

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 195

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 196

In lieu of the matter proposed to stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the

agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 197

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 198

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such

goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 199

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 200

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 201

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 202

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 203

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 204

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 205

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 206

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 207

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 208

Strike all after the first and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy

to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 209

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 210

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 211

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 212

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 213

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 214

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 215

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 216

In lieu of the matter proposed to be stricken, insert the following:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 217

Strike all after the first word and insert in lieu thereof the following:

The provisions of section 3 of this Act shall not apply to a defendant which—

(1) had annual total sales of $7 million or less at the time the action was filed, and

(2) was so small in the relevant market as to lack market power.

AMENDMENT NO. 218

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 219

At the appropriate place, insert the following: "Notwithstanding any other provision herein:

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 220

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 10 days after being signed by the President.

AMENDMENT NO. 221

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 222

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 223

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 15 days after being signed by the President.

AMENDMENT NO. 224

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 225

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took actions, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual, bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

AMENDMENT NO. 226

At the appropriate place, insert the following: "Notwithstanding any other provision herein,

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices (other than a maximum price), if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents evidence that such person—

"(i) received from a competitor of the claimant an express or reasonably implied request or demand that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant and such request or demand was the major cause of such termination or refusal to continue to supply.

"(C) For purposes of subparagraph (B)(ii), no such request or demand shall be deemed to constitute the major cause of such termination or refusal to continue to supply unless, at a minimum, there is evidence that such person—

"(i) expressly or impliedly acquiesced to the request or demand, or

"(ii) expressly or impliedly threatened, or took action, in addition to the termination or refusal to continue to supply at issue in the case, to curtail or eliminate price competition by the claimant or others engaged in the resale of goods or services.

"(D) A decision by such person to alter, wholly or in part, its distribution policy through adoption of exclusive distributor outlets or vertical location, customer or territorial clauses shall not constitute an action to curtail or eliminate price competition for purposes of subparagraph (c)(ii).

"(2) In making its determination with respect to the existence of a contract, combination or conspiracy, the court shall consider evidence in rebuttal supporting any actual bona fide non-price business justification for the termination of the claimant or the refusal to continue to supply the claimant.

"(3) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such goods or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. Such maximum resale price agreements shall not be deemed illegal per se; such agreements shall be judged on the basis of their reasonableness, taking into account all relevant factors affecting competition in the relevant market for the good or service that is the subject of the agreement. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to continue to supply such other purchaser shall constitute a violation of such section if such purchaser's discount pricing was the major cause of such termination or refusal to continue to supply, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws, or the existing state of law with respect to other types of non-price vertical restraints.

SEC. 6. This Act shall become effective 20 days after being signed by the President.

THURMOND AMENDMENT NOS. 227 THROUGH 234

(Ordered to lie on the table.)

Mr. THURMOND submitted eight amendments intended to be proposed by him to the bill S. 429, supra, as follows:

AMENDMENT NO. 227

At the appropriate place, add the following:

"DEFENSE.

It shall be a defense to an action described in this Act that the defendant was so small in the relevant market as to lack market power."

AMENDMENT NO. 228

At the appropriate place, add the following:

"( ) Nothing in this Act, shall be construed to allow the award of trible damages.

AMENDMENT NO. 229

On page 5, line 4 of the amendment starting with the word "except" strike all the language through "the agreement" on page 5, line 10.

AMENDMENT NO. 230

Beginning on page 2, line 9 strike all through page 4, line 18.

AMENDMENT NO. 231

Delete all from page 5, line 21 through page 6, line 2.

AMENDMENT NO. 232

On page 5, line 4 of the amendment starting with the word "except" strike all the language through "the agreement" on page 5, line 10.

AMENDMENT NO. 233

Beginning on page 2, line 9 strike all through page 4, line 18.

AMENDMENT NO. 234

Delete all from page 5, line 21 through page 6, line 2.

METZENBAUM AMENDMENT NO. 235

(Ordered to lie on the table.)

Mr. METZENBAUM submitted an amendment intended to be proposed by him to the bill S. 429, supra, as follows:

Strike all after the first word and insert in lieu thereof the following:

The provisions of section 3 of this Act shall not apply to a defendant which—

(1) had annual total sales of $7 million or less at the time the action was filed, and

(2) was so small in the relevant market as to lack market power.

LEAHY AMENDMENT No. 236

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 429, supra, as follows:

On page 5, strike lines 14 through 17 and insert the following:

SEC. 5. (a) In any action in which the conduct of an owner, licensor, licensee, or other holder of an intellectual property right is alleged to be in violation of the antitrust laws in connection with the marketing or distribution of a product or service protected by such a right, such right shall not be presumed to define a market or to establish market power, including economic power and product uniqueness or distinctiveness, or monopoly power.

(b) For purposes of subsection (a)—

(1) the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)); and

(2) the term "intellectual property right" means a right, title, or interest—

(A) in subject matter patented under title 35 of the United States Code; or

(B) in a work, including a mask work, protected under title 17 of the United States Code.

SEC. 6. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding the following hearings in May. Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251:

Oversight hearing, May 9, 1991, 2 p.m., SR–485, regarding the impact of the Supreme Court's Ruling in Duro versus Reina on the administration of justice in Indian country and on S. 962 and S. 963, legislation to reaffirm the inherent authority of tribal governments to exercise criminal jurisdiction over all Indian people on reservation lands.

Hearing, May 15, 1991, 9:30 a.m., SR–485, regarding reauthorization of the Native American Programs Act, administration for native Americans.

Hearing, May 16, 1991, 9 a.m., SR–485, regarding S. 668, to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian reservations.

Hearing, May 23, 1991, 9 a.m., SR–485, regarding S. 290, to establish an Indian Substance Abuse Program, and for other purposes.

Oversight hearing, May 23, 1991, 2 a.m., SR–485, regarding Indian libraries, archives, and information services.

SUBCOMMITTEE ON AGRICULTURE AND CREDIT

Mr. LEAHY. Mr. President, I would like to announce that a joint hearing of the Senate Committee on Agriculture and Forestry Subcommittee on Agriculture and Credit, and the House Committee on Government Operations Subcommittee on Government Information, Justice and Agriculture will hold a hearing on May 21, 1991 at 9 a.m. in SR–332. The hearing will address the Farmers Home Administration national appeal staff. For further information, please contact Suzy Dittrich of subcommittee staff at 224–5207.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBB. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 8, 1991, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. ROBB. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, May 8, 1991, at 2 p.m. The committee will hold a full committee oversight hearing on small business procurement in the dredging industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROBB. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works and the Subcommittee on Labor, Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Wednesday, May 8, beginning at 2 p.m., to conduct a joint hearing on the environmental and economic implication of a free-trade agreement with Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LABOR

Mr. ROBB. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 8, 1991, at 2 p.m., for a joint hearing with the Committee on Environment and Public Works on the United States-Mexico Free-Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. ROBB. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., May 8, 1991, to receive testimony on S. 484, the Central Valley Project Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. ROBB. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Wednesday, May 8, 1991, at 2 p.m., to receive a briefing from Maj. Gen. James M. Myatt, USMC, commanding general, 1st Marine Division, and members of the 1st Marine Division on the conduct of ground operations in their tactical area of responsibility during Operation, Desert Shield/Desert Storm.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROBB. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, May 13, beginning at 9 a.m., to conduct a hearing to hear testimony on S. 823, the Transportation Improvement Act of 1991; S. 965, the Surface Transportation Efficiency Act of 1991; and various truck issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROBB. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 14, beginning at 9 a.m., to conduct a hearing to hear testimony on S. 823, the Transportation Improvement Act of 1991; S. 965, the Surface Transportation Efficiency Act of 1991; and various truck issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO FLORIDIAN ROBERT B. WILLIAMS

• Mr. GRAHAM. Mr. President, because of my own strong interests in the subject, I am always delighted to acknowledge the contributions of Floridians in the health care arena. A particular source of great pride for us is Robert B. Williams, the director of the department of pharmacy at Shands Teaching Hospital, located on the campus of the University of Florida, who will assume the presidency of the American Society of Hospital Pharamacists [ASHP] this May.

ASHP was founded in 1942 and is the professional association representing pharmacists in the hospital and managed care settings. With more than 24,000 members from each of the 50 States, the society has extensive publishing and educational programs for its members to the benefit of the public. It is also a national accrediting organization for pharmacy residency and technician training programs.

In addition to his administrative duties at Shands, Bob is clinical professor and assistant dean for hospital affairs at the University of Florida's College of Pharmacy. Bob's undergraduate and graduate degrees are in pharamacy from Ferris (MI) State College and Ohio State University.

Along with his teaching and clinical responsibilities, Bob has been a leader in clinical pharmacy at the local, State, and national levels. In addition, he is a prodigious author with nearly 100 publications and papers to his credit.

Mr. President, I am sure my colleagues join me in extending best wishes to Bob as president of ASHP.•

RECOGNITION OF THE NATIONAL WILDLAND FIREFIGHTERS MEMORIAL

• Mr. BAUCUS. Mr. President, I rise today to draw the Senate's attention to an event taking place at this moment in my home State of Montana. At the Aerial Fire Depot, in Missoula, people are gathering to dedicate a memorial to those who have lost their lives battling this Nation's forest fires.

Mr. President, Missoula is a particularly appropriate location for this memorial. Nearly 42 years ago, 13 young men donned their jumpsuits and parachutes, and flew out of Missoula to drop on a fire along the Missouri River. They were never to return.

The Mann Gulch fire, where these young men lost their lives on that hot August afternoon in 1949, is located not far from the ranch where I grew up. The fire, caused by a lightning strike, was burning in the sparse timber and scrub that is so typical of this area. I know of this country, and it is tough country. It rises steeply from the river. It is studded with breaks, gulches, and cliffs. And the wind on hot summer afternoons becomes erratic, gusty, and unpredictable.

I would bet that those 13 young men cramped inside that old Ford Tri-Motor joked and enjoyed the views on that flight down from Missoula. Inside, each was feeling that rising sense of anticipation and excitement that precedes a parachute jump. However, each knew that the real risk that all firefighters share lay not in the jump, but in what they might face upon landing.

Mr. President, what happened that late afternoon has since become the stuff of myth and legend. The movie, "Red Skies Over Montana," was Hollywood's attempt to capture this event. The loss of 13 young lives in the swirling vortex of the Mann Gulch fire generated controversy, charge, and countercharge. Investigations were held. Procedures were changed.

In thinking about this event, I have concluded that the meaning of the Mann Gulch fire, or any other where firefighters have lost their lives, lies in the deep appreciation we should all feel for those who routinely place themselves in harm's way. Believe me, the ferocious power of a forest fire is something that must be experienced to be understood.

The names of Stanley J. Reba, Marvin L. Sherman, James D. Harrison, Henry J. Thol, Leonard L. Piper, Eldon E. Dietteret, Joseph P. Sylvia, Philip R. McVey, Newton R. Thompson, David R. Navon, Robert J. Bennett, and William J. Hellman will be called forth today in Missoula. They are just a few of the firefighters who have lost their lives. Two hundred and twenty-six have perished since 1977 alone.

Mr. President, as I speak, another fire season is upon us. From Alaska to the Mexican border, young people are arriving at ranger stations and jump bases for another season. Refresher courses are being given. Equipment is being readied. New arrivals are being trained. To all of those who have and will fight this country's wildfires, this Nation is in your debt.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Julie Dammann, a member of the staff of Senator BOND, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from May 11-18, 1991.

The committee has determined that participation by Ms. Dammann in the program in Germany, at the expense of the Hanns Seidel Foundation, is in the interest of the Senate and the United States.•

COMMUNITY ECONOMIC DEVELOPMENT CONFERENCE

• Mr. SMITH. Mr. President, there is probably no more important issue at the community level this year than economic health. In the wake of the economic downturn in New England and across the country, many communities and small businesses are fighting for survival.

My colleague, Senator WARREN RUDMAN, and I are sponsoring a Community Economic Development Conference on May 28 in Manchester, NH. The conference is for New Hampshire representatives of municipalities, small business people, and other interested citizens to learn about Federal resources available to strengthen the business climate and improve the local economy.

This conference will address the problems of housing, infrastructure, business development, and job creation—areas that are critical in reestablishing a strong New Hampshire economic climate. New Hampshire College, New Hampshire Municipal Association, Farmers Home Administration, and Blue Cross-Blue Shield of New Hampshire will join us in sponsoring the conference.

U.S. Representative BILL ZELIFF, who is also the owner of the Christmas Tree Farm Inn in Jackson, NH, will address the conference during breakfast. His speech will be followed by panel discussions on "How a Community Develops a Solid Economic Base" and "How a Community Addresses Their Citizens' Housing Needs.

I will address the conference at lunch, giving a report from the Senate on current economic policies that would boost the economy. This segment will be followed by a discussion on job creation and job retention. Finally, the attendees will have the opportunity to hear from representatives of various State and Federal agencies to discuss a number of Federal programs and respond to specific questions on Federal opportunities.

Organizations participating in the conference include: the U.S. Department of Agriculture, Farmers Home Administration; U.S. Small Business Administration; the Department of Commerce, Economic Development Administration, the Federal Highway Administration; the International Trade Administration, the New Hampshire Office of State Planning; New Hampshire Housing Finance Authority; the Northeast Rural Water Association; the Small Business Development Center; and the U.S. Environmental Protection Agency.

I look forward to a successful and productive conference.•

C. FREDERICK ROBINSON

• Mr. RIEGLE. Mr. President, I rise today to pay tribute to Mr. C. Frederick Robinson, a community leader from the city of Flint in my home State of Michigan.

Mr. Robinson has been an active and valuable member of the community and has contributed many things that have made Flint and Genesee County, MI, a better place for people to live.

Mr. Robinson was an original organizer and founder of the Community Civic League, an organization geared to political education and activism. He also helped organize the Urban Coalition of Flint, which advocates on behalf of citizens for needed social and institutional change. As an attorney, he has participated in many efforts to help protect the basic rights for all residents of the community.

On Thursday, May 9, 1991, Mr. Robinson's family, friends, and colleagues will gather in Flint to honor the accomplishments of Mr. Robinson. Although I will not be able to personally participate in this event, I know I echo the thoughts of many when I say that Mr. Robinson is a man of dedication and commitment.•

SENIOR SERVICES OF SEATTLE/KING COUNTY BRAVO! V SENIOR VOLUNTEER CELEBRATION

• Mr. ADAMS. Mr. President, I arise today to pay tribute to a group of prominent citizens of my hometown of Seattle, WA, who will be honored for their outstanding voluntary contributions to bettering the lives of the residents of Seattle. Tomorrow, on May 9, 20 individuals from all walks of life in our great city will be honored at a banquet and awards ceremony to recognize them for their extraordinary talent and commitment to our community.

The Bravo! V Senior Volunteer Celebration is the fifth annual event to celebrate a special group of volunteers. This event is sponsored by Senior Services of Seattle/King County, a community-based organization which has for many years dedicated itself to providing services to the elderly residents of Seattle and King County. The Bravo! V Senior Volunteer Celebration is one of the many services provided by senior services.

Each year Senior Services of Seattle/King County invites community businesses and organizations to nominate the individuals they believe best exemplify outstanding voluntary service to our community, and from this list selects those to be honored at the award ceremony.

Mr. President, because the accomplishments of the 20 individuals to be honored tomorrow are so impressive I would like to briefly mention each of the honorees and the organization that nominated them for public recognition.

SENIOR VOLUNTEER HONOREES

Dr. Philip N. Hogue is a retired physician and has been a Red Cross volunteer since 1961, including serving on the board of directors for 20 of those years. Of particular note has been his work as chair of both the Military and Social Services Committee and the AIDS Education Committee of the Red Cross. Dr. Hogue was nominated by the American Red Cross.

Mr. Donald R. Cline is being recognized for his direct work with the disabled and frail elderly. Mr. Cline has worked closely with 22 individuals over the past 5 years, including 2 who were victims of Alzheimer's disease and 4 victims of multiple sclerosis. His work with these individuals has been hands on by providing them with transportation, doing their grocery shopping, doing yard work, and other services. Mr. Cline was nominated by ARCO.

Ms. Ann Pattee has been an active volunteer over the past 15 years including at the Union Gospel Mission's mailroom and mending clothes at the Josephinium. Ms. Pattee was nominated by the Association of Retired Seattle City Employees for whom she has volunteered for 14 years as treasurer and served as an executive board member since 1977.

Mr. Neil McCormick, a Boeing Co. retiree since 1978, has been active with SCORE—the Senior Corps of Retired Executives—a national program of retired executives and managers who provide voluntary management counseling to small businesses and community organizations. He has chaired the local SCORE chapter and has served as a representative to the regional and national offices of SCORE. Mr. McCormick was nominated by Boeing management.

Ms. Rosella Flannigan has been responsible for recruiting and training volunteers and matching them with low-income seniors or disabled persons for Catholic Community Services' Volunteer Chore Ministry since it began in 1981. Ms. Flannigan, a nurse, assesses the needs of each potential client to provide an appropriate volunteer match. She works with 50 volunteers who serve 40–60 clients each month. Ms. Flannigan was nominated by Catholic Community Services.

Mr. Leonard Honick has contributed as a volunteer in a variety of capacities to benefit older Americans and other members of the community, including the Senior Corps of Retired Executives [SCORE], the Red Cross Language Bank, and the Mayor's Office for Senior Citizens, where he was a key volunteer in Chautauqua 1988—a Senior World's Fair. Of special note is that Mr. Honick was responsible for forming the Chautauqua Northwest's Mature Market Services, a unique senior consulting service to help business, Government, and community agencies understand the consumer needs of people age 55-plus. Mr. Honick was nominated by Chautauqua Northwest.

Mr. Ken Dodson is the catalyst for Community Home Health Care's Team Running project—the Hood to Coast Relay. His recruitment of runners and fund raisers for the agency's Patient Care Fund has provided an average of $30,000 a year for home health care services to enable older persons to remain independently at home. Mr. Dodson was nominated by Community Home Health Care.

Ms. Selma Weisman chairs the Seattle Gray Panthers' Health Care Committee. To gain information about national health care, she has made many trips to Canada, at her own expense, to obtain information about Canada's health system. She shares this information with fellow Gray Panthers, legislators, and many community organizations. She also serves as president of Human Care Services, a nonprofit organization that assists those needing guardianships and other forms of assistance. Ms. Weisman was nominated by the Gray Panthers.

Mr. Herbert M. Bridge has won many awards and honors for his extensive volunteer work on behalf of a variety of organizations including serving with the Puget Sound chapter of the Naval Reserve Association, the Puget Sound chapter of the American Jewish Committee, vice president of the Federated Jewish Fund, the Seattle Council Navy League and Seafair, and others. Among his honors he was awarded the Washington State Humanitarian Award by the National Conference on Christians and Jews. Mr. Bridge was nominated by the Greater Seattle Chamber of Commerce.

Mr. Floyd Hutton volunteers with two programs at Group Health Cooperative's Senior Resource Center—the Telephone Assistance Resource Center and the new Research and Development Program. He is 1 of 20 volunteers who answer the resource line's over 15,000 requests a year for information. In addition, Mr. Hutton volunteers with the AARP Volunteer Income Tax Assistance Program, the Washington Literacy Program, and the Washington Library for the Blind and Physically Handicapped. Mr. Hutton was nominated by Group Health Cooperative of Puget Sound.

Ms. Jean Lunzer, a retired travel writer for the Seattle Post Intelligencer, has been providing articles to the monthly newsletter of the Retired Senior Volunteer Program [RSVP], providing both travel tips and armchair adventures for the readership. She also volunteers with the Editorial Planning Committee to help plan the focus and content of the paper. Ms. Lunzer was nominated by the Retired Senior Volunteer Program.

Mr. James C. Mizell is a volunteer board member of the Tallmadge Hamilton House Senior Center and chairs its personnel committee. He also serves on the city of Edmonds Civil Service Commission and actively participates with the Evergreen Area Council of Boy Scouts and the Pilchuck Council CampFire and the Big Brothers Bowl-a-thon. Mr. Mizell was nominated by SAFECO Insurance Co.

Mr. George Ledger has a long history as a volunteer with scouting. In 1990 he received the George Meany Award for his 40 years in Scouting, including serving as an assistant Cubmaster, Cub Scout Roundtable Commissioner, assistant Scoutmaster, and roundtable commissioner. He has taught and participated on the staff of our National Boy Scout Jamborees and World Jamborees in Norway and Japan. Mr. Ledger was nominated by the Retired Seattle City Light Employees Associaton.

Mr. T. Edward Stephens, Ph.D., has been a member of the Seattle Senior Corps of Retired Executives [SCORE] for 25 years—longer than anyone else in the Seattle SCORE—and has served as a member of the executive board. He has been a SCORE counselor to countless small business owners, has assisted the Small Business Administration [SBA] in evaluating applicants' eligibility for loans and lectured and given speeches on behalf SCORE. Dr. Stephens was nominated by SCORE.

Mr. Del Castle has been a community volunteer in the Seattle area for many years in many capacities. In addition to serving for the past 6 years as a member of the Seattle-King County Advisory Council on Aging, where he chairs the public information Committee, he volunteers with the Seattle Longshore Pensioners Club, the Elder Citizens Coalition, the Puget Sound Council of Senior Citizens, the Harrison Denny Community Council and the Cypress Island Cooperative. In addition to his Sunday column in the Seattle Times, he is now helping to raise $1 million to endow at the University of Washington the first chair to be established in the Nation in the name of a labor leader, Harry Bridges. Mr. Castle was nominated by the Seattle-King County Advisory Council on Aging.

Mr. Ruben E. Spannaus has provided his volunteer contributions to the United Way since 1947 when he first served as a member of a special committee on a community fund agency. Since then he has served in an extraordinary array of roles with United Way, ranging from committee chairmanships, instructor for the Volunteer Leadership Board Training Program, and interpreter for the Board Bank. He now chairs the Government Affairs Committee and serves as United Way representative to a variety of community entities including the Seattle Public Schools and Seattle-King County Advisory Council on Aging. He is also a member of the United Way of King County Aging Services Panel. Mr. Spannaus was nominated by the United Way of King County.

Mr. Bob Fraser has played numerous community volunteer roles including leadership roles in the Telephone Pioneers of America, and is the elected representative of the Life Member Retirees of the Pioneers for all of western Washington. He was the heart and soul of the Pioneer effort in the Goodwill games, especially in recruiting and training volunteers. Mr. Fraser also provided leadership in repairing Talking Books for the Library of the Blind and has worked with physically challenged children. Mr. Fraser was nominated by the U.S. West Communication/Telephone Pioneers of America.

Ms. Lorna Aagaard was one of the first volunteers at the Burke Museum at the University of Washington, where she was a docent for 20 years and continues to work at the reception desk. She was also one of the first volunteers at the University Medical Center, holding a variety of positions including chair of the Volunteer Liaison Committee. She was president of the UW Faculty Auxiliary and the Medical Faculty Auxiliary. She has also volunteered at her church for 33 years. Ms. Aagaard was nominated to the University of Washington Retirement Association.

Mr. Norman Chamberlain is known throughout the State of Washington and nationally for his efforts to promote and expand rehabilitation facilities for those who have been incarcerated and who need help as a result of drug or alcohol illnesses. He has served as chair of the Washington Council on Crime and Delinquency and currently chairs the King County Executive's Committee on Prison Sitting. In addition, Mr. Chamberlain has dedicated himself to the creation of the Southeast Seattle Senior Center new building and is cofounder of the South Seattle Crime Prevention Council—a community/police partnership hailed nationally for its innovative structure and its contribution toward crime reduction techniques. Mr. Chamberlain was nominated by VelDyke Realty.

Ms. Josephine Lynch has provided extensive voluntary contributions to young and old alike. She participated in the 50 Plus Child Care Training Program at North Seattle Community College and has volunteered at the YWCA East Cherry Child Care Center where she serves three times a week as a teacher assistant. She also volunteers at the Central Area Senior Center and in other community and church programs. Ms. Lynch was nominated by the YWCA East Cherry Branch.

As this list of 20 individuals indicates, their contributions extend over many years and affect many different facets of community life. Their commitment makes a profound difference in the lives of children, disabled adults, and older persons. Their work benefits community services of all kinds, from serving on boards of directors to providing hands-on care to those in need. These deeply committed and hard working citizens have earned this honor which, most significantly, has been recommended by their peers. And, of course, they symbolize the contributions of tens of thousands of other volunteers serving communities throughout our Nation. They are the spirit of America.

Mr. President, I also want to recognize Senior Services of Seattle/King County, a community organization which sponsor this celebratory event. I have had the privilege of working with this organization for many years and am well-acquainted with the scope and importance of their work of behalf of the older citizens of Seattle. I know that Senior Services could not do what it does so well without the many volunteers that contribute to their organization as well. Hats off to all these incredible people.•

HONORING MICHIGAN TROOPS WHO DIED IN DESERT STORM

• Mr. RIEGLE. Mr. President, today I wish to pay tribute to the 15 brave Michigan service members who lost their lives in service to their Nation in support of Operation Desert Shield/Desert Storm.

The heroic Michigan servicemen I honor today are Army Cpl. Stanley Bartusiak of Romulus, Marine Cpl, Kurt Benz of Garden City, Army Sgt. Roger Brilinki of Ossineke, Navy Boiler Technician Fireman Tyrone Brooks of Detroit, Marine Capt. Jonathan Edwards of Grand Rapids, Army S. Sgt. Mark Hansen of Ludington, Army Spec. Timothy Hill of Detroit, Army PFC Aaron Howard of Battle Creek, Marine Lance Cpl. Michael Linderman, Jr., of Lansing, Army Sgt. Kelly Matthews of Burkley, Army Spec. William Palmer of Hillsdale, Army Spec. Kelly Phillips of Madison Heights, Navy Aviation Boatswain's Mate Marvin Plummer of Detroit, Marine S. Sgt. David Shaw of Harrisville, and Marine Lance Cpl. Tom Tormanen of Milford.

In an hour of national crisis, America called hundreds of young Michigan men and women to service. Each one of them answered willingly and with dignity. Each one gave all we asked of them, and more. Fifteen gave their lives.

It is always tragic when a life is lost, especially the life of a young person. But these heroic troops lost their lives in courageous service to their country. In that we may take pride. They willingly answered the call to serve the United States of America and selflessly gave their lives.

Their families were called upon as well to make the most heartbreaking sacrifice. In the grandest gesture of patriotism, they stood behind their loved ones and supported them even in the face of imminent danger. The families of service members involved in Operation Desert Storm are to be honored and commended. At the same time, let us never forget the profound loss of the families of the 15 fallen men from Michigan.

As a nation, we are indebted to these men and their families. As residents of Michigan, we are proud to have called them neighbors and friends. And, as individuals, we cannot help but mourn their loss. They have given to the United States something we hope never to have to ask of another American.

When we ask an American family to sacrifice a loved one for their country, we can ask for nothing greater. This debt may never be repaid except in our hearts, in our minds, and in our prayers.•

TRIBUTE TO JUDGE EUGENE SPELLMAN

• Mr. GRAHAM. Mr. President, I offer a tribute to an exemplary member of the Federal judiciary, U.S. District Judge Eugene P. Spellman of the Southern District of Florida.

Judge Spellman died of cancer May 3 in Miami at age 60, having served as a district court judge 11 years. Funeral mass was held today in Coral Gables.

During those 11 years on the Federal bench, Judge Spellman presided over some of the most complicated cases of this century, involving issues of taxation, religious freedom, immigration law, and money laundering.

Amidst the diversity of his docket, the judge brought these consistent characteristics to court: compassion, fairness, intelligence, and humility.

Mr. President, our time-honored system of justice grants considerable power to Federal judges. But Judge Spellman never forgot the powerless—the handicapped, the impaired and the homeless.

Gene Spellman loved his profession, he loved his community and he loved his family. One of Judge Spellman's last accomplishments—and one of his proudest—was to speak at his son Michael's graduation from law school this spring at Florida State University in Tallahassee.

To the Spellman family, we extend our prayers as we share their grief. To future members of the judiciary, we offer the example of Judge Spellman's service as a model.•

CYPRUS AND THE NEW WORLD ORDER

• Mr. HARKIN. Mr. President, I would like to take this opportunity to speak about some of the lessons from the Persian Gulf war and their applicability to the conflict on Cyprus. As you know Mr. President, like the Kuwait crisis, the United Nations Security Council has passed a number of resolutions designed to end the crisis on Cyprus; most notably Security Council Resolutions 353, 1974; 367, 1975; 541, 1983; 550, 1984; and 649, 1990.

Throughout the Persian Gulf crisis President Bush spoke of a new world order resulting from the allied coalition's efforts to liberate Kuwait. Yet, the manner in which the Persian Gulf crisis was resolved did nothing to achieve a new world order. There was nothing new about the way the crisis was handled and little order has come about as a result of the war.

Cyprus, however, holds out a new hope and could be a shining example of how conflicts should be resolved in a new world order. As the international community searches for a solution to the conflict on Cyprus, we must consider not only what lessons can be learned from the gulf crisis but also what lessons will be taught in the future concerning conflict resolution.

What are some of the lessons that can be learned from the gulf war? First, the United Nations Security Council has an important role to play. If Cyprus is going to be an example of a new world order then United States Security Council Resolutions 367 (1975) and 649 (1990) as well as the agreements reached by the leaders of the two communities in 1977 and 1979 must continue to serve as the basis for the Secretary General's efforts and be implemented. Second, the United States is the only nation capable of providing the diplomatic and political leadership necessary to help resolve the conflict. Cyprus, as we all know, is high on the agenda of the Secretary General. The Secretary General began his illustrious career on Cyprus and would very much like to see the conflict resolved before he leaves office this year. I believe that Cyprus should also be high on the agenda of President Bush. Third, the manner in which U.N. Security Council resolutions are implemented—through diplomatic and political means as opposed to military force—will determine whether there will be a lasting and durable solution or whether greater human suffering will result. Last, as I have said on many occasions, the sovereignty, independence, and territorial integrity of Cyprus must be respected and Turkish troops must leave. These are some of the lessons that can be learned from the gulf war.

Mr. President, we must now turn to those lessons that Cypriots might teach the world. The Cypriot communities face a daunting challenge; to install new state structures that will be accepted by all Cypriots regardless of ethnic background. Cyprus is not alone in its challenge to form new state structures. Yugoslavia, the birthplace of my mother, faces a somewhat similar situation, absent the presence of foreign troops. In Yugoslavia the federal system is breaking apart along the lines of ethnicity and has thrust that country to the verge of civil war. The federal system of Canada, which all would agree is a modern Western industrialized state, was on the brink of collapse only last year. Again, cultural, ethnic and political differences were at the root of the problem. Whether in Africa or Eastern Europe, the Basques of Spain or the Kurds of the Middle East, ethnic differences and the desire for satisfactory political representation are causing tensions, challenging old regimes, placing new tensions on political structures and upon the world community. Even in our own country, which has long prospered and benefited from ethnic diversity, the political model of federalism, while proven to be attainable and advantageous, did not evolve without a civil war.

How the conflict on Cyprus is eventually resolved and how the Cypriots decide to best govern themselves could greatly influence the world and become a model for any new world order. The U.S. Congress, for its part, can be a positive influence on the future course of events in Cyprus. We can do so by reaffirming our commitment to a proven formula for stability between Greece and Turkey. As I have said before, experience has shown that continuing to fund Greece and Turkey on the basis of the 7:10 ratio is in the best interest of the United States and assists in creating a climate conducive to a lasting settlement on Cyprus.•

AILENE ROSELYN BUTLER

• Mr. RIEGLE. Mr. President, I rise today to pay tribute to Ms. Ailene Roselyn Butler, a community leader from the city of Flint in my home State of Michigan.

Ms. Butler has been an active and valuable member of the community and has contributed to many things that have made Flint and Genesee County, MI, a better place for people to live.

Ms. Butler has always been a pioneer. She was the first and, thus far, only black Flint city councilwoman, Flint's first black Girl Scout leader, the first woman elected as vice president and board member of the Flint NAACP, and Flint's first black female funeral director.

On Thursday, May 9, 1991, Ms. Butler's family, friends, and colleagues will gather in Flint, to honor her many accomplishments. Although I will not be able to personally participate in this event, I know I echo the thoughts of many when I say that Ms. Butler is a woman of dedication and commitment.•

INDUCTION OF BEN C. WILEMAN INTO THE NATIONAL HOUSING HALL OF FAME

• Mr. BOREN. Mr. President, it is great pleasure for me to note the induction of Ben C. Wileman into the National Housing Hall of Fame. The National Housing Hall of Fame honors individuals who have made a lasting contribution to the American housing industry and is sponsored by the National Association of Home Builders.

One of the most innovative and dedicated of its members, Ben Wileman's contributions were key to the development of the association as it is known today. His earliest contribution was as a member of the Home Builders Emergency Committee beginning in 1941. Because of this committee's work, the Federal Government did not take control of the residential building industry during World War II. The committee also helped ensure that local builders could get the supplies needed to build war-worker's housing.

Wileman first came to Washington to lobby for building supplies for Oklahoma in 1941. A Government-ordered control on all building materials put Oklahoma in an all-brick jurisdiction, but the State had a limited supply of bricks and practically no bricklayers, so Wileman agreed to go to Washington to speak with the committee in charge of building material allocation. During this trip, he also met with the Home Builders Emergency Committee, forerunner of the NAHB. Wileman joined the group and became very involved in the committee. The committee helped set policy that allowed the residential building industry to continue through the war years.

Highlights of Wileman's NAHB activities include: negotiating the merger of the HBI/NAHB and the National Home Builders Association (1941–43), running various committees from 1941 to 1956, establishing the first annual membership campaign in 1945, serving as vice president in 1946 and providing vision for the fledgling association until the 1960's.

Wileman is also well known as a philanthropist in the Oklahoma City area. He built one of the first shopping centers in the region, and his residential developments were designed to build communities, not just houses. During the late 1950's, Wileman began a long-term interest in providing medical care for middle Oklahoma. He was instrumental in developing the Bellevue Medical Center and continues to endow many of its programs. His contributions to the health of the community have earned him many awards and honors in Oklahoma City.

Ben C. Wileman's contributions to his community and the building industry are well known in Oklahoma, and I am pleased that the rest of the country will now learn of the accomplishments of this outstanding Oklahoman.●

EXECUTIVE CALENDAR

Mr. ROBB. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 81, 82, 83, 84, and 85; I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Robert B. Zoellick, of the District of Columbia, to be Under Secretary of State for Economic and Agricultural Affairs.

INTERNATIONAL BANKS

Robert B. Zoellick, of the District of Columbia, to be U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term of 5 years; U.S. Alternate Governor of the African Development Bank for a term of 5 years; U.S. Alternate Governor of the African Development Fund; and U.S. Alternate Governor of the Asian Development Bank, vice Richard Thomas McCormack; and to be U.S. Alternate Governor of the European Bank for Reconstruction and Development.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

William G. Curran, of New York, to be U.S. Director of the European Bank for Reconstruction and Development.

INTER-AMERICAN FOUNDATION

Ann Brownell Sloane, of New York, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 1996.

UNITED STATES INFORMATION AGENCY

Henry E. Catto, of Texas, to be Director of the U.S. Information Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE PLACED ON CALENDAR—H.R. 1455

Mr. ROBB. Mr. President, I ask unanimous consent that H.R. 1455, the Intelligence Authorization Act, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of Calendar Nos. 76, 77, 78, and 79; that the bills be deemed read a third time and passed, and motions to reconsider the passage of these items be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Mr. President, I further ask unanimous consent that any statements relating to these calendar items appear at the appropriate place in the RECORD and that consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF FANIE PHILY MATEO ANGELES

The bill (S. 119) for the relief of Fanie Phily Mateo Angeles, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Fanie Phily Mateo Angeles shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of such Act, or if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

RELIEF OF MARIA ERICA BARTSKI

The bill (S. 159) for the relief of Maria Erica Bartski, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Maria Erica Bartski shall be issued a visa and admitted to the United States for permanent residence upon filing an application for a visa and payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

RELIEF OF MARY P. CARLTON AND LEE ALAN TAN

The bill (S. 395) for the relief of Mary P. Carlton and Lee Alan Tan, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed; as follows:

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR MARY P. CARLTON AND LEE ALAN TAN.

(a) IN GENERAL.—Subject to subsection (b), for the purposes of the Immigration and Nationality Act, Mary P. Carlton, the widow of a citizen of the United States, and Lee Alan Tan, the stepchild of a citizen of the United States, shall be considered to be immediate relatives within the meaning of section 201(b) of such Act, and the provisions of section 204 of such Act shall not be applicable in these cases.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Mary P. Carlton and Lee Alan Tan apply to the Attorney General for immigrant visas pursuant to such subsection within 2 years after the date of enactment of this Act.

RELIEF OF JOHN GABRIEL ROBLEDO-GOMEZ DUNN

The bill (S. 464) for the relief of John Gabriel Robledo-Gomez Dunn, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Naturalization Act, John Gabriel Robledo-Gomez Dunn shall be classified as a child within the meaning of section 101(b)(1)(E) of that Act (8 U.S.C. 1101(b)(1)(E)), upon filing of a petition filed on his behalf by his adoptive parents, citizens of the United States, pursuant to section 204 of that Act (8 U.S.C. 1154). No natural parent, brother, or sister, if any, of John Gabriel Robledo-Gomez Dunn shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

NATIONAL HUNTINGTON'S DISEASE AWARENESS MONTH

Mr. ROBB. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 127 designating "National Huntington's Disease Awareness Month"; that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read a third time and passed; the motion to reconsider be laid upon the table; and the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 127) was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 127

Whereas 25,000 Americans are victims of Huntington's Disease, a fatal, hereditary, neurological disorder;

Whereas an additional 125,000 Americans have a 50 percent chance of inheriting the gene responsible for Huntington's Disease from an affected parent, and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's Disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's Disease invariably requires total personal care, the provision of which often results in devastating financial consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gene-site responsible for Huntington's Disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's Disease, manic depression, kidney cancer and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's Disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's Disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's Disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "National Huntington's Disease Awareness Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

NATIONAL FOSTER CARE MONTH

Mr. ROBB. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 154, a joint resolution designating May 1991 as "National Foster Care Month," and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 154) designating May 1991 as "National Foster Care Month."

The joint resolution (H.J. Res. 154) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. ROBB. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE CHAIR

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended, signed by the President May 4, 1979, and extended by Executive Order 12692, signed by the President September 29, 1989, appoints the Senator from New Jersey [Mr. BRADLEY] to the President's Export Council.

ORDERS FOR TOMORROW

Mr. ROBB. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:15 a.m., Thursday, May 9; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each; and that at 11 a.m. the Senate resume consideration of S. 429.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBB. Mr. President, the majority leader asks I announce for the information of the Senate that on tomorrow, at 10:30 a.m., the newly appointed Senator from Pennsylvania, HARRIS WOFFORD, will be sworn in to fill the vacancy created by the death of our late colleague, John Heinz.

RECESS UNTIL TOMORROW AT 10:15 A.M.

Mr. ROBB. Mr. President, if there be no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 10:15 a.m., Thursday, May 9.

There being no objection, the Senate, at 7:01 p.m., recessed until tomorrow, Thursday, May 9, 1991, at 10:15 a.m.

NOMINATIONS

Executive nominations received by the Senate May 8, 1991:

FEDERAL RESERVE SYSTEM

David W. Mullins, Jr., of Arkansas, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years, vice Manuel H. Johnson, resigned.

IN THE ARMY

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Harold T. Fields, Jr xxx-xx-xxxx U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 8, 1991:

DEPARTMENT OF STATE

ROBERT B. ZOELLICK, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF STATE FOR ECONOMIC AND AGRICULTURAL AFFAIRS.

INTERNATIONAL BANKS

ROBERT B. ZOELLICK, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; UNITED

STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; AND UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK, VICE RICHARD THOMAS MCCORMACK; AND TO BE UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

WILLIAM G. CURRAN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

INTER-AMERICAN FOUNDATION

ANN BROWNELL SLOANE, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 1996.

U.S. INFORMATION AGENCY

HENRY E. CATTO, OF TEXAS, TO BE DIRECTOR OF THE U.S. INFORMATION AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, May 8, 1991*

The House met at 11 a.m.

The guest chaplain, Rev. Dr. Tyler Johnson, First Presbyterian Church, Newport, RI, offered the following prayer:

Dear God, we thank You for these good men and women, who have been willing to serve You and our country, and have been elected to this high place of leadership. They work, and have worked, long and hard hours for the good of our Nation. Be with them in moments when they question if it has been worth it. Remind us that the God we worship, and by whose help this Nation has continued, is still able to help us. Use them in the work You have called them to do.

We are grateful for our President's improvement in health. On this special day we thank You again for Your blessing in the miracle of Desert Storm and Desert Shield victories. We are grateful for our great leaders and the support of this House.

We pray again the words Peter Marshall prayed 44 years ago today to the other Members of Congress: "Help us to do our very best this day and be content with today's troubles, so that we shall not borrow the troubles of tomorrow. Save us from the sin of worrying, lest stomach ulcers be the badge of our lack of faith." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. RUSSO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RUSSO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 295, nays 103, not voting 32, as follows:

[Roll No. 77]

YEAS—295

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Barton
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kasich
Kennedy
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ravenel
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Roth
Rowland
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zeliff

NAYS—103

Allard
Armey
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clinger
Coble
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Duncan
Edwards (OK)
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
McCandless
McDade
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murphy
Nussle
Packard
Paxon
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Smith (OR)
Smith (TX)
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Wolf
Young (AK)
Zimmer

NOT VOTING—32

AuCoin
Baker
Brown
Bustamante
Clay
Coughlin
Dellums
Dixon
Dreier
Evans
Ford (MI)
Gaydos
Gephardt
Kanjorski
Kennelly
Lehman (FL)
Martin
Mollohan
Neal (NC)
Rangel
Ray
Ros-Lehtinen
Roybal
Sanders
Scheuer
Slattery
Stallings
Swift
Towns
Valentine
Washington
Williams

☐ 1123

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania [Mr. SANTORUM] please come forward and lead the House in the Pledge of Allegiance.

Mr. SANTORUM led the Pledge of Allegiance as follows:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 194. Joint resolution designating May 12, 1991, as "Infant Mortality Awareness Day."

The message also announced that, pursuant to section 4355(a), title 10, of the United States Code, the Chair, on behalf of the Vice President, appoints Mr. REID, from the Committee on Appropriations; Mr. D'AMATO, from the Committee on Appropriations; Mr. SHELBY, from the Committee on Armed Services; and Mr. BURNS, at large, to the Board of Visitors of the U.S. Military Academy.

The message also announced that, pursuant to section 6968(a), title 10, of the United States Code, the Chair, on behalf of the Vice President, appoints Ms. MIKULSKI, from the Committee on Appropriations; Mr. HATFIELD, from the Committee on Appropriations; Mr. MCCAIN, from the Committee on Armed Services; and Mr. SARBANES, at large, to the Board of Visitors of the U.S. Naval Academy.

The message also announced that, pursuant to section 9355(a), title 10, of the United States Code, the Chair, on behalf of the Vice President, appoints Mr. WIRTH, from the Committee on Armed Services; Mr. COCHRAN, from the Committee on Appropriations; Mr. DECONCINI, at large; and Mr. DOMENICI, from the Committee on Appropriations, to the Board of Visitors of the U.S. Air Force Academy.

The message also announced that, pursuant to section 2553 Public Law 101-647, the Chair, on behalf of the President pro tempore and upon the recommendation of the Republican leader, appoints Mr. Neal S. McCoy of Virginia to the National Commission on Financial Institution Reform, Recovery, and Enforcement.

The message also announced that, pursuant to Public Law 100-297, the Chair, on behalf of the President pro tempore, appoints Mr. INOUYE, Dr. Lionel Bordeaux of South Dakota, and Dr. Robert J. Swan of Montana, to the Advisory Committee of the Conference, White House Conference on Indian Education.

The message also announced that, pursuant to Public Law 101-509, the Chair, on behalf of the majority leader, announces his appointment of Dr. Christopher Beam of Maine to the Advisory Committee on the Records of Congress.

The message also announced that, the Chair, announces on behalf of the majority leader, the appointment of Mr. BYRD, as Chairman of the Senate Delegation to the British-American Parliamentary Group during the 102d Congress.

The message also announced that, pursuant to Executive Order 12131, as amended, and Executive Order 12692, the Chair appoints Mr. DANFORTH and Mr. BURNS to the President's Export Council.

REV. DR. TYLER JOHNSON

Mr. MACHTLEY. Mr. Speaker, it is an honor for me to welcome to the House Chamber as guest minister the Reverend Dr. Tyler Johnson, president and minister of the First Presbyterian Church in Newport, RI.

He is a distinguished and dedicated spiritual leader of our community. Rhode Island was the first State in the Union to declare religious freedom. He follows such great names as Roger Williams, Anne Hutchinson, and Judah Touro.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, May 7, 1991, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 11 o'clock and 26 minutes a.m.) the House stood in recess subject to the call of the Chair.

RECEPTION OF GEN. H. NORMAN SCHWARZKOPF BY THE HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair appoints the following Members to welcome Gen. H. Norman Schwarzkopf into the Chamber:

The gentleman from Missouri, Mr. GEPHARDT; the gentleman from Pennsylvania, Mr. GRAY; the gentleman from Michigan, Mr. BONIOR; the gentleman from Maryland, Mr. HOYER; the gentleman from Illinois, Mr. MICHEL; the gentleman from Georgia, Mr. GINGRICH; the gentleman from California, Mr. LEWIS; the gentleman from Oklahoma, Mr. EDWARDS; the gentleman from Mississippi, Mr. WHITTEN; the gentleman from Pennsylvania, Mr. MCDADE; the gentleman from Florida, Mr. FASCELL; the gentleman from Michigan, Mr. BROOMFIELD; the gentleman from Indiana, Mr. HAMILTON; the gentleman from New York, Mr. SOLARZ; the gentleman from Mississippi, Mr. MONTGOMERY; the gentleman from Arizona, Mr. STUMP; the gentleman from Wisconsin, Mr. ASPIN; the gentleman from Alabama, Mr. DICKINSON; the gentleman from Pennsylvania, Mr. MURTHA; the gentleman from Florida, Mr. YOUNG; the gentleman from Florida, Mr. GIBBONS; and the gentleman from California, Mr. FAZIO.

"My Country" was presented by the U.S. Army Band, led by Col. L. Bryan Shelburne, Jr.

The Doorkeeper, the Honorable James T. Molloy, announced Gen. H. Norman Schwarzkopf, who entered the Hall of the House of Representatives accompanied by the escort committee, and was seated at the desk in front of the Speaker's rostrum.

The SPEAKER. The Chair wants to welcome everyone in the Chamber on this special occasion.

We are honored to have with us today representatives from the armed services who distinguished themselves in service in the Persian Gulf during Operation Desert Storm.

Would they please rise so they may be recognized.

(Applause, the Members rising.)

The SPEAKER. We are also very honored to have with us in the President's gallery, the wife of General Schwarzkopf, Brenda Schwarzkopf.

(Applause, the Members rising.)

The SPEAKER. We are pleased to welcome Senator MITCHELL, majority leader of the U.S. Senate, and Members of the U.S. Senate.

We are also pleased to welcome to the Chamber His Excellency Shaikh Saud Nasir Al-Sabah, Ambassador of the State of Kuwait.

(Applause.)

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you a man who has made every American proud of our great country, Gen. H. Norman Schwarzkopf, commander in chief of the U.S. Central Command and one of the great heroes of Operation Desert Storm.

(Applause, the Members rising.)

General SCHWARZKOPF. Mr. Speaker, Members of Congress and distinguished guests, it is a great day to be a soldier, and it is a great day to be an American.

I want to thank you for the singular distinction of being allowed to speak to the special session of the Congress of the United States of America.

Indeed, I am awed and honored to be standing at the podium where so many notable men and women have stood before me. Unlike them, I do not stand here today for any great deed that I have done. Instead, I stand here because I was granted by our national leadership the great privilege of commanding the magnificent American service men and women who constituted the Armed Forces of Operations Desert Shield and Desert Storm.

Before I go further, I must, through their Representatives who are here today, tell each and every one of those extraordinary patriots that I have no idea of what the future holds in store for me, but I do know one thing, I will never, ever in my entire life receive a greater reward than the inspiration that I received every single day as I watched your dedicated performance, your dedicated sacrifice, your dedicated service to your country.

Since I was fortunate enough to command these great Americans and since you are the elected Representatives of the American people, I would presume today to speak for our service men and women, through you, to the people of our great Nation.

First of all, who were we? We were 541,000 soldiers, sailors, airmen, marines, and coast guardsmen. We were the thunder and lighting of Desert Storm. We were the U.S. military and we are damn proud of it. But we were more than that. We were all volunteers and we were regulars. We were Reservists and we were National Guardsmen, serving side-by-side as we have in every war, because that's what the U.S. military is. And we were men and women, each of us bearing our fair share of the load and none of us quitting because the conditions were too rough or the job was too tough, because that's what your military is. We were Protestants and Catholics and Jews and Moslems and Buddhists and many other religions fighting for a common and just cause, because that's what your military is. We were black and white and yellow and brown and red and we noticed when our blood was shed in the desert it didn't separate by race but it flowed together, because that's what your military is. We fought side by side with brothers and sisters at arms who were British and French and Saudi Arabian and Egyptian, Kuwaiti and members of many other Arab and Western nations; and we noticed the same thing when their blood was shed in the desert—it did not separate according to national origin. We left our homes and our families and traveled thousands of miles away and fought in places who's names we couldn't even pronounce simply because you asked us to and it therefore became our duty, because that's what your military does.

We now proudly join the ranks of those Americans who call themselves veterans. We are proud to share that title with those who went before us and we feel a particular pride in joining ranks with that special group who served their country in the mountains, and the jungles, and the deltas of Vietnam. We who were there and they served just as proudly as we served in the Middle East. And now that we have won a great victory, we dare to ask that, just as we were willing to sacrifice and fight to win the war, you be willing to sacrifice and search to win the peace.

We would like to offer our thanks. First, we would like to thank our God for the protection He gave us in the deserts of Kuwait and Iraq. Most of us came home safely. We ask Him to grant a special love to all of our fallen comrades who gave their lives for the cause of freedom and we ask that He embrace to His bosom not only the 147 of us who were killed in action but also the 188 of us who gave their lives both before the war during Desert Shield and since the termination of Desert Storm. They, too, no less than our killed in action, died for the cause of freedom. We also ask that God grant special strength to our comrades who are still in hospitals with wounds and injuries they received during the war. By their example, we should all remember that the freedoms we enjoy in this great country of ours do not come without a price. They are paid for and protected by the lives, the limbs and the blood of American service men and women.

We would also like to thank our Commander in Chief for his wisdom and courage and the confidence he demonstrated in us by allowing us to fight this war in such a way that we were able to minimize our casualties—that is the right way to fight a war. We would like to thank the Congress and former administrations for giving us the finest tanks and aircraft and ships and military equipment in the whole world without question. Without question that is what gave us the confidence necessary to attack into the teeth of our enemy with the sure knowledge that we would prevail. And we would ask that in the years to come as we reduce the quantity of our Armed Forces that you never forget that it is the quality of our Armed Forces that wins wars. We want to say a special thanks to our comrades in uniform who stayed behind. You backed us up so we could carry the fight to the enemy. You maintained the peace so that we could win the war. We never could have done our job if you hadn't done yours. We also want to thank our families. It is you who endure the hardships and the separations simply because you choose to love a soldier, a sailor, an airman, a marine, or a coastguardsman. But it is your love that gave us strength in our darkest hours. You are truly the wind beneath our wings. Finally, and most importantly, to the great American people: The prophets of doom, the naysayers, the protesters, and the flag burners all said that you would never stick by us. But we knew better. We knew you would never let us down. By golly, you didn't. Since the first hour of Desert Shield until the last minute of Desert Storm, every day in every way all across America you shouted that you were with us. Millions of elementary school, high school and college students, millions and millions of families, untold numbers of civic organizations, veterans' organizations, countless offices, factories, companies and work places, millions of senior citizens and just plain Americans never let us forget that we were in your hearts and you were in our corner. Because of you when that terrible first day of the war came, we knew we would not fail, we knew we had the strength of the American people behind us and with that strength we were able to get the job done, kick the Iraqis out of Kuwait, and get back home. So, for every soldier, thank you America. For every sailor, thank you America. For every marine, thank you America, For every airman, thank you America. For every coastguardsman, thank you America. From all of us who proudly served in the Middle East in your Armed Forces, thank you to the great people of the United States of America.

[Applause, the Members rising.]

The U.S. Army Band presented a medley of marches.

Gen. H. Norman Schwarzkopf, accompanied by the escort committee, retired from the Chamber.

The honored guests retired from the Chamber.

At 11 o'clock and 58 minutes a.m., the reception honoring Gen. H. Norman Schwarzkopf was concluded.

The SPEAKER. The House will remain in recess until 12:15 p.m.

☐ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. HOYER] at 12 o'clock and 15 minutes p.m.

BRADY BILL

(Ms. NORTON asked and was given permission to address the House for 1 minute.)

Ms. NORTON. Mr. Speaker, if my colleagues listen closely while in session in this House, they can sometimes hear the sounds of gunfire. How can we any longer tolerate these sounds in the shadow of the Capitol without acting?

We in the District of Columbia have done all that one city can do alone. The District has one of the strongest gun control laws in the country, but the infiltration of guns from everywhere has frustrated our best efforts. In a free country, the borders are not porous; they are wide open. We must have remedies that speak to this reality.

The ever-increasing gun violence across the country underscores the necessity for a national gun control law that would be immediately effective, not the Staggers approach that is full of bullet holes.

In the District, there have been 119 deaths from gun-related incidents this year, 328 wounded, and 555 assaults. Those who want to stop the slaughter of black males by black males can start here in the District. In 1988, 44 percent of all deaths among black males, 15–24, resulted from firearms. Who can believe that the murder rate would be what it is if guns were not freely available. Waiting periods have proven effective. In California, the 15-day waiting period stopped 2,182 illegal handgun sales in 1990.

We have no illusions about the potential of the Brady bill. It cannot eliminate the gun running that is an internal menace among the States. But our problems are so serious that a measure that would help even to slow the increase in death by gunfire is needed now, not tomorrow.

Mr. Speaker, this is a national emergency. Please give us relief now.

TAX FREEDOM DAY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, we are all glad that April 15 has gone by for another year. Gone, that is, but certainly not forgotten. Tax time is a period where many of us reach new levels of frustration, because it seems that no matter how much the tax burden on hard-working Americans is increased, the Federal bureaucracy will still spend more. It's a vicious cycle: The more we spend, the more we tax; the more we tax, the more we spend.

To dramatize this, today is Tax Freedom Day—the day on which the average working American fulfills tax obligations for the year and finally begins working for themselves and their families. Each year this date gets later as the tax burden grows heavier, and each year American working men and women pay a higher price for their Government's inability to prioritize, to make tough choices, and to cut out waste.

To quote a widely read Washington newspaper:

> When you get right down to it, (Tax Freedom Day) is the running casualty count in the ongoing war between the people's right to pursue their dreams with their own money and Washington's insistence on pursuing its ambitions with the people's money.

So happy Tax Freedom Day. Tomorrow, when you go to work, you are working for yourself, not your Government, for the first time in 1991.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore (Mr. POSHARD). Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

SUPPORT ASKED FOR BRADY HANDGUN VIOLENCE PROTECTION ACT

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I rise in support of H.R. 7, the Brady Handgun Violence Protection Act.

Tennesseans have a rich tradition of defending their values in battle; we have great natural beauty and a love of the land; we have a history of sportsmanship. Given all of this, it makes sense that one of the rights that we hold most dear is the right to bear arms—to protect our property and our families; to hunt and to enjoy nature; to engage in legitimate and lawful sportsmanship.

Throughout the years I have served in the Congress, I have maintained that law-abiding citizens have constitutional guarantees to own firearms and that these guarantees should be upheld.

This is still my position. But like most Americans, I have become appalled by the lack of respect for human life which has become more and more evident as crimes of violence are committed day after day in this country. Just last year handgun-related murders killed more than 9,000 Americans. Clearly, this cannot continue. Guns and drugs have pushed our Nation's crime rate to an all-time high. The rights of the innocent victims of violent crime must be protected. We need to act now.

Although Tennessee will be exempt from the Brady bill, because our State already has a 15-day waiting period for handgun purchases, I feel that the rest of the Nation should have the same measure of protection that Tennesseans already have.

I support the Brady bill because it will enhance law enforcement without serious impairment of our constitutional right to bear arms. Passage of the Brady bill will tilt the balance of law enforcement in favor of the potential victim and against the criminal.

Recently, the FBI released its annual crime report. The FBI figures show that the rise in violent crime occurred across the Nation, affecting the country's largest cities and its smallest towns. The figures speak for themselves. Rapes are up 9 percent, murders up 10 percent, aggravated assault up 10 percent, and robberies up 11 percent. Both the overall increase and the percent increases in each of the four types of violent crime were greater last year than for any year since 1986. A major culprit in these crimes is the easy availability of handguns.

The Brady bill makes sure that those who are legally entitled to guns get them. But it also makes sure that criminals, mental incompetents, drug addicts, and others barred by law from the purchase of a handgun do not walk into gun shops and walk away with guns. It also provides a cooling off period that will reduce crimes committed in the heat of passion.

A recent case in Texas points to the importance of this. A man, on the day his wife filed for divorce, went out and purchased a .45 caliber pistol and that same evening shot each of his four children in the head before turning the gun on himself. Maybe this tragedy could have been avoided if the father had not been able to purchase a handgun on the very day he became distraught at his wife's leaving him.

We need a workable, national system for keeping handguns out of the hands of criminals. And we need it now. We have already mandated the development of a Staggers style instant check system, but the Attorney General of the United States has testified that implementing instant check will cost hundreds of millions of dollars and take 3 to 5 years.

I still support an instant check system and will work for its implementation. But realistically, a complete system is years away. The Brady bill makes good sense until a national computer system is ready.

We must take a strong stand for what is right and work for the interests of law-abiding citizens who want to feel safe on their streets and in their homes. The Brady bill will not stop all types of crimes committed with handguns, but it is surely a move in the right direction. We know we have got to take action to address these senseless killings.

It is a moderate measure that will help us keep handguns out of the wrong hands. Reasonable people understand that the Brady bill is not gun control. It is crime control. It will not destroy rights. It will save lives.

Our police put their lives on the line for us each day. They need our support. The major law enforcement organizations in the country have endorsed Brady. These include the Fraternal Order of Police, the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, and the National Sheriffs Association.

Recently, I had a letter from a constituent that stated, "As a sportsman and NRA member, my wish is that you vote or do whatever possible to curb crime in our country. * * * Concerning the new proposed hand gun legislation, I just hope that you wade through the arguments on both sides and vote for what you believe is best for us all." I have done just that and I believe the Brady bill fits this criteria.

I urge my colleagues to join with me in supporting the Brady Handgun Violence Protection Act.

□ 1220

NO CRIME CONTROL HERE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, another year of violent crime and we are here haggling over the ineffective Brady bill. Violent crimes were up 10 percent last year, our cities are becoming war zones and murderers are roaming the streets. What are we doing? We are taking away rights from law-abiding citizens.

Last year there were 472 homicides here in our Nation's Capital, a city that has a total ban on all handguns—Mr. Speaker, there is no control in gun control.

My own hometown of Houston saw 568 homicides and we're arguing over a bill that doesn't even require a background check on gun buyers—a bill that makes no improvements in criminal history records, a bill that takes our police away from fighting crime and makes them do more paperwork.

It's time we get back to crime control instead of gun control. It is time we start taking a bite out of crime by passing effective crime fighting legislation instead of taking away citizen's rights.

Waiting periods will not do it. An instant check would help, but we should not stop there. We need to take a look at some effective crime fighting measures. It is time to consider reforming the exclusionary rule or some kind of habeas corpus reform, or maybe even a Federal death penalty.

It is time this Congress takes a hard line toward criminals, not law-abiding citizens.

Vote no on the Brady bill.

CLOSE THE WAGE GAP FOR FEDERAL EMPLOYEES IN CHICAGO

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker, today I am introducing legislation which provides an 8-percent pay increase for Federal employees in the metropolitan Chicago area.

According to the President's recent wage study, Federal wages nationwide have fallen more than 28 percent behind the private sector. This is especially true in the large metropolitan areas such as Chicago. Cost of living has out-paced Federal wages dramatically. A recent GAO study revealed that the average private sector annual salary in Chicago is 23.7 percent higher than the comparable Federal pay.

The Federal Government needs to close the wage gap. Otherwise, the Government risks losing many of our most qualified and dedicated employees. Working for the Federal Government should not mean sacrificing decent wages.

It seems most appropriate during Public Employees Recognition Week that the Federal employees in Chicago be afforded the pay increase that they earned.

CRIMINAL CONTROL VERSUS GUN CONTROL

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise today in an effort to dispel the Brady bill myth created by the antigun lobby. Using nothing more than an emotionally based argument, the antigun lobby has many Members of this body believing that the Brady bill is an anticrime bill. They will have us believe that the Brady bill will keep firearms out of criminals hands. Mr. Speaker, the Antigun lobby is deceiving us by misrepresenting the Brady bill.

In a recent Washington Post editorial, U.S. Attorney General Dick Thornburgh explains that there are "five stolen or strayed weapons for every weapon openly purchased at a gun store." Mr. Speaker, this means that 5 of every 6 firearms which change hands do so illegally. Can the Members who support the antigun lobby's Brady bill come to the well of the House and cite statistics, rather than emotions, that indicate H.R. 7 is truly the crime control measure they claim?

The suggestion that drug dealers, murderers, and other criminals will be denied firearms under any gun control system is patently silly. Psychotic mass murderers have repeatedly bought guns in States with waiting periods. There is no evidence that waiting periods prevent suicides or domestic homicides. Few, if any, crimes could even theoretically be prevented by a 7-day cooling period.

Mr. Speaker, there is no question that a waiting period between the purchase and delivery of a handgun has strong appeal; violent crime is on the rise in every city in the Nation. The Brady bill supporters will have you believe their legislation is an effective deterrent to the crimewave. This just is not the case.

If we are serious about crime, let us pass a bill to control criminals, not a bill that is incredibly misguided. I urge Members to think this issue through. Please do not let your judgment be clouded by the antigun lobby's emotional banter.

BRADY BILL SEEN AS WASTE OF TIME

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, once again the media has done a number on the American people. But you really cannot blame them. All they did was take propaganda given out by proponents of the Brady bill and from the gun control lobby to do their stories.

That had to be what the media did because if they took time to read the bill, they would have learned that it is not an anticrime bill. It does not even mandate background checks. Quite simply, Mr. Speaker, this bill is not going to do what the American people were told it was going to do.

If the American people knew it would exempt States that currently have a permit system, if the people knew the bill would exempt States that already enforce a 7-day waiting period, if they knew the bill exempts States that have a background checking system in place, and if they knew that high crime cities such as New York City, Washington, DC, Los Angeles, Chicago are exempt from this bill, then they also would not vote for it. The American people are not stupid, Mr. Speaker. Give them the facts and they will make intelligent decisions. Unfortunately, most people and some of my colleagues do not know the facts about the Brady bill. If they did, they would concentrate more on what at the bill has been sold as anticrime legislation.

I urge my colleagues to do something about crime and do not waste any more time on meaningless legislation like the Brady bill.

IN SUPPORT OF THE BRADY BILL

(Mr. UPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UPTON. Mr. Speaker, I rise today in support of H.R. 7, the Brady bill.

Yes, I come from a rural district and many of my constituents are gunowners and hunters.

Yes, in fact, the NRA taught me how to handle and shoot a rifle safely when I was a boy.

Yes, I respect and support an individual's second amendment right to bear arms.

Yes, I favor a nationwide point of purchase verification system, and yes, I support the Brady bill.

Contrary to certain claims, these things are not mutually exclusive. Like many of my constituents, I support a nationwide point of purchase system, and in fact in 1988 I voted to pursue such a course.

The Brady bill sunsets once this system is complete.

Also, the bill exempts States like Michigan which already have a permit requirement that allows police to run a background check. The Brady bill makes sure that other States which have done nothing like we have done in Michigan take steps like we have in Michigan.

What could be more reasonable? What it boils down to is putting substance over politics. I am voting for the Brady bill. It is the right thing to do.

INTRODUCTION OF RESOLUTION COMMENDING AMERICA'S CIVIL SERVICE EMPLOYEES

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, we just heard a speech from General Schwarzkopf. he is clearly one of our outstanding military leaders. We are proud of the young men and women who were represented here on the floor and represented the 541,000 Americans who we had in Desert Storm.

Mr. Speaker, I rise today to introduce a resolution honoring and commending America's civil service employees for their contributions to Operation Desert Shield and Operation Desert Storm. They are truly among our Nation's unsung heroes.

General Schwarzkopf when he addressed us thanked those who did not go overseas, but who were in uniform but stayed here to allow those in Desert Shield and Desert Storm to perform their duties, make sure they stayed supplied.

Over 20,000 Federal civilian workers were called to active duty as reservists, and more than 4,000 civilian employees were relocated to the Persian Gulf to assist in the war effort. But hundreds of thousands more Federal workers contributed their time, commitment and hard work, right here at home, to making the war effort a success.

Mr. Speaker, Federal civilian workers helped design and build many of the systems that served our soldiers so well in the field. They accomplished the largest massing and movement of materiel the world has ever seen in such a short period of time. Many Federal workers regularly worked 14-hour days and 7-day weeks during the war to keep supply lines open to our troops. At many shipyards, Air and Army bases, Federal workers worked around the clock to repair damaged equipment and continue shipments to the gulf.

But it is important to note that it was not just Federal civilian employees on military bases that were part of this effort. Doctors, nurses, and health care personnel shared the same long hours away from their families and homes while they worked to ensure the safety of our troops. And our postal employees handled twice the tonnage of mail than was sent during the entire war in Vietnam—all in a period of a couple of months.

Their commitment goes on today. The Army Corps of Engineers is abroad helping to rebuild the war torn country of Kuwait. Health care workers are assisting victims of Saddam Hussein's violence against the Kurdish people. And Department of Veterans Affairs employees are assisting our returning troops every day.

Mr. Speaker, we have and should honor the role our service men and women played in this success effort. But at the same time, let us not forget the tireless contributions of our Federal civilian workers, without whom, there would not have been such a success. Like the men and women in uniform, they are truly American heroes. I urge the House to quickly consider and approve this resolution honoring their service to our country.

□ 1230

STAGGERS BILL FAVORED BY 4-to-1 MARGIN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, for years proponents of the Brady bill have cited opinion polls which state that anywhere from 85 to 95 percent of the public supports a 7-day waiting period to purchase a handgun. Those of us opposed to Brady have contended that this question is rather simplistic, since it does not discuss the details of the Brady approach. A poll released yesterday shows what supporters of Staggers have insisted all along—once the public understands the specifics of the Brady bill, support for it fades quickly.

When respondents are told that Brady does not mandate background checks on gun purchasers and would pull police off the street to do paperwork checks, support for Brady plummets to less than one-third of the electorate. In contrast, pollsters found that the initial response to the Staggers approach draws support from 83 percent of the American public. After Staggers is explained in detail, support increases to 92 percent of the public. Finally, when given a clear choice between Brady and Staggers, the Staggers bill was favored by a 4-to-1 margin.

Mr. Speaker, the reason we're having this debate today is because the public wants us to do something about crime. Background checks are but a small part of what we need to do to stop crime. Let us support Staggers, which will actually prevent criminals from purchasing handguns, and then pass a crime bill that helps police get criminals off the streets.

AMERICAN RICE AGAINST THE LAW IN JAPAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, at an international food fair recently in Tokyo, Japanese police threatened to arrest Americans who were displaying American rice. The Japanese police said, "Take that rice away. It's against the law in Japan for any other rice other than Japanese rice to be displayed or sold."

I say to colleagues, "If that is not enough to warm your wok, how about all the Toyotas and Toshibas we take in? Sony's and Suzuki's? Free ride. Free ride, no question."

My colleagues, I say today, after the fine speech of General Schwarzkopf, that, before he retires, Congress should send him as Trade Representative to Japan to straighten that trade mess out before we do not have a country or any economy left.

THE REAL AGENDA OF HANDGUN CONTROL, INC.

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, what is the real agenda of Handgun Control, Inc.? Well, if my colleagues look at a letter that was written by Pete Shields, and it is marked confidential, that goes out to each Handgun Control, Inc. member, it talks about raising funds for a brand-new organization and a new initiative. The new organization is the handgun legal action fund, and the new initiative can be summarized by what they plan to spend money for on page 2.

Mr. Speaker, on page 2 it says:

"When we sue a municipality for its negligence in not carefully screening handgun applicants, we show State and local governments all across the Nation that we mean business."

Mr. Speaker, let me just ask my colleagues this question: "Do you want your local police department sued?"

I think it is important to understand the import of this letter and what it means, and this letter is available, and I will be happy to share it with all of my colleagues.

ASIAN/PACIFIC AMERICAN HERITAGE MONTH

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, on April 24, 1991, the House of Representatives unanimously approved May 1991 as Asian/Pacific American Heritage Month.

The importance of Asian and Pacific island Americans to the development of our Nation cannot be understated.

This is particularly true of the Americans of Asian and Pacific island ancestry who have served with honor and distinction in our military.

On May 23, 1991, the city of Los Angeles and Mayor Tom Bradley will honor many of these veterans at the mayor's

13th annual celebration of Asian/Pacific American heritage.

Whether they be Japanese-American veterans of the 442d Regimental Combat Team or the Military Intelligence Service who served so proudly in the Second World War, or the Filipinos who sailed in our Navy during Operation Desert Storm but who are still denied citizenship, Asian/Pacific Americans have put their lives on the line for our country with great distinction.

Mr. Speaker, I salute these American heroes, Mayor Tom Bradley and the people of the city of Los Angeles for their tribute to these veterans on May 23.

THE INCOME-DEPENDENT EDUCATION ASSISTANCE ACT—IDEA

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, one of the major hassles in applying for college student aid is filling out the complicated family needs analysis forms. Everybody hates them—they are intimidating and they invariably have an element of unfairness since they deal with the assets of the parents rather than with the students who, ultimately, are the ones who need the education.

There is a better way.

In the near future I will introduce a major student loan proposal, the Income-Dependent Education Assistance Act [IDEA] for short.

Under IDEA, there will be no need for family needs analysis forms. IDEA loans will be avilable to students without regard to the parents' assets. The speed and effective interest rates at which IDEA loans will be repaid will be determined by the student's income after leaving school.

In fact, we will want students from middle- and upper-income families to participate because, according to census figures, these students stand the best chance of achieving high earnings themselves—which means that their rapid repayment of their IDEA loans will provide a cross subsidy for other IDEA borrowers who are less successful.

I should emphasize that those anticipating high incomes after school will still want to participate because they will still get a better deal under IDEA than they would otherwise.

Further, the IDEA Program will provide student loans at little or no cost to the taxpayers.

IDEA is a carefully crafted program. I urge my colleagues to consider cosponsorship.

THE ROLE OF PEACEMAKERS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, blessed are the peacemakers, for they shall inherit the Earth.

What about the arms merchants who threaten to destroy it?

Mr. Speaker, the United States and its United Nations Security Council partners over the past 15 years sold $165 billion worth of arms to the Middle East, and most of it went to Iraq. What peace benefit did the peacemakers achieve out of that? We kicked Saddam Hussein out of Kuwait, but that little episode cost us billions and billions of dollars in this country and 250 to 300 lives to stop and to fight a country that we gave the arms to.

My colleagues, I ask you, Why don't we take those billions of dollars and give them back to America and Americans where the needs really are? In new roads? And new highways? And new bridges? And new health plans for 38 million people that do not have it? Put it into education, which is on the way; into hunger and for new jobs?

Mr. Speaker, that is a real peacemaker's role.

SUPPORT THE UNITED STATES-MEXICO FREE-TRADE AGREEMENT

(Mr. DREIER of California asked and was given permission to address the House and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, we have all been very privileged to hear the great words of Gen. Norman Schwarzkopf, and we had a wide range of people who came as guests to the House. Two of those are former colleagues of ours, my friend, Skip Bafalis of Florida, and John Rousselot of California. Interestingly enough, they both served as members of the Trade Subcommittee of the Committee on Ways and Means, and I know that they are very concerned about an issue which we in this House are going to be facing within the next 2 weeks, that being the United States-Mexico Free-Trade Agreement.

Mr. Speaker, it is absolutely essential that we provide the President with the support that he needs, that being fast-track provisions, so that he can negotiate an agreement. We can vote for or against that agreement when we get it, but we recognize that there are some people who have been opponents of it, some in agriculture, organized labor, and of course some in the environmental community.

I am very pleased, Mr. Speaker, that in the last couple of days we have seen a very positive response to the letter that President Bush sent us outlining his concern on the environment from the Audubon Society and other environmental organizations.

I believe we have a chance to put this program forward. It is essential that both sides of the aisle provide the support necessary.

AT THE END OF THE DAY PLEASE VOTE FOR BRADY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, later today we will take up the Brady bill, as well as the Staggers substitute to it. Two major arguments will be made during our debate.

One is that people should vote against the Brady bill because it will not solve all the problems, it will not get all the guns off the street, it will not eliminate all crime in our communities. I certainly agree with that conclusion. It will not do all those things. But it will make a contribution to more peaceful communities.

Mr. Speaker, no one thinks it is the be-all or the end-all. It is simply one facet in a multifaceted anticrime program. It is one element of a manifold program to solve crime in the community.

□ 1240

So do not vote against Brady because it is not perfect.

Second, they say vote against Brady because a 7 day delay is too long; a point of purchase check is better.

Mr. Speaker, I agrree. Therefore, in the Brady bill is a sunset provision which suggests that if we can ever get a proper point of purchase system to verify handgun purchases then we will simply eliminate the 7-day waiting period.

Mr. Speaker, in any event, I urge Members to pay attention to the debate and, at the end of the day, please vote Brady up.

THREAT SECOND AMENDMENT THE SAME AS FIRST AMENDMENT

(Mr. WALKER asked and was given permission to address the House for 1 minuter.)

Mr. WALKER. Mr. Speaker, a few months ago we had proposals on the floor to try to limit the work of pornographers in our society, and a number of Members came to our floor and told us about the sacred Bill of Rights that would not permit us to regulate pornography.

A few months ago we had a proposal before the floor that would try to stop flag burners, and we had a number of Members come to the floor and tell us about the sacred Bill of Rights that would not permit us to go after flag burners.

Now we find out that it was just the first amendment and not the Bill of Rights that they were talking about, because we are now talking about the second amendment.

I wonder what the reaction would be of those people if we, for instance, said you may say anything you want in our society, but first of all there has to be a 7-day cooling off period. Mr. Editor, you can write anything you want in your newspaper, but first of all you have to apply to the Federal Government and tell them what you are going to write before you can write it. If you are going to spread pornography in our society, you have to apply 7 days in advance and tell us what it is you are going to do, and then we will decide whether or not you are a criminal.

My guess is that the people who are now promoting the Brady bill would say that those are terrible kinds of restrictions to put on the Bill of Rights.

Mr. Speaker, I would suggest that the second amendment is a no less important part of the Bill or Rights than the first amendment and ought to be treated similarly.

TRIBUTE TO THE LATE FLOYD McKISSICK, SR.

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, I rise today both to express my sadness and to pay tribute to a distinguished citizen of the Second District of North Carolina, Floyd McKissick, Sr., who died on April 28. His passing is a great loss not only to my State but to the entire Nation.

Many Americans remember Floyd McKissick as the national director of the Congress Of Racial Equality from 1966 to 1968. In that position, he was a highly visible national figure at a particularly turbulent time in our history.

My own acquaintance with Floyd McKissick goes back many years before that period. In the early 1950's, he was my classmate at the University of North Carolina School of Law. More significantly, he was among the first group of black citizens to be admitted and attend that institution. His dignified conduct in a difficult situation paved the way for subsequent generations of black law students at Chapel Hill.

Floyd McKissick went on from Chapel Hill to a notable career as a civil rights attorney and activist. He was also ordained as a Baptist minister at Union Baptist Church in Durham, NC, in 1979, and served as pastor of the First Baptist Church of Soul City. In addition, last year he was appointed by Gov. Jim Martin to serve as judge in the ninth judicial district of North Carolina.

Floyd McKissick devoted his life to improving the opportunities available to black citizens. As an attorney in Durham and Oxford, NC, he handled a record number of civil rights cases. He was a staunch and effective advocate for black people and, at the same time, an active leader in the larger community. It was through his personal efforts, for example, that Federal funds were granted to establish a regional water supply system that continues to serve both the black and white communities in the cities of Oxford and Henderson.

Not every project Floyd McKissick undertook produced the precise results he envisioned. The Soul City development in Warren County, for instance, did not become the residential-industrial community that was planned, but its founder never gave up looking for ways to improve the lives of black North Carolinians and thereby improve the lives of all North Carolinians.

Floyd McKissick was often controversial. Not everyone agreed with every statement he uttered or supported every cause he took up, but everyone who believes in equality admired and respected him. He earned that respect through a lifetime of commitment and dedication.

I am proud that Floyd McKissick was counted among the citizens that I represent in Washington. He made a difference for citizens of Durham, Warrenton, Oxford, Henderson, and throughout the Second District. He will be missed, but his impact on North Carolina and our Nation will continue to be felt for years to come.

STAGGERS AMENDMENT BEST CHOICE

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Speaker, I want to speak for just a second on the reason for supporting the Staggers amendment and voting against the Brady bill. Basically, my first thoughts were to vote against both, because I do believe it is very, very important that we preserve the second amendment rights. After looking at the responsibilities that are called on through the Brady bill to our local governments and our law enforcement agencies to take these applications, and the paperwork fiasco that goes with it, and then to look at the simple bill that Virginia has implemented already, to look at Maryland's bill, which is a waiting period, and see which works best, in my opinion there is no doubt that that of Virginia works best.

Mr. Speaker, I believe there is a great need in this country for us to develop a computer system with the data that we need to know who has problems from criminal records and who has problems from mental illness. We have a right to be able to give our law enforcement officials what they need to be able to pull this up and say this person should or should not be allowed.

Mr. Speaker, neither alternative will solve our problem of guns in the wrong hands, because criminals will simply break into homes or do whatever it takes to steal guns. I ask Members to vote for the Staggers amendment.

H.R. 1: DO WE WANT THE CALIFORNIA EXPERIENCE FOR ALL OF AMERICA?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, attorneys will be the primary beneficiaries under H.R. 1. To explain this statement, I thought it would be interesting to look at what happened in California where punitive and compensatory damages were allowed for wrongful discharge cases.

A study of California wrongful discharge cases by the highly respected Rand Corp. found that over 50 percent of plaintiffs attorneys who were surveyed charged a 40-percent contingency fee—the fee collected was generally over $119,000 per case. Of course, defense attorneys aren't going to be left behind—they collected an average of $80,000. Incredibly, the study estimated that "defense and plaintiff lawyer fees represent more than half of the money changing hands in this litigation." In other words, the lawyers got more than the wronged employees. I have heard of transactional costs, but this is absurd. Is there any wonder that one California court concluded that the availability of punitive and compensatory damages in these cases created an industry composed of lawyers, personnel administrators, and the courts.

Let us not make the California mistake apply to the whole Nation. Join me in stopping H.R. 1, the attorney employment bill.

U.S. TECHNOLOGICAL COMPETITIVENESS ERODING

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today I read that the Electronic Industries Association of Japan is annoyed by a recent Commerce Department's Bureau of Export Administration report which reveals seven Japanese companies are withholding advanced semiconductor technology from United States chip makers to promote their market share in the United States.

Once again, our trading partner is exercising a strategy which has allowed it to overshadow the Pacific Rim and growing portions of critical technology markets in Europe and the United States. It is the same strategy which cost them $4 billion in less than 2 years but allowed Japanese companies to dominate, and now largely control, the U.S. semiconductor market.

In an environment of growing unfair competition, deployment of technology is becoming the strategic battlefield of the international marketplace. Unless we act immediately to further our domestic capabilities in critical generic technologies, such as semiconductors, U.S. technological competitiveness will erode further, with disastrous consequences for American jobs, economic growth and national security. General Schwarzkopf just a few minutes ago emphasized the importance to our defense of having weapons systems that are the best in the world. As he said "it is the quality of our Armed Forces that wins wars."

Our trading partners consistently demonstrate they know the difference between theory and reality in the world marketplace. Let us hope the U.S. Government can be equally pragmatic regarding our interests.

MIDDLE EAST STRATEGIC PLANNING AND BRILLIANT EXECUTION ENDED WHEN WAR ENDED

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, this House just had the thrilling experience a few minutes ago of being addressed by Gen. H. Norman Schwarzkopf, the hero of the gulf war. The general put on a spectacular performance of long-term strategic planning and brilliant execution.

Mr. Speaker, it makes one feel that it is a great shame that the brilliant strategizing and that brilliant ability to plan and execute strategy has apparently been lost to this administration since the last hour of the 100-hour war. The ability to plan for this community that we left in turmoil, the ability to plan for an arms denial process for the Middle East, the ability to plan for regional development programs, all of these represented a window of opportunity that has been slammed shut, tragically, sadly.

CALIFORNIA NATIONAL HISTORIC TRAIL AND PONY EXPRESS NATIONAL HISTORIC TRAIL

The SPEAKER pro tempore (Mr. POSHARD). The unfinished business is the question of suspending the rules and passing the bill, H.R. 479, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 479, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 21, as follows:

[Roll No. 78]

YEAS—409

Abercrombie
Ackerman
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—21

Alexander
AuCoin
Baker
DeLay
Edwards (OK)
Engel
Ford (MI)
Ford (TN)
Gingrich
Klug
Kolter
Lehman (CA)
Lehman (FL)
Martin
Neal (NC)
Rangel
Ros-Lehtinen
Roth
Roybal
Slattery
Solarz

□ 1308

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SLATTERY. Mr. Speaker, on May 8, 1991, I traveled to Kansas to attend the funeral of Capt. William Grimm, who died while conducting close air support operations over the Kuwaiti theater of operations on January 31, 1991. Captain Grimm was the navigator aboard an AC–130 gunship. He was lost along with all 13 of his fellow crew members.

Captain Grimm was awarded posthumously the Silver Star and the Purple Heart.

His surviving family includes: his wife, Natalie; his daughters, Stephanie and Elizabeth; his father, James Grimm; his mother, Dianne Pattee; his brothers, James and John; his sisters, Agnes Durst and Marsha Grimm; and his grandmother, Elizabeth Snow.

In order to attend the funeral of this brave Kansan, I was forced to miss two rollcall votes and a quorum call. On the California National Historic Trail and Pony Express National Historic Trail Act, H.R. 479, I would have voted "yes." On the closed rule to allow the Brady bill to be considered by the House, I would have voted "no."

□ 1310

MAKING IN ORDER ON THURSDAY, MAY 9, 1991, OR ANY DAY THEREAFTER CONSIDERATION OF H.R. 2251, SUPPLEMENTAL APPROPRIATIONS FOR HUMANITARIAN ASSISTANCE AND PEACEKEEPING ACTIVITIES FOR FISCAL YEAR 1991

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order on Thursday, May 9, 1991, or any day thereafter, to consider in the House H.R. 2251, making supplemental appropriations for humanitarian assistance and peacekeeping activities for fiscal year 1991, and for other purposes, and that all points of order against consideration of the bill and against provisions of the bill be waived, and that debate be limited to 1 hour, the time to be equally divided between myself and the gentleman from Pennsylvania [Mr. MCDADE], and that the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 7, BRADY HANDGUN VIOLENCE PREVENTION ACT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 144 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 144

Resolved, That at any time after the adoption of this resolution the Speaker, may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7) to amend title 18, United States Code, to require a waiting period before the purchase of a handgun, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and said substitute shall be considered as having been read. No amendment to said substitute shall be in order except an amendment in the nature of a substitute consisting of the text printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Staggers of West Virginia or his designee, and said amendment shall be considered as having been read. Said amendment shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto. Said amendment shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 144 is the rule providing for the consideration of H.R. 7, the Brady Handgun Violence Prevention Act. The resolution provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on the Judiciary.

The rule provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Judiciary Committee as original text for the purposes of amendment.

Mr. Speaker, the rule makes in order only one amendment to the bill to be offered by Representative STAGGERS of West Virginia or his designee, that is printed in the Rules Committee report.

The amendment is nonamendable, with 1 hour of general debate equally divided and controlled by the proponent of the amendment and a Member opposed, thereto.

Mr. Speaker, the Staggers amendment would establish a toll-free hotline that firearm dealers would contact to learn if the handgun purchaser is prohibited by Federal law from possessing a handgun.

Finally, Mr. Speaker, the rules provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 7, the Brady Handgun Violence Prevention Act, establishes a minimum 7-day Federal waiting period before a gun dealer can transfer a handgun to a private purchaser.

The bill is intended to allow local law enforcement officials the time to check the background of the purchaser to ensure that the sale would not violate Federal or State law.

Mr. Speaker, the bill provides three exceptions to the 7-day waiting period:

First, if the local law enforcement officials certify that the buyer needs access to a handgun because of a threat to the purchaser's life, or the life of a family member;

Second, if the purchaser has a permit, issued in the past 5 years by the State in which the transfer is to occur; and

Third, if the State already requires a 7-day waiting period or requires law enforcement verification of the individual purchaser's eligibility to receive a handgun.

Also, Mr. Speaker, subsection (E) of the bill provides that the waiting period would be discontinued once there exists a felon identification system pursuant to section 6213(a) of the 1988 Anti-Drug Abuse Act.

Mr. Speaker, when the Rules Committee considered this bill yesterday, the debate focused not only on the merits of the Brady bill, but also on the issue of fairness.

The problem that the Rules Committee faced was how to structure a rule that would allow the House to debate the substantive issues of the legislation rather than getting caught up in a debate on procedure. I believe House Resolution 144 does just that; it allows for the normal legislative procedure for the consideration of this legislation.

Mr. Speaker, I would like to point out to my colleagues that under this rule, the first vote will be on the Staggers amendment.

Members who support the Brady bill must vote "no" on the Staggers amendment in order to get a vote on the 7-day waiting period. This procedure will allow a direct vote on the Brady bill, only if the Staggers substitute is voted down.

The vote will be the vote that identifies who the Brady bill supporters are.

Again, Mr. Speaker, I point out to my colleagues that a "yes" vote on Staggers is in fact a "no" vote on the Brady bill.

Mr. Speaker, when the time comes to vote on the Staggers amendment I will vote "no".

Though I support the idea of instant checks on purchasers, the reality is that the capability to bring this kind of system on line is years away.

When it can be done I will support it. But for now it will not and cannot be effective.

I urge my colleagues to support this rule; vote "no" on the Staggers amendment, and "yes" on final passage for the Brady bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY] and the other members on the majority side of the committee for reporting a fair rule on the Brady bill. I think this is a fair rule. This rule follows the regular order of the House which has been followed for 100 years, by making the Staggers proposal in order as an amendment to the committee reported version.

The rule also provides for the standard motion to recommit with or without instructions, that the minority is entitled to.

Mr. Speaker, if this rule had attempted to modify the regular order so as to disadvantage either side, I believe the rule would have been defeated on the floor of this House, and I would have certainly done everything in my power to see that it was. However, because this rule treats both sides fairly, I support it, and I urge every Member of the House to support it.

My own preference would have no bill at all because I do not want to limit the freedom that Americans have to keep and bear arms. However, in a choice between the Brady 7-day waiting period and the Staggers instant record check proposal, I strongly favor the Staggers bill because it provides the least burden on gun ownership to law-abiding citizens in this country.

The way this rule is structured, Members will have to make a choice between the Staggers approach or the Brady approach. The first vote will occur on Staggers, and those who favor Staggers should vote yes. Those who favor Brady, should vote no.

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A vote for Staggers in effect kills the Brady bill, just as a vote against Staggers in effect passes the Brady bill.

Members should be willing to stand up and be counted on this issue. I do not think you ought to be voting yes-yes.

Mr. Speaker, I should note that the President's position on this issue is that the problem of violent crime must be met by the enactment of his Comprehensive Violent Control Act of 1991, which has yet to reach the floor of this House. If the Congress acts favorably on the President's comprehensive crime control package, the President will accept, and I repeat, will accept as part of that bill appropriate measures to identify felons attempting to purchase handguns. However, whatever Congress finally adopts on this subject must be presented to the President as a part of or together with his crime package. The President's senior advisers will recommend that he veto any bill relating to the identification of felons attempting to purchase handguns that is not part of legislation consistent with his comprehensive violent crime control proposal, and I call that to your attention.

Mr. Speaker, I support this rule because it is a fair rule and will permit this House to follow the regular order in deciding between the Staggers approach and the Brady approach. Personally, I really hope the Staggers amendment prevails. You know, many of us like myself live in rural areas of the United States and we do not have the luxury or the safety of a paid police department. My own congressional district, stretching all across northern New York, 8,000 square miles, includes 157 small municipalities having an average of 4,000 people per municipality in about a 100-square-mile area with no police patrols to speak of, no paid police department.

In my own house not too long ago while I was down here and my wife was in New York, in this rural area my house was broken into and bottles of urine were spilled all over the downstairs of the house, probably in retaliation for the random drug testing bills that I have been sponsoring in this House. The High Times Magazine has put out hit lists on people like myself who vote for those pieces of legislation.

We need gun protection in rural America for law-abiding citizens. Guns do not commit crimes people do, and we need tough laws to go after these people who commit those crimes.

So I hope that the Staggers amendment prevails.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise in support of the rule and in favor of the Staggers amendment.

An epidemic of violent crime, rising out of our big cities, is raging across America. Gang warfare over drug turf, senseless shootings by lunatics, and a general increase in urban violence has driven a desperate public to demand that politicians do something—anything.

The scourge of crime and violence however, won't be controlled until we invest in an intense effort to restore the stability of the American family because that's where we learn the social values and patterns of behavior that will determine whether we succeed or fail in our efforts to make our streets and our communities safe, and determine ultimately the very social fiber of our Nation. That is why it is so crucial to invest tax dollars in proven, cost-effective programs including: Head Start and other early childhood development programs; special programs for teenage parents; results-based education; family and medical leave, jobs that will support families; and programs that teach young children why and how to say no to drugs such as the highly acclaimed D.A.R.E. Program [Drug Abuse Resistance Education].

In the meantime we must determine how our resources can best be allocated toward acheiving a national goal to reduce violent crime. Although there are many who feel the Brady bill will reduce violence, I don't believe it will work. A number of current and ex-law enforcement officers tell me they don't have the resources to hire additional people to investigate primarily law-abiding citizens. They would have to take cops off the street, where we need them most, and put them behind desks. Building another layer of bureaucracy is no way to fight crime.

What is worse, not only does the Brady bill set up an inefficient system, it does not even require a background check for every purchase. Actual checks are left up to the discretion of whomever is doing the investigation.

Such a process destroys the normal presumption of innocence, the bedrock of our judicial system. Under Brady, a citizen is forbidden to exercise their constitutional right to bear arms until the police satisfy themselves that the person is not guilty.

The very point of basic rights such as free speech, or free exercise of religion, a woman's right of choice or the right to keep and bear arms, is that a citizen does not need to wait seven days to ask for government approval to exercise those rights. Honest citizens who wish to protect themselves should not have to wait to receive police permission.

The Staggers amendment, on the other hand, provides for the implementation of instant and mandatory ID checks—a system where records which are available can be immediately used to prevent felons from purchasing firearms. While opponents of the legislation are correct in saying we don't yet have the data bases to implement this system, Virginia developed a widely praised instant-check system in 6 months at a cost of less than $500,000. Virginia's system is working well—preventing illegal handgun purchases every day.

If our objective is to combat crime and keep criminals from obtaining guns, then we should focus on the black market where most criminals get their firearms. I favor stiffer penalties for gun theft or transferring of guns to felons. States should follow Virginia's lead and make the sale of a stolen firearm a special, serious offense—because right now, the theft and sale of a $75 gun is generally considered petty larceny. Selling a hot pistol should be a much more serious offense than selling a hot tape recorder. If we are serious about reducing the scourge of crime and violence, we must remove the profit from drugs.

I also support closer monitoring of parolees, more intensive crackdowns on fencing operations for stolen firearms, State or Federal strike forces aimed directly at gun runners and stiffer penalties with no plea bargaining for those who use guns to commit a crime.

Supporting temporary feel good legislation that fails to create real solutions to our serious social problems was not why I was sent to Congress, and why I cannot support the Brady bill.

If we are to deal with crime, our approach should be well thought out and comprehensive. The ideas I have described above are only a beginning. The Staggers bill takes a meaningful step toward keeping guns out of the hands of criminals, while not trampling over the rights of honest Americans. But again, to fight crime and violence, ultimately we must strengthen our families.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. QUILLEN], a member of the Committee on Rules.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think this is a fair rule and I support it.

I also support the Staggers approach to gun control because I think it is the best approach. In Tennessee where I live, we have a waiting period of 15 days before you can purchase firearms, and it is not working; 7 days will not work.

Across the State line from my hometown of Kingsport, TN, in Virginia, the instant check system is working and it is working in two other States.

I think what we need to do is not act emotionally, but be realistic. This great Constitution of ours gives us the privilege of bearing arms. I know in countries where gun control is in existence, the next step is confiscation.

We must forever protect our rights. In the rural areas, in the areas where people love to hunt, and in our own homes for protection, I believe we have a constitutional right to bear arms.

In most of my 29 years here we have talked about gun control. We have been able to defeat proposals in the past, and I hope today that we are able to defeat the Brady approach.

If you believe that an up-or-down vote either way exists today, you are right. The Rules Committee was fair in crafting this rule. If you vote for the Staggers bill, you vote against Brady, and I urge you to vote for Staggers and against Brady.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Nebaska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Speaker, we have all received hundreds of phone calls and letters over the past several weeks regarding H.R. 7. One piece of mail that figures prominently to me comes from the American Medical Association.

The Nation's doctors urge us to help them in a vital mission—saving lives. The AMA asks that we act swiftly to put in place a measure to keep guns out of the hands of those who should not have them. That means voting for the Brady bill 7-day waiting period. Brady can be implemented immediately. And cheaply. It also means voting against the Staggers instant check system which will take at least 5 years to implement. America's doctors have asked us for help now, not 5 or 10 years from now.

The AMA tells us that the Justice Department itself reports that an average of 639,000 violent crimes are committed each year with handguns, including more than 9,000 murders and 12,000 rapes.

These numbers are staggering. And think of the strain these crimes place on our health care delivery system. In 1989 the Journal of the American Medical Association found that injuries caused by firearms cost hospitals approximately $429 million. Taxpayers paid more than 85 percent of those costs.

Saving lives is what this is about. Let us listen to our Nation's doctors. They have seen city hospitals turned into MASH units. They need our help to save lives. Let us pass the Brady bill now.

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Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, Members of the House, the former President of the United States, Ronald Reagan, has committed an act of love and loyalty in coming to the side of the Brady's his longtime friends and associates with whom he suffered that pain of the day that Hinckley used that gun so infamously. And now the proponents of the Brady bill seize upon the Ronald Reagan statements and the Ronald Reagan who has come to the support of the Brady bill as being the last word in support of their proposition that is embodied in this Brady bill.

Mr. Speaker, where were these individuals when Ronald Reagan was proposing the death penalty for individuals who used guns to kill? They scorned him. They laughed at Ronald Reagan. Where were they when Ronald Reagan proposed performing exclusionary rules that gun-carrying criminals could not walk out of court on a technicality? They ridiculed President Reagan and his proposals on the exclusionary rule. Where were they on the whole comprehensive crime package which was sure to focus on the gun-carrying criminal in this country and to try to do something about violence? Nowhere to be found. They laughed at Ronald Reagan.

Mr. Speaker, Ronald Reagan knew all along, as most of us know, that the real answer to gun-carrying criminals is to crack down on them, put them away, mandatory sentences for guns and the use of guns for violent crime, not diverting law enforcement resources to man computers to see whether or not we could catch 1 out of 1,000 who would buy a gun legally. Most of them are bought illegally, and we will never catch them through the computer.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I rise to urge my colleagues to support the Brady bill and to oppose the Staggers amendment. Passage of the Brady bill is the first step, the right step and the best step in ending America's dangerous liaison with gun violence.

I rise, Mr. Speaker, to correct a particular misunderstanding that seems to be going around on the floor today by simply emphasizing that it is utterly inconsistent to believe that one can vote both for the Staggers amendment and the Brady bill. A vote for Staggers is purely and simply a vote to kill the Brady bill. Passage of the Staggers amendment would be a cruel hoax on the American people. They would be urged to believe they were getting safer streets legislation, but what we would really be giving them is a whopping tax bill and a vague background check sometime in the 21st century.

Mr. Speaker, I say to my colleagues, "In casting your vote I urge you to consider one important question: What does Congress want on the books? A solution that's cheap and reliable, or one that's an expensive pipe dream?"

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for the opportunity to speak.

Mr. Speaker, I rise in support of the rule and congratulate the committee on providing this even consideration of these two measures.

Mr. Speaker, I have received a great deal of correspondence from people in Wyoming that have generally been opposed to gun control bills, and I am still opposed to gun control on a Federal level, but I have evaluated these bills closely. I feel that, if my colleagues want to take a bite out of crime, that we ought to have a bill that has some teeth in it. The Brady bill does not. The Brady bill does not even require a background check.

So, I support the Staggers bill, and I support the rule.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, neither the Brady bill, nor the substitute, will have much impact on crime in America. My colleagues know it, and I know it. Today's debate is not about gun laws or waiting periods. Today's debate is: Who in America will write the future gun laws; the U.S. Congress or the National Rifle Association?

Now let us tell it like it is. The Brady bill is a litmus test, and I tell my colleagues one thing. When we look at gun laws in America, let us use the term "compromise." However, my colleagues, it is not compromise any longer. It is surrender. Congress has surrended both to the lobby and to the streets.

Mr. Speaker, there is only one issue today. It is the Constitution.

Who will write the gun laws for America?

I say, "When you have 23,000 murders a year and a policeman killed every second day, if Congress can't meet this token litmus test, a 7-day waiting period, then Congress is incapable of dealing with the great problems that affect this Nation."

Now I have heard all the arguments. They say this:

"If you take away my cop-killer bullet, the next thing you do is take away my shotgun shells. The NRA means well, but they have gone too far, my colleagues. If you take away my bayonet, what's next? You going to take away my grenade launcher? And if you take away my machine gun, then next thing is you'll take away my rifle. Let's get off it."

My colleagues, there are a lot of $5,000 toilet seats in Washington, DC. Today politically my colleagues are either going to have to sit or get off the pot, and I say today, my colleagues, that there is but one vote, one vote, not because Staggers or Brady is all that different, and the gentleman from West Virginia [Mr. STAGGERS] is as fine a Member as we have, but the Staggers bill amendment is the NRA policy, and, regardless if Brady is going to do all that much, I think it is time today for Congress to set the policy.

Mr. Speaker, let me say one last thing. I have a gun. I am a former sheriff. If I catch somebody in my house at 3 o'clock in the morning, I am not going to stop and ask them if they are there representing the Welcome Wagon.

I do not want to take away anybody's guns, and we are not going to take away anybody's guns. But what we are about to do is put some common sense and reason into a policy that is nonexistent, and I think it is time today that Congress faces up to the constitutional mandate.

I am asking my colleagues to vote for and support the Brady bill without any amendments.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished ranking minority member of the Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I support the rule, but I take this time to say that I plan to vote for the 7-day waiting period, the Brady Handgun Violence Prevention Act.

Mr. Speaker, for nearly 25 years it has been my high honor to serve the people of the 15th District, to be their Representative in Congress. That is a job description that I do not take lightly. I take it very seriously, as a matter of fact.

Recently, I sent out a questionnaire asking the people of my district how they stood on this issue. One item of particular concern to them is that gun crime has risen dramatically in Columbus over the last several years. In the recent questionnaire I said, "Would you favor a 7-day waiting period before a handgun could be purchased?" and an overwhelming 82 percent of my constituents responding said they would.

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My survey is also supported by the Gallup Poll which was taken in October and which said that 95 percent of those who responded favored a 7-day waiting period. These figures are a pretty clear indication to me about how the public stands on this issue. The people I represent and the people of the Nation have sent a clear message, it seems to me, that they are fed up and they want something done to make the streets safe again.

One way to accomplish this is to require stiff penalties for those who commit a crime while using a gun. That vote is not before us today. I happen to support that measure and would vote for it if it were here. The measure before us are a 7-day waiting period or a provision put forth by my friend, the gentleman from West Virginia [Mr. STAGGERS] which would set up a so-called national hotline to allow for an immediate background check. We are told that a so-called hotline check might take as much as 5 years to implement.

An estimated 23,000 lives were lost in our country from handguns in 1989. I support H.R. 7 because my constituents say they want it. I happen to think that a 7-day waiting period might just reduce handgun violence and save lives, which is something all Americans support.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, today we will hear wildly conflicting claims of the merits and the demerits of Brady or Staggers, but through all the acrimony and conflicting claims there is one central point of agreement, that the laws that restrict legal gun ownership to responsible citizens should be enforced and should be enforceable. There should be no guns for convicted felons, there should be no guns for the dangerously mentally ill, and there should be no handguns for those under 21 years of age.

That is the law. There is no disagreement there. The question is, Which bill will lead us to best enforce that law? Some think that Brady is a panacea. It is not. It does not require a background check. States such as Virginia, with a point-of-purchase system, will still sell guns over the counter after referring to an admittedly incomplete and inaccurate computer record of felons and mentally ill.

That is the major problem. No comprehensive, accurate system of national criminal records exists. So whether it is the Virginia point-of-purchase check, the Brady approach, or the Oregon 14-day waiting period, we cannot be certain we have stopped all the felons and mentally ill at the point of purchase.

We need an upgraded, comprehensive, accurate Federal system to track felons. Staggers would mandate the footdraggers down at Justice to put such a system in place.

Some say it cannot be done. I do not believe that. Somehow we can track hundreds of millions of credit card limits second-by-second at the point of purchase, but we cannnot track a few hundred thousand convicted felons.

Mr. Speaker, let us stop criminals and the seriously mentally ill from purchasing guns from legal sources. I ask the Members to vote "no" on Brady and "yes" on Staggers.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distiguished gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Speaker, I thank the gentleman from yielding this time to me.

Mr. Speaker, let me say that it sounds as if the argument is over whether we have a computer base and how we can best come up with a computer base to decide who the felons are, who the mentally ill are, who the people are that we want to keep guns out of their hands.

How can we best accomplish that? We can best accomplish that by passing the Staggers bill, because it is going to put the pressure on us and the national FBI and everybody else to see that we get that in place as soon as we can. If we pass the Brady bill, we will drag on and on. I oppose all gun waiting periods, but yet I do feel that through Staggers we can have an instant check. We can check within 90 seconds and see whether the person should or should not own a gun.

We will not take the guns out of the criminals' hands because they are going to be bringing them in their homes and they are going to be buying them on the black market. If we cannot control the flow of cocaine in this country, we are not going to be able to control the flow of weapons. We need to get something in place that will let us know who should and who should not be able to buy a gun, and the only way to accomplish that, and accomplish it as soon as possible, is to pass the Staggers amendment.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule and in support of the Brady bill.

The Members of this House that I serve with are well meaning and intelligent, and yet we are split on this issue. That, frankly, makes no sense to me. We are willing to wait as long as it takes for a background credit check to get a credit card, we docilely wait months for the closing on a house, we wait for driver's license to come because we have to have a background check, but yet when it comes to a lethal weapon that we are trying to keep out of the hands of people that should not have them, we say, 'Oh, no, it is un-American to wait for that."

There is no organized opposition to the other waits that we Americans experience. No, they are necessary and good.

We, those of us who support Brady, do not say that it is going to stop all handgun deaths, but it will stop some. The number of children in the United States today who are caught in the crossfire is staggering. In my own State of New York we read about it every day, of shootouts on the streets when children have been killed, some of them even in their own homes from shots through the wall.

We have laws on the books already to enforce the law and prevent public crime, but the police who are our front line of defense in this country are begging us to pass this bill. They are asking us for a simple bill to help them do their work.

Listen to what the Law Enforcement Steering Committee, which is a consortium of police organizations representing more than 400,000 law enforcement officers from rank-and-file to chiefs, had to say: "It is unlawful for felons to buy a handgun, but in most States we have no mechanism to enforce this law. We need a national minimum standard for handgun purchase."

The National Association of Police Organizations, representing 130,000 rank-and-file police officers, has also endorsed the Brady bill with these words: "Passage of the Brady bill will help protect all Americans, including police officers, from illegal handguns, which are the cause of unnecessary deaths and injuries and crime."

Mr. Speaker, overwhelmingly the American public and overwhelmingly the police agencies support the Brady bill as a way to check handgun violence. I beg my colleagues, let us give Americans a chance to live.

Mr. SOLOMON. Mr. Speaker, from the other side of the aisle and the land of Harry Truman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, here we go again. Gun control advocates are attempting to blur the distinction between gun control and crime control in a misguided effort to slow violent crime. Gun control and crime control are not the same. Confusing them will not accomplish the goal of preventing criminals from obtaining guns.

There are more than 20,000 gun control laws in effect nationwide. Before we enact yet more gun control restrictions such as H.R. 7, we need to know if gun control measures have had any effect on crime. Certainly the recent release of FBI figures on violent crime does not indicate that waiting periods, or even the most stringent of gun laws has had any impact on violent crime, or of the criminal use of firearms. Those FBI figures show a 10-percent increase in violent crime over last year. According to the FBI, New York City had more murders than any other American city, Los Angeles with a statewide 15 day wait on all guns had 983 murders, Chicago 850 murders, and Washington, DC, where it is illegal to own any firearm, reported in at 472 murders. Gun control laws simply do not work.

What we have before us today are two proposals—H.R. 7, the gun control measure and H.R. 1412, the crime control measure. H.R. 7 requires a waiting period for handgun purchases and gives law enforcement the discretion to conduct a background check. H.R. 1412, the crime control measure, requires a criminal background system which will make it difficult for the small percentage of felons who acquire handguns through legal channels to do so. On the other hand, H.R. 7 will have its greatest impact on already law-abiding citizens alone. H.R. 1412 earmarks Federal resources to address a very real problem, the poor condition of criminal justice records nationwide. H.R. 7 does not address this problem in any way. If we truly want to accomplish crime control by keeping firearms from the few felons stupid enough to buy through legitimate channels, if we want to serve criminal justice by improving the accuracy and availability of our criminal justice records, then a vote for H.R. 1412, the Stagger's substitute is required. H.R. 7 is empty rhetoric that is nothing more than gun control attempting to pass itself off as a crime measure. And so I ask you—will H.R. 7 stop crime? Of course not. The true problem of crime will not be effected until we punish the violent criminals. I urge you to join me in rejecting this misguided and ineffective effort. H.R. 1412, the Stagger's substitute is clearly a better option.

□ 1350

Mr. MOAKLEY. Mr. Speaker, might I inquire how much time is remaining on either side?

The SPEAKER pro tempore (Mr. BRUCE). The gentleman from Massachusetts [Mr. MOAKLEY] has 11½ minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 15½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr.GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in support of the rule, which is a fair one, on H.R. 7, the Brady Handgun Violence Protection Act. This is one issue I was compelled to address as a member of the Judiciary Committee. I say compelled because, as my colleagues know, I am not a gun control advocate. I support the right of sane, law abiding citizens to own guns, and I oppose Federal gun registration. But I have come to the conclusion that this is a sensible and reasonable measure, not inconsistent with my philosophy or the constitutionally protected right to bear arms.

We have already made a Federal law to prohibit criminals, persons judged mentally incompetent, illegal aliens, and minors from purchasing handguns. No one disagrees with these common sense restrictions, but in roughly half our States there is no system in place to enforce them effectively. And in States which already impose a waiting period or require law enforcement to verify a purchaser's eligibility to possess a handgun, thousands of gun sales have been rejected because the purchaser has been considered ineligible to buy a handgun.

Our respected colleague from West Virginia, Mr. STAGGERS, has introduced an amendment to develop a nationwide system to screen the same proscribed purchasers as the Brady bill. Not only do I believe such a system is ideal, but even the drafters of the Brady bill agree, and language has been included in Brady which sunsets, which ends, the 7-day waiting period once a national check system is in place. Let me repeat, the 7-day waiting period ends once the national check system is in place. The problem is it will take years for such a system to be operational.

Clearly, whether you support the Brady bill or the Staggers amendment, we all agree, some type of check is needed. In fact, this body passed language in 1988 requiring the Fedeal Government to implement an instantaneous check system once a national system is fully developed. The FBI has been developing this instant check system since 1989. It's already law and it is coming. Brady reaffirms the development of such a system. I urge my colleagues who support the Staggers amendment to realize that if an ideal instant check system is years from being implemented, we must do something in the meantime, however slow and burdensome, to ensure guns are sold only to qualifying individuals.

I have heard from many of my constituents who oppose the Brady bill. Often they speak about their rights as law-abiding citizens to own a gun, and I agree they have a right to such possession. But I am equally concerned about law-abiding citizens who are being killed everyday because handguns are ending up in the wrong hands. Don't they deserve protection, too? A 7-day waiting period, until a national instant check system is in place, is only sensible.

If we believe the bumper sticker claim that people, not guns, are responsible for handgun deaths, then how can we allow a person who everyone concedes should not own a handgun to buy one so easily? Almost half of the States have enacted their own waiting periods, but, as long as this patchwork exists, the background check is easily circumvented by purchasing handguns in nonwaiting period States and carrying them across State lines. I am convinced that a uniform Federal law is necessary if a waiting period is to be effective.

The Brady bill is not gun control but felon control, and it will give law enforcement the opportunity to stop a sale before a gun gets into the wrong hands. Policemen in my hometown of Wichita have told me that the Brady bill is a badly needed tool in police efforts to combat drug trafficking. The support by men and women who put their lives on the line everyday has reinforced my belief that this bill makes good sense and protects the rights of law abiding citizens. I urge my colleagues to support the Brady bill.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. SENSENBRENNER], a member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, in the House of Representatives we do not vote on concepts. We do not vote on newspaper ads or press releases. We vote on specific pieces of legislation.

The Staggers proposal is being mislabeled here in this debate. First of all, the Staggers proposal does not mandate a background check. There are five exemptions to the background check contained in the Staggers proposal, not the least of which is an exemption if telephone service is not available where the sale is to take place.

If a gun dealer sets up shop in a flea market out in a field where telephone service is not readily available, then there is no background check, and this is exempt under the Staggers proposal.

Second, there is a waiting period in the Staggers proposal as well of 24 hours, where the sale can be postponed for 24 hours if the hotline is not up or does not provide an answer.

Mr. Speaker, I am told that the Brady bill's 7-day wait is a violation of the second amendment. Well, if that is the case, and I do not think so, but if it is, then the Staggers proposal's 24-hour wait is equally violative.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I rise in favor of the Brady bill, and in opposition to the Staggers bill.

Mr. Speaker, I want to compliment Congressman SCHUMER and the members of the Judiciary Committee's Subcommittee on Crime and Criminal Justice for their fine work on H.R. 7.

Mr. Speaker, over 24 States have waiting periods with regard to the puchase of handguns. My home State of California has a 15-day waiting period law. This law has been very successful in preventing hundreds of ineligible persons—each year—from walking off with handguns. For example:

In 1990, California used its waiting period law to prevent 2,182 ineligible persons from purchasing handguns.

In 1989, California found 1,793 persons during routine background checks who were ineligible to purchase handguns, and they were not permitted to purchase them.

In 1988, 1,803 ineligible persons were caught in California trying to purchase handguns, and they were denied purchase.

Who knows how many lives have been saved by California's 15-day waiting period law. But, if just one life has been saved, that law has done its job.

Mr. Speaker, we all know whose responsibility it is to take serious measures to prevent mindless violence in our society. It is ours.

H.R. 7, the "Brady" bill—with its modest 7-day waiting period—represents a proven way to meet that responsibility.

I'm proud to join with Handgun Control, Sarah and Jim Brady, Congressman SCHUMER, Congressman FEIGHAN, and all the other cosponsors of this important legislation in voting for H.R. 7.

I urge all our colleagues to join in voting "aye" today.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, given the carnage that is taking place in the streets of America, the Brady bill is a very modest piece of legislation indeed; a 7-day waiting period to give local police an opportunity to check as to the background of the would-be purchaser, to see whether that person is a convicted felon, or whether that person has been certified to be mentally incompetent.

Mr. Speaker, I can attest to the fact that waiting periods do work. When I served on the city council in New York, I introduced and we passed long firearm legislation with a built-in waiting period. Prior to that time, deranged people would walk into a gun shop in Times Square, plunk down $25, walk out with a cheap rifle and a box of shells, and then start shooting at people on the street. That has not happened since 1957, when that legislation was passed. So there is indeed merit in waiting periods.

Mr. Speaker, Congress has waited a long time—too long—to take control of handgun violence that plagues the streets of America.

Proliferating handgun violence is abominable. Stray bullets have turned mainstreet U.S.A. into a firing range. Handguns have killed thousands of Americans, including a disproportionate number of black youths.

In short, quick and easy access to handguns have helped turn the United States into the homicide capital of the world. How much more will this Congress tolerate?

Although not perfect, the Brady bill is a step in the right direction to take control of that escalating violence. It simply gives police the opportunity to do a background check on a prospective handgun purchaser, during a mandatory 7-day waiting period.

The wisdom of a waiting period is clear. Twenty-five States already have enacted waiting periods, and 21 of those States have laws stronger than the Brady bill.

A key problem the Brady bill addresses is the lack of universality of State gun control laws, which permits gun running and smuggling. As we all know, illegal and out-of-State handguns are involved all too frequently in handgun-related deaths.

The instant background check proposed in the Staggers amendment is not a plausible, solution to today's handgun violence. Attorney General Thornburgh says that the instant check system will take 3 to 5 years to set up. A recent report from the Office of Technology Assessment indicates that such a system is 5 to 10 years away from being implemented. I would also point out that the 1988 Anti-Drug Abuse Act directed FBI to develop an instant check system, but to date has developed none.

But there is another—more cynical—reason the Staggers amendment is being proposed. It is no secret on Capital Hill that the National Rifle Association has been trying to defeat the Brady bill for years.

Now the NRA and its supporters have seen the writing on the wall. There is considerable momentum to pass the

Brady bill, and they have proposed an alternative to defeat it. Frankly, the NRA is a johnny-come-lately to the gun control debate and has lost considerable credibility over the issue. Make no mistake about it, passing the Staggers amendment will mean delay in implementing gun control legislation and time for the NRA to lobby for its repeal.

The priorities for the House should be to pass gun control legislation that is immediately feasible and immediately effective, and that legislation is the Brady bill.

I urge my colleagues to support the wisdom of half the States in the Union and enact a nationwide waiting period. Introduced in 1987, the 7-day waiting period has waited too long to be enacted and too many Americans have died as a result of piecemeal gun laws in this country.

Let's pass the Brady bill and move quickly to tighten other gun laws that threaten—and kill—American lives. Haven't we waited long enough?

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER of California. Mr. Speaker, I thank the distinguished ranking member of the Committee on Rules for yielding to me.

Mr. Speaker, I do not stand here as an opponent of the Brady bill; I stand here as a proponent of a better alternative. I clearly believe that it is in the best interests of law-abiding citizens throughout this country for us to ensure that they have the opportunity to protect themselves, and I believe that the Staggers amendment offers that.

Mr. Speaker, I would like to compliment the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], for fashioning what I believe is clearly a very fair rule. We often on our side have had criticism leveled at the other side for treatment in the Committee on Rules, but I, for one, have to say that I am very pleased to see the way this rule has come forward. It gives everyone a very clear chance to have an up or down vote.

Mr. Speaker, it was hotly debated as to exactly how this rule would come out. Every Member of this House is going to be able to decide are you going to vote for the Brady amendment, or against it; are you going to vote for the Staggers amendment, or are you going to vote against it. That is what this vote is going to end up being. I hope Members, when we pass this rule, will move ahead and pass what I think is the better alternative, which is the Staggers amendment.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, first I want to congratulate the gentleman from Ohio [Mr. FEIGHAN], for his leadership for many years on Brady. He deserves our accolades. I would like to also congratulate the new chairman of the Subcommittee on Crime, the gentleman from New York [Mr. SCHUMER], for moving this ahead aggressively and putting us in the posture where we are going to vote on this today.

Mr. Speaker, a lot of people have asked whether or not waiting periods work. There really should not be any debate about that. Waiting periods have worked for years.

In my home State of New Jersey, we have disqualified roughly 19,000 people over the last few years, 900 and some people last year, who were not eligible to buy a handgun.

Mr. Speaker, I was fascinated by a story in the Philadelphia paper, my media market in southern New Jersey, about John Claude Pierre Hill, a doctor from rural Virginia, who walked into a gun shop in his backyard back in March, bought two Colt .45's, six cartridges of ammunition, and drove to Philadelphia and shot three people. One died, a businessman from the Philadelphia area, and two others were shot.

Mr. Speaker, he walked into that gun shop and signed a form that asked a number of questions. One was, "Do you have a criminal record?" He said no. One was, "Do you have a mental history?" He said no.

Nobody checks that. In this instance, John Claude Pierre Hill had actually been committed to a mental institution about 2 years before that in 1989.

Mr. Speaker, I asked my staff to call the Virginia authorities to find out if the chief of police or the sheriff of that county had received notification of that application, whether they would have picked that up. My staff talked to one of the deputy sheriffs. Because it is rural, they have no chief of police. He said unquestionably, "We knew him. We knew he had a mental history, and we knew he was a disqualified person."

□ 1400

There is another example, perhaps, of a homicide that we could have prevented just recently.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking Republican on the Committee on the Judiciary.

Mr. FISH. Mr. Speaker, I thank my colleague for yielding time to me. I will be speaking later today on general debate, but I do want to rise in support of H.R. 7, the Brady bill. I think it is very fitting that this bill should bear the name Brady, for Jim and Sarah, who have made it their personal cause to provide a vehicle for local law enforcement agencies to prevent gun sales to convicted criminals, addicts, and mentally incapacitated persons.

The alternative to Brady is the amendment offered by my colleague, the gentleman from West Virginia, Mr. HARLEY STAGGERS. Under the rule, it is the only amendment in order. If it passes, there will be no vote on the Brady bill, H.R. 7.

The Staggers substitute has been touted as a way to conduct a background investigation in an instant. Mr. Speaker, we would not need the Brady bill if such a verification system already exists. However, it is many years away from fruition. And that issue will be dealt with at a later time.

I would like to point out that I personally do not believe that a delay in the sale of a handgun is an abrogation of any right to own a handgun. Nothing in the Brady bill will prevent a decent, law-abiding gunowner from buying a handgun to either add to their collection or for personal protection or for use in hunting or sport events.

If anything, this legislation would allow a brief but useful cooling-off period for those who might run out to purchase a handgun after an argument and in the heat of passion commit an act they would later come to regret.

What we all seek is a prohibition of sales to purchasers who pose a threat to society. There is no dispute on this point.

We should be demanding that criminal and mental records be computerized on the Federal, State, and local level and that a quick, reliable, and accurate verification system be in place.

Unfortunately, that is not the case today. But lives can be saved if we do enact the Brady bill now and the only way to do that is to defeat the Staggers amendment.

The SPEAKER pro tempore (Mr. BRUCE). For the information of the Members, the gentleman from Massachusetts [Mr. MOAKLEY] has 5½ minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 11½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman for yielding this time to me.

Out in Oklahoma, some time ago, we set up a system whereby highway patrolmen in a matter of 60 seconds, just by taking a license number, could get the name of the owner of a vehicle and do a criminal check and can immediately come into some types of response. The interesting thing about the Brady bill is it does not mandate a criminal background check. It talks about it, and those who are promoting it seem to think that is what it does, but it does not. The Staggers bill does do that.

I think that often Members of Congress look for the hidden agenda in some of these bills. In this case, if we look at the Members who are behind the Brady bill, the prime movers, not everyone who has spoken, we find Members who are opposed to the death penalty, Members opposed to the Violent Crime Act, members opposed in general to punishment for a deterrent to crime. I think a far better alternative in approaching the entire problem with crimes committed with guns is good stiff penalties under our law.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. McEWEN], a member of the Committee on Rules.

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding time to me.

The purpose of my taking the floor at this moment is to say that we understand the Nation is unanimous in the effort to try to do something about controlling handguns. The Nation is very much divided as about how to do that. And just as the Nation is divided, the Congress is divided. There are very strong feelings on both sides. That creates a genuine dilemma for the Rules Committee as to how to bring to the floor those bills that are so different and represent such volatile positions in the House and to treat them fairly.

The only reason I wish to take the floor is not to add significantly to the debate that will take place over the next couple of hours, yet it is to say to the chairman of the committee and the ranking member of the Rules Committee that I believe they have done what is absolutely right.

The Judiciary Committee has presented their alternative, which is referred to as the Brady bill. The chairman of the Rules Committee said, let us bring that to the floor. If the floor wishes to work its will by making an amendment, let them do so, but we will not take a position to prejudice either one.

I congratulate the chairman and the entire Rules Committee.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I would like to engage in a colloquy with the gentleman from West Virginia [Mr. STAGGERS].

Many firearm owners in my district are concerned that H.R. 1412 might authorize the Federal Government to compile a database of firearm purchase using information collected through the instantaneous computer check. Is it the gentleman's understanding that this legislation would not authorize the Federal Government to keep these records?

Mr. STAGGERS. Mr. Speaker, if the gentleman from Texas will yield, yes, that is correct.

Mr. ARMEY. In fact, does the gentleman not specifically intend that this legislation would prevent any Department, agency, officer, or employee of the United States from compiling or recording any record obtained through the instantaneous check?

Mr. STAGGERS. Yes; that is correct. In fact, this legislation is designed to prohibit the use of the hotline to establish any system for the registration of handguns, or handgun owners.

Mr. ARMEY. Mr. Speaker, I thank the gentleman.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today we will end a long and contentious debate over two pieces of legislation noble in origin and purpose. Both the Staggers and Brady bills came about in response to the scourge of gun-related violent crime that plagues our Nation. But while each proposes a system designed to achieve the goal of keeping guns out of the hands of felons, only Staggers does so in a way that is not only more effective but constitutionally sound as well.

There is general agreement that background checks would be an important step in preventing criminals from acquiring firearms through legal channels. But a background check is only as good as the quality of information available. Unlike the Brady bill, Staggers recognizes this fact by explicitly providing additional resources for States to improve their records. Mandated background checks of continually updated records are clearly preferable to the Brady system, which at best encourages a check of incomplete and often difficult-to-locate records.

If our goal is truly to implement a system which quickly identifies felons without imposing on law-abiding citizens, our choice is evident. I urge my colleagues to join me in support of the Staggers substitute.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, in a 1-minute speech today I talked about a fundraising letter of Handgun Control, Inc., a letter that comes from Mr. N.T. Pete Shields, and it is marked confidential, but it is in the public domain. And I think that all of my colleagues need to be aware of this particular letter.

It is addressed to Handgun Control, Inc. members. Let me read a couple of paragraphs. It says:

> Because you have been extraordinarily involved and supportive of the efforts of our sister organization, Handgun Control, Inc., I wanted to personally send you this advance notice of a bold new effort by the Center to Prevent Handgun Violence which we have not yet revealed to the press and public.

The question is, What is this bold new initiative? When you go down in the letter, he is quoted as saying, let us "hit them where it hurts." I am going to talk about "them" in just a moment.

> Let us hit them in the pocketbook. That is an old saying which has achieved the status of an axiom where citizen action is concerned. It sums up exactly why our new Handgun Legal Action Fund is so important.

Let us go back to whose pocketbook.

□ 1410

Because on the second page of this letter it talks about whose pocketbook. "When we sue a municipality for its negligence and not carefully screening handgun applicants, we show State and local governments all across the Nation that we mean business," and it goes on.

So I would ask my colleagues: What are you going to say to your constituents when it is your municipality, your police department that is sued? And if you do not think it is easy to make a mistake when trying to verify someone's records, think how easy it is to miss a number when typing in someone's Social Security number or someone's driver's license number. It is not that difficult to make a mistake.

I would just hope that all of my colleagues will read this letter, and I will have it available here for those who wish to review the letter.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. FEIGHAN], who is the author of the Brady bill.

Mr. FEIGHAN. Mr. Speaker, I thank the chairman, the gentleman from Massachusetts [Mr. MOAKLEY], and I particularly want to thank him and the members of the Committee on Rules for a genuine effort in fashioning a very fair rule for us to consider the Brady bill and amendments to it this afternoon.

For me, today marks the end of a very long road. I first introduced the Brady bill in 1987, and today the House is going to decide its fate.

There is really just one point at this stage of the consideration that I want to make, and that is that a vote for the Staggers substitute is plain and simple a vote to kill the Brady bill. If the Staggers amendment prevails, Members have to understand that there will then be no vote on the Brady bill.

I make that clarification, because I think it is important that both Members and the American public clearly understand what is taking place under the rule that is before us this afternoon.

The Staggers amendment is really not an alternative to the Brady bill. It is really a killer amendment designed to eliminate any consideration of the Brady bill, and that, frankly, I think is why it was originally drafted. It is certainly why the National Rifle Association, which so adamantly opposes any and all forms of gun control, is working so hard to round up the votes for the Staggers alternative. That is because the NRA knows that the instant background check they are proposing is a fantasy. They know that Atty. Gen. Dick Thornburgh told us that implementing the Staggers amendment will take a minimum of 3 to 5 years, and the Office of Technology Assessment went beyond that and testified before the Congress in a draft report that it would probably take a minimum of 8 to 10 years, and then after the investment of literally hundreds of millions of dollars.

Every Member of this House who is at all concerned about the proliferation of handguns in America today, I think, has to be voting against the Staggers substitute. Voting for the Staggers substitute is not going to provide the political cover that someone might be seeking who is going to hear from their constituents about the deadly crime waves that continue to hit virtually every community in this country. Voting for the Staggers amendment is not just a dodge, it is a vote against Brady. Make no mistake about that.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. President, there has been an interesting discussion with regard to the two bills before us.

Thus far, one would think we were debating a crime bill on the floor. The fact is that one of the interesting aspects of all of this is that there are at least some people who are talking about bringing this bill to the floor who see this as a substitute for a crime bill. It is not.

Regardless of what we do today on Brady and/or Staggers, the fact is that what this country really needs is some strong measure against crime. What the American people are concerned about and the reason why they have shown some interest in gun control, is because they are absolutely fearful of the crime going on in the streets of this country. They are fearful of walking in a parking lot of a shopping center at night. They are fearful of walking from their home uptown, and they are disgusted with the fact that we have been unable to deal with criminals in this country.

Some in the Congress would like us to believe that by passing the Brady bill or passing the Staggers bill we will have done something about crime. The fact is we will not. These are bills that will ultimately have their greatest impact on law-abiding citizens. Law-abiding citizens will be asked to go through an additional check in order to purchase a handgun.

The criminals will still be running loose. We will still have the problem of crime in our streets.

What we need out of the Committee on the Judiciary that brings this bill to the floor today is an anticrime bill, namely, the President's anticrime bill. We need to get tough on criminals. We need to have the death penalty on a number of additional crimes. We need to do something about making certain that the innocent are protected while the guilty are prosecuted. We need some more prisons so that we can put people away who are recidivists and put them away for a good long time.

We see nothing of that in the bills that are before us today.

The President has asked this Congress within 100 days to enact a crime bill. We now have about 65 of those days gone. We are doing nothing. We will probably send this bill in some form to the White House and ask the President to sign it. He has already said he will not do that exclusive of his crime bill. That is the only way he will consider gun control—as a part of a crime bill.

The question all of us ought to have on the floor today is: Where is the crime bill? Why can we not get something done against criminals?

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in support of the rule and in strong support of the Brady bill and against the Staggers amendment.

I do so because the Brady bill will make a difference in people's lives. I do so because the American people are crying out for help, and Staggers will not help them.

On Monday I was joined by the majority of chiefs of police in my own congressional district, 13 of 15 who said that their work in helping to fight crime would be aided by a 7-day waiting period.

The Staggers amendment will not deter felons from purchasing handguns. The Staggers amendment is a ploy to gut the Brady bill.

In 1988 the Congress enacted the McCollum provision that directed the Attorney General to implement a nationwide background check as soon as possible. That system is years away and will cost millions of dollars.

Staggers says that this system will be completed within 6 months without authorizing a single dollar for that purpose. Staggers is patently unworkable.

The Brady bill is a commonsense approach to a tragic problem. Children are gunning down other children over a pair of sneakers. Children are dying from stray bullets. The senseless violence must stop.

The Brady bill is a step toward ending this anarchy. I urge my colleagues to support the Brady bill and vote against the Staggers amendment.

Mr. SOLOMON. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, let me first of all say that so far we have had a very, I think, fine debate on this issue. I think it is becoming to the Members of the House. I was a little disturbed by the statements by the gentleman from Ohio [Mr. FEIGHAN] a little bit before when he was sort of critical of the NRA. I would like to just say the National Rifle Association has to be a fine organization.

I happen to be a life member of that organization, and was long before I came to this body 13 years ago. In the 8,000 square miles that I represent in northern New York, we have NRA members that are policemen, ministers, doctors, lawyers, scout leaders, little league coaches, and they are just a cross-section of America. They are people like you and me, and they perform a great service to the people in my area teaching gun safety and teaching gun etiquette to youngsters who want to learn how to use rifles for hunting, fishing, and sport.

So I hope we, during the rest of the debate, keep it on a high plane.

Along that vein, I just want to really thank the chairman, the gentleman from Massachusetts [Mr. MOAKLEY], and the Speaker, because we did bring to this floor a fair rule under regular order which we have operated under for 100 years in this House.

The base bill is the Brady bill, and there is one amendment made in order, and that is the Staggers amendment.

I just hope that all Members really do represent their districts and stand up to be counted.

I think I made a statement up in the Committee on Rules, Let us stand up like a man, and I said at the time, in the context of today's terms, And let us stand up like a woman. The gentlewoman from New York [Ms. SLAUGHTER] said she is, and she does. I admire her for it.

Let us do, let us stand up and be counted, and let us let the chips fall where they may.

We have had a good debate. Let us leave it that way. I certainly hope the Staggers amendment wins though.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the remainder of my time to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I thank the distinguished chairman for yielding the time, and I rise in support of this very fair rule.

As a gunowner, a gun user, a member of a law enforcement family, and a vigilant defender of the second amendment to the Constitution, I rise today in opposition to the Staggers substitute and in strong support of H.R. 7, the Brady Handgun Protection Act.

In considering the Staggers amendment, I asked myself a few questions: Why vote for a national instant check system which this body has already voted for and passed in the Anti-Drug

Abuse Act of 1988? Why vote again for a system that the Attorney General says is still 3 to 5 years away? Why vote again for a system the Office of Technology Assessment says is 5 to 10 years away?

Mr. Speaker, in time we will have a national instant background check, and if we pass the Brady bill, Brady will phase out at that point in time. In the interim, it can serve us well as a rational response to a national crisis.

My colleagues, no one is so naive as to think the Brady bill is a foolproof solution capable of stopping handgun violence in America. But we have a situation now in many States that makes it convenient for convicted felons or unstable crackpots to purchase weapons with ease and use them with ease. The Brady bill would make it harder, there's no doubt about it. Law-abiding handgun purchasers can still get their weapon, but the lawbreaker has a roadblock. Brady takes away the ease.

Oh, we have all heard the line about Well, the criminals will just get a gun on the street. A couple of points: Thousands of felons have been stopped by waiting periods and background checks, and thousands of weapons flow to the street over store counters where there is no check. Besides, no one here is saying we shouldn't go after the black market harder than ever. If it is all that easy to get a gun on the Street, let us make it easy to bust the sellers.

Mr. Speaker, we should proceed with the creation of a reliable national instant check system. But until that system is in place, we should make the Brady bill the law of the land.

Let us do the responsible thing, the bold thing, the right thing, the law and order thing. Let us begin to take our streets back from the nuts and the thugs and make them safe again for our children and our families. That's what the Staggers amendment wants to do, but doesn't. That's what the Brady bill wants to do and does. Support law enforcement—vote for the Brady bill.

□ 1420

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BRUCE). The question is on the resolution.

The question was taken; the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 405, nays 16, not voting 9, as follows:

[Roll No. 79]

YEAS—405

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Combest
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Doolittle
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—16

Cardin
Collins (MI)
Cox (CA)
Crane
Dannemeyer
Dornan (CA)
Duncan
Gallegly
Goodling
Hancock
Hubbard
Obey
Petri
Rohrabacher
Upton
Williams

NOT VOTING—9

Condit
Dooley
Engel
Gray
Lehman (FL)
Martin
Roybal
Slattery
Washington

□ 1444

Messrs. DORNAN of California, DANNEMEYER, ROHRABACHER, and GALLEGLY changed their vote from "yea" to "nay."

Mr. ANDREWS of Maine changed his vote form "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF PLANS OF COMMITTEE ON RULES CONCERNING H.R. 2100, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1992

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to notify Members of the Rules Committee's plans with respect to H.R.

2100, the National Defense Authorization Act for Fiscal Year 1992.

Today the Armed Services Committee is meeting to order the bill reported. The Rules Committee plans to meet next Thursday, May 16, to take testimony on the bill. To assure fair consideration, the Rules Committee is considering a rule that may structure offering of amendments.

Mr. Speaker, any Member who contemplates offering an amendment to H.R. 2100 should submit 55 copies of the amendment by 5 p.m. on next Tuesday, May 14. The committee offices are in H-312 in the Capitol.

It is my understanding, Mr. Speaker, that the Armed Services Committee will make available in their offices advance copies of the bill and report to Members and staff preparing amendments. An advance copy will be available as early as Friday, May 10.

Mr. Speaker, I have sent a "Dear Colleague" letter to all offices explaining our intentions on this bill. We appreciate the cooperation of all Members in our effort to be fair and orderly in granting a rule.

BRADY HANDGUN VIOLENCE PREVENTION ACT

The SPEAKER pro tempore (Mr. BRUCE). Pursuant to House Resolution 144 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7.

□ 1447

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of bill (H.R. 7) to amend title 18, United States Code, to require a waiting period before the purchase of a handgun, with Mr. HOYER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, today on behalf of the Committee on the Judiciary, I bring to the floor the bill H.R. 7, the so-called 7-day waiting period bill. H.R. 7 was ordered reported by the Committee on the Judiciary by a vote of 23 to 11 on April 23.

Essentially, H.R. 7 provides for a waiting period of up to 7 days before an individual may purchase a handgun from a registered gun dealer. During this period, local law enforcement authorities are to be notified by the gun dealer of the prospective purchase. The authorities have the optional opportunity to run a background check on the prospective purchaser and to find out whether he or she would be prohibited from buying a weapon under Federal law.

Mr. Chairman, H.R. 7 is motivated by the understandable and universally held desire to keep handguns out of the hands of criminals. The major question that must confront this body today is how to do this in a manner that is both effective and not an infringement on the rights of law-abiding citizens.

We have two distinct proposed solutions before us today. Both of them are based on the idea of a background check to determine the suitability of the prospective purchaser. But while H.R. 7, as reported by the committee, imposes a 7-day waiting period on all individuals, the proposed substitute to be offered by the gentleman from West Virginia [Mr. STAGGERS] would establish and promote a system of instantaneous point of sale checks. Most important, the Staggers substitute would ensure that the resources are available to put in place such a procedure by requiring the States to devote 10 percent of their criminal justice assistance funds to update and automate their criminal record systems.

I also want to strike a realistic note about what this legislation will do and won't do. The stark fact is that no system of background checks by licensed handgun dealers is going to keep all such weapons out of the hands of criminals. The main market for the purchase and sale of such weapons is the illicit market. We are simply deluding ourselves and the country—and we are doing a disservice to our constituents—if we attempt to paint this bill as an answer to the proliferation of handguns. To the extent that we can address this problem at the point of sale by licensed dealers, it is incumbent on us to do so in the least intrusive manner possible.

In closing, Mr. Chairman, I want to recognize the skillful and professional work of the Subcommittee on Crime and Criminal Justice, chaired by the gentleman from New York [Mr. SCHUMER], in preparing this legislation for consideration by the committee and the full House. I also want to commend the gentleman from Ohio [Mr. FEIGHAN] for his diligence and dedication in championing this legislation. The Members know that I am personally opposed to H.R. 7, on the basis of my concerns over its effectiveness and my belief that it unnecessarily intrudes on the rights of law-abiding citizens. Despite my philosophical disagreement with Mr. FEIGHAN over this legislation, I have the highest respect for his abilities and for the conscientious manner in which he has supported this legislation through several Congresses.

Mr. Chairman, I reserve the balance of my time.

□ 1450

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the time has come to pass the Brady bill. The time has come to address the rash of handgun violence in the United States. Waiting periods do prevent people who are ineligible to own firearms from obtaining them. Those who are ineligible include convicted felons, adjudicated mental incompetents, drug addicts, and minors. There is no abridgment in the Brady bill of the right to keep or bear arms. Anybody who can wait 7 days who is not a felon, an adjudicated mental incompetent, a drug addict, or a minor will be able to get their firearms without any restriction whatsoever. The Brady bill sunsets when an instant check system becomes functionally available. We will be hearing a lot of debate on how soon that will be.

Mr. Chairman, I favor an instant check system, but I think the Staggers timeframe is unrealistic. That is why I think the Brady bill should be put in place until the instant check system is available, whether it is 6 months from now, 5 years from now, or 10 years from now, and that is contained in the text of the Brady bill.

The Brady bill is fair and reasonable. It is not unduly bureaucratic. It allows police agencies to decide how to allocate the use of their time, whether to check, as the Brady bill allows them to, or whether to do something else because other matters are more pressing in that police agency. That is why the police support it. Mr. Chairman, it seems to me a little bit inconsistent for people to say not to burden the police with Brady bill checks when most of the organized police agencies in the country are firmly behind the Brady bill and firmly opposed to the Staggers amendment.

Finally, the Staggers amendment is a killer. If the Staggers amendment is adopted 2 hours from now, we will not get to a vote on the Brady bill. The only way to vote on the Brady bill is to defeat the Staggers amendment. So, a vote for Staggers is a vote to kill Brady.

Mr. Chairman, I would urge that the Staggers amendment be defeated and that the Brady bill be passed.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, first let me thank the chairman, the gentleman from Texas [Mr. BROOKS], for yielding this time to me and for the fair and decent way in which he has conducted these proceedings. I would say the same to the Speaker of the House. Both the chairman and the

Speaker have opposed this legislation, but they have been eminently fair.

Mr. Chairman, we live in a country in which a convicted felon can walk into a store and buy several guns at once. I ask my colleagues to clear their minds for one moment of all the arguments they have heard on this issue and consider just that fact, an America in which felons can buy handguns. Mr. Chairman, that is just wrong. It is fundamentally inconsistent with our society's standards and our Government's obligation to protect its citizenry.

Today, Mr. Chairman, we have an opportunity to right this wrong, to correct a flaw, a major flaw, in our criminal justice system. We have an opportunity to make our country a safer place to live. That is what the Brady bill is all about, and that is all it is about. Plain and simple.

Mr. Chairman, the Brady bill is the very model of common sense. It requires nothing more of us than that we treat handguns with the respect and fear that they should command.

But best of all, waiting periods work. In States across the country tens of thousands of felons have been prevented from buying handguns because police were given time to check for criminal records.

Despite all this, despite that every life that has been unknowingly saved is a reason to vote for the Brady bill today, the NRA is opposed. Despite that fact that every child that is still growing up, every cop that still patrols his beat, every family that remains intact needs protection, the NRA is opposed. All of these people, the children, the police, the families, silently plead with us to vote for Brady.

Mr. Chairman, the Brady bill has opponents. The powerful National Rifle Association has offered an amendment, and it is their amendment, that will be a way to defeat the Brady bill.

I ask my colleagues plain and simple to remember once and for all: Pass the Brady bill to save lives.

Mr. Chairman, I have been asked by some of my colleagues from Michigan about what, if any, effect the passage of H.R. 7, the Brady bill, would have on handgun purchases in Michigan. They raised the question of whether handgun purchases in Michigan would be exempt from Brady bill coverage. I am happy to assure them that H.R. 7 exempts handgun transfers if the law of the State provides that a handgun transferee must have a permit to purchase and the permit is issued only after an authorized government official has verified that the information available to that official does not indicate that possession by the transferee would not violate the law. Because Michigan law prohibits the issuance by the police of a license to purchase a handgun to anyone prohibited by law from receiving such a gun, the issuance of such a license would itself be a verification that the transfer would not violate the law. Therefore, handgun purchases in Michigan would be exempt from the 7-day waiting period.

Mr. Chairman, I have been asked by some of my colleagues from North Carolina, in particular Congressman STEPHEN L. NEAL, about what, if any, effect passage of H.R. 7 would have on North Carolina's handgun permit law. They have raised concerns as to whether handgun purchases in North Carolina would be exempt from coverage under the Brady bill.

I want to assure my colleagues from North Carolina that H.R. 7 exempts handgun transfers if the law of the State provides that a handgun transferee must have a permit to purchase, and the permit is issued after an authorized government official has verified that the information available to that official does not indicate that posession by the transferee would violate the law. Because North Carolina has a permit law which prohibits the issuance of a permit to purchase a handgun to anyone prohibited by law from receiving such a gun, the issuance of such a permit would itself be a verification that the transfer would not violate the law. Therefore, handgun purchases in North Carolina would be exempt from the 7-day waiting period.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FISH], the distinguished ranking member of the Committee on the Judiciary.

Mr. FISH. Mr. Chairman, 10 years ago a bullet pierced the skull of Presidential press secretary James Brady, nearly claiming his life. His courageous battle against practically insurmountable odds; for life, the ability to communicate, the need to feel that he could still contribute to society and his desire to make a difference, has been a true testament to the human spirit.

I would also like to acknowledge the tremendous personal strength demonstrated by another courageous individual—Sarah Brady. It is because of their interest in, and commitment to, this issue that we are here today. A true sign of courage is the ability to stare tragedy straight in the eye and turn it into victory. Jim and Sarah Brady have proved that so well to us all.

I rise today in support of H.R. 7, the Brady bill. It is fitting that this bill should bear the name, Brady for Jim and Sarah have made it their personal cause to provide a vehicle for local law enforcement agencies to prevent gun sales to convicted criminals, addicts, and mentally incapacitated persons.

In addition, I would like to acknowledge the contributions made by my Judiciary Committee colleagues, particularly ED FEIGHAN, whose dedication on this issue, Congress after Congress, has kept us focused on the issue of handgun violence.

This legislation provides for a nationwide 7-day waiting period so that background checks can be made of handgun purchasers by local law enforcement officers. In my own State of New York, we already have gun laws more rigorous than the Brady bill. Under New York law, before a license to possess a gun is issued, a mandatory investigation, including a photograph and fingerprint check, is conducted by the licensing officer. While there is no explicit mandatory waiting period, the background investigation must be completed before a license is issued and the sale completed. This process takes a minimum of 20 days and often takes longer.

The alternative to Brady is the amendment offered by my colleague, HARLEY STAGGERS. Under the rule, this is the only amendment in order and if it passes, there will be no vote on Brady.

This measure is being touted as a way to conduct a background investigation "in an instant." Mr. Chairman, we would not need the Brady bill if such a verification system already exists. Such a system, however, is many years away from fruition.

A centralized system of record checks isn't feasible now because more than 90 percent of arrests and convictions in this country are handled by State and local law enforcement authorities. The Attorney General's task force estimates that, nationwide, 40 to 60 percent of the records of felony convictions are not presently in automated form and thus not immediately available. Approximately 40 States do not have a computerized system already in place to conduct these instant records checks.

A draft congressional study by the Office of Technology Assessment states that records across the country are in such poor shape that it would take "5 to 10 years" to develop a workable system of instant checks. The Brady bill would allow States to use their own verification system. Once the Attorney General determines that an effective verification system is in place in all 50 States, Brady will effectively sunset.

I do not believe that a delay in the sale of a handgun is an abrogation of any right to own a handgun. Nothing in Brady would prevent decent, law-abiding gun owners from buyng a hand gun, to either add to their collection or use for hunting, sporting, or personal protection. If anything, this legislation would allow a brief, but useful, cooling-off period for those who might run out to purchase a handgun after an argument and, in the heat of passion, commit an act they would later come to regret.

What we all seek is a prohibition of sales to purchasers who pose a threat to society. On this point, there is no dispute. We should be demanding that criminal and mental records be computerized at the Federal, State, and local level and a quick, reliable and accurate verification system put in place.

Lives can be saved if we enact the Brady bill now, and while it may be inconvenient for some individuals to have to wait a week before they are able to purchase a handgun, I believe that this short period of time is tolerable if a few lives are saved as an end result of our efforts.

I urge my colleagues to join me and vote down the Staggers amendment and vote for H.R. 7.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I thank the gentleman from Texas [Mr. BROOKS], the chairman of my committee, for yielding time to me, and I want to thank him also for moving so quickly on this legislation in this Congress. I know we disagree on how best to confront our No. 1 threat to the American way of life, and that is violent crime. Nevertheless, the chairman has been enormously fair in moving and considering this legislation. I thank him for his leadership and his friendship.

I also want to thank the very capable and talented chairman of the subcommittee, the gentleman from New York [Mr. SCHUMER] for making the Brady bill the top priority really in this session of Congress. Most of all, I want to thank Jim and Sarah Brady. Without them we would not be here today. They both decided that after Jim's shooting they would rather light a candle than curse the darkness, and the Brady bill that we have before us today is indeed that candle.

The goal of the bill is really quite simple. The goal is to enforce current Federal law and keep handguns away from criminals, drug addicts, and mental incompetents, and the need for the bill is exceedingly desperate. Since the last time we considered the Brady bill in 1988, 50,000 Americans have died as a result of handgun violence. The American people support the Brady bill overwhelmingly. A poll conducted recently by Gallup showed that 95 percent of the American people support the Brady bill. A TIME–CNN poll recently showed that 87 percent of gun owners support the Brady bill.

We have this instant check being offered as an alternative, but Dick Thornburgh has testified it would take 3 to 5 years to implement. The Office of Technology Assessment has said it would probably take longer, and only after the investment of literally hundreds of millions of dollars.

Mr. Chairman, back in January we cast what clearly was the most controversial vote of this year and certainly of the entire Congress. We voted on authorizing the President to send American forces into war, and for each one of us in the decision leading up to that vote, we went through a period of soul-searching and looking into each of our own consciences. We all strove to do the right thing. We did not consult with lobbies, we did not focus on the next election, but our prime consideration was the young Americans who might lose their lives in any ensuing conflict.

That same consideration should be, and I think will be, on our minds today. From August to March, during the Persian Gulf conflict, some 298 Americans died in that fighting. During that same period, over 1,200 Americans, mostly young Americans, were murdered in New York, 1,200 were murdered in Los Angeles, 400 were murdered in Chicago, and 300 were murdered in that same period right here in the Nation's Capital, most of them with guns.

Mr. Chairman, the Brady bill could have prevented some of them, and I urge my colleagues to vote in favor of the Brady bill this afternoon.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I cannot support either H.R. 7 or H.R. 1412. The Brady bill, H.R. 7, should at best be passed by State legislatures if it is going to be passed at all. The supporters say that we need a national simultaneous check, but the Brady bill does not require law enforcement officers to actually make a check, so that is no simultaneous check.

In addition, where law enforcement officers do check, we do not demand that accountability from them because the Brady bill provides no standards to accept or reject a purchase, no appeal process, and no congressional oversight. In fact, there is not even a cooling-off period that its supporters say is such an important reason to pass it. Because the Brady bill will not apply wherever there is now or may be an instantaneous check, there is no 7-day cooling-off period. Personally, I believe crimes of passion occur immediately with any weapon available, but the 7-day cooling-off period has been effectively taken out of this bill. The Staggers bill would set up a national instantaneous dealer check system, but I think this is a process that would take several years. It cannot be done in 6 months as the bill requires.

Mr. Chairman, in conclusion, I think these bills are honestly debatable. I think the goal of both bills is laudable. It is to keep handguns out of the wrong hands. But we have to ask ourselves, what do we do now if we find handguns in the wrong hands? What do we do now if a convicted felon is found with a handgun? The answer is, little or nothing.

Mr. Chairman, if either the Brady bill or the Staggers bill becomes law, it will mean nothing unless that law and other laws already on the books are actually enforced, a case which does not seem to be happening today.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the chairman of the committee for yielding time to me, and I rise in support of the Staggers amendment and in opposition to the so-called Brady bill.

In so doing, I want to join those who have expressed sympathy for Mr. Brady and for Mrs. Brady for the injuries that he suffered and for the tragedy that both of them have suffered in the traumatic experience they had back in 1981.

Like all Members of Congress, I am concerned about the proliferation of violent crime in the United States. There is no city in which crime is worse than the one in which we live. Violent crime in Washington, DC, has increased every year since I have been here, and Washington, DC, has a handgun control law. In fact, I as a law-abiding citizen cannot bring my handguns to Washington. I protect myself by having shotguns in my house, if necessary. I would much prefer having a handgun in the dresser drawer, as I am accustomed to having out in Arkansas.

But in Arkansas there is not a problem of violent crime. Sure, there are a few violent crimes every year, but the violent crimes occur for the most part in the cities of America, not in the countryside. If we pass the Brady bill, this will not change that problem because it is symbolic. It does not achieve the goal that is intended.

□ 1510

Passing the Brady bill will just be a statement by this Congress that we are opposed to violent crime. What is needed is a crime bill, more prosecutors, more judges, and more prisons for the criminals who should be kept there.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, there is no question but that the American people want this Congress to act on the serious problem of violent crime. How best do we respond to the call of the American public to act on violent crime? For almost two decades now, there have been many Members of Congress who have been struggling valiantly to enact a comprehensive crime bill which would include measures that are targeted toward the violent criminal.

President Ronald Reagan in his two terms of office pleaded with Congress to enact a death penalty bill for people who kill while using guns in the perpetration of robberies and burglaries and violent assaults.

But the very same proponents now of the Brady bill opposed the President in those proposals. In fact, they laughed at President Reagan when he proposed those.

The President then and President Bush now proposed a comprehensive crime control bill that would include a reform of the exclusionary rule, which allows criminals who tote guns and who kill and maim with guns to escape from the courtroom on a technicality. President Reagan and President Bush now want us to reform that so that that cannot happen, so that the gun wielder will go to jail. But the proponents of the Brady bill today are the very same who rediculed President Reagan and opposed President Bush in his proposal to crack down on these violent criminals. The reason is that gun control means criminal control, mandatory sentences, throw the key away if necessary, strengthen the hand of the Sentencing Commission to deal with those kinds of crimes that kill and maim by the use of a gun.

Mr. Chairman, we need not a Brady bill; we need a crackdown on the violent offender.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Chairman, today we and all Americans watching this debate are presented with a fundamental choice: What are human lives worth when weighed against the inconvenience of waiting 7 days to purchase a handgun? I believe the answer to this question is clear: The time has come for Congress to enact this simple measure, to make national policy out of a practice that has saved untold lives in States where waiting periods exist.

Mr. Chairman, I own firearms and have in the past opposed the outright prohibition on the sale of handguns and most other weapons, as some have advocated. In fact, as chairman of the senate judiciary committee in the Illinois General Assembly, I opposed countless bills that I felt infringed upon the rights of citizens to bear arms. No such infringement exists here, however. The Brady bill simply establishes a maximum 7-day waiting period before purchasing a handgun as the minimum standard for States that do not currently have similar waiting periods or do not conduct some type of background check. Will this inconvenience gunowners? Quite probably, yes. Does this infringe on an individual gunowner's right to bear arms? Decidedly, no.

What, then, do we gain from extending the inconvenience of a 7-day wait to all States? The answer is we save lives—potentially, thousands of lives. It is inconceivable to me that anyone who has seen the overwhelming number of handgun sales prevented because of current State waiting periods and background checks, which allow convicted felons and other ineligible applicants to be identified, can argue that the Brady bill will not save lives. In my own State of Illinois, for example, 2,920 applicants were denied in 1990, and 1,867 permits revoked. Perhaps the most compelling example is that of the State of New Jersey, where, over the past 20 years, more than 10,000 convicted felons have been stopped from purchasing handguns. Think about that: Handguns were kept out of the hands of more than 10,000 felons. And people say the Brady bill will not work.

This evidence is irrefutable and, I believe, renders all other arguments made in the abstract meaningless. As a matter of conscience, I must come down on the side of saving lives.

Support the original Brady bill and save lives.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Chairman, I would like to see the Virginia felon identification system adopted nationwide. Neither Staggers nor Brady will affect Virginia and many other States, but I believe the Staggers bill will accomplish an instant check nationwide in the near term, while the Brady bill may do so over a longer period of time.

Mr. Chairman, while I supported H.R. 7 as a second alternative to Staggers in committee, I am hopeful that Staggers will prevail on the House floor, since it will, to the greatest extent possible, keep firearms out of the hands of felons and require States to improve their criminal justice records.

Mr. Chairman, most criminals obtain guns on the black market, and therefore will not be impeded from buying a gun by either proposal. However, I believe we can make a difference without infringing upon the second amendment by adopting the Virginia system nationwide and through meaningful criminal justice reform such as the major components of the President's crime package. In order to reduce firearms violence we must have tougher penalties for individuals who carry a gun during the commission of a crime.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I am privileged to serve on the House Judiciary Committee with both Mr. STAGGERS and Mr. SCHUMER. Their constituents can be proud of the gentlemanly manner and yet, tough advocacy, by which they have conducted themselves and orchestrated this debate.

In addition, I acknowledge and commend the fairness displayed by the chairman of the Judiciary Committee, my chairman, Mr. BROOKS, on this issue as well as the work of Speaker FOLEY for his insistence that the House contend with this issue fairly, quickly, and decisively.

Mr. Chairman, all in this Chamber today have the same goal: to eliminate violence in our society. In the Congress' deliberations in search of order in our society, we must assess any proposal in terms of cost. First, of course, there are monetary costs. Monetary costs are a fact of life. And, we have a responsibility to assess the monetary cost and, yes, we certainly have a responsibility to assess the impact on the Federal Treasury.

Just as importantly, we must assess the monetary costs on our State and local governments as well. The reason, of course, is that the taxpayer pays for all government actions regardless of the level of government involved. Moneys to fund government may come from a different pocket; nonetheless the source is the same, the American taxpayer.

We live in a time of severe limits on government spending—at all levels—and we must make certain that we spend taxpayers' money wisely.

There is another cost assessment we must make, as well. And this is the cost to our civil liberties. How much cost to an individual's civil liberties in our society does a proposal for law and order require? This is important. For the question becomes how much government intrusion in the lives of law-abiding Americans will we as a society tolerate in the goal of law and order.

Finally, we must be honest with the American people and not pass measures with catchy phrases and only an appearance of substance. We must provide substance in our proposal and therefore, we must assess whether a particular piece of legislation provides the best means to solve a problem, or whether some other less costly approach and more efficacious means exists in providing for order.

I am supporting Mr. STAGGERS' proposal over the original provisions of H.R. 7. Let me discuss the reasons in context of the above.

It is necessary to understand the distinctions between the two proposals—and the similarities.

First, let me discuss one similarity. Americans should understand that both Staggers and Brady only relate to those handguns purchased at a licensed gun dealer. Everyone in America needs to recognize the significance of this. If either proposal becomes law, no background checks will be conducted on purchasers buying a handgun at a swap meet, flea market, or any other place where the transaction is between individuals. Recognize it won't take long for felons to realize they can no longer go to a licensed dealer to obtain their handgun. They will have to go to the local flea market or swap meet. Those who want to get a handgun will easily and readily be able to obtain one.

This means that neighborhoods will not be safer; Americans should continue to lock their doors. With this reality in mind, we should adopt the least expensive, least intrusive proposal.

The Staggers proposal is less costly monetarily. It does not require every local law enforcement agency in this Nation to perform background checks on potential handgun purchasers. The

Staggers proposal has the licensed gun dealer make the phone call. Local law enforcement agencies will be able to continue to do what they do best: day-to-day police work. Local police forces will not have to join a bureaucratic paper chase.

The Staggers proposal is more honest with the American people because the record checks will be with existing records and not of some mythical records that many people are assuming exist. For example, the Brady bill would require a check to see if the potential purchaser is an illegal alien. I know of no State in our Nation that is keeping such a record.

There is the civil liberties issues as well. The Brady proposal suggests that in the 7-day period a check will be done to see if a potential purchaser is either a dishonorably discharged veteran, an illegal alien, a felon, or mentally defective. The proposal, therefore, encourage States—and the Federal Government—to begin keeping records on the mentally ill. Certainly, we should keep records of felons. I question whether States need to keep lists of dishonorably discharged individuals where the discharge is unrelated to a crime against another person or our Nation. And, I still wonder how we will get a list of illegal aliens.

I find offensive the term "mentally defective." This is a 19th century term for the mentally ill and the mentally handicapped. Those of us who are waging the fight to protect the rights of the mentally ill in this country, to educate our society about mental illness, should never accept this retreat back to this archaic attitude.

Certainly those individuals who have a mental illness and are a danger to themselves and others should not possess a firearm. And this determination should be adjudicated along side the question of whether that person should be committed.

But, Brady goes further. It forever stigmatizes and prohibits an individual who has ever been committed to a mental institution from purchasing a handgun from a licensed gun dealer. I believe such a requirement violates these individuals' right of privacy and impinges on their second amendment rights.

A lot of time, stress, debate, and money is being spent on both sides of H.R. 7. I believe there is a better way to spend this money in the effort to bring about a less violent society. I believe we should spend this money—and more—on our children: on solid education programs, rehabilitation and counseling programs for wayward youth, more intensive and long lasting help for victims of child abuse, and drug and alcohol rehabilitation programs for both children and adults.

With our limited Government dollars, I believe we would create a safer society if we spent our moneys on these kind of programs rather than on such unenforceable laws as H.R. 7.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I rise to participate in a colloquy with the gentleman from Ohio [Mr. FEIGHAN], to affirm the legislative intent of H.R. 7.

Mr. Chairman, on behalf of myself and the gentleman from Michigan [Mr. HENRY], who shares my concern on this issue, would handgun purchases in Michigan be exempt from operation of the Brady 7-day waiting period?

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, yes. H.R. 7 exempts handgun transfers if the law of the State provides that a handgun transferee must have a permit to purchase and the permit is issued only after an authorized Government official has verified that the information available to that official does not indicate that possession by the transferee would violate the law. Because Michigan law prohibits the issuance by the police of a license to purchase a handgun to anyone prohibited by law from receiving such a gun, the issuance of such a license would itself be a verification that the transfer would not violate the law. Therefore, handgun purchases in Michigan would be exempt from the 7-day waiting period.

Mr. UPTON. Mr. Chairman, reclaiming my time, I thank the gentleman from Ohio [Mr. FEIGHAN] for that clarification.

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Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky, Mr. ROMANO MAZZOLI, a distinguished member of the Committee on the Judiciary.

Mr. MAZZOLI. Mr. Chairman, I rise in support of the Brady bill and against the Staggers amendment. One of the proudest votes I ever cast was in 1988, when I voted for the Brady bill. And I urge my colleagues to join me today in voting proudly for the Brady bill.

Two arguments that we will hear today, one is the Brady bill will not get all the guns off the streets of America, will not make our streets peaceful. That is very true. But it is one step in that direction. It is one facet of a multifaceted anticrime program, and it should be passed.

Another argument is that the waiting period is too long and that a point of purchase verification system is better. And I agree. That is why in the Brady bill is a sunset provision which expunges Brady in the event we come upon a feasible verification system for point of purchase.

I think all the arguments that are made against Brady are fallacious. This is a good bill. We should vote Brady up and vote Staggers down.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in opposition to Brady and in support of Staggers. It is very interesting to note that in the survey of convicted felons, conducted by the Department of Justice, 88 percent of those felons agreed that a criminal who wants a handgun will get one and 82 percent agreed that gun control laws only affect honest citizens.

Perhaps most importantly, almost 40 percent of them said there was at least one time they did not commit a crime because they thought the prospective victim was armed. This should tell us that we need crime control rather than gun control.

The Staggers bill would institute a point of sale check as to whether the purchaser has a criminal record or history of mental illness, while the 7-day cooling period required by Brady is spurious. A criminal who wants a gun will get one.

But for those who want to buy one, the point of sale is the point at which the efficacy of purchase needs to be established.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I thank the distinguished gentleman from Texas, the chairman of the Judiciary Committee, for yielding me this time.

I want to again offer my compliments to Sarah and Jim Brady for bringing us to this position in the debate on the so-called Brady bill, the gentleman from Ohio, Mr. FEIGHAN, and the gentleman from Wisconsin [Mr. SENSENBRENNER] the ranking Republican of the crime subcommittee.

It boils down to this: whether or not we believe that a waiting period, in fact, will save lives. And I do not have to tell Members, some 25 States have had a waiting period of one kind or another for many years. My own State of New Jersey just this past year found almost 1,000 applicants for handguns that were disqualified persons. They would have gotten a handgun if, in fact, no one had run a record check. And that is the secret.

I ask Members, what is such a big deal about waiting 7 days? I cannot get a health certificate to open up a restaurant in many big cities without going through some kind of check. What is so wrong with trying to find out whether the applicant for a handgun has a criminal record or a mental history?

Do Members think they are going to tell the truth on the application? Do Members think somebody with a mental history is going to answer the question, do you have a mental condition, in the affirmative?

I would have to say that he does have a mental problem is he answers it yes because most of them know there is no record check.

Now, the Staggers bill is just another effort to derail. We are going to be back here next year once again because Staggers is anything but Brady. It is an effort to derail, really, the Brady bill. We do not have the capacity, unfortunately, to run a record check and turn around these records simultaneously.

So let us try to move in the direction of stopping the carnage that is taking place every day out there and let us pass this reasonable measure we call the Brady bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from Wisconsin for yielding time to me, and would take a moment to thank and commend the gentleman on his clear thinking and principled leadership on this issue. Mr. Chairman, I rise in strong support of H.R. 7, the Brady bill. Make no mistake, my colleagues, and let no one tell you otherwise: This bill represents a crucial step in moving to curb handgun crime, and one that our law enforcement officials are calling on us to pass. But beyond that, I would remind each of my colleagues that, ultimately, the Brady bill is a matter of simple common sense. There is no substitute for a 7-day waiting period. The whole debate can be summarized in one sentence: Anyone who needs a gun right now needs a waiting period.

The 7-day waiting period afforded by the Brady bill allows local law enforcement 7 days in which to conduct a background check on a prospective handgun purchaser. In this way, we act to stop the ex-convict, or the mentally incompetent, from simply crossing a State line, putting his cash on the table, and walking away with a handgun. Even more crucial, only the Brady bill allows the waiting period necessary to stop a flash of temper or moment of heated passion from driving a person over the edge, to handgun violence.

It is important for the record to examine objectively the provisions of the Brady bill, to dispel some of the myths that the gun lobby would have us believe. The Brady bill in no way provides for a system of national gun registration—quite the opposite. In every instance where a handgun sale is approved under Brady, law enforcement officers must destroy the information they've been provided within 30 days.

Likewise, there is no case to be made for "unreasonable delay". The Brady bill is clear and explicit: After transmitting the name and address of the purchaser to local law enforcement officials, if the dealer has not heard back from law enforcement after 7 days, positively disallowing the sale, the buyer gets his gun. There is no room for delay—it's that precise.

Finally, this bill has no "new" restriction on gun purchasers in this bill. No one who today is legally entitled to purchase a handgun will be ineligible under Brady. This bill just checks, reinforces, and reaffirms existing handgun law.

Sadly, the list of examples and incidents where the Brady bill might have made a difference grows longer every day. Certainly the most gruesome—White House Press Secretary James Brady—still haunts each of us. The man who shot James Brady and President Reagan testified himself that had a waiting period been in place, he would not have gone ahead with his plan.

One day last year, in Atlanta, GA, a patient was released from a mental hospital. The following day, he drove over the State line into South Carolina, and purchased a handgun on the spot. The next day, he killed one person and wounded four on a shooting spree in an Atlanta shopping mall. The Brady bill, allowing 7 days for police to check the background of a purchaser—including mental history—might have stopped this tragedy.

Last year in Florida, a man who was arrested for murder in 1971, but plea bargained to parole, purchased a handgun and shot dead eight people. Since he was not a formally convicted felon, he slips through the cracks of any instant check system. Only the Brady bill allows local law enforcement the time to check in-depth the background and history of a would-be gun purchaser.

And just 2 weeks ago in Live Oak, TX, the estranged wife of a pediatrician was served divorce papers, and the next day, walked into a local gun shop, purchased a handgun, went to her husband's office and shot him dead. Such a mindless crime of passion again underscores the need for the 7-day cooling off period of the Brady bill.

Each of these examples makes evident the need for the Brady bill, and a 7-day waiting period. The inadequacies of an instant check system, as offered under the Staggers amendment, are painfully obvious.

In considering the legislation before us today, I would also remind my colleagues of the broad coalition of support the Brady bill has garnered. From the State attorneys general to the cop on the beat, the men and women who made crime control their lives' calling are united in their support for Brady.

Every legitimate law enforcement organization has endorsed this common sense, 7-day, waiting period: the Fraternal Order of Police, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, and the International Association of Chiefs of Police are just a few of the many law enforcment agencies to endorse a national waiting period.

More impressive, however, is the grassroots enthusiasm for this bill from our men and women in the field. I have yet to visit a police station in my district where officers did not commend me for my support of the Brady bill. This is the testimony of the frontline troops in the war on crime: How can you my colleagues turn your backs on law enforcement and in support of the gun dealers?

In my own State of New Jersey, a background check has stopped more than 18,000 purchases, and resulted in more than 10,000 arrests. This law has been in effect for 20 years, and I have seen no evidence that it has led to infringement of constitutional guarantees. The Constitution stands, and sportsmen are still getting their guns.

It is unfortunate that any legislative effort to restrict firearms is painted by gun control opponents as an affront to—if not abrogation of—the Constitution. In fact, nothing could be farther from the truth. The Supreme Court of the United States holds that the second amendment does not allow free or unrestricted ownership of any weapon. Rather, the second amendment allows regulation of firearms "so long as the regulation does not impair the maintenance of the active, organized militia of the States"—Miller versus United States, 1939. The Supreme Court has consistently upheld this reasoning for more than 60 years.

There can be no substitute for the Brady bill, which will start saving lives the day after it becomes law. In contrast, the Staggers substitute requires the Justice Department, within 6 months to establish a toll-free hotline for gun dealers to phone in a check. But not even the strongest supporter of Staggers pretends that the computer records on which this hotline is based can be up and running for years—the Attorney General of the United States' report to Congress estimates at least 3 to 5 years for information to be updated; the Office of Technology Assessment's estimates up to 10! When such a system is operative, the Brady bill sunsets, and defers to a complete and accurate instant check system.

But the time it takes to bring a national, instant check system on line is but one of the failings of the Staggers amendment. Even when criminal records are updated to provide complete and accurate information, the Staggers plan cannot and will not screen out the mentally incompetent, or drug abusers; and most important, the Staggers plan allows no cooling off period for crimes of passion. Again, anyone who needs a gun right now needs a waiting period.

Finally, Mr. Chairman, and it pains me to say this, never is my 10 years in the House have I seen such a blatant ruse as Staggers, an obvious ploy to provide political cover for Members who want to look as though they are voting for handgun control but are actually killing it for years to come. Is it any wonder that the American people are cynical and distrustful of their politicians? I urge my colleagues—stand up to the gun dealers lobby. Follow President Ronald Reagan's example, support law enforcement, and do the right thing for the people.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I rise in support of the Judiciary Committee's handgun waiting bill, and I urge all of my colleagues to do the same. I want to commend all of the sponsors and all of the Members of the committee on both sides of the aisle that have worked on this important legislation. And the most important reason I will vote for the Brady bill is because it has the strong support of the men and women who wear the uniform, walk the beats, bust the pushers, and put their lives on the line every day. The men and women of law enforcement do not ask for much: a little respect, a little recognition, and a little protection. I think the Brady bill helps to give them that protection. And I will vote with many others here today to give them that protection.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, we are here again to take away a little more freedom, more restrictions, more conditions, more stipulations. We are not here to debate real crime control. If we were debating real crime control measures, we would be talking about locking up felons who use guns.

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We would be talking about reforming the appeals process. We would be debating the merits of the Federal death penalty. We would not be holding back law-abiding citizens from doing something they have done freely for over 200 years.

We as a nation, and as a body representing that Nation, treat feedom so cavalierly. I just had lunch with freedom fighters from the Soviet Union, Eastern Europe, and the Baltics, and they listen to us and they just shake their heads. What they say is, "Those Americans, they have had freedom so long they have forgotten how precious it is."

Just this morning we witnessed a magnificent speech by our hero, General Schwarzkopf. Do you know what that speech was all about? It was about freedom and how precious it is.

We know that most felons do not buy their guns from registered dealers. We know that most criminals get their guns on the street and, likewise, we know that a 7-day waiting period will never affect them.

All Brady does is to take a little of that precious freedom away from our fellow Americans. Vote no on the Brady bill.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, this is not a Republican or a Democratic issue. It is not a liberal or a conservative vote. It is more a vote on urban versus rural. It is a vote about values and culture.

The Brady bill may be a good provision for New York City or Los Angeles, but for rural States like New Mexico and Montana, it is not going to work. So it is a vote about the cultural values.

Mr. Chairman, both bills are imperfect, but the Staggers provision is better, because it requires criminal record checks while the Brady bill requires no criminal record checks. It is better because it keeps police fighting criminals while the Brady bill ties up a lot of time and red tape.

Mr. Chairman, in my State, there is one policeman per 100 square miles. If that policeman, all he does or she does is do background checks on prospective gun owners, there will be no time to fight crime.

I urge support for the Staggers provision.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I stand here now in support of the Brady bill. I will say very quickly that the paradox of the Brady bill in the long run and the short run is that it will bring the cultures of this country together to ensure the legal purchases of guns will remain and target the true problem which is illegal gun purchases. I stand in support of the Brady bill.

I rise today in opposition to the Staggers amendment and in support of the Brady bill, H.R. 7. I think one thing that everyone has missed in this debate is the fact that we have a perfect analogy for the Brady bill right here on Capitol Hill.

As we walk in and out of the Capitol complex we often see our friends and constituents waiting in long lines to get through the doors, because they have to go through metal detectors to get into the complex. At first this may seem like an undue burden on people who legitimately want to see the Capitol; after all, why should they have to wait? It is their right to see the Capitol.

Additionally, one might claim that the system is not perfect. Metal detectors do not detect plastic explosives, ceramic guns and the like. Perhaps some day there will be a system which is so quick and so effective that no one would have to wait in line, and no weapon could slip through. Do we, then, do away with the metal detectors until such a system is ready?

I support the rights of people who want to own guns for legitimate reasons, just as I believe anyone who wants to see the Capitol should be able to. I would rather people not have to wait in line, just as I would rather legitimate gun buyers not have to wait 7 days. And like the metal detectors, the Brady bill is not perfect; it will not stop all crime. But no one seems to dispute the fact that the McCollum instant check system will not be ready for several years.

Furthermore, I see nothing in the Brady bill which is incompatible with an instantaneous check system; indeed it will give a pro-gun administration additional impetus to set up such a system. But for the moment, the Brady bill provides the best available means to deter criminal gun purchases.

Mr. Chairman, I support the Capitol maintaining the metal detectors until there is a better system available, and I expect everyone agrees with me on that point. I further support passage of the Brady bill as the best available system until a Staggers-like system is ready and I urge my colleagues to see the wisdom of that point as well.

The paradox of the Brady bill is that it will ensure the continued legal purchase of firearms and enhance the quality of debate, which is necessary, to solve the problem of illegal gun traffickers.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I rise in support of the Staggers bill.

In Virginia, it is working. We have instant check. Over 1,500 people who should not own firearms have been denied under the Virginia system in the short time that it has been in effect, while not a single law abiding citizen has been inconvenienced. If Virginia and Delaware can do this and get it computerized and do it in short time order, there is no reason that the rest of the country cannot do it as well.

To say that it cannot be done, I say, look at what happens when you go and make a purchase in a store anywhere in this country, anywhere in the world, you hand them a credit card and they do an instant check on you right then. If you can do it for that, you certainly can do it for the purchase of firearms.

I would also like to say that the Brady bill is flawed in that you do not have to have a check, as the gentleman from New Mexico just pointed out.

But one other thing I would like to point out: Domestic violence. A woman is married to a man who is an alcoholic. He gets drunk, he abuses her, he abuses the children. Finally, she screws up enough courage and throws him out of the house. He threatens to come back and kill them all. She needs a gun. Brady is in effect; she goes to the police chief and asks for a waiver. He does not have to give it.

Mr. Chairman, I do not want to be here and us having passed that and it becomes law and that woman is denied the right to protect her family if she feels she needs a gun to do it.

Ladies and gentlemen, please support Staggers and reject Brady. It is the right way to go.

Finally, we know that if this bill passes in any form and is sent to the President without his crime package, he is going to veto it, and he will be sustained.

Let us get on with the President's crime package. Let us enact it into law.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, it would be ridiculous for us to argue that the freedoms we enjoy under our bill of rights should not be restricted. There are obvious restrictions. One cannot endanger the safety of other citizens through free speech. One cannot libel or slander through the freedom of the press.

We are not arguing against all restrictions on the freedom to keep and bear arms.

Both bills contain some restrictions, but the bottomline question is: Which of the bills before us seeks to accomplish the purpose of keeping handguns from criminals while placing the least restrictions upon the second amendment rights of the 99.9 percent of Americans who keep and bear arms responsibly?

I believe that bill is the Staggers bill. Whenever we seek to limit any constitutional freedom, whether we agree with that freedom or not, we should be equally careful about the effects of that restriction upon the responsible people as well as the irresponsible.

I have weighed and balanced for many weeks the various considerations surrounding the vote on the Brady bill. These are my concerns. Let me first of all frame my concerns from a constitutional viewpoint.

In researching the writings, particularly of Hamilton and Adams in the Federalist papers, which explain the constitutional writers' intent with regard to the second amendment, I have concluded, and the Federal courts have never ruled to the contrary, that individual citizens do have the right to keep and bear arms. They have retained that freedom for over 200 years now.

But that freedom in itself is not being debated here, only the limitation of that freedom. It would be useless to argue that there should be no restrictions on our freedoms, because absolute freedom is license and anarchy would result. As an example, one cannot endanger the safety of others through free speech, one cannot slander the reputation of another through free press, and so forth.

So the valid question here is not the limitation upon second amendment freedoms, but how much limitation is necessary to accomplish the objective of keeping criminals and others from committing hangun violence while at the same time placing the least restrictions possible upon the second amendment freedoms of responsible Americans who keep and bear arms.

Clearly, in terms of the constitutional test of least restrictions upon individual freedoms to accomplish a societal need, the Brady bill is greatly inferior to the Staggers bill.

The Brady bill requires all citizens to wait 7 days for a criminal background check which is optional, not mandatory, while the Staggers bill requires an immediate background check, thus less restrictions upon the great majority who are responsible.

Supporters of the Brady bill make the argument that this 7 day waiting period acts as a cooling off period for angry or depressed people. This may be true. But this is clearly a case of presumed guilt or presumed criminal intent before any act has taken place.

We cannot suddenly start making laws based upon presumption of guilt as opposed to presumption of innocence upon which our entire legal system is based. This is clearly a constitutional argument that could only be settled by the Supreme Court.

Now to the pragmatic concerns.

The Brady bill does not require criminal background checks but makes them optional by the local police. If the bill is going to mean anything in regard to keeping handguns out of the hands of criminals, then it seems to me a background check would be necessary.

The Staggers bill requires an immediate background check through a computerized national data base. Each State contributes to a central data base the names of all criminal felons arrested in their respective States. Each handgun salesman would have a computer tied into this base and anyone wishing to purchase a handgun must be cleared through the system. If he has a criminal background record, he is denied the purchase.

The State of Virginia has successfully employed this system for years. This works exactly the way your credit card works when you go to the local store and make a purchase.

The Brady bill would put the responsibility for criminal background checks on the local police departments. In my district most of the police departments are two and three person operations which neither have the time nor resources to devote to expensive and costly criminal background checks.

Remember also, that the Brady bill only applies to handgun purchases. If a criminal or emotionally disturbed person wished to purchase any other type of weapon, such as a shotgun, rifle, and so forth, he would not be forbidden to do so.

It seems to me that an immediate and required background check does less damage to the constitutional freedom of responsible Americans, enables our local police departments to spend their time on law enforcement as opposed to paperwork, and yet accomplishes the needed objective of keeping firearms out of the hands of potential abusers.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, the basic question that we need to answer today is which of the two approaches before us, the Staggers amendment or the Brady bill, is the best way to prevent criminals from obtaining guns legally. Notice that I say legally, because there is not anything that we are going to vote on today that can prevent them from obtaining a handgun illegally.

In my opinion, the Staggers amendment is the best approach and probably the only approach that would prevent a criminal from being able to legally obtain a handgun.

The Brady bill, while well intentioned, does not require any kind of background check. It simply requires a waiting period.

Staggers, on the other hand, requires an instantaneous background check at point of purchase. The issue about how long it is going to take to implement the Staggers amendment is irrelevant, because no matter what we do, the Justice Department, working with the various enforcement agencies in the States and local governments, is upgrading their data base and hopefully sooner rather than later we will have sufficient data base that will allow the background check to be implemented.

Mr. Chairman, I plan to vote for Staggers, and I would encourage my colleagues to vote likewise.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED], a distinguished member of the committee.

Mr. REED. Mr. Chairman, I rise in support of H.R. 7, the Brady bill.

I recognize the second amendment right of Americans to bear arms. As a veteran of 12 years in the Army, I am familiar with firearms. But it scares me that, especially in our central cities, our safety is threatened today by young people who seem to carry more firepower than my entire platoon from the 82d Airborne.

Today's debate is not about alternative methods of gun control, because we will only be considering one realistic gun control proposal—the Brady bill. The question before us today is whether we will impose moderate, reasonable restraints on access to handguns.

In Rhode Island we already have a law that mandates a 7-day waiting period before the purchase of a handgun. This law has worked so well in Rhode Island that the police chief from my hometown of Cranston asked me to support the Brady bill here in Congress.

Indeed, the most compelling testimony in support of the Brady bill comes from the thousands of police officers across the country who really are on the firing line.

If the vote on this issue were put to police officers, I have no doubt that they would vote overwhelmingly in favor of the Brady bill. For them this isn't political—it is quite literally a matter of life and death.

A 7-day waiting period accomplishes several important objectives. It gives police the chance to perform a background check on potential gun purchasers and provides an important cooling-off period.

Our first vote today will be on the Staggers alternative. This proposal is not a real alternative. It is an elaborate, expensive system designed never to be implemented.

And I hope that no one is kidding themselves into thinking they can vote for Staggers and say they also supported the Brady bill. A vote for Staggers is a vote against the Brady bill. The choice is very simple.

The Staggers bill offers up an instant-check system that even the Attorney General has said would take years to develop. The instant check system is a myth.

Forty States do not have completely automated criminal history record files. Three States do not have any records on computer.

Those States that supporters of the Staggers bill offer as an example—Florida, Delaware, and Virginia—all provide longer than 24 hours to perform the background check. In Florida, officials have up to 3 days to check their records and the Brady bill exempts States that can check their records in under 7 days.

The supporters of the Staggers bill speak of a person's right to purchase a gun. But under this legislation, anyone could buy a $10 gun dealers license and access confidential records. Those who support the Staggers bill are willing to play fast and loose with another constitutional right, the right to privacy, in order to facilitate the sale of guns.

The Brady bill is a very modest, reasonable measure. I don't think 7 days is too long to wait to save a life.

I ask my colleagues to vote "no" on Staggers and support the Brady bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, neither the Feighan bill nor the Staggers bill will put an end to drive-by shootings, random acts of violence, assassination attempts, or the grisly, execution-style murders that testify to the competitiveness of drug traffickers.

Let no one here hold out the false promise that we have discovered a panacea for the violence. We have not. For all the reasons we have heard heretofore and the rest of the afternoon, it will only affect a small percentage of the gun purchases that result in violence.

As we will hear time and time again today, the guns used to commit these crimes are rarely purchased at the local gun shop. Rather they are bought on the black market or through these so-called straw men. Neither the Feighan bill nor the Staggers bill will close off these gun pipelines that are supplying the great majority of criminals.

Instead, the Feighan and Staggers bills focus on the relatively small percentage of guns that are purchased through legal channels by people who are not legally entitled to own a gun. If our goal today is to shut off this narrow supply route, then the task before the House is to choose between the two proposals.

Given Virginia's positive experience with an instantaneous check system, I believe the Staggers bill offers the best hope of achieving the short-term and limited goal before us today. It cannot, however, address our long-term need to discourage violent, criminal behavior.

The Attorney General, who happens to have a great deal of experience prosecuting criminals, has put together a comprehensive plan to address violent crime over the long haul. Among other things, that plan calls for a stiff mandatory minimum sentence, with no plea bargaining and no parole, for anyone who commits a crime with a gun. Its unambiguous. Criminals will understand it and fear it. We could establish a real deterrence to crime.

In closing, I would like to stress that the crime that plagues our society is of concern to us all; everyone on this floor today wants to stop the violence in our streets. However, neither of these bills will be the cure for this deadly disease; neither bill will heal the terrible wounds of violent acts, but at least the Staggers proposal will do something. Like a man who hurries home with an intense headache, we should vote for the aspirin named Staggers with the knowledge that it will give mild relief.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. DERRICK], a member of the Committee on Rules.

Mr. DERRICK. Mr. Chairman, I have hunted and fished all my life. When I grew up, everyone had a shotgun in the back hall. That is what we did when November came, we hunted.

I have been around guns all my life. The district that I represent is a big hunting and fishing district. However, I stand here today to tell Members that I will vote against the Staggers bill and for the Brady bill. Every night on the streets, the byways and highways of this country, it is the O.K. Corral, the St. Valentine's Day Massacre. I will tell Members that on the streets of this country, in any given 10 days, there are more people killed in this country by handguns than were killed in the entire Desert Storm operation.

It is time for Members to do something about it. It is time, and the American people want Members to do something about it. I have not had one person that can argue with this: Who in the world, in this body or in this country, can argue with the fact that we should have a waiting period of 7 days, to find out if someone has been in a mental institution, or if someone has a criminal record, before we sell them a handgun?

If they need a handgun any quicker than that, they do not need it.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, is the Brady bill firearms control? You bet. Some who have spoken on the floor today have said as much. I quote:

> It's time we control handguns; it's time we control crime by controlling handguns.

Of course, Handgun Control Inc., wants the Brady bill passed. That is exactly why. Handgun control.

Is the Brady bill firearm regulation? You bet. Any time we have to ask a branch of Federal, State, or municipal government for a permit to buy a firearm, that is regulation. Any time that we have to ask Daryl Gates and his Gang of Four of the Los Angeles Police Department for a permit to purchase a firearm or a handgun, that is regulation.

That potential for abuse is exactly why we put and have a second amendment to the Constitution. However, say the supporters of gun control, after 7 days, they can purchase a handgun. What can be wrong with waiting just 7 days?

Let me ask this question: What happens after 7 days? Many times we cannot even get a letter across this city with the Postal Department in less than 7 days. What happens after 14 days and a person does not have a permit? Will the firearms dealer sell me a firearm? Do Members think that any licensed firearms dealer in his right mind would want the liability of selling a person a handgun, if they did not have a permit? Do Members think a law enforcement officer wants the liability of issuing a permit, if he did not have all the information base? It is much safer not to respond at all, and let the dealer shoulder the responsibility. Some say, it will not affect our State. We have a waiting period. My response is yes, but if abuse occurs in those jurisdictions, a citizen has relief through rebellion, recall, or referendum. They would have the opportunity to repeal State laws.

I ask my colleagues, who will be the first Congressman to vote for registration and regulation of firearms? Defeat Brady.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself one-half minute to rebut the gentleman from Alabama.

The 7-day period starts when the prospective purchaser fills out the form that is to be submitted to the police department. At the end of 7 days, if the licensed gun dealer does not hear anything to the contrary from the police department, the sale goes through. There is no administrative denial on the Brady bill through inaction. At the end of 7 days, if nothing happens, a sale is perfectly legal.

I hope that all Members are very clear on that point.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa [Mr. SMITH], the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary.

Mr. SMITH of Iowa. Mr. Chairman, in listening to the debate concerning the gun bill, it is apparent a good many Members labor under the assumption that disarming everyone makes people equal in strength. To some extent that may be relatively true for those who live where a scream can be heard by enough people to assure immediate help. However, especially in rural areas disarming everyone does not make everyone equal. Elderly couples without a gun in a rural area are not equal in strength to an unarmed 18 year old thug who wants to break into their house. A 5 foot 6 inches 150-pound person is not equal in strength to a 6 foot 6 inches, 250-pound man when they are the only ones around. Also, most average size unarmed women do not have an equal chance to overcome or resist an average size rapist. That is the reason guns are called equalizers.

Some have said that guns kill, but in fact guns also keep people from being killed, or robbed or raped. Of course guns do kill but automobiles are the instrument involved in killing many more times than guns are, and sometimes they kill people within the first 7 days of ownership, but we don't hear a proposal to delay the purchase of an automobile by 7 days or that it would reduce the number of people killed by automobiles.

There is also an assumption in these arguments in favor of the Brady bill that law enforcement agencies can be relied upon to protect people from being victimized. In the vast majority of cases law enforcement agencies are helpless to prevent murder, rape or robbery. They merely arrive after the crime has occurred and try to catch the culprit. They cannot restore the victims' rights or the victim to his or her status prior to being victimized. In too many cases even if the murderer or rapist is caught, it only prevents reoccurrence so long as the robber, murderer or rapist is in prison.

From all of the above it is obvious to me that disarming law abiding citizens who need a gun as insurance against being victimized does not disarm the criminal; and to claim that merely making them wait 7 days when there is no national registry to check against and no requirement that such a check be made, will not prevent people from getting guns who want a gun.

I think some of the problem in this whole argument is that some people who live in densely populated urban areas simply do not understand that living in rural areas is much different. Fashioning a law that may on the average be good for the 70 percent of the people who live in urban areas ignores the very different needs existing for the 30 percent who live in rural areas and does not pass the mustard for a national law in a country where 75 million people do not live in urban areas. The needs and situation for 75 million people should not be ignored just because they are in the minority.

The people who support this bill cite very real problems existing in this country relative to violence but they have not been able to explain how this bill is a solution to those problems. In fact most of the ones I have talked to really want to ban the ownership of all such guns by anyone. If they are opposed to such ownership they should say so and admit that is the goal. If they are not, why don't they include a provision confirming the right of all citizens to own arms who do not live in congested areas and do not have a criminal record.

To make any national gun control law effective, we need a national registry. The fact is we are trying to establish a National Identification Center and have appropriated the money in last year's supplemental to establish it in Parkersburg, WV. It is to be completed in 1995. It is amazing to me that many of the same editorialists who criticized establishing that national center which when completed will permit local law enforcement agencies to make instant fingerprint identification checks are the same ones who opposed the funding to establish the center. Until such a center is established, control will depend upon State laws and there are 30 States who do not have a permit and instant identification program. Until the National Identification Center is operating, the effort being expended on this bill could better be expended at getting a registry system in those 30 States. That still would not solve the problem of some criminals moving from one State or another and not being in the identification files of the latest State of residence, but at least it would make a contribution whereas, simply establishing a waiting period when we have no national registry to examine during the waiting period is not only a nonsolution, but in fact may lull people in to mistakenly believing the problem has been solved in all 50 States. Until there is a national registry, no national bill will accomplish the objectives of either one of these bills.

Mr. BROOKS. Mr. Chairman, I yield 45 seconds to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, I rise in support of the Brady bill. I have always opposed gun control. As a prosecutor in Houston, as an avid hunter, I have always felt that gun control laws tend to restrict and hurt lawful gun owners, as opposed to criminals.

The Justice Department study, though, is in, and it is conclusive. The Staggers approach may be millions of dollars and years away from being operational.

The Brady bill is not a panacea for crime. Tough criminal laws surely are. It will, however, help our police, and they need our help.

It makes me angry, in Texas today, that a felon or a drug addict can walk into a gun store and falsely fill out a form and walk away with a handgun. That is wrong.

What the Brady approach does is a moderate, common-sense way to give our police department an opportunity to check those weapons until we have an operational computer system nationwide.

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Gun ownership has a long and proud tradition in Texas, so does law and order. Responsibility is an important part of our right to own firearms, and so is common sense.

People do not fish with dynamite in my State. They do not yell, "fire" in a crowded theater. These are common-sense rules that we apply to ourselves. That is what the Brady bill is all about, and I urge its passage.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, in listening to this debate, I think we have heard the Staggers bill described as something that it is not. Before getting to the debate on Staggers, the air ought to be cleared. The Staggers bill is not the mandatory background check that its supporters say it will be. The first two pages contained in the Rules Committee report are riddled with exemptions on when the background does not have to take place, and even once this system is on line, which will be years away, perhaps 1995 according to the gentleman from Iowa [Mr. SMITH], there is an exemption where telephone service is not readily available.

A lot of firearms are sold at gun shows and flea markets that are held out of doors in fields, behind barns and the like. There is no telephone service that is readily available there, and as a result any transfer that takes place under those circumstances would not require a background check.

Second, there is an exemption where the hot line is not available. We do not know when this hot line is going to be available, so that means that with this exemption if the Staggers bill is passed and 6 months elapses and the hot line is not available, there is no regulation whatsoever on the transfer of firearms.

The Staggers bill is a sham. It is so riddled with exemptions that it really is not effective.

What it will do is mandate the spending of hundreds of millions of dollars in putting these criminal justice records into automated form to get something that will be on line at some undetermined date in the future.

I hope that the House will not be stampeded by the fancy and glitzy ads.

One of the jobs for us to do here is to read the bills, and all you need to do is look at the text of the Staggers bill that is printed in the Rules Committee report, House Report No. 102-52, to show that the rhetoric and the text do not meet up.

I would hope that the Staggers amendment would be rejected and the Brady bill, which is reasonable and not oversold, can be adopted.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Mississippi [Mr. ESPY].

Mr. HAYES of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ESPY. I yield to the gentleman from Illinois.

Mr. HAYES of Illinois. Mr. Chairman, I rise today in support of H.R. 7, the Brady Handgun Violence Protection Act. I have always been troubled by the senseless gun-related violence that is running rampant throughout our cities. But, what troubles me even more is the gun-related violence that is ruining the African-American communities in this country. I represent a district that covers most of the South Side of Chicago, an area with a high crime rate, and my constituents are fed-up with the violence. I know that my colleagues are also fed-up with the violence in this country, so the issue today is how to effectively address this problem. We have been debating for years as to the most effective way to curb violence in our streets and many of my colleagues have stated that it is our moral obligation to do just that—now it is time to put your money where your mouth is—today we will get the chance to say no to violence and yes to life.

In the African-American community homicide is the leading cause of death for males aged 15 to 24; with firearms being involved in 78 percent of those homicides. African-Americans are also three times as likely as whites to be victims of a violent crime committed with a handgun. These are alarming statistics and something must be done. I realize that the Brady bill is not a cure all, but it is one step in the right direction that can contribute to decreasing the gun-related violence that plagues our communities.

We all know that the Brady bill would establish a national 7-day waiting period to allow for a background check on the handgun purchaser. The bottom line today is, can 7 days save a life? I believe that it can and the preservation of even one life is something that we all should value. It is a sad day when it is more likely for an African-American male between his 15th and 25th birthday to die from homicide than it was for a United States soldier to be killed in Vietnam. The Brady bill is not a total cure for this epidemic of violence in our streets, but something must be done. States that are presently enforcing waiting periods and background checks report that thousands of criminals have been caught buying handguns. This is testament to the need for this legislation.

I wholeheartedly support this bill and ask that my colleagues do the same.

Mr. ESPY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is another issue which will generate more heat than light. We are all frustrated. We want to do something. We want to end the violence. We know that 23,600 people were murdered last year. We want to do something about it. It is just like the theme from the movie, "The Network." We are mad as hell and we are not going to take it anymore; but I want to advise my colleagues that in our zeal to do something, we should not just react. We should forsake the cosmetics for the substantive, the imaginative for the real. We should forsake the perception of action and do something to act instead. Neither approach really attacks the real problem. We know that five out of six criminals in this Nation do not buy their guns from the market. They purchase their guns illegally. They are obtained through black market channels, and if you want to do something, let us do something about expanding economic opportunity. Let us do something about expanding education. Let us do something about expanding.

Mr. Chairman, I do not have much time, but may I just say that the real difference between the two is that to me Staggers is mandatory and the other is optional.

Mr. Chairman, I support the Staggers approach.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman I thank the gentleman for yielding me this time. In 30 seconds, let me tell you a quick story.

About 10 years ago when Florida had bioption county waiting periods, Dade County in Florida had a 3-day one. Broward County, my home county, did not. An elderly man in Dade County went to three verified places to buy a gun, and he could not. He came to Broward County, went in the first shop he found, which was across the street from my distict office, walked in, walked out with a gun, walked across the street to a parking lot and blew his brains out.

If he would have been prevented, and he was mentally unstable at the time, he probably could not have purchased that gun if there was a statewide ban or a national 7-day waiting period, but he was able to buy it and he killed himself.

Most crimes are family crimes, crimes of passion, crimes of the moment when it comes to handguns.

We need the Brady approach. Staggers does not work, will not work and frankly, is a ruse.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, today on Capitol Hill is a very courageous and great American leader. He is a man whose leadership can and will make a great difference in our society. That man is Jim Brady. He has persuaded the American people to support the Brady bill. The American people are ahead of the Congress on the issue of gun control. Let us catch up with the American people. Let us do something real. Let us support the Brady bill. I urge my colleagues to do that and to defeat the Staggers bill.

Mr. Chairman, I commend Congressman SCHUMER, chairman of the Subcommittee on Crime, Congressman SENSENBRENNER, the ranking member of the subcommittee, and Congressman FEIGHAN, the principal sponsor of the Brady bill, for their leadership and dedication in bringing this important legislation to the floor.

Mr. Chairman, the Brady bill is the only measure before the House today which will help to keep handguns out of the hands of criminals. The Staggers substitute fails this critical test for three reasons.

Congress has already passed, and the President has signed, the McCollum amendment to the Anti-Drug Abuse Act of 1988 to implement a national instant check system for the purchase of all firearms, not just handguns.

A national instant check system is years away. Thus the Staggers substitute will, in effect, not require a mandatory background check because it will be impossible to perform for at least 5 years.

The Staggers substitute is a budget buster. Realistic estimates by the Attorney General, the Congressional Budget Office, and the Office of Technology Assessment put the cost of a crash-course attempt to implement an instant check system within 6 months at hundreds of millions of dollars. To appropriate that much money would violate last year's budget agreement and trigger sequestration.

Therefore, the only choice that the Staggers substitute offers to this body is a choice to substitute empty promises for real gun control.

The Brady bill, unlike the Staggers substitute, can and will work by implementing a national policy for slowing the spread of handguns. According to the Bureau of Alcohol, Tobacco and Firearms [BATF], criminals are able to skirt handgun control laws, put in place by some localities, by purchasing their guns in States without handgun controls. For example, a BATF study found that 96 percent and 92 percent of crime handguns in New York City and Detroit, cities with strict handgun controls, came primarily from States without handgun controls.

Mr. Chairman, with violent crime at record levels, the Nation needs a credible and effective system to stop criminals from entering a gun store and walking out with a handgun. I urge my colleagues to vote for the Brady bill and against the Staggers substitute.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I thank the gentleman for yielding me this time.

I have been advised, Mr. Chairman, by the Subcommittee on Crime and Criminal Justice that North Carolina, which has a comprehensive gun control measure in existence for many years, that the State would be exempt from the provisions of the Brady bill, if the Brady bill passes.

I will ask the chairman of the subcommittee if he will respond to that, and yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I would say to the gentleman from North Carolina, he is entirely correct. North Carolina would be exempt from the Brady provisions under its own law.

Mr. VALENTINE. With that, Mr. Chairman, I would like to express my opposition to the Staggers amendment and wholeheartedly support the Brady bill. It will be for me the first vote in the Congress of this kind.

Mr. Chairman, the issue of requiring a waiting period for most handgun purchases has been debated since before I came to Congress. It is time to act.

Over the past several months—indeed over the past several years—we have heard a number of arguments against the 7-day waiting period. On closer inspection, some of the most prominent arguments turn out to be more emotional than logical.

For example, we are told that the Brady bill will not end violent crime. Of course it will not. Sophisticated criminals will still be able to obtain firearms. The Brady bill is not a panacea, but it is worth trying. The cooling-off period it provides will almost certainly save some lives.

I prefer the North Carolina system, which requires a responsible public offiical, usually the sheriff, to make a positive determination that an applicant is qualified to purchase a handgun.

If this procedure, which is presently in place in North Carolina, were to be superseded and replaced by the 7-day waiting period, it would be difficult for me to support the Brady bill. I have been advised by the Subcommittee on Crime and Criminal Justice that North Carolina would be exempt from the Brady provisions. I would appreciate the subcommittee chairman confirming this exemption.

Finally, we are told that the instant background check proposed in the alternative would provide a better method of screening out convicted criminals. Again, I agree. But such a system appears to be many years and many billions of dollars away from implementation. For the immediate future, the instant background check would exist only on paper.

Two years ago I voted to direct the FBI to develop a system that would permit instant background checks. No such system has yet been implemented. For those who would favor such a system over the waiting period, it is important to note that the Brady provisions would be in effect only until a national felon identification system is in operation. Until that time, however, we should not pretend that such a system is in effect.

Mr. Chairman, I am a gun owner and collector. I have been a hunter. I may even be what some people refer to as a "gun nut." I firmly support the right of law-abiding citizens to own and use firearms for lawful purposes.

With that background—perhaps even because of that background—I believe that the Brady bill makes sense, at least for those States that do not have an effective system in place now.

The Brady bill is not the solution to the crime problem plaguing the Nation. But the evidence indicates that it will save innocent lives without preventing responsible citizens from owning firearms for legitimate purposes. The vast majority of Americans want this bill. I urge my colleagues to pass it.

Mr. BROOKS. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, has the NRA no shame? They have spent millions of dollars trying to convince the American people how responsible and responsive Virginia's background check system is in an attempt to defeat the Brady bill; yet the sponsor of Virginia's bill opposes the Staggers substitute and is a strong supporter of the Brady bill. In fact, the NRA told the Virginia Pilot Newspaper when Virginia's law was passed over their opposition, let us not be under any delusions that this will stop anything.

Mr. Chairman, that is why we oppose the Staggers substitute, because it will not stop the crime wave that is flooding our country with 23,000 handgun deaths a year.

According to the FBI and the Office of Technology Assessment, it will take 5 to 10 years and millions of State and Federal dollars to implement the Staggers bill. Staggers does not even provide penalties to gun dealers who knowingly and willingly violate this law.

Mr. Chairman, we owe it to the American people and to Jim and Sarah Brady and all those 23,000 victims of handgun deaths a year to pass the Brady bill and defeat the Staggers substitute.

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Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. I thank the gentleman for yielding.

Mr. Chairman, I think it is time to bring some sanity to the crime that is plaguing all of our communities. The Brady bill is not the whole answer, but is it not reasonable to ask someone just to wait 7 days to purchase a gun?

It is time for us to act today. I oppose the Staggers bill. I ask my colleagues to join me in strong support of the Brady bill.

Mr. Chairman, almost 10,000 people are murdered with handguns every year in our country. Every single year, more than 12,000 Americans are raped by handgun-wielding criminals, over 210,000 are robbed, and upward of 400,000 are assaulted. Make no mistake about it, handguns—while not the only weapon used by criminals—contribute significantly to the fear that grips our cities. They add to the lawlessness and desperation which make so many of the streets around our Nation unsafe.

We have an opportunity today to bring some sanity to this situation, to throw a few sensible obstacles into the paths of criminals seeking to buy the guns with which they terrorize law-abiding citizens. This is not a lot to ask, and 95 percent of the people in this country support the Brady bill because they realize that this handgun madness has got to stop. But we here in Congress are involved in heated debate over this basic anticrime legislation because a well-funded, well-orchestrated special interest group doesn't like it.

We cannot be intimidated by the National Rifle Association. We cannot allow them to deter us from doing what is right for the people of this country.

The NRA doesn't represent what's right for America, they don't represent the opinions of the majority of people in this country, and—in fact—they don't even represent many of their own members on this issue. As I travel around my district, countries people have told me that they are NRA members, but that they support the Brady bill. Law abiding gun owners don't mind having to wait a week to get a handgun, because they realize that's its going to make their communities safer.

Any fear that we feel as we vote today should not be fear of the NRA instead we should be afraid that if we do not act, more of our constituents are going to be killed by handguns, afraid that some handgun-wielding, drug-crazed madman is going to ruin the life of one of our friends or neighbors, afraid that more police officers are going to be cut down in the line of duty as they try to clean up the mess that these handguns have helped to bring about.

The Brady bill won't cure all of these problems. I don't dispute that, and I intend to continue working hard to put more police officers on the streets and more criminals behind bars. But the Brady bill will work. It will make it harder for crooks to arm themselves, and easier for law-abiding people in our society to live in safety and without fear.

Because of a waiting period, more than 10,000 convicted felons have been caught trying to purchase handguns in New Jersey. California's waiting period stopped over 2,000 illegal handgun purchases in 1990 alone. Indiana law enforcement officials were able to stop over 11,000 handguns from going into the hands of people who shouldn't be allowed to have dangerous weapons. And the list goes on. Criminals have been caught and crimes prevented, because waiting periods work.

Let's stand up for the people of this Nation and pass the Brady bill. It will save lives.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, I rise in strong support of the Staggers bill.

I was surprised when my fellow prosecutor, my colleague from Houston, said if a criminal came in and falsified records, the Brady bill would prevent that from happening. I have thought over the years that I prosecuted many crimes committed by guns, and I cannot think of a single murder or assault to murder—and I convicted many of them—not one can I think of would have been prevented under the Brady bill.

So I oppose it.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, when I was 12 years old, I wanted to go hunting. I found out I had to get a hunting license.

When I was 16 years old, I wanted to drive a car. I found out I had to get a drivers license to drive that car.

When I was 21, I wanted to vote. I found out that I had to be registered to vote.

Was that convenient? No, it was not. It was inconvenient, but something we had to do. Was it worth it? Yes, I think it was.

Is it inconvenient to ask somebody to wait 7 days to buy a handgun? Yes, that is inconvenient.

Is it worth it? I believe that in terms of the lives of hundreds of law enforcement personnel and innocent people which may be saved, yes, it is worthwhile.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, today I rise in strong support of my right and privilege to keep and bear arms. I hunted in northern Indiana as a young boy, and I hope someday my children have that same right. But it is also a right for our children to be protected from crime and from criminals. I believe that using the commonsense approach that we have done in Indiana for a 7-day waiting period to prevent those people who have been in a State mental institution or in a Federal penitentiary from getting that gun is a small step in the right direction. It is not a panacea. We need to come to this floor and vote for strong crime bills. That will be part of the answer as well, too.

We vote for a boat day and a goat day in this body; let us be tough and take a small step to reduce crime.

Mr. Chairman, I rise today in support of H.R. 7, the Brady bill, along with many of my colleagues who have cosponsored this important piece of legislation.

One element in today's debate is clear: Our country needs help in battling crime. We can no longer tolerate the fact that an average of 639,000 violent crimes per year are committed by offenders wielding a handgun. Nor can we tolerate the fact that almost 42 percent of the violent crimes committed with a handgun occur on the street with another 11 percent happening near a victim's home. These statistics illustrate that we desperately need help in erasing violence from America's streets, sidewalks, and neighborhoods.

The Brady bill should be the first step in our renewed fight against crime. Its main premise is quite basic. It mandates a 7-day cooling off period to allow local law enforcement officials the opportunity to conduct background checks on those people wanting to purchase handguns.

We know today that waiting periods work. Twenty-four States now have some form of waiting period for handgun purchases. My home State of Indiana has a 7-day waiting period to ensure that people unfit to carry handguns do not have the opportunity to purchase them.

What has been most telling to me in this debate—which did not begin today, but rather, has been the topic of conversations and public forums in the Third District of Indiana for some time—is that law enforcement officials see this as a clear indication that State actions are not the only instruments to be used in our battle against crime. Passage of a national 7-day waiting period would send a forceful signal to States that the Federal Government is now willing to join in the fight.

The State of Indiana took the lead in battling crime nearly 8 years ago when it passed legislation mandating a 7-day waiting period, coupled with a background check. In doing so, Indiana ensured that its citizens were protected from known criminal felons who might attempt to carry handguns. The Indiana State police reported recently that last year they halted the sale of handguns to numerous people who, under State law, were prohibited from carrying a sidearm weapon. It is difficult to determine whether any member of this group would have committed a crime, but the message is clear—the State of Indiana goes to extraordinary lengths to protect its citizens.

I urge my colleagues to finish the work that nearly half of the States in this country have initiated by passing the Brady bill and ensuring that the criminal that Indiana stops from purchasing a handgun cannot travel to a nearby State, without a waiting period, to complete his potentially deadly transaction.

The intent of the proposal before us at this time, H.R. 1412, is one we can all agree with. It aims to instantly check all those people wishing to purchase a handgun. However, there are clearly some serious practical problems with this proposal. The Department of Justice has said that this system, while ideal, will not be fully operational for at least 5 more years. Needless to say, we need help now. Until such a national "instant check" system is completely functional, let us have a 7-day waiting period. It makes sense. It makes sense to former Presidents Reagan and Nixon.

The Brady bill should be the first measure passed by this Congress to end the epidemic of crime which is spreading rapidly through our cities and towns. The fight will not be easy but it must begin with this piece of legislation and followed by a comprehensive and tough crime package.

We must, when given the opportunity, enact a comprehensive piece of legislation that will enhance the penalties for those who use firearms to commit crimes, end the injustice caused by the exclusionary rule which all too often lets criminals go free on technicalities, strengthen the death penalty, expand victim's rights, and reform criminal procedures which cause unnecessary delay and injustice within our criminal justice system. We need the Brady bill ala tough anticrime bill.

Today, we have the opportunity to set forth on a path that will, no doubt, be difficult. But, we must make the first step to stop violence. We need to set the tone for a safer and stronger America.

For these reasons, I urge my colleagues to take swift action upon this legislation. The Brady bill confirms what my home State of Indiana has known for years—waiting periods work. Let us pass the Brady bill.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise in support of the Brady bill.

Mr. Chairman, I have been asked by some of my constituents about what effect, if any, passage of H.R. 7, the Brady bill, would have on Indiana law. Under Indiana law, a potential handgun purchaser can obtain a license to carry a handgun after undergoing a background check. Indiana law also waives the State's 7-day waiting period for any person who has been issued such a license to carry a handgun. Because of the importance of this issue, I raised the question of whether H.R. 7 would preempt Indiana law with Congressman CHARLES SCHUMER, chairman of the Subcommittee on Crime and Criminal Justice.

Chairman SCHUMER has informed me that Indiana law will not be preempted by the passage of H.R. 7. The Brady bill will not change the Indiana law, which allows law-abiding citizens to purchase handguns without waiting if they have already obtained the handgun permit. Subsequent to my inquiry, the Judiciary Committee filed its report on H.R. 7, and, for the record, I would note the report language which explicitly addresses the concerns I have raised:

> It is the Committee's intent that States with a waiting period of seven days or longer, or which require a background check before the transfer of a handgun from a gun dealer to a purchaser, are specifically exempt from coverage of this bill . . . The Committee understands that some States which have waiting periods of seven days or longer exempt from that requirement persons who have been issued permits or licenses to possess or carry handguns for which the person has to undergo a background check. Handgun purchasers in such States are to be exempt from the waiting period requirements of the Brady bill.

This language clearly reflects the committee's intent that H.R. 7 not preempt State laws such as the one in Indiana. I have been informed that the inclusion of this explanatory report language is due, in large measure, to the concerns I raised about the effect of H.R. 7 on Indiana law.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Staggers bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield my final 3 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Chairman, of all the arguments that have been presented on this question, none is more important than whether what we do today violates the Constitution of the United States.

Each one of us should take that obligation extremely seriously.

For those of my colleagues who are in doubt because of the question of what the second amendment provides, I have asked for this time to lay before you the very clear facts of what the Supreme Court has interpreted and what reason tells us the second amendment means.

> A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

In the entire history of the United States, the Supreme Court has elucidated this constitutional amendment only once, in 1937 in the United States versus Miller opinion.

In that opinion the Supreme Court told us that phrase, "a well-regulated militia," was not put in there for excessive verbiage, that the right was explicit to the creation and regulation of the militia.

As a result, the court upheld this body's decision to outlaw sawed-off shotguns. I put to you that if the second amendment is the issue on the basis of which some of our colleagues are holding back, you ought not.

But let us move on beyond 1937. This issue has been presented to several U.S. courts of appeals and district courts. In the history of every one of those cases there is not one example where a restriction on gun ownership or use has been struck down under the second amendment.

I am not speaking today of some cases one way and some the other. Today I am telling you of a record without exception, case after case, court after court, unanimous, that this constitutional amendment deals with militia and does not prohibit us from imposing reasonable restraints upon weapons.

I also note this, that in adjudicating these questions, the courts have spoken about that kind of weapons are appropriate to militia. The Seventh Circuit, in the case of Quilici versus the Village of Morton Grove told us that a handgun was the weapon of the militia; the handgun is not what the framers had in mind when they created this amendment, but rather it was a weapon capable of doing much harm that would be appropriate to restrict.

In conclusion, if the Constitution is the issue which causes some of us hesitation, recognize that the courts, given the obligation as are we to interpret and apply the constitution, have had no hesitation. They have seen their obligation, the courts have met their duty.

What remains is for the Congress to do its duty. And as between Staggers and the Brady bill, if you believe the Constitution is an obstacle, then one is as unacceptable as the other; if you may not regulate, you may not regulate.

So please put to one side what is not an issue and recognize the time has come to do our constitutional obligation in full compliance with the second amendment.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I rise in opposition to both Brady and Staggers.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman. I rise in support of the Brady bill, unamended.

Mr. DOWNEY. Mr. Chairman: I rise today in strong support of the Brady bill. This proposal will help to ensure that the wrong people—drug traffickers, criminals, terrorists, mentally disturbed or incompetent persons—do not get their hands on guns that they have no legitimate use for. Despite all the rhetoric from the gun lobby, the fact is that the vast majority of law enforcement officials and most of the American public supports this bill.

Every day of the week, there is ample evidence that the ease of purchasing a handgun has made us a nation under siege. Throughout the country, Americans are being held hostage by fear. Older citizens are forced to stay in their homes at night behind locked doors, while criminals rule the streets. Innocent children are terrorized and threatened. Once quiet neighborhoods have become bloody battlegrounds.

The gun lobby's favorite line is that guns do not kill, people do. If they truly believe this, then they should support a 7-day waiting period because it provides a valuable safeguard for ensuring that people—the wrong people—do not have handguns.

Let us not forget Jim Brady. He knows only too well the importance of a 7-day waiting period. He understands the importance of acting now to control the availability of dangerous weapons. Let us inject a little reality into our anticrime policy. Let us keep handguns out of the hands of the wrong people. Let us make sure that Jim Brady's suffering was not in vain. Let us pass the Brady bill.

Mr. BACCHUS. Mr. Chairman, I am voting in favor of H.R. 7 today because I believe it will save lives.

I have no illusions that the 7-day waiting period mandated by this bill will solve all our problems with crime. But I believe a cooling-off period, in and of itself, is worthwhile because it will stop some otherwise law-abiding citizens from obtaining and using a handgun to commit a crime in a moment of emotional upheaval. Even if we had a national computerized system in place to conduct instant background checks, a brief waiting period still would be useful in preventing such crimes of passion.

I support this legislation although it would not apply to my home State of Florida, which recently enacted a 3-day waiting period as well as an instant check system. Florida's approach is an excellent model for the Nation that provides for both a brief cooling-off period and a background check on gun purchasers. However, most States currently do not have the capacity to conduct such background checks. H.R. 7 is a necessary interim measure until we have such a system in place nationwide.

A waiting period would not restrict gun ownership for sportsmen, gun collectors, and other law-abiding citizens. It asks only that they endure a minor inconvenience for the sake of saving lives. This is not an unreasonable request.

I also believe we must address the broader issue of crime prevention. While I believe H.R. 7 merits passage as an independent measure, I also believe the Congress must take additional steps to combat crime. Toward that end, I support much of the President's crime package, including increasing the number of Federal crimes punishable by death, reforming and limiting the number of appeals for death row inmates, and allowing the use of evidence discovered by police during warrantless searches conducted in good faith.

I look forward to debating these issues in the coming weeks. Today, the issue before us is the 7-day waiting period for handgun purchasers, and I wholeheartedly support it as a necessary step in saving lives.

Mr. WELDON. Mr. Chairman, I rise today as someone who sees merit in both the Brady bill and the Staggers bill. While both have limitations and problems, between the two there lies a commonsense approach to reducing gun violence in America.

Yesterday I testified before the Rules Committee and sought the opportunity to bring such a compromise to the House floor today. My Handgun Compromise Act of 1991 would have combined the best features of both bills by allowing a 6-month period for the development of an instant check system, while retaining the Brady 7-day waiting period if the development of the instant check system lagged. However, the Rules Committee in its infinite wisdom did not make my amendment in order. So today Congress will have just two choices: the Brady bill and the Staggers bill.

Over the past several weeks we all have been deluged by hundreds of constituent letters and phone calls. The special interests groups supporting Brady bill and the Staggers bill have polarized Members of Congress on both sides of the issue. As a result, there is no middle ground. My Compromise Act of 1991 would have provided much needed middle ground and a much needed commonsense approach.

Today, despite the blood, sweat, toil and tears, Congress may not be able to pass a handgun restrictions bill. Felons will continue to purchase handguns over the counter and gun violence will continue, business as usual.

My commonsense Compromise Act would have provided a rational solution to our divided Congress. Middle ground language would have provided the 102d Congress the opportunity to overwhelmingly enact legislation to prevent felons from purchasing handguns.

I fully support the concept of a point of sale check system. However, establishing and operating an instant check system may be years away. The Anti-Drug Abuse Act of 1988 contains instant check language and directs the Department of Justice to develop a point of sale check system.

Americans cannot wait any longer. For this reason, I plan on supporting H.R. 7, the Brady bill, offered by Representative EDWARD FEIGHAN. The Brady bill is not going to end all handgun violence in America. The lives of innocent victims are worth the wait, until the time when a point of check system is implemented.

The Brady bill provides many exemptions and incentives. States with background check systems are exempt from the 7-day waiting period, which currently includes Virginia and Florida. The Brady bill provides States the incentives to modernize their record keeping systems at their own pace and convert to a point of sale check system. The Brady bill does not require States to perform a background check. If the handgun dealer does not get a response in 7 days, the sale goes through. If the dealer gets a response in less than 7 days, the sale may go through earlier.

The Brady bill provides five main exemptions for the 7-day waiting period. First, threat to one's life or member of the household. Second, valid permit issued within the previous 5 years. Third, State with its own background check and waiting period. Fourth, dealer has received a response from a nationwide background check system. Fifth, intrastate mail orders, complying with State regulations.

The technology for implementing a point of check system exists. When an instant check system is in place, the Brady bill will cease when a nationwide system begins to operate.

The Compromise Act of 1991 would have allowed proponents of the instant check the opportunity to install and implement the system. Six months after enactment, the Attorney General would report to Congress whether or not an instant check system was operational. If the Attorney General declared an instant check system was operational, then our Nation would function under a nationwide instant check system. If the Attorney General declared an instant check system was not yet ready, then the Brady bill language would immediately go into effect. Once a nationwide system went into effect, the Brady bill would be immediately repealed.

I think this approach is simple commonsense. Yet today there is no such middle ground. Instead, I will be forced to support the Brady bill over the Staggers bill, although both systems have strengths and weaknesses. If the Brady bill does pass, I will continue to encourage the Department of Justice to implement a nationwide system and our Commonwealth to develop an instant system as soon as possible.

Mr. LAGOMARSINO. Mr. Chairman, let's not forget the real purpose behind this debate. It is not about special interest groups or public polls. It is about crime, and it is about what this Congress can do to fight violent crime in the United States.

The residents of my district need more than the Brady bill has to offer. California already has a 15-day waiting period, and would be exempt from the Brady bill. However, while nearly 1,800 potential handgun purchases in California were denied in 1989 under the 15-day waiting period, reported violent crimes increased 12.2 percent in the same year. That is an increase of almost 21,000 homicides, rapes, robberies, and aggravated assaults in 1 year.

My constituents need this Congress to pass a tough, comprehensive anticrime bill that will ensure the certain apprehension, prosecution, and incarceration of violent criminals. My constituents need this Congress to pass an anticrime bill that includes a Federal death penalty for heinous acts of murder and terrorism, and that closes the loopholes in the judicial process that allow convicted criminals to beat the system and walk the streets. The message that this Congress must send to criminals is simple, if you commit a crime, you will be caught. If you are guilty, you will be punished.

Again, I urge my colleagues to remember the real reasons behind the Brady bill and the Staggers criminal background check bill. The real goal here is to fight crime, and the only way to reach that goal is to pass a comprehensive anticrime package.

Mr. SERRANO. Mr. Chairman, 96 percent of the handguns used in crimes in New York City are purchased outside New York State. The implications of this statistic are powerful: While New York's tough gun control laws have proven extremely effective, my home and my constituents are endangered by the failure of other jurisdictions to enact similar laws.

New York's experience is by no means unique. A Federal Government study has found the same pattern recurring across the country. Local crime control measures are undermined by the lack of a nationwide gun control standard, with deadly consequences.

Mr. Chairman, a solution to this problem is at hand. The Brady bill, H.R. 7, would impose a waiting period of up to 7 days on the purchase of a handgun. This waiting period would afford local law enforcement agencies the opportunity to conduct background checks to determine if the purchaser is eligible to own a gun. Similar legislation at the State level has prevented thousands of illegal handgun sales each year.

The Gun Control Act of 1968 prohibits felons, fugitives, drug addicts, and the mentally ill from purchasing or owning firearms, but no national legislation exists to enforce it. I urge my colleagues to support the Brady bill, a crime control measure that is much needed and long overdue.

I would also like to express my strong opposition to the Staggers bill, which is being offered as a substitute to the Brady bill. The Staggers bill calls for the establishment within 6 months of a nationwide instant check hotline that gun dealers could call to verify that a prospective gun purchaser is not a convicted felon.

There is nothing wrong with this plan in principle. Such an instant check system is already being developed under the Anti-Drug Abuse Act of 1988, and the Brady bill will sunset once this system becomes operational. Unfortunately, the instant check system envisioned by the Staggers bill may not become operable for another decade.

The 6-month timeframe envisioned by the Staggers bill is unrealistic at best. Many other features of the Staggers bill indicate that it is not and was never intended to be a serious, viable alternative to the Brady bill.

Mr. Chairman, my colleagues, the Brady bill is but a first step in your Nation's journey toward a society free of handgun violence, and no one suggests that it will solve the problem by itself. But no one can deny that it would soon have a very significant, beneficial impact. The same cannot be said of the Staggers bill.

There are too many lives at stake across the country to allow the Staggers bill to distract and delay us in our efforts to enact effective gun control legislation. Let us pass the Brady bill now and begin to restore sanity and security to our troubled streets and homes.

Mr. PANETTA Mr. Chairman, today I am compelled to rise to state my support for H.R. 7, the Brady Handgun Violence Prevention Act. I commend my colleague, Representative FEIGHAN and the members of the Judiciary Committee for their hard work in bringing this bill to the floor. I also thank you, Mr. Chairman, for allowing H.R. 7 to be scheduled this Congress.

Nearly every time Congress considers gun control, a strange phenomenon occurs. We seem to have common sense on one hand, and political mischief on the other. Every one of us knows that the United States has the highest homicide rate involving a handgun in the industrailized world, and each of us would like to do something about these frightening statistics. We are presented today with that chance.

Common sense tells us that waiting periods are logical. We live in a very high stress Nation where millions of people are known to lack healthy coping skills and thousands turn to guns for solutions to their problems, to use against themselves or others. Many of these individuals have criminal records, but many also do not. The State of California realized the need to address both concerns and implemented a 15-day waiting period with a background check for the purchase of a handgun. Some would argue that California's waiting period does not work because it has not experienced a lower crime rate since the enactment of the legislation. To a degree, that is true if you do not take note that two out of its three border States do not have waiting periods or background checks—a problem the Brady bill would take care of. Even taking this into account, however, it stopped 2,182 prohibited handgun sales during 1990. One can only predict the possible number of murders or injuries this number represents that were stopped because of a waiting period.

California now has a new State law which extends the waiting period for not only handgun purchases, but all firearm purchases. This new law has stopped 1,275 criminals from purchasing any type of firearm in the first 3 months of this year. Heading the top of the denial list were prospective buyers with criminal records for assault. California is expecting 5,000 denials this year. Was it easy to pass this bill in California, which now has around 30 million people residing in it and a strong gun owner constituency? No, in fact it barely passed. Even for those who voted against the bill, you can bet that they are personally elated with the new statistics and feel their families may be safer because of this law. Having to leave my family every week, I know that I am grateful for California's waiting period and background check.

It is ironic that statistic such as California's are examples of what opposers of the Brady bill refuse to acknowledge—that waiting periods do catch criminals. I feel it is highly important to point out that statistics have shown that around one in six criminals who have committed crimes with handguns bought their weapons from a licensed dealer. The facts are that 25 States have some types of waiting period or background check at this time. Some may argue that there is no need for Members to vote for the Brady bill if they are from one of these States. They say that it would not affect them even if enacted. This argument is little more than hogwash. It is remarkable that these States, like California, catch so many criminals when so many of their border States do not have waiting periods or background checks. The sad truth is that the States that do not have a system to check or deter criminals, or those who purchase handguns in the heat of anger or desperation, are seriously putting their fellow States' citizens in danger.

For instance, New York City had the highest murder rate in the United States in 1990—2,245. However, 90 percent of all handguns used in crime in the city came from States without waiting periods and background checks. Of all the handguns used in crime in Detroit, only 8 percent were bought in Michigan. Detroit has the fourth largest murder rate in the United States. Yet, opposers of the Brady bill somehow close their eyes to these statistics. Waiting periods and background checks do deter criminals, but right now they are deterring them to States that do not have these systems in place.

These facts make obvious that waiting periods and background checks make sense—perfect, clear, logical sense. They make sense to most of us here in Congess, most of our constituents, most gun owners, most organizations of all backgounds, and all of our living ex-Presidents. Why then the politcal mischief?

I am appalled by the way the Brady bill and the Staggers' substitute, which come down to saving lives, not giving favors, are being politically manhandled. Our country is in a sorry state when its leaders look at saving lives as a choice between lobbying groups. Formulating a budget for this country is difficult enough, and believe me, there are thousands of groups who have their own agendas to give us on it. The Brady bill, however, is clear cut as to who wants it passed and who does not. The polls have shown us what the American people want. They want a system in place that works now, not in 6 months, and not when a crime package is approved by our President.

I, along with all of you, have received the many National Rifle Association backed letters urging me to vote against the Brady bill and for the Staggers' substitute. They say they want to catch criminals and the best way to do this is through an instantaneous check. My biggest problem with their position is the fact that voting for the Staggers' substitute automatically delays an instant check for 3 to 5 years, if not longer. Our own Attorney General has told us the facts on when an instant check can become workable. It seems that opposers of the Brady bill are not serious about saving lives or an instantaneous check. Does it have to come down to the sick coldness of having to estimate how many people will die in those 3 to 5 years to make people vote for the Brady bill and against the Staggers' smokescreen substitute?

Some gunowners have even expressed the opinion that law-abiding citizens will be inconvenienced and stripped of their rights to purchase guns if there is a national waiting period legislated. It is plain and simple that nothing is stopping a purchase of a gun except a criminal record. The inconvenience, well, I can think of no one more inconvenienced than someone who is injured by a gun that could have been stopped by a waiting period, or the family of someone murdered in a moment of anger and desperation. For those who need a gun for protection, the Brady bill provides that law enforcement officers can waive the waiting period in those cases.

Mr. Chairman, in good conscience, I cannot go along with even a very vocal population of my constituency on this issue simply to garner or sustain votes for the next election. I do agree that an instant check system is desperately needed and will be the best vehicle for curbing the increasing crime in this country. I do not see this as a battle, though, between stopping criminals right now until the Attorney General implements a national system, and voting for a substitute that realistically will do nothing except jeopardize more lives. I simply cannot shield my eyes from reality and be inadvertently responsible for more needless deaths and injuries in this country.

Mr. FAZIO. Mr. Chairman, I rise today in support of the Brady bill and in opposition to the Staggers amendment.

The Brady legislation is currently our best effort toward stemming gun-related violence. It is the most realistic, efficient, accurate option currently available to us.

The Staggers amendment, on the other hand, is not an effective measure. It does not move us toward stemming gun-related violence. Its endorsement of a nationwide instant check system adds no value because the Attorney General is already authorized to implement such a system. Regardless, however, implementation of such a system is currently impractical, inaccurate and extremely costly.

Supporting the Brady bill is the best step that we as a nation can take in the progressing effort to keep guns out of the wrong hands, and preventing the tragedy that results from the easy availability of guns to potential purchasers who are in any of the legally prohibited categories: felons, drug addicts, mental incompetents and minors.

The Brady bill's 7-day waiting period provides a national standard for all handgun purchases. It gives us a very rational way to prevent some of the violence that occurs when the wrong people—people who currently do not have the right to bear arms in many of our States—are allowed to own them. Quickie, over-the-counter handgun sales, when allowed in certain jurisdictions, undermine the laws of other States where waiting periods are in effect. A 7-day wait, however, gives us consistency among States.

Law enforcement officials will also have the opportunity to conduct background checks to prevent the sale of handguns to legally prohibited groups. The waiting period will additionally provide a cooling-off period for those who may be temporarily distressed. Yet, waiting periods do not take away the right of handgun ownership for those who are legally entitled to own them.

Jurisdictions which have imposed waiting periods report a decrease in violent crime associated with handguns. In California, where there is a 15-day waiting period, the Office of the Attorney General reports that 1,793 prohibited handgun sales were prevented in 1989 as a result of background checks performed during the 15-day waiting period.

It should be noted that the Brady bill has the support of every major law enforcement organization in our country. According to a September 1990 Gallup Poll, 95 percent of Americans favor a national 7-day waiting period. Is not it interesting that this sound concept—which the National Rifle Association has so strongly opposed and has been so critical of me and others for supporting—is now so overwhelmingly endorsed by the American people? Perhaps this is just further evidence how the NRA, a group that once advocated a waiting period, is becoming increasingly out of step with the rest of the Nation.

A national waiting period—a delay of a few days—is a small price to pay to curb the unnecessary and senseless violence caused by handguns. It is time for Congress to say no to those who reject the arguments of law enforcement agencies across the land—the NRA first and foremost—and enact this important public safety legislation.

Mrs. BOXER. Mr. Chairman, today I had the privilege to shake hands with a man who knows better than any other of us that a 7-day waiting period for a handgun will save lives, save agony, and will be a law that we can all be proud of. We have a very clear responsibility to pass the Brady bill. It's simple and it's smart; it steps on no one's rights.

I am pleased to support the Brady bill.

Mr. ATKINS. Mr. Chairman, I am proud to rise in support of legislation backed by former Presidents Ronald Reagan, Jimmy Carter, Gerald Ford, and Richard Nixon, especially when the issue is arms control—domestic arms control.

Mr. Chairman, now it is our turn. Today Congress has a choice to make on two opposing gun bills. H.R. 7, known as the Brady bill, will establish a 7-day waiting period so law enforcement officials can conduct a background check on handgun purchasers. H.R. 1412, which is backed by the National Rifle Association, promises to keep gun shops from selling to criminals through an instant computer hotline system. It is a promise that everyone in this Chamber knows the NRA cannot keep.

Current law makes it illegal for convicted felons and those judged by law to be mentally ill to buy a handgun. But, many States, like Ohio and New Hampshire, only require prospective buyers to fill out a form stating that they have never been convicted of a felony or judged mentally ill. This is a law with no teeth that is designed not to work.

But the NRA bill would not work either. It will take at least 5 years, and more likely 10, to put criminal records on a national data base—a necessity to make the instant hotline work. Three States currently use this system, but even they couple it with a 3-day waiting period.

On the other hand, California's waiting period stopped 2,182 felons from buying a handgun in 1990. During the 1980's, Indiana's waiting period caught 11,158 individuals. In 1989, New Jersey's waiting period nabbed 961 people.

The Brady bill is not a magic wand to end violent crime, but it will make it much more difficult for criminals to acquire guns over the counter—the Attorney General estimates that 1 out of 6 guns used in crimes were bought through licensed gun dealers. A national waiting period will seriously hinder interstate gunrunning by felons who readily buy guns in New Hampshire, Ohio, West Virginia, Georgia, and Texas and deliver them to street gangs in Boston, Lowell, Lawrence and cities and towns across the Nation. After reading today's Washington Post article on interstate gunrunning can anyone continue to ignore the tremendous loophole that our national gun laws create to make gun dealing as simple as filling out an order form from the want ads section of a mercenary magazine?

The NRA vehemently opposes the Brady bill just like it once opposed the instant background check before they saw it as an alternative to the waiting period. The NRA is not being fickle. With skyrocketing crime, an endorsement of the Brady bill by former President Reagan and changing public opinion regarding guns, the NRA sees the writing on the wall. Now it is Congress' turn to read the writing and pass the Brady bill.

Mr. MILLER of Ohio. Mr. Chairman, I have grave reservations regarding both of the bills being considered before us today. I see both of them as being only Band-Aids on a much larger problem. If we are truly to deal with the crime problem in this country we must deal with the President's crime proposal which deals with habeas corpus reform and the death penalty. Constituents in my district oppose piecemeal legislation which mainly targets law-abiding citizens. They demand true reform of our criminal justice system.

However, if we must do something today I feel the Staggers amendment to H.R. 7 is more likely to accomplish the goal of preventing felons from purchasing firearms from dealers. The Staggers amendment requires that a background check be done on handgun purchasers and it will allow and encourage States to move forward and improve and automate their criminal records systems. The benefits of States improving their records and passing that information on to the FBI will definitely improve the information available from the National Crime Information Center telecommunications system and will have a very positive effect on all aspects of crime fighting.

I urge my colleagues to support the Staggers amendment.

Mr. GRADISON. Mr. Chairman, I rise in support of H.R. 7, the Brady Handgun Violence Prevention Act, and in opposition to the Staggers substitute.

The question of violent crime in our society, with all of its ramifications, is one of the most pressing issues on the mind of the country. Over the last few years, the Congress has moved toward strengthening the Federal Criminal Code, particularly in the area of illegal drugs, by increasing penalties, toughening sentencing guidelines, and providing additional resources for prosecutions. I have supported these efforts.

The President's view is that we need to do more. I agree. The Congress needs to address the President's comprehensive violent crime package. The questions of providing for a Federal death penalty, habeas corpus reform, mandatory sentencing, and reform of the exclusionary rule, among other things, are critically important to stemming violent crime effectively

However, the issue before the House today is much more narrowly focused. What we are debating is how best, at the present time, to identify felons and other individuals who are barred by statute from purchasing firearms. The Gun Control Act of 1968 requires handgun purchasers to complete a form stating that they are not a felon, fugitive, drug addict, or mentally incompetent. After completing the form, the purchaser can buy a gun. Although gun dealers are required to keep these statements on file, no check is done to make certain that the information is truthful.

Mr. Chairman, there has been a great deal of hyperbole on both sides of this debate. The issue is not comprehensive violent crime control. The issue is not eradicating handgun violence. The issue is not repeal of the second amendment. The issue is how to strengthen existing Federal law in a reasonable fashion. I believe the Brady bill would more effectively accomplish this end.

H.R. 7 effectively establishes a national 7-day waiting period for handgun purchases. This would permit law enforcement officials to run background checks, if they opt to do so, on handgun purchasers. There are some notable exceptions to the waiting period. For example, the bill waives the requirement for the waiting period for those who feel their life has been threatened.

The most important exception is found in section 2(a) of the bill. Under that section, the Brady bill sunsets when an instant point-of-sale background check can be implemented under the provisions of section 6213(a) of the Anti-Drug Abuse Act of 1988, otherwise known as the McCollum amendment.

Three years ago, the Congress required the Attorney General to develop a system for gun dealers to conduct background checks on gun purchasers at the point of sale. The Attorney General has recently indicated his preference for the development of an instant check system similar to the one currently in use in Virginia. However, the Attorney General has made clear that for the system to be effective, criminal history and other records at the State and Federal level must be upgraded. Over the last 3 years, the Federal Government has spent $27 million to assist States in computerizing their criminal records. This year alone, the FBI will spend $12 million to upgrade its own records.

Yet, for all the progress recently made in the development of an instant check system, serious problems remain. Forty States have not completely computerized their records and three States—West Virginia, Maine, and Mississippi—have not even begun. The Attorney General has indicated that a national, instant check system cannot be in place for several years. The Congressional Office of Technology Assessment concurs. The OTA estimates that the system is at least 5 to 10 years from completion.

Congress continues to fund the development of an instant check system. In the end, the Nation will have it. The question is what to do in the intervening 5 to 10 years. Frankly, I do not understand the controversy.

Twenty-five States have already enacted waiting periods for handgun purchases. In 1989, the last year for which figures are available, California stopped 1,793 illegal purchases. That same year, Illinois denied 2,920 purchases and revoked 1,867 permits. Three States—Virginia, Delaware, and Florida—have instant checks. Those States have been equally successful in preventing illegal purchases. While it is true that not all criminals buy weapons in gun stores from legitimate dealers, it is clear that waiting periods and instant check systems work—not perfectly, to be sure, but they do work. Neither a waiting period nor an instant check system is a panacea for preventing crime. The Brady bill is merely a bridge to a better system.

The alternative offered by Mr. STAGGERS is little more than an amendment designed to kill the bill. The Staggers substitute requires that the Attorney General have the instant check system contained in the amendment up and running in 6 months. This is technically impossible. The State of Florida took 20 months to implement an obviously more limited instant check system.

In addition, the Staggers amendment provides no authorization for funding of its crash program, let alone an appropriation. The Attorney General recently estimated the annual operating cost of an instant check system to be $70 million. In addition, the Department of Justice would need to spend an additional $40 million to complete its upgrade of its criminal records and $35 million in one-time startup costs. Mr. STAGGERS' proposal is silent on the funding question.

On a technical level, the Staggers substitute may be impossible to implement, particularly given the crash nature of the program it envisions. The amendment requires an accuracy standard of at least 98 percent. The Attorney General would have to ensure that no more than 2 percent of the background checks are initially falsely denied. Yet, the Attorney General and the National Rifle Association, one of the primary sponsors of the Staggers approach, have argued for at least 2 years that the rate of false denials under a national check system will be in excess of 2 percent. In short, the Staggers substitute is flawed.

Mr. Chairman, 95 percent of the American people, according to a Gallup poll, believe a 7-day waiting period is a reasonable approach. A Time/CNN poll found that 87 percent of gun owners feel the same way. The Fraternal Order of Police, the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriffs' Association, and the Police Foundation all support the Brady bill. While I do not believe we should conduct the Nation's affairs by poll, I believe the overwhelming judgment of the public and of law enforcement officials is wise and should be heeded.

I urge my colleagues to support the Brady bill.

Mr. KLECZKA. Mr. Chairman, after years of attempting to bring the Brady Handgun Violence Control Act to the House floor for a vote, it is at last before us today.

Three people deserve special recognition for this achievement: Representative EDWARD FEIGHAN, the measure's author, and Jim and Sarah Brady. Through their persistence, they have overcome many odds and kept handgun control a priority item on the congressional agenda.

The absolute necessity of a handgun waiting period is reflected in the grim statistics on homicides compiled each year by the U.S. Department of Justice. In 1990, approximately 9,200 Americans were murdered by a killer wielding a handgun. According to the Wisconsin Office of Justice Assistance, between 78 and 88 of these victims lived in the city of Milwaukee, a portion of which I represent. Although Wisconsin's 2-day waiting period is a step in the right direction, it was not strong enough to prevent these senseless tragedies in Milwaukee.

The Brady bill—H.R. 7—on the other hand, makes acquiring a handgun much less attractive and more difficult for felons and hotheads. The measure forces a prospective handgun purchaser to sign a sworn statement verifying his identity and eligibility to buy a firearm, and requires him to wait 7 days before taking possession of it. During this cooling off period, local law enforcement officials may conduct a background check to determine whether the applicant is barred by Federal or State law from buying a handgun. If the Brady bill had been law in 1990, fewer people would have been killed in Milwaukee and elsewhere.

This bill is not a cure-all for our national violent crime problem. However, it guarantees that thorough background checks on prospective handgun buyers will be conducted until a speedier computerized check system is feasible. It should be noted that such an alternative is recognized and exempted under the Brady bill. This provision is especially important to Wisconsin residents. Once the State's newly approved, computerized instant check system takes effect, the Brady bill's 7-day waiting period would no longer apply. However, the new Wisconsin background check system may not be operational until December 1. In the interim, the Brady bill is essential to protect residents of Wisconsin from violent crime.

The Staggers substitute, by contrast, is completely unnecessary. The Department of Justice is already required to establish a national instant check system under the Anti-Drug Act of 1988. As soon as it is feasible, computerized instant checks will be implemented under this existing law.

Staying within this present framework is the soundest approach to developing an accurate and effective national check program. According to the Congressional Office of Technology Assessment [OTA], forcing an instant check system prematurely on States—unlike Wisconsin—unprepared for it, "could result in large numbers of false hits, frustrated criminal records officials, and outraged gun purchasers." Moreover, a national instant check system cannot be established in the 6-month period mandated by the Staggers amendment. OTA projects such a feat requires at least 5 or 10 years to accomplish.

As for funding of the Staggers substitute, the Department of Justice estimates more than $1 billion is needed just to automate all State and Federal criminal history records. Another $320 million is necessary to computerize this incredible number of records. Establishing a telephone check bureaucracy requires $35 million, and at least $70 million would be demanded each year to maintain this system. Which Federal programs will have their budgets cut or eliminated to finance this effort? The Brady bill, it should be noted, gets results with little to no Federal expenditures, costing the States less than $10 million a year.

Another major flaw of the Staggers substitute is its lack of a meaningful waiting to compensate for incomplete or inaccurate criminal history files. Without this crucial safeguard, a killer may easily obtain a gun and turn yet another innocent American life into a grim statistic.

Equally disturbing is the ease with which gun dealers may gain access to sensitive personal information about prospective gun purchasers under the Staggers substitute. This measure requires the seller to obtain detailed, personal identification data about the purchaser, including race. Unlike the law enforcement officials responsible for conducting background checks under the Brady bill, gun dealers have no professional duty to shield personal privacy. For this reason, they are wholly unqualified in my view to receive such information.

Most compelling, however, is the fact that Americans simply do not want the Staggers substitute. A September 1990 Gallup poll showed that an overwhelming 95 percent of Americans favor the Brady bill's 7-day waiting period. A recent CNN-Time poll revealed that even 87 percent of gun owners support the Brady bill. Indeed, even all ex-Presidents alive today endorse passage of the Brady bill.

Colleagues, I urge you to take direct aim against crime, vote for passage of the Brady Handgun Violence Control Act—H.R. 7. When it comes to stopping illegal handgun sales, the Staggers substitute is just shooting blanks.

Ms. SNOWE. Mr. Chairman, I rise in opposition to H.R. 7, the Brady bill, which would impose a national 7-day waiting period on anyone trying to purchase a handgun. While everyone shares the desire of this bill's proponents to reduce violent crimes, the Brady bill should be defeated because it simply won't be effective in reducing crimes committed by people with guns.

In recent years, gun control organizations have claimed that the Brady bill will reduce violent crimes by allowing local police departments to conduct background checks on people buying handguns. If the police discover that the prospective purchaser is a felon or is mentally ill, the proponents of H.R. 7 argue, their legislation will allow the police to prevent them from buying handguns.

However, it is unlikely that the Brady bill will have the impact on violent crime that its proponents envision.

For example, a 1986 Justice Department study found that five out of six convicted felons illegally purchased, on the black market, the handguns they used to commit their crimes. Thus, under the Brady bill, police would be unable to conduct background checks on the vast majority, 83 percent, of criminals buying handguns.

Supporters of H.R. 7 also claim that its enactment would prevent people with a history of mental illness from buying a handgun, but this claim doesn't withstand scrutiny either.

In our society, an individual's medical records are protected by privacy laws. Only someone who has been adjudicated by a court of law as mentally ill would they be prevented from buying a handgun under H.R. 7.

Are the Brady bill's supporters willing to erode the right to privacy to make their proposal work? I certainly hope not.

As an example, even if a national 7-day waiting period had been in effect in 1981, it wouldn't have prevented John Hinckley from buying the gun he used tragically to wound President Reagan, White House Press Secretary Jim Brady, a Secret Service agent and a local policeman.

It wouldn't have worked because, at the time, John Hinckley wasn't a convicted felon and hadn't been ruled mentally ill by a court of law.

People supporting H.R. 7 also claim that it would prevent gun purchases by people like Patrick Purdy, the troubled young man who killed several school children in Stockton, CA.

Yet, Patrick Purdy was still able to buy the gun he used in this vicious crime after undergoing a 15-day waiting period. A number of serious crimes he committed in prior years were reduced to misdemeanors through plea bargaining. So, California's attempt to prevent criminals like him from buying guns failed in tragedy.

More specifically, under H.R. 7, a background check is not even mandatory. Rather, the decision to conduct such a check is left up to the discretion of a town's law enforcement agents. If the police don't have the desire, time, personnel, or funds to conduct such a check, it won't be done.

However, in those cases when a background check is conducted and the police reject the proposed sale, H.R. 7 does not provide for any mechanism by which someone can appeal the decision. If a mistake has been made, under H.R. 7, a law-abiding citizen has no recourse to overturn such a decision.

I will be supporting H.R. 1412, the substitute amendment offered by Congressman STAGGERS. This measure requires the Justice Department to create a toll-free hotline telephone system that firearms dealers could use to conduct point-of-sale background checks on prospective handgun purchasers.

The State of Virginia, Delaware, and Florida have all recently implemented an instant-background check program of their own. In Virginia and Delaware, these programs were designed and implemented in less than 6 months, and Virginia's program even cost less than $500,000 to start up.

The Staggers amendment is a more acceptable alternative that has been designed to prevent those people who shouldn't buy guns from buying them, without unduly infringing on the constitutional rights of law-abiding citizens who wish to purchase firearms. I urge all of my colleagues to join me in opposing H.R. 7 and supporting the Staggers substitute.

Mrs. KENNELLY. Mr. Chairman, in the United States today, every 20 seconds there is a violent crime. Every 25 minutes there is a murder. We have all heard the statistics; they are frightening and they are real. And few dispute that in these violent crimes, guns are the weapons of choice.

Today we are considering very reasonable gun control legislation. A 7-day waiting period before the purchase of a handgun is a reasonable, responsible and practical approach to ensuring that guns are kept out of the hands of criminals.

There are many sportsmen and women in this country who use firearms responsibly. This legislation is not intended to punish these individuals. Similarly, this legislation is careful not to punish States that have already taken steps to ensure that handgun sales are conducted responsibly. States which have a waiting period of at least 7 days, or a mandatory background check are exempted from the Brady bill. I am proud of my own State of Connecticut which has a 2 week waiting period before the sale or transfer of a handgun. The licensing procedure is a reasonable one and I am encouraged that with this legislation all States will be brought up to such a level of responsibility.

Regarding the Staggers substitute, Chairman SCHUMER of the Crime and Criminal Justice Subcommittee put it best: "the Staggers amendment is not meant to stop handgun violence, it is meant to stop the Brady bill." In theory, an instantaneous check may sound reasonable. And given a world with unlimited resources, it may well be. However in this world, the experts agree: in the near future such a program is simply not feasible. As Sarah Brady puts it, "the Staggers bill is much like mandating that all cars get 500 miles to the gallon—a worthy goal, but far from realistic." In a world in which crime is a reality, solutions must not only sound reasonable—they must work.

I urge my colleagues to defeat the Staggers amendment and pass the Brady bill.

Mr. ACKERMAN. Mr. Chairman, I rise in strong support of H.R. 7, The Brady Handgun Violence Prevention Act. This important legislation would require a 7-day waiting period before the sale of a handgun, to allow local law enforcement authorities to conduct a criminal background check on purchasers. Since many criminals purchase handguns over the counter, this new requirement would help stop thousands of illegal purchases and should be enacted.

Waiting periods are working well in many States already. But the current patchwork of handgun laws leaves loopholes so large that criminals, thwarted in their determination to acquire even some of the most dangerous weapons, often need only to drive across a State line to a more accommodating jurisdiction, and buy a gun on the spot. In my hometown of New York City, where handgun laws are among the Nation's toughest, police report that about 96 percent of handguns used in crimes are illegally transported from States without waiting periods or background checks.

In States where waiting periods and/or background checks are required, thousands of prohibited handgun purchasers are caught each year trying to buy guns through legitimate channels of commerce. In 1989 alone, California stopped 1,793 illegal purchases, Illinois denied 2,920 permits and revoked 1,867; and New Jersey stopped 961 purchases.

A national waiting period would ensure that guns are not bought in States without background checks and then transferred across State lines. It would also provide a cooling-off interval to reduce impulse purchases by those consumed by violent passion. New York and other States with tougher gun-purchase standards shouldn't be the victims of other States' gun-control loopholes.

The Staggers substitute, which will be offered today, calls for a Federal instant background check system to be instituted within 6 months. An instant check sounds great, but the Attorney General has testified before the House Judiciary Subcommittee on Crime and Criminal Justice that an instantaneous system will take years to achieve. An instant records check requires that criminal history records be computerized, complete and accessible to every law-enforcement agency. But 40 percent of the criminal records in this country have not been entered into any computer database. Most States are only partially automated, and eight States do not have any of their criminal history records on computer.

Likewise, a recent draft report issued by the Office of Technology Assessment [OTA] confirmed that the Staggers proposal is unworkable. The report found that it would take 5 to 10 years for Federal and State criminal records to be organized into a usable system for instant background checks on criminal records. The OTA study also estimates that criminals buy at least 50,000 firearms a year from gun stores.

Mr. Chairman, we must take steps now to keep dangerous individuals who are already barred from purchasing handguns from doing so. I urge my colleagues to support passage of the Brady bill, and accept no substitute for this vitally important public safety measure. The Brady bill is a reasonable protection that the American people deserve.

Mr. ANNUNZIO. Mr. Chairman, we've all heard the old saying that an ounce of prevention is worth a pound of cure. By the same token, the Brady Handgun Violence Protection Act won't eliminate firearm abuse—but it will provide a simple, effective way for us to begin saving the lives of innocent people across this country.

The growing death toll from handgun violence in cities and towns across America speaks volumes about the need for this law that will provide a nationwide, 7-day waiting period for handgun purchases. According to the Bureau of Justice Statistics, handguns are involved in an average of 9,200 murders each year. The number of nonlethal crimes involving handguns is much higher. Handguns are involved in over 15,000 injuries, 407,600 assaults, 210,000 robberies and 12,100 rapes per year.

In States such as California, New Jersey, and Illinois, existing handgun waiting period laws have kept guns out of the hands of thousands of potential killers without denying law-abiding citizens the right to defend themselves. But the problem with these State laws is that criminals can beat the system by simply going to a State that doesn't require a handgun waiting period. The Brady bill, House Resolution 7, will eliminate this loophole that gives criminals easy access to handguns.

Aside from reducing gun-related crime, the bill's cooling off period could save thousands of lives by making people think twice before resorting to handguns to solve their problems. How often do police in cities and towns across this country respond to emergency calls only to find they're too late to save a distraught person from committing suicide or killing a loved one in a domestic dispute. The Brady bill won't eliminate these problems, but it will provide a starting point for reducing handgun violence.

Law enforcement officials across this country agree that the Brady bill will save lives. The professional groups that have endorsed this legislation include the Fraternal Order of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriffs Association, the International Association of Chiefs of Police and the Federal Law Enforcement Officer's Association.

Nonetheless, Congressman STAGGERS and the National Rifle Association have told us we should go one step further by instituting an instant criminal-records check on all gun purchasers across this country. I like the idea—but the technology needed to set up such a system is at least 3 to 5 years away. In addition, the cost of installing the system could run to $35 million, and another $70 million may be needed for first year operating costs.

My concern is this: How can we prevent crime today by enacting a criminal record check that won't become operational for several years? Why should we wait for Chicago and other major cities to set new records for homicides, while the Federal Government goes about installing a high-technology system for monitoring handgun purchases? If the Brady bill were enacted this afternoon, it could begin saving lives within hours instead of years as the Staggers bill would do. And the Brady bill is expected to cost State and local governments a relatively minor sum of $5 million to $10 million per year.

The Brady bill is a bargain when one considers the need to curb handgun violence. The commonsense approach of the Brady bill has convinced many supporters of gun owners' rights, including Ronald Reagan, to endorse the concept of a waiting period for handgun purchases. Mr. Reagan knows only too well that such a waiting period might have prevented John Hinckley from shooting the former President, two law enforcement officers and Press Secretary Jim Brady on March 30, 1981. In a sworn affidavit, Mr. Hinckley has said that a waiting period would have made him think twice about his scheme to assassinate President Reagan.

Perhaps better than anyone else, Jim Brady understands the need to keep handguns away from people like Mr. Hinckley. Those who are mentally ill or have felony records can easily dodge today's patchwork of State laws that limit handgun purchases. But a nationwide waiting period of up to 7 days would give police a much better chance to prevent such sales.

Finally, Americans who feel their lives are in danger needn't fear the Brady bill. The law includes a provision that would enable police to waive the waiting period if they determine that a citizen needs a handgun for personal protection.

In short, Mr. Chairman, the arguments against the Brady bill just don't hold water. The time has come for those who talk about fighting crime to vote for a bill that will do just that. Finding a way to rid our country of crime is still an elusive goal, but we have an opportunity before us today to prevent crime. Don't we owe it to Mr. Brady and the tens of thousands of other victims of handgun violence to take this modest step forward? I urge my colleagues to support H.R. 7.

Mr. GEJDENSON. Mr. Chairman, I rise today in support of H.R. 7, the Brady bill, and in opposition to the Staggers substitute.

In Connecticut, we know that a waiting period and background check system works. Connecticut State law provides for a 14-day waiting period for police to perform a background check. In this fiscal year alone, this system has caught and prevented more than one hundred criminals from purchasing firearms in Connecticut.

Unfortunately, until now, criminals could avoid Connecticut's law by simply going to a nearby state without a waiting period. With passage of the Brady bill, Connecticut's law will become even more effective. When a national waiting period and background check are instituted, Connecticut law could no longer be evaded by going to another State.

We all know that no point-of-purchase background check system is a panacea, but we also know that waiting periods and background checks catch criminals. In the larger States, like California, the numbers are impressive; 1,793 illegal purchases stopped in 1989, and 2,182 in 1990.

The waiting period does not jeopardize the ability of legitimate sportsmen and hunters to acquire firearms to pursue their interests. Hunting, and target shooting are alive and well in Connecticut, where a 1-week handgun waiting period went into effect in 1965, and was extended to 2 weeks in 1975.

I oppose the Staggers substitute because it would leave the status quo in place: it merely relegislates provisions of the 1988 Anti-Drug Act by calling for a computerized, instant background check. The Attorney General has been working on such a system since Congress mandated it. All our offices have received reports from the Attorney General's Task Force on Felon Identification in Firearm Sales. We all know that a workable system is still years away, partly because many States don't have computerized criminal records. The Attorney General says this system will not be ready in 6 months, and passing the Staggers bill will not make it so.

I'm for keeping guns away from criminals. Without point-of-purchase checks, we already have a waiting period: wait until the criminal walks into a gun store, buys a weapon, and goes out and commits a crime. The Brady bill will put more teeth into laws which prohibit criminals from owning guns. We will never know exactly how many tragedies the Brady bill will ultimately prevent, but whatever the number, we will have the satisfaction of knowing that this bill spared many lives from the anguish of gun violence.

GENERAL LEAVE

Mrs. COLLINS of Illinois. Mr. Chairman, I rise today to join many of my colleagues in voicing support for H.R. 7, the Brady bill. Since it was first introduced in the 100th Congress, this bill has had a simple, straightforward goal—to reduce the number of violent crimes in this country. The Brady bill seeks to curb the horror stories that are becoming a reality for too many Americans. It would do this by simply giving law enforcement officials a 7-day period in which to determine whether or not an individual applying for a handgun has a previous criminal record that should prevent them from obtaining the weapon.

Considering the statistics, we cannot in good conscience remain unresponsive to this critical situation any longer. Each year, 639,000 Americans are victims of violent crimes in which a handgun is involved. Last year, handguns were responsible for 23,000 deaths in the United States. Recently, the Secretary of the Department of Health and Human Services, Dr. Louis Sullivan, announced an alarming new fact—America's teenage boys, black and white, are dying more from gunshots than from all natural causes combined.

In my hometown of Chicago, guns and gun violence are rampant. There has been a 15-percent increase in the number of shootings already this year over last year and in just 1 day, the Chicago police seized 300 illegally owned guns in the city. When we look at these statistics individually, in terms of losses experienced by families and personal tragedies, the figures are staggering.

What more is it going to take to get us to stop the violence? Will we each have to lose a loved one before we decide its time to act? Will we have to get caught in the crossfire of gang violence? Will a stray bullet through the living room window do it? What is wrong with this country that we place a mere 7-day wait for a weapon above the lives of our citizens?

I am aware that this legislation will neither radically reduce nor completely eliminate the number of violent incidents involving handguns. However, preventing these targeted individuals from purchasing a handgun is an important, logical and necessasry step toward curbing the madness that is terrorizing America. It simply makes good sense to pass the Brady bill. When we consider the number of lives that have been cut short or shattered by handgun violence, it is more than good sense, it is the right thing to do.

Mr. Chairman, I wish to particularly express my support for H.R. 7 in contrast to another bill, H.R. 1412, which is being offered as a valid alternative to the Brady bill. In truth, H.R. 1412 is neither. The provisions of the Brady bill would take effect within a few months after it becomes law. Since the Office of Technology Assessment estimates that it would take between 5 to 10 years to implement the provisions of H.R. 1412, it can hardly be labeled an alternative to the Brady bill for addressing the pressing problem of violent crime in this country.

Moreover, each day and week that passes without action by Congress, more Americans become victims of murder, rape, robbery or assault involving handguns. Passing a bill that would address this most urgent problem 5 to 10 years down the road is therefore neither a valid nor respectable legislative response by this Congress. If the Brady bill saves just one life a year for the next 5 to 10 years—the optimistic projection for how long it will take the Staggers proposal to get up and running—then that is 5 to 10 lives that would otherwise have been lost.

No, the Brady bill will not stop all violent crimes involving guns, neither will the Staggers' proposal. But if we can't even pass a law that will mandate a simple 7-day wait, how in the world do we expect to be able to enact legislation that would have a real, dramatic impact on the proliferation of guns in this society? I join with the mayor of my hometown, Mayor Richard Daley of Chicago, who said at his recent inauguration, "With blood running in America's streets, it's time to seriously consider a total ban on the manufacture and sale of handguns in this country." Mayor Daley went on to say, "Yes, it's a drastic measure. But with handguns becoming the leading cause of death in our communities, we need drastic action."

In conclusion, Mr. Chairman, I find little logic in the arguments against the Brady bill and in support of the Staggers' proposal. I have heard no credible case made for waiting many years instead of several months to try to bring the rampage to an end. As parents, as citizens, as legislators, we owe it to our families, our constituents and our Nation—I urge my colleagues to do the right thing today and support the right bill, H.R. 7.

Mr. STOKES. Mr. Chairman, I rise today in support of H.R. 7, the Brady Handgun Violence Protection Act. I want to commend my colleague from Ohio, Mr. FEIGHAN, for his leadership in sponsoring this crucial legislation.

We are facing a crime epidemic in our Nation, Mr. Chairman. Crime has totally permeated the fabric of American life. The statistics are mind-boggling. In fact, in the year 1990, America set a national record in its number of murders, rapes, assaults, and robberies. A recent Justice Department study indicates that 639,000 Americans are confronted each year by criminals carrying handguns—9,200 are killed and 15,000 are wounded during these confrontations. Tragically, many of the victims of handgun violence are young, African-American males.

The evidence is all too clear. The unrestricted acquisition and use of handguns takes a horrifying toll in American lives. We must deal with handgun violence as quickly as we dealt with Saddam Hussein and his Republican Guard.

H.R. 7, known as the Brady bill, is one step in the right direction in finding a cure for this crime epidemic. It requires a 7-day waiting period prior to purchase of a handgun, to permit local law enforcement authorities to check to ensure that the purchase would not violate Federal or State law. As mandated by the Anti-Drug Abuse Act of 1988, the FBI is now in the process of developing a national instant background check system. The 7-day waiting period would be phased out when the national system is implemented. However, Attorney General Thornburgh has testified that such a system is 3 to 5 years away.

The Brady bill does not unconstitutionally infringe on the right of law-abiding citizens to buy a handgun. It simply requires purchasers to wait 7 days. Is that an inconvenience? Perhaps, but that 7-day inconvenience must be weighed against the permanent inconvenience to people like Jim Brady who is confined to a wheelchair for the rest of his life, or the thousands of Americans who have died from handgun violence.

As a matter of public policy, I think we all agree that there should be a system to check handgun purchasers. The alternative measure offered by my colleague from West Virginia, Mr. STAGGERS, sounds good. If we can eventually do in 7 minutes what the Brady bill will do in 7 days, then let's do it. However, there is no system in place to accomplish a 7-minute check now and we cannot afford to wait. Each day we wait means more lives are added to the list of 50,000 Americans killed in handgun violence since the Brady bill was first voted down in this Chamber in 1988.

The Brady bill is not a panacea. Handgun violence will not magically cease upon passage of the Brady bill. It will not stop criminals from stealing guns or purchasing them from other criminals. However, 1 in every 6 criminals do buy guns from licensed dealers. Waiting periods in several States are already working—thousands of felons across our Nation reportedly have been stopped from buying guns.

It is time for Congress to answer the pleas of the overwhelming majority of Americans who want us to act now to stop handgun violence. We must begin to restore safety and sanity to our streets. We cannot afford to wait another day. This is a matter of life and death. Mr. Chairman, I urge my colleagues to vote in favor of H.R. 7.

Mr. COYNE. Mr. Chairman, today, the House has an opportunity to debate a clear cut law and order question: What is the most effective way of keeping handguns out of the hands of felons? On one hand, we have the Brady bill which would mandate a 7-day waiting period, while as an alternative, we have the promise of a Federal computer system that provides an instant check of all criminal records.

I support the idea of a waiting period, especially since this waiting period provides local law enforcement officials time to ensure that felons and other individuals barred from handgun possession are not allowed to purchase such weapons. I have joined as a cosponsor of the Brady bill, because I believe this bill offers a reasonable way to support law enforcement officers and prevent felons from illegally purchasing guns. I would also like to note that the Commonwealth of Pennsylvania currently has a waiting period for the purchase of handguns.

Clearly, a 7-day waiting period will not eliminate all crime in America, but it seems that saving even one life is worth this effort. Several States which have waiting periods have reported numerous occasions when felons have been stopped from illegally purchasing a handgun.

The Brady bill protects law-abiding citizens who feel that they cannot wait to purchase a handgun due to a threat against their safety. In such cases, these citizens would simply contact their local law enforcement officials to have the waiting period waived. States which have instant check systems are exempted from the 7-day waiting requirements of the Brady bill. In addition, as other States acquire and implement this technology, they would also be exempted.

The alternative amendment calling for a nationwide instant identification check for handgun purchases within 6 months sounds good, but it can't live up the promises of the media campaign blasting across America's television screens. Attorney General Thornburgh has testified that implementation of a national instant check system is at least 3 to 5 yeras away and carries a cost of as much as $1 billion. An Office of Technology Assessment draft report estimates that such a system will not be ready for 5 to 10 yeras. The FBI has estimated that it will take as long as 5 years to computerize all of the over 8.8 million records which are currently in manual form.

The fact is that the House has already set in motion the development of a Federal instant check system. In 1988, Congress enacted the McCollum amendment which provides for the development of a nationwide instant felon identification system. The Justice Department is still in the process of developing such a program. Until that system is implemented, the Brady bill would provide an important tool for law enforcement officers to keep felons from illegally purchasing handguns. Why do the opponents of the Brady bill believe that the Justice Department can do in 6 months what the Department has been unable to do since 1988?

If the House wants to take a strong law and order position, then Members should pass the Brady bill and defeat the amendment offered by the gentleman from West Virginia. Voting for the illusionary promise of an instant check system will not provide police officers with the ability they need to control the purchase of handguns by felons.

Support for the Brady bill is widespread among many organizations representing members of the law enforcement community, such as the Fraternal Order of Police, the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriff's Association, the Police Foundation and many others. In addition, this bill has been endorsed by a large number of public and private groups and individuals, including the U.S. Conference of Mayors, the American Medical Association, the National Congress of Parents and Teachers, and former President Ronald Reagan.

Mr. Chairman, the Brady bill is the most effective means we have today of keeping handguns out of the hands of felons. It is not a perfect solution, but passage of the Brady bill will mean that the House has finally found the will to distinguish between illusion and effective law enforcement.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to the Brady bill and note that:

"Guns don't kill people, people kill people."

"We need crime control, not gun control."

"If we outlaw guns, only outlaws will own guns."

Mr. Chairman, some people call these cliche's but that doesn't mean they aren't true.

Gun control is based on the faulty notion that the American people are too stupid, timid, and ill-tempered to be trusted with firearms. The Brady bill is no exception. Its sights are set on honest citizens, assuming they are criminals. That is why the Brady bill effectively misses the target in preventing gun violence. Drug dealers and murderers do not purchase their handguns from legal channels.

There are millions of Americans that exercise their constitutional rights to own a firearm. They use their guns for a variety of purposes. Some hunt, some collect guns, others target shoot and take part in formal competition. A large number of Americans need a gun as a form of self-defense. The vast majority of these Americans are honest, law-abiding citizens and Congress should leave them alone. Why are we taking aim at them instead of hardened criminals?

States that have imposed waiting periods on the purchase of a firearm have already had an effect—they have cost innocent lives. Deborah Randall of Virginia, Bonnie Elmasri of Wisconsin, and Igor Hutorsky of Brooklyn, NY, have all lost their lives waiting for the firearms they needed to defend themselves.

Experience has shown that sure punishment for illegal use of firearms is the most effective deterrent to gun abuse and violent crime. We must limit plea bargaining, and impose stiff, mandatory sentences on those perpetrating violent or drug trafficking acts. Congress should also establish laws that deny prison furloughs, parole, and probation to violent criminals. Finally, we need a Federal death penalty law for those who murder law enforcement officers and innocent citizens. Instead, we are brought H.R. 7, which would do nothing to prevent criminals from obtaining firearms. It is also interesting to note that a large number of supporters of the Brady bill oppose the imposition of the death penalty and other "get tough" measures with criminals.

Some will claim that the Brady bill is not real gun control. They suggested that the bill if passed would only delay our second amendment rights for 7 days. I would like to know how many Members would suggest that our first amendment rights should be delayed; but more importantly, this hurdle, nuisance, or whatever we call it is aimed at honest citizens.

Mr. Chairman, let us defeat the attempt to take target practice with our constitutional rights. Let us not put a bullet hole in the second amendment of the Constitution. Let's attack criminals, not waste the time of police and criminal justice system regulating the behavior of honest citizens.

Mr. MCGRATH. Mr. Chairman, I want to take this opportunity to voice my strong support for H.R. 7, the Brady Handgun Violence Prevention Act.

The Brady bill is designed simply to establish a national 7-day waiting period and allow police organizations to perform a background check for individuals wishing to purchase a handgun. However, we all know that the National Rifle Association obviously opposes the Brady bill. With its intransigent opposition to almost any kind of gun regulation, the NRA should not, however, object to the Brady bill because the legislation's purpose is not to keep legitimate guns from legitimate gun owners. And the legitimate owners—target shooters and collectors among them—should not object either, because buying a weapon is hardly a matter of urgency.

Several people have conveyed to me that my home State, New York, has strict handgun laws and the Brady bill will be ineffective in our area. While initially this is true, unfortunately, there are many States where criminals can legally purchase firearms. Only 4 percent of the 10,744 handguns recovered by the New York City Police Department in 1989 were purchased in New York State.

Additionally, much has also been made of the system currently being employed in Virginia. In that State, an individual is subject to an instant background check when attempting to purchase a handgun. Unlike the Brady bill, a simple background check does not give law enforcement the opportunity to determine whether a prospective handgun purchaser is prohibited from possessing a firearm because of drug addiction or mental incapacity. Only those who have been committed to a mental institution as part of a criminal arrest show up on Virginia's computer.

States with waiting period laws have not been tremendously successful in stopping felons and other prohibited persons attempting to purchase handguns. In California, 1,763 proscribed purchasers were stopped from buying a handgun in 1989. In that same year, New Jersey prohibited 961 from buying a handgun. Last year, Maryland waiting period laws stopped 1,300 illegal would-be handgun buyers.

Very shortly, we will have the opportunity to cast a vote instrumental in the battle against handgun crime. The Brady bill is a first step—not a first step in abolishing second amendment rights as its opponents have led us to believe—but a step in the right direction to a sensible approach to handgun crime.

Mr. LENT. Mr. Chairman, it has been said that "guns don't kill people, people kill people". I believe a more accurate statement of fact would be "people and guns kill people". In fact, the majority of the American public would agree with the latter statement. A recent poll demonstrated that 95 percent of Americans favor a 7-day waiting period for handgun purchases, recognizing the need for such restrictions to reduce handgun violence.

The so-called Brady bill, H.R. 7, would promote public safety by providing law enforcement with the opportunity to conduct background checks on handgun purchasers which will stop thousands of handgun purchases by those who have no business buying a handgun. The measure will also provide a cooling off period for individuals acting in the heat of passion or the depths of depression.

I understand that some honest gun purchasers may find the 7-day waiting period inconvenient. But, given the countless number of families who have lost loved ones to handgun violence, 7 days seems a small price to pay for improved public safety.

As one who has consistently supported the constitutional right to bear arms, I find nothing threatening in the Brady bill. Simply waiting 7 days before acquiring a handgun may seem an inconvenience to some but it certainly cannot be construed as an infringement of constitutional rights. In fact, I would argue that it actually promotes citizens' rights to safety and security under the law.

We cannot—and should not—ignore the public consensus of opinion that a 7-day waiting period for handgun purchases is necessary to combat the escalation in violence and bloodshed. Unfortunately, H.R. 7 is not a panacea for the nationwide problems of crime and violence. However, the Brady bill is certainly part of the solution and represents a very good first step toward reducing the numbers of deaths each year from handgun violence. If we are truly representatives of the people then we should heed the mandate and vote for H.R. 7.

Mr. GOSS. Mr. Chairman, I rise today as a cosponsor of the Brady bill—legislation whose primary importance lies in the context of our battle against crime—not in its specific significance to lobbyists on either side of the gun control issue.

I must say that I am deeply troubled by the extent to which this entire debate—raging on telephone lines, fax machines, news coverage, and dear colleagues in recent weeks—has become much ado about next to nothing. The fact is that the Brady bill is designed to set up a framework in which background checks or cooling off periods might be addressed—it does not infringe upon States' rights to do their own thing—in fact, my home State of Florida is exempt under the Brady bill because we already have a system in place seeking to prevent guns from falling into criminals' hands. The Brady bill will not infringe upon law-abiding citizens' undeniable constitutional right to own a gun for lawful purposes. And it is not, nor did we ever intend it to be, the answer to our Nation's terrible crime problem. On the other hand, the Staggers substitute looks toward a time when we have the resources and the capability to conduct accurate, reliable point-of-sale background checks without imposing a purchase delay—it's a wonderful idea, and that's why this Congress approved it as part of the 1988 crime bill—and that's also why the Brady bill's provisions would sunset once such a system is brought on line. Unfortunately, we are years and millions of dollars away from making such a system a reality for the entire Nation.

Mr. Chairman, I am saddened that a feeding frenzy of half-truths, hype and misinformation has supplanted legitimate debate on the real issue: This Congress must summon the strength and the courage to pass meaningful, comprehensive crime control legislation. There is no excuse for allowing the dog-and-pony show over the Brady bill versus the Staggers bill to sidetrack us from our broader mission. President Bush has laid a proposal on the table to beef up law enforcement, make tough punishments stick, and strengthen our judicial hand in getting criminals off the street—it's time we stopped worrying about special interest litmus tests and symbolism and started addressing the real issue. Yes, I support the Brady bill because I think it gives most State and local law enforcement a modest extra tool in their fight against violent crime—and because it could help to save lives. But we will have done a great disservice to the American people if we allow our interest in meaningful crime control to start and finish here.

Mr. DORGAN of North Dakota. Mr. Chairman, the House today is making a choice between two alternatives, both of which attempt to prevent criminals from being able to purchase handguns.

The underlying bill is H.R. 7, the Brady bill, which would impose a 7-day waiting period for the purchase of a handgun. The purpose of the waiting period would be to require the gun store owner to send the name of the prospective purchaser to the local law enforcement authority so that they could determine if the person was legally entitled to purchase a gun. Convicted felons and selected others are legally prohibited from purchasing firearms in the United States.

The Staggers bill, H.R. 1412, will be offered as a substitute to the Brady bill. The Staggers proposal requires the development of a national registry of convicted felons. It would require a gun dealer to conduct a check against a computer list of convicted felons before selling a handgun. The purpose of that background check is to make certain that those who are trying to purchase a handgun are not convicted felons.

Both of these proposals attempt to address a serious problem in our country. Unfortunately, both the Brady bill and the Staggers alternative have been mischaracterized by their respective opponents.

The Brady bill has been characterized by its opponents as the first step in an attempt to confiscate guns that Americans are constitutionally entitled to own. That simply misstates the case with respect to the Brady bill. On the other hand, the Staggers amendment is described as a "sham" by its opponents. "It won't work, and it is too costly, and is simply a ploy to the National Rifle Association," they say. That also misstates the case. Both the Brady and the Staggers proposals address a problem that I think needs addressing. The question before Congress is not whether to take action, but what action to take. The question is what can we do that might meet with some success.

My family has had some firsthand experience with crime. My mother was killed nearly 5 years ago. The person who was convicted of manslaughter in her death was accompanied on the night of the crime by two other persons. There were no guns involved in the crime, but persons with criminal records were involved.

When I reviewed their criminal records, it was the first time I had ever seen a police record. It was a sobering experience.

I discovered something in reviewing the criminal records that was very disturbing. One of the people that was involved in the crime that took my mother's life had a rather lengthy record. When I reviewed his criminal record, I found that he had been previously convicted of a felony and had been sentenced to serve time at the State penitentiary. He was subsequently paroled from the State penitentiary and sometime later was picked up for the same type of felony. On his second conviction, he was sentenced to probation. When I tried to find out how someone who had been found guilty of a second felony was given probation, I was told that the judge was unaware of the previous conviction. I asked how on Earth could that happen, and I was told that it was not so unusual. The criminal records of Federal, State, and local governments were in terrible disarray I was told.

It was obvious to me from that one evaluation of several criminal records that this country was sadly deficient in its ability to keep records of, and keep track of convicted felons.

I plan today to support the Staggers substitute because I think that we need to create in this country a national registration of felons so that, not only for gun purchases, but for other multiple uses by law enforcement authorities, we will have an updated listing of convicted felons.

There simply is no excuse that we do not have ready access to the records of convicted felons for the purposes of screening gun purchases, or for the purposes of conducting a presentence investigation on someone who has been convicted of another crime.

Passage of the Staggers bill will force that result to occur, whereas passage of the Brady bill will not. That is the reason I have chosen to support the Staggers proposal.

I come from a State that has no waiting period for the purchase of guns, and yet has one of the lowest crime rates in the country. However, to serve in Congress I must live some of the time in one of the Nation's largest cities and, tragically, one of the bloodiest.

There is no question that we need to find an effective approach to prevent convicted felons from acquiring guns. But we need to do much more if we are to address this crime problem in a meaningful way.

We must put the career criminals in jail and keep them there. Two-thirds of the violent crime in America is committed by 8 percent of the criminals—these are the "career criminals." If we are going to start reversing the crime problem in America, we must expect our criminal justice system to put the career criminal in jail and keep them there.

Mr. BALLENGER. Mr. Chairman, I would like to voice my opposition to H.R. 7, the so-called Brady bill, and to express my support for the only logical alternative, H.R. 1412, introduced by Mr. STAGGERS.

In my view, gun control legislation infringes on the rights of law-abiding citizens. In this respect, there is no question that H.R. 1412, the Staggers bill, is the better of the two proposals. The Staggers bill would require an instantaneous background check for anyone attempting to purchase a handgun. Gun dealers would call a hotline for information on the purchaser, at which point the sale would be approved or denied. This manner of checking for felons would ensure that criminals do not obtain guns, without infringing on the rights of law-abiding citizens.

In fact, the Brady bill does not even require a background check. It merely allows law enforcement officials 7 days to carry out such a check should they deem it necessary. This not only penalizes law-abiding citizens, but it does not even ensure that a check is done. Technically, a felon could still obtain a gun. Further, this system allows room for discrimination by local law enforcement officials. The Staggers alternative allows neither.

Finally, H.R. 1412 would help establish a national standard of up-to-date criminal records to be used for the instant check. As required by the Omnibus Crime Control Act of 1990, the Justice Department has begun a $40 million initiative to update and automate criminal records. Approval of H.R. 1412 would direct a greater percentage of the funds toward completing the update more quickly—to ensure the establishment of the hotline within the 6 months required by the measure. I am convinced the State of North Carolina could meet this requirement through the police information network that already exists.

The Staggers bill is an effective, fair, and technically feasible alternative to the Brady bill that will actually stop felons from legally purchasing guns. I plan to support this legislation and to continue to push for the consideration of the President's anticrime legislation.

Mr. MILLER of Washington. I urge my colleagues to join me in supporting the Brady Handgun Violence Prevention Act, H.R. 7.

The Brady bill is very simple. In 1968, Congress passed the Gun Act, prohibiting convicts, fugitives, drug addicts, mental incompetents, illegal aliens, and those dishonorably discharged from possessing firearms.

There is, however, no Federal enforcement of this law. Convicts, fugitives, drug addicts, mental incompetents, illegal aliens and those dishonorably discharged are on the honor system. All you are required to do before purchasing a gun is fill out a form, and this form is not even reviewed before the sale.

Mr. Chairman, we can trace an illegal gun sale after the fact, but current Federal enforcement doesn't even try to prevent an illegal firearm sale.

The Brady bill simply gives law enforcement a 7-day waiting period during which they may enforce the existing law. That's all. Moreover, the Brady bill will sunset once an instantaneous, national system is available to more effectively enforce the same existing prohibitions.

The Brady bill's 7-day waiting period is a simple interim step between no enforcement of existing law and a national hotline system. It is simple common sense, and it deserves our support.

Let me conclude by reaffirming my belief in firm and certain punishment as the way to prevent violent crime. We must support stiffer and more uniform sentencing for those convicted of violent crimes or drug trafficking offenses involving the use or possession of a weapon. We must support the President's anticrime package. But let us pass the Brady bill and take at least a modest step to control handgun violence.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brady Handgun Violence Prevention Act".

SEC. 2. WAITING PERIOD REQUIRED BEFORE PURCHASE OF HANDGUN.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identification of the transferee by examining the identification document presented; and

"(III) within one day after the transferee furnishes the statement, provided a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 7 days have elapsed from the date the transferee furnished the statement, and the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, which states that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit which—

"(I) allows the transferee to possess a handgun; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

"(D) the law of the State—

"(i) prohibits any licensed importer, licensed manufacturer, or licensed dealer from transferring a handgun to an individual who is not licensed under section 923, before at least 7 days have elapsed from the date the transferee proposes such transfer; or

"(ii) requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verifies that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law; or

"(E) the transferor has received a report from any system of felon identification established by the Attorney General pursuant to section 6213(a) of the Anti-Drug Abuse Amendments Act of 1988, that available information does not in-

dicate that possession or receipt of a handgun by the transferee would violate Federal, State, or local law.

"(2) Paragraph (1) shall not be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that the transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with paragraph (1)(A)(i)(III) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a copy of the statement is sent determines that a transaction would violate Federal, State, or local law, the officer shall, within 30 days after the date the transferee made the statement, destroy the copy and any record containing information derived from the statement.

"(7) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual.

"(8) This subsection shall not apply to the sale of a firearm in the circumstances described in subsection (c).

"(9) The Secretary shall take necessary actions to assure that the provisions of this subsection are published and disseminated to dealers and to the public.".

(b) HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(c) PENALTY.—Section 924(a) of such title is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates section 922(s) shall be fined not more than $1,000, imprisoned for not more than one year, or both.".

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to conduct engaged in 90 or more days after the date of the enactment of this Act.

The CHAIRMAN. No amendment to said substitute is in order except an amendment in the nature of a substitute printed in House Report 101–52 by, and if offered by, the gentleman from West Virginia [Mr. STAGGERS] or his designee, which shall be considered as read. Said amendment is not subject to amendment and shall be debatable for 1 hour, equally divided and controlled by the proponent of the amendment and a member opposed thereto.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STAGGERS: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Felon Handgun Purchase Prevention Act of 1991".

SEC. 2. FEDERAL FIREARMS LICENSEE REQUIRED TO CONTACT NATIONAL HOTLINE BEFORE TRANSFER OF HANDGUN TO NONLICENSEE.

(a) IN GENERAL.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(1)(1) Except as provided in paragraph (2) of this subsection, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a handgun from the business inventory of the licensee to any other person who is not such a licensee, unless—

"(A) before the completion of the transfer, the licensee contacts the hotline established pursuant to section 3 of the Felon Handgun Purchase Prevention Act of 1991; and

"(B)(i) the hotline notifies the licensee that—

"(I) the information available to the hotline does not demonstrate that the receipt of a handgun by such other person would violate section 922 of this title; or

"(II) the hotline will not be able to respond to the licensee before the end of the next business day of the licensee; or

"(ii)(I) at least 24 hours have elapsed since the licensee first contacted the hotline with respect to the transfer; and

"(II) the hotline has not notified the licensee that the information available to the hotline demonstrates that the receipt of a handgun by such other person would violate such section 922.

"(2) Paragraph (1) shall not apply to a handgun transfer between a licensee and another person if—

"(A) such other person presents to the licensee a valid permit or license, issued by the State or political subdivision thereof in which the transfer is to occur, that authorizes such other person to purchase, possess, or carry a firearm;

"(B) the Secretary has, under section 5812 of the Internal Revenue Code of 1986, approved the transfer;

"(C) telephone service is not provided to the premises where the licensee conducts business subject to such license, and is not generally available to the public in the area in which such premises are located;

"(D) the ability of the licensee to exchange information with the hotline referred to in paragraph (1) is impaired due to circumstances beyond the control of licensee; or

"(E) the licensee, pursuant to State law, notifies State law enforcement authorities of the proposed transfer, and such authorities approve the transfer or determine that receipt of a handgun by such other person would not violate State law.

"(3) If the hotline referred to in paragraph (1) of this subsection notifies the licensee that the information available to the hotline does not demonstrate that the receipt of a handgun by such other person would violate section 922 of this title, and the licensee transfers a handgun to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the hotline with respect to the transfer.

"(4) If the licensee knowingly transfers a handgun to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the hotline referred to in such paragraph (1) was operating and information was available to the hotline demonstrating that receipt of a handgun by such other person would violate section 922 of this title, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under this section, and may impose on the licensee a civil fine of not more than $5,000. The Secretary's action under this paragraph may be reviewed as provided in paragraph (5) of this subsection.

"(5) Paragraphs (1), (2), and (3) of subsection (f) shall apply to any action taken by the Secretary under paragraph (4) of this subsection, in the same manner in which such paragraphs apply to actions taken by the Secretary under subsection (e).".

(b) HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(29) the term 'handgun' means—

"(A) a firearm (other than an antique firearm, or a curio or relic as the Secretary shall be regulation define) designed and intended to be fired by the use of a single hand; and

"(B) any combination of parts designed and intended to be assembled into a firearm described in subparagraph (A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to conduct engaged in after the end of the 6-month period that begins on the date of the enactment of this Act.

SEC. 3. NATIONAL HOTLINE.

(a) ESTABLISHMENT OF THE HOTLINE.—

(1) IN GENERAL.—The Attorney General of the United States shall establish a telephone hotline that any licensee may contact for information on whether receipt of a handgun by a prospective transferee thereof would violate section 922 of title 18, United States Code.

(2) TOLL-FREE TELEPHONE NUMBER.—The Attorney General shall arrange for the hotline to operate by means of a telephone number which may be called without charge to the caller and by the use of which a call may be placed to the hotline throughout the United States.

(3) CONTINUOUS OPERATION.—The Attorney General shall take such steps as may be necessary to ensure that the hotline operates continuously.

(4) ACCURACY OF RESPONSES.—The Attorney General shall take such steps as may be necessary to ensure that not more than 2 percent of the initial telephone responses of the hotline contain erroneous determinations receipt of a handgun by a prospective handgun transferee would violate section 922 of title 18, United States Code.

(b) NOTIFICATION OF LICENSEES.—On establishment of the hotline under this section, the Attorney General shall notify each licensee of the existence and purpose of the hotline and the toll-free telephone number which may be used to contact the hotline.

(c) OPERATION OF THE HOTLINE.—

(1) REQUIREMENTS FOR PROVISION OF INFORMATION.—The hotline established under this section shall not provide information to any person who places a telephone call to the hotline with respect to any other person, unless—

(A) the hotline verifies, in accordance with regulations prescribed by the Attorney General, that the caller is a licensee; and

(B) the caller states—

(i) that such other person seeks to obtain a handgun from the caller;

(ii) the name and date of birth of such other person; and

(iii) the social security number of, or (if such other person has no such number) other identifying information about, such other person.

(2) INFORMATION TO BE PROVIDED.—

(A) IN GENERAL.—If the hotline receives a telephone call with respect to the transfer of a handgun to a person and the requirements of paragraph (1) of this subsection are met, the hotline shall, in accordance with subparagraph (B) of this paragraph—

(i) inform the caller whether the information available to the hotline demonstrates that the receipt of a handgun by the person would violate section 922 of title 18, United States Code; and

(ii) if such a receipt would not violate such section—

(I) assign a unique identification number to the transfer;

(II) provide the caller with the number; and

(III) destroy all records of the hotline with respect to the call (other than the identifying number and the date the call was received) and all records of the hotline relating to the person.

(B) TIMING.—

(i) PROMPT RESPONSE REQUIRED.—The hotline shall make every effort to provide to the caller the information required by subparagraph (A) immediately or by return telephone call without delay.

(ii) RULES GOVERNING DELAYED RESPONSES.—If the hotline is unable to comply with clause (i) due to circumstances beyond the control of the hotline, the hotline shall—

(I) advise the caller that the response of the hotline will be delayed and the reasons therefor, and of the probable length of the delay; and

(II) make every effort to provide the information required by subparagraph (A) within 24 hours after the caller first contacted the hotline with respect to the transfer.

(d) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other provision of law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a handgun would violate section 922 of title 18, United States Code, as may be necessary to enable the hotline established under this section to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the hotline.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as may be necessary to establish and operate the hotline in accordance with this section.

(e) CORRECTION OF ERRONEOUS HOTLINE INFORMATION.—If the hotline established under this section informs a caller of the hotline that receipt of a handgun by another person would violate section 922 of title 18, United States Code, such other person may request the Attorney General to provide such other person with the reasons therefor. Within 5 days after receipt of such a request, the Attorney General shall comply with the request. Such other person may submit to the Attorney General information which may correct, clarify, or supplement records of the hotline with respect to such other person. Within 5 days after receipt of such information, the Attorney General shall consider such information, investigate the matter further, and correct all erroneous Federal records relating to such other person and notify any Federal department or agency or any State that was the source of such erroneous records of such errors.

(f) REGULATIONS.—After 90 days notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe such regulations as may be necessary to ensure the privacy and security of the information of the hotline established under this section.

(g) PROHIBITIONS RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO HANDGUNS.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof maintained by the hotline established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the hotline established under this section to establish any system for the registration of handguns, handgun owners, or handgun transactions or dispositions, except with respect to persons prohibited by section 922 of title 18, United States Code, from receiving a handgun.

(h) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term "licensee" means a licensed importer, licensed manufacturer, or licensed dealer.

(2) OTHER TERMS.—The terms "licensed importer", "licensed manufacturer", "licensed dealer", and "handgun" shall have the meanings given such terms, respectively, by section 921(a) of title 18, United States Code.

(i) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act.

SEC. 4. IMPROVEMENT OF CRIMINAL JUSTICE RECORDS.

(a) IN GENERAL.—Section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759) is amended—

(1) in subsection (a) by striking "5 percent" and by inserting "10 percent"; and

(2) in subsection (b)—

(A) in paragraph (2) by striking the "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) the sharing of all of the above records with the United States Attorney General for use by the national hotline established under section 3 of the Felon Handgun Purchase Prevention Act of 1991.".

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to any fiscal year beginning after the date of the enactment of this Act.

Mr. SCHUMER. Mr. Chairman, I request the 30 minutes in opposition to the amendment.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. SCHUMER. I am in opposition, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] will be recognized for 30 minutes.

Under the rule, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 30 minutes.

Mr. STAGGERS. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. FIELDS], and I ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. SCHUMER. Mr. Chairman, I yield 15 minutes of my 30 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], and I ask unanimous consent that he may yield time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. STAGGERS] will be recognized for 15 minutes, the gentleman from New York [Mr. SCHUMER] will be recognized for 15 minutes, the gentleman from Texas [Mr. FIELDS] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. STAGGERS].

□ 1610

Mr. STAGGERS. Mr. Chairman, we all know that the problem of violent crime has increased across this country, and it is the role of Congress to address pressing social concerns which have so dramatically affected the value of our human lives. While we are charged with writing laws to combat this emotional and vexing problem, we must also be willing to put emotions aside to craft effective and substantive legislation. I say to my colleagues, today you will have a choice between emotion and substance.

H.R. 7, the Brady bill, is an emotionally charged paper tiger designed to make one think that they are doing something to prevent criminals from buying handguns through licensed gun dealers. Yet it is anything but substantive. The Brady bill does not—I repeat—does not require that any criminal history background check be conducted on prospective purchasers. On the issue of criminal records data base, again Brady is all bark and no bite. Those who would oppose my bill would tell my colleagues that it is not workable because the national data base is not wholly in place, and that leaves my colleagues with the impression that they have some special set of records that they will check, and they do not.

Not only will my bill utilize the same records that Brady may or may not, but my bill provides the resources to improve the records and, at the same time, conduct more background checks than Brady and also faster than Brady. My opponents offer nothing but good intentions. In fact, they take away resources because police officers will spend time conducting background checks that they should spend protecting our streets.

Mr. Chairman, there is no end to the distortions streaming from the other side. In this hand I have a leaflet supplied by Handgun Control that claims that my bill costs a billion dollars. In this other hand I have a letter from the Congressional Budget Office to the gentleman from New York [Mr. SCHUMER] which states that my bill will cost between $5 and $10 million a year, and that includes implementation.

My bill is a simple alternative. It will use existent technology the same way that we use a credit card transaction or use a telephone. One will either be approved or disapproved. My alternative will accelerate the automation of criminal records. My alternative will not shift the costs to State and local governments which do not have the resources or the manpower.

Emotional issues are hard to deal with, and there are no real simple answers. A 7-day waiting period is a simplistic answer. In the same logic, if we would wait, say, 7 days to purchase cocaine, we could solve the drug problem. The same logic is that if in fact we said to journalists, "Wait 7 days before you file your stories," we would have no libel suits. Now I assume that if we could wait 7 days, the same logic, for our second amendment rights, the same logic would say we can wait 7 days for our first amendment rights. Obviously that is not right, and we would not accept that.

My alternative may not be perfect. Neither of the alternatives will end crime. I just believe that mine is an alternative, and I will reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in reluctant opposition to the Staggers amendment, and I have to say that with all sincerity I would love to be able to stand up here and support the amendment of the gentleman from West Virginia. He is a good Member here. He is conscientious, and he puts this amendment forward in good faith. I just am concerned that it will not work. At least it will not work now.

Yes, Mr. Chairman, it may work in 5 or 10 years, and for that I think we have to give the gentleman from West Virginia [Mr. STAGGERS] credit for pushing beyond the envelope and trying to reach a reasonable conclusion. But the fact is the world has changed. The good guys now are outgunned by the bad guys. If any of my colleagues saw just a few years ago the shootout that the FBI had down in Maimi where literally the bad guys outgunned the FBI, the FBI has come now to change their procedures. Every agent has to wear a bullet-proof vest, carry a shotgun in a car. That was never the case before.

Mr. Chairman, that is how much the world has changed. Thousands of people, particularly police officers, every day are put at risk because of gun-toting parasites and criminals who would take their very lives.

So, the world really has changed, and now do we best address the problem of keeping people who are under a legal disability to get a gun? I would suggest that the Brady substitute, the Brady bill, is not a perfect solution either. That is clear. But in my estimation, if we could create a perfect world, at least from my vantage point we would have a combination. That is the Brady bill would go into effect until such time as we had a database available for an instant check under the Staggers substitute.

Mr. Chairman, that makes a great deal of sense. My friend, the gentleman from Pennsylvania [Mr. WELDON], offered that amendment to the Committee on Rules. It apparently made too much sense because it was not made in order today during the debate. But I think it makes a great deal of sense, solves a lot of problems in the implementation and in many ways saves lives while we are waiting for that to come into being.

Add to that, and I think without precedent we will see this, the crime bill that the President has proposed. Now somewhere along the legislative process the crime bill that the President asked this Congress to enact will be attached to whatever vehicle comes out of this House. I think that is good. I think it makes it a better bill. I think it makes it more likely the President will sign it.

Let us put that combination together where we can have the approach of the Brady bill, which will expire, sunset, when the Staggers provision becomes effective, as designated by the Attorney General, add the President's crime control package, and then we have got something, it seems to me, that does something, and I am very, very hopeful that that will be the case. Let us try to do a small step for trying to keep those kinds of weapons out of the hands of criminals. If we do that, we will have at least made a reasonable opportunity for our citizens to feel a little bit safer in the streets.

My colleagues talk about polls. I did a poll of my district; 79 percent of the people in my rural district support a 7-day waiting period.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I would like to speak directly to my colleagues who are feeling uneasy right now because of what they already know about the amendment of the gentleman from West Virginia [Mr. STAGGERS]. They know that Staggers is not instant, is not mandatory. Staggers is not anything, at least not for the foreseeable future, because the Office of Technology Assessment says that it will be as long as 5 years before it is implemented. My colleagues know that that means that in the meantime Staggers will accomplish absolutely nothing except for one thing. It kills the Brady amendment.

Two years ago, my colleagues, I knew these things, too. But I voted against Brady because I had always voted against gun control. I want to tell my colleagues that was the worst mistake of my life.

To those of my colleagues who are where I was 2 years ago I say, "I urge you not to make the same mistake I did. Twenty thousand Amercians have been killed by handguns since the Brady bill was killed 2 years ago. Think of how many more will be killed if there's another 5-year delay."

Mr. Chairman, my simple message is this: Save some lives. Vote against Staggers. Vote for Brady. Represent the people of the United States.

Mr. FIELDS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, Americans want something done about crime in this country. They want to stop criminals and their ability to buy weapons, and I know that both sides of this debate are sincere in the proposals that they are offering.

However, my colleagues, I do not believe that the Brady bill will work. It does not require a background check to find out if a criminal is trying to buy a gun, and even if the local police decide to do a local check under the Brady bill, it is going to take officers off the street and put them in the station house.

However, Mr. Chairman, I believe the Staggers proposal will work. It requires a background check and sets up a computerized network to do it. It is proven effective in Virginia where, since 1989, they have stopped the ability of criminals to buy handguns 1,400 times.

As a new Member of Congress, I am here to do something of significance, and I believe that the proposal of the gentleman from West Virginia [Mr. STAGGERS] will in fact work and will stop criminals from buying weapons.

☐ 1620

Mr. STAGGERS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I rise in support of the amendment in the nature of a substitute offered by my friend, the gentleman from West Virginia [Mr. STAGGERS]. The Staggers amendment mandates a check of criminal records before a licensed handgun dealer can sell a weapon. And, significantly, it addresses the fundamental issue that must be addressed if any background check system is to perform effectively: The underlying completeness and accuracy of the data base on which the check is being run. Despite rhetoric on all sides, this is the heart of the matter.

Under current law, the States are mandated to use 5 percent of their criminal justice assistance funds to update their records. It is clear from the current condition of those records in the 50 States that this approach and this mandate are insufficient. The Staggers substitute increases the portion of criminal justice assistance funds that must be devoted to this purpose to 10 percent.

Mr. Chairman, the Staggers substitute will be the incentive that is required to bring State criminal record systems into the computer age. I find it sadly strange that supercomputers are currently used for a variety of commercial purposes, but play almost no role in combating crime.

Updated systems throughout the Nation are certain to provide significant benefits in improving the administration of criminal justice across the board—not just in the area of handgun control—and there is no question in my mind that we must have accurate and complete criminal record systems if we are to achieve the goal that underlies the legislation before us today.

Mr. Chairman, as I noted in my opening statement during general debate, neither H.R. 7 nor the Staggers substitute is a panacea that will erase the menace of handguns in the possession of the criminal and the deranged. Far from it: Only a fraction of the handguns held by criminals are obtained through legitimate dealers. We must not fool ourselves or the American people by suggesting that this bill—or the substitute—will do more than it can. At best, any system of background checks through licensed dealers will be only a narrow and minor answer to handgun proliferation and misuse.

Moreover, let us not pretend that this vote is occurring in a vacuum. Only 3 weeks ago, the New York Times reported on the California experience with waiting periods. Despite its 14-day waiting period for handgun purchases, homicides have consistently risen year after year. Only last month, we watched on television with horror as a youth gang in Sacramento held hostages in an electronics store and then viciously shot a number of victims—with weapons obtained in strict compliance with the California waiting period.

In light of what we actually can achieve in this area, I believe the only responsible course for us is to enact legislation that will be effective in carrying out its purposes and will impose minimal restrictions on the rights of law abiding citizens. I believe that the Staggers amendment will accomplish both goals, and for that reason I urge the Members' support for the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I am pleased to rise in support of the Brady bill and in opposition to the Staggers amendment.

Mr. Chairman, during the past several months, I have spent countless hours considering my position on two of the 102d Congress' most controversial pieces of legislation. The debate and lobbying efforts on the Brady bill (H.R. 7) and the Staggers bill (H.R. 1412) was one of the most intense that I have witnessed during the past few years in Congress. The complexity and divisiveness of the issue was clearly demonstrated by the diverse responses of my constitutents. In the months since the Brady bill's introduction, my offices have received more than 3,000 opinions—by mail and telephone—on this legislation. Not surprisingly, the opinions were divided nearly 50–50. Nevertheless, the thoughts and concerns expressed by my constituents have significantly aided in formulating my position on the legislation, and I greatly appreciate the time and effort that was expended by my constituents in informing me of their views.

Some of the editorialists in my congressional district have criticized my caution and willingness to listen. These editorialists underplayed the compexities of this legislation and minimized the importance of a free and open debate on the issue. My decision on this measure was reached only after a great deal of consideration and analysis of the arguments presented by my constituents, by many experts, by responsible journalists, and by my colleagues in the Congress.

Although the system mandated under the STAGGERS proposal sounds good, it is simply not possible. Citing the inadequate status of the criminal records in many areas of our Nation, both the Attorney General and the Congressional Office of Technical Assistance have stated that such a system will not be feasible for at least 5 to 10 years. Our best sources of information are informing us that the STAGGERS proposal is simply not possible. I am also concerned, as is the FBI, that such a measure will cost billions of dollars what we cannot afford at this time and that existing police resources have already been stretched to their limit. However, I believe that an instant check system is the optimal approach to this problem and I will continue to seek ways to implement such a system in the future.

I have long been a strong supporter of the right of responsible citizens to own and to use legitimate firearms. However, we cannot simply ignore the alarming increase of handgun-related deaths and the violence that has been impacting upon our society. Drugs and crime are plagues that have grown to catastrophic proportions. Each day, more Americans are killed due to gun-related violence than were killed during all of Operation Desert Storm. Our police have been fighting a losing battle every time they take to the streets. Tales of tragedies that are caused by people who should never have been allowed to obtain a firearm have become all too common.

I recognize that the Brady bill is not the answer to all of our society's violent crime problems, and I am equally convinced that it is not a first step toward gun confiscation. I have consulted with many Members of Congress, the NRA and the Bradys, with law enforcement officals, and with knowledgeable representatives of both sides of the issue, and I have confidence that support for such extreme restrictions is nonexistent. I fully empathize with the concerns of our sportsmen, and the legitimate gun owners throughout my district. Their thoughts and apprehensions have weighed heavily throughout my entire decision-making process. But let us bear in mind that the responsible, law-abiding citizens have nothing to fear from this legislation. Moreover, the Brady bill's 7-day waiting period will have no consequence in our district due to New York State's already strict gun provisions and extensive waiting period.

Admittedly the Brady bill is not perfect, and it may not even have a significant impact on crime, but I believe that it is a reasonable stop-gap measure that we can undertake until an instantaneous criminal data system can be implemented. The Brady bill will be worthwhile if it saves even one life.

I would like to take this opportunity to thank all of my constituents who have contacted my office to inform me of their views on this important issue. The support that the public has demonstrated with regard to its concern for the escalating number of gun related murders in our Nation has been tremendous. With the support of our Nation's law enforcement personnel, the Brady bill should help us keep guns out of the hands of criminals and incompetents.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Chairman, I rise today in opposition to the Staggers substitute, but also with respect for the alternative (H.R. 1412) presented by the gentleman from West Virginia [Mr. STAGGERS].

In assessing the differences between the Brady bill and the Staggers substitute, I think it is important to note what both have in common.

Both bills are efforts to keep felons, and inmates of mental institutions, from legally acquiring handguns. To facilitate accomplishment of those objectives both employ waiting periods—1 day for Staggers and 7 days for Brady.

And both share the premise that a computerized system of instantaneous background checks is, in the long run, the best means of achieving the desired goal.

Neither is perfect, as I think the proponents of each will concede, but both are well-intentioned.

The real question is—which will work better over the short term.

Proponents of H.R. 1412 argue that a nationwide hotline, capable of completing instant checks, can be up and running effectively in 6 months.

Advocates of the Brady bill disagree.

Given the state of criminal records in many States, we believe that a 7-day waiting period will give local police the opportunity to do suitable background checks.

Lets' be clear here. I strongly favor the development of an effective instant check system.

Two years ago, I supported the amendment of my good friend from Florida, Mr. MCCOLLUM, which required the Federal Government to begin work on an instant check system.

And I am pleased that, regardless of what happens here today, development of an instant check system will go forward.

At the same time, I do not think that the so-called instant-check hotline will be operating effectively in 6 months.

From what I have heard and read, 2 to 8 years is a better estimate of what it will take to fully computerize the criminal records of this Nation.

Another concern I have about the Staggers substitute is that it is not clear how much it will cost to put implementation of an instant check system on a crash course.

Given such considerations, I believe we should follow the old adage "better safe than sorry."

While we work to put an instant check system on-line, we will be giving law enforcement a better chance to check out potential handgun buyers.

If the Staggers substitute becomes law, there is far less assurance that background checks will be conducted simply because we will not have the system in place to do them.

And that would be unfortunate given the fact that 23,000 people died last year as a result of violence involving handguns—handguns that are sometimes purchased over-the-counter, in an entirely legal manner, by felons and other ineligibles who should not have easy access to such weapons.

Finally, as a representative from the State of Florida, I feel mandated to support the Brady bill.

Last year, the people of Florida overwhelmingly supported a 3-day waiting period for handgun purchases. The final vote was 85 percent in favor of a waiting period.

Mr. Chairman, I urge adoption of the Brady bill and rejection of the Staggers substitute.

Mr. FIELDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Staggers substitute, not for the obvious reasons, but as a woman. Let's take a look at what the Brady bill means to women, more often than not the victims of violent crimes.

Just recall the horror in Gainesville, FL, this past summer where a serial killer murdered four young women and one young man. Law-abiding citizens needed protection immediately. However, Gainesville has a 2-day waiting period. Acting on the Sheriff's advice, women went outside Gainesville where there wasn't a waiting period to buy firearms for self-protection.

If the Brady bill were law, who knows how many more young women would be dead in Gainesville because they had to wait to protect themselves. Under the Staggers bill, these women could have protected themselves when they needed protection, immediately—not 2 days later, or under the Brady bill, a full week later.

But there need not be a serial killer on the loose—women face these kinds of emergency self-protection situations frequently. Look at the case of Bonnie Elmasri, of Wisconsin, whose husband repeatedly threatened to kill her. She secured a restraining order. But because of the severity of her husband's threats, Bonnie didn't feel this was enough. She tried to purchase a firearm for self-defense, but was told there was a 2-day waiting period. The next day, Bonnie and her two sons, aged 17 and 3, were murdered by her husband.

In just this one instance, a 2-day waiting period cost three innocent citizens their lives, two of them children. Who knows how many more lives a full 7-day waiting period would cost. Yet, under the Staggers bill, Bonnie Elmasri and countless others like her would still be alive today. They would not be required to wait to protect themselves.

If we are serious about crime, let us pass a bill to control criminals, let us pass the Staggers substitute. I urge members not let their judgments be clouded by the antigun lobby's emotional banter.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, everyone is against crime, this small three letter word is the key to enacting any crime bill.

Last year's debate of the crime control bill demonstrated that most House Members support the following provisions: Expanding the use of capital punishment, reforming and limiting death row appeals, allowing police to use evidence in court discovered during "good faith" searches, and many other crime fighting proposals. Many of those that support these tough provisions don't support giving their local law enforcement a simple tool which is provided in the Brady bill, a 7-day waiting period. Many would-be supporters of the Brady bill, admit they do not really have a problem with the waiting period, believe it would not do any good.

How many of these same members who want perfection in the Brady bill, support the flawed Staggers' substitute, which requires a telephone background check within 24 hours? Most people agree that this system cannot be operational within the 6-months specified in the bill and so, the Staggers substitute is not really a workable option. In fact, it will take closer to 6 years to implement at tremendous cost. Now if the Staggers' substitute passes, we will have succeeded in authorizing a felon identification system that will not be able to identify felons because the records just aren't there. Brady bill opponents will have succeeded in killing the waiting period and, with it, a small chance for law enforcement to impede criminal possession of handguns.

Let's not kid ourselves here today! Capital punishment by itself is not going to cure the crime problem, it will help. The Brady bill by itself will not stop criminal activity with handguns, it will provide our law enforcement officials with a commonsense tool that could be helpful. In fact, individually any of these measures would cut criminal activity only marginally, but taken collectively, as part of a complete anticrime package, these measures could significantly reduce the rising crime rate in America.

In 1988, I became a supporter of the Brady bill for one simple reason: It made good commonsense. In Texas and 24 other States, anybody—yes, anybody—can walk into a gun shop, select a gun, show a picture ID, fill out an ATF 4473 Form, pay for it, and walk out with a gun—no questions asked by anyone. Just imagine it. In one-half the States of this country the law enforcement officials are not given 7 minutes or 7 hours, much less 7 days, to determine if a handgun purchaser is either a convicted felon or an individual who has been adjudicated mentally incompetent by a court. It is a felony to lie when filing an ATF 4473 Form, but under the current system there is no method of determining whether an individual has in fact filed a truthful ATF 4473 Form.

Does anybody seriously believe that a felon will hesitate to file a false ATF 4473 Form if he can get a gun by doing so? Did you know that current Federal law prohibits gun ownership and possession by persons who unlawfully use or are addicted to drugs? What mechanism is currently there for determining if drug abusers are purchasing guns? We talk about the "war on drugs" but the fact remains that in 25 States any drug dealer or desperate drug addict can buy a handgun, no questions asked.

The Safe Streets Act of 1968 provided eight categories under which a person may be federally denied a gun of any kind. What good is it to have prohibitions if there is no effective way of implementing them? I think it's about time Congress gave somebody that authority. It is time we put some teeth in this law.

The National Rifle Association [NRA] says the waiting period won't do any good, and I have heard my colleagues and officials at the Justice Department echo this hollow claim. What evidence do they have to support this claim and how do they know a nationally implemented waiting period won't help fight crime? It is preventing criminals and other prohibited individuals from acquiring guns in States like Oregon, Washington, Indiana, and Tennessee. The NRA would rather the Members of Congress stick our heads in the sand and ignore this Nation's growing crime problem rather than take some positive action by way of passing the Brady bill.

I think the Brady bill will help fight crime but, it is neither a panacea for the crime problem nor is it going to keep all handguns from criminals; it should be accompanied later this session by a tough crime bill, but that is another debate.

Like many of my colleagues, I have heard from a number of my constituents asking me to vote against the Brady bill. Many of my constituents I have talked with don't really have a problem with the bill, but they see it as another foot in the door for total gun control and confiscation. I respect their point of view and I understand their concern that another right of the law-abiding citizen is being taken away. But I do not believe that I would be serving the best interest or representing the majority of the citizens of the 17th District of Texas by voting against the 7-day waiting period. Let's not dodge the bullet, I urge my colleagues to support the Brady bill and help law enforcement prevent criminal activity with handguns by giving them an opportunity to check the background of handgun purchasers.

I leave you with this simple question that I have asked myself and answered by supporting the Brady bill. Do you believe that it is a constitutionally guaranteed right for any mentally incompetent person, convicted felon, drug addict, or illegal alien to walk into a gun store, fill out a form, sign their name, and walk out with a handgun, with no questions even being asked by anyone?

Oppose Staggers; support Brady! The commonsense small step forward for crime control.

□ 1630

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in support of the Staggers amendment, modeled after the successful Virginia instant check system.

Each of us in this Chamber is concerned about rising violence in this country.

Each of us share a common goal—to keep guns out of the hands of criminals.

I believe that the Staggers amendment—modeled after Virginia's successful instant check system—deserves our support for several reasons.

First, Staggers provides a nationwide program. A criminal would not be able to slip from a dealer in one jurisdiction that does background checks, to another that does not.

Second, enactment of the Staggers amendment will result in the long overdue updating of the criminal data base.

Third, this amendment provides the resources that law enforcement needs to ensure that criminals are not able to legally purchase handguns.

Mr. Chairman, I believe that enactment of the Staggers amendment is the solution that we are all looking for. I urge my colleagues to support this amendment.

Mr. STAGGERS. Mr. Chairman, I yield 30 seconds to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the Brady bill. One-quarter of a century ago, Americans received the now we understand hollow promise that ammunition, recordkeeping, and gun registration would stem, stop, or significantly reduce crime.

Crime is rampant, and we now have 20,000 gun control laws and regulations on the books in America. Gun control, gun registration, has not worked.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Staggers substitute and in support of the Brady bill.

More than 10 years after President Reagan, his press secretary Jim Brady, a secret service agent, and a police officer were gravely wounded by a mentally unstable gunman using an illegally purchased handgun, Congress has the opportunity today to pass legislation that would have prevented this heinous assault.

The Brady Handgun Violence Prevention Act, more commonly known as the Brady bill, would require a 7-day waiting period nationwide for anyone attempting to purchase a handgun. The waiting period would allow local law enforcement authorities the opportunity to assess whether the purchaser is legally entitled to possess a handgun, and it would allow a cooling off period that would deter many crimes of passion.

In spite of the efforts made by Sarah Brady, an impassioned advocate whose husband was left permanently disabled by the attack on the President, the National Rifle Association has so far been successful in obstructing passage of this legislation, claiming that the Brady bill unconstitutionally intrudes upon the second amendment rights of gun owners. Yet the second amendment is no more a guarantee of an absolute right than the right to free speech or the right against unreasonable search and seizure. The Supreme Court has upheld the right of government to regulate speech, such as by requiring permits for demonstrations and not allowing people to yell fire in a crowded theater, and has ruled that random searches of cars at highway road blocks do not violate the fourth amendment. The second amendment is no different.

Acknowledging the prevailing national mood, the NRA no longer argues that backgrond checks would be unconstitutional. In fact, the NRA now supports the Staggers substitute as a legislative alternative to the Brady bill; both bills require background checks. The question which Congress will face is which would be more effective.

The Staggers substitute supported by the NRA, is modeled after Virginia's Instant Check Program, and would require that Attorney General Thornburgh establish such a system nationally within 6 months. But the Attorney General has stated previously that criminal records must be improved, updated, and computerized before this system would be operational; some States have no computerized records at all. Not only could this process take several years, but it will cost tens of millions of dollars to set up and operate. In addition, the Staggers amendment does not collect the information necessary to make an accurate check. The bill also provides no penalty for gun dealers who do not check to see if prospective purchasers are legally eligible to own handguns.

Firearms advocates have stated that the Brady bill will inconvenience legitimate gunowners with no effect on crime, since criminals do not buy guns from dealers. While this would seem to be a reasonable presumption, it is not supported by the facts, which clearly demonstrate that criminals do indeed get guns from authorized gun dealers. In 1990, California, which has a 15-day waiting period, stopped 2,182 illegal sales, while the 7-day waiting period in Maryland prevented more than 1,300 illegal purchases. In New Jersey, which has required a background check for more than 20 years, more than 10,000 convicted fellons have been caught attempting to purchase handguns. A 1985 study by the Department of Justice found that 21 percent of criminals got their guns from dealers.

It is this sort of demonstrated effectiveness which has earned the Brady bill the support of every major law enforcement association. A recent Gallup Poll found that 95 percent of the American public supports the Brady bill, while a Time/CNN poll reported that 87 percent of gun owners support a 7-day waiting period. The Brady bill requires that an instant check system be established once it becomes feasible, but in the meantime, a 7-day waiting period will assure that handguns are sold only to those legally eligible to possess them. As President Reagan, lifetime NRA member and opponent of gun control, recently noted, the Brady bill is just common sense.

I urge Members to join me in opposition to the Staggers substitute and in support of the Brady bill.

Mr. FIELDS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I rise today in support of the Staggers substitute to H.R. 7, the Brady bill.

Neither piece of legislation adequately addresses the problem of denying criminals access to handguns. But these are the only choices we are given today.

I intend to vote for the Staggers substitute because I have concluded, after careful consideration, that its requirement for an instant, mandatory background check would be more likely to keep guns out of the hands of criminals than the Brady bill's 7-day waiting period with an optional background check.

The Brady bill has serious flaws, the most important of which is that it does not require a background check to be conducted. The Staggers substitute would require the establishment of a national toll-free number for handgun dealers to call for an instant, mandatory check before making a sale. The check could be conducted using existing technology, such as the touch-tone system used by merchants to verify credit care information.

Both pieces of legislation rely on criminal history records that, in some States, are so poorly kept that it would be difficult to verify in 7 minutes or in 7 days whether the prospective gun buyer is eligible to own a handgun. Staggers, however, increases the amount of Federal grants to law enforcement to update their records.

Supporters of the Brady bill say it won't impose additional costs on taxpayers. I disagree. It will cost local governments as much as $64 million annually to conduct a background check. That's not including the indeterminable costs of taking police out of their patrol cars and putting them at desks filling out forms. The National Association of Chiefs of Police conducted a poll recently of their 15,000 members—87 percent said they would have to take cops off the streets to do the necessary paperwork associated with the Brady bill.

The Staggers substitute will cost between $5 and $10 million a year to install and operate, according to the Congressional Budget Office. That's between $3.55 and $5.41 per check. Moreover, under the Staggers substitute, police will be where they belong, preventing and investigating crimes, instead of pushing papers in the police station.

Many law enforcement officers in the 12th District support the Staggers substitute, from police chiefs and sheriffs to cops on the beat. I agree with them that it is the better of the two alternatives we have before us today.

Mr. FIELDS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, now is the time to scrape away emotion. This is a very emotional debate with a very emotional symbol. I think it is absolutely tragic, what has happened to the Brady family, but now is the time to scrape away any emotion attached to that symbol and let us look at the facts.

Mr. Chairman, the American people want us to do something. They have an objective. The objective is for us to do something that keeps handguns out of the hands of criminals. So when one approaches this from a factual basis, let us look at what the two approaches do.

First of all, under Brady the only requirement is a referral to a police authority. There is no required check. There is no enhancement of the criminal data base in this country. There is no real appeal process if a handgun purchase is denied.

On the other hand, let us look at the facts of Staggers. It requires an instantaneous check nationwide. It does require enhancement of State and Federal records. There is an appeals process.

The question is, What works? Again, let us go to the facts. In California, which has a 15-day waiting period, the homicide rate has risen 126 percent, double the national average.

In New York City, one of the toughest gun control jurisdictions in the country, one-sixth of the Nation's armed robberies occur and more murders than 23 States combined.

On the other hand, let us look at what happens in Virginia, where there is an instantaneous check. Since 1989, there have been over 82,000 transactions. Those transactions have been processed in less than 2 minutes on average. Thirty-two fugitives have been apprehended.

Mr. Chairman, this is a system that works. It is a system that was implemented for less than $350,000.

Mr. SCHUMER. Mr. Chairman, might I inquire how much time all parties have remaining?

The CHAIRMAN pro tempore (Mr. SMITH of Iowa). The gentleman from Wisconsin [Mr. SENSENBRENNER] has 6 minutes remaining, the gentleman from Texas [Mr. FIELDS] has 11 minutes remaining, the gentleman from West Virginia [Mr. STAGGERS] has 9 minutes remaining, and the gentleman from New York [Mr. SCHUMER] has 10¾ minutes remaining.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES], the former chairman of the Subcommittee on Crime.

Mr. HUGHES. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding, and congratulate him for his work in bringing this bill to the floor.

Mr. Chairman, this is almost like deja vu. I heard the same arguments on the floor 2 years ago when I was chairman of the Subcommittee on Crime and the McCollum amendment was offered. The McCollum amendment, like the Staggers amendment, is a euphemism for destroying the Brady bill, a waiting period.

Mr. Chairman, the Department of Justice 2 years ago was directed to make a study. They did. Within 30 days of that study they were to implement a simultaneous record check that was reliable. They came back and said, "we cannot do it, because of the condition of the criminal record histories." We argued that on the floor.

Here we are, 2 years later, 20,000 more deaths, and we are arguing the same thing.

Now, I suppose that the folks that are listening to this debate and hearing all these statistics are wondering where the merits lie. Well, let us look at who is who. I support Brady and I am opposed to the Staggers amendment.

□ 1640

I happen to be with the police of this country and Sarah and Jim Brady.

Who is on the other side of the issue? Make no mistake about it. The NRA is on the other side of the issue. If the NRA believed that Staggers was going to do anything, they would not be supporting it, would they? Would the NRA and the gun lobby be inserting into today's Washington Post three full-page ads at a cost of tens of thousands of dollars in favor of Staggers if they thought that the Staggers amendment was going to do anything?

If Members are ready to buy into Staggers, Members are ready to buy the Brooklyn Bridge. And it is for sale after today's vote if you vote and buy that lien that Staggers is going to do anything. Staggers is not going to do anything because we do not have the resources, nor do we have the time in the next 4 or 5 years to put all those criminal record histories into an automated system. It is impossible to suggest that in 6 months we are going to do that.

The Virginia experience is a good experience, but I made a case today where the Virginia experience unfortunately did not catch the sale of two guns, two Colt 45's, to John Claude Pierre Hill, who bought two guns, went to Philadelphia, even though he had a mental history, went to Philadelphia, killed one person, injured two others. And if the police in that community had been notified of that impending sale, he would have been denied those handguns. We could have saved that particular death.

I urge the Members to support Brady, vote against the Staggers amendment.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I would like to take this opportunity to express my full support for the Felon Handgun Purchase Prevention Act, H.R. 1412. Our colleague, Mr. Staggers, has drafted a proposal which would prevent felons from purchasing handguns, while still preserving our rights granted under the second amendment.

H.R. 1412 would require that all criminal records be computerized. Computerized criminal records is something which should already be a reality. Just a few days ago I had the opportunity to visit the FBI in Quantico. We did not discuss the need for computerized records. I strongly believe that law enforcement should be given every weapon available in their fight against crime, including instant and accurate access to criminal records. This Nation now has in place the National Crime Information Center [NCIC]. This system allows local, State, and Federal law enforcement agencies to obtain information on stolen items and warrants as well as other information. Each State is able to enter information onto the system for other States to review. The Staggers proposal would implement a similar system by requiring all criminal records to be updated and computerized.

Proponents of H.R. 7, the Brady bill, use emotional arguments to advance their bill, however, when one actually reads both proposals, it becomes clear that Congressman STAGGERS' bill places the burden on criminals and not on law-abiding citizens. H.R. 1412 is the only proposal which requires a criminal background check. The Staggers proposal is nondiscriminatory and does not place our second amendment rights under direct control of police across the Nation.

I have said time and time again that the best way to reduce crime is to have tougher judges and stiffer penalties. A waiting period for law-abiding citizens won't reduce crime. We all know criminals can obtain their weapons on the black market or through other criminal activity. Now my statements have been documented with a recent study by Lawrence Research of California. The American people, when offered an informed choice between H.R. 1412 and H.R. 7, overwhelmingly chose the proposal put forward by Mr. STAGGERS, H.R. 1412.

As a native and representative of the great State of Oklahoma, I was raised with weapons and taught at an early age how to use these weapons responsibly. The vast majority of Americans who own weapons do so because they are sportsmen, hunters, and they have a right and duty to protect themselves and their family.

To tax these individuals with a 7-day waiting period is the same as telling criminals that they have a 7-day hunting period on America's innocent families. Mr. Chairman, I find this proposal an outrage and an assault on common sense.

Our Nation's Capital represents a large experiment which proves year after tragic year that gun control does not work. People who do not know the difference between right and wrong will continue to assault law-abiding individuals with a variety of weapons. Virtually every individual in my district owns a firearm and, Mr. Chairman, our murder and crime rate is far, far below that experienced right here in our great Capital City.

Many people have said this vote will measure the control either the National Rifle Association or handgun control has over the men and women in the U.S. Congress. I find this argument silly. In today's edition, the Washington Post suggested the NRA is paying for votes. I do not find this comment silly, I find it repulsive. The only thing this vote will measure is the degree of common sense in the U.S. House of Representatives.

I urge my colleagues not to vote on their emotions, but to vote on the facts and use common sense. The primary fact we must all keep in mind, is that a 7-day waiting period only reduces the chances of a thief getting shot.

Mr. Chairman, thank you for the opportunity to address this critical issue. I commend my colleague Mr. STAGGERS on his fine proposal.

Mr. FIELDS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Chairman, I thank the gentleman for yielding this time to me. Mr. Chairman, I rise in support of H.R. 1412, the Staggers amendment, and in opposition to H.R. 7, the Brady bill.

Brady bill proponents place the responsibility for increased violence in America on an inanimate object, the handgun. Another common inanimate object, the automobile kills twice as many Americans every year than handguns, and can make an excellent murder weapon. Should we impose a waiting period on the purchase of a car? Baseball bats killed 29 people in the city of Chicago in 1989. Should we require a waiting period on baseball bats?

Kitchen knives, fireplace pokers, and many other inanimate objects are also used in violent crimes in this country. Should we require a waiting period on these objects that have been or could be used in violent crime?

Alcohol and tobacco kill hundreds of thousands of Americans yearly, should we require a waiting period on alcohol and tobacco? The answer to all these questions, of course, is no.

If we are to be intellectually honest in this debate, then common sense tells us we must also answer no to the Brady bill. The Brady bill will do little or nothing to reduce crime in America. The 7-day waiting period is nothing more than feel good legislation which will not keep handguns away from violent criminals.

If we want to conduct background checks on people purchasing handguns, then the Staggers amendment is the only legislation which requires a background check.

Finally, Mr. Chairman, let us not blame the handgun, an inanimate object, because a small percentage of irresponsible people choose to use a handgun as an instrument of violence. Let us not deny law-abiding citizens the right to purchase a handgun for lawful uses.

I urge my colleagues to support the Staggers amendment.

There are many reasons for my opposition to the Brady bill. But one of the most compelling reasons is the saving of innocent lives.

The proponents of the Brady bill continue to argue that waiting periods such as the Brady bill will save lives. But waiting periods can cost lives as well, as witnessed by the tragic death this past March 5 of Bonnie Elmasri of Wauwatosa, WI.

Bonnie sought to buy a handgun to protect herself from her estranged husband. She applied to purchase a handgun but had to wait 48 hours before picking it up.

Unfortunately, Bonnie was never able to pick up her handgun, because she was murdered the very next day by an abusive husband who the police were well aware of.

The proponents of the Brady bill have claimed that if the Brady bill would have been in effect, John Hinckley would not have been able to purchase the handgun that left Jim Brady permanently injured.

However, this is not the case and we all know it. Hinckley was a legal resident of Texas with no criminal record or history of mental illness. In fact, he had purchased the handguns 6 months prior to the shooting. So, the Brady bill proponents' argument in favor of a cooling off period does not hold water either.

Moreover, the cooling off period doesn't apply when a State has an instantaneous check, such as is included in the Staggers amendment. In other words when a State does develop an instant check program, there is no longer a cooling off period.

Patrick Purdy, the "Stockton killer," purchased the handgun that took his own life under California's 15-day waiting period. Purdy had been arrested on felony charges on seven different occasions, but in every case, the charges were reduced to misdemeanors under plea bargain agreements. Had he been charged and convicted of one of the felony counts, Purdy would not have been able to purchase his handgun legally. Let's face it, in the case of Patrick Purdy, it was an overly lenient criminal justice system that failed his school-aged victims.

Finally, the proponents of the Brady bill continue to assert that every law enforcement organization in America supports the Brady bill. However, in a poll conducted by the National Association of Chiefs of Police this year, 84.6 percent of those responding did not believe a 7-day waiting period would enable them to determine if someone has a criminal record or is mentally sound.

In addition, 73.3 percent believed the 7-day waiting period would have no effect on a criminal's ability to purchase a handgun. Furthermore, 92 percent of those responding believed criminals received weapons from illegal sources anyway.

Do we really believe a person with a criminal record is going to walk into a gun store and fill out an application to purchase a handgun? Of course not. Criminals will continue to purchase their handguns through illegal sources such as straw purchasers or the black market.

Mr. Chairman, speaking as one who has gone through the trauma of a gunshot wound, I believe that the Staggers amendment is a much more effective way of preventing criminals from purchasing handguns through legal sources.

We should support the Staggers amendment so States will be required to update their criminal records and allow law-abiding citizens the right to purchase a handgun without waiting 7 days.

I urge my colleagues to support the Staggers amendment and reject the feel good Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Utah, [Mr. OWENS].

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I rise in opposition to the Staggers amendment.

Mr. Chairman, I rise in opposition to the Staggers amendment. I am opposed to this substitute for these reasons:

First, the amendment requires the implementation of an instant background check system for prospective handgun purchases within 6 months of enactment. The Attorney General has stated that it will take years and millions of dollars before State and Federal criminal history records are adequately prepared for an immediate and accurate instant check. Given these facts, it is clear that the point-of-purchase check system envisioned by the Staggers amendment is not feasible in the foreseeable future.

Furthermore, the amendment is rife with exceptions that would allow dealers to make handgun sales despite having obtained little or no background information from the purchaser.

Finally, Mr. Chairman, I oppose the Staggers substitute because under the parliamentary process in effect today, approval of the substitute would effectively kill the Brady bill. I have supported the Brady bill from its inception, voted for it in 1988, and believe it to be a simple, sensible, and rational piece of public safety legislation.

The Brady bill, if enacted into law, and I devotedly hope that is the case, would not cease all the senseless violence attributed to handguns. But, a 7-day waiting period before taking possession of a handgun is a reasonable step in the right direction and will curtail some of this violence.

Every congressional district, my own Third District in Kentucky included, has known the horror of handgun violence. The Brady bill can stop a measure of this violence, and I strongly urge my colleagues to join me in opposing Staggers and supporting Brady.

Mr. OWENS of Utah. Mr. Chairman, I come from the West, where the second amendment is held nearly sacred and inviolate, but it is not inconsistent with that amendment to vote for the Brady bill. I would prefer an instantaneous background check to a 7-day waiting period, and I support the NRA in its efforts to achieve this end. But we passed that 2 years ago with the McCollum amendment, just assuming we could accomplish it.

I do favor the opportunity to check out the criminality of everyone who buys a handgun. We have that in the law now.

The Brady bill is an interim opportunity to provide some protection until the NRA's goals can be implemented. They will be implemented at such time as we can computerize the criminal system, the criminal records in this country.

The Brady bill, Mr. Chairman, is not gun control. It is cirminal control.

Mr. FIELDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY.]

Mr. ARMEY. Mr. Chairman, I rise in support of the amendment and in opposition to H.R. 7. This bill has several major flaws that compel me to oppose it. In looking for ways to stem the tide of violent crime, we must look at the facts instead of getting swept in the tide of emotional appeals.

The Brady bill provides for a 7-day waiting period with an optional, not mandatory background check. It makes gun ownership contingent on approval from a local law enforcement official without establishing the criteria for such approval. Furthermore, in a contradictory move, the bill exempts some States from the 7-day waiting period requirement and thereby undercuts any argument that the legislation is designed to prevent "crimes of passion" or suicides.

But perhaps more fundamentally, this legislation attacks the wrong aspect of the criminal use of firearms. Convincing evidence, based on studies of criminals and prison populations, indicates that criminals have no need to attempt to purchase handguns legally, and overwhelmingly they do not. Instead, they obtain these weapons through second hand channels and through theft.

In light of these contradictory provisions, it is clear that the Brady Bill is a precursor to outright gun prohibition by those who oppose firearms. This bill would hinder citizens' right to immediate self-defense, and could deny many citizens their constitutional right altogether.

Reason dictates that Congress should instead enact the Staggers substitute. The amendment mandates an instant computerized background check for anyone purchasing a gun. It relies on modern technology to prevent dangerous individuals from purchasing guns, while at the same time protecting rights of legitimate gun owners. A very similar system is being used in Virginia today.

Staggers keeps the police on the beat where they belong, not behind a desk bogged down in mounds of paperwork. It creates a uniform policy which prevents gunowners' fates from being decided by local "gun czars" and also will eliminate the prospects that the second amendment rights of citizens will be usurped.

Mr. FIELDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, I rise in strong opposition to the Brady bill.

Mr. Chairman, This foolish and misguided bill will not prevent a single criminal who wants a handgun from getting one.

The fact of the matter is—and is a fact—criminals almost always obtain their weapons by either stealing them or purchasing them illegally.

Neither of these bills will change that.

As a result, we know what the Brady bill won't do. It would not stop criminals from getting handguns.

Now let me tell you what the Brady bill will do.

It will create a new layer of bureaucracy that will burden law enforcement and the American taxpayer.

It will prevent law-abiding Americans from exercising their second amendment rights to defend themselves in those emergency situations where one might need to purchase a handgun in less than 7 days.

It will permit local officials opposed to an armed citizenry to indefinitely delay—not just for 7 seven days, but for as long as that official deems necessary—a law-abiding citizen's legitimate purchase of a handgun—puttng our second amendment rights at the mercy of local antigun bureaucrats.

It will establish a dangerous precedent undermining our second amendment rights, making it easier to pass even more oppressive gun control laws in the future.

Those are the facts. It may be more comfortable to believe the rhetoric of the gun control lobby, but the simple truth is: aggressive prosecutors, tough judges, long sentences, more and bigger jails to hold the criminals we keep in jail, and a no-nonsense death penalty will do far more to fight crime than passing gun control laws that disarm the American people and needlessly limit their ability to defend themselves.

Mr. FIELDS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, neither program really addresses the problem of stopping crime.

I have been shot at over 1,000 times. I have been hit twice, once in combat and a second time as a civilian. Neither time is fun. So there is no one who wants to stop crime more than I do.

California has a 15-day waiting period today. Crime has gone up 178 percent. My colleague from New York said he was robbed in Washington, DC. DC has got one of the most stringent mandatory antigun programs that we have and still crime has gone up over 180 percent.

I am in strong support of Staggers and against Brady.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I rise in strong support of the Brady bill and against the Staggers amendment.

Mr. Chairman, the Brady bill is a modest step to prevent convicted or potential criminals from easily obtaining handguns. It is not a prohibition on the right of indivduals is obtain handguns or keep them for legitimate self-protection or sporting purposes. If it were, I would oppose it. It is not, either, a panacea for criminal behavior nor even for criminal misue of weapons. It will not prevent many crimes.

But it will prevent some: Crimes of passion, where a spouse, in a fit of rage, quickly purchases a handgun and murders his mate; suicides of confused teenagers; perhaps crimes like that of John Hinckley against our President and against Jim Brady, where the defendant, without fear, could purchase his weapon directly across the counter in another State.

Brady will save lives. It will prevent purchases by convicted felons. New Jersey has caught over 10,000 felons trying illegally to purchase handguns. My own State of Illinois has denied 2,920 applicants and revoked 1,867 handgun permits due to felony convictions in 1990 alone. Brady will work to deter crime and will help in the war on criminal violence.

Yes, Brady will cause a little inconvenience. But waiting 7 days for a handgun to be delivered, it seems to me, is a very small price to pay to preserve a life. Almost every member of the NRA I have talked to will admit that the inconvenience is nonconsequential. None of us should believe that the NRA actually speaks for all of its members. Many say Brady is acceptable.

Obviously, there are other, more effective ways to end violent crime. Mandatory additional sentences for crimes committed with any deadly weapon is a very effective way, an approach I favored with my own legislation when I served in the Illinois General Assembly. But this is a matter, primarily for State law, not Federal. Our contribution can be to make handguns less easy to obtain quickly.

For those who share my concern that we might be leading with Brady toward taking away the citizen's right to own a handgun for legitimate purposes, let me say that Brady reaffirms that right. It does so by clearly stating that the 7-day waiting period is waived for individuals who can show a need for obtaining weapons earlier—individuals who are actually threatened.

Finally, Mr. Chairman, virtually every major national law enforcement organization supports the Brady legislation. Not only do they support Brady, but they oppose the Staggers amendment, because they recognize it for what it is—a naked attempt to defeat Brady that is redundant, unworkable, full of loopholes and is without any enforcement mechanism.

No, Mr. Chairman, the American people are overwhelmingly supportive of strong handgun control measures. Poll after poll shows the public support for Brady to be in the 70 percent range. It is time to shake of the special interests, stand for what we think is right, and support Brady. Presidents Nixon, Ford, Carter, and most recently Ronald Reagan have urged us to stand up and be counted. Let us have the courage to do what we know to be right and in the interest of the American people. Count me for Brady and against Staggers, Mr. Chairman.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ORTIZ], a former sheriff.

Mr. ORTIZ. Mr. Chairman, I rise today in support of the Staggers amendment which will be offered today as a substitute to H.R. 7, the Brady bill.

The mandatory instantaneous check system required by the amendment will provide a reasonable, effective, and prompt method for providing a criminal check on each prospective purchaser of a handgun.

We all would like to ensure that guns do not fall into the hands of those who would use them for violent or criminal purposes.

The question is what method will we choose to achieve this end.

The Brady bill will do much to restrict the rights of the law-abiding citizens of this Nation while doing little to address the problem at hand.

H.R. 7 would implement a "nonmandatory" seven day background check by the local law enforcement agency, thereby diverting the time and energy of local law enforcement officers from protecting the public to performing a time-intensive task without the resources necessary to make it effective.

The measure will do nothing to address the national need to better identify in a rapid fashion those people who should not be able to purchase a handgun, but will instead force police to divert their valuable time to investigate innocent, law-abiding citizens without just cause.

As a former sheriff, I know how criminals purchase and obtain their guns, and I know how overburdened local law enforcement agencies may be.

To require these agencies to shoulder the time and financial costs of implementing an ineffective waiting period measure would be an affront to both police and the law-abiding members of the community for which they serve.

A quick examination of the municipalities with waiting period laws and strict gun control measures tells us that the Brady approach isn't the answer, for these are the same communities that continue to have growing homicide and violent crime rates.

What we do need is an effective and up-to-date system to retrieve the records of felons—and that is what the Staggers amendment will provide.

The measure will require the Justice Department to step up its efforts to update and automate its criminal history records.

By creating an up-to-date nationwide computerized record base, we may do what we intend—provide a quick and fair tool for denying weapons to those whose criminal records would prohibit them from legally purchasing such a weapon.

It will be a required check and it will minimize the time and effort expended by local law enforcement while providing an effective means for providing a criminal check.

Brady, on the other hand, will simply create a restrictive, ineffective, and time-consuming procedure that will limit the rights of our citizenry without doing anything to address the real issues involved.

To those who remark that the instant check system will cost too much time and money to implement, that $5 to $10 million a year is too much for the Federal Government to shoulder in the name of protecting its people, I say this: Our Nation just spent close to $50 billion to defend the sanctity of Kuwait—we should be focusing the same dedication and the same resources on the wars that are being waged on our city streets.

We need to be able to pinpoint criminals, and we need to be able to do so in a matter of minutes, not days. Support the Staggers amendment.

Instead of wasting our energy and resources by harassing law-abiding citizens with restrictive procedures, we should be working to identify felons and close the loopholes in existing laws that allow gunrunners and drug dealers to control our streets. We need to work on identifying and incarcerating the criminals, not harassing our Nation's citizenry.

I ask your support for the Staggers amendment, and your opposition to H.R. 7.

□ 1650

Mr. FIELDS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. McCollum]

Mr. McCOLLUM. Mr. Chairman, I have been on the Crime Subcommittee of the House for a number of years now and during that time I have had the occasion to debate and listen to hearings on this issue over many, many months.

I happened to be the author of a substitute amendment to the Brady bill back about 3 years ago now. That amendment required the Attorney General to develop and begin the implementation of a system for the immediate and accurate identification of felons who attempted to purchase handguns. In the process of that, the Attorney General made quite an extensive report and study. What he concluded was ultimately that we need to get to a fingerprint digital type of check with an instantaneous system beginning at the point of purchase, and that would be the ideal.

Since that is very expensive and is going to take some time, he said the first thing we need to do is to get our records in order, and he asked for, and he got $40 million in money in an authorization over 3 years to begin to update those records. We also applied some constrictions on State grant moneys to get them to get their records started.

But he said that the second thing that we need to do, and the second step, is to put in a point-of-purchase telephone system whereby when somebody goes to buy a gun from a gun dealer, they check to see if their name is in the system as a felon, whatever is existing on the records. That is all the Staggers amendment does is take the second stage of what the Attorney General recommends and wants to implement and moves it forward now.

It is the responsible thing to do. Not the Brady bill. It is the responsible thing to do this, because no matter what the records system is and how you are working with it, Brady is going to be using the same system Staggers is. You do not need 7 days to do what can be done in 7 minutes or a few hours.

In other words, what is going to happen is you are going to have about $5 to $10 million requirement under Staggers for 100 telephone operators who are going to take calls from the dealers who are then going to find out what the NCIC nationwide system has in their records for the name of a person who is called in. That is all that is going to be done under Brady, because that is all anybody can do.

The records are not any better for Brady for a 7-day check than they are for Staggers for a telephone instant check today, and they are not going to be any better, although we need to improve them.

So if Brady is unnecesary, why are we doing it? Why are we taking away the right of citizens for 7 days to get a handgun when they might be under threat for their lives like the University of Florida students or somebody else in another given case? Why are we doing something that is unnecessary?

I suggest to the Members that there is no reason to do that, because you can do in 1 day, you can do in a few hours what Brady would do in 7 days, that is all that is necessary, and that is the bottom line.

A very inexpensive thing is Staggers, not some things I have been hearing debated out here in multimillion dollars over time. We need to get to that, and we do not need to be taking the rights away of people as has been suggested here.

I would submit to the Members that we move on about the business of adopting Staggers now, and that we put in place a system that is the second stage of what the Attorney General has recommended under the McCollum amendment, and put it in place now.

I urge the adoption of the Staggers amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. Waters].

Ms. WATERS. Mr. Chairman, I rise in opposition to H.R. 1412, the Staggers amendment, and in strong support of the Brady Handgun Protection Act, H.R. 7.

Mr. Chairman, I represent south central Los Angeles. Drugs and guns are literally destroying our neighborhoods. Children are dying caught in the crossfire of driveby shootings and gang warfare. The numbers are escalating every day.

I invite the opponents of the Brady bill to come to my district and explain themselves to the innocent mothers, fathers, sisters, and brothers of the victims.

Today it is my district. Tomorrow it will be yours.

I am tired of the specious, selfish arguments fostered by the NRA and its allies. Guns are not toys. It is just as reasonable to ask potential owners to wait a week for their guns as it is to ask store owners for operating licenses. The minor inconveniences of this legislation can only deter the criminal. Everyone agrees that an instant check system, if viable, would improve our ability to keep guns out of the wrong hands.

But the fact of the matter is it will take 3 to 5 years, not 6 months as supporters of the Staggers bill suggested, for the Department of Justice to implement an effective national computerized instant check system.

What is America supposed to do in the meantime?

This is truly a matter of life and death. Please support the Brady bill and oppose Staggers.

Mr. SCHUMER. Mr. Chairman, I yield 15 seconds to the distinguished gentleman from Georgia [Mr. Lewis].

Mr. LEWIS of Georgia. Mr. Chairman, I rise to speak against Staggers and to urge my colleagues to vote for the Brady bill.

The Brady bill is a necessary step to stop the killing in our homes, shops, schools, and streets.

My colleagues, we shall cast our vote and lot with Jim and Sarah Brady. Vote for the American people. Vote for the American people, and not for the NRA.

Mr. SCHUMER. Mr. Chairman, I yield 15 seconds to the distinguished gentleman from Maryland [Mr. Mfume].

Mr. MFUME. Mr. Chairman, I rise in opposition to the Staggers amendment.

If passed, it will not be implemented for a number of years. It will cost States up to $9 million more a year. It opens the door for lawsuits against the Federal Government. In short, it is a misguided missile. It is old wine in new bottles.

To advocate for it is to be a great spokesperson for a bad idea. Thank God for Jim Brady and shame on the NRA.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. Tauzin].

Mr. TAUZIN. Mr. Chairman, I think it is fitting that we debate this issue in a town that Mark Russell said you can drive for 2 hours in and never leave the scene of a crime.

We have got some serious problem in America, and we are debating how best to solve them. We have a choice between two offerings, the Brady bill and the Staggers substitute.

Mr. Chairman, I rise in support of the Staggers substitute.

I have heard anecdotal evidence today to support the Brady bill. Anecdotal evidence, it is said in this case, if we had only waited and not sold this gun to this person, somebody would be alive today. I can give the Members anecdotal on the other side. I can tell a story about a man and woman in Raceland, LA, in my district, who woke up one night and found a burglar in their bedroom. As they turned on the light, the burglar began shooting at them. As bullets slammed into the back of the bed where they were sleeping, the woman reached over her husband and grabbed a pistol out of the drawer that they kept for self-defense. The woman grabbed the pistol and shot the burglar and saved their lives.

I wonder maybe if we had a 7-day waiting period if she had reached in that drawer instead and found a tag that says, "You have got 3 more days to go before you can buy your weapon for self-defense."

We can draw anecdotal evidence one way or the other. That will not answer the question for us.

I have heard that we have got to worry about time constraints, that the data base will not be ready soon enough for us for the Staggers to work.

Let me tell the Members something. The same data base is going to be relied upon whether we pass Brady or Staggers, the same informational base. If the Members are worried about time, that is not a good way to choose between these two approaches.

I have heard that we need to worry about cost. And what will it cost to put in place the Staggers bill for immediate checks? Let me point out to the Members that we are talking about a second-amendment right under the Constitution.

Do we worry about cost when we worry about the right to free speech? Do we worry about cost when we enforce the right to assemble and protest? We have to hire police to guard protesters and to protect them. Do we worry about that, or do we guarantee that right to protest under the Constitution?

We are talking about a second-amendment right that is guaranteed in the Constitution here. Should we worry about cost? Of course. But shall we say the second amendment ought to be discarded because of cost? Of course not.

Finally, I think we need to look at this issue in terms of its effects. Will Brady have a better effect than Staggers? Will Brady get what we want? Do we need to pass Brady to get what we want? Will Staggers get what we want?

I suggest to the Members that what you can do in 7 days we ought to do in 7 minutes.

□ 1700

What we can do in 7 days to make a criminal check, we ought to insist be done in that first 24 hours. That is what Staggers does. It says that that database must be completed; but more importantly, we ought to start relying on it and putting in place the call system so we can check immediately upon whether or not someone is qualified or disqualified to have a pistol or weapon in our society.

Brady, 7 days. Staggers, immediately. That is the choice. I suggest to Members if we can get what we want, and what we all want out of an immediate check under Staggers, why wait 7 days? Why impinge, infringe upon legitimate individuals who want to purchase a weapon, when we can get what we want with an immediate check without infringing upon the constitutional right under the second amendment of the Constitution. We swore our duty to protect and defend that Constitution. If we cannot accomplish our goals without infringing upon or abridging that Constitution, that is our obligation.

That is why we ought to adopt the Staggers amendment.

Mr. SCHUMER. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, there is a very good reason why every major police organization across this country opposes the Staggers substitute and favors the Brady bill. It is the same reason that the NRA opposes the Brady bill, because they know that the people who want to buy handguns for illegitimate purposes are not likely to leave information on themselves for the police to look over for 7 days. Nor are people who temporarily have resorted to violence because they have snapped under stress likely to be in the same mental condition 7 days later.

Therefore, yes, the gun dealers and the gun manufacturers of America are likely to lose some of their profits. However, the American people are going to gain thousands of innocent lives that are being lost today.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in strong support of the Staggers substitute and urge all my colleagues to support it as well.

Mr. Chairman, there is no doubt the crime problem in this country has reached epidemic proportions. We see it every day, especially here in our Nation's Capital—citizens dying, frequently at the hands of a gun-toting criminal. Yes, Mr. Chairman, something does need to be done to stop this epidemic.

This Congress must make a concerted effort to pass a comprehensive crime control package to heal the wounds of crime. Gun control legislation is just one answer to the crime problem, though it is not a panacea like some would have us to believe. We all see the need for such legislation.

The problem arises when we must determine the best way to keep guns out of the hands of criminals without restricting the rights of law-abiding citizens to own a gun. In my judgment, the best way to accomplish this is by implementing the Staggers substitute, which requires an instantaneous check at the point of purchase.

The Staggers substitute would require a criminal history background check on all handgun purchases; this mandated requirement is a necessity if we are to have effective gun control legislation. At the same time, the Staggers substitute would allow for an appeals process should a question arise regarding a handgun purchase. It is also important to note that this system would not require local police to perform a discretionary check, using valuable police hours to perform endless paperwork and costing many municipalities time and resources.

Mr. Chairman, the instantaneous check is a proven concept that has worked effectively in States such as Virginia, Delaware, and Florida. I feel it will work nationally and will have a greater impact on gun violence than will the Brady bill.

Mr. Chairman, the Staggers substitute will not stop crime altogether, but it is the best alternative to take a large bite out of the escalating problem of crime. I urge a "yea" vote on the Staggers substitute.

Mr. SLATTERY. Mr. Chairman, I will vote today for the substitute to the Brady bill offered by Representative HARLEY STAGGERS of West Virginia. In 1988, I supported an amendment offered by Representative BILL MCCOLLUM that replaced the Brady bill language in that year's omnibus anti-illegal-drug legislation, with a requirement that the Justice Department develop and send to Congress a proposal for a system gun dealers could use to identify felons who are ineligible to own handguns.

As a result, the Justice Department issued two reports on systems for identifying felons who attempt to purchase firearms. Among a variety of possible, but not currently feasible, options, the Justice Department suggested point-of-sale approval of handgun sales through a telephone check. State officials would use computer terminals tied into their State records and into the Federal networks to determine whether there was an arrest record either within or out of State for someone with the name, gender, race, and date of birth of the prospective gun purchaser. The Justice Department estimated the startup cost of the system as $36 to $44 million and annual operating costs at $53 to $70 million.

Currently, 20 States and the District of Columbia—covering 55 percent of the Nation's population—stipulate that a prepurchase criminal history check be made of anyone who wishes to buy a handgun. Four of these States and Washington, DC, include the purchase of long guns in this requirement. These checks are done during a waiting period that ranges from 2 days to 6 months. Two States without waiting periods do a criminal history check only after the purchase is made. Twenty-eight States, including Kansas, currently require no criminal history check for firearm purchases.

There are an estimated 7.5 million retail firearms sales annually. During hunting season, peak-day sales may reach 50,000 firearms. There are an estimated 270,000 licensed gun dealers. It is estimated that 60 to 70 percent of these dealers are not gun stores, as such, but collect and deal on a small scale, such as hobbyists and collectors. They account for an estimated 20 to 25 percent of all firearm sales.

Among States surveyed by the Justice Department, an average of about one-third of criminal history records were not automated; at the FBI the proportion is about one-half.

The automation of young, active offenders, however, is much more extensive than the records of older, less active offenders. Convictions, as well as other final dispositions, are often not reported to the State central repository or to the FBI even when an automated record exists of the individual's arrest. For example, Kansas has a criminal history database with 100 percent of record subjects automated in the master name index, but only 77 percent of the arrests in the past 5 years have final dispositions recorded. However, only 3 percent of the files themselves are fully automated—15,000 subjects, with another 505,000 maintained manually. A prior manual record is not automatically automated if the subject is rearrested.

The Brady bill—H.R. 7—would prohibit firearms dealers from selling a handgun until they had sent to the local police a form completed by the would-be buyer and had waited 7 days. There would be no mandatory background check; if the local police don't say no, the sale could proceed after 7 days. The Staggers substitute essentially proposes a point-of-sale background check for felony convictions within 24 hours, using a federally established telephone hotline.

Both of these alternatives are problematic. I have not seen any evidence to indicate that a mandatory waiting period would deter professional criminals from purchasing guns, either through legal or unregulated means. I simply cannot support a bill that I know will not effectively address the urgent issue of handgun violence in this country. It is a real problem that demands a real, not symbolic, response. The fact is that the Brady bill will not do what its supporters claim that it will.

Even my distinguished colleague, Representative ED FEIGHAN of Ohio, who introduced the Brady bill, was recently quoted in the Washington Post as stating that, "Many of us have been forced to overstate what we can get from the Brady bill." The American people have had enough of pretend solutions to real problems. During my campaign for reelection last year, I told my constituents that I would continue to oppose the Brady bill, and I will keep that promise today. As a Member of Congress, I swore to uphold our Constitution, which includes the second amendment protection against infringement of the right of the American people to keep and bear arms.

A study performed for the National Institute of Justice concluded that 84 percent of the incarcerated felons surveyed who admitted to owning firearms had obtained them illegally. I believe that the overnight telephone records check proposed by Representative STAGGERS, if properly implemented, offers a much more realistic solution to the problem of uncontrolled access to firearms. Like the Brady bill, the potential impact on crime reduction of the Staggers proposal has been oversold by its proponents.

With aggressive implementation and a meaningful commitment of financial resources, the plan proposed by Representative STAGGERS would address the real problem that prevents any waiting period plan from being effective: the lack of an effective and up-to-date system to retrieve records of felons and other individuals who should not have access to firearms. I believe that the Staggers proposal would offer a workable, meaningful solution to the problem of uncontrolled access to firearms if the following changes in the proposal we are considering today were made:

First, replace the unrealistic 6-month deadline to have the system operational with a 5-year deadline.

Second, replace the unrealistic 2 percent inaccuracy standards for false denials with a 5 percent inaccuracy standard.

Third, authorize "such sums as may be necessary" to establish the nationwide data base. Direct the Justice Department to recommend a system to make the operation of the system pay-as-you-go.

Fourth, mandate denial of handgun purchase requests to indicted—rather than just convicted—felons under the check system. Also mandate denials to adjudicated mental defectives, persons committed to mental institutions, fugitives from justice, controlled substances addicts, undocumented aliens, persons dishonorably discharged from the Armed Forces, and persons who renounced their U.S. citizenship.

Fifth, remove the loophole exempting dealers who do not have telephones or telephone service.

Sixth, include stiff penalties—fines and prison terms—for gun dealers who use the verification system in order to obtain information about nonpurchasers of guns.

Seventh, remove the authorization for the hotline to access all files held by any agency of the Federal Government, such as IRS tax files, DVA mental health files, HHS public assistance files, and so forth.

Eighth, enhance the Staggers proposal's penalties for knowingly and willfully failing to call the hotline for a background check. The substitute has no penalty unless the purchaser is later found to be prohibited; if that is the case, Treasury can suspend/revoke the dealer's license and fine the dealer no more than $5,000. Knowing and willful violators should face certain suspension and stiffer maximum fines.

Ninth, remove the Staggers provision allowing suits against the United States, any State or locality for providing erroneous information to the hotline, even if the error is not intentional or negligent. Suits should only be allowed for willful, wanton, or intentional Government negligence.

Tenth, the Staggers substitute requires only that the dealer seek from the purchaser his/her name and Social Security number. The dealer should also be required to seek the date of birth, which is commonly used with the name to organize criminal records.

Mr. Chairman, I think it is unfortunate that the House of Representatives only had the opportunity today to choose between the Brady language and the Staggers language. I believe that these additions to the Staggers language which I have outlined would substantially improve that proposal. If the House of Representatives has the opportunity to revisit this issue in the future, I will pursue these proposed amendments to the Staggers language. I sincerely regret that I was unable to vote on the rule providing for consideration of H.R. 7, due to my attendance at the funeral earlier today, in Fort Riley, KS, of Air Force Capt. William David Grimm, who was killed during Operation Desert Storm. Had I been present, I would have voted "no" on the rule.

Mr. RAHALL. Mr. Chairman, I rise today in suppport of the amendment offered as a substitute to the Brady bill by my colleague from the great State of West Virginia.

We are here today because the problem of a rising crime rate has motivated people to take action. The question we are confronted with is whether this problem can be significantly addressed by forcing lawabiding citizens to wait 7 days to purchase that which is guaranteed them in the Constitution.

What value does a 7-day waiting period really have in fighting crime? In reality, it has very little. Statistics show that 98 percent of guns used in crimes were acquired more than 7 days before the crime. The only affect the 7-day waiting period could have is on the remaining 2 percent. Should law-abiding citizens be denied their constitutional rights because of 2 percent? I say no.

Do background checks have any effect on inhibiting criminals' access to guns? The recently released Office of Technology Assessment report confirms what we all already knew: Criminals are more likely to buy their weapons on the black market, not from licensed dealers. A background check would have absolutely no effect on guns purchased illegally on the black market.

Another reason for supporting the substitute lies with simple logic. A background check that can be done in 7 days can be completed in 7 minutes. The same proven technology that the police use every time they pull a car over, or that retailers employ on all credit card purchases, can be applied in catching felons.

The Staggers amendment offers a more effective system for conducting background checks because it mandates that State institute and maintain complete and accurate criminal records on computer. The Staggers amendment also mandates the background check for all handgun buyers, no exceptions.

There are no such mandates in the Brady bill. Not only is there no provision for improving the criminal record system in this country, but a background check is not even called for in the Brady bill. Background checks would be carried out at the discretion of the local law enforcement agency, and such a system would further inhibit every American's constitutional right to own firearms.

In conclusion, Mr. Chairman, let me say, if the problem we wish to address is crime, there are better, more effective ways to confront crime than with the Brady bill. Longer prison sentences and tougher courts would have more impact than a waiting period.

We should not risk the constitutional rights of all Americans out of fear. Support the Staggers amendment as a measure that will do all that can be done with a background check and will go a long way toward improving the criminal record system in this country.

Mr. GREEN of New York. Mr. Chairman, I rise today in strong opposition to the Staggers substitute, which would institute a Federal system for instantaneous mandatory background checks of prospective handgun buyers, and in strong support of the Brady bill, which requires a Federal 7-day waiting period prior to the sale, delivery, or transfer of a handgun.

Let there be no mistake about it. A vote in support of the National Rifle Association-backed Staggers substitute is clearly a vote to kill the Brady bill.

An Office of Technology Assessment draft report released just last week found that implementation of an effective instant-check system on handgun purchasers will be 5 to 10 years in the works. Currently, 40 States do not have fully automated criminal record systems, an edict of the Staggers substitute, which would mandate a nationwide computer check within 6 months.

Enactment of the Brady bill is immediate.

It has been 10 years since President Ronald Reagan and his press secretary, Jim Brady, were shot, Brady critically. Can anyone dare say that we can afford to wait another 10 years before thorough background checks become a reality in this Nation? The time for action on the Brady bill is long overdue.

Although NRA supporters say otherwise, the Brady bill's sole purpose is to keep handguns out of the hands of criminals. Without a federally mandated system, State-imposed laws are of little use. Those who wish to purchase a handgun for immediate use will buy one in neighboring States where less stringent State laws exist.

In fact, a Treasury Department study found that only 4 percent of those handguns used in crimes in my hometown of New York City were bought in New York State.

Handgun waiting periods are effective in lowering crime rates. According to the superintendent of the New Jersey State Police, in the 20 years that New Jersey has required a background check for handgun purchasers, more than 10,000 convicted felons have been caught trying to buy handguns. The California Department of Justice reports that in 1990 the State's 15-day waiting period caught 2,182 criminals and other prohibited purchasers trying to purchase guns from gun dealers.

A federally mandated 7-day waiting period is a more than reasonable response to the bloody violence that plagues our Nation's streets. I urge my colleagues to strike down the Staggers substitute and to support the proposal that seeks to return our streets to the people.

The CHAIRMAN. The Chair would simply notify Members that the gentleman from New York [Mr. SCHUMER] has 5¾ minutes remaining; the gentleman from West Virginia [Mr. STAGGERS] has 4 minutes remaining; the gentleman from Texas [Mr. BROOKS] has 5 minutes remaining; and the gentleman from Wisconsin [Mr. SENSENBRENNER] has 6 minutes remaining.

It is the Chair's understanding that the gentleman from West Virginia may now suggest the absence of a quorum.

Mr. STAGGERS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 80]

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

☐ 1720

The CHAIRMAN. Four hundred and ten Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair would advise the committee there are 20¾ minutes remaining, divided among the gentleman from New York [Mr. SCHUMER], the gentleman from West Virginia [Mr. STAGGERS], the gentleman from Texas [Mr. FIELDS], and the gentleman from Wisconsin [Mr. SENSENBRENNER].

Under an agreement between the parties, the Chair now recognizes the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I rise in strong support of the Staggers amendment.

Mr. Chairman, we will soon vote on legislation intended to restrict purchase of handguns by criminals. As my colleagues know, the vote will not be an easy one. The publicity surrounding the Brady bill has created an atmosphere where emotions run deep, and Members on both sides seek to make the right decision. Yet we should not allow our emotions to obscure the fact that our common goal is to reduce gun violence and keep guns out of criminal hands. In this regard, Mr. Chairman, we should concentrate on the best and most effective means of reaching that goal.

Probably the only group in this country not concerned with our actions today is the one directly responsible for this debate, the criminal gun users. To the criminal, gun laws are as irrelevant as the pain and suffering they inflict upon their victims. As any number of criminological studies have pointed out, gun laws have little if any effect upon the violent and serious felon. Virtually none of them need to obtain weapons from legitimate gun shops. Yet here we are talking about imposing a waiting period on legitimate sales, an action which will have far greater impact upon the lawful and honest citizen than the criminal gun user.

As many of my colleagues will agree, crime control is best discussed during debate on criminal code reform, not as part of a gun control measure. However, even if we accept the argument that what we do here today will have an effect upon crime and criminals, we should remember that the vast majority of gun owners are lawful citizens. Therefore, it makes far more sense to target our efforts at the 1 percent to 2 percent of gun owners who are criminal gun users, not the 98 percent or so who are not. Why make lawful citizens wait a minimum of 7 days—and I would remind my colleagues that the Brady bill 7-day wait is a minimum, not a maximum—to exercise their constitutional right? A criminal in this country can commit a crime, be arrested and be back out on the streets in far less time than it would take for a law-abiding citizen to purchase a gun under the Brady bill.

Mr. Chairman, the answer to crime control is to control criminals, not lawful sportsmen and gun owners. As Attorney General Dick Thornburgh recently stated, it is not the point of purchase which counts with felons, but the moment of arrest.

Mr. FIELDS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the chairman, and I thank the gentleman from Texas for yielding to me.

Mr. Chairman, first let me say that I wish we had the President's crime bill on the floor because that is the real way to lock up felons who use firearms illegally. And I wish we were voting for a signable bill. Regrettably, it is very likely that this bill will be vetoed by the President if it reaches the White House without the crime bill attached to it.

But even in the context of today's debate, there is a very important difference between the two approaches. I want to cite in this instance what has happened in Georgia. This is from April 1990: "Just hours after his release on Monday from Georgia Regional Hospital," police say, "James Calvin Brady walked into a DeKalb County pawnshop and bought the revolver he allegedly used Tuesday to shoot 5 people at Perimeter mall."

Now let me draw a distinction. I was in Perimeter mall on Sunday looking at the site. Under the Staggers bill, when this gentleman walked into the shop and applied to buy the pistol, the police would have been notified at that moment, there would have been an immediate check. And while he was standing in the shop, the police would have understood that a man who had just been released from Georgia Regional Hospital only hours before was, in fact, standing there trying to buy a gun. The police could have arrived in a relatively few minutes while he was there.

Now, what happens under the alternative? He wanders in, he throws out some papers, they may or may not have his address because, at the time he arrived, we do not know if he had an address. So he may put down a fictional address or a post office box. He then leaves. He may or may not remember to go back to that shop. He may ultimately get a gun from somebody illegally. The fact is there is a substantial difference in the ability to apprehend between filling out a form which would be sent to a State government bureaucracy, filling out a system that takes 7 days, and the ability instantly to check on whether or not somebody is a convicted felon or has a mental record and is dangerous.

Let me just point out to all of my colleagues: Every one of you use credit cards in circumstances where today we check on whether or not you have a credit limit. There is no question technically that it is possible to do an immediate check. There is no question technically that we can apprehend the felon or apprehend the mentally disturbed while they are standing in the shop.

The question is one of symbolism. I think it is a very dangerous thing to say symbolically, "We are going to wait 7 days and hope through paperwork and bureaucracy we can do the job," when we know that by voting for Staggers we can today make sure that we use the most modern technology to have an immediate check at the present time, to genuinely apprehend criminals when it counts, when they are in the shop and apprehend the mentally ill when it counts, when they are in the shop.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, I rise in strong support of the Brady bill, as reported out of the committee and in opposition to the Staggers substitute.

Mr. Chairman, to the people of my district in Brooklyn, NY, this issue is critical. It is literally a matter of life and death. Every week innocent people, including children, are murdered in Brooklyn and the rest of New York. These innocent adults and children are killed only because they were in the wrong place at the wrong time. And all too often that wrong place is a crib, a family car, or a living room.

Last summer a 9-year-old girl was killed while sleeping in her family's car on the way home from a day trip to Great Adventure Amusement Park.

In the same month an infant was shot in the family van while in his mother's arms while the van was stopped at a red light.

Yet another infant was sleeping in his crib in his mother's living room when a gunshot came through the door of the apartment and struck him.

All of these children were in supposedly safe, enclosed spaces with relatives when they were shot and killed.

Hundreds of other children, teenagers, and adults are caught in the paths of stray bullets in New York City every year while they are walking down their block toward home, school, work, or just outside talking to friends.

Mr. Chairman, New York City has very strict gun control laws. Most of these lethal weapons that take away these innocent lives, both young and old, are brought into the city from other States in which anyone can buy a gun with no questions asked. A study by the Bureau of Alcohol, Tobacco, and Firearms found that of handguns used to commit crime in New York City, over 90 percent came from States without background checks and waiting periods.

In this country, and specifically in various States, we take so many precautions about things which have nothing to do with life or death. In many States you need a permit to put a sign over your store, you need a permit to have a parade, you have to be licensed to be a beautician and you even need a license to be married. And in some States, there is a waiting period once you get that license before a wedding may take place.

But in too many States anyone can buy a gun without even having to wait 24 hours, as you do in New York City if you wish to get married.

Mr. Chairman, the children who died last summer will never be married. Maybe the Brady bill would not have prevented all of them from being killed. But if just one of the gunmen had been prevented from obtaining a gun, maybe one of those children might still be alive today.

The Brady bill is not perfect, it is not a panacea. But it will help. It will help make guns more difficult to obtain. It will help close the massive loopholes that currently make it so easy for criminals in States with extensive gun laws to get guns from other States, and it will save lives.

Even if the life of just one child is saved I, and thousands of people in my district, think it will be worth it. I urge all of my colleagues to vote no on the Staggers substitute and yes on the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield myself 2¾ minutes.

□ 1730

Mr. Chairman, it is springtime. There is a major bill on the floor that might take guns out of the hands of criminals as we go through the rites of spring. All of a sudden, like a phoenix out of the ashes, the NRA arrives with its new plan to try and do something or that they say tries to do something to take guns away. We had it in 1988.

For my colleagues who were not here in 1988, the Brady bill came to the floor. The NRA pushed an amendment there through the gentleman from Florida [Mr. McCOLLUM], and do my colleagues know what it called for? It mandated an instant check system. It successfully beat the Brady bill.

And then what happened? The NRA faded away.

Mr. Chairman, I am chairman of the Subcommittee on Criminal Justice. Not once did they come to me and ask for more funds for an instant check system. Not once did they come to me or any of us and ask for tough anticrime measures. Having done their deed, they faded away.

The bill of the gentleman from West Virginia [Mr. STAGGERS], make no mistake about it, my colleagues, is a ruse, it is a sham, it is a fake, and, if my colleagues vote for Staggers, they will not do anything positive. They will simply kill the Brady bill.

I say to my colleagues, "You cannot vote yes on Staggers and still support a rational handgun control system."

Why is this bill a fake?

The NRA has come increasingly to stand for no rational argument. No rational argument, NRA. They know this bill cannot work. The only State that has a system of records that can do things instantaneously is Virginia. In 49 other States what would happen? Plain and simply a felon, if there was no State law, could walk into a gun shop. The police would begin to check the records once the gun shop notified them. But it would take days to go through the records that are not computerized, and 7 minutes later that person would have that gun even if he had a rap sheet 40 feet long.

Plain and simple Staggers will not do a thing, except perhaps in Virginia, which incidentally does not comply with it, to take guns out of the hands of the criminal, and, if my colleagues do not believe me, and they do not believe any of the speakers, who should they ask? Ask law enforcement. Ask all of our police, and our sheriffs and our D.A.'s. Every major law enforcement organization is against Staggers and for Brady.

So, Mr. Chairman, I say to my colleagues, "If you're against any kind of a reasonable system to take guns out of the hands of criminals, vote for Staggers, but, my colleagues, if you believe there ought to be a system, don't hide behind the fake skirts of a bill that cannot work. Screw your courage to the sticking boards. Stand up and vote no on Staggers which will bring us Brady once and for all."

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, Congress too often embraces legislation that proposes to the American people a cure-all to solve an urgent national crisis, but in fact does little to address the real, underlying cause of the problem.

Such is the case with H.R. 7, the Brady bill. The myth surrounding the Brady bill is that it will reduce handgun violence in this country. In reality, this legislation will not reduce crimes committed with handguns. In fact, if the Brady bill had been the law in 1981, Brady's deranged assailant, John Hinckley, would have been legally able to purchase a handgun.

Most supporters of the Brady bill believe if it is enacted into law that we will have a uniform system, a national 7-day waiting period that will apply to all 50 States—not true. According to the Brady bill's sponsor, Representative ED FEIGHAN, both Illinois and Missouri, which have permit systems, would be exempt.

Moreover, this bill will have no impact whatsoever in many of our major cities reporting the highest handgun crime rates and gang activities—such as Detroit, Chicago, or Los Angeles—because they either have existing waiting periods or have permit systems already in place.

Despite all of the heated rhetoric about handguns, the Brady bill is not a solution to our crime problem. The Brady bill would require a 7-day waiting period to buy a gun in some parts of the country, during which time local police departments have the option to check on a gun applicant's criminal record.

However, few criminals go to the local gun shop to purchase handguns. They get them through illegal means, from home invasions, back alleys, or from illegal gun dealers. In fact, the city with the highest murder rate per capita—the District of Columbia—has a total ban on the sale of handguns. The ban in DC has not stopped these criminals, and nationwide the Brady bill will do nothing to take guns from criminals or stop their crimes.

As a former police officer, I know the horrors of violence, crimes with guns in particular. That is why I support the death penalty and stiffer penalties for crimes involving guns. But I do not believe placing a greater burden on local police departments to conduct background checks is the answer. At a time when crime is growing, we need more cops on the street, not behind the desk.

There is an alternative to the Brady bill which has the same goal and makes sense. Unlike the Brady bill, it would establish a uniform national system that applies to all 50 States. It would require gun dealers to conduct an instant identification check by calling a Justice Department toll-free phone bank to gain approval of purchase. Those with criminal records are denied the ability to purchase a handgun. There is no additional burden on local police departments, and no infringement on the rights of law-abiding citizens.

We presently have a model for the "instant ID" system currently in operation in Virginia. The Virginia law has proven to be effective without placing an enormous burden on their local police departments.

The system works this way. When a prospective buyer takes a gun to the register at a gun shop, the dealer uses a toll-free telephone number to call the State police. A State police worker types the person's name and Social Security number into a computer, and based on the information included then gives approval or disapproval for the purchase. Individuals who have been convicted of a felony, illegal immigrants and fugitives from justice are denied the right to purchase a handgun.

Surely, if we can establish a credit-check system throughout all 50 States for retail merchants to instantly check the credit standing of individuals using Visa, Mastercard, and other credit cards, we ought to be able to set up a uniform national system to check the criminal records of individuals wanting to purchase a handgun.

I support the need for a national system, to prevent conflicting State laws from hampering police efforts to track illegal gun sales. The "instant ID" check is such a system.

The last issue that I will address is the argument that a waiting period will stop the use of handguns committed in crimes of passion. Do you really believe that if someone is angry enough to take the life of another person that they will regain their composure and subdue their anger until they go to the local hardware store or gun shop to purchase a handgun and return to kill that person? I sincerely doubt it. I believe that if someone is angry enough to kill another person that they will do so with a knife or whatever weapon they can get their hands on at that moment.

To those who favor the Brady bill, I understand and in fact share your frustration over growing handgun crimes. We need a national uniform system to identify and deny handguns to criminals. It must be a practical, reasoned law and I do not believe that the Brady bill represents such a solution.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, I thank the gentleman from West Virginia [Mr. STAGGERS] for yielding to me.

Mr. Chairman, we have come to the end of a long debate, a long and emotional debate, emotional because it is an emotional issue. We are frustrated. Twenty-three thousand Americans were murdered last year, and we have to react to that.

However, Mr. Chairman, in our zeal for reaction I hope that we do not react just for reaction's sake. We should not rush for the cosmetic over the substantive. We should not rush for the imagined over the real. We should not just go for the perception of action as opposed to action itself. We should not just go for the Michael Jackson moonwalk, appearing to move when in fact we are really standing still.

The fact really is that five out of six criminals buy their guns illegally, get their guns illegally. They steal them. They get them from flea markets. Gangs do not buy guns in gunshops.

So, we really are not here today discussing the real solutions: Education, widening economic opportunity, doing something about crime in the streets. But we have to do something.

So, I stand today in favor of the Staggers approach and against the Brady bill because that says we are going to do it. We ought to do it and make it real. I believe that if we can check for black marks on credit in an instant, we can check for red flags on criminal histories in a second.

There is also another problem. The Brady bill is optional, and the Staggers is mandatory. Here is the real difference between the two. The Brady is optional, and the Staggers is mandatory, which means that the police can check, if they want, and not check, if they want. Some departments will be unwilling and unable to check, and that in and of itself will encourage forum or retail shopping, and here is the bad news. There is the question of inequity. Mr. Chairman, I really wish that all police departments could be relied upon to administer this law fairly, but we know the truth. I also wish that we did not have a budget deficit.

So the problem, Mr. Chairman, is that I think we have a technology to do this and we ought to move to help them to pay for it. Staggers is mandatory and Brady is optional. Brady has gotten the most publicity but Staggers, I think, will be the most effective.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise in opposition to the Staggers amendment, and I would like to zero in on the funding deficiencies of the Staggers amendment.

Mr. Chairman, the Staggers amendment is flat out unfunded. True, it raises the setaside for improvement of State criminal justice records from 5 to 10 percent. That means that every one of our States will have to reallocate out of the programs that they have decided are important 5 percent more of their criminal justice funds from the Federal Government for computerization of the records.

That is just half the story. Staggers does not authorize one dime to the Justice Department to do its end of the bargain, not one dime.

□ 1740

That means for the Justice Department to establish this nationwide multi-State instant check system, they would have to reallocate existing resources. How many FBI agents are going to be fired as a result of Staggers mandating this upon the U.S. Department of Justice? How many prosecutors and investigators who are looking into getting the savings and loan crooks in jail are going to have to be laid off? How many prosecutors, the people who are on the front line and who actually put the crooks in jail by prosecuting them in a court of law, may not be hired as a result of the Staggers amendment directing the funds elsewhere?

This lack of funding is intentional. It is intentional because if additional funds were given to the Justice Department, then that would count against the budget clock as a result of the agreement that was passed by the Congress last October. So if additional funds were authorized, that would require sequestration, which, instead of taking money out of the Justice Department, would take money out of programs like Medicare, Medicaid, agricultural programs, and practically everything else except the seven narrowly exempt programs under Gramm-Rudman.

I do not think we should play a fiscal shell game with the Staggers amendment. Yet it is cleverly drafted so that the result will be either fewer prosecutors or fewer FBI agents or money taken out of programs that help maintain the vital services that the American public has come to expect from the Congress of the United States.

The cost estimates are very much variable on the Staggers amendment. I have heard that it will be fairly cheap, $6 million to $12 million, but that figure only relates to the software that is necessary to put the multi-State system on line. It will cost literally hundreds of millions of dollars to computerize the 40 to 60 percent of the State criminal justice records that are not automated. Who is going to put all of these in an automated form? How much is it going to cost? If it has got to be done within 6 months, does that mean the competitive bidding procedures would have to be waived under this crash program, competitive bidding procedures that are designed to give the taxpayers their money's worth and provide services at the cheapest possible cost?

I think the estimates that have been made of up to $1 billion for an automated system are accurate when we consider the total State and Federal cost, the cost of the software, the cost of the input, the cost of the terminals, and the cost of everything else. As the gentleman from Iowa [Mr. SMITH] stated in his remarks earlier this afternoon, the only really foolproof system is not in the Staggers bill. That is the fingerprint ID system with digital automation. We have a lot of fake identification cards floating around our country, and without the foolproof fingerprint automated system, anybody could come in with a fake ID and get that name and address put into the instant check system and walk away with the gun even though they do have a criminal record or an adjudication of mental incompetency. A fingerprint check system would cost five times as much, up to $5 billion.

The final point I would like to make is the privacy issue. Unlike the Virginia system, where police agencies in the State of Virginia input into their instant check system, the Staggers amendment proposes that the gun dealers do that. Simply by inputting a Social Security number or the name and address of an individual who might not even be wanting to purchase a gun, a gun dealer would be able to rummage through the records that are contained in that system.

Now, I am not the world's biggest civil libertarian, as most of the Members in this House know, but the thought of allowing a private individual, a gun dealer, to use someone's Social Security number or name and address to get into the criminal justice records system appalls me. Yet if the Staggers amendment passes, that is exactly what will happen.

One of the last questions that all of us will have to decide is what to do between now and the time an instant check system does come on line. I think all of us on both sides of the issue support the concept of an instant check system. I think we all agree that it will not be done in the 6 months called for in the Staggers proposal. The Brady bill provides a waiting period to allow but not require the police to do some checking during the 7-day period. The Brady bill specifically sunsets when the instant check system comes on line.

The choice before us is very simple. The adoption of Staggers means that Congress will do nothing until instant check becomes effective. The defeat of Staggers and the adoption of the Brady bill means that the police will be able to use some of the tools that are available during this 7-day period to try to prevent some people who are ineligible to possess firearms from getting them.

Mr. Chairman, I urge the defeat of the Staggers amendment and the adoption of the Brady bill.

Mr. FIELDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise today in support of the Staggers substitute amendment and against the so-called Brady bill. I do so because I feel strongly about the need to control violent crime in our Nation. And though both bills purport to control criminals' access to handguns, I am convinced only the Staggers substitute would accomplish this feat.

The Brady bill mandates a 7-day waiting period—nothing more. I've been in Congress 7 years now, and I'm still waiting for some evidence that supports the view that waiting periods do anything to deter crime. States which have waiting periods have the same increases in violent crime and homicides over the last two decades as States without a waiting period. There is no demonstrable statistical difference between these two approaches. These facts, coupled with the knowledge that criminals very rarely purchase their handguns through legal channels leads me to believe the Brady bill would do little more than be a nuisance factor for law-abiding citizens who want to purchase a handgun.

The Staggers substitute, on the other hand, mandates a nondiscriminatory instantaneous criminal background check. This legislation offers more than the "feel good" provisions of the Brady bill. Not only does this legislation require a background check, it also mandates the improvement of criminal history records—something Brady does not address.

Even so, Staggers is not the panacea to our Nation's crime woes but rather is only a step in addressing the violent crime in our Nation. Any legislation which targets inanimate objects as opposed to the humans who use these objects will ultimately be a failure. We must crack down on criminals and quit toying around with gun control legislation. I have cosponsored legislation which increases penalties for criminals who use guns while committing crimes. This is a more logical approach to our crime problem.

In addition, the President challenged us to provide this Nation with a tough anticrime package. However, we have failed to meet this challenge, and have yet to fulfill our responsibility to our constituents. Instead of this current debate, we should be debating the merits of tough anticrime legislation. I will vote against Brady, for Staggers, and hope this body will have an opportunity to vote on a crime bill.

Mr. FIELDS. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentleman from Texas [Mr. FIELDS] has 3 minutes remaining

Mr. FIELDS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, let me say to my colleagues that we have got to dig real deep to overcome the honest and understandable emotion within us, to say no to Sarah and Jim Brady. I know, because I had that very unpleasant, uncomfortable task earlier today. Their senseless tragedy and permanent pain enrages every single Member in this Chamber and every citizen of this country. Our hearts are with them. Our hearts are with them, but that is not where our votes should be. If our sympathy and concern for them were the issue, then the vote would be 435 in this Chamber and 100 to 0 in the other Chamber.

But let me say to my colleagues that that is not the question. Let me tell the Members something that many of them do not want to hear. In the ugly world of violent crime—and it is an ugly world—waiting periods do not work. In my experience as a prosecutor and as a defense attorney, let me say that convicted criminals rarely walk into gun shops to purchase firearms so they may commit yet another crime.

□ 1750

Sadly, they just do not. The Brady bill would not have prevented their horrible tragedy. It would not prevent crimes of passion, because in the real world people do not wait 7 days to commit crimes of passion. It will not significantly prevent violent crime, as its title suggests.

Today the issue is what steps we are going to take not toward eliminating all violent crime—that is a hope we have to work toward, and we will work toward—but what is the most effective means to make it more difficult for convicted criminals to get firearms.

Put aside those emotions. Consider these two simple options: Do you want an optional check during a 7-day waiting period of incomplete records, or do you want an instantaneous, required, mandated check, with provisions that those incomplete records be updated, made more current?

It seems to me that the approach is very clear. If you are interested in keeping firearms out of the hands of convicted criminals, the best step to take is to support the Staggers amendment. For all those who lament the absence of additional dollars to provide the technology and to help prosecutors and States create the central filing system, we have got a crime bill. Let us all work together to find the funds to do just that.

Mr. Chairman, I urge Members to support the Staggers amendment.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise today in support of the Staggers amendment.

Gun control legislation must be aimed at preventing criminals, not law abiding citizens, from acquiring guns. The Staggers amendment would help to curb the use of guns by criminals by mandating a criminal background check at the time of purchase. Under the Staggers amendment, someone who has a criminal record and attempts to buy a handgun from a licensed dealer would be caught immediately. The Staggers bill mandates a check; the Brady bill does not.

Under the Brady bill, local law enforcement officials would be burdened, if they so chose, in attempting to do week-long checks, primarily of law-abiding citizens. The Brady bill would cause a major misallocation of resources in our fight against crime.

The instant check process already works in Virginia, Florida, and Delaware. It is time to do this nationally. The Staggers bill gets at the root problem of updating and overhauling the records of convicted felons so that accurate checks do take place. The Brady bill provides no such mechanism. If we do not have up-to-date records, a 7-day waiting period will do nothing to prevent guns from getting into the hands of criminals.

It is time we stopped lying to the American public. Efforts like the Brady bill, which are aimed at law-abiding citizens, fail to reduce crime or deny criminals the ability to acquire guns.

The Brady bill is not even a quick fix. There is no easy solution to the problem of crime. However, an updated national data base of convicted felons is a fundamental part of any eventual solution. The Staggers bill expedites this process; the Brady bill ignores it.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I will vote against H.R. 7 and I urge my colleagues to do likewise.

The bill conflicts with traditions and lifestyle choices that have genuine value for those of us in the American West. These alone might not be grounds to oppose H.R. 7, particularly since I agree with the bill's goal of curbing the criminal misuse of handguns. But I do not believe the bill's mechanism would have any real impact. I do not believe it would make meaningful progress toward the goal. At the same time, and with all due respect to other interpretations, I do not think the bill is consistent with the original intent of the second amendment of our Constitution. For these reasons, I cannot support the bill.

This is a difficult issue, because handgun violence is a very real problem. It concerns me deeply. I recently cosponsored H.R. 1719, Representative BEN NIGHTHORSE CAMPBELL'S bill that would create a 5-year mandatory minimum sentence, without parole, for the unlawful possession of a firearm by a felon, fugitive from justice, or drug user, or for anyone knowingly passing along or receiving a stolen firearm. The bill also dramatically increases penalties for using firearms during crimes of violence or drug crimes. I would encourage my colleagues who truly wish to do something effective about handgun violence to take a look at this bill.

Measures to restrict the sale of firearms are ill-considered and erode constitutional rights. I have always opposed such legislation, and will do so again today.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. FIELDS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, we are in the process of completing a long and difficult debate. I first want to pay tribute to the distinguished gentleman from West Virginia [Mr. STAGGERS], in working very hard to bring his amendment to the House floor, and say that not only am I very proud of him, but I am sure his dear father and my good friend who was the previous chairman of the Committee on Interstate and Foreign Commerce before me would share that pride.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from West Virginia, and rise in strong opposition to the Brady bill.

Before I was elected to Congress, I served for a number of years as a prosecutor. I dealt with those who had committed violent crimes. One of the things I found was that a waiting period for the purchase of handguns simply does not prevent violent crime. It does not prevent rape, it does not prevent murder, it does not prevent arson, it does not prevent burglary or robbery. It simply imposes burdens upon the individuals. Notwithstanding the existence of any restrictions on the sale or possession of firearms, I would observe that criminals have no trouble in obtaining firearms in this country.

Mr. Chairman, all of us are opposed to crimes of violence, and all of us are opposed to violence by the use of firearms. The Brady bill simply will not work. It merely establishes a waiting period—a waiting period, that is all.

The amendment offered by the gentleman from West Virginia [Mr. STAGGERS] requires an instant check on the record of the individual, so that we may legally preclude those who are not suited, under the law, to legally possess firearms.

Mr. Chairman, neither piece of legislation is perfect. The Brady bill simply does not work at all. If you want a waiting period—and that is all you want—by all means vote for the Brady bill. If you want to stop criminals from getting firearms and have an instant check on the record of the individual who seeks a firearm, then I would urge Members to vote for the Staggers amendment.

Mr. Chairman, we have heard about certain types of waiting periods. The waiting period in Virginia works right now, because it is not the kind of waiting period as envisioned by the Brady bill. The Virginia "waiting period" is something different. It is an instant record check. The waiting period in Washington, DC is the type that does not work. It is a permanent waiting period. The DC waiting period is a total moratorium on the ownership of any handgun by any person; yet, we are the murder capital of the world with the distinction of having the highest per capita number of murders committed with the use of firearms. One only needs to compare these two jurisdictions, one river apart. A waiting period in Washington, an instant record check in Virginia. Look at the difference in crime.

Beyond this it must be observed that it will be the duty of this Congress and others to see to it that the tools are available to make the criminal justice system work. I am prepared to do so. I would urge Members to do likewise.

Mr. Chairman, if you want to see how waiting periods work, just look at the statistics regarding the incidence of violent crime in States having waiting periods. What do they show? Violent crime is many times higher in States with waiting periods than it is in States without waiting periods. Jurisdictions which require permits and which require waiting periods have two-thirds of the total homicides and three-quarters of the violent crimes. That should tell us something about how waiting periods in fact work.

Let's look at the cost of these two proposals. They are about the same. I heard one of my colleagues talk about how the costs of the Staggers substitute are going to be huge. Perhaps the ultimate costs will be high. But if we want to stop crime, we had better be prepared to pay the price. The Congressional Budget Office [CBO] reports that the annual costs are about $5 to $10 million for both the Brady bill and the Staggers substitute. But it must be pointed out that, unlike the Brady bill, the Staggers substitute puts in place a realistic background check, which will filter out criminals who should not be permitted to purchase handguns. What Brady offers us is a Pyrrhic victory. We can go home to our constituents and say everybody has to wait 7 days before you can buy a firearm. So what?

But the Brady bill leaves us with an ineffective means to deal with the crime problem. Very shortly, this body can look to the time when it will be confronted with the absolute certainty in addition to enacting Brady, we will be required to enact additional legislation, which will probably cause another divisive debate with little or no progress in terms of addressing the underlying causes of crime.

Mr. Chairman, let us then support Staggers, let us reject Brady, and let us do something effective today in terms of dealing with the misuse of firearms by criminals.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I rise in support of the Brady bill.

Mr. Chairman, in Illinois, 482 people were handgun homicide victims in 1988 and close to 500 individuals took their lives with a handgun that same year. A national standard of background checks or a minimum cooling off period may have prevented some of this. The Brady bill makes common sense. If the State has no background check system or waiting period already in place, implement the 7-day wait.

The Staggers amendment is not realistic. I'm told it would take a minimum of 5 years to set up the national verification network called for in the bill. The Congressional Budget Office estimates that such an on-line network would require up to $10 million each year to operate once established. Each year, this program would be subject to the constraints and whims of the budget process. In the interim, the Staggers legislation states that if the national network cannot provide the gun verification information within 24 hours then the purchaser may obtain the handgun regardless.

In Illinois, where background checks are required, 2,920 applicants were rejected in 1990. That is 2,920 individuals who could not lawfully purchase a handgun. Unfortunately, 2,920 who may have then gone to another State to purchase their handgun, where they might not face a background check. They illegally obtained 2,920 guns which might have contributed to the 482 homicides committed with a handgun in the State of Illinois.

The Brady bill makes good sense. It's a start at a national standard which we so desperately need. Vote to defeat the Staggers amendment and pass the Brady 7-day wait.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I favor the Brady bill.

Quite frankly, the truth is being distorted and reason displaced by emotions regarding this issue.

Some States like Tennessee already have a waiting period and I worked to have those States exempted from the Brady bill so handgun purchasers will not have to fill out, and authorities won't have to process two sets of forms.

But, Tennessee for example, is bordered by eight other States. Only one has a waiting period of 48 hours prior to a handgun purchase. People simply drive across a State line and purchase a gun in another State with no waiting period or background check. This dilutes the responsible 15-day waiting period adopted in Tennessee.

Only 10 States have computer networks capable of performing instant background checks. An instant check network will take years to develop and will be very costly.

I am against gun registration. I am for a commonsense approach to curbing crime in our streets. We must attack violent crime on many levels—this is one.

The Brady bill will save lives. If it even saves one life, it is worthwhile. I urge adoption of the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to the Staggers amendment and in favor of the Brady bill.

Mr. Chairman, I rise in support of H.R. 7, the Brady bill, which would provide for a maximum 7-day waiting period prior to the sale, delivery, or transfer of a handgun. The bill applies only to the sale of handguns through licensed dealers. Within 1 day of the proposed sale, the dealer is required to provide a copy of the purchaser's statement of name, address, date of birth, and date of the statement. Within 7 days of this statement, law enforcement officials may do a background check to determine whether the sale of the handgun would violate Federal, State, or local law. If verification is made that the purchase is legal within less than 7 days and the law enforcement agency provides this notice to the licensed dealer, the sale may proceed.

The provisions of the Brady bill waiting period do not apply to those States, such as Minnesota, which already have at least a 7-day waiting period for background checks under State law or those States with an instant check. Also, States which are not now exempt from the Brady bill could, at any future time, set up their own systems to exempt themselves from the Federal 7-day waiting period requirement of this legislation.

Since 1968, it has been illegal for convicted felons to purchase firearms. But for 23 years now, this law has been unenforceable since there was no required waiting period for a handgun purchase and background check.

Why do we need the Brady bill? A study of handgun-related crime issued July 8, 1990 by the Department of Justice estimated that 639,000 Americans are confronted each year by criminals carrying handguns. Sadly, 9,200 people were killed and another 15,000 were wounded in such encounters last year. In June 1990, a report by the National Center for Health Statistics found that the homicide rate among young men in the United States is 4 to 73 times the rate of homicide than in various other industrialized nations. Firearms are used in three-fourths of the homicide related deaths in our Nation but only in one-fourth of those in foreign countries. Crimes with handguns are clearly increasing in our country. The Brady bill will certainly not stop all of these crimes, but it will stop some of them along with a combination of other effective anticrime measures.

Some say the Brady bill won't stop criminals because criminals don't attempt to buy guns from dealers. In fact, thousands of felons who are ineligible to buy guns are stopped nationwide each year. California, which has a 15-day waiting period stopped 2,182 prohibited gun sales in 1990, according to the California attorney general. Illinois denied 2,920 firearms owner identification cards and revoked 1,867 previously issued cards in 1989 due to felony convictions, according to the Illinois State Police. New Jersey has required a background check for handgun purchases for over 20 years and has stopped more than 10,000 convicted felons from trying to buy handguns. Indiana's 7-day waiting period has stopped 11,158 prohibited persons from buying handguns between 1980 and 1988. Similar examples exist in other States, as well.

Clearly, waiting periods for the purchase of handguns do not prevent all illegal purchases, but they do stop many of them. There is another reason why a 7-day waiting period makes sense, too. It provides a cooling off period in those instances where a person might be acting in the heat of passion by buying a handgun to be used to settle some argument or dispute or even to do harm to themselves. The 7-day period can save lives and will cause some people to think twice before committing a criminal act or using a handgun against themselves in desperation.

Some contend that we should pass the Staggers amendment, which mandates the creation of a nationwide instant background check for all handgun purchases at the point of sale without any waiting period. In the 1988 Anti-Drug Abuse and Control Act, Congress directed the administration to move on modernizing State and Federal criminal recordkeeping and to report on the feasibility of establishing a national instant identification system. In October 1989, the Attorney General reported that such a Federal system was neither practical nor desirable because 90 percent of arrests and convictions in the United States are handled by State and local officials and because there are wide variations in the recordkeeping ability and practices among the States.

The Staggers amendment before us today would give the Federal Government only 6 months to institute a national criminal identification system which the Justice Department has indicated is years away and which might cost millions of dollars to create. It took the State of Florida 20 months to set up a much smaller instant check system. The Staggers bill also does not say where the money would come from to create this instant national identification system. Finally, the Staggers bill imposes an impossible test upon the Attorney General by requiring that "not more than 2 percent of the initial telephone responses to the hotline" be false denials of handgun purchases. Even the Virginia system, which is seen by some as a model for a national system, had a false denial rate of more than 5 percent during a recent 3-month period.

Only three States, Virginia, Delaware, and Florida, have so-called instant felony check systems in place. Even in these three States, law enforcement authorities have up to 3 days to verify a purchaser's eligibility. Three other States, West Virginia, Maine, and Mississippi, do not have any of their criminal records on computer. The remaining States maintain access to their criminal records in various conditions.

Until we reach the point where a uniform national system is indeed feasible, the Brady bill provides the only reasonable policy initiative for accomplishing a national waiting period for the purchase of handguns so that some sort of criminal background check can be made. This bill is not a panacea for ending all handgun violence. But the Brady measure will stop some handguns from getting into the wrong hands. I urge my colleagues to vote for the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I rise in support of H.R. 7, the Brady bill, and in opposition to the Staggers substitute.

Mr. Chairman, while the United States has reached a cease-fire with Iraq, our country is still at war, with itself. The FBI's recently released Uniform Crime Report shows that the United States is breaking records for violent crime.

In Philadelphia and other large cities, violent crime statistics reached an all-time high last year, setting new marks for the number of murders, robberies, and aggravated assaults. Seven cities, including Philadelphia, now account for more than a quarter of all murders in America.

Urban America is crying out for help in its struggle against crime. To help police slow the violent crime wave that is inundating our streets, the House should pass legislation to establish a national 7-day waiting period for handgun purchases.

That legislation is the Brady bill. As we all know, it is named after James Brady, the presidential press secretary who was seriously wounded in the 1981 assassination attempt on former President Reagan. The Brady bill would give law enforcement officials time to run a background check to determine if a potential purchaser were prohibited by law from buying a handgun.

A waiting period for handgun purchases can also get criminals off the streets and into prison. In states that already have waiting periods, thousands of criminals have been caught trying to buy guns. A national waiting period might help catch thousands more.

A proposal like the Brady bill should have universal support. It is a modest step toward helping police reduce violence and crime in our cities by keeping guns out of the hands of criminals and the mentally ill.

And, in fact, the Brady bill has the support of nearly every major police organization in the country, the majority of gun owners and 91 percent of the general public. It has even been endorsed by former Presidents Richard Nixon, Gerald Ford, Jimmy Carter, and, in a recent turnaround, even Ronald Reagan.

But the Brady bill is still facing heavy opposition. The National Rifle Association [NRA] and other gun groups are fighting the passage of this reasonable legislation.

Despite the NRA's protests, the Brady waiting period is not a national gun registration system and it will not take weapons away from law-abiding citizens. It would simply help weed out felons and the mentally imbalanced, people who clearly should not be sold guns.

In fact, there is nothing in this proposal that law-abiding citizens should object to. Convicted felons, drug dealers and others involved in criminal activity are the only people who should be concerned about a national 7-day waiting period.

Opponents of the Brady bill are now pushing the Staggers substitute, an alternative bill that would provide for an instant check of criminal records for all handgun purchases.

That sounds great, but only three States currently have the computerized records necessary for an instant check. Attorney General Dick Thornburgh has estimated that bringing all 50 States on line could take 3 to 5 years and hundreds of millions of dollars.

Until such a system exists, the Brady bill is a reasonable option. In fact, the Brady bill has a provision that would rescind the 7-day waiting period if an instant records check ever becomes viable.

The gun lobby says that we need tougher penalties to reduce crime and keep criminals off the street. I agree with them.

But I also think that the police and other law enforcement officials need all the help they can get. They are outnumbered and outgunned, fighting a losing battle against people who have almost unlimited access to whatever weapons they want.

In the United States, about 60 people are killed each day with guns, or 22,000 a year. Four Philadelphia police officers have been killed in the last 16 months, all by handguns. Reasonable proposals to prevent the wrong people from obtaining handguns will save lives. If the Brady bill saves the life of only one police officer, it will have been worth it.

It is now over 20 years since Bobby Kennedy was assassinated with a handgun. It is 10 years since a mentally unstable man with a Saturday night special attempted to take the life of then-President Reagan. But we still have no effective national method of keeping handguns out of the wrong hands.

The House now has the historic opportunity to help prevent the mentally ill and criminals from obtaining handguns, without infringing on the rights of sports-minded men and women and other law-abiding citizens. The police and the public need and want help in the war on crime and drugs. The House should defeat the Staggers substitute and pass the Brady bill today.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I rise in strong support of H.R. 7, the Brady Handgun Violence Act of 1991. This bill will not destroy rights. It will save lives. By establishing a national 7-day waiting period to allow local law enforcement to conduct background checks on handgun purchases, the Brady bill will help to keep deadly weapons out of the hands of people with a criminal record or a history of mental illness. Additionally, this legislation will provide a cooling off period for impulse shoppers who commit violent crimes of passion. Period. H.R. 7 will not hinder the constitutional rights of legitimate gun-owners. H.R. 7 will not confiscate any firearm. And the vast majority of the American people understand this clearly. A recent Gallop poll tells us that 95 percent of the American people favor the Brady bill's provisons while a Time-CNN poll reports that 87 percent of gunowners favor Brady. We speak of this house as the people's house and, as far as the Brady bill is concerned, the people have spoken.

Not only do an overwhelmingly majority of American citizens favor H.R. 7, but nearly every police organization wholeheartedly embraces the Brady bill: International Association of Chiefs of Police, Police Executive Research Forum, Fraternal Order of Police, Police Foundation, Federal Law Enforcement Officers' Association, National Sheriffs' Association, National Troopers Coalition, National Association of Police Organizations, International Brotherhood of Police Officers, and the National Organization of Black Law Enforcement Executives. Who can serve as better advisers on this issue than the men and women who are out on our Nation's streets protecting our neighborhoods from the violent crime that handguns create? America's law enforcement has voiced its cry for help! Since the year of Jim Brady's shooting, 735 law enforcement officers have been killed in the line of duty, most of them by handguns.

In addition, one point needs to be underscored, particularly for my Michigan constituents. The Brady bill does not apply to handgun purchases where State laws impose a waiting period of at least 7 days or require a permit of purchase or an instant check prior to the sale of a handgun. Since Michigan law requires a purchaser to obtain a permit from a local law enforcement office, thereby clearing his or her name through the State police data base, the Brady bill will have absolutely no impact on Michigan.

The Brady bill offers no panacea or magical impact on the crime and violence that permeates our society, but it is a modest and prudent measure that may well save lives. Since Congress last considered the Brady bill, handguns alone have killed almost 50,000 people in this country. Even if the Brady bill saves only a small percentage of the lives that are being lost each year through handgun violence, it will be worth the small inconvenience to law-abiding citizens who may have to wait a few days to purchase their handguns. Our citizens want the protection of the Brady bill. American law enforcement needs the protection of the Brady bill. I urge my colleagues to support H.R. 7.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, I rise in support of the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Chairman, I rise in support of the Staggers bill and in opposition to the Brady bill.

Mr. Chairman, once again we find ourselves debating a very old and still controversial issue—that of gun control. How many times has this body heard the argument that if we could just enact some reasonable controls at the point of purchase of a handgun, that crime will go down? How many times have we been asked to enact legislation that would force honest gun buyers to wait 7 days, or 2 weeks, or longer before they purchase a handgun? I have just about lost count, but I do know that the Congress has rejected all of these proposals during the past 20 years. And I also know why—a majority of Members of Congress through the years have recognized such proposals as having no impact on those who disobey the law. The legislation before us is often called common sense, or reasonable, but upon closer examination, it is neither. As we find ourselves discussing a national waiting period for the purchase of a handgun, I want to make my objections clear to all.

First, how many Members of this great body honestly believe that creating a 7-day waiting period and background check on handgun purchases is going to prevent criminals from getting guns and misusing them? The best research done to date, that by Professor's Wright and Rossi for the Justice Department, prove that felons simply do not get guns from legitimate sources. Criminals by definition do not obey the law, and when it comes to acquiring guns, friends, family members, swaps, trades, and theft are the predominant sources of illegal firearms. Simple common sense tells me that those who live by violating laws every day are in a position to obtain a gun more quickly, and more cheaply from the street than from a retail outlet—with or without a waiting period.

Second, if waiting periods and background checks do work, and criminals are deterred from getting guns, why hasn't there been a corresponding decrease in violent crime? I have not heard gun control advocates cite FBI figures or data indicating that crime is going down in any State that has such regulatory schemes. All I have heard cited are figures about permit denial, at a rate incidentally of only about one-half of 1 percent, and this, ladies and gentleman, does not equate to crime reduction. In fact, the proponents of this measure fail to tell you that in States that have waiting periods, roughly 80 percent of the small number who are initially denied are law-abiding citizens, denied due to faulty information. No, there is a reason that we have not heard gun control proponents arguing for their cause while using violent crime decreases as proof of the effectiveness of such restrictive laws. That reason is this—those States with such laws have simply not experienced any crime decreases attributable to gun control. So why force a waiting period scheme on the entire Nation when it has failed miserably wherever it's been tried?

I urge my colleagues to once again reject unworkable, wasteful waiting period schemes, and instead support the Attorney General's efforts in updating and computerizing the Nation's criminal records, an effort embodied in H.R. 1412.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I rise today in strong support of H.R. 7, the Brady Handgun Violence Prevention Act.

Current Federal law is inadequate. The 1968 Gun Control Act mandates that a handgun buyer fill out a form certifying that they are not a convicted felon, a fugitive from justice, a minor, a drug addict, adjudicated to be mentally incompetent, or dishonorably discharged. The problem is that the validity of this form is never checked. Consequently, individuals with criminal records can easily obtain handguns through legal gun dealers.

Handguns must be taken out of the hands of criminals. Performing background checks on potential gun buyers would reduce the avenues through which criminals can obtain handguns.

In my view, the Brady bill is the preferable approach. A national 7-day waiting period on the sale or transfer of handguns will slow the flow of handguns to criminals. But, it will not restrict gun ownership for sportsmen and law-abiding citizens.

My home State of Maryland has a mandatory 7-day waiting period on the purchase of handguns. This law has been very successful. Law enforcement officials have noted that hundreds of individuals with criminal records are caught each year attempting to purchase handguns through legal gun dealers.

In 1990, 24,615 people attempted to purchase handguns in the State of Maryland. The Maryland State Police's Firearm Licensing Center denied 919 people permission to purchase handguns as a result of background checks performed during the 7-day waiting period. Only 485 of those denied permission to purchase handguns requested a hearing and less than half of those were over-turned at the hearing.

During the first 2 months of 1991, 4,594 people applied to purchase a handgun in the State of Maryland—183 people were denied permission to purchase a handgun; 76 people requested hearings and of those only 23 were reversed. These figures do not include the many individuals, who are not allowed to own handgun, who would have tried to purchase handguns in Maryland if it were not for the 7-day waiting period requirement.

Finally, regardless of how you plan to vote on the Brady bill, you should realize that Mr. STAGGERS' instant check, H.R. 1412, is not a viable alternative. It attempts to speed up the process of developing a national computer check system, which was part of the 1988 drug bill. Unfortunately, Attorney General Richard Thornburgh has said that it would not be feasible to implement an instant check system within 6 months. Experts believe such a system would take 5 to 10 years to implement. Currently, only 10 States have fully automated record systems, which are necessary for an instant check to be effective.

In addition, Mr. STAGGERS' bill would require States to spend 10 percent of their criminal justice funds to update their records. This would place a tremendous burden on criminal justice budgets of States that are already struggling to respond to the crime problem on our Nation's streets.

I am an original cosponsor of the Brady bill and a strong proponent of efforts on the Federal, State, and local level to control the illegal use of guns in our society.

I urge my colleagues to follow the example of Maryland and impose a national 7-day waiting period. The Brady bill will help keep guns out of the hands of criminals without infringing upon the rights of responsible gunowners.

Mr. ORTON. Mr. Chairman, the second amendment to our Constitution states, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." Furthermore, the 10th amendment states that all powers not delegated to the United States by the Constitution are reserved to the States, or to the people.

In acknowledging the peoples' right to keep and bear arms, the Constitution defers to States' rights to regulate a militia in order to protect the security and freedom of each State. It is clear that the separate States may regulate the acquisition and ownership of weapons. Over the past 200 years The U.S. Supreme Court has interpreted the right to bear arms as not being absolute but subject to reasonable restrictions. For example, a private citizen's rights to own combat-ready weaponry such as F–16 fighters, M–1 tanks, stinger missiles, and even automatic weapons, are restricted.

No Member of this House would condone the violent use of a weapon, and I am certain that collectively our hearts go out to Jim Brady and all victims of violence. But the issue here is not the condoning or abhorrence of violence. The issue in question before us today is whether the Brady bill or the Staggers substitute would impose a reasonable and necessary restriction on the peoples' right to keep and bear arms, whether either restriction would achieve the purpose of protecting the public safety, and, ultimately, whether it is appropriate for the Federal Government to impose such a restriction.

First, it is my opinion that a waiting period may indeed be a reasonable restriction upon the peoples right to bear arms. In fact, many cities and States have imposed waiting periods upon the purchase of handguns. However, it is highly questionable whether the imposition of a waiting period to purchase a handgun has any impact upon the use of guns in violent crimes. It can be argued according to the data that the occurrence of violent crimes involving handguns is as high or higher in jurisdictions imposing waiting periods than it is in jurisdictions with no waiting periods.

Second, while a waiting period may be a reasonable restriction in New York, Washington, DC, Chicago, or Los Angeles, it may be totally unnecessary and unreasonable in Provo, Manti, or Roosevelt, UT. I believe that it is inappropriate for the Federal Government to impose such a restriction on a nationwide basis. This issue is one for the States or the people to determine, not the Federal Government. If the Utah State Legislature determined that a waiting period is necessary and reasonable, or if the people of Utah voted by referendum to adopt such a restriction, that may be appropriate.

I cannot support the Brady bill. I believe it violates the spirit of the 2d and 10th amendments to the Constitution. Under the same reasoning, I cannot support the Staggers substitute either. The principal difference between Brady and Staggers is seven days. In addition, the Staggers substitute is unnecessary. In the McCollum amendment to the 1988 crime bill, Congress has already authorized the equivalent to Staggers.

In addition to the Constitutional questions, I am also concerned with the costs involved in the application of both Brady and Staggers. The Congressional Budget Office has estimated it would cost the Federal Government and the States hundreds of millions of dollars to create automated criminal records that could be used to check instantaneously the backgrounds of weapons purchasers. Where will these funds come from? Will they be imposed upon all taxpayers by increased taxes? Or will the costs be imposed as a fee upon purchasers of weapons? If the costs are imposed as a fee upon the purchaser, the fee could be as high as hundreds of dollars per purchase and the fee itself could constitute an unreasonable restriction upon the right to bear arms.

The real problem we face is not the free access to weapons. Ours is a societal problem of moral deterioration and the loss of value of human life. We are bombarded constantly in movies, television, mass media, books, and even music with violence. Violence is glorified and presented as the ultimate solution to any problem. The only result of weapons control is the selection of the weapon to be used in committing a violent act. The only solution is to address the problem of violence.

The right to bear arms is a cherished right among citizens of my district in Utah as it is throughout the United States. I am committed to protecting all rights guaranteed under the Constitution, including both the right to bear arms and the right to life, liberty and the pursuit of happiness. The right to life is clearly the primary right guaranteed to all citizens. Were I convinced that an abridgment of the right to bear arms would more certainly guarantee the right to life, I would favor Brady or Staggers. I am not so convinced.

Mr. LUKEN. Mr. Chairman, we have all been inundated by calls and letters urging us to support or reject the Brady bill. But this morning I received a call that was the most significant of any I received.

The call was from Police Chief Lawrence Whalen, police chief of Cincinnati, OH. Against a backdrop of rising violent crime, Chief Whalen had a simple message: The Staggers bill will do nothing and the Brady bill will give him a real chance to get a gun away from a person with a felony conviction or serious mental disability.

And is it not a chance that law enforcement deserves? Our police officers put their lives on the line every day and our citizens often live in danger in their own neighborhoods.

No one should overstate the value of the Brady bill. It won't make violence on our streets go away. But it is a reasonable, commonsense approach to the problem of handguns in our society. The Brady bill protects the rights of all law abiding citizens—including gun owners. Let us take this step for commonsense, reasonableness, and safety. I urge my colleagues to support the Brady bill.

Mr. MOODY. Mr. Speaker, I rise in support of the Brady bill, H.R. 7, and in opposition to the Staggers amendment. There are three critical reasons for supporting the Brady bill and three for opposing the Staggers amendment.

The first reason is that the police want to see the Brady bill pass. Every year, 23,000 people are killed and 600,000 more are victimized by handguns. A waiting period will prevent many of these senseless tragedies. That's why all the national police organizations, representing more than 400,000 rank-and-file police officers, sheriffs and chiefs of police, endorse the Brady bill. And that's why, according to the Gallup poll, 95 percent of the American public supports a 7-day waiting period.

Second, the Brady bill can be implemented now. All sides agree that we should run felon checks on handgun buyers. Right now, accurate checks of manual and/or computerized criminal records can be run in a matter of days. The Brady bill can be implemented immediately.

Third, the waiting period works. Waiting periods save lives by cooling off individuals acting in the heat of passion or the depths of depression. And states which currently have waiting periods stop thousands of felons from obtaining handguns every year.

The Staggers amendment calls for instant checks for gun buyers. But there are problems: first, it cannot be done. As the Attorney General said to the Senate Judiciary Committee on April 18: "The criminal justice records across the country are simply not in the kind of shape that would permit [Staggers] to be instantly enacted." It will take years before national criminal records are as automated and complete as Virginia's.

Second, it will cost a billion dollars. In 1989, the Justice Department estimated that a telephone check bureaucracy would cost $35 million to set up and $70 million per year. In addition, based on FBI testimony, it will cost $320 million to computerize all their records and more than $1 billion to automate both State and Federal criminal history records.

Last, the Staggers amendment is totally unnecessary. The Justice Department is already required to implement a national instant check system under the 1988 McCollum amendment. As soon as they become feasible, instant checks will be implemented under existing law.

The fact is, the Staggers amendment is a thinly-veiled attempt to undermine the Brady bill. We must not be derailed—support our men and women in law enforcement that put their lives on the line daily, support the side of reason and common sense—in the words of President Reagan—support the Brady bill.

Mr. DOOLEY. Mr. Chairman, I support H.R. 7, the Brady Handgun Violence Protection Act, because of a 7-day waiting period for handgun purchases does not impose hardships on law-abiding citizens, and it may contribute to reducing violent crimes.

My support of the Brady bill rather than the amendment offered by Mr. STAGGERS should not be viewed as a vote against an instant-check system of screening purchasers of handguns. In fact, the Brady bill does not require a 7-day wait for gun purchases in States where instant-check systems are in the place.

Instant check is a good idea and should be instituted, but it is not realistic to believe that a nationwide computer check system could be up and running in 6 months, as the Staggers amendment calls for.

I would like to have seen a genuine, good-faith effort presented on the idea of a nationwide computer check system. I wish a workable approach to combining the best points of Brady and Staggers had been put forward this time.

Unfortunately, that has not happened. Therefore, I will cast my vote for the best available, life-saving option: the Brady bill.

Mr. SKELTON. Mr. Chairman, I rise today to express my strong opposition to the Brady bill requiring a 7-day waiting period for handgun purchases, and to voice support for the substitute amendment offered by Mr. STAGGERS to set up a system for instantaneous background checks.

I support the Staggers amendment and oppose the Brady bill because our Nation is experiencing a crime problem, not a gun problem. I am hopeful that the 102d Congress will pass a comprehensive crime bill that will be tough on criminals and not on law-abiding citizens.

Those of us from small town and rural America see people using firearms correctly and having respect for them. A 7-day waiting period will not make one iota of difference in the crime rates of large cities. This can be seen by looking at neighboring jurisdictions, Washington, DC, and the Commonwealth of Virginia. Washington, DC, a city with one of the highest rates of violent crime, has strict gun control laws. Virginia has a system for instant background checks, on which the Staggers amendment is patterned, and we all know the high incidence of crime in Washington as compared to Virginia.

The Staggers amendment is the best approach to preventing criminals from purchasing handguns. A waiting period will only hurt law-abiding citizens, not criminals. I encourage my colleagues to oppose this gun control legislation.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 7, the Brady Handgun Violence Protection Act. As stated by previous speakers, this bill will require a 7-day waiting period between an application to purchase a handgun and the time when the sale may be completed.

Mr. Chairman, I have heard much criticism of this bill on the ground that criminals will get their handguns regardless of whether or not this bill is enacted. I believe that such criticism misses the point.

The fact is we in the United States have a tremendous problem. Over the years our cities have grown, and bit by bit the quality of the law enforcement in many of our cities has decreased. This has resulted in an uncontroverted fact that many of our larger cities are not safe to walk in after sunset.

I point this out because I think some of my colleagues have lost their perspective on this important point. While many of our society's middle class, and all of our upper class, can avoid these areas, much of our Nation's poor cannot simply walk away. They must live, work and go to school in these crime-infested areas. I do not believe that this situation must go on.

The United States has the ability to correct this problem, and correct it without a qualitative loss of individual liberty. It will not be easy, and it cannot be done overnight, but it can be done. It will take a concerted effort on the part of many groups of individuals. Congress alone cannot solve this problem, but Congress can take certain steps to improve the situation.

While the Brady bill will not solve the inner-city crime problem, it is a step in the right direction. Critics of this bill say criminals do not get their guns from legitimate gun dealers, but the facts are that some criminals in the past have purchased their guns in just such a manner. In 1989, it was reported that California stopped 1,793 illegal purchases, Illinois denied 2,920 permits and revoked 1,867 permits, and New Jersey stopped 961 illegal purchases. These statistics do not indicate the Brady bill will stop all handgun violence, and I do not expect this bill to stop all crime, but I do believe it is a step in that direction.

In conclusion Mr. Chairman, I want to say that although I do not have a vote on the floor of this great body, I feel compelled to speak out today because of this current deplorable position I see in our cities. My perspective is different because I come from a small island in the South Pacific, but my conviction on this issue is strong. I want to see a free, strong America, and I think it is time to move toward that goal.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I rise in strong support of the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Chairman, I rise in strong support of the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I rise in strong support of the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in strong support of the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield 3 minutes to the very distinguished sponsor of this bill, the gentleman from Ohio [Mr. FEIGHAN], who was there from the very beginning.

Mr. FEIGHAN. Mr. Chairman, for me today represents the end of a very long and hard road. I first introduced the Brady bill in 1987. Today, this House is going to determine its fate.

□ 1800

This is not by any means an ordinary vote. I think we all recognize that. I find it particularly startling that a measure that has such overwhelming popular public support, estimated to be as high as 95 percent among the American people, can generate such controversy and such interest in this Chamber. But we know that this vote is very different than most. We know that this vote is going to be very close.

I think the real reason for that is the National Rifle Association. Frankly, if it were not for the National Rifle Association, the Brady bill would have become law at least 3 years ago.

Mr. Chairman, for the past 4 or 5 years I have come to work with two very distinct type of lobbyists on this issue. I have worked very closely at times, certainly extensively with the professional lobbyists of the National Rifle Association, who come here with virtual unlimited resources and who have worked to defeat really any and all types of gun control measures that have come before this Congress. But I have also, as have many of my colleagues, had the opportunity to work with citizen lobbyists, survivors of handgun violence who have somehow been able to take the pain and the anguish and the grief that they have suffered and convert it into some positive action.

There are Jim and Sarah Brady, that so many Members know and have talked to in recent months, who more than anyone else, I think, are responsible for us being here today. But there are others as well who have come before us to urge us to enact this simple measure because they believe it will prevent others from suffering as they have suffered. When those come before us and say that the Brady bill will not work, I think of some people who may be alive today if the Brady bill had been in place.

I think of Cathya Gould, whose 36-year-old husband, a policeman in South Carolina, was shot and killed while sitting at his desk in the police station by a deranged 86-year-old man who had purchased a murder weapon that very morning.

I also think of Brigadier General and Mrs. Jerry White, whose 30-year-old son, Stephen, was shot in a cab by a convicted felon, a convicted felon who had purchased a gun just 6 days earlier.

I think of Jim and Louise Bias, the parents of both Len Bias and their second son, Jay Bias, who was gunned down last December while on lunch in a mall in Prince George's County. And I think of Naval Commander David Whitt and his wife Dorothy whose 20-year-old son, Lance, a college student, was murdered while at a friend's house in Springfield, VA.

We have a chance today, ladies and gentlemen, to do something that we do not really have a chance to do very often as elected officials. We have a chance today to save some lives. We have a chance today to prevent some of the carnage on America's streets.

We have a chance to break the political stranglehold of one of the most dangerous and intimidating lobbies on Capitol Hill. We cannot bring back Cathy Gould's husband, bring him back to life, and we cannot return Lance Whitt to his mom and dad, but we can prevent others from becoming innocent victims in their wake.

To Jim and Sarah Brady, I say, this vote is for you and for all the other victims who have finally brought us, I think, to our senses.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I rise in strong support of the Brady bill.

Mr. Chairman, I rise to urge my colleagues to support the Brady bill and oppose the Staggers' amendment. Passage of the Brady bill will mark a watershed in our war against crime and violence in this country.

It is the first step, the right step, and the best step toward ending America's dangerous liaison with gun violence, and because of that it has received the strong support of all of our living former Presidents.

However, I want to correct a misunderstanding that seems to be going around the floor today: you cannot vote for both the Staggers' amendment and the Brady bill. A vote for Staggers is a vote to kill Brady.

Let's be honest. Is the NRA's first priority really to staunch the flow of American gun violence? If the NRA and those who oppose H.R. 7 really believed that the Staggers' amendment would be more effective than Brady, they would not be spending millions of dollars on television time to convince Americans to support Staggers and oppose Brady.

Nobody who has studied the facts believes that Staggers can work. Just last week a draft of an Office of Technology Assessment study made clear how unfeasible the Staggers amendment would be, noting that it would take "five to ten years" to develop a viable computer system for instant background checks.

Passage of Staggers would be a cruel hoax on the American people. They'd think they were getting safer streets legislation; what we'd really be giving them is a whopping tax bill and a vague promise of background checks sometime in the 21st century.

In short, a vote for Staggers is a vote to do nothing about gun violence in America, and to live with the status quo—over 23,000 handgun deaths each year. We can't afford that kind of indifference.

It's time the rest of the Nation catch up with States like California, which already has a 15-day waiting period. Illegally obtained guns continue to flow over our borders from States that don't have adequate laws on the books. Let's plus those leaks and vote for an effective national solution—the Brady bill.

In casting their vote, I urge my colleagues to ask themselves one important question: what does Congress want on the books: a solution that's cheap and reliable—the Brady bill—or one that's an expensive pipe dream, like Staggers? Too many of America's children live in terror of random gun violence. Let's take the first step in putting an end to this lethal folly.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from West Virginia [Mr. STAGGERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STAGGERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 234, not voting 3, as follows:

[Roll No. 81]

AYES—193

Alexander
Allard
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bereuter
Bevill
Bilbray
Bliley
Boehner
Boucher
Brewster
Brooks
Browder
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Carr
Clinger
Coble
Coleman (TX)
Combest
Condit
Costello
Cramer
Crane
Cunningham
Dannemeyer
Davis
de la Garza
DeFazio
DeLay
Dickinson
Dingell
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Fields
Franks (CT)
Gallegly
Gaydos
Gekas
Geren
Gillmor
Gingrich
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Inhofe
Ireland
Jenkins
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kasich
Kolbe
Kolter
Kopetski
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Long
Lowery (CA)
Marlenee
McCandless
McCollum
McCrery
McEwen
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Oberstar
Olin
Ortiz
Packard
Parker
Patterson
Paxon
Payne (VA)
Perkins
Peterson (MN)
Petri
Pickett
Poshard
Quillen
Rahall
Ramstad
Ravenel
Rhodes
Richardson
Ridge
Ritter
Roberts
Rogers
Rohrabacher
Roth
Rowland
Sanders
Santorum
Sarpalius
Schaefer
Schulze
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Staggers
Stallings
Stearns
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traxler
Unsoeld
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Whitten
Williams
Wilson
Wise
Yatron
Young (AK)
Zeliff
Zimmer

NOES—234

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bentley
Berman
Bilirakis
Boehlert
Bonior
Borski
Boxer
Broomfield
Brown
Bryant
Campbell (CA)
Cardin
Carper
Chandler
Chapman
Clay
Clement
Coleman (MO)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coughlin
Cox (CA)
Cox (IL)
Coyne
Darden
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Hyde
Jacobs
James
Jefferson
Johnson (CT)
Johnston
Jones (GA)
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Neal (MA)
Nowak
Nussle
Oakar
Obey
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Peterson (FL)
Pickle
Porter
Price
Pursell
Rangel
Ray
Reed
Regula
Riggs
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Russo
Sabo
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Stark
Stenholm
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Upton
Valentine
Vento
Visclosky
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Wolf
Wolpe
Wyden
Wylie
Yates
Young (FL)

NOT VOTING—3

Lehman (FL)
Martin
Roybal

☐ 1820

Mrs. COLLINS of Michigan changed her vote from "aye" to "no".

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HOYER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7) to amend title 18, United States Code, to require a waiting period before the purchase of a handgun, pursuant to House Resolution 144, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. McCOLLUM. Mr. Speaker, I am opposed to the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCOLLUM moves to recommit the bill H.R. 7 to the Committee on the Judiciary with instructions not to report back the same until it has conducted a thorough and complete study, including hearings, of the provisions and merits of the bill in the overall context of the violent crime problem confronting the Nation and the President's Message on Violent Crime of March 12, 1991 (House Document No. 102–58).

Mr. BROOKS. Mr. Speaker, I reserve a point of order.

The SPEAKER. The gentleman from Texas [Mr. BROOKS] reserves a point of order.

The gentleman from Florida [Mr. McCOLLUM] is recognized for 5 minutes in support of his motion to recommit.

Mr. McCOLLUM. Mr. Speaker, if I may be heard, I would like to explain this amendment if I could.

In the first place, Mr. Speaker, what I think we are dealing with here, and why this motion to recommit is so important, is that the President of the United States has said that he will veto this Brady bill if it comes over independent of anything else.

The motion to recommit does not require the House or any process to take up the President's crime bill, but it does require that there be further hearings on the matter of crime in general, and it requires that those hearings take into account the President's message, and it requires, of course, that the Brady issue, the 7-day waiting period, be considered in the context of those hearings.

I think this is exceedingly important, and it is very important for Members to remember. Only 20 percent of the felons who commit crimes with guns in this country, by the very best statistics available, acquire those guns from gun dealers. If we really will do something about violent crime in this country, this country must do something with respect to the overall crime issues that face our country.

Mr. Speaker, the issue with regard to what we do on violent crime centers on the need to put swiftness and certainty back into our punishment system, back into our criminal laws. The only way we will gain control over it is to do that.

We had an opportunity in the last couple of years to do some things that would be material to that, but we really have not done it. We have not been able to get over the hurdle of a conference, though we did have votes on the floor of the House over some very important measures to do that in the last Congress. Those measures include the restoration of the death penalty at the Federal level for a number of Federal crimes where the procedures were held unconstitutional in 1972 by the Supreme Court. All of the States, but the United States did not do it, but all of the States individually that had death penalties on the books in 1972 have gone back and made the constitutional corrections necessary to revalidate their death penalties. We have yet to do that. That is a very important part of anything we do to deter violent crimes and put certainty back into the punishment system.

□ 1830

The changes with regard to the exclusionary rule which passed this body in the last Congress need to be addressed. That is the rule of evidence that excludes those things that were obtained in illegal searches and seizures. The Supreme Court of the United States has already ruled exceptions to that with regard to search warrant cases, but in otherwise legal searches, such as consent searches, the same exception for good faith that they have put into the rules with regard to search warrants has not been put into the law. This body passed a provision in the last Congress, but it did not become law, dealing with that very subject.

We have not seen reforms in habeas corpus that would end the endless appeals that death row inmates take after their convictions before the carrying out of their sentences, and that needs to be addressed by this body. It was in the last Congress, but it did not become law, did not get through the conference between the House and the Senate and get to the President's desk.

Then there is the whole question of minimum mandatory sentences for those felons who commit violent crimes with guns. We have on the books today a minimum mandatory 5-year sentence for anybody who does that with a gun, any crime involving drug trafficking or a lot of those kinds of things.

The problem is that we do not have sufficient laws on the books to deal with all the matters that come before our prosecutors. The Attorney General is now in the process of trying to enforce some of these laws with what he calls Operation Trigger Lock, but he has asked this body to provide additional punishments, additional enhancements and deterrents, such as having a minimum mandatory sentence for those who commit violent crimes with semi-automatic weapons of 10 years in prison, things that would take criminals off the streets and really be meaningful in stopping crimes with guns, not just working around the edges as the efforts to work on stopping felons being able to purchase guns that gun dealers do.

Now, I am all for efforts to stop the purchase of guns by felons when they go to the gun dealers to do that, but I do not think that it should be sent to the President, that a bill should be sent to the President like this one today, without taking a look at the whole picture, without realizing that we have not gotten to these other matters, without having addressed these other matters.

The President has said that if we do not send the other things down there to him, the real tools, the deterrents that we are talking about in measures like I have outlined, that he is going to veto any bill we send down there. That is clearly stated and clearly understood.

My motion to recommit does not—and I want to emphasize—does not direct the committees or the Congress to take up the President's crime bill or any other particular crime bill. What it does is simply direct that the committees hold hearings on the broad crime questions and consider the President's crime message.

I would hope that in that context that the objection or the potential point of order would be withdrawn with respect to this motion to recommit and that we could have a simple straight up and down vote so that we can express to the American people our desire, not simply to address one small facet of the whole issue of guns and violent crime, but the many other things that we need to address if we are going to get hold of the whole violent crime problem, the death penalty issue, the exclusionary rule, the habeas corpus issue, the need for additional minimum mandatory sentences for those who commit crimes with guns.

I urge adoption of this motion to recommit with instructions, Mr. Speaker.

The SPEAKER. Does the gentleman from Texas [Mr. BROOKS] insist on his point of order against the motion to recommit?

Mr. BROOKS. No; I do not, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. BROOKS. Mr. Speaker, I want to say that the Judiciary Committee now has had legislative hearings and markups on the Brady bill, and you have got it right now. Are you happy with it? You have got it.

On the RICO bill, subcommittee hearing and markup.

Scheduled hearings are now scheduled for witness fees for incarcerated persons, on habeas corpus, on victims rights.

In the works are additional criminal bills that will be of help to people in this country. We have an increased death penalty. We will have mandatory drug treatment for prisoners. We will have a bill on asset forfeiture of drug busts.

We have also got oversight authorization hearings now underway on police brutality, FBI authorization request for fiscal year 1992, FBI authorization requests for the Identification Division, reauthorization of the U.S. Marshals Service, Executive Office of the U.S. Attorneys, and the various U.S. Attorneys Offices, on the administration of the Federal Judiciary, on the Federal Prison System and the National Institute of Corrections, on the DOJ Civil Rights Division authorization request for fiscal year 1992, on the DOJ Community Relations Service authorization requests for fiscal year 1992, and on Immigration and Naturalization Service Management issues. All of these matters are now actively under consideration or being handled. We are aware of many previous crime bills, and I believe that with the addition of most of these for your consideration, you will have your crime bill agenda pretty well filled up.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to my friend, "Wild BILL DANNEMEYER."

Mr. DANNEMEYER. You know, Mr. Speaker, I say to the gentleman from Texas [Mr. BROOKS] that he is the chairman of the committee. Under the rules he can hold a hearing any time the spirit moves him, right?

Mr. BROOKS. Well, with the general consent of the committee.

Mr. DANNEMEYER. My question is when does the gentleman plan to set the President's crime bill for a hearing, when?

Mr. BROOKS. Well, we have a lot of individual bills that we are considering that we feel are much more important.

Mr. DANNEMEYER. No, no, Mr. Speaker. It is a simple question, when? Next Tuesday, a week from Thursday?

Mr. BROOKS. We do not buy pigs in a poke. We buy them individually.

Mr. DANNEMEYER. Well, may I remind the distinguished chairman that bill is gathering dust under the gentleman's tender hands and we would like to see it on the floor of the House when the spirit moves the gentleman.

Mr. BROOKS. Well, Mr. Speaker, I reclaim my time. I have one more short statement.

I am opposed to the motion to recommit. The Judiciary Committee is working hard on this legislation. They brought this one out, which I was dead set against. You cannot ask for more objective treatment, I will guarantee you.

The committee has considered this legislation, moved it through regular order. That is what we plan to do with the rest of these crime bills.

I think that it is time to move this legislation on through the process in the regular order like we have been trying to maintain all this time.

Mr. Speaker, I yield the balance of my time to the majority leader.

The SPEAKER. the gentleman from Missouri [Mr. GEPHARDT] is recognized for 45 seconds.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I thank the leader for yielding to me.

Mr. Speaker I would hope that Members on my side of the aisle will support the Brady bill and will vote no on the motion to recommit. I think that would give us a little clout to take advantage of the new found bleeding heart of the gentleman from Texas to get the President's crime bill out. I hope we will have a vote out on that later on, but let us not support the motion to recommit. Let us defeat it.

Mr. GEPHARDT. Mr. Speaker, I certainly support the gentleman's statement.

Let me say that there has not been nor will there be an attempt to thwart the bringing out on the floor of the issues in the President's package and in the crime bill. We had the crime bill up last year. We had votes on all the controversial issues. It will be up on the floor this year. The committee is working. If you voted for the Brady bill, I urge you to vote against the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 265, not voting 3, as follows:

[Roll No. 82]

AYES—162

Allard
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Boucher
Browder
Bruce
Bunning
Burton
Byron
Callahan
Camp
Campbell (CO)
Carper
Clinger
Coble
Coleman (TX)
Combest
Costello
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Espy
Fields
Franks (CT)
Gallegly
Gaydos
Gekas
Geren
Gillmor
Gingrich
Goodling
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Inhofe
Ireland
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kasich
Kolbe
Kolter
Kyl
Lagomarsino
Laughlin
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
McCandless
McCollum
McCrery
McDade
McEwen
Michel
Miller (OH)
Montgomery
Moorhead
Myers
Nichols
Nussle
Oberstar
Obey
Packard
Parker
Paxon
Payne (VA)
Perkins
Peterson (MN)
Petri
Pickett
Poshard
Quillen
Rahall
Ramstad
Ravenel
Rhodes
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Roth
Sanders
Santorum
Schaefer
Schiff
Schulze
Shaw
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vander Jagt
Vucanovich
Walker
Weber
Whitten
Wilson
Yatron
Young (AK)
Zeliff
Zimmer

NOES—265

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bentley
Berman
Bilbray
Boehlert
Bonior
Borski
Boxer
Brewster
Brooks
Broomfield
Brown
Bryant
Bustamante
Campbell (CA)
Cardin
Carr
Chandler
Chapman
Clay
Clement
Coleman (MO)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Evans
Fascell

Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Goss
Gradison
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hatcher
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Hyde
Jacobs
James
Jefferson
Jenkins
Johnston
Jones (GA)
Jones (NC)
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Peterson (FL)
Pickle
Porter
Price
Pursell
Rangel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Swift
Synar
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (FL)

NOT VOTING—3

Lehman (FL)
Martin
Roybal

☐ 1854

Mr. HALL of Texas changed his vote from "aye to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HOYER). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 186, not voting 5, as follows:

[Roll No. 83]

AYES—239

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Bateman
Beilenson
Bennett
Bentley
Berman
Bilirakis
Boehlert
Bonior
Borski
Boxer
Broomfield
Brown
Bryant
Campbell (CA)
Cardin
Carper
Chandler
Chapman
Clay
Clement
Coleman (MO)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Darden
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Gray
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Hutto
Hyde
Jacobs
James
Jefferson
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moody
Moran
Morella
Morrison
Mrazek
Neal (MA)
Neal (NC)
Nowak
Oakar
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Payne (NJ)
Pease
Pelosi
Pickle
Porter
Price
Pursell
Rangel
Reed
Regula
Riggs
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Russo
Sabo
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Skaggs
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Solarz
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Swett
Swift
Synar
Thomas (CA)
Torres
Torricelli
Towns
Traficant
Upton
Valentine
Vento
Visclosky
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Wolf
Wolpe
Wyden
Wylie
Yates
Young (FL)

NOES—186

Alexander
Allard
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bereuter
Bevill
Bilbray
Bliley
Boehner
Boucher
Brewster
Brooks
Browder
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Carr
Clinger
Coble
Coleman (TX)
Combest
Condit
Costello
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
de la Garza
DeFazio
DeLay
Dickinson
Dingell
Doolittle
Dorgan (ND)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Fields
Franks (CT)
Gekas
Geren
Gillmor
Gingrich
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Inhofe
Ireland
Jenkins
Johnson (SD)
Jontz
Kanjorski
Kasich
Kolbe
Kolter
Kopetski
Kyl
LaRocco
Laughlin
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Long
Marlenee
McCandless
McCollum
McCrery
McEwen
Miller (OH)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nagle
Natcher
Nichols
Nussle
Oberstar
Obey
Olin
Ortiz
Orton
Parker
Patterson
Paxon
Payne (VA)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Poshard
Quillen
Rahall
Ramstad
Ravenel
Ray
Rhodes
Richardson
Ridge
Ritter
Roberts
Rogers
Rohrabacher
Roth
Sanders
Santorum
Sarpalius
Schaefer
Schiff
Schulze
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Staggers
Stallings
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Traxler
Unsoeld
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Williams
Wilson
Wise
Yatron
Young (AK)
Zeliff
Zimmer

NOT VOTING—5

Lehman (FL)
Martin
Michel
Roybal
Whitten

☐ 1912

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 7, the bill just passed.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Texas?

There was no objection.

UNIVERSAL ACCESS TO HIGHER EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS of New Jersey. Mr. Speaker, there are millions of Americans across the country who watch our proceedings every day and think about our proceedings every day who are caught in a squeeze with respect to paying for their college education. There are many people across this country, Mr. Speaker, who cannot afford to go to college at all, and perhaps there are many more people across the country who could go to a higher form of education or a more expensive school, but the resources for them are not there.

Mr. Speaker, we are very fortunate that under the leadership of the chairman of this body's Committee on Education and Labor, we have commenced in the Subcommittee on Higher Education extensive hearings on the reauthorization of the Higher Education Act.

Mr. Speaker, today we were graced during those hearings with the presence of the new Secretary of Education, a person with a sincere commitment and vast knowledge and experience in the field of higher education.

In today's initial hearings on the subject, there were some questions that I had the chance to ask that I was disturbed that there were not ready answers to. I was not disturbed because there was a statistic lacking, because we cannot expect the Department to have every statistic at hand all the time, but because it was evident that the way the Department of Education is framing the higher education issue is not addressing the needs of our constituents who are listening to us every day, who cannot afford the higher education they deserve.

Mr. Speaker, the first question I asked was how many Americans across this country are unable to get a higher education because they cannot afford it. The Department is able to provide us with lots of statistics on how many people are in higher education. We are glad they are, and we are glad that the Federal assistance that is helping them go to school is there. But the Department has not focused on how many people have been shut out and excluded from the higher education process.

The second question that I asked was how many Americans are undereducated, how many people are going to a school that may not be up to their standard of ability, a program that may not be up to their standard of commitment, because they do not have access to the kinds of resources that wealthier families do.

The answer, again, was that the Department has not focused on that question.

Mr. Speaker, I think the proper focus was the question I then had a chance to ask the Secretary, which was whether or not this administration subscribes to the basic principle that every American who has the ability to get a higher education and the desire to get a higher education and who is willing to work for a higher education will have access to a higher education. That is the fundamental question in the reauthorization of the Higher Education Act.

Mr. Speaker, I say the answer is yes, that it should be the policy of this country that everyone in every corner of the country who desires to work for an education, who has the ability to get that education, should have access.

The policy of the administration, according to the Secretary, is that it is essentially a State matter, that we do not have the resources to provide that universal access to higher education.

Mr. Speaker, it was not a State matter when the Higher Education Act was initially authorized. It was not a State matter that millions of Americans like myself and many of those watching us tonight got an opportunity to get a higher education. It became a national issue, because it is a national priority, or it should be, to those who are denied.

Mr. Speaker, to those who say we cannot afford to provide universal access to higher education, I say we cannot afford not to provide universal access to higher education. We cannot compete if the ladder of opportunity is shut off and cut off for too many of our people in the inner cities, in the poor rural areas, and in the middle class communities of America.

Mr. Speaker, the leadership of the Committee on Education and Labor is taking us toward a goal of universal access. I hope that the Department of Education and the administration will join us in the search for that goal, so we can look every American in the eye and truthfully say, if you are willing to work for a higher education in this Nation, in this generation, you will get one.

□ 1920

SECTION 911 IMPROVEMENT ACT OF 1991

The SPEAKER pro tempore (Mr. JONTZ). Under a previous order of the House, the gentleman from Texas [Mr. ARCHER], is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, today I am introducing H.R. 2253, the section 911 Improvement Act of 1991, to relieve the double taxation of American citizens who live and work overseas. In the aftermath of the Persian Gulf war, there will be tremendous opportunities for U.S. companies to participate in the economic redevelopment of the region. To date, American companies have received approximately 70 percent of the contracts for Kuwait's reconstruction. However, because of our Nation's discriminatory tax treatment of Americans working abroad, American labor may well lose out to foreign competition for these jobs.

Among the major industrialized nations of the world, only the United States taxes its citizens on the income they earn while working abroad. Our principal trading competitors—Japan, Korea, the United Kingdom, Canada, Germany, and France—do not tax their citizens on income earned outside their respective borders. As a result, it is considerably more expensive for companies to hire U.S. citizens to work on overseas projects than it is to hire comparable foreign employees. To stay competitive, American companies overseas are forced to hire foreign employees—employees who do not require additional compensation for double taxation.

The United States hasn't always subjected its expatriate workers to double taxation. Like our major trading competitors, we previously taxed American workers based on residence rather than citizenship. The predecessor of the current section 911 exclusion, enacted in 1951, allowed U.S. citizens who satisfied a foreign residence test to exclude all foreign income earned regardless of amount. In the ensuing years, however, Congress chipped away at the exclusion by placing dollar limits and other restrictions on its use. This process culminated in a 1978 amendment which limited the exclusion to taxpayers residing in camps in hardship areas. For taxpayers living in countries where the cost of living was substantially higher than in the United States, an elective deduction was provided for excess foreign living expenses.

During the late 1970's, I sponsored legislation to restore the section 911 exclusion amount to its pre-1978 levels. Fortunately, Congress recognized the detrimental impact of the 1978 changes, and liberalized the exclusion once again in the Economic Recovery Tax Act of 1981. The 1981 act removed the hardship limitations and replaced the deduction for excess foreign living expenses with a $75,000 exclusion beginning January 1, 1982. The 1981 act also provided that the section 911 exclusion would increase by $5,000 a year over the next 4 years, reaching $95,000 by 1986.

In 1983, the amount of the exclusion increased as scheduled to $80,000. However, strictly for revenue reasons, the Deficit Reduction Act of 1984 froze the exclusion at its 1983 level of $80,000 and postponed the scheduled future increases until taxable years beginning in 1988—that is, the 1984 act provided that the exclusion would increase to $85,000 in 1988, $90,000 in 1989 and to $95,000 in 1990. Unfortunately, with very little discussion of the policy implications, the Tax Reform Act of 1986 reduced the section 911 exclusion to $70,000, where it has remained ever since.

In light of the significant opportunities for American companies and workers to participate in the redevelopment of the Persian Gulf region, the economic concerns which prompted Congress to enact the 1981 act provisions are even more compelling now than they were in 1981. These concerns were succinctly stated in the Blue Book explaining the 1981 act.

> The Congress was concerned with the increasing competitive pressures that American businesses faced abroad. The Congress decided that in view of the Nation's continuing trade deficits, it is important to allow Americans working overseas to contribute to the effort to keep American business competitive.
>
> The Congress believed that the tax burdens imposed on these individuals made it more expensive for U.S. businesses to utilize American employees abroad. In many cases,

the policy of these businesses is to reimburse their employees for any extra tax expenses the employees incur because of overseas transfers. Thus, an extra tax cost to the employees becomes a cost to the business, which cost often is passed through to customers in the form of higher prices. In intensively competitive industries, such as construction, this can lead to noncompetitive bids for work by American firms.

As a result, some U.S. companies either cut back their foreign operations or replaced American citizens in key executive positions with foreign nationals. In many cases, these foreign nationals may purchase goods and services for their companies from their home countries, rather than from the United States, because they often are more familiar with those goods and services.

In the 10-year period since Congress enunciated the economic considerations warranting an increase in the exclusion, competitive pressures for U.S. multinational companies have significantly increased. Yet in spite of the obvious merits of the 1981 act changes, our tax system still acts as a barrier to American workers in competing for overseas jobs. The solution to this very real problem is to improve the section 911 exclusion to make it meet the spirit of the 1981 act changes. My legislation would accomplish this important goal by increasing the section 911 exclusion amount effective January 1, 1991 to $98,000—the real dollar value of the exclusion had it been indexed for inflation beginning in 1982. The bill would also index the exclusion annually for inflation for taxable years beginning January 1, 1992.

We lose more than just foreign jobs by subjecting our workers to double taxation. Experience has consistently shown that expatriate workers tend to order products and services from their home countries. Thus, fewer Americans working abroad translates to fewer orders being placed overseas for U.S. goods and services. An increase in the section 911 exclusion will not only allow U.S. companies to be more competitive internationally, but will also lead to increased exports and enhanced job opportunities both abroad and domestically. It's time to put U.S. companies and U.S. workers back on a more level playing field.

TRIBUTE TO THE LATE HONORABLE RICHARD BOLLING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. WHEAT] is recognized for 60 minutes.

Mr. WHEAT. Mr. Speaker, it is always an honor to speak to this floor of the House of Representatives, and it is an even greater honor when the purpose of the statement is to pay tribute to a Member, a former Member of this body. But it is a sad honor when that Member has left us.

The gentleman I refer to is my predecessor in the Halls of the Congress, Dick Bolling. Dick Bolling was first elected to Congress in 1948 and served in this body until 1982. I have been personally moved in recent weeks by the many kind words of tribute offered in memory of our former colleague since his death on April 21.

Nearly 300 of Dick Bolling's friends, family, and former colleagues turned out for a memorial service in his former home of Kansas City, MO, earlier this month to pay their final tribute. A similar number of friends and admirers, including many of my colleagues here today, paid their respects at a memorial service in the U.S. Capitol on April 24.

Mr. Speaker, this outpouring of response to his passing is a reflection of the many lives that were touched by Dick Bolling during his 74 years. To his colleagues and others in public life, Dick Bolling was the consummate student of history and teacher of effective law making, who left his fingerprints on every major achievement in the U.S. House of Representatives during his 34 years in Congress.

To those he represented in the Fifth District of Missouri, Dick Bolling was a powerful and compassionate advocate who closely attended to the needs of the little guy whether he was back home in Kansas City or somewhere out in the rest of the country.

With the loss of Dick Bolling comes the loss of the foremost student of how to make the institution of Congress work. He was a critic of the system, but a constructive critic who played a key role during his 34 years in Congress in shaping the actions of the House.

He used his position on the House Rules Committee and his intimate understanding of procedure to forge an impressive record of legislative achievements. In the end, he left the House of Representatives a better place than he found it.

Dick Bolling's life of public service began in World War II, when he entered the Army a private and left 5 years later as a lieutenant colonel. He earned a Legion of Merit award and a Bronze Star for his service in the Pacific theater, which included a tour of duty on the staff of General Douglas MacArthur.

At the end of the war, he arrived in Kansas City, MO, to take a job as veterans adviser at the University of Missouri. Here he forged strong ties to the veterans community that lasted throughout his life.

It is fitting that today's tribute falls on May 8, the birthdate of Harry Truman, for the President played an influential role in the early career of Dick Bolling. In 1948, it was a long-time adviser to President Truman who approached Dick Bolling and helped convince him to make a run for Congress instead of the city council. Elected with the support of Truman, the new representative from the Fifth District of Missouri helped break the grip held on Kansas City politics by the local machine.

In what was then a pioneering experiment in constituent services, Dick Bolling opened one of the earliest district offices in the country and was also among the first to use a mobile congressional office to better assist the people he represented.

Many Kansas citizens initially felt a distrust for this newcomer from the east, but black citizens were more concerned because Dick Bolling was a graduate of the University of the South.

However, in his early days in the House, at a time when politicians rarely even gave lip service to civil rights, Dick Bolling reached out to the black community in Kansas City and made many lasting friendships, which he cemented with his skillful advocacy of civil rights legislation in the House.

As a freshman legislator, Dick Bolling quickly caught the eye of Speaker Sam Rayburn and soon became the youngest Member of the leadership's inner circle. His decision in 1955 to pass up a coveted seat on the House Ways and Means Committee to join the less visible but powerful Rules Committee was a turning point in his career. From his vantage point on Rules, first as a member of the committee and later as chairman, he quickly learned the ins and outs of managing legislation and came to play the role of liberal parliamentarian of the House.

When asked to name his proudest accomplishment, Dick Bolling always cited his role in winning passage in 1957 of the first civil rights legislation since Reconstruction. Later, using the same mastery of procedure, he played a comparable role in gaining passage of the landmark Civil Rights Act of 1964.

Always a student of Congress, he turned a scholarly eye on the House and authored two books that defined its history and called for reforms of House procedures, particularly the seniority system.

Dick Bolling used his parliamentary skills to guide some of these major reform proposals to life in the form of the Legislative Reform Act of 1970, which mandated more open committee meetings and hearings, and the Budget Act of 1974, which made substantial changes in the Federal budget process.

While his two bids to become majority leader were unsuccessful, he managed—at least indirectly—to turn his second loss in 1976 into a victory for the Missouri congressional delegation. In the wake of his defeat, he delivered a seat on the Ways and Means Committee to a newly elected Missourian, DICK GEPHARDT. The move helped launch a distinguished career and brought new influence in Congress for the Missouri delegation.

When he announced his decision in 1981 not to run again for the seat he had held for 17 consecutive terms, he said he believed he could be more useful for the causes he supported outside the Congress than from the inside.

His retirement was a great loss to the institution as a whole, but was a particularly big blow to the progressives in Congress for whom he had served as strategist for more than three decades.

After leaving Congress, he lectured on political science at the University of Missouri-Kansas City and Boston College. Those fortunate enough to attend his lectures no doubt learned more about politics from his remarks than from a semester's worth of book learning.

In 1989, he returned to the corridors of power as an informal adviser to majority leader DICK GEPHARDT, concentrating on issues such as reform of the campaign finance system. Ever fascinated by the machinations of leadership, he was compiling his meditations on political power for a new book at the time of his death.

Mr. Speaker, Dick Bolling played an instrumental role in my decision to run for Congress. He provided invaluable support during my first campaign and in every subsequent election. As a result of his influence, I had the honor as a freshman of being appointed to the Rules Committee. Throughout my career in Congress, Dick Bolling was a close adviser and friend.

I would like to submit for the RECORD several articles that serve as fitting tributes to the memory of Dick Bolling. They include a column by his friend and former colleague in the House, the Honorable Otis Pike; an editorial by the Kansas City Call, which often championed Dick Bolling's record on civil rights; and an editorial in the Kansas City Star:

FAIR AND HONEST

(By Otis Pike)

WASHINGTON.—One of my heroes died on Sunday. Former Rep. Richard W. Bolling, D-Mo., was 74, had led a full and very fruitful life, accomplishing much that made the institution of Congress a better place and coming very close to accomplishing much more, but falling a hair short.

Bolling was a scholar and an alcoholic. He could be as considerate as a mother and as prickly as a porcupine. He wrote three books about Congress, and they were honest and constructive books that stepped on a lot of toes.

He believed passionately in representative democracy, in the concept of ordinary people sharing in great decisions, and he was consumed by a crusader's zeal to make the process work better. In one of my first columns after getting out of Congress, I wrote: "Dick Bolling even drunk could accomplish more than 10 ordinary congressmen sober."

I never saw him drunk or remember him drinking. I knew he was an alcoholic only because he told me so. That's how honest he was.

Dick became chairman of the Rules Committee through the slow, grinding process of that ancient and honorable system known as seniority. All one had to do was keep getting re-elected, stand in line and keep breathing and in the fullness of time the people senior to you retire, die off, or maybe even get beaten, and you would get to be the chairman.

Bolling didn't like the seniority system. He thought there had to be a better way to pick the men (and very rarely, women) who would run the committees and set the agenda of legislation to be considered.

In his book "Power in the House," Bolling wrote: "Seniority has no constitutional sanction. Seniority is not a law. Seniority, strictly speaking, is not a rule of the House. . . . Seniority is a custom permitted to become impregnable in recent years. A defensible system of flexible seniority has now hardened into a characteristic that is harmful to the House and hurtful to the well-being of the nation."

Bolling led the fight to make committee chairmen get elected by the caucus, as now they must. That stepped on many great toes. The old bulls resented being told that the system that got them to be the chairmen of the 15 committees of the House was harmful and hurtful to the nation. They didn't like the message and they didn't like the messenger, either.

He was rougher on speakers of the House. Speaker Sam Rayburn had been one of his heroes, and successive speakers never quite measured up to his idea of what a speaker should be.

Dick Bolling wanted with all his heart to become speaker, and he would have been a great one. He was more than fair and just and honest. He had a historian's knowledge of what this nation had come from and an idealist's vision of what this nation might still become.

In 1976 he had his chance. The path to becoming speaker of the House is clear. You start at the third rung of the ladder, as party whip, move up to majority leader, and slide gracefully home from there unless you make a mistake. Speaker Carl Albert, D-Okla., had retired and Majority Leader Thomas P. "Tip" O'Neill slid gracefully into the speaker's job. The party whip, John McFall of California, had made a mistake, getting involved with a Korean influence peddler named Tongsun Park. He would get dumped rather than move up the ladder to majority leader.

Three men vied for the job: Bolling, Phil Burton of California and Jim Wright of Texas. In a close and bitter fight the House chose Jim Wright on the third ballot.

Dick Bolling would have made a great speaker, but he had stepped on too many toes. He stepped on mine a couple of times, but I have tough toes, and he was still one of my heroes when he died Sunday.

A GIANT HAS FALLEN

When Richard Walker Bolling, Kansas City's Congressman for 34 years, died in Washington early this week, a giant among us fell. The Congress, the nation as a whole and the people of Kansas City have suffered a great loss. Dick Bolling, as he was called by those who knew, loved and respected him, was an institution on Capitol Hill for three decades. Although he had been retired for nine years, he was still active and influential in governmental matters until his health slowed him down.

Dick Bolling went to Washington in 1948 as a brilliant young student and Army veteran of four years, virtually unknown in politics.

In a few years, he became one of the most influential and able Congressional leaders that this country has ever had. Brilliant, astute, energetic, outspoken, convincing and imbued with the true spirit of democracy, Bolling, the young man from Missouri, became one of the most influential members of Congress in this nation's history. Studious and thorough, as the years rolled by, Bolling developed into an authority, an expert, on governmental affairs and politics. He told the House of Representatives what was wrong with it and his colleagues listened and made some of the changes that Bolling recommended.

His ability early was recognized by Sam Rayburn, then Speaker of the House, who appointed the Kansas City representative to the powerful House Rules committee which guides and controls the legislation that goes to the floor. Bolling worked on that committee from 1955 until he retired from the House and served as chairman from 1979 until his retirement. He was known as one of the most powerful leaders on the Hill.

Bolling's liberal views, his belief in and advocacy of civil rights legislation and his leadership on issues involving average people and their welfare endeared him to the black community of Kansas City.

During the '60's when civil rights legislation was a major issue, and when black Americans were fighting vigorously for the rights to which they were entitled as American citizens, Dick Bolling in the House and Tom Eagleton and Stuart Symington in the Senate always could be counted upon to vote "on the right side." His constituents in Kansas City did not need to ask Bolling how he was going to vote on a bill affecting the rights of minorities. They knew his position and never had to appeal to him for his vote.

During his first years in the House, Bolling made frequent visits back to Kansas City, keeping the fences mended and becoming acquainted with the people in his district. He seldom came to town without coming to 18th St. and visiting The Call office. He was close to Leon Jordan, founder of Freedom, Inc., and other leaders in the black community.

During the later years of his service in Congress, Bolling did not come home so frequently. With his added responsibilities in the House, he kept busy in Washington but we always knew that we could count on him when we needed him.

When Bolling decided to retire after 17 two-year terms in the House, he endeared himself once more to the black community of Kansas City by taking under his wing young Alan Wheat, a member of the Missouri legislature, who had ambitions to become a Congressman. When he declared himself a candidate, many in the community doubted that he had a chance. But Dick Bolling saw qualities of leadership and ability in Wheat which caused him to endorse the young legislator as the candidate he wanted to take his fifth district seat in the House.

It was largely through the influence of Bolling that Wheat conducted a strong campaign and won the election in 1982 that sent him to Congress. It was entirely Bolling's influence which secured for Wheat an appointment to the House Rules committee on which he now serves as the fifth district Congressman from Missouri. During his first years in Congress, Wheat became Bolling's protege and Bolling became his mentor. Bolling was extremely proud of Congressman Wheat and his performance in the House. He was pleased that he gave him his blessing and his endorsement.

We will all miss Dick Bolling although we did not see much of him during the last few years. He was one of those persons who was always there, ready and willing to do whatever he could to help humanity.

A giant of a person has gone with the death of Dick Bolling. But he will always live in our hearts and in our memories.

Kansas City's Dick Bolling

Richard Bolling, one of the most influential individuals in government ever to come from this area, seemed to materialize in Kansas City out of World War II. Then suddenly he was in Congress, and on the way to a lifetime of dominating strength in the federal establishment.

As chairman of the Rules Committee in the House of Representatives, he commanded great power. He was an early and effective force in civil rights legislation and housing and health issues through the 1960s and '70s. He retired in 1982 and died Sunday in Washington.

As a reformer of the Congress he loved, Bolling battered and pulled, wrote, spoke, castigated and hailed. All he really wanted was to proceed from a basis of common sense with the business of legislation. Simply stated, he saw legislation as promotion of general welfare. He tried to peel off the layers of dead habit and encrusted custom that stood in the way. Sometimes he succeeded. At home he set standards of political decency and merit that ought to be extended and nurtured carefully.

After long war years in the Pacific without furlough, Dick Bolling found himself at the Command and General Staff College at Fort Leavenworth for what amounted to a period of rest and recreation. With his first marriage he decided to stay here, and was veterans' administrator at the old Kansas City University, now UMKC. His damp office was over a boarded-up swimming pool in a basement.

Bolling was a national vice-commander in one of the proliferating veterans' organizations, the American Veterans Committee, a group of distinctly liberal bent. He often recalled his fight to keep it out of the hands of the Communist Party, which had targeted it; in that struggle he made friends and enemies that lasted a lifetime.

Veterans helped him in his surprise victory in 1948 that took him to Congress as the representative of Kansas City's 5th District. President Harry Truman was not happy with this interloper from the east in his own back yard, but Truman was busy with his own hopeless—it seemed—campaign. Later, Truman became a strong Bolling supporter.

Bolling was regarded as an alien thorn by the old Democratic faction bosses who still controlled votes in Jackson County. He would not take orders, he would not scratch backs. He had some early close calls and the factions mounted one last all-out effort to unseat him in 1964.

But by that time a strange thing had happened. He had been regarded by the Kansas City business establishment as a New Deal radical. That perception changed, subtly impelled by an influential friend of Truman's, Tom Evans, owner of the Crown Drug and KCMO broadcasting companies. Roy Roberts, of The Star, and others, came to see a new and different Bolling. A Star editorial in July of the '64 campaign asked whether Kansas City wanted to be represented by a "known leader of Congress or a factional courthouse politician."

Dick Bolling was a combination of domestic liberalism and international advocacy. He was a hawk on Vietnam in the early years of the war and never harbored a fashionable contempt for the military. He knew that the United States and freedom had real enemies in the world. In private conversations he was blunt in naming colleagues who followed the Communist Party line without deviation; he would also provide acquaintances with a list of the "10 dumbest people in Congress, including Democrats." Such candor was one reason he never became speaker; with a little less honesty, he very probably would have wielded the gavel.

Dick Bolling did great and important things for this country. He accomplished them through sheer force of intelligence and personality. In the depths of his political soul the fire never went out.

Mr. Speaker, when we come to this Congress, we wonder what impact this Congress is going to have upon us. And this place, in fact, does have a tremendous impact upon each and every one of us. But unfortunately, many of us do not leave the same mark on the Congress that it leaves on us.

We wonder if we are going to be able to make history for the time that we are here. History is going to reach out and touch us. Well, Dick Bolling was not one of those who wondered if history was going to reach out and tap him on the shoulder because from the first day he was here, he left a greater mark on the Congress than it could ever leave upon him.

He was a shaper of destiny in the Congress. He was a molder of fate. He was an architect of our history.

More than just a mere Member of Congress in the 34 years that he served in this body, Dick Bolling became a giant of this institution. He became a legend.

Others are going to speak today about his legislative record, and we are going to include information in the Record of his many great accomplishments and his many great battles and victories over his 34 years of service, but I would like to take a moment, Mr. Speaker, to tell you a little bit about the personal side of Dick Bolling, because every biography and every story, every report that you read of Dick Bolling makes note of what some describe as his acerbic personality.

They suggest that somewhere along the way, Dick Bolling may have ruffled some feathers or he may have stepped on some toes in attempting to achieve an end that he believed in. Mr. Speaker, that may be true, because there is some truth behind every legend. But in the case of Dick Bolling, there is myth behind the legend as well.

The myth is that Dick Bolling did not care about people. Sure, it is true that when you met Dick Bolling within this body that he was not the kind of Member of Congress who always had his hand out to slap someone on the back. But if you needed assistance, Dick Bolling always had his hand out to provide the help that you needed. He was one of the most caring, the most compassionate, least petty, most unselfish men that I ever met in my life.

He was always willing to give of himself in order to accomplish the task at hand.

I remember when I was a State representative, just getting started in politics, and Dick Bolling was the politician that I admired most. In fact, I would say that Dick Bolling was my hero. I asked him once in Kansas City to send me a picture. Like most of us, I wanted the picture to have something warm and endearing on it, but when I got the picture it said only "Best wishes, Dick Bolling."

I was a little disappointed at that time, but that was before I learned that Dick Bolling never said or wrote anything that he did not mean. So I was particularly pleased, some years later, when he announced his retirement from Congress, and told me he supported me to be his successor. And quite frankly, I doubt that I could have been elected without his staunch and loyal assistance.

But when I got to Congress, I asked him for another picture, one of both of us together and I did not ask him to write anything on this particular picture. So I was especially pleased when I received a photo signed, "With admiration, with affection, with respect and with greatest expectations."

I would like to share those words with the entire body of the Congress because I think that Dick would intend them for all of us. He said, "With admiration," because he knew the job of a Member of Congress perhaps better than any of us do and he admired anyone that was willing to devote his or her life to public service.

He said, "with respect," because he respected this body.

He said, "with affection" rather than love, because love was not a word that he used lightly. In fact, I only heard him use the word in recent years in referring to and in talking to his beloved wife, Nona.

So when he said "affection," it was something that was vitally important to me and vitally important to this body.

Perhaps what was most inspiring and in some ways most daunting were the final words of the inscription, "with great expectations," for I had watched Dick Bolling make giant footsteps in the landscape of American politics and American government for many years. And quite frankly, I knew that under no conditions would I ever be able to live up to the challenge of meeting the standards of Dick Bolling.

Mr. Speaker, none of us can, because Dick Bolling's expectations were so high that they were exceeded only by his own standard of performance within this Congress. I do not expect that I or any Member of Congress will ever live up to those same exceedingly high standards that he set in his 34 years of dedicated, loyal, and inspiring service to this institution and to this country. But I do expect that if we attempt to meet those standards, that if we emulate the dedication that he typified, that this Congress and this country will be a better place for it.

□ 1930

Mr. SYNAR. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. Mr. Speaker, I am very happy to yield to the gentleman from Oklahoma, one of those whom Mr. Bolling regarded with great fondness as one of his proteges in the Congress.

Mr. SYNAR. I thank the gentleman for yielding.

I am, indeed, proud to have been called one of his proteges, because as a new Member in the U.S. Congress, one sits back and looks with great interest to other Members to choose to model their career after. You choose certain Members for certain things.

Dick Bolling was the person I chose to watch very closely about his political savvy.

Dick Bolling was a friend of mine. Dick Bolling was a tough individual, but Dick Bolling was a fair individual.

You know, many of us who have had the opportunity to pass the path of Dick Bolling realized the tremendous impact he has had not only on this institution and this country but on the individual lives of Members who still presently serve in this great body. That type of impact will be here for years ahead and hopefully pass down to future generations of Members of Congress so that they will understand the love and affection that Dick Bolling had for this institution.

At a time when someone passes, we have a tendency to use accolades and adjectives probably beyond their use, but I cannot imagine an adjective or accolade that could be placed upon Dick Bolling that was not true. He was my friend, and as the gentleman said, he had a tremendous amount of affection for this institution, and this institution reciprocated that every day.

His wife, Nona, and the children, who are with us now can really leave with a great impression that Dick Bolling's presence is here tonight, and it will be here many years ahead.

I want to thank the gentleman for taking out this very important special order to give praise and thanks in behalf of not only this institution and the individual Members but this country for the dedicated life of Dick Bolling.

Mr. WHEAT. I thank the gentleman for his comments.

A friend of Dick Bolling's wrote to his wife, Nona, recently of his fear that Dick Bolling would be forgotten by many because they would never know of his accomplishments: That every time a black citizen in Kansas City had the opportunity to vote, that it was Dick Bolling's handicraft at work; that every time the civil rights bill was put into use in this country, that it was Dick Bolling's handicraft at work; that every time there was a stream in a national forest that was enjoyed by a citizen, that it was Dick Bolling's handicraft at work. Many people will never know the work that he dedicated to them over the years.

I thank the gentleman for pointing out tonight that no words of praise for Dick Bolling could be too high in tribute for the work he has done.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I appreciate the gentleman yielding time.

Mr. Speaker, I would simply like to take a few minutes to place into the RECORD my views on one of the greatest public servants I have ever known personally or professionally.

I was elected on April 1, 1969, and the very first person to whom I went for guidance in the House was Dick Bolling. At the time I was elected, Dick Bolling was exactly the age that I am now. He was 52 years old. He had served in the House quite a few years, and I had known of Dick for years previous to that because in my student days at the University of Wisconsin, we had read of his great leadership on the Civil Rights Bill of 1957. He had immense respect among the group of persons in this country who followed what was happening in Congress.

Someone said Dick Bolling was tough. In my view, he had the best understanding of the use of power for the right reasons of any person I have ever served with in this institution. I think, quite simply, he was the greatest legislator who I ever served with. He was the greatest legislator in this century who never became Speaker.

As I said at his memorial service in Kansas City, I think it was fitting that Dick's death came the same week that our good friend Mo Udall resigned from the Congress of the United States because of illness, because I really think that in those years, Dick Bolling and Mo Udall were the two best that we had. They really were oaks of this House. It is fitting that they both departed the legislative scene and, in the case of Dick, the Earthly scene, at the same time.

Dick, I think, was a progressive centrist whose vision and guts and moral force and tactical skill were key in almost every legislative battle to move this country forward that this Congress has seen in the last 30 years.

In 1957, and again in 1964, he led the effort to push this House to see its duty on civil rights. He pushed the Kennedy economic package through the Committee on Rules. In my view, the Kennedy economic package would not have become law were it not for Dick's leadership in the Joint Economic Committee and his leadership in the Committee on Rules.

I think, in contrast to a lot of people in politics and in this town today, Dick understood that democracy itself cannot flourish if it does not have economic policies that produce both growthse and equity. He did very strong-minded and very quality work on the Joint Economic Committee in trying to remind people of that fact.

He was not willing to settle for growth without equity, or equity without growth. He was also the intellectual father and the tactical quarterback of the House reform movements of the 1960's and 1970's which made possible the progressive legislation which so many in this country take for granted.

As I said on earlier occasions, he was, as he was to so many other people, my teacher and my mentor. He was the best teacher I ever had. He taught the House, and he taught all of us how the House worked, how you build coalitions, how you define your party, how you make political institutions serve the needs of the greater good.

As the gentleman has indicated, much has been made of the fact that Dick Bolling never became Speaker. In my view, he did not become Speaker simply because he was a truth-teller in an institution which I think often contains people who prefer to bite their tongues rather than offend their colleagues. I think Dick did not become Speaker simply because he understood perhaps with a tougher sense of duty than most that the duty of a public official is to be used up literally on a day-to-day basis for things that you believe in and things that you think will make this country better.

He felt it was his role to serve the country as a point man on issue after issue, and he did. I think if he did not become Speaker, it was simply because enough people preferred collegiality and comfort over leadership, but that does not deny the tremendous effect which Dick Bolling had on this country, its institutions, its laws, and, most especially, this House.

I really believe that more than anyone I have ever served with, Dick Bolling in just plain language gave a damn about integrity, about justice, about the political process, about his party, about his country. He had courage enough to tell not just his political opponents but his political friends when they were wrong, and that is a quality which is tremendously rare.

He understood power and the proper use of power, I think better than anyone I have ever known in politics, and he understood, as did Mo Udall, that political death is not defeat in an election, that political death is having power and not using it for the right reasons.

I think he was sustained by, and he sustained us by, his sense of duty to the House that he so deeply loved, to his party, to his principles, but most of all, to his country. He understood that there were some issues which were simply too important to play politics with, issues such as race which can, if not dealt with in a straightforward and decent way, divide this country and tear it apart and tear it down in the process.

Like his heroes FDR and Harry Truman, he was not afraid to make the right enemies for the right reasons.

□ 1740

I think that really is why we have such incredible respect for him.

One Senator who had lost an argument to Dick, on one of the great issues of that time said to Dick afterward, "Young man, you will go far, I'm afraid." Indeed, Dick did.

Dick said once, "The trouble with me is that my reach always exceeds my grasp." In my view, that is what always made him so good. He was not afraid to risk, not just on his behalf but on behalf of the country he cared about so much. There was an article in the Wall Street Journal about 10 years ago which described Dick Bolling as having "a cool, astringent judgment." It described him as a man with a "21-jewel mind and a low tolerance for stupidity." I think that was correct, but I think what that article did not capture is that Dick Bolling did have a tremendous degree of personal warmth. He did care about what happened to individuals in this institution and in this country. He took it upon himself on occasion after occasion to try to help younger Members to try to understand this place, and how they could best function in it.

I would like to add also, as I did say in Kansas City, I know he was proud of his successor, because after he had decided to retire there was a primary, and the gentleman in the well won that primary. I went to Dick the next day and said, "Dick, just what kind of a person are we getting here?" He said, "The very best, the very best." He was right.

I think that the people of Kansas City have really done this Nation proudly because they, for every year Dick Bolling served, have provided the Congress with absolutely the best that could be produced in our system, and they have continued in that tradition with the gentleman in the well. I think that is important, not just for Kansas City. It is important for this institution. It is important for the country. What it demonstrates is that people understood the legacy of Dick Bolling, and because he has passed from the scene, what he fought for has not, and those Members who treasured our service with him, who really had an opportunity to do what very few people get to do in life, to work with your heroes, of which Dick Bolling was one of the very greatest.

The kind of service he provided here made that possible for everyone. I am very grateful to him, and I am grateful to the gentleman for yielding time and taking this special order this evening.

Mr. WHEAT. Mr. Speaker, I thank the gentleman for his statement, and thank the gentleman for coming to Kansas City to participate in the memorial service and for joining with me in a request for time on this special order this evening.

As the gentleman knows, Mr. Bolling was also a great admirer of the gentleman from Wisconsin [Mr. OBEY], and there were few people in the Congress that he looked to as an equal. The gentleman is certainly one of those people.

In fact, he was fond of telling me that there were very few good legislators left in the House of Representatives. When I would ask him who he considered to be the best legislator in the House of Representatives, he would say, "DAVE OBEY is the absolute best."

Mr. OBEY. His judgment was not always right.

Mr. WHEAT. "At least since I left," Dick would always add.

I appreciate the gentleman for joining in this special order, and for the kind words of tribute he paid to Dick Bolling and the people of Kansas City.

I am happy now to yield to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I sat here enjoying the remarks of my friend from Wisconsin, Mr. OBEY, who it has been my pleasure to know for 25 years. I was in my office 15 years ago when the gentleman began his remarks, and I had been unaware of his taking this time. I rushed to the floor simply because I wanted to be here and participate. I have not been able to organize thoughts, but there come to mind a rush of several which I presume upon the time of the House to take, and I am grateful for the gentleman's organization of the event tonight and only regret that it is so late, because there would be so many normally who would want to participate.

As I listened to the gentleman from Wisconsin [Mr. OBEY] speak, I came to the floor also thinking that it is strange that in the same week that Dick Bolling dies, Mo Udall retires, in the coincidence that Mr. OBEY mentioned. They were, to me, the two giants with whom it was my opportunity to work.

I first came to the House in 1973 and Dick Bolling, then I think the ranking Democrat on the Committee on Rules, and the undisputed master of the rules and the parliamentarian de facto of the House, invited me to join with him on Wednesday morning coffee sessions in his office with a dozen or 15 other Members of the House. Thus began kind of my training at his knee of the rules of the House and the greatest of this institution. He did love this body. There was no television at that time. The proceedings of the House were not sent into the office and to the homes of the country. It was a body where when a Member participated, they had to be here. When debates were on, Members had to be here. When things were happening, Members had to be here, or Members did not know what was going on. Few Members wore blue suits and power ties in those days, and there was more concentration, I think, if I may say, on the substance of the House. There was no more of a leader of substance, no bigger, more important player in the substance of what went on, than Dick Bolling.

Mr. Speaker, Dick served through eight Presidents: Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, Jerry Ford, Jimmy Carter, and Ronald Reagan. That is quite a record. He was counselor to them all, and their intellectual superior. In 1974 early, I came to this proud man of the House and I sat by him over there and I said to him, "Dick, your old friend is going to run for the Senate in Utah." He immediately forgave me my sin, but made it clear that it was such. Then he told me the story attributed originally to Speaker Cannon. I think it was a favorite story of his. "Your leaving House," he said, "and going to the Senate will raise the average IQ of both bodies." It was intended not so much as a compliment to me but to say, "You are leaving the best, you are leaving the better of the two institutions of the legislative branch."

A few weeks I took Dick downstairs for lunch. We had the chance to visit and reminisce. He was proud of his successor, the man in the well. He was proud of the majority leader, the gentleman from Missouri [Mr. GEPHARDT], very much a student of the great parliamentarian teacher, and very proud of the institution. He did not suffer fools gladly as has been commented, but on the other hand he had immense affection for new people and an immense patience for those who wanted to learn and who wanted to participate.

Yes, it was a great disappointment that he was not Speaker. Many people will remember, however, as they talk about the fact that he was an intellect, and that he was too sharp, perhaps, to be popular in leadership positions, but the truth is, Mr. Speaker, he came within one vote of being majority leader of the House, at least in the initial runoff. The one who beat him, Jim Wright, ultimately not only became majority leader, as everyone knows, but Speaker. So he came closer, I think, than most people realize.

He did have great humor and great wit. I am very grateful to him for what he did for me, and will honor his memory. Were the House to do what the Senate did some 25 years ago and select the half-dozen Members, men and women who had the greatest impact on the House, for the House to do that, Mr. Speaker, I think Dick Bolling would be on that list of half-dozen Members. I think I wish in a sense that that could be done. I pay tribute to him, and I remember and pay my condolences to his wonderful wife, Nona.

Through acquaintances of mine going to Texas, knew my brother, and continuously carried packages to me as they did some 6 weeks ago for my brother, and brought it past my office.

□ 1950

I have been very grateful for the personal relationship that I had with this great man and with his good wife and his passing really ought to be noted and his vast contributions ought to be put into a book. I know he was working on one.

I say to my friend, the gentleman from Missouri, we ought to make sure that somebody finishes that book and it gets published, because the world ought not to forget Dick Bolling.

Mr. WHEAT. Mr. Speaker, I thank the gentleman for his statements. I would inform him that Dick Bolling was indeed working on a book that he considered a definitive study of the use of legislative power. I appreciate the gentleman's desire to participate in an effort to make sure that that work continues. A very fine institution within the Congress, the Congressional Research Service is, in fact, participating in pulling together all his notes, tapes, and oral histories so that we may have his words available to use as a continuing tool of instruction in the House of Representatives.

It has been noted that Dick was a very fine student of this institution. He was also this institution's greatest teacher. The gentleman from Utah should be pleased that he was chosen by Dick Bolling to be one of his students, because just as Dick Bolling did not suffer fools gladly, he did not pick students lightly. When he tapped someone in the House of Representatives as one of his students, he was picking someone he knew to be intelligent, concerned, passionate, and dedicated to the work of this institution. While the gentleman did not ultimately join the other body, I should say that this House of Representatives is a better place for him having returned to our midst, and we appreciate the gentleman's continuing service here.

Now, as the gentleman pointed out, a great deal has been made of the fact that Dick Bolling missed by perhaps one vote becoming Speaker of the House of Representatives, but he did attain another very powerful position in its own right in this House of Representatives and in many ways a position that allowed him the widest use of his legislative skills, and that was the position as chairman of the Rules Committee.

Speaker O'Neill, with whom he had a close personal working relationship, remarked the other day in the Memorial Service in Statuary Hall that Dick often scolded that the Speaker should know more about the inner workings of legislation and the substance of each particular bill. The Speaker would then put his arms around Dick Bolling and say, "Dick, I don't need to be a technician. You're my technician," and Dick would smile and walk away.

Since the Speaker is not in this room this evening, I think I can feel free to say that the Speaker may have thought that Dick was smiling because he was pleased to receive the compliment that he was the Speaker's technician because that was certainly the case. But Dick once told me, "Yes, it is true that the chairman of the Rules Committee needs to go to the Speaker to get instructions about what this body ought to do, but you know, so often those Speakers need to be told what it is they want to have done."

The Speaker may have thought that Dick was playing a role in his band, but the Speaker was playing a beautiful instrument in Dick Bolling's orchestra.

The gentleman mentioned that Dick Bolling admonished him that perhaps he ought not to attempt to move to the other body, that this was the closer body to the people. That was in fact his attitude.

Many of us say things of that nature, but given the opportunity, many have taken the chance and tried to move to the other body. Dick Bolling, though, was in fact a man of his word, for he was given the opportunity to move without running for the Senate, by being appointed to the U.S. Senate, and he turned the opportunity down.

In fact, as he described it to me, he left the capital of Missouri, Jefferson City, as quickly as he possibly could and got on a plane back to Washington, DC and refused to take phone calls to guarantee that he would not get tapped as a U.S. Senator because he wanted to continue to serve in this body that he knew and loved so well.

Dick Bolling accomplished so much over the course of so many years that it is hard not to indulge in some hero worship of his achievements. Having been his constituent, his admirer and his friend, it was a little difficult for me to interact with him without allowing my awe of those achievements to get in the way.

When I was first elected and we would have long conversations about the House of Representatives, I remember his impatience at my insistence on calling him Mr. Bolling.

He would say, "Just call me Dick." I could never quite master that, and he looked at me and said, "You know, this hero worship gets in the way."

From then on, I tried my very best not to allow my genuine affection for Dick Bolling to interfere in the mentor prodigy teacher student relationship that we had; but honestly, right up until the very end, I was never quite able to master the trick, because Dick Bolling was and always will be my hero.

Mr. Speaker, a number of other Members have provided statements for the RECORD that I will submit this evening and a number have indicated to me that they would like to submit statements over the next few days.

I appreciate my colleagues who have joined with me in paying this tribute to our colleague, Dick Bolling, who represented the very best of this institution.

Mr. FORD of Michigan. Mr. Speaker, I am honored to join my colleagues in remembering one of the most effective legislators of our time, Richard Bolling.

Dick was known as a master of the legislative process. He did not develop these skills for personal gain or glory, but to make the House more responsive to the public will.

Dick's colleagues saw a glimpse of things to come in the early 1960's when he joined forces with a group of like-minded liberals to launch an attack on the conservatives who had controlled the agenda of the Rules Committee for 20 years. Dick's successful bid to expand the Rules Committee from 12 to 15 members enabled newly elected Kennedy supporters to outvote the conservative coalition and open the doors to new agendas. These changes led to the eventual consideration and enactment of such landmark legislation as Federal aid to education, Medicare, Medicaid, environmental protection, and the civil rights bills of 1964 and 1965.

Never satisfied with the status quo, Dick continued to work for change in the House. During the 1970's, he was instrumental in democratizing the House, opening up committee meetings and reforming the budget process.

Like many liberal Democrats, Dick became disenchanted with public service under the Reagan administration. Years of working to develop programs to help the poor and disadvantaged went down the drain with the enactment of the Reagan tax and spending programs. In 1983 Dick Bolling announced his retirement by saying, "I'll be more useful to the causes I believe in out, than in."

I had the good fortune of working with Dick for 16 years. I admired him for his skills and for his willingness to speak his mind, even when his cause was not popular.

Mr. Speaker, Dick Bolling spent 34 years of his distinguished career in this House and, by anyone's standards, he left it a better place.

Mr. MOAKLEY. Mr. Speaker, I thank the distinguished gentleman from Missouri for taking this special order.

I am proud to join my colleagues in this tribute to my good friend and former chairman, Dick Bolling.

When I first became a member of the Rules Committee in 1975, Dick had already served on the Rules Committee for 20 years. He had achieved distinction as a skilled parliamentarian, coalition builder, and brilliant leader of the institution.

He was an imposing figure for those of us just beginning to explore the complexities of the legislative process.

But he was also a generous tutor, always willing to share his knowledge of politics and procedures with those of us who were younger Members.

I remember the first time he called me to his office to give me a special assignment. I thought my legislative talents had been recognized at last. I came to his office eager for my first private audience with the master planner and he got right down to business: the importance of the Rules Committee and the need for more space in the Capitol.

At the time, the committee had only the chairman's office and the hearing room. Next to the hearing room was the Member's spouses' lounge—a spacious room, that would be just what was needed to complete the staffing arrangements the chairman had in mind.

"Moakley," he said, "your special assignment is to take over the lounge for the Rules Committee." It was a long battle with the Members' wives. The Speaker's office was involved. The Members whose wives used the lounge got involved. It was a 2-year, very difficult battle. But we were successful.

Not long after, I got my first call from a New York Times reporter. Again, I thought I had arrived. The reporter opened his interview, "Congressman, we are having trouble with the restrooms in the press gallery and I was informed that you are in charge of restrooms." I was told that all politics was local, but I thought this was too local for me.

Dick Bolling truly had an architect's eye, seeing ways to redesign and reshape this institution not only to enlarge his committee's space, but to make the House work as it should. In every major policy or institutional issue of the House during his tenure, Dick Bolling was at the forefront of the battle.

From civil rights to committee reform, from the Congressional Budget Act to broadcasting of the House proceedings, the House became modern, in large part due to Dick's intelligence and persistence.

But Dick Bolling was also a complex man. His searching intelligence left him never satisfied with his own handiwork. All of the important reforms he shepherded through this institution hold this imprint of his character.

The House position and the committee report on the 1974 Congressional Budget Act were almost entirely his doing. But by 1982, he determined his own reforms needed reform and he appointed a Rules Committee Task Force on Budget Process to further refine budget procedures.

His recommendations for committee reform were mostly accepted but the modifications the House made left him dissatisfied with the final result. He constantly sought practical avenues for more radical reforms.

He changed forever the way complex and difficult legislation is considered in the House. Everything from multiple referral to the fine art of crafting a structured rule, things we now take for granted, were his ideas.

But perhaps most of all, Dick wanted to be remembered for his efforts on behalf of civil rights. He joined the Rules Committee in 1955, the first year of Judge Smith's chairmanship. Under Smith, the Rules Committee was the major obstacle in the way of civil rights legislation.

Bolling soon became the Speaker's lieutenant on the Rules Committee and he worked with two Speakers—Rayburn and McCormack—for nearly 10 years before prying a civil rights bill from the committee. Without his leadership, we would not have had the civil rights legislation of the 1960's.

More than any other Member in modern history, Dick Bolling made a difference in the House as an institution. Along the way, he never retreated from the tough issues or failed to honor his convictions. Though he could be partisan, he was also fair. He wielded his power with wisdom.

I will always be grateful that I have had the honor to serve on the Rules Committee during Dick's chairmanship. No one could have been a better model. The lessons I have learned will serve me well throughout my career.

Years ago, when the late Speaker, John McCormack, passed away, Dick Bolling delivered a fine tribute, which I believe applies equally to Dick, himself:

> He is probably the best Democrat I ever saw. He was one of the greatest fighters of all time. I will never forget him as long as I live as one of the people who taught me not only to love this House, but to love working on behalf of the people that he worked for and that I hope all of us work for, and those are the people of this country who do not have the strength themselves and need the compassion and the help of those that love them.

Dick Bolling was a tireless leader, a man of vision, and a man of strong conscience. He brought energy, intellect and compassion to this Chamber for over 30 years. I am saddened at his passing, but proud to pay tribute to the enduring contributions he left the Nation and this great body.

Mr. ROE. Mr. Speaker, I thank the gentleman from Missouri [Mr. WHEAT] for taking this special order and I wish to join with him in paying tribute on the passing of our former colleague Dick Bolling, a man who had an enormous impact on the House and on the Nation.

Dick Bolling served in this House for 34 years during some of the most turbulent times the Nation has seen. During that upheaval, Dick remained focused on making this House work better. He wanted this House, the people's body, to be more responsive to the public will and because of his efforts over three decades, the House is truly a more responsive body.

Dick was elected in 1948 as part of a freshman class that included many of the great political figures of our time. His membership in that class only added to its luster.

Although he never attained an official leadership position in the House he certainly was a leader for many years. As a member of the Rules Committee, and, later, chairman, he had a strong influence on the way that committee operates. Through his position on the committee, he played leading roles in the passage of the landmark civil rights bills of 1957 and 1964.

For his work on the civil rights bills alone, Dick Bolling made a significant contribution to the Nation. But there was far more. As a member of the Joint Economic Committee for 24 years, he led the effort to develop a governmental response to the changing economy. He also helped devise the congressional budget procedures that would help bring some order to the spending process.

He was a cofounder of the democratic study group, which has a major impact in the House by providing information on legislation.

Dick Bolling also had unmatched parliamentary skills. His finest moment with a gavel may not have come in his position as Rules Committee but when he chaired the Committee of the Whole during the budget debates in his last term. His performance during those lengthy debates prompted a spontaneous standing ovation from the Members on both sides of the aisle.

I had the good fortune to serve with Dick in the House for more than 13 years. I benefited from that association, as the Nation benefited from his service in the House.

I offer my sincere condolences to his wife, Nona, and the rest of his family. Dick Bolling was a true leader of this House and contributed much to his country.

Mr. CLAY. Mr. Speaker, may I be allowed this moment to pay tribute to the country's loss of a great American—Dick Bolling, who passed away on April 24, 1991.

Dick Bolling lived a life of service to his country and his fellow man. For the many years he served as chairman of the House Rules Committee, he was the unquestioned expert on procedure, constitutional intent, ethical considerations and congressional responsibility as it related to rules for the passage of legislation.

Dick served his country in the military, was a Phi Beta Kappa scholar, and an author of several publicated books.

I share with his many friends and family this great loss. His loss from service upon his retirement from the Congress was felt by all who knew him. Now his continued service as a private citizen ends with the observation that his life of service exemplified what is meant by the phrase, "A job well done."

He was a fellow Missourian, a colleague and a very good friend. He will be well missed.

Mr. YATES. Mr. Speaker, I was very saddened to learn of Dick Bolling's death. He was a magnificent legislator and a good friend and I admired him greatly. Everyone who supports open, responsive and progressive government is in his debt.

I remember well his work in reforming the Rules Committee in the early years of the Kennedy administration. This was a major event in the history of the House and Dick Bolling deserves our enduring thanks for this and for his splendid record of 34 years in making this House and the Congress meet the demands of the 20th Century. He was a true hero of the Congress and I am sorry he is no longer with us. The Nation needs more citizens with the capacity, character and dedication of Dick Bolling.

Mr. MINETA. Mr. Speaker, it is always a sad moment to stand in this chamber and think back in memory of a colleague departed.

But to remember a legislator like Dick Bolling, a 17-term Member of this House who served his Missouri constituents with great honor and distinction, stills our sense of loss at his passing when we remember all of his unparalleled achievements.

Dick Bolling was one of the brightest and most determined Members ever to serve in the House of Representatives. His determination was to build a better America, and he used his knowledge and Show-Me-State intuition to help win passage in 1957 of the first civil rights legislation since Reconstruction and later to try and reform the House as he had struggled to do in America at large.

Dick Bolling was a reformer, and he helped lead the way to open up the closed system of leadership that had once gripped the controls of this Chamber into the hands of the very few. In his 1965 book, "House Out of Order" he wrote, "I believe it is possible to restore representative Government to the people of the United States."

Mr. Speaker, I had the privilege to chair the new Members caucus in 1975 after the Watergate scandal. Our caucus of 75 first-termers is often credited with reforming the committee system here in the House. And it is true, we did provide the blood and bone in the march of reform. But it was the class of more senior Members, individuals like Dick Bolling, who provided the sinew to make this body live up to its full promise.

Mr. Speaker, leaders like Dick Bolling are very rare. There is a loss that cannot be replaced. But with his passing on April 21, his legacy lives on among those who knew him, those whom he served in public life, and in the life of the U.S. House of Representatives.

Mr. MAZZOLI. I rise today to pay tribute to our former distinguished colleague, Representative Richard Bolling of Missouri, who died on April 21.

Dick Bolling served 34 years in the House—1948 to 1983—and, during that time, dedicated himself to the mastery of House parliamentary rules. As a young member, Dick was invited by then Speaker of the House, Sam Rayburn, to join his "Board of Education" club which met often in the catacombs of the Capitol Building to discuss important legislation.

Under the tutelage of Speaker Rayburn, Congressman Bolling won a seat on the House Rules Committee in 1955. In subsequent years, he was instrumental in expanding the number of Members on the Rules Committee. This expansion allowed many important pieces of civil rights and "Great Society" legislation to get out of the Rules Committee and reach the House floor for a vote.

During the 1960's, Congressman Bolling became such an astute student of House rules that he authored two books—"House Out of Order" (1965) and "Power in the House" (1968). Some of the ideas that he promulgated in these books in the 1970's became the basis for institutional changes. Congressman Bolling concluded his years in the House as chairman of the Rules Committee, for the period 1979 to 1983.

Despite being a tireless advocate of institutional reform, Dick never lost touch with the people of Missouri's Fifth Congressional District—comprised of Kansas City and surrounding suburbs. His constituents, like his colleagues in the House, benefitted from Dick's unmatched passion for better ways to conduct and operate Government for the people.

Mr. Speaker, few people have left a bigger imprint on the House of Representatives than Richard Bolling. The House is a better place from which to legislate because of his leadership. He will be deeply missed.

Mr. HALL of Ohio. Mr. Speaker, it is an honor for me to join my colleagues in paying tribute to the late Richard Bolling. I am deeply saddened by the death of my former colleague.

Mr. Speaker, I served with Dick Bolling on the House Rules Committee. When I first came to the Committee, I was young, in my second term, and more concerned with substance than process. Dick Bolling taught me that substance can be process. His keen mind and diligent work habits brought the Rules Committee to the forefront of the House of Representatives. He led. He taught. He made the process work for the common good.

Dick Bolling goes down in history as a brilliant parliamentary tactician. However, it should be remembered that Dick Bolling's underlying motives were to improve our country. He fought for the principles of democracy, for the less-fortunate, and for those who were cut out of our system. He used his parliamentary expertise to further those goals.

Mr. Speaker, much is said about Dick Bolling's personality. While he may not have been the most genteel Member of Congress, he had one of the biggest hearts. In his case, it can be said, actions speak louder than words. Dick Bolling made it possible for major civil rights legislation to pass Congress. He was the first Member of Congress to force us to be accountable for Federal spending. He moved tax reform legislation to help the lower and middle income people.

It was significant that even after Dick Bolling left Congress in 1983, he continued to freely offer his advice. I would look up in our rules hearings and see him, sitting in the back of the hearing room, deep in thought. If you asked him a question, he had a perceptive answer. He was truly a giant.

Mr. Speaker, Dick Bolling will be long-remembered, and he will be missed. I extend my heartfelt sympathy to his wife Nona, his daughter Andrea, and his stepsons Jimmy and John Akin.

Mr. FROST. Mr. Speaker, 12½ years ago I arrived in Washington, DC, a newly elected Congressman from Dallas, TX, and was appointed to the House Rules Committee. That was also the year Dick Bolling became chairman after serving on the committee for 24 years.

The first thing I did when I was named to the Rules Committee was to read Dick's two books about the House of Representatives. It did not take me long to figure out that I was embarking on an extraordinary adventure, with the opportunity to learn from one of the true scholars of Congress.

Serving on the Rules Committee during his tenure as chairman gave me enormous insight into how important a knowledge of procedure is to winning legislative battles. If Dick Bolling did nothing else during his career in Congress, he taught liberals how to win. It was not just enough to be right on the issues, you had to know the process well enough to translate good ideas into law.

Others have discussed Dick's many accomplishments during his 34-year career. I would like to take a few minutes to tell you what kind of man he was.

One of the wonderful things about Dick Bolling was that he never treated me like the rookie that I was. He was the teacher and I was the student. And, he would teach as much as you had the stamina to learn. And, he would give you as much responsibility as he thought you could handle, regardless of where you ranked in seniority.

I remember approaching him with some trepidation one day in 1980, my second year on the committee, and suggesting that the Rules Committee should research the issue of what would happen if the 1980 Presidential election were thrown into the House of Representatives. That was the year we had three Presidential candidates—Jimmy Carter, the Democratic incumbent, Ronald Reagan, the Republican challenger, and John Anderson, running as an independent. Under the Constitution, if no one receives a majority of the electoral votes, the House of Representatives must select the next President. This had happened twice in our history, but both occasions were early in the 19th century and much had occurred in the intervening years. A great student of history, Congressman Bolling immediately understood the need to update the procedures for such an election and appointed me a subcommittee of one to research the question and report directly to him. And so, he and I had great fun re-reading 180-year-old CONGRESSIONAL RECORDS and trying to get ready for an event that both of us knew might never occur. It was a wonderful academic exercise and even though he was extremely busy helping run the Congress of the United States on a day-by-day basis, he loved every minute of it.

I will always remember how Dick Bolling went out of his way my first year in Congress to make me a hero to my constituents back in Texas. At a time when mortgage interest rates were skyrocketing, an issue was pending before the Rules Committee which dealt with the ability of the States to issue mortgage revenue bonds to make housing available to young families at a reasonable rate. This issue was part of a very controversial tax bill which included a number of other issues and the vote on whether or not to send the tax bill to the floor was tied in the Rules Committee. Even though I was the lowest ranking member of the committee, I held the swing vote.

Dick Bolling never brought up a bill until he had enough votes to report it from the Rules Committee, and he always counted very carefully. While we had not yet taken a vote on this tax bill, Dick knew where all the votes were. He also knew that I needed an amendment to permit Texas to issue mortgage revenue bonds. And while I have no doubt that Chairman Bolling could have found the needed vote from someone more senior than I on the committee, he took this opportunity to let me show that as a freshman Member of Congress, I could get something done for my State. And so, he went to the chairman of the Ways and Means Committee and told him that the bill was not going to go anywhere until it was amended to include the provision I needed for Texas. The change was made and I became a hero in my first term. All thanks to Dick Bolling.

In recent years, following his retirement from Congress, I would visit Dick from time to time at his townhouse in Washington to continue my education and to talk about what was going on in Congress. Even though he was no longer a Member of Congress, he still had a keen interest in what was happening and always had good questions and offered me valuable insight into the institution. During those retirement years he was a key adviser to our current majority leader, DICK GEPHARDT, and if DICK GEPHARDT does someday become President of the United States, it will be in no small part due to the valuable advice and counsel given him by Dick Bolling.

Dick Bolling also took particular interest in his successor ALAN WHEAT. They had a close personal relationship, but more importantly, Dick taught ALAN what it meant to represent the 5th District of Missouri. ALAN's constituents are indeed lucky to have the benefit of his dedication and intelligence being honed by the experience and wisdom of Dick Bolling.

Dick Bolling was one of those extraordinary people you only meet once or twice in a lifetime. Our country is better off for his long years of public service and I am fortunate, as a person and as a legislator, to have known him. We will all miss him greatly.

Mr. QUILLEN. Mr. Speaker, today I join with my colleagues to mourn the loss of my good friend, Dick Bolling, with whom I served on the Rules Committee for 18 years.

Dick had a strong connection to my home State of Tennessee which we often talked about. He was a Phi Beta Kappa graduate of the University of the South in Sewanee with degrees in classical French literature and English. He was also a star athlete. While in school there, he was named to Sports Illustrated's 25th anniversary all-American football team.

As everyone knows, Dick was a supreme tactician and parliamentarian of unsurpassed skill. He was one of the few who had the courage to stand up for what he believed. Dick was a vocal critic of the way the House of Representatives did its business. As early as 1965 in his book, "House Out of Order," he called for congressional reform. Specifically, Dick was an advocate for changes in the seniority system and for open meetings. Such changes in the House rules were enacted in the early 1970's.

Mr. Speaker, it was not only a pleasure to know Dick Bolling but also to have worked with and learned from him. Our country has lost a fine and dedicated public servant, and my heartfelt sympathy goes out to his family.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today to honor a long-time colleague, Dick Bolling.

Dick Bolling is remembered by many in this institution as a legislator who worked to initiate change. He represented his Missouri constituents by voting his conscience. He was not afraid to take the lead on the divisive issues of the time, such as civil rights and the Vietnam war.

Dick Bolling was outspoken. He believed strongly in speaking the truth, even if it hurt. And sometimes it ended up hurting him, but he went ahead and did it anyhow. Dick Bolling realized he had priorities that overwhelmed any need he may have had for personal popularity. He was concerned about what others may call housekeeping details. He wanted the House to work, and work well. So he spent endless hours trying to make our rules better so we all could do a better job. He never totally succeeded, but did amass a commendable batting average.

There is no doubt that his family and the constituents he served are proud of his accomplishments. Dick Bolling's attention to detail and his penchant for demanding facts and truth ensured passage of major pieces of legislation and made this country a better place in which to live.

Mr. Speaker, I want to extend my condolences to his family and I am sure that, while they mourn his passing, they are proud of the impact his work had on our great Nation.

Mr. DERRICK. Mr. Speaker, my heart is heavy as I ponder the death of my mentor and friend Richard Bolling. Though Dick left Congress over 8 years ago, making it possible for the distinguished gentleman from Missouri, Mr. WHEAT, to take his place, I must admit that at the time of Dick's departure from this Earth I had not yet even managed to reconcile myself to his retirement from this House. I always took great comfort, however, in the knowledge that Dick was around, either at his home on Maryland's Eastern Shore or here in Washington, and in recent months often upstairs in the Rules Committee or here on this floor, ready, willing, and able to share the wisdom he gained in over three decades in Congress. But Dick is no longer around; we're on our own.

Dick was a great teacher, and I learned much from him over the years, probably more than I'll ever realize. It might be more appropriate to say Dick was a great lecturer. I should know, Mr. Speaker, having been fortunate to take lectures from him on several occasions. I recall quite vividly once, early in my career, I did not support the leadership on a key procedural vote. Dick caught me behind the rail near the Democratic Cloakroom, grabbed me by the neck, and proceeded to explain in very loud, unambiguous terms the dire consequences which might have ensued had the leadership lost that vote. I have never forgotten Dick's lecture. In fact, I have once or twice given a milder version of it myself.

Dick Bolling was instrumental in my winning a seat on the Rules Committee, and I went on in 1979 just as he became chairman. As a member of the Budget and Banking Committees during my first 4 years in the House, I had developed an appreciation for the Rules Committee and its job of writing procedures to enable the House—a body of 440 Members, including the delegates—to conduct the Nation's business expeditiously. But serving on the committee under Dick Bolling was truly a revelation.

Dick knew the rules of the House inside and out, and was a master strategist. He was a tough chairman too, demanding a lot from his committee members. I recall how angry Dick became with me once when he found out I had left the floor before the end of a yea-and-nay vote on a non-controversial rule I was managing. When he caught up with me he read me the riot act, as well he should have done. I have never forgotten that particular lecture, nor have I since left the floor until all the votes were in and the results announced. Dick understood the potential for mischief by a skilled opponent, and he never took anything for granted.

As one gathers from watching him, talking with him, and by reading his books, Dick loved the House and loved the Rules Committee. His love for the Rules Committee is all the more remarkable when one remembers in the early days of his career as a progressive reformer Dick's opponents used the committee primarily to obstruct his legislative agenda, especially in the area of civil rights. Most members would have grown to despise the committee under such circumstances, but not Dick Bolling. The gentleman from Wisconsin [Mr. OBEY] describes Dick as "the most brilliant legislator in this century who never became Speaker," and I agree completely. I have wondered more than once how the House would be different had Dick been elected majority leader in 1976. I'm sure Dick wondered the same thing almost daily.

Mr. Speaker, Dick Bolling's name might not be a household word outside of his home State of Missouri. But Dick accomplished more in his 34 years in this House than most of us can dream of accomplishing. I am proud to have served with Dick Bolling and to call him my friend. I shall miss him terribly. I wish his wife Nona, daughter Andrea, and the entire Bolling family my sincerest condolences in their time of sorrow.

Mr. DINGELL. Mr. Speaker, it is with great sadness that I rise today to honor my dear friend and distinguished colleague Dick Bolling, who passed away on April 21 of this year. The House of Representatives has lost an invaluable asset and a man who was admired and respected by those on both sides of the aisle. I seriously doubt that anyone will be able to fill his shoes.

Dick Bolling was a man who made service to this institution and his Nation a lifelong pursuit. As a Member of the House for 34 years, his achievements will endure much longer. He was instrumental in the passage of civil rights legislation. He ushered in major reforms in the budget process, and was an innovator of significant reforms of House procedures. He was one of those rare persons who had the ability to place long-term legislative objectives ahead of narrower special interests. Throughout his tenure, Dick maintained his clear vision of what would be beneficial to his country, and he worked toward that goal with vigor.

A wise philosopher once said that "those who forget the past are condemned to repeat it." Dick lived by that philosophy. I cannot count the times he embraced that perspective in his clear, thoughtful, and intelligent way. Using this style and his thorough knowledge of the legislative process, Dick became a formidable legislator, one who commanded respect and consideration.

I cannot stress what a loss that this House, and indeed, this Nation, suffered on April 21. We have lost a patriot, a public servant, a scholar, and especially a friend. He was the institutional memory and conscience of the House of Representatives, and we all owe him a debt that can never be repaid. The Dick Bollings of the world are vital: they remind us of where we are going and where we have been, and most important, why we are going.

Mr. FASCELL. Mr. Speaker, I rise to pay tribute to our former colleague, Richard Bolling. Beyond being a dedicated public servant who served in the House for 34 years, Dick was a good friend. He has accurately been portrayed as the intellectual father of the reform movement in the House and as one of the foremost strategists ever to serve in this institution.

Dick and I served together for 28 years and, in that time, he was a tower of integrity. The reforms he advocated were not for selfish political motives; they were to make this institution work for, and be more accountable to, the people. It is possible that most of Dick's achievements are not known by the majority of Americans because he was an insider who opened the system up. He was successful because of his unique combination of integrity and knowledge made him a formidable foe and a valued ally.

Dick championed the landmark civil rights bills of the 1950's and 1960's as well as a host of other social programs, addressing the pressing needs of our Nation by using his position on the Rules Committee to allow the House to consider such legislation. With his help in the expansion of the Rules Committee to allow broader representation, civil rights legislation and other progressive programs began to receive consideration by the full House of Representatives. Very few Members of Congress ever used the parliamentary procedure so effectively.

He believed in a strong Speaker and an active majority caucus. As a member of the Rules Committee, he saw how strong a tool the committee was in controlling the House's agenda and, in turn, the Nation's agenda. When he became chairman of the Rules Committee, he employed the power of the committee to actively assist the Speaker and protect the interests of the Democratic Caucus.

Dick's two unsuccessful leadership attempts did not dampen his belief that the institution could change for the better. I helped Dick in his bids to become majority leader in 1976 because I believed in his vision of what the House of Representatives should be. He used the process and its rules to advance his cause, but he believed that the process needed to be open to the public. No matter what decision Congress would ultimately make, the process was enhanced when the doors to decisions were open.

Each member of this institution has a legislative style. Dick was a mechanic who sought to fine tune this institution and make it run more efficiently. He understood the engine and knew how to get the most out of the process. Future generations of Americans may not understand the role of Dick Bolling in our Nation's history, but his years of dedicated service will continue to benefit our Nation.

Jeanne-Marie and I wish to extend our sympathy to Dick's wife, Nona, and to his children.

Mr. HORTON. Mr. Speaker, today, I join my colleagues in the House in paying tribute to our former colleague Richard Bolling, who represented the people of Missouri with the utmost distinction for over three decades. It was my honor and personal privilege to serve in the Congress with Dick for 20 years.

Dick was truly one of the giants in the history of the House of Representatives. His steadfast instincts for reform, both of our social system and of the Congress itself, as well as his unsurpassed knowledge and mastery of the legislative process combined to make him one of the most respected Americans ever to serve in the Congress.

In his early years in the House, Dick was instrumental in securing the passage of the first civil rights legislation since Reconstruction. Despite his long and successful career, Dick often pointed to this legislation as his proudest achievement.

As I mentioned before, Dick's reformist instincts were not only focused on our social system but also on the Congress itself. He, in fact, wrote two books, "House Out of Order," and "Power in the House" calling for institutional changes in the House of Representatives. During his final two terms in the House, Dick served as the chairman of the Rules Committee, where he was able to put his mastery of the legislative process and of the rules of parliamentary procedure to use. As chairman, he was able to personally institute some of the reforms that he had long advocated, and he did, transforming the Rules Committee into the powerful and reliable tool that it remains today.

The death of a statesman such as Dick Bolling is a loss to Kansas City, to Missouri, and to the United States. I would like to extend the heartfelt sorrow of my wife Nancy and myself to his family and friends. He will be deeply missed by all.

Mr. ANNUNZIO. Mr. Speaker, I rise to pay my respects to Congressman Dick Bolling, who passed away on April 21.

During Dick's nearly 34 years in the House of Representatives, he was an intelligent, forceful advocate for his Kansas City constituents as well as working people from across this country.

A gifted parliamentarian, Dick used his talents to help enact labor and civil rights bills that symbolize the Democratic Party's drive to achieve justice for all Americans.

Since his retirement in 1983, the Members of this House have missed Dick's bold spirit and determination.

I would like to express my sadness at Dick's passing, and I would like to offer my sincere condolences to Dick's wife, Nona, and his entire family.

Mr. HUGHES. Mr. Speaker, today, we honor one of the great men to serve in the Congress, Richard Bolling, who recently passed away.

Dick Bolling will best be remembered for the contributions he made to this institution. He was a master of the rules and a true legislative scholar.

For more than 30 years, Dick represented Missouri's Fifth Congressional District. He was instrumental in winning the passage of several landmark pieces of legislation. He was particularly proud of his role in the passage of the 1957 Civil Rights Bill.

Dick was also instrumental in changing the ways in which business is conducted in the House. He proposed changes in the committee system and called for open meetings in his 1965 book "House Out of Order." These reforms were largely adopted when the House rules were changed in the early 1970's.

I would like to take this opportunity to extend my condolences to his friends and family; his wife Nona and children Andrea Bolling and Jimmy and John Akin.

Mr. COLEMAN of Missouri. Mr. Speaker, when I was a youngster growing up in Kansas City, MO, Dick Bolling was my Congressman. Although in later years my political views would differ from his—sometimes rather dramatically—I have always thought that the high standard Dick Bolling set for those who held the public trust was worthy of emulation. His legacy of integrity and independence is one that we can all share, irrespective of our political views. And it is, I think, a legacy that, if more often followed, would make this House more truly the House of the people.

It has been said of Dick Bolling that his unwillingness to go along to get along cost him the speakership of this great institution. That may be true. Yet he seemed to believe that maintaining the standards he set for himself—and those he expected of others—was a more important measure of his true value to the Republic than filling any particular office in this House. That was a choice he made for himself and one that we should honor.

Mr. Speaker, as the history of this institution continues to unfold, Congressman Dick Bolling's name joins those whose service here has shaped our Nation in this century. It is a privilege and an honor to remember that service today.

Mr. DE LA GARZA. Mr. Speaker, the history of our great Nation is punctuated throughout with names synonymous with leadership, vision, and dedication, and today we gather to honor and pay our respects to such a man. I am speaking of Dick Bolling.

For 34 years Dick Bolling served in this Chamber. During his over three decades of service here he witnessed vast changes in our Nation and in the world, but one unchanging factor was his dedication to his constituents, this country, and this party.

All aspects of Dick Bolling's career were outstanding. His work was consistently recognized as exemplary. In my mind his most important contributions to this body were not contained in any one bill or act, but rather were evidenced by the strength of his personality, the willingness to say what many felt, and the conviction to do the things that had to be done.

Dick Bolling contributed to the dignity and effectiveness of this body, being to my mind a shining example of what a Congressman should be. He symbolized what is good about our Nation. He was a leader.

To me the greatest tribute anyone can receive is that he be remembered by those who come after him. From the people who served with him, from his colleagues, and from what has been said here today I know that I am a better member for having served with Dick Bolling. His loss is a great one.

To his family I extend my deepest sympathies.

GENERAL LEAVE

Mr. WHEAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. JONTZ). Is there objection to the request of the gentleman from Missouri?

There was no objection.

GENERAL LEAVE

Mr. IRELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of the special order today by the gentleman from Illinois [Mr. LIPINSKI].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A TRIBUTE TO THE MEN AND WOMEN OF THE NATION'S SMALL BUSINESS COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. IRELAND] is recognized for 60 minutes.

Mr. IRELAND. Mr. Speaker, I rise today to pay tribute to the business men and women who make up our Nation's small business community. The President has designated May 5 to 11 as "Small Business Week" to show appreciation for the contributions these men and women make to this country's very foundation and its prosperity. In the next few minutes, I would like to put before my colleagues some fundamental ideas about the role small business plays in our society, the economy, and where the Government fits into the picture.

The small business community is anything but small. It plays a vital role in the economy, accounting for over half of the jobs in the United States. Entrepreneurs have developed the technology that brought us from the past to where we are today, and are positioning us for tomorrow. It will be our small business people who build our future.

Small business is more than part of the economy. It is an integral part of society, portraying the American dream in action. Small business personifies the freedom of opportunity that Americans have to make their dreams come true. It is the foundation upon which this country was built, our Nation's backbone.

We cannot ignore such an important part of our Nation. We in government need to listen to the concerns of entrepreneurs as they struggle to maintain their ground against multinational corporations and Federal, State and local bureaucracy. With the Uruguay round and a United States-Mexico free trade agreement in the offing, Congress needs to pay attention to, encourage, and stimulate small business export opportunities as well. We must continue to work for small business, not against it.

At the beginning of the 102d Congress, I introduced the Omnibus Small Business Act of 1991 so that our Nation's entrepreneurs might receive some of the legislative help they need to survive, to be assured of a fair playing field and yes, even to have the "right to fail." The problems addressed in this bill have come from research done by my staff, the Small Business Opportunities Task Force, the White House Conferences on Small Business and some of my colleagues' previous legislative proposals.

The Omnibus Small Business Act has seven titles which are all extremely important to the small business community. First, I propose to raise the status of the Administrator of the Small Business Administration to a cabinet level position. This way, the entrepreneurs of our country would have a voice at the highest level of decisionmaking.

Second, I propose that failure to comply with the Regulatory Flexibility Act be subject to judicial review. We need to ensure that all agencies follow the regulations and laws set for them by cracking down on those that don't.

Third, I would like the chief counsel for advocacy in the SBA to conduct a study on the impact of the Federal Government on small business. This study would include small business tax issues, paperwork overload and the regulatory burdens imposed by the Government on the small business community.

Fourth, I propose that the IRS be prohibited from retroactive application of regulations unless Congress directs otherwise. We need one clear set of rules for all businesses to follow, and should not allow the one agency with the greatest impact to change the rules whenever they wish.

Fifth, I propose that self-employed individuals would be allowed to deduct 100 percent of their health insurance costs. This way they would be treated equally with all other business enterprises.

Sixth, I propose that S Corporations be allowed to increase the number of shareholders from 35 to 50. I would consider this a positive move for business development, which we should be encouraging.

Seventh, I propose that we correct an error made by Congress when the Fair Labor Standards Act was rewritten last year. The small business exemption was left out and I believe we need to fix the problem for small business people.

I am very pleased to say that because of similar legislation I introduced in the 101st Congress, we have made some progress in helping the average entrepreneur. For example, the IRS is now included under the jurisdiction of the Regulatory Flexibility Act. I am also very pleased to say there will be another White House Conference on Small Business in 1994. The past two conferences, held in 1980 and 1986, were both very successful. They proved to be the proper forums for bringing small business issues to the attention of the Government with results. Congress acted on many recommendations by introducing legislation to help entrepreneurs.

The 1994 White House Conference on Small Business is promising to be as productive and helpful to entrepreneurs as the two previous conferences were. Congress needs to pay attention to the needs and concerns of the community that will be gathering. I have great expectations for the 1994 White House Conference and believe the small business community will benefit greatly once again.

Not only does small business need our help, it deserves our help. Recent events in the Persian Gulf have proven this to all Americans.

When our troops were sent into the Middle East to assist in the liberation of Kuwait, among the thousands of reservists called to active duty were many small business owners. Not only did they risk their lives for the freedoms of another country, but they left their businesses, their symbols of freedom, to an uncertain future. Congress stood up for those business men and women who were standing up for their country by passing H.R. 902, the Small Business Desert Storm Relief Act. This bill provides assistance to SBA loan recipients who were affected by military service as a part of Operation Desert Storm. It was a small but effective way of saying "thank you" to the part of our small business community that was defending freedom in the Persian Gulf.

Not only did we have a portion of the small business community serving in the military in Saudi Arabia, we had a small business force in the Middle East offering support to all of the troops. The American Business Council of the Gulf Countries [ABCGC] was a great asset to the Nation. It highlights the great importance of an American business presence overseas. This council normally acts as the voice of the U.S. business community in the Gulf region. During Operation Desert Storm the ABCGC Council offered many support programs to our military personnel. "Operation Scrub and Grub" allowed our military men and women to go to private homes for a hot home-cooked meal, a clean shower, and a phone call home to the United States. "Operation Desert Outreach" had the ABCGC Council taking grills, charcoal, hamburgers and hot dogs out to the troops on weekends. "Operation Desert Thirst" delivered cold soda, portable popcorn makers, cassette tapes, cigars, FAX machines, VCRs, weightlifting equipment and food of all sorts to the men and women on the front lines. The ABCGC Council was instrumental in keeping the morale of our military up during Operation Desert Storm.

This small business spirit carried over to individuals serving in the Persian Gulf. I would like to relate a story which exemplifies this spirit. I recently read an article in U.S. News & World Report about Maj. Tim Timmons, a supply officer for combat engineering battalions. Maj. Timmons became affectionately known as a "scrounge" (a time-honored military tradition), trading materials for necessary equipment. His biggest success was securing 45,000 sheets of plywood. Maj. Timmons traded the wood to G.I.s to use for tent floors, shower stalls, outhouses, dressers and desks. In exchange he received valuable oil and air filters, clothing, tents, and the use of heavy machinery. Maj. Timmons was quoted as saying, "It all comes down to one thing—supplying your soldiers." This entrepreneurial spirit, instilled in him growing up in America, told him that although he was but one person in a sea of many, he could get the job done.

Now that the Persian Gulf crisis is over, rebuilding efforts are taking place in Kuwait. The House Small Business Committee held a hearing to determine where U.S. small business opportunities lie in the overseas operations. American entrepreneurs will play a large part in the gulf reconstruction and many companies have already secured contracts.

While we are proud of our small business community taking part in the reconstruction of Kuwait, and other nations, we must be sure that entrepreneurs have the same opportunities in this country. The small business men and women have stood strong in a time of need and we need to keep supporting their efforts. As National Small Business Week continues, let us salute the 20 million entrepreneurs who are the source of our prosperity and a symbol of the freedom Americans have fought so hard and so valiantly to maintain.

Mr. Speaker, as the 102d Congress wears on, we will face such issues as the well-known credit crunch, the issue of family leave, the striker replacement, mandates for health insurance and a civil rights quota bill. All of these issues will dramatically affect our small business community and its ability to continue to serve America. The small businesses of America have better answers to these issues, and I would urge my colleagues to pay attention to the small business community, not just during Small Business Week, but throughout this session of the Congress.

Mr. ALLARD. Mr. Speaker, I want to take a few minutes to share with you the impact that small business has on America—from a Colorado perspective. I represent District four of Colorado, a rural district that is bordered by Wyoming to the north, Kansas to the east and New Mexico to the south.

Nationally, small businesses own 90.2 percent of all business establishments. In Colorado an amazing 98 percent of all businesses employ less than 100 people and 79 percent employ less than 20. In fact, of the 500,000 plus—566,723—new jobs created in Colorado between 1976 and 1986, small business contributed 53.1 percent.

In each town in my district I see the positive influence small business has on the community. In Greeley, CO, Dennis Hoshiko, owner of North Weld Produce—a family company, showed his commitment to the community by donating half a city block of land for the development of baseball fields and a community center. There are others: Jim Yaeger, owner of Jim's Shoes in Brighton, CO, spent an entire week serving as a volunteer for the Distributive Education Clubs of America, an organization committed to teaching high school students the general principles of running a business.

Small business also brings diversity to the market place. There are many corporate owned hotel-motel chains in Colorado but whenever I travel through Limon, a small town in eastern Colorado, I always stay at the Midwest Motel, a full-service, family owned motel. Its antique furnishings and country hospitality make me feel right at home. And when my family and I are hungry for home cooking, but short on time to cook, we go to the Summit Restaurant in my home town of Loveland. Macy's Drug Store also of Loveland and the Fort Morgan Veterinarian Clinic, are both known for their personal and friendly service.

I believe that every American has the dream of owning their own business—Coloradans make that dream a reality. Dave and Debbie Mitchell of Commerce City saw their dream become a reality when they opened Mitchell R.V. in Commerce City, CO. And Wally and Ruth Dusenberry, owners of the Speer Cushion Co., in Holyoke, CO, have kept their American dream alive by assuming operation of the 20-year family owned business. Then there is Markley Motors in Fort Collins, CO, which has been passed down from generation to generation.

Quite simply, small business and free enterprise are cornerstones of America that help ensure the survival of democracy. We rely on small businesses—and they rely on us—it's so easy to overlook the negative impact that legislation has on small businesses; excessive licensing fees, complicated tax forms, mandate, after mandate after mandate. Small businesses do not have the resources to meet all of these demands—as leaders of our Nation it is time to realize that we can no longer afford to overlook the impact of legislation on small businesses. It is imperative that we look after the champions of the American dream.

Mr. SISISKY. I want to thank the gentleman from Florida, my good friend Mr. IRELAND, ranking minority member of the Small Business Committee, for providing Members of Congress with the opportunity to pay tribute today to the small businesses of our great Nation. They indeed are deserving of our recognition, and I applaud each and every man and woman who has chosen to pursue the goal of running one's own business.

As you may know, Mr. Speaker, we are in the midst of Small Business Week 1991. As we recognize the over 18 million small businesses in our country, I feel compelled to discuss today something which I view with great excitement.

As chairman of the Small Business Subcommittee on Exports, Tax Policy, and Special Problems, I recently held hearings on the topics of Kuwait reconstruction and business opportunities in the gulf region. Intended to be an informational resource for United States small and minority businesses seeking to participate in the rebuilding of Kuwait, these hearings have drawn an overwhelming response from the American business community. In the month and a half since I began looking into this matter, my office has been flooded with calls from businesses of all types, from across the country, hungry to export their goods and services to the Persian Gulf.

Mr. Speaker, I must say that never before in all my days as a Member of Congress, and as a businessman before that, have I ever seen American businesses as interested in exporting as they are today. I am convinced that the response I received as a result of my hearings is evidence of the business community's new awareness and enthusiasm for exporting abroad. Without question, this is a most welcome change in attitude.

In light of these developments, I am particularly interested in what efforts are being made by the Federal Government to enhance this new way of thinking. I strongly believe that our Government should be doing everything it can to capitalize on this unique opportunity to help small businesses get involved in exporting—whether it be to Kuwait or to other promising markets.

In order to encourage Federal support for these firms, Congress recently approved a resolution—that I cosponsored—which expresses the sense of Congress that the Bush administration should make every effort to assist small and minority businesses pursuing contract opportunities in Kuwait. As coauthor of this legislation, I am pleased that Congress acted so quickly on it.

Without question, this new willingness to export can mean substantial economic benefits for this Nation. It is no secret that since 1989, U.S. exports have accounted for most of the growth in our economy. In fact, according to the Institute for International Economics, a sustained trade boom would likely contribute about $50 billion a year in real economic growth for the next 3 years. Therefore, as an advocate for small and minority business, I will be working to increase the presence of these firms in the exporting arena.

As I stated earlier, like never before this country's business community has awakened to the tremendous possibilities of exporting. Increasingly, American companies are raising their sights above and beyond our own borders to countries on our north and south, and to those overseas. They are recognizing that the international marketplace is not some impenetrable bloc, but is indeed accessible and a place in which they can succeed.

I applaud this Nation's small businesses for this and for all they do. After all, small business people deserve credit for most of the innovation and technological breakthroughs in our economy. They not only brave the risks of building their own businesses, but also create new jobs in the process. And it is small businesses who embody the uniquely American spirit of entrepreneurship.

It is hard to overstate the importance of small business to our Nation. Indeed, they are the backbone of our economy. Small businesses have the ability to move us further into world markets, to reduce our foreign trade deficit, to pull us out of recession, and to make a meaningful contribution to long-lasting prosperity for the Nation.

You, small businesses, do truly make the difference.

Mr. SLAUGHTER of Virginia. Mr. Speaker, let me first take this opportunity to thank the distinguished ranking minority member of the Small Business Committee, Mr. IRELAND, for his leadership and for giving us this opportunity to recognize America's small business community.

This week America recognizes the vital role the small business community plays in our Nation's economy. In celebrating Small Business Week we hope to highlight the spirit of enterprise and entrepreneurship that drives our national economy.

Small businesses are critical, not only in terms of our national economy, but to every State and local economy in the Nation. In fact, in my home State of Virginia, 88 percent of all business establishments are small businesses—fewer than 500 employees—and they employ over 48 percent of the State's total workforce.

The explosion of successful, new small businesses fueled the economic growth and prosperity of the 1980's. Successful small business expansions and new formations led the way in creating new markets, innovations, and jobs. Nationally, small businesses generated 78.6 percent of the net new jobs created between 1980 and 1988.

The small business sector is by far the largest creator of jobs in our economy. Small firms now employ one-half of the private sector labor force, and furnish two out of three workers with their first jobs. Small businesses have created hundreds of thousands of job opportunities for minority workers, veterans, senior citizens, the handicapped, and women in the workforce.

Despite this record of success, the small business sector faces considerable challenges. Access to capital is often difficult to obtain. Smaller firms, with limited resources, face tough competition from large, well capitalized companies. And increasing Government regulations and paperwork requirements have become a significant burden on small business owners.

Mr. Speaker, as we pause to honor this vital sector of our economy, we in congress must resolve ourselves to eliminating obstacles to their continued success. Small business fueled our economy throughout the 1980's. By fostering a healthy business environment, I believe we can help small firms lead us to new economic growth and prosperity in the 1990's.

Mr. GOSS. Mr. Speaker, I welcome the opportunity to add my voice to the many who stand today in honor of Small Business Week. Small Businesses are to often the unseen and unappreciated engines behind the U.S. economy, still the largest and most productive economy in the world. We should never underestimate the vital contributions they make in keeping our economies moving—and that is particularly true in my district in southwest Florida.

Today, more than 20 million entrepreneurs are providing goods and services to meet the ever-expanding needs and desires of the American consumer. In recent years, we have counted on small businsees to create jobs even while larger firms have been forced to cut back. In many parts of the United States, small businesses remain the largest and most consistent employers, providing needed innovation and diversity to the American economic landscape.

Small businesses are much more than a vital cog in the huge U.S. economic machine—they are reflections of the American spirit. They provide challenges to hundreds of thousands of men and women who still have a spark of the frontier enthusiasm and who are not afraid to strike out, build something from the ground up, and stick with it to make it grow.

Look around one day as you are walking down a typical American street—a street not unlike many in my district in southwest Florida—and imagine what that street would be like without the contributions of small businesses. Shops, restaurants, delicatessens, dry cleaners, book stores, you name it—they contribute to the unique character and economic well-being of our Nation's towns and cities.

Of course, the recent recession has been tough on business, but the American will to fight and succeed remains strong, and that's one reason why we in Washington have got to ensure that we continue to encourage and support growth and expansion.

We have to reverse the recent trend where, all too often these businesses and the individuals who run them are forgotten in the legislative process. As we all know, legislation will be forthcoming in this Congress that will have a profound impact on the competitiveness and viability of our small businesses. Critical issues such as health care for employees, retirement plans, mandated family leave, civil rights—all could lead to legislation whose effects could be devastating. Whether we will be able to address these important matters without shackling our Nation's entrepreneurs is going to be a real test of this Congress' commitment to a growing and diversified economy. It is my hope that when we consider proposals to deal with these thorny issues, that we not lose sight of the special circumstances and legitimate concerns of our small businesses.

In the coming months we will face enormous economic and social challenges, and I think we could all take a lesson from the strength and spirit of America's entrepreneurs. By investing in them, we are truly investing in the future of this great Nation.

Mr. POSHARD. Mr. Speaker, I am pleased to join my colleagues today to salute the real driving force of the American economy—small businesses.

As a member of the Committee on Small Business I have some perspective on this issue. Every week we hear from small business operators and employees who inform us as to their concerns and needs.

I must say that by and large the small business managers in this country want the freedom to produce their goods and services with minimal assistance and interference from government. They have good ideas, sound business philosophies, and the personal commitment to see them through. In many ways, the best thing those of us in Congress can do is get out of their way and let the great American business instinct work its magic.

In my southern Illinois district we have a few large companies, but the bread and butter of economic activity is in the small businesses on Main Street. These are the community leaders who operate everything from hardware stores to dry cleaning shops. Their names appear on the backs of Little League uniforms, in the program for the school play, and on the float at the homecoming parade. That is not coincidence; it is a tangible example of their commitment to their communities and customers.

That is why we must continue to encourage and assist small businesses whenever and wherever possible. They must be able to compete in domestic and foreign markets to the best of their ability. In the Committee on Small Business we are examining a number of issues, including the lack of pension coverage for employees, Government regulations that hinder productivity, unfair competition from foreign markets, the difficulty of obtaining credit in rural areas, and general concerns of assisting small business operators in an evolving marketplace.

I stand firmly with the small business leaders of my district to help them continue their mission, to provide for their families and good jobs for their communities.

I thank my colleagues for participating in this effort and look forward to working with them to support American small businesses.

Mr. BALLENGER. Mr. Speaker, in North Carolina small business is big business. In my home State, an estimated 97 percent of the more than 132,000 firms are small businesses. They employ 2.3 million workers. As the U.S. economy as a whole increasingly focuses on smaller-sized firms, the importance of small businesses continues to grow.

My district is dependent on the development and growth of new companies. That's why I am particularly proud that we are celebrating the 27th annual Small Business Week that recognizes the many accomplishments of our Nation's small business men and women.

As part of the festivities, the Small Business Administration has recognized leading small business men and women from each of the 50 States, the District of Columbia, Puerto Rico, and Guam.

I am pleased the 1991 North Carolina Small Businessman of the Year is from my district. Mr. Jimmy Jacumin, president of Jacumin Engineering and Machine Co. has been recognized as one of America's true small business entrepreneurs. Jacumin Engineering and Machine Co. designs and fabricates machinery for the textile and woodworking industry.

I congratulate Mr. Jacumin on his many accomplishments and hope he will continue to be a guiding force for small businesses in Burke County and North Carolina.

Mrs. MEYERS of Kansas. Mr. Speaker, I am proud to join with many of my colleagues today to pay tribute to our Nation's small businesses. During this week, which has been officially designated as National Small Business Week, it is fitting that we take a few moments to recognize the enormous contributions of small businesses to the American economy and to the health of our communities, large and small, across the Nation.

While the phrase has become cliche, the fact remains that small business is the backbone of this Nation. Ninety-seven percent of all companies in the United States today have 100 or fewer employees. These same firms account for one-third of all of the private sector jobs in this country, and small businesses with 500 or fewer employees employ 45 percent of the American private sector work force. Furthermore, of the 20 million jobs that were created in the United States during the 1980's, nearly 80 percent can be attributed to small businesses.

The dream of starting your own business, being your own boss, has come true over and over again for millions of Americans in this land of opportunity. Particularly encouraging to me is the growing number of women-owned and minority-owned small businesses in this country. As a member of the House Small Business Committee, I think it is important to take some time this week to think about what Congress should do, or, to be more accurate, should not do, to preserve the environment of freedom which fosters the development and growth of small business.

With the best of intentions, legislative proposals have been introduced in this body to impose more regulations upon how businesses are operated. However, these efforts, in the name of equity or fairness, often carry some very undesirable side effects. Bundling small businesses in red tape serves as a disincentive to those entrepreneurs considering expansion of their small enterprises. Furthermore, persons weighing the decision to start their own small business may find themselves overwhelmed by the complexity and depth of Government oversight of their activities, and decide it's just not worth the trouble.

Mr. Speaker, when small businesses are no longer being started, or existing small ventures are regulated out of business, new jobs are not being created, economic development becomes stagnant, small towns become ghost towns, and the problems associated with urban areas grow in magnitude. The importance of the prosperity of small businesses simply cannot be overstated. Therefore, I propose that every week be considered small business week, as Congress debates proposals to mandate certain employee benefits, or increase the already overwhelming paperwork burden business persons face. Let's take time to really empathize with those business people who are mortgaged to the hilt, trying to produce a quality product or provide a service, struggling to provide their employees with the best salaries and benefits they can afford, before casting a vote to tie another millstone around their necks. Without question, such thoughtful action would be the best tribute this body could pay to small businesses throughout the Nation.

Mr. BAKER. Mr. Speaker, as the ranking Republican on the Small Business Subcommittee on Environment and Employment, I am pleased to honor this week the small business people who work to keep America's economy strong. To express my thanks to them, I pledge to speak for sound economic policy and to provide better assistance to small businesses.

Since my appointment, my staff and I have been contacting organizations in our area whose prime focus is on economic development in an effort to coordinate Federal, State, and local activities. I depend on the cooperation of the many different agencies throughout Louisiana to provide the best representation possible.

Small business is key to the success of our free enterprise system. Small business accounts for 89.4 percent of all Louisiana business establishments, and for almost 50 percent of the 436,828 new jobs created in the State between 1976 and 1986. I will continue to support policies that encourage the growth of this important sector of the American economy and to support policies that promote job creation.

With over half a million Americans filing for unemployment compensation, the rest of the Nation now faces similar economic troubles that Louisiana has struggled with in past years. The need for a strong job market has never been greater.

I know that through economic diversity and sound management, small businesses will grow and Louisiana, as well as the entire Nation, will prosper.

Mr. BROOMFIELD. Mr. Speaker, this summer when temperatures soar into the 90's and you rush to turn on your air-conditioning, remember that a small business helped make your comfort possible.

And when you hear on the news that a heart attack victim is made good as new with a pacemaker or artificial heart valve, thank a small business for making this possible.

Over half of our Nation's remarkable inventions, like air-conditioning and artificial heart valves, come from small business. From personal computers to Polaroid cameras, from hydraulic brakes to zippers, from the frozen food you had for lunch to the overnight delivery you received this morning, small businesses have helped America become the prosperous Nation she is today.

Small business is America's business. By creating new and innovative products and providing job training and opportunities, small business contributes to our Nation's overall economic development and well-being. And by employing 6 out of every 10 people and providing 2 out of every 3 workers with their first jobs, small business plays a vital role in every community across the country.

Our Nation's economic growth and ability to compete globally in today's competitive marketplace depends on the full participation of all members of our society. I am encouraged, therefore, that many of the barriers once facing women and minority businessowners are beginning to break down.

Today, women and minorities are finding ever-increasing opportunities in small business. Women are starting businesses at twice the rate of men. One-third of all U.S. small businesses now are owned by women. And according to the Small Business Administration, the number of black-owned small businesses has grown five times faster than the U.S. population from 1980 to 1987.

During Small Business Week, I join my colleagues in honoring the small business community for its hard work, enterprising initiative, and entrepreneurial spirit. And I thank the hard-working businessmen and women for helping to build a successful America for us all.

Mr. RAMSTAD. Mr. Speaker, as you know the President has proclaimed the week of May 5 through May 11, 1991, as National Small Business Week. This week is set aside to officially recognize the significant and vital contributions that our Nation's small businesses add to our economy, and highlight the outstanding achievements of small businesses in our communities.

As a Nation, we are blessed by the hard work, energy, and ingenuity of the small business community. There are more than 20 million Americans who own small businesses and employ close to half of our Nation's private sector work force. Small firms provide two of every three workers with their first jobs, are responsible for most job training, and are the major employers of younger, older, and female workers.

Every American citizen in some way benefits from the innovative products, jobs, and enterprises put forth by our Nation's entrepreneurs. Small businesses are uniquely flexible and able to adapt to changes in the marketplace. By testing new ideas, methods, processes, and products, they have contributed over half of all inventions, including the artificial heart valve, insulin, and the pacemaker.

Even as the economy has slowed in growth, small businesses continue to create new jobs at a faster rate than large corporations. And small businesses are recognizing opportunities in finding new export markets, as they contribute about 20 percent of total U.S. exports, helping to curb America's foreign trade deficit.

Mr. Speaker, I am proud to rise today to recognize our Nation's small business community. Small business men and women remain America's competitive advantage. They are building America's future and ensuring that our Nation will continue to grow and prosper in freedom and opportunity.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to all small businesses throughout the United States. As we commemorate this year's Small Business Week, I would like to take the opportunity to acknowledge those businessmen and women from my district who have been recognized by the Small Business Administration for their outstanding contributions to the business world.

Ms. Lisa Richards has been named the small business person of the year for her work with Picnic People. The SBA awarded Ms. Richards for "epitomizing the free enterprise spirit in the development and operation of Picnic People," and for her many contributions to the business community in San Diego.

Mr. Urban Miyares, of the Nuvenco Group, was the recipient of the veteran small business advocate of the year award. The Small Business Administration recognized Mr. Miyares for "helping advance small business opportunities for Armed Forces veterans."

Ms. Constance W. Baher, of the U.S. Business Communications, was awarded the small business advocate of the year for her outstanding advocacy of the small business community in San Diego.

The San Diego women's directory boasts two award recipients. Ms. Mary Ellen Hamilton and Jody Sims were both awarded the honor of women in business advocates of the year for their help in advancing the cause of women's business ownership.

These five award recipients typify the quality of small business in San Diego. It is with great pleasure that I recognize these individuals, as well as pay tribute to the many small business people of this country that make this Nation free and strong.

Mr. SERRANO. Mr. Speaker, I would like to join with Mr. IRELAND and my other colleagues on the Small Business Committee participating in this special order to honor this year's observation of Small Business Week. The men and women who run the small businesses of our Nation are the backbone of our economy. They personify the spirit of individualism and enterprise that sets the United States apart from our competitors abroad. I am pleased to have this opportunity to voice my respect and appreciation for the contribution of the small business sector.

Traditionally, many American success stories began with an entrepreneur: A person who organized, operated, and assumed the risk for a business venture. During the 1980's, many in New York City and across the country made millions through huge corporate mergers and leveraged buyouts, generating enormous debt and great financial risk to investors. As we face the consequences of the rampant greed of the past decade, as we come to realize that those who benefited most will not be the ones who pay for abuses of our banking and financial systems, I predict that we will see a reawakening of appreciation for the small business person.

The 102d Congress will refocus attention on the effects of broad legislation upon small business people this year. For example, as the Banking Committee considers proposals to restructure the banking system, the Small Business Subcommittee on Antitrust, Impact of Deregulation, and Ecology will hold hearings to examine how the various banking proposals will affect the ability of small businesses to obtain credit. Also, as various Federal deposit insurance reform proposals are considered, many members of the Small Business Committee will introduce legislation, written by Chairman LAFALCE, to provide a new, affordable retirement plan for small business owners to offer their employees.

This is the second year of the 1990's, and already there has been a perceptible shift in New York City toward greater emphasis on small business development. The city has instituted a microloan program for small business startups. Congress must show support for such local efforts. Small business made New York great, and I am pleased that the city's administration is taking steps to see that recent and current immigrants have the entrepreneurial opportunities that existed at the turn of the century.

Yesterday, the Small Business Administration held their annual Minority Awards Breakfast to honor the minority winners of Small Business Week awards. This recognition is important in encouraging minority business development, but there is still much to be done. The Federal Government must do more to unleash the great economic potential in our minority communities across the Nation. Enactment of the Minority Business Development Act would go a long way toward bringing more hard-working minority entrepreneurs into our economy, creating more job opportunities and a more stable business atmosphere for minorities who are struggling to gain equal footing.

As we continue our fight to enact civil rights legislation to protect minorities and women from job discrimination, we should seize this opportunity to extend the same protection to all the minority and female entrepreneurs who are fighting an uphill battle for equal opportunity in a business world from which they were long excluded. H.R. 373 would create a permanent, codified Minority Business Development Administration within the U.S. Department of Commerce, with a statutory mission to assist and encourage disadvantaged businesses and foster minority enterprise development.

The small businesses in my South Bronx district serve the entire city of New York, distributing food throughout the tristate metropolitan area and providing a wide variety of products and services to the community. Most of our jobs are small business jobs. I am proud to represent the small businesses in my community, and to express my support for their hard work and dedication which add so much to our community.

Mr. COMBEST. Mr. Speaker, I would like to commend our new ranking Republican Member, ANDY IRELAND, for energizing the House Republican Small Business Committee members. His interest and dedication to the important issues that affect small business operators have made him an effective and influential voice for all small business owners. I would like to offer my appreciation for his leadership in calling this special order to honor America's 20 million small businesses during Small Business Week, May 5 to 11.

Some people might ask why is it important to honor small business owners, what do they contribute to the economy? The Small Business Administration [SBA] estimates that small firms employ 6 of every 10 people, provide more than 37 percent of the Nation's gross national product, and provide 2 of every 3 workers with their first jobs. Small businesses are also responsible for bringing the majority of innovations into the marketplace.

For 27 years, Small Business Week has given the President the opportunity to recognize some of the outstanding innovations and achievements made by local small business owners. These individuals are the pillars of the community, working 6 days a week and 12 hours a day to make their business a success. As a former small businessman, I know of the difficulties and sacrifices of trying to balance the rigors of a new business with the needs of a family. It is important that policymakers in Washington take the time to recognize the great contributions these individuals make and how important they are to the community.

As the new ranking Republican member on the Exports, Tax Policy and Special Problems Subcommittee, I believe the incredible changes in the world's political climate offers historic opportunities for the small business owner. Americans must capitalize on emerging markets in Eastern Europe, Latin America, and in the Middle East. We are literally on the verge of a worldwide economic revolution. Now is the chance for small business to exert its influence and realize that through exporting the world is their customer.

The Bush administration is trying to increase American trading possibilities through continuing discussions in the General Agreement on Tariffs and Trade and the North American Free Trade Agreement. We have already seen some positive effects through our reduction of trade barriers with our neighbor to the north, Canada. I firmly believe that given free and fair trade competition U.S. agriculture, manufacturing, and labor will be the most productive in the world.

In my comments today I have stressed the importance of small businesses exporting to the world. A vigorous small business export program is not only good for reducing the Nation's trade deficit but every $1 billion in U.S. exports generates nearly 26,000 new jobs. It also gives nations struggling to change their former centralized governments into capitalist systems the ability to see firsthand the benefits of free trade.

I hope that one of the positive results from the Small Business Week is to raise the awareness of the great achievements of small businesses. I am also hopeful that this week will enable the SBA and the Commerce Department to highlight some of their excellent programs to assist small business in exporting their products.

In closing, Mr. Speaker, I would again like to thank my colleagues from the Small Business Committee for holding this special order. I would also like to repeat how important it is to give young entrepreneurs a helping hand in the early stages of their businesses. We have seen in the past that SBA programs can help one-time small businesses such as NIKE, Apple Computer, Federal Express, and Winnebago Industries grow into incredibly successful companies.

Mr. CAMP. Mr. Speaker, I appreciate this opportunity to participate in a special recognition of our small businesses. I represent a district of small towns who understand the importance of small business. It is my hope that this Congress does a better job of understanding those concerns, and that our time of recognition is not just today but every day.

From the beginning, the United States was described by foreign visitors as a nation of shopkeepers. While our economy has become much more expansive, it can be argued that small business is more important to our lives today than at any time since the start of the industrial revolution.

There are now 20 million small businesses across America, an increase of more than 50 percent from just a decade ago. Sixty-five million Americans are employed by small business, which is more than half of our entire work force. Small business is the fastest growing sector of our economy and contributes about 40 percent of gross national product. Economists are predicting that 75 percent of all new jobs in the United States during the next 25 years will be created by the small business community.

Those who set Government policy, and that means Congress, must fully understand that small business is becoming more crucial to the vitality of our economy, more needed for job growth, and more vulnerable to the whims of thoughtless government intrusion.

This year, as every year, there are some in this body who will continue to invest their energy in promoting nice-sounding, well-meaning Federal policies that in reality would steal opportunities for business expansion and job growth. They understand special interests, but fail to understand what's in the best interest of small business.

As incredible as it seems to the average American, this same Congress that has failed to adopt a balanced budget in 20 years insists on making management decisions best left to business owners and employees. When I talk to small business people, they have a hard time understanding why Congress—the same Congress that can shrug off a $300 billion yearly deficit—thinks it can do a better job of managing their business. People can't understand why Congress thinks it should mandate benefits instead of allowing negotiations by employers and employees. People can't understand why Congress thinks it should decide who a business can and cannot hire to do the job.

The answer is that too many people in Congress simply forget that it's the family business and our entrepreneurs who led our Nation through the longest peace time period of economic expansion in history. They forget the risks that are taken every day by hard-working men and women who build small businesses. They forget that for every regulation they add and every hiring and benefit decision they mandate, it is that much harder for a small business to survive.

That is why we are here today: to remember the importance of small business, to remember that it is our entrepreneurs who create opportunity and drive our economy. We had better start realizing the time has come to look for ways to encourage investment and growth, rather than ways to regulate the life out of small business and to tax the incentive out of our entrepreneurs.

Our small businesses have given much to this Nation. They are inventors, builders, suppliers and retailers. They keep our country strong. We owe them a debt of gratitude for taking risks and for believing in the American dream. Let's repay that faith in the dream. Let's start listening to our small businesses so that every day is a day of recognition for what they contribute and a day of understanding what could be lost if they are forgotten.

Mr. LANCASTER. Mr. Speaker, I am pleased to rise today in recognition and support of Small Business Week 1991.

I am always very supportive of the efforts of Congress as it designates 1 week out of the year to pay tribute to the single most vital contributor to the strength of our country's economic superiority: small business.

Many of my colleagues are from urban areas, representatives of cities surrounded by and dependent on the giants of industry. The IBM's and General Motors' of this country play important roles in building our economy and employing our labor force. But this week, we take time to focus our attention on the little guy. This week, Mr. Speaker, we pay tribute to the small business person. I'm from Goldsboro, NC. The third district which I represent is a rural district. Rural America not only relies on small businesses, they are the basis of our survival. Small business is the business where I come from. Small construction firms. Hardware stores. Local banks. Drug stores. Small textile plants. These are the giant industries around the Third District in North Carolina. And these industries are the lifeline of communities and towns, not just in rural North Carolina, but all around this country.

Small business keeps growing and prospering in the United States, continuously proving to be the silent power that turns the wheels of economic growth and success in the United States. I want to thank the gentleman from Florida, Mr. IRELAND, for requesting this special order and congratulate him again on becoming the new ranking minority member on the House Small Business Committee. I have been fortunate enough to be a member of this committee each of my years in Congress and look forward to continuing our work on this important panel. I will continue to be a strong advocate for the concerns of small business and do all I can to see that they continue to grow and prosper well into the 21st century.

Mr. SKELTON. Mr. Speaker: I rise today to join my colleagues in paying tribute to small business men and women. But I would like to recognize another attribute of the collective spirit of our small business owners and that is their commitment to their country and to our freedom. Not only do they demonstrate this commitment by exercising their right to start and run their own businesses, but they do so much more that makes our life better and more secure.

They support freedom by creating major new sources of employment for others. Indeed, the majority of new jobs created during the last decade were created by small businesses, and this is doubly true in hard-pressed rural areas.

They support freedom by earning a profit from their labors, and paying taxes on those earnings. It is the profits earned through their ingenuity that provides the wealth we need to defend and provide for our people.

America's small business owners support our freedom even more directly by winning contracts and using their ideas to provide safer, more efficient, better made, and less expensive goods and services the United States needs for defense.

They support our freedom by inspiring us with their self reliance: whatever can be done, they will do; whatever is broken, they will fix; whatever needs to be supplied, they will find the source and if there is no source, they will make it themselves. If one small businessman quits, a dozen more will line up to take his place. It is this perseverance in the face of tough competition that gives the United States its strength to make it through the rough times.

And let me point out another facet of small business assistance. From the day Iraq invaded Kuwait until the last shot was fired ending Desert Storm, America's small businesses were mobilized to help, not only in actual defense production, but also in research, as volunteers, and through their unyielding support. And when the war was over, they lined up to help put out the fires and rebuild Kuwait.

Still the commitment of small business owners did not stop at leading the charge on the home front or providing the taxes and equipment that form the arsenal for democracy. We estimate that 23,000 small business owners in the Reserves were called to active duty to defend their country. And they went and their uncounted key employees went. And they left their families and friends and quietly did their duty. And when it was all over, they came home. Their leaving was a real hardship for small businesses. Even the temporary loss of an owner or key man for 6 months could be devastating to a small business. Yet it is a story that we have not heard much about, Mr. Speaker, because these are not the malingerers or the bellyachers, these are the ones we have always counted on to get the job done: The men and women who own and operate America's small businesses. We all should be proud of them.

Mr. FRANKS of Connecticut. Mr. Speaker, as we note and praise the accomplishments of the small business owners in this country, we should be making a firm commitment to those who are the mainstay of our economy.

Rarely has the future of our economy been at such a turning point.

I believe the Congress and administration should be working together in the coming months and years to set a clear path for the small business owners to follow, one that is clear of regulatory obstacles and one that encourages an array of positive initiatives for our entire economy to grow from the bottom up.

Small businesses, or those entrepreneurs who are eager to enter the world of risk and reward, have to know their Government wants to help them realize their dreams and sustain our economy.

Small businesses don't want handouts, they want a hand up, and we should recommit ourselves to providing opportunities at every turn.

Training programs should be oriented toward procurement and functional disciplines—marketing, finance and management—to help small businesses deal with Federal regulations.

We must do a better job of making working capital, both public and private, available to those businesses which qualify and are ready to make it work.

The private sector needs more incentives to become full partners with the next generation of workers to provide initiatives for high school and vocational students.

An overwhelming majority of small businesses do not take advantage of Small Business Administration loans. We have to do a better job of getting the word out that the SBA is a vital resource for product development, technical assistance, and other resources.

For those small businesses looking abroad for new markets, fair trade agreements are needed. I hope the Members of this body grant President Bush the extension needed to negotiate trade agreements with the fellowship of nations.

If we break precedent and allow the President's hands to be tied at the bargaining table we will not further the interests of this country or its small businesses.

I am greatly encouraged by the appointment of former Congresswoman, Patricia Saiki, as Commissioner of the Small Business Administration.

As a member of the Committee on Small Business, I will be eager to work with my fellow members and the Small Business Administration to provide real opportunities to those who are striving to make their dreams come true.

Every week should be Small Business Week, because the vitality and strength of our Nation depends on their successes.

Let us move ahead and make some real strides in the coming years to show the people of our Nation, who put long hours into their investments, that we can be productive partners in that process.

Mr. MAZZOLI. Mr. Speaker, I rise today in honor of Small Business Week, May 5–11, 1991. Small Business Week is intended to underscore the importance and the achievements of small businesses which are the economic backbone of our communities. This year's Small Business Week theme is aptly titled, "Small Business: Building America's Future."

As a member of the House Small Business Committee, I have had the pleasant opportunity to work with private individuals and public officials in Louisville and Jefferson County to promote small business in our region.

Accordingly, I have seen, firsthand, the men and women who have taken professional and financial risks in pursuit of their dreams for a business of their own and a brighter, more secure economic future.

Currently, the country's 20 million small businesses employ 6 out of every 10 working people and create a majority of the new jobs created in the Nation. Furthermore, small businesses provide two of every three workers with their first jobs.

Small businesses are inherently more flexible than big businesses and, thus, are able to keep pace with ever-changing consumer demands and with rapid developments in our country's economic and technical systems. Small businesses, better than larger corporations, are able to capitalize on trends and react to consumer movement and economic need. They can adapt to a new business climate without all the bureaucracy and red tape which can, at times, paralyze large companies.

A tribute to small businesses would not be complete, Mr. Speaker, without taking a moment to recognize the work of the Small Business Administration [SBA]. Now under the leadership of my former colleague, the Honorable Patricia Saiki, the SBA provides a number of important programs designed to assist small businessmen and women start successful small businesses. The SBA reaches out to women, minorities, the handicapped, and veterans who may be short on resources capital or the experience to penetrate sales markets.

Recently, Mr. Speaker, the SBA honored four small business people from my hometown of Louisville and Jefferson County. They are: Frederick G. Heath, president of VBM Corp., AMOX Division, as Regional Small Business Exporter of the Year; James S. Rives, senior partner of Strategic Development Associates, as Kentucky Small Business Advocate of the Year; Linda F. Bader, owner of Bader Music Village, as the Women in Business Advocate of the Year; and, Timothy Hollinden, president of Micro Computer Solutions, Inc., as Region IV Young Entrepreneur of the Year.

I congratulate these four small business people for their dedication, hard work, and perseverance. Their awards from the SBA are well deserved.

Mr. ROTH. Mr. Speaker, I am proud to honor today an elite group of entrepreneurs from the Eighth District of Wisconsin. The 1991 Small Business Persons of the Year, as recognized by the Fox Cities Chamber of Commerce and Industry, serve as outstanding business leaders in communities throughout northeast Wisconsin.

It is my pleasure to recognize this year's winners of the Small Business Person of the Year Award: In the division of retail, Carol and Ron Trimberger, representing TrimB's Restaurant and All Events Catering. In the service division, Paul J. Hoffman of the Hoffman Corp. And, for manufacturing, David G. Berry, representing the Appleton Lamplighter.

I would also like to acknowledge the nominees for Small Business Person of the Year: Pamela Baumann, Timothy A. Bishton, Garrett and Rugh Carew, James S. Crane, Linda M. Dejmek, Robert Des Jardin, James O. Hauert, Marvin L. Hollfelder, Stanley C. Pizak, Terry Marie Syring, Thomas J. Wiltzius, and Susan Zerbe.

Mr. Speaker, it is timely and appropriate that we acknowledge the outstanding achievements of these successful individuals during America's Small Business Week. Clearly, small business plays a vital role in the economy of this Nation. Small firms are responsible for the employment of 6 out of every 10 people in the United States, and 2 out of 3 employees begin their careers with small businesses.

There are more than 20 million small businesses throughout the United States, with nearly 1 million new businesses started each year. In addition, women own 4.6 million of these small firms, providing increasing opportunities for women in the business world.

Through small business, men and women can pursue the American dream with spirit and enthusiasm. In Wisconsin, so many have achieved that dream, and my friends in the Fox Valley are testimony to the fact that small business and success go hand in hand.

Small business encourages the traditional work ethic of our country, including hard work, dedication, and perseverance. The Fox Cities Chamber's Small Business Persons of the Year possess these characteristics, which have made them the successes which they are today. I salute these northeastern Wisconsin businessmen and women and commend them for their efforts.

Mr. PRICE. Mr. Speaker, I rise today in observance of Small Business Week, which has just been celebrated across our country, and want to take a moment to speak to this year's theme, "Building America's Future."

Small businesses are absolutely critical to the economic future of this country. More than 20 million small businesses in this country are responsible for creating two of every three new jobs available in today's job market. These businesses are also responsible for employing nearly half of the Nation's private sector work force, and are the major employers of women, younger, and older workers. Mr. Speaker, I applaud the commitments small businesses have made to building the future of North Carolina and the Nation. We must continue to work to ensure these businesses have the tools necessary to meet the challenges to today's society.

In North Carolina, small businesses are the backbone of a healthy community. They have been vital to our own economic development and have created numerous employment opportunities for our residents. A recent study by the Small Business Administration showed that small companies have accounted for almost 75 percent of our State's 400,000 new jobs since 1984. More than half of these new jobs were created by locally owned businesses. This is why my colleagues from North Carolina and I want to help these businesses continue to succeed.

Just 2 weeks ago, I, along with my colleagues, MARTIN LANCASTER and TIM VALENTINE, hosted a day-long procurement workshop for small businesses in our region. "Marketplace 91," as it was called, focused upon procurement opportunities for small businesses. More than 550 small businessmen and women in our districts had an opportunity to interact with nearly 60 representatives from the Federal Government, both military and civilian agencies, and prime contractors. We believe that small businesses in North Carolina have not received an equitable share of Federal contracts in past years. We sponsored this event to create new areas for growth and development for North Carolina small businesses, to make them more aware of business opportunities, and to give business owners practical information on how to proceed in procuring Federal contracts.

I am pleased we were able to coordinate this very successful three-district event. I want to thank the N.C. Small Business and Technology Development Center, the National Contract Management Association, the National Institute of Environmental Health Sciences, and the Environmental Protection Agency for sponsoring "Marketingplace 91." This event was a good example of how business, Government and the community can work together to help bring jobs, business opportunities, and increased prosperity to States and communities, especially as States like North Carolina confront severe fiscal constraints.

Mr. Speaker, I salute the small business operators in the Fourth District, across my State, and in this country. I am convinced that small businesses are the foundation of a brighter economic future. As we reflect upon the progress this Nation has made, I hope my colleagues will look back upon the contributions small businesses have made in their districts and encourage them to continue to work hard at creating new markets and new opportunities for this Nation and its people, because it will be their efforts that will help us to continue moving forward in a progressive and prosperous manner.

GENERAL LEAVE

Mr. IRELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. JONTZ). Is there objection to the request of the gentleman from Florida?

There was no objection.

POLISH CONSTITUTION—200TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, I would like to salute and congratulate the people of Poland as they celebrate the 200th Anniversary of the Polish Constitution. This great document, adopted on May 3, 1791, and for so many years a symbol of Poland's struggle for freedom and democracy, is now commemorated as a national holiday in democratic Poland. I know the pride the Polish-American community feels on this holiday, and I join them in their celebration.

The Polish Constitution is the world's second oldest written constitution. Inspired by the age of enlightenment and modeled after the American Constitution, its authors shaped a uniquely Polish Government suitable for contemporary Poland. It was the first liberal constitution of Eastern Europe and was centuries ahead of its time. It was so far ahead in fact that surrounding empires partitioned Poland to remove the dangerous precedent for reform.

The Polish Diet at the time of the constitution's adoption was comprised of nobles and aristocracy. Recognizing the weaknesses of a society based only on privilege and the dangers posed by surrounding empires, they sought to catch up on a century of stagnation and lay the foundations of a modern state. For the good of the nation, these nobles voluntarily renounced many of the traditional class barriers and brought equality before the law to the peasants of Poland. The achievement of the May Constitution impressed no less an authority than Thomas Jefferson, who declared that the world had gained three constitutions worth remembering: The American, the Polish and the French.

Mr. Speaker, if I might delve for a few minutes into the substance and background of the 3d of May Constitution, I believe an understanding of its history is necessary to understand the pride of the Polish people on this day and its importance to democratic Poland.

The constitution embodies many of the same principles we hold so dear in our own. First and foremost is a commitment to freedom. The preamble reads:

> Persuaded that our common fate depends entirely upon establishing and rendering perfect a national constitution; convinced, by a long train of experience, of many defects in our government, and willing to profit by the favorable moment which has restored us to ourselves; free from the disgraceful shackles of foreign influence; prizing more than life the external independence and internal liberty of the nation; in order to exert our natural rights with zeal and firmness, we do solemnly establish the present constitution, which we declare wholly inviolable in every part, till such period as shall be prescribed by law; when the nation, if it should think fit, may alter by its express will such articles therein as shall be found inadequate, and this present constitution shall be the standard of all laws and statutes for the future diets.

Freedom is the goal, sovereignty of the people is the means. Article V states its guiding principle: "All power in civil society is derived from the will of the people." Like in the American Constitution, from this basis was derived a system of government which enhanced the role of the people and prevented the concentration of power into any single set of hands.

The form of government dictated by the Constitution is familiar to us all. Power was divided among three branches: the executive, legislative, and judicial. The legislative branch was divided into two houses—a Chamber of Deputies and a Chamber of Senators—each having veto power over the other. National defense was placed into the hands of all the people and freedom of religion was established in these memorable words:

> As the same holy religion commands us to love our neighbors, we therefore owe to all people, of whatever persuasion, peace in matters of faith, and the protection of government; consequently we assure to all persuasions and religion freedom and liberty, according to the laws of the country, and in all dominions of the republic.

Less than 5 years after the adoption of the May constitution, Poland disappeared from the map of Europe—a banishment that would last for 123 years. This was a consequence of three partitions suffered at the hands of Russia, Austria, and Prussia. Russia feared the powerful empires of Europe and saw impoverished Poland as a buffer against them. But it feared reform in Poland more. To thwart the spread of democratic reform, it engineered the first partition in 1773 as both a warning and a landgrab. The second partition of 1793 was a direct result of the passing of the constitution. The third the result of a spirited uprising led by a hero in both hemispheres, General Tadeusz Kosciuszko.

General Kosciuszko is known by many Americans for his role in the American Revolution. Along with General Casimir Polaski, he came to America to fight for the freedom he cherished in his nativeland. The success of the American Revolution paved his return to Poland, where he took up the banner of reform.

Despairing of peaceful reform, General Kosciuszko granted full civil rights to the peasants in 1795 and called them to arms as free citizens. A ragtag group of farmers equipped only with farm tools and outnumbered three to one, this was the first People's Volunteer Army of Europe. The end of this final uprising, proudly remembered by Poles as the national rising of 1794, led to the final partition in 1795. Poland would not be whole again until 1918.

Had Poland been less progressive, less determined to establish freedom and democracy in the country, it might not have suffered the fate of 1795. Yet had it suppressed its desire for democracy, the cause of liberty would have been dealt a blow. The path was difficult, but 200 years later they have their democracy. A different path may never have accomplished it.

In the 123 years that followed the final partition, neither Poland nor its constitution were forgotten. The May constitution served as a rallying point, a symbol of Polish patriotism during these many years. In the aftermath of World War I and the demise of Poland's three longtime enemies: Austria, Russia and Germany, Poland regained its place on the map of the world. Josef Pilsudski and Roman Dmowski, two fathers of modern Poland, were Poland's chief advocates in post-war negotiations. Pilsudski later became newly established Poland's first chief of state. Quite significantly, May 3d became a new national holiday.

It is no coincidence that the arrival of the Soviet-backed Communist regime in 1945 brought a prohibition against celebrating the May constitution. And it is no coincidence that the holiday was reestablished in 1990. The spirit of the constitution and the patriotism it inspired had been forced underground for another 44 years, but there they simply would not die.

Mr. Speaker, today Poland has democracy. It has a freely elected president in Lech Walesa and it has embarked on a series of reforms unmatched in eastern Europe. The spirit of the 3d of May constitution has been its guide through this difficult transformation to democratic government and a market economy, a transformation again modeled after the American example. President Walesa has picked up where General Kosciuszko left off, and he has accomplished much in the face of incredible odds.

Poland has come a long way, but hardship at home and instability at its borders could undermine these reforms. While Americans and Poles alike celebrate the gains, we must act together with our allies to prevent any losses. Congress has begun this process by authorizing a write-off of 70 percent of Poland's $3.8 billion debt to the United States, but President Bush must continue to press the members of the Paris Club for their help in ending Poland's economic woes. Only then can President Walesa commit the resources toward investment and growth necessary to foster a healthy, growing economy. And only then can we ensure that a beleaguered economy does not set back hard-won democratic reforms.

Again, I offer my congratulations to the people of Poland on this special anniversary and my sincere desire for our nations to work together to make the principles of the May constitution a reality for another 200 years.

Mr. DINGELL. Mr. Speaker, on May 3, the people of Poland celebrated the 200th anniversary of their Constitution. It is fitting that Congress recognize this occasion since it is only the second celebration of the document since Poland freed itself from Communist domination: A sign that Poland has had to struggle to assure peace and prosperty for its citizens.

The Polish Constitution was a product of the Great 4-Year Sejm from 1788 to 1792, and reflected the ideals of the Enlightenment. Its objectives were to establish a hereditary constitutional monarchy, to replace the system requiring unanimous vote for the passage of any law by the Sejm, and to empower its people with the authority to check the intentions of the nobility.

"All power in civil society should be derived from the will of the people * * *," is the first line of article V in this historic document. It is a line describing the true intent of the Polish Constitution: To establish the belief that the citizens of the nation were the nation. That ideal served as a model for the rest of Europe and enabled Polish citizens to endure the anguish caused when their country vanished from the world map.

It was this year, in 1795, less than 25 years after its creation, that the Polish Constitution, along with the country it served, was dissolved by Russia, Prussia, and Austria. The end of World War I brought with it a restored Poland and a national holiday of May 3. However, the Communist government established after World War II again tormented the Polish by abolishing their holiday. It was only in 1990 that Poland was reestablished and once again the holiday was celebrated openly.

Mr. Speaker, the determination and dedication of the Polish people deserve our respect, applause, and admiration. Let us too celebrate the continued rebirth of a great country and the profound ideals of its people.

Mr. NOWAK. Mr. Speaker, the tumultous change in Poland during the last year or so take on a special significance as we observe the 200th anniversary of the Polish Constitution of May 3, 1791.

The framers of that document undoubtedly would be pleased to see the success to date of this modern Polish Revolution.

They would certainly be delighted that the fresh air of freedom is blowing across the plains of Eastern Europe.

And they would marvel in particular at the pace of democratic progress in Poland, which is experiencing an independence it had not experienced for nearly half a century.

I believe, however, that those 18th century Poles would be most pleased to discover that the United States, which was aided by their countrymen—Pulaski and Kosciusko—is playing a major role in helping modern Poland nurture and strengthen its new freedom.

But our national interest in providing financial and moral support to the new Poland goes beyond the fact that our friendship dates to the contributions of Pulaski and Kosciusko.

It goes beyond being good domestic political strategy because of the millions of Polish-Americans who maintain close contact with their relatives in Europe.

Poland today deserves our special support because it is embarked bravely on a pioneering political and economic experiment, reminiscent of the spirit that prevailed under the Constitution of May 3, slightly more than 200 years ago.

The success of Poland's conversion today from communism to democracy, from a largely centralized economy to a free market system, will lead to further democratization and more political stability in Eastern Europe.

Right now, Poland is an economic and social role model for other former Communist-bloc nations in the region.

We want that model to succeed and we want that model to be imitated.

In the process, the Polish people will achieve a higher standard of living and an elevated quality of life.

A healthy Polish economy will also provide export opportunities for the United States and other nations.

Thus, as you can see, we have many good reasons for doing what we can to help this grand Polish adventure succeed.

At the same time, we cannot underestimate the staggering dimensions of the challenges facing Poland.

That was one message that came through loud and clear last month when I joined approximately 40 other Members of Congress at a private meeting in Washington with President Walesa.

President Walesa thanked us for the role we played in reducing his nation's debt and also expressed gratitude to American taxpayers for their support.

But he acknowledged that there will be "difficult times ahead * * * difficult times ahead" as he leads the march toward a total free market economy in Poland.

For this process, Poland needs a great deal. It needs foreign investors, new technology, training, and ideas.

But most of all, it needs time. This radical change in political and economic systems will take time.

The patience of the Polish people will be tested severely.

Inflation in Poland has been reduced and goods returned to store shelves. But as the new regime pursues its policy of privatizing formerly Government-run businesses and industries, unemployment has risen dramatically and wage controls have caused a decline in real monthly wages.

The new Government is faced with creating new institutions, including a stock market to raise capital and a viable banking system.

It needs to attack its environmental and infrastructure problems and modernize its telecommunications network.

These are steps important to gain the confidence of foreign investors and to expand trade opportunities.

The assistance that we and other nations and organizations, like the World Bank and the International Monetary Fund, offer are not enough to solve all of Poland's problems overnight.

However, this foreign aid will help the Poland buy time to regain its economic feet. It also is a signal of hope to the Polish people, encouraging them, as they sacrifice, that other Western nations care, that it is worth being patient.

Late last month, I had the opportunity to visit Krakow, and Warsaw, along with other members of the Public Works Committee and an Environmental Protection Agency delegation.

As part of the U.S. aid package, EPA is providing $5 million to Krakow, $1 million for a series of air monitoring stations in the city, and $4 million for improvements to its wastewater and drinking water treatment plants.

I certainly was impressed by the determination of the many Poles we met to attack their economic and environmental problems vigorously.

I hope that this bicentennial observance of the Constitution of May 3 will bolster this determination and be a source of inspiration.

The special significance of this year's observance was the focus of an April 25 editorial in the Am-Pol Eagle, a weekly newspaper in my hometown of Buffalo, and I would like to insert that at this point in the RECORD:

MAY 3RD CONSTITUTION HAS NEW MEANING

The celebrations will have special meaning this year for several reasons. First it will be the 200th anniversary of the Polish Constitution of May 3rd and as a bicentennial observance, the meaning will be magnified. Just as importantly, it will be celebrated in a free Poland with a democratically-elected president for the fist time in more than a half-century.

The Constitution of May 3rd was the first in Europe that gave individuals rights and freedoms to citizens. It was a hallmark of those around the world crying out for justice in a world that too often was governed by those who felt power was the only important tool of rule.

Poles around the world, including here in the United States, will celebrate May 3rd with a special reverence and respect for the Polish citizens who fought so hard 200 years ago to establish their rights. The meaning of that document is as important today as it was then.

Here in Western New York the Polish American Congress will sponsor events commemorating this special anniversary and we encourage our readers to participate in them. PAC Vice Preisdent Karol Tomaszewski, chairman of the PAC observances, has put together an exciting and memorable program that we believe captures the true spirit of this most important day.

Poles earned their place in the history of struggles for freedom with the adoption of the constitution of May 3, 1791. We should not forget this noble accomplishment.

Mr. KLECZKA. Mr. Speaker, today I rise to commemorate the bicentennial of the Polish Constitution declared on May 3, 1791, by King Stanislaw Augustus and members of the Polish Legislature, the SEJM.

Much has happened in the world since King Augustus proclaimed this historic document on May 3, 1791. Monarchs have declined. World wars have been fought. The modern factory was invented. The automobile, the airplane, nuclear weapons, television, the computer, and the fax machine have all been invented. Throughout these changes, the courage, loyalty, and faith of the Polish people in the ideal of democracy has never, ever wavered.

The Polish Constitution was the world's second constitution, after our own, and it stands the test of time as a landmark in the evolution of democracy. Like our Constitution, King Augustus' constitution reflects the moral fabric of the Polish people. It reflects love of liberty, respect for human rights, religion, open expression, and equality for all. It has withstood the challenges of Russia, Prussia, Nazi occupation, and Communist repression.

King Augustus' constitution was an attempt to replace Poland's medieval political system with a modern constitutional monarchy and a more effective parliament. The new law, adapted from Western constitutional principles—including the American Constitution approved only 4 years earlier in 1787—was greeted by weeks of celebration throughout Poland's cities and towns and by acclaim from European and American statesman.

In 1793, just 2½ years after the declaration of this constitution, however, Poland was partitioned between Russia and Prussia. In contrast, today, Poland stands free, whole, and proud of its democratic renaissance. Just like the rise of the courageous Solidarity trade union in the 1980's, this inspiring document marked a major advance for democracy and political unity in Poland. The new constitution's ultimate goal, to create a stable and well-organized government to protect Poland from Russian expansionism, is similar to the aspirations of Lech Walesa and the Polish people, who are striving to free their nation from the legacy of over 40 years of Soviet domination.

There are remarkable parallels between King Augustus and Lech Walesa. Both are founding fathers with the courage and foresight to look beyond their times while striving for the principles of democracy. King Augustus resisted Russian expansionism. Lech Walesa resisted communism and defeated it. King Augustus tried to replace an outdated political system with a constitutional monarchy. Lech Walesa is replacing an outdated economy and political system with democracy and free markets. King Augustus fought against great odds. Lech Walesa fought against great odds. King Augustus loved his people and fought for their liberty above all. Lech Walesa loves his people above all and continues to sacrifice for them.

While the United States unfortunately was unable to help Poland significantly in 1791, we can be much more helpful nearly 200 years later. The generous Support for Eastern European Democracy [SEED] Act, enacted into law last year, was one example of how America can share its technological and economic advances with Poland and other former Soviet bloc nations in Eastern Europe.

Mr. Speaker, to commemorate the bicentennial of the Polish Constitution, I urge my colleagues to continue to support Poland's transition to a fully democratic political system and a free-market economy.

Mr. BORSKI. Mr. Speaker, I would like to thank Congressman LIPINSKI for holding this special order today to commemorate the 200th anniversary of the Polish Constitution. As a Polish-American Congressman, I am proud to say that, 200 years after the signing of this bold document, Poland is finally free.

On May 3, 1791, the Polish parliament enacted the first Polish Constitution. Preceded only by the American Constitution of 1789, it is the world's second oldest written constitution. It is also Europe's first written fundamental law, enacted 4 months earlier than the first French Constitution. In fact, Thomas Jefferson once wrote that the world had gained three constitutions worth remembering and honoring: the French, the American, and the Polish.

Unfortunately, due to the volatile situation in Europe at that time, this bold document failed to prevent the fall of Poland. Partitioned once again by foreign powers, Poland disappeared from the map of the world for 123 years. It reappeared again in 1918, only to be overrun by Germany and, most recently, the Soviet Union.

But today, 200 years after its signing, the principles of the Polish Constitution are finally coming true in Poland. Prompted by a disgruntled shipyard worker named Lech Walesa, the walls of Communist rule came tumbling down. Poland is once again free, and the 200-year-old Constitution has taken on a new, wonderful meaning for the Polish people.

But while Poland has taken dramatic steps toward democracy in the last few years, it faces monumental challenges ahead. Last month, I visited Poland and witnessed firsthand the legacy of Communist rule. The terror and oppression that accompanied Communist rule are now gone, but the economic, social and, particularly, environmental consequences still remain.

Mr. Speaker, what I saw on my trip to Poland was both promising and, at the same time, disheartening. The country is ravaged by coal-contaminated air and heavily polluted rivers and streams. More than two-thirds of the Vistula River and 80 percent of the Oder River are useless, even for industrial use. Because of this pollution, Poland's infant mortality rate is 20 deaths per 1,000 births—compared to Sweden's 6 deaths per 1,000 births—and the average life expectancy is 10 years less than in Sweden. Indeed, the cost of environmental pollution in terms of human health, ecological damage and economic cost is real.

Poland simply does not have the resources to heal these tragic wounds. They desperately need our help. In 1989, Congress provided Eastern European nations $10 million for environmental programs, including an EPA project to monitor and combat pollution in Krakow. On my trip, I visited and assessed these invaluable programs. While small in scale, this aid is greatly appreciated by the Polish people. They recognize that cleaning their air and water will make them healthier, more productive and better prepared for their transition to a free-market economy.

Mr. Speaker, today is a great, historic day for Poland and her people. Like its predecessor in America, the Polish Constitution is a product of the Age of Enlightenment. As Poland embarks on a new age of enlightenment with the demise of Communist rule, we must do all that we can to ensure Polish independence and freedom in the next 200 years.

Mr. BONIOR. Mr. Speaker, Friday, May 3, 1991, marked the 200th anniversary of the Polish Constitution of 1791. On that day, the first constitution in Europe was approved by the Polish Diet. This landmark document embodied the dedication of the Polish people to the principles of freedom, justice, and individual liberty.

One of our Founding Fathers, George Washington, wrote, "Poland, by the public papers appears to have made large and unexpected strides toward liberty, which, if true reflects great honor on the present King, who seems to have been the principle promoter of the business." The public papers were true. In fact, the Polish Constitution expressed the philosophy of our own Constitution and Declaration of Independence.

Unfortunately, neighboring Russia did not like the strides being taken in Poland, within a year, Russian troops invaded, and Poland was subjected to further partition among its hostile neighbors. For the better part of two centuries, the Polish people suffered repression from one source or another. Throughout this extremely difficult time, the Polish people retained an unswerving dedication to freedom and democracy.

It is no accident that the tide of freedom sweeping across Eastern Europe began in Poland. The Polish people approved the first European constitution in 1791, and they were the first to throw down the shackles of communism in 1989. Thanks to the courage of the Polish people, Eastern Europe has entered a new era of freedom and hope. It is fitting that last year, May 3 was reinstated as a national holiday in Poland after being abolished by the Communist government in 1945.

In America, Polish-Americans have made tremendous contributions to this country. Michigan is blessed with a large and very active Polish community. Polish-American arts and veterans groups sponsored a number of events to celebrate this important historical event.

Mr. Speaker, in conclusion, I'd like to join people across this Nation and around the world in celebrating the 200th anniversary of the Polish Constitution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARTIN (at the request of Mr. MICHEL), for today and the balance of the week, on account of death of his father.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. ARCHER, for 5 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. OBEY) and to include extraneous matter:)

Mr. BACCHUS, for 5 minutes, today.

Mr. OWENS of Utah, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. THOMAS of California.

Mr. COUGHLIN in two instances.

Mr. JAMES.

Mr. WALSH.

Mr. LEWIS of California.

Mr. DUNCAN in four instances.

Mr. GUNDERSON.

Mr. GALLO.

Mr. REGULA.

Mr. CRANE.

Mr. GALLEGLY.

Mr. VANDER JAGT in two instances.

Mr. GILMAN.

Mrs. BENTLEY.

Mr. SUNDQUIST.

Mr. BURTON of Indiana.

Mr. DREIER of California.

Mr. BILIRAKIS.

Ms. ROS-LEHTINEN in four instances.

Mr. BALLENGER.

Mr. MILLER of Washington.

(The following Members (at the request of Mr. OBEY) to revise and extend their remarks and include extraneous material:)

Mr. SLATTERY in two instances.

Mr. SWETT.

Mr. STARK in three instances.

Mr. RICHARDSON in three instances.

Mr. TRAFICANT in two instances.

Mr. CLAY.

Mr. HAMILTON.

Mr. LANTOS.

Mr. OBERSTAR.

Mr. TORRICELLI.

Mr. DELUGO.

Mr. OLIN.

Mr. TORRES.

Mr. MANTON.

Mr. ATKINS.

Mr. ROSTENKOWSKI.

Mr. FAZIO.

Mr. DOWNEY.

Mr. NOWAK.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 194. Joint resolution designating May 12, 1991, as "Infant Mortality Awareness Day," and

H.J. Res. 214. Joint resolution recognizing the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 258. An act to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

ADJOURNMENT

Mr. IRELAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, May 9, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1227. A letter from the Deputy Secretary, Department of Defense, transmitting the 1991 report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 note; to the Committee on Armed Services.

1228. A letter from the Secretary of the Navy, transmitting notification that major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1229. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 159 of title 10, United States Code, to authorize the Secretary of Defense, or his designee, to acquire interests in real property in support of special operations forces and activities; to the Committee on Armed Services.

1230. A letter from the White House Conference on Indian Education, transmitting the report of the White House Conference on Indian Education and statement thereon, pursuant to 25 U.S.C. 2001 note; to the Committee on Education and Labor.

1231. A letter from the Deputy Secretary of Agriculture, transmitting the 1990 annual report of the Department on its hazardous waste management activities; to the Committee on Energy and Commerce.

1232. A communication from the President of the United States, transmitting a progress report toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations covering the period from January through March 1991, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

1233. A letter from the Agency for International Development, transmitting a summary of activities proposed for funding in Peru during fiscal year 1991 by the Agency; to the Committee on Foreign Affairs.

1234. A letter from the Agency for International Development, transmitting a summary of activities proposed for funding in Brazil during fiscal year 1991 by the Agency; to the Committee on Foreign Affairs.

1235. A letter from the Railroad Retirement Board, transmitting the Agency's annual report on the Program Fraud Civil Remedies Act for the year ending September 30, 1990, pursuant to 31 U.S.C. 3810; to the Committee on Government Operations.

1236. A letter from the Deputy Associate Director for Collections and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1237. A letter from the Deputy Associate Director for Collections and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1238. A letter from the Department of the Interior, transmitting the self-governance demonstration project baseline measures report; to the Committee on Interior and Insular Affairs.

1239. A letter from the Non Commissioned Officers Association, transmitting the financial report for 1990, pursuant to Public Law 100-281, sec. 13 (100 Stat. 75); to the Committee on the Judiciary.

1240. A letter from the Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act; to the Committee on Small Business.

1241. A letter from the Secretary of Health and Human Services, transmitting the fifth report on the activities and progress of the Physician Payment Review Commission, pursuant to 42 U.S.C. 1395w-1(c)(1)(D); to the Committee on Ways and Means.

1242. A letter from the Secretary of Education, transmitting a notice of final selection criteria for the National Science Scholars Program, pursuant to 20 U.S.C. 1232(d)(1); jointly, to the Committee on Education and Science, Space, and Technology.

1243. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report of the nondisclosure of Safeguards Information for the quarter ending March 31, 1991, pursuant to 42 U.S.C. 2167(d); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1244. A letter from the Secretary of Health and Human Services, transmitting a report on progress made during the preceding year of research on outcomes of health care services and procedures; jointly, to the Committees on Energy and Commerce and Ways and Means.

1245. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the feasibility of IHS and VA sharing medical facilities, pursuant to 25 U.S.C. 1680f; jointly, to the Committee on Energy and Commerce, Veterans' Affairs, and Interior and Insular Affairs.

1246. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Solid Waste Disposal Act to prohibit the export from and import into the United States of hazardous and additional waste except in compliance with the requirements of this bill; jointly, to the Committees on Foreign Affairs, Energy and Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BERMAN: Committee on Foreign Affairs. H.R. 1415, a bill to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes, with an amendment (Rept. 102-53). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X:

The Committee on Merchant Marine and Fisheries discharged from further consideration of S. 248; S. 248 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 2251. A bill making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes; to the Committee on Appropriations.

By Mr. APPLEGATE (by request):

H.R. 2252. A bill to amend title 38, United States Code, to revise the formula for computation of dependency and indemnity compensation paid to a surviving spouse of a veteran who dies from a service-connected disability or while on active duty; to the Committee on Veterans' Affairs.

By Mr. ARCHER:

H.R. 2253. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion under section 911 of such Code; to the Committee on Ways and Means.

By Mr. BERMAN (for himself and Ms. Snowe):

H.R. 2254. A bill to direct the Secretary of State to seek an agreement from the Arab countries to end certain passport and visa policies and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOUCHER (for himself, Mr. Wolpe, Mr. Coble, Mr. Feighan, Mr. Moorhead, Mr. Fish, Mr. Hoagland, Mr. Synar, Mr. Gekas, Mr. McCollum, Mr. Schiff, Mr. Levine of California, Mr. Richardson, Mr. Conyers, Mr. Carr, Mr. Ford of Michigan, Mr. Kildee, Mr. Camp, Mr. Pursell, Mr. Henry, Mr. Upton, Mr. Traxler, Mr. Levin of Michigan, Mr. Hertel, Mr. Bonior, Mr. Vander Jagt, Mr. Davis, Mr. Broomfield, and Mrs. Collins of Michigan):

H.R. 2255. A bill to extend the patent term of certain products; to the Committee on the Judiciary.

By Mr. CRANE (for himself and Mr. McCollum):

H.R. 2256. A bill to amend the National Labor Relations Act to remove the requirement that individual employees join and pay dues and fees to labor organizations and for other purposes; to the Committee on Education and Labor.

By Mr. DANNEMEYER:

H.R. 2257. a bill to repeal the tax increases contained in the Revenue Reconciliation Act of 1990; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself and Mr. Emerson):

H.R. 2258. A bill to help end hunger and human want; jointly, to the Committees on Education and Labor, Agriculture, Energy and Commerce, Foreign Affairs, Banking, Finance and Urban Affairs, and Ways and Means.

By Mr. HAYES of Illinois:

H.R. 2259. A bill to provide an 8 percent pay increase for Federal employees within the Chicago-Gary-Lake County, IL-IN-WI Consolidated Metropolitan Statistical Area; to the Committee on Post Office and Civil Service.

By Mr. HERGER:

H.R. 2260. A bill to provide relief to State and local governments from Federal regulation; jointly, to the Committees on the Judiciary, Government Operations, and Rules.

By Mr. HUGHES (for himself and Mr. Moorhead):

H.R. 2261. A bill to amend titles 18 and 28 of the United States Code with respect to witness fees and witness protection; to the Committee on the Judiciary.

By Mr. JONES of Georgia:

H.R. 2262. A bill to recognize the organization known as the National Association of Women Veterans, Inc.; to the Committee on the Judiciary.

By Mr. KASICH (for himself and Mr. Sikorski):

H.R. 2263. A bill to amend title 5, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McEWEN:

H.R. 2264. A bill to amend the Internal Revenue Code of 1986 to disallow trade or business expense deductions for amounts paid to self-insured medical reimbursement plans which discriminate against services performed by chiropractors; to the Committee on Ways and Means.

H.R. 2265. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Ms. MOLINARI:

H.R. 2266. A bill to clarify that fly ash from municipal solid waste incinerators shall be regulated under subtitle C of the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H.R. 2267. A bill to amend title 23, United States Code, relating to construction of pedestrian walkways and bicycle lanes, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR (for himself and Mr. Hammerschmidt):

H.R. 2268. A bill to amend the Federal Aviation Act of 1958 to improve air service to small communities; to the Committee on Public Works and Transportation.

By Mr. RIGGS:

H.R. 2269. A bill to require the Secretary of the Interior to provide minimum instream flows for the Trinity River in the State of California, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. SIKORSKI (for himself and Mrs. Morella):

H.R. 2270. A bill amending certain provisions of title 5, United States Code, relating to the Senior Executive Service; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey:

H.R. 2271. A bill to extend imminent danger pay to members of the Armed Forces stationed on Diego Garcia during the Persian Gulf conflict; to the Committee on Armed Services.

H.R. 2272. A bill to direct the Secretary of Defense to recommend to Congress whether the limitation on the amount of compensation of officers of the Armed Forces that may be excluded from gross income for purposes of the Internal Revenue Code of 1986 while serving in a combat zone should be increased: jointly, to the Committees on Armed Services and Ways and Means.

By Mr. SPENCE:

H.R. 2273. A bill to amend title 18 of the United States Code to permit the prosecution of a murder of a United States national abroad; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. Brown, Mr. Campbell of California, Mr. Lantos, Mr. Ravenel, Mr. Lancaster, Mr. Roe, Mr. Jontz, Mr. Johnson of South Dakota, Mr. Dellums, Mr. Beilenson, Mr. Lipinski, Mr. Mavroules, Mr. Frank of Massachusetts, Mr. Weiss, and Mr. Faleomavaega):

H.R. 2274. A bill to better protect and manage certain redwood forests by adding lands to the Six Rivers National Forest and by designating the Headwaters Forest Wilderness, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. VOLKMER:

H.R. 2275. A bill to provide for a combined corn and grain sorghum base for purposes of Federal agricultural programs; to the Committee on Agriculture.

By Mr. WISE:

H.R. 2276. A bill to authorize the Secretary of Transportation to carry out a heated bridge technology assessment program; to the Committee on Public Works and Transportation.

By Mr. BARTON of Texas (for himself, Mr. Tauzin, Mr. Miller of Washington, Mr. Pallone, Mr. Hancock, Mr. Burton of Indiana, Mr. Bennett, Mr. Hall of Texas, Mr. Taylor of Mississippi, Mr. Hubbard, Mr. McEwen, Mr. Inhofe, Mr. Rohrabacher, Mr. Dornan of California, Mr. Erdreich, Mr. Ramstad, Mr. Hammerschmidt, Mr. Packard, Mr. Lent, Mr. Stump, Mr. Dannemeyer, Mr. Porter, Mr. Petri, Mr. Sensenbrenner, Mr. Tallon, Mr. Combest, Mr. Roberts, Mr. Wilson, Mr. Doolittle, Mr. Moorhead, Mr. Hobson, Mr. Camp, Mr. Thomas of Wyoming, Mr. Herger, Mr. Ritter, Mr. Cox of California, Mr. Oxley, Mr. Lightfoot, Mr. Santorum, Mr. Callahan, Mr. Fawell, Mr. Solomon, Mr. Boehner, Mr. Zeliff, Mr. Dickinson, Mr. Hansen, Mr. Gallo, Mr. Hefley, Mr. Hastert, Mr. Zimmer, Mr. Smith of Texas, Mr. Ireland, Mr. Skeen, Mr. Laughlin, Mr. Bliley, Mr. Bunning, Mr. DeLay, Mr. Bilirakis, Mrs. Patterson, Mr. Stearns, Mr. Crane, Mr. Kasich, Mr. Martin, Mr. Livingston, Mr. Young of Alaska, Mr. Saxton, Mr. Machtley, Mr. Fields, Mr. Baker, Mr. Duncan, Mr. Jenkins, Mr. McCandless, Mr. Campbell of California, Mr. Hayes of Louisiana, Mr. Weber, Mr. Ballenger, Mr. Coble, Mr. Blaz, Mr. Slaughter of Virginia, Mr. Gallegly, Mr. Goss, Mr. Hunter, Mr. McCrery, Mr. Armey, Mr. Walsh, Mr. Quillen, Mr. Holloway, Mr. Dreier of California, Mr. Lagomarsino, Mr. Parker, Mr. Huckaby, Mr. Gingrich, Mr. McCollum, Mr. Archer Mr. Vander Jagt, Mr. de la Garza, Mr. Upton, Mr. Hyde, Mr. Edwards of Oklahoma, Mr. Jones of North Carolina, and Mr. Montgomery):

H.J. Res. 248. Joint resolution proposing a Balanced Budget Amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MFUME:

H.J. Res. 249. Joint resolution designating September 24 through 30, 1991, as "National African-American Historical and Cultural Museums Week"; to the Committee on Post Office and Civil Service.

H.J. Res. 250. Joint resolution designating June 24 through 28, 1991, as "Vocational-Technical Education Week"; to the Committee on Post Office and Civil Service.

By Mr. WOLF (for himself, Mr. Fascell, and Mr. Broomfield):

H.J. Res. 251. Joint resolution to establish that it is the policy of the United States to encourage and support conservation efforts initiated by Brazil to protect the Amazon forest, and that the United States should redouble its efforts to reduce its pollution of the global environment; to the Committee on Foreign Affairs.

By Mr. YOUNG of Florida:

H.J. Res. 252. Joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. ACKERMAN, Mr. BARNARD, Mr. BATEMAN, Mr. BORSKI, Mrs. BYRON, Mr. CARDIN, Mr. COLEMAN of Texas, Mr. CONDIT, Mr. DICKS, Mr. DIXON, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ERDREICH, Mr. EVANS, Mr. FAZIO, Mr. FRANK of Massachusetts, Mr. GRAY, Mr. GUARINI, Mr. HOCHBRUECKNER, Mr. KOSTMAYER, Mr. LEHMAN of California, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCMILLEN of Maryland, Mr. MFUME, Mr. MORAN, Mrs. MORELLA, Mr. PICKETT, Mr. RAY, Mr. RUSSO, Mr. WOLF, Mr. MCNULTY, Mr. BURTON of Indiana, Mr. SAWYER, Mr. CHANDLER, Ms. OAKAR, Mrs. SCHROEDER, Mr. HAYES of Illinois, Mr. YATRON, Mr. HUTTO, Mr. GILMAN, and Mr. WHEAT):

H. Con. Res. 147. Concurrent resolution thanking and commending this Nation's Federal civilian employees for their contributions to Operation Desert Shield and Operation Desert Storm; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H. Con. Res. 148. Concurrent resolution expressing the sense of the Congress that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

102. By the Speaker: Memorial of the Senate of the State of Washington, relative to the crisis in the Middle East; to the Committee on Armed Services.

103. Also, memorial of the General Assembly of the State of Illinois, relative to Operation Desert Storm; to the Committee on Armed Services.

104. Also, memorial of the House of Representatives of the State of Washington, relative to ethanol in motor fuels; to the Committee on Energy and Commerce.

105. Also, memorial of the Senate of the State of Kansas, relative to the desecration of the American flag; to the Committee on the Judiciary.

106. Also, memorial of the House of Representatives of the State of Washington, relative to driftnet fishing on the high seas; to the Committee on Merchant Marine and Fisheries.

107. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, realtive to Arbor Day; to the Committee on Post Office and Civil Service.

108. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvnaia, relative to opposing any increase in truck size and weight; to the Committee on Public Works and Transportation.

109. Also, memorial of the House of Representatives of the State of Washington, relative to adoption of a new Federal Surface Transportation Assistance Act; to the Committee on Public Works and Transportation.

110. Also, memorial of the House of Representatives of the State Washington, relative to the Hanford Reservation; to the Committee on Science, Space, and Technology.

111. Also, memorial of the House of Representatives of the State Washington, relative to the motor fuel tax; to the Committee on Ways and Means.

112. Also, memorial of the House of Representatives of the State Washington, relative to the employer-provided benefits; to the Committee on Ways and Means.

113. Also, memorial of the House of Representatives of the State New Jersey, relative to the Medicare coverage for blood work and vitamins; jointly, to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. SARPALIUS, Mr. WELDON, Mr. CLEMENT, Mr. GAYDOS, Mr. EMERSON, Mr. SAVAGE, Mr. PANETTA, and Mr. TORRES.

H.R. 68: Mr. BALLENGER and Mr. ECKART.

H.R. 77: Mr. TRAFICANT and Mr. BROOMFIELD.

H.R. 78: Mr. BALLENGER, Mr. GALLO, Mr. FISH, Mr. STUMP, and Mr. JAMES.

H.R. 100: Mr. ENGEL.

H.R. 117: Mr. SANTORUM and Mr. VENTO.

H.R. 196: Mr. DELLUMS, Mr. MFUME, Mr. RANGEL, and Mr. TOWNS.

H.R. 258: Mr. GOSS.

H.R. 303: Mr. JONES of North Carolina, Mr. BURTON of Indiana, Mr. GLICKMAN, Mr. OWENS of Utah, and Mr. KOLTER.

H.R. 304: Mr. MILLER of Washington and Mr. GLICKMAN.

H.R. 318: Mr. STOKES.

H.R. 352: Mr. COX of California and Mr. CAMPBELL of California.

H.R. 392: Mr. FORD of Tennessee, Mr. FRANKS of Connecticut, Mr. GEREN of Texas, Mr. KENNEDY, Mr. MCNULTY, and Mr. WILSON.

H.R. 393: Mr. SMITH of New Jersey.

H.R. 416: Mr. DIXON, Mr. FISH, and Mr. DELLUMS.

H.R. 431: Mr. SMITH of Texas, Mr. EDWARDS of Texas, Mr. JAMES, Mr. HEFLEY, Mr. COLEMAN of Texas, Mr. BUNNING, Mr. FAZIO, and Mr. RAMSTAD.

H.R. 461: Mr. FRANK of Massachusetts, Mrs. PATTERSON, Mr. SLATTERY, Mr. VALENTINE, Mr. COSTELLO, Mr. LANTOS, Mr. GUARINI, and Mr. DWYER of New Jersey.

H.R. 467: Mr. SCHUMER, Mr. TAUZIN, Mr. RAHALL, and Mr. RAMSTAD.

H.R. 476: Mr. MARTINEZ, Mr. SCHEUER, Mr. BEILENSON, Mr. HOYER, Mr. MCDERMOTT, Mr. JONTZ, Mr. FROST, Mr. HUGHES, Mr. DURBIN, Mr. SIKORSKI, and Mr. OWENS of Utah.

H.R. 501: Mr. CONYERS, Mr. FLAKE, Mr. LEVINE of California, Mr. MILLER of California, Mr. NEAL of Massachusetts, and Mr. WILSON.

H.R. 506: Mr. ROE.

H.R. 601: Mr. KYL and Ms. COLLINS of Michigan.

H.R. 643: Mr. BREWSTER, Mr. DELAY, Mr. HERGER, Mr. MCCANDLESS, Mr. DUNCAN, Mr. THOMAS of California, Mr. JOHNSTON of Florida, and Mr. PAXON.

H.R. 644: Ms. COLLINS of Michigan.

H.R. 672: Ms. COLLINS of Michigan.

H.R. 694: Mr. DURBIN.

H.R. 724: Mrs. PATTERSON.

H.R. 744: Mr. OWENS of Utah, Mr. CLAY, and Ms. SLAUGHTER of New York.

H.R. 776: Mr. HUGHES, Mr. SKAGGS, Mr. YATES, and Mr. MACHTLEY.

H.R. 780: Mr. HUGHES, Mr. SKAGGS and Mr. YATES.

H.R. 782: Mr. PACKARD, Mr. MCEWEN, Mr. FIELDS, and Mr. GREEN of New York.

H.R. 784: Mr. SIKORSKI and Mr. SHAYS.

H.R. 809: Mr. SARPALIUS.

H.R. 849: Mr. RANGEL.

H.R. 865: Mr. DEFAZIO.

H.R. 870: Mr. PANETTA.

H.R. 871: Mr. SCHEUER, Mr. DE LUGO, Mr. PANETTA, Mr. VENTO, and Mrs. JOHNSON of Connecticut.

H.R. 872: Mr. PANETTA.

H.R. 873: Mr. PANETTA.

H.R. 875: Mr. KOPETSKI.

H.R. 911: Mr. JONES of Georgia, Mr. GLICKMAN, and Mr. SANTORUM.

H.R. 918: Mr. FALEOMAVAEGA, Mr. HUCKABY, Mr. STARK, and Mr. MARKEY.

H.R. 961: Mr. DYMALLY.

H.R. 978: Mr. DIXON, Mr. VENTO, and Mr. LEWIS of Florida.

H.R. 1003: Mr. SANDERS.

H.R. 1004: Mr. PAYNE of Virginia.

H.R. 1007: Mr. HOBSON, Mr. MILLER of California, Mr. BURTON of Indiana, Mr. HUCKABY, Mr. KLUG, Mrs. MORELLA, Mr. DURBIN, Mr. SKAGGS, Mr. ACKERMAN, Mr. WYDEN, and Mr. HOYER.

H.R. 1055: Mr. RAMSTAD.

H.R. 1067: Mrs. LLOYD, Ms. SLAUGHTER of New York, Mr. MARKEY, Mr. TORRES. Mr. MFUME, Mr. HOUGHTON, Mr. LAGOMARSINO, Mr. ROGERS, Mr. SANTORUM, Mr. PALLONE, Mr. SKEEN, Mr. SISISKY, Mr. MARTINEZ, Mr. MILLER of Washington, Mr. STUDDS, Mr. ATKINS, Mr. OBERSTAR, Mr. BEVILL, Mr. DIXON, Mr. BROOMFIELD, Mr. DURBIN, Mr. PURSELL, Mr. ANDREWS of Maine, Mr. LOWERY of California, Mr. HUNTER, Mr. RITTER, Mr. SHUSTER, Mr. GOODLING, Mr. WEBER, Mr. ANNUNZIO, Mr. MURTHA, Mr. CLEMENT, Mr. WELDON, Mr. GEKAS, Mr. MINETA, and Mr. RIDGE.

H.R. 1072: Mr. KENNEDY, Mr. JACOBS, Mr. FEIGHAN, Mr. YATES, Mr. ROYBAL, and Mr. HOYER.

H.R. 1073: Mr. KENNEDY, Mr. JACOBS, Mr. FEIGHAN, Mr. YATES, Mr. ROYBAL, and Mr. HOYER.

H.R. 1078: Mr. PERKINS.

H.R. 1081: Mr. HORTON.

H.R. 1125: Mr. MACHTLEY.

H.R. 1130: Mr. HANCOCK.

H.R. 1177: Mrs. MINK, Mr. JOHNSTON of Florida, Mr. CARPER, Mr. BENNETT, and Ms. DELAURO.

H.R. 1218: Mrs. MINK, Mr. DE LUGO, Mr. PALLONE, Ms. KAPTUR, and Mr. LIPINSKI.

H.R. 1237: Mr. ALEXANDER, Mr. BARNARD, Mr. BARRETT, Mr. BEREUTER, Mr. BREWSTER, Mr. BOUCHER, Mr. BURTON of Indiana, Mr. CAMP, Mr. COBLE, Mr. COMBEST, Mr. DELAY, Mr. DICKINSON, Mr. DORNAN of California, Mr. DUNCAN, Mr. ENGLISH, Mr. GALLEGLY, Mr. GEREN of Texas, Mr. GORDON, Mr. GRANDY, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HEFNER, Mr. HUGHES, Mr. HUTTO, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Mr. LAUGHLIN, Mr. LEWIS of Florida, Ms. MOLINARI, Mr. MONTGOMERY, Mr. NICHOLS, Mr. ORTON, Mr. OWENS of New York, Mr. PENNY, Mr. PRICE, Mr. QUILLEN, Mr. RICHARDSON, Mr. RIGGS, Mrs. ROUKEMA, Mr. SARPALIUS, Mr. SERRANO, and Mr. ZIMMER.

H.R. 1245: Mr. RAMSTAD, Mr. BOEHLERT, Mr. SPENCE, Mrs. COLLINS of Michigan, Mr. BILIRAKIS, Mr. ESPY, Mr. TRAXLER, and Mr. MOORHEAD.

H.R. 1265: Ms. MOLINARI, Mr. WALSH, Ms. NORTON, Mr. MOORHEAD, Mr. MCNULTY, and Mr. DANNEMEYER.

H.R. 1287: Mrs. BYRON.

H.R. 1288: Mr. ECKART, MR. MORAN, Mr. AUCOIN, Mr. BOUCHER, and Mr. JOHNSTON of Florida.

H.R. 1304: Mr. MACHTLEY, MR. DELLUMS, Mr. HUGHES, Mr. ECKART, Mrs. LOWEY of New York, Mr. SIKORSKI, and Mr. MFUME.

H.R. 1305: Mr. BRYANT, Mr. KOLTER, Mr. ECKART, and Mr. ABERCROMBIE.

H.R. 1330: Mr. HASTERT, Mr. GEREN of Texas, Mr. SCHAEFER, Mr. MARLENEE, Mr. BALLENGER, Mr. DERRICK, Mr. HEFLEY, Mr. HOUGHTON, Mr. QUILLEN, Mr. DORNAN of California, Mr. BUNNING, Mr. MCDADE, Mr. CHANDLER, Mr. OXLEY, Mr. GILMAN, Mr. KOLTER, Mr. MCNULTY, Mr. HUNTER, Mr. DICKINSON, Mr. COSTELLO, Mr. DORGAN of North Dakota, Mr. YATRON, Mr. COBLE, Mr. NUSSLE, and Mr. DANNEMEYER.

H.R. 1335: Mr. MARKEY and Mr. MINETA.

H.R. 1346: Mr. ROYBAL, Mr. CARDIN, Mr. CONYERS, Mr. SANGMEISTER, Mr. TORRES, Mr. PETERSON of Minnesota, Mr. DOWNEY, Mr. FAZIO, Mr. LEWIS of Georgia, Mr. COYNE, Mr. BRYANT, and Mr. SKAGGS.

H.R. 1364: Mr. BONIOR, Mr. MATSUI, Mr. OWENS of New York, Mrs. MINK, Mr. ECKART, Mr. HAYES of Illinois, and Mr. BERMAN.

H.R. 1365: Mrs. MINK, Mr. ECKART, and Mr. SERRANO.

H.R. 1414: Mr. LIGHTFOOT, Mr. ESPY, and Mr. BEVILL.

H.R. 1423: Mr. WAXMAN, Mr. WEISS, Mr. ESPY, and Mr. DYMALLY.

H.R. 1445: Mr. ALLARD, Mr. HORTON, Mr. KLUG, and Mr. DURBIN.

H.R. 1454: Mr. WALSH, Mr. CAMPBELL of California, and Mr. MARTINEZ.

H.R. 1472: Mr. HOLLOWAY, Mr. HEFNER, Mr. SKAGGS, Mr. STENHOLM, and Mr. HANCOCK.

H.R. 1473: Mr. LEWIS of Florida, Mr. BEVILL, and Ms. ROS-LEHTINEN.

H.R. 1483: Mr. SMITH of New Jersey.

H.R. 1494: Mr. ENGEL.

H.R. 1495: Mrs. BOXER, Mr. STUMP, Mrs. UNSOELD, Mr. FAZIO, Mr. PERKINS, and Mr. SKAGGS.

H.R. 1516: Mr. KLUG, Mr. SCHAEFER, Mr. CHAPMAN, Mr. THOMAS of Georgia, and Mr. GINGRICH.

H.R. 1527: Mr. THOMAS of Georgia, Mr. HAMMERSCHMIDT, Mr. DERRICK, Mr. FALEOMAVAEGA, and Mr. HUTTO.

H.R. 1559: Ms. DELAURO.

H.R. 1566: Mr. BONIOR, Mr. BUSTAMANTE, Mr. MRAZEK, Mr. MILLER of Washington, Mr. PICKETT, Mr. LEACH, Mr. BENNETT, Mr. FISH, Mr. MAVROULES, Ms. KAPTUR, Mr. ECKART, Ms. DELAURO, Mrs. MORELLA, and Mr. FOGLIETTA.

H.R. 1588: Mr. EMERSON.

H.R. 1593: Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. ESPY, and Mr. RIGGS.

H.R. 1603: Mr. ANNUNZIO, Mr. CARDIN, and Mr. KENNEDY.

H.R. 1652: Mr. GOSS.

H.R. 1655: Mr. BUNNING, Mr. FAZIO, and Mr. RAMSTAD.

H.R. 1669: Mr. ROE, Mr. ECKART, and Ms. DELAURO.

H.R. 1671: Mr. RANGEL, Mr. HERTEL, Mr. POSHARD, Mr. JONTZ, Mr. HUGHES, Mr. LANCASTER, Mr. DEFAZIO, Mr. EVANS, and Mr. FALEOMAVAEGA.

H.R. 1676: Mr. GALLO and Mr. SANTORUM.

H.R. 1677: Mr. TAUZIN, Mr. WALSH, and Mr. MACHTLEY.

H.R. 1679: Mrs. UNSOELD.

H.R. 1711: Mr. HERGER and Mr. THOMAS of Georgia.

H.R. 1715: Mr. DELLUMS.

H.R. 1717: Mr. MONTGOMERY and Mr. BRYANT.

H.R. 1723: Mr. VENTO and Mr. FAZIO.

H.R. 1724: Mr. LEACH, Mrs. MINK, Mr. PENNY, Mr. DANNEMEYER, Ms. KAPTUR, Mr. BEREUTER, Mr. LAGOMARSINO, Mr. HORTON, Mr. KOLBE, Mr. KENNEDY, Mr. BAKER, Mr. MARKEY, Mr. ANTHONY, Mr. DOWNEY, Mr. LANTOS, Mr. LAFALCE, Mr. BERMAN, Mr. HAMILTON, Mr. COX of California, Mr. EVANS, Mrs. JOHNSON of Connecticut, and Mr. DWYER of New Jersey.

H.R. 1727: Ms. COLLINS of Michigan.

H.R. 1733: Mr. SANTORUM, Mr. DERRICK, and Mr. ENGEL.

H.R. 1736: Mr. LANCASTER, Mr. DURBIN, Ms. MOLINARI, Mr. EMERSON, and Mr. DORGAN of North Dakota.

H.R. 1750: Mr. ACKERMAN, Mr. RANGEL, Mr. OLIN, Mr. BEILENSON, and Mr. KOSTMAYER.

H.R. 1774: Mr. LAFALCE, Ms. MOLINARI, Mr. HAYES of Illinois, Mr. MARTINEZ, Ms. PELOSI, Mr. EMERSON, Mr. LEVINE of California, Mr. ENGEL, and Mr. RANGEL.

H.R. 1779: Mr. POSHARD, Mr. NOWAK, Mr. CLAY, Mr. OBERSTAR, Mr. ROE, Mr. HAYES of Illinois, Mr. CLINGER, Mr. MFUME, Mr. TOWNS, Mr. EVANS, Mr. DELLUMS, and Mr. FLAKE.

H.R. 1782: Mr. PAYNE of Virginia, Mr. KOLTER, Mr. HAYES of Louisiana, Mr. CARDIN, Mr. BEILENSON, Mr. SPRATT, Mr. ESPY, Mr. WAXMAN, Ms. NORTON, Mr. ALEXANDER, Mr. BORSKI, Mr. ACKERMAN, Mr. SCHEUER, Mr. JENKINS, Mr. BOEHLERT, Mr. FLAKE, Mr. DARDEN, Mr. HOAGLAND, Mr. YATRON, Mr. HUTTO, Mr. SAWYER, Mr. STARK, Mr. JACOBS, Mr. HENRY, Mr. TORRES, Mr. GUARINI, Mr. QUILLEN, Mr. TORRICELLI, Mr. JONES of North Carolina, Mr. DOWNEY, Mr. ANDREWS of Texas, Mr. FALEOMAVAEGA, Mrs. LOWEY of New York, Mr. TOWNS, Mr. EDWARDS of California, Mr. STOKES, Mr. JOHNSTON of Florida, Mr. SKELTON, Mr. WHEAT, Mr. HAYES of Illinois, Mr. LAFALCE, Ms. SLAUGHTER of New York, Mrs. COLLINS of Illinois, Mr. BACCHUS, and Mrs. BOXER.

H.R. 1860: Mr. BRUCE, Mr. OWENS of Utah, Mr. EVANS, Mr. LEACH, Ms. KAPTUR, and Mr. GREEN of New York.

H.R. 1916: Mr. VENTO.

H.R. 1955: Mr. HORTON, Mr. ACKERMAN, and Mr. WHEAT.

H.R. 1956: Mr. HORTON, Mr. ACKERMAN, and Mr. WHEAT.

H.R. 1968: Mr. WOLF.

H.R. 2001: Mr. LANCASTER, Mr. HORTON, Mr. SAXTON, Mr. SPENCE, Mr. JEFFERSON, Mr. ROGERS, Mr. RAVENEL, Mr. ROSE, Mr. VALENTINE, Mr. NEAL of North Carolina, and Mr. MONTGOMERY.

H.R. 2008: Mr. VALENTINE, Mr. DERRICK, and Mr. SANTORUM.

H.R. 2012: Mr. SHAW, Mr. FASCELL, Mr. JEFFERSON, Mr. SANTORUM, Mr. ZIMMER, and Mr. JENKINS.

H.R. 2029: Mr. MACHTLEY, Mr. FRANK of Massachusetts, Mr. ANDERSON, and Mr. MCDERMOTT.

H.R. 2049: Mr. PETRI, Mr. SANTORUM, Mr. KYL, Mr. SOLOMON, Mr. BUNNING, Mr. STEARNS, Mr. YOUNG of Alaska, Mr. LIVINGSTON, Mr. EMERSON, Mr. RINALDO, and Mr. NICHOLS.

H.R. 2056: Mr. BENNETT.

H.R. 2063: Mr. MARTINEZ, Mr. LEWIS of Florida, and Mr. ACKERMAN.

H.R. 2082: Mr. WELDON, Mr. BEILENSON, and Ms. KAPTUR.

H.R. 2099: Mr. HORTON, Mr. RAMSTAD, Mr. HYDE, Mr. SLATTERY, Mr. COSTELLO, Mr. ACKERMAN, Mr. ENGEL, and Mr. BROWN.

H.R. 2115: Mr. POSHARD, Mr. LUKEN, Mr. LEWIS of Florida, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. GUARINI, Mr. JENKINS, Mr. DORNAN of California, Mr. NCNULTY, Mr. KOSTMAYER, Mr. MRAZEK, Mr. PETRI, Mr. FUSTER, Mr. MARLENEE, Mr. GALLO, Mr. COMBEST, Mr. KOPETSKI, Mr. SMITH of Florida, Mr. ARMEY, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. CAMP, Mr. JOHNSTON of Florida, and Ms. SNOWE.

H.R. 2149: Mr. THOMAS of California and Mr. LEACH.

H.R. 2152: Mr. VENTO, Mr. HORTON, Mrs. JOHNSON of Connecticut, Mr. CHANDLER, Mr. DELLUMS, Mr. FALEOMAVAEGA, Mr. WYDEN, Mr. WEISS, and Mr. SIKORSKI.

H.R. 2200: Mr. STUMP.

H.R. 2244: Mr. FUSTER, and Mr. RANGEL.

H.J. Res. 56: Mr. NEAL of North Carolina, Mr. GEJDENSON, Mr. DERRICK, Mr. LANCASTER, Mr. HEFNER, Mr. SMITH of New Jersey, Mr. SAVAGE, Mr. QUILLEN, Mr. STUDDS, Mr. HAYES of Illinois, Mr. YATES, Mr. HAMILTON, Mr. HOCHBRUECKNER, Mr. HYDE, Mr. WISE, Mr. RINALDO, Mrs. JOHNSON of Connecticut, Mr. DURBIN, Mr. REED, Mr. JACOBS, Mr. KOLTER, Mr. JONES of Georgia, Mr. COLEMAN of Texas, Mr. ROYBAL, Mr. LEWIS of Georgia, Mr. BRYANT, Mr. SKEEN, Mr. PRICE, Mr. GILLMOR, Mr. LEWIS of Florida, Mr. BOUCHER, Mr. KILDEE, Ms. OAKAR, Mr. OWENS of New York, and Mr. OWENS of Utah.

H.J. Res. 67: Mr. BROOMFIELD and Mr. RAHALL.

H.J. Res. 69: Mr. KOSTMAYER, Mr. SLATTERY, Mr. PICKETT, Mr. LANCASTER, Mr. TAYLOR of North Carolina, Mr. SCHAEFER, Mr. MOORHEAD, Mr. KLECZKA, Mr. KLUG, Mr. FAZIO, and Mr. UPTON.

H.J. Res. 107: Mr. MORAN, Mr. MACHTLEY, Mr. SLATTERY, Mr. KLUG, and Mr. KOPETSKI.

H.J. Res. 152: Mr. RITTER, Mr. MANTON, Ms. MOLINARI, Mr. WILSON, Mr. REED, Mr. SCHEUER, and Mr. JONES of North Carolina.

H.J. Res. 156: Mr. KOSTMAYER, Mr. BOUCHER, Mr. RINALDO, Mr. SMITH of New Jersey, Mr. SAVAGE, Mr. AUCOIN, Mr. DERRICK, Mr. DINGELL, and Mr. NEAL of Massachusetts.

H.J. Res. 185: Mr. MURPHY.

H.J. Res. 219: Mr. LANCASTER, Mr. ENGEL, Mr. LEVIN of Michigan, Mr. PURSELL, Mr. ACKERMAN, and Mr. HARRIS.

H.J. Res. 224: Mr. JOHNSON of South Dakota.

H.J. Res. 227: Mrs. KENNELLY, Mr. BORSKI, Mr. FUSTER, Mr. ANNUNZIO, Mr. CLEMENT, Mr. SMITH of Florida, Mr. MANTON, Mr. HORTON, Mr. DWYER of New Jersey, Mr. ACKERMAN, Mr. WOLF, Mr. ABERCROMBIE, Mr. SCHEUER, Mr. MCGRATH, Mr. APPLEGATE, Mr. GUARINI, Mr. TRAFICANT, Mr. BILBRAY, Mr. NOWAK, Mr. WALSH, Ms. KAPTUR, Mr. WAXMAN, Mr. JONTZ, Mr. MCNULTY, Mr. SANGMEISTER, Mr. LAGOMARSINO, Mr. SERRANO, Mr. JEFFERSON, Mr. BILIRAKIS, Mr. HERTEL, Mr. VENTO, Mr. KENNEDY, Mr. MINETA, Mr. POSHARD, Mr. KOPETSKI, Mr. LAFALCE, Mr. SAVAGE, Ms. SLAUGHTER of New York, Mr. DEFAZIO, and Mr. QUILLEN.

H.J. Res. 233: Mr. RINALDO, Mr. DONNELLY, Mr. FASCELL, Mr. DICKS, Mr. BILBRAY, Mr. CLINGER, Mr. ANNUNZIO, Mr. MAZZOLI, Mr. LENT, Mr. FRANK of Massachusetts, Mr. YATRON, Mr. WOLF, Mr. CLEMENT, Mr. MILLER of Ohio, Mr. KILDEE, Mr. DREIER of California, Mr. DORNAN of California, Mr. FALEOMAVAEGA, and Mr. DE LUGO.

H.J. Res. 234: Mr. FUSTER, Mr. ANNUNZIO, Mr. COYNE, Mrs. MINK, Mr. ROE, Mr. HERTEL, Mr. CLEMENT, Mr. DWYER of New Jersey, Mr. LAGOMARSINO, Mr. BONIOR, Mr. HOCHBRUECKNER, Mr. PALLONE, Mr. PAXON, Mr. MCGRATH, Mr. SANGMEISTER, Mr. KLECZKA, Mr. POSHARD, Mr. MCNULTY, Mr. MCMILLEN of Maryland, Mr. ABERCROMBIE, and Mr. SOLARZ.

H.J. Res. 242: Mrs. PATTERSON, Mr. FALEOMAVAEGA, and Mr. FAZIO.

H. Con. Res. 58: Mr. COX of California and Ms. COLLINS of Michigan.

H. Con. Res. 65: Mr. DERRICK.

H. Con. Res. 67: Ms. COLLINS of Michigan.

H. Con. Res. 93: Mr. BUSTAMANTE, Ms. COLLINS of Michigan, Ms. NORTON, and Ms. OAKAR.

H. Con. Res. 107: Mr. DIXON, Mr. KLECZKA, Mr. FEIGHAN, Mr. HORTON, Mr. MACHTLEY, Mr. MCGRATH, Mr. FOGLIETTA, Mrs. BYRON, Mrs. JOHNSON of Connecticut, Mr. ACKERMAN, Mr. MRAZEK, Mr. BILBRAY, Mr. MCNULTY, Mrs. LLOYD, Mr. ANNUNZIO, Mr. GOSS, Mr. GEPHARDT, Mr. WOLF, Mr. DORNAN of California, Mr. GORDON, Mr. SCHEUER, Mr. STALLINGS, Mr. APPLEGATE, Mr. ERDREICH, Mr. DANNEMEYER, Mr. DWYER of New Jersey, Mr. KYL, Mr. LENT, Mr. SHAYS, Mr. KLUG, Mr. LAGOMARSINO, Mr. SMITH of Florida, Mr. JEFFERSON, Mr. FROST, Mrs. MORELLA, Mr. PANETTA, Mr. MAVROULES, Mr. KOLBE, Mr. HERTEL, Mr. KENNEDY, Mr. BATEMAN, Mr. HUGHES, Mr. COUGHLIN, Mr. GLICKMAN, Mr. CUNNINGHAM, and Mr. ECKART.

H. Con. Res. 113: Mr. BACCHUS, Mr. MCMILLEN of Maryland, Mr. MARTINEZ, Mr. CARPER, Mr. OWENS of Utah, Mr. ROYBAL, Mr. BENNETT, Mr. DICKS, Mr. JEFFERSON, Mr. SIKORSKI, Mr. FAWELL, Mrs. LOWEY of New York, Ms. KAPTUR, Mr. VENTO, and Mrs. COLLINS of Michigan.

H. Con. Res. 120: Mr. ESPY and Mr. ENGEL.

H. Con. Res. 146: Mr. MORRISON, Mr. UPTON, and Mr. SARPALIUS.

H. Res. 26: Mr. GALLO, Mr. DWYER of New Jersey, Mr. WALSH, Mr. ENGEL, Mr. SHAYS, Mr. CAMP, and Mr. ARCHER.

H. Res. 42: Mr. BARNARD.

H. Res. 101: Mr. STOKES, Mr. HARRIS, Mr. CARR, Mr. RAY, and Mr. WOLPE.

H. Res. 134: Mr. HUGHES and Mrs. MORELLA.

H. Res. 141: Mr. ARMEY, Mr. BALLENGER, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BLAZ, Mr. BLILEY, Mr. BOEHNER, Mr. BUNNING, Mr. CALLAHAN, Mr. CAMP, Mr. COBLE, Mr. COX of California, Mr. CRANE, Mr. CUNNINGHAM, Mr. DANNEMEYER, Mr. DELAY, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. DUNCAN, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. FIELDS, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GINGRICH, Mr. GOSS, Mr. HANCOCK, Mr. HANSEN, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOLLOWAY, Mr. HUNTER, Mr. INHOFE, Mr. IRELAND, Mr. KASICH, Mr. KYL, Mr. LIGHTFOOT, Mr. MARLENEE, Mr. MARTIN, Mr. MCCRERY, Mr. MCEWEN, Mr. MILLER of Washington, Mr. NICHOLS, Mr. PAXON, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROHRABACHER, Mr. SCHAEFER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. THOMAS of Wyoming, Mr. TAYLOR of North Carolina, Mr. WEBER, Mr. WELDON, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

78. The SPEAKER presented a petition of the Armenian Democratic Liberal Party, relative to the invasion of Armenia by the Soviet Army; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

GIVE FAMILIES A BREAK

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. DUNCAN. Mr. Speaker, the American family has been put at risk by many forces attacking it. Unfortunately, the Federal Government has contributed more than its share in this attack.

The policies of the Federal Government have become so unfriendly toward the family, they reward those who destroy the family instead of those who work to preserve the family structure in American society.

The family serves as the basis for a sound and prosperous civilized society. It always has, and it always will. The Federal Government and America's future have tremendous stakes in strengthening the Nation's families. We all benefit from such a family-based civilization.

One particularly inequitable area that adversely affects the family is the tax burden. Soon after being elected to Congress, I introduced legislation to increase the personal exemption for dependents. In this Congress, I am cosponsoring the Tax Fairness for Families Act, which was introduced by my colleague, FRANK WOLF of Virginia.

This legislation will raise the personal exemption to $3,500 for dependents under 18 years old from the current $2,150. This is a modest increase. It would be about $7,800 today if it were to be put at the same level as in 1948.

Mr. Speaker, I believe we must consider the impact on the family when we discuss and debate policy proposals. The time is now to make our laws and policies family-friendly.

I ask that two articles from today's Washington Times commentary section, one by Suzanne Fields and another by Gary Bauer, be printed in the RECORD. These excellent articles illustrate exactly the problem I have been discussing, and they present changes the Congress should act on immediately.

FAMILY BILL COMES DUE

(By Suzanne Fields)

The bill run up by militant feminists now is coming due, and we're telling the waiter to give the check to the kids. If the kids don't have valid plastic, send the check to the family at the next table.

After two decades of militant feminism, the conclusion is inescapable. The American family has radically declined.

"The family is under great cultural and fiscal attack today," says Rep. Frank R. Wolf, Virginia Republican. "Nearly every statistic on family well-being, from teen suicide rates to teen pregnancy, indicates that the family is in a downward spiral. Yet while children are more at risk, parents are pushed by financial pressures to spend less time with their children."

Not all of these dismal statistics can be laid at the feet of militant feminists, of course, but the conclusion is also inescapable that it was their rhetoric and influence over public policy, which has terrorized men who know better, that hastened the deterioration of family life.

The good news is that the silly rhetoric of the early days of the movement—"a woman needs a man like a fish needs a bicycle"—is becoming passe. Many feminists are embarrassed that such zaniness was once the defining feminist philosophy. They're no longer defining man as the enemy, nor is he irrelevant.

In fact, some feminists are joining conservatives in propounding a new rhetoric to influence public policy in a different way. They want to encourage a mother and a father to raise young children together—a cultural given in the 1950s, before divorce was "creative" and nobody's fault and before motherhood was, to use a few other descriptions to make early feminist warriors blush, a "problem that has no name" and before home was considered a "comfortable concentration camp."

Phyllis Schlafly, the conservative activist, and Rep. Pat Schroeder, the liberal Democrat from Colorado, are certainly an odd couple, but they've joined hands to push for a major overhaul of the federal tax deductions for children. They're supporting tax incentives to make it easier for parents to hang on to the resources to properly raise their children.

The Tax Fairness for Families Act, sponsored by Mr. Wolf and Sen. Dan Coats, Indiana Republican, would increase the dependent exemption to $3,500 or $4,000 per child, up from the current $2,150.

It's not a lot of money, but it's a beginning in the reorganization of priorities that have become badly skewed. Measured in real dollars as a proportion of family income, the $600 tax exemption of 1948 would be worth $7,800 per dependent child in 1991.

Almost every poll tells us that mothers of young children would like to spend more time at home with them. Liberal feminists, who have until now stressed individual rights of women over the collective needs of the family, are getting that message, too. We're hearing less about women who work because they want to, more about women who work because they have to.

More money in their pockets would alleviate some of the stress on families, a leading cause for divorce, and enable mothers of young children to work less and have more family time.

Not long ago researchers asked 1,500 schoolchildren, "What do you think makes a happy family?" There were no hints about designer sneakers, record albums, television sets or Mommy's work. Most of them had a simple answer: "Doing things together."

Maybe even teaching a fish to ride a bicycle.

BUILT-IN TAX BIAS AGAINST CHILDREN

(By Gary Bauer)

The federal tax code is riddled with all sorts of anti-family biases, inequities and quirks. Some of these favor rich kids. Others favor poor kids. Almost all disadvantage middle-income children, especially those with parents who strike a good balance between meeting work and family responsibilities.

As a consequence, it is possible for some low-income mothers with out-of-wedlock children to receive $5 in tax-related cash transfers for every $1 in tax benefits claimed by some median-income married couples with children. (And this does not even take into consideration food stamps, welfare payments, nutrition benefits, day-care assistance, Pell grants and other government services for low-income families.) Likewise, it is possible for some couples earning $100,000 a year to receive more than $8 in child-based tax savings for every $1 claimed by some median-income families.

Despite all of the talk these days about tax "fairness," official Washington has given little attention to five serious inequities in the tax treatment of families.

The bias against children. The tax code views children today more as a consumption item (like, say, a speedboat, a Persian rug or a case of Chardonnay) than a socially beneficial private investment (like, say, an individual retirement account of the United Negro College Fund). This has not always been so.

In fact, the income-tax burden on a median-income family of four has risen 150 percent since the mid-'50s, while remaining fairly constant for childless couples and single taxpayers. The erosion in the value of the tax exemption for dependents is the primary reason for this increase. The exemption, which adjusts tax liability to account for differences in family size, is the tax code's way of acknowledging that raising children is both socially desirable and expensive.

If the exemption shielded from taxation the same proportion of annual income in 1991 as it did in 1948, a median-income family today would be able to exempt roughly $7,800 per dependent child. Instead, it can shield only $2,150.

The bias against middle-income families. Since families with different incomes are taxed at different rates under a progressive income-tax system, the actual value of a $2,150 exemption (which lowers taxable income) varies by tax bracket. A $2,150 exemption generates $667 in actual tax savings to upper-middle-income families in the 31-percent tax bracket, $602 in tax savings to upper-middle-income families in the 28-percent tax bracket, and $323 to middle- and lower-income families in the 15-percent tax bracket.

To offset this disparity, Congress has, in recent years, provided tax benefits to low-income families with children through the Earned Income Tax Credit. These benefits, which in 1991 offer families as much as $1,600 for the first child, are limited to families with incomes well below $22,000.

Thus, a child born to a middle-income family has a significantly lower "tax value" than one born to richer or poorer parents.

The bias against child-rearing. Crazy as it may seem, the tax code penalizes parents for spending time with their children by narrowly linking certain tax benefits to day-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

care expenses. In fact, the Dependent Care Tax Credit and Dependent Care Assistance Plans are constructed in such a way that the more time a child spends in day care (and therefore, the higher the family's day-care expenses), the greater the tax benefits.

Although growing economic and cultural pressures make it difficult for some parents to spend as much time with children as they would like, tying tax benefits to day-care expenses makes matters worse. It penalizes parental efforts to maximize the amount of care they provide their children. This "parenting penalty" is especially egregious in view of the fact that families earning $100,000 a year can claim tax benefits worth up to $1,925 for day-care expenses, while families earning $30,000 a year that care for their own children receive no comparable benefit. Zero.

Ultimately, linking tax benefits to day-care expenses would be legitimate only if paid day care were indisputably better for young children than unpaid care by a family member. But the current debate among child-development experts is not over whether day care has an overall positive effect on child development; it is instead over whether, or to what degree, substitute care has an overall negative effect on children's physical health, social development and psychological well-being. Accordingly, tax benefits that favor day care over parental care should be replaced by benefits available to all families with young children.

The bias against low-income two-parent families. Under current law, the wage supplement offered to low-income families with children through the earned income-tax credit does not distinguish between married-couple and single-parent households. Consequently, a two-parent, one-child family with no tax liability receives no greater benefit than a one-parent, one-child family. This policy fails to recognize that marriage is the No. 1 escape route out of poverty and welfare dependency.

The bias against simplicity. Not only has the value of pro-child tax benefits eroded in recent years, but the increasing complexity of the tax code deters some families from claiming all of the tax benefits to which they are entitled. This is particulary true for low-income families, who are often unaware of pro-child benefits like the earned income-tax credit.

To correct these five anti-family tax biases, Congress could overhaul the income tax treatment of families with children and consolidate all existing tax mechanisms into a tax credit worth $1,800 for preschool children and $1,200 for children ages 6 and up.

Or it could work within the existing tax structure and make piece-meal changes. For example, Rep. Frank Wolf, Virginia Republican, and Sen. Daniel Coats, Indiana Republican, have introduced legislation to combat the bias against children by increasing the dependent tax exemption to $3,500. Other members of Congress are putting together an expansion of the Young Child Tax Credit, which would address the biases against child-rearing, middle-income taxpayers and simplicity.

Whatever strategy Congress adopts, tax fairness for families is long overdue. Rather than concocting new ways to raid the family pocketbook, it is time for members of Congress to find ways to let parents keep more of the money they earn. Fairer tax laws—and stronger families—are apt to be the result.

WE IN NEW MEXICO CAN SHOW BUSH HOW TO CONSERVE ENERGY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. RICHARDSON. Mr. Speaker, in a recent article in the Albuquerque Tribune Mr. V.B. Price of New Mexico proposed that, rather than a topdown approach in the realm of energy policy, the issue should be tackled at the local level first. Decentralization would promote a rational energy strategy and pragmatic environmentalism, where the president centralized structure is prey to bureaucratic turf wars and solutions which might look good on paper, but are not tailored to the needs of individual areas. In addition, local energy policies give average citizens the chance to participate in designing the desired programs and in implementing the consensual result. I urge my colleagues to consider Mr. Price's observations and to make available to their constituents this strategy which empowers and challenges individuals to take charge of their own slice of the environment:

WE IN NEW MEXICO CAN SHOW BUSH HOW TO CONSERVE ENERGY

(By V.B. Price)

A politician and a political scientist in Vermont are proposing that their state experiment in creating a radically decentralized form of democracy. They believe American politics needs to be revitalized. A rebirth in citizenship, they hold, can only happen at the local level.

Perhaps a rebirth of pragmatic environmentalism and a rational energy strategy can only happen at a local level, too. And perhaps New Mexico is the state to do it.

In the light of President Bush's proposed National Energy Strategy—designed more for the 1950s than the 1990's—states and local governments seem to be the only entities with enough imagination to revive American's traditional values of conservation and environmental stewardship.

National energy policy, like national politics, seems ill equipped to deal with reality, so devoted has Washington become to its own cynical tricks of campaign propaganda, bureaucratic secrecy and optimistic lying.

The major virtue of political and environmental decentralization is that average citizens have a greater chance to intervene in the decisionmaking process. In fact, it is possible for them to take it over.

In Vermont, the Utne Reader reports, a Republican state representative, John McClaughry, and a political science professor, Frank Bryan, are calling for the creation of semi-independent political units called shires.

Smaller than counties and operated by a direct form of democracy, shires bring politics back to a human scale. The majority of state programs would be controlled by the shires. Vermont state government would concern itself largely with environmental and economic development matters.

A shire concept might not work in New Mexico. But when it comes to environmental and energy decentralization, I think the people of New Mexico know more about conservation and stewardship than the Bush administration ever will.

New Mexico is the state to bring energy policy back to a human scale.

We are a state of citizen environmentalists. Most of us here truly love the New Mexican land. We are pained by dirty air and water, by waste and conspicuous energy consumption. We understand the relationship between pollution and energy extravagance.

The failure of Bush's National Energy Strategy to conceive of much more than increased oil and gas production leaves the way open for New Mexico to offer an alternative policy of its own—a model for the nation which it could put into practice within its own borders first.

If there has ever been a politically right moment for a state tc devise a model energy and environmental protection policy, now's the time in New Mexico.

The Legislature has a potential environmental majority Attorney General Tom Udall is an avowed environmental progressive, as is Land Commissioner Jim Baca. And Gov. Bruce King has the savvy and the conservation-oriented values to supply the political energy and willpower for such an endeavor.

Moreover, when Gov. King nominated Judy Espinosa for state environmental secretary, he gave New Mexico a competent, hard-nosed administrator with a fine track record as manager of the vehicle-emissions program in Albuquerque and Bernalillo County.

Everything's in place for the King administration to give New Mexico and the nation a true legacy of environmental innovation and common sense.

In my view, a New Mexico Energy Strategy should replace the Bush proposal. It should be based on revenue-productiug conservation practices and environmental husbandry.

Such a strategy would be grounded in three simple operational principles:

First, conservation should always be linked to incentives of price and rebate—be it conservation of water, recyclable materials, energy or habitat. Conservation must not be the token gesture of the well-to-do. It should contribute to the financial stability of all New Mexicans.

Second, reclamation of polluted natural resources should be seen as an integral part of an energy conservation strategy, not as an unrelated sideline. The less one wastes, the less one pollutes and the more natural resources one has to conserve and judiciously put to use.

Third, conservation and resource husbandry must be seen as an ongoing revenue-producing opportunity. Conservation should not cost taxpayers money in the long run. It should save money and generate income by creating assets in quality of life, alternative energy resources, tourism and recyclables.

The spirit needed for a New Mexico Energy Strategy is seen clearly in the multitude of environmental and conservation bills proposed during the Legislature's 60-day session.

The New Mexico Conservation Voters Alliance lists the key issues before this session as including the Waste Isolation Pilot Plant, radioactive waste transport, air quality, hazarous wastes, underground storage tanks, water quality, recycling, conservation education, conservation easements for wildlife habitats and a rapid rail proposal.

Two bills in particular—S72, the Environmental Protection Act, and S73, a "Truthtellers' Protection Act"—could be useful for new citizen-based New Mexico conservation strategy.

S72 is a "citizen suit," bill, permitting citizens to legally confront polluters when local government does not. S73 protects whistleblowers who report environmental violations.

There are so many environmental bills before the Legislature that I think the governor should call a special session in the late spring and use the bills as the foundation from which to build a conservation strategy that every other state in the union could look to and put to use.

A TRIBUTE TO SHANE MEREDITH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Shane Meredith, a brave young man from my 17th Congressional District of Ohio. I would like to take a moment to describe the incredible event for which this young man is so highly praised.

March 23, 1991, began as a typical Saturday for Shane Meredith and his father, John Meredith. Mr. Meredith and his son were on their usual father-son fishing outing on Pymatuning Lake when a great storm arose. Before they were able to reach land, their tiny fishing boat was capsized by the force of a great wind and heavy rain. It is estimated that the Merediths were struggling to retrieve their boat in the 40-degree water for approximately 35 minutes. During this time their body temperatures dropped 10 degrees and their muscles began to stiffen. John had been swept away from the boat and as his son tried to drag him back, John's life jacket became untied and he went under. Shane dove after his father and managed not only to pull him up, but strapped his life jacket back on and carried him back to the boat. Approximately one-half hour later, two fishermen spotted the capsized boat and rescued the men.

Mr. Speaker, I would like to take this opportunity to recognize Shane Meredith for his quick thinking and his ability to stay calm during a life threatening situation. It is due to the courage and bravery of this exceptional young man that John Meredith is alive today. I would like to commend Shane for his heroism and express my gratitude on behalf of the entire community. It is truly an honor to represent this remarkable young man.

PUBLIC SERVANTS SHOULD SERVE THE PUBLIC

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. DUNCAN. Mr. Speaker, as I have said many times, we are fast becoming a government of, by, and for the bureaucrats instead of one that is of, by, and for the people.

While there are many good people in Government today, there are also many who seem to forget that it is Government service—that they are in office to serve and help the people, and not there just to show how much authority they have or how powerful they are.

There are many bureaucrats today who seem to be out to get people rather than to help them. There is a real antibusiness attitude in Government today which will ultimately do great damage to this Nation if it is not changed.

Also, there are very real problems caused by our civil service system—a system that does nothing for good, dedicated employees, but serves to protect lazy, incompetent ones.

At any rate, the abuses that can occur when Government employees become too powerful is pointed out in an article by Paul Craig Roberts, a columnist for the Washington Times, in an article entitled "Brass Ring of Public Service." I hope all my colleagues and others will read this very informative column.

BRASS RING OF PUBLIC SERVICE

Twentieth-century Americans have been propagandized into the naive view, contrary to our founders, that government serves the people's interest.

When we hear about the privileges of our rulers—such as the congressman who takes his woman friend on an 11-day, taxpayer-funded junket to the Middle East or the White House official who charges taxpayers $27,000 flight expenses for a weekend of golf or skiing—we see them as examples of personal corruption and departure from the democratic norm. Perhaps the best way for Americans to dispel their naive trust is to observe democracy's new aristocrats in full-fledged action.

Despite the country's democracy, Brazilian government employees have become a true aristocracy. Once well-connected Brazilians grab the brass ring of public service, their material welfare knows no limits. Politicians and officials at all levels enjoy aristocratic prerogatives that would make a feudal lord blush. In addition to their regular salaries, Brazil's rulers receive bonuses and extra compensation that can more than double their pay. They are able to rent government mansions, complete with marble floors and heated swimming pools, for less than the poor pay to rent slum housing. State-run country clubs cater to their every whim, and luxurious official cars are at their disposal. President Fernando Collor de Mello's efforts to curb the privileges are stymied, because the ruling class has had the foresight to entrench its privileges into the law, obtaining "acquired rights" that are difficult to overturn.

The Brazilian press rages against the "maharajahs"—bureaucrats and politicians who carve out special privileges for themselves and enjoy phenomenal incomes at the expense of society. The Sao Paulo newspaper, Jornal da Tarde, recently reported that several hundred former government employees receive the equivalent of more than $3,700 per month in retirement benefits, a huge sum in Brazil, with some receiving princely sums reaching $56,000 per month—a king's fortune.

Jose Arnaldo Rossi, president of the Brazilian National Social Security Institute, told the newspaper that he is obliged to pay the fantastic pensions because the powerful bureaucrats have obtained judicial decisions ensconcing their privileges in law. In his view, the only way to extinguish the privileged caste is to persuade the Congress to amend the Brazilian Constitution.

It seems unlikely that the Brazilian legislators, themselves members of the aristocracy, will act to eliminate privileges when the senators and representatives treat the federal budget like their own bank account. For example, in a country where public education is so bad that 25 percent of the population is illiterate, Brazilian legislators divert government funds to pay for exclusive private schooling for their children.

According to newspaper reports, almost a fifth of the budget of the National Social Service Council, a welfare agency created to aid the poor, is spent to pay the tuition expenses of the children of congressmen and their friends and relatives at elite schools. Most of the rest supports a plethora of nonprofit organizations run by members of Congress themselves or by their relatives and friends. For example, the Eva Candido Institute for Political and Social Development, named for the daughter of Delegate Raquel Candido of Rondonia state, reportedly functions as the congresswoman's campaign headquarters. The president of the National Social Service Council lamented that Congress renders him powerless even to account for the expenditures of the organization supposedly under his control.

In Brazil, members of the ruling class do not even have to work to obtain a hefty salary. Last month, the news magazine Veja reported that maharajah Antonio Rogerio Magri, minister of labor and social welfare, receives in addition to his regular monthly salary of $4,000 another $4,000 monthy from the Sao Paulo state electric company, Electropaulo. Although he left employ there 14 years ago, his career at Electropaulo has advanced five grades!

The difference between the rapacity of Brazil's rulers and our own is a matter of diminishing degree. The audacity of the U.S. Congress to vote itself six-figure salaries—four times higher than the median American income—and the right to convert campaign funds ranging upward of $1 million into their personal wealth—shows an attitude similar to that of Brazil's democratic aristocrats, such as Luiz Gonzaga Mendes de Barros, procurator-general of the Legislative Assembly of Alagoas state, who told the news magazine Veja, "There is nothing wrong with a public official who wants to live well. . . . To be a maharajah is a way of life."

INTERIM REPORT ON ELECTIONS IN EL SALVADOR

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. RICHARDSON. Mr. Speaker, the lawyers' exchange for justice is a joint project of the nongovernmental Human Rights Commission of El Salvador and the Central American Refugee Center in Washington, DC. In early March a team of LEX lawyers traveled to El Salvador to act as international observers during the elections. The LEX group were able to travel freely throughout the country, met with representatives of the five largest parties, with U.S. Embassy officials, representatives of popular organizations, and members of the repopulated communities in Chalatenango and Morazán. I urge my colleagues to read the LEX preliminary report, as the number of social, political and economic difficulties which will require attention for truly free and fair elections in the future will need to be considered by the United States Congress before more aid to El Salvador is authorized:

INTERIM REPORT ON THE 1991 GENERAL ASSEMBLY ELECTIONS IN EL SALVADOR

On March 1st 1991, a delegation from Lawyers' Exchange for Justice travelled to El

Salvador to observe the General Assembly elections. The objective of the delegation was to determine whether existing conditions in El Salvador were adequate to permit free and fair elections which could contribute to a negotiated peace in that country. For sixteen days members of the delegation travelled throughout the country to meet with representatives of the five main political parties, U.S. Embassy officials, representatives of a number of popular organizations, and members of "repopulated" communities in Chalatenango and Morazán. While this round of elections was particularly important for a number of reasons including the seriousness of the current negotiation process, the electoral reforms instituted by the Interparty Commission, and the landmark FMLN decision not to boycott or disrupt the voting, the findings of the delegation raise serious questions concerning electoral freedom under the current administration. The following is a preliminary report highlighting problems which should be remedied to ensure truly democratic elections in the future. The report addresses three major areas of concern: (1) Pre-Election Violence and Intimidation; (2) Systematic Irregularities on Election Day; (3) Post-Electoral Fraud.

(1) PRE-ELECTION VIOLENCE AND INTIMIDATION

Each of the party representatives we spoke to, with the exception of the ARENA party and the Party of National Conciliation (PCN),[1] expressed concern about the tense political climate and its effect on the voting. The party representatives were also joined by the popular organizations and members of the repopulated communities in accusing the ARENA government of a deliberate policy of intimidation and repression orchestrated to limit the support for the opposition. While the Christian Democratic Party also complained of harassment from the FMLN and intimidation of its supporters in Eastern El Salvador, such instances were not recognized as problematic to the extent of the government party policy.

Among the examples of intimidation attributed to the ARENA party are the following:

The brutal murder of UDN candidate Ignacio Heriberto Aristedes Robles Garcia and his wife, Vilma del Rosario Palacios de Robles on February 21st, shortly after giving a critical TV interview;

The shooting of UDN activist Blanca Mirna Benavides Mendoza while hanging propaganda on March 6th; eye witness accounts say the shooting was perpetrated by ARENA party members;

The burning of the newspaper El Diario Latino, the only paper giving coverage to the opposition parties; previously the paper had been accused of FMLN affiliation;

The destruction by grenade of Usulután office of the opposition party Convergencia Democrata on January 31, 1991;

The February 3rd ransacking of the Santa Ana office of the MNR (one of the three parties belonging to the Convergencia Democrata) by paramilitary groups who accused the activists of being FMLN supporters;

Military intervention in campaigning including door to door pressure against voting for opposition parties in Usulután and the use of military vehicles for the purpose of displaying ARENA emblems at a party rally in Mejicanos;

Military harassment of suspected oppositions supporters including an incident in Chalatenango where some of the peasants were told that some warned that the Atlacatl Battallion would know who they voted for;

Large scale military operations in Chalatenango and Morazán in which both Guarjila and San Jose las Flores communities were subjected to mortar fire, injuring at least four residents on March 7th; and

Threats of unemployment for workers in state ministries who failed to support the ARENA party.

(2) SYSTEMATIC IRREGULARITIES OF ELECTION DAY

Although the ominous events preceding the election left in question the openness of the political climate reflected by a poll showing nearly three-quarters of Salvadorans questioned were afraid to express their political preferences,[2] the opposition parties nonetheless participated and the FMLN did not disrupt the elections. Unfortunately for the opposition parties however, the election day itself was rife with anomalies and evidence of fraud. Below is a partial list of our findings:

Polling booths were often placed in front of the reception table and offered little or no privacy for the voter. In Suchitoto, Cuscatlán Department, when a member of our delegation suggested that the polls be moved against the wall to insure privacy, the official in charge (an ARENA party member) decided such a move was unnecessary because he himself would not be intimidated to vote for the party of his choice;

Also in Suchitoto, the closing act in which the vote count is listed had been signed by the members of one of the polling tables prior to the counting of the votes; when the question was raised as to how it could be signed before knowing the final tally, the response was that it didn't matter because the ARENA party official had to review them all anyway;

In Ilobasco, Cabañas Department, poll watchers of the Christian Democratic Party (PDC) informed us that various people who arrived to vote had been told that their names had already been stamped as having voted;

Also in Ilobasco, voting at one of the tables was suspended because it was discovered that there were two ARENA party members administering the process;

In Tenancingo, Cuscatlán Department, an observer of the Nationalist Democratic Union (UDN) informed us that ARENA party members from other municipalities were voting in that jurisidiction with the help of the ARENA party members in charge of the polling tables; while he was speaking to us he was interrupted by a well dressed man in dark sunglasses who accused him of lying. Shortly after, an observer from the Convergencia Democrata confirmed the UDN accusation, but said that they feared the possible consequences of alerting us to the fraud;

In San Pedro, Cuscatlán Department, the ARENA poll watchers were actively involved in the final counting of the ballots and were participating in preparing the final closing act of the polling table;

Also in San Pedro, a number of extra ballots had been signed and stamped by the President of one of the polling tables; when questioned about the ballots the observers were told that it would be taken care of later and that the members of the table were too busy to talk;

In San Francisco Gotera, Morazán Department, ARENA party members reportedly let party members vote twice and would not allow the Convergencia delegate to participate in the counting of the ballots;

Members of Segundo Montes city told us that in San Francisco Gotera Colonel Ohoa Perez arrived and declared that people who had registered but had not received their carnets could not vote even if they had their receipt, despite the fact that one day earlier a decision had been made to allow such people to vote;

Also in San Francisco Gotera, a Convencia Democrata vigilante from the Segundo Montes Community was captured by the 4th Military Department upon leaving the polling place; he was interrogated and humiliated for voting for the Convergencia and was set free about 8:30 p.m. after the intervention of the OAS;

In Villa Dolores, one of the polling stations was inexplicably moved without notice and when the members of the Christian Democratic party arrived to take their place at the polling tables, they were told that their seats had already been filled; and

All polling places we attended there were reports of people with carnets being unable to find their names on the lists—a phenomena which members of the opposition parties said was technical fraud intended to keep their supporters from voting.

(3) POST-ELECTORAL FRAUD

Since the elections, evidence of fraud has increased and the credibility of the results have decreased. Dr. Ruben Zamora of the Convergencia Democrata appeared at a press conference with a number of ballots that had been marked for the Convergencia but discarded in San Salvador, and representatives of the Christian Democratic party showed us discarded ballots they had found in San Miguel. They also reported that in a number of the Junta Departmentales, the boxes containing the counted results had been opened and were recounted and altered, and that in San Gerardo, San Miguel Department, the Municipal Electoral Directorate was comprised only of ARENA members. Also in San Miguel, one of the polling places had been moved without notice from Villa Dolores to Sensuntepeque and when the members of the Christian Democratic Party arrived to be accredited to work at the polling booths, they were told by ARENA party officials that other people had already been accredited. Finally, the representaives we met with from the UDN also claimed that the PCN had prepared a number of marked ballots with the intention of substituting them for CD votes in order to place third in the voting. The tallying of the votes was also prolonged to such an extent that the credibility of the final results have become have been significantly diminished.

CONCLUSIONS

The increased climate of repression prior to the elections, coupled with violations of the electoral code, problems with voter registration, and the overwhelming evidence of fraud bring into question the validity of the elections and the desire of the ARENA government to bring an end to the armed conflict in El Salvador. Based on our findings, it seems apparent that the ARENA government is as yet intransigent to serious participation of opposition parties and therefore the elections are not likely to be considered a viable alternative to armed conflict. While the opposition parties were able to win a few seats in the Legislative Assembly, the support they received in spite of the bad faith efforts of the ARENA party should be considered a manifestation of the overwhelming desire for peace rather than a reflection of a legitimate democratic election. The General Assembly elections raise serious questions regarding the value of continued support for the government of El Salvador and highlight the need for serious debate among members of the U.S. Congress regarding additional aid.

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[1] The PCN is the party which, after losing the elections to a broad opposition coalition (UNO) in the 1970's, rejected the election results and named a military leader as President. Their complete disrespect for the electoral process caused widespread frustration and ultimately led to the civil war which began in 1979. Not of small importance is the fact that the civilian faction of this military party later formed a new party with many of the same values; the new party is known as ARENA.

[2] Instituto Universitario de Opinion Publica, Universidad Catolica, poll of January 12-26, 1991.

A TRIBUTE TO DAVID DEILY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to David Deily of my 17th Congressional District of Ohio. I would like to commend David for his new found interest in environmental cleanup.

David Deily, age 13, is a student at Mineral Ridge Middle School in Middle Ridge, OH. David is involved in a number of organizations, including the local Boy Scout chapter, troop No. 85, in which he has earned the rank of first class scout. Troop No. 85 holds its weekly meeting at the Lady of Lebanon National Shrine in North Jackson, OH. To earn the Boy Scout star rank, David must fulfill the requirements of a service project of his choice. Aware of the many environmental problems facing our Nation today, David Deily believes that cleaning up the environment would be an ideal community service project.

David began picking up trash along side Salt Springs Road near his home in Mineral Ridge. He has collected 13 bags of refuse to date and has sorted out the recyclable materials such as glass for separate pick up. Of the 13 bags of refuse, 440 pounds were glass materials which were sent for recycling at the local plant in Niles, OH.

Mr. Speaker, I would like to take this opportunity to recognize David Deily for his outstanding service and contribution to the local community. It is an honor to represent this dedicated, hard working young man.

THE CAMPAIGN AGAINST PROZAC

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. McDERMOTT. Mr. Speaker, humanity's struggle with mental illness has taken many forms. Centuries ago, mental disorders were regarded as witchcraft or demonic possession. Later they were considered untreatable handicaps whose victims had to be separated from society. Still later, psychotherapy and inpatient treatment brought real help to many people. More recently, as we have learned more about the organic and chemical aspects of mental illness, we have developed effective medications that allow more people to live in the community as they get well.

Psychotropic drugs have brought major advances in the treatment of mental illness. Their use has permitted the treatment of many conditions outside institutions. But they have also brought unintended consequences, like massive deinstitutionalization without adequate community services, and the side-effects of some of the drugs themselves on some patients.

We still have much to learn about providing treatment and services to the mentally ill. Psychotropic drugs are not a cure-all, and they are not right for everyone at all times. Researchers, manufacturers, and physicians must always be cautious in their expectations, and in the way they communicate those expectations. But we cannot let irrational fear keep beneficial treatment from those who need it.

That is why the campaign by the so-called "Church of Scientology, against Prozac" and other psychiatric treatments, is so disturbing. Prozac, a medication used by 3.5 million Americans, has been proven effective in treating depression, in clinical trials conducted at the University of Washington and elsewhere. Like any drug, it must be prescribed with caution, and only in appropriate cases. I am inserting in the RECORD an article by Thomas M. Burton, from the Wall Street Journal of April 19, 1991, describing the effects of this attack on Prozac.

Mr. Speaker, there was a time when mental illness was defined in religious terms. We call that period the Dark Ages. Today, religious leaders of all faiths recognize mental illness for what it is, and call for compassion, understanding, and service to those who suffer from it. It would be cruel if the false claims of a pretended religion were to deprive thousands of beneficial treatment:

MEDICAL FLAP—ANTI-DEPRESSION DRUG OF ELI LILLY LOSES SALES AFTER ATTACK BY SECT

(By Thomas M. Burton)

INDIANAPOLIS.—L. Ron Hubbard, the late founder of the Church of Scientology, long harbored a profound and obsessive hatred for psychiatrists, who, he declared, were "chosen as a vehicle to undermine and destroy the West."

Five years after Mr. Hubbard's death, Scientologists are still waging war on psychiatry. The quasi-religious/business/paramilitary organization's latest target is Prozac, the nation's top-selling medicine for severe depression. The group is calling it a "killer drug" that drives people to murder or suicide. Its tactics include scores of condemnatory mailings and press releases, going on the talk-show circuit and lobbying with Congress and the Food and Drug Administration to ban Prozac.

To the dismay of some doctors and the drug's manufacturer, Indianapolis-based Eli Lilly & Co., the campaign has had some success. Although Prozac's sales are huge, its share of the antidepressant market has slipped to 21% from 25% last July.

PUBLIC-HEALTH PROBLEM

"The public's fear of Prozac as a result of this campaign has itself become a potentially serious public health problem as people stay away from treatment," says Jerrold Rosenbaum, a Harvard psychiatry professor.

Moreover, the Scientologists' arguments are being repeated in courts of law. In about a dozen cases pending around the nation, defense lawyers are arguing that their clients shouldn't be held responsible for any crimes because they were taking the drug. In five criminal cases already decided, however, the defendants were convicted. In addition, more than 50 civil suits related to violence allegedly induced by Prozac are pending against Eli Lilly; none have been resolved.

Lilly says it hasn't any evidence that the drug can turn patients either murderous or suicidal, but Prozac, like all antidepressants, does have side effects, including nervousness and sleeplessness. For many people, it is by far the easiest antidepressant to tolerate and doesn't leave the user feeling drugged or sleepy, as other antidepressants tend to do. And it has been known to dramatically relieve depression and improve the lives of some patients.

GOING OFF THE MEDICINE

Yet at the St. Vincent Stress Center in Indianapolis, severely depressed patients were frightened enough by one Scientology official's remarks on television to stop taking the medication, only to deteriorate rapidly. "I have people coming off Prozac, and some of them are ending up in the hospital," says Paul Riley, the medical director. "I'm very angry about this. Somebody's going to end up dead from coming off the medicine," Dr. Riley says.

For Lilly, the Scientologists' campaign poses special problems. The company is very conservative. Lilly rarely seeks publicity and, with most of its drugs sold by prescription. It isn't used to marketing to the public.

Lilly also is vulnerable because of problems with two earlier products. It was one of several companies that sold DES, a drug blamed for an abnormal incidence of cancer in women whose mothers took it to avoid miscarrying. And in 1985, it pleaded guilty to 25 misdemeanor charges for failing to inform federal officials of four deaths and six illnesses after patients took Oraflex, an anti-arthritis medication.

COMPANY'S POSITION

Nevertheless, Lilly feels strongly that Prozac is safe. Leigh Thompson, the company's top medical official, says: "It's a demoralizing revelation to watch 20 years of solid research by doctors and scientists shouted down in 20-second sound bites by Scientologists and lawyers."

Lilly researchers first synthesized Prozac, known medically as fluoxetine hydrochloride in 1972. The drug didn't hit the U.S. market until 1988, partly because Lilly had never made an antidepressant before and management didn't push its development. Now, Prozac has become crucial to the company: its sales, despite the late 1990 dropoff, were up 116% to $777 million last year. It is Lilly's No. 2 product, trailing only the antibiotic Ceclor, and many analysis predict that this year Prozac will top $1 billion. Pfizer, Inc. and SmithKline Beecham PLC have chemically comparable antidepressants that are on sale in Britain but not yet in the U.S.

The attack on Prozac is only the latest battle in Scientology's war against psychiatry. Mr. Hubbard was a Nebraska-born science-fiction writer who, after a stint in the Navy, took to calling himself "commodore." His best-selling book, "Dianetics," led to creation of the group.

Mr. Hubbard's hatred of psychiatry may have sprung in part from the fact that "the mental-health community early on rejected" his ideas, suggests Cynthia Kisser, executive director of the Cult Awareness Network. He also realized, she contends, that "the best recruits were people whose problems were not being solved by the mental-health profession. These people might buy into Scientology." Church officials didn't respond to phone calls seeking comment.

Scientologists' central belief is that human beings have a soul-like entity called a "thetan" that is perfect and travels from galaxy to galaxy. Their goal is to help their thetans get rid of something called engrams—essentially, bad memories.

To this end, Scientology developed a lie-detector-like device called an E-meter, which is used to treat mental problems often at hundreds of dollars per session. Psychiatrists consider these "treatments" quackery. In 1984, the Internal Revenue Service successfully challenged the tax-exempt status of the Church of Scientology of California, then the mother church, arguing that it was more business than church. Scientology boasts of having millions of members, but the Cult Awareness Network and former Scientologists put the number closer to 12,000.

In recent years, the Citizens Commission on Human Rights, a Scientology-founded group, lambasted Ritalin, a Ciba-Geigy Corp. drug for hyperactive children. Last year the group, many of whose members have "Psychiatry Kills" stickers on their cars, alerted church members that some favorable press coverage of Prozac was "a declaration of war" that "cannot go unanswered."

"Psychiatrists are in their way," asserts Dennis Erlich, a former Scientologist minister. "Scientology is a serious conspiracy to derail psychiatry, pharmaceutical companies, and so on." He notes the group's paramilitary nature: Some members have military ranks, wear Navy-style uniforms and can be judged for offenses against the church by military-style tribunals.

A MINISTER'S OBSERVATIONS

Sanford Block, a college dropout and Scientologist minister who serves as executive director of the Citizens Commission, says his group isn't run by the church but is mostly staffed by church members. He says he became convinced that psychiatry kills after noticing that "there's an enormously high rate of suicide for people who leave mental institutions" and that "a large portion of mass murderers had been psychiatric failures first."

In attacking Prozac, Scientologists often cite a 1989 mass murder at the Standard Gravure printing plant in Louisville, Ky. They say Joseph Wesbecker, who killed eight co-workers, wounded 12 and then shot himself to death, was "turned psychotic" by Prozac. On a recent Phil Donahue Show on NBC, Dennis Clarke, president of the Citizens Commission, characterized Mr. Wesbecker as a man who before Prozac "had no history of violence" and "didn't have an argument on the job for 32 years." Mr. Block, the Scientology minister, adds in an interview, "There was no evidence about any threats" made by Mr. Wesbecker against co-workers or bosses before taking Prozac.

That is far from the truth. In fact, Mr. Wesbecker was for years a tragically tormented man who tried to commit suicide at least 12 times. During a period when he wasn't taking Prozac, he was diagnosed as a borderline personality, regularly talked about killing his bosses (according to nine separate witnesses who talked to the police), bought the guns he eventually used—including an AK-47 assault rifle—and went to a gun range to practice. He even bragged about his plans to kill his bosses to a man who came to his house regarding some tile work.

The Scientologists' anti-Prozac material often assumes that any criminal who takes the drug must have committed his crimes because of it. "The numbers of persons who have been driven or are being driven suicidal or homicidal by Prozac is astronomical," one press release says.

SOME SUICIDES INEVITABLE

But the number of people on Prozac exceeds 3.5 million, more than the population of Chicago, where hundreds of people commit murder or suicide every year. And Frederick K. Goodwin, the U.S. government's top psychiatrist and an authority on depression, says it wouldn't be surprising over time to see thousands of suicides among more than three million depressive patients. "For many," Dr. Goodwin says, "Prozac has truly been a miracle, the first medication to rescue them from the living hell we call depression."

Often, the Scientologists' campaign has involved taking a seed of truth and then stretching it. In February 1990, Martin Telcher, a psychiatry professor at Harvard medical school, wrote that six of his mental patients had "serious" suicidal thoughts while on Prozac. Five had previous suicidal tendencies, but Dr. Telcher said these new "obsessive and violent" notions had strengthened. He estimated that the side effect occurred in 3.5% of his patients on Prozac.

However, he adds in an interview that he doesn't think it fair to extrapolate that percentage to all patients using the drug. Harvard's Dr. Rosenbaum and colleagues surveyed records of more than 1,000 patients on Prozac and found no tendencies such as those described by Dr. Telcher. Yet the Scientology group extrapolated from Dr. Telcher's limited report to conclude that "up to 140,000 people in the United States have become violent and suicidal by Prozac" and "can explode any moment without provocation."

Dr. Telcher says the Scientologists' use of his paper is "absolutely irresponsible." He says they are twisting his research "to advance their purpose, which is to destroy psychiatry." He considers Prozac, used properly, safe and helpful.

Despite their credibility problems, the Scientologists have little trouble obtaining publicity for their cause. For instance, last year, numerous newspapers ran articles saying Scientologists had petitioned the FDA to ban Prozac on the ground that it prompts thoughts of suicide. One such article quoted Mr. Block of the Citizens Commission as saying, "Persons who were never depressed in their lives are going onto Prozac and suddenly wanting to kill themselves."

Likewise, the Smyth County News in Marion, Va., ran an article that appeared to come straight from a Scientologist press release. "A nationwide warning has been issued on the psychiatric antidepressant drug Prozac cautioning that the drug can generate intense, violent suicidal thoughts and can push unsuspecting users of the drug to commit murder," the article said. It contained no response from Lilly or any psychiatrists.

Linda White, the Virginia paper's editor, says such press releases often get printed because small newspapers, including hers, "don't have the resources to check out all press releases."

Psychiatrists say they can't rule out the possibility of a few dangerous side effects with Prozac or any drug. A Yale-New Haven Hospital study in 1990 found some suicidal thoughts among obsessive-compulsive adolescents taking Prozac. But many psychiatrists prescribe it for hundreds of patients without problems, and scattered incidents hardly bear out Scientologists' allegations that "psychiatrists have destroyed thousands of lives" with Prozac.

Far more common are experiences such as those of Jill Silver, a 56-year-old artist and grandmother from Wynnewood, Pa. In the past five years, panic attacks associated with moderate depression forced her to run out of restaurants—and out of her job. In January, she "bottomed out," crying incessantly and constantly needing her husband or a relative with her. "I'd become a baby again," she says.

Her doctor prescribed Prozac. Gradually, over four weeks, with therapy and the support of her family, she improved substantially. Now she is counseling the mentally ill at a crisis hot-line center.

CLINICAL TRIALS RESULTS

To fight the Scientologists, Lilly is taking the unusual step of publishing results from clinical trials conducted before Prozac entered the U.S. market. The results, compiled by doctors unaffiliated with Lilly on 3,065 depressed patients, show a lower tendency toward suicidal thinking with Prozac than with other antidepressants, or with the starch capsules given to a control group. Neither doctors nor patients were told what was in the capsules.

After the Scientologists' attack began, David Wheadon, a Lilly psychiatrist, met with European suicide experts to explore whether the company missed something significant in these tests. Dr. Thompson, Lilly's chief physician, also met with four psychiatrists who scrutinized its findings. Inside and outside the company, psychiatrists concluded that nothing in the clinical trials linked suicidal thinking—common in depression patients—to Prozac.

Lilly also sent out "Dear Doctor" letters about all this. And last January, the company convened its 1,700 U.S. salespeople and urged them to tell any concerned doctors about the clinical-trial results and discuss the Scientiologists' campaign.

But that campaign has been effective in frightening Prozac patients. Watching a recent Donahue talk show on which Mr. Clarke and others blamed the Louisville killings on Prozac were 21 severely depressed patients at Oakville-Trafalgar Memorial Hospital near Toronto. Some had been hospitalized after trying to slit their wrists; some were then put on Prozac.

As they heard Mr. Wesbecker described as "your average nice Joe" turned killer by Prozac, the patients became distraught, some hysterically so. Doctors and nurses had to lead them out of the hospital's day room. It took three days for Robbie Thompson, the chief of psychiatry, and his staff to calm many of them.

"I'm all for looking at both sides of the coin," Dr. Thompson says, "but this just isn't right. How this has been allowed to go this far is beyond me."

STUDENTS OPINIONS ON HOW TO REDUCE OUR DEPENDENCE ON FOREIGN OIL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. HYDE. Mr. Speaker, it is my privilege every year to sponsor jointly with schools in the Sixth Congressional District an essay contest featuring the works of numerous young people.

This year's contest elicited more than 130 entries directed to the question of what we might do, both as individuals and as a nation, to reduce our dependence on foreign oil.

In reading some of the winning essays, two of which are featured here, I was very heartened by the time and thought that was invested in these projects.

Bensenville, IL, resident Rubina Hadi-Tabassum, a senior at Fenton High School placed first among high school seniors with her essay, which described how the United States could rapidly develop and market methanol as an alternative to gasoline.

In her winning junior division essay, eighth-grader Mary Sessa of Addison, IL, suggested more diligent conservation practices, including use of more fuel-efficient automobiles, further development of atomic energy sources, development of electric automobiles, and more widespread use of propane gas autos. Mary attends St. Joseph School in Addison.

Please permit me to add my heartfelt congratulations to these and the other participants who took the time to research, write, and edit their papers. A special note of thanks also to Mrs. Vivian Turner, former principal of Blackhawk Junior High School, who coordinates this event.

I commend the following two well-written essays to my colleagues for their consideration:

HOW CAN THE UNITED STATES BECOME LESS DEPENDENT ON FOREIGN OIL?

(By Mary Sessa)

In order for the United States to reduce its dependence on foreign oil, it must improve in the following areas: 1. It must do more to conserve energy. 2. It must develop alternate sources of energy. 3. It must further develop its existing energy sources.

There are many ways that the United States could conserve energy. We could have stricter laws mandating more fuel efficient automobiles. If the average auto in the United States got only three miles more per gallon of gasoline, the country would save over 10 percent of all gasoline used. In the northeast area of the United States many people have old, inefficient, oil burning furnaces. Replacing these furnaces with fuel efficient devices that burn natural gas would save millions of barrels of oil daily in the winter season. Air conditioning use could be curtailed in public buildings. Airlines could analyze their flights and eliminate those flights that serve few passengers. Those few passengers could be handled by other airlines or by other flights on the same airline. These few suggestions alone would help reduce our dependence on foreign oil.

In the area of alternative energy sources there are many available. Some are being worked on today. For example, engineers at Ford, Chrysler and General Motors are developing electric automobiles. These automobiles would not only save gasoline but they would be pollution free. Since electric autos can only go about 100 miles between battery charges, engineers are developing hybrid autos that use electric power when driving in the city, and gasoline power when driving on the highway. Geothermal power should also be developed in the United States. France and Italy have been using geothermal power for many years. Geothermal power is generated by drawing heat from the Earth and using it to boil water, creating steam which drives generators to produce electricity. Solar power can be used to heat homes. Ethanol and methanol can be mixed with gasoline to generate power for cars, trucks, and buses. Propane gas powered autos and trucks are widely used in the United States, if more propane "gas stations" were available we could have more propane powered vehicles.

The United States must develop its existing oil reserves. Oil companies must be given incentives to invest in exploration for oil and natural gas. New technologies must be developed to extract oil that remains deep in existing wells. Environmentally safe methods must be devised to produce oil from offshore wells. This country has a tremendous quantity of oil locked in shale rock in the west. If technology could be developed to free this oil cheaply, America would be totally energy independent. The United States also has large reserves of coal. In World War II Germany produced gasoline from coal by a process called coal gasification. If we could find efficient ways to produce gasoline from coal we could greatly reduce our dependence on foreign oil. This country could also produce far more power from atomic energy than it does now. If ways can be found to safely dispose of the nuclear waste products produced in a reactor, nuclear power would greatly help reduce our dependence on foreign oil.

Through a combination of conservation, alternative fuels, and development of new technologies, America could become energy independent in the next twenty years.

IF YOU WERE THE SECRETARY OF ENERGY, WHICH PROGRAMS WOULD YOU RECOMMEND TO THE PRESIDENT AND CONGRESS TO LESSEN OUR DEPENDENCE ON IMPORTED OIL

(By Rubina Hadi-Tabassum)

THE NEW ALTERNATIVE

The future is forever questionable and inevitable. What the human race decides to do today shapes all futures, good or bad, tomorrow. In order to build a stable future for the hopes of tomorrow, society must resolve the pressing problems of today. Homelessness, poverty, racism, and drugs are all but a few of the problems facing this nation. The United States of America must overcome these obstacles or else it will slowly perish to a memory, washed away by the tide of the future. There lies, however, a graver crisis that I have not yet mentioned. This problem I address affects every individual of this nation, day after day, year after year. It is buried beneath the arid desert, shaped by severing heat and extreme pressures. This organic threat has metamorphasized from various forms of ocean plant life to black gold: petroleum.

Petroleum is often known as crude oil as it comes to the surface, either by fissures naturally gouged in the earth, or by the steel drills of oil barons. The U.S. is the number one world consumer of crude oil averaging 6,323.6 million barrels, used in 1989 alone. About 12.3 percent of that oil comes from individual Arab nations, 23.8 percent from OPEC, and 41.6 percent from other international countries. The rest of the oil budget, about 22.3 percent was provided by the U.S.'s own oil reserves. All in all there is a 77.7 percent dependency upon foreign oil, a 7 percent rise from 1988. The United States is economically and socially dependent upon foreign oil. Oil in the U.S. is mostly converted into gasoline, diesel fuel, and kerosene. These fuels are all used for transportational purposes. The rate at which the percentage of oil used for transportation is growing is quite alarming. Each time you start your car or truck, and each time you voyage on a plane or ship, you are contributing to the 62.9 percent of oil consumed by transportation alone. The other 37.1 percent of oil is used for either heating fuels, industrial usage, or for electrical utilities. The large quantity of oil consumed by this nation must be either drastically reduced or eliminated by other alternatives.

"There is no longer much argument with the conclusion that U.S. resources of conventional oil will be depleted by the year 2000 * * *", Earl T. Hayes, former chief scientist at the U.S. Bureau of Mines.

The United States' dependency on foreign oil is a dilemma. Vital steps toward solving this crisis must be taken. The American society must both recognize and react to this grave realization. We must put money, tradition, and differences aside in order to enter this twenty-first century free from the shackles of foreign oil.

Of the oil produced internationally, 45 percent of it is refined into forms of gasoline. Of that 45 percent, 7 percent is used for diesel fuel and another 7 percent into kerosene aircraft fuel. The rest is consumed by the standard automobile. Cars provide both mobility and convenience, not to mention personal freedom. The automotive industry is also very lucrative. It accounts for more than 10 percent of the gross national product and 20 percent of all consumer expenditures. There is, however, a bad side to all this. The automobile is the single major contributor to the U.S.'s dependency on foreign oil. The U.S. employs nearly two thirds of its entire crude oil budget to the automobile. Automobiles also threaten the quality of life by contaminating urban air and the global atmosphere. More than 100 cities in the United States have high levels of carbon monoxide that exceed the levels established by the Environmental Protection Agency to protect public health. In the next decade the air quality will worsen unless vehicles can be developed that are much cleaner than those on the roads today. In order to achieve this goal, I believe the United States should make a transition to a new automotive fuel.

Currently, scientists are proposing many alternatives to the standard petroleum-based automotive fuel of today. All, however, agree upon this conclusion: change must come, and soon. Today's automotive fuel, gasoline, is composed of many double-carbon chemical bonds. This "complex" molecular structure makes combustion a more complicated process. It increases the probability of incomplete combustion, which emits unburned carbon-carbon bonds. A threat to the environment. The ideal future fuel would then have to be a simple hydrocarbon, such as one in the alcohol family. Ethanol and methanol are the two most promising alternatives. They burn more cleanly than gasoline because they have no (or few) carbon-carbon bonds, and the hydrocarbons they do emit are less likely to generate ozone. However, ethanol carries a price tag twice that of methanol because of the relatively low abundance of ethanol. This leaves us with methanol, the most practical and expedient of the energy alternatives.

Methanol may quite possibly be the fuel of the future. To the environmentalists methanol means a sigh of relief from the strained atmosphere and ecology of the United States. Tests have shown that emissions from a methanol fueled car contain one fifth as much carbon dioxide and one tenth as much of various types of hydrocarbons. Toxic compounds and the release of airborne particulates would be almost nonexistent in the proposed methanol powered car of the future. Another key element in methanol's relatively environmentally safe aspects is its low vapor pressure, about half as much as gasoline. The leading source of hydrocarbon pollution comes from motor vehicle emissions of evaporated gasoline trapped within a car's tank and fuel lines. Methanol can reduce by 90 percent the vehicle emissions that form ground level ozone, the most serious urban air pollutant. The properties of methanol make it possible to design a far more efficient automobile than those on the road while still maintaining very low emission levels.

The methanol fueled car would integrate various features to attain higher efficiency and generate fewer emissions than a conventional gasoline fueled car. Methanol has a high octane value which would mean an increase in the energy output of the car. The low heat loss of methanol combustion makes possible an efficient small engine, reducing the size of the fuel tank, exhaust pipe, and the transmission as well. The cooling system could be made smaller by replacing the radiator and fan with thermal insulation and a hotter coolant. This change would decrease the size and aerodynamic drag of the front end of the car. A flywheel start-stop system could shut down the engine whenever the car slowed down. A hydraulic pump-motor could store energy during braking. Also, one gallon of methanol is equivalent to two gallons of gasoline. Now, combining all the efficiencies of the methanol automobile together, you would end up with a car that looks much like today's gasoline fueled car, but one that is 30 percent more efficient. If the new frontier of methanol cars is pushed forward today by American manufacturers, a new era of creative innovation will be sparked. A new era of automotive technology born in the U.S.A., made in the U.S.A. will emerge from the years of stagnation by American automobile manufacturers, outdone once by their Japanese counterparts. Our nation will once again introduce the world to new ideas in the automotive industry, while still achieving its goal to lessen its dependence on imported oil.

Methanol is an abundant natural resource. Coal could be synthesized to produce methanol. Once synthesized this coal could provide all the methanol needed by the U.S. for decades to come. Methanol can also be tapped from different types of trees and plants. This should supply us with an infinite amount of methanol if ever our coal reserves should falter. The U.S. would no longer have to rely so heavily on foreign countries for petroleum for our transportational system. Powerplants may once again be run on coal reserves in the Southeast and West, eliminating the need for oil. Heating utilities could be converted to electricity or natural gas. Our nation's oil addiction would be stopped with these changes. Our environment and ecology would also benefit. The country Brazil has yielded to the amazing possibilities of methanol. It has switched its transportation system over to alcoholic fuels and has done so with success. The United States government spends billions of dollars to protect its foreign oil investments. It makes complete sense to set aside some of that money for government subsidies, for the development of methanol. Methanol lies just over the horizon and the time is now to reflect these illusions into our own present. If we do not develop methanol fueled cars, we will vividly feel the grip of foreign oil closing in upon us. Lives will be lost as this nation sets up more battlefronts to protect its foreign oil investments. Oil prices will continue to rise, but human life will always be priceless.

GOVERNMENT IS OFTEN THE PROBLEM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. DUNCAN. Mr. Speaker, we make a serious mistake in this Nation when we think that there has to be action by some type of Government agency every time there is any type of problem.

In fact, it is becoming increasingly obvious that Government is more often part of the problem rather than part of the solution.

Many of the problems this Nation faces today have been made worse by governmental action of some sort.

Another example of this was reported by the Wall Street Journal on May 7. I hope my colleagues will read this interesting article by Rael Jean Isaac:

PROTECT THE MENTALLY ILL FROM THEIR ADVOCATES

(By Rael Jean Isaac)

Congress has an unusual opportunity to contribute to the welfare of the mentally ill by saving taxpayer money: It can refuse to reauthorize the Protection and Advocacy for Mentally Ill Individuals program. That program is fostering the very abuse and neglect of the mentally ill it was designed to prevent. Hearings are scheduled for May 16 by the House Subcommittee on Health and Environment and will be held shortly thereafter by the Senate Subcommittee on Disability Policy.

In 1984, a Senate staff report found widespread abuse and neglect of mentally ill people in institutions. This led to Senate hearings in 1985 and the signing of the Protection and Advocacy for Mentally Ill Individuals Act in 1986. The act provided funds, to be administered by the National Institute for Mental Health, for programs in each state to "investigate incidents of abuse and neglect of mentally ill individuals" residing in institutions providing "care and treatment" and to "protect and advocate the rights of such individuals."

There is no mystery about what Congress intended the primary focus of these programs to be. The law gives as examples of abuse "rape or sexual assault," "striking of a mentally ill individual," or "the use of excessive force" and in defining neglect speaks of failure to carry out "a treatment plan for a mentally ill individual" or failure to provide "adequate nutrition, clothing or health care."

In practice, however, protection and advocacy agencies for the mentally ill, with few exceptions, have become playgrounds for civil libertarian attorneys who view all involuntary treatment for mental illness as abuse. In the view of many of the attorneys and other "advocates" who staff the P&As, as they are familiarly called, those suffering from major mental illness do not suffer from disease, but simply pursue alternative life styles that they are entitled to pursue without oppression from (mentally) straight society.

Much of the thrust of P&A activity has been to obstruct any effective treatment of the mentally ill. In many states, P&As have made their top priority the right to refuse treatment with anti-psychotic medication (even for those mentally ill committed to hospitals because they are dangerous to themselves or others).

Several P&As have selected legal staff on the basis of their prior success in such right-to-refuse-treatment lawsuits. (At one institution studied in upstate New York, the additional cost simply of keeping a patient untreated in the hospital awaiting legal procedures necessary to override his or her refusal averaged more than $10,500—and this did not include clinical, attorney or court expenses.)

P&As also lobby in state legislatures to prevent needed reforms of civil commitment laws that would make it possible to hospitalize patients before they have deteriorated to the point of "dangerousness." (In some places, courts insist the patient must be on the point of death to qualify for involuntary commitment.)

P&As are permitted to use 10 percent of their funds for education and training. Much of this money goes to promote an antiquated anti-psychiatric ideology, rooted in the 1960s counterculture, that denies that existence of mental illness. Since 1986, under the rubric of "training," P&As have been sponsoring, organizing, funding and sending staffers to the annual conferences of the National Association for Rights Protection and Advocacy (NARPA), a private organization established in 1980 to bring together members of the mental health bar and other "advocates."

At the annual conferences a handful of maverick psychiatrists and psychiatric "survivors" (i.e., ex-patients) declaim on the alleged evils of psychiatry. Sample from a psychiatrist at the 1989 meeting: "Psychiatry is the most abusive institution in the United States today." And from a "survivor": "Psychiatry is a bitter joke on humanity. It's like Nazism or Communism." At these conferences "advocates" also plan how best to use P&A funds in the "war on treatment." For example, at both NARPA's 1988 and 1989 conferences, plans were unveiled for P&As to bring large numbers of liability suits against the makers of anti-psychotic drugs. As one attorney put it at the 1988 conference (co-sponsored by Oregon P&A): "And if it puts the manufacturers and all of them out of business so be it."

Every one of the 50 state P&As has opposed reclassification of ECT devices by the FDA, as part of a broader game plan to outlaw electro-convulsive therapy.

But as legal scholar Samuel Jan Brakel and psychopharmacologist John Davis point out in a forthcoming article, "for patients suffering from one of the major mental illnesses there is no alternate, 'less restrictive' treatment to drugs or ECT. The alternative is no treatment."

The organization of families, the National Alliance for the Mentally Ill (NAMI), which helped create the P&A program, has been horrified—and helpless. In many states they have found P&As unwilling to investigate cases of neglect or abuse brought to them by family members, refusing to take any complaint not initiated by the patient himself. As Carol Rees, a member of the NAMI board, observes: "This effectively eliminates any protection for the more severely disabled (like my own son) because they are unable or too intimidated to complain." Moreover, because P&As take pride in representing the "expressed wishes" of their mentally ill clients (often based on delusional thinking), they often act contrary to their clients' best interests.

Incredibly, NAMI is nonetheless urging that P&A activities be expanded to include the mentally ill in VA hospitals, prisons and the general community. Reluctant to admit it has created a Frankenstein's monster, NAMI hopes to salvage the program by persuading Congress to change the composition of P&A boards and to institute grievance procedures. But such efforts are doomed to failure.

P&As are essentially federally funded legal services programs with all the built-in problems of clientless lawyering—paid by the government, staff members are free to select their own clients and cases, even search for clients for preconceived cases. The problem, endemic to such programs, is compounded because of the vulnerability of the mentally ill. Moreover, P&As are attracted to "impact litigation" in accordance with their ideological preferences. Those preferences lead them to act in effect as the litigation arm of the radically anti-psychiatric NARPA.

Nor can boards—or the filing of grievances—do anything about this. Attorneys in the programs loftily invoke canons of professional conduct that emphasize the attorney's responsibility to exercise his independent judgment on how best to advance the client's interests. The end result is to leave P&A attorneys free to do exactly as they please.

Congress is deeply, and rightly, concerned about the growing population of homeless mentally ill. It makes no sense to fund a program that can only increase the numbers abandoned on our streets.

FALSE HOPE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1991

Mr. CLAY. Mr. Speaker, last week the President and the Secretary of Housing and Urban Development visited a public housing project in St. Louis. The purpose of their visit was to promote the sales of public housing projects to tenant management corporations. Unfortunately, this ill-conceived program threatens to undermine the Federal Government's support for all public housing programs. The following editorial from the St. Louis Post-Dispatch—May 3, 1991—highlights the problems with the HOPE 1 Public Housing Sale Program. I urge my colleagues to give serious scrutiny to this proposal:

FALSE HOPE

President Bush is scheduled to visit St. Louis today partly to promote a program called Homeownership Opportunities for People Everywhere (HOPE), which would permit the sale of public housing to tenants. The poor don't need HOPE—not this kind, anyway. They need relief from the unmerciful cuts in low-income rental housing programs during the past decade.

Mr. Bush is scheduled to visit Cochran Gardens on the near North Side and is certain to praise Bertha Gilkey's tenant management program. This innovative concept, which began in St. Louis, is laudable because it gives residents control.

The president also is likely to argue that HOPE would build on the successful experience with tenant management to allow tenant ownership of some public housing, including nearby Carr Square Village. This plan is rightly being opposed by U.S. Rep. William L. Clay of St. Louis and others.

Though there is no denying that public housing has largely been a failure, the answer is not HOPE, which is an excuse for the federal government to walk away from its 50-year-old commitment to decent housing for the needy. The answer is for the government to make as strong a commitment to public housing as it does to housing for middle-income and affluent Americans.

As Rep. Clay notes, it might cost as much as $81,000 a unit, or $39 million, to renovate the 485 units in Carr Square for tenant ownership. For the same money, the government could build 780 new units of minimum standard public housing at $50,000 a unit. In addition, there is no assurance that tenants will be able to buy the units, since the average cost of home ownership would be $300 a month while the average income of public housing tenants is only $600 a month. HOPE, then, could mean less housing for the needy. Moreover, people who by definition are too poor to buy homes cannot be expected to assume the responsibilities of home ownership.

For Mr. Bush to imply that the answer to urban problems lies in tenant ownership of low-income housing is to downplay the federal responsibility to tackle the enormous social and economic ills that poor people didn't create by themselves and will never solve alone. These ills have worsened since the 1980s, when the Reagan administration cut domestic spending. It reduced HUD's budget by more than 75 percent between 1981 and 1989.

Because the Bush administration has never sought to restore the Reagan cuts, it is no wonder that the number of Americans who are either homeless, living in substandard housing or on the waiting list for public housing continues to grow. In place of funds to respond to their plight, President Bush offers a cost-ineffective home-ownership plan that would deny housing to many in order to help relatively few. This drawback speaks to the need for a national housing policy that emphasizes more rental units for those lacking basic shelter.

CITIBANK'S MR. WORLD SETS AN EXAMPLE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. GUNDERSON. Mr. Speaker, in these times of tight Federal budgets, it is encouraging to see examples of private sector initiatives that seek to help solve some of the Nation's problems, particularly in the field of education.

As a member of the House Education and Labor Committee, I was pleased to read recently that Citibank has initiated a major program to improve geography education by providing a grant to the National Geographic Society for its "Mr. World" project.

David Finn, chairman and CEO of Ruder Finn, Inc., wrote about the project in the January 21, 1991, issue of Marketing News. Mr. Finn's public relations firm worked with Citibank in developing the initiative, now in its second year.

The program includes distribution of a school kit developed as part of National Geography Awareness Week as well as a tour by "Mr. World" of schools across the country to help teach geography.

I commend Citibank for this initiative and submit the entire article for the benefit of my colleagues:

School-Based Marketing Program Makes a World of Difference

Ever since the 1983 landmark publication of a Nation at Risk by the National Commission on Excellence in Education—which pointed out that the U.S. was facing a major crisis in its schools—more companies have devoted funds to constructive and creative local and national educational programs.

Some have been focused on employees: to overcome illiteracy and achieve greater quality performance at the workplace, to broaden personal horizons as a step toward advancement, and to make it possible for sons and daughters of employees to seek higher education.

Other efforts have concentrated on communities in which there are company facilities; these take the form of adopt-a-school programs, grants for innovative projects, and working with political leaders to gain support for expanded educational appropriations. Still others have provided prizes for excellence in subjects such as science studies and writing.

Recently, some companies have discovered that their contributions to education not only help society but also gain visibility for their products and services. Some school-based marketing programs are winning kudos from the educational community because of their imaginative approach to teaching. And, although they are often conducted on a noncommercial, public-service basis, they are proving to be extraordinarily effective in projecting the character and commitment of the sponsoring company to key audiences.

One such program, sponsored by Citibank MasterCard and Visa, is aimed at encouraging the study of geography education in grade schools throughout the country. American children are woefully ignorant of goegraphy; 42 percent of American high school seniors can't name three countries in Africa. This shocking problem carries over to the adult population as well; one out of seven Americans is unable to locate the U.S. on a map!

The Citibank MasterCard and Visa Division of Citicorp decided to do something about it by developing a program that began with a major grant to the National Geographic Society to help sponsor a school kit developed in conjunction with National Geography Awareness Week.

A new dimension was created when Citibank hired "Mr. World" to visit schools and teach geography in a new and creative way. Mr. World, a former teacher and professional storyteller named William Fritzmeier, showed how the teaching of geography can be brought alive for school-age children. He wore a colorful cape embroidered with a world map and put on a show about geography which incorporated humor and drama.

"Many students think of geography as memorizing state capitals," Mr. World said in describing his approach. "I try to stress that I'm not an encyclopedia. Rather they must learn how to find information and to use their own experience about their own geography and the way it changes and impacts on their world."

In each classroom he visited, he left oversize pages from his "I Love Geography" book, and students were invited to add "geonews" stories about events in their area for inclusion in the book. The results were displayed in a dramatic multimedia presentation at Citibank's New York headquarters.

In 1990, the second year of his travels around the country Mr. World made whirlwind tours to Pittsburgh, Los Angeles, Denver, San Francisco, Atlanta, Washington, D.C. Dallas, Phoenix, Chicago, and New York. In the course of his class visits, he worked with approximately 300 teachers and principals, taught an estimated 8,000 students, and gave out take-home materials for an estimated 12,000 parents.

Each student received a world map and a button highlighting Citibank's sponsorship role. Each classroom received the National Geographic School Kit: an inflatable globe with a Citibank imprint, a laminated world map with Mr. World's tour logo, and a Mr. World poster highlighting tour dates, cities, and Citibank sponsorship.

Mr. World proved to be an extraordinary subject for press interviews. In every city he visited, there was extensive print and broadcast media coverage. These included preevent publicity, calendar listings for his appearances, PSAs, and extensive newspaper, radio, and TV features based on personal interviews.

In some cities, exhibitions were arranged to coincide with Mr. World's visit and, wherever possible, there were tie-ins with local Citibank facilities. A total of 60,000 National Geographic Society kits were distributed.

Citibank MasterCard and Visa was credited as the sponsor in all of the publicity as well as in the school appearances. And to top it all, the company described the program in an insert that went out to its 26 million cardholders with their monthly statements.

Thus, the cardholders as well as employees and shareholders could feel a part of a remarkably creative and successful program sponsored by the company to bring geography home to the children of America.

ONE OF A VERY SPECIAL KIND—EUNICE K. BAREHAM

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. VANDER JAGT. Mr. Speaker, as the year 1990 drew to a close Eunice K. Barehamn, treasurer of Ottawa County, MI, in the Ninth Congressional District completed 20 years of service as the elected chief financial officer of the county. It is worth recognizing this record of service since she was reelected and serves as the first and only women to hold that job in the county. Eunice Bareham is an outstanding example of a dedicated public servant and involved member of her community.

As a public servant, Eunice Bareham has served the public on the county board of commissioners, rising to the position of vice chairman, and finance chairman. She served on the county allocation board, the mental health board, and the jury board. Her community service includes participation in PTA school activities, leadership of millage and bond efforts for the Spring Lake Board of Education, and involvement in the Spring Lake Education Foundation.

The Michigan and Ninth District Republican Party has also benefited from Eunice's public spiritedness. For nearly 40 years she has dedicated herself to the support of Republican efforts and has served at all levels of party activities, including the county and State executive committees and as a delegate to a national convention. I am fortunate to count her as a dear friend.

At the State level, Eunice currently serves on the Mackinac Bridge Authority, responsible for the administration and operation of the vital physical link between the upper and lower peninsulas of the great State of Michigan. Since 1989 she has distinguished herself in her service on the authority.

A while ago, in the Grand Haven Tribune, an article outlined Eunice's story—and her dedication to public service. As the article ends, Eunice notes that "I want to be involved." Eunice is involved, and I offer her story as an example to my colleagues of a public-spirited, involved, and dedicated woman:

MILLIONS PASS THROUGH HER HANDS—EUNICE K. BAREHAM, OTTAWA COUNTY TREASURER

(By Martin Visser)

Whether it's buying a new dog license or making a connection to the top members of the state Republican Party, Ottawa County Treasurer Eunice Bareham is the person to see.

And despite the fact that she has been one of the most influential people in county politics for the past 20 years, be assured this small, gaily talkative woman will treat your matter with the same level of courtesy and importance as any other.

"As I say to the people in my office, we do not sell widgets or produce anything," Bareham said. "We're a service organization, and it's our job to serve the people of this county. We can't afford to put anyone down."

Bareham, 62, has held the elected position of county treasurer since 1980, and yes, she does intend to seek re-election in November to her third term for the job. In her position, she is responsible for collecting more than $195 million per year (1987 figures) in taxes, grants and other revenues. She also oversees the daily investment of those funds and last year brought in more than $2.5 million for the county.

But Bareham, who was the first woman to ever hold the treasurer job, is much more than the county numbers cruncher. Indeed, for the past 25 years, she has either been in the spotlight of Republican Party politics or has been a key Republican player behind the scenes. Those partisan activities have included everything from ringing doorbells for candidates to serving as the Republican County chairman during the years Gerald R. Ford was president.

"During the 1970s, there were a lot of calls from the White House," she said.

Locally, Bareham is probably best remembered as the former Ottawa County commissioner, a position she held from 1972–78. During that time, she served as vice-chairman and chairman of the county's Influential Finance Committee and served as county representative on Mental Health and Child and Family services among other positions. She is also an active member of St. John's Episcopal Church in Grand Haven and has served as the president of the church vestry.

But while some may see Bareham as a pioneering female, especially in the world of politics, this mother of four and widow talks about it only as an interesting aside. She acknowledges she was the first woman to take on some of the jobs she has had, but she noted being a woman has seldom kept her from moving ahead with the task at hand.

"I think it's harder for women to (work effectively) because they are the new kids on the block. But it has never bothered me," she said. "I have been in politics since high school.

"I don't feel I'm in a man's role," she added. "I'm in a role I'm qualified for."

However, Bareham does admit to at least one time in her life when she took a back seat to a man. Following World War II—having left her job at the Pentagon working in the signal corps under Gen. Dwight Eisenhower—she dropped out of the nursing program at the University of Michigan to help her husband Robert complete his education at William & Mary College.

Robert eventually got a job as an engineer at Keller Tool (later Gardner-Denver) in Grand Haven. During that time, Eunice had twin boys, Robert and Bruce, and while raising those two, also kept active in the Republican party by campaigning for local Republican politicians. Most of the work available for women in those days she said, was ringing doorbells in the local neighborhood.

"We did a lot of volunteer work for the party, but it was unheard of for a woman to work full-time," she said. "We did most of the door to door work."

One of the candidates she helped get elected was Congressman Ford, who represented the Tri-Cities among other areas then.

"When I came on board in 1951, one of the first people I met was Jerry Ford," she said. "We have been good friends ever since then."

One of the turning points in Bareham's career, and some ways the impetus behind her seeking public office, was the death of her husband Robert Bareham in 1971. After he died, Eunice, who had always been involved in politics, jumped into the fray nearly full-time.

When Bob died, I got involved in the area I loved the most: "Government and politics," Bareham said. "Would I have done that if my husband hadn't died? probably not," she added, "but it was a natural thing to do at the time."

The list of activities where Bareham has been involved goes on, including Spring Lake and Grand Haven politics. But Bareham does not quickly trumpet her own accomplishments, nor is it her style to use her elected position as a platform for airing other issues. Aside from an occasional comment at a county board of commission meeting, Bareham maintains a low profile on public policy, something which is often difficult to do in the often fractious environment of county and state politics.

"I have tried to be low key as a treasurer," she said. "I think you can catch more flies with honey than with vinegar, and I don't mean that as a mean statement. You can go about doing something in different ways.

Bareham, who has lived in Ottawa County for more than 35 years, said she will continue to be active in local politics or, turning from that, will take on a new project. Not being involved with people at some level does not seem to be an option.

"Could I go back to coffee klatches? I doubt it" Bareham said. "I don't think I could feel comfortable just sitting. I would want to be involved."

CUT TAXES TO STIMULATE ECONOMIC GROWTH

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. DUNCAN. Mr. Speaker, last year this Congress passed the largest tax increase in history. However, this year's budget deficit is estimated to be even higher.

Now, we are in the midst of a recession that is straining the economy and casting shadows on the coming months' prospects for growth and recovery.

We make a serious mistake when we think that a tax increase will solve our budgetary woes or stimulate the economy.

During the 1980's, our Nation experienced a strong, steady economic expansion. The key to this growth was a much needed and healthy cut in income tax rates and in capital gains taxes.

The Wall Street Journal on May 7 reported on this phenomenon. I urge my colleagues to read this interesting article by Alan Reynolds:

REAGANS'S AWESOME ECONOMIC BOOM

(By Alan Reynolds)

The 92-month economic expansion that began in November 1982 and ended July 1990 was 3½ times as long as the average peacetime expansion since 1991, and second only to the record of 106 months in 1961–69. Such an exceptionally long period of rising output and employment left the country with enormous cumulative gains that will be barely dented by what appears to be a mild downturn.

From trough to peak, read GNP rose 32 percent, or 4.2 percent per year. That means the entire U.S. economy, including government, grew by nearly one-third in fewer than nine years. The output of nonfinancial corporations grew even faster, by 38.6 percent over nine years—an annual rate of 5 percent.

NO DEINDUSTRIALIZATION

The Federal Reserve's index of manufacturing production grew faster still—by 6.3 percent a year—yielding an awesome total increase of 48.3 percent. All the talk about the "deindustrialization of America" turns out to have been not only false but ludicrous. The near-doubling of exports, in real terms, over those nine years is equally at odds with conventional unwisdom about an alleged loss of "competitiveness." Indeed, it is quite unlikely that exports have peaked, even now.

What happened to investment is more controversial. Total private investment was up more than 71 percent, despite early cutbacks in housing and nonresidential construction. Producers' durable equipment, which studies by Larry Summers and others have shown to be particularly vital to economic growth, was up 76.3 percent.

To make such a big number look small, some economists would have us believe that most of the increased investment was eaten away by depreciation, leaving little improvement in the "net" capital stock. There are complex conceptual and measurement problems with that argument. The quality of capital equipment, for example, cannot be measured by the number of dollars spent. Replacing a depreciated electric typewriter with a similarly priced computer may not add a dollar to "net investment," but it certainly generates more valuable goods and services.

The evidence contradicts the pessimistic claim that the investment boom yielded little "net" improvement in the nation's captial stock. Since manufacturing output rose by more than 48 percent, and exports by nearly 93 percent, there must have been substantial investments in added capacity to generate all that added production. U.S. production of business equipment last September was nearly 76 percent higher than it had been in 1983, and imports of capital goods have exceeded imports of consumer goods since 1987. It surpasses credibility to believe that most of the new machinery that was produced or imported in recent years is now all worn out, or "depreciated," leaving little "net" improvement.

Farm income is not included in the graph, because farming does not simply follow the overall ups and downs of the overall economy. The trough for farmers was 1983, not 1982, and the most recent peak appears to have been in the first quarter of last year, dipping slightly since then. In the first quarter of 1990, real net farm income was up 188 percent from the deeply depressed average of 1983, but also up 125 percent from 1980.

Government certainly grew too. However, like farming, the timing of government activities does not quite match the overall cycle. Measured in constant 1982 dollars, federal tax receipts soared by 36.8 percent between fiscal 1983 and fiscal 1989. So much for the canard that lower tax rates starved the central government. Purchases by state and local governments grew by 30.2 percent. Before last year's increases in federal and state taxes, real after-tax income per person (which had risen only 7.5 percent from 1973 through 1980) had risen by 19.2 percent from 1980 through the first quarter of 1990.

Another statistic that tracks a different cycle is labor productivity. Indeed, productivity rose during 1981–82, as it did in previous recessions and will again this year. When productivity in nonfinancial corporate business reached it characteristically early cycle peak, at the end of 1988, it was up 14.1 percent from 1980. When considered alongside the huge and important increase in employment of millions of less-skilled new workers, the combination of a 25 percent increase in hours of work, plus more output per hour, was really quite an achievement.

A unique feature of this expansion was the enormous growth of small entrepreneurial ventures, indicated by an increase of nearly two-thirds in the real income of nonfarm proprietors. It is difficult to imagine this burst of individual creativity and enterprise occurring were it not for the sharp reduction in marginal tax rates on individual income and, until 1987, on capital gains.

The unusually rapid increase in the number of people seeking and finding jobs is likewise surely attributable to the improvement in after-tax rewards. The percentage of the working-age population with jobs had hovered around 58 percent—59 percent from 1966 to 1983. It soared to 63.4 percent by early 1990. Back in 1980, the Labor Department's intermediate projection was that the civilian labor force would be 119.3 million in 1990. The actual labor force turned out to be 124.8 million, 4.6 percent higher than expected. Despite this unexpected surge in the number of eager job seekers, the unemployment rate is lower today—in the middle of a recession—than it was in all but two of the years from 1975 through 1986.

There were 19.3 million more people working at the peak of the job cycle than at the end of 1982, an increase of 19.5 percent. And nearly all of these added workers are still working, despite the recession. Hours of work rose even more than the number of jobs, by 25.3 percent, as more people became willing to work overtime, or as self-employed proprietors, or at second jobs.

Those who spent the past decade telling us that "Reaganomics" could not possibly succeed are still mystified by what happened, so they employ remarkable ingenuity and self-deception in trying to deny that it happened at all. Even now, we still hear such critics leaning on such elementary fallacies as complaining about the increase in household debts, while ignoring altogether the larger increase in both real and financial assets.

There are several statistical tricks favored by those who search in vain for ways to denigrate what was obviously the second longest and strongest expansion on record. The most common device is to compare 1980–89 with 1970–79, since the 1980s (unlike the 1970s) began with three tough years, as we wrestled with runaway inflation and brutal taxation. Even if we switch to 1980 as a base for comparison, though, real GNP had nonetheless increased 30.8 percent by the third quarter of 1990, and manufacturing output was still up by 41 percent. No amount of statistical gamesmanship can make gains of that magnitude disappear.

MORE REAL OUTPUT

Another common trick is compare annual rates of change with previous, much shorter, cycles—as though the durability of an expansion makes no difference whatsoever. The inflationary 36-month 1971–73 expansion, and the similar 58-month 1975–80 expansion, did indeed show rapid annual rates of increase in certain data—especially prices and inventories. But a 4.2 percent rate of economic growth over 92 months adds up to a lot more real output, income and accumulated wealth than any conceivable rate of growth over 36 or 58 months.

Facts are often politically inconvenient, but the facts about this expansion just won't go away. Call it dumb luck or smart policies, the prolonged U.S.-led expansion of 1983–90 must go down in the history books as one of the most impressive economic performances on record.

Trough to Peak

Increases in real U.S. economic activity from the fourth quarter of 1982 to July 1990:	*Percent*
Exports	92.6
Business equipment	76.4
Nonfarm proprietors	65.4
Manufacturing output	48.3
Nonfinancial GDP	38.6
GNP	32.0
Employment	19.5
Per-Capita net income	18.8

Source: Hudson Institute.

RESOLUTION TO PROTECT THE AMAZON RAIN FOREST

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. WOLF. Mr. Speaker, today I am reintroducing a foreign policy joint resolution calling for the United States to support and encourage conservation efforts in the Amazon Rain Forest. This legislation was passed with overwhelming bipartisan support in the 101st Congress, attracting 123 cosponsors, including 27 members of the House Foreign Affairs Committee.

This legislation also has the support of the U.S. State Department, and the endorsement of two leading environmental groups, the World Wildlife Fund and Conservation International.

I would also like to recognize Foreign Affairs Committee Chairman DANTE FASCELL and ranking Republican WILLIAM BROOMFIELD for their support on the legislation last year, and for joining again this Congress as original cosponsors of the resolution.

Recently, you may have seen reports in the news which indicate that rain forest destruction has sharply declined in the Brazilian Amazon. The New York Times reported that Brazilian farmers and ranchers burned 27 percent less forest in 1990 than in 1989, according to a study by the National Space Research Institute. This decline spared an expanse of rain forest the size of Delaware.

Brazil has taken positive steps to help reduce rain forest destruction in the Amazon, and it is vitally important that the United States now look for ways to help our friend Brazil save the precious Amazon rain forest. Nowhere on Earth is the abundance of plant and animal life more vividly displayed than in the Amazon. Home to more types of fish than in all the European rivers, more bird species than in all the forests of North America, and plant life which has produced startling advances in medical science, the Amazon Rain Forest has a unique and critical role in the Earth's environmental stability.

I urge all my colleagues to lend support to this legislation, and send a clear signal throughout our country, to our friend Brazil, and to the entire world, that the United States stands ready to build on and continue the encouraging conservation efforts in the Amazon Rain Forest:

H.J. RES. —

Whereas the Federal Republic of Brazil is a longstanding friend of the United States, being our most populous neighbor in the Western Hemisphere, and a trading partner with whom we have conducted over $10,000,000,000 of trade per year;

Whereas Brazil possesses within its borders over six hundred million acres of one of the greatest natural resources on Earth, the vast forest of the Amazon, comprising 30 percent of the world's tropical forests, 18 percent of the world's fresh river water, and the habitat of approximately 30 percent of all life species, including more species of primates, flowering plants, and psittacine birds than are found in any other nation;

Whereas this great resource is indisputably under the sovereign authority of Brazil, and any suggestion to subject the Amazon to international control or in any way diminish Brazil's sovereign authority over it should be condemned as inappropriate;

Whereas the conservation and preservation of its Amazon forest is ultimately the responsibility of Brazil and it is developing a body of environmental law and has included in its new constitution a strong commitment to environment protection;

Whereas the increasingly large and accurate body of scientific knowledge regarding the greenhouse effect has demonstrated that the environmental degradation of Amazonia makes a significant contribution to the greenhouse effect;

Whereas the environmental degradation of Amazonia results in a loss of genetic resources found in its rich biological diversity, degradation of soil quality, erosion, and accelerated siltation of waterways;

Whereas such environmental degradation jeopardizes the renewable nature of Amazonia natural resources;

Whereas the United States supports the sustainable economic development of all tropical nations, including Brazil, for humanitarian, political, economic, and environmental reasons, and, to a great extent, the development of these nations depends on increasing production from their potentially renewable soil, forest, and water resources in an environmentally sound manner; and

Whereas the United States has historically faced, and continues to face, many environmental problems of its own, resulting in a wealth of technology and experience useful to sustainable development and environmental protection: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) it is the policy of the United States to unequivocally recognize Brazil's sovereign authority in the Amazon, rejecting any suggestion of international control or foreign domination over the area;

(2) where appropriate, the United States should adopt a policy to encourage and support conservation efforts initiated by Brazil to protect the Amazon forest and should be open and willing to respond positively, through means such as technical assistance, international financing coupled with environmental assessments, and various mechanisms to reduce unsound development of the Amazon forest which is a result of economic and social factors; and

(3) the United States should redouble its efforts to address development within its own borders in an environmentally sound and sustainable manner.

EXPANDING INDIVIDUAL RETIREMENT ACCOUNTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 8, 1991 into the CONGRESSIONAL RECORD:

EXPANDING INDIVIDUAL RETIREMENT ACCOUNTS

The Congress is giving increased attention to plans to expand Individual Retirement Accounts (IRAs). These tax-deductible savings accounts were popular in the early 1980s, with more than 15 million Americans contributing to them annually, but the 1986 Tax Reform Act sharply reduced the appeal of IRAs. New efforts to expand them are picking up steam on Capitol Hill, with more than three-fourths of the Senate signed on as cosponsors of a recent IRA bill.

HISTORY OF IRAS

IRAs were first authorized by the Congress in the mid-1970s for employees not covered by pension plans, and were expanded to all working Americans in 1982. Earners were allowed to make tax deductible IRA contributions of up to $2,000 per year. The IRA funds would grow tax-free, though they would be subject to taxation when withdrawn during retirement years. In 1986 the law was changed to allow full IRA deductibility only for individuals not covered by employer pension plans or for individuals with adjusted gross income less than $25,000 and married couples with income less than $40,000. Over the next $10,000 of income the deduction is totally phased out. Others could contribute to their IRAs and the funds would still be allowed to accumulate tax free, but the initial contribution would no longer be tax deductible. These changes, made as part of the tax reform package lowering overall tax rates, sharply reduced taxpayer interest in IRAs. The number of people contributing to IRAs fell from 16.4 million in 1985 to 7.4 million in 1987, and the money flowing in dropped from $38 billion to $14 billion.

One of the main ideas behind IRAs is that the federal government should encourage individuals to save more in order to boost our national savings rate. National savings, made up of government, business, and individual savings, creates the pools of capital available for productive investment and economic growth. Americans save far less than their German and Japanese counterparts—saving less than 5 cents of every dollar they earned in 1990 compared to 16 cents by the Japanese and 11 cents by the Germans. The U.S. net national savings rate dropped 25 percent in the 1980s. Economists say that our low savings rate is one of the major problems facing the American economy. It needs to be addressed.

NEW PROPOSAL

The latest plan to expand IRAs would again allow all taxpayers to have deductible IRAs (up to $2000 per year). It would allow contributors the option of putting their money into a new type of IRA, called a Super IRA, in which initial contributions would be taxed, interest and dividends would accumulate tax-free over the years (as before), but the funds held in the IRA for at least five years could be withdrawn tax-free. A problem with past IRA plans is that many people were finding that they were paying heavy taxes on the IRA money they were withdrawing upon retirement. The plan would also waive the early withdrawal penalty from IRAs if the funds are used to purchase a first home, pay higher education expenses, or pay major medical expenses. Currently there is usually a 10 percent penalty if IRA funds are withdrawn for any purpose before age 59½, which has helped keep down participation in the program.

ASSESSMENT

The new IRA plan has the benefit of being familiar to most Americans, and it should prove popular with those saving for college or other major expenses. The Super IRA should provide a greater return on investment at retirement than the traditional IRA. The plan overall would likely give a much needed boost to the personal savings rate.

At the same time, various concerns have been expressed about the new proposal. First, much of the benefit goes to those in higher income brackets. Second, some IRA contributions would no doubt be shifted from other savings accounts, rather than be new savings. Third, the U.S. savings rate might improve somewhat on its own through demographic factors—as the babyboomers move from their prime consumption years (when they buy their homes, for example) into their prime saving years (when they save for their children's education and for their own retirement). Fourth, some question allowing IRAs to be used to pay for college, new homes, and medical expenses. It is not clear that IRAs are the most efficient way of doing this, since the greatest tax benefit goes to the wealthy, with little or no benefit to low-income people; moreover, allowing IRAs to be used for other purposes will mean less funds left for retirement, the original purpose of the accounts. Finally, the quickest way for the federal government to boost national savings is to cut the federal deficit, but given the record of recent years we should not be overly optimistic about that prospect.

Yet the main question is how to pay for the new IRA plan. Under the 1990 deficit reduction law, any new tax break must be revenue neutral and financed on a pay-as-you-go basis; the revenue it would lose over five years would have to be offset by increased revenue elsewhere. Critics claim the new IRA plan could cost the U.S. Treasury up to $25 billion over five years. The large possible cost is the main reason President Bush has not supported the new plan.

The projected costs could be offset somewhat, for example by allowing people to shift their old IRA money into Super IRAs by paying a tax on it. Moreover, if the IRAs work as planned, producing a significant jump in new savings, that should help spur new productive investment, which in turn should eventually boost economic growth and generate more federal revenues. However, most observers expect the new plan to be a revenue-loser, so the major challenge facing proponents is to find reasonable offsetting cuts. The tax code certainly subsidizes less productive things than individual savings, so some acceptable trade-offs might be found.

I intend to support efforts to expand IRAs that find reasonable trade-offs—changes in the tax code that fully offset the cost of the expanded IRAs, spread out the cost burden as much as possible, and do not have the net effect of giving additional tax breaks to better-off Americans at the expense of everyone else.

NATIONAL LIBRARY WEEK

HON. ELIZABETH J. PATTERSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mrs. PATTERSON. Mr. Speaker, today, I am pleased to join many of my colleagues in observing "National Library Week."

As we all know, one of the most serious problems facing this country today is illiteracy. The most recent statistics show that one out of five Americans has inadequate reading, writing, and mathematics skills.

In my own State of South Carolina, it has been estimated that 25 percent of the population is considered functionally illiterate. This percentage is higher than the national average.

With the help of Library Services and Construction Act [LSCA] funding, libraries in South Carolina have been actively involved in the fight against illiteracy. In my district, the Spartanburg County Library has developed a model program using LSCA funds to train volunteer tutors at the library and to use the library to publicize literacy-related services in the community. Another library in my district, the Greenville County Library, recently received a LSCA grant to assist with the development of a collection of close captioned videos which will aid illiterate adults in learning to read.

Mr. Speaker, I am pleased to have an opportunity to join the gentleman from New York in recognizing the contributions of our Nation's libraries to eradicate illiteracy and the Library Services and Construction Act funds which are vital to the continuation of these efforts.

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. RANGEL. Mr. Speaker, I am honored to call your attention to a happy anniversary. This month marks the 125th year of the noble work of the American Society for the Prevention of Cruelty to Animals.

The ASPCA was born in the 19th century, in a society that knew little kindness to animals. Blood sports like dogfighting and bear-baiting were popular. Sheep, calves, cows, and pigs were hauled to market in an agony of broken legs and gouged eyes. Horses were regularly lashed, beaten, and clubbed.

Into this brutal climate stepped Henry Bergh. A strong-willed and compassionate New Yorker, Henry Bergh resigned an important post in President Lincoln's government to combat cruelty to animals. Lobbying his friends in New York State and city government, Henry Bergh eventually won a charter for the organization he would lead for 22 years—the American Society for the Prevention of Cruelty to Animals.

Since its founding on April 10, 1886, the ASPCA has led the struggle for humane treatment of animals. Only 9 days after its creation, the ASPCA sought and won passage of the Nation's first anticruelty law, prohibiting the neglect, injury or killing of any animal in New York State.

Since then, the ASPCA has played an instrumental role in protecting animals in the United States and throughout the world. In the last decade alone, the ASPCA spent almost $100 million on direct care and advocacy programs for animals, sheltered over 1 million animals, and gave veterinary care to over 300,000 animals. Comprising over 350,000 members, the ASPCA actively educates millions of Americans from coast to coast about humane stewardship of animals.

Yet, sadly, Mr. Speaker, the work of the ASPCA is far from finished. As we in Congress well know, animals continue to suffer abuses at human hands. In response, the ASPCA and other American animal protection organizations have issued a series of resolutions on animal care for the next decade. I submit these joint resolutions for the careful consideration of the House.

New York City, I am proud to conclude, continues its original commitment to the humane care of animals. The national headquarters of the ASPCA, which features an adoption center, animal hospital, and animal center, is located in my congressional district, the 16th of New York. Mr. Speaker, I congratulate the ASPCA on 125 years of eminent work in animal rights and wish it further success in the next 125.

JOINT RESOLUTIONS FOR THE 1990S BY AMERICAN ANIMAL PROTECTION ORGANIZATIONS

INTRODUCTION

In order to establish the 1990s as a decade of rapid progress in diminishing the pain and suffering that billions of animals experience each year in laboratories, on farms, in the wild, as pets, in sports and entertainment, in exhibits and work situations, the undersigned humane organizations, representing millions of concerned American citizens have adopted the following Resolutions to promote and guide both individual and joint efforts on behalf of these animals who are so much in need of our immediate and compassionate care and protection.

NONVIOLENCE

Whereas the foundation of the animal protection movement is that it is wrong to harm others; and

Whereas threats and acts of violence against people and willful destruction and theft of property have been associated with the animal protection movement; therefore be it

Resolved that we oppose threats and acts of violence against people and willful destruction and theft of property.

Resolved that we shall energetically work to reduce, as rapidly as possible, the massive pain and suffering of billions of animals through non-violent means.

LABORATORY ANIMALS

Whereas millions of animals are confined and subjected to experimentation and testing in research, testing and educational facilities each year; and

Whereas current laws and regulations do not require or actively encourage corporations and institutions to reduce animal use, pain or suffering, nor develop and implement alternatives; and

Whereas many corporations and institutions continue to perform the classic Lethal Dose 50% test (LD50), the Draize test, and other needless and outdated tests which cause suffering and death to millions of laboratory animals; and

Whereas the United States Food & Drug Administration has stated that it does not require use of the classic LD50 test but has not stated which tests it would find acceptable in lieu of the classic LD50; and

Support efforts to make institutional animal care and use procedures (protocols) and the minutes of institutional animal care and use committee meetings available to the public.

FARM ANIMALS

Whereas billions of farm animals are raised each year using intensive production systems; and

Whereas the conditions under which farm animals are raised frequently do not meet the animals' basic physical and behavioral needs; and

Whereas frequently the confinement systems used for raising farm animals necessitate the routine use of sub-therapeutic doses of antibiotics and other drugs; and

Whereas antibiotic and other drug residues in meat and dairy products raise public health concerns; and

Whereas Sweden and other western European countries have enacted laws and regulations to provide farm animals with an environment in which their natural behavior is considered, and in which husbandry practices are designed to safeguard animal health and well-being; and

Whereas there are no laws and regulations in the United States which specifically define standards for the raising of animals for food; therefore, be it

Resolved that we shall work together to secure enactment of legislation that requires the basic behavioral and physical needs of farm animals be met, so that America's farm animals are assured the following minimum standards: the freedom to be able to stand up, lie down, extend their limbs or spread their wings, and make other normal postural adjustments; an adequate supply of nutritious food; adequate veterinary care; and an environment that suits their physical and behavioral requirements.

Resolved that we shall work together to eliminate, where applicable, state legislation which exempts animals used for food from the protection of anti-cruelty statutes, as regards husbandry practices.

Resolved that to facilitate the establishment and passage of such legislative efforts, we shall encourage state and federal bodies to study alternative systems used in other countries as well as existing practices in the United States.

Whereas commercial and recreational trapping results in cruel and brutal destruction or injury to millions of pets and other nontarget animals each year; and

Whereas the world's tuna industry, in the course of fishing with purse seine nets, knowingly kills tens of thousands of dolphins annually; and

Whereas some commercial fishermen engage in particularly cruel practices such as the use of drift nets which indiscriminately kill hundreds of thousands of dolphins, sea birds, turtles and other animals each year; therefore, be it

Resolved that we shall work together to educate the public about the cruelty involved with the trapping, raising and hunting of animals for their fur, and to urge the public not to purchase or wear fur.

Resolved that we shall work together in an effort to enact laws to ban particularly cruel practices associated with the capture and raising of animals for their fur such as, but not limited to, the use of steel jaw leghold traps.

Resolved that we shall work together to secure the passage of laws to prohibit particularly cruel hunting practices and activities.

Resolved that we shall work together to secure passage of a law to prohibit sport hunting and trapping on national wildlife refuges.

Resolved that we shall work together to require local and federal wildlife agencies to develop and promote programs to curb overpopulation of wildlife through means which do not involve the killing of animals.

Resolved that we shall work together to ensure that species are appropriately designated as threatened or endangered and receive the protection afforded under federal laws and international treaties.

Resolved that we shall work together to secure a ban on the indiscriminate use of drift and purse seine nets.

Resolved that we shall work together to secure passage of legislation and regulations to end the slaughter of dolphins by the tuna industry; and to urge the public not to purchase tuna products derived from fishing practices that result in the death of dolphins.

EXHIBITION/WORK ANIMALS

Whereas millions of animals are used in circuses, zoos, carnivals, rodeos, races, films, videos and in other animal acts, exhibits and work, and

Whereas these animals often are made to perform in ways that are both dangerous and unnatural for their species, and

Whereas the behavioral and physical needs of these animals often are not adequately provided for, and

Whereas the training practices that animals are subjected to are often abusive, and

Whereas some animals are captured from their natural habitats for the sole purpose of putting them on public display; and

Whereas the confinement of animals in zoos, roadside zoos, and menageries results in indiscriminate breeding and production of large numbers of captive animals which are often subject to cruel and abusive treatment and disposal; therefore, be it

Resolved that we shall work together to secure the enactment of laws to prohibit abusive training practices, to prohibit practices that are dangerous to the animals, to prohibit the capture of animals in the wild to be used for exhibition or work purposes, to limit the breeding of captive, wild animals and to prohibit their cruel disposition and to require that the behavioral and physical needs of exhibition/work animals be considered.

Resolved that we shall work together to secure greater enforcement of laws and regulations which provide protection to animals used for exhibition/work purposes.

THE INAUGURAL ADDRESS OF RICHARD M. DALEY, MAYOR OF THE CITY OF CHICAGO

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, on Monday, May 6, 1991, I had both the honor and the pleasure to be present at the second inaugural of my good friend Mayor Richard M. Daley at the Navy Pier in Chicago.

Mayor Daley, over the past 2 years has brought to the city of Chicago a sense of stability and direction. If any one accomplishment stands out is the sense of community and cooperation that he has generated in these 2 years.

Now, as he embarks upon a full 4-year term as mayor, he has put forth a program that is both comprehensive and innovative. No other local official has been more forthcoming in his commitment to improving education, law enforcement, and public service—and to utilize every available resource to the benefit of the people of Chicago.

Mr. Speaker, I insert the remainder of Mayor Daley's address at his Monday, May 6, 1991, inaugural:

INAUGURATION SPEECH BY MAYOR RICHARD M. DALEY

It's customary, at occasions like this, to emphasize the positive. And no one feels more strongly than I about Chicago and the special character of its people. Since the beginning of our history, Chicago has weathered trials and setbacks that would have overwhelmed lesser communities. And in the past two years, we've demonstrated our strength again by overcoming the divisiveness that stood in the way of progress. Working together, we have moved forward.

Today, Chicago remains strong and viable at a time when other cities are threatened with bankruptcy, cuts in basic services and endless strife. But this should not simply be a day of back-patting and congratulations, nor a time to rest on our laurels. This should be a day of renewed commitment. Because we're still facing serious challenges that seem to grow in number with each passing day.

From crime and drugs on our streets, to failure in our schools, to economic decay, cities everywhere are under siege. And Chicago is not immune. But my greatest concern is not the problems we face. It's our willingness to confront them. The most powerful force in government is inertia, and it's the one thing Chicago can least afford. Because to stand still today, with all the challenges we face—is to fall behind. Our problems are more complex, and our financial resources more limited, than at any time in recent history.

We will continue to fight in Washington, D.C. and Springfield for every available dollar. And we will send a strong message to the federal and state governments that they cannot solve their fiscal problems by shifting their responsibilities to the people of Chicago and other cities. Still, it's clear that there is no pot of gold at the end of the rainbow to solve all of our problems. Chicago's future depends on our ability to find new and efficient ways to get things done. This process won't please everyone. Change never does. But we should never forget that our mission is to serve people, not to perpetuate needless bureaucracy.

That lesson is important, not just for city government, but for the local agencies beyond our direct control who, too often, seem unaccountable. We've scored dozens of victories over waste and inefficiency in city government over the past two years. And we're just beginning. My goal in the next four years is to mold a government that is smaller in size, but greater in performance. And those who manage our schools, our parks and our transit system must do the same, or these vital services will collapse under the weight of their financial problems.

As for the city departments—which are under my control—I'll continue to search for every available avenue to save money and improve services. What works, we will keep. What doesn't work, we will scrap. That process will soon begin in the police department, where a panel of outside experts will evaluate operations to see how we might save both money and lives. But with drugs and guns overwhelming the system, a bureaucratic overhaul alone will not solve the current crime epidemic. And here, we do need help from Washington and Springfield.

I've said it before and I'll say it again: Drugs are a national plague. They breed crime. They destroy lives and communities.

The seeds of violence are being distributed on our streets each day. Huge sums of money are rewarding the drug traders and, too often, corrupting the system. And we can not truly attack the problem unless and until the federal government cuts off the drug pipeline at America's borders. Now that we've freed Kuwait, it's time we bring the same level of commitment to the liberation of Lawndale and Pilsen and every community that today held hostage to drug-related crime. And we also have to liberate ourselves from the power of the national gun lobby.

I strongly support the Brady bill, the seven-day waiting period for the purchase of handguns. We have our own bills in Springfield to increase penalties for gun crimes. But these are modest steps. With blood running in America's streets, it's time to seriously consider a total ban on the manufacture and sale of handguns in this country. It's a drastic measure. But with handguns becoming a leading cause of death in our communities, we need drastic action.

Whatever steps we take, we must be prepared for a long and difficult battle to reclaim our streets and our children from the gangs and the drug dealers. The battle for our children also extends to another front, and that is the continuing crisis in our public schools. The creation of local school councils was a step in the right direction, and many of these councils are waging a valiant struggle to redeem education in their communities. But there are miles to go. And with each passing year, thousands more young Chicagoans are doomed to a life of ignorance and failure.

Many are not being equipped with the skills and training they need to win and hold the jobs of the future. They are being warehoused and forgotten, often in schools that are crumbling. So the call for new money to sustain what many see as the same, old system simply will not fly.

The people of Chicago are frustrated. The General Assembly is skeptical. The pace of real reform has been too slow. The school bureaucracy still stands in the way of change, rather than leading it. And the current financial crisis threatens to trigger another round of doubt and fingerpointing, in which the real mission of our schools, and the welfare of our children, are lost. I will not prejudge the debate that is about to unfold in Springfield. But I do know this: Bandaid solutions will not solve the critical problems of Chicago's school system, nor will a quick infusion of cash.

Faced with similar problems, some cities are experimenting with even more dramatic ideas, such as voucher programs, to upgrade their schools. And if we can't break the strangle-hold of bureaucracy and school board politics in Chicago, we may have to take that next step. Because the key to hope for a whole generation of Chicagoans is our ability to improve the quality of education. We want our children prepared for the jobs of the future. And we want to insure that they don't have to move to California to find them. That's why I've been so outspoken on behalf of a second international airport and other projects vital to our future.

There are no quick fix solutions to the economic challenges we face. But the airport would mean 200,000 new jobs for the Chicago-area and the economic revival of a section of our city that badly needs help. I know that this proposal has been controversial. Any proposal of this magnitude ought to provoke discussion. But it would be tragic if, in debating among ourselves, we squandered the opportunity to take this important step for our children.

We will continue to work with the people of the Southeast Side to address their concerns fairly and compassionately. And I urge all political leaders to play a constructive role in that process, instead of jeopardizing the region's future for their own political gain. Another issue that has bogged down in politics is the McCormick Place expansion. Chicago's prominence as a convention center is vital to the entire state of Illinois. But other cities across the nation have caught on to the benefits of the convention trade, and they are hard on our heels.

We must expand McCormick Place or lose our competitive edge in the battle for convention and tourism dollars. We also remain committed to the development of small businesses in our neighborhoods. And it's my hope that in the years to come, we move beyond the false struggle between downtown development and neighborhood development.

We need both. Without thriving communities, Chicago will lose its heart. Without a thriving and prospering downtown, Chicago's economy will wither and die. So let's unite as a city behind essential building blocks such as the new airport, the McCormick Place expansion, and downtown circulator. At the same time, let's continue to build our neighborhoods.

There is much work to be done—work to maintain and enhance all that is right in Chicago. And work to address what is wrong. And in this tough environment, progress most often comes in small but meaningful victories. Two years ago, a pregnant woman in Lawndale would wait up to four-and-a-half months for her first appointment at a city clinic.

Today, thanks to our efforts to cut through red tape and delays, that wait has been reduced to a matter of weeks, and more babies will be born healthy because of it. Two years ago, many of our police were shuffling paper behind desks.

Today, civilians are handling more of the paperwork, freeing the police for duty on our streets. Two years ago, the city lacked a strong commitment to tackle the problems of the homeless.

Today, a one-cent cigarette tax for the homeless is in place, available bed space is up eight percent, and homeless Chicagoans are being referred to private programs that offer help and rehabilitation. Two years ago, abandonded cars littered our communities.

Today, thanks to an innovative partnership with private towing companies, we're removing thousands more cars and earning millions in revenue for the city. Two years ago, the gangs and drug dealers roamed freely in our schools.

Today, there are two uniformed police in every high school, regular meetings between the police commanders and school principles, and spot-checks for weapons. We can't solve every problem overnight, or even in four years. But we can make a difference. And the struggle is not just the responsibility of government. Each and every one of us can make a difference. It's time we acknowledge that government simply can't find or finance all the answers, nor solve every problem. But we can work to promote solutions, in partnership with business and labor, civic and community organizations; religious leaders, foundations and universities. And each of us, as individuals, can help build a better Chicago.

The person who helps a senior citizen across a busy street makes this a better community.

The caller who turns in the local drug dealer makes this a better community.

The men and women who volunteer their time to tutor disadvantaged children make this a better community.

The employer who hires a disabled worker makes this a better community. To preserve what is best about Chicago and improve what is not, we all have to stretch our energies, talents and commitment, as past generations did, in response to the challenges of their day. More than a century ago, Chicagoans rebuilt this city from ashes and rubble. Faced with disaster, Chicago emerged stronger than ever, thanks to a determined people.

Today, the danger is not a great fire, but indifference and conventional thinking in the face of changing times. We either rise to the challenge of these times, or be engulfed—not by flames, but by decay, despair and defeat. I love this city. I love it enough to make the difficult decisions that are right for Chicago's future, not just for the political moment.

Chicago's problems are large, but so is our heart. If you doubt it, consider the history of the pier on which we stand. Left for years to rust and rot, this great resource is undergoing a stunning rebirth many thought would never come. After a decade of discouragement and delay, a renovation has begun that will transform this pier into yet another jewel on Chicago's shining lakefront.

Because we refused to give in . . . because we had a dream and saw it through . . . we will, on this site, leave our children one more lasting asset. Our larger dream is to hand our children at Chicago that has a bright future as well as a glorios past. The truth is that it won't be easy. Results are not guaranteed.

But if we pull together, committed to the goal of a better Chicago rather than simply business-as-usual, we can and will make a difference. And that difference may make it possible for future mayors to stand at this very place, on a refurbished pier, as proud and hopeful as I am today.

Thank you very much.

IN RECOGNITION OF THE MIAMI CHORAL SOCIETY ON THEIR 25TH ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Miami Choral Society, which is celebrating its 25th anniversary this year.

Twenty-five years ago, a small group of people gathered in a Miami home to share a love of choral music. From this small beginning, the now nationally recognized Miami Choral Society was formed. Divisions of the choral society have performed for countless civic, convention, and television audiences, including appearances with the Greater Miami Opera, the Philharmonic Orchestra of Florida, Disney World, the NBC Today Show, and the Papal Mass.

The choral society is the umbrella organization for the Miami Girl Choir, which was founded in 1977; the Miami Children's Choir, founded in 1980; and the Miami Youth Choir, founded this year. Under the direction of Music Director Timothy A. Sharp and Associate Music

Director Vanessa Pinto, the staff includes six professional musician/teachers and offers a musical experience for children ages 8 through 16.

Dedicated to excellence in the performance of choral music, the purposes of the society are to provide an opportunity for talented singers to study and perform a variety of choral literature, to bring together people of diverse backgrounds who are unified in the purpose of making music, and to enhance the cultural life of the community through the public performance of choral music. The result is a music organization of high quality that reflects the multiethnic composition of the Greater Miami area with choristers from more than 50 different public, private, and parochial schools.

The society will be celebrating its 25th anniversary by holding a Mozart Festival Spring Concert on May 18, at the Lincoln Theatre on Miami Beach. The honorary chairman for this event is Roberta Rymer Balfe, who has fostered music education for children for 50 years, and the chairman of this important event is Mary Bergman.

I would like to take this opportunity to salute the Miami Choral Society and the many individuals who have kept this important cultural group going, including Executive Director Elizabeth H. Beach, Accompanist Millicent Callobre, President Lucrecia Loumiet, First Vice President Mary Bergman, Second Vice President Pat Parker, Corresponding Secretary Silvia Winitzky, Recording Secretary Vicki Wyman, Treasurer Joelle Cerge, Director Kathleen Abrahams, Director Aruna Airan, Director Suzanne Bognar, Director Marta Fernandez, Director Pilar Forman, Director Dr. Kenneth Knopf, Director Betty Loth, Director Joyce Pippo, Director Carole Polstein, Director Phyllis Stoller, and Director Lourdes Weider.

HONORING QUEENS COUNTY DISTRICT ATTORNEY JOHN J. SANTUCCI

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. MANTON. Mr. Speaker, on Thursday, May 9, 1991, Queens County District Attorney John J. Santucci will be honored at the Queens County Democratic Organization's annual dinner. On June 1, John Santucci will retire after serving more than 15 years as Queens District Attorney.

Mr. Speaker, John has enjoyed a long and distinguished career in public service. In 1968, John was elected to the New York Council where he served until 1968 when he was elected to the New York State Senate. He served in the New York State Senate until 1977 when he became the Queens District Attorney. Queens County will sorely miss this dedicated and hard-working law enforcement officer when he retires next month.

Mr. Speaker, I urge my colleagues to read the following proclamation which will be presented to John Santucci by the Queens County Democratic Organization tomorrow night. I insert the proclamation at this point in the RECORD.

PROCLAMATION

Whereas, John J. Santucci was born on April 2, 1931, in the County of Queens, city and State of New York; and

Whereas, he attended public school in the city of New York, John Adams High School, St. John's College, St. John's University Law School; and

Whereas, he was admitted to practice before the bar of the State of New York, on December 16, 1953, and before the United States Supreme Court on May 27, 1957; and

Whereas, he married the former Edna Ann Hayes on August 28, 1954, and they have six children, Mary L. Scantlebury, Thomas J. Santucci, Esq., John J. Santucci, M.D., Carol A. Santucci, Robert F. Santucci, and Edna A. Masone, and four grandchildren, Gregory and Matthew Masone, John Santucci, and Nicole Santucci; and

Whereas, he entered public service on April 7, 1958 as an assistant district attorney in and for the County of Queens, where he conducted major organized crime investigations and rose to the rank of bureau chief; and

Whereas, he thereafter served with distinction as a member of the New York City Council from 1964 to 1968, where he authored a number of local laws for the benefit of the people of the city of New York; and

Whereas, he served as a member of the New York State Senate, from 1968 to 1977, during which time he sponsored various laws designed to protect the consumer, to provide job opportunities for young people, and to ensure speedy health care for individuals without regard to insurance coverage; and

Whereas, he was appointed district attorney of Queens County by the Governor of the State of New York on January 1, 1977, and was thereafter elected and re-elected to that post in 1977, 1981, 1985 and 1989 with ever-increasing majorities; and

Whereas, in more than fourteen years of service as district attorney, and more than thirty-three years of public service, he served the people of the State of New York with dedication, integrity and innovative and aggressive planning; and

Whereas, as district attorney, he has established outstanding programs for the benefit of the community, to rehabilitate young offenders and to ensure equal-handed justice.

Whereas, he established a "second chance program" for young first offenders, a 24-hour hotline to provide public access, a special victims bureau to deal with domestic and elderly violence, child abuse, rape victims, school teachers and elderly victims of crime. He created a forfeiture bureau to recover the profits of crime from criminals, some of which money was used for addict treatment and rehabilitation, an anti-bias bureau to fight racism and bigotry, a 24-hour homicide bureau to investigate and videotape evidence, an integrity bureau to ensure against public corruption, a forensic bureau to evaluate and prosecute cases against individuals suffering or alleging mental defects, and a "CAPS" program to speed up arraignments of accused individuals and to save valuable police time. He established outstanding relationships with Federal agencies which resulted in the recovery of millions of dollars from various offenders; and

Whereas, during his tenure, the office of the district attorney of Queens County established outstanding records in terms of prosecutions and appropriate sentencing of violent criminals; and

Whereas, he has been honored throughout the years by various civic, business, labor, police and professional organizations, including the bestowal upon him of an honorary doctor of laws degree by St. John's University, the Prime Minister's Medal from the State of Israel, the mayor of New York City's Activist Award, the Distinguished Public Service Award from the Catholic War Veterans, the Meritorious Service Award from the Ministerial Council on Race Relations, and recognition from the National Organization for Victims' Assistance for his meritorious service to the cause of victims' rights.

Whereas, he has otherwise committed himself to public service as a director of the Boy Scouts of America, legislative advisor to the Muscular Dystrophy Association, honorary director of the Multiple Sclerosis Society, and the board of trustees of Jamaica Hospital, and now, therefore, be it

Resolved, That on the occasion of his retirement from the office of district attorney of Queens County, John J. Santucci shall be recognized as having earned the esteem and profound respect of his colleagues and shall hereafter be held in the highest regard by his fellow citizens.

COMMEMORATING NATIONAL SMALL BUSINESS WEEK

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. SARPALIUS. Mr. Speaker, small business has always been an integral and viable force in the makeup of the U.S. economy. As we commemorate National Small Business Week, we realize what an important job generator that small business provides in the United States.

Over the last 20 years, small businesses in the United States produced a disproportionately large share of the Nation's net new jobs since 1970. Of the 4 million enterprises that employ people other than their owners, only 15,500 are large, compared to the 3¼ million that employ fewer than 10 people.

Small business provides other significant benefits for our economy. For instance, by producing a large number of goods and services, small business helps to create wealth, competition, and provide consumers with a wide selection of products and services. The creation of new technologies and innovative methods of production, are many times the result of the work of small business.

Small business also creates a cushion for our economy, this is because of the ability it has to shift resources rapidly from one use to another. Furthermore, small business can provide a sense of identity as well as economic stability, for any individuals willing to put their resources into a small business.

Knowing these incredible benefits of such a valuable component of our economy, it makes sense for Congress to do all in its power to help promote and work for the survival of a strong small business community. In part, the future of a strong U.S. economy depends upon small business.

THE FREEDOM FROM WANT ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. HALL of Ohio. Mr. Speaker, as chairman of the House Select Committee on Hunger, I am today introducing the Freedom From Want Act, landmark omnibus antihunger legislation. I am pleased to be joined in this endeavor by my colleague BILL EMERSON, ranking Republican on the Select Committee.

The Freedom From Want Act is omnibus legislation which combats hunger not only in its immediate symptoms by expanding domestic and international food assistance programs, but at its root causes through innovative domestic antipoverty programs, international human rights policy and U.N. reform. The bill takes its name from President Roosevelt's historic four freedom speech, delivered to a joint session of Congress half a century ago.

Thus far, provisions of the bill are supported by organizations as diverse as Bread for the World, the U.S. Committee for UNICEF, the National Council for International Health, RESULTS, the Food Research and Action Center, InterAction, World Vision, CARE, the International Eye Foundation, the Salvation Army, the U.S. Committee for Refugees, Save the Children, the Friends Committee on National Legislation, the National Association of State Universities and Land-Grant Colleges, Helen Keller International, the Community Nutrition Institute, the Committee on Sustainable Agriculture, and National Association of WIC Directors, and the Center on Budget and Policy Priorities. Grassroots support for the bill is growing. I am confident that the Freedom From Want Act will become the rallying point for a national constituency for solving hunger.

For the benefit of my colleagues, a summary of the Freedom From Want Act follows:

SUMMARY OF THE FREEDOM FROM WANT ACT

TITLE I—DOMESTIC ASSISTANCE PROGRAMS

Part A—Nutrition, Education and Health Care

The bill establishes a five-year program for achieving full participation in the Special Supplemental Food Program for Women, Infants and Children (WIC) by FY '96, specifying increases of: $256 million above the current services level in FY '92; $306 million above the current services level in FY '93; $304 million above the current services level in FY '94; $399 million above the current services level in FY '95; and $397 million above the current services level in FY '96.

The bill proposes funding the Head Start Program at levels adequate to assure the participation of 60 percent of the eligible children in FY '92; 80 percent in FY '93; and 100 percent in FY '94.

The bill increases the existing 56.76 cents per meal reimbursement provided by the U.S. Department of Agriculture for congregate and home-delivered meals under the Older American's Act to 65.66 cents in FY '92. In FY '93 and FY '94, the reimbursement would be adjusted for inflation in accordance with the increase in the Consumer Price Index.

In recognition of the fact that immunization against preventable childhood diseases significantly increases the rate of child survival, the bill requires the Secretary of Health and Human Services to work in consultation with the World Health Organization and the United Nations Children's Fund to establish a Children's Vaccine Initiative. The bill proposes $30 million in FY '92 and $40 million in FY '93 for the purpose of researching, developing, testing, producing and delivering vaccines to prevent infectious diseases among children.

The bill requires that food labeling standards imposed on meat and food products for sale to the general public apply to meat and meat food products distributed by the U.S. Department of Agriculture through domestic commodity food assistance programs.

Part B—Individual Development Account Demonstration

To help low-income persons achieve economic self-sufficiency through home-ownership, higher education, self-employment, or savings for retirement, the bill authorizes the Department of the Treasury to establish Individual Development Accounts (IDAs). An IDA, which is similar to an IRA, is a tax-benefitted savings account in the name of one person that can be used without penalty for only the aforementioned purposes. To stimulate savings among the poor, deposits into an IDA would be matched with Federal, State, and private contributions, and amounts in an IDA would not reduce or terminate one's public benefits (e.g., Food Stamps, AFDC, and Medicaid). These accounts would be administered on a demonstration basis by private organizations which would work closely with the holder of the IDA.

Part C—Microenterprise Programs

To promote economic development and economic self-sufficiency for low-income persons through microenterprise (commercial enterprises employing five or fewer employees, one of whom is the owner), the bill sets up community-based, public-private partnerships which will provide small loans and business assistance to persons who wish to develop a microenterprise. Specifically, the bill: (1) encourages a one percent set-aside of funds from Community Development Block Grants, the Rural Development Administration, and the Small Business Administration to be used for microenterprise development; (2) ensures that microenterprise training is included in Federal job training programs like AFDC-JOBS and JTPA; (3) modifies the AFDC rules that impede or prohibit microenterprise development; and (4) sets up, through the Department of Labor, one million dollar competitive grants for ten States to develop microenterprise programs for low-income persons.

Part D—Increasing the Food Purchasing Power of Low-Income Households

The bill authorizes a total of $2 million in each of FY '92, FY '93 and FY '94 for grants to non-profit community-based organizations for the purpose of developing and implementing strategies for increasing the availability of affordable, nutritious foods in areas underserved by supermarkets. Approved activities under the grants would also include strengthening the operation of existing food retail stores in underserved communities by providing them with services that lower their food costs and increase the nutritional value of their food inventories.

The bill authorizes $450,000 for each of FY '92, FY '93, and FY '94 for grants to community-based organizations to identify and implement strategies for promoting the use of low-cost food outlets. Grantees would initiate programs of education and outreach for expanding Food Stamp Program participants' use of farmers markets and other direct marketing outlets and for encouraging agricultural producers and direct marketers to become certified to redeem food stamp vouchers.

The bill increases from ten to twenty the number of States authorized to provide WIC participants with coupons to purchase fresh fruits and vegetables from farmers markets. Grants to States, awarded on a competitive basis, would total $5 million in FY '92, $6.5 million in FY '93, $8 million in FY '94, and $9.5 million in FY '95. This program is designed to encourage WIC participants to purchase and consume fresh fruits and vegetables and to establish new markets for small farmers.

Part E—Assessing Food Security Within Communities

There is currently no standardized system for assessing food security problems at the community level (food security is defined as "access by all people at all times to a consistent nutritious food supply from conventional sources). The accuracy of past research efforts have been challenged on grounds of their scientific validity. The bill proposes the establishment of food security centers at seven land-grant colleges and universities (selected on a competitive basis by the Cooperative Extension Service) which would assist community-based organizations and local government agencies in developing scientifically sound surveys for assessing community food insecurity and in analyzing the data collected through these surveys.

Part F—Communities Making the Transition to Hunger-Free Status

The bill establishes criteria communities can use to initiate programs and activities for assuring that low-income residents have access to food.

Part G—Infant Mortality Reduction

The bill proposes the establishment of demonstration projects designed to reduce the high incidence of low birthweight and infant mortality in high-risk rural and urban populations. The demonstration projects will provide comprehensive maternal child health services to high-risk pregnant women and infants, with an emphasis on addressing the variety of socioeconomic and demographic factors which affect birth outcomes for these populations. Criteria for the projects' design seek to encourage early identification and follow-up of high-risk pregnant women and infants via intensive outreach services, and seeks to promote grass-roots project participation by establishing local Infant Mortality Advisory Panels in each project location. The bill proposes that $6 million be used each fiscal year beginning in FY '92 through FY '94.

The bill proposes that a study be conducted by the Secretary of the Department of Health and Human Services to assess the impact of breastfeeding on infant morbidity and mortality among high-risk populations, with an emphasis on minorities. The bill proposes that $500,000 be used per fiscal year beginning in 1992 until such time as the study is completed.

Part H—Amendments to the Food Stamp Act

The bill removes eligibility restrictions in the Food Stamp Program which are based on outdated assumptions about the amount of resources low-income households have available to expend on food and increases basic benefit rates by: (a) providing incremental increases in the Thrifty Food Plan from 103 percent in FY '91 to 104⅔ percent in FY '96; (b) excluding from income the first $50 in child support payments received monthly by a food stamp household; (c) excluding from income all child support paid by a member of a food stamp household; (d) revising the household definition so that relatives who reside together, but purchase and prepare food apart, would be considered separate households; (e) annually adjusting the current allowable $4,500 fair market value of a car to reflect inflation; (f) allowing food stamp participants full benefits for the month in which their eligibility is recertified; (g) increasing the dependent care deduction from $160 per month to $200 per month for a child under two years of age and $175 per month for other dependents; (g) raising the limit for reimbursements for work-related expenses from $25 per month to $75 per month; (h) providing incremental increases in the excess shelter deduction from $186 per month in FY '92 to $335 per month in FY '96; (i) excluding from income vendor payments that are defined as transitional housing for the homeless; and (j) increasing the Nutrition Assistance Program in Puerto Rico to make benefits more comparable to those provided under the Food Stamp Program.

TITLE II—INTERNATIONAL PROGRAMS

Part A—Food as a Human Right

As part of an international effort to strengthen the ability of the U.N. to respond to disasters, the bill proposes that the United States lead the effort to strengthen the right to food in international law. To accomplish this, the U.S. should present a proposal for the drafting and consideration of a Convention on the Right to Food to the General Assembly of the United Nations. Such a convention, similar to international conventions on torture and other human rights abuses, would provide an effective tool for the U.N. to force governments to respect the right to food and to permit humanitarian inverventions.

The bill proposes that no assistance be provided to the government of any country which engages in gross, intentional violations of the right to food and medical care. This provision would add gross abuses of the right to food to the list of human rights abuses already in law which are intended to trigger a cessation of U.S. non-emergency, government-to-government assistance.

Since the United Nations plays a critical role in preserving the right to food, it is critical that it have adequate systems for responding to disasters which threaten this right. The bill proposes the appointment of a high level United Nations official responsible for emergencies, as well as other structural reforms, to strengthen the United Nations response to international disasters and other humanitarian emergencies.

Part B—Democratic Empowerment

The bill proposes a $200 million no-year fund (to be replenished as necessary) available only to poor countries (less than $1000 in per capita income or an under 5 mortality rate higher than 100 per 1,000 births) that are making a transition—including a free and fair election or referendum—from an undemocratic system to a democratic one. The Fund would be administered by the head of AID. Money under the Fund would be provided in 4 ways:

(1) directly from AID to local nongovernmental organizations (NGOs) which work with poor people at the local level;

(2) from AID to PVOs to strengthen the work of these local NGOs;

(3) from AID to the government's health ministry, but only for direct support of child survival, nutrition, or basic education activities; and

(4) to international organizations, like UNICEF, in cases where these new democracies also are emerging from civil wars.

Part C—Children

The bill proposes increasing the U.S. contribution to UNICEF from $75 million in FY '91 to $85 million in FY '92 and $100 million in FY '93.

The bill proposes increasing the Agency for International Development (AID) child survival activities from the President's request for FY '92 of $211 million to $275 million in FY '92 and $335 million in FY '93. Within this total, the Child Survival Fund would be increased from $100 million in FY '91 to $150 million in FY '92 and $210 million in FY '93.

The bill proposes creating an "International AIDS Prevention and Control Program" as part of AID's health activities.

Vitamin A deficiency is a major cause of childhood illness and death. Iodine deficiency is the major preventable cause of mental retardation in the world. The bill proposes a $35 million earmark for AID's programs to reduce vitamin A and iodine deficiency. Within the $35 million total, the bill proposes increasing AID's Vitamin A Deficiency Program from $10 million in FY '91 to $13 million in FY '92 and $17 million in FY '93.

The bill proposes increasing AID's basic education funding from an estimated $100 million in FY '91 to $135 million in FY '92 and $175 million in FY 93.

In order that the Congress and the American people may be fully informed of efforts undertaken by the President to improve the health and well-being of children, the bill requires the President to transmit to the Congress, no later than February 1 of each year, a report detailing United States contributions to the achievement of goals and strategies to end unnecessary child suffering and death. This would formalize AID's present practice of submitting a child survival report to the Congress every year.

Part D—Women in Development

The bill proposes that AID's Office of Women in Development be strengthened by increasing the funds available each year from $3 million to $7 million, beginning in FY '92, to be used as matching funds to support activities designed to better integrate women into AID's projects. The bill also proposes that funding to support hiring of staff, as well as training, monitoring, and evaluation needs of the Women in Development office he increased from $2 million to $5 million each fiscal year beginning in FY '92.

Part E—Refugees

The bill proposes increasing the overall Migration and Refugee Assistance Account from its present level of $485 million to $600 million for FY '92 and $650 million for FY '93. These increases are accompanied by an earmark in the same account for U.S. support for refugees overseas, increasing this activity from $214 million in FY '91 to $300 million in FY '92 and $350 million in FY '93.

The bill states the Sense of the Congress that other donors need to join with the U.S. in ensuring that refugee relief and rehabilitation efforts are adequately funded and otherwise supported.

Part F—Agriculture and the Environment

The bill proposes that AID develop guidelines and standards of environmental sustainability to apply to both bilateral and multilateral foreign assistance for agricultural development programs. Aimed at establishing a management system for renewable natural resources, these principles should be incorporated into project design, implementation, and evaluation. In addition, the bill states that bilateral support for agricultural research efforts should include long-term commitments to research on the ecological and socio-economic components of sustainable development.

In order to inform the Congres on the progress in implementing this effort, the bill requires that AID prepare a report on how AID programs and projects have incorporated the sustainability guidelines.

Part G—World Bank and International Monetary Fund Purposes and the Right to Food

The bill proposes that by June 30, 1993 at least 50 percent of the International Development Association's loans must go to countries which have developed their own national development and poverty alleviation strategies.

The bill proposes that the U.S. urge the World Bank and the International Monetary Fund (IMF) that the joint Bank-Fund Policy Framework Papers, which establish the lending programs and conditionalities of the World Bank and IMF policy, be done for all borrowers, and that these papers should include mandatory sections on environmental goals and objectives.

The bill proposes that the World Bank give greater programmatic and budgetary support to child survival, and to devote 5 percent or more of its annual lending to projects in primary health and 5 percent to basic education. The bill also proposes that the Bank promote environmental sustainability as a guiding principle in its agricultural projects, emphasize "food-based" policies, and target women in agricultural lending.

The bill proposes that the International Monetary Fund adopt a policy of avoiding any actions which would contribute to a deterioration of basic human needs in borrower countries or to an unsustainable use of the environment.

The bill proposes that the Treasury Department report to Congress by March 1992 on the progress the World Bank has made in implementing its poverty alleviation strategy. In particular, the report should assess how the Bank's increased emphasis on poverty effort has affected the Bank's lending patterns, and the significance of various factors in alleviating poverty.

Part H—Debt Relief

The bill proposes providing the President with additional flexibility to extend debt relief to developing countries which are pursuing national economic policy reforms that promote democratic, environmentally sustainable, market-oriented, and long term economic development.

Part I—Private and Voluntary Organizations

The bill increases the required level of AID support for the activities of private voluntary organizations (PVOs) from 13.5% to 18%, and increases the target level for such support from 16% to 20%.

THE CITY OF HIALEAH SAYS "NO" TO CUTS IN EDUCATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the mayor and city council of the city of Hialeah, FL approved resolution number 91-31 on

March 26, 1991, to request Gov. Lawton Chiles to reconsider cuts being exacted upon Miami-Dade Community College and all community colleges in the State of Florida. As education issues receive greater attention nationally, it is admirable that the city leaders of Hialeah draw attention to important education needs at home. That resolution follows:

Whereas, Miami-Dade Community College is the only opportunity many of our students have to pursue a college education; and

Whereas, Miami-Dade Community College is the only affordable institution of higher learning in Dade County; and

Whereas, eighty percent (80%) of Miami-Dade Community College students must work to help pay for their tuition and books or go to college part time; and

Whereas, the $10 million in cuts includes eliminating athletic programs, community youth sports programs and financial aid, thus leaving the students stranded in their educational pursuits; and

Whereas, one area high school magnet program at Miami-Dade Community College was cut, thus cutting short the advancement of our academic achievers; and

Whereas, many of our students work at Miami-Dade Community College as student assistants and in work-study programs, and rely on these funds to attend Miami-Dade Community College; and

Whereas, the Hialeah Center has been reduced by 25%, thus affecting residents of the City of Hialeah and Hialeah Gardens.

Now, therefore, be it resolved by the Mayor and the City Council of the City of Hialeah, Florida, that:

Section 1: The Mayor and City Council of the City of Hialeah, Florida, urgently request that Governor Lawton Chiles and the State Legislature reconsider the cuts being exacted upon Miami-Dade Community College, said cuts having a severe impact upon the students and their families.

Section 2: The Mayor and City Council of the City of Hialeah, Florida, request that Governor Lawton Chiles and the legislative leaders give consideration to, and understand the positive impact that Miami-Dade Community College, and all community colleges in Florida, have upon their respective counties, and realize that the community colleges in the State of Florida serve hundreds of thousands of students who would not otherwise have the opportunity to pursue higher education and the opportunity to share in the American Dream through education.

Mr. Speaker, I am very pleased that the community leaders in south Florida are in many ways taking the lead to ensure the quality and future of education in their area. In particular I commend the leadership of: Mayor, Julio J. Martinez; president of council, Herman Echevarria; council vice president, Natacha S. Millan; and council members, Salvatore D'Angelo, Evelio Medina, Alex Morales, Paulino A. Nunez and Roberto Ruiz.

WAITING PERIOD NEEDED TO PREVENT HANDGUN VIOLENCE

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. JAMES. Mr. Speaker, I would like to insert for the RECORD the following editorial by the Daytona Beach News-Journal. The editorial appeard in the May 6, 1991, edition, and is titled "National Waiting Period Needed To Prevent Handgun Violence."

[From the Daytona Beach News-Journal, May 6, 1991]

NATIONAL WAITING PERIOD NEEDED TO PREVENT HANDGUN VIOLENCE

When Congress began its work this year, the Brady Bill was dismissed by many as a well-intentioned piece of legislation that would go nowhere. Yet support has grown for a nationwide seven-day waiting period for the purchase of handguns and even former President Ronald Reagan has endorsed it. This Wednesday, the measure is set for a vote by the full House of Representatives.

It does not make sense that in most states any felon or crazed person can buy a handgun over the counter without inconvenience and immediately walk out armed and dangerous.

The effects of this policy are witnessed every day, particularly in America's urban centers. According to the Bureau of Alcohol, Tobacco and Firearms, 90 percent of the guns used in crimes in New York City were bought in states without waiting periods or background checks. Florida is a major exporter of guns used for criminal activities in the Northeast.

Texas, too, is a major exporter of handguns and handgun violence. In that state, a disturbed youth named John Hinkley bought a gun in a pawn shop on a murderous whim. He used it to shoot former President Reagan and cripple James Brady, for whom the bill is named.

Under the provisions of the bill, a prospective handgun owner would be required to fill out a form which would be forwarded to the local police. The gun sale would go ahead seven days after the prospective buyer signs the form. Unless, of course, the local law enforcement agency notifies the dealer that the would-be buyer is a felon or otherwise not allowed to carry a weapon.

States with more stringent requirements would keep them. And if a local police department believes someone who wants a gun is under some kind of threat to his life, the waiting period may be waived.

It's hard to oppose such a commonsense procedure for preventing crime.

And, in fact, many opponents of the legislation are not attacking it directly. Instead they are proposing an amendment which they know will render the bill ineffective and kill it in Congress.

The Staggers amendment named for Rep. Harley Staggers, D-W.Va., would substitute an instant national computer check in place of a cooling-off period. It's an idea that sounds fine in theory but stands no chance of being implemented any time soon. Since state laws and record-keeping vary widely, setting up a computerized national system would be a huge and expensive undertaking. Forty states do not have fully computerized criminal record files.

Furthermore, an instant point-of-sale computer system would not work to deter someone with no criminal record who is arming himself while distraught, in the heat of passion, or under the influence of drugs.

The Staggers Amendment needs to be defeated; it is unworkable and full of loopholes. The Brady Bill stands a real chance of saving lives but only if Congress will act responsibly and approve it.

RECOMMENDATIONS OF THE 16TH DISTRICT STUDENT CONGRESSIONAL COUNCIL

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. REGULA. Mr. Speaker, every year I sponsor a student congressional council in the 16th District of Ohio. High school students are selected to participate and are assigned a problem of national importance to research and debate.

They spend many weeks researching and discussing the annual topic and conclude the project by making recommendations as to possible policy options.

I am proud of the program and of the many bright students who participate in it. Mr. Speaker, I insert their recommendations for U.S. policy to solve the Middle East conflict at this point in the CONGRESSIONAL RECORD:

MIDDLE EAST CONFLICT, 1990–91—16TH DISTRICT STUDENT CONGRESSIONAL COUNCIL

(Participating high schools: Massillon Washington High School, Fairless High School, Tuslaw High School, and R.G. Drage Career Center. Officers: Amy Andrews, Chairperson; Dean Van Dress, Vice-Chairperson; and Angie Utterback, Secretary)

Committee One of the Ralph Regula's Student Congressional Council respectfully submits the following suggestions on the topics of Middle East conflicts. On the 22nd day of April, 1991, Committee One recommends the following:

KUWAITI GOVERNMENT

1. The U.S. use its new influence in the country of Kuwait to encourage a transition from its current feudal monarchy to a democratic system.

ENERGY POLICY

1. Congress provides incentives through taxes for alternative fuels.

2. Congress provides incentives for auto manufacturers to eventually phase out the use of unleaded fuel with alternatives such as natural gas.

3. Congress opens ANWR (Alaskan National Wildlife Reserve) for tabled oil testing and possible drilling in order to decrease dependence on foreign oil imports.

ARMS SALES

1. The U.S. push for the enforcement of current legislation to control arms sales. This legislation could be accomplished through an international organization with the authority to monitor arms sales, issue export guidelines, and punish violators. This organization, composed of as many nations as are willing to join, would require unanimous approval from members for certain arms sales on export licenses. The U.S. could demand the violators be punished, perhaps through embargoes. Under terms of the organization, all potential arms buyers would be treated equally.

ARAB-ISRAELI RELATIONS

1. The U.S. put pressure of an economic nature on Isreal to at least negotiate about the occupied territories of the West Bank, Gaza Strip, and Golan Heights. The U.S. could withold a portion of Israel's foreign aid or cancel its "major non-NATO ally" status until some documented process is made.

2. The U.S. end all dialogue with the Palestinian Liberation Organization; in particu-

lar, Yasser Arafat, due to his past actions and open show of support for Saddam Hussein in the Persian Gulf War. In future talks with the Palestinians, a new, moderate representative could speak on behalf of the Palestinians.

Ralph Regula's Student Congressional Committee, Final Report, April 1991

(Heidi Zeller, Chairperson; Mike Thoman, Assistant Chairperson; and Lindy Powell, Secretary)

Our objective in the 1991 Student Congressional Committee was to deal with all aspects of the Persian Gulf war. We now respectfully submit the following proposals to Congressman Regula:

1. It is proposed that a United Nations peacekeeping force made up of Arab states remain in the area. Also, a naval force will remain, made up of coalition forces with prepositioned military supplies in the area in case they are needed to maintain the balance of power.

2. It is proposed that Iraq should be monitored so that no mass destruction facilities, such as nuclear missile plants, enter into production. The United Nations should reserve the right to use force against such production.

3. It is proposed that a formal treaty be established by the United Nations between Iraq and Kuwait. This treaty should include the following:

a. Weapon sanctions against Iraq.

b. U.N. peacekeeping forces placed to monitor Iraq.

c. Food and medical supplies sent to the people of Iraq and Kuwait.

4. It is proposed that Saddam Hussein should be punished for war crimes. Punishment should not affect Iraq, only him personally. Trials shold take place in a neutral country, such as Switzerland.

5. It is proposed that land boundaries of the country remain intact, as the Iraqi people as a whole were only following their chief executive's orders.

6. It is proposed that the United Nations investigate reports that Saddam Hussein and his family took money from Iraq and put it into private accounts. If any moneys are found, they should be used toward repaying Iraq's war debts.

7. It is proposed that the Secretary of State encourage Israel to meet with individual Arab states. The second phase would be to hold a regional conference of the Middle Eastern countries. The last step in this proposal would be to have a meeting between the five permanent members of the United Nations and the PLO representatives as well as representatives from each Arab state and Israel.

8. It is proposed that, in regards to Palestine and Israel:

a. USA act as a mediator in talks between Israel, Palestine, and the Arab states in order to solve the Palestinian problem;

b. Arab countries be encouraged to acknowledge Israel's right to exist and vice versa;

c. USA promise an increase in non-military foreign aid to Israel upon completion of the Palestinian issue which is satisfactory to all parties;

d. All hostilities between Palestine and Israel cease while talks are formally in session.

9. It is proposed that the United States review and revise its policy on military arms sales to Middle East countries from Western nations as well as the Middle East countries.

10. It is proposed that a comprehensive energy policy should be implemented to reduce dependence on foreign oil.

Section I: All passenger vehicles must improve fuel efficiency to 40 miles per gallon by the year 2010, including foreign automobiles.

Section II: Funding will be increased for the development of alternative fuels for heating, electricity, and automobiles.

Section III: Tax incentives will be implemented to encourage the use of energy-efficient building materials.

Section IV: Low-pressure sodium lighting shall be installed in all federal buildings and shall be properly shielded.

Section V: Corporate tax evaders shall be more rigorously pursued for funding.

Ralph Regula's Congressional Council 1991 Committee Three Final Report

(Officers: Colleen Garton, Chairperson; Mike Lofgren, Vice-Chairperson; and Jennifer DeVille, Secretary)

The Ralph Regula Student Congressional Council Committee Three hereby respectfully submits the following proposals to be presented to Congressman Regula regarding the post-war conditions affecting the entire region of the Middle East.

1. In dealing with United States-Israeli relations, it is proposed that the U.S. implements a gradual reduction in non-military aid to Israel over a period of five years.

a. reduce in $.3 billion per year until a level of $1.5 billion is reached at the end of the fifth year.

b. diplomatic persuasion towards using funds for positive environmental research to be audited by a Congressional committee.

c. no aid given in the form of military equipment.

2. With regard to the Israeli-Palestinian situation, it is proposed that the U.S. takes immediate action to peacefully resolve the volatility which currently exists, and with whatever means are needed.

3. It is proposed that Iraq be forced to pay reparations to Kuwait, which shall begin in seven years.

4. Concerning Iraqi War Criminals, it is proposed that the United Nations proceeds with prosecution immediately.

5. Regarding military occupation in the Persian Gulf region, it is proposed that:

a. the U.S. maintains troops in the region, with particular concentration around Baghdad, for one year, or until a resolution is made.

b. the U.N. sets up a security zone in the region, with particular concentration in southern Iraq and Kuwait, until stability is established.

6. It is proposed that the U.S. enforces an arms embargo on Iraq for a minimum of five years.

a. encourage allies to follow suit with the embargo.

b. levy sanctions against Iraq.

7. With regard to the U.S.'s need for an alternative to oil as an energy source, it is proposed that the U.S. form a defined energy policy in the next year.

a. take action to implement alternative energy source in the next ten years.

b. set aside at least $1.5 billion per year for research.

c. decrease by 25 percent the funds used to locate U.S. oil, and redirect it toward alternative research as well.

The Middle East Crisis Proposal, 1991—16th District Student Congressional Committee

(Officers: Jason Riley, Chairperson; Jen Spitler, Vice President; and Jody Hoffman, Secretary)

The Student Congressional Committee introduces the following proposals to be presented to Congressman Regula on the Friday, April 26, 1991:

1. The United States should not provide funding for the rebuilding of the country of Iraq.

2. There will be a complete economic sanction with Iraq until Saddam Hussein relinquishes control of the country.

3. Economic sanctions will continue until Saddam Hussein gives up his power and free elections are held to elect a new leader.

4. The United States should not financially help the country of Kuwait in the rebuilding of the country.

5. United States Congress should replace monetary aid for Kuwait with food, building supplies, medical aid, and education.

6. American businesses are to use American labor in the rebuilding of Kuwait.

7. Ten-thousand troops are to remain stationed in middle east bases.

8. These troops will be responsible for halting further hostilities between nations in the region.

9. The troops will remain in the middle east until Iraq has met all United States proposals.

10. Excess fighting equipment should be removed to other bases.

11. Excess equipment that the United States does not need should be sold to countries with good foreign relations with the U.S. The result, less money would be spent for defense and the money could be put back into the economy.

12. The United Nations should continue to pressure Iraq to accept the new "cease fire" resolutions.

13. The United States should make increased efforts to decrease reliance on fossil fuels. We should search for alternative energy sources such as solar or wind powers, that do not deplete the environment. This excludes the use of harmful options such as nuclear power.

INTRODUCTION OF THE U.S. MARSHALS SERVICE AMENDMENTS ACT OF 1991

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. HUGHES. Mr. Speaker, today I am introducing the U.S. Marshals Service Amendments Act of 1991. This bill is in two parts, and I believe will resolve two pressing problems for the U.S. Marshals Service. The first part deals with the consequences of the U.S. Supreme Court decision in *Demarest* v. *Manspeaker, et. al,* (No. 89–5916), decided January 8, 1991. In that decision, a unanimous Court rules that section 1821 of title 18 requires the Marshals to pay a witness attendance fee to a convicted State prisoner who testifies at a Federal trial pursuant to a writ of habeas corpus ad testificandum.

I have reviewed the Supreme Court's decision and believe that this opinion would cover incarcerated witnesses from Federal, State and local jails. I have also contacted the U.S. Marshals Service and they estimate this decision could cost the U.S. Government an extra $8 to $11 million a year.

Persons who are incarcerated incur no personal expenses when they testify in court, and suffer no loss of wages or other economic detriment. It was never our intention that prisoners be compensated on the same basis as persons who do suffer these losses.

In these difficult budget times, I believe that we should correct this legislative oversight as soon as possible. The House has already taken action to prevent the use of fiscal year 1991 funds for this purpose in H.R. 1281, the recent supplemental appropriations bill, and this bill will permanently fix this loophole in the law.

The second part of the bill will add a new flexibility to the Marshals' Witness Protection Program involving potential alien witnesses who could help us convict terrorists, drug traffickers and money launderers. Foreign witnesses who have knowledge of crucial events involving major criminal activities are often fearful for their lives if they testify in U.S. courts and then have to return to their homelands. Under current immigration law, foreign witnesses can be paroled into the United States to testify; and, while on parole can continue in the United States as long as a reasonable danger to their lives remains. However, the witnesses and their families do not have permanent immigration status.

Many witnesses who presently will not testify would be willing to testify if they could be guaranteed permanent status in the United States.

In addition, permanent resident status confers benefits that would enable prospective witnesses to live more normal lives. Employment is nearly impossible to obtain for these alien witnesses; few employers are willing to hire foreigners lacking the status of resident aliens. Without permanent resident status, the job seeker attracts unwanted attention and adds risk to himself and his family.

This bill will allow the Attorney General to waive admission requirements for 2 years. After the 2-year probationary period, permanent residence status could be granted. The number of aliens and their immediate families eligible for this program is limited to 100 persons in any 1 fiscal year.

It is my belief that the provisions of this bill will significantly facilitate the administration of justice in this country, and it deserves your support.

THE SENIOR EXECUTIVE SERVICE IMPROVEMENTS ACT

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. SIKORSKI. Mr. Speaker, the Senior Executive Service was designed to be an elite corps of top Federal managers and administrators—the best and the brightest—to run the Federal Government. The Service encompasses approximately 8,000 people with over 90 percent career Federal employees and less than 10 percent political appointees. Supporters envisioned this elite corps as people who would be highly compensated, highly accountable, and with a strongly developed sense of mission to run the Federal Government effectively.

Senior executives run the programs that are vital to our Nation's health and American's lives. They conduct and analyze AIDS research at NIH; they provide expertise in space exploration; and in the past months they have been charged with the civilian implementation of Operation Desert Storm. In other words, we count on senior executives each and every day to ensure that the programs and laws passed by Congress are properly implemented throughout the Federal Government.

Since the creation of the Senior Executive Service, the General Accounting Office (GAO), the Merit Systems Protection Board [MSPB], the Grace Commission, President Reagan's Commission on Career Executives Compensation, and the Volcker Commission have all recommended changes that need to be implemented in order to meet the original goals of the Civil Service Reform Act. The legislation that I am introducing today, the Senior Executive Service Improvements Act of 1991, is intended to remedy some of the problems which have been raised in these reports.

In brief, the bill aims to reinforce the rank-in-person concept, the idea that an SES member's rank is related directly to their experience, capabilities, and performance, rather than the specific position they hold. The legislation will prohibit Federal agencies from forcing SES members to accept a reduced grade or pay level in order to fill a different position or to participate in sabbaticals.

The legislation requires that general schedule employees, when promoted to the SES, be placed in a pay level that is at least equivalent to the pay they were receiving before promotion to the SES. The legislation also encourages the use of sabbaticals, professional development, and requires a minimum number of hours of executive training for career members of the SES. The bill gives the Merit Systems Protection Board jurisdiction to mitigate penalties in conduct cases involving members of the SES just as they have for actions against other Federal employees in the civil service. The bill also includes other provisions which are designed to match the needs of the Senior Executive Service in the 1990's.

As we rapidly approach the 21st century, the demands placed on senior executives will become greater and greater. The S&L bailout, the war on drugs, the aftermath of Operation Desert Storm, EC '92 and Hong Kong '97, reducing the budget deficit—all create a demand for an American Senior Executive Service that is increasingly flexible, talented, and knowledgeable.

Americans rightfully demand and expect a dedicated, talented, and competent corps of senior executives who will faithfully discharge the responsibilities of our democratic society. However, it is absolutely critical that we provide our Nation's senior executives with the tools necessary to achieve this goal. As we have seen and heard in reports and committee hearings, task forces and conferences, the original goals of the Civil Service Reform Act have not been met. The Senior Executives Service Improvements Act is intended to provide the Government with the tools necessary to make the original promises of the Senior Executive Service a reality.

IN CELEBRATION OF SISTER JEANNE FELION'S 15 YEARS OF SERVICE TO STANFORD SETTLEMENT, INC.

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Sister Jeanne Felion upon her celebration of 15 years of commitment and service to the Stanford Settlement, Inc. Sister Jeanne has served as executive director of Stanford Settlement, and has led this community service group to become a central pillar for outreach and caring in the Sacramento metropolitan area.

Sister Jeanne was born in Chico, CA, and spent her formative years in the Del Paso Heights area of Sacramento. She graduated from Grant Union High School and joined the Sisters of Social Service.

Mr. Speaker, I would also like to note that this will be Sister Jeanne's silver jubilee with the Sisters of Social Service. Their inspiring mission includes: having a positive view of life; valuing work and prayer; and sharing hospitality. These sisters have a social concern for the plight of women, children, and families. Additionally, this community lives as a family, promoting peace and justice.

Upon completing her religious training, Sister Jeanne went to Kansas City, MO, where she worked at the Settlement House, a neighborhood center. Her accomplishments included the establishment of Girl Scout troops for disadvantaged girls. Moreover, with wisdom and foresight, she started Girl Scouts leadership training for area residents so that low-income girls would always have access to the positive influence of Scouting.

Sister Jeanne then went to San Diego. While there, she was instrumental in creating a county-wide Campership Council. Sister Jeanne was also named the executive director of a major neighborhood center where she worked to improve the life of community residents. This work included extensive expansion and refurbishment of the center. Sister Jeanne left San Diego in 1975 to continue her education so she could further fulfill the goals of her order.

Sister Jeanne returned to Sacramento in 1975 to attend California State University, Sacramento. She completed her degree requirements while continuing her social work as an intern at the Stanford Settlement, where she has carried out her inspiring work for the last 15 years.

The Stanford Settlement is the reflection of Sister Jeanne and the Sisters of Social Service. The settlement's mission is to build moral and spiritual awareness in the individual and to strengthen the family. The Stanford Settlement, guided by Sister Jeanne, encourages participation in community activities and provides opportunities for people so they can reach their fullest potential.

Under the leadership of Sister Jeanne, the Stanford Settlement has grown to become an essential part of the Sacramento community. As executive director, she achieved many accomplishments. Under her direction, a local hospital set up a clinic on settlement land, and other direct service providers also use the facilities to help serve the community. In an effort to bring understanding to the community, many different religious organizations are able to hold and facilitate meetings at the settlement. Additionally, American River Community College holds outreach courses at Stanford in their effort to help educate the community. Sister Jeanne directed the building of a facility specifically for senior citizen activities.

Sister Jeanne's achievements and devotion to the Sacramento community extend beyond her role as executive director of the Stanford Settlement. She is a strong advocate for low-income housing. Additionally, she is working to expand programs for children and seniors. Sister Jeanne hopes to find future funds to build a new senior center activities building and a surrounding park setting.

Mr. Speaker, I know my colleagues will join me today in expressing our sincere appreciation and praise to Sister Jeanne Felion. Her devotion, skills, and extraordinary contributions to the community are shining examples of what all of us should strive for in our lives. I would personally like to extend my sincere best wishes to Sister Jeanne Felion in the years to come.

SUMMARY OF 1990 TAX RETURN DATA

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. DOWNEY. Mr. Speaker, I am once again making a summary of my income tax return public because I believe that Federal officeholders should be forthcoming about the sources of their income. Therefore, I ask that the following summary be printed in the official record of the day's proceedings.

Hon. Thomas J. Downey, Summary of 1990 Tax Return

Salary—U.S. House of Representatives	$95,417
Less: Contributions to section 401(k) plan	−4,771
Salary—U.S. House of Representatives, Mrs. Downey	10,616
Salary—U.S. Senate Disbursing Office, Mrs. Downey	14,380
Interest income	3,336
New York State tax refund	430
Rental and partnership losses (after application of passive loss limitations)	−985
Business income—Honoraria (gross)	33,300
Less: Contributions to Keogh retirement plan	−4,344
Adjusted gross income	147,379
Itemized deductions:	
Taxes	8,902
Interest expense (after 10 percent phase-out for personal interest)	20,021
Contributions	9,498
Miscellaneous deductions (after 2 percent AGI limitation)	5,172
Total itemized deductions	43,593
Subtotal	103,786
Less: Personal exemptions	8,200
1990 taxable income	95,586
Federal income tax	23,405
New York State income tax	7,660
Virginia income tax	27
Louisiana income tax	20
New Jersey income tax	39

LENDERS AND THEIR SUPERFUND DUTIES

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. TORRICELLI. Mr. Speaker, a recent issue of Roll Call contained a Guest Observer article, which I feel, merits your attention and the attention of my colleagues. The article deals with the issue of lender liability as it pertains to Superfund. This topic is especially timely since we recently have witnessed the reintroduction of the LaFalce lender liability legislation and much consideration and debate is sure to ensue.

The author of the piece, David Rosenberg, is the executive vice president of Environmental Compliance Services, Inc. [ECS]. Mr. Rosenberg has been an active voice on Capitol Hill on issues relating to protecting the environment and guaranteeing the cost of cleanup.

I hope you find Mr. Rosenberg's article informative:

[From Roll Call, Mar. 28, 1991]

DON'T LET LENDERS OFF HOOK IN THEIR SUPERFUND DUTIES

(By David Rosenberg)

Rarely do Capitol Hill observers find a bill that attracts support from dozens of Members, other than National Motherhood Week, that is.

During the last Congress however, Rep. John LaFalce (D-NY) introduced legislation that saw a majority of Members of the House sign on.

That bill, H.R. 4494, sought to protect mortgage lenders, not-for-profits, and even the Small Business Administration from the environmental liability established by the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), a.k.a. Superfund.

Corporate fiduciaries which hold title to property for purposes of administering an estate or trust would have been exempted. LaFalce recently reintroduced the bill (as H.R. 1450) with a few changes and more than 120 co-sponsors.

Superfund was passed in 1980 by a lame-duck Congress in the wake of Love Canal. It authorized the Environmental Protection Agency (EPA) to recover pollution cleanup costs from potentially responsible parties. This includes past or present owners of property. This cost has, as a result of federal court decisions, often been laid at the doorstep of the "deepest pockets," which in-

Most recently, the Federal Court of Appeals in Atlanta's 11th Circuit held in US v. Fleet Factors that if a lender has "the capacity to influence the corporation's treatment of hazardous waste," they can be held liable for cleanup costs under Superfund.

The LaFalce proposal seeks to exempt lenders from this liability. But if they do not pick up the cleanup tab, who will? The remaining segments of American commerce will be stuck with the cost. The very basis of Superfund, cleaning up the nation's most dangerous toxic-waste sites, would be undermined.

One group of advocates for this measure is the American banking community. Much of their lobbying effort has involved local bank presidents calling their Members.

This campaign has resulted in a lengthy list of backers to the LaFalce bill. "The banking industry has gone all out in terms of public relations and lobbying for this legislation," an angry Rep. Frank Pallone (D-NJ) told the House Energy and Commerce subcommittee on transportation and hazardous materials last year, "and I am concerned that many Members of Congress co-sponsored it before environmental and public interest groups had an opportunity to present the other side of the argument—that it could have severe environmental ramifications."

There are inequities in Superfund. But to exempt one segment of the business community to the eventual expense of someone else is wrong.

Perhaps in the reauthorization of Superfund, Congress should closely examine the procedures for determining liability and the many inequities created by several aspects of American business who only have a peripheral involvement in causing contamination.

Virtually every American buys financial protection from costly contingencies in the form of insurance. We buy insurance to demonstrate financial responsibility and protect assets from the catastrophic financial casualties of claims against us.

An environmental insurance policy would pay for cleanup costs of the site the policy was written on. As in all actuarial matters, the chances of claims being paid out and their size must be factored into the cost of the policy.

If lenders would require all commercial mortgage applicants to perform a comprehensive audit and obtain environmental insurance, lenders wouldn't have to seek the redress manifested in the LaFalce bill.

With the Persian Gulf crisis easing and the new Congress hard at work, there will be time for ample reflection on all the ramifications of exempting lenders from liability.

Instead of tinkering with parts of the issues surrounding pollution liability and cleanup, as the LaFalce proposal suggests.

Congress should think "big picture."

Members of Congress, we hope, would be more reticent about signing on to a bill like LaFalce's, which addresses but one view of the complicated problems surrounding Superfund. These are signals from Sen. Frank Lautenberg (D-NJ) and Rep. Al Swift (D-Wash), the chairs of the subcommittees with appropriate jurisdictions, that they will be taking fresh looks at pollution liability.

A broad view will more likely achieve more equitable results.

Last Congress, the committee system worked well to prevent a rush to judgment on the LaFalce bill, preventing final passage until all appropriate and interested committees had their say. The result was equitable.

After all, is it fair for the lenders to shirk its corporate responsibility and transfer the cost of cleanup to the taxpayer? The same strong scrutiny should be instituted the second time around for the bill.

Instead of being taken off the hook, banks can insist on having borrowers demonstrate the financial responsibility of handling cleanup costs through the purchase of environmental insurance, and if problems became evident down the line, the sites in question would be cleaned up without cost to the federal government.

THE BELEAGUERED JEWISH COMMUNITY OF SYRIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. GILMAN. Mr. Speaker, the Persian Gulf war has renewed attempts to find a lasting peace in the Middle East. It has therefore brought a number of important issues to the forefront. As we grapple with alleviating the tragedy of the millions of Kurdish refugees made homeless by Iraqi President Saddam Hussein's savagery, as well as the many thousands who endured the terror of the Iraqi invasion of Kuwait, postwar discussions are being held by Secretary of State James Baker among the nations of the region. As these discussions progress, I want to alert my colleagues to the continued plight of the small Jewish community in Syria, held hostage by Syrian President Hafez el-Assad. Their free and open emigration must be one of our highest priorities.

This community, consisting of only 4,000 individuals, remains confined to a ghetto area in old Damascus, under constant surveillance by the Mukhabarat, the Syrian secret police. Their activities, mail, and phone calls are monitored. Emigration is forbidden. Any attempt to do so results in arrest, torture, and arbitrary detention without trial. Currently, four men are in prison—the Swed brothers, who were arrested in 1987, and two men arrested this past fall. Of two women arrested at the same time, one gave birth while in prison. They were subsequently released in December 1990.

The congressional caucus for Syrian Jewry, of which I am a cochairman, urged Secretary Baker prior to his visit, to ensure that the emigration of Syria's Jewish community be one of our Government's highest priorities. A few days later, President Assad stated that any improvement in the situation of Syrian Jews must be linked with Israel's relinquishing the Golan Heights. Clearly, we cannot allow innocent men, women, and children, already hostage to a dictator, to be used as geopolitical pawns.

One result of the world's focus on the Middle East was a congressional human rights caucus briefing last week about human rights abuses in Syria. We heard testimony from a number of expert witnesses, including Amnesty International and the Council for the Rescue of Syrian Jews. Also involved in efforts on behalf of the Syrian Jewish community is the Anti-Defamation League of B'nai B'rith, which distributed copies of the "Chronicle of the Jews of Syria" at the briefing.

Though it is too lengthy to reprint in its entirety, I want to share with our colleagues the front page article entitled "Let My People Go!", and to urge their membership in our congressional caucus for Syrian Jews. It is only by heightening our advocacy on behalf of the Syrian Jewish community that we will be successful. Syrian President Assad must understand that ours is a humanitarian concern of the highest order, and that we will not rest until every Syrian Jew has been freed.

LET MY PEOPLE GO!

While all Syrians face some restrictions on emigration and travel, Jews are the only group to be universally barred from emigration.

Jews cannot easily obtain permission to travel abroad. In most cases, it is granted only to seek medical treatment or to visit relatives. Every traveler abroad must leave a substantial—and sometimes unaffordable—monetary deposit. This deposit is typically $5,000-10,000 dollars (annual per capita income in 1987 was $2,880). A traveler must also leave some members of his family behind as hostages, with the result that many families have become tragically divided across continents—husbands from wives, and children from siblings.

Jews as a group are the only Syrians forbidden to emigrate freely.

If caught trying to escape the country, Jews are imprisoned and tortured.

Relatives of Jews who have attempted to escape, or have succeeded in escaping, are subject to harassment and intimidation by the Mukhabarat, the secret police.

The internal passports of Jews bear the designation "Musawi" (meaning of the "Mosaic" faith). No other Syrians are identified by religion on their passports.

The Mukhabarat keeps tight watch over the lives of Syrian Jews. It patrols the Jewish Quarter, where most Damascus Jews live, around the clock. No non-resident is allowed to enter without permission.

No foreigner can meet with a Syrian Jew without permission of the Mukhabarat. Such permission is not usually granted.

All letters, phone calls and other forms of communication with correspondents abroad are monitored and subject to censorship by the government.

Jews must inform the Mukhabarat about any foreign money they receive.

Jews require special permission to sell a car or a house and have difficulty in selling other property. These regulations are selectively and arbitrarily enforced.

Property, employment and travel restrictions against Jews do not, as a rule, apply to other minority groups within Syria.

Jews are subject to frequent verbal harrassment from Palestinian Arabs whose families left Israel in 1948 and were settled in the Jewish neighborhoods of Damascus and Aleppo. (They were given the homes of Jews who had fled Syria because of mob violence against them at that time.)

Jews are forbidden to teach modern Hebrew. Hebrew can only be taught as a language of prayer, Bible and Jewish law. Zionist activities are illegal, and teaching about Israel and many aspects of Jewish history is forbidden. The directors of the Jewish schools are Muslim, and they report regularly to the Mukhabarat.

There are currently more young Jewish women in Syria than young Jewish men, because many of the latter have escaped. Marriage prospects for the women thus remain uncertain.

The Syrian government is one of the world's most oppressive; it routinely jails and tortures thousands of its citizens without formal accusation or trial. Yet Syria's Jews must also suffer the animosity of many of their Syrian Arab neighbors towards them as Jews. This animosity is fueled by the Syrian government's unremitting hostility towards Israel and the barrage of anti-Zionist and anti-Semitic propaganda in the Syrian news media and popular literature.

SMALL BUSINESSES IN THE FOREFRONT

HON. JIM OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. OLIN. Mr. Speaker, I rise today in strong support of the backbone of our Nation's economy, America's small businesses.

When I first came to Congress, I was assigned to the Small Business Committee. I came from a business background, but my experience was in big business. I didn't know a lot about small businesses. In my work on the Small Business Committee, I've seen first hand the incredible contribution made by small businesses.

Not only are small businesses involved in every aspect of the economy, they are in the forefront. Let me give a few examples.

When U.S. troops were deployed to the Persian Gulf, small businesses stood behind them—and with them.

During the build-up, the Pentagon needed additional equipment—rations, desert uniforms, chemical protection gear. Small businesses provided it. They retooled their factories, hired more workers, and worked around the clock to produce the needed equipment. They accomplished this task because they were small, and could quickly adapt to new demands.

When the war began, many reservists, who in civilian life are the owners and employees of small businesses, stood beside active duty personnel. As these reservists come home, it is to small businesses that many return.

Small businesses are in the forefront of new business initiatives. Recently, the Subcommittee on Environment and Employment, which I chair, held a hearing on the problem of solid waste disposal as it relates to small businesses. We found that the experts on innovative methods recycling were small business people. They were in the business of recycling—recycling all kinds of things—and they continue to look for ways to recycle more.

During the hearing, I was amazed to learn that many of the things we throw away can be made into fertilizer by composting. I didn't know that, but a small businessman in Virginia knows a lot about it. He owns and operates a successful organic agriculture supply firm, and he knows how to make this fertilizer and how to market it.

These are just a few examples, but they indicate the importance of Small Businesses to the American economy. They are innovative, they are resourceful, and they are flexible. And as we move forward to solve our Nation's problems—problems with the economy, the environment, international trade, and other problems—I am certain that small businesses will be in the forefront.

BIKEWAYS AND WALKWAYS: THE TIME HAS COME

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. OBERSTAR. Mr. Speaker, I am very pleased to introduce today legislation to increase the number of bicycle paths and trails, and pedestrian walkways, along our streets and highways.

It is time, and past time, to bring the bicycle—and the human foot—into their rightful roles as means of commuting to work.

This bill would require each Federal-aid highway project to include bicycle and pedestrian facilities unless DOT determines that such an addition would not be feasible or safe; that there are alternate, substantially direct and equally safe, routes; or that these facilities would provide no substantial transportation or recreational benefits.

Bike and pedestrian faciities would include pedestrian walkways, and bike lanes, trails, paved shoulders or wide curb lanes on which bikes may be operated safely. Bikeways and pedestrian walkways could be built along the side of the highway project, or on land adjacent to the highway. The definition of pedestrian and bicyclist facilities includes shelters and parking for bicycles where necessary to enhance bicycle usage, and traffic control devices where necessary to protect the safety of pedestrians and bicyclists using the facilities. In Munich, Germany, and other German cities, traffic control provides a second set of lights at cyclists' eye level, to help make street crossings safer for bicyclists and automobiles.

The bill also establishes the office of bicycle and pedestrian coordinator in each State, to promote and facilitate the increased use of bike and walkways, and to develop public education, promotional and safety programs.

The benefits of increased bicycle and pedestrian commuting are considerable to the biker, the walker, and to those who drive to work as well.

My State of Minnesota has a major bicycle program, and has developed an extensive tally of benefits. According to the Minnesota Department of Transportation's Bicycle Plan, bicycling for transportation, as opposed to recreation, saved Minnesota citizens more than $24 million in out-of-pocket costs. The general public reaped an additional $7 to $30 million in reduced oil imports, air pollution, and congestion, and in lower trade deficits, in 1989 alone. Benefits from noise reduction, decreased emissions of greenhouse gasses, and increased health and fitness, may not be quantifiable, but are certainly present as well.

Mr. Speaker, the environmental benefits of bicycling and walking to work as alternatives to automobile transportation are evident to all. Every mile traveled by bike instead of by car keeps .042 pounds of carbon monoxide, .003 pounds of hydrocarbons, .004 pounds of nitrogen oxides, and .94 pounds of carbon dioxide out of the atmosphere. This benefits drivers as well as bicyclists and all those who depend on air to live.

No one needs to be told of the benefits of decreased congestion, which accrue also to those who resolutely remain in their cars.

No one should need to be told that bicycle travel benefits the Nation in reduced use of imported petroleum, and consequently lower balance of payment problems.

An important question is: Will increased expenditures generate increased benefits? Can we really get more people to take the bike or walk to work?

A recent Louis Harris poll of 1,254 adults representing a cross-section of Americans found a resounding yes: 23 million Americans, or 20 percent of all U.S. adults, said they would sometimes commute to work by bicycle if there were safe bike lanes on roads and highways.

Will people really take the bike to work, or are they only telling a poll what the pollster might want to hear?

Worldwatch Institute conducted a landmark study over the past decade, comparing cities around the world which were similar in characteristics.

In Los Angeles, with a less-strong public probike policy, 1 percent of all trips are taken by bike. In Davis, CA, where bikes are encouraged, 23 percent of trips are by bike. Similarly, in Minneapolis, MN, where, despite positive State efforts, the local public policy is not strong, 1 percent of trips are by bike, while in more probike Madison, WS, 9 percent of trips are by bike. Looking at other countries, Beijing, China, has not encouraged bikes, while Tiahjin, China, has, with the result that 48 percent and 77 percent respectively of trips are by bike.

Public policy does make a difference. This bill will clearly direct public policy toward the bike, providing bike lanes and trails, traffic control devices where safety requires, and shelters and parking where warranted.

Some people may object that a bike/pedestrian provision should not be mandatory, that States should have the discretion to decide whether or not to add these facilities to highway projects. But they have had this option for many years under section 217 of the Federal-Aid Highway Program. Bicyclists and pedestrians are still woefully underserved.

People will also say that, by bicycling or walking to work, bikers and pedestrians are not paying their own way, as motorists do through the fuel tax. To this I would respond that most bikers and pedestrians are also motorists at times, and thereby do contribute to the Highway Trust Fund. I would also point out that the motorists stuck in traffic, spewing fumes that the bicyclist breathes on his or her way to work, should be grateful to that bicyclist for removing at least one car from between them and their destinations. Motorists benefit as much from bike trails as do bikers.

Finally, some people may claim that our infrastructure needs are so great that we cannot spare scarce resources for bike and pedestrian walkways.

To this I would respond that the Nation has spent $129 billion on the Interstate alone, now totally closed to bikers and walkers. Highways will be getting an enormous amount of money over the next 5 years: $87.7 billion under the administration's proposal; $119 billion under the Public Works and Transportation Committee's proposal.

Mr. Speaker, I fully appreciate the need for infrastructure repair. I have led the fight to increase funding for infrastructure, going back to 1983 when my colleague, the gentleman from Pennsylvania [Mr. CLINGER] and I introduced, and got enacted, legislation creating the National Council on Public Works Improvement. As chairman of the Subcommittee on Economic Development I held numerous hearings which carefully documented the lamentable state of the Nation's infrastructure. The findings and conclusions of those hearings prompted me to develop a series of legislative proposals to improve the Nation's infrastructure, create jobs, and spur economic development. As chairman of the Investigations and Oversight Subcommittee, I held a series of hearings on the desperate condition of the Nation's bridges. I can assure everyone that I am fully cognizant of the funding needs of our highways, streets, roads, and bridges.

But I also believe there are other needs to be served, other benefits to be reaped, in terms of environmental protection, public health and fitness, dependence on imported oil, and our balance of payments.

This very modest bicycle and pedestrian bill will serve those needs, even as we devote massive new resources to repairing and rehabilitating our highways.

I hope to include it in the surface transportation legislation now being drafted by my colleagues on the Public Works and Transportation Committee.

IN MEMORY OF LOUIS GUZMAN

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. TORRES. Mr. Speaker, it is with deep regret that I rise today in honor of the late city councilman and former mayor of the City of La Puente, Louis Guzman, who passed away on Monday, March 23, 1991.

Mr. Guzman served on the La Puente City Council from 1978 to 1990. He is survived by his wife, Dora Guzman of La Puente; his son Arthur Guzman; daughter Loretta Yorba; two brothers, Ruben and Alex Guzman; two sisters, Sally Estrada and Amparo Chavez; five granddaughters; and one great-grandson.

Louis Guzman was an active force in labor and minority education communities. He organized the Chicano School Board Member Association and was a member of the committee on minority education for the California School Board Association. As a retired sheet metal worker, he served as the president of the Sheet Metal Workers Local No. 222 for 6 years. His other community involvements were with the Optimist Club, the Welfare Council, and the La Puente Democratic Club.

Louis was a respected member of the community who went out of his way to help old and young alike. He will be sorely missed by the citizens of La Puente and his many friends and family members.

Mr. Speaker, it is with a sad, but proud heart that I ask my colleagues to rise and join me in a moment of silence to pay tribute to the memory of a great American, and my good friend, Louis Guzman.

SALUTE TO CAPT. ROBERT GUSTAVE HEURICH

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Robert Gustave "Gus" Heurich, a man whose life was a celebration of the goodness of the human heart. His was the type of example we in public service point to when we encourage our young people to aspire to greatness.

Gus' passing has left a large void in this small universe we call home; in the hearts of his lovely wife Myra and their six children; among those of us lucky enough to call him friend; but also in the lives of the thousands of people Gus touched directly and indirectly with the long reach of his infinite kindness, tremendous energy, and indomitable optimism.

Gus served his country with honor and distinction for 35 years as a naval officer, retiring as a captain in 1979. Fortunately, he and Myra chose beautiful west Florida to make their home.

Gus' service to his country in Korea and Vietnam surely earned him the right to spend his retirement years at the beach and on the golf course. But that wasn't Gus' way. For him, retirement was just the beginning of another kind of service—to his community.

Scanning the list of organizations and projects Gus immersed himself in, you begin to suspect he somehow managed to squeeze more than 24 hours into 1 day.

He understood that the health of a community depends on a thriving business sector, so he served on the board of directors of the Greater Palm Harbor Chamber of Commerce.

Gus was the only two-time president of the Mid-Florida Gulf Coast Retired Officers Association and launched a scholarship program for dependents of military families.

Because Gus cared deeply about the caliber of young men entering our military service academies, he agreed to serve on the 9th Congressional District Interviews Committee for the Naval Academy.

Gus was a great judge of talent and character and I'm certain those young men he recommended to me will go on to achieve greatness and be part of Gus Heurich's enduring legacy. Maybe more than his business sense or his keen insight, Gus enjoyed a special relationship with God and looked for opportunities to honor his spirit.

Gus volunteered his time generously at his church, Our Lady of Lourdes in Dunedin, as well as at the Samaritan Center and the Episcopal Counseling Service. Gus collected food for the hungry and helped people shed the frustration of homelessness.

Yes, Gus did all of these things while being a good husband and father.

On Wednesday, we will lay Capt. Robert Gustave Heurich to rest in Arlington National Cemetery. He deserves the highest honor a grateful country can bestow. But while he rests among his fellow service men and women, we will continue to celebrate his spirit, his compassion, and his humor, and pushing ourselves to emulate his commitment, we will thank him many times in the future for being the example of a lifetime.

WHY THE BRADY BILL IS THE ONLY CHOICE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. ANDERSON. Mr. Speaker, we meet today to consider the question of gun control, surely one of the most contentious issues we will face this session. I rise today to explain why I will be supporting H.R. 7, the Brady bill, and opposing H.R. 1412.

These two bills aim to accomplish the same goal: to get handguns out of the hands of the criminals and the mentally unstable. H.R. 7, the Brady Handgun Protection Act, introduced by Congressman FEIGHAN would require a 7-day waiting period before a handgun is transferred from the gun dealer to the buyer. H.R. 1412, the Felon Handgun Purchase Prevention Act, introduced by Congressman STAGGERS requires an instant background check into a prospective buyer's criminal records to verify the legality of the purchase.

The difference between these two bills is simple. The Brady bill is practical, while H.R. 1412 is merely wishful thinking. Waiting periods have proven to be effective in preventing illegal handgun sales and, therefore, effective in combating the gun violence plaguing our Nation. H.R. 1412 is simply a ploy designed to defeat the Brady bill. I will cast my vote for the bill that will make a difference, the Brady bill.

H.R. 1412 mandates the Attorney General to establish, within 6 months, a national instant check into a handgun buyers criminal records. Theoretically, gun dealers would conduct a background check on every handgun sale by calling a toll free 800 number. The overriding problem with this system is that it can not be implemented on a national level within 6 months. According to the Attorney General, criminal records would have to be improved, automated, and accessible nationwide before Congressman STAGGERS' bill would be operational. How long would this take? The Office of Technology Assessment has estimated that it will take 5 to 10 years to computerize criminal records to conduct an instant check on handgun purchasers to prevent illegal handgun transfers. It would take the FBI 5 years to automate their 8.8 million records from manual to computerized form. The FBI further estimates that 40 percent to 60 percent of all felony convictions are currently unavailable in automated form.

Few States have the adequate resources or records to comply with H.R. 1412. 40 States have not fully automated their criminal records. Of the 10 States that have automated criminal records, only six can utilize these records to stop unlawful purchases. Some States, including Congressman Staggers' home State of West Virginia, have no computerized records at all!

Although I would like to see an instant check system, I know that it is not possible today. Furthermore, the Anti-Drug Abuse Act of 1988 already mandates the computerized system H.R. 1412 proposes. The McCollum amendment, part of the Anti-Drug Abuse Act of 1988, a bill that I supported, directed the FBI and the Department of Justice to update and computerize criminal records in order to develop and implement an instant check system. The Department of Justice has already spent $40 million to computerize criminal records. When an instant check becomes operational, waiting periods for handguns would be automatically phased out. The Brady bill will limit illegal handgun purchases only until a national instantaneous check is possible. The Staggers bill, on the other hand, is not feasible now, and will be unnecessary later.

The purpose of the Brady bill's seven-day waiting period is twofold. First, it would provide a cooling off period for people who buy guns in a moment of passion. Second, it would give the police the option to conduct a background check on a prospective handgun buyer. The Brady bill could be implemented immediately and inexpensively. The Congressional Budget Office [CBO] estimates that the Brady bill would cost only $5 to $10 million a year to operate.

More importantly, statistics indicate that waiting periods limit illegal gun transactions. In California, a 15-day waiting period prohibited 1,793 illegal handgun sales in 1989, and 2,182 in 1990. Indiana's 7-day wait stopped 939 illegal sales in 1990, and 11,150 from 1980–88. Considering that every illegal sale prevented might have deterred a crime or saved a life, these numbers assume an added significance.

The National Rifle Association [NRA] claims that the Brady bill will not stop criminals, because they will not attempt to buy handguns when a check is in effect. They are right. Criminals now purchase their handguns in States that do not require instant checks or waiting periods. Of the handguns used in violent crime in Detroit, only 8 percent were bought in Michigan. In New York, only 4 percent of handguns used in crimes were purchased in the State. Dallas, whose State has no waiting period, found that 87 percent of crime-related handguns were bought in Texas. A national waiting period will prevent this importation of handguns, as criminals find that every state makes you wait.

Where will these people turn for handguns? Even today, only one in six criminals buy a gun over the counter, and this percentage is sure to decline if the Brady bill is passed. The black market will undoubtedly supply guns to those who want them, just as it supplies drugs to those who use them. The availability of drugs on the black market, though, is not a justification for legalizing drugs. In the same respect, the black market supply of guns should not diminish our efforts to stop illegal, over-the-counter handgun sales. If only these transactions are limited, the Brady bill will be successful. Preventing one in six deaths by handgun is better than preventing none.

Why is the NRA supporting Congressman Staggers' bill? Because they know that it cannot work. The arguments have changed, but the goal remains the same, to prevent the Brady bill from becoming law. This is despite the fact that the Brady bill enjoys the support of virtually every law enforcement organization in the country. 95 percent of Americans support this legislation. A waiting period was overwhelmingly approved by California voters, and it deserves to be extended to the entire Nation. The time has come for Congress to see through the NRA's transparent positions to the facts of the matter. The Brady bill will help keep handguns out of the hands of felons. H.R. 1412 will not accomplish this goal. I have thus decided to support the Brady bill because it is not only the best choice, it is the only choice.

NORTHEAST MIAMI TASK FORCE COMMON VISION REPORT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Northeast Task Force has released its recommendations for revitalizing Miami's upper eastside. The task force's Common Vision Report is based on 18 months of work by the representatives of 15 civic and business groups in the area. The Northeast Task Force is a good example of the many grassroots citizen groups around the Nation that are working to revitalize our Nation's urban neighborhoods.

The upper eastside section of the city of Miami extends 5 miles along Biscayne Bay, and still has many of the city's most beautiful residential areas. Within the area neighborhoods are found numerous historic homes, including Miami's first historic district. Like many older neighborhoods, this area has become under-utilized in terms of its full potential in recent years.

As the first step in implementing this report, the task force will be presenting its report to the Miami City Commission on May 9. Among the recommendations proposed by the Common Vision Report include increasing the police presence in the area, enacting a nuisance abatement ordinance to eliminate drug sales and prostitution, stricter enforcement of zoning regulations, joint public-private efforts to promote economic development and upgrading the appearance of Biscayne Boulevard, the area's main right of way.

Among the northeast neighborhoods and community groups who participated in this effort were the Shorecrest, Belle Meade Island, Belle Meade, Bayside, Lemon City, Morningside, Brentwood, Buena Vista East, Bay Point, Magnolia Park, and Edgewater neighborhoods, the Greater Biscayne Boulevard Chamber of Commerce, the Northeast Subcouncil for Crime Prevention, the Northeast Improvement Association, the Northeast Umbrella Group and the Miami Design District. Among the individuals serving on the task force were Douglas Broeker, Judy Clark, Liz Kristin, Juan Crespi, Janet Grigsby, Bob Grill, Elena Dapena, Neil Robertson, Armando Rodriguez, Steward Merkin, Vi Jacobsen, Dr. Macy Sezzin, David D'Anthony, Maureen Joseph, and Mary Wade.

I wish to thank the many good citizens and organizations who through their hard work have contributed to this important grassroots effort.

ANOTHER GREAT ACCOMPLISHMENT BY DR. JACK E. HOLMES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. VANDER JAGT. Mr. Speaker, Jack E. Holmes, professor and chairperson of the Political Science Department at Hope College, my alma mater, was recently honored as an initial inductee in the Michigan Model United Nations Hall of Fame. It is an honor richly deserved and I am delighted to have an opportunity to bring Jack Holmes and his achievements to the attention of my colleagues.

As early as his undergraduate years Jack Holmes was recognized for his interest in, and excellence pursing, the field of political science by the award of membership in Pi Sigma Alpha Honorary Fraternity. He received Ford and Carnegie Foundation grants for graduate studies and scholarship and fellowships as he pursued his graduate degree at the University of Colorado. His academic success led to an appointment, for a period of military service, as a research assistant in the Politico-Military Division of the International and Civil Affairs Directorate of the office of the Deputy Chief of Staff of the Army at the Pentagon from 1967 to 1969.

In 1969 he accepted a teaching appointment at Hope College, and has risen to the leadership of the department in the years since. From 1973 to 1975 he interrupted his academic career for some practical experience "in the field" as the district assistant in Denver to my good friend and our former colleague, Don Brotzman.

Jack's years at Hope have been marked by professional recognition among his colleagues in the Michigan Conference of Political Scientists, and by the acceptance and publication of numerous professional writings, including an article entitled "Our Best and Worst Presidents" co-authored with his Hope College colleague, Professor Robert Elder, and published in the summer 1989 issue of Presidential Studies Quarterly. Professor Holmes is currently working on a study entitled "Ambivalent America: Cyclical Responses to World Trends" scheduled for publication by the University of South Carolina Press in 1993.

But the work for which Jack Holmes may be most remembered, and for which he was recently recognized, is his involvement in the Hope College Model U.N. Program which was founded in 1971 and which annually involves more than one thousand high school students from 30 to 40 Michigan high schools. As we know, the Model U.N. Program gives high school students the opportunity to assume the roles of professional diplomats and fosters an understanding of international governments, societies, and the problems they face. As his students assist in the operation of the program at the collegiate level, they are provided with an opportunity to not only share in this exposure to international issues, but to develop administrative and management skills in coordinating so significant an event.

As an initial inductee in the Michigan Model U.N. Hall of Fame, Jack Holmes' contributions to student growth and international understanding stand as an example to those who will follow. His continued contributions to the academic life and growth of students at all levels in our State are deeply appreciated and, as an alumnus of Hope College, I applaud his work and the academic community's support.

VIRGIN ISLANDERS AND JOB CORPS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. DE LUGO. Mr. Speaker, I rise to express my appreciation on behalf of the people of the Virgin Islands for the Job Corps Program and for the efforts that are being made at the South Bronx Job Corps Center.

We do not have a Job Corps Center in the Virgin Islands, and so applicants from the territory travel to several centers throughout the Eastern United States.

Job Corps has been particularly important to the Virgin Islands. We have no vocational education and training programs targeted at the unemployed and the undereducated. Job Corps has filled an important need. And, as relatively isolated island communities, the program has allowed young men and women to gain a broader experience by traveling to the U.S. mainland for Job Corps training.

At the South Bronx Center, former Director Lee Mathews is enthusiastic about the development he has seen by young Virgin Islanders. He recently cited three individuals who are representative of what Virgin Islanders can achieve through Job Corps.

Jackie Freeman of St. Thomas, once a client of the Job Corps South Bronx Center, is now the Work Experience Coordinator there. She is also in her third year at Bronx Community College. She has progressed so well that next month she will join Mathews on a trip to the Virgin Islands to help train local Department of Labor staff on job service recruitment.

Glenn Slater from St. Croix is also studying at Bronx Community College and is now in charge of property at the South Bronx Job Corps Center. He held his first job in maintenance at the center, and moved up rapidly once given the direction and the opportunity to excel.

Jeff Registe came to the South Bronx Center unable to read and had to obtain a special waiver to come to the center because he had such little schooling. But faith in him paid off. He now has been employed by the center's maintenance staff for 4 years. He is reading at the sixth-grade level.

These young Virgin Islanders are making the most of a great opportunity in the Job Corps. They are inspired to achieve, to learn, and to grow. Once jewels in the rough, they are honing their knowledge and skills and fulfilling their potential. All they needed was the opportunity the Job Corps South Bronx Center gave them.

These success stories are not unique. There are many. But there could be many more. As the need for education constantly increases in our ever more technological world, as opportunities for failure appear to grow more plentiful, it is crucial that we support programs with track records such as that shown by Job Corps. The 50–50 plan, which targets providing service to 50 percent more youths in years to come, is an excellent next step toward meeting the needs of so many in the Virgin Islands and across our Nation.

Mr. Speaker, I strongly endorse Job Corps, for the job it has done and will continue to do for my constituents and for thousands of others throughout the country. I commend the young people who realize the opportunity Job Corps has given them and have taken advantage of it to better themselves and to better their community. I thank Lee Mathews and the many like him who have made the program what it is today.

RESTORE AMERICANS' RIGHT TO WORK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. CRANE. Mr. Speaker, today I am introducing legislation along with my colleague from Florida, Mr. MCCOLLUM, which is designed to protect the rights and freedoms of all American workers. Specifically, the goal of this bill is to preserve the right of the American worker to freely decide whether to join a labor organization.

The original intent of Federal labor law as embodied in the National Labor Relations Act [NLRA] was to guarantee employees the right to form or join labor organizations. It would seem to be intuitive that the granting of such a guarantee would assume the converse—the right not to join. Although the Taft-Hartley amendments to the National Labor Relations Act specifically prohibited the closed shop union agreement whereby only union members may be hired by an employer, current law allows a number of similar agreements which have the same effect—if you take the job you must join the union. Such situations are patently unfair and these agreements should not be sanctioned by Federal law.

In short, forced union membership is violative of basic individual rights. The legislation we introduce today would address this issue by prohibiting all agreements between unions and employers that essentially force those employees who do not want to join a union from having to pay union dues. This legislation would prohibit union shop agreements between unions and employers which state that employees must join the union within a specified number of days after they are hired. This legislation would also prohibit agency shops whereby the employee may not be required to join a union; however, if they choose not to join, they may be required to pay the equivalent of union dues and fees to the union—the so called agency fee. Such arrangements have no role in a society that prides itself on the freedom to choose.

Samuel Gompers, who founded the American Federation of Labor declared "There may be here and there a worker who for certain reasons * * * does not join a union of labor. That is his right." Mr. Speaker, in this year of the celebration of the bicentennial of the Bill of Rights and the celebration of all the rights and liberties we enjoy as citizens of these United States, I urge my colleagues to cosponsor and support this legislation, and I look forward to working with my colleagues toward its passage.

PROTECT THE TOWERING REDWOODS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. STARK. Mr. Speaker, I am joined today by 15 of my colleagues from across the Nation and throughout California to protect some of the most spectacular trees in America, the old growth coastal redwood. Less than 5 percent of these towering giants remain. A significant portion of the surviving old growth redwood faces chain-sawing to make interest payments on junk bond debt. This must not be allowed to continue.

The legislation being introduced does two important things. The bill designates approximately 200,000 acres of land in Humboldt County as Six Rivers National Forest and directs the Secretary of Agriculture to submit an aquisition plan. Second, within the new Six Rivers Forest boundary, it extends national forest wilderness designation to an area known as the Headwaters Forest.

The Headwaters Forest is approximately 3,000 acres of pristine, virgin, old growth redwood. Trees often soar, straight up, over 300 feet with an average height in the neighborhood of 250 feet. Streams run 15 feet under the forest floor, hidden by huge, slow-decaying redwoods that have fallen over the centuries. The rare seabird, the marbled murrelet, nests in Headwaters Forest. Headwaters Grove is home to a wide variety of species found only in old growth forests, species threatened by the disappearance of ancient forests.

This tranquility ended when Pacific Lumber was taken over by Maxxam Corp. Maxxam bought Pacific Lumber in a highly leveraged transaction with junk bonds. Even in the go-go 1980's of financial gimmicks, Maxxam was one of the most highly leveraged companies in the country. Maxxam immediately significantly increased the redwood timber cut to pay off its massive debt. Maxxam has repeatedly filed timber harvest proposals to log the Headwaters Forest area.

The bill puts 200,000 acres of Maxxam-Pacific Lumber land under Federal designation for inclusion in the Six Rivers National Forest. Currently, the only protection offered significant areas of old growth is the State of California's Board of Forestry. The mandate of the Board of Forestry is generally to facilitate the cutting of trees. Multiple-use activities are not considered. The value of leaving the trees or some stands standing is not considered. By having the Forest Service in control of land, values other than timbering can be considered. However, logging is not excluded by the legislation.

There is a myth that Pacific Lumber is concerned about jobs, its employees and pensioners. While this may have been true in the old Pacific Lumber, since the takeover by Maxxam, actions have clearly demonstrated otherwise. First, Maxxam sold the annuity which protects the savings of a lifetime of work for several thousand employees, to a high flying life insurance company named First Executive which is now under conservatorship by the State of California. What will happen to the pensions of people who worked their whole life for Pacific Lumber is very uncertain. Interestingly, part of First Executive's portfolio to protect the pensions are Pacific Lumber junk bonds.

The next uncaring action of Pacific Lumber was to greatly accelerate the cutting of old growth redwood. Estimates range from a doubling to tripling of the amount of trees cut. In doing so, a timber supply that could have provided a steady flow of jobs for up to two decades was razed in a few years. No thought is given to sustainable yield cuts which would provide a constant supply of jobs but rather Pacific Lumber has become a mining operation working people out of their jobs.

I believe it is time we stopped cutting down 1,000-year old trees to make monthly interest payments on junk bonds. It is time we stopped the mining of old growth redwoods which are both an important symbol to the State of California and to the United States. Everyday we wait, ancient redwood trees that have been growing since the Vikings were fearsome raiders, are being buzz-sawed for interest payments for a corporate raider. I urge my colleagues to join me in supporting this legislation.

SALUTE TO MANAGEMENT WEEK IN AMERICA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to help recognize the men and women who keep America in business—the Nation's managers.

This year marks the 13th observance of Management Week in America. Sponsored by the National Management Association, the week of June 3–9 is being set aside to develop and recognize management as a profession and to promote our American competitive enterprise system.

Since its inception in 1978 by the National Management Association, Management Week in America has grown in recognition and activities each succeeding year, and deservedly so. For just as we need people with vision to develop the ideas that keep America moving forward and people with the skills to produce the goods and services that result from those ideas, so too do we need the people to ensure that those ideas are carried out.

The National Management Association, with more than 75,000 members covering the spectrum of American business, industry and the public sector, helps those managers improve their skills and abilities, and contributes to improving our productivity and our economy.

I would like to pay special recognition to the Rockwell Valley Chapter, which has more than 1,100 members located at Rockwell facilities in Canoga Park, Chatsworth, Santa Susana, Westlake Village, and Thousand Oaks.

Mr. Speaker, I ask my colleagues to join me in commemorating Management Week in America, and in supporting policies to make our free enterprise system stronger and even better able to meet the economic challenges of the years ahead.

AUTOMOTIVE ARMATURE EMPLOYEES EXPRESS THANKS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. BURTON of Indiana. Mr. Speaker, I call your attention to a petition which was sent to me by Tim McGuire of the Automotive Armature Company, Inc., of Mooresville, IN. The petition reads:

> Today the heroes of the hour are all those pilots from the participating multinational forces who launched the first successful air strikes against Iraq.
>
> The following people employed at Automotive Armature in Mooresville, IN, want to express thanks to these brave men who have paved the way to achieving military success in the shortest possible time.
>
> Our hearts and minds are with all our service men and women serving in the Middle East and we want them to know that we wholeheartedly support them and the U.S. Government in their valiant efforts.
>
> Again, we say thanks and we want to see all of them home soon.

This petition contains more than one hundred and fifty signatures.

Mr. Speaker, I would like to thank all the employees of the Automotive Armature Company for their time and effort in gathering the signatures for this petition. At a time when support and patriotism really needed to be shown, this company, as always, came through with shining colors. Mr. Speaker, it is with great honor that I present this petition to the U.S. House of Representatives.

REV. FATHER GEORGE E. KALPAXIS HONORED UPON HIS RETIREMENT

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mrs. BENTLEY. Mr. Speaker, I rise today to ask my collegues in the U.S. Congress to join me in honoring the Reverend Father George E. Kalpaxis, who will be honored at a retirement dinner this Thursday, May 9, 1991. For the past 20 years Father Kalpaxis has served as the beloved pastor of the St. Nicholas Greek Orthodox Church in Baltimore, MD.

Father Kalpaxis was a member of the first graduating class of the Holy Cross Greek Orthodox Theological School in June 1942. Following his ordination to the priesthood in August of that year he served parishes in New Hampshire, Deleware, Texas and New Jersey before coming to Baltimore.

Upon the 25th anniversary of his graduation from the seminary in 1967, Father Kalpaxis was bestowed the highest honor accorded to a married priest, the title of Protopresbyter.

On November 15, 1971, Father Kalpaxis was assigned to the Community of St. Nicholas in Baltimore. Under his leadership the community has prospered, undertaking numerous avenues of serving the community. During his pastorship, Father Kalpaxis has given faithful and dedicated service to his flock, and has endeared himself to his parish by his devotion, humility, concern and love for his people.

At his side for many of these years was Father Kalpaxis' beloved wife, Presbytera Athena, who fell asleep in the Lord in 1984. In her honor and memory Father Kalpaxis established a scholarship fund to help the young people of the parish succeed in their education.

Although Father Kalpaxis is retiring as pastor of St. Nicholas Church, ordination is an indelible stamp which forever marks a man as God's priest. Father Kalpaxis will remain in Baltimore and assist the surrounding parish priests and especially his beloved Community of Saint Nicholas.

Mr. Speaker, it is an honor and a pleasure for me to join in honoring Father Kalpaxis and it is my further pleasure to ask my collegues in the Congress to join me in honoring a devoted man of God. I wish him many years of health and happiness to enjoy his well-deserved retirement.

A TRIBUTE TO JIM HANNIBAL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding community service of Jim Hannibal of Sunnymead, CA. Jim will be honored for his work next week as he is recognized as Chino Police Officer of the Year for 1991.

Jim joined the Chino Police Department in 1977 as a reserve police officer and later that year worked as a police service aide. He was promoted to police officer in 1978 and was given the rank of corporal in 1984. During the past year, Jim has served the department as its permanent member of SMASH—San Bernardino County's Movement Against Street Hoodlums—and as one of the department's two robbery and homicide investigators.

Jim has taken an active interest in developing programs and collecting street information that has proven invaluable in conducting gang and homicide investigations. He introduced the concept of stripping gang members of their gang paraphernalia under the Street Crime Act. He also instituted a computer gang profile and moniker file and has several hundred names of active gang members on file, providing easy access in the event of a gang crime. Jim also willingly works a split shift work week for the sole purpose of staying in contact with active gang members so he can respond intelligently when a gang-related crime occurs.

Jim's investment of time and energy has made, and continues to make, a difference for the department and the communities it serves. During the last year, Jim was successful in arresting multiple suspects in a gang-related, double homicide. People close to that case acknowledge that those arrests would not have likely been made without Jim's expertise in gangs. That experience has been useful in making arrests for other crimes, including attempted homicide cases involving gang members.

Jim has consistently demonstrated a great deal of motivation and willingness to assist officers in the field in any way possible. Not surprisingly, he is regarded highly by all department officials, the district attorney, and allied police agencies.

Mr. Speaker, I ask that you join me and our colleagues as we honor the fine achievements of Jim Hannibal, Chino's 1991 Officer of the Year. He is a fine model of community service and activism. I would like to personally thank Jim for his fine work and wish he and his wife and children continued success in the years to come.

REMEMBERING OUR HOSTAGES

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. SUNDQUIST. Mr. Speaker, I was contacted recently by Melody Brewington of Baxter, TN. Melody is the niece of Terry Anderson, a journalist for Associated Press who is one of six Americans still being held hostage in Lebanon. Although Terry's family is hopeful that he and the others will return home soon, they have learned through the years that there is no guarantee.

At the time of Terry's kidnaping, the demands of his captors, a group known as the Islamic Jihad, were that 17 prisoners held in Kuwait for terrorist activities be released. These prisoners are now free as a result of the conflict with Kuwait. It is hard to know now what actions are necessary to bring about the release of the six Americans.

With our hectic lives, it is hard to keep our minds on other matters. We cannot, however, let this hostage situation be overlooked. The families of these hostages have stood by for almost 6 years as these men have suffered untold indignities and been seemingly forgotten by the very people they were there to serve—fellow Americans.

I know the Bush administration is actively working toward the release of Terry Anderson, Thomas Sutherland, Jesse Turner, Joseph

James Cicippio, Edward Austin Tracy, and Alann Steen. Progress, however, is slow and the results uncertain. It is important that we continue to think about, and pray for the hostages and their families. We must keep our focus on these Americans in hopes of speeding their return home.

A TRIBUTE TO COL. JOHN B. McTASNEY

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. SLATTERY. Mr. Speaker, it is with great pleasure that I pay tribute to Col. John B. McTasney, an outstanding patriot and leader, who is retiring from the U.S. Air Force after 28 years of exemplary service. Colonel McTasney's commitment to the United States of America, the U.S. Air Force, and his local community and family are of the highest caliber and set the standards for others to follow and strive to obtain.

Colonel McTasney graduated from the U.S. Air Force Academy on June 5, 1963 with a degree in military studies. Following his commission he entered undergraduate pilot training [UPT] at Reese AFB, TX, where he received his wings in 1964. He completed a master's degree in communications and technical writing at Rensselaer Polytechnic Institute [RPI] in 1969 and also completed the Armed Forces Staff College, Air War College, and the National Security Management School.

Colonel McTasney served as an HH-3E helicopter rescue crew commander during the Vietnam war where he rescued over a dozen American and allied personnel stranded in hostile territory. He received the Air Force Cross for successfully pulling out a special operations team under heavy enemy fire at night after two other helicopters were shot down. He also was awarded the Silver Star, the Distinguished Flying Cross, and eight Air Medals for subsequent combat rescue missions. The National Aeronautics and Space Administration [NASA] presented him with its Group Achievement Award in 1977 as a leader of the Delta 134/Atlas-Centaur 43 Recovery Team, which also played a key role in the Navy's Trident test program by recovering several first stages after they fell into the ocean. All told he has flown over 3,500 flying hours in various aircraft, including 275 combat hours.

Following a remote tour as a rescue helicopter pilot in Iceland, Colonel McTasney served from 1979–84 in the Secretary of the Air Force's Office of Legislative Liaison answering congressional constituent inquiries, frequently visting offices in both the Senate and House to explain Air Force policy and its impact on our constituents. I can attest personally that this is an enormously challenging and often thankless assignment.

During his last assignment as professor of aerospace studies at Kansas State University, Colonel McTasney oversaw the completion of the KSU Vietnam Veterans' Memorial, increased KSU AFROTC enrollment above viability levels and received an "excellent" detachment rating from his last Unit Effectiveness Inspection.

His high standards and integrity provide inspiration and command the respect of his students, subordinates, peers and superiors. Mr. Speaker, it is my great pleasure to honor Col. John B. McTasney for his devotion to the United States of America with the utmost distinction. We are all indebted to him for the personal contributions he has made to keep our Nation strong.

TAX FREEDOM DAY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. DREIER of California. Mr. Speaker, today marks a bittersweet point in the year: Tax Freedom Day. We have good news and bad news. The good news is that, after today, the average American will have earned enough money to pay his or her 1991 Federal State, and local taxes. The bad news, of course, is that it took 128 days to reach that point, 3 days later than last year.

According to the Tax Foundation, much of the increase in the tax burden is due to the $164 billion tax increase Congress imposed on working Americans last October. Worse, for every $1 in new taxes, Government spending will increase $1.78, virtually insuring that, in the next few years, Tax Freedom Day will come later and later.

Taxes are rising almost 3 percent faster than incomes, yet Government waste runs rampant in the Federal budget. It's time to end the legal pickpocketing of America by Congress. That's why I have joined as a cosponsor of the Balanced Budget/Tax Limitation Constitutional Amendment. In addition to mandating a balanced budget, it limits the growth in Federal spending to no more than the growth in the economy.

A balanced budget amendment provides a tremendous opportunity to strengthen our Nation's economic future. Economists have said all along that the budget deficit is the cause of many of our economic problems. Adoption of the balanced budget amendment would lead to increased domestic savings, lower interest rates, increased investment, less reliance on foreign capital, and an improvement in the balance of trade. More important, it would return to individual Americans control over their hard-earned incomes.

Previous statutory attempts requiring a balanced budget have failed to stem the tide of red ink. Mandatory balanced budget statutes were enacted by Congress in 1974, 1979, 1985, and 1987. Since 1974, the Government ran up deficits totaling $2.15 trillion. In contrast, Federal deficits between 1946 and 1974 totaled $137.8 billion. It's obvious that a constitutional requirement is necessary. It would work because every Member of Congress has sworn to uphold the Constitution.

I salute the Tax Foundation for its hard work in developing this innovative way of illustrating the massive tax burden imposed on working Americans by governments at all levels. Tax Freedom Day is coming later and later each year, and I plan to do my part to reverse this unfortunate trend.

FUSTER URGES SUPPORT TO OPPOSE MILK TAX IN PUERTO RICO, HAWAII

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. FUSTER. Mr. Speaker, I rise today to urge support from the colleagues for legislation which has been introduced in the House and the Senate, and for other initiatives, designed to limit the proposed reduction in producer prices for milk to the 48 contiguous States. Several months ago, early in this 102d Congress, I initiated action to oppose the extension to Puerto Rico, Hawaii, and other noncontiguous areas of such milk tax legislation.

This reduction in the price received by producers of commercially marketed milk, imposed by the Omnibus Budget Reconciliation Act for Fiscal Year 1991, amounts to a thinly disguised tax on milk, the revenue from which will be remitted to the Commodity Credit Corporation, or CCC. Last year's farm bill also provides for an additional—and potentially more substantial—tax on milk producers beginning in 1992, to offset costs associated with the U.S. Department of Agriculture's milk price support program through the CCC.

But, traditionally, Mr. Speaker, Puerto Rico has had no relationship with the CCC and does not participate in agriculture support programs. Price reductions to milk producers in effect for the years 1983–1990 were applicable only to the 48 continguous States, in recognition of the fact that other States and insular areas, because of their distance from the United States, have domestic milk industries but do not sell surplus milk to the CCC nor otherwise benefit from the CCC program.

In the case of milk, Mr. Speaker, Puerto Rico has its own agency, known as Indulac, which purchases what little surplus milk is produced in Puerto Rico, and therefore has no need for the CCC. Puerto Rico was initially included in this program when it was begun in 1982 and was later excluded on this basis. Puerto Rico's supply-management system relies on quotas, with excess milk purchased by Indulac, a corporation set up under the laws of the Commonwealth of Puerto Rico and administered by a board representing the Commonwealth government, dairy farmers, and milk producers.

Mr. Speaker, the price of milk in Puerto Rico, like that for other insular jurisdictions, is already considerably higher than that on the U.S. mainland because of the transportation costs on imported grains. It is not economically feasible for Puerto Rican milk producers to sell surplus milk to the CCC because the milk would be sold at an enormous loss due to the higher costs of production.

Moreover, Mr. Speaker, the CCC program could be detrimental to Puerto Rico because it attempts to discourage increased milk production without taking into account the particular needs of an island with an insular milk industry and a growing demand for milk. We feel that we should not be obligated to pay for services we do not receive and that taxing milk in the poorest region of the United States is a counterproductive measure. The Commonwealth of Puerto Rico will be the most severely affected by the taxes, given that it is the most populous of the offshore areas and has the highest milk consumption and production levels.

Thus, Mr. Speaker, I have outlined in some detail the particulars of our case against prescribing a milk tax in Puerto Rico, Alaska, Hawaii, and in the other noncontiguous areas. I conveyed this position in a February 28, 1991, letter to Chairman DE LA GARZA of the Agriculture Committee and in a March 26, 1991, letter to Senator INOUYE, in which I supported the Senator's bill which would achieve our mutual aims.

During that time, I have worked closely and in a coordinated manner with congressional offices involved in this issue. A consensus emerged from our working group that we would explore remedies within the Committee on Agriculture, and several meetings to that end have been held among my staff and those of the Committee on Agriculture. A bill, similar to the one introduced by Senators INOUYE and AKAKA, was among our options; we are, in fact, still considering the best route to take.

I now understand that the gentlewoman from Hawaii [Mrs. MINK] yesterday introduced her bill on this issue which would achieve ends similar to those contained in the bill introduced by Senators INOUYE and AKAKA. Because her intentions are good, I will support her bill while our larger working group on this issue continues to consider other strategies. My own bill, had I decided to introduce it at this time, would have amended the Agricultural Act of 1949 to provide that the milk price support and milk inventory management program applies only to milk produced in the 48 contiguous States.

Thus, I urge my colleagues to support initiatives in the House that would take in to account the special circumstances of Puerto Rico, Hawaii, Alaska, and the other noncontiguous areas when the matter of the proposed reduction of producer prices for milk it taken up.

THE BUDGET

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. HAYES of Illinois. Mr. Speaker, Federal employees must be pleased that the budget we are considering includes a much-deserved pay raise. It is the first time in recent memory that they have not had to plead with Congress to grant them what they have earned. It is also gratifying to see that postal and Federal retirees receive a full COLA, which is assured them by last year's budget agreement.

However, I am disappointed that revenue forgone is almost entirely eliminated. Revenue forgone reimburses the Postal Service for subsidizing low rates for nonprofit organizations. It represents a commitment by this Government to groups such as the Boy Scouts, American Cancer Society, rural newspapers, and American Red Cross.

These organizations do not profit from inexpensive rates—but America profits from the work these organizations do. Revenue forgone is a commitment toward a better America. These groups will have to divert vital funds from areas such as research and education into postage. How can we espouse the virtue of 1,000 points of light when we extinguish their life-line?

The President can prevent that from happening by restoring sufficient funding—and cutting back on Mr. Sununu's pleasure trips. The Congress can make a commitment toward a better America by restoring funding. I urge my colleagues to add their prestige to the case for revenue forgone.

VIOLENCE AGAINST ARMENIANS IN THE SOVIET UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. LANTOS. Mr. Speaker, The mountainous border between the Soviet Republics of Armenia and Azerbaijan is the scene of new violence against ethnic Armenians. Reports in recent days from the region strongly suggest that Soviet officials and the Soviet military have instigated the escalation of violence.

Soviet troops and bands of armed Azerbaijanis are fighting an undeclared war against Armenians living in the neighboring Republic of Azerbaijan. Using helicopters, tanks, and heavy artillery, Soviet soldiers and Interior Ministry troops seized the villages of Voskepar, Tekh, Shurnukh, and Kornidzor on Monday. The attacks were carried out by order of the Kremlin to disarm Armenian citizens defending themselves against Azerbaijani vigilantes.

The Armenpress news agency reported that all homes in the village of Voskepar were destroyed. President Levon Ter-Petrosian of Armenia said 23 villagers died as a result of the attack.

The victims of the ethnic violence, many of whom are Armenian policemen, have been subjected to unimaginable brutality; there are reports of summary executions and scalping of Armenians.

Mr. Speaker, it is disturbingly clear through its recent actions that the Kremlin is attempting to place obstacles in Armenia's path toward greater autonomy. The Soviet Union's exploitation of the historical ethnic animosity of Azerbaijanis toward Armenians in order to thwart Armenia's independence movement is deplorable. I urge my colleagues to join me in denouncing the violence against the Armenian people and to urge the Kremlin to exercise restraint in this troubled region.

MARGARET E. SCHUTZIUS HONORED

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. WALSH. Mr. Speaker, On September 20, 1989, Peace Corps Volunteer Margaret E. Schutzius, 23, of Dallas, TX, was aboard a French airliner that was blown up over Niger shortly after takeoff from Chad. Ms. Schutzius was returning to the United States after 2 years service overseas as a secondary education English teacher.

Along with my colleagues Congressmen HENRY and MOODY, I plan to reintroduce legislation that would instruct the Director of the Peace Corps to provide an American flag to the families of any Peace Corp volunteer, who dies during the period of his or her service. The bill would also provide a flag to the families of those volunteers who died in service since the Corps was formed in 1962.

Peace Corps volunteers make things happen. They leave behind far more than the wells they dug, the gardens they nurtured, or the clinics they built. They leave the local people with a better sense of how to make the most of their resources—how to make things happen on their own. These volunteers who die in service to others have in a sense given their life for the greatest American ideals.

I hope you agree that the survivors of these wonderful volunteers deserve this small token of our country's appreciation for their dedication and service to others.

I ask that you join me in cosponsoring this important measure.

INTERNATIONAL JAZZ DAY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. GALLO. Mr. Speaker, I rise today to call to the attention of my colleagues the planned celebration for International Jazz Day to be held on June 23, 1991.

In 1990, the New Jersey Jazz Society [NJJS] conceived of, promoted, and celebrated the Centennial of Jazz. Ultimately, jazz clubs in 40 U.S. States and 7 nations worldwide celebrated the centennial. Jazz festivals were held in Australia, New Zealand, Japan, South America, Canada, and Europe. In New Jersey, the general assembly passed a resolution honoring the centennial and the Governor issued a proclamation.

This year, in a continuing effort to raise the awareness of jazz the NJJS—along with the American Federation of Jazz Societies [AFJS] and the United Nations Jazz Club—have established an annual International Jazz Day, which will be celebrated each year henceforth on the fourth Sunday in June. This year it will be celebrated on June 23. Jazz Day is designed to honor both the music, which is a vital part of our cultural history, and the musicians who created it and sustain it.

To date, jazz clubs throughout the United States—as well as clubs in England, Germany, Russia, Canada, Australia, and Argentina—have signed on to honor this first annual International Jazz Day with jazz festivals everywhere. There is even a Jazz Day concert scheduled to be held in the auditorium of the United Nations. In New Jersey, our own Jazz Day Festival will be held in Waterloo Village.

So I encourage my colleagues to promote this celebration in their districts, and I commend the New Jersey Jazz Society for their pioneering efforts in this worldwide celebration in honor of the contributions of jazz to our cultural history and to our lasting enjoyment.

NEW KENSINGTON, PA., MARKS 100TH ANNIVERSARY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. GAYDOS. Mr. Speaker, on behalf of my colleagues in the Congress of the United States, I take this opportunity to extend official congratulations to the citizens of the City of New Kensington, PA, on the forthcoming observance of their community's 100th anniversary.

History, it is said, is to a community what memory is to man and New Kensington's past is one rich in remembrances and milestones. Its historical tapestry is interwoven with events that predate the American Revolution, beginning with the deeding of land tracts to early settlers in the 1700's which led to the formation of Parnassus Borough on April 9, 1872; the incorporation of the Borough of New Kensington on November 28, 1892; the consolidation of the two boroughs on January 5, 1931; and ultimately the chartering of New Kensington as a third class city effective January 1, 1932.

New Kensington first put down roots as a settlement, carved from the wilderness with the Allegheny River serving as the boundary between the settlers and Indian territory. The Allegheny soon proved to be the lifeline to the fledgling community's future.

Transportation by foot and horseback gave way to Conestoga wagons and stagecoaches. Then the river came into its own with the building of the Pennsylvania Canal System in the early 1800's, linking the settlement with Pittsburgh to the west and Philadelphia to the east. Industrial development of the region was spurred by the great quantities of oil, coal, iron ore, limestone, and lumber shipped to these ports.

The coming of the railroads in the mid-1800's triggered an economic boom that eventually led to New Kensington becoming an industrial and commercial center in southwestern Pennsylvania. Mills, plants, and factories sprung up, bringing with them more people to fill the demand for jobs. Schools, churches, and stores followed.

The heights of prosperity have been tempered, however, with valleys of depression. New Kensington, like other industrial hubs, has seen economic downturns: The depression of the 1930's and more recently the recession of the 1980's. But, like their Forefathers, the citizens of today's New Kensington have proven their resiliency. They have weathered the storm of the past decade.

With faith and courage they face the present and with confidence and expectancy they challenge the future. As their elected representative in Congress, I have the strongest of convictions they will succeed.

ENRIQUE LOW MURTRA, ONE OF COLOMBIA'S MOST COURAGEOUS WARRIORS IN THE WAR ON DRUGS, WILL BE MISSED

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. COUGHLIN. Mr. Speaker, unfortunately, the drug cartels have scored a victory once again. This time it is in the assassination of former Colombian Minister of Justice, Enrique Low Murtra. Low served as Minister of Justice under President Barco from 1987–89 when he was forced to resign for his own safety. While serving as Minister of Justice, Low took the lead in advocating the extradition of drug traffickers to the United States. As we all know, this was a brave act in Colombia where retaliation from drug traffickers is a daily event. In spite of threats to his life, Low continued in his fight against drugs to become a powerful player in President Barco's successful antidrug crackdown against drug traffickers.

Unfortunately, Low is not the first Colombian Minister of Justice to fall victim to the drug traffickers' violence. Drug traffickers' vengeance runs deep. Seven years ago, then Minister of Justice, Rodrigo Lara Bonilla was also assassinated. Lara's successor was seriously wounded while serving in the post of Colombia's ambassador to Hungary. Authorities blame that attack on drug traffickers.

I hope that Colombia can remain united against drug traffickers. The assassination of Low is clear evidence that Colombia's judicial system must be strengthened in order to punish drug traffickers. Our sympathies go out to the people of Colombia for they have lost a pioneer in the war on drugs. Enrique Low Murtra's bravery should not be forgotten in the United States. His deeds and his attacks on the drug cartels represented a turning point in the war on drugs. The American and Colombian people will continue the fight.

TRIBUTE TO ANDREW HICKEY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, after many years of service to the real estate industry, and to the community at large, Andrew Mickey is retiring as the executive officer of the Greater Boston Real Estate Board. Mr. Speaker, this is a particularly poignant moment for me personally, because Mr. Hickey's service in that position spans my own career dealing with public issues. When I first went to work in the public sector in 1968, Andy Hickey was there, and in my work in the city of Boston I learned a great deal from him about the importance of sensible policies with regard to real estate. Throughout my time in the State legislature and in Congress, he has continued to be a source of wisdom and counsel for myself and others. I note also in this personal context that he is a particular friend of Joanne Moore, who heads my Attleboro office, and her husband Gene.

The Greater Boston Real Estate Board has made important contributions to the quality of life in Massachusetts, and Andy Hickey's role has been one of the most significant reasons that it has done so. I wish to use this occasion Mr. Speaker to celebrate the career of an extremely useful citizen who has worked long and hard to make life better for all of us.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 9, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 10

9:00 a.m.

Armed Services

Conventional Forces and Alliance Defense Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on modernization requirements and acquisition plans for the Army.

SR-222

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on proposed legislation to insure the safety and soundness of government sponsored enterprises.

SD-538

Environment and Public Works

Environmental Protection Subcommittee

Superfund, Ocean and Water Protection Subcommittee

To hold joint hearings to examine and evaluate the Department of the Interior's report and recommendation to the Congress and final legislative environmental impact statement concerning

the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-406

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold closed hearings to review Moscow Embassy construction plans.
S-116, Capitol

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To continue hearings on the current situation in the Middle East, focusing on the role of the United Nations.
SH-216

MAY 13

9:00 a.m.
Environment and Public Works
To hold hearings to examine various truck issues, including S. 823, to authorize funds for the improvement of highways to further international competiveness of the U.S., and S. 965, to improve the efficiency of the existing surface transportation system.
SD-406

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 570, to implement a national energy strategy, focusing on subtitle B of Title V, provisions relating to nuclear waste management.
SD-366

2:00 p.m.
Budget
To hold hearings to examine waste and abuse in Medicare payments for medical equipment and supplies.
SD-608

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine Arctic and Antarctic monitoring.
SR-253

MAY 14

9:00 a.m.
Environment and Public Works
To resume hearings to examine various truck issues, including S. 823, to authorize funds for the improvement of highways to further international competiveness of the U.S., and S. 965, to improve the efficiency of the existing surface transportation system.
SD-406

9:15 a.m.
Finance
Business meeting, to mark up S. Res. 78, regarding extension of fast-track legislative procedures for consideration of international trade agreements.
SD-215

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs.
S-128, Capitol

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings to examine issues relating to fast-track intellectual property.
SD-226

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the Tennessee Valley Authority.
SD-192

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on the Strategic Environmental Research and Development Program.
SR-222

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on issues relating to run-away executive pay, focusing on the Securities Exchange Commission.
SD-342

Select on Indian Affairs
To hold hearings on proposed legislation authorizing funds for programs of the Native American Programs Act.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art.
SD-116

Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on the progress being made by the Department of Defense in supporting science, mathematics and technical education at all levels.
SR-222

Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on the views of officials in the law enforcement field.
SD-226

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on pipeline safety.
SR-253

Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings to examine the President's initiative for improving economic statistics.
SD-342

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 586 and S. 711, bills to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, H.R. 355, to revise the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior, and S. 404, to authorize the Secretary of the Interior to enter into contracts pursuant to the Warren Act for domestic, municipal, fish and wildlife, and other beneficial purposes.
SD-366

MAY 16

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 668, to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian reservations.
SR-485

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Small Business
To hold hearings to examine the effect current wetlands regulations are having on small business.
SR-428A

Veterans' Affairs
To hold hearings on proposals to improve educational assistance benefits for members of the Selected Reserve of the Armed Forces who served on active duty during the Persian Gulf War, including S. 868, and on H.R. 153, to repeal certain provisions of the Veterans' Judicial Review Act relating to veterans' benefits.
SR-418

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Minerals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services.
SD-116

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

Finance
To hold hearings to examine restoration of traditional individual retirement accounts (IRAs) in an effort to stimulate economic growth for Americans and the nation, focusing on S. 612, to en-

courage savings and investment through individual retirement accounts.

SD-215

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To resume hearings to examine issues relating to fast-track intellectual property.

SD-226

Rules and Administration

Business meeting, to receive a report from the Architect of the Capitol on current projects, and to consider other pending administrative business.

SR-301

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on environmental restoration and waste management (defense and non-defense) and the Civilian Nuclear Waste Fund of the Department of Energy.

SD-192

Environment and Public Works

Nuclear Regulation Subcommittee

To hold hearings on the licensing of nuclear reactors and nuclear power plants, focusing on title XIII of S. 341, to reduce the nation's dependence on imported oil and to provide for the energy security of the nation, and title V, subtitle A of S. 570, to implement a national energy strategy.

SD-406

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of John A. Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board.

SR-253

MAY 17

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

SD-138

1:00 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Veterans Affairs, Department of Housing and Urban Development, and independent agencies.

SD-138

MAY 21

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy.

S-128, Capitol

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the Office of Energy Research, solar and renewables research and development, and nuclear energy research and development of the Department of Energy.

SD-192

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S.52 and H.R.1143, to direct the Secretary of the Interior to prepare a national historic landmark theme study on American labor history, S.550, to designate the Nez Perce National Historical Park in the State of Idaho, S.638 and H.R.749, to authorize the Secretary of the Interior to accept a donation of land for addition to the Ocumulgee National Monument in the State of Georgia, S.639 and H.R.904, to direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history, S.663, to allow the city of Pocatello, Idaho to use certain lands for a correctional facility for women, S.749, to rename and expand the boundaries of the Mound City Group National monument in Ohio, and other pending legislation.

SD-366

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security assistance in the post-Cold War era.

SD-138

MAY 22

2:00 p.m.

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on Department of Energy environmental restoration and waste management programs.

SR-222

MAY 23

9:00 a.m.

Select on Indian Affairs

To hold hearings on S. 290, to authorize funds for certain programs of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.

SR-485

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.

SD-138

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings to examine the consolidation of U.S. export promotion functions.

SR-253

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the Department of Energy.

SD-192

Select on Indian Affairs

To hold oversight hearings on Indian libraries, archives and information services.

SR-485

JUNE 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Africa.

SD-138

JUNE 5

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.

S-128, Capitol

Select on Indian Affairs

To hold hearings on S. 667, to provide support for and assist the development of tribal judicial systems.

SR-485

2:00 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Housing and Urban Development.

SD-138

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 106, to revise the Federal Power Act to prohibit the granting of a Federal license for a hydroelectric project unless the applicant complies with all substantive and procedural requirements of the affected State in which the project is located with respect to water acquisition and use.

SD-366

JUNE 6

9:00 a.m.

Veterans' Affairs

Business meeting, to mark up pending legislation.

SR-418

JUNE 12

9:30 a.m.

Veterans' Affairs

To hold hearings on S. 775, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans, and sections 111 through 113 of S. 127, and related proposals with regard to radiation compensation.

SR-418

JUNE 18

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

JUNE 26

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

Veterans' Affairs
Business meeting, to mark up pending calendar business.
SR-418

JULY 16

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

POSTPONEMENTS

MAY 21

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on enforcement of antidumping and countervailing duties.
SD-342